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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter F—Miscellaneous Regulations

PART 386—DISPOSAL OF RESERVED MINERAL INTERESTS

SUBPART A—SALES

SALES OF RESERVED MINERAL INTERESTS

Subchapter F in Chapter III in Title 6, Code of Federal Regulations (13 F. R. 9473), is amended to add Part 386 as follows:

SUBPART A—SALES

Sec.
386.1 General.
386.2 Actions by State Directors.
386.3 Sales in $1.00 per application areas.
386.4 Sales in fair market value areas.

AUTHORITY: §§ 386.1 to 386.4 issued under sec. 41, 60 Stat. 1064, as amended; 7 U. S. C. and Sup., 1015. Interpret or apply sec. 2, Pub. Law 499, 81st Cong., Pub. Law 760, 81st Cong.

DERIVATION: §§ 386.1 to 386.4 contained in FHA Instruction 481.1.

§ 386.1 *General.* (a) Public Law 760, 81st Congress, approved September 6, 1950, provides for the disposal by the Government of certain reserved mineral interests under the jurisdiction of the Farmers Home Administration. Such reserved mineral interests covered by a single application will be sold for a total consideration of one dollar in areas in which the Secretary of Agriculture determines that there is no active mineral development or leasing. Such areas are hereinafter referred to as "$1 per application areas." In other areas the reserved mineral interests will be sold for their fair market value. Such areas are hereinafter referred to as "fair market value areas."

(b) This subpart prescribes the authorities, policies, and procedures for sale of reserved mineral interests which are under the jurisdiction of the Farmers Home Administration, including reserved mineral interests representing assets of Defense Relocation Corporations which are conveyed to the Government pursuant to liquidation or other agreements, and reserved mineral interests representing assets of State Rural Rehabilitation Corporations which are conveyed to the Government pursuant to agreements entered into under section 2 (f) of Public Law 499, 81st Congress, authorizing the Government to sell such reserved mineral interests in the manner and on the terms and conditions provided for in Public Law 760.

§ 386.2 *Actions by State Directors.* Subject to the policies and procedures contained herein, State Directors will take the following actions with respect to the sale of reserved mineral interests covered by this subpart.

(a) Accept or reject applications and offers to purchase.

(b) Obtain appraisal reports and determine fair market values in fair market value areas.

(c) Procure and approve vouchers and certified invoices in payment of authorized expenses.

(d) Execute deeds and other instruments necessary in connection with sales.

§ 386.3 *Sales in $1 per application areas.*—(a) *Issuance of forms and advice to applicants.* Upon request, the County Supervisor will furnish each prospective applicant with two copies of Form FHA–987, "Application to Purchase Reserved Mineral Interests in $1 Per Application Areas," and will instruct him as to the manner in which it should be completed. The County Supervisor will also advise each prospective applicant as to the terms and conditions applicable to the sale of the reserved mineral interests under his land.

(b) *Terms and conditions of sale.* Each sale will be made under the following terms and conditions:

(1) *Eligible purchasers.* To be eligible for the purchase of such reserved mineral interests, applicants must be private persons who at the time of application are the owners of the surface of the land covered by the application.

(2) *Application to purchase.* The original of Form FHA–987 will be filed with the County Supervisor serving the county in which the reserved mineral interests are located. Such applications could not be made prior to December 5, 1950, and cannot be made later than September 5, 1957. A single application may cover all of the reserved mineral interests under lands owned by the applicant in the same county, whether the tracts are contiguous or not and even though the mineral reservations were made in more than one deed. No application will be accepted for an undivided interest in the minerals reserved by the

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Government or State Rural Rehabilitation or Defense Relocation Corporation. One of several joint owners may apply on behalf of all owners of the surface rights.

(3) *Establishment of surface title.* Applicants must establish, at their own expense, to the satisfaction of the Government, that on the date of their application, they and any other persons on whose behalf the application is made, are the owners of the surface of the land covered by their application. Applicants will be required to furnish evidence of their surface title in the form of an attorney's opinion or certificate of title based on examination of the records, supplemental abstract of title, or other title evidence which the Government deems necessary for use in determining the surface ownership. Such evidence of surface title will cover the period from the time of recordation of the surface deed or deeds in which the mineral reservations were made (or from the time of recordation of the transfer deed or deeds approved by the Government in transfer cases) through the date of execution of Form FHA–987.

(4) *Sales price and terms.* The reserved mineral interests covered by a single application will be sold for $1 to be tendered with the application.

(5) *Conveyance.* The reserved mineral interests will be conveyed by use of Form FHA–65. . "Quitclaims Deed to Minerals." All surface owners will be named as grantees in the quitclaim deed. The Government will not furnish the purchaser any base or supplemental abstract of title or any other title evidence. Fees for recording the quitclaim deed, and any revenue, sales, stamp, or other taxes that may be required by law in connection with the conveyance will be paid by the purchaser.

(c) *Transmitting application dockets to the State Office.* When Form FHA–987, the $1.00, and surface title evidence are delivered to the County Supervisor in proper form, he will issue Form FHA–37, "Receipt for Payment," for the $1.00 tendered with the application, and will transmit Form FHA–967 and the title evidence to the State Director.

(d) *Disposition of $1 tendered with application.* The $1 tendered with the application will be held in suspense by the Area Finance Office until it receives notification that the application has been rejected or that the sale has been consummated. If the application is rejected, the $1 will be returned to the applicant. If the sale is consummated, it will be applied as payment of the purchase price.

(e) *Processing dockets in State Office and closing sales.* Upon receipt of an application docket from the County Office, the State Director will review the docket and will take the following actions:

(1) *Dockets showing applicants to be ineligible.* If the docket as originally submitted or as subsequently corrected discloses that the applicant is not eligible to purchase the reserved mineral interests, the State Director will deliver or mail to the applicant Form FRA–988, "Notice of Rejection of Application to Purchase Reserved Mineral Interests in $1 Per Application Areas," notifying the applicant that the application has been rejected.

(2) *Dockets showing applicants to be eligible.* If the docket as originally submitted or as subsequently corrected discloses that the applicant is eligible to purchase the reserved mineral interests, the State Director will accept the application and will execute and forward to the County Supervisor the original of Form FHA–65.., and any abstract of title submitted by the applicant as evidence of his surface title, together with closing instructions. The County Supervisor will close the sale transaction in the manner required by the closing instructions.

§ 366.4 *Sales in fair market value areas*—(a) *Issuance of forms and advice to applicants.* Upon request, the County Supervisor will furnish each prospective applicant with two copies of Form FHA–990, "Application and Offer to Purchase Reserved Mineral Interests in Fair Market Value Areas," and will instruct him as to the manner in which it should be completed. The County Supervisor will also advise each prospective applicant as to the terms and conditions applicable to the sale of the reserved mineral interests under his land.

(b) *Terms and conditions of sale.* Each sale will be made under the following terms and conditions:

(1) *Eligible purchasers.* To be eligible for the purchase of such reserved mineral interests, applicants must be private persons who at the time of application are the owners of the surface of the land covered by the application.

(2) *Application and offer to purchase.* The original of Form FHA–990 must be filed with the County Supervisor serving the county in which the reserved mineral interests are located. Such applications could not be made prior to December 5, 1950, and cannot be made later than September 5, 1957. However, if an application is made within that period and is withdrawn, rejected, or terminated, another application and offer may be made within the same period of time. A single application may cover all of the reserved mineral interests under lands owned by the applicant in the same county, whether the tracts are contiguous or not and even though the mineral reservations were made in more than one deed. No application will be accepted for an undivided interest in minerals reserved by the Government or State Rural Rehabilitation or Defense Relocation Corporation. One of several joint owners may apply on behalf of all owners of the surface rights.

(3) *Subsequent offers.* If the offer contained in the application is rejected by the Government and the application remains in effect, subsequent offers on Form FHA–992, "Subsequent Offer to Purchase Reserved Mineral Interests in Fair Market Value Areas," may be filed by the applicant with the County Supervisor at any time while the application remains in effect.

(4) *Establishment of surface title.* Applicants must establish, at their own expense, to the satisfaction of the Government, that on the date of their appli-

cation, they and any other persons on whose behalf the application is made, are the owners of the surface of the land covered by their application. Applicants will be required to furnish evidence of their surface title in the form of an attorney's opinion or certificate of title based on examination of the records, or a supplemental abstract of title, or other title evidence which the Government deems necessary for use in determining the surface ownership. Such evidence of surface title will cover the period from the time of recordation of the surface deed or deeds in which the mineral interests were reserved (or from the time of recordation of the transfer deed or deeds approved by the Government in transfer cases) through the date of execution of Form FHA–990.

(5) *Sales price.* The reserved mineral interests covered by each application and offer will be sold for their fair market value as determined by the State Director in accordance with paragraph (c) of this section.

(6) *Terms.* The reserved mineral interests will be sold for cash.

(7) *Deposits.* In cases in which the County Supervisor is of the opinion that the fair market value of the reserved mineral interests is $250 or more at the time the application and offer or subsequent offer is made, a deposit of 10 percent of the amount of the offer will be required to accompany the offer. The deposit will be made in the form of cash, a cashier's check, certified check, or United States Postal Money Order made payable to the Treasurer of the United States. The amount of the deposit will be held in suspense by the Area Finance Office pending final action on the application and the offer contained therein or subsequent offer made thereunder. The amount of the deposit will be applied on the purchase price if the offer is accepted and if the purchase is consummated within the time and in the manner required by the Government. The deposit will be returned to the applicant if the application and offer are rejected by the Government. In all other cases in which the sale is not consummated, the deposit may, at the option of the Government, be retained by the Government as liquidated damages.

(8) *Conveyance.* The reserved mineral interests will be conveyed by use of Form FHA–65. --, "Quitclaim Deed to Minerals." All surface owners will be named as grantees in the quitclaim deed. The Government will not furnish the purchaser any base or supplemental abstract of title or any other title evidence. Fees for recording the quitclaim deed, and any revenue, sales, stamp, or other taxes that may be required by law in connection with the conveyance will be paid by the purchaser. If any documentary, Internal Revenue, or other stamp taxes are required by law to be paid on the conveyance, the stamps will be furnished, affixed, and canceled by the purchaser at the time of delivery of the deed. If, at the date of the quitclaim deed, the reserved mineral interests are subject to any mineral lease, lease permit, or contract, the purchaser will be entitled to the Government's interest thereunder in:

(i) Any rentals under any lease on such minerals for the lease year or years beginning subsequent to the date of the quitclaim deed;

(ii) The balance of minimum royalty becoming due and payable on such minerals subsequent to the date of the quitclaim deed; and

(iii) Any royalties or other income from the production or sale of such minerals produced subsequent to the date of the quitclaim deed.

(9) *Duration of applications and offers.* Applications and offers on Form FHA–990 will terminate automatically one year from date thereof, unless they are previously accepted or rejected by the Government or withdrawn by the applicant. Withdrawal or rejection of an offer will not in itself constitute withdrawal or rejection of an application, but withdrawal, rejection or termination of an application will constitute withdrawal, rejection, or termination of an offer.

(c) *Transmitting application and offer dockets to the State Office.* When Form FHA–990, any deposit required, and surface title evidence are delivered to the County Supervisor in proper form, he will:

(1) Issue Form FHA–37 if a deposit is involved.

(2) Prepare a fair market value appraisal report reflecting the appraisal by the County Committee and County Supervisor as required in paragraph (e) (2) of this section.

(3) Transmit to the State Director the original of Form FHA–990, the original appraisal report by the County Committee and County Supervisor, and the required title evidence.

(d) *Processing dockets in State Office and closing sales.* Upon receipt of an application and offer docket from the County Office, the State Director will take the following action:

(1) *Docket showing applicant to be ineligible.* If the docket as originally submitted or as subsequently corrected discloses that the applicant is not eligible to purchase the reserved mineral interests, the State Director will deliver or mail to the applicant Form FHA–991, "Notice of Acceptance or Rejection (Fair Market Value Areas)," notifying the applicant that the application and offer have been rejected.

(2) *Docket showing applicant to be eligible.* If the docket as originally submitted or as subsequently corrected discloses that the applicant is eligible to purchase the reserved mineral interests, the State Director will determine whether a technical appraisal is necessary and, if so, obtain it as provided for in paragraph (e) (3) of this section, and will determine the fair market value in accordance with paragraph (e) of this section.

(i) If the offer represents the fair market value, the State Director will accept the application and offer and will execute and forward to the County Supervisor the original of Form FHA–65.--, and any abstract of title submitted by the applicant as evidence of his surface title, together with closing instructions. The County Supervisor will close the sale transaction in the manner required by the closing instructions. The amount of the sale price, less any deposit made in connection with the offer, will be collected at the time of closing the sale, in the form of cash, a cashier's check, certified check, or United States Postal Money Order. The County Supervisor will issue Form FHA–37 to the purchaser.

(ii) If the offer does not represent the fair market value of the reserved mineral interests, the State Director will notify the applicant that the application has been accepted but that the offer has been rejected. The notification will be made by use of Form FHA–991, which will be completed to show the reason for the rejection of the offer, and to advise the applicant as to the amount determined to represent the fair market value of the reserved mineral interests, and as to the period of time within which a subsequent offer in that amount would be acceptable to the Government. Two copies of the subsequent offer form, Form FHA–992, will be furnished to the applicant with the notice of rejection.

(iii) If a subsequent offer on Form FHA–992 is received within the time and in the amount specified in Form FHA–991, the State Director will accept the offer, and the sale transaction will be completed in the manner provided for in subdivision (i) of this subparagraph. If a subsequent offer is received within the time specified in Form FHA–991 but in a different amount than specified therein, the offer will not be considered but will be immediately returned to the applicant personally or by mail with appropriate explanation. If a subsequent offer on Form FHA–992 is received after the date specified in Form FHA–991 and while the application is still in effect, the subsequent offer will be considered on the basis of the fair market value existing at the time action is taken thereon, and the offer will be handled as if it were an original offer. If an application is withdrawn by the applicant, rejected by the Government, or terminates, any abstract of title submitted by the applicant as evidence of his surface title will be returned to him.

(e) *Establishment of fair market value.* In fair market value areas, appraisals will be required and the reserved mineral interests will be sold for their fair market value. "Fair market value" as applied to the sale of such reserved mineral interests means the cash price for which they could reasonably be expected to sell upon negotiations between a reasonably well-informed owner who is willing but not obligated to sell, and a reasonably well-informed buyer who is able and willing but not obligated to buy.

(1) *Fair market value.* The fair market value of the reserved mineral interests in each case will be established by the State Director taking into consideration the appraisal information, his personal knowledge, and any other available pertinent information, including any information which is obtainable from

State authorities on mineral development, production, and other relevant matters.

(2) *Appraisal by County Committee and County Supervisor.* A fair market value appraisal will be made by the appropriate Farmers Home Administration County Committee and County Supervisor for the reserved mineral interests covered by each application in fair market value areas. Some of the factors to be considered in making such appraisals and to be covered by the appraisal report are geological information which may be available, leasing activity, lease bonus and rental prices, prices being paid for royalty or mineral rights in the immediate area, trading activity in royalty or minerals and leases, proximity to drilling or mining activity, and results of previous drilling or mining operations.

(3) *Technical appraisals.* In some cases, the State Director may, because of the existence of development or other conditions, deem it necessary to obtain technical appraisals by persons experienced in the field of appraising minerals. Such appraisals may be made by qualified Government appraisers or by other qualified persons.

Dated: February 20, 1951.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: February 23, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–2735; Filed, Feb. 28, 1951; 8:47 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 C. C. C. Wheat Bulletin A]

PART 601—GRAIN AND RELATED COMMODITIES

TERMINATION OF WHEAT ACREAGE ALLOTMENTS

1951 CCC Wheat Bulletin A (15 F. R. 6139) is hereby amended by deleting §§ 601.1201 to 601.1207 inclusive and substituting in lieu thereof the following:

§ 601.1201 *Termination of wheat acreage allotments.* In view of the fact that acreage allotments will not be in effect on 1951 crop wheat (16 F. R. 277) compliance with acreage allotments will not be a condition of eligibility for participation in the 1951 Crop Wheat Price Support Program.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1441, 1421)

Issued this 26th day of February 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary.

[F. R. Doc. 51–2776; Filed, Feb. 23, 1951; 8:57 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 725—BURLEY AND FLUE-CURED TOBACCO

PROCLAMATION INCREASING THE NATIONAL MARKETING QUOTAS AND STATE ACREAGE ALLOTMENTS FOR THE 1951–52 MARKETING YEAR

The purpose of this proclamation is to increase the national marketing quotas for Burley tobacco and for flue-cured tobacco for the 1951–52 marketing year proclaimed on November 28, 1950, and published in the FEDERAL REGISTER of December 1, 1950 (15 F. R. 8216), and to increase the State acreage allotments published in the FEDERAL REGISTER of December 14, 1950 (15 F. R. 8853). The increases are made pursuant to section 312 (a) of the Agricultural Adjustment Act of 1938, as amended.

The findings and determinations by the Secretary contained in §§ 725.202, 725.205, 725.207 and 725.208 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from Burley and flue-cured tobacco producers and others, as provided in a notice (16 F. R. 1675) given in accordance with the Administrative Procedure Act (60 Stat. 237).

Since Burley and flue-cured tobacco growers have already seeded plant beds and are now purchasing fertilizer and preparing the land to which tobacco will be transplanted, it is imperative that they be notified as soon as possible of their 1951 acreage allotments and farm marketing quotas. Therefore, it is hereby determined that compliance with the provisions of the Administrative Procedure Act with respect to the effective date is contrary to the public interest, and that the amendments made herein shall become effective upon the date of their publication in the FEDERAL REGISTER.

The Secretary has determined that in order to meet market demands, the amount of the national marketing quotas for Burley and flue-cured tobacco for the marketing years beginning October 1, 1951, and July 1, 1951, respectively, as proclaimed in §§ 725.202 and 725.205 and the State acreage allotments established in §§ 725.207 and 725.208 shall be increased. Therefore, §§ 725.202 and 725.205 are amended by adding new paragraphs (e) and §§ 725.207 and 725.208 are revised as follows:

§ 725.202 *Findings and determinations with respect to the national marketing quota for Burley tobacco for the marketing year beginning October 1, 1951.* * * *

(e) *Increase in national marketing quota.* The national marketing quota for Burley tobacco established in paragraph (d) of this section in the amount of 542,000,000 pounds is hereby increased to 580,000,000 pounds.

§ 725.205 *Findings and determinations with respect to the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1951.* * * *

(e) *Increase in national marketing quota.* The national marketing quota for flue-cured tobacco established in paragraph (d) of this section in the amount of 1,235,000,000 pounds is hereby increased to 1,297,000,000 pounds.

§ 725.207 *Apportionment of the national marketing quota for Burley tobacco for the 1951–52 marketing year among the several States.* The national marketing quota proclaimed in § 725.202 is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State	Acreage allotment
Alabama	56
Arkansas	87
Georgia	123
Illinois	20
Indiana	11,780
Kansas	246
Kentucky	308,978
Missouri	5,244
North Carolina	13,005
Ohio	15,261
Oklahoma	6
Pennsylvania	2
South Carolina	7
Tennessee	91,485
Virginia	15,018
West Virginia	3,999
Reserve[1]	2,338

[1] Acreage reserved for establishing allotments for farms upon which no Burley tobacco has been grown during the past five years.

§ 725.208 *Apportionment of the national marketing quota for flue-cured tobacco for the 1951–52 marketing year among the several States.* The national marketing quota proclaimed in § 725.205 is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State	Acreage allotment
Alabama	564
Florida	23,119
Georgia	112,917
North Carolina	789,264
South Carolina	123,654
Virginia	112,146
Reserve[1]	5,614

[1] Acreage reserved for establishing allotments for farms upon which no flue-cured tobacco has been grown during the past five years.

(Sec. 375, 52 Stat. 66, as amended, 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended, 7 U. S. C. 1301, 1312, 1313)

Done at Washington, D. C., this 27th day of February 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–2797; Filed, Feb. 27, 1951; 8:60 a. m.]

[1023 (Burley and Flue-51).3, Supp. 1]

PART 725—BURLEY AND FLUE-CURED TOBACCO

MARKETING QUOTA REGULATIONS; 1951-52 MARKETING YEAR

The amendment herein is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U. S. C. 1311–1314), and is made for the purpose of amending § 725.218 of the Burley and flue-cured tobacco marketing quota regulations, 1951–52 marketing year, relating to adjustment of acreage allotments for old farms. Prior to the adoption of this amendment, notice was given (16 F. R. 1679) that the Secretary was considering amending the regulations in line with this amendment, and that any interested person might express his views in writing with respect thereto. The date, views, and recommendations received pursuant to the notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended. Since Burley tobacco growers have already seeded plant beds and are now purchasing fertilizer and preparing the land to which tobacco will be transplanted, it is imperative that they be notified as soon as possible of their 1951 acreage allotments and farm marketing quotas. Therefore, it is hereby determined that compliance with the provisions of the Administrative Procedure Act with respect to the effective date is impracticable and contrary to the public interest, and that the amendment made herein shall become effective upon the date of its publication in the FEDERAL REGISTER.

The Marketing Quota Regulations, Burley and Flue-cured Tobacco, 1951–52 Marketing Year, are amended by deleting the last sentence of § 725.218 and inserting in lieu thereof the following: "The acreage available for increasing allotments under this section shall not exceed two percent of the total acreage allotted to all farms in the State for the 1950–51 marketing year in the case of Burley tobacco, and shall not exceed one-half of one percent of the total acreage allotted to all farms in the State for the 1950–51 marketing year in the case of flue-cured tobacco."

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 313, 52 Stat. 47, as amended; 7 U. S. C. 1313)

Done at Washington, D. C., this 27th day of February 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-2796; Filed, Feb. 27, 1951; 3:09 p. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 930—MILK IN THE TOLEDO, OHIO, MARKETING AREA

ORDER, AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING

§ 930.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area; and a decision was made with respect to amendments by the Under Secretary on January 30, 1951. Upon the basis of the evidence introduced at such hearing and the record thereto, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

(b) *Additional findings.* It is necessary to make effective promptly the present amendments to the said order, as amended, to reflect current marketing conditions, and to insure the production of an adequate supply of milk. Any further delay in the effective date of this order, as amended, and as hereby further amended, will seriously threaten the supply of milk for the Toledo, Ohio, marketing area and will disrupt orderly marketing. The changes effected by this order, amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication (section 4 (c), Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended, and as hereby further amended, which is marketed within the Toledo, Ohio, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, further amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (December 1950) were engaged in the production of milk for sale in the said marketing area.

Order Relative to Handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Toledo, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

Delete subparagraphs (1) and (2) of § 930.5 (a) and substitute therefor the following:

(1) *Class I milk price.* (i) Except as provided in subdivision (ii), add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	*Amount*
May and June	$0.75
March, April, July, August	1.00
All others	1.20

(ii) For the second delivery period following any period of 12 consecutive months in which the total receipts of milk from producers by all handlers exceed 135 percent of the total Class I utilization of all handlers, and continuing until the beginning of the second delivery period following any period of 12 consecutive months in which such milk receipts are less than 125 percent of such utilization, add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	*Amount*
May and June	$0.75
March, April, July, August	.95
All others	1.05

(2) *Class II milk price.* The Class II milk price for each delivery period shall be the Class I milk price for such delivery period less 30 cents.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 26th day of February 1951, to be effective on and after the first day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-2778; Filed, Feb. 28, 1951; 8:57 a. m.]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REPORTS

Notice was published in the FEDERAL REGISTER issue (16 F. R. 552) of January 20, 1951, that the Department was giving consideration to the proposed revision of the rules and regulations (7 CFR 936.100 et seq., Subpart—Rules and Regulations; 15 F. R. 236, 3250) currently in effect pursuant to the amended marketing agreement and Order No. 36 (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof), it is hereby found and determined that the revision, as hereinafter set forth, of said rules and regulations is in accordance with the provisions of said amended marketing agreement and order and it is hereby approved:

Amend the provisions of paragraphs (a) and (b) of § 936.109 (7 CFR 936.109; 15 F. R. 3250) to read as follows:

§ 936.109 *Reports—(a) Bartlett pears—(1) Report of daily shipments.* Each shipper who ships Bartlett pears shall furnish, or authorize any or all railroad companies and transportation companies to furnish, to the manager of the Control Committee complete daily information stating: (i) The time of departure of each shipment of Bartlett pears from specified railroad points, (ii) the time of shipment of each car of Bartlett pears, (iii) the name of the shipper, (iv) the car number, (v) the number of packages of such pears (or the equivalent thereof in weight) by grades and sizes in each shipment, (vi) the point of origin, and (vii) the destination. The foregoing information is to be reported promptly and substantiated by a copy of the manifest covering the shipment or a recapitulation of the manifest. The daily information shall also include any diversion of the shipment of any carload of Bartlett pears made through any or all agencies as soon as possible after filing such diversion with any common carrier. In the event any such shipment includes Bartlett pears for which exemption certificates have been issued, information concerning the name of the grower for whom such exempted fruit has been shipped shall be included either on the aforesaid manifest or on separate reports.

(2) *Report of Bartlett pears held in storage.* Each shipper who has Bartlett pears under refrigeration in a storage warehouse shall, upon request, file with the manager of the Control Committee within the time specified in the request an accurate report containing the following information:

(i) The name and address of the shipper;

(ii) The total quantity, as of the date specified in the request, of such Bartlett pears in storage outside the State of California, and in storage in the State of California for a period in excess of 5 days.

(b) *Plums—(1) Report of daily shipments.* Each shipper who ships plums shall furnish, or authorize any or all railroad companies and transportation companies to furnish, to the manager of the Control Committee complete daily information stating: (i) The name of the shipper, (ii) the car number, (iii) the number of packages by variety and size (or the equivalent thereof), (iv) the weight of each shipment, (v) the point of origin, and (vi) the destination. The foregoing information is to be reported promptly and substantiated by a copy of the manifest covering the shipment or a recapitulation of the manifest. The daily information shall include any diversion of the shipment of any carloads of plums made through any or all agencies as soon as possible after filing such diversion with any common carrier. In the event the shipment includes plums for which exemption certificates have been issued, information concerning the name of the grower for whom such exempted fruit has been shipped shall be included either on the manifest or on separate reports.

(2) *Report of plums held in storage.* Each shipper who has plums under refrigeration in a storage warehouse shall, upon request, file with the manager of the Control Committee within the time specified in the request, an accurate report containing the following information:

(i) The name and address of the shipper;

(ii) The total quantity, as of the date specified in the request, of each variety of such plums in storage in the State of California, and the portion of such quantity which has been in such storage for a period less than 60 hours; and

(iii) The total quantity of each variety of such plums in storage outside of the State of California as of such date.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 26th day of February, 1951, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture

[F. R. Doc. 51-2777; Filed, Feb. 28, 1951; 8:57 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52675]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

CLEARANCE, INCOMPLETE CLEARANCE, AND TRANSPORTATION ORDERS

The following amendments of the customs regulations are deemed necessary to aid in the enforcement of restrictions imposed upon shipping by transportation orders issued under authority of the Defense Production Act of 1950, and in the enforcement of the export regulations of the Office of International Trade, Department of Commerce.

1. Section 4.61 (b) of the Customs Regulations of 1943, as amended (19 CFR 4.61 (b)), is further amended by the addition at the end thereof of a new subparagraph numbered (20) reading as follows:

(20) Orders restricting shipping (4.73a).

(R. S. 161, sec. 2, 23 Stat. 118; 5 U. S. C. 22. 46 U. S. C. 2. Sec. 102, Reorg. Plan No. 3 of 1946; 11 F. R. 7875)

2. Part 4 (19 CFR Part 4) is amended by the addition of a new section 4.73a (19 CFR 4.73a) immediately following § 4.73 (19 CFR 4.73), reading as follows:

§ 4.73a *Transportation orders.* Clearance shall not be granted to any vessel if the collector has reason to believe that her departure or intended voyage would be in violation of any provision of any transportation order, regulation, or restriction issued under authority of the Defense Production Act of 1950 (Public Law 774, 81st Congress).

(R. S. 161, sec. 2, 23 Stat. 118, as amended. Reorg. Plan No. 3 of 1946, 11 F. R. 7875, 3 CFR, 1946 Supp., 60 Stat. 1097; 5 U. S. C. 22, 46 U. S. C. 2, 5 U. S. C. 133y-16 note)

3. Section 4.74 (f), Customs Regulations of 1943 (19 CFR 4.74 (f)), is amended to read as follows:

(f) During any period covered by a finding by the President under section 1 of Title II of the act of June 15, 1917 (50 U. S. C. 191), as amended by Public Law No. 679, 81st Congress, that the security of the United States is endangered by reason of actual or threatened war or invasion, or insurrection, or subversive activity, or of disturbances or threatened disturbances of the international relations of the United States, no vessel shall be cleared for a foreign port until a complete outward foreign manifest and all required export declarations have been filed with the collector, unless clearance

in accordance with paragraphs (a) to (e), inclusive, of this section is authorized by the Commissioner of Customs with the approval of the Secretary of the Treasury.

(R. S. 161, sec. 2, 23 Stat. 118, as amended, Reorg. Plan No. 3 of 1946, 11 F. R. 7875, 3 CFR, 1946 Supp., 60 Stat. 1097; 5 U. S. C. 22, 46 U. S. C. 2, 5 U. S. C. 133y–16 note. Interprets or applies R. S. 4197, as amended, 4200, as amended; 46 U. S. C. 91, 92)

4. Treasury Decision 51628 (12 F. R. 1103), waiving compliance with § 4.74 (f), Customs Regulations of 1943, is hereby rescinded.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: February 21, 1951.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51-2752; Filed, Feb. 28, 1951; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 170—ENFORCEMENT OF THE TEA IMPORTATION ACT

TEA STANDARDS

Pursuant to the authority of sections 2, 3, and 10 of the Tea Importation Act (29 Stat. 605, as amended by 35 Stat. 163, 41 Stat. 712, 54 Stat. 1237; 21 U. S. C. 41 et seq.), the regulations for the enforcement of this act (21 CFR 170.1 et seq., 1949 Supp., 170.19, and 15 F. R. 2083) are amended as indicated below:

1. The following standards prepared and submitted by the Board of Tea Experts are fixed and established as standards under the Tea Importation Act for the year beginning May 1, 1951, and ending April 30, 1952, and § 170.19 (b) is amended to read as follows:

§ 170.19 *Tea standards.* • • •

(b) The following standards prepared and submitted by the Board of Tea Experts are hereby fixed and established as standards under the Tea Importation Act for the year beginning May 1, 1951, and ending April 30, 1952:

(1) Formosa Oolong.
(2) India.
(3) Formosa Black (to be used for Formosa Black, Japan Black, and Congou).
(4) Japan Green.
(5) Gunpowder.
(6) Scented Canton.
(7) Canton Oolong.

These standards apply to tea shipped from abroad on or after May 1, 1951. Tea shipped prior to May 1, 1951, will be governed by the standards which became effective May 1, 1950 (15 F. R. 2083).

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment is based upon the recommendation of the Board of Tea Experts, which is comprised of experts in teas drawn from the Food and Drug Administration and the tea trade, so as to be representative of the tea trade as a whole.

(Sec. 10, 29 Stat. 607, as amended; 21 U. S. C. 50. Interprets or applies sec. 1, 29 Stat. 604, as amended; 21 U. S. C. 41)

Dated: February 23, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-2747; Filed, Feb. 28, 1951; 8:51 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 353]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 348]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CALIFORNIA, IOWA AND MICHIGAN

Amendment 353 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 348 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 38 is amended to describe the countries in the Defense-Rental Area as follows:

San Francisco County; San Mateo County, except the Cities of Belmont, Burlingame, Menlo Park, Millbrae, Redwood City, South San Francisco, San Mateo, San Bruno, the Community known as Lomita Park which is adjacent to said City of San Bruno, and the Town of Atherton; and Sonoma County, except (i) the Cities of Healdsburg and Santa Rosa, (ii) the Judicial Townships of Redwood and Sonoma (including the City of Sonoma) and (iii) that portion of Analy Judicial Township lying west of the Monte Rio-Valley Ford Highway and lying between Redwood Judicial Township on the north and the northern line of Marin County on the South.

This decontrols the City of San Mateo in San Mateo County, California, a portion of the San Francisco Bay, California, Defense-Rental Area.

2. Schedule A, Item 114d, is amended as follows:

(114d) [Revoked and decontrolled.]

This decontrols the entire Waterloo, Iowa, Defense-Rental Area.

3. Schedule A, Item 149, is amended to describe the counties in the Defense-Rental Area as follows:

Oakland County, except (i) the Townships of Addison, Brandon, Groveland, Highland, Holly, Independence, Milford, Oakland, Orion, Oxford, Rose and Springfield, (ii) the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford and that portion of Northville located in Oakland County, and (iii) the Cities of Birmingham, Bloomfield Hills, Pontiac, Royal Oak, and South Lyon; Wayne County, except (i) the Cities of Grosse Point and Plymouth, (ii) the Village of Wayne, and (iii) that portion of the Village of Northville located in Wayne County; and Macomb County, except the City of Mount Clemens, and the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

In Washtenaw County, the Township of Ann Arbor and the City of Ann Arbor.

This decontrols the City of Mount Clemens in Macomb County, Michigan, and the City of Royal Oak in Oakland County, Michigan, portions of the Detroit, Michigan, Defense-Rental Area.

4. Schedule A, Item 150, is amended to describe the counties in the Defense-Rental Area as follows:

Muskegon County.
Kent County, except the Cities of East Grand Rapids and Grand Rapids.

This decontrols the City of Grand Rapids in Kent County, Michigan, a portion of the Grand Rapids-Muskegon, Michigan, Defense-Rental Area.

5. Schedule A, Item 154a, as amended to describe the counties in the Defense-Rental Area as follows:

Monroe County, except the Village of Maybee.

This decontrols the Village of Maybee in Monroe County, Michigan, a portion of the Monroe, Michigan, Defense-Rental Area.

All decontrols effected by this amendment are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective February 27, 1951.

Issued this 26th day of February 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-2748; Filed, Feb. 28, 1951; 8:51 a. m.]

TITLE 29—LABOR

Chapter I—National Labor Relations Board

PART 101—STATEMENT OF PROCEDURE

PART 102—RULES AND REGULATIONS, SERIES 6

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in it by the National Labor Relations Act, 49 Stat. 499, 452, approved July 5, 1935, as amended by the Labor Management Relations Act, 1947, Public Law 101, Eightieth Congress, first session, the National Labor Relations Board hereby issues the following amendments to its rules and regulations, Series 5 (General Rules and Regulations), and statements of procedure, as amended August 18, 1948, which it finds necessary to carry out the provisions of said act. Said amendments shall become effective on March 1, 1951. National Labor Relations Board rules and regulations, Series 5, and statements of procedure as hereby further amended, shall be in force and effect as Series 6 until further amended, or rescinded by the Board.

Dated: Washington, D. C., February 21, 1951.

By direction of the Board.

[SEAL] FRANK M. KLEILER,
Executive Secretary.

PART 101—STATEMENT OF PROCEDURE

Statement of procedure[1] of the National Labor Relations Board, Series 5, as amended, is hereby amended, as follows, effective March 1, 1951, and shall be in force and effect as Series 6:

1. In § 101.10 (a) the second sentence is stricken and the following sentence substituted: "A duly designated trial examiner presides over the hearing."

2. a. In § 101.18 (b) after the words "are heard and" in the eighth sentence insert "if directed by the Board, a report containing findings of fact and recommendations as to the disposition of the challenges or objections, or both, and resolving issues of credibility is issued by the hearing officer and served upon the parties, who may file exception thereto within 10 days with the Board in Washington."

b. Capitalize "the" preceding the word "record" in the eighth sentence and complete the sentence as written.

c. In the sentence reading, "If the union has been selected as the representative, the Board issues its certification and the proceeding is terminated," insert after "the Board," the words "or the regional director, as the case may be" and substitute "a" for "its" preceding the word "certification." As amended this sentence reads: "If the union has been selected as the representative, the Board or the regional director, as the case may be, issues a certification and the proceeding is terminated."

3. In the second sentence of § 101.19, substitute "to" for "from" preceding the words "the general counsel."

(Sec. 101, 61 Stat. 140; 29 U. S. C. Sup., 156)

PART 102—RULES AND REGULATIONS, SERIES 6

The rules and regulations of the National Labor Relations Board, Series 5, as amended,[2] are hereby amended, effective March 1, 1951, and shall be in force and effect as Series 6.

A summary of the substance of the major changes made by Series 6 follows:

1. Section 102.11 is changed to require that three additional copies of a charge that any person has engaged in or is engaging in any unfair labor practice must be filed with the regional director. One additional copy of such charge must also be submitted for each party named respondent.

2. Section 102.13 is revised to conform to the present instruction that an international labor organization file evidence from the Department of Labor of that organization's compliance with section 9 (f) and (g) of the act with the general counsel in Washington, D. C., and that local labor organizations file such evidence with the regional director for the region in which the proceeding is pending.

3. In § 102.13 (c), the definition of the term "officer" of a labor organization, adopted by the Board on November 29, 1949, which appeared in the FEDERAL REGISTER on December 2, 1949 (14 F. R. 7250), effective January 1, 1950, is incorporated.

4. Section 102.15 is amended to strike the word "charges" in line 5, and in lieu thereof the words "unfair labor practices" have been inserted.

5. Each of § 102.25, 102.30 (c), 102.34, 102.36, 102.37, 102.42 is changed to incorporate necessary references to the newly established branch office of the trial examining division in San Francisco, California, under an associate chief trial examiner. These changes refer to the designation of trial examiners to preside over cases originating under the jurisdiction of that office, and to the appropriate place to file necessary motions, depositions, briefs, exceptions, and other portions of the record of such cases.

6. Section 102.31 (a) is changed to make clear that either a regional director or a trial examiner, on behalf of any member of the Board, shall grant appropriate applications for subpenas after complaint has issued in an unfair labor practice proceeding.

7. Section 102.38 is amended to require that "documentary evidence" or exhibits, submitted during hearing in an unfair labor practice proceeding, shall be submitted in duplicate.

8. Section 102.42 is modified to increase from 15 days to 20 days the limit of the time that may be granted by a trial examiner for submission of proposed findings and conclusions or brief after hearing in a complaint case. A further change provides that no request for an extension of such time will be considered unless received at least 3 days prior to the expiration of the time fixed for the submission of such documents. Notice of request for extension of time must be served on all other parties and proof of service furnished. It is also required that three copies of all documents must be submitted.

9. Section 102.45 is changed to provide that service upon the parties of the intermediate report and of the order transferring the case to the Board shall be complete on the date the Board in Washington, D. C., deposits such documents in the United States mail.

10. Section 102.46 is expanded to make clear that when any party chooses to file exceptions to an intermediate report that such filing must be achieved by actual receipt by the Board in Washington, D. C., within 20 days or within such further period as the Board may allow from the date of the service of the order transferring the case to the Board. Otherwise, such filing will be regarded as untimely and will not be received.

This section is further amended to require that seven copies of such exceptions and brief in support of exceptions or in support of the intermediate report must be filed and also served on the other parties, and proof made of such service. It is further required that statements of exceptions and briefs must designate by precise citation of page and line the portions of the record relied upon.

A change in paragraph (c) requires that applications for permission to argue orally before the Board must be submitted simultaneously with the statement of any exceptions filed to an intermediate report.

It is also required by an amendment to paragraph (c) that documents filed must be legibly printed or otherwise legibly duplicated: *Provided, however,* That carbon copies of typewritten matter shall not be filed, and if submitted, will not be accepted.

11. Section 102.48 is broadened to make clear that the Board will exercise its discretion in determining whether to issue its decision and order upon an intermediate report to which no exceptions have been filed and with which the respondent has complied. If the Board deems the proof of compliance adequate it may, in its discretion, order such case closed even though no exceptions have been filed to such report under section 10 (c) of the act.

12. Section 102.53 (a) (6) is changed to eliminate the requirement that a petitioner in a representation matter indicate the number of employees who have designated the petitioner to act in collective bargaining matters in their behalf. Further, subparagraph (7) is changed to require a petitioner to recite either that "the employer declines to recognize petitioner • • • within the meaning of section 9 (a)" or "that the labor organization is currently recognized but desires certification under the act."

13. Sections 102.57 (a), 102.60, and 102.76 are changed to make clear that exceptions, motions, and briefs and similar documents submitted to the Board in connection with any proceeding may be printed or duplicated in any manner desired: *Provided, however,* That carbon copies of typewritten matter shall not be filed, and if submitted, will not be received by the Board.

14. Section 102.58 is expanded to make clear that a regional director may rule upon a petition to revoke a subpena in a representation matter or to refer such petition to the hearing officer.

15. As noted above, § 102.60 is amended to conform to the Board's rule in respect of printing and submission of briefs. Copies of briefs submitted in representation proceedings must be served on all other parties and proof of such service filed with the Board. It is also provided that for good cause shown, a hearing officer, prior to the close of the hearing, may grant an extension of time within which to file a brief, but which may not exceed 14 additional days. Requests for extension of time within which to file briefs, not addressed to the hearing officer, must be received in Washington, D. C., not later than 3 days before such briefs are due.

16. Section 102.61 is amended in the following respects:

a. The regional director has been authorized to approve a timely request by a labor organization to have its name

[1] This amends Statement of Procedure effective August 22, 1947, which appeared at 12 F. R. 5651 and amendments effective August 21, 1948, appearing in 13 F. R. 4671, and amendments effective January 1, 1950, appearing in 14 F. R. 7250. Redesignation noted at 14 F. R. 78.

[2] This amends rules and regulations, Series 5, effective August 22, 1947, which appeared at 12 F. R. 5651, 5656, and amendments effective August 21, 1948, appearing at 13 F. R. 4871, and amendments effective January 1, 1950 appearing at 14 F. R. 7250. Redesignation noted at 14 F. R. 73.

removed from the ballot whenever two or more labor organizations have been included as choices in a Board-directed election.

b. Minor language changes have been made in the first paragraph to make clear that the time for filing objections to the conduct of an election or conduct effecting an election is within 5 days following issuance of the tally of ballots. It is also provided that copies of such objections shall be served on all parties, and proof of service must be made to the Board.

c. Section 102.61 (b) is changed to enlarge from 5 days to 10 days from the date of issuance of a report on challenged ballots, objections, or both, the time within which any party may file with the Board in Washington, D. C., exceptions to such report.

d. Section 102.61 (b) is further amended to provide that if exceptions to a report on challenged ballots, objections, or both, raise substantial and material factual issues, that the Board may direct further hearing on said objections and also may direct the hearing officer to issue and serve a report.

e. A final paragraph is added to the section which provides that whenever the Board in respect of challenged ballots, has directed the regional director to open and count such ballots, and no objection has been made to the revised tally of ballots resulting within 3 days after the revised tally has been furnished the parties, that the regional director may forthwith issue a certification of representatives whenever appropriate, with the same force and effect as if issued by the Board.

17. Section 102.62 (d) is changed to provide that in the event two or more choices receive the same number of ballots in a runoff election, and another choice receives no ballots and there are no challenged ballots that would affect the results of the election, and if all eligible voters have cast valid ballots, there shall be no runoff election and the representation petition shall be dismissed.

18. Section 102.63 is changed to require that an appeal from a dismissal by the regional director of a representation petition must be served on each of the other parties to the proceeding.

19. Section 102.66 is changed to eliminate the requirement that a petition seeking a referendum for authority to make an agreement requiring membership in a labor organization recite the number of employees in the unit and the number of such employees who have authorized the petitioner to make such an agreement. These changes were effected by striking paragraphs (c) and (i) of the section.

20. Section 102.85 is expanded to recite that "the date of service" by the Board in addressing any matter to parties to its proceeding, shall be the day when the matter is deposited by the Board in the United States mail or is delivered in person, as the case may be. Also in this respect see especially the amendments to §§ 102.45, 102.46 (a), and 102.86.

21. Section 102.86 is expanded to require that whenever the act or any Board rule requires or permits "the filing" by any party of motions, briefs, exceptions, or other papers in any proceeding, that such filing means that the document or documents must be received by the Board or the officer or agent designated to receive such matter before the close of business of the last day of the time limit, if any, for such filing or extension of time that may have been granted. A further amendment makes clear that the 3 days that may be added to any such period whenever service is made by mail, is not to be added in the event an extension of such time may have been granted.

As amended, Part 102 is completely revised to read as follows:

SUBPART A—DEFINITIONS

Sec.
102.1 Terms defined in section 2 of the act.
102.2 Act; Board; Board agent.
102.3 General counsel.
102.4 Region.
102.5 Regional director; regional attorney.
102.6 Trial examiner; hearing officer.
102.7 State.
102.8 Party.

SUBPART B—PROCEDURE UNDER SECTION 10 (a) TO (l) OF THE ACT FOR PREVENTION OF UNFAIR LABOR PRACTICES

CHARGE

102.9 Who may file; withdrawal and dismissal.
102.10 Where to file.
102.11 Forms; jurat or declaration.
102.12 Contents.
102.13 Compliance with section 9 (f), (g), and (h) of the act.
102.14 Service of charge.

COMPLAINT

102.15 When and by whom issued; contents; service.
102.16 Hearing; extension.
102.17 Amendment.
102.18 Withdrawal.
102.19 Review by the general counsel of refusal to issue.

ANSWER

102.20 Answer to complaint; time for filing; contents; allegations not denied deemed admitted.
102.21 Where to file; service upon the parties; form; jurat.
102.22 Extension of time for filing.
102.23 Amendment.

MOTIONS

102.24 Motions; where to file prior to hearing and during hearing; contents; service on other parties.
102.25 Ruling on motions; where to file motions after hearing and before transfer of case to Board.
102.26 Motions; rulings and orders part of the record; rulings not to be appealed directly to Board without special permission; requests for special permission to appeal.
102.27 Review of granting of motion to dismiss entire complaint; reopening of record.
102.28 Filing of answer or other participation in proceedings not a waiver of rights.

INTERVENTION

102.29 Intervention; requisites; rulings on motions to intervene.

WITNESSES, DEPOSITIONS, AND SUBPENAS

102.30 Examination of witnesses; depositions.
102.31 Issuance of subpenas; petitions to revoke subpenas; right to inspect or copy data.
102.32 Payment of witness fees and mileage; fees of persons taking depositions.

TRANSFER, CONSOLIDATION, AND SEVERANCE

102.33 Transfer of charge and proceeding from region to region; consolidation of proceedings in same region; severance.

HEARINGS

102.34 Who shall conduct; to be public unless otherwise ordered.
102.35 Duties and powers of trial examiners.
102.36 Unavailability of trial examiners.
102.37 Disqualification of trial examiners.
102.38 Rights of parties.
102.39 Rules of evidence controlling so far as practicable.
102.40 Stipulations of fact admissible.
102.41 Objection to conduct of hearing; how made; objections not waived by further participation.
102.42 Filing of briefs and proposed findings with the trial examiner and oral argument at the hearing.
102.43 Continuance and adjournment.
102.44 Contemptuous conduct; refusal of witness to answer questions.

INTERMEDIATE REPORT AND TRANSFER OF CASE TO THE BOARD

102.45 Intermediate report and recommended order; contents; service, transfer of the case to the Board; contents of record in case.

EXCEPTIONS TO THE RECORD AND PROCEEDING

102.46 Exceptions or supporting briefs; time for filing; where to file; service on parties; extension of time; effect of failure to include matter in exceptions; oral arguments.
102.47 Filing of motion after transfer of case to Board.

PROCEDURE BEFORE THE BOARD

102.48 Action of Board upon expiration of time to file exceptions to intermediate report.
102.49 Modification or setting aside of order of Board before record filed in court; action thereafter.
102.50 Hearings before Board or member thereof.
102.51 Settlement or adjustment of issues.

SUBPART C—PROCEDURE UNDER SECTION 9 (c) OF THE ACT FOR THE DETERMINATION OF QUESTIONS CONCERNING REPRESENTATION OF EMPLOYEES

102.52 Petition for certification or decertification; who may file; where to file; withdrawal.
102.53 Contents of petition for certification; contents of petition for decertification.
102.54 Consent election agreements.
102.55 Investigation of petition by regional director; notice of hearing; service of notice; withdrawal of notice.
102.56 Conduct of hearing.
102.57 Motions; interventions.
102.58 Introduction of evidence; rights of parties at hearing; subpenas.
102.59 Record; what constitutes; transmission to Board.
102.60 Proceedings before the Board; further hearing; briefs; Board direction of election; certification of results.

Sec.
102.61 Election procedure; tally of ballots; objections; certification by regional director; report on challenged ballots; report on objections; exceptions; action of the Board; hearing.
102.62 Runoff election.
102.63 Refusal to issue notice of hearing; appeals to Board from action of the regional director.
102.64 Filing petition with general counsel; investigation upon motion of general counsel; transfer of petition and proceeding from region to general counsel or to another region; consolidation of proceedings in same region; severance; procedure before general counsel in cases over which he has assumed jurisdiction.

SUBPART D—PROCEDURE FOR REFERENDUM UNDER SECTION 9 (e) OF THE ACT

102.65 Petition for referendum under section 9 (e) (1) of the act; who may file; where to file; withdrawal.
102.66 Contents of petition.
102.67 Investigation of petition by regional director; consent referendum; directed referendum.
102.68 Hearing; posthearing procedure.
102.69 Method of conducting balloting; postballoting procedure.
102.70 Refusal to conduct referendum; appeal to Board.
102.71 Petition for referendum under section 9 (e) (2) of the act; who may file; where to file; withdrawal.
102.72 Contents of petition to rescind authority.
102.73 Subsequent proceedings under section 9 (e) (2).

SUBPART E—PROCEDURE TO HEAR AND DETERMINE DISPUTES UNDER SECTION 10 (k) OF THE ACT

102.74 Initiation of proceedings; notice of filing charge; notice of hearing.
102.75 Adjustment of dispute; withdrawal of notice of hearing; hearing.
102.76 Proceedings before the Board; further hearings; briefs; certification.
102.77 Compliance with certification; further proceedings.
102.78 Review of certification.

SUBPART F—PROCEDURE IN CASES UNDER SECTION 10 (j) AND (l) OF THE ACT

102.79 Expeditious processing of section 10 (j) cases.
102.80 Priority of cases pursuant to section 10 (l) of the act.
102.81 Issuance of complaint promptly.
102.82 Expeditious processing of section 10 (l) cases in successive stages.

SUBPART G—SERVICE AND FILING OF PAPERS

102.83 Service of process and papers; proof of service.
102.84 Same; by parties; proof of service.
102.85 Date of service; filing of proof of service.
102.86 Time; additional time after service by mail.

SUBPART H—CERTIFICATION AND SIGNATURE OF DOCUMENTS

102.87 Certification of papers and documents.
102.88 Signatures of orders.

SUBPART I—RECORDS AND INFORMATION

102.89 Files, records, etc., in exclusive custody of Board and not subject to inspection; formal documents and final opinions and orders subject to inspection.
102.90 Same; Board employees prohibited from producing files, records, etc., pursuant to subpena duces tecum, prohibited from testifying in regard thereto.

SUBPART J—PRACTICE BEFORE THE BOARD OF FORMER EMPLOYEES

Sec.
102.91 Prohibition of practice before Board of its former regional employees in cases pending in region during employment.
102.92 Same; application to former employees of Washington staff.

SUBPART K—CONSTRUCTION OF RULES

102.93 Rules to be liberally construed.

SUBPART L—ENFORCEMENT OF RIGHTS, PRIVILEGES, AND IMMUNITIES GRANTED OR GUARANTEED UNDER SECTION 222 (f), COMMUNICATIONS ACT OF 1934, AS AMENDED, TO EMPLOYEES OF MERGED TELEGRAPH CARRIERS

102.94 Enforcement.

SUBPART M—AMENDMENTS

102.95 Amendments or rescission of rules.
102.96 Petitions for issuance, amendment, or repeal of rules.
102.97 Action on petition.

AUTHORITY: §§ 102.1 to 102.97 issued under sec. 101, 61 Stat. 140; 29 U. S. C., Sup., 156.

SUBPART A—DEFINITIONS

§ 102.1 *Terms defined in section 2 of the act.* The terms "person," "employer," "employee," "representative," "labor organization," "commerce," "affecting commerce," and "unfair labor practice," as used in this part, shall have the meanings set forth in section 2 of the National Labor Relations Act, as amended by title I of the Labor Management Relations Act, 1947.

§ 102.2 *Act; Board; Board agent.* The term "act" as used in this part shall mean the National Labor Relations Act, as amended. The term "Board" shall mean the National Labor Relations Board, and shall include any group of three or more members designated pursuant to section 3 (b) of the act. The term "Board agent" shall mean any member, agent, or agency of the Board, including its general counsel.

§ 102.3 *General counsel.* The term "general counsel" as used in this part shall mean the General Counsel under section 3 (d) of the act.

§ 102.4 *Region.* The term "region" as used in this part shall mean that part of the United States or any Territory thereof fixed by the Board as a particular region.

§ 102.5 *Regional director; regional attorney.* The term "regional director" as used in this part shall mean the agent designated by the Board as regional director for a particular region. The term "regional attorney" as used herein shall mean the attorney designated by the Board as regional attorney for a particular region.

§ 102.6 *Trial examiner; hearing officer.* The term "trial examiner" as used in this part shall mean the agent of the Board conducting the hearing in an unfair labor practice or Telegraph Merger Act proceeding. The term "hearing officer" as used herein shall mean the agent of the Board conducting the hearing in a proceeding under section 9 or in a dispute proceeding under section 10 (k) of the act.

§ 102.7 *State.* The term "State" as used in this part shall include the District of Columbia and all States, Territories, and possessions of the United States.

§ 102.8 *Party.* The term "party" as used in this part shall mean the regional director in whose region the proceeding is pending, and any person named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in any Board proceeding, including, without limitation, any person filing a charge or petition under the act, any person named as respondent, as employer, or as party to a contract in any proceeding under the act, and any labor organization alleged to be dominated, assisted, or supported in violation of section 8 (a) (1) or (8) (a) (2) of the act: but nothing in this part shall be construed to prevent the Board or its designated agent from limiting any party to participate in the proceedings to the extent of his interest only.

SUBPART B—PROCEDURE UNDER SECTION 10 (a) TO (l) OF THE ACT FOR THE PREVENTION OF UNFAIR LABOR PRACTICES [1]

CHARGE

§ 102.9 *Who may file; withdrawal and dismissal.* A charge that any person has engaged in or is engaging in any unfair labor practice affecting commerce may be made by any person: *Provided*, That if such charge is filed by a labor organization, no complaint will be issued pursuant thereto, unless such labor organization is in compliance with the requirements of section 9 (f), (g), and (h) of the act, within the meaning of § 102.13. Any such charge may be withdrawn, prior to the hearing, only with the consent of the regional director with whom such charge was filed; at the hearing and until the case has been transferred to the Board pursuant to § 102.45, upon motion, with the consent of the trial examiner designated to conduct the hearing; and after the case has been transferred to the Board pursuant to § 102.45, upon motion, with the consent of the Board. Upon withdrawal of any charge, any complaint based thereon shall be dismissed by the regional director issuing the complaint, the trial examiner designated to conduct the hearing, or the Board.

§ 102.10 *Where to file.* Except as provided in § 102.33 such charge shall be filed with the regional director for the region in which the alleged unfair labor practice has occurred or is occurring. A charge alleging that an unfair labor practice has occurred or is occurring in two or more regions may be filed with the regional director for any of such regions.

§ 102.11 *Forms; jurat; or declaration.* Such charge shall be in writing and signed, and shall either be sworn to before a notary public, Board agent, or other person duly authorized by law to administer oaths and take acknowledgments, or shall contain a declaration by the person signing it, under the penalties of the Criminal Code, that its contents are true and correct to the best of his knowledge and belief. Three addi-

[1] Procedure under section 10 (j) to (l) of the act is governed by Subparts E and F.

tional copies of such charge shall be filed together with one additional copy for each named party respondent.[2]

§ 102.12 *Contents.* Such charge shall contain the following:

(a) The full name and address of the person making the charge.

(b) If the charge is filed by a labor organization, the full name and address of any national or international labor organization of which it is an affiliate or constituent unit.

(c) The full name and address of the person against whom the charge is made (hereinafter referred to as the "respondent").

(d) A clear and concise statement of the facts constituting the alleged unfair labor practices affecting commerce.

§ 102.13 *Compliance with section 9 (f), (g), and (h) of the act.* (a) For the purpose of the rules and regulations in this part, compliance with section 9 (f) and (g) of the act means (1) that the Secretary of Labor has issued to the labor organization, pursuant to the rules of the Department of Labor, a letter showing that the labor organization has filed the material required under section 9 (f) and (g) of the act; (2) that the labor organization has filed with the general counsel in Washington, D. C., or with the regional director, either as part of the charge (or petition) or otherwise, the duplicate copy of such compliance letter; and (3) that the labor organization has filed with the general counsel or with the regional director for the region in which the proceeding is pending or in which it customarily files cases, either as part of the charge (or petition) or otherwise, a declaration executed by an authorized agent stating that the labor organization has complied with section 9 (f) (B) (2) of the act requiring that it furnish to all of its members copies of the financial report filed with the Department of Labor, and setting forth the method by which such compliance was made.

(b) For the purpose of the rules and regulations in this part, compliance with section 9 (h) of the act means in the case of a national or international labor organization, that it has filed with the general counsel in Washington, D. C., and in the case of a local labor organization, that any national or international labor organization of which it is an affiliate or constituent body has filed with the general counsel in Washington, D. C., and that the labor organization has filed with the regional director in the region in which the proceeding is pending:

(1) A declaration by an authorized representative of the labor organization, executed contemporaneously with the charge (or petition) or within the preceding 12-month period, listing the titles of all offices of the filing organization and stating the name of the incumbent, if any, in each such office and the date of expiration of each incumbent's term.

(2) An affidavit by each officer referred to in subparagraph (1) of this paragraph, executed contemporaneously with the charge (or petition) or within the preceding 12-month period, stating that he is not a member of the Communist Party or affiliated with such party, and that he does not believe in, and is not a member of or supports any organization that believes in or teaches, the overthrow of the United States Government by force or by any illegal or unconstitutional methods.

(3) The term "officer" as used in subparagraph (2) of this paragraph shall mean any person occupying a position identified as an office in the constitution of the labor organization; except, however, that where the Board has reasonable cause to believe that a labor organization has omitted from its constitution the designation of any position as an office for the purpose of evading or circumventing the filing requirements of section 9 (h) of the act, the Board may, upon appropriate notice, conduct an investigation to determine the facts in that regard, and where the facts appear to warrant such action the Board may require affidavits from persons other than incumbents of positions identified by the constitution as offices before the labor organization will be recognized as having complied with section 9 (h) of the act.

§ 102.14 *Service of charge.* Upon the filing of a charge, the charging party shall be responsible for the timely and proper service of a copy thereof upon the person against whom such charge is made. The regional director will, as a matter of course, cause a copy of such charge to be served upon the person against whom the charge is made, but he shall not be deemed to assume responsibility for such service.

COMPLAINT

§ 102.15 *When and by whom issued; contents; service.* After a charge has been filed, if it appears to the regional director that formal proceedings in respect thereto should be instituted, he shall issue and cause to be served upon all the other parties a formal complaint in the name of the Board stating the unfair labor practices and containing a notice of hearing before a trial examiner at a place therein fixed and at a time not less than 10 days after the service of the complaint.

§ 102.16 *Hearing; extension.* Upon his own motion or upon proper cause shown by any other party, the regional director issuing the complaint may extend the date of such hearing.

§ 102.17 *Amendment.* Any such complaint may be amended upon such terms as may be deemed just, prior to the hearing, by the regional director issuing the complaint; at the hearing and until the case has been transferred to the Board pursuant to § 102.45, upon motion, by the trial examiner designated to conduct the hearing; and after the case has been transferred to the Board pursuant to §102.45, at any time prior to the issuance of an order based thereon, upon motion, by the Board.

§ 102.18 *Withdrawal.* Any such complaint may be withdrawn before the hearing by regional director on his own motion.

§ 102.19 *Review by the general counsel of refusal to issue.* If, after the charge has been filed, the regional director declines to issue a complaint, he shall so advise the parties in writing, accompanied by a simple statement of the procedural or other grounds. The person making the charge may obtain a review of such action by filing a request therefor with the general counsel in Washington, D. C., and filing a copy of the request with the regional director, within 10 days from the service of the notice of such refusal by the regional director. The request shall contain a complete statement setting forth the facts and reasons upon which the request is based.

ANSWER

§ 102.20 *Answer to complaint; time for filing; contents; allegations not denied deemed admitted.* The respondent shall, within 10 days from the service of the complaint, file an answer thereto. Such answer shall contain a short and simple statement of the facts which constitute the ground of defense. The respondent shall specifically admit, deny, or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the respondent shall state in the answer that he is without knowledge, shall be deemed to be admitted to be true and may be so found by the Board.

§ 102.21 *Where to file; service upon the parties; form; jurat.* An original and four copies of the answer shall be filed with the regional director issuing the complaint. Immediately upon the filing of his answer, respondent shall serve a copy thereof on each of the other parties. The answer shall be in writing, the original being signed and sworn to by the respondent or by a duly authorized agent with appropriate power of attorney affixed, and shall contain the post-office address of the respondent.

§ 102.22 *Extension of time for filing.* Upon his own motion or upon proper cause shown by any other party the regional director issuing the complaint may by written roder extend the time within which the answer shall be filed.

§ 102.23 *Amendment.* The respondent may amend his answer at any time prior to the hearing. During the hearing or subsequent thereto, he may amend his answer in any case where the complaint has been amended, within such period as may be fixed by the trial examiner or the Board. Whether or not the complaint has been amended, the answer may, in the discretion of the trial examiner or the Board, upon motion, be amended upon such terms and within such periods as may be fixed by the trial examiner or the Board.

MOTIONS

§ 102.24 *Motion; where to file prior to hearing and during hearing; contents; service on other parties.* All motions made prior to the hearing shall be filed in writing with the regional director issuing the complaint, and shall briefly state the order or relief applied for and the grounds for such motion. The moving party shall file an original and four copies of all such motions and immediately serve a copy thereof upon each of the other parties. All motions made at the hearing shall be made in writing to the trial examiner or stated orally on the record.

§ 102.25 *Ruling on motions; where to file motions after hearing and before transfer of case to Board.* The trial examiner designated to conduct the hearing shall rule upon all motions (except as provided in §§ 102.16, 102.22, 102.29, and 102.47). The trial examiner may, before the hearing, rule on motions filed prior to the hearing, and shall cause copies of his ruling to be served upon all the parties. All motions filed subsequent to the hearing, but before the transfer of the case to the Board pursuant to § 102.45, shall be filed with the trial examiner, care of the chief trial examiner, in Washington, D. C., or associate chief trial examiner, San Francisco, California, as the case may be, and a copy thereof shall be served on each of the parties. Rulings by the trial examiner on motions, and any orders in connection therewith, if announced at the hearing, shall be stated orally on the record; in all other cases such rulings and orders shall be issued in writing. The trial examiner shall cause a copy of the same to be served upon each of the other parties, or shall make his ruling in the intermediate report. Whenever the trial examiner has reserved his ruling on any motion, and the proceeding is thereafter transferred to and continued before the Board pursuant to § 102.50, the Board shall rule on such motion.

§ 102.26 *Motions; rulings and orders part of the record; rulings not to be appealed directly to Board without special permission; requests for special permission to appeal.* All motions, rulings, and orders shall become part of the record, except that rulings on motions to revoke subpenas shall become a part of the record only upon the request of the party aggrieved thereby, as provided in § 102.31. Unless expressly authorized by the rules and regulations, rulings by the regional director and by the trial examiner on motions, by the trial examiner on objections, and orders in connection therewith, shall not be appealed directly to the Board except by special permission of the Board, but shall be considered by the Board in reviewing the record, if exception to the ruling or order is included in the statement of exceptions filed with the Board, pursuant to § 102.46. Requests to the Board for special permission to appeal from such rulings of the regional director or the trial examiner shall be filed promptly, in writing and shall briefly state the grounds relied on. The moving party shall immediately serve a copy thereof on each other party.

§ 102.27 *Review of granting of motion to dismiss entire complaint; reopening of record.* If any motion in the nature of a motion to dismiss the complaint in its entirety is granted by the trial examiner before filing his intermediate report, any party may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., stating the grounds for review, and immediately on such filing shall serve a copy thereof on the regional director and the other parties. Unless such request for review is filed within 10 days from the date of the order of dismissal, the case shall be closed.

§ 102.28 *Filing of answer or other participation in proceedings not a waiver of rights.* The right to make motions or to make objections to rulings upon motions shall not be deemed waived by the filing of an answer or by other participation in the proceedings before the trial examiner or the Board.

INTERVENTION

§ 102.29 *Intervention; requisites; rulings on motions to intervene.* Any person desiring to intervene in any proceeding shall file a motion in writing or, if made at the hearing, may move orally on the record, stating the grounds upon which such person claims an interest. Prior to the hearing, such a motion shall be filed with the regional director issuing the complaint; during the hearing such motion shall be made to the trial examiner. An original and four copies of written motions shall be filed. Immediately upon filing such motion, the moving party shall serve a copy thereof upon each of the other parties. The regional director shall rule upon all such motions filed prior to the hearing, and shall cause a copy of said rulings to be served upon each of the other parties, or may refer the motion to the trial examiner for ruling. The trial examiner shall rule upon all such motions made at the hearing or referred to him by the regional director, in the manner set forth in § 102.25. The regional director or the trial examiner, as the case may be, may by order permit intervention in person or by counsel or other representative to such extent and upon such terms as he may deem proper.

WITNESSES, DEPOSITIONS, AND SUBPENAS

§ 102.30 *Examination of witnesses; depositions.* Witnesses shall be examined orally under oath, except that for good cause shown after the issuance of a complaint, testimony may be taken by deposition.

(a) Applications to take depositions shall be in writing setting forth the reasons why such depositions should be taken, the name and post-office address of the witness, the matters concerning which it is expected the witness will testify, and the time and place proposed for the taking of the deposition, together with the name and address of the person before whom it is desired that the deposition be taken (for the purposes of this section hereinafter referred to as the "officer"). Such application shall be made to the regional director prior to the hearing, and to the trial examiner during the hearing and subsequent to the hearing but before transfer of the case to the Board pursuant to § 102.45 or § 102.50. Such application shall be served upon the regional director or the trial examiner, as the case may be, and upon all other parties, not less than 7 days (when the deposition is to be taken within the continental United States) and 15 days (if the deposition is to be taken elsewhere) prior to the time when it is desired that the deposition be taken. The regional director or trial examiner, as the case may be, shall upon receipt of the application, if in his discretion good cause has been shown, make and serve upon the parties an order which will specify the name of the witness whose deposition is to be taken and the time, the place, and the designation of the officer before whom the witness is to testify, who may or may not be the same officer as that specified in the application. Such order shall be served upon all the other parties by the regional director or upon all parties by the trial examiner.

(b) Such deposition may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the examination is held, including any agent of the Board authorized to administer oaths. If the examination is held in a foreign country, it may be taken before any secretary of embassy or legation, consul general, consul, vice consul, or consular agent of the United States.

(c) At the time and place specified in said order the officer designated to take such deposition shall permit the witness to be examined and cross-examined under oath by all the parties appearing, and his testimony shall be reduced to typewriting by the officer or under his direction. All objections to questions or evidence shall be deemed waived unless made at the examination. The officer shall not have power to rule upon any objections but he shall note them upon the deposition. The testimony shall be subscribed by the witness in the presence of the officer who shall attach his certificate stating that the witness was duly sworn by him, that the deposition is a true record of the testimony and exhibits given by the witness, and that said officer is not of counsel or attorney to any of the parties nor interested in the event of the proceeding or investigation. If the deposition is not signed by the witness because he is ill, dead, cannot be found, or refuses to sign it, such fact shall be included in the certificate of the officer and the deposition may then be used as fully as though signed. The officer shall immediately deliver an original and two copies of said transcript, together with his certificate, in person or by registered mail to the regional director or the trial examiner, care of the chief trial examiner, in Washington, D. C., or associate chief trial examiner, San Francisco, Calif., as the case may be.

(d) The trial examiner shall rule upon the admissibility of the deposition or any part thereof.

(e) All errors or irregularities in compliance with the provisions of this section shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is or,

[2] A blank form for making a charge will be supplied by the regional director upon request.

with due diligence, might have been ascertained.

(f) If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used like other depositions.

§ 102.31 *Issuance of subpenas; petitions to revoke subpenas; right to inspect or copy data.* (a) Any member of the Board shall, on the written application of any party, forthwith issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence, including books, records, correspondence, or documents, in their possession or under their control. Applications for subpenas, if filed prior to the hearing, shall be filed with the regional director. Applications for subpenas filed during the hearing shall be filed with the trial examiner. Either the regional director or the trial examiner, as the case may be, shall grant the application, on behalf of any member of the Board. Applications for subpenas may be made ex parte. The subpena shall show on its face the name and address of the party at whose request the subpena was issued.

(b) Any person subpenaed, if he does not intend to comply with the subpena, shall, within 5 days after the date of service of the subpena upon him, petition in writing to revoke the subpena. All petitions to revoke subpena shall be served upon the party at whose request the subpena was issued. Such petition to revoke, if made prior to the hearing, shall be filed with the regional director and the regional director shall refer the petition to the trial examiner or the Board for ruling. Petitions to revoke subpenas filed during the hearing shall be filed with the trial examiner. Notice of the filing of petitions to revoke shall be promptly given by the regional director or the trial examiner, as the case may be, to the party at whose request the subpena was issued. The trial examiner or the Board, as the case may be, shall revoke the subpena if in its opinion the evidence whose production is required does not relate to any matter under investigation or in question in the proceedings or the subpena does not describe with sufficient particularity the evidence whose production is required. The trial examiner or the Board, as the case may be, shall make a simple statement of procedural or other grounds for the ruling on the petition to revoke. The petition to revoke, any answer filed thereto, and any ruling thereon, shall not become part of the official record except upon the request of the party aggrieved by the ruling.

(c) Persons compelled to submit data or evidence at a public proceeding are entitled to retain or, on payment of lawfully prescribed costs, to procure, copies or transcripts of the data or evidence submitted by them. Persons compelled to submit data or evidence in the nonpublic investigative stages of proceedings may, for good cause, be limited by the regional director to inspection of the official transcript of their testimony, but shall be entitled to make copies of documentary evidence or exhibits which they have produced.

(d) Upon the failure of any person to comply with a subpena issued upon the request of a private party, the general counsel shall in the name of the Board but on relation of such private party, institute proceedings in the appropriate district court for the enforcement of such subpena, but neither the general counsel nor the Board shall be deemed thereby to have assumed responsibility for the effective prosecution of the same before the court.

§ 102.32 *Payment of witness fees and mileage; fees of persons taking depositions.* Witnesses summoned before the trial examiner shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear and the person taking the deposition shall be paid by the party at whose instance the deposition is taken.

TRANSFER, CONSOLIDATION, AND SEVERANCE

§ 102.33 *Transfer of charge and proceeding from region to region; consolidation of proceedings in same region; severance.* Wherever the general counsel deems it necessary in order to effectuate the purposes of the act or to avoid unnecessary costs or delay, he may permit a charge to be filed with him in Washington, D. C., or may, at any time after a charge has been filed with a regional director pursuant to § 102.10, order that such charge and any proceeding which may have been initiated with respect thereto:

(a) Be transferred to and continued before him for the purpose of investigation or consolidation with any other proceeding which may have been instituted in a regional office or with him; or

(b) Be consolidated with any other proceeding which may have been instituted in the same region; or

(c) Be transferred to and continued in any other region for the purpose of investigation or consolidation with any proceeding which may have been instituted in or transferred to such other region.

The provisions of §§ 102.9 to 102.32, inclusive, shall, insofar as applicable, govern proceedings before the general counsel pursuant to this section, and the powers granted to regional directors in such provisions shall, for the purpose of this section, be reserved to and exercised by the general counsel. After the transfer of any charge and any proceeding which may have been instituted with respect thereto from one region to another pursuant to this section, the provisions of this subpart shall, insofar as applicable, govern such charge and such proceeding as if the charge had originally been filed in the region to which the transfer is made.

Motions to sever proceedings may be filed before hearing, with the regional director, and during the hearing, with the trial examiner. The regional director shall refer all such motions filed with him to the trial examiner for ruling. Rulings by the trial examiner on motions to sever may be appealed to the Board in accordance with § 102.26.

HEARINGS

§ 102.34 *Who shall conduct; to be public unless otherwise ordered.* The hearing for the purpose of taking evidence upon a complaint shall be conducted by a trial examiner designated by the chief trial examiner, Washington, D. C., or, the associate chief trial examiner, San Francisco, Calif., as the case may be, unless the Board or any member thereof presides. At any time a trial examiner may be designated to take the place of the trial examiner previously designated to conduct the hearing. Such hearings shall be public unless otherwise ordered by the Board or the trial examiner.

§ 102.35 *Duties and powers of trial examiners.* It shall be the duty of the trial examiner to inquire fully into the facts as to whether the respondent has engaged in or is engaging in an unfair labor practice affecting commerce as set forth in the complaint or amended complaint. The trial examiner shall have authority, with respect to cases assigned to him, between the time he is designated and transfer of the case to the Board, subject to the Rules and Regulations of the Board and within its powers:

(a) To administer oaths and affirmations;

(b) To grant applications for subpenas;

(c) To rule upon petitions to revoke subpenas;

(d) To rule upon offers of proof and receive relevant evidence;

(e) To take or cause depositions to be taken whenever the ends of justice would be served thereby;

(f) To regulate the course of the hearing and, if appropriate or necessary, to exclude persons or counsel from the hearing for contemptuous conduct and to strike all related testimony of witnesses refusing to answer any proper question;

(g) To hold conferences for the settlement or simplification of the issues by consent of the parties, but not to adjust cases;

(h) To dispose of procedural requests or similar matters, including motions referred to the trial examiner by the regional director and motions to amend pleadings; also to dismiss complaints or portions thereof, and to order hearings reopened prior to issuance of intermediate reports (recommended decisions);

(i) To make and file intermediate reports in conformity with section 8 of the Administrative Procedure Act;

(j) To call, examine and cross-examine witnesses, and to introduce into the record documentary or other evidence;

(k) To take any other action necessary under the foregoing and authorized by the published rules and regulations of the Board.

§ 102.36 *Unavailability of trial examiners.* In the event the trial examiner designated to conduct the hearing becomes unavailable to the Board after the hearing has been concluded and before the filing of his intermediate report, the Board may transfer the case to itself for purposes of further hearing or issuance of an intermediate report or both on the record as made, or may request the chief trial examiner, Washington, D. C., or associate chief trial examiner, San Francisco, Calif., as the case may be to designate another trial examiner for such purposes.

§ 102.37 *Disqualification of trial examiners.* A trial examiner may withdraw from a proceeding whenever he deems himself disqualified. Any party may request the trial examiner, at any time following his designation by the chief trial examiner or associate chief trial examiner and before filing of his intermediate report, to withdraw on ground of personal bias or disqualification, by filing with him promptly upon the discovery of the alleged facts a timely affidavit setting forth in detail the matters alleged to constitute grounds for disqualification. If, in the opinion of the trial examiner, such affidavit is filed with due diligence and is sufficient on its face, he shall forthwith disqualify himself and withdraw from the proceeding. If the trial examiner does not disqualify himself and withdraw from the proceeding, he shall so rule upon the record, stating the grounds for his ruling and proceed with the hearing, or if the hearing has closed, he shall proceed with issuance of his intermediate report, and the provisions of § 102.26, with respect to review of rulings of trial examiners, shall thereupon apply.

§ 102.38 *Rights of parties.* Any party shall have the right to appear at such hearing in person, by counsel, or by other representative, to call, examine and cross-examine witnesses, and to introduce into the record documentary or other evidence, except that the participation of any party shall be limited to the extent permitted by the trial examiner, and provided further that documentary evidence shall be submitted in duplicate.

§ 102.39 *Rules of evidence controlling so far as practicable.* Any such proceeding shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in the district courts of the United States under the rules of civil procedure for the district courts of the United States, adopted by the Supreme Court of the United States pursuant to the act of June 19, 1934 (28 U. S. C. 723–B, 723–C).

§ 102.40 *Stipulations of fact admissible.* In any such proceeding stipulations of fact may be introduced in evidence with respect to any issue.

§ 102.41 *Objection to conduct of hearing, how made; objections not waived by further participation.* Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally or in writing, accompanied by a short statement of the grounds of such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing.

§ 102.42 *Filing of briefs and proposed findings with the trial examiner and oral argument at the hearing.* Any party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which shall be included in the stenographic report of the hearing. Any party shall be entitled, upon request made before the close of the hearing, to file a brief or proposed findings and conclusions, or both, with the trial examiner who may fix a reasonable time for such filing, but not in excess of 20 days from the close of the hearing. Requests for further extensions of time shall be made to the chief trial examiner in Washington, D. C., or associate chief trial examiner, San Francisco, California, as the case may be. No request will be considered unless received at least 3 days prior to the expiration of the time fixed for the filing of briefs or proposed findings and conclusions. Notice of the request for any extension shall be immediately served upon all other parties, and proof of service shall be furnished. Three copies of the brief or proposed findings and conclusions shall be filed with the trial examiner.

§ 102.43 *Continuance and adjournment.* In the discretion of the trial examiner, the hearing may be continued from day to day, or adjourned to a later date or to a different place, by announcement thereof at the hearing by the trial examiner, or by other appropriate notice.

§ 102.44 *Contemptuous conduct; refusal of witness to answer questions.* Contemptuous conduct at any hearing before a trial examiner or before the Board shall be ground for exclusion from the hearing. The refusal of a witness at any such hearing to answer any question which has been ruled to be proper shall, in the discretion of the trial examiner, be ground for striking all testimony previously given by such witness on related matters.

INTERMEDIATE REPORT AND TRANSFER OF CASE TO THE BOARD

§ 102.45 *Intermediate report and recommended order; contents; service; transfer of the case to the Board; contents of record in case.* After hearing for the purpose of taking evidence upon a complaint, the trial examiner shall prepare an intermediate report and recommended order, but the initial decision shall be made by the Board. Such report shall contain findings of fact, conclusions, and the reasons or basis therefor, upon all material issues of fact, law, or discretion presented on the record, and the recommended order shall contain recommendations as to what disposition of the case should be made, which may include, if it be found that the respondent has engaged in or is engaging in the alleged unfair labor practices, a recommendation for such affirmative action by the respondent as will effectuate the policies of the act. The trial examiner shall file the original of the intermediate report and recommended order with the Board and cause a copy thereof to be served upon each of the parties. Upon the filing of the report and recommended order, the Board shall enter an order transferring the case to the Board and shall serve copies of the order, setting forth the date of such transfer, upon all the parties. Service of the intermediate report and of the order transferring the case to the Board shall be complete upon mailing.

The charge upon which the complaint was issued and any amendments thereto, the complaint and any amendments thereto, notice of hearing, answer and any amendments thereto, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence and depositions, together with the intermediate report and recommended order and exceptions, shall constitute the record in the case.

EXCEPTIONS TO THE RECORD AND PROCEEDING

§ 102.46 *Exception or supporting briefs; time for filing; where to file; service on parties; extension of time; effect of failure to include matter in exceptions; oral arguments.* (a) Within 20 days or within such further period as the Board may allow from the date of the service of the order transferring the case to the Board, pursuant to § 102.45, any party may (in accordance with section 10 (c) of the act and §§ 102.85 and 102.86) file with the Board in Washington, D. C., seven copies of a statement in writing setting forth exceptions to the intermediate report and recommended order or to any other part of the record or proceedings (including rulings upon all motions or objections), together with seven copies of a brief in support of said exceptions and immediately upon such filing copies shall be served on each of the other parties; and any party may, within the same period, file seven copies of a brief in support of the intermediate report and recommended order. Copies of such exceptions and briefs shall immediately be served on each of the other parties. Statements of exceptions and briefs shall designate by precise citation of page and line the portions of the record relied upon. Upon special leave of the Board, any party may file a reply brief upon such terms as the Board may impose. Requests for such leave or for extension of the time in which to file exceptions or briefs under authority of this section shall be in writing and copies thereof shall be immediately served on each of the other parties.

(b) No matter not included in a statement of exceptions may thereafter be urged before the Board, or in any further proceedings.

(c) Should any party desire permission to argue orally before the Board, request therefor must be made in writing to the Board simultaneously with the statement of any exceptions filed pursuant to the provisions of paragraph (a) of this section. The Board shall notify the parties of the time and place of oral argument, if such permission is granted.

(d) Oral arguments are limited to 30 minutes for each party entitled to participate. No request for additional time will be granted unless timely application is made in advance of oral argument.

(e) Exceptions to intermediate reports and recommended orders, or to the record, briefs in support of exceptions, and briefs in support of intermediate reports

and recommended orders shall be legibly printed or otherwise legibly duplicated: *Provided, however*, That carbon copies of typewritten matter shall not be filed, and if submitted will not be accepted.

§ 102.47 *Filing of motion after transfer of case to Board.* All motions filed after the case has been transferred to the Board pursuant to § 102.45 shall be filed with the Board in Washington, D. C., by transmitting seven copies thereof, together with an affidavit of service upon each of the parties. Such motions shall be legibly printed or otherwise duplicated: *Provided, however*, That carbon copies of typewritten matter shall not be filed, and if submitted will not be accepted.

PROCEDURE BEFORE THE BOARD

§ 102.48 *Action of Board upon expiration of time to file exceptions to intermediate report.* (a) In the event no statement of exceptions is filed as herein provided, the findings, conclusions, and recommendations of the trial examiner as contained in his intermediate report and recommended order shall be adopted by the Board and become its findings, conclusions, and order, and all objections and exceptions thereto shall be deemed waived for all purposes. However, the Board may, in its discretion, order such case closed upon compliance.

(b) Upon the filing of a statement of exceptions and briefs, as provided in § 102.46, the Board may decide the matter forthwith upon the record, or after oral argument, or may reopen the record and receive further evidence before a member of the Board or other Board agent or agency, or may close the case upon compliance with recommendations of the intermediate report or may make other disposition of the case.

§ 102.49 *Modification or setting aside of order of Board before record filed in court; action thereafter.* Within the limitations of the provisions of section 10 (c) of the act, and § 102.48, until a transcript of the record in a case shall have been filed in a court, within the meaning of section 10 of the act, the Board may at any time upon reasonable notice modify or set aside, in whole or in part, any findings of fact, conclusions of law, or order made or issued by it. Thereafter, the Board may proceed pursuant to § 102.50, insofar as applicable.

§ 102.50 *Hearings before Board or member thereof.* Whenever the Board deems it necessary in order to effectuate the purposes of the act or to avoid unnecessary costs or delay, it may, at any time after a complaint has issued pursuant to § 102.15 or § 102.33 order that such complaint and any proceeding which may have been instituted with respect thereto be transferred to and continued before it or any member of the Board. The provisions of this subpart shall, insofar as applicable, govern proceedings before the Board or any member pursuant to this section, and the powers granted to trial examiners in such provisions shall, for the purpose of this section, be reserved to and exercised by the Board or the member thereof who shall preside.

§ 102.51 *Settlement or adjustment of issues.* At any stage of a proceeding prior to hearing, where time, the nature of the proceeding, and the public interest permit, all interested parties shall have opportunity to submit to the regional director with whom the charge was filed, for consideration, facts, arguments, offers of settlement, or proposals of adjustment.

SUBPART C—PROCEDURE UNDER SECTION 9 (c) OF THE ACT FOR THE DETERMINATION OF QUESTIONS CONCERNING REPRESENTATION OF EMPLOYEES

§ 102.52 *Petition for certification or decertification; who may file; where to file; withdrawal.* A petition for investigation of a question concerning representation of employees under paragraphs (1) (A) (i) and (1) (B) of section 9 (c) of the act (hereinafter called a petition for certification) may be filed by an employee or group of employees or any individual or labor organization acting in their behalf or by an employer. A petition under paragraph (1) (A) (ii) of section 9 (c) of the act, alleging that the individual or labor organization which has been certified or is being currently recognized as the bargaining representative is no longer such representative (hereinafter called a petition for decertification), may be filed by any employee or group of employees or any individual or labor organization acting in their behalf. When any such petition is filed by a labor organization, no investigation shall be made of any question of representation raised by such labor organization unless such labor organization is in compliance with the requirements of section 9 (f), (g), and (h) of the act, within the meaning of § 102.13. Petitions under this section shall be in writing and signed, and shall either be sworn to before a notary public, Board agent, or other person duly authorized by law to administer oaths and take acknowledgements, or shall contain a declaration by the person signing it, under the penalties of the Criminal Code, that its contents are true and correct to the best of his knowledge and belief. Four copies of the petition shall be filed. Except as provided in § 102.64, such petitions shall be filed with the regional director for the region wherein the bargaining unit exists, or, if the bargaining unit exists in two or more regions, with the regional director for any of such regions. Prior to the close of the hearing, pursuant to § 102.55, the petition may be withdrawn only with the consent of the regional director with whom such petition was filed. After the close of the hearing, the petition may be withdrawn only with the consent of the Board. Whenever the regional director or the Board as the case may be approves the withdrawal of any petition, the case shall be closed.

§ 102.53 *Contents of petition for certification; contents of petition for decertification.* (a) A petition for certification, when filed by an employee or group of employees or an individual or labor organization acting in their behalf shall contain the following:

(1) The name of the employer.

(2) The address of the establishments involved.

(3) The general nature of the employer's business.

(4) A description of the bargaining unit which the petitioner claims to be appropriate.

(5) The names and addresses of any other persons or labor organizations who claim to represent any employees in the alleged appropriate unit, and brief descriptions of the contracts, if any, covering the employees in such unit.

(6) The number of employees in the alleged appropriate unit.

(7) A statement that the employer declines to recognize the petitioner as the representative within the meaning of section 9 (a) of the act or that the labor organization is currently recognized but desires certification under the act.

(8) The name, affiliation, if any, and address of the petitioner.

(9) Any other relevant facts.

(b) A petition for certification, when filed by an employer, shall contain the following:

(1) The name and address of the petitioner.

(2) The general nature of the petitioner's business.

(3) A brief statement setting forth that one or more individuals or labor organizations have presented to the petitioner a claim to be recognized as the exclusive representative of all employees in the unit claimed to be appropriate; a description of such unit; and the number of employees in the unit.

(4) The name or names, affiliation, if any, and addresses of the individuals or labor organizations making such claim for recognition.

(5) A statement whether the petitioner has contracts with any labor organization or other representatives of employees and, if so, their expiration date.

(6) Any other relevant facts.

(c) Petitions for decertification shall contain the following:

(1) The name of the employer.

(2) The address of the establishments and a description of the bargaining unit involved.

(3) The general nature of the employer's business.

(4) Name and address of the petitioner and affiliation, if any.

(5) Name or names of the individuals or labor organization, who have been certified or are being currently recognized by the employer and who claim to represent any employees in the unit involved, and the expiration date of any contracts covering such employees.

(6) An allegation that the individuals or labor organization who have been certified or are currently recognized by the employer are no longer the representative in the appropriate unit as defined in section 9 (a) of the act.

(7) The number of employees in the unit and the number who have designated the petitioner to act for them.

(8) Any other relevant facts.

[a] Blank forms for filing such petitions will be supplied by the regional office upon request.

§ 102.54 *Consent election agreements.* (a) Where a petition has been duly filed, the employer and any individuals or labor organizations representing a substantial number of employees involved may, with the approval of the regional director, enter into a consent election agreement leading to a determination by the regional director of the facts ascertained after such consent election. Such agreement shall include a description of the appropriate unit, the time and place of holding the election, and the payroll to be used in determining what employees within the appropriate unit shall be eligible to vote. Such consent election shall be conducted under the direction and supervision of the regional director. The method of conducting such consent election shall be consistent with the method followed by the regional director in conducting elections pursuant to §§ 102.61 and 102.62 except that the rulings and determinations by the regional director of the results thereof shall be final, and the regional director shall issue to the parties a certification of the results of the election, including certification of representatives where appropriate, with the same force and effect as if issued by the Board.

(b) Where a petition has been duly filed, the employer and any individuals or labor organizations representing a substantial number of the employees involved may, with the approval of the regional director, enter into an agreement providing for a waiver of hearing and a consent election leading to a determination by the Board of the facts ascertained after such consent election. Such agreement shall also include a description of the appropriate bargaining unit, the time and place of holding the election, and the payroll to be used in determining which employees within the appropriate unit shall be eligible to vote. Such consent election shall be conducted under the direction and supervision of the regional director. The method of conducting such election and the post-election procedure shall be consistent with that followed by the regional director in conducting elections pursuant to §§ 102.61 and 102.62.

§ 102.55 *Investigation of petition by regional director; notice of hearing; service of notice; withdrawal of notice.* After a petition has been filed, if no agreement such as that provided in § 102.54 is entered into and if it appears to the regional director that there is reasonable cause to believe that a question of representation affecting commerce exists, that the policies of the act will be effectuated, and that an election will reflect the free choice of employees in the appropriate unit, he shall prepare and cause to be served upon the parties and upon any known individuals or labor organizations purporting to act as representatives of any employees directly affected by such investigation, a notice of hearing before a hearing officer at a time and place fixed therein. A copy of the petition shall be served with such notice of hearing. Any such notice of hearing may be amended or withdrawn before the close of the hearing by the regional director on his own motion.

§ 102.56 *Conduct of hearing.* (a) Hearings shall be conducted by a hearing officer and shall be open to the public unless otherwise ordered by the hearing officer. At any time, a hearing officer may be substituted for the hearing officer previously presiding. It shall be the duty of the hearing officer to inquire fully into all matters in issue and necessary to obtain a full and complete record upon which the Board may discharge its duties under section 9 (c) of the act.

(b) The hearing officer may, in his discretion, continue the hearing from day to day, or adjourn it to a later date or to a different place, by announcement thereof at the hearing, or by other appropriate notice.

§ 102.57 *Motions; interventions.* (a) All motions, including motions for intervention pursuant to paragraph (b) of this section shall be in writing or, if made at the hearing, may be stated orally on the record, and shall briefly state the order or relief sought and the grounds for such motion. An original and four copies of written motions shall be filed and a copy thereof immediately shall be served upon each of the other parties to the proceeding. Motions made prior to the hearing shall be filed with the regional director, and motions made during the hearing shall be filed with the hearing officer. After the close of the hearing all motions shall be filed with the Board. Such motions to the Board shall be legibly printed or otherwise legibly duplicated: *Provided, however*, That carbon copies of typewritten matter shall not be filed, and, if submitted, will not be accepted. Seven copies of such motions shall be filed with the Board. The regional director may rule upon all motions filed with him, causing a copy of said ruling to be served upon each of the parties, or he may refer the motion to the hearing officer: *Provided*, That if the regional director grants a motion to dismiss the petition the petitioner may obtain a review of such ruling in the manner prescribed in § 102.63. The hearing officer shall rule, either orally on the record or in writing, upon all motions filed at the hearing or referred to him as hereinabove provided, except that he shall refer to the Board for appropriate action all motions to dismiss petitions, at such time as the Board considers the entire record.

(b) Any person desiring to intervene in any proceeding shall make a motion for intervention, stating the grounds upon which such person claims to have an interest in the proceeding. The regional director or the hearing officer, as the case may be, may by order permit intervention in person or by counsel or other representative to such extent and upon such terms as he may deem proper, and such intervenor shall thereupon become a party to the proceeding.

(c) All motions, rulings, and orders shall become a part of the record, except that rulings on motions to revoke subpenas shall become a part of the record only upon the request of the party aggrieved, as provided in § 102.58 (c). Unless expressly authorized by these rules and regulations in this part, rulings by the regional director and by the hearing officer shall not be appealed directly to the Board except by special permission of the Board, but shall be considered by the Board when it reviews the entire record. Requests to the Board for special permission to appeal from such rulings of the regional director or the hearing officer shall be filed promptly, in writing, and shall briefly state the grounds relied on. The moving party shall immediately serve a copy thereof on each other party.

(d) The right to make motions or to make objections to rulings on motions shall not be deemed waived by participation in the proceedings.

§ 102.58 *Introduction of evidence; rights of parties at hearing; subpenas.* (a) Any party shall have the right to appear at any hearing in person, by counsel, or by other representatives, and any party and the hearing officer shall have power to call, examine and cross-examine witnesses, and to introduce into the record documentary and other evidence. Witnesses shall be examined orally under oath. The rules of evidence prevailing in courts of law or equity shall not be controlling. Stipulations of fact may be introduced in evidence with respect to any issue.

(b) Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally or in writing, accompanied by a short statement of the grounds of such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing.

(c) Applications for subpenas may be filed in writing by any party, with the regional director if made prior to hearing, or with the hearing officer if made at the hearing. Applications for subpenas may be made ex parte. The regional director or the hearing officer, as the case may be, shall forthwith grant the subpenas requested. Any person subpenaed, if he does not intend to comply with the subpena, shall, within 5 days after the date of service of the subpena, petition in writing to revoke the subpena. Such petition shall be filed with the regional director who may either rule upon it or refer it for ruling to the hearing officer: *Provided, however*, That if the evidence called for is to be produced at a hearing and the hearing has opened, the petition to revoke shall be filed with the hearing officer. Notice of the filing of petitions to revoke shall be promptly given by the regional director or hearing officer, as the case may be, to the party at whose request the subpena was issued. The regional director or the hearing officer, as the case may be, shall revoke the subpena if, in his opinion, the evidence whose production is required does not relate to any matter under investigation or in question in the proceedings or the subpena does not describe with sufficient particularity the evidence whose production is required. The regional director or the hearing officer, as the case may be, shall make a simple statement of procedural or other grounds for his ruling. The petition to revoke, any answer filed thereto, and any ruling thereon, shall not become part of the record except

upon the request of the party aggrieved by the ruling. Persons compelled to submit data or evidence are entitled to retain or, on payment of lawfully prescribed costs, to procure, copies or transcripts of the data or evidence submitted by them.

(d) Contemptuous conduct at any hearing before a hearing officer or before the Board shall be ground for exclusion from the hearing. The refusal of a witness at any such hearing to answer any question which has been ruled to be proper shall, in the discretion of the hearing officer, be ground for striking all testimony previously given by such witness on related matters.

(e) Any party shall be entitled, upon request, to a reasonable period at the close of the hearing, for oral argument, which shall be included in the stenographic report of the hearing.

(f) The hearing officer may submit an analysis of the record to the Board but he shall make no recommendations.

(g) Witness fees and mileage shall be paid by the party at whose instance the witness appears.

§ 102.59 *Record: what constitutes; transmission to Board.* Upon the close of the hearing the regional director shall forward to the Board in Washington, D. C., the petition, notice of hearing, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence, and depositions, all of which shall constitute the record in the proceeding.

§ 102.60 *Proceedings before the Board; further hearings; briefs; Board direction of election; certification of results.* The Board shall thereupon proceed, either forthwith upon the record, or after oral argument or the submission of briefs, or further hearing, as it may determine, to direct a secret ballot of the employees, or to make other disposition of the matter. Should any party desire to file a brief with the Board, seven copies thereof shall be filed with the Board in Washington, D. C., within 7 days after the close of the hearing: *Provided, however*, That, prior to the close of the hearing and for good cause, the hearing officer may grant an extension of that time not to exceed an additional 14 days. Such brief shall be legibly printed or otherwise lembly duplicated: *Provided, however*, That carbon copies of typewritten matter shall not be filed, and, if submitted, will not be accepted. Copies shall be served on all other parties to the proceeding, and proof of such service shall be filed with the Board at the time the briefs are filed. Requests for extension of time in which to file a brief under authority of this section not addressed to the hearing officer during the hearing, shall be in writing and copies thereof shall immediately be served on each of the other parties. Requests for extension of time shall be made not later than 3 days before the date such briefs are due in Washington, D. C. No reply brief may be filed except upon special leave of the Board.

§ 102.61 *Election procedure; tally of ballots; objections; certification by regional director; report on challenged ballots; report on objections; exceptions; action of the Board; hearing.* Unless otherwise directed by the Board, all elections shall be conducted under the supervision of the regional director in whose region the proceeding is pending. All elections shall be by secret ballot. Whenever two or more labor organizations are included as choices in an election, either participant may, upon its prompt request to, and approval thereof by, the regional director, whose decision shall be final, have its name removed from the ballot. Any party may be represented by observers of his own selection, subject to such limitations as the regional director may prescribe. Any party and Board agents may challenge, for good cause, the eligibility of any person to participate in the election. The ballots of such challenged persons shall be impounded. Upon the conclusion of the election, the regional director shall cause to be furnished to the parties a tally of the ballots. Within 5 days after the tally of ballots has been furnished, any party may file with the regional director four copies of objections to the conduct of the election or conduct affecting the results of the election, which shall contain a short statement of the reasons therefor. Such filing must be timely whether or not the challenged ballots are sufficient in number to affect the results of the election. Copies of such objections shall immediately be served upon each of the other parties by the party filing them, and proof of service shall be made.

If no objections are filed within the time set forth above, if the challenged ballots are insufficient in number to affect the result of the election, and if no runoff election is to be held pursuant to § 102.62, the regional director shall proceed in the following manner:

(a) After an election conducted pursuant to an agreement waiving a hearing and providing for Board determination of the facts ascertained after such election, as contemplated by § 102.54 (b), and after any election in a case in which a determination of appropriate bargaining unit remains to be made by the Board, the regional director shall forthwith forward to the Board in Washington, D. C., the tally of ballots, which together with the record previously made, shall constitute the record in the case, and the Board may thereupon decide the matter forthwith upon the record, or may make other disposition of the case.

(b) After an election not conducted pursuant to an agreement contemplated by § 102.54 (b), and where no determination of the appropriate bargaining unit remains to be made by the Board, the regional director shall forthwith issue to the parties a certification of the results of the election, including certification of representatives where appropriate, with the same force and effect as if issued by the Board, and the proceeding will thereupon be closed.

If objections are filed to the conduct of the election or conduct affecting the results of the election, or if the challenged ballots are sufficient in number to affect the result of the election, the regional director shall investigate such objections, challenges, or both, and shall prepare and cause to be served upon the parties a report on challenged ballots objections, or both, including his recommendations, which report, together with the tally of the ballots, he shall forward to the Board in Washington, D. C. Within 10 days from the date of issuance of the report on challenged ballots, objections, or both, any party may file with the Board in Washington, D. C., seven copies of exceptions to such report. Immediately upon the filing of such exceptions, the party filing the same shall serve a copy thereof upon each of the other parties, and shall file a copy with the regional director. Proof of service shall be made to the Board. If no exceptions are filed to such report the Board, upon the expiration of the period for filing such exceptions, may decide the matter forthwith upon the record, or may make other dispostion of the case.

The report on challenged ballots may be consolidated with the report on objections in appropriate cases.

If exceptions are filed, either to the report on challenged ballots, objections, or both if it be a consolidated report, and it appears to the Board that such exceptions do not raise substantial and material issues with respect to the conduct or results of the election, the Board may decide the matter forthwith upon the record, or may make other disposition of the case. If it appears to the Board that such exceptions raise substantial and material factual issues the Board may direct the regional director or other agent of the Board to issue and cause to be served upon the parties, a notice of hearing on said exceptions before a hearing officer. The hearing shall be conducted in accordance with the provisions of §§ 102.56, 102.57, and 102.58, insofar as applicable. Upon the close of the hearing, the agent conducting the hearing, if directed by the Board, shall prepare and cause to be served upon the parties a report resolving questions of credibility, and containing findings of fact, and recommendations to the Board, as to the disposition of the challenges or objections, or both. If it be a consolidated report. The agent conducting the hearing shall forward to the Board in Washington, D. C., the notice of hearing, motions, rulings, orders, stenographic report of the hearing stipulations, exceptions, documentary evidence, all of which, together with the objection to the conduct of the election or conduct affecting the results of the election, the report on such objections, the report on challenged ballots, and exceptions to the report on objections or to the report on challenged ballots, and the record previously made, together with his report, if any, shall constitute the record in the case. In any case in which the Board has directed that a report be prepared and served, any party may within 10 days from the date of issuance of the report on challenged ballots, objections, or both, file with the Board in Washington, D. C., seven copies of exceptions to such report. Immediately upon the filing of such exceptions, the party filing the same shall serve a copy thereof upon each of the other parties, and shall file a copy with the regional director. Proof of service shall be made to the Board. If no exceptions are filed to such report the Board, upon the expiration of the period for filing such exceptions, may decide the matter forthwith upon the record, or may make other disposition of the case. The Board shall thereupon proceed pursuant to § 102.60.

In any such case in which the Board, upon a ruling on challenged ballots, has directed the regional director to open and count such ballots and to issue a revised tally of ballots, and no objection to such revised tally is filed by any party within 3 days after the revised tally of ballots has been furnished, the regional director shall forthwith issue to the parties certification of the results of the election, including certification of representatives where appropriate, with the same force and effect as if issued by the Board. The proceeding shall thereupon be closed.

§ 102.62 *Runoff election.* (a) The regional director shall conduct a runoff election, without further order of the Board, when an election in which the ballot provided for not less than three choices (i. e., at least two representatives and "neither") results in no choice receiving a majority of the valid ballots cast and no objections are filed as provided in § 102.61. Only one runoff shall be held pursuant to this section.

(b) Employees who were eligible to vote in the election and who are employed in an eligible category on the date of the runoff election shall be eligible to vote in the runoff election.

(c) The ballot in the runoff election shall provide for a selection between the two choices receiving the largest and second largest number of votes.

(d) In the event the number of votes cast in an inconclusive election in which the ballot provided for a choice among two or more representatives and "neither" or "none" is equally divided among the several choices; or in the event the number of ballots cast for one choice in such election is equal to the number cast for another of the choices but less than the number cast for the third choice, the regional director shall declare the first election a nullity and shall conduct another election, providing for a selection from among the three choices afforded in the original ballot; and he shall thereafter proceed in accordance with paragraphs (a), (b), and (c) of this section. In the event two or more choices receive the same number of ballots and another choice receives no ballots and there are no challenged ballots that would affect the results of the election, and if all eligible voters have cast valid ballots, there shall be no runoff election and the petition shall be dismissed. Only one such further election pursuant to this paragraph may be held.

(e) Upon the conclusion of the runoff election, the provisions of § 102.61 shall govern, insofar as applicable.

§ 102.63. *Refusal to issue notice of hearing; appeals to Board from action of the regional director.* If, after a petition has been filed, it shall appear to the regional director that no notice of hearing should issue as provided in § 102.55, the regional director may dismiss the petition, and shall so advise the petitioner in writing, accompanied by a simple statement of the procedural or other grounds. The petitioner may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., and filing a copy of such request with the regional director and each of the other parties within 10 days of service of such notice of dismissal. The request shall contain a complete statement setting forth the facts and reasons upon which the request is based.

§ 102.64 *Filing petition with general counsel; investigation upon motion of general counsel; transfer of petition and proceeding from region to general counsel or to another region; consolidation of proceedings in same region; severance; procedure before general counsel in cases over which he has assumed jurisdiction.* Whenever the general counsel deems it necessary in order to effectuate the purposes of the act, or to avoid unnecessary costs or delay, he may permit a petition to be filed with him in Washington, D. C., or may, at any time after a petition has been filed with a regional director pursuant to § 102.52, order that such petition and any proceeding that may have been instituted with respect thereto:

(a) Be transferred to and continued before him, for the purpose of investigation or consolidation with any other proceeding which may have been instituted in a regional office or with him; or

(b) Be consolidated with any other proceeding which may have been instituted in the same region; or

(c) Be transferred to and continued in any other region, for the purpose of investigation or consolidation with any proceeding which may have been instituted in or transferred to such region; or

(d) Be severed from any other proceeding with which it may have been consolidated pursuant to this section.

The provisions of §§ 102.52 and 102.63, inclusive, shall insofar as applicable, apply to proceedings before the general counsel pursuant to this section, and the powers granted to regional directors in such provisions shall, for the purpose of this section be reserved to and exercised by the general counsel. After the transfer of any petition and any proceeding which may have been instituted in respect thereto from one region to another pursuant to this section, the provisions of this subpart shall, insofar as applicable, govern such petition and such proceeding as if the petition had originally been filed in the region to which the transfer is made.

Subpart D—Procedure for Referendum Under Section 9 (e) of the Act

§ 102.65 *Petition for referendum under section 9 (e) (1) of the act; who may file; where to file; withdrawal.* A petition for authority to make an agreement requiring membership in a labor organization as a condition of employment, pursuant to section 9 (e) (1) of the act, may be filed by a labor organization, which is the representative of employees as provided in section 9 (a) of the act, provided that such petition will not be entertained unless the labor organization filing it is in compliance with the requirements of section 9 (f), (g), and (h) of the act, within the meaning of § 102.13. The petition shall be in writing and signed, and shall either be sworn to before a notary public, Board agent, or other person duly authorized by law to administer oaths and take acknowledgements, or shall contain a declaration by the person signing it, under the penalties of the Criminal Code, that its contents are true and correct to the best of his knowledge and belief.[1] Four copies of the petition shall be filed with the regional director wherein the bargaining unit exists, or, if the unit exists in two or more regions, with the regional director for any of such regions. The petition may be withdrawn only with the approval of the regional director with whom such petition was filed, except that if the proceeding has been transferred to the Board, pursuant to § 102.59, the petition may be withdrawn only with the consent of the Board. Upon approval of the withdrawal of any petition the case shall be closed.

§ 102.66 *Contents of petition.* Such petition shall contain the following:

(a) The name of the employer.

(b) The address of the establishments involved.

(c) The general nature of the employer's business.

(d) A description of the bargaining unit to be covered by the agreement if made.

(e) The names and addresses of any other persons or labor organizations who claim to represent any employees in the unit.

(f) The name, affiliation, if any, and address of the petitioner.

(g) The date of certification or date of recognition of the labor organization by the employer if there is no certification, or any other facts to support petitioner's claim to be the representative of the employees.

(h) Any other relevant facts.

§ 102.67 *Investigation of petition by regional director; consent referendum; directed referendum.* Where a petition has been filed pursuant to § 102.65 and it appears to the regional director that the petitioner has made an appropriate showing, in such form as the regional director may determine, that 30 percent or more of the employees within an appropriate unit desire to authorize the petitioner to make an agreement with their employer requiring membership in the union as a condition of employment and when it further appears to the regional director that no question of representation affecting such employees exists, he shall proceed forthwith to conduct a secret ballot of the employees involved on the question whether they desire to authorize the petitioner to enter into such agreement: *Provided, however*, That in any case in which it appears to the regional director that the proceeding raises questions which should be decided by the Board before election he may issue and cause to be served on the parties, a notice of hearing

[1] Forms for filing such petitions will be supplied by the regional office upon request.

before a hearing officer at a time and place fixed therein. The regional director shall fix the time and place of the election, eligibility requirements for voting, and other arrangements of the balloting, but the parties may enter into an agreement, subject to the approval of the regional director, fixing such arrangements. In any such consent agreements, provision may be made for final determination of all questions arising with respect to the balloting by the regional director or by the Board.

§ 102.68 *Hearing; posthearing procedure.* The method of conducting the hearing and the procedure following the hearing, including transfer of the case to the Board, shall be governed, insofar as applicable, by §§ 102.55 to 102.60, inclusive.

§ 102.69 *Method of conducting balloting; postballoting procedure.* The method of conducting the balloting and the postballoting procedure shall be governed by the provisions of § 102.61, insofar as applicable.

§ 102.70 *Refusal to conduct referendum; appeal to Board.* If, after a petition has been filed, it shall appear to the regional director that no referendum should be conducted, he shall dismiss the petition. Such dismissal shall be in writing and accompanied by a simple statement of the procedural or other grounds. The petitioner may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., and filing a copy of such request with the regional director, within 10 days from the service of notice of such dismissal. The request shall contain a complete statement setting forth the facts and reasons upon which the request is based.

§ 102.71 *Petition for referendum under section 9 (e) (2) of the act; who may file; where to file; withdrawal.* A petition to rescind the authority of a labor organization to make an agreement requiring as a condition of employment membership in a labor organization may be filed by, or by any employee or group of employees on behalf of, 30 percent or more of the employees in a bargaining unit for which the labor organization has been authorized to make such an agreement with their employer. The provisions of § 102.65 shall apply in all other respects.

§ 102.72 *Contents of petition to rescind authority.* Such petition shall contain the following:

(a) The name of the employer.

(b) The address of the establishments involved.

(c) The general nature of the employer's business.

(d) A description of the bargaining unit involved.

(e) The name and address of the labor organization whose authority it is desired to rescind, and the date of the last referendum conducted by the Board.

(f) The number of employees in the unit and the number on whose behalf the petitioner is authorized to act.

(g) The date of execution and of expiration of any contract in effect covering the unit involved.

(h) The name and address of the person designated to accept service of documents for petitioners.

(i) Any other relevant facts.

§ 102.73 *Subsequent proceedings under section 9 (e) (2).* Where a petition has been filed pursuant to § 102.71, and it appears to the regional director that the petitioner has made an appropriate showing, in such form as the regional director may determine, that 30 percent or more of the employees within an appropriate unit for which the labor organization has been authorized to make an agreement with the employer requiring membership in such organization as a condition of employment, desire to rescind such authority, he shall proceed forthwith to conduct a secret ballot of the employees to determine whether they desire to rescind such authority: *Provided, however,* That in any case in which it appears to the regional director that the proceeding raises questions which should be decided by the Board before the balloting is held, he may issue and cause to be served on the parties, a notice of hearing before a hearing officer at a time and place fixed therein.

The provisions of §§ 102.67 to 102.70, inclusive, shall, insofar as applicable, govern the proceedings.

SUBPART F—PROCEDURE TO HEAR AND DETERMINE DISPUTES UNDER SECTION 10 (k) OF THE ACT

§ 102.74 *Initiation of proceedings; notice of filing charge; notice of hearing.* Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of paragraph (4) (D) of section 8 (b), the regional director shall investigate such charge, giving it priority over all other cases in the office except cases under paragraph (4) (A), (4) (B), and (4) (C) of section 8 (b) and other cases under paragraph (4) (D) of section 8 (b). If it appears to the regional director that further proceedings should be instituted, he shall cause to be served on all parties to the dispute out of which such unfair labor practice may have arisen a notice of the filing of said charge together with a notice of hearing before a hearing officer at a time and place fixed therein which shall be not less than 10 days after service of the notice of hearing. The notice of hearing shall contain a simple statement of the issues involved in such dispute.

§ 102.75 *Adjustment of dispute; withdrawal of notice of hearing; hearing.* If, within 10 days after service of the notice of hearing the parties submit to the regional director satisfactory evidence that they have adjusted or agreed upon methods of voluntary adjustment of the dispute, the regional director shall withdraw the notice of hearing and shall dismiss the charge. Hearings shall be conducted by a hearing officer and the procedure shall conform, insofar as applicable, to the procedure set forth in §§ 102.56 to 102.59, inclusive.

§ 102.76 *Proceedings before the Board; further hearings; briefs; certification.* Upon the close of the hearing, the Board shall proceed either forthwith upon the record, or after oral argument, or the submission of briefs, or further hearing, as it may determine, to certify the labor organization or the particular trade, craft, or class of employees, as the case may be, which shall perform the particular work tasks in issue, or to make other disposition of the matter. Should any party desire to file a brief with the Board, seven copies thereof shall be filed with the Board at Washington, D. C., within 7 days after the close of the hearing. Immediately upon such filing, a copy shall be served on the other parties. Such brief shall be legibly printed or otherwise legibly duplicated: *Provided, however,* That carbon copies of typewritten matter shall not be filed, and if submitted, will not be accepted. Requests for extension of time in which to file a brief under authority of this section shall be in writing and copies thereof shall immediately be served on each of the other parties. No reply brief may be filed except upon special leave of the Board.

§ 102.77 *Compliance with certification; further proceedings.* If, after issuance of certification by the Board, the parties submit to the regional director satisfactory evidence that they have complied with the certification, the regional director shall dismiss the charge. If no satisfactory evidence of compliance is submitted, the regional director may proceed with the charge under paragraph (4) (D) of section 8 (b) and section 10 of the act and the procedure prescribed in §§ 102.9 to 102.51, inclusive, shall, insofar as applicable, govern.

§ 102.78 *Review of certification.* The record of the proceeding under section 10 (k) and the certification of the Board thereon, shall become a part of the record in such unfair labor practice proceeding and shall be subject to judicial review insofar as it is in issue, in proceedings to enforce or review the final order of the Board under 10 (e) and (f) of the act.

SUBPART F—PROCEDURE IN CASES UNDER SECTION 10 (j) AND (l) OF THE ACT

§ 102.79 *Expeditious processing of section 10 (j) cases.* (a) Whenever temporary relief or a restraining order pursuant to section 10 (j) of the act has been procured by the Board, the complaint which has been the basis for such temporary relief or restraining order shall be heard expeditiously and the case shall be given priority by the Board in its successive steps following the issuance of the complaint (until ultimate enforcement or dismissal by the appropriate circuit court of appeals) over all other cases except cases of like character and cases under section 10 (k) of the act.

(b) In the event the trial examiner hearing a complaint concerning which the Board has procured temporary relief or a restraining order pursuant to section 10 (j), recommends a dismissal in whole or in part of such complaint, the chief law officer shall forthwith suggest to the district court which issued such temporary relief or restraining order, the possible change in circumstances arising out of the findings and recommendations of the trial examiner.

§ 102.80 *Priority of cases pursuant to section 10 (l) of the act.* Whenever a charge is filed alleging the commission of an unfair labor practice within the meaning of paragraph 4 (A), (B), or (C), of section 8 (b) of the act, the regional office in which such charge is filed or to which it is referred shall give it priority over all other cases in the office except cases of like character.

§ 102.81 *Issuance of complaint promptly.* Whenever the regional attorney or other Board officer to whom the matter may be referred seeks injunctive relief of a district court pursuant to section 10 (l) of the act, a complaint against the labor organization sought to be enjoined, covering the same subject matter as such application for injunctive relief, shall be issued promptly, normally within 5 days of the date upon which such injunctive relief is first sought.

§ 102.82 *Expeditious processing of section 10 (l) cases in successive stages.* Any complaint issued pursuant to § 102.80 shall be heard expeditiously and the case shall be given priority in its successive steps following its issuance (until ultimate enforcement or dismissal by the appropriate circuit court of appeals) over all cases except cases of like character.

SUBPART G—SERVICE AND FILING OF PAPERS

§ 102.83 *Service of process and papers; proof of service.* Complaints, orders, and other process and papers of the Board, its member, agent, or agency, may be served personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same, and the return post-office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same.

§ 102.84 *Same; by parties; proof of service.* Service of papers by a party on other parties shall be made by registered mail or in any manner provided for the service of papers in a civil action by the law of the State in which the hearing is pending. When service is made by registered mail, the return post-office receipt shall be proof of service. When service is made in any manner provided by such law, proof of service shall be made in accordance with such law.

§ 102.85 *Date of service; filing of proof of service.*—The date of service shall be the day when the matter served is deposited in the United States mail, as is delivered in person, as the case may be. In computing the time from such date, the provisions of § 102.87 apply.

The person or party serving the papers or process on other parties in conformance with §§ 102.83 and 102.84 shall make proof of service thereof to the Board promptly and in any event within 24 hours after the return post-office receipt or other evidence for such proof of service comes into the possession of the party making the service. Failure to make proof of service does not affect the validity of the service.

§ 102.86 *Time; additional time after service by mail.* In computing any period of time prescribed or allowed by the rules in this part, the day of the act, event, or default after which the designated period of time begins to run, is not to be included. The last day of the period so computed is to be included, unless it is a Sunday or a legal holiday, in which event, the period runs until the end of the next day, which is neither a Sunday nor a legal holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Sundays and holidays shall be excluded in the computation. For the purpose of this section a Saturday on which the Board's offices are not open for business shall be considered as a holiday, but a half holiday shall be considered as other days and not as a holiday. Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after service of a notice or other paper upon him, and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period: *Provided, however,* That 3 days shall not be added if any extension of such time may have been granted.

When the act or any of these rules requires the filing of a motion, brief, exception, or other paper in any proceeding, such document must be received by the Board or the officer or agent designated to receive such matter before the close of business of the last day of the time limit, if any, for such filing or extension of time that may have been granted.

SUBPART H—CERTIFICATION AND SIGNATURE OF DOCUMENTS

§ 102.87 *Certification of papers and documents.* The executive secretary of the Board, or, in the event of his absence or disability, whosoever may be designated by the Board in his place and stead, shall certify copies of all papers and documents which are a part of any of the files or records of the Board as may be necessary or desirable from time to time.

§ 102.88 *Signatures of orders.* The executive secretary or the associate executive secretary, or, in the event of their absence or disability, whosoever may be designated by the Board in their place and stead, are hereby authorized to sign all orders of the Board.

SUBPART I—RECORDS AND INFORMATION

§ 102.89 *Files, records, etc., in exclusive custody of Board and not subject to inspection; formal documents and final opinions and orders subject to inspection.* (a) The formal documents described as the record in the case or proceeding and defined in §§ 102.45, 102.59, and 102.61 are matters of official record, and are available to inspection and examination by persons properly and directly concerned, during usual business hours, at the appropriate regional office of the Board or in Washington, D. C., as the case may be. True and correct copies thereof will be certified upon submission of such copies a reasonable time in advance of need and payment of lawfully prescribed costs: *Provided, however,* That if the Board, the general counsel, or the regional director with whom the documents are filed shall find in a particular instance good cause why a matter of official record should be kept confidential such matter shall not be available for public inspection or examination. Application for such inspection, if desired to be made at the Board's office in Washington, D. C., shall be made to the executive secretary or the general counsel, as the case may be, and if desired to be made at any regional office, shall be made to the regional director. The executive secretary, general counsel, or the regional director may, in his discretion, require that the application be made in writing and under oath and set forth the facts upon which the applicant relies to show that he is properly and directly concerned with such inspection and examination. Should the executive secretary, general counsel, or the regional director, as the case may be, deny any such application, he shall give prompt notice thereof, accompanied by a simple statement of procedural or other grounds.

(b) All final opinions or orders of the Board in the adjudication of cases (except those required for good cause to be held confidential and not cited as precedents) and its rules and regulations are available to public inspection during regular business hours at the Board's offices in Washington, D. C. Copies may be obtained upon request made to any regional office of the Board at its address as published in the FEDERAL REGISTER, or to the Director of Information in Washington. Subject to the provisions of §§ 102.31 and 102.58, all files, documents, reports, memoranda, and records pertaining to the internal management of the Board or to the investigation or disposition of charges or petitions during the nonpublic investigative stages of proceedings and before the institution of formal proceedings, and all matters of evidence obtained by the Board or any of its agents in the course of investigation, which have not been offered in evidence at a hearing before a trial examiner or hearing officer or have not been made part of an official record by stipulation, whether in the regional offices of the Board or in its principal office in the District of Columbia, are for good cause found by the Board held confidential and are not matters of official record or available to public inspection, unless permitted by the Board, its chairman, the general counsel, or any regional director.

§ 102.90 *Same; Board employees prohibited from producing files, records, etc., pursuant to subpena duces tecum, prohibited from testifying in regard thereto.* No regional director, field examiner, trial examiner, attorney, specially designated agent, general counsel, member of the Board, or other officer or employee of the Board shall produce or present any files, documents, reports, memoranda, or records of the Board or testify in behalf of any party to any cause pending in any court or before the Board, or any other board, commission, or other administrative agency of

the United States, or of any State, Territory, or the District of Columbia with respect to any information, facts, or other matter coming to his knowledge in his official capacity or with respect to the contents of any files, documents, reports, memoranda, or records of the Board, whether in answer to a subpena, subpena duces tecum or otherwise, without the written consent of the Board or the chairman of the Board, if the official or document is subject to the supervision or control of the Board; or the general counsel if the official or document is subject to the supervision or control of the general counsel. Whenever any subpena or subpena duces tecum calling for records or testimony as described hereinabove shall have been served upon any such persons or other officer or employee of the Board, he will, unless otherwise expressly directed by the Board or the chairman of the Board, or the general counsel, as the case may be, appear in answer thereto and respectfully decline any reason of this rule to produce or present such files, documents, reports, memoranda, or records of the Board or give such testimony.

SUBPART J—PRACTICE BEFORE THE BOARD OF FORMER EMPLOYEES

§ 102.91 *Prohibition of practice before Board of its former regional employees in cases pending in region during employment.* No person who has been an employee of the Board and attached to any of its regional offices shall engage in practice before the Board or its agents in any respect or in any capacity in connection with any case or proceeding which was pending in any regional office to which he was attached during the time of his employment with the Board.

§ 102.92 *Same; application to former employees of Washington staff.* No person who has been an employee of the Board and attached to the Washington staff shall engage in practice before the Board or its agents in any respect or in any capacity in connection with any case or proceeding pending before the Board or any regional offices during the time of his employment with the Board.

SUBPART K—CONSTRUCTION OF RULES

§ 102.93 *Rules to be liberally construed.* The rules and regulations in this part shall be liberally construed to effectuate the purposes and provisions of the act.

SUBPART L—ENFORCEMENT OF RIGHTS, PRIVILEGES, AND IMMUNITIES GRANTED OR GUARANTEED UNDER SECTION 222 (f), COMMUNICATIONS ACT OF 1934, AS AMENDED, TO EMPLOYEES OF MERGED TELEGRAPH CARRIERS

§ 102.94 *Enforcement.* All matters relating to the enforcement of rights, privileges, or immunities granted or guaranteed under section 222 (f) of the Communications Act of 1934, as amended, shall be governed by the provisions of Subparts A, B, G, H, I, and K of this part, insofar as applicable, except that reference in Subpart B to "unfair labor practices" or "unfair labor practices affecting commerce" shall for the purposes of this article mean the denial of any rights, privileges, or immunities granted or guaranteed under section 222 (f) of the Communications Act of 1934, as amended.

SUBPART M—AMENDMENTS

§ 102.95 *Amendment or rescission of rules.* Any rule or regulation in this part may be amended or rescinded by the Board at any time.

§ 102.96 *Petitions for issuance, amendment, or repeal of rules.* Any interested person may petition the Board, in writing, for the issuance, amendment, or repeal of a rule or regulation. An original and five copies of such petition shall be filed with the Board in Washington, D. C., and shall state the rule or regulation proposed to be issued, amended, or repealed, together with a statement of grounds in support of such petition.

§ 102.97 *Action on petition.* Upon the filing of such petition, the Board shall consider the same, and may thereupon either grant or deny the petition in whole or in part, conduct an appropriate hearing thereon, or make other disposition of the petition. Should the petition be denied in whole or in part, prompt notice shall be given of the denial, accompanied by a simple statement of the grounds unless the denial is self-explanatory.

[F. R. Doc. 51-2063; Filed, Feb. 28, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order 1, Amendment 1]

DMO 1—CREATION OF COMMITTEE ON FOREIGN SUPPLIES AND REQUIREMENTS

ADDITIONS TO MEMBERSHIP

Defense Mobilization Order No. 1,[1] issued by this Office under date of January 19, 1951, creating a Committee on Foreign Supplies and Requirements, is hereby revised, under paragraph 1, to include a representative of the Economic Stabilization Agency and a representative of the Export-Import Bank of Washington as regular members of the committee.

(E. O. 10193, Dec. 16, 1950, 15 F. R. 9031, 3 CFR, 1950 Supp.)

This order shall take effect on February 27, 1951.

OFFICE OF DEFENSE MOBILIZATION,
C. E. WILSON,
Director.

[F. R. Doc. 51-2832; Filed, Feb. 28, 1951; 10:44 a. m.]

[Defense Mobilization Order 6, Amendment 1]

DMO 6—CREATING INTERAGENCY REGIONAL COMMITTEES ON DEFENSE MOBILIZATION

PROVISION FOR CO-CHAIRMEN

Defense Mobilization Order No. 6,[2] issued by this Office under date of February 9, 1951, creating Interagency Regional Committees on Defense Mobilization, is hereby revised, under paragraph 1, to provide that the regional directors of the Defense Production Administration and the Office of Defense Manpower shall serve as co-chairmen of the Regional Committees on Defense Mobilization.

(E. O. 10193, Dec. 16, 1950, 15 F. R. 9031, 3 CFR, 1950 Supp.)

This order shall take effect on February 27, 1951.

OFFICE OF DEFENSE MOBILIZATION,
C. E. WILSON,
Director.

[F. R. Doc. 51-2833; Filed, Feb. 28, 1951; 10:45 a. m.]

Chapter II—Economic Stabilization Agency

[General Order 6]

GO 6—ABOLISHMENT OF OFFICES AND TRANSFER OF PERSONNEL

By virtue of the authority vested in me as the Economic Stabilization Administrator by Executive Order No. 10161 of September 9, 1950 (15 F. R. 6105), and in order to further define the internal organization of the Economic Stabilization Agency, it is hereby determined and ordered:

SECTION 1. The respective offices of Management, Field Operations, Public Information, and Economic Policy within the Economic Stabilization Agency be and the same are hereby abolished.

SEC. 2. With due consideration for the personnel requirements of the Administrator of the Economic Stabilization Agency, the Chief Executive Officer thereof, be and he is hereby authorized and directed to transfer within the Economic Stabilization Agency to the Office of Price Stabilization and the Wage Stabilization Board, respectively such personnel presently assigned to the offices abolished by Section 1, above, as may be considered necessary or advisable.

SEC. 3. With due consideration for the personnel requirements of the General Counsel of the Economic Stabilization Agency, the General Counsel be and he is hereby authorized and directed to effectuate the transfer within the Legal Division of the Economic Stabilization Agency to the Office of Price Stabilization and the Wage Stabilization Board, respectively, such personnel as may be considered necessary or advisable.

SEC. 4. This order shall become effective at the beginning of business on the 18th of February, 1951.

(Sec. 704, Pub. Law 774, 81st Cong., Interprets or applies Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105)

ERIC JOHNSTON,
Economic Stabilization Administrator.

FEBRUARY 18, 1951.

[F. R. Doc. 51-2843; Filed, Feb. 28, 1951; 11:51 a. m.]

[1] 16 F. R. 646.
[2] 16 F. R. 1583.

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Correction]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

Due to a clerical error categories 1026 to 1030 inclusive were omitted from Appendix B of Ceiling Price Regulation 7, effective February 27, 1951 (16 F. R. 1872). Accordingly, Appendix B of Ceiling Price Regulation 7 is corrected by adding at the end thereof, following the text for category 1025, the following:

(7) Ski and Snow Suits

Categories 1026 and 1027 cover ski and snow suits of all materials for women, misses, girls and teenage girls. All one-piece and two-piece snow suits and ski suits with separate or attached hood are included when sold as a unit price.

Category 1026—Women's Ski and Snow Suits

Included are garments in all sizes for women, misses and juniors, and in waist sizes equivalent to these sizes.

Category 1027—Girls' and Teen-Age Ski and Snow Suits

This category covers garments in girls' sizes 7 to 14 and teenage sizes 10 to 16 and garments bought in waist sizes equivalent to these.

(8) Legging Sets and Separate Leggings

The following category covers legging sets and separate leggings for girls, children and toddlers. Included are all sets consisting of coats or jackets with leggings, with or without hats, hoods, or caps sold at a unit price.

Category 1028—Legging Sets and Separate Leggings

This category includes legging sets for girls, children and toddlers (sizes 1-14) and separate leggings (sizes 1-14, inclusive).

(9) Separate Ski Pants for Women and Children

Category 1029—Women's, Misses' and Junior Misses' Separate Ski Pants

Category 1030—Toddler, Girls' and Teen-Age Separate Ski Pants

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105)

Effective date. This correction shall become effective on the 27th day of February 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

FEBRUARY 26, 1951.

[F. R. Doc. 51-2822; Filed, Feb. 27, 1951; 5:14 p. m.]

[General Ceiling Price Regulation, Amdt. 4]

GCPR—CLARIFICATION OF SECURITIES EXEMPTION

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 4 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 14 (h) of the General Ceiling Price Regulation exempts "Sales of bonds, stocks, or other securities and evidences of indebtedness." The Office of Price Stabilization has been informed that there is some confusion as to whether or not warehouse receipts for tangible personal property are "securities" exempted under this section.

The word "securities" as used in this section has reference to evidences of debt embodied in written instruments providing for the payment of money. Warehouse receipts, on the other hand, are not evidences of debt. They are documents acknowledging the receipt by the warehouseman of specific property, usually containing the warehouseman's contract to hold the property and return the identical or equivalent property to the holder of the warehouse receipt.

The purpose of the amendment is to eliminate the confusion and make it clear that the exemption of "securities" in section 14 (h) of the General Ceiling Price Regulation does not extend to warehouse receipts and other documents which evidence ownership of personal property. The amendment does not affect the present exemption for intangibles such as corporate stocks, bonds and other evidences of indebtedness which represent monetary obligations only.

AMENDATORY PROVISION

Section 14 (h) of the General Ceiling Price Regulation is amended to read as follows:

(h) Sales of bonds, stocks and other evidences of indebtedness representing monetary obligations only.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105)

MICHAEL V. DISALLE,
Director of Price Stabilization.

FEBRUARY 27, 1951.

[F. R. Doc. 51-2844; Filed, Feb. 28, 1951; 11:52 a. m.]

[General Ceiling Price Regulation, Amdt. 3 to Supplementary Regulation 1]

GCPR, SR 1—DEFENSE AGENCY PRICING

HARDSHIP ADJUSTMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to Supplementary Regulation 1 (16 F. R. 1707) to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

1. The title "Supplemental Regulation 1 to the General Ceiling Price Regulation" of this regulation is changed to "Supplementary Regulation 1 to the General Ceiling Price Regulation."

2. The title of section 10, as it appears in the table of contents of Supplementary Regulation 1, is amended to read: "Hardship Adjustments."

3. Section 10 of Supplementary Regulation 1, Amendment 1, is revised to permit, in exceptional cases, applications for adjustment by a group of sellers.

4. Section 10 of Supplementary Regulation 1, as amended, reads as follows:

SEC. 10. *Hardship adjustments.* The Director of Price Stabilization, on application for adjustment in the form prescribed in Price Procedural Regulation 1, may adjust the ceiling price or prices of any seller who has entered into or proposes to enter into a defense contract or subcontract for the sale of a commodity or service essential to the defense program, whenever it appears that the ceiling price impedes or threatens to impede the production, manufacture, or distribution of such commodity or the supply of such service. In exceptional cases, the Director of Price Stabilization, upon request by the appropriate Defense Agency, may, in his discretion, accept an application for adjustment by a group of sellers.

5. That portion of section 12 of Supplementary Regulation 1, which precedes the colon is amended to read as follows:

SEC. 12. *Certification required for adjustment.* The seller shall file such application with the appropriate Defense Agency which shall transmit it to the Director of Price Stabilization, Washington 25, D. C., with a certification by the Defense Agency that in its judgment:

6. Section 13 of Supplementary Regulation 1, Amendment 1, is revised by adding the words "individual or group" before the word "adjustment" in the first line.

7. Section 13 of Supplementary Regulation 1, as amended, reads as follows:

SEC. 13. *Contracts and deliveries pending disposition of adjustment applications.* Upon the filing of an individual or group application for adjustment with the appropriate Defense Agency for transmittal to the Director of Price Stabilization and pending final disposition of the application, contracts may be entered into or proposals and bids may be submitted at the price or prices requested in the application and deliveries may be made under such contracts, but the seller may not receive and the buyer may not pay the amount by which the requested price exceeds the ceiling price unless and until an order granting a higher price has been issued. The seller shall include in any sale, contract to sell, or offer to sell at the price requested:

(a) The ceiling price for the commodity or service in question.

(b) A statement that the quoted price is subject to approval by the Director of Price Stabilization.

(c) A statement that an appropriate application has been filed with the Defense Agency for transmittal to the Director of Price Stabilization.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105)

Effective date. This Amendment 3 is effective immediate.

MICHAEL V. DI SALLE,
Director of Price Stabilization.

FEBRUARY 28, 1951.

[F. R. Doc. 51-2845; Filed, Feb. 28, 1951; 11:53 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 8]

GCPR, SR 8—Coal Exporters

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 733), this Supplementary Regulation No. 8 to the General Ceiling Price Regulation (16 F. R. 809) is hereby issued.

STATEMENT OF CONSIDERATIONS

Substantial changes have occurred in our coal export markets in recent years. Prior to World War II, American coal exports were limited in tonnage, and, other than shipments to Canada, were principally to South America. Immediately upon the close of World War II, it became apparent that substantial tonnages of American coals would have to be exported to Western Europe and Italy in order to assist in the rehabilitation of such areas. During the years 1946 through 1948 American coal exports to European countries represented the greatest export of American coals in the history of the industry.

The initial export of American coals to Europe was conducted under government supervision and financed by lend-lease or UNRRA. Upon the termination of this method of export, coal exports were on a commercial basis for a short period until interim aid was granted. Following interim aid, coal purchases were made by various European countries with the assistance of ECA funds.

At the commencement of commercial exports, the export regulations of the Office of Price Administration were applied. After experience under such regulations and commercial export, the Office of Price Administration, after a detailed study, established specific mark-ups for exporters of coal by Amendment 1 to its 3d Revised Maximum Export Price Regulation. This amendment became effective September 11, 1946. The amendment provided for a mark-up for both the producer and the export merchant. This mark-up applied to all types of coal, rather than limiting it to bituminous coal. The Office of Price Administration in its statement of considerations accompanying the amendment found that the functions normally required in the export of anthracite coal were the same as those for bituminous coal. The statement of considerations further found that the percentage mark-up on commercial exports as of March 31, 1946, was representative of the average percentage mark-up of coal exporters. Due to the fact that the greater part of the export tonnages over the years 1946 through 1948 were more or less regulated by government, the interim period of commercial export selected by the OPA was a representative period of uncontrolled commercial export. It appears that such average mark-up as established by OPA was reasonable and fairly representative and should be adopted and established in this interim supplementary regulation to General Ceiling Price Regulation until a more detailed study has been completed to establish a permanent regulation with respect to the export mark-ups on coal.

The interim mark-up established herein is conservative and admittedly does not reflect some of the changes in the export markets which have occurred subsequent to 1946. The producers' sale prices of both bituminous and anthracite coal have been substantially increased and railway transportation costs have also been increased. As a result the financing of an export cargo calls for greater initial costs to the exporter than in 1946. The demurrage charges as well as the demurrage risk of the exporters have also greatly increased in recent months due to car and vessel shortages. All of these additional factors will be considered in the establishment of a permanent regulation.

The interim mark-up established by this supplementary regulation does, however, relieve the exporters from the pressure which is occasioned by the freezing of export differentials by General Ceiling Price Regulation when, at the same time, coal producers' prices have been increased as reflected in Ceiling Price Regulations 3 and 4.

During 1950, coal exports overseas amounted to less than 3 million tons, the smallest annual figure since World War II. This was in spite of the fact that shipments were stimulated towards the end of that year by new demands for American coal in certain foreign countries. It is expected that the overseas movement will total about 15 million tons in 1951. Urgent coal demands by allied countries, particularly those of Western Europe, make it essential that a reasonable and efficient export market structure be established.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the provisions of Supplementary Regulation 8 to General Ceiling Price Regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to coal exporters' mark-ups during a period established by the Office of Price Administration and to relevant factors of general applicability.

In formulating this supplementary regulation the Director has consulted with representatives of the industry to the extent practicable under the circumstances and has given consideration to their recommendations.

REGULATORY PROVISIONS

Sec.
1. Applicability of supplementary regulation.
2. Definitions.
3. Method for calculating ceiling prices and authority for using mark-up.
4. Miscellaneous.

AUTHORITY: Sections 1 to 4 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret, or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *Applicability of supplementary regulation.* This supplementary regulation authorizes coal exporters to establish their export prices on cargo export shipments in the manner provided herein.

SEC. 2. *Definitions.* When used in this part, the term:

(a) "Coal exporter" or "exporter" means (1) a producer who ships coal produced at his own mines, and (2) an export merchant or producer who buys and resells for his own account, coal for export to any area outside the continental United States, except Canada.

(b) "Export sale" is a sale (1) to a person located outside the continental United States by a seller who invoices the coal and ships it from the continental United States to a point outside thereof regardless of whether the invoicing is done within or outside the continental United States by the seller or his agent, or (2) by a seller with delivery to a purchaser in the continental United States of coal which is to be subsequently shipped outside the continental United States, including sales to purchasing missions of foreign governments.

(c) "Producer" means a person engaged in the business of mining or preparing coal at a preparation plant and any person acting as an agent of a producer in the sale of coal.

(d) "Coal" means (1) bituminous coal, including all bituminous, semi-bituminous and sub-bituminous coal; (2) lignite coal; (3) Virginia anthracite; and (4) Pennsylvania anthracite.

(e) "Domestic sale" is a sale by a seller with delivery of the commodity in the continental United States for use in the continental United States.

(f) "Continental United States" means only the 48 states and the District of Columbia.

(g) "Ton" means a short or net ton of 2,000 pounds.

(h) "F. o. b. mine" means free on board transportation facilities at a mine, preparation plant or other loading facilities (not including ground storage facilities).

(i) "GCPR" means General Ceiling Price Regulation issued by the Director of the Office of Price Stabilization on January 26, 1951 (16 F. R. 809).

(j) "CPR 3" means Ceiling Price Regulation No. 3 issued by the Director of the Office of Price Stabilization on February 1, 1951 (16 F. R. 1008).

(k) "CPR 4" means Ceiling Price Regulation No. 4 issued by the Director of the Office of Price Stabilization on February 1, 1951 (16 F. R. 1011).

All definitions used in the GCPR which are pertinent to this supplementary regulation are incorporated in this supplementary regulation by this reference except those which are more particularly defined and used herein.

SEC. 3. *Method for calculating ceiling prices and authority for using mark-up.* On and after the 1st day of March 1951, regardless of any contract, agreement, lease or other obligation:

(a) Each coal exporter shall determine his ceiling price on coal to be exported as follows: By adding to the f. o. b. mine price which he pays for the coal, but not to exceed the applicable ceiling price determined under other regulations issued or which may hereafter be issued by the Office of Price Stabilization, the actual dollars-and-cents amounts which he pays or is obligated to pay for any or all of the following items: Transportation of the coal to the tidewater port, dumping, trimming, lightering, loading, wharf rental charges and other miscellaneous charges which are incurred or prepaid by the exporter, plus one of the following amounts as an exporter mark-up, whichever is applicable.

Type of seller	Mark-ups (per net ton of 2,000 pounds) (cents)
The producer or sales agent of producer	40
Export merchant or producer buying and reselling for his own account	60

(1) If the contract of sale stipulates that railroad demurrage charges shall be for the account of the exporter and not charged to the buyer outside of the continental United States, 15 cents per net ton may be added to the above mark-ups.

(2) If the buyer requires that the contract of sale include a premium-and-penalty provision, the exporter may demand and receive compensation in an amount per ton, for all or any part of the shipments under the contract, in addition to the ceiling price provided by said contract: *Provided*, The terms of such premium-and-penalty provision are reasonable and are not more liberal than premium-and-penalty provisions contained in similar contracts entered into on or since June 30, 1948.

(3) Notwithstanding any other provisions of this supplemental regulation, a seller may add a mark-up only if he performs all of the following functions:

(1) Inspects or arranges for inspection of coal at mines and/or at dock.

(2) Arranges for all necessary permits and governmental clearances.

(3) Assembles cargo.

(4) Payment of railroad freight.

(5) Makes shipment to purchaser outside of the continental United States either directly or through the seller's or purchaser's agent or confirming house.

(6) Sends an invoice (original or copy) directly to the purchaser located outside the continental United States and not through the medium of a third party; except, however, that if the exporter receives payment from a commercial bank located in the continental United States and the terms of payment require that invoices be presented to and forwarded by the bank, this function may be so performed.

(7) Obtains an export license (where one is required) in his own name unless a blanket license is issued to the foreign purchaser or agent of such purchaser.

SEC. 4. *Miscellaneous.* The coal exporter subject to this supplementary regulation shall be subject to all other provisions of the General Ceiling Price Regulation which are not inconsistent with the provisions hereof, including, but not limited to, the enforcement and penalty provisions thereof, and the requirement of keeping on file for inspection a statement of his ceiling prices.

Effective date. This supplementary regulation to the General Ceiling Price Regulation shall become effective on the 1st day of March, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

FEBRUARY 28, 1951.

[F. R. Doc. 51-2846; Filed, Feb. 28, 1951; 11:53 a. m.]

Chapter IV—Wage Stabilization Board, Economic Stabilization Agency

[General Regulation 6]

GR 6—General Wage Formula

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), General Wage Stabilization Regulation 1 (16 F. R. 816), and Economic Stabilization Agency General Order No. 3 (16 F. R. 739), this General Regulation No. 6 is hereby issued.

Statement of considerations. The wage and salary policy recommendations hereinafter set forth are adopted by the Wage Stabilization Board and submitted to the Economic Stabilization Administrator for his approval under the provisions of the Defense Production Act of 1950, Executive Order 10161, and General Order No. 3 and General Wage Stabilization Regulation No. 1 of the Economic Stabilization Administrator.

Congress has declared its intent, in the Defense Production Act of 1950, that price and wage stabilization shall be used to prevent inflation and to preserve the value of the national currency; to avoid dissipation of defense appropriations through excessive costs; to stabilize the cost of living and the costs of production; to eliminate and prevent profiteering, hoarding, manipulation, speculation, and other disruptive practices resulting from abnormal conditions; to protect against undue impairment of living standards; to prevent economic disturbances, labor disputes, and interference with effective mobilization of national resources; to assist in maintaining a reasonable balance between purchasing power and supply to avoid dissipation of individual savings; and to prevent a future collapse of values.

Congress has further stated its intent that the exercise of stabilization authority shall maintain and further sound working relations, including collective bargaining, between business and labor, shall be generally fair and equitable and shall provide for such adjustments as are deemed necessary to prevent or to correct hardships or inequities.

For the purpose of preparing itself for the discharge of its responsibilities, the Wage Stabilization Board heretofore distributed to representative labor and industry groups a series of questions, the answers to which would provide the Board with essential information for the development of wage stabilization policies. Thereafter, the Board conducted conferences, some of which were attended by representatives of labor and some of industry, who presented their views respecting the development of wage stabilization policies. In the formulation of the provisions hereof there has thus been consultation with industry and labor representatives, including trade association and labor union representatives, and consideration has been given to their recommendations.

There were broad changes in wages, salaries, and other compensation paid employees during 1950 and in January 1951 until the issuance of General Wage Regulation No. 1 by the Economic Stabilization Administrator. These changes followed the period of late 1949 and early 1950, when wage and salary rates had remained relatively unchanged. The consumer price index was also relatively stable in that same period. In the spring of 1950 business conditions improved, and both wages and the cost of living commenced to rise. The outbreak of the Korean war accentuated these developments. Disparities arose as between different groups of employees as a consequence of such factors as different expiration or wage reopening dates in collective bargaining agreements or other special circumstances. Disparities also developed in various industries between increases in wage and salary rates and increases in the cost of living. These disparities were frozen as a result of the issuance of General Wage Stabilization Regulation No. 1 of the Economic Stabilization Administrator. In order to deal with, and attempt to solve this time inequity, or "catching up" problem, and to facilitate the effective prosecution of the national defense effort, the Wage Stabilization Board has determined and adopted the policies set forth below. These policies are designed to correct such inequities as have arisen because of disparities between increases in wages and salaries and the increase in the cost of living since January 15, 1950, or which may subsequently arise during the period covered by this policy.

The Wage Stabilization Board recognizes that there may be further changes in the cost of living. The present policy is adopted for the period until July 1, 1951. The policy set forth herein will be fully reviewed and re-examined before the end of this period.

REGULATORY PROVISIONS

Sec.
1. Policy.
2. Definitions under this regulation.
3. Administration.
4. Base pay period abnormalities.
5. Rare and unusual cases.
6. Further study.

AUTHORITY: Sections 1 to 6 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *Policy.* If general increases in wage and salary levels in an appropriate employee unit have been less than ten (10) percent since the base pay period, future increases in wages, salaries, and other compensation may be permitted in amounts up to but not in excess of the difference between such past increases, if any, and the permis-

sible ten (10) percent.[1] This ten (10) percent figure shall be reviewed in the light of the April 1951 index number of the Official Consumer Price Index (revised) of the Bureau of Labor Statistics when published.

SEC. 2. *Definitions under this regulation.*—(a) *Base pay period.* The base pay period shall be the first regular payroll period for each appropriate employee unit ending on or after January 15, 1950.

(b) *Appropriate employee unit.* An appropriate employee unit for the measurement of changes in wage levels is a group composed of all employees in a bargaining unit, in a plant or other establishment, or in a department thereof, or in a company, or in an industry, as best adapted to preserve contractual or historical relationships.

An appropriate employee unit for the measurement of changes in salary levels is each plant or major business division of an employer, or each rectified or recognized collective bargaining unit, treating as separate groups, however, (1) those employees who qualify as "executive, administrative, professional or outside sales personnel" under the definition of the Fair Labor Standards Act, as amended, and (2) other salaried employees in the unit.

(c) *Wage and salary levels.* Wage and salary levels include time and incentive earnings, commission rates, and actual or prorated sums of any regularly paid bonuses and night shift differentials, but exclude overtime premium payments, employer contributions to or payments of insurance or welfare benefits, employer contributions to pension funds or annuities, and other like allowances.

Thus, wage levels are to be expressed as average straight time hourly earnings, including prorated night shift differentials. Salary levels may be computed on the basis of regularly scheduled weekly, bi-weekly, semi-monthly, or monthly pay periods.

(d) *General increases in wages and salaries.* For the purpose of calculating prior increases in wage and salary levels, general increases are defined as those increases in wage and salary rates which raised straight time earnings by one (1) percent or more in the appropriate employee unit. General increases do not include merit increases, promotions, reclassifications, length of service increases or other wage or salary adjustments of the types covered by General Regulation 5.

(e) *Other compensation.* Increases in other compensation to be considered for the purpose of applying the policy herein set forth are prorated changes in compensation benefits such as night shift bonuses, overtime premium rates, vacation, holiday and like allowances, pension, insurance, and health and welfare benefits paid by employers, or contributions of employers on account thereof.

(f) *Proration.* Proration of bonuses, commissions, incentive earnings, etc., and of other compensation, to a payroll period shall be done by allocating to said payroll period a proportionate share of the total of such payments within the appropriate employee unit over the calendar year or such shorter period of time as is representative in the case of each class of payments.

SEC. 3. *Administration.* Subject to subsequent administrative arrangement increases in wages, salaries and other compensation permissible under the terms of the policy set forth in section 1 above do not require the specific prior authorization of the Wage Stabilization Board: *Provided, however,* That no such increase shall be deemed permissible unless appropriate written reports are filed with the nearest office of the Wage and Hour Division of the United States Department of Labor within 10 days after such increases are made effective showing the essential facts and the method of calculation. These reports are subject to review and the increases on which they report are subject to revocation if they are found to exceed permissible amounts. In the case of executive, administrative and professional employees, reports shall be filed as subsequently determined by the Board.

SEC. 4. *Base pay period abnormalities.* Companies, including appropriate employee units thereof, having no payroll period ending on or about January 15, 1950 because they were not in operation at that time, or having plainly abnormal pay levels during that period because of seasonal peculiarities, broad changes in product mix, wide swings in employment, and the like, may apply to the Wage Stabilization Board for appropriate and supportable adjustments of the base period pay level figures against which employee compensation changes are to be measured. The Wage Stabilization Board may give consideration on application to the special problems of seasonal industries; and to unusual cases involving firms or industries in which the rates on or about January 15, 1950 were grossly out of line with their normal relationships, provided the parties had no adequate opportunity to correct such misalignment by January 25, 1951. Applications under this section may be submitted to the nearest office of the Wage and Hour Division of the United States Department of Labor on forms to be provided for that purpose.

SEC. 5. *Rare and unusual cases.* In rare and unusual cases where the critical needs of essential civilian or defense production require it, the Wage Stabilization Board will consider the approval or authorization of increases in wages, salaries, and other compensation greater in amount than those specified in section 1 hereof. Such cases will be limited to those situations where there are serious manpower shortages and in which other governmental agencies concerned with production and manpower problems certify to the Board that a concerted program has been undertaken to remedy the shortages and that an increase in wages, salaries or other compensation is indispensable to attract required labor to or retain it in essential civilian or defense industries or plants. Applications under this section may be submitted to the nearest office of the Wage and Hour Division of the United States Department of Labor on forms to be provided for that purpose.

SEC. 6. *Further study.* The Board continues to have under study, among other subjects, the question of pension and health and welfare plans.

Effective date. This regulation shall become effective upon approval by the Economic Stabilization Administrator.

Adopted by the Wage Stabilization Board. Dissenting: Labor Members Emil Rieve, Elmer E. Walker, Harry C. Bates.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

CYRUS S. CHING,
Chairman.

Approved: February 27, 1951, 5:55 p. m

ERIC JOHNSTON,
Economic Stabilization Administrator.

[F. R. Doc. 51-2830; Filed, Feb. 28, 1951; 8:44 a. m.]

[1] For example, if general wage and salary increases in an appropriate unit have amounted to seven (7) percent since the base pay period, then not more than a three (3) percent increase is permissible. This three (3) percent may be applied to wages and salaries alone or it may be applied wholly or in part to other forms of compensation. The cost of increases in other forms of compensation must be deducted from the three (3) percent.

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-12, Amendment No. 1]

M-12—USE OF COPPER AND COPPER-BASE ALLOYS

BUILDING MATERIALS

This amendment affects NPA Order M-12, as amended February 19, 1951, as follows:

The item relating to Unit heaters, unit ventilators, etc., appearing under the heading "Building Materials" in section 16, List A, should be deleted and the following substituted therefor:

Unit heaters, unit ventilators, unit ventilator inlet wall boxes and convectors, and blast heating coils, or any apparatus using such coils as part of its construction (except for valves, controls, fins, bearings or parts necessary for conducting electricity, and for water or steam courses and headers).

The following item shall be inserted in section 17, List B, under the heading "Building Materials" immediately following "Terrazzo strips":

Fins for: Unit heaters, unit ventilators, unit ventilator inlet wall boxes and convectors, and blast heating coils, or any apparatus using such coils as part of its construction.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies sec. 101, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, sec. 2, E. O. 10200, 16 F. R. 61)

This order, as amended, shall take effect on February 27, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-2801; Filed, Feb. 27, 1951; 4:11 p. m.]

[NPA Reg. 2, as amended Feb. 27, 1951]

REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

This regulation, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. Consultation with industry representatives in advance of the issuance of the amendment herein mentioned has been rendered impracticable by the fact that the amendment applies to all trades and industries.

This amendment affects NPA Reg. 2 (as amended Jan. 11, 1951) as follows: It amends section 11.5 (a) thereof by deleting two sentences. It amends section 11.6 (a) thereof by omitting the last clause. It redesignates §§ 11.1 through 11.27 as sections 1 through 27; §§ 11.31 and 11.100 become sections 31 and 100, respectively. The word "part" becomes "order" throughout.

As amended February 27, 1951, Regulation 2 reads as follows:

GENERAL

Sec.
1. What this order does.
2. Definitions.
3. Rating authorized.
4. When ratings may be applied.
5. When ratings may be extended for material.
6. Additional restrictions upon the use of ratings for certain materials.
7. Use of ratings for services.
8. How to apply or extend a rating.
9. Special provisions applicable to extensions; grouping of orders.
10. Rules for acceptance and rejection of rated orders.
11. Report to NPA of improperly rejected orders.
12. Cancellation of ratings.
13. Sequence of filling rated orders.
14. Changes in customers' orders.
15. Delivery or performance dates.
16. Relation of ratings and directives.
17. Use or disposition of material acquired under this order.
18. Delivery for unlawful purposes prohibited.
19. Intra-company deliveries.
20. Inventory restrictions on materials acquired with a rating.
21. Scope of regulations and orders.
22. Defense against claims for damages.
23. Records.
24. Audit and inspection.
25. Reports.
26. Violations.
27. Adjustments and exceptions.
31. List A.

INTERPRETATIONS

100. Certain containers, packaging and chemicals.

AUTHORITY: Sections 1 to 100 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order states the basic rules of the priorities system to be administered by the National Production Authority in the Department of Commerce. It states what kind of orders are rated orders, how to place them and the preference status of such orders. These rules apply to all business transactions within the jurisdiction of NPA unless more specific regulations, orders or directives of the NPA state otherwise.

SEC. 2. *Definitions.* (a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Materials" means any raw, in process, or manufactured commodity, equipment, component, accessory, part, assembly or product of any kind.

(c) "NPA" means the National Production Authority in the Department of Commerce.

(d) "Rated order" means any purchase order, contract or other form of procurement for materials or services bearing the authorized rating and certification provided for in this order.

(e) "Assignment" of a rating. A rating is assigned when the NPA, or a Government agency that it has authorized, grants a person the right to use the rating.

(f) "Application" of a rating. A rating is applied when the person to whom it is assigned uses the rating.

(g) "Extension" of a rating. A rating is extended when it is used by the person to whom it was applied or when it is further used by another person to whom it was extended.

SEC. 3. *Rating authorized.* Only a single rating is authorized, to be known as a "DO rating". This rating will be identified by the prefix DO and the two digits identifying the procurement program, which must be furnished a supplier by the person using the rating. All DO rated orders will have equal preferential status as provided in this order.

SEC. 4. *When ratings may be applied.* (a) When a regulation, order or certificate assigns a DO rating to any person either by naming him or by describing the class of persons to which he belongs, that person may apply the DO rating to get delivery of material or the performance of certain services.

(b) No person may place rated orders for more material than he is authorized to rate even though he intends to cancel some of the orders or reduce the quantity of material ordered to the authorized amount before it is all delivered.

SEC. 5. *When ratings may be extended for material.* (a) When a person has received a rated order for the delivery of material, he may extend the rating to get the material which he will deliver on that order, or which will be physically incorporated in the material which he will deliver, including containers and packaging materials required to make the delivery, and including also chemicals directly used in the production of the material. If the material is to be processed, this includes the portion of it which would normally be consumed or converted into scrap or by-products in the course of processing.

(b) If a person has made delivery of material or has incorporated it into the material which he has delivered on a rated order, he may extend the rating to replace it in his inventory subject to the provisions of Reg. 1 on inventory. Whether or not the material is covered by Reg. 1 no rating may be used for any inventory replacement which would result in more than a practicable minimum working inventory, as defined in Reg. 1. Any material ordered with a rating as replacement in inventory must be substantially the same as the material which the person delivered or incorporated in the material which he delivered, except for minor variations in size, shape or design.

SEC. 6. *Additional restrictions upon the use of ratings for certain materials.* (a) A person who has received a rated order may not extend the rating to get material for plant improvement, expansion, or construction, or to get machine tools or other items which he will carry as capital equipment, or to get maintenance, repair or operating supplies.

(b) The ratings established by this order shall have no effect upon deliveries of items in section 31, *List A.* No person shall use ratings to get any of the items in section 31, *List A*, and no person selling such items shall require a rating as a condition of sale. Any rating purporting to be used to get any such items on a preferred basis shall be void.

SEC. 7. *Use of ratings for services.* (a) When a person is entitled to use a rating to get processed material, he may furnish the unprocessed material to a processor and use the same rating to get the material processed.

(b) If the NPA specifically authorizes a person to use a rating to get services, he may use it for that purpose.

(c) Except as provided in paragraphs (a) and (b) of this section, no person may use a rating to get services.

(d) A person to whom a rating for services, as distinct from the production or delivery of material, has been applied or extended may not extend the rating for any purpose.

SEC. 8. *How to apply or extend a rating.* (a) When a person applies or extends a rating, he must put the prefix DO and the two digits supplied to him, for example DO-39, on his purchase order, or on a separate piece of paper attached to the order or clearly identifying it, together with the words "Certified under NPA Reg. 2," signed as prescribed in this section. This certificate constitutes a representation to the supplier and to the NPA that the purchaser is authorized under the provisions of this order to use the rating for the delivery of the materials covered by the order.

(b) Certifications on purchase or delivery orders must be signed by the person placing the order or by a responsible individual who is duly authorized to sign

for that purpose. The signature must be either by hand or in the form of a rubber stamp or other facsimile reproduction of a handwritten signature. If a facsimile signature is used, the individual who uses it must be duly authorized in writing to use it for this purpose by the person whose signature it is, and a written record of the authorization must be kept.

(c) When a rated order is placed by telegram, the rating identification and certificate must be set out in full in the telegram. It will be sufficient if the file copy of the telegram is signed in the manner required for certification by this order.

(d) On rated orders requiring shipment within seven days, the substance of the certification may be stated verbally or by telephone. However, the following rules must be complied with:

(1) The person making the statement for the buyer must be a person duly authorized to make the certification.

(2) Both the buyer and the seller must promptly make a written record of the fact that the certification was given orally and the record must be signed by the buyer in the same way as a certification.

(e) The person who places a rated order, the individual whose signature is used and the individual who approves the use of the signature, will each be considered to be making a representation to the NPA that the statements contained in the certification are true to the best of his knowledge and belief. The person receiving the certification and any other information required to be included with it, shall be entitled to rely on it as a representation of the buyer unless he knows or has reason to believe that it is false.

(f) No person shall knowingly apply or extend or purport to apply or extend a rating to any order unless he is entitled to do so. No person shall apply or extend a rating for material or services after he has received the material or after the services have been performed, and any person who receives such a rating shall not extend it.

SEC. 9. *Special provisions applicable to extensions; grouping of orders.* (a) No person may extend any rating to replace inventory after three months have passed from the time he could have first extended it.

(b) If the purchase requirements for filling a number of rated orders for different items bearing different rating identifications are combined in one purchase order, each applicable rating identification must be placed alongside the related item.

(c) If the purchase requirements for filling a number of rated orders for the same material but bearing different rating identifications are combined in one purchase order, the purchase order must show the amount of each material to which a particular rating identification is extended.

(d) In the case of a manufacturer of common components or shelf items or any other person who has a number of rated orders for which he cannot place orders for minimum commercially procurable quantities of materials, to fill the rated orders individually, he may place one rated order for all the materials using the identification symbol DO–99. However, the amounts so ordered may not exceed the total amount of the material required for the rated orders so combined.

SEC. 10. *Rules for acceptance and rejection of rated orders.* Every order bearing a rating must be accepted and filled regardless of existing contracts and orders except as provided in this section. The "existing contracts and orders" referred to include not only ordinary purchase contracts but other arrangements achieving substantially the same results, though in form they may concern the use of production facilities rather than the material produced.

(a) A person must not accept a rated order for delivery on a date which would interfere with delivery of rated orders which he has already accepted, nor if delivery of the material ordered would interfere with delivery on an order which the NPA has previously directed him to fill.

(b) If a person when receiving a rated order bearing a specific delivery date does not expect to be able to fill it by the time requested, he must not accept it for delivery at that time. He must either (1) reject the order, stating when he could fill it, or (2) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date. He may adopt either of these two courses, depending on his understanding of which his customer would prefer. He may not reject a rated order just because he expects to receive other rated orders in the future.

(c) A supplier does not have to accept a rated order in any of the following cases, but there must be no discrimination in such cases against rated orders or between rated orders of different customers:

(1) If the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment. When a person who has a rated order asks a supplier to quote his regularly established prices and terms of sale or payment, the supplier must do so, except that if this would require detailed engineering or accounting work, he may give his best estimate without such work and say that it is not binding. However, the supplier need not quote if he is not required to accept the rated order and advises the person seeking the quotation of the reason for his refusal.

(2) If the order is for the manufacture of a product or the performance of a service of a kind which the person to whom the order is offered has not usually made or performed, and in addition, if either (i) he cannot fill the order without substantially altering or adding to his facilities or (ii) the order can readily be performed by someone else who has usually accepted and performed such orders.

(3) If an order for material is offered to a person who produces or acquires it for his own use only, and he has not filled any orders for that material within the past two years. If he has filled any orders within that period, but the rated order would take more than the excess over his own needs, he may reject the order for any amount over the excess.

(4) If filling the order would stop or interrupt the supplier's operations during the next 60 days in a way which would cause a substantial loss of total production or a substantial delay in operations.

(d) A manufacturer or processor need not accept a rated order from another person who manufactures or processes the same product, unless specifically directed to do so by the NPA.

(e) Any person who refuses to accept a rated order shall, upon written request of the person placing the order, promptly give his reasons in writing for his refusal.

SEC. 11. *Report to NPA of improperly rejected orders.* When a rated order is rejected in violation of this order, a report of the relevant facts may be filed with the NPA, Washington 25, D. C., Ref: Reg. 2. The NPA will take such action as it considers appropriate after requiring an explanation from the person rejecting the order.

SEC. 12. *Cancellation of ratings.* If a rating which has been used by a person is revoked he must immediately, in the case of each order to which he has applied such rating, either cancel the order or inform his supplier that it is no longer to be treated as a rated order. If any person receives notice from his customer or otherwise that the customer's order is no longer a rated order or that the customer's order is cancelled, he must immediately withdraw any extensions of that rating which he has made to any purchase order placed by him.

SEC. 13. *Sequence of filling rated orders.* (a) Every person who has rated orders on hand must schedule his operations, if possible, so as to fill each rated order by the required delivery or performance date. If this is not possible, for any reason, he must give precedence to all rated orders over unrated orders.

(b) As between conflicting rated orders, precedence must be given to the order which was received first with the rating: *Provided*, That orders received prior to October 3, 1950, and which receive ratings prior to October 31, 1950, take precedence as of the dates on which orders were first placed. As between conflicting rated orders received on the same date, precedence must be given to the order which has the earliest required delivery or performance date.

(c) A rated order calling for earlier delivery than a rated order already accepted must not be allowed to interfere with scheduled delivery on the first order, but if both deliveries can be made on schedule it is not necessary to produce or make delivery on the first customer's order ahead of the second.

(d) In the usual case, the date on which specifications have been furnished to the manufacturer in sufficient detail to enable him to put the product into production is to be considered the date on which the rated order is received.

(e) If a rated order or a rating applicable to an order is cancelled when the supplier has material in production to fill it, he need not immediately stop processing in order to put other rated orders into production. He may continue to process the material which he had put into production for the cancelled order to a stage of completion which will avoid a substantial loss of total production, but he may not incorporate any material which he needs to fill any rated orders on hand. He may not, however, delay putting other rated orders into production for more than 15 days.

SEC. 14. *Changes in customers' orders.* (a) The general rule is that any change in a customer's rated order constitutes a cancellation of the order and must be considered as a new order received on the date of the change, if the change will require the manufacturer to interfere with his production. For example:

(1) A change in shipping destination does not constitute the placing of a new order.

(2) An increase in the total amount ordered is a new order to the extent of the increase unless it can be filled with only a negligible interference with the filling of later rated orders.

(3) A change in the date of the delivery, whether advanced or deferred, when made by the customer, is a new rated order if it interferes with production or delays delivery on another rated order.

(4) A reduction in the total amount ordered will presumably not require a change in the manufacturer's schedule and will not constitute a new rated order. If the quantity is reduced below a minimum production quantity, the manufacturer may insist on the delivery of not less than a minimum production quantity. If the customer is not willing to order that amount, the manufacturer may reject the order. The manufacturer may not discriminate between customers in requiring delivery of minimum production amounts.

(5) When the customer directs the manufacturer to hold or suspend production without specifying a new delivery date, the rated order must be considered cancelled. If requested to do so within ten days after receiving such an instruction, the manufacturer must reinstate the order as nearly as possible to its former place in his proposed schedule of delivery as long as the reinstatement does not cause loss of production or delay in the scheduled deliveries of other rated orders. Any request for reinstatement made after ten days shall be treated as the placing of a new rated order.

(6) Where minor variations in size, design, capacity, etc., are requested by the customer and can be arranged by the manufacturer without interfering with his production, such changes do not constitute a new rated order.

(b) Where a change in an order constitutes a new rated order, the conditions existing at the time the change is received govern the acceptance of the rated order and its sequence in delivery under the rules of this order.

SEC. 15. *Delivery or performance dates.* (a) Every rated order must specify delivery or performance on a particular date or dates or during a particular month, which, in no case, may be earlier than required by the person placing the order. Any order which fails to comply with this requirement shall not be treated as a rated order. The words "immediately" or "as soon as possible" or other words to that effect do not meet the requirements of this paragraph.

(b) The required delivery or performance date, for purposes of determining the sequence of deliveries or performance pursuant to section 13, shall be the date on which delivery or performance is actually required. The person with whom the rated order is placed may assume that the required delivery or performance date is the date specified in the order or contract unless he knows either (1) that the date so specified was earlier than required at the time the order was placed, or (2) that delivery or performance by the date originally specified is no longer required by reason of any change of circumstances. A delay in the scheduled receipt of any other material which the person placing the order requires prior to or concurrently with the material ordered, shall be deemed a change of circumstances.

(c) If, after accepting a rated order which specifies the time of delivery, the person with whom it is placed finds that he cannot fill it approximately on time, he must promptly notify the customer, telling him when he expects to be able to fill the order.

SEC. 16. *Relation of rating and directives.* Special directives or authorizations issued by NPA take precedence over rated orders previously or subsequently received, unless a contrary instruction appears on the directive or authorization.

SEC. 17. *Use or disposition of material acquired under this order.* (a) Any person who gets material with a rating or through a specific authorization or a directive of the NPA must, if possible, use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. Physical segregation is not required as long as the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product.

(b) The restriction in paragraph (a) of this section does not apply when a material, or a product into which it has been incorporated, can no longer be used for the purpose for which the priority assistance was given, for example, when the assistance was given to fill a particular order and the material or product does not meet the customer's specifications or the contract order is cancelled. In such cases the rules on further use or disposition in paragraph (c) of this section must be observed.

(c) The holder of a material or product subject to paragraph (b) of this section may sell it as long as he complies with all requirements of other applicable section of this order and of other orders and regulations of the NPA, or he may use it himself in any manner or for any purpose as long as he complies with such requirements.

SEC. 18. *Delivery for unlawful purposes prohibited.* No person shall deliver any material which he knows or has reason to believe will be accepted, redelivered, held or used in violation of any order or regulation of the NPA.

SEC. 19. *Intra-company deliveries.* The provisions of this order apply not only to deliveries to other persons, including affiliates, and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

SEC. 20. *Inventory restrictions on materials acquired with a rating.* The inventory restrictions described in NPA Reg. 1 apply to all listed materials acquired with ratings or other priorities assistance.

SEC. 21. *Scope of regulations and orders.* (a) All regulations and orders of the NPA (including directions, directives and other instructions) apply to all subsequent transactions even though they are covered by contracts previously entered into. Regulations and orders apply to transactions in the territories or insular possessions of the United States unless the regulation or order specifically states that it is limited to the continental United States or to the 48 States and the District of Columbia. However, restrictions of NPA orders or regulations on the use of material or on the amount of inventory shall not apply when the material is used or the inventory is held directly by the Department of Defense outside the 48 States and the District of Columbia, unless otherwise specifically provided.

(b) All orders and regulations of the NPA which control the sale, transfer or delivery of any material, product or equipment, apply to sales made by any person, whether for his own account or for the account of others, and all restrictions upon accepting delivery apply to acceptance of delivery at any type of sale, including sales made by auctioneers, receivers, trustees in bankruptcy, and other cases where the assets of a business are being liquidated.

SEC. 22. *Defense against claims for damages.* No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with any regulation or order of the NPA (including any direction, directive or other instruction) notwithstanding that any such regulation or order shall thereafter be declared by judicial or other competent authority to be invalid.

SEC. 23. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alter-

tion of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 24. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the NPA.

SEC. 25. *Reports.* Persons subject to this order shall make such records and submit such reports to the NPA as it shall require, subject to the terms of the Federal Reports Act.

SEC. 26. *Violations.* Any person who wilfully violates any provision of this order or any other regulation or order of the NPA, or furnishes false information or conceals any material fact in the course of operation under any such regulation or order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

SEC. 27. *Adjustments and exceptions.* Any person affected by any provision of this order may file an application for an adjustment or exception upon the ground that such provision works an unreasonable hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of the national defense.

SEC. 31. *List A.* Allocation and distribution of the following items is subject to regulation by other Government agencies and these items are therefore not subject to ratings issued by or under authority of NPA. However, producers of such items are subject to NPA regulations with respect to other materials and products used by them:

Electric power.[1]
Farm equipment.[2]
Fertilizer, commercial.[2]
Food.[2]
Fuels, solid.[1]
Gas.[1]
Petroleum.[1]
Source and fissionable materials.[3]
Transportation services, domestic, storage and port facilities.[4]

The following items are not subject to any ratings issued by or under authority of the NPA at the present time, and no rating issued by NPA may be extended to obtain such items unless specific authorization is given by NPA:

Communications services.
Iron.
Mineral aggregates:
  Sand.
  Gravel.
  Crushed stone.
  Slag.
Ores and scrap.
Steam heating, central.
Transportation services, other.
Waste paper.
Water.
Wood pulp.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Regulation 2 as amended shall be effective February 27, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

INTERPRETATION NO. 1

SEC. 100. *Certain containers, packaging and chemicals.* (a) The authority to apply ratings under the priorities system established by this order (NPA Reg. 2) to direct contracts and purchase orders for certain purposes has been delegated, subject to stated limitations, to the Secretary of Defense and the Atomic Energy Commission (NPA Dels. 1 and 2). However, this order (Reg. 2) does not apply to the items specified in section 31 *List A*, including petroleum and food. The Secretary of Defense and the Atomic Energy Commission may not therefore, apply a rating to a purchase order for petroleum or food.

(b) In addition, the Secretary of Defense and the Atomic Energy Commission have been authorized by the same delegations to assign the right to apply ratings to persons placing orders for materials to be delivered to the Department of Defense and to the Commission, respectively. The "Assignment" of a rating is defined by section 2 (e) of Reg. 2 as follows:

> A rating is assigned when the NPA, or a Government agency that it has authorized, grants a person the right to use the rating.

(c) In view of the Delegations of Authority mentioned and of the provisions of this order (Reg. 2), the Secretary of Defense and the Atomic Energy Commission, and their respective authorized representatives, may assign to their suppliers of petroleum and food the right to apply ratings to get the drums, cans and other containers and packaging required for the delivery of the petroleum and food, and to get chemicals required for use (i) directly in the production of the petroleum and food, or (ii) in processing the petroleum and food and which will be consumed or converted into by-products in the course of the processing. These ratings may not be used to get containers, packaging or chemicals, in excess of the minimum quantities required to fill such orders for petroleum and food.

(1) *Illustration 1.* The Department of the Navy places an order with the X Refining Company for 500 drums of gasoline. This is not a rated order. An authorized Navy representative may assign to the X Company the right to apply a rating to get the drums required for delivery of the 500 drums of gasoline.

(2) *Illustration 2.* The Department of the Army places an order with the X Company for 100 bbls. of flour. This is not a rated order. An authorized Army representative may assign to the X Company the right to apply a rating to get the packages or containers required for the delivery of the 100 bbls. of flour.

(3) *Illustration 3.* The Department of the Air Force places an order with the Z Refining Company for 100 cans of lubricating oil. This is not a rated order. The Z Company requires two types of chemicals to be used in filling this order: (i) A chemical to be directly used in the production of the oil, and (ii) a chemical that will be consumed or converted into by-products in the course of processing the oil. An authorized representative of the Air Force may assign to the Z Company the right to apply a rating to get the chemicals so required.

[F. R. Doc. 51-2802; Filed, Feb. 27, 1951, 4:11 p. m.]

[NPA Reg. 4]

REG. 4—MAINTENANCE, REPAIR AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

This regulation is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this regulation, there has been consultation with a number of industry representatives including trade association representatives, but it has been impracticable to consult with all affected industries because the regulation applies to all trades and industries.

Sec.
1. What this regulation does.
2. Definitions.
3. DO rating assigned.
4. Quarterly MRO quotas.
5. Quantity restrictions.
6. Materials obtained for another's benefit
7. Use of material.
8. Relation to other regulations.
9. Records and reports.
10. Adjustments and exceptions.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this regulation does.* This regulation provides a uniform procedure by which any business enterprise, Government agency, or public or private institution may use a DO rating (identified by the symbol "DO-97") to obtain limited quantities of maintenance, repair and operating supplies (hereinafter collectively referred to as "MRO") as well as minor capital additions. The regulation does not limit the quantity of MRO or capital additions that a person may obtain without using this DO rating, except that, if he makes any use of the rating in any particular calendar quarter, his total acquisition of MRO (rated and unrated) for such quarter becomes subject to the limitations of the regulation. The rating may not be used to secure materials for personal or household use.

SEC. 2. *Definitions.* For purposes of this regulation:

(a) "Person" means any individual, partnership, corporation, association, or any other organized group and includes specifically any business enterprise, Government agency, or institution. Where such a "person" has more than one department, branch, plant, or other unit which maintains separate MRO records, each shall be treated as a separate "person" hereunder.

(b) "Business enterprise" means lawful activity conducted for profit in the United States (including its territories and possessions).

(c) "Government agency" means the United States, its territories and possessions, any of the 48 States or the District of Columbia, any political subdivision thereof, and any agency of any of the foregoing which is not a business enterprise.

(d) "Institution" means any lawful organization, public or private, within the United States (including its territories and possessions) which is neither a business enterprise nor a Government agency, and includes, more specifically, institutions such as schools, libraries, hospitals, churches, clubs, and welfare establishments.

(e) "Maintenance" means the minimum upkeep necessary to continue any plant, facility, or equipment in sound working condition, and "repair" means the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. Neither "maintenance" nor "repair" includes the improvement of any plant, facility, or equipment by replacing material which is in sound working condition with material of a new or different kind, quality, or design.

(f) "Operating supplies" means, in the case of a business enterprise, any materials which are normally carried as operating supplies according to established accounting practice, and also includes items (such as hand tools) purchased by an employer for sale to his employees for use only in his business and under circumstances where they would constitute operating supplies according to established accounting practice if issued to his employees without charge. In the case of a Government agency or an institution, however, "operating supplies" means any materials which are essential for conducting any activity or rendering any service, provided such materials do not constitute capital equipment according to established accounting practice but are consumed in the course of operation. Materials incorporated in a product ordinarily may not be treated by the producer as operating supplies but may be so treated where they are normally chargeable as an operating expense according to established accounting practice.

(g) "Minor capital additions" means any improvement or addition carried as capital according to established accounting practice where the total cost of materials used does not exceed $750 for any one complete capital addition. The term "one complete capital addition" includes all items entering into the improvement or addition as part of a single project or plan whether or not installed or completed at the same time, and the cost of all such items is to be included in figuring the total cost of the addition regardless of whether they are acquired with or without the use of a rating. No capital addition shall be subdivided for the purpose of bringing it or any part of it within the foregoing definitions. Where the capital addition requires construction, authorization to construct must be obtained wherever so required by any applicable order of the NPA.

(h) "MRO" means maintenance, repair and operating supplies but does not include minor capital additions. The latter term is specifically used in this regulation wherever the meaning so requires. Products used for "MRO" (or materials required for incorporation in such products) shall not be deemed "MRO" as to the producer of such products (except as provided in paragraph (f) of this section) even though he sells them for use by others as "MRO." However, when he receives rated orders for such products, he may extend the rating to get materials to be incorporated in the products. Materials or products sold by a distributor thereof for use by others as "MRO" shall not be deemed "MRO" as to such distributor but, when he receives rated orders for them, he may extend the rating to get them.

SEC. 3. *DO rating assigned.* The NPA hereby assigns to every business enterprise, Government agency, and institution the right to apply a DO rating to obtain MRO and minor capital additions, subject to the quantity restrictions specified in section 5. Such DO rating shall be applied by placing on the order for MRO or minor capital additions, or on a separate piece of paper attached to the order or clearly identifying it, the symbol "DO-97" together with the words "Certified under NPA Regulation 4." Such certification shall be signed as prescribed in section 8 of NPA Reg. 2. This certification shall constitute a representation to the supplier and to the NPA that the person making it is authorized under the provisions of this regulation to use the rating to obtain the materials covered by the order.

SEC. 4. *Quarterly MRO quotas.* Every person making any use of the DO-97 rating herein assigned must establish his quarterly MRO quotas in accordance with this section. In figuring such quotas, he may include all expenditures for MRO in the applicable 1950 base periods, but not expenditures for minor capital additions.

(a) *Standard quota.* A person's standard quarterly MRO quota, to be used unless he elects to use the seasonal quota permitted by paragraph (b) of this section, is one-fourth of the amount he spent for MRO in the calendar year 1950 (or, if he operated on a fiscal year basis, in his fiscal year ending nearest to December 31, 1950). An election to use either the standard quota or the seasonal quota may not afterward be changed without prior written authorization of the NPA.

(b) *Seasonal quota.* A person may, if he so elects, take as his quarterly MRO quotas the amounts he spent for MRO in the corresponding quarters of the calendar year 1950 (or, if he operated on a fiscal year basis, in the corresponding quarters of his fiscal year ending nearest to December 31, 1950).

(c) *Quotas where 1950 base inapplicable.* A person not in operation throughout the year 1950 (calendar or fiscal) shall establish and report his quarterly MRO quotas as follows:

(1) *Partial operation in 1950.* A person who was in operation during a part of the year 1950 (calendar or fiscal) shall compute the amount he would have spent for MRO in that year, had he continued throughout the year the same rate of expenditure for MRO as during that part of the year when he was in operation, making such reasonable corrections as necessary to compensate for seasonal or other exceptional characteristics of the period of actual operation, so that the yearly amount so computed will be fairly representative of the year as a whole. His standard quarterly MRO quota shall be one-fourth of the amount so computed. If he elects to use seasonal quotas, he may apportion the amount so computed into four seasonal quarterly MRO quotas, in accordance with the seasonal demands of the activity in which he is engaged.

(2) *No operation in 1950.* If a person was not in operation in any part of the year 1950 (calendar or fiscal), his quarterly MRO quota (standard or seasonal) shall be the minimum amount of MRO which he determines to be reasonably necessary for his operation, but not in excess of $5,000 per quarter. If such quota is insufficient, an application for an increased quota may be made as provided in section 10.

(3) *Notice to NPA.* Any person who establishes a quarterly MRO quota in excess of $1,000 under the provisions of subparagraphs (1) or (2) of this paragraph must, within 30 days after his first use of a DO-97 rating pursuant thereto, notify the NPA in writing of the quota he has established, the base period he has used, the method by which he has figured the quota, and any corrections he has made for seasonal or other factors.

(d) *Future use of increased quotas.* If a person's quarterly MRO quota is increased by specific authorization of the NPA, he may continue to operate with the increased quota as his standard quota unless the increase is granted on a temporary or seasonal basis or is otherwise restricted by the terms of the authorization. An increased quarterly MRO quota granted as a seasonal quota may be used only in the corresponding quarter of subsequent years.

(e) *Increases not retroactive.* An increase in quota will not be granted for any period prior to the filing of the application and will not have the effect of retroactively authorizing receipt of MRO or minor capital additions previously received in violation of this regulation.

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[1] Under jurisdiction of the Department of the Interior—E. O. 10161, 15 F. R. 6105.

[2] Under jurisdiction of the Department of Agriculture—E. O. 10161, 15 F. R. 6105.

[3] Under jurisdiction of the Atomic Energy Commission—60 Stat. 755; 42 U. S. C. et seq.

[4] Under jurisdiction of the Interstate Commerce Commission—E. O. 10161, 15 F. R. 6105.

SEC. 5. *Quantity restrictions.* (a) *Charges against quota.* Every person who, during any calendar quarter, makes any use of the DO–97 rating assigned by this regulation, shall charge against his MRO quota for that quarter:

(1) All MRO material ordered for delivery during the quarter, whether or not obtained by use of the DO–97 rating, and

(2) All material for minor capital additions ordered for delivery during the quarter, if (but only if) obtained by use of the DO–97 rating.

(If, instead of computing his charges against his quarterly MRO quota on the basis of orders calling for delivery during a quarter, a person prefers to compute such charges on the basis of actual receipts of MRO during the quarter, he may do so. However, he cannot use one method for a part of his MRO and the other method for the remainder in any one quarter.)

(b) *Excess of quota prohibited.* No person shall use the DO–97 rating assigned by this regulation to get anything except material needed for MRO or minor capital additions nor shall any person who, during any calendar quarter, makes any use of the rating so assigned, order for delivery (or, if he is operating on the basis of receipts, he shall not receive) during such quarter a quantity of material chargeable against his quarterly MRO quota which exceeds the amount of such quota (nor, during the first month of such quarter, a quantity of such material exceeding 40 percent of such quarterly quota): *Provided, however,* That the quantity restrictions of this section shall not apply in any calendar quarter to any person whose aggregate charges against his MRO quota for that quarter do not exceed $1,000.

SEC. 6. *Materials obtained for another's benefit*—(a) *Materials supplied by service trades.* Any business enterprise (such as a service repair shop) engaged in doing maintenance or repair work or installing minor capital additions for any other person (as defined in section 2) may use the DO–97 rating to obtain material therefor to the same extent that such person would be entitled to use it if he were doing the work himself. The cost of materials so obtained shall be charged to the MRO quota of the person for whom the work is done.

(b) *Materials for operators under government franchise.* Any person (such as the operator of a toll bridge or a contract garbage collector) who, pursuant to a franchise from or contract with any Government agency, performs any service for such agency, may use the DO–97 rating to obtain MRO or minor capital additions to the same extent that such agency would be entitled to use it if the agency performed such service itself. Such service shall, for purposes of computing the quantity restrictions under section 5, be treated as if performed by a separate unit of such agency, and the cost of the materials so obtained shall be charged against the quota of such unit.

(c) A person who is obligated to maintain, repair, or operate any plant, facilities, or equipment, under the terms of any lease or other agreement for the use of such property by another person, may use the DO–97 rating to obtain materials needed for such purposes. Expenditures for such materials shall be charged to the MRO quota of the person thus using the DO rating except that, if his purchase is made on a reimbursable basis for the account of the person using the property, the latter's MRO quota shall be charged.

SEC. 7. *Use of material.* If a person has acquired material for MRO or minor capital additions by use of the DO–97 rating and then finds that he has another use for it, he may use the material for such other purpose if he could have used any DO rating to acquire the material for such other purpose. However, if he uses the material for another rated purpose, he may not replace it in inventory by the use of the DO–97 rating assigned by this regulation. He may replace such material in inventory only by using the DO rating under which he might have obtained the material for the purpose to which it was devoted. If he uses material acquired under this regulation for another rated use, his records must be adequate to show that his purchases of material are substantially proportionate to his authorized rated uses.

SEC. 8. *Relation to other regulations.* (a) *Rules governing use of rating.* This regulation supplements NPA Reg. 2, which sets forth the basic rules of the priorities system, and the provisions of that regulation govern the use of the DO–97 rating herein assigned.

(b) *Inventory limitations.* Nothing in this regulation shall be deemed to authorize any person to order or receive any material if acceptance thereof would increase his inventory above a practicable working minimum as provided in NPA Reg. 1 or the limit fixed in any other applicable regulation or order of the NPA.

(c) *Delegations to Government agencies.* This regulation does not revoke or prevent the use of any authority delegated by NPA to any other Government agency whereby such agency may use ratings other than DO–97 for direct procurement of its own requirements of MRO or minor capital additions.

(d) *Other regulations and orders.* Nothing in the regulation shall be construed to relieve any person from the obligation of complying with such limitations on acquisition or use of materials or such other provisions as may be contained in any applicable regulation or order of the NPA or with any order of any other competent authority.

SEC. 9. *Records and reports.* (a) *Records to be kept.* Each person who makes any use of the rating assigned by this regulation shall make and preserve, for so long as this or any successor regulation remains in effect and for 2 years thereafter, accurate and complete records showing what his quarterly MRO quotas are, how he computed them, the factual justification for them and for corrections or revisions thereof, any elections made as to the use of seasonal quotas, methods of figuring quotas and charges against them, or other options exercised, all materials ordered or received for use as MRO or minor capital additions whether rated or not, and all other relevant data, in sufficient detail to permit an audit that determines for each transaction that the provisions of this regulation have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records disclose the above data and supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) *Inspection and audit.* All records required by this regulation shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the NPA.

(c) *Other records and reports.* Persons subject to this regulation shall make such further records and submit such further reports to the NPA as it shall require, subject to the terms of the Federal Reports Act of 1942. (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F.)

SEC. 10. *Adjustments and exceptions.* Any person affected by any provision of this regulation may file a request for adjustment or exception upon the ground that the MRO quotas provided in section 4 are insufficient for his requirements, or that a specified provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be submitted in writing and in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor. More particularly, where the relief sought is an increase of MRO quota, the applicant shall fully describe the nature of his business or other activity, indicating any seasonal or other unusual features, products made or distributed, or services or other activities performed, the quarterly volume of such business or other activity since January 1, 1950, etc.; state the amount spent for MRO in each quarter since January 1, 1950; specify the amount of increase in quota requested; and set forth in detail the facts and circumstances allegedly justifying such an increase.

SEC. 11. *Communications.* All communications concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C., Ref.: Reg. 4.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this regulation or wilfully conceals a material fact or furnishes false information in the course of operation under this regulation is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation shall take effect on February 27, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–2803; Filed, Feb. 27, 1951; 4:11 p. m.]

[NPA Reg. 4, Direction 1]

REG. 4—MAINTENANCE, REPAIR AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

DIR. 1.—TRANSITIONAL PROVISIONS

This Direction 1 to NPA Reg. 4 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this direction, there has been consultation with a number of industry representatives including trade association representatives, but it has been impracticable to consult with all affected industries because the direction applies to all trades and industries.

Sec.
1. What this direction does.
2. Quota for remainder of quarter.
3. Special adjustment where quota inadequate.
4. Rating outstanding non-rated orders.
5. Re-rating outstanding orders not required.

AUTHORITY: Sections 1 to 5 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this direction does.* NPA Reg. 4 provides for the use of DO ratings to get MRO and minor capital additions. This direction provides for the transition to operation under Reg. 4 and particularly for operation during that portion of the first calendar quarter of 1951 which remains after Reg. 4 takes effect (February 27, 1951).

SEC. 2. *Quota for remainder of quarter.* A person must compute his MRO quota for the first calendar quarter of 1951 as provided in Reg. 4. However, he need not charge against that quota any MRO or minor capital additions ordered for delivery (or received, if he operates on the basis of receipts) prior to the effective date of Reg. 4. Instead, he may take one-half of such quota and consider that as his remaining MRO balance available for use until April 1, 1951.

SEC. 3. *Special adjustment where quota inadequate.* A person whose quarterly MRO quota is too small to provide him with MRO and minor capital additions needed for performance of DO rated orders which he holds may, upon filing an application for an increased quota under section 10 of Reg. 4, consider his application as approved by NPA (unless he is advised to the contrary) to the extent that it calls for no larger MRO quota than in fact needed for performance of DO rated business. He may accordingly take one half of such requested quota as the balance remaining available for use prior to April 1, 1951.

SEC. 4. *Rating outstanding non-rated orders.* A person who, on the effective date of Reg. 4, has outstanding non-rated orders for MRO or minor capital additions which he would be entitled to rate under Reg. 4, or who thereafter places such orders without rating them, may nevertheless apply the DO–97 rating to them at any time while they remain outstanding. If he so rates them prior to March 15, 1951, such ratings and all DO–97 ratings applied to new MRO orders prior to March 15, 1951, shall take effect as of March 15, 1951. All ratings applied on or after March 15, 1951, shall take effect only as of the dates when applied.

SEC. 5. *Re-rating outstanding orders not required.* A person who has placed DO rated orders pursuant to section 5 of NPA Reg. 2, as amended January 11, 1951, for jigs, dies, tools, or fixtures used directly in the production of rated orders, need not re-rate such outstanding rated orders by applying the DO–97 rating to them regardless of their delivery dates. He need not cancel such outstanding rated orders, even if they exceed his MRO quota for one or more quarters, but in the latter event they will exhaust his quota so that no other MRO or minor capital additions chargeable against it may be obtained in such quarter or quarters without specific authorization from NPA.

This direction shall take effect on February 27, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–2804; Filed Feb. 27, 1951; 4:12 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

CROSS REFERENCE: For changes made in waiver of navigation and vessel inspection laws and regulations, see Title 46, Chapter I, Part 154, *infra.*

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter O—Regulations Applicable To Certain Vessels During Emergency

[CGFR 51–10]

PART 154—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS[1]

PROCEDURES FOR EFFECTING INDIVIDUAL WAIVERS

The purpose for the following waiver order is to provide procedures for effecting individual waivers of navigation and vessel inspection laws and regulations administered by the Coast Guard to the extent and in the manner and upon such terms and conditions as considered necessary in the interest of national defense. This waiver order is designated as 46 CFR 154.01, as well as 33 CFR 19.01. Because of the urgency of providing waiver authority in the interest of national defense, it is found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by the Acting Secretary of the Treasury in his order CGFR 51–1, dated January 23, 1951, and published in the FEDERAL REGISTER dated January 26, 1951 (16 F. R. 731), the following general waiver order is prescribed and shall become effective on and after the date of publication of this document in the FEDERAL REGISTER:

Part 154 is amended by adding a new section 154.01, reading as follows:

§ 154.01 *Procedures for effecting individual waivers of navigation and vessel inspection laws and regulations.* (a) It is hereby found necessary in the interest of national defense to waive compliance with the navigation and vessel inspection laws administered by the Coast Guard, as well as the regulations issued thereunder and published in 33 CFR Chapter I or in this chapter, to the extent and in the manner and upon the terms and conditions as set forth in this section.

(b) An application requesting that a waiver be made effective with respect to a particular vessel may be made by any authorized representative of an agency of the United States Government or any other interested person (including the master, agent, or owner of the vessel involved). Except as provided in paragraph (d) of this section, the application shall be in writing. The application shall be delivered to the Coast Guard District Commander or to his designated representative at the port or place where the vessel is located. In the case of a vessel in any port or place of the Canal Zone or in any foreign port or place, the application shall be made to the designated representative of the Commandant at such port or place, or if the Coast

[1] This is also codified in 33 CFR Part 19.

Guard has not established facilities in such port or place, to the nearest designated representative of the Commandant at a port or place where such facilities have been established. Every application shall contain a statement of the particular provisions of law with respect to which waiver of compliance is requested, a certification that the waiver of compliance with such laws with respect to the vessel involved is necessary in the interest of national defense and, an outline of the facts upon which such certification is based. The Coast Guard District Commander (or his designated representative or the designated representative of the Commandant, as the case may be) shall promptly examine every application for the purpose of determining whether the necessity for prompt action is such as to require that the waiver be made effective by him without reference to the Commandant. In any case in which it appears to the Coast Guard officer concerned that reference of the application to the Commandant for action would not delay the sailing of the vessel or otherwise be contrary to the interest of national defense, the application shall be so referred. In all other cases such Coast Guard officer shall give immediate consideration to the application and if he reaches the conclusion that the urgency of the situation outweighs the marine hazard involved, then such waiver shall be made effective in regard to such vessel to the extent and under the circumstances specified by him.

(c) The Coast Guard officer making such a waiver effective pursuant to paragraph (b) of this section shall immediately prepare, in triplicate, an order setting forth the name of the vessel involved, the laws (also regulations, if any) with respect to which the waiver is effective, the extent to which compliance with such laws (also regulations, if any) is waived, and the period for which the waiver shall be effective. If practicable, one copy of this order shall be delivered to the master of the vessel involved before such vessel sails. In any case where the order is not delivered to the master, it shall be delivered to the owner, operator, or agent of the vessel without delay. One copy of the order shall be transmitted to the Commandant and the remaining copy kept on file.

(d) In any case of extreme urgency the application for a waiver may be made orally and if the Coast Guard District Commander (or his designated representative or the designated representative of the Commandant, as the case may be) reaches the conclusion referred to in paragraph (b) of this section, the waiver shall be made effective without further delay, subject to the condition that the application be reduced to writing and delivered within such period after the date of the oral request as the Coast Guard officer making the waiver effective shall specify in the order.

(e) No penalty shall be imposed because of failure to comply with any provision of law (or regulation, if any), the waiver of which has been made effective pursuant to the requirements in this section.

(Order CGFR 51-1, dated January 23, 1951, of Acting Secretary of the Treasury, 16 F. R. 731. Interpret or apply Pub. Law 891, 81st Cong., 2d Sess., approved Dec. 27, 1950)

(Pub. Law 891, 81st Cong.)

Dated: February 21, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 51-2750; Filed, Feb. 28, 1951; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR, Part 130]

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

ORDER FIXING OPERATION AND MAINTENANCE CHARGES

FEBRUARY 19, 1951.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Pub. Law 404, 79th Cong., 60 Stat. 238), and authority contained in the acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 39 Stat. 1942; and 45 Stat. 210, 25 U. S. C. 367), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs August 28, 1946, and by virtue of authority delegated by the Commissioner of Indian Affairs to the Regional Director September 10, 1946 (11 F. R. 10267), notice is hereby given of intention to modify §§ 130.16 and 130.17 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Flathead Indian Irrigation Project not subject to the jurisdiction of the several irrigation districts as follows:

Charges applicable to all irrigable lands in the Flathead Indian Irrigation Project but which are not included in the various irrigation district organizations.

§ 130.16 *Charges, Jocko Division.* An annual minimum charge of $2.19 per acre shall be made against all assessable irrigable lands, not included in the Jocko Valley Irrigation District within the Jocko Division, to which water can be delivered regardless of whether water is used.

The minimum charge when paid shall be credited on the delivery of water at the following acre-foot rates:

(a) For assessable irrigable lands receiving water from the Lower Jocko and Revais Creek laterals, water will be delivered in amounts equal to one acre-foot per acre for the entire assessable area of the farm unit, allotment, or tract, at the rate of one dollar ($1.00) per acre foot, and additional water will be delivered at the rate of fifty cents (50¢) per acre-foot.

(b) For assessable irrigable lands in the Upper Jocko area receiving water from Finley, East Finley, Agency, and Big Knife Creeks, water will be delivered at the rate of seventy-five cents (75¢) per acre-foot at any time during the irrigation season.

(c) For assessable irrigable lands in the Upper Jocko area receiving water from the Jocko River through the Jocko K lateral system, water will be delivered at the rate of fifty cents (50¢) per acre-foot at any time during the irrigation season.

§ 130.17 *Charges, Mission Valley and Camas Divisions.* (a) A minimum charge of $2.09 per acre shall be made against all assessable irrigable lands, not included in any irrigation district within the Mission Valley Division, to which water can be delivered regardless of whether water is used.

(b) A minimum charge of $2.27 per acre shall be made against all assessable irrigable lands, not included in any irrigation district within the Camas Division, to which water can be delivered regardless of whether water is used.

(c) The payment of the minimum charges, in paragraphs (a) and (b) of this section, shall entitle the farm unit, allotment or tract of land to receive one and one-half ($1\frac{1}{2}$) acre-feet of water per assessable irrigable acre or, in cases of shortage, the proportionate per acre share of the available water supply. For water delivered in excess of one and one-half ($1\frac{1}{2}$) acre-feet per assessable irrigable acre there shall be an additional charge of one dollar ($1.00) per acre-foot.

The foregoing proposed amendments of §§ 130.16 and 130.17 of the non-district operation and maintenance assessment rate order for the season 1950 are to become effective for the irrigation season of 1951 and continue in effect thereafter until further notice. All other provisions of the 1950 order shall continue in effect for the 1951 irrigation season and thereafter until further notice.

Interested parties are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument, in writing, to Paul L. Fickinger, Area Director, U. S. Indian Service, 804 North 29th Street, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

Amendment to order dated March 17 1950 (15 F. R. 1632), signed by Paul L. Fickinger, Area Director.

PAUL L. FICKINGER,
Area Director.

[F. R. Doc. 51-2725; Filed, Feb. 28, 1951; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 205]

[Draft Release No. 48]

TEMPORARY SUSPENSION OF SERVICE BY LOCAL AREA CARRIERS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Board has under consideration the amendment of Part 205 of the Economic Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views or arguments as they may desire. Communications should be submitted, in triplicate, to the Civil Aeronautics Board, Washington 25, D. C. All communications received by March 30, 1951, will be considered by the Board before taking further action on the proposed rule. Copies of such communications will be available after April 2, 1951, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

By petition filed with the Board November 29, 1950, Chicago and Southern Airlines, Inc., seeks amendment of Parts 205 and 290 to require holders of certificates of public convenience and necessity for local and feeder service to serve notice of requested changes in service pattern, applications for temporary suspension of service, and for temporary exemption authority, upon each scheduled air carrier which regularly renders service to or from any point in the applicant's certificate, or to or from any point located in the general area the applicant is authorized to serve.

After consideration the Board has tentatively concluded that the provisions of § 202.4[1] with respect to notice of requested changes in service pattern are adequate; that the provision of § 290.1[2] for service of notice of applications for exemption are also adequate; and that the provisions of § 205.1 with respect to service of notice of applications for temporary suspension of service, although adequate, may be improved to specifically require notice to a specified class of air carriers under the circumstances hereinafter set forth.

It should be noted that possible inadequacies of established notice requirements in particular cases are already recognized by the provisions of Part 205 in that § 205.4 specifically reserves the right to the Board to withhold action on any application pending proof of such additional service of notice by the applicant as the Board may direct. (See also § 290.3 for a similar provision.) However, in the case of local service carrier applications for temporary suspension of service, the volume of requests received may make desirable a specific requirement for service of notice on air carriers which at the time the application is filed regularly serve any two or more points named on the route segment in which the temporary suspension of service is proposed.

This proposal is believed broad enough to accomplish the objective sought by the petitioning air carrier without imposing a burden of service of notice upon carriers which have no possible interest in the subject matter of the application.

It is therefore proposed to amend § 205.1 of the Economic Regulations by adding a new paragraph (f) to read as follows:

(f) Where the application has been filed by a local service air carrier: Each scheduled air carrier, which at the time the application is filed, regularly renders service between any two or more points named in applicant's certificate and situated on the same route segment as the point to which a temporary suspension of service is proposed.

This amendment is proposed under authority of Title IV of the Civil Aeronautics Act of 1938, as amended. The proposed rules when finally adopted by the Board may be considerably changed in view of the comments received in response to this notice of proposed rulemaking.

(Sec. 205 (a), 52 Stat 981; 49 U. S. C. 425 (a). Interpret or apply secs. 401, 52 Stat 987; 49 U. S. C. 481)

Issued Feburary 23, 1951, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-2749; Filed Feb. 28, 1951; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52676]

CLEARANCE OF VESSELS

INCOMPLETE OUTWARD FOREIGN MANIFESTS AND EXPORT DECLARATIONS

Clearance of vessels before filing of complete outward foreign manifests and all required export declarations permitted in certain cases pursuant to § 4.74 (f), Customs Regulations of 1943, as amended by Treasury Decision 52675.

While it has been determined that in order to aid in the enforcement of the export regulations of the Office of International Trade, Department of Commerce, applicable to the exportation of merchandise to the countries named below, vessels bound for those countries should not be cleared before complete outward foreign manifests and all required export declarations have been filed with the collector of customs, it appears that at the present time there is no reason why vessels may not be cleared for other countries in accordance with the procedure provided for in paragraphs (a) to (e), inclusive, of § 4.74, Customs Regulations of 1943.

Accordingly, pursuant to § 4.74 (f), Customs Regulations of 1943 (19 CFR 4.74 (f), as amended by Treasury Decision 52675, any vessel may be cleared for any foreign port in accordance with the procedure provided for in paragraphs (a) to (e), inclusive, § 4.74, Customs Regulations of 1943 (19 CFR 4.74 (a)–(e)), unless its clearance is prohibited by law or regulation other than the said § 4.74 (f), except that no vessel shall be cleared for any port in Albania, Bulgaria, Czechoslovakia, Estonia, Germany (Russian-occupied Zone only), Hong Kong, Hungary, Latvia, Lithuania, Macao, Poland and Danzig, Rumania, or the Union of Soviet Socialist Republics, and no foreign vessel shall be cleared for any Chinese communist port, or for any other place under the control of the Chinese communists, until a complete outward foreign manifest and all required export declarations have been filed with the collector of customs.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: February 21, 1951.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51-2753; Filed, Feb. 28 1951; 8:51 a. m.]

[1] The provision of § 202.4 with respect to service of notice on other air carriers is as follows: "Each scheduled air carrier which regularly renders service to or from any point named on the route segment the service pattern of which the holder proposes to change: ."

[2] The requirement of § 290.1 with respect to service of notice on other carriers is as follows: "Any scheduled air carrier which regularly renders service to any point involved in the application;."

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1950, 44th Supp.]

WESTERN NATIONAL INSURANCE CO.

CORPORATIONS ACCEPTABLE AS SURETIES ON FEDERAL BONDS

FEBRUARY 21, 1951.

Under date of December 27, 1950, the "Western National Indemnity Company", San Francisco, California, a California Corporation, formally changed its name to that of "Western National Insurance Company". A copy of the Certificate of Amendment of the Articles of Incorporation, duly certified by the Secretary of State of the State of California has been received and filed in the Treasury.

The change in the name of the company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which the Western National Indemnity Company may have undertaken pursuant to its authority under the act of Congress approved July 30, 1947 (6 U. S. C. secs. 6–13), to qualify as sole surety on such obligations.

Hereafter the name of the company will appear as "Western National Insurance Company" on Treasury Form No. 356, which shows a list of the companies authorized to act as acceptable surcties on bonds in favor of the United States.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-2751; Filed, Feb. 23, 1951; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION NO. 37

FEBRUARY 21, 1951.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management by Order No. 319, dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify as hereinafter indicated, under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682 (a)), as amended, the following described public lands in the Anchorage, Alaska land district comprising 7 small tracts embracing approximately 20.35 acres:

FOR LEASING AND SALE

FOR CABIN SITES

SEWARD MERIDIAN

T. 13 N., R. 4 W.,
Section 3: Lot 2, $S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$.
Section 4: Lot 1, that portion which would be if described in terms of a normal subdivision: $W\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$. Lot 2, that portion which would be if described in terms of a normal subdivision: $E\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$.

2. The lands are located on the north shore of Knik Arm and Cook Inlet approximately three miles northwest of Anchorage. Access to the area present may be obtained by airplane or small boat from Anchorage. Adequate water for domestic purposes can be obtained from wells, and sewage disposal may be made by the use of cesspools. No public facilities are obtainable in the area at the present time. The climate is a favorable combination of the temperate coastal climate of south central Alaska and the extreme continental climate characteristic of the interior of Alaska. The winter is typically long and moderately cold and the summer is short and moderately warm.

3. Pursuant to § 257.9 of the Code of Federal Regulations (43 CFR Part 257), a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pursuant to the act, prior to this classification, and (b) are of the type of site for which the lands subject thereunder have been classified. As to such applications, this order shall become effective upon the date which it is signed.

4. As to the lands not covered by the applications referred to in paragraph 3, this order shall not become effective to permit the leasing of such land under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on March 14, 1951. At that time such land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection, as follows:

(a) *Ninety-day period for other preference right filings.* For a period of 90 days from 10:00 a. m. on March 14, 1951, to close of business on June 11, 1951, inclusive, to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279, 282) as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) application under any applicable public law, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on February 21, 1951, or thereafter, up to and including 10:00 a. m. on March 14, 1951, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on June 12, 1951, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) In the event two or more drawing entry cards covering identical tracts are received during the twenty day simultaneous filing period outlined in subdivision (b), supra, a drawing limited to such applicants will be held in the Anchorage Land Office at a date to be announced by the Manager.

5. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All applications referred to in paragraphs 3 and 4, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

7. Lessees under the Small Tract Act of June 1, 1938, will be required, within the life of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial and appropriate for the use which the lease is issued before favorable consideration will be given for purchase of the tract. Leases will be for a period of two years, at an annual rental of $5.00. Successful applicants will be required to pay in advance a filing fee of $10.00 and the annual rental charge for the entire lease period. Leases will contain an option to purchase the tract at or after the expiration of one year from the date the lease is issued, provided the terms and conditions of the lease have been met.

8. All of the land will be leased in tracts varying in size from approximately 3.10 acres to approximately 7.25 acres, in accordance with the classification map on file in the Land Office, Anchorage, Alaska. The tracts where possible are made to conform in description with the rectangular system of survey, in compact units.

9. All wells and sewage disposal facilities will be located not less than 75 feet from the exterior boundaries of the tract described in the lease, *Provided however*, That if said tract abuts upon any stream, lake or other body of fresh water, no well or sewage disposal facility shall be placed within 100 feet of any such water. If the tract described in the lease is located upon sloping lands, lessee should locate any well or sewage disposal facility according to the recommendations of the Alaska Territorial Department of Health.

10. The leases will be made subject to rights-of-way for road purposes and public utilities, of 33 feet in width, on each side of the tracts contiguous to the section and or quarter section lines, or as shown on the classification maps on file in the Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, or the State or Territory, county or municipality, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

A. J. LA COVEY,
Acting Regional Administrator.

[F. R. Doc. 51-2729; Filed, Feb. 28, 1951; 8:45 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION NO. 38

FEBRUARY 21, 1951.

By virtue of the authority contained in the act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, and Departmental Order No. 2325 of May 24, 1947 (43 CFR 4.275 (b) (3), 12 F. R. 3566), and pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319, dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), it is ordered as follows:

Subject to valid existing rights, the following described lands in the Anchorage, Alaska land district comprising approximately 62 small tracts embracing 155 acres are hereby classified as chiefly valuable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, for home and cabin sites.

SEWARD MERIDIAN

T. 12 N., R. 3 W.,
Section 15: $W\frac{1}{2}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$.

The land above described is included in the second homestead entry application of Howard Allen Heusser, Anchorage 013606.

This order shall not become effective to change the status of such land or to permit the leasing thereof under the Small Tract Act of June 1, 1938, cited above, except upon the failure of the second homestead entry application Anchorage 013606 mentioned above. In the event of the failure of said entry, the land will then become available for filings under the Small Tract Act, after due notice to be given by publication, subject to the preference right of veterans of World War II, accorded by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. sec. 279) and other qualified persons entitled to credit for service under the said act.

A. J. LA COVEY,
Acting Regional Administrator.

[F. R. Doc. 51-2727; Filed, Feb. 28, 1951; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

DELEGATION OF AUTHORITY TO CENSUS BUREAU TO REQUIRE CERTAIN REPORTS UNDER THE DEFENSE PRODUCTION ACT

Pursuant to the authority vested in me by section 902 (b) of Executive Order No. 10161 (15 F. R. 6105) and Executive Order No. 10200 (16 F. R. 61), the Director of the Bureau of the Census, Department of Commerce is hereby authorized to exercise the authority vested in the Secretary of Agriculture by section 902 (a) of Executive Order No. 10161 to secure reports under section 705 (a) of the Defense Production Act of 1950 in compliance with the request of any authorized official of the Department of Agriculture.

The authority delegated hereby may be exercised by the Director of the Bureau of the Census through such officials and employees of that Bureau as he may designate.

Nothing contained herein shall be construed as limiting the authority of the Secretary of Agriculture to exercise any functions vested in him by the aforesaid Executive orders.

Actions heretofore taken by the Bureau of the Census in requiring such reports upon request of any official of this Department are hereby ratified.

This order shall become effective immediately.

(E. O. 10161, 15 F. R. 6105; E. O. 10200, 16 F. R. 61)

Done at Washington, D. C., this 28th day of February 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-2859; Filed, Feb. 28, 1951; 11:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

STOCKARD STEAMSHIP CORP. ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 7812, between Stockard Steamship Corporation, Atlantic Ocean Transport Corporation and North American Terminal Corporation, covers the establishment and maintenance of a joint cargo service (with limited passenger accommodations) under the trade name Levant Line in the trade between U. S. Atlantic, U. S. Gulf and Canadian ports (but not including transportation within the purview of the Coastwise Laws of the United States) and ports of Portugal, Spain, France, Italy, Yugoslavia, Albania, Greece, Bulgaria, Rumania, Union of Soviet Socialist Republics, Turkey, Cyprus, Lebanon, Syria, Palestine, Suez, Egypt, Libya, Tunisia, Algeria, Morocco and the various islands in the Mediterranean, ports of the Red Sea and Persian Gulf, India, Pakistan, Ceylon, Burma, Federation of Malaya, Colony of Singapore, Indonesia and British North Borneo. Revenues and expenses of each vessel will be shared in accordance with ownership or chartered interests of the respective vessels. The joint service will be represented by Stockard & Company Inc. of New York. Agreement 7812 was filed to supersede joint service Agreement No. 7798 and will have the effect of substituting North American Terminal Corporation for Aktiesel kapet Ivarans Rederi as a party to the Levant Line joint service.

Agreement No. 7806, between American Mail Line, Ltd., and Waterman Steamship Corporation, covers transportation of cargo under through bills of lading from Japan, Korea, Formosa, Manchukuo (Manchuria), Siberia, China, Hongkong, Siam, Indo-China, Kwantung, Philippine Islands, East Indies, Federation of Malaya and Colony of Singapore to ports of San Juan or Ponce or Mayaguez in Puerto Rico, with transhipment at Seattle, Washington, or Portland, Oregon.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: February 26, 1951.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-2779; Filed, Feb. 28, 1951; 8:58 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3250]

PIEDMONT AVIATION, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said act that a hearing in the above-entitled proceeding is assigned to be held on March 2, 1951, at 10:00 a. m., e. s. t., in Room 1510, Temporary Building No. 4, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., February 26, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-2741; Filed, Feb. 28, 1951; 8:49 a. m.]

[Docket No. 3722]

EASTERN AIR LINES, INC.

NOTICE OF ORAL ARGUMENT

In the matter of whether the mail rate petition of Eastern Air Lines, Inc., filed April 4, 1949, in this proceeding should be dismissed insofar as it requests the fixing of a mail rate for the Miami-San Juan route for the period between July 8, 1947, and April 7, 1948, for lack of jurisdiction, on the ground that the existing mail rate had not been placed in issue by the institution of a rate proceeding affecting it prior to April 7, 1948 (Order E-4090).

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on March 12, 1951, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue between Fourteenth and Fifteenth Streets

NW., Washington, D. C., before the Board.

Dated at Washington, D. C., February 23, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-2734; Filed, Feb. 28, 1951; 8:47 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

REQUESTS TO PARTICIPATE IN THE VOLUNTARY PLAN TO CONTRIBUTE TANKER CAPACITY

Pursuant to section 708 of the Defense Production Act of 1950 (Public Law 774, 81st Congress) the request set forth below to participate in the voluntary plan entitled "Voluntary Plan Under Public Law 774, 81st Congress, for the Contribution of Tanker Capacity for National Defense Requirements" dated January 18, 1951, was approved by the Attorney General after consultation between the Secretary of Commerce, the Attorney General, and the Chairman of the Federal Trade Commission and was transmitted to the companies listed below.

The voluntary plan, also set forth below, has been approved by the Secretary of Commerce and found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

This will confirm telegraphic request of this date for your participation in the Voluntary Plan dated January 18, 1951, for the Contribution of Tanker Capacity for National Defense Requirements:

"Hereby request your participation in voluntary defense tanker plan dated January 18, 1951. This request approved by the Attorney General pursuant to the Defense Production Act. Please wire acceptance directly to Maritime Administration, Washington, D. C."

As you know, this Voluntary Plan, a copy of which is enclosed, was the subject of a public hearing held at the Department of Commerce on January 18, 1951. It will be administered by the Maritime Administrator in accordance with the provisions of the Plan.

The Attorney General, pursuant to section 708 of Public Law 774, 81st Congress, has approved this request for your participation in the Plan. Your cooperation is urgently needed in the public interest and for the national defense. If you have not already done so, will you please telegraph your formal acceptance of this request and the Plan directly to the Maritime Administrator, Department of Commerce, Washington, D. C., and confirm by returning the form of written acceptance two copies of which are enclosed.

PHILIP B. FLEMING, *Acting Secretary of Commerce.*

LIST OF COMPANIES REQUESTED TO PARTICIPATE

American Oil Co., 122 East Forty-second Street, New York 17, N. Y.

American Pacific Steamship Co., 541 South Spring Street, Los Angeles 15, Calif.

American Trading & Production Corp., 420 Lexington Avenue, New York 17, N. Y.

American Tramp Shipping Development Corp., care Marine Trade Corp., 44 Whitehall Street, New York, N. Y.

American Viking Corp., care Sieling & Jarvis, 50 Broadway, New York 4, N. Y.

Asiatic Petroleum Corp., 50 West Fiftieth Street, New York 20, N. Y.

Atlantic Refining Co., 260 South Broad Street, Philadelphia 2, Pa.

Bernuth, Lembcke Co., Inc., 420 Lexington Avenue, New York 17, N. Y.

California Oil Co., c/o Standard Oil of California, Marine Dept., Standard Oil Building, San Francisco 20, Calif.

Cape Horn Steamship Corp., 80 Broad Street, New York 4, N. Y.

Cities Service Oil Co., 70 Pine Street, New York 5, N. Y.

Coastal Oil Co., 60 Park Place, Newark 2, N. J.

Coastwise Bulk Carriers, Inc., 150 Sansome Street, San Francisco 4, Calif.

Colonial Navigation Co., 17 East Forty-second Street, New York 17, N. Y.

Colonial Steamship Corp., 80 Broad Street, New York 4, N. Y.

Continental Oil Co., 10 Rockefeller Plaza, New York 20, N. Y.

Cuba Distilling Co., 60 East Forty-second Street, New York 17, N. Y.

Epiphany Tankers Corp., 39 Broadway, New York 6, N. Y.

Esso Export Corp., 15 West Fifty-first Street, New York 20, N. Y.

Esso Shipping Co., 30 Rockefeller Plaza, New York 20, N. Y.

Esso Standard Oil Co., 15 West Fifty-first Street, New York 20, N. Y.

General Petroleum Corp., Terminal Island, Calif.

Gulf Oil Corp., Marine Department, 17 Battery Place, New York 4, N. Y.

Harcourt Steamship Co., Inc., 630 5th Avenue, New York, N. Y.

Hess, Inc., State Street, Perth Amboy, N. J.

Hillcone Steamship Co., Ltd., 311 California Street, San Francisco 4, Calif.

Keystone Shipping Co., 1000 Walnut Street, Philadelphia 7, Pa.

Keystone Tankship Corp., 1000 Walnut Street, Philadelphia 7, Pa.

Chas. Kurs & Co., Inc., 1000 Walnut Street, Philadelphia 7, Pa.

Mariner Steamship Co., Inc., 15 Exchange Place, Jersey City 2, N. J.

Metro Petroleum Shipping Co., Inc., 44 Whitehall Street, New York 4, N. Y.

Metropolitan Petroleum Corp., 220 East Forty-second Street, New York 17, N. Y.

Moore-McCormack Lines, Inc., 5 Broadway, New York 4, N. Y.

National Bulk Carriers, Inc., 630 Fifth Avenue, New York 20, N. Y.

New England Petroleum Corp., 17 Battery Place, New York 4, N. Y.

North American Shipping & Trading Co., Inc., 52 Broadway, New York 4, N. Y.

Orion Shipping and Trading Co., Inc., 80 Broad Street, New York 4, N. Y.

Paco Tankers, Inc., 1000 Walnut Street, Philadelphia 7, Pa.

Pacific Tankers, Inc., 52 Broadway, New York 4, N. Y.

Pan American Petroleum and Transport Co., 122 East Forty-second Street, New York 17, N. Y.

Panoil Transportation Corp., 17 State Street, New York 4, N. Y.

Paragon Oil Co., Inc., Bridgewater Street, Brooklyn 22, N. Y.

Patchogue Oil Terminal Corp., 722 Court Street, Brooklyn, N. Y.

Petroleum Heat and Power Co., 511 Fifth Avenue, New York 20, N. Y.

Petrol Tankers Industries, Inc., 100 West Tenth Street, Wilmington, Del.

Polarus Steamship Co., Inc., 30 Broad Street, New York 4, N. Y.

Publicker Industries, Inc., 1000 Walnut Street, Philadelphia, Pa.

The Pure Oil Co., 420 Lexington Avenue, New York 17, N. Y.

Richfield Oil Corp., 555 South Flower Street, Los Angeles 13, Calif.

Republic Oil Refining Co., 30 Rockefeller Plaza, New York 20, N. Y.

Royal Petroleum Corp., 420 Lexington Avenue, New York 17, N. Y.

The Sabine Transportation Co., Inc., Port Arthur, Tex.

Seaforth Steamship Corp., 80 Broad Street, New York 4, N. Y.

Sea Trade Corp., 44 Whitehall Street, New York 4, N. Y.

The Shell Oil Co., 50 West Fiftieth Street, New York 20, N. Y.

Ships, Inc., care Cities Service Oil Co., 70 Pine Street, New York 5, N. Y.

Sinclair Refining Co., Marine Dept., Twenty-eighth Floor, 630 Fifth Avenue, New York 20, N. Y.

Socony Vacuum Oil Co., Inc., 26 Broadway, New York 4, N. Y.

Standard Oil Co. of California, 225 Bush Street, San Francisco 20, Calif.

Standard Vacuum Oil Co., 26 Broadway, New York 4, N. Y.

State Fuel Co., Public Ledger Building, Philadelphia 6, Pa.

The Sun Oil Co., Marine Department, Philadelphia 3, Pa.

Tanker Sag Harbor Corp., Public Ledger Building, Philadelphia 6, Pa.

The Texas Co., 135 East Forty-second Street, New York 17, N. Y.

Tramp Shipping and Oil Transport Corp., 44 Whitehall Street, New York 4, N. Y.

Tide Water Associated Oil Co., 17 Battery Place, New York 4, N. Y.

Traders Steamship Corp., 80 Broad Street, New York 4, N. Y.

Trafalgar Steamship, 52 Broadway, New York 4, N. Y.

Trinidad Corp., 30 Rockefeller Plaza, New York 20, N. Y.

Union Oil Co. of California, 617 West Seventh Street, Los Angeles 14, Calif.

United Tanker Corp., Care Sieling and Jarvis, 50 Broadway, New York 4, N. Y.

U. S. Petroleum Carriers, Inc., 52 Broadway, New York 4, N. Y.

Ventura Steamship Co., care Simmons Spence & Young, 52 Broadway, New York 4, N. Y.

Whale Oil Co., Inc., and Whaler Products Corp., Whale Square, Brooklyn 32, N. Y.

Windsor Navigation Co., care North American Shipping & Trading Co., Inc., 52 Broadway, New York 4, N. Y.

World Wide Tankers, Inc., 2223 South Olive Street, Los Angeles 7, Calif.

VOLUNTARY PLAN UNDER PUBLIC LAW 774 81ST CONGRESS FOR THE CONTRIBUTION OF TANKER CAPACITY FOR NATIONAL DEFENSE REQUIREMENTS

JANUARY 18, 1951.

The Secretary of Commerce, pursuant to authority vested in him by Public Law 774, 81st Congress, and Executive Order 10161 after consultation with representatives of the tanker industry, and after expression of the views of industry, labor, and the public generally at an open public hearing held on January 18, 1951, has determined that the following plan of voluntary action is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 774.

1. *What this Plan does.* This Plan sets up the procedure under which the owners and charterers of oil tankers (hereinafter called Participants) agree voluntarily to make tankers and tanker space available to the Department of Defense and to other Participants at the request of the Maritime Administrator, hereinafter referred to as the "Administrator", and as provided for in the Plan. The Plan provides for the pro rata contribution of tanker capacity to the Department of Defense, at freight rates and upon charter terms and conditions determined by the Administrator, in such a way as to distribute the burden of such contributions among all the Participants in the Plan in mathematical proportion to each Participant's "controlled tonnage" as hereinafter defined.

2. *Agreement by participants.* Each Participant hereby agrees to contribute, pursuant to the provisions of the Plan, tanker capacity as requested by the Administrator at such times and in such amounts as the Administrator shall determine to be necessary to meet the essential needs of the Department of Defense for the transportation of petroleum and petroleum products in bulk by sea.

3. *Administration of Plan.* The Plan shall be administered by a "Tanker Requirements Chairman", hereinafter referred to as the Chairman, who shall be a full-time employee of the Maritime Administration. He shall administer the Plan with the advice of a "Tanker Requirements Committee", hereinafter referred to as the Committee, appointed by the Administrator from the tanker industry. The Chairman and the Committee shall assist the Maritime Administrator in obtaining for the Department of Defense the use of such industry tankers as may be required by such Department. The Chairman with the advice of the Committee shall also apportion the contribution of tanker capacity under the Plan among the Participants hereto, in accordance with the formula set forth in Paragraph 4 below, and the Participants agree that they will make available such tanker capacity as requested by the Administrator either by charters directly to the Department of Defense, or to other Participants in the Plan.

4. *Pro rata contribution.* Each Participant hereto agrees to contribute tanker capacity under the Plan in the proportion that its "controlled tonnage" bears to the total "controlled tonnage" subject to the Plan.

"Controlled tonnage" shall mean the total annual carrying capacity, expressed in terms of 30° gravity crude oil, Port Arthur/New York, of all tankers of over 6,000 tons deadweight capacity which are:

(a) Owned by a Participant if under U. S. Flag Registry, PLUS

(b) On charter or under contract to such Participant for a period of six (6) months or more from the effective date of this Plan, regardless of the flag of registry, LESS

(c) Chartered out or under contract to others for a period of six (6) months or more from the effective date of this Plan, PLUS

(d) Any Foreign Flag tonnage which a Participant may wish to designate as "controlled tonnage."

The obligations of the various Participants to contribute tanker capacity under the Plan shall be calculated on a pro rata basis among the Participants by the Chairman with the advice of the Committee as soon as possible after the effective date of the Plan. Such calculations shall be revised thereafter at six (6) months' intervals and such revised calculations shall take into account any charters for a period of six (6) months or more made by Participants during the preceding six (6) months' period in determining the respective obligations for the succeeding six (6) months.

5. *Freight rates under Plan.* Charters of vessels made at the request of the Maritime Administration, pursuant to the Plan, shall be made at a fair and equitable rate and upon charter terms and conditions to be determined by the Administrator after consultation with the Committee and the Department of Defense, and such rate shall govern in all transactions among the Participants in the Plan insofar as operations under the Plan are concerned.

6. *Reports from Participants.* Each Participant shall, upon request of the Chairman, submit, in such form as may be requested, to the Maritime Administration reports setting forth information as to "controlled tonnage" necessary for the administration of Paragraph 4 of the Plan.

7. *Procedure for and effect of becoming Participant.* After approval of this Plan by the Attorney General and by the Secretary of Commerce, and after requests for compliance with it have been made of tanker owners and charterers by the Secretary of Commerce, any such owner or charterer may become a Participant in this Plan by advising the Administrator in writing of its acceptance of such request. Such requests for compliance will be effective for the purpose of granting certain immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in section 708 (b) of Public Law 774, only with respect to such tanker owners and charterers as notify the Administrator in writing that they will comply with such request.

8. *Effective date and duration.* This Plan shall become effective upon the date of its final approval by the Secretary of Commerce. It shall cease to be effective at the termination of Title VII of Public Law 774, 81st Congress, unless the time limitation now specified in section 716 (a) of Public Law 774 is extended or otherwise changed by legislative action in a form which permits continuation of this Plan. However, the Plan may be terminated at any time as may be determined by the Secretary of Commerce upon not less than 60 days' notice by letter, telegram, or publication in the FEDERAL REGISTER.

9. *Withdrawal from Plan.* Any Participant may withdraw from this Plan subject to the fulfillment of obligations incurred under this Plan prior to the date such withdrawal becomes effective, by giving not less than 60 days' written notice to the Administrator.

10. *Duration of immunities.* In the event of termination of this Plan and in the event of the withdrawal of any Participant, the immunities referred to in Paragraph 7 hereof shall extend to the fulfillment and receipt of obligations after the effective date of such termination or withdrawal as the case may be, incurred pursuant to this Plan.

11. *Administrative expenses.* Any reasonable expenses of administering this Plan which are not borne by the Government will be paid by the Participants in proportion to their pro rata obligation to contribute tonnage as computed under Section 4 of The Plan.

* * * * *

Pursuant to section 708 of Public Law 774, 81st Congress, and Executive Order 10161, I hereby find that the above Voluntary Plan is in the public interest as contributing to the national defense, and, after having consulted with the Attorney General and the Chairman of the Federal Trade Commission not less than 10 days before making any request or finding thereunder, and, after having obtained the approval of the Attorney General to requests to be made thereunder, I hereby approve the above Voluntary Plan under section 708 (a) of said Act.

[SEAL] PHILIP B. FLEMING, *Acting Secretary of Commerce.*

Washington, D. C., January 23, 1951.

(Sec. 708, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

W. H. HARRISON, *Administrator,*[1] *Defense Production Administration.*

[F. R. Doc. 51-2799; Filed, Feb. 27, 1951; 4:10 p. m.]

[1] The functions conferred upon the President under Section 708 of the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) were exercised by the Secretary of Commerce under Executive Order 10161 of September 9, 1951, 15 F. R. 6105, until after the approval of the above plan, on January 23, 1951, when such functions were delegated to the Administrator of the Defense Production Administration by Executive Order 10200 of January 3, 1951, 16 F. R. 61.

[DPA Request 1]

REQUEST TO PARTICIPATE IN THE FORMATION AND ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON OPTICAL FIRE CONTROL

Pursuant to section 708 of the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) the request set forth below to participate in the formation and activities of an Army Ordnance Integration Committee on Optical Fire Control in accordance with the voluntary plan entitled "Plan and Regulations of Ordnance Corps Governing Optical Fire Control Integration Committee" dated January 30, 1951, was approved by the Attorney General after consultation between the Administrator of the Defense Production Administration, the Attorney General and the Chairman of the Federal Trade Commission and was transmitted to the companies listed below.

The voluntary plan, also set forth below, has been approved by the Administrator of the Defense Production Administration and found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

You are requested to participate in the formation and activities of an Army Ordnance Integration Committee on Optical Fire Control in accordance with the voluntary plan submitted by the Secretary of Defense, entitled "Plan and Regulations of Ordnance Corps Governing Optical Fire Control Integration Committee", dated January 30, 1951, a copy of which will be furnished, upon request, by the Department of the Army, Office of the Under Secretary, Washington 25, D. C.

It is considered that the formation of this committee will integrate optical fire control facilities which will result in the expeditious production of required military items.

The Attorney General has approved this request for your participation pursuant to section 708 of the Defense Production Act of 1950 (Pub. Law 774—81st Cong.).

I also approve the voluntary plan under which this committee is formed and find it to be in the public interest as contributing to the national defense.

Your cooperation in this matter will be appreciated. It is suggested that you reply direct to the Department of the Army, Office of the Undersecretary, Washington 25, D. C., where more detailed information may be obtained.

Sincerely yours,

W. H HARRISON, *Administrator.*

LIST OF COMPANIES REQUESTED TO PARTICIPATE

Arma Corp., 254 Thirty-sixth Street, Brooklyn 32, N. Y.

Bausch & Lomb Optical Co., 626 St. Paul Street, Rochester 2, N. Y.

Chrysler Corp., 341 Massachusetts Avenue, Detroit 31, Mich.

Eastman Kodak Co., T. R. Building, Rochester 4, N. Y.

General Motors Corp., Termstedt Manufacturing Division, General Motors Building, Detroit, Mich.

Mergenthaler Linotype Corp., 29 Ryerson Street, Brooklyn 5, N. Y.

Minneapolis-Honeywell Regulator Co., 2753 Fourth Avenue South, Minneapolis, Minn.

Otis Elevator Co., 200 Eleventh Avenue, New York 1, N. Y.

PLAN AND REGULATIONS OF ORDNANCE CORPS GOVERNING OPTICAL FIRE CONTROL INTEGRATION COMMITTEE

JANUARY 30, 1951.

This describes the plan of the Ordnance Corps for the formation, organization, and functioning and necessity for an Ordnance Integration Committee on Optical Fire Control and the operating procedures by which such committee fulfills its purpose.

Authority for Committee. Section 708 of P. L. 774, 81st Congress (Defense Production Act of 1950); approval of request by the Attorney General of the United States, dated February 5, 1951; approval of plan and finding by the Defense Production Administrator of the Defense Production Administration, dated February 12, 1951.

I. General Statement

A. Reason for Integration Action

Integration of an Ordnance contractor industry balances the production, with the result that the desired production is obtained with a minimum facility requirement. The skill, knowledge and "know-how" of the large manufacturer are made available without obligation of any kind to the newcomer or the small manufacturer, bringing him into full production in the shortest possible time. There is made available to the Ordnance Corps on short notice complete information as to the productive capacity of the industry, its inventory of parts and material, and there is made possible rapid changes in production rates to meet the requirements of the using service.

B. Function of Committee

The general function of this committee will be to provide for the interchange between contractors of information regarding production techniques and processes; to consider and make recommendations with respect to problems of production and supply of materials and components; and to consider and recommend measures for the best integration of the facilities of several manufacturers so as to attain, in the interest of National Defense, maximum efficiency in the utilization of such facilities. It is contemplated, for example, that certain manufacturers, because of their greater efficiency or more adequate facilities may serve also as suppliers, in whole or in part, of certain parts to other manufacturers; and the performance of certain operations may be apportioned among selected contractors; or that responsibility for the supervision of certain processes or supply of certain parts be assigned to certain companies. Generally, the purpose will be to make commonly available to each manufacturer, the benefit of the production experience and techniques of all manufacturers in the group, and so to integrate the facilities of the group as to attain maximum production in the shortest possible time. Participation in such programs will be entirely voluntary and in furtherance of the objectives of the Defense Production Act of 1950.

C Procedure Under Act

The Ordnance Corps invited members of the optical fire control industry, and others, to participate in the drafting of a proposed plan or program of voluntary industry participation. Such exploratory meetings with industry were initiated by and under the direction of the Ordnance Corps.

As a result of such exploratory meetings with the fire control industry, Ordnance Corps, independently, has determined the specific activities which should be carried out by participating contractors. It has also been determined by Ordnance Corps that the objectives of this program cannot be accomplished by ordinary business methods.

In accordance with the provisions of Section 708, Defense Production Act of 1950, action has been initiated by Ordnance Corps to have Defense Production Administration, after consultation with the Attorney General and the Chairman, Federal Trade Commission, (1) to secure the approval of the Attorney General to a request for participation in the proposed activity by industry members named herein, and (2) to make a finding that the proposed action is in the public interest as contributing to the national defense.

D. Suspension of Committee Activity

This Committee shall not be continued beyond the expiration date of Title VII of the Defense Production Act or such earlier date as Ordnance may designate. If, prior to the expiration date of Title VII of the Act, the need for further active operations of the Committee ceases, the Chairman will notify all interested parties, including Defense Production Administration, the Attorney General and the Federal Trade Commission to that effect, indicating whether such committee will be considered in an inactive status. In the event that Ordnance Corps deems it necessary to reactivate this committee, notification shall be given to the above-mentioned parties.

II. Purposes To Be Accomplished

This Committee is formed in the interests of National Defense to integrate facilities engaged in the production of non-commercial military fire control items so as to: meet promptly the current optical fire control requirements of the Ordnance Corps military program; alleviate shortage of optical range finders and other items of fire control; augment production capacity; and put into phase the supply of fire control items necessary to insure production and issue of complete fighting tanks.

The capacity of the United States for manufacture of military fire control precision instruments is not large. The Ordnance Corps is having difficulty in meeting even the limited requirements of the present partial mobilization. The most pressing case of the shortage of fire control production capacity is that of the newly designed optical range finder for tanks. Each of the tanks (there will be thousands) to come off the production line must, for full effectiveness, especially in the vital first engaging shots, have optical fire control items of which the range finder is the most important. Each of these range finders is an expensive, complicated, 80-component part, item. The total estimated costs of the range finders for the tank program is in excess of fifty million dollars. In addition, there are tank periscopes, and other lighting equipment which lie in the same optical field. Integration action is therefore vital and necessary to the National Defense. It is emphasized, too, for a full comprehension of the problem, that the number of the optical fire control items, including range finders, for all out mobilization will far exceed the number now under procurement.

To even approximate "proper supply and phase in" of these fire control items with other components necessary to the complete fighting tanks, necessitated aggressive missionary action on the part of Ordnance Corps to secure companies to start the work. Since the optical industry does not have sufficient capacity to produce range finders and related requirements, it was necessary to go outside the optical field to secure necessary capacity. The companies other than optical concerns selected to participate in this program were chosen for the following reasons:

a. They have previously (during World War II) manufactured range finders or have made studies for the Ordnance Department which indicate that they have the management, engineering, equipment and general background which makes them suitable for production in this critical field.

b. They are already prime contractors with Ordnance in related fields and engaged in production of tank or combat vehicle components.

c. Their proposals to Ordnance were the best from the viewpoint of delivery, price, and other factors.

An Ordnance Fire Control Integration Committee will have the following direct advantages to the Government:

A. Faster and Better Production

The best Ordnance Engineers estimate that the full production rate of the finders now on order can be reached three months sooner if an Integrating Committee can begin functioning before the prime contractors begin to sublet contracts and to tool up for making parts. For example, all prime contractors could use the same subcontractor for a given part. Integrated action would insure better interchangeability of parts. This point has considerable significance when it is remembered that there are eighty odd different optical elements, some consisting of several pieces of optical glass.

B. Decreased Costs

Estimates of costs for this complex item vary but the consensus is that an Optical Fire Control Integration Committee could save the Government amounts ranging in the millions of dollars. With the Integration Committee, improved methods in one company could be transmitted to the other. The big savings will result from avoiding unnecessary duplication of tooling-up. All prime contractors could pool their subcontracting efforts, thereby saving time, money, effort, and supervision. That is, the subprocurement problem of the companies would be materially lessened if they had the herein requested authority to split up the work. Each of the "primes" would have greater assurance of being supplied with parts, so each prime could concentrate on engineering good assembly lines. Assembly in the case of the range finders is an extremely hard operation and must be done in a dehumidified atmosphere.

C. Future Changes

Should the combat troops require changes in the range finder, the Integration Committee is an ideal agency for introducing changes. Integration Committee action is therefore needed immediately to get the best out of the nation's limited and inadequate total optical productive capacity.

III. Membership and Meetings of Committee

A. Membership

This Committee will be formed as follows:

1. The Chairman is Colonel E. S. Mathews, Chief, Artillery Branch, Industrial Division, Office of Chief of Ordnance (This is the Branch in the Office of Chief of Ordnance responsible for procurement and production of fire control).

2. The Deputy Chairman is Colonel T. A. Weyher.

3. The Assistant to the Chairman is Mr. Ralph L. Goetzenberger, Minneapolis-Honeywell (Deputy Chairman of the Fire Control Instrument Division, American Ordnance Association).

4. One or more Ordnance officers experienced in military procedure shall be appointed by the Deputy Chairman from personnel of the District Office in the District in which the Committee is located to work with the Committee.

5. Each of the following contractors shall be members of the Committee:

Arma Corp., 254 Thirty-sixth Street, Brooklyn 32, N. Y.

Eastman Kodak Co., T. R. Building, Rochester 4, N. Y.

Mergenthaler Linotype Corp., 29 Ryerson Street, Brooklyn 5, N. Y.

Minneapolis-Honeywell Regulator Co., 2753 Fourth Avenue South, Minneapolis, Minn.

Bausch & Lomb Optical Co., 625 St. Paul Street, Rochester 2, N. Y.

General Motors Corp., Ternstedt Manufacturing Division, General Motors Building, Detroit, Mich.

Otis Elevator Co., 200 Eleventh Avenue, New York 1, N. Y.

Chrysler Corp., 341 Massachusetts Avenue, Detroit 31, Mich.

Moreover, each new prime contractor shall become a member of the Committee. Termination or cancellation of a contract terminates membership on the Commission.

6. One policy level official and one senior production official from each of the prime contractors shall represent the members of the Committee.

7. The Secretary will be an Ordnance officer designated by the Chairman or Deputy Chairman.

8. Consultants, especially qualified in the field of committee action, may be appointed to the Committee by the Ordnance Corps acting through the Chairman.

9. Government employees shall render the necessary clerical assistance to the Committee.

B. Meetings

Committee meetings shall be called by the Chairman, Deputy Chairman, or the Ordnance Officer attached to the Committee. The agenda shall be prepared by the Chairman or Deputy Chairman. Invitations to attend will include a copy of the agenda of the meeting in order to facilitate proper representation at the meeting.

Either the Chairman, Deputy Chairman, or Ordnance officer attached to the Committee shall preside at all meetings which shall be held at offices assigned to or under the control of the Ordnance Corps. The Secretary of the Committee shall maintain and keep minutes of Committee meetings.

IV. Specific Activities of the Committee

A. Furnishing of Data

The Industry members furnish the Chairman or Deputy Chairman with a list of facilities; the rate of production, actual and projected; an inventory of finished parts; an inventory of material on hand, on order and promised delivery. The Ordnance Officer attached to the Committee compiles the production data. By comparing this data to the requirements of the Ordnance Corps, a production schedule can be made by the Ordnance Corps with the assistance of the Assistant to the Chairman, and, at this time, production, capacity, material and facilities commitments beyond the requirements of the Ordnance Corps should be released for use on other items. By including the capacity of available subcontractors, it will be possible for the Ordnance Corps to allot subcontracting capacity to the prime contractors, making possible a further release of facilities for other use.

B. Allotment of Production Schedules

After correlation of the data the Committee may recommend to the Ordnance Corps the allotment of definite production schedules to the prime contractors necessary to meet prime requirements.

C. Changes in Material and Design Including Standardization of Material

The Committee may consider and recommend desired changes in material and design including standardization of material. The Branch of the Ordnance Corps having control of the item or items is charged with the maintaining, through their engineering personnel, of bills of material, drawings, and specifications, description of engineering changes, etc. Where a committee desires a change in one of the above engineering activities, it may by mutual agreement, be decided that the change will be adopted by all members in order that the Committee maintain full interchangeability for all Ordnance requirements. The Committee must conduct such tests, chemical, metallurgical, or mechanical through usual industry or Ordnance channels to prove the adequacy of the change. The Committee may then submit, through the Committee Ordnance Officer, the recommendation for the change, together with full information of the necessity for the change, and with all available test data, direct to the Branch engineering personnel for approval or rejection. The Ordnance Officer attached to the Committee is charged by the Ordnance Corps to see that all members keep their drawings, etc., exactly alike, and that full interchangeability is always maintained for all Ordnance requirements.

D. Interchange of Parts, Material, Skills, Tools, Training Aids, Machines, Etc.

The Committee will maintain production, performance and control records and material inventories. Based on these records the Committee will be in a position to advise the Ordnance Corps of the most economical method of adjusting production to meet requirements and loading schedules. The Ordnance Officer attached to the Committee maintains such material control records as are necessary.

The Committee may consider and recommend to the Ordnance Corps, through the Ordnance Officer attached to the Committee, the interchange of parts, material, skills, tools, training aids, machines, etc. The transfer of machines or tools or other Government property should be made on memorandum receipt and should be cleared through the Ordnance District Office or the Contracting Officer, whichever is responsible under the contract as a representative of the Ordnance Corps. The interchange between industry members may be on an outright sales basis or on an exchange basis.

E. Action to Achieve Uniformity of Parts, Drawings, Bills of Material

Uniformity of parts and drawings among the contractors manufacturing any given end item are prerequisites to the interchangeability of either parts or materials. Uniformity in bills of materials is a prerequisite to the interchange of material between Committee members. The former is essential; the latter is highly desirable. The attainment of such uniformity where it does not already exist among the members of an Integration Committee is therefore an important function of every Committee.

(Sec. 708, Pub. Law 774, 81st Cong.; E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

W. H. HARRISON,
Administrator,
Defense Production Administration.

[F. R. Doc. 51-2800; Filed, Feb. 27, 1951; 4:10 p. m.]

FEDERAL POWER COMMISSION

[Project No. 2017]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE (MAJOR)

FEBRUARY 26, 1951.

Public notice is hereby given that Southern California Edison Company, of Los Angeles, California, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for amendment of its license for major Project No. 2017, located on San Joaquin River in Fresno and Madera Counties, California, to authorize certain changes in tunnel alignment and road locations.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before March 28, 1951, to the Federal Power Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2742; Filed, Feb. 28, 1951; 8:49 a. m.]

[Docket No. G-1602]

KINGS COUNTY LIGHTING CO.

NOTICE OF APPLICATION

FEBRUARY 23, 1951.

Take notice that on February 1, 1951, Kings County Lighting Company (Applicant), a New York corporation having its principal place of business in Brooklyn, New York, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas transmission facilities hereinafter described, if it is ultimately determined that Applicant is a "natural-gas company" within the meaning of the act.

Applicant is presently engaged in the distribution of manufactured gas within its franchise area in the southwest part of the Borough of Brooklyn, County of Kings, City and State of New York.

The Company proposes to construct and operate in said territory an extension of its presently certificated pipeline facilities approximately 12,200 feet in length, to be of 26-inch outside diameter steel pipe of ½-inch wall thickness, to extend from the intersection of 60th Street and Second Avenue to connect with the eastern terminus of the Narrows Crossing to be constructed by Transcontinental.[1] Such facilities and those proposed to be constructed by The Brooklyn Union Gas Company (Docket No. G-1603), will connect the present New York Facilities System[2] with the proposed Narrows Crossing.

The estimated total capital cost of Applicant's proposed construction is $650,000. Applicant proposes to finance such construction by short term borrowing from banks to be refunded at a later date on a permanent basis by the issuance of securities as soon as conditions warrant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of March 1951. The applica-

[1] See Notice of Application published June 28, 1950 (15 F. R. 4147-4148), In the Matter of Transcontinental Gas Pipe Line Corporation, Docket No. G-1414.

[2] See, In the Matters of Consolidated Edison Company of New York, Inc. et al., Docket Nos. G-1167, G-1171, G-1190.

tion is on file with the commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-2743; Filed, Feb. 28, 1951; 8:49 a. m.]

[Docket No. G-1603]

BROOKLYN UNION GAS CO.

NOTICE OF APPLICATION

FEBRUARY 23, 1951.

Take notice that on February 2, 1951, the Brooklyn Union Gas Company (Applicant), a New York corporation having its principal place of business in Brooklyn, New York, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas transmission facilities hereinafter described.

Applicant seeks authorization to construct and operate in its franchise area in the Borough of Brooklyn in which it is presently distributing gas, an extension of its authorized pipeline facilities. Such extension includes a 26-inch O. D. pipeline approximately 800 feet in length extending southerly to the territory of the Kings County Lighting Company.[1]

The facilities for which Applicant seeks authorization to construct and operate, together with the facilities to be constructed by Kings County Lighting Company will connect the mains of the New York Facilities System[2] with the terminus of the "Narrows Crossing" extension of Transcontinental Gas Pipe Line Corporation[3] on the east bank of the Narrows at the entrance of New York Harbor in Bay Ridge, Brooklyn.

The estimate total capital cost of Applicant's proposed construction will approximate $40,000. It is proposed to finance such construction out of funds derived from Applicant's operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of March 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-2744; Filed, Feb. 28, 1951; 8:50 a. m.]

[Docket No. G-1613]

CITY OF FAIRFIELD, ILL.

NOTICE OF APPLICATION

FEBRUARY 23, 1951.

Take notice that on February 16, 1951, the City of Fairfield, Illinois (Applicant) filed an application for an order pursuant to section 7 (a) of the Natural Gas Act directing Trunkline Gas Supply Company (Trunkline) to permit Applicant to establish physical connection with Trunkline's transportation facilities and to require Trunkline to deliver to Applicant up to 905 Mcf of natural gas per day in the first year of operation.

Protests or petitions to intervene should be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 14th day of March 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-2729; Filed, Feb. 28, 1951; 8:45 a. m.]

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[1] See application of Kings County Lighting Company, Docket No. G-1602.

[2] See, In the Matters of Consolidated Edison Company of New York, Inc., et al., Docket Nos. G-1167, G-1171, G-1190.

[3] See, In the Matter of Transcontinental Gas Pipe Line Corporation, Docket No. G-1414.

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25866]

PETROLEUM PRODUCTS FROM HAMPTON ROADS PORTS TO MARTINSVILLE, VA.

APPLICATION FOR RELIEF

FEBRUARY 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent for The Chesapeake and Ohio Railway Company, Danville and Western Railway Company and Southern Railway Company.

Commodities involved: Petroleum and petroleum products, in tank-car loads.

From: Norfolk, Newport News and Portsmouth, Va.

To: Martinsville, Va.

Grounds for relief: Circuitous routes and competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1065, Supp. 201.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2736; Filed, Feb. 28, 1951; 8:47 a. m.]

[4th Sec. Application 25867]

COAL CINDERS FROM ALABAMA TO EL DORADO, ARK.

APPLICATION FOR RELIEF

FEBRUARY 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3932.

Commodities involved: Coal cinders carloads.

From: High Level and Wylam, Ala.

To: El Dorado, Ark.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3932, Supp. 12.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2737; Filed, Feb. 28, 1951; 8:47 a. m.]

[4th Sec. Application 25868]

CEMENT FROM PREGNALL, S. C., TO FAYETTEVILLE, N. C.

APPLICATION FOR RELIEF

FEBRUARY 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for Norfolk Southern Railway Company and Southern Railway Company.

Commodities involved: Cement and related articles, carloads.

From: Pregnall, S. C.

To: Fayetteville, N. C.

Grounds for relief: Circuitous route.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2738; Filed, Feb. 28, 1951; 8:48 a. m.]

[4th Sec. Application 25869]

ALCOHOL FROM NEW ORLEANS TO EASTERN PORTS

APPLICATION FOR RELIEF

FEBRUARY 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 400.

Commodities involved: Alcohol, tank-car loads.

From: Points in the New Orleans, La., district.

To: Baltimore, Md., Newark, N. J., and Philadelphia, Pa.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: W. P. Emerson, Jr.'s tariff I. C. C. No. 400, Supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2739; Filed, Feb. 28, 1951; 8:48 a. m.]

[4th Sec. Application 25870]

PETROLEUM PRODUCTS FROM SOUTHWEST TO OKLAHOMA

APPLICATION FOR RELIEF

FEBRUARY 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3385.

Commodities involved: Petroleum and petroleum products, carloads.

From: Points in Louisiana and Texas.

To: Stations in Oklahoma on the Gulf, Colorado and Santa Fe Railway.

Grounds for relief: Competition with rail carriers, circuitous routes and market competition.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3385, Supp. 449.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2740; Filed, Feb. 28, 1951; 8:48 a. m.]

NATIONAL LABOR RELATIONS BOARD

DESCRIPTION OF ORGANIZATION[1]

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 3 (a) (1) of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.), the National Labor Relations Board hereby separately states and concurrently publishes in the Notices section of the FEDERAL REGISTER the following amendments to its description of organization in the field, including delegations by the Board of final authority and the places at which and methods whereby the public may secure information or make submittals or requests. Amendments effective March 1, 1951.

Dated, Washington, D. C., February 21, 1951.

By direction of the Board.

[SEAL] FRANK M. KLEILER,
Executive Secretary.

1. The text formerly designated as § 201.6 (e) is amended (effective March 1, 1951) as follows:

Following the words "or refer to the hearing officer" strike the words "or the Board." As amended this reads as follows: "To grant applications for subpoenas, to receive and rule upon or refer to the hearing officer motions to revoke subpoenas in representation cases;"

2. The new addresses of the following Regional and Subregional offices are as follows:

Tenth Region—Atlanta 3, Ga., 50 Seventh Street NE.

Fourteenth Region—St. Louis 2, Mo., 570 Brassman's Bank Building, 314 North Broadway.

Seventeenth Region—Subregional Office—Denver 2, Colo., 411 Fraser and Cranmer Building, 949 Seventeenth Street.

[F. R. Doc. 51-2742; Filed, Feb. 28, 1951; 8:45 a. m.]

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[1] This amends Description of Organization which appeared at 13 F. R. 3030, with amendments appearing at 13 F. R. 6206 and 15 F. R. 973.

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-113, 59-78, 70-1015]

LOUISVILLE GAS AND ELECTRIC CO. ET AL.

ORDER RELEASING JURISDICTION OVER FEE AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of February 1951.

In the matter of Louisville Gas and Electric Company (Delaware), File No. 54-113; Standard Gas and Electric Company, File No. 70-1015; Louisville Gas and Electric Company (Delaware), respondent, File No. 59-78.

By order dated October 28, 1947, issued herein, the Commission approved a plan filed by Louisville Gas and Electric Company, a Delaware Corporation ("Delaware Company"), a registered holding company and formerly a subsidiary of Standard Gas and Electric Company ("Standard Gas"), also a registered holding company, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for the liquidation and dissolution of Delaware Company. (See Holding Company Act Release No. 7789.) In that order, the Commission reserved jurisdiction over all fees and expenses incurred in connection with the plan and the proposed transactions incident thereto. By order dated September 16, 1949, the Commission released jurisdiction over all fees and expenses in connection with said plan except the fee and expenses proposed to be paid to A. Louis Flynn, counsel for Delaware Company, jurisdiction over which was continued pending the completion of the record with respect thereto.

The record having been supplemented with statements in support of a request by A. Louis Flynn for the payment by Delaware Company to him of a fee of $31,700 and reimbursement for expenses in the amount of $2,691.61; and

The Commission having examined the record as so supplemented and finding that the amounts requested are not unreasonable, and deeming it appropriate that the jurisdiction heretofore reserved with respect thereto be released;

It is ordered, That jurisdiction heretofore reserved in the order dated October 28, 1947, and September 16, 1949, with respect to the payment by Delaware

Company of a fee and expenses to A. Louis Flynn be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2730; Filed, Feb. 28, 1951; 8:46 a. m.]

[File Nos. 54-170, 54-172]

NIAGARA HUDSON POWER CORP.

NOTICE OF FILING AND ORDER FOR HEARING ON APPLICATION TO PAY FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of February A. D. 1951.

The Commission having on August 25, 1949, issued its order approving plans filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 by Niagara Hudson Power Corporation ("Niagara Hudson"), a registered holding company, providing for the consolidation of Niagara Hudson's three major subsidiaries into a single new operating utility company, Niagara Mohawk Power Corporation ("Niagara Mohawk"), and for the dissolution of Niagara Hudson; and

Said order having reserved, among other things, jurisdiction over the reasonableness and appropriate allocation of all fees and expenses incurred and to be incurred by Niagara Hudson in connection with the plans and the transactions incident thereto; and Niagara Hudson having been dissolved pursuant to said plans and Niagara Mohawk having assumed the liabilities of Niagara Hudson:

Notice is hereby given that applications for the payment of requested fees and expenses have been filed by the following persons and in the following amounts:

Applicants	Fees	Expenses
LeBoeuf & Lamb, counsel to Niagara Hudson	$200,000.00	$8,912.29
Drexel & Co., financial adviser to Niagara Hudson	75,000.00	
Ebasco Services, Inc.	158,806.81	10,697.75
J. P. Morgan & Co., Inc.	60,377.48	21,704.99
The United Corp.:		
Whitman, Ransom, Coulson & Goetz, counsel to United	19,000.00	189.43
The First Boston Corp., financial adviser to United	25,000.00	
Miscellaneous expenses		5,252.60
Committee for the Preferred Stock of Niagara Hudson:		
Fulbright, Mader, counsel to the Committee	37,500.00	2,502.00
Dr. Ralph Sterling, financial adviser to committee	12,500.00	
James Morgan, secretary of committee	2,500.00	117.38
Sullivan & Worcester, counsel to Chase National Bank	22,500.00	
Jacob Ashkenazi, a certain Preferred Holder		90.00

It appearing to the Commission that it is appropriate in the public interest that a hearing be held with respect to the matters set forth in said applications:

It is ordered, That a hearing on said applications, pursuant to sections 11 (e) and 18 of the act and rules and regulations thereunder, be held on March 7, 1951 at 10:00 a. m., e. s. t., at the office of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing is to be held. Any person who is not already a party or given leave to participate herein, who desires to be heard or otherwise wishes to participate in this proceeding shall file with the Secretary of the Commission on or before March 5, 1951, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Richard Townsend, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer or officers so designated to preside at such hearing are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities having advised the Commission that it has made a preliminary examination of the said applications and that, on the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the requested amounts for fees and expenses were incurred in rendering services which were necessary in connection with the consolidation and dissolution plans and whether such amounts are reasonable.

(2) Whether all of the said claims should properly be borne by Niagara Mohawk.

(3) Whether there are any other factors, apart from the nature and value of the services rendered and the capacity in which rendered, which would make any of the requests for compensation and reimbursement improper.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions:

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Niagara Mohawk Power Corporation, and on the applicants for fees and expenses herein, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2732; Filed, Feb. 28, 1951; 8:46 a. m.]

[File No. 70-2549]

CONSOLIDATED ELECTRIC AND GAS CO. AND PORTO RICO GAS & COKE CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 23d day of February A. D. 1951.

Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, and its direct subsidiary, Porto Rico Gas & Coke Company ("Porto Rico"), a public utility company having filed a declaration pursuant to section 12 of the Public Utility Holding Company Act of 1935 (the "act"), and Rules U-42, 43, and 44 thereunder with respect to the following transactions:

Porto Rico proposes to purchase from Consolidated and Consolidated proposes to sell to Porto Rico 1,000 shares of Porto Rico's 6 percent cumulative preferred stock, $100 par value, at a price of $100 per share, or an aggregate cash consideration of $100,000. The filing states that Consolidated is to apply the proceeds from such sale, or an amount equivalent thereto, to the partial payment of its one year note maturing September 20, 1951, presently outstanding in the amount of $650,000, payable to The Chase National Bank of the City of New York ("Chase").

The outstanding securities of Porto Rico consist of $750,000 principal amount of 4½ percent first mortgage bonds due 1965, 3,445 shares of $100 par value 6 percent cumulative preferred stock, and 10,000 shares of $25 par value Common Stock. All of the outstanding securities of Porto Rico, except its mortgage bonds, are owned by Consolidated and pledged as security for the bank loan with Chase. The outstanding securities of Consolidated consist of the above-described note to Chase and preferred and common stocks all owned by Consolidated's parent, Central Public Utility Corporation.

Said declaration having been filed on January 8, 1951, and amendments thereto having been filed on January 30, 1951 and February 12, 1951; and

Notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect thereto within the period specified in said notice or otherwise and not having ordered a hearing thereon, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit such amended declaration to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the said amended declaration be and the same hereby is, permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2733; Filed, Feb. 28, 1951; 8:47 a. m.]

[File No. 70-2550]

JERSEY CENTRAL POWER & LIGHT CO., ET AL., GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of February A. D. 1951.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), by General Public Utilities Corporation ("GPU"), a registered holding company, and its subsidiary, Jersey Central Power & Light Company ("Jersey Central"). Applicants-declarants have designated sections 6 (a), 6 (b), 7, 9 (a) and 10 of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said joint application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

1. Jersey Central will issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $1,500,000 principal amount of first mortgage bonds, -- percent series, due 1981, and 40,000 shares of its $100 par value, -- percent series, cumulative preferred stock. Jersey Central will also issue and sell, and GPU will purchase, 350,000 additional shares of Jersey Central's $10 par value common stock for an aggregate cash consideration of $3,500,000.

The proceeds of the sale of the new bonds (exclusive of premium, if any, and accrued interest), of the new preferred stock, and of the new shares of common stock will be applied by Jersey Central as follows:

(a) The proceeds (other than premium, and accrued interest) from the sale of new bonds will be deposited with the Trustee under Jersey Central's mortgage and withdrawn from time to time against property additions pursuant to the provisions of the mortgage, purchased or constructed subsequent to December 31, 1950.

(b) An aggregate of $2,000,000 of the proceeds from the sale of the new preferred stock and new common stock will be utilized (i) to pay $1,500,000 principal amount of Jersey Central's promissory notes due September 22, 1951, and (ii) partially to reimburse Jersey Central's treasury for expenditures for property additions subsequent to October 31, 1948. The balance will be utilized for the purchase or construction of property additions subsequent to December 31, 1950, or to repay bank loans incurred since that date, the proceeds of which have been so applied.

(c) The expenses of issuance and sale of the new bonds, new preferred stock, and new common stock, estimated at $73,000, will be paid by Jersey Central from its current funds.

2. GPU proposes to borrow $875,000 from each of four commercial banks. The interest rate on the notes to be issued will be the prime rate for commercial borrowing at the time of the making of the loans but not in excess of 3 percent per annum. Each of the notes will mature ten months from the date of issuance. The proceeds of the bank loans will be utilized to purchase the above noted 350,000 additional shares of the common stock of Jersey Central. GPU expects to obtain the funds with which to pay the bank loans in the late spring or early summer of 1951, either from the issuance and sale by it of additional shares of its common stock or as a result of funds being made available to GPU by reason of the sale by its subsidiary holding company, Associated Electric Company, of part or all of the latter's holdings of senior securities of its subsidiary, Manila Electric Company.

Notice is further given that any interested person may, not later than March 9, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 9, 1951, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2731; Filed, Feb. 23, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17375]

ALFRED KEIL

In re: Securities and cash owned by Alfred Keil. F-28-29031.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred Keil, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred fifty (150) shares of no par value capital common stock of Packard Motor Car Company, 1580 East Grand Boulevard, Detroit 32, Michigan, a corporation organized under the laws of the State of Michigan, evidenced by certificate numbered N360078 for one hundred (100) shares and certificate numbered N0530028 for fifty (50) shares, registered in the name of Alfred Keil, presently in the custody of the Department of State, Division of Protective Services, together with all declared and unpaid dividends thereon,

b. Twenty (20) shares of $50 par value capital common stock of Anaconda Copper Mining Company, 25 Broadway, New York 4, New York, a corporation organized under the laws of the State of Montana, evidenced by certificate numbered E149673 for ten (10) shares and certificate numbered E193274 for ten (10) shares, registered in the name of Alfred Keil, presently in the custody of the Department of State, Division of Protective Services, together with all declared and unpaid dividends thereon, and

c. Those certain debts or other obligations of Anaconda Copper Mining Company, 25 Broadway, New York 4, New York, evidenced by those checks issued by Anaconda Copper Mining Company, payable to Alfred Keil, numbered, dated and in the face amounts as shown below:

Check No.	Date	Amount
54088	June 25, 1945	$7 00
54411	Sept. 28, 1945	7 00
55117	Dec. 28, 1945	11 00
56221	June 26, 1946	7 00

said checks presently in the custody of the Department of State, Division of Protective Services, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under, including the right to presentation for payment of the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Alfred Keil, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 51-2717; Filed, Feb. 27, 1951; 8:54 a. m.]

[Vesting Order 17367]

JOSEPH F. BAUER

In re: Stock owned by Joseph F. Bauer, also known as Josef Bauer. F-28-31222.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph F. Bauer, also known as Josef Bauer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Three thousand (3000) shares of no par value non-assessable capital stock of Clericy Consolidated Mines, Ltd., Ottawa, Canada, evidenced by the certificates listed below, registered in the names of the persons listed below in the amounts appearing opposite each name as follows:

Certificate Nos.	Number of Shares	Registered owner
NS 1288	500	Bowcock Morgan & Co.
NS 1922	250	Scanlon, Hopkins & Hutson.
NS 5395	250	William, McLean & Bell.
NS 5439	250	J. P. Cannon & Co.
NS 5499	500	J. Normand Dyll.
NS 6262	250	Kamm, Garland & Co., Ltd.
NS 6711	500	Angus & McDonald.
NS 7102	500	Angus & Co.

said certificates presently in the custody of the Department of State, Division of Protective Services, 515 Twenty-second Street NW., Washington, D. C., together with all declared and unpaid dividends thereon,

b. Two hundred (200) shares of $1.00 par value non-assessable capital stock of Tashota Gold Fields, Ltd., evidenced by certificates numbered 4704 and 4918 for one hundred (100) shares each, registered in the names of J. H. Crang & Co., and Harcourt, Poupore & Co., respectively, and presently in the custody of the Department of State, Division of Protective Services, 515 Twenty-second Street NW., Washington, D. C., together with all declared and unpaid dividends thereon,

c. One (1) Certificate numbered 2, signed by Emil Schull, 3827 Old Orchard Ave., Montreal, Quebec, Canada, said certificate presently in the custody of the Department of State, Division of Protective Services, 515 Twenty-second Street NW., Washington, D. C., together with all declared and unpaid dividends thereon,

d. Five hundred (500) shares of $0.50 par value non-assessable capital stock of Nicola Mines & Metals, Ltd., evidenced by a certificate numbered 17769, registered in the name of Joseph F. Bauer, and presently in the custody of the Department of State, Division of Protective Services, 515 Twenty-second Street, NW., Washington, D. C., together with all declared and unpaid dividends thereon,

e. Fifty (50) shares of no par value common capital stock of Commonwealth & Southern Corporation, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 357603, registered in the name of Josef Bauer, and presently in the custody of the Department of State, Division of Protective Services, 515 Twenty-second Street NW., Washington, D. C., together with all declared and unpaid dividends thereon,

f. One hundred (100) shares of no par value capital stock of Stadarona-Rouyn Mines, Ltd., evidenced by a certificate numbered F55735, registered in the name of Pitfield Mathewson & Co., and presently in the custody of the Department of State, Division of Protective Services, 515 Twenty-second Street NW., Washington, D. C., together with all declared and unpaid dividends thereon, and

g. Three hundred (300) shares of no par value capital stock of Brancoeur Gold Mines, Ltd., evidenced by certificates numbered M1756 for one hundred (100) shares, registered in the name of Granville & Co., and M2662 and M2663 for one hundred (100) shares each, registered in the name of Hansons & Macaulay, and presently in the custody of the Department of State, Division of Protective Services, 515 Twenty-second Street NW., Washington, D. C., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2716; Filed, Feb. 27, 1951; 8:54 a. m.]

[Vesting Order 17312]

CITY OF BERLIN AND CONVERSION OFFICE FOR GERMAN FOREIGN DEBTS

In re: Account owned by City of Berlin, Germany, and account and scrip owned by Conversion Office for German Foreign Debts, also known as Konversionskasse für Deutsche Auslandsschulden, F-28-2098.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the City of Berlin, Germany, is a political subdivision of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Brown Brothers Harriman & Company, 59 Wall Street, New York 5, New York, arising out of an account resulting from a deposit for the payment of coupons becoming due prior to July 1953 entitled "City of Berlin 30 years 6% External Sinking Fund Gold Bonds due June 15, 1958," maintained at the office of the aforesaid Brown Brothers Harriman & Company, together with all accruals thereto, and any and all rights to demand, enforce and collect the same

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the City of Berlin, the aforesaid political subdivision of a designated enemy country (Germany);

3. That Conversion Office for German Foreign Debts, also known as Konversionskasse für Deutsche Auslandsschulden, the last known address of which is Berlin, C111, Germany, is a public corporation organized under the laws of Germany, and which has, or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

4. That the property described as follows:

a. That certain debt or other obligation of Brown Brothers Harriman & Company, 59 Wall Street, New York 5, New York, arising out of an account resulting from a deposit for the payment of coupons becoming due in the last half of 1933 and the first half of 1934 entitled "City of Berlin 30 year 6% External Sinking Fund Gold Bonds due June 15, 1958," maintained at the office of the aforesaid Brown Brothers Harriman & Company, together with all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. Those certain Reichsmarks certificates of indebtedness of Conversion Office for German Foreign Debts in the aggregate amount of approximately RM 20,810, presently in the custody of Brown Brothers Harriman and Company, 59 Wall Street, New York 5, New York, said certificates of indebtedness having been offered by the said Conversion Office in partial payment of coupons appertaining to the bonds named in subparagraph 4 (a) hereof, which were due in the last half of 1933, the first half of 1934 and the last half of 1934, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Conversion Office for German Foreign Debts, also known as Konversionskasse für Deutsche Auslandsschulden, the aforesaid nationals of a designated enemy country, (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 3 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2754; Filed, Feb. 28, 1951; 8:51 a. m.]

[Vesting Order 17313]

KONVERSIONSKASSE FUER DEUTSCHE AUSLANDSSCHULDEN

In re: Account and certificates owned by Konversionskasse fuer Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts. F-28-2147.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 3788, and pursuant to law, after investigation, it is hereby found:

1. That Konversionskasse fuer Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts, the last known address of which is Berlin C111, Germany, is a public corporation, organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, arising out of a coupon deposit account, entitled "Consolidated Hydro-Electric Works of Upper Wuerttemberg 1st Mortgage 7% 30 Yr. S. F. G. B. due January 15, 1956", maintained at the office of the aforesaid Brown Brothers Harriman & Co., together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, and

b. Those certain Reichsmark Certificates of Indebtedness of Konversionskasse fuer Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts, in the aggregate amount of approximately RM 6275, presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, said certificates of indebtedness having been offered by the said Konversionskasse fuer Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts, together with the cash in the account described in subparagraph 2-a hereof, in settlement of interest coupons appertaining to the bonds named in subparagraph 2-a hereof, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or, owing to, or which is evidence of ownership or control by, Konversionskasse fuer Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2755; Filed, Feb. 28, 1951; 8:52 a. m.]

[Vesting Order 17319]

ARNOLD HILGER

In re: Securities owned by and debt owing to Arnold Hilger. F-28-31188.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Arnold Hilger, whose last known address is Hindenburgstrasse 36, Buderich b/Dusseldorf, Germany is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Two (2) Erie Railroad Company Ref. and Imp. 5% Mortgage bonds, due May 1, 1967, numbered 499 and 500, each of $1,000.00 face value, said bonds presently in the custody of The American Express Company, Inc., 65 Broadway, New York, New York, in an account for American Express Company, G. m. b. H., Berlin, Germany, together with any and all rights thereunder and thereto,

b. Three (3) Chicago, Milwaukee, St. Paul & Pacific Railroad Company 5% 50 yr. Mortgage bonds, due February 1, 1975, one bond numbered 104,959 of $1,000.00 face value and two bonds numbered 3117 and 7517 each of $500.00 face value, said bonds presently in the custody of The American Express Company, Inc., 65 Broadway, New York, New York, in an account for American Express Company, G. m. b. H., Berlin, Germany, together with any and all rights thereunder and thereto,

c. One (1) St. Louis-San Francisco Railway Company, 1st Mortgage, Series "A" 4% bond, due January 1, 1997, numbered 2304 of $500.00 face value, said bond presently in the custody of The American Express Company, Inc., 65 Broadway, New York, New York, in an account for American Express Company, G. m. b. H., Berlin, Germany, together with any and all rights thereunder and thereto,

d. Two (2) St. Louis-San Francisco Railway Company 2nd Mortgage Income Series "A" 4½ percent bonds, due January 1, 2022, numbered 793 and 794, registered in the name of Slade & Company and presently in the custody of The American Express Company, Inc., 65 Broadway, New York, New York, in an account for American Express Company, G. m. b. H., Berlin, Germany, together with any and all rights thereunder and thereto,

e. One (1) Scrip Certificate for St. Louis-San Francisco Railway Company 1st Mortgage 4 percent bond, numbered 13201, presently in the custody of The American Express Company, Inc., 65 Broadway, New York, New York, in an account for American Express Company, G. m. b. H., Berlin, Germany, together with any and all rights thereunder and thereto,

f. One (1) Scrip Certificate for St. Louis-San Francisco Railway Company 2nd Mortgage Series "A" 4½ percent bond, numbered 13550, presently in the custody of The American Express Company, Inc., 65 Broadway, New York, New York, in an account for American Express Company, G. m. b. H., Berlin, Germany, together with any and all rights thereunder and thereto,

g. One (1) Voting Trust Certificate for ten (10) shares of common stock of St. Louis-San Francisco Railway Company, said voting trust certificate numbered TV012092, registered in the name of Slade & Company and presently in the custody of The American Express Com-

pany, Inc., 65 Broadway, New York, New York, in an account for American Express Company, G. m. b. H., Berlin, Germany, together with any and all rights thereunder and thereto,

h. One (1) Voting Trust Certificate for Forty-Four Hundred Ten Thousandths (4400/10,000ths) shares of common stock of St. Louis-San Francisco Railway Company, said voting trust certificate numbered 10061 and presently in the custody of The American Express Company, Inc., 65 Broadway, New York, New York, in an account for American Express Company G. m. b. H., Berlin, Germany, together with any and all rights thereunder and thereto,

i. One (1) Voting Trust Certificate for five (5) shares of 5 percent Preferred Series "A" stock of St. Louis-San Francisco Railway Company, said voting trust certificate numbered TVO12552, registered in the name of Slade & Company and presently in the custody of The American Express Company, Inc., 65 Broadway, New York, New York, in an account for American Express Company, G. m. b. H., Berlin, Germany, together with any and all rights thereunder and thereto,

j. One (1) Voting Trust Certificate for Twenty-two Hundred, Ten Thousandths (2200/10,000ths) share of 5 percent Preferred Series "A" stock of St. Louis-San Francisco Railway Company, said voting trust certificate numbered 11100 and presently in the custody of The American Express Company, Inc., 65 Broadway, New York, New York, in an account for American Express Company, G. m. b. H., Berlin, Germany, together with any and all rights thereunder and thereto, and

k. That certain debt or other obligation of The American Express Company, Inc., 65 Broadway, New York, New York, on deposit in a Blocked Account entitled "American Express Company G. m. b. H., Berlin", representing accretions from or allocable to the securities set forth in subparagraph 2a through 2j, together with any accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Arnold Hilger, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2756; Filed, Feb. 28, 1951; 8:52 a. m.]

[Vesting Order 17354]

GASTON A. SCHERER

In re: Trust under the will of Gaston A. Scherer, deceased. File No. D-28-12178; E. T. sec. No. 16397.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9783, and pursuant to law, after investigation, it is hereby found:

1. That Kurt Trautwein and Edgar Trautwein, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the trust created under the will of Gaston A. Scherer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Old Colony Trust Company and by Frances W. Scherer, as trustees, acting under the judicial supervision of the Middlesex County Probate Court, State of Massachusetts;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2758; Filed, Feb. 28, 1951; 8:52 a. m.]

[Vesting Order 17359]

MEINRAD TOELLE

In re: Estate of Meinrad Toelle, deceased. File No. D-28-12955; E. T. sec. 17094.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Minna Toelle, Anna Toelle and Joseph Toelle, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Meinrad Toelle, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Perry Waters, Administrator, acting under the judicial supervision of the County Judge's Court for Escambia County, Florida;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2759; Filed, Feb. 28, 1951; 8:54 a. m.]

[Vesting Order 17324]

ALFRED R. PELTZER

In re: Stock owned by Alfred R. Peltzer. F-28-20058.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred R. Peltzer, whose last known address is 27 Andreasstr., Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: One hundred fifty-six (156) shares of stock of Royal Dutch Company, New York shares, evidenced by certificate numbered 42200 for one hundred (100) shares, certificate numbered 055077 for thirty (30) shares and interim certificate numbered 1245 for twenty-six (26) shares, registered in the name of Schmidt and Co., presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in safekeeping account of Credit Suisse, Lucerne, Switzerland, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Alfred R. Peltzer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2757; Filed, Feb. 28, 1951; 8:52 a. m.]

[Vesting Order 17363]

JOHN WALTER

In re: Estate of John Walter, deceased. File No. D-28-4045; E. T. sec. 7026.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Beyke whose last known address is Germany is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Johann Friedrich Ernst Walter, also known as Ernest Walter, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to the Estate of John Walter, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Vernon Silvershield, as administrator, c. t. a., acting under the judicial supervision of the Superior Court of the State of California in and for the County of Sonoma;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Johann Friedrich Ernst Walter, also known as Ernest Walter, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2760; Filed, Feb. 28, 1951; 8:54 a. m.]

[Vesting Order 17365]

MARTIN WEINAKER

In re: Estate of Martin Weinaker, also known as Martin Weng, as Martin Deng, as Martin Den, as Martin Direr, as Martin Wein, as Martin Wenig, as Marvin Wenaker and as Maten Weinaker, deceased. File No. D-28-12853; E. T. sec. 17018.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sophie Gretz, Berta Melcher, Anna Munk, Ida Lotesh and Joseph Deuerer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Marie Deuerer, also known as Maria Theresia Deuerer, nee Weinaker, deceased, except Rosie Dertinger, a resident of the United States, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, except Rosie Dertinger, a resident of the United States, in and to the estate of Martin Weinaker, also known as Martin Weng, as Martin Deng, as Martin Den, as Martin Direr, as Martin Wein, as Martin Wenig, as Marvin Wenaker and as Maten Weinaker, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany).

4. That such property is in the process of administration by George F. Then, as executor, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Marie Deuerer, also known as Maria Theresia Deuerer, nee Weinaker, deceased, except Rosie Dertinger, a resident of the United States, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2761; Filed, Feb. 28, 1951; 8:54 a. m.]

[Vesting Order 17369]

PAULA DRECHSLER

In re: Stock owned by Paula Drechsler. F-28-2952.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paula Drechsler, whose last known address is Germany, is a resident

of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of the Department of State, Division of Protective Services, 515 22d Street, NW., Washington, D. C., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

Name and address of issuer	State of incorporation	Certificate Nos.	Total number of shares	Par value	Type of stock	Registered owner
Trustees System Discount Corp. of Chicago, 1198 Merchandise Mart, Chicago, Ill.	Delaware	P 4292	3	$10	Preferred	Grete Hannemann.
Do	do	P 2901	1	$10	do	John Drechsler.
Do	do	A 2889	4	No par	Class A capital	Do.
Do	do	A 4253	11½	do	do	Grete Hannemann.
Chicago, North Shore & Milwaukee R. R. Co., 105 West Madison St., Chicago, Ill	Illinois	PLO 25882	5	$100	Nonassessable capital	Hans Drechsler.
Do	do	PLO 25789	5	$100	do	Do.
Western Light & Telephone Co., Huron Bldg., Kansas City, Kans.	Kansas	CO 1379	10	$1	Common	Do.

[F. R. Doc. 51-2762; Filed, Feb. 28, 1951; 8:54 a. m.]

[Vesting Order 17376]

KONISHI & CO., LTD.

In re: Debts owing to Konishi & Co., Ltd. F-39-1184-C-1/2/3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Konishi & Co., Ltd., the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Osaka, Japan and in a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Konishi & Co., Ltd., by Geo. H. McFadden & Bro., 60 Beaver Street, New York 4, New York, arising out of an Open Account outstanding on the books of the aforesaid Geo. H. McFadden & Bro., in the name of Konishi & Co., Ltd., together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Konishi & Co., Ltd., by Bunge Corporation, 80 Broad Street, New York 4, New York, arising out of an Accounts Payable outstanding on the books of the aforesaid Bunge Corporation, in the name of Konishi & Co., Ltd., together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Konishi & Co., Ltd., by Harris and Vose, 60 Beaver Street, New York 4, New York, arising out of a balance resulting from transactions in Cotton Futures outstanding on the books of the aforesaid Harris & Vose, in the name of Konishi & Company, Ltd., together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2763; Filed, Feb. 28, 1951; 8:54 a. m.]

[Vesting Order 17384]

ELISA WEGENER

In re: Stock owned by and debt owing to Elisa Wegener. F-28-31182.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elisa Wegener, whose last known address is 29 Papenkamp, Hamburg-Kl. Flottbek, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One Hundred Eleven (111) shares of no par value common capital stock of The Ruberoid Company, 500 Fifth Avenue, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by nine (9) certificates numbered 8750 for one (1) share; 8563 for six (6) shares; 8564 for nine (9) shares; 1213 for twenty (20) shares; 9892 for twenty (20) shares; 8584 for twenty-eight (28) shares; 23243 for eight (8) shares; 27930 for nine (9) shares; and 33350 for ten (10) shares registered in the name of L. D. Pickering & Co., presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York, New York, and held in a blocked account by said Bank of the Manhattan Company, for the Nederlandsche Bank voor Zuid-Afrika, N. V., Amsterdam, Holland, Depot B, together with all declared and unpaid dividends thereon,

b. Two (2) scrip certificates of The Ruberoid Company, in bearer form, bearing the numbers 487 for two-tenths (2/10) of a share, and 639 for one-tenth

of a share, presently in the custody of the Bank of the Manhattan Company, 40 Wall Street, New York, New York, and held in a blocked account, by said Bank of the Manhattan Company, for the Nederlandsche Bank voor Zuid-Afrika, N. V., Amsterdam, Holland, together with any and all rights thereunder and thereto, and

c. That certain debt or other obligation of the Bank of the Manhattan Company, 40 Wall Street, New York, New York, in the amount of $3,061.13, as of January 11, 1951, representing a portion of a blocked account, entitled "Blocked Depot B of the Nederlandsche Bank voor Zuid-Afrika, N. V., Amsterdam, Holland", and maintained at the aforesaid Bank of the Manhattan Company, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elisa Wegener, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2764; Filed, Feb. 28, 1951; 8:54 a. m.]

[Vesting Order 17391]

HELENE MOHRDIECK ET AL.

In re: Bank account owned by Helene Mohrdieck; Klaus Mohrdieck; Hinrich Mohrdieck, Johannes Mohrdieck, Martha Butenop, Claus Mohrdieck II, Michel Mohrdieck, Alma Jensen, Magdalena Meyn and Paul Mohrdieck. D-28-12597.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helene Mohrdieck, Klaus Mohrdieck, Hinrich Mohrdieck, Johannes Mohrdieck, Martha Butenop, Claus Mohrdieck II, Michel Mohrdieck, Alma Jensen, Magdalena Meyn and Paul Mohrdieck, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Seattle Trust and Savings Bank, Seattle, Washington, arising out of Blocked Account numbered 3285, designated "Estate of John Mohrdieck, Deceased, by H. Otto Giese, Trustee", maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Helene Mohrdieck, Klaus Mohrdieck, Hinrich Mohrdieck, Johannes Mohrdieck, Martha Butenop, Claus Mohrdieck II, Michel Mohrdieck, Alma Jensen, Magdalena Meyn, and Paul Mohrdieck, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 15, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2765; Filed, Feb. 28, 1951; 8:55 a. m.]

[Vesting Order 17392]

GUSTAV ROHDE ET AL.

In re: Bank account owned by Gustav Rohde, Hedwig Rosenthal and Bertha Rohde. F-28-30317.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav Rohde, Hedwig Rosenthal and Bertha Rohde, whose last known address is Klosterstrasse 6, Wolfenbuettel i Braunschweig, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Seattle Trust and Savings Bank, Seattle, Washington, arising out of Blocked Account numbered 3294, designated "Estate of Feodor Zeissler, Deceased, by H. Otto Giese, Trustee", maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Gustav Rohde, Hedwig Rosenthal, and Bertha Rohde, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 15, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2766; Filed, Feb. 28, 1951; 8:55 a. m.]

[Vesting Order 17395]

LEO J. BACHMANN

In re: Estate of Leo J. Bachmann, deceased. File No. D-28-9133.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Frank Ziegler, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them,

in, to and against the Estate of Leo J. Bachmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Emma Burmeister, as executrix, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York.

and it is hereby determined:

4. That to the extent that the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Frank Ziegler, deceased, identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2767; Filed, Feb. 28, 1951; 8:55 a. m.]

[Vesting Order 17397]

HERMAN HEIM

In re: Estate of Herman Heim, deceased. File No. D-28-12953; E. T. sec. No. 17095.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation it is hereby found:

1. That Mary Reichard, Lota Reichard, Craida Reichard, Henry Gross, Herman Gross and Martha Ebert, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Mary Reichard; of Lota Reichard; of Craida Reichard; of Henry Gross, and of Herman Gross, and the descendants, names unknown, of Mary Reichard; of Lota Reichard, and of Craida Reichard, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to the estate of Herman Heim, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by J. Henry Boehm, as executor, acting under the judicial supervision of the Superior Court of Middlesex County, Probate Division, New Jersey;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Mary Reichard; of Lota Reichard; of Craida Reichard; of Henry Gross, and of Herman Gross, and the descendants, names unknown, of Mary Reichard; of Lota Reichard, and of Craida Reichard, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended,

Executed at Washington, D. C., on February 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2768; Filed, Feb. 28, 1951; 8:55 a. m.]

[Vesting Order 17398]

EMIL RUDOLPH

In re: Estate of Emil Rudolph, deceased. File No. D-28-12945.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albert Schmidt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Emil Rudolph, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of the City of New York, as depositary, acting under the judicial supervision of the Surrogate's Court, Kings County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2769; Filed, Feb. 28, 1951; 8:56 a. m.]

[Vesting Order 17399]

FRANCES SCHULZ

In re: Estate of Frances Schulz, deceased. File No. 017-16996.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Justina Klumpp, Anna Maria Klumpp Bahr, Andreas Klumpp, Josef Klumpp, Franz Xaver Schaupp (Schaub), Melchior Schaupp (Schaub) and Wilhelm Schaupp (Schaub), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Karl Schaupp (Schaub), deceased, and the heirs-at-law, names unknown, of Jacob Philipp Klumpp, deceased; of Maria Schulz Klumpp; of Maria Schaupp (Schaub), deceased; of Anna Schaupp (Schaub), deceased, and of Barbara Schulz Schaupp (Schaub) are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2770; Filed, Feb. 28, 1951; 8:56 a. m.]

[Vesting Order 17419]

HEDWIG CUSSNICK ET AL.

In re: Interest in real property, property insurance policies and claim owned by Hedwig Cussnick and others. D-28-12972-B-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons, whose names and last known addresses appear below, are residents of Germany and nationals of a designated enemy country (Germany);

Hedwig Cussnick, Ludwigshafen a. Rh., Bismarckstr. 47, Germany.

Joseph Cussnick, Ludwigshafen a. Rh., Bismarckstr. 10, Germany.

Margarete Manser also known as Margarethe Manser, Kaiserslautern, Bierstrasse 41, Germany.

Maria Kath, Meyer also known as Maria Meyer, Hohenecken bei Kaiserslautern, Steckweg, Germany.

Henriette Mueller also known as Henriette Muller, Kaiserslautern, Storkstrasse 26, Germany.

Jacob Wellemann, Kaiserslautern, Mozartstr. 16, Germany.

Wilhelm Wellemann, Kaiserslautern, Mozartstr. 16, Germany.

Christine Rosenzweig, Mannheim-Kafertal, Kurz Mannheimerstr. 1, Germany.

Charlotta Dochnal also known as Charlotte Dochnal, Kaiserslautern, Kleestrasse 2, Germany.

Luise Reinshagen, Scharhof b. Mannheim, Germany.

Johanna Mersy, Kaiserslautern, Enterswellermuhle, Germany.

Paul Baumann, Kaiserslautern, Industriestrasse 3, Germany.

Conrad Baumann, Kaiserslautern, Fabrikstrasse 13, Germany.

Helene Schuck, Aslen Karlstr. 3, Germany.

Eva Kruel, Neheim-Husten, Mohrstrasse 59, Germany.

George Diehl, Kaiserslautern, Stahlstrasse 16, Germany.

Eugen Diehl, Kaiserslautern, Hasenstrasse 6, Germany.

Johann Diehl, Kaiserslautern, Bleichstrasse 24, Germany.

Karl Diehl, Kaiserslautern, Tannstrasse 39, Germany.

Konrad Diehl, Kaiserslautern, Bahnheim 12, Germany.

Heinrich Diehl, Kaiserslautern, Kleestrasse 4, Germany.

Luitpold Diehl, Kaiserslautern, Moltkestrasse 2, Germany.

Helen Baumann Christoffel, also known as Helene Baumann Christoffel, Kaiserslautern, Bremerstrasse 12, Germany.

George Baumann, Werth A. Rh., Eisenbahnneubau, Germany.

Heinrich Baumann, Aschaffenburg, Bahnmeisterei, Germany.

Elise Baumann, Bahnmeisterei, Kaiserslautern, Germany.

Franz Baumann, Birnstrasse 20, Kaiserslautern, Germany.

Kurt Baumann, Kaiserslautern, Birnstrasse 20, Germany.

Herta Baumann, also known as Hertha Baumann, Kaiserslautern, Birnstrasse 20, Germany.

Eva Mayer, Kaiserslautern, Augustastr. 55, Germany.

Katharine Schumacher, Munchen, Thorwaldenstr. 21, Germany.

Anna Heitz, Kaiserslautern, Wittelsbacherplatz 1, Germany.

Philliphine Feuerabend, also known as Philippine Feuerbend, Frankfurt A. M., Sternstr. 36, Germany.

Margarete Feuerabend, also known as Margarethe Feuerabend, Kaiserslautern, Wittelsbacherplatz 1, Germany.

Eduard Feuerabend, Kaiserslautern, Haagstrasse 38, Germany.

Heinrich Feuerabend, Kaiserslautern, Thalstr. 1 Lothringer Dell, Germany.

Charlotte Feuerabend Barth, Landsberg a. Lech, Germany.

Elise Marker, Kaiserslautern, Bendergasse 1, Germany.

Richard Feuerabend, Kaiserslautern, Haagstrasse 44, Germany.

Irma Schojan, now known as Irma Bauer, Geinhauser, Schlongauerstr. 10, Germany.

Jacob Frisch, Munchen Wendt, Dietrichstr. 44, 111, Germany.

Karl Frisch, Marlautern b., Kaiserslautern, Germany.

Lorenz Frisch, Augsburg, Hendenburgstr. 68, Germany.

Anna Maria B Dorrbacher, also known as Anna Derbacher, Munchen, Rossinistr. 2, Germany.

Jacob Cussnick, Kaiserslautern, Dammuhle 10, Germany.

Eva Roth, Ludenscheyd 1. Westf. Altonderstr. 4, Germany.

Franz Cussnick, Kaiserslautern, Mainzerstr Zschockewerke, Germany.

Katharine Stuber, Kaiserslautern, Gassstrasse 36, Germany.

Johanna Cussnick, also known as Johann, Cusshick, Kaiserslautern, Haassenstrasse 4, Germany.

Lorenz Cussnick, Kaiserslautern, Lothringer Dell, Thalstrasse 36, Germany.

Anna Stephan, Kaiserslautern, Schlageterstr 108, Germany.

Marie Reinshager, Mannheim-Sandhofen, Birnbaumstr. 32, Germany.

Helene Meyer also known as Helene Mayer, Kaiserslautern, Klosterstr. 12, Germany.

Sophie Ims, Kaiserslautern Herzhubel 32, Germany.

Hugo Baumann, Vohringen a. Iller Memingerstr. 17, Germany

August Cussnick, Neu-Isenberg b., Frankfurt Ludwigstr. 63, Germany.

2. That the personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of the persons named in subparagraph 1 hereof, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. An undivided twenty-nine forty-seconds (29/42ds) interest in real property situated in the City and County of Philadelphia, State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, interest and claim of the persons named in subparagraph 1 hereof and referred to in subparagraph 2 hereof, in and to all property insurance policies covering the premises described in subparagraph 3-a hereof, and any and all extensions or renewals thereof.

c. That certain debt or other obligation owing to the persons named in subparagraph 1 hereof and referred to in subparagraph 2 hereof, by John Deisher, 1600 South 22d Street, Philadelphia, Pennsylvania, arising out of their share of the net proceeds of the rents collected on the property described in subparagraph 3-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and referred to in subparagraph 2 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the prop-

erty described in subparagraph 3–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 3–b and 3–c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

All that certain lot or piece of ground with the Messuage or tenement thereln erected Situate on the East side of Sober Street at the distance of Twenty-eight feet Northward from the North side of Tasker Street in the Twenty-sixth Ward of the City of Philadelphia aforesaid Containing in front or breadth on the said Sober Street Thirteen feet and extending of that width in length or depth Eastward between parallel lines at right angles to the said Sober Street Forty-five feet six inches to the middle of a certain three feet wide alley leading Northward and Southward into and from the said Tasker Street Bounded Northward and Southward by ground now or late of William Marshall Eastward by the Easternmost moiety of said alley and Westward by the said Sober Street Being the same premises conveyed to Katie Heger by Harry Edgar Gibbs on July 28, 1897 by deed recorded in the Record of Deeds in and for the City and County of Philadelphia, State of Pennsylvania, in Book WMG No. 219 on Page 60.

[F. R. Doc. 51–2771; Filed, Feb. 28, 1951; 8:56 a. m.]

[Vesting Order 17420]

AUGUSTE GORSLER ET AL.

In re: Interest in right-of-way owned by Auguste Gorsler and others. F–28–9892.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the following persons whose names and addresses are hereinafter set forth:

Name and Address

Auguste Gorsler, Gelsmar Eichsfeld, Germany.
Wilhelm Bernhard, Mingerodf Bei Duderstadt, Am-Harz, Germany.
Wilhelm Steinmetz, Duderstadt, Hinterstr. 31, Germany.
Rudolph Steinmetz, Duderstadt, Herzbergstr., Germany.
Marie Buchmann, Niedernjesa by Goettingen, Germany.

are residents of Germany and nationals of a designated enemy country (Germany).

2. That the property described as follows: All right, title, interest and claim of the persons named in subparagraph 1 hereof in and to all that portion of the following described tracts of land occupied by the Butte & Plumas Railway Co. Right-of-Way (formerly Palermo Road) as said right-of-way traversed the following parcels of land lying east of Myers Street, situated in the County of Butte, State of California, particularly described as follows, to-wit:

The northeast quarter of the southeast quarter of the northwest quarter, and 60 feet in width through the northwest quarter of the southwest quarter of the northeast quarter, the southeast quarter of the southwest quarter of the northeast quarter, the southwest quarter of the southeast quarter of the northeast quarter and northeast quarter of the southeast quarter of Section 17, Township 19 North, Range 4 East, M. D. B. & M.,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51–2772; Filed, Feb. 28, 1951; 8:56 a. m.]

[Vesting Order 17421]

RICHARD KRAUEL

In re: Real property owned by Richard Krauel. File F–28–31256.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Richard Krauel, whose last known address is Grevesmuehlen, Germany, is a resident of Germany and national of a designated enemy country (Germany);

2. That the property described as follows: Real property situated in the Township of Washington, County of Bergen, State of New Jersey, particularly described as Lots eleven (11) and twelve (12) in Block 4423 thereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51–2773; Filed, Feb. 28, 1951; 8:57 a. m.]

[Vesting Order 17423]

AUGUST SCHAASBURGER

In re: Mortgage owned by the personal representatives, heirs, next of kin, legatees and distributees of August Schaasburger, deceased. F–28–31209.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of August Schaasburger, deceased,

who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: A mortgage executed on March 5, 1932, by Edna Schaan and Fred Schaan, her husband, and William Schmidt to Frieda Schaasburger, and recorded in the Office of the Morris County Clerk, Morristown, New Jersey, in Book S–12 of Mortgages, page 405, on March 12, 1932, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations, and the right to enforce and collect such obligations, and the right to possession of the aforesaid mortgage, and any and all notes, bonds and other instruments evidencing such obligations,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51–2774; Filed, Feb. 23, 1951; 8:57 a. m.]

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10218

ESTABLISHING AN AIRSPACE RESERVATION OVER THE LAS VEGAS PROJECT, LAS VEGAS, NEVADA

By virtue of the authority vested in me by section 4 of the Air Commerce Act of 1926 (44 Stat. 570), the airspace above the following-described portion of the United States is hereby reserved and set apart for national defense and other governmental purposes as an airspace reservation within which no person shall navigate an aircraft except by authority of the United States Atomic Energy Commission:

All that area within the United States lying within the following-described boundaries:

LAS VEGAS PROJECT, LAS VEGAS, NEVADA

Beginning at Latitude 37°16'00", Longitude 115°56'00"; thence due south to Latitude 36°41'00", Longitude 115°56'00"; thence due west to Latitude 36°41'00", Longitude 116°13'00"; thence due north to Latitude 37°16'00", Longitude 116°13'00"; thence due east to Latitude 37°16'00", Longitude 115°56'00", the point of beginning.

Any person navigating an aircraft within this airspace reservation in violation of the provisions of this order will be subject to the penalties prescribed in the Civil Aeronautics Act of 1938 (52 Stat. 973), as amended.

HARRY S. TRUMAN

THE WHITE HOUSE,
February 28, 1951.

[F. R. Doc. 51-2847, Filed, Feb. 28, 1951; 1:11 p. m.]

EXECUTIVE ORDER 10219

DEFINING CERTAIN RESPONSIBILITIES OF FEDERAL AGENCIES WITH RESPECT TO TRANSPORTATION AND STORAGE

By virtue of the authority vested in me by the Constitution and statutes, including the Defense Production Act of 1950, and as President of the United States and Commander-in-Chief of the armed forces, and in order to assure the adequacy and effective utilization of transportation and storage facilities to meet the needs of national defense and of domestic and foreign commerce, it is hereby ordered as follows:

PART I—DOMESTIC TRANSPORTATION AND STORAGE

SECTION 101. The commissioner of the Interstate Commerce Commission who is responsible for the supervision of the Bureau of Service of the Commission shall in utilizing the functions vested in him under the Defense Production Act of 1950:

(a) Assemble and analyze data with respect to requirements to be imposed on domestic transportation and storage systems and facilities and with respect to the ability of such systems and facilities to satisfy such requirements.

(b) Formulate such plans and programs, and take such actions, as may be desirable to meet requirements for domestic transportation and storage, including, among other things, programs and measures for increasing the efficiency and obtaining maximum utilization of domestic transportation and storage systems and facilities and for providing additional transportation and storage facilities.

(c) Coordinate and direct the domestic movement of passenger and freight traffic in cooperation with the Interstate Commerce Commission and private transportation organizations and agencies.

(d) Allocate the use of domestic transportation and storage facilities by operators thereof, and allocate domestic transportation and storage services to the users thereof.

(e) Administer such priorities as may be necessary to insure the movement of essential traffic, subject to such policies and orders as the Defense Production Administrator may prescribe.

(f) Act as claimant for materials and manpower for the construction, operation, maintenance, and repair of domestic transportation and storage systems and facilities.

(g) Cooperate with the Secretary of Commerce, the Secretary of Defense, and the Secretary of the Interior, to achieve the effective coordination of inland and ocean transportation and the efficient operation of all port facilities

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FEDERAL REGISTER

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shipping, including the requirements of the Department of Defense for ocean-going merchant-type vessels, and the supply of merchant shipping of domestic and foreign registry available for meeting these requirements.

(b) Formulate plans and programs for the construction of ocean-going merchant vessels determined to be needed to meet the requirements of national defense and domestic and foreign commerce, and construct such vessels as he may be authorized to construct.

(c) Formulate and, as necessary, undertake the execution of plans and programs for the reactivation of vessels from the national-defense reserve fleet, the requisition, purchase, charter, operation, maintenance, and repair of ocean-going merchant vessels, and the administration of war-risk insurance.

(d) Allocate ocean-going merchant vessels as required to meet the needs of the Department of Defense and other Federal programs.

(e) As necessary, schedule the movement of cargo, and administer priorities for the transportation of cargo, on ocean-going merchant vessels (other than those under the control of the Department of Defense), subject to such policies and orders as the Defense Production Administrator may prescribe.

(f) Act as claimant for materials and manpower for the construction, operation, maintenance, and repair of merchant vessels.

(g) Cooperate with the commissioner of the Interstate Commerce Commission responsible for the supervision of the Bureau of Service of the Commission and with the Secretary of Defense and the Secretary of the Interior to achieve the effective coordination of ocean and inland transportation and the efficient operation of all port facilities to meet military and civilian requirements.

(h) Represent the United States in dealing with shipping agencies of allied and associated governments in matters related to the use of shipping, acting within the framework of the national policy and under the guidance of the Department of State on matters of foreign policy and relations.

(i) Establish such agency or agencies within the Department of Commerce, and utilize the services of such other Federal, State, and local agencies, as he deems desirable in the performance of his functions with respect to shipping and ship construction.

SEC. 202. Nothing in this part shall be deemed to limit the functions of the Department of Defense. Any questions arising as to the application of this part which cannot be resolved by the agencies directly concerned shall be referred to the Office of Defense Mobilization for decision.

PART III—AIR TRANSPORTATION

SEC. 301. The Secretary of Commerce shall in utilizing the functions vested in him by law, including those under the Defense Production Act of 1950:

(a) Assemble and analyze data on the requirements of civil air transportation and of the Department of Defense for aircraft of the types used by civil air carriers.

(b) Formulate such plans and programs, and initiate such actions, as may be desirable to meet the requirements for civil air transportation and for the types of aircraft used by civil air carriers, including plans and programs for (1) the transfer or assignment of aircraft from civil air carriers to the Department of Defense, when required to meet needs of the armed forces approved by the Director of Defense Mobilization, and (2) such redistribution as may be necessary of the remaining aircraft among civil air carriers to assure the maintenance of essential civil routes and services.

(c) Allocate aircraft of the types used by civil air carriers as required to meet the needs of the armed forces and to maintain essential civil routes and services.

(d) As necessary, schedule the movement of traffic and administer priorities for the transportation of passengers, cargo, and mail by civil air carriers, subject to such policies and orders as the Defense Production Administrator may prescribe.

(e) Act as claimant for materials and manpower for the construction, operation, maintenance, and repair of civil air transportation systems and facilities.

(f) Establish such agency or agencies within the Department of Commerce, and utilize the services of the Civil Aeronautics Board and of such other Federal, State and local agencies, as he deems desirable in the performance of his functions.

PART IV—OTHER TRANSPORTATION FACILITIES

SEC. 401. The Secretary of Commerce with respect to streets, highways, airports, and airways, the Secretary of the Army with respect to rivers, harbors, and inland waterways, the Secretary of the Treasury with respect to aids to navigation, and the Secretary of the Interior with respect to pipelines shall in utilizing the functions vested in them by law, including those under the Defense Production Act of 1950:

(a) Assemble and analyze data on the requirements of the national defense for such transportation facilities.

(b) Formulate plans and programs, and take such actions, as may be desirable for meeting such requirements and obtaining the most effective utilization of such facilities for national defense purposes.

PART V—GENERAL PROVISIONS

SEC. 501. As used in this order the term "domestic transportation" does not include transportation by air, pipeline, or coastal or intercoastal shipping.

SEC. 502. Each agency of the executive branch of the Government shall, consistent with law, furnish to the officers to whom responsibilities are assigned by this order such information relating to its transportation and storage requirements as such officers may request in the performance of their functions under this order.

SEC. 503. Nothing in this Executive order shall be deemed to supersede any provision of Executive Order No. 10193 of December 16, 1950, or of Executive Order No. 10200 of January 3, 1951, or to alter the delegations of authority made by or under authority of Executive Order No. 10161 of September 9, 1950, or of Executive Order No. 10200 of January 3, 1951. The enumerations of responsibilities in Parts I, II, III, and IV of this order shall not be deemed to be exclusive or to limit or restrict the functions of the officers designated therein except as specifically provided therein.

HARRY S. TRUMAN

THE WHITE HOUSE,
February 28, 1951.

[F. R. Doc. 51-2853; Filed, Feb. 28, 1951; 3:25 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

Effective February 1, 1951, Part 27 is revised and amended to read as follows:

Sec.
27.1 Exclusion from provisions of Federal Employees Pay Act and Classification Act.
27.2 Maximum stipends prescribed.
27.3 Stipends under existing agreements with trainees.
27.4 Stipends of trainees assigned to Federal hospitals as affiliates.
27.5 Exclusion of other trainee positions and establishment of maximum stipends.
27.6 Extent of regulations.
27.7 Inquiries.

AUTHORITY: §§ 27.1 to 27.7 issued under 61 Stat. 727; 5 U. S. C. 1051-1058.

§ 27.1 *Exclusion from provisions of Federal Employees Pay Act and Classification Act.* In accordance with the provisions of section 1 and section 2 of Public Law 330, 80th Congress, approved August 4, 1947, the following positions, in addition to those specifically excluded by section 1 and section 2 of such law, are excluded from the provisions of the Federal Employees Pay Act of 1945 (Public Law 106, 79th Congress), as amended, and the Classification Act of 1949 (Public Law 429, 81st Congress, approved October 28, 1949), as amended:

Interns in hospital administration, second year approved postgraduate training.

Chaplain interns at St. Elizabeths Hospital and Freedmen's Hospital, approved training during second year postgraduate training, and fourth year approved postgraduate training.

Interns in clinical psychology at St. Elizabeths Hospital, second year approved postgraduate training (pre-doctoral) and fifth year approved postgraduate training (post-doctoral).

Interns in clinical psychology, U. S. Public Health Service, second year approved postgraduate training (pre-doctoral).

Student laboratory technicians, U. S. Public Health Service, one year approved training after a minimum of two years college level training.

Student X-ray technicians, U. S. Public Health Service, one year to eighteen months approved training.

Student medical interns, U. S. Public Health Service and St. Elizabeths Hospital, approved training during third and fourth years of medical school.

Pharmaceutical interns, U. S. Public Health Service, one year approved postgraduate training.

Recreation interns, U. S. Public Health Service, one year approved postgraduate training.

Medical record students, U. S. Public Health Service, one year approved training after two years college level training.

Medical record interns, U. S. Public Health Service, one year approved training after a minimum of three years college level training.

Psychiatric nurse interns (postgraduate student nurses), at St. Elizabeths Hospital and U. S. Public Health Service, one year approved postgraduate training.

§ 27.2 *Maximum stipends prescribed.* In accordance with the provisions of section 3 of Public Law 330, 80th Congress, approved August 4, 1947, the following maximum stipends (including overtime pay, maintenance allowances, and other payments in money or kind), except as otherwise provided in § 27.3 are hereby prescribed:

Student nurses—St. Elizabeths Hospital:	
First year training	$775
Second and third year training, maximum total for two years	1,225
All other Federal hospitals:	
First year training	$775
Second year training	865
Third year training	985
Medical or dental interns and residents—Gallinger and Freedmen's Hospitals:	
First year approved postgraduate training	1,600
Second year approved postgraduate training	1,900
Third year approved postgraduate training	2,200
Fourth year approved postgraduate training	2,500
Fifth year approved postgraduate training	3,400
Sixth year approved postgraduate training	4,150
All other Federal hospitals:	
First year approved postgraduate training	2,200
Second year approved postgraduate training	2,400
Third year approved postgraduate training	2,700
Fourth year approved postgraduate training	3,000
All other Federal hospitals—Con.	
Fifth year approved postgraduate training	$3,400
Sixth year approved postgraduate training	4,150

NOTE: Maximum stipends for Panama Canal and Panama Railroad are 25 percent above these rates.

Dietitian interns (student dietitians)—1 year approved postgraduate training	$1,470
Physical therapy interns (student physical therapists)—1 year approved postgraduate training	1,470
Occupational therapy interns (student occupational therapists)—Approved clinical training in affiliation with an approved school of occupational therapy, per month	122.50
Hospital administration interns—Second year approved postgraduate training	1,600
Chaplain interns—St. Elizabeths Hospital and Freedmen's Hospital:	
Approved training during second year postgraduate training, per month	134
Fourth year approved postgraduate training	2,000
Clinical psychology interns—St. Elizabeths Hospital:	
Second year approved postgraduate training (pre-doctoral)	1,600
Fifth year approved postgraduate training (post-doctoral)	2,200
Clinical psychology interns—U. S. Public Health Service: Second year approved postgraduate training (pre-doctoral)	1,600
Student laboratory technicians—U. S. Public Health Service: 1 year approved training, after a minimum of 2 years college level training	900
Student X-ray technicians—U. S. Public Health Service:	
First 9 months approved training, per month	65
Subsequent 3 to 9 months approved training, per month	75
Student medical interns—U. S. Public Health Service and St. Elizabeths Hospital:	
Half-time approved training during third and fourth years of medical school, per month	67
Full-time approved training during third and fourth years of medical school, per month	134
Pharmaceutical interns—U. S. Public Health Service: 1 year approved postgraduate training	1,470
Recreation interns—U. S. Public Health Service: 1 year approved postgraduate training	1,470
Medical record students—U. S. Public Health Service: 1 year approved training, after 2 years college level training—no stipend other than any maintenance provided.	
Medical record interns—U. S. Public Health Service: 1 year approved training, after a minimum of 3 years college level training	1,340
Psychiatric nurse interns (postgraduate student nurses)—St. Elizabeths Hospital and U. S. Public Health Service: 1 year approved postgraduate training	1,470

§ 27.3 *Stipends under existing agreements with trainees.* Stipends (total amounts paid, including maintenance allowances and other payments in kind) under existing agreements with trainees in accordance with maximum stipends approved by the Commission under the provisions of Executive Order 9750, and which are in excess of maximums in the above schedules, are hereby approved as maximums for the duration of training under such agreements: *Provided*, That statements of the terms of such agreements, with schedules of stipends and allowances, are filed with the Commission before September 1, 1947.

§ 27.4 *Stipends of trainees assigned to Federal hospitals as affiliates.* Trainees at non-Federal hospitals assigned to Federal hospitals as affiliates for part of their training shall receive no stipend from the Federal hospital other than any maintenance provided.

§ 27.5 *Exclusion of other trainee positions and establishment of maximum stipends.* Requests for approval by the Commission of exclusions from the provisions of the Federal Employees Pay Act of 1945, as amended, and the Classification Act of 1949, as amended, of other positions filled by persons employed on a student-employee basis assigned or attached to a hospital, clinic, or medical or dental laboratory, as provided in section 1 and section 2 of Public Law 330, 80th Congress, and for approval of maximum stipends not provided in § 27.2 or § 27.3, should be submitted promptly to the Commission with full supporting information.

§ 27.6 *Extent of regulations.* Maximum stipends provided in § 27.2 and § 27.3 apply to any "hospital, clinic, or medical or dental laboratory, operated by any department, agency, or instrumentality of the Federal Government or by the District of Columbia," unless rates of compensation are otherwise provided by law.

§ 27.7 *Inquiries.* Inquiries concerning this part may be directed, in Washington, D. C., to the Special Studies Section, Personnel Classification Division, telephone extension 625, and, in the field, to the appropriate regional or branch regional office.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] L. A. MOYER,
Executive Director.

[F. R. Doc. 51-2781; Filed, Mar. 1, 1951; 8:45 a. m.]

Chapter II—The Loyalty Review Board

PART 210—THE OPERATIONS OF THE LOYALTY REVIEW BOARD

APPENDIX A—LIST OF ORGANIZATIONS DESIGNATED BY THE ATTORNEY GENERAL PURSUANT TO EXECUTIVE ORDER NO. 9835

The following material is added at the end of Appendix A:

In a letter dated January 25, 1951, the Attorney General has advised the Loyalty Review Board as set out below.

The Department's attention has been called to an error in spelling which occurred in the consolidated list of organizations transmitted to the Loyalty Review Board by my letter of October 30, 1950. The organization which appears as "Jikyoku Lin I. . . ." should correctly be designated as "Jikyoku Iinkai (The Committee for the Crisis)."

It has been observed also that the designation of the "Dante Alighieri Society" as printed in the Code of Federal Regulations, 1949 Edition, Title 5, Part 210 (Appendix A) appears as "Dante Alighieri Society (between 1935 and 1940)." The same designation should have appeared after the citation of the "Dante Alighieri Society" in the consolidated list of organizations transmitted by my letter of October 30, 1950, and it will be appreciated if you will accordingly cite this organization as "Dante Alighieri Society (between 1935 and 1940)."

(Part III, E. O. 9835, Mar. 21, 1947, 12 F. R. 1935; 3 CFR, 1947 Supp.)

LOYALTY REVIEW BOARD,
UNITED STATES CIVIL SERVICE COMMISSION,
HIRAM BINGHAM,
Chairman.

[F. R. Doc. 51-2798; Filed, Mar. 1, 1951; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 C. C. C. Grain Price Support Bulletin 1]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—GENERAL PROVISIONS 1951 CROP PRICE SUPPORT PROGRAMS

This bulletin states the general requirements which will be uniformly applicable with respect to 1951 price support programs on certain grains and related commodities for which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and the Production and Marketing Administration (referred to in this bulletin and supplements hereto as CCC and PMA, respectively).

A separate supplement to this bulletin, containing additional specific requirements, will be issued on each commodity for which price support is made available and to which the provisions of this bulletin are applied.

Sec.

601.651 Administration.
601.652 Commodities covered by this subpart.
601.653 Methods of price support.
601.654 Disbursement of loans.
601.655 Approved lending agencies.
601.656 Approved storage.
601.657 Applicable forms.
601.658 Liens.
607.659 Service charges.
601.660 Set-offs.
601.661 Interest rate.
601.662 Transfer of producer's interest.
601.663 Safeguarding the commodity.
601.664 Insurance on farm-storage loans.
601.665 Loss or damage to the commodity.
601.666 Personal liability of the producer for the commodity.
601.667 Release of the commodity under loan.
601.668 Liquidation of loans and delivery under purchase agreements.
601.669 Removal of the commodity under loan.
601.670 Purchase of notes.
601.671 PMA commodity offices.

AUTHORITY: §§ 601.651 to 601.671 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1441, 1447, 1421.

§ 601.651 *Administration.* The program will be administered by PMA, under the general direction and supervision of the President, CCC, and in the field, will be carried out by PMA State and PMA County Committees (hereinafter called State and county committees) and PMA commodity offices. Producers interested in participating in the program should contact their county committee through which the price support documents will be distributed. All documents will be completed and approved by the county committee which will retain copies of all such documents. The county committee may designate in writing certain of its employees to approve documents on behalf of the committee.

§ 601.652 *Commodities covered by this subpart.* The provisions of this subpart shall apply to any grain or related commodity for which a price support program for 1951 is announced and for which a supplement to this subpart is issued.

§ 601.653 *Methods of price support.* This subpart applies to farm-storage loans, warehouse-storage loans, and purchase agreements. The particular methods to be used for each commodity will be specified in the applicable commodity supplement to this subpart.

§ 601.654 *Disbursement of loans.* Disbursement of loans will be made to producers by PMA State offices by means of sight drafts drawn on CCC, or by approved lending agencies under agreement with CCC. Disbursement shall not be made unless the commodity is in existence and in good condition; and disbursement shall not be made later than 15 days after the final date of the availability of loans set forth in the applicable supplement, unless approved by the PMA State Committee. This section shall not be construed as imposing any different responsibility on the lending agency than is imposed under the lending agency agreement.

§ 601.655 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a Lending Agency Agreement (Form PMA 97, or other form prescribed by CCC) or a loan servicing agreement.

§ 601.656 *Approved storage.* Loans will be made only on commodities in approved storage. Purchase agreements will be accepted without any requirements for approved storage. However, warehouse receipts will be purchased at time of delivery only on commodities in approved warehouse storage.

(a) *Farm storage.* Approved farm storage shall consist of storage structures located on or off the farm (excluding Public Warehouses), which are determined by the county committee to be so located and of such substantial and permanent construction as to afford safe storage of the commodity.

(b) *Warehouse storage.* Approved warehouse storage shall consist of (1) Public warehouses for which a CCC uniform storage agreement for the commodity is in effect, or (2) warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect. The names of approved warehouses may be obtained from PMA commodity offices or State and county committee.

§ 601.657 *Applicable forms.* The approved forms consist of the loan and purchase agreement forms and such other forms and documents as may be specified in the commodity supplements to this subpart, which together with the provisions of this subpart and the applicable commodity supplements, govern the rights and responsibilities of the producer. Notes and chattel mortgages, note and loan agreements, and purchase agreements must be dated and delivered to the county committee on or before the final date of availability of loans or purchase agreements, as the case may be, specified in the applicable commodity supplement to this subpart. Notes and chattel mortgages, and note and loan agreements, must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents executed by an administrator, executor, or trustee, will be acceptable only where legally valid.

(a) *Farm-storage loans.* Approved forms shall consist of producer's notes on Commodity Loan Form A, secured by a chattel mortgage on Commodity Loan Form AA, and such other forms and documents as may be required by CCC.

(b) *Warehouse-storage loans.* Approved forms shall consist of the note and loan agreement on Commodity Loan Form B (in case of rice, CCC Rice Form B and CCC Rice Form B, Supplement), secured by warehouse receipts and such other forms and documents as may be required by CCC. Any commodities pledged as security for a loan on a single note and loan agreement must be stored in the same warehouse.

(c) *Purchase agreement documents.* The purchase agreement forms shall consist of the Purchase Agreement (Commodity Purchase Form 1) and Purchase Agreement Settlement (Commodity Purchase Form 4) signed by the producer and approved by the county committee, the Delivery Instructions (Commodity Purchase Form 3) issued by the county committee, negotiable warehouse receipts, and such other forms and documents as may be required by CCC.

(d) *Warehouse receipts.* The form in which receipts shall be submitted will be stated in the commodity supplement to this subpart.

§ 601.658 *Liens.* If there are any liens or encumbrances on the commodity, waivers acceptable to the county committee must be obtained.

§ 601.659 *Service charges.* Producers shall pay service charges computed in accordance with the following on the quantity placed under loan or specified in the purchase agreement. An additional service charge shall be paid on any additional quantity delivered under a

farm-storage loan or an identity-preserved warehouse-storage loan, and accepted by CCC.

(a)

	Commodities the quantity of which is determined on basis of bushels	Commodities the quantity of which is determined on basis of pounds or 100 pounds	Minimum charge
	Per bushel (cents)	*Per 100 pounds (cents)*	
Farm-storage loans	1	2	$3.00
Warehouse	1	1	[1] 1.50
Purchase agreements	1	1	1.50

[1] Except rice for which the service charge for warehouse-storage loans shall be 2 cents per 100 pounds with a minimum charge of $3.

(b) In the case of farm-storage loans (and identity preserved warehouse-storage loans on rice), State committees are authorized to require prepayment of $3.00 of the service charge.

(c) No refund of service charges will be made.

§ 601.660 *Set-offs.* Any storage payment due the producer for storage of the commodity in farm-storage structures on which CCC has made or guaranteed a storage facility loan to the producer, shall be applied to such storage facility loan until the same is fully repaid. Any amount of such storage payments not so applied and any other storage payments, together with all payments for related services, due the producer shall be subject to set-off in the same manner as provided below for loan or purchase proceeds. If the producer is indebted to CCC on any accrued obligation, or if any installments past due or maturing within twelve months are unpaid on any loan made available by CCC on farm-storage facilities, whether held by CCC or a lending agency, he must designate CCC or such lending agency as the payee of the proceeds of the loan or purchase to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service charges and amounts due prior lienholders. However, prepayment of only one principal installment on a farm-storage facility loan shall be deducted from the price support proceeds of any one crop year. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided above. Indebtedness owing to CCC or to a lending agency as provided above shall be given first consideration after claims of prior lienholders. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 601.661 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note.

§ 601.662 *Transfer of producer's interest*—(a) *Loans.* The right of the producer to transfer either his right to redeem the commodity under loan or his remaining interest may be restricted by CCC.

(b) *Purchase agreements.* The producer may not assign his interest in the purchase agreement.

§ 601.663 *Safeguarding the commodity.* The producer obtaining a farm-storage loan is obligated to maintain the storage structure in good repair and to keep the commodity in good condition.

§ 601.664 *Insurance on farm-storage loans.* CCC will not require the producer to insure the commodity placed under a farm-storage loan; however, if the producer insures such commodity and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the commodity involved in the loss.

§ 601.665 *Loss or damage to the commodity.* The producer is responsible for any loss in quantity or quality of the commodity placed under farm-storage or identity preserved warehouse-storage loan, except that, subject to the provisions of § 601.664, physical loss or damage occurring without fault, negligence, or conversion on the part of the producer or any other person having control of the storage structure, resulting solely from an external cause other than insect infestation or vermin, will be assumed by CCC to the extent of the settlement rate, provided the producer has given the county committee immediate notice of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan. This section shall not apply to dry edible beans, or to loss in germination of winter cover crop or hay and pasture grass seeds. The conditions for these commodities are covered in the respective supplements.

§ 601.666 *Personal liability of the producer for the commodity.* The making of any fraudulant representation by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the commodity by him will render the producer subject to criminal prosecution under the Federal Law and personally liable for the amount of the loan and (including interest) for any resulting expense incurred by any holder of the note.

§ 601.667 *Release of the commodity under loan.* A producer may at any time obtain release of the commodity remaining under loan by paying to the holder of the note, or note and loan agreement, the principal amount thereof, plus charges and accrued interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local lending agency or to a county committee for collection. All charges in connection with the collection of the note shall be paid by the producer. Upon notice from the PMA commodity office or upon presentation of the paid note, the county committee shall arrange for the release of the chattel mortgage. Partial release of the commodity prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the commodity to be released. In the case of warehouse-storage loans, such partial release must cover all of the commodity under one warehouse receipt.

§ 601.668 *Liquidation of loans and delivery under purchase agreements*—(a) *Loans.* In the case of farm-storage loans and identity preserved warehouse loans, the producer is required to pay off his loan on or before maturity or to deliver the commodity in accordance with instructions of the county committee. The producer may, however, pay off his loan and redeem his commodity at any time prior to the delivery of the commodity to CCC or removal of the commodity by CCC. In the event the farm is sold or there is a change of tenancy, the commodity under a farm storage loan may be delivered before the maturity date of the loan, upon prior approval by the county committee, or may be delivered before the maturity date of the loan for other reasons upon prior approval of the President of CCC. Settlement will be made at the applicable support rate, subject to the provisions of the mortgage supplement and the applicable commodity supplement to this subpart, according to grade and or quality. In the case of commodities stored in bulk, settlement will be made for the total quantity delivered, provided it was stored in the bin(s) in which the commodity under loan was stored. In the case of commodities stored in bags, settlement will be made for the total quantity delivered in all the bags delivered provided they were included in the lot placed under loan. The support rates for each commodity will be set forth in the applicable commodity supplement to this subpart.

If the settlement value of the commodity delivered under a farm-storage loan, or an identity preserved warehouse-storage loan, exceeds the amount due on the loan (excluding interest) by more than $3.00, such amount will be paid to the producer on the basis of the settlement documents. To avoid administrative costs of making small payments, if the amount found due the producer in such settlement is $3.00 or less, such amount will be paid only upon his request. Payments will be made by sight draft drawn on CCC by the State PMA office.

If the settlement value of the commodity is less than the amount due on the loan (excluding interest), the amount of the deficiency, plus interest shall be paid to CCC or may be set off against any payment which would otherwise be due to the producer under any agricultural programs administered by the Secretary of Agriculture or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. To

avoid administrative costs of handling small accounts, a deficiency of $3.00 or less including interest, may be disregarded unless demand therefor is made by CCC upon the producer.

In the case of warehouse-storage loans, if the producer does not repay his loan by maturity, CCC shall have the right to process and to sell or pool the commodity in satisfaction of the loan in accordance with the provisions of the note and loan agreement and § 601.669. Any payment due a producer at the time of settlement on a warehouse-storage loan, except for identity preserved warehouse-storage loans, will be made by the appropriate PMA commodity office.

(b) *Purchase agreements.* The producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to sell any quantity of the commodity to CCC. However, the quantity stated in the purchase agreement will be the maximum quantity he may sell to CCC. If the producer who signs a purchase agreement wishes to sell the commodity to CCC, he will have a 30-day period during which he must notify the county committee of his intention to sell. Such period shall end on the loan maturity date specified in the applicable commodity supplement to this subpart, or such earlier date as prescribed by the President, CCC.

In the case of eligible commodities stored commingled in an approved warehouse, the producer must, not later than the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by CCC, submit to the county committee, warehouse receipts, under which the warehouseman guarantees quality and quantity, for the quantity of commodity he elects to sell to CCC, but not in excess of the quantity shown on Commodity Purchase Form 1. In the case of eligible commodities stored in other than approved warehouse storage, or stored identity preserved in approved warehouse storage the county committee will, on or after the final date of such 30-day period, issue delivery instructions to the producer. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines that more time is needed for delivery.

The producer may be required to redeliver a commodity in other than approved warehouse storage for a period of 60 days, such period beginning on the first day of the delivery period without any cost to CCC.

The commodity delivered under a purchase agreement will be purchased at the applicable support rate. When delivery is completed, payment will be made by sight draft drawn on CCC by the State PMA office on the basis of Commodity Purchase Form 4. The producer shall direct on such form to whom payment of the purchase price shall be made.

The commodity will be purchased on the basis of the weight, grade, and other quality factors determined at the time of delivery or, where warehouse receipts representing commingled commodities are purchased, on the basis of weight, grade and other quality factors shown on the warehouse receipts and/or accompanying documents; or if such commodity is delivered to a CCC storage facility, or stored "identity preserved" in an approved warehouse on the basis of the weight, grade, and other quality factors, determined by the county committee (in accordance with instructions for the determination of such factors under the loan program), and agreed to by the producer at the time of delivery.

§ 601.669 *Removal of the commodity under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the commodity and sell it (dry edible beans and rice may be processed before sale), either by separate contract or after pooling it with other lots of the commodity similarly held. If the commodity is pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled commodity as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the commodity even though part or all of such pooled commodity is disposed of under such policies at prices less than the current domestic price for such commodity. Any sum due the producer as a result of the sale of the commodity or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 601.670 *Purchase of notes.* CCC will purchase from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus an amount computed according to the lending agency agreement to cover interest. Lending agencies are required to submit Commodity Credit Corporation Form 500 or such other form as CCC may prescribe for all payments received on producers' notes held by them and are required to remit to CCC a part of the interest collected, computed according to the lending agency agreement. Lending agencies shall submit notes and reports to the PMA commodity office serving the area.

§ 601.671 *PMA commodity offices.* The PMA commodity offices and the areas served by them are shown below:

Atlanta 5, Ga., 50 Seventh Street NE.: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

Chicago 5, Ill., 623 South Wabash Avenue: Illinois, Indiana, Iowa, Michigan, Ohio.

Dallas 2, Texas, 1114 Commerce Street: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Kansas City 6, Mo., Fidelity Building, 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 3, Minn., Gamble-Skogmo Building, 15 North Eighth Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

New York 13, N. Y., 139 Centre Street: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia.

Portland 5, Oreg., 515 Southwest Tenth Avenue: Idaho, Oregon, Washington.

San Francisco 2, Calif., 335 Fell Street, Kincone Annex: Arizona, California, Nevada, Utah.

Issued this 26th day of February 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-2763; Filed, Mar. 1, 1951; 8:46 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 45[1]]

PART 371—GENERAL LICENSES

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE ASSIGNED BY OIT

MISCELLANEOUS AMENDMENTS

1. Section 371.26 *Exportation of certain publications G–PUB,* paragraph (c) *Publications exportable,* is amended by deleting therefrom the following commodities:

Schedule B No. 956300—Lithographically printed matter.

This part of the amendment shall become effective as of March 1, 1951.

2. Section 372.12 *Weight and volume tolerance* is amended in the following particulars:

Paragraph (a) *10 percent tolerance* is amended to read as follows:

(a) *10 percent tolerance.* For all commodities requiring an export license, unless otherwise specified in such license, a 10 percent tolerance by weight or volume over the amount specified in the license is allowed, except as listed below in this section:

Commodities	*Tolerance (percent)*
Raw cotton except linters (Schedule B Nos. 300005 through 300312) (pounds or bales)	2
Sulfur (crude, crushed, crushed, refined, sublimed, and flowers) (Schedule B Nos. 571400 and 571500)	1

This part of the amendment shall become effective as of March 15, 1951.

[1] This amendment was published in Current Export Bulletin No. 608 dated February 23, 1951.

3. Section 373.11 *Special provisions for ferrous or nonferrous commodities, including ores, concentrates, or unrefined products* is amended in the following particulars:

A new paragraph (f) is added thereto to read as follows:

(f) *Zinc scrap.* All applications for licenses to export zinc scrap (including ashes, dross, skimmings, and residues), Schedule B No. 657050, shall include (in addition to the total net weight of the commodity) the weight in pounds of the zinc content of the commodity. Also, the proportion of other significant elements contained in the material should be stated. This information shall be entered under item 9 (b) of Form IT–419.

This part of the amendment shall become effective as of February 23, 1951.

4. The export regulations are further amended in the following particulars:

A new Part 398 is added thereto to read as follows:

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE ASSIGNED BY OIT

§ 398.1 *DO (priority) ratings for foreign aircraft*—(a) *Delegation of authority.* The Civil Aeronautics Administration has delegated to the Office of International Trade, Department of Commerce, the right to assign DO ratings to purchase orders covering replacement parts and materials as described in paragraph (b) of this section, for commercial transport aircraft of civil air carriers registered in foreign countries other than those listed in paragraph (c) of this section. This rating authority will be exercised in accordance with a program authorized by the National Production Authority, and limited in total dollar value for each calendar quarter.

(b) *Replacement parts and materials.* The Office of International Trade will consider requests to assign DO ratings to purchase orders for the following replacement parts and materials:

(1) Airframe fabricated parts, including structural parts.

(2) Airframe accessories and parts, including landing gear, wheels, brakes, shock struts, retract struts, radiators, superchargers, refrigeration equipment, batteries, hydraulic system, interior seats, heaters, and related equipment.

(3) Aircraft hardware and fittings.

(4) Engines and parts.

(5) Engine accessories and parts, including starters, generators, carburetors, magnetos, and fuel pumps.

(6) Propellers, propeller accessories, and parts.

(7) Aircraft instruments and parts.

(8) Tires and other aircraft rubber parts.

(9) Radio equipment and parts (airborne).

(10) Electrical supplies other than aircraft accessories (airborne), including wire, relays, circuit breakers, switches, bulbs, fuses, and conduit.

(11) Raw materials to repair and maintain aircraft, including aluminum, steel, copper, brass, textiles, lumber, and plastics.

(12) Ground equipment and supplies for aircraft maintenance, including starting equipment, ramps, and specialized hand tools.

(13) Paints and chemicals for aircraft maintenance.

(14) Miscellaneous airborne equipment, including emergency equipment, life rafts, life jackets, seat belts, blankets, and galley equipment.

(c) *Ratings not assigned by OIT.* Requests for DO ratings on purchase orders for delivery of replacement parts and materials to foreign civil air carriers registered in any of the following countries shall be submitted to the Industry Division, Economic Cooperation Administration, 800 Connecticut Avenue NW., Washington 25, D. C.

Austria.
Belgian Overseas Territories:
  Belgian Congo.
  Ruanda-Urundi.
British Overseas Territories:
  Gibraltar.
  Malta and Gozo.
  Cyprus.
  British West Africa:
    Nigeria.
    Gold Coast and Territories.
    Gambia, Togoland, British Cameroons.
    Sierra Leone.
  Northern Rhodesia.
  Southern Rhodesia.
  British East Africa:
    Kenya.
    Uganda.
    Tanganyika, Nyasaland.
    Zanzibar and Pemba.
    Somaliland.
  Basutoland, Bechuanaland, Swaziland.
  St. Helena, Ascension Islands, Mauritius and Dependencies.
  Seychelles.
  Aden (Colony and Protectorate).
  Bahrein, Kuwait, Quatar and Trucial Omen.
  Indian Ocean Islands.
  British Malaya.
  Borneo (British) and Sarawak.
  Hong Kong.
  Fiji Islands.
  Other British Islands of the Pacific.
  Bermuda.
  British West Indies.
  Bahamas.
  Jamaica and Dependencies.
  Windward Islands.
  Leeward Islands (including Dominion).
  Barbados.
  Trinidad and Tobago.
  British Honduras.
  British Guinea.
  Falkland Islands and Dependencies.
Belgium-Luxemburg Economic Union.
Burma
Canada (including Newfoundland and Labrador).
Denmark.
France (including the Saar).
Federal Republic of Germany.
French Overseas Territories:
  Tunisia.
  Algeria.
  Morocco.
  Somaliland.
  French West Africa.
  Togoland.
  French Equatorial Africa.
  The Cameroons.
  Madagascar and Comoro.
  Saint Pierre and Miquelon.
  New Caledonia and Dependencies.
  French Oceania.
  French E. Indian Possessions.
  Reunion Island.
  Guadeloupe.
  Martinique.
  French Guinea.
Greece.
Iceland.
Indochina.
Indonesia, United States of.
Ireland.
Italy.
Korea, Republic of.
Netherlands.
Netherlands Overseas Territories:
  Netherlands East Indies.
  Surinam.
  Curacao.
Norway.
Portugal.
Portuguese Overseas Territories:
  Angola (Port. West Africa).
  Mozambique (Port. East Africa).
  Cape Verde Islands and Portuguese Guinea.
  Sao Thome.
  Timor.
  Macao.
  Portuguese East India.
Sweden.
Switzerland.
Taiwan (Formosa).
Thailand.
Trieste, Free Territory of.
Turkey.
United Kingdom (including Channel Islands).

(d) *Submission of requests for assignment of DO ratings.* Requests to the Office of International Trade to assign DO ratings to purchase orders shall be by letter, addressed to the Producers Equipment Division, Office of International Trade, Department of Commerce, Washington 25, D. C. The following information and documents must be attached to the letter:

(1) Duplicate copies of the bill of materials or purchase order containing the following information:

(i) The name of the foreign airline for which materials are required;

(ii) The supplier's name;

(iii) Purchase order number;

(iv) Class of materials according to the classes set forth in paragraph (b) of this section, by dollar value for each class;

(v) Total dollar value; and

(vi) End delivery date.

(2) A statement that the supplier will not be able to deliver the material without a DO rating and that the air carrier cannot obtain the material from any other source.

(3) A statement as to whether any of the material covered by the order requires a validated export license from either the Department of State or the Department of Commerce. (See § 370.5 of this subchapter.) If so, a statement as to whether such licenses have been applied for or granted, giving the application numbers or license numbers.

Suppliers may also request DO ratings on behalf of the air carrier or its representative by submitting the above information. In such case, the supplier must notify the air carrier or its representative, in writing, that request for DO rating has been made and send a copy of such notification to the Producers Equipment Division, Office of International Trade, Department of Commerce, Washington 25, D. C.

This part of the amendment shall become effective as of February 23, 1951

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2022. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51–2829; Filed, Mar. 1, 1951; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5263]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MODERN MANNER CLOTHES

Subpart—*Advertising falsely or misleadingly:* § 3.75 *Free goods or services.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1955 *Free goods.* Subpart—*Securing agents or representatives falsely or misleadingly:* § 3.2165 *Terms and conditions.* In connection with the offering for sale, sale, and distribution of wearing apparel or other items of merchandise, in commerce, using the word "free", or any other word or words of similar import or meaning, to designate, describe, or refer to wearing apparel, or other merchandise, which is not in truth and in fact a gift or gratuity or is not given to the recipient thereof without requiring the performance of some service inuring directly or indirectly to the benefit of the respondents; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Joseph Rosenblum et al, doing business as Modern Manner Clothes, Docket 5263, Dec. 19, 1950]

In the Matter of Joseph Rosenblum and Sadie Rosenblum, Copartners, Trading and Doing Business as Modern Manner Clothes

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer thereto, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, the trial examiner's recommended decision and exceptions thereto, and briefs and oral argument of counsel, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

I. *It is ordered,* That respondents, Joseph Rosenblum and Sadie Rosenblum, individually and as copartners trading and doing business as Modern Manner Clothes, or under any other name, and their respective agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of wearing apparel or other items of merchandise, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Using the word "free", or any other word or words of similar import or meaning, to designate, describe, or refer to wearing apparel, or other merchandise, which is not in truth and in fact a gift or gratuity or is not given to the recipient thereof without requiring the performance of some service inuring directly or indirectly to the benefit of the respondents.

II. *It is further ordered,* That the charges in the complaint that respondents have misrepresented the fiber content of certain of the garments they sell; have misrepresented that the styles of wearing apparel featured in magazines are their products and that advertisements were placed in said fashion magazines by the respondents; and have violated the provisions of the Wool Products Labeling Act of 1939, and the rules and regulations promulgated thereunder, be, and the same hereby are, dismissed.

III. *It is further ordered,* That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: December 19, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51–2795; Filed, Mar. 1, 1951; 8:49 a. m.]

[Docket No. 5101]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ALBERTY FOOD PRODUCTS, ETC.

Subpart—*Advertising falsely or misleadingly:* § 3.105 *Nature—Product or service:* § 3.170 *Qualities or properties of product or service:* § 3.205 *Scientific or other relevant facts.* In connection with the offering for sale, sale, or distribution of respondents' products designated "Ri-Co Tablets"; "Alberty's Vitamin-Mineral Capsules"; "Alberty's Wheat Germ"; "Alberty's Ointment"; "Oxorin Tablets"; "Cap-Lone Tablets"; "Alberty High Potency B Complex"; "Alberty Wheat Germ Oil"; "Alberty Garlic and Vegetable Oil Perles"; "Vimol Tablets"; "Alberty's Vitamin A-Shark Liver Oil"; "Alberty's Vitamin B Complex"; "Alberty Phospho-B" (also known as "Phloxo-B"); "Zen"; "Alberty's Sabinol"; and "Ad-a-Min Capsules", or any other products of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparations, which advertisements represent, directly or by implication, (a) that the preparation "Ri-Co Tablets" constitutes an adequate or competent treatment for arthritis, rheumatism, gout or "rheumatic gout"; or that said preparation will eliminate uric acid from the system (but subject to the provision, however, that "nothing herein" shall be construed as prohibiting the representation that according to the principles of the homeopathic school of medicine the preparation is of value in ameliorating the symptoms of muscular or ligamentous pain and stiffness due to arthritis or rheumatism, except when such symptoms are accompained by a febrile condition); (b) that the preparation "Alberty's Ointment" is of therapeutic value in the treatment, either constitutional or local, of arthritis, rheumatism, gout or "Rheumatic gout", or in the relief of pain, swelling, stiffness, or any other symptom incident to arthritis, rheumatism or gout; (c) that the preparation "Sabinol" is an adequate or competent treatment for diseases or ailments of the kidneys; that said preparation will flush the kidneys; that it possesses any therapeutic value in the treatment of circles about the eyes, dull aching feeling across the back, sharp pains in the kidneys, frequent urination during the night, spots before the eyes, swelling of the feet, ankles or lower limbs, puffiness about the eyes, or lack of vitality; or that it is an eliminant of the uric acid from the system (but subject to the provision, however, that "nothing herein" shall be construed as prohibiting the representations that according to the principles of the homeopathic school of medicine (1) the preparation is of value in relieving the symptoms of pain or discomfort due to gravel or stone in the kidneys or to spasms of the ureters, or (2) there may be some elimination of uric acid from the system incident to the use of the preparation); (d) that the preparation "Oxorin Tablets" will have any therapeutic effect upon the blood or the red corpuscles thereof, except in cases of simple iron deficiency anemia; or that said preparation will relieve, correct, or have any beneficial effect upon the condition of lassitude characterized by such expressions as "weariness", "tiredness", "weakness", "lack of energy", or "general run down condition", unless such representation be expressly limited to symptoms or conditions due to simple iron deficiency anemia; (e) that three tablets of the preparation "Zen" will provide an individual with 15 grains of iron, or with any amount of iron in excess of approximately $2\frac{1}{2}$ grains; that said preparation is a dependable blood building tonic, or that it will be beneficial in any respect to the blood in excess of its value in the treatment of simple iron deficiency anemia; or that said preparation will be effective in the restoration of energy in those who lack it, unless such representation be expressly limited to cases of lack of energy due to simple iron deficiency anemia; (f) that the preparation "Cap-Lone Tablets" constitutes a competent or effective treatment for or is of therapeutic value in the relief of pyhorrhea or constipation; that said preparation will regulate the bowels or purify the blood; that it is beneficial to the skin, brain, nerves, stomach, intestines, or the glands of the body; or that it possesses any value as a restorative or tonic; (g) that the administration of the prepara-

tion "Cap-Lone Tablets" as recommended by respondents, is effective in relieving or substantially improving any of the physiological conditions or manifestations arising from a deficiency of the minerals calcium or phosphorus; or that such use of said preparation provides any benefits whatever in excess of serving as a dietary supplement in supplying quantities of the minerals calcium and phosphorus; (h) that the preparation "Garlic and Vegetable Oil Perles" aids in the digestion or absorption of food or acts as an "intestinal disinfectant"; that said preparation constitutes a competent or effective treatment for hypertension, high blood pressure, or any of the symptoms of hypertension; or that it possesses any therapeutic value in the treatment of dyspepsia or catarrhal affections of the digestive tract or other bowel inflammations in excess of a carminative effect when such conditions result in gas or distention due thereto (subject to the provision, however, that nothing herein shall be construed as prohibiting the representation that according to the principles of the homeopathic school of medicine said preparation possesses laxative properties due to its action on the mucous membranes of the digestive tract, resulting in increased peristalsis); (i) that the preparation "Vitamin A Shark Liver Oil" will (1) benefit the conditions of sterility, eczema or inflamed membranes of the nose, throat, lungs, or the urinary or reproductive organs; (2) be of therapeutic value in the treatment or prevention of kidney stones; (3) aid or benefit the liver, kidneys, nerves or glandular system; (4) avert or benefit the conditions, in children, of susceptibility to colds, children's diseases, poor eyesight, or the delay in or impairment of healthy development of teeth and bones; (5) benefit the conditions of dry skin, skin eruptions on the body, or inflamed membranes of the eye, unless such representation be expressly limited to cases in which such conditions are caused by a deficiency of Vitamin A; (6) afford any relief from "eye strain" or susceptibility of the eyes to fatigue, unless such representation be expressly limited to "eye strain" or susceptibility of the eyes to fatigue associated with the condition of "night blindness" caused by a deficiency of Vitamin A; (7) increase vigor or vitality, or give a feeling of well being, or aid the skin or eyes, unless such representation be expressly limited to cases, in which vigor, vitality or well being has been impaired by a deficiency of Vitamin A or in which the condition or functioning of the skin or eyes is a sign or manifestation of a deficiency of Vitamin A; (8) supply energy to children, unless such representation be expressly limited to cases of lack of energy caused by a deficiency of Vitamin A; (j) that the following symptoms or conditions, or any of them, are attributable to a deficiency of Vitamin A, or that said symptoms or conditions will be benefited by the use of Vitamin A; dry skin (except zerosis), common eruptions on the skin such as pimples, boils and blackheads, "eye strain" or susceptibility of the eyes to fatigue (except insofar as those conditions may be associated with "night blindness"), sterility, eczema, inflamed membranes of the nose, throat, lungs or urinary or reproductive organs, kidney stones, the improper or inadequate functioning of the liver, kidneys, nerves, or glandular system, and, in children, susceptibility to colds, children's diseases, poor eyesight, and delay in or impairment of healthy development of teeth or bones; (k) that the preparation "Alberty's Phospho B", or "Phloxo B", possesses any therapeutic value in the treatment of excitability, upset feeling, or poor memory; or that said preparation possesses any therapeutic value in the treatment of sleeplessness, nervousness, irritability or sensitiveness, unless such representation be expressly limited to claims of value made for the preparation in the treatment of sleeplessness, nervousness, irritability or sensitiveness in cases in which these symptoms are due to anemia or asthenia; (l) that the administration of the preparation "Alberty's Phospho B", or "Phloxo B", as recommended by respondents, is effective in relieving or substantially improving any of the physiological conditions or manifestations arising from a deficiency of Vitamin B in the human body; or that such use of said preparation provides any benefits whatever in excess of the value claimed for it in the treatment of the symptoms of anemia and asthenia and its value in averting the development of a deficiency of Vitamin B_1; (m) that the preparations "Alberty's Vitamin B Complex", "Alberty's High Potency B Complex" and "Vimol", or any of them (1) are beneficial to persons whose thyroid glands are over active; (2) will relax the nerves or induce sleep; (3) will avert or postpone old age or its consequences; (4) will "tone" the muscles or restore vitality; (5) will assure the user of proper digestion, sound nerves, good intestinal activity, or regular bowel movements; (6) will protect one against nervous fatigue or exhaustion due to overwork, worry, mental strain, acidosis, chronic diseases, sexual excesses or improper functioning of the ductless glands, or other causes; (7) constitute remedies or competent or effective treatments for nervousness, excitability, insomnia, arthritis, neuritis, gastro-intestinal troubles, constipation, piles, vomiting in pregnancy, improper lactation in nursing mothers, retarded growth in children, pellagra, diabetes, anemia, nervous disorders, absence of appetite, or alcoholic polyneuritis; or (8) possess significant tonic properties; (n) that the administration of the preparations "Alberty's Vitamin B Complex", "Alberty's High Potency B Complex", or "Vimol", as prescribed by respondents, is effective in relieving or substantially improving any of the physiological conditions or manifestations arising from a deficiency of one or more components of the Vitamin B Complex in the human body; or that such use of any of said preparations will provide any benefits whatever in excess of the following, (1) that "Alberty's Vitamin B Complex" will avert the development of a deficiency of Vitamin B_1 and will serve as a dietary supplement in supplying quantities of Vitamin B_1; (2) that "Alberty's High Potency B Complex" will avert the development of a deficiency of Vitamins B_1 and B_2; (3) that "Vimol" will serve as a dietary supplement in supplying quantities of Vitamin B_1; (o) that the following symptoms or conditions, or any of them, are attributable to a deficiency of Vitamin B_1 or that said symptoms or conditions will be benefited by the use of Vitamin B_1: failure of the brain to function efficiently, arthritis, neuritis, except polyneuritis, hemorrhoids and premature old age; (p) that the Vitamin B Complex is familiarly or appropriately referred to as the "Youth Vitamin" or the "Modern Tonic Vitamin"; (q) that the preparations "Alberty's Vitamin-Mineral Capsules" and "Ad-a-Min Capsules", or either of them, will, (1) assure the user of abounding health or vigor, or increase resistance to disease; (2) avert pellagra, cataracts or skin diseases; (3) enable barren women to conceive; (4) improve the functioning of the liver, kidneys, nerves, glandular system, muscles or intestines; (5) benefit the skin or teeth of adults or aid in the treatment of gingivitis; or (6) improve the metabolism of the body; (r) that the administration of the preparations "Alberty's Vitamin-Mineral Capsules" or "Ad-a-Min Capsules", as recommended by respondents, is effective in relieving or substantially improving any of the physiological conditions or manifestations arising from a deficiency of any of the Vitamins A, B_1, C, D, or G, in the human body; or that such use of either of said preparations will provide any benefits whatever in excess of the following, (1) that "Alberty's Vitamin-Mineral Capsules" will avert the development of a deficiency of Vitamin D and will serve as a dietary supplement in supplying quantities of Vitamins A, B_1, C, and G and the mineral iron, calcium, phosphorus, and iodine; (2) that "Ad-a-Min Capsules" will avert the development of a deficiency of Vitamins A and D and will serve as a dietary supplement in supplying quantities of Vitamins B_1, C, and G and the mineral iron, calcium, phosphorus, and iodine; (s) that the preparations "Alberty's Wheat Germ" and "Alberty's Wheat Germ Oil", or either of them, will promote mental alertness, improve the memory, stimulate sex desire, increase reproductive power, increase the size or firmness of the testicles, increase vigor or muscular tone, prevent miscarriages, render barren women fertile, or provide a cure for acne vulgaris; (t) that Vitamin E is recognized or appropriately referred to as the "Reproduction Vitamin", "Master Vitamin" or the "Vitamin of General Fitness"; (u) that all persons will be benefited, physically or mentally, by taking all or any of respondents' aforesaid preparations; or (v) that it is necessary for a person to receive daily adequate amounts of essential nutritional elements; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U. S. C. 45) [Modified cease and desist order, Alberty Food Products, etc., Docket 5101, Dec. 13, 1950]

In the Matter of Ada J. Alberty, Helen M. Alberty Hackworth, Florence M. Alberty St. Clair, Harry R. Alberty, Margaret M. Alberty Quinn, and Kenneth Hackworth, Copartners Trading Under the Names of Alberty Food Products, The Alberty Food Products, Alberty Products, Alberty Products Sales Co., The Cap-Lone Co., and Cheno Products

MODIFIED ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent Ada J. Alberty, and a stipulation as to the facts entered into by and between Ada J. Alberty, Helen M. Alberty Hackworth, Florence M. Alberty St. Clair, Harry R. Alberty, Margaret M. Alberty Quinn and Kenneth Hackworth, and Daniel J. Murphy, then Assistant Chief Trial Counsel for the Commission, which stipulation provided, among other things, that the statement of facts contained therein might be taken as the facts in this proceeding and that the Commission might make its report, stating its findings as to the facts, including inferences which it might draw from the stipulated facts, and its conclusion based thereon, and enter its order disposing of the proceeding without further evidence or other intervening procedure (the filing of a report or recommended decision by the trial examiner and the filing of briefs and presentation of oral argument having been expressly waived), and in which stipulation the aforesaid parties specifically waived the non-joinder in the complaint of Helen M. Alberty Hackworth, Florence M. Alberty St. Clair, Harry R. Alberty, Margaret M. Alberty Quinn and Kenneth Hackworth as parties respondent, and expressly agreed that said complaint should be deemed as amended to charge all of them as respondents with respect to the acts and practices set forth therein, and in which said parties other than Ada J. Alberty waived service of the complaint upon them and waived their right to file answers thereto; and the Commission, having made its findings as to the facts and its conclusion that said respondents had violated the provisions of the Federal Trade Commission Act, on February 4, 1948, issued its order to cease and desist.

Said order to cease and desist having been modified by the United States Court of Appeals for the District of Columbia in the manner and to the extent set forth in the Court's opinion in the case of Ada J. Alberty et al., Petitioners v. Federal Trade Commission, Respondent:

It is ordered, That the respondents, Ada J. Alberty, Helen M. Alberty Hackworth, Florence M. Alberty St. Clair, Harry R. Alberty, Margaret M. Alberty Quinn and Kenneth Hackworth, individually and trading under the names Alberty Food Products, The Alberty Food Products, Alberty Products, Alberty Products Sales Co., The Cap-Lone Co., and Cheno Products, or trading under any other name, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of respondents' products designated "Ri-Co Tablets"; "Alberty's Vitamin-Mineral Capsules"; "Alberty's Wheat Germ"; "Alberty's Ointment"; "Oxorin Tablets"; "Cap-Lone Tablets"; "Alberty High Potency B Complex"; "Alberty Wheat Germ Oil"; "Alberty Garlic and Vegetable Oil Perles"; "Vimol Tablets"; "Alberty's Vitamin A-Shark Liver Oil"; "Alberty's Vitamin B Complex"; "Alberty Phospho-B" (also known as "Phloxo-B"); "Zen"; "Alberty's Sabinol"; and "Ad-a-Min Capsules", or any other products of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That the preparation "Ri-Co Tablets" constitutes an adequate or competent treatment for arthritis, rheumatism, gout or "rheumatic gout"; or that said preparation will eliminate uric acid from the system: *Provided, however*, That nothing herein shall be construed as prohibiting the representation that according to the principles of the homeopathic school of medicine the preparation is of value in ameliorating the symptoms of muscular or ligamentous pain and stiffness due to arthritis or rheumatism, except when such symptoms are accompanied by a febrile condition.

(b) That the preparation "Alberty's Ointment" is of therapeutic value in the treatment, either constitutional or local, of arthritis, rheumatism, gout or "rheumatic gout", or in the relief of pain, swelling, stiffness, or any other symptom incident to arthritis, rheumatism or gout.

(c) That the preparation "Sabinol" is an adequate or competent treatment for diseases or ailments of the kidneys; that said preparation will flush the kidneys; that it possesses any therapeutic value in the treatment of circles about the eyes, dull aching feeling across the back, sharp pains in the kidneys, frequent urination during the night, spots before the eyes, swelling of the feet, ankles or lower limbs, puffiness about the eyes, or lack of vitality; or that it is an eliminant of uric acid from the system; *Provided, however*, That nothing herein shall be construed as prohibiting the representations that according to the principles of the homeopathic school of medicine (1) the preparation is of value in relieving the symptoms of pain or discomfort due to gravel or stone in the kidneys or to spasms of the ureters, or (2) there may be some elimination of uric acid from the system incident to the use of the preparation.

(d) That the preparation "Oxorin Tablets" will have any therapeutic effect upon the blood or the red corpuscles thereof, except in cases of simple iron deficiency anemia; or that said preparation will relieve, correct, or have any beneficial effect upon the condition of lassitude characterized by such expressions as "weariness", "tiredness", "weakness", "lack of energy", or "general run down condition", unless such representation be expressly limited to symptoms or conditions due to simple iron deficiency anemia.

(e) That three tablets of the preparation "Zen" will provide an individual with 15 grains of iron, or with any amount of iron in excess of approximately $2\frac{1}{2}$ grains; that said preparation is a dependable blood building tonic, or that it will be beneficial in any respect to the blood in excess of its value in the treatment of simple iron deficiency anemia; or that said preparation will be effective in the restoration of energy in those who lack it, unless such representation be expressly limited to cases of lack of energy due to simple iron deficiency anemia.

(f) That the preparation "Cap-Lone Tablets" constitutes a competent or effective treatment for or is of therapeutic value in the relief of pyorrhea or constipation; that said preparation will regulate the bowels or purify the blood; that it is beneficial to the skin, brain, nerves, stomach, intestines, or the glands of the body; or that it possesses any value as a restorative or tonic.

(g) That the administration of the preparation "Cap-Lone Tablets" as recommended by respondents, is effective in relieving or substantially improving any of the physiological conditions or manifestations arising from a deficiency of the minerals calcium or phosphorus; or that such use of said preparation provides any benefits whatever in excess of serving as a dietary supplement in supplying quantities of the minerals calcium and phosphorus.

(h) That the preparation "Garlic and Vegetable Oil Perles" aids in the digestion or absorption of food or acts as an "intestinal disinfectant"; that said preparation constitutes a competent or effective treatment for hypertension, high blood pressure, or any of the symptoms of hypertension; or that it possesses any therapeutic value in the treatment of dyspepsia or catarrhal affections of the digestive tract or other bowel inflammations in excess of a carminative effect when such conditions result in gas or distention due thereto: *Provided, however*, That nothing herein shall be construed as prohibiting the representation that according to the principles of the homeopathic school of medicine said preparation possesses laxative properties due to its action on the mucous membranes of the digestive tract, resulting in increased peristalsis.

(i) That the preparation "Vitamin A Shark Liver Oil" will

1. Benefit the conditions of sterility, eczema or inflamed membranes of the nose, throat, lungs or the urinary or reproductive organs;

2. Be of therapeutic value in the treatment or prevention of kidney stones;

3. Aid or benefit the liver, kidneys, nerves or glandular systems;

4. Avert or benefit the conditions, in children, of susceptibility to colds, children's diseases, poor eyesight, or the delay in or impairment of healthy development of teeth and bones;

5. Benefit the conditions of dry skin, skin eruptions on the body, or inflamed membranes of the eye, unless such representation be expressly limited to cases in which such conditions are caused by a deficiency of Vitamin A;

6. Afford any relief from "eye strain" or susceptibility of the eyes to fatigue, unless such representation be expressly limited to "eye strain" or susceptibility of the eyes to fatigue associated with the condition of "night blindness" caused by deficiency of Vitamin A;

7. Increase vigor or vitality, or give a feeling of well being, or aid the skin or eyes, unless such representation be expressly limited to cases, in which vigor, vitality or well being has been impaired by a deficiency of Vitamin A or in which the condition or functioning of the skin or eyes is a sign or manifestation of a deficiency of Vitamin A;

8. Supply energy to children, unless such representation be expressly limited to cases of lack of energy caused by a deficiency of Vitamin A.

(j) That the following symptoms or conditions, or any of them, are attributable to a deficiency of Vitamin A, or that said symptoms or conditions will be benefited by the use of Vitamin A: dry skin (except serosis), common eruptions on the skin such as pimples, boils, and blackheads, "eye strain" or susceptibility of the eyes to fatigue, (except insofar as those conditions may be associated with "night blindness"), sterility, eczema, inflamed membranes of the nose, throat, lungs or urinary or reproductive organs, kidney stones, the improper or inadequate functioning of the liver, kidneys, nerves, or glandular system, and, in children, susceptibility to colds, children's diseases, poor eyesight, and delay in or impairment of healthy development of teeth or bones.

(k) That the preparation "Alberty's Phospho B", or "Phloxo B", possesses any therapeutic value in the treatment of excitability, upset feeling, or poor memory; or that said preparation possesses any therapeutic value in the treatment of sleeplessness, nervousness, irritability or sensitiveness, unless such representation be expressly limited to claims of value made for the preparation in the treatment of sleeplessness, nervousness, irritability or sensitiveness in cases in which these symptoms are due to anemia or asthenia.

(l) That the administration of the preparation "Alberty's Phospho B", or "Phloxo B", as recommended by respondents, is effective in relieving or substantially improving any of the physiological conditions or manifestations arising from a deficiency of Vitamin B_1 in the human body; or that such use of said preparation provides any benefits whatever in excess of the value claimed for it in the treatment of the symptoms of anemia and asthenia and its value in averting the development of a deficiency of Vitamin B_1.

(m) That the preparations "Alberty's Vitamin B Complex", "Alberty's High Potency B Complex" and "Vimol", or any of them

1. Are beneficial to persons whose thyroid glands are overactive;

2. Will relax the nerves or induce sleep;

3. Will avert or postpone old age or its consequences;

4. Will "tone" the muscles or restore vitality;

5. Will assure the user of proper digestion, sound nerves, good intestinal activity, or regular bowel movements;

6. Will protect one against nervous fatigue or exhaustion due to overwork, worry, mental strain, acidosis, chronic diseases, sexual excesses or improper functioning of the ductless glands, or other causes;

7. Constitute remedies or competent or effective treatments for nervousness, excitability, insomnia, arthritis, neuritis, gastro-intestinal troubles, constipation, piles, vomiting in pregnancy, improper lactation in nursing mothers, retarded growth in children, pellagra, diabetes, anemia, nervous disorders, absence of appetite, or alcoholic polyneuritis; or

8. Possess significant tonic properties.

(n) That the administration of the preparations "Alberty's Vitamin B Complex", "Alberty's High Potency B Complex", or "Vimol", as prescribed by respondents, is effective in relieving or substantially improving any of the physiological conditions or manifestations arising from a deficiency of one or more components of the Vitamin B complex in the human body; or that such use of any of said preparations will provide any benefits whatever in excess of the following:

1. That "Alberty's Vitamin B Complex" will avert the development of a deficiency of Vitamin B_1 and will serve as a dietary supplement in supplying quantities of Vitamin B_1;

2. That "Alberty's High Potency B Complex" will avert the development of a deficiency of Vitamins B_1 and B_2;

3. That "Vimol" will serve as a dietary supplement in supplying quantities of Vitamin B_2.

(o) That the following symptoms or conditions, or any of them, are attributable to a deficiency of Vitamin B_1 or that said symptoms or conditions will be benefited by the use of Vitamin B_1: failure of the brain to function efficiently, arthritis, neuritis, except polyneuritis, hemorrhoids and premature old age.

(p) That the Vitamin B_1 complex is familiarly or appropriately referred to as the "Youth Vitamin" or the "Modern Tonic Vitamin".

(q) That the preparations "Alberty's Vitamin-Mineral Capsules" and "Ad-a-Min Capsules", or either of them, will:

1. Assure the user of abounding health or vigor, or increase resistance to disease;

2. Avert pellagra, cataracts or skin diseases;

3. Enable barren women to conceive;

4. Improve the functioning of the liver, kidneys, nerves, glandular system, muscles or intestines;

5. Benefit the skin or teeth of adults or aid in the treatment of gingivitis; or

6. Improve the metabolism of the body.

(r) That the administration of the preparations "Alberty's Vitamin-Mineral Capsules" or "Ad-a-Min Capsules", as recommended by respondents, is effective in relieving or substantially improving any of the physiological conditions or manifestations arising from a deficiency of any of the Vitamins A, B, C, D, or G, in the human body; or that such use of either of said preparations will provide any benefits whatever in excess of the following:

1. That "Alberty's Vitamin-Mineral Capsules" will avert the development of a deficiency of Vitamin D and will serve as a dietary supplement in supplying quantities of Vitamins A, B_1, C and G and the minerals iron, calcium, phosphorus and iodine;

2. That "Ad-a-Min Capsules" will avert the development of a deficiency of Vitamins A and D and will serve as a dietary supplement in supplying quantities of Vitamins B_1, C and G and the minerals iron, calcium, phosphorus and iodine.

(s) That the preparations "Alberty's Wheat Germ" and "Alberty's Wheat Germ Oil", or either of them, will promote mental alertness, improve the memory, stimulate sex desire, increase reproductive power, increase the size or firmness of testicles, increase vigor or muscular tone, prevent miscarriages, render barren women fertile, or provide a cure for acne vulgaris.

(t) That Vitamin E is recognized or appropriately referred to as the "Reproduction Vitamin", "Master Vitamin" or the "Vitamin of General Fitness".

(u) That all persons will be benefited physically or mentally, by taking all or any of respondents' aforesaid preparations.

(v) That it is necessary for a person to receive daily adequate amounts of essential nutritional elements.

2. Disseminating or causing to be disseminated any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparations, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 13, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-2794; Filed, Mar. 1, 1951; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Amdt. ...]

GCPR—GENERAL INCREASES BY MANUFACTURERS AND WHOLESALERS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105),

and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 2 to the General Ceiling Price Regulation, which made a number of changes in the wording of section 3, compelled many sellers to recompute their ceiling prices. Indications have been received that with respect to some sellers this has involved the task of going through many invoices and that the task could not be completed by February 28, the effective date of the amendment. An additional week's period is therefore given to put into effect ceiling price changes occasioned by the provisions of Amendment 2.

The record-keeping requirements of section 16 of the General Ceiling Price Regulation are also amended so as to postpone the requirement for preparing base period records until March 22. This new amendment makes applicable to all sellers the extension previously granted to retailers by Amendment 3.

The 10 percent rule placed into effect by Amendment 2 was open to possible varying constructions with respect to the computation of the 10 percent factor. Amendment 4 removes any ambiguity by making clear that the 10 percent factor is applied to dollar volume of deliveries of the commodity being priced during the base period. In addition, this provision is changed to permit the selection of a price as the ceiling if 10 percent of the deliveries were made at or above that price.

The language of section 3 (a), as amended by Amendment 2, has been further clarified in a number of minor respects so as to dispose of possible ambiguities. Thus, it is made clear that the price list furnishing the basis for a general increase to all of a class of purchasers can have been published either before or during the base period. It is also made clear that some deliveries must actually have been made at the increased price, even though other deliveries were made at a lower price, pursuant to firm commitments. A provision has been made that the firm commitment must be in writing to do away with evasion predicated upon alleged oral commitments.

The language has further been changed so as to require that no general increase can be predicated upon the announcement followed by sales at the increased price unless the price increase was not merely announced within the seller's own organization but was communicated to the trade or to a substantial number of the seller's customers in the seller's ordinary manner.

A change has been made in the provisions of section 3 (b) (1). In its original form, Amendment 2 did not give a seller the right to increase his prices to all classes of purchasers upon deliveries to one class of customers during the base period, unless deliveries to one class of customers accounted for 30 percent of sales during 1950. It has come to the attention of the Office of Price Stabilization that in a number of cases bona fide price increases were put into effect prior to the base period, accompanied by deliveries to one class of customers where that class of customers did not account for 30 percent or more of the 1950 business of the seller. Nonetheless, the price increase was intended to be of general applicability and was unaccompanied by any continued sales at lower prices (except under firm written commitments). The present amendment eliminates the 30 percent requirement with respect to sales to a given class. It contains, however, the requirement that the announced price increase must have been made in writing, must have announced increases in price for base period delivery, must have been widely communicated to buyers, must have been followed by deliveries to at least one class of purchasers, and must be unaccompanied by any sales at lower prices except pursuant to firm written commitments. It is felt that these safeguards are sufficient to protect against any wide-spread inflationary effect of the elimination of the 30-percent rule.

AMENDATORY PROVISIONS

The General Ceiling Price Regulation is amended in the following respects:

1. Section 3 is amended to read as follows:

SEC. 3. *General ceiling prices*—(a) *Ceiling prices for all sellers for commodities or services sold in base period.* Your ceiling price for sale of a commodity or service is the highest price at which you delivered it during the base period to a purchaser of the same class. If you did not deliver the commodity or service during the base period, your ceiling price is the highest price at which you offered it for base period delivery to a purchaser of the same class. The offer must have been made in writing and communicated to a substantial number of customers, but in the case of a retailer may have been made by display. If you are a manufacturer or a wholesaler, you cannot, unless permitted by paragraph (b) (1) of this section use a price as your ceiling price to a class of purchaser unless you made at least 10 percent by dollar volume of your total deliveries of the commodity during the base period to that class of purchasers at that price or at a higher price.

(b) *General increases by manufacturers and wholesalers.* If you are a manufacturer or wholesaler of a commodity, you may apply the following provisions in determining your ceiling prices.

(1) *General increases to all of a class of purchasers.* If, before or during the base period, you announced in writing and put into effect a price increase for a class of purchasers by making some deliveries to that class at the higher price and no deliveries at a lower price (except pursuant to written firm commitments made before the price increase), the increased price becomes your ceiling price for that class of purchaser, even though less than 10 percent of your base period deliveries to that class were made at the higher price.

(2) *General increases to several classes of purchasers.* If, before or during the base period, you announced in writing, and communicated to the trade or a substantial number of customers in your customary way, a general increase of prices for base period delivery to more than one class of purchasers and if you made deliveries which, under the preceding paragraphs of this section, established the increased price or prices as the ceilings to all purchasers of one or more classes and if you made no deliveries to the other classes (except pursuant to written firm commitments made before the price increase), then the announced increased prices are your ceiling prices for all classes of purchasers for whom increases were announced.

(3) *General increases on several items.* If before or during the base period you announced in writing a price increase on a list of commodities, and if you made deliveries which, under the preceding paragraphs of this section, established the increased price or prices as the ceilings to all classes of purchasers of one or more of the commodities covered by the price list, and if those commodities accounted during the year 1950 for at least 30 percent of your dollar sales of the commodities covered by the price list, then the price list prices are your ceiling prices for all the items on the list.

2. Subparagraphs (2) and (3) of section 16 (a) of the General Ceiling Price Regulation, as amended, are amended to read as follows:

(2) In addition, on or before March 22, 1951, you must prepare and preserve a statement showing the categories of commodities in which you made deliveries and offers for delivery during the base period; or if you sold services you must prepare and preserve a statement listing the services which you delivered or offered to deliver during the base period.

(3) On or before March 22, 1951, you must also prepare and preserve a ceiling price list, showing the commodities in each category (listing each model, type, style, and kind), or the services, delivered or offered for delivery by you during the base period together with a description or identification of each such commodity or service and a statement of the ceiling price. Your ceiling price list may refer to an attached price list or catalogue. If you are a retailer you may satisfy the requirement of this subparagraph by recording on your purchase invoices, covering the commodities (including every model, type, style, and kind) delivered or offered for delivery by you during the base period, the price at which you sold, or offered the commodities for delivery, during the base period.

3. Ceiling prices established under the provisions of section 3, but revised by reason of the issuance of Amendment 2 or of this amendment of General Ceiling Price Regulation shall become effective March 7, 1951.

(Sec. 704 Pub. Law 774, 81st Cong.; Interpret or apply Title IV Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp.)

Effective date. This amendment, except as otherwise herein stated, shall become effective immediately.

MICHAEL V. DISALLE,
Director of Price Stabilization.

FEBRUARY 28, 1951.

[F. R. Doc. 51-2880; Filed, Mar. 1, 1951; 9:43 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-14 as Amended Feb. 28, 1951]

M-14—NICKEL

This amendment to NPA Order M-14 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

This amendment affects NPA Order M-14 as amended Feb. 8, 1951, as follows:

It amends sections 2, 3, 4, 5, 6, and 9. As amended this order reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Nickel forms and products to which this order applies.
4. Application of order.
5. Use of nickel.
6. Prohibited uses of nickel.
7. Maintenance, repair, and operating supplies.
8. Exemptions.
9. Inventories.
10. Application for adjustments.
11. Records and reports.
12. Communications.
13. Violations.
14. List A.

AUTHORITY: Sections 1 to 14 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to describe how the primary nickel remaining after allowing for the requirements of national defense may be distributed to the civilian economy. It is the policy of the National Production Authority that primary nickel, not required to fill rated orders, shall be distributed equitably through normal channels of distribution, and that due regard shall be given by suppliers to the needs of new and small business. It is the intent of this order that other materials which are not in short supply will be substituted for nickel wherever possible.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the six months period ending June 30, 1950.

(c) "Consume" means to melt, alloy, mix, electrodeposit, process or otherwise alter nickel as defined by this order by physical or chemical means.

(d) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment or facility in sound working condition, and "repair" means the restoration of a building, machine, piece of equipment or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like: *Provided, however,* Neither maintenance nor repair includes the improvement of any such item with material of a better kind, quality or design.

(e) "Operating supplies" means any forms of nickel listed in paragraph (a) of section 3 which are normally carried by a person as operating supplies according to established accounting practice and are not included in his finished product.

(f) "Manufacture" means to put into process, machine, fabricate, electroplate, clad, or otherwise alter materials by physical or chemical means.

SEC. 3. *Nickel forms and products to which this order applies.* (a) The word "nickel" as used in this order means only the following forms of primary nickel: electrolytic nickel, ingots, pigs, rondelles, cubes, pellets and powder, rolled and cast anodes, shot, oxides, salts, chemicals and residues derived directly from new nickel, including residues containing nickel derived as a by-product from copper refinery operations.

(b) "Stainless steel," as used in this order, means chromium-nickel iron base alloys, wrought or cast, containing 6 percent to 22 percent inclusive of nickel, commonly referred to as "austenitic chromium-nickel stainless steel."

(c) "High nickel alloy," as used in this order, means ferrous and non-ferrous alloys, wrought or cast, containing more than 22 percent nickel.

(d) "Nickel silver," as used in this order, means non-ferrous alloys, wrought or cast, containing 8 percent or more nickel.

(e) "Nickel plating," as used in this order, means all plating regardless of plating procedure.

SEC. 4. *Application of order.* Subject to the exemptions stated in section 8, this order applies to all persons who consume nickel in manufacture, processing, or construction, or who use nickel for maintenance, repair or operating supplies. This order does not apply to the suppliers of nickel in the forms listed in paragraph (a) of section 3.

SEC. 5. *Use of nickel.* Subject to the exemptions stated in section 8, or unless specifically directed in writing by the National Production Authority, no person shall consume in manufacture or processing during the first calendar quarter of 1951 a quantity of nickel (as defined in paragraph (a) of section 3) by weight in excess of 65 percent of his average quarterly consumption of nickel for such purposes during the base period: *Provided, however,* That his consumption of nickel in any one month shall not exceed 40 percent of the permitted use during said quarter.

SEC. 6. *Prohibited uses of nickel.* (a) Commencing on March 1, 1951, no person shall consume nickel (as defined in paragraph (a) of section 3), secondary nickel or nickel-bearing scrap containing 6 percent or more of nickel in the production of, or use any such forms of nickel or any alloys containing nickel (as defined in paragraphs (b), (c) and (d) of section 3), or any component parts made therefrom, in the manufacture or assembly of any stainless steel, high nickel alloy, nickel plating or nickel silver items included in List A, except as indicated therein; and no person shall consume or use in the manufacture or assembly of any item, whether or not included in List A, including components or parts thereof, a greater quantity of nickel or an alloy containing a greater percentage of nickel than is necessary for functional or operational purposes, or use such material for decorative or ornamental purposes. However, these prohibitions shall not apply to such use of (1) nickel, nickel alloys above mentioned, or component parts made therefrom on and after March 1, 1951, if such materials were contained in such person's inventory on said date and are wholly unsuitable for use in the production, manufacture or assembly by such person of any item not prohibited by this section; or (2) any such materials covered by an order placed with a producer and included in the producer's schedule for February 1951, which are delivered to such person at his plant prior to June 1, 1951, to the extent that such materials are wholly unsuitable for use in production, manufacture or assembly by such person of any item not prohibited by this section. Every person who relies on the provisions of the next preceding sentence shall prepare a detailed record showing: (1) the quantities of such nickel, nickel alloys, or component parts made therefrom, which were in his inventory on the first days of December 1950, and of January, February and March 1951 which were wholly unsuitable for use by him in the production, manufacture or assembly of any item not prohibited by this section; and (2) the quantities of such materials wholly unsuitable for such use by him which were delivered to him on or after March 1, 1951, the names and addresses of the suppliers thereof, and the dates of the orders and acceptances covering such materials together with the applicable mill schedule. Such record shall be retained for at least 2 years, and shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(b) Paragraph (a) of this section shall not apply to the use of nickel anodes in nickel plating if such nickel anodes were in the inventory of the person doing the nickel plating on March 1, 1951.

(c) No person shall use in building construction any stainless steel, high nickel alloy, nickel plating or nickel silver for any item included in List A after May 31, 1951: *Provided, however,* That this prohibition shall not apply to the use of such forms of nickel for any such item if its manufacture, processing or assembly is permitted by this section.

(d) The prohibitions of this section apply notwithstanding the provisions of NPA Reg. 2 with respect to the filling of rated orders, and are not affected by any of the exemptions stated in section 8.

SEC. 7. *Maintenance, repair and operating supplies.* Unless specifically directed by the National Production Authority, no person shall consume for maintenance, repair or operating supplies during the calendar quarter commencing on January 1, 1951, and each calendar quarter thereafter, a quantity by weight in excess of his average quarterly consumption of nickel for such purposes during the base period.

SEC. 8. *Exemptions.* (a) The consumption of nickel to fill an order that is rated under the priorities system established by NPA Reg. 2, or to meet any mandatory order of the National Production Authority, is permitted in addition to the consumption of nickel authorized by the provisions of sections 5 and 7.

(b) Nickel acquired by a rated order, or to meet a scheduled program of the National Production Authority, may be used in addition to the quantities permitted by the provisions of sections 5 and 7.

(c) The provisions of sections 5 and 7 do not apply to persons who use less than 250 lbs. of nickel during any calendar quarter: *Provided, however,* That persons who by reason of the provisions of section 5 would be permitted to use less than 250 lbs. during any calendar quarter may use during such period a quantity up to 250 lbs.

SEC. 9. *Inventories.* (a) In addition to the provisions of NPA Reg. 1, relating to Inventory Control, it is considered that a more exact requirement applying to consumers of nickel is necessary. No person obtaining nickel for use in manufacture, processing or building construction, or for maintenance, repair or operating supplies may receive or accept delivery of a quantity of nickel if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 30-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less. For the purpose of this section, the forms of nickel listed in paragraph (a) of section 3 in which only minor changes or alterations have been effected shall be included in inventory. NPA Reg. 1 will apply to nickel except as modified by this section.

(b) *Inventories; exception to Reg. 2.* No person may extend a rating pursuant to paragraph (b) of section 5 of NPA Reg. 2 to replace nickel in his inventory, which nickel has been used by him in the manufacture of stainless steel, high nickel alloy, nickel silver, or any other nickel-bearing alloy or material prior to January 1, 1951, except with respect to shipments made by warehouses subsequent to December 31, 1950. This order does not supersede Reg. 2 in any respect except as set forth in the preceding sentence. However, any person may extend a rating to replace stainless steel, high nickel alloy, nickel silver, or any other nickel-bearing alloy in his inventory pursuant to paragraph (b) of section 5 of Reg. 2.

SEC. 10. *Application for adjustments.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 11. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act. (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F.)

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-14.

SEC. 13. *Violations.* Any person who wilfully violates any provisions of this order or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

SEC. 14. *List A.* The use of the forms and products of nickel defined in section 3 in the items listed below is prohibited except to the extent permitted by this order, or as specified on this list.

STAINLESS STEEL—NICKEL-BEARING

Agriculture farm equipment, etc.:
- Barn cleaners.
- Ensilage cutters.
- Feeding troughs.
- Fertilizer spreading equipment.
- Grain bins and cribs.
- Implements, hand tools, etc.
- Silos.
- Spreaders.

Automotive:
- Bumpers, clad.
- Clad panels for buses.
- Grills.
- Hardware.
- Horn rings.
- Hubcaps.
- Mufflers (except on heavy duty equipment).
- Steering wheel spoke wire.
- Trim.
- Wheel rings and wheel covers.

Construction:
- Curtain walls.
- Decorative trim.
- Doors.
- Down spouts.
- Elevator and escalator kick plates and panels.
- Flashings.
- Gutters.
- Mouldings.
- Roofing.
- Screens (except in extractive or manufacturing industries where no other substitute is available).
- Sheathing.
- Spandrels.
- Storefronts.
- Window frames.

Domestic appliances and utensils (except cooking ware):
- Ash trays.
- Cabinets.
- Cake and pie dishes.
- Cake servers.
- Canisters.
- Cooling racks.
- Counter tops.
- Deep freeze units, sheathing.
- Drainboards.
- Egg beaters.
- Flat ware.
- Furniture.
- Garbage cans.
- Hardware.
- Ironing boards.
- Irons.
- Ladles.
- Mixing bowls.
- Mixing spoons.
- Picnic coolers.
- Potato mashers.
- Range tops.
- Refrigerator shelves, trim and dishes.
- Sinks.
- Spatulas.
- Table tops.
- Toasters.
- Utility cans.
- Washing machine tubs.

Electrical machinery and equipment:
- Pole line hardware.
- Pole line guy wires.
- Radio towers.
- Transmission tower baskets.

General:
- Automatic vending machines.
- Bar equipment.
- Beer barrels.
- Coal bins and coal hoppers (except in coal preparation plants).
- Diesel grills.
- Jewelry (except watch cases).
- Pens and pencils (except fountain pen nibs and separate fountain pen inner caps).
- Radio antennas (except military).
- Railings.
- Soda fountains.
- Sporting goods, all applications.
- Toys.
- Water coolers.
- Water softener tanks.

Railroad:
- Trim and decorative parts in passenger cars.

Shipbuilding:
- Pleasure craft galleys.
- Pleasure craft decorative trim.
- Pleasure craft rigging.
- Pleasure craft stack and ventilating shafts.

Miscellaneous:
- Band instrument valves.
- Binder (index books).
- Button parts.
- Cheese slicers.
- Cocktail shakers and accessories.
- Cup holders.
- Dairy equipment (except functional uses).
- Deodorizers.
- Diaper pins.
- Dog leashes.
- Fly screen.
- Garden accessories.
- Hardware parts, including builders' finishing hardware.
- Humidifiers.
- Lightning rods.
- Mirror clips.
- Musical instrument strings.
- Organ springs.
- Paint brush ferrules and rivets.
- Permanent wave equipment.
- Phonograph needles.
- Pot cleaners.
- Refuse cans.
- Rulers.
- Teabag staples.
- Tooth brushes.
- Water reservoirs (gum tape machines).
- Weather stripping.
- Shovels (except food and chemical).

HIGH NICKEL ALLOY

Building materials:
- All sheet metal building applications including but not limited to:
  - Air ducts.
  - Downspouts.
  - Elevator cabs.
  - Flashings.
  - Garbage grinder parts.
  - Gutters.
  - Leaders.
  - Louvers.
  - Roofing.
  - Siding.
  - Sinks.
  - Sink bowls.
  - Skylight framing.
  - Brick anchors.
  - Hanger wire for suspended ceiling construction.
- Ornamental and decorative applications.
- Tie-wire for suspended ceiling construction.

Domestic appliances:
- Element name plates.
- Element pans on electric ranges.
- Oven linings.
- Radiant broilers on gas ranges.
- Range crumb trays.
- Range tops.
- Range vents.

Domestic appliances—Continued
- Refrigerator light shields.
- Refrigerator shelf parts.
- Steam iron casings.
- Washing machine tubs.

Dry cleaning (except for functional uses):
- Condenser tubing.
- Irons.
- Lint traps.
- Pads for dry cleaning presses and tailors' presses.
- Piping, valves and fittings.
- Solvent pressure filters, including filter cloth.
- Spotting boards.
- Sump tanks.
- Truck tubs.
- Utensils.
- Water separators.

Food servicing and kitchen equipment:
- All food service applications including but not limited to:
  - Bar equipment.
  - Beverage tubing.
  - Bottle beverage cabinets.
  - Cafeteria counters.
  - Deep freeze cabinets.
  - Dishwashing machines.
  - Electric food warming cups.
  - Ice cream cabinets.
  - Mobile food trucks.
  - Refrigerated food display cases.
  - Scullery and dishwashing sinks.
  - Soap dispensers.
  - Soda fountains.
  - Steam tables.
  - Water coolers.
  - Work tables.

Hospital equipment:
- Counter tops.
- Furniture.
- Instrument cabinets.
- Instrument tables.
- Kick and push plates.
- Linen cabinets.
- Medicine cabinets.
- Operating tables.
- Paneling and wainscoting, decorative.
- Surgical lights.
- Work tables.

Jewelry:
- Ash trays.
- Badges.
- Cigarette lighters.
- Collar buttons.
- Comb trim.
- Costume jewelry.
- Cuff buttons.
- Emblems.
- Finger nail files.
- Jewelry.
- Key chains.
- Knives (except blades).
- Necklaces.
- Novelties.
- Pill containers.
- Pen and pencil parts.
- Perfume flacons.
- Watch bracelets.
- Watch cases.
- Watch chains.
- Watch crowns.
- Watch inserts (movement holders).
- Watch strap pinions.

Laundry equipment:
- Laundry chutes.
- Net racks.
- Plant truck tubs.
- Rug pole pins.
- Soap storage tanks.
- Sorting tables.
- Starch cookers.
- Ironers, rug cleaning machines, trim on flatwork.
- Utensils.
- Ventilating hoods and fans.
- Washers, for blankets, silks, etc.
- Water storage tanks.

Motor vehicles:
- Antennas.
- Battery cables.

Motor vehicles—Continued
- Hub caps.
- Exhaust gaskets.
- Exhaust manifolds.
- Windshield wiper blades.

Miscellaneous:
- Barbecue grills.
- Bits and spurs.
- Ferrules.
- Outdoor stoves.
- Portable refrigerators.
- Sporting goods, all applications.

NICKEL PLATING

Communications:
- Escutcheon plates.
- Knobs.
- Name plates.
- Radio and television, decorative trim.
- Speaker grills.

Hardware:
- Bells.
- Boat trim and accessories.
- Builders' finishing hardware (except half trim for bathroom and toilet side of door).
- Casket hardware.
- Chimes.
- Curtain hooks.
- Door catches.
- Door knobs.
- Door knockers.
- Drawer pulls.
- Harnesses.
- Hinges.
- Kick plates.
- Leashes.
- Letter boxes.
- Locks.
- Luggage hardware.
- Nails.
- Picture frames
- Picture hangers.
- Push plates.
- Screen door and window hardware exclusive of screen.
- Screws.
- Switch plates.
- Tacks.
- Valve handles with the exception of bathroom and kitchen fixtures.

Household appliances (except parts subject to destructive abrasion and heat and except the strike prior to silver plating or vitreous enameling) including but not limited to:
- Food mixers.
- Heaters.
- Polishers.
- Refrigerators (except shelving and door handles).
- Washing machines.
- Waxers.
- Vacuum cleaners (except runners).

Jewelry—Clocks:
- Alarm clocks.
- Clocks.
- Costume jewelry.
- Lighters.
- Pens and pencils (except functional brass parts).
- Trim and optical glasses (except frames).
- Watches.

Metal furniture and fixtures:
- Commercial furniture, all decorative parts.
- Electrical fixtures.
- Home furniture, all decorative parts.
- Napkin dispensers.
- Store display cases.
- Store fixtures.
- Straw dispensers.

Motor vehicles:
- Accessories.
- Dash panels (including instruments, controls and appearance items mounted in or on dash panels).
- Escutcheon plates.
- Gas caps.
- Gravel guards.
- Grilles.

Motor vehicles—Continued
- Horns.
- Interior trim.
- Lamp housing.
- License frames.
- Name plates.
- Ornamental trim around windows.
- Radiator trim.
- Trim rings.
- Wheel discs.
- Window levers.
- All other parts with the exception of window frames and slide channels, external and internal door handles, the bumpers, bumper guards, bumper bolts, hub caps, and exposed screws where no satisfactory substitutes are possible. The nickel employed for protection of bumper guards and bumpers should not exceed that amount equivalent to an average thickness of .001" on outside surfaces.

Novelties:
- Ash trays.
- Coasters.
- Cocktail shakers and accessories.
- Clothing ornamentation.
- Cosmetic containers.
- Hair curlers.
- Handbag trim.
- Humidors.
- Ornamental buttons.
- Smoking stands.

Plumbing:
- Basin supports.
- Cabinet trim.
- Soap dishes.
- Shower curtain rods and rings.
- Shower doors and trim.
- Tooth brush holders.
- Towel racks.
- Tumbler holders.

Sheet, strip and wire products:
- All decorative parts fabricated from plated sheets, strips or coils.
- Bird cages.
- Clothes hangers.
- Display stands.
- Lamp shades.
- Shopping carts.
- Vending machines.

Tools:
- Drills.
- Flexible metal tapes (except measuring tape).
- Hammers.
- Office machines, and business machines, decorative trim.
- Planes.
- Pliers.
- Power tools (except for functional parts).
- Punches.
- Rules.
- Saws.
- Screw drivers.
- Wrenches.

Toys:
- Bicycles (except handle bars, sprockets, spokes and hubs).
- Mechanical toys.
- Pistols.
- Toys.
- Trains.
- Tricycles.
- Wagons.

Utensils (except the strike necessary prior to silver plating or vitreous enameling):
- Flatware.
- Hollow ware.
- Serving dishes.
- Serving utensils.
- Racks.
- Trays.

Miscellaneous:
- Electric fans.
- Gambling equipment.
- Ornamentation on musical instruments.
- Pin ball machines.
- Slot machines.
- Sporting goods.

Miscellaneous—Continued
- Tonsorial equipment (except tools).
- Vending machines.

NICKEL SILVER

All uses except:
- Communications equipment, functional parts.
- Dairy equipment.
- Drafting instruments.
- Electrical equipment, functional parts.
- Engineering instruments.
- Eyelets.
- Flat and hollow ware, not over 15% nickel.
- Fountain pen separate inner caps.
- Hospital equipment.
- Keys, not over 10% nickel.
- Optical goods.
- Orthopedic appliances.
- Pins.
- Slide fasteners.
- Tonsorial tools.
- Watch cases, not over 10% nickel.
- Springs, where required for functional purposes.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect, except as otherwise specifically stated, on February 28, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-2861: Filed, Feb. 28, 1951; 4:30 p. m.]

[NPA Order M-32 as Amended Mar. 1, 1951]

M-32—CHEMICALS

LIMITATION FOR DO RATED ORDERS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, and consideration has been given to their recommendations.

This amendment effects NPA Order M-32 by adding two items to Schedule A. As amended, this order now reads as follows:

Sec.

1. What this order does.
2. Definitions.
3. Chemicals to which this order applies.
4. Required shipment dates.
5. Rejection of rated orders.
6. Limitation for acceptance of rated orders.
7. NPA assistance in placing rated orders.
8. Adjustments and exceptions.
9. Communications.
10. Records.
11. Audit and inspection.
12. Reports.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to producers of each chemical listed in Schedule A appearing at the end of this order and provides rules for placing, accepting and scheduling rated orders for such chemical. Its purpose is to provide equitable distribution of rated orders among all producers thereof, in order to make possible maximum production and to reduce to a minimum disruption of normal distribution. It supplements NPA Reg. 2 but only those provisions of Reg. 2 which are inconsistent with this order are superseded and all other provisions of Reg. 2 continue to apply to the chemical industry.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes agencies of the United States or any other government.

(b) "Producer" means any person engaged in the business of producing for sale any chemical listed in Schedule A.

(c) "Schedule A" means the list of chemicals marked "Schedule A" appearing at the end of this order.

(d) "NPA" means National Production Authority.

SEC. 3. *Chemicals to which this order applies.* This order applies only to the chemicals listed in Schedule A, as amended from time to time. It is the intention of NPA that if and when the need arises, additional chemicals will be added to Schedule A.

SEC. 4. *Required shipment dates.* A rated order for any chemical listed in Schedule A must specify shipment on a particular date or dates or during a particular month, which in no case may be earlier than required by the person placing the order. The producer of such chemical must schedule the order for shipment within the requested month as close to the requested shipment date as is practicable, considering the need for maximum production.

SEC. 5. *Rejection of rated orders.* Unless otherwise specifically directed by NPA, a producer need not accept a rated order for any chemical listed in Schedule A which is received by him less than the number of days (lead time), if any, set forth in Schedule A opposite the name of such chemical, prior to the first day of the month in which shipment is requested. Rated orders for any such chemical as to which no such period of time is specified in Schedule A are not subject to the provisions of this section.

SEC. 6. *Limitation for acceptance of rated orders.* Unless otherwise specifically directed by NPA, no producer shall be required to accept rated orders for shipment of any chemical listed in Schedule A in any one month in excess of the quantity of such chemical determined as in Schedule A provided.

SEC. 7. *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for any chemical listed in Schedule A due to the limitation imposed by section 6 should apply to NPA, Ref: Order M-32, specifying the producers who refused to accept the order. NPA will arrange to assist him in locating sources of supply.

SEC. 8. *Adjustments and exceptions.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought and the justification therefor.

SEC. 9. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M-32.

SEC. 10. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories and use, in sufficient detail to permit an audit that determines for each transaction whether the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 11. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 12. *Reports.* Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 13. *Violations.* Any person who willfully violates any provision of this order or any other order or regulation of NPA or willfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on March 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

SCHEDULE A

Name of Chemical	Limitation for acceptance of rated orders	Number of days (lead time) if any
Ethyl ether of cellulose (known as "ethylcellulose").	40% by weight of the producer's scheduled production for the month of shipment.	15
DDT (Dichlorodiphenyltrichloroethane)	25% by weight of the producer's scheduled production for the month of shipment.	None
Barium carbonate	20% by weight of the producer's scheduled production for the month of shipment.	None
Melamine and melamine-containing compounds.	None	15

[F. R. Doc. 51-2862; Filed, Feb. 28, 1951; 4:52 p. m.]

[NPA Order M-35, as Amended Feb. 23, 1951]

CATTLEHIDES, CALFSKINS AND KIPS; ALLOCATION OF

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

NPA Order M-35 (Feb. 5, 1951) is amended in its entirety to read as follows:

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on purchase, sale and delivery of domestic cattlehides, calfskins and kips; allocation by NPA.
4. Restrictions upon certain cuttings of untanned cattlehides.
5. Effect upon other NPA regulations and orders.
6. Adjustments and exceptions.
7. Records.
8. Audit and inspection.
9. Reports.
10. Communications.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to conserve and provide for an equitable distribution of cattlehides, calfskins and kips so as to best serve the interests of the national defense. It prohibits, subject to limited exceptions, the sale and delivery of such hides and skins unless specifically allocated by authorizations to be issued by NPA.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes agencies of the United States or any other government.

(b) "Tanner" means a person engaged in the business of tanning, dressing, or similarly processing hides or skins and who, in each month during the period of six months commencing September 1, 1950 put into process 100 or more cattlehides, calfskins or kips, or in March 1951 or in any calendar month thereafter puts into process 100 or more of such hides or skins.

(c) "Contractor" or "converter" means a person engaged in the business of causing hides or skins to be tanned or dressed for his account in any tannery not owned or controlled by him, and who in each month during the period of six months commencing September 1, 1950 caused 100 or more cattlehides, calfskins or kips to be put into process for his account, or in March 1951 or in any calendar month thereafter causes 100 or more of such hides or skins to be put into process for his account.

(d) "Collector" means a person, including a dealer, engaged in the business of acquiring from others untanned cattlehides, calfskins or kips for resale, or removing cattlehides, calfskins or kips from cattle or calves not slaughtered by him.

(e) "Producer" means a person engaged in the business of slaughtering cattle or calves.

(f) "Cattlehide", "calfskin" and "kip" mean the raw hide or skin of any bull, stag, steer, ox, cow, heifer, calf or buffalo, but these terms do not include slunks, splits or glue stock.

(g) "Put into process" means the first step in the conversion of raw hides and skins into leather or "raw hide" at a tannery.

(h) "Domestic cattlehide, calfskin or kip" means any such hide or skin produced in the United States or any of its territories or insular possessions.

(i) "NPA" means National Production Authority.

SEC. 3. *Restrictions on purchase, sale and delivery of domestic cattlehides, calfskins and kips: allocation by NPA.* (a) After the effective date of this order no person shall sell, deliver (including delivery to a tannery owned or controlled by him), purchase or accept delivery of any untanned domestic cattlehide, calfskin or kip, the ownership or possession of which was acquired on or after February 5, 1951, except to the extent that the purchaser shall be specifically authorized by NPA on Form NPAF-35 or Form NPAF-37: *Provided, however,* That the following may be effected without such authorization:

(1) The sale and delivery of such hides or skins between domestic collectors and between a domestic producer and a domestic collector for purposes of resale within the United States.

(2) The sale and delivery to and the purchase and acceptance of delivery by any person, other than a tanner or contractor, of less than 100 cattlehides, calfskins or kips in any calendar month.

(3) The sale and delivery to and purchase and acceptance of delivery by any person of the number of domestic cattlehides, calfskins or kips for export to any place outside the United States, other than Canada, pursuant to a license to export such hides or skins granted to him by the Office of International Trade; provided that such person duly signs a certification on his purchase order delivered to the seller of such hides or skins, as follows:

Certified under M-35

Such certification constitutes a representation to the seller and to NPA that the purchaser is authorized under the provisions of this order to accept delivery of such hides or skins and that he has received such a license for their export.

(b) An application for the purchase of domestic cattlehides shall be made on Form NPAF-34 and an application for the purchase of domestic calfskins or kips shall be made on Form NPAF-36. Either or both such forms, as the case may be, shall be filed with NPA on or before March 10, 1951, and on or before the 10th day of each succeeding month.

(c) Each person receiving an authorization from NPA to purchase domestic cattlehides, calfskins or kips, either on Form NPAF-35 or NPAF-37, shall list in a copy thereof all his purchases made pursuant to such authorization, shall furnish all other information required thereby, and shall return such copy to NPA within 10 days after the date of the expiration of such authorization, specified therein.

(d) In any action which may be taken pursuant to paragraph (a) of this section, it will be the policy of NPA, so far as practicable, to grant authorizations to purchase so that:

(1) A tanner or contractor may obtain domestic cattlehides, calfskins or kips in the proportion that his total wettings in 1950 of cattlehides, calfskins and kips (including imports), respectively, bear to the total wettings of cattlehides, calfskins and kips (including imports), respectively, of all contractors and tanners combined in 1950, except that authorizations to tanners or contractors having more than a practicable minimum working inventory or who do not meet a specific defense program as may be directed by NPA, may be reduced or omitted; and

(2) A contractor will contract with the same tanner or tanners, as the case may be, and in the same proportions, as in the most recent period prior to the effective date of this order when such contractual arrangements existed.

SEC. 4. *Restrictions upon certain cuttings of untanned cattlehides.* No producer or collector shall cut off bellies or shoulders of untanned cattlehides except for a purchaser specifically authorized in writing by NPA to purchase hides with such portions cut off.

SEC. 5. *Effect upon other NPA regulations and orders.* This order supersedes NPA Order M-35, effective February 5, 1951, but nothing herein shall affect any liabilities incurred under such superseded order. If any provision of this order is in conflict with NPA Reg. 1 or NPA Reg. 2, such provision of this order shall govern.

SEC. 6. *Adjustments and exceptions.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interests of national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought and the justification therefor.

SEC. 7. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least two years records of receipts, deliveries, inventories and use, in sufficient detail to permit an audit that determines for each transaction whether the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 8. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 9. *Reports.* (a) Regardless of whether he files any application referred to in section 3 (b) of this order, every contractor shall report to NPA each month on Form NPAF-34 and Form NPAF-36, his wettings and raw stock and every tanner shall report to NPA each month on such forms, his wettings and raw stock, if any, and his leather production, for the calendar month immediately preceding the month in which such reports are required by this order to be filed. Either or both such forms, as the case may be, shall be filed with NPA on or before March 10, 1951 and on or before the 10th day of each month thereafter. All other information required by such forms shall be furnished.

(b) Persons subject to this order shall make such records and submit such other reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 10. *Communications.* All communications and reports concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref. M-35.

SEC. 11. *Violations.* Any person who willfully violates any provision of this order or any other order or regulation of NPA or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on February 28, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-2862; Filed, Feb. 28, 1951; 4:51 p. m.]

[NPA Order M-40]

METALWORKING MACHINES; POOL ORDERS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. What this order does.
2. Definitions.
3. Pool orders.
4. Rated orders.
5. Certification of rated orders.
6. Records and reports.
7. Communications.
8. Violations.

AUTHORITY: Sections 1 to 8 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order authorizes the placing of pool orders with producers of metalworking machines. It provides that such pool orders shall carry a DO rating which may be extended.

SEC. 2. *Definitions.* As used in this order:

(a) "Metalworking machine" means any new, nonportable, power driven item of plant equipment which is listed on the attached Exhibit A and has a producer's list price for the basic machine itself of $500 or more. The producer's list price for the basic machine itself means the sale price at which the producer's catalogue or other price publication lists the basic machine, exclusive of the motor, motor drive, or any attachments therefor, unless the motor, motor drive, or attachments are

initially built into the basic machine itself, as an integral part thereof, in which case the producer's list price for the basic machine shall be the sale price at which the producer lists the machine as an assembled unit.

The term "metalworking machine" includes all fixtures, equipment and tooling covered by the original purchase order which are required to be delivered with the basic machine to make it usable in production for the purposes intended. It does not include replacements, spare parts or equipment, or extra tooling.

(b) "Producer" means any person engaged in the manufacture and production of metalworking machines.

(c) "GSA" means the United States Government Agency known as General Services Administration created under the Federal Property and Administrative Services Act of 1949 (63 Stat. 377).

(d) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other Government.

SEC. 3. *Pool orders.* The National Production Authority (hereinafter called "NPA") will from time to time furnish GSA with recommendations for ordering metalworking machines. Under working arrangement between GSA and NPA, GSA will place firm orders with producers of metalworking machines in accordance with such recommendations. The orders so placed by GSA will contain, among other provisions, a provision requiring any producer, on or after April 1, 1951, to eliminate items from any such order to the extent that equivalent items manufactured by such producer are invoiced or shipped (whichever is earlier) by such producer to others pursuant to purchase orders from others or to orders and directions of NPA.

SEC. 4. *Rated orders.* Producers receiving such pool orders shall receive a certificate authorizing them to apply a DO rating, with digit identification 98, in accordance with section 4 of NPA Regulation 2. When any such DO rating is so applied, it may be extended in accordance with section 5 of said Regulation 2. No person shall apply or extend a DO-98 rating except in accordance with the provisions of this order and said Regulation 2. All provisions of said Regulation 2 shall continue in full force and effect except as the same may be in conflict with this order in which case the provisions of this order shall control.

SEC. 5. *Certification of rated orders.* When a person applies or extends such rating, the certification shall read as follows: "Certified under NPA Order M-40 and NPA Regulation 2." Such certification constitutes a representation of the recipient and to NPA that the person applying or extending the rating is authorized under the provisions of this order to so apply or extend DO-98 ratings.

SEC. 6. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Acts (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 7. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C. Ref: M-40.

SEC. 8. *Violations.* Any person who wilfully violates any provisions of this order or any other order or regulation of NPA or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with said Federal Reports Act.

This order shall take effect on February 28, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

EXHIBIT A

All types of the following classifications are included herewith for regulation under this order based on past procurement experience. Additions shall be made as new and changed requirements are developed:

Ammunition Machinery	Forging Rolls
Balancing Machines	Gear Cutting Machines
Beading Machines	Gear Finishing Machines
Boring Machines	Grinding Machines
Brakes	Hammers
Broaching Machines	Headers
Buffing Machines	Key Seating Machines
Centering Machines	Lapping Machines
Chamfering Machines	Lathes
Crankshaft Regrinders (stationary)	Levelers
Cut-Off Machines	Marking Machines
Die Sinking Machines	Measuring & Testing Machines
Drilling Machines	Milling Machines
Duplicating Machines	Nibbling Machines
Extruding Machines	Oil Grooving Machines
Filing Machines	Pipe Flanging—Expanding Machines
Forging Machines	Planers
Polishing & Buffing Machines	Sawing Machines
Presses	Screw & Bar Machines
Profiling Machines	Shapers
Punching Machines	Swagers
Reaming Machines	Tapping Machines
Rifle & Gun Working Machines	Threading Machines
Riveting Machines	Upsetters
Rolling Machines	Welding Machines
	Shearing Machines
	Slotters

[F. R. Doc. 51-2864; Filed, Feb. 28, 1951; 4:52 p. m.]

[NPA Order M-41]

METALWORKING MACHINES; DELIVERY

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. What this order does.
2. Definitions.
3. Delivery of metalworking machines until July 1, 1951.
4. Allocation of deliveries to service and other purchasers.
5. Distribution of production among service purchasers.
6. Treatment of fractions.
7. Additional information to be furnished with rated purchase orders.
8. Changes and amendments.
9. Frozen period.
10. Effect of Reg. 2.
11. Replacement parts.
12. Application for adjustment.
13. Records and reports.
14. Communications.
15. Violations.

AUTHORITY: Sections 1 to 15 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order regulates the delivery of metalworking machines. It requires all producers to schedule their deliveries in accordance with the provisions of this order.

SEC. 2. *Definitions.* As used in this order:

(a) "Metalworking machine" means any new, nonportable, power-driven item of plant equipment which is listed on the attached Exhibit A and has a producer's list price for the basic machine itself of $500 or more. The producer's list price for the basic machine itself means the sale price at which the producer's catalog or other price publication lists the basic machine, exclusive of the motor, motor drive, or any attachments therefor, unless the motor, motor drive, or attachments are initially built into the basic machine itself, as an integral part thereof, in which case the producer's list price for the basic machine shall be the sale price at which the producer lists the machine as an assembled unit.

The term "metalworking machine" includes all fixtures, equipment and tooling covered by the original purchase order which are required to be delivered with the basic machine to make it usable in production for the purposes intended. It does not include replacements, spare parts or equipment, or extra tooling.

(b) "Producer" means any person engaged in the manufacture and production of metalworking machines.

(c) "Service group" means a subdivision of the Department of Defense as identified in Exhibit B which is classified "Restricted" and will be furnished to producers.

(d) "Service purchasers" means those persons whose purchase orders for metalworking machines call for delivery to a service group, or to one of such group's prime contractors, or to a subcontractor of such a prime contractor. However, no such purchaser shall be considered a service purchaser unless his order is accompanied by a DO rating in accordance with existing regulations.

(e) "Other purchasers" means all purchasers other than service purchasers, whether or not a DO rating has been assigned to their purchase orders.

(f) "Size" includes all of those dimensions or variations of a particular type of metalworking machine which can be used interchangeably for production purposes. Size classification shall be that used by each producer on the effective date of this order, unless he is hereinafter authorized to use a different classification. Producers may apply for such permission by letter to the National Production Authority (hereinafter called "NPA").

(g) "Firm order" means an order which is accompanied by specification or other description of a metalworking machine in sufficient detail to enable a producer to place such machine in his production schedule.

(h) "Person" means any individual, corporation, partnership, association or any other organized group of persons, and includes any agency of the United States or any other government.

SEC. 3. *Delivery of metalworking machines until July 1, 1951.* Until July 1, 1951, each producer shall maintain his delivery schedules as now or hereafter established, unless NPA by specific direction shall require a change in such schedules.

SEC. 4. *Allocation of deliveries to service and other purchasers.* Starting April first and on the first of each succeeding month, each producer shall schedule his deliveries of each size of metalworking machines in accordance with the provisions of this section 4 for the fourth ensuing month (hereinafter in section 9 being referred to for convenience as the "delivery month"—for example, deliveries for the month of July would be scheduled on April 1, and July would be the "delivery month").

(a) If a producer can fill from his production all orders requiring delivery in the month being scheduled, whether such orders are rated or unrated, then he shall arrange his schedule so as to fill all such orders.

(b) If a producer cannot fill from his production all orders requiring delivery in the month being scheduled, whether such orders are rated or unrated, then he shall arrange his schedule of deliveries as follows:

(1) To the extent that a producer has rated orders on hand from service purchasers requiring delivery in the month being scheduled, he shall arrange his schedule so as to deliver up to 70 percent of his production of each size in that month to service purchasers.

(2) To the extent that a producer has rated orders on hand from service purchasers requiring delivery in the month being scheduled of more than 70 percent of his production of any size in that month, he shall not be required in any such case to deliver more than such 70 percent to service purchasers even though there be fewer rated orders from other purchasers than the equivalent of 30 percent of his production of such size.

(3) To the extent that there remains any balance of his production unscheduled for that month, after scheduling his deliveries to service purchasers in accordance with subparagraphs (1) and (2) of this paragraph, a producer shall schedule such balance for such month so as to fill all rated orders from other purchasers to the extent possible, and thereafter, if any balance still remains, to fill unrated orders to be scheduled in accordance with such producer's usual custom.

SEC. 5. *Distribution of production among service purchasers.* Each producer shall schedule deliveries among the several service groups as follows:

(a) Exhibit B is a percentage allocation schedule. It specifies a percentage of total monthly production of each type of the category of metalworking machine which is listed in Exhibit A and which is to be scheduled for delivery each month to each service group. Such specified percentage to each service group for the purposes of this order is called a "service quota." Copies of Exhibit B will be classified "Restricted" and will be furnished to producers.

(b) Each month each producer shall schedule for delivery to each service group the number of metalworking machines of each size and type equal to that group's service quota for that month. No producer shall schedule delivery of any metalworking machine earlier than the date on which the purchaser's order requires delivery unless all required delivery dates on other orders are being met. No order shall be scheduled unless it is a firm order and accompanied by the information required by section 7.

(c) If a producer does not have on hand, at the time he schedules his monthly deliveries pursuant to section 4, enough firm orders from one or more service groups equal to the service quota of any such service group for a size of a given type of metalworking machine, the unscheduled balance of the service quota or quotas shall be used to schedule for delivery during that month rated orders, exceeding the service quota, received from other service groups for that size and type of metalworking machine which cannot be scheduled within the latter's quota. Each producer shall distribute this unscheduled service quota balance for any such metalworking machine among other service groups as follows:

(1) He shall figure the number of rated orders on his books for that size and type of metalworking machine from each service group as of the time he schedules his monthly deliveries pursuant to section 4, or, at the producer's option, the nearest date within 10 days thereof on which he may have compiled his record of orders. Only rated orders which require delivery in the month being scheduled or which could not be filled in a previous month shall be counted. From the number thus figured he shall deduct the number of metalworking machines which each such service group is entitled to receive under its service quota. The resulting balance shall be termed the net backlog of each such service group.

(2) He shall then distribute the total unscheduled rated orders for that size and type of metalworking machine among the service groups showing a net backlog for the month being scheduled, in the ratio which such service group's net backlog for that month bears to the total net backlog of all service groups. (An example of the calculations required by this paragraph is contained in the attached Exhibit C).

(d) In preparing his schedule of deliveries for a given month, each producer shall fix the dates of the deliveries to the different service groups so that each will receive its percentage of metalworking machines equitably in point of time within the month.

(e) If, under paragraph (a) of section 4, a producer is required to schedule more than 70 percent of his production for service purchasers, he shall distribute the excess over 70 percent among the various service groups in the same manner provided for unscheduled service quota balances in paragraph (c) of this section.

SEC. 6. *Treatment of fractions.* Where the number of metalworking machines which results from any computation required by this order contains a fraction of more than one-half, the fraction shall be counted as a whole metalworking machine. A fraction under one-half shall be disregarded, except that where the computation results in a fraction only (less than one whole metalworking machine) for any one month and such fraction is less than one-half, it shall be counted in computing the next month's service quota. Where each of the computations of two or more different service quotas for the same month shows a fraction of one-half, and there is only one remaining metalworking machine to which such fractions can apply, such metalworking machine shall be allotted to the service group having the largest service quota, and the other fractions of one-half shall be disregarded for that month, but shall be counted in computing the other service quota or quotas for the next month.

SEC. 7. *Additional information to be furnished with rated purchase orders.* In applying or extending a DO rating to

an order for a metalworking machine, (a) any service purchaser must indicate the service group which placed or sponsored the prime or subcontract for which the metalworking machine being purchased is to be used, and the required delivery date thereof, and (b) any other purchaser must indicate the claimant agency, if any, which placed or sponsored the prime or subcontract for which the metalworking machine being purchased is to be used and the required delivery date thereof.

SEC. 8. *Changes and amendments.* Notwithstanding any other provision of this order, NPA may amend this order and any Exhibits hereto attached, may direct or change any schedule of production or delivery of metalworking machines, allocate any order for metalworking machines from one producer to another producer, and divert or otherwise direct the delivery of any metalworking machine from one person to another person.

SEC. 9. *Frozen period.* No rated order, which may be received by a producer within the 3 months period immediately preceding any delivery month as defined in section 4, shall operate to postpone, advance or in any way affect or change the delivery of any metalworking machines which have been scheduled for delivery during such delivery month, or scheduled for delivery in accordance with section 2.

SEC. 10. *Effect of this order on Regulation 2.* To the extent that this order is in conflict with NPA Regulation 2, the provisions of this order shall control. In all other respects, Regulation 2 shall continue in full force and effect.

SEC. 11. *Replacement parts.* NPA Regulation 4 as now effective or as hereafter amended, or any other NPA order or regulation concerning maintenance, repair, and replacement items, shall control with respect to the delivery by a producer of repair and replacement parts, irrespective of any provisions contained in this order.

SEC. 12. *Application for adjustment.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 13. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 14. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C. Ref: M–41.

SEC. 15. *Violations.* Any person who wilfully violates any provisions of this order or any other order or regulation of NPA or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with said Federal Reports Act.

This order shall take effect on February 28, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

EXHIBIT A

All types of the following classifications are included herewith for regulation under this order based on past procurement experience. Additions shall be made as new and changed requirements are developed:

Ammunition Machinery	Lathes
Balancing Machines	Levelers
Beading Machines	Marking Machines
Boring Machines	Measuring & Testing Machines
Brakes	Milling Machines
Broaching Machines	Nibbling Machines
Buffing Machines	Oil Grooving Machines
Centering Machines	Pipe Flanging—Expanding Machines
Chamfering Machines	Planers
Crankshaft Regrinders (stationary)	Polishing & Buffing Machines
Cut-Off Machines	Presses
Die Sinking Machines	Profiling Machines
Drilling Machines	Punching Machines
Duplicating Machines	Reaming Machines
Extruding Machines	Rifle & Gun Working Machines
Filing Machines	Riveting Machines
Forging Machines	Rolling Machines
Forging Rolls	Sawing Machines
Gear Cutting Machines	Screw & Bar Machines
Gear Finishing Machines	Shapers
Grinding Machines	Swagers
Hammers	Tapping Machines
Headers	Threading Machines
Key Seating Machines	Upsetters
Lapping Machines	Welding Machines
	Shearing Machines
	Slotters

EXHIBIT C

ILLUSTRATION OF SECTION 5 (C) (2)

Producers Unscheduled Balance — 15 Machines

	Ordnance	Army less Ordnance	Bureau of Ordnance	Bureau of Ships	Miscellaneous Bureaus & Offices	Bureau of Aer.	A. F.	Total Services
Net backlog	10	1	0	6	0	0	12	29
Fractional proportion of	10	1	0	6	0	----	12	29
Net backlog	29	29	----	29	----	----	29	29
Distribution of unscheduled balance, i.e., number of machines to be added to group's regular quota for August	5	1	0	3	0	----	6	7

[F. R. Doc. 51–2865; Filed, Feb. 28, 1951; 4:52 p. m.]

Chapter VIII—Defense Transport Administration

[General Order DTA 1, Revocation]

DTA 1—PREFERENCE AND PRIORITY FOR TRANSPORTATION OF UNITED STATES MILITARY FREIGHT AND UNITED STATES MAIL

Pursuant to Title I of the Defense Production Act of 1950, Executive Order 10161, Executive Order 10200, and Defense Production Administration Delegation No. 1, *It is hereby ordered*, That General Order DTA 1, sections 1 through 4 (16 F. R. 1130) is hereby revoked effective March 1, 1951.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title I, Pub. Law 774, 81st Cong., E. O. 10161, 15 F. R. 6105, 3 CFR 1950 Supp., E. O. 10200, 16 F. R. 61.)

Issued at Washington, D. C., this 26th day of February 1951.

JAMES K. KNUDSON,
Administrator,
Defense Transport Administration.

[F. R. Doc. 51–2835; Filed, Mar. 1, 1951; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Rev. S. O. 858, Corr. to Amdt. 2]

PART 95—CAR SERVICE

LUMBER; RESTRICTIONS ON RECONSIGNING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of January A. D. 1951.

Upon further consideration of Service Order No. 858 (15 F. R. 5050, 5434), and good cause appearing therefor: It is ordered that: Section 95.858 *Lumber; restrictions on reconsigning*, of Service Order No. 858 be, and it is hereby further amended by substituting paragraph (f) hereof for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 11:59 p. m., May 15, 1951, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date: This amendment shall become effective 11:59 p. m., February 2, 1951.

It is further ordered, that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1.)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51–2792; Filed, Mar. 1, 1951; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 978]

[Docket No. AO 184–A6]

HANDLING OF MILK IN NASHVILLE, TENNESSEE, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Davidson County Courthouse, Nashville, Tennessee, beginning at 10:00 a. m., c. s. t., March 6, 1951, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Nashville, Tennessee, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order (No. 78) for the Nashville, Tennessee, marketing area have been proposed as follows:

By the Nashville Milk Producers, Inc.:

1. Amend § 978.4 (b) (1) (i) to include Yoghurt (Yogurt).

2. Delete § 978.3 (a) (1) and substitute therefor the following:

(1) The quantities of skim milk and butterfat contained in (i) all receipts at his fluid milk plant(s) within the delivery period of (*a*) producer milk for the months of January, February, March, July, August, and September, (*b*) producer milk for producers both of record and not of record as of April 1, 1951, and April 1 each year thereafter for the months of April, May, June, October, November, and December, and (*c*) milk, skim milk, cream, and milk products from other handlers, and (*d*) other source milk; and (ii) milk diverted pursuant to § 978.1 (j) (2); and

3. Amend § 978.7 (b) so as to provide that the Production Incentive Fund created during the months of April, May, and June, shall be distributed during the months of October, November, and December: *Provided*, That producers not of record as of April 1, beginning in 1951, shall not have the privilege of participating in the Fall Production Incentive Program for that year, thereby receiving the average utilization price per hundredweight of all producer milk for their deliveries for all months of the year and producers of record as of April 1 be permitted to share in the Fall Production Incentive Program.

By the Swiss Farm Dairy:

4. Amend the classification provisions (§ 978.4) to specifically provide that skim milk and butterfat used in Rediwhip be classified as Class III.

5. By Foremost Dairies, Inc.:

Eliminate from the order the provision that milk transferred or diverted in the form of any item specified in paragraph (b) (2) of § 978.4 to a nonfluid milk plant located 85 miles or more from the City Hall at Nashville, Tennessee, shall be classified as Class II milk.

6. Provide in the order that any skim milk and butterfat transferred or diverted in the form of any item specified in paragraph (b) (2) of § 978.4 to a nonfluid milk plant shall be classified as Class II milk, unless: (1) The handler claims another class on the basis of a utilization mutually indicated in writing to the market administrator by both the operator of the nonfluid milk plant and the handler on or before the 6th day after the end of the delivery period within which such transaction occurred, (ii) the operator of the nonfluid milk plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (iii) not less than an equivalent amount of skim milk and butterfat was actually utilized in such plant in the use indicated in such statement: *Provided*, That if upon inspection of the records of such plant it is found that an equivalent amount of skim milk and butterfat was not actually used in such indicated use the remaining pounds shall be classified on the basis of the next highest-priced available use in accordance with the classes set forth in paragraph (b) of this section.

By the Dairy Branch, Production and Marketing Administration:

7. Make such other changes as may be required to make the entire marketing agreement and the order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the tentative marketing agreement, and the order now in effect, may be procured from the market administrator, 309 Presbyterian Building, Nashville 3, Tennessee, or from the Hearing Clerk, United States Department of Agriculture, Room 1353 South Building, Washington 25, D. C., or may be there inspected.

Filed at Washington, D. C., this 28th day of February 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 51–2838; Filed, Mar. 1, 1951; 8:55 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

FEBRUARY 16, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing approximately 320 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 258

For lease for homesites only:

T. 5 S., R. 15 E., S. B. M.,
Sec. 30, $S\frac{1}{2}$.

Leases for land in Lot 2 of the $SW\frac{1}{4}$ will not be issued until a supplemental plat has been prepared assigning tract numbers to the irregular areas.

The lands are situated in Riverside County, California, and may be reached over U. S. Highway 60–70 which crosses the land. The nearest town is Desert Center, California, which adjoins the land and where most community services may be obtained. The land is in an area that is considered ideal for health and recreational purposes.

2. As to applications regularly filed prior to 9:00 a. m., June 28, 1949, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., April 20, 1951. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., April 20, 1951, to close of business on July 19, 1951.

(b) Advance period for veterans' simultaneous filings from 9:00 a. m., June 28, 1949, to 10:00 a. m., April 20, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., July 20, 1951.

(a) Advance period for simultaneous nonpreference filings from 9:00 a. m., June 28, 1949, to 10:00 a. m., July 20, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

10. Leases will be subject to all existing rights-of-way and to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, county or municipality in which the tract is situated, or by any agency thereof.

11. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 51-2783; Filed, Mar. 1, 1951; 8:45 a. m.]

NEVADA

CLASSIFICATION ORDER

FEBRUARY 16, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Nevada land district, embracing approximately 80 acres.

NEVADA SMALL TRACT CLASSIFICATION No. 67

For lease only for home and business sites:

T. 23 S., R. 63 E., M. D. M.,
Sec. 26, $W\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$.

The land is situated in Clark County, Nevada, about 10 miles southwest of Boulder City and 23 miles southeast of Las Vegas, Nevada. The area is one that is used extensively for health and recreational purposes. All community services may be found in both Boulder City and Las Vegas, Nevada.

2. As to applications regularly filed prior to 9:00 a. m., December 1, 1950, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., April 20, 1951. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., April 20, 1951, to close of business on July 19, 1951.

(b) Advance period for veterans' simultaneous filings from 9:00 a. m., December 1, 1950, to 10:00 a. m., April 20, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., July 20, 1951.

(a) Advance period for simultaneous non-preference filings from 9:00 a. m., December 1, 1950, to 10:00 a. m., July 20, 1951.

5. Applications filed within the period mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend east and west.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective

of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

10. Tracts will be subject to existing rights-of-way and to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, county or municipality in which the tract is situated, or by any agency thereof.

11. All inquiries relating to these lands should be addressed to the Manager, Nevada Land and Survey Office, Reno, Nevada.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 51-2784; Filed, Mar. 1, 1951; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

COMMODITY ASSIGNMENTS TO BRANCHES

This list of commodity assignments to the Branches of the Production and Marketing Administration supersedes the list published September 24, 1948, in the FEDERAL REGISTER (13 F. R. 5555).

As indicated herein, the commodities are assigned in two groups. The first assigns them for program purposes and the second indicates commodity assignments for inspection purposes. The term "program purposes" includes such responsibilities as are, or may in the future be, assigned to the branches relative to the defense food program, production programs, price support and supply programs, research programs including the development of grades and standards, market news programs, marketing agreement and order programs, and other regulatory programs except those concerned primarily with inspection. The term "inspection purposes" includes such responsibilities as are, or may in the future be, assigned to the branches relative to voluntary and regulatory inspection and grading programs.

Key to branch symbols. Branch symbols precede each commodity listed. The keys to these branch symbols is as follows:

CN—Cotton.
DA—Dairy.
FO—Fats and Oils.
FV—Fruit and Vegetable.
GR—Grain.
LS—Livestock.
CRA—Office of Requirements and Allocations.
PY—Poultry.
SU—Sugar.
TB—Tobacco.
TW—Transportation and Warehousing.

ALPHABETICAL LISTING OF AGRICULTURAL AND FOOD COMMODITIES ASSIGNED TO BRANCHES FOR PROGRAM PURPOSES

CN—Abaca.
FV—Acetic acid.
ORA—Alcohol, non-beverage (overall proportion of commodities to be used).
FV—Alcohol, non-beverage (derived from fruits, potatoes).
GR—Alcohol, non-beverage (derived from grains).
SU—Alcohol, non-beverage (derived from molasses).
GR—Alfalfa meal.
GR—Alimentary paste.
LS—Animal fats, edible or inedible, raw or unrendered or rendered or otherwise prepared (while in packing plant).
FO—Animal fats, edible or inedible, raw or unrendered or rendered or otherwise prepared (outside packing plant).
GR—Animal food (dried, mixed, dehydrated and canned).
GR—Animal-source protein material for feed.
FV—Argols.
GR—Arrowroot.
FO—Babassu nuts and oil.
FV—Baby food, canned fruit and vegetable and soup (other than milk and meat formulas).
GR—Bakery products.
GR—Baking soda and powder.
FV—Banana powder.
GR—Barley, including Pearl, rolled and roasted barley.
GR—Beans, dry edible, and edible soybeans (except canning).
FV—Bees and beeswax.
FV—Berries (fresh, frozen, canned and dehydrated).
FV—Beverages, alcoholic (derived from fruits, potatoes).
GR—Beverages, alcoholic (derived from grains).
SU—Beverages, alcoholic (derived from molasses).
SU—Beverages, soft and carbonated.
GR—Birdseed.
GR—Biscuits (Army type).
GR—Bone meal.
GR—Bran.
GR—Bread, including hard bread.
GR—Breakfast foods.
GR—Brewers' products.
GR—Broom corn.
GR—Buckwheat, including flour and cereal.
DA—Butter, butter oil, and butter products.
DA—Buttermilk (fluid, dry).
FV—Butters, fruit.
GR—Cake, pressed.
FO—Candles.
SU—Candy.
SU—Cane syrup.
DA—Casein.
FO—Cashew nut oil and cashew nut shell oil.
LS—Casings (natural and artificial).
GR—Cassava.
FO—Castor oil and beans.
FO—Castor pomace.
FV—Catsup and chili sauce.
LS—Cattle and calves.
GR—Cereals and cereal preparations.
DA—Cheese and cheese foods.
SU—Chewing gum.
SU—Chicle.
FV—Chicory root.
GR—Chicory seed.
FV—Chili powder.
SU—Chocolate and chocolate products.
FV—Chow chow.
FV—Chow mein.
FV—Cider.
FV—Citric acid.
SU—Coca, cocoa beans and cocoa products.
FO—Coconut oil.
FV—Coffee.
FO—Cohune oil.
DA—Condensed milk.
SU—Confectionery products.
FO—Copra.
GR-Copra meal.
GR—Corn, cracked corn, grits, corn meal, cornstarch, corn sugar, corn syrup, and corn flour.
FO—Corn oil.
CN—Cotton (raw, lint, mill waste).
CN—Cotton linters.
CN—Cottonseed (except crushing).
FO—Cottonseed (beginning with the crushing operation).
FO—Cottonseed oil.
GR—Cottonseed meal, cakes, pellets.
GR—Crackers and crackermeal.
DA—Cream (fluid and dry).
DA—Custard (frozen, powder).
SU—Dessert powders.
GR—Dextrin.
GR—Dextrose.
GR—Distillers' dried grains.
GR—Dog food, including dog biscuits.
SU—Drink powder (non-milk).
PY—Eggs (frozen, shell, dried).
FV—Essential oils.
FO—Fatty acids, sulphonated fats and oils.
FO—Fatty alcohols.
FO—Feeding oils.
GR—Feeds.
CN—Fibers, vegetable.
FO—Fish and fish products.
GR—Fish meal.
FO—Fish and marine mammal oils.
SU—Flavorings and fountain syrups (with sugar base).
FV—Flavoring extracts and other flavorings.
CN—Flax fiber.
GR—Flaxseed (except crushing).
FO—Flaxseed (beginning with the crushing operation).
GR—Flour (including rye and graham, whole-wheat and corn flour), except potato flour.
FV—Food colors.
FV—Fruit and fruit products and juices (fresh, pickled, dried, crushed, canned, frozen, dehydrated and processed).
FV—Fruit extracts and nectar.
FV—Fruit jams, jellies and preserves.
GR—Garbanzos (chick peas).
FV—Garlic.
GR—Glucose.
FO—Glycerine (crude, refined).
DA—Goats' milk.
LS—Goats (Angora and other types kept primarily for mohair production).
GR—Grains and grain products (except oils).
GR—Grain sorghums.
FO—Grease, oils, and stearine.
GR—Grits, granite grits, and meal.
CN—Guayule.
GR—Hay and straw.
CN—Hemp.
FO—Hempseed and oil.
CN—Henequen.
FV—Herbs.
LS—Hides, skins, pelts and hair from domesticated farm animals.
LS—Hogs, including pigs.
GR—Hominy, including grits.
FV—Honey.
FV—Hops.
LS—Horses and mules.
LS—Horsemeat.
FV—Horseradish.
TW—Ice.
DA—Ice cream and mix (liquid, dry), ices, sherbets, frappes.
CN—Jute.
CN—Kapok.
FO—Kapok seed oil.
FO—Lanolin.
FO—Lard and rendered pork fat (allocations).
LS—Lard and rendered pork fat (procurement and production).
GR—Laundry starch.
GR—Leavening compounds.
FO—Lecithin.

GR—Lentils.
GR—Linseed (except crushing).
FO—Linseed (beginning with the crushing operation).
GR—Linseed meal, cakes, pellets.
FO—Linseed oil.
GR—Liver and glandular meal.
GR—Lupines (seed and hay).
GR—Macaroni and macaroni products.
GR—Malt and malt syrup.
SU—Maple sugar and syrup.
FO—Margarine.
GR—Matzoth (bread and meal).
FO—Mayonnaise and salad dressing.
LS—Meat and meat products, including sausage (fresh, chilled, frozen, pickled, cured, smoked, canned, dried, and dehydrated).
LS—Meat extracts, including bouillon.
DA—Milk formulas, baby.
DA—Milk sugar.
DA—Milk (cultured, fluid, dry, condensed, evaporated, malted).
GR—Milk, dried skim (beginning with feed manufacturing process).
GR—Mill feeds.
LS—Mohair.
SU—Molasses (blackstrap and high test, invert, except use in mixed feed and yeast).
GR—Molasses (beginning with mixed feed and yeast manufacturing process).
SU—Molasses, edible, from cane and sugar beets.
GR—Monosodium glutamate.
GR—Mung beans.
FO—Murumuru oil.
FV—Mushrooms.
FV—Mustard seed and products (except crushing).
FO—Mustard seed (beginning with the crushing operation).
FO—Mustard seed oil.
TB—Naval stores, gum.
FO—Neats-foot oil, stock stearine.
TB—Nicotine (alkaloid, sulphate, bentonite).
DA—Non-fat dry milk solids (except use in mixed feed).
GR—Noodles.
FV—Nursery stock, citrus.
FV—Nuts, tree (edible).
GR—Oats, rolled oats and oat cereal.
FO—Oils, cooking.
GR—Oilseed cakes, meal, and pellets.
FO—Oils, vegetable, nut and vegetable seed oil.
FO—Oiticica oil.
FO—Oleic acid.
FO—Oleo oil (allocations).
LS—Oleo oil (procurement and production).
FO—Oleomargarine.
FV—Olives.
FO—Olive oil.
FO—Ouricury oil.
GR—Oyster shells (flour, grits, ground).
FO—Palm kernel oil.
FO—Palm oil.
GR—Pea meal.
FO—Peanuts, peanut butter and peanut oil.
GR—Peanut cake, meal and flour.
GR—Peas, dried, and split peas, dry.
FO—Perilla oil.
FV—Pickles.
GR—Popcorn.
GR—Poppyseed.
FV—Pork and beans, canned.
FV—Potatoes (fresh, canned, dehydrated).
FV—Potato chips.
FV—Potato starch.
FV—Potato flour.
GR—Potatoes, dried (used for mixed feed).
PY—Poultry, live and dressed, including chickens, turkeys, ducks, geese, guineas, squabs (fresh and frozen).
PY—Poultry, eviscerated, including chickens, turkeys, ducks, geese, guineas, squabs, and domestic rabbits (fresh, frozen, canned).
GR—Protein feeds, concentrates.
GR—Pulp (beet, citrus, etc., used for animal feed).
PY—Rabbits (dressed, domestic).
CN—Ramie.
GR—Rapeseed (except crushing).
FO—Rapeseed (beginning with the crushing operation).
FO—Rapeseed oil.
GR—Ravioli.
FV—Relishes.
DA—Rennet (tablets, powdered, liquid).
GR—Rice, rice flour, rice meal.
FV—Rhubarb.
GR—Rye.
SU—Saccharine sorghum.
GR—Safflower seed (except crushing).
FO—Safflower seed (beginning with the crushing operation).
FO—Safflower oil.
FO—Salad dressing.
FO—Salad oil.
DA—Sandwich spreads (dairy products base).
LS—Scrapple, chili con carne, and other food products produced in meat packing plants and containing a substantial proportion of meat or animal fat.
GR—Seeds, agricultural and vegetable (except as otherwise noted in the list).
FO—Seed oil.
GR—Semolina.
FO—Sesame seed and oil.
LS—Sheep and lambs.
FO—Shortenings.
CN—Sisal.
FO—Soaps and soap stock (foots).
FV—Soups (canned, dehydrated and frozen).
GR—Soups, dry powder (from grain).
GR—Soybeans (except crushing).
FO—Soybeans (beginning with the crushing operation).
GR—Soybean meal, cakes, pellets.
FO—Soybean oil.
GR—Soy flour and grits.
GR—Spaghetti.
FV—Spices.
GR—Starch from grain.
FO—Stearic acids.
GR—Sugar, corn.
SU—Sugar, cane.
SU—Sugar, beet.
GR—Sunflower seed (except crushing).
FO—Sunflower seed (beginning with the crushing operation).
FO—Sunflower seed oil.
GR—Sirups, from grain.
FO—Tall oil.
LI—Tallow, edible (production and procurement).
FO—Tallow, edible (allocations).
FO—Tallow, inedible; tallow oil and stearines.
GR—Tankage, meat.
GR—Tapioca.
FV—Tartaric acid.
FV—Tea.
FO—Tea seed oil.
TB—Tobacco and tobacco products.
TB—Tobacco byproducts.
FO—Tucum oil.
FO—Tung oil (China wood oil), nuts.
FO—Tung pomace.
FV—Vegetables and vegetable products and juices (fresh, canned, dehydrated, frozen, pickled and processed).
GR—Vermicelli.
FV—Vinegar.
FO—Vitamins.
GR—Wheat, wheat cereal (including bran), wheat flakes, wheat flour (white, graham, wholewheat), wheat meal (farina), cracked wheat.
DA—Whey (liquid, dry).
FV—Wine and brandy.
LS—Wool (all forms including noils).
FO—Wool grease.
FV—Worchestershire sauce.
GR—Yeast.

It is understood that this assignment of commodities is subject to existing agreements or agreements which may hereafter be negotiated affecting the division of responsibility for certain commodities as between major departments or agencies of the Government.

ALPHABETICAL LISTING OF AGRICULTURAL AND FOOD COMMODITIES ASSIGNED TO BRANCHES FOR INSPECTION PURPOSES

NOTE: Where regulations governing inspection of any of the commodities listed below have not been published in the FEDERAL REGISTER, inspection will be performed only in connection with Government contracts or other Government programs, or under other conditions noted below.

CN—Abaca.
FV—Acetic acid.
GR—Acid, calcium phosphate.
FV—Acids (citric, tartaric, phosphoric).
GR—Alfalfa meal.
GR—Alimentary pastes.
FV—Anchovy paste.
LS—Animal fats (edible, raw or unrendered, rendered, or otherwise prepared).
GR—Animal food (dried, mixed, dehydrated, and canned).
FV—Anise.
GR—Arrowroot.
FV—Asparagus plumosis.
FV—Baby food (from fruits or vegetables).
GR—Bakery products.
FV—Baking soda and baking powder.
GR—Barley, including Pearl, rolled, and roasted barley.
FV—Beans (canned, dried, frozen, with or without sauce, with or without pork or other meat seasoning).
GR—Beans, dry edible.
FV—Beeswax.
GR—Beet pulp.
FV—Berries (dehydrated, fresh, frozen, dried, and canned or otherwise processed).
FV—Beverages (alcoholic and non-alcoholic).
GR—Birdseed.
GR—Biscuits, all kinds.
GR—Bone meal.
GR—Bran.
GR—Bread, including hard bread.
GR—Breakfast foods.
GR—Brewer products.
GR—Broom corn.
GR—Buckwheat, including flour and cereal.
DA—Butter, butter oil and butter products.
DA—Buttermilk (fluid, dry).
GR—Candles.
FV—Candied fruit and fruit peel.
FV—Candy and candy products.
DA—Casein.
LS—Casings (natural and artificial).
GR—Cassava.
LS—Cattle and calves.
GR—Cereals and cereal preparations.
DA—Cheese and cheese foods.
FV—Chewing gum.
TB—Chewing tobacco.
FV—Chicle.
GR—Chicory seed.
FV—Chili pepper or powder.
FV—Christmas trees.
FV—Chocolate and chocolate products.
FV—Chow mein.
TB—Cigars.
TB—Cigarettes.
GR—Citrus pulp feed.
FV—Cocoa and cocoa products.
FV—Coconuts and coconut products (except copra and coconut oil).
GR—Coconut oil.
GR—Cod liver oil.
FV—Coffee and coffee products and substitutes.
FV—Concentrated food drinks (Ovaltine and Postum).
FV—Confectionery.
GR—Cooking oils and compounds.
GR—Copra.
GR—Copra meal.
GR—Corn.
GR—Corn grits and corn meal.
GR—Corn oil.
GR—Corn starch.
GR—Corn sugar.

GR—Corn syrup.
CN—Cotton.
CN—Cotton linters.
CN—Cottonseed.
GR—Cottonseed meal, cakes, pellets.
GR—Cottonseed oil.
FV—Coumarin.
GR—Cowpeas.
GR—Cracked corn.
GR—Cracked wheat.
GR—Crackers and cracker meal.
DA—Cream (fluid and dry).
FV—Cream of tartar.
DA—Custard (frozen, powder).
FV—Dates and date products.
FV—Dessert powders (custard powder and other dessert powder).
GR—Dextrin.
GR—Dextrose.
GR—Diacetone; gulosonic acid.
GR—Distillers' dried grains.
GR—Dog biscuits.
FV—Drink powders (not containing milk).
GR—Edible starch (from grain).
DA—Eggs (frozen, shell, dried).
FV—Enzymes (diastic, pectinal).
FV—Essential fruit and spice oils.
FV—Extracts, fruit and flavoring.
GR—Farina.
GR—Fatty acids, sulphonated fats and oils.
GR—Fatty alcohols.
GR—Feed and grain products.
CN—Fibers, vegetable.
GR—Feeding oil.
GR—Feeds, prepared.
LS—Fish, fresh.[1]
FV—Fish, processed, and other marine products (canned, frozen, pickled, dried, smoked, and salted or otherwise processed).
FV—Fish roe and caviar (canned, frozen).
GR—Fish and marine mammal oils.
GR—Fish liver oil and concentrate.
GR—Fish meal.
FV—Flavorings, fruit and vegetable.
CN—Flax, fiber.
GR—Flaxseed.
FV—Flour, potato.
GR—Flour, all kinds except potato.
FV—Flowers, cut.
FV—Flowers, bulb.
FV—Food colors.
FV—Fruit and fruit products, fruit juices (fresh, canned, dried, dehydrated, frozen, pickled or otherwise processed or preserved).
FV—Fruit butters.
FV—Fruit nectar.
FV—Fruit extracts.
FV—Fruit jams, jellies, preserves.
GR—Garbanzos (chick peas).
FV—Gelatin.
GR—Glucose.
GR—Glycerin, crude, refined.
LS—Goats (Angora and other types kept primarily for mohair production).
DA—Goats' milk.
GR—Graham flour.
GR—Grain sorghums.
GR—Granite grits and meal.
GR—Grease oils and stearines.
GR—Grits.
GR—Hard bread.
GR—Hay and straw.
GR—Hempseed and oil.
CN—Hemp.
CN—Henequen.
FV—Herbs, seasoning.
LS—Hides, skins, pelts and hair from domesticated farm animals.
LS—Hogs, including pigs.
FV—Hominy (canned and dehydrated).
GR—Hominy grits.
FV—Honey and honey products.
GR—Hops.
FV—Horseradish (fresh and processed).
LS—Horsemeat.
LS—Horses and mules.

[1] Fresh fish inspected in connection with Government programs and for applicants for the meat grading service.

DA—Ice cream and mix (liquid, dry), ices, sherbets, frappes.
CN—Jute.
GR—Kola nuts.
CN—Kapok.
GR—Lanolin.
LS—Lard and rendered pork fat.
GR—Laundry starch.
GR—Leavening compounds.
GR—Lentils.
GR—Linseed, linseed oil.
GR—Linseed meal and oilcake.
GR—Liver and glandular meal.
FV—Lozenges.
GR—Lupines, seed and hay.
GR—Macaroni and macaroni products.
GR—Malt, malt syrup, malt diastase, baker's malt.
GR—Margarine.
GR—Marine mammal oils.
FV—Marmalade.
FV—Mate.
GR—Matzoth (bread).
FV—Mayonnaise.
LS—Meat and meat products, including sausage (fresh, chilled, frozen, pickled, cured, smoked, canned, dried and dehydrated).
LS—Meat extracts.
DA—Milk (cultured, fluid, dry, condensed, evaporated, malted).
GR—Milk feeds (prepared, for animals).
DA—Milk formulas, baby.
DA—Milk sugar.
FV—Mincemeat.
LS—Mohair.
FV—Molasses (except for stock feed).
GR—Molasses, for feed.
FV—Mushrooms (fresh, canned or otherwise processed).
GR—Mustard seed.
FV—Mustard, prepared, other mustard seed products (except oil).
TB—Naval stores.
GR—Neats-foot oil, stock stearine.
TB—Nicotine.
DA—Non-fat dry milk solids.
GR—Noodles.
FV—Nuts (fresh and processed).
GR—Oats, rolled oats and oat cereal.
GR—Oil-bearing materials.
GR—Oilseeds, except cottonseed.
GR—Oilseed cakes, meals and pellets.
GR—Oils, cooking.
GR—Oils, vegetable and nut (except peanut and tung oil).
GR—Oleo oil.
GR—Oleomargarine.
FV—Olives and olive products (fresh and processed).
FV—Olive oil.
FV—Onion sets.
GR—Oyster shells (flour, grits, ground).
FV—Parsley.
GR—Pea meal.
FV—Peanuts, peanut butter and other peanut products (except cake, meal and flour).
GR—Peanut cake, meal and flour.
FV—Peanut oil.
GR—Pearl barley.
GR—Peas, dry.
FV—Pectin, apple, citrus.
FV—Pickles and pickle products.
TB—Pine dipentene.
TB—Pine oil.
TB—Pine pitch.
TB—Pine tar.
FV—Pomace, apple and citrus.
GR—Popcorn for seed or popping.
GR—Poppyseed.
FV—Pork and beans, canned.
FV—Potato chips.
FV—Potato flour and meal.
FV—Potatoes (frozen, french-fried).
DA—Poultry, live and dressed, including chickens, turkeys, ducks, geese, guineas, squabs (fresh and frozen).
DA—Poultry, eviscerated, including chickens, turkeys, ducks, geese, guineas, squabs and domestic rabbits (fresh, frozen, canned).
GR—Prepared feeds.
GR—Protein feeds, concentrates.
GR—Pulp (beet, etc., used for animal feed).
FV—Pulp, fruit (except dried citrus pulp for stock feed).
DA—Rabbits, dressed, domestic.
CN—Ramie.
GR—Rations, K.
GR—Ravioli.
FV—Relishes.
DA—Rennet (tablets, powdered, liquid).
FV—Rhubarb (fresh, canned and frozen).
GR—Rice, rice flour, meal.
GR—Rolled barley and oats.
TB—Rosin.
GR—Rye.
GR—Rye flour.
FV—Saccharine.
FV—Salad dressing.
GR—Salad oil.
FV—Salt.
DA—Sandwich spreads (dairy products base).
FV—Sauces (meat, vegetable).
LS—Scrapple, chili con carne and other food products produced in meat packing plants and containing a substantial proportion of meat or animal fat.
GR—Seed oil.
GR—Seeds (agricultural and vegetable).
GR—Semolina.
LS—Sheep and lambs.
CN—Sisal.
GR—Shortenings, vegetable.
TB—Smoking tobacco.
TB—Snuff.
GR—Soaps.
GR—Soap stock (foots).
FV—Soft drinks.
FV—Soups (canned, dry mix, dehydrated mix and frozen except poultry soups).
GR—Soybeans.
GR—Soybean cake and meal.
GR—Soybean oil.
GR—Soyflour and grits.
GR—Spaghetti.
FV—Spices.
GR—Split-peas, dry.
FV—Starch (except from grain).
GR—Starch, from grain.
GR—Stearic acid.
GR—Straw.
FV—Sugar (cane, beet and maple).
GR—Sugar, from grain.
GR—Sulphonated fats, oils, and fatty acids.
GR—Sunflower seed.
GR—Sunflower seed oil.
FV—Syrups, blended.
FV—Syrups and syrup products (except from grain).
GR—Syrup, from grain.
TB—Tall oil and pinene.
GR—Tallow, inedible.
LS—Tallow, edible.
GR—Tankage, meat.
GR—Tapioca.
FV—Tartaric raw materials.
FV—Tea.
TB—Tobacco in unmanufactufed form.
TB—Tobacco seed.
TB—Tobacco byproducts.
FV—Tomato plants.
FV—Tung nuts and oil.
FV—Tonka beans.
TB—Turpentine.
FV—Vanilla beans.
FV—Vanillin.
FV—Vegetables and vegetable products and juices (fresh, canned, frozen, dehydrated, dried and otherwise processed).
GR—Vegetable seeds.
GR—Vermicelli.
FV—Vinegars.
GR—Vitamin A and D oil.
GR—Vitamins and vitamin products.
FV—Watermelons.
GR—Wheat.
GR—Wheat cereal, including bran.
GR—Wheat flakes.

GR—Wheat flour (white, whole-wheat, graham).
GR—Wheat meal (farina).
DA—Whey (liquid, dry).
LS—Wool (all forms including noils).
GR—Yeast, active, inactive.

Done at Washington, D. C., this 26th day of February 1951.

[SEAL] RALPH S. TRIGG,
Administrator.

[F. R. Doc. 51-2785; Filed, Mar. 1, 1951; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7400, 7972]

HEARST RADIO, INC., AND PUBLIC SERVICE RADIO CORP.

NOTICE OF ORAL ARGUMENT

Beginning at 10:00 o'clock a. m., on Friday, March 30, 1951, the Commission will hear oral argument in Room 6121, on the following matters:

Docket No.				
7400 BH P 172 7972 BH P 527	WBAL Nos.	Hearst Radio, Inc., Baltimore, Md. Public Service Radio Corp., Baltimore, Md.	C. P.	Renewal of license, 1 kc to 50 kw, night, 50 kw, day unlimited.

Dated: February 23, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2828; Filed, Mar. 1, 1951; 8:53 a. m.]

[Docket Nos. 9696, 9875]

RADIO SUMTER AND RADIO STATION WSOC, INC. (WSOC)

ORDER CONTINUING HEARING

In re applications of J. A. Gallimore and Hugh H. Wells, d/b as Radio Sumter, Sumter, South Carolina, Docket No. 9696, File No. BP-7617; Radio Station WSOC, Inc. (WSOC), Charlotte, North Carolina, Docket No. 9875, File No. BP-7726; for construction permits.

The Commission having under consideration a joint petition filed on February 20, 1951, by the applicants herein, Radio Sumter and Radio Station WSOC, Inc. (WSOC), requesting that the hearing herein now scheduled to begin on February 26, 1951 be continued for a period of approximately sixty days; and

It appearing, that the party respondent, Newberry Broadcasting Company, Inc., and Commission Counsel have waived the four-day requirement of § 1.745 of the Commission's rules and regulations, so as to permit immediate consideration of said petition; and

It further appearing, that the continuance herein is requested in order to enable the Commission to act upon a joint petition for reconsideration and grant which was filed on February 20, 1951; that the pendency of said petition before the Commission constitutes good cause for the granting of a continuance of the hearing herein, but that in view of the uncertainty as to the date on which the Commission will act thereon, it would be better administrative practice to continue the hearing herein indefinitely rather than to a date certain;

It is ordered, This 23d day of February 1951, that the joint petition of Radio Sumter and Radio Station WSOC, Inc., requesting a continuance of the hearing herein is hereby granted, and the hearing herein is hereby continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2826; Filed, Mar. 1, 1951; 8:53 a. m.]

[Docket No. 9819]

SERGEI VLADIMIR KIRPATOVSKY

ORDER CONTINUING HEARING

In the matter of Sergei Vladimir Kirpatovsky, application for Radiotelephone First Class Operator License; Docket No. 9819.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of February 1951;

The Commission having under consideration the above-entitled matter designated for hearing on January 17, 1951;

It is ordered, That Commissioner Paul A. Walker, is assigned to preside at the hearing in the above-entitled matter;

It is further ordered, On the Commission's own motion that the opening of the hearing in this matter in Miami, Florida, be continued to Wednesday, March 14, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2824; Filed, Mar. 1, 1951; 8:53 a. m.]

[Docket No. 9829]

INTER-AMERICAN RADIO CORP.

ORDER CONTINUING HEARING

In the matter of revocation of license of Inter-American Radio Corporation, for Station WRIA, Caguas, Puerto Rico; Docket No. 9829.

The Commission having under consideration the above-entitled matter presently scheduled to be heard on March 5, 1951, at Caguas, Puerto Rico; and

It appearing, that, because of other urgent commitments in the Commission, it is impossible for the Presiding Officer to conduct this hearing on the date now scheduled;

It is ordered, This 21st day of February 1951, on the Commission's own motion, that the hearing in the above-entitled matter is continued to 10:00 a. m., Monday, March 19, 1951, at Caguas, Puerto Rico;

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2825; Filed, Mar. 1 1951; 8:53 a. m.]

[Docket Nos. 9849—9854, 9908]

RADIO MESSAGE SYSTEMS ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications for construction permits or licenses, respectively, in the Domestic Public Land Mobile Radio Service of Thomas E. Daniels, d/b as Radio Message Systems, Dallas, Texas, Docket No. 9849, Files Nos. 2937 and 2939-C2-P-E, 2938 and 2940-C2-ML-E; Dallas Electronics, Inc., Dallas, Texas, Docket No. 9850, File No. 53-C2-P-51; (Mrs.) Pearl Forester, d/b as Telephone Answering Service, Dallas, Texas, Docket No. 9851, Files Nos. 1284/1285-C2-P-E; (Mrs.) Pearl Forester, d/b as Telephone Answering Service, Fort Worth, Texas, Docket No. 9852, File No. 50-C2-P-51; Jack Lallier, d/b as Radio Contact Company, Dallas, Texas, Docket No. 9853, File No. 21111-C2-P-E; O. B. English, d/b as English Radio Dispatch Company, Fort Worth, Texas, Docket No. 9854, File No. 20415-C2-P-E; O. B. English, d/b as English Radio Dispatch Company, Dallas, Texas, Docket No. 9908, File No. 597-C2-P-51.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of February 1951;

The Commission, having under consideration the above-entitled applications (File No. 597-C2-P-51) filed by O. B. English, d/b as English Radio Dispatch Company for a new construction permit in the Domestic Public Land Mobile Radio Service at Dallas, Texas; and

It appearing, that on November 22, 1950, the Commission designated for hearing in a consolidated proceeding the other above-entitled applications for authorizations in the Domestic Public Land Mobile Radio Service in the Dallas-Fort Worth, Texas area; and

It further appearing, that the proposed station of O. B. English, d/b as English Radio Dispatch Company (File No. 597-C2-P-51) would be located in the Dallas-Fort Worth service area and that such applications are substantially mutually exclusive with the other above-entitled applications for authorizations in the Domestic Public Land Mobile Radio Service; and

It further appearing, that the above-entitled applications for new construction permit (File No. 597-C2-P-51) of said O. B. English, d/b as English Radio Dispatch Company were filed more than

20 days prior to the date of the hearing in the above-entitled proceeding, as required by the Commission's rules;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications (File No. 597-C2-P-51) of O. B. English, d/b as English Radio Dispatch Company, for a construction permit at Dallas, Texas, are designated for hearing in the above-entitled consolidated proceeding at the time and place hereinbefore specified on the issues set forth in the Commission's order of November 22, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2823; Filed, Mar. 1, 1951; 8:53 a. m.]

[Docket No. 9830]

SPARTAN RADIOCASTING CO. (WORD)

ORDER AMENDING ISSUES

In re application of the Spartan Radiocasting Company (WORD), Spartanburg, South Carolina, for construction permit; Docket No. 9830, file No. BP-7810.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of February 1951;

The Commission having under consideration the above-entitled application which was designated for hearing in a consolidated proceeding with the application (File No. BP-7804; Docket No. 9679) of Greenville Broadcasting Company (WESC), Greenville, South Carolina, by Commission order of January 10, 1951; and

It appearing, that the Commission on February 16, 1951, dismissed the application of Greenville Broadcasting Company (WESC), upon request of the applicant; that the applicant corporation, Spartan Radiocasting Company, its officers, directors and stockholders are technically, financially and otherwise qualified to operate Station WORD as proposed; and that the program service proposed would meet the requirements of the areas and populations proposed to be served; and

It further appearing, that the transmitter site and antenna system specified in the above-entitled application requires an aeronautical study by the Air Space Sub-Committee under new Part 17 of the Commission's rules and regulations; that the Commission is unable at the present time to determine whether or not the transmitter site and antenna system proposed would constitute a hazard to air navigation; and that, therefore, an issue relating to this matter should be included in the Commission's order designating this application for hearing;

It is ordered, That the Commission's order of January 10, 1951, designating the application of the Spartan Radiocasting Company (WORD) for hearing is amended to delete therefrom Issues No. 1 and 3 and to include therein as an issue the following: "To determine whether or not the installation and operation of Station WORD, as proposed, would constitute a hazard to air navigation."

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2827; Filed, Mar. 1, 1951; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25871]

COFFEE FROM NORTH ATLANTIC PORTS TO GROVE CITY, PA.

APPLICATION FOR RELIEF

FEBRUARY 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to their respective tariffs I. C. C. Nos. A-913 and 597.

Commodities involved: Coffee, green or roasted, carloads.

From: North Atlantic ports.

To: Grove City, Pa.

Grounds for relief: Circuitous routes and port relationships.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-913, Supp. 3: I. N. Doe's tariff I. C. C. No. 597, Supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2787; Filed, Mar. 1, 1951; 8:47 a. m.]

[4th Sec. Application 25872]

CAMPHENE AND HEXACHLORIDE BETWEEN BORDER TERRITORY AND WASHINGTON, D. C.

APPLICATION FOR RELIEF

FEBRUARY 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-726.

Commodities involved: Chlorinated camphene and benzene hexachloride, carloads.

Between: Points in North Carolina, southern Virginia, Kentucky and northeastern Tennessee, on the one hand, and Washington, D. C., on the other.

Grounds for relief: Competition with rail carriers and to maintain grouping.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-726, Supp. 221.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2788; Filed, Mar. 1, 1951; 8:47 a. m.]

[4th Sec. Application 25873]

ANIMAL OR POULTRY FEED (AUREOMYCIN RESIDUE) BETWEEN BORDER TERRITORY AND THE EAST

APPLICATION FOR RELIEF

FEBRUARY 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-726.

Commodities involved: Aureomycin residue (animal or poultry feed), carloads.

Between: Trunk-line and New England territories, on the one hand, and North Carolina, southern Virginia, Kentucky and northeastern Tennessee, on the other.

Grounds for relief: Competition with rail carriers and to maintain grouping.

Schedules filed containing proposed rates; C. W. Boin's tariff I. C. C. No. A-726, Supp. 221.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Com-

mission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2789; Filed, Mar. 1, 1951; 8:47 a. m.]

[4th Sec. Application 25874]

PAINT MATERIALS FROM ILLINOIS AND WISCONSIN TO OKLAHOMA, ARKANSAS AND TEXAS

APPLICATION FOR RELIEF

FEBRUARY 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3912, 3919 and 3927.

Commodities involved: Plasterboard joint system, consisting of plastering compound and paper, metal or fabric tape, in carloads.

From: Chicago, Ill., and points grouped therewith, Kankakee, Ill., Milwaukee and Racine, Wis.

To: Dallas and Ft. Worth, Tex., Oklahoma City and Tulsa, Okla., Little Rock and North Little Rock, Ark.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3912, Supp. 35; D. Q. Marsh's tariff I. C. C. No. 3919, Supp. 29; D. Q. Marsh's tariff I. C. C. No. 3927, Supp. 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2790; Filed, Mar. 1, 1951; 8:47 a. m.]

[4th Sec. Application 25875]

HYDROL AND LIQUID STARCH BETWEEN TEXAS POINTS

APPLICATION FOR RELIEF

FEBRUARY 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. N. Roberts, Alternate Agent, for carriers parties to his tariff I. C. C. No. 666.

Commodities involved: Hydrol (corn sugar final molasses or sorghum grain final molasses), and liquid starch, carloads.

Between: Points in Texas.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: H. N. Roberts' tariff I. C. C. No. 666, Supp. 136.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2791; Filed, Mar. 1, 1951; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 16998]

VEREDELUNGSGESELLSCHAFT FUER OELE UND FETTE M. B. H.

In re: Interests and rights of Veredelungsgesellschaft Fuer Oele und Fette m. b. H. in an agreement dated August 22, 1932, with Wecoline Products Inc.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Veredelungsgesellschaft Fuer Oele und Fette m. b. H. is a corporation organized under the laws of, and having its principal place of business in Germany and is a national of a foreign country (Germany);

2. That the property described as follows: All interests and rights (including all accrued royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Veredelungsgesellschaft Fuer Oele und Fette m. b. H. by virtue of an agreement dated August 22, 1932 (including all modifications and amendments thereof) by and between Veredelungsgesellschaft Fuer Oele und Fette m. b. H. and Wecoline Products Inc., which agreement relates, among other things, to United States Letters Patent No. 1,766,863,

is property of, and is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property*

[F. R. Doc. 51-2805; Filed, Mar. 1, 1951; 8:49 a. m.]

[Vesting Order 17370]

HERMANN FREYTAG AND/OR EMILIE FREYTAG

In re: Bonds, debentures, coupons and fractional certificates owned by Hermann Freytag and/or Emilie Freytag, F-28-2188-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Freytag and Emilie Freytag, whose last known address is Hoexter in Westfalen, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Two (2) Agricultural Mort[illegible] Bank of Colombia twenty (20) year six (6 percent) percent S F bonds of one thousand ($1,000) dollar face value each, bearing the numbers 811 and 812 with coupons due February 1, 1954, and all subsequent coupons attached, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in Custodial Account Number F87369, together with any and all rights thereunder and thereto,

b. One (1) City of Frankfort on Main External Ln. twenty-five (25) year six and one-half (6½ percent) percent S F G Bd of five hundred ($500) dollar face value, bearing the number D345, with coupon due May 1, 1937, and all subsequent coupons attached, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in Custodial Account Number F87369, together with any and all rights thereunder and thereto,

c. Four (4) General Electric Company, Germany, twenty (20) year seven (7) percent S F debentures, two of which are of one thousand ($1,000) dollar face value, each, bearing the numbers M1423 and M1939, with coupons due January 15, 1937, and all subsequent coupons attached; and two are of five hundred ($500) dollar face value, each, bearing the Numbers D1694 and D1749, with coupons due January 15, 1937, and all subsequent coupons attached; presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in Custodial Account Number F87369, together with any and all rights thereunder and thereto,

d. Three (3) North German Lloyd four (4 percent) percent S F bonds of one thousand ($1,000) dollar face value, each, bearing Numbers M3831, M3832 and M3833, with coupons due May 1, 1942, and all subsequent coupons attached, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in Custodial Account Number F87369, together with any and all rights thereunder and thereto,

e. Two (2) Rhine Westphalia Electric Power Corporation seven (7 percent) percent mortgage bonds of one thousand ($1,000) dollar face value, each, bearing Numbers M1591 and M1592, with coupons due May 1, 1937, and all subsequent coupons attached, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in Custodial Account Number F-87369, together with any and all rights thereunder and thereto,

f. One (1) State of Rio Grande Do Sul Cons. Mun. forty (40) year seven (7 percent) percent S F bond of one thousand ($1,000) dollar face value, bearing Number 2333, with coupon due June 1, 1944, and all subsequent coupons attached, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in Custodial Account Number F87369, together with any and all rights thereunder and thereto,

g. Three (3) coupons from North German Lloyd four (4 percent) percent S F bonds bearing Numbers M3831, M3832 and M3833, each coupon being of twenty ($20) dollar face value and due November 1941, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in Custodial Account Number F87369, together with any and all rights thereunder and thereto,

h. Eighteen (18) coupons from State of Rio Grande Do Sul cons. mun. forty (40) year, seven (7 percent) percent S F bonds, bearing Number 2383, each coupon being of the face value of thirty-five ($35) dollars and due December 1, 1931, through December 1, 1933, and December 1, 1937 through December 1, 1943, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in Custodial Account Number F87369, together with any and all rights thereunder and thereto, and

i. Five (5) fractional certificates of indebtedness of Conversion Office for German Foreign Debts, two of which bear Numbers Ser B 288127-288754, and are of the face value of twenty ($20) dollars each, one bears the number 123208 and is of the face value of ten ($10) dollars, one bears the number 068413 and is of the face value of five ($5) dollars, and one bears the Number 000647 and is of the face value of One Dollar and twenty-five cents ($1.25), presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in Custodial Account Number F87369, together with any and all rights thereunder and thereto,

subject, however, to any lawful liens of the aforesaid The Chase National Bank of the City of New York, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-2809; Filed, Mar. 1, 1951; 8:49 a. m.]

[Vesting Order 17343]

HEINRICH DUERINGER

In re: Trust under the will of Heinrich Dueringer, deceased. File No. F-28-14511.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Pauline Geffers, George Dueringer, Ludwig Dueringer, Friedrich Dueringer and Gotthilf Dueringer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Pauline Geffers of George Dueringer, of Ludwig Dueringer, of Friedrich Dueringer and of Gotthilf Dueringer, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Heinrich Dueringer, deceased, presently being administered by The Stamford Trust Company and by Bertha Dueringer, as trustees, 300 Main Street, Stamford, Connecticut,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Pauline Geffers, of George Dueringer, of Ludwig Dueringer, of Friedrich Dueringer and of Gotthilf Dueringer, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 51-2812; Filed, Mar. 1, 1951; 8:51 a. m.]

[Vesting Order 17374]

INGENBORG ROSEMARIE KANTER

In re: Stock owned by Ingenborg Rosemarie Kanter. F-28-31204.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ingenborg Rosemarie Kanter, whose last known address is care of Mrs. Johanna Kanter, Haus No. 8, Feldafling, (Oberbayern) Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Two hundred and three (203) shares of no par value common class A Capital Stock of General Gas & Electric Corporation, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware, registered in the name of Ingenborg Rosemarie Kanter, together with all declared and unpaid dividends thereon, and all rights and privileges under a Plan of Divestment of Assets and Simplification of Corporate Structure of General Gas & Electric Corporation, approved by the Securities and Exchange Commission July 26, 1945, including particularly but not limited to the right to receive the following:

a. Forty and three-fifths ($40\frac{3}{5}$) shares of $7.50 par value common capital stock of Florida Power Corporation, a corporation organized under the laws of the State of Florida, presently in the custody of Central Hanover Bank and Trust Company, 70 Broadway, New York, New York, together with all declared and unpaid dividends thereon,

b. Cash in the amount of $373.52, presently in the custody of Central Hanover Bank and Trust Company, 70 Broadway, New York, New York, representing a cash distribution of $1.84 per share of common capital stock of General Gas & Electric Corporation, and

c. Cash in the amount of $8.00, presently in the custody of Central Hanover Bank and Trust Company, 70 Broadway, New York, New York, representing proceeds from the sale of subscription rights to common capital stock of the aforesaid Florida Power Corporation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2813; Filed, Mar. 1, 1951; 8:51 a. m.]

[Vesting Order 17288]

LOUISE SAHNOW

In re: Stocks owned by and debt owing to Louise Sahnow. F-28-31159.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Sahnow, whose last known address is Rankestrasse 35, Berlin W50, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Three hundred (300) shares of $1.00 par value common capital stock of The Flour City Ornamental Iron Company, 2637 27th Avenue, South, Minneapolis, Minnesota, a corporation organized under the laws of the State of Minnesota, evidenced by certificates numbered 494, and 1702, registered in the name of Louise Sahnow, together with all declared and unpaid dividends thereon, and

b. Three hundred (300) shares of $1.00 par value common capital stock of Champion Motors Company, P. O. Box No. 875, Minneapolis, Minnesota, a corporation, organized under the laws of the State of Minnesota, evidenced by certificate numbered 302, registered in the name of Louise Sahnow, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Louise Sahnow, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2807; Filed, Mar. 1, 1951; 8:50 a. m.]

[Vesting Order 17338]

SENORA BLANCA SABIONCELLO BARBASTE DE KRAMER

In re: Interest in bonds and securities owned by and debt owing to Senora Blanca Sabioncello Barbaste de Kramer. F-28-29060-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Senora Blanca Sabioncello Barbaste de Kramer, whose last known address is 26, Wartbergstrasse 26, Stuttgart, Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One-eleventh (1/11th) interest in that certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an account entitled "Santiago Sabioncello (Deceased)", and an undivided one-eleventh (1/11th) interest in any and all rights to demand, enforce and collect the same,

b. An undivided one-eleventh (1/11th) interest in bonds described in Exhibit A, attached hereto, and by reference made a part hereof, said bonds presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account entitled "Santiago Sabioncello (Deceased)", maintained with the aforesaid company, together with an undivided one-eleventh (1/11th) interest in any and all accruals to said bonds and any and all rights to demand, enforce and collect the same,

c. An undivided one-eleventh (1/11th) interest in stocks described in Exhibit B, attached hereto and by reference made a part hereof, said stocks presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account entitled "Santiago Sabioncello (Deceased)", maintained with the aforesaid company, together with an undivided one-eleventh (1/11th) interest in all declared and unpaid dividends thereon, and

d. An undivided one-eleventh (1/11th) interest in interest coupons described in Exhibit C, attached hereto and by reference made a part hereof, said coupons

presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account entitled "Santiago Sabioncello (Deceased)", maintained with the aforesaid company, together with an undivided one-eleventh (1/11th) interest in accruals to said coupons and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Senora Blanca Sabioncello Barbaste de Kramer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that Senora Blanca Sabioncello Barbaste de Kramer is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A—BONDS

Type of Bonds	Certificate No.	Face value
U. S. of Brazil Funding	C210282	$100.00
Frac U. S. of Brazil Funding	GX8111 2	32.50
	F7579	25.00
U. S. of Brazil External	M36756	1,000.00
North German Lloyd	40326	1,000.00

EXHIBIT B—STOCK

Name of issuer	Number of shares	Certificate No.	Registered owner
[illegible] & Canada Tunnel Corp	15	04775	Cudd & Co. Inc.
[illegible] Match Realization Co	10	VTC PND 2480	
North German Lloyd	15	D8091 5	

[illegible] R. M. each.

EXHIBIT C—COUPONS

Name of issuer	Number of coupons	Face value
[illegible]ons U. S. Brazil	12	$2.50
	8	32.50
	2	32.50
	2	32.50
	3	2.50
	2	32.50
	2	2.50
	3	2.50
	2	32.50
	3	2.50
	2	32.50
	2	2.50
	2	32.50
	3	2.50
	2	32.50
	2	32.50
	3	2.50
	2	32.50
	3	2.50
North German Lloyd	8	250.00

[illegible] Each.

[F. R. Doc. 51-2810; Filed, Mar. 1, 1951; 8:50 a. m.]

[Vesting Order 17335]

GERMAN GOVERNMENT OR GERMAN NATIONALS

In re: Claim owned by German Government or by German nationals.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Any and all claim to just compensation under the Act of June 6, 1941 (Public Law 101, 77th Cong., 1st sess.; 55 Stat. 242) as amended, created in favor of the owner or owners of the S. S. "Willmoto" ("Odenwald") by virtue of and arising out of the requisitioning of said vessel, her engines, boilers, tackle, apparel, furniture, spare parts, gear and equipment and all stores and fuel, whether aboard such vessel or appertaining thereto, by the United States, acting through the United States Maritime Commission, on or about December 13, 1941, pursuant to the provisions of said act of June 6, 1941, and any and all rights to demand, enforce and collect said claim, and all rights thereunder, including particularly but not limited to any and all monies heretofore or hereafter paid or deposited as compensation arising as a consequence of said requisitioning,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a designated enemy country, Germany, or by nationals and residents of a designated enemy country, Germany;

and it is hereby determined:

2. That to the extent that the person or persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2808; Filed, Mar. 1, 1951; 8:50 a. m.]

[Vesting Order 17336]

GERMAN GOVERNMENT OR GERMAN NATIONALS

In re: Claim owned by German Government or by German nationals.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Any and all claim to just compensation under the Act of June 6, 1941 (Public Law 101, 77th Cong., 1st sess.; 55 Stat. 242) as amended, created in favor of the owner or owners of the S. S. *Arauca* by virtue of and arising out of the requisitioning of said vessel, her engines, boilers, tackle, apparel, furniture, spare parts, gear and equipment and all stores and fuel, whether aboard such vessel or appertaining thereto, by the United States, acting through the United States Maritime Commission, on or about July 28, 1941, pursuant to the provisions of said act of June 6, 1941, and any and all rights to demand, enforce and collect said claim and all rights thereunder, including particularly but not limited to any and all monies heretofore or hereafter paid or deposited as compensation arising as a consequence of said requisitioning,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a designated enemy country, Germany, or by nationals and residents of a designated enemy country, Germany;

and it is hereby determined:

2. That to the extent that the person or persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being

deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2809; Filed, Mar. 1, 1951; 8:50 a. m.]

[Vesting Order 17341]

AUGUST J. DINKLAGE

In re: Estate of August J. Dinklage, deceased. File No. D-28-4132; E. T. sec. No. 8456.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elisabeth (Lisel) Steenken, Ulrich Dinklage, Joerg Dinklage and Rudiger Dinklage, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Annemarie (Anna-Marie) Mieritz, who on or since the effective date of Executive Order No. 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof in and to the estate of August J. Dinklage, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Clerk of the Superior Court, as depositary, acting under the judicial supervision of the Superior Court, Trenton, New Jersey; and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

6. That the national interest of the United States requires that the said Annemarie (Anna-Marie) Mieritz be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2811; Filed, Mar. 1, 1951; 8:51 a. m.]

[Vesting Order 17377]

LEYDEN COMPANY LTD. AND N. V. HANDELSBUREAU LA MOLA

In re: Stock owned by Leyden Company Ltd. and N. V. Handelsbureau La Mola. D-49-738.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kathleen Heegard, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That Henrik Heegard, whose last known address is Amberg, Germany; Herbert Gutschow, whose last known address is 52 Muensterstrasse, Fritzlar, Germany; Elaine Hitzbleck, whose last known address is Dusseldorf, Germany; and Louise Fritsch, whose last known address is Bad Wildungen, Germany are residents of Germany and nationals of a designated enemy country (Germany);

3. That N. V. Handelsbureau La Mola is a corporation organized under the laws of The Netherlands, whose principal place of business is located at Amsterdam, The Netherlands, and a substantial part of whose outstanding capital stock and obligations are or, since the effective date of Executive Order 8389, as amended, have been owned or controlled by, directly or indirectly, the aforesaid Kathleen Heegard, Henrik Heegard, Herbert Gutschow, Elaine Hitzbleck and Louise Fritsch, or any of said individuals, and is a national of a designated enery country (Germany);

4. That Leyden Company Ltd. is a corporation organized under the laws of Canada, whose principal place of business is located at Montreal, Quebec, Canada, and a substantial part of whose outstanding capital stock and notes or other obligations are or, since the effective date of Executive Order 8389, as amended, have been owned or controlled by, directly or indirectly, the aforesaid N. V. Handelsbureau La Mola, and is a national of a designated enemy country (Germany);

5. That the property described as follows: 33 2/12ths shares of $20 par value capital stock of Manufacturers Trust Company, 55 Broadway, New York, New York, evidenced by certificate number 0124992 for 33 shares and scrip certificate number X 29366 for 2 12ths share, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by N. V. Handelsbureau La Mola and Leyden Company Ltd., the aforesaid nationals of a designated enemy country (Germany); and it is hereby determined:

6. That Leyden Company Ltd. and N. V. Handelsbureau La Mola are controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and are nationals of a designated enemy country (Germany);

7. That to the extent that the persons named in subparagraphs 1, 2, 3 and 4 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2814; Filed, Mar. 1, 1951; 8:51 a. m.]

[Vesting Order 17400]

HERMAN V. TOUSSAINT

In re: Trust u/w of Herman V. Toussaint, deceased. File No. D-28-5729.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franciska V. Toussaint, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the heirs, names unknown, of Franciska V. Toussaint, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation of the Corn Exchange Bank Trust Company, New York, New York, arising by reason of an account in the name of the Estate of Herman V. Toussaint maintained at the Plaza Branch of the aforesaid Corn Exchange Bank Trust Company located at Bridge Plaza and Academy Street, Long Island City, New York, and any and all rights to demand, enforce, receive and collect the same,

b. That certain debt or other obligation of the Lafayette National Bank of Brooklyn in New York, Brooklyn, New York, arising by reason of the liquidation of Mortgage Certificate No. J38513 issued by Title Guarantee and Trust Company under Bond No. 403372 and any and all rights to demand, enforce, receive and collect the same,

c. All rights and interests evidenced by Mortgage Certificate No. J30349 issued by the Title Guarantee and Trust Company under Bond No. 361845 together with the right to demand and receive the aforesaid Certificate No. J30349 held in Safe Deposit Box No. 740 located in the Corn Exchange Bank Trust Company, Plaza Branch, Bridge Plaza and Academy Street, Long Island City, New York, and the right to the transfer and possession of any and all instruments evidencing such rights and interests,

d. All rights and interests evidenced by Mortgage Certificate No. J38513 issued by the Title Guarantee and Trust Company under Bond No. 403372 together with the right to demand and receive the aforesaid Certificate No. J38513 held in Safe Deposit Box No. 740 located in the Corn Exchange Bank Trust Company, Plaza Branch, Bridge Plaza and Academy Street, Long Island City, New York, and the right to the transfer and possession of any and all instruments evidencing such rights and interests,

e. All right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to the trust under the will of Herman V. Toussaint, deceased, probated in the Surrogate's Court, Queens County, New York, Liber 106 of Wills, page 215,

is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany); and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof, and the heirs, names unknown, of Franciska V. Toussaint, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2816; Filed, Mar. 1, 1951; 8:52 a. m.]

[Vesting Order 17381]

GUSTAVE A. MUELLER

In re: Stock, bond, and mortgage certificate owned by Gustave A. Mueller, also known as G. Albert Muller. F-28-28892-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustave A. Mueller, also known as G. Albert Muller, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred (100) shares of no par value capital stock of Abacourt Mining Corporation, Ltd., evidenced by a certificate numbered 1050, registered in the name of G. Albert Muller, and presently in the custody of the Department of State, Division of Protective Services, 515 22d Street NW., Washington, D. C., together with all declared and unpaid dividends thereon,

b. Five hundred (500) shares of $1.00 par value capital stock of Duparquet Mining Company, Ltd., evidenced by a certificate numbered 1466, registered in the name of G. Albert Muller, and presently in the custody of the Department of State, Division of Protective Services, 515 22d Street NW., Washington, D. C., together with all declared and unpaid dividends thereon,

c. Two (2) Montreal Light, Heat & Power Consolidated, 3 Percent Convertible Debenture Bonds, bearing the numbers B03456 and A01831 of $100.00 and $50.00 face value respectively, registered in the name of Gustav A. Mueller, presently in the custody of the Department of State, Division of Protective Services, 515 22d Street NW., Washington, D. C., together with any and all rights thereunder and thereto, and

d. One (1) German Club Teutonia, Montreal, Canada, Second Mortgage Certificate, numbered 37, presently in the custody of the Department of State, Division of Protective Services, 515 22d Street NW., Washington, D. C., together with any and all rights thereunder and thereto,

is property within the United States owned or controled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Gustave A. Mueller, the aforesaid national of a designated enemy country (Germany); and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2815; Filed, Mar. 1, 1951; 8:51 a. m.]

NORBERT ROTHSTEIN AND PAUL MARKWALD

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Norbert Rothstein and Paul Markwald, executors of the estate of Felix Garo, deceased, New York, N. Y.; Claim No. 3259; $10.50 cash in the Treasury of the United States; 1 share of no par value Class A common stock of General Aniline & Film Corporation, a Delaware corporation, registered in the name of the Attorney General of the United States, Account No. 28-4817, represented by Certificate No. 4172, presently in the Safekeeping Department of the Federal Reserve Bank of New York.

Executed at Washington, D. C., on February 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2818; Filed, Mar. 1, 1951; 8:52 a. m.]

SOCIETE ANONYME POUR LES APPLICATIONS DE L'ELECTRICITE ET DES GAZ RARES ETABLISSEMENTS CLAUDE PAZ ET SILVA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claiment and Property

Societe Anonyme pour les Applications de l'Electricite et des Gaz Rares Etablissements Claude Paz et Silva, Paris, France; Claims Nos. 5084, 5085 & 5086; property described in Vesting Order No. 2651 (9 F. R. 354, January 8, 1944), relating to United States Letters Patent Nos. Re 20,909; 1,972,183; 1,987,845; 1,998,371; 2,029,986; 2,030,957; 2,041,595; 2,091,953; 2,149,414; 2,173,208; 2,177,684; 2,178,326; 2,179,134; 2,182,609; 2,210,780; 2,221,862; 2,223,399; 2,235,802; and 2,272,513;

Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 2,049,099; 2,115,480; 2,177,858; 2,177,895; 2,188,945; 2,226,154; 2,226,171; 2,228,342; and 2,272,080;

Property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942), relating to Patent Applications Serial Nos. 338,767 (now United States Patent No. 2,297,940); 285,111 (now United States Patent No. 2,301,891); 326,801 (now United States Patent No. 2,344,081) and 285,112 (now United States Patent No. 2,373,402);

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreements hereinafter described, together with the right to sue therefor) created in the claimant by virtue of two agreements dated December 30, 1937 (including all modifications thereof and supplements thereto, if any) by and between claimant and General Electric Company, and by and between claimant and Claude Neon Lights, Inc., which agreements relate, among other things to Patent No. 2,030,957, to the extent that said interests and rights were owned by claimant immediately prior to vesting by Vesting Order No. 2651; $13,750 in the Treasury of the United States.

Executed at Washington, D. C., on February 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2817; Filed, Mar. 1, 1951; 8:52 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 43

Washington, Saturday, March 3, 1951

ADMINISTRATOR OF GENERAL SERVICES

UNITED STATES OF AMERICA

CERTIFICATION OF AMENDMENT TO CONSTITUTION OF THE UNITED STATES RELATING TO TERMS OF OFFICE OF THE PRESIDENT

To all to whom these presents shall come, greeting:

KNOW YE, That the Congress of the United States, at the first session, eighty-first Congress begun at the City of Washington on Friday, the third day of January, in the year one thousand nine hundred and forty-seven, passed a Joint Resolution in the words and figures as follows: to wit—

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relating to the terms of office of the President.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"Article —

"SECTION 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

"SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

And, further, that it appears from official documents on file in the General Services Administration that the Amendment to the Constitution of the United States proposed as aforesaid has been ratified by the Legislatures of the States of Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Wisconsin and Wyoming.

And, further, that the States whose Legislatures have so ratified the said proposed Amendment, constitute the requisite three-fourths of the whole number of States in the United States.

Now, therefore, be it known that I, Jess Larson, Administrator of General Services, by virtue and in pursuance of Section 160, Title 5, of the United States Code and Reorganization Plan No. 20 of 1950 (15 F. R. 3178), do hereby certify that the Amendment aforesaid has become valid to all intents and purposes as a part of the Constitution of the United States.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the General Services Administration to be affixed.

DONE at the City of Washington this 1st day of March, in the year of our Lord one thousand nine hundred and fifty-one.

[SEAL] JESS LARSON.

[F. R. Doc. 51-2940; Filed, Mar. 1, 1951; 4:48 p. m.]

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CODE OF FEDERAL REGULATIONS

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TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 372]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.479 *Lemon Regulation 372*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on February 28, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 4, 1951, and ending at 12:01 a. m., P. s. t., March 11, 1951, is hereby fixed as follows:

(i) District 1: 2 carloads;

(ii) District 2: 298 carloads;

(iii) District 3: Unlimited movement.

(b) the prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 371 (16 F. R. 1788), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 1st day of March 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51–2941; Filed, Mar. 2, 1951; 8:59 a. m.]

[Orange Reg. 361]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENT

§ 966.507 *Orange Regulation 361*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on March 1, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., March 4, 1951, and ending at 12:01 a. m., P. s. t., March 11, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1: No movement;

(b) Prorate District No. 2: No movement;

(c) Prorate District No. 3: 50 carloads;

(d) Prorate District No. 4: No movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1: Unlimited movement;

(b) Prorate District No. 2: 1200 carloads;

(c) Prorate District No. 3: Unlimited movement;

(d) Prorate District No. 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR §66.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 2d day of March 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Mar. 4, 1951, to 12:01 a. m., P. s. t., Mar. 11, 1951]

VALENCIA ORANGES

Prorate District No. 3

Handler	*Prorate base (percent)*
Total	100.0000
Allen & Allen Citrus Packing Co	.8003
Consolidated Citrus Growers	12.2675
McKellips Citrus Co., Inc	9.3827
Phoenix Citrus Packing Co	1.5259
Arizona Citrus Growers	13.4245
Chandlers Heights Citrus Growers	2.4757
Desert Citrus Growers Co	4.5640
Mesa Citrus Growers	13.1316
Tempe Citrus Co	2.3126
Imperial Valley Grapefruit Growers Association	.8652
Southern Citrus Association	1.7656
United Citrus Growers	1.2800
Yuma Mesa Fruit Growers Association	6.0280
Leppla Henry Produce Co	10.4049
Maricopa Citrus Co	1.0018
Pioneer Fruit Co	5.9978
Clark & Sons Produce Co., J. H	.4147
Commercial Citrus Packing Co	1.6785
Hi Jolly Citrus Packing House	.4944
Ishikawa, Paul	.0662
Macchiaroli Fruit Co., James	.8417
Mattingly, Charles A	.4073
Orange Belt Fruit Distributors	1.9498
Panno Fruit Co., Carlo	.0179
Paramount Citrus Association	.0352
Potato House, The	.2287
Russo Brothers	1.7236
Sunny Valley Citrus Packing Co	3.0061
Valley Citrus Packing Co	1.9078

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.2522
A. F. G. Corona	.2411
A. F. G. Fullerton	.0347
A. F. G. Orange	.0463
A. F. G. Riverside	.6574

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
A. F. G. Santa Paula	0.0472
Eadington Fruit Co., Inc	.6144
Hazeltine Packing Co	.1289
Krinard Packing Co	1.6631
Placentia Cooperative Orange Association	.7884
Placentia Pioneer Valencia Growers Association	.0732
Signal Fruit Association	.7248
Azusa Citrus Association	1.5249
Covina Citrus Association	1.8057
Covina Orange Growers Association	.6510
Damerel-Allison Co	1.2516
Glendora Citrus Association	1.4552
Glendora Mutual Orange Association	.6057
Puente Mutual Citrus Association	.0421
Valencia Heights Orchard Association	.2868
Gold Buckle Association	2.9485
La Verne Orange Association	4.1676
Anaheim Valencia Orange Association	.0178
Fullerton Mutual Orange Association	.4531
La Habra Citrus Association	.1546
Yorba Linda Citrus Association, The	.0602
Escondido Orange Association	.5733
Alta Loma Heights Citrus Association	.3679
Citrus Fruit Growers	.8772
Etiwanda Citrus Fruit Association	.1632
Mountain View Fruit Association	.1346
Old Baldy Citrus Association	.4713
Rialto Heights Orange Growers	.3297
Upland Citrus Association	2.8212
Upland Heights Orange Association	1.4381
Consolidated Orange Growers	.0285
Garden Grove Citrus Association	.0268
Goldenwest Citrus Association, The	.2296
Olive Heights Citrus Association	.0545
Santiago Orange Growers Association	.1524
Villa Park Orchard Association, The	.0352
Bradford Bros., Inc	.2796
Placentia Mutual Orange Association	.2858
Placentia Orange Growers Association	.3724
Yorba Orange Growers Association	.0713
Call Ranch	.7342
Corona Citrus Association	1.0258
Jameson Co	.4451
Orange Heights Orange Association	2.1969
Crafton Orange Growers Association	.9351
East Highlands Citrus Association	.3732
Redlands Heights Groves	.5596
Redlands Orangedale Association	.6735
Rialto-Fontana Citrus Association	.2885
Break & Son Allen	.1898
Bryn Mawr Fruit Growers Association	.7776
Mission Citrus Association	.8468
Redlands Cooperative Fruit Association	1.2763
Redlands Orange Growers Association	.7145
Redlands Select Groves	.4263
Rialto Orange Co	.5289
Southern Citrus Association	.6482
United Citrus Growers	.6436
Zilen Citrus Co	.2843
Arlington Heights Citrus Co	.7526
Brown Estate, L. V. W	1.9604
Gavilan Citrus Association	2.0748
Highgrove Fruit Association	.5446
McDermont Fruit Co	1.5037
Monte Vista Citrus Association	1.4812
National Orange Co	1.1658

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Riverside Heights Orange Growers Association	0.5831
Sierra Vista Packing Association	.7039
Victoria Avenue Citrus Association	3.1805
Claremont Citrus Association	1.1335
College Heights Orange & Lemon Association	2.1250
Indian Hill Citrus Association	1.5273
Pomona Fruit Growers Exchange	1.9317
Walnut Fruit Growers Association	.7536
West Ontario Citrus Association	1.2343
El Cajon Valley Citrus Association	.2836
Escondido Cooperative Citrus Association	.0476
San Dimas Orange Growers Association	1.4577
Canoga Citrus Association	.4076
North Whittier Heights Citrus Association	.1527
San Fernando Heights Orange Association	.3197
Sierra Madre-Lamanda Citrus Association	.1471
Camarillo Citrus Association	.0114
Fillmore Citrus Association	1.3377
Ojai Orange Association	.9376
Piru Citrus Association	1.4288
Rancho Sespe	.0013
Tapo Citrus Association	.0083
Ventura County Citrus Association	.1792
East Whittier Citrus Association	.0079
Murphy Ranch Co	.0919
Anaheim Cooperative Orange Association	.0679
Bryn Mawr Mutual Orange Association	.5332
Chula Vista Mutual Lemon Association	.1327
Euclid Avenue Orange Association	2.7295
Foothill Citrus Union, Inc	.6221
Garden Grove Orange Coop., Inc	.0369
Golden Orange Groves, Inc	.3233
Highland Mutual Groves	.1809
Index Mutual Association	.0194
La Verne Cooperative Citrus Association	3.9675
Mentone Heights Association	.4836
Olive Hillside Groves, Inc	.0043
Orange Cooperative Citrus Association	.0523
Redlands Foothill Groves	1.8830
Redlands Mutual Orange & Lemon Association	.7460
Ventura County Orange & Lemon Association	.3890
Whittier Mutual Orange & Lemon Association	.0332
Allec Bros	.0045
Babijuice Corp. of California	.3334
Banks, L. M	.0155
Becker, Samuel Eugene	.0182
Bennett Fruit Co., Inc	.4049
Book, Maynard C	.0302
Borden Fruit Co	.0138
Cherokee Citrus Association	.7543
Chess Co., Meyer W	.4276
Dozier, Paul M	.0021
Dunning Ranch	.1675
Evans Bros. Packing Co	1.2369
Gold Banner Association	1.4066
Granada Hills Packing Co	.0077
Granada Packing House	.3155
Hill Packing Co., Fred A	.5744
Holland, M. J	.0296
Knapp Packing Co., John C	.4225
Orange Belt Fruit Distributors	2.0838
Orange Hill Groves	.1009
Panno Fruit Co., Carlo	.0200
Paramount Citrus Association, Inc	.1236
Placentia Orchard Co	.1067
Prescott, John A	.0113
Pulos, James J	.0263
Redlands Fruit Association, Inc	.0163
Riverside Citrus Association	.1273
Ronald, P. W	.0362

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
San Antonio Orchard Co	1.4003
Stephens, T. F	.1602
Summit Citrus Packers	.0674
Wall, E. T., Grower-Shipper	2.1475
Western Fruit Growers, Inc	2.6477

[F. R. Doc. 51-2962; Filed, Mar. 2, 1951; 11:52 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 116—CIVIL AIR NAVIGATION

DOCUMENTS FOR ENTRY; CREW MANIFESTS

FEBRUARY 23, 1951.

The following amendments to § 116.8, *Documents for entry*, of Chapter I, Title 8 of the Code of Federal Regulations, also designated as § 6.8 of Title 19 and § 71.508 of Title 42, are hereby prescribed:

1. Subparagraph (1) of paragraph (b) is amended so that, with the introductory matter, it will read as follows:

(b) An aircraft commander's general declaration shall contain the following information:

(1) A crew manifest showing, as to each alien employed in any capacity on board the aircraft, surname and initials of given names, duties on board, nationality, serial number and country of issuance of license or passport. The manifest is not required if the aircraft is not arriving from outside the United States or if it is arriving on a trip which originated in Canada or the French Islands of St. Pierre or Miquelon or if the information with respect to the crew is furnished in accordance with § 116.10.

2. Subparagraph (2) of paragraph (b) is amended by deleting the word "Newfoundland" and the comma which follows that word, and by substituting the word "or" for the word "and" which appears between the words "St. Pierre" and "Miquelon".

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary because the rules prescribed by the order, as regards the amendment made to subparagraph (1) of paragraph (b), relieve restrictions and are clearly advantageous to persons affected thereby, and, as regards the amendment made to subparagraph (2) of paragraph (b), make no substantive change.

(R. S. 161, 251, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 624, 46 Stat. 759, secs. 201, 267, 58 Stat. 683, 706; 5 U. S. C. 22, 8 U. S. C. 102, 222, 19 U. S. C. 66, 1624, 42 U. S. C. 202, 270. Reorg. Plan No. V, 5 F. R. 2223, 3 CFR, 1940 Supp., 54 Stat. 1238, sec. 102, Reorg. Plan No. 3 of 1946, 11 F. R. 7875, 3 CFR, 1946 Supp., 60 Stat. 1097; 5 U. S. C. 133t, note, 133y-16 note. Interpret or apply sec. 7, 44 Stat. 572, sec. 644, 46 Stat. 761; 19 U. S. C. 1644, 49 U. S. C. 177)

J. HOWARD MCGRATH,
Attorney General.

FRANK DOW,
Commissioner of Customs.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

LEONARD A. SCHEELE,
Surgeon General, Public Health Service.

Approved:

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 51-2631; Filed, Mar. 2, 1951; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 46]

PART 384—GENERAL ORDERS

ORDER REVOKING CERTAIN GENERAL LICENSES TO SUBGROUP A DESTINATIONS

Part 384 *General orders* is amended by adding thereto a new section to read as follows:

§ 384.9 *Order revoking certain general licenses to subgroup A destinations.* Effective 12:01 a. m., March 2, 1951, General Licenses GRO, GLR, GMC, GCC, GIT, and GTD, authorizing exportation of any commodity, whether or not included on the Positive List of Commodities (§ 399.1), or technical data, are revoked for exports to Subgroup A destinations.

This order also applies to shipments through United States foreign trade zones to Subgroup A destinations; and the provisions of § 384.6 concerning intransit shipments of Positive List commodities to Subgroup A destinations shall apply to shipments of non-Positive List commodities to such destinations.

Shipments of any commodities removed from general license to Subgroup A destinations as a result of changes set forth in this order which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., March 2, 1951, may be exported under the previous general license provisions up to and including 12:00 midnight, March 31, 1951. Any such shipment not laden aboard the exporting carrier before 12:00 midnight, March 31, 1951, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Deputy Director, Office of International Trade.

[F. R. Doc. 51-2944; Filed, Mar. 2, 1951; 8:57 a. m.]

[5th Gen. Rev. of Export Regs. Amdt. P. L. 39[1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
025058	Hides and skins, raw, n. e. s. (include whole skins and parts thereof): Ass hides; colt hides; donkey hides; horse hides, mule hides; pony hides; antelope skins; caribou hides; deer skins; elk skins; gazelle skins; moose hides.	Piece	LEAT	100	KO

2. The following revisions are made in commodity descriptions. The revisions include changes in validated license control.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
366911	Hair, Angora goat (mohair); cashmere goat, Alpaca, and other like hair, except Angora rabbit hair and Angora rabbit wool:[2]	Lb	TEXT	25	KO
647400	Carbon or graphite products (natural and artificial): Carbon brushes, for starting, lighting, and ignition equipment.[3]		ELME 2	50	KO
647400	Other brushes and brush stock in the form of blocks, plates, and rods, carbon and artificial graphite:		ELME 2	None	KO

[2] The effect of this revision is to delete from the Positive List Angora rabbit hair and Angora rabbit wool.

[3] The effect of substituting the two above entries for the present entry on the Positive List under Schedule B No. 647400 is to establish a GLV dollar-value limit of $50 for carbon brushes, for starting, lighting, and ignition equipment.

[1] This amendment was published in Current Export Bulletin No. 609 dated March 1, 1951.

3. The dollar value limits in the column headed "GLV dollar value limits" set forth opposite each of the commodities listed below are amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	GLV dollar value limits
743505	Accessories and parts for special artillery centrifugal die-casting machines	None
761950	Food processing machinery, and parts, n. e. s.: Centrifugal counter-current solvent extractors, and parts	None
774008	Gauges for measuring pressures in excess of 100 atmospheres (gauge pressures of 1,470 pounds per square inch or 103 kilograms per square cm)	25
774450	Pipe valves, except automatic control or regulating: Valves made of or internally lined with an alloy containing 10% or more of chromium and/or nickel and/or silicon	25
774450	Valves internally lined with glass, ceramics, plastics, or other nonmetallic material of mineral origin, or rubber	25
774460	Valves internally lined with an alloy containing 10% or more of chromium and/or nickel, and/or silicon, glass, ceramics, plastics, or other nonmetallic material of mineral origin, or rubber	25
774480	Valves internally lined with an alloy containing 10% or more of chromium and/or nickel, and/or silicon, glass, ceramics, plastics, or other nonmetallic material of mineral origin, or rubber	25
775050	Chemical and pharmaceutical machinery, and parts: Centrifugal counter-current solvent extractors, and parts	None
775068	Industrial machinery and parts, n. e. s.: Centrifugal counter-current solvent extractors, and parts	None
775068	Parts for air compressors (Positive List types only)	100
800600	Benzol or benzene	5.80
839600	Other industrial chemicals: Cobalt compounds, all	None
842900	Cobalt-containing pigments	None
849600	Cobalt-containing paint and varnish driers	None

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, or whose GLV dollar-value limits were reduced, as a result of changes set forth in this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., March 6, 1951, may be exported under the previous general license provisions up to and including March 31, 1951. Any such shipment not laden aboard the exporting carrier on or before March 31, 1951, requires a validated license for export. This saving clause is not applicable to any such shipments to Subgroup A destinations.

This amendment shall become effective as of March 6, 1951, 12:01 a. m.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-2943, Filed, Mar. 2, 1951; 8:56 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-424]

PART 197—RELATING TO THE INSTALLMENT SALE AND FINANCING OF MOTOR VEHICLES

NOTICE OF POSTPONEMENT OF EFFECTIVE DATE

In the matter of trade practice rules relating to the retail installment sale and financing of motor vehicles.

Upon consideration of the volume of business to be affected by these rules, the required voluminous dissemination thereof, and the many changes necessary to be made by financing institutions and automobile dealers to effectuate compliance therewith, the effective date for such rules to become operative is hereby postponed for a period of sixty (60) days from March 8, 1951.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46)

Issued: February 28, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-2854; Filed, Mar. 2, 1951; 8:47 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

PART 6—AIR COMMERCE REGULATIONS

DOCUMENTS FOR ENTRY; CREW MANIFESTS

CROSS REFERENCE: For amendments to § 6.8 *Documents for entry*, in Title 19, see F. R. Doc. 51-2831, Title 8, Chapter 1, Part 116, *supra*.

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter A—Aid of Civil Authorities and Public Relations

PART 805—SAFEGUARDING MILITARY INFORMATION

GENERAL; INVESTIGATION AND CLEARANCE OF PRIVATE CONTRACTORS' FACILITIES; INVESTIGATION AND CLEARANCE OF PRIVATE CONTRACTOR EMPLOYEES

1. Sections 805.7 (b) (1) and (2), 805.16 and 805.17 are amended as follows:

§ 805.7 *Dissemination.* * * *

(b) *Action on requests.* * * *

(1) *Congressional requests.* (i) All requests by the Congress, its committees or members for classified military information will be referred to the Secretary of the Air Force, Attention: Director of Legislation and Liaison.

(ii) Congressional requests for personnel records, unclassified routine papers, such as Civil Service Form 57, records of promotion, efficiency ratings, and letters of employees of the Department of the Air Force, should be in writing. The Director of Legislation and Liaison will assemble the data requested, insure the propriety of its release, inform the committee or individual Congressman concerned when the data is available, and arrange a time and place for its perusal. Photostatic copies of selected papers will be furnished in place of the original documents.

(iii) Any request for information relating to the loyalty of any present, former, or prospective employees, including investigative data of any type, will be respectfully declined on the basis of the Directive of the President, March 13, 1948 (13 F. R. 1359; CFR, 1948 Supp.). Information of this nature will not be released without the consent of the Secretary of the Air Force.

(2) *Testimony before committees of the Government.* (i) Whenever a person under the jurisdiction of the Department of the Air Force appears before a committee of the Congress or executive commission, board, committee, or similar group in either executive or public session, and is called upon to give testimony which includes information classified top secret, secret, or confidential, he will not divulge the information unless he has been authorized by the Secretary of the Air Force to do so. The Secretary of the Air Force, from time to time, may authorize certain officers or other persons to disclose this information without his specific prior approval. Any person, when called upon to testify, will immediately endeavor to obtain necessary authority from the Secretary of the Air Force to divulge information which he anticipates will be desired. If he does not have the authority to give such information, he will respectfully state to the committee that he is not authorized to disclose the information desired and that he will endeavor to obtain the necessary authority. When a person is requested to give testimony including information classified top secret, secret, or confidential, which he has been authorized by the Secretary of the Air Force to give, or information classified as restricted, he will respectfully request that the testimony be given in executive session only and not appear in the record of hearings, the Congressional Record, or other document open to public inspection.

(ii) With regard to the policies and facts which the public interest does not require to be kept classified, Air Force personnel are entirely free to testify concerning their opinions and beliefs when requested to appear or summoned before Congressional committees.

* * * * * *

§ 805.16 *Admission of visitors*—(a) *General provisions*—(1) *Definition.* A visitor is any person admitted to Air Force installations or commercial facilities under Air Force supervision or control, except those persons on duty at or employed thereat, those who are directly and officially concerned with the activities at such places, and authorized representatives of the Federal Departments or agencies having internal security investigative responsibilities by statute or by executive directive. For the purpose of §§ 805.1 to 805.22 visitors at commercial facilities (contractors) under Air Force supervision or control are divided into the following categories:

(i) Employees of Department of Defense contractors.

(ii) Military personnel and civilian employees of the Department of Defense not directly and officially concerned in the performance of the contract.

(iii) Other United States citizens and aliens not included in subdivisions (i) and (ii) of this subparagraph but including only those aliens who are in the United States for permanent residence under immigration visas.

(iv) Foreign nationals, as defined in § 805.2 (c), exclusive of aliens who are in the United States for permanent residence under immigration visas.

(2) *Access to classified matter.* A person will be considered to have access to classified matter when that person is permitted to gain knowledge of the matter, or to be in a place where he may be expected to gain such knowledge. A person does not have access to classified matter merely by being in a place where the matter is kept, provided that the security measures which are in effect prevent him from gaining knowledge of such classified matter.

(3) *Direct communication.* Correspondence and communications relating to visits will be routed between the offices concerned, subject to procedures prescribed below.

(4) *Limitation on documents.* Authorization to visit does not constitute authority for release of documents to visitors.

(5) *Requests for admission.* All requests from persons acting as private individuals will be referred to the commanding officer of the installation or to the facility to be visited for approval or disapproval. All requests for permission to visit Air Force installations or commercial facilities requiring written approval as indicated in §§ 805.1 to 805.22 will be in writing, will be made sufficiently in advance of the visit to permit appropriate action and clearance when required, will be forwarded to the office or headquarters having the authority to approve the visit, and will include the following information, as applicable:

(i) Name in full, grade, title, position.

(ii) Nationality of visitor (aliens will furnish alien registration number), date and place of birth.

(iii) Current residence or military assignment.

(iv) Employer or sponsor.

(v) Name and location of facility to be visited.

(vi) Date, time, and duration of visit.

(vii) Purpose of visit, in detail.

(viii) Security clearance status of visitor and name of clearing agency (if any previously granted).

(6) *Concurrences and notices.* The authority which approves a request to visit a commercial facility or another Air Force installation, whenever practicable, will refer the request to the commercial facility or to the commanding officer of the installation to be visited for concurrence or recommendation prior to finally approving the visit. In all cases, the authority which approves such a visit will promptly notify the facility or commander concerned and will specify any limitations or restrictions to be placed upon the visitor.

(7) *Written authority for admission.* Written authority for admission of visitors to Air Force installations and commercial facilities for access to classified information is mandatory.

(b) *To Department of the Air Force installations*—(1) *United States citizens.* United States citizens, except those employed by or representing a foreign government, individual, firm, or corporation, may be permitted to visit Department of the Air Force installations under the following conditions:

(i) Casual visitors, accredited reporters, photographers, and other representatives of publicity agencies may be admitted on the authority of the commanding officer concerned: *Provided*, That classified matter is not shown or discussed with them.

(ii) Representatives of other United States Government agencies, manufacturers and their representatives, engineers, inventors, and other persons officially cooperating in Department of the Air Force work and having a legitimate Government interest therein, may be shown such classified work or projects as are considered necessary and desirable on authority of the commanding general, major air command having control or jurisdiction over the work or project involved: *Provided*, That they have been cleared for access to the classified information. (See § 805.7.)

(2) *Alien employees of contractors.* Aliens employed by contractors of the Department of Air Force, the Army, or the Navy may visit Air Force installations under the same conditions prescribed in subparagraph (1) of this paragraph for United States citizens: *Provided*, That:

(i) Authorization of the responsible commander, major air command, for visits involving access to classified matter or information is limited to employees who have been granted Secretary consent for employment on classified work. (These visitors will not be permitted access to information classified higher than that indicated in the letter granting consent for employment on classified work.)

(ii) Approval of the Departments of the Army and or Navy will be obtained in all cases involving the disclosure of classified matter of joint interest.

(3) *Foreign nationals.* (See § 805.2 (c).) Foreign nationals (other than alien employees referred to in subparagraph (2) of this paragraph) may be admitted to Air Force installations for social purposes, for activities open to the general public, for authorized medical treatment, and in connection with emergency landings, by authority of the commanding officer: *Provided*, That no classified matter is shown or discussed. (See § 805.7 (c) regarding requests for the disclosure of classified information to foreign nationals or for access by them to military activities not open to the general public.)

(c) *To Air Force contractor facilities*—(1) *General.* (i) Visitors of all categories referred to in paragraph (a) of this section may visit Air Force facilities on the authority of the contractor concerned: *Provided*, That classified matter is not shown or discussed with them.

(ii) Approval by the Department of the Air Force of any request to visit a facility is subject to the convenience and the discretion of the facility to be visited.

(2) *Visits involving access to classified matter*—(i) *Foreign nationals.* Foreign nationals referred to in paragraph (a) (1) (iv) of this section may be permitted access to classified information only upon approval of the Chief of Staff, United States Air Force. (See § 805.7 (c).)

(ii) *Employees of contractors.* A contractor of the Departments of the Air Force, the Army, or the Navy or a representative of such contractor may be admitted as a visitor to a Department of the Air Force facility for access to classified information on the authority of the commanding general, major air command, or higher authority having control or jurisdiction over the facility to be visited: *Provided*, That the visit is necessary for the performance of the contract at the facility of the visitor or the facility to be visited; *And provided*, That the visitor satisfies all established security clearance requirements and limitations. Requests received direct from contractors of the Army or the Navy will be referred to the appropriate authority of the Department of the Army or the Navy responsible for exercising control over such contractor for approval by the Department concerned. Alien employees will not be permitted access to information classified higher than that indicated in the letter granting consent for employment on classified work. If requests are disapproved by Air Force authority, notification will be made promptly to the authority of the Army or the Navy exercising control over the contractor making the request.

(iii) *Department of Defense personnel.* Military personnel and civilian employees of the Department of Defense who are defined as visitors in paragraph (a) (1) of this section may be admitted to Air Force facilities for access to classified matter on authority of the commanding general, major air command having jurisdiction or control over the information involved, or higher authority: *Provided*, That the official military or other Government duties of the visitors require that they have access to such information.

(iv) *Other United States citizens and other aliens.* Only those representatives of other United States Government agencies, manufacturers and their representatives, engineers, inventors, and other persons who are cooperating in Department of the Air Force work and have a legitimate Government interest therein, may be admitted to Air Force facilities for access to classified works, projects or information, whenever necessary for official purposes: *Provided*, That they have been cleared for access to the classified matter involved. Admission will be on authority of the commanding general, major air command having jurisdiction or control over the classified information, or the Chief of Staff, United States Air Force.

§ 805.17 *Visits to facilities of the Army or Navy*—(a) *Approval for visits.* Prior approval of the Department of the Army or the Navy will be obtained for personnel of the Department of the Air Force

or personnel of commercial facilities of the Air Force to visit Army or Navy facilities for access to classified information. The commanding general, major air command, or higher authority exercising control over an Air Force activity or commercial facility which desires that a representative visit any facility for access to classified information under the control of the Army or the Navy is responsible for approving or disapproving requests for such visits so far as the Air Force is concerned, or for designating an appropriate representative to approve or disapprove such requests. Whenever the visit is determined to be necessary, and the visitor satisfies security requirements, as applicable, the commanding general, major air command, or higher authority concerned (or duly designated representative) may approve the request and forward it direct to the appropriate authority of the other Department which exercises control over security of the classified matter involved. If the request is not approved, the requester will be notified promptly and informed of the reasons therefor.

(b) *Visit requests.* All requests referred to in paragraph (a) of this section will be made in writing sufficiently in advance of the visit to permit appropriate action by approving authorities and clearance of the visitor when required. Such requests will include the information prescribed in § 805.16 (a) (5) for requests to visit Air Force installations or facilities.

2. Sections 805.31, 805.32, and 805.36 (a) are amended, and paragraph (c) is added to § 805.33 as follows:

§ 805.31 *Objective.* To assure the protection of classified matter, procurement activities of the Department of the Air Force will insure that a prospective bidder or contractor has been granted a facility security clearance by one of the military Departments prior to disclosing classified information to such prospective bidder or contractor in connection with precontract negotiations for the award of or performance on a classified contract when required by the provisions of §§ 805.31 to 805.38.

§ 805.32 *Facility clearances.* (a) Facility security clearances are required whenever access to matter classified higher than restricted is involved, and whenever any officer, director, or owner of a facility is an alien and access to restricted matter is involved. In addition, alien employees of a facility will not be permitted access to restricted matter until after they have been investigated and cleared in accordance with the provisions of §§ 805.31 to 805.38. The provisions of this section do not affect the requirement for a security agreement whenever any classified matter is involved, nor the requirement for an appropriate plant survey in accordance with § 805.36.

(b) Facility security clearances, when required by paragraph (a) of this section will be granted by major air commands concerned to prospective bidders or contractors: *Provided*, That:

(1) The officers, directors, owners, and key employees who will require access to such classified matter in connection with precontract negotiations or preparation of bids are United States citizens, or aliens who have been lawfully admitted to the United States for permanent residence under an immigration visa and have been issued a letter of consent, and

(2) A check of the central records of the Federal Bureau of Investigation and the records of such other agencies as may be pertinent reveals no adverse information concerning:

(i) The facility.

(ii) Officers.

(iii) Directors.

(iv) Owners and key employees who have access to classified matter.

(3) A check of the fingerprint files of the Federal Bureau of Investigation reveals no adverse information concerning persons referred to in subdivisions (ii), (iii), and (iv) of subparagraph (2) of this paragraph.

(4) If the records reveal adverse information, sufficient investigation thereof will be conducted to support a decision to grant or deny a security clearance.

(c) Subject to the conditions prescribed in paragraph (a) of this section regarding aliens, security agreements, and surveys, major air commands concerned may grant interim facility security clearances for access to confidential matter, subject to revocation in the event derogatory information is subsequently developed, pending completion of the required investigation and clearance.

(d) In those cases where a facility security clearance is not required under the provisions of §§ 805.31 to 805.38 and access to matter classified higher than restricted is involved subsequent to the award of a contract, action will be taken to grant a clearance as prescribed in §§ 805.31 to 805.38 prior to disclosure of such information.

§ 805.33 *Forms.* * * *

(c) A National Defense Program fingerprint card will be prepared in accordance with the provisions of current directives, except that the name of the individual's employer will be substituted for "United States Air Force".

* * * * * * *

§ 805.36 *Plant survey.* (a) In addition to requirements concerning facility security clearances, the award of a contract involving classified matter will be subject to an appropriate survey of the plant, shop, laboratory, or place at which work under the contract will be performed to determine whether adequate facilities are available for the protection of classified matter that will be released to or developed by the contractor, so far as can be anticipated at the time of the survey. Commanders concerned will conduct such surveys by completing, on the premises, Plant Survey Report, Department of Defense Form 374.

* * * * * * *

3. Sections 805.53 (b) and 805.55 (b) are amended, and paragraph (c) is added to § 805.54 as follows:

§ 805.53 *Required investigations.* Department of the Air Force contractor employees in the following categories will be investigated as indicated:

* * * * * * *

(b) For United States citizens whose duties or employment in connection with the performance of a contract will involve access to matter classified secret, a National Agency Check will be conducted. If the records reveal adverse information, sufficient investigation thereof will be conducted to support a decision to grant or deny a security clearance.

* * * * * * *

§ 805.54 *Forms.* * * *

(c) A National Defense Program fingerprint card will be prepared in accordance with the provisions of current directives, except that the name of the individual's employer will be substituted for "United States Air Force".

§ 805.55 *Scope of investigation.* * * *

(b) For the purpose of §§ 805.51 to 805.60, a National Agency Check is a check of the central records of the Federal Bureau of Investigation; FBI fingerprint files; the records of the Assistant Chief of Staff, G–2, General Staff, United States Army; Office of Naval Intelligence, Office of Special Investigations, United States Air Force, in those cases which indicate previous service or employment in the applicable military Department; and the records of such other agencies as may be pertinent to the purpose of the inquiry.

[AFR 205–18A] (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22 and Sup., 171a)

Subchapter C—Claims and Accounts

PART 836—CLAIMS AGAINST THE UNITED STATES

Sections 836.116 to 836.120 are added to Part 836 as follows:

CIVIL AIR PATROL CLAIMS

Sec.
836.116 Purpose.
836.117 Scope.
836.118 Authority.
836.119 Claims excluded.
836.120 Investigation, processing, and final disposition.

AUTHORITY: §§ 836.116 to 836.120 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22 and Sup., 171a. Interpret or apply sec. 1, 57 Stat. 372, as amended; 31 U. S. C. 223b, 5 U. S. C. Sup., 626m. 43 U. S. C. Sup., 2671–2680.

DERIVATION: AFR 112–8.

§ 836.116 *Purpose.* Sections 836.116 to 836.120 outline the procedure for administrative settlement of claims for damage to or loss or destruction of property, real or personal, or for personal injury or death caused by personnel of the Civil Air Patrol when the services of the Civil Air Patrol have been accepted or authorized by the Secretary of the Air Force.

§ 836.117 *Scope.* Claims by third parties, except those excluded in § 836.119, arising from Civil Air Patrol activities during the period when its services have been accepted by the Secretary of the Air Force are cognizable under appropriate claims statutes to the same extent as claims arising out of the Air Force activities. Accidents and incidents involving Civil Air Patrol activities during the period when the services of the Civil Air Patrol have been accepted by the Secretary of the Air Force will be investigated and processed with the same particularity as those arising out of activities of the Air Force.

§ 836.118 *Authority.* In the fulfillment of the noncombatant mission of the Air Force establishment, the Secretary of the Air Force is authorized by law to accept and utilize the services of the Civil Air Patrol (Sec. 2, 62 Stat. 275; 10 U. S. C., Sup., 626L). Under the provisions of current directives, and for the purpose of §§ 836.116 to 836.120, search and rescue activities and such other operations authorized by the Department of the Air Force and ordered by the National Headquarters of the Civil Air Patrol will be considered as an acceptance by the Secretary of the services of the Civil Air Patrol.

§ 836.119 *Claims excluded.* The following classes of claims are excluded:

(a) Claims for reimbursement of Civil Air Patrol operators for depreciation of privately owned equipment.

(b) Claims for payment for personal services to Civil Air Patrol personnel engaged in search and rescue missions.

(c) Claims for indemnity for damage to aircraft owned by Civil Air Patrol members, or personal injury, or death of Civil Air Patrol members, as a result of participation in such missions.

(d) Claims for indemnity for damage to aircraft, vehicles, equipment, or facilities used by the Civil Air Patrol, or its members obtained from private owners by loan, lease, contract, or otherwise.

(e) Claims for purchases of aviation fuel and lubricants consumed by Civil Air Patrol aircraft in the performance of such missions and use of communication services available to the Air Force (cognizable under procurement regulations).

§ 836.120 *Investigation, processing and final disposition*—(a) *Procedure.* The procedure set forth in §§ 836.1 to 836.7 will be followed with respect to the technique of investigation, processing of reports of investigation, and the forwarding of all papers relating to claims.

(b) *Applicability of Air Force claims regulations.* Claims arising within the purview of §§ 836.116 to 836.120 will be adjudicated pursuant to the provisions of the appropriate Air Force claims regulation. (See §§ 836.1 to 836.108 of this chapter).

(c) *Forwarding of claim.* All claims arising out of Civil Air Patrol activities which are within the provisions of §§ 836.116 to 836.120 will be forwarded for appropriate administrative action to The Judge Advocate General, Headquarters United States Air Force, Washington 25, D. C.

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

Regulations contained in §§ 861.1101 to 861.1108 inclusive (14 F. R. 7353; 32 CFR, 1949 Supp., §§ 861.1101–1108) are hereby revised.

INACTIVE DUTY TRAINING PAY AND ALLOWANCES

Sec.
861.1101 Policy.
861.1102 Definitions.
861.1103 Eligibility.
861.1104 Mobilization assignees.
861.1105 Reserve Training Center and Corollary Units.
861.1106 Number of training periods and assemblies.
861.1107 Flying pay.
861.1108 Authorized equivalent duties.
861.1109 Administrative function pay.
861.1110 Inactive duty training without pay.
861.1111 Volunteer training without remuneration.
861.1112 Waiver of Veterans' Administration benefits.

AUTHORITY: §§ 861.1101 to 861.1112 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22 and Sup., 171a. Interpret or apply secs. 3, 4, 62 Stat. 88, 89; sec. 610, sec. 501, 63 Stat. 826, Pub. Law 434, 81st Cong.; 10 U. S. C., Sup., 422, 37 U. S. C., Sup., 301.

DERIVATION: AFR 45–10.

§ 861.1101 *Policy.* (a) United States Air Force Reserve personnel assigned in the Organized Air Reserve will be eligible to receive inactive duty training pay.

(b) Eligible personnel will be paid on a quarterly basis to the extent provided for by appropriations for this purpose.

(c) To the extent of available funds, personnel in following types of assignments are eligible to receive inactive duty training pay:

(1) Personnel who have mobilization assignments.

(2) Personnel who have assignments to Corollary units.

(3) Personnel who have assignments to United States Air Force Table of Organization and Equipment or Table of Distribution units under the Air Force Reserve training center program.

(d) As a prerequisite to be eligible to receive inactive duty training pay, personnel referred to in paragraph (c) of this section will wear the proper uniform while participating in training for which pay is authorized.

(e) Participation in more than one training period or unit training assembly in any calendar day will not be authorized for pay purposes unless the total or aggregate duration of such participation is at least eight hours. When such participation is of at least eight hours' duration, participation in not more than two training periods or unit training assemblies may be authorized in any one day for pay purposes.

§ 861.1102 *Definitions*—(a) *Training period.* A duly authorized and scheduled period of instruction performed by a person with a mobilization assignment.

(b) *Unit training assembly.* A duly authorized and scheduled period of instruction conducted by a United States Air Force Reserve Table of Organization and Equipment unit, Table of Distribution unit, or Corollary unit.

(c) *Competent authority.* Chief of Staff, United States Air Force, and commanding generals, major air commands. This authority may be redelegated to subordinate commanders.

(d) *Inactive duty.* Duty performed by personnel of the United States Air Force Reserve not on active duty, pursuant to their military functions and responsibilities. Such duty must be authorized by competent orders.

(e) *Inactive duty training pay.* Payment under the provisions of secs. 3, 4, 62 Stat. 88, 89; 10 U. S. C., Sup., 422, 37 U. S. C., Sup., 301 for duty performed by members of the United States Air Force Reserve not on active duty. This inactive duty training pay includes training through participation in unit training assemblies, training periods or the performance of equivalent duties in lieu of attendance at a unit training assembly.

(f) *Equivalent duty.* Those periods of duty performed by members of the United States Air Force Reserve in lieu of attendance at a unit training assembly as authorized in § 861.1108.

(g) *Assigned strength.* The total of all personnel, officer and airmen on the rolls of a unit.

(h) *Adjusted strength.* The strength of a unit (officers and airmen) after the number of personnel who are absent under competent authority have been deducted from the actual assigned strength.

§ 861.1103 *Eligibility.* (a) Airmen of the United States Air Force Reserve will be eligible for inactive duty training pay when pursuant to competent orders authorizing inactive duty training pay:

(1) They are physically present and perform duties during a duly authorized unit training assembly of the unit to which assigned, or:

(2) They perform equivalent duties pursuant to competent orders, within 30 days immediately following the date of the authorized unit training assembly of the unit to which assigned and for which equivalent duty has been authorized in lieu of attendance thereat.

(b) Officers of the United States Air Force Reserve assigned to Table of Organization and Equipment or Table of Distribution units will be eligible for inactive duty training pay when pursuant to competent orders authorizing inactive duty training pay:

(1) They are physically present and perform duties during a duly authorized unit training assembly of the unit to which assigned and at which at least 60 percent of the adjusted strength of the unit was present, or:

(2) They perform equivalent duties pursuant to competent orders, within 30 days immediatley following the date of the authorized unit training assembly of the unit which assigned and for which equivalent duty has been authorized in lieu of attendance provided at least 60 percent of the adjusted strength of the unit was physically present for the unit training assembly for which equivalent duty has been authorized in lieu of attendance thereat.

(c) Officers of the United States Air Force Reserve having a mobilization assignment are eligible for inactive duty training pay when pursuant to competent orders authorizing inactive duty training pay they are physically present and perform duties at a duly authorized training period.

§ 861.1104 *Mobilization assignees.* (a) Personnel quotas for inactive duty training pay will be issued to the major air

commands by Headquarters United States Air Force.

(b) Not more than 48 training periods in each fiscal year will be authorized personnel with mobilization assignments.

(c) Pay for officers trained by means of a training attachment will be accomplished by the command to which such officer is assigned for mobilization duty.

(d) Full use of the two calendar days comprising a week end is encouraged for the purpose of greater continuity of training.

§ 861.1105 *Reserve Training Center and Corollary Units.* (a) All personnel in Air Force Reserve Training Center and Corollary Units are eligible to receive inactive duty training pay.

(b) Such personnel will be authorized not more than 48 unit training assemblies for pay purposes in each fiscal year.

(c) Full use of the two calendar days comprising a week end is encouraged for the purpose of greater continuity of training.

§ 861.1106 *Number of training periods and assemblies*—(a) *Training periods.* A maximum of six training periods only will be authorized for pay purposes in any one calendar month. Such training periods will be of at least two hours' duration and normally will be of four hours' duration.

(b) *Unit training assemblies.* A maximum of six unit training assemblies only will be authorized for pay purposes in any one calendar month. Such unit training assemblies will be of at least two hours' duration and normally will be of four hours' duration.

§ 861.1107. *Flying pay.* (a) Additional pay for flying is authorized for rated personnel qualifying for inactive duty training pay when such personnel accomplish minimum flight requirements.

(b) Rated personnel with other than aircrew assignments will not be considered to have participated in a training period by virtue of individual flight training activities.

(c) Rated personnel with aircrew assignments will not be considered to have participated in a training period by virtue of flight activities unless such training is authorized by competent authority and accomplished with the organization to which assigned or with a similar type organization.

§ 861.1108 *Authorized equivalent duties.* Equivalent duty for pay purposes will be authorized only for those persons who are unable to attend the scheduled unit training assembly of the unit to which assigned for reasons so certified to and considered by the commanding officer to be sufficient. The following will be considered as equivalent duties:

(a) Duty in connection with the planning, maintenance, training, administration, and supply of the United States Air Force Reserve, when such duty is authorized by competent authority and satisfactory accomplishment thereof is certified to by the officer under whose jurisdiction such duty was performed: *Provided*, That such duty is considered by the authorizing officer to be a requirement in the interest of the service.

(b) Participation in, pursuant to competent orders, approved maneuvers, exercises, or in the inspection of another unit at the duly scheduled unit training assembly of the unit concerned.

(c) Performance of flight training by aircrew members only for the purpose of maintaining minimum flight proficiency requirements for rated personnel.

§ 861.1109 *Administrative function pay.* (a) In addition to other inactive duty training pay, commanding officers of United States Air Force Reserve Table of Organization and Equipment, Table of Distribution, and Volunteer Air Reserve training units having administrative functions connected therewith will receive pay on a quarterly basis within the limitation of appropriations, but not to exceed the following amounts:

(1) For units having an assigned monthly strength of 100 or more officers and airmen, $20.00 per month.

(2) For units having an assigned monthly strength of 50 to 99 officers and airmen, $15.00 per month.

(3) For units having an assigned monthly strength of 25 to 49 officers and airmen, $10.00 per month.

(4) For units having an assigned monthly strength of less than 25 officers and airmen, $5.00 per month.

(b) For the purposes referred to in paragraph (a) of this section, the actual strength of the unit on the last day of each month will apply.

§ 861.1110 *Inactive duty training without pay.* When authorized by competent authority, personnel assigned to the Organized Air Reserve may participate in inactive duty training without pay. When such training is performed, and funds are appropriated for this purpose, personnel will be entitled to transportation to and from such duty, with subsistence en route, and during the performance of such duty, will be furnished subsistence and quarters in kind or commutation thereof. Authorization for this training will be limited by allotments of funds from Headquarters United States Air Force for this specific purpose.

§ 861.1111 *Volunteer training without remuneration.* Nothing in §§ 861.1101 to 861.1112 will be interpreted to limit the amount of individual or unit training that may be authorized or voluntarily conducted without pay or reimbursement of any kind.

§ 861.1112 *Waiver of Veterans' Administration benefits.* Under the provisions of Sec. 610, Pub. Law 434, 81st Cong., a member of the United States Air Force Reserve who is receiving a pension, retirement pay, or disability compensation from the Veterans' Administration may waive such benefits when he elects to receive in lieu thereof inactive duty training pay for attendance at scheduled training periods, courses of instruction, or other duty for which he may be entitled to receive compensation pursuant to law.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Acting Air Adjutant General.

[F. R. Doc. 51-2836; Filed, Mar. 2, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

REGIONAL AND DISTRICT OFFICES

AMENDMENT OF ORGANIZATIONAL STATEMENT

The field organization of the Office of Price Stabilization of the Economic Stabilization Agency, established pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), and Executive Order 10161 (15 F. R. 6105) as published in the FEDERAL REGISTER dated February 2, 1951 (16 F. R. 987) is amended as follows:

REGIONAL AND DISTRICT OFFICES [1]

SECTION VII. *Location.* The Regional and District Offices of Price Stabilization of the Economic Stabilization Agency are located as follows:

Region I (Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont)

Office: Boston, Massachusetts, 141 Milk Street.

District Offices: Hartford, Connecticut, 179 Allyn Street. This office will serve the entire State of Connecticut.

Montpelier, Vermont, 126 Main Street. This office will serve the entire State of Vermont.

Concord, New Hampshire, 44 South Main Street. This office will serve the entire State of New Hampshire.

Portland, Maine, Post Office Building. This office will serve the entire State of Maine.

Providence, Rhode Island, 49 Westminster Street. This office will serve the entire State of Rhode Island.

Boston, Massachusetts, 141 Milk Street. This office will serve the Eastern half of the State of Massachusetts, its Western boundary being the county of Worcester.

Springfield, Massachusetts, 1597 Main Street. This office will serve the Western half of the State of Massachusetts, its Eastern boundary being composed of the counties of Frankland, Hampshire, and Hampden.

Region II (New York, New Jersey)

Office: New York, New York, 2 Park Avenue.

District Offices: Syracuse, New York, Wood Building.[2] This office will serve the counties of Jefferson, Lewis, Herkimer, Oswego, Oneida, Cayuga, Onondaga, Madison, Tompkins, Cortland, Chenango, Otsego, Tioga, Broome, and Delaware.

Rochester, New York, 360 East Avenue. This office will serve the counties of Monroe, Wayne, Livingston, Ontario, Yates, Seneca, Steuben, Schuyler, and Chemung.

Buffalo, New York, Ellicott Square Building. This office will serve the counties of Niagara, Orleans, Erie, Genesee, Wyoming, Chautauqua, Cattaraugus, and Allegany.

New York, New York, 405 Fifth Avenue This office will serve the Eastern portion of the State of New York, its Western boundary being composed of the counties of St. Lawrence, Hamilton, Fulton, Montgomery, Schoharie, Greene, Ulster, Sullivan, Orange, Rockland, Westchester, Bronx, New York, and Richmond.

Newark, New Jersey, 185 Washington Street. This office will serve the counties of Sussex, Warren, Morris, Passaic, Bergen, Essex, Union, and Hudson.

Trenton, New Jersey, Old Post Office Building. This office will serve the counties of Middlesex, Hunterdon, Somerset, Mercer, Monmouth, Ocean, and Burlington.

Camden, New Jersey, City Hall Annex.[2] This office will serve the counties of Camden, Gloucester, Atlantic, Salem, Cumberland, and Cape May.

Region III (Pennsylvania and Delaware)

Office: Philadelphia, Pennsylvania, Fifteenth and Market Streets.

District Offices: Erie, Pennsylvania, Tenth Avenue and State Street.

This office will serve the Northwestern portion of the State of Pennsylvania, its Eastern and Southern boundaries being composed of the counties of Potter, Clinton, Centre, Clearfield, Jefferson, Clarion, Venango, and Mercer.

Pittsburgh, Pennsylvania, Fulton Building. This office will serve the Southwestern portion of the State of Pennsylvania, its Northern and Eastern boundaries being composed of the counties of Lawrence, Butler, Armstrong, Indiana, Cambria, Blair, Huntingdon, and Franklin.

Philadelphia, Pennsylvania, Regional Office. Until the establishment of District Offices in the area the Philadelphia, Pennsylvania, Regional Office will operate as a District Office serving the Eastern portion of the State of Pennsylvania, its Western boundary being composed of the counties of Tioga, Lycoming, Union, Mifflin, Juniata, Perry, Cumberland, and Adams.

Wilmington, Delaware, 901 West Eighth Street. This office will serve the entire State of Delaware.

Region IV (Maryland, North Carolina, Virginia, West Virginia, District of Columbia)

Office: Richmond, Virginia, 900 North Lombardy Street.

District Offices: Baltimore, Maryland, 103 South Gay Street. This office will serve the entire State of Maryland.

Washington, D. C., 310 Sixth Street NW. This office will serve the entire District of Columbia.

Norfolk, Virginia, 1214 Granby Street.[2] This office will serve the Eastern portion of the State of Virginia, its Western boundary being composed of the counties of Westmoreland, Essex, King and Queen, York, Warwick, Surry, Sussex and Greensville.

Richmond, Virginia, Regional Office. Until the establishment of District Offices in the area, the Richmond, Virginia, Regional Office will serve that portion of the State of Virginia not served by the Norfolk, Virginia, District Office.

Charleston, West Virginia, 601 Virginia Street East. This office will serve the entire State of West Virginia.

Raleigh, North Carolina, Brooks Recreation Building. This office will serve the Eastern portion of the State of North Carolina, its Western boundary being composed of the counties of Caswell, Alamance, Chatham, Moore, Hoke and Scotland.

Charlotte, North Carolina, 500 West Trade Street. This office will serve that portion of the State of North Carolina not served by the Raleigh, North Carolina, District Office.

Region V (Alabama, Florida, Georgia, Mississippi, South Carolina, Tennessee)

Office: Atlanta, Georgia, 114 Marietta Street NW.

District Offices: Columbia, South Carolina, 1313 Main Street. This office will serve the entire State of South Carolina.

Atlanta, Georgia, Regional Office. Until the establishment of District Offices in the area this office will serve as the District Office for the Northern portion of the State of Georgia, its Southern boundary being composed of the counties of Quitman, Randolph, Terrell, Lee, Crisp, Wilcox, Dodge, Laurens, Johnson, Washington, Hancock, Taliaferro, Wilkes, and Lincoln.

Savannah, Georgia, Blumenthal Building.[2] This office will serve that portion of the State of Georgia not served by the Atlanta, Georgia, Regional Office.

Jacksonville, Florida, 610 Julia Street. This office will serve the Northern portion of the State of Florida, its Southern boundary being composed of the counties of Citrus, Sumter, Polk, Osceola, and Brevard.

Miami, Florida, Roper Building. This office will serve that portion of the State of Florida not served by the Jacksonville, Florida, office.

Birmingham, Alabama, 1814 Second Avenue. This office will serve the Northern portion of the State of Alabama, its Southern boundary being composed of the counties of Pickens, Tuscaloosa, Bibb, Shelby, Talladega, Clay, and Randolph.

Montgomery, Alabama, 14 Commerce Building. This office will serve that portion of the State of Alabama not served by the Birmingham, Alabama, office.

Nashville, Tennessee, 406 Nashville Trust Building. This office will serve the Eastern portion of the State of Tennessee, its Western boundary being composed of the counties of Robertson, Cheatham, Williamson, Rutherford, Cannon, Warren, Sequatchie, and Hamilton.

Memphis, Tennessee, Marx and Bensdorf Building. This office will serve that portion of the State of Tennessee not served by the Nashville, Tennessee, office.

Jackson, Mississippi, 407 West Capitol. This office will serve the entire State of Mississippi.

Region VI (Kentucky, Michigan, Ohio)

Office: Cleveland, Ohio, 1620 Euclid Avenue.

District Offices: Grand Rapids, Michigan, 148 Ransom Street. This office will serve the Western portion of the State of Michigan, its Eastern boundary being composed of the counties of Chippewa, Mackinac, Emmet, Charlevoix, Antrim, Kalkaska, Missaukee, Osceola, Mecosta, Montcalm, Gratiot, Clinton, Eaton, Calhoun, and Branch.

Detroit, Michigan, Book Tower Building. This office will serve that portion of the State of Michigan not served by the Grand Rapids, Michigan, office.

Toledo, Ohio, Summit-Cherry Building. This office will serve the Northwestern portion of the State of Ohio, its Eastern and Southern boundaries being composed of the counties of Lucas, Ottawa, Sandusky, Seneca, Crawford, Wyandot, Hardin, Logan, Shelby, and Mercer.

Cincinnati, Ohio, 37 West Seventh Street. This office will serve the Southwestern portion of the State of Ohio, its Northern and Eastern boundaries being composed of the counties of Darke, Miami, Champaign, Clark, Greene, Clinton, Highland, Pike, Scioto, and Lawrence and the following counties in the State of Kentucky: Campbell, Boone and Kenton.

Columbus, Ohio, 68 East Gay Street. This office will serve the Southeastern portion of the State of Ohio, its Northern and Western boundaries being composed of the counties of Jefferson, Harrison, Guernsey, Coshocton, Knox, Morrow, Marion, Union, Madison, Fayette, Ross, Jackson, and Gallia.

Cleveland, Ohio, 1901 East Thirteenth Street. Until the establishment of District Offices in the area the Cleveland, Ohio, Regional Office will serve the Northeastern portion of the State of Ohio, its Western and Southern boundaries being composed of the counties of Erie, Huron, Richland, Ashland, Holmes, Tuscarawas, Carroll, and Columbiana.

Louisville, Kentucky, 807 South Fifth Street. This office will serve the entire State of Kentucky except the counties of Campbell, Boone, and Kenton.

Region VII (Illinois, Indiana, Wisconsin)

Office: Chicago, Illinois, 219 South Clark Street.

District Offices: Green Bay, Wisconsin, 1406 Main Street. This office will serve the Northern portion of the State of Wisconsin, its Southern boundary being composed of the counties of La Crosse, Monroe, Juneau, Adams, Marquette, Green Lake, Fond du Lac and Sheboygan.

Milwaukee, Wisconsin, 161 West Wisconsin Avenue. This office will serve that portion of the State of Wisconsin not served by the Green Bay, Wisconsin, office.

Peoria, Illinois, Clark Building. This office will serve the Northern portion of the State of Illinois, except Cook County, its Southern boundary being composed of the counties of Hancock, McDonough, Fulton, Tazewell, McLean, Ford and Iroquois.

Springfield, Illinois, 628 East Adams Street.[2] This office will serve that portion of the State of Illinois excluding Cook County not served by the Peoria, Illinois, office.

Chicago, Illinois. Until the establishment of a District Office in this area the Chicago, Illinois, Regional Office will serve Cook County.

Indianapolis, Indiana, 730 East Washington Street. This office will serve the entire State of Indiana.

Region VIII (Minnesota, North Dakota, South Dakota, Montana)

Office: Minneapolis, Minnesota, 620 Marquette.

District Offices: St. Paul, Minnesota, Guardian Building. This office will serve the Southern portion of the State of Minnesota, its Northern boundary being composed of the counties of Traverse, Grant, Douglas, Todd, Morrison, Mille Lacs, Kanabec, and Chisago.

Duluth, Minnesota, 120 Fourth Avenue West.[2] This office will serve the Northern portion of the State of Minnesota, its Southern boundary being composed of the counties of Wilkin, Otter Tail, Wadena, Cass, Crow Wing, Aitkin and Pine.

Fargo, North Dakota, 16 Eighth Street South. This office will serve the entire State of North Dakota.

Sioux Falls, South Dakota, 114 South Main Avenue. This office will serve the entire State of South Dakota.

Helena, Montana, Federal Building. This office will serve the entire State of Montana.

Region IX (Iowa, Kansas, Missouri, Nebraska)

Office: Kansas City, Missouri, 112 Ninth Street.

District Offices: Des Moines, Iowa, 418 Seventh Street. This office will serve the entire State of Iowa.

Omaha, Nebraska, 1516 Harney Street. This office will serve the entire State of Nebraska.

Wichita, Kansas, 3234 East Douglas Street. This office will serve the entire State of Kansas.

St. Louis, Missouri, 314 North Broadway. This office will serve the Eastern portion of the State of Missouri, its Western boundary being composed of the counties of Schuyler, Adair, Linn, Charlton, Randolph, Audrain, Montgomery, Gasconade, Maries, Phelps, Dent, Shannon, Carter and Ripley.

Kansas City, Missouri, Regional Office. Until the establishment of a District Office in the area the Kansas City, Missouri, Regional Office will serve the Western portion of the State of Missouri, its Eastern boundary being composed of the counties of Putnam, Sullivan, Grundy, Livingston, Carroll, Saline, Howard, Boone, Callaway, Osage, Miller, Pulaski, Texas, Howell and Oregon.

Region X (Louisiana, Oklahoma, Arkansas, Texas)

Office: Dallas, Texas, 3306 Main Street.

District Offices: Little Rock, Arkansas, 555 Building. This office will serve the entire State of Arkansas.

[1] Whenever the boundaries of a District Office are described by county lines, the counties named are included within the area being described.

[2] This office will open on or about March 5, 1951.

Tulsa, Oklahoma, 920 South Boston Street. This office will serve the Eastern portion of the State of Oklahoma, its Western boundary being composed of the counties of Osage, Pawnee, Creek, Okfuskee, Hughes, Coal, Atoka, and Bryan.

Oklahoma City, Oklahoma, 32 North Robinson Street. This office will serve the Western portion of the State of Oklahoma, its Eastern boundary being composed of the counties of Kay, Noble, Payne, Lincoln, Seminole, Pontotac, Johnston, and Marshall.

Shreveport, Louisiana, 501 Okey Drive. This office will serve the Northern portion of the State of Louisiana, its Southern boundary being composed of the parishes of Vernon, Rapides, Avoyelles and Concordia.

New Orleans, Louisiana, Standard Oil Building. This office will serve the Southern portion of the State of Louisiana, its Northern boundary being composed of the parishes of Beauregard, Allen, Evangeline, St. Landry, and Pointe Coupee.

Lubbock, Texas, 1202 Texas Avenue.[2] This office will serve the Western portion of the State of Texas, its Eastern boundary being composed of the State Line and the counties of Childress, Cottle, King, Dickens, Garza, Borden, Howard, Glasscock, Reagan, Upton, Pecos, and Terrell.

Fort Worth, Texas, Courthouse Building. This office will serve the North Central portion of the State of Texas, its Western, Southern and Eastern boundaries being composed of the counties of Hardeman, Foard, Knox, Stonewall, Kent, Scurry, Mitchell, Sterling, Irion, Crockett, Sutton, Menard, McCulloch, San Saba, Lampasas, Hamilton, Erath, Somervell, Johnson, Tarrant, Denton, and Cooke.

Dallas, Texas, Regional Office. Until the establishment of District Offices in the area the Dallas, Texas, Regional Office will serve the Northeastern portion of the State of Texas, its Southern and Western boundaries being composed of the counties of Panola, Rusk, Nacogdoches, Cherokee, Anderson, Freestone, Limestone, Falls, Bell, Coryell, Bosque, Hill, Ellis, Dallas, Collin and Grayson.

Houston, Texas, 517 La Blanc Street. This office will serve the Southeastern portion of the State of Texas, its Eastern, Northern, and Western boundaries being composed of the counties of Jefferson, Orange, Newton, Sabine, Shelby, San Augustine, Angelina, Houston, Leon, Robertson, Milam, Lee, Fayette, Lavaca and Jackson.

San Antonio, Texas, 128 South Flores Street. This office will serve the Southern portion of the State of Texas, its Eastern and Northern boundaries being composed of the counties of Calhoun, Victoria, DeWitt, Gonzales, Caldwell, Bastrop, Williamson, Burnet, Llano, Mason, Kimble, Edwards and Val Verde.

Region XI (Colorado, New Mexico, Utah, Wyoming)

Office: Denver, Colorado, Central Savings Building.

District Offices: Cheyenne, Wyoming, 1509 Bent Avenue. This office will serve the entire State of Wyoming.

Salt Lake City, Utah, 222 South West Temple. This office will serve the entire State of Utah.

Albuquerque, New Mexico, 142 North Monroe Street. This office will serve the entire State of New Mexico.

Denver, Colorado, Regional Office. Until the establishment of District Offices in the area the Denver, Colorado, Regional Office will serve the entire State of Colorado.

Region XII (Arizona, California, Nevada)

Office: San Francisco, California, 820 Market Street.

District Offices: Reno, Nevada, 1475 Wells Avenue. This office will serve the entire State of Nevada and the following counties in the State of California: Modoc, Lassen, Plumas, Sierra and Alpine.

Oakland, California, 1417 Clay Street. This office will serve the Northern portion of the State of California except the counties of Modoc, Lassen, Plumas, Sierra and Alpine, its Eastern and Southern boundaries being composed of the counties of Siskiyou, Shasta, Tehama, Butte, Yuba, Nevada, Placer, El Dorado, Amador, Calaveras, Tuolumne, Mariposa, Madera, Merced, San Benito and Monterey.

Los Angeles, California, 108 West Sixth. This office will serve the Central portion of the State of California, its Northern boundary being composed of the counties of San Luis Obispo, Kings, Fresno, and Mono, and its Southern boundary being composed of the counties of Orange and San Bernardino.

San Diego, California, Fox Theatre Building.[2] This office will serve the following counties in the State of California: Riverside, San Diego, and Imperial.

Phoenix, Arizona, 315 North Central Avenue. This office will serve the entire State of Arizona.

Region XIII (Idaho, Oregon, Washington)

Office: Seattle, Washington, 1110 Second Avenue.

District Offices: Portland, Oregon, Lincoln Building. This office will serve the entire State of Oregon except the county of Malheur and the following counties in the State of Washington: Cowlitz, Clark, Skamania, Klickitat.

Boise, Idaho, American Legion Building. This office will serve the county of Malheur in the State of Oregon and the Southern portion of the State of Idaho, its Northern boundary being composed of the counties of Adams, Valley, and Lemhi.

Spokane, Washington, 714 Welsch Building. This office will serve the Eastern portion of the State of Washington, its Western boundaries being composed of the counties of Okanogan, Douglas, Grant, and Benton, and the northern portion of the State of Idaho, its Southern boundary being composed of the county of Idaho.

Seattle, Washington, Regional Office. Until the establishment of District Offices in the area the Seattle, Washington, Regional Office will serve the Western portion of the State of Washington except the counties of Cowlitz, Clark, Skamania and Klickitat, its Eastern boundary being composed of the counties of Whatcom, Skagit, Chelan, Kittitas and Yakima.

Region XIV (Alaska, Hawaii, Puerto Rico, Virgin Islands, Guam)

Office: Washington, D. C., 1405 G Street NW.

District Offices: Honolulu, Hawaii, 313 Federal Building. This office will serve the entire territory of Hawaii.

Juneau, Alaska, Valentine Building. This office will serve the entire territory of Alaska.

San Juan, Puerto Rico, Stop E. Feenandez, Junces Avenue. This office will serve the entire territory of Puerto Rico.

St. Thomas, Virgin Islands, 14A Nerre Gade. This office will serve the entire territory of the Virgin Islands.

Agana, Guam. This office will serve the entire territory of Guam.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

MICHAEL V. DISALLE,
Director of Price Stabilization.

MARCH 1, 1951.

[F. R. Doc. 51-2909; Filed, Mar. 1, 1951; 3:30 p. m.]

[Ceiling Price Regulation 1, Amdt. 1]

CPR 1—NEW PASSENGER AUTOMOBILES

INCREASE IN CEILING PRICES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 1 (15 F. R. 9061) is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 1 issued December 18, 1950 established ceiling prices for new passenger automobiles at the level of December 1, 1950. The purpose of that freeze was to allow time for an analysis of the increase in wage cost and in prices of raw materials which the automobile manufacturers stated had been incurred. That analysis was expected to determine whether price increases were necessary in the light of the over-all position of the industry. About the middle of January 1951, a hearing on this matter was conducted by Mr. John M. Hancock acting as special consultant to the Director of Price Stabilization. The automobile manufacturers were afforded an opportunity to submit data in support of their contentions.

The Director of Price Stabilization has given consideration to the proposals contained in Mr. Hancock's report to him not only as they apply to price control of new passenger automobiles but also as to their general adaptability in whole or in part over large areas of the manufacturing economy. Studies dealing with these twin aspects are presently being made.

By its present terms Ceiling Price Regulation 1 remains in effect only through March 1, 1951, but contains an express provision permitting an extension beyond that date. The Director of Price Stabilization has determined that this regulation should be extended for another 60 days pending the formulation of new price controls applying to manufacturers in most fields. He has further determined that in connection with this extension the automobile manufacturers should be allowed a price adjustment at this time. For that purpose, he is permitting the ceiling prices established by Ceiling Price Regulation 1 to be increased by 3½%. Upon the basis of data submitted by the manufacturers, this increase translated into dollars represents for each member of the industry less than the actual dollar increase between June 30 and December 31, 1950, in direct labor and materials costs. In some instances, it is substantially less. It should be emphasized that only direct labor and materials costs have been considered.

This action is intended only as an interim measure. The Director of Price Stabilization believes that it takes into account certain hardships growing out of the imposition of a freeze upon the prices of new passenger automobiles earlier than upon prices in general. He is moving as rapidly as possible to provide a comprehensive pricing formula and to establish standards of general applicability.

AMENDATORY PROVISIONS

Ceiling Price Regulation 1 is amended in the following respects:

1. Section 4 (a) is amended to read as follows:

(a) The ceiling price for the sale or delivery of a new automobile by a manufacturer shall be 103.5% of the net price (f. o. b. factory) charged by the manufacturer to the same class of purchaser on December 1, 1950, for the same make and model, or, if the manufacturer has brought out a new line since December 1, 1950, or brings out a new line hereafter, 103.5% of the net price (f. o. b. factory) charged by the manufacturer to the same class of purchaser on that date for the counterpart model in the previous line. Whenever the manufacturer had a suggested retail price (f. o. b. factory) on December 1, 1950, his net price (f. o. b. factory) shall be determined by reducing such suggested retail price in effect on that date for the same or counterpart model of the same make by the discounts in effect on that date for the same class of purchaser to whom the sale or delivery is to be made.

2. Section 4 (b) (1) is amended to read as follows:

(b) (1) The ceiling price established by paragraph (a) of this section shall include all equipment that was standard for each such make and model on December 1, 1950, or if the ceiling price is established on the basis of a counterpart model in the previous line, the equipment that was standard for such counterpart model on December 1, 1950. In the event that a new automobile is sold without such standard equipment, the ceiling price shall be reduced by 103.5% of the amount of the manufacturer's standard charge to the same class of purchaser for such equipment on December 1, 1950.

3. A new paragraph reading as follows is added to Section 4:

(e) Any ceiling price for a new passenger automobile (but not for new equipment) which was established prior to March 1, 1951 under paragraph (d) may be increased by 3.5%. The resulting figure is the new ceiling price and shall remain in effect as the ceiling price thereafter.

4. Section 7 (b) is amended to read as follows:

(b) *Invoicing.* Each manufacturer of new automobiles shall furnish to each person to whom he sells a new automobile an invoice stating, separately from any other charge, the ceiling price in effect on February 28, 1951 and any subsequent increase in the net price charged which is permitted under this regulation.

5. The second paragraph of Section 8 is amended to read as follows:

This regulation shall become effective immediately for a period ending May 1, 1951: *Provided, however,* That it may be modified, amended or extended prior to the expiration of such period.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

This amendment shall become effective March 2, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MARCH 1, 1951.

[F. R. Doc. 51-2881; Filed, Mar. 2, 1951; 11:06 a. m.]

[Ceiling Price Regulation 4, Supplementary Regulation 1]

CPR 4—ANTHRACITE DELIVERED FROM MINE OR PREPARATION PLANT

SR 1—ANTHRACITE BRIQUETTS PRODUCED AT OR MADE AT PLANTS IN PENNSYLVANIA ANTHRACITE FIELD

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation No. 1 to Ceiling Price Regulation No. 4 (16 F. R. 1011) is hereby issued.

STATEMENT OF CONSIDERATIONS

Anthracite briquet manufacturing plants are located in the Anthracite Region of Pennsylvania. For the most part these plants are adjuncts of anthracite preparation plants.

The product, a domestic fuel, consists of 80 percent anthracite, 7 to 8 percent asphalt as a binder, and 12–13 percent bituminous coal.

Total production of anthracite briquetts in 1950 was 359,000 net tons. The product is made in one size and sold at one price.

Cost increases over January 1, 1951, have resulted from the new wage agreement with U. M. W. A. negotiated January 26, 1951. Material costs, principally anthracite and bituminous coal, have advanced pursuant to the authority of Ceiling Price Regulations Nos. 3 and 4 made effective on February 1, 1951. Asphalt, the third principal ingredient, has advanced sharply in price since 1950.

The labor increase amounts to $0.1731 per net ton, Social Security & old age benefits $0.0095, materials $0.4095, or a total cost increase of $0.5921 per ton, which practically eliminates the $0.64 net income per ton before taxes realized on the entire 1950 business.

This supplementary regulation is intended to offset the actual cost increase cited above.

FINDINGS OF DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the provisions of Supplementary Regulation No. 1 to Ceiling Price Regulation No. 4 are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

In formulating this supplementary regulation the Director has consulted with representatives of the industry to the extent practicable under the circumstances, and has given consideration to their recommendations.

REGULATORY PROVISIONS

Sec.
1. Applicability of supplementary regulation.
2. Definitions.
3. Authority to increase ceiling prices.
4. Miscellaneous.

AUTHORITY: Secs. 1 to 4 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret, or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Applicability of supplementary regulation.* This supplementary regulation grants authority to a person engaged in the business of manufacturing briquetts, made principally from anthracite coal, located in the Pennsylvania anthracite field to increase the ceiling price on briquetts sold by them, or their agents, f. o. b. the plant.

SEC. 2. *Definitions.* When used in this supplementary regulation, the term:

(a) "Producer" means a person engaged in the business of manufacturing briquetts, principally from anthracite coal, and any person acting as an agent of a producer.

(b) "Distributor" means a person who purchases briquetts at or for delivery from a briquet plant, for resale, and resells the same in not less than cargo or railroad carload lots, or the equivalent thereof, without physically handling such briquetts, and any person acting as an agent of such distributor in the sale of briquetts.

(c) "Briquetts" means briquetts made principally from anthracite coal, which are manufactured at plants located in the Pennsylvania anthracite field.

(d) "Ground Storage Facility" means a storage facility not operated as an adjunct of a briquet plant, which is customarily used by a producer or distributor for storage of briquetts in transit from a briquet plant to a purchaser.

SEC. 3. *Prohibition against selling or delivering anthracite briquetts at prices above the ceiling.* On and after the 3d day of March 1951, regardless of any contract, agreement, lease, or other obligation:

(a) No person who is a producer or distributor shall sell, dispose, deliver, or ship anthracite briquetts from a briquet plant at prices higher, f. o. b. the plant, than the ceiling price set forth in Appendix A, attached hereto and by this reference made a part hereof.

(b) No person shall, in the course of trade or business, buy or receive anthracite briquetts so delivered or shipped at a price higher than the ceiling price set forth in Appendix A, attached hereto and by this reference made a part hereof.

(c) No person shall agree, offer, solicit, or attempt to do anything prohibited under this supplementary regulation.

SEC. 4. *Miscellaneous.* (a) The producers subject to this supplementary regulation shall be subject to all other provisions of Ceiling Price Regulation No. 4 which are not inconsistent with the provisions hereof.

(b) Each producer, sales agent or distributor shall furnish to each retail coal dealer to whom he sells briquetts a statement showing the exact dollar-and-cents amount the producer has added to the price of his briquetts as authorized under this supplementary regulation.

(c) Upon the effective date of this Supplementary Regulation No. 1 to Ceiling Price Regulation No. 4 the producers subject to this supplementary regulation shall no longer be subject to the provisions of the General Ceiling Price Regulation issued by the Director on January 26, 1951 (16 F. R. 809), except as to activities not covered by this supplementary regulation. Such exemption, however, shall not relieve the producers hereunder from any obligation or liability incurred under the General Ceiling Price Regulation prior to the effective date of this supplementary regulation.

Effective date. This Supplementary Regulation No. 1 to Ceiling Price Regulation No. 4 shall become effective on the 3d day of March 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MARCH 2, 1951.

APPENDIX A

The following ceiling price subject to the exceptions set forth in this supplementary regulation are established for anthracite briquetts, f. o. b. manufacturing plants.

	Ceiling price Per net ton
Anthracite briquetts	$10.95

NOTE: Persons subject to the regulation shall continue to observe their customary and standard cash discount practices.

[F. R. Doc. 51-2974; Filed, Mar. 2, 1951; 11:52 a. m.]

Chapter IV—Wage Stabilization Board, Economic Stabilization Agency

[General Wage Regulation 8]

GR 8—COST-OF-LIVING ESCALATOR CLAUSES

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Congress) and Executive Order 10161 (15 F. R. 6105) this General Regulation No. 8 is hereby issued.

STATEMENT OF CONSIDERATIONS

This General Regulation is issued by the Economic Stabilization Administrator in discharge of his responsibility under the provisions of the Defense Production Act of 1950, and Executive Order 10161. It is designed to stabilize wages, salaries, and other compensation and to effectuate the purposes and intent of said Statute and Order. Due consideration has been given to the standards established by section 402 of the Act. In the formulation of the provisions hereof there has been consultation with industry and labor representatives, including Trade Association and Labor Union representatives, and consideration has been given to their recommendations.

Some collective bargaining contracts in existence on January 25—the effective date of the first price and wage control regulations—contain provisions for subsequent changes in wages. The changes in wages depend on the changes—up or down—in the cost of living. Wage adjustments called for within the next few months by these escalator clauses will be upward because the cost of living has been rising since Korea.

For the most part, the increases permitted by the escalator clauses will be covered by the ten per cent allowable rise in General Regulation No. 6. However, such clauses in a few of the existing contracts will provide in the near future for increases somewhat exceeding the allowable figure. General Regulation No. 6 makes no provision for such cases. This regulation within certain limitations will permit the operation of such cost of living escalator clauses until June 30, 1951.

REGULATORY PROVISIONS

Sec.
1. Cost-of-living escalator clauses defined.
2. Certain cost-of-living increases required by escalator clauses permissible without prior approval.
3. Reports of increases made under this Regulation required.
4. Time limitation on increases.

AUTHORITY: Sections 1 to 4 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Cost-of-living escalator clauses defined.* As used in this Regulation, the term "cost-of-living escalator clause" shall mean a provision in a collective bargaining agreement which establishes a defined relationship between the rates of wages, salaries and other compensation covered by the agreement and the cost-of-living index figure published by the Bureau of Labor Statistics.

SEC. 2. *Certain cost-of-living increases required by escalator clauses permissible without prior approval.* No prior approval is required for the putting into effect of wage or salary increases which are required by the terms of cost-of-living escalator clauses contained in contracts executed on or before January 25, 1951. General increases agreed upon after January 25, 1951, together with cost-of-living escalator clause increases shall not exceed the 10 per cent formula provided in section 1 of General Regulation No. 6 (16 F. R. 1951).

SEC. 3. *Reports of increases made under this Regulation required.* Reports of increases made under this regulation shall be filed with the nearest office of the Wage and Hour Division of the United States Department of Labor. Such reports shall include:

(a) Copies of the agreements containing the cost-of-living clauses, unless such copies have been filed with the Wage Stabilization Board under General Regulation No. 2 (16 F. R. 1014).

(b) An identification of the cost-of-living escalator clause in the agreement.

(c) A statement of the amount of the increase and the unit of employees to which it is applicable.

(d) A statement of any increases applicable to the same wages, salaries and other compensation that have been put into effect under General Regulation No. 6 by virtue of any agreement executed after January 25, 1951.

SEC. 4. *Time limitation on increases.* No increase herein authorized shall be made effective subsequent to June 30, 1951.

This regulation shall be effective immediately and shall terminate June 30, 1951. All other orders and directives of the Wage Stabilization Board and the Economic Stabilization Administrator including General Order No. 3 of January 24, 1951 (16 F. R. 739) are hereby superseded to the extent that they are inconsistent herewith.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued: March 1, 1951.

ERIC JOHNSTON,
Economic Stabilization Administrator.

[F. R. Doc. 51-2970; Filed, Mar. 2, 1951; 11:44 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-1 as Amended Feb. 23, 1951, Amdt. 1]

M-1—IRON AND STEEL

This amendment to NPA Order M-1 as amended February 23, 1951, is found necessary and appropriate to promote the national defense, and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the issuance of this amendment, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

NPA Order M-1, as amended February 23, 1951, is amended in the following respects:

Footnotes numbered 4 and 5 to Table I as set out at the end of order M-1, as amended February 23, 1951, are revised in the following particulars:

A. The text of footnote 4 to Table I is hereby stricken and there is hereby substituted therefor as the text of said footnote 4 the following:

"Beginning with order acceptances and shipments for May 1951 the applicable percentage shall be 20 percent instead of 15 percent as shown."

B. The text of footnote 5 to Table I is hereby stricken and there is hereby substituted therefor as the text of said footnote 5 the following:

"Beginning with order acceptances and shipments for May 1951 the applicable percentage shall be 20 percent instead of 15 percent as shown."

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

This amendment shall take effect on March 1, 1951.

NATIONAL PRODUCTION AUTHORITY
[SEAL] MANLY FLEISCHMANN,
Administrator.

FEBRUARY 28, 1951.

[F. R. Doc. 51-2921; Filed, Mar. 1, 1951; 4:30 p. m.]

[NPA Order M-22, Amendment]

ALUMINUM

This amendment to NPA Order M-22, as amended January 23, 1951, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

This amendment affects NPA Order M-22, as amended, as follows:

By deleting section 26.63—List A entitled "Aluminum smelters," and section 26.64—List B entitled "Aluminum fabricators," and substituting therefor, respectively, the List A and List B attached to this amendment.

This order, as amended, shall take effect on March 1, 1951.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

Dated: February 28, 1951.

List A—Aluminum Smelters

Abco Smelting, Inc., 2000 South 4th Street, Harrison, N. J.
Ace Aluminum Company, 2728 Buchanan Street, Detroit 8, Mich.
Alloys & Products Co., Oak Point Ave. & Barry Street, New York 59, N. Y.
Aluminum & Magnesium, Inc., Corona, Calif.
Aluminum & Magnesium, Inc., Huron Street, Sandusky, Ohio.
Aluminum Smelters, Inc., 31-33 Vine Street, New Haven 6, Conn.
Aluminum Smelting & Refining Co., 5463 Dunham Road, Bedford, Ohio.
American Metal Co., Ltd., Division U. S. Metals Refining Co., Carteret, N. J.
American Smelting & Refining Co., Federated Metals Division, 4010 E. 26th Street, Los Angeles, Calif.
American Smelting & Refining Co., Federated Metals Division, 11630 Russell Street, Detroit (11), Mich.
American Smelting & Refining Co., Federated Metals Division, Barber, N. J.
Apex Smelting Co., 2537 W. Taylor, Chicago (12), Ill.
Apex Smelting Co., The, 6700 Grant Ave., Cleveland (5), Ohio.
Associated Smelting Corp., 2730 Peralta St., Oakland (7), Calif.
Aurora Refining Co., Aurora, Ill.
Barnum Smelting Co., 1548 Barnum Avenue, Bridgeport 8, Conn.
Batchelder, Charles, Company, Inc., 565 Housatonic Ave., Bridgeport, Conn.
Beck, P. C., Company, 850 Euclid Avenue, Cleveland 14, Ohio
Belmont Smelting & Refining Works, Inc., 330 Belmont Ave., Brooklyn 7, N. Y.
Berg Metals Corp., 2652 Long Beach, Los Angeles, Calif.
Bohn Aluminum & Brass Corp., Lafayette Bldg., Detroit 26, Mich.
Bullock, W. J., Inc., 1501 Erie, Birmingham, Ala.
Cedergren Metals Company, 2101 West Commerce St., Dallas 2, Tex.
Cleveland Electro Metals Co., 2391 W. 38th St., Cleveland (13), Ohio
Continental Steel & Copper Industries, Inc., Niagara Falls Smelting & Refining Division, 2208 Elmwood Ave., Buffalo, N. Y.
Excel Smelting Corporation, 1300-1310 North Seventh St., Memphis 7, Tenn.
Ferer, Aaron, & Sons, 2300 East Eleventh St., Los Angeles 21, Calif.
General Aluminum Supply Co., Rialto Building, Kansas City 6, Mo.
General Smelting Co., Westmoreland & Richmond, Philadelphia (34), Pa.
Globe Metals Company, 1820 Tenth Street, Oakland 7, Calif.
Goldberg Metal Refining Company, 4541 West 190th St., Redondo Beach, Calif.
Greenfield, Samuel, Co., Inc., 31 Stone, Buffalo (12), N. Y.
Hamden Smelting Co., Inc., P. O. Box 1528, Edmund St., New Haven 6, Conn.
Henning Brothers and Smith, Inc., 91-113 Scott Avenue, Brooklyn, N. Y.
Holtzman, M., Metal Co., 5223 McKissick Avenue, St. Louis (7), Mo.
Industrial Smelting Corp., Chicago Heights, Ill.
Jobbins, Wm. F., Inc., Aurora, Ill.
Kirk, Morris P., & Sons, Inc., 2717 S. Indiana, Los Angeles, Calif.
Lavin, R., & Sons, Inc., 3426 S. Kedzie Ave., Chicago (23), Ill.
McGowan Company, Inc., 2460 Enterprise St., Los Angeles (21), Calif.
Milward Alloys, Inc., P. O. Box 65, North Transit & Mill St., Lockport, N. Y.
North American Smelting Co., Ft. of Christiana Ave., Wilmington, Del.
Northwestern Iron & Metal Co., 900 "T," Lincoln (1), Nebr.
Rochester Smelting & Refining Co., Inc., 26 Sherer St., Rochester (2), N. Y.
Roth Smelting Company, 1107 South State Street, Syracuse, N. Y.
Sail, Geo., Metals Co., Westermoreland & Tulip, Philadelphia (34), Pa.
Sonken-Galamba Corp., 64 N. Second, Kansas City (18), Kans.
Stoll Metal Corporation, 36-08 Review Ave., Long Island City (1), N. Y.
T and L Metal Co., Inc., Foot of Pacific St & Tompkins Point Rd., Newark, N. J.
Tomke Aluminum Co., Inc., 4201 E. Monument St., Baltimore (5), Md.
U. S. Reduction Co., East Chicago, Ind.
U. S. Reduction Co., Toledo, Ohio.
Vanadium Corporation, Chester, Pa.
Western Metal Co., 3201 S. Kedzie Ave., Chicago (23), Ill.

List B—Aluminum Fabricators

Fairmont Aluminum Company, Fairmont, W. Va.
Harvey Machine Company, Torrance, Calif.
Hunter Douglas Corporation, Blaine and Pachappa St., Riverside, Calif.
Revere Copper and Brass, Inc., New York, N. Y.
Sheet Aluminum Corporation, 701 Liberty St., Jackson, Mich.
United Smelting and Aluminum Company, New Haven, Conn.

[F. R. Doc. 51-2922; Filed, Mar. 1, 1951; 4:30 p. m.]

[NPA Order M-42]

M-42—INSECT WIRE SCREENING

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. What this order does
2. Definitions
3. Required shipment dates
4. Rejection of rated orders
5. NPA assistance in placing rated orders
6. Adjustments or exceptions
7. Communications
8. Records, audit, inspection, and reports
9. Violations

AUTHORITY: Sections 1 to 9 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to producers of insect wire screening and provides rules for placing and accepting rated orders therefor. Its purpose is to provide equitable distribution of rated orders among all such producers in order to make possible maximum production of such screening and to reduce to a minimum disruption of its normal distribution. It supplements NPA Reg. 2 but only those provisions of Reg. 2 which are inconsistent with this order are superseded, and all other provisions of Reg. 2 continue to apply to the insect wire screen industry.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes agencies of the United States or any other government.

(b) "Producer" means any person engaged in the business of weaving wire into insect wire screening.

(c) "Wire screening" means a fiber woven from wire used primarily as a barrier against insects.

SEC. 3. *Required shipment dates.* A rated order for insect wire screening must specify shipment on a particular date or in a particular month, which in no case may be earlier than required by the person placing the order. The producer of insect wire screening must schedule the order for shipment within the requested month as close to the requested shipment

date as is practicable considering the need for maximum production.

SEC. 4. *Rejection of rated orders.* Unless specifically directed to do so by the National Production Authority, a producer of insect wire screening need not accept a rated order:

(a) That is received less than 15 days prior to the first day of the month in which shipment is required.

(b) That is for shipment in any one month in excess of 10 percent of his scheduled production of insect wire screening in that month.

SEC. 5. *NPA assistance is placing rated orders.* Any person who is unable to place a rated order for insect wire screening due to the limitation imposed by section 4 of this order should apply to the National Production Authority, Ref.: M-42, specifying the producers who refused to accept the order. The National Production Authority will arrange to assist him in locating other sources of supply.

SEC. 6. *Adjustments or exceptions.* Any person affected by any provisions of this order may file with the National Production Authority a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of national defense or in the public interest. In considering requests for adjustment which claim that the public is prejudiced by the application of any provision of this order consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth the pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 7. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref.: M-42.

SEC. 8. *Records, audit, inspection, and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction whether the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of originals.

(b) All records required by this order shall be made available at the usual place of business where maintained, for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 9. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall become effective on March 2, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-2923; Filed, Mar. 1, 1951; 4:30 p. m.]

[NPA Order M-43]

M-43—CONSTRUCTION MACHINERY: DISTRIBUTION

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected, in advance of the issuance of this order, has been rendered impracticable by the fact that the order affects a substantial number of different trades and industries.

Sec.
1. What this order does.
2. Definitions.
3. Required delivery dates.
4. Rejection of rated orders.
5. Limitation for acceptance of rated orders.
6. Effect of this order on NPA Reg. 2.
7. NPA assistance in placing rated orders.
8. Scheduled programs.
9. Adjustments and exceptions.
10. Communications.
11. Records, audit, inspection, and reports.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to producers of construction machinery and equipment, as hereinafter defined, and provides rules for placing, accepting, and scheduling rated orders for such machinery and equipment. The purpose of this order is to provide for equitable distribution of such rated orders among producers, in order to reduce to a minimum the disruption of normal distribution. This order affects Reg. 2 of National Production Authority (hereinafter referred to as "NPA") as hereinafter set out.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Construction machinery" means any type of construction machinery and equipment as listed and described in List A hereto attached and made a part of this order, and includes parts of such machinery or equipment.

(c) "Producer" means a person engaged in the business of manufacturing construction machinery for sale as such.

SEC. 3. *Required delivery dates.* A rated order for construction machinery must specify delivery on a particular date or during a particular month, which in no case may be earlier than required by the person placing the order. The producer shall schedule the order for delivery within the requested month as close to the requested delivery date as is practicable considering the need for maximum production.

SEC. 4. *Rejection of rated orders.* A producer need not accept a rated order which he receives less than 45 days prior to the first day of the month in which delivery is requested unless specifically directed to accept the order by NPA.

SEC. 5. *Limitation for acceptance of rated orders.* Unless specifically directed by NPA, no producer shall be required to accept rated orders for delivery in any one month of any one model or any one type of construction machinery in excess of 50 percent of his average monthly shipments of such model or type during the 6-month period from January 1, 1950, through June 30, 1950.

SEC. 6. *Effect of this order on NPA Reg. 2.* To the extent that the provisions of this order, and particularly the provisions of sections 4 and 5 hereof, are in conflict with the provisions of NPA Reg. 2, the provisions of this order shall prevail. Otherwise, the provisions of said Reg. 2 shall continue to apply to the construction machinery industry.

SEC. 7. *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for construction machinery due to the limitation imposed by section 5 of this order should apply to NPA, Machinery Division, Ref.: M-43, specifying the producers who refused to accept the order. NPA will arrange to assist him in locating sources of supply.

SEC. 8. *Scheduled programs.* NPA may from time to time approve scheduled programs calling for the production and delivery of one or more types of construction machinery over specified periods of time. Upon approval of any such program, a supplement or supplements to this order will be issued, describing the program and specifying the manner in which it shall be carried out by persons affected thereby.

SEC. 9. *Adjustments and exceptions.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, and the nature of the relief sought and the justification therefor.

SEC. 10. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref.: M-43.

SEC. 11. *Records, audit, inspection, and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventores, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on March 2, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

LIST A

Bituminous Equipment:
- Asphalt plants.
- Bituminous mixing plants.
- Dryers.
- Patching plants.
- Pavers.
- Distributors.
- Spreaders and finishers.

Compressors:
- Portable air compressors.

Crushing Equipment:
- Crushers.
- Conveyors.
- Screens.

Concrete Equipment:
- Batching plants.
- Mixers.
- Truck mixers.
- Pavers.
- Spreading and finishing machines.

Cranes, Shovels and Excavators (Commercial sizes, from three-eighths cubic yard to two and one-half cubic yards):
- Large shovels.
- Dredges.
- Hoists and derricks.
- Buckets.
- Trenchers.

Drills:
- Air.
- Portable well.
- Earth-boring machines.
- Deep well drills.

Loaders:
- Bucket.
- Front end.

Motor Graders:
- Any and all.

Pumps:
- Pumps, contractors.

Rollers and Compactors:
- Any and all.

Scrapers:
- Scrapers, hauling

Tractors:
- All tractors for construction.

Tractor Allied Equipment:
- Dozers.
- Front end attachments.
- Power control units.
- Snow plows.

Trucks and Trailers:
- Trucks and trailers, off-highway hauling equipment.

[F. R. Doc. 51-2924; Filed, Mar. 1, 1951; 4:30 p. m.]

Chapter VIII—Defense Transport Administration

[General Order DTA 2]

DTA 2—PREFERENCE AND PRIORITY IN PORT TERMINAL STORAGE AND HANDLING OF BULK GRAIN FOR EXPORT

Pursuant to Title I of the Defense Production Act of 1950, Executive Orders 10161, 10200, and 10219, and Defense Production Administration Delegation No. 1; and it being deemed necessary in the public interest and to promote the national defense by reason of the short supply of port facilities for the storage and handling of bulk grain for export to regulate, allocate, and promote the preferential use of such facilities for the storage and handling of bulk grain for export to selected countries, and, in the formulation of this order, there having been consultation with industry representatives, including trade association representatives, and consideration having been given to their recommendations: *It is hereby ordered*, That:

Sec.
1. Port terminal storage and handling of bulk grain; permit required.
2. Issuance of permits, period effective.
3. Applications for permits.
4. Records, reports, and investigations.
5. Petition for relief from hardship.
6. Definitions.
7. Communications.
8. Violations.

AUTHORITY: Sections 1 to 8 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title I, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp., E. O. 10200, Jan. 3, 1951, 16 F. R. 61, E. O. 10219, Mar. 2, 1951, 16 F. R. 1983.

SECTION 1. *Port terminal storage and handling of bulk grain; permit required.* Notwithstanding any contract, or other commitment, express or implied, no person operating any port terminal warehouse shall store or handle in bulk at such warehouse any grain unless a grain port handling permit for such grain has been issued by the Defense Transport Administration authorizing such storage or handling, provided, that, no such permit shall be required for the storage or handling of grain covered by a transportation permit issued prior to the date of publication of this order in the FEDERAL REGISTER by Interstate Commerce Commission service agents pursuant to its Service Order No. 872, as amended (15 F. R. 9242; 16 F. R. 1549), or by the operator of a port terminal warehouse: *Provided*, that such grain is loaded for movement to the port terminal warehouse within seven days after such publication.

SEC. 2. *Issuance of permits, period effective.* (a) Grain port handling permits will be issued by the Defense Transport Administration upon recommendations of the United States Department of Agriculture based upon (1) the relative needs of the countries of destination for the grain, (2) the availability of grain for the proposed movement, (3) the availability of shipping space, (4) the availability of transportation facilities, and (5) the availability of port terminal warehouse space. Preferred consideration will be given to applications relating to firm contracts and commitments made prior to the date of this order to the extent possible consistent with the attainment of the objectives of this order so as to minimize the impact of this order on persons having such contracts and commitments.

(b) A grain port handling permit may be issued by the Defense Transport Administration upon the application of any port terminal warehouse operator authorizing him to store or handle, at any port terminal warehouse operated by him, to such extent and for such time as may be specified in the permit, grain which, at the time of its receipt at the warehouse, is intended for domestic sale

or use. Such permits will be issued upon recommendations of United States Department of Agriculture based upon (1) the need for use of the warehouse facilities for grain for export, (2) availability of other warehouse space, within the normal marketing area, for the grain proposed to be stored or handled under the permit sought, (3) the extent to which the port terminal warehouse normally has been used for storage or handling of grain for domestic sale or use, and (4) the period for which the permit is requested.

(c) Each permit shall be effective only for the period specified therein but may be extended for an additional period upon request of the holder and recommendation of the United States Department of Agriculture.

SEC. 3. *Applications for permits.* (a) Except as provided in paragraph (b) of this section, applications for grain port handling permits shall be made to the Director, Transportation and Warehousing Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., by the person proposing to export grain and shall contain the following information to the extent it is available to the applicant:

(1) Applicant's name and address;

(2) Location and name of each port terminal warehouse with respect to which the permit is sought;

(3) Quantity, kind, and class of grain for which permit is sought;

(4) Point or points of origin of the grain with respect to which the permit is sought;

(5) The country of ultimate destination of the grain with respect to which the permit is sought;

(6) Name of vessel and expected date of readiness to load such grain thereon;

(7) Name of vessel's agent and exporter's forwarder unless such forwarder's name is already on file with the Director, Transportation and Warehousing Branch;

(8) Any other pertinent supplemental information requested by the Director, Transportation and Warehousing Branch.

(b) Applications for grain port handling permits for the storage and handling of grain intended for domestic sale or use shall be made to the Director, Transportation and Warehousing Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., by the operator of any port terminal warehouse and shall contain the following information:

(1) Applicant's name and address;

(2) Location and name of the port terminal warehouse with respect to which the permit is sought;

(3) Quantity, kind, and class of grain for which permit is sought;

(4) Point or points or areas of origin of the grain with respect to which the permit is sought;

(5) The extent to which the port terminal warehouse for which permit is sought normally has been used for storage and handling of grain for domestic sale or use;

(6) The period of time during which applicant desires to store and handle grain under the permit;

(7) Any other pertinent supplemental information requested by the Director, Transportation and Warehousing Branch.

(c) Applications for extensions of the expiration dates of permits shall also be made to the Director, Transportation and Warehousing Branch, and shall contain a full statement of the reasons necessitating such extensions.

SEC. 4. *Records, reports and investigations.* (a) Every person subject to this order shall prepare and preserve for not less than two years accurate records showing information of the type indicated in paragraphs (a) and (b) of section 3 hereof with respect to each lot of grain accepted for storage or handling in bulk at each port terminal warehouse operated by him and shall prepare and maintain such other records, and make such reports, as the Defense Transport Administration may prescribe.

(b) The Defense Transport Administration may obtain by investigation and interviews such information from, and make such inspection of the books, records and other writings, premises or property, and take the sworn testimony, of any person as may be necessary or appropriate, in the discretion of the Administrator, to the enforcement or administration of this order and the provisions of the Defense Production Act of 1950 pertinent thereto.

SEC. 5. *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Director, Transportation and Warehousing Branch. Petitions shall be in writing and set forth all pertinent facts, the nature of relief sought, and justification therefor. As soon as possible after receipt of such petition the United States Department of Agriculture shall furnish the Administrator with its recommendation concerning the petition. After consideration of such recommendation, the Administrator shall take such action with reference to the petition as he deems appropriate to carry out the purposes and provisions of this order.

SEC. 6. *Definitions.* As used in this order or in any permit issued hereunder, the term:

(a) "Person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department, agency, or corporation of the United States, any State, or any political, governmental, or legal entity;

(b) "Grain" includes all grain for which standards are authorized to be established under the U. S. Grain Standards Act, as amended (7 U. S. C. 71–87), and rough rice;

(c) "Port terminal warehouse" means any warehouse, elevator, or loading facility in a port area that stores or handles bulk grain for export to a point outside the continental United States and is equipped to discharge grain to ship or lighter;

(d) "Port area" means any port or place shown in Appendix A, attached hereto and by this reference made a part hereof, and includes both the switching and lighterage limits of each such port or place;

(e) "Administrator" means the Administrator of the Defense Transport Administration or any person designated by him to administer the provisions of this order;

(f) "Director, Transportation and Warehousing Branch" means the Director, Transportation and Warehousing Branch, Production and Marketing Administration, United States Department of Agriculture.

SEC. 7. *Communications.* Except as otherwise provided herein, communications concerning this order shall refer to "General Order DTA 2" and shall be addressed to Director, Transportation and Warehousing Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

SEC. 8. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of the Defense Transport Administration, or wilfully conceals any material fact, or furnishes false information, in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any person to suspend or revoke any permit issued to him hereunder.

NOTE: The record-keeping and reporting requirements of this order have been approved and subsequent record-keeping and reporting requirements are subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This General Order DTA 2 shall become effective upon publication in the FEDERAL REGISTER and shall remain in effect until otherwise ordered.

Issued at Washington, D. C., this 1st day of March, 1951.

JAMES K. KNUDSON,
Administrator,
Defense Transport Administration.

APPENDIX A

Alabama. Mobile (including Theodore).

California. Los Angeles and Los Angeles Port Area (including the City of Los Angeles Harbor, and Long Beach, and points located between the City of Los Angeles and Los Angeles Harbor or Long Beach on the direct line of any rail carrier), Eureka, Hueneme, San Diego, San Francisco and San Francisco Bay Area (including Alameda, Benicia, Berkeley, Mare Island, Oakland, Port Chicago, Redwood City, Richmond, and Stockton.

Connecticut. Bridgeport, New Haven, and New London.

Delaware. Wilmington.

Florida. Boca Grande, Fernandina, Jacksonville, Miami, Palm Beach, Panama City, Pensacola, Port Everglades, Port Tampa, and Tampa.

Georgia. Savannah.

Louisiana. Belle Chasse, Braithwaite, Lake Charles, New Orleans, and Baton Rouge.

Maine. Portland and Searsport.

Maryland. Baltimore.

Massachusetts. Boston.

Mississippi. Gulfport.

New Jersey. Camden, and New York Harbor.

New York. New York Harbor, Albany, and Poughkeepsie.

North Carolina. Wilmington.

Oregon. Astoria, Lacoda, Linnton, Portland, and Prescott.

Pennsylvania. Philadelphia (including Artificial Island and Hog Island).

Rhode Island. Davisville-Quonset Point, Portsmouth, and Providence.

South Carolina. Charleston.

Texas. Beaumont, Corpus Christi, Galveston, Houston, Port Arthur, and Texas City.

Virginia. Hampton Roads (including Norfolk, Newport News, Oyster Point, and Portsmouth).

Washington. Aberdeen, Anacortes, Bellingham, Everett, Kalama, Longview, Olympia, Seattle, Tacoma, Tulalip, and Vancouver.

[F. R. Doc. 51-2908; Filed, Mar. 1, 1951; 3:31 p. m.]

Chapter XV—Federal Reserve System

[Regulation W, Interpretation 31]

REG. W—CONSUMER CREDIT

INT. 31—AUTOMOBILE APPRAISAL GUIDES

Automobile appraisal guides. In order to facilitate the operations of automobile dealers who must comply with General Ceiling Price Regulation, Supplementary Regulation 5 (GCPR, SR 5), under Chapter III of this title, setting retail prices for new and used automobiles, and with Regulation W, the Board has made the following designation of issues of appraisal guides for the purposes of Part 4 of the Supplement to Regulation W:

During any period in which any regulation prescribing any price ceiling on automobiles under the Defense Production Act of 1950 is based on a price listed in an issue of an appraisal guide specified in such regulation, such specified issue is hereby designated for the purposes of Part 4 of the Supplement to Regulation W in the areas for which the particular issue of the appraisal guide is to be used under the price regulation.

This designation is in addition to previous designations by the Board for the purposes of Part 4 of the Supplement to Regulation W, and is subject to all the conditions that apply to such previous designations. Among other conditions, "the average retail value" to be used for purposes of Regulation W shall not include any added value for a radio or heater.

In the event a publisher of an appraisal guide reprints an issue of an appraisal guide that is covered by the above designation and such reprint is issued after the period for which the original Regulation W designation was effective, the substance of the above designation for the purposes of Regulation W shall be prominently stated in the reprinted issue.

(Sec. 5, 40 Stat. 415, as amended, sec. 701, Pub. Law 774, 81st Cong.; 50 U. S. C. App. 5, E. O. 8843, Aug. 9, 1941, 6 F. R. 4035; 3 CFR, 1941 Supp.)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-2837; Filed, Mar. 2, 1951; 8:45 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 71—FOREIGN QUARANTINE

DOCUMENTS FOR ENTRY; CREW MANIFESTS

CROSS REFERENCE: For amendments to § 71.508 *Documents for entry*, in Title 42, see F. R. Doc. 51-2831, Title 8, Chapter 1, Part 116, *supra*.

PART 72—INTERSTATE QUARANTINE

MISCELLANEOUS AMENDMENTS

Further implementing the provisions of section 361 of the Public Health Service Act, 58 Stat. 703; 42 U. S. C. 264, this part is amended as indicated below for the purpose of preventing the spread of communicable diseases from one State or possession to another insofar as the danger of such spread arises from sanitary conditions on conveyances and in servicing areas and from the food (including milk) and water handled, served, or provided therein. Notice of proposed rule making in connection with the amendments herein set forth was published in the FEDERAL REGISTER on January 10, 1951 (16 F. R. 258).

1. Section 72.101 is revised to read as follows:

§ 72.101 *Water for drinking and culinary purposes; general requirement.* Only potable water shall be provided for drinking and culinary purposes by any operator of a conveyance engaged in interstate traffic, except as provided in § 72.115 (b). Such water shall either have been obtained from watering points approved by the Surgeon General, or, if treated aboard a conveyance, shall have been subjected to treatment approved by the Surgeon General.

2. Paragraph (a) of § 72.103 is revised to read as follows:

§ 72.103 *Approval of treatment aboard conveyances.* (a) The treatment of water aboard conveyances shall be approved by the Surgeon General if the apparatus used is of such design and is so operated as to be capable of producing and in fact does produce, potable water.

3. Paragraph (c) of § 72.113 is revised to read as follows:

§ 72.113 *Potable water systems.* • • •

(c) Each potable water tank shall be provided with a means of drainage and, if it is equipped with a manhole, overflow, vent, or a device for measuring depth of water, provision shall be made to prevent entrance into the tank of any contaminating substance. No deck or sanitary drain or pipe carrying any nonpotable water or liquid shall be permitted to pass through the tank.

4. Paragraph (a) of § 72.117 is revised to read as follows:

§ 72.117 *Drinking fountains and coolers; ice; constant temperature bottles* (a) Drinking fountains and coolers shall be constructed of impervious, nonoxidizing material, and shall be so designed and constructed as to be easily cleaned. The jet of a drinking fountain shall be slanting and the orifice of the jet shall be protected by a guard in such a manner as to prevent contamination thereof by droppings from the mouth. The orifice of such a jet shall be located a sufficient distance above the rim of the basin to prevent backflow.

5. Section 72.135 is revised to read as follows:

§ 72.135 *Drainage.* All platforms and other places at which water or food supplies are loaded onto or removed from conveyances shall be adequately drained so as to prevent pooling.

6. Section 72.137 is revised to read as follows:

§ 72.137 *Water equipment; outlets for nonpotable water.* Outlets for nonpotable water shall be provided with fittings different from those provided for outlets for potable water and each nonpotable water outlet shall be posted with permanent signs warning that the water is unfit for drinking.

7. Section 72.138 is deleted.

8. Section 72.140 (c) is revised to read as follows:

§ 72.140 *Employee conveniences.* • • •

(c) Drinking fountains and coolers shall be constructed of impervious, nonoxidizing material, and shall be so designed and constructed as to be easily cleaned. The jet of a drinking fountain shall be slanting and the orifice of the jet shall be protected by a guard in such a manner as to prevent contamination thereof by droppings from the mouth. The orifice of such a jet shall be located a sufficient distance above the rim of the basin to prevent backflow.

9. Section 72.141 is revised to read as follows:

§ 72.141 *Disposal of human wastes.* (a) At servicing areas and at stations where land and air conveyances are occupied by passengers the operations shall be so conducted as to avoid contamination of such areas and stations by human wastes.

(b) Toilet wastes shall be disposed of through sanitary sewers or by other methods assuring sanitary disposal of such wastes. All soil cans and removable containers shall be thoroughly cleaned before being returned to use. Equipment for cleaning such containers and for flushing nonremovable containers and waste carts shall be so designed as to prevent backflow into the water line, and such equipment shall be used for no purpose connected with the handling of food, water or ice.

(c) All persons who have handled soil cans or other containers which have come in contact with human wastes shall be required to wash their hands thoroughly with soap and warm water and to remove any garments which have become soiled with such wastes before engaging in any work connected with the loading, unloading, transporting or other handling of food, water or ice.

10. Section 72.147 is revised to read as follows:

§ 72.147 *Submittal of construction plans.* Plans for the construction or major reconstruction of sanitary equipment or facilities for such conveyances shall be submitted to the Surgeon General for review of the conformity of such plans with the requirements of this subpart, except that submittal of plans shall not be required for any conveyance under reconstruction if the owner or operator thereof has made arrangements satisfactory to the Surgeon General for inspections of such conveyances while under reconstruction for the purpose of determining conformity with those requirements.

11. Paragraph (a) of § 72.148 is revised to read as follows:

§ 72.148 *Water systems; constant temperature bottles.* (a) The water system, whether of the pressure or gravity type, shall be complete and closed from the filling ends to the discharge taps, except for protected vent openings. The water system shall be protected against backflow.

12. Paragraph (a) of § 72.150 is revised to read as follows:

§ 72.150 *Toilet and lavatory facilities.* (a) Where toilet and lavatory facilities are provided on conveyances they shall be so designed as to permit ready cleaning. On conveyances not equipped with retention facilities, toilet hoppers shall be of such design and so located as to prevent spattering of water filling pipes or hydrants.

13. Paragraph (c) of § 72.151 is revised to read as follows:

§ 72.151 *Railway conveyances; food-handling facilities.* • • •

(c) Lavatory facilities for the use of the dining car crew shall be provided on each dining car. Such facilities shall be conveniently located and used for hand and face washing only: *Provided, however,* That where the kitchen and pantry on a dining car hereafter constructed or reconstructed are so partitioned or separated as to impede free passage between them, lavatory facilities shall be provided in both the kitchen and the pantry.

14. Section 72.154 is revised to read as follows:

§ 72.154 *Railroad conveyances; discharge of wastes.* (a) There shall be no discharge of excrement, garbage, waste water or other polluting material from any land conveyance while such conveyance is passing over areas designated by the Surgeon General.

(b) Toilets shall be kept locked when conveyances, occupied or open to occupancy by travelers, are at a station or servicing area unless means are provided to prevent contamination of the area or station.

15. Section 72.155 is revised to read as follows:

§ 72.155 *Air conveyances; discharge of wastes.* There shall be no discharge of excrement or garbage from any air conveyance except at servicing areas approved by the Surgeon General.

16. A new § 72.156 and containing the following provisions is added:

§ 72.156 *Highway conveyances; discharge of wastes.* There shall be no discharge of excrement, garbage or waste water from a highway conveyance except at servicing areas approved by the Surgeon General.

17. Paragraph (a) of § 72.164 is revised to read as follows:

§ 72.164 *Source of food and drink; identification and inspection.* (a) Operators of conveyances shall identify, when requested by the Surgeon General, the vendors, distributors or dealers from whom they have acquired or are acquiring their food supply, including milk, fluid milk products, ice cream and other frozen desserts, butter, cheese, bottled water, sandwiches and box lunches.

18. Section 72.165 is revised to read as follows:

§ 72.165 *Special food requirements.* Milk, fluid milk products, ice cream and other frozen desserts, butter, cheese, and shellfish served or sold on conveyances shall conform to the following requirements:

(a) Milk and fluid milk products, including cream, buttermilk, skim milk, milk beverages, and reconstituted milk, shall be pasteurized and obtained from a source of supply approved by the Surgeon General. The Surgeon General shall approve any source of supply at or from which milk or fluid milk products are produced, processed, and distributed so as to prevent the introduction, transmission, or spread of communicable diseases. If a source of supply of milk or fluid milk products has not been approved, the Surgeon General may permit its temporary use under such conditions as, in his judgment, are necessary to prevent the introduction, transmission, or spread of communicable diseases. Containers of milk and fluid milk products shall be plainly labeled to show the contents, the word "pasteurized", and the identity of the plant at which the contents were packaged by name and address, provided that a code may be used in lieu of address.

(b) Ice cream, other frozen desserts, and butter shall be manufactured from milk or milk products that have been pasteurized or subjected to equivalent heat treatment.

(c) Cheese shall be (1) pasteurized or subjected to equivalent heat treatment, (2) made from pasteurized milk products or from milk products which have been subjected to equivalent heat treatment, or (3) cured for not less than 60 days at a temperature not less than 35° F.

(d) Milk, buttermilk, and milk beverages shall be served in or from the original individual containers in which received from the distributor, or from a bulk container equipped with a dispensing device so designed, constructed, installed, and maintained as to prevent the transmission of communicable diseases.

(e) Shellfish purchased for consumption on any conveyance shall originate from a dealer currently listed by the Public Health Service as holding an unexpired and unrevoked certificate issued by a State authority.

(f) Shucked shellfish shall be purchased in the containers in which they are placed at the shucking plant and shall be kept therein until used. The State abbreviation and the certificate number of the packers shall be permanently recorded on the container.

19. Section 72.167 is revised to read as follows:

§ 72.167 *Ice; source and handling.* Ice coming in contact with food or drink and not manufactured on the conveyance shall be obtained from sources approved by competent health authorities. All ice coming in contact with food or drink shall be stored and handled in such manner as to avoid contamination.

20. Section 72.172 is revised to read as follows:

§ 72.172 *Toilet and lavatory facilities for use of food-handling employees.* (a) Toilet and lavatory facilities of suitable design and construction shall be provided for use of food-handling employees. (Regarding railway dining car crew lavatory facilities, see § 72.151.)

(b) Signs directing food-handling employees to wash their hands after each use of toilet facilities shall be posted so as to be readily observable by such employees. Hand washing facilities shall include soap, sanitary towels and hot and cold running water or warm running water in lieu of hot and cold running water.

(c) All toilet rooms shall be maintained in a clean condition.

Effective date. The foregoing amendments shall be effective 30 days after the date of their publication in the FEDERAL REGISTER.

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interpret or apply sec. 361, 58 Stat. 703; 42 U. S. C. 264)

Dated: February 23, 1951.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: FEBRUARY 27, 1951.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 51-2848; Filed, Mar. 2, 1951; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

MISCELLANEOUS AMENDMENTS

In the matter of amendment of §§ 1.318, 1.319, 1.320 and the "Table showing forms currently in effect and where they are referred to in Part 1 of the rules and regulations."

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of February 1951;

The Commission having under consideration the new rule Part 20, "Rules Governing the Disaster Communications Service", adopted pursuant to formal rule-making proceedings in Docket No. 9749, which provides for use of a special application form (F. C. C. Form No. 525) in applying for authorizations in the Disaster Communications Service;

It appearing, that in order to conform Part 1, "Rules Relating to Practice and Procedure" with the provisions of the aforesaid Part 20 it is necessary to amend §§ 1.318, 1.319, and 1.320 and the "Table showing forms currently in effect and where they are referred to in Part 1 of the rules and regulations" by inserting specific references to the new Form No. 525;

It further appearing, that, since the amendments herein ordered have already been the subject of formal rule-making procedures in the afore-mentioned Docket No. 9749, and such amendments are merely editorial changes in Part 1, to reflect use of the form provided for in that proceeding, further notice and procedure provided for in section 4 of the Administrative Procedure Act is not required;

It further appearing, that authority for the amendments herein ordered is contained in sections 4 (i) and 303 (r) of the Communications Act as amended;

It is ordered, that effective March 21, 1951, §§ 1.318, 1.319, and 1.320 and the "Table showing forms currently in effect and where they are referred to in Part 1 of the rules and regulations" be and they hereby are amended as follows:

1. Section 1.318 (b) is amended to add a new subparagraph (12) to read as follows:

(12) FCC Form 525, "Application for Disaster Communications Radio Station Construction Permit and License."

2. Section 1.319 (b) is amended to add a new subparagraph (10) to read as follows:

(10) FCC Form 525, "Application for Disaster Communications Radio Station Construction Permit and License."

3. Section 1.320 (c) is amended to add a new subparagraph (11) to read as follows:

(11) FCC Form 525, "Application for Disaster Communications Radio Station Construction Permit and License."

4. The "Table showing forms currently in effect and where they are referred to in Part 1 of the Rules and Regulations" is amended by inserting the following immediately after "505."

525	1.318 (b) (12) 1.319 (b) (10) 1.320 (c) (11)

(Sec. 4, 48 Stat. 1066; 47 U. S. C. 154)

Released: February 26, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2856; Filed, Mar. 2, 1951; 8:47 a. m.]

PART 1—PRACTICE AND PROCEDURE

REPORT OF INTERNATIONAL TELEGRAPH TRAFFIC

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of February 1951;

The Commission, having under consideration the provisions of its Order No. 85, adopted August 18, 1941, and revised by the Commission on February 16, 1944, relating to Report of International Telegraph Traffic (see §§ 1.347 and 1.557 (a) of the Commission's rules and regulations), wherein it is required that each common carrier subject to the Communications Act engaged in international telegraph communication shall file with the Commission semiannual reports containing data with respect to traffic handled during the periods January 1 through June 30 and July 1 through December 31 of each year;

It appearing, that a revision of this order whereby the second of the two semiannual reports would contain data for the entire year, instead of for the period July 1 through December 31, would better serve the Commission's purpose and be more conducive to an efficient conduct of its duties;

It further appearing, that the proposed revision relates to information which common carriers engaged in international telegraph communications are required to maintain and file with the Commission; that every carrier affected by the proposed revision has been given actual notice thereof and an opportunity to comment thereon; that no carrier has raised any objection with respect thereto; and that, therefore, general notice of rule making in accordance with section 4 (a) of the Administrative Procedures Act is unnecessary;

It further appearing, that the next report required by Order No. 85 which is to be filed on or before May 1, 1951, will be in preparation in the immediate future; and that it would be of assistance to the Commission to have such report contain data for the entire calendar year of 1950:

It is ordered, That, effective immediately, the fourth decretal paragraph of Order No. 85 is changed to read as follows:

It is further ordered, That until further order of the Commission the information required in the above ordering paragraphs shall be filed with the Commission twice each year on forms furnished by the Commission and in accordance with the instructions set forth therein as follows:

(a) The response for the period January to June inclusive of each year shall be filed on or before November 1 of the same year; and

(b) The response for the period January to December inclusive of each year shall be filed on or before May 1 of the following year.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 219, 48 Stat. 1077; 47 U. S. C. 219)

Released: February 26, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2855; Filed, Mar. 2, 1951; 8:47 a. m.]

PART 9—AERONAUTICAL SERVICES

FREQUENCIES AVAILABLE

At the session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of February 1951;

The Commission having under consideration the matter of amending § 9.912 of its rules governing aeronautical services in order to make available the frequency 4585 kc., 0.1A1 and 6A3 emission for assignment to land and mobile stations of the Civil Air Patrol; and

It appearing, that the Commission has been requested to authorize the aforesaid frequency to such stations; and

It further appearing, that the frequency 4585 kc., is a government frequency and that the interested government agencies have no objection to its utilization by the Civil Air Patrol; and

It further appearing, that because of the nature of this amendment, a notice of proposed rule making and public procedure thereon are both unnecessary and impracticable, and this amendment may be made effective immediately since it relieves a restriction existing under the present provisions by making a new frequency available for assignment; and

It further appearing, that the public interest will be served by this amendment and that the authority therefor is contained in sections 4 (i), 303 (c) and (r) of the Communications Act of 1934, as amended:

It is ordered, That effective immediately, § 9.912 of the Commission's rules governing aeronautical services is amended to read as follows:

§ 9.912 *Frequencies available.* The frequencies 2374 kc., A1, A2, A3 emission, 4585 kc., A1, A3 emission and 148.14 Mc., A2, A3 emission, have been made available by the military for assignment by

the Commission to land and mobile stations of the Civil Air Patrol.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies 303, 48 Stat. 1082; 47 U. S. C. 303)

Released: February 26, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2857; Filed, Mar. 2, 1951; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 865, Amdt. 6]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of February A. D. 1951.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 7800, 16 F. R. 320, 819, 1131), and good cause appearing therefor:

It is ordered, that: Section 95.865, Amendment No. 4 of Service Order No. 865, *Demurrage on freight cars* be, and it is hereby vacated.

It is further ordered, that this amendment shall become effective at 7:00 a. m., March 1, 1951, and a copy be served upon the State railroad regulatory body of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2858; Filed, Mar. 2, 1951; 8:47 a. m.]

[S. O. 869, Amdt. 2]

PART 95—CAR SERVICE

USE OF REFRIGERATOR CARS FOR CERTAIN COMMODITIES PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of February A. D. 1951.

Upon further consideration of Service Order No. 869 (15 F. R. 8824, 9109), and good cause appearing therefor:

It is ordered, that: Section 95.869 *Use of refrigerator cars for certain commodities prohibited*, of Service Order No. 869 be, and it is hereby amended by substituting the following paragraph (a) (1) hereof for paragraph (a) (1) thereof:

(1) Commodities loaded in refrigerator cars under tariff provisions authorizing the substitution of refrigerator cars for box cars on the basis of two or three refrigerator cars for each box car ordered.

It is further ordered, that this amendment shall become effective at 12:01 a. m., March 1st, 1951, and that a copy of this order and direction shall be served upon the State railroad regulatory body of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2859; Filed, Mar. 2, 1951; 8:47 a. m.]

[S. O. 874]

PART 95—CAR SERVICE

REQUIREMENTS FOR LOADING OF GRAIN, GRAIN PRODUCTS AND BY-PRODUCTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of February A. D. 1951.

Upon representations of the Defense Transport Administration that there is urgent need in the interest of National Defense for more efficient utilization of freight cars in the transportation of grain products and by-products.

It appearing, that there is a shortage of freight cars suitable for the transportation of grain products and by-products; that by reason thereof it is necessary to regulate and control the use of such cars to assure the maximum utilization; in the opinion of the Commission an emergency exists in all sections of the country requiring immediate action to promote car service in the interest of the public and the commerce of the people. It is ordered, that:

§ 95.874 *Requirements for loading of grain, grain products and byproducts.* (a) Except as hereinafter provided, no carrier shall accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, or transport within any terminal area except to complete loading, any carload grain products or byproducts in a freight car, unless such car when forwarded from point of origin or so transported within any terminal area, is loaded in accordance with one of the following requirements.

(1) The quantity shall equal or exceed in weight the marked capacity in pounds as stenciled on such car, or as shown under the caption "Capacity" (not "Load Limit") in the Official Railroad Equipment Register, Agent M. A. Zenobia's ICC R. E. R. No. 298, supplements thereto or reissues thereof; or

(2) Grain products or by-products in bulk shall be loaded to an elevation not lower than 24 inches from the ceiling of the car at its side walls, or if the interior walls of such car are partially sheathed or lined, to the utmost elevation without over-running the sheathing or lining; or

(3) Grain products or by-products in packages, in straight or mixed carloads, shall be loaded to a weight of not less than 60,000 pounds; or

(4) Cars loaded with grain products or by-products in packages, in mixed carloads with grain in packages, shall be loaded to a weight not less than 60,000 pounds; or

(5) When such car is loaded to full visible capacity.

(b) *Exemptions.* The provisions of this section shall not apply to grain products or by-products moving under and in accordance with "clean-out" or "remnant" rules published in applicable freight tariffs lawfully on file with this Commission or state railroad regulatory bodies.

(c) *Definition.* As used in this section the term:

(1) Carrier means any common carrier by railroad subject to the Interstate Commerce Act.

(2) Grain products or by-products means any commodities listed in tariffs on which grain products or by-products rates are applicable.

(3) Grain means any commodity listed in tariffs on which grain rates are applicable.

(d) *Special and general permits; appointment of agent.* (1) Paragraph (a) of this section shall be subject to any special or general permits issued by the Permit Agent named below, on application of the shipper (or the carrier when carrier loads the car).

(2) Howard S. Kline, Chief, Car Utilization Section, Bureau of Service, Interstate Commerce Commission, Room 5135, I. C. C. Building, Washington, D. C., is hereby designated and appointed as Permit Agent of the Interstate Commerce Commission with authority to issue special or general permits to meet exceptional circumstances or withhold the issuance of permits under subparagraph (1) of this paragraph, subject to the direction and supervision of the Director of the Bureau of Service.

(e) *Application.* (1) The provisions of this section shall apply to intrastate, interstate and foreign commerce, including commerce with insular possessions and the territories of Alaska and Hawaii.

(2) The provisions of this section shall apply to all shipments from points of origin as well as transit points on and after the effective date of this section.

(f) *Regulations suspended; announcement required.* The operation of all rules and regulations and practices, insofar as they conflict with the provisions of this section, is hereby suspended and each railroad subject to this section, or its Agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

(g) *Effective date.* This section shall become effective at 12:01 a. m., March 15, 1951.

(h) *Expiration date.* This section shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction be served upon the State railroad regulatory bodies of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads, subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2860; Filed, Mar. 2, 1951; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 946]

[Docket No. AO-123 A-11]

HANDLING OF MILK IN LOUISVILLE, KENTUCKY, MILK MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Seelbach Hotel, Louisville, Kentucky, beginning at 9:30 a. m., c. s. t., March 9, 1951, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the handling of milk in the Louisville, Kentucky, marketing area and to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area (7 CFR 946 et seq.). These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the Order (No. 46), as amended, for the Louisville, Kentucky, milk marketing area were proposed, as enumerated below. These proposals raise the issue as to whether the provisions of the present order tend to effectuate the declared policy of the act in light of present economic conditions affecting the marketing of milk in the Louisville, Kentucky, marketing area, and, if not, what modifications of the classification, pricing and payment provisions of the order, as amended, are appropriate to effectuate the declared policy of the act.

By the Falls Cities Cooperative Milk Producers' Association, Inc.:

1. Amend § 946.3 by amending any or all of the paragraphs and subparagraphs (including the deletion of any part thereof) so as to provide for the classification or reclassification or the combination of classifications in a manner which will result in a more equitable and proper application of prices to the utilization of the receipts of milk from producers.

2. Amend § 946.4 by amending any or all paragraphs and subparagraphs (including the deletion of any part thereof) in a manner which will provide for the fixing, or provide a method for fixing, minimum prices which all handlers shall pay for each use classification, on an equitable and proper basis, and at a level which will insure a sufficient quantity of milk to meet the demands of the market and will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act, as amended.

3. Review the applicable provision of the order dealing with the determination of uniform prices to producers and payments to producers for milk and particularly with respect to the fall production premium plan.

4. To make such other changes, amendments or deletions as may be required to make the entire marketing agreement and order conform with any provisions of amendments that may result from the hearing.

Copies of this notice of hearing and of the order, as amended, now in effect, may be procured from the Market Administrator, 1235 Starks Building, Louisville 2, Kentucky, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated February 28, 1951, at Washington, D. C.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 51-2877; Filed, Mar. 2, 1951; 8:50 a. m.]

[7 CFR, Part 977]

[Docket No. AO-183 A-2]

HANDLING OF MILK IN PADUCAH, KENTUCKY, MILK MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the McCracken County Courthouse, Paducah, Kentucky, beginning at 10:00 a. m., c. s. t., March 12, 1951, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Paducah, Kentucky, milk marketing area (7 CFR 977.0 et seq.). These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the Order (No. 77), as amended, for the Paducah, Kentucky, milk marketing area were proposed, as follows:

By the Paducah Graded Milk Producers Association:

1. Amend § 977.1 by deleting paragraph (f) and substitute the following:

(f) "Pool plant" means: (1) Any milk plant approved by the Graves County Health Department or Paducah-McCracken County Health Department, and from which milk or cream in bottled form is disposed of in the marketing area; or (2) a milk plant approved to furnish (other than under an emergency permit) milk, skim milk or cream to a plant described in subparagraph (1) of this paragraph for disposition as bottled Grade "A" milk or cream in the marketing area, and (3) a milk plant which receives milk from producers.

2. Amend § 977.1 by deleting paragraph (h) and substituting therefor the following:

(h) "Producer" means any person, irrespective of whether such person is a handler, who produces milk under the direct inspection of the Graves County Health Department or the Paducah-McCracken County Health Department, and which is permitted to be sold as Grade "A" bottled milk in the marketing area, and which is:

(1) Received at a pool plant; or

(2) Diverted by a handler from a pool plant to a non-pool plant: *Provided*, That any such milk so diverted shall be deemed to have been received by the

handler for whose account it was diverted.

3. Delete § 977.1 (i) and substitute therefor:

(i) "Handler" means: (1) A person who on his own behalf or on behalf of others operates a pool plant; and (2) any cooperative association of producers, as defined in § 977.10 (b) with respect to milk of producers diverted for the account of such association to any milk distributing or manufacturing plant; (3) any person other than a producer-handler in his capacity as operator of a non-pool plant which is used in the processing and packaging of milk, any portion of which is disposed of from such plant on wholesale or retail routes (including plant stores or through vendors) within the delivery period as Class I milk in the marketing area.

4. Delete § 977.1 (k) (2) and substitute therefor the following:

(2) That received from another pool plant, other than a producer-handler; and

5. Amend § 977.5 by deleting paragraph (a) (1) and substitute therefor the following:

(1) *Class I milk.* The price of Class I milk shall be the basic formula price plus the following amounts per hundredweight: $1.80 for the delivery periods of September, October, November, December, January, February and March; and $0.80 for delivery periods of April, May, June, July and August.

6. Amend § 977.6 by adding a new paragraph to read as follows:

(c) In the event any handler receives other source milk which is allocated to Class I milk pursuant to § 977.4 (e) such handler shall pay producers through the producer-settlement fund, an amount computed by multiplying the quantity of such other source milk allocated to Class I milk by the difference between the Class I and Class II price adjusted by the butterfat differential to handlers.

7. Amend § 977.6 by adding a new paragraph to read as follows:

(d) Handlers of non-pool plants shall make reports to the market administrator, with respect to his total receipts and utilization of skim milk and butterfat, at such time and in such manner as the market administrator may request. Pay to the market administrator, on or before the 13th day after the end of each delivery period, for deposit in the producer-settlement fund an amount of money computed by multiplying the quantity of Class I milk disposed of in the marketing area during the delivery period by the difference between the price of Class II milk and the price of Class I milk, adjusted by the butterfat differential to handlers. Pay to the market administrator, on or before the 15th day after the end of the delivery period, for the expense of administration hereof, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all receipts of milk, from dairy farmers, used to produce products disposed of in the marketing area during the delivery period.

By the Midwest Dairy Products Company:

8. Amend § 977.5 (a) (2), *Class 2 Milk*, by adding the following sentence to the last paragraph thereof: "Less, however, thirty-five (35) cents per hundredweight for the months of April, May, June, July, August and September."

By the Miller Dairy Products Company:

9. Amend § 977.8 (a) by deleting subparagraph (1) which requires a partial payment to be made to producers on or before the last day of the month.

By Dairy Branch, Production and Marketing Administration:

10. Amend § 977.6 by adding a new paragraph to read as follows:

Handlers subject to provisions of other orders. If any handler of milk subject to the provisions of this order is also subject to any of the provisions of any other milk marketing agreement or order issued pursuant to the act in such a way as to result in an apparent conflict or duplication of obligations the Secretary may, upon request in writing by the affected handler or upon his own initiative, determine and notify the handler and the respective market administrators as to the manner and extent to which provisions of each such order apply to the handler and to such handling. The determination shall be subject to review and to modification at any time. Such request if filed by the handler, shall state specifically what the conflict is, the order provisions involved and shall include a recommended determination, the reasons therefor and all relevant facts in support thereof. In making such determination the Secretary will seek to preserve the intent of each of the respective orders, maintain stability in each market within the framework of each order and will provide for the application of the respective order provisions in such a way as to avoid a duplication of obligations, insofar as possible, consistent with such standards.

11. Renumber the sections, paragraphs, subparagraphs, and subdivisions of the order in accordance with the revised FEDERAL REGISTER procedure.

12. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order, as amended, now in effect, may be procured from the Market Administrator, 4030 Chouteau Avenue, St. Louis 10, Missouri, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: February 28, 1951, at Washington, D. C.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 51-2878; Filed, Mar. 2, 1951, 8:50 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Artcraft Uniform Co., 938-940 Pennsylvania Avenue, Pittsburgh, Pa., effective 2-15-51 to 2-14-52; five learners normal labor turnover (uniforms).

Barton Manufacturing Corp., Corner Shepp and Brandon Streets, Shepptom, Pa., effective 2-14-51 to 2-13-52; 10 percent normal labor turnover (blouses).

Brown Manufacturing Co., 217 Jackson Street, Waco, Tex., effective 2-19-51 to 2-18-52; 10 learners normal labor turnover (cotton khaki Army trousers).

The Clifton Shirt Co., Loveland, Ohio, effective 2-16-51 to 2-15-52; five learners normal labor turnover (men's uniform shirts).

Dallastown Apparel Co., Inc., 223 West Walnut Street, Hazleton, Pa., effective 2-20-51 to 2-19-52; 10 percent normal labor turnover (ladies' dresses and blouses).

DeHaven Shirt Co., 145 Brewery Street, New Haven, Conn., effective 2-16-51 to 2-15-52; five learners normal labor turnover (men's shirts).

Denton Garment Co., Denton, Md., effective 2-15-51 to 2-14-52; five learners normal labor turnover (women's sportswear).

Diane Co., Inc., 212 South Market Street, Chicago, Ill., effective 2-15-51 to 2-14-52; 10 percent normal labor turnover (women's sportswear and loungewear).

Eastern Sportswear, Inc., 676 North Washington Street, Wilkes-Barre, Pa., effective 2-16-51 to 2-15-52; five learners normal labor turnover (women's dresses).

Fiesta Sportswear, Inc., 1423 South Twenty-eighth Street, Phoenix, Ariz., effective 3-1-51 to 2-29-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (blouses and shirts).

Honea Path Shirt Co., Inc., Honea Path, S. C., effective 2-20-51 to 2-19-52; 10 percent normal labor turnover (men's shirts and pajamas).

K. R. S. Sportswear, 192 South Poplar Street, Hazleton, Pa., effective 2-21-51 to 2-20-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (ladies' blouses).

W. Koury Co., Inc., 633 Chatham Street, Sanford, N. C., effective 2-13-51 to 2-12-52; 10 percent normal labor turnover (men's work pants and shirts; boys' shorts and longies).

Madison Dress Co., Wyoming and Green Streets, Hazelton, Pa., effective 2-13-51 to 2-12-52; 10 learners normal labor turnover (dresses).

Mifflin Shirt Co., Mifflin, Pa., effective 2-19-51 to 2-18-52; five learners normal labor turnover (pajamas and sport shirts).

Minersville Dress Manufacturing Co., 117 Front Street, Minersville, Pa., effective 2-14-51 to 2-13-52; 10 percent normal labor turnover (dresses and blouses).

Nahas & Son, Inc., 10 Second Southwest, Paris, Tex., effective 2-14-51 to 2-13-52; five learners normal labor turnover (juvenile lingerie).

Olan Dress Corporation, Oak and Independence Streets, Shamokin, Pa., effective 2-16-51 to 2-15-52; 10 learners normal labor turnover (ladies' and misses' cotton dresses).

The Rice Corp., Monterey, Ind., effective 2-16-51 to 2-15-52; five learners normal labor turnover (boys' dungarees).

Slim'n Trim Frocks, Inc., 110 South Center Street, Bloomington, Ill., effective 2-16-51 to 2-15-52; 10 learners normal labor turnover (cotton utility house dresses).

Slim'n Trim Frocks, Inc., 384 East Gerre Gordo Street, Decatur, Ill., effective 2-16-51 to 2-15-52; 10 learners, normal labor turnover (cotton utility house dresses).

Southern Maid Garment, Inc., Winnsboro, S. C., effective 2-16-51 to 2-15-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (junior and children's dresses).

Southern Maid Garment, Inc., Winnsboro, S. C., effective 2-16-51 to 8-15-51; five learners for expansion purposes (junior and children's dresses).

W. E. Stephens Manufacturing Co., Inc., Carthage, Tenn., effective 3-1-51 to 8-31-51; 70 learners for expansion purposes (dungarees).

Theresa Dress Co., 219 Pine Street, Old Forge, Pa., effective 2-19-51 to 2-18-52; 10 learners normal labor turnover (women's dresses).

Throop Dress Manufacturing Co., 810 George Street, Throop, Pa., effective 2-19-51 to 2-18-52; five learners normal labor turnover (women's and children's dresses).

Topkis Bros. Co., 101 South Main Street, Winchester, Ky., effective 2-15-51 to 8-14-51; 60 learners for expansion purposes (sport shirts and pajamas).

Topkis Bros. Co., 101 South Main Street, Winchester, Ky., effective 2-15-51 to 4-30-51; 10 percent normal labor turnover (replacement certificate) (sport shirts and pajamas).

Vera Sportswear, Inc., 306-310 West Catawissa Street, Nesquehoning, Pa., effective 3-1-51 to 2-29-52; five learners normal labor turnover (ladies' blouses).

The Watson Shirt Co., Barclay Street, Salisbury, Md., effective 2-13-51 to 2-12-52; 10 percent normal labor turnover (men's and boys' dress shirts).

The Wear-Well Trouser Co., 72 Commercial Street, Worcester, Mass., effective 2-16-51 to 2-15-52; five learners normal labor turnover (men's and boys' trousers).

Wenona Wear, Inc., Wenona, Ill., effective 2-16-51 to 2-15-52; five learners normal labor turnover (cotton dresses; flannel sleepwear).

Wilmer Fashion Company, Seventh and Bridge Streets, Lehighton, Pa., effective 2-20-51 to 8-19-51; twenty-three learners for expansion purposes (women's and misses' dresses).

Wilmer Fashion Co., Seventh and Bridge Streets, Lehighton, Pa., effective 2-20-51 to 2-19-52; for normal labor turnover, 10 percent or 10 learners whichever is greater (women's and misses' dresses).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 25, 1950, 15 F. R. 6888).

Livermore Falls Glove Co., Livermore, Maine, effective 2-22-51 to 8-21-51; seven learners for expansion purposes.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

A. & L. Hosiery Mills, Inc., 108 Dalton Street, High Point, N. C., effective 2-15-51 to 2-14-52; five learners normal labor turnover.

Aberdeen Hosiery Mills, Inc., Aberdeen, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Acme Hosiery Dye Works, Inc., Pulaski, Va., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Acme Hosiery Mills, Inc., Asheboro, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Adams-Millis Corporation No. 1, High Point, N. C., effective 1-25-51 to 1-24-52, 5 percent normal labor turnover.

Adams-Millis Corp. No. 2, High Point, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Adams-Millis Corp. No. 3, High Point, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Adams-Millis Corp. No. 7, High Point, N. C., effective 1-25-51 to 1-24-52, 5 percent normal labor turnover.

Adams-Millis Corp. No. 8, Tyron, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Adams-Millis Corp., Kernersville, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Albaly Manufacturing Co., Albany, Ga., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

The Alden Mills, Meridian, Miss., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

The Alden Mills, New Orleans, La., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Alka Hosiery Mill, Inc., Lewes, Del., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Ames Hosiery Mills, High Point, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Ames & Smith Hosiery Co., Pilot Mountain, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Anaheim Hosiery Mills, Inc., Anaheim, Calif., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

H. W. Anthony Co., Strausstown, Pa., effective 2-21-51 to 2-20-52; 5 percent normal labor turnover.

Archer Hosiery Mills, Columbus, Ga., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Athens Hosiery Mills, Inc., Athens, Tenn., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Charles H. Bacon Co., Loudon, Tenn., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Baker-Cammack Hosiery Mills, Inc., Burlington, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Baker-Mebane Hosiery Mills, McBane, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Barber Hosiery Mills, Inc., Mount Airy, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Baynard Hosiery Co., Ipswich, Mass., effective 1-25-51 to 1-24-52; 5 learners normal labor turnover.

Bedington Hosiery Mill, Bakersville, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Belmont Knitting Co., Belmont, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Belmont Hosiery Mills, Inc., Belmont, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Berkshire Knitting Mills, Reading, Pa., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Best Maid Silk Hosiery Co., Quakertown, Pa., effective 1-25-51 to 1-24-52, 5 percent normal labor turnover.

Bijou Hosiery Mills, Inc., Denver, Pa., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Joseph Black & Sons Co., York, Pa., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Bland Hosiery Mills, Inc., Bland, Va., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Bloomsburg Hosiery Mills, Inc., Bloomsburg, Pa., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Bothwell Mills, Inc., Newton, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Bradley Full Fashioned Hosiery Co., Inc., Cleveland, Tenn., effective 1-25-51 to 1-24-52; four learners normal labor turnover.

Brown Bros. Hosiery Mills, Inc., Hickory, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Brownhill & Kramer, Inc., Coudersport, Potter Co., Pa., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Browning Mills, Inc., Bridgeport, Ala., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Browns Hosiery Mills, Inc., Burlington, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Burgess-Knit Hosiery Mills, Village of Kimball, Tenn., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Caswell Knitting Mills, Inc., Yanceyville, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Chadbourn Hosiery Mills, Inc., Hidland, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Chadbourn Hosiery Mills, Inc., Plant No. 4, Charlotte, N. C., effective 1-25-51 to 1-24-52, 5 percent normal labor turnover.

Chadbourn Hosiery Mills, Inc., Plant No. 6, Charlotte, N. C., effective 1-25-51 to 1-24-52; 5 percent normal turnover.

Chadbourn Hosiery Mills, Inc., Plant No. 5, Siler City, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Chadbourn Hosiery Mills, Inc., Plant No. 1, Burlington, N. C., effective 1-25-51 to 1-24-52, 5 percent normal labor turnover.

Chalfont Hosiery Mills, Inc., Chalfont, Pa., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

J. A. Cline & Co., Inc., Hildebran, N. C., effective 1-25-51 to 1-24-52, 5 percent normal labor turnover.

Conover Knitting Co., Conover, N. C., effective 1-25-51 to 1-24-52, 5 percent normal labor turnover.

Continental Hosiery Co., Henderson, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Contour Hosiery Mills, Rockford, Ill., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Crewe Hosiery Co., Inc., Crewe, Va., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Crown Hosiery Mills, Inc., High Point, N. C., effective 1-25-51 to 1-24-52; 5 percent labor turnover.

Damascus Hosiery Mills, Inc., Damascus, Va., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

DeKalb Hosiery Mills, Inc., Fort Payne, Ala., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Delaware Knitting Mills, Elkton, Md., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Delaware Hosiery Mills, Seaford, Del., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Dothan Silk Hosiery Co., Dothan, Ala., effective 1-25-51 to 1-24-52; five percent normal labor turnover.

Drexel Knitting Mills Co., Drexel, N. C., effective 1-25-51 to 1-24-52; five percent normal labor turnover.

Durham Hosiery Mills, Plant No. 14, Durham, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Efland Knitting Co., Efland, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Elizabeth City Hosiery Mills, Elizabeth City, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Elliott Knitting Mills, Inc., Hickory, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Elliott Knitting Mills, Inc., Cleveland, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Ellisville Hosiery Mills, Inc., Ellisville, Miss., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Excel Hosiery Mills, Union, S. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Fidelity Hosiery Mill, Inc., Shamokin, Pa., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Fieldcrest Mills Division of Marshall Field & Co., Fieldale, Va., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Fort Payne Hosiery Mills, Inc., Fort Payne, Ala., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Francis-Louise Full Fashion Mills, Valdese, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Full Knit Hosiery Mills, Inc., Burlington, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Galax Knitting Co., Inc., Galax, Va., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Gem Hosiery Mills, Georgetown, Del., effective 2-22-51 to 2-21-52; four learners normal labor turnover.

Georgia Hosiery Mills, Blakely, Ga., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Glen Raven Knitting Mills, Inc., Altamahaw, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Gotham Hosiery Co., Inc., Eleanor, W. Va., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Gotham Hosiery Co., Inc., Crossville, Tenn., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Gotham Hosiery Co., Inc., Jasper, Ala., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Grace Hosiery Mills, Inc., Burlington, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Graysville Hosiery Mill, Dayton, Tenn., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Great American Knitting Mills, Inc., Bachtelsville, Pa., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Griffin Hosiery Mills, Griffin, Ga., effective 2-22-51 to 2-21-52; 5 percent normal labor turnover.

David Griffith Hosiery Mills, Rear 209 West Shawnee Avenue, Plymouth, Pa., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Guilford Hosiery Mills, Inc., High Point, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Hafer Hosiery Mills, Hickory, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Halifax County Hosiery Mills, Inc., Scotland Neck, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Harriman Hosiery Plant, Burlington Mills Corp., Harriman, Tenn., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Harriss & Covington Hosiery Mills, Inc., High Point, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Harris-Marshall Hosiery Mills, Inc., Galax, Va., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Hodges Knitting Mills, Inc., Milledgeville, Ga., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Holeproof Hosiery Co., Marietta, Ga., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Holeproof Hosiery Co., South Pittsburg, Tenn., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Hollar Hosiery Mills, Inc., Hickory, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Hub Hosiery Mills, Lowell, Mass., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Humboldt Full Fashioned Hosiery Mills, Inc., Humboldt, Tenn., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Industrial Hosiery Mills, Inc., 424 Guilford Street, Lebanon, Pa., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Infants' Sacks, Inc., Reading, Pa., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Infants' Socks, Inc., Middleton, Pa., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Interwoven Stocking Co., Chambersburg, Pa., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

James Hosiery Mills, Greenville, Tenn., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

C. D. Jessup & Company, Claremont, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

John-Massey Hosiery Co., Valdese, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Johnson City Mills, Johnson City, Tenn., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Junior Hosiery Mills, Inc., Reading, Pa., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Julius Kayser & Co., Portland, Pa., effective 1-25-51 to 1-24-52; three learners normal labor turnover.

Julius Kayser & Co., Bangor, Pa., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Julius Kayser & Co., Troy, Pa., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Julius Kayser & Co., Hilton Village, Va., effective 2-15-51 to 2-14-52; three learners normal labor turnover.

O. E. Kearne & Son, Inc., High Point, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Koontz Hosiery Mill, Lexington, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

J. W. Landenberger & Co., Philadelphia, Pa., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Laurel Hosiery Co., West Reading, Pa., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Laurens Hosiery Mills, Inc., Laurens, S. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Lawler Hosiery Mills, Carrolton, Ga., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

The Looke Hosiery Mills, Philadelphia, Pa., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Lovelady Hosiery Mills, Inc., Valdese, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Lynne Hosiery Mills, Inc., Mount Airy, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

McLaurin Hosiery Mills, Asheboro, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Magnet Mills, Inc., Clinton, Tenn., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Martinet Hosiery Mills, Inc., Valdese, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Maurice Mills, Inc., Thomasville, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Morganton Full Fashioned Hosiery Co., Morganton, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Morrill Hosiery Co., Hornell, N. Y., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Morris Hosiery Mills, Denton, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Mount Pleasant Hosiery Mills, Inc., Mount Pleasant, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Munsingwear, Inc., Rogers, Ark., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Murray Hosiery Mills Co., Murray, Ky., effective 2-15-51 to 2-14-52; 5 percent normal labor turnover.

Newport Hosiery Mills, Inc., Newport, Pa., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Orange Knitting Mills, Inc., Orange, Va., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Orange Knitting Mills, Inc., Efland, N. C., effective 2-17-51 to 2-16-52; five learners normal labor turnover.

Owen Osborne Hosiery Mills, Inc., Gainesville, Ga., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Parker Hosiery Mills, Old Fort, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Pennsylvania Knitting Mills Co., Spring Grove, Pa., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Permatone Hosiery Co., Clementon, N. J., effective 2-15-51 to 2-14-52; five learners normal labor turnover.

Pickett Hosiery Mills, Burlington, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Pilot Full Fashion Mills, Inc., Valdese, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Pine Hosiery Mills, Inc., Star, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

The Powell Knitting Co., Spartanburg, S. C., effective 2-22-51 to 2-21-52; 5 percent normal labor turnover.

Prestige, Inc., Ephrata, Pa., effective 2-15-51 to 2-14-52; four learners normal labor turnover.

Prestige, Inc., Pottstown, Pa., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Prim Hosiery, Inc., Chester, Ill., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Princeton Hosiery Mills, Inc., Princeton, Ky., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Propper-McCallum Hosiery Co., Inc., Northampton, Mass., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Regan Knitting Co., Thomasville, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Rambo & Ramar, Inc., Harristown, Pa., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Redlands Dye & Finishing Co., Texas and Colton Avenue, Redlands, Calif., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Redlands Hosiery Mills, Inc., Redlands, Calif., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Renefro Hosiery Mills Co., Mount Airy, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Ridge Textile Co., Athens, Tenn., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Ridgeview Hosiery Mill Co., Newton, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Roane Hosiery, Inc., Harriman, Tenn., effective 3-3-51 to 3-2-52; 5 percent normal labor turnover

The Robbins Knitting Co., Spruce Pine, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Rockwool Mills, Rockwood, Tenn., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Rodgers Hosiery Co., Inc., Athens, Ga., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Rollins Hosiery Mills, Inc., Des Moines, Iowa, effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Rome Hosiery Mills, Rome, Ga., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Ruby Hosiery Mills, Inc., Hickory, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Runnymede Mills, Inc., Tarboro, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Russell Hosiery Mills, Inc., Star, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Rutledge Hosiery Mills, Inc., Rutledge, Tenn., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

S & F Hosiery Mills, Inc., Dayton, Tenn., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Samalto Hosiery Mills, Sellersville, Pa., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Sanson Hosiery Mills, Inc., Meridian, Miss., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Sanson Hosiery Mills, Inc., Sevierville, Tenn., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Seneca Knitting Mills Co., Inc., Seneca Falls, N. Y., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Shenandoah Knitting Mills, Inc., Shenandoah, Va., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Skyland Textile Co., North Wilkesboro, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Sox, Inc., Mount Gilead, N. C., effective 2-15-51 to 2-14-52; five learners normal labor turnover.

Spalding Knitting Mills, Griffin, Ga., effective 2-15-51 to 2-14-52; 5 percent normal labor turnover.

Standard Hosiery Mills, Inc., Burlington, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Standard Hosiery Mills, Inc., Dayton, Tenn., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Sterling Hosiery Mills, Spindale, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Sulloway Hosiery Mills, Inc., Franklin, N. H., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Summers Hosiery Mills., Inc., Salisbury, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Sumter Hosiery Mills, Inc., Sumter, S. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Sunshine Hosiery Mills, 215 South Church Street, Murfreesboro, Tenn., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Supreme Hosiery Co., Jersey Shore, Pa., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Surrett Hosiery Mill, Newsom, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Tennessee Knitting Mills Inc., Columbia, Tenn., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Tip-Top Hosiery Mills, Inc., Asheboro, N. C., effective 1-25-51 to 1-24-52, 5 percent normal labor turnover.

The William T. Conner Co., Lansdale, Pa., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Triangle Hosiery Co., Inc., High Point, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Trimfit Hosiery Mills, 101 West Roosevelt Boulevard, Philadelphia, Pa., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Triumph Hosiery Mills, Inc., York, Pa., effective 1-25-51 to 1-24-52; 5 percent labor turnover.

United Hosiery Mills Corp., 2001 Wheeler Avenue, Chattanooga, Tenn., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Vance Hosiery Plant, Burlington Mills Corp., Kernersville, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Van Raalte Co., Inc., Blue Ridge, Ga., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Van Raalte Co., Inc., Athens, Tenn., effective 2-15-51 to 2-14-52; 5 percent normal labor turnover.

Vaughn Hosiery Mill, Carrollton, Ga., effective 1-25-51 to 1-24-52; 10 learners for expansion purposes.

Veitel Hosiery Co., Le Roy, N. Y., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Vermont Hosiery & Machinery Co., Northfield, Va., effective 1-25-51 to 1-24-52; three learners normal labor turnover.

Victor Silk Hosiery Co., Inc., New Britain, Bucks Co., Pa., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Virginia Maid Hosiery Mills, Inc., Pulaski, Va., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Volunteer Processing Co., Athens, Tenn., effective 2-17-51 to 2-16-52; three learners normal labor turnover.

Walnut Hosiery Mills, Inc., Shamokin, Pa., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Warren Knitting Mills, Inc., Beaver Road, Hope, N. J., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

West Point Hosiery Co., Inc., West Point, Pa., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Wilee Hosiery Mills, Inc., Helen, Ga., effective 2-15-51 to 2-14-52, five learners normal labor turnover.

Wilkes Hosiery Mills Co., Wilkesboro, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Willcraft Hosiery Mills, Inc., Williamsport, Md., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Windy City Knitting Mills, Inc., Hickory, N. C., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Woosley Knitting Mills, Shelbyville, Tenn., effective 1-25-51 to 1-24-52; five learners normal labor turnover.

Wrenn Hosiery Co., Thomasville, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Knitted Wear Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

J. B. Manufacturing Co., San Antonio, Tex., effective 2-13-51 to 2-12-52; 5 percent normal labor turnover.

Marlano Mills, Spence Field, Moultrie, Ga., effective 2-16-51 to 8-15-51; 14 learners for expansion purposes.

Narragansett Knitting Mills, Inc., Woonsocket, R. I., effective 2-20-51 to 2-19-52; 5 percent normal labor turnover.

Washco Corp., Millry, Washington County, Ala., effective 2-15-51 to 7-29-51; 20 learners for expansion purposes.

Puerto Rico: The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Atlas Products Corp., Toa Alta, P. R., effective 2-14-51 to 7-31-51; 65 learners; machine stitching, 240 hours at 25 cents and 240 hours at 29 cents per hour (machine sewn fabric gloves) (replacement certificate).

Cayey Manufacturing Co., Inc., Cayey, P. R., effective 2-14-51 to 5-31-51; 55 learners; machine stitching 240 hours at 25 cents and 240 hours at 29 cents per hour (machine sewn fabric gloves) (replacement certificate).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

DeMoulin Bros. & Co., Greenville, Ill., effective 2-19-51 to 2-18-52; seven learners normal labor turnover. Machine operating (except cutting), pressers and handsewers, each 480 hours; first 240 hours at 60 cents and 240 hours at 65 cents per hour (graduation, choral and ecclesiastical gowns).

Dixie Manufacturing Co., Greenville, Tex., effective 3-1-51 to 2-29-52, five learners normal labor turnover; sewing machine operators, 320 hours; 60 cents per hour (men's cotton handkerchiefs).

Hoover Products, Inc., Youngstown, Ohio, effective 2-15-51 to 8-15-51; six learners normal labor turnover; assembler 160 hours, paint and spray operator 160 hours; 65 cents per hour (plastics).

Samuel Jackson, Jr., Laurel Springs, N. J., effective 2-15-51 to 8-14-51; two learners normal labor turnover; fuses maker but not including cutting bonnets, cutting tape, cutting cover paper, and helping; 60 cents per hour (railway signal fuses) (supplemental certificate).

Kalkaska Tackle Co., Inc., Kalkaska, Mich., effective 2-15-51 to 8-14-51; two learners normal labor turnover; fly tiers 400 hours; 240 hours at not less than 60 cents per hour and 160 hours at not less than 65 cents per hour (fishing tackle).

Jack Miller Coat Front Co., Philadelphia, Pa., effective 2-14-51 to 8-13-51; eight learners for expansion purposes; machine operating (except cutting), 480 hours; 240 hours at not less than 60 cents per hour and 240 hours

at not less than 65 cents per hour (coat fronts).

Muth & Mumma Dental Laboratories, Inc., Harrisburg, Pa., effective 2-19-51 to 5-19-51; five learners normal labor turnover; plaster workers, wax workers, finishers and polishers, each 480 hours; 320 hours at 60 cents per hour and 160 hours at 65 cents per hour (dental appliances).

A. Schreter & Sons, Inc., 16 South Eutaw Street, Baltimore, Md., effective 2-16-51 to 2-15-52; 5 percent normal labor turnover; machine operators (except cutting), pressers and handsewers, each 320 hours; 60 cents per hour (men's neckwear).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 26th day of February 1951.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 51-2852; Filed, Mar. 2, 1951; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4193]

UNITED AIR LINES, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the application of United Air Lines, Inc., for authority to carry property and mail between Hartford, Conn., and Boston, Mass., on the one hand and New York, N. Y., Newark, N. J., and points west thereof on the other, over route No. 1, subject to conditions:

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on March 27, 1951, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Fourteenth and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., February 27, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-2875; Filed, Mar. 2, 1951; 8:49 a. m.]

[Docket No. 4786 et al.]

DC-6 DAYLIGHT COACH; SUMMER EXCURSION FARES CASE

NOTICE OF HEARING

In the matter of the fares, rules and charges and other provisions proposed by National Airlines, Inc., pursuant to its Local Passenger Tariff, C. A. B. No. 43 and first Revised page 2 thereto, and No. Pm-1-51, C. A. B. No. 44, and by Eastern Air Lines, Inc., pursuant to its local Passenger Tariff, C. A. B. No. 44.

Pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 403, 404 and 1002 thereof, notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on March 6, 1951, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner R. Vernon Radcliffe.

Without limiting the scope of the issues presented, particular attention will be directed to the following matters and questions:

I. Are the proposed services unjust or unreasonable?

A. To what extent do the proposed fares reflect the cost of service?

B. What other considerations are these fares based on?

C. What revenue will be secured from the proposed services and from other services to the same points?

1. To what extent will the coexistence of various promotional services, e. g., night coach, day coach, and excursion result in diversion from each other and from standard service?

D. What will be the effects on net revenue and mail pay need of Eastern, National, and other carriers of the proposed fares alone or in combination with other promotional services?

E. What promotional services (excursion, day-coach, night-coach), if any, should be permitted between the proposed points alone or in combinations, and under what terms and conditions?

II. Will the proposed services establish any unjust discrimination?

A. What are the differences in service between the various fares which will be available if the various proposals are authorized?

B. Are these differences in service substantial to the consumer?

C. To what extent are the differences in fares related to differences in the costs of furnishing the various services?

D. What other factors justify these differences?

E. To what extent are the proposed fares available to members of the general public?

III. Will the proposed services establish any undue preference and prejudice?

A. To what extent will the proposed services alone or in combination with other services prefer passengers (on Eastern's and National's routes, respectively) to and from points where these services are available and unduly prejudice persons (on said routes) to other points where such services are not available?

B. To what extent will the proposed services unduly prefer points offered service and unduly prejudice other points on National's (or Eastern's) routes for which service is not offered?

IV. Will the proposed fares alone or in combination with the other services debase the general fare level for air transportation?

V. Are the proposed fares alone or in their various combinations consistent with existing Board policy?

VI. To the extent, if any, that the fares, rules and regulations under investigation in this proceeding are or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, what are the lawful fares which the Board should determine and prescribe?

A. To what extent should the Board in determining and prescribing the lawful fares, rules and regulations consider the cost of service, value of service, or other factors?

B. If the Board prescribes fares, what weight should it give to each of the factors enumerated in section 1002 of the act?

Notice is further given that any person other than parties and intervenors of record as of February 23, 1951, desiring to be heard in this proceeding may file with the Board, on or before March 6, 1951, a statement setting forth the issues of fact and law raised by the proposed tariffs which he desires to controvert. Any such person may appear and participate in the hearing in accordance with § 302.6 (a) of the Board's Procedural Regulations under Title I of the Civil Aeronautics Act, as amended.

Dated at Washington, D. C., February 27, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-2876; Filed, Mar. 2, 1951; 8:49 a. m.]

DEFENSE TRANSPORT ADMINISTRATION

[DTA Delegation 2]

DIRECTOR, BUREAU OF MOTOR CARRIERS, INTERSTATE COMMERCE COMMISSION

DELEGATION OF AUTHORITY WITH RESPECT TO STREET AND HIGHWAY TRANSPORTATION

Pursuant to the authority of the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Orders 10161 (15 F. R. 6105) and 10200 (16 F. R. 61), Defense Production Administration Delegation No. 1 (16 F. R. 738), and Organization Order DTA 1 (15 F. R. 6728), there is hereby delegated to the Director of the Bureau of Motor Carriers of the Interstate Commerce Commission, so much of the authority to perform the functions and exercise the power conferred upon the Defense Transport Administration pursuant to said Executive Order No. 10200 and by said Executive Order No. 10161 and section 2 of said Organization Order DTA 1 as is necessary to perform the following functions: (a) Conducting surveys and furnishing reports on the adequacy of motor transportation and on the available supply and shortages in manpower, equipment, and parts for all street and highway transportation subject to the jurisdiction of the Defense Transport Administration; (b) organizing and supervising industry program committees; (c) attending meetings involving street and highway transportation subjects and problems; (d) checking individual applications made to the Defense Transport Administration by persons engaged in street or highway transportation; (e) giving information to the public concerning the activities, plans, programs, measures, and procedures of Defense Transport Administration with particular reference to street and highway transportation; (f) making recommendations as to the issuance of appropriate emergency, temporary, or special authorities to operators of street and highway transportation equipment or facilities, when such authority is required by general or special orders of the Defense Transport Administration; (g) obtaining and reporting to the Defense Transport Administration, such information respecting or affecting the operations, practices, and business of any street or highway transport operator as may be required by any request, direction, or order issued by the Defense Transport Administration; and (h) supervising, regulating, and controlling motor transportation subject to the jurisdiction of the Defense Transport Administration, in accordance with any request, direction, general, special, or specific order issued by the Defense Transport Administration.

The Director of the Bureau of Motor Carriers may perform the functions and exercise the power conferred upon him by this delegation through such agencies, officers, and employees of the Government and in such manner as he may determine.

The exercise of the powers and authority conferred hereby shall be subject to the general control and supervision of the Administrator, and the Director of the Street and Highway Transport Division, of the Defense Transport Administration.

This order shall become effective March 1, 1951.

Issued at Washington, D. C., this 27th day of February 1951.

JAMES K. KNUDSON,
Administrator,
Defense Transport Administration.

[F. R. Doc. 51-2834; Filed, Mar. 2, 1951; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25876]

OLD IRON CANS FROM LAUREL, MISS., TO ALABAMA CITY, ALA.

APPLICATION FOR RELIEF

FEBRUARY 28, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Alabama Great Southern Railroad Company and other carriers named in the application.

Commodities involved: Old iron cans, refuse from garbage dumps, having value for remelting purposes only, carloads.

From: Laurel, Miss.

To: Alabama City, Ala.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tarif I. C. C. No. 950, Supp. 139.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2840; Filed, Mar. 2, 1951; 8:46 a. m.]

[4th Sec. Application 25877]

BALER TWINE FROM NEW ORLEANS, LA., TO WESTERN TRUNK-LINE AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

FEBRUARY 28, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 285.

Commodities involved: Baler twine, carloads.

From: New Orleans and Port Chalmette, La.

To: Points in western trunk-line and Illinois territories.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: W. P. Emerson, Jr.'s tariff I. C. C. No. 285, Supp. 128.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2841; Filed, Mar. 2, 1951; 8:46 a. m.]

[4th Sec. Application 25878]

WINDOW GLASS TO ILLINOIS, IOWA AND MISSOURI

APPLICATION FOR RELIEF

FEBRUARY 28, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3803.

Commodities involved: Window glass (other than plate and other than bent), not framed nor leaded, carloads.

From: Fort Smith, Ark., Henryetta and Okmulgee, Okla., and Shreveport, La.

To: Points in Illinois, Iowa and Missouri.

Grounds for relief: Circuitous routes, competition with motor carriers and market competition.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3803, Supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2842; Filed, Mar. 2, 1951; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-180, 59-94]

GREEN MOUNTAIN POWER CORP.

NOTICE OF FILING AND ORDER GIVING OPPORTUNITY FOR HEARING ON AMENDED PLAN FILED

At a regular session of the Securities and Exchange Commission, held at its

office in the city of Washington, D. C., on the 27th day of February A. D. 1951.

Green Mountain Power Corporation ("Green Mountain"), a public utility subsidiary company of New England Electric System ("NEES"), a registered holding company, having filed an application, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of an amended plan of reorganization, which plan, described in the Commission's notices and orders for hearing dated August 24, 1949, and March 6, 1950, was amended on February 23, 1951, to provide, among other things, for the compromise and settlement of intrasystem claims, such compromise and settlement to be effected through the release by Green Mountain on behalf of itself and its security holders of any and all claims which might be asserted by it against NEES and the relinquishment by NEES of any interest it may have in the equity of Green Mountain; and

The Commission having in its notice and order for hearing, dated August 24, 1949, instituted proceedings under sections 11 (b) (2), 12 (f), 13, 15 (f) and 20 (a) of the Public Utility Holding Company Act of 1935 directed to Green Mountain, having consolidated this proceeding and the proceeding pursuant to section 11 (e) and having made NEES, New England Power Company ("NEPCO"), Connecticut River Power Company ("Connecticut River") and New England Power Service Company ("the Service Company"), parties to said consolidated proceedings; and

Public hearings having been held on said consolidated matters after appropriate notice and the Commission deeming it appropriate that an opportunity for a further hearing should be given to Green Mountain, NEES, NEPCO, Connecticut River and the Service Company and their security holders on Green Mountain's plan of reorganization, as amended:

It is ordered, That any interested person may, not later than March 15, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on Green Mountain's plan of reorganization, as amended, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. If no such request is received on or before March 15, 1951, the Commission, promptly after said date, will take this consolidated proceeding under advisement for decision.

It is further ordered, That notice of said filing of Green Mountain's amendment to its plan of reorganization and of said opportunity for hearing be given to Green Mountain, NEES, NEPCO, Connecticut River and the Service Company and to all other persons granted intervention or participation in this proceeding by registered mail and to all other persons by publication in the FEDERAL REGISTER and by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935.

It is further ordered, That, on or before March 2, 1951, Green Mountain shall mail copies of its plan of reorganization, as amended, and copies of this notice to all of its stockholders of record.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2851; Filed, Mar. 2, 1951; 8:46 a. m.]

[File No. 70-2569]

UNION ELECTRIC CO. OF MISSOURI

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of February 1951.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Union Electric Company of Missouri ("Union Electric"), a registered holding company and a public utility company and a subsidiary of The North American Company, also a registered holding company. Applicant has designated sections 9 (a) and 10 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than March 8, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 8, 1951, said application, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, and which are summarized as follows:

Union Electric proposes to subscribe for and acquire 1,200 shares of common stock, of the par value of $1 per share, and $123,800, principal amount of income debentures of a corporation to be organized and known as Urban Redevelopment Corporation of St. Louis ("Redevelopment Corporation"). The cash consideration for the common stock will be $1,200 and the cash consideration for the income debentures will be $123,800, of which 10 percent will be paid upon subscription and the balance on or prior to April 15, 1956, upon call therefor from time to time by the Board of Directors of Redevelopment Corporation. Said income debentures will bear simple interest at 4 percent per annum, cumulative for not to exceed five successive years, and will mature in four years or such other period as said Board of Directors shall determine.

Upon receipt by Union Electric of such common stock and income debentures it proposes to deposit the same under a voting trust agreement and to acquire in exchange therefor voting trust participation certificates.

It is stated that Redevelopment Corporation is being organized under the Urban Redevelopment Corporation Act of Missouri for the purpose of clearance, replanning, reconstruction or rehabilitation of blighted areas and the construction of such industrial, commercial, residential or public structures as may be appropriate. It is further stated that Redevelopment Corporation is being supported by subscriptions of leading newspapers, banks, department stores, manufacturers and merchants of the city of St. Louis, and Union Electric believes that it is its civic responsibility to participate in the project as one of the large business organizations of the city.

Applicant states that no state commission or regulatory body, other than this Commission, has jurisdiction over the proposed transactions. No fees, commissions or other remunerations are to be paid in connection with the proposed transactions.

Applicant requests that the Commission issue an order granting the application as soon as practicable and that said order become effective upon the issuance thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2850; Filed, Mar. 2, 1951; 8:46 a. m.]

[File No. 70-2577]

MIDDLE SOUTH UTILITIES, INC.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of February A. D. 1951.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 6 (a) and 7 thereof and Rule U-50 of the rules and regulations promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Middle South proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, 450,000 shares of common stock, without nominal or par value, to underwriters or investment bankers who shall agree promptly to make a public offering thereof.

The declaration states that the proceeds from the financing will be used to finance in part the construction program of the electric utility subsidiaries of Middle South, which program for the year 1951 is estimated to require expenditures of approximately $48,450,000 of which approximately $25,000,000 is to be raised from new financing.

The declaration further states that out of the proceeds from the presently proposed sale of stock and from funds on hand or which may become available, Middle South, upon obtaining requisite authorization from this Commission, will make an additional investment in the common stock of its subsidiary, Arkansas Power & Light Company in the amount of $8,000,000, during the year 1951.

Declarant requests that this Commission's order herein be issued on or before March 12, 1951, and that such order become effective forthwith upon the issuance thereof.

Notice is further given that any interested person may, not later than March 12, 1951, at 11:30 a. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 11:30 a. m., e. s. t., March 12, 1951, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file with this Commission for a full statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2849; Filed, Mar. 2, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17410]

SUSUMU HASUIKE ET AL.

In re: Rights of Susumu Hasuike et al. under insurance contracts. Files Nos. D-39-3962-H-4, H-5.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Susumu Hasuike, Donald Hasuike, Sumiye Hasuike and Raiko Hasuike, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. 3062467 and 3062468, issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to Susumu Hasuike, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid John Hancock Mutual Life Insurance Company, together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Susumu Hasuike or Donald Hasuike, Sumiye Hasuike and Raiko Hasuike, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-2860; Filed, Mar. 2, 1951; 8:48 a. m.]

[Vesting Order 17436]

OTTO G. JANSSEN

In re: Real property owned by Otto G. Janssen. F-28-8903.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto G. Janssen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Real property situated in the County of Anne Arundel, State of Maryland, particularly described as Lot Twenty-six (26) Block Eleven (11), Lots Nineteen (19) and Twenty (20) Block Fourteen (14), Lots Two (2), Four (4) and Six (6) Block Seventeen (17), all in Severn Grove, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-2870; Filed, Mar. 2, 1951; 8:48 a. m.]

[Vesting Order 17339]

AUGUST EMIL PHILIPPI

In re: Stock owned by August Emil Philippi. F-28-31113.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Emil Philippi, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Thirty (30) shares of no par value common capital stock of United States Steel Corporation, a corporation organized under the laws of the State of New Jersey, 10 shares of which evidenced by a part of a certificate numbered N-16021 for 100 shares and 20 shares of which evidenced by a part of a certificate numbered Y-96610 for 100 shares, registered in the name of Het Administratiekantoor Broes & Gosman c. s., Amsterdam, to-

gether with all declared and unpaid dividends thereon,

b. Ten (10) shares of $100 par value common capital stock of the Baltimore and Ohio Railroad Company, a corporation organized under the laws of the State of Maryland, evidenced by a certificate numbered D 312833, registered in the name of Administratiekantoor van Wertheim & Gompertz c. s., Amsterdam, together with all declared and unpaid dividends thereon,

c. Twenty (20) shares of no par value common capital stock of Kennecott Copper Corporation, a corporation organized under the laws of the State of New York, evidenced by two (2) certificates of 10 shares each, numbered B-25780/81, registered in the name of Broekman's Administratiekantoor, Amsterdam, together with all declared and unpaid dividends thereon,

d. Eighty (80) shares of no par value common capital stock of Shell Union Oil Corporation, a corporation organized under the laws of the State of Delaware, evidenced by eight (8) certificates of 10 shares each, numbered NYO-8499/8506, registered in the name of Broekman's Administratiekantoor, Amsterdam, together with all declared and unpaid dividends thereon, and

e. Ten (10) shares of $100 par value common capital stock of Western Union Telegraph Company, a corporation organized under the laws of the State of New York, evidenced by a certificate numbered 407779, registered in the name of Broekman's Administratiekantoor, Amsterdam, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2867; Filed, Mar. 2, 1951; 8:48 a. m.]

[Vesting Order 15705, Amdt.]

WILHELM PLATHE

In re: Stock owned by Wilhelm Plathe.

Vesting Order 15705, dated November 15, 1950, is hereby amended as follows and not otherwise: By deleting from said Vesting Order 15705 the name "Wilhelm Platke" wherever it may appear and substituting therefor the name "Wilhelm Plathe".

All other provisions of said Vesting Order 15705 and all action taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General.
Director, Office of Alien Property.

[F. R. Doc. 51-2871; Filed, Mar. 2, 1951; 8:48 a. m.]

[Return Order 888]

MIDORI BEATRICE MURAOKA

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Midori Beatrice Muraoka, New York, N. Y.; Claim No. 6969; January 6, 1951 (16 F. R. 219); $3,916.08 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on February 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2872; Filed, Mar. 2, 1951; 8:49 a. m.]

[Return Order 890]

GISELA BOEKELMAN KUENZEL

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Gisela Boekelman Kuenzel, Santa Barbara, Calif.; Claim No. 10643; December 1, 1950 (15 F. R. 8232); $6,608.63 in the Treasury of the United States. All right, title and interest of Gisela Boekelman Kuenzel in and to the Trust Estate created under the Last Will and Testament of Bernardus Boekelman, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on February 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2873; Filed, Mar. 2, 1951; 8:49 a. m.]

[Return Order 893]

HELLA BUKOFZER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Hella Bukofzer, Stockholm, Sweden; Claim No. 6541; December 21, 1950 (15 F. R. 9176); $3,072.51 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on February 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2874; Filed, Mar. 2, 1951; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 44

Washington, Tuesday, March 6, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10220

AUTHORIZING THE APPOINTMENT OF STANLEY C. WOLLASTON TO A COMPETITIVE POSITION WITHOUT REGARD TO THE CIVIL SERVICE RULES

By virtue of the authority vested in me by section 2 of the Civil Service Act of January 16, 1883 (22 Stat. 403, 404), it is hereby ordered that Stanley C. Wollaston may be appointed to a competitive position in the Department of Labor without compliance with the competitive provisions of the Civil Service Act and Rules.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 2, 1951.

[F. R. Doc. 51-2985; Filed, Mar. 2, 1951; 3:31 p. m.]

EXECUTIVE ORDER 10221

PROVIDING FOR THE ADMINISTRATION OF DISASTER RELIEF

By virtue of the authority vested in me by the act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters and for other purposes" (Public Law 875, 81st Congress), hereinafter referred to as the act, and as President of the United States, it is hereby ordered as follows:

1. The following-described authority and functions shall be exercised or performed by the Housing and Home Finance Administrator, or by any officer or officers in his agency designated by him:

(a) The authority conferred upon the President by section 3 of the act to direct Federal agencies to provide assistance in any disaster which is in the determination of the President a major disaster.

(b) The authority conferred upon the President by section 5 (a) of the act to coordinate the activities of Federal agencies in providing disaster assistance and to direct any Federal agency to utilize its available personnel, equipment, supplies, facilities, and other resources, in accordance with the authority contained in the act.

(c) The preparation of proposed rules and regulations for the consideration of the President and issuance by him under section 5 (b) of the act.

(d) The preparation of the annual and supplemental reports provided for by section 8 of the act, for the consideration of the President and transmittal by him to the Congress.

2. Nothing in this order shall be construed to prevent any Federal agency from affording such assistance and taking such other action as may accord with the existing policies, practices, or statutory authority of such agency, in the event of any disaster which will not permit delay in the commencement of Federal assistance or other Federal action, and pending the determination of the President whether the disaster is a major disaster.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 2, 1951.

[F. R. Doc. 51-2986; Filed, Mar. 2, 1951; 3:31 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7, Amdt. 65]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13-1 is amended as follows:

1. The Milford, Delaware, area, published on January 26, 1951, in 16 F. R. 713, is amended by changing the "Time of Designation" column to read: "Daylight hours only (when ceiling is at least 5,000 feet and visibility is 3 miles or better, based on Dover AFB weather reports)".

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FEDERAL REGISTER

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2. The Camp Breckinridge, Kentucky, area, published on January 13, 1951, in 16 F. R. 344, is amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at Corydon, Ky., at lat. 37°44'30" N, long. 87°42'30" W; southerly to Dixie, Ky., at lat. 37°41'00" N, long. 87°41'00" W; SE to Poole, Ky., at lat. 37°38'30" N, long. 87°39'00" W; SW to Tilden, Ky., at lat. 37°36'30" N, long. 87°41'30" W; WNW to Boxville, Ky., at lat. 37°37'30" N, long. 87°49'30" W; NW to Morganfield, Ky., at lat. 37°41'00" N, long. 87°55'00" W; ENE to Waverly, Ky., at lat. 37°42'45" N, long. 87°49'00" W; ENE to Corydon, Ky., at lat. 37°44'30" N, long. 87°42'30" W, point of beginning".

3. The South Wellfleet, Massachusetts, area, published on April 21, 1949, in 14 F. R. 1913, under Wellfleet, Massachusetts, amended on July 27, 1949, in 14 F. R. 4665, and on March 11, 1950, in 15 F. R. 1329, is revised to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
SOUTH WELLFLEET (Boston Chart).	Area I: Beginning at lat. 41°56'00" N, long. 69°58'30" W; NNW to a point 3 nautical miles from the shoreline at lat. 42°05'25" N, long. 70°02'10" W; SSE paralleling the shoreline at a distance of 3 nautical miles to lat. 41°48'30" N, long. 69°51'50" W; NW to lat. 41°56'00" N, long. 69°58'30" W, point of beginning.	Unlimited.	Continuous.	Hdqs., 1st Army, Governors Island, N. Y.
	Area II: Beginning at lat. 41°56'39" N, long. 69°59'00" W, N to lat. 41°54'55" N, long. 69°59'05" W; ENE to the W boundary of Area I at lat. 41°55'00" N, long. 69°58'00" W; S along W boundary of Area I to lat. 41°52'50" N, long. 69°56'50" W; W to lat. 41°52'39" N, long. 69°59'00" W, point of beginning.	Surface to 3,000 feet.	Sunrise to sunset, 7 days a week.	33d Fighter-Interceptor Wing, 04th AFH, Falmouth, Mass.

4. A Fort Sill, Oklahoma, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
FT. SILL (Oklahoma City Chart).	N boundary: lat. 34°47'00" N; E boundary: long. 98°21'00" W, S boundary lat. 34°38'00" N; W boundary: long. 98°24'00" W.	Surface to unlimited.	Continuous, March 7, 1951, through March 8, 1951.	Ft. Sill Artillery School, Ft. Sill, Okla.

5. The Dahlgren, Virginia, area, published on April 21, 1949, in 14 F. R. 1913, and amended on July 27, 1949, in 14 F. R. 4665, is further amended by changing the "Description by Geographical Coordinates" column to read: "West Area: Beginning at lat. 38°28'20" N, long. 76°57'00" W; SSE to lat. 38°18'00" N, long. 76°54'00" W; ESE to lat. 38° 14'40" N, long. 76°43'25" W; SSE to lat 38°13'25" N, long. 76°42'50" W; SSE to lat. 38°11'10" N, long. 76°42'20" W; SW to lat. 38°09'55 N, long. 76°44'00" W; W to lat. 38°10'00" N, long. 76°46'00" W; westerly along the S shore of the Potomac River to lat. 38°16'10" N, long. 76°58'50" W; WSW to lat. 38°13'10" N, long. 77°07'00" W; NNW to lat. 38°21' 30" N, long. 77°09'50" W; NNE to lat. 38°27'00" N, long. 77°06'35" W; ENE to lat. 38°28'20" N, long. 77°01'10" W; due E to lat. 38°28'20" N, long. 76°57' 00" W, point of beginning". The East Area remains unchanged.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on March 6, 1951.

[SEAL] L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-2890; Filed, Mar. 5, 1951; 8:46 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Rev. of May 10, 1949, Amdt. 14]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

ELIGIBLE AIRPORT DEVELOPMENT, PROJECT COSTS, PROCEDURE

Acting pursuant to the authority vested in me by the Federal Airport Act, I hereby amend Part 550 of the regulations of the Civil Aeronautics Administration as follows:

1. Section 550.3 (a) is hereby amended by adding a new subparagraph (5) reading as follows:

§ 550.3 *Eligible airport development*—(a) *Minimum requirements.* • • •

(5) No project will be approved for the acquisition of land which has been or will be donated to the sponsor, where the sponsor is requesting a grant on the basis of the value of such land, unless: (i) Subsequent to the enactment of the Act, the sponsor has accomplished other items of airport development (or has entered into a Grant Agreement therefor), or the construction or alteration of hangars, at an expense to the sponsor equalling or exceeding the United States share of the value of donated land; or (ii) the project also includes other items of airport development the estimated cost of which would require a sponsor's contribution equalling or exceeding the United States share of the estimated value of the donated land; or (iii) the sponsor agrees as part of the Grant Agreement for such project to accomplish other items of airport development, or the construction or alteration of hangars, at an expense to the sponsor equalling or exceeding the United States share of the estimated value of the donated land.

2. Section 550.4 (a) is hereby amended by adding two new subparagraphs (7) and (8) as follows:

§ 550.4 *Project costs*—(a) *Eligibility.* • • •

(7) The purchase price or value of any land sold or donated to the sponsor by another public agency.

(8) That portion of the purchase price or value of any land sold or donated to the sponsor which represents the value of any airport facilities or improvements constructed or made with the funds of

any public agency prior to the execution of a Grant Agreement for such airport development.

3. Section 550.5 (c) (1) is hereby amended to read as follows:

§ 550.5 *Procedure.* • • •

(c) *Project application.* • • •

(1) *Funds.* Each Project Application submitted by a sponsor which is to furnish all or any portion of the project funds not to be furnished by the United States, shall state that such sponsor has on hand, or show that it is in a position to obtain as and when needed, funds sufficient to pay all estimated costs of the proposed project which are not to be borne by the United States or by another sponsor: *Provided*, That if any of such funds are to be furnished to a sponsor, or used to pay project costs on behalf of a sponsor by a State agency or any other public agency which is not itself to be a sponsor of the proposed project, evidence satisfactory to the Administrator that such funds will be so provided if the proposed project is approved may be submitted by the public agency which is to provide the funds rather than by the sponsor. If any portion of the estimated project costs consists of the value of donated land, labor, materials or equipment, the project application shall so state, indicating the nature of each such donation and the value attributed to each. (See § 550.11 (b) (2), Representation 2.)

(Secs. 1–15, 60 Stat. 170–178, as amended; 49 U. S. C. and Sup., 1101–1114)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-2883; Filed, Mar. 5, 1951; 8:45 a. m.]

[Amdt. 43]

PART 600—DESIGNATION OF CIVIL AIRWAYS

MISCELLANEOUS AMENDMENTS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required. Part 600 is amended as follows:

1. Section 600.107 *Amber civil airway No. 7 (Key West, Fla., to Caribou, Maine)* is amended by deleting the portion which reads: "excluding that portion more than 3 miles east of the southwest course of the Washington, D. C., radio range between the Doncaster, Md., fan marker and the intersection of the southwest course of the Washington, D. C., radio range and the northwest course of the Tappahannock, Va., radio range".

2. Section 600.214 *Red civil airway No. 14 (Lone Rock, Wis., to Huntington, W. Va.)* is amended by adding the following sentence to the end of the present airway: "From the Louisville, Ky., omnirange station via the intersection of the Louisville, Ky., omnirange 136° True radial and the west course of the Lexington Ky., VHF radio range; Lexington, Ky., VHF radio range station to the Huntington, W. Va., radio range station."

3. Section 600.219 *Red civil airway No. 19 (Goshen, Ind., to Norfolk, Va.)* is amended by deleting the first sentence which reads: "From the Grand Rapids, Mich., radio range station via the intersection of the southwest course of the Grand Rapids, Mich., radio range and the north course of the Goshen, Ind., radio range to the Goshen, Ind, radio range station."

4. Section 600.603 *Blue civil airway No. 3 (Tallahassee, Fla., to Sault Ste. Marie, Mich.)* is amended by adding to the end of present airway: "From the intersection of the south course of the Goshen, Ind., radio range and the southwest course of the Fort Wayne, Ind., radio range via the Goshen, Ind., radio range station; the intersection of the north course of the Goshen, Ind., radio range and the southwest course of the Grand Rapids, Mich., radio range; Grand Rapids, Mich., radio range station; Cadillac, Mich., non-directional radio beacon; Traverse City, Mich., radio range station; Pellston, Mich., non-directional radio beacon to the Sault Ste. Marie, Mich., radio range station."

5. Section 600.642 *Blue civil airway No. 42 (Goshen, Ind., to Saginaw, Mich.)* is amended by deleting the first sentence which reads: "From the intersection of the south course of the Goshen, Ind., radio range and the southwest course of the Fort Wayne, Ind., radio range to the Goshen, Ind., radio range station."

6. Section 600.652 *Blue civil airway No. 62 (Ypsilanti, Mich., to Traverse City, Mich.)* is amended by adding the following to the present airway: "the Gladwin, Mich., non-directional radio beacon to the Traverse City, Mich., radio range station."

7. Section 600.681 is added to read:

§ 600.681 *Blue civil airway No. 81 (Charleston, W. Va., to Akron, Ohio).* From the intersection of the north course of the Charleston, W. Va., radio range and the southwest course of the Parkersburg, W. Va., VHF radio range via the Zanesville, Ohio non-directional radio beacon to the Akron, Ohio, radio range station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. March 6, 1951.

[SEAL] L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-2948; Filed, Mar. 5, 1951; 8:58 a. m.]

[Amdt. 46]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

MISCELLANEOUS AMENDMENTS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of Section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required. Part 601 is amended as follows:

1. Section 601.13 *Green civil airway No. 3 control areas (San Francisco, Calif., to Boston, Mass.)* is amended by adding the following to the present control areas: "From the Chicago Heights, Ill., omnirange station to the intersection of the Chicago Heights omnirange 333° True en route radial and the Chicago-Midway ILS localizer course; from the Chicago Heights, Ill., omnirange station to the Millersburg, Ind., omnirange station via the direct enroute and 15° south altitude change radials; Millersburg, Ind., omnirange station to the Toledo, Ohio, omnirange station via the direct enroute and 15° north and south altitude change radials; Toledo, Ohio, omnirange station to the Cleveland, Ohio, omnirange station via the direct enroute radials excluding danger areas and via the Toledo omnirange 119° True and the Cleveland omnirange 258° True altitude change radials; Cleveland, Ohio, omnirange station to the Youngstown, Ohio, omnirange station via the direct enroute and 15° north altitude change radials and the Cleveland 116° True and the Youngstown 250° True altitude change radials; Toledo, Ohio, omnirange station to the Youngstown, Ohio, omnirange station via the intersection of the Toledo 119° True altitude change radial and the west course of the Wellington, Ohio, VAR VHF radio range; Wellington, Ohio, VAR VHF radio range station; the intersection of the east course of the Wellington, Ohio, VAR VHF radio range and the Youngstown 250° True altitude change radial; from the Youngstown, Ohio, omnirange station to the Philipsburg, Pa., omnirange station via the direct enroute and the Youngstown 87° True and the Philipsburg 303° True altitude change radials; Philipsburg, Pa., omnirange station to the Selinsgrove, Pa., omnirange station via the direct enroute radials; Selinsgrove, Pa., omnirange station to the Allentown, Pa., omnirange station via the direct enroute radials; Allentown, Pa., omnirange station to the Matawan, N. J., VAR VHF radio range station via the Allentown omnirange direct enroute radial; from the Allentown, Pa., omnirange station to the Linden, N. J., nondirectional radio beacon via the Allentown omnirange direct enroute radial; from the Allentown, Pa., omnirange station to the Caldwell, N. J., omnirange station via the direct en route radials; and from the Philipsburg, Pa., omnirange station to the Caldwell, N. J., omnirange station via the Philipsburg 83° True and the Caldwell 277° True altitude change radials; from Selinsgrove, Pa., omnirange station to the Caldwell, N. J., omnirange station via the Selinsgrove 77° True and the Caldwell 277° True altitude change radials, and from the Philipsburg, Pa., omnirange station to the Allentown, Pa., omnirange station via the Philipsburg 113° True and the Allentown 258° altitude change radials, excluding that portion which lies more than 4 miles south of the Allentown, Pa., omnirange 258° True altitude change radial."

2. Section 601.106 is amended to read:

§ 601.106 *Amber civil airway No. 6 control areas (Jacksonville, Fla., to United States-Canadian Border).* All of Amber civil airway No 6 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Nashville, Tenn., omnirange station to the Bowling Green, Ky., omnirange station via the direct en route and 15° east altitude change radials, including all that area bounded on the southwest by Blue 3, on the northwest by Amber 6 and on the east by the Nashville-Bowling Green omnirange direct en route radials.

3. Section 601.212 *Red civil airway No. 12 control areas (Kansas City, Mo., to Williamsport, Pa.)* is amended by adding the following to the present control areas: "From Naperville, Ill., omnirange station to the South Bend, Ind., omnirange station via the direct en route radials. From the Erie, Pa., omnirange station to the Philipsburg, Pa., omnirange station via the direct en route radials."

4. Section 601.214 is amended by changing caption to read: *"Red civil airway No. 14 control areas (Lone Rock, Wis., to Huntington, W. Va.)."*

5. Section 601.219 is amended by changing caption to read: *"Red civil airway No. 19 control areas (Goshen, Ind., to Norfolk, Va.)."*

6. Section 601.255 is amended to read:

§ 601.255 *Red civil airway No. 55 control areas (Burlington, Iowa, to Columbus, Ohio).* All of the Red civil airway No. 55 including all that area 5 miles either side of the direct en route radials from the South Bend, Ind., omnirange station to the Millersburg, Ind., omnirange station.

7. Section 601.603 is amended to read:

§ 601.603 *Blue civil airway No. 3 control areas (Tallahassee, Fla., to Sault Ste Marie, Mich.)* All of Blue civil airway No. 3 from the Tallahassee, Fla., radio range station to a point 25 miles north of the Pellston, Mich., non-directional radio beacon, including all that area within 5 miles either side of the direct en route radials from the Nashville, Tenn., omnirange station to the Evansville, Ind., omnirange station and including the area bounded on the northwest by Blue 44, on the east by Blue 3 and on the southwest by the Nashville-Evansville omnirange direct en route radials.

8. Section 601.642 is amended by changing caption to read: *"Blue civil airway No. 42 control areas (Goshen, Ind., to Saginaw, Mich.)."*

9. Section 601.662 is amended by changing caption to read: *"Blue civil airway No. 62 control areas (Ypsilanti, Mich., to Traverse City, Mich.)."*

10. Section 601.681 is added to read: *"Blue civil airway No. 81 control areas (Charleston, W. Va., to Akron, Ohio).* All of Blue civil airway No. 81."

11. Section 601.1030 *Control area extension Lebo, Kans.*, is revoked.

12. Section 601.1030 is added to read:

§ 601.1030 *Control area extension (Victorville, Calif.).* All that area within the vicinity of George AFB, Victorville, Calif., bounded on the north by Green 4, on the southwest by Blue 14 and on the southeast by Amber 2.

13. Section 601.1075 is added to read:

§ 601.1075 *Control area extension, (Ada, Okla.).* All that area within a 15 mile radius of the Ada, Okla., Municipal Airport.

14. Section 601.1081 *Control area extension Zanesville, Ohio*, is revoked.

15. Section 601.1081 is added to read:

§ 601.1081 *Control area extension (Windsor Locks, Conn.).* All that area in the vicinity of Bradley Field, Windsor Locks, Conn., bounded on the southwest and west by Blue 41, on the northwest by Red 33, on the northeast by Green 2 and on the east by Amber 7, and all that area southwest of Bradley Field bounded on the northwest by Red 33, on the northeast by Blue 41 and on the south by Red 13.

16. Section 601.1140 *Control area extension Des Moines, Iowa*, is revoked.

17. Section 601.1140 is added to read:

§ 601.1140 *Control area extension (Youngstown, Ohio).* All that area within a 15 mile radius of the Youngstown, Ohio, omnirange station.

18. Section 601.1162 is amended to read:

§ 601.1162 *Control area extension (Danville, Va.).* Within a 5 mile radius of the Danville Municipal Airport extending 5 miles either side of a track bearing 356° True from the airport to a point 10 miles north, and extending 5 miles either side of a track bearing 57° True from the airport to a point 10 miles northeast of the airport.

19. Section 601.1223 is added to read:

§ 601.1223 *Control area extension (Allentown, Pa.).* All that area within a 15 mile radius of the Allentown, Pa., omnirange station.

20. Section 601.1224 is added to read:

§ 601.1224 *Control area extension (Philipsburg, Pa.).* All that area within a 15 mile radius of the Philipsburg, Pa., omnirange station.

21. Section 601.1225 is added to read:

§ 601.1225 *Control area extension (Erie, Pa.).* All that area within a 15 mile radius of the Erie, Pa., omnirange station.

22. Section 601.1226 is added:

§ 601.1226 *Control area extension (Tampa, Fla.).* From the Tampa, Fla., radio range station to the eastern boundary of the New Orleans Oceanic Control Area along a rhumb line between the Tampa, Fla., radio range station and the Callendar, La., non-directional radio beacon, extending 5 miles either side of the rhumb line at the Tampa radio range station thence diverging to a width of 10 miles either side of the rhumb line at its intersection with the eastern boundary of the New Orleans Oceanic Control Area, excluding that portion below 2,000 feet which lies outside the continental limits of the United States.

23. Section 601.1227 is added:

§ 601.1227 *Control area extension (Tampa, Fla.).* From the Tampa, Fla., radio range station to the intersection of the southwest course of the Tampa radio range with the eastern boundary of the Miami Oceanic Control Area, extending 5 miles either side of the southwest course at the radio range station thence diverging to a width of 10 miles of the centerline of the southwest course at its intersection with the eastern boundary of the Miami Oceanic Control Area, excluding that portion below 2,000 feet which lies outside the continental limits of the United States.

24. Section 601.1228 is added:

§ 601.1228 *Control area extension (Tampa, Fla.).* All that area 5 miles either side of a straight line from the Tampa, Fla., radio range station to the Key West, Fla., radio range station, excluding that portion below 2,000 feet between its intersection with the southwest course of the Fort Myers, Fla., radio range and Amber civil airway No. 7 and excluding the portion which overlaps Airspace Warning Areas.

25. Section 601.1229 is added to read:

§ 601.1229 *Control area extension (Tampa, Fla.).* All that area along a straight line between the Tampa, Fla., radio range station and the Tyndall AFB, Fla., radio range station, extending 5 miles either side of the line at the radio range stations thence diverging to 10 miles either side of the line at a point halfway between the radio range stations, excluding the portion which overlaps danger areas and excluding that portion below 2,000 feet which lies outside the continental limits of the United States.

26. Section 601.1230 is added to read:

§ 601.1230 *Control area extension (Miami, Fla.).* From the intersection of the southeast course of the Fort Myers, Fla., radio range and the west course of the Miami, Fla., radio range to the eastern boundary of the Miami Oceanic Control Area, along a rhumb line between that intersection and the Brownsville, Tex., radio range station, extending 5 miles either side of the rhumb line between that intersection and a point on the coastline at Lat. 25°48'50", Long. 81°30'40", thence extending 5 miles on the south side and diverging on the north side of the rhumb line to a width of 10 miles at its inter-

section with the eastern boundary of the Miami Oceanic Control Area, excluding the portion below 2,000 feet which lies outside the continental limits of the United States.

27. Section 601.1231 is added to read:

§ 601.1231 *Control area extension (Miami, Fla.).* From the Miami, Fla., radio range station extending 5 miles either side of a straight line to the Key West, Fla., radio range station, excluding the portion below 700 feet and excluding the portion which overlaps Airspace Warning Areas.

28. Section 601.1232 is added to read:

§ 601.1232 *Control area extension (Miami, Fla.).* An area bounded by a line beginning on the eastern edge of Amber civil airway No. 7 at Lat. 25°53'00", thence easterly to the western boundary of the Miami Oceanic/Nassau Control Area at Lat. 25°55'00", Long. 79°00'00", thence due south along that boundary to Lat. 24°40'00"; thence southwesterly to Lat. 24°00'00" Long. 80°25'00"; thence due north to the eastern edge of Amber No. 7, thence along Amber 7 to Lat. 25°53'00", point of beginning, excluding that portion below 1,000 feet which lies outside the continental limits of the United States.

29. Section 601.1233 is added to read:

§ 601.1233 *Control area extension (Key West, Fla.).* From the Key West, Fla., radio range station to the northern boundary of the Havana, Cuba, Control Area, extending 5 miles either side of a rhumb line between the Key West, Fla., radio range station and the Rancho Boyeros, Havana, Cuba, non-directional radio beacon, excluding the portion below 2,000 feet which lies outside the continental limits of the United States.

30. Section 601.1234 is added to read:

§ 601.1234 *Control area extension (Key West, Fla.).* From the intersection of the southwest course of the Homestead, Fla., radio range and the northeast course of the Key West, Fla., radio range to the northern boundary of the Havana, Cuba, Control Area, extending 5 miles either side of a rhumb line between that intersection and the Rancho Boyeros, Havana, Cuba, non-directional radio beacon, excluding the portion below 2,000 feet between Amber Civil Airway No. 7 and the Havana, Cuba, Control Area boundary.

31. Section 601.1235 is added to read:

§ 601.1235 *Control area extension (West Palm Beach, Fla.).* From the West Palm Beach, Fla., radio range station extending 5 miles either side of the east course of the West Palm Beach, Fla., radio range to its intersection with the western boundary of the Miami Oceanic/Nassau Control Area, excluding the portion below 2,000 feet outside the continental limits of the United States and excluding the portion which overlaps Airspace Warning Areas.

32. Section 601.1236 is added to read:

§ 601.1236 *Control area extension (West Palm Beach, Fla.).* From the West Palm Beach, Fla., radio range station to the western boundary of the Miami Oceanic/Nassau Control Area, extending 5 miles either side of a rhumb line between the West Palm Beach, Fla., radio range station and the Nassau, B. W. I., radio range station, excluding the portion below 2,000 feet which lies outside the continental limits of the United States.

33. Section 601.1983 (3 mile control zone) is amended by deleting the following airport:

Oceana, Va.: Naval Auxiliary Air Station.

34. Section 601.1984 (5 mile control zone) is amended by adding the following airport:

Oceana, Va.: Naval Auxiliary Air Station.

35. Section 601.2031 is amended to read:

§ 601.2031 *Houston, Tex., control zone.* Within a 5 mile radius of the Houston Municipal Airport and within a 5 mile radius of the Ellington AFB, extending 2 miles either side of the southeast course of the Houston radio range to the Webster fan marker, extending 2 miles either side of the southwest course of the Houston radio range to the Arcola fan marker, and extending 2 miles either side of the northwest course of the Houston radio range to the Houston fan marker.

36. Section 601.2060 *Lebo, Kansas, control zone* is revoked.

37. Section 601.2060 is added:

§ 601.2060 *Pellston, Mich., control zone.* Within a 5 mile radius of Emmet County Airport, Pellston, Mich., extending 2 miles either side of a track bearing 132° True from the Pellston non-directional radio beacon to a point 10 miles southeast.

38. Section 601.2238 is amended:

§ 601.2238 *New York, N. Y., control zone.* Within a 5 mile radius of the New York International Airport (Idlewild), extending 2 miles either side of the southwest course of the Idlewild, N. Y., radio range to the intersection of the southwest course of the Idlewild radio range and the northeast course of the Philadelphia, Pa., radio range, and extending 2 miles either side of the southeast course of the Floyd Bennett (Navy) radio range to the intersection of the southeast course of the Floyd Bennett (Navy) radio range and the southwest course of the Mitchel AFB radio range.

39. Section 601.2284 is added to read:

§ 601.2284 *Traverse City, Mich., control zone.* Within a 5 mile radius of Traverse City Airport extending 2 miles either side of the southeast course of the Traverse City radio range to a point 10 miles southeast of the radio range station.

40. Section 601.2285 is added to read:

§ 601.2285 *Victorville, Calif., control zone.* Within a 5 mile radius of George AFB, Victorville, Calif., extending 2 miles either side of a track bearing 360° True from the George AFB to a point 15 miles north.

41. Section 601.4107 *Amber civil airway No. 7 (Key West, Fla., to Caribou, Maine)* is amended after "Key West, Fla., radio range station:" by adding the following compulsory reporting point: "the intersection of the northeast course of the Key West, Fla., radio range and the southwest course of the Homestead, Fla., radio range;"

42. Section 601.4214 is amended by changing caption to read: "*Red civil airway No. 14 (Lone Rock, Wis., to Huntington, W. Va.).*"

43. Section 601.4219 is amended by changing caption to read: "*Red civil airway No. 19 (Goshen, Ind., to Norfolk, Va.).*"

44. Section 601.4603 is amended by changing caption to read: "*Blue civil airway No. 3 (Tallahassee, Fla., to Sault Ste Marie, Mich.).*"

45. Section 601.4639 *Blue civil airway No. 39 (Knoxville, Tenn., to U. S.-Canadian Border)* is amended by adding the following compulsory reporting point before "Syracuse, N. Y., radio range station": "The intersection of the southeast course of the Pittsburgh, Pa., radio range and the northeast course of the Morgantown, W. Va., radio range;"

46. Section 601.4642 is amended by changing caption to read: "*Blue civil airway No. 42 (Goshen, Ind., to Saginaw, Mich.).*"

47. Section 601.4662 is amended by changing caption to read: "*Blue civil airway No. 62 (Ypsilanti, Mich., to Traverse City, Mich.).*"

48. Section 601.4681 is added to read:

§ 601.4681 *Blue civil airway No. 81 (Charleston, W. Va., to Akron, Ohio).* No reporting point designation.

49. Section 601.5001 "*Other reporting points*" is amended by adding the following compulsory reporting points:

Gulfstream intersection: The intersection of the southeast course of the Miami, Fla., radio range and the northeast course of the Key West, Fla., radio range.
Abilene, Tex., omnirange station.
Albuquerque, N. Mex., omnirange station.
Ardmore, Okla., omnirange station.
Big Spring, Tex., omnirange station.
Carlsbad, N. Mex., omnirange station.
Delaware Springs intersection: The intersection of the Salt Flat, Tex., 85° True radial and the Carlsbad, N. Mex., 215° True radial.
El Paso, Tex., omnirange station.
Fort Worth, Tex., omnirange station.
Harrington intersection: The intersection of the Hot Springs, N. Mex., 162° True radial and the El Paso, Tex., 271° True radial.
Hobbs, N. Mex., omnirange station.
Hot Springs, N. Mex., omnirange station.
La Joya intersection: The intersection of the Hot Springs, N. Mex., 21° True radial and the Albuquerque, N. Mex., 169° True radial.
Las Vegas, N. Mex., omnirange station.
Midland, Tex., omnirange station.
Mineral Wells, Tex., omnirange station.
Oklahoma City, Okla., omnirange station.
Otto, N. Mex., omnirange station.
Ponca City, Okla., omnirange station.
Raton, N. Mex., omnirange station.
Roswell, N. Mex., omnirange station.
Rule intersection: The intersection of the Big Spring, Tex., 54° True radial and the Abilene, Tex., 359° True radial.
Salt Flat, Tex., omnirange station.
San Angelo, Tex., omnirange station.
Santa Fe, N. Mex., omnirange station.
Tucumcari, N. Mex., omnirange station.
Tulsa, Okla., omnirange station.
Wichita Falls, Tex., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., March 6, 1951.

[SEAL] L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-2949; Filed, Mar. 5, 1951; 8:58 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5104]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MARY MUFFET, INC.

Subpart—*Advertising falsely or misleadingly:* § 3.30 *Composition of goods.* Subpart—*Misrepresenting oneself and goods—Goods:* § 3.1590 *Composition.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition.* In connection with the offering for sale, sale, and distribution of articles of wearing apparel, or other products, composed in whole or in part of rayon, in commerce, advertising, offering for sale, or selling products composed in whole or in part of rayon without clearly disclosing such rayon content; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Mary Muffet, Inc., Docket 5104, Dec. 26, 1950]

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner with exceptions thereto, and briefs and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Mary Muffet, Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of articles of wearing apparel or other products composed in whole or in part of rayon, in commerce as "commerce" is described in the Federal Trade Commission Act, do forthwith cease and desist from advertising, offering for sale, or selling products composed in whole or in part of rayon without clearly disclosing such rayon content.

It is further ordered, That the charge in the complaint that respondent has mispresented the fiber content of certain of its products through the use of the word "crepe" be, and the same hereby is, dismissed.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: December 26, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-2905; Filed, Mar. 5, 1951; 8:50 a. m.]

[Docket 5139]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IRENE KAROL

Subpart—*Advertising falsely or misleadingly:* § 3.30 *Composition of goods.* Subpart—*Misrepresenting oneself and goods—Goods:* § 3.1590 *Composition.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition.* In connection with the offering for sale, sale, and distribution of articles of wearing apparel, or other products, composed in whole or in part of rayon, in commerce, advertising, offering for sale, or selling products composed in whole or in part of rayon without clearly disclosing such rayon content; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Max Orenstein et al. doing business as Irene Karol, Docket 5139, Dec. 26, 1950]

In the Matter of Max Orenstein and Louis Karpf, Individually and as Copartners Trading and Doing Business as Irene Karol

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondents, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner with exceptions thereto, and briefs and oral argument of counsel (Pursuant to request of counsel exceptions to the trial examiner's recommended decision and briefs and oral argument of counsel in the matter of Mary Muffet, Inc., Docket 5104, were considered in this matter to the extent applicable, the same as though they had been physically filed or made in this proceeding); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Max Orenstein and Louis Karpf, individually and as copartners trading and doing business as Irene Karol, or trading under any other name, and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of articles of wearing apparel, or other products, composed in whole or in part of rayon, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from advertising, offering for sale, or selling products composed in whole or in part of rayon without clearly disclosing such rayon content.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 26, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-2900; Filed, Mar. 5, 1951; 8:49 a. m.]

[Docket 5167]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL DRESS GOODS CO.

Subpart—*Advertising falsely or misleadingly:* § 3.30 *Composition of goods.* Subpart—*Misrepresenting oneself and goods—Goods:* § 3.1590 *Composition.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition.* In connection with the offering for sale, sale, and distribution of articles of wearing apparel, or other products, composed in whole or in part of rayon, in commerce, advertising, offering for sale, or selling products composed in whole or in part of rayon without clearly disclosing such rayon content; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, National Dress Goods Co., Docket 5167, Dec. 26, 1950]

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner with exceptions thereto, and briefs and oral argument of counsel (Pursuant to request of counsel exceptions to the trial examiner's recommended decision and briefs and oral argument of counsel in the matter of Mary Muffet, Inc., Docket 5104, were considered in this matter to the extent applicable, the same as though they had been physically filed or made in this proceeding); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, National Dress Goods Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of articles of wearing apparel, or other products, composed in whole or in part of rayon, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from advertising, offering for sale, or selling products

composed in whole or in part of rayon without clearly disclosing such rayon content.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: December 26, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-2904; Filed, Mar. 5, 1951; 8:50 a. m.]

[Docket 5221]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DARESH GARMENT CO., INC.

Subpart—*Advertising falsely or misleadingly:* § 3.30 *Composition of goods.* Subpart—*Misrepresenting oneself and goods—Goods:* § 3.1590 *Composition.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition.* In connection with the offering for sale, sale, and distribution of articles of wearing apparel, or other products, composed in whole or in part of rayon, in commerce, advertising, offering for sale, or selling products composed in whole or in part of rayon without clearly disclosing such rayon content; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Daresh Garment Co., Inc., Docket 5221, Dec. 26, 1950]

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner with exceptions thereto, and briefs and oral argument of counsel (Pursuant to request of counsel exceptions to the trial examiner's recommended decision and briefs and oral argument of counsel in the matter of Mary Muffet, Inc., Docket 5104, were considered in this matter to the extent applicable, the same as though they had been physically filed or made in this proceeding); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Daresh Garment Company, Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of articles of wearing apparel, or other products, composed in whole or in part of rayon, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from advertising, offering for sale, or selling products composed in whole or in part of rayon without clearly disclosing such rayon content.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: December 26, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-2903; Filed, Mar. 5, 1951; 8:50 a. m.]

[Docket 5223]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

FRELICH, INC.

Subpart—*Advertising falsely or misleadingly:* § 3.30 *Composition of goods.* Subpart—*Misrepresenting oneself and goods—Goods:* § 3.1590 *Composition.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition.* In connection with the offering for sale, sale, and distribution of articles of wearing apparel, or other products, composed in whole or in part of rayon, in commerce, advertising, offering for sale, or selling products composed in whole or in part of rayon without clearly disclosing such rayon content; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Frelich, Inc., Docket 5223, Dec. 26, 1950]

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner with exceptions thereto, and briefs and oral argument of counsel (Pursuant to request of counsel exceptions to the trial examiner's recommended decision and briefs and oral argument of counsel in the matter of Mary Muffet, Inc., Docket 5104, were considered in this matter to the extent applicable, the same as though they had been physically filed or made in this proceeding); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Frelich, Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of articles of wearing apparel, or other products, composed in whole or in part of rayon, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from advertising, offering for sale, or selling products composed in whole or in part of rayon without clearly disclosing such rayon content.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: December 26, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-2901; Filed, Mar. 5, 1951; 8:49 a. m.]

[Docket 5276]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

WAX BROS. & ROSENBERG DRESS CO., INC.

Subpart—*Advertising falsely or misleadingly:* § 3.30 *Composition of goods.* Subpart—*Misrepresenting oneself and goods—Goods:* § 3.1590 *Composition.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition.* In connection with the offering for sale, sale, and distribution of articles of wearing apparel, or other products, composed in whole or in part of rayon, in commerce, advertising, offering for sale, or selling products composed in whole or in part of rayon without clearly disclosing such rayon content; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U. S. C. 45) [Cease and desist order, Wax Bros. & Rosenberg Dress Co., Inc., Docket 5276, Dec. 26, 1950]

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner with exceptions thereto, and briefs and oral argument of counsel (Pursuant to request of counsel exceptions to the trial examiner's recommended decision and briefs and oral argument of counsel in the matter of Mary Muffet, Inc., Docket 5104, were considered in this matter to the extent applicable, the same as though they had been physically filed or made in this proceeding); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Wax Bros. & Rosenberg Dress Co., Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of articles of wearing apparel, or other products, composed in whole or in part of rayon, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from advertising, offering for sale, or selling products composed in whole or in part of rayon without clearly disclosing such rayon content.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: December 26, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-2902; Filed, Mar. 5, 1951; 8:50 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

INSTRUCTION BOOKS FOR FORMS FOR COMPANIES MAKING CERTAIN ANNUAL REPORTS

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 13 and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it by the said act, hereby amends paragraph 3 under the caption "Instructions as to Exhibits" in the Instruction Books for Forms 12–K (17 CFR 249.312) and 12A–K (17 CFR 249.312a) to read as follows:

3. Notwithstanding the provisions of paragraph 1, above, any registrant filing a copy of Form A may, if it so desires, leave blank any or all pages, schedules or items of the form except the following:

Schedules 101; 102; 103; 104A; 104B; 108; 109; 110; 200A; 200L; lines 40, 49, 57, 58, 59 and 60 of 211; 211A; 211B; 211C, 211D; 211E; 211F; 212; 213; 213A; 213B; 215; 217; 218; 222; 223; 224; 251; 251A; 252; 261E; 261I; 261M; 261P; 263; line 42 of 275; 281A; 287; 291; 292; 293; 295; 300; 305; 308; 310; lines 67, 68, 69, 100; 101, 102, 115, 167, 177, 192, 193, and 194 of 320; line 216 of 320A; 320B; 320C; 320D; 320E; 320F; 321; 350; 371; 371A; 376; 377; 383; 383A; 384; 396; 412; 422; classes 900, 910, 920, 930, 940, 950, 960, 970, and 980, of 541; divisions 1, 2, 801, 802, 803, 804, 805, 806, 808, 809, 902, 903, 904, 905, 906, 907, 908, 909, 910 and 950, of 561; 561C; 562; 563; 581, 591; and verification. In addition, a copy of its annual report to stockholders for the comparable period shall be filed as an exhibit to each copy of Form A. If annual reports to stockholders are not published, that fact should be stated.

All applicable instructions of the Interstate Commerce Commission shall be followed in filling out the various schedules subject to the provisions of paragraph 4 below.

Since the foregoing amendment merely continues a privilege heretofore granted to issuers reporting on Forms 12–K and 12A–K and such issuers are already familiar with the substance of such amendments and are not materially or adversely affected thereby, the Commission finds that the giving of notice and the institution of public rule-making procedure pursuant to section 4 of the Administrative Procedure Act are unnecessary. Since the adoption of the amendment is for the benefit of such issuers, and as they may desire to avail themselves of the privilege granted thereby, the amendment shall become effective February 27, 1950.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w. Interprets or applies sec. 15, 48 Stat. 895, as amended; 15 U. S. C. 78o)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

FEBRUARY 26, 1950.

[F. R. Doc. 51-2885; Filed, Mar. 5, 1951; 8:45 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Department of Labor

Subchapter B—United States Employees' Compensation Act

PART 25—COMPENSATION FOR DISABILITY AND DEATH OF NON-CITIZENS OUTSIDE THE UNITED STATES

SUBPART C—EXTENSION OF SPECIAL SCHEDULE OF COMPENSATION

TERRITORY OF PACIFIC ISLANDS

Subpart C, Part 25, Subchapter B of this chapter is hereby amended by adding thereto a new section as follows:

§ 25.24 *Territory of the Pacific Islands.* (a) The special schedule of compensation established by Subpart B shall apply, with the modifications or additions specified in paragraph (b) of this section, as of July 18, 1947, in the Territory of the Pacific Islands which comprises all of the Mariana Islands except Guam, all of the Caroline Islands including the Island of Palau, and all of the Marshall Islands, and shall be applied retrospectively in cases of injury (or death from injury) occurring on and after such date. Compensation in all cases pending as of February 1, 1951, shall be adjusted accordingly, with credit taken in the amount of compensation paid prior to such date. Refund of compensation shall not be required if the amount of compensation paid in any case, otherwise than through fraud, misrepresentation, or mistake, and prior to February 1, 1951, exceeds the amount provided for under this section; and such case shall be deemed compromised and paid under section 42 of such act of September 7, 1916, as amended.

(b) The total aggregate compensation payable in any case under paragraph (a) of this section, for injury or death or both, shall not exceed the sum of $4,000, exclusive of medical costs. The maximum monthly rate of compensation in any such case shall not exceed the sum of $50.

(Sec. 32, 39 Stat. 749; 5 U. S. C. 783. Interprets or applies sec. 42, 39 Stat. 750, as amended; 5 U. S. C. 793)

Signed at Washington, D. C., this 27th day of February 1951.

MAURICE J. TOBIN, *Secretary of Labor.*

[F. R. Doc. 51-2882; Filed, Mar. 5, 1951; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 354]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 349]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

NEW JERSEY

Amendment 354 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 349 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 188a, is amended to read as follows:

Name of defense-rental area	State	County or counties under rent regulation	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed
(188a) Southern New Jersey.	New Jersey....	Camden County, except the borough of Haddonfield, Gloucester County, and Burlington County, except the townships of Bass River, Tabernacle, Shamong, Woodland and Washington, and the borough of Medford Lakes in Medford Township.	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
		In Cape May County, the borough of Woodbine; and in Cumberland County, the city of Millville.	....do.....	Dec. 1, 1942	Jan. 15, 1943

This recontrols the Borough of Woodbine in Cape May County and the City of Millville in Cumberland County, portions of the Southern New Jersey Defense-Rental Area. Cape May County in which the Borough of Woodbine is located, was heretofore decontrolled as of May 1, 1947, and Cumberland County which includes the City of Millville was heretofore decontrolled as of December 8, 1949.

2. A new item is hereby incorporated in Schedule B to read as follows:

80. Provisions relating to the Borough of Woodbine in Cape May County and to the City of Millville in Cumberland County, New Jersey, portions of the Southern New Jersey Defense-Rental Area.

Recontrol of the Borough of Woodbine in Cape May County and the City of Millville in Cumberland County, New Jersey, portions of the Southern New Jersey Defense-Rental Area. Effective March 1, 1951, the provisions of §§ 825.1 to 825.12 and 825.81 to 825.92 shall apply to housing accommodations in the Borough of Woodbine in Cape May County and in the City of Millville in Cumberland County, New Jersey, portions of the Southern New Jersey Defense-Rental Area (said localities having been heretofore decontrolled as of May 1, 1947, and December 8, 1949, respectively), except as modified by the following provisions:

a. As to housing accommodations in the Borough of Woodbine in Cape May County, New Jersey, all orders in effect on May 1, 1947, in accordance with §§ 825.1 to 825.12 or 825.81 to 825.92, shall be in full force and effect.

b. As to housing accommodations in the City of Millville in Cumberland County, New Jersey, all orders in effect on December 8, 1949, in accordance with §§ 825.1 to 825.12 or 825.81 to 825.92, shall be in full force and effect.

c. If, on March 1, 1951, there was a ground for adjustment under § 825.5 (a) or 825.85 (a) for which no order had previously been issued, and a petition for adjustment is filed on or before April 1, 1951, the adjustment shall be effective as of March 1, 1951.

d. If, on March 1, 1951, the services provided with any housing accommodations are less than the minimum required by § 825.3 or 825.83, the landlord shall either restore and maintain such minimum services or file a petition on or before April 1, 1951, requesting approval of the decreased services. If, on March 1, 1951, the furniture, furnishings or equipment provided with any housing accommodations are less than the minimum required by § 825.3 or 825.83, the landlord shall file, on or before April 1, 1951, a written report showing the decrease in furniture, furnishings or equipment. Except as modified by this paragraph, the provisions of §§ 825.5 (b) and 825.85 (b) shall be applicable to all such cases.

e. In the case of any action which, on March 1, 1951, was required or authorized by §§ 825.1 to 825.12 or 825.81 to 825.92 to be taken within a specified period of time, the same time period shall be applicable but such time period shall be counted from March 1, 1951.

f. The provisions of §§ 825.6 and 825.86 shall not apply to any case in which judgment was entered prior to March 1, 1951 by a court of competent jurisdiction for the eviction or removal of a tenant from housing accommodations.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective March 1, 1951.

Issued this 1st day of March 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-2945; Filed, Mar. 5, 1951; 8:58 a. m.]

[Controlled Housing Rent Reg., Amdt. 355]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 350]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

INDIANA, MICHIGAN AND OHIO

Amendment 355 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 350 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 102, is amended to describe the counties in the Defense-Rental Area as follows:

Lake County, except the City of Hammond, and the Townships of Cedar Creek, Eagle Creek, Hanover, West Creek and Winfield.

This decontrols the City of Hammond in Lake County, Indiana, a portion of the Gary-Hammond, Indiana, Defense-Rental Area.

2. Schedule A, Item 149, is amended to describe the counties in the Defense-Rental Area as follows:

Oakland County, except (i) the Townships of Addison, Brandon, Groveland, Highland, Holly, Independence, Milford, Oakland, Orion, Oxford, Rose and Springfield, (ii) the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford, Rochester and that portion of Northville located in Oakland County, and (iii) the Cities of Birmingham, Bloomfield Hills, Pontiac, Royal Oak, and South Lyon; Wayne County, except (i) the Cities of Grosse Pointe and Plymouth, (ii) the Village of Wayne, and (iii) that portion of the Village of Northville located in Wayne County; and Macomb County, except the City of Mount Clemens, and the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

In Washtenaw County, the Township of Ann Arbor and the City of Ann Arbor.

This decontrols the Village of Rochester in Oakland County, Michigan, a portion of the Detroit, Michigan, Defense-Rental Area.

3. Schedule A, Item 233, is amended to to describe the counties in the Defense-Rental Area as follows:

Lorain County, except the Townships of Brighton, Huntington, Penfield, Rochester and Wellington, and the Villages of Oberlin, Wellington and Rochester.

This decontrols the Village of Oberlin in Lorain County, Ohio, a portion of the Lorain-Elyria, Ohio, Defense-Rental Area.

All decontrols effected by this amendment are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective March 2, 1951.

Issued this 1st day of March 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-2946; Filed, Mar. 5, 1951; 8:58 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 8]

CPR 8—AMERICAN UPLAND COTTON

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 8 is hereby issued.

STATEMENT OF CONSIDERATIONS

Why this regulation is necessary. The farm price of raw cotton has, since the Korean outbreak, risen from 29.91 cents per pound in June 1950 to 41.31 cents in January 1951, a rise of almost 40 percent. Conferences with various groups found virtually unanimous opinion that, until the size of the new crop is established, the price could rise substantially above present levels if cotton were uncontrolled. Such a rise in the price of raw cotton would put strong upward pressure on the ceiling prices of cotton textiles and hence on cotton clothing and on such basic items as sheets and towels—a basic part of the cost of living. To permit this would mean, not stabilization, but inflation.

Raw cotton is currently in very tight supply. The 1950–51 crop was just under 10 million bales, about 6 million less than in the previous year. Even though the carryover was substantial, amounting to 6.8 million bales, the total indicated supply of about 16.8 million bales for the current crop year is insufficient to meet both domestic and foreign demands. Consequently, it has been necessary for the Department of Agriculture to impose export quotas, which thus far limits total exports to an estimated 4 million bales in the current crop year. This was done to insure that estimated domestic requirements of about 10.5 million bales will be met in full, and that there will be a minimum carryover of at least 2.3 million bales, the lowest in twenty-five years.

The type of control established under the General Ceiling Price Regulation is not suited to cotton. Raw cotton is a commodity sold on the basis of grade and staple length. Under the general freeze, raw cotton was exempted when sold by producers, since a freeze order at the farm level would be meaningless, but it was controlled when sold by merchants and other dealers in cotton. The general order established individual sellers' ceilings determined by their deliveries in the base period. Thus, for the same grade and staple, sellers in the same market could have different ceiling prices. This would permit the seller with the higher ceiling price to bid away the available supply in the hands of producers from the seller with the lower ceiling price and would thus disrupt normal channels of marketing and distribution. This ceiling regulation for cotton is being issued to permit normal trading patterns to be re-established.

The structure of ceiling prices. This regulation establishes ceiling prices for American upland cotton in mixed or odd lots, by grade and staple and by location for every seller including producers. The geographic structure of these ceilings is identical with that used by the Commodity Credit Corporation for its cotton loan program. These ceilings also govern future transactions on the commodity exchanges.

Thus the ceiling price for White and Extra White Middling $^{15}/_{16}$ inch in Area 1 (comprising parts of the Carolinas) is 45.76 cents per pound. This price was derived from the highest average price of 45.14 cents reported in the ten spot markets during the base period December 19,1950–January 25, 1951, plus the average freight differential of 0.62 cent ($0.0062) per pound between the ten spot markets and Area 1. For any other grade and staple of cotton sold in Area 1, appropriate premiums and discounts are specified. These premiums and discounts are market quotations for January 25, 1951, and are arrived at in the same way as the Commodity Credit Corporation's loan differentials.

In any other area, the ceiling prices for the same grade and staple will be less than in Area 1 generally by the cost of the freight to Area 1. Area 1, besides being a region where cotton is grown, has the most important concentration of cotton textile mills in the country. Cotton is shipped into Area 1 from all parts of the Cotton Belt. Hence, for cotton to be shipped on a competitive basis into Area 1, its price at point of origin must in general be less than the price in Area 1 by the amount of transportation costs.

In addition, the regulation fixes ceiling prices for cotton landed at the mills in even running lots. After cotton is purchased in mixed lots by shippers, it must be sorted into lots containing bales of uniform grade and staple, compressed, and shipped. The regulation provides shippers' margins to be added to the ceiling prices for cotton in Area 1 for shipment to mills in the area generally known as Group B mills, which differs somewhat from Area 1. These margins were obtained from the reported spreads on January 25, 1951, between the price of cotton in mixed lots in warehouse uncompressed at Memphis and the price of the same cotton landed at Group B mill points. Since these spreads include freight cost, they were reduced by the average freight differential between the ten spot markets and Area 1 since freight is already allowed in Area 1 ceilings. This method of calculation yielded a somewhat higher shippers' margin than if the freight from Memphis to Group B mill points were deducted. Memphis prices were chosen because the range of price data available there was greater than for any other reporting market. The data for Group B landed prices are available only for the most important grades and in the staples, $^{15}/_{16}$ through $1^{1}/_{4}$ inch. For the other grades and staples, the shippers' margins were calculated by raising the shippers' margins published by the Office of Price Administration on January 14, 1946, to preserve approximately the same relationships between the spreads for which current data are available and for those for which data are unavailable as existed in the table of shippers' margins published in 1946. If it should develop that these margins calculated in this way are not fully representative of present conditions, the Director of Price Stabilization stands ready to make appropriate changes.

If a mill is located in any area other than the Group B mill area, the landed price for cotton is the Group B mill landed price adjusted for the freight differential in shipping the cotton. The regulation specifies the appropriate differential or the method of calculating this differential.

Export ceiling prices are also established in this regulation. The export ceiling prices are determined by taking the appropriate ceiling price for cotton when sold in mixed or odd lots, adding the shippers' margin and the actual cost of transportation to the shippers' point of delivery plus an allowance for the cost of high density compression when not already included in the freight cost.

The agricultural provisions of the act. Under the Defense Production Act of 1950, no ceiling for any agricultural commodity can be established at less than parity or the highest price prevailing in the period, May 24, 1950–June 24, 1950. The current parity price for raw cotton is 33.11 cents per pound and the highest farm price prevailing in the designated period was 32.37 cents per pound.

On January 15, 1951, the farm price was 41.31 cents per pound and 125 percent of parity. Since ceiling prices in this regulation are based on the highest market prices prevailing in the period, December 19, 1950–January 25, 1951, it is clear that the ceiling prices will reflect to farmers a level of prices well above the "legal minima."

The goal of maximum production. It is in the national interest to encourage the largest possible cotton crop this year. To this end, the Department of Agriculture has relaxed all limitations on the planting of cotton and has urged cotton farmers to plant sufficient acreage to produce a minimum of 16 million bales for the 1951 crop. The Director of Price Stabilization has been very conscious of the need to fix a ceiling price for raw cotton high enough to provide ample inducement to the farmer to achieve this goal. Discussions with people concerned with cotton indicate that the price of cotton prevailing in the base period, December 19, 1950–January 25, 1951, is high enough to provide such inducement. These prices set a record high in terms of cents per pound; and in terms of parity, there were only five months out of the previous twenty-five years in which the farm price reached 125 percent of parity or higher. During that period, there were four years in which the crop was 16 million bales or higher.

In formulating this regulation the Director of Price Stabilization has consulted with representatives of industry to the extent practicable under the circumstances, and has given consideration to their recommendations.

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Ceilings for mixed lots and odd lots.
3. Ceilings for even running lots landed at the mill.
4. Ceilings for exports.
5. Prohibitions.
6. Records.
7. Evasion.
8. Enforcement.
9. Petitions for amendment.

AUTHORITY: Sections 1 to 9 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation fixes dollars-and-cents ceiling prices for raw American upland cotton, based on a price of 45.76 cents per pound, gross weight, for White and Extra White, Middling $^{15}/_{16}$ inch located in Area 1.

SEC. 2. *Ceilings for mixed lots and odd lots.* If you are selling mixed lots or odd lots of cotton located in Area 1, your ceiling price is 45.76 cents per pound, gross weight, the price for White and Extra White, Middling $^{15}/_{16}$ inch, plus the premium or minus the discount which is set forth in Table I for the particular grade and staple you want to price. If your cotton is not located in Area 1, but in some other area, simply subtract the location differential in Table II.

TABLE I—PREMIUMS AND DISCOUNTS FOR ALL QUALITIES OF AMERICAN UPLAND COTTON[1]

[Basis $^{15}/_{16}$ inch middling, white, and extra white]

Grade	Staple length (inches)												
	$^{13}/_{16}$	$^{7}/_{8}$	$^{29}/_{32}$	$^{15}/_{16}$	$^{31}/_{32}$	1	$1^{1}/_{32}$	$1^{1}/_{16}$	$1^{3}/_{32}$	$1^{1}/_{8}$	$1^{5}/_{32}$	$1^{3}/_{16}$	$1^{7}/_{32}$	$1^{1}/_{4}$
White and Extra White														
Middling Fair	−103	−52	−3	75	108	158	192	217	300	530	815	1.020	1.300	1.500
Strict Good Middling	−103	−52	−3	75	108	158	192	217	292	500	815	1.020	1.300	1.500
Good Middling	−103	−52	−3	75	108	158	192	215	288	500	815	1.020	1.300	1.500
Strict Middling	−152	−79	−11	69	98	148	182	205	278	500	760	1.000	1.275	1.475
Middling	−175	−110	−71	Note[2]	25	47	130	123	200	300	500	805	1.100	1.275
Strict Low Middling	−350	−303	−250	−209	−187	−155	−107	−121	−70	10	120	325	47	500
Low Middling	−445	−388	−345	−297	−280	−208	−255	−170	−210	−200	−185	−170	−140	−170
Strict Good Ordinary	−570	−500	−460	−408	−403	−395	−385	−385	−375	−375	−375	−375	−375	−375
Good Ordinary	−683	−60	−575	−540	−500	−491	−485	−485	−450	−450	−450	−425	−425	−450
Spotted														
Good Middling	−338	−288	−233	−177	−150	−133	−112	−165	−50	−50	−50	10	85	140
Strict Middling	−358	−310	−256	−200	−185	−173	−150	−125	−80	−60	−50	5	55	110
Middling	−510	−458	−408	−340	−324	−308	−290	−290	−250	−250	−250	−175	−150	−150
Strict Low Middling	−668	−535	−480	−420	−417	−401	−400	−400	−375	−375	−375	−375	−375	−375
Low Middling	−777	−677	−623	−573	−562	−551	−550	−549	−500	−500	−500	−500	−500	−500
Tinged														
Good Middling	−530	−454	−404	−354	−332	−311	−311	−341	−290	−290	−290	−225	−210	−200
Strict Middling	−550	−476	−426	−376	−374	−302	−302	−302	−287	−275	−290	−245	−250	−225
Middling	−667	−583	−533	−483	−481	−473	−473	−473	−400	−400	−400	−400	−400	−400
Strict Low Middling	−817	−707	−657	−607	−604	−596	−595	−596	−500	−500	−500	−500	−500	−500
Low Middling	−917	−805	−755	−705	−704	−695	−695	−695	−600	−600	−600	−600	−600	−600

See footnote at end of table.

Hale, Perry, Dallas, Lowndes, Butler, Crenshaw, and Covington.
Florida: County of Walton.

Area 9: Subtract 70 Points

Tennessee: Counties of Lawrence, Wayne, Lewis, Perry, Hickman, Humphreys, Dickson, Davidson, Williamson, and Maury.
Alabama: Counties of Lauderdale, Colbert, Franklin, Marion, Lamar, Pickens, Green, Sumter, Marengo, Choctaw, Wilcox, Monroe, Clarke, Washington, Escambia, and Conecuh.
Florida: County of Okaloosa.

Area 10: Subtract 80 Points

Alabama: Counties of Mobile and Baldwin.
Florida: Counties of Escambia and Santa Rosa.

Other Areas: At any point in any other area, the amount to be subtracted is the transportation charge at the lowest published domestic carload rail rate (plus the transportation tax) from that point to the Group B mill area.

SEC. 3. *Ceilings for even running lots landed at the mill.* If you are selling cotton in even running lots landed at a mill located in the Group B mill area, your ceiling is the Area 1 ceiling for the particular grade and staple you want to price, plus the applicable differential shown in table III. Your ceiling for cotton in even running lots landed at a mill in other mill areas, is the Area 1 ceiling for the particular grade and staple you want to price, plus the applicable differential shown in table III, plus or minus the applicable differential shown in table IV.

TABLE III—DIFFERENTIALS FOR DETERMINING CEILING PRICES FOR COTTON LANDED IN THE GROUP B MILL AREA[1]

Grade	Staple length (inches)														
	13/16 and shorter	7/8	29/32	15/16	31/32	1	1 1/32	1 1/16	1 1/32	1 1/16	1 5/32	1 3/16	1 7/32	1 1/4 and longer
White and extra white														
Good Middling	176	176	176	176	176	176	163	203	213	215	223	278	278	278
Strict Middling	176	176	176	176	176	176	163	203	213	215	223	278	278	278
Middling	176	176	176	176	176	176	163	203	213	215	223	278	278	278
Strict Low Middling	176	176	176	176	176	176	163	203	213	215	223	278	278	278
Low Middling	176	176	176	176	176	176	163	203	213	215	223	278	278	278
Strict Good Ordinary	176	176	176	176	176	176	163	203	213	215	223	278	278	278
Good Ordinary	176	176	176	176	176	176	163	203	213	215	223	278	278	278
Spotted														
Good Middling	135	135	135	135	135	135	124	164	174	176	184	239	239	239
Strict Middling	135	135	135	135	135	135	124	164	174	176	184	239	239	239
Middling	135	135	135	135	135	135	124	164	174	176	184	239	239	239
Strict Low Middling	135	135	135	135	135	135	124	164	174	176	184	239	239	239
Low Middling	135	135	135	135	135	135	124	164	174	176	184	239	239	239
Tinged														
Good Middling	126	126	126	126	126	126	115	155	165	167	175	230	230	230
Strict Middling	126	126	126	126	126	126	115	155	165	167	175	230	230	230
Middling	126	126	126	126	126	126	115	155	165	167	175	230	230	230
Strict Low Middling	126	126	126	126	126	126	115	155	165	167	175	230	230	230
Low Middling	126	126	126	126	126	126	115	155	165	167	175	230	230	230
Yellow Stained														
Good Middling	126	126	126	126	126	126	115	155	165	167	175	230	230	230
Strict Middling	126	126	126	126	126	126	115	155	165	167	175	230	230	230
Middling	126	126	126	126	126	126	115	155	165	167	175	230	230	230
Gray														
Good Middling	126	126	126	126	126	126	115	155	165	167	175	215	215	215
Strict Middling	126	126	126	126	126	126	115	155	165	167	175	215	215	215
Middling	126	126	126	126	126	126	115	155	165	167	175	215	215	215

(a) Differentials are in points (hundredths of a cent) per pound for qualities equal to the Official Cotton Standards of the United States for any grade lower than the lowest grade shown in the table shall be the same as that applicable to the lowest grade in that color group for the staple listed. Differentials shown in the table shall be the same as that applicable to the highest grade in that color group for the staple length involved.

TABLE II—PREMIUMS AND DISCOUNTS FOR ALL QUALITIES OF AMERICAN UPLAND COTTON [—Continued

[Basis 15/16 inch middling, white, and extra white]

Grade	Staple length (inches)														
	13/16 and shorter	7/8	29/32	15/16	31/32	1	1 1/32	1 1/16	1 1/32	1 1/16	1 5/32	1 3/16	1 7/32	1 1/4 and longer
Yellow Stained														
Good Middling	−267	−603	−603	−603	−603	−603	−603	−603	−603	−603	−603	−150	−150	−150
Strict Middling	−317	−767	−767	−767	−767	−767	−767	−767	−767	−767	−767	−175	−175	−175
Middling	−942	−767	−767	−767	−767	−767	−767	−767	−767	−767	−767	−575	−575	−575
Gray														
Good Middling	−267	−317	−317	−317	−317	−317	−317	−317	−317	−317	−317	−110	−285	−285
Strict Middling	−317	−767	−767	−767	−767	−767	−767	−767	−767	−767	−767	−165	−210	−210
Middling	−767	−767	−767	−767	−767	−767	−767	−767	−767	−767	−767	−440	−90	−90
Strict Low Middling	−767	−767	−767	−767	−767	−767	−767	−767	−767	−767	−767	−440	−90	−90

(a) Premium and discounts are in points (hundredths of a cent) per pound for qualities equal to the Official Cotton Standards of the United States.
(b) For staple length longer than 1 1/4", increase the premium or lessen the discount shown for the 1 1/4" staple for each 1/32" by the difference between the amounts shown in the table for the 1 5/32" and the 1 1/4" staples for the particular grade.
(c) For qualities of staple length less than 13/16", increase the discount shown for the 13/16" staple for each 1/32" below 13/16", by the difference between the amounts shown in the table for the 13/16" and the 7/8" staples for the particular grade.
(d) In each color group, the discount for any grade lower than the lowest grade shown in the table shall be the same as that applicable to the lowest grade in that color group for the staple involved.
(e) Discounts are indicated by minus (−) signs, all other items are premiums.

TABLE IV—DIFFERENTIALS FOR DETERMINING CEILING PRICE FOR COTTON LANDED IN A MILL AREA OTHER THAN GROUP B

Area 1: No Location Differential

North Carolina: All counties west of Granville, Wake, Harnett, Hoke and Scotland.
South Carolina: All counties west of Marlboro, Carlington, Lee, Sumter, Calhoun, Orangeburg, and Barnwell.

Area 2: Subtract 7 Points

North Carolina: All counties east of Person, Durham, Chatham, Lee, Moore, and Richmond.
South Carolina: All counties east of Chesterfield, Kershaw, Richland, Lexington, and Aiken.
Virginia: All counties.

Area 3: Subtract 10 Points

Georgia: All counties east of Union Lumpkin, Dawson, Forsythe, Gwinnett, Walton, Morgan, Putnam, Hancock, Glascock, Jefferson, and Burke.

Area 4: Subtract 20 Points

Georgia: All counties, except Dade and counties in zone with 10 points less that mill area, north of Stewart, Webster, Sumter, Dooly, Wilcox, Telfair, Wheeler, Montgomery, Toombs, Tattnall, Evans, and Bryan.

Area 5: Subtract 30 Points

Georgia: County of Dade and all counties south of Chattahoochee, Macon, Houston, Pulaski, Dodge, Laurens, Treulen, Marion, Schley, Emanuel, Candler, Bulloch, Effingham, and Chatham and north of Quitman, Randolph, Calhoun, Baker, Mitchell, Colquitt, Cook, Berrien, Atkinson, Ware, Pierce, Brantley, and Glynn.
Tennessee: All counties east of Marion, Sequatchie, Bledsoe, Cumberland, Morgan, and Scott.
Alabama: All counties east of De Kalb, Marshall, Blount, St. Clair, Shelby, Coosa, Elmore, Macon, Bullock, and Barbour.

Area 6: Subtract 40 Points

Georgia: All counties south of Stewart, Webster, Terrell, Dougherty, Worth, Tift, Irwin, Coffee, Bacon, Appling, Wayne, and McIntosh.
Florida: All counties east of Jackson, Liberty, and Franklin.
Tennessee: Counties of Marion, Sequatchie, Grundy, Bledsoe, and Cumberland.
Alabama: Counties of De Kalb, Marshall, Blount, St. Clair, Shelby, Coosa, Elmore, Macon, Bullock, and Barbour.

Area 7: Subtract 50 Points

Tennessee: Counties of Franklin, Coffee, Warren, Van Buren, White, Putnam, and Overton.
Alabama: Counties of Madison, Jackson, Morgan, Cullman, Jefferson, Bibb, Chilton, Augusta, Montgomery, Pike, Coffee, Dale, Henry, Geneva, and Houston.
Florida: Counties of Bay, Calhoun, Gulf, Holmes, Jackson, Washington, Liberty, and Franklin.

Area 8: Subtract 60 Points

Tennessee: Counties of Lincoln, Giles, Moore, Bedford, Marshall, Rutherford, Cannon, De Kalb, and Wilson.
Alabama: Counties of Limestone, Lawrence, Winston, Walker, Fayette, Tuscaloosa,

1. In the New England mill area, add 30 points. The New England mill area consists of the states of Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont.

2. In the Group A mill area, add 5 points. Group A mill area is that area designated as Group 200 in railroad tariffs on file with the Interstate Commerce Commission.

3. In the Alabama, Georgia and East Tennessee mill area, subtract 10 points.

4. In other mill areas: To the mixed lot price at point of origin, as determined from Tables I and II in section 2 add the appropriate differential in section 3, Table III, and the seller's actual transportation cost.

5. There is no differential for Group B. Group B is that area designated as Group 201 in railroad tariffs on file with the Interstate Commerce Commission.

SEC. 4. *Ceilings for exports.* If you export cotton from the continental United States, your ceiling prices for such cotton shall be computed by adding to the mixed lot prices at point of origin, as determined from Tables I and II in section 2, the differentials set forth in section 3, Table III, and the sellers' actual transportation cost (plus the cost of high density compression if not already included in the freight rate).

SEC. 5. *Prohibitions.* On and after March 5, 1951, regardless of the terms of any contract of sale or purchase or other commitment or obligation, you shall not sell or deliver or offer to sell or deliver American upland cotton and you shall not buy or accept delivery of any American upland cotton at a price exceeding the ceiling prices permitted by this regulation, and you shall not enter into any contract to buy, sell, or deliver American upland cotton in the future at a price exceeding the ceiling prices permitted by this regulation. Lower prices than those set forth in this regulation may, of course, be charged, demanded, paid or offered.

SEC. 6. *Records.* You must preserve and keep available for examination by the Director of Price Stabilization for a period of two years, a complete and accurate record of every purchase, sale or exchange of cotton covered by this regulation, including the names of the persons involved, the date of the purchase or sale or exchange, the price, the quality, and the grade and staple of the cotton so purchased, sold or exchanged. Any person who grows no more than ten bales of cotton per crop is exempt with respect to such cotton from this record-keeping requirement.

SEC. 7. *Evasion.* You shall not evade or circumvent the provisions of this regulation by direct or indirect methods in connection with the sale, purchase, delivery, or transfer of cotton, alone or in conjunction with any other commodity or material, or by way of any commission, service, transportation charge, or discount, premium, or other privilege, or by up-grading, tying-agreement, trade understanding or otherwise.

SEC. 8. *Enforcement.* If you violate any provision of this regulation you are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950.

SEC. 9. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1 (15 F. R. 9055).

Effective date. This regulation is effective immediately.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MARCH 3, 1951.

[F. R. Doc. 51-3029; Filed, Mar. 5, 1951; 11:52 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 9]

GCPR, SR 9—EXEMPTION OF SALES AND DELIVERIES OF EXPORTED COMMODITIES UNDER EXISTING CONTRACTS

Pursuant to the authority vested in the Director of Price Stabilization by the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Supplementary Regulation No. 9 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

There are a number of considerations which indicate why the contracts for export sales of merchant exporters should be permitted to be fulfilled at the contract price.

There is an extra time lag between contract date and delivery in the case of exports, which does not obtain for purely domestic transactions, due to special packaging, shipping arrangements, and license clearances. In many cases exporters find that the ceiling prices of their suppliers are higher than their own ceilings. Exporters customarily operate at a smaller margin over invoice costs than is true of domestic distributors and wholesalers. Merchant exporters have in some instances been required to make part payments for export sales, particularly involving special purpose equipment for use abroad and not readily saleable here. If exporters declined to ship on contracts because of the lower price required by the ceiling regulation, the purchasers abroad unfamiliar with the price impact of the regulations might believe there was an effort to avoid any supply of the article, all to the detriment of the Nation's foreign trade and reputation for honoring international contracts, and perhaps to foreign relations in a larger sense. Delay in delivery on existing contracts for export sales pending issuance of tailored regulations, may jeopardize the transactions due to the difficulties of renewing letters of credit and governmental licenses. Cancellation of export contracts would have an unfortunate impact, contrary to the overall national interests.

On the other hand, maintenance of existing export contracts for export sales has no inflationary impact within the United States, and furthermore the policy of the Office of Price Stabilization that exports generally are governed by price ceilings is maintained in this case. The Regulations make it clear that the merchant exporters are required to observe domestic ceilings on their purchases.

REGULATORY PROVISIONS

Sec.
1. Applicability of supplementary regulation.
2. Definitions.
3. Execution of contract.
4. Preservation of records.
5. GCPR governs all other transactions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Applicability of supplementary regulation.* This supplementary regulation grants authority, as provided in section 3, to merchant exporters to fulfill written contracts for export sales made prior to January 26 when the General Ceiling Price Regulation was issued and authority to merchant exporters to fulfill contracts for export sales made between January 26 and February 2 which were based on firm written offers made by merchant exporters prior to January 26. This authority is not granted to a producer exporter.

SEC. 2. *Definitions.* When used in this regulation, the term:

(a) "Merchant exporter" means any person, firm, corporation or other legal entity which purchases a commodity or commodities from a supplier, takes title to same and resells to a foreign buyer.

(b) "Producer exporter" means a manufacturer or prime producer of the commodity to be exported, or a wholly owned subsidiary corporation of the manufacturer or prime producer, which sells or delivers to a foreign buyer.

(c) "Export sale" is a sale to a person located outside the continental United States, its territories or possessions, by a seller who invoices it and who directly or through the seller's or the buyer's agent effects delivery to a carrier for transportation from the continental United States, its territories or possessions, to a point outside thereof, regardless of whether the invoicing is done within or outside the continental United States, its territories or possessions, by the seller or his agent.

All definitions used in the General Ceiling Price Regulation issued by the Director on January 26, 1951, which are pertinent to this supplementary regula-

tion, are incorporated in this supplementary regulation by this reference, except those which are more particularly defined and used herein.

SEC. 3. *Execution of contract.* If a written contract for an export sale (including exchange of written or cabled offers and acceptance) was entered into by a merchant exporter having an office or place of business in the United States, on or before January 26, 1951—or on or before February 2, 1951, but pursuant to a firm written offer for an export sale made by the merchant exporter on or before January 26, 1951—and such contract provides for delivery to a foreign buyer, such delivery may be made pursuant thereto at the contract price, provided the price paid by the merchant exporter acquiring the commodity does not exceed the applicable ceiling price of the supplier.

SEC. 4 *Preservation of records.* All merchant exporters making shipments in accordance with section 3 of this order, will preserve for examination by the Office of Price Stabilization all documents and records which will substantiate that each such transaction complied fully with the requirements as set forth in section 3 of this order.

SEC. 5. *GCPR governs all other transactions.* Deliveries by a producer exporter are not within the scope of this supplementary regulation. Deliveries pursuant to this supplementary regulation shall not establish a ceiling price for any commodity or any merchant exporter or relieve any merchant exporter from compliance with the General Ceiling Price Regulation except as specifically set out herein.

Effective date. This Supplementary Regulation No. 9 to the General Ceiling Price Regulation is effective March 5, 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MARCH 3, 1951.

[F. R. Doc. 51-3030; Filed, Mar. 5, 1951; 11:52 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 10]

GCPR, SR 10—TEXAS CITRUS JUICES; EMERGENCY ADJUSTMENT

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 10 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 10 to the General Ceiling Price Regulation is issued to provide emergency relief for processors and canners of citrus juice in Texas who processed or canned grapefruit juice, orange juice, and/or grapefruit-orange juice blend during the period January 29, 1951, to March 1, 1951, from oranges and grapefruit harvested during this period from the citrus fruit growing areas of Texas affected by the freezing weather conditions of January 29, 1951, through February 3, 1951.

The Rio Grande Valley of Texas, the citrus producing area of that state, experienced a heavy freeze in late January and early February 1951. The Director of Price Stabilization has been advised that this freeze may well prove to be one of the most disastrous in the history of the American citrus industry. Temperatures in the Rio Grande Valley were below freezing for five consecutive days, and surveys have indicated that none of the citrus fruit in the freeze area could qualify for the fresh market, and that the only outlet for this crop were the processors and canners of citrus juice.

The Texas processors and canners of citrus juice found that in canning juice from fruit affected by the freeze, they were confronted with an extraordinary salvage operation rather than a normal canning procedure. The frozen fruit was soft, had to be packed specially in bags and boxes, and had to be transported to the canneries in containers rather than in loose truckloads. At the canneries a more careful inspection than normal was required, and the percentage of fruit rejected because of spoilage was heavier than usual. As a result of freezing there was considerable dehydration of the fruit which reduced the yield from a normal of twenty-seven cases of No. 2 cans per ton to nineteen cases or less per ton. Because of the emergency nature of the salvaging operations, labor charges were higher than normal as also were warehouse, hauling, and insurance costs.

Section 402 (d) (3) of the Defense Production Act of 1950 provides, in part, that whenever "a ceiling has been established * * * with respect to any agricultural commodity, or any commodity processed or manufactured in whole or in substantial part therefrom, the President from time to time shall adjust such ceiling in order to make appropriate allowances for substantial reduction in merchantable crop yields, unusual increases in costs of production, and other factors which result from hazards occurring in connection with the production and marketing of such agricultural commodity." It is clear from the facts above stated that the plight of the Texas processors and canners who canned citrus fruit from the freeze area falls within the purview of this section 402 (d) (3).

A survey of the increased costs sustained by the Texas processors and canners in their salvage canning operation has been conducted and substantiates the representations made by the canners and processors involved. These findings show these canners and processors sustained the following additional costs in cents per dozen cans for the following size cans:

Size:	*Increased costs (cents per dozen cans)*
307 x 409	23.5
404 x 700	52.0
603 x 700	104.0
202 x 312	8.5
202 x 314	8.5

This supplementary regulation permits the Texas processors and canners who canned citrus juice during the period January 29, 1951, through March 1, 1951, from fruit harvested during this period from the growing areas affected by the freeze of January and February 1951, to add to their ceiling prices, as otherwise determined under the General Ceiling Price Regulation, the increased costs, set forth above, in cents per dozen cans. Wholesale distributors and retailers are likewise permitted to add to their ceiling prices the dollars and cents amount by which their highest base period costs have been increased by operation of this supplementary regulation.

Before any Texas processor or canner may increase his ceiling prices under this supplementary regulation he must first supply the following information to the Director of Price Stabilization by registered mail:

(1) His existing ceiling price for each type, grade, can, size, and brand name of the citrus juices canned by him.

(2) The number of cases of citrus juices, by type, grade, can size, and brand name, which he processed during the period January 29, 1951, through March 1, 1951, from oranges and grapefruit harvested during that period from the growing areas of Texas affected by the freeze of January and February 1951, and the new ceiling prices he was taking under the supplementary regulation.

Inasmuch as the situation of the Texas processors and canners of citrus juices is an emergency one, this Supplementary Regulation 10 is issued on a temporary basis, with an expiration date of January 31, 1952, and may be superseded by another regulation, or be withdrawn prior to that date.

This action has been taken after full consultation with representative Texas processors and canners of citrus juices and generally has been approved by persons representing substantial segments of the industry affected.

In the judgment of the Director of Price Stabilization the ceiling prices established by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

REGULATORY PROVISIONS

Sec.
1. Emergency adjustments in ceiling prices for canned citrus juices from Texas freeze areas.
2. Notification provisions.
3. Applicability, and effective date.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Emergency adjustments in ceiling prices for canned citrus juices from Texas freeze areas*—(a) *Emergency adjustments for processors and canners.* If you processed or canned grapefruit juice, orange juice, and or grapefruit-orange juice blend during the period January 29, 1951, through March 1, 1951, exclusively from oranges and grapefruit which were harvested during such period from the citrus fruit growing areas of Texas affected by the freezing weather conditions of January 29, 1951, through March 1, 1951, you may add to your ceiling prices for these canned juices as otherwise determined under the General Ceiling Price Regulation, the following emergency increases in cents per dozen for the following size cans:

Size:	*Amount of emergency increase (cents per dozen cans)*
307 x 409	23.5
404 x 700	52.0
603 x 700	104.0
202 x 312	8.5
202 x 314	8.5

(b) *Emergency adjustments for distribution.* If you are a wholesaler, jobber or retailer, and your cost for the Texas canned citrus juices listed above is increased by operation of this section, you may increase your ceiling prices for these canned citrus juices, as otherwise determined under the General Ceiling Price Regulation, by the dollars-and-cents difference between the cost of this purchase to you and the highest price paid by you during the base period.

SEC. 2. *Notification provisions.* If you are a processor or canner of the Texas citrus juices listed in section 1 (a) of this order, you may not increase your ceiling prices by operation of this supplementary regulation until you first notify the Director of Price Stabilization, Washington 25, D. C., by registered mail giving the following information:

(a) Your existing ceiling price for each type, grade, can, size, and brand name of the citrus juices canned by you.

(b) The number of cases of citrus juices, by type, grade, can size, and brand name, which you processed during the period January 29, 1951, through March 1, 1951, from oranges and grapefruit which were harvested during such period from the citrus fruit growing areas of Texas affected by the freezing weather conditions of January 29, 1951, through February 3, 1951, and the new ceiling prices you are establishing under section 1 (a) of this order.

SEC. 3. *Applicability, effective date*—(a) *Applicability.* The provisions of this supplementary regulation are applicable only to sales of canned Texas citrus juice, processed or canned during the period January 29, 1951, through March 1, 1951, from oranges and grapefruit which were harvested during such period from the citrus fruit growing areas of Texas affected by the freezing weather conditions of January 29, 1951, through February 3, 1951.

(b) *Effective date.* This supplementary regulation is effective immediately, and shall remain in effect until January 31, 1952, unless superseded by another regulation, or withdrawn prior to that date.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MARCH 4, 1951.

[F. R. Doc. 51-3031; Filed, Mar. 5, 1951; 11:52 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-2 as Amended Mar. 1, 1951]

M-2—RUBBER

This order, as amended, is found necessary and appropriate to promote the national defense. It is issued pursuant to both the Defense Production Act of 1950 and the Rubber Act of 1948. In the formulation of this order, as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment to NPA Order M-2, as last amended February 1, 1951, amends the order in its entirety to read as follows:

EXPLANATORY PROVISIONS

Sec.
1. Purpose and effect.
2. Definitions.

RESTRICTIONS ON IMPORTATION AND CONSUMPTION

3. Private importation of natural rubber prohibited.
4. Limit on total new rubber consumption (except natural rubber latex).
5. Limit on dry natural rubber consumption.
6. Limit on natural rubber latex consumption.
7. Rubber to fill DO rated orders.

ALLOCATION OF SYNTHETIC RUBBER

8. Limitation on acquisition of synthetic rubber.
9. Allocation procedure.
10. Basis of allocation.

RUBBER PRODUCT REQUIREMENTS AND LIMITATIONS

11. Camelback production required.
12. Rubber product simplification and manufacturing specifications.

GENERAL PROVISIONS

13. Monthly reports of rubber consumption and stocks.
14. Reports by tire, tube and camelback manufacturers.
15. Reports by latex importers.
16. Other records and reports.
17. Inventory limitation.
18. Adjustments and exceptions.
19. Communications.
20. Violations.

AUTHORITY: Sections 1 to 20 issued under sec. 704, Pub. Law 774, 81st Cong., sec. 10, 62 Stat. 105, Pub. Law 575, 81st Cong.; 50 U. S. C., App. Sup. 1920. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 3, 62 Stat. 102; 50 U. S. C., App. Sup. 1922; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp., E. O. 9942, Apr. 1, 1948, 13 F. R. 1823, 3 CFR, 1948 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

EXPLANATORY PROVISIONS

SECTION 1. *Purpose and effect.* The purpose of this order is to conserve the supply of rubber for the needs of national defense and to provide for its equitable distribution. It places over-all limits on the consumption of dry natural rubber, natural rubber latex, and total new rubber (including synthetic). It prohibits private importation of natural rubber and provides for allocation of Government-produced synthetic rubber. Provisions are also made for increasing production of camelback, for directing production of rubber products into standard lines, and for restricting the use of dry natural rubber in certain listed products.

SEC. 2. *Definitions.* As used in this order:

(a) "Natural rubber" means all new RHC (rubber hydrocarbon) forms and types of tree, vine, or shrub rubber, both dry and latex, including the following grades of wild rubber (cut, uncut, washed or dried): upriver fine, acre fine, Bolivian fine, beni fine, island fine, and all other types of fine para, which are of equivalent quality regardless of name or origin; but excluding all other South or Central American grades of wild rubber and all rubber from guayule, balata or guttapercha, as well as all reclaimed natural rubber.

(b) "Dry natural rubber" means all natural rubber in solid form.

(c) "Natural rubber latex" means the dry latex solids contained in natural rubber liquid latex.

(d) "Synthetic rubber" means all new RHC products of chemical synthesis similar in general properties and applications to natural rubber and specifically capable of vulcanization, including synthetic rubber latex but excluding reclaimed synthetic rubber.

(e) "GR-S" means a general-purpose synthetic rubber of the butadienestyrene type produced in the United States generally suitable for use in the manufacture of transportation items such as tires or camelback, as well as any other type of synthetic rubber equally or better suited for use in the manufacture of transportation items such as tires or camelback, as determined from time to time by the NPA, but excluding reclaimed general-purpose synthetic rubber.

(f) "Butyl" or "GR-I" means a special-purpose synthetic rubber produced in the United States, suitable for use in the manufacture of transportation items such as pneumatic inner tubes, but excluding reclaimed special-purpose synthetic rubber.

(g) "New RHC" means total new rubber hydrocarbon. This is the total RHC content of dry natural rubber, natural rubber latex, synthetic rubber, uncured scrap rubber and uncured in-process materials.

(h) "Consume" means, in the case of dry natural rubber, natural rubber latex or synthetic rubber, to compound, expend, formulate or in any manner make any substantial change in the form, shape or chemical composition.

(i) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(j) "Reclaimed rubber" means any rubber derived from the processing or treatment of vulcanized rubber or cured scrap rubber.

(k) "NPA" means the National Production Authority in the Department of Commerce.

RESTRICTIONS ON IMPORTATION AND CONSUMPTION

SEC. 3. *Private importation of natural rubber prohibited.* (a) On and after

December 29, 1950, no person other than the Administrator of General Services shall import into the United States (including its territories and possessions) any natural rubber as defined in section 2 (a), except as specifically authorized in writing by the Administrator of General Services: *Provided, however,* That this prohibition shall not apply to any private importation required by a contract which was made prior to December 29, 1950, and which is registered with the Administrator of General Services on or before January 5, 1951, except as any such private importation may be disapproved by said Administrator. For purposes of this section, the term "import" includes any physical movement of rubber into the United States, whether placed in general order or in a foreign-trade zone, or whether entered for consumption, bonded customs custody or otherwise, except where the rubber moves through the United States in transit, under bond, from a consignor in one foreign country to a consignee in another foreign country.

(b) The prohibition in paragraph (a) of this section does not apply to the types and grades of natural rubber excluded from the definition in section 2 (a) but all such excluded types and grades shall be inspected by, and a certificate of import secured from, the Administrator of General Services prior to their importation.

SEC. 4. *Limit on total new rubber consumption (except natural rubber latex).* (a) No person shall (except on prior written authorization of the NPA) consume in any calendar month a total amount of new rubber (including all synthetic both dry and latex and all natural except latex) in excess of 95 percent of his base monthly new rubber consumption as computed under paragraph (b) of this section.

(b) Each person's base monthly new rubber consumption shall be one-twelfth of his actual new rubber consumption (including all synthetic both dry and latex and all natural except latex) during the year ending June 30, 1950, as adjusted by the NPA.

(c) The limitation provided in this section shall not apply to any person during any calendar quarter in which his total consumption of new rubber (including all synthetic both dry and latex and all natural except latex) does not exceed 25,000 pounds.

SEC. 5. *Limit on dry natural rubber consumption.* (a) No person shall (except on prior written authorization of the NPA) consume in any calendar month a total amount of dry natural rubber in excess of 48 percent of his base monthly dry natural rubber consumption as computed under paragraph (b) of this section. Neither may any person consume dry natural rubber in any such month in excess of the difference between his total new rubber consumption as permitted for that month by section 4 and the total synthetic rubber acquired by him from all sources during that month.

(b) Each person's base monthly natural rubber consumption shall be one-twelfth of his actual consumption of dry natural rubber during the year ending June 30, 1950, adjusted in the same proportion as his permitted total new rubber consumption has been or is hereafter adjusted by the NPA.

SEC. 6. *Limit on natural rubber latex consumption.* (a) No person shall (except on prior written authorization of the NPA) consume during any calendar quarter, a total quantity of natural rubber latex in excess of one-fourth of his consumption during the year ending June 30, 1950, as adjusted by the NPA.

(b) Any person who imports any natural rubber latex into the United States after October 1, 1950, shall offer at least 10 percent of his imports to the General Services Administration at his regularly established price.

(c) In the event that imports of natural rubber latex are of such volume that an excess remains available for consumption (including any amounts not accepted by General Services Administration), after deducting from total imports (1) the base-period consumption allowed by paragraph (a) of this section, (2) the stockpile requirements of the Government, and (3) a reasonable reserve for adjustments under section 18, such excess will be allocated quarterly to consumers by the NPA on the basis of their pro rata allocation of natural rubber latex during the fourth calendar quarter of 1950. Any allocations made under this paragraph may be consumed in addition to the amounts permitted by paragraph (a) of this section.

SEC. 7. *Rubber to fill DO rated orders.* (a) Such quantities of new rubber as are used in making products to fill DO rated orders (other than those rated "DO–97") are hereby exempted from the limitations on consumption contained in sections 4, 5 and 6. All such quantities shall accordingly be excluded in computing consumption under those sections. Allocations of synthetic rubber will be made for such purposes, upon application in writing to the NPA, in addition to the allocations for which provision is made in sections 8, 9 and 10.

(b) Any person filing an application for an allocation of rubber to fill DO rated orders (other than those rated "DO–97") must show (1) the DO rating number or symbol applied to the order, (2) the Government contract and purchase numbers, (3) the identity and quantity of the product ordered, (4) the Government specifications for the product insofar as concerns the rubber content, (5) the name and address of the customer and the shipping destination, and (6) the types and quantities of rubber required, by month, to fill the order.

ALLOCATION OF SYNTHETIC RUBBER

SEC. 8. *Limitation on acquisition of synthetic rubber.* No person shall acquire more Government-produced GR–S or butyl (GR–I) than is allocated to him by the NPA. No person shall sell or transfer any synthetic rubber acquired from the Government to any person other than the Office of Rubber Reserve, Reconstruction Finance Corporation.

SEC. 9. *Allocation procedure.* The NPA will allocate quarterly, to each consumer of GR–S or butyl, the amounts of Government-produced GR–S and butyl that he may purchase during a specified calendar quarter. The NPA will notify the Office of Rubber Reserve, Reconstruction Finance Corporation, of such allocations and the Office of Rubber Reserve will not issue purchase permits to anyone for more GR–S or butyl than is allocated to him. Persons desiring to purchase GR–S or butyl will submit purchase requests to the Office of Rubber Reserve in accordance with its established procedure.

SEC. 10. *Basis of allocation.* GR–S and butyl for non-defense purposes will be separately allocated by the NPA for each calendar quarter on the following basis:

(a) *GR–S.* Subject to the provisions of paragraphs (d) and (e) of this section, each consumer of GR–S will be allocated a fair and proportionate share of the total available Government-produced GR–S (after a reasonable amount has been reserved for DO (other than "DO–97") rated orders, for such other programs as may be approved by the NPA, and for adjustments under section 18). The share of GR–S so allocated to each consumer will be calculated so that such share, when added to the quantities of other new rubber which are permitted or allocated to him and which enter into the computation of total new rubber under section 4, will equal his total new rubber consumption as permitted by section 4.

(b) *Butyl for tire tubes.* Subject to the provisions of paragraphs (d) and (e) of this section, each manufacturer of tire tubes will be allocated his pro rata share of total available Government-produced butyl (after a reasonable amount has been reserved for DO (other than "DO–97") rated orders, for such other programs as may be approved by the NPA, and for adjustments under section 18), based on the proportion which his total new rubber consumption for tire tubes during the year ending June 30, 1950, bears to the total new rubber consumption of the industry for tire tubes during that period, as determined by the NPA.

(c) *Butyl for other uses.* Subject to the provisions of paragraphs (d) and (e) of this section, each consumer of butyl for purposes other than the manufacture of tire tubes will be allocated for each calendar quarter, his average quarterly consumption of butyl for such other purposes during the year ending June 30, 1950, as determined by the NPA.

(d) *Imports to be considered.* In making the allocations described in paragraphs (a), (b) and (c) of this section, the NPA will ascertain the quantities of imported GR–S and butyl acquired by each consumer, and will reduce by the amounts of such imported rubber the allocations which would otherwise be made.

(e) *Inventories to be considered.* In making the allocations described in paragraphs (a), (b) and (c) of this section, the NPA will ascertain and take into account each consumer's inventory of GR–S and butyl, and will adjust the allocations insofar as practicable so that inventories (including rubber in warehouse and in transit) will not be increased beyond a 20-working-day supply.

RUBBER PRODUCT REQUIREMENTS AND LIMITATIONS

SEC. 11. *Camelback production required.* Every person who produced camelback during the year ending June 30, 1950, shall produce in each month of 1951, an amount of camelback which by RHC weight is at least one and a half times as great in proportion to his total new rubber consumption in the manufacture of transportation products during such months, respectively, as the proportion which his production of camelback during the year ending June 30, 1950, bore by weight on RHC basis to his total new rubber consumption in transportation products during that year. For example, if a person's production of camelback on RHC basis accounted for 5 percent of his new rubber RHC consumption in transportation products during the year specified, his production of camelback in each month must account for at least 7½ percent of his new rubber RHC consumption in transportation products during each month of 1951. This means that consumers who produce transportation products other than camelback must sacrifice sufficient RHC from other transportation products to achieve the above result, since no extra allocation of RHC will be made to compensate for increased camelback production. Those who produce camelback only are not subject to this section.

SEC. 12. *Rubber product simplification and manufacturing specifications*—(a) *Manufacture except in accordance with Appendix A prohibited.* On and after March 15, 1951, no person shall manufacture any rubber product except in accordance with the specifications and other terms and conditions prescribed in Appendix A below. More specifically, (1) no person shall consume any natural rubber (dry or latex) in the manufacture of any product not listed in Column II of Appendix A, (2) no person shall consume more natural rubber (dry or latex) in the manufacture of any listed product than prescribed in Column III (as qualified by Column IV) of Appendix A, and (3) no person shall consume any new RHC (natural or synthetic) in the manufacture of any listed product in more or different lines, types, qualities, styles or colors than those prescribed in Column IV of Appendix A.

(b) *Exceptions to limitations of Appendix A.* (1) Defense orders. Notwithstanding the provisions of Appendix A, any product manufactured to fill a DO rated order (other than one rated "DO–97") may be manufactured to the specifications of the order if and to the extent that such specifications are required by the Government. Efforts will be made, however, to obtain maximum standardization of rubber products for Government defense requirements as well as between defense and non-defense requirements.

(2) *Tire experimentation.* Notwithstanding the provisions of Appendix A, any person may use up to a total of 2,000 pounds of dry natural rubber during any calendar quarter for experimentation in the manufacture of those sizes and types of tires for which specifications are provided in Appendix A.

(c) *Import restrictions*—(1) *Certification required.* No product for which specifications are established in Appendix A may be entered for consumption in the United States or its territories or possessions unless the entry thereof is accompanied by a certificate from the exporter or other qualified person to the appropriate Collector of Customs reading substantially as follows:

The undersigned hereby certifies, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, that the products covered by the invoice to which this certificate is attached contain no more natural rubber (of any type and wherever produced) than permitted by NPA Order M–2 for similar products.

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(Date) (Signature)

(2) *Exceptions.* No such certificate shall, however, be required for the importation (i) of any products by a diplomatic representative of a foreign government for his personal use or for the use of members of his staff or by a commercial representative of a foreign government for use in his official business and not for sale or (ii) of any products for experimental and testing purposes and not for sale.

GENERAL PROVISIONS

SEC. 13. *Monthly reports of rubber consumption and stocks.* Every person who consumes or owns, at any time during any month, any type of rubber listed below shall file a monthly report on Form NPAF–3 with the NPA in accordance with the instructions accompanying the form. This report form covers consumption, stocks, receipts, production and shipments.

Types To Be Reported

Dry natural rubber
Natural rubber latex
Reclaimed rubber
GR–S Types, excluding latex [1]
GR–S Type latex [1]
Butyl types [1]
Neoprene, including latex
Butadiene-Acrylonitrile types (N-Type) [1]
Other special-purpose synthetic types [1]
Scrap rubber

SEC. 14. *Reports by tire, tube and camelback manufacturers*—(a) *Monthly reports.* Each manufacturer of tires, tubes and camelback shall file a report of his production, shipments and inventory for each calendar month on Form NPAF–5 with the NPA in accordance with the instructions accompanying the form. Such report shall be filed by the 10th of the month following the month to which it relates.

(b) *Weekly reports of cured tires.* Each manufacturer of tires shall file a report of his production of cured tires for each week on Form NPAF–6 with the NPA in accordance with the instructions accompanying the form.

[1] Includes all types whether obtained from Government or other source, including imports.

SEC. 15. *Reports by latex importers.* Every importer of natural rubber latex shall report by letter to the NPA by the 15th of each month in long tons of dry latex solids (a) his imports for the current month (actual receipts plus material due to arrive), (b) his scheduled imports for the next succeeding month, and (c) his estimate of his imports for the second and third succeeding months.

SEC. 16. *Other records and reports.* All persons subject to this order shall keep such records and file such other reports as may be required subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 17. *Inventory limitation.* All of the materials subject to this order are also subject to NPA Reg. 1 which prohibits the accumulation of materials in excess of a practicable minimum working inventory.

SEC. 18. *Adjustments and exceptions.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, in duplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 19. *Communications.* All applications, reports and other communications relating to this order should be addressed to the National Production Authority, Washington 25, D. C. Ref: M–2.

SEC. 20. *Violations.* Any person who wilfully violates any provision of this order, or furnishes false information or conceals any material fact in the course of operation under it, is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to compel necessary adjustment of his inventories or consumption or to suspend his privilege of making or receiving further deliveries of, or from processing or using, materials subject to this order.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect as of March 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

APPENDIX A—RUBBER PRODUCTS SUBJECT TO SIMPLIFICATION AND MANUFACTURING SPECIFICATIONS AS PROVIDED IN SECTION 12 OF ORDER M-2

EXPLANATION OF COLUMNS AND SYMBOLS

Column 1: The code number indicated in Column 1 is the numerical identification of a similar class of products.

Column 2: The product or product class to which the restrictions apply is described in Column 2.

Column 3: The figures and symbols in Column 3 specify the amount of natural rubber, if any, that may be used in the listed products.

For product codes 1 through 8 and 14, 15, 16, 17, 23 and 24, the figures in Column 3 represent maximum percent of dry natural rubber and/or natural rubber latex to the total weight of new RHC. For product codes 9 through 13 and 18 through 22, such figures represent maximum percent of dry natural rubber and/or natural rubber latex to the total volume of the compound, *except* where provided in Column 4 that the percent is expressed in terms of total weight of new RHC.

The figure "0" in Column 3 means that the use of dry natural rubber or natural rubber latex is prohibited except as may be provided in Column 4.

The symbol "X" in Column 3 means that dry natural rubber or natural rubber latex may be used in the minimum amount required except as may be provided in Column 4.

Column 4: The provisions in Column 4 are in some instances qualifications on the use of dry natural rubber or natural rubber latex as otherwise permitted by Column 3. These qualifications take precedence over Column 3 where there is any apparent inconsistency. Column 4 also contains the simplification and standardization provisions governing the manufacture of the product or product class. *These latter provisions do not relate merely to the use of natural rubber but limit the lines, types, qualities, styles and colors in which the listed products may be manufactured with the use of any kind of rubber.* There are no such limitations on the manufacture of listed products except as indicated in Column 4.

Code No. (1)	Product (2)	Percent natural rubber to total new RHC (3)	Special restrictions or provisions (4)
1	Pneumatic tires	(1)	The group average of any product in Code 1 may be exceeded, provided the aggregate natural rubber consumed in all products in this code does not exceed the total amount of natural rubber which would have been consumed if calculated on the maximum group averages for Code 1.
	Airplane tires	100	Max. individual tire—100%.
	Bicycle tires	13	Black side-wall construction only. Maximum individual tire—95%.
	Motorcycle tires	15	Black side-wall construction only. Maximum individual tire—95%.
	Passenger, Highway, mud-snow, taxi		Passenger car tire production is restricted as follows: All types—black side-walls only. Standard tread depth highway tires—one line and one quality only. Extra tread depth highway tires—one line only; and no greater quantity may be produced by any manufacturer in any calendar quarter, in proportion to his total production of passenger car tires in that quarter, than the proportion of his extra depth highway passenger car tire production to his total passenger car tire production in the last 6 months of 1950. Special purpose tires—no more or different lines may be produced by any manufacturer than he was producing on Feb. 19, 1951.
	Thru 7.10 and 6.50	15	Max. individual tire—95%.
	Over 7.10 and 6.50	22	Max. individual tire—95%.
	Industrial Pneumatic	13	Max. individual tire—95%.
	Tractor implement	13	Max. individual tire—95%. Restricted to one line of tires.
	Truck: Highway, heavy highway, traction, off-the-road trailer, flotation-type, trailer type.		Truck tire production is restricted as follows: Standard tread depth highway tires—one line only. Extra tread depth highway tires—one line only. Special purpose tires—no more or different lines may be produced by any manufacturer than he was producing on Feb. 19, 1951.
	7.50 and under	38	Max. individual tire—95%.
	8.25 thru 9.00	75	Max. individual tire—90%.
	10.00 thru 12.00	90	Max. individual tire—90%.
	Over 12.00	92	Max. individual tire—90%.
2	Solid tires:		
	Airplane tires	X	
	Bogie, idler and support rollers	X	
	Pressed on	50	
	Cured on, 4 x 1½ and up	50	
3	Tire tubes:		Any color, but one color only, except that every tube containing butyl must be marked with one or more circumferential light blue stripes, applied on the base section of the tubes, any one of which stripes must be 3/16" minimum width. No other tube shall be so marked.
	Airplane	100	
	Bicycle	5	Including valves.
	Industrial pneumatic	50	
	Passenger	0	
	Puncture seal	X	
	Safety tubes	X	
	Tractor implement	0	
	Truck, 8.25 cross-section and under	0	
	Above 8.25 and up to 14.00	5	
	14.00 cross-section and over	50	
4	Tire tube valves and curing bags:		
	Tire tube valves (including repair valves)	X	
	Tire tube valve inside washers	X	
	Curing bags	50	May be averaged with groups in Code 1.
5	Tire flaps:		
	10.00 and up	100	
	All others	50	
6	Tire retreading materials:		
	Air bags, full circle for retreading	X	
	Camelback for airplane tires	100	
	Camelback for 9.00 cross-sections and larger, in die sizes 6½" crown width and 15/32" ga. and up	X	
	Camelback, die sizes under 6½" crown width and under 15/32" ga.	0	
	Camelback cushion gum	100	1/32" ga. max. for synthetic camelback.
	Padding stock	X	
	Stripping stock	X	
	Filler stock	X	
	Cushion repair gum	100	
	Tread repair gum	X	
7	Tire and tube repair materials:		
	Air bags, sectional	X	
	Bulk tire repair materials	X	
	Tire patches	X	
	Tube patches	X	
	Patching cement	X	
8	Tank blocks, treads and band tracks	X	

[1] Maximum group average.

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
9	Belting. Belting must be manufactured in accordance with the following regulations. Rubber belting utilizing a solid woven carcass is permitted, provided such construction uses no more natural rubber than is permitted in laminated belting of equivalent size and thickness. Constructions using combinations of fabric and other reinforcing materials such as cord or wire are permitted provided total natural rubber does not exceed that which is used in an equivalent grade, cotton fabric ply construction belt.		Color black throughout, except where otherwise specified. No manufacturer shall produce by any single manufacturing process more than one line, type, quality or style for any one purpose. For interpretation of purpose the commonly accepted service classifications used by industry shall apply.
9-A	Conveyor and elevator belting:		
	For severe service only	25	
	For moderate service	15	
	For hot material	X	Operating temp. 200° F. and over.
	For conveying unpackaged food materials and materials that would be discolored with black belts	25	Black friction, amber or tan cover.
9-B	Misc. Belt and related products.		
	Hay baler	X	
	Other agricultural implement	15	
	Belt splicing and repair material	X	
	Chute lining	25	
	Conveyor skirting or skirt board	25	
	Cigar machine aprons		Same restrictions as first grade flat transmission belt (Code 9-C).
	Concentrator belts	25	
	Escalator hand rails	30	
	Hatter belts	X	
	Hog beater belts	40	
	Last pullers	20	
	Packaging	25	
	Paper machine aprons	25	
	Paper making screen drainlooms	15	
	Postal meter and letter opening feed belts	X	
	Powder explosives	15	
	Pulley lagging	25	
	Rubber scrapers for conveyor belts	25	
	Safety belts, linemens	0	
	Sling or Lifting	25	
	Special molded conveyor belts	X	
	Street sweeper belts	25	
	Tube winding	X	Tan or amber.
	Tobacco stemmer belts	X	Natural rubber color permitted.
	Molded discs for conveyor belt idlers	25	
	Oxalid seals	X	
9-C	Flat transmission belting		Natural rubber one lb. maximum per 1,200 sq. in. per ply. Color of seaming strip optional.
	For severe service, or high speed or to operate over small pulleys		0.65 lbs.
	For moderate service		0.50 lbs.
	Hammermill belt		0.65 lbs.
	Axle generator belt		0.65 lbs.
	Rubber covers for above, maximum thickness ¼"	10	
9-D	"V" Belts		Percent based on total volume of belt. In determining belt volume, the published nominal cross-sectional dimensions shall be used where these exist and mold cross-sectional dimensions shall be used in all other cases. All belts black, except as otherwise specified.
	Fractional H. P.	20	Buff color permitted for non-marking and food handling.
	Hoist-hold equipment	20	
	Automotive:		
	Passenger cars for pulley groove top width more than .700"	20	
	Trucks under 1½ ton for pulley groove top width more than .700"	20	
	Passenger and truck for pulley groove top width .700" or less	25	
	Trucks 1½ tons and over	25	
	Buses	25	
	Police cars and taxis	25	
	Airplane	25	
	Stationary gas and diesel engines	25	
	Industrial, including agricultural:		
	Heavy duty	20	
	Standard	20	
	Special clearances	25	
	Dual in "V"	25	
	Open end	20	
	Raised belts	25	
	Railroad motor drive	25	
10	Hose		All hose to be black throughout, except where specified. No manufacturer shall produce by any single manufacturing process more than one line, type, quality or style for any one purpose. For interpretation of purpose the commonly accepted service classifications used by industry shall apply.
10-A	Aircraft hose:		
	Crash truck AAF 26611 (−65° F.)	X	
	Ducts	X	Govt. or commercial plane use only.
	Oxygen hose	X	Govt. or commercial plane use only.
	Airbrake (2>147 (6)	[6]	Govt. or commercial plane use only.
	(10)	20	
	Aircraft hose not elsewhere listed	0	
10-B	Automotive hose:		
	Air brake	[7]	
	Air cleaner	[7]	
	Hydraulic actuating hose	X	
	Car heater	0	
	Coolant (radiator):		
	Curved	15	
	All other radiator hose	[7]	
	Defroster	15	
	Hydraulic brake, SAE R-11	0	
	Windshield wiper	[7]	
	Vacuum brake	[7]	
	Automotive hose not elsewhere listed	0	
10-C	General industrial hose		All hose to be black throughout, except where specified.
	Acid	X	
	Air and air tool:		
	Air drill for mining and quarrying and heavy duty industrial	30	
	Gas mask air hose	40	
	All other air hose not elsewhere listed	[7]	
	Alcohol, beverage, brewers, wine, vinegar, food and milk conveying	40	Buff colored tube and cover permitted.
	Ammonia	20	
	Arbor pipe forming	25	
	Booster and chemical engine	10	
	Braided cover tubing	0	
	Cable covering, electric	30	
	Cloth inserted tubing	[7]	
	Coupling, flexible	[7]	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
10-C	General industrial hose—Continued		
	Creamery	20	Buff color cover permitted.
	Divers':		
	Floating	X	Natural rubber color permitted.
	Sinking	5	
	Dredging sleeves	40	
	Expansion joints	40	
	Fire:		
	Cotton rubber lined and R. C	25	
	Wrapped duck	25	
	Fire engine suction:		
	Hard	10	
	Soft	25	
	Fire extinguisher tubing	5	
	Flanged feed-to-pipe	40	
	Garden and lawn	0	Red and green cover permitted.
	Jetting	10	
	Marine exhaust	0	
	Material handling—including grain	40	
	Cement and concrete	40	
	Phosphate flexibles	40	
	Rock dusting	40	
	Insulation blowing	5	
	Paint spray, fluid line	0	5% natural rubber by volume permitted when Thiokol is used.
	Paper mill hose	10	
	Petroleum products:		
	Gasoline service station	0	
	Oil suction and discharge	15	Both rough and smooth bore permitted.
	Butane and propane	5	
	Tank wagon	0	
	All other not elsewhere listed	0	
	Pinch valve	X	
	Rotary drilling:		
	Vibrator	15	Color stripe or band permitted.
	Mud suction	15	
	Sand blast	X	
	Sand placing and sand suction	40	20" and over I. D. X natural rubber permitted.
	Shaft covering, flexible	5	
	Spray, horticultural and car washing		For car washing service where pressure exceeds 250 P. S. I
	Over 400 lbs. working pressure	5	
	Under 400 lbs. working pressure	5	
	Steam:		
	Over 50 lbs. working pressure	X	
	50 lbs. and under working pressure	X	20
	Steam ironing		
	Suction, water:		
	Hard rubber and rough bore	5	
	Smooth bore up to 6"	10	
	Smooth bore 6" and over	20	
	Vacuum:		
	Household, including hotels, office buildings, etc	25	
	Industrial dust collector and blower exhaust	X	
	Washing machine	0	
	Water:		
	Radiator filling	0	
	Industrial:		
	Severe service	10	
	Moderate service	5	
	Welding	5	Hose may be black, red, and/or green as required for safety identification
	Hose not elsewhere listed	0	
10-D	Railroad hose:		
	Air brake and signal, M-601	20	
	Air pneumatic tool, M-608	5	
	Paint spray, M-610	5	
	Pantograph	10	
	Sand, M-615 and M-616	X	
	Sand pipe nozzles	X	
	Steam, hot water and car heat, M-605	X	
	Tender tank, M-606	10	
	Water, cold, M-604	5	
	Welding, M-603	5	
	Railroad hose not elsewhere listed	0	
11	Packing and gaskets not elsewhere listed		Color optional. Restriction on one line, type, quality, and style does not apply
11-A	Packings without fabric or high percent of fiber, including sheet and roll strip, discs, gaskets, rings, cups, U packings, V rings, O rings, non-fabric diaphragms, etc. made by extruding, cutting, or molding:		
	Below 45 durometer	0	
	45 durometer and above	0	
	Pipe coupling gaskets	0	
	Molded and extruded gaskets spliced endless after initial vulcanization	0	
	Electrical transformer sheet rubber for packing seals	40	
	O rings for sliding contact against steam and chemicals	X	
	Air brake gaskets	X	
	Carburetor door gaskets	X	
	All others not elsewhere listed	0	
11-B	Packings with high fiber content sheet (generally known as "compressed asbestos sheet") and gaskets cut from same.	5	By weight.
	Molded gaskets, discs, rings, etc	5	By weight.
	Rod packing coil, spiral ring form (generally known as "rubber-bonded plastic packing").	5	By weight.
11-C	Packing with fabric or wire insertion sheet gasketing (generally known as "C. I. or B. W. I. Sheet") and gaskets cut from same:		
	Cotton insert	5	
	Wire insert	10	
	Asbestos insert	25	
	Rolled or molded gaskets:		
	Cotton insert	25	
	Asbestos insert	25	
	Diaphragm sheet including diaphragms cut from same or molded:		
	Supersensitive gas regulator	X	
	Molded other than above	25	
	Cut other than above	15	
	Rectangular piston packing	50	
	Rod packing including molded cups, U packings, and V rings:		
	Cotton insert	25	
	Asbestos insert	25	
11-D	Valve and valve parts:		
	Valve and valve discs—45 duro. and under	X	
	Loaded ball valves	X	
	All other valves and valve parts	0	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
11-E	Sealing compounds for food closures:		
	Food-beverage container gaskets (molded, extruded or lathe cut)	0	
	Jar rings	25	
	Molded stoppers for food and beverage containers	0	30% natural rubber by weight in the compound is permitted for food gaskets formed and vulcanized in the closure.
	Sealing compounds, food closures ("flowed-in" type for glass containers and metal cans).	X	Natural rubber latex only permitted.
12	Other mechanicals		All products in Code 12—black unless otherwise specified. Restrictions on line, type, quality, and style do not apply.
12-A	Aircraft equipment:		
	Boots, de-icer and integral parts	X	
	Bumpers	0	
	Cords, abutting gum	X	
	Conductive rubber parts	X	
	Flexible couplings, functional	X	
	Engine instrument mountings and vibration insulators	X	
	Oxygen mask, pilot	X	
	All parts 45 durometer or less	0	
	All other parts not elsewhere listed	0	
12-B	Automotive equipment:		
	Windshield wiper blade	X	
	Bumper—molding and cleat (molded)	25	
	Bumpers—functional:		
	Suspension	25	
	Cleat	15	
	Bushing:		
	Suspension	X	
	Torque rod	X	
	Coupling—flexible	X	
	Weather-strip and body seals, extruded, under 50 durometer	0	
	Weather-strip, injection compound for splicing and forming	X	
	Molded ventilator strips	25	
	Glass run	10	
	Crankshaft torsion damper	X	
	Transmission and engine mountings:		
	50 durometer and over	40	
	Under 50 durometer	X	
	Body and chassis mountings:		
	50 durometer and over	0	
	Under 50 durometer	0	
	Tail pipe hanger—under 50 durometer	X	
	Torsion springs	X	
	Gaskets, score-molded-retaining, for dashboard installation	25	
	Fuel tank—filler neck seal	25	
	Mats:		
	Combination, front compartment only	10	All mats color optional. A color spray containing no natural rubber may be applied to one side. New rubber other than natural may be used in the spray.
	Sill with retaining buttons	15	
	All other automotive mats	0	
	Cowl liners	0	All liners color optional. A color spray containing no natural rubber may be applied to one side. New rubber other than natural may be used in the spray.
	Seal beam headlights	X	
	Pedal N. L. with retaining buttons	15	
	Shaft, recoil spring	0	
	Rear spring seat insulator	X	
	Tubing:		
	Drawn	0	
	Wrapped (fabric, non-reinforced)	0	
	Spring type suspension seat cord	X	
	Molded door seals	25	
	Hydraulic, air brake, and vacuum brake cups, diaphragms, valves and seals	X	
	Seals:		
	Valve stem—fuel	X	
	Valve stems, metal	25	
	All other parts not elsewhere listed	0	
12-C	Railroad and street car equipment		
	Car spring snubbers	X	
	Refrigerator fan-run drive wheel	0	
	Refrigerator car door seal	0	
	Molded seal for double-glazed windows	X	
	Bumpers		Same as automotive.
	Sprocket wheel	X	
	Windshield wiper blades	X	
	Door shoes	25	
	Draft gears	X	
	Vibrational insulators—funnel used	X	
	All other parts not elsewhere listed	0	
12-D	Farm equipment:		
	Flax roll (50 durometer or under)	X	
	Corn husking roll	5	For adhesion.
	Feed conveyor	5	For adhesion.
	Corn snapper roll	5	For adhesion.
	Draper (apron roll	5	For adhesion.
	Cotton rubber roll	5	For adhesion.
	Hay baler roll	5	For adhesion.
	Rubber covered canvas	0	
	Cotton picker doffer	0	
	Press wheel tires	X	
	Gauge wheel tires	X	
	Shaft pitman arm torque bushing and torsion bushings	X	
	Bearing cushion cups, non-oil-resisting	X	
	Cotton drier flaps	0	
	Pneumatic seats	0	
	Steering wheels	10	
	Rubber covered beater bars	X	
	All other parts not elsewhere listed	0	
12-F	Electrical products and industrial equipment:		
	Base-attachment plugs and cord protectors	10	
	Telephone and telegraph insulators	0	
	Lineman protective devices	X	Color optional.
	Friction tape		5 lbs. of natural rubber for 100 sq. yds.
	Splicing compound	35	
	Underground cable connectors	X	
	Flexible connections for vacuum and exhaust equipment	25	
	Mandrels for surgical tubing	X	
	Molds	X	
	Sand and shot blast equipment	X	
	Press die pads and draw sheets	X	
	Bulging rubbers	X	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
12-F	Household and appliance products:		
	Refrigerator and freezer parts:		
	Gasket, door	X	Color optional.
	Gasket, liner opening	X	
	Collars, throat	40	
	Glass and panel seals	40	
	Tubing, beverage dispensing	40	Color optional.
	Tubing, drain—molded	25	
	Rollers, tray	0	
	Freezer lid assembly	0	
	All other parts not elsewhere listed	0	
	Vacuum cleaner and sweeper parts:		
	Extensible drive belt	X	
	Bag seal	0	
	Flexing bellows and diaphragms	40	
	Brush guards, collars, and holders	40	Color optional.
	Sweeper tires and wheels	0	
	Electrical conducting parts	X	
	Grips	0	
	Functional bumper guards with undercuts and retaining buttons	0	
	All other parts not elsewhere listed	0	
	Clothes-washing, dish-washing, drying, and ironing machine parts:		
	Wringer rolls	0	Color optional.
	Agitators	25	Color optional.
	Tub and lid gaskets	25	Color optional.
	Extensible belts—drive	X	
	Drive pulley	X	
	Collapsible tubs	X	
	Flexing boots and diaphragms	X	
	Extruded drain hose or tubing	0	Black only.
	Formed pressure tubing	30	
	Couplings and nozzles	15	
	Unconfined lip door gasket	X	
	Water seals	0	
	Flexible pump rotors	40	
	Pump valves—flexing	X	
	All other parts not elsewhere listed	0	
	Miscellaneous housewares accessories		Color optional.
	Strain relief grommets—electric irons, etc	40	
	Light colored molded parts	0	
	Strainers, sink and drain	0	
	Pans, dust	0	
	Water aerator	0	
	Sewing machine drive pulley and belts	X	
	All other parts not elsewhere listed	0	
	Plumbing specialties:		
	Ball cock washers	10	
	Force cups	0	
	Gaskets and valves designed for back flow preventors	X	
	Tank balls designed for flush valves core molded	25	
	Floor flange gaskets	0	
	All other plumbing specialties	0	
12-G	Milk and food handling equipment:		
	Milk and milking equipment	0	Color optional.
	Bottle filler rubbers	25	
	Bowl rings	X	
	Parlor milking gasket	0	
	Gaskets, washers, and couplings	X	
	Milking inflations and cup caps	X	
	Teats for calf feeder pails	X	
	Tubing including duplex, milk, vacuum, air, and stanchion:		
	45 duro, or under	0	
	over 45 durometer	9	
	Straps, sursingle	X	
	Milk—pasteurizer plate gaskets		Color optional.
	Food and beverage processing and dispensing equipment	35	
	Chicken pickers	X	
	Cherry pitters	X	
	Corn husking roll—(canning) under 45 durometer	X	
	Can testers	X	
	Molded fittings for beverage handling	X	
	Stop for ice cream cone dispenser	X	
	Rice polishing blocks	0	
	All other parts not elsewhere listed		
12-H	Mining equipment:		
	Air chambers for conset jigs	X	
	Flotation parts, including liners for cells, impellers, and shafts	X	
	Stator & rotor tubes	25	
	Ore car liners	0	
	All other parts not elsewhere listed		
12-I	Oil field specialties:		
	Packers—production and test without fabric	35	
	With fabric	20	
	Slush pump, pistons and liners for fluid packed pumps	X	
	Stabilizers and wire line guides	0	
	Stuffing box rings—polished rod	25	
	Slip pads	25	
	Strippers	0	
	Pipe wipers	X	
	Swab rubbers and lining bumpers	10	
	Testing and cementing equipment	25	
	Valves, cups and inserts	X	
	All other parts not elsewhere listed	0	
12-J	Miscellaneous mechanical goods:		
	Parts for manufacture of rayon		Color optional.
	Parts that come in contact with rayon filament	X	
	All other parts	0	
	Parts for Cellophane	0	
	Textile equipment		Color optional.
	Pickers, all types	X	
	Lug straps	45	
	T-strap	0	
	Card clothing	X	
	Draw rolls—30 duro	X	
	Bobbins, fabric shrinking	X	
	Bellings, and sweep sticks	12	
	All other parts not elsewhere listed	0	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
12-J	Miscellaneous mechanical goods—Continued		
	Laboratory supplies:		
	Tubing:		
	45 duro, and under	X	
	Over 45 duro	0	
	All other parts not elsewhere listed	0	
	Industrial tubing:		
	45 duro, and under	X	
	Over 45 duro	0	
	Traffic counter tubing	X	
	Miscellaneous mechanical goods:		
	Soft rubber alkaline storage batteries and parts	0	
	Billiard and pool table cushions	X	
	Brake and hydrant expander tubing	X	
	Brush setting compounds	X	
	Bidding strips	X	
	Casters and molded wheels:		
	Under 4" dia	0	
	4" and over	5	By weight.
	Conductive caster wheels	X	
	Core molded parts not elsewhere listed	25	
	Cutting rubbers not elsewhere listed	0	
	Dam and lock-gate seals	0	
	Flexible bags and parts for forming operations in manufacturing plants	X	
	Flexible couplings—torque	X	
	Flexible sanding and bulling pads	0	
	Gas main bags	X	
	Goggles and parts	25	
	Industrial balls		Color optional.
	45 duro. and under	X	For vibration screens and ball mills.
	Over 45 duro	0	
	Insulation tubing	25	Cork or fiber loaded.
	Labels	X	Colors permitted.
	Mine safety lamp parts	X	
	Molded annular tires:		
	Light and medium duty	0	
	Heavy duty	40	
	Molded boots and dust seals	0	
	Rebound discs for well drilling	X	
	Molded parts attached to adjacent parts by integral undercut buttons, and grommets. Not elsewhere listed.	25	
	Mountings, shock absorbers, dampers and vibration insulators:		
	Under 50 duro	X	
	50 duro, and over	40	
	Pressure sensitive signal controls	10	
	Sandblast stencil sheet for monument work	25	
	Seals for electrolytic condensers	X	
	Tubular grips, including cork or fiber-loaded	0	
	Windshield wiper blades, squeegee rubber and wiper dies	X	Color optional.
	X-ray sheets	X	
	Belt idler channel	0	
	Parts for ladders	0	
	Mallets	0	
	Traffic cones and markers	0	
	All other parts not elsewhere listed	0	
	Tires, parts for bicycles, toy vehicles, and lawn mowers		Black only.
	Handle grips	0	
	Pedal pads	0	
	Dodgem bumpers	25	
	All other parts not elsewhere listed	0	
12-K	Printing rubber products:		
	Printing rollers:		
	Newspaper rollers:		
	Form	X	Color optional.
	Doctor	X	Color optional.
	Letter press rollers	X	
	Gravure & impression	X	
	Printing rolls to be coated with composition having a durometer less than 20.	20	
	All other printing rollers not elsewhere listed	0	
	Printing rubbers:		
	Cutting rubbers	X	
	Pottery dies	X	
	Engraving rubbers	15	
	Plate backing friction and filler	15	
	Stiff plate backing	X	
	Etching plates	X	
	Molded stencil sheet for sand or grit blasting	X	
	Adhesive fabric, including brass adhesive	X	
	Band dater fabric	X	
	Printing blankets for offset, newspaper and lithograph	X	Color optional.
	Rubber solution for wet plate negative	X	
	Paper pick-up suction cups	X	For printing press only.
	All other printing rubbers not elsewhere listed	0	
12-L	Rolls and roll coverings		Color optional.
	Suction press roll covering	X	
	Paper mill roll covering	X	
	Textile	X	
	Other industrial roll covering	8	
	All other roll coverings not elsewhere listed	0	
12-M	Rubber protected or lined equipment:		
	Tank cars, barges and trucks	X	
	All other	X	
12-N	Mats and matting:		
	Switchboard—not less than ¼" thick for 3,000 volts and over	30	Black only.
	Roll matting and stair treads	0	Black only.
	Perforated mat	0	Color optional.
	Link and molded door mats	0	Color optional.
	Bath mats	0	Color optional.
	All other mats not elsewhere listed	0	Color optional.
12-O	Safety respiratory equipment: Breathing apparatus, safety masks and respirators, including parts.	X	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
12-P	Hard rubber products		Color optional. Restrictions on line, type, quality or style do not apply.
	Ball canes and molded tie rods	50	
	Buckets (fotchings), beakers, buckets, dippers, frames, funnels, measures, pails, packs, and trays.	15	
	Bleaching rods	X	
	Blown work	X	
	Component hard rubber parts for the manufacture and handling of rayon, explosives, and corrosive chemicals.	50	
	Knife handles	35	
	Dye sticks	X	
	Bowling balls	20	
	Industrial flashlight parts	65	
	Insulated tools	20	
	Jack strips	30	
	Microporous battery separators	X	
	Mouth pieces for musical instruments	X	
	Parts not elsewhere listed for storing, conveying, and processing corrosive chemicals.	50	
	Pipe and fittings	10	
	Pipe bits	15	
	Plating barrels and parts	30	
	Potentiometer cards	X	
	Refrigerator parts	X	
	Rods up to .040" diam	X	
	Rods .040" to ½" diam. incl	35	
	Rods over ½" diam	20	
	Sheets 1/16" thick or less	X	
	Sheets over 1/16" to ¼" thick incl	50	
	Sheets over ¼" thick	30	
	Tubing up to and inc. 1/32" wall	X	
	Tubing over 1/32" to ⅛" wall incl	50	
	Tubing over ⅛" wall	30	
	Cafeteria trays	50	
	Steering wheels	10	
	Hard rubber parts for alkaline storage batteries	35	
	Heavy duty battery cases over 15#	50	
	Hand wrapped battery cases	30	
	Submarine battery jars	50	
	Storage battery cases where product of tensile and elongation exceeds 10,000 pounds.	50	
	Ventilating parts for submarines—hand wrapped	X	
	Ventilating parts for submarines—molded	50	
	Parts for submarines not elsewhere listed	50	
	Telephone commutator inserts	50	
	Tubular retainers (submarines)	60	
	Parts for water meters	60	
	X-ray and photo tanks	30	
	Forming tanks	40	
	Connector stocks	30	
	Parts not elsewhere listed	0	
12-Q	Industrial equipment: Industrial abrasive implements		The over-all monthly consumption of natural rubber shall not exceed 60% of the total new RHC consumed. Restrictions on line, type, quality, style, and color do not apply.
12-R	Brake linings, brake blocks and clutch facings		The over-all monthly consumption of natural rubber shall not exceed 40% of the total new RHC consumed. Restrictions on line, type, quality, style, or color do not apply.
13	Wire and cable		Except where required for circuit identification, rubber compounds used in the manufacture of wire and cable shall be furnished as: Installation cable (vulcanized in natural or black color only; jacket compounds: black color only. Restrictions on line, type, quality, and style do not apply.
13-A	Insulation compounds: Insulation for power and control cable or for building wire rated at 2000 V (phase to phase) or less and which has insulation wall thickness of more than 25 mils.	0	
	For all types of insulated wire and cable in excess of 2000 V (phase to phase).	70	
13-B	Sheaths and jackets		No natural rubber permitted for sheaths and jackets except for operations at temperatures below −40° C.
13-C	Cements and non-reinforced tapes incidental to manufacture, repair, or installation of cables.	70	

Code No. (1)	Product (2)	Percent natural rubber to total new RHC (3)	Special restrictions or provisions (4)
14	Rubber footwear	70	Group average percent. No type rubber footwear shall contain more than 98% natural rubber. Line, type, quality, style, or color optional.
15	Shoe products		Line, type, quality, style, or color optional.
15-A	Heels, soles and other specialized materials, manufactured by rubber heel and sole manufacturers, used in the manufacture and repair of shoes and excluding those items covered by other subsections of this code.	5	
	Soles	X	DO orders for black, full length, cleated soles for "Tropical Army Combat Boots" and "Ski-Mountain Army Boots."
	Crepe soles, heels, welting and wrappers	0	The consumption, production or sale (other than to G. S. A., unless specifically authorized by G. S. A.) of natural RHC for crepe soles, heels, welting and wrappers is prohibited. Only exception: Existing inventories as of March 15, 1951, in the actual possession of shoe manufacturers and shoe repairmen may be consumed.
15-B	Inner shoe cushions and pads	X	
15-C	Orthopedic appliances	X	
15-D	Impregnated insoles, impregnated box toes	X	
15-E	Materials used in the manufacture of shoes and incorporated therein for the operations of combining, coating, finishing, laminating, impregnating, and proofing.	X	
15-F	Shoe tapes	X	
15-G	Cements for the manufacture and repair of shoes and component parts	X	
16	Cements		Color optional.
16-A	Cements for all purposes	67	
16-B	Miscellaneous uses: For manufacture of products covered by all code numbers in this Appendix A.	X	
16-C	Special uses: Shoes, welting	X	Later only permitted.

Code No. (1)	Product (2)	Percent natural rubber to total new RHC (3)	Special restrictions or provisions (4)
17	Proofing, combining or coating of fabric:		
	Covering material for transportation equipment	0	
	Film and coated materials for medical, health, and safety products	40	
	Anchor coats: spread, frictioned, or impregnated directly on fabric, or other material to be later calendered or spread.	100	
	Seaming tapes and strapping	100	
	Cements used in assembly of other products here listed	100	
	Diving and life-saving equipment	100	
	Industrial and protective apparel	50	
	Industrial specialty products	50	
	Except low temperature diaphragm material	100	
	Printing and engraving trade material	50	
	Flocked and imitation suede materials	0	
	Except adhesive coating for anchoring the flock	100	
	Civilian utility products	0	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
18	Drug sundries, medical, surgical, dental, veterinary and mortuary		Line, type, quality, style, or color optional.
18-A	Adhesive products:		
	Bunion pads and plasters	50	
	Corn plasters	50	
	Medicated foot pads and plasters	50	
	Surgical adhesive tape	50	
	Self-adhering tape and gauze bandage	X	
18-B	Bulbs—Including parts	60	
	Medicine dropper bulbs	65	
18-C	Dental products:		
	Dental dam	X	
	Dental polishing tips	X	
	Denture rubber	65	
	Orthodontic bands	X	
	Denture suction and model formers	60	
18-D	Flat goods:		
	Fountain syringe bags, molded, and tubing	45	
	Fountain syringe bags, hand-made, and tubing	75	
	Ice bags—molded	45	
	Ice bags—hand-made	60	
	Invalid cushions—molded	45	
	Invalid cushions—hand-made	60	
	Operating cushions	60	
	Water bottles and combinations, molded and tubing	45	
	Water bottles—hand-made	60	
	Fountain syringe bags, latex, and tubing, ice bags	X	
18-E	Gloves and cots:		
	Finger cots—including industrial and agricultural	X	
	Surgeons gloves	X	
	Set-lined hand-made gloves	75	
	Electricians' gloves, sleeves and climber guards	X	
	Industrial and general purpose gloves	X	
18-F	Infant goods:		
	Infant feeding nipples	X	
	Nurser bottle caps	X	
	Pacifiers	X	
	Breast shields	X	
	Teethers and teething rings	35	
	Baby pants	X	
18-G	Miscellaneous sundries:		
	Bath caps	60	40% of base period monthly average of natural rubber (dry or latex) consumed in bath caps permitted monthly.
	Blood pressure bags	X	
	Catheters, glass mounted	65	
	Catheters, latex	X	
	Castrator rings	45	
	Hard rubber pipes, connections and accessories	30	
	Penrose tubing	X	
	Colostomy outfits	X	
	Crutch pads	X	
	Crutch pads, sponge	60	
	Dilators	X	
	Inhalation bags and face pieces	X	
	Miscellaneous medical instrument parts	X	
	Prostatic bags	X	
	Prosthetic devices	X	
	Orthopedic parts, sponge	60	
	Respirator seal for iron lungs, sponge	X	
	Rubber bands and cushions for artificial limbs	X	
	Medical stoppers	X	
	Tourniquets	X	
	Truss pads	X	
	Urinals	X	
	Vaccine caps	X	
	Veterinary sleeves	X	
	Bath sprays and parts	18	
	Toilet and bath sponges	25	
	Bath socks	X	
	Tension tape	75	
	Rubber sheets for mortuary garments	X	
18-H	Pessaries and prophylactics	X	
18-I	Sheet goods:		
	Bandage gum	X	
	Oxygen tent canopies	X	
18-J	Tubing: Surgical tubes and tubing	X	
18-K	Ladies personal sanitary items:		
	Dress shields	X	
	Bloomer protective plates	X	
	Sanitary belts	X	
	Sanitary aprons	X	
	Unsupported girdles	X	
	Supported girdles	X	
	All items not elsewhere listed	0	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
19	Flotation equipment: Pontoons, rafts, boats, buoys, etc.		Government orders only. Natural rubber permitted as required.
20	Life-saving equipment: Suits, jackets, vests, belts, etc.		Government orders only. Natural rubber permitted as required.
21	Bullet sealing fuel cells	X	
23	Miscellaneous		Line, type, quality, style or color optional.
22-A	Athletic goods:		
	Golf balls	85	
	Golf club grips	25	
	Tennis balls	81	
	Inflatable athletic balls	53	
	Inflatable playground balls	53	Maximum diameter 10 inches.
	Squash balls	60	
	Hand balls	60	
	Lacrosse balls	60	
	Rubber-covered baseballs	60	
	Baseball centers	10	
	Rubber-covered softballs	60	
	Ear protective plugs	X	
	Cement for repair kits	X	
	Boxers' tooth protectors	80	
	Athletic bladders	10	Maximum monthly average.
	Athletic bladder valves	85	
	Gun pads	10	
	Lead tennis racquet weights	40	
	Swim fins	35	
	All items not elsewhere listed	0	
22-B	Balloons		Line, type, quality, style, or color optional. Natural rubber latex only permitted.
22-C	Sponge rubber		Line, type, quality, style, or color optional.
	Nitrogen blown		60% natural rubber to total RHC permitted. Maximum monthly average. Gas chamber method only.
	Chemically blown		45% natural rubber to total RHC permitted. Maximum monthly average.
	Kneeling pads	0	
	Church kneelers	0	
	Wallpaper cleaners	0	
	Floor mops	0	
	Seat cushions	0	
	Firemen's landing pads	0	
	Typewriter pads	0	
	Breast pads	0	
	Sponge balls	0	
	Sponge toys	0	
	Sponge novelties	0	
22-E	Miscellaneous products:		
	Radio, radar and fire control instruments	X	
	Parachute bands and ventilating rings	X	
	Chlorinated and cyclized rubber for packaging perishable foods	X	Line, type, quality, style, or color optional.
22-F	Pressure sensitive tape		For household use sold in lengths less than 1,292 inches.
	Color decorative tapes	0	
	General purpose cloth-backed tapes	20	
	Double-faced cloth-backed tapes	20	
	Nonfibrous film-backed tapes	30	
	Sand blast stencil tapes	40	Adhesive plus backing.
	Paper-backed tapes, as follows	50	Combined adhesive and impregnating compositions.
	General purpose masking tapes		
	Frozen food packaging tapes		
	Photographic tapes		
	Double-faced tapes		
	Drafting tapes		
	Shoe tapes		
	Extra-strength tapes		
	Super-strength tapes		
	Tapes with backings of nonfibrous film laminated to paper	50	Combined adhesive laminating and impregnating compositions.
	Electrical tapes	X	
	High-temperature tapes	X	
	Non-storming tapes	X	Tensile strength more than 100 lbs. per inch width.
	High-strength tapes	X	
	Protective paper tapes	X	Purchased by Government to Federal specifications.
	Other tapes	X	
22-G	Stationers' supplies:		
	Erasers	10	Line, type, quality, style, or color optional. Percent of natural rubber to total new rubber hydro-carbon.
	Pen sacs	X	Natural rubber latex only permitted.
	Rubber bands	X	Natural rubber latex permitted. 6 colors and 11 sizes permitted.
22-H	Thread and related products: Rubber thread		Line, type, quality, style, or color optional.
22-K	Toys		Natural rubber latex only permitted.
	Latex toys	70	
	Dipped beach balls	X	
	Crib toys	50	
	Slush-molded toys	X	
	Doll skins		40% of base period monthly average of rubber consumed in molded (dry rubber) toys permitted monthly.
	Molded (dry rubber) toys		
	Core-molded dolls and parts	45	
	Inflated dolls	45	
	Inflated balls	45	
	Hand-made water toys	45	
	All items not elsewhere listed	0	Line, type, quality, style, or color optional.
22-L	Rubber flooring and floor covering		Natural rubber latex only permitted.
	Rubber tile flooring	0	Color optional. Natural rubber latex only permitted.
	Coating for fiber floor covering	0	
22-M	Rubberized fiber and hair cushioning	0	

Code No. (1)	Product (2)	Percent natural rubber to total RHC (3)	Special restrictions or provisions (4)
20	Latex foam products		Line, type, quality, style or color optional.
	Bedding:		
	Mattresses	X	
	Mattress toppers	X	
	Pillows	X	
	Automotive toppers	55	
	Furniture—transportation seating	75	
	Uncored slab	60	
	Miscellaneous molded parts	75	
24	Any product other than products listed in codes 1 to 23 inclusive	0	

[F. R. Doc. 51-3004; Filed, Mar. 2, 1951; 5:08 p. m.]

[NPA Order M-44]

M-44—Power Equipment: Production and Delivery

This order is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, and consideration has been given to their recommendations. However, consultation in advance of the issuance of this order with representatives of all trades and industries affected has been rendered impracticable by the fact that the order affects a very substantial number of different trades and industries.

Sec.

1. What this order does.
2. Definitions.
3. Reports.
4. Modification of production and delivery schedules.
5. Defense requirements paramount.
6. Adherence to production and delivery schedules.
7. Impossibility or impracticability of adherence.
8. NPA assistance.
9. Exemptions.
10. Adjustments and exceptions.
11. Communications.
12. Records, audit, inspection, and reports.
13. Violations.

Authority: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong. Sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp. Sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

Section 1. *What this order does.* This order requires manufacturers of heavy power equipment, as hereinafter defined and as listed and described in the attached Schedule A, to file monthly reports, beginning not later than March 15, 1951, showing orders on hand for such equipment and the related production and delivery schedules, and, on and after March 16, 1951, to maintain, modify, or alter production and delivery schedules as the National Production Authority (hereinafter referred to as "NPA") may at any time and from time to time direct. This order also provides that NPA may assist such manufacturers by allocating steel, copper, and aluminum as required to maintain production. This order supplements NPA Reg. 2 but only those provisions of said Reg. 2 which are in conflict with this order are superseded, and all other provisions of said Reg. 2 shall continue to apply to persons to whom this order and any directives issued hereunder may apply.

Sec. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Power equipment" means and includes any piece or pieces of heavy power equipment of the types listed and described in the attached Schedule A.

(c) "Manufacturer" means a person who machines, fabricates, rolls, presses, welds, bolts, or otherwise incorporates steel, copper, or aluminum into finished power equipment.

Sec. 3. *Reports.* Not later than the 15th day of each calendar month every manufacturer shall file with NPA in accordance with the format prescribed by Form NPAF-31 a report for the period therein specified setting forth his power equipment orders on hand, his production and delivery schedules applicable thereto, and such other information respecting power equipment on order or in process as may be called for by said Form NPAF-31. The first such monthly report to be filed hereunder shall be due not later than March 15, 1951.

Sec. 4. *Modification of production and delivery schedules.* With respect to the production and delivery of power equipment, NPA may:

(a) Direct the return or cancellation of any order on the books of a manufacturer;

(b) Direct changes in the production or delivery schedules of a manufacturer, requiring him to fill orders in such sequence as it may determine;

(c) Allocate orders placed with any manufacturer to another manufacturer or manufacturers;

(d) Take such other action as it deems necessary concerning the placing of orders for power equipment or parts thereof or concerning the production or delivery of power equipment or parts thereof.

Sec. 5. *Defense requirements paramount.* Allocations and directions hereunder will be made by NPA so as to insure satisfaction of all defense requirements of the United States, both direct and indirect, and may be made in the discretion of NPA without regard either to the provisions of NPA Reg. 2 or to the preferences or priorities assigned to particular rated orders.

Sec. 6. *Adherence to production and delivery schedules.* Subject to the provisions of sections 4 and 5 of this order, production and delivery schedules filed pursuant to section 3 of this order shall be deemed to have been approved as filed unless, within 14 days from the date of mailing thereof, as shown by postmark, NPA shall have specifically advised the manufacturer to the contrary. On and after March 16, 1951, each manufacturer shall produce, ship, or deliver power equipment only in accordance with his most recent schedule as the same may have been approved, modified, or altered by NPA, and no manufacturer shall interfere with any schedule so approved, modified, or altered, or disregard the same, by adding, eliminating, displacing, or altering the precedence of any order listed for production or delivery thereon unless he is specifically authorized or directed by NPA so to do.

Sec. 7. *Impossibility or impracticability of adherence.* A manufacturer who for any reason finds it impossible or impracticable to maintain production or delivery of power equipment in accordance with the schedule or schedules so approved, modified, or altered by NPA shall forthwith notify NPA stating the reasons for such impossibility or impracticability.

Sec. 8. *NPA assistance.* In the case of a manufacturer so finding it impossible or impracticable to adhere to a production or delivery schedule, NPA may assist him by such means and to such extent as in its discretion the circumstances require, including the making to him, by directive or otherwise, of such allocation or allocations of steel, copper, or aluminum as it shall consider appropriate.

Sec. 9. *Exemptions.* The provisions of sections 4, 5, and 6 of this order with respect to the production or delivery of power equipment shall not apply to power equipment to be produced or delivered pursuant to an order or orders from a single customer for power equipment or a part or parts thereof having an aggregate fabricated value of $5,000 or less.

Sec. 10. *Adjustments and exceptions.* Any person affected by any provision of

this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 11. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington, 25, D. C. Ref.: M-44.

SEC. 12. *Records, audit, inspection, and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, and in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on March 5, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

SCHEDULE A

Product	Definition
Steam turbines	Steam propelled turbines, either direct-connected or geared, except those designed for aircraft or locomotive use.
Hydraulic turbines	Hydraulic and hydroelectric turbines and water wheels.
Internal combustion engines	All oil diesel, dual fuel, and spark ignition gas engines for mechanical drive operating at 750 RPM or less.
Steam turbine generator sets	Steam propelled turbine generator sets except for aircraft or locomotive use.
Hydraulic turbine generator sets	Hydraulic (water) turbine driven generator sets.
Engine driven generator sets	All oil diesel, dual fuel, and spark ignition gas engine generating sets operating at 750 RPM or less.
Electric generators	All oil diesel, dual fuel, and spark ignition gas engines operating at 750 RPM or less and generators designed to be driven by steam or hydroelectric turbines. Generators designed to be driven by diesel or gas engines operating at 750 RPM or less.
Steam boilers	Steam boilers designed for a pressure of more than 100 pounds per square inch gage, and with a heating surface of 500 square feet or more exclusive of those for locomotive use, including the following auxiliaries when built by the manufacturer reporting and when used as part of the complete generating unit: superheaters, reheaters, desuperheaters, water walls, oil burners, gas burners, pulverized coal burners, economizers, air preheaters, and flues and ducts.
Coal pulverizers	Pulverizers and related combustion equipment installed for the primary purpose of pulverizing solid fuel for firing any type of furnace, excluding those for locomotive use.
Steam condensers	Steam condensers of the surface, jet, or barometric type, inter and after condensers and steam jet air ejectors, or any combination thereof designed for use in the generation of power, not including those for locomotive use. Steam condensers means any steam condenser which uses water as a circulating medium, designed to condense exhaust steam from a prime mover or from jets of a steam jet air pump.
Oil circuit breakers	Oil circuit breakers of 2,200 volts or higher.
Air circuit breakers	Air circuit breakers except type AB, ET, or similar.
Power switchgear	Power switchgear, including all equipment for control and protection of apparatus used for power generation, conversion transmission or distribution including disconnecting switches, bus supports, fittings, associated inter-connections and supporting structures, busses. Bus structures 2,200 volts and above, cutouts, power fuses and current limiting resistors.
Metal clad switchgear	Metal enclosed switchgear containing oil circuit breakers 2,200 volts and higher, or air circuit breakers except type AB, ET, or similar power switchboards.
Transformers	Liquid-filled and dry type transformers with a capacity of 501 kva and larger designed for single phase and multiple phase operation at 15 kv.

[F. R. Doc. 51-3022; Filed, Mar. 5, 1951; 11:15 a. m.]

Chapter XV—Federal Reserve System

[Regulation X]

REG. X—REAL ESTATE CREDIT

DEFENSE CONSTRUCTION

1. Effective March 5, 1951, Regulation X is amended by adding the following paragraph (p) to section 6:

(p) *Defense construction.* Terms different from those prescribed by this regulation and the supplement thereto, to be applicable to specific new construction necessary to the national defense, may be authorized by the Board in areas designated by the Housing and Home Finance Administrator with the concurrence of the Board and after surveys have been made by the Administrator with respect to the needs for such necessary construction within such areas. Such different terms when so authorized will be applicable only to such new construction as may be specified by the Administrator within such designated areas, and will be subject to such conditions as may be prescribed.

2. a. The above amendment is issued by the Board of Governors of the Federal Reserve System with the concurrence of the Housing and Home Finance Administrator, under authority of the "Defense Production Act of 1950", approved September 8, 1950, and Executive Order No. 10161, dated September 9, 1950.

The purpose of this amendment is to provide for some relaxation of the terms of the regulation with respect to specified construction necessary for the national defense in certain designated areas.

b. Section 709 of the Defense Production Act of 1950 provides that the functions exercised under such act shall be excluded from the operations of the Administrative Procedure Act (60 Stat. 237) except as to the requirements of section 3 thereof.

In amending this regulation and in accordance with the requirements of the aforesaid section 709, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

(Sec. 704, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105. Interpret or apply sec. 602, Pub. Law 774, 81st Cong.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-3003; Filed, Mar. 2, 1951; 5:05 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 3.50, paragraph (g) is amended to read as follows:

§ 3.50 *Proof of marriage.* • • •

(g) The termination of all prior marriages of each party is to be shown by duly certified copies of final decrees of divorce or annulment, duly certified abstracts thereof (specifically reciting the effect of the judgment), or by proof of death as provided in § 3.55.

• • • • •

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Supp. IIa, 426, 707)

2. Section 3.267 is amended to read as follows:

§ 3.267 *Resumption of awards discontinued under section 1, Public Law 662, 79th Congress.* Where payments to or in behalf of an incompetent beneficiary have been discontinued pursuant to the provisions of § 3.255 (b), the award will not be reopened unless and until an accounting is received disclosing that the estate is reduced to $500 or less, whereupon payments at the rate provided in § 3.255 (a) will be resumed effective as of the first of the month in which the notice is received: *Provided*, That if the disabled person is discharged from the institution before the estate is reduced to $500, or it is determined that he has a dependent or dependents, or for any other reason does not meet the requirements of section 1, Public Law 662, 79th Congress, the award will be reopened in accordance with the facts found to exist. In the computation of the $1,500 limitation, there will be included money belonging to the disabled person in "Funds Due Incompetent Beneficiaries," in the possession of his fiduciary, if there is one, and or in the possession of the chief officer of the institution. In the computation of either the $1,500 or the $500 limitation, the money withheld pursuant to Public Law 662, 79th Congress, will not be included.

(Sec. 5, 43 Stat. 609, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Supp. IIa, 426, 707. Interpret or apply sec. 1, 60 Stat. 908; 38 U. S. C. 739)

This regulation is effective March 6, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-2884; Filed, Mar. 5, 1951; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9749]

PART 20—DISASTER COMMUNICATIONS SERVICE

REPORT AND ORDER OF THE COMMISSION

In the report of proposed frequency allocations below 25,000 kilocycles (Docket 6651) of May 21, 1945, the Commission expressed the intention of providing frequencies in the band 1750–1800 kilocycles for a Disaster Communications Service. Thereafter, in making frequency allocations (see table of frequency allocations, Part 2) the frequency band 1750–1800 kilocycles was allocated to fixed, mobile, and temporarily radio location services subject to the condition that when regulations for a Disaster Communications Service were provided, that service should take precedence over any other operation in this band for the handling of emergency communications in times of disaster. In planning for the service an informal conference was held in the Commission's offices during the period June 5 and 6, 1950, among representatives of the Commission, several departments of Federal government, interested national and State relief organizations, and individuals to discuss implementation of the allocation to Disaster Communications Service by adoption of suitable rules and regulations. The Disaster Communications Service was and is intended to provide essential communications (when normal communication facilities are impaired, inoperative, or unavailable) for use in connection with disasters or occurrences of such nature as to involve safety of any group of individuals in a large area or in a small isolated area when emergencies arise by reason of occurrences such as flood, earthquake, hurricane, explosion, or the consequence of armed attack. The allocation as originally made and the rules written pursuant thereto provide, primarily, for peace-time disaster communication, but do not preclude use of the service incidental to a war-time emergency.

Pursuant to the requirements of section 4 (a) of the Administrative Procedure Act, the Commission released a General Notice of Proposed Rule Making which set forth rules to establish and govern the Disaster Communications Service with provision for the submission of written comments by interested parties. This notice was duly published in the FEDERAL REGISTER on August 10, 1950. Since frequencies in the band 1750–1800 kilocycles are allocated for use in the Disaster Communications Service by departments of federal government as well as non-government organizations, it was necessary to coordinate the proposed use of the frequencies with the departments of federal government concerned. For this purpose and to reach an understanding of the possible extent and manner of use of the Disaster Communications Service by federal agencies, several informal conferences were held. Because the interested agencies included branches of the armed services, for security reasons, public announcement of the conferences was not made and only representatives of the interested agencies attended.

Following publication of the proposed rules, comments were filed by some forty-one individuals and local, regional, or national organizations, and by twelve agencies of federal government. Included among these interested parties were several radio amateurs and amateur associations, licensees of broadcast radio stations, local relief agencies, the American National Red Cross, police associations, fire associations, and other persons and organizations interested in rendering communications and relief service in the event of a disaster. These comments were unanimously in favor of adoption of the proposed rules and many constructive suggestions were made which were incorporated in whole or in part in the rules. However, after careful consideration and study, some of the suggestions were determined to be unsuitable and they were rejected.

Changes made in the rules, after study of the comments filed, include relaxation of tolerance from 0.005 percent to 0.015 percent, provision for one additional radiotelephone channel with resulting decrease in radiotelegraph channels, and deletion of the proposed table of attenuation of harmonics and spurious emissions. The definition of "disaster" was expanded to encompass train or airplane wrecks. The definition of "competent local authority" was enlarged to include civil defense officials. Rules which prescribed operating procedures and priority of messages were amended leaving this to the discretion of activating or controlling authority. Provision was made for integration of local networks with regional systems and for the use of repeaters and automatic signaling devices. Editorial revisions were made in the text of the rules and in the application form designed for use in this service. All changes conform to the basic purpose of the proposed rules.

Several suggestions made by the American National Red Cross were incorporated into the final rules. These included liberalization of the definition of disaster to include occurrences which affect a small segment of the public. The suggestion that the rules be liberalized with respect to use of the scene of disaster frequency was followed. Also, at the suggestion of the Red Cross, the rules were changed to provide less rigid operating procedure.

Other suggestions made and incorporated in whole or in part in the rules were that the matter of priority of messages on disaster networks be left to the discretion of the activating or controlling authority rather than being specified in the rules; that the definition of disaster networks include regional or higher coordinated communications rather than be limited to local communications, and that it be indicated, clearly, that the Commission's rules do not prescribe radio operator requirements for United States Government radio stations. Pursuant to the suggestion of the International Municipal Signal Association, Inc., that coverage of some areas may require the relay of messages, provision was made for use of unattended repeater stations and for the use of automatic signalling, calling, or alerting devices.

The suggestion that the rules should provide for or designate a recognized head to coordinate the activities of various disaster networks was given careful consideration. However, it appears that since the nature of an emergency or disaster and the area in which it may occur are unpredictable, to designate specific classes of persons to coordinate communications networks appears to be unnecessarily restrictive. It was also suggested that civil defense organizations should be made responsible for coordinating the use of the Disaster Communications Service. However, although the Disaster Communications

Service would be available for use of civil defense organizations and finalization of the rules has come at a time when civil defense is a primary national consideration, the service is not intended as a special wartime measure but as a permanent vehicle to provide communications in all types of disasters. The specialized needs of civil defense are being considered separately and are expected to be separately provided for.

Several interested parties who individually are either licensees of or have an interest in stations operating in established services such as broadcast and taxicab recommended that the Disaster Communications Service rules be amended to permit use of stations in other services to handle disaster communications on frequencies assigned to the respective stations for drill purposes and for communication with other stations in times of actual emergency. For the most part, rules governing the various services provide for such communication in times of actual emergencies and amendment of the various rule parts to permit such drills is under study. Hence, such suggestions are not properly a part of this proceeding.

The suggestion that the requirements for frequency channeling and types of emission probably would vary from one locality to another, that in some communities only voice communications could be utilized due to lack of trained operators, and that the proposed channeling is not sufficiently flexible to meet this situation was also carefully studied. Since station equipment and licenses will be obtained prior to the occurrence of any incident requiring use of the stations, the licensee should be able to determine the feasibility of using voice or radiotelegraph emission, to take inventory of available operators in the area to be provided for, and to know in advance which type of emission could best be used. It further appears that to permit use of both types of emission on all frequencies could be expected to result in interference among networks in adjacent areas, and for this reason the suggestion was not adopted.

It appears that the suggestion that the Disaster Communication Service be restricted to Continental United States and some other provision be made for Disaster Communications in Alaska was made because the Civil Aeronautics Administration and the U. S. Weather Bureau operate a network of aeronautical and weather communications in Alaska on the frequency 1790 kc. An examination of the allocation of the frequency band 1750–1800 kc. reveals that the only permanent allocation of this band was made to the Disaster Communications Service. The only provision made in the Commission's allocation for use of these frequencies by government stations is in the allocation table where note 1 describes persons who are eligible to operate in the Disaster Communications Service as "amateurs and other non-government and government groups". It further appears that the frequency 1790 kc. was assigned to the mentioned government stations on the specific condition that it was not to be a bar to or prejudice the implementation of the Disaster Communications Service in the United States and territories. Since the only frequencies available for the Disaster Communications Service are in the band 1750–1800 kilocycles, Alaska would be deprived of the use of that service at a critical time if this request were granted. Therefore, applicability of the rules was not limited to Continental United States but the service is available in the territories and possessions as well.

The Central Committee on Radio Facilities of the American Petroleum Institute, while expressing approval of the proposed Disaster Communications Service, requested that the frequencies 1750–1800 kc. be shared with the Radiolocation Service. At the present time, the Radiolocation Service is authorized to use frequencies in this band for certain limited purposes on a temporary basis and on the basis of non-interference to the Disaster Communications Service. Such information as is presently available to the Commission regarding the nature and scope of currently permitted radiolocation operations in this band indicates that it may be feasible to establish an appropriate method whereby the Disaster Communications Service and the Radiolocation Service may share the use of this band other than during times of emergency when, of course, the Disaster Communications Service must necessarily continue to have absolute priority. Accordingly, the Commission is giving this matter its further consideration.

Other suggestions not incorporated into the rules were that portions of the amateur frequency bands be made available to the Disaster Communications Service; that, to avoid sabotage, the names of licensees and locations of stations in this service be classified as confidential and not made public, and that certain amateur stations be selected to operate on police frequencies in the police service in emergencies. Because, as heretofore stated, the Disaster Communications Service is not intended primarily as a Civil Defense service, these suggestions are not considered relevant to these proceedings.

No request for oral argument or for hearing was made by any interested party, and the suggestions not adopted do not appear to present important issues of fact concerning the proposed rules which would warrant the holding of oral argument or a hearing.

In view of the foregoing considerations and determinations, the Commission finds that the public interest, convenience, and necessity will be served by adoption of the rules herein ordered. Accordingly, pursuant to the authority of sections 4 (i), 301, and 303 of the Communications Act of 1934, as amended: *It is ordered*, This 21st day of February 1951, that Part 20, "Disaster Communications Service," together with FCC Form No. 525[1] thereto appended, be and it hereby is adopted as set forth below. *It is further ordered*, That the said Part 20 and form shall become effective March 21, 1951.

Adopted: February 21, 1951.

Released: February 26, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[1] Filed as part of the original document.

PART 20—DISASTER COMMUNICATIONS SERVICE

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AUTHORITY: §§ 20.1 to 20.35 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 301, 48 Stat. 1081; 47 U. S. C. 301.

SUBPART A—GENERAL INFORMATION

§ 20.1 *Basis and purpose.* (a) The basis of this part is the Communications Act of 1934 as amended, and applicable treaties and agreements to which the United States is a party. This part is issued pursuant to authority contained in Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions and to issue licenses for radio stations.

(b) The purpose of this part is to provide for the licensing or authorizing of radio stations to provide essential communications incident to or in connection with disasters or other incidents which involve loss of communication facilities normally available or which require the temporary establishment of communication facilities beyond those normally available.

§ 20.2 *Disaster defined.* As used in this part, the terms "disaster" or "disaster or other incident" are defined as meaning an occurrence of such nature as to involve the health or safety of a community or larger area, or the health or safety of any group of individuals in an isolated area to whom no normal means of communications are available and include, but are not limited to, floods, earthquakes, hurricanes, explosions, aircraft or train wrecks, and consequences of armed attack.

§ 20.3 *Disaster station defined.* A disaster station is defined as any government or non-government radio station able to function as a fixed, land, or mobile station and authorized, if government, by its controlling federal government agency or licensed, if non-government, by the Federal Communications Commission to operate in the Disaster Communications Service. A single disaster station may consist of more than one unit, each capable of being operated independently as a fixed, land, or mobile station.

§ 20.4 *Associated station defined.* For the purposes of this part, a disaster station is considered to be associated with a licensed station in some other service when both stations are licensed to the same licensee at the same location and both stations are included in at least one coordinated disaster communications plan of the area concerned. A portable station or a mobile station in the Disaster Communications Service will be considered to be associated with the station in the other service which is located at its base of operations.

§ 20.5 *Portable station defined.* For the purposes of this part, a portable station is defined as a land station in the Disaster Communications Service which is capable of being moved from place to place and is in fact, from time to time, moved to and operated at unspecified fixed locations for the purpose of communicating with other fixed, land, or mobile stations.

§ 20.6 *Disaster communications defined.* Disaster communications are defined as:

(a) Communications essential to the establishment and maintenance of communication channels to be used in connection with disasters or other incidents involving loss of communications facilities normally available or which demand the temporary establishment of communications facilities beyond those normally available, including communications necessary or incidental to drills and simulated disaster relief activity on the part of persons or organizations participating in the use of such communication channels; or

(b) Communications or signals essential to the public welfare, or that of any segment of the public, including communications directly concerning safety of life, preservation of property, maintenance of law and order, and alleviation of human suffering and need, in the case of any actual or imminent disaster or other such incident.

§ 20.7 *Competent local authority defined.*[1] For the purposes of this part, competent local authority is defined as meaning that authority within a community or larger area which is so designated in the coordinated disaster communications plan for the area concerned, including any alternate authority who may be so designated in such plan. In the absence of the specifically designated authority, the individual in charge of the net control station, or his representative, for the organized disaster station network established in accordance with the coordinated disaster communications plan, shall be considered as competent authority for the activation of the stations of that network.

[1] Duly designated civil defense officials will be considered competent local authority in the organization or operation of disaster communications radio networks and stations, and in the coordination of disaster communications plans.

SUBPART B—STATION LICENSE OR AUTHORIZATION

§ 20.11 *Eligibility.* (a) A license for a station to be operated in the Disaster Communications Service may be granted to any person eligible to hold a station license under the provisions of the Communications Act of 1934, as amended: *Provided*, That the station or proposed station is shown to constitute an element of a bona fide disaster communications network organized or to be organized and operated in accordance with a locally or regionally coordinated disaster communications plan under responsible leadership and direction.[1]

(b) Authorization for a United States Government station to operate in the Disaster Communications Service will be granted by the appropriate United States Government agency controlling that station.

§ 20.12 *Organization of networks.* (a) Local disaster communications networks may be organized by any responsible local group or groups that may be in a position to provide such service. In any particular area there may be several such networks and each network may be independent of the others. Whenever there is more than one network in the same area, however, they must all share the available frequencies in an efficient and orderly manner, under a single coordinated disaster communications plan. Any particular network shall be organized and set up along such lines and in accordance with such disaster communications plan that an inspection of the written records of the network will show that there is in fact a local disaster network of definitely identified stations with appropriate and responsible leadership and rules for self government that provide for an orderly and efficient service. The various networks in adjacent areas shall establish proper liaison arrangements, which will become a part of their respective disaster communications plans, to provide for efficient use of the available frequencies and that, in case of need, communications may be handled on an inter-area basis.

(b) Each disaster communications network shall establish a basic operating procedure for the type or types of transmission to be employed; which operating procedure shall be based on a generally understood procedure in common use in other services for the types of communications and the types of transmissions to be employed.

§ 20.13 *Application for construction permit and license.* (a) Application for construction permit and new license for a station to be operated in the Disaster Communications Service shall be submitted on FCC Form No. 525, signed by the applicant, and countersigned by the competent local authority in charge of the disaster communications network in which the station is, primarily, intended to be operated. To facilitate a determination of eligibility, such application shall be accompanied by a statement describing in detail the purpose of the proposed station which shall include a copy of the locally coordinated disaster communications plan under which the station is intended to be operated unless such information has already been submitted to the Commission, in which case the application shall clearly identify that plan and the competent local authority under whose direction the station is proposed to be operated. In cases where a description of the station's antenna is required to be submitted on FCC Form No. 401–A, in accordance with the provisions of § 20.14, such form shall be submitted concurrently with the application for construction permit and license.

(b) Unless otherwise directed by the Commission, application for modification of station license in the Disaster Communications Service shall be submitted on FCC Form No. 525 in the same manner as application for construction permit and new license, whenever the license or the basic location of a licensed station is proposed to be changed.

(c) Unless otherwise directed by the Commission, application for renewal of station license in the Disaster Communications Service shall be submitted on FCC Form No. 525 at least 60 days prior to the date of expiration of the license sought to be renewed.

§ 20.14 *Limitation on antenna structures.* (a) No new antenna or antenna structure shall be erected for use by any station licensed or proposed to be licensed in the Disaster Communications Service, and no change shall be made in any existing antenna or antenna structure for use or intended to be used by any station licensed or proposed to be licensed in the Disaster Communications Service so as to increase its over-all height above ground level, without prior approval from the Commission in any case when either (1) the antenna supporting structure and/or the antenna proposed to be erected will exceed an over-all height of 170 feet above ground level, or (2) the antenna supporting structure and/or the antenna proposed to be erected will exceed an over-all height of one foot above ground level for each 200 feet of distance, or fraction thereof, from the nearest boundary of any aircraft landing area. Application for Commission approval in such cases shall be submitted on FCC Form 401–A (revised).

(b) For the purpose of this section an aircraft landing area is defined, in accordance with the provisions of Part 17 of this chapter, as any locality, either land or water, including airports and intermediate landing fields, which is used, or approved for use, for the landing and take off aircraft, whether or not facilities are provided for the shelter, servicing or repair of aircraft, or for the

receiving or discharging of passengers or cargo.

(c) In cases where an FCC Form 401–A is required to be filed, further details as to whether an aeronautical study and/or obstruction marking may be required, as well as specifications for obstruction marking when required, may be obtained from Part 17 of this chapter, "Construction, Marking, and Lighting of Antenna Towers and Supporting Structures." Information regarding requirements as to inspection of obstruction marking, recording of information regarding such inspections, and maintenance of antenna structures is also contained in Part 17 of this chapter.

§ 20.15 *License term.* A license to operate a radio station in the Disaster Communications Service will be issued for a term of from one to five years from the effective date of grant as the Commission may determine in each case to permit the orderly scheduling of renewals, and for a renewal term of four years from the effective date of renewal.

SUBPART C—USE OF STATIONS

§ 20.21 *Activation of stations.* (a) All stations in the Disaster Communications Service are authorized to be operated on the frequencies and with the types of emission specified by this part only when competent local authority either (1) determines that an impending or actual disaster or other such incident warrants their activation, or (2) schedules training operations, practice drills or tests to keep the networks and associated stations alert and efficient.

(b) Except during scheduled training operations, practice drills or tests, the scene of disaster frequency shall be used only (1) by the station or stations actually located in the disaster area and those stations with which the station or stations actually in such disaster area are in direct communication, or (2) as a notification frequency, for the transmission of any authorized emission including automatic alarm signals, when a disaster is imminent or has occurred, or (3) in an impending disaster situation, as a calling frequency for preliminary contacts in establishing or alerting nets, or (4) as a calling frequency for non-net stations seeking contact with the control station of a net for disaster-related communications.

(c) Nothing in this section shall be deemed to prevent any radio station from operating on the scene of disaster frequency, using such equipment and such power as may be available or necessary, and communicating in accordance with the provisions of paragraph (b) of this section at any time the safety of life or property within the area of responsibility of that station is in danger as a result of an impending or actual disaster or other such incident.

§ 20.22 *Points of communications.* All stations in the Disaster Communications Service, when activated in accordance with the provisions of § 20.11, are authorized to communicate with each other, with stations in the Amateur Radio Service, and with stations of the United States Government which are authorized by their controlling federal government agencies to communicate with stations in the Disaster Communications Service; and are further authorized to communicate with any station in any service licensed by the Federal Communications Commission whenever such station is authorized to communicate with stations in the Disaster Communications Service by the provisions of the Commission's rules governing the class of station concerned or in accordance with the provisions of § 2.405 of this chapter.

§ 20.23 *Limitations on use.* (a) Stations operating in the Disaster Communications Service are authorized to transmit and to receive only those types of communications set forth in § 20.24 for:

(1) Liaison purposes for the coordination of the activities of various local or larger mutual aid organizations, between established individual or network stations authorized to operate in other services and engaged in disaster communications on their own regularly assigned service frequencies; or

(2) Direct operation as a part of a disaster communications network established for the purpose of providing disaster communications for an organization or organizations having no other frequencies available or none satisfactory for the distances or locations to be covered.

(b) Stations operating in the Disaster Communications Service are authorized to retransmit, by automatic means, authorized disaster communications being transmitted by other stations of the same disaster communications network, and to originate and transmit, by automatic means, distinctive signals, on the scene of disaster frequency only, for the alerting of the disaster communications network and/or for the actuation of selective signaling, calling or alerting devices: *Provided*, That when such automatic transmission or retransmission is employed, such stations shall not emit radio-frequency energy except when actually transmitting authorized disaster communications.

(c) Nothing in this section shall be construed to prevent the operation of a station in the Disaster Communications Service for the purpose of brief tests or adjustments during or coincident with the installation, servicing or maintenance of such station: *Provided*, That the transmissions of that station during such tests or adjustments shall not cause harmful interference to the conduct of communications by any other station.

(d) A station in the Disaster Communications Service shall not be used to transmit or to receive messages for hire, nor for communications for material compensation, direct or indirect, paid or promised.

§ 20.24 *Permissible communications.* Stations in the Disaster Communications Service are authorized to transmit and to receive only the following types of disaster communications:

(a) Communications when there is no impending or actual disaster:

(1) Necessary drills and tests to insure the establishment and maintenance of efficient networks of stations in the Disaster Communications Service and other authorized services. These drills and tests may include the prearranged exchange of communications by stations of established networks with stations outside any established network where the purpose of such exchange is to provide training and practice in the establishment and maintenance of liaison and coordination between such networks and non-network stations. Such drills and tests shall not be permitted, in any way, to interfere with communications in connection with any actual or impending disaster or other such incident.

(b) Communications when there is an impending or actual disaster:

(1) Communications directly concerning:

(i) The activation of a disaster network, or

(ii) The establishment and maintenance of liaison and coordination between:

(*a*) The stations of one network and the stations of any other network, or

(*b*) Any network station and any non-network station of any agency possessed of its own system of radiocommunication which is actually engaged in averting or overcoming the effects of the disaster, or

(*c*) Any non-network station of one agency possessed of its own system of radiocommunication which is actually engaged in averting or overcoming the effects of the disaster and any non-network station of any other agency possessed of its own system of radiocommunication which is actually engaged in averting or overcoming the effects of the disaster.

(2) Communications directly concerning the conduct of service by an activated disaster network.

(3) Communications directly concerning safety of life, preservation of property, maintenance of law and order, and alleviation of human suffering and need by authorized government and relief agencies.

(4) Communications directly concerning the accumulation and dissemination of public information regarding safety of life, preservation of property, maintenance of law and order, or alleviation of human suffering and need by authorized government or relief agencies.

(5) Communications directly concerning the transaction of business essential to the public welfare.

(6) Communications concerning personal matters of individuals directly affected by the disaster.

(c) The order of priority of communications when there is an impending or actual disaster shall be as determined by the competent local authority activating the station or network, or his authorized representative.

§ 20.25 *Station identification.*—(a) *Call signs.* Disaster stations licensed by the Commission will be assigned distinctive call signs, consisting of four letters and one digit, in accordance with the table of geographical assignment of call signs contained in § 2.303 of this chapter. Stations of the United States Government authorized to operate in the Disaster Communications Service will be assigned appropriate call signs by their cognizant United States Government agencies from the call signs available to such agencies.

(b) *Use of call signs.*—(1) *Radiotelegraph.* When transmitting by radiotelegraphy, each disaster station shall transmit the call sign of the station being called followed by its own call sign at the beginning of each series of communications with the called station, at least once each fifteen minutes of such operation, and when terminating communications with the called station. One-way transmissions intended for several stations shall be identified in the same manner except that a general call may be used in place of the call signs of the several stations intended to receive the transmissions. Test transmissions of a station making adjustments shall be identified by the transmission of the station call sign at the beginning and end of the test period and at least each 30 seconds during such period.

(2) *Radiotelephone.* When transmitting by radiotelephony, each disaster station shall identify itself and the station or stations being called in the same manner prescribed in this section for identification during radiotelegraph transmissions, except that, if there is no possibility of confusion, the name, location, or other designation of the station may be used in lieu of the call sign when that name, location, or other designation is the same as that of an associated station in some other service and is authorized to be used by such associated station when identifying itself on its regularly assigned frequencies.

(3) *Multiple units.* When two or more separate units of a station are operated at different locations, each unit shall separately identify itself by the addition of a unit name, number or other designation at the end of its call sign or other authorized means of identification. When transmitting by radiotelegraphy, such additional identification shall be separated from the call sign by use of the "slant" or fraction bar.

(4) *Additional identifications.* A list of all general or collective call signs, unit designators, and other authorized substitutes for or additions to assigned call signs used in each disaster station network shall be maintained at the control station of such network, and shall be made available for inspection upon reasonable request from any authorized representative of the federal government.

(c) *Automatic operation.* Stations which are entirely automatic in their operation, including automatic modulation of the carrier, shall be exempt from the requirements of paragraph (b) of this section.

§ 20.26 *Radio station log.* (a) The licensee of each radio station licensed in the Disaster Communications Service shall keep an accurate log of all operations in the 1750–1800 kc. band, which shall include the following:

(1) Name and address of the disaster station licensee, station call sign used in the disaster communications service,

date of expiration of the disaster station license, and d. c. plate power input to the vacuum tube or tubes supplying energy to the transmitting antenna system. This information need be entered only once in the log unless there is a change in any of the above items. Each change shall be entered with the date the change is made.

(2) Date and time of beginning and end of each period during which the disaster station is operated.

(3) Signature of each licensed operator who manipulates the key of a manually operated radiotlegraph transmitter or the signature of each licensed operator who operates a transmitter using any other type of emission, and the name (or signature) of any person not holding an operator license who transmits by voice over the facilities of that station other than by automatic relay of the signal of another station or stations. The signature of the operator shall be entered with the date and time at both the beginning and the end of each period during which he is manning the controls of the disaster station and at least once on each page additional to the first page covering the period for which he is the responsible operator. The signature of any additional operator who operates the station during the regular watch of another operator shall be entered in the proper space for that additional operator's transmissions.

(4) Upon the completion of each period of operation for drill, training, liaison or test purposes and each period of operation in connection with an impending or actual disaster, there shall be entered in the log a summary of such operation describing its nature and giving pertinent details.

(5) There shall be no erasures, obliterations or destruction of any part of the disaster station log. Corrections shall be made by striking out erroneous portions and initialing and dating the correction.

(b) The current portion of the log of a licensed disaster station shall be kept at the location of the control position of such station. Other portions of the log shall be retained by the licensee for a period of at least one year, at such place as he may deem appropriate and advisable: *Provided*, That the log of a disaster station shall be made available for inspection upon reasonable request by any authorized representative of the federal government; *And provided further*, That those portions of any disaster station log covering operation of such station in connection with any actual disaster shall not be destroyed unless prior approval for such destruction shall have been received from the Commission.

SUBPART D—OPERATING REQUIREMENTS

§ 20.31 *Assigned frequencies and authorized emissions.* (a) The following frequencies in the frequency band 1750–1800 kc. are assigned, on a nonexclusive basis, to all stations in the Disaster Communications Service. The selection and use of these frequencies shall be in accordance with a coordinated local area and adjacent area disaster communications plan [1] the specific types of emission herein indicated and the other applicable provisions of this part:

Channel No.	Channel width	Assigned frequency	Authorized emission
(1) Radiotelegraph channels			
1	1 kc.	1750.5 kc.	0.5 A1
2	1 kc.	1751.5 kc.	0.5 A1
3	1 kc.	1752.5 kc.	0.5 A1
4	1 kc.	1753.5 kc.	0.5 A1
5	1 kc.	1754.5 kc.	0.5 A1
6	1 kc.	1755.5 kc.	0.5 A1
7	1 kc.	1756.5 kc.	0.5 A1
8	1 kc.	1757.5 kc.	0.5 A1
(2) Scene of Disaster channel			
9	7 kc.	1761.5 kc.	0.5 A1, 2.5 A2, or 6 A3
(3) Radiotelephone channels			
10	7 kc.	1768.5 kc.	6 A3
11	7 kc.	1775.5 kc.	6 A3
12	7 kc.	1782.5 kc.	6 A3
13	7 kc.	1789.5 kc.	6 A3
14	7 kc.	1796.5 kc.	6 A3

(b) In the foregoing table, a figure specifying the maximum authorized bandwidth in kilocycles to be occupied by the emission is shown as a prefix to the authorized emission classification. The specified bandwidth shall contain those frequencies upon which a total of 99 percent of the radiated power appears, and shall include any discrete frequency upon which the power is at least 0.25 percent of the total radiated power. Any radiation in excess of the limits specified is considered to be an unauthorized emission.

(c) When an unauthorized emission results in harmful interference, the Commission may, in its discretion, require appropriate technical changes in equipment to alleviate the interference.

§ 20.32 *Transmitting power.* The transmitting equipment of a radio station in the Disaster Communications Service shall be adjusted in such a manner as to produce the minimum radiation necessary to carry out the communications desired when such station is operating in the frequency band 1750–1800 kilocycles. No station in the Disaster Communications Service shall be operated on these frequencies using a direct current plate power input to the vacuum tube or tubes supplying energy to the antenna in excess of 500 watts, except when operating on the scene of disaster frequency in accordance with the provisions of § 20.21 (c).

§ 20.33 *Equipment requirements.* (a) All stations in the Disaster Communications Service, except those intended only for the transmission of an automatic alarm or alerting signal, shall be capable of both transmitting and receiving on the scene of disaster frequency.

(b) The carrier frequency of each licensed station in the Disaster Communications Service shall be maintained within 0.015 percent of the assigned frequency.

[1] Duly designated civil defense officials will be considered competent local authority in the organization or operation of disaster communications radio networks and stations, and in the coordination of disaster communications plans.

(c) When the radio frequency carrier of a station in the Disaster Communications Service is amplitude modulated, such modulation shall not exceed 100 percent on negative peaks.

(d) The licensee of each station in the Disaster Communications Service which is utilized for the transmission of Type A–1 or Type A–3 emission shall use adequately filtered direct-current plate power supply for the transmitter to minimize modulation from that source.

§ 20.34 *Operator requirements.* (a) Except under the conditions specified in paragraph (d) of this section, one or more licensed radio operators of the class or grade specified in paragraph (b) of this section shall be on duty at the place where the transmitting apparatus of each licensed disaster station is located, or at the control position of such station if the control position is located at a place other than the location of the transmitting apparatus, and in actual charge thereof whenever it is being operated for the purpose of transmitting disaster communications, as defined in § 20.6, or is otherwise placed in a condition so as to produce radiation of radio frequency energy. No person shall manipulate the radiotelegraph key of a licensed disaster station for the purpose of manually transmitting radiotelegraph signals except under and in accordance with the authority of an operator license granting appropriate radiotelegraph operating privileges in accordance with the provisions of paragraph (b) of this section.

(b) Disaster stations licensed by the Federal Communications Commission may be operated, when properly transmitting in accordance with the provisions of this part, by the holders of:

(1) Any amateur radio operator license issued by the Federal Communications Commission which authorizes the holder thereof to operate an amateur radio station in the amateur segments of the 1800–2000 kc. frequency band; or

(2) Any commercial radio operator license issued by the Federal Communications Commission: *Provided,* That the holder of such commercial radio operator license shall perform or be responsible for only those operating duties and responsibilities at a disaster station which he is authorized, under the authority of such license, to perform or be responsible for at some other class of station licensed by the Commission when using the same type of emission and method of operation on a frequency or frequencies below 25 mc.

(c) When a station of the United States Government is authorized by the appropriate United States Government agency concerned to be operated in the Disaster Communications Service, the operator requirements for that station will be determined by the authorizing agency.

(d) Stations which are entirely automatic in their operation, including automatic modulation of the carrier, shall be exempt from the provisions of paragraph (a) of this section during the course of the normal rendition of the service of such stations: *Provided,* That all adjustments or tests during or coincident with the installation, servicing or maintenance of such stations shall be performed only by or under the immediate supervision and responsibility of a duly licensed operator whose license authorizes him to operate the station under those conditions in accordance with the provisions of paragraph (b) of this section: *And provided further,* That the station shall be so designed and installed as to be inaccessible to unauthorized personnel and incapable of any unauthorized transmission.

§ 20.35 *Availability of station and operator licenses.* (a) The original station license for a station in the Disaster Communications Service, or a photocopy thereof, shall be permanently attached to each transmitter of such station if the transmitter is readily accessible, or permanently posted at the control position of such station if the control position is located at a place other than the location of the transmitter.

(b) The original radio operator license or verification card (FCC Form No. 758–F) of the operator controlling the emissions of a licensed station in the Disaster Communications Service shall be carried on his person or kept immediately available at the place where he is operating the station.

(c) Whenever the original station license is not posted in accordance with the provisions of paragraph (a) of this section, or whenever the original operator license is not readily available at the place where the operator is on duty, such original license shall be made available for inspection upon reasonable request from any authorized representative of the federal government.

[F. R. Doc. 51–2912; Filed, Mar. 5, 1951; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Parts 27, 28]

COTTON CLASSIFICATION

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Department of Agriculture is considering amending paragraphs (e) and (g) of § 27.38 of the regulations dealing with cotton classification (7 CFR 27.38) under the United States Cotton Futures Act, as amended (26 U. S. C. 1920 et seq.), and paragraphs (e) and (g) of § 28.44 of the regulations dealing with cotton classification (7 CFR 28.44) under the United States Cotton Standards Act (7 U. S. C. 51 et seq.), as indicated below.

1. Paragraph (e) of § 27.38 *Terms defined for purposes of classification,* would be amended to read as follows:

(e) *Repacked cotton.* Cotton that is composed of factors', brokers', or other samples, or of loose or miscellaneous lots collected and rebaled, or cotton in a bale which is composed of cotton from two or more smaller bales or parts of bales.

2. Paragraph (g) of § 27.38 would be amended to read as follows:

(g) *Mixed packed cotton.* Cotton in a bale which, in the samples drawn therefrom, shows (1) a difference of three or more grades, or (2) a difference of three or more color gradations, or (3) a difference of two or more grades and two or more color gradations, or (4) a difference in length of staple of one-eighth inch or more.

3. Paragraph (e) of § 28.44 *Terms defined; cotton classification,* would be amended to read as follows:

(e) *Repacked cotton.* Cotton that is composed of factors', brokers', or other samples, or of loose or miscellaneous lots collected and rebaled, or cotton in a bale which is composed of cotton from two or more smaller bales or parts of bales.

4. Paragraph (g) of § 28.44 would be amended to read as follows:

(g) *Mixed packed cotton.* Cotton in a bale which, in the samples drawn therefrom, shows (1) a difference of three or more grades, or (2) a difference of three or more color gradations, or (3) a difference of two or more grades and two or more color gradations, or (4) a difference in length of staple of one-eighth inch or more.

All persons who desire to submit written data, views, or arguments for consideration in connection with the foregoing proposed amendments should file the same in duplicate with the Director, Cotton Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 20 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 1st day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–2891; Filed, Mar. 5, 1951; 8:46 a. m.]

[7 CFR, Part 924]

HANDLING OF MILK IN DETROIT, MICH., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order, regulating the handling of milk in the Detroit, Michigan, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, on the record of which the proposed marketing agreement and the proposed order were formulated was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of a petition filed by the Michigan Milk Producers Association, Detroit, Michigan, and was held at Highland Park, Michigan, June 5 through June 16, 1950, pursuant to notice duly published in the FEDERAL REGISTER (15 F. R. 3105, F. R. Doc. 50–4290). The period from June 16 1950, to August 1, 1950, was reserved for interested parties to file briefs on the record.

The major issues developed at the hearing were concerned with the following matters:

(1) Whether the handling of milk produced for the Detroit, Michigan, marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk or its products;

(2) Whether marketing conditions justify the issuance of a milk marketing agreement or order;

(3) The extent of the marketing area;

(4) What milk should be covered for pricing purposes;

(5) The classification of milk;

(6) The level of class prices to be paid and the methods for determining such prices;

(7) The type of pool to be used and a base rating system of distributing returns to producers; and

(8) Administrative provisions.

Findings and conclusions. Upon the basis of the evidence adduced at the hearing and on the record thereof, it is hereby found and concluded that:

(1) *Character of commerce.* The handling of milk in the Detroit, Michigan, marketing area is in the current of interstate commerce and directly burdens, obstructs, or affects interstate commerce in the handling of milk and its products.

A total of 64 dairy farms located outside the State of Michigan regularly supply milk to the Detroit market. During the month of April 1950, 45 of these farms located in Ohio and Indiana delivered over a half million pounds of milk to Detroit receiving plants, or at the rate of over six million pounds per year. Three dairy plants in Indiana and one in Ohio hold permits from the Detroit Department of Health to furnish sweet cream for consumption in Detroit.

During the months of high production, large quantities of Detroit inspected milk produced on dairy farms which supply milk for city consumption in other seasons of the year are diverted to manufacturing plants in Ohio and Indiana. One cooperative in the year of 1948 delivered over 4½ million pounds of such milk to a plant in Indiana. In 1949 movements of milk from the Detroit market to plants in Ohio totaled about 10 million pounds and in the first 5 months of 1950 amounted to over 5 million pounds. There are 36 dairy manufacturing plants located within the Detroit milkshed and purchasing milk from dairy farmers in competition with Detroit milk distributors. Several of these plants also handle surplus milk from the Detroit market. All of these plants manufacture dairy products, and a substantial portion of these products are disposed of in other states. Large quantities of Detroit inspected milk, exceeding 60 million pounds in 1949 and 30 million pounds in the first 5 months of 1950, were moved to certain of these manufacturing plants by one cooperative. Additional large amounts of milk are manufactured in plants operated by milk distributors. This milk is manufactured into evaporated milk, cheese, butter, and nonfat dry milk solids, a large proportion of which is disposed of outside of the State of Michigan.

Milk is distributed on routes operated from Detroit plants in direct competition with milk distributed from Toledo, Ohio, plants in the City of Monroe and at other points. The milksheds of the Detroit and Toledo markets overlap over an area of 4 counties and dairy farmers frequently shift from one market to the other. The Detroit milkshed also overlaps that of Fort Wayne, Indiana, and Cleveland, Ohio.

Milk, cream and dairy products processed in Detroit plants are furnished to interstate carriers for consumption in various states and in Canada. Seven Detroit milk distributing plants have been certified by the U. S. Public Health Service for processing milk and milk products for sale for consumption outside the state at the request of interstate carriers. These carriers include two railroads, the Pullman Company, four airlines and nine steamship companies.

From the foregoing it is evident that a substantial volume of milk in the Detroit, Michigan, market is moved physically in interstate commerce in the form of milk and milk products and that the handling of milk in the market directly burdens, obstructs, or affects interstate commerce in milk or its products.

(2) *Need for an order.* An order regulating the handling of milk in the Detroit, Michigan, marketing area should be issued.

A large proportion of the milk consumed in the Detroit area is marketed by a cooperative association of dairy farmers. A price for milk marketed by the cooperative and used for fluid sales is arrived at for each month by bargaining. A lower price than applies to a small amount of milk in addition to that used for fluid sales and the remainder is sold at the average price paid by certain dairy manufacturing plants.

A number of Detroit milk distributors buy milk from dairy farmers who are not members of a cooperative. The record indicates that this milk is paid for at the average price paid for all milk to cooperative members, or a lower price. By purchasing as close as possible to needs for fluid sales, these distributors are able to buy milk at a considerably lower cost on a utilization basis than that of distributors who buy from the cooperative. This is true because the cooperative and certain distributors who buy milk through the cooperative assume the responsibility of carrying sufficient milk to supply the market in the periods of lowest production. Distributors who do not assume this responsibility are able to buy milk used largely for bottled milk sales at the average price paid to cooperative producers, which average price reflects a large volume of milk at the manufacturing price in the months of high production. This buying advantage has led to lower resale prices, the loss of business by distributors who buy higher cost milk through the cooperative, and demands that the price of milk for fluid use be lowered to cooperative buyers to permit competition with distributors who buy without regard to utilization.

This unstabilizing influence has been greatly aggravated by a widening of the spread between the price of milk for fluid use and the average producer price for all milk. In April 1948 the cooperative price to distributors for milk for fluid use was $4.90 and the average price paid producers for all milk was $4.76, a difference of 14 cents. In April 1950 the corresponding prices were $4.20 and $3.72 or an advantage of 48 cents to a buyer able to buy milk for fluid sales at the cooperative average price and an even greater advantage in case less than this average price was paid. The price paid for milk used for manufacturing by cooperative buyers was $4.11 in April 1948, and $2.88 in April 1950, an increase in the spread between fluid and manufacturing milk prices from 80 cents to $1.32. This price trend has greatly increased the advantage of distributors who may buy some milk for fluid use at the manufacturing price.

Statements of payments to producers for milk by buyers who do not buy through the cooperative covering several months in 1950 were submitted. One distributor had paid one producer from 35 to 38 cents per hundredweight less than the cooperative average price, another distributor paid from 19 to 34 cents less and a third paid from 34 to 38 cents less. Fall purchases of additional milk by one of these distributors to supplement his supply from producers indicate a fluid milk usage of producer milk above the average of the market.

The price advantage of buyers who do not purchase milk through a cooperative not only has forced cooperative buyers to exert continual pressure for lower prices, but also has encouraged buyers to sever business relations with the cooperative and take advantage of

the lower cost milk available by direct purchase from dairy farmers at the cooperative average price or lower. One handler of a substantial volume of milk has recently taken this step after buying through a cooperative for many years. This trend, if continued, will supplement the pressure for lower prices in bringing about demoralization of the market.

The effect of these conditions in causing market instability is shown in the record of prices and milk supply over the last 3 years. In the 8 month period of June 1947 through February 1948 the Class I price negotiated by the cooperative dropped from $1.62 above the price paid by manufacturing plants to 71½ cents above. Under pressure of a shortage of milk, this negotiated price then increased to a high of $2.32 above the manufacturing price in March 1949. Then as the supply of milk in relation to market needs increased steadily, the negotiated price fell to $1.05 above the manufacturing milk price in May 1950. While these wide price variations were occurring, the supply of milk was first so reduced that an average of 92 percent of producer milk was used in Class I in the months of November 1947 through January 1948 compared with 84 percent in the corresponding period a year earlier. This shortage was followed by relatively high prices and increasing production until during the corresponding months of 1949–50, less than 71 percent of producer milk was disposed of as Class I.

The cooperative has not been able to sell milk even to regular buyers on a complete utilization basis. Only milk used for fluid sales is priced on the basis of utilization and additional milk is classified on a bargained percentage basis without regard to utilization. This lack of complete pricing according to utilization results in differences in costs to the various distributors for milk for uses other than fluid sales which also contributes to market instability.

In the Ann Arbor portion of the area, producers have been unable to sell milk on any utilization plan. A certain price is set by bargaining for milk deliveries up to a "base" established for each producer, and additional deliveries are paid for at the manufacturing milk price. The record indicates that this method of buying results in a lower cost to these distributors for milk for fluid sales than the cost to distributors in other parts of the Detroit area.

Dairy farmers supplying the Detroit area who are not cooperative members, over 2,000 in number, have no facilities for regularly checking the accuracy of weights or butterfat tests of milk sold.

No complete statistics are available as to total sales of milk and milk products in the Detroit market or as to total receipts of milk in the market. Negotiated prices must be fixed without full knowledge of the needs of the market or of the supply of milk available. A marketing order would make available complete and accurate market statistics, provide for payment for milk according to use and for verification by audit of all handlers' utilization of milk, and for the checking of weights and butterfat tests.

A milk marketing order is needed in the Detroit area to establish and maintain orderly marketing and a level of prices which will insure an adequate supply of pure and wholesome milk, and to prevent the development of disorderly and chaotic conditions.

(3) *Extent of the marketing area.* The marketing area should include the cities of Detroit, Dearborn, Ypsilanti, Ann Arbor, Pontiac, Mount Clemens, Marine City, St. Clair and Port Huron and adjacent areas of high population density. This area would cover the territory within the boundaries of 10 townships in St. Clair County, 6 townships in Macomb County, 9 townships in Oakland County, 3 townships in Washtenaw County and all of Wayne County with the exception of 5 townships.

Proponents of the order proposed a considerably larger marketing area covering a number of rural townships and a few additional small towns. Certain milk distributors proposed an extension of the area to the north along the Lake Huron shore, to include Worth and Lexington townships in Sanilac County. Certain distributors objected to including the cities of Ypsilanti and Ann Arbor.

The townships of Lexington and Worth in Sanilac County should not be included in the marketing area. There are no thickly populated areas in these townships except the Lake Huron shore line in the summer season and the small city of Croswell and the village of Lexington. It was not shown that any substantial volume of milk is sold in this area from outside plants, or that a marketing order is needed to promote orderly marketing in this area. There was no showing that orderly marketing of milk in the Detroit area is influenced by milk distribution in these townships. No request was made by dairy farmers supplying milk to this area that it be included in the marketing area.

The cities of Ann Arbor and Ypsilanti and surrounding territory should be included in the marketing area. Milk is distributed from plants in or near these cities, which are located near the thickly populated suburban area west of Detroit, in competition with routes operated from Detroit plants. Because of the wide seasonal variations in milk consumption in these cities due to the large student population, distributors are dependent upon the Detroit market for much of their milk supply. Over 6½ million pounds of milk from Detroit receiving stations was supplied to Ann Arbor distributors in the two years of 1948 and 1949. Milk is purchased by Ann Arbor and Ypsilanti distributors from producers without regard to use and apparently at lower prices than if bought on a use basis at the class prices prevailing in the Detroit market. Attempts by the cooperative to have such purchases made on a use basis have failed. The need for a marketing order to bring about orderly milk marketing seems greater in the Ann Arbor-Ypsilanti area than in other parts of the proposed marketing area.

Rural areas and small towns not near to the large cities should not be included in the marketing area. Thirty-seven additional townships in St. Clair, Macomb, Oakland, Washtenaw, Monroe and Wayne Counties, which are relatively thinly populated and include some 19 small towns and villages, were within the marketing area as proposed by producers. Health regulations with respect to milk in effect in the cities are not applicable in much of this area. It is not considered necessary to include these 37 rural townships in the marketing area to promote orderly marketing of milk in Detroit and nearby cities.

The marketing area as outlined above embraces a contiguous, heavily populated territory served by milk distributors whose routes overlap and intermingle and which constitutes a single milk market, all parts of which are subject to substantially the same conditions and influences. Health regulations with regard to milk are substantially the same in all major municipalities in the area and milk produced on farms approved by the Detroit Health Department is permitted to be sold in all parts of the area. Differences in seasonal consumption in various parts of the area tend to make all of the area dependent on milk produced under Detroit inspection, which is diverted to any part of the area where needed. Failure to include any part of this territory in the marketing area would tend to disrupt orderly milk marketing in the whole area.

(4) *Milk to be priced.* All milk approved by health authorities for regular sale in the marketing area should be priced under the order. A "handler" is defined as the operator of a plant in which milk is processed and from which such milk is disposed of on a route in the marketing area as Class I milk, or a plant which is approved by health authorities of marketing area cities for handling milk for fluid consumption. The handler definition describes the kinds of plants to which farmers deliver milk for fluid uses in the greater Detroit market.

A number of plants disposing of Class I milk on routes in the marketing area receive milk directly from dairy farms. The larger part of the supply, however, is received at country plants and reshipped to city bottling plants. The country plant may be owned and operated by the operator of the city bottling plant or by another person. All of these country plants receive milk only from dairy farms approved by the Detroit Health Department. Receipt of milk from any other source at one of these plants disqualifies the entire plant supply for use in Detroit and other marketing area cities which accept Detroit inspection. By defining a handler as the operator of either an approved country plant or a bottling plant, the handling of all milk regularly approved for consumption in the marketing area is made subject to regulation by the order.

The land boundary of the marketing area extends over 185 miles. A few small milk plants located outside the marketing area dispose of some milk on routes extending into the area. If the amount of such milk is not large, its sale has little or no effect on the marketing of milk in the area. Application of order pricing and payment provisions to these handlers would entail effort and expense and would not contribute to orderly marketing in the area. Prices appropriate in the marketing area might not be appropriate in the localities where most of the sales of these handlers may be made. It was proposed that handlers operating bottling plants outside the marketing area and disposing of not more than an average of 600 pounds of Class I milk per day in the area in any month be exempt for that month from all except the reporting and auditing provisions of the order. Limitation of the exemption to handlers disposing of not more than 600 pounds of Class I milk in the marketing area daily, less than one economical route, and transferring no milk to other handlers would furnish adequate protection from unfair competition to fully regulated handlers and guard against any threat to orderly milk marketing in the area. It is concluded that such an exemption should be provided.

A cooperative which operates a number of country plants receiving Detroit inspected milk has also arranged by contract for the receiving, weighing and cooling of member milk at certain plants not owned or operated by the cooperative. In each case the contracting plant handles no milk except that handled for the cooperative, and the disposition of such milk is entirely under the direction of the cooperative, in most cases being moved from the receiving plant in trucks owned and operated by the cooperative. Payments to producers for this milk are made at a blend price computed on uses of this and other milk marketed by the cooperative. It was proposed that in such cases the order provide that the milk be considered as received at a plant operated by the cooperative and the cooperative thus be made the handler for such milk.

The order provides for the verification of weights and butterfat tests of producer milk, for auditing of producer payrolls, and for determination of the disposition of producer milk. When producer milk is moved in bulk from the plant to which it is delivered by the producers, the identity of each producer's milk is lost. The person operating the plant where the milk is first received must therefore be responsible for weighing and testing the milk, maintaining records of such weights and tests and also records of the disposition of milk received, and usually records of payments to producers. If such person is not a handler under the order he cannot be held responsible for performing the functions listed above. He need not give the market administrator access to the plant or make available to him records of receipts and disposition of milk or facilities for verifying weights and tests. It appears that the person operating each plant which receives milk from producers must be made a handler if the provisions of the order are to be carried out. If the arrangement between a cooperative and the owner of a plant does not make the cooperative the operator of the plant, then the operator of the plant cannot be relieved of his handler status because of the arrangement. On the other hand, if the arrangement is of such a character as to make the cooperative the operator of the plant, or the part of the plant in which producer milk is received, then no special provision of the order is needed to make the cooperative the handler with respect to this milk.

Special provision is made for handlers who produce milk and receive no milk from other producers or cooperative associations. Defined as "producer-handlers," such handlers are exempted from all provisions of the order except reporting and auditing.

A "producer" is defined as any dairy farmer who produces milk which is delivered to a plant operated by a handler. This definition will identify all of the dairy farmers whose milk deliveries are regarded as a part of the normal Detroit area fluid milk supply. Although most producers will hold permits from a health authority in one of the major cities in the marketing area, there may be some small sections of the marketing area under the jurisdiction of health authorities which do not issue dairy farm permits. A health authority permit is therefore not specified for determining producer status. It is provided that a dairy farmer delivering milk to a plant not operated by a handler may retain producer status if such milk has been diverted from a handler plant. This would permit milk to be diverted to nonhandler manufacturing plants during the surplus season and still be priced and pooled under the order.

Definitions of "producer milk" and "other source milk" are included to distinguish between the regular supply for the fluid market and occasional receipts from other sources. Other source milk may be surplus from another fluid milk market or milk from a plant which is primarily a manufacturing plant. If such other source milk is disposed of as Class I milk in the marketing area a payment on that quantity at the difference between the manufacturing milk price and the Class I price should be required in order to curb any incentive for handlers to drop regular producer supplies of milk to purchase surplus of manufacturing milk at a price advantage.

"Route" is defined as a delivery, including a sale from a store, of a Class I product to a wholesale or retail stop or stops, except to a handler. The handler exception avoids qualifying a plant as a handler when deliveries are only made to other handlers. This would prevent a plant from qualifying as a handler and participating in the market pool merely by delivering some milk to a handler plant inside the marketing area.

The provision of a base and excess plan of payment requires a definition of "base," "base milk," and "excess milk." Other standard terms are defined for the purpose of facilitating subsequent provisions of the order.

(5) *Classification of milk.* Milk should be classified in three classes reflecting the principal differences in the value of milk for different uses.

(a) *Classes.* Class I should include all skim milk and butterfat disposed of for consumption as milk, skim milk, buttermilk, or flavored milk, plant loss of producer milk in excess of 2 percent, and skim milk and butterfat not accounted for in Class II or Class III utilization. Class II should include skim milk and butterfat disposed of (a) for consumption as cream or any fluid product not named in Class III and containing more than 6 percent of butterfat, (b) used to produce cottage cheese, ice cream or ice cream mix, or (c) contained in dried whole milk, whole or skimmed evaporated or condensed milk, sweetened or unsweetened, unsalted butter, or cheese. Class III should be skim milk and butterfat contained in livestock feed, nonfat dry milk solids or salted butter, or in milk dumped or in plant loss of producer milk not in excess of 2 percent and all plant loss of other source milk.

All classification proposals included milk and flavored milk for fluid consumption in Class I. Producers proposed that skim milk and buttermilk for fluid consumption be in Class I and handlers proposed that these products be in Class II. Representatives of health departments of the larger cities involved testified that such skim milk and buttermilk are required to be made from milk approved for fluid use. It is concluded that milk required to meet the sanitary standards for fluid consumption and the products required to be made from such milk (flavored milk, and skim milk and buttermilk for fluid consumption) should be in Class I.

Testimony indicated that there are no farm inspection requirements for milk disposed of in most of the marketing area in any form other than as milk, flavored milk, skim milk and buttermilk for fluid consumption. Cottage cheese, and cream used for fluid consumption or for ice cream in Detroit must be made in approved plants but the farms producing the milk used in these products are not inspected by city health authorities. There was no showing of any specific difference in the quality of milk used to produce cream and cottage cheese for use in the marketing area and the quality of milk manufactured into evaporated milk, cheese and other products in the various manufacturing plants in the milkshed. Handlers proposed that all products other than those requiring farm inspected milk be included in one class. There does not appear to be justification, on the basis of the quality of milk required for their production, for different classification for milk used to produce cream and the various manufactured products. Butterfat and skim milk used in cream and all manufactured dairy products (with the exception of butter and nonfat dry milk solids which are discussed below) are therefore classified as Class II. The use of a butterfat test of 6 percent was suggested to distinguish between milk products and cream products. This appears to be an appropriate test for this purpose and all fluid products having a butterfat test in excess of 6 percent are included in Class II and those testing 6 percent or less in Class I.

Both producers and distributors proposed a separate classification for so-called "distress" milk resulting from production in excess of market needs, which often must be disposed of at lower prices than received for milk for general manu-

facturing uses. A large amount of the milk not needed for fluid sales is handled by a cooperative which has limited manufacturing facilities. A substantial volume is also received by distributors who have no manufacturing facilities. The disposition of this milk in the spring months of heavy production has been a serious problem. Since manufacturing plants are operating at close to capacity at that time, disposition of this milk may require these plants to operate in excess of normal capacity, involving high cost overtime rates. In some cases it must be transported to distant plants. The choice of plants to which this milk may be diverted may be limited and sometimes it is accepted only at prices lower than those paid for milk from regular supply sources.

The problem of disposing of surplus milk has been met in recent years by providing a class (Class II–B) for all milk received by a distributor in excess of a certain amount, at a price lower than Class II–A, which includes all manufacturing milk. Distributors proposed to continue this practice by an order provision that in any month when total market receipts of producer milk exceed 147 percent of market Class I utilization, all producer milk received by any handler in excess of 125 percent of his Class I utilization (provided the handlers' Class I utilization was 60 percent or more of his producer milk receipts in the preceding October, November and December) be Class IV milk, to be priced lower than Class III milk. Producers, however, proposed to meet the problem by providing a Class III made up of plant loss, dumped milk and all manufactured products other than ice cream and cottage cheese to be priced relatively low but somewhat higher than the Class IV proposed by the distributors.

The distributors' proposal does not provide that milk be classified in accordance with the form in which or the purpose for which it is used, but would base classification in part upon the amount of milk received and the amount used in another class. The producers' proposal would place a large proportion of the milk used for manufacturing in the lowest price class although there may be no disposal problem with respect to much of this milk.

The seasonal surplus of milk approved for the Detroit area is disposed of so far as possible for the production of sweet cream, ice cream, evaporated milk and cheese. In most years, however, it is not possible to utilize all of the excess spring production in these products. The additional amount is manufactured into butter and nonfat dry milk solids. The return for milk so used has been lower than for milk used in other manufactured products. The cooperative which assumes the major responsibility for disposing of excess milk in the market has facilities for manufacturing butter and nonfat dry milk solids only. In 1949 over 16 million pounds of milk not needed in the market was handled at the manufacturing plant of this cooperative. Of the milk diverted in that year by this cooperative to other plants for manufacture, over 50 million pounds were diverted to plants making butter or nonfat dry milk solids or both, although other products were also made in these plants. Since milk used to produce butter and nonfat dry milk solids is valued lower than that for other uses, and since these products provide a final outlet for milk in the Detroit market which cannot be disposed of for fluid consumption or used in the manufacture of other products, a separate class should be provided for skim milk and butterfat used in butter and nonfat dry milk solids. This class should also include milk dumped or used for livestock feed, and plant loss.

Producers proposed that plant loss up to 2 percent of producer milk received be allowed in the lowest price class, any in excess of this amount to be in Class I. Handlers proposed all plant loss be in the lowest class, claiming that loss of the milk is sufficient incentive to keep such losses at a minimum and that the penalty of Class I pricing of any in excess of 2 percent is not justified. Data submitted indicate that with plant operation of average efficiency, losses normally do not exceed 2 percent. Unlimited allocation of plant loss to Class III would place a premium on unaccounted for milk and encourage incomplete records of Class I utilization. Plant losses of producer milk in excess of 2 percent should be included in Class I.

It was proposed that in the case of milk moved from a country plant operated by a cooperative to a bottling plant, the 2 percent plant loss be allowed at the bottling plant. No reasons were given for limiting this provision to plants operated by a cooperative. It would seem that since part of the plant loss may be incurred at each plant, the allowance might more logically be divided between the plants. However, the proposed method avoids the problem of determining a fixed allocation of plant loss between the two handlers. The country plant operator may recover any receiving loss in his handling charge, and present charges probably cover this cost. It is concluded that the proposed provision, without the cooperative limitations, as well as the standard provisions for prorating loss between producer and other source milk, and allowing loss on diverted producer milk at the plant where actually received, should be included in the order.

(b) *Milk transfers.* Provision is made for classification of milk transferred between handlers, handlers and persons not handlers, and between cooperative plants and handlers. In the case of transfers between handlers not involving a cooperative plant, transfer is permitted in any agreed class in which the transferee plant has utilization in an amount equal to or greater than the amount so transferred, after allocating any other source milk, since under a market-wide pool the classification of milk transferred between handlers may represent any agreed producer milk use without affecting the payment to producers. Handlers are required to furnish written notification to the market administrator of an agreed classification, otherwise milk transfers are classified as Class I and cream transfers as Class II.

In the case of transfers from a handler plant to a plant not operated by a handler, a requirement that producer milk be allocated to the highest value uses in the transferee plant might increase the difficulty of disposing of surplus milk. Operators of some such nonhandler plants have Class I uses and might refuse to handle surplus milk from the Detroit market if such milk would be allocated to their highest value uses. It is concluded that, as proposed, transfers from a handler plant to a plant not operated by a handler in the form of milk or skim milk be in Class I and in the form of cream be in Class II, but that such transfers shall be classified as mutually agreed by the transferor and transferee if the market administrator is notified of such agreement, the transferee has use in the agreed class in an amount at least equal to the amount transferred, the transferee maintains books and records showing utilization of all receipts at his plant and the market administrator is permitted to verify the reported utilization. In case the agreed utilization in the transferee plant exceeds the total of such utilization in the plant, the excess should be applied next to Class II, then Class III and finally to Class I.

A number of country plants receiving Detroit inspected milk are operated by a cooperative association. Milk is transferred from these plants by tank truck to a large number of handler bottling plants. This milk is now classified for purposes of pricing at the pro rata classification of all producer milk in the bottling plant. Although classification has been on a relatively simple two class, hundredweight basis, market experience has shown that about a month is required to get the utilization reports from all the various buyers and to prorate the transferred milk to each class. Final settlement has not been made until the second month after delivery of the milk.

It is recommended herein that utilization of all handlers, including cooperatives, be reported not later than the 5th day of the month following receipt of the milk, and that a uniform price based on these utilization reports be computed and announced not later than the 10th. It was considered improbable that the cooperative could collect utilization reports from the large number of handlers involved, compute other source milk allocations, prorate cooperative transfers of producer milk over remaining utilization, combine the results into a utilization report for the cooperative and submit it to the administrator in the 5 days allowed. Furthermore, any audit adjustments in classification for each handler involved would require an adjustment between the handler and the cooperative and a second adjustment between the cooperative and the equalization fund of the market-wide pool.

To simplify the procedure of accounting for such transfers, and to facilitate the reporting of utilization by the date specified, it was proposed that handlers operating bottling plants be required to pay the cooperative association a minimum of the uniform base price for the month for such milk. In computing the cooperative equalization account the value of such bulk milk transferred to bottling plants at the uniform base price would be added to the class values of other utilization.

This proposal would not affect the final cost of milk to handlers or the return to producers, and differs from settlement between the cooperative and transferee handlers at a pro-rata or an agreed classification only in the method of handling a relatively small difference between the value of the transferred milk at the pro rata or agreed classification and such value at the uniform base price. This difference would be reflected in the handler's payment made to or received from the equilization account. The recommended procedure would provide the same assurance of payment for milk marketed to handlers through a cooperative plant as for milk delivered directly by producers, and would result in payment for milk by each handler at his utilization value with a minimum of accounting requirements. The use of the uniform base price in computing the equalization account charges and credits for such transferred milk is recommended because it would result in initially charging each handler at the approximate utilization value of the milk and, therefore, relatively small settlements with the equalization fund would be required.

It was proposed that a cooperative not be a handler with respect to milk transferred in bulk to a handler operating a bottling plant. A cooperative operating a plant which first receives milk from producers must be responsible for all records of milk receipts and of payments and therefore should be a handler with respect to all producer milk received at such plant.

Since some handlers do combine operations which utilize other source milk in the same plants as those which handle producer milk for the fluid market, it is necessary to provide a method for allocating such other source milk to the various classes of utilization. Since producer milk includes all milk which is regularly available for fluid disposition in the marketing area, the method of allocating provides that such producer milk shall be allocated to the higher fluid uses to the extent that such uses are available.

(6) *Class prices.* Since the Detroit fluid milk market supply is obtained from a region in which large quantities of milk are delivered to plants which manufacture various milk products, it is necessary that the price for the fluid market be closely related to the level of prices being paid at competing manufacturing plants. There are some differences from time to time between the prices paid at plants manufacturing different products. Therefore, the Class I price should be related to that particular manufacturing milk price which represents the best outlet for manufacturing milk at any particular time. The method of accomplishing this has been to relate the Class I price to a series of basic formula prices which represent different kinds of manufacturing milk prices. Special differentials should be added to the highest of the prices determined by 4 separate alternate price formulas to determine the Class I price for each month.

(a) *Basic formula price.* Producers proposed 4 alternate basic formulas for use in determining the Class I price based on prices of butter and powder, butter and cheese, prices paid dairy farmers by 18 midwest dairy manufacturing plants and by 5 Michigan dairy manufacturing plants. Distributors made the same proposal and also proposed use of the same basic formulas in slightly modified form, and the 18 midwest plant price only.

The first 3 of the price formulas included in the producer proposal are widely used for determining Class I prices in milk markets under Federal regulation. The use in this order of these price formulas with appropriate Class I price differentials would correlate the Detroit Class I price with Class I prices in other markets such as Toledo and Cleveland. No objection was made to the use of the average of prices paid by certain Michigan manufacturing plants as an alternate basic formula, but there was disagreement as to which specific plants should be used. A number of different plants were proposed for inclusion, and the use of 7 plants instead of 5 was suggested. The following considerations should govern the selection of these plants so far as possible:

(1) Cooperative plants should not be included since their pay price to farmers usually includes only part of the return for milk, the remainder being paid as a patronage dividend which is not reflected in the reported pay price.

(2) Plants operated by a handler under the order should not be included because prices should be determined wholly independently of the actions of any handler.

(3) The plants selected should represent as wide a variety of manufactured products as possible.

(4) The plants should be so located as to represent all parts of the milkshed.

The use of 7 plants involves the possible difficulty of getting prompt payment reports, and it is improbable that the added quotations would influence the average price appreciably or make it more representative of manufacturing milk values in the area. The reporting of pay prices by the plants selected is voluntary and the use of any plant pay price in this formula will depend on consent of the plant operator to report his average pay price.

The following 5 plants appear to most nearly meet the requirements set forth above and should be used in determining the basic formula price.

Company	Location	Products
Nestles Milk Co.	Ubly	Evaporated milk.
Kraft Cheese Co.	Clare	Cheese.
Carnation Milk Co.	Sheridan	Evaporated milk.
Grand Ledge Milk Co.	Grand Ledge	Nonfat dry milk solids, sweet cream.
Saranac Milk Co.	Saranac	Nonfat dry milk solids, sweet cream, cottage cheese.

Use of the highest formula price as the basic formula price would base the Class I price on the most favorable manufacturing use for milk in each month. In an area where all important dairy products are manufactured, fluid milk markets must compete for milk with plants making the highest value products. The Class I price should therefore be based on the formula representing the highest value for milk for manufacturing.

(b) *Class I price.* The Class I price should be determined by adding $1.35 to the basic formula price. This added differential should be increased 15 cents when a shortage of producer milk for Class I utilization is indicated by the ratio of receipts of producer milk to Class I utilization in the second preceding month and decreased by 15 cents when an excess supply of milk is so indicated. An additional 15 cents should be added or subtracted for each additional full five percentage points decrease or increase in the ratio of producer milk receipts to Class I utilization.

Producers proposed a Class I price differential of $1.40 to be added to the basic formula price each month. Distributors proposed various differentials varying seasonally, which would average about $1.10 over the year, and one to be determined each month by a supply-demand formula. It was testified that a large proportion of the milk supply for the Detroit area is received at country stations and reshipped to bottling plants. The country station location differentials proposed by producers average 17 cents per hundredweight so that the Class I price reflected in the price to most producers at the point of milk delivery would average 17 cents below the marketing area price. This must be taken into account in setting the Class I differential.

Data covering an estimated 80 percent of the market volume of milk deliveries indicate that the average number of producers supplying the market increased 1.5 percent from 1946 to 1949, while the average milk deliveries per producer increased 2 percent. In the same period, however, average daily Class I sales increased 5 percent. For the three years 1947 through 1949 producer milk deliveries averaged 135 percent of total Class I sales. The Class I price negotiated by the cooperative during this 3 year period averaged $1.39 over the proposed basic formula price. For the year 1947 the Class I price in Detroit averaged $1.23 above manufacturing milk prices as represented by the recommended basic formula price, and for the first 8 months of 1948 averaged only 86 cents above. These relatively low prices were associated with a decline in milk receipts in relation to sales. For the 12 month period ending with July 1948 Class I sales averaged 81 percent of producer milk receipts and during the period from November 1947 through

February 1948 the market was short of milk.

Deliveries of milk to the Detroit market seem to respond readily to changes in the relationship of Detroit prices to prices for manufacturing milk. When the differential between the two prices has been large deliveries to Detroit have increased. When the price differential has narrowed deliveries have fallen off. Manufacturing milk prices dropped sharply after August, 1948, and the Class I price was increased, with the result that for the 9 month period from September, 1948, through May, 1949, the differential between Detroit Class I prices and manufacturing prices averaged $2.05 per hundredweight. This period of relatively high Class I prices brought about a reversal of the downward trend of milk receipts in relation to sales. For the year of 1949 Class I sales averaged 69 percent of producer milk receipts compared with 80 percent for 1948, and the supply each month exceeded that in the corresponding month of 1948. In the 12 month period of June, 1949, through May, 1950, the Class I price averaged $1.41 above the proposed basic formula price. During the first 7 months of this period, producer milk receipts increased in relation to Class I sales to a high point in December, 1949, in which month only 70 percent of producer milk was sold as Class I compared with over 84 percent in December 1948. The maximum effect of the high differential between Detroit prices and manufacturing prices from October, 1948, through May, 1949, and of other factors such as favorable weather and ample feed supplies seems to have been reached by the end of 1949.

During the first 5 months of 1950 the excess of milk receipts over the corresponding months of 1949 decreased and receipts in May 1950 were below May 1949. During this period the Class I price was at approximately the level above manufacturing milk prices which producers proposed to be fixed by the order. The record of milk receipts and Class I sales would seem to indicate that a Class I differential as high or higher than that proposed would be necessary to insure an adequate supply of milk. However, a number of provisions of the order other than the Class I price would have the effect of increasing the average return to producers. Distributors not in the present pool but who would be handlers under an order have a higher average Class I utilization than those now pooled. A higher butterfat differential would increase the return somewhat for Class I milk. The Class II order price recommended would probably return somewhat more for milk for these uses than was realized in 1949. Payment for all milk on a complete classified use basis would probably increase the average price to producers for all milk somewhat, and an audit verification of all handler uses would tend to have the same result.

Considering all of the factors discussed above, it is concluded that a Class I price differential of $1.35, subject to a supply-demand adjustment as recommended below, will attract to the Detroit market area an adequate supply of milk meeting the applicable health standards.

A proposal was made that the Class I price differential be adjusted monthly in relation to changes in the ratio of producer milk receipts to Class I utilization. Such a provision appears desirable but the proposal made should be modified somewhat. There are objections, for instance, to relating a current period to a 1947–48–49 base period, as proposed, as a measure of the time and amount of price changes desirable. During this 3 year period producer milk deliveries were 135 percent of Class I utilization, a larger supply than necessary to insure sufficient milk for Class I utilization in the short supply months. The 3 year period was one of wide variations both in prices and in production. The Class I price ranged from 58 cents above the proposed basic formula price to $2.32 above and producer milk receipts ranged from 107 percent of Class I utilization in December, 1947, to 143 percent in December, 1949. For these reasons the 1947–49 period does not seem to be suitable either as an indication of an appropriate Class I price differential, or as a guide to the normal seasonal variations in the ratio of receipts to Class I utilization.

The object of a supply-demand price adjustment in this market is to bring about an automatic price increase when the supply of producer milk is at such a level in relation to Class I utilization that a shortage in the months of seasonally low production is indicated, and a price decrease when the supply may be expected to be substantially above Class I needs in the low production months. These price changes should be made as soon as possible after an oversupply or shortage is indicated, as a lag of a few months may result in increased prices in the spring months of high production as a result of a shortage the previous winter. A minimum lag of 2 months appears necessary, allowing computation in the current month of the market supply-demand relationship in the preceding month to be applied to the Class I price in the next following month.

It was testified that a minimum milk supply for the market of 115 percent of Class I utilization is needed in any one month to provide adequate milk for Class I uses because of unequal distribution among handlers and daily and weekly variations in receipts and sales. A supply of more than 120 percent of Class I utilization in the shortest supply month would indicate a supply larger than needed. An upward price adjustment would be indicated if the market supply of producer milk in the shortest supply month might be expected to fall below 115 percent of Class I utilization and a downward adjustment indicated if this supply might be expected to exceed 120 percent of Class I utilization. Monthly data on daily average deliveries per farm indicate a fairly uniform seasonal variation in production each year. The supply-demand ratio for other months which would correspond to the 115 percent—120 percent range in the shortest supply month may therefore be computed by adjusting these ratios by a standard seasonal variation in producer milk deliveries computed as an average of the seasonal variation of the most recent 5 years. A Class I price increase is then indicated at each full 5 percentage points below the upper ratio (less 0.1 percent) and a decrease at each full 5 percentage points above the lower ratio, as computed or each month. The standard seasonal adjustment should be recomputed each year to keep it representative of the seasonal pattern of the most recent 5 years.

Producer milk receipts in relation to sales and to producer prices over the last 4 years indicate that the proposed 3 cents per percentage point is a desirable rate of supply-demand adjustment of the Class I price differential. A period of 9 months during which the Class I price averaged about 82 cents above the recommended basic formula price coincided with a period of milk shortage. Another period of 8 months during which the Class I price averaged about $2.12 above the recommended basic formula price coincided with and was followed for several months by an oversupply of milk. These data indicate that a range of Class I price differentials somewhat less than these extremes is desirable. A price change of 15 cents for each 5 percentage points, when applied to the supply-demand ratios of the last 4 years gives a top differential of $1.80 and a low (in 3 months only) of 60 cents. It is unlikely that either of these extremes would have been reached had the recommended pricing plan been in effect during these years, since the computed range of 60 cents to $1.80 is based on production responses to differentials ranging from a low of 58 cents to a high of $2.32. The range which might be expected from the use of a 15 cent adjustment for each 5 percentage points probably would not exceed $1.05 to $1.65 which appears appropriate to stimulate an ample supply of producer milk and at the same time avoid a large surplus.

To remove the possibility of a succession of increases and decreases if the ratio should fluctuate slightly above and below the level at which a price change is effected, it is provided that after a price change occurs a change in the ratio of an additional ½ percentage point is required to bring about a succeeding change in the opposite direction.

(c) *Class II price.* The Class II price should reflect the value of milk for general manufacturing uses in the Detroit milkshed. The average of the prices paid by 5 Michigan dairy manufacturing plants, as recommended for use as an alternate basic formula price, will normally reflect the value of milk in the Detroit area which is not used for fluid milk sales. Much of this milk is diverted to manufacturing uses in the various plants in the milkshed, and the 5 plant average price will usually be representative of the prices received for this milk, because of the selection of the plants as discussed in connection with the basic formula price.

It is possible, however, that due to the limited number of plants which it is practical to use, and the limited area represented, that prices paid by these plants may be lower at times than the market prices of manufactured dairy products would justify. As a safeguard against temporarily depressed prices in the local area, an alternate Class II price based on the market prices of butter and nonfat dry milk solids should be provided. A formula used in many milk markets under Federal regulation for pricing milk for manufacturing uses is recommended. This formula determines butterfat values at the average price of 92-score butter at Chicago plus 20 percent and skim milk values at the average price of spray and roller process nonfat dry milk solids at Chicago area plants less a manufacturing cost allowance of 5.5 cents per pound and converted to skim milk equivalent by use of a yield factor of 8.5 pounds of powder per hundredweight. Use of this formula price as an alternate Class II price would insure a price in line with national values of manufactured dairy products during any periods when the price paid by the particular local plants selected might be abnormally low for any reason.

(d) *Class III price.* The Class III price should be determined by a butter-powder formula using the average price of 92-score butter at Chicago, increased 20 percent to convert to butterfat, less 5 cents, as the butterfat value per pound, and the average price of roller process nonfat dry milk solids at Chicago area plants, less a manufacturing allowance of 5.5 cents per pound of powder, converted to skim milk equivalent by multiplying by a yield factor of 8.5 pounds per hundredweight, as the skim milk price per hundredweight. As explained in the discussion of classification, Class III is provided largely to facilitate disposal of milk in excess of market needs and the amount which can be diverted to uses other than butter and nonfat dry milk solids. A similar price for butterfat used in butter is in effect in other fluid milk markets such as Cleveland, Columbus, and Cincinnati, Ohio. The skim milk price is based on market prices of roller process powder because spray powder equipment is inadequate to handle the volume of excess skim milk in the Detroit area, and much of it must be used in roller powder. The cooperative which disposes of a large amount of the excess milk has facilities for making roller process powder only. A study submitted showing average manufacturing costs in butter-roller powder manufacturing plants in 1948 indicates a cost per hundredweight of milk of 56 cents. The allowance in the recommended formula of 62.6 cents recognizes an increase in manufacturing costs since 1948.

Producers proposed the average price paid by 5 local manufacturing plants as an alternate Class III price, but applying to a Class III which included most of the manufactured products here priced in Class II. Considering the variety of products manufactured at the local plants, the average price paid might well be too high to permit disposal of milk as butter and roller process nonfat solids, and should not be used as an alternate Class III price.

(e) *Method of pricing.* Producers proposed that butterfat and skim milk be classified and priced separately. Distributors objected to butterfat and skim milk pricing, and proposed that the utilization in each class in hundredweight be priced at a 3.5 percent hundredweight price, adjusted to average test of the class by use of the producer butterfat differential, which averages about 112 percent of the Chicago 92-score butter price. They contended that resale prices of the various products marketed are adjusted to this method of pricing milk, which has been in use in the market for many years. This method of pricing tends to encourage consumption of butterfat, they claimed, by fixing a relatively low cost for high butterfat content products. Producers claimed that all handlers should pay the same price for all butterfat and skim milk used in any one class and that the relative values of butterfat and skim milk in each class should be the relative values in the open market as shown by market prices of butter and nonfat dry milk solids. These relative values should change from month to month as market values change. The additional cost of producing milk of the quality required for Class I products should be allocated to Class I butterfat and skim milk in proportion to the market values of butterfat and skim milk for manufacturing uses. They pointed out that the distributors' proposal allocated all of this additional cost to the skim milk.

Computing the proposed prices by the method suggested by distributors, for the month of April 1950, skim milk in Class I would have cost $1.99, 3.2 percent milk $4.03 and 5.0 percent milk $5.24. The added fat would cost about the price proposed for butterfat in the Class III formula. In Class II, 100 pounds of 40 percent cream would have cost $26.71 while the 40 pounds of butterfat in this cream would be worth $28.70 at the butterfat value in the proposed Class II formula (Chicago 92-score butter plus 20 percent). Under the pricing method proposed by producers, the corresponding prices would have been 74 cents for skim milk, $3.96 for 3.2 percent milk, $5.78 for 5 percent milk and $29.01 for 40 percent cream.

The proposed methods of pricing milk on a hundredweight basis or a butterfat and skim milk basis represent alternate accounting methods and do not determine the cost of milk to handlers or the return to producers. In view of the market custom of hundredweight accounting and pricing, it appears that a continuation of this method of pricing by the terms of the order is desirable. Class prices should be expressed as hundredweight prices, and the price for each class should be adjusted to the actual butterfat test of the class by use of the butterfat differentials recommended below.

The classification and allocation of producer milk should be on a skim milk and butterfat basis. Because of the wide variation in the butterfat test of the various products, it is probable that the skim milk from producer milk will frequently be utilized in a different class than the butterfat from the same milk. Classification of skim milk and butterfat separately is necessary to accomplish complete classification according to use. It is also necessary to allocate producer skim milk and butterfat separately in order to give producer milk preference over other source milk in the higher value uses.

(f) *Handler butterfat differential.* The Class I butterfat differential proposed by distributors places a low value on butterfat in Class I milk relative to the hundredweight value of the milk. On the other hand, the producer proposal would price such butterfat relatively high, particularly in view of pricing practices prevailing in the market. The proposed Class I and Class II price formulas would have resulted in the last 3 years in a Class I price for 3.5 percent milk ranging from 23 percent to 32 percent above the Class II price. A Class I butterfat differential set at 20 cents per pound of butterfat above the producer butterfat differential recommended herein would result in a Class I differential ranging between 20 and 30 percent above the Class II butterfat differential, depending on the level of butter prices. A differential so determined would range from 25 to 30 cents above the Chicago 92-score butter price. At price levels of April 1950, this would provide a Class I butterfat differential of 85 cents per pound compared with 65 cents proposed by distributors and $1.015 proposed by producers. It is concluded that the addition of 2 cents to the one-tenth pound producer butterfat differential, which is based on the price of 92-score butter at Chicago, will provide an appropriate Class I butterfat differential.

Since formulas are provided for determining the butterfat and skim milk values in Class II and Class III milk, the butterfat differentials for these classes should be the butterfat values determined by the respective formulas. In the event the 5 plant average pay price is the effective Class II formula, the butterfat differential should be the value determined by the butterfat portion of the Class II butter-powder formula.

(g) *Location adjustments.* Adjustments for delivery location are provided with respect to payments to producers for milk delivered (1) at country plants (i. e. plants from which no route deliveries are made into the marketing area) located more than 33 miles from the Detroit City Hall and (2) at plants from which route deliveries are made into the marketing area if such plants are located more than 33 miles from the nearest point on the periphery of the marketing area. A credit to handlers at the same rate is provided on milk moved from a country plant to plants operating routes in the marketing area not in excess of Class I disposition of such milk at the receiving plant, and on milk disposed of as Class I milk from the country plant other than to a handler. No location adjustments are provided for plants operating routes in the marketing area and located less than 33 miles from the marketing area, either on payments to producers for milk received or as credits on milk disposed of as Class I.

It was proposed that producer and handler location adjustment rates now in effect be incorporated in the order. For more than 30 years a location adjustment has been applied to milk re-

ceived at country plants for re-shipment to city bottling plants in the Detroit area. This adjustment, based on the distance of the country plant from some point in the marketing area, has been deducted from the marketing area delivered price in making payments to farmers delivering milk to country plants, and a credit at the same rate has been allowed to country plant operators on milk moved to city plants.

In the earlier years these location adjustment rates were increased several times, reaching a high in 1930 when they ranged from 24 cents per hundredweight at 25 miles or less to 81 cents at 90 miles from the basing point. During the following 9 years the rates were lowered 4 times, to a low which ranged from 12 cents at 45 miles or less to 19 cents at points over 94 miles from the basing point, which rates prevailed for the two years following September 1, 1939.

The slightly higher schedule proposed, which has been in effect since October 1, 1947, provides an adjustment of 14 cents on milk received at or moved from a plant located in a zone 33 miles to 48 miles from the Detroit City Hall by shortest road distance, and an additional 1 cent per hundredweight for each 8 mile zone with a limit of 21 cents, which applies to any location beyond 96 miles. While no data were given on milk hauling costs, the proposed rates were considered somewhat more than adequate to cover cost of transporting the milk by tank truck from the receiving plant to city bottling plants. No allowance was proposed for the zone within 33 miles of the city hall as milk produced within this zone may be delivered more economically directly to city bottling plants.

The location allowance is limited to a maximum of 21 cents which is the allowance applicable to the zone starting at 96 miles from the Detroit City Hall. Ample milk for the market is available within the area included in the 8 zones for which mileage rates are provided and very little milk is moved from beyond 96 miles. The movement of milk for unnecessarily long distances at the producers' expense would not be economical. The proposed maximum rate of 21 cents would not discourage the movement of milk from reasonable distances beyond the 96 miles as the economies of the long haul would to some extent offset the lower rate per mile.

Both the Grand Boulevard and the city hall in Detroit were proposed as basing points for location adjustments. Mileage may be determined more readily from a single point than from a street extending many miles. The Detroit City Hall is therefore specified as the basing point for all distance differentials. Zone distances 3 miles greater than now in use based on the Grand Boulevard are provided to allow for the average 3 mile distance between the two basing points. The shortest road distance as determined by the market administrator was proposed for fixing the zone location of country plants and appears satisfactory for this purpose. The location adjustments as proposed would apply to all producer milk delivered to qualifying country plants in each zone and it appears would result in a fair value for such milk in relation to the value of milk delivered at city bottling plants.

It was proposed by producers that handlers operating receiving plants in the location adjustment area receive a credit computed by applying the applicable zone rate to all milk moved to marketing area bottling plants regardless of the use classification of the milk so moved. Handlers proposed that the customary method of pricing milk be continued and this method, in effect, allows the location adjustment credit on 107 percent of Class I utilization. This results from adjusting the city price of Class II–B milk, which includes all producer milk in excess of 107 percent of Class I milk, by adding the average location adjustment of 17 cents to the Class II–B price formula. While the location adjustment credit is allowed on all milk moved to city bottling plants, it is in effect removed from Class II–B milk by increasing the marketing area price by the average location adjustment. This method of pricing manufacturing milk is not recommended.

Producers should not be required to bear the cost of transporting manufacturing milk from country plants to city plants. Milk may usually be manufactured more economically in country plants, and if a handler chooses to transport milk into the city for manufacture he should pay the cost of transportation. The handler location adjustment should apply therefore only to milk moved to bottling plants for Class I use. The use of milk moved from country plants would be determined by pro-rating to such milk the classification of all producer milk in the bottling plant (after first allocating other source milk to the lowest value uses). Since in most cases some milk in excess of Class I uses must be moved to a city bottling plant from country plants, limiting the handler credit to Class I milk only would result in a small reduction of the credit now being allowed.

Existing location adjustments to country plant operators are considered satisfactory by both producers and distributors. In fact transportation costs justify a somewhat lower handler credit but it appears that this is about offset by the smaller quantity of milk to which the location adjustment will apply and for this reason no modification of the rate is made.

Because of the large size of the marketing area, some bottling plants located in the marketing area would also be in a zone to which a location adjustment would apply. It was proposed that the producer location adjustment apply to milk delivered to such plants as well as that delivered to country receiving plants. It was further proposed by distributors that handlers disposing of Class I or Class II producer milk from plants located in a location adjustment zone, including bottling plants in the marketing area, receive a credit on such milk at the rate of the handler location adjustment applicable to the zone. Producers also proposed such a credit but that it be applicable only at plants located more than 64 miles from the Detroit City Hall.

The portion of the marketing area including the city of Ann Arbor would be in the first location adjustment zone (33 to 48 miles from the Detroit City Hall) and that including Port Huron and nearby cities would lie in the first 3 zones (33 to 64 miles from the Detroit City Hall). As proposed, producers delivering milk to Ann Arbor bottling plants would receive 14 cents less than for milk delivered within the 33 mile zone, and those delivering to plants in Port Huron and nearby areas would receive 14 to 16 cents less. As proposed by handlers, a handler credit of like amount would be allowed on Class I and Class II disposition from these plants. Under the producers' proposal, however, no credit on Class I and Class II disposition would be allowed within the 64-mile zone, which would exclude all plants within the marketing area.

All parts of the marketing area are dependent upon the entire production area for a year around supply of milk. While part of the milk for the Ann Arbor and Port Huron areas is supplied by nearby farms, both areas depend for a large amount of milk on country plants which are part of the supply system for the entire marketing area. The prices necessary to attract an adequate supply of milk should apply therefor to all parts of the area. Lower prices in outlying parts of the marketing area would not attract sufficient milk for these localities.

Location adjustments to producers are provided to adjust the amount paid for milk which is not delivered to city bottling plants to allow for the additional cost of moving such milk from the plant where it is delivered by the producer to the area where it is to be distributed and should not apply to milk delivered by a producer to a bottling plant distributing milk in or near the marketing area unless the bottling plant is located an appreciable distance from the marketing area. No location differentials are recommended at points nearer than 33 miles to the Detroit City Hall. The same distance is appropriate for determining the application of a location differential to plants operating routes in the marketing area, except the distance should apply to the nearest point by highway to the boundary of the marketing area. It is provided that location adjustments, both producer and handler, apply to milk delivered to plants more than 33 miles from the Detroit City Hall, and in the case of plants operating routes in the marketing area, also located more than 33 miles from the boundary of the marketing area.

Handler plants receiving Detroit inspected milk may dispose of Class I milk in localities outside the marketing area. It was testified that the Detroit market is the dominant factor in the determination of prices in the entire milkshed. Hence, the Detroit Class I price, less the applicable location adjustment, would represent approximately the value of Class I milk disposed of from any plant in the Detroit milkshed. It is provided that a handler shall receive a credit with respect to Class I milk disposed of, other than to another handler, from a plant outside the marketing area from which

a route is not operated in the marketing area at the rate of the location adjustment for the zone in which the plant is located. This credit is made applicable only at plants located more than 33 miles from the nearest point by highway to the boundary of the marketing area in the case of plants disposing of milk on routes in the marketing area. No allowance is provided for Class II milk since this milk would be mostly used in manufactured products and its value would not decrease at locations more distant from Detroit.

(h) *Transportation credits.* No transportation credits in addition to the zone location adjustment should be allowed to handlers on Class I milk disposed of, or on Class II or Class III milk moved for manufacturing.

It was proposed that a credit be allowed to a handler on any bulk, unpasteurized milk moved to a person other than a handler at a location 64 miles or more from the Detroit City Hall for Class I utilization computed at a rate of 17 cents for the 64 to 72 mile zone from the Detroit City Hall and increased one cent for each additional 8-mile zone. It was testified that the proposal was intended to permit disposal of milk during the summer season to milk distributors in distant resort areas at a price not in excess of the Detroit Class I price at the handler's receiving plant.

This proposal conflicts with the proposal discussed above to allow a credit on any Class I disposition other than to another handler from certain plants at the rate of the location differential applicable to the plant. This proposal, in effect, would require producers to pay the transportation cost to any point more than 64 miles from Detroit where a handler might choose to dispose of bulk Class I milk. If Class I milk from the Detroit area is needed in a distant market, it appears that the cost of transporting the needed milk should be borne by the market which is short of milk and not by the milk producers of the area from which the milk is supplied.

It was also proposed that a credit be allowed to handlers on milk transported from the plant where it is received from producers to another plant for manufacture at a rate of 6 cents per hundredweight for distances of ½ mile to 5 miles between the receiving plant and the manufacturing plant and at the rate of 1 cent for each additional 8 miles or fraction thereof with a maximum allowance of 18 cents per hundredweight.

In the Detroit market some milk distributors receive all of their milk needs from producers, either at a city bottling plant or at country plants, and manufacture the receipts in excess of their fluid milk needs into dairy products, generally at the plant where the milk is received from producers. If it is necessary to move any of the milk to another plant for manufacture, the transportation cost is paid by the distributor. Other distributors buy part or all of their milk from a producers cooperative association and assume no responsibility for disposing of milk in excess of their needs for fluid sales. The cooperative must arrange for converting the surplus milk which these distributors would otherwise be required to handle into manufactured products and in doing so must move substantial quantities from the country plants where it is received from producers to other plants for manufacture. It is expected, therefore, that the cooperative would be the main recipient of the transportation credits under this proposal.

If the proposed credits were provided for in the order, some of the costs which the cooperative must bear in the disposal of surplus milk would be defrayed out of the equalization pool and ultimately reflected in a lower return to all producers. A number of handlers have arranged to dispose of all surplus milk incident to their operations without the necessity of transporting milk at the expense of producers. The level of surplus milk prices which is provided is designed to cover the cost of converting surplus milk into manufactured dairy products. Any extra costs which the cooperative must bear appear to be due to additional services performed for certain distributors such as furnishing milk in the exact amounts needed for Class I uses, maintaining country receiving plants, keeping an adequate supply of milk available at all times and handling the disposal of any milk not needed by these distributors. It appears that these extra costs should be reflected in the cost of milk to the distributors who receive the additional services rather than be charged to producers through pool credits. The charge for manufacturing milk should be the same for all handlers, including cooperatives, without special allowances or credits applicable to particular methods of handling this milk.

(7) *Payments to producers*—(a) *Type of pool.* Market-wide pooling of all proceeds of producer milk was proposed and no objection was made to this type of pool. The nature of the market requires a uniform price to all producers representing the value of all market utilization to fairly compensate producers for their contribution to the market supply. Some distributors buy as closely as possible to their needs and carry little or no surplus in the high production months. A cooperative handles a large portion of the spring surplus production and supplies many distributors with milk as needed. Distributors in the Ann Arbor area buy from producers less milk than needed for a large portion of the year, and depend on additional purchases of milk in bulk from a cooperative. Some country plants supply milk for fluid distribution only in a few months of low production but maintain an available supply at all times. Producers supplying these various handler plants contribute equally to making available a year around supply of milk but would receive widely varying returns under an individual handler pool method of payment.

Handlers are required to make payments for all producer milk received at the uniform base price for base milk and the excess price for excess milk, as explained below, either to producers directly or to a cooperative association for milk delivered by member producers. In the case of producers for whom a cooperative acts as marketing agent, payments may be made to the producer or to the cooperative, as agreed between the cooperative and the handler. Payments to a cooperative for producer milk delivered in bulk are required to be made at the uniform base price for the reasons set forth in the discussion of transfers.

(b) *Base-excess plan.* A "base plan" for returning the proceeds of milk sales to producers in a way which will encourage more uniform seasonal production is provided. Milk delivered in the February–July period is to be paid for on the basis of deliveries during the August–December period.

A base plan has been in use in the Detroit market since 1930 and a proposal was made to incorporate this plan in the order in substantially the form now in use. It was shown that at the time the base plan of payment was introduced 20 years ago, milk deliveries to the market in the highest production month were 175 percent of deliveries in the lowest month. After 10 years of operation of the plan (1940), milk receipts in the highest production month were only 126 percent of the lowest month. During the next 5 years war-time demand and higher prices apparently somewhat offset the base plan incentive for even seasonal production. By 1945 the seasonal variation in milk receipts as measured by the percentage relationship of the highest month to the lowest month had increased to 146 percent. In the following 4 years seasonal variation in production improved and in 1949 the high month was down to 134 percent of the low month. If the seasonal variation of 1920 had prevailed in 1949, and November deliveries had been only adequate for market needs (115 percent of Class I utilization), deliveries in June would have been over 201 percent of Class I and in volume over 60 million pounds of milk in excess of Class I needs. It was stated that in view of the difficulty experienced in disposing of the actual market surplus in 1949 when June receipts exceeded Class I utilization by only 30 million pounds, a completely demoralized market might have resulted without the influence of the base plan on seasonal production.

Basically, the plan provides that each producer will receive the Class II price for milk delivered each month in excess of a daily average amount, the producer's "base", which base is the daily average of shipments of the producer for the period of August through December of the previous year, the "base period." For milk deliveries not in excess of base, a "uniform base price" is paid which is computed by dividing total market base milk deliveries into the remaining returns for all producer milk marketed during the month after deducting the value of the excess milk. The plan as proposed by the cooperative differed from the simplified outline above in two major respects: (1) in the case of a daily average of base period deliveries lower than the base already held by a producer, the new base would be the previous base less any amount by which 90 percent of the previous base exceeds the average daily base period deliveries, and (2) once

during each year a producer may elect to give up his base and to establish a new base under the method proposed for establishing the base of a new producer.

Continuation of producer payments on the base and excess plan during the base forming months was proposed. This is not recommended here, however. The base-excess plan was proposed as an incentive for more even seasonal production, the objective being to encourage each producer to produce more of his total year supply of milk in the late summer and fall months and less in the spring months. Payments on the plan in the late summer and fall months is directly contrary to the claimed objective since a producer would thereby receive only the Class II price for production in those months in excess of his base. Use of the base-excess payments in all months tends to make the base a sort of market quota which can be increased only under penalty of producing milk in excess of base at the manufacturing price for 5 months. The plan might thus be made an important factor in limiting over-all production, but the act contemplates a price level which will insure a sufficient quantity of pure and wholesome milk rather than the adjustment of milk supply to market needs by means of market quotas. It is concluded, therefore, that all milk should be considered base milk during the base forming months, and the month of January during which new bases are being computed, and the uniform base price during those months should be a blend price of all uses by all handlers.

The need for a provision that bases be reduced by the difference between the average base period deliveries and 90 percent of the previous base would seem to be largely eliminated if use of bases is discontinued on July 31 and resumed on February 1 of the following year. Removal of the provision for making payments at the excess milk price for deliveries in excess of base during the base forming months would remove the incentive for holding fall production close to base and probably result in fewer cases of reduction in base because of accident, disease and other conditions more or less beyond the control of the producer.

A producer may desire to change his level of production and should not be required to receive payment for the higher production at the excess price for the remainder of the base period. It was proposed that producers be permitted to re-establish a base in line with their normal production level by allowing any producer to relinquish his base, and to establish a base as a new producer once during each year. This would make the plan more flexible and would take care of cases of abnormally low production during the base period due to unusual circumstances.

In the Detroit market the months of lowest production in relation to fluid milk sales are normally October, November, December and January. The base period proposed includes August and September which usually are months of more plentiful supply than are January and February, and does not include January. These months appear to have been selected to offset the lag in production responses which requires the stimulus to fall and winter production to become effective some months in advance of the period of shortest production in relation to market needs. A base period extending through January and February would tend to result in higher production in the spring months of oversupply. Deliveries of base milk in the 5 months of the base period averaged over 87 percent of Class I sales in the last 4 years, and over 91 percent in 1946 and 1947, which indicates the desirability of shifting production to those months. It is concluded that the proposed base forming period should be adopted except that deliveries for only 122 days during the period be required. This would allow for a producer starting delivery not later than September 1, and for limited lapses in delivery during the period.

It was proposed that a new producer entering the market or a producer electing to give up his base shall be paid for a certain percentage of his milk during each of the first three full months of delivery at the base price and the remainder at the excess price. These percentages are fixed for each month at a somewhat lower percentage of base and higher percentage of excess than the normal market average of all producers for the month. The amount of milk paid for as base milk, averaged over the three-month period, determines the producer's daily base until a new base is established. The percentages proposed are now in use in the market and reflect the differences in seasonal production patterns of old producers and new producers as determined from market experience. The low spring percentages are necessary if producers are to be given the option of establishing a new base in order to prevent producers having a wide seasonal variation from receiving higher payments than justified by establishing two bases each year. The recommended percentages of milk deliveries to be paid for at the base price, 75 percent for February, 70 percent for March, 60 percent for April and July and 40 percent for May and June, are appropriate for making payments to new producers and to producers who elect to establish new bases.

A period of one month is allowed following the end of the base period to compute new bases. Every producer (except those who have been on the market less than 3 months) receives a new base on February 1 computed on average daily deliveries during the base forming months.

It was proposed that bases in use on the effective date of the order be applicable, subject to the approval of the market administrator, until the next February 1. However, the record indicates that there are some 2,000 producers who would have no base. It was proposed that the market administrator collect data on deliveries of these producers for the previous base forming months, or the first 3 months of delivery, and compute bases as if the order had been in effect during the base forming months of the previous year. Aside from the difficulties of collecting the data and making the computations in the brief period allowed, and the probable lack of some necessary records, which make the proposal impractical if not impossible to carry out, the proposal, in effect would make certain provisions of the order retroactive to periods several months before the order would become effective, which is not provided by the act. The same objection applies to requiring payments on bases already established previous to the effective date of the order.

It is provided that all milk be paid for at a blend price until bases have been established by deliveries during the first base period after the order becomes effective. This, of course, would not prevent a cooperative from re-pooling the returns for milk of its members and making payments on such base and excess plan as it may elect.

Rules have been provided for the handling of bases under certain circumstances. It is provided that any producer who fails to deliver milk to a handler for 45 consecutive days shall lose his base.

(c) *Producer butterfat differential.* Payments to producers must be adjusted for butterfat content. The proposed butterfat differential, based on the market price of 92-score butter at Chicago, has been in use in the market since 1941. This differential appears to have resulted in a supply of producer milk of satisfactory butter fat test for the needs of the market, and it is recommended as a provision of the order. Order prices are set for 3.5 percent milk as prices have always been announced for milk of this test in the market, and the basic test of 3.5 percent apparently requires a minimum of adjustment to arrive at prices for actual tests of producer milk.

(8) *Administrative provisions*—(a) *Administrative assessment.* The act provides that the costs of administering a milk marketing order shall be financed by assessments on handlers subject to the order. An assessment of 2 cents per hundredweight of milk received from producers was proposed for the purpose. Although a considerable volume of cream from sources other than producers is received, testimony indicates that a fair apportionment of the administrative costs among handlers may be arrived at by basing the assessment on receipts of producer milk only. Normally, little or no other source milk is received as milk at handler plants. Should the rate of 2 cents per hundredweight prove more than adequate to cover costs of administering the order, it is provided that the Secretary may prescribe a lesser amount.

(b) *Marketing services.* To verify payments to producers at required rates, it is necessary to determine that butterfat tests and weights are accurate. To promote orderly marketing and encourage the production of an adequate supply of milk of satisfactory quality, it is necessary to furnish information regarding the market to individual producers. The cost of these market services should be paid by the producers who receive the benefits. Cooperative associations may be performing these services for members. It is provided, therefore, that in making payments to producers who are members of cooperatives determined by the Secretary to be performing such services, handlers shall deduct and pay to the cooperative such deductions as are authorized by the members of the cooperative. In the case of producers who are not receiving such services from their cooperative, the service should be performed by the market administrator with funds provided by a deduction from payments to such producers. It was proposed that a deduction of 5 cents per hundredweight be provided for this purpose. No testimony opposed such a deduction or indicated that a different rate should be provided.

Data on costs of furnishing these services to producers not serviced by cooperatives indicate that such costs would be relatively high. These producers deliver milk to 89 plants which are scattered over a wide area. It was estimated that butterfat check-testing costs under these conditions would be over 60 cents per test. It is provided that a deduction of 5 cents per hundredweight be made from payments to producers not receiving market services from a cooperative of which they are members and paid to the market administrator to be used for performing such services, and that this rate of 5 cents may be lowered by the Secretary if experience proves a lesser amount to be sufficient.

(c) *Other administrative provisions.* The other provisions cover administrative procedures necessary to carry out the pricing and payment requirements of the order, and for the liquidation of accounts in the event of suspension or termination of the order. Appointment of a market administrator is provided for and his powers and duties are prescribed. The computations to be made by the market administrator in determining class prices and the uniform base price are set forth. A producer-equalization account is provided and the method of determining payments due to and from this account outlined so that each handler payments to or receipts from this account, together with his payments to producers or cooperatives for milk will equal the value of his producer milk at the class prices. Handlers are required to permit verification by audit of all utilization of milk and milk products. Handlers are required to preserve all necessary records to show receipts, utilization and payments for a period of three years. This is considered long enough to allow for all necessary verification and at the same time not burden handlers with an unreasonable volume of old records. Records involved in any litigation, however, must be retained until released by the market administrator.

The termination of any obligation of a handler regarding any payment required by the order or of the market administrator to pay any handler is provided at the end of two years. Exceptions in the case of handler obligations are made in cases of notification of the obligation by the market administrator, failure or refusal of a handler to submit records, or transactions involving fraud or willful concealment of facts. A definite date for terminating obligations prevents the filing of claims which might extend back many years and involve substantial amounts. The resulting uncertainty could cause serious inequities and endanger the stability of the market. Handlers cannot always be forewarned as to contingent liabilities and it is extremely difficult and burdensome for them to make adequate provision therefor by setting up reserves or by taking other precautionary measures. It is concluded that in general a period of two years is a reasonable time in which the market administrator should complete his audits and render billings for money due under the order.

Payments to producers have customarily been made on the 15th of the month following that in which the milk was received. It is considered desirable to continue this practice, as a shorter time is impractical considering the necessary reports and computations to be made. Producers should not be required to wait longer than 15 days when payment can be made within that time. Dates specified for announcement of class prices, submission of handler reports, announcement of uniform prices and equalization fund obligations are so set as to permit payments to producers by the 15th of the following month.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Proposed findings and conclusions. Briefs were filed on behalf of producers and certain handlers. The briefs contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and order. The following order is recommended as the appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order.

DEFINITIONS

§ 924.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ 924.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 924.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 924.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 924.5 *Detroit, Michigan, marketing area.* "Detroit, Michigan, marketing area," hereinafter referred to as the "marketing area," means all territory, within the outer boundaries of the townships of Clyde, Port Gratiot, Kimball, Port Huron, St. Clair, China, East China, Ira, Cottrellville and Clay in St. Clair County, the townships of Chesterfield, Clinton, Harrison, Warren, Erin and Lake in Macomb County, the townships of Waterford, Pontiac, Avon, West Bloomfield, Troy, Farmington, Southfield, and Royal Oak in Oakland County, the townships of Ann Arbor, Superior and Ypsilanti in Washtenaw County and all of Wayne County except the townships of Northville, Plymouth, Sumpter, Huron, and Brownstown, all in the State of Michigan.

§ 924.6 *Handler.* "Handler" means: (a) A person who operates a plant in which milk is pasteurized or packaged for distribution in the marketing area and from which Class I milk is disposed of during the month on a route(s) in the marketing area;

(b) A person who operates a plant other than one described in paragraph (a) of this section which is approved by the Department of Health of the City of Detroit, Ann Arbor, Pontiac or Port Huron for the handling of milk for consumption as Class I milk in the marketing area.

§ 924.7 *Producer.* "Producer" means a dairy farmer who produces milk which is received directly from the farm at a plant described in § 924.6 (except such plant as described in § 924.101) or is diverted for a handler's account from such a plant to a plant not described in § 924.6.

§ 924.8 *Producer-handler.* "Producer-handler" means a person who is a handler and who produces milk, but receives no milk from other producers or from a cooperative association.

§ 924.9 *Producer milk.* "Producer milk" means milk delivered by one or more producers.

§ 924.10 *Other source milk.* "Other source milk" means all skim milk and butterfat received by a handler in any

form, other than that contained in producer milk.

§ 924.11 *Cooperative Association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any state, which includes members who are producers as defined in § 924.7 and which the Secretary determines after application by the association:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) To have the entire organization and all of its activities under the control of its members; and

(c) To be currently engaged in making collective sales or marketing milk or its products for its members.

§ 924.12 *Base.* "Base" means a quantity of milk, expressed in pounds per day, determined for each producer as provided in § 924.70.

§ 924.13 *Base milk.* "Base milk" means milk delivered by a producer each month which is not in excess of his base multiplied by the number of days on which milk is delivered during the month, and all milk delivered by a producer prior to February 1, 1952, and in the months of January, August, September, October, November and December of each year.

§ 924.14 *Excess milk.* "Excess milk" means milk delivered by a producer each month in excess of his base milk.

§ 924.15 *Route.* "Route" means a delivery (other than to a handler) including a sale from a store of a Class I product to a wholesale or retail stop(s).

MARKET ADMINISTRATOR

§ 924.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 924.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate the terms and provisions;

(d) To recommend amendments to the Secretary.

§ 924.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 924.86

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 924.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 924.30 and 924.31, or (2) payments pursuant to §§ 924.80 and 924.84;

(g) Calculate a base for each producer in accordance with § 924.70 and advise the producer and the handler receiving the milk of such base;

(h) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(i) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this part; and

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum class prices for the preceding month computed pursuant to § 924.51 through § 924.53, and the handler butterfat differential computed pursuant to § 924.54, and

(2) On or before the 10th day of each month the uniform price for base milk and the price for excess milk for the preceding month, computed pursuant to §§ 924.62 and 924.63, and the producer butterfat differential computed pursuant to § 924.82.

REPORTS, RECORDS, AND FACILITIES

§ 924.30 *Monthly reports of receipts and utilization.* On or before the 5th day of each month, each handler shall report to the market administrator for the preceding month, in the detail and on forms prescribed by the market administrator, the following with respect to (a) all producer milk received, (b) all skim milk and butterfat in any form received from other handlers, and (c) all other source milk (except any nonfluid milk product which is disposed of in the same form as received) received at a plant(s) described in § 924.6:

(1) The quantities of butterfat and skim milk contained in such receipts, and their source;

(2) The utilization or disposition of such receipts; and

(3) Such other information with respect to such receipts and their utilization or disposition as the market administrator may prescribe.

§ 924.31 *Other reports.* (a) Each producer-handler and each handler described in § 924.101 shall make reports at such time and in such manner as the market administrator may request.

(b) On or before the 20th day of each month each handler who received milk from producers shall report his producer payroll for the preceding month which shall show:

(1) The pounds of base milk and pounds of excess milk received from each producer, and the percentage of butterfat contained therein;

(2) The amount and date of payment to each producer (or to a cooperative association); and

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 924.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk and other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 924.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That, if within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 924.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received at a handler plant (a) in milk from producers (except as provided in § 924.43 (c)) or from a cooperative association, (b) in any form from other handlers and (c) in other source milk required to be reported pursuant to § 924.30 shall be classified (separately as skim milk and butterfat) in the classes set forth in § 924.41.

§ 924.41 *Classes of utilization.* Subject to the conditions set forth in §§ 924.42 and 924.43 the classes of utilization shall be:

(a) Class I utilization shall be all skim milk and butterfat (1) disposed of for consumption in fluid form as milk, flavored milk, skim milk or buttermilk; and (2) not accounted for as Class II utilization or Class III utilization.

(b) Class II utilization shall be all skim milk and butterfat (1) disposed of for fluid consumption as sweet or sour cream or any fluid product not named in Class III and containing more than 6 percent of butterfat; or (2) used to produce ice cream or ice cream mix, cheese (including cottage cheese), dried whole milk, evaporated or condensed whole or skim milk, sweetened or unsweetened, and unsalted butter.

(c) Class III utilization shall be all skim milk and butterfat (1) used to produce nonfat dry milk solids or salted butter; or (2) dumped or disposed of as livestock feed; or (3) in shrinkage of producer milk up to 2 percent of receipts from producers and in shrinkage of other source milk.

§ 924.42 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred by a handler to another handler without first having been received for the purposes of weighing and testing in the transferring handler's plant shall be included in the receipts at the plant of the second handler for the purpose of computing his shrinkage and shall be excluded at the plant of the transferring handler in computing his shrinkage.

(c) Producer milk received at a plant from which a route is not operated in the marketing area and transferred in bulk from such plant to a plant from which a route is operated in the marketing area shall be subtracted from the producer milk receipts at the first plant and added to the producer milk receipts at the second plant in computing shrinkage.

§ 924.43 *Transfers.* (a) Skim milk and butterfat disposed of by a handler to another handler (except as provided in paragraph (c) of this section) in the form of milk or skim milk shall be Class I utilization, and skim milk and butterfat so disposed of in the form of cream shall be Class II utilization unless in either case use in another class is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the month within which such transfer was made: *Provided,* That in no event shall the amount so classified in other than Class I be greater than the amount of producer milk used in such class by the receiving handler after allocating other source milk in the receiving handler's plant in series beginning with the lowest priced utilization.

(b) Skim milk and butterfat disposed of in the form of milk or skim milk by a handler to a person not a handler shall be Class I utilization, and skim milk and butterfat so disposed of in the form of cream shall be Class II utilization, unless (1) utilization is mutually indicated in writing to the market administrator by both the handler and the receiver on or before the 5th day of the month following the month in which such transfer was made, and (2) the receiver maintains books and records showing the utilization and disposition of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such mutually indicated utilization: *Provided,* That if such plan had not actually used an equivalent amount of skim milk or butterfat in such indicated use, the remaining pounds shall be classified as Class II to the extent that such utilization is available and any amount still remaining as Class III to the extent that such utilization is available and any amount still remaining as Class I, as if the classes of utilization set forth in § 924.41 were applicable to such plant.

(c) Producer milk transferred in bulk from a plant operated by a cooperative association from which no milk is disposed of on a route(s) in the marketing area to a plant as described in § 924.6 (a), except a plant as described in § 924.101, shall be deducted before classification of producer milk at the plant of the transferor cooperative and shall be included in producer milk classified at the plant of the transferee handler.

§ 924.44 *Responsibility of handlers and reclassification.* All skim milk and butterfat shall be classified as Class I utilization unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 924.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I, Class II, and Class III utilization for such handler.

§ 924.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers.

(a) Subtract from the total pounds of butterfat in Class III utilization, the pounds of butterfat shrinkage allowed pursuant to § 924.41 (c) (3);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk;

(c) Subtract from the remaining pounds of butterfat in each class, the pounds of butterfat received from other handlers (except from a cooperative as set forth in § 924.43 (c)) in such classes pursuant to § 924.43 (a); and

(d) Add to the remaining pounds of butterfat in Class III utilization the pounds subtracted pursuant to paragraph (a) of this section;

(e) If the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 924.47 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 924.46.

MINIMUM PRICES

§ 924.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I utilization shall be the highest of the prices computed pursuant to paragraphs (a), (b), (c), and (d) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the U. S. D. A.

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month; subtract 3 cents, add 20 percent thereof and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A., deduct 5.5 cents and then multiply by 8.2.

(c) The price per hundredweight resulting from the following formula:

(1) Multiply by 6 the simple average as computed by the market administra-

tor of the daily average wholesale selling prices per pound of Grade A (92-score) bulk creamery butter (using the midpoint of any price range as one price) at Chicago as reported by the U. S. D. A. for the month;

(2) Add an amount equal to 2.4 times the simple average as published by the U. S. D. A. of prices per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, on the trading days that fall within the month.

(3) Divide by 7, add 30 percent thereof, and then multiply by 3.5.

(d) The average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator:

Present Operator and Location

Kraft Cheese Co., Clare, Mich.
Nestle's Milk Products Co., Ubly, Mich.
Carnation Milk Co., Sheridan, Mich.
Grand Ledge Milk Co., Grand Ledge, Mich.
Saranac Milk Co., Saranac, Mich.

§ 924.51 *Class I milk price.* (a) Except as provided in paragraph (b) of this section the minimum price per hundredweight to be paid by each handler, f. o. b. his plant as described in § 924.6 for milk of 3.5 percent butterfat content received from producers or from cooperative associations, during the month, which is classified as Class I utilization shall be the basic formula price plus $1.35.

(b) Beginning in the third month after this order becomes effective, the percentage which total receipts of producer milk by all handlers during the preceding month is of total Class I utilization of all handlers during such period shall be computed each month by the market administrator, and for the following month the Class I price shall be decreased 15 cents for each full 5 percentage points which such percentage is above the percentage for the corresponding month in column A of the following schedule and increased 15 cents for each full 5 percentage points which such percentage is below the percentage for the corresponding month in column B: *Provided*, That when the price has been so decreased or increased it shall not be next increased or decreased, respectively, until such percentage is ½ percentage point higher or lower, as the case may be, than the percentage at which such price change would otherwise be made.

Month	Percentages	
	A	B
January	115	119.9
February	119	123.9
March	126	130.9
April	135.5	140.9
May	149.5	155.9
June	157	163.9
July	140.5	146.4
August	135.5	142.4
September	132	137.4
October	123	127.9
November	116	120.9
December	118	122.9

This schedule shall be recomputed in January of each year as follows:

(1) Compute for each month of each of the next preceding 5 years the percentage which the average daily deliveries of all producers for the month is of the average daily deliveries of all producers for the year;

(2) Add the percentage so computed for the corresponding months of each of the 5 years and divide by 5;

(3) Considering the lowest resulting average to be 100 percent, compute the percentage which the average for each of the other 11 months is of the average for the lowest month;

(4) Multiply the percentages computed in subparagraph (3) of this paragraph, by 1.15 and round off to the nearest ½ percent to determine the monthly percentages for the first column of the schedule;

(5) Multiply the percentages computed in subparagraph (3) of this paragraph, by 1.2, round off to the nearest ½ percent and subtract .1 percent to determine the monthly percentages for the second column of the schedule.

§ 924.52 *Class II milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. his plant as described in § 924.6 for milk of 3.5 percent butterfat content received from producers or from a cooperative association, during the month, which is classified as Class II utilization, shall be the higher of the prices as computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the average price per pound of butter as described in paragraph (b) (1) of § 924.50 by 1.2 and then by 3.5.

(2) From the simple average of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, in barrels for human consumption f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A., subtract 5.5 cents and then multiply by 8.2.

(b) The price per hundredweight as described in § 924.50 (d).

§ 924.53 *Class III milk price.* The price per hundredweight to be paid by each handler, f. o. b. his plant as described in § 924.6 for milk of 3.5 percent butterfat content received from producers or from a cooperative association, during the month, which is classified as Class III utilization shall be the sum of the plus values as computed by the market administrator pursuant to paragraphs (a) and (b) of this section.

(a) Multiply the average price per pound of butter as described in paragraph (b) (1) of § 924.50 by 1.2, subtract 5 cents and then multiply by 3.5.

(b) From the weighted average of the carlot prices per pound of roller process nonfat dry milk solids in barrels for human consumption f. o. b. manufacturing plants in the Chicago area as reported by the U. S. D. A. for the period from the 26th day of the preceding month through the 25th day of the month during which such milk is received, subtract 5.5 cents and then multiply by 8.2.

§ 924.54 *Handler butterfat differential.* There shall be added to or subtracted from, as the case may be, the prices of milk for each class as computed pursuant to §§ 924.51, 924.52 and 924.53, for each one-tenth of one percent variation in the average butterfat test of the milk in each class above or below 3.5 percent the amounts determined as follows:

Class I milk. Add 2 cents to the producer butterfat differential determined pursuant to § 924.82.

Class II milk. Divide by .35 the amount determined pursuant to § 924.52 (a) (1).

Class III milk. Divide by .35 the amount determined pursuant to § 924.53 (a).

DETERMINATION OF PRICE TO PRODUCERS

§ 924.60 *Computation of value of milk for each handler.* (a) Subject to paragraphs (c) and (d) of this section, the value of producer milk received during the month by each handler shall be a sum of money computed by the market administrator by multiplying by the applicable class price adjusted pursuant to § 924.54 the total combined hundredweight of skim milk and butterfat received from producers allocated to each class pursuant to §§ 924.46 and 924.47, adding together the resulting amounts, and if such handler has a utilization greater than has been accounted for as received from all sources, add an amount computed by multiplying any such excess utilization classified pursuant to § 924.46 (e) and § 924.47 by the applicable class prices.

(b) Each handler who has other source milk allocated to Class I pursuant to § 924.46 and § 924.47 shall pay to the producer equalization fund each month an amount computed by multiplying the hundredweight of milk so allocated by the difference between the Class I and Class II prices for the month adjusted by the butterfat differentials provided in § 924.54 to the butterfat test of such other source milk.

(c) A handler who receives producer milk at a plant which is located more than 33 miles by shortest highway distance from the boundary of the marketing area shall receive a credit each month with respect to producer milk disposed of as Class I utilization, other than to a handler, computed at the rate for the zone in which the plant is located as determined by the market adminstrator, as set forth in the schedule in paragraph (d) of this section.

(d) A handler who receives milk from producers (1) at a plant located outside the marketing area and more than 33 miles by shortest highway distance from the Detroit City Hall and from which no milk is disposed of on a route in the marketing area or (2) at a plant which is located outside the marketing area and more than 33 miles by shortest highway distance from the boundary of the marketing area and from which milk is disposed of on a route in the marketing area shall receive a credit with respect to producer milk moved in bulk from such plant to a plant from which milk is disposed of on a route in the marketing area computed on the weight of milk so moved which is not in excess of the amount of such milk classified as Class I utilization in the plant to which such milk is moved (pro rating to such milk the utilization of all producer milk received at such plant) at the rate for the applicable zone as determined by the market administrator, as follows:

Zone No.	Shortest road distance from Detroit City Hall	Rate per cwt.
1	More than 33 miles but not more than 48 miles	$0.14
2	More than 48 miles but not more than 56 miles	.15
3	More than 56 miles but not more than 64 miles	.16
4	More than 64 miles but not more than 72 miles	.17
5	More than 72 miles but not more than 80 miles	.18
6	More than 80 miles but not more than 88 miles	.19
7	More than 88 miles but not more than 96 miles	.20
8	More than 96 miles	.21

§ 924.61 *Computation of the 3.5 percent value of all producer milk.* For each month, the market administrator shall compute the 3.5 percent value of producer milk by:

(a) Combining into one total the individual values of milk of all handlers, computed pursuant to paragraph (a) of § 924.60;

(b) Adding the aggregate value of all allowable producer location adjustments computed at the rates for the appropriate zones as provided in § 924.81;

(c) Adding or subtracting any charges or credits pursuant to § 924.90 (a);

(d) Adding, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is less than 3.5 percent, or subtracting if the weighted average butterfat test of such milk is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 924.82 multiplied by 10.

(e) Adding not less than one-half of the unobligated balance in the producer-equalization fund.

§ 924.62 *Excess milk price.* For each month the excess milk price shall be the price of Class II utilization determined pursuant to § 924.52.

§ 924.63 *Computation of uniform price for base milk.* (a) Multiply the total pounds of excess milk and milk to be paid for at the excess milk price pursuant to § 924.70 (b) for the month by the excess milk price.

(b) Subtract the total values arrived at in paragraph (a) of this section, from the total 3.5 percent value of all producer milk arrived at in § 924.61;

(c) Divide the resultant value by the total hundredweight of base milk and milk to be paid for at the base price pursuant to § 924.70 (b); and

(d) Subtract not less than four cents nor more than five cents. The resultant hundredweight price shall be the uniform price of base milk of 3.5 percent butterfat content received at plants described in § 924.6.

§ 924.64 *Notification.* On or before the 10th day after the end of each month the market administrator shall notify each handler of:

(a) The amounts and values of his skim milk and butterfat in each class and the total of such amounts and values;

(b) The base of any producer delivering milk to the handler which was not used in making payments for the previous month.

(c) The amount due such handler from the producer-equalization fund or the amount to be paid by such handler to the producer-equalization fund, as the case may be; and

(d) The totals of the minimum amounts to be paid by such handler pursuant to §§ 924.80, 924.84, 924.86, 924.87 and 924.90.

BASE RULES

§ 924.70 *Determination of base.* (a) A producer who delivered milk on at least 122 days during the period August 1 through December 31, inclusive, of any year shall have a base computed by the market administrator to be applicable for the 6 months' period beginning the following February 1, equal to his daily average milk deliveries from the date on which milk was first delivered in the period to the end of such August 1-December 31 period.

(b) A producer who has no base shall be paid during the first three full months he is a producer within the period February through July the price applicable to base milk for the following percentages of his milk deliveries and the price applicable to excess milk for the remainder of his deliveries: 75 percent for February, 70 percent for March, 60 percent for April and July and 40 percent for May and June. At the conclusion of the first three full months' delivery, a base shall be established in the following manner: Multiply the total deliveries during each such month by the applicable percentages. Add the amounts so computed and divide by the number of days in which milk was delivered during the three months.

(c) From the effective date of this part until bases are established pursuant to this section, all milk delivered by producers shall be considered to be base milk.

§ 924.71 *Application of bases.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base period;

(b) Bases may be transferred only during the period of February through July upon written notice by the holder of the base to the market administrator on or before the last day of the month that such base is to be transferred only as follows:

(1) Upon the death, retirement or entry into military service of a producer, the entire base may be transferred to a member or members of his immediate family.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders or to another person.

(c) A producer who does not deliver milk to a handler for 45 consecutive days shall forfeit his base.

§ 924.72 *Establishing a new base.* A producer with a base, by notifying the market administrator that he relinquishes such base, may establish a new base pursuant to § 924.70 (b) once during the seven-month period ending with July 31, the period for establishing a new base to begin the first day of the month in which such notification is received by the market administrator.

PAYMENT FOR MILK

§ 924.80 *Time and method of payment.* On or before the 15th day after the end of each month each handler who received milk from producers or from a cooperative association shall pay for milk received during such month to each producer, or to a cooperative association for milk received from such association or from producers for the account of such association, the uniform base price for base milk and for milk to be paid for at the base price pursuant to § 924.70 (b) and milk transferred pursuant to § 924.43 (c), and the excess price for excess milk, and milk to be paid for at the excess price pursuant to § 924.70 (b), adjusted by the butterfat differential pursuant to § 924.82 and any location adjustment pursuant to § 924.81: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 924.85, he shall not be deemed to be in violation of this section if he reduces uniformly to all producers and cooperative associations his payments per hundredweight by a total amount not in excess of the reduction in payments due from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

§ 924.81 *Location adjustments to producers.* In making payments to producers or cooperative associations pursuant to § 924.80 a handler may deduct with respect to all milk received by him from producers at a plant located outside the marketing area and more than 33 miles by shortest highway distance from the Detroit City Hall, as determined by the market administrator, and if milk is distributed from such plant on a route(s) in the marketing area, also located more than 33 miles by the shortest highway distance from the boundary of the marketing area, the amount per hundredweight applicable to the zone in which such plant is located as set forth in § 924.60 (d).

§ 924.82 *Producer butterfat differential.* In making payments pursuant to § 924.80, the base price and excess price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, as the case may be, by a butterfat differential of 7 cents when the average price of butter

as described in § 924.50 (b) (1) is 60 cents, which differential shall be increased one-half cent for each full 5 cents variance in such price of butter above 60 cents and decreased one-half cent for each full 5-cent variance in such price of butter below 64.99 cents.

§ 924.83 *Producer-equalization fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to § 924.84 and out of which he shall make all payments pursuant to § 924.85.

§ 924.84 *Payments to the producer-equalization fund.* On or before the 13th day after the end of each month, each handler

(a) Whose value of milk is required to be computed pursuant to § 924.60 (a) shall pay to the market administrator any amount by which such value for such month (in the case of a cooperative association which is a handler plus the value of any milk transferred as provided in § 924.43 (c) at the uniform price for base milk for the month adjusted pursuant to § 924.82) is greater than the minimum amount required to be paid by him pursuant to § 924.80, and

(b) Who is required to make payment pursuant to § 924.60 (b) shall pay such amount to the market administrator.

§ 924.85 *Payment out of the producer-equalization fund.* On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 924.60 (a) (in the case of a cooperative association which is a handler plus the value of any milk transferred as provided in § 924.43 (c) at the uniform price for base milk for the month adjusted pursuant to § 924.82) is less than the total minimum amount required to be paid by him pursuant to § 924.80, less any unpaid obligations of such handler to the market administrator pursuant to § 924.84: *Provided*, That if the balance in the producer-equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 924.86 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 13th day after the end of each month two cents per hundredweight, or such amount not exceeding two cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of milk from producers, including milk of such handler's own production.

§ 924.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 924.80 for milk received from each producer (including milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct five cents per hundredweight, or such amount not exceeding five cents per hundredweight as the Secretary may prescribe, and, on or before the 13th day after the end of each month, shall pay such deductions to the market administrator. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 924.80 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

ADJUSTMENT OF ACCOUNTS

§ 924.90 *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in moneys due:

(a) To the market administrator from such handler,

(b) To such handler from the market administrator, or

(c) To any producer or cooperative association from such handler,

the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 924.91 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 924.84, 924.85, 924.86, 924.87, and 924.90 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until each obligation is paid.

APPLICATION OF PROVISIONS

§ 924.100 *Milk caused to be delivered by cooperative associations.* Milk referred to herein as received from producers by a handler shall include milk of producers caused to be delivered to such handlers by a cooperative association.

§ 924.101 *Handler exemption.* A handler who operates a plant located outside the marketing area from which Class I milk is disposed of on a route (a) within the marketing area but from which the disposition of Class I milk on all routes operating wholly or partly within the marketing area averages less than 600 pounds per day for the month, and from which no milk is transferred to other handlers, shall be exempt for such month from all provisions of this part except §§ 924.31, 924.32 and 924.33.

§ 924.102 *Producer-handler exemption.* A producer-handler shall be exempt from all provisions of this part except §§ 924.31, 924.32, and 924.33.

TERMINATION OF OBLIGATIONS

§ 924.110 *Termination of obligations.* (a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books or records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Nothwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 924.120 *Effective time.* The provisions of this part, or of any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 924.121 *When suspended or terminated.* The Secretary shall, whenever he finds that this part, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

§ 924.122 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 924.123 *Liquidation.* Under the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 924.130 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 924.131 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C., this 28th day of February 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

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DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 703]

MEN'S AND BOYS' CLOTHING AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

MINIMUM WAGE RATE

On June 15, 1950, pursuant to section 5 (a) of the Fair Labor Standards Act of 1938, as amended, hereinafter called the act, the Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 399, appointed Special Industry Committee No. 8 for Puerto Rico (hereinafter called the "Committee") and directed the Committee to investigate conditions in a number of industries in Puerto Rico specified and defined in the order, including the men's and boys' clothing and related products industry in Puerto Rico (hereinafter called the "industry"), and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending a minimum wage rate for the men's and boys' clothing and related products industry, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico.

After investigating economic and competitive conditions in the industry in Puerto Rico, the Committee filed with the Administrator a report containing (a) its recommendation that the industry be divided into separable divisions for the purpose of fixing minimum wage rates; (b) the titles and definitions recommended by the Committee for such separable divisions of the industry; and (c) its recommendation for minimum wage rates to be paid employees engaged in commerce or in the production of goods for commerce in such divisions of the industry.

Pursuant to notice published in the FEDERAL REGISTER on October 20, 1950, and circulated to all interested persons, a public hearing upon the Committee's recommendations was held before Hearing Examiner E. West Parkinson, as presiding officer, in Washington, D. C. on November 13, 1950, at which all interested parties were given opportunity to be heard. After the hearing was closed the record of the hearing was certified to the Administrator by the presiding officer.

Upon reviewing all the evidence in this proceeding and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I, as Administrator, have concluded that the recommendations of the Committee for a minimum wage rate of 35 cents in both the suits, coats, trousers and work clothing division and the general division of the men's and boys' clothing and related products industry in Puerto Rico, as defined, were made in accordance with law, are supported by the evidence adduced at the hearing and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth by decision in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Special Industry Committee No. 8 for Puerto Rico for Minimum Wage Rates in the Men's and Boys' Clothing and Related Products Industry in Puerto Rico," a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding (15 F. R. 7029), that I propose to approve the Committee's recommendation of minimum wage rates for the suits, coats, trousers, and work clothing division and the general division of the men's and boys' clothing and related products industry in Puerto Rico, and to issue a wage order as set forth below, to carry such recommendation into effect. Interested parties may submit written exceptions within 15 days from publication of this notice in the FEDERAL REGISTER. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should include supporting reasons for any exceptions.

Sec.
703.1 Approval of recommendations of industry committee.
703.2 Wage rates.
703.3 Notices of order.
703.4 Definitions of the men's and boys' clothing and related products industry in Puerto Rico and its divisions.

AUTHORITY: §§ 703.1 to 703.4 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 703.1 *Approval of recommendations of industry committee.* The Committee's recommendations are hereby approved.

§ 703.2 *Wage rates.* (a) Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the suits, coats, trousers, and work clothing division of the men's and boys' clothing and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the General Division of the men's and boys' clothing and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 703.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the men's and boys' clothing and related products industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed, from time to time, by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 703.4 *Definition of the men's and boys' clothing and related products industry in Puerto Rico and its divisions.* (a) The men's and boys' clothing and related products industry in Puerto Rico, to which this part shall apply, is hereby defined as follows:

The manufacture from any material of men's and boys' clothing and related products, including, but without limitation, suits, coats, overcoats, trousers, shirts, underwear, nightwear, work clothing, sportswear (including bathing suits, riding habits and athletic uniforms), heavy outerwear, neckties, caps, hats (except hand-made straw hats), belts, robes and dressing gowns, raincoats, suspenders, garters, academic caps and gowns, vestments, costumes, and other items of apparel and accessories (except gloves, handkerchiefs, hosiery and shoes).

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

(b) The separable divisions of the industry, as defined in paragraph (a) of this section, to which this part and its several provisions shall apply, are hereby defined as follows:

(1) *Suits, coats, trousers and work clothing division.* The manufacture from any material of men's and boys' suits, coats, topcoats, overcoats, trousers, and work clothing.

(2) *General division.* The manufacture from any material of all products included in the men's and boys' clothing and related products industry in Puerto Rico, as defined in paragraph (a) of this section, except those included in the suits, coats, trousers, and work clothing division, as defined in this section.

Signed at Washington, D. C., this 28th day of February 1951.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 51-2907; Filed, Mar. 5, 1951; 8:51 a. m.]

HOUSING AND HOME FINANCE AGENCY

Home Loan Bank Board

[24 CFR, Part 145]

[No. 4020]

CHANGE OF OFFICE LOCATION

PROPOSED AMENDMENT REQUIRING APPROVAL OF CHANGE INVOLVING MOVE OF MORE THAN ONE MILE OR OUTSIDE OF MUNICIPALITY

FEBRUARY 27, 1951.

Resolved that pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108), an amendment of § 145.16 of the rules and regulations for the Federal Savings and Loan System (24 CFR 145.16) to read in the form hereinafter set forth, is hereby proposed.

Resolved further that a hearing will be held on Tuesday, April 10, 1951 at 10 o'clock in the forenoon in Room 827, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D. C., before the Home Loan Bank Board, a member thereof, or a hearing officer designated by the Board, for the purpose of receiving evidence, oral views and arguments on said proposed amendment of the Rules and Regulations for the Federal Savings and Loan System, if written notice of intention to appear at said hearing is received by the Secretary to the Home Loan Bank Board at least five days before said date. If no such written notice of intention to appear has been received by the Secretary to the Board at least five days before the date set for the hearing, the hearing will be dispensed with. Whether or not a hearing is held, written data, views or arguments on said proposed amendment which are received by the Secretary to the Home Loan Bank Board on or before April 5, 1951, or prior to the conclusion of the hearing, if held, will be considered by the Home Loan Bank Board in connection with its consideration of the proposed amendment of the said rules and regulations.

§ 145.16 *Change of office location.* A Federal association may not move any office from its immediate vicinity without prior approval by the Board. A move of more than one mile or a move outside of the municipality in which the office is located will constitute a move of an office from its immediate vicinity. If a Federal association changes the location of its home office, as fixed in such association's charter, such charter shall be appropriately amended in accordance with the provisions thereof. Each application to the Board by a Federal association for permission to move any office of such association from its immediate vicinity shall be supported with a statement showing the need for such change in location, and the estimated expenses of removal to and of maintenance at the new location.

(Sec. 5 (a), 48 Stat. 132, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR 1947 Supp. 61 Stat. 954; 12 U. S. C. 1464 (a), 5 U. S. C. 133y-16)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 51-2910; Filed, Mar. 5, 1951; 8:52 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. M-23]

ISBRANDTSEN CO., INC.

NOTICE OF HEARING ON APPLICATION TO BAREBOAT CHARTER A DRY-CARGO VESSEL

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held at Washington, D. C., on March 20, 1951, at 10 o'clock a. m., in Room 4823 Department of Commerce Building, before Examiner C. W. Robinson, upon the application of Isbrandtsen Co., Inc., to bareboat charter the SS. *Pass Christian Victory* to be used as an animal carrier from ports in the United States to European ports.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessel is proposed to be chartered is required in the public interest and is not adequately served, and with respect to the availability of privately owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service.

All persons having an interest in such application will be given an opportunity to be heard if present.

The parties may have oral argument before the examiner immediately following the close of the hearing, in lieu of briefs, and the examiner will issue a recommended decision. Parties may have seven (7) days within which to file exceptions to or memoranda in support of the examiner's recommended decision, but the Board reserves the right to determine whether oral argument on exceptions will be granted or whether briefs in connection therewith will be received.

Dated: March 1, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-2951; Filed, Mar. 5, 1951; 8:58 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended 63 Stat. 910) and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

New Hampshire Association for the Blind, 155½ North Main Street, Concord, N. H.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher, and a rate of not less than 5 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 12, 1951 and expires January 31, 1952.

Albany Association of the Blind, Inc., 208 State Street, Albany, New York; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 34 cents per hour, whichever is higher; certificate is effective February 9, 1951 and expires January 31, 1952.

Altro Work Shops, Inc., 1021 Jennings Street, New York 60, N. Y.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher; certificate is effective February 9, 1951 and expires January 31, 1952.

Goodwill Industries of New Jersey, 574 Jersey Avenue, Jersey City 2, N. J.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher; certificate is effective February 12, 1951 and expires January 31, 1952.

Rochester Rehabilitation Center, Inc., 233 Alexander Street, Rochester 7, N. Y.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 10 cents per hour, whichever is higher; certificate is effective February 12, 1951 and expires January 31, 1952.

Delaware County Branch Pennsylvania Association for the Blind, 114 East Ninth Street, Chester, Pennsylvania; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 42 cents an hour, whichever is higher; certificate is effective February 1, 1951 and expires January 31, 1952.

Northampton County Branch Pennsylvania Association for the Blind, 129 East Broad Street, Bethlehem, Pennsylvania; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 35 cents an hour, whichever is higher, and a rate of not less than 25 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 1, 1951 and expires January 31, 1952.

Goodwill Industries of Akron, Inc., 119 North Howard Street, Akron, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 45 cents per hour, whichever is higher, and a rate of not less than 25 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 1, 1951 and expires January 31, 1952.

Lorain Goodwill Industries, 1648 Broadway, Lorain, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 35 cents per hour, whichever is higher, and a rate of not less than 15 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 1, 1951 and expires January 31, 1952.

Columbus Post Volunteers of America, 379 West Broad Street, Columbus 8, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 30 cents per hour, whichever is higher, and a rate of not less than 15 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 5, 1951 and expires January 31, 1952.

Cincinnati Association for the Blind, 1548 Central Parkway, Cincinnati 10, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 10 cents per hour, whichever is higher; certificate is effective February 1, 1951 and expires January 31, 1952.

Gary Goodwill Industries, Inc., 1224 Broadway, Gary, Indiana; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher, and a rate of not less than 45 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 1, 1951 and expires January 31, 1952.

Minnesota Homecrafters, Inc., 1719 West Superior Street, Duluth 6, Minnesota; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 1, 1951 and expires January 31, 1952.

Minnesota Homecrafters, Inc., 3938 Minnehaha Avenue, Minneapolis 6, Minnesota; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 1, 1951 and expires January 31, 1952.

The St. Paul Goodwill Industries, Inc., 509 Sibley Street, St. Paul 1, Minnesota; at a wage rate of not less then the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 35 cents per hour, whichever is higher, and a rate of not less than 30 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 1, 1951, and expires January 31, 1952.

The Volunteers of America, 2300 East Fourteenth Street, Oakland, California; at a wage rate of not less then the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 65 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1951 and expires January 24, 1952.

The Volunteers of America, 538 Southeast Ash Street, Portland 14, Oregon; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regu-

lar commercial industry maintaining approved labor standards, or not less than 62½ cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1951 and expires January 24, 1952.

The Volunteers of America, West 28–30 Main Avenue, Spokane 8, Washington; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 65 cents per hour, whichever is higher, and a rate of not less than 46 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1951, and expires January 24, 1952.

Training Center for Adult Blind, 3601 Telegraph Avenue, Oakland 9, California; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 65 cents per hour, whichever is higher, and a rate of not less than 25 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 1, 1951, and expires January 21, 1952.

Goodwill Industries of Orange County, 417 West Fourth Street, Santa Ana, California; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 65 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1951, and expires January 24, 1952.

Goodwill Industries of Oregon, Inc., 512 South East Mill Street, Portland 14, Oregon; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 60 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1951, and expires January 24, 1952.

Goodwill Industries, 485 Sixth Street, Oakland 7, California; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 60 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1951, and expires January 24, 1952.

Society of St. Vincent de Paul, 254 South Broadway, Los Angeles 12, California; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 75 cents per hour, whichever is higher, and a rate of not less than 45 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1951 and expires January 24, 1952.

Society of St. Vincent de Paul, 530 Sixth Street, Oakland 7, California; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 60 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1951 and expires January 24, 1952.

Goodwill Industries of San Francisco, 986 Howard Street, San Francisco 3, California; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 66 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1951 and expires January 24, 1952.

St. Vincent de Paul Salvage Bureau, 1031 Fairview Avenue North, Seattle 9, Washington; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 60 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1951 and expires January 24, 1952.

Union Gospel Mission, 716½ First Avenue, Seattle 4, Washington; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher, and a rate of not less than 25 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 6, 1951 and expires February 5, 1952.

National Society of the Volunteers of America, 1921 First Avenue, Seattle 1, Washington; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 62½ cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1951 and expires January 24, 1952.

Daisy Ann Manufacturing Company, 2611 McKinney Avenue, Dallas, Texas; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher, and a rate of not less than 40 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 15, 1951 and expires August 14, 1951.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 26th day of February 1951.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 51–2906; Filed, Mar. 5, 1951; 8:51 a. m.]

DEFENSE TRANSPORT ADMINISTRATION

[DTA Delegation 3]

DIRECTOR, WAREHOUSING AND STORAGE DIVISION

DELEGATION OF AUTHORITY WITH RESPECT TO ADMINISTRATION OF DEFENSE TRANSPORT ADMINISTRATION GENERAL ORDER DTA 2

Pursuant to the authority of the Defense Production Act of 1950 (64 Stat 798), Executive Orders nos. 10161 (15 F. R. 6105) and 10200 (16 F. R. 610), and Organization Order DTA 1, as amended (15 F. R. 6728, 16 F. R. 1677):

The Director of the Warehousing and Storage Division, Defense Transport Administration, is hereby designated and authorized to administer in behalf of the Defense Transport Administration, and the Administrator thereof, the provisions of General Order DTA 2 (16 F. R. 2046), providing for preference and priority in port terminal storage and handling of bulk grain for export.

The Director may exercise the authority hereby conferred upon him through such officers and employees of the Defense Transport Administration and in such manner as he may determine.

The exercise of the authority conferred hereby shall be subject to the general control and supervision of the Administrator of the Defense Transport Administration.

Issued at Washington, D. C., this 2d day of March 1951.

JAMES K. KNUDSON,
Administrator,
Defense Transport Administration.

[F. R. Doc. 51–3002; Filed, Mar. 2, 1951; 5:01 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2737 et al.]

FREE AND REDUCED-RATE TRANSPORTATION CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on April 17, 1951, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., February 28, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51–2911; Filed, Mar. 5, 1951; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Designation Order No. 55]

DESIGNATION OF MOTIONS COMMISSIONER FOR MARCH 1951

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 21st day of February 1951.

It is ordered, Pursuant to section 0.111 of the Statement of Delegations of Authority, that Robert F. Jones, Commissioner, is hereby designated as Motions Commissioner for the month of March 1951.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–2913; Filed, Mar. 5, 1951; 8:52 a. m.]

[Docket No. 9712]

CECIL W. ROBERTS (KREI)

ORDER SCHEDULING HEARING AND AMENDING ISSUES

In re application of CECIL W. ROBERTS (KREI), Farmington, Missouri, Docket No. 9712, File No. BP–7572, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of February 1951;

The Commission having under consideration a petition filed on October 26, 1950, by Cecil W. Roberts requesting reconsideration and grant without hearing of the above-entitled application for construction permit to change frequency of Station KREI, Farmington, Missouri, from 1350 kilocycles to 800 kilocycles;

It appearing that, on June 22, 1950, the said application was designated for a hearing in a consolidated proceeding with the application of Pyramid Radio Broadcasting and Television Company, Incorporated (File No. BP–7610, Docket No. 9713) for a new standard broadcast station at West Frankfort, Illinois, and that Johnson County Broadcasting Corporation, licensee of Station KXIC, Iowa City, Iowa, was made a party to the proceeding; and

It further appearing that on August 25, 1950, the petition of Pyramid Radio Broadcasting and Television Company, Incorporated, requesting leave to amend and removal of its application, as amended, from the hearing docket was granted; and

It further appearing that, in support of the instant request for relief, petitioner alleges that the proposed operation of Station KREI would not involve objectionable interference with Station KXIC, Iowa City, Iowa, and that in the absence of such interference the proposal is in compliance with the Commission's rules and the Standards of Good Engineering Practice; and

It further appearing that the engineering affidavit submitted in support of petitioner's allegations with reference to the interference with Station KXIC, Iowa City, Iowa, does not show either by reference to the Commission's Standards of Good Engineering Practice or to actual measurements made in accordance with the methods prescribed by the Commission's Standards of Good Engineering Practice that electrical interference will not be caused to Station KXIC in that soil conductivity used for two hundred miles of the two hundred seventy-five mile path from Station KREI to Station KXIC was lower than shown on the Commission's map of soil conductivities and that the use of such lower conductivity was based solely on opinion and petitioner's analysis of certain measurements made on Station KWK, St. Louis, Missouri;

It further appearing that the said measurements on Station KWK extend for a distance of only twenty miles, are not on a direct bearing of the direction concerned, and under the Commission's Standards of Good Engineering Practice cannot be used to determine conductivities beyond the measured distances and accordingly, petitioner has not shown that a grant of the above-entitled application would be consistent with § 1.382 of the Commission's rules; and

It further appearing that the applicant is legally, technically, financially and otherwise qualified to operate Station KREI as proposed, and that the type and character of program service proposed to be rendered would meet the requirements of the populations and areas proposed to be served.

It is ordered, That the said petition is denied and that hearing on the said application of Cecil W. Roberts shall commence at 10:00 a. m., on April 24, 1951 at Washington, D. C.

It is further ordered, That on the Commission's own motion, all issues in the order of June 22, 1950, designating the above-entitled application for hearing are deleted therefrom and the following issues are substituted therefor:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KREI as proposed and the character of other broadcast service available to these areas and populations.

2. To determine whether the operation of Station KREI as proposed would involve objectionable interference with Station KXIC, Iowa City, Iowa, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of Station KREI as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of Station KREI as proposed would be in compliance with the Commission's rules and standards of good engineering practice concerning standard broadcast stations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–2918; Filed, Mar. 5, 1951; 8:54 a. m.]

[Docket No. 9741]

LOGAN BROADCASTING CORP. (WVOW)

ORDER CONTINUING HEARING

In re application of Logan Broadcasting Corp. (WVOW), Logan, West Virginia, Docket No. 9741, File No. BMP–5144; for modification of construction permit.

The Commission having under consideration the petition of the applicant herein, filed February 15, 1951, requesting that the hearing upon its application, now scheduled for March 1, 1951, be continued for approximately three months;

It appearing that petitioner is permittee of Station WVOW, Logan, West Virginia, presently under construction, with authority to operate during unlimited hours on the frequency of 1290 kilocycles, with power output of 5 kilowatts during the day and 1 kilowatt at night, directionalized, and, in the above-en-

titled application, petitioner is seeking to increase the nighttime power output to 5 kilowatts, directionalized;

It appearing further that petitioner is desirous of making measurements with regard to its proposed nighttime operation based upon the station's presently authorized night power output of 1 kilowatt, and such measurements cannot be undertaken until May 15, 1951, the date on which petitioner estimates that construction on its station will have been completed;

It appearing further that the results of the measurements contemplated by petitioner would constitute the most satisfactory evidence regarding the effects of the nighttime operation herein proposed;

It appearing further that good cause has been shown in support of the petition, and that all parties to the proceeding have received notice thereof and have not interposed objection thereto;

It is ordered, This 26th day of February 1951, that the petition under consideration be, and it is hereby, granted, and the hearing on the above-entitled application, presently scheduled for March 1, 1951, is continued to June 4, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F R. Doc. 51-2920; Filed, Mar. 5, 1951; 8:54 a. m.]

[Docket No. 9787]

FRANCIS J. MATRANGOLA

ORDER SCHEDULING HEARING AND DELETING ISSUE

In re application of Francis J. Matrangola, Wildwood, New Jersey, Docket No. 9787, File No. BP-7659; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of February 1951:

The Commission having under consideration a petition filed on November 17, 1950, by Francis J. Matrangola requesting reconsideration and grant without hearing of the above-entitled application as amended for a permit to construct a new standard broadcast station to operate on frequency 1230 kilocycles, with 100 watts power, unlimited time at Wildwood, New Jersey, and also having under consideration an opposition thereto filed on November 30, 1950, by Maryland Broadcasting Company, licensee of Station WITH, Baltimore, Maryland;

It appearing that the said application was designated for hearing by Commission order of September 6, 1950 and that Eastern States Broadcasting Corporation and Maryland Broadcasting Company, licensees of Stations WSNJ, Bridgeton, New Jersey, and WITH, Baltimore, Maryland, respectively were made parties to the proceeding; and

It further appearing that on November 27, 1950, petition to amend the said application to specify power of 100 watts in lieu of the 250 watts originally specified and to make other changes was granted and the amendment accepted; and

It further appearing that in support of the requested relief petitioner contends, on the basis of field intensity measurements submitted with the said amendment, that no objectionable interference would be involved to Station WSNJ and, on the basis of an interference study using Commission soil map conductivities, that no objectionable interference would be involved with Station WITH; and

It further appearing that in a letter dated November 27, 1950, the licensee of Station WSNJ informed the Commission that it had no objection to a grant of the above-entitled application as amended, but that, on the basis of field intensity measurements submitted in support of its aforesaid opposition which disclosed objectionable interference will be involved with Station WITH, Maryland Broadcasting Company, licensee of Station WITH requests its right to contest a grant of the said application in a hearing;

It is ordered, That the said petition for reconsideration and grant without hearing is denied; and

It is further ordered, That Eastern States Broadcasting Company is removed as a party to the proceeding, that hearing on the above-entitled application shall commence at 10:00 a. m. on April 24, 1951, at Washington, D. C., and that issue 2 in the said order of September 6, 1950, designating the above-entitled application for hearing is amended to delete therefrom specific reference to Station WSNJ, Bridgeton, New Jersey.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2917; Filed, Mar. 5, 1951; 8:53 a. m.]

[Docket No. 9830]

ROBERT S. ROUNSAVILLE (WQXI)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Robert S. Rounsaville (WQXI), Atlanta, Georgia, Docket No. 9830, File No. BP-7645; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of February 1951;

The Commission having under consideration the above-entitled application to change facilities from 790 kilocycles, 5 kilowatts power, daytime only to 790 kilocycles, 1 kilowatt, 5 kilowatts—LS, with a directional antenna for night use, unlimited time, to make changes in the transmitting equipment and to change location designation from Buckhead, Georgia, to Atlanta, Georgia; and

It appearing that the applicant is legally, technically, financially and otherwise qualified to operate Station WQXI as proposed, but that the application may not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on April 18, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WQXI, as proposed, and the character of other broadcast service available to such areas and populations.

2. To determine whether the installation and operation of Station WQXI, as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to coverage to the Atlanta metropolitan district and to the ratio of the population within the normally protected and actual nighttime interference-free contours to the population which would receive satisfactory service.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2914; Filed, Mar. 5, 1951 8:53 a. m.]

[Docket No. 9865]

STATION WTNJ

ORDER CONTINUING HEARING

In the matter of revocation of license of Station WTNJ, Trenton, New Jersey; Docket No. 9865.

The Commission having under consideration the above-entitled matter presently scheduled to be heard on February 26 at Trenton, New Jersey, and March 7 at New York, New York; and on petition filed by counsel for the licensee on February 14, 1951, requesting that the hearing presently scheduled be continued indefinitely, and on supplemental petition for continuance filed by counsel for the licensee on February 19, 1951, requesting that the hearing now scheduled to commence at Trenton, New Jersey, on February 26, 1951, be scheduled to commence at Trenton, New Jersey, on March 16, 1951;

It is ordered, This 21st day of February 1951, that pursuant to petition of counsel for licensee and concurrence by counsel for the Commission, that the hearing in the above-entitled matter is continued to Friday, March 16, 1951, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2919; Filed, Mar. 5, 1951 8:54 a. m.]

[Docket Nos. 9894-9896, 9912]

BOOTH RADIO AND TELEVISION STATIONS, INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Booth Radio & Television Stations, Inc., Lansing, Michigan, Docket No. 9894, File No. BP-7905; John C. Pomeroy, Pontiac, Michigan, Docket No. 9895, File No. BP-7811; Adelaide Lillian Carrell, Flint, Michigan, Docket No. 9896, File No. BP-7840; Harry A. McDonald, Jr. and Ray A. Shapero d/b as Oakland Broadcasting Company, Pontiac, Michigan, Docket No. 9912, File No. BP-7984, for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of February 1951;

The Commission having under consideration the above-entitled application of Harry A. McDonald, Jr. and Ray A. Shapero d/b as Oakland Broadcasting Company for a permit to construct a new standard broadcast station to be operated on the frequency 1460 kilocycles, with a power of 500 watts, daytime only at Pontiac, Michigan;

It appearing that the Commission on January 29, 1951 designated for hearing in a consolidated proceeding the above-entitled applications of Booth Radio and Television Stations, Inc., John C. Pomeroy and Adelaide Lillian Carrell, which hearing is presently scheduled for March 22, 1951;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application of Harry A. McDonald, Jr. and Ray A. Shapero d/b as Oakland Broadcasting Company is designated for hearing in a consolidated proceeding with the other three above-entitled applications, the said hearing to be held at 10:00 a. m. on March 22, 1951, as Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant partnership and its partners to operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the other three applications in the subject proceeding, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and standards of good engineering practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's Order of January 29, 1951 designating for hearing the above-entitled applications of Booth Radio and Television Stations, Inc., John C. Pomeroy and Adelaide Lillian Carroll is amended to include the above-entitled application of Harry A. McDonald, Jr. and Ray A. Shapero d/b as Oakland Broadcasting Company.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2916; Filed, Mar. 5, 1951; 8:53 a. m.]

[Docket Nos. 9910, 9911]

CITY BROADCASTING CORP. AND GARDNER BROADCASTING CO. (WHOB)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of City Broadcasting Corporation, Nashua, New Hampshire, Docket No. 9910, File No. BP-7919; The Gardner Broadcasting Company (WHOB), Gardner, Massachusetts, Docket No. 9911, File No. BP-7980; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of February 1951;

The Commission having under consideration the above-entitled applications of City Broadcasting Corporation for a new standard broadcast station on the frequency 1340 kilocycles, with 250 watts of power, unlimited time at Nashua, New Hampshire; and of The Gardner Broadcasting Company for a change of frequency from 1490 kilocycles to 1340 kilocycles at Station WHOB, Gardner, Massachusetts;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on April 20, 1951, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of City Broadcasting Corporation and the technical, financial and other qualifications of The Gardner Broadcasting Company to operate the proposed station and Station WHOB as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and Station WHOB as proposed, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station at Nashua, New Hampshire, would involve objectionable interference with Station WLNH, Laconia, New Hampshire; and to determine whether the operation of the proposed station and Station WHOB as proposed would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station and Station WHOB as proposed would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station and Station WHOB as proposed would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Northern Broadcasting Corporation, licensee of Station WLNH, Laconia, New Hampshire, is made a party to this proceeding with respect to the application of the City Broadcasting Company only.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2915; Filed, Mar. 5, 1951; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1604]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

NOTICE OF APPLICATION

FEBRUARY 28, 1951.

Take notice that on February 5, 1951, Consolidated Edison Company of New York, Inc. (Applicant), a New York corporation having its principal place of business in New York City, N. Y., filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities hereinafter described.

Applicant seeks authority to install and operate check metering equipment consisting of orifice meters in each of Transcontinental Gas Pipe Line Corporation's meter tubes together with the necessary temperature recorders. The entire installation of Applicant will be adjacent to Transcontinental's own metering installations. Transcontinental's meter tubes will be installed in a metering and regulating station to be constructed and operated on Staten Island by Transcontinental, and will connect through a header at one end of

said station with an extension from Transcontinental's main pipe line at Linden, New Jersey, across Arthur Kill, Staten Island. On the other end of such meter station they will likewise connect with a further pipe line extension of Transcontinental across the Narrows to a point at Bay Ridge in Brooklyn, New York.[1]

The estimated over-all cost of Applicant's proposed facilities will approximate $8,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 21st day of March 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-2897; Filed, Mar. 5, 1951; 8:48 a. m.]

[Docket No. G-1610]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

FEBRUARY 28, 1951.

Take notice that Montana-Dakota Utilities Co. (Applicant), a Delaware corporation, of 831 Second Avenue South, Minneapolis 2, Minnesota, filed on February 13, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the acquisition, construction and operation of certain natural gas facilities described as follows:

(1) Acquire and operate the properties of Billings Gas Company consisting of a desulphurization and dehydration plant in the Garland Field in Big Horn County, Wyoming; a compressor station located in Elk Basin Field in Park County, Wyoming; approximately 88 miles of partially looped pipeline extending from the Garland Field to the City of Billings, Montana; approximately 22 miles of lateral and gathering lines; and the distribution systems serving natural gas at retail in Billings, Laurel, Park City, Silesia, Joliet, Edgar, Fromberg, Bridger, and Belfry, Montana.

(2) Acquire and operate certain of the properties of The Rocky Mountain Gas Company consisting of approximately 41 miles of pipeline supplying gas at retail in Cowley, Lovell and Powell, Wyoming; the distribution systems in Cowley, Lovell and Powell, Wyoming; and a sour gas pipeline extending from the Garland Field to Lovell, Wyoming.

(3) Acquire and operate all of the properties of Big Horn Gas Company consisting principally of approximately 88 miles of pipeline which includes a 12-inch and 14-inch pipeline extending from the Little Buffalo Basin Field in Big Horn County, Wyoming, to Basin and Greybull in Big Horn County, Wyoming; an 8-inch branch line to Worland in Washaki County, Wyoming; and an 8-inch branch line to Grass Creek Field in Hot Springs County, Wyoming.

(4) Construct and operate facilities to interconnect the facilities proposed to be acquired with the Worland Pipe Line (owned by Montana-Wyoming Gas Pipe Line Co. but operated by Applicant), as follows:

(a) Approximately 12½ miles of 8-inch pipeline extending from Elk Basin Compressor Plant of Billings Gas Company to a point on the Worland Pipe Line in Carbon County, Montana.

(b) Approximately 550 feet of 6-inch pipeline connecting the Worland Pipe Line to the Garland-Lovell Pipe Line of The Rocky Mountain Gas Company near the Lovell Town Border Station.

(c) Approximately 3½ miles of 12-inch pipeline connecting the 14-inch line of Big Horn Gas Company with the Worland Compressor Station in Washaki County, Wyoming.

(5) Construction and operation of a compressor station consisting of two 330 hp. compressor units together with dehydration facilities in the Little Buffalo Basin Field.

Two 880 hp. compressor units and other necessary equipment will be constructed at the Worland Compressor Station by Montana-Wyoming Gas Pipe Line Co.[1] but will be operated by Applicant under lease.

The application states that Applicant proposes to operate the facilities to be acquired from Billings Gas Company and The Rocky Mountain Gas Company as a single operating division known as its Billings Division which will be interconnected with Applicant's existing system. Applicant's pipeline and production department will operate the properties to be acquired from Big Horn Gas Company, together with the Worland pipeline.

The application also recites that applicant proposes to continue the natural gas service being rendered by the companies to be acquired and that Applicant expects to expand its facilities to take care of the growing demands within the communities now being served by these companies, but does not contemplate expansion to take in additional communities.

The estimated cost of facilities to be acquired is $4,770,389, and the estimated cost of facilities to be constructed is $1,093,705, making a total over-all cost of acquisition and construction of $5,864,094. Applicant proposes to finance the proposed acquisitions and construction and to fund presently outstanding short term bank loans in the amount of $5,800,000 as one operation by the sale of common and preferred stock and mortgage bonds in the aggregate net amount of $11,500,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 21st day of March 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-2896; Filed, Mar. 5, 1951; 8:47 a. m.]

[Docket No. G-1611]

BILLINGS GAS CO.

NOTICE OF APPLICATION

FEBRUARY 28, 1951.

Take notice that Billings Gas Company (Applicant), a Montana corporation, of Billings, Montana, filed on February 13, 1951, an application pursuant to section 7 (b) of the Natural Gas Act for permission and approval to abandon by sale to Montana-Dakota Utilities Co. all of its facilities, subject to the jurisdiction of the Commission and the service rendered by means of such facilities.

The facilities proposed to be abandoned by sale to Montana-Dakota Utilities Co. are described as follows:

(1) Approximately 87 miles of pipeline extending from the Garland Field in Big Horn County, Wyoming, to Billings, Montana, together with laterals and appurtenant facilities;

(2) A compressor station of 1,335 h. p capacity located in the Elk Basin Field in Park County, Wyoming;

(3) A desulphurization and dehydration plant in the Garland Field;

(4) An underground storage area in the Cloverly Sand in the Elk Basin Field;

(5) Gas distribution systems in Billings, Laurel, Park City, Silesia, Joliet, Edgar, Fromberg, Bridger and Belfry, Montana, and a general office structure and warehouse structure located in Billings, Montana.

A description of the facilities and the services now performed by the Applicant which are proposed to be assumed by Montana-Dakota Utilities Co. are set forth in the application filed by Montana-Dakota at Docket No. G-1610.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 21st day of March 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-2895; Filed, Mar. 5, 1951; 8:47 a. m.]

[Docket No. G-1615]

BROOKLYN UNION GAS CO.

NOTICE OF APPLICATION

FEBRUARY 28, 1951

Take notice that on February 19, 1951 The Brooklyn Union Gas Company (Applicant), a New York corporation having its principal place of business in Brooklyn, New York, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas transmission facilities hereinafter described.

Applicant seeks authorization to construct and operate in its franchise area in the Borough of Brooklyn a 10.75-inch O. D. pipeline approximately 3,700 feet in length extending from a point on its existing 20-inch pipeline at or near the intersection of Penn Street and Bedford Avenue to the Williamsburg Power Plant of the Board of Transportation of the City of New York, together with appurtenant facilities.

The estimated total capital cost of Applicant's proposed construction will approximate $110,000 and will be financed out of funds derived from Applicant's operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 21st day of March 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-2898; Filed, Mar. 5, 1951; 8:48 a. m.]

[Docket No. IT-5519]

BONNEVILLE PROJECT, COLUMBIA RIVER, OREGON-WASHINGTON

NOTICE OF REQUEST FOR APPROVAL OF GENERAL RATE SCHEDULE PROVISION

FEBRUARY 27, 1951.

Notice is hereby given that the Administrator of the Bonneville Project has filed with the Federal Power Commission for confirmation and approval, pursuant to the provisions of the Bonneville Act (50 Stat. 731), as amended, a revision of section 15.1 of its general rate schedule provisions providing for the sale of interruptible power.

The revised proposed General Rate Schedule Provision 15.1 reads as follows:

SECTION 15.1 OF GENERAL RATE SCHEDULE PROVISIONS

(Effective)

15.1 *Sale of interruptible power.* Interruptible power is power which the Administrator agrees by contract to deliver except when curtailed by him upon such reasonable notice as may be specified therein. The wholesale power rate schedules applicable to the sales of firm power by the Administrator shall also apply to sales of interruptible power, subject to the following provisions:

(1) Contract demand and computed demand shall not be considered in the determination of billing demand for interruptible power;

(2) The minimum monthly charge included in such schedules shall not be applied, but a minimum billing demand may be included in any contract which provides that the purchaser will purchase a specified amount of such power, and such minimum billing demand shall apply except when deliveries are curtailed below such amount;

(3) If the Administrator curtails deliveries during any billing period:

(a) The rates per kilowatt and the energy blocks, if any, stated in the schedules shall be prorated according to the ratio of the time in each portion of the billing period during which the same restrictions were continuously in effect to the total time in such billing period, and

(b) The billing demand for interruptible power for such portion of the billing period shall be the highest 30-minute registered demand, adjusted for the average power factor for the entire billing period, less the billing demand for firm power, if any, included in such registered demand.

Any person desiring to make comments or suggestions for Commission consideration with respect to the foregoing should submit the same on or before March 19, 1951, to the Federal Power Commission, Washington, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-2899; Filed, Mar. 5, 1951; 8:49 a. m.]

[Docket No. G-1148]

PHILLIPS PETROLEUM CO.

ORDER FIXING DATE OF HEARING

FEBRUARY 27, 1951.

On December 15, 1950, Phillips Petroleum Company (Phillips) filed a motion seeking an order continuing the hearing in this matter, then set for January 8, 1951, for the duration of the present National Emergency, and in support thereof alleged increased obligations in the national defense effort. On December 19, 1950, the Commission entered an order postponing the hearing to a date to be fixed by further order of the Commission.

Thereafter, the City of Detroit, Michigan, intervener, filed a protest against any continuance. The State of Wisconsin and the Wisconsin Public Service Commission, interveners, filed a motion suggesting that the case be set for a day certain for the taking of a portion of the evidence; and Phillips filed a response in opposition thereto. Intervener Kansas City, Missouri, filed a motion asking that the proceeding be set down for a complete hearing. The County of Wayne, Michigan, intervener, filed a supporting motion favoring the setting of the proceeding for hearing.

The Commission finds: Sufficient cause has not been shown which justifies further postponement of the hearing upon the matters involved in this proceeding.

The Commission orders: The hearing in this proceeding heretofore set for January 8, 1951, be and the same is hereby reset to commence on April 3, 1951, at 10:00 a. m., c. s. t., in the Federal Court Room, U. S. Post Office Building, Bartlesville, Oklahoma.

Date of issuance: February 28, 1951.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-2879; Filed, Mar. 5, 1951; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25879]

RYE FROM MINNESOTA AND WISCONSIN TO PEORIA, ILL.

APPLICATION FOR RELIEF

MARCH 1, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for the Chicago and North Western Railway Company and other carriers named in the application.

Commodities involved: Rye and products thereof, carloads.

From: Duluth, Minn., Itasca, Superior and Superior East End, Wis.

To: Peoria, Ill.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3866, Supp. 1

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2892; Filed, Mar. 5, 1951; 8:46 a. m.]

[4th Sec. Application 25880]

ALCOHOLIC LIQUORS FROM PEORIA AND PEKIN, ILL. TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MARCH 1, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to Agent R. G. Raasch's tariffs I. C. C. Nos. 620 and 699, pursuant to fourth-section order No. 16101.

Commodities involved: Alcoholic liquors, including wine, carloads.

From: Peoria and Pekin, Ill.

To: Specified points in southern territory.

Grounds for relief: Circuitous routes and operation through higher-rated territory.

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[1] See, In the Matter of Transcontinental Gas Pipe Line Corporation, Docket No. G-1414.

[1] See Docket No. G-1229, In the Matter of Montana-Wyoming Gas Pipe Line Co., et al. order of December 1, 1949, Opinion No. 187, wherein the Commission found Montana-Wyoming not to be a "natural-gas company."

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2893; Filed, Mar. 5, 1951; 8:47 a. m.]

[No. 30760]

MISSISSIPPI INTRASTATE EXPRESS RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 14th day of February A. D. 1951.

It appearing, that a petition, dated December 29, 1950, has been filed on behalf of the Railway Express Agency, Incorporated, a common carrier of express, principally by railroad, operating to, from, and between points in the State of Mississippi, averring that in Ex Parte No. 163, Increased Rates and Charges, 1946, 266 I. C. C. 369, 269 I. C. C. 161, by order dated February 20, 1948, and 273 I. C. C. 231, and Ex Parte No. 169, Increased Express Rates and Charges, 1949, 277 I. C. C. 249, this Commission authorized certain increases in interstate express rates and charges throughout the United States, which, with certain other increased express rates and charges published by petitioner on statutory notice have become effective, and that the Mississippi Public Service Commission, by orders dated on and after March 4, 1948, has refused to authorize or permit said petitioner to apply to the transportation of express, moving intrastate by railroad in Mississippi, increases in rates and charges corresponding to those approved for interstate application in the proceedings above cited, or published by petitioner on statutory notice for application on interstate traffic; such refusals being alleged in the manner and to the extent as stated in the said petition dated December 29, 1950, which petition so filed is referred to for greater certainty;

It further appearing, that the said petition brings in issue express rates and charges made or imposed by authority of the State of Mississippi;

It further appearing, that said petitioner alleges that the intrastate express rates and charges which it is required to maintain for the transportation of property as aforesaid, moving intrastate by railroad in Mississippi as a result of such refusals by the Mississippi Public Service Commission, cause undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and undue, unreasonable, and unjust discrimination against interstate and foreign commerce in violation of sections 13 (4) and 15a (2) of the Interstate Commerce Act:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondent hereinafter designated and any other persons interested, to determine whether the express rates and charges of the Railway Express Agency, Incorporated, between points in Mississippi made or imposed by authority of the State of Mississippi cause undue or unreasonable advantage, preference, or prejudice between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce, and to determine what express rates and charges, if any, or what maximum or minimum or maximum and minimum express rates and charges shall be prescribed to remove the unlawful advantage, preference, or discrimination, if any, that may be found to exist;

It is further ordered, That the Railway Express Agency, Incorporated, be, and it is hereby, made respondent to this proceeding; that a copy of this order be served upon said respondent; and that the State of Mississippi be notified of this proceeding by sending copies of this order and of the said petition by registered mail to the Governor of the said State and to the Mississippi Public Service Commission at Jackson, Miss.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be assigned for hearing at a time and place hereafter to be fixed.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2894; Filed, Mar. 5, 1951; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1267]

THE SOUTHERN CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its offices in the city of Washington, D. C., on the 28th day of February A. D. 1951.

The New Orleans Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $5.00 Par Value, of The Southern Company, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to March 9, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2888; Filed, Mar. 5, 1951; 8:46 a. m.]

[File No. 7-1290]

GULF STATES UTILITIES CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of February A. D. 1951.

The New Orleans Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Gulf States Utilities Company, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to March 9, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2889; Filed, Mar. 5, 1951; 8:46 a. m.]

[File No. 70-2529]

REPUBLIC SERVICE CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of February A. D. 1951.

Republic Service Corporation ("Republic"), a registered holding company has filed a post-effective amendment to a declaration heretofore permitted to become effective by the Commission; said amendment having been filed pursuant to section 12 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following:

On December 18, 1950, the Commission approved the sale by Republic of the common stock of Abington Electric Company to Scranton Electric Company ("Scranton"), for a consideration of 60,000 shares of $5 par value common stock of Scranton plus cash, and the distribution by Republic to its stockholders, as a partial liquidating dividend, of 56,259 out of the 60,000 shares of Scranton stock to be received (Holding Company Act Release No. 10292). The Commission's approval of the distribution of the Scranton stock was subject to the condition, among others, that if the proposed distribution were not effected in the year 1950, distribution could not thereafter be effected until Republic should have submitted for the record a statement setting forth the method of distribution and the accounting entries in connection therewith, and until a further order should have been entered by the Commission. The filing states that Republic was unable to effect the proposed distribution in the year 1950.

Republic now proposes to distribute to its stockholders, as a partial liquidating dividend, 56,259 shares of the Scranton stock on the basis of $\frac{1}{10}$ share of Scranton for each share of Republic. The amount of Republic's investment in said shares will be charged to capital surplus, to the extent thereof, and to earned surplus; the par amount of Republic's common stock will not be reduced. Of the remaining 3,741 shares of the Scranton stock not required for such distribution, all but 140 shares have been sold and it is anticipated that these remaining shares will be sold in the near future. Republic proposes to make the distribution, in partial liquidation, on March 12, 1951, to stockholders of record as of February 28, 1951. The shares of Scranton will be transmitted to Republic's stockholders of record by Provident Trust Company of Philadelphia ("Provident"), Distribution Agent. Only full shares of Scranton stock will be distributed, and holders entitled to fractional shares will receive in lieu of fractional shares registered Certificates of Interest in shares of Scranton stock; these Certificates of Interest when accumulated in amounts aggregating one or more full shares may be exchanged for shares of Scranton stock, and, unless so accumulated and presented for whole shares, shall expire at the end of six months after issuance, at which time Provident shall sell the shares of Scranton stock representing unexchanged Certificates of Interest and hold the proceeds for the account of stockholders entitled thereto, subject to subsequent disposition acceptable to Republic and the Commission. Republic agrees to report to the Commission within three months from the date of distribution as to the number of shares of Scranton stock still unclaimed, including such stock to which holders of unexchanged shares of Republic's formerly outstanding preferred stock may be entitled. Republic further agrees, if the Commission deems such action necessary and appropriate, to employ some method of personal solicitation and search, satisfactory to the Commission, for the purpose of locating and notifying holders of Republic's common stock who have not theretofore claimed their distribution of shares of Scranton, and holders of Republic's formerly outstanding preferred stock who have not theretofore exchanged such stock for Republic's common stock.

Republic proposes to publish once a week for three successive weeks in a newspaper of general circulation in New York City a notice of the proposed distribution, and to send a similar notice to its stockholders.

Because of the inability to effect the distribution in the year 1950, the previous estimate of fees and expenses has been revised from $1,300, including legal fees of $500, to $1,800, including legal fees of $800.

Said amendment to the declaration having been filed on February 5, 1951, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the Act, and the Commission not having received a request for hearing with respect to said declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provision of the act and the rules and regulations promulgated thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935, that said declaration, as amended, with respect to the distribution by Republic, as a partial liquidating dividend, to its stockholders of 56,259 shares of the $5 par value common stock of Scranton Electric Company, be, and the same hereby is, permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be, and it hereby is, reserved to determine whether Republic shall be required to employ some method of personal solicitation and search for the purpose of locating and notifying holders of Republic's common stock who shall not have claimed their distribution of shares of Scranton, and holders of Republic's formerly outstanding preferred stock who have not exchanged such stock for Republic's common stock.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2886; Filed, Mar. 5, 1951; 8:45 a. m.]

[File No. 70-2562]

HOPE NATURAL GAS CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of February A. D. 1951.

Hope Natural Gas Company ("Hope"), a subsidiary of Consolidated Natural Gas Company, a registered holding company, having filed an application pursuant to the provisions of sections 9 (a) and 10 of the Public Utility Holding Company Act of 1935 with respect to the following proposed transactions:

Pineville Land Company, Inc., a West Virginia corporation ("Land Company"), proposes to build for its own account, sixteen residences in Wyoming County, West Virginia, and to rent or sell the same to employees of Hope who are badly in need of housing. In order to make this building program possible and to see that its employees are adequately housed it is necessary for Hope to partially finance such residential construction.

Land Company proposes to complete construction of the sixteen residences on or before September 1, 1951. Hope proposes to lend Land Company the sum of fifty-four hundred seventy-five ($5,475.00) dollars for the construction of each of the sixteen residences or an aggregate of $87,600. Each such loan is to be made in three installments as the work on each residence progresses. The first two installments of each loan are to be evidenced by temporary demand notes to be replaced when the third installment of the loan is made by a note for the full amount of the loan payable in monthly installments and maturing in slightly less than twenty years. Each loan is to be further secured by a deed of trust on the property. All notes will bear interest at the rate of four (4) per centum per annum and will be made by the Land Company, R. D. Bailey, W. C. Bailey, Jr., and W. M. Wilkinson, as joint and several makers thereof. These three individuals are the sole stockholders of Land Company and are not affiliated in any way with Hope.

As each residence is completed Land Company will lease the same to an em-

ployee of Hope with an option to purchase the same.

Said application having been filed on January 19, 1951, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application be granted:

It Is Ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said application be, and hereby is, granted forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-2887; Filed, Mar. 5, 1951; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR. 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17337]

GERMAN NATIONALS

In re: Bank account and stock owned by German nationals whose names are unknown. F-28-24581-A-1; E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described in subparagraph 3 hereof is being held by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, for the account of Anglo Dutch Banking & Trading Company, The Hague, Netherlands;

2. That although the names of the owners of the property described in subparagraph 3 hereof are not available, such persons who, if individuals, there is reasonable cause to believe are residents of Germany and, if partnerships, corporations, associations or other business organizations, there is reasonable cause to believe are organized under the laws of, or have or, on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in a blocked account entitled "The Chase National Bank of the City of New York as custodian for Anglo Dutch Banking & Trading Company, The Hague, Netherlands," account numbered F86017, together with all declared and unpaid dividends thereon and any and all rights thereunder and thereto, and

b. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an account entitled "Anglo Dutch Banking & Trading Company A/CB", maintained at said bank and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the persons referred to in subparagraph 2 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of issuing corporation	State of incorporation	Number of shares	Class of shares
General Electric Co., 1 River Rd., Schenectady, N. Y.	New York	50	Common.
Montgomery Ward & Co., Inc., 619 West Chicago Ave., Chicago, Ill.	Illinois	50	Do.
National Dairy Products Corp., 230 Park Ave., New York 17, N. Y.	Delaware	100	Do.
West Kentucky Coal Co., 444 South Main St., Madisonville, Ky.	New Jersey	5	Do.
Central Illinois Public Service Co., 607 Adams St., Springfield, Ill.	Illinois	32	Do.
Central & South West Corp., 902 Market St., Wilmington, Del.	Delaware	64	Do.
Detroit Edison Co., 60 Broadway, New York 4, N. Y.	New York	8	Capital.
The Kansas Power & Light Co., 808 Kansas Ave., Topeka, Kans.	Kansas	12	Common.
Kentucky Utilities Co., 159 West Main St., Lexington, Ky.	Kentucky	32	Do.
North American Co., 60 Broadway, New York 4, N. Y.	New Jersey	50	Do.
Potomac Electric Power Co., 929 E St. NW., Washington, D. C.	Incorporation under the laws of the United States	12	Do.
Public Service Co. of Indiana, Inc., 110 North Illinois St., Indianapolis 9, Ind.	Indiana	8	Do.
Wisconsin Electric Power Co., Public Service Bldg., Milwaukee, Wis.	Wisconsin	13	Do.
Wisconsin Power & Light Co., 122 West Washington Ave., Madison 1, Wis.	do	16	Do.

[F. R. Doc. 51-2866; Filed, Mar. 2, 1951; 8:47 a. m.]

[Vesting Order 17388]

ALEXANDER ALBERT

In re: Bank account owned by Alexander Albert. F-28-7505.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alexander Albert whose last known address is Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Alexander Albert by The Harvard Trust Company, Cambridge, Massachusetts, arising out of a dormant checking account entitled Alexander Albert, maintained at the aforesaid company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 15, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2868; Filed, Mar. 2, 1951; 8:48 a. m.]

[Vesting Order 17389]

HEDWIG BREHMER

In re: Debt owing to and bond owned by the personal representatives, heirs, next of kin, legatees and distributees of Hedwig Brehmer, deceased. F-28-7380.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Hedwig Brehmer, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Ladenburg, Thalmann & Co., 25 Broad Street, New York, New York, representing a blocked account carried on the books of said Ladenburg, Thalmann & Co., in the name of Hedwig Brehmer, and any and all rights to demand, enforce and collect the same, and

b. One (1) New York City 3%, 1977 Bond, of $1,000.00 face value presently in the custody of Ladenburg, Thalmann & Co., 25 Broad Street, New York, New York, in an account in the name of Hedwig Brehmer, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Hedwig Brehmer, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Hedwig Brehmer, deceased, referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 15, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2925; Filed, Mar. 5, 1951; 8:54 a. m.]

[Vesting Order 17394]

VEREINIGTE GLANZSTOFF-FABRIKEN A. G.

In re: Debt owing to Vereinigte Glanzstoff-Fabriken A. G. F-28-4577.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Vereinigte Glanzstoff-Fabriken A. G., the last known address of which is Auerschulstr. 14, Wuppertal Elberfeld, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Commercial National Bank and Trust Company of New York, evidenced by check number 414 in the amount of $2,098.35 and check number 241 in the amount of $2,216.70, representing the April 10, 1940, dividends on Class A and Class B common capital stock of North American Rayon Corporation, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and all rights in, to and under the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Vereinigte Glanzstoff-Fabriken A. G., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 15, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2926; Filed, Mar. 5, 1951; 8:54 a. m.]

[Vesting Order 17402]

WOLFF METTERNICH ZU GRACHT

In re: Stock owned by Wolff Metternich zu Gracht. F-28-31192.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wolff Metternich zu Gracht, whose last known addess is Castle Saltzweg, Euskirchen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Twenty (20) shares of $100.00 par value common capital stock of Baltimore and Ohio Railroad Company, Baltimore and Ohio Building, Baltimore, Maryland, a corporation organized under the laws of the State of Maryland, evidenced by a certificate or certificates presently in the custody of the Belgian-American Banking Corporation, 67 Wall Street, New York 5, New York, in an account entitled "Banque de la Société Générale de Belgique", Liege, Belgium, together with all declared and unpaid dividends thereon,

b. Twenty (20) shares of no par value non-cumulative preferred capital stock of Great Northern Railway, Great Northern Building, Minneapolis, Minnesota, a corporation organized under the laws of the State of Minnesota, evidenced by a certificate or certificates presently in the custody of The Belgian-American Banking Corporation, 67 Wall Street, New York 5, New York, in an account entitled "Banque de la Société Générale de Belgique", Liege, Belgium, together with all declared and unpaid dividends thereon, and

c. That certain debt or other obligation of Belgian-American Banking Corporation, 67 Wall Street, New York 5,

New York, arising out of the receipt on and after May 10, 1940, of cash dividends derived from the shares of stock described in subparagraphs 2-a and 2-b hereof, constituting a portion of the sum of money on deposit in an account maintained by Banque de la Société Générale de Belgique, Liege, Belgium, with the aforesaid banking corporation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Wolff Metternich zu Gracht, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on Febuary 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2927; Filed, Mar. 5, 1951; 8:55 a. m.]

[Vesting Order 17404]

AMANDA MEESKE

In re: Debt owing to Amanda Meeske, also known as Amanda Meske. D-28-12873-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Amanda Meeske, also known as Amanda Meske, whose last known address is Reinsdorf, Dorfstr., 16 Unstr. by Vilzenburg, Kr. Guerfurt, Sacheson, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Amanda Meeske, also known as Amanda Meske, by Platt, Henderson, Warner, Cram & Dickinson, 1115 United States National Bank Building, Portland 4, Oregon, representing the distributive share of Amanda Meeske, also known as Amanda Meske, in the estate of Auguste Miller, deceased, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2928; Filed, Mar. 5, 1951; 8:55 a. m.]

[Vesting Order 17405]

TRANSOCEAN

In re: Debt owing to Transocean. D-28-12968.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Transocean, the last known address of which is Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: Cash in the amount of $1,271.00 as of February 5, 1951 in a special deposit account numbered 19F5875, maintained with the Treasurer of the United States, Treasury Department, Washington 25, D. C., and entitled "Special Deposits, Suspense, Department of State," together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2929; Filed, Mar. 5, 1951; 8:55 a. m.]

[Vesting Order 17406]

BARBARA BRAUKMANN ET AL.

In re: Rights of Barbara Braukmann et al., under insurance contract. File No. F-28-24587-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Barbara Braukmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of John Braukmann, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 100520703, issued by the Metropolitan Life Insurance Company, New York, New York, to John Braukmann, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of John Braukmann, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2930; Filed, Mar. 5, 1951; 8:55 a. m.]

[Vesting Order 17408]

JULIA A. GERMANN

In re: Estate of Julia A. Germann, deceased. File D-28-12948.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanna Haderlein, Rosa Trohs, Antoinette Eichler, Karl Beetz, and George Beetz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to the Estate of Julia A. Germann, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Emma E. Germann Rodington, as executrix, acting under the judicial supervision of the Surrogate Court, County of Kings, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2931; Filed, Mar. 5, 1951; 8:55 a. m.]

[Vesting Order 17409]

HENRY GROOS

In re: Estate of Henry Groos, deceased. File D 28-5176.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kurt Groos, Ilse Groos Lehman, Hedwig Groos, Hans Heinrich Spies and Dieter Arnold, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Henry Groos, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by L. P. Johnson, Co-Executor, acting under the judicial supervision of the County Court of Harlan County, State of Kentucky,

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2932; Filed, Mar. 5, 1951; 8:55 a. m.]

[Vesting Order 17411]

THERESIA HORSINKA

In re: Estate of Theresia Horsinka, deceased. File No. D 17-186.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Horsinka, Emil Horsinka and Karl Horsinka, who on or since the effective date of Executive Order No. 8389, as amended, and on or since December 11, 1941, have been residents of Germany are nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Joseph Horsinka, deceased, except Emilie Kolder (Kolderova), a resident of Czechoslovakia, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof, except Emilie Kolder (Kolderova), a resident of Czechoslovakia, in and to the sum of $9,482.30 deposited with the Treasurer of Mahoning County, Ohio, to the credit of Joseph Horsinka, John Horsinka, Hedwig Hartmann, Francisca Horsinka and Franz Horsinka, pursuant to an order of the Probate Court of Mahoning County, Ohio, entered June 5, 1944, in the matter of the estate of Theresia Horsinka, deceased, together with any accumulations thereon, is property payable or deliverable to or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Treasurer of Mahoning County, Ohio, as depositary, acting under the judicial supervision of the Probate Court of Mahoning County, Ohio;

and it is hereby determined:

5. That the national interest of the United States requires that Joseph Horsinka, Emil Horsinka, and Karl Horsinka be treated as nationals of a designated enemy country (Germany);

6. That to the extent that the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Joseph Horsinka, deceased, except Emilie Kolder (Kolderova), a resident of Czechoslovakia,

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2932; Filed, Mar. 5, 1951; 8:55 a. m.]

are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2933; Filed, Mar. 5, 1951; 8:56 a. m.]

[Vesting Order 17413]

HANS A. SCHLIEPER

In re: Estate of Hans A. Schlieper, also known as Johannes A. Schlieper, deceased. File No. D-28-10944; E. T. sec. 17026.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Annette Casassa Schlieper, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That Olli Dietz, Anni Grote, Irma Verberne, Georg Schlieper and Walter Schlieper, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Hans A. Schlieper, also known as Johannes A. Schlieper, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Annette Schlieper and Charles P. Franchot, as co-administrators, acting under the judicial supervision of the Surrogate's Court, Richmond County, New York;

and it is hereby determined:

5. That the national interest of the United States requires that the said Annette Casassa Schlieper be treated as a national of a designated enemy country (Germany);

6. That to the extent that the persons named in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2934; Filed, Mar. 5, 1951; 8:56 a. m.]

[Vesting Order 17424]

ANNETTE CASASSA SCHLIEPER ET AL.

In re: Interest in household furniture, furnishings, and farm equipment owned by Annette Casassa Schlieper, and others. D-28-1328-B-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Annette Casassa Schlieper, Olli Dietz, Anni Grote and Irma Verberne, whose last known addresses are Garmisch, Partenkirchen, Germany, and Georg Schlieper and Walter Schlieper, whose last known addresses are Barmen, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: An undivided one-half (1/2) interest in household furniture, furnishings, and farm equipment owned by the persons named in subparagraph 1 hereof, located within certain premises situated in the Township of Delaware, County of Pike, State of Pennsylvania, which said personal property is particularly described in Exhibit A, attached hereto and by reference made a part hereof,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

1 2 drawer carved mahogany chest.
2 Walnut highback chairs.
1 Czechoslovakia blue glass vase.
22 pictures.
8 mirrors.
15 throw rugs.
2 9 x 12 rugs.
1 Japanese China set.
3 doz. assorted wine glasses.
1 painted wooden chest.
1 maple set (table and 3 chairs).
4 metal flower stands.
1 Crosley 6 cu. ft. electric refrigerator.
3 metal cabinets.
1 oak kitchen cabinet.
1 Walnut set (table and 4 chairs).
Pots, pans, and dishes.
1 Gov. Winthrop walnut desk.
4 end tables.
1 Mahogany drum table.
1 Half-round imported mahogany cabinet
1 Imported carved chest.
1 Mahogany secretary.
3 Upholstered Cogswell chairs.
1 Upholstered wing chair.
2 Walnut book cases.
9 lamps.
1 Fireplace screen and tool set.
1 Upholstered studio couch.
1 Duncan Phyfe drop-leaf table.
1 Ladder back chair.
Candle holders, vases, and bric-a-brac.
Wall to wall carpet.
2 small carved walnut chests.
2 single beds.
1 Drum table.
2 upholstered chairs.
1 cane seat chair.
1 5-drawer chest.
6 small etchings.
1 wall medicine chest.
1 folding serving table.
1 oil Heatrola.
2 engravings.
3 piece bedroom suite.
1 kidney shaped table with stool.
1 clothes hamper.
1 bedroom set, Curley maple.
1 walnut bedroom set.
7 dresser lamps.
6 piece hickory porch set.
1 metal stand.
1 porch glider.
4 imported (Italian) wall placques.
1 Chinese dinner gong.
1 large imported hand painted vase.
2 metal folding chairs.
1 metal cabinet.
1 wooden chest.
1 tank fire extinguisher.
1 cross cut firewood saw.
1 horse drawn hay cutter.
1 tank type lawn roller.
1 plow.
1 spike drag.
1 Ford home made tractor.
1 14 cell Gould home electric system.
1 hand sled.
2 Walnut bedroom sets.
1 oak smoking stand cabinet style.
1 upholstered davenport.
4 windsor chairs.
1 upholstered love seat.
1 reed rocker.
1 painted kitchen set.
1 maple arm chair.
1 record cabinet.
1 Walnut extension table.
100 pieces of bricabrac.
Miscellaneous drapes, bedding and linens.

[F. R. Doc. 51-2935; Filed, Mar. 5, 1951; 8:56 a. m.]

[Vesting Order 14215, Amdt.]

MARTHA CHARLOTTE FREISE ET AL.

In re: Interests in securities and bank account owned by Martha Charlotte Freise and others.

Vesting Order 14215, dated December 28, 1949, is hereby amended as follows and not otherwise:

By deleting from subparagraphs 5 (a), 5 (b), 5 (d) and 5 (e) of said Vesting Order 14215 the phrase "in an account entitled M. G. Freise, Deceased and/or George E. Fischer" and substituting therefor the phrase "in an account entitled J. Henry Schroder & Co., London, Blocked Account M. G. Freise, Deceased and/or George E. Fischer".

All other provisions of said Vesting Order 14215 and all action taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on February 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2936; Filed, Mar. 5, 1951; 8:56 a. m.]

[Return Order 889]

MRS. MARIA JUSTINA VAN TONGEREN-BOERS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Mrs. Maria Justina van Tongeren-Boers, individually and as guardian of Ellen Dawlat, Ingrid, Hermannus, Ben and Paul van Tongeren, Heemstede, Holland; Claim No. 5922; November 2, 1950 (15 F. R. 7382); An undivided 7 12ths to Mrs. Maria Justina van Tongeren-Boers, individually, and to Mrs. Maria Justina van Tongeren-Boers as Guardian of Ellen Dawlat, Ingrid, Hermannus, Ben and Paul van Tongeren an undivided 5/12ths (being 1/12th to each child) of the following: Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent No. 2,034,467; property described in Vesting Order No. 671 (8 F. R. 5004, April 17, 1943) relating to United States Letters Patent Nos. 2,039,692; 2,111,878; 2,152,114; 2,152,115; 2,205,960; 2,225,808; 2,242,354; 2,265,091; 2,281,962; 2,281,963; 2,281,431, and 2,287,652; and property described in Vesting Order No. 291 (7 F. R. 9834, November 26, 1942), relating to United States Patent Application Serial Nos. 409,905 (now United States Letters Patent No. 2,378,600) and 367,293. The interests and rights (including all royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Hermannus van Tongeren by virtue of an agreement by and between said Hermannus van Tongeren and The Buell Combustion Company, Ltd., a corporation incorporated under the English Companies Act dated April 25, 1934 relating among other things to Patent No. 2,039,692, including all amendments and supplements thereto, including but not by way of limitation the amendment to said agreement, executed April 24 and May 4, 1939 and the amendment to said agreement evidenced by letters dated March 18 and June 17, 1941 between Buell Engineering Company, Inc., and said Hermannus van Tongeren, to the extent owned by Hermannus van Tongeren immediately prior to the vesting thereof by Vesting Order No. 1233 (8 F. R. 7041, May 27, 1943) including royalties in the amount of $120,665.30. This return shall not be deemed to include the rights of any licensees under the above patents, patent applications, or patent contract. In connection with this return, claimant has furnished the Attorney General certain covenants contained in a letter dated September 5, 1950. These covenants, designated Exhibit A, are attached to the determination filed herewith.[1]

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on February 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2937; Filed, Mar. 5, 1951; 8:57 a. m.]

[Return Order 894]

PAULINO TRAVERSO AND AURELIA TRAVERSO

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Paulino Traverso and Aurelia Traverso, Genoa, Italy; Claim No. 14402; January 6, 1951 (16 F. R. 218); $41,382.02 in the Treasury of the United States in two equal shares, one each to Paulino Traverso and Aurelia Traverso. A 1/2 undivided interest each to Paulino Traverso and Aurelia Traverso in the real property described as follows: All that certain lot, piece or parcel of land situate, lying and being near the town of Keswick, County of Shasta, State of California, particularly described as Lot 4, Block 9, as per "Map of South Park, showing Jones Subdivision in Sections 17 and 20, Township 32 North, Range 5 West, M. D. M., Shasta County, California," Records of said Shasta County. All right, title, interest, and claim of any kind or character whatsoever of Aurelia Traverso and Paulino Traverso, and each of them, in and to the Estate of Daniele Ceva, also known as Dan Ceva and D. Ceva, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on February 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2938; Filed, Mar. 5, 1951; 8:57 a. m.]

PAUL ROSENBAUM

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Paul Rosenbaum, Grosse Mohrengasse 22-12, Vienna II, Austria; Claim No. 38915; $2,481.56 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Paul Rosenbaum in and to the trust estate created under Article 11 of the Last Will and Testament of Emil Fuchs, deceased; Guaranty Trust Company of New York, Trustee.

Executed at Washington, D. C., on February 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2939; Filed, Mar. 5, 1951; 8:57 a. m.]

[1] Filed as part of the original document.

FEDERAL REGISTER

VOLUME 16 NUMBER 45

Washington, Wednesday, March 7, 1951

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

ECONOMIC STABILIZATION AGENCY; OFFICE OF PRICE STABILIZATION

Effective upon publication in the FEDERAL REGISTER, a new § 6.218 is added as set out below.

§ 6.218 *Economic Stabilization Agency*—(a) *Office of Price Stabilization.* (1) The initial appointment to not more than 150 positions in grades GS–13 through GS–15.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 51–2958; Filed, Mar. 6, 1951; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; MICHIGAN

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

MICHIGAN

County	Average value	Investment limit
Alcona	$12,000	$12,000
Alger	10,000	10,000
Allegan	16,000	12,000
Alpena	12,000	12,000
Antrim	10,000	10,000
Barry	16,000	12,000
Benzie	12,000	12,000
Branch	17,000	12,000
Calhoun	17,000	12,000
Cass	16,000	12,000
Clinton	18,000	12,000
Dickinson	10,000	10,000
Eaton	18,000	12,000
Genesee	18,000	12,000
Gratiot	19,000	12,000
Hillsdale	17,000	12,000
Huron	18,000	12,000
Ingham	17,000	12,000
Ionia	16,000	12,000
Iosco	11,000	11,000
Iron	10,000	10,000
Isabella	16,000	12,000
Jackson	16,000	12,000
Kalamazoo	17,000	12,000
Kent	16,000	12,000
Lapeer	18,000	12,000
Lenawee	18,000	12,000
Livingston	17,000	12,000
Macomb	20,000	12,000
Manistee	11,000	11,000
Marquette	10,000	10,000
Mason	13,000	12,000
Mecosta	14,000	12,000
Menominee	10,000	10,000
Midland	15,000	12,000
Monroe	20,000	12,000
Montcalm	16,000	12,000
Muskegon	14,000	12,000
Oceana	15,000	12,000
Ogemaw	12,000	12,000
Ontonagon	10,000	10,000
Osceola	12,000	12,000
Oscoda	11,000	11,000
Ottawa	15,000	12,000
Saginaw	20,000	12,000
Saint Clair	19,000	12,000
Saint Joseph	16,000	12,000
Sanilac	18,000	12,000
Shiawassee	17,000	12,000
Tuscola	18,000	12,000
Washtenaw	18,000	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C., 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C., 1003, 1018)

Issued this 1st day of March 1951.

[SEAL] K. T. HUTCHINSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 51–2963; Filed, Mar. 6, 1951; 8:47 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; TENNESSEE

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as

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FEDERAL REGISTER

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amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

TENNESSEE

County	Average value	Investment limit
Hamblen	$12,000	$12,000
Henderson	9,500	9,500
Smith	10,000	10,000
Wilson	10,000	10,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 1st day of March 1951.

[SEAL] K. T. HUTCHINSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 51-2964; Filed, Mar. 6, 1951; 8:47 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS: CONNECTICUT, MASSACHUSETTS, NEW HAMPSHIRE, RHODE ISLAND, VERMONT

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

CONNECTICUT

County	Average value	Investment limit
New London	$15,000	$12,000
Windham	15,000	12,000

MASSACHUSETTS

Berkshire	$15,000	$12,000
[illegible]	15,000	12,000
Franklin	15,000	12,000
Hampden	15,000	12,000
Hampshire	15,000	12,000
Middlesex	15,000	12,000
Worcester	12,000	12,000

NEW HAMPSHIRE

County	Average value	Investment limit
Belknap	$12,000	$12,000
Grafton	11,000	11,000
Merrimack	12,000	12,000

RHODE ISLAND

Washington	$15,000	$12,000

VERMONT

Orleans	$10,000	$10,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

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Assistant Secretary of Agriculture.

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Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

PART 664—TOBACCO

SUBPART—1950 TOBACCO LOAN PROGRAM

Set forth below is the schedule of advance rates, by grades, for the 1950 crop of types 42, 43, and 44 tobacco under the tobacco loan program formulated by Commodity Credit Corporation and Production and Marketing Administration, published July 8, 1950 (15 F. R. 4333).

§ 664.231 *1950 Crop; Ohio Filler Tobacco, Types 42, 43, and 44, Advance Schedule.*[1]

[Dollars per 100 pounds, farm sales weight]

Grade	Advance rate
Fillers (farm wrappers):	
C1MB	35
C1M	30
C2M	27
C3M	24
C4M	21
Crop-run (stripped together):	
X1	26
X2	24
X3	21
X4	16
X5	14
Farm fillers:	
Y1	17
Y2	15
Y3	13

[1] The Cooperative Association through which the loans are made is authorized to deduct from the amount paid to growers $0.50 per hundred pounds to apply against receiving and overhead costs to the Association of the loan operation. Tobacco can be placed under loan only by the original producer. No advance is authorized for tobacco graded W (unsafe keeping order), U (unsound), or N (nondescript).

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interprets or applies sec. 101, 63 Stat. 1051; 7 U. S. C. Sup., 1441)

Issued this 1st day of March 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-2961; Filed, Mar. 6, 1951; 8:47 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 125—STUDENTS

ENDORSEMENT OF PASSPORTS

Correction

In Federal Register Document 51-2696, appearing at page 1900 of the issue for Wednesday, February 28, 1951, the ninth line of paragraph 2 should read "tended and by returning the duplicate".

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 3, Amdt. 10]

PART 60—AIR TRAFFIC RULES

STANDARD INSTRUMENT APPROACH PROCEDURES

Under sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board is empowered to delegate to the Administrator of Civil Aeronautics the authority to prescribe rules, regulations, and standards which promote safety of flight in air commerce, and the Administrator of Civil Aeronautics is empowered to make and amend such general or special rules, regulations, and procedures as he deems necessary to exercise and perform his powers and duties under the act. Under § 60.46 of the Civil Air Regulations the Civil Aeronautics Board has authorized the Administrator of Civil Aeronautics to prescribe standard instrument approach procedures.

Acting pursuant to the foregoing statutes and regulations, standard instrument approach procedures were prescribed. Those procedures are hereby amended. This amendment is made effective without delay, in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

1. The low frequency range procedures prescribed in § 60.46–4 are amended to read in part:

LOW FREQUENCY RANGE PROCEDURES

Station; frequency; identification; class	Minimum initial approach altitude from the direction and radio fix indicated	Final approach range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range—final approach (ft.)	Station to airport: Magnetic bearing (deg.)	Station to airport: Distance (mi.)	Field elevation (ft.)	Ceiling and visibility minimum	Day: Ceiling (ft.)	Day: Visibility (mi.)	Night: Ceiling (ft.)	Night: Visibility (mi.)	If visual contact not established over airport at authorized landing minimums, or if landing not accomplished; remarks
ALLENTOWN, PA. Allentown - Bethlehem - Easton Airport 320 kc; ABE; SBMRAZ-DTV	NE—2,700' (NW crs LaGuardia) E—2,500' (NE crs Willow Grove) SW—2,500' (E crs Harrisburg) W—3,000' (S crs Williamsport) W—3,000' (Slatington FM)	NE	10 mi.—2,600' E side NE crs 15 mi.—2,600' E side NE crs 20 mi.—2,700' E side NE crs 25 mi.—2,700' E side NE crs	1,500	192	2.7	392	R (R) A T	600 600 800 300	1.5 1.0 2.0 1.0	600 600 800 300	2.0 1.5 2.0 1.0	Climb to 2,500' on SW crs within 15 miles. CAUTION: 1,500' terrain on N side NE crs. NOTE: Night landings on Runways 1-19, 11-29, and 9-27 authorized only when flare pots or associated flood lights are used.
CHANUTE (Rantoul), ILL. Chanute AFB 365 kc; RAN; SBMRAZ	NE—1,900' (NW crs La Fayette) SE—1,900' (SW crs La Fayette) SW—2,000' (N crs Effingham) NW—1,900' (SW crs Joliet)	SW	10 mi.—2,000' W side SW crs 15 mi.—2,000' W side SW crs 20 mi.—2,000' W side SW crs 25 mi.—2,000' W side SW crs	1,600	43	3.1	737	R A T	500 800 300	2.0 2.0 1.0	500 800 300	3.0 2.0 2.0	Climb to 1,900' on NE crs.
DES MOINES, IOWA Des Moines Airport 242 kc; DSM; SBRAZ-DTV	N—2,500' (SW crs LaCrosse) E—2,200' (N crs Burlington) S—2,200' (NW crs Kirksville) S—1,940' (Martensdale FM) (final) W—2,500' (Omaha Range)	S	10 mi.—2,100' E side S crs* 15 mi.—2,100' E side S crs* 20 mi.—2,200' E side S crs* 25 mi.—2,200' E side S crs*	*1,600	344	2.2	957	R (R) S# A T	500 500 800 800 500	1.5 1.0 2.0 2.0 1.0	500 500 800 800 300	1.5 1.0 2.0 2.0 1.0	Climb to 2,500' on N crs, or alternate procedure (when directed by ATC), climb to 2,500' on W crs. *If procedure turn is accomplished beyond 10 miles, altitude inbound to Martensdale FM is 1,700'. #Runway 35.
NORFOLK, VA. Norfolk NAS (East Fld) 359 kc; NGU; SBMRLZ	N—1,500' (E crs Langley) E—Minimum en route altitude E—1,500' (NE crs Norfolk) (ORF) E—700' (NE crs Norfolk) (ORF) (final) S—1,500' (NW crs Wakefield) W—1,500' (Echipse FM)	E	10 mi.—1,500' S side E crs 15 mi.—1,500' S side E crs 20 mi.—1,500' S side E crs 25 mi.—1,500' S side E crs	700	276	2.9	15	R (R) S* A T	500 500 800 800 300	1.5 1.0 2.0 2.0 1.0	500 500 800 800 300	1.5 1.0 2.0 2.0 1.0	Make a standard rate climbing turn to the left to 1,500' and return to E crs Norfolk NAS (NGU) range until further advised. *Runway 28.
PERRIN (Sherman), TEX. Perrin AFB 365 kc; PNX; SMRAZ	NE—Minimum en route altitude SE—3,000' (E crs Fort Worth) SW—3,000' (N crs Dallas) NW—3,000' (N crs Fort Worth)	SE	10 mi.—2,500' E side SE crs 15 mi.—2,500' E side SE crs 20 mi.—2,500' E side SE crs 25 mi.—2,500' E side SE crs	1,700	314	3.7	764	R A T	800 800 300	2.0 2.0 2.0	800 800 300	2.0 2.0 3.0	Climb to 3,000' on NE crs.
SCOTTSBLUFF, NEBR. Scottsbluff Airport 311 kc; SUT; SBMRLZ-DTV	NE—5,500' (S crs Rapid City) SE—5,880' (W crs North Platte) SW—6,600' (E crs Cheyenne) NW—Minimum en route altitude	SE	10 mi.—5,600' E side SE crs 15 mi.—NA 20 mi.—NA 25 mi.—NA	5,100	301	3.2	3,995	R (R) A T	500 500 800 300	1.5 1.0 2.0 1.0	500 500 800 300	1.5 1.0 2.0 1.0	Climb to 6,000' on NW crs within 25 miles. NOTE: Lights on request only.
WEST PALM BEACH, FLA. Palm Beach Intn'l Airport 209 kc; PBI; SBMRA-DTV	N—1,500' (SE crs Melbourne) E—Minimum en route altitude S—1,400' (Miami Range) W—Minimum en route altitude	W	10 mi.—1,200' S side W crs 15 mi.—1,200' S side W crs 20 mi.—1,200' S side W crs 25 mi.—1,200' S side W crs	600	89	2.4	19	R (R) S A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,300' on E course.
WILKES-BARRE, PA. Wilkes-Barre-Scranton Airport 272 kc; AVP; SBMRAZ-DTV	E—3,400' (NW crs LaGuardia) S—3,500' (W crs Allentown) SW—4,000' (Selinsgrove Rbn) N—3,300' (SE crs Elmira)	SW	10 mi.—3,500' S side SW crs 15 mi.—3,500' S side SW crs 20 mi.—3,500' S side SW crs 25 mi.—3,500' S side SW crs	2,600	91	4.0	956	R A T	1,000 1,200 600	2.0 2.0 2.0	1,300 1,600 800	2.0 3.0 2.0	Climb to 3,500' on SW crs within 25 miles. CAUTION: High terrain to E, SE, and S of airport within 3 miles.
EL PASO, TEX. El Paso Intn'l Airport 2,000 kc; ELP; SBRAZ-DTV	N—Not authorized N—5,000' (Newman Rbn) E—8,000' (Salt Flat Range) E—5,000' (Hueco Mountain FM) (final)* S—Minimum en route altitude S—5,000' (Chnt Rbn) W—8,500' (Columbus Range) W—6,500' (NE crs ILS)	E	10 mi.—6,500' S side E crs 15 mi.—NA 20 mi.—NA 25 mi.—NA	5,000	257	4.5	3,936	R (R) S A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Make left turn to 125° to intersect S crs; climb to 6,000' on S crs within 25 mi. *Maintain 8,000' until 5 miles W of Hueco Mountain FM. CAUTION: High terrain on N side of E course.
EPHRATA, WASH. Larson AFB (Moses Lake) 2644 ft. (EPH) EMRLZ-DTV	N—Minimum en route altitude E—5,000' (Spokane Range) E—3,500' (Harrington FM) S—Minimum en route altitude W—7,000' (Ellensburg Range)	W	10 mi.—2,500' S side W crs 15 mi.—3,000' S side W crs 20 mi.—3,000' S side W crs 25 mi.—3,000' S side W crs	2,200	88	8.7	1,190	R A T	700 800 300	2.0 2.0 2.0	700 800 300	3.0 3.0 3.0	Climb to 3,200' on E crs within 25 mi. NOTE: Larson AFB HW facility located 20°, 1 mi. from field; Freq-225 Kc. Ident-MSK.

LOW FREQUENCY RANGE PROCEDURES—Continued

Station; frequency; identification; class	Minimum initial approach altitude from the direction and radio fix indicated	Final approach range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range—final approach (ft.)	Station to airport: Magnetic bearing (deg.)	Station to airport: Distance (mi.)	Field elevation (ft.)	Ceiling and visibility minimum	Day: Ceiling (ft.)	Day: Visibility (mi.)	Night: Ceiling (ft.)	Night: Visibility (mi.)	If visual contact not established over airport at authorized landing minimums, or if landing not accomplished; remarks
HARRISBURG, PA. Harrisburg State Airport 242 kc; HAR; SBRAZ-DTV	N—3,500' (E crs Philipsburg) E—2,900' (SW crs Allentown) S—2,500' (NE crs Arcola) W—4,000' (S crs Philipsburg) W—1,500' (New Kingstown FM) (final)	W	10 mi.—2,100' S side W crs 15 mi.—3,000' S side W crs 20 mi.—3,500' S side W crs 25 mi.—3,500' S side W crs	1,500	118	1.1	344	R* A* T#	1,000 1,000 500	2.0 2.0 1.0	1,000 1,000 500	2.0 2.0 2.0	Climb to 2,000' on E crs. *Landing to N authorized daylight only with ceiling 1,500' or better. #Take-off S on N/S runway not authorized.
HOMESTEAD, FLA. Homestead Airport 266 kc; HST; SMRLZ-DTV	N—1,400' (Miami Range) E—1,400' (SE crs Miami) SW—1,400' (E crs Key West) W—Minimum en route altitude	W	10 mi.—1,200' S side W crs 15 mi.—1,200' S side W crs 20 mi.—1,200' S side W crs 25 mi.—1,200' S side W crs	1,200	91	5.5	7	R (R) S A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 500 800 300	1.5 1.5 1.5 2.0 1.0	Climb to 1,400' on E crs.
INDIANAPOLIS, IND. Weir Cook Airport 266 kc; IND, SBRAZ-DTV	E—2,300' (NW crs Cincinnati) S—2,300' (W crs Louisville) W—2,000' (Terre Haute Range) W—1,500' (Clayton FM) (final) NW—2,100' (SE crs La Fayette)	W	10 mi.—2,000' S side W crs 15 mi.—2,000' S side W crs 20 mi.—2,000' S side W crs 25 mi.—2,000' S side W crs	1,500	75	3.2	796	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,300' on E crs. *Runway 9.
Stout Field	E—2,300' (NW crs Cincinnati) S—2,200' (W crs Louisville) W—2,000' (Terre Haute Range) W—1,500' (Clayton FM) (final) NW—2,100' (SE crs La Fayette)	W	10 mi.—2,000' S side W crs 15 mi.—2,000' S side W crs 20 mi.—2,000' S side W crs 25 mi.—2,000' S side W crs	1,500	79	6.1	714	R (R) A T	500 500 800 300	1.5 1.0 2.0 1.0	NA NA NA NA	———	Climb to 2,300' on E crs.
LAFAYETTE, IND. Purdue University Airport 227 kc; LAF; BMRLZ-DTV	NE—2,000' (S crs Goshen) SE—2,100' (E crs Indianapolis) SW—1,900' (N crs Terre Haute) NW—1,900' (NE crs Chanute)	SW	10 mi.—1,800' S side SW crs 15 mi.—1,800' S side SW crs 20 mi.—1,800' S side SW crs 25 mi.—1,800' S side SW crs	1,400	46	2.1	605	R A T	700 800 300	1.5 2.0 1.0	NA NA NA	———	Climb to 2,000' on NE crs. CAUTION: 881' msl stacks, 1.5 mi. NE of airport. NOTE: Minimums apply to DC-3 or smaller acft only.
LUBBOCK, TEX. Lubbock Airport 391 kc; LBB, BMRLZ DTV	N—5,000' (Amarillo Range) E—Minimum en route alt. S—4,500' (NW crs Big Spring) W—6,000' (N crs Hobbs)	W	10 mi.—1,400' S side W crs 15 mi.—1,400' S side W crs 20 mi.—NA 25 mi.—NA	1,400	78	11.5	3,256	R A T	700 800 300	2.0 2.0 1.0	700 800 300	2.0 2.0 1.0	If not contact within 4 mi. after passing range, climb to 4,500' on E crs within 25 mi.

2. The instrument landing system procedures prescribed in § 60.46–9 are amended to read in part:

INSTRUMENT LANDING SYSTEM PROCEDURES

ILS location and range from which initial approach to ILS shall be made	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Magnetic course (degs.)	Transition to ILS: Distance (mi.)	Transition to ILS: Minimum altitude (ft.)	Final ILS approach course; degrees inbound; outbound	Procedure turn minimum on ILS	Minimum altitude at glide path intercept (ft.)	Glide path altitude over markers (ft.): Outer	Glide path altitude over markers (ft.): Middle	Distance from markers to approach end of runway (mi.): Outer	Distance from markers to approach end of runway (mi.): Middle	Field elevation (ft.)	Minimums:	Minimums: Ceiling (ft.)	Minimums: Visibility (mi.)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
BOSTON, MASS. Logan Airport Freq. 109.3 mc Ident. BOS	Boston Range	LOM	230	8.4	1,800	SW 45 225	1,500' S side SW crs	1,800	1,680	230	5.30	0.06	19	R (R) S# A T	600 *500 800 800 300	1.5 1.0 2.4 2.0 1.0	Climb to 1,500' on NE crs of ILS, or alternate procedure (when directed by ATC), make right turn, climb to 1,500' on E crs of Boston. #Runway 33. *600-1 when circling W of airport. CAUTION: Point of touchdown is approximately 3,500' down runway from actual beginning of pavement to allow for clearance of ship channel.
	Int. SW crs Boston & N crs Providence	SW crs ILS	85	11.0	1,800												
	Int. W crs Boston & N crs Providence	LOM	150	16.0	1,800												
	Int. E crs Boston & NE crs Squantum	LOM	260	19.0	1,800												

INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

Terminal	From—	To—	Min. flight altitude (feet)	Dist. (nautical miles)	Final IL S glide course; degrees inbound	Procedure turn minimum on ILS
HOUSTON, TEX. Ellington Field Localizer Course Back Course ILS Localizer Final approach Ident. EFD	Int. E crs 270 and W crs 360 Houston Radio	Int. E crs 270 and W crs 360 Houston Radio	2,000	10	270	Climb to 2,500' on E crs of Houston Radio to 6,000 or as directed by ATC; Climb to 2,500' on SE crs of ILS. #Runway 12.
SAN ANTONIO, TEX. Gen. Arthur Kelly Airport Localizer Course Back Course ILS Localizer Final approach Ident. SAT	San Antonio Radio	NE crs ILS	2,900	2.6	NE 211 31	2,900' N side 2,700' W side 2,700' E side 2,800' S side in 15 miles
	Int. E crs 270 Antonio and SW crs ILS	Int. E crs 270 Antonio NE crs ILS	2,900	1.5		
	Int. SW crs Kelly & SW crs ILS	Int. E crs 270 Antonio & NE crs ILS	2,900	21.2		
	Kelly Radio	SW crs ILS	2,900	1.7		
TOPEKA, KANS. Forbes Field Airport Localizer Course Ident. TOP	Topeka VAR	Outer marker	2,100	2.3	NW 125 305	2,100' W side 2,100' NW crs
	Int. SE crs ILS & S crs Topeka VAR	Outer marker	2,100	12.5		
WASHINGTON, D. C. Washington National Airport Localizer Course Ident. DCA	Washington Radio	Outer marker	1,900	6	22 182	1,900' W side 1,900' S crs
	Int. SW crs Andrews & S crs ILS	Outer marker	1,500	9.6		
WORCESTER, MASS. Worcester Airport Localizer Course Ident. ORH	Int. E crs Westfield & NE crs Hartford	LOM	2,100	21.0	SE 312 132	2,800' E side 2,800' S crs
	Int. W crs Boston & N crs Providence	LOM	2,100	31.5		

These procedures shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-2950; Filed, Mar. 6, 1951; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5629]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BRANDWEIN SPORTSWEAR, INC.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition;* § 3.1325 *Source or origin—Wool Products Labeling Act;* § 3.1900 *Source or origin—Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition—Wool Products Labeling Act;* § 3.1900 *Source or origin—Wool Products Labeling Act.* In connection with the introduction or manufacture for introduction into commerce, or the sale, transportation or distribution of women's coats or other wool products as defined in and subject to the Wool Products Labeling Act of 1939, misbranding such products which contain, purport to contain, or in any way are represented as containing, "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, by failing to securely affix to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter; and, (c) the name of the manufacturer of the wool product, or the name of one or more persons subject to section 3 of the Wool Products Labeling Act of 1939 with respect to such wool product, or the registered identification number of such person or persons, as provided for in Rule 4 of the regulations to such act, as amended; prohibited, subject to the provision, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is ordered, That the respondent, Brandwein Sportswear, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation or distribution of such products in commerce, as "commerce" is defined in the aforesaid acts, do forthwith cease and desist from misbranding women's coats or other "wool products", as defined in and subject to the Wool Products Labeling Act of 1939, which contain, purport to contain, or in any way are represented as containing, "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, by failing to securely affix to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner: (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any non-fibrous loading, filling or adulterating matter; (c) the name of the manufacturer of the wool product, or the name of one or more persons subject to section 3 of the Wool Products Labeling Act of 1939 with respect to such wool product, or the registered identification number of such person or persons, as provided for in Rule 4 of the regulations to such act, as amended;

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and

Provided further, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: December 26, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-2989; Filed, Mar. 6, 1951; 8:50 a. m.]

[Docket 5659]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN TEXTILE CONVERTERS, INC.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition; Wool Products Labeling Act;* § 3.1325 *Source or origin—Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition—Wool Products Labeling Act;* § 3.1900 *Source or origin—Wool Products Labeling Act.* In connection with the introduction or manufacture for introduction into commerce, or the sale, transportation or distribution in commerce, of sweaters or other "wool products", as defined in and subject to the Wool Products Labeling Act of 1939, misbranding such products which contain, purport to contain, or in any way are represented as containing, "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, by failing to securely affix to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter; and, (c) the name of the manufacturer of the wool product, or the name of one or more persons subject to section 3 of the Wool Products Labeling Act of 1939 with respect to such wool product, or the registered identification number of such person or persons, as provided for in Rule 4 of the regulations to such act, as amended;

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and

Provided further, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: December 26, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-2988; Filed, Mar. 6, 1951; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 577—MEDICAL AND DENTAL ATTENDANCE

DISPOSITION OF PATIENTS

Rescind § 577.16 and substitute the following in lieu thereof:

§ 577.16 *Disposition of patients*—(a) *General.* Unless directed by higher authority, the commanding officer of a hospital will not order a patient discharged or transferred from the hospital until, in such commanding officer's opinion, the discharge or transfer in question will not endanger the life of the patient concerned.

(b) *Discharge from hospital of other than military personnel.* (1) Persons other than those in the military service

will be discharged from the hospital when hospital care and treatment is no longer required.

(2) Civilians admitted to Army medical treatment facilities as patients must, in all particulars, conform to the rules and regulations governing the operation of such facilities, and, in the event of failure or refusal to comply therewith, the patient at once becomes liable to discharge from the facility at the discretion of the commanding officer. A patient discharged from the facility for disregard or disobedience of rules and regulations will be refused admission thereto or to any other Army medical treatment facility within 90 days after such discharge, except when, in the opinion of the commanding officer, earlier admission is necessary to save life or to prevent undue suffering. Whenever beneficiaries of the Veterans' Administration are discharged from the facility under the preceding conditions, the commanding officer of the facility involved will forward to the Administrator of the Veterans' Administration through the regional manager, a report giving the reasons for the patient's discharge, together with his full name and address, and condition at the time of discharge. Similar action will be taken in cases of patients who are beneficiaries of other governmental agencies and the reports required above will be sent to the appropriate agency.

(c) *Transfer to other medical treatment facilities.* (1) Patients may be transferred, under proper military authority, from one medical treatment facility to another for further observation, treatment, or disposition.

(2) In the continental United States and, when practicable, overseas, and in all cases where patients are being evacuated to the United States, all complete original clinical records including X-ray films, electrocardiograms, and all pertinent laboratory slides, data, progress notes, etc., will accompany the patient to the medical treatment facility to which he is transferred.

(d) *Discharge from hospital of members of civilian components (ORC, NG, NGUS) not on extended active duty and members of ROTC—(1) Discharge from hospital of personnel of Organized Reserve Corps.* Personnel of the Organized Reserve Corps will be discharged from the hospital when maximum hospitalization benefits have been obtained and further treatment is not indicated.

(i) Personnel who have not completed their tour of active duty will be returned to their duty station.

(ii) Members of the Organized Reserve Corps not on extended active duty hospitalized or rehospitalized for personal injury or for diseases requiring treatment after expiration of the period of active duty during which contracted, will be brought before a board of medical officers (medical board) for final disposition when hospital treatment is no longer necessary, or when discharged upon their own request before maximum hospital improvement has been reached.

(iii) The medical board acting on cases of individuals remaining in hospital subsequent to completion of the period of active duty in which their disability was incurred will recommend the final disposition of the patients, and will incorporate in the proceedings the diagnosis, line of duty status, physical condition on completion of hospitalization, statement that further hospitalization is not required, and a concise medical history of the case. If further medical or surgical treatment will be required after return home, the reasons therefor and the probable duration of such treatment will be included in the proceedings of the medical board. Arrangement for such treatment at Army medical treatment facilities or other authorized facilities as is required after return home, will be made by the patient's local commanding officer with the approval of the commanding general of the continental army concerned. The proceedings of the medical board will be forwarded, in duplicate, to the continental army commander, stating the date upon which hospitalization was terminated. The proceedings will be accompanied by the report of physical examination made by the board on Standard Form 88 (Report of Medical Examination).

(iv) In the event a member of the Organized Reserve Corps not on extended active duty who is eligible for benefits under section 2, act June 20, 1949 (Pub. Law 108, 81st Cong.; 63 Stat. 202; 32 U. S. C. 160a) or under the Career Compensation Act of October 12, 1949 (Pub. Law 351, 81st Cong.; 63 Stat. 802) has suffered a disability which renders him unfit for further military service but further treatment or hospitalization is not indicated, his physical condition will be evaluated by a physical evaluation board with a view toward effecting permanent retirement for physical disability, placing him on the Temporary Disability Retired List, or effecting separation with or without severance pay. Upon completion of the proceedings of the physical evaluation board, the individual will be retained under the jurisdiction of the hospital commander concerned pending final action of the Department of the Army.

(v) When it is determined that a member of the Organized Reserve Corps requires prolonged hospitalization and it is believed he is unfit for further military service, his physical condition will be evaluated as above when he has received maximum hospitalization improvement. Upon completion of review of board proceedings, transfer to a Veterans' Administration facility or other hospital will be effected when authorized. Separation will be effected by the hospital or other appropriate authority. Permanent retirement or placement on the Temporary Disability Retired List will be effected by the Department of the Army.

(2) *Discharge from hospital of National Guard personnel.* (i) Personnel on active duty will be returned to their duty station.

(ii) Personnel of the National Guard and the National Guard of the United States admitted to hospitals under section 3, act June 20, 1949 (Pub. Law 108, 81st Cong.; 63 Stat. 202; 32 U. S. C. 160a) will be discharged from the hospital when maximum hospital improvement has been obtained and further treatment is not indicated. Arrangement for any further treatment at Army medical treatment facilities or other authorized facilities that is required after return home will be made by the patient's local commanding officer with the approval of the Chief, National Guard Bureau. The appropriate State adjutant general will, in all instances, be furnished a copy of notification of disposition of National Guard personnel.

(iii) In the event a member of the National Guard, who is eligible for benefits under act June 20, 1949 (Pub. Law 108, 81st Cong.; 63 Stat. 202; 32 U. S. C. 160a), or under the Career Compensation Act October 12, 1949 (Pub. Law 351, 81st Cong.; 63 Stat. 802) has suffered a disability which renders him unfit for further military service but further treatment or hospitalization is not indicated, his physical condition will be evaluated by a physical evaluation board with a view toward effecting permanent retirement of the individual for physical disability placing him on the Temporary Disability Retired List or effecting separation from the National Guard with or without severance pay.

(iv) When it is determined that a member of the National Guard requires prolonged hospitalization and it is believed he is unfit for further military service, his physical condition will be evaluated as above when he has received maximum hospital improvement. Transfer to a Veterans' Administration facility when authorized or other hospital will be effected when the review of board proceedings is completed. The proper State adjutant general will be notified as in subdivision (ii) of this subparagraph.

(v) Members of the National Guard, except those on extended active duty, will not be separated from their National Guard status by action of hospital authorities.

(3) *Discharge from hospital of members of ROTC.* (i) Members of the ROTC who complete their hospitalization prior to termination of encampment will be discharged from the hospital and returned to their camp.

(ii) Members of the ROTC hospitalized or rehospitalized for personal injury or for diseases requiring treatment after termination of period of encampment during which contracted, will be brought before a board of medical officers (medical board) for final disposition when hospital treatment is no longer necessary, or when discharged upon their own request before maximum hospital improvement has been reached. The provisions of subparagraph (1) (iii) of this paragraph will be complied with where ROTC personnel are concerned.

[AR 40-680, Feb. 15, 1951] (R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-2947; Filed, Mar. 6, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VIII—Defense Transport Administration

LIMITED TEMPORARY GRAIN PORT HANDLING PERMIT REGARDING STORAGE AND HANDLING OF BULK GRAIN FOR EXPORT; GRAIN ON HAND OR LOADED FOR MOVEMENT ON OR BEFORE MARCH 10, 1951

Pursuant to authority vested in me by DTA Delegation 3 (16 F. R. 2104) under General Order DTA 2 (16 F. R. 2046):

This limited temporary grain port handling permit is hereby issued authorizing the operator of any port terminal warehouse to store and handle grain received at, or loaded for movement to, such warehouse on or before March 10, 1951, if, prior to the effective date of said General Order DTA 2, to wit: March 3, 1951, no transportation permit was required by ICC Service Order No. 872, as amended (15 F. R. 9242; 16 F. R. 1549), or by an effective rail tariff provision for the movement of such grain to such warehouse.

This limited temporary permit shall become effective immediately.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title I, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp., E. O. 10200, Jan. 3, 1951, 16 F. R. 61, E. O. 10219, Feb. 28, 1951, 16 F. R. 1983)

Issued at Washington, D. C., this 6th day of March 1951.

H. K. OSGOOD,
Director, Warehousing and Storage Division, Defense Transport Administration.

[F. R. Doc. 51-3092; Filed, Mar. 6, 1951; 12:00 m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 2—RECORDS AND TESTIMONY

DETERMINATIONS AS TO AVAILABILITY OF RECORDS

Section 2.2 is amended by adding at the end thereof a new paragraph, designated as (c) and reading as follows:

(c) In the exercise of the authority conferred in this section, no officer or employee of the Department may disclose a record (or its contents) which is classified as "Top Secret", "Secret", "Security Confidential", or "Restricted" to any person who has not been properly cleared for the receipt of such information; and no officer or employee other than the Secretary, the Under Secretary, an Assistant Secretary, the Administrative Assistant Secretary, or the head of a bureau or office may disclose to a person outside the Department a record (or its contents) which has a non-security designation of "Confidential".

(Sec. 2, 37 Stat. 498; 5 U. S. C. 489. Interprets or applies sec. 1, 39 Stat. 497; 5 U. S. C. 488)

OSCAR L. CHAPMAN,
Secretary of the Interior.

FEBRUARY 28, 1951.

[F. R. Doc. 51-2992; Filed, Mar. 6, 1951; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter C—Carriers by Water

PART 301—REPORTS

ANNUAL REPORT FORM K-A

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 26th day of February A. D. 1951.

The matter of annual reports from carriers by water being under consideration:

It is ordered, That the order dated January 27, 1949, In the Matter of Annual Reports from Carriers by Water of Class A and of Class B (49 CFR 301.10) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1950, and subsequent years as follows:

§ 301.10 *Annual report form prescribed for carriers by inland and coastal waterways of Class A and Class B.* All inland and coastal waterways of Class A and Class B (49 CFR 126.2) subject to the provisions of section 313, Part III of the Interstate Commerce Act, are hereby required to file annual reports for the year ended December 31, 1950, and for each succeeding year until further order, in accordance with Annual Report Form K-A (Inland and Coastal Waterways of Class A and Class B), which is hereby approved and made a part of this order.[1] The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31, of the year following the one to which it relates.

(54 Stat. 933; 49 U. S. C. 904. Interprets or applies 54 Stat. 944; 49 U. S. C. 913)

NOTE: Budget Bureau No. 60-R105.7.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2973; Filed, Mar. 6, 1951; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 986]

[Docket No. AO 196-A 1]

HANDLING OF HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND OF HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO THE MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Junior Ballroom, Multnomah Hotel, 319 Southwest Pine Street, Portland, Oregon, beginning at 9:30 a. m. P. s. t., March 19, 1951, with respect to proposed amendments to the marketing agreement and order (14 F. R. 3660) regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States.

In the past it has been customary to hold hearings in respect to hop marketing agreements and orders in each of the three States of Oregon, Washington, and California. However, limitations as to available personnel and time, resulting from the Defense Program, make it impracticable at this time to hold a hearing at more than one place.

These proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing will be held for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments which are hereinafter set forth, or appropriate modifications thereof.

The Hop Control Board, the administrative agency for the conducting of operations under the aforementioned marketing agreement and order (hereinafter referred to as "the order"), and the United States Hop Growers Association of San Francisco, California, a non-marketing organization of growers, have requested that a hearing be held on the following proposed amendment of the order:

1. Amend the provisions of § 986.1 (f) of the order so as to read as follows:

(f) "Grower" is synonymous with "producer," and means any person who or which is engaged in a proprietary capacity in the commercial production of hops, and who or which is an individual, partnership, corporation, association, or any other business unit who or which: (1) Owns and farms land, resulting in his or its ownership of the hops produced thereon; (2) rents and farms land,

[1] Filed as a part of the original document.

resulting in his or its ownership of all or a portion of the hops produced thereon; or (3) owns land which he or it does not farm and, as rental for such land, obtains the ownership of all or a portion of the hops produced thereon. Ownership of, or leasehold interest in land, and the acquisition, in any manner other than as hereinbefore set forth, of legal title to hops grown thereon shall not be deemed to result in such owners or lessees becoming producers. For the purpose of this definition, the term "partnership" shall be deemed to include a husband and wife, and any others, with respect to land the title to which, or the leasehold interest in which, is vested in them as tenants in common, joint tenants, tenants by the entirety, or, under community property laws, as community property.

2. Amend the provisions of § 986.6 (c) (1) (i) of the order so as to read as follows:

(c) *Apportionment of salable quantity among growers*—(1) *Determination of quantity available for market*—(i) *Determination by Growers Allocation Committee.* As the basis for apportioning equitably among growers the salable quantity of each year's crop, the Growers Allocation Committee each year as early as practicable during or after harvest, shall determine, or cause to be determined under its supervision, the total quantity of hops (net dry weight), meeting the requirements of § 986.5, available for market by each grower from his production of hops during that year. Such determination shall include for each grower, his harvested, unharvested, and total production. Such determination shall include the quantity, if any, of such hops found to have been converted into hop products, except lupulin sweepings shall be included, in the computation, only to the extent of the pounds of lupulin found to be in such quantity of lupulin sweepings. Unharvested hops shall be included only if grown to maturity and remaining unharvested on living vines which remain strung or trained and from which hops have not been picked, and which have not been removed from the wires or poles. In the event any grower does not permit the Growers Allocation Committee, or its representatives, access to any hops grown by that grower, or to any product thereof, or shall fail or refuse to make available to said committee, or its representatives, information relative to such hops or hop products which the Growers Allocation Committee finds to be desirable in order properly to make such determination in accordance with the provisions hereof, the Growers Allocation Committee shall determine or cause to be determined, on the basis of an estimate of the grower's acreage, the average crop conditions in the area, the probable yield per acre on the grower's acreage, and from such other information as is available to it, the respective grower's production as aforesaid. After completing its determination of production by each individual grower, as aforesaid, the Growers Allocation Committee shall, by means of addition, compute the harvested, unharvested, and total production by all growers.

3. Amend the provisions of § 986.6 (c) (1) (ii) of the order so as to read as follows:

(ii) *Preliminary estimates.* The Growers Allocation Committee each year, prior to the start of harvest, or as soon thereafter as practicable, shall determine, or cause to be determined under its supervision, a preliminary estimate of said total quantity of hops which will become available for market by all growers from that year's crop. Said preliminary estimate shall be based upon then current Federal or Federal-State crop estimates, as the case may be, and upon such other relevant data as are available.

4. Amend the provisions of § 986.6 (c) (1) (iii) of the order so as to read as follows:

(iii) *Determination for and protests by members of committee.* The determinations pursuant to subdivision (i) of this subparagraph for each member or alternate member of the Growers Allocation Committee shall not be made by any member or alternate member of such committee, but shall be made, and reported in writing to the Secretary and to the Growers Allocation Committee, by such other qualified person or persons as the Control Board or its authorized representative shall designate for that purpose. Any protest by a member or alternate member of the Growers Allocation Committee concerning such determination shall be made directly to, and be determined by, the Secretary.

5. Amend the provisions of § 986.6 (c) (1) (iv) of the order so as to read as follows:

(iv) *Notice to growers.* The Growers Allocation Committee shall cause to be mailed to each grower notice of the determination pursuant to subdivision (i) of this subparagraph of the respective grower's production for the respective year, and also, the computation of the total quantity determined pursuant to subdivisions (i) and (ii), of this subparagraph, respectively, produced by all growers during that year. The committee shall also publicly announce said computations of said total quantity, both estimated and final.

6. Amend the provisions of § 986.6 (c) (1) (v) of the order so as to read as follows:

(v) *Protests by growers.* Any grower who may be dissatisfied with the determinations pursuant to subdivision (i) of this subparagraph or pursuant to subparagraph (2) of this paragraph, may protest in writing to the Growers Allocation Committee within 10 days of the date of mailing of the notice and if dissatisfied with the decison in regard to such protest may appeal in writing to the Secretary.

7. Amend the provisions of § 986.6 (c) (1) (vi) of the order so as to read as follows:

(vi) *Determination by Secretary.* Upon expiration of the time for protest specified in subdivision (v) of this subparagraph, and after completion of action by that committee upon all protests, the Growers Allocation Committee shall report to the Secretary all findings, determinations, and computations made by or for it pursuant to subdivision (i) of this subparagraph, together with the data on which the same were based. On the basis of such findings, determinations, computations, data, and other pertinent information which the Secretary may have, the Secretary shall determine and notify the Growers Allocation Committee of the harvested, unharvested, and total quantity of hops (net dry weight) meeting the requirements of § 986.5 available for market by each grower from his production of hops during that year: *Provided*, That such determinations shall include the quantity, if any, of such hops converted into hop products except that insofar as lupulin sweepings are concerned there shall be included, in the computation, only the pounds of lupulin in such quantity of lupulin sweepings, and insofar as unharvested hops are concerned, shall include (net dry weight) only hops of that respective year's crop grown to maturity and remaining unharvested on the living vines. The Secretary, after having determined each grower's production, as aforesaid, shall, by means of addition, determine the production by all growers; the total production by all growers is hereinafter referred to as the "aggregate production" for that respective year. Immediately upon receipt of notice thereof from the Secretary, the Growers Allocation Committee shall publicly announce the aforesaid determination by the Secretary.

8. Amend the provisions of the first sentence of § 986.6 (c) (2) (i) of the order so as to change the period at the end thereof to a colon, and so as to add, immediately thereafter, the following: *Provided*, That, if, prior to the determination by the Secretary of the aggregate production of hops by all growers in any year, it should appear to the Growers Allocation Committee, that the harvested quantity exceeds the salable quantity, but, nevertheless, the aforementioned salable percentage will not result in the availability in normal marketing channels of the salable quantity of hops fixed for that year's crop, such percentage may be increased by the Growers Allocation Committee, with the approval of the Secretary, by an amount equal to the ratio of the indicated deficit to the aggregate production of all growers for that year: *And provided further*, That, if it should appear to the Growers Allocation Committee, at any time during a marketing season, that the aggregate quantity of hops harvested from that year's crop, and meeting the minimum standards of quality prescribed herein, will be less than the salable quantity fixed for such year's crop, such salable percentage shall, with the approval of the Secretary, be increased to 100 for that year's crop.

9. Amend the provisions of §§ 986.6 (c) (2) (ii) (*a*) and (*b*) of the order so that they will read, respectively, as follows:

(*a*) *Preliminary.* In order to assist growers to avoid delays in their individual harvesting and marketing, the Control Board, or its authorized representative, each year shall compute an "estimated salable percentage" of estimated aggregate production and shall compute and issue, or cause to be computed and issued, prior to the issuance of final allotments applicable to that year's crop, to any grower who applies therefor to the Growers Allocation Committee, a preliminary allotment representing such proportion of that grower's total production of hops during that year as the Growers Allocation Committee, or its authorized representatives, shall estimate will not be in excess of 50 percent (or such lower percentage as the Control Board, with the approval of the Secretary, may specify) of that grower's estimated salable allotment for that year's crop. Said estimate shall be based upon physical examination of the hop yard, or yards, upon the historical production thereof, upon official crop estimates, and upon such other relevant data as are available.

(*b*) *Supplementary*—(*1*) *Eighty percent basis.* The Control Board, or its authorized representative, shall each year issue, prior to the issuance of final allotments applicable to that year's crop, to any grower who applies therefor to the Growers Allocation Committee, a supplementary allotment representing such proportion of that grower's total production of hops during that year as the Growers Allocation Committee, or its authorized representatives, shall determine will not be in excess of 80 percent of that grower's probable salable allotment for that year's crop: *Provided*, That any such supplementary allotment shall be based upon adequate, but not complete, crop production information available to the Growers Allocation Committee, or its authorized representatives, including, but not limited to bale count data or other reasonably accurate information as to such grower's hop production for that year.

(*2*) *Ninety percent basis.* The Control Board, or its authorized representative, shall issue, prior to the issuance of final allotments applicable to that year's crop, to any grower who applies therefor to the Growers Allocation Committee, a supplementary allotment representing such proportion of that growers' total production of hops during that year as the Growers Allocation Committee, or its authorized representatives, shall determine will not be in excess of 90 percent of that grower's probable salable allotment for that year's crop: *Provided*, That any such supplementary allotment shall be based upon complete crop production information available to the Growers Allocation Committee, or its authorized representatives, including, but not limited to, complete weight data on such grower's harvested hop production and the recommended determination by the Growers Allocation Committee, or its authorized representatives, as to any unharvested hop production for that year, and Federal-State Inspection Service evidence of the meeting of all minimum standard requirements for quality provided for therein, by all harvested hops of such grower for that year.

10. Amend the provisions of § 986.6 (f) of the order so as to read as follows:

(f) *Diversion privileges*—(1) *While in control of the grower.* In the event harvested hops or hop products, in the control of the respective grower thereof, are destroyed or are so damaged or so deteriorated as, in the judgment of the grower to be unmarketable, or, if, because of quality or type, such hops or hop products are unsatisfactory to the grower, such grower may replace such hops (if the lupulin has not been removed therefrom) or such hop products within the limits of his salable allotment for that year's crop, by acquiring uncertificated hops of that year's crop from the growers thereof: *Provided*, That, if the Growers Allocation Committee finds and determines that any substantial portion, or all, of any grower's production (which has been brought to maturity) has been damaged seriously by flood, frost, hail, disease, insects, or other factor, where such cause is found by the Growers Allocation Committee, with the approval of the Secretary, to be of a nature which is not within the control of growers generally, then any such grower shall be issued an exemption certificate by the Hop Control Board entitling him to replace such hops within his salable allotment (in the manner provided herein for replacement of harvested hops) following the diversion of such hops from commercial channels by destroying them or leaving them unharvested; it being understood that this provision does not authorize such action for any grower who fails, or is unable, to protect his crop from normal production hazards: *Provided further*, That such grower shall first submit a written statement to the Growers Allocation Committee, setting forth the year of production, the location, and the quantity of hops he desires to so replace, the name and address of each grower from whom he proposes to acquire uncertificated hops for that purpose, and if the hops to be replaced have been destroyed, the time, place, and cause of such destruction, together with proof of such destruction satisfactory to the Growers Allocation Committee, and makes arrangements with the Growers Allocation Committee whereby the unmarketable, or unsatisfactory, hops which are thus to be replaced will be effectively diverted from or disposed of out of the normal channels of trade, and such disposal or diversion may be in such manner as may be prescribed by the Control Board: *And provided also*, That, any hops so diverted shall not be diverted or disposed of as hop products as defined in § 986.1 (*e*). The selling grower as herein defined shall not be regarded as handling hops within the meaning of this regulation insofar as payment of assessments thereon may be concerned, nor shall the hops sold be considered a part of the selling grower's salable allotment. The Growers Allocation Committee shall prepare, and from time to time shall revise, a list of the names and addresses of growers who report to the Growers Allocation Committee that they have uncertificated hops for sale pursuant to this paragraph; and a list of the names and addresses of growers who report to the Growers Allocation Committee that they desire to purchase or acquire uncertificated hops pursuant to this subparagraph. The Growers Allocation Committee shall make such lists available to any grower or handler of hops at each office of the Control Board.

(*2*) *After leaving control of the grower.* In the event certificated hops or hop products which have left the control of the respective grower thereof (but which were within the continental United States) are destroyed by fire, flood, or other physical cause (not including such causes as mold, insect damage, nor causes for "perished" hops) beyond the control of the owner thereof, or if such hops or hop products are so damaged by such a cause as to be unsatisfactory for market or use, the owner may replace such hops or hop products (within the limits of the certificated weights of such hops or hop products) by acquiring uncertificated hops of that year's crop from the growers thereof: *Provided*, That the said owner shall first submit a written statement to the Hop Control Board setting forth the identity of such destroyed or damaged hops or hop products, including the handling certificate number or numbers, other identification, year of production, and certification weights of the bales or other packages so destroyed or damaged, and the time, place, and cause of such destruction or damage, together with proof of such identity and of such destruction or damage satisfactory to the Growers Allocation Committee: *And provided further*, That the said owner makes arrangements with the Growers Allocation Committee whereby the damaged hops, or hop products, which thus are to be replaced will be diverted from the normal channels of trade, and such diversion shall be in such manner as may be prescribed by the Control Board: *And provided also*, That, prior to the certification of such replacement hops or hop products, the said owner shall submit to the Growers Allocation Committee, in writing, the name and address of each grower from whom he proposes to acquire uncertificated hops for that purpose.

11. Amend the provisions of § 986.7 (b) (1) of the order so as to read as follows:

(1) *Requirement for payment.* Each handler shall pay to the Control Board the assessment provided hereinafter with respect to all hops and hop products which are handled or to be handled by that handler as the first handler thereof, except (i) such hops or hop products as are duly certificated pursuant to § 986.6 (d) (2), and (ii) such hop products as have been derived from duly certificated hops with respect to which such assessment previously had been paid: *Provided*, That any grower who markets or transports to market within the State of production hops produced by that grower, or any hop product produced by that grower from hops produced by that

grower, or hops or hop products acquired pursuant to § 986.6 (f), shall not be deemed to be the first handler thereof insofar only as payment of assessments pursuant to the provisions of this paragraph are concerned, and the person who handles such hops or hop products next following such handling by said grower shall be considered the first handler thereof within the provisions of this section: *And provided further*, That any person other than a grower, who acquires hops or hop products pursuant to § 986.6 (f) shall be deemed to be the first handler of such hops or hop products and shall pay the prescribed assessment thereon. Said assessments shall be paid to the Control Board prior to or at the time of such handling, or at such subsequent time as the Control Board may specify.

12. Amend the provisions of § 986.9 of the order by adding at the end thereof a new paragraph (c), to read as follows:

(c) *Uncertificated hops and hop products*—(1) *Reports by growers.* Each grower shall report to the Growers Allocation Committee, prior to June 15 of each marketing season, the quantities (by years of production stated separately) and locations of all uncertificated hops and hop products owned or controlled by him as of the preceding June 1, and each grower shall also furnish to the Growers Allocation Committee reports containing such information as of such other date or dates as the Growers Allocation Committee may specify.

(2) *Supervision of disposition.* Any grower who desires to dispose of any uncertificated hops or hop products in his possession or control shall first arrange with the Growers Allocation Committee, or its authorized representatives, for supervision of such disposition. The Growers Allocation Committee, or its authorized representatives, shall thereupon provide such supervision at the mutual convenience of such grower and of the committee, or its authorized representatives, and such supervision shall be sufficient to assure disposition consistent with the provisions of this regulation. The requirements set forth in this subparagraph shall cover, but are not limited to, any disposition by destruction, or by sale pursuant to the provisions of § 986.6 (f).

The following amendments are proposed by the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture.

13. Renumber the sections, paragraphs, subparagraphs, and subdivisions throughout the marketing order in accordance with the revised FEDERAL REGISTER regulations, and make similar conforming changes in the numbering of the provisions of the marketing agreement.

14. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto which may result from this hearing.

15. Amend the provisions of § 986.1 of the order by adding the following at the end thereof:

Part and subpart. "Part" means the order regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States shall be a "subpart" of such part.

Copies of this notice of hearing may be obtained from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected, or from any of the Western Marketing Field Offices, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture: 515 SW. Tenth Avenue, Portland 5, Oregon; 335 Fell Street, San Francisco 2, California; and 100 Plaza Building, 921 Tenth Street, Sacramento 14, California.

Issued at Washington, D. C., this 1st day of March 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-2960; Filed, Mar. 6, 1951; 8:47 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 52]

CANNED VEGETABLES OTHER THAN THOSE SPECIFICALLY REGULATED; DEFINITIONS AND STANDARDS OF IDENTITY

NOTICE OF PROPOSED RULE MAKING

Correction

In Federal Register Document 51-2576, appearing at page 1797 of the issue for Saturday, February 24, 1951, the date "July 5, 1949" in the second paragraph, should read "July 15, 1949".

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order No. 2619]

DELEGATION OF AUTHORITY WITH RESPECT TO ACQUISITION OF EXCESS PROPERTY FOR USE IN TERRITORIES AND ISLAND POSSESSIONS

FEBRUARY 28, 1951.

SECTION 1. *Authority delegated.* The authority conferred upon the Secretary of the Interior by section 110 of the Interior Department Appropriation Act, 1951, to request transfers to the Department of the Interior, pursuant to the provisions of section 202 of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C., 1946 ed., Supp. III, 232), of equipment, material, and supplies, excess to the needs of Federal agencies, for use in the operations of the Department in Territories and island possessions of the United States under its jurisdiction, is delegated, severally, to the heads of those bureaus and offices which are conducting operations in the Territories and island possessions in question.

SEC. 2. *Redelegation.* The authority delegated by section 1 of this order may be redelegated to the principal officers of the bureau or office concerned.

(Interior Department Appropriation Act, 1951, sec. 110, Pub. Law 759, 81st Cong.; 41 U. S. C., 1946 ed., Supp. III, 232; sec. 2, Reorg. Plan No. 3 of 1950, 15 F. R. 3174; 5 U. S. C., 1946 ed., 22)

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-2953; Filed, Mar. 6, 1951; 8:46 a. m.]

Southeastern Power Administration

[Administrative Order No. 1]

ADMINISTRATIVE OFFICER

DELEGATION OF AUTHORITY WITH RESPECT TO ENTERING INTO CERTAIN CONTRACTS AND LEASING SPACE IN REAL ESTATE OUTSIDE DISTRICT OF COLUMBIA

JANUARY 5, 1951.

The Administrative Officer may exercise the authority of the Administrator under Departmental Order No. 2509 with respect to:

(a) Entering into contracts for construction, supplies, or services (excepting personal services) in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations when the amount involved is not in excess of $1000.

(b) Leasing space in real estate outside the District of Columbia in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations when the annual rental involved does not exceed $2500.

BEN W. CREIM,
Administrator.

[F. R. Doc. 51-2966; Filed, Mar. 6, 1951; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3397 et al.]

AIRLINE TRANSPORT CARRIERS, INC., ET AL.; TRANSCONTINENTAL COACH TYPE SERVICE CASE

NOTICE OF ORAL ARGUMENT

In the matter of the applications of Airline Transport Carriers, Inc., and other applicants for certificates of public convenience and necessity and/or exemption orders under Title IV of the Civil Aeronautics Act of 1938, as amended, authorizing the establishment of additional transcontinental air transportation between the east and west coasts of the United States.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on April 10, 1951, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., March 1, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-2990; Filed, Mar. 6, 1951; 8:50 a. m.]

[Docket No. 4265]

AIR TRANSPORT ASSOCIATES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF ORAL ARGUMENT

In the matter of the revocation of Letter of Registration No. 1896 issued to Air Transport Associates, Inc.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on March 20, 1951, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., March 1, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-2991; Filed, Mar. 6, 1951; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-884]

SOUTHERN NATURAL GAS CO.

NOTICE OF ORDER DISMISSING APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 1, 1951.

Notice is hereby given that, on February 28, 1951, the Federal Power Commission issued its order entered February 27, 1951, dismissing application for certificate of public convenience and necessity for lack of prosecution in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-2980; Filed Mar. 6, 1951; 8:49 a. m.]

[Docket No. G-887]

ATLANTIC GULF GAS CO.

NOTICE OF OPINION; ORDER REOPENING PROCEEDINGS AND FIXING DATE OF HEARING

MARCH 1, 1951.

Notice is hereby given that, on February 28, 1951, the Federal Power Commission issued its Opinion No. 207 and order entered February 27, 1951, in the above-designated matter, reopening proceedings for further hearing to commence on May 14, 1951, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-2981; Filed, Mar. 6, 1951; 8:49 a. m.]

[Docket Nos. G-1012, G-1263, G-1319, G-1447]

UNITED GAS PIPE LINE CO. ET AL.

NOTICE OF OPINION AND ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 1, 1951.

In the matters of United Gas Pipe Line Company, Docket Nos. G-1447 and G-1263; Texas Eastern Transmission Corporation, Docket No. G-1012; Algonquin Gas Transmission Company, Docket No. G-1319.

Notice is hereby given that, on February 27, 1951, the Federal Power Commission issued its Opinion No. 206 and order entered February 26, 1951, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-2978; Filed, Mar. 6, 1951; 8:49 a. m.]

[Docket No. G-1180]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 1, 1951.

Notice is hereby given that, on February 28, 1951, the Federal Power Commission issued its order entered February 27, 1951, amending order of July 29, 1949, published in the FEDERAL REGISTER on August 5, 1949 (14 F. R. 4866), issuing a certificate of public convenience and necessity in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-2982; Filed, Mar. 6, 1951; 8:49 a. m.]

[Docket No. G-1267]

NORTHEASTERN GAS TRANSMISSION CO.

ORDER REOPENING PROCEEDING AND FIXING DATE OF HEARING

On November 8, 1950, the Commission issued its Opinion No. 202 and accompanying order granting to Northeastern Gas Transmission Company (Northeastern) a certificate of public convenience and necessity in the above captioned docket authorizing the construction and operation of natural gas facilities as specifically described therein.

On December 21, 1950, Northeastern filed a petition for an amendment of said order issued November 8, 1950, requesting that it be authorized to substitute 24-inch pipe for the 20-inch pipe on 144 miles of its Massachusetts main transmission line and that it be authorized to substitute larger pipe sizes for five lateral lines described in the petition.

Pursuant to notice duly given, hearing was held on January 30 and 31, 1951, upon the petition filed December 21, 1950, at which hearings evidence was offered by Northeastern in support of its petition to amend.

On February 5, 1951, the Commission issued its order omitting the intermediate decision procedure, and the record of the hearing held January 30 and 31, 1951, has been certified to the Commission by the Presiding Examiner. All parties participating in that hearing have filed briefs with the Commission.

Upon consideration of the entire record in this matter, including the record of the hearing held January 30 and 31, 1951, and upon consideration of the briefs filed and the arguments made herein, the Commission finds:

(1) The record herein will not permit the granting of the relief requested by Northeastern in its petition filed December 21, 1950.

(2) Although the record will not permit the granting of the relief requested herein, the public interest requires the reopening of the record in these proceedings in order that Northeastern may have a further opportunity to present evidence in support of its petition filed December 21, 1950, and such evidence should be restricted to the issues hereinafter set out.

(3) The record does not show that the additional capacity to be made available through the substitution of larger sizes of pipe as proposed is or will be required by the public convenience and necessity.

(4) The record does not show economic feasibility for each year of the first five years of operation of the enlarged pipeline system proposed by Northeastern in its petition filed December 21, 1950, to amend the certificate heretofore granted to it.

(5) The record shows that prior to the issuance of the Commission's order on November 8, 1950, granting to Northeastern a certificate authorizing the construction and operation of the facilities described therein, the 20-inch pipe referred to in that order was available to Northeastern, whereas the record now shows that such pipe is not scheduled for delivery until commencing in December 1951. The record further shows that schedules for delivery of the 24-inch pipe which Northeastern now proposes to substitute for that authorized are subject to change.

(6) The record herein should be reopened and the petition set for further hearing on the matters and issues mentioned in paragraphs 3, 4, and 5 hereof.

(7) It is reasonable and good cause exists for setting this matter for further hearing on March 8, 1951.

The Commission orders: Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, the record in Docket No. G–1267 is hereby reopened and a public hearing be held herein commencing on March 8, 1951, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., upon the following matters and issues only:

(i) The market requirements proposed to be met by means of the additional capacity to be made available by means of the substitution of larger sizes of pipe as proposed in Northeastern's petition filed December 21, 1950.

(ii) The economic feasibility for each of the first five years of operation of the enlarged pipe line system proposed in Northeastern's petition to amend its certificate.

(iii) The present availability of the 144 miles of 20-inch pipe required for the service authorized in the Commission's order issued herein November 8, 1950, and of the 144 miles of 24-inch pipe proposed to be substituted therefor.

Date of issuance: March 1, 1951.

By the Commission.[1]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51–2977; Filed, Mar. 6, 1951; 8:49 a. m.]

[Docket No. G–1315]

NATURAL GAS SERVICE CORP.

NOTICE OF ORDER TERMINATING PROCEEDING

MARCH 1, 1951.

Notice is hereby given that on February 28, 1951, the Federal Power Commission issued its order entered February 27, 1951, terminating proceeding in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51–2983; Filed, Mar. 6, 1951; 8:50 a. m.]

[Docket Nos. G–1532, G–1574]

KANSAS-NEBRASKA NATURAL GAS CO., INC., AND UNITED GAS PIPE LINE CO.

NOTICE OF FINDINGS AND ORDERS

MARCH 1, 1951.

Notice is hereby given that, on February 28, 1951, the Federal Power Commission issued its findings and orders entered February 27, 1951, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51–2984; Filed, Mar. 6, 1951; 8:50 a. m.]

[1] Dissenting opinion of Commissioner Buchanan filed as part of the original document.

[Docket No. G–1540]

TRANSCONTINENTAL GAS PIPE LINE CORP.

ORDER FIXING DATE OF HEARING

FEBRUARY 27, 1951.

On November 22, 1950, Transcontinental Gas Pipe Line Corporation (Applicant), a Delaware corporation with its principal place of business in Houston, Texas, filed an application for a certificate of public convenience and necessity pursuant to the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities subject to the jurisdiction of the Commission, all as more fully described in such application on file with the Commission and open to the public.

The Commission finds: Applicant has requested that this application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for non-contested proceedings, and it appears to be a proper one for disposition under the aforesaid rule, no request to be heard, protest or petition raising an issue of substance having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on December 7, 1950 (15 F. R. 8685).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held on March 19, 1951, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 1, 1951.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51–2975; Filed, Mar. 6, 1951; 8:48 a. m.]

[Project No. 1971]

IDAHO POWER CO.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

MARCH 1, 1951.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791 (a)–825 (r)) that Idaho Power Company of Boise, Idaho, has made application for license for proposed major project No. 1971 (Oxbow Development) to be located on the Snake River in Adams and Washington Counties, Idaho, and Baker County, Oregon. The proposed project would affect lands of the United States. It would consist of a rockfill dam and gated concrete spillway across Snake River at the Oxbow site creating a reservoir about 13 miles long and covering about 2,000 acres with highwater level at elevation 1,805 feet at the dam; a canal to be excavated across the bow in the river about 1,000 feet long, 275 feet wide at the top; intake works; four 275 foot penstocks; a powerhouse on the Oregon side of the river with installed capacity of about 140,000 kilowatts in 4 units of equal size; three 138-kilovolt transmission lines, one extending about 50 miles to Huntington, another extending approximately 75 miles to Ontario and a third extending to Baker, all in the State of Oregon, and appurtenant facilities.

Any protest against approval of this application or request for hearing thereon, with the reasons for such protest or request, and the name and address of the party or parties so protesting or requesting should be submitted on or before the 16th day of April 1951, to the Federal Power Commission, Washington 25, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51–2976; Filed, Mar. 6, 1951; 8:49 a. m.]

[Project No. 2042]

PUBLIC UTILITY DISTRICT NO. 1 OF PEND OREILLE COUNTY, WASHINGTON

NOTICE OF ORDER ISSUING A PRELIMINARY PERMIT

MARCH 1, 1951.

Notice is hereby given that, on February 2, 1951, the Federal Power Commission issued its order entered February 1, 1951, issuing Preliminary Permit in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51–2979; Filed, Mar. 6, 1951; 8:49 a. m.]

DEPARTMENT OF STATE

[Public Notice 90]

FIELD ORGANIZATION

Notice is hereby given that the Field Organization of the Department of State, as published in the FEDERAL REGISTER for May 3, 1950 (15 F. R. 2498), is amended as follows:

The American Consulate at Isfahan, Iran, was officially opened to the public on February 5, 1951.

The American Consulate at Benghazi, Libya, was officially opened to the public on February 12, 1951.

For the Secretary of State.

H. J. HENEMAN,
Director, Management Staff.

FEBRUARY 21, 1951.

[F. R. Doc. 51–2987; Filed, Mar. 6, 1951; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25881]

SUPERPHOSPHATE FROM SOUTHERN PRODUCING POINTS TO ANTIGO, WIS.

APPLICATION FOR RELIEF

MARCH 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1180.

Commodities involved: Superphosphate (acid phosphate), in carloads.

From: Southern producing points.

To: Antigo, Wis.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1180, Supp. 13.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51–2971; Filed, Mar. 6, 1951; 8:48 a. m.]

[4th Sec. Application 25882]

SCRAP PAPER FROM WASHINGTON, D. C., TO HIGH POINT, N. C.

APPLICATION FOR RELIEF

MARCH 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for Atlantic Coast Line Railroad Company and other carriers named in the application.

Commodities involved: Scrap or waste paper, carloads.

From: Washington, D. C.

To: High Point, N. C.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 929, Supp. 178.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51–2969; Filed, Mar. 6, 1951; 8:48 a. m.]

[4th Sec. Application 25883]

PETROLEUM AND PITCH COKE FROM LOCKPORT AND CHICAGO, ILL., TO NEW YORK AND ONTARIO

APPLICATION FOR RELIEF

MARCH 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for The Atchison, Topeka and Santa Fe Railway Company and other carriers named in the application.

Commodities involved: Pitch coke and petroleum coke, coke breeze and coke screenings, in carloads.

From: Chicago, Ill., and points grouped therewith, and Lockport, Ill.

To: Suspension Bridge and Niagara Falls, N. Y., Chippawa, Port Colborne, Thorold, Welland and Niagara Falls, Ont.

Grounds for relief: Competition with water-rail and rail-water-truck carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51–2968; Filed, Mar. 6, 1951; 8:48 a. m.]

[4th Sec. Application 25884]

AUTOMOBILE PARTS FROM MCKEESPORT, PA., TO TRUNK-LINE AND NEW ENGLAND TERRITORIES

APPLICATION FOR RELIEF

MARCH 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to B&O RR. tariff I. C. C. No. 23682, P RR. tariff I. C. C. No. 3060 and P&LE RR. tariff I. C. C. No. 3379, pursuant to fourth-section order No. 9800.

Commodities involved: Automobile parts, carloads.

From: McKeesport, Pa.

To: Specified points in trunk-line and New England territories.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51–2967; Filed, Mar. 6, 1951; 8:48 a. m.]

[No. 30761]

CANADIAN NATIONAL RAILWAY CO. ET AL.

MINNESOTA INTRASTATE RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 20th day of February A. D. 1951.

It appearing, that in Ex Parte No. 162, Increased Railway Rates, Fares, and Charges, 1946, and Ex Parte No. 148, Increased Railway Rates, Fares, and Charges, 1942, 264 I. C. C. 695, and 266 I. C. C. 537; Ex Parte No. 166, Increased Freight Rates, 1947, 269 I. C. C. 33, 270 I. C. C. 81, 93, and 403; and Ex Parte No. 168, Increased Freight Rates, 1948, 272 I. C. C. 695, and 276 I. C. C. 9, the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for intrastate application throughout the United States, and that increases under such authorizations have been made:

It further appearing, that a petition dated December 22, 1950, has been filed

on behalf of the Canadian National Railway Company and other common carriers by railroad operating to, from, and between points in the State of Minnesota, averring that the Railroad and Warehouse Commission of the State of Minnesota, by various orders, has refused to authorize or permit petitioners to establish for intrastate transportation upon their railroads in Minnesota increases in freight rates and charges corresponding to those authorized by this Commission and made by petitioners for application on interstate traffic in the proceedings above cited; such refusals being alleged in the manner and to the extent as stated in the said petition dated December 22, 1950, which petition so filed is referred to for greater certainty;

It further appearing, that petitioners allege that the refusal of the said Railroad and Warehouse Commission of the State of Minnesota to permit the increases on intrastate traffic referred to in the preceding paragraph causes and results in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce on the one hand and interstate commerce on the other hand, and undue, unreasonable and unjust discrimination against interstate commerce, in violation of sections 3, 13 (4), and 15a (2) of the Interstate Commerce Act;

It further appearing, that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of Minnesota;

And it further appearing, that the investigation hereinafter instituted responsive to the requirements of section 13 is without prejudice to subsequent appropriate consideration on their merits of the arguments made by the Railroad and Warehouse Commission of the State of Minnesota in its answer to the petition:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested, to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Minnesota for the intrastate transportation of property, made or imposed by authority of the State of Minnesota, cause any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges, shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Minnesota subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Minnesota be notified of this proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Railroad and Warehouse Commission of the State of Minnesota at St. Paul, Minn.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be assigned for hearing at such times and places as the Commission may hereafter direct.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2972; Filed, Mar. 6, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1288]

RKO PICTURES CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of March A. D. 1951.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1.00 Par Value, of RKO Pictures Corporation, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to March 22, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2957; Filed, Mar. 6, 1951; 8:46 a. m.]

[File No. 7-1289]

RKO THEATRES CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of March A. D. 1951.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1.00 Par Value, of RKO Theatres Corporation, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to March 23, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2956; Filed, Mar. 6, 1951; 8:46 a. m.]

[File Nos. 54-173, 54-191, 59-66]

STANDARD GAS AND ELECTRIC CO. AND PHILADELPHIA CO.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING; NOTICE OF AND ORDER RECONVENING HEARING; NOTICE OF AND ORDER REOPENING HEARING; AND ORDER FOR CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of March 1951.

In the matters of Standard Gas and Electric Company and Philadelphia Company, File No. 54-191; Standard Gas and Electric Company, File No. 59-66; Philadelphia Company and Standard Gas and Electric Company, File No. 54-173.

I. The Commission on December 31, 1948, entered an order (File No. 59-66) under section 11 (b) (2) of the Public Utility Holding Company Act of 1935 ("act") requiring Standard Gas and Electric Company ("Standard Gas"), a registered holding company and a subsidiary of Standard Power and Light Corporation ("Standard Power"), also a registered holding company, to take appropriate steps to liquidate and dissolve or to recapitalize on the basis of a single class of stock, namely, common stock. (See Holding Company Act Release No. 8773). The aforesaid order reserved jurisdiction to entertain further proceedings relating to the appropriateness of the continued existence of Standard Gas under the standards of section 11 (b) (2) of the act.

At the time the Commission's order of December 31, 1948, was entered there was pending a petition, filed in the United States Court of Appeals for the District of Columbia by Standard Gas and its subsidiary Philadelphia Company ("Philadelphia"), a registered holding company, to review an order of the Commission entered June 1, 1948, requiring, among other things, the liquidation and dissolution of Philadelphia. (See Holding Company Act Release No. 8242). In its Findings and Opinion issued in connection with the order of December 31, 1948, the Commission found that in the event of the affirmance by the Court of Appeals of the Commission's order of June 1, 1948, and in the light of the Commission's earlier findings concerning Philadelphia, there would be no useful purpose served by the survival of Standard Gas as a holding company and that its continued existence would be repugnant to the standards of section 11 (b) (2) of the act in that it would unnecessarily complicate the structure of the holding company system of which it would be a part. On October 10, 1949, the Court of Appeals affirmed the Commission's order of June 1, 1948, and the Court's order has become final. See Philadelphia Company et al. v. S. E. C., 177 F. 2d 720.

II. Notice is hereby given that Standard Gas has filed with the Commission pursuant to section 11 (e) of the act, a plan stated to be for compliance by Standard Gas and Philadelphia with the provisions of section 11 of the act. (File No. 54-191). All interested persons are referred to said plan which is on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized hereinafter.

Standard Gas is solely a holding company. On August 8, 1941, the Commission entered an order which requires Standard Gas to dispose of its holdings of securities in all of its subsidiaries other than the securities of Philadelphia and Public Utility Engineering and Service Corporation, formerly a service company for the Standard Gas system, which is inactive and has no assets other than approximately $140,000 in cash. Standard Gas presently owns 5,024,790 shares or 96.8 percent of the 5,190,852 1/12 outstanding shares of common stock of Philadelphia, which is also solely a holding company. In addition, Philadelphia has outstanding various classes of securities senior to its common stock. A plan for the simplification of the structure of the Philadelphia system is now pending before the Commission. The status of this plan is more fully described in Part III of this notice and order.

Philadelphia's principal subsidiary is Duquesne Light Company ("Duquesne") which supplies electric light and power service in and around Pittsburgh, Pennsylvania. Philadelphia owns all of the common stock and $27,500,000 par value of 4 percent preferred stock of Duquesne. Duquesne's wholly owned subsidiary, Allegheny County Steam Heating Company, is a non-utility company which supplies steam heating service in Pittsburgh. Philadelphia also owns 547,678 shares or 50.9 percent of the 1,076,096 outstanding shares of capital stock of the recently reorganized Pittsburgh Railways Company ("Railways") which operates the local transportation system in the Pittsburgh area. Philadelphia's other holdings consist of all the capital stocks of Equitable Real Estate Company and Equitable Auto Company and $6,500,000 principal amount of twenty-year 3 3/8 percent debentures of Equitable Gas Company, a former public utility subsidiary of Philadelphia.

Standard Gas also owns all the 2,000,000 outstanding shares of common stock of the par value of $10 per share of Wisconsin Public Service Corporation ("Wisconsin"), a public utility company, which directly and through a subsidiary supplies electric and gas service and certain transportation facilities in parts of the states of Wisconsin and Michigan; 1,210,090 shares or 56.18 percent of the 2,153,800 outstanding shares of the common stock of the par value of $10 per share of Oklahoma Gas and Electric Company ("Oklahoma"), a public utility company which provides electric service in parts of the states of Oklahoma and Arkansas; and the capital stock of Horseshoe Lake Oil and Gas Company, an inactive company owning mineral rights estimated to have little, if any, value.

The outstanding securities of Standard Gas as of December 31, 1950, were as follows:

	Principal amount or stated value
Debt:	
4 percent note payable to Standard Power, due Oct. 10, 1951	$983,330
Capital stock:	
Prior preference stock (without par value):	
$7 cumulative ("$7 preference stock"), 368,348 shares	36,834,800
$6 cumulative ("$6 preference stock"), 100,000 shares	10,000,000
$4 cumulative preferred stock (without par value) ("$4 preferred stock"), 757,442 shares	37,872,100
Common stock (no par), 2,162,607 shares	21,626,070

The amounts shown above for the three series of preferred stocks represent aggregate liquidation preferences, exclusive of dividend arrearages, for each series. At December 31, 1950, the arrearages on the $7 preference stock were $102.90 per share aggregating $37,903,009.20; on the $6 preference stock, $88.20 per share aggregating $8,820,000; and on the $4 preferred stock, $71.33 1/3 per share aggregating $54,030,862.67. Current dividends are being paid only on the $7 preference stock and the $6 preference stock.

Under the charter of Standard Gas, the $7 preference stock and the $6 preference stock are entitled to equal first preference to cumulative dividends; on liquidation, whether voluntary or involuntary, are entitled to $100 per share plus dividend arrearages in preference to the junior stocks; and are respectively callable at $115 and $110 per share plus arrearages. The $4 preferred stock is junior to the preference stocks as to dividends; is entitled to cumulative dividends ahead of the common stock; on liquidation, whether voluntary or involuntary, is entitled to $50 per share plus dividend arrearages, after the preference stocks but ahead of the common stock; and is not callable.

In addition to the 4 percent note described above, Standard Power also holds 1,160,000 shares or 53.64 percent of the Common Stock and 40,843 shares or 11.1 percent of the $7 preference stock of Standard Gas. The 4 percent note was issued with the permission of the Commission upon the condition that it would be subject to any infirmities which inhered in the former holdings of Standard Power of Standard Gas securities in exchange for which such note was issued. (See Holding Company Act Release No. 6532). In February 1945 this Commission approved a joint plan filed by Standard Power and Standard Gas under section 11 (e) of the act which proposed that Standard Power's holdings of Standard Gas securities would not be accorded the same treatment as the publicly held securities because of certain claims which had been asserted by a special trustee on behalf of Standard Gas against Standard Power. (See Holding Company Act Release No. 5625.) The joint plan, although approved, was never consummated; both Standard Gas and Standard Power have since withdrawn as parties thereto; and the Commission has dismissed the proceedings in connection therewith. (See Holding Company Act Release Nos. 9960 and 10385.)

It is stated that the plan is designed to effect, in the four steps outlined below, the disposition by Philadelphia and Standard Gas of all of the securities of operating companies owned by them and thereupon to effect the liquidation and dissolution of Standard Gas and either the liquidation and dissolution of Philadelphia or its reduction to a relatively minor holding company with only common stock outstanding.

Step 1. 1. Standard Gas will subscribe for and acquire 121,009 shares of additional common stock of Oklahoma as the result of a common stock offering to its stockholders to be made in the near future by Oklahoma. The total holdings of Standard Gas in Oklahoma will then consist of 1,331,099 shares of common stock. The 2,152,828 shares of common stock of Duquesne without par value now held by Philadelphia will be reclassified into 5,750,000 shares of the par value of $10 per share.

2. After the reclassification of the common stock of Duquesne, Philadelphia will distribute to its stockholders, as a dividend in kind, one share of the reclassified common stock of Duquesne for each 5 shares of the common stock of Philadelphia so that Standard Gas will

receive 1,004,958 shares of such Duquesne stock. No certificates for fractional shares will be issued but in lieu thereof scrip certificates of Duquesne will be distributed.

3. The $7 and $6 preference stocks of Standard Gas will be retired by the delivery in exchange therefor of certificates as follows: $7 preference stock—for each share, including all dividend arrearages, the holder will receive 4.3 shares of common stock of Wisconsin, 2.9 shares of common stock of Oklahoma, and 2.1 shares of common stock of Duquesne. $6 preference stock—for each share and all dividend arrearages the holder will receive 4.0 shares of common stock of Wisconsin, 2.6 shares of common stock of Oklahoma, and 1.7 shares of common stock of Duquesne.

After these exchanges are effected Standard Gas will have remaining 16,103.6 shares of the common stock of Wisconsin, 2,889.8 shares of the common stock of Oklahoma, and 61,427.2 shares of the common stock of Duquesne.

4. On the effective date of Step I, the securities to be issued in exchange to the holders of the $7 and $6 preference stocks will be deposited with an exchange agent and thereupon Standard Gas shall cease to have any rights with respect to such deposited securities and the holders of the $7 and $6 preference stocks shall cease to have any rights as stockholders of Standard Gas except that they shall be entitled to receive their pro rata distribution of the deposited securities.

5. No certificates for fractional shares of common stock of Wisconsin, Oklahoma, or Duquesne will be issued but in lieu thereof there will be issued scrip certificates which when combined in lots representing one or more full shares may be exchanged for common stock. For a period of six months after the effective date of Step I holders of scrip certificates may sell the same or purchase additional scrip without the payment of any commission. The holders of scrip certificates will not be entitled to the rights of stockholders unless and until the scrip is exchanged for stock certificates but upon such exchange the holder shall be entitled to receive an amount equal to all dividends declared upon the shares received by him after the effective date and prior to receipt of the shares. If the scrip certificates are not exchanged within a period of approximately five years such certificates shall become void.

6. Upon delivery of the stock certificates to the exchange agent, the holders of $7 and $6 preference stock shall be entitled to receive from the exchange agent an amount equal to all dividends (less the amount of taxes, if any, which may be imposed or paid thereon) paid or payable to the exchange agent in respect of the common stock of Wisconsin, Oklahoma, and Duquesne exchanged for such certificates of $7 and $6 preference stock.

7. After five years from the date of deposit with the exchange agent as aforesaid, holders of $7 or $6 preference stock shall cease to be entitled to make exchanges for the deposited securities and their certificates shall become void. All the stock of Wisconsin, Oklahoma, or Duquesne remaining in the hands of the exchange agent after five years and all cash received by the exchange agent as dividends on such shares shall be turned over to either Wisconsin, Oklahoma, or Duquesne, as the case may be, free of any further claim of the holders of $7 and $6 preference stocks. Provision is made for yearly notice to be given to the holders of $7 and $6 preference stocks of their rights under Step I of the plan.

8. Following consummation of the preliminary transactions, Standard Gas proposes to request the Commission, pursuant to section 11 (e) of the act, to apply to a Federal district court to enforce and carry out the proposed exchange of securities. The effective date of Step I is to be determined by the Board of Directors of Standard Gas after the court approves such transactions and such date shall be not later than ninety days after the court's decree becomes final. Notice of the effective date will be given by Standard Gas to holders of the $7 and $6 preference stocks by mail and by newspaper publication at least ten days before such effective date.

Step II. 1. After consummation of Step I, Standard Gas will own 5,024,790 shares of the common stock of Philadelphia, 16,103.6 shares of the common stock of Wisconsin, 2,889.8 shares of common stock of Oklahoma, 61,427.2 shares of the common stock of Duquesne, cash in an undetermined amount, and the capital stocks of Public Utility Engineering and Service Corporation and Horseshoe Lake Oil and Gas Company. The outstanding securities of Standard Gas will be its note to Standard Power and its $4 preferred stock and common stock.

2. Standard will sell its holdings of common stock of Wisconsin and Oklahoma. The common stock of Duquesne will be sold or otherwise disposed of unless retained for delivery to Philadelphia as stated in paragraph 3 below. Public Utility Engineering and Service Corporation will be liquidated or the stock thereof otherwise disposed of and the stock of Horseshoe Lake Oil and Gas Company will be sold or otherwise disposed of.

3. Standard Gas will discharge its note to Standard Power in the amount of $983,930 by payment of $578,850 in cash. Appropriate steps will be taken to prosecute or settle any claims of Standard Gas against Standard Power which have been asserted on behalf of Standard Gas by the Special Trustee and any other claims asserted as between Standard Gas and Standard Power.

Any remaining liabilities of Standard Gas will be discharged and thereafter Standard Gas will transfer to Philadelphia all its assets other than the common stock of Philadelphia (including any common stock of Duquesne not otherwise disposed of). Philadelphia will assume all tax and any undetermined liabilities of Standard Gas. In the event the assets of Standard Gas turned over to Philadelphia exceed the liabilities of Standard Gas assumed by Philadelphia, Philadelphia will issue additional common stock to Standard Gas. Following these transactions Standard Gas will dissolve and in this connection will retire its $4 preferred stock and its common stock by exchanging the same for common stock of Philadelphia, on the bases and in the proportions to be fixed in a supplement to the plan.

4. It is stated in the plan that consummation of Step II will necessarily be subject to the prior or simultaneous consummation of Step I. Consummation of Step II is specifically conditioned upon the prior consummation of the Philadelphia plan referred to in Part III hereof.

5. The supplement to the plan mentioned in paragraph 3 immediately above will be filed prior to the completion of the hearings on Step II and such supplement will also contain detailed provisions for declaring Step II effective and for giving notice thereof to security holders.

Step III. While Steps I and II of the plan are in progress, Philadelphia will effect either the dissolution and liquidation of Equitable Real Estate Company and Equitable Auto Company or will sell all their capital stocks owned by it. If either company is dissolved, all or part of its assets may be sold by Philadelphia to Duquesne or Railways. It is stated that Philadelphia also intends to use its best efforts to sell or otherwise dispose of its interest in Railways while Steps I and II are in progress. Any net proceeds received by Philadelphia will either be contributed to Duquesne, invested in additional stock of Duquesne, or applied toward the retirement of Philadelphia's bank loan. Philadelphia proposes to procure the discharge, for a nominal consideration, of its guarantee of certain obligations of Duquesne under a lease from a nonaffiliated company, Monongahela Light and Power Company.

Step IV. 1. Upon consummation of Steps I, II and III of the plan, Philadelphia's security holdings will consist of common stock of Duquesne and, unless the same shall have been previously disposed of by Philadelphia, of 50.9 percent of the common stock of Railways. Philadelphia's capitalization will consist of the then unpaid portion of its bank loan and common stock which will be publicly held except for such shares thereof as may be held by Standard Power.

2. If Philadelphia's holdings of common stock of Railways have been disposed of, Philadelphia will sell enough of the common stock of Duquesne to discharge the bank loan. Philadelphia will then liquidate and dissolve and distribute to its stockholders its remaining holdings of Duquesne common stock except for such amount as may be required to provide for any liability which cannot immediately be liquidated. Any such Duquesne common stock so retained plus any other remaining assets of Philadelphia not required to satisfy the liabilities of Philadelphia will be transferred to Duquesne.

If Philadelphia's holdings of common stock of Railways have not been disposed of, Philadelphia will distribute as a partial liquidating dividend to its stockholders sufficient common stock of Duquesne so that it will retain less than 10 percent of such stock and it will thereupon apply to the Commission for an order declaring it to be no longer a registered holding company under the act and it will continue in existence unless and until it shall have disposed of the Railways stock or until Railways shall have disposed of its assets and liquidated and dissolved. It is stated that upon the eventual disposition of its holdings in Railways, it is presently contemplated that Philadelphia would dissolve and distribute any remaining assets to its stockholders.

3. Standard Gas proposes to request the Commission, pursuant to section 11 (e) of the act, to apply to a Federal district court to enforce the liquidation of Philadelphia unless Philadelphia continues in existence after it shall have ceased to be a registered holding company under the act so contemplated in paragraph 2 immediately above. It is stated that the detailed provisions for consummation of Step IV and for giving notice thereof to security holders will be supplied as a supplement to the plan.

The plan provides that such fees and expenses in connection therewith and any proceedings with respect thereto as the Commission may award or allow shall be paid by Standard Gas to the extent that they relate to Steps I and II and by Philadelphia to the extent that they relate to Steps III and IV except that in either case all fees and expenses in connection with any corporate action or the issuance, exchange, and transfer of securities shall be borne by the acting or issuing corporation.

Consummation of each step of the plan and the transactions incidental thereto is subject to certain conditions among which are the obtaining of all necessary approvals of regulatory agencies having jurisdiction, the securing of satisfactory tax rulings, and the entry by an appropriate court of such decrees or orders as are necessary to enforce and carry out the terms of any such steps or transactions. Standard and Philadelphia reserve the right to modify the provisions of the plan, to vary the sequence in which the various steps and transactions are carried out, and to carry out any step in the plan without regard to the consummation of any other step. Consummation of each step and of any transaction included in each step is conditioned upon the issuance by the Commission of an appropriate order conforming to the requirements of sections 371 and 1808 (f) of the Internal Revenue Code which may be necessary to procure the tax rulings deemed to be satisfactory to Standard Gas and Philadelphia.

III. As noted above, by order of the Commission Philadelphia is required to take appropriate steps to liquidate and dissolve. Standard Gas is directed by the same order to cause this action to be taken.

Philadelphia's outstanding securities as of December 31, 1950, were as follows:

	Principal amount, par value or stated value
Notes payable to banks	$17,500,000
Capital stock:	
Preferred 5 percent noncumulative ("5% preferred stock")	2,300
6 percent cumulative preferred ("6% preferred stock")	24,557,000
$5 cumulative preference ("$5 preference stock")	5,386,800
Common (including outstanding scrip)	37,633,684

The Notes Payable consist of 2 percent unsecured notes, dated August 23, 1950, maturing in one year with options on Philadelphia's part, subject to receipt of this Commission's approval, to renew for two successive one-year periods at an interest rate of 2⅛ percent. The proceeds of these notes were applied by Philadelphia as part of the consideration paid by it in connection with the purchase of the $27,500,000 par value 4 percent series preferred stock of Duquesne. Under the loan agreement, pursuant to which these notes were issued, Philadelphia may not dispose of any Duquesne common stock without the consent of the holders of 66⅔ percent of the principal amount of the notes outstanding.

Under Philadelphia's charter, the 5 percent preferred stock has first preference as to current dividends, but on liquidation is entitled to participate only after the holders of other series of preferred and preference stocks have received their liquidation preference. The 6 percent Preferred Stock is junior to the 5 percent preferred stock as to dividends, but on liquidation is entitled to $50 per share plus accrued dividends in preference to the 5 percent preferred stock and the $5 preference stock. The $5 preference stock has preference as to dividends ahead of the common stock but is junior to the 5 and 6 percent preferred stocks, and on liquidation is entitled to $100 per share plus accrued dividends after the 6 percent preferred stock but before the 5 percent preferred stock and common stock. Both the 5 percent and the 6 percent preferred stocks are non-callable. The $5 preference stock is callable at $110 per share plus accrued dividends.

In addition to its own securities, Philadelphia has guaranteed the payment of cumulative dividends to the extent of 4 percent per annum on the non-redeemable 6 percent cumulative preferred stock ("Consolidated preferred stock") of the Consolidated Gas Company of the City of Pittsburgh, an inactive company which ceased to do business in 1919 and has no assets or income, and of which Philadelphia owns securities representing 71 percent of the voting power. There is publicly outstanding $1,729,800 aggregate par value of such stock, represented by 34,596 shares, $50 par value per share. Philadelphia has treated its guarantee of dividends on this stock as a continuing obligation to pay annually 4 percent of the par value thereof.

As a step in partial compliance with the Commission's above-described outstanding order requiring the liquidation and dissolution of Philadelphia, Standard Gas has heretofore filed with this Commission, pursuant to section 11 (e) of the act, an Amended Plan for Simplification of Corporate Structure of the Philadelphia Company System and certain amendments thereto ("Philadelphia Plan") (File No. 54–173). The Philadelphia Plan provides, among other things, for the retirement by Philadelphia of its presently outstanding 6 percent preferred stock, 5 percent preferred stock, and the Consolidated preferred stock, all of which stocks are non-callable, by the delivery in exchange therefor of securities and cash as follows:

(1) For each share of 5 percent preferred stock, $11 in cash, with adjustments for accrued dividends;

(2) For each share of 6 percent preferred stock, one share of 4 percent series preferred stock of Duquesne, plus $3.50 in cash, with adjustments for accrued dividends; and

(3) For each share of Consolidated Preferred Stock, eighty-five hundredths (0.85) of one share of 4 percent series preferred stock of Duquesne, with adjustments for accrued dividends.

The Philadelphia Plan also states that the $5 Preference Stock will be retired by the delivery in exchange therefor of cash and/or securities and that Standard Gas will file a further amendment setting forth the precise allocations to be made to the holders of such stock and specifying the procedural details in connection therewith.

Hearings on the Philadelphia Plan were held and the record was closed on November 16, 1950. By letter dated February 12, 1951, the Commission advised participants in the Philadelphia Plan proceedings of the post-hearing procedure to be followed. On February 21, 1951, a committee representing holders of the Philadelphia 6 percent preferred stock filed with the Commission a motion requesting that the Commission (a) reopen the record in the Philadelphia Plan proceedings, (b) direct Standard Gas to introduce evidence with respect to the estimated earnings for 1951 of Duquesne and Philadelphia, and (c) postpone the post-hearing procedure heretofore fixed.

IV. The Commission being required by the provisions of section 11 (b) (2) of the act to require by order after notice and opportunity for hearing that each registered holding company and each subsidiary company thereof shall take such steps as the Commission shall find necessary to ensure that the continued existence of any company in the holding company system does not unduly or unnecessarily complicate the structure or unfairly or inequitably distribute voting power among security holders of such holding company system; the Commission being required by the provisions of section 11 (e) of the act, before approving any plan submitted thereunder, to find after notice and opportunity for hearing that the plan, as submitted or as modified, is necessary to effectuate the provisions of subsection (b) of section 11 of the act and is fair and equit-

able to the persons affected thereby; it appearing that evidence with respect to the prospective earnings of Duquesne and Philadelphia will be necessary for the determination of the issues in connection with Step I of the plan filed by Standard Gas and that such evidence will be helpful and relevant to the determination of the issues in connection with the Philadelphia Plan; it further appearing that due to the passage of time and events which have occurred since the hearings were closed on November 16, 1950, the record heretofore made in the Philadelphia Plan proceeding may be inadequate to permit findings as to the prospective earnings of Duquesne and Philadelphia and that the record should be reopened for the limited purpose of taking evidence with respect thereto; and it further appearing appropriate (i) that notice be given and the hearing previously held under section 11 (b) (2) be reconvened in connection with the reservation of jurisdiction as to the continued existence of Standard Gas, contained in the Commission's order dated December 31, 1948, requiring Standard Gas to liquidate and dissolve or to recapitalize on the basis of a single class of stock, namely, common stock, (ii) that notice be given and a hearing be held with respect to Step I of the plan filed by Standard Gas and Philadelphia Company under section 11 (e) of the act and that said plan shall not become effective except pursuant to further order or orders of the Commission, and (iii) that notice be given and the hearing be reopened on the Philadelphia Plan filed under section 11 (e) of the act and that the post-hearing procedure heretofore fixed in such proceeding be vacated; and

It further appearing that common questions of law and fact are involved in the proceeding under section 11 (b) (2) of the act (File No. 59–66), in the proceeding upon the application filed by Standard Gas under section 11 (e) of the act (File No. 54–191), and in the proceeding on the Philadelphia Plan (File No. 54–173); that evidence offered in respect of each of said proceedings may have a bearing on the other and that substantial savings in time, effort, and expense will result if said proceedings are consolidated for the purpose of the hearing hereinafter ordered so that they may be heard as one matter and so that evidence adduced in each proceeding may be considered as evidence in the other; and that at such consolidated hearing the first order of business should be the taking of evidence with respect to the modification of the Commission's order of December 31, 1948, pursuant to section 11 (b) (2) of the act, and the second order of business shall be the taking of evidence with respect to the prospective earnings of Duquesne and Philadelphia:

It is ordered, That the pending proceeding directed to Standard Gas under section 11 (b) (2) of the act (File No. 59–66), the proceeding with respect to the instant plan (File No. 54–191), and the pending proceeding with respect to the Philadelphia Plan (File No. 54–173) be, and they hereby are, consolidated for the purpose of the hearing hereinafter ordered: *Provided*, That the consolidation with respect to the Philadelphia Plan proceeding is solely for the purpose of receiving evidence with respect to the prospective earnings of Duquesne and Philadelphia: *And provided further*, That this order of consolidation is without prejudice to the Commission's right to separate, either for hearing, in whole or in part, or for determination, in whole or in part, any issues or questions hereinafter set forth or which may arise in these proceedings, to separate the proceedings consolidated herein, or to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

It is further ordered, That a public hearing in the consolidated proceeding be held under the applicable provisions of the act and the rules and regulations promulgated thereunder at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on the 9th day of April 1951. On that date the hearing room clerk in Room 193 will advise as to the room in which the hearing will be held. In the event that amendments or supplements are filed during the course of said proceedings, no notice of such amendments or supplements need be given unless specifically ordered by the Commission. Any person not having heretofore appeared in the proceedings at File Nos. 59–66 and 54–173 and desiring to be heard in connection with this consolidated proceeding or proposing to intervene herein shall file with the Secretary of the Commission on or before April 4, 1951, his written request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a Hearing Officer under the Commission's rules of practice.

It is further ordered, That at the consolidated hearing hereinbefore ordered, and as the first order of business, cause shall be shown why the Commission should not enter an order forthwith pursuant to section 11 (b) (2) of the act modifying the Commission's order of December 31, 1948, so as to require Standard Gas to liquidate and dissolve; and as the second order of business, evidence shall be taken with respect to the prospective earnings of Duquesne and Philadelphia.

It is further ordered, That the post-hearing procedure heretofore fixed in the Philadelphia Plan proceeding be, and the same hereby is, vacated and set aside.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the instant plan filed by Standard Gas (File No. 54–191) and that, on the basis thereof, the following matters and questions in connection with Step I are presented for consideration by the Commission without prejudice to the presentation of additional matters and questions upon further examination and without consideration at this time of the issues involved in connection with Steps II, III and IV of such plan:

1. Whether Step I of the plan, as submitted or as it may hereafter be modified, is necessary to effectuate the provisions of section 11 (b) of the act;

2. Whether Step I of the plan, as submitted or as it may hereafter be modified, is fair and equitable to the holders of the outstanding securities of Standard Gas, Philadelphia, and Duquesne and to all other persons whose interest in or whose claims against Standard Gas or Philadelphia by reason of holdings of securities or otherwise may be affected thereby;

3. Whether the proposal to treat Standard Power's holdings of Standard Gas $7 Prior Preference Stock on the same basis as the holdings of public security holders is fair and equitable;

4. Whether it is appropriate for Standard Power to acquire the common stocks of Wisconsin, Oklahoma, and Duquesne which would be exchanged for the holdings of Standard Power of the $7 Preference stock of Standard Gas;

5. Generally, whether the transactions proposed in Step I of the plan are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and of the rules and regulations thereunder, with particular reference to the following proposals: (a) The reclassification of the common stock of Duquesne; and (b) the distribution by Philadelphia of common stock of Duquesne as a dividend in kind;

6. Whether the fees, expenses and other remuneration which may be claimed or paid in connection with Step I of the plan and the transactions incident thereto are for necessary services and are reasonable in amount, and whether the proposed allocation thereof is appropriate;

7. Whether the accounting treatment to be accorded the proposed transactions is proper and in conformity with sound accounting principles and the Commission's Uniform System of Accounts for Public Utility Holding Companies;

8. Whether the plan as submitted or as it may be modified, or a plan filed by any person having a bona fide interest in the proceeding, should be approved by the Commission for the purposes of section 11 (d) of the act, and, if proposed by the Commission or by a person having a bona fide interest, what the terms and provisions of such plan should be;

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on Standard Power; Standard Gas; Philadelphia; Duquesne; Mellon National Bank and Trust Company of Pittsburgh, Pennsylvania; The Chase National Bank of New York, of New York, N. Y.; Continental Illinois National Bank and Trust Company of Chicago, of Chicago, Illinois; Harris Trust and Savings Bank of Chicago, Illinois; Paul D. Miller, Esq.; Alfred Berman, Esq.; W. Howard Dilks, Jr., Esq.; William L. Fox, Esq.; Milton H. Cohen, Esq.; Leo B. Mittelman, Esq.; Harold C. Ackert, Esq.; H. F. Stambaugh, Esq.; A. Albert Minton, Esq.; Marvin M. Notkins, Esq.; Henry C. Herchenroether; Morton C. Rosenberg, Esq.; Edmond M. Hanrahan, Esq.; I. T. Flatto, Esq.; Lewis Schimberg, Esq.; the Pennsylvania Public Utility Commission; the Federal Power Commission, and the City of Pittsburgh, Pennsylvania and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to persons on the mailing list for releases under the act, and that further notice shall be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That Standard Gas shall give further notice of this hearing to all of its security holders (insofar as the identity of such security holders is known or available to it) by mailing to each of said persons a copy of this notice and order to his last known address at least 20 days prior to the date of said hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51–2954: Filed, Mar. 6, 1951; 8:46 a. m.]

[File No. 70–2571]

UNITED GAS CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 1st day of March A. D. 1951.

United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, having filed an application-declaration, and an amendment thereto, under the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7, and 12 (e) thereof, and Rules U-62 and U-65 thereunder regarding certain proposed transactions which may be summarized as follows:

United proposes to solicit the affirmative vote of the holders of its outstanding bonds and if such solicitation is successful, proposes to modify in the respects hereinafter described its Mortgage and Deed of Trust dated as of October 1, 1944, made by United in favor of Guaranty Trust Company of New York and Henry A. Theis (Herbert Twyeffort, Successor) as Trustees, as supplemented by a First Supplemental Indenture dated as of July 1, 1947, and a Second Supplemental Indenture dated as of January 1, 1950 (hereinafter collectively referred to as "the Mortgage").

United owns all of the outstanding securities of United Gas Pipe Line Company ("Pipe Line") and Union Producing Company ("Union"). The securities of these subsidiaries are pledged with the Trustees under the Mortgage securing United's outstanding $106,345,000 principal amount of 2¾ percent bonds series due 1967, and $24,649,000 principal amount of 2¾ percent bonds series due 1970. The securities of Pipe Line presently pledged with the Trustees of United's Mortgage consist of the following: $51,003,000 principal amount First Mortgage 4 percent bonds series due 1962, 100,000 shares of no par value common stock and 3 percent notes of an aggregate principal amount of $5,000,000 payable to United; and the securities of Union so pledged consist of $34,000,000 principal amount of 6 percent debentures due March 1, 1952, and 50,000 shares of no par value common stock.

The proposed modification is concerned with sub-section (I) of section 56 of the Mortgage. This subsection now requires the pledge of all stock at any time owned by United of all subsidiary Companies as defined in the Mortgage, and all debt at any time owned by it of any "Class 'A' Subsidiary," as defined in the Mortgage, (presently Pipe Line) or Union (or any successor) except certain indebtedness not in excess of $3,000,000 at any one time outstanding with respect to any one "Class 'A' Subsidiary" or Union and not in excess of $5,000,000 at any one time outstanding with respect to all "Class 'A' Subsidiaries" and Union acquired after the date of the initial issue of bonds under the Mortgage and not made the basis of a credit under the Mortgage. Bonds were initially issued under the Mortgage in 1944.

It is stated that because of the more rapid growth and development of the properties of Pipe Line as compared with those of United, the practical application of the provisions of subsection (I) of section 56 of the Mortgage impedes the free flow of cash between United and Pipe Line. As an illustration, the application - declaration recites, United through the media of downstream loans to Pipe Line, evidenced by promissory notes, has made available to Pipe Line temporary funds with which to meet its construction needs. In this connection, with the approval of this Commission, United recently loaned to Pipe Line an aggregate of $8,000,000 evidenced by the latter's 3 percent promissory notes made to United or order. Of these notes, $3,000,000 principal amount was retained in the portfolio of United and $5,000,000 principal amount was pledged with the Corporate Trustee in accordance with the provisions of subsection (I) of section 56 of the Mortgage. The notes so pledged with the Corporate Trustees remain unfunded indebtedness and any cash substituted therefor or in payment of such notes remains unfunded cash. Thereafter, Pipe Line paid the promissory notes ($3,000,000) held by United in its portfolio as referred to above and despite the fact that there was no unpledged indebtedness between United and Pipe Line, United was unable to draw down up to $3,000,000 of the $5,000,000 of notes held by the Corporate Trustee because the Mortgage in its present form provides no express provisions whereby pledged debt will be automatically released to the extent of the retirement of free debt. Nor could United draw down any cash substituted for or in payment of such notes without certifying property additions on a dollar for dollar basis, although such property additions of United would remain fundable additions.

Because of the much more substantial construction program in Pipe Line and its corresponding need for larger sums of money and since United can use only its own property additions to draw down cash proceeds of debt pledged with the Trustee under subsection (I) of section 56 of the Mortgage, such cash, although remaining unfunded cash, is sterilized in the hands of the Trustee until United is able to certify its own property additions (which remain fundable) as the basis for the release of funds. Since under the Mortgage, Pipe Line can only finance its construction needs through the sale of securities to United or temporary downstream loans from United to Pipe Line, later to be converted into long-term indebtedness through the issue and sale of securities by Pipe Line to United (which long-term securities must be pledged with the corporate trustee), the operation of subsection (I) of section 56 impairs the flow of cash and in the opinion of the management will continue to sterilize substantial amounts of cash in the hands of the Corporate Trustee.

It is proposed to modify subsection (I) of section 56 so that it will be unnecessary for United (except in the case of bonds of Pipe Line or any other Class "A" Subsidiary secured by a Subsidiary Mortgage) to pledge with the Corporate Trustee, debentures, notes or other unsecured indebtedness of Pipe Line or any other Class "A" Subsidiary owned by United and United will be permitted to retain such debentures, notes or other unsecured indebtedness in its securities' portfolio, but any such retained debentures, notes or other unsecured indebtedness will not be transferable except to the Corporate Trustee and by their terms will not be enforceable against or payable out of Mortgaged and Pledged Property of Pipe Line or any other Class "A" Subsidiary or out of proceeds of Mortgaged and Pledged Property. In addition restrictions are imposed with respect to the aggregate principal amount of such retained indebtedness to the effect that (a) the aggregate principal amount of such retained indebtedness shall not be in excess of two-thirds of the aggregate principal amount of all bonds of Pipe Line or any other Class "A" Subsidiary previously issued under the Pipe Line Mortgage or corresponding provisions of another Subsidiary Mortgage, and (b) the aggregate principal amount of all indebtedness of a Class "A" Subsidiary (except certain Permitted Indebtedness) shall not exceed seventy percent of the capitalization of the Class "A" Subsidiary as shown on its books. The proposed modification, it is represented, will not affect the limitations provided in subsection (I) of section 56 with respect to Union Producing Company. Union's debt securi-

ties pledged with the Corporate Trustee are not secured by a mortgage on its properties. Furthermore, Union's construction and development program has not been comparable in size or scope with that of Pipe Line, and its indebtedness to United in excess of the permitted maximum pledged with the Corporate Trustee could be unblocked by use of United's property additions.

The Mortgage provides for its modification by the affirmative vote of the holders of 70 percent in principal amount of bonds outstanding, by a resolution of bondholders adopted at a meeting called for such purpose and upon approval of such resolution of the bondholders by a resolution of the Board of Directors of United.

United has engaged the firm of Dillon, Read & Co., Inc., representatives of which will assist United in the solicitation of proxies from United's registered and bearer bondholders for use at the meeting of bondholders to be called for April 3, 1951. United will pay Dillon, Read & Co., Inc., such sum, based upon services rendered, as may be agreed upon between United and Dillon, Read & Co., Inc., and as may be approved as not unreasonable by this Commission.

Said application-declaration having been filed on February 13, 1951, and the last amendment thereto having been filed on February 28, 1951, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration, as amended, and not having ordered a hearing thereon; and

The Commission finding with respect to all of the transactions proposed in said application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, subject to a reservation of jurisdiction to determine the appropriateness and reasonableness of all fees and expenses incurred or to be incurred directly or indirectly by United in connection with the proposed transactions, as to which the record is not now complete, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said amended application-declaration be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be, and it hereby is, reserved to determine the appropriateness and reasonableness of all fees and expenses incurred or to be incurred, directly or indirectly, by United in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-2955; Filed, Mar. 6, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17390]

YASUKO FUJISHIRO

In re: Bank accounts owned by and debts owing to Yasuko Fujishiro, also known as Yasuka Fujishiro, as Yasu Fujishiro and as Yasushi Fujishiro. F-39-358-E-1; E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yasuko Fujishiro, also known as Yasuka Fujishiro, as Yasu Fujishiro and as Yasushi Fujishiro, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation of The Frst National Bank of Boston, 67 Milk Street, Boston, Massachusetts, arising out of a savings account, account number 9-28692, entitled Mr. Shinji Fujishiro Joint with Yasuko Fujishiro, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of West Roxbury Co-operative Bank of Boston, 209 Berkeley Street, Boston 16, Massachusetts, arising out of a paid up share account, evidenced by a certificate numbered 1443 for six (6) paid up shares, registered in the names of Yasuka Fujishiro and Shinja Fujishiro, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and all rights in, to and under the aforesaid certificate, including particularly but not limited to any and all dividend checks on the aforesaid shares, said checks presently in the custody of the aforesaid bank, and all rights in, to and under said checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 15, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2992; Filed, Mar. 6, 1951; 8:51 a. m.]

[Vesting Order 17417]

MARIE TILLMANNS

In re: Debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Marie Tillmanns, deceased. F-28-30757.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Marie Tillmanns, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Credit Suisse, New York Agency, 30 Pine Street, New York 5, New York, in the amount of $2,477.00, as of January 30, 1951, on deposit with the said Credit Suisse, New York Agency, and constituting a portion of the funds held by said Credit Suisse, New York Agency, for the account of Credit Suisse, Zurich, Switzerland, in an account entitled "General Ruling No. 6 Account", together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Credit Suisse, New York Agency, 30 Pine Street, New York 5, New York, in the amount of $368.00, as of January 30, 1951, on deposit with the said Credit Suisse, New York Agency, and constituting a portion of the funds held by said Credit Suisse, New York Agency, for the account of Credit Suisse, Zurich, Switzerland, in an account entitled "Regular Blocked Account", together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Marie Tillmanns, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Marie Tillmanns, deceased, referred to in subparagraph 1 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2995; Filed, Mar. 6, 1951; 8:51 a. m.]

[Vesting Order 17403]

ELSE KLINGE

In re: Bonds owned by Else Klinge. F-28-31253.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Else Klinge, whose last known address is Icking, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by six (6) Central Pacific Railway Company 4 percent First Refunding Mortgage Gold Bonds, due 1949, of $1,000 face value each, bearing the numbers 10513, 10514, 28219, 58513, 56406 and 62736, in bearer form, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with all rights in, to and under the said bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2993; Filed, Mar. 6, 1951; 8:51 a. m.]

[Vesting Order 17416]

TAKESUKE TAKESHITA

In re: Debt owing to Takesuke Takeshita, also known as Takasuke Takeshita. F-39-4793.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Takesuke Takeshita, also known as Takasuke Takeshita, whose last known address is Jizudo Asama Mura, Higashi Yatsushiro-gun, Yamanashiken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Takesuke Takeshita, also known as Takasuke Takeshita, by Eiko Takeshita, 1812 Davisadero Street, San Francisco 15, California, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2994; Filed, Mar. 6, 1951; 8:51 a. m.]

[Vesting Order 17418]

WILLIAM ZOLLENKOP

In re: Debt owing to William Zollenkop. F-28-27893.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Zollenkop, whose last known address is Baumwollborse 525, Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The American Express Company, Inc., New York Agency, 65 Broadway, New York 6, New York, in the amount of $1,904.60 as of January 31, 1951, representing a portion of a credit balance in a General Ruling Number 6 Account, held for The American Express Co., Inc., Zurich, maintained at the aforesaid Company, New York Agency, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, William Zollenkop, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2996; Filed, Mar. 6, 1951; 8:51 a. m.]

[Vesting Order 17422]

EMIL NIELSEN

In re: Personal property owned by and debt owing to Emil Nielsen, also known as Emil Nielsen, and Emil Neilsen. F-28-26672-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emil Nielsen, also known as Emil Nielsen and Emil Neilsen, whose last known address is Borstelmannsweg 39, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) gold plated bracelet with inscription "From Ed to Alma"; two (2) gold rings, each set with small diamond, said personal property presently in the custody of Ratzer & Bridge, 357 So. Hill Street, Los Angeles 13, California, and

b. That certain debt or other obligation owing to Emil Neilsen, by Ratzer & Bridge, 357 So. Hill Street, Los Angeles 13, California, representing the balance of moneys received from Estate of Alma M. Sweeney, deceased, by the aforesaid Ratzer & Bridge, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2997; Filed, Mar. 6, 1951; 8:51 a. m.]

[Vesting Order 17432]

W. H. J. G. VON MONTOWT

In re: Stock owned by W. H. J. G. Von Montowt. F-28-31180.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That W. H. J. G. Von Montowt, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: Twenty (20) shares of stock of Shell Union Oil Corporation (now known as Shell Oil Co.), 50 West 50th Street, New York 20, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered NYO-8930/31, registered in the name of Broekmans Administratiekantoor N. V., Amsterdam, Holland, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by W. H. J. G. Von Montowt, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-3000; Filed, Mar. 6, 1951; 8:51 a. m.]

[Vesting Order 17425]

BAVARIAN PALATINATE CONSOLIDATED CITIES

In re: Coupon account owned by Bavarian Palatinate Consolidated Cities. D-28-10800-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bavarian Palatinate Consolidated Cities are municipalities which are political subdivisions of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Continental Illinois National Bank and Trust Company of Chicago, 231 South La Salle Street, Chicago, Illinois, arising out of a checking account, entitled "Ames, Emerich & Co., Inc., Bavarian Palatinate Consolidated Cities Coupon Purchasing Account", maintained at the office of the aforesaid bank, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Bavarian Palatinate Consolidated Cities, the aforesaid political subdivisions of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2998; Filed, Mar. 6, 1951; 8:51 a. m.]

MAR 12 '51

FEDERAL REGISTER

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TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 22-4]

PART 22—LIGHTER-THAN-AIR PILOT CERTIFICATES

FREE BALLOON PILOT CERTIFICATES RESTRICTED TO OPERATION OF HOT-AIR BALLOONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 2d day of March 1951.

Section 22.13 of the current Civil Air Regulations specifically prescribes the requirements for the issuance of free balloon pilot certificates. Under paragraph (f) of this section each applicant is required to pass an extensive examination on aeronautical matters which include meteorology, navigation, and the servicing and operation of airships. Under paragraph (g) he must comply with the minimum experience requirements with respect to flight instruction and solo flight time. Under paragraph (h) he is required to demonstrate successfully his skill in actual solo flight.

This amendment exempts from the requirements of paragraphs (f), (g), and (h) an applicant who seeks a free balloon pilot certificate restricted to the operation of hot-air balloons and who otherwise meets the requirements of the section. Experience has shown that the knowledge requirements of paragraph (f) are not prerequisite to the safe operation of hot-air balloons and that the experience and skill requirements of paragraphs (g) and (h) are inconsistent with the operating limitations of hot-air balloons. For these reasons the Board intends to permit the issuance of a free balloon pilot certificate limited to the operation of hot-air balloons without requiring compliance with the provisions of § 22.13 (f), (g), and (h).

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 22 (14 CFR Part 22, as amended) effective April 6, 1951.

By amending § 22.13, excepting paragraphs (a) through (h), to read as follows:

§ 22.13 *Free balloon pilot certificate.* An applicant for a free balloon pilot certificate which is not limited to the operation of hot-air balloons shall comply with the requirements of paragraphs (a) through (h) of this section. An applicant for a free balloon pilot certificate which is limited to the operation of hot-air balloons shall comply only with the requirements of paragraphs (a) through (e) of this section.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, 62 Stat. 1216; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-3068; Filed, Mar. 7, 1951; 8:58 a. m.]

[Civil Air Regs., Amdt. 33-4]

PART 33—FLIGHT RADIO OPERATOR CERTIFICATE

EXCHANGE OF FLIGHT RADIO OPERATOR CERTIFICATE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 2d day of March 1951.

Currently effective Civil Air Regulations required individuals who met the requirements of Part 33 for flight radio operator certificates prior to February 15, 1950, to exchange such certificates for new ones prior to January 1, 1951. The requirements of Part 33 presently include standards established in Annex 1 to the Convention on International Civil Aviation, standards which are to become effective among all the nations which are parties to the Convention on May 1, 1953.

It has been noted that certain individuals holding expired certificates have inadvertently failed to exchange them for new ones, in part because of misunderstanding attributable to the conflict between the date of expiration of their certificates and that for general compliance with the international standards under the Convention. Many of

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these individuals are currently employed as flight radio operators by air carriers and are needed for current operations. This amendment, therefore, provides that the present expiration date on all flight radio operator certificates issued prior to February 15, 1950, shall be extended to May 1, 1953, and that each holder of such certificate who meets or has met the requirements of Part 33 shall surrender his certificate for a new one on or before that date. This amendment also provides for a period of 12 months beyond the new expiration date during which the Administrator may at his discretion renew or reissue a certificate of a qualified individual without requiring any re-examination.

For the reasons set forth above, notice and public procedure hereon are impracticable and unnecessary, and the Board finds that good cause exists for making this amendment effective immediately.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 33 of the Civil Air Regulations (14 CFR, Part 33, as amended), effective March 2, 1951.

By amending § 33.8 to read as follows:

§ 33.8 *Exchange of certificates.* All flight radio operator certificates issued prior to February 15, 1950, shall expire on May 1, 1953. Each certificate holder who surrenders his outstanding certificate to the Administrator on or before May 1, 1953, shall be issued a new certificate if he meets or has met the requirements of this part. Between May 1, 1953, and May 1, 1954, the Administrator may at his discretion renew or reissue a certificate without requiring a re-examination or further demonstration of technical competence.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, 62 Stat. 1216; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-3069; Filed, Mar. 7, 1951; 8:56 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

PART 26—DISCLOSURE OF INFORMATION

RECORDS OF ENTRY AND CLEARANCE OF VESSELS AND OF IMPORTS AND EXPORTS

EDITORIAL NOTE: For suspension of certain provisions of T. D. 52583 restricting public inspection of records of entry and clearance of vessels (§ 4.95) and upon the disclosure of information concerning imports and exports (§ 26.7), see T. D. 52681 in the Notices section, *infra*.

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 577—MEDICAL AND DENTAL ATTENDANCE

PERSONS ELIGIBLE TO RECEIVE MEDICAL CARE AT ARMY MEDICAL TREATMENT FACILITIES

Section 577.15 is amended as follows:

§ 577.15 *Persons eligible to receive medical care at Army medical treatment facilities.* * * *

(b) Dependents of personnel of the Armed Forces of the United States, including the following:

* * * * *

(2) *Dependents of retired personnel.* * * *

(ii) Dependents of personnel of the Reserve components retired or granted retirement pay for physical disability who qualify for medical care at Army medical treatment facilities under the Career Compensation Act of 1949 (Pub. Law 351, 81st Cong.; 63 Stat. 802), as implemented by Executive Order 10122, April 14, 1950, as dependents of personnel retired under Title II, Army and Air Force Vitalization and Retirement Equalization Act, 1948 (Pub. Law 810, 80th Cong.; 62 Stat. 1081, 1084; 10 U. S. C. 1001–1007).

* * * * *

(c) Retired personnel of the Armed Forces, as follows: * * *

(2) Retired Regular personnel of the Army and Air Force in an inactive status and personnel retired under Title II, Army and Air Force Vitalization and Retirement Equalization Act, 1948 (Pub. Law 810, 80th Cong.; 62 Stat. 1081, 1084; 10 U. S. C. 1001–1007).

* * * * *

(t) Nationals of foreign governments to include the following:

(1) Foreign military personnel as follows: Those in the attaché system carried on the current Diplomatic List (Blue) published by the State Department; those assigned or attached to United States Army or Air Force units or installations for duty or training; those on foreign government military or supply missions accredited to and recognized by the Department of the Army or the Department of the Air Force; those on duty in the United States at the invitation of the Department of the Army or the Department of the Air Force; and those accredited to joint United States defense boards or commissions, or assigned to full-time duty with the North Atlantic Treaty Organization when stationed in the United States.

* * * * *

(bb) Civilian employees of the Army and Air Force paid from both appropriated and nonappropriated funds, and their dependents (including librarians and hostesses) may, in the absence of civilian facilities, be hospitalized or furnished outpatient treatment in Army medical treatment facilities outside continental United States and at those remote military installations in continental United States. Oversea commanders will determine whether civilian medical facilities are adequate and meet acceptable American standards.

* * * * *

[C 1, AR 40-506, Feb. 19, 1951] (R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-3032; Filed, Mar. 7, 1951; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 6, Amendment 1]

CPR 6—FATS AND OILS

SHORTENING, SALAD OIL, COTTONSEED OIL, SOYBEAN OIL, CORN OIL

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order 2 (16 F. R. 738) this Amendment 1 to Ceiling Price Regulation 6 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment has two general purposes. The more important is the provision, under paragraph 9, of a new section 11 of CPR 6, which rolls back the prices of most processors of shortening and salad oil. The other purpose, accomplished by paragraphs 1 through 8, is to clarify and correct in a number of details the provisions of CPR 6 with respect to cottonseed, soybean and corn oils.

The rollback of shortening and salad oil prices eliminates advances of from one to two cents per pound by virtually all processors which occurred between January 16 and January 25. These price advances, however, had not in general been reflected at the retail level at the time of the issuance of the General Ceiling Price Regulation. The rollbacks at the processors' level remove any question of adjusting retail prices to reflect increased costs. This solution of the problem was made possible by the rollbacks on cottonseed, soybean and corn oils instituted when CPR 6 was issued on February 14.

Representatives of persons substantially affected by this regulation have been advised and consulted with but it has not been practicable to utilize the formal industry committee which is being established.

An examination has been made of operating margins of representative companies in the shortening and salad oil industry. It is the opinion of the Director of Price Stabilization that the prices established will provide fair and equitable operating margins for the remainder of this crop year. In making this determination the Director has given consideration to operating margins existing in June 1950 and in recent years as well as other relevant factors. Furthermore, the prices established will reflect to producers prices specified in section 402 (d) (3) of the Defense Production Act of 1950. But although operating margins will be generally fair and equitable for the remainder of this crop year, certain of them, as noted below, are below normal. These are generally agreed to by the industry on the assumption that they will be reexamined at the time the broader question of the general structure of fats and oils prices is reviewed in the light of 1951 crop conditions.

Specifically, this Amendment accomplishes the following objectives:

(1) It establishes dollar and cents ceiling prices for most grades and most container sizes of shortening and edible oils at prices below those established by the majority of the companies in the industry under the General Ceiling Price Regulation.

(2) It establishes the customary differentials between most of the various grades of product which have usually prevailed in the normal operation of the industry. In the bulk shortening field, these relationships are maintained with standard shortening at 1.75 cents per pound less than hydrogenated shortening (without mono- and diglycerides), and with hydrogenated shortening (with mono- and diglycerides) at 1 cent per pound above hydrogenated shortening (without mono- and diglycerides).

In the household shortening field Household Consumer Hydrogenated shortening (with mono- and diglycerides) in three-pound airtight cans is less than five cents per pound above Standard Shortening in three-pound cartons. The customary differential is more than six cents per pound, and averages approximately eight cents per pound. In the pre-Korean period the differential was six cents per pound.

In the salad and cooking oil field the usual relationships are maintained with 5-gallon cans 1.26 cents per pound above drums, 1-gallon cans 0.47 cent per pound above 5-gallon cans, quarts 3.90 cents per pound above 1-gallon cans, and pints 1.08 cents per pound above quarts. These differentials have become customary because of variations in package cost, variations in the cost of filling, and variation in the cost of handling and distributing. The top brands have received a premium of from 35 to 40 cents per case, which is less than the usual differential in the free market. These brands normally sell at differentials above other brands of 50 cents per case or more. In the pre-Korean period the differential for these well-known brands was 70 cents per case.

The ceiling prices for salad and cooking oils made from soybean oil allow the same margins and differentials for package sizes as the ceilings for salad and cooking oils made from cottonseed and corn oil.

(3) It establishes differentials for quantity, container, cash discount, area and branch houses and car routes which will enable all sellers to name prices in conformance with their individual historical patterns.

(4) It provides for the determination of a ceiling price for brands not specifically named in the schedule through the application of a normal differential from one of the brands named, or through an application for adjustment in the case of a brand without a customary relationship to another brand.

(5) It permits the Defense Agency or person contracting for the Defense Agency to purchase shortening at ceiling prices exceeding the ceiling prices of shortenings named by not more than two cents per pound.

This differential for Defense Agencies is necessary because the shortenings for which specific ceiling prices are named are made from less costly ingredients mixed with cottonseed oil. Defense Agencies recently have specified shortening containing 100% cottonseed oil. This exemption will permit the Defense Agencies to secure quotations on the desired grade of shortening.

The following are the specific changes in the ceiling prices for cottonseed, soybean and corn oil provided by this Amendment.

1. Dunklin county, Missouri, has been added to the delivery points listed in section 3 (a) as it has been determined that it has been customary in the trade to pay $\frac{1}{8}$ cent per pound over Mississippi Valley for crude cottonseed oil shipped from this point. A further change was necessary to allow a normal flow of cottonseed oil in California and to eliminate inequities created by the delivered price which prevented the oil from moving into San Francisco. The revision establishes f. o. b. mill prices which will make the oil accessible to all buyers throughout the State.

2. Section 3 (b) is amended by deleting three grades of refined cottonseed oil which are not commonly sold. It is the opinion of the trade that special circumstances are so likely to surround transactions in these grades that it is preferable to provide ceilings under the general language of section 3 (b) (3). The prices of basic grades of cottonseed oil are not affected by this action.

3. Section 3 (b) (2) is amplified by designating the types of bulk containers for which customary differentials apply.

4. Most cottonseed oil sold on the West Coast is in the form of bleachable prime summer yellow oil owing to lack of refining capacity at buyer's plants. The spread between crude and refined grades of cottonseed oil in section 3 (b) was not sufficient to cover the cost of delivering the refined oil to Los Angeles and San Francisco, and prices have been adjusted accordingly. Fort Worth, Texas has also been adjusted to bring its ceiling price in line with other Texas points.

5. The delivery points listed in section 3 (b) are amplified in this amendment to include destinations and appropriate ceiling prices for refined grades of cottonseed oil for the purpose of broadening the coverage of CPR 6. This change was made at the request of members of the industry to facilitate the determination of customary location differentials. The techniques use in establishing the original prices for destinations were employed in determining the prices for the new destinations.

6. The f. o. b. Decatur, Illinois, plus freight to destination provision made it possible for some purchasers to pay higher mill prices than others for soybean oil from mills in Delaware, Indiana, and other points listed in section 4 (a). This amendment will enable all buyers to have access to crude soybean oil regardless of their refinery location.

7. Section 4 (c), determining the ceiling price of refined soybean oil by the application of customary differentials above the crude oil ceiling, is replaced by specific prices for various grades on an f. o. b. Decatur basis. Ceiling prices are established for refined grades of soybean oil to allow margins for processing equivalent to those provided for cottonseed oil, and which have been customarily used by the refining industry. Since the price for crude soybean oil is established on an f. o. b. Decatur, Illinois, basis, the refined oils have been treated in a similar manner. However, in order to make necessary refinery and hydrogenation capacity available to users of finished tank car oils, the inclusion of actual freight charges, rather than the direct freight rates from Decatur, Illinois to destination is authorized. This has been customary in normal trade practice and is already permitted under the general language of CPR 6. The specific authorization of actual freight is simply a clarification of normal differentials.

8. This Amendment enlarges the area in which crude corn oil has a ceiling of 24½ cents in section 5 (a) and spells out the customary differential due to favorable location in the East in the case of Geneva, New York, and Wilkes-Barre, Pennsylvania. Other locations outside the Midwest do not have a customary differential.

9. The change in section 5 (b) permits the buyer to secure his requirements of corn oil in places other than Chicago without being bound to a Chicago price.

In formulating this regulation the Director of Price Stabilization has consulted extensively with industry representatives and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Ceiling Price Regulation 6 is amended in the following respects:

1. The table of f. o. b. mill prices in section 3 (a) is amended to read as follows:

(a) *Crude cottonseed oil.* In tank cars, in cents per pound, as follows:

	F. o. b. mill
Arizona (except Graham County); Illinois; North Carolina; South Carolina; Tennessee, Crittenden and Mississippi Counties, Arkansas; New Madrid, Dunklin, and Scott Counties, Mo.; Morgan County, Ala.	23⅞
Alabama (except Morgan County); Arkansas (except Crittenden and Mississippi Counties); Florida; Georgia; Louisiana; Mississippi; Missouri (except New Madrid, Dunklin, and Scott Counties); Graham County, Ariz.	23½
Oklahoma; El Paso County, Tex.; New Mexico	23⅜
Texas (except El Paso County)	23¼
California (except Los Angeles County)	24
Los Angeles County, California	24¼

2. Section 3 (b) is amended by deleting the columns entitled "Refined bleached and undeodorized oil (in tank cars)", "Refined deodorized and unbleached summer oil (in tank cars)" and "High titre hydrogenated deodorized oil (in bags)" and deleting all prices pertaining to these grades of refined cottonseed oil.

3. Section 3 (b) (2) is amended to read:

(2) *Differentials for other types of bulk containers.* The customary differentials for other types of bulk containers, including tank wagons or drums when shipped on a refining-in-transit rate, shall apply.

4. Delivered prices for various grades of refined cottonseed oil, as shown in section 3 (b) are corrected in respect to three delivery points, in cents per pound, as follows:

	Bleachable prime summer yellow oil (in tanks cars)	Cooking [illegible] refined white Bleached summer oil (in bulk cars)	Salad or winterized [illegible] (in bulk cars)	[illegible]	[illegible] hydrogenated [illegible]
Los Angeles, Calif.	28 40	28 15	28 40	28 [illegible]	[illegible]
San Francisco, Calif.	28 40	28 00	28 00	[illegible]	[illegible]
Fort Worth, Tex.	27 90	27 90	27 90	[illegible]	[illegible]

5. The following delivery points and ceiling prices, in cents per pound, for respective grades of refined cottonseed oil, are inserted in alphabetical order in the list in section 3 (b):

	Bleachable prime summer yellow oil (in tank cars)	Cooking or deodorized and bleached summer oil (in tank cars)	Salad or winterized oil (in tank cars)	Hydrogenated or margarine oil (in tank cars)	High titre hydrogenated undeodorized oil (in bags)
Birmingham, Ala.	27.97	27.72	27.97	28.72	29.62
Boston, Mass.	28.47	28.22	28.47	29.22	30.12
Denison, Tex.	27.84	27.59	27.84	28.59	29.49
Denver, Colo.	28.25	28.00	28.25	29.00	29.90
Detroit, Mich.	28.12	27.87	28.12	28.87	29.77
Elgin, Ill.	28.09	27.84	28.09	28.84	29.73
Greenville, S. C.	27.54	27.29	27.54	28.29	29.19
Houston, Tex.	28.12	27.87	28.12	28.87	29.77
Indianapolis, Ind.	27.97	27.72	27.97	28.72	29.62
Macon, Ga.	27.94	27.69	27.94	28.69	29.59
Norwood, Ohio	28.09	27.84	28.09	28.84	29.74
Oklahoma City, Okla.	27.76	27.51	27.76	28.51	29.41
Omaha, Nebr.	28.25	28.00	28.25	29.00	29.90
Opelousas, La.	27.95	27.70	27.95	28.70	29.60
Osceola, Ark.	28.25	28.00	28.25	29.00	29.90
Pittsburgh, Pa.	28.40	28.15	28.40	29.15	30.05
Portland, Oreg.	28.54	28.29	28.54	29.29	30.19
San Antonio, Tex.	27.84	27.59	27.84	28.59	29.49
Sherman, Tex.	27.90	27.65	27.90	28.65	29.55
Seattle, Wash.	28.54	28.29	28.54	29.29	30.19
Suffolk, Va.	28.12	27.87	28.12	28.87	29.77
Terre Haute, Ind.	28.12	27.87	28.12	28.87	29.77
Thomasville, Ga.	28.32	28.07	28.32	29.07	29.97
Washington, D. C.					

6. The table in section 4 (a) is amended to read as follows:

(a) *Crude soybean oil.* In tank cars, in cents per pound, as follows:

	F. o. b. mill
California, Oregon, Washington	21⅝.
Arizona	21⅛.
Alabama, Arkansas, Florida, Georgia, Illinois, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, Texas.	20½.
Iowa, Minnesota, Nebraska, North Dakota, South Dakota.	20⅜.
Delaware, Indiana, Kentucky, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, Wisconsin.	20½ cents plus freight from Decatur, Illinois, to New York, New York, minus freight from point of sale to New York, New York: *Provided*, That in no case shall your ceiling be less than 20½ cents.

7. Section 4 (c) is amended to read as follows:

(c) *Refined soybean oil.* Your ceiling price for sales of refined soybean oil shall be, in cents per pound, as follows:

For sales f. o. b. Decatur, Ill.

Refined unbleached and undeodorized soybean oil for edible use	22.00
Once refined industrial soybean oil for inedible use	22.25
Once refined bleached industrial soybean oil for inedible use	22.75
Deodorized and bleached soybean oil	23.45
Soybean salad oil	23.55
Hydrogenated margarine soybean oil	24.20
High titre undeodorized hydrogenated soybean oil in bags	25.60

For sales at any other place. Wherever refining-in-transit freight rates apply from Decatur, Illinois, through refinery location to final destination, your ceiling price shall be the f. o. b. Decatur, Illinois, price plus refining-in-transit freight from Decatur, Illinois, through refinery location to final destination.

Wherever refining-in-transit rates do not apply from Decatur, Illinois, through refinery location to final destination, your ceiling price shall be the f. o. b. Decatur, Illinois, price plus inbound freight from Decatur, Illinois, and actual outbound freight from refinery location to final destination.

(1) *Differentials for other grades.* The customary differentials for grades above or below these prices for basic grades shall continue to apply.

(2) *Differentials for other types of bulk containers.* The customary differentials for other types of bulk containers, including tank wagons or drums when shipped on a refining-in-transit rate, shall continue to apply.

(3) *Adjustments for premium quality.* If you are an individual seller of refined soybean oil and have customarily charged a premium over the market price for a grade of such oil, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C., for an adjustment in your ceiling price for such premium quality oil. This application shall contain all pertinent information describing the quality characteristics of the particular grade of oil and documentary evidence that you have customarily charged the premium. After March 1, 1951, you may not charge the premium price without the written approval of the Director of Price Stabilization. Until March 1, 1951, you may charge your customary premium over the applicable ceiling prices in Section 3 (b) of this regulation.

8. Section 5 is amended to read as follows:

SEC. 5. *Ceiling prices for sellers of corn oil.* Your ceiling price for sale of corn oil shall be as follows:

(a) *Crude corn oil.* In tank cars, in cents per pound, as follows:

F. o. b. all mills in U. S., except Geneva, New York and Wilkes-Barre, Pa.	24½
F. o. b. Geneva, New York, and Wilkes-Barre, Pa.	25

(b) *Refined corn oil.* In tank cars, in cents per pound, as follows:

Corn salad oil, basis f. o. b. Midwestern Refineries	27½

(1) *Differentials for other types of bulk containers.* The customary differentials for other types of bulk containers shall continue to prevail.

(2) *Differentials for other grades.* The customary differentials for grade above or below these prices for basic grades shall continue to apply.

9. A new section 11 is added to read as follows:

SEC. 11. *Ceiling prices for processors of shortening and salad and cooking oils*—(a) *Standard shortening.* The delivered ceiling prices of Armour and Co.'s "Star" and "Domino," Cotton Products Co.'s "Lou-Ana," The Cudahy Packing Co.'s "White Ribbon," The Glidden Co.'s (Durkee Famous Foods) "Snowflake," The Humko Co.'s "Humko," Mrs. Tucker's Foods, Inc.'s "Mrs. Tucker's" and "Southern Queen," The Procter and Gamble Co.'s "Fluffo" and "Flakewhite," Swift and Co.'s "Jewel" and "Sanco," Wesson Oil and Snowdrift Sales Co.'s "Crustene" and "Scoco," Wilson and Co.'s "Advance" and "Royal Aster," all other brands of standard shortening manufactured or distributed by the processors of these brands, and all other brands of standard shortening manufactured or distributed by processors not named above but customarily sold in the same price range as the brands mentioned, shall be the following prices:

	North and South	Pacific Coast
	Cents	*Cents*
Drums (per pound)	30.00	31.00
110-pound tins (per pound)	29.00	30.00
50-pound cubes (per pound)	29.75	30.75
50-pound tins (per pound)	30.50	31.50
	Dollars	*Dollars*
16⅔-pound cartons (per case)	11.85	12.25
48 1-pound cartons (per case)	12.00	12.40
6 5-pound pails (per case)	13.40	13.80
12 3-pound tins (per case)	12.15	12.60
30 1-pound tins (per case)	12.87	13.32

(b) *Hydrogenated shortening (without mono- and di-glycerides).* The delivered ceiling prices of Armour and Co.'s "Kre-mit", The Glidden Co.'s (Durkee Famous Foods) "Creamtex" and "Malvo", the Humko Co.'s "Kopald", Lever Bros. Co.'s "Covo", Mrs. Tucker's Foods, Inc.'s "Velvet", The Procter and Gamble Co.'s "Primex", Swift and Co.'s "Vream", Wesson Oil and Snowdrift Sales Co.'s "MFB", Wilson and Co.'s "Bakerite", all other brands of hydrogenated shortening (without mono- and di-glycerides) manufactured or distributed by the processors of these brands, and all other brands of hydrogenated shortening (without mono- and di-glycerides) manufactured or distributed by processors not named above but customarily sold in the same price range as the brands mentioned, shall be the following prices:

	North and South	Pacific Coast
	Cents	*Cents*
Drums (per pound)	31.75	32.75
110-pound tins (per pound)	31.75	32.75
50-pound cubes (per pound)	31.50	32.50
50-pound tins (per pound)	32.25	33.25

(c) *Hydrogenated shortening (with mono- and di-glycerides).* The delivered ceiling prices of Armour and Co.'s "Kremor", The Glidden Co.'s (Durkee Famous Foods) "Betr Kake", The Humko Co.'s "Kopald Richmix", Lever Bros. Co.'s "Gilt Edge", Mrs. Tucker's Foods, Inc.'s "Gleam", The Procter and Gamble Co.'s "Sweetex", Swift and Co.'s "Vreamay", Wesson Oil and Snowdrift Sales Co.'s "Quick Blend", Wilson and Co.'s "Bakerite 140", all other brands of hydrogenated shortening (with mono- and di-glycerides) manufactured or distributed by the processors of these brands, and all other brands of hydrogenated shortening (with mono- and di-glycerides) manufactured or distributed by processors not named above but customarily sold in the same price range as the brands mentioned, shall be the following prices:

	North and South	Pacific Coast
	Cents	*Cents*
Drums (per pound)	32.75	33.75
110-pound tins (per pound)	32.75	33.75
50-pound cubes (per pound)	32.50	33.50
50-pound tins (per pound)	33.25	34.25

(d) *Household consumer hydrogenated shortening (with mono- and di-glycerides).* (1) The delivered ceiling prices of Lever Bros. Co.'s "Spry", The Procter and Gamble Co.'s "Crisco" and Swift and Co.'s "Swiftning" shall be the following prices:

North, South, and Pacific Coast

[Prior to any discount being deducted, but subject to a 2% cash discount]

	Dollars
6/6 lb. tins (per case)	12.87
12/3 lb. tins (per case)	12.87
36/1 lb. tins (per case)	13.59
24/1 lb. tins (per case)	9.06

(2) The delivered ceiling price of Wesson Oil and Snowdrift Sales Co.'s "Snowdrift" shall be the following prices:

[Prior to any discount being deducted, but subject to a 1% cash discount]

	Dollars
6/6 lb. tins (per case)	12.74
12/3 lb. tins (per case)	12.74
36/1 lb. tins (per case)	13.45
24/1 lb. tins (per case)	8.97

(e) *Salad and cooking oil (made from cottonseed or corn oil).* The delivered ceiling prices of Armour and Co.'s "Star", Clinton Foods, Inc.'s "Clinton", The Corn Products Refining Co.'s "Argo", Cotton Products Co.'s "Lou Ana", Cudahy Packing Co.'s "Margherita", The Glidden Co.'s (Durkee Famous Foods) "Nonpareil" and "Contadina", The Humko Co.'s "Humko", Mrs. Tucker's Foods, Inc.'s "Mrs. Tucker's", Penick and Ford, Ltd., Inc.'s "Penick", The Procter and Gamble Co.'s "Fluffo" and "Puritan", The Quaker Oats Co.'s "Aunt Jemima", C. F. Simonin's Sons, Inc.'s "Yolanda" and "Liberty Maize", A. E. Staley Manufacturing Co.'s "Staleys", Swift and Co.'s "Jewel", Wesson Oil and Snowdrift Sales Co.'s "77" and "Blue Plate", Wilson and Co.'s "Certified", all other brands of salad and cooking oil (made from cottonseed or corn oil) manufactured or distributed by the processors of these brands, and all other brands of salad and cooking oil (made from cottonseed or corn oil) manufactured or distributed by processors not named above but customarily sold in the same price range as the brands mentioned, shall be the following prices:

	North	South	Pacific Coast
	Cents	*Cents*	*Cents*
Drums (per pound)	32.25	32.25	32.25
	Dollars	*Dollars*	*Dollars*
5 gallon (per case)	12.50	12.50	13.05
6/1 gallons (per case)	15.70	15.70	15.80
4/1 gallons (per case)	10.50	10.50	10.55
12/quarts (per case)	8.75	8.35	8.60
24/pints (per case)	9.00	8.55	8.80

(f) *Household consumer salad and cooking oil (made from cottonseed or corn oil).* (1) The delivered ceiling prices of Wesson Oil and Snowdrift Sales Co.'s "Wesson Oil", shall be the following prices:

[Prior to cash discount, but after trade discount]

	North	South	Pacific Coast
	Dollars	*Dollars*	*Dollars*
6/1 gallons (per case)	16.50	16.50	16.85
12/quarts (per case)	9.15	8.75	8.95
24/pints (per case)	9.40	8.95	9.15

The above prices shall also apply to Corn Products Refining Co.'s "Mazola" where trade discount is not customary.

(2) The delivered ceiling prices of Corn Products Refining Co.'s "Mazola" where trade discount is customary, shall be the following prices:

[Prior to cash discount and prior to 3% trade discount]

	North	South	Pacific Coast
	Dollars	*Dollars*	*Dollars*
6/1 gallons (per case)	17.12	17.13	17.37
12/quarts (per case)	9.54	9.02	9.23
24/pints (per case)	9.77	9.23	9.43

(g) *Salad or cooking oil (made from soybean oil).* The delivered ceiling prices of The Glidden Co.'s (Durkee Famous Foods) "Capitano", The Procter and Gamble Co.'s "Atlas", C. F. Simonin's Sons, Inc.'s "Sayola", A. E. Staley Manufacturing Co.'s "Edsoy", Swift and Co.'s "Imperial", Spencer Kellog and Sons, Inc.'s "Spensoy", all other brands of salad and cooking oil (made from soybean oil) manufactured or distributed by the processors of these brands and all other brands of salad and cooking oil (made from soybean oil) manufactured or distributed by processors not named above but customarily sold in the same price range as the brands mentioned, shall be the following prices:

	North and South	Pacific Coast
	Cents	*Cents*
Drums (per pound)	28.25	28.25
	Dollars	*Dollars*
1/5 gallons (per case)	11.35	11.50
6/1 gallons (per case)	13.85	13.95

(h) *Differentials*—(1) *Quantity differentials for shortenings.* The delivered ceiling prices of hydrogenated and standard shortenings are the prices for hydrogenated and standard shortenings when shipped in quantity to which the lowest price is applied in the processor's published price lists. For other quantities, the customary differentials shall apply.

(2) *Quantity differentials for salad and cooking oils.* The delivered ceiling prices of salad and cooking oils are the prices when shipped in the quantities named in the processor's published price lists. When salad and cooking oils are shipped in carload lots on which a refining-in-transit privilege is applicable, the customary discount (if any) from the delivered ceiling prices established in this section shall continue to apply. For other quantities the customary differentials shall apply.

(3) *Container.* When hydrogenated and standard shortening and salad and cooking oils are sold in containers of different sizes from the container sizes named in this section, the customary differentials for size of container shall apply.

(4) *Cash discounts.* The delivered ceiling prices of hydrogenated and standard shortenings and salad and cooking oils established in this section are the delivered ceiling prices before cash discounts. The customary discount for receipt of payment within the period specified in the processor's published price lists shall apply.

(5) *Area.* The delivered ceiling prices of hydrogenated and standard shortenings and salad and cooking oils established are base prices for the three areas named (North, South, and Pacific Coast). The customary differentials which have applied over base prices to some points within as well as to Territories and Possessions of the United States shall apply.

(i) *Ceiling prices for defense agencies.* A processor selling to a Defense Agency of the United States Government, or its agent, may charge a premium of not more than 2 cents per pound over the ceiling prices established by this section for shortening containing 100% cottonseed oil.

(j) *Branch houses and car routes for sales of shortening.* Where a processor sells standard or hydrogenated shortenings through a branch house or car route owned by the processor or owned by a corporation more than 50 percent of whose stock is owned or controlled by the processor, to a purchaser other than (1) a jobber, or (2) a wholesaler, or (3) a purchaser who buys a carload lot or that quantity to which the lowest price is applied in the processor's published price lists, the processor's delivered ceiling price on such sales shall be 106 per-

cent of the delivered ceiling price permitted him in this section.

(k) *Branch houses and car routes for salad and cooking oils.* Where the processor sells salad or cooking oil through a branch house or car route owned by the processor or owned by a corporation more than 50 percent of whose stock is owned or controlled by the processor, to a purchaser other than (1) a jobber, or (2) a wholesaler, or (3) a purchaser who buys a carload lot or that quantity to which the lowest price is applied in the processor's published price lists, the processor's delivered ceiling price on such sales shall be 110 percent of the delivered ceiling price permitted him in this section.

(l) *Delivered ceiling prices of other brands.* The delivered ceiling price of a brand of standard or hydrogenated shortening or of salad or cooking oil, the delivered ceiling price of which is not established in paragraphs (a) through (g) of this section shall be determined by applying the customary differential above or below the price of one of the brands named.

(m) *Applications for adjustment.* If the processor of a brand of shortening, or of a brand of salad and cooking oil has no ceiling price because there is no customary differential, or feels that his ceiling price is unduly low, he may file an application for adjustment with the Office of Price Stabilization. Such application should set forth in detail the reasons why the applicant believes his brand should be permitted to sell at the delivered ceiling price requested by the applicant in his application, or why there is no customary price relationship between the applicant's brand and one of the brands named.

(n) *Definitions.* (1) The term "standard shortening" means a shortening which is (i) made from hardened vegetable oil or (ii) made from a mixture of vegetable oil and animal fat and/or hardened marine animal oils. It must conform with the following specifications:

Suspended matter: The shortening must be free from any appreciable amount of suspended matter.

Taste and odor: The shortening must be free from rancidity, foreign odor, and sourness.

Moisture: The moisture must not exceed 0.3 percent (Vacuum Oven Method, Official Agricultural Chemists Association, 6th ed., 1940, p. 423).

Smoke point: The shortening must withstand a temperature of 400 degrees F. without smoking.

Stability: The stability of the shortening must be not less than three hours (Active Oxygen Method: King, Roschen and Irwin; Oil and Soap, 10, 105, June, 1933).

Plasticity: The shortening must remain solid, and be plastic and workable at a temperature within the range from 70 degrees F. to 90 degrees F.

F. F. A.: The F. F. A. must not exceed 0.3 percent (Method, Official Agricultural Chemists Association, 6th ed., 1940, p. 436).

(2) The term "Hydrogenated Shortening" means a shortening which is (i) made from vegetable oils or (ii) made from a mixture of vegetable oils and animal fats, each of which has been hydrogenated to some extent. It must conform with the following specifications:

No free oils: The shortening must contain no free oils.

Suspended matter: The shortening must be free from any appreciable amount of suspended matter.

Taste and odor: The shortening must be free from rancidity, foreign odor, and sourness.

Moisture: The moisture must not exceed 0.3 percent (Vacuum Oven Method, Official Agricultural Chemists Association, 6th ed., 1940, p. 423).

Smokepoint: The shortening must withstand a temperature of 400 degrees F. without smoking except that shortening containing mono and diglycerides shall be exempted from this specification.

Stability: The stability of the shortening must be not less than three hours (Active Oxygen Method: King, Roschen and Irwin; Oil and Soap, 10, 105, June, 1933).

Plasticity: The shortening must remain solid and be plastic and workable at a temperature within the range from 70 degrees F. to 90 degrees F.

F. F. A.: The F. F. A. must not exceed 0.12 percent (Method, Official Agricultural Chemists Association, 6th ed., 1940, p. 436).

Iodine number: The iodine number must not exceed 80 (Hanus Method, Official Agricultural Chemists Association, 6th ed., 1940, p. 429).

(3) The term "North" includes the following states: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Washington, D. C., West Virginia, Ohio, Indiana, Michigan, Illinois, Missouri, Kansas, Wisconsin, Iowa, Minnesota, Nebraska, South Dakota, North Dakota, Colorado, Wyoming.

(4) The term "South" includes the following states: Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, New Mexico.

(5) The term "Pacific Coast" includes the following states: Washington, Oregon, California, Montana, Idaho, Nevada, Utah, Arizona.

Effective date. This amendment is effective March 12, 1951.

Dated: March 6, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

[F. R. Doc. 51-3156; Filed, Mar. 7, 1951; 11:58 a. m.]

[Ceiling Price Regulation 8, Supplementary Regulation 1]

CPR 8—AMERICAN UPLAND COTTON

SR 1—FUTURES TRADING ON COTTON EXCHANGES AND EXEMPTION OF PRODUCERS' CONTRACTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 1 to Ceiling Price Regulation 8 (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation establishes a uniform ceiling price for all transactions on the cotton futures markets. Under Ceiling Price Regulation 8, the ceiling on any such transaction would vary with any one of a number of delivery points permitted under the rules of the cotton exchanges. Officials of the exchanges have urged that this could create confusion and that it would prove more satisfactory to specify a single ceiling applicable to all futures markets regardless of the delivery point.

The ceiling price for any cotton futures transaction is 44.84 cents per pound, gross weight for White and Extra White, Middling $^{15}/_{16}$ inch plus an allowance of fifty-five hundredths of a cent per pound to cover the costs of compressing and certificating involved in delivering cotton against any futures contract. Thus a ceiling price of 45.39 cents per pound is fixed for all futures contracts of that grade and staple. For any other grade and staple, the differentials in table I of Ceiling Price Regulation 8 apply. The allowance of fifty-five hundredths of a cent is necessary to maintain a proper relationship between the spot market ceiling prices for uncompressed and uncertificated cotton and the futures ceiling price for compressed and certificated cotton. The price of 44.84 cents per pound is the ceiling price for mixed and odd lots at Galveston and Houston, points at which cotton is frequently delivered against futures contracts. The amount of the allowance is taken from the certificated cotton tariffs of licensed warehouses published by the Joint Cotton Inspection Bureau acting for the New York and New Orleans Cotton Exchanges.

This supplementary regulation also permits fulfillment of bona fide contracts for the sale of raw cotton entered into by producers prior to March 5, 1951, the effective date of Ceiling Price Regulation 8. When the General Ceiling Price Regulation was issued on January 26, 1951, it exempted from its coverage cotton when sold by the producer. Taking into account the large number of individual sellers at the farm level exempted from price control during the first five weeks of the General Ceiling Price Regulation, the impracticability at the present time of providing for adjustments in cases of individual hardships among such sellers, the fact that the purchasers under such contracts were and are effectively governed by ceiling prices under the General Ceiling Price Regulation and under CPR 8 and that their ceilings will not be affected, the Director of Price Stabilization is of the opinion that such contracts may be carried out without interfering with the stabilization objectives of the Defense Production Act of 1950.

In the judgment of the Director of Price Stabilization the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of title IV of the Defense Production Act of 1950.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Futures trading on the Cotton Exchange.
3. Other regulatory provisions applicable.
4. Exemption.

AUTHORITY: Sections 1 to 4 issued under Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., Executive Order 10161, Sept. 9, 1950, 15 F. R. 6105

SECTION 1. *What this supplementary regulation does.* This supplementary regulation fixes dollars-and-cents ceiling prices for raw American upland cotton sold on a commodity exchange under a contract to deliver in the future. It also permits producers of raw American upland cotton to fulfill contracts which they entered into prior to the effective date of Ceiling Price Regulation 8.

SEC. 2. *Futures trading on the Cotton Exchange.* If you are a seller of futures on any commodity exchange your ceiling price for White and Extra White, Middling $^{15}/_{16}$ inch, raw American upland cotton is 45.39 cents per pound, gross weight. For any other grade and staple your ceiling price is determined by applying the differentials for grade and staple set forth in table I of Ceiling Price Regulation 8.

SEC. 3. *Other regulatory provisions applicable.* Sellers of cotton futures subject to this supplementary regulation shall be subject to all other provisions of Ceiling Price Regulation 8 which are not inconsistent with the provisions of this supplementary regulation.

SEC. 4. *Exemption.* If you are a producer of raw American upland cotton and prior to March 5, 1951, you entered into a bona fide contract for the sale of such cotton you may carry out the contract according to its terms.

Effective date. This supplementary regulation is effective March 7, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MARCH 6, 1951.

[F. R. Doc. 51-3095; Filed, Mar. 6, 1951; 3:41 p. m.]

[General Ceiling Price Regulation, Amdt. 1 to Supplementary Regulation 5]

GCPR, SR 5—RETAIL PRICES FOR NEW AND USED AUTOMOBILES

INCREASES FOR NEW AUTOMOBILES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Supplementary Regulation 5 (16 F. R. 1769) to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 1—New Automobiles—has been amended to increase the ceiling price of new automobiles at the manufacturer's level. Inasmuch as there has not been sufficient time to make a comprehensive study of dealers' margins and in view of the fact that it has not yet been possible to form an advisory committee for the purpose of consultation with respect to the role of these dealers in the program of price stabilization, the Director of Price Stabilization has determined that this increase may be passed on by the dealer in the dollars and cents amount of the increase. The situation of the dealers is under study and a determination will later be made whether in light of existing conditions the dealers should be required to absorb some or all of the increases in cost to them.

The method established for pricing used cars under Supplementary Regulation 5 referred to a list of guides that could be used for this purpose. In addition to those listed, several guides are published whose prices are substantially in line with those published in the listed books. This amendment adds these to the guides already listed.

The Territories and possessions of the United States are exempted by this amendment from the provisions of Supplementary Regulation 5, because, as to used car sales, guide books, so far as can be ascertained, are not issued for such Territories and possessions and because, as to new car sales, there are certain customary pricing practices which are peculiar to the sellers in the Territories and possessions. The Agency expects to take special action shortly with regard to sales of automobiles in these areas.

In order to make clear to the dealers selling used cars under the provisions of this regulation their obligation with respect to filing the statement required by the regulation, the regulation is amended to permit the dealers a period of 30 days after their first sale to make this filing.

AMENDATORY PROVISIONS

Supplementary Regulation 5 to the General Ceiling Price Regulation is amended in the following respect:

1. Section 1 (b) is amended to read as follows:

(b) The provisions of this regulation are applicable in the United States and the District of Columbia.

2. Section 3 is amended by adding the following paragraph (h):

(h) With respect to cars purchased by the seller after March 1, 1951, the amount in dollars and cents by which the manufacturer of the automobile has increased the price to the seller after that date.

3. Section 4 (g) is amended to read as follows:

(g) Every seller of used cars except persons not in the business of selling used cars must file with the nearest District Office of the Office of Price Stabilization a statement in writing showing the guide he used during the period December 19, 1950, to January 25, 1951, inclusive, or the guide which he has selected, as the case may be. This statement must be filed by the seller not more than 30 days after the date of his first sale of a used car following the effective date of this regulation.

The following is a list of the guides:

N. A. D. A. Official Used Car Guide;

Red Book National Used Car Market Report;

Blue Book National Used Car Market Report;

Wisconsin Automotive Valuation Guide (this guide may be used only by sellers in the State of Wisconsin);

Kelly Blue Book (this guide may be used only by sellers in the States of Arizona, California, Idaho, Nevada, Oregon, Utah and Washington);

Market Analysis Report (this guide may be used only by sellers in the States of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont);

Northwest Used Car Value (this guide may be used only by sellers in the States of Washington, Oregon, Idaho, Montana and North Dakota).

This amendment shall become effective immediately.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MARCH 7, 1951.

[F. R. Doc. 51-3157; Filed, Mar. 7, 1951; 11:58 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 51-8]

Subchapter L—Security of Waterfront Facilities

PART 125—IDENTIFICATION CREDENTIALS FOR PERSONS REQUIRING ACCESS TO WATERFRONT FACILITIES OR VESSELS

APPLICATION FOR COAST GUARD PORT SECURITY CARD

The editorial amendment to 33 CFR 125.19 (f) is to change the phrase "registered mail" to "mail" in the first sentence. The purpose of this editorial amendment is to remove an unnecessary restriction in the mailing of a Port Security Card to the applicant. Because this editorial amendment removes a restriction and will expedite the issuing of Port Security Cards to persons qualified therefor, it is hereby found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order No. 10173, the following amendment to 33 CFR 125.19 (f) is prescribed, which shall become effective upon date of publication of this document in the FEDERAL REGISTER:

Section 125.19 (f) is amended to read as follows:

§ 125.19 *Application for Coast Guard Port Security Card.* * * *

(f) The applicant shall indicate the address to which his Coast Guard Port Security Card can be delivered to him by mail. Under special circumstances the applicant may arrange to call in person for the Coast Guard Port Security Card.

(E. O. 10173, Oct. 18, 1950, 15 F. R. 7005; 3 CFR, 1950 Supp. Interprets or applies 40 Stat. 220, as amended; 50 U. S. C. 191)

Dated: March 2, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 51-3065; Filed, Mar. 7, 1951; 8:57 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

PARCELS ADDRESSED TO CERTAIN A. P. O.'S

Whereas the Post Office Department has received advice that certain parcels being handled through A. P. O. 55 and A. P. O. 58 must be accompanied by a customs declaration form, and that certain articles are prohibited importation into the countries where the Army Post Offices are located, and it having been found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest for the reason that such compliance would impede the due and timely execution of the functions of this Department.

Now, therefore, it is ordered, That, effective at once, Part 34 (39 CFR Part 34) be amended as follows:

Amend § 34.95 *Parcels addressed to certain A. P. O.'s* (15 F. R. 8165) to read as follows:

§ 34.95 *Parcels addressed to certain A. P. O.'s*—(a) *Conditions applicable to parcels addressed to A. P. O.'s 124, 125, 147 and 179, c/o Postmaster, New York, N. Y.*—(1) *Weight limit.* The weight of each parcel shall not exceed 50 pounds.

(2) *Customs declaration form.* Each parcel must bear customs declaration Form 2966 or 2976 (C–1), as applicable.

(3) *Customs duty.* Articles will be liable for customs duty and/or purchase tax unless they are bona fide gifts, personal effects, or items for personal use intended for military personnel or their dependents. Where the contents of a parcel meet the foregoing requirements, the mailer should place a certification similar to the following on the customs form under the heading "Description of Contents":

Certified to be a bona fide gift, personal effects, or item for personal use of military personnel and dependents thereof.

(4) *Customs inspection.* Parcels containing articles which may be liable to customs duty will be plainly endorsed "May be opened for customs inspection."

(5) *Prohibited articles.* The following articles may not be accepted:

(i) Tobacco in any form.
(ii) Securities.
(iii) Precious metals.
(iv) Currency.

(6) *Parcels not acceptable.* Parcels which fail to meet these requirements shall not be accepted for mailing. Postmasters are directed to question the mailers as to the contents of parcels addressed for delivery through A. P. O.'s 124 and 125, 147 and 179, and shall refuse to accept for mailing any parcel containing any of the prohibited articles listed in subparagraph (5) of this paragraph.

(b) *Conditions applicable to parcels addressed to A. P. O. 55 and 58 c/o Postmaster, New York, N. Y.*—(1) *Customs declaration.* No third- or fourth-class parcel addressed for delivery through A. P. O. 55 or A. P. O. 58 shall be accepted for mailing unless it is accompanied with Form 2966 listing the nature of the articles enclosed and value of contents. Sealed first-class packages, including air-mail packages, for these addresses which contain merchandise must have attached Form 2976 (C1) or be endorsed for opening for customs purposes. The paper form of customs declaration (Form 2976–A) properly completed by the sender or an invoice must also be enclosed therein. Customs inspection will not be made while the mail is in A. P. O. channels, but after its delivery to the addressee or his representatives.

(2) *Prohibited articles.* The following articles are prohibited importation into the country where these A. P. O.'s are located:

Tobacco, cigars and cigarettes.
Matches.
Phosphorus.
Medicines and vaccines not conforming to French laws.
Narcotics.
Gunpowder.
Explosives.
Non-authorized publications, reprints and publications prohibited on account of their character or immoral contents.
Monies, currencies, gold and silver in bullion.
Securities.

(c) *List of Military Post Offices to which parcels may not be dispatched unless accompanied with the required declaration on Form 2976–A:*

C/o Postmaster, New York, N. Y.

A. P. O.	A. P. O.	A. P. O.
55	124	147
58	125	179

C/o Postmaster, New Orleans, La.

A. P. O.	A. P. O.	A. P. O.
825	829	834
826	830	835
827	831	836
828	832	837

Fleet Post Office, New York, N. Y.

Navy No. 214

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 51–3012; Filed, Mar. 7, 1951; 8:46 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 53—GRANTS FOR SURVEY, PLANNING AND CONSTRUCTION OF HOSPITALS

MISCELLANEOUS AMENDMENTS

1. The proviso of § 53.77 (c) (10) is amended to read as follows: "*Provided,* Except with respect to subparagraph (1) of this paragraph, the State Agency, subject to the approval of the Surgeon General, may approve modifications of the assurances required under this paragraph or waive technical compliance with any of the requirements of such assurances, if it finds that the purpose of such assurances and requirements is fulfilled."

2. Appendix B is amended to read as follows:

APPENDIX B—MERIT SYSTEM POLICIES OF THE UNITED STATES PUBLIC HEALTH SERVICE

Introduction. The United States Public Health Service is in accord with other Federal agencies and leaders in the field of public administration who recognize the principle that a system of personnel administration on a merit basis is the most effective method of securing and retaining qualified personnel. The employment of qualified personnel is considered a prerequisite of efficient administration, without which the purposes of sections 314 and 623, of the Public Health Service Act as amended may not effectively be achieved.

Accordingly, the regulations of the United States Public Health Service contain provisions relative to the establishment of merit systems of personnel administration in State and local health departments and other State agencies administering programs assisted by grants-in-aid from the United States Public Health Service. Under these regulations the United States Public Health Service reviews merit systems to determine their conformity with accepted standards of personnel administration.

The application of these policies is required as evidence that minimum standards of efficient personnel administration have been met. They are herewith adopted by the United States Public Health Service as standards for evaluating compliance with § 51.12 of the regulations governing grants to States and § 53.73 of the regulations governing the administration of the Hospital Survey and Construction program.[1]

JURISDICTION

These standards are applicable to all personnel, both State and local, engaged in the administration of programs under titles I, III, IV, V, and X of the Social Security Act, under the Public Health Service Act, and under the Wagner-Peyser Act, as amended, except those hereinafter exempted. The agencies administering these programs are referred to as State agencies.

At the option of the State agencies, the following positions in the several programs may be exempted from application of these standards: members of State and local boards or commissions; members of advisory councils or committees or similar boards paid only for attendance at meetings; State and local officials serving ex officio and performing incidental administrative duties; the executive head of each State agency; one confidential secretary to any of the foregoing exempted officials; janitors; part-time professional personnel who are paid for any form of medical, nursing or other professional service, and who are not engaged in the performance of administrative duties; attorneys serving as legal counsel; members of unemployment compensation appeals tribunals and boards of review representing employer and employee interests. Upon request of the State health authority to the Public Health Service or Children's Bureau, as applicable, exemption of hospital and sanatoria and local health department personnel from application of these standards will be considered on the basis of State and local administration.

MERIT SYSTEM ORGANIZATION

If a State has a State-wide civil service system operating under standards substantially equivalent to those herein provided, such State civil-service system should be applicable to the State agencies as defined above.

In the absence of a State civil service system with substantially equivalent standards, there will be established a merit system administered by an impartial body herein referred to as the Merit System Council, the members of which are appointed by the administrative agencies or by the Governor on recommendation of the administrative agencies, for stated overlapping terms, and no member of which is otherwise employed as an official or employee of any of the State agencies affected.

In the interests of economy and of efficient administration a joint merit system should serve all the State agencies as defined above unless, because of special circumstances, it is not feasible to establish such a joint system.

PROHIBITION OF DISCRIMINATION

Disqualification of any person from taking an examination, from appointment to a position, from promotion, or from holding a position because of political or religious opinions or affiliations will be prohibited.

LIMITATION OF POLITICAL ACTIVITY

Participation of any employee of the State agencies, except those hereinbefore exempted, in political activity will be prohibited except that an employee should have the right freely to express his views as a citizen and to cast his vote. Such prohibited political activity will include in substance the activities prohibited in the rules of the United States Civil Service Commission.

CLASSIFICATION PLAN

A classification plan for all positions in the agency, based upon investigation and analysis of the duties and responsibilities of each position, will be established and maintained. The classification plan will include an appropriate title for each class of position, a description of the duties and responsibilities of positions in the class, and requirements of minimum training, experience, and other qualifications suitable for the performance of the duties of the position.

COMPENSATION PLAN

A plan of compensation for all classes of positions in the agency will be established and maintained. Such plan will include salary schedules for the various classes in which the salary of a class is adjusted to the responsibility and difficulty of the work. The salary range for each class will consist of minimum, intervening, and maximum rates of pay to provide for salary adjustments within the range. In arriving at such salary schedules, consideration will be given to the prevailing rates for comparable positions in other departments of the State and to other relevant factors. The State administrative agencies will adopt plans for salary increases based upon quality and length of service. Salary laws and rules and regulations uniformly applicable to departments of the State government will be given consideration in the formulation of the compensation plan.

RECRUITMENT AND APPOINTMENT OF PERSONNEL

All positions in the State agencies, except those hereinbefore exempted, will be filled by personnel selected on the basis of merit, and in accordance with standards and procedures set forth in rules and regulations for the merit system adopted by the State agency or the State civil-service authority.

Regulations governing the administration of examinations will include the following provisions:

Examinations will be administered by a Merit System Supervisor, appointed under the merit system. Qualifications for the supervisor will include training and experience in a field related to merit system administration, and known sympathy with the principles of the merit system.

Applicants admitted to examinations will meet the minimum requirements for the positions for which they apply as set forth in the specifications for the positions.

Examinations for entrance to the service will be conducted on an open competitive basis, with adequate publicity, and with a reasonable period for filing applications.

Examinations will be practical in nature, constructed to reveal the capacity of the applicant for the position for which he is competing and his general background and related knowledge, and will be rated objectively. A practical written test will be included, except that where exceptional qualifications of a scientific or professional character are required, and competition through an assembled examination is impracticable, an unassembled examination may be held.

Examinations will also include: A rating of training and experience for the more responsible positions; an oral examination for positions requiring frequent contact with the public, or which involve important supervisory or administrative duties; and a performance test for positions involving the operation of office machines.

The Merit System Supervisor will prepare and establish registers of eligibles in the order of their final scores and will maintain the registers, make certification of eligibility, and keep all examination records.

All positions, not specifically exempted herein, are to be filled from registers of eligibles, except for emergency and provisional appointments for limited periods. Appointments will be made by selection from a limited number of the highest available eligibles on the appropriate register.

In the absence of an appropriate register, provisional appointments may be made pending competitive examination, provided each provisional appointee is certified by the Merit System Supervisor as meeting at least the minimum qualifications established for the class of position, and further provided that no individual may receive successive provisional or emergency appointments.

Personnel selected from registers to fill permanent positions will serve a fixed probationary period. Permanent appointment will be based upon an evaluation in writing of the performance of the employee during the probationary period.

An employee of an agency who has received appointment under a merit system with standards substantially comparable to these will retain the status held by him under such merit system in the event the State agency is placed under the jurisdiction of another merit system.

An employee of an agency in which no comparable merit system has been in operation may, upon the extension of the merit system to such agency, obtain status either through open competitive or qualifying examination as specified in the merit system rules and regulations. Such rules and regulations may permit an employee in the service of the agency to be automatically admitted to the examination covering the position held by him, and may permit him to be retained at the discretion of the State agency, providing he attains a passing grade in such examination.

PROMOTIONS

Whenever practicable a vacancy will be filled by promotion of a qualified permanent employee of the agency upon the basis of capacity, and quality and length of service.

Eligibility of an employee for promotion will be determined on recommendation of the agency and certification by the Merit System Supervisor that the employee meets the minimum requirements and is qualified for promotion to the class of position in question.

FURLOUGHS AND SEPARATIONS

Regulations will be established by the agencies governing furloughs, suspensions, and separations, and governing leaves and the conditions for payment of salary at termination of services. Such regulations will include provisions for adequate competition among employees in classes affected by reduction in force, and for retention of employees based upon systematic consideration of type of appointment, length of service and efficiency.

Employees who have completed the required probationary period of appointment and acquire permanent status will not be subject to separation except for cause, or for reasons of curtailment of work or lack of funds. In the event of separation, permanent employees will have the right of appeal to an impartial body through an established procedure provided for in the merit system rules.

SERVICE RATINGS

A system of periodic service ratings for the evaluation of performance will be maintained. The manner in which such ratings are to be used in promotions, salary increases, and separations will be provided for by agency regulation.

PERSONNEL RECORDS AND REPORTS

Such personnel records as are necessary for the proper maintenance of a merit system and effective personnel administration will be maintained by the State administrative agency. Periodic reports will be published by the Merit System Council.

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interprets or applies Sec. 622, 60 Stat. 1041; 42 U. S. C. 291e)

Dated: November 30, 1950.

[SEAL] LEONARD A. SCHEEL,
Surgeon General.

Approved: December 1, 1950.

LEONARD A. SCHEEL,
Chairman, Federal Hospital Council.

Approved: March 2, 1951.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 51–3023; Filed, Mar. 7, 1951; 8:48 a. m.]

[1] These standards are identical to those issued September 1, 1948, in the Public Health Service Grants-in-Aid Manual to be applicable to the administration of other programs assisted by grants-in-aid from the United States Public Health Service.

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte No. MC–5]

PART 174—SURETY BONDS AND POLICIES OF INSURANCE

FILING AND APPROVAL OF SURETY BONDS, POLICIES OF INSURANCE AND QUALIFICATIONS AS A SELF INSURER

In the matter of security for the protection of the public as provided in Part II of the Interstate Commerce Act and of rules and regulations governing the filing and approving of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by motor carriers and brokers subject to Part II of the Interstate Commerce Act.

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 28th day of February A. D. 1951.

The matter of amending § 174.1 (b) of our rules and regulations governing the

filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements prescribed by our order entered in this proceeding on March 3, 1949 (49 CFR 174.1 (b)), and relating to the matter of security for the protection of the public being under consideration; and

It appearing that in view of the nature of this amendment, the procedure set out in section 4 (a) of the Administrative Procedure Act (5 U. S. C., sec. 1003 (a) is not applicable:

It is ordered, That the proviso of § 174.1 (b) of said rules and regulations be, and it is hereby, amended by adding "cement building blocks" after the term "cinders, coal" in the list of commodities the transportation of which is exempt from the requirements of § 174.1 (b).

It is further ordered, That the amended § 174.1 (b) shall be effective upon publication in the FEDERAL REGISTER by reason of the fact that the amendment is interpretive and also relieves certain motor carriers from restrictions in the rule, thereby falling within the terms of section 4 (a) of the Administrative Procedure Act (5 U. S. C. sec. 1003 (a)).

And it is further ordered, That notice of this order shall be given to the public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing with the Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies sec. 215, 49 Stat. 557; 49 U. S. C. 315)

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3024; Filed, Mar. 7, 1951; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter E—Alaska Wildlife Protection

PART 46—TAKING ANIMALS, BIRDS, AND GAME FISHES

SEASONS FOR BEAVER

Basis and purposes. The Alaska Game Commission has recommended that there be a further amendment of the Alaska Game Law Regulations appearing in the May 19, 1950, issue of the FEDERAL REGISTER (15 F. R. 2777) to permit persons to trap not more than 10 beaver each from March 1 to 31, 1951, in the Kobuk River Drainage in Fur District 5. Inasmuch as the following amendment of the regulations is a relaxation of the present restriction governing the taking of beaver in Fur District 5, publication prior to the effective date thereof is not required (60 Stat. 237, 5 U. S. C. 1001 et seq.).

Effective March 1, 1951 the following revision is made:

1. Section 46.132 *Seasons for beaver*, subheading 5 "Fur District 5" is amended to read as follows:

Fur District 5: In Kobuk River Drainage, March 1 to March 31. Limit, 10 a season. No open season in rest of the District.

(Sec. 9, 43 Stat. 743, as amended; 48 U. S. C. 198)

OSCAR L. CHAPMAN, *Secretary of the Interior.*

MARCH 2, 1951.

[F. R. Doc. 51-3010; Filed, Mar. 7, 1951; 8:45 a. m.]

Subchapter F—Alaska Commercial Fisheries

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Basis and purposes. On the basis of information produced at public hearings, written briefs submitted by members of the fishing industry, and scientific data acquired by personnel of the Fish and Wildlife Service, amendments to existing regulations for control of the Alaskan fisheries are promulgated whenever necessary to achieve maximum commercial utilization of the resource consistent with sound conservation principles. In order to realize such utilization under current conditions and in conformance with the notice of intention to adopt amendments issued by the Secretary of the Interior on July 7, 1950 (F. R. Doc. 50-5867, 15 F. R. 4318), the following provisions are adopted, to become effective 30 days after their publication in the FEDERAL REGISTER.

PART 101—DEFINITIONS

1. Section 101.1 is amended by substituting "101.16" in lieu of "101.14."

2. Section 101.9 is amended to read as follows:

§ 101.9 *Personal use fishing.* The taking or attempting to take, of any species of fish or shellfish for purposes other than for sale or barter, including dog feed.

3. Section 101.13 is amended to read as follows:

§ 101.13 *Local representative of the Fish and Wildlife Service.* The nearest or most accessible officer of the Fish and Wildlife Service, or any person designated by the Regional Director to perform specific functions of the Service.

4. A new section designated § 101.15 is added to read as follows:

§ 101.15 *Regulations in latitude and longitude.* All regulations expressed in coordinates of latitude and longitude are based on the North American Datum of 1927, as used by the Coast and Geodetic Survey in the preparation of navigational charts.

5. A new section designated § 101.16 is added to read as follows:

§ 101.16 *Legal limit of fishing gear.* The maximum aggregate of a single type of fishing gear permitted to be used by one individual or boat in any particular regulatory area or district.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 102—GENERAL PROVISIONS

1. Sections 102.3 and 102.5 are deleted and a new section designated § 102.3a is inserted in lieu thereof, reading as follows:

§ 102.3a *Imposition of additional restrictions and extensions of open seasons.* There is hereby delegated to the Director of the Fish and Wildlife Service authority to shorten, lengthen, or reopen for limited periods any closed fishing period and to impose further restrictions on the means, methods, and areas of fishing and on the catch of fish otherwise permitted to be taken. The authority herein granted may be redelegated in whole or in part to the Regional Director of Region 6 and to such employees of the Fish and Wildlife Service as are designated by the Director and shall be exercised solely for the following purposes:

(a) To permit an additional take of any run that is in excess of the escapement required by the act of June 6, 1924 (43 Stat. 464), or to provide for such required escapement.

(b) To offset the damaging effects of any abnormal increase in intensity of fishery operations in any district.

Any shortening, lengthening, or reopening of a closed fishing period or restriction on the means and methods of fishing or on the catch of fish to be taken shall be announced by the Director, or by such other person exercising such authority by redelegation from the Director, which announcement shall be final and reasonable notice thereof shall be made public in the Territory of Alaska.

2. Section 102.4 is amended in headnote to read "*Daily reports*" and in text by inserting a period after "Fish and Wildlife Service" where it appears the second time, and deleting the remainder of the section beginning with the words "in charge."

(Interprets or applies sec. 2, 43 Stat. 465; 48 U. S. C. 225)

3. Section 102.7 is amended in paragraph (d) by adding the following sentence: "Reporting responsibility, where in question, rests with the final buyer or dealer who handles the fish within the Territory."

(Interprets or applies sec. 10, 34 Stat. 480, as amended; 48 U. S. C. 238)

4. Section 102.8a is deleted.

5. Section 102.14 is amended to read as follows:

§ 102.14 *Closed areas near salmon streams.* (a) Commercial fishing is prohibited at all times between the exposed tideland banks of any salmon stream, within 500 yards of the terminus, as defined herein, of any such stream and within such greater distances from such terminus as may be specified in regulations having particular application to designated streams or areas. For the purpose of the regulations in this part the word "terminus" shall mean a line drawn between the seaward extremities of the exposed tideland banks of any salmon stream.

(b) For the purposes of section 3 of the act of June 6, 1924 (43 Stat. 464; 48 U. S. C. 233), as amended, the mouth of any salmon creek, stream or river is determined to be at a line drawn between the extremities of its banks at high tide. The facts as to the location of any such line shall be ascertained from time to time by the Director of the Fish and Wildlife Service and such other persons as may be designated by the Director and in accordance therewith the mouth of such creek, stream or river shall be appropriately marked and such marking shall be final.

6. Section 102.16 is deleted.

7. Section 102.17 is deleted.

8. A new section designated § 102.16a is added to read as follows:

§ 102.16a *Salmon fishing boats and gear.* No salmon fishing boat shall operate, assist in operating, or have aboard either it or on any boat towed by it, more than one legal limit of fishing gear: *Provided*, That (a) where the use of leads is permitted, a purse seine boat may have or use not to exceed one lead of legal length and depth with mesh at least 7 inches stretched measure between knots, (b) a trolling boat may have or use for taking bait, one gill net with mesh not more than 2½ inches stretched measure between knots, made of not greater than number 20 gill-net thread, and not exceeding 10 fathoms in length and 100 meshes in depth, and (c) unhung gear sufficient for mending purposes may be carried aboard.

9. Section 102.19 is amended by deleting all of the text after the first sentence, beginning with the word "No."

10. Section 102.19a is deleted.

11. Section 102.20 is deleted.

12. Section 102.28 is amended to read as follows:

§ 102.28 *Method of closing salmon traps.* During all periods when fishing is prohibited, the heart walls of salmon traps shall be lifted or lowered in accordance with the method prescribed by section 5 of the act of June 6, 1924. In addition to such closure, a section not less than 6 feet in width and 10 feet in depth on the front of the pot on floating traps, and 6 feet in width and to the depth of mean low water on the front of the pot on pile-driven traps, shall be raised clear of the water by a space of two feet. Provision shall be made for attaching metal seals to the bottom of this section during such times as it is raised and said seals, furnished by the Fish and Wildlife Service, shall be locked on each side of the section during all closed periods in such manner that it cannot be lowered until the seals are broken.

(Interprets or applies sec. 5, 34 Stat. 479, as amended; 48 U. S. C. 234)

13. Section 102.30 is amended in paragraph (e) to read as follows:

(e) The use of any trawl in fishing for, or taking, salmon, herring, and Dungeness crabs is prohibited.

14. Part 102 is amended by adding a new center heading of "Personal Use Fishery" and a new section designated § 102.50 is added thereunder to read as follows:

PERSONAL USE FISHERY

§ 102.50 *Prohibited near weirs and ladders.* Fishing for, taking, or molesting any fish by any means, or for any purpose, is prohibited within 500 yards of any dam, fish ladder, or weir.

15. All regulations, except in § 102.14, are amended by deleting the word "mouth" wherever it appears therein and by inserting in lieu thereof the word "terminus."

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 103—KOTZEBUE-YUKON-KUSKOKWIM AREA

1. Section 103.2 is amended in paragraph (e) by deleting the last sentence of text and § 103.4 is amended in headnote and text to read as follows:

§ 103.4 *Maximum take of salmon.* In any calendar year the take of king and red salmon shall not exceed:

(a) Yukon district: 50,000 king salmon, of which not more than 25,000 may be taken inside the river.

(b) Kuskokwim district: 250,000 red salmon and king salmon combined: *Provided*, That only king salmon and not to exceed 15,000 of these may be taken inside the river.

2. Section 103.5 is amended in headnote and text to read as follows:

§ 103.5 *Types of gear permitted, exception.* Except in the Yukon district and the Kuskokwim River, fishing shall be conducted solely by drift or set gill nets: *Provided*, That this shall not apply to the use of purse seines in Kuskokwim Bay, exclusive of Goodnews Bay, between 59 degrees and 59 degrees 40 minutes north latitude, westward to Cape Avinof. No lead shall exceed 25 fathoms in length.

(Interprets or applies sec. 4, 34 Stat. 479, as amended; 48 U. S. C. 232)

3. A new section designated § 103.5a is added to read as follows:

§ 103.5a *Types of gear permitted, Yukon district and Kuskokwim River.* Fishing in the Yukon district and in the Kuskokwim River is prohibited except by fish wheels and by gill nets having mesh not less than 8½ inches stretched measure between knots: *Provided*, That inside the Yukon and Kuskokwim Rivers, fishing shall be permitted only by native Indians and bona fide permanent white residents.

4. Section 103.7 is deleted.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 104—BRISTOL BAY AREA

1. Section 104.5 is amended to read as follows:

§ 104.5 *Weekly closed period.* In the period June 25 to July 31 the 36 hour statutory weekly closed period is extended to include the periods (a) in the Nushagak, Kvichak-Naknek and Egegik districts, from 6 o'clock antemeridian Wednesday to 6 o'clock antemeridian Friday making a total weekly closure of 84 hours; and (b) in the Ugashik district, from 6 o'clock antemeridian Wednesday to 6 o'clock antemeridian Thursday making a total weekly closure of 60 hours.

2. Section 104.13 is amended to read as follows:

§ 104.13 *Motor-propelled boats.* No motor-propelled fishing boat shall exceed 32 feet in length over all.

3. Section 104.15 is deleted and a new section designated § 104.15a is added to read as follows:

§ 104.15a *Location of stake and set nets.* Fishing with stake or set or anchored gill nets shall be limited to beach areas between high and low water marks, exclusive of bars or flats that at low tide are not connected by exposed land to the shore or places not covered at high tide.

4. Section 104.20 is amended in headnote and text to read as follows:

§ 104.20 *Closed waters.* Fishing is prohibited as follows:

(a) Nushagak Bay: North of a line from a marker 2 statute miles below Bradford Point to a marker on the opposite shore at Nushagak Point.

(b) Kvichak Bay: Northwest of a line from the south bank of the south terminus of Coffee Creek to Telephone Point.

(c) Naknek Bay: Within 1 statute mile of the terminus of the Naknek River.

(d) Egegik Bay: East of a line from a marker 250 yards east of Libby McNeill & Libby's cannery building to a marker on the opposite shore 175 yards east of the Alaska Packers Association's cannery building.

(e) Ugashik River: Southeast of a line extending at right angles across the river 500 yards below the terminus of King Salmon River.

5. Part 104 is amended by adding a new center heading of "Personal Use Fishery" and a new section designated § 104.50 is added thereunder to read as follows:

PERSONAL USE FISHERY

§ 104.50 *Notification of intention to take.* Fishing for personal use is prohibited, except by hand rod, spear, or gaff, in any closed waters or during any closed period without prior notice being given to the local representative of the Fish and Wildlife Service. Such notice shall identify the fishermen, gear, area to be fished, time such fishing will be done, approximate number of fish to be taken and the intended disposition of the catch.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 105—ALASKA PENINSULA AREA

1. Section 105.4 is amended to read as follows:

§ 105.4 *Open season, Port Moller district.* Fishing is prohibited in the Port Moller district except in the period from 6 o'clock antemeridian July 2 to 6 o'clock postmeridian July 28: *Provided*, That beach seines and gill nets may be used

from August 10 to September 30, both dates inclusive.

2. Section 105.7 is deleted.

3. Section 105.11 is amended to read as follows:

§ 105.11 *Size of beach seines.* No beach seine shall be less than 60 fathoms in length and 5 fathoms in depth, nor more than 100 fathoms in length and 12 fathoms in depth, hung measure.

4. Section 105.18 is amended in the first line of text by deleting the words "for the capture of salmon."

5. Section 105.19 is amended in the first line of text to read as follows: "Fishing is prohibited, as follows:"

6. Part 105 is amended in all expressions of latitude and longitude by subtracting 4 seconds of latitude and 4 seconds of longitude.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 107—CHIGNIK AREA

1. Section 107.2 is amended in headnote and text to read as follows:

§ 107.2 *Open seasons.* Fishing is prohibited prior to 6 o'clock antemeridian June 6 and (a) after 6 o'clock postmeridian August 5 east of 158 degrees 10 minutes west longitude, and (b) after 6 o'clock postmeridian September 15 in all other waters.

2. Section 107.4 is amended in headnote and text to read as follows:

§ 107.4 *Catch limitation, Chignik River red salmon.* The take of red salmon within waters in which the runs are tributary to the Chignik River shall not exceed 50 percent of the total run as determined at the weir in the Chignik River operated by the Fish and Wildlife Service. The escapement to Chignik River, as determined at the weir, shall not be less than 375,000 in the period prior to July 20 and 375,000 in the period after July 20.

(Interprets or applies sec. 2, 43 Stat. 465; 48 U. S. C. 225)

3. Section 107.7 is amended to read as follows:

§ 107.7 *Size of beach seines.* No beach seine shall be less than 60 fathoms in length and 5 fathoms in depth, nor more than 100 fathoms in length and 12 fathoms in depth, hung measure.

4. Section 107.14 is amended in the first line of text by deleting the words "for the capture of salmon."

5. Section 107.15 is amended in the first line of text by deleting the words "All commercial" and "for salmon."

6. Part 107 is amended in all expressions of latitude and longitude by subtracting 5 seconds of latitude and 4 seconds of longitude.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 108—KODIAK AREA

1. Section 108.2 is amended in paragraphs (a) and (b) to read as follows:

(a) Alitak district: All waters between Cape Trinity and Low Cape.

(b) Red River district: All waters from Low Cape to Cape Karluk.

2. Section 108.3 is amended by changing the comma after July 15 to a period and deleting the remainder of the sentence.

3. Section 108.3c is amended by deleting the proviso.

4. Section 108.4 is amended to read as follows:

§ 108.4 *Opens seasons, Red River district.* Fishing is prohibited except from 6 o'clock antemeridian June 6 to 6 o'clock postmeridian July 15; from 6 o'clock antemeridian July 31 to 6 o'clock postmeridian August 13; and from 6 o'clock antemeridian September 10 to 6 o'clock postmeridian September 30: *Provided*, That set net fishing shall not be prohibited from 6 o'clock postmeridian August 13 to 6 o'clock antemeridian September 10.

5. Section 108.5 is amended by deleting the remainder of the sentence beginning with "14" and substituting in lieu thereof the following: "13: *Provided*, That this prohibition shall not apply to set or anchored gill nets, in any of the waters of the district open to their use, from 6 o'clock postmeridian August 13 to 6 o'clock postmeridian August 20."

6. Section 108.8 is amended in headnote and text to read as follows:

§ 108.8 *Catch limitation, Red River district.* The take of red salmon in the Red River district shall not exceed 50 percent of the run as determined at the weir in Red River operated by the Fish and Wildlife Service. The escapement, as determined at the Weir, shall not be less than 150,000.

7. Section 108.9 is amended in headnote and text to read as follows:

§ 108.9 *Catch limitation, Karluk district.* The take of red salmon in the Karluk district shall not exceed 50 percent of the run as determined at the weir in Karluk River operated by the Fish and Wildlife Service. The escapement, as determined at the weir, shall not be less than 350,000 prior to July 15.

(Interprets or applies sec. 2, 43 Stat. 465; 48 U. S. C. 225)

8. Section 108.10 is amended in the first sentence of text by deleting "All commercial" and "for salmon," and by adding 11 seconds of latitude and subtracting 25 seconds of longitude in all expressions of latitude and longitude.

9. Section 108.14 is amended by deleting the following sentence of text: "For purpose of determining depths of seines, measurements will be upon the basis of stretched measure between knots."

10. Section 108.15 is amended by deleting the last sentence of the text, beginning "For purpose of."

11. Section 108.17 is amended in headnote and text to read as follows:

§ 108.17 *Gear, Red River district.* Fishing is prohibited in the Red River district except by purse seines and set or anchored gill nets.

12. Section 108.23 is amended in the first line of text by deleting the words "for the capture of salmon"; in paragraphs (a) through (k), and (q) by adding 11 seconds of latitude and subtracting 26 seconds of longitude in all expressions of latitude and longitude; and in paragraphs (l) through (p) by adding 11 seconds of latitude and subtracting 25 seconds of longitude in all expressions of latitude and longitude.

13. Section 108.24 is amended in the first line of text by deleting the words "All commercial" and "for salmon"; in paragraphs (a), (c) through (k), (q) and (u) through (x) by adding 11 seconds of latitude and subtracting 26 seconds of longitude in all expressions of latitude and longitude; in paragraphs (l), (s), (t) and (z) by adding 11 seconds of latitude and subtracting 25 seconds of longitude in all expressions of latitude and longitude; and in paragraphs (b) and (aa) to read as follows:

(b) Deadman Bay, tributary to Alitak Bay: All waters north of a line extending from a point at 57 degrees 8 minutes 12 seconds north latitude, 153 degrees 49 minutes 24 seconds west longitude, to a point at 57 degrees 7 minutes 50 seconds north latitude, 153 degrees 47 minutes west longitude.

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(aa) Sukhoi Bay: All waters of the bay and lagoon.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 109—COOK INLET AREA

1. Section 109.2 is amended as follows: In paragraph (a) by deleting "23 seconds" and substituting in lieu thereof "34 seconds"; by deleting "May 20" and substituting in lieu thereof "May 28"; by deleting "August 8" and substituting in lieu thereof "August 4"; in paragraph (b) by deleting "May 25" and substituting in lieu thereof "May 28"; by deleting "August 12" and substituting in lieu thereof "August 8"; and by changing the comma after "July 25" to a period and deleting the remainder of the sentence; in paragraph (c) by deleting "August 8" and substituting in lieu thereof "August 4" and by deleting "May 20" and substituting in lieu thereof "May 28."

2. Section 109.2a is amended to read as follows:

§ 109.2a *Weekly closed period.* The statutory weekly closed period is extended to include the periods from 6 o'clock antemeridian Saturday to 6 o'clock antemeridian Monday and from 6 o'clock antemeridian Wednesday to 6 o'clock postmeridian Thursday, making a total weekly closure of 84 hours.

3. Section 109.15 is amended in the first sentence of text by deleting the words "for the capture of salmon"; in paragraphs (a) through (l) inclusive, by adding 11 seconds of latitude and subtracting 27 seconds of longitude in all expressions of latitude and longitude; and in paragraphs (m) through (s) inclusive, by adding 11 seconds of latitude and subtracting 26 seconds of longitude in all expressions of latitude and longitude.

4. Section 109.16 is amended in paragraph (b) by adding 11 seconds of latitude and subtracting 27 seconds of longitude in all expressions of latitude and longitude; and in paragraph (c) by subtracting 26 seconds of longitude.

5. Part 109 is amended by adding a new center heading of "Personal Use Fishery" and two new sections designated § 109.50 and § 109.51 are added thereunder to read as follows:

PERSONAL USE FISHERY

§ 109.50 *Notification of intention to take.* Fishing for personal use is prohibited, except by hand rod, spear, or gaff, in any closed waters or during any closed period without prior notice being given to the local representative of the Fish and Wildlife Service. Such notice shall identify the fishermen, gear, area to be fished, time such fishing will be done, approximate number of fish to be taken and the intended disposition of the catch.

§ 109.51 *Closed waters.* Fishing for, taking, or molesting any fish by any means, or for any purpose, is prohibited in all waters of:

(a) Fish Creek, tributary to Knik Arm.

(b) Ship Creek.

(c) Campbell Creek.

(d) Cottonwood Creek, tributary to Knik Arm.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 110—RESURRECTION BAY AREA

1. Section 110.2 is deleted.

2. Section 110.3 is amended in headnote and text to read as follows:

§ 110.3 *Open season.* Fishing is prohibited prior to 6 o'clock antemeridian July 1, from 6 o'clock postmeridian August 7 to 6 o'clock antemeridian August 15 and after 6 o'clock postmeridian September 15.

3. Section 110.4 is amended to read as follows:

§ 110.4 *Weekly closed period.* In the waters of Resurrection Bay, within a line from Cape Resurrection to the western side of Bear Glacier at its terminus, the 36-hour statutory closed period is hereby extended to include the period from 6 o'clock antemeridian Saturday of each week to 6 o'clock antemeridian Tuesday, making a total closed period of 72 hours.

4. Sections 110.5, 110.6 and 110.7 are deleted.

5. Section 110.9 is amended to read as follows:

§ 110.9 *Size of mesh, gill nets.* Gill net mesh shall not be less than 5½ inches stretched measure between knots, when actually in use.

6. Section 110.11 is amended in headnote and text to read as follows:

§ 110.11 *Traps and purse seines prohibited.* The use of any trap or purse seine is prohibited.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 111—PRINCE WILLIAM SOUND AREA

1. Section 111.9 is deleted.

2. Section 111.11 is amended in the first sentence of text by deleting the words "for the capture of salmon", and in paragraph (z) by deleting the following: "(as shown on U. S. Coast and Geodetic Survey Chart No. 8551)".

3. Section 111.12 is amended in the first sentence of text by deleting the words "All commercial" and "for salmon." A new paragraph is added to read as follows:

(x) Port Valdez: All waters east of 146 degrees 40 minutes west longitude.

4. Part 111 is amended in all expressions of longitude and latitude except in § 111.11, paragraph (x), and in §§ 111.20 and 111.21 by adding 10 seconds of latitude and subtracting 28 seconds of longitude.

5. Section 111.20 is amended in headnote and text to read as follows:

§ 111.20 *Closed season, Dungeness crabs.* Fishing for Dungenesse crabs is probited from June 1 to August 14, both dates inclusive, north of 60 degrees 22 minutes north latitude and east of 146 degrees 40 minutes west longitude: *Provided*, That in the waters of Orca Inlet between Salmo Point and the Cordova Ocean Dock, such fishing is prohibited from June 1 through October 31.

6. A new section designated § 111.21 is added to read as follows:

§ 111.21 *Limitation of crab pots.* North of 60 degrees 22 minutes north latitude, and east of 146 degrees 40 minutes west longitude no boat shall operate more than 100 crab pots.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 112—COPPER RIVER AREA

1. Section 112.2 is amended to read as follows:

§ 112.2 *Closed seasons.* Fishing is prohibited prior to 6 o'clock antemeridian May 1, from 6 o'clock postmeridian June 20 to 6 o'clock antemeridian July 10, from 6 o'clock postmeridian August 7 to 6 o'clock antemeridian August 20 and after 6 o'clock postmeridian September 20.

2. Section 112.5 is amended to read as follows:

§ 112.5 *Weekly closed period.* Prior to August 20 fishing is prohibited from 6 o'clock antemeridian Wednesday to 6 o'clock antemeridian Thursday, and 6 o'clock antemeridian Saturday to 6 o'clock antemeridian Monday, making a total weekly closure of 72 hours.

3. Section 112.6 is amended to read as follows:

§ 112.6 *Limited to drift gill nets.* Fishing shall be conducted solely by drift gill nets without the attachment of anything to obstruct their free movement through the water at all times: *Provided*, That gill nets attached to anchored boats or other anchored floating equipment may be used from August 20 to September 20.

4. Section 112.8 has been amended in headnote and text to read as follows:

§ 112.8 *Size of gill nets.* The aggregate length of gill nets on, or in use by, any fishing boat shall not exceed 150 fathoms hung measure: *Provided*, That from 6 o'clock antemeridian May 15 to 6 o'clock postmeridian May 31 not to exceed 100 additional fathoms of net with mesh not less than 8½ inches stretched measure between knots may be used.

5. Section 112.11 is amended to read as follows:

§ 112.11 *Closed waters.* Fishing is prohibited prior to August 20 within 500 yards of the Grass Banks; at all times within sloughs and within 500 yards of their terminuses and north of a line from Cottonwood Point through Kokenhenik Island to the west shore of Kokenhenik Channel.

6. Section 112.15 is amended in headnote and text to read as follows:

§ 112.15 *Closed season, Dungeness crabs.* Fishing for Dungeness crabs is prohibited from June 1 to August 14, both dates inclusive, north of 60 degrees 22 minutes north latitude.

7. A new section designated § 112.16 is added to read as follows:

§ 112.16 *Limitation of crab pots.* North of 60 degrees 22 minutes north latitude no boat shall operate more than 100 crab pots.

8. Part 112 is amended by adding a new center heading of "Personal Use Fishery" and two new sections designated § 112.50 and § 112.51 are added to read as follows:

PERSONAL USE FISHERY

§ 112.50 *Notification of intention to take.* Fishing for personal use is prohibited, except by hand rod, spear, or gaff, in any closed waters or during any closed period without prior notice being given to the local representative of the Fish and Wildlife Service. Such notice shall identify the fishermen, gear, area to be fished, time such fishing will be done, approximate number of fish to be taken and the intended disposition of the catch.

§ 112.51 *Closed waters.* Fishing for, taking, or molesting any fish by any means, or for any purpose, is prohibited in all waters of:

(a) Gulkana River and all its tributaries above Gulkana Lake.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 113—BERING RIVER AREA—ICY BAY AREA

1. Section 113.3 is amended to read as follows:

§ 113.3 *Closed seasons.* Fishing is prohibited prior to 6 o'clock antemeridian June 1, from 6 o'clock postmeridian June 15 to 6 o'clock antemeridian August 20 and after 6 o'clock postmeridian September 20.

2. Section 113.5 is amended to read as follows:

§ 113.5 *Weekly closed period.* Prior to August 20 fishing is prohibited from 6 o'clock antemeridian Wednesday to 6 o'clock antemeridian Thursday and from 6 o'clock antemeridian Saturay to 6 o'clock antemeridian Monday, making a total weekly closure of 72 hours.

3. Section 113.6 is amended to read as follows:

§ 113.6 *Limited to drift gill nets.* Fishing shall be conducted solely by drift gill nets without the attachment of anything to obstruct their free movement through the water at all times: *Provided,* That gill nets attached to anchored boats or other anchored floating equipment may be used from August 20 to September 20.

4. Section 113.8 is amended in headnote and text to read as follows:

§ 113.8 *Aggregate length of gill nets.* The aggregate length of gill nets on, or in use by, any fishing boat shall not exceed 150 fathoms, hung measure.

5. Section 113.11 is amended to read as follows:

§ 113.11 *Closed waters.* Fishing is prohibited east of a line extending from a point on the shore at 60 degrees 11 minutes 20 seconds north latitude, 144 degrees 17 minutes 33 seconds west longitude, southeasterly to a point on the shore at 60 degrees 9 minutes 43 seconds north latitude, 144 degrees 15 minutes west longitude.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 114—YAKUTAT AREA

1. Sections 114.2 and 114.3 are deleted.

2. A new section designated § 114.2a is added to read as follows:

§ 114.2a *Open seasons.* Fishing, other than trolling, is prohibited prior to 6 o'clock antemeridian June 18 and after 6 o'clock postmeridian September 20: *Provided,* That fishing on the Italio River is prohibited prior to 6 o'clock antemeridian August 10.

3. Section 114.4 is amended by deleting the words "Prior to August 10," in the first sentence of text.

4. Section 114.5 is deleted.

5. Section 114.8 is amended to read as follows:

§ 114.8 *Marking of gill nets.* Each gill net in operation shall be marked by clusters of bright red floats or corks at both ends, each cluster to be legibly marked with the initials of the operator.

6. a. Section 114.9 is amended in paragraph (b) to read as follows:

(b) Situk Ahrnklin Inlets: 25 fathoms each net and 25 fathoms aggregate.

b. A new paragraph designated (e) is added to read as follows:

(e) Other waters: 15 fathoms each net, and 15 fathoms aggregate.

7. a. Section 114.10 is amended in paragraphs (a) and (b) to read as follows:

(a) Dry Bay; Above a point on the Alsek River approximately 2½ miles below the "Basin."

(b) Situk River; above a line from the bluff at the western side of Situk Inlet to the cut bank at the eastern side of the terminus of Johnson Slough.

b. A new paragraph designated (d) is added to read as follows:

(d) Italio River; above the center or apex of the horseshoe bend approximately ½ mile upstream from the Inlet.

(Sec. 1, 43 Stat. 464 as amended; 48 U. S. C. 221)

PART 115—SOUTHEASTERN ALASKA AREA, SALMON FISHERIES, GENERAL PROVISIONS

1. Section 115.2 is amended to read as follows:

§ 115.2 *Size of purse seines and leads.* No purse seine shall be less than 8½ fathoms nor more than 19½ fathoms in depth, nor less than 150 fathoms nor more than 250 fathoms in length, hung measure. No lead shall exceed 75 fathoms in length.

2. Section 115.5 is deleted.

3. A new section designated § 115.5a is added to read as follows:

§ 115.5a *Stake and set nets prohibited, exception.* Fishing with stake or set gill nets is prohibited except in the northern section of the western district.

4. A new section designated § 115.6c is added to read as follows:

§ 115.6c *Closed season on coho salmon.* Taking of coho salmon is prohibited from 6 o'clock postmeridian September 20 to 6 o'clock antemeridian July 1.

5. A new section designated § 115.6d is added to read as follows:

§ 115.6d *Closed season, troll caught king salmon.* Taking of king salmon by trolling is prohibited in all waters from 6 o'clock postmeridian September 20 to 6 o'clock antemeridian October 1, and in outside waters (exclusive of bays, inlets, sounds, channels and straits) from 6 o'clock postmeridian October 31 to 6 o'clock antemeridian March 15.

6. A new section designated § 115.6e is added to read as follows:

§ 115.6e *Protection of small king salmon.* The taking of any king salmon measuring less than 26 inches from tip of snout to fork of tail, or weighing less than 6 pounds dressed, is prohibited. Such undersized fish as are taken must be returned to the water without injury. Possession of undersized king salmon shall be regarded as prima facie evidence of unlawful taking.

7. A new section designated § 115.9 is added to read as follows:

§ 115.9 *Traps prohibited after September 20.* Fishing by means of any trap is prohibited after 6 o'clock postmeridian September 20.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 116—SOUTHEASTERN ALASKA AREA, FISHERIES OTHER THAN SALMON

1. Section 116.3 is amended by deleting the phrase "for commercial purposes" in the first and second sentences of text and by deleting "150,000" and substituting "100,000" in lieu thereof.

2. Section 116.5 is deleted.

3. Section 116.6a is deleted.

4. A new section designated § 116.6c is added to read as follows:

§ 116.6c *Restricted and prohibited, West Coast of Prince of Wales Island.* Fishing, except for bait and except by gill nets, is prohibited between 55 degrees 20 minutes north latitude and the latitude of Cape Lynch, east of 133 degrees 40 minutes west longitude: *Provided,* That all fishing and the maintaining of pounds is prohibited in waters surrounding Fish Egg Island north and east of a line from Cape Flores to Point Amargura and thence to Point Ildefonso.

5. Section 116.10 is amended by deleting "May 1" and substituting "April 30" in lieu thereof.

6. Section 116.11 is deleted.

7. Section 116.12 is amended by deleting "September 1" and substituting "August 31" in lieu thereof, and by deleting "August 1" and substituting "July 31" in lieu thereof.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 117—SOUTHEASTERN ALASKA AREA, ICY STRAIT DISTRICT, SALMON FISHERIES

1. Section 117.3 is amended to read as follows:

§ 117.3 *Open seasons, west of Point Carolus.* West of the longitude of Point Carolus fishing, other than trolling, is prohibited except from 6 o'clock antemeridian August 6 to 6 o'clock postmeridian September 1, and from 6 o'clock antemeridian October 1 to 6 o'clock postmeridian October 6.

2. Section 117.4 is amended to read as follows:

§ 117.4 *Open seasons, east of Point Carolus.* East of the longitude of Point Carolus fishing, other than trolling, is prohibited except from 6 o'clock antemeridian August 6 to 6 o'clock postmeridian September 1, and from 6 o'clock antemeridian October 1 to 6 o'clock postmeridian October 6.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

3. Sections 117.5, 117.6 and 117.7 are deleted.

4. Section 117.8 is amended by adding two new paragraphs (c) and (d), to read as follows:

(c) Port Frederick, (1) East of a line from Inner Point Sophia to Game Point and (2) south of 58 degrees 4 minutes 8 seconds north latitude.

(d) Glacier Bay, north of 58 degrees 27 minutes 54 seconds north latitude.

5. Section 117.10 is deleted.

PART 118—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT, SALMON FISHERIES

1. Section 118.4 is amended by deleting "August 31" and substituting "September 20" in lieu thereof.

2. Section 118.5 is amended to read as follows:

§ 118.5 *Open seasons, northern section, south of Sullivan Island.* Fishing other than trolling, is prohibited except from 6 o'clock antemeridian August 6 to 6 o'clock postmeridian September 1: *Provided,* That this prohibition shall not apply to the use of gill nets in Berners Bay from 6 o'clock antemeridian September 1 to 6 o'clock postmeridian September 20.

3. Section 118.6 is amended to read as follows:

§ 118.6 *Open seasons, central, southern, and western sections.* Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian August 6 to 6 o'clock postmeridian September 1 and from 6 o'clock antemeridian October 1 to 6 o'clock postmeridian October 6.

4. Section 118.7 is deleted.

5. Section 118.8 is amended to read as follows:

§ 118.8 *Size of gill nets.* (a) The aggregate length of gill nets on, or in use by, any fishing boat shall not exceed 200 fathoms, and (b) in the northern section, north of Sullivan Island, no gill net shall be less than 50 fathoms in length nor greater than 4 fathoms in depth, hung measure.

6. Two new sections designated § 118.9a and § 118.9b are added to read as follows:

§ 118.9a *Size of set nets.* No set or anchored gill net shall exceed 50 fathoms in length. The aggregate length of any such nets operated by any individual, or from any boat, shall not exceed 200 fathoms in length.

§ 118.9b *Operation of set nets.* All set or anchored gill nets shall be set in substantially a straight line and at right angles to the beach, and shall have a minimum distance of 600 feet between nets at all times.

7. Section 118.12 is deleted.

8. A new paragraph is added to § 118.17 to read as follows:

(t) Port Frederick, (1) east of a line from Inner Point Sophia to Game Point and (2) south of 58 degrees 4 minutes 8 seconds north latitude.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 119—SOUTHEASTERN ALASKA AREA, EASTERN DISTRICT, SALMON FISHERIES

1. Section 119.3 is amended in headnote and text to read as follows:

§ 119.3 *Open seasons, exceptions.* Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian August 6 to 6 o'clock postmeridian September 1, and from 6 o'clock antemeridian October 1 to 6 o'clock postmeridian October 6: *Provided,* That these prohibitions shall not apply to Taku Inlet, Port Snettisham, and their adjacent waters as described under § 119.4.

2. Section 119.4 is amended in paragraph (b) by substituting "October 1" in lieu of "October 15."

3. Section 119.5 is deleted.

4. Section 119.10 is amended in paragraph (p) to read as follows:

(p) All waters east of a line extending from high tide mark on Taku Point true north to the northern shore.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 120—SOUTHEASTERN ALASKA AREA, STIKINE DISTRICT, SALMON FISHERIES

1. Section 120.3 is deleted.

2. A new section designated § 120.3a is added to read as follows:

§ 120.3a *Weekly closed period.* In the period from June 25 to July 21 fishing is prohibited from 6 o'clock antemeridian Wednesday to 6 o'clock postmeridian Thursday in addition to the statutory 36-hour closed period, making a total weekly closure of 72 hours.

3. Section 120.5 is deleted and a new section designated § 120.5a is added to read as follows:

§ 120.5a *Gear restrictions.* Fishing is prohibited except by trolling, and by drift gill nets of not less than 125 fathoms nor more than 300 fathoms in length, hung measure: *Provided,* That nets of mesh more than 6 inches stretched measure between knots, when actually in use, are prohibited from June 25 to July 21, both dates inclusive.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 121—SOUTHEASTERN ALASKA AREA, SUMNER STRAIT DISTRICT, SALMON FISHERIES

1. Sections 121.3 and 121.4 are amended to read as follows:

§ 121.3 *Open season, Ernest Sound and Anan.* Fishing, other than trolling, in Ernest Sound and the open waters in the vicinity of Anan Creek (excluding Zimovia Strait) is prohibited, except from 6 o'clock antemeridian August 6 to 6 o'clock postmeridian September 1, and from 6 o'clock antemeridian October 1 to 6 o'clock postmeridian October 6.

§ 121.4 *Open season, exception.* With the exception of Ernest Sound and the vicinity of Anan Creek, fishing, other than trolling, is prohibited except from 6 o'clock antemeridian August 6 to 6 o'clock postmeridian September 1 and from 6 o'clock antemeridian October 1 to 6 o'clock postmeridian October 6.

2. Section 121.8 is amended by deleting "October 5" and substituting "October 1" in lieu thereof.

3. Section 121.11 is amended in paragraph (s) by deleting "55 minutes" and substituting "54 minutes" in lieu thereof.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 122—SOUTHEASTERN ALASKA AREA, CLARENCE STRAIT DISTRICT, SALMON FISHERIES

1. Section 122.4 is amended to read as follows:

§ 122.4 *Open season, northern section.* Fishing, other than trolling, in the northern section is prohibited except from 6 o'clock antemeridian August 6 to 6 o'clock postmeridian September 1, and from 6 o'clock antemeridian October 1 to 6 o'clock postmeridian October 6.

2. Section 122.5 is amended to read as follows:

§ 122.5 *Open season, central, southeast, southwest, and north Behm Canal sections.* Fishing, other than trolling, in the central, southeast, southwest and north Behm Canal sections is prohibited, except from 6 o'clock antemeridian August 6 to 6 o'clock postmeridian September 1 and from 6 o'clock antemeridian October 1 to 6 o'clock postmeridian October 6.

3. Section 122.5a is deleted.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 123—SOUTHEASTERN, ALASKA AREA, SOUTH PRINCE OF WALES ISLAND DISTRICT, SALMON FISHERIES

1. Section 123.3 is amended in headnote and text to read as follows:

§ 123.3 *Open seasons.* Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian August 6 to 6 o'clock postmeridian September 1, and from 6 o'clock antemeridian October 1 to 6 o'clock postmeridian October 6: *Provided,* That this prohibition shall not apply to purse seines from 6 o'clock antemeridian July 16 to 6 o'clock postmeridian July 28 in waters west of a line extending northwesterly from Cape Muzon through Cape Ulitka to the northern boundary of the district.

2. A new section designated § 123.4 is added to read as follows:

§ 123.4 *Registration by fishing boats.* In the period from July 16 to July 28, both dates inclusive, all seine boats must be registered with the local representative of the Fish and Wildlife Service, (a) before fishing in the area west of a line from Cape Muzon projected through Cape Ulitka, and (b) before leaving the South Prince of Wales Island district with salmon aboard.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 124—SOUTHEASTERN ALASKA AREA, SOUTHERN DISTRICT, SALMON FISHERIES

1. Section 124.3 is amended to read as follows:

§ 124.3 *Open season.* Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian August 6 to 6 o'clock postmeridian September 1, and from 6 o'clock antemeridian October 1 to 6 o'clock postmeridian October 6.

2. Section 124.9 is amended by adding a new paragraph designated (j) to read as follows:

(j) Portland Canal, all waters north of a line extending from Engineer's Point true west to the western shore of Portland Canal.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

OSCAR L. CHAPMAN,
Secretary of the Interior.

MARCH 2, 1951.

[F. R. Doc. 51-3006; Filed, Mar. 7, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Parts 904, 934, 947, 996, 999]

[Docket Nos. AO-14-A19, AO-83-A15, AO-203-A1, AO-204-A1, AO-113-A12]

HANDLING OF MILK IN GREATER BOSTON, LOWELL-LAWRENCE, SPRINGFIELD, WORCESTER, AND FALL RIVER, MASS., MARKETING AREAS

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENTS AND TO ORDERS AS NOW IN EFFECT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Hotel Bellevue, Lobby Salon, 21 Beacon Street, Boston, Massachusetts, beginning at 10:00 a. m., e. s. t., March 12, 1951, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the handling of milk in the Greater Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River, marketing areas, and to the proposed amendments to the tentatively approved marketing agreements and to the orders, as now in effect, regulating the handling of milk in the said marketing areas (7 CFR Part 900) set forth herein below, or any modification thereof. These proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendment has been proposed by the New England Milk Producers Association; Bellows Falls Cooperative Creamery, Inc.; Connecticut Valley Dairy, Inc., and Granite City Cooperative Creamery Association, Inc.; Northern Farms Cooperative Inc.; Maine Dairymen's Association, Inc.; the Whiting Milk Company, and H. P. Hood & Sons:

1. Amend the classification provisions of the respective orders to provide for the classification of fresh concentrated milk as Class I.

By the Dairy Branch, Production and Marketing Administration:

2. Make such other changes as may be required to make the marketing agreements and orders in their entirety conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the orders as now in effect may be procured from the respective Market Administrators; Room 403, 230 Congress Street, Boston 10, Massachusetts; 103 Pleasant Street, Fall River, Massachusetts; or National Bank Building, 21 Main Street, Andover, Massachusetts, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: March 5, 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 51-3073; Filed, Mar. 7, 1951; 8:58 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR, Part 130]

FORT BELKNAP INDIAN IRRIGATION PROJECT, MONTANA

IRRIGATION PROJECTS, OPERATION AND MAINTENANCE

FEBRUARY 27, 1951.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Pub. Law 404, 79th Cong., 60 Stat. 238), and authority contained in the acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 39 Stat. 1942; and 45 Stat. 210, 25 U. S. C. 367), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs August 28, 1946, and by virtue of authority delegated by the Commissioner of Indian Affairs to the Regional Director September 10, 1946 (11 F. R. 10267), notice is hereby given of intention to modify §§ 130.30 and 130.31 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Fort Belknap Indian Irrigation Project to read as follows:

§ 130.30 *Charges.* Pursuant to the provisions of the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387), the basic annual charge for operation and maintenance against the irrigable lands to which water can be delivered and beneficially applied under the constructed works of the Fort Belknap Indian Irrigation Project in Montana, including the lands operated as a tribal farming and livestock enterprise, is hereby fixed at $1.75 per acre for the year 1951 and thereafter until further notice.

§ 130.31 *Payment.* The annual charges fixed in § 130.30 shall become due on April 1 of each year, are payable on or before that date, and any assessment remaining unpaid after the due date shall stand as a first lien against the land. The delivery of water shall be refused to all tracts of land for which the charges have not been paid. Any delinquent charges against land in non-Indian ownership and Indian lands under lease to non-Indians shall be subject to a penalty of one-half of one per cent per month or fraction thereof from the due date until paid.

§ 130.31a *Water users responsible for water after delivery.* This section shall remain in full force and effect.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments in writing to the Director, U. S. Indian Service, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

F. M. HAVERLAND,
Acting Area Director.

[F. R. Doc. 51-3007; Filed, Mar. 7, 1951 8:45 a. m.]

[25 CFR, Part 130]

WIND RIVER INDIAN IRRIGATION PROJECT, WYOMING

OPERATION AND MAINTENANCE CHARGES

FEBRUARY 20, 1951.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Pub. Law 404, 79th Cong., 60 Stat. 238), and authority contained in the acts of Congress approved August 1, 1914; May 18, 1916; March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 39 Stat. 1942; 45 Stat. 210, 25 U. S. C. 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs August 28, 1946, and by virtue of authority delegated by the Commissioner of Indian Affairs to the Regional Director September 10, 1946 (11 F. R. 10267), notice is hereby given of intention to modify §§ 130.95 and 130.96 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Wind River Indian Irrigation Project, to read as follows:

§ 130.95 *Charges.* In compliance with the provisions of the act of August 1, 1914 (38 Stat. 583, 25 U. S. C. 385), the operation and maintenance charges for the lands under the Wind River Irrigation Project, Wyoming, for the calendar year 1949 and subsequent years until further notice, are hereby fixed at $1.80 per acre for the assessable area under constructed works on the Diminished Wind River Project and at $2.50 per acre on the Ceded Wind River Project; except in the case of all irrigable trust patent Indian land which is within the Ceded Reservation and which is benefited by the Big Bend Drainage District where an additional assessment of $0.45 (45 cents) per acre is hereby fixed (38 Stat. 583; 45 Stat. 210; 25 U. S. C. 385, 387).

§ 130.96 *Payment.* The charges as fixed in § 130.95 shall become due April 1 of each year and are payable on or before that date. To all charges which are not paid on July 1 following the due date, there shall be added a penalty of one-half of 1 percent per month, or fraction thereof, from the due date. April 1, so long as the delinquency continues. No water shall be delivered until such charges have been paid.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments in writing to the Director, U. S. Indian Service, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

PAUL L. FICKINGER,
Area Director.

[F. R. Doc. 51-3019; Filed, Mar. 7, 1951; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR, Part 501]

AIRCRAFT REGISTRATION CERTIFICATES

ISSUANCE

Notice is hereby given that the Administrator contemplates amending §§ 501.4, 501.7, and 501.8 to read in the manner indicated hereinafter. All interested persons who desire to submit written data, views, or arguments for consideration by the Administrator of Civil Aeronautics in connection with the proposed amendment shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

1. Section 501.4 (a) (1) will be amended to read:

§ 501.4 *Issuance of registration certificates*—(a) *New or previously unregistered aircraft.* • • •

(1) Mails or delivers a duly executed application for registration to the Administrator accompanied by the required registration fee (see § 406.14 (c) of this chapter);

2. Section 501.4 (b) will be amended to read:

(b) *Previously registered aircraft.* A registration certificate will be issued by the Administrator for aircraft previously registered under the provisions of the Civil Aeronautics Act of 1938, as amended, if (1) the applicant mails or delivers a duly executed application for registration to the Administrator accompanied by the required registration fee (see § 406.14 (c) of this chapter); (2) the applicant certifies that he is a citizen of the United States; (3) the applicant submits with the application for registration a conveyance which meets the requirements prescribed in Part 503 of this chapter, evidencing applicant's ownership of the aircraft; and (4) the conveyance submitted with the above application establishes in the recordation system of the Administrator, title to the aircraft in the applicant: *Provided*, That this requirement shall not be applicable to contracts of conditional sale in which the seller is the recorded owner of the aircraft: *And provided further*, That if for good reason an applicant for registration cannot comply with the provisions of subparagraphs (3) and (4) of this paragraph, other proof of ownership satisfactory to the Administrator must be submitted.

3. Section 501.7 will be amended to reference § 406.14 (c) instead of § 405.31 (c) (1).

4. Section 501.8 will be amended to reference § 406.14 (c) instead of § 405.31 (c) (1).

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 501, 52 Stat. 1005, as amended; 49 U. S. C. 521)

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-3005; Filed, Mar. 7, 1951; 8:45 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR, Part 123]

[File No. 21-322]

RAYON INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference, under the auspices of the Federal Trade Commission, will be held for the Rayon Industry in the Bowman Room of the Hotel Biltmore, Madison Avenue and 43d Street, New York City, on April 12 and 13, 1951, beginning at 10 a. m., for the purpose of considering the revision of trade practice rules for this industry as promulgated by the Commission on October 26, 1937.

All persons or organizations having an interest in the matter, including rayon yarn producers, weavers, knitters, converters, cleaners and dyers, garment manufacturers, wholesale and retail distributors of rayon products, consumers and consumer organizations, are invited to attend or be represented at the conference. Any person, firm, or organization as so described may take part in the discussion of such revision of the existing trade practice rules as may be proposed or suggested by the members of the industry at the conference. The conference will afford all segments of the industry an opportunity to cooperate with the Commission in establishing adequate rules for the elimination and prevention of unfair or deceptive acts or practices and unfair methods of competition, thus affording protection to both industry and the public and guidance to all concerned.

The Rayon Yarn Producers Group ask that the definition of the term "rayon" in the existing rayon rules be modified so as to apply only to the regenerated cellulose yarns and textile products made thereof; that the term "acetate" be required as descriptive of cellulose acetate yarns and the textile products made thereof; and that the labeling rules be changed to conform to these modifications. The Group also proposes amendment of rules relating to mixed goods, adulterants, and trade-marks, and further proposes amendment of Group II rules relating to disclosure of proportions of mixed fibers and information as to the treatment and care of products.

Issued: March 5, 1951.

By direction of the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-3033; Filed, Mar. 7, 1951; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

[Docket No. 9909]

MAINTAINING AND RETAINING BROADCAST STATION LOGS

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Sections 3.181, 3.182, 3.231, 3.282, 3.581, 3.582, 3.681, 3.682, 3.781 and 3.782 of the Commission's rules contain provisions concerning maintaining and retaining broadcast station logs by the licensees of standard, FM, noncommercial educational FM, television and international broadcast stations. It is proposed to amend each of the above sections by making them applicable to permittees as well as licensees of the various classes of broadcast stations, by adding after the word licensees when used in any of those sections the words "or permittee".

3. These proposed rules are issued under the authority of sections 4 (i) and 303 (j) and (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendments should not be adopted may file with the Commission on or before April 2, 1951, a written statement or brief setting forth his comments. At the same time, any person who favors the rules as set forth may file a written statement in support thereof. Comments or briefs in reply to the original comments or briefs may be filed within 15 days from the last day for filing said original comments or briefs. The Commission will consider all comments, briefs and statements presented before taking final action in the matter. If any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given.

5. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Released: March 1, 1951.

Adopted: February 28, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary

[F. R. Doc. 51-3042; Filed, Mar. 7, 1951; 8:52 a. m.]

[47 CFR, Part 4]

[Docket No. 9913]

REMOTE PICKUP BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. At the present time, the provisions of § 4.432 (e) permit FM licensees who are also licensees of associated FM STL stations to utilize remote pickup stations

to provide communications between the FM station's studio and transmitter. The basis for said rule is the fact that suitable telephone circuits are not always available to the relatively remote transmitter locations of such FM stations. Since the considerations which prompted the Commission to permit such use of remote pickup stations by FM licensees appear to apply equally to licensees of television and standard broadcast stations who are also licensees of associated STL stations, it appears desirable to extend this provision to television and standard broadcast station licensees.

3. It is therefore proposed to amend § 4.432 (e) to read as follows:

(e) Remote pickup broadcast base stations will be licensed for the purpose of providing communications between the studio and transmitter of broadcast stations which utilize a broadcast STL station for program transmission, provided that such operation shall not be conducted on frequencies other than those listed in § 4.402 (a) (3).

4. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 303 (a), (b), (c), (f), and (r) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposal herein should or should not be adopted, or should not be adopted in the form set forth herein may file with the Commission on or before April 2, 1951, a written statement or brief setting forth his comments. Comments or briefs in reply to the original comments or briefs may be filed not later than April 12, 1951. The Commission will consider all such comments that are presented before taking action in this matter, and if any comments are submitted which appear to warrant that oral argument be held thereon, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Released: March 1, 1951.

Adopted: February 28, 1951.

FEDERAL COMMUNICATIONS COMMISSION

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 51-3041; Filed, Mar. 7, 1951; 8:52 a. m.]

HOUSING AND HOME FINANCE AGENCY

[24 CFR, Parts 144, 145]

Home Loan Bank Board

[No. 4022]

AMENDMENTS LIBERALIZING BONUS PROVISIONS; AUTHORIZATION OF BONUS ON LARGE LONG-TERM ACCOUNTS

NOTICE OF PROPOSED RULE MAKING

FEBRUARY 28, 1951.

Resolved that pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108), amendments of §§ 144.6 and 145.3 of the rules and regulations for the Federal Savings and Loan System (24 CFR 144.6, 145.3), as hereinafter set forth, are hereby proposed.

Resolved further that a hearing will be held on April 10, 1951, at 10 o'clock in the forenoon in Room 827, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D. C., before the Home Loan Bank Board, a member thereof, or a hearing officer designated by the Board, for the purpose of receiving evidence, oral views and arguments on said proposed amendments of the rules and regulations for the Federal Savings and Loan System, if written notice of intention to appear at said hearing is received by the Secretary to the Home Loan Bank Board at least five days before said date. If no such written notice of intention to appear has been received by the Secretary to the Board at least five days before the date set for the hearing, the hearing will be dispensed with. Whether or not a hearing is held, written data, views or arguments on said proposed amendments which are received by the Secretary to the Home Loan Bank Board on or before April 5, 1951, or prior to the conclusion of the hearing, if held, will be considered by the Home Loan Bank Board in connection with its consideration of the proposed amendments of the said rules and regulations.

1. The provisions of § 144.6 of the rules and regulations for the Federal Savings and Loan System, preceding paragraph (a) thereof, shall be amended to read as follows:

§ 144.6 *Amendment to bylaws.* This section constitutes approval by the Board of any one or more of the following amendments to the bylaws of any Federal association, upon the valid adoption of any such amendment by such association's directors or members as provided in its bylaws, effective when so adopted: *Provided, however,* That the bylaw amendment set forth in paragraph (e) of this section may only be adopted by a Federal association which has a Charter N:

2. The provisions of paragraph (e) of § 144 6 of the rules and regulations for the Federal Savings and Loan System shall be amended to read as follows:

(e) *Bonus on savings accounts.* The board of directors of the association may adopt plans for the payment of a bonus on savings accounts, which plans shall be consistent with rules and regulations made by the Home Loan Bank Board, and thereafter a bonus may be paid on savings accounts in accordance with any such plan. Either the members or the board of directors of the association may by resolution abolish any bonus plan: *Provided however,* That such action shall not affect the bonus rights of savings accounts as to which the association at the date of such abolishment is validly obligated to pay a bonus.

3. Section 145.3 of the rules and regulations for the Federal Savings and Loan System shall be amended to read as follows:

§ 145.3 *Bonus on savings accounts—* (a) *Periodic payment accounts.* The members of a Federal association which has a charter not inconsistent with the provisions of this section may, by bylaw provision, authorize the association to pay a bonus for regular payments on savings accounts, in accordance with such plan as is adopted by the board of directors of the association, which plan shall be subject to the following limitations and requirements:

(1) The association shall not pay and no account shall be eligible to receive any such bonus unless, in accordance with agreement in writing by the holder of the account, there has been paid into the account each month for such period as is provided by the agreement, which period shall in no event be less than 36 nor more than 120 months running consecutively from the date of the first payment under the agreement, an amount equal to not less than the amount specified in the agreement, without withdrawal from the account of an amount which at any time reduces the balance thereof to a lesser amount than the product of the monthly payment specified in the agreement times the number of months since the date of the first payment under the agreement: *Provided however,* That prepayment not in excess of twelve months or delay of any payment for not more than 90 days shall not render the account ineligible to receive such bonus.

(2) The bonus shall be computed in the same manner as is provided by the Federal association's charter for the distribution of earnings; such computation shall be made at the maximum rate of bonus that could be paid under the agreement and the amount of bonus so computed shall be credited to a reserve for bonus as of June 30 and December 31 of each year while the account is eligible to participate in such bonus, but no bonus shall be paid at a per annum rate in excess of:

(i) ½ percent on accounts that continue to be eligible to participate in such bonus for at least 36 months but less than 60 months from the date of the first payment.

(ii) 1 percent on accounts that continue to be eligible to participate in such bonus for at least 60 months from the date of the first payment.

(3) All savings accounts that are eligible to receive a bonus at a particular rate shall participate in such bonus at the same rate and on the same basis; such bonus shall be credited to the account or paid to the holder thereof promptly when due under the terms of the agreement.

(4) No agreement shall be made which binds the association for a period of more than 120 months from the date thereof with respect to the payment of any such bonus.

(b) *Other accounts.* The members of a Federal association which has a charter not inconsistent with the provisions of this section may, by bylaw provision, authorize the association to pay a bonus on savings accounts other than periodic payment accounts on which the association is obligated to pay a bonus, in accordance with such plan as is adopted by the board of directors of the association, which plan shall be subject to the following limitations and requirements:

(1) The association shall not pay and no account shall be eligible to receive such bonus unless there has been in the account a balance of at least $500 continuously for a period of not less than 3 years, and the association shall not pay and no account shall be eligible to receive such bonus on any larger balance than $500 unless such larger balance has been in the account continuously for a period of at least 3 years: *Provided however,* That the time required to complete a periodic payment bonus account under the provisions of paragraph (a) of this section may be included in computing the eligibility of such account, or of an account which represents the proceeds thereof, thereafter to receive a bonus under the provisions of this paragraph.

(2) Such bonus shall not exceed ½ percent per annum of the balance that has been in the account for less than 5 years, and shall not exceed 1 percent per annum of the balance that has been in the account for 5 years or more: *Provided,* That no account shall receive a bonus for any period prior to the date at which the plan for the payment of such bonus becomes effective.

(3) All savings accounts that are eligible to receive a bonus under the plan adopted shall participate in such bonus at the same rate and on the same basis; such bonus shall be computed and either paid in cash or credited to the savings account or to a bonus reserve as of June 30 and December 31.

(4) No bonus agreement or commitment, written or otherwise, shall be made which binds the association for a period of more than 5 years from the date thereof with respect to the payment of any such bonus.

(c) *Existing bonus rights.* The holder of a savings account of a Federal association which has a Charter K and which amends such charter by the adoption of Charter N shall, upon the exchange of such savings account for a savings account issued under Charter N, have the rights and privileges, and be subject to the duties and liabilities, provided in this section, as if originally created under the provisions hereof: *Provided,* That the savings account so exchanged entitled the holder thereof, at the time of such exchange, to an interest in any reserve for bonus created under the provisions of such Charter K.

(d) *Bonus reserve.* A Federal association that is obligated to pay a bonus to any of the holders of its savings accounts shall establish and maintain a Reserve for Bonus sufficient to meet the bonus obligation. The board of directors may transfer to surplus or to other reserves any excess in the Reserve for Bonus.

(e) *Abolition of bonus plan.* The members of a Federal association may, by amendment of such association's bylaws, abolish the power of the board of directors to adopt plans for bonus on savings accounts: *Provided however,* That such amendment shall not affect the bonus rights of savings accounts as to which the association at the date of such amendment is validly obligated to pay a bonus.

(Sec. 5 (a), 48 Stat. 132, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR 1947 Supp. 61 Stat. 954; 12 U. S. C. 1464 (a), 5 U. S. C. 133y-16)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 51-3067; Filed, Mar. 7, 1951; 8:58 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 240]

PRESERVATION OF RECORDS AND REPORTS OF CERTAIN STABILIZING ACTIVITIES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt a new rule designated § 240.17a-6 (Rule X-17A-6) under the Securities Exchange Act of 1934 and to amend § 240.24b-3 (Rule X-24B-3) under that act.

Rule X-17A-6 will permit national securities exchanges to destroy or otherwise dispose of applications, reports and documents which have been on file with the exchanges for more than five years under sections 12, 13, 14 or 16 of the act, if they have filed a plan for destroying or disposing of this material with the Commission and the Commission has declared the plan effective. Under the proposed rule the Commission reserves the right to limit the material to be destroyed or disposed of and to impose other conditions which it deems necessary or appropriate in the public interest or for the protection of investors. The proposal is intended to alleviate the record storage problem of exchanges.

Originals or copies of the material destroyed or disposed of pursuant to the rule would be on file with the Commission where they would continue to be available for record purposes and for public reference.

The new Rule X-17A-6 (§ 240.17a-6) would read as follows:

(a) Any application, report or document, or portion thereof, which has been on file with a national securities exchange for more than five years pursuant to sections 12, 13, 14 or 16 of the act or any rule or regulation promulgated by the Commission pursuant to any of such sections may be destroyed or otherwise disposed of by such exchange pursuant to the terms of a plan for the destruction or disposition of such application, report or document, if such plan has been filed with the Commission by such exchange and has been declared effective by the Commission.

(b) For the purposes of this section a plan filed with the Commission by a national securities exchange shall not become effective unless the Commission, having due regard for the public interest and for the protection of investors, declares the plan to be effective. The Commission in its declaration may limit the applications, reports, and documents as to which it shall apply, and may impose any other terms and conditions to the plan and to the period of its effectiveness which it deems necessary or appropriate in the public interest or for the protection of investors.

Rule X-24B-3 (§ 240.24b-3) would be amended to reflect the adoption of Rule X-17A-6 (§ 240.17a-6) and to require that information filed pursuant to section 14 of the act or the rules and regulations thereunder also be kept available by exchanges for public inspection.

Rule X-24B-3 (§ 240.24b-3) as amended would read as follows:

(a) Except as otherwise provided in this section and in § 240.17a-6, each exchange shall keep available to the public, under reasonable regulations as to the manner of inspection, during reasonable office hours, all information regarding a security registered on such exchange which is filed with it pursuant to sections 12, 13, 14 or 16, or any rules or regulations thereunder. This requirement shall not apply to any information to the disclosure of which objection has been filed pursuant to § 240.24b-2, which objection shall not have been overruled by the Commission pursuant to section 24 (b). The making of such information available pursuant to this section shall not be deemed a representation by any exchange as to the accuracy, completeness, or genuineness thereof.

(b) In the case of an application for registration of a security pursuant to section 12 an exchange may delay making available the information contained therein until it has certified to the Commission its approval of such security for listing and registration.

These proposals are made pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 17 (a), 23 (a) and 24 (b) thereof. All interested persons are invited to submit their views and comments in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before March 15, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

FEBRUARY 28, 1951.

[F. R. Doc. 51-3018; Filed, Mar. 7, 1951; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52681]

RECORDS OF ENTRY AND CLEARANCE OF VESSELS AND OF IMPORTS AND EXPORTS

RESTRICTIONS IMPOSED UPON PUBLIC INSPECTION

Reference is made to T. D. 52583 (15 F. R. 7295), imposing restrictions on public inspection of records of entry and clearance of vessels and upon the disclosure of information concerning imports and exports, and T. D. 52608 (15 F. R. 7994), stating that the matter was being reconsidered and providing that the prohibitions in T. D. 52583 should be limited to information concerning the clearance of vessels and the exportation of merchandise, until further notice.

The Bureau of Customs is informed that the agencies primarily concerned with security matters have determined that at the present time the movement of merchant vessels is not classified information and that it would appear that at this time there are no compelling reasons for restricting the availability of entrance and clearance information.

Therefore, you are hereby instructed that the restrictions imposed by T. D. 52583 shall not be applied to information concerning the entry and clearance of vessels.

Until completion of the pending reconsideration of disclosure of information concerning imports and exports, the prohibitions in T. D. 52583 shall be limited to information concerning the exportation of merchandise.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: February 28, 1951.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51-3066; Filed, Mar. 7, 1951; 8:57 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[No. 6]

KENDRICK IRRIGATION PROJECT, WYOMING

NOTICE OF TEMPORARY WATER SERVICE

FEBRUARY 15, 1951.

1. *Water rental.* Irrigation water will be furnished when available upon a rental basis under approved applications for temporary water service during the irrigation season of 1951 (May 1 to September 30, inclusive), where the progress of construction will permit, to the irrigable lands in the first unit of the Casper-Alcova Irrigation District described below:

SIXTH PRINCIPAL MERIDIAN

T. 33 N., R. 80 W.,
Sec. 1, W½NE¼, NE¼NW¼, Pt. NW¼NW¼;
Sec. 2, Pt. NW¼NE¼, N½NW¼;
Sec. 3, N½NE¼, NE¼NW¼, SW¼, Pt. NE¼SE¼, NW¼SW¼, Pt. SW¼SE¼;
Sec. 4, W½NE¼, Pt. E½NW¼, W½NW¼, Pt. NE¼SW¼, Pt. NW¼SW¼, S½SW¼, SE¼;
Sec. 5, NE¼, Pt. E½NW¼, SW¼NW¼, SW¼, NW¼SE¼;
Sec. 6, W½NE¼, SE¼NE¼, Pt. SE¼SW¼, Pt. SW¼SE¼;
Sec. 7, Pt. N½NE¼, S½NE¼, N½NW¼, SW¼NW¼;
Sec. 8, NE¼, NW¼NW¼, S½NW¼, SW¼, NE¼SE¼, Pt. NW¼SE¼, S½SE¼;
Sec. 9, N½NE¼, Pt. S½NE¼;
Sec. 10, NW¼NE¼, Pt. S½NE¼, Pt. E½SW¼, NE¼SE¼, W½SE¼;
Sec. 12, W½NE¼, SE¼NW¼, Pt. SE¼SW¼, W½SE¼;
Sec. 15, Pt. NW¼, NE¼NW¼;
T. 34 N., R. 80 W.,
Sec. 4, W½NW¼;
Sec. 5, S½NE¼, SE¼NW¼, SW¼, SE¼;
Sec. 6, S½NE¼, Pt. NE¼SE¼;
Sec. 7, N½SE¼;
Sec. 18, NE¼NE¼;
Sec. 19, NW¼, SW¼;
Sec. 26, SW¼SW¼;
Sec. 27, Pt. NE¼NW¼, Pt. SE¼NW¼, SW¼SW¼, Pt. SW¼SE¼;
Sec. 28, W½NE¼, NE¼SW¼, Pt. SW¼SE¼, Pt. SE¼SE¼;
Sec. 29, SW¼, NE¼SE¼, Pt. NW¼SE¼, Pt. SW¼SE¼, SE¼SE¼;
Sec. 30, E½NE¼, NW¼, S½SE¼;
Sec. 31, W½SE¼;
Sec. 32, NE¼NE¼, Pt. NW¼NE¼, S½NE¼, SW¼NW¼, SE¼;
Sec. 33, NE¼, N½NW¼, SW¼NW¼, Pt. SE¼NW¼, W½SW¼, SE¼;
Sec. 34, E½NE¼, SW¼NE¼, Pt. NE¼NW¼, NW¼NW¼, S½NW¼, N½SW¼, SE¼SE¼;
Sec. 35, N½NW¼, S½NW¼, Pt. SE¼SW¼;
Sec. 36, Pt. SW¼SW¼;
T. 35 N., R. 80 W.,
Sec. 18, N½SW¼, SW¼SW¼;
T. 32 N., R. 81 W.,
Sec. 5, W½NE¼, NE¼NW¼, Pt. NW¼NW¼, S½NW¼;
Sec. 6, NE¼, NE¼NW¼, S½NW¼, N½SW¼;
Sec. 18, SW¼NW¼;
Sec. 29, W½NE¼;
T. 33 N., R. 81 W.,
Sec. 6, SE¼NW¼, N½SW¼, Pt. S½SW¼, S½SE¼;
Sec. 7, SW¼SW¼;
Sec. 17, SW¼, E½SE¼;
Sec. 18, E½NW¼, NW¼NW¼, NE¼SW¼, SE¼;
Sec. 20, W½NE¼, N½NW¼, SW¼NW¼, Pt. N½SW¼, S½SW¼, SE¼;
Sec. 21, SW¼SW¼;
Sec. 22, Pt. W½SW¼, E½, SW¼;
Sec. 26, Pt. SW¼NW¼;
Sec. 27, Pt. SE¼NE¼, Pt. NE¼NW¼ NW¼NW¼;
Sec. 28, SW¼SW¼;
Sec. 32, E½NE¼, SW¼NE¼, SE¼NW¼, N½SW¼, Pt. SW¼SW¼, SE¼SW¼, N½ SE¼, SW¼SE¼, Pt. SE¼SE¼;
Sec. 33, Pt. NW¼NE¼, SW¼NE¼, NE¼ NW¼, S½NW¼, SW¼, NE¼SE¼, S½ SE¼;
Sec. 34, SE¼NW¼;
Sec. 35, W½SE¼;
T. 34 N., R. 81 W.,
Sec. 1, Pt. S½SW¼;
Sec. 2, Pt. NW¼NE¼, SW¼NE¼, NW¼, NW¼SE¼, Pt. S½SE¼;
Sec. 10, E½NW¼;
Sec. 11, N½NE¼;
Sec. 12, N½NW¼;
Sec. 14, S½SW¼, S½SE¼;
Sec. 22, NE¼SE¼;
Sec. 23, Pt. N½SE¼, S½SE¼;
Sec. 24, E½NE¼, Pt. NE¼SE¼, SE¼SE¼;
Sec. 25, NW¼NW¼;
Sec. 26, NE¼, Pt. NW¼SW¼;
Sec. 34, Pt. NE¼SE¼, SE¼SE¼;
Sec. 35, SW¼, SE¼;
T. 35 N., R. 81 W.,
Sec. 13, Pt. SW¼NE¼, SE¼NE¼, SE¼;
Sec. 15, S½NW¼, SW¼;
Sec. 22, E½SW¼;
Sec. 25, E½SW¼, SE¼;
Sec. 26, S½NW¼, N½SW¼;
Sec. 27, SE¼;
Sec. 34, NE¼, NW¼, NE¼SW¼, SE¼;
Sec. 35, SW¼;
T. 30 N., R. 82 W.,
Sec. 3, N½NE¼, Pt. SW¼NE¼, Pt. NE¼NW¼, Pt. S½NW¼, SW¼SW¼;
Sec. 4, SW¼NE¼, S½NW¼, SW¼, NE¼SE¼, SW¼SE¼;
Sec. 9, NE¼, NW¼, N½SE¼;
T. 31 N., R. 82 W.,
Sec. 27, Pt. NE¼SW¼, NW¼SW¼, S½SW¼;
Sec. 34, NW¼NE¼, S½NE¼, N½NW¼, Pt. SE¼NW¼, NE¼SW¼, Pt. NW¼SW¼, Pt. SE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 35, Pt. SW¼NW¼, NW¼SW¼, SE¼;
T. 32 N., R. 82 W.,
Sec. 1, NE¼NE¼, S½NE¼, Pt. NE¼SW¼, N½SE¼, Pt. S½SE¼;
Sec. 12, E½SE¼;
Sec. 13, Pt. SE¼NE¼, NE¼SE¼;

2. *Charges and terms of payment.* The minimum water rental charge shall be $2.00 per irrigable acre for each irrigable acre of land for which water service is requested, payment of which will entitle the applicant to 2 acre-feet of water per irrigable acre. Additional water, if available, will be furnished during the irrigation season at the rate of $1.50 per acre-foot. All charges shall be payable in advance of the delivery of water, and no part thereof shall be refunded.

3. Water will be delivered and measured by Government forces at the nearest available measuring device to the individual farm.

4. No water will be delivered to isolated tracts where such service would result in excessive canal losses or excessive costs.

5. Water will be delivered only to lands the owners of which have executed and delivered recordable contracts as required by articles 38 and 39 of the contract of August 3, 1935, between the United States and the Casper-Alcova Irrigation District.

6. Individual applications for water and the payments required by this notice will be received at the office of the District Manager, Bureau of Reclamation, Room 1, Reclamation Center, Casper, Wyoming. The United States reserves the right to reject any applications.

AVERY A. BATSON,
Regional Director.

[F. R. Doc. 51-3008; Filed, Mar. 7, 1951; 8:45 a. m.]

COLORADO RIVER STORAGE PROJECT, ARIZONA

FIRST FORM RECLAMATION WITHDRAWAL

OCTOBER 19, 1950.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 9 S., R. 18 W.,
Sec. 4, Lots 1 and 2.

The above areas aggregate 80.34 acres.

WESLEY R. NELSON,
Assistant Commissioner.

I concur. The records of the Bureau of Land Management and the District Land Office will be noted accordingly.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

FEBRUARY 19, 1951.

Notice for Filing Objections to Order Withdrawing Public Lands for the Colorado River Storage Project, Arizona

OCTOBER 19, 1950.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Arizona, for use in connection with the Colorado River Storage Project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WESLEY R. NELSON,
Assistant Commissioner,
Bureau of Reclamation.

[F. R. Doc. 51-3009; Filed, Mar. 7, 1951; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

STORAGE USE GUARANTEE PROGRAM

DISCONTINUANCE IN ORDER TO ENCOURAGE CONSTRUCTION OF COMMERCIAL STORAGE FACILITIES

Notice is hereby given that the Storage Use Guarantee Program announced by Commodity Credit Corporation in August 1949 to encourage construction of commercial facilities for storage of commodities in areas where such facilities were not adequate is hereby discontinued, effective at the close of business February 28, 1951. Applications under the program filed after the close of business February 28, 1951, will not be considered by the Commodity Credit Corporation. Applications filed on or before the close of business February 28, 1951, will be considered on the basis of the need for additional storage in the particular area. Agreements in effect under this program will continue in accordance with their respective terms and conditions and this termination shall not effect the occupancy agreements entered into under the program as the result of applications filed on or before February 28, 1951.

Issued this 5th day of March 1951.

[SEAL] RALPH S. TRIGG,
President,
Commodity Credit Corporation.

Attest:

LIONEL C. HOLM,
Secretary,
Commodity Credit Corporation.

[F. R. Doc. 51-3070; Filed, Mar. 7, 1951; 8:58 a. m.]

Forest Service

TONTO NATIONAL FOREST, ARIZONA

REMOVAL OF TRESPASSING BURROS

Whereas a number of burros are trespassing and grazing on portions of the St. Clair, Chalk Mountain, LX Bar and Red Hill Sheep Allotments on the Tonto National Forest, in the State of Arizona; and

Whereas these burros are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat., 35; 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628; 16 U. S. C. 472), the following order is issued for the occupancy, use, protection, and administration of land in the St. Clair, Chalk Mountain, LX Bar, and Red Hill Sheep Allotments of the Tonto National Forest, within Maricopa and Yavapai Counties, State of Arizona, as described below:

Temporary closure from livestock grazing. (a) The following-described areas within the Tonto National Forest are hereby closed from April 1 to June 30, 1951, to the grazing of burros, excepting those that are lawfully grazing on or crossing land in such areas pursuant to the regulations of the Secretary of Agriculture, or which are used in connection with operations authorized by such regulations, or used as riding, pack, or draft animals by persons traveling over such land:

St. Clair allotment in Maricopa County, Ariz., consists of 12 sections in NW portion of T. 6 N., R. 7 E.; 4 sections in the SW corner of T. 7 N., R. 7 E.; all of the T. 7 N., R. 6 E. except 4½ sections in the NW corner; 6 sections in the NW portion of T. 6 N., R. 6 E.; and 3 sections in the NE corner of T. 6 N., R. 5 E.

Chalk Mountain sheep allotment in Yavapai County, Ariz., consists of approximately 5 sections in the E. portion of T. 9 N., R. 8 E.; 15 sections in the S. portion of T. 9 N., R. 7 E.; 19 sections in the N. portion of T. 8 N., R. 7 E.; 28 sections in the E. portion of T. 8 N., R. 6 E.; 7½ sections in the S. portion of T. 9 N., R. 6 E.

LX Bar sheep allotment in Yavapai County, Ariz., consists of parts of sections 19 and 30, T. 11 N., R. 7 E.; parts of sections 25, 26, 34, 35 and 36, T. 11 N., R. 6 E.; parts of sections 33 and 34, T. 11 N., R. 5 E.; 19 sections in T. 10 N., R. 5 E.; 24 sections in T. 10 N., R. 6 E.; a portion of section 6, T. 9 N., R. 6 E.; and 3 sections in T. 9 N., R. 5 E.

Red Hill sheep allotment in Yavapai County, Ariz., consists of 6 sections in T. 10 N., R. 7 E.; 2 sections in T. 10 N., R. 6 E.; 5 sections in T. 9 N., R. 5 E.; 25 sections in T. 9 N., R. 6 E.; and 18 sections in T. 9 N., R. 7 E.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all burros found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such burros shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Tonto National Forest is located.

Done at Washington, D. C., this 2d day of March 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-3020; Filed, Mar. 7, 1951; 8:47 a. m.]

Soil Conservation Service

CUBA-RIO PUERCO PROJECT, SANDOVAL COUNTY, NEW MEXICO

REMOVAL OF TRESPASSING HORSES, MULES, AND BURROS FROM OJO DEL ESPIRITU SANTO GRANT

Whereas a number of horses, mules, and burros are trespassing and grazing on lands in the Ojo del Espiritu Santo Grant within the Cuba-Rio Puerco Project, NM-LU-22, administered by the Soil Conservation Service, in Sandoval County, in the State of New Mexico; and

Whereas these horses, mules, and burros are consuming forage needed for livestock grazing under permits, are causing extra expense to permittees, and are injuring project lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by section 32 (f), title III, of the Bankhead-Jones Farm Tenant Act,[1] the following order for the prevention of trespasses and regulation of the use and occupancy of lands in the Ojo del Espiritu Santo Grant within the Cuba-Rio Puerco Project in Sandoval County, in the State of New Mexico, is issued:

Temporary closure from livestock grazing. (a) The lands comprising the Ojo del Espiritu Santo Grant within the Cuba-Rio Puerco Project, Sandoval

[1] 50 Stat. 522, 526 (1937), 7 U. S. C. 1011f (1946).

County, in the State of New Mexico, are hereby closed for the period beginning March 16, 1951, and ending March 15, 1952, to the grazing of horses, mules, and burros, except those horses, mules, and burros that are lawfully grazing on or crossing lands in such project pursuant to the regulations heretofore promulgated by the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such lands.

(b) Officers of the Soil Conservation Service are hereby authorized to dispose of, in the most humane manner, all horses, mules, and burros found trespassing or grazing in violation of this notice.

(c) Public notice of intention to dispose of such horses, mules, and burros shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Ojo del Espiritu Santo Grant is located.

Issued this 2d day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-3021; Filed, Mar. 7, 1951; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF FAR EAST CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 17-24 provides that the membership of Ellerman & Bucknall Steamship Co., Limited, in the Far East Conference will be replaced by the four carriers comprising the Ellerman and Bucknall Associated Lines joint service as a single party only with one vote pursuant to the provisions of their joint service agreement (No. 7788).

Agreement No. 90-5, between the member lines of the Java-New York Rate Agreement, modifies said agreement (a) to include a more complete admission provision, (b) to provide for loss of voting rights upon failure to maintain sailings, (c) to provide for termination of membership upon abandonment of service, and (d) to clarify the language of certain other provisions of the basic agreement.

Agreement No. 5590-7, between the member lines of the United States Atlantic and Gulf-Haiti Conference, modifies the basic agreement of said conference (No. 5590) by providing for the cancellation of Item 6 of the rules and regulations forming a part of said agreement. Item 6 provides that claims for adjustment of charges due to incorrect weights or measurements or misdescription of merchandise must be presented to the conference, and that instances of undercharges which remain unpaid at the end of 60 days after they have become due and payable shall be reported to the Conference Secretary.

Agreement No. 6120-5, between the member lines of the United States Atlantic & Gulf-Puerto Rico Conference, modifies the basic agreement of said conference (No. 6120) to include a rule that on-board bills of lading will not be issued unless and until the cargo is actually on board the carrying vessel and the on-board endorsement shall definitely name the date on which the cargo was actually aboard.

Agreement No. 7540-4, between the member lines of the Leeward and Windward Islands and Guianas Conference, modifies the basic agreement of said conference (No. 7540) by providing for the cancellation of Item 4 of the rules and regulations forming a part of said agreement. Item 4 provides that claims for adjustment of charges due to incorrect weights or measurements or misdescription of merchandise must be presented to the Conference.

Agreement No. 7590-4, between the member lines of the East Coast Colombia Conference, modifies the basic agreement of said conference (No. 7590) by providing for the cancellation of Item 4 of the rules and regulations forming a part of said agreement. Item 4 provides that claims for adjustment of charges due to incorrect weights or measurements or misdescription of merchandise must be presented to the Conference.

Agreement No. 7616-1, between Lykes Bros. Steamship Co., Inc., and Thos. & Jas. Harrison Limited (Harrison Line), modifies the basic agreement of the carriers (No. 7616) to substitute Thos. & Jas. Harrison Limited, a corporation, for Thos. & Jas. Harrison, a partnership, as a party thereto. Agreement No. 7616 provides for the apportionment of sailings and the pooling and apportionment of revenue derived from traffic moving in the trade from U. S. Gulf ports to United Kingdom ports.

Agreement No. 7650-3, between the member lines of the Santiago de Cuba Conference, modifies the basic agreement of said conference (No. 7650) by providing for the cancellation of Item 4 of the rules and regulations forming a part of said agreement. Item 4 provides that claims for adjustment of charges due to incorrect weights or measurements or misdescription of merchandise must be presented to the conference.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval or modification together with request for hearing should such hearing be desired.

Dated: March 5, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-3072; Filed, Mar. 7, 1951; 8:58 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SR-7-201]

WESTAIR TRANSPORT

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Donald W. Nyrop, Administrator of Civil Aeronautics, complainant, vs. Aviation Corporation of Seattle, d/b a Westair Transport, respondent.

Notice is hereby given that the oral argument in the above entitled proceeding, now assigned to be held March 6, 1951, has been postponed until April 3, 1951, at 10:00 a. m. in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., March 2, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-3063; Filed, Mar. 7, 1951; 8:57 a. m.]

[Docket No. 4603 et al.]

NORTH CENTRAL ROUTE INVESTIGATION CASE

NOTICE OF HEARING

In the matter of the North Central Route Investigation Case.

Pursuant to the Civil Aeronautics Act of 1938, as amended, notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on March 19, 1951, at 10:00 a. m., e. s. t., in Conference Room B, Department Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C., before Examiner Warren E. Baker.

Without limiting the scope of the issues presented in said proceeding, particular attention will be directed to the following matters and questions:

1. Does the public convenience and necessity require and shall the Board order the suspension, in whole or in part, of the temporary certificate of public convenience and necessity of Mid-Continent Airlines, Inc., for route No. 106?

2. In the event of suspension, in whole or in part, as in "1" above, does the public convenience and necessity require and shall the Board authorize service to any or all of the suspended portion of said route by a feeder carrier?

3. In the event of authorization under "2" above, what carrier, if any, is fit, willing and able to perform such services?

4. Does the public convenience and necessity require and shall the Board authorize an amendment of route No. 86 so as to authorize service between the terminal point Chicago, Ill., the intermediate points Beloit-Janesville, Madison, LaCrosse, Wis., Winona and Rochester, Minn., and the terminal point Minneapolis-St. Paul, Minn.?

5. Is Wisconsin Central Airlines, Inc., fit, willing and able to perform the services proposed in "4" above?

6. In the event Wisconsin Central Airlines, Inc., is authorized under "4" and "5" above, should segment No. 1 of route No. 86 be modified so as to eliminate provision for service between Madison, Wis., and Wisconsin Rapids - Stevens Point, Wis., thereby dividing said segment as follows:

(a) Between the terminal point Chicago, Ill., and the intermediate point Milwaukee, Wis., and the terminal point Madison, Wis.; and

(b) Between the terminal point Wisconsin Rapids-Stevens Point, Wis., the intermediate points Wausau, Wis., Rhinelander, Wis., Ironwood, Mich., and the terminal point Duluth, Minn.-Superior, Wis.

7. Does the public convenience and necessity require and should the Board authorize an amendment of route No. 90 so as to authorize service:

(a) Between the terminal point Sioux City, Iowa, the intermediate points Fort Dodge, Mason City, Waterloo, Dubuque, Iowa, and Freeport, Rockford, and Elgin, Ill., and the terminal point Chicago, Ill.;

(b) Between the terminal point Moline, Ill., the intermediate points Clinton, Dubuque, Iowa, and the terminal point Rochester, Minn.; and

(c) Between the terminal point Des Moines, Iowa, the intermediate points Cedar Rapids, Muscatine, Clinton, Iowa, Rockford, Ill., and the terminal point Chicago, Ill.

8. In the event the Board should authorize the services outlined in "7" above, is Mid-West Airlines, Inc., fit, willing and able to provide such services?

9. Does the public convenience and necessity require and should the Board issue a certificate of public convenience and necessity to Ozark Air Lines, Inc., authorizing that carrier to provide air transportation:

(a) Between the terminal point Chicago, Ill., the intermediate points Elgin, Rockford, Freeport, Ill., Dubuque, Waterloo, and Fort Dodge, Iowa, and the terminal point Sioux City, Iowa;

(b) Between the terminal point Chicago, Ill., the intermediate points Elgin, Rockford, Ill., Beloit-Janesville, Madison, Baraboo-Portage, La Crosse, Wis., Winona, Rochester, and Red Wing, Minn., and the terminal point Minneapolis-St. Paul, Minn.;

(c) Between the terminal point Chicago, Ill., the intermediate points Aurora, La Salle-Ottawa, Kewanee, Galesburg, Ill., Burlington, Ottumwa, and Oskaloosa, Iowa, and the terminal point Des Moines, Iowa;

(d) Between the terminal point Galesburg, Ill., and the terminal point Moline, Ill.; and

(e) Between the terminal point Milwaukee, Wis., the intermediate points Rockford, Sterling, Ill., Clinton, Iowa, Moline, Ill., Muscatine, Cedar Rapids, Waterloo and Marshalltown, Iowa, and the terminal point Des Moines, Iowa.

10. Is Ozark Air Lines, Inc., fit, willing and able to provide the service outlined in "9" above?

For further details with respect to the subject proceeding, persons are referred to the applications, the Prehearing Conference Report, and other pleadings on file in the subject docket in the Dockets Section of the Civil Aeronautics Board.

Notice is further given that any person other than the parties and interveners of record as of March 2, 1951 desiring to be heard in this proceeding may file with the Board on or before March 19, 1951 a statement setting forth the issues of fact and law raised by this proceeding which he desires to controvert and such person may appear and participate in the hearing in accordance with § 302.6 (a) of the Procedural Regulations under Title I of the Civil Aeronautics Act of 1938, as amended.

Dated at Washington, D. C., March 2, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-3064; Filed Mar. 7, 1951; 8:57 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8381]

GILA BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Gila Broadcasting Company, Winslow, Arizona, Docket No. 8381, File No. B5-P-5406; for construction permit.

The Commission having under consideration a petition filed on February 26, 1951, by the Gila Broadcasting Company, Winslow, Arizona, requesting that the hearing herein presently scheduled for March 5, 1951, be continued for a period of ninety days in order to allow sufficient time for the preparation of an engineering amendment covering the revised nighttime directional antenna pattern in connection with engineering studies being made by applicant, and requesting a waiver of the Commission's four-day rule in order that the instant petition may receive immediate action; and

It appearing that there are no other parties to this proceeding, that the Commission Counsel has consented to immediate action thereupon and therefore the requirements of § 1.745 of the Commission's rules have been met; and that good cause has been shown for a grant hereof;

It is therefore ordered, This 28th day of February 1951 that the petition of the Gila Broadcasting Company requesting a continuance of the hearing on its pending application is hereby granted and the hearing is continued to June 5, 1951, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3035; Filed, Mar. 7, 1951; 8:51 a. m.]

[Docket No. 9758]

COASTWISE LINE

ORDER CONTINUING HEARING

In the matter of petition of the Coastwise Line requesting reconsideration by the Commission of its denial of the application of Coastwise Line for relief from forfeitures imposed in connection with the sailing of the S. S. "William Black Yates" in violation of sections 351 and 353 of the Communications Act of 1934, as amended. Docket No. 9758.

The Commission having under consideration a motion filed February 26, 1951, by Coastwise Line, requesting indefinite continuance of the hearing on the above-entitled proceeding presently scheduled for March 2, 1951, in order to allow sufficient time for the Commission to pass upon a petition filed simultaneously with the motion for continuance, requesting Commission to accept mitigated forfeiture; and

It appearing that if the Commission should grant said petition to accept mitigated forfeiture, the hearing presently scheduled would become moot; and

It further appearing that Commission Counsel has consented to a waiver of § 1.745 of the Commission's rules and regulations to permit the early consideration and grant of such motion for continuance;

It is ordered, This 27th day of February 1951, that the motion for continuance of the hearing date be, and it is hereby, granted; and the hearing on the above-entitled application be, and it is hereby, continued until further order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3034; Filed, Mar. 7, 1951; 8:50 a. m.]

[Docket No. 9821]

CHRISTIAN COUNTY BROADCASTING CO. (WTIM)

ORDER CONTINUING HEARING

In re application of Christian County Broadcasting Company, (WTIM), Taylorville, Illinois, Docket No. 9821, File No. BP-7755; for construction permit to replace expired permit.

The Commission having under consideration a petition filed February 23, 1951, by the Christian County Broadcasting Company, Taylorville, Illinois, requesting that the hearing on its application be continued from March 12, 1951, for a period of sixty days, stating that a necessary witness on this matter is ill and unable to appear and testify on March 12, and counsel for applicant has other commitments on March 12 which will prevent him from being able to participate in this proceeding, and requesting a waiver of the Commission's four-day rule; and

It appearing that there are no other parties to this proceeding, that Commission Counsel has consented to im-

mediate action on this petition and therefore the requirements of § 1.745 of the Commission's rules have been met, and that good cause has been shown for granting the petition;

It is therefore ordered, This 28th day of February 1951 that the petition of the Christian County Broadcasting Company, be and it is hereby granted and the hearing herein is hereby continued to May 14, 1951, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3036; Filed, Mar. 7, 1951; 8:51 a. m.]

[Docket No. 9884]

CIRCLE BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Circle Broadcasting Corporation, Hollywood, Florida, Docket No. 9884, File No. BP-7750; for construction permit.

The Commission having under consideration a petition, filed by the applicant herein on February 27, 1951, requesting a 30-day continuance of the hearing now scheduled for March 1, 1951; and

It appearing that counsel for the applicant was not retained until February 26, 1951 and additional time is needed to prepare the case for hearing; and

It further appearing that Commission Counsel has informally waived the notice and time of filing requirements of § 1.745 and has no objection to the requested continuance as hereinafter ordered, that there are no other parties in this proceeding, and that a continuance as ordered will conduce to the orderly dispatch of the Commission's business;

Now therefore, it is ordered, This 28th day of February 1951, that the hearing in the above-entitled case is continued to April 3, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3037; Filed, Mar. 7, 1951; 8:51 a. m.]

[Canadian Change List No. 60]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

FEBRUARY 14, 1951.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

CANADA

Call letters	Location	Power	Radiation	Time designation	Class	Probable date to commence operation
CKY	Winnipeg, Manitoba	580 kilocycles, 5 kw	DA-2	U	III-A	Now in operation with 5 kw, full time.
New	Timmins, Ontario	1 kw	DA-1	U	III-B	Nov. 1, 1951.
New	St. John's, Newfoundland	930 kilocycles, 5 kw	DA-N	U	III-B	Do.
CKOC	Hamilton, Ontario	1150 kilocycles, 5 kw	DA-2	U	III-A	Do.
CKDM	Dauphin, Manitoba	1230 kilocycles, 250 w	ND	U	IV	Now in operation.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3038; Filed, Mar. 7, 1951; 8:51 a. m.]

[Mexican Change List No. 124]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

JANUARY 15, 1951.

Notification under the provisions of Part III, section 2, of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
XEMJ	Piedras Negras, Coahuila	920 kilocycles, 250 w-N 1 kw-D (increase in daytime power).	U	IV	June 1, 1951
XFTU	Tampico, Tamaulipas	980 kilocycles, 1 kw-N 5 kw-D (change in call letters from XECA and increase in daytime power).	U	III-B	Do.
XECA	do	1240 kilocycles, (change in call letters from XEBT).			
XEE	Durango, Durango	1280 kilocycles, 250 w-N 1 kw-D (increase in daytime power).	U	IV	Do.
XEMR	Monterrey, Nuevo Leon	1370 kilocycles 500 w-N 5 kw-D (increase in daytime power).	U	III-B	Do.
XES	Tampico, Tamaulipas	1140 kilocycles, (change in call letters from XETU).			

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3039; Filed, Mar. 7, 1951; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1405]

MERCER GAS LIGHT AND FUEL CO.

ORDER POSTPONING HEARING

MARCH 2, 1951.

On February 26, 1951, Mercer Gas Light and Fuel Company filed a motion to continue the hearing in this proceeding, set for March 6, 1951, until such time as any party in interest moves for a determination of the application, subject of these proceedings.

Previously, by letter dated January 15, 1951, Mercer Gas Light and Fuel Company requested a continuance of such hearing, then set for January 25, 1951. By action of the Secretary of the Commission the hearing was postponed to March 6, 1951.

The Commission finds: Good cause exists and it would be in the public interest to postpone such hearing for a period of approximately ninety days to June 11, 1951.

The Commission orders: The aforesaid motion for continuance of hearing be and the same is hereby granted and the hearing is hereby postponed to commence on June 11, 1951, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: March 5, 1951

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary

[F. R. Doc. 51-3026; Filed, Mar. 7, 1951; 8:49 a. m.]

[Docket No. G-1557]

NORTH PENN GAS CO. ET AL.

ORDER FIXING DATE OF HEARING

MARCH 1, 1951.

In the matter of North Penn Gas Company, Allegany Gas Company, Alum Rock Gas Company and Dempseytown Gas Company; Docket No. G-1557.

On December 12, 1950, North Penn Gas Company, Allegany Gas Company, Alum Rock Gas Company and Dempseytown Gas Company (Applicants), all Pennsylvania corporations having their principal places of business at Port Allegany, Pennsylvania, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing their merger and consolidation into a new company to be known as North Penn Gas Company, Inc. all as more fully described in such application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicants having requested that their application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on December 21, 1950 (15 F. R. 9158).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on March 16, 1951, at 9: 30 a. m. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 2, 1951.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-3025; Filed, Mar. 7, 1951; 8:49 a. m.]

[Docket No. G-1592]

MICHIGAN-WISCONSIN PIPE LINE CO.

ORDER FIXING DATE OF HEARING

MARCH 2, 1951.

On January 19, 1951, Michigan-Wisconsin Pipe Line Company (Applicant), a Delaware corporation with its principal place of business at Detroit, Michigan, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act to acquire, construct, relocate, and operate certain facilities, subject to the jurisdiction of the Commission and open to public inspection.

Applicant has requested that this application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. It appears to be a proper one for disposition under the aforesaid rule, provided no request to be heard, protest or petition raising an issue of substance is filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 2, 1951 (16 F. R. 993).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing be held on March 22, 1951, at 9:30 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance, March 5, 1951.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-3027; Filed, Mar. 7, 1951; 8:49 a. m.]

[Docket No. G-1593]

TEXAS GAS TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

MARCH 2, 1951.

On January 22, 1951, Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal place of business at 416 West Third Street, Owensboro, Kentucky, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities subject to the jurisdiction of the Commission, as fully described in said application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR, 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 1, 1951 (16 F. R. 954).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on March 22, 1951, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may after a non-contested hearing forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 5, 1951.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-3028; Filed, Mar. 7, 1951; 8:49 a. m.]

[Docket No. G-1618]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

MARCH 2, 1951.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation with its principal office in the Aquila Court Building, Omaha, Nebraska, filed on February 21, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of the following natural gas transmission pipe line facilities:

Compressor additions	Number of units	HP/unit	Total hp.
Item 1, Sunray, Tex., station	3	1,600	4,800
Item 2, Sublette, Kans., station	2	1,600	3,200
Item 3, Mullinville, Kans., station	3	1,600	4,800
Item 4, Holcomb, Kans., station	5	1,600	8,000
Item 5, Burdett, Kans. (new station)	5	1,760	8,800
Item 6, Bushton, Kans., station	7	1,600	11,200
Item 7, Clifton, Kans., station	6	1,600	9,600
Item 8, Beatrice, Nebr., station	3	1,600	4,800
Item 9, Palmyra, Nebr., station	4	1,600	6,400
Item 10, Oakland, Iowa, station	6	1,600	9,600
Item 11, Ogden, Iowa, station	4	1,600	6,400
Item 12, Ventura, Iowa, station	4	1,600	6,400
Total	52		84,000

Pipeline additions	Length (miles of pipe—nominal 20" O. D.)
Item 13, Skellytown, Tex., North (24 line)	20.4
Item 14, Beaver, Okla., North (24 line)	16.0
Item 15, Mullinville, Kans., North (24 line)	25.5
Item 16, Bushton, Kans., North (3d line)	24.0
Item 17, Clifton, Kans., North (4th line)	30.0
Item 18, Beatrice, Nebr., North (3d line)	4.6
Item 19, Welcome, Minn., North (2d line)	12.0
Total	221.5

The installation of the proposed facilities, according to the application, will increase Applicant's system capacity north of Kansas from 600,000 Mcf to an estimated 825,000 Mcf per day. By means of this increased capacity Applicant proposes to supply the additional contract demand volumes which Applicant's existing gas utility customers have requested for presently served areas or communities and, in addition, proposes to provide approximately 17,725 Mcf for serving new communities not presently served with natural gas. Applicant states that it plans to file with the Commission separate applications for authorization to serve the new communities.

The facilities for which a certificate is sought are estimated to cost $33,095,000. Applicant states it plans to begin the construction and installation of the proposed facilities through temporary financing pending final Commission action on proposed rate increases now pending before the Commission.

Materials for the proposed construction, Applicant states, are presently on order and scheduled by suppliers for shipment in 1951. Applicant states it has planned its proposed construction program so as to increase its system sales capacity first to 650,000 Mcf per day, then 675,000 Mcf, 700,000 Mcf, 730,000 Mcf, 780,000 Mcf, 800,000 Mcf and finally 825,000 Mcf per day, so that it will have a maximum deliverability available to its customers at any time if there should be a postponement of delivery of materials as a result of the national defense program or other reasons.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 21st day of March 1951. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-3011; Filed, Mar. 7, 1951; 8:45 a. m.]

GENERAL SERVICES ADMINISTRATION

TIN PROCUREMENT

DELEGATION OF AUTHORITY TO CHAIRMAN, RECONSTRUCTION FINANCE CORPORATION

1. Pursuant to the authority contained in the Defense Production Act of 1950 (Public Law 774, 81st Congress), Executive Order 10161, dated September 9, 1950 (15 F. R. 6105), and Executive Order 10200, dated January 3, 1951 (16 F. R. 61), there is hereby delegated to the Chairman, Reconstruction Finance Corporation the authority to purchase and make commitments to purchase tin metal, tin ores and concentrates, and tin contained in slags, flue dust, and drosses for Government use or for resale, such authority to be exercised in conformity with section 303 of said act, section 303 of said Executive Order 10161 as modified by said Executive Order 10200, and any other applicable laws, regulations and executive orders, including conformity with the authority lodged in the Defense Production Administrator by said Executive Order 10200.

2. The authority delegated herein may be redelegated to any officer or employee of the Reconstruction Finance Corporation.

3. This delegation shall be effective as of the date hereof.

JESS LARSON,
Administrator.

MARCH 5, 1951.

[F. R. Doc. 51-3110; Filed, Mar. 7, 1951; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1291]

RKO PICTURES CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of March A. D. 1951.

The Philadelphia-Baltimore Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1.00 Par Value, of RKO Pictures Corporation, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to March 26, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3014; Filed, Mar. 7, 1951; 8:46 a. m.]

[File No. 7-1292]

RKO THEATRES CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of March A. D. 1951.

The Philadelphia-Baltimore Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1.00 Par Value, of RKO Theatres Corporation, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to March 27, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3016; Filed, Mar. 7, 1951; 8:47 a. m.]

[File No. 54-130]

INTERSTATE POWER CO. AND OGDEN CORP.

SUPPLEMENTAL ORDER REGARDING DISTRIBUTION OF FUNDS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of March A. D. 1951.

The Commission having entered its Order on February 20, 1951 (Holding Company Act Release No. 10400), pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("Act"), approving an Adjusted Compromise Plan, providing for the distribution of 944,961 shares of Interstate Power Company common stock and cash now in escrow; and

Ogden Corporation ("Ogden") having filed a letter stating that it does not object to a Commission order requiring Ogden to make adequate provision for the payment of fees and expenses which it may incur under the Adjusted Compromise Plan before it distributes any of the funds which it receives pursuant to the Adjusted Compromise Plan; and

It appearing to the Commission that it is in the public interest that Ogden should make adequate provision for the payment of fees and expenses in connection with the Adjusted Compromise Plan;

It is ordered, That Ogden Corporation shall not make any distribution of the funds which it receives pursuant to the Adjusted Compromise Plan until it shall have made adequate provision for the payment of fees and expenses which it may incur under the Adjusted Compromise Plan.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3017; Filed, Mar. 7, 1951; 8:47 a. m.]

[File No. 70-2195]

NORTHERN STATES POWER CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AS TO FEES AND EXPENSES OF PIONEER SERVICE & ENGINEERING CO.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 28th day of February A. D. 1951.

Northern States Power Company, a Minnesota corporation which is a registered holding company and also an operating public-utility company, having filed an application-declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 7, 10, and 12 thereof and Rule U-50 thereunder, with respect to the issuance and sale of 1,584,238 shares of its common stock, without par value, subject to a rights offering to its present common stockholders on the basis of one share of additional stock for each six shares presently held, with a limited offering to employees of the system; and

The Commission, by order dated November 7, 1949, and by Supplemental Order dated November 16, 1949, having granted and permitted to become effective said application-declaration, subject to a reservation of jurisdiction with respect to the payment of certain fees and expenses; and

The Commission, by Supplemental Order dated May 18, 1950, having released jurisdiction as to the fees and expenses of the Subscription Agents, and having continued the reservation of jurisdiction over the fees and expenses of Pioneer Service & Engineering Co.;

Pioneer Service & Engineering Co. having filed further information with respect to its fees and expenses in this matter, which fees aggregated $45,393.51 for services and $11,616.10 for actual expenses, making a total of fees and expenses for said applicant of $57,009.61; and

It appearing to the Commission, on the basis of facts in the record including the further information submitted, that the fees and expenses requested by Pioneer Service & Engineering Co. are not unreasonable, and that it is appropriate that the jurisdiction heretofore reserved over such fees and expenses be now released;

It is ordered, That jurisdiction heretofore reserved with respect to the said fees and expenses of Pioneer Service & Engineering Co. be and the same hereby is released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3015; Filed, Mar. 7, 1951; 8:46 a. m.]

[File No. 70-2559]

PHILADELPHIA CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of March 1951.

Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard Gas and Electric Company ("Standard Gas") and Standard Power and Light Corporation, both registered holding companies, has filed an application and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 ("Holding Company Act"), for an order approving certain proposed accounting adjustments and has designated section 20 of the Holding Company Act and Rule U-24 promulgated thereunder as applicable to the proposed transactions which are summarized below:

By order of this Commission dated June 1, 1948, (Holding Company Act Release No. 8242) Philadelphia is required to dispose of its interest in its nonutility subsidiary, Pittsburgh Railways Company ("Railways Company"), and, among other things, to take appropriate steps to liquidate and dissolve. This order was affirmed by the United States Court of Appeals for the District of Columbia Circuit, Philadelphia Company, et al. v. S. E. C., 177 F. 2d 720.

Prior to January 1, 1951, Philadelphia was the parent of the predecessor of Railways Company, which was also named Pittsburgh Railways Company and which will be referred to hereinafter as "old company", and of certain other companies in old company's system ("Railways System"). Philadelphia was also the owner of bonds, notes and other obligations of old company and of other companies in the Railways System. The Railways System was comprised of old company and a number of other companies which were operated by old company under leases and operating agreements. Philadelphia had guaranteed the performance by old company of certain obligations under lease arrangements, including, inter alia, the making of payments to cover interest and dividends on certain securities of companies in the Railways System and the joinder in refunding of various bonds at maturity.

On May 10, 1938, old company, and its subsidiary Pittsburgh Motor Coach Company, filed petitions for reorganization under the Bankruptcy Act in the United States District Court for the Western District of Pennsylvania ("District Court"). In the bankruptcy reorganization proceedings a plan dated July 1, 1949 ("Combined Plan"), together with certain amendments thereto, for the reorganization of the Railways System under the Bankruptcy Act and for the discharge under the Holding Company Act of Philadelphia's guarantees affecting Railways System securities, was filed with this Commission jointly by Elmer E. Bauer, Reorganization Trustee of old company, and by Philadelphia, under Chapter X of the Bankruptcy Act and sections 11 (e) and 11 (f) of the Holding Company Act.

Pursuant to orders of this Commission, the Pennsylvania Public Utility Commission, and the District Court, the Combined Plan was approved and finally consummated as of December 31, 1950. Under the terms of the Combined Plan, Philadelphia was relieved of its various guarantees and exchanged its holdings of securities of, and claims against, Railways System for 50.9 percent of the new common stock issued by Railways Company.

In recapitalization proceedings in 1939 before this Commission (File No. 43-271), Philadelphia proposed an accounting reorganization designed to make provision for loss in its investments in street railway companies. In those proceedings, Philadelphia proposed, inter alia, that it would:

(a) Create a reserve for revaluation of assets;

(b) Retain in its earned surplus beginning in 1940 certain earnings which otherwise would be available for common stock dividends;

(c) Notify the Commission of any charge made by Duquesne Light Company ("Duquesne"), its public utility subsidiary, to Duquesne's earned surplus or special reserve balances at December 31, 1939, and observe any ruling made by this Commission, after notice and hearing, as to credits made to Philadelphia's income or earned surplus accounts after December 31, 1939, where such credits arose from dividends paid on Duquesne's common stock, if and to the extent such dividends were made possible by reason of charges improperly made, under generally accepted accounting principles, by Duquesne to its earned surplus or special reserve balances at December 31, 1939; and

(d) Credit to capital surplus an amount equal to $22.75 for each share sold, minus expenses incurred and taxes paid by reason of such sale, in the event it sold any Duquesne common stock it then owned.

Pursuant to the above proposals, Philadelphia created a Reserve For Revaluation of Assets as of December 31, 1939, and, in the years 1940 and 1941, retained in earned surplus certain earnings which otherwise would have been available for dividends on its common stock.

In proceedings before this Commission in 1941 (File No. 70-324) relative to the issuance of Collateral Trust Sinking Fund Bonds and Collateral Trust Serial Notes, Philadelphia proposed that certain sums, to be determined according to a specified formula, be set aside from earnings each year and credited to the Reserve For Revaluation of Assets, and that the sums so set aside and credited be in lieu of the required retention of earnings as specified in paragraph (b) above. The 1941 proposal subsequently was amended at File Nos. 70-1633, 70-2342 and 70-2343. In each of the years from 1941 to date, Philadelphia has set aside sums from earnings and accrued them to the Reserve For Revaluation of Assets in accordance with the applicable requirements of the 1941 proposal, either as originally made or as subsequently modified.

In 1948, in proceedings before this Commission relative to the reorganiza-

tion of the gas properties then owned by Philadelphia (File No. 70–1633), the Commission reserved jurisdiction over certain proposed accounting entries by which claimed excess depreciation was credited to Philadelphia's surplus accounts. In connection with this reservation of jurisdication, the Commission imposed limitations as to the use of the surplus arising from such entries.

In 1950, in proceedings before this Commission relative to a further reorganization of the gas properties and the recapitalization of the then gas subsidiaries of Philadelphia and the sale by it of all the outstanding common stock of the reorganized Equitable Gas Company ("Equitable"), then a gas utility subsidiary of Philadelphia (File Nos. 70–2342 and 70–2343), the Commission reserved jurisdiction over proposed accounting entries relating to, and imposed limitations on the availability of (a) Philadelphia's surplus representing profit realized from the sale of Equitable's common stock and (b) Philadelphia's surplus arising from the exchange of gas companies' securities.

During the years in which Philadelphia has been required to make payments because of its guarantees of street railway obligations, it has, by annual appropriations from income, built up a reserve for payments made under the guarantees and not returned to it. In addition, Philadelphia for some years has been crediting to deferred credit accounts certain amounts representing offsets to deferred interest and rents received and receivable from old company which are carried in Philadelphia's investment and fund accounts.

Philadelphia states that appropriate adjustments should now be made in its accounts, as of December 31, 1950, to reflect the effect of the above mentioned Railways System reorganization and it proposes:

(1) That its investments in street railway companies be written down from $79,885,278.12, the present gross carrying value, to $5,476,780, the stated value of the common stock of Railways Company which Philadelphia owns, and that the resulting loss of $74,408,498.12 be written off by charging $30,414,293.81 to the Reserve For Revaluation Of Assets, $10,886,652.50 to the reserve for payments made by Philadelphia under guarantees and not returned, $14,454,895.68 to deferred interest and rents received and receivable, $699,993.11 to paid-in-surplus, $2,737,935.15 to capital surplus (as indicated in paragraph (4) below), and $15,214,722.87 to earned surplus;

(2) That credit items aggregating $2,737,935.15, heretofore credited to Philadelphia's Surplus Prior to January 1, 1940, (consisting of (a) credits in 1948, arising in connection with the reorganization of the gas properties, in the amount of $2,341,299.21 for excess depreciation accruals, $93,471.14 for a dividend in kind from Pittsburgh and West Virginia Gas Company, a former gas utility subsidiary of Philadelphia, and $22,934.81 for salvage received from Philadelphia's manufactured gas properties, and (b) a credit in 1950 of $280,229.99 arising from a dividend in kind from Pittsburgh and West Virginia Gas Company paid with 2,825 shares of 7 percent Cumulative Second Preferred Stock of Kentucky West Virginia Gas Company, a former nonutility subsidiary of Philadelphia), be reclassified and credited to capital surplus;

(3) That charges aggregating $2,737,935.15 which were charged since December 31, 1947, to Philadelphia's Surplus Prior to January 1, 1940, be reclassified and charged to Earned Surplus Since December 31, 1939;

(4) That $2,737,935.15 of the loss which would be reflected by the proposed write-down of Philadelphia's investments in street railway companies be charged to the capital surplus account created by the reclassification proposed in (2) above;

(5) That the Commission terminate Philadelphia's obligation, under its proposal in 1939, to retain in its earned surplus the amounts set aside in 1940 and 1941;

(6) That the Commission terminate Philadelphia's obligation, under its proposal in 1939, to notify the Commission of any charge made by Duquesne to that Company's earned surplus or special reserve balances at December 31, 1939, and to observe any ruling made by the Commission, after notice and hearing, as to credits made to Philadelphia's income or earned surplus accounts after December 31, 1939, where such credits arose from dividends paid on Duquesne's common stock, if and to the extent such dividends were made possible by reason of charges improperly made, under generally accepted accounting principles, by Duquesne to its earned surplus or special reserve balance at December 31, 1939;

(7) That the Commission terminate Philadelphia's obligation, under its proposal in 1939, to credit to capital surplus, if Philadelphia sells any Duquesne common stock owned by it at the time of such proposal, an amount equal to $22.75 for each share sold, minus expenses incurred and taxes paid by reason of such sale;

(8) That with respect to (a) Philadelphia's surplus credits aggregating $2,737,935.15 set forth in proposal (2) above, and (b) its surplus credit in 1948 in the amount of $993,305.12 credited to Earned Surplus Since December 31, 1939 (which amount, together with the amount of $2,341,299.21 set forth in proposal (2) above, arose in 1948 from excess depreciation), the Commission release jurisdiction (to the extent that jurisdiction was reserved by it) over the accounting entries crediting such amounts to Philadelphia's surplus accounts, and remove all limitations heretofore imposed by the Commission on the availability of surplus arising from such entries;

(9) That, with respect to (a) Philadelphia's surplus representing profit realized from the sale of Equitable's common stock and (b) its surplus arising from the exchange of gas companies' securities, the Commission release jurisdiction (reserved by it in proceedings at File Nos. 70–2342 and 70–2343) over accounting entries relating to such surplus, and remove the limitations (imposed by it in the same proceedings) on the availability of such surplus; and

(10) That, effective as of April 1, 1950, the Commission terminate Philadelphia's obligation, under its proposal in 1941 (File No. 70–324 as amended at File Nos. 70–1633, 70–2342, and 70–2343), to set aside certain sums from earnings and accrue them to the Reserve For Revaluation Of Assets.

Said application having been filed on January 17, 1951, and amendments thereto having been filed on January 29, 1951, and February 15, 1951, respectively, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for hearing with respect to said application, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Philadelphia having requested that the Commission issue an order approving the proposed transactions at the earliest possible date; and

The Commission finding that the proposed transactions are in compliance with the applicable standards of the act, and that no adverse findings are necessary in connection therewith, and the Commission deeming it appropriate that said application, as amended, be granted forthwith without the imposition of terms and conditions other than those specified in Rule U-24:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act that said application, as amended, be, and the same hereby is, granted forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3013; Filed, Mar. 7, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17426]

MARIANNE BOTTNER-BOSSHARDT

In re: Securities owned by and debts owing to Marianne Bottner-Bosshardt. F–28–31221.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marianne Bottner-Bosshardt on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Twenty five (25) shares of $10.00 par value common stock of F. W. Woolworth Company, Woolworth Building, New York City, evidenced by a certificate or certificates presently in the custody of Credit Suisse, New York Agency, 30 Pine Street, New York 5, New York, held for "Ella Familienstiftung", together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation of Credit Suisse, New York Agency, 30 Pine Street, New York 5, New York in the amount of $1,268.45 as of November 8, 1950, held for the "Ella Familienstiftung", together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

c. Twenty (20) shares of $100.00 par value common stock of American Telephone & Telegraph Company, 195 Broadway, New York City, evidenced by a certificate or certificates presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York in the name of Fides Union Fiduciaire, Basle, together with all declared and unpaid dividends thereon,

d. Fifty (50) shares of $10.00 par value common stock of General Motors Corporation, 1775 Broadway, New York City, evidenced by a certificate or certificates presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York, in the name of Fides Union Fiduciaire, Basle, together with all declared and unpaid dividends thereon,

e. Twenty five (25) shares of no par value common stock of International Nickel Company of Canada, Ltd., 67 Wall Street, New York City, evidenced by a certificate or certificates, presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York, in the name of Fides Union Fiduciaire, Basle, together with all declared and unpaid dividends thereon,

f. Forty five (45) shares of no par value common stock of Philadelphia Electric Company, 1000 Chestnut Street, Philadelphia, Pennsylvania, evidenced by a certificate or certificates, presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York, in the name of Fides Union Fiduciaire, Basle, together with all declared and unpaid dividends thereon,

g. Twenty six (26) shares of $25.00 par value common stock of Standard Oil Company of New Jersey, 30 Rockefeller Plaza, New York City, evidenced by a certificate or certificates, presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York, in the name of Fides Union Fiduciaire, Basle, together with all declared and unpaid dividends thereon,

h. Twenty five (25) shares of $10.00 par value common stock of F. W. Woolworth Company, Woolworth Building, New York City, evidenced by a certificate or certificates, presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York, in the name of Fides Union Fiduciaire, Basle, together with all declared and unpaid dividends thereon, and

i. That certain debt or other obligation of Bankers Trust Company, 16 Wall Street, New York 15, New York in the amount of $1,048.05 as of November 8, 1950, presently held under name of Fides Union Fiduciaire, Basle, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Marianne Bottner-Bosshardt, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2999; Filed, Mar. 6, 1951; 8:51 a. m.]

[Vesting Order 17407]

JACOB FEHLAUER

In re: Estate of Jacob Fehlauer, deceased. File No. D–28–12907; E. T. sec. 17067.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frederick Fehlauer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Jacob Fehlauer, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Adolf Fausak, as administrator, acting under the judicial supervision of the Probate Court for the County of Berrien, Berrien, Michigan;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3043; Filed, Mar. 7, 1951; 8:53 a. m.]

[Vesting Order 17412]

IRENE BARONIN ST. ANDRE

In re: Trust agreement dated May 4, 1924, between Irene Baronin St. Andre, Grantor, and the National Savings and Trust Company, et al., trustees and amendments thereto dated August 23, 1934, and October 15, 1934. File No. F–28–18630–G–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Irene von St. Andre and Freiherr Alexander Magnus von St. Andre, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. All right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof not heretofore vested by Vesting Order No. 11333, in and to and arising out of or under that certain trust agreement dated May 4, 1924, by and between Irene Baronin St. Andre, Grantor, and the National Savings and Trust Company, Charles T. Tittmann and Reeves T. Strickland, trustees, and amendments thereto dated August 23, 1934, and October 15, 1934, including but not limited to the right of Irene von St. Andre to terminate, revoke and alter the trust agreement presently being administered by the National Savings and Trust Company, Washington, D. C., and by Charles T. Tittmann, 1718 Connecticut Avenue NW., Washington, D. C., and

b. All property in the possession, custody or control of the said National Sav-

ings and Trust Company and of the said Charles T. Tittmann, surviving trustees, under that certain trust agreement dated May 4, 1924, by and between Irene Baronin St. Andre, Grantor, and the National Savings and Trust Company, Charles T. Tittmann surviving trustees, Strickland, trustees, and amendments thereto dated August 23, 1934, and October 15, 1934, including particularly but not limited to:

(1) Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, together with any and all rights thereunder and thereto,

(2) An undivided one-third (⅓) interest in those certain shares of stock described in Exhibit B, attached hereto and by reference made a part hereof, together with all declared and unpaid dividends thereon, and

(3) The sum of $862.31 as of December 31, 1950, together with any and all accruals thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2–a hereof, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2–b hereof, subject to all lawful fees and disbursements of the National Savings and Trust Company, and of Charles T. Tittmann, as trustees under that certain trust agreement dated May 4, 1924, between Irene Baronin St. Andre, Grantor, and the National Savings and Trust Company et al., trustees, and amendments thereto dated August 23, 1934, and October 15, 1934.

All such property so vested shall be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Description of issue	Face value	Certificate Nos.
United States Treasury 2½ percent bonds of 1958.	$1,000	61750L
	1,000	51A
	1,000	43852B
	500	12495E
	500	10782B
	500	40512B
	500	37632B
United States Treasury 2½ percent bonds of 1960–65.	1,000	216434D
	500	95249K
United States Treasury 2½ percent Bonds of 1970–65.	500	73882B
	500	201877E
United States Treasury 2½ percent bond of 1971–66.	1,000	176789K
United States Treasury 2½ percent bond of 1972–67.	1,000	329894D
United States Treasury 2½ percent bond of 1972.	1,000	47379K
United States Treasury 2½ percent bonds of 1972–67.	10,000	214760L
	10,000	61A
United States Treasury 2½ percent bonds of 1972–67.	$10,000	12B
	10,000	46C
	1,000	13[illegible]
	1,000	27[illegible]
	1,000	49[illegible]
	1,000	[illegible]
	1,000	[illegible]
	1,000	49[illegible]
	1,000	57[illegible]
	1,000	[illegible]
	1,000	[illegible]
	1,000	[illegible]
	1,000	72[illegible]
	1,000	7[illegible]
	500	13[illegible]
	500	14[illegible]
	500	9[illegible]

EXHIBIT B

Name of issuer	Place of incorporation	Type of stock	Par value	Certificate Nos.	Number of shares
The Bancokentucky Co.	Delaware	Capital	$10	C[illegible]	[illegible]
Do.	do	do	10	C[illegible]	[illegible]
Do.	do	do	10	C-042	[illegible]
Summit Branch R. R. Co.	Pennsylvania	do	50	3755	[illegible]

[F. R. Doc. 51–3044; Filed, Mar. 7, 1951; 8:53 a. m.]

[Vesting Order 17427]

DEUTSCHE EFFECTEN UND WECHSEL BANK

In re: Stock owned by and debt owing to Deutsche Effecten und Wechsel Bank. F–28–5735–A–2; E–3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Effecten und Wechsel Bank, the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Two thousand (2,000) shares of Capital stock of North European Oil Corp., evidenced by certificates numbered 9896 9915 registered in the name of Kull & Co., and presently in the custody of the Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in an account, entitled, Deutsche Effecten und Wechsel Bank Customers Depot, together with any and all declared and unpaid dividends thereon.

b. Thirty (30) shares of common stock of United Corp. evidenced by certificate numbered CO428317 registered in the name of Schmidt & Co. and presently in the custody of the Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in an account, entitled, Deutsche Effecten und Wechsel Bank Customers Depot, together with all declared and unpaid dividends thereon.

c. Three (3) shares of common stock of Niagara Hudson Power Corp. evidenced by certificate numbered 108609 registered in the name of Schmidt & Co. and presently in the custody of the Guaranty Trust Company of New York, 140 Broadway, New York 15, New York in an account, entitled, Deutsche Effecten und Wechsel Bank Customers Depot, together with all declared and unpaid dividends thereon, and any and all rights of exchange under a plan of dissolution of January 5, 1950, and

d. That certain debt or other obligation of the Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of an Unpresented Foreign Draft account, entitled, Deutsche Effecten und Wechsel Bank, maintained by the aforesaid company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F R Doc. 51–3045; Filed, Mar. 7, 1951; 8:53 a. m.]

[Vesting Order 17433]

YOKOHAMA SPECIE BANK, LTD.

In re: Debt owing to The Yokohama Specie Bank, Ltd. D–39–900–E–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That The Yokohama Specie Bank, Ltd., the last known address of which is Japan, is a corporation organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of The Yokohama Specie Bank, Ltd., Los Angeles Office, and or Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, arising out of the deposit of $4,200 on or about July 25, 1941 to a commercial checking account maintained at said Los Angeles Office in the name of Kennosuke Matsuo, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by The Yokohama Specie Bank, Ltd., the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F R Doc. 51–3046; Filed, Mar. 7, 1951; 8:53 a. m.]

[Vesting Order 17456]

IDA FICK

In re: Rights of Ida Fick under insurance contract. File No. D–28–9515–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ida Fick, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 765 392, issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to Louise Becker Arnold, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–3048; Filed, Mar. 7, 1951; 8:54 a. m.]

[Vesting Order 17457]

RUDOLF HANDWERCK

In re: Rights of Rudolf Handwerck under insurance contract, File No. F–28–22640–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolf Handwerck who, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidence by Annuity Policy No. 37962, issued by the New York Life Insurance Company, New York, New York, to Rudolf Handwerck, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Rudolf Handwerck be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–3049; Filed, Mar. 7, 1951; 8:54 a. m.]

[Vesting Order 17455]

KARL VON CLEMM

In re: Rights of Karl von Clemm under insurance contracts. Files Nos. F–28–26623–H–2, H–3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl von Clemm, whose last known address is Germany, is a resident

of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Karl von Clemm under contracts of insurance evidenced by policies Nos. 473054 and 496083, issued by The Guardian Life Insurance Company of America, New York, New York, to Karl von Clemm, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of Werner C. von Clemm, a resident of the United States, and of the aforesaid The Guardian Life Insurance Company of America, together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3047; Filed, Mar. 7, 1951; 8:53 a. m.]

[Vesting Order 17458]

RUDOLF HANDWERCK ET AL.

In re: Rights of Rudolf Handwerck et al. under insurance contract. File No. F-28-22640-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolf Handwerck and Margarete Handwerck who, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, have been residents of Germany, are nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Rudolf Handwerck and Margarete Handwerck under a contract of insurance evidenced by policy No. 4,710,063, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Rudolf Handwerck, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Equitable Life Assurance Society of the United States, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Rudolf Handwerck or Margarete Handwerck, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Rudolph Handwerck and Margarete Handwerck be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3050; Filed, Mar. 7, 1951; 8:54 a. m.]

[Vesting Order 17459]

LIESEL HEID ET AL.

In re: Rights of Liesel Heid et al., under insurance contract. File No. F-28-31194-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Liesel Heid, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Liesel Heid, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 107,716,035, issued by the Metropolitan Life Insurance Company, New York, New York, to Liesel Heid, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Liesel Heid or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Liesel Heid, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Liesel Heid, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3051; Filed, Mar. 7, 1951; 8:54 a. m.]

[Vesting Order 17460]

BERNHARD ILGEN ET AL.

In re: Rights of Bernhard Ilgen et al., under insurance contracts. Files Nos. F-28-22693-H-1, 2, 3, 4.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bernhard Ilgen, Hedwig Ilgen and Lina (Liana) Ilgen, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

(A) Net proceeds due or to become due to Bernhard Ilgen, Hedwig Ilgen and Lina (Liana) Ilgen under contracts of insurance evidenced by policies numbered 1,449,542, 1,709,585 and 1,829,642, issued by The Northwestern Mutual Life Insurance Company, Milwaukee, Wisconsin, to Carl H. Ilgen, together with the right to demand, receive and collect said net proceeds, and

(B) Net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,829,643, issued by The Northwestern Mutual Life Insurance Company, Milwaukee, Wisconsin, to Carl H. Ilgen, together with the right to demand, receive and collect said net proceeds,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3052; Filed, Mar. 7, 1951; 8:54 a. m.]

[Vesting Order 17462]

LUISE MAICHELE

In re: Rights of Luise Maichele under insurance contract. File No. F-28-31145-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Luise Maichele, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Luise Maichele under a contract of insurance evidenced by policy No. 7140804, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Luise Maichele, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3053; Filed, Mar. 7, 1951; 8:55 a. m.]

[Vesting Order 17466]

GUSTAV A. REICHEL ET AL

In re: Rights of Gustav A. Reichel et al., under insurance contract. File No. F-28-31103-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav A. Reichel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Gustave A. Reichel, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under an annuity contract evidenced by policy No. Annuity 137,175, issued by the New York Life Insurance Company, New York, New York, to Gustav A. Reichel, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said annuity contract except those of the aforesaid New York Life Insurance Company, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Gustav A. Reichel, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3054; Filed, Mar. 7, 1951; 8:55 a. m.]

[Vesting Order 17467]

HERMANN A. TROELTSCH ET AL.

In re: Rights of Hermann A. Troeltsch et al., under insurance contract. File No. F-28-31197-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann A. Troeltsch, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Hermann A. Troeltsch, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 8 486 947, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Hermann A. Troeltsch, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Equitable Life Assurance Society of the United States, together with the right to

demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Hermann A. Troeltsch or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Hermann A. Troeltsch, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Hermann A. Troeltsch, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3055; Filed, Mar. 7, 1951; 8:55 a. m.]

[Return Order 891]

VITO AND GIUSEPPE MOLEA

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published, and Property

Vito Molea, Rome, Italy; Claim No. 38476; Giuseppe Molea, Rome, Italy; Claim No. 36648; December 30, 1950 (15 F. R. 9562); $1,598.38 in the Treasury of the United States, one-half thereof to each claimant. All right, title and interest of the Attorney General, acquired pursuant to Vesting Order No. 495, in and to 160 shares of Corner Mott and Hester Streets, Inc., a New York Corporation, one-half thereof to each claimant.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on February 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3001; Filed, Mar. 6, 1951; 8:51 a. m.]

ANCIENS ETABLISSEMENTS BARBIER, BENARD & TURENNE, SOCIETE ANONYME

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Anciens Etablissements Barbier, Benard & Turenne, Societe Anonyme, Paris, France; Claim No. 41691; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 2,230,573; 2,235,460; 2,245,788 and 2,265,182; and property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942), relating to Patent Application Serial No. 374,742 (now United States Letters Patent No. 2,315,030).

Executed at Washington, D. C., on March 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3058; Filed, Mar. 7, 1951; 8:55 a. m.]

ALBERTO BALDOCCHI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Alberto Baldocchi, Lucco per Parezzana, Toscana, Italy, Claim No. 13055; Anna Fedeli, Lucca per Toringo, Toscana, Italy, Claim No. 13081; Lola Fedeli Mori, Antioch, Calif., Claim No. 13082; Marino Fedeli, Lucca per Toringo, Toscana, Italy, Claim No. 13083; Renzo Fedeli, Lucca per Toringo, Toscana, Italy, Claim No. 13084; Veneranda Giovannoni, Lucca per Sorbano del Vescovo, Toscana, Italy, Claim No. 13085; $3,748.99 in the Treasury of the United States, ⅓ to Alberto Baldocchi, ⅓ to Veneranda Giovannoni, ⅙ to Anna Fedeli, ⅙ to Lola Fedeli Mori, ⅙ to Marino Fedeli and ⅙ to Renzo Fedeli. The right, title and interest of the claimants in and to the trust created under the will of Luigi Baldocchi, deceased; trust administered by Bank of America National Trust and Savings Association, San Francisco, California.

Executed at Washington, D. C., on March 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3059; Filed, Mar. 7, 1951; 8:56 a. m.]

CATHARINE COLLETTI GAMBLE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Catharine Colleti Gamble, Reading, Pa., Claim No. 4806; Giovanni Colletti, Pescara, Italy, Claim No. 42055; Ferdinando Colletti, Bologna, Italy, Claim No. 42056; the following property to claimants in equal shares: $14,404.64 in the Treasury of the United States, Real property known as 436 South 6th Street, Reading, Pa.

Executed at Washington, D. C., on March 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3060; Filed, Mar. 7, 1951; 8:56 a. m.]

JEAN HENRY JALBERT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Jean Henry Jalbert, Paris, France. Claim No. 41390; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,091,547.

Executed at Washington, D. C., on March 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3062; Filed, Mar. 7, 1951; 8:56 a. m.]

MAR 14 '51

THE NATIONAL ARCHIVES

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Washington, Friday, March 9, 1951

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 356]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 351]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CALIFORNIA, NEW JERSEY, OHIO AND SOUTH DAKOTA

Amendment 356 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 351 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 40a, is amended to describe the counties in the Defense-Rental Area as follows:

Ventura County, except the Cities of Fillmore, Ojai, Port Hueneme, San Buenaventura and Santa Paula, and all unincorporated localities.

This decontrols the Cities of Ojai and Port Hueneme in Ventura County, California, portions of the Ventura, California, Defense-Rental Area.

2. Schedule A, Item 188a, is amended to describe the counties in the Defense-Rental Area as follows:

Camden County, except the Boroughs of Haddonfield and Merchantville; Gloucester County; and Burlington County, except the Townships of Bass River, Tabernacle, Shamong, Woodland and Washington, and the Borough of Medford Lakes in Medford Township.

In Cape May County, the Borough of Woodbine; and in Cumberland County, the City of Millville.

This decontrols the Borough of Merchantville in Camden County, New Jersey, a portion of the Southern New Jersey Defense-Rental Area.

3. Schedule A, Item 233, is amended to describe the counties in the Defense-Rental Area as follows:

Lorain County, except the Townships of Brighton, Huntington, Penfield, Rochester and Wellington, and the Villages of Avon Lake, Oberlin, Wellington and Rochester.

This decontrols the Village of Avon Lake in Lorain County, Ohio, a portion of the Lorain-Elyria, Ohio, Defense-Rental Area.

4. Schedule A, Item 285b, is amended to read:

(285b) [Revoked and decontrolled.]

This decontrols the Vermillion, South Dakota, Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as Amended.

All decontrols effected by this amendment, except Item 4 thereof, are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as Amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup., 1894)

This amendment shall become effective March 7, 1951.

Issued this 6th day of March 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-3093; Filed, Mar. 8, 1951; 8:49 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter V—Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

CUSTOMS PROCEDURES; MERCHANDISE OF CHINESE OR KOREAN ORIGIN

The Foreign Assets Control Regulations, 31 CFR 500.101–500.807, 15 F. R. 9040, are hereby amended by the addition of the following section.

§ 500.808 *Customs procedures; merchandise of Chinese or Korean origin.* (a) Collectors of customs after March 7, 1951, shall not accept or allow any:

(1) Entry for consumption (including any appraisement entry but excluding other informal entries);

(2) Entry for immediate exportation;

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(6) Manipulation or manufacture in a warehouse or in a foreign-trade zone with respect to merchandise arriving in the United States from any country after that date if the country of origin of such merchandise is China (except Formosa) or North Korea until

(i) A specific license pursuant to this chapter is presented, or

(ii) The provisions of paragraph (e) of this section shall have been complied with, or

(iii) Instructions from the Foreign Assets Control either directly or through the Federal Reserve Bank of New York authorizing the transaction are received.

(b) Whenever a specific license is presented to a collector of customs in accordance with this section, two additional legible copies of the entry, withdrawal or other appropriate document with respect to the merchandise involved shall be filed with the collector of customs at the port where the transaction is to take place. Each copy of any such entry, withdrawal or other appropriate document including the two additional copies, shall bear plainly on its face the number of the license pursuant to which it is filed. The original copy of the specific license shall be presented to the collector in respect of each such transaction and shall bear a notation in ink by the licensee or person presenting the license showing the description, quantity, and value of the merchandise to be entered, withdrawn or otherwise dealt with. This notation should be so placed and so written that there will exist no possibility of confusing it with anything placed on the license at the time of its issuance. If the license in fact authorizes the entry, withdrawal or other transaction with regard to the merchandise the collector, or other authorized customs employee, shall verify the notation by signing or initialing it after first assuring himself that it accurately describes the merchandise it purports to represent. The license shall thereafter be returned to the person presenting it and the two additional copies of the entry, withdrawal or other appropriate document shall be forwarded by the collector to the Federal Reserve Bank of New York.

(c) (1) The collector of customs at any port at which merchandise is to be entered or withdrawn pursuant to the terms of a specific license may waive the requirement of presentation of the original copy of such license: *Provided*, That:

(i) The person presenting the entry or withdrawal presents to the collector an affidavit stating:

(*a*) Facts indicating that it would be a hardship for him to present the original copy of the license, and

(*b*) That the entry or withdrawal is one of a large number which are to be made pursuant to the same license, and

(c) That all the entries or withdrawals are to be made at the same port; and

(ii) The collector receiving such an affidavit is satisfied that the circumstances in fact warrant the waiver; and

(iii) There is presented to the collector either a photostatic copy of the original license or a copy of the license signed by the officer who issued and signed the original.

(2) If such waiver is granted, the collector shall retain the copy of the license presented to him and shall note on it, or cause to be noted on it, the description, quantity, and value of all merchandise entered or withdrawn from time to time pursuant to the authority therein contained.

(3) When such waiver is granted and all the merchandise authorized to be entered or withdrawn under a specific license has been entered or withdrawn, the copy of the license on file with the collector shall be endorsed to indicate this fact and shall be forwarded to the Federal Reserve Bank of New York. When a license expires, unless it is renewed and the collector is advised of its renewal, any copy thereof which is on file with the collector shall be endorsed to show the expiration and shall be forwarded to the Federal Reserve Bank of New York.

(d) The requirement that two additional copies of each entry or withdrawal be filed in connection with every transaction under a specific license shall remain in effect notwithstanding any waiver of the requirement of presenting the original copy of the license.

(e) Whenever a person shall present an entry, withdrawal or other appropriate document and shall assert that the entry, withdrawal or other transaction with respect to the merchandise affected by this section is authorized pursuant to § 500.534 he shall be required to file two additional legible copies of the entry, withdrawal or other appropriate document upon the face of each of which shall appear the statement "Effected pursuant to § 500.534 of the Foreign Assets Control Regulations". He shall also attach to each of the two additional copies a signed additional statement setting forth full details regarding all payments made or to be made with respect to the merchandise or its importation, including the names of all persons who have been or will be paid in connection therewith and the manner of such payment. This statement shall include a declaration with respect to the name of the domestic bank or banks in which payments have been or will be made and the names of blocked account or accounts in such banks which have been or will be credited and shall specify the amount or amounts so credited or to be credited. The two additional copies of the entry, withdrawal or other appropriate document together with the attached copies of the additional statement, shall be forwarded by the collector of customs to the Federal Reserve Bank of New York.

(f) Whenever a person shall present an entry, withdrawal or other appropriate document affected by this section and shall assert that no Foreign Assets Control license is required in connection therewith, the collector of customs shall withhold action thereon and shall advise such person to communicate directly with the Federal Reserve Bank of New York to request that instructions be issued to the collector to authorize him to take action with regard thereto.

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C. App. 5 E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR 1943 Cum. Supp., E. O. 9989; Aug. 20, 1948, 13 F. R. 4891; 3 CFR 1948 Supp.)

[SEAL] WM. McC. MARTIN, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 51-3094; Filed, Mar. 7, 1951; 5:00 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 17]

PART 1670—RECORDS ADMINISTRATION IN FEDERAL RECORD DEPOTS

SUPPLYING INFORMATION FROM RECORDS

The Selective Service Regulations are hereby amended as follows:

1. Subparagraphs (4), (8), (10), and (11) of paragraph (b) of § 1670.31 are amended to read as follows:

§ 1670.31 *Supplying information to Federal agencies and officials.* * * *

(b) * * *

(4) *Department of Labor.* The Department of Labor may obtain such information upon the request of (i) the Secretary of Labor, (ii) the Director, the Liaison Officer, a Field Representative, or an Assistant Field Representative, Bureau of Veterans' Reemployment Rights, or (iii) the Director, a Deputy Director, the Chief Investigator, an Investigator, or a Deputy Commissioner in Charge of a Compensation District in the Field, Bureau of Employees' Compensation.

* * * * *

(8) *Federal Security Agency.* The Federal Security Agency may obtain such information upon the request of (i) the Administrator, (ii) the Records Officer, (iii) the Director or the Acting Director, Bureau of Old Age and Survivors Insurance, (iv) a Regional Representative, Social Security Administration, or (v) a Manager of a Social Security Administration Field Office.

* * * * *

(10) *Department of the Navy.* The Department of the Navy may obtain such information upon the request of (i) the Secretary of the Navy, (ii) the Records Officer, Executive Office of the Secretary,

(iii) the Records Officer, Bureau of Aeronautics, (iv) the Records Officer, Bureau of Medicine and Surgery, (v) the Administrative Assistant, Medical Statistics Division, Bureau of Medicine and Surgery, (vi) the Records Officer, Bureau of Naval Personnel, (vii) the Records Officer, Bureau of Ordnance, (viii) the Records Officer, Bureau of Yards and Docks, (ix) the Records Officer, Bureau of Ships, (x) the Records Officer, Bureau of Supplies and Accounts, (xi) the Head of the Classification Section, Civilian Personnel Branch, Administrative Services Division, Office of the Chief of Naval Operations, (xii) the Chief, Special Services Branch, Personnel Department, Headquarters, United States Marine Corps, (xiii) an Agent of the Office of Naval Intelligence, (xiv) an Agent of a District Intelligence Office, or (xv) a District Records Management Officer.

(11) *Treasury Department.* The Treasury Department may obtain such information upon the request of (i) the Secretary of the Treasury, (ii) the Commissioner of Customs, (iii) the Chief, United States Secret Service, (iv) the Chief, Intelligence Unit, Bureau of Internal Revenue, (v) the Commissioner, Bureau of Narcotics, (vi) the Deputy Commissioner, Alcohol Tax Unit, (vii) a Supervising Customs Agent, (viii) a Special Agent, Secret Service, (ix) a Special Agent in Charge, Intelligence Unit, Bureau of Internal Revenue, (x) a District Supervisor, Bureau of Narcotics, (xi) a District Supervisor, Alcohol Tax Unit, Bureau of Internal Revenue, (xii) an Internal Revenue Agent in Charge, (xiii) a Collector of Internal Revenue, (xiv) a Deputy Collector of Internal Revenue, or (xv) a Special Representative of the Office of the Chief Coordinator, Treasury Enforcement Agencies.

* * * * *

2. Subparagraphs (14) and (20) of paragraph (b) of § 1670.32 are amended to read as follows:

§ 1670.32 *Supplying information to officials and agencies of States, the District of Columbia, Territories and possessions of the United States.* * * *

(b) * * *

(14) *State of Illinois.* The officials of the State of Illinois and its subdivisions authorized to obtain such information are (i) the Adjutant General, (ii) the Commissioner of Placement and Unemployment Compensation, (iii) the Director and the Deputy Directors, Illinois Service Recognition Board, (iv) the Administrater and the Assistant Administrators, Illinois Veterans' Commission, (v) the Director, the Assistant Director, and the Superintendent and the Assistant Superintendent of the Division of Veterans' Service, Department of Public Welfare, (vi) the Chief Probation Officer, Adult Probation Department, Cook County, (vii) the Director and the Assistant Director, Department of Public Safety, (viii) the Director and the Assistant Director, Public Aid Commission, (ix) the Director, the Supervisor of the Central Administrative Office, and the District Office Supervisors, Cook County Bureau of Public Welfare, (x) the Commissioners, Chicago Welfare Commission, and (xi) the Chief and the Assistant Chief, Bureau of Missing Persons, Chicago Police Department.

* * * * *

(20) *State of Maine.* The Officials of the State of Maine authorized to obtain such information are (i) the Adjutant General, (ii) the Chairman, Unemployment Compensation Commission, (iii) the State Director and the Administrator, Veterans' Assistance Program, and (iv) the Attorney General and the Assistant Attorneys General.

* * * * *

(Secs. 6, 7, 61 Stat. 32; sec. 10, 62 Stat. 618, as amended; 50 U. S. C. App., Sup., 326, 327, 460).

The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

MARCH 5, 1951.

[F. R. Doc. 51-3111; Filed, Mar. 8, 1951; 8:54 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 C. C. C. Grain Price Support Bulletin 1]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—GENERAL PROVISIONS 1951 CROP PRICE SUPPORT PROGRAMS

Correction

In Federal Register Document 51-2786, appearing at page 1987 of the issue for Friday, March 2, 1951, § 601.654 should read as follows:

§ 601.654 *Disbursement of loans.* Disbursement of loans will be made to producers by PMA State offices by means of sight drafts drawn on CCC, or by approved lending agencies under agreement with CCC. Disbursement shall not be made by lending agencies later than 15 days after the final date of the availability of loans set forth in the applicable commodity supplement, unless approved by the President CCC. The producer shall not present the loan documents for disbursement unless the commodity is in existence and in good condition. If the commodity is not in existence and in good condition at the time of disbursement, the proceeds shall be promptly refunded by the producer.

PART 664—TOBACCO

SUBPART—1950 TOBACCO LOAN PROGRAM

Set forth below is the schedule of advance rates, by grades, for the 1950 crop of sorted type 51 tobacco under the tobacco loan program formulated by Commodity Credit Corporation and Production and Marketing Administration, published July 8, 1950 (15 F. R. 4333).

§ 664.233 *1950 Crop; Connecticut Valley Broadleaf, Type 51, Advance Schedule.*[1]

SORTED

[Dollars per 100 pounds, farm sales weight]

Grade:	Advance rate	Grade:	Advance rate
B1F 37	100	B2P 36	71
B1F 26	95	B3P 37	70
B2F 37	98	B2P 36	67
B2F 36	86	B4P 37	62
B3F 37	92	B4P 36	54
B3F 33	80	B5P 37	57
B3F 35	68	B5P 36	46
B4F 37	86	B5P 35	30
B4F 36	76	B6P 37	38
B4F 35	64	B6P 36	32
B5F 37	74	B6P 35	24
B5F 36	62	B7P 37	32
B2F 35	52	B7P 36	23
B6F 37	63	B7P 35	20
B6F 36	55	B5Z	46
B6F 35	46	B6Z	36
B6F 34	36	B7Z	26
B7F 37	62	R3F 37	40
B7F 33	48	R3F 36	30
B7F 35	40	R3P 37	24
B7F 34	28	R3P 36	22
B1P 37	90	Y1	18
B1P 36	78	Y2	16
B2P 37	83		

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interprets or applies sec. 101, 63 Stat. 1051; 7 U. S. C. Sup., 1441)

Issued this 6th day of March 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-3132; Filed, Mar. 8, 1951; 8:59 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 2, Amdt. 11]

PART 60—AIR TRAFFIC RULES

MINIMUM EN ROUTE INSTRUMENT ALTITUDES

Correction

In Federal Register Document 51-2479, appearing at page 1725 of the issue for Wednesday, February 21, 1951, the minimum altitude figure "2,000" in the table in § 60.17-104 should read "2,200".

[1] The Cooperative Association through which the loans are made is authorized to deduct from the amount paid to growers not to exceed $1.50 per hundred pounds to apply against receiving and overhead costs to the Association of the loan operation. Tobacco can be placed under loan only by the original producer. No advance is authorized for tobacco graded W (unsafe keeping order), U (unsound), or N (nondescript).

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 9]

CPR 9—TERRITORIES AND POSSESSIONS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Congress), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

The General Ceiling Price Regulation, issued January 26, 1951, established maximum prices for the territories and possessions on the basis of delivered prices during the base period from December 19, 1950, to January 25, 1951, inclusive.

The difficulties with applying the freeze prices under the General Ceiling Price Regulation to the territories and possessions are bound up with the problems of isolation and transportation facilities. The abnormal lag which exists because of the distances which must be traversed to make deliveries in the territories and possessions has caused, and is causing, serious maladjustments and undue hardship. Many commodities essential to life in the territories and possessions have been delivered, are being delivered, and will be delivered to sellers at prices in excess of the seller's ceiling prices as established under the General Ceiling Price Regulation, or at prices which make it impossible for sellers at any level to sell at a profit. Prices are being quoted for future delivery of some of these essential commodities to sellers in the territories and possessions substantially above the seller's ceiling under the General Ceiling Price Regulation. The flow of many commodities to the territories and possessions has stopped completely. An example of this situation is the fact that no rice is now being shipped to Puerto Rico. Rice is the basic food of Puerto Rico and, with the exception of an inconsequential amount which is grown on the island, all of the rice consumed there is shipped from the Continental United States. Most items marketed in the territories and possessions are purchased in the Continental United States and within ceilings established for the Continental United States.

This regulation establishes ceiling prices on all commodities sold in the territories and possessions which are not actually manufactured or produced in the territory or possession where the commodity is offered for sale, based on the direct cost to the seller of the commodities sold plus the dollar-and-cents markup included in the price at which the seller sold the same commodity to a purchaser of the same class during the period from December 19, 1950, to January 25, 1951, inclusive. Alternative methods of establishing ceiling prices are established where the seller made no sale of the commodity during the base period or did not previously handle the same commodity.

This regulation will effect a general adjustment in the prices of the territorial sellers on commodities not manufactured or produced in the particular territory or possession so as to authorize the passing through of increases in the direct costs where such increases occurred in the base period but were not reflected in the sellers' prices in the territories or where increases in the direct costs continue. At the same time, this regulation freezes the dollar-and-cents markup to the amount received during or prior to the base period. The hardship situation now experienced by territorial sellers on commodities covered by the regulation will as a result of it be relieved in a manner consistent with the effectuation of the fundamental stabilization objectives of the Defense Production Act of 1950.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the discrepancies in the ceiling prices for the Continental United States and the territories and possessions have created a situation that is inconsistent with the purposes of the Defense Production Act of 1950.

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prevailing prices during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of applicability.

In the formulation of this regulation special circumstances have rendered impracticable consultation with industry representatives including trade association representatives. However, prior to the formulation of this regulation public hearings were conducted in the territories and possessions under the direction of the territorial directors of the Office of Price Stabilization for each of said territories, as a result of which the Director of Price Stabilization has received advice from a large number of persons representing substantial segments of the trade and industry which will be affected by this regulation.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Applicability, effective date and prohibitions.
3. Ceiling prices for commodities sold in the base period.
4. Ceiling prices for commodities customarily handled by sellers but not sold in the base period.
5. Ceiling prices for new commodities falling within categories dealt in during the base period.
6. Sellers who cannot price under other sections.
7. Modification of proposed ceiling prices by Director of Price Stabilization.
8. Customary price differentials.
9. Records.
10. Sales slips and receipts.
11. Evasion.
12. Transfers of business or stock in trade.
13. Separate statement of taxes.
14. Penalties.
15. Definitions and explanations.

AUTHORITY: Sections 1 to 15 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Public Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* The purpose of this regulation is to establish ceiling prices for all commodities (except those specifically exempt under any price regulation or order issued under the authority of the Director of Price Stabilization) which are not actually manufactured or produced in the particular territory or possession in which they are sold, upon the basis of the direct cost plus the dollar-and-cents markup in effect during the period from December 19, 1950, to January 25, 1951, inclusive. This period is referred to as the "base period." This regulation supersedes the General Ceiling Price Regulation for all commodities included within this section.

SEC. 2. *Applicability and prohibitions*—(a) *Applicability.* The provisions of this regulation are applicable to Alaska, Guam, Hawaii, Puerto Rico, Samoa and the Virgin Islands.

(b) *Prohibitions.* After the date of this regulation, regardless of any contract or other obligation, no commodity included within section 1 shall be sold, or purchased, in the regular course of business or trade, at a price exceeding the ceiling price established by this regulation.

SEC. 3. *Ceiling prices for commodities sold in the base period.* Your ceiling price for sale of a commodity is your direct cost of the commodity plus the dollar-and-cents markup included in the price at which you delivered it during the base period to a purchaser of the same class. If you delivered the commodity to purchasers of the same class at more than one price, your ceiling price is your direct cost of the commodity plus the average of your dollar-and-cents markups included in the prices at which the commodity was so delivered during the base period.

If you did not deliver the commodity during the base period, your ceiling price is your direct cost of the commodity plus the dollar-and-cents markup included in the price at which you offered it for base period delivery to a purchaser of the same class. If you offered the commodity for delivery to purchasers of the same class at more than one price your ceiling price shall be your direct cost of the commodity plus the average of your dollar-and-cents markups included in the prices at which the commodity was so offered for delivery during the base period. The offer must have been made in writing, but in the case of a retailer may have been made by display.

SEC. 4. *Ceiling prices for commodities customarily handled by sellers but not sold in the base period.* If you wish to determine a ceiling price for a commodity which you customarily handle in the course of your business, but which you

did not deliver or offer for delivery during the base period, you may determine your ceiling price by adding to your direct cost the average of the dollar-and-cents markups included in the price (or prices) at which you delivered the commodity to a purchaser (or purchasers) of the same class in the calendar year 1950, provided that you can establish through your records the direct cost of the commodity and the average markup which you charged for it.

SEC. 5. *Ceiling prices for new commodities falling within categories dealt in during the base period.* Your ceiling price for a commodity you did not deliver or offer for delivery in the base period, and for which you do not choose to determine your ceiling price under section 4, which falls within a "category" in which you dealt during the base period, is determined by adding to your direct cost the dollar-and-cents markup you are currently receiving on a "comparison commodity."

The comparison commodity must be in the same category as the commodity being priced; must be a commodity for which your ceiling price was determined under section 3; and must be, of the commodities in that category, the one customarily bearing the same markup as the commodity being priced.

You are required, by section 9 of this regulation, to prepare a list of your categories and in applying the pricing provisions of this section refer to this list.

SEC. 6. *Sellers who cannot price under other sections.* If you claim that you are unable to determine your ceiling price for a commodity under any of the foregoing provisions of this regulation, you may apply in writing to the territorial director for the territory in which the sale is to be made for the establishment of a ceiling price. This application shall contain an explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all pertinent information describing the commodity or service, and the nature of your business; your proposed ceiling price and the method used by you to determine it; and the reason you believe the proposed price is in line with the level of ceiling prices otherwise established by this regulation. You may not sell the commodity until the Director of Price Stabilization, in writing, notifies you of your ceiling price.

SEC. 7. *Modification of proposed ceiling prices by Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or revise ceiling prices reported or proposed under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 8. *Customary price differentials.* Your ceiling prices, when determined, shall reflect your customary price differentials, including discounts, allowances, premiums and extras, based upon differences in classes or location of purchasers, or in terms and conditions of sale or delivery.

SEC. 9. *Records.*[1] This section tells you what records you must preserve and what additional records you must prepare.

(a) *Base period records.* (1) You must preserve and keep available for examination by the Director of Price Stabilization those records in your possession showing the prices charged by you for the commodities which you delivered or offered to deliver during the base period, and also sufficient records to establish the latest direct cost incurred by you prior to the end of the base period in purchasing the commodities.

(2) In addition, on or before April 1, 1951, you must prepare and preserve a statement showing the categories of commodities in which you made deliveries and offers for delivery during the base period.

(3) On or before April 1, 1951, you must also prepare and preserve a price list, showing the dollar-and-cents markups on the commodities in each category (listing each model, type, style, and kind), delivered or offered for delivery by you during the base period together with a description or identification of each such commodity. If you are a retailer you may satisfy the requirement of this paragraph (3) by recording on your purchase invoices, covering the commodities (including every model, type, style, and kind) delivered or offered for delivery by you during the base period, the price at which you sold, or offered the commodities for delivery, during the base period.

(4) You must also prepare and preserve a statement of your customary price differentials for terms and conditions of sale and classes of purchasers, which you had in effect during the base period.

(b) *Current records.* If you sell commodities covered by this regulation you must prepare and keep available for examination by the Director of Price Stabilization for a period of two years, records of the kind which you customarily keep showing the dollar-and-cents markups which you add to your direct costs in arriving at the prices which you charge for commodities. In addition, you must prepare and preserve records indicating clearly the basis upon which you have determined the ceiling price for any commodities not delivered by you or offered for delivery during the base period. If you are a retailer you are required to preserve your purchase invoices and to record thereon both your initial selling price and the section of this regulation under which you have determined your ceiling price.

SEC. 10. *Sales slips and receipts.* Any seller who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase, shall continue to do so. Upon request from a purchaser any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the name of each commodity sold, and the price received for it.

SEC. 11. *Evasion.* Any practice which results in obtaining indirectly a higher price than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie-in agreements and trade understandings.

SEC. 12. *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after January 25, 1951, and the transferee carries on the business, or continues to deal in the same type of commodities in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 13. *Separate statement of taxes.* In addition to your ceiling price, you may collect the amount of any excise, sales or similar taxes paid by you as such only if, during the base period, you stated and collected such taxes separately from your selling price. In the case of such a tax imposed by law which is not effective until after the date of issuance of this regulation, you may collect the amount of the tax actually paid as such by you, in addition to your ceiling price, if not prohibited by the tax law. You must in all such cases state separately the amount of the tax.

SEC. 14. *Penalties.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950.

SEC. 15. *Definitions and explanations.* This Ceiling Price Regulation and the terms which appear in it shall be construed in the following manner, unless otherwise clearly required by the context:

Average dollar-and-cents markup. To find your average dollar-and-cents markup add together all the dollar-and-cents markups received on sales of the commodity (or included in the price, or prices, at which the commodity was offered for sale), and divide by the number of sales (or offers for sale). The result is your average dollar-and-cents markup.

(NOTE: As indicated in the definition of "dollar-and-cents markup" this term refers to your most recent "direct cost" for the commodity; the average markup is therefore based upon your most recent direct cost of the commodity and can be computed only from sales of a commodity covered by a single purchase invoice.

Category. This term means a line of merchandise, a merchandise department, or a group of commodities which are normally classed together in your trade for selling, buying, merchandising or accounting. You might, for example, have a category such as one of the following: men's clothing; men's furnishings; infants' wear; canned fruits; cosmetics and toiletries; frozen foods; notions; musical instruments; women's coats and suits; cotton piece goods; major household appliances; women's house dresses; office furniture; hand tools.

Class of purchaser or purchaser of same class. This term refers to the practice adopted by a seller in setting different prices for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, shopper, retailer, Government agency, public institutions or individual consumer), or for purchasers located in different areas or for purchasers of different quantities or grades or under different terms or conditions of sale or delivery.

Commodity. This term includes commodities, materials, articles, products, supplies, components, processes and contracts to buy, sell or deliver any of the foregoing.

Delivered. A commodity shall be deemed to have been delivered during a specified period if during that period it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

Direct cost. This term refers to your invoice cost less any discount or allowance you took or could have taken. It includes separately stated charges such as freight, warehousing, taxes, etc. It does not include local trucking or local unloading, except where it can be clearly established that such service customarily was not included in the invoice cost or in your markup.

Director of Price Stabilization. This term extends to any official (including officials of regional or local offices) to whom the Director of Price Stabilization by order delegates the function, power or authority referred to in this regulation.

Dollar-and-cents markup. This term refers to the difference between your most recent direct cost for the commodity sold or offered for sale and the selling or offering price of that commodity.

Offering price. The price at which a commodity was offered means the price quoted in the seller's price list, or if he had no price list, the price which he regularly quoted in any other manner. This regulation requires that an offer for sale other than at retail must have been in writing. For sales of commodities at retail the offer must have been made at the immediate point of sale (e. g., the shelves or counters). The term offering price does not include a price intended to withhold a commodity from the market or a price offered as a bargaining price by a seller who usually sells at a price lower than his asking price.

Person. This term includes any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other Government or their political subdivisions or agencies.

Records. This term means books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

Sell. This term includes sell, supply, dispose, barter, exchange, lease, transfer, deliver, and contracts and offers to do any of the foregoing. The terms buy and purchase shall be construed accordingly.

Seller. This term includes the seller of any commodity. Where a seller at retail makes sales through more than one selling unit (other than salesmen making sales at uniform price) each such separate place of business shall be deemed to be a separate seller.

You. The pronoun you as used in this regulation indicates the person subject to the regulation.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This regulation is effective immediately.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MARCH 7, 1951.

[F. R. Doc. 51-3184; Filed, Mar. 7, 1951; 5:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 1, Amdt. 4]

GCPR, SR 1—DEFENSE AGENCY PRICING

SALES OF SOAP TO OFFICE OF RUBBER RESERVE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 4 to Supplementary Regulation 1 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 4 to Supplementary Regulation 1 to the General Ceiling Price Regulation adds the Office of Rubber Reserve, Reconstruction Finance Corporation to the list of Defense Agencies named in section 16 (b) insofar as the sale of soap for use in the manufacture of synthetic rubber is concerned.

The manufacture of synthetic rubber, conducted almost entirely under the auspices of the Office of Rubber Reserve, requires soaps made from specially processed tallow to serve as an emulsifying agent in the polymerization of butadiene and styrene, principal ingredients of most synthetic rubber. There is no satisfactory substitute.

The Office of Rubber Reserve purchases these special soaps, manufactured to its specifications, through a competitive bid system under which contracts are normally awarded from 30 to 60 days prior to actual delivery. Soap manufacturers claim that price increases in the cost of the special tallow have made it impossible for them to furnish the necessary soap to the Office of Rubber Reserve at ceiling prices.

This amendment is considered necessary in order that the manufacture of synthetic rubber, which is critically needed for civilian and military products, shall not be impeded pending consideration of adjustment applications filed by the soap manufacturers. Under it, manufacturers of these soaps can continue making deliveries and at the same time file their applications for price adjustments in accordance with the provisions of sections 10 through 13 of Supplementary Regulation 1.

AMENDATORY PROVISIONS

1. Section 16 (b) of Supplementary Regulation 1 is amended by inserting after the words "Coast Guard" the words "the Office of Rubber Reserve, Reconstruction Finance Corporation in the purchase of soap for use in synthetic rubber manufacture."

2. Section 16 (b) of Supplementary Regulation 1, as amended, reads as follows:

(b) The term "Defense Agency" as used in this regulation means the Department of Defense (including the Department of the Army, the Department of the Navy, and the Department of the Air Force) the Maritime Administration of the Department of Commerce, the United States Coast Guard, the Office of Rubber Reserve, Reconstruction Finance Corporation in the purchase of soap for use in synthetic rubber manufacture, and the Atomic Energy Commission.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub Law 774, 81st Cong. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.)

Effective date: This amendment is effective March 7, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MARCH 7, 1951.

[F. R. Doc. 51-3193; Filed, Mar. 8, 1951; 10:58 a. m.]

[1] The record-keeping requirements imposed by this regulation on commodities of the type described in section 1 differ in certain respects from those imposed by the General Ceiling Price Regulation. In place of the "net cost", a term employed in the General Ceiling Price Regulation, this regulation refers to "direct cost", which is defined in section 15 to include certain elements not included under "net cost". Whereas the General Ceiling Price Regulation required the preparation of a list of ceiling prices, this regulation requires that the list include, also, dollar-and-cents margins. The current record requirement of the General Ceiling Price Regulation relates to prices; the current record requirement of this regulation relates to markups. The dates by which certain records must be prepared differ in the two regulations. A seller handling commodities covered by this regulation and also commodities still covered by the General Ceiling Price Regulation may include in a single list, as required by this regulation the appropriate information required by either regulation.

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-47]

M-47—Use of Iron and Steel

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable by the fact that the order affects a large number of different trades and industries.

Sec.
1. What this order does.
2. Definitions.
3. Iron and steel forms and products to which this order applies.
4. Application of order.
5. Use of iron and steel products in consumer durable goods.
6. Exemptions.
7. Application for adjustment.
8. Records and reports.
9. Communications.
10. Violations.

Authority: Sections 1 through 10 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

Section 1. *What this order does.* The purpose of this order is to limit the use of iron and steel in the manufacture and assembly of certain products.

Sec. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the 6 months' period ending June 30, 1950.

(c) "Manufacture" means to put into process, machine, fabricate, or otherwise alter materials by physical or chemical means.

(d) "Conversion steel" means steel mill products which have been obtained by the consumer in consequence of the consumer or some other person having furnished, directly or indirectly, to one or more steel producers or converters, steel mill products in a less finished form such as, but not limited to, ingots, blooms, billets, slabs, rods, skelp, and hot rolled sheets in coils, for the express purpose of procuring such steel mill products.

Sec. 3. *Iron and steel forms and products to which this order applies.* This order applies to the iron and steel forms and products listed in Table I of NPA Order M-1, as amended.

Sec. 4. *Application of order.* This order applies to persons who use iron and steel products for purposes of manufacture or assembly, and limits the use of such materials in the manufacture or assembly of certain items. This order does not apply to the production of iron and steel.

Sec. 5. *Use of iron and steel products in consumer durable goods.* (a) Subject to the exemptions stated in section 6, and unless specifically authorized in writing by the National Production Authority, no person shall use during the calendar quarter commencing on April 1, 1951, in the manufacture of any item included in List A at the end of this order a total quantity by weight of iron and steel products in excess of 80 percent of his average quarterly use of such materials in the manufactured item during the base period: *Provided, however,* That such use in any one month shall not exceed 40 percent of the permitted quarterly use. However, if such person has changed since July 1, 1950, or hereafter changes, from the manufacture of any part made wholly or partly from iron or steel products to the purchase of such part, he shall make a deduction from his total permitted use of iron and steel products under this paragraph in an amount equal to 80 percent of the material which he used in the manufacture of such part during the base period. During the calendar quarter commencing on April 1, 1951, any person who does not use any iron or steel product in the manufacture of an item in List A but who assembles parts made wholly or partly from such material into such item shall not assemble a total number of units of such item in excess of 40 percent of the number of such units which he assembled during the base period.

(b) Any person who, during the 6 months' period ending December 31, 1950, used conversion steel in the manufacture or assembly of any items included in List A shall, during the calendar quarter commencing on April 1, 1951, use conversion steel in the manufacture or assembly of such items to the extent stated in this paragraph. The ratio between conversion steel and total steel so used by such person shall not be less than the ratio between conversion steel and total steel received by him during the 6 months' period ending December 31, 1950: *Provided, however,* That in the alternative and in the event it is not practicable to determine the quantity of conversion steel used in the manufacture or assembly of items in List A, the relationship between conversion steel and total steel shall be as follows: The ratio between conversion steel and total steel used in his total production, including all items in List A, shall not be less than the ratio between conversion steel and total steel received by him during said period. Any person who selects and applies either of the alternatives above stated may not subsequently apply the other alternative without the written approval of National Production Authority.

Sec. 6. *Exemptions.* (a) The manufacture or assembly of any item in List A to fill rated orders, or to meet any mandatory order of the National Production Authority, is permitted in addition to the manufacture or assembly permitted by section 5.

(b) Section 5 does not apply to persons who use less than 100 short tons of iron and steel products in any calendar quarter. However, any person who by reason of the provisions of section 5 would be permitted to use less than 100 short tons of such materials during any calendar quarter, may use during such period a quantity up to 100 short tons: *Provided,* That notwithstanding the foregoing, no person shall use during the calendar quarter commencing April 1, 1951, in the manufacture or assembly of any items included in List A a total quantity by weight of such materials in excess of his average quarterly use thereof for such purposes during the base period.

Sec. 7. *Application for adjustment.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue and exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

Sec. 8. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

Sec. 9. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-47.

Sec. 10. *Violations.* Any person who wilfully violates any provisions of this order or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

Note: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

This order shall take effect, except as otherwise specifically stated, on March 7, 1951.

National Production Authority,
[SEAL] Manly Fleischmann,
Administrator.

List A

(See section 5)

Consumer Durables and Related Items

Furniture and Fixtures

All furniture and fixtures (excluding medical, dental, and hospital specialties and joining hardware), including but not limited to:
- Household furniture (including bedsprings and household cabinets), porch and lawn furniture, beach furniture, steamer chairs, and theater seats.
- Office, public building, commercial, and restaurant furniture and fixtures such as:
  - Bookcases, cabinets, chairs, clothing racks, desks, sofas, stools, and tables.
  - Non-industrial: partitions (including toilet type), shelving, and lockers, show and display cases, cabinets, counters, and telephone booths.
- Fireplace fixtures and equipment including dampers, irons, and fire screens.
- Lamp shades.
- Mirror and picture frames.
- Table tops.
- Venetian blinds and shades.

Household Appliances

All household type appliances (electric, gas, and other) and their accessories including, but not limited to:
- Automatic food and garbage disposal units.
- Carpet sweepers.
- Cooking and heating appliances such as broilers; coffee percolators, urns, and makers; portable electric space heaters; roasters; stoves, ranges and hot plates; toasters; waffle irons and sandwich grilles.
- Dishwashing machines.
- Fans, 16 inches or under.
- Floor waxers and polishers.
- Food preparation appliances such as electric mixers, juicers, blenders, and squeezers.
- Hot water heaters, domestic residential type.
- Irons.
- Laundry equipment such as driers, ironers, wringers, and washing machines.
- Lawnmowers, rollers, seeders, and tampers.
- Portable lamps, lamp holders, and lamp bases including but not limited to:
  - Floor, bridge, torch, table, pin-up, and boudoir lamps; exclusive of industrial, commercial, therapeutic, and institutional specialty designed lamps.
- Radio receivers, home, portable, and broadcast band automobile receivers; television sets, phonographs, record players, and combinations.
- Refrigeration equipment such as household refrigerators; home and farm freezers under 13 cubic feet capacity; packaged air conditioning units (window and console types), ¾ horse power and under.
- Vacuum cleaners.
- Water softeners.

Jewelry, Games, Novelties, and Other Personal Items

All jewelry and novelties including but not limited to:
- Jewelry, costume jewelry and novelties, jewelry cases, coasters, cocktail shakers, and accessories.

All games and toys.
Musical instruments.
Pipes and smokers articles including but not limited to:
- Ash trays; cigars, cigarette, and match holders; lighters; smoking stands and other smoking accessories.

Sporting and athletic goods.
Tricycles, scooters, sleds, and wagons.

Transportation

Aircraft, except military and commercial transport.
Bicycles, including accessories.
Motorcycles, motor scooters, motor bikes, including accessories.
Passenger automobiles (including jeeps and station wagons) and including accessories.
Ships and boats (non-military, non-commercial) including but not limited to:
- Yachts, rowboats, canoes, motor-driven boats, outboard motor types and sail boats, and including accessories.

Utensils and Cutlery

Pocket knives.
Silver and plated ware including, but not limited to:
- Flatware, hollow ware, novelties, toilet ware and trophies.

Table and kitchen cutlery such as all types of knives, forks, spoons, and carving sets.

Miscellaneous

Cameras, amateur box-type still picture, fixed focus (except reflex).
Coin-operated amusement machines including but not limited to:
- Pin-ball machines, juke boxes, bell type machine, skill games, and other arcade pieces.

Display models and display patterns.
8-mm motion picture cameras and projectors.
Mortician's goods including burial caskets, coffins, and vaults, but excluding mortician's instruments and supplies.
Paper weights, desk trays, and letter openers.
Signs and advertising displays.
Wire garment hangers.

[F. R. Doc. 51-3183; Filed, Mar. 7, 1951; 4:44 p. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

Part 1—General Rules and Regulations

Part 20—Special Regulations

Everglades National Park; Fishing

1. Paragraph (a), § 1.4 *Fishing* is amended by inserting the word "Everglades," after the word "Shenandoah,".

2. Paragraph (b), § 1.4 *Fishing* is amended by inserting the words "Everglades National Park and" before the words "Fort Jefferson".

3. Paragraph (g), § 1.4 *Fishing* is amended by inserting the words "Everglades National Park," before the words "Fort Jefferson National Monument,".

(Sec. 10, 32 Stat. 390, as amended, sec. 3, 39 Stat. 535, as amended; 43 U. S. C. 373, 16 U. S. C. 3. Interprets or applies sec. 1, 45 Stat. 1057, sec. 1, 47 Stat. 1420, 49 Stat. 2041, as amended, sec. 2, 49 Stat. 666, sec. 5, 52 Stat. 29, sec. 2, 52 Stat. 408, sec. 2, 54 Stat. 250, 55 Stat. 745; 43 U. S. C. 617, 16 U. S. C. 9a, 460a–2, 462, 4031, 460a, 460a–3, 450z)

4. Section 20.45 *Everglades National Park* is amended to read as follows:

§ 20.45 *Everglades National Park*—(a) *Commercial fishing.* (1) The regulations in this paragraph apply only to the area of Everglades National Park known as Florida Bay and described as follows: All of the park waters and keys lying easterly and northerly of a line drawn south true from East Cape Sable to the park boundary, thence following the park boundary southeasterly to the Intracoastal Waterway at a point near Jewfish Key, thence northeasterly following said Intracoastal Waterway to Jewfish Creek. Nets and traps may be used in accordance with the provisions of subparagraphs (2) to (10) of this paragraph.

(2) Gill nets shall not exceed 400 yards in length and shall have a stretched mesh of not less than 3 inches measured from knot to knot after being shrunk. Twine used in gill nets shall not be heavier than 9/20 cotton or 16/3 linen or No. 139 nylon. Only one lead line is permitted and neither lead lines nor cork lines shall be more than one-fourth inch in diameter. No purses, pockets, trammels, or other special devices for entrapping or catching fish shall be used on gill nets. No gill net may be tarred, or contain hoops. Gill nets may be tied together and used in groups of not more than three, provided that the nearest net of any group shall be at least 1,000 yards from any other gill net.

(3) Cast nets shall be of the type thrown and hauled by hand by one person, and shall not exceed 18 feet in diameter of spread.

(4) Bully nets may have a spread of not more than 3 feet and a pocket of not more than 3 feet measured from rim to tip.

(5) Bait nets shall not be more than 100 feet in length and not more than 4 feet in depth.

(6) Bait traps shall not be more than 2 feet by 2 feet by 1 foot in size, built of ¼ inch to ½ inch wire mesh containing not more than 2 openings 2½ inches by 4 inches or smaller. Bait traps must be buoyed.

(7) Crab traps shall have openings 4 inches by 4 inches or smaller. Crab traps must be buoyed.

(8) No other net, seine, trap, spear, explosive, or other device for entrapping, catching, killing, or taking fish, bait, or other similar edible products of the waters may be used or be in the possession of any person within the Florida Bay section of the Everglades National Park, except hook and line, the pole or line being held in hand, and further excepting the shrimp and silver mullet nets permitted under subparagraph (9) of this paragraph.

(9) The taking of shrimp, prawn, silver mullet, or other products of the waters of the park for sale as bait is prohibited: *Provided,* That fishermen may obtain bait for their own use with-

out permit: *Provided further*, That persons holding permits may be authorized to take shrimp, prawn, silver mullet, or other products of the waters of the park for sale as bait. Bait nets, shrimp nets, or silver mullet nets may be used by holders of permits and by fishermen obtaining bait for their own use.

(10) With the exception of the gill nets mentioned in subparagraph (2) of this paragraph, no nets may be tied together, and no net shall be used within 100 yards of another net (excepting shrimp nets or silver mullet nets).

(b) *Closed waters.* (1) The following-described areas are closed to fishing with nets or seines, except cast nets, bully nets, or shrimp nets.

(i) All inland lakes, bays, canals, rivers and other bodies of water being 1/8 of a mile inland from the nearest recognizable mainland shoreline from the intersection of the northern park boundary with the Gulf of Mexico shore line southward to East Cape Sable excluding First Bay and including the area of Ponce de Leon Bay lying east of 81 degrees 08 minutes west longitude.

(ii) All inland lakes, bays, canals, rivers, and other bodies lying inland from the north shore of Florida Bay and Joy Bay and, in addition, the area north of a line drawn from Christian Point north of Joe Kemp Key to Shark Point and thence to Mosquito Point, including Otter Key. Entrances to such of the areas mentioned in this subparagraph as open on Florida Bay or the Gulf of Mexico will be posted with warning signs.

(2) The following-described area in the vicinity of Royal Palm Ranger Station is closed to all fishing: Township 58 south, range 37 east, sections 10 to 15, inclusive.

(3) The following-described area bordering Seven Mile Road (also known as Humble Oil Well Road) from Tamiami Trail south, is closed to all fishing: Township 54 south, range 36 east, sections 19, 30, and 31; township 55 south, range 36 east, sections 6, 7, 18, and 19.

(c) *Protection of turtles.* The killing, wounding, capturing, molesting, or attempting to kill, wound, or capture any sea turtle or terrapin, or the disturbance of the nests or eggs thereof at any time is prohibited. The unauthorized possession within the park of the dead body or any part thereof, or of the eggs of any sea turtle or terrapin shall be prima facie evidence that the person or persons having such possession are guilty of violating this regulation.

(d) *Use of park roads.* The use of federally owned roads within Everglades National Park by trucks or other conveyances for hauling out of the park for commercial purposes, fish, shrimp, prawn, silver mullet, or other bait or edible products of the park waters, is prohibited except when such hauling is done by persons who own land within the park, or by their employees.

(e) *Prohibited conveyances.* No vehicle or conveyance, including conveyances commonly referred to as "glade buggies" or "airboats," designed to operate in, on, or over waters, swamps, or land areas, may be operated upon or across federally owned lands, including swamps and watered areas, unless prior authorization has been obtained from the Superintendent. This restriction shall not apply, however, to the operation of vehicles or conveyances over established or well-defined roadways or trails, or to boats operated by oars, sails, or underwater propellers.

(f) *Applicability of State law.* Except as otherwise provided in this section and by § 1.4 of this chapter, all fishing in the waters of Everglades National Park shall be done in accordance with the laws of Florida and the regulations made pursuant thereto by the Game and Fresh Water Fish Commission and the State Board of Conservation.

(g) *Effective date.* The regulations in this section shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 3, 39 Stat. 535, as amended, sec. 209, 49 Stat. 205; 16 U. S. C. 3, 40 U. S. C. 409. Interprets or applies sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 2d day of March 1951.

[SEAL] DALE E. DOTY,
Acting Secretary of the Interior.

[F. R. Doc. 51-3076; Filed, Mar. 8, 1951; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 7—POSTAL REVENUE AND OTHER PUBLIC FUNDS: SOURCES AND DISPOSAL OF

PART 99—MAIL EQUIPMENT

CARE OF PUBLIC FUNDS AND PROPERTY AND USE OF MAIL BAGS RESTRICTED TO TRANSMISSION OF MAIL

a. In § 7.4 *Care of public funds and property* (39 CFR 7.4), amend paragraph (b) by striking out the third sentence and inserting in lieu thereof the following: "Money and stamps shall not be left at night or when the office is closed temporarily during the day in tin or iron boxes even though locked, nor in cash drawers secured by finger-combination locks, except that postmasters may, if deemed necessary for the convenience of the public outside of the usual business hours, maintain a small working supply of stamps and change. Such working supply of stamps and change, not exceeding $10.00, need not be placed in the safe at night, provided it is kept in a strong drawer or other fixed receptacle securely fastened with a good lock."

b. In § 99.4 *Use of mail bags restricted to transmission of mail* (39 CFR 99.4), amend paragraph (a) to read as follows:

(a) Mail bags shall be used only for the transmission of mailable matter while under the care, custody, and control of the Post Office Department, through its postmasters and other authorized agents, and shall not be used for other purposes, except as stated in § 99.5: *Provided*, That mail bags may be used for the shipment of postal supplies by official mail, freight, or express.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 51-3087; Filed, Mar. 8, 1951; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 936]

HANDLING OF FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

FINDINGS AND DETERMINATION WITH RESPECT TO THE CONTINUATION IN EFFECT OF THE AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the applicable provisions of Marketing Agreement No. 85, as amended, and Order No. 36, as amended (7 CFR Part 936), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), notice was given in the FEDERAL REGISTER on December 19, 1950 (15 F. R. 9074), that a referendum would be conducted among the producers who, during the current marketing season beginning on March 1, 1950 (which period was determined to be a representative period for the purpose of such referendum), had been engaged, in the State of California, in the production of Bartlett pears, plums, and Elberta peaches for shipment in fresh form to determine whether a majority of such producers favor the termination of the said amended marketing agreement and order as to any one or more of the fruits covered thereby.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period January 20 to January 31, 1951, both dates inclusive, it is hereby found and determined that the termination of the amended marketing agreement and order, regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, is not favored by the requisite majority of such growers with respect to any of the fruits covered thereby.

Done at Washington, D. C., this 6th day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-3133; Filed, Mar. 8, 1951; 8:59 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR, Part 130]

CROW INDIAN IRRIGATION PROJECT, MONTANA

OPERATION AND MAINTENANCE CHARGES

MARCH 2, 1951.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Pub. Law 404, 79th Cong., 60 Stat. 238), and authority contained in the acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 39 Stat. 1942; and 45 Stat. 210, 25 U. S. C. 367), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs August 28, 1946, and by virtue of authority delegated by the Commissioner of Indian Affairs to the Regional Director September 14, 1946, which title was changed to Area Director September 13, 1949 by Order No. 2535, notice is hereby given of intention to modify § 130.13 *Payment* (a) (b), (c), and (d) of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Crow Indian Irrigation Project to read as follows:

§ 130.13 *Payment.* The charges as fixed in § 130.12 shall become due on April 1 of each year, and are payable on or before that date. To all charges, which are not paid on July 1 following the due date, there shall be added a penalty of one-half of 1 percent per month, or fraction thereof, from the due date, April 1, so long as the delinquency continues. No water shall be delivered until such charges have been paid.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments in writing to the Area Director, Bureau of Indian Affairs, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

PAUL L. FICKINGER,
Area Director.

[F. R. Doc. 51-3075; Filed, Mar. 8, 1951; 8:45 a. m.]

[25 CFR, Part 130]

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

OPERATION AND MAINTENANCE CHARGES

MARCH 2, 1951.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Pub. Law 404, 79th Cong., 60 Stat. 238), and authority contained in the acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 39 Stat. 1942; and 45 Stat. 210, 25 U. S. C. 367), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs August 28, 1946, and by virtue of authority delegated by the Commissioner of Indian Affairs to the Regional Director September 14, 1946, which title was changed to Area Director September 13, 1949, by Order No. 2535, notice is hereby given of intention to modify § 130.20 *Payment* (a), (b) and (c) of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Flathead Indian Irrigation Project not subject to the jurisdiction of the several irrigation districts, to read as follows:

§ 130.20 *Payment.* The charges as fixed in §§ 130.16 and 130.17 shall become due April 1 and are payable on or before that date. To all charges which are not paid on July 1 following the due date, there shall be added a penalty of one-half of 1 percent per month, or fraction thereof, from the due date, April 1, so long as the delinquency continues. No water will be delivered until such charges have been paid.

The foregoing proposed amendment shall be effective for the season of 1951 and until further notice in addition to the modified §§ 130.16 and 130.17 for which sections the intent to modify was proposed on February 19, 1951.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments in writing to the Area Director, Bureau of Indian Affairs, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

PAUL L. FICKINGER,
Area Director.

[F. R. Doc. 51-3074; Filed, Mar. 8, 1951; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 20, 22]

CONVENTION ON INTERNATIONAL CIVIL AVIATION; GLIDER AND FREE BALLOON PILOTS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments of Parts 20 and 22 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by March 26, 1951, will be considered by the Board before taking further action. Copies of such communications will be available after March 30, 1951, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

On March 22, 1950, the ICAO Council adopted Amendments 1 to 123 of Annex 1 to the Convention on International Civil Aviation, effective April 1, 1951. Amendments 65 and 66 prescribe new ICAO standards for private glider pilots and free balloon pilots. The new standards are essentially those of the Federation Aeronautique Internationale who applied them in international glider and free balloon meets. These standards were adopted by ICAO especially for their value in such international meets and because the Federation urged that only applicants licensed in accordance with international standards be authorized to participate in future international meets. The proposed amendments of Parts 20 and 22 are intended to make our standards uniform as far as practicable with those established under the Convention. The amendments required for such compliance appear to impose few additional burdens on applicants for these certificates. Moreover, under the proposed amendments, the certificates would be issued without operating limitations, so that qualified pilots may, consistent with safety, exercise their privileges in full.

Amendment 65 establishes standards for the issuance of flight certificates to private glider pilots. To comply with those standards, Part 20 of the currently effective Civil Air Regulations would need to be amended: (1) To raise the age minimum from 14 to 16 years, (2) to include among our knowledge requirements a knowledge of aeronautical charts, navigation or other instruments used in operating gliders, meteorology, theory of flight, and glider operating limitations, (3) to require 6 aero-tow flights as a part of our experience requirements, and (4) to require 3 hours in a glider suitable for cross-country flight. In all other respects, Part 20 currently complies with the principal ICAO standards in Amendment 65.

Amendment 66 of Annex 1 establishes standards for the issuance of flight certificates to free balloon pilots. To comply, or to make our requirements uniform, with those standards, Part 22 of our present regulations would need to be amended: (1) To reduce the age minimum from 18 to 17 years, and (2) to require 8 ascents of an average duration of two hours as part of our experience requirements. At present Part 22 requires 6 instruction flights of not less than one-hour duration each and a solo flight of the same duration. The proposed amendment requires 6 ascents under the supervision of a certificated free balloon pilot, 1 ascent in control to an altitude of 10,000 feet under such supervision, 2 night ascents of an average duration of two hours under such supervision, and 1 solo ascent. In all other respects, Part 22 currently complies with the principal ICAO standards in Amendment 66.

It is proposed to amend Parts 20 and 22 as follows:

1. By amending § 20.20 (b) to read as follows:

§ 20.20 *Age.* • • •

(b) Glider: 16 years.

2. By amending § 20.24 to read as follows:

§ 20.24 *Aeronautical knowledge.* Applicant for a powered aircraft rating shall have passed the written examination prescribed in § 43.53 (a) of this sub-

chapter within the preceding 24 calendar months. An applicant for a glider rating shall demonstrate a knowledge of such portions of Part 60 of this subchapter as are pertinent to glider operations and of aeronautical charts, meteorology in relation to glider flights, navigation and other instruments used in the operation of gliders, theory of flight, and glider operating limitations.

3. By amending § 20.25 (b) to read as follows:

§ 20.25 *Aeronautical experience.* • • •

(b) *Glider.* Applicant for a glider rating shall have made at least 100 glider flights, or have acquired 10 hours of glider flight time including at least 50 glider flights. The total number of required flights shall include at least (1) 25 glider flights during each of which a 360° turn is made; (2) 6 aerotow flights, aggregating one hour, during which the applicant is the sole occupant of the towed glider; (3) 1 hour of flight instruction in the recovery from stalls entered from all normally anticipated flight attitudes; (4) 2 hours in the aggregate during which the applicant is the sole occupant of the glider; and (5) at least 3 hours in a glider suitable for cross-country flight.

4. By amending § 22.13 (a) to read as follows:

§ 22.13 *Free balloon pilot certificate.* • • •

(a) *Age.* Applicant shall be at least 17 years of age.

5. By amending § 22.13 (g) to read as follows:

§ 22.13 *Free balloon pilot certificate.* • • •

(g) *Aeronautical experience.* Applicant shall have made not less than 8 ascents of an average duration of 2 hours, including 6 ascents under the supervision of a certificated free balloon pilot, 1 ascent in control to an altitude of 10,000 feet under such supervision, 2 night ascents of an average duration of 2 hours each under such supervision, and 1 ascent as the sole occupant of the balloon.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposed amendments may be changed in view of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012, 62 Stat. 1216; 49 U. S. C. 551–560, act of July 1, 1948)

Dated: March 2, 1951, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 51-3040; Filed, Mar. 8, 1951; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[1367370]

UTAH

NOTICE OF FILING OF PLAT OF SURVEY

MARCH 2, 1951.

Notice is given that the plats of original survey of the following described lands, accepted June 5, 1947, will be officially filed in the Land and Survey Office, Salt Lake City, Utah, effective at 10 a. m. on the 35th day after the date of this notice:

SALT LAKE MERIDIAN

T. 19 S., R. 15 E.,
All of secs. 10, 13, 15, 16;
All of secs. 22 to 27 inclusive;
All of secs. 31 to 36 inclusive.
T. 19 S., R. 16 E.,
All of secs. 1, 2;
All of secs. 9 to 16 inclusive;
All of secs. 18 to 36 inclusive.

The areas described aggregate 28,689.55 acres.

Available information indicates that the lands described are desert and mountainous.

The $N\frac{1}{2}NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$ sec. 24, $S\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$ sec. 25, T. 19 S., R. 15 E., S. L. M., were withdrawn and placed in Public Water Reserve No. 107, by Executive order of April 17, 1926, construed by Interpretation No. 128, approved April 17, 1930, and conformed by "E" June 21, 1948, Miscellaneous No. 1367370.

Lots 1 to 17 inclusive, $SE\frac{1}{4}NE\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$ sec. 1, lots 9 to 15 inclusive, $N\frac{1}{2}S\frac{1}{2}$, $SW\frac{1}{4}SW\frac{1}{4}$ sec. 2, lots 1 to 7 inclusive, $W\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$ sec. 10, lots 1 to 4 inclusive, $N\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$ sec. 11, $N\frac{1}{2}NW\frac{1}{4}$ sec. 12, lots 1 to 6 inclusive, $E\frac{1}{2}W\frac{1}{2}$ sec. 14, lots 1 to 5 inclusive, $W\frac{1}{2}NE\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$ sec. 15, $SE\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}$ sec. 21, lots 1 to 13 inclusive, $S\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$ sec. 22, $N\frac{1}{2}NW\frac{1}{4}$ sec. 23, lots 1 to 5 inclusive, $NW\frac{1}{4}NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$ sec. 26, lots 1 to 9 inclusive, $NE\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$ sec. 27, $E\frac{1}{2}SE\frac{1}{4}$ sec. 33, lots 1 to 12 inclusive, $S\frac{1}{2}NE\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$ sec. 34, $W\frac{1}{2}NW\frac{1}{4}$ sec. 35, T. 19 S., R. 16 E., S. L. M., were withdrawn by the Secretary of the Interior on August 27, 1909, under Power Site Reserve No. 42, and conformed by "E" of June 21, 1948, Miscellaneous No. 1367370. All of sec. 1, T. 19 S., R. 16 E., was withdrawn on May 6, 1942, under the first form for reclamation purposes in connection with the Rattlesnake Reservoir Site.

No applications for the remainder of the described lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public land laws unless the land has already been classified as valuable or suitable for such application or shall be so classified upon consideration of an application.

According to the field notes and as shown by the plat, there is a spring of water designated Coyote Spring in the $SE\frac{1}{4}SW\frac{1}{4}$ sec. 34, T. 19 S., R. 15 E., S. L. M.

The legal subdivison containing springs and the lands within a quarter of a mile of such springs may be affected by the general withdrawal made by Executive order of April 17, 1926 (43 CFR 292.1), creating Public Water Reserve No. 107, but the question of whether this spring is of such size or value or so needed by the public as to bring the lands within the scope of the withdrawal is left for future determination.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Salt Lake City, Utah.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51-3096; Filed, Mar. 8, 1951; 8:50 a. m.]

[3054]

UTAH

NOTICE OF FILING OF PLAT OF SURVEY

MARCH 2, 1951.

Notice is given that the plat of original survey of the following described lands, accepted November 18, 1949, will be officially filed in the Land and Survey Office, Salt Lake City, Utah, effective at 10 a. m. on the 35th day after the date of this notice:

SALT LAKE MERIDIAN

T. 38 S., R. 21 E.,
All of secs. 8, 17, 20, 29, 32.
T. 39 S., R. 21 E.,
All secs. 5, 8, 17, 20, 29, 32.

The areas described aggregate 7,039.88 acres.

Available information indicates that the lands described are rolling and broken mesa land.

No application for the described lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public land law unless the land has already been classified as valuable or suitable for such application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of

thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Salt Lake City, Utah.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51-3096; Filed, Mar. 8, 1951; 8:50 a. m.]

[1959264]

UTAH

NOTICE O. FILING OF PLAT OF SURVEY

MARCH 2, 1951.

Notice is given that the plats of original survey of the following described lands, accepted September 17, 1947 and February 6, 1948, will be officially filed in the Land and Survey Office, Salt Lake City, Utah, effective at 10 a. m. on the 35th day after the date of this notice:

SALT LAKE MERIDIAN

T. 37 S., R. 4 W.,
Sec. 2, Lots 1, 2, 3, 4, $S\frac{1}{2}N\frac{1}{2}$;
Sec. 3, Lots 1, 2, 3, 4, $S\frac{1}{2}N\frac{1}{2}$, $SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$;
All of secs. 4 to 9 inclusive;
Sec. 10, $NW\frac{1}{4}$;
Sec. 16, $NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$;
All of secs. 17, 18, 19;
Sec. 20, $N\frac{1}{2}$, $SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$;
All of secs. 25, 26;
Sec. 27, $E\frac{1}{2}$;
Sec. 29, $NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$;
Sec. 30, all;
Sec. 31, Lots 1, 2, $E\frac{1}{2}NW\frac{1}{4}$, $NE\frac{1}{4}$;
Sec. 33, $S\frac{1}{2}$;
All of secs. 34, 35, 36.
T. 37 S., R. $4\frac{1}{2}$ W.,
All of secs. 1 to 5 inclusive;
All of secs. 8 to 17 inclusive;
All of secs. 20 to 29 inclusive;
All of secs. 32 to 36 inclusive.

The areas described, exclusive of segregations, aggregate 30,383.72 acres.

Available information indicates that the described lands are desert and mountainous.

All of the lands described, except sec. 36, T. 37 S., R. 4 W., are within the exterior boundaries of the Dixie National Forest by proclamations of August 20, 1902, January 17, 1906, Executive Order No. 3635 of February 14, 1922, and Public Land Order No. 260 of October 1, 1944.

No applications for the remainder of the land described may be allowed under the homestead, desert-land, small tract, or any other non-mineral public land law unless the land has already been classified as valuable or suitable for such application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of

existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Salt Lake City, Utah.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51–3098; Filed, Mar. 8, 1951; 8:50 a. m.]

[2125648]

COLORADO

NOTICE OF FILING OF PLAT OF SURVEY

MARCH 2, 1951.

Notice is given that the plat of extension survey of the following described lands, accepted June 21, 1948, will be officially filed in the Land Office, Denver, Colorado, effective at 10 a. m. on the 35th day after the date of this notice:

NEW MEXICO PRINCIPAL MERIDIAN

T. 43 N., R. 18 W.,
Sec. 4, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 10, All;
Sec. 11, All.

The area described aggregates 1923.21 acres.

Available information indicates that the lands involved are rolling and broken hill land.

No application for these lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Denver, Colorado, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Denver, Colorado.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51-3099; Filed, Mar 8, 1951; 8:51 a. m.]

[Misc. 21160]

ARIZONA

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS RESTORED FROM THE SALT RIVER PROJECT

MARCH 2, 1951.

An order of the Bureau of Reclamation dated February 4, 1949 concurred in by the Director, Bureau of Land Management, February 17, 1949 revoked the Departmental Order of August 21, 1909 so far as it withdrew in the first form prescribed by Section 3 of the Reclamation Act of June 17, 1902, 32 Stat. 388, the following-described land in connection with the Salt River Project, Arizona, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 8 E.,
Sec. 11, E½ and E½NW¼, containing 400 acres.

The land is primarily suitable for grazing.

No applications for the land may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Ariz.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51-3104; Filed, Mar. 8, 1951; 8:52 a. m.]

[1817686]

IDAHO

NOTICE OF FILING OF PLAT OF SURVEY

MARCH 2, 1951.

Notice is given that the plat of original survey of the following described lands, accepted May 5, 1950, will be officially filed in the Land and Survey Office, Boise, Idaho, effective at 10 a. m. on the 35th day after the date of this notice:

BOISE MERIDIAN

T. 24 N., R. 19 E.,
Sec. 21, S½;
Sec. 22, Lots 1, 2, 3, 4, NE¼NE¼, NW¼NW¼;
Sec. 27, Lots 1, 2, 3;
Sec. 28, Lots 1, 2, 3, 4, 5, NE¼NE¼.

The areas described aggregate 805.19 acres.

All of the lands described are within the exterior boundaries of the Salmon National Forest, by proclamation of November 5, 1906, and Executive Order of July 1, 1908.

Anyone having a valid settlement or other right to any of these lands initiated prior to the dates of the withdrawals of the lands should assert the same within 3 months from the date on which the plat is officially filed by filing an application under appropriate public land law, setting forth all facts relevant thereto.

All inquiries relating to these lands should be addressed to the Manager, Land and Survey Office, Boise, Idaho.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51–3105; Filed, Mar. 8, 1951; 8:52 a. m.]

[12681]

MONTANA

NOTICE OF FILING OF PLAT OF SURVEY

MARCH 2, 1951.

Notice is given that the plat of original survey of the following described lands, accepted September 22, 1949, will be officially filed in the Land Office, Billings, Montana, effective at 10 a. m. on the 35th day after the date of this notice:

PRINCIPAL MERIDIAN

T. 17 N., R. 1 W.,
Sec. 17, Lot 11 (Island);
Sec. 20, Lot 9 (Island).

The area described aggregates 22.11 acres.

The above-described land was withdrawn under Power Site Reserve No. 9 by Departmental Order of May 29, 1909, confirmed by Executive order of July 2, 1910.

In view thereof, the land will not be subject to disposition under the general public land laws by reason of the official filing of the plat.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51–3106; Filed, Mar. 8, 1951; 8:52 a. m.]

[1878088]

MONTANA

NOTICE OF FILING OF PLAT OF SURVEY AND DEPENDENT RESURVEY

MARCH 2, 1951.

Notice is given that the plat accepted November 10, 1949, of (1) resurvey comprising Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 34, 35, 36 and the E½ sec. 3, delineating a retracement and reestablishment of a portion of the original survey as shown upon the plats approved May 14, 1880, June 19, 1917, May 26, 1919, and July 16, 1926, and (2) extension survey of lands hereinafter described will be officially filed in the Land Office, Billings, Montana, effective at 10 a. m., on the 35th day after the date of this notice.

The lands affected by this notice are described as follows:

PRINCIPAL MERIDIAN

T. 9 S., R. 14 W.,
Sec. 3, lots 3, 4, 5, 6, 7, SE¼NW¼, E½SW¼;
All secs. 4, 5, 6, 7, 8, 9;
Sec. 16, lots 1, 2, 3, 4, E½W½;
All secs. 17, 18, 20, 29.

The areas described aggregate 6,956.31 acres.

All of the lands involved are within the exterior boundaries of the Beaverhead National Forest, by proclamations of November 5, 1906, March 1, 1907, July 1, 1908, and May 19, 1913.

Anyone having a valid settlement or other right to any of these lands initiated prior to the dates of the withdrawals of the lands should assert the same within three months from the date on which the plat is officially filed, by filing an application under appropriate public land law, setting forth all facts relevant thereto.

All inquiries relating to these lands should be addressed to the Manager, Land Office, Billings, Montana.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 51-3107; Filed, Mar. 8, 1951; 8:53 a. m.]

[1460195]

UTAH

NOTICE OF FILING OF PLAT OF SURVEY

MARCH 2, 1951.

Notice is given that the plats of extension survey of the following described lands, accepted October 2, 1947, will be officially filed in the Land and Survey Office, Salt Lake City, Utah, effective at 10 a. m. on the 35th day after the date of this notice:

SALT LAKE MERIDIAN

T. 20 S., R. 13 E.,
All of secs. 1 to 4 inclusive;
All of secs. 10 to 13 inclusive;
All of secs. 23 to 26 inclusive;
All of secs. 35, 36.
T. 21 S., R. 14 E.,
Sec. 5, Lots 1 to 15 incl., S½NE¼, SW¼NW¼, W½SW¼;
Sec. 8, Lots 1, 2, 3, 4, W½W½;
Sec. 17, Lots 1, 2, 3, 4, W½W½;
Sec. 20, Lots 1, 2, 3, 4, W½W½;
Sec. 29, Lots 1 to 8 inclusive.

The areas, described aggregate 11,210.52 acres.

Available information indicates that the described lands are desert mountain lands.

All of sec. 20, NW¼, S½SW¼ sec. 29, T. 21 S., R. 14 E., were classified and included in Power Site Classification No. 91, Utah No. 14, by the Secretary of the Interior, April 7, 1925.

No applications for any of the lands described may be allowed under the homestead, desert-land, small tract, or any other non-mineral public land law unless the land has already been classified as valuable or suitable for such application or shall be so classified upon consideration of an application.

At the hour and date specified above the said land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Salt Like City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Salt Lake City, Utah.

WILLIAM ZIMMERMAN, JR.,
Assistant Director

[F. R. Doc. 51-3108; Filed, Mar. 8, 1951; 8:53 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

MARCH 2, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing approximately 2,760 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 262

For lease and sale for homesites only:

T. 6 N., R. 8 W., S. B. M.,
Sec. 1, N½N½;
Sec. 2, NW¼SE¼;
Sec. 3, N½NE¼;
Sec. 22, NW¼SE¼;
Sec. 30, E½ and SW¼;
Sec. 32, S¼NW¼;
Sec. 33, SW¼.
T. 7 N., R. 8 W., S. B. M.,
Sec. 11, NE¼, N½NW¼, SW¼NW¼, N½SE¼, SE¼SE¼;
Sec. 18, SW¼;
Sec. 19, N½, N½SW¼, SE¼;
Sec. 25, SE¼, S½SW¼.
T. 7 N., R. 9 W., S. B. M.,
Sec. 31, S½SW¼.
T. 8 N., R. 10 W., S. B. M.,
Sec. 23, W½SW¼.
T. 7 N., R. 11 W., S. B. M.,
Sec. 35, E½SE¼.
T. 10 N., R. 13 W., S. B. M.,
Sec. 14, NW¼.

Leases will not be issued for any of the above-described subdivisions that are irregular in size until supplemental plats have been prepared assigning tract numbers to such irregular areas.

The lands are situated in northern Los Angeles County, California, in an area known as the Mojave Desert. Being on the desert, there is very little rainfall, and the summers are very hot and the winters mild. All of the lands are within a reasonable distance of the Towns of Palmdale, Lancaster, and Mojave, California, all of which towns have the usual community services, such as churches, schools and stores.

2. As to applications regularly filed prior to 9 a. m., January 17, 1951, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10 a. m., May 4, 1951. At that time such land shall, subject to valid existing

rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10 a. m., May 4, 1951, to close of business on August 2, 1951.

(b) Advance period for veterans' simultaneous filings from 9 a. m., January 17, 1951, to 10 a. m., May 4, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10 a. m., August 3, 1951.

(a) Advance period for simultaneous nonpreference filings from 9 a. m., January 17, 1951, to 10 a. m., August 3, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south except in secs. 2, 3, and 11, T. 6 N., R. 8 W.; sec. 25, T. 7 N., R. 8 W.; sec. 23, T. 8 N., R. 10 W.; and sec. 35, T. 7 N., R. 11 W., S. B. M., where the tracts extend east and west.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of three years at an annual rental of $5 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $100 per tract, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to all existing rights-of-way and to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 51-3109; Filed, Mar. 8, 1951; 8:53 a. m.]

Office of the Secretary

OIL AND GAS OPERATIONS IN THE SUBMERGED COASTAL LANDS OF THE GULF OF MEXICO

This is a further supplement to part II of the notice issued by the Secretary of the Interior on December 11, 1950, concerning "Oil and Gas Operations in the Submerged Coastal Lands of the Gulf of Mexico" (15 F. R. 8835), as previously supplemented by the notice issued by the Secretary of the Interior on February 2, 1951 (16 F. R. 1203).

Persons conducting oil and gas operations in accordance with part II of the notice dated December 11, 1950, as supplemented by the notice dated February 2, 1951, are hereby authorized to continue such operations to and including May 8, 1951. This supplementary authorization is subject to the conditions prescribed in Part II.

This notice does not authorize (as the notices of December 11, 1950, and February 2, 1951, did not authorize) the drilling of, or production from, any wells the drilling of which had not been commenced on or before December 11, 1950.

OSCAR L. CHAPMAN,
Secretary of the Interior.

MARCH 5, 1951.

[F. R. Doc. 51-3086; Filed, Mar. 8, 1951; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

TONKAWA SALES CO.

DEPOSTING OF STOCKYARD

It has been ascertained that the Tonkawa Sales Company, Tonkawa, Oklahoma, originally posted on December 7, 1949, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it no longer meets the area requirements. Therefore, notice is given to the owner of such stockyard and to the public that such stockyard is no longer subject to the provisions of said act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not deposting promptly a stockyard which no longer meets the area requirements of the act and is, therefore, no longer a stockyard within the definition contained in said act.

The foregoing rule is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 5th day of March 1951.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 51-3088; Filed, Mar. 8, 1951; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1063, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Aaron Dress Co., Inc., 4 Norwich Avenue, Colchester, Conn., effective 2-21-51 to 2-20-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (ladies' dresses).

H. C. Beaver Manufacturing Co., R. D No. 1, Selinsgrove, Pa., effective 2-22-51 to 2-21-52; for normal labor turnover, 10 learners (men's and boys' sport shirts).

Bernstein & Sons Shirt Corp., 727 North Meadow Street, Allentown, Pa., effective 2-27-51 to 2-26-52; 10 percent normal labor turnover (boys' sport shirts).

Cherokee Togs Co., 6 Archer Street, Pryor, Okla., effective 3-1-51 to 8-31-51; five learn-

ers for expansion purposes (western style sportswear).

Cherokee Togs Co., 6 Archer Street, Pryor, Okla., effective 3-1-51 to 2-29-52; 10 learners normal labor turnover (western style sportswear).

Colonial Frocks, Inc., 32 South LaSalle Street, Aurora, Ill., effective 2-27-51 to 2-26-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (women's and misses' dresses and housecoats).

David Crystal, Inc., Trumbauersville, Pa., effective 2-27-51 to 2-26-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (ladies' sportswear).

D & S Sportswear Co., Pen Argyl, Pa., effective 2-27-51 to 2-26-52; five learners normal labor turnover (ladies' blouses).

The Dayton Dress Co., 38 West Fifth Street, Dayton, Ohio, effective 2-27-51 to 2-26-52; 10 percent normal labor turnover (ladies', misses' and juniors' dresses).

Ely & Walker Shirt Factory, Kennett, Mo., effective 2-21-51 to 2-20-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's dress shirts).

Erlinger Manufacturing Co., Grand Prairie, Tex., effective 2-21-51 to 2-20-52; five learners normal labor turnover (children's clothing).

Fluffy Ruffling Co., Arlington, Tex., effective 2-23-51 to 2-22-52; five learners normal labor turnover (children's apparel).

Fuhrman-Levitt, Inc., 39 Woodland Avenue, Pitman, N. J., effective 2-27-51 to 2-26-52; five learners normal labor turnover (children's cotton dresses).

Fuhrman-Levitt, Inc., 528 Landis Avenue, Rear, Vineland, N. J., effective 2-27-51 to 2-26-52; five learners normal labor turnover (children's cotton dresses).

Gerson & Kaplan Garment Manufacturers, 23 Artesian Street, Houston, Tex., effective 2-23-51 to 2-22-52; for normal labor turnover, 10 percent of factory workers not working on ladies' suits and skirts (ladies' dresses and blouses).

Green Bay Speciality Co., 129 South Washington Street, Green Bay, Wis., effective 3-1-51 to 2-29-52; five learners normal labor turnover (work clothing; sportswear; heavy jackets).

Greensburg Kiddie Frocks, Inc., 1727 Broad Street, South Greensburg, Pa., effective 2-27-51 to 1-7-52; 10 percent normal labor turnover (replacement certificate, replacing certificate issued to Charming Lady Cottons, Inc., same address, effective 1-8-51 to 1-7-52) (children's frocks).

Hollywell Maxwell Co., 2035 Western Avenue, Topeka, Kans., effective 1-26-51 to 8-25-51; 65 additional learners for expansion purposes (brassieres).

Hollywood Maxwell Co., 2035 Western Avenue, Topeka, Kans., effective 2-26-51 to 2-25-52; 10 learners normal labor turnover (brassieres).

Horton Garment Co., Horton, Kans., effective 2-21-51 to 2-20-52; 10 learners normal labor turnover (juniors' dresses).

Kay T Dress Co., Kings Highway, Swedesboro, N. J., effective 2-21-51 to 2-20-52; five learners normal labor turnover (ladies' dresses, skirts, and blouses).

Keystone Garment Manufacturing Co., 35 East Main Street, Plymouth, Pa., effective 2-27-51 to 2-26-52; 10 learners normal labor turnover (Government field jackets; boys' corduroy jackets).

Jean Lang Dress Co., 22 North Third Street, Minneapolis, Minn., effective 2-23-51 to 2-22-52; 10 percent normal labor turnover (misses' and juniors' dresses; buttons, buckles and other trimmings).

Lee Jay Sportswear, 23 East Diamond Avenue, Hazleton, Pa., effective 2-27-51 to 2-26-52; 10 percent normal labor turnover (ladies' dresses and blouses).

A. Lore, Inc., 53 Pike Street, Port Jervis, N. Y., effective 3-1-51 to 2-29-52; five learners normal labor turnover (children's underwear).

Mid-American Manufacturing Co., 304-10 South First Street, Ponca City, Okla., effective 2-26-51 to 8-25-51; 56 learners for expansion purposes (denim work pants; herringbone twill trousers for U. S. Army).

Monroe Garment Co., P. O. Box 424, Monroe, N. C., effective 2-27-51 to 2-26-52; five learners normal labor turnover (work shirts).

Myles Manufacturing Co., Inc., Harrisville, W. Va., effective 2-19-51 to 8-18-51; 15 learners for expansion purposes (women's blouses and jackets).

New England Sports Wear Co., 47 Walnut Street, Peabody, Mass., effective 2-21-51 to 2-20-52; five learners normal labor turnover (leather garments).

Oberman & Co., Morriton, Ark., effective 2-27-51 to 8-26-51; 44 learners for expansion purposes (men's and boys' single pants).

Olga Frocks, Inc., 1101 Richmond Avenue, Point Pleasant, N. J., effective 2-21-51 to 2-20-52; five learners normal labor turnover (women's dresses).

Earle C. Parker, Inc., 1717 West Webster, Houston, Tex., effective 3-1-51 to 2-29-52; five learners normal labor turnover (men's and women's uniforms).

Pittston Frocks, 135 South Main Street, Pittston, Pa., effective 2-21-51 to 8-20-51; five learners for expansion purposes (dresses).

Security Frocks, Inc., Mount Vernon, Ill., effective 2-23-51 to 2-22-52; five learners normal labor turnover (women's dresses, robes, and undergarments).

Serbin, Inc., Fayetteville, Tenn., effective 2-21-51 to 2-20-52; 10 percent normal labor turnover.

Shriner Manufacturing Co., Woodsboro, Md., effective 2-27-51 to 2-26-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's pants).

Skyline Manufacturing Co., Inc., 57 Pine Grove Avenue, Kingston, N. Y., effective 2-23-51 to 2-22-52; 10 percent normal labor turnover (children's outerwear).

Snowden, Inc., Osceola, Iowa, effective 2-19-51 to 2-18-52; for normal labor turnover, five learners to be employed on women's woven underwear and sleepingwear only (gowns and panties).

United Pants Manufacturing Co., Twenty-sixth and Reed Streets, Philadelphia, Pa., effective 2-23-51 to 2-22-52; 10 percent normal labor turnover (infants' and boys' clothing).

Watson Laundry Co., Salisbury, Md., effective 2-23-51 to 2-22-52; 10 percent normal labor turnover (men's and boys' dress shirts).

L. Wexler & Sons, Fifteenth and Crosby Streets, Chester, Pa., effective 2-26-51 to 2-25-52; 10 learners normal labor turnover (blouses).

L. Wexler & Sons, Fifteenth and Crosby Streets, Chester, Pa., effective 2-26-51 to 8-25-51; 10 learners for expansion purposes (blouses).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended January 25, 1950; 15 F. R. 400).

Amb-A-Tip Cigar Co., Inc., Red Lion, Pa., effective 2-23-51 to 2-22-52; for normal labor turnover, five learners; cigar machine operating 320 hours, machine stripping 160 hours, and hand stripping 160 hours; 60 cents per hour.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950, 15 F. R. 6888).

Glen Wild Knitting Co., Broadalbin, N. Y., effective 2-20-51 to 8-19-51; 10 learners for expansion purposes.

Portage Hosiery Co., Portage, Wis., effective 2-21-51 to 2-20-52; for normal labor turnover, 10 learners.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Ballston-Stillwater Knitting Co., Inc., Ballston Spa, N. Y., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Ballston-Stillwater Knitting Co., Inc., Stillwater, N. Y., effective 2-15-51 to 2-14-52; five percent normal labor turnover.

Durham Hosiery Mill No. 6, Durham, N. C., effective 2-23-51 to 2-22-52; 5 percent normal labor turnover.

Albert F. Garrou & Sons, Inc., 580 Oak Street, Valdese, N. C., effective 2-22-51 to 2-21-52; four learners normal labor turnover.

Granite Hosiery Mills, Mount Airy, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Grenada Industries, Inc., Grenada, Miss., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Grenada Industries, Inc., Grenada, Miss., effective 2-26-51 to 10-25-51; 20 additional learners for expansion purposes.

Lenoir Hosiery Mills, Inc., Lenoir, N. C., effective 2-23-51 to 2-22-52; 5 percent normal labor turnover.

McDonough Hosiery Mills, Inc., McDonough, Ga., effective 2-21-51 to 2-20-52; five learners normal labor turnover.

McKinney Hosiery Mills, Hickory, N. C., effective 2-21-51 to 2-20-52; five learners normal labor turnover.

Palmetto Full Fashioned Hosiery Mill, Inc., Saluda, S. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Park Knitting Co., Little Chute, Wis., effective 3-2-51 to 3-1-52; three learners normal labor turnover.

Richard Paul, Inc., Wilmington, Del., effective 1-25-51 to 1-24-52; 5 learners normal labor turnover.

Piedmont Knitting Co., Inc., Gordonsville, Va., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Sanson Hosiery Mills, Inc., Corinth, Mississippi Division, 1530 Tate Street, Corinth, Miss., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Tower Hosiery Mills, Inc., Burlington, N. C., effective 1-25-51 to 1-24-52; 5 percent normal labor turnover.

Waldensian Hosiery Mills, Inc., Pinebur Plant, Valdese, N. C., effective 2-20-51 to 2-19-52; 5 percent normal labor turnover.

Waldensian Hosiery Mills, Inc., Finishing Plant, Valdese, N. C., effective 2-20-51 to 2-19-52; 5 percent normal labor turnover.

Waldensian Hosiery Mills, Inc., Pearse Plant, Valdese, N. C., effective 2-20-51 to 2-19-52; 5 percent normal labor turnover.

Waldridge Knitting Mills, Inc., Maxwell, Ark., effective 2-21-51 to 2-20-52; five learners normal labor turnover.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 368).

Snowden, Inc., Osceola, Iowa, effective 2-19-51 to 2-18-52; for normal labor turnover, five learners to be employed on women's knitted underwear and sleepingwear only.

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260; 15 F. R. 6546).

Brown Shoe Co., Factory V, Selmer, Tenn., effective 2-23-51 to 12-31-51; 10 percent normal labor turnover.

Brown Shoe Co., Factory F, 531 French Street, Selmer, Tenn., effective 2-23-51 to 12-31-51; 10 percent normal labor turnover.

International Shoe Co., Factory Street, De Soto, Mo., effective 2-21-51 to 12-31-51; 5 percent normal labor turnover.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Dean W. Davis & Co., Kentland, Ind., effective 2-23-51 to 8-22-51; 20 learners for expansion purposes only (coil winding).

Dean W. Davis & Co., Kentland, Ind., effective 2-23-51 to 8-22-51, for normal labor turnover, 10 percent of productive factory workers (coil winding).

Franklin Candles, Lewisburg, Ky., effective 2-21-51 to 8-20-51; three learners normal labor turnover (stick candy).

Industrial Coils, Inc., Baraboo, Wis., effective 2-24-51 to 8-23-51; 10 learners normal labor turnover (coils).

Padi Clothes, Inc., Broad Street and Bridge Avenue, Philadelphia, Pa., effective 2-20-51 to 2-19-52; 5 percent normal labor turnover (men's clothing).

Southern Reneedling Works, Inc., Gastonia, N. C., effective 2-19-51 to 8-18-51; for normal labor turnover, three learners (reneedling).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 1st day of March 1951.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 51-3100; Filed, Mar. 8, 1951; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6265]

OKLAHOMA GAS AND ELECTRIC CO.

NOTICE OF ORDER EXTENDING AUTHORIZATION AND APPROVAL

MARCH 5, 1951.

Notice is hereby given that, on March 1, 1951, the Federal Power Commission issued its order entered February 27, 1951, in the above-designated matter, further extending authorization and approval granted by prior order, published in the FEDERAL REGISTER on March 16, 1950 (15 F. R. 1495).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3077; Filed, Mar. 8, 1951; 8:46 a. m.]

[Docket No. G-1089]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF ORDER ALLOWING INTERIM RATE SCHEDULE TO TAKE EFFECT

MARCH 5, 1951.

Notice is hereby given that, on March 1, 1951, the Federal Power Commission issued its order entered February 27, 1951, in the above-designated matter, allowing interim rate schedule to take effect and amending prior orders, published in the FEDERAL REGISTER on April 9, 1949 (14 F. R. 1718-19) and December 21, 1949 (14 F. R. 7626).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3078; Filed, Mar. 8, 1951; 8:46 a. m.]

[Docket No. G-1477]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 5, 1951.

Notice is hereby given that, on March 1, 1951, the Federal Power Commission issued its order entered February 27, 1951, modifying order of December 1, 1950, published in the FEDERAL REGISTER on December 8, 1950 (15 F. R. 8719), issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3079; Filed, Mar. 8, 1951; 8:46 a. m.]

[Docket Nos. G-1563, G-1572, G-1580]

CITIES SERVICE GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 5, 1951.

In the matters of Cities Service Gas Company, Docket No. G-1563; Tennessee Gas Transmission Company, Docket No. G-1572; Michigan-Wisconsin Pipe Line Company, Docket No. G-1580.

Notice is hereby given that, on March 1, 1951, the Federal Power Commission issued its findings and orders entered February 27, 1951, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3080; Filed, Mar. 8, 1951; 8:46 a. m.]

[Docket Nos. G-859, G-1408, G-1608]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF ORDER ACCEPTING RATE SCHEDULES AND TERMINATING PROCEEDINGS

MARCH 5, 1951.

Notice is hereby given that, on March 1, 1951, the Federal Power Commission issued its order entered February 28, 1951, accepting rate schedules and terminating proceedings in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3101; Filed, Mar. 8, 1951; 8:51 a. m.]

[Docket No. G-1326]

COLORADO INTERSTATE GAS CO. AND CANADIAN RIVER GAS CO.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 5, 1951.

Notice is hereby given that, on March 1, 1951, the Federal Power Commission issued its order entered February 28, 1951, in the above-designated matter, issuing certificate of public convenience and necessity authorizing acquisition and operation of pipeline facilities and amending order issuing certificate of public convenience and necessity authorizing construction of new pipeline facilities.

[SEAL] LEON M. FUQUAY
Secretary.

[F. R. Doc. 51-3102; Filed, Mar. 8, 1951; 8:51 a. m.]

[Docket Nos. G-1568, G-1319]

NORTHEASTERN GAS TRANSMISSION CO. AND ALGONQUIN GAS TRANSMISSION CO.

NOTICE OF OPINION AND ORDER DENYING APPLICATIONS FOR REHEARING

MARCH 5, 1951.

Notice is hereby given that, on March 2, 1951, the Federal Power Commission issued its Opinion No. 208 and order entered March 1, 1951, denying applications for rehearing in the above-designated matters.

[SEAL] LEON M. FUQUAY.
Secretary.

[F. R. Doc. 51-3103; Filed, Mar. 8, 1951; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25885]

ALCOHOLIC LIQUORS FROM PEORIA AND PEKIN, ILL., TO THE SOUTH

APPLICATION FOR RELIEF

MARCH 6, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariffs I. C. C. Nos. 620 and 699, pursuant to fourth-section order No. 9800.

Commodities involved: Alcoholic liquors including wine, carloads.

From: Peoria and Pekin, Ill.

To: Specified points in southern territory.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect

to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3089; Filed, Mar. 8, 1951; 8:49 a. m.]

[4th Sec. Application 25886]

IRON OR STEEL SLABS FROM BIRMINGHAM, ALA., TO LONGVIEW, TEX.

APPLICATION FOR RELIEF

MARCH 6, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3912.

Commodities involved: Iron or steel slabs, in the rough, carloads.

From: Birmingham, Ala., district.

To: Longview, Tex.

Grounds for relief: Competition with water or water-rail carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3912, Supp. 37.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3090; Filed, Mar. 8, 1951; 8:49 a. m.]

[4th Sec. Application 25887]

SAND AND GRAVEL FROM MEDFORD, N. J. TO CERTAIN POINTS

APPLICATION FOR RELIEF

MARCH 6, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to Agent Boin's tariff I. C. C. No. A-823 and P RR. tariff I. C. C. No. 3034.

Commodities involved: Sand and gravel, carloads.

From: Medford, N. J.

To: Points in trunk-line, New England and central territories.

Grounds for relief: Circuitous routes, to maintain grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-823, Supp. 234; P RR. tariff I. C. C. No. 3034, Supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3091; Filed, Mar. 8, 1951; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

E. F. HICKEY ET AL.

MEMORANDUM OPINION AND ORDER REVOKING REGISTRATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of March A. D. 1951.

In the matter of E. F. Hickey, c/o Young Men's Christian Association, 125 Northwest Second Street, Oklahoma City, Oklahoma; in the matter of Bob Higgins, Box 11, Wellston, Oklahoma; in the matter of Orville Lymon Likens, 706 Northwest Twenty-ninth Street, Oklahoma City, Oklahoma; in the matter of Frederick H. Savage, 730 Fifth Avenue, New York, New York; in the matter of James L. Simpson, 50 Broadway, New York, New York; in the matter of Louis R. Soresi, 308 West Forty-eighth Street, New York, New York; in the matter of Stanley & Company, 120 Wall Street, New York, New York; in the matter of John Tallton Walker, Washington-Youree Hotel, Shreveport, Louisiana; in the matter of William Herbert West, Valley Falls, Kansas; in the matter of Glen B. Young, Olpe, Kansas.

These are proceedings pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("the act") to determine whether the registrants named above, each of whom is registered as broker and dealer or as dealer only, willfully violated section 17 (a) of the act and rule X-17A-5 thereunder, and, if so, whether it is in the public interest to revoke their registrations.[1]

The proceedings were instituted by separate notices and orders for hearing issued as to some of the above-named registrants on December 19, and to the others on December 22, 1950. On December 19 and December 26, 1950, copies of the notices and orders were sent by registered mail to the addresses last furnished to us by the registrants. These registered notices were returned to us by the Post Office Department with notations indicating that the registrants could not be found at the addresses given. None of the registrants appeared in person or through a representative on January 26, or January 29, 1951, the dates set for hearings.[2]

On November 28, 1942, we promulgated Rule X-17A-5 under section 17 (a) of the act, which provides, among other things, that every registered broker or dealer must file with this Commission a report of financial condition during each calendar year commencing with the year 1943. Promulgation of the rule was announced by publication in the FEDERAL REGISTER, by release to the press, and by distribution to persons on our mailing list.

The registrations of the registrants became effective prior to 1943, and have not been withdrawn, cancelled, revoked or suspended. Our records show that none of the registrants filed the required reports during any year from 1943 through 1949.

Upon review of the records in these proceedings we have concluded that each of the registrants violated section 17 (a) of the act and Rule X-17A-5 thereunder as a result of his failure to file such reports. We conclude also that such violations were willful within the meaning of section 15 (b).[3]

We conclude, on the basis of the foregoing, that it is necessary in the public interest to revoke the registration of each of the registrants. However, in view of the fact that our records do not show whether any of them actually received personal notice of the scheduled

[1] Section 15 (b) provides in part:
"The Commission shall, after appropriate notice and opportunity for hearing, by order • • • revoke the registration of any broker or dealer if it finds that such • • • revocation is in the public interest and that (1) such broker or dealer • • • (D) has willfully violated any provision • • • of this title, or of any rule or regulation thereunder."

[2] Our orders and notices instituting these proceedings provided that the same be published in the FEDERAL REGISTER not later than 15 days prior to January 26, or January 29, 1951. Pursuant to this provision the orders and notices were published in the FEDERAL REGISTER either on December 27, or December 30, 1950. 15 F. R. 250, 9338 and 15 F. R. 253, 9542-5.

[3] Sidney Ascher, — S. E. C. — (1950), Securities Exchange Act Release No. 4474.

hearings, and to avoid any possible prejudice to them, our order will provide that the revocation of registrations be without prejudice to a motion on the part of any registrant to reopen the proceedings and to seek, upon a proper showing, to set aside the order of revocation applicable to said registrant.[4]

Accordingly it is ordered, That the registrations of E. F. Hickey, Bob Higgins, Orville Lymon Likens, Frederick H. Savage, James L. Simpson, Louis R. Soresi, Stanley Peter Mulvey and James Sylvester Kelly, doing business as Stanley & Company, John Tallton Walker, William Herbert West, and Glen B. Young be, and they hereby are, revoked without prejudice to a motion by any of the said registrants to reopen the record in the proceeding and, upon a proper showing, to set aside the order of revocation applicable to said registrant.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3085; Filed, Mar. 8, 1951; 8:48 a. m.]

[File No. 7-1293]

RKO PICTURES CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 5th day of March A. D. 1951.

The Midwest Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1.00 Par Value, of RKO Pictures Corporation, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to March 28, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3081; Filed, Mar. 8, 1951; 8:47 a. m.]

[4] Ibid.

[File No. 7-1294]

RKO THEATRES CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of March A. D. 1951.

The Midwest Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1.00 Par Value, of RKO Theatres Corporation, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to March 29, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3082; Filed, Mar. 8, 1951; 8:47 a. m.]

[File No. 70-2456]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 2d day of March A. D. 1951.

Notice is hereby given that Public Service Company of New Hampshire ("New Hampshire"), an operating utility company and a direct subsidiary of New England Public Service Company, a registered holding company which in turn is a subsidiary of Northern New England Company, also a registered holding company, has filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 a further amendment to its application under the first sentence of section 6 (b) of said act which, as previously amended, was granted by order of this Commission dated December 20, 1950. Holding Company Act Releases Nos. 10065 and 10301.

All interested parties are referred to said application, as amended, on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

The amendment proposes that the authorization granted New Hampshire by said order of December 20, 1950, with respect to the issuance or renewal of short-term notes, i. e., notes having a maturity of nine months or less, up to a maximum aggregate amount of $6,500,000 of short-term notes at any time outstanding, which expires on March 31, 1951, be extended to June 30, 1951. New Hampshire states that it now has outstanding short-term notes in the amount of $4,950,000, that it anticipates additional short-term borrowings of $500,000 in April and $1,250,000 in June 1951, and that it plans to issue and sell $3,000,000 principal amount of its First Mortgage Bonds in May 1951, the proceeds of which will be applied on the short-term notes then outstanding.

New Hampshire requests that the order of the Commission herein be made effective upon issuance.

Notice is further given that any interested person may, not later than March 21, 1951 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application, as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transaction as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3084; Filed, Mar. 8, 1951; 8:47 a. m.]

[File No. 70-2573]

UTAH POWER & LIGHT CO. AND WESTERN COLORADO POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of March A. D. 1951.

Notice is hereby given that Utah Power & Light Company ("Utah"), a registered holding company and its electric utility subsidiary, The Western Colorado Power Company ("Colorado"), have filed a joint application-declaration and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 and have designated sections 6, 7, 9, 10, and 12 (f) of the act and Rule U-45 of the rules and regulations promulgated thereunder, as applicable to the proposed transactions which are summarized as follows:

Colorado proposes to borrow from Utah from time to time during the year

1951 up to an aggregate amount of $600,000, such borrowings to be evidenced by promissory notes maturing eleven months after date of issuance, and bearing interest at the rate of 3½ percent per annum. Proceeds from the borrowings will be used in connection with Colorado's construction program.

Colorado also requests authority to refinance $1,000,000 principal amount of 3½ percent eleven-month notes issued to Utah during the year 1950, through the issuance of Colorado's 4 percent note maturing July 1, 1963.

Utah owns all of the outstanding securities of Colorado consisting of 125,000 shares of $20 par value common stock, $3,375,000 principal amount of 4 percent notes maturing July 1, 1963, and $1,000,000 principal amount of 3½ percent eleven month notes.

The application-declaration, as amended, requests that the Commission's order herein issue as promptly as may be practicable and that it become effective forthwith upon issuance:

Notice is further given that any interested person may, not later than March 19, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, N. W., Washington 25, D. C. At any time after March 19, 1951 at 5:30 p. m., e. s. t., said application-declaration as filed, or as amended, may be granted and permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application-declaration, as amended, which is on file with the Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3083; Filed, Mar. 8, 1951; 8:47 a. m.]

[FILE NOS. 70-2580, 70-2581]

UNITED GAS IMPROVEMENT CO. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of March A. D. 1951.

In the matter of the United Gas Improvement Company, Lancaster Gas Company, File No. 70-2580; in the matter of the United Gas Improvement Company, Consumers Gas Company; File No. 70-2581.

Notice is hereby given that joint declarations have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by the United Gas Improvement Company ("UGI"), a registered holding company, and two of its public utility subsidiaries, Lancaster County Gas Company ("Lancaster") and Consumers Gas Company ("Consumers"), Declarants have designated section 12 of the act and Rule U-45 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than March 13, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on either or both of such matters, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declarations which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 13, 1951, said declarations, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declarations, which are on file in the offices of this Commission, for a statement of the transactions therein proposed, and which are summarized as follows:

UGI proposes to advance to Lancaster and to Consumers, on open book account from time to time on or before December 31, 1951, as Lancaster and Consumers may need funds, amounts not exceeding $250,000 and $900,000 respectively, bearing interest at the rate of 3¼ percent per annum.

The funds advanced to Lancaster will be used in part to finance its 1951 construction budget, to repay a $100,000 bank loan at maturity, and to repay an emergency loan owed to UGI in the amount of $50,000.

The funds advanced to Consumers will be used to meet a portion of the cost of its 1949-50-51 construction program, and to finance the cost of the conversion of customers' appliances to utilize a higher B. t. u. gas.

Declarants state that a program for the permanent financing of both companies is being delayed until they can establish a satisfactory period of earnings under operations utilizing natural gas, in order to complete the successful marketing of securities at a more favorable cost.

According to the declarants no State commission and no regulatory body, other than this Commission, has jurisdiction over the proposed transactions. No fees, commissions, or other remunerations are to be paid in connection with the proposed transactions.

Declarants request that the Commission issue an order by March 14, 1951, because of the immediate need of the funds by Lancaster and Consumers, and that said order become effective upon the issuance thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3145; Filed, Mar. 8, 1951; 8:59 a. m.]

[File No. 70-2585]

MIDDLE SOUTH UTILITIES, INC., AND ARKANSAS POWER & LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 6th day of March A. D. 1951.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, and its electric utility subsidiary Arkansas Power & Light Company ("Arkansas"), have filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 7, and 12 (f) thereof, with respect to the following proposed transactions:

Arkansas has outstanding 2,420,000 shares of common stock of the par value of $12.50 per share, all of which are owned by Middle South. Arkansas proposes to issue and sell to Middle South, and Middle South proposes to acquire from time to time prior to June 1, 1951, an aggregate amount of 640,000 additional shares of the common stock of Arkansas at the par value thereof, or for an aggregate cash consideration of $8,000,000.

Arkansas proposes to amend its charter as promptly as practicable so as to increase its authorized shares of common stock from 3,000,000 shares to 5,000,000 shares. The adoption of this amendment will enable Arkansas to issue the full amount of shares proposed to be purchased by Middle South and will allow for the issuance of additional common stock subsequently without further authorization from the stockholders.

The funds proposed to be invested by Middle South will be derived from the proceeds of its proposed sale of common stock. The proceeds of the sale of common stock by Arkansas will be used in connection with its construction program.

Notice is further given that any interested person may, not later than March 15, 1951, at 5:30 p. m., e. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any, raised by said application-declaration, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 15, 1951, at 5:30 p. m., e. s. t., said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application-declaration which is on file with this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3146; Filed, Mar. 8, 1951; 8:59 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17469]

MARIA HUIJSINGA

In re: Stock owned by Maria Huijsinga, also known as Maria Huysinga. F-28-31185.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Huijsinga, also known as Maria Huysinga, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in the aforesaid Exhibit A, together with all declared and unpaid dividends thereon,

b. Twenty (20) shares of capital stock of Anaconda Copper Mining Company, 25 Broadway, New York, New York, a corporation organized under the laws of the State of Montana, being part of the one-hundred (100) shares of capital stock of said Anaconda Copper Mining Company, evidenced by a certificate numbered 382997, registered in the name of N. V. Maatschappij tot Beheer van het Administratiekantoor van Amerikaansche Fondseen, opgericht door Broes & Gosman, Ten Have & Van Essen en Jarman & Zoonen te Amsterdam, together with any and all declared and unpaid dividends thereon, and

c. Twenty (20) shares of capital stock of Bethlehem Steel Corporation, 25 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, being part of the one-hundred (100) shares of capital stock of said Bethlehem Steel Corporation, evidenced by a certificate numbered K-19213, registered in the name of N. V. Maatschappij tot Beheer van het Administratiekantoor van Amerikaansche Fondsen, opgericht door Broes & Gosman, Ten Have & Van Essen en Jarman & Zoonen te Amsterdam, together with any and all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Maria Huijsinga, also known as Maria Huysinga, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of issuing corporation	State of incorporation	Certificate No.	Number of shares	Class of stock	Registered owner
American Smelting & Refining Co., 120 Broadway, New York, N. Y.	New Jersey	CO-10026 CO-10027	10 10	Capital	N. V. Nederlandsch Administratie en Trustkantoor.
Tide Water Associated Oil Co., 17 Battery Pl., New York, N. Y.	Delaware	BNCX-4231 BNCX-3570 BNCX-3571 BNCX-3572 BNCX-3573 BNCX-3574 BNCX-3575 BNCX-3576 BNCX-3577	100 10 10 10 10 10 10 10 10	do	N. V. Het Administratiekantoor van Gebroeders Bosschaart en Gebroeders Teixeira de Mattos gevestigd te Amsterdam.
Kennecott Copper Corp., 120 Broadway, New York, N. Y.	New York	B-27760	10	do	Broekmans Administratiekantoor N. V.
Baltimore & Ohio R. R. Co., B. & O. Bldg., Baltimore, Md.	Maryland	D-312958 D-312959 D-312960 D-312961	10 10 10 10	do	Maatschappij tot Beheer van het Administratiekantoor van Amerikaansche Spoorwegwaarden, opgericht door Wertheim & Gompertz, Westendorp & Co. en F. W. Oewell N. V.
Bethlehem Steel Corp., 25 Broadway, New York, N. Y.	Delaware	X-57459 X-57460 X-57461 X-57462	10 10 10 10	do	N. V. Maatschappij tot Beheer van het Administratiekantoor van Amerikaansche Fondsen, opgericht door Broes & Gosman, Ten Have & Van Essen en Jarman & Zoonen te Amsterdam.

[F. R. Doc. 51-3057; Filed, Mar. 7, 1951; 8:55 a. m.]

[Vesting Order 17468]

WILHELM ZOLLENKOP ET AL.

In re: Rights of Wilhelm Zollenkop et al., under insurance contract. File No. F-28-27893-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Zollenkop and Will Zollenkop, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Wilhelm Zollenkop, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 126 371, issued by the West Coast Life Insurance Company, San Francisco, California, to Wilhelm Zollenkop, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Wilhelm Zollenkop or Will Zollenkop and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Wilhelm Zollenkop, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Wilhelm Zollenkop, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals

of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3056; Filed, Mar. 7, 1951; 8:55 a. m.]

[Vesting Order 17190]

DR. ING. MAX SCHLOETTER ET AL.

In re: Interests and rights created in Dr. Ing. Max Schloetter, Oskar Friedrich and/or Galvanocor A. G., by virtue of an agreement dated February 11, 1929, between Dr. Ing. Max Schloetter and James W. Girard et al.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Dr. Ing. Max Schloetter, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Oskar Friedrich, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That Galvanocor A. G. is a corporation organized under the laws of Switzerland, whose principal place of business is located at Lucerne, Switzerland, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of Dr. Ing. Max Schloetter (deceased) and his personal representatives, heirs, next of kin, legatees and distributees, nationals of a designated enemy country (Germany);

4. That the property described as follows: All interests and rights (including all accrued royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described together with the right to sue therefor) created in Dr. Ing. Max Schloetter and/or Oskar Friedrich, and/or Galvanocor A. G., and each of them by virtue of an agreement dated February 11, 1929 (including all modifications and assignments thereof and supplements to such agreement, including but without limitation, a supplementary agreement dated February 11, 1929 between Dr. Ing. Max Schloetter and James W. Gerard, Marcus Daly and Richard G. Auspitzer) by and between Max Schloetter and James W. Gerard, Marcus Daly, and Richard G. Auspitzer which agreement relates, among other things, to United States Letters Patent No. 1,824,100,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That Galvanocor A. G. is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany) and,

6. That to the extent that Galvanocor A. G. and the personal representatives, heirs, next of kin, legatees and distributees of Dr. Max Schloetter, deceased, and Oskar Friedrich (deceased) are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193 as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3112; Filed, Mar. 8, 1951; 8:54 a. m.]

[Vesting Order 17415]

LUDWIG STUTZ

In re: Stock owned by Ludwig Stutz, also known as Louis Stutz. F-28-24900-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Stutz, also known as Louis Stutz, whose last known address is Gasthaus zum Hirsch, Weissbach/Krienzelsau, Wuerttemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Five (5) shares of $1.00 par value common capital stock of Niagara Hudson Power Corporation, 300 Erie Boulevard, West Syracuse 2, New York, a corporation organized under the laws of the State of New York, evidenced by a certificate numbered CCO-106456, registered in the name of Louis Stutz, presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto, including particularly the right to receive in exchange therefor, new certificates for shares of common capital stock of Niagara Mohawk Power Corporation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ludwig Stutz, also known as Louis Stutz, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3113; Filed, Mar 8 1951; 8:54 a. m.]

[Vesting Order 17431]

THEODORE VON KNOOP

In re: Stock and Bonds owned by Theodore von Knoop. F-28-22764-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theodore von Knoop, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Twenty-five (25) shares of no par value non-assessable capital stock of Rio Grande Quarries Company, evidenced by certificates numbered 129 for one (1) share; 59 for four (4) shares and 170 and 173 for ten (10) shares each, registered in the name of Theodore von Knoop, and presently in the custody of the Department of State, Division of Protective Services, 515 22d Street NW., Washington, D. C., together with all declared and unpaid dividends thereon,

b. One (1) Community of Mundelficher 7 percent, series 8, Gold Mortgage bond, of 100 Goldmark face value, bearing the number IT-F 27159, and presently in the custody of the Department of State, Division of Protective Services, 515 22d Street NW., Washington, D. C., together with any and all rights thereunder and thereto, and

c. Seventeen (17) Conversion Office for German Foreign Debts 3 percent bonds of the face value, series and bearing the numbers as follows:

Series	Bond Nos.	Face value
A	NR 08351	RM 200
A	NR 08352	RM 200
A	NR 08353	RM 200
A	NR 09543	RM 200
C	NR 01758	RM 200
C	NR 01759	RM 200
C	NR 01760	RM 200
C	NR 01761	RM 200
C	NR 02495	RM 200
C	NR 02496	RM 200
A	NR 08112	RM 500
C	NR 00417	RM 500
A	NR 01260	RM 1,000
B	NR 05344	RM 1,000
B	NR 09223	RM 1,000
C	NR 01677	RM 1,000
C	NR 01854	RM 1,000

said bonds presently in the custody of the Department of State, Division of Protective Services, 515 Twenty-Second Street, NW., Washington, D. C., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Theodore von Knoop, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-3114; Filed, Mar. 8, 1951; 8:55 a. m.]

[Vesting Order 17453]

KATHARINA BERCHTOLD

In re: Estate of Katharina Berchtold, deceased. D-28-12961; E. T. sec. 17102.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johann Martin Gohring, Marie Konzelman Gohring, Elsa Richter Votsch, Lydia Reiff and Frida Votsch, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Katharina Berchtold, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Frank Pillion, as executor, and Andrew Buckfelder, as co-executor, acting under the judicial supervision of the Surrogate's Court of Erie County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3115; Filed, Mar. 8, 1951; 8:55 a. m.]

[Vesting Order 17461]

AUGUST LACHENMEYER

In re: Trust under will of August Lachenmeyer, deceased. File No. D-28-2533; E. T. sec. 3618.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Georg Fritz Neuhart, also known as Georg Friedrich Neuhart, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of August Lachenmeyer, deceased, and in and to the trust established under the last will and testament of the said August Lachenmeyer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by The German Society of the City of New York, as trustee under and executor of the last will and testament of August Lachenmeyer, deceased, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3117; Filed, Mar. 8, 1951; 8:55 a. m.]

[Vesting Order 17454]

CLARISSA E. LE BRETON AND WAYNE PFLUEGER

In re: Estate of Clarissa E. Le Breton, a/k/a Emile Clarissa Le Breton, deceased, and trust created pursuant to the will of Clarissa E. Le Breton by declaration of trust made by Wayne Pflueger

pursuant to court order. File No. F-28-12981.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Elizabeth Liesau and Wilhelm Karl Hermann Liesau, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Herbert Liesau, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof and each of them, in and to and arising out of or under that certain declaration of trust by Wayne Pflueger pursuant to an order of the Circuit Court, First Judicial Circuit, Territory of Hawaii, entered January 2, 1935, is property payable or deliverable to or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Wayne Pflueger, as trustee, acting under the judicial supervision of the Circuit Court, First Judicial Circuit, Territory of Hawaii;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Herbert Liesau, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3116; Filed, Mar. 8, 1951; 8:55 a. m.]

[Vesting Order 17472]

UNION BANK OF SWITZERLAND

In re: Accounts maintained in the name of Union Bank of Switzerland, Vevey, Switzerland, and owned by persons whose names are unknown. F-63-139 (Vevey).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9939, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on February 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Accounts maintained in the name of Union Bank of Switzerland, Vevey, Switzerland.

Column I Name and address of institution which maintains account	Column II Designation of account
1. The National City Bank of New York, 55 Wall St., New York 15, N. Y.	Miscellaneous portfolio of stocks and bonds, as described by The National City Bank of New York in its report on Form OAP-700, bearing its serial Nos. B77.
2. The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	Union Bank of Switzerland, Vevey, Switzerland, Old Account Blocked, as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its serial No. 2

[F. R. Doc. 51-3120; Filed, Mar. 8, 1951; 8:56 a. m.]

[Vesting Order 17471]

MATAICHI FUJITANI

In re: Bank account owned by Mataichi Fujitani also known as M. Fujitani and as George Fujitani. D-39-3913-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mataichi Fujitani, also known as M. Fujitani and as George Fujitani, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of First National Bank in Delano, Box 787, Delano, California, arising out of a checking account, entitled M. Fujitani, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mataichi Fujitani, also known as M. Fujitani and as George Fujitani, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3119; Filed, Mar. 8, 1951; 8:55 a. m.]

[Return Order 900]

CATHERINE SCHOEN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Catherine Schoen, Washington, D. C., Claim No. 5910; January 23, 1951 (16 F. R. 636); $1,260.84 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3124; Filed, Mar. 8, 1951; 8:57 a. m.]

[Return Order 899]

BERTHOLD CROHN AND MARGOT CROHN DE SCHLESINGER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Berthold Crohn (Hepp), Santiago, Chile, Claim No. 36290; Margot Crohn de Schlesinger, Valdivia, Chile, Claim No. 36291; January 23, 1951 (16 F. R. 636), $8,083.58 in the Treasury of the United States, ½ to each claimant.

The following securities located in the Federal Reserve Bank of New York (½ to each claimant): United States Treasury Bonds, 2½%, of 1952-54, due June 15, 1954, Nos. 120750L and 120751A, each $1,000 and No. 50146F, $500; United States Treasury Bond, 2½%, of 1967-72, due June 15, 1972, No. 95749K, $500; United States Treasury Bonds, 2¼%, of 1959-62, due June 15, 1962, No. 2013C, $1,000 and No. 65049K, $500; United States Treasury Bonds, 2¼%, of 1959-62, due December 15, 1962, No. 50215E, $1,000 and No. 18767H, $500; All the above bonds with coupons due June 15, 1951 and s. c. a.; United States Savings Bonds, Series G, 2½%, due October 1, 1954, Nos. M7688144 to M7688149, inclusive, $1,000 each, registered in the name of the Attorney General of the United States; United States Savings Bonds, Series G, 2½%, due April 1, 1955, Nos. M7688150 & M7688151, $1,000 each and No. D3438236, $500, registered in the name of the Attorney General of the United States.

The right, title and interest of Dr. Siegfried Crohn and Johanna Crohn in and to the trust estate created under the will of Herman Crohn, deceased, ½ to each claimant; and to each claimant, his own right, title and interest in and to that trust estate; trust administered by National Bank of Commerce in Memphis, Trustee.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3123; Filed, Mar. 8, 1951; 8:57 a. m.]

[Return Order 898]

AUGUSTE ADELIN GUSTAVE MAGIS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Auguste Adelin Gustave Magis, 3 Aven Elisee Reclus, Paris, France; Claim No. 11593; January 16, 1951 (16 F. R. 416); property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to United States Patent Application Serial No. 328,949 (now United States Letters Patent No. 2,359,486). This return shall not be deemed to include the rights of any licensees under the above patent application.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3122; Filed, Mar. 8, 1951; 8:56 a. m.]

[Return Order 901]

LOUIS FAIVELEY

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Louis Faiveley, Saint-Quen, France; Claim No. 15308; January 25, 1951 (16 F. R. 707); Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,142,438. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3125; Filed, Mar. 8, 1951; 8:57 a. m.]

FRANCISCUS AND JACOBUS CORNELIS KOOYMAN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return and after adequate provision for taxes and conservatory expenses:

Claimant and Property

Franciscus Kooyman, as Guardian of Jacobus Cornelis Kooyman, an incompetent, Delft, The Netherlands; Claims Nos. 32400 and 32401; $398,687.87 in the Treasury of the United States. Property described in Vesting Order No. 2619 (8 F. R. 17242, December 22, 1943), relating to United States Letters Patent Nos. 2,017,974 and 2,017,975.

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Jacobus Cornelis Kooyman by virtue of an agreement dated June 24, 1932 (including all modifications thereof and supplements thereto, if any) by and between Max Giese, Fritz Neil, Jacobus Cornelis Kooyman and Chain Belt Company, which agreement related, among other things, to Patent No. 2,017,974, to the extent that such interests and rights were owned by Jacobus Cornelis Kooyman immediately prior to vesting by Vesting Order No. 2619.

All interests and rights created in the Attorney General by virtue of a license agreement entered into by the Attorney General and Chain Belt Company on June 3 and 7, 1948, relating to United States Letters Patent Nos. 2,017,974 and 2,017,975.

Executed at Washington, D. C., on March 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3127; Filed, Mar. 8, 1951; 8:58 a. m.]

[Return Order No. 542, Amdt.]

HEUGEL & CIE

Having issued a determination on January 30, 1950, allowing the claim of Paul Jacques Heugel, d/b/a Heugel & Cie., Paris, and having issued an amendment of said determination, which amendment by reference is incorporated herein and filed herewith,

Return Order No. 542 (15 F. R. 674) is hereby amended as follows and not otherwise:

By deleting the figures "$20,629.91" and substituting therefor the figures "$21,333.28".

All other provisions of said return order are hereby ratified and confirmed.

Executed at Washington, D. C., on March 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3126; Filed, Mar. 8, 1951; 8:58 a. m.]

FORGES ET ATELIERS DE MEUDON

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Forges et Ateliers de Meudon, 175 Avenue de Verdun, Meudon, France, Claim No. 41362; property described in Vesting Order No. 1601 (8 F. R. 8566, June 21, 1943) as Transaction Control No. 432 (c) relating to a disclosure of invention entitled "Pneumatic Chuck", inventor, Gabriel Chailcarne.

Executed at Washington, D. C., on March 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3061; Filed, Mar. 7, 1951; 8:56 a. m.]

DR. LEONARDO CERINI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Dr. Leonardo Cerini, Castellanza (Vareso) Italy; Claim No. 6520; $10,275 in the Treasury of the United States; property described in Vesting Order No. 112 (7 F. R. 7785, October 1, 1942), relating to United States Letters Patent Nos. 1,719,754 and 1,815,761; and all right, title, interest and claim of Leonardo Cerini in and to all indebtedness owing to him by R. A. C. E., Inc., including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness, to the extent that such right, title, interest and claim was owned by the claimant immediately prior to vesting by Vesting Order No. 89 (7 F. R. 6609, August 20, 1942).

Executed at Washington, D. C., on March 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3130; Filed, Mar. 8, 1951; 8:59 a. m.]

ETABLISSEMENTS A. OLIER CLERMONT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant and Property

Etablissements A. Olier Clermont, Ferrand, France; Claim No. 42866; property described in Vesting Order No. 667 (8 F. R. 4995, April 17, 1943) relating to United States Letters Patent No. 2,150,608.

Executed at Washington, D. C., on March 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3128; Filed, Mar. 8, 1951; 8:58 a. m.]

JAQUES FERNAND HENRICOT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant and Property

Jaques Fernand Henricot On, Belgium; Claim No. 37585; property described in Vesting Order No. 292 (7 F. R. 9836, November 26, 1942) relating to Patent Application Serial No. 312,133 (now United States Letters Patent No. 2,367,464).

Executed at Washington, D. C., on March 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3129; Filed, Mar. 8, 1951; 8:58 a. m.]

ETABLISSEMENTS BOUDIOS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant and Property

Etablissements Boudois, Romilly-sur-Seine (Aube), France; Claim No. 42011; property described in Vesting Order No. 666 (8 F. R. 5647, April 17, 1943) relating to United States Letters Patent No. 2,173,775.

Executed at Washington, D. C., on March 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3131; Filed, Mar. 8, 1951; 8:59 a. m.]

FEDERAL REGISTER

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TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under the Form Products Inspection Act

PART 53—MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

REVISION OF OFFICIAL U. S. STANDARDS FOR GRADES OF VEAL AND CALF CARCASSES AND VEALERS AND SLAUGHTER CALVES

On January 30, 1951, a notice of rule making was published in the FEDERAL REGISTER (16 F. R. 861) regarding the proposed revision of the official U. S. standards for grades of veal and calf carcasses (7 CFR 53.107 to 53.113, inclusive) and the proposed revision of the standards for grades of vealers and slaughter calves (U. S. D. A., P. M. A., Service and Regulatory Announcement No. 113), under sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622 and 1624) and the item for Market Inspection of Farm Products recurring in the annual appropriation acts for the Department of Agriculture and currently found in the Department of Agriculture Appropriation Act, 1951 (Chapter VI, Pub. Law 759, 81st Cong., 1 U. S. C. Sup. 414).

After due consideration of all relevant material furnished pursuant to the notice and pursuant to the statutory authorities cited above, the said standards are hereby revised to appear in 7 CFR, Part 53, as follows:

VEAL AND CALF CARCASSES

Sec.
53.107 Differentiation between veal and calf carcasses.
53.108 Classes of veal and calf carcasses.
53.109 Application of standards.
53.110 Specifications for official United States standards for grades of veal carcasses.
53.111 Specifications for official United States standards for grades of calf carcasses.

VEAL AND SLAUGHTER CALVES

53.120 Differentiation between vealers and calves.
53.121 Classes of vealers and calves.
53.122 Application of standards.
53.123 Specifications for official United States standards for grades of vealers.
53.124 Specifications for official United States standards for grades of slaughter calves.

AUTHORITY: §§ 53.107 to 53.124 issued under sec. 205, 60 Stat. 1090, Ch. VI, Pub. Law 759, 81st Cong.; 7 U. S. C. 1624. Interprets or applies sec. 203, 60 Stat. 1088; 7 U. S. C. 1624.

VEAL AND CALF CARCASSES

§ 53.107 *Differentiation between veal and calf carcasses.* Differentiation between veal and calf carcasses is made primarily on the basis of the color of the lean, although factors such as texture of lean, character of fat, size and color of the rib bones, and carcass weight are also considered. Typical veal carcasses have a grayish pink color of lean that is very smooth and velvety in texture. They also have a slightly soft, pliable character of fat and narrow, very red rib bones, and weigh less than 100 pounds. By contrast, typical calf carcasses have a distinctly reddish color of lean, a harder, flakier type of fat and somewhat wider rib bones with less pronounced evidences of red color, and weigh more than 150 pounds.

§ 53.108 *Classes of veal and calf carcasses.* Class determination is based on the apparent sex condition of the animal at time of slaughter. Hence, there are three classes of veal and calf carcasses—steers, heifers, and bulls. While recognition may sometimes be given to these different classes on the market, especially in the case of calf carcasses that are approaching beef in maturity, the differences between the various classes are so slight that accurate description of them is impractical. Therefore, the grade standards which follow are equally applicable to all classes of veal and calf carcasses.

§ 53.109 *Application of standards.* (a) Veal and calf carcasses are graded on a composite evaluation of three general grade factors—conformation, finish, and quality. These factors are concerned with the proportions of the various wholesale cuts in the carcass, the proportions of fat, lean, and bone in the

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FEDERAL REGISTER

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carcass, and the quality of the flesh. Carcasses qualifying for any particular grade may vary with respect to their relative development of the three grade factors; and there will be carcasses which qualify for a particular grade, some of whose characteristics may be more nearly typical of another grade. Because it is impractical to describe the nearly limitless numbers of such recognizable combinations of characteristics, the standards for each grade describe only carcasses which have a relatively similar development of conformation, finish, and quality and which are also representative of the lower limit of each grade.

(b) The standards specify only one degree of fatness for each grade of veal and calf. However, this degree of fatness applies only to carcasses of average weight and maturity. In order to qualify for any particular grade, heavier, more mature carcasses are required to have a somewhat greater quantity of fat and lighter, younger carcasses somewhat less fat than that specified. Because of the greater variability in weight and maturity among calf carcasses, a somewhat greater variation in degree of fatness will be present within each grade of that class than will be present among carcasses of each grade of veal carcasses.

(c) While color of lean is of primary importance in differentiating between veal and calf carcasses, the range of colors within the various grades is slightly different. Very young veal usually has a very light grayish pink color of lean regardless of grade. As veal carcasses approach calf in development and maturity, the color of the lean becomes progressively more reddish. However, in the higher grades the color remains light and bright; whereas, in the lower grades the color may become progressively darker and duller. A similar variation in color is found among the various grades of calf.

§ 53.110 *Specifications for official United States standards for grades of veal carcasses*—(a) *Prime.* (1) A veal carcass possessing the minimum qualifications for Prime grade is superior in conformation, finish, and quality.

(2) In conformation it is blocky and compact and tends to be broad in proportion to its length. It tends to be thickly fleshed and has a rather plump, full, well-rounded appearance.

(3) Rounds tend to be thick and bulging. Loin and back tend to be full and plump. Shoulders and breasts tend to be thick.

(4) There is a thin covering of fat over the rump, loin, back, top of the shoulders, and over the inner walls of the chest and abdomen. There are slightly large deposits of fat in the breast, flanks, and crotch, and around the kidneys, the latter being completely covered. All exterior fat is smooth.

(5) The flesh is rather firm, fine textured and, in a cut surface, velvety to sight and touch. All bones are small in proportion to the size and weight of the carcass.

(b) *Choice.* (1) A veal carcass possessing the minimum qualifications for Choice grade is moderately blocky and compact and tends to be moderately broad in proportion to its length. It is slightly thick-fleshed and has a slightly plump appearance.

(2) Rounds are slightly thick and bulging. Loin and back tend to be moderately full and plump. Shoulders and breast are slightly thick.

(3) There is a very thin covering of fat over the loin and back and over the inner walls of the chest and abdomen. There are slightly small deposits of fat in the breast, flanks and crotch, and around the kidneys. All exterior fat is moderately smooth. The flesh is slightly firm and fine textured, and may be slightly moist to sight and touch. All bones are moderately small in proportion to the size and weight of the carcass.

(c) *Good.* (1) A veal carcass possessing the minimum qualifications for the Good grade tends to be slightly blocky and compact and tends to be slightly broad in proportion to its length. It tends to be slightly thin fleshed and has little or no evidence of plumpness.

(2) Loin, back and rounds are slightly thin and nearly flat. Shoulders and breasts tend to be slightly thin.

(3) There are very thin patches of fat over the loin and back and over the inner walls of the chest and abdomen. There are small deposits of fat in the breast, flanks, and crotch and around the kidneys. The flesh is moderately soft, and, in a cut surface, slightly moist to sight and touch. All bones are slightly large in proportion to the size and weight of the carcass.

(d) *Commercial.* (1) A veal carcass possessing the minimum qualifications for the Commercial grade is rough and rangy and is narrow in proportion to its length. It is thinly fleshed and has an empty, sunken, or hollowed-out appearance.

(2) Rounds are thin and tapering and slightly concave. Loin and back are depressed. Shoulders and breast are narrow and thin.

(3) There are extremely thin patches of fat over the back and loin and over a portion of the inner walls of the chest and abdomen. There are very small deposits of fat in the breast, flanks and crotch and around the kidneys, the latter being incompletely covered.

(4) The flesh is soft, and in a cut surface, moist to the touch. All bones are moderately large in proportion to the size and weight of the carcass.

(e) *Utility.* (1) A veal carcass possessing the minimum qualifications for the Utility grade is very rough and rangy

and very narrow in proportion to its length. It is very thinly fleshed and has a very depressed or hollowed-out appearance.

(2) Rounds are very thin and tapering and moderately concave. Loin and back are very shallow and depressed. Shoulders and breast are very narrow and thin.

(3) There is no fat covering over the back, loin, or inner walls of the chest and abdomen. There are extremely small deposits of fat in the breast, flanks and crotch, and around the kidneys.

(4) The flesh is very soft, and, in a cut surface, very moist to the touch. All bones are large in proportion to the size and weight of the carcass.

(f) *Cull.* (1) A typical Cull grade veal carcass is extremely rough and rangy and extremely narrow in proportion to its length. It is extremely deficient in fleshing and has an extremely shallow, depressed, or hollowed-out appearance.

(2) Rounds are concave and extremely thin and tapering. Loin and back are extremely depressed. Shoulders and breast are extremely narrow and thin.

(3) There is no fat covering over any part of the exterior of the carcass and none on the inner walls of the chest and abdomen. There are no discernible fat deposits in the breast, flanks, or crotch, and only extremely small quantities around the kidneys.

(4) The flesh is very soft and watery. All bones are very large in proportion to the size and weight of the carcass.

§ 53.111 *Specifications for official United States standards for grades of calf carcasses*—(a) *Prime.* (1) A calf carcass possessing the minimum qualifications for the Prime grade is superior in conformation, finish, and quality.

(2) In conformation, it is blocky and compact and tends to be broad in proportion to its length. It is thickly fleshed and has a plump, full, well-rounded appearance.

(3) Rounds tend to be thick and bulging. Loin and back tend to be full and plump. Shoulders and breasts tend to be thick.

(4) There is a slightly thick covering of fat over the back and loin and a slightly thin fat covering over the rump and the top of the shoulders and over the inner walls of the chest and abdomen. There are moderately large deposits of fat in the breast, flanks and crotch, and around the kidneys, the latter being completely covered. All exterior fat is smooth and moderately firm.

(5) The flesh is firm, fine textured and, in a cut surface, velvety to sight and touch, and has a small amount of marbling. Calf carcasses which are approaching beef in maturity and development will have a moderate amount of marbling. All bones are small in proportion to the size and weight of the carcass.

(b) *Choice.* (1) A calf carcass possessing the minimum qualifications for the Choice grade tends to be moderately blocky and compact and tends to be moderately broad in proportion to its length. It tends to be moderately thick-fleshed and has a moderately plump appearance.

(2) Rounds tend to be moderately thick and bulging. Loin and back tend to be moderately full and plump. Shoulders and breast tend to be moderately thick.

(3) There is a moderately thin covering of fat over the loin and back and over the inner walls of the chest and abdomen and a very thin fat covering over the rump and tops of the shoulders. There are moderate deposits of fat in the breast, flanks, and crotch, and around the kidneys.

(4) The flesh tends to be moderately firm and fine textured, and, in a cut surface, may be slightly moist to sight and touch, and has traces of marbling. Calf carcasses approaching beef in maturity and development will have a slight amount of marbling. All bones are moderately small in proportion to the size and weight of the carcass.

(c) *Good.* (1) A calf carcass possessing the minimum qualifications for the Good grade tends to be slightly blocky and compact and tends to be slightly broad in proportion to its length. It tends to be only slightly thick fleshed and has a slightly plump appearance.

(2) Rounds are slightly thick but have little evidence of plumpness. Loin and back are very slightly full and plump. Shoulders and breast are slightly thick.

(3) There is a very thin covering of fat over the loin and back and over the inner walls of the chest and abdomen. There are very thin patches of fat over the rump and top of the shoulders. There are slightly small deposits of fat in the breast, flanks and crotch, and around the kidneys.

(4) The flesh is slightly soft and, in a cut surface, is somewhat moist to sight and touch. All bones are slightly large in proportion to the size and weight of the carcass.

(d) *Commercial.* (1) A calf carcass possessing the minimum qualifications for the Commercial grade is rough and rangy and narrow in proportion to its length. It tends to be thinly fleshed and has a depressed, sunken, or hollowed-out appearance.

(2) Rounds are thin and tapering and very slightly concave. Loins and back are slightly shallow and depressed. Shoulders and breasts are thin.

(3) There are very small, thin patches of fat on the back and loin and on the inner walls of the chest and abdomen. There are very small deposits of fat in the breast, flanks and crotch, and around the kidneys, the latter being only partially covered.

(4) The flesh is moderately soft, and, in a cut surface, is slightly watery in appearance. All bones are moderately large in proportion to the size and weight of the carcass.

(e) *Utility.* (1) A calf carcass possessing the minimum qualifications for the Utility grade is very rough and rangy and very narrow in proportion to its length. It is very thinly fleshed and has a very depressed, sunken, or hollowed-out appearance.

(2) Rounds are very thin and tapering and are moderately concave. Loin and back are very shallow and depressed. Shoulders and breast are very narrow and thin.

(3) The exterior surface of the carcass is practically devoid of fat covering and there is no discernible fat over the inner walls of the chest and abdomen. There are extremely small deposits of fat in the breast, flanks, and crotch, and around the kidneys.

(4) The flesh is very soft and very moist and watery. All bones are very large in proportion to the size and weight of the carcass.

(f) *Cull.* (1) A typical Cull grade calf carcass is extremely rough and rangy and extremely narrow in proportion to its length. It is extremely thinly fleshed and has an extremely depressed, sunken, or hollowed-out appearance.

(2) Rounds are extremely thin, tapering and concave. Loins and back are extremely shallow and depressed. Shoulders and breast are extremely narrow and thin.

(3) There is usually no visible exterior fat and the interior fat is limited to extremely small amounts in the crotch and around the kidneys.

(4) The flesh is very soft and watery. All bones are extremely large in proportion to the size and weight of the carcass.

VEALERS AND SLAUGHTER CALVES

§ 53.120 *Differentiation between vealers and calves.* Young bovine animals are segregated for market purposes as vealers or calves. The basis for differentiation between vealers and calves is made primarily on age and certain evidences of type of feeding. Typical vealers are less than 3 months of age and have subsisted largely on milk. Since vealers have consumed little, if any, roughages, they have the characteristic trimness of middle associated with limited paunch development. Calves are usually between 3 and 8 months of age, have subsisted partially or entirely on feeds other than milk for a substantial period of time, and have developed the heavier middles and physical characteristics associated with maturity beyond the vealer stage.

§ 53.121 *Classes of vealers and calves.* There are three classes of vealers and calves, based on sex condition—steers, heifers, and bulls. However, the influence of sex condition on physical characteristics is not sufficient to merit separate grade standards for each class.

§ 53.122 *Application of standards*—(a) *Grade factors.* Vealers and calves are graded largely on a composite evaluation of three general factors—conformation, finish, and quality. Conformation refers to the general body proportions of the animal and to the ratio of meat to bone. While primarily determined by the inherent muscular and skeletal system, it is also influenced by degree of fatness. Finish refers to the fatness of the animal. The quality, quantity, and distribution of finish are all closely associated with the palatability and quality of the meat. Quality in the slaughter animal refers to the refinement of hair, hide, and bone and to the smoothness and symmetry of the body. Quality is also closely associated with carcass yield and the proportion of meat to bone.

(b) *General principles.* (1) The determination of the carcass grade that the live animal will produce requires the exercising of well regulated judgment. Each animal presents a different combination of the grade determining factors. It is not unusual to find an animal of one grade that has some of the characteristics associated with another grade or grades. Therefore, a composite evaluation of the total inherent physical characteristics of the animal is essential for accuracy in determining grade.

(2) The descriptions of the physical characteristics of the grades of vealers and calves represent the lower limits of each grade. No attempt is made to describe the numerous combinations of grade factors which may meet the minimum requirements for a particular grade. Descriptions are limited largely to animals considered as typical of the lower limits of the grade.

(3) The grade descriptions of both vealers and calves apply to those of average age or maturity. In order to qualify for a specific grade, more mature animals should carry somewhat more finish, while very young animals may carry somewhat less finish than specified herein.

§ 53.123 *Specifications for official United States standards for grades of vealers*—(a) *Prime.* Vealers possessing the minimum qualifications for Prime grade are superior in conformation, quality, and finish. In conformation, Prime vealers tend to be low-set, compact, short of neck and body, and relatively thick fleshed. They are wide over the back, loin, and rump. Shoulders and hips are moderately neat and smoothly laid in. The twist is deep and full, and the rounds are thick and moderately plump. There is a slight fullness or plumpness evident over the crops, loin, and rump, which contributes to a rather well-rounded appearance. Prime vealers have a thin fat covering over the crops, back, loin, rump, and upper ribs. The brisket, rear flanks, and cod or udder show distinct evidences of fullness. Prime vealers exhibit evidences of high quality. The bones tend to be proportionately small, joints smooth, the hide moderately thin and pliable, and the body very trim, smooth, and symmetrical.

(b) *Choice.* Vealers possessing the minimum qualifications for Choice grade tend to be moderately low-set, short necked, and compact. They are slightly thick-fleshed and moderately wide over the back and loin. Shoulders and hips are usually moderately neat and smoothly laid in, with only a slight tendency toward prominence. The loin, rump, and rounds may appear almost flat, with little evidence of fullness. Choice vealers have a very thin fat covering over the back, loin, and upper ribs. The brisket, rear flanks, and cod or udder may show a very slight fullness. Choice vealers usually present a moderately refined appearance.

(c) *Good.* Vealers possessing the minimum qualifications for Good grade tend to be slightly compact and slightly wide of back and loin. The neck may be slightly long and thin. Good grade vealers tend to be slightly thin fleshed, and the loin, rump, and rounds are flat and may present a very slight sunken or hollowed-out appearance. The shoulders and hips are slightly prominent. The fat covering is very limited and is discernible only over portions of the back and loin. The brisket, rear flanks, and cod or udder may have small fat deposits but have no apparent fullness. Good grade vealers are usually moderately smooth and slightly refined in appearance.

(d) *Commercial.* Vealers possessing the minimum requirements for Commercial grade tend to be rangy, upstanding, long and thin of neck, narrow over the back, loin, and rump, and shallow in the twist. They are thin fleshed, and there is a distinctly sunken or hollowed-out appearance over the back, loin, and rounds. Hips and shoulders appear moderately prominent. There is an extremely thin fat covering over portions of the back and loin that is difficult to detect in the live animal. Such vealers may show the heavy bones, thick hide, prominent hips and shoulders associated with coarseness, or they may show the small bones, tight hide, and angularity denoting over-refinement.

(e) *Utility.* Vealers possessing the minimum requirements for the Utility grade may tend to be very rangy, angular, and long and thin of neck. They are very thinly fleshed, narrow over the back, loin, and rump, and shallow in the twist. Hips and shoulders are very prominent, and the crops, back, loin, rump, and round present a very sunken or hollowed-out appearance. Utility vealers show no visible evidence of any fat covering. Utility vealers tend to be of low quality. The bones and joints are usually proportionately large and the hide either thick or tight and inelastic.

(f) *Cull.* The typical Cull grade vealer appears extremely rangy, angular, long and thin necked, narrow and shallow bodied. Shoulders and hips are extremely prominent, and the crops, back, loin, rump, and round present an extremely sunken or hollowed-out appearance. The general appearance denotes low quality. The relative proportion of meat to bone is very low, joints appear large and coarse, and the body is very unsymmetrical.

§ 53.124 *Specifications for official United States standards for grades of slaughter calves*—(a) *Prime.* Calves possessing the minimum qualifications for Prime grade are superior in conformation, quality, and finish. In conformation, Prime calves tend to be low-set, compact, and short of neck and body and thick-fleshed. They are wide over the back, loin, and rump. Shoulders and hips are neat and smoothly laid in. The twist is deep and full and the rounds are thick and moderately plump. There is a fullness or plumpness evident over the crops, loin, and rump which contributes to a well-rounded appearance. Prime calves have a slightly thick fat covering over the crops, back, loin, rump, and upper ribs. The brisket, rear flanks, and cod or udder show a marked fullness. Prime calves exhibit evidences of high quality. The bones tend to be proportionately small, joints smooth, the hide moderately thin and pliable, and the body very trim, smooth, and symmetrical.

(b) *Choice.* Calves possessing the minimum qualifications for Choice grade tend to be moderately low-set, short-necked, and compact. They tend to be moderately thick-fleshed, and are moderately wide over the back and loin. Shoulders and hips are usually moderately neat and smoothly laid in. There is a slight fullness or plumpness over the crops, loin, rump, and rounds which contributes to a rather well-rounded appearance. Choice calves have a moderately thin fat covering over the back, loin, rump, and upper ribs. The brisket, rear flanks, and cod or udder are slightly full. Choice calves usually present a moderately refined appearance.

(c) *Good.* Calves possessing the minimum qualifications for Good grade tend to be slightly compact and slightly wide of back and loin. The neck may be slightly long and thin. Good grade calves tend to be only slightly thick-fleshed, and the loin, rump, and rounds may appear almost flat with little or no evidence of fullness. The shoulders and hips are usually moderately neat and smoothly laid in but may appear slightly prominent. There is a very thin fat covering over the back, loin, and upper ribs. The brisket, rear flanks, and cod or udder may show a very slight fullness. Good grade calves are usually moderately smooth and slightly refined in appearance.

(d) *Commercial.* Calves possessing the minimum requirements for Commercial grade tend to be rangy, upstanding, long and thin of neck, narrow over the back, loin, and rump, and shallow in the twist. They tend to be thinly fleshed, and there is a slightly sunken or hollowed-out appearance over the back, loin, and rounds. Hips and shoulders appear somewhat prominent. There is a very thin fat covering that is discernible only over portions of the back and loin. Such calves may show the heavy bones, thick hide, prominent hips and shoulders associated with coarseness; or they may show the small bones, tight hide, and angularity denoting over-refinement.

(e) *Utility.* Calves possessing the minimum requirements for the Utility grade tend to be very rangy, angular, and long and thin of neck. They tend to be very thinly fleshed, narrow over the back, loin, and rump, and shallow in the twist. Hips and shoulders are very prominent, and the crops, back, loin, rump, and round present a very sunken or hollowed-out appearance. There is an extremely thin fat covering over the back and loin that is difficult to detect in the live animal. Utility calves tend to be of low quality. The bones and joints are usually proportionately large, and the hide either thick or tight and inelastic.

(f) *Cull.* The typical Cull grade calf appears extremely rangy, angular, long and thin necked, narrow, and shallow bodied. Shoulders and hips are extremely prominent, and the crops, back, loin, rump, and round present an extremely sunken or hollowed-out appearance. The general appearance denotes

low quality. The relative proportion of meat to bone is very low, joints appear large and coarse, and the body is very unsymmetrical.

This order brings the veal and calf and vealer and slaughter calf standards into full agreement with the revised standards for grades of carcass beef and slaughter cattle which became effective December 29, 1950, and December 30, 1950, respectively. It is desirable that these standards become effective immediately to facilitate trading by providing the basis for a uniform and similar application of comparable grades to the various segments of the bovine species. Accordingly good cause is found under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) for issuance of this order effective less than 30 days after its publication in the FEDERAL REGISTER.

This order shall become effective immediately upon publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 5th day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-3071; Filed, Mar. 9, 1951; 8:58 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 195]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.518 *Orange Regulation 195*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than March 12, 1951. Shipments of oranges, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 11, 1950, and will so continue until March 12, 1951; the recommendation and supporting information for continued regulation subsequent to March 11 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 6; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 12, 1951, and ending at 12:01 a. m., e. s. t., April 9, 1951, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 or U. S. No. 2 Bright unless such oranges (*a*) are in the same container with oranges which grade at least U. S. No. 1 Russet and (*b*) are not in excess of 50 percent, by count, of the number of all oranges in such container;

(iv) Any oranges, except Temple oranges, grown in Regulation Area I or Regulation Area II which are of a size smaller than 2⅛₁₆ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 20 percent, by count, of oranges smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Oranges (7 CFR 51.192): *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2⅛₁₆ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2¹⁵⁄₁₆ inches in diameter and smaller; or

(v) Any Temple oranges, grown in Regulation Area I or Regulation Area II, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade.

(2) As used in this section, the terms "handler," "ship," "Regulation Area I," "Regulation Area II," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," and "container" shall each have the same meaning as when used in the revised United States Standards for Oranges (7 CFR 51.192).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 8th day of March 1951.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-3195; Filed, Mar. 9, 1951; 8:58 a. m.]

[Grapefruit Reg. 139]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.519 *Grapefruit Regulation 139*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than March 12, 1951. Shipments of grapefruit grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 11, 1950, and will so continue until March 12, 1951; the recommendation and supporting information for continued regulation subsequent to March 11 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 6; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 12, 1951, and ending at 12:01 a. m., e. s. t., April 9, 1951, no handler shall ship:

(i) Any grapefruit of any variety, grown in Regulation Area I, which do not grade at least U. S. No. 2;

(ii) Any white seeded grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any pink seeded grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any seedless grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any grapefruit of any variety, grown in Regulation Area II, which grade U. S. No. 3 or lower than U. S. No. 3 Grade;

(vi) Any white seeded grapefruit, grown in Regulation Area II, which grade U. S. No. 2, U. S. No. 2 Bright, or U. S. No. 2 Russet, unless such grapefruit are of a size not smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vii) Any white seeded grapefruit, grown in Regulation Area II, which grade at least U. S. No. 1 Russet, unless such grapefruit are not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(viii) Any pink seeded grapefruit, grown in Regulation Area II, which do not grade at least U. S. No. 2 Russet and are of a size not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(ix) Any seedless grapefruit, grown in Regulation Area II, which do not grade at least U. S. No. 2 Russet and are of a size not smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "Regulation Area I," "Regulation Area II," "handler," "variety," "ship," and "Growers Administrative Committee," shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 2," "U. S. No. 2 Bright," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Grapefruit (7 CFR 51.191).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 8th day of March 1951.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-3194; Filed, Mar. 9, 1951; 8:58 a. m.]

[Tangerine Reg. 110]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.520 *Tangerine Regulation 110*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than March 12, 1951. Shipments of tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 246 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches), are currently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 23, 1950, and will so continue until March 12, 1951; the recommendation and supporting information for continued regulation subsequent to March 11 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 6; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 12, 1951, and ending at 12:01 a. m., e. s. t., July 31, 1951, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 246 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2," and "standard pack" shall have the same meaning as when used in the United States Standards for Tangerines (7 CFR 51.416).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 8th day of March 1951.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-3196; Filed, Mar. 9, 1951; 8:58 a. m.]

[Lemon Reg. 372, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

a. *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established

under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of lemons grown in the State of California or in the State of Arizona.

b. *Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 953.479 (Lemon Regulation 372, 16 F. R. 2021) are hereby amended to read as follows:

(ii) District 2: 323 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 8th day of March 1951.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-3237; Filed, Mar. 9, 1951; 9:07 a. m.]

[Lemon Reg. 373]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.480 *Lemon Regulation 373*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq. because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on March 7, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 11, 1951, and ending at 12:01 a. m., P. s. t., March 18, 1951, is hereby fixed as follows:

(i) District 1: 1 carload;

(ii) District 2: 324 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 8th day of March 1951.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 1

[Storage Date: Mar. 4, 1951]

[12:01 a. m. Mar. 11, 1951, to 12:01 a. m. Mar. 25, 1951]

Handler	Prorate base (percent)
Total	100.000
Klink Citrus Association	34.522
Lemon Cove Association	17.558
Porterville Citrus Association, The	.000

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 1—continued

Handler	Prorate base (percent)
Tulare County Lemon & Grapefruit Association	42.938
California Citrus Groves, Inc., Ltd.	.000
Harding & Leggett	4.872
Kroells Packing Co	.000
LoBue Bros	.000
Sky Acres Ranch	.060
Zaninovich Bros	.000

DISTRICT NO. 2

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.687
American Fruit Growers, Inc., Fullerton	.836
American Fruit Growers, Inc., Upland	.356
Eadington Fruit Co	.781
Hazeltine Packing Co	2.143
Ventura Coastal Lemon Co	1.667
Ventura Pacific Co	1.333
Glendora Lemon Growers Association	1.884
La Verne Lemon Association	.801
La Habra Citrus Association	1.656
Yorba Linda Citrus Association	.507
Escondido Lemon Association	4.931
Alta Loma Heights Citrus Association	1.065
Etiwanda Citrus Fruit Association	.551
Mountain View Fruit Association	.660
Old Baldy Citrus Association	1.429
San Dimas Lemon Association	1.223
Upland Lemon Growers Association	6.406
Central Lemon Association	.863
Irvine Citrus Association	.888
Placentia Mutual Orange Association	1.051
Corona Citrus Association	1.435
Corona Foothill Lemon Co	4.306
Jameson Co	1.904
Arlington Heights Citrus Co	2.520
College Heights Orange & Lemon Association	2.556
Chula Vista Citrus Association	1.051
El Cajon Valley Citrus Association	.266
Escondido Cooperative Citrus Association	.318
Fallbrook Citrus Association	2.916
Lemon Grove Citrus Association	.557
Carpinteria Lemon Association	1.455
Carpinteria Mutual Citrus Association	1.571
Goleta Lemon Association	2.701
Johnston Fruit Co	4.119
North Whittier Heights Citrus Association	.787
San Fernando Heights Lemon Association	4.638
Sierra Madre-Lamanda Citrus Association	2.258
Briggs Lemon Association	.912
Culbertson Lemon Association	.931
Fillmore Lemon Association	1.458
Oxnard Citrus Association	4.463
Rancho Sespe	.844
Santa Clara Lemon Association	2.285
Santa Paula Citrus Fruit Association	2.079
Saticoy Lemon Association	1.412
Seaboard Lemon Association	2.820
Somis Lemon Association	2.355
Ventura Citrus Association	.478
Ventura County Citrus Association	.022
Limoneira Co	1.287
Teague-McKevett Association	.628
East Whittier Citrus Association	.762
Leffingwell Rancho Lemon Association	.663
Murphy Ranch Co	.988
Chula Vista Mutual Lemon Association	.498
Index Mutual Association	.490

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
La Verne Cooperative Citrus Association	8.459
Orange Belt Fruit Distributors	.862
Ventura County Orange & Lemon Association	1.436
Whittier Mutual Orange & Lemon Association	.150
Ayoob, Fred	.007
Evans Bros. Packing Co	.046
John C. Knapp Co	.131
Latimer, Harold	.156
Lorbeer, Carroll W. C	.002
MacDonald Fruit Co	.034
Paramount Citrus Association	.504
San Antonio Orchard Co	.049
Uyeji, Kikuo	.029

[F. R. Doc. 51-3238; Filed, Mar. 9, 1951; 9:07 a. m.]

[Orange Reg. 362]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.508 *Orange Regulation 362*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (69 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on March 8, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., March 11, 1951, and ending at 12:01 a. m., P. s. t., March 18, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: No movement;

(*c*) Prorate District No. 3: 80 carloads;

(*d*) Prorate District No. 4: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 1200 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 9th day of March 1951.

S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Mar. 11, 1951, to 12:01 a. m., P. s. t., Mar. 18, 1951]

VALENCIA ORANGES

Prorate District No. 3

Handler	Prorate base (percent)
Total	100.0000
Allen & Allen Citrus Packing Co	1.3320
Consolidated Citrus Growers	11.7055

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 3—Continued

Handler	Prorate base (percent)
McKellips Citrus Co., Inc	9.3062
Phoenix Citrus Packing Co	1.5134
Arizona Citrus Growers	13.3152
Chandler Heights Citrus Growers	2.4255
Desert Citrus Growers Co	4.5219
Mesa Citrus Growers	13.0245
Tempe Citrus Co	2.2938
Imperial Valley Grapefruit Growers Association	.8582
Southern Citrus Association	1.8389
United Citrus Growers	1.2695
Yuma Mesa Fruit Growers Association	5.9720
Leppla-Henry Produce Co	10.3201
Maricopa Citrus Co	1.2566
Pioneer Fruit Co	5.9489
Clark & Sons Produce Co., J. H	.4113
Commercial Citrus Packing Co	1.6649
Hi Jolly Citrus Packing House	.4904
Hill Packing House, Fred A	.1881
Ishikawa, Paul	.0656
Macchiaroli Fruit Co., James	.8349
Mattingly, Charles A	.4040
Orange Belt Fruit Distributors	2.0301
Panno Fruit Co., Carlo	.0178
Paramount Citrus Association, Inc	.0350
Potato House, The	.1483
Russo Bros	1.7096
Sharp Co., K. K	.1949
Sunny Valley Citrus Packing Co	2.8069
Valley Citrus Packing Co	2.0540

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.2264
A. F. G. Corona	.1744
A. F. G. Fullerton	.0426
A. F. G. Orange	.1425
A. F. G. Riverside	.6204
A. F. G. Santa Paula	.0445
Eadington Fruit Co., Inc	.8986
Hazeltine Packing Co	.1217
Krinard Packing Co	1.5695
Placentia Cooperative Orange Association	.7874
Placentia Pioneer Valley Growers Association	.6709
Signal Fruit Association	.6840
Azusa Citrus Association	1.5423
Covina Citrus Association	2.1848
Covina Orange Growers Association	.7470
Dameral-Allison Co	1.3842
Glendora Citrus Association	1.4597
Glendora Mutual Citrus Association	.6514
Puente Mutual Citrus Association	.0397
Valencia Heights Orchard Association	.2897
Gold Buckle Association	2.7526
La Verne Orange Association	3.9330
Anaheim Valencia Orange Association	.0284
Fullerton Mutual Orange Association	1.1987
La Habra Citrus Association	.5093
Yorba Linda Citrus Association, The	.1553
Escondido Orange Association	.5411
Alta Loma Heights Citrus Association	.3472
Citrus Fruit Growers	.8278
Etiwanda Citrus Fruit Association	.1518
Mountain View Fruit Association	.1269
Old Baldy Citrus Association	.4449
Rialto Heights Orange Growers	.3025
Upland Citrus Association	2.6509
Upland Heights Orange Association	1.3571
Consolidated Orange Growers	.0630
Garden Grove Citrus Association	.0305

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Goldenwest Citrus Association, The	0.6265
Olive Heights Citrus Association	.1447
Santiago Orange Growers Association	.3108
Villa Park Orchard Association, The	.0686
Bradford Bros., Inc	.8109
Placentia Mutual Orange Association	.6063
Placentia Orange Growers Association	.8843
Yorba Orange Growers Association	.2112
Call Ranch	.6929
Corona Citrus Association	.9681
Jamesco Co	.4640
Orange Heights Orange Association	2.0733
Crafton Orange Growers Association	1.1011
East Highlands Citrus Association	.3522
Redlands Heights Groves	.5281
Redlands Orangedale Association	.6355
Rialto-Fontana Citrus Association	.2723
Break & Son, Allen	.1791
Bryn Mawr Fruit Growers Association	.7338
Mission Citrus Association	.7892
Redlands Cooperative Fruit Association	1.2044
Redlands Orange Growers Association	.6744
Redlands Select Groves	.4022
Rialto Orange Co	.5065
Southern Citrus Association	.6117
United Citrus Growers	.5981
Zilen Citrus Co	.2683
Arlington Heights Citrus Co	.7103
Brown Estate, L. V. W	1.8500
Gavilan Citrus Association	1.9568
Highgrove Fruit Association	.5139
McDermont Fruit Co	1.4190
Monte Vista Citrus Association	1.3957
National Orange Co	1.1002
Riverside Heights Orange Growers Association	.5426
Sierra Vista Packing Association	.7208
Victoria Avenue Citrus Association	3.0016
Claremont Citrus Association	1.0697
College Heights Orange and Lemon Association	1.6898
Indian Hill Citrus Association	1.4413
Pomona Fruit Growers Exchange	1.8230
Walnut Fruit Growers Association	.7112
West Ontario Citrus Association	1.1648
El Cajon Valley Citrus Association	.2676
Escondido Cooperative Citrus Association	.0450
San Dimas Orange Growers Association	1.3756
Canoga Citrus Association	.3847
North Whittier Heights Citrus Association	.1868
San Fernando Heights Orange Association	.3917
Sierra Madre-Lamanda Citrus Association	.1338
Camarillo Citrus Association	.0108
Fillmore Citrus Association	1.2324
Ojai Orange Association	.8848
Piru Citrus Association	1.3464
Rancho Sespe	.0012
Tapo Citrus Association	.0079
Ventura County Citrus Association	.1691
East Whittier Citrus Association	.0074
Murphy Ranch Co	.2301
Anaheim Cooperative Orange Association	.2571
Bryn Mawr Mutual Orange Association	.5032

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Chula Vista Mutual Lemon Association	0.0667
Euclid Avenue Orange Association	2.5759
Foothill Citrus Union, Inc	.5871
Garden Grove Orange Cooperative, Inc	.0968
Golden Orange Groves, Inc	.3051
Highland Mutual Groves	.1707
Index Mutual	.0872
La Verne Cooperative Citrus Association	3.7442
Mentone Heights Association	.4564
Olive Hillside Groves, Inc	.0040
Orange Cooperative Citrus Association	.1732
Redlands Foothill Groves	1.7771
Redlands Mutual Orange and Lemon Association	.7040
Ventura County Orange and Lemon Association	.3679
Whittier Mutual Orange and Lemon Association	.0814
Allec Bros	.0043
Babijuice Corp. of California	.3140
Banks, L. M	.0146
Becker, Samuel Eugene	.0190
Bennett Fruit Co., Inc	.3821
Book, Maynard C	.0002
Borden Fruit Co	.0207
Cherokee Citrus Association	.6064
Chess Company, Meyer W	.3428
Dozier, Paul M	.0039
Dunning Ranch	.1581
Evans Bros. Packing Co	1.1786
Gold Banner Association	1.3274
Granada Hills Packing Co	.0073
Granada Packing House	.2011
Hill Packing Co., Fred A	.5604
Holland, M. J	.0222
Knapp Packing Co., John C	.3479
Orange Belt Fruit Distributors	2.0166
Orange Hill Groves	.0189
Panno Fruit Co., Carlo	.0850
Paramount Citrus Association, The	.1166
Placentia Orchard Co	.2148
Prescott, John A	.0107
Fulos, James J	.0253
Redlands Fruit Association, Inc	.0158
Riverside Citrus Association	.1183
Ronald, P. W	.0341
San Antonio Orchard Co	1.3215
Stephens, T. F	.1511
Summit Citrus Packers	.0637
Wall, E. T., Grower-Shipper	2.0267
Western Fruit Growers, Inc	2.4250

[F. R. Doc. 51-3260; Filed, Mar. 9, 1951; 11:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

PART 664—TOBACCO

SUBPART—1950 TOBACCO LOAN PROGRAM

Correction

In F. R. Document 51-2961, appearing in the issue for Wednesday, March 7, 1951, on page 2121, make the following change in the table: Under *Grade*, the first entry following "Fillers (farm wrappers)" should read "C1MB" instead of "CMB".

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Regs., Serial No. ER-169]

PART 291—CLASSIFICATION AND EXEMPTION OF IRREGULAR AIR CARRIERS

OPERATIONAL LIMITATIONS ON EXERCISE OF TEMPORARY EXEMPTION BY LARGE IRREGULAR CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 2d day of March 1951.

By the Civil Aeronautics Act of 1938 the Congress established a policy of limited competition in air transportation and provided that no air carrier should engage in any air transportation without a certificate issued by the Board after a full public hearing in which the applicant proved that the service requested was required by the public convenience and necessity and that he was fit, willing, and able to perform it. By section 416 (b) of the act the Board is empowered, however, to exempt an air carrier or class of air carriers from this requirement among others if it finds that the enforcement of such requirement is or would be an undue burden on the air carrier or class of air carriers concerned by reason of the limited extent of, or unusual circumstances affecting, the operation of such air carrier and that the enforcement of such requirement is not in the public interest.

Acting pursuant to the exemption authority referred to above, the Board on May 7, 1947, exempted a certain class of air carrier conducting irregular operations and employing aircraft with a gross weight in excess of 10,000 (later amended to 12,500) pounds for any one unit from the requirement of holding a certificate of public convenience and necessity. However the basic limitation upon frequency of operations which had been in force since 1938 was retained although it was stated in more precise form, and the carriers were made subject to more of the regulatory provisions of Title IV of the act.

The exemption of this class of carriers, known as the large irregular carriers, was terminated by action of the Board under date of April 13, 1949. Although the blanket authority to these carriers as a class was terminated on that date, the Board's order ending the exemption contemplated that the majority of the carriers comprising the class would file applications for individual exemptions. In order to provide interim operating authority to conduct truly irregular services during the time such applications were being considered, the Board's regulations as amended at that time provided for the continuation of the earlier authority under section 291 in those cases where application for an individual exemption had been filed prior to June 20, 1949, until such time as the Board acted on the application concerned.

On May 25, 1950, the Board issued its opinion setting forth the policy to be followed in disposing of the applications of the large irregular carriers for individual exemption which were filed pursuant to § 291.16 of the Economic Regulations. On the same date the Board issued several orders disposing of certain carriers' applications. In order to assure compliance with our regulations and to prevent operations exceeding those authorized, these orders included specific conditions and restrictions which were not present in the earlier exemption authority, and since that date similar conditions and restrictions have been inserted in the individual exemptions granted to other carriers. It is expected that, subject to variations in individual cases, similar conditions will be included in all further individual exemptions which may be granted to any of the remaining large irregular carriers whose applications have not yet been processed.

Thus the interim authority granted by the provisions of § 291.16 of the Economic Regulations to large irregular carriers whose cases have not been processed is at variance with the standard terms and conditions contained in the individual exemption orders issued to carriers of essentially the same class. In order to cure this inequality and to set forth specifically the exact limitations of the operational authority conferred upon large irregular carriers under § 291.16, the Board is promulgating this regulation.

It should be noted that the purpose of the authorization conferred herein, as in all prior exemption regulations dealing with this class of carrier, is to permit the performance of services supplementary and complementary to those performed by carriers holding certificates of public convenience and necessity, but no more. It is the Board's opinion that the number of flights permitted hereunder will adequately take care of the demand for such supplementary service whether provided in common carriage or by way of private carriage for hire. While the Board has no direct economic control over noncommon carriage or the number of flights performed therein, and does not by this section purport to regulate such carriage, we believe that the amount of supplementary common carrier service which is in the public interest and which should be authorized herein can be fixed only after the service, if any, performed by the carrier in other carriage for hire has been taken into account. Consequently, while an aircraft operator who devotes himself exclusively to a bona fide noncommon carrier operation may perform as many flights as he wishes, he may not enjoy the benefits of this exemption unless the total of all flights performed for compensation or hire are within the maximum provided for herein. An exception to this restriction in the case of contract operations performed for the Defense Forces is being issued by separate exemption order simultaneously herewith.

Interested persons have been afforded an opportunity to participate in the making of this rule and to present oral argument before the Board, and due consideration has been given to all relevant matter submitted and arguments presented.

In consideration of the foregoing the Board hereby amends Part 291 of the Economic Regulations effective April 6, 1951, by adding a new § 291.27 to read as follows:

§ 291.27 *Large irregular carriers; conditions on operating authority; extent of operations.* (a) As an express condition on the operating authority granted by this Part and the letters of registration issued hereunder, no large irregular carrier shall engage in flights for compensation or hire, whether such flights are regarded by the carrier as common carriage or noncommon carriage:

(1) In excess of a total of three (3) flights in the same direction during any period of four successive calendar weeks between the following points:

(i) New York and Miami,
(ii) New York and Los Angeles,
(iii) New York and San Francisco,
(iv) New York and Chicago,
(v) New York and Detroit,
(vi) Los Angeles and San Francisco,
(vii) Chicago and Los Angeles,
(viii) Chicago and San Francisco,
(ix) Chicago and Seattle,
(x) Chicago and Washington, and
(xi) Chicago and Miami,

(2) In excess of a total of eight (8) flights in the same direction during any period of four successive calendar weeks between any two points other than those specified in subparagraph (1) of this paragraph,

(3) Between any two points in the same direction on the same day of two or more successive calendar weeks,

(4) In excess of a total of three (3) flights between any two points in the same direction during any period of two successive calendar weeks unless such period is followed by a break of at least one calendar week during which no flights are operated between such points,

(5) Which are so arranged as to result in the observance of breaks required by subparagraph (4) of this paragraph at regularly recurring intervals, or

(6) Which are so arranged as to result in any uniform pattern or normal consistency of operations between any two points.

(b) Notwithstanding the provisions of § 291.1 (b), the term "point" as used in this section shall mean any city or any airport or place where aircraft may be landed or taken off, including the area within a 50-mile radius of such city, airport, or place.

The following statement of policy is issued:

§ 291.51 *Statement of policy regarding the role of the large irregular carrier.* (a) The role of the Large Irregular Carrier in the air transportation industry is two-fold—innovation and supplemental service. Their role does not include the performance of route-type services. Such services can and should be provided only upon due application and public notice and hearing in accordance with the certification requirements laid down in the Civil Aeronautics Act. Essentially, this role of the Large Irregular Carrier can best be fulfilled through the performance of an on-demand, charter-type service, frequently but not necessarily in combination with other aviation activities.

(b) It is important to the air transportation industry that there should exist carriers with aircraft, personnel, and facilities available to fill the unpredictable demands which can not be met by the certificated air carriers who must provide adequate and regular air service to the communities they have been authorized to serve. Since they are free from this requirement of rendering adequate service to specified points, irregular carriers are in a position to seek out new fields of exploitation, thus broadening the area of service of the air transportation industry. In the present period of national emergency, however, the role of innovation is subordinate, since great demands have arisen for the performance of special charter services for the Department of Defense and for groups of servicemen on furlough. There is every indication that the need for such services will increase, perhaps to a point where the combined efforts of certificated and irregular air carriers will not meet the demand.

(c) The number and size of carriers that can profitably engage in irregular air services are matters for economic forces to determine. In consequence, the field should be left open to newcomers, but in place of the blanket exemption formerly granted certain operators of nonscheduled air services will be substituted a system of individual exemptions issued only after a careful screening of the individual applicants to determine whether they have made a clear and convincing showing of special circumstances justifying the exemption requested, and of their willingness and ability to conform to the requirements of the act and of the Board's regulations.

(d) To write a regulation limiting the large irregulars to a charter-type service is a peculiarly difficult task because of the economic factors which tempt them to utilize the many devices for engaging in route-type services without following the pattern for certification required by the act. The experience of the past three years has provided abundant evidence of this fact. The regulation must therefore be drawn in terms which define precisely the boundaries beyond which the irregular air carriers may not go. Draft Release 43 is such a regulation, setting exact numerical limits upon the number of flights which may be performed by a carrier in one month between any two points, and prescribing definite standards of irregularity. The purpose of this draft regulation is primarily to encourage the Large Irregular Carriers to direct their energies into the charter type activities which they are exempted to perform, for our information shows that carriers performing such services would rarely if ever be hampered in their operations by reason of the restrictions proposed in Draft Release 43. It is only because experience has demonstrated the impracticability of any other form of regulation that it must be drawn in the form of a statement of prohibitions.

(e) Draft Release 43 is therefore being promulgated as an amendment to Part 291 of the Economic Regulations of the

Board. However, in one respect the regulation will vary from the Draft Release. Included among the route segments over which a Large Irregular Carrier might conduct not more than three flights a month were New York-Puerto Rico and Miami-Puerto Rico. Because the Territory of Puerto Rico, like the other territories, has special needs for air transportation to and from the mainland, that special restriction will be removed with respect to Puerto Rico, so that it will be on the same basis as the other territories, and under the regulation, any Large Irregular Carrier may provide up to eight trips in four weeks so long as the flights conform to the standards of irregularity.

(f) The continued existence of temptations to engage in route-type services will mean that the Board must act promptly against the irregular air carriers that directly or indirectly subvert the purpose of the regulation by engaging in such activities. The present program for disposing of the applications for individual exemptions will therefore be pushed as rapidly as possible. Applications of carriers that have in the past, despite official warnings, engaged primarily in route-type services will be denied.

(g) The relationship of the Large Irregular Carriers to the present national emergency requires special attention. The policy of the Department of Defense is to deal with carriers at the various bases through associations of carriers rather than directly with the individual carrier. The lack of any such approved association of irregular air carriers has to some extent precluded full use being made of their services by the Department of Defense and by groups of servicemen. We therefore are inclined to view favorably any efforts of the Large Irregular Carriers to form themselves into a reputable association, or associations, in order to eliminate this difficulty. For our own part, for a period of six months we shall exempt all of the irregular air carriers with transport-type aircraft in order to permit them to carry traffic, moving at government expense pursuant to contract calling for the furnishing of the full capacity of the aircraft, for the Department of Defense without regard to the restrictions against regularity or the restrictions against the carriage of persons in foreign air transportation.

(h) With respect to the carriage of military traffic traveling at the expense of the individual concerned, these restrictions will not be lifted in regard to the carriers individually, but they will be permitted to act collectively to furnish transportation to service personnel when so authorized by the Military Establishment, even though the collective transportation so furnished exceeds the amount permissible for the individual carriers.

(i) The Department of Defense is, of course, interested in dealing with those carriers whose records establish them as reliable and trustworthy. In consequence, we believe that the program of strict enforcement, which we intend to intensify, will tend to promote the kind of air transportation most needed at the present time. Certain individual carriers will be eliminated, but we believe that the policy we have outlined will simply tend to direct their personnel and aircraft into channels more in conformity with the general public interest.

(Sec. 205, 52 Stat. 984. Interprets or applies secs. 401, 416, 52 Stat. 987, 1004; 49 U. S. C. 481, 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-3185; Filed, Mar. 9, 1951; 8:57 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter L—Irrigation Projects: Operation and Maintenance

PART 130—ORDERS FIXING OPERATION AND MAINTENANCE CHARGES

KLAMATH INDIAN IRRIGATION PROJECT

On January 9, 1951, notice of intention to amend § 130.47 operation and maintenance charge, of Title 25, Code of Federal Regulations, was published in the daily issue of the FEDERAL REGISTER. Interested parties were thereby given opportunity to participate in the preparing of the amendment by submitting data or arguments within 30 days from the date of publication of the notice. No data were submitted which would provide sufficient justification for not increasing the operation and maintenance rates. Therefore, the said section is hereby amended and promulgated as follows:

§ 130.47 *Assessments.* The rate of assessment of operation and maintenance charges on land of the Modoc Point and Sand Creek Units of the Klamath Indian Irrigation Project is hereby fixed at $3.00 per acre per annum for the calendar year 1951, and until further order.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

E. MORGAN PRYSE,
Area Director.

FEBRUARY 27, 1951.

[F. R. Doc. 51-3138; Filed, Mar. 9, 1951; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5831]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

FIGURE TO BE USED IN DETERMINING RESERVE AND OTHER POLICY LIABILITY CREDIT FOR LIFE INSURANCE COMPANIES

MARCH 7, 1951.

PARAGRAPH 1. By virtue of the authority vested in me by section 202 (b) of the Internal Revenue Code, as amended by section 163 of the Revenue Act of 1942 (53 Stat. 71, 56 Stat. 870; 26 U. S. C. 1946 ed., 202 (b)) and as further amended by section 401 of the Revenue Act of 1950, approved September 23, 1950, it is hereby determined that the figure to be used in computing the "reserve and other policy liability credit" of life insurance companies for the taxable year 1950 shall be 0.9063.

PAR. 2. It is found that notice and public procedure are unnecessary, since the figure announced in this Treasury decision is computed from information contained in the income tax returns of life insurance companies for the year 1949 which are not open to public inspection. The public accordingly cannot effectively participate in the determination of such figure.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-3241; Filed, Mar. 9, 1951; 11:24 a. m.]

TITLE 32—NATIONAL DEFENSE

Subtitle A—Secretary of Defense

PART 76—EXEMPTION OF CERTAIN PERSONNEL FROM THE OPERATION OF SECTIONS 281, 283, 284, 434 AND 1914 OF TITLE 18, UNITED STATES CODE, AND SECTION 190 OF THE REVISED STATUTES

§ 76.1 *Exemption of certain personnel from operation of sections 281, 283, 284, 434 and 1914 of Title 18, United States Code, and section 190 of the Revised Statutes.* Any person employed under the authority of section 704 of the Second Supplemental Appropriation Act, 1951, Public Law 911, 81st Congress, is hereby exempted, with respect to such employment, from the operation of sections 281, 283, 284, 434 and 1914 of Title 18 of the United States Code, and section 190 of the Revised Statutes (5 U. S. C. 99), except as specified in the following paragraphs:

(a) Exemption hereunder shall not extend to the negotiation or execution, by an appointee under section 704, aforesaid, of Government contracts with the private employer of such appointee or with any corporation, joint stock company, association, firm, partnership or other entity in the pecuniary profits or contracts of which the appointee has any direct or indirect interest.

(b) Exemption hereunder shall not extend to making any recommendation or taking any action with respect to individual applications to the Government for relief or assistance, on appeal or otherwise, made by the private employer of the appointee or by any corporation, joint stock company, association, firm, partnership, or other entity in the pecuniary profits or contracts of which the appointee has any direct or indirect interest.

(c) Exemption hereunder shall not extend to the prosecution by the appointee, or participation by the appointee in any fashion in the prosecution, of any claims against the Government involving any matter concerning which the appointee had any responsibility during his employment under section 704, aforesaid, during the period of such employment and the further period of two years after the termination of such employment.

(d) Exemption hereunder shall not extend to the receipt or payment of salary in connection with the appointee's Government service under section 704 from any source other than the private employer of the appointee at the time of his appointment under section 704, aforesaid.

(e) Exemption from sections 434 and 1914 of Title 18, United States Code, shall not extend to persons appointed as experts or consultants under section 704, aforesaid.

This regulation shall become effective on February 28, 1951.

(Sec. 704, Pub. Law 911, 81st Cong.)

ROBERT A. LOVETT,
Acting Secretary of Defense.

[F. R. Doc. 51-3137; Filed, Mar. 9, 1951; 8:45 a. m.]

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 868—DELAY IN ORDERS TO ACTIVE DUTY

Sec.
868.1 Purpose.
868.2 Policy.
868.3 Definitions.
868.4 Basic considerations.
868.5 Categories of Reservists.
868.6 Category A.
868.7 Category B.
868.8 Category C.
868.9 Category D.
868.10 Category E.
868.11 Availability Classification Code.
868.12 Establishment of Delay and Appeal Boards.
868.13 Authority to grant delays.
868.14 Authority to grant appeals.
868.15 Requests for delay and appeals.
868.16 Evidence to substantiate requests.
868.17 Necessity for prompt action.
868.18 Action by Reservist pending decision on requests.
868.19 Air Force critical skill and primary interest list.

AUTHORITY: §§ 868.1 to 868.19 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22 and Sup., 171a. Interprets or applies sec. 6, 62 Stat. 609, Pub. Law 599, 81st Cong., 50 U. S. C. App., Sup., 456.

DERIVATION: AFR 35-83.

§ 868.1 *Purpose.* This part defines the categories of Reservists eligible to request delays in reporting for active duty; establishes the basic criteria upon which requests for delays and appeals will be considered; and delineates the procedures for the processing and evaluation of such requests and appeals.

§ 868.2 *Policy.* It is the traditional policy of this country to rely for national security largely upon the readiness and willingness of its citizens to mobilize rapidly as armed forces in the event of a national emergency. In an emergency the national interest may dictate that the ordering to active duty of some Reservists be delayed temporarily. Some Reservists are engaged in civilian occupations essential to activities critically necessary to the maintenance of the national health, safety, or interest. Personnel with experience and skills in such occupations will be required by the Air Force and by the civilian economy in numbers far exceeding the supply. The Air Force is interested in seeing that military manpower objectives for these critical skills are attained and, at the same time, that production and research vital to the national military effort are not seriously impaired by a sudden withdrawal of these critical skills from the civilian economy. Because the Air Force has these dual interests, the immediate military requirement in a national emergency for Reservists possessing such skills must be weighed, balanced, and reconciled with the civilian requirements to the maximum extent possible in the interest of national security.

§ 868.3 *Definitions.* For the purpose of the regulations in this part, the following definitions will apply:

(a) *Appeal.* An appeal is a request for reconsideration of a decision on a request for delay.

(b) *Critical occupation.* A critical occupation is an occupation listed and defined in the Department of Labor List of Critical Occupations.

(c) *Deferment.* A deferment is the authority granted to an individual not a member of the reserve forces of the armed services, postponing the reporting date from military service under existing Selective Service laws. This term will be used only in referring to selectees under these laws and will not be used in referring to members of the reserve forces.

(d) *Delay.* A delay is the postponement of the reporting date specified in the initial orders to active duty for Reservists.

(e) *Essential activity.* An essential activity is an activity necessary to the national health, safety, or interest, as defined in the Department of Commerce List of Essential Activities, or an activity which is in furtherance of the military effort, production, services, or research necessary to the national health, safety, or interest.

(f) *Full-time course of instruction.* A full-time course of instruction is a full-time schedule prescribed for a resident student in accordance with the regulations of the particular institution of higher education.

(g) *Institution of higher education.* An institution of higher education is an institution, offering at least a two-year program of college-level studies, that is either (1) accredited by a recognized nation-wide, regional, or State accrediting agency, or operating under State control, or (2) able to furnish evidence that its credits are accepted unconditionally (at full value) by three fully-accredited institutions. (The Education Directory, Part 3: Higher Education published annually by the Office of Education, Federal Security Agency, contains a list of institutions meeting such qualifications.)

(h) *Key job.* A key job is a job which is in furtherance of the military effort or national interests and one to which all of the following conditions apply:

(1) Performance of the duties of the job are essential to the effectiveness of the activity to which it belongs.

(2) The job cannot be filled be a replacement within a period less than that for which the delay is requested despite aggresive efforts of recruiting, training, or upgrading; and

(3) The operation to which the job contributes cannot be sustained by an alternative such as:

(i) Job breakdown or simplification; or

(ii) Modification of production process.

(i) *Key managerial job.* A key managerial job is a job on the management level in an activity which is in the furtherance of the military effort or national interests, the duties of which are critically essential to the effective operation of that activity.

(j) *Key technician.* A key technician is a person skilled in a particular critical operation or critical occupation.

(k) *Reservist.* A Reservist is an individual who has commissioned, or enlisted status in the United States Air Force Reserve.

§ 868.4 *Basic considerations.* (a) Delays granted to Reservists will not be considered as a means of exempting Reservists indefinitely from military service and may be terminated at any time due to overriding military considerations. With limited exceptions, delays are granted in the national interest, and are not for the benefit of the individual.

(b) Delays will be granted on an individual basis only. Under no circumstances will blanket delays be granted.

(c) Initial delays and subsequent renewals, except as specifically indicated in this part, will be granted for the minimum periods appropriate, but will not exceed 6 months.

(d) A stricter application of the criteria for the granting of initial delays will be made in evaluating requests for renewal of delays.

(e) Requests for delay submitted by Reservists under 26 years of age will be considered only in exceptional cases.

(f) Any change with respect to the status of a Reservist granted a delay which would change his availability for active duty will be immediately reported by him to the headquarters which granted the delay.

(g) A delay will be granted only where the urgency of the civilian work appears to outweigh the need of the Air Force for the services of the Reservist.

(h) No request for delay submitted by an employer of a Reservist will be granted unless the Reservist in writing acquiesces in such request.

§ 868.5 *Categories of Reservists.* Reservists will be considered as eligible for delay only if they meet the requirements of one of the categories established in §§ 868.6 through 868.10 and are assigned an Availability Classification Code as provided in § 868.11.

§ 868.6 *Category A—(a) Eligibility.* A Reservist principally employed or engaged in a critical occupation in an essential activity shall be considered as being in Category A.

(b) *Criteria for delay.* In order for a Reservist in Category A to be considered for delay, it must be shown by documentary evidence that

(1) He is, in fact, principally employed or engaged in a critical occupation in an essential activity;

(2) There are unique circumstances surrounding his employment or work which give him essential knowledge or experience not possessed by any available replacement possessing the same skill, and

(3) The assigned Availability Classification Code is justified.

§ 868.7 *Category B*—(a) *Eligibility.* To be considered as being in Category B, the Reservist must be employed:

(1) In a key managerial job in an activity, the duties of which are critically essential to the overall effectiveness of the operations of that activity;

(2) In a key job in an activity, the duties of which are critically essential to that activity; or

(3) As a key technician.

(b) *Criteria for delay.* In order for a Reservist in Category B to be considered for delay, it must be shown by documentary evidence that

(1) He is engaged or employed in an essential activity, or by a Government agency which is in furtherance of the military effort, production, services, or research necessary to the national health, safety, or interest; and

(2) The assigned Availability Classification Code is justified.

§ 868.8 *Category C*—(a) *Eligibility.* Reservists enrolled in educational institutions, or engaged in essential research, scientific, or educational activities will be considered as being in Category C.

(b) *Criteria for delay.* (1) Members of officer training programs of the Military Departments may be delayed during satisfactory progress of the course.

(2) A Reservist who is a secondary school student may be delayed while in good standing until completion of the twelfth grade, unless manpower requirements of the Air Force necessitate his being ordered to active duty.

(3) A Reservist who is a full-time undergraduate college student enrolled with second year or more advanced standing in an institution of higher education may be delayed for the then current school year, provided he satisfactorily maintains the standards of the institution and manpower requirements of the Air Force will permit. A first year undergraduate student, unless he has had one year of previous active military service, normally will not be delayed beyond the then current school semester except as indicated in subparagraph (4) of this paragraph.

(4) A Reservist currently enrolled in a full-time course of instruction in an institution of higher education which requires five or more years for completion and who holds, or is eligible for, a commission as a Reserve officer prior to completion of the course, may be delayed until the completion of the then current school year if he continues in good standing and the course successfully pursued will qualify the Reservist for a critical skill of primary interest to the Air Force. (See § 868.19 (b)) A Reservist in his third or fourth year will be eligible to receive a renewal of such delay for a period not to exceed the next school year if he continues in good standing.

(5) A Reservist enrolled or accepted for admission in a professional graduate course in an institution of higher education, or pursuing full-time research in a field of primary interest to the Air Force may be delayed until completion of such graduate course or research. (See § 868.19 (b)) Reservists enrolled or accepted for admission in other graduate courses may be delayed until completion of the then current school semester.

(6) A Reservist who is a teacher and who instructs students in an institution of higher education, or apprentices or other workers in essential activities, for the purpose of developing skills and knowledge essential and unique to the performance of critical occupations in any of the fields of primary interest of the Air Force may be delayed until completion of the school year or the course taught whichever is appropriate.

(7) Requests for delay from teachers not included in subparagraph (6) of this paragraph may be considered under Category D, on the basis of community hardship. (See § 868.9)

§ 868.9 *Category D*—(a) *Eligibility.* Reservists requiring delay compassionate reasons shall be considered as being in Category D.

(b) *Criteria for delay*—(1) *Personal hardship.* The same criteria as those established in Air Force Regulations authorizing separation from the Air Force for dependency or hardship shall be employed in evaluating requests for delay based on personal hardship. (See §§ 882.16 to 882.27; 15 F. R. 1269–70)

(2) *Community hardship.* The Reservist must submit written justification to show that his withdrawal from his community will jeopardize the health, safety and welfare of that community.

§ 868.10 *Category E.* Certain officials of the Government described in section 6 (f), Selective Service Act of 1948, as amended (sec. 6, 62 Stat. 609; 50 U. S. C., App. Sup., 456), will not be ordered to active duty without their consent.

§ 868.11 *Availability Classification Code.* (a) All Reservists granted a delay will be assigned one of the following Availability Classification Codes. The classification will indicate the length of time required to obtain and train or indoctrinate an adequate civilian replacement for Reservists in Categories A and B, or the period of time required by Reservists in Categories C, D, and E before they will be available for active duty:

Availability Classification Code:	Time required
I	1 through 3 months.
II	4 through 6 months.
III	7 through 12 months.
IV	More than 12 months.

(b) The assignment of Availability Classification Codes III and IV for Reservists under twenty-six years of age will be considered only in exceptional cases.

§ 868.12 *Establishment of Delay and Appeal Boards.* (a) Each commander authorized to grant or to deny requests for delay will establish an adequate number of Delay Boards each consisting of at least one officer for the purpose of considering and determining requests for delay. One Delay Board will be located at each processing station. The officers selected for the Board will be of field grade, whenever possible, and at least one member will be a member of the Judge Advocate General's Department, United States Air Force, the United States Air Force Reserve Judge Advocate General's Department, or an officer with comparable qualifications. A sufficient number of officers will be assigned each Board to insure expeditious handling of delay requests.

(b) The Commanding General, Continental Air Command, will establish an Appeals Board consisting of at least three senior Air Force officers who possess broad, extensive and diversified experience, for the purpose of considering and determining appeals. At least one such officer will be a general officer and at least one will be a member of The Judge Advocate General's Department, United States Air Force.

§ 868.13 *Authority to grant delays.* All commanders authorized by Headquarters United States Air Force to order Reservists into the active military service will have authority to grant or deny requests for delay submitted by Reservists (or their employers) under their jurisdiction. This authority may be delegated by such commanders to their subordinate commanders only upon specific approval of Headquarters United States Air Force.

§ 868.14 *Authority to grant appeals.* The Commanding General, Continental Air Command, will have authority to grant or deny appeals. This authority may not be redelegated.

§ 868.15 *Requests for delay and appeals*—(a) *By whom submitted.* A request for delay may be submitted or an appeal may be filed by either the individual Reservists of his employer.

(b) *Form of request.* A request for delay or an appeal may be in any form, but it must be in writing and signed by the person initiating the request or appeal.

(c) *When submitted.* A request for delay may be submitted only after a Reservist has received notification of intent to order him to active duty or actual orders ordering him to active duty. An appeal may be filed only after notification of the denial of the request for delay.

(d) *To whom submitted.* (1) Requests for delay and appeals, except as provided in subparagraphs (2) and (3) of this paragraph will be submitted to the commander issuing the active duty orders. Appeals thereupon will be forwarded to the Continental Air Command Appeals Board for determination.

(2) Requests for delay and appeals filed by chaplains will be submitted for determination to the Chief of Air Force Chaplains, Headquarters United States Air Force, Washington 25, D. C.

(3) Requests for delay and appeals filed by physicians, dentists, and veterinarians wil be submitted for determination to the Surgeon General, Headquarters United States Air Force, Washington 25, D. C.

§ 868.16 *Evidence to substantiate requests.* The person requesting a delay or filing an appeal will submit complete information to identify the Reservist concerned and to describe the civilian status of the Reservist and will set forth the reasons why a delay should be granted. Mere reference to the category classification applicable to the Reservist will not be sufficient. Paragraph (a) through (e) of this section describe by category the information which should be submitted to support a request for delay or an appeal.

(a) *Category A.* (1) A complete description of the occupation must be furnished. It must be shown that the occupation is one listed on the Department of Labor List of Critical Occupations. It must be shown also that the Reservist is employed in an activity listed on the Department of Commerce List of Essential Activities, or in one which is in furtherance of the military effort, production, services, or research necessary to the national health, safety, or interest.

(2) It must be shown that there are unique circumstances surrounding his employment or work which give him essential knowledge or experience not possessed by any available replacement possessing the same skill.

(3) It must be shown that the urgency of the civilian work appears to outweigh the need of the Air Force for the services of the Reservist.

(b) *Category B.* (1) A complete description of the occupation must be furnished.

(2) It must be shown that the Reservist is engaged or employed in an activity listed on the Department of Commerce List of Essential Activities; or in one which is in furtherance of the military effort, production, services, or research necessary to the national health, safety, or interest; or in a Government agency which is in furtherance of the military effort, production, or services; or in research necessary to the national health, safety or interest.

(3) It must be shown that the urgency of the civilian work appears to outweigh the need of the Air Force for the services of the Reservist.

(c) *Category C*—(1) *Supporting information for students.* (i) The name and location of the institution.

(ii) The date of enrollment; the date that the current school term or semester ends; and, whether or not the Reservist is in good standing.

(iii) The grade in which enrolled; if a graduate student, state the year of graduate work.

(iv) The type and length of the course. The duties for which the course will qualify the Reservist to perform. Will the Reservist be eligible for a commission as a Reserve officer in any branch of service upon or prior to completion of the course?

(2) *Supporting information for those engaged in research or scientific activities.* (i) The applicable information required by paragraph (a) of this section will be submitted.

(ii) Specifically describe the field of research or scientific work.

(3) *Supporting information for those engaged in educational activities, including teaching.* (i) The applicable information required by paragraph (a) of this section will be submitted.

(2) The subjects being taught, and the number of teaching hours per week.

(3) Are the students full-time students? Are they workers employed in essential activities as described in the Department of Commerce List of Essential Activities? If neither, who are they?

(4) Will the subjects taught qualify students to perform critical occupations? If so, list the occupations.

(d) *Category D.* (1) Detailed information regarding the circumstances necessitating request on this basis will be furnished.

(2) If the request is based on community hardship, complete written justification must be submitted to show that the Reservist's withdrawal from the community will jeopardize the health, safety, and welfare of the community.

(e) *Category E.* Information to indicate the exact position held and the term for which elected will be furnished.

§ 868.17 *Necessity for prompt action.* (a) In all cases where a delay is considered necessary, all individuals eligible to initiate a request for delay or an appeal will initiate such action promptly upon receipt by the Reservist of active duty orders or notification of the denial of a request for delay.

(b) All requests for delay and all appeals will be acted upon promptly by every agency processing them in order to eliminate to the maximum extent possible unnecessary travel on the part of Reservists. Each such agency will take every positive action to notify an applicant for delay or appeal of the final action taken thereon, and if possible, will notify the Reservist prior to the date he must depart from his home to comply with his active duty orders.

§ 868.18 *Action by Reservist pending decision on requests.* (a) Pending notification of the granting of a delay or an appeal, the Reservist will comply with his orders. In no instance will the mere submission of a request for delay or the filing of an appeal be considered as relieving the Reservist from responsibility for reporting as directed by the active duty orders.

(b) Upon reporting to the processing station, the Reservist awaiting decision on his request for delay or appeal will promptly notify the Delay Board at the processing station of the existence of a request or appeal and request expeditious action thereon. Under no circumstances will the Reservist or his employer submit a duplicate request for delay or an appeal.

§ 868.19 *Air Force critical skill and primary interest list.* (a) List of occupations for which the Department of the Air Force has outstanding requirements.

(1) *Professional and related occupations:*

Aeronautical Engineer.
Chemical Engineer.
Civil Engineer.
Electrical Engineer.
Industrial Engineer.
Mechanical Engineer.
Petroleum Engineer.
Sanitary Engineer.

(2) *Skilled occupations:*

Airplane and Engine Mechanic.
Airplane Mechanical Instrument Repairman.
Airplane Electrical Instrument Repairman.
Airplane Gyro Instrument Repairman.
Airplane and Engine Electrical Accessories Repairman.
Camera Technician.
Cryptographic Equipment Maintenance Personnel.
Cryptonalysis Technician.
Dental Assistant.
Medical Lab Technician.
Optical Instrument Repairman.
Radio Operator.
Radio Repairman.
Radar Maintenance Personnel.
Telephone and Telegraph Equipment Repairman.
Weather Equipment Technician.
Weather Forecaster.
Wire Repairman.

(b) List of professional or technical fields in which the Department of the Air Force has primary interest:

Nuclear Physics.
Nuclear Chemistry.
Bio-Radiology.
Biological Chemistry.
Nuclear Engineering.
Geophysics.
Guided Missiles.
Armament Engineering, E. E.
Electrical Engineering.
Electronics, E. E.
Servo Mechanisms, E. E.
Communications, E. E.
Electronics, Physics.
Meteorology, General.
Meteorology, Snow and Ice Analyst.
Micho-Meteorology.
Seismology.
Meteorology, Hydrology.
Physics, General.
Physics, Atmospheric.
Physics, Ballistics and Dynamics.
Chemical Engineering.
Chemistry, General.
Physics, Optics.
Mathematics.
Metallurgy.
Photogrammetry.
Aeronautical Engineering.
Jet-Rocket, A. E.
Mechanical Engineering.
Civil Engineering.
Architectural Engineering.
Advanced Management.
Business Administration.
Instructor, Technical and Flying Training.
Physicians.
Dentists.
Veterinarians.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 51 3139; Filed, Mar. 9, 1951; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter II—Economic Stabilization Agency

[General Wage Regulation 8, Including Amdt. 1]

GWR 8—COST-OF-LIVING INCREASES PROVIDED BY ESCALATOR CLAUSES AND WAGE AND SALARY PLANS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) and Executive Order 10161 (15 F. R. 6105) this General Wage Regulation No. 8, including Amendment 1, is hereby issued.

1. Section 1 is revised to include cost-of-living provisions in written wage and salary plans.

2. Section 2 is enlarged to permit increases required by cost-of-living provisions in written wage and salary plans formally determined and communicated to the employees on or before January 25, 1951.

3. Section 3 is amended to include reports of increases made pursuant to cost-of-living provisions contained in wage and salary plans.

General Wage Regulation No. 8, as hereby amended, reads as follows:

STATEMENT OF CONSIDERATIONS

This general regulation is issued by the Economic Stabilization Administrator in discharge of his responsibility under the provisions of the Defense Production Act of 1950, and Executive Order 10161. It is designed to stabilize wages, salaries, and other compensation and to effectuate the purposes and intent of said statute and order. Due consideration has been given to the standards established by section 402 of the Act. In the formulation of the provisions hereof, there has been consultation with industry and labor representatives, including trade association and labor-union representatives, and consideration has been given to their recommendations.

Some collective bargaining contracts and some wage and salary plans in existence on January 25—the effective date of the first general price and wage control regulations—contain provisions for subsequent changes in wages and salaries. Such changes depend on the changes—up or down—in the cost of living. Those adjustments called for within the next few months will be upward because the cost-of-living has been rising since the Korean conflict.

For the most part such increases will be covered by the ten per cent allowable rise in General Regulation No. 6. However, a few of the existing contracts and plans will provide in the near future for increases somewhat exceeding the allowable figure. General Regulation No. 6 makes no provision for such cases. This Regulation, with certain limitations, will permit the operation of such cost-of-living provisions until June 30, 1951.

REGULATORY PROVISIONS

Sec.
1. Definitions.
2. Certain cost-of-living increases permissible without prior approval.
3. Reports of increases made under this regulation required.
4. Time limitation on increases.

AUTHORITY: Sections 1 to 4 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Definitions.* As used in this regulation:

(a) The term "cost-of-living escalator clause" shall mean a provision in a collective bargaining agreement which establishes a defined relationship between the rates of wages, salaries and other compensation covered by the agreement and the cost-of-living index figure published by the Bureau of Labor Statistics, or such other cost-of-living indices as may be determined by the Administrator to be acceptable for the purposes of this regulation.

(b) The term "cost-of-living provision" shall mean a provision in a written wage and salary plan which establishes a defined relationship between the rates of wages, salaries and other compensation covered by the plan and the cost-of-living index figure published by the Bureau of Labor Statistics, or such other cost-of-living indices as may be determined by the Administrator to be acceptable for the purposes of this regulation.

SEC. 2. *Certain cost-of-living increases permissible without prior approval.* No prior approval is required for the putting into effect of increases which are required by: (a) The terms of cost-of-living escalator clauses contained in contracts executed on or before January 25, 1951; or (b) the terms of a cost-of-living provision contained in a written wage and salary plan which was formally determined and communicated to the employees on or before said date.

General increases agreed upon or formally determined and communicated to the employees after January 25, 1951, together with cost-of-living increases made pursuant to this section, shall not exceed the ten per cent formula provided in section 1 of General Regulation No. 6 (16 F. R. 1951).

SEC. 3. *Reports of increases made under this regulation required.* Reports of increases made under this Regulation shall be filed with the nearest office of the Wage and Hour Division of the United States Department of Labor not more than twenty days after any general increase made hereunder is effective. Such reports shall include:

(a) Copies of the written wage and salary plans or collective bargaining agreements containing the cost-of-living provisions, unless copies thereof have been filed with the Wage Stabilization Board under General Regulation No. 2 (16 F. R. 1014).

(b) An identification of the escalator clause in the agreement; or of the cost-of-living provision in the wage and salary plan, and a statement of the manner in which it was communicated.

(c) A statement of the amount of the increase and the unit of employees to which it is applicable.

(d) A statement of any general increases applicable to the same wages, salaries and other compensations that have been put into effect after January 25, 1951.

SEC. 4. *Time limitation on increases.* No increase herein authorized shall be made effective subsequent to June 30, 1951.

This regulation, including Amendment 1, shall be effective as of March 1, 1951, and shall terminate June 30, 1951. All other Orders, Regulations and Directives of the Wage Stabilization Board and the Economic Stabilization Administrator, including General Order No. 3 of January 24, 1951 (16 F. R. 739), are hereby superseded to the extent that they are inconsistent herewith.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued: March 8, 1951.

ERIC JOHNSTON,
Administrator,
Economic Stabilization Agency.

[F. R. Doc. 51-3231; Filed, Mar. 8, 1951; 4:41 p. m.]

[General Wage Regulation 9]

GWR 9—WAGE SCHEDULES FOR NEW PLANTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) and Executive Order 10161 (15 F. R. 6105) this General Wage Regulation No. 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

This General Wage Regulation is issued by the Administrator in discharge of his responsibilities under the provisions of the Defense Production Act of 1950 and Executive Order 10161. It is designed to stabilize wages, salaries and other compensation and to effectuate the purposes and intent of said statute and order. Due consideration has been given to the standards established by section 402 of the act.

The purpose of this regulation is to provide procedures for obtaining approval of rates of wages, salaries, and other compensation for employees of new plants, enterprises, and other employment units. Insofar as practicable, these procedures preserve existing practices.

In the formulation of the provisions hereof it has been impracticable to consult formally with industry and labor representatives.

REGULATORY PROVISIONS

Sec.
1. Definitions.
2. Criteria for establishing rates of wages in new plants.
3. Procedures for establishing rates of wages in new plants.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Definitions.* As used in this regulation:

(a) The word "wages" shall mean wages, salaries and other compensation as defined in section 702 (e) of the Defense Production Act of 1950.

(b) The term "new plant" means a plant, enterprise, or other employment unit, which on January 25, 1951, had not commenced the production of the materials or services for which it is established or converted.

SEC. 2. *Criteria for establishing rates of wages in new plants.* The following criteria shall be applied in determining and evaluating a schedule of rates of wages in new plants:

(a) In a new plant of an existing enterprise, established at the same location, the rates of wages for the jobs in the new plant shall be the same as the lawful rates for the same or comparable jobs in the existing enterprise.

(b) In all other cases the schedule of rates for the new plant shall not exceed:

(1) Rates for the same or comparable jobs in the same industry in the same local labor market area, or, if none

(2) Rates for the same or comparable jobs in a comparable industry in the same local labor market area, or, if none

(3) Rates for the same or comparable jobs in the same industry located in the most nearly comparable labor market area.

(c) For the purposes of paragraph (b) of this section, where only the comparable rates for key jobs are available in a given labor market, such rates may be selected, and the schedule may be constructed by interpolation with proper relationships between the rates of other jobs and the rates of the key jobs.

SEC. 3. *Procedures for establishing rates of wages in new plants.* (a) A new plant shall file with the nearest office of the Wage and Hour Division of the United States Department of Labor, a report containing the following:

(1) A statement of the facts relied upon to support the conclusion that it is a new plant; and

(2) A schedule of the rates of wages which are in effect for each job classification; and

(3) A statement explaining how the criteria specified in section 2 of this regulation have been applied in determining the rates of wages; and

(4) A statement by the collective bargaining agent for the employees involved, if there be one, indicating whether such bargaining agent has agreed to the schedule and statements as submitted.

(b) In the case of employees who qualify as "executive, administrative, professional or outside sales personnel", within the meaning of the Fair Labor Standards Act, as amended, the report shall be filed with the Executive Director of the Wage Stabilization Board.

(c) A new plant commencing operation on or before April 15, 1951, must file the report required by paragraphs (a) and (b) of this section by May 1, 1951; and may put or continue in effect the schedule of rates as reported, subject to such review and modification as the Administrator may hereafter provide.

(d) A new plant commencing operation after April 15, 1951, must file the report required by paragraphs (a) and (b) of this section at least three weeks prior to the proposed date for hiring employees. If, after submitting the report, the employer receives no communications pertinent thereto from the Wage-Hour Office or the Executive Director of the Wage Stabilization Board, the rates may be put into effect, subject to the condition, which shall be communicated by the employer to all employees affected by the schedule, that the rates are interim rates payable pending receipt of a ruling as to their approvability and subject to adjustment with respect to payroll periods beginning after the date of receipt by the employer of any ruling of partial disapproval.

This regulation shall become effective immediately.

All other orders, regulations and directives of the Wage Stabilization Board and of the Economic Stabilization Administrator, including General Order No. 3 of January 24, 1951 (16 F. R. 739), are hereby superseded to the extent that they are inconsistent herewith.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued: March 8, 1951.

ERIC JOHNSTON,
Administrator,
Economic Stabilization Agency.

[F. R. Doc. 51-3232; Filed, Mar. 8, 1951; 4:42 p. m.]

[General Wage Regulation 10]

GWR 10—TANDEM WAGE INCREASES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) and Executive Order 10161 (15 F. R. 6105) this General Wage Regulation No. 10 is hereby issued.

STATEMENT OF CONSIDERATIONS

This general wage regulation is issued by the Administrator in discharge of his responsibilities under the provisions of the Defense Production Act of 1950 and Executive Order 10161. It is designed to stabilize wages, salaries and other compensation and to effectuate the purposes and intent of said statute and order. Due consideration has been given to the standards established by section 402 of the act. In the formulation of the provisions hereof formal consultation with industry and labor representatives has been impracticable and unnecessary.

This regulation recognizes, within prescribed limits, that a tandem relationship and practice existed on and before January 25, 1951, whereby general rate increases of some employee units were dependent upon and governed by negotiations, agreements, and rate movements of other employee units of the same employer, or of other employers in the same industry and labor market area.

General Regulation No. 2 authorized general increases provided for by written agreement executed on or before January 25, 1951, or formally determined and communicated to the employees on or before said date, which increases were by the terms of the agreement or communications to take effect and be applicable to work performed on or before February 9, 1951.

This regulation is designed to permit, under certain conditions, general increases in those tandem relationships, which, by well-established practice, would have automatically been put into effect and have been applicable to work performed on or before February 9, 1951.

REGULATORY PROVISIONS

Sec.
1. Definitions.
2. Submission of proof.
3. Tandem increases permissible only after notification that proof is adequate.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Definitions.* As used in this regulation, the terms:

(a) "Appropriate unit" means a group comprised of all employees in a bargaining unit, in a plant or other establishment, or in a department thereof, or in a company, or in an industry, as best adapted to preserve contractual or historical relationships;

(b) "Tandem relationship" means a well-established and consistently maintained practice whereby the precise timing, amount and nature of general increases in the wages, salaries and other compensation of a given appropriate unit have so followed those of another unit of employees of the same employer or of other employers in the same industry and the same labor market area, that a general increase, in the normal operation of the practice, would have been put into effect and have been applicable to work performed on or before February 9, 1951, but for the operation of General Wage Stabilization Regulation 1.

SEC. 2. *Submission of proof.* Proof of a tandem relationship may be submitted to the Executive Director of the Wage Stabilization Board. This proof shall consist of a statement showing the manner in which rates have been determined in the appropriate unit involved during the last ten years, including the identification of the rates which have been the basis for determining the rates of the employees in an appropriate unit for which an increase is sought under this Regulation, together with such supporting data as the person submitting proof may deem material.

SEC. 3. *Tandem increases permissible only after notification that proof is adequate.* Upon, but not before, receipt of notification from the Executive Director that the proof is adequate, increases in wages, salaries and other compensation may be made pursuant to this regulation. Such an increase may be made effective as of the date on which it would have taken effect in the normal operation of the practice, but not earlier.

This regulation shall be effective immediately and shall terminate June 30, 1951. All other orders and directives of the Wage Stabilization Board and the Economic Stabilization Administrator, including General Order No. 3 of January 24, 1951 (16 F. R. 739) are hereby superseded to the extent that they are inconsistent herewith.

NOTE: The record keeping and reporting requirements of this Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued: March 8, 1951.

ERIC JOHNSTON,
Administrator,
Economic Stabilization Agency.

[F. R. Doc. 51-3233; Filed, Mar. 8, 1951; 4:42 p. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 6, Amdt. 2]

CPR 6—INEDIBLE TALLOWS, GREASES, AND FAT-BEARING AND OIL-BEARING ANIMAL WASTE MATERIALS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Ceiling Price Regulation 6 is hereby issued.

STATEMENT OF CONSIDERATIONS

This statement of considerations covers companion ceiling price actions on household soaps, on tallows and greases, the principal raw materials used in manufacturing soap, and on the raw materials from which tallow and grease are made. The ceiling price action on soap is accomplished by a new regulation, CPR 10. That on tallows and greases and their raw materials is accomplished by Amendment 2 to CPR 6.

For convenience, reference is made in the discussion below to "tallow" and the market quotations cited are for the fancy grade of tallow on an f. o. b. basis. Unless the context indicates the contrary, it is to be understood that the description refers to all of the various grades of tallows and greases and that prices of these were moving in their normal relationship, one to another.

Since the outbreak of hostilities in Korea, the prices of tallow and soap have advanced rapidly. When prices were frozen under the General Ceiling Price Regulation, it was inevitable that disparities in the various ceilings should exist, requiring prompt rectification. Broadly speaking, tallow prices had outrun manufacturers' selling prices for soap. The latter in turn had outrun increases at the wholesale and retail levels. Correction of this situation involves the following adjustments:

1. Working out a system of tallow and grease prices which bears a logical relationship to the prices of other fats and oils, and

2. Working out a system of soap prices at the manufacturer, wholesale and retail levels, internally consistent, and bearing a proper relationship to the prices for tallow and grease.

It was necessary that these solutions should be determined within the framework of the obligation of the Office of Price Stabilization to protect the consumer interest in soap, an important cost of living commodity.

For some months prior to July of 1950, tallow prices had been severely depressed, and there was indication that this might be a chronic condition. At its low point in June 1950, tallow sold for as little as 5 cents per pound. It had not declined sharply to this figure but rather during the preceding months had drifted down to it from the 6- to 7-cent range. Between June, 1950 and January, 1951, the price advanced from 5 cents to 18 cents, one of the sharpest advances in the entire commodity field. By this amendment, tallow is rolled back to 15 cents per pound. On this basis, tallow is about 2.75 cents under current loose lard prices, as determined by the General Ceiling Price Regulation. The differential in the first six months of 1950 widened from about 2.6 cents to about 4.9 cents. On an annual basis the average differential in 1947 was about 3 cents, in 1948 about 4 cents and in 1949 about 4.7 cents. Furthermore, after making allowances for the fact that tallow was severely depressed in the pre-Korean period, an advance is permitted fully in line with that permitted on vegetable oils by previous action under CPR 6.

Tallow contracts entered into prior to the effective date of this Amendment may be carried out according to their terms. This is an exception to the general policy of the Office of Price Stabilization. It is permitted in the present instance to obviate the hardship which many producers of tallow would suffer if contracts were cut across. Such producers and dealers operate on very short margins and with limited capital. On the other hand, their customers, the soap manufacturers, comprise a much smaller group of larger firms. A number of them carry substantial inventories which will cushion the effect upon cost of the high-priced tallow which they absorb pursuant to this provision. Avoiding a hardship to tallow producers and dealers therefore does not represent a transfer of an equivalent burden to their customers.

An important effect of this action will be to make uniform the ceiling prices of all sellers of tallow. Under the General Ceiling Price Regulation there was considerable lack of uniformity, which placed those with low ceilings relative to their competitors, at a severe disadvantage.

The 15-cent level for tallow is approximately that which prevailed in early December, 1950. To permit renderers to continue to receive a normal margin, this amendment rolls the ceiling price for shop fats and other tallow-yielding materials back to the levels which prevailed in the first week of December, 1950. These materials are discards to the butcher. They are sold for what they will bring. The effect of this rollback on the over-all operations of these sellers will be of very minor significance.

Prior to reaching the decision to price tallow at the 15-cent level, the Director called a meeting of a representative group of producers, comprised of both meat packers and renderers, which also was attended by a representative of the United States Department of Agriculture. Full expression of views was obtained with respect to each of several alternative tallow price levels, including the one which the Director has adopted.

Inedible tallows and greases comprise the chief fatty material used in the production of soap, in recent years constituting more than 70 percent of the 1.8 billion pounds of all fats and oils used annually in soap manufacture. Individual soap products vary in fat content, with such familiar products as bar toilet soap, usually containing about 85 percent fat, and packaged chips and flakes containing about 75 percent fat. It is apparent therefore that tallow and soap ceilings must be closely integrated.

The discussion which follows refers to the price relationships which have prevailed on tallow and soap since June, 1950, and further describes the approximate position of soap manufacturers under the ceiling prices provided by CPR 10.

During the period under review soap prices have been set by manufacturers in accordance with their normal procedure. Soap prices do not follow the day-by-day changes in the raw materials markets but more closely follow changes in the cost of manufacturers' inventories of such materials. In an advancing tallow market, the cost of current purchases is high relative to the average cost of inventories. If inventories are small, the average is increased more by a high priced purchase than if inventories are large. With each substantial rise in inventory costs, soap prices are raised.

A further factor in determining soap prices is the price of glycerine, which to the soap manufacturer is a by-product. If glycerine prices are increasing along with tallow prices, the credit on the former becomes an increasingly important offset to the latter.

June 1950 marked the end of a period of months during which soap prices had been stable, as had those for tallow. There followed a series of price increases for soap, each reflecting average inventory cost (adjusted for glycerine credit), each falling short of reflecting the current tallow market. The final general advance by the three large soap companies, followed by the rest of the industry, took place on December 8 and on the few days immediately following.

The market price of tallow was about 15 cents and inventories were held at a slightly lower cost. Between December 8 and January 13, tallow continued to advance and prior to the latter date two of the three largest manufacturers of soap gave notice to this Agency of their intention to advance their prices on soap. At this time the market for tallow was about 17 cents and the inventories of soap manufacturers were held at a slightly lower figure. This increase became effective a week later since the two manufacturers were among the many who were complying with the request of

the Director to give 7-days' notice of price advances. The January 20 increase was followed by virtually every manufacturer except one of the three largest. This latter manufacturer likewise filed notice of an increase but the 7-day period had not elapsed when the General Ceiling Price Regulation became effective on January 25.

Under the General Ceiling Price Regulation, as noted above, most sellers of tallow had ceilings of about 18 cents although some had lower ceilings and a few had higher ceilings. It is evident that these ceilings were not fully reflected in the ceiling prices of the soap manufacturers generally and fell far short of being reflected in the ceilings of the one manufacturer who had delayed taking action.

Similarly, since only a few days remained in what was to become the December 19–January 25 base period of the General Ceiling Price Regulation, many wholesalers and retailers did not reflect to their customers the last advances by the soap manufacturers.

Having established the feasibility of reducing tallow prices to the 15 cent level, the Director called a meeting of representative soap manufacturers to obtain their advice on his proposals to reduce their ceiling prices to the levels established on December 8 and of cancelling the advances effective January 20. While the conclusion was reached that such action would be fair and equitable, it is recognized that since tallow prices and soap prices will be reduced proportionately the question remains open whether the profit margins of manufacturers are squeezed at the present time. As noted above, it is indicated that soap prices have not fully reflected advancing tallow costs. Nor does this action reflect any determination with respect to additional burdens imposed by the advancing price of coconut oil (which is not subject to price control), of packaging and other materials or of direct labor.

A relatively small amount of soap is sold by purchasers or brand-name owners who purchase the saponified or detergent product from others. Prices for this category of seller have been established so as to reflect December, 1950 tallow prices.

Export price ceilings have been established at one quarter of a cent above domestic ceiling prices. This figure will adequately cover exporters' actual costs of preparing tallow and greases for export.

In summary the following are the results which will be accomplished by these price actions:

1. In many cases retailers will be able to reduce their selling prices to the consumer for these important cost-of-living items. Conversely the necessity of an increase in retail prices is avoided.

2. Many retailers and wholesalers are relieved of a serious squeeze on profit margins.

3. Many contract and bid purchasers of soap will be able to secure offerings, with tallow at 15 cents, which were not forthcoming with tallow at 18 cents because of the low ceiling prices of their suppliers under the General Ceiling Price Regulation.

4. Soap manufacturers generally will be left in about the same continuing position relative to tallow prices as they have been under the General Ceiling Price Regulation. It will be necessary for them to absorb high cost tallow purchased under existing contracts and in some cases, in accordance with trade practice, to protect warehouse stocks.

5. It will permit owners of soap brand names and soap packagers to establish prices reflecting December 1950, tallow prices.

6. The status of the renderer is approximately unchanged because of the rollback in the price of both his raw materials and of his finished products.

7. The income of the retail meat dealer is reduced by a very small amount because of the small rollback in prices paid to him for his waste materials by the renderer.

AMENDATORY PROVISIONS

Ceiling Price Regulation 6 is amended in the following respects:

1. Section 2 (d) is amended to read as follows:

(d) *Exemptions.* If prior to the effective date of this regulation or of Amendments 1 and 2, as to commodities covered thereby, you entered, consistently with any outstanding ceiling price regulation, into a written contract for the sale of fats and oils for which ceiling prices are provided by this regulation, you may carry out the contract according to its terms.

2. A new section 12 is added to the regulation to read as follows:

SEC. 12. *Ceiling prices for the sellers of tallows and greases.* The ceiling prices of inedible tallows and greases shall be as follows:

Tallows and greases. F. o. b., loaded on cars or trucks, at point of shipment:

	(1) Titre minimum	(2) F. F. A., maximum	(3) M. I. U. basis	(4) F. A. C. Maximum untreated and unbleached	(5) Cents per pound
Tallows	° C.	*Percent*	*Percent*		
Edible	41.5	1	1	5	16½
Industrial fancy and/or acidless tallow	43.5	3	1	5	15½
Fancy	40.5	4	1	7	15
Choice	41	5	1	9	14¾
Prime, renderers prime, prime packers, or extra	40.5	6	1	13 or 11B	14¼
Special	40.5	10	1	19 or 11C	13½
No. 1	40.5	15	2	33	13
No. 3	40.5	20	2	37	12¾
No. 2	40	55	2	No color	12
Naphtha extracted bone	40	60	3	do	11½
Greases					
Choice white	37	4	1	11	16¾
A, white	37	8	1	15	14.8
B, white	36	10	2	19 or 11C	14¾
Yellow	36	15	2	37	13¾
House	37.5	20	2	39	13¼
Brown	38	50	2	No color	12½
Fleshing and/or glue grease No. 1	36	15	1	15	14¼
Fleshing and/or glue grease No. 2	36	40	2	21	13½
No. 1 pig skin and pigsfoot	34	2	1	9	12½
Garbage grease	34	60	3	No color	11
No. 1 horse oil [1]	[2]34	3	1	7	15
No. 2 horse oil [1]	[2]34	15	2	37	13½

[1] Iodine value shall not be less than 70.
[2] Maximum titre.

(a) Materials of less than 40 titre shall be deemed greases and shall be priced only on the basis of the ceiling prices set forth above for greases; and materials of more than 39.9 titre shall be deemed tallows and shall be priced only on the basis of the ceiling prices set forth above for tallows:

(b) Each type or grade of tallow or grease must be designated by the name customarily applied to it by the trade, and must be priced on the basis of the specifications prescribed in this section for such type or grade.

(c) The usual or normal differentials for grades, with specifications other than those listed above, shall continue to apply.

(d) When any of the above-named tallows or greases are sold in drums, barrels, or tierces at buyer's request, the ceiling prices for such tallows or greases shall be the prices set forth above, plus the differentials hereinafter set forth for the type of container in which the tallows or greases are shipped:

Container	*Differentials to be added in cents per pound*
Returnable drums, barrels or tierces	¾
Nonreturnable drums, barrels or tierces	1½

3. A new section 13 is added to the regulation to read as follows:

SEC. 13. *Ceiling prices for imported tallows and greases.* The ceiling prices of imported tallows and greases, with duties and taxes paid, f. o. b. port of entry, shall be the ceiling prices set forth in section 12 of this regulation.

4. A new section 14 is added to the regulation to read as follows:

SEC. 14. *Ceiling prices for exported tallows and greases.* The ceiling prices for exported tallows and greases listed in section 12 of this regulation shall be the ceiling prices listed in such section plus the cost of additional expenses for preparing such tallows and greases for export. These additional costs shall include: sampling, analysis, stenciling of drums, surveying, cartage, lighterage, and pumping to vessels deep tanks.

These additional costs may not exceed a total of one quarter of one cent per pound.

5. A new section 15 is added to the regulation to read as follows:

SEC. 15. *Ceiling prices for fat-bearing and oil-bearing animal waste materials.* Ceiling prices for fat-bearing or oil-bearing animal waste materials are the highest prices at which such materials were delivered to a purchaser of the same class during the period from November 7 to December 7, 1950, inclusive. If such materials were not delivered during this period, the ceiling price shall be the highest price at which such materials were offered for delivery during this period to a purchaser of the same class. This offer must have been in writing. If no such materials were offered for delivery or dealt in during the above period, the ceiling prices for such materials shall be those of the seller's most closely competitive seller of the same class selling the same materials to the same class of purchaser.

6. A new section 16 is added to the regulation to read as follows:

SEC. 16. *Definitions.* (a) Terms used in this regulation shall, unless defined in this section, or unless the context requires a different meaning, have the same meaning as when used in the General Ceiling Price Regulation.

(b) The term "inedible tallows" as used in this regulation means those tallows obtained from the rendering of fats from animals, such as cattle and sheep, as are not considered suitable for human consumption.

(c) The term "inedible greases" as used in this regulation means those greases obtained by rendering fats from hogs. Also, the lower grades of rendered fats, such as those obtained from catch basin skimmings, are termed "greases" regardless of whether the source of the original raw material was from cattle, sheep, or hogs. In general, tallows are firmer in texture than greases, ranging in titre or hardness from 40° to 45° C, while greases range from 34 to 39.9° C titre.

(d) The terms "oil-bearing raw materials and waste animal fat" used by renderers in the production of inedible tallow and greases means those materials including but not limited to butcher shop fats, suet and trimmings; breast fats or rattles; offal; bones, cooked grease, clear, rough or mixed; interceptor or trap grease.

(e) "Rendering" as used in this regulation means the process of separating the oil content from the solid materials in fatty animal tissues.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Effective date. This amendment, except as otherwise herein stated, shall become effective on the 12th day of March 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MARCH 8, 1951.

[F. R. Doc. No. 51-3249; Filed, Mar. 9, 1951; 11:13 a. m.]

[Ceiling Price Regulation 10]

CPR 10—HOUSEHOLD SOAPS AND CLEANSERS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 10 is hereby issued.

STATEMENT OF CONSIDERATIONS

This statement of considerations covers companion ceiling price actions on household soaps, on tallows and greases, the principal raw materials used in manufacturing soap, and on the raw materials from which tallow and grease are made. The ceiling price action on soap is accomplished by a new regulation, CPR 10. That on tallows and greases and their raw materials is accomplished by Amendment 2 to CPR 6.

For convenience, reference is made in the discussion below to "tallow" and the market quotations cited are for the fancy grade of tallow on an f. o. b. basis. Unless the context indicates the contrary, it is to be understood that the description refers to all of the various grades of tallows and greases and that prices of these were moving in their normal relationship, one to another.

Since the outbreak of hostilities in Korea, the prices of tallow and soap have advanced rapidly. When prices were frozen under the General Ceiling Price Regulation, it was inevitable that disparities in the various ceilings should exist, requiring prompt rectification. Broadly speaking, tallow prices had outrun manufacturers' selling prices for soap. The latter in turn had outrun increases at the wholesale and retail levels. Correction of this situation involves the following adjustments:

1. Working out a system of tallow and grease prices which bears a logical relationship to the prices of other fats and oils, and

2. Working out a system of soap prices at the manufacturer, wholesale and retail levels, internally consistent, and bearing a proper relationship to the prices for tallow and grease.

It was necessary that these solutions should be determined within the framework of the obligation of the Office of Price Stabilization to protect the consumer interest on soap, a cost of living commodity.

For some months prior to July of 1950, tallow prices had been severely depressed, and there was indication that this might be a chronic condition. At its low point in June 1950, tallow sold for as little as 5 cents per pound. It had not declined sharply to this figure but rather during the preceding months had drifted down to it from the 6- to 7-cent range. Between June 1950 and January 1951, the price advanced from 5 cents to 18 cents, one of the sharpest advances in the entire commodity field. By this amendment, tallow is rolled back to 15 cents per pound. On this basis, tallow is about 2.75 cents under current loose lard prices, as determined by the General Ceiling Price Regulation. The differential in the first six months of 1950 widened from about 2.6 cents to about 4.9 cents. On an annual basis the average differential in 1947 was about 3 cents, in 1948 about 4 cents and in 1949 about 4.7 cents. Furthermore, after making allowances for the fact that tallow was severely depressed in the pre-Korean period, an advance is permitted fully in line with that permitted on vegetable oils by previous action under CPR 6.

Tallow contracts entered into prior to the effective date of this amendment may be carried out according to their terms. This is an exception to the general policy of the Office of Price Stabilization. It is permitted in the present instance to obviate the hardship which many producers of tallow would suffer if contracts were cut across. Such producers and dealers operate on very short margins and with limited capital. On the other hand, their customers, the soap manufacturers, comprise a much smaller group of larger firms. A number of them carry substantial inventories which will cushion the effect upon cost of the high priced tallow which they absorb pursuant to this provision. Avoiding a hardship to tallow producers and dealers therefore does not represent a transfer of an equivalent burden to their customers.

An important effect of this action will be to make uniform the ceiling prices of all sellers of tallow. Under the General Ceiling Price Regulation there was considerable lack of uniformity, which placed those with low ceilings, relative to their competitors, at a severe disadvantage.

The 15 cent level for tallow is approximately that which prevailed in early December, 1950. To permit renderers to continue to receive a normal margin, this amendment rolls the ceiling prices for shop fats and other tallow-yielding materials back to the levels which prevailed in the first week of December, 1950. These materials are discards to the butcher. They are sold for what they will bring. The effect of this rollback on the over-all operations of these sellers will be of very minor significance.

Prior to reaching the decision to price tallow at the 15 cent level, the Director called a meeting of a representative group of producers, comprised of both meat packers and renderers, which also was attended by a representative of the United States Department of Agriculture. Full expression of views was obtained with respect to each of several alternative tallow price levels, including the one which the Director has adopted.

Inedible tallows and greases comprise the chief fatty material used in the production of soap, in recent years constituting more than 70 percent of the 1.8 billion pounds of all fats and oils used annually in soap manufacture. Individual soap products vary in fat content, with such familiar products as bar toilet soap, usually containing about 85 percent fat, and packaged chips and flakes containing about 75 percent fat. It is apparent therefore that tallow and soap ceilings must be closely integrated.

The discussion which follows refers to the price relationships which have prevailed on tallow and soap since June 1950, and further describes the approximate position of soap manufacturers under the ceiling prices provided by CPR 10.

During the period under review, soap prices have been set by manufacturers in accordance with their normal procedure. Soap prices do not follow the day-by-day changes in the raw materials markets but more closely follow changes in the cost of manufacturers' inventories of such materials. In an advancing tallow market, the cost of current purchases is high relative to the average cost of manufacturers' inventories. If inventories are small, the average is increased more by a high priced purchase than if inventories are large. With each substantial rise in inventory costs, soap prices are raised.

A further factor in determining soap prices, is the price of glycerine, which to the soap manufacturer is a by-product. If glycerine prices are increasing along with tallow prices, the credit on the former becomes an increasingly important offset to the latter.

June 1950 marked the end of a period of months during which soap prices had been stable as had those for tallow. There followed a series of price increases for soap, each reflecting average inventory cost (adjusted for glycerine credit), each falling short of reflecting the current tallow market. The final general advance by the three large soap companies, followed by the rest of the industry, took place on December 8 and on the few days immediately following. The market price of tallow was about 15 cents, and inventories were held at a slightly lower cost. Between December 8 and January 15, tallow continued to advance and prior to the latter date, two of the three largest manufacturers of soap gave notice to this Agency of their intention to advance their prices on soap. At this time the market for tallow was about 17 cents and the inventories of soap manufacturers were held at a slightly lower figure. This increase became effective a week later since the two manufacturers were among the many who were complying with the request of the Director to give 7-days' notice of price advances. The January 20 increase was followed by virtually every manufacturer except one of the three largest. This latter manufacturer likewise filed notice of an increase but the 7-day period had not elapsed when the General Ceiling Price Regulation became effective on January 25.

Under the General Ceiling Price Regulation, as noted above, most sellers of tallow had ceilings of about 18 cents although some had lower ceilings and a few had higher ceilings. It is evident that these ceilings were not fully reflected in the ceiling prices of the soap manufacturers generally and fell far short of being reflected in the ceilings of the one manufacturer who had delayed taking action.

Similarly, since only a few days remained in what was to become the December 19–January 25 base period of the General Ceiling Price Regulation, many wholesalers and retailers did not reflect to their customers the last advances by the soap manufacturers.

Having established the feasibility of reducing tallow prices to the 15 cent level, the Director called a meeting of representative soap manufacturers to obtain their advice on his proposals to reduce their ceiling prices to the levels established on December 8 and of cancelling the advances effective January 20. While the conclusion was reached that such action would be fair and equitable, it is recognized that since tallow prices and soap prices will be reduced proportionately the question remains open whether the profit margins of manufacturers are squeezed at the present time. As noted above, it is indicated that soap prices have not fully reflected advancing tallow costs. Nor does this action reflect any determination with respect to additional burdens imposed by the advancing price of coconut oil (which is not subject to price control), of packaging and other materials, or of direct labor.

A relatively small amount of soap is sold by packagers or brand name owners who purchase the saponified or detergent product from others. Prices for this category of seller have been established so as to reflect December 1950 tallow prices.

Export price ceilings have been established at one quarter of a cent above domestic ceiling prices. This figure will adequately cover exporters' actual costs of preparing tallows and greases for export.

In summary the following are the results which will be accomplished by these price actions:

1. In many cases retailers will be able to reduce their selling prices to the consumer for these important cost-of-living items. Conversely the necessity of an increase in retail prices is avoided.

2. Many retailers and wholesalers are relieved of a serious squeeze on profit margins.

3. Many contract and bid purchasers of soap will be able to secure offerings, with tallow at 15 cents, which were not forthcoming with tallow at 18 cents because of the low ceiling prices of their suppliers under the General Ceiling Price Regulation.

4. Soap manufacturers generally will be left in about the same continuing position relative to tallow prices as they have been under the General Ceiling Price Regulation. It will be necessary for them to absorb high cost tallow purchased under existing contracts and in some cases, in accordance with trade practice, to protect warehouse stocks.

5. It will permit owners of soap brand names and soap packagers to establish prices reflecting December 1950 tallow prices.

6. The status of the renderer is approximately unchanged because of the rollback in the price of both of his raw materials and his finished products.

7. The income of the retail meat dealer is reduced by a very small amount because of the small rollback in prices paid to him for his waste materials by the renderer.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Applicability, effective date, and prohibitions.
3. Ceiling prices for manufacturers of soaps and cleansers.
4. Evasion.
5. Enforcement.
6. Records.
7. Petitions for amendment.
8. Definitions.

AUTHORITY: Sections 1 to 8 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* The purpose of this regulation is to establish specific ceiling prices for manufacturers of household soaps and cleansers. These ceiling prices supersede those established for household soaps and cleansers by the General Ceiling Price Regulation.

SEC. 2. *Applicability and prohibitions—*(a) *Applicability.* The provisions of this regulation are applicable to the United States and the District of Columbia.

(b) *Prohibitions.* After the date of this regulation you shall not sell, and you shall not buy in the regular course of business or trade, at a price exceeding the ceiling prices established by this regulation, any household soaps or cleansers for which a ceiling price or a method for computing a ceiling price is set forth in this regulation.

SEC. 3. *Ceiling prices for manufacturers of household soaps and cleansers.* (a) If you converted tallows and greases into soap, during the month of December 1950, your ceiling prices for household soaps and cleansers are the highest prices at which you made a bona fide offer to deliver such soaps and cleansers to a purchaser of the same class during the month of December 1950. If you did not offer such soaps and cleansers for delivery during the above period, your ceiling prices for such soaps and cleansers shall be those of your most closely competitive seller of the same class selling the same types of soaps and cleansers to the same class of purchaser.

(b) If you did not convert tallows and greases into soap, but purchased the saponified or detergent product from another manufacturer, your ceiling price is the price established in paragraph (a) of this section plus an amount equal to the difference between your last purchasing price prior to December 1950, and your supplier's ceiling price under this regulation.

SEC. 4. *Evasion.* You shall not evade or attempt to avoid the operation of the provisions of this regulation by direct or indirect methods in connection with the purchase, sale, delivery or transfer of household soaps and cleansers or by way of premium, commission, service, transportation or other charge or by trade agreement, trade understanding, or otherwise.

SEC. 5. *Enforcement.* If you violate any provisions of this regulation, you are subject to the criminal penalties, civil enforcement actions, and suits for

damages provided for by the Defense Production Act of 1950.

SEC. 6. *Records.* (a) From the effective date of this regulation, if you sell household soaps and cleansers for which ceiling prices are established by this regulation, you must preserve and keep available for a period of two years accurate records of each sale. Your records must inclule:

(1) Date of each sale;
(2) The name of the purchaser;
(3) The price paid or received;
(4) The grade, quality, and amounts sold.

(b) With respect to commodities covered by this regulation, the record requirements in sections 16 (a) (2) and (3) and 16 (b) of the General Ceiling Price Regulation are hereby superseded.

SEC. 7. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, 15 F. R. 9055.

Sec. 8. *Definitions.* (a) The terms used in this regulation shall, unless defined herein, or unless the context requires a different meaning, have the same meaning as when used in the General Ceiling Price Regulation.

(b) The term "household soaps and cleansers" means any brand or unbranded, cut, packaged, or bulk, soap, soap product, synthetic detergent or cleanser which is customarily sold for household use. Such products may include, but are not limited to:

(1) "Bar toilet soap," meaning any bar or cake soap or synthetic detergent in cake or bar form sold for toilet use.

(2) "Bar laundry soap," meaning any bar soap sold for laundry use, including, but not limited to, white or yellow bar laundry soap.

(3) "Cleanser or scouring powder," meaning any soap product containing soap and/or synthetic detergent, powdered abrasive material with or without alkali builders.

(4) "Package soap," meaning any fine fabric or general laundry soap in the form of chips, flakes, granules, powder or similar forms with anhydrous soap content of 50 per cent or more, or any synthetic detergents in flake, granular, powder or liquid form which have the same use and purpose as such soaps, or products containing a combination of soap and synthetic detergents with or without alkaline builders.

(5) "Washing powders," meaning any soap powders with anhydrous soap content of less than 50 per cent.

(c) "Manufacturer," meaning a person who:

(1) Produces a household soap or cleanser;

(2) Puts a household soap or cleanser into packages or cuts or stamps these products into bars or cakes and sells said packages, bars or cakes under his own or another's brand name; or

(3) Owns the brand name of a household soap or cleanser; or

(4) Uses soap, soap products, soapless detergents or cleansers made by others as a raw material, and by the addition of other materials makes a finished product which is sold for detergent uses.

Effective date: This regulation shall become effective the 12th day of March 1951.

NOTES: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[SEAL] MICHAEL DISALLE,
Director of Price Stabilization.

MARCH 8, 1951.

[F. R. Doc. 51-3250; Filed, Mar. 9, 1951; 11:14 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-5, as amended, March 7, 1951]

M-5—RATED ORDERS FOR ALUMINUM

This amendment to NPA Order M-5, dated February 1, 1951, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-5 by changing the percentage in paragraph (a) of section 5.

As amended, this order now reads as follows:

Sec.
1. What this order does.
2. Aluminum forms and products to which this order applies.
3. Required delivery dates.
4. Rejection of rated orders.
5. Limitations for acceptance of rated orders.
6. Total tonnage limitation for acceptance of rated orders.
7. Distributors and jobbers.
8. Scheduled programs.
9. NPA assistance in placing rated orders.
10. Adjustments and exceptions.
11. Communications.
12. Reports.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interprets or applies sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to primary and secondary producers, fabricators, distributors and jobbers of aluminum and provides rules for placing, accepting, and scheduling rated orders for aluminum. Its purpose is to make possible maximum production of aluminum by reducing to a minimum disruption of normal distribution and by providing equitable distribution of rated orders among all aluminum producers and fabricators and all distributors and jobbers of aluminum. It supplements NPA Reg. 2, but only those provisions of Reg. 2 which are contradictory to this order are superseded, and all other provisions of that order continue to apply to the aluminum industry.

SEC. 2. *Aluminum forms and products to which this order applies.* This order applies to the following forms and products of aluminum.

Rod and bar.
Wire (under ⅜").
Cable (electrical transmission only).
Rivets.
Forgings and pressings (before machining).
Impact extrusions.
Castings.
Rolled structural shapes (angles, channels, zees, tees, etc.).
Extruded shapes.
Sheet, strip and plate.
Slugs.
Foil.
Tubing.
Tube blooms.
Powder (including atomized, granular, flake, paste and pigment).
Ingot, pig, billets, slabs.

SEC. 3. *Required delivery dates.* A rated order for aluminum in the forms listed in section 2 must specify shipment on a particular date or during a particular month, which in no case may be earlier than required by the person placing the order. The producer of aluminum must schedule the order for shipment within the requested month as close to the requested shipment date as is practicable considering the need for maximum production.

SEC. 4. *Rejection of rated orders.* Producers and fabricators of aluminum in the forms listed in section 2 need not accept a rated order which is received less than 60 days prior to the first day of the month in which shipment is requested, unless specifically directed to accept the order by the National Production Authority.

SEC. 5. *Limitations for acceptance of rated orders.* Subject to the tonnage limitation stated in section 6 and unless specifically directed by the National Production Authority:

(a) In order to make provision for a supply of metal to independent fabricators of aluminum, producers of primary aluminum shall accept rated orders from such fabricators up to 11½ percent of their scheduled production each month of primary pig and ingot;

(b) No aluminum producer or fabricator shall be required to accept rated orders for the products listed below for shipment in any one month in excess of the following percentages of his average monthly shipments of such products during the first eight months of 1950:

	Percent
Sheet (coiled and flat), Plate, Circles, and Blanks	40
Extrusions and Tubing	45
Rolled Shapes	30
Rod, Bar, Wire and Cable	35
Forgings and Pressings	60
Castings	40
Secondary Ingots	45
All Other Mill Products, Each	40

SEC. 6. *Total tonnage limitation for acceptance of rated orders.* Unless specifically directed by the National Production Authority:

(a) No producer of primary aluminum shall be required to accept rated orders for shipment in any one month of a total tonnage of aluminum products, including pig and ingot, in excess of 45 percent of his scheduled production in terms of total primary pig tonnage for that month; no producer of secondary aluminum shall be required to accept rated orders for shipment in any one month of a total tonnage of aluminum products, including ingots, in excess of 45 percent of his scheduled production in terms of total ingot tonnage for that month;

(b) No fabricator of aluminum shall be required to accept rated orders for shipment in any one month of a total tonnage of aluminum products in excess of 45 percent of his average monthly shipments during the first 8 months of 1950.

SEC. 7. *Distributors and jobbers.* Unless specifically directed by the National Production Authority, no distributor or jobber of aluminum products shall be required to accept rated orders for shipment in any one month of a total tonnage of aluminum products in excess of 25 percent of the products available to him during such month.

SEC. 8. *Scheduled programs.* The National Production Authority will from time to time approve scheduled programs calling for the production and delivery of aluminum products for stated purposes over specified periods of time. Upon approval of major programs of this type, supplements to this order will be issued describing such programs and specifying the manner in which they are to be carried out by the Aluminum Industry. Thereafter, directives will be issued to individual concerns establishing schedules for their participation in such programs. Such directives shall be complied with by the recipients in accordance with the terms thereof, unless otherwise directed by the National Production Authority.

SEC. 9. *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for aluminum due to the limitations imposed by sections 5, 6 or 7 should apply to the National Production Authority, Light Metals Division, Washington 25, D. C., Ref. M-5, specifying the producers, fabricators, distributors or jobbers who refused to accept the order. The National Production Authority will arrange to assist him in locating sources of supply.

SEC. 10. *Adjustments and exceptions.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an unreasonable hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of national defense. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the reasons why denial of the request could result in undue and exceptional hardship.

SEC. 11. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M-5.

SEC. 12. *Reports.* Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order, as amended, shall take effect on April 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-3234; Filed, Mar. 8, 1951; 5:01 p. m.]

[NPA Order M-34 as amended Mar. 8, 1951]

SOLE LEATHER

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-34 by amending section 4 (d). As amended this order now reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on tanning of sole leather.
4. Restrictions on cutting hides and on cutting and sale of sole leather.
5. Restrictions on sales, deliveries and use of cut stock.
6. Limitation for acceptance of rated orders.
7. NPA assistance in placing rated orders and disposing of inventories of midsoles and innersoles.
8. Adjustments and exceptions.
9. Records.
10. Audit and inspection.
11. Reports.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interprets or applies sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to tanners, cutters and any person who owns or possesses sole leather whole stock, midsoles of military weight and quality or innersoles of military weight and quality. It does not apply to any person whose use of sole leather is confined exclusively to the repairing of shoes for the general public. The purpose of this order is to insure the production of military grade midsoles and innersoles in quantities necessary to meet military requirements. This order prescribes how sole leather must be processed and cut; prohibits the cutting of sole leather unless so cut as to produce the quantities of military grade midsoles and innersoles set forth in Schedule A at the end of this order, which Schedule is hereby made a part of this order; and restricts the sale, delivery, processing or other use of all such soles cut after the effective date of this order, to the filling of orders for military shoes. This order further provides for equitable distribution of rated orders among all sole cutters in order to make possible maximum production of such soles and to reduce to a minimum disruption of normal distribution. In addition it calls for monthly reports by every sole cutter on the quantities of sole leather cut. This order supplements NPA Reg. 2, but only those provisions of Reg. 2 which are inconsistent with this order are superseded and all other provisions of Reg. 2 continue to apply to the sole leather industry.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes agencies of the United States or any other government.

(b) "Sole leather" means vegetable tanned sole leather commercially known as "manufacturers' " type.

(c) "Midsoles of military weight and quality" means men's cut soles of 7 to 8 iron, inclusive, of fine, semi-fine, imperfect fine, and No. 1 scratch grade or as otherwise required by the applicable specifications for military shoes.

(d) "Innersoles of military weight and quality" means men's soles of 5½ to 7½ iron, inclusive, first quality, full grain leather with strong fibre, of quality adapted to innersole use.

(e) "Whole stock" means sole leather sides, backs, bends, crops, strips, shoulders, bellies, and belly centers.

(f) "Sole cutter" means any person who produces outer soles, midsoles, innersoles, blocks, squares, strips, or taps from sole leather, including an independent cutter, a tanner cutter, a packer-tanner cutter, a shoe manufacturer cutter, and a tanner-shoe manufacturer cutter. Such term does not include a person whose use of sole leather is confined exclusively to the repairing of shoes for the general public.

(g) "Military shoes" means shoes required to fill orders for the United States Department of Defense and Coast Guard.

(h) "Put into process" with respect to midsoles and innersoles means the first step taken in the preparation of such cut stock for shoe making or for attachments to shoes or shoe uppers.

(i) "NPA" means National Production Authority.

(j) All trade terms shall have their usual trade significance unless otherwise specified in this order.

SEC. 3. *Restrictions on tanning of sole leather.* No person shall process sole leather except in accordance with the

requirements of Federal Specification KK-L-261C, including any emergency alternate specifications, or amendments thereof.

SEC. 4. *Restrictions on cutting hides and on cutting and sale of sole leather.* (a) No person shall cut bellies from cattle hides processed for sole leather (excluding stags and bulls) except in accordance with standard practice, but bellies weighing 3 pounds or more when finished shall not be cut to measure less than 6 inches across the navel when finished.

(b) No persons shall cut shoulders from cattle hides processed for sole leather (excluding stags and bulls) except in a line running perpendicularly to line of backbone at a point within the limits of the break in the foreflank.

(c) No sole cutter shall cut any whole stock unless such cutting will produce at least the quantities of midsoles of military weight and quality and innersoles of military weight and quality set forth in Schedule A at the end of this order. Counters meeting military specifications may be cut in substitution for innersoles but only to the extent necessary to meet orders for military shoes and in the ratio set forth in said Schedule A. All such midsoles and innersoles shall be cut on Army size dies or commercial patterns fitting the Munson last currently used for the Department of Army, in sizes and widths to fit the sizes of shoes bought on U. S. Army tariffs as issued, or shall be cut in accordance with the shoe order schedules of the Navy or Marine Corps. In the absence of such tariffs or schedules the cut stock to which this order applies shall be of sizes meeting normal commercial cut stock casing practices.

(d) No person shall sell or deliver whole stock to any person other than a sole cutter or a person engaged in the business of selling and delivering whole stock to sole cutters exclusively.

SEC. 5. *Restrictions on sales, deliveries and use of cut stock.* No sole cutter shall, after the effective date of this order, sell, deliver, put into process, or otherwise use any midsoles of military weight and quality or innersoles of military weight and quality which are cut pursuant to section 4, except to fill DO rated orders for military shoes.

SEC. 6. *Limitation for acceptance of rated orders.* Unless otherwise specifically directed by NPA, no sole cutter shall be required to accept DO rated orders for midsoles of military weight and quality or innersoles of military weight and quality for shipment in any one month in excess of his scheduled production of such midsoles or innersoles in that month, in accordance with the provisions of this order.

SEC. 7. *NPA assistance in placing rated orders and disposing of inventories of midsoles and innersoles.* Any person who is unable to place a rated order for midsoles of military weight and quality or innersoles of military weight and quality due to a limitation imposed by section 6 should apply to NPA, Ref. Order M-34, specifying the sole cutters who refused to accept the order. NPA will arrange to assist him in locating sources of supply. A sole cutter may at any time apply to NPA for assistance in disposing of his inventories of midsoles and innersoles which may be accumulated as a result of this order. Provision is made for such requests in the form referred to in section 11.

SEC. 8. *Adjustments and exceptions.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interests of national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought and the justification therefor.

SEC. 9. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories and use, in sufficient detail to permit an audit that determines for each transaction whether the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 10. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 11. *Reports.* (a) Every sole cutter shall on or before the 10th day of each month, commencing March 10, 1951, file with NPA a report on Form NPAF-28, setting forth the number of pieces of sole leather cut and all other information required by such form. The first of such reports shall cover the period from the effective date of this order to and including February 28, 1951. Thereafter each such report shall cover the calendar month immediately preceding the month in which such report is required to be filed.

(b) Persons subject to this order shall make such records and submit such other reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (Pub. Law 831, 77th Cong., 5 U. S. C. 139-139F).

SEC. 12. *Communications.* All communications and reports concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref. M-34.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on March 8, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

Schedule A

From each day's cutting of whole stock (1) the total number of pairs of midsoles of military weight and quality shall be at least equal to the total number of pieces of the respective whole stock part (listed in Column A) cut that day, multiplied by the number of pairs, if any, in Column B set opposite the name of such respective whole stock part, and (2) the total number of pairs of innersoles of military weight and quality shall be at least equal to the total number of pieces of such respective whole stock part cut that day, multiplied by the number of pairs, if any, in Column C, or, in the case of belly and belly center parts, multiplied by the maximum possible number of pairs, as follows:

Column A	*Column B*	*Column C*
Whole stock part	*Pairs of midsoles per piece cut*	*Pairs of innersoles per piece cut*[1]
Bend, any weight[2]	1½	1 (5½ to 7½ iron, incl.).
Crop, any weight	1½	3 (6 to 7½ iron, incl.).
Back, any weight	1½	3 (6 to 7½ iron, incl.).
Belly	0	Maximum possible (5½ to 7½ iron, incl.).
Belly center	0	Maximum possible (5½ to 7½ iron, incl.).
Single shoulder	0	2 (6 to 7½ iron, incl.).

[1] Subject to the provisions of section 4 of Order M-34 (of which this Schedule is a part), counters may be cut in substitution for innersoles to the extent required by military orders in the ratio of two pairs of counters to one pair of innersoles.

[2] Includes bend strips, blocks or squares on the basis of ten pounds equals one bend.

[F. R. Doc. 51-3235; Filed, Mar. 8, 1951; 5:01 p. m.]

Chapter X—Defense Solid Fuels Administration, Department of the Interior

[Order 2605, Amdt. 2]

ORDER 2605—DEFENSE ADMINISTRATIONS FOR MINERALS, POWER, SOLID FUELS, AND FISHERIES

MARCH 6, 1951.

Order No. 2605 (15 F. R. 8718) is revised to read as follows:

Sec.
1. Purpose.
2. Establishment of Administrations.
3. Delegation of authority.
4. Limitations.
5. Policies and procedures.

AUTHORITY: Sections 1 to 5 issued under sec. 704, Pub. Law 774, 81st Cong.

SECTION 1. *Purpose.* The purpose of this order is to establish the Defense Minerals Administration, the Defense Electric Power Administration, the Defense Solid Fuels Administration, and the Defense Fisheries Administration, to carry out the functions vested in the Secretary of the Interior under the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) with respect to metals and minerals, electric power, solid fuels and fishery commodities.

SEC. 2. *Establishment of Administrations.* There are established a Defense Minerals Administration, a Defense Electric Power Administration, a Defense Solid Fuels Administration, and a Defense Fisheries Administration. Each of the defense administrations shall be headed by an Administrator who shall be appointed by the Secretary of the Interior and who shall report and be responsible directly to the Secretary.

SEC. 3. *Delegation of authority.* Except as provided in section 4 of this order, and except as the Secretary of the Interior may otherwise provide, all of the functions and powers vested in the Secretary of the Interior by Executive Order 10161 as amended (15 F. R. 6105, 16 F. R. 61) and by redelegations made to him under that order by appropriate officers of the Government and by redelegations made by the Defense Production Administrator under Executive Order 10200 (16 F. R. 61) may be performed and exercised by:

(a) The Administrator of the Defense Minerals Administration in so far as these functions and powers relate to metals and minerals,

(b) The Administrator of the Defense Electric Power Administration in so far as these functions and powers relate to electric power,

(c) The Administrator of the Defense Solid Fuels Administration in so far as these functions and powers relate to solid fuels, and

(d) The Administrator of the Defense Fisheries Administration in so far as these functions and powers relate to fishery commodities.

SEC. 4. *Limitations.* (a) Section 3 of this order does not authorize any of the Administrators there mentioned to:

(1) Exercise any functions or powers which cannot be redelegated by the Secretary of the Interior under the provisions of Executive Order 10161 or under redelegations pursuant to that order or under redelegations made by the Defense Production Administrator pursuant to Executive Order 10200, or

(2) Redelegate any power or function to any person other than an officer of the agency which the Administrator heads.

(b) With respect to the defense administrations established by this order, the Secretary of the Interior reserves to himself the maintenance of interagency relationships respecting matters which are common to two or more defense administrations, including representation on the policy level with the Office of Defense Mobilization, the Defense Production Administration, the National Production Authority, the Executive Office of the President, other major agencies concerned with defense production, and the Congress.

SEC. 5. *Policies and procedures.* The powers and functions delegated by this order shall be exercised subject to the direction and control of the Secretary of the Interior. This order will be supplemented from time to time by policy and procedural instructions respecting the exercise of powers and performance of functions by the Administrators.

SEC. 6. *Effect on other orders.* This order does not affect section 4 of Order 2509, Order 2596, or Order 2609.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-3148; Filed, Mar. 9, 1951; 8:48 a. m.]

Chapter XI—Defense Electric Power Administration, Department of the Interior

[Order 2605, Amdt. 2]

ORDER 2605—DEFENSE ADMINISTRATIONS FOR MINERALS, POWER, SOLID FUELS, AND FISHERIES

NOTE: For order establishing Defense Electric Power Administration, see F. R. Doc. 51-3148, Chapter X of this title, *supra*.

Chapter XII—Defense Minerals Administration, Department of the Interior

[Order 2605, Amdt. 2]

ORDER 2605—DEFENSE ADMINISTRATIONS FOR MINERALS, POWER, SOLID FUELS, AND FISHERIES

NOTE: For order establishing Defense Minerals Administration, see F. R. Doc. 51-3148, Chapter X of this title, *supra*.

Chapter XIII—Defense Fisheries Administration, Department of the Interior

[Order 2605, Amdt. 2]

ORDER 2605—DEFENSE ADMINISTRATIONS FOR MINERALS, POWER, SOLID FUELS, AND FISHERIES

NOTE: For establishment of Defense Fisheries Administration, see F. R. Doc. 51-3148, Chapter X of this title, *supra*.

Chapter XVII—Housing and Home Finance Agency

[CR 1]

CR 1—RESIDENTIAL CREDIT CONTROLS: POLICY AND PROCEDURE FOR PROCESSING AND APPROVAL OF EXCEPTIONS AND TERMS FOR AREAS AFFECTED BY SAVANNAH RIVER (S. C. AND GA.) AND PADUCAH (KY.) INSTALLATIONS OF THE ATOMIC ENERGY COMMISSION

The following policy and procedure statement is issued pursuant to Reorganization Plan No. 3 of 1947 (61 Stat. 954), sections 601 through 605 and section 704 of Public Law 774, 81st Cong. (64 Stat. 813, 814, 815, 816), sections 501, 502 and 902 of Executive Order 10161, September 9, 1950 (15 F. R. 6106), and the approval and authorization by the Board of Governors of the Federal Reserve System immediately following this statement:

SECTION 1. *Areas of Savannah River (S. C. and Ga.) and Paducah (Ky.) Installations of Atomic Energy Commission.* In the areas of the Savannah River installation and the Paducah, Kentucky, installation of the Atomic Energy Commission the restrictions on residential real estate construction credit imposed by Regulation X of the Board of Governors of the Federal Reserve System and by the related regulations of the Federal Housing Commissioner and the Administrator of Veterans' Affairs have been relaxed to meet the need for housing accommodations to support the development and operation of the installations. The relaxation of these restrictions has been based on housing market field surveys. Exceptions from credit restrictions will be issued in accordance with area program schedules adopted from time to time by the Housing and Home Finance Agency. Such program schedules relate to the location of the housing within the area, the number and types of rental and sales units required, the levels of rentals or sales prices which must be achieved if the housing is to meet the needs of the persons employed or stationed at the installations for whom it is to be made available, and similar factors.

With respect to proposed housing so programmed by the Housing and Home Finance Administrator, real estate credit restrictions of the Board of Governors of the Federal Reserve System, the Federal Housing Commissioner, and the Administrator of Veterans' Affairs have been relaxed to the extent prescribed by such Board and agencies, respectively, subject to such conditions and requirements as are found necessary by the Housing and Home Finance Administrator to assure that the proposed housing will serve the purpose for which the credit restrictions were relaxed.

With respect to housing programmed for rent in accordance with this procedure, the relaxed credit restrictions will be made available only upon the approval by the Housing and Home Finance Administrator of an application submitted to the local field office of the Housing and Home Finance Agency on a form prescribed by the Administrator. This application must be submitted by the

person proposing to construct the housing, and will be approved only if the housing is found by the Administrator to be within reasonable commuting distance of the above Atomic Energy Commission installations. Such person and his successors in interest must agree to such conditions and requirements as are prescribed in the application form and in appropriate regulations or procedures of the Housing and Home Finance Administrator. These conditions and requirements are for the purpose of assuring that the housing will be so built, rented, and occupied as to meet most effectively the housing needs of persons engaged in national defense activities and to best support the development and the operations of the above Atomic Energy Commission installations.

With respect to housing programmed for sale in accordance with the proposed procedure, such housing may be sold for the purchaser's own occupancy or built for the owner-occupant only if the prospective purchaser or owner-occupant has been issued a certificate from the Atomic Energy Commission indicating his eligibility as a person engaged or to be engaged in national defense activities.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title VI, Pub. Law 774, 81st Cong., secs. 501, 502, 902, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Dated: March 6, 1951.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

The Board of Governors of the Federal Reserve System hereby approves, for application in the areas of the Savannah River installation and the Paducah, Kentucky, installation of the Atomic Energy Commission, the policy and procedure described above and, for the purpose of making the policy and procedure applicable to residential real estate construction credit subject to Regulation X (Chapter XV of this title), authorizes the Housing and Home Finance Administrator or his designee to take such administrative action as he determines to be appropriate in carrying out such policy and procedure, including the issuance of specific forms, applications, and regulations.

Dated: March 6, 1951.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-3186; Filed, Mar. 9, 1951; 8:58 a. m.]

[CR 2]

CR 2—RESIDENTIAL CREDIT CONTROLS: REGULATION GOVERNING PROCESSING AND APPROVAL OF EXCEPTIONS AND TERMS FOR AREAS AFFECTED BY SAVANNAH RIVER (S. C. AND GA.) AND PADUCAH (KY.) INSTALLATIONS OF THE ATOMIC ENERGY COMMISSION

The following regulation (HHFA Regulation CR 2) is issued pursuant to Reorganization Plan No. 3 of 1947 (61 Stat. 954), sections 601 through 605 and section 704 of Pub. Law 774, 81st Cong. (64 Stat. 813, 814, 815, 816), sections 501, 502, and 902 of Executive Order 10161, September 9, 1950 (15 F. R. 6105), and the approval and authorization by the Board of Governors of the Federal Reserve System of HHFA CR 1.[1]

GENERAL

Sec.
1. Statement of purpose.
2. What this regulation does.
3. Geographical areas affected.
4. Type of housing eligible.
5. Programming by HHFA.

HOUSING TO BE HELD FOR RENT

6. Who may apply for exception from credit restrictions.
7. Where and how to apply.
8. Standards for approving application.
9. Time within which construction must be begun.
10. Rules and conditions applicable.
11. Certification by Atomic Energy Commission of persons eligible for occupancy.

HOUSING BUILT OR SOLD FOR OWNER-OCCUPANCY

12. Certificates of eligibility for financing, pursuant to relaxed credit terms, of owner-occupied housing for Atomic Energy Commission employees.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title VI, Pub. Law 774, 81st Cong., secs. 501, 502, 902, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

GENERAL

SECTION 1. *Statement of purpose.* In order to reduce serious inflationary pressures and to limit residential construction to a level which can be met with the materials and labor available in the light of national defense requirements, certain restrictions on residential real estate credit have been imposed, with the concurrence of the Housing and Home Finance Administrator, by Regulation X (Chapter XV of this title) issued by the Board of Governors of the Federal Reserve System (hereinafter called the "Board") and by related regulations of the Federal Housing Commissioner and the Administrator of Veterans' Affairs. That action was taken under the authority of Title VI of the Defense Production Act of 1950, approved September 8, 1950, and of Executive Order 10161, issued September 9, 1950. The Housing and Home Finance Administrator has made surveys with respect to the housing needs within the areas affected by the Savannah River installation and the Paducah, Kentucky, installation of the Atomic Energy Commission and has designated such areas, with the concurrence of the Board and in accordance with section 6 (p) of said Regulation X (Chapter XV of this title), as areas for prescribing relaxed credit terms in order to help provide the housing needed to support the development and operation of the two installations. Residential credit controls in the two areas will continue to be administered by the Board with respect to real estate construction credit which is subject to said Regulation X and by the Federal Housing Administration and the Veterans' Administration, respectively, with respect to residential real estate credit assisted under the programs of those two agencies. Accordingly, relaxed or modified credit terms applicable in the Savannah River and Paducah areas are being announced by those agencies for their respective spheres of responsibility.

It is the purpose of this Regulation CR 2, issued by the Housing and Home Finance Agency, to prescribe uniform conditions and procedures under which such relaxed credit terms will be made available in order to assure that the housing financed under the relaxed credit terms authorized by the Board, the Federal Housing Administration and the Veterans' Administration will meet the needs of the persons employed or stationed at the two installations.

SEC. 2. *What this regulation does.* This regulation prescribes, among other things, who may apply for an exception from residential credit restrictions in the areas of the Savannah River and Paducah installations of the Atomic Energy Commission; the type of housing eligible; where and how to apply; the basis on which applications will be approved; the rules which applicants and their successors in interest must abide by with respect to holding and offering certain housing for rent to persons engaged in national defense activities and with respect to rents which may be charged; and the manner in which eligibility will be determined for the occupancy or purchase of housing for which credit restrictions have been relaxed.

SEC. 3. *Geographical areas affected.* The special exceptions from residential credit restrictions for areas affected by the Savannah River and Paducah installations of the Atomic Energy Commission are authorized only for housing which is within reasonable commuting distance from such installations. In the case of housing which is to be held for rent and for which application for exceptions from credit restrictions is made under sections 6 through 11 of this regulation, the Housing and Home Finance Administrator or his designee will determine whether the housing is within reasonable commuting distance. In the case of housing the construction or sale of which is financed in accordance with an exception under section 12 of this regulation, such determination will be made by the Atomic Energy Commission or its designee on the basis of standards concurred in by the Housing and Home Finance Administrator.

SEC. 4. *Type of housing eligible.* The special exceptions from residential credit restrictions for areas affected by the Savannah River and Paducah installations of the Atomic Energy Commission are authorized only for family dwellings which are suitable and intended for year-round occupancy. A family dwelling, for purposes of this regulation, means a house or apartment designed for residential occupancy by two or more persons and which contains kitchen facilities or space designed for kitchen facilities. It does not include hotels, motels, rooming houses, club houses, fraternity or sorority houses, dormitories, or any other structure designed or

[1] See F. R. Doc. 51-3186, *supra*.

used either for transient accommodations or for occupancy by single persons or by non-family groups. Only real property containing a single-family or two-family structure may be financed pursuant to the exceptions governing sales housing referred to in section 12 of this regulation. Housing to be held for rent, and to be financed pursuant to the exceptions governing rental housing set out in sections 6 through 11 of this regulation, may consist of a single-family home or single-family homes (whether detached, semi-detached, or row houses), two- to four-family structures, or other multi-family structures.

SEC. 5. *Programming by HHFA.* As explained in Housing and Home Finance Agency CR 1, relaxations of residential real estate credit restrictions for areas affected by the Savannah River and Paducah installations of the Atomic Energy Commission were based on housing market field surveys by the HHFA and exceptions from credit restrictions will be approved in accordance with schedules of need determined by the HHFA. These program schedules relate to the location of the housing, the number and types of rental and sales units required, the levels of rentals or sales prices which must be achieved if the housing is to meet the needs of the persons employed or stationed at the Atomic Energy Commission installations, and similar factors. Accordingly, exceptions from credit restrictions will be approved on a selective basis pursuant to the procedures, standards, and conditions set out below.

HOUSING TO BE HELD FOR RENT

SEC. 6. *Who may apply for exception from credit restrictions.* With respect to housing programmed by the Housing and Home Finance Administrator for rental occupancy, application for a special defense exception from residential credit restrictions may be made only by a person (including a corporation, partnership, trust, or other legal entity) who is the owner of, or otherwise has effective control over, the land on which there is proposed to be erected a new family dwelling or dwellings which will be held for rental to eligible occupants as defined below. Effective control over the land, for the purposes of this section, includes holding ownership in fee simple, a firm contract to purchase, an option to purchase which may be exercised at the will of the applicant, or a long-term lease for a term of not less than 50 years.

SEC. 7. *Where and how to apply.* Application for an exception from credit restrictions with respect to housing to be held for rental should be made to the appropriate local office of the Housing and Home Finance Administrator at Aiken, South Carolina, or Paducah, Kentucky, on HHFA Form No. H-1051. A separate application should be made for each property or parcel which is intended to be financed separately when construction is completed. An original and three copies of the application form must be submitted for each application. Only the original need be signed. Each application must be accompanied by a letter from a lending institution or other lender stating that such lender intends, if the application is approved, to provide the financing for the residential property, including the proposed improvements, described in the application. Only the original letter or one certified copy need be submitted. If the application is approved, two copies of the application form will be returned to the applicant endorsed to indicate that an exception from the credit restrictions has been approved. One of these copies must be submitted to the lending institution or other lender making the loan. Such lender need not necessarily be the lending institution or proposed lender which furnished the letter which was required to accompany the application. The applicant will also be notified if the application is rejected.

SEC. 8. *Standards for approving application.* As among applications otherwise eligible for approval under the terms of this regulation, applications made under sections 6 through 11 will be approved for dwelling units within a total number consistent with program schedules adopted from time to time by the Housing and Home Finance Administrator pursuant to the surveys and procedures referred to in section 5 above on the basis of achieving a maximum contribution toward filling the needs for rental housing of persons employed or stationed at the Atomic Energy Commission installation which the proposed housing is intended to serve. For this purpose, the Housing and Home Finance Administrator or his designee may consider the size of units in terms of the number of rooms and bedrooms proposed to be provided, the rentals proposed to be charged, the distance between the proposed housing and the Atomic Energy Commission installation, the desirability of the site of the housing in terms of transportation, commercial and community facilities, street improvements and utilities, similar relevant factors, and the order in which applications are filed.

SEC. 9. *Time within which construction must be begun.* When an application for an exception from credit restrictions is approved under sections 6 through 11 of this regulation, construction of the housing described in the application should be begun not later than sixty calendar days after the date of the approval, and should be continued with reasonable diligence thereafter. Unless construction is begun within such sixty-day period and is so continued, the approval automatically expires and becomes null and void. For the purposes of said sections 6 through 11, construction shall be deemed to be begun when any essential materials which are to be an integral part of the structure have been affixed to or incorporated on the site in a permanent form.

SEC. 10. *Rules and conditions applicable.* (a) In the event that an application for an exception from credit restrictions is approved pursuant to sections 6 through 11, the applicant is hereby required, for a period of five years after the completion of the housing, to:

(1) Notify the Housing and Home Finance Agency in writing (i) when the construction of the dwelling unit or units described in the application is begun, and (ii) when any such dwelling unit is completed;

(2) Notify the Atomic Energy Commission installation which the housing is intended to serve, in writing, (i) when any such dwelling unit is completed and (ii) whenever any such dwelling unit is vacated by its occupant;

(3) Publicly offer any such dwelling unit for rent, for a period of at least thirty calendar days after the Atomic Energy Commission has been given any notification with respect to such unit required by subparagraph (2) of this paragraph, to such persons, and only to such persons, as are certified by the Atomic Energy Commission to be eligible to rent such unit, unless the unit has already been rented to such a person;

(4) Charge not more than the rent or rents specified in the application;

(5) Hold the dwelling unit or units for rent unless (i) the property is being sold to a purchaser for investment purposes rather than for his own occupancy, or (ii) prior permission to sell is granted in writing by the Housing and Home Finance Agency, or (iii) a period of at least sixty calendar days has elapsed after the Atomic Energy Commission has been given any notification required by paragraph (2) above and the Commission has failed to certify a person who is willing to rent and public offering has not produced a tenant; and

(6) Require that the purchaser, if the property is sold pursuant to subdivision (i) of subparagraph (5) of this paragraph, agree in writing to abide by all the provisions and conditions set forth in this regulation, including this paragraph, which shall be applicable to all successive sales pursuant to said subdivision (i) of subparagraph (5) of this paragraph made by the first and all successive purchasers for investment purposes.

For the purposes of this section, a dwelling shall be deemed to be completed when, in conformity with general practice in the community, it is ready for occupancy.

The written notifications required to be given by subparagraph (2) of this paragraph shall be deemed to be given as of the date when they are received by the Atomic Energy Commission or, if mailed, as of the date they are postmarked.

(b) No purchaser of property for investment purposes (pursuant to paragraph (a) (5) (i) of this section shall occupy a dwelling unit in such property unless it contains two or more family dwelling units and such purchaser has himself been certified by the Atomic Energy Commission as eligible for occupancy of a dwelling pursuant to section 11 below or unless such occupancy is pursuant to paragraph (c).

(c) Notwithstanding any provision of this section, if a parcel of real property contains five or more family dwelling units required to be held for rent under sections 6 through 11 of this regulation, the owner of said parcel, or a person actually employed as a resident manager or janitor of said dwelling units, may occupy one of such units. Two such

units may be occupied by such owners, resident managers, or janitors if the property required to be held for rent pursuant to said sections contains not less than 20 family dwelling units, and an additional unit may be so occupied for every additional 30 family dwelling units above 20.

(d) Sales in the course of judicial or statutory proceedings in connection with foreclosures are not subject to the provisions of this section.

SEC. 11. *Certification by Atomic Energy Commission of persons eligible for occupancy.* The Atomic Energy Commission, or any officer or employee of said Commission designated by it, is hereby authorized to certify (by the issuance of appropriate certificates of tenancy eligibility) persons who shall be eligible to rent housing for which an exception from credit restrictions has been approved by the Housing and Home Finance Agency pursuant to sections 6 through 11 of this regulation. Such certifications of tenancy eligibility shall be granted only to persons (including, for purposes of said sections 6 through 11, Atomic Energy Commission contractors on behalf of such persons) whom the Atomic Energy Commission (or its designees) determines to be essential, immigrant personnel employed or to be employed by said Commission or its contractors (or stationed at an installation of said Commission) and who are in need of family dwellings. The Atomic Energy Commission (or its designees) is authorized to prescribe such further requirements or conditions of eligibility as it shall determine to be reasonable and in the interest of national defense.

HOUSING BUILT OR SOLD FOR OWNER-OCCUPANCY

SEC. 12. *Certificates of eligibility for financing, pursuant to relaxed credit terms, of owner-occupied housing for Atomic Energy Commission employees.* (a) The Atomic Energy Commission or any officer or employee of the Commission designated by it (hereinafter collectively referred to as the "Commission") is hereby authorized to certify (by the issuance of appropriate certificates of ownership eligibility) persons who shall be eligible to finance the construction or purchase of family dwellings, for their own occupancy, under relaxed residential credit terms prescribed for the Savannah River and Paducah areas by the Board of Governors of the Federal Reserve System, the Federal Housing Commissioner and the Administrator of Veterans' Affairs. Such certificates of ownership eligibility shall be issued only for one- and two-family dwelling properties (whether existing or to be built) determined by the Commission to be within reasonable commuting distance of its installations and shall be issued in accordance with program schedules for sales type houses prescribed by the Housing and Home Finance Administrator from time to time on the basis of the surveys and procedures referred to in section 5 of this regulation. Such certificates shall be granted by the Commission only to persons whom the Commission determines to be essential, in-migrant personnel employed (or to be employed) in permanent positions by the Commission or its contractors; to be in need of family dwellings; and to have declared their intention to occupy at least one family dwelling unit in the property, the construction or purchase of which is financed pursuant to such a certificate of ownership eligibility.

(b) The Commission is authorized to prescribe such further requirements for, or conditions to, the issuance of certificates of ownership eligibility (including conditions governing the expiration or cancellation of such certificates) as it shall determine to be reasonable and in the interest of national defense.

(c) A lending institution or other lender which makes a loan under relaxed residential credit terms pursuant to an exception granted under this section 12 shall obtain from the borrower the certificate of ownership eligibility issued to such borrower by the Atomic Energy Commission.

This regulation is effective March 10, 1951.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 51-3187; Filed, Mar. 9, 1951; 8:58 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 702]

OREGON

RESERVATION OF LANDS FOR THE USE OF THE DEPARTMENT OF THE INTERIOR FOR TIMBER ACCESS-ROAD PURPOSES AND FOR THE PROTECTION AND PRESERVATION OF SCENIC AND RECREATIONAL AREAS

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following-described public lands and revested and reconveyed Oregon and California Railroad Grant lands in Oregon are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws, and reserved for the use of the Department of the Interior for the location of a right of way for a timber access road and for the protection and preservation of scenic and recreational areas in Quartzville Canyon:

WILLAMETTE MERIDIAN

T. 11 S., R. 3 E.,
Sec. 25, W½;
Sec. 26, SE¼;
Sec. 35, NE¼ and S½.
T. 12 S., R. 3 E.,
Sec. 2, NW¼ and NW¼SW¼;
Sec. 3, NE¼ and S½;
Sec. 9, E½;
Sec. 10;
Sec. 21, NW¼, NE¼SW¼, W½NW¼SW¼, and S½SW¼;
Sec. 29, N½NE¼.
T. 11 S., R. 4 E.,
Sec. 19, SW¼, SW¼SE¼.

The areas described aggregate 3,166.44 acres.

OSCAR L. CHAPMAN,
Secretary of the Interior.

MARCH 5, 1951.

[F. R. Doc. 51-3135; Filed, Mar. 9, 1951; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter V—War Claims Commission

Subchapter B—Receipt, Adjudication and Payment of Claims

PART 506—PROVISIONS OF GENERAL APPLICATION

DEPENDENT

Section 506.3 (e) (14 F. R. 7844; 15 F. R. 3452; 16 F. R. 644) is hereby amended to read as follows:

§ 506.3 *Definitions.* • • •

(e) *Dependent.* A husband of a deceased prisoner of war or of a deceased civilian American citizen will be deemed to be dependent if, at the time of the capture or the death of the prisoner of war or of the civilian American citizen, the deceased contributed substantially to the support of such husband.

(Sec. 2, 62 Stat. 1240; 50 U. S. C. App. Sup. 2001)

DANIEL F. CLEARY,
Chairman,
War Claims Commission.

[F. R. Doc. 51-3147; Filed, Mar. 9, 1951; 8:47 a. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR, Part 92]

[Ex Parte No. 179]

RULES AND INSTRUCTIONS FOR INSPECTION AND TESTING OF MULTIPLE-UNIT EQUIPMENT

NOTICE OF PROPOSED RULE MAKING

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 5th day of March A. D. 1951.

Good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted by the Commission to determine what, if any, rules and instructions should be prescribed for the inspection and testing of self-propelled units of equipment designed to carry freight and/or passengers in multiple-unit service operated by a single set of controls;

It is further ordered, That all Class I railroads subject to the Interstate Commerce Act be, and they are hereby, made respondents to this proceeding; that a copy of this order be served on each said respondent and on each national organization of railroad employees, and that notice be given the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register;

And it is further ordered, That this proceeding be conducted under the rule making provisions of the Administrative Procedure Act.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3153; Filed, Mar. 9, 1951; 8:49 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 91]

ORGANIZATION AND FUNCTIONS

MARCH 1, 1951.

Pursuant to the requirements of section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002; 60 Stat. 238), Public Notice 34 (15 F. R. 1461) is amended as follows:

(a) The function of maintaining the seals of the United States and of the Department of State and handling matters pertaining thereto, including processing of presidential appointments, has been transferred from the Protocol Staff of the Executive Secretariat to the Office of Personnel.

(b) In addition to its present duties, the Office of Intelligence Research has been assigned responsibility for directing Department of State participation in the National Intelligence Survey basic research program and for representing the intelligence area with the Central Intelligence Agency and other Governmental agencies engaged in the production of National Intelligence Survey materials.

(c) The following supplementary information is added to the statement regarding organization of the bureaus of the Department: (1) The Bureau of Inter-American Affairs is composed of the Office of the Assistant Secretary, the Office of South American Affairs, the Office of Middle American Affairs, and the Office of Regional American Affairs.

(2) The Bureau of European Affairs is composed of the Office of the Assistant Secretary, the Office of Eastern European Affairs, the Office of Western European Affairs, the Office of British Commonwealth and Northern European Affairs, and the Office of European Regional Affairs.

(3) The Bureau of Far Eastern Affairs is composed of the Office of the Assistant Secretary, the Office of Chinese Affairs, the Office of Northeast Asian Affairs, and the Office of Philippine and Southeast Asian Affairs.

(4) The Bureau of Near Eastern, South Asian, and African Affairs is composed of the Office of the Assistant Secretary, the Office of Greek, Turkish, and Iranian Affairs, the Office of Near Eastern Affairs, the Office of South Asian Affairs, and the Office of African Affairs.

(5) The Bureau of German Affairs is composed of the Office of the Director, the Office of German Political Affairs, the Office of German Economic Affairs, and the Office of German Public Affairs.

(6) The Bureau of United Nations Affairs is composed of the Office of the Assistant Secretary, the Office of International Administration and Conferences, the Office of United Nations Economic and Social Affairs, the Office of Dependent Areas, and the Office of United Nations Political and Security Affairs.

(d) There has been established, under the direction of the Under Secretary of State, a Science Adviser who, except in the field of atomic energy matters:

(1) Participates in the formulation of foreign policy from the standpoint of science and technology.

(2) Provides that, in the administration of international programs and policies, proper consideration is given to scientific and technological aspects.

(3) Serves as a central point of liaison with the National Science Foundation, the National Research Council, the National Academy of Sciences, and other public and private organizations interested in the formulation and administration of policy relating to science and technology.

(4) Coordinates the activities of the Department in the international exchange of basic scientific information.

For the Secretary of State.

H. J. HENEMAN,
Director, Management Staff.

[F. R. Doc. 51-3134; Filed, Mar. 9, 1951; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3722]

EASTERN AIR LINES, INC.

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of whether the mail rate petition of Eastern Air Lines, Inc., filed April 4, 1949, in this proceeding should be dismissed insofar as it requests the fixing of a mail rate for the Miami-San Juan route for the period between July 8, 1947, and April 7, 1948, for lack of jurisdiction, on the ground that the existing mail rate had not been placed in issue by the institution of a rate proceeding affecting it prior to April 7, 1948 (Order E-4090).

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding assigned to be held before the Board on March 12, 1951, is hereby postponed to a date to be later determined.

Dated at Washington, D. C., March 8, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-3198; Filed, Mar. 9, 1951; 9:06 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52634]

PETROLEUM AND PETROLEUM PRODUCTS

TARIFF-RATE QUOTA

MARCH 6, 1951.

Final quantities and allocation of the tariff-rate quotas for the calendar year 1951 on imported crude petroleum and petroleum products (T. Ds. 52559 and 52641).

Treasury Decision 52641 sets forth the estimated quantity of crude petroleum,

topped crude petroleum, and fuel oil derived from petroleum including fuel oil known as gas oil, the product of the countries listed below, which would be entitled to be entered, or withdrawn from warehouse, for consumption at the reduced rate of duty during the calendar year 1951 on an approximated basis.

The Director of the Bureau of Mines has now furnished definite information and the amounts as published below are final:

	Gallons
United States of Venezuela	2,613,137,096
Kingdom of the Netherlands (including its overseas territories)	822,654,271
Other foreign countries	963,429,333
Total	4,399,220,700

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 51-3158; Filed, Mar. 9, 1951; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON

NOTICE FOR FILING OBJECTIONS TO ORDER FOR RESERVATION OF LANDS FOR USE OF THE DEPARTMENT OF THE INTERIOR FOR TIMBER ACCESS-ROAD PURPOSES AND FOR PROTECTION AND PRESERVATION OF SCENIC AND RECREATIONAL AREAS [1]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,
Secretary of the Interior.

MARCH 5, 1951.

[F. R. Doc. 51-3136; Filed, Mar. 9, 1951; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1614]

TENNESSEE GAS TRANSMISSION CO. AND UNITED NATURAL GAS CO.

NOTICE OF APPLICATION

MARCH 6, 1951.

Take notice that Tennessee Gas Transmission Company, a Delaware corporation, with its principal office at Houston, Texas, and United Natural Gas Company, a Pennsylvania corporation, with its principal office at Oil City, Pennsylvania, filed on February 16, 1951, a joint application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities necessary to develop the Oriskany Horizon of the Hebron Field in Potter County, Pennsylvania, for underground storage of natural gas, all as more fully described in the application.

The total over-all capital cost of the proposed new facilities is approximately $7,757,200.

Protests or petitions to intervene should be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 26th day of March 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3161; Filed, Mar. 9, 1951; 8:51 a. m.]

[Docket No. G-1616]

CENTRAL WEST UTILITY CO.

NOTICE OF APPLICATION

MARCH 6, 1951.

Take notice that The Central West Utility Company (Applicant), a Kansas corporation with its principal place of business at Kansas City, Missouri, filed on February 19, 1951:

(1) An application for an order of the Commission under section 7 (a) of the Natural Gas Act directing Panhandle Eastern Pipe Line Company (Panhandle), a natural-gas company subject to the jurisdiction of the Commission and with its principal place of business at Kansas City, Missouri, to establish a physical connection of its transportation facilities with the proposed connecting pipe line of, and to sell additional volumes of natural gas to, Applicant, as described in the petition filed on February 12, 1951, by Kansas City, Missouri, a municipal corporation, In the Matter of Kansas City, Missouri v. Panhandle Eastern Pipe Line Company, Docket No. G-1609.

(2) An application pursuant to section 7 (c) of the act for a certificate of public convenience and necessity authorizing the construction and operation by Applicant of certain natural gas transmission pipe line facilities, or, in the alternative;

(3) A dismissal of the application for a certificate of public convenience and necessity for lack of jurisdiction.

Applicant proposes to construct an 8-inch diameter pipeline extending from the requested point of connection where Panhandle's 8-inch diameter pipeline is reduced to a 6-inch line south of Liberty, Missouri, northwesterly approximately 6½ miles to Applicant's distribution line at the city limits of Kansas City. It is estimated such line will have a capacity of approximately 22,000 Mcf per day.

By means of the proposed facilities, Applicant states it will be able to meet the present and future demands for natural gas of its distribution system in Clay County, Missouri, particularly in an area annexed to Kansas City on January 1, 1950, and certain areas not presently provided with gas service. Applicant alleges Panhandle has not been able to supply it with sufficient gas to meet present and anticipated normal increases in demand for natural gas service in the Missouri territory served by Applicant

The estimated over-all capital cost of the proposed project is approximately $105,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 26th day of March 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3160; Filed, Mar. 9, 1951; 8:51 a. m.]

[Docket No. G-1621]

ATLANTIC SEABOARD CORP.

NOTICE OF APPLICATION

MARCH 7, 1951.

Take notice that Atlantic Seaboard Corporation (Applicant), a Delaware corporation, address, Charleston, West Virginia, filed on February 26, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation on a permanent basis of two interconnections between the transmission pipelines of the Applicant and those of the Transcontinental Gas Pipe Line Corporation. The facilities were installed last December on a 60-day emergency basis pursuant to § 157.14 of the Commission's general rules and regulations. The facilities consist of the pipeline interconnections and the necessary meter runs for measuring the gas. One of the interconnections is located near Rockville, Maryland, and the other near Ellicott City, Maryland. Applicant estimates that the delivery capacity of the two interconnections totals approximately 300,000 Mcf of gas per day.

The Applicant proposes to continue use of the facilities for future emergencies, and the two companies are now negotiating an agreement therefor. Applicant represents that the granting of the certificate would insure more reliable service to the customers of each of the pipeline companies.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before the 26th day of March 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3155; Filed, Mar. 9, 1951; 8:50 a. m.]

[1] See F. R. Doc. 51-3135, Title 43, Chapter I, Appendix, *supra*.

[Docket No. G-1622]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

MARCH 6, 1951.

Take notice that New York State Natural Gas Corporation (Applicant), a New York corporation, address New York City, New York, filed on February 26, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 39.1 miles of 20-inch loop pipeline paralleling the southern part of Applicant's existing Line No. 14 which extends from Applicant's State Line Compressing Station in Potter County, Pennsylvania, to the boundary line between Livingston and Monroe Counties, New York.

Applicant proposes to utilize said facilities to deliver larger quantities of natural gas to meet estimated requirements of its customers who are now supplied from Line No. 14. Applicant estimates the present capacity of its Line No. 14 to be approximately 75,000 Mcf per day of natural gas, and expects that the proposed facilities will enable it to meet a peak load on said line of 117,000 Mcf anticipated in January 1954.

The estimated cost of the proposed facilities is $2,093,700.00. The proposed financing will be with funds to be obtained by sale of Applicant's securities to its parent, Consolidated Natural Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 26th day of March 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3162; Filed, Mar. 9, 1951; 8:51 a. m.]

[Docket No. E-6342]

BLACK HILLS POWER AND LIGHT CO. AND RUSHMORE G. & T. ELECTRIC COOPERATIVE, INC.

NOTICE OF APPLICATION

MARCH 6, 1951.

Take notice that on March 5, 1951, a joint application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Black Hills Power and Light Company, a corporation organized under the laws of the State of South Dakota and doing business in the States of Wyoming and South Dakota, with its principal business office at Rapid City, South Dakota, and Rushmore G. & T. Electric Cooperative, Inc. of Rapid City, South Dakota, seeking an order disclaiming jurisdiction over the transaction hereinafter described, or, in the alternative, an order authorizing the lease of a 10,000 kw unit at Osage, Wyoming. Applicant, Black Hills, proposes to lease said electric facilities for a period of 35 years and will sell and transmit electric power and energy to the cooperative. Applicants assert that the application is filed as a matter of information and said transaction is not, in its opinion, a disposition of facilities by sale, lease, or otherwise, or a merger or consolidation of facilities, or a purchase or acquisition of facilities within the meaning of the Federal Power Act; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 21st day of March 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3159; Filed, Mar. 9, 1951; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25888]

BITUMINOUS FINE COAL FROM MISSOURI TO IOWA

APPLICATION FOR RELIEF

MARCH 7, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3456.

Commodities involved: Bituminous fine coal which has passed through bar screen not exceeding one and one-half inches between bars, or its equivalent, carloads.

From: Mines in northern Missouri.

To: Specified points in Iowa.

Grounds for relief: Circuitous routes and market competition.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3456, Supp. 81.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3149; Filed Mar. 9, 1951; 8:48 a. m.]

[4th Sec. Application 25889]

RAIL-WATER COMMODITY RATES FROM SOUTHERN TERRITORY TO BALTIMORE, MD.

APPLICATION FOR RELIEF

MARCH 7, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 971.

Commodities involved: Various commodities, carloads.

From: Points in southern territory.

To: Baltimore, Md.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 971, Supp. 69.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3150; Filed, Mar. 9, 1951; 8:48 a. m.]

[4th Sec. Application 25890]

COAL FROM THE SOUTHWEST TO IOWA

APPLICATION FOR RELIEF

MARCH 7, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3920.

Commodities involved: Slack coal, which has passed through a bar screen not exceeding one and one-half inches between bars, or its equivalent carloads.

From: Points in Arkansas, Kansas, Missouri, and Oklahoma.

To: Specified points in Iowa.

Grounds for relief: Circuitous routes, market competition, and to maintain grouping.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3920, Supp. 17.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3151; Filed, Mar. 9, 1951; 8:49 a. m.]

[4th Sec. Application 25891]

SODA ASH FROM BATON ROUGE, LA., TO LISTERHILL, ALA.

APPLICATION FOR RELIEF

MARCH 7, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1167.

Commodities involved: Soda Ash, carloads.

From: Baton Rouge and North Baton Rouge, La.

To: Listerhill, Ala.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1167, Supp. 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3152; Filed, Mar. 9, 1951; 8:49 a. m.]

[No. 30765]

ILLINOIS INTRASTATE MULTIPLE-RIDE AND COMMUTATION FARES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 28th day of February A. D. 1951.

It appearing, that a petition was filed on January 8, 1951, by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, a common carrier by railroad operating to and from points in the State of Illinois in interstate and intrastate commerce, averring (a) that its intrastate multiple-ride and commutation passenger fares between Chicago and stations in Illinois are on a basis not exceeding 2 cents per mile; (b) that its interstate 10- and 25-ride multiple passenger fares are on a basis in excess of 2 cents per mile; (c) that because a statute of the State of Illinois prohibits the establishment of intrastate passenger fares exceeding 2 cents per mile the petitioner cannot secure permission from the Illinois Commerce Commission, the State authority regulating passenger fares in such State, to increase intrastate multiple-ride and commutation passenger fares on its railroad, as more fully stated in the petition; (d) that because of inability to increase such intrastate fares the petitioner is being deprived of needed revenue; (e) that no difference in operating, traffic, or other transportation conditions exists which would warrant a different basis of fares for interstate than for intrastate passengers in the Chicago Suburban Area; (f) that transportation of persons at multiple-ride and commutation fares between points in Illinois produces the greater part of petitioner's revenue from suburban passenger operations; (g) that such intrastate fares are unreasonably low; and (h) that the refusal of the Illinois Commerce Commission to permit the petitioner to increase them results, and will continue to result, in undue and unreasonable advantage, preference and undue prejudice as between persons and localities in intrastate commerce in Illinois on the one hand, and interstate commerce on the other, and in unjust and unreasonable discrimination against interstate commerce, in violation of the Interstate Commerce Act;

It further appearing, that the said petition brings in issue rates, fares and charges for transportation of passengers made or imposed by authority of the State of Illinois;

And it further appearing, that the Illinois Commerce Commission on January 22, 1951, filed a statement containing a motion to dismiss the petition herein upon the ground that the petitioning railroad has not exhausted its remedies under the laws of the State of Illinois to secure approval of its proposals to increase intrastate passenger fares, and has not alleged facts sufficient to give the Interstate Commerce Commission jurisdiction in the matter, and it appearing that investigation of the alleged violations of the Interstate Commerce Act should proceed in due course:

It is ordered, That the motion of the Illinois Commerce Commission be, and it is hereby, overruled, without prejudice, pending presentation of evidence;

It is further ordered, That in response to said petition an investigation be, and it is hereby, instituted and that a hearing be held therein to determine whether the multiple-ride and commutation fares of the petitioner for the intrastate transportation of passengers made or imposed by the State of Illinois cause, or will cause, any undue or unreasonable advantage, preference or prejudice as between persons or localities in intrastate commerce on the one hand, and interstate or foreign commerce on the other, or any undue, unreasonable, or unjust discrimination against interstate commerce; and to determine what rates, fares and charges, if any, or what maximum, minimum, or maximum and minimum rates, fares, and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That the Chicago, Milwaukee, St. Paul and Pacific Railroad Company be, and it is hereby, made respondent to this proceeding; that a copy of this order be served upon said respondent; and that the State of Illinois be notified of this proceeding by sending copies of this order and of said petition by registered mail to the Governor of that State and to the Illinois Commerce Commission at Springfield, Illinois;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be set for hearing at such times and places as the Commission may hereinafter direct.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3154; Filed, Mar. 9, 1951; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1296]

RKO PICTURES CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of March A. D. 1951.

The San Francisco Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1.00 Par Value, of RKO Pictures Corporation, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to April 4, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3140; Filed, Mar. 9, 1951; 8:46 a. m.]

[File No. 7-1297]

RKO THEATRES CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of March A. D. 1951.

The San Francisco Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1.00 Par Value, of RKO Theatres Corporation, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to April 4, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3141; Filed, Mar. 9, 1951; 8:46 a. m.]

[File No. 70-2565]

NIAGARA MOHAWK POWER CORP.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of March A. D. 1951.

Niagara Mohawk Power Corporation ("Niagara Mohawk"), a subsidiary of The United Corporation, a registered holding company, having filed an application pursuant to the provisions of section 6 (b) of the Public Utility Holding Company Act of 1935 with respect to the following proposed transactions:

Pursuant to the terms of a loan agreement, Niagara Mohawk proposes to borrow an aggregate of $35,000,000 from time to time during the year 1951 on notes maturing December 31, 1951, but with an option of renewal for a period of an additional year to December 31, 1952. The notes will bear interest at the minimum rate generally being charged by banks in New York City for prime 90-day commercial loans on the day of the notice of the original borrowing under the loan agreement but in no event less than 2¼ percent per annum nor more than 2½ percent per annum. It is further proposed that Niagara Mohawk pay to each of the participating banks a commitment fee at the rate of one quarter of one percent per annum for the period from January 2, 1951, on the average daily difference between the amount of the bank's commitment and the amount borrowed from the bank under the loan agreement. The proceeds from the sale of such notes will be used for the construction of additional utility plant.

By order dated February 27, 1951, the Public Service Commission of the State of New York approved the proposed issue and sale of notes by Niagara Mohawk.

Said application having been filed on January 29, 1951, and the last amendment thereto having been filed on March 2, 1951, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the Act and Rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application be granted:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said Act, that the said application be, and hereby is, granted forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3143; Filed, Mar. 9, 1951; 8:47 a. m.]

[File No. 70-2574]

SOUTHERN CO. ET AL.

NOTICE OF FILING

In the matter of The Southern Co., Alabama Power Co., Georgia Power Co., Gulf Power Co., Mississippi Power Co.; File No. 70-2574.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 6th day of March A. D., 1951.

Notice is hereby given that The Southern Company ("Southern"), a registered holding company, and four of its subsidiaries, namely, Alabama Power Company ("Alabama"), Georgia Power Company ("Georgia"), Gulf Power Company ("Gulf"), and Mississippi Power Company ("Mississippi"), have filed with this Commission a joint application-declaration, and one amendment thereto, under the Public Utility Holding Company Act of 1935 (the "act"). The filing has designated sections 6, 7, 9, 10 and 12 of the act, and Rules U-43 and U-50, promulgated thereunder, as being applicable to the transactions described therein.

Notice is further given that any interested person may, not later than March 19, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. At any time after said date, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said amended joint application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Southern proposes to issue and sell, at competitive bidding pursuant to Rule U-50, one million shares of its authorized but unissued common stock, par value $5 per share. The proceeds from the sale of this common stock, together with treasury funds of Southern to the extent required, are to be invested in the purchase of common stock of four of its subsidiary operating companies in order to assist them in financing their construction programs.

Southern proposes to acquire and the respective subsidiaries propose to issue and sell to Southern common stock as follows: 50,000 shares of additional common stock of Alabama for $5,000,000; 294,400 shares of additional common stock of Georgia for $5,000,000; 40,000 shares of additional common stock of Gulf for $2,000,000; and 75,000 shares of additional common stock of Mississippi for $2,000,000.

The filing indicates that the total construction expenditures of the subsidiary operating companies of Southern (including in addition to the companies hereinbefore named, Birmingham Electric Company) are estimated at approximately $218,100,000 for the years 1951 through 1953, of which approximately $78,200,000 will be expended during 1951, $81,600,000 during 1952 and $58,300,000 during 1953. Of this total construction program approximately $97,700,000 is for the construction of additional generating capacity and related substation equipment and outgoing lines; approximately $29,600,000 for electric transmission lines and substation additions; approximately $74,200,000 for electric distribution system additions; approximately $7,000,000 for construction of additions to rural electric lines; and approximately $9,600,000 for other miscellaneous additions, substantially all to electric properties. The filing states that, based upon the present level of earnings and current expectations with respect to the progress of the contemplated construction programs an aggregate of approximately $122,000,000 will have to be provided before the end of 1953 by the issuance and sale to the public of additional securities of types and in amounts not yet definitely determined.

The joint application-declaration requests that any order of this Commission authorizing the proposed transactions become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3142; Filed, Mar. 9, 1951; 8:47 a. m.]

[File No. 70-2583]

AMERICAN GAS AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 6th day of March A. D. 1951.

Notice is hereby given that American Gas and Electric Company ("American Gas"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 6 (a), 7 and 12 (c) thereof and Rules U-42 and U-50 of the Rules and Regulations promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

American Gas proposes to issue and sell not in excess of 339,832 shares of its presently authorized but unissued $10 par value common stock, the precise number of shares to be issued to be determined on the record date. The stock will be offered to the common stockholders of American Gas of record as of the close of business March 30, 1951, or such later date as the registration statement shall become effective. Stockholders will be given the opportunity to subscribe for one share of common stock for each fifteen shares held and the further conditional privilege to subscribe for shares of additional common stock not required to satisfy subscriptions pursuant to rights. If there are insufficient shares to satisfy all subscriptions pursuant to the conditional privilege, the available shares will be allotted pro rata among those exercising the conditional privilege proportionately to the rights they have exercised.

Subscription rights and conditional purchase privileges will be evidenced by transferrable warrants. No fractional shares of additional common stock will be issued. American Gas will, through its subscription agent, provide facilities for the purchase of such additional rights as are necessary for subscription to one full share of stock or for the sale of subscription rights in excess of those necessary for full shares of stock.

American Gas proposes publicly to invite competitive bids pursuant to Rule U-50 for the purchase at the subscription price of such shares as are not subscribed for, such invitation to request the prospective underwriters to name the amount of compensation to be paid by American Gas for such services. The price per share at which American Gas proposes to offer the common stock to its common stockholders and to underwriters will be determined by American Gas. Prospective underwriters who have qualified will be notified of the subscription price per share as determined by American Gas at least 42 hours prior to the receipt of bids.

The declaration states that American Gas may effect transactions on the New York Stock Exchange, in the open market, or otherwise, for the purpose of stabilizing the price of its common stock during the period commencing with the first business day prior to the date when the price per share is determined up to the time of acceptance of a bid for the common stock.

The declaration states that the proceeds from the sale of common stock will be used to purchase from time to time additional amounts of the equity securities of the company's subsidiaries and for other corporate purposes. Investments in the subsidiaries will enable those companies, in part, to meet their construction programs.

It is further requested that the competitive bidding period be shortened to nine days so that the bids may be received on March 29, 1951.

Notice is further given that any interested person may, not later than March 19, 1951 at 11:30 a. m., e. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any, raised by said declaration, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 19, 1951, at 11:30 a. m., e. s. t., said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said declaration which is on file with this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3144; Filed, Mar. 9, 1951; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925, 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17470]

JAPANESE NATIONALS

In re: Bank account owned by Japanese nationals whose names are unknown. F-39-577.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described in subparagraph 3 hereof is being held by The National City Bank of New York, 55 Wall Street, New York 5, New York, for the account of The National City Bank of New York, Tokyo, Japan;

2. That although the names of the owners of the property described in subparagraph 3 hereof are not available, such persons, who if individuals, there is reasonable cause to believe are residents of Japan and, if partnerships, corporations, associations, or other organizations, there is reasonable cause to believe are organized under the laws of, or have or, on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Japan, are nationals of a designated enemy country (Japan);

3. That the property described as follows: That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York 5, New York, arising out of a current account, entitled, "The National City Bank of New York, Tokyo, Draft Account 'Prior to' ", maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraph 2 hereof, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3118; Filed, Mar. 8, 1951; 8:55 a. m.]

[Vesting Order 17474]

CREDIT SUISSE

In re: Accounts maintained in the name of Credit Suisse, Chur, Switzerland, and owned by persons whose names are unknown. F-63-60 (Chur).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on February 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Accounts maintained in the name of Credit Suisse, Chur, Switzerland

Column I Name and address of institution which maintains account	Column II Designation of account
Credit Suisse New York Agency, 30 Pine St., New York 5, N. Y.	a. General Ruling No. 6 account, and b. Miscellaneous portfolio of bonds; as described by Credit Suisse New York Agency in its report on form OAP-700, bearing its serial No. 20.

[F. R. Doc. 51-3121; Filed, Mar. 8, 1951; 8:56 a. m.]

[Vesting Order 17428]

FREE STATE OF PRUSSIA AND CONVERSION OFFICE FOR GERMAN FOREIGN DEBTS

In re: Accounts and scrip owned by Free State of Prussia and Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden. F-28-2447.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Free State of Prussia is a political subdivision of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, arising out of a coupon deposit account, entitled "Free State of Prussia 6 Percent S. F. G. B. External Loan, due October 15, 1952" which was deposited for the payment of coupons due on and before April 15, 1933, maintained at the office of the aforesaid Brown Brothers Harriman & Co., together with any and all accruals thereto, and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, arising out of a coupon deposit account, entitled "Free State of Prussia 6½ Percent S. F. G. B. External Loan, due September 15, 1951", deposited for the payment of coupons due on and before March 15, 1933, maintained at the office of the aforesaid Brown Brothers Harriman & Co., together with any and all accruals thereto, and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, arising out of a sinking fund redemption account, entitled "Free State of Prussia 6 Percent S. F. G. B. External Loan, due October 15, 1952", maintained at the office of the aforesaid Brown Brothers Harriman & Co., together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Free State of Prussia, the aforesaid political subdivision of a designated enemy country (Germany);

3. That Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the last known address of which is Berlin C111, Germany, is a public corporation organized under the laws of Germany and which is, or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

4. That the property described as follows:

a. That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, arising out of a coupon deposit account, entitled "Free State of Prussia 6 Percent S. F. G. B. External Loan, due October 15, 1952", deposited for the payment of

coupons due on and after October 15, 1933, maintained at the office of the aforesaid Brown Brothers Harriman & Co., together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, arising out of a coupon deposit account, entitled "Free State of Prussia 6½ percent S. F. G. B. External Loan, due September 15, 1951", deposited for the payment of coupons due on and after September 15, 1933, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

c. Those certain Reichsmark certificates of indebtedness of Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, in the aggregate amount of approximately RM 52,065, presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, said certificates of indebtedness having been offered by the said Conversion Office along with the cash funds referred to in subparagraphs 4–a and 4–b above in settlement of coupons due in the second half of 1933 and the first half of 1934 appertaining to the bonds described in said subparagraphs 4–a and 4–b, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 3 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-3163; Filed, Mar. 9, 1951; 8:52 a. m.]

[Vesting Order 17434]

JULIANA FEHLAUER

In re: Estate of Juliana Fehlauer, deceased. File No. D-28-12908; E. T. sec. 17068.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frederick Fehlauer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Juliana Fehlauer, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Adolf Fausak, as administrator, acting under the judicial supervision of the Probate Court for the County of Berrien, Berrien, Michigan;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3165; Filed, Mar. 9, 1951; 8:52 a. m.]

[Vesting Order 17429]

OTTO HARRASSOWITZ

In re: Debts owing to Otto Harrassowitz. F-28-1926-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Harrassowitz, whose last known address is Querstrasse 14, Leipzig, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Otto Harrassowitz, by the University of California, Berkeley, California, representing an account due for books, periodicals, etc., received by said University before June 14, 1941, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation evidenced by a check now in the possession of the Attorney General of the United States, dated August 24, 1939, No. 1602 issued by The New York Trust Company, 100 Broadway, New York, New York, payable to Otto Harrassowitz or order, and any and all rights to demand, enforce and collect the same, together with all rights in, to and under said check, and

c. That certain debt or other obligation owing to Otto Harrassowitz by the University of Chicago, 5750 Ellis Avenue, Chicago 37, Illinois, representing an account due for books, periodicals, etc., received by the said University before June 14, 1941, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-3164; Filed, Mar. 9, 1951; 8:52 a. m.]

[Vesting Order 17437]

BANCO ALEMAN TRANSATLANTICO

In re: Debt owing to Banco Aleman Transatlantico, Madrid, Spain. F-28-1099.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Ueberseeische Bank, A. G., also known as Banco Aleman Transatlantico, and as Banco Alemao Transatlantico, the last known address of which is Fredreichstr. 103, Berlin N. W. 7, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, which has or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany);

2. That Banco Aleman Transatlantico, the last known address of which is Madrid, Spain, is a branch of Deutsche Ueberseeische Bank, A. G., also known as Banco Aleman Transatlantico and as Banco Alemao Transatlantico, and is, or since the effective date of Executive Order 8389, as amended, has been controlled by the aforesaid Deutsche Ueberseeische Bank, A. G., and is a national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of the Sheriff of the City of New York, 31 Chambers Street, New York, New York, arising out of collections by said Sheriff pursuant to a judgment entered in the Supreme Court, New York County, New York, on or about October 5, 1928, in an action entitled, Banco Aleman Transatlantico, Plaintiff v. Cary Fellows Zia, Defendant and appearing on the books and records of said Sheriff's Office as Account numbered 158–12, page 511, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Banco Aleman Transatlantico, Madrid, Spain, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That Banco Aleman Transatlantico, Madrid, Spain, is controlled by, or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3166; Filed, Mar. 9, 1951; 8:52 a. m.]

[Vesting Order 17438]

JOHANNA DIETZE

In re: Bonds and bank account owned by Johanna Dietze also known as Johanna Dietz. F-28-25371-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanna Deitze, also known as Johanna Dietz, whose last known address is 83 Hauptstrasse Jugenheim (Bergstrasse) Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation, matured or unmatured, evidenced by one (1) Illinois Central Railroad Company four percent Gold Bond of 1953, of $1,000.00 face value, bearing the number 11388, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, together with any and all rights in, to and under said bond.

b. That certain debt or other obligation, matured or unmatured, evidenced by one (1) The Atchison, Topeka and Santa Fe Railway Company General Mortgage four percent, one-hundred year Gold Coupon Bonds of $1,0000.00 face value, bearing the number M77552, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, together with any and all rights in, to and under said bond;

c. That certain debt or other obligation, matured or unmatured, evidenced by one (1) The Central Pacific Railway Company First Mortgage Gold Bond, of $1,000.00 face value, bearing the number 2943, in bearer form, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, together with any and all rights in, to and under said bond; and

d. That certain debt or other obligation of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York, New York, arising out of a Cash Custodian Account, entitled Swiss Bank Corporation, Basle, Switzerland, Special Account, Johanna Dietz, FT/je, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Johanna Deitze also known as Johanna Dietz, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3167; Filed, Mar. 9, 1951; 8:52 a. m.]

[Vesting Order 17439]

EMMA FAHLE

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Emma Fahle, deceased. F-28-13541.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Emma Fahle, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The New York Trust Company, 100 Broadway, New York 15, New York, arising out of a blocked special account, numbered A5714, in the name of Monnet, Murnane & Co., maintained at the aforesaid company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Emma

Fahle, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Emma Fahle, deceased, referred to in subparagraph 1 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3168; Filed, Mar. 9, 1951; 8:53 a. m.]

[Vesting Order 17443]

CARL JUNGBLUT

In re: Bonds owned by Carl Jungblut. F-28-31274.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Jungblut, whose last known address is Frankfurt, Main, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by two (2) Chicago, Milwaukee, St. Paul and Pacific Railroad Company Series A 5 percent Convertible Adjustment Mortgage Gold Bonds, due January 1, 2000, of $1,000 face value each, bearing the numbers M27778 and M29847, in bearer form, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with all rights in, to and under said bonds and any and all rights under a Plan of Reorganization of December 1945, of the aforesaid company,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Carl Jungblut, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3170; Filed, Mar. 9, 1951; 8:54 a. m.]

[Vesting Order 17447]

ALIX LOUISE VON SCHENK ZU SCHWEINSBERG

In re: Stock owned by Alix Louise von Schenk zu Schweinsberg, also known as Alix Schenk. F-28-23760.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alix Louise von Schenk zu Schweinsberg, also known as Alix Schenk, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941 has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: Twenty-five (25) shares of $50 par value common stock of Chicago Great Western Railway Company, 309 West Jackson Boulevard, Chicago, Illinois, a corporation organized under the laws of the State of Illinois, evidenced by certificate numbered CO 19251, registered in the name of J. Henry Schroder and Co., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Alix Louise von Schenk zu Schweinsberg, also known as Alix Schenk, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General
Director, Office of Alien Property

[F. R. Doc. 51-3172; Filed, Mar. 9, 1951; 8:55 a. m.]

[Vesting Order 17450]

S. TAKEUCHI ET AL.

In re: Bank accounts owned by S. Takeuchi, Iwakichi Takahashi and Seizaburo Kono. D-39-12357, F-39-6944-E-1, F-39-6931-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That S. Takeuchi, Iwakichi Takahashi and Seizaburo Kono, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to S. Takeuchi by Security First National Bank of Los Angeles, 6th and Spring Streets, Los Angeles 34, California, arising out of a savings account numbered 5907, entitled S. Takeuchi, maintained at the branch office of the aforesaid bank located at Fillmore, California, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Iwakichi Takahashi by Security First National Bank of Los Angeles, arising out of a savings account numbered 5904, entitled Iwakichi Takahashi, maintained at the branch office of the aforesaid bank located at Fillmore, California, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Seizaburo Kono by the Security First National Bank of Los Angeles, arising out of a savings account numbered 5906, entitled Seizaburo Kono, maintained at the branch office of the aforesaid bank located at Fillmore, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3173; Filed, Mar. 9, 1951; 8:55 a. m.]

[Vesting Order 17451]

ALFRED WENTZKY AND CO.

In re: Debt owing to Alfred Wentzky and Company. F-28-12703-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred Wentzky and Company, the last known address of which is Berlin, Tempelhof, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Alfred Wentzky and Company, by The Fellows Gear Shaper Company, 78 River Street, Springfield, Vermont, arising from commissions due the subject national, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3174; Filed, Mar. 9, 1951; 8:55 a. m.]

[Vesting Order 17463]

MARTHA NEUHART

In re: Estate of Martha Neuhart, deceased. File No. F-28-2421; E. T. sec. 17108.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Georg Friedrich Neuhart, also known as Georg Fritz Neuhart, and Michael Manshardt, executor of the last will and testament of Martha Neuhart, deceased, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Jakob Luitpold Gerhard Neuhart, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Martha Neuhart, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Johanna Ruck, ancillary executrix, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof and the issue, names unknown, of Jakob Luitpold Gerhard Neuhart, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3176; Filed, Mar. 9, 1951; 8:55 a. m.]

[Vesting Order 17464]

WALTER NEUHART

In re: Estate of Walter Neuhart, also known as Walther Neuhart, deceased. File No. D-28-12718; E. T. sec. 16898.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Georg Fritz Neuhart, also known as Georg Friedrich Neuhart, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Martha Neuhart, deceased, and Jakob Neuhart, deceased, except Johanna Ruck, a resident of the United States, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, except Johanna Ruck, a resident of the United States, in and to the estate of Walter Neuhart, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Johanna Ruck, as administratrix, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Martha Neuhart, deceased, and Jakob Neuhart, deceased, except Johanna Ruck, a resident of the United States, are not within a designated enemy country, the national

interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3177; Filed Mar. 9, 1951; 8:55 a. m.]

[Vesting Order 17465]

CHRISTIAN PALM

In re: Estate of Christian Palm, also known as Christ Palm and as Christopher Palm, deceased. File No. D-28-7909; E. T. sec. 8651.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Palm and Anna Maria Palm, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Anna Palm, deceased, except Rosine (Rosa) Lebherz and Luise Emilie Knutti, residents of Switzerland, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof and each of them except Rosine (Rosa) Lebherz and Luise Emilie Knutti, residents of Switzerland, in and to the Estate of Christian Palm, also known as Christ Palm and as Christopher Palm, deceased, is properly payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the City Treasurer of the City of New York, New York, as depositary, acting under the judicial supervision of the Surrogate's Court, County of New York, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Anna Palm, deceased, except Rosine (Rosa) Lebherz and Luise Emilie Knutti, residents of Switzerland, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3178; Filed, Mar. 9, 1951; 8:55 a. m.]

[Return Order 895]

GUSTAV ADOLPH BARTEL

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Gustav Adolph Bartel, Bremerhaven, Germany; Claim No. 40241; January 31, 1951 (16 F. R. 920); $129.75 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3180; Filed, Mar. 9, 1951; 8:56 a. m.]

MRS. HERTA BARGUM PRITZL AND EMMERICH PRITZL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Herta Bargum Pritzl, New York, N. Y.; Emmerich Pritzl, Gras, Austria; Claim Nos. 5545 and 5554; the following property to Herta Bargum Pritzl and Emmerich Pritzl as joint tenants; $1,942.85 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of the Attorney General of the United States, as successor to the Alien Property Custodian, in and to General claims and Trust claims presently being processed by the Superintendent of Insurance of the State of New York arising out of Mortgage Participation Certificate No. 135 Series 18957 issued and guaranteed by the Lawyers Mortgage Company on premises 590 Fort Washington Avenue, New York, New York.

Executed at Washington, D. C., on March 6, 1591.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3181; Filed, Mar. 9, 1951; 8:56 a. m.]

OTTO MONHEIMER AND FRIEDA MONHEIMER BELZ

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Otto Monheimer, as Administrator of the Estate of Frieda Monheimer Belz, deceased; Yonkers, N. Y.; Claim No. 33950; $217.09 in the Treasury of the United States. One-sixth of all right, title, interest and claim of any kind or character whatsoever of Heinrich Monheimer and his issue in and to the trust created under paragraph "Ninth" of the will of Sara M. Frank, deceased. One-half of all right, title, interest and claim of any kind or character whatsoever of Frieda Monheimer Belz in and to the trust created under paragraph "Ninth" of the will of Sara M. Frank, deceased. The above-described property is in respect to the share of Hubert Belz in the Estate of Frieda Monheimer Belz, deceased.

Executed at Washington, D. C., on March 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3182; Filed, Mar. 9, 1951; 8:57 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
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VOLUME 16 NUMBER 49

Washington, Tuesday, March 13, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10222

PROVIDING FOR CERTAIN TRANSFERS TO THE FEDERAL CIVIL DEFENSE ADMINISTRATION

By virtue of the authority vested in me by section 404 of the Federal Civil Defense Act of 1950 (Public Law 920, 81st Congress), and as President of the United States, it is ordered as follows:

1. So much of the health services and special weapons defense functions now being performed by the Health Resources Office of the National Security Resources Board as relates to civil defense is hereby transferred to the Federal Civil Defense Administration and shall remain under the jurisdiction of the Federal Civil Defense Administrator until further order of the President.

2. There shall be transferred to the Federal Civil Defense Administration such of the property and records of the National Security Resources Board as relate, as determined jointly by the Chairman of the National Security Resources Board and the Federal Civil Defense Administrator, to the functions transferred by the provisions of paragraph 1 of this order or to other functions now vested in the Federal Civil Defense Administration, and such of the personnel of the Health Resources Office of the National Security Resources Board as the said Chairman and Administrator shall jointly determine to be engaged primarily in the performance of the said transferred functions.

3. This order shall be effective as of March 4, 1951.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 8, 1951.

[F. R. Doc. 51-3327; Filed, Mar. 12, 1951; 10:41 a. m.]

EXECUTIVE ORDER 10223

FURTHER PROVIDING FOR THE PERFORMANCE OF CERTAIN FUNCTIONS UNDER THE DEFENSE PRODUCTION ACT OF 1950

By virtue of the authority vested in me by the Constitution and statutes, including the Defense Production Act of 1950, and as President of the United States and Commander in Chief of the armed forces, the Atomic Energy Commission is hereby designated as an additional guaranteeing agency under section 301 of the Defense Production Act of 1950, and the provisions of sections 301, 302, and 902 of Executive Order No. 10161 of September 9, 1950, as amended, together with the provisions of Executive Order No. 10182 of November 21, 1950, as amended, are hereby made applicable to the Atomic Energy Commission to the same extent as they are applicable to other guaranteeing agencies under section 301 of the Defense Production Act of 1950.

Nothing in this Executive order shall be deemed to supersede any provision of Executive Order No. 10193 of December 16, 1950.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 10, 1951.

[F. R. Doc. 51-3330; Filed, Mar. 12, 1951; 11:28 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[Regulations 130]

PART 40—EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

Sec.

40.0 Scope of regulations in this part.
40.430-1 Scope of tax.
40.430-2 Rate of tax.
40.431-1 Definition of adjusted excess profits net income.
40.432-1 Unused excess profits credit adjustment.
40.433 (a)-1 Excess profits net income for the taxable year.
40.433 (a)-2 Computation of excess profits net income for the taxable year.
40.433 (a)-3 Tax for period of less than 12 months.
40.433 (b)-1 Excess profits net income used in computing average base period net income.
40.433 (b)-2 Computation of excess profits net income.
40.433 (b)-3 Abnormal deductions in base period.
40.434-1 Excess profits credit; allowance.
40.435-1 Excess profits credit based on income; determination of average base period net income.

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NOTE: *Arrangement and numbering.* Each section of the regulations has been given a key number corresponding to the number of the section or subsection of the Internal Revenue Code which the regulations section interprets. Inasmuch as the regulations constitute Part 40 of Title 26 of the Code of Federal Regulations, each key number is preceded by the number 40 and a decimal point. The key number is followed by a dash (-) and the identifying number of the regulations section.

PART I—RATE AND COMPUTATION OF TAX

SEC. 101. IMPOSITION OF EXCESS PROFITS TAX [EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1951].

Effective with respect to taxable years ending after June 30, 1950, chapter 1 of the Internal Revenue Code is hereby amended by adding after section 424 the following new subchapter:

§ 40.0 *Scope of regulations in this part.* (a) The regulations in this part deal with the excess profits tax imposed by the Excess Profits Tax Act of 1950 (subchapter D of chapter 1 of the Internal Revenue Code), which act is referred to in the regulations in this part as the "act," and which tax is referred to in these regulations as the "excess profits tax." Such tax is to be distinguished from the excess profits tax imposed by subchapter E of chapter 2 of the Internal Revenue Code for taxable years beginning after December 31, 1939, and before January 1, 1946.

(b) The regulations in this part, authorized by section 62 of the Internal Revenue Code, are prescribed as a supplement to the income tax regulations applicable generally under the Internal Revenue Code. See Part 29 of this chapter (Regulations 111), applicable to income tax for taxable years beginning after December 31, 1941. The excess profits tax is imposed as a part of the

income tax on corporations under chapter 1 of the Internal Revenue Code, similar to the normal tax and surtax. The normal tax, surtax, and excess profits tax on corporations are reported on the corporation income tax return, and are treated as one tax for all purposes, including assessment, collection, payment, period of limitations, and the consolidated return privilege. See Part 29 of this chapter (Regulations 111) as to the time for filing the return and the payment of tax.

(c) The terms used in the regulations in this part in respect of the excess profits tax have, unless otherwise provided, the same meaning as when used in respect of the income tax in Part 29 of this chapter (Regulations 111). Similarly, all provisions of law (including penalties) applicable in respect of the income tax under Part 29 of this chapter (Regulations 111), are, insofar as not inconsistent with the regulations in this part, applicable in respect of the excess profits tax. Every corporation (except a corporation exempt from excess profits tax under section 454) must file with, and as a part of, its income tax return the applicable schedule with respect to the excess profits tax.

(d) Each section, subsection, or paragraph of the Internal Revenue Code set forth in this part shall be considered as a part of the respective regulations section to which it corresponds.

(e) Except as otherwise indicated, the statutory references in the regulations in this part are to the Internal Revenue Code. As used in the regulations in this part, the word "Code" means the Internal Revenue Code.

SEC. 430. IMPOSITION OF TAX.

(a) *General rule.* In addition to other taxes imposed by this chapter, there shall be levied, collected, and paid for each taxable year ending after June 30, 1950, and beginning before July 1, 1953, upon the adjusted excess profits net income, as defined in section 431, of every corporation (except a corporation exempt under section 454) an excess profits tax equal to whichever of the following amounts is the lesser:

(1) 30 per centum of the adjusted excess profits net income, or

(2) An amount equal to the excess of 62 per centum of the excess profits net income for the taxable year over the tax which would be imposed for the taxable year under sections 13, 14, and 15, supplement G, and supplement Q, whichever are applicable to the taxpayer, computed (subject to section 108 and section 141, if applicable) as if the amount of the normal-tax net income and the amount of the corporation surtax net income (or the amount subject to the rate of tax in such supplement) were equal to the amount of the excess profits net income for such year.

(b) *Taxable years beginning before July 1, 1950, and ending after June 30, 1950.* In the case of a taxable year beginning before July 1, 1950, and ending after June 30, 1950, the tax imposed by subsection (a) shall be an amount equal to that portion of a tentative tax, determined under subsection (a), which the number of days in such taxable year after June 30, 1950, bears to the total number of days in such taxable year.

(c) *Taxable years beginning before July 1, 1953, and ending after June 30, 1953.* In the case of a taxable year beginning before July 1, 1953, and ending after June 30, 1953, the tax imposed by subsection (a) shall be an amount equal to that portion of a tentative tax, determined under subsection (a), which the number of days in such taxable year before July 1, 1953, bears to the total number of days in such taxable year.

(d) *Mutual insurance companies.* In the case of a mutual insurance company other than life or marine, if the gross amount received from interest, dividends, rents, and premiums (including deposits and assessments) is over $75,000 but less than $125,000, the tax imposed under this section shall be an amount which bears the same proportion to the amount ascertained under this section, computed without reference to this subsection, as the excess over $75,000 of such gross amount received bears to $50,000.

(e) *Cross references.* For special rules for computation of the tax imposed by subsection (a) in the case of—

(1) Short taxable years, see section 433 (a) (2);

(2) Corporations engaged in mining of strategic materials, see section 450 (a);

(3) Abnormalities in income in taxable period, see section 456;

(4) Corporations completing contracts under Merchant Marine Act, see section 457.

§ 40.430–1 *Scope of tax.* The excess profits tax is imposed by subchapter D of chapter 1 of the Internal Revenue Code and is in addition to all other taxes imposed by chapter 1. The excess profits tax is imposed upon the adjusted excess profits net income of every corporation, both domestic and foreign, for each taxable year ending after June 30, 1950, and beginning before July 1, 1953, except in the case of certain corporations which are exempt from the tax under the provisions of section 454. A personal service corporation, as defined in section 449, may, if it is not a member of an affiliated group of corporations filing consolidated returns under section 141, elect not to be subject to the excess profits tax, thereby making its income taxable to its shareholders as provided in Supplement S of the Internal Revenue Code. See section 449.

§ 40.430–2 *Rate of tax.*—(a) *In general.* (1) The excess profits tax shall be whichever of the following is the lesser:

(i) An amount equal to 30 percent of the adjusted excess profits net income, or

(ii) An amount equal to the excess of 62 percent of the excess profits net income for the taxable year over the tax which would be imposed for such year under sections 13, 14, and 15, Supplement G, and Supplement Q, whichever are applicable to the taxpayer, computed (subject to section 108, relating to fiscal year taxpayers, and section 141, relating to consolidated returns, if applicable) as if the amount of the normal-tax net income and the amount of the corporation surtax net income (or the amount subject to the rate of tax in such supplement) were equal to the amount of the excess profits net income for such year.

(2) For purposes of section 430 (a) (2) and of subdivision (ii) of subparagraph (1) of this paragraph, the tax which would be imposed under sections 13, 14, and 15, Supplement G, and Supplement Q shall be determined without regard to the credit under section 131 for taxes paid to a foreign country or a possession of the United States. In the case of the calendar year 1950, the tax which would be imposed under section 15 shall be determined without regard to any reduction by reference to the credit provided in section 26 (a), relating to credit for interest on obligations of the United States and its instrumentalities, and therefore shall be equal to the tentative surtax which would be imposed under section 15. Thus, in the case of a taxpayer other than an insurance company or a regulated investment company subject to Supplement G or Supplement Q, the normal tax referred to in section 430 (a) (2) for the calendar year 1950 is 23 percent of the excess profits net income, and the surtax referred to in section 430 (a) (2) for the calendar year 1950 is 19 percent of the amount by which the excess profits net income exceeds $25,000, plus, if a consolidated return is filed, 2 percent of the excess profits net income.

(b) *Taxable years beginning before July 1, 1950, and ending after June 30, 1950.* In the case of any taxable year which begins before July 1, 1950, and ends after June 30, 1950 (including the calendar year 1950), the excess profits tax will be an amount which is proportionate to the part of the year falling after June 30, 1950. The tax will be an amount which is equal to that portion of a tentative tax computed under section 430 (a) and under paragraph (a) of this section as the number of days in the taxable year after June 30, 1950, bears to the total number of days in such year. Thus, in the case of the calendar year 1950, the tax will be 184/365ths of the tentative tax determined under paragraph (a) of this section.

(c) *Taxable years beginning before July 1, 1953, and ending after June 30, 1953.* In the case of a taxable year which begins before July 1, 1953, and ends after June 30, 1953, the excess profits tax will be an amount equal to that portion of a tentative tax determined under section 430 (a) and under paragraph (a) of this section as the number of days in such year prior to July 1, 1953, bears to the total number of days in such year.

(d) *Mutual insurance companies.* If a mutual insurance company, other than life or marine, receives a gross amount from interest, dividends, rents, and premiums (including deposits and assessments) in excess of $75,000 but less than $125,000, the tax imposed under section 430 is an amount which bears the same proportion to the amount of tax otherwise determined under such section, computed without regard to section 430 (d) and the provisions of this paragraph, as the excess over $75,000 of such gross amount received bears to $50,000. For example, assume that a mutual insurance company (other than a life or marine insurance company) receives a gross amount from interest, dividends, rents, and premiums of $115,000, and that its excess profits tax computed under section 430 (a) is $18,000. Under section 430 (d), the excess profits tax imposed under section 430 is $14,400, that is, $\left(\frac{\$115,000-\$75,000}{\$50,000}\right)\times\$18,000$.

(e) *Cross references.* As to the exemption of income in the case of certain corporations engaged in mining strategic minerals, see section 450; as to the excess profits tax in the case of corporations completing contracts under the Merchant Marine Act, see section 457; and in the case of corporations deriving abnormal income in the taxable year, see section 456. For the computation of the excess profits tax for a taxable year of less than 12 months, see the provisions of section 433 (a) (2).

SEC. 431. DEFINITION OF ADJUSTED EXCESS PROFITS NET INCOME.

The term "adjusted excess profits net income" in the case of any taxable year means the excess profits net income (as defined in section 433 (a)) minus the sum of:

(1) *Excess profits credit.* The amount of the excess profits credit allowed under section 434; and

(2) *Unused excess profits credits.* The amount of the unused excess profits credit adjustment for the taxable year computed in accordance with section 432.

If such sum is less than $25,000, it shall be increased to $25,000.

§ 40.431–1 *Definition of adjusted excess profits net income.* Adjusted excess profits net income in the case of any taxable year is excess profits net income, as defined in section 433 (a), minus the sum of (a) the taxpayer's excess profits credit allowed under section 434 and (b) its unused excess profits credit adjustment computed in accordance with section 432. If the sum of the excess profits credit and the unused excess profits credit adjustment is less than $25,000, such sum shall be increased to $25,000.

SEC. 432. UNUSED EXCESS PROFITS CREDIT ADJUSTMENT.

(a) *Computation of unused excess profits credit adjustment.* The unused excess profits credit adjustment for any taxable year shall be the aggregate of the unused excess profits credit carry-overs and unused excess profits credit carry-back to such taxable year.

(b) *Definition of unused excess profits credit.* The term "unused excess profits credit" means the excess, if any, of the excess profits credit for any taxable year ending after June 30, 1950, and beginning before July 1, 1953, over the excess profits net income for such taxable year, computed on the basis of the excess profits credit applicable to such taxable year, and computed without the allowance of any deduction under section 23 (s) (relating to net operating losses). The unused excess profits credit for a taxable year of less than 12 months shall be an amount which is such part of the unused excess profits credit determined under the preceding sentence as the number of days in the taxable year is of the number of days in the 12 months ending with the close of the taxable year. The unused excess profits credit for a taxable year beginning before July 1, 1950, and ending after June 30, 1950, shall be an amount which is such part of the unused excess profits credit determined under the preceding provisions of this subsection as the number of days in such taxable year after June 30, 1950, is of the total number of days in such taxable year. The unused excess profits credit for a taxable year beginning before July 1, 1953, and ending after June 30, 1953, shall be an amount which is such part of the unused excess profits credit determined under the preceding provisions of this subsection as the number of days in such taxable year before July 1, 1953, is of the total number of days in such taxable year. There shall be no unused excess profits credit for any taxable year for which the taxpayer is exempt from taxation under this subchapter.

(c) *Amount of carry-back and carry-over.*—(1) *Unused excess profits credit carry-back.* If for any taxable year beginning after July 1, 1950, the taxpayer has an unused excess profits credit, such unused excess profits credit shall be an unused excess profits credit carry-back for the preceding taxable year.

(2) *Unused excess profits credit carry-over.* If for any taxable year ending after June 30, 1950, the taxpayer has an unused excess profits credit, such unused excess profits credit shall be an unused excess profits credit carry-over for each of the five succeeding taxable years, except that the carry-over in the case of each such succeeding taxable year (other than the first succeeding taxable year) shall be the excess, if any, of the amount of such unused excess profits credit over the sum of the adjusted excess profits net income for each of the intervening taxable years computed—

(A) By determining the unused excess profits credit adjustment for each intervening taxable year without regard to such unused excess profits credit or to any unused excess profits credit for any succeeding year, and

(B) Without regard to the last sentence of section 431.

For the purpose of the preceding sentence the unused excess profits credit for any taxable year beginning after July 1, 1950, shall first be reduced by the amount, if any, of the adjusted excess profits net income for the preceding taxable year computed—

(C) By determining the unused excess profits credit adjustment for such preceding taxable year without regard to such unused excess profits credit, and

(D) Without regard to the last sentence of section 431.

If such preceding taxable year began prior to July 1, 1950, the reduction referred to in the preceding sentence shall be an amount which is such part of the reduction determined under the preceding sentence, or such part of the unused excess profits carry-back for such preceding taxable year, whichever is the lesser, as the number of days in such taxable year after June 30, 1950, is of the total number of days in such preceding taxable year.

(d) *No carry-back to taxable years ending prior to July 1, 1950.* As used in this section the term "preceding taxable year" does not include any taxable year ending prior to July 1, 1950.

(e) *Unused excess profits credit of year of liquidation.* For any taxable year during which the taxpayer (1) completes the distribution of substantially all of its assets in liquidation, or (2) completes the conversion of substantially all of its assets into assets not held in good faith for the purposes of the business, then the unused excess profits credit for such year shall be an amount which is such part of the unused excess profits credit determined under the preceding provisions of this section as the number of days in the taxable year prior to the date of the completion (described in (1) or (2), whichever is earlier) is of the total number of days in the taxable year, and no part of the unused excess profits credit for such year shall be an unused excess profits credit carry-over for any succeeding taxable year.

§ 40.432–1 *Unused excess profits credit adjustment.*—(a) *Unused excess profits credit.* Section 432 provides that the unused excess profits credit for any taxable year ending after June 30, 1950, and beginning before July 1, 1953, is the excess of the corporation's excess profits credit for such taxable year over its excess profits net income for such year computed without regard to the net operating loss deduction and computed on the basis of the excess profits credit applicable to such year. If the taxable year is less than 12 months the unused excess profits credit will be that portion of the unused excess profits credit determined under the general rule as the number of days in the taxable year is of the number of days in the 12-month period ending with the close of the taxable year. If the taxable year began before July 1, 1950, and ends after June 30, 1950, the unused excess profits credit will be an amount which is such portion of the unused excess profits credit determined under the general rule as the number of days in the taxable year after June 30, 1950, is of the total number of days in such taxable year. If the taxable year begins before July 1, 1953, and ends after June 30, 1953, the unused excess profits credit will be an amount which is such portion of the unused excess profits credit determined under the general rule as the number of days in the taxable year before July 1, 1953, is of the total number of days in such taxable year. There shall be no unused excess profits credit for any taxable year for which the taxpayer is exempt under section 454.

(b) *Unused excess profits credit carry-back and carry-over.* (1) The unused excess profits credit determined under section 432 (b) and under paragraph (a) of this section for any taxable year ending after June 30, 1950, will first be carried back to the first preceding taxable year as an unused excess profits credit carry-back. The balance of the unused credit may then be carried over to the five succeeding taxable years as an unused excess profits credit carry-over. If the preceding taxable year ends after June 30, 1950, the unused excess profits credit carry-over to the first succeeding taxable year will be the excess of the unused credit over the adjusted excess profits net income of the preceding taxable year. The adjusted excess profits net income for such preceding taxable year will be determined by computing the unused excess profits credit adjustment for such preceding taxable year without regard to the unused credit carry-back and without regard to the last sentence of section 431 providing for a minimum excess profits credit plus unused excess profits credit adjustment of $25,000.

(2) If the preceding taxable year began prior to July 1, 1950, the amount by which the unused credit is reduced for the purpose of computing the carry-over is an amount which is such part of the reduction determined under subparagraph (1) of this paragraph, or such part of the unused excess profits credit carry-back for such preceding taxable year, whichever is the lesser, as the number of days in such preceding taxable year after June 30, 1950, is of the total number of days in such preceding taxable year.

(3) In determining the unused excess profits credit carry-over to the second, third, fourth, and fifth taxable years, the unused excess profits credit is further reduced by the adjusted excess profits net income for each of the intervening tax-

able years. For such purpose, the adjusted excess profits net income for any intervening taxable year is determined (i) by computing the unused excess profits credit adjustment for such intervening year without regard to such unused credit and without regard to any unused excess profits credit for any year subsequent to the year of such unused credit, and (ii) by disregarding the last sentence of section 431 providing for a minimum excess profits credit plus unused excess profits credit adjustment of $25,000.

(4) For the purpose of computing the unused excess profits credit carry-over, an unused excess profits credit will not be decreased by reference to any taxable year ending prior to July 1, 1950. No unused excess profits credit carry-back to, and no unused excess profits credit carry-over from, any taxable year ended prior to July 1, 1950, is allowed.

(c) *Unused excess profits credit of year of liquidation.* If the taxpayer has distributed substantially all its assets in liquidation, or has converted substantially all its assets into assets not held in good faith for purposes of the business, see section 432 (e).

(d) *Two or more prorations of unused credit.* In any case in which the general rule stated in the first sentence of paragraph (a) of this section is subject to more than one of the special rules in paragraphs (a) and (c) of this section relating to proration of the unused excess profits credit, the special rules shall be applied in the order in which set forth in this section.

SEC. 433. EXCESS PROFITS NET INCOME.

(a) *Taxable years ending after June 30, 1950.* The excess profits net income for any taxable year ending after June 30, 1950, shall be the normal-tax net income, as defined in section 13 (a) (2), for such year increased or decreased by the following adjustments:

(1) *Adjustments*—(A) *Dividends received.* The credit for dividends received shall apply, without limitation (except the limitation relating to dividends in kind), to all dividends on stock of all corporations, except that no credit for dividends received shall be allowed with respect to dividends (actual or constructive) on stock of foreign personal holding companies or dividends on stock which is not a capital asset;

(B) *Disallowance of certain credits.* In computing such normal-tax net income the credits provided in section 26 (b) and (l) shall not be allowed;

(C) *Gains and losses from sales or exchanges of capital assets.* There shall be excluded gains and losses from sales or exchanges of capital assets;

(D) *Income from retirement or discharge of bonds, and so forth.* There shall be excluded, in the case of any taxpayer, income derived from the retirement or discharge by the taxpayer of any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than 6 months, including, in case the issuance was at a premium, the amount includible in income for such year solely because of such retirement or discharge;

(E) *Refunds and interest on Agricultural Adjustment Act taxes.* There shall be excluded income attributable to refund of tax paid under the Agricultural Adjustment Act of 1933, as amended, and interest upon any such refund;

(F) *Deductions on account of retirement or discharge of bonds, and so forth.* If during the taxable year the taxpayer retires or discharges any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than 6 months, the following deductions for such taxable year shall not be allowed:

(i) The deduction allowable under section 23 (a) for expenses paid or incurred in connection with such retirement or discharge;

(ii) The deduction for losses allowable by reason of such retirement or discharge; and

(iii) In case the issuance was at a discount, the amount deductible for such year solely because of such retirement or discharge;

(G) *Recoveries of bad debts.* There shall be excluded income attributable to the recovery of a bad debt if the deduction of such debt was allowable from gross income for any taxable year beginning before January 1, 1940, or beginning after December 31, 1945, and ending before July 1, 1950, or if such debt was properly charged to a reserve for bad debts during any such taxable year;

(H) *Life insurance companies.* In the case of a life insurance company, there shall be deducted from the normal tax net income the excess of (1) the product of (I) the figure determined and proclaimed under section 202 (b) and (II) the excess profits net income computed without regard to this subparagraph, over (2) the adjustment for certain reserves provided in section 202 (c). If the excess profits credit for the taxable year is computed under section 436, there shall be deducted from the normal tax net income only 50 per centum of the amount determined under the preceding sentence;

(I) *Nontaxable income of certain industries with depletable resources.* In the case of a producer of minerals, or a producer of logs or lumber from a timber block, or a lessor of mineral property, or a timber block, as defined in section 453, there shall be excluded nontaxable income from exempt excess output of mines and timber blocks provided in section 453; in the case of a natural gas company, as defined in section 453, there shall be excluded nontaxable income from exempt excess output provided in section 453; and in the case of a producer of minerals, or a producer of logs or lumber from a timber block, there shall be excluded nontaxable bonus income provided in section 453. In respect of nontaxable bonus income provided in section 453 (c), a corporation described in section 453 (c) (2) shall be deemed a producer of minerals for the purposes of this subparagraph;

(J) *Net operating loss deduction adjustment.* The net operating loss deduction shall be adjusted as follows:

(i) In computing the net operating loss for any taxable year under section 122 (a), and the net income for any taxable year under section 122 (b), the deduction for interest shall be reduced by the amount of any reduction under subparagraph (N) or (O), whichever is applicable upon the basis of the excess profits credit for such taxable year; and

(ii) In lieu of the reduction provided in section 122 (c), such reduction shall be in the amount by which the excess profits net income computed with the exceptions and limitations specified in section 122 (d) (1), (2), (3), and (4), and computed without regard to subparagraph (C), without regard to any credit for dividends received, and without regard to any credit for interest received provided in section 26 (a) exceeds the excess profits net income (computed without the net operating loss deduction); and

(iii) If the excess profits credit for the first taxable year under this subchapter is computed under section 435 or is computed under section 436 (a) by use of the historical invested capital determined under section 458, the taxpayer may elect in its return for such taxable year to compute its net operating loss deduction for the purposes of this subsection for all taxable years by treating an amount equal to the base period loss adjustment (as defined in clause (iv)) as a net operating loss carry-over from the last taxable year ending before July 1, 1950, but for such purposes the net income computed under section 122 (b) for any taxable year ending before July 1, 1950, shall be determined without regard to such carry-over;

(iv) For the purposes of clause (iii), the base period loss adjustment shall be the amount of the recent loss adjustment determined under section 437 (f), using the base period as the recent loss period, and computed by limiting the amount of the net operating loss for any taxable year beginning before January 1, 1948, to an amount equal to the net operating loss carry-over from such taxable year to the taxable year immediately succeeding such taxable year; and

(v) If the taxpayer makes the election provided in clause (iii) of this subparagraph, the net operating loss deduction for the purposes of this subsection for each taxable year ending after June 30, 1950 (whether or not the credit for such taxable year is computed under section 435) shall be computed without regard to the net operating loss for any taxable year ending before July 1, 1950, and the net operating loss carry-over specified in clause (iii) of this subparagraph shall not be allowed as a net operating loss carry-over to any taxable year for which the excess profits credit is not computed under section 435 and is not computed under section 436 (a) by use of the historical invested capital determined under section 458;

(K) *Taxes paid by lessee.* If under a lease for a term of more than 20 years entered into prior to December 1, 1950, the lessee is obligated to pay any portion of the tax imposed by this chapter upon the lessor with respect to the rentals derived by such lessor from such lessee, or is obligated to reimburse the lessor for any portion of the tax imposed by this chapter upon the lessor with respect to the rentals derived by such lessor from such lessee, such payment or reimbursement of the tax imposed by this chapter shall be excluded by the lessor and a deduction therefor shall not be allowed to the lessee. For the purposes of this subparagraph an agreement for lease of railroad properties entered into prior to December 1, 1950, shall be considered to be a lease including such term as the total number of years such agreement may, unless sooner terminated, be renewed or continued under the terms of the agreement, and any such renewal or continuance under such agreement shall be considered part of the lease entered into prior to December 1, 1950;

(L) *Bad debts in case of banks.* In the case of a bank (as defined in section 104) using the reserve method of accounting for bad debts, there shall be allowed, in lieu of the amount allowable under the reserve method for bad debts, a deduction for debts which became worthless within the taxable year, in whole or in part, within the meaning of section 23 (k);

(M) *Blocked foreign income.* There shall be excluded income derived from sources within any foreign country to the extent that such income would, but for monetary, exchange, or other restrictions imposed by such foreign country, have been includible in the gross income of the taxpayer for any taxable year which preceded its first taxable year under this subchapter. In determining the taxable year for which income derived from foreign sources would have been includible (but for such restrictions) in cases where specific identification cannot be made, such determinations shall be made in accordance with regulations prescribed by the Secretary. Where income derived from sources within any foreign country is includible (without regard to this sentence) in a taxable year succeeding the first taxable year under this subchapter, and but for monetary, exchange, or other restrictions imposed by such foreign country would have been includible in the gross income of the taxpayer for its first taxable year under this subchapter, such income, in case such first taxable year began before July 1, 1950, shall be considered (in the application of this subparagraph) as having been includible in gross income of a taxable year which preceded such first taxable year in an amount equal to that portion of such income as the number of days prior to July 1, 1950, in such first taxable year bears to the total number of days in such first taxable year. Deductions properly chargeable and allocable to income excluded under this subparagraph shall not be allowed:

(N) *Interest—credit based upon invested capital.* If the excess profits credit for the taxable year is computed under section 436 the deduction for interest shall be reduced by an amount equal to 75 per centum of so much of such interest as represents interest on the indebtedness included in the daily amounts of borrowed capital (determined under section 439 (b)).

(O) *Interest—credit based upon income.* If the excess profits credit for the taxable year is computed under section 435, the deduction for interest shall be reduced by an amount which bears the same ratio to the interest on the indebtedness included in the daily amounts of borrowed capital (determined under section 439 (b)) as the excess of the amount determined under section 435 (g) (3) (C) over the aggregate, divided by the number of days in the taxable year, of the amount determined under section 435 (g) (4) (E) for each day of the taxable year, bears to the average borrowed capital for the taxable year (as defined in section 439 (a)).

(P) *Payments to encourage exploration, development, and mining for defense purposes.* An amount paid to a taxpayer by the United States (or any agency or instrumentality thereof), whether by grant or loan, and whether or not repayable, for the encouragement of exploration, development or mining of critical and strategic minerals or metals pursuant to or in connection with any undertaking approved by the United States (or any of its agencies or instrumentalities) and for which an accounting is made or required to be made to an appropriate governmental agency, and the forgiveness or discharge of any such amount, shall be excluded in computing excess profits net income; and any expenditures (other than expenditures made after the repayment of such grant or loan) attributable to such grant or loan shall not be deductible by the taxpayer as an expense nor increase the basis of the taxpayer's property either for determining gain or loss on sale, exchange, or other disposition or for computing depletion or depreciation, but upon the repayment of any portion of any such grant or loan which has been expended in accordance with the terms thereof such deductions and such increase in basis shall to the extent of such repayment be allowed as if made at the time of such repayment;

(Q) *Income from installment sales, long-term contracts etc.* For adjustment, in the case of a taxpayer making an election provided in section 455, with respect to income derived from installment sales, installment sales obligations, or long-term contracts, see section 455.

(2) *Taxable year less than twelve months*—(A) *General rule.* If the taxable year is a period of less than twelve months the excess profits net income for such taxable year (referred to in this paragraph as the "short taxable year") shall be placed on an annual basis by multiplying the amount thereof by the number of days in the twelve months ending with the close of the short taxable year and dividing by the number of days in the short taxable year. The tax imposed by section 430 shall be such part of the tax computed on such annual basis as the number of days in the short taxable year is of the number of days in the twelve months ending with the close of the short taxable year.

(B) *Exception.* If the taxpayer establishes its adjusted excess profits net income for the period of twelve months beginning with the first day of the short taxable year, computed as if such twelve-month period were a taxable year, under the law applicable to the short taxable year, and using the credits applicable in determining the adjusted excess profits net income for such short taxable year, then the tax for the short taxable year shall be reduced to an amount which is such part of the tax computed on such adjusted excess profits net income so established as the excess profits net income for the short taxable year is of the excess profits net income for such twelve-month period. The taxpayer (other than a taxpayer to which the next sentence applies) shall compute the tax and file its return without the application of this subparagraph. If, prior to one year from the date of the beginning of the short taxable year, the taxpayer has disposed of substantially all its assets, in lieu of the twelve-month period provided in the preceding provisions of this subparagraph, the twelve-month period ending with the close of the short taxable year shall be used. For the purposes of this subparagraph, the excess profits net income for the short taxable year shall not be placed on an annual basis as provided in subparagraph (A), and the excess profits net income for the twelve-month period used shall in no case be considered less than the excess profits net income for the short taxable year. The benefits of this subparagraph shall not be allowed unless the taxpayer, at such time as regulations prescribed hereunder require, makes application therefor in accordance with such regulations, and such application, in case the return was filed without regard to this subparagraph, shall be considered a claim for credit or refund. The Secretary shall prescribe such regulations as he may deem necessary for the application of this subparagraph.

(C) *Section 47 (c) not applicable.* The provisions of section 47 (c) shall not apply to the tax imposed by this subchapter.

§ 40.433 (a)–1 *Excess profits net income for the taxable year.* The excess profits net income computed under section 433 (a) for any taxable year ending after June 30, 1950, is the normal-tax net income increased or decreased by the adjustments provided in section 433 (a) (1). The adjustment provided by section 433 (a) (1) (N) applies exclusively to the case of a taxpayer computing its excess profits credit for the taxable year upon the basis of invested capital under section 436, and the adjustment provided by section 433 (a) (1) (O) applies exclusively to the case of a taxpayer computing its excess profits credit upon the basis of income under section 435. There are also certain differences in the amount of the deduction allowed under section 433) (a) (1) (H) and certain differences in the determination of the net operating loss deduction adjustment under section 433 (a) (1) (J), dependent upon whether the excess profits credit for the taxable year is computed under the income method or under the invested capital method. In general, the other adjustments under section 433 (a) (1) are the same whether excess profits credit is computed under the income method or the invested capital method.

§ 40.433 (a)–2 *Computation of excess profits net income for the taxable year.* (a) Section 433 (a) (1) (A) provides for the allowance, in computing excess profits net income, of a credit for dividends received. The credit is allowed without limitation in the case of dividends received from both domestic and foreign corporations, except that (1) the limitation provided by section 26 (b) with respect to dividends in kind received after August 31, 1950, applies, (2) no credit is allowed with respect to dividends (actual or constructive) on stock of foreign personal holding companies, and (3) no credit is allowed with respect to dividends on stock which is not a capital asset. The credit for dividends received from certain domestic corporations provided for by section 26 (b), for normal-tax purposes, is limited generally to 85 percent of the amount received. Excess profits net income is computed by decreasing normal-tax net income by the excess of the credit computed under section 433 (a) (1) (A) over the credit allowed under section 26 (b) in computing such normal-tax net income. In the case of a dividend received in kind after August 31, 1950, the amount of the dividend for the purpose of section 433 (a) (1) (A) is deemed not to exceed the adjusted basis of the property so distributed in the hands of the distributing corporation at the time of the distribution, increased by the amount of the gain or decreased by the amount of loss recognized to the distributing corporation by reason of such distribution.

(b) Section 433 (a) (1) (B) provides for an adjustment in respect of any credit which may have been allowed under section 26 (h) (relating to the credit for dividends paid on certain preferred stock), or under section 26 (j) (relating to the credit granted Western Hemisphere Trade Corporations), in computing normal-tax net income. The effect of the adjustment is to increase normal-tax net income by the amount of any such credit or credits.

(c) Gains and losses from sales or exchanges of capital assets, whether long-term or short-term, are excluded under section 433 (a) (1) (C) in determining excess profits net income. Such gains and losses are determined under the definitions contained in, and in the manner prescribed by, section 117. Accordingly, excess profits net income is computed by decreasing normal-tax net income by the amount of the net capital gain of the corporation. Thus, if the gains of the corporation described in section 117 (j) exceed the losses described in that section, such gains and losses are considered capital gains and losses, and are included in determining net capital gain for the purpose of the adjustment required by section 433 (a) (1) (C). If the gains described in section 117 (j) do not exceed the losses described in that section, such gains and losses are not considered capital gains and losses, and are not taken into account in computing the adjustment required by section 433 (a) (1) (C). No adjustment under section 433 (a) (1) (C) is required for any net capital loss which is not allowed as a deduction in the computation of normal-tax net income.

(d) In the case of a taxpayer which retires or discharges any bond, debenture, note, or certificate or other evidence of indebtedness outstanding for

more than six months, section 433 (a) (1) (D) requires, for the purpose of computing excess profits net income, that normal tax net income be decreased by the amount of any income derived from such retirement or discharge. Similarly, section 433 (a) (1) (F) requires, for the purpose of computing excess profits net income, that normal-tax net income be increased by the amount of any deductions allowed under section 23 (a) in connection with the retirement or discharge of any such bond, etc., and by the amount of any deduction allowed for losses resulting from such retirement or discharge. In the case of the discharge or retirement of bonds which were issued at a premium, the normal-tax net income is also decreased, under section 433 (a) (1) (D) by the amount of any premium includible in income for such taxable year solely because of the retirement or discharge, but no adjustment is made for any accrued amortization of bond premium for that part of the taxable year which precedes the date of the retirement or discharge. In the case of bonds which were issued at a discount, the normal-tax net income is increased by the amount of discount which was deductible solely because of the retirement or discharge, but no adjustment is made for any accrued amortization of bond discount for that part of the taxable year which precedes the date of the retirement or discharge.

(e) As used in section 433 (a) (1) (D) and (F), the term "indebtedness" includes indebtedness assumed by the taxpayer even though such indebtedness is evidenced, so far as the taxpayer is concerned, only by a contract (which has been outstanding for more than six months) with the person whose liabilities have been assumed. Also, a renewal obligation is to be considered to be outstanding for more than six months if the original obligation and the renewal obligation taken together have been outstanding for a total of more than six months. The term "other evidence of indebtedness" does not include open account book entries.

(f) Under the adjustment provided by section 433 (a) (1) (E), normal-tax net income is decreased by the amount of any income attributable to refund of tax paid under the Agricultural Adjustment Act of 1933, as amended, and any interest upon any such refund. Such refunds include only those made under Title VII of the Revenue Act of 1936 and refunds made to processors under section 15 (a) of the Agricultural Adjustment Act as reenacted by section 601 of the Revenue Act of 1936.

(g) The provisions of section 433 (a) (1) (G) require the exclusion from excess profits net income of any income attributable to the recovery of a bad debt, if either (1) a deduction from gross income was allowable with reference to such debt for any taxable year for which an excess profits tax was not imposed (that is, a taxable year beginning before January 1, 1940, or a taxable year beginning after December 31, 1945, and ending before July 1, 1950), or (2) if such debt was properly charged to a bad debt reserve during any such taxable year. For example, if a deduction of $10,000 from gross income would have been allowable for an addition to the reserve account in the absence of bad debts recovered, which had been charged against the reserve account for the year 1948, and if no deduction is required for the taxable year by reason of such bad debts recovered in the amount of $13,000 and credited to the reserve account, the adjustment of the normal-tax net income for the taxable year under section 433 (a) (1) (G) would be limited to $10,000. In such case, the excess of the bad debt recoveries over the amount which would have been added to the reserve account had there been no such recoveries, i. e., the $3,000, will decrease the amount to be added to the reserve in the following year, and accordingly such amount may be excluded under section 433 (a) (1) (G) in such following year.

(h) In the case of a life insurance company which does not compute its excess profits credit under section 436, normal-tax net income is decreased for the purpose of computing excess profits net income by the adjustment provided in the first sentence of section 433 (a) (1) (H). The amount of such decrease is determined by multiplying the excess profits net income determined without regard to section 433 (a) (1) (H) by the figure determined and proclaimed by the Secretary of the Treasury pursuant to section 202 (b) for the taxable year, and subtracting from the product thus obtained the amount of the adjustment for certain reserves provided by section 202 (c). If the taxpayer computes its excess profits credit upon the basis of invested capital under section 436, only 50 percent of the amount determined in the manner described in the preceding sentence may be deducted from normal-tax net income in computing excess profits net income.

(i) See section 433 (a) (1) (I) for the exclusion of nontaxable income from exempt excess output of mines and timber blocks provided in section 453 in the case of a producer of minerals or a producer of logs or lumber from a timber block, or in the case of a lessor of a mineral property, a coal mining or metal mining property, or a timber block, as defined in section 453; for the exclusion of nontaxable income from exempt excess output provided in section 453 in the case of a natural gas company as defined in section 453; and for the exclusion of nontaxable bonus income provided in section 453 in the case of a producer of minerals or a producer of logs or lumber from a timber block as defined in section 453. A lessor of a mineral property, a coal or metal mining property, or a timber block is not entitled to the benefit of the exclusion for nontaxable bonus income. For the purposes of the exclusion pursuant to the provisions of section 433 (a) (1) (I) of nontaxable bonus income provided in section 453 (c), a corporation described in section 453 (c) (2) as one which extracts or recovers a mineral product from mine tailings and which owns no economic interest in the mineral property from which the ore containing such tailings was mined shall be deemed to be a producer of the minerals so extracted or recovered.

(j) (1) Section 433 (a) (1) (J) provides for recomputation of the net operating loss deduction in computing excess profits net income. The various steps in computing the deduction are to be taken in the same manner and for the same years as are provided in section 122 and in the regulations thereunder, except as otherwise prescribed in the rules set forth in section 433 (a) (1) (J). The exceptions prescribed by section 433 (a) (1) (J) require that, in the computation of the net operating loss for any taxable year under section 122 (a) and in the computation of the net income for any taxable year under section 122 (b), the deduction for interest shall be reduced by the amount of any reduction under section 433 (a) (1) (N) or (O) (relating to interest adjustment with respect to borrowed capital), depending on whether the excess profits credit for such taxable year is based upon invested capital or income, respectively. Furthermore, in lieu of the reduction prescribed in section 122 (c) for converting the aggregate of the net operating loss carry-overs and carry-backs to the taxable year into the net operating loss deduction, the reduction for such purpose shall be the amount by which the excess profits net income for the taxable year in which the deduction is allowable, computed with the exceptions and limitations specified in section 122 (d) (1), (2), (3), and (4) and computed without regard to section 433 (a) (1) (C) (relating to gains and losses from the sale or exchange of capital assets), without regard to any credit for dividends received, and without regard to any credit for interest received provided in section 26 (a) exceeds the excess profits net income for such taxable year (computed without any net operating loss deduction). The net operating loss deduction so computed with the adjustments prescribed by section 433 (a) (1) (J) is deducted to determine excess profits net income, in lieu of the net operating loss deduction otherwise prescribed in sections 23 (s) and 122.

(2) In addition to the foregoing, section 433 (a) (1) (J) provides that if the excess profits credit for the first taxable year ending after June 30, 1950, is computed under section 435 (relating to the excess profits credit based on income), or is computed under section 436 (a) by use of the historical invested capital determined under section 458, the taxpayer may elect in its return (by a statement attached thereto) for such taxable year to compute its net operating loss deduction for all taxable years, for the purpose of computing excess profits net income, by treating an amount equal to the base period loss adjustment (as defined in section 433 (a) (1) (J) (iv)) as a net operating loss carry-over from the last taxable year ending before July 1, 1950, but in such case the net income computed under section 122 (b) for any taxable year ending before July 1, 1950, shall be determined without regard to such carry-over. For the purpose of such treatment, the base period loss adjustment shall be the amount of the recent loss adjustment determined under section 437 (f) by using the base period as the recent loss period, and computed by limiting the amount of the net operating loss for any taxable year beginning before January 1, 1948, to an amount equal to the net operating loss carry-over from such taxable year to the taxable year immediately succeeding such taxable year. If the taxpayer makes the above election, as provided for in section 433 (a) (1) (J) (iii), the net operating loss deduction for each taxable year ending after June 30, 1950 (whether or not the credit for such taxable year is computed under section 435) shall be computed without regard to the net operating loss for any taxable year ending before July 1, 1950. The net operating loss carry-over specified in this paragraph shall not be allowed as a net operating loss carry-over to any taxable year for which the excess profits credit is not computed under section 435 (relating to the excess profits credit based on income) and is not computed under section 436 (a) by use of the historical invested capital determined under section 458.

(3) The application of section 433 (a) (1) (J) (iii)–(v) may be illustrated as follows:

The X Corporation which makes its returns on the basis of the calendar year had net income (as defined in section 437 (f) (2) (B)) and net operating losses (as defined in section 437 (f) (2) (A)), for the calendar years 1944 to 1949, inclusive, as follows:

	Net income	Net operating loss
Years preceding base period:		
1944	$100,000	
1945	50,000	
Base period years:		
1946		($350,000)
1947	50,000	
1948		(15,000)
1949	40,000	

For the purpose of section 433 (a) (1) (J), the net operating loss for 1946 is limited to the amount of the net operating loss carry-over from 1946 to 1947, or $200,000 ($350,000 minus the sum of $100,000 and $50,000). The sum of the $200,000 net operating loss so computed for 1946 and the $15,000 net operating loss for 1948, or $215,000, exceeds the sum of the net income for the base period years ($90,000 for 1947 and $40,000 for 1949, or a total of $130,000) by $85,000. If the excess profits credit for 1950 is determined under section 435 or under section 436 (a) by the use of section 458, the $85,000 so computed may, at the election of the taxpayer made on its return for 1950, be treated as a net operating loss carry-over from 1949, and the $85,000 carry-over will, subject to the provisions of section 122 (b) (2), be a carry-over to the years 1950 and 1951. The net operating loss deduction for 1950 is determined without regard to any other carry-over from a taxable year ending before June 30, 1950, for example the loss for 1948 if such loss exceeded the net income for 1949, and the net operating loss deduction for any subsequent taxable year for which the excess profits credit is computed under neither section 435 nor section 458 is determined without regard to the $85,000 carry-over from the base period. If the taxpayer had a net operating loss for 1950, the amount of the carry-over from 1950 to 1951 and subsequent taxable years would be the net operating loss for 1950 reduced by the net income for 1949, the computation of such net income being unaffected by the determination of a net operating loss carry-over from 1949 under section 433 (a) (1) (J) (iii).

(k) Section 433 (a) (1) (K) provides that if, under a lease for a term of more than 20 years entered into prior to December 1, 1950, the lessee is obligated to pay any portion of the tax imposed by chapter 1 upon the lessor with respect to the rentals derived by such lessor from such lessee, or is obligated to reimburse the lessor for any portion of the tax imposed by chapter 1 upon the lessor with respect to the rentals derived by such lessor from such lessee, such payment or reimbursement of the tax imposed by chapter 1 shall be excluded by the lessor, and a deduction therefor shall not be allowed to the lessee, in computing excess profits net income. For this purpose, an agreement for lease of railroad properties entered into prior to December 1, 1950, shall be considered to be a lease including such term as the total number of years such agreement may, unless sooner terminated, be renewed or continued under the terms of the agreement, and any such renewal or continuance under such agreement shall be considered part of the lease entered into prior to December 1, 1950.

(l) In the case of a bank (as defined in section 104) using the reserve method of accounting for bad debts, section 433 (a) (1) (L) requires an adjustment to normal-tax net income equal to the difference between (1) the amount of the deduction for additions to the reserve for bad debts allowed under section 23 (k) (including, in the case of the taxable year in which the reserve is established, the deduction for the initial credit to the reserve) and (2) the amount that would have been allowable as a deduction under section 23 (k) for bad debts for the taxable year if the bank did not use the reserve method of accounting for bad debts. The adjustment is effected by increasing normal-tax net income by the amount of the deduction allowed under section 23 (k) for the additions to the bad debt reserve for the taxable year and by decreasing normal-tax net income by the amount of the deduction which would be allowable under section 23 (k) for the debts which actually became worthless in the taxable year, in whole or in part.

(m) Section 433 (a) (1) (M) provides for the exclusion of income derived from sources within any foreign country to the extent that such income would, but for monetary, exchange, or other restrictions imposed by such foreign country, have been includible in the gross income of the taxpayer for any taxable year which preceded its first taxable year ended after June 30, 1950. If such foreign income is includible in the gross income of the taxpayer for a taxable year succeeding the first taxable year ended after June 30, 1950, and, but for such restrictions, would have been includible in the gross income of the taxpayer for its first taxable year ended after June 30, 1950, and if such first taxable year began prior to July 1, 1950, such income shall be excluded in an amount which is the same proportion of such income as the number of days prior to July 1, 1950, in such first taxable year is of the total number of days in such first taxable year. Deductions properly chargeable and allocable to the income excluded under section 433 (a) (1) (M) shall not be allowed.

(n) An adjustment for interest on borrowed capital is provided in section 433 (a) (1) (N) in the case of a taxpayer computing its excess profits credit under section 436 (the invested capital method). This adjustment may be illustrated by the case of a taxpayer which has interest of $10,000 for the taxable year on indebtedness which constitutes borrowed capital for such taxable year, such interest of $10,000 being deducted by the taxpayer in computing normal-tax net income. Section 433 (a) (1) (N) requires that 75 percent of this amount, or $7,500, be added to normal-tax net income in computing excess profits net income.

(o) An adjustment for interest on borrowed capital is provided in section 433 (a) (1) (O) in the case of a taxpayer computing its excess profits credit for the taxable year under section 435 (the income method). For example, if the taxpayer referred to in (n) of this section computes its excess profits credit for the taxable year under section 435, if its average borrowed capital for the taxable year was $300,000, and if this amount exceeds by $100,000 its borrowed capital at the beginning of its first taxable year ending after June 30, 1950, then 75 percent of such excess, or $75,000, is the increase in borrowed capital under section 435 (g) (3) (C). If the average of its loans to members of a controlled group for the taxable year is $25,000, and if this amount exceeds by $20,000 the amount of such loans on the first day of its first taxable year ending after June 30, 1950, then 75 percent of such excess, or $15,000, is the amount determined by reference to section 435 (g) (4) (E). The excess of the $75,000 determined under section 435 (g) (3) (C) over the $15,000 determined under section 435 (g) (4) (E), or $60,000, is 20 percent of its average borrowed capital of $300,000 for the taxable year. Accordingly, section 433 (a) (1) (O) requires that excess profits net income be computed by increasing normal-tax net income by 20 percent of the $10,000 deduction for interest on borrowed capital, or $2,000.

(p) Special adjustments to normal-tax net income are required in the case of a taxpayer which has received a grant or loan described in section 433 (a) (1) (P) from the United States (or from any agency or instrumentality of the United States) for the encouragement of exploration, development, or mining of critical and strategic minerals or metals.

(q) For adjustments under section 433 (a) (1) (Q), in the case of a taxpayer making the election provided in section 455 with respect to income derived from installment sales, installment sales obli-

gations, or long-term contracts, see section 455.

§ 40.433 (a)-3 *Tax for period of less than 12 months*—(a) *Methods of computing tax for short taxable year; allowance.* Section 433 (a) (2) provides rules, under a general rule and under an exception to such rule, which are applicable to short taxable years for the purpose of determining 12 months' experience and computing the excess profits tax for such year. A short taxable year is any taxable period of less than 12 months. If the period from the date of incorporation of a corporation to the end of its first accounting period, or the period from the beginning of its last accounting period to the date it ceases operations and is dissolved, retaining no assets, is a period of less than 12 months, such period is a short taxable year. The tax imposed by section 430 (a) for the short taxable year shall be computed under paragraph (b) of this section, except as otherwise provided in paragraph (c) of this section. The provisions of section 47 (c) are not applicable to the excess profits tax.

(b) *General rule.* Section 433 (a) (2) (A) provides that the excess profits net income for a short taxable year shall be placed on an annual basis by multiplying the amount thereof by the number of days in the 12 months ending with the close of the short taxable year and dividing by the number of days in the short taxable year. A tentative tax shall then be computed under section 430 (a) as though the excess profits net income were the amount so ascertained under the preceding sentence. The tentative tax is the tax so computed under paragraph (1) or (2) of section 430 (a), whichever is the lesser amount. The actual tax for the short taxable year shall be an amount which bears the same ratio to such tentative tax as the number of days in the short taxable year bears to the total number of days in the 12 months ending with the close of the short taxable year.

(c) *Exception; tax for short period determined by actual 12-month adjusted excess profits net income.* (1) If the taxpayer applies to the Commissioner in the manner provided in paragraph (d) of this section to have its tax computed under the provisions of section 433 (a) (2) (B), and if the taxpayer establishes the amount of its adjusted excess profits net income, computed for the 12-month period hereinafter described and under the rules hereinafter prescribed, then section 433 (a) (2) (B) provides that the tax for the short taxable year shall be reduced to an amount which is such part of the tax computed on the basis of the adjusted excess profits net income which the taxpayer has established for such 12-month period as the excess profits net income for the short taxable year is of the excess profits net income for such 12-month period. If such amount, however, is greater than the tax computed under paragraph (b) of this section, the tax for the short taxable year is the tax computed under paragraph (b) of this section. The 12-month period referred to above is the 12-month period beginning with the first day of the short taxable year, except that if the taxpayer has disposed of substantially all its assets prior to the end of such 12-month period, then it is the 12-month period ending with the last day of the short taxable year. If a corporation ceases business and distributes so much of the assets used in its business that it cannot resume its customary operations with the remaining assets, it has disposed of substantially all of its assets.

(2) In computing the tax under section 433 (a) (2) (B), the excess profits net income for the short taxable year is not placed on an annual basis as provided in section 433 (a) (2) (A). The adjusted excess profits net income for the 12-month period is computed under the same provisions of law as are applicable to the short taxable year, with the use of the credits applicable in determining the adjusted excess profits net income for such short taxable year (as if this section were not applicable), and is computed as if the 12-month period were an actual accounting period of the taxpayer. All items which fall in such 12-month period must be included even if they are extraordinary in amount or of an unusual nature. The adjustments provided in section 433 (a) (1) under the law applicable to such short taxable year shall be made upon the basis of the normal-tax net income for such 12-month period. The apportionment of items to such 12-month period shall be made in accordance with the method and principles applicable under § 29.47-2 (b) of Regulations 111. The excess profits net income for the 12-month period used shall in no case be considered less than the actual excess profits net income for the short taxable year.

(d) *Application to compute tax under section 433 (a) (2) (B).* A taxpayer desiring the benefit of section 433 (a) (2) (B) must file an application therefor. If at the time the return for the short taxable year is filed the taxpayer is able to determine that the 12-month period ending with the close of the short taxable year will be used in the computations under section 433 (a) (2) (B), then the tax on the return for the short taxable year may be determined under the provisions of section 433 (a) (2) (B). In such a case, an excess profits tax schedule covering the 12-month period shall be attached to the return as a part thereof, and the return will then be considered the application for the benefits of section 433 (a) (2) (B) required by that section. In all other cases, the taxpayer shall file its return and compute its tax as provided in (b) of this section, and the application for the benefit of section 433 (a) (2) (B) shall be made in the form of a claim for credit or refund if the tax computed under section 433 (a) (2) (A) has been paid, or, if the tax computed under section 433 (a) (2) (A) has not been paid, the application shall consist of a notice to the Commissioner setting forth the facts involved together with an excess profits tax schedule covering the 12-month period used. The claim or other application for the benefit of section 433 (a) (2) (B) shall set forth the computation of the adjusted excess profits net income and the tax thereon for the 12-month period and, if credit or refund is sought for taxes paid before the application for the benefit of section 433 (a) (2) (B) is filed, the claim must be filed not later than June 15, 1951, or the time prescribed for filing the return for the first taxable year (or for the period which would be its taxable year if it continued in existence) ending with or after the twelfth month after the beginning of the short taxable year, whichever date is later. For example, the taxpayer changes its accounting period from the calendar year to the fiscal year ending September 30, and files a return for the period from January 1, 1950, to September 30, 1950. At the time it files its return, it pays the tax computed thereon under the provisions of section 433 (a) (2) (A). Its claim for credit or refund of the overpayment which would result from the application of section 433 (a) (2) (B) must be filed not later than the time prescribed for filing its return for the first taxable year which ends on or after the last day of December 1950, the twelfth month after the beginning of the short taxable year. In this case, the taxpayer must file its claim for credit or refund not later than December 15, 1951, the time prescribed for filing the return for its fiscal year ending September 30, 1951. However, if it obtains an extension of time for filing the return for such fiscal year, it may file its claim during the period of such extension. If the Commissioner determines that the taxpayer has established the amount of the adjusted excess profits net income for the 12-month period, any excess of the tax paid for the short taxable year over the tax computed under section 433 (a) (2) (B) will be credited or refunded to the taxpayer in the same manner as in the case of any other overpayment. An application for the benefit of section 433 (a) (2) (B), other than a claim for credit or refund, made in any case in which the tax liability computed under section 433 (a) (2) (A) has not been paid, may be filed at any time before the tax liability for the taxable year is finally determined. Such application does not constitute a claim for credit, refund, or abatement. If credit or refund is sought for taxes paid after such application is filed, a claim therefor on Form 843 should be filed after such payment and within the period prescribed in section 322.

SEC. 433. EXCESS PROFITS NET INCOME.

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(b) *Taxable years in base period.* For the purposes of computing the average base period net income, the excess profits net income for any taxable year shall be the normal-tax net income, as defined in section 13 (a) (2) as in effect for such taxable year, increased or decreased by the following adjustments (for additional adjustments in case of certain reorganizations, see part II of this subchapter):

(1) *Net operating loss deduction.* The net operating loss deduction provided by section 23 (s) shall not be allowed;

(2) *Gains and losses from sales or exchanges of capital assets, etc.* There shall be excluded gains and losses from sales or exchanges of capital assets and gains and losses to which section 117 (j) is applicable;

(3) *Income from retirement or discharge of bonds, etc.* There shall be excluded, in the case of any taxpayer, income derived from the retirement or discharge by the taxpayer of any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than 6 months, including, in case the issuance was at a premium, the amount includible in income for such year solely because of such retirement or discharge;

(4) *Deductions on account of retirement or discharge of bonds, etc.* If during the taxable year the taxpayer retires or discharges any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than 6 months, the following deductions for such taxable year shall not be allowed:

(A) The deduction allowable under section 23 (a) for expenses paid or incurred in connection with such retirement or discharge;

(B) The deduction for losses allowable by reason of such retirement or discharge; and

(C) In case the issuance was at a discount, the amount deductible for such year solely because of such retirement or discharge;

(5) *Repayment of processing tax to vendees.* The deduction under section 23 (a), for any taxable year, for expenses shall be decreased by an amount which bears the same ratio to the amount deductible on account of any repayment or credit by the corporation to its vendee of any amount attributable to any tax under the Agricultural Adjustment Act of 1933, as amended, as the excess of the aggregate of the amounts so deductible in the base period over the aggregate of the amounts attributable to taxes under such Act collected from its vendees which were includible in the corporation's gross income in the base period and which were not paid, bears to the aggregate of the amounts so deductible in the base period;

(6) *Dividends received.* The credit for dividends received shall apply, without limitation (except the limitation relating to dividends in kind), to all dividends on stock of all corporations, except that no credit for dividends received shall be allowed with respect to dividends (actual or constructive) on stock of foreign personal holding companies or dividends on stock which is not a capital asset;

(7) *Installment sales.* In the case of a taxpayer which has made the election provided in section 455 (a), income from installment sales and from installment sales obligations shall be computed (in lieu of in the manner provided in section 44) under the accrual method without treating any portion of such income as unrealized at the close of any period and as if the taxpayer had reported such income on such accrual method for all taxable periods.

(8) *Long-term contracts.* In the case of a taxpayer which has made the election provided in section 455 (b), income from long-term contracts shall be computed under the percentage of completion method and as if the taxpayer had reported such income on the percentage of completion method for all taxable periods.

(9) *Judgments, intangible drilling and development costs, casualty losses, and other abnormal deductions.* If, for any taxable year or years within, or beginning or ending within, the base period, any class of deductions for the taxable year exceeded 115 per centum of the average amount of deductions of such class for the four previous taxable years (not including deductions arising from the same extraordinary event which gave rise to the deduction for the taxable year), the deductions of such class shall, subject to the rules provided in paragraph (10), be disallowed in an amount equal to such excess. For the purposes of this paragraph, each of the following groups of deductions shall constitute a class of deductions:

(A) Deductions attributable to claims, awards, judgments, and decrees against the taxpayer, and interest on the foregoing;

(B) Deductions attributable to intangible drilling and development costs paid or incurred in or for the drilling of wells or the preparation of wells for the production of oil or gas, and for development costs in the case of mines; and

(C) Deductions under section 23 (f) for losses arising from fires, storms, shipwreck, or other casualty, or from theft, or arising from the demolition, abandonment, or loss of useful value of property, not compensated for by insurance or otherwise. The class of deductions under this subparagraph for any taxable year shall not include deductions which are excludible under paragraph (2) or which would be so excludible if such paragraph were applicable with respect to such taxable year.

The classification of deductions of any class not described in subparagraphs (A) to (C), inclusive, shall be subject to regulations prescribed by the Secretary.

(10) *Rules for application of paragraph (9).* For the purpose of paragraph (9)—

(A) If the taxpayer was not in existence for four previous taxable years, then the average amount specified in such paragraph shall be determined for the previous taxable years it was in existence and the succeeding taxable years which begin before the beginning of the taxpayer's second taxable year under this subchapter. If the number of such succeeding years is greater than the number necessary to obtain an aggregate of four taxable years, there shall be omitted so many of such succeeding years, beginning with the last, as are necessary to reduce the aggregate to four.

(B) Deductions of any class for any taxable year shall not be disallowed under such paragraph unless the amount of deductions of such class to be disallowed for such year exceeds 5 per centum of the average excess profits net income for the taxable years within, or beginning or ending within, the base period, computed without the disallowance of any class of deductions under such paragraph. Such average excess profits net income shall, for the purposes of this subparagraph, be computed by aggregating the excess profits net incomes of all such taxable years, dividing such aggregate by the total number of months in such years, and multiplying the quotient by 12. For the purposes of this subparagraph, the excess profits net income for any taxable year shall in no case be less than zero.

(C) Deductions of any class shall not be disallowed under such paragraph unless the taxpayer establishes that the increase in such deductions—

(i) Is not a cause or a consequence of an increase in the gross income of the taxpayer in its base period or a decrease in the amount of some other deduction in its base period, which increase or decrease is substantial in relation to the amount of the increase in the deductions of such class, and

(ii) Is not a consequence of a change at any time in the type, manner of operation, size, or condition of the business engaged in by the taxpayer.

(D) The amount of deductions of any class to be disallowed under such paragraph with respect to any taxable year shall not exceed the amount by which the deductions of such class for such taxable year exceed the deductions of such class for the taxable year for which the tax under this subchapter is being computed.

(11) *Taxes paid by lessee.* If under a lease for a term of more than 20 years entered into prior to December 1, 1950, the lessee is obligated to pay any portion of the tax imposed by this chapter upon the lessor with respect to the rentals derived by such lessor from such lessee, or is obligated to reimburse the lessor for any portion of the tax imposed by this chapter upon the lessor with respect to the rentals derived by such lessor from such lessee, such payment or reimbursement of the tax imposed by this chapter shall be excluded by the lessor and a deduction therefor shall not be allowed to the lessee. For the purposes of this paragraph an agreement for lease of railroad properties entered into prior to December 1, 1950, shall be considered to be a lease including such term as the total number of years such agreement may, unless sooner terminated, be renewed or continued under the terms of the agreement, and any such renewal or continuance under such agreement shall be considered part of the lease entered into prior to December 1, 1950.

(12) *Bad debts in case of banks.* In the case of a bank (as defined in section 104) using the reserve method of accounting for bad debts, there shall be allowed, in lieu of the amount allowable under the reserve method for bad debts, a deduction for debts which became worthless within the taxable year, in whole or in part, within the meaning of section 23 (k).

(13) *Bank assessments by Federal Deposit Insurance Corporation.* In the case of a bank (as defined in section 104), the deduction for the assessment by the Federal Deposit Insurance Corporation shall be reduced to an amount which is such part thereof as the net assessment (after credits applicable thereto) for the taxable year for which the excess profits credit is being computed is of the gross assessment for such taxable year.

(14) *Life insurance companies.* In the case of a life insurance company, there shall be deducted from the normal-tax net income the excess of (A) the product of (i) the figure determined and proclaimed under section 202 (b) and (ii) the excess profits net income computed without regard to this paragraph, over (B) the adjustment for certain reserves provided in section 202 (c).

(15) *Credit for income subject to prior excess profits tax.* The credit provided in section 26 (c) shall not be allowed.

(c) *Deficit in excess profits net income.* For the purposes of this subchapter, the deficit in excess profits net income for any taxable year shall be the excess, if any, of—

(1) The sum of the deductions from gross income, the credit for dividends received, the credit provided in section 26 (a) (relating to interest on certain obligations of the United States and its instrumentalities) and the amount of the decrease resulting from the adjustments provided in subsection (b), over

(2) The sum of the gross income and the amount of the increase resulting from the adjustments provided in subsection (b).

§ 40.433 (b)-1 *Excess profits net income used in computing average base period net income.* (a) For the purpose of determining the excess profits credit for the taxable year under section 435, the excess profits net income for each taxable year within the base period, for each taxable year beginning before the base period and ending within the base period, and for each taxable year beginning within the base period and ending after the base period, must be computed under section 433 (b). Furthermore, the excess profits net income for certain taxable years beginning after the base period must also be computed under section 433 (b) for the purpose of applying section 435 (e). In general, wherever excess profits net income is a factor in computing average base period net income, such excess profits net income must be computed under section 433 (b). Excess profits net income is computed under section 433 (a) for the purpose of determining the amount

referred to in section 431, relating to adjusted excess profits net income, from which amount the excess profits credit and unused excess profits credit adjustment are substracted in order to determine the adjusted excess profits net income. Thus, in the case of a taxable year beginning in the base period and ending after June 30, 1950, the excess profits net income for such taxable year referred to in section 431 is computed under section 433 (a) in order to determine the adjusted excess profits net income for such taxable year, and the excess profits net income for such taxable year is also computed under section 433 (b) for the purpose of determining the average base period net income used in determining the excess profits credit of the taxpayer for that year and for subsequent taxable years.

(b) The base period is the period beginning January 1, 1946, and ending December 31, 1949, except that in the case of a taxpayer whose first taxable year ending after June 30, 1950, was preceded by a taxable year which began in 1949 and ended after December 31, 1949, and before April 1, 1950, the base period is the 48 consecutive months which ended with the close of such preceding taxable year. See section 435 (b).

(c) The starting point in the determination of the excess profits net income for any taxable year under section 433 (b) is the normal-tax net income for such taxable year computed under the provisions of section 13 (a) (2) applicable to such taxable year. Such normal-tax net income for the taxable year is then increased or decreased by the adjustments specified in section 433 (b). For additional adjustments in case of certain reorganizations, see sections 461–465. In the case of a taxpayer which has made the election provided in section 455 (a), relating to income from installment sales and from installment sales obligations, or has made the election provided in section 455 (b), relating to income from long-term contracts, the normal-tax net income referred to above is first recomputed as if the taxpayer had for all taxable periods reported such income under the method of accounting elected under section 455.

§ 40.433 (b)–2 *Computation of excess profits net income.* (a) Several of the adjustments required by section 433 (b) in determining excess profits net income correspond to adjustments required by section 433 (a), and such adjustments shall be made in a manner corresponding to that provided under section 433 (a). These are (1) the adjustment for income from retirement or discharge of bonds, etc., (2) the adjustment for deductions on account of retirement or discharge of bonds, etc., (3) the adjustment for dividends received, (4) the adjustment for income from installment sales and from installment sales obligations in the case of a taxpayer which has made the election provided in section 455 (a), (5) the adjustment for income from long-term contracts in the case of a taxpayer which has made the election provided in section 455 (b), (6) the adjustment for taxes paid by a lessee under certain types of leases, (7) the adjustment for bad debts in the case of a bank using the reserve method of accounting for bad debts, and (8) the adjustment to income in the case of life insurance companies.

(b) Section 433 (b) (1) provides that the net operating loss deduction provided by section 23 (s) shall not be allowed in the computation of excess profits net income. This necessitates the addition to normal-tax net income of the amount of the net operating loss deduction, if any, which was allowed in computing such normal-tax net income.

(c) Section 433 (b) (2) requires that normal-tax net income be adjusted by the exclusion therefrom of gains and losses from sales or exchanges of capital assets (whether long-term or short-term) and gains and losses to which section 117 (j) is applicable. This adjustment requires the decrease of normal-tax net income by the amount of the net capital gain of the corporation included in computing normal-tax net income. No adjustment is required in the case of a net capital loss of the corporation which is not deducted in computing normal-tax net income. If the gains described in section 117 (j) exceed the losses therein described, such gains and losses are capital gains and losses included in determining net capital gain or loss. However, if such losses exceed (or equal) such gains, such gains and losses are not capital gains and losses, and normal-tax net income must be increased by the amount of such excess, if any, since the inclusion of such gains and losses in computing normal-tax net income reduced it by the amount of such excess.

(d) Under section 433 (b) (15) the credit provided in section 26 (e) is not allowed in computing excess profits net income for a taxable year in the base period. Thus, if a credit for income subject to excess profits tax has been deducted in computing the normal-tax net income for a taxable year beginning in 1945, the normal-tax net income for such taxable year must be increased by the amount of such credit in computing excess profits net income.

(e) For the purpose of the adjustments under section 433 (b) (3) and under section 433 (b) (4), relating to income and deductions from the retirement or discharge of bonds, etc., the obligation of the taxpayer must have been outstanding for more than six months. In making the adjustments provided in section 433 (b) (4), the deduction allowable for any premium paid on bonds when called for redemption shall be disallowed, but the deduction allowable for any discount amortized up to the date of retirement or discharge shall not be disallowed. Expenses incurred in issuing bonds which are amortized shall be treated in the same manner as discounts.

(f) In the case of a bank (as defined in section 104), section 433 (b) (13) provides an adjustment with respect to the deduction allowed for assessments by the Federal Deposit Insurance Corporation. Excess profits net income is computed in the case of a bank by increasing normal-tax net income by the excess of such deduction over an amount which is such part thereof as the net assessment (after credits applicable thereto) by the Federal Deposit Insurance Corporation for the taxable year for which excess profits tax is being computed is of the gross assessment for such taxable year. For example, if the gross assessment for the taxable year for which the tax is being computed is subject to a credit in an amount equal to 60 percent thereof, then excess profits net income for the base period taxable year is computed by increasing normal-tax net income for such base period taxable year by an amount equal to 60 percent of the deduction allowed for such base period taxable year for assessments by the Federal Deposit Insurance Corporation.

§ 40.433 (b)–3 *Abnormal deductions in base period*—(a) *Nature of adjustments.* Section 433 (b) (9) and (10) provides adjustments in computing excess profits net income for certain classes of deductions. The first step in determining such adjustments is the computation of the amount by which such a class of deductions for the taxable year exceeds 115 percent of the average amount of such class for the four immediately preceding taxable years. If the taxpayer was not in existence for four immediately preceding taxable years, then the average amount of deductions of any class shall be determined for the preceding taxable years during which it was in existence and the succeeding taxable years which begin before the beginning of the taxpayer's second excess profits tax taxable year. If the number of such succeeding taxable years is greater than the number necessary to obtain an aggregate of four taxable years, there shall be omitted as many of the succeeding years, beginning with the last, as are necessary to reduce the aggregate to four. For example, in the case of a corporation coming into existence on January 1, 1947, and making its return on the basis of the calendar year, the amount of deductions of any class which may be disallowed for the taxable year 1949 may be determined from the average of the deductions for 1947, 1948, and 1950. The taxable year 1951 is the taxpayer's second excess profits tax taxable year and therefore may not be used.

(b) *Extraordinary event.* If an extraordinary event gives rise to deductions of the same class for more than one taxable year, then in determining whether the deductions of such class exceed 115 percent of the average deductions of that class, such average shall be computed without reference to any deductions attributable to the extraordinary event. For example, if an extraordinary fire in 1948 caused by the negligence of a corporation results, both in 1948 and 1949, in judgments against the corporation in favor of persons injured by the fire, then in determining whether the amount of the class of deductions by the corporation for judgments, awards, etc., for the taxable year 1949 exceeds 115 percent of the amount of the average deductions of that class for the four preceding taxable years, the deductions for such judgments in 1948 are not taken into account in computing the average deductions for such four preceding years.

(c) *Additional requirements.* Even though a taxpayer has a class of deductions for a taxable year which meets the requirement that it exceed 115 percent of the average of such class of deductions for the taxable years used in determining average deductions, the taxpayer will not be entitled to compute excess profits net income by adding such excess to normal-tax net income unless the following additional requirements are also met:

(1) The amount of such excess must exceed 5 percent of the average excess profits net income for the taxable years which are within, which begin within, and which end within the base period (computed without the disallowance of any such class of deductions). Such average excess profits net income shall, for this purpose, be computed by aggregating the excess profits net incomes of all such taxable years, dividing such aggregate by the total number of months in such years, and multiplying the quotient by 12. For this purpose, the excess profits net income for any taxable year shall in no case be considered less than zero.

(2) The taxpayer must establish that the increase in the deductions of the class, which increase results in such excess, (i) is not the cause or consequence of (A) an increase in the gross income of the taxpayer in the base period which is substantial in relation to the amount of the increase in the deductions of that class, or (B) a decrease in the amount of some other deduction of the taxpayer in the base period which is substantial in relation to the increase in the deductions of the class, and (ii) is not a consequence of a change at any time in the type, manner of operation, size, or condition of the business engaged in by the taxpayer.

Furthermore, the amount of the excess disallowed may not exceed the amount by which the deductions of such class for such taxable year exceed the deductions of such class for the taxable year for which the excess profits tax is being computed.

(d) *Classification of deductions.* (1) In section 433 (b) (9) (A), (B), and (C), there are described three groups of deductions, each of which is specifically declared to be a class of deductions. These three classes are:

(i) Deductions attributable to claims, awards, judgments, and decrees against the taxpayer, and interest on the foregoing.

(ii) Deductions attributable to intangible drilling and development costs paid or incurred in or for the drilling of wells or the preparation of wells for the production of oil or gas, and for development costs in the case of mines. Deductions attributable to the operation of wells or mines are not included in this class.

(iii) Deductions under section 23 (f) for losses arising from fires, storms, shipwreck, or other casualty, or from theft, or arising from the demolition, abandonment, or loss of useful value of property, not compensated for by insurance or otherwise. This class of deductions for any taxable year shall not include deductions which are excludible under section 433 (b) (2) or which would be so excludible if section 433 (b) (2) were applicable with respect to such taxable year. Accordingly, this class of deductions for any taxable year does not include losses described in section 117 (j) and does not include capital losses.

(2) Deductions which do not fall within any of the classes specified in section 433 (b) (9) (A)–(C) may be grouped by the taxpayer, subject to approval by the Commissioner on the examination of the taxpayer's return, in such other classes as are reasonable in a business of the type which the taxpayer conducts and are applicable in the light of the taxpayer's business experience and accounting practice. Such a classification will be applicable to all other taxable years considered at any time in adjusting deductions under this section.

(3) For the purpose of determining whether a particular class of deductions exceeds 115 percent of average deductions of the same class, reference must be made to the deductions of the entire class rather than to any particular deductible items included therein.

(e) *Statement required.* If in computing its excess profits net income under section 433 (b), the taxpayer claims the disallowance under section 433 (b) (9) or (10) of any amount previously allowed as a deduction, there shall be submitted a full statement showing the computation of the amount to be disallowed, the prices and gross sales of the taxpayer's product, and the condition of the taxpayer's business which demonstrate that the disallowed amount is not a cause or a consequence of an increase in the gross income of the taxpayer in its base period or a decrease in the amount of some other deduction in its base period, and is not a consequence of a change at any time in the type, manner of operation, size, or condition of the business engaged in by the taxpayer. This statement shall be in duplicate and shall include the following: (1) The computation of the amount disallowed, showing the amount of the class of deductions in the base period taxable year for which any part of such amount is disallowed, the average amount of such class for the four preceding taxable years or for such taxable years as the taxpayer is required to use in determining this average amount, and the excess amount of deductions disallowed; (2) a computation showing (i) the excess profits net income for each taxable year which is within, which begins within, and which ends within, the base period, computed without the disallowance of any class thereof, (ii) the average of such excess profits net income computed in accordance with section 433 (b) (10) (B), and (iii) the amount of 5 percent of such average excess profits net income so computed; (3) a description and the amount of each item included in such class of deductions for the taxable year for which such deductions are disallowed and for the taxable years in the test period, with the amount of each and a description thereof; (4) the amount of such class and the amount and description of each item in that class for the taxable year for which the excess profits tax is being computed; and (5) all other facts upon which the taxpayer relies.

SEC. 434. EXCESS PROFITS CREDIT—ALLOWANCE.

(a) *Domestic corporations.* In the case of a domestic corporation, the excess profits credit for any taxable year shall be an amount computed under section 435 or section 436, whichever amount results in the lesser tax under this subchapter for the taxable year for which the tax under this subchapter is being computed.

(b) *Foreign corporations.* In the case of a foreign corporation engaged in trade or business within the United States, the first taxable year of which under this subchapter begins on or before July 1, 1950, which was in existence on January 1, 1946, and which at any time during each of the taxable years which began or ended during the base period was engaged in trade or business within the United States, the excess profits credit for any taxable year shall be an amount computed under section 435 or section 436, whichever amount results in the lesser tax under this subchapter for the taxable year for which the tax under this subchapter is being computed. In the case of all other foreign corporations the excess profits credit for any taxable year shall be an amount computed under section 436 (b).

(c) *Special rule in connection with regulated public utilities.* Notwithstanding subsection (a), in the case of a regulated public utility (as defined in section 448) the excess profits credit for any taxable year shall be an amount computed under section 435, section 436, or section 448, whichever results in the lesser tax under this subchapter for the taxable year for which the tax under this subchapter is being computed. In the case of a regulated public utility which has made and filed a consent described in section 141 (e) (8) or (j) applicable to the taxable year, the excess profits shall, for purposes of filing a consolidated return, be determined in accordance with such consent.

(d) *Special rule for railroad lessor-lessee corporations.* Notwithstanding the provisions of subsection (a) or (c), in the case of a railroad corporation subject to Part I of the Interstate Commerce Act, substantially all of the railroad properties of which have been leased to another such railroad corporation or corporations by an agreement or agreements entered into prior to December 1, 1950, where each lease is for a term of more than 20 years and where under one or more of the leases or agreements relating to the leased properties the lessee is, or the lessees are, required to pay the taxes of the lessor under this chapter, the aggregate of the excess profits credit and the unused excess profits credit adjustment of each of such corporations, computed without regard to this subsection, may be equitably apportioned among the lessor and each of the lessee corporations so required to pay the taxes of the lessor under this subchapter by agreement among such corporations approved by the Secretary. For the purposes of this subsection an agreement for lease of railroad properties entered into prior to December 1, 1950, shall be considered to be a lease including such term as the total number of years such agreement may, unless sooner terminated, be renewed or continued under the terms of the agreement, and any such renewal or continuance under such agreement shall be considered part of the lease entered into prior to December 1, 1950.

§ 40.434–1 *Excess profits credit; allowance*—(a) *In general.* (1) For domestic corporations, two general methods are provided for computing the excess profits credit: (i) The income method (including the provisions of section 442 through 446) under section 435; and (ii) the invested capital method (including the historical invested capital method pro-

vided in section 458) under section 436. An alternative credit is provided in section 448 in the case of certain regulated public utilities. See paragraph (b) of this section. A domestic corporation shall use whichever of these credits produces the lowest excess profits tax.

(2) For computation of the excess profits credit based on income in the case of a corporation which has been a party to a transaction described in section 461 (a), see sections 461 through 465. For computation of the excess profits credit based on invested capital in the case of a corporation which has been a party to certain reorganizations, exchanges, and intercorporate liquidations, see sections 470 through 472. A corporation entitled to the benefits of section 251 may compute its credit by using either the income method under section 435 or the invested capital method under section 436 (b).

(b) *Regulated public utilities.* An additional alternative method of computing its credit is provided for a regulated public utility, as defined in section 448. In such a case the excess profits credit for any taxable year shall be an amount computed under section 435, 436, or 448, whichever results in the lowest tax for the taxable year for which the tax is being computed. In the case of a regulated public utility which has made and filed a consent described in section 141 (e) (8) or (j) applicable to the taxable year, the excess profits credit shall, for purposes of filing a consolidated return, be determined in accordance with such consent.

(c) *Foreign corporations.* A foreign corporation is required to compute its credit under the invested capital method as provided in section 436 (b) except that a foreign corporation (1) which is engaged in trade or business within the United States at any time during the taxable year, (2) the first taxable year of which for the purposes of the excess profits tax began on or before July 1, 1950, (3) which was in existence on January 1, 1946, and (4) which, at any time during each of the taxable years which began or ended during the base period defined in section 435 (b) was engaged in trade or business within the United States, may also compute its credit under the income method and shall use whichever credit produces the lower excess profits tax. As to what constitutes being engaged in a trade or business within the United States, see § 29.231–1 of Regulations 111.

(d) *Railroad lessor-lessee corporations.* (1) If substantially all the railroad properties of a railroad corporation subject to Part I of the Interstate Commerce Act have been leased for a term of more than 20 years to another such railroad corporation or corporations pursuant to an agreement or agreements entered into prior to December 1, 1950, which agreement or agreements require the lessee or lessees to pay the taxes of the lessor, the aggregate of the excess profits credit and the unused excess profits credit adjustment of each such corporation may be equitably apportioned by agreement, if approved by the Commissioner, among the lessor and each of the lessee corporations so required to pay the taxes of the lessor. The term of a lease of railroad properties entered into prior to December 1, 1950, shall, for the purpose of the preceding sentence, be deemed to include the years for which such lease may be renewed or continued.

(2) The original agreement for such equitable apportionment shall be filed with the collector by the lessor railroad corporation, and a duplicate original shall be filed with the collector by the lessee (or by each lessee, if more than one) railroad corporation. Subject to subsequent approval by the Commissioner, a taxpayer which has made such an agreement may compute its tax on its return pursuant to such agreement, provided that the original agreement, or a duplicate original, as the case may be, is attached to the return together with a statement clearly showing the proper computation of the tax without regard to the agreement. If the return is filed without regard to the agreement, the original agreement (or a duplicate original in the case of a lessee) shall be attached to a claim for refund if the application of section 434 (d) results in an overpayment, or to an amended return if the application of section 434 (d) does not result in an overpayment.

SEC. 435. EXCESS PROFITS CREDIT—BASED ON INCOME.

(a) *Amount of excess profits credit.* The excess profits credit for any taxable year, computed under this section, shall be—

(1) *Domestic corporations.* In the case of a domestic corporation the sum of—

(A) 85 per centum of the average base period net income,

(B) If the average base period net income of the taxpayer is the amount determined under subsection (d) of this section or under section 442, 12 per centum of the amount of the base period capital addition, computed under subsection (f), and

(C) 12 per centum of the net capital addition (as defined in subsection (g) (1)) for the taxable year,

minus 12 per centum of the net capital reduction (as defined in subsection (g) (2)) for the taxable year.

(2) *Foreign corporations.* In the case of a foreign corporation, 85 per centum of the average base period net income.

(3) *Cross reference.* For the computation of the excess profits credit based on income in the case of certain reorganizations, see part II of this subchapter.

(b) *Base period.* As used in this subchapter the term "base period" means the period beginning January 1, 1946, and ending December 31, 1949, except that in the case of a taxpayer whose first taxable year under this subchapter was preceded by a taxable year which ended after December 31, 1949, and before April 1, 1950, and which began before January 1, 1950, the term "base period" means the period of 48 consecutive months ending with the close of such preceding taxable year.

(c) *Average base period net income—determination.* For the purposes of this section the average base period net income of the taxpayer shall be the amount determined under subsection (d), subject to the exception that if the taxpayer is entitled to the benefits of subsection (e) of this section, or section 442, 443, 444, 445, or 446, then the average base period net income shall be the amount determined under subsection (d) or (e) or under such section, whichever results in the lesser tax under this subchapter for the taxable year for which the tax under this subchapter is being computed.

(d) *Average base period net income—General average.* The average base period net income determined under this subsection shall be determined as follows:

(1) By computing the excess profits net income for each month in the base period. The excess profits net income for any month during any part of which the taxpayer was in existence shall be the excess profits net income for the taxable year in which such month falls divided by the number of full calendar months in such year, but in no case shall the excess profits net income for any month be less than zero. The excess profits net income for any month during no part of which the taxpayer was in existence shall be zero.

(2) By eliminating from the base period whichever of the following twelve months results in the higher average base period net income—

(A) The twelve consecutive months the elimination of which produces the highest average base period net income, or

(B) The twelve months which remain after retaining in the base period the thirty-six consecutive months which produce the highest average base period net income.

(3) By computing the aggregate of the excess profits net income for each of the thirty-six months remaining in the base period.

(4) By dividing by 3 the amount ascertained under paragraph (3).

(e) *Average base period net income—alternative based on growth—(1) Taxpayers to which subsection applies.* A taxpayer shall be entitled to the benefits of this subsection if the taxpayer commenced business before the beginning of its base period, and if either—

(A) (i) The total assets of the taxpayer as of the first day of its base period (when added to the total assets for such day of all corporations with which the taxpayer has the privilege under section 141 of filing a consolidated return for its first taxable year under this subchapter, determined under paragraph (3), did not exceed $20,000,000, and

(ii) The total payroll of the taxpayer (as determined under paragraph (4)) for the last half of its base period is 130 per centum or more of its total payroll for the first half of its base period, or the gross receipts of the taxpayer (as determined under paragraph (5) for the last half of its base period is 150 percentum or more of its gross receipts for the first half of its base period, or

(B) (i) The taxpayer's net sales for the period beginning January 1, 1950, and ending June 30, 1950, when multiplied by 2, equals or exceeds 150 per centum of its average net sales for the calendar years 1946-1947; and

(ii) 40 per centum or more of the taxpayer's net sales for the calendar year 1950 is attributable to a product, or class of products (including any article in which such product or class of products is the principal component and including any article which is a component of such product or class of products), of a kind not generally available to the public at any time prior to January 1, 1946, and

(iii) The amount of the taxpayer's net sales which is attributable to such product or class of similar products, for the calendar year 1946 is 5 per centum or less of the amount of its net sales so attributable for the calendar year 1949. For the purposes of this subparagraph, the term "net sales" with respect to any period means the total amount received or accrued during such period from the sale, exchange, or other disposition of stock in trade of the taxpayer or other property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of its trade or business; reduced by the amount of discounts, returns, and allowances paid or incurred for such period.

(2) *Computation.* The average base period net income determined under this subsection shall be determined as follows:

(A) By computing (in the manner provided by the second sentence of subsection (d) (1) the excess profits net income for each of the last 24 months in the base period.

(B) By computing the aggregate of the excess profits net income for each such month.

(C) By dividing by 2 the amount ascertained under subparagraph (B).

(D) By computing the aggregate of the excess profits net income for each of the last twelve months in the base period.

(E) By computing (in the manner provided by the second sentence of subsection (d) (1) the excess profits net income for each of the twelve months in the period beginning July 1, 1949, and ending June 30, 1950. For the purposes of this subparagraph and subparagraph (G) the excess profits net income for any month after December 1949 shall be the "weighted excess profits net income" for the taxable year in which such month falls divided by the number of full calendar months in such year, but in no case shall such excess profits net income for any month be less than zero. The "weighted excess profits net income" for any taxable year beginning before July 1, 1950, shall be—

(i) 100 per centum of the excess profits net income for the taxable year if such year ends before July 1, 1950;

(ii) 90 per centum of the excess profits net income for the taxable year if such year ends after June 30, 1950, and before October 1, 1950;

(iii) 80 per centum of the excess profits net income for the taxable year if such year ends after September 30, 1950, and before April 1, 1951; and

(iv) 70 per centum of the excess profits net income for the taxable year if such year ends after March 31, 1951.

(F) By computing the aggregate of the excess profits net income for each of the twelve months referred to in subparagraph (E).

(G) In the case of a taxpayer who is entitled to the benefits of this subsection only under paragraph (1) (B) and whose excess profits net income for the calendar year 1949 is not more than 25 per centum of its excess profits net income for the calendar year 1948, by computing—

(i) In the manner provided by subparagraph (E), the excess profits net income for each of the six months in the period beginning July 1, 1948, and ending December 31, 1948, and for each of the six months in the period beginning January 1, 1950, and June 30, 1950, and

(ii) The aggregate of the excess profits net income for each of the twelve months referred to in clause (i).

The average base period net income determined under this subsection shall be the amount ascertained under subparagraph (C), (D), or (F), whichever is the highest, except that in the case of a taxpayer described in subparagraph (G), its average base period net income determined under this subsection shall be the amount ascertained under subparagraph (C), (D), (F), or (G) (ii), whichever is the highest.

(3) *Total assets.* For the purposes of this subsection the taxpayer's total assets as of any day shall be determined as of the beginning of such day and shall be an amount equal to the sum of the cash and the property other than cash, held by such taxpayer for the purposes of the business. Such property shall be included in an amount equal to its adjusted basis for determining gain upon sale or exchange. In case the taxpayer has the privilege under section 141 of filing a consolidated return for its first taxable year under this subchapter, the total assets of the affiliated group as of any day shall be determined under regulations prescribed by the Secretary.

(4) *Total payroll.* As used in this subsection the term "total payroll" with respect to any period means the sum of the salaries, wages, commissions, and other compensation paid or incurred by the taxpayer during such period for personal services actually rendered by employees, excluding the amount thereof which is allowable as a deduction under section 23 (p) and excluding any compensation paid in any medium other than cash. In the event that a taxable year falls partly within such period, there shall be allocated, for the purposes of this paragraph, to the portion of the year within such period an amount of the salaries, wages, commissions, and other compensation for such year in the same proportion as the number of months in such year within the period bears to the total number of months in such year.

(5) *Gross receipts.* As used in this subsection the term "gross receipts" with respect to any period means the sum of:

(A) The total amount received or accrued during such period from the sale, exchange, or other disposition of stock in trade of the taxpayer or other property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of its trade or business, and

(B) The gross income, attributable to a trade or business regularly carried on by the taxpayer, received or accrued during such period excluding therefrom—

(i) Gross income derived from the sale, exchange, or other disposition of property;

(ii) Gross income derived from discharge or indebtedness of the taxpayer;

(iii) Dividends on stocks of corporations; and

(iv) Income attributable to recovery of bad debts.

In the event that a taxable year falls partly within such period, there shall be allocated, for the purposes of subparagraphs (A) and (B), to the portion of the year within such period an amount of the total gross receipts (as defined in such subparagraphs) for such year in the same proportion as the number of months in such year within the period bears to the total number of months in such year.

(f) *Capital additions in base period—(1) Definition of yearly base period capital.* For the purposes of this subsection, the yearly base period capital for any taxable year shall be the sum of the equity capital (as defined in section 437 (c)) at the beginning of such taxable year and an amount equal to 75 per centum of the daily borrowed capital (as defined in section 439 (b)) for the first day of such taxable year, reduced by the sum of—

(A) The amount of inadmissible assets at the beginning of such taxable year, determined under section 440, minus 25 per centum of the excess, if any, of such amount over the amount of the equity capital (as defined in section 437 (c)) at the beginning of such taxable year.

(B) 75 per centum of the amount of loans to members of a controlled group, determined under paragraph (4), and

(C) 75 per centum of the amount of the adjustment for interest on borrowed capital, determined under paragraph (5).

(2) *Computation of base period capital addition—General Rule.* The amount of the base period capital addition referred to in subsection (a) (1) (B) shall, except in cases otherwise provided for in paragraph (3), be determined as follows:

(A) By computing the yearly base period capital for each of the following years:

(i) The first taxable year of the taxpayer under this subchapter;

(ii) The immediately preceding taxable year; and

(iii) The second preceding taxable year.

(B) By computing the amount of the excess, if any, of the amount ascertained under subparagraph (A) (i) over the higher of the amounts ascertained under subparagraphs (A) (ii) and (A) (iii).

(C) By computing the amount of the excess, if any, of the lower of the amounts ascertained under subparagraphs (A) (i) and (A) (ii) over the amount ascertained under subparagraph (A) (iii).

(D) By adding to the amount ascertained under subparagraph (B) one-half of the amount ascertained under subparagraph (C).

(3) *Special rules in case of abnormality during base period.* In the event that the average base period net income of the taxpayer is determined under section 442, then—

(A) If its average base period net income is determined under section 442 (d), the base period capital addition shall be zero.

(B) If its average base period net income is determined under section 442 (c) (1) by including a substitute excess profits net income for any part of its first taxable year under this subchapter or for the immediately preceding year, the base period capital addition shall be zero.

(C) If its average base period net income is computed under section 442 (c) (1) by including a substitute excess profits net income for any part of the earlier of the taxpayer's two taxable years immediately preceding its first taxable year under this subchapter, the base period capital addition shall be the excess, if any, of the amount ascertained under paragraph (2) (A) (i) over the amount ascertained under paragraph (2) (A) (ii).

(4) *Loan to members of a controlled group.* If, on the first day of any taxable year, the taxpayer and any one or more other corporations are members of the same controlled group, as defined in subsection (g) (6), the amount referred to in paragraph (1) (B) with respect to such taxable year shall be the amount of the indebtedness of such other corporation (or if more than one, such other corporations) to the taxpayer at the beginning of such day. For the purposes of this paragraph, the term "indebtedness" means indebtedness which constitutes daily borrowed capital, as defined in section 439 (b) (1), of such other corporation for such day.

(5) *Adjustment for interest on borrowed capital.* The adjustment for interest on borrowed capital referred to in paragraph (1) (C) with respect to any taxable year shall be determined as follows:

(A) By multiplying any indebtedness of the taxpayer which constitutes daily borrowed capital (as defined in section 439 (b)) for the first day of such taxable year by the annual rate of interest payable upon such indebtedness during such taxable year.

(B) By aggregating the amounts ascertained under subparagraph (A) with respect to all borrowed capital for such day.

(C) By multiplying the aggregate amount ascertained under subparagraph (B) by 100, and dividing the product by 12.

(6) *Cross reference.* For special rules applicable to this subsection see section 441.

(g) *Net capital addition or reduction—(1) Net capital addition.* The net capital addition for the taxable year shall, for the purposes of this section, be the excess, divided by the number of days in the taxable year, of the aggregate of the daily capital addition for each day of the taxable year over the aggregate of the daily capital reduction for each day of the taxable year. If there is an increase in inadmissible assets for the taxable year, determined under paragraph (5), the net capital addition shall be the excess of the amount determined under the preceding sentence over—

(A) Unless subparagraph (B) is applicable, the amount of such increase in inadmissible assets;

(B) If the amount of such increase in inadmissible assets is in excess of the net capital addition determined without regard to this sentence and without regard to paragraph (3) (C), the amount of such increase in inadmissible assets minus 25 per centum of such excess.

(2) *Net capital reduction.* The net capital reduction for the taxable year shall, for the purposes of this section, be the excess, divided by the number of days in the taxable year, of the aggregate of the daily capital reduction for each day of the taxable year over the aggregate of the daily capital addition for each day of the taxable year. If there is a decrease in inadmissible assets for the taxable year, determined under paragraph (5), the net capital reduction shall be the excess of the amount determined under the preceding sentence over—

(A) Unless subparagraph (B) is applicable, the amount of such decrease in inadmissible assets;

(B) If the amount of such decrease in inadmissible assets is in excess of the net capital reduction determined without regard to this sentence and without regard to paragraph (4) (C) and (E), the amount of such decrease in inadmissible assets minus 25 percentum of such excess.

(3) *Daily capital addition.* The daily capital addition for any day of the taxable year shall, for the purposes of this section, be the sum of the following:

(A) The aggregate of the amounts of money and property paid in for stock, or as paid-in surplus, or as a contribution to capital, after the beginning of the taxable year and prior to such day.

(B) The amount, if any, by which the equity capital (as defined in section 437 (c)) at the beginning of the taxable year exceeds the equity capital at the beginning of the taxpayer's first taxable year under this subchapter.

(C) 75 per centum of the amount, if any, by which the average borrowed capital for the taxable year (as defined in section 439 (a)) exceeds the daily borrowed capital for the first day of the taxpayer's first taxable year under this subchapter.

(4) *Daily capital reduction.* The daily capital reduction for any day of the taxable year shall, for the purposes of this section, be the sum of the following:

(A) Distributions to shareholders previously made during such taxable year which are not out of the earnings and profits of such taxable year; and

(B) The amount, if any, by which the amount of the equity capital (as defined in section 437 (c)) at the beginning of the taxpayer's first taxable year under this subchapter exceeds the amount of the equity capital at the beginning of the taxable year; and

(C) 75 per centum of the amount, if any, by which the daily borrowed capital (as determined under section 439 (b)) for the first day of the taxpayer's first taxable year under this subchapter exceeds the average borrowed capital for the taxable year; and

(D) The amount determined under paragraph (6), relating to increase in certain inadmissible assets by a member of a controlled group; and

(E) 75 per centum of the amount determined under paragraph (7), relating to increase in loans to a member of a controlled group.

(5) *Definitions with respect to inadmissible assets.* For the purposes of this subsection—

(A) *Average inadmissible assets for the taxable year.* The average inadmissible assets for any taxable year shall be the total of the daily amounts attributable to the inadmissible assets for such taxable year, determined under section 440 (b), divided by the number of days in such taxable year.

(B) *Original inadmissible assets.* The term "original inadmissible assets" means the total of the inadmissible assets for the first day of the taxpayer's first taxable year under this subchapter, determined under section 440 (b).

(C) Increase in inadmissible assets. The term "increase in inadmissible assets" for any taxable year means the excess of the average inadmissible assets for such taxable year over the original inadmissible assets.

(D) *Decrease in inadmissible assets.* The term "decrease in inadmissible assets" for any taxable year means the excess of the original inadmissible assets over the average inadmissible assets for such year.

(6) *Controlled group.* If, on any day of the taxable year, the taxpayer and any one or more other corporations are members of the same controlled group, the amount added to the daily capital reduction under paragraph (4) (D) shall be whichever of the following amounts is the lesser:

(A) The excess of the aggregate of the adjusted basis (for determining gain upon sale or exchange) of stock in such other corporation (or if more than one, in such other corporations) held by the taxpayer at the beginning of such day over the aggregate of the adjusted basis (for determining gain upon sale or exchange) of stock in such other corporation (or if more than one, in such other corporations) held by the taxpayer at the beginning of its first taxable year under this subchapter; or

(B) The excess of the aggregate of the adjusted basis (for determining gain upon sale or exchange) of inadmissible assets held by the taxpayer at the beginning of such day, over the aggregate of the adjusted basis (for determining gain upon sale or exchange) of inadmissible assets held by the taxpayer at the beginning of its first taxable year under this subchapter.

The increase in inadmissible assets for the taxable year shall, for the purposes of paragraph (1), be determined by reducing the inadmissible assets for such day by the amount by which the daily capital reduction for such day is increased under this paragraph. As used in this paragraph, a controlled group means one or more chains of corporations connected through stock ownership with a common parent corporation if (i) more than 50 per centum of the total combined voting power of all classes of stock entitled to vote, or more than 50 per centum of the total value of shares of all classes of stock of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations and (ii) the common parent corporation owns directly more than 50 per centum of the total combined voting power of all classes of stock entitled to vote, or more than 50 per centum of the total value of shares of all classes of stock, of at least one of the other corporations.

(7) *Loans to members of a controlled group.* If, on any day of the taxable year, the taxpayer and any one or more other corporations are members of the same controlled group, as defined in paragraph (6), the amount referred to in paragraph (4) (E) shall be the excess of the amount of the indebtedness of such other corporation (or if more than one, such other corporations) to the taxpayer at the beginning of such day over the amount of the indebtedness by such other corporation (or if more than one, such other corporations) to the taxpayer at the beginning of its first taxable year under this subchapter. For the purposes of this paragraph, the term "indebtedness" means indebtedness which constitutes daily borrowed capital, as defined in section 439 (b) (1), of such other corporation for such day.

(8) *Cross reference.* For special rules applicable to this subsection see section 441.

§ 40.435–1 *Excess profits credit based on income; determination of average base period net income*—(a) *Introductory.* In order for a corporation to determine for any particular taxable year the amount of its excess profits credit based on income, it is necessary first to compute the amount of the average base period net income, 85 percent of which is the starting point for computing the excess profits credit based on income. Two methods are provided in section 435 for determining the average base period net income: (1) The general average method, set forth in section 435 (d) and in paragraph (d) of this section, and (2) the alternative method set forth in section 435 (e) applicable to certain taxpayers whose growth entitles them to the benefits of a method provided in such section, if such method results in a lesser excess profits tax.

(b) *Base period.* The term "base period" means the period beginning January 1, 1946, and ending December 31, 1949, except in the case of a taxpayer whose first taxable year ending after June 30, 1950, was preceded by a taxable year which began before January 1, 1950, and ended January 31, February 28, or March 31, 1950. In the latter case the term "base period" means the 48 consecutive months ending with the close of January, February, or March, 1950, as the case may be. A fiscal year taxpayer whose first taxable year ending after June 30, 1950, was preceded by a taxable year which began before January 1, 1950, and ended after March 31, 1950, will use as its base period the period beginning January 1, 1946, and ending December 31, 1949.

(c) *Average base period net income; determination.* The average base period net income is the amount determined under section 435 (d) (for computation, see paragraph (d) of this section), unless the taxpayer is entitled to the benefits of section 435 (e), 442, 443, 444, 445, or 446, in which case the average base period net income shall be the amount determined under whichever section, applicable to the taxpayer, results in the lowest excess profits tax for the taxable year.

(d) *Computation under general average method.* The following steps are required for the computation of the average base period net income under the general average method:

(1) The excess profits net income is determined for each month during which the taxpayer was in existence during the base period. This amount is determined for any month during any part of which the taxpayer was in existence by dividing the excess profits net income (computed in accordance with the provisions of section 433 (b) for the taxable year in which such month falls by the number of full calendar months in such taxable year. In no case shall the excess profits net income for any month be less than zero. The excess profits net income for any month during no part of which the taxpayer was in existence shall be zero.

(2) The 36 months which produce the highest aggregate excess profits net income are selected under either of two methods: (i) The 12 consecutive months having the lowest aggregate excess profits net income may be eliminated; or (ii) the 36 consecutive months having the highest aggregate excess profits net income may be retained.

(3) The excess profits net income for each of the 36 months selected under subparagraph (2) of this paragraph is aggregated.

(4) The aggregate amount computed under subparagraph (3) of this paragraph is divided by 3.

§ 40.435–2 *Average base period net income; alternative based on growth.* Section 435 (e) provides alternative methods of computing the average base period net income of certain taxpayers whose growth during the base period is shown by increased gross receipts or payroll during the last half of the base period. These alternative methods are also available in certain cases to a taxpayer meeting certain tests with respect to sales of products not generally available prior to 1946.

§ 40.435–3 *Definitions.* For the purpose of section 435 (e)—

(a) *Total assets.* The term "total assets" means an amount equal to the sum of cash and property other than cash, held by the taxpayer for purposes of the business. The total assets as of any day shall be determined as of the beginning of such day. The property is to be included in an amount equal to its adjusted basis for determining gain upon sale or exchange. See, in general, section 113 and the regulations prescribed thereunder. For special rule in the case of certain intangible property, see section 441 (i). If the taxpayer is a member of an affiliated group of corporations which has the privilege under section 141 of filing a consolidated return for its first taxable year ending after June 30, 1950, there shall also be included the total assets of each member of such affiliated group whether or not a consolidated return is filed, and whether or not such corporation was a member of an affiliated group including the taxpayer on the day as of which total assets are computed. Such total assets shall be determined in a manner consistent with the principles applicable with respect to consolidated returns.

(b) *Total payroll.* The term "total payroll" with respect to any period includes all salaries, wages, commissions, and other compensation paid or incurred during such period by the taxpayer for personal services actually rendered by employees. However, there is excluded from the total payroll, the amount thereof which is allowable as a deduction under section 23 (p). There is also excluded any compensation paid in any medium other than cash.

(c) *Gross receipts.* The term "gross receipts" with respect to any period means the sum of: (1) The total amount received or accrued during such period from the sale, exchange, or other disposition of stock in trade of the taxpayer, or other property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of its trade or business, and (2) the gross income attributable to a trade or business regularly carried on by the taxpayer, received or accrued during such period, but excluding therefrom—

(i) Gross income derived from the sale, exchange, or other disposition of property;

(ii) Gross income derived from discharge of the taxpayer's indebtedness;

(iii) Dividends on stocks of corporations; and

(iv) Income attributable to recovery of bad debts.

(d) *Net sales.* The term "net sales" with respect to any period means the total amount received or accrued during such period from the sale, exchange, or other disposition of stock in trade of the taxpayer, or other property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of its trade or business; reduced by the amount of discounts, returns, and allowances paid or incurred for such period.

(e) *Products not generally available prior to 1946.* For the purpose of section 435 (e) (1) (B), "products not generally available prior to 1946" means a product, or class of products (including any article in which such product or class of products is the principal component and including any article which is a component of such product or class of products) of a kind not generally available to the public at any time prior to January 1, 1946. A product which is a modification of an old product, such as an improvement or change in style, is not a product of the type referred to. A product which was generally available prior to 1946, although not available at all times prior thereto, is also not covered.

§ 40.435–4 *Qualifications for computation of alternative average base period net income based on growth*—(a) *In general.* Section 435 (e) is applicable only to a taxpayer which commenced business before the beginning of its base period and which establishes that it qualifies under either paragraphs (b) or (c) of this section. A taxpayer computing its average base period net income by using an alternative based on growth shall submit with its return a full and complete statement showing the basis upon which each requirement of section 435 (e) is satisfied and all the facts upon which the taxpayer relies.

(b) *Eligibility requirements; general rule.* A taxpayer which commenced business before the beginning of its base period shall be entitled to the benefits of section 435 (e) if its total assets as of the beginning of the first day of its base period did not exceed $20,000,000 and either—

(1) The taxpayer's total payroll for the last half (the last 24 months) of its base period is at least 30 percent greater than the taxpayer's total payroll for the first half (the first 24 months) of its base period, or

(2) The taxpayer's gross receipts for the last half (the last 24 months) of its base period are at least 50 percent greater than the taxpayer's gross receipts for the first half (the first 24 months) of its base period.

Where a taxable year falls partly within the first or second half of the base period, the amounts of the gross receipts or total payroll shall be allocated on a monthly basis to the appropriate period.

(c) *Eligibility requirements; products not generally available prior to 1946.* Regardless of the amount of its total assets as of the beginning of the first day of its base period, a taxpayer which commenced business before the beginning of its base period may compute its average base period net income under section 435 (e) if—

(1) The taxpayer's net sales for the period beginning January 1, 1950, and ending June 30, 1950, when multiplied by 2 is at least 50 percent greater than its average net sales for the calendar years 1946 and 1947, and

(2) At least 40 percent of the taxpayer's net sales for the calendar year 1950 is attributable to products not generally available prior to 1946, and

(3) The amount of the taxpayer's net sales attributable to such products for the calendar year 1946 does not constitute more than 5 percent of the amount of its net sales so attributable for the calendar year 1949.

In order to determine qualification under this subsection, a taxpayer must compute its net sales for each particular period specified. It may not, for example, determine its net sales for a particular specified period by allocating to such period a pro rata portion of net sales for its taxable year which includes such period.

§ 40.435–5 *Computation of average base period net income based on growth*—(a) *Computation.* The following steps are required for the computation of average base period net income under the methods set forth in section 435 (e):

(1) The excess profits net income for each of the last 24 months in the base period is determined as provided in the second sentence of section 435 (d) (1).

(2) The amounts determined under subparagraph (1) of this paragraph are aggregated.

(3) The aggregate amount ascertained under subparagraph (2) of this paragraph is divided by 2.

(4) The excess profits net income for each of the last 12 months in the base period is aggregated.

(5) The excess profits net income (determined as provided in the second sentence of section 435 (d) (1)) or the weighted excess profits net income (as defined in paragraph (b) of this section), as the case may be, for each of the 12 months in the period beginning July 1, 1949, and ending June 30, 1950, is computed.

(6) The amounts determined under subparagraph (5) of this paragraph are aggregated.

(7) If a taxpayer meets the eligibility requirements with respect to products not generally available prior to 1946 (see § 40.435–4 (c)) and does not qualify under the general requirements for the alternative based on growth (see § 40.435–4 (b)), and if its excess profits net income for the calendar year 1949 is not more than 25 percent of its excess profits

net income for the calendar year 1948, then—

(i) The excess profits net income for each of the six months in the period beginning July 1, 1948, and ending December 31, 1948, and the weighted excess profits net income for each of the six months in the period beginning January 1, 1950, and ending June 30, 1950, are computed.

(ii) The amounts determined under subdivision (i) of this subparagraph are aggregated.

(8) The average base period net income under section 435 (e) is the amount ascertained under subparagraphs (3), (4), or (6) of this paragraph, whichever is the highest. In the case of a taxpayer described in subparagraph (7) of this paragraph, the average base period net income is the amount ascertained under subparagraphs (3), (4), (6), or (7) of this paragraph, whichever is the highest.

(b) *Weighted excess profits net income.* For the purpose of paragraph (a) (5) and (7) of this section, the term "weighted excess profits net income" applies to any month after December 1949, and means the weighted excess profits net income for the taxable year in which such month falls, divided by the number of full calendar months in such year. The term "weighted excess profits net income for the taxable year" applies only to taxable years beginning before July 1, 1950 (and ending after December 31, 1949), and is an amount equal to the following percentages of the excess profits net income for such taxable years:

(1) 100 percent of the excess profits net income for the taxable year if such year ends before July 1, 1950;

(2) 90 percent of the excess profits net income for the taxable year if such year ends after June 30, 1950, and before October 1, 1950;

(3) 80 percent of the excess profits net income for the taxable year if such year ends after September 30, 1950, and before April 1, 1951; and

(4) 70 percent of the excess profits net income for the taxable year if such year ends after March 31, 1951.

§ 40.435–6 *Capital additions in base period*—(a) *In general.* (1) If the average base period net income of the taxpayer is determined under the general average method (see § 435 (d) and § 40.435–1 (d)), the excess profits credit of the taxpayer computed under section 435 (a) shall include 12 percent of the amount of the base period capital addition. See section 435 (a) (1) (B). The base period capital addition shall also be available, subject to certain limitations to a corporation computing its average base period net income under section 442, relating to abnormalities during the base period. See section 435 (f) (3) and (d) of this section. No base period capital addition shall be allowed if the average base period net income is computed under the method provided in sections 435 (e), 443, 444, 445, or 446. In the case of installment basis taxpayers and taxpayers with income from long-term contracts, electing under section 455, see section 441 (h).

(2) The base period capital addition is based upon the net addition to capital for the taxpayer's last two taxable years ending before July 1, 1950. Only one-half the net addition to capital for the earlier taxable year is in general taken into account. In determining the net addition to capital, the full increase in equity capital and 75 percent of the increase in borrowed capital are taken into account, subject to adjustments for interest on borrowed capital, for inadmissible assets, and for loans to members of a controlled group of which the taxpayer is a member. The base period capital addition shall in no case be less than zero and there is no corresponding downward adjustment to reflect a decrease in capital prior to the first excess profits tax taxable year.

(3) No base period capital addition is permitted or required in the case of a foreign corporation.

(4) For special rules applicable in the case of a corporation a party to a transaction described in section 461 (a), see section 464, and for rules applicable in general to this section, see section 441.

(b) *Yearly base period capital*—(1) *Definition.* The first step in the computation of the base period capital addition under section 435 (f) is the determination of the yearly base period capital for the taxpayer's first taxable year ending after June 30, 1950, and for each of the two preceding taxable years. For the purposes of section 435 (f), the yearly base period capital for any taxable year shall be the sum of the equity capital, as defined in section 437 (c), at the beginning of the first day of such taxable year, plus an amount equal to 75 percent of the daily borrowed capital, as defined in section 439 (b), for the first day of such taxable year. Such sum shall be reduced by the sum of:

(i) The amount of the inadmissible assets held by the taxpayer at the beginning of such taxable year, determined under section 440, minus 25 percent of the excess, if any, of such amount over the amount of the equity capital (as defined in section 437 (c)) at the beginning of the first day of such taxable year;

(ii) 75 percent of the amount of loans to members of a controlled group; and

(iii) 75 percent of the amount of the adjustment for interest on borrowed capital.

(2) *Equity capital.* The equity capital at the beginning of the first day of any taxable year shall be determined under section 437 (c) and under the provisions of law, such as section 441 and section 470, applicable to determinations under section 437 (c). See § 40.437–5.

(3) *Borrowed capital.* The amount of the daily borrowed capital, 75 percent of which is added to the equity capital, shall be determined under section 439 (b) as of the beginning of the first day of each taxable year. See § 40.439–1.

(4) *Inadmissible assets.* The amount of the inadmissible assets held by the taxpayer as of the beginning of the first day of each taxable year constitutes a reduction, under section 435 (f) (1) (A), in the computation of the yearly base period capital for such taxable year. The amount of the inadmissible assets shall be determined under section 440. See § 40.440–1. Where the amount of the inadmissible assets at the beginning of any taxable year is in excess of the equity capital at such time, the amount of inadmissible assets, for the purposes of determining the reduction under section 435 (f) (1) (A), is reduced by 25 percent of such excess.

(5) *Loans to members of a controlled group.* If on the first day of any taxable year the taxpayer was a member of a controlled group, 75 percent of the amount of the indebtedness to the taxpayer, as of the beginning of such day, of any other members of the controlled group constitutes a reduction, under section 435 (f) (1) (B), in computing the yearly base period capital for such taxable year. For this purpose, the term "indebtedness" means indebtedness which constitutes daily borrowed capital, as defined in section 439 (b) (1), of such other member of the controlled group for such day. For definition of controlled group, see section 435 (g) (6).

(6) *Adjustment for interest on borrowed capital.* In computing the yearly base period capital for any taxable year, section 435 (f) (1) (C) requires that such amount shall be reduced by 75 percent of the amount of the adjustment computed under section 435 (f) (5) for interest on indebtedness of the taxpayer which constitutes daily borrowed capital. The computation of the adjustment for interest on borrowed capital under section 435 (f) (5) and of the reduction under section 435 (f) (1) (C) is illustrated by the following example:

Example. The Y corporation, which makes its return on the calendar year basis, has daily borrowed capital on January 1, 1948, in the following amounts: $100,000 of 4 percent bonds, maturing January 31, 1948, $50,000 of 6 percent notes maturing August 31, 1949, and $40,000 of 5 percent bonds maturing December 31, 1955, which indebtedness constitutes the total amount of its daily borrowed capital, as defined in section 439 (b), as of the beginning of such day. The adjustment for interest on borrowed capital is $75,000 and the reduction for such adjustment is $56,250, computed as follows:

(1) $100,000 multiplied by 4 percent	$4,000
(2) $50,000 multiplied by 6 percent	3,000
(3) $40,000 multiplied by 5 percent	2,000
(4) Aggregate of items (1), (2), and (3)	9,000
(5) Item (4) multiplied by 100	900,000
(6) Adjustment for interest on borrowed capital (item (5) divided by 12)	75,000
(7) Reduction required by section 435 (f) (1) (C) (75 percent of item 6)	56,250

(c) *Computation of base period capital addition; general rule.* (1) The computation of the base period capital addition is based on a comparison of the yearly base period capital, as determined under section 435 (f) (1) and under paragraph (b) of this section, for each of three taxable years: (i) The taxpayer's first taxable year ending after June 30, 1950, (ii) the taxpayer's immediately preceding taxable year, and (iii) the taxpayer's second preceding taxable year.

(2) The amount of the base period capital addition shall be determined as follows:

(i) By computing the amount of the excess, if any, of the amount of the yearly base period capital for the taxpayer's first taxable year ending after June 30, 1950, over the higher of (*a*) the amount of the yearly base period capital for the first preceding taxable year, or (*b*) the amount of the yearly base period capital for the second preceding taxable year.

(ii) By computing the amount of the excess, if any, of the lower of (*a*) the amount of the yearly base period capital for the taxpayer's first taxable year ending after June 30, 1950, or (*b*) the amount of the yearly base period capital for the first preceding taxable year, over the amount of the yearly base period capital for the second preceding taxable year.

(iii) By adding the amount ascertained under subparagraph (1) of this paragraph and one-half of the amount ascertained under this subparagraph. The sum so determined is the base period capital addition of the taxpayer.

(3) *Example.* Corporations X, Y, and Z, which make their returns on the calendar year basis, have yearly base period capital, as determined under section 435 (f) (1), as follows:

	X	Y	Z
Jan. 1, 1948	$100,000	$100,000	$100,000
Jan. 1, 1949	120,000	140,000	70,000
Jan. 1, 1950	140,000	110,000	130,000

The base period capital additions of corporations X, Y, and Z are $30,000, $5,000, and $30,000, respectively, computed as follows:

	X	Y	Z
(i) Excess of yearly base period capital for 1950 over higher of such amount for 1949 and 1948:			
(A) Yearly base period capital Jan. 1, 1950	$140,000	$110,000	$130,000
(B) Higher of such amount for 1949 and for 1948	120,000	140,000	100,000
(C) Excess of (A) over (B)	20,000	0	30,000
(ii) One-half excess of lower of yearly base period capital for 1950 and 1949 over such amount for 1948:			
(A) Lower of such amount for 1950 and 1949	120,000	110,000	70,000
(B) Amount for 1948	100,000	100,000	100,000
(C) Excess of (A) over (B)	20,000	10,000	0
(D) One-half of (C)	10,000	5,000	0
(iii) Base period capital addition (sum of (i) and (ii))	30,000	5,000	30,000

(d) *Special rules in case of abnormality during base period.* The base period capital addition, in the case of a taxpayer computing its average base period net income under section 442, is subject to the following rules:

(1) If more than 12 of the 36 months in the period subject to adjustment fall within taxable years the excess profits net income of which was adversely affected by an abnormality, the base period capital addition is zero.

(2) If 12 or fewer of the 36 months in the period subject to adjustment fall within a taxable year or years the excess profits net income of which was adversely affected by an abnormality, and

(i) If a substitute excess profits net income (in excess of 110 percent of excess profits net income) is computed for any part of the taxpayer's first taxable year ending after June 30, 1950, or for any part of the immediately preceding taxable year, the base period capital addition is zero.

(ii) If a substitute excess profits net income (in excess of 110 percent of excess profits net income) is computed for any part of the earlier of the taxpayer's two taxable years immediately preceding its first taxable year ending after June 30, 1950, the base period capital addition shall be the excess, if any, of the amount of the yearly base period capital determined under the rules provided in section 435 (f) (1) and in paragraph (b) of this section for the first taxable year ending after June 30, 1950, over the amount of such yearly base period capital for the immediately preceding taxable year.

(iii) If neither subdivision (i) nor subdivision (ii) of this subparagraph applies, the base period capital addition is determined in accordance with the general rule provided in paragraph (c) of this section.

§ 40.435–7 *Net capital addition or reduction*—(a) *In general.* (1) In addition to adjustments in certain cases for capital changes during the base period (see section 435 (f)), it is also necessary in computing the excess profits credit under section 435 to make adjustments for capital changes occurring after the beginning of the taxpayer's first taxable year ending after June 30, 1950. Section 435 (a) provides that the excess profits credit computed under that section shall be increased or decreased, as the case may be, by 12 percent of the net capital addition or reduction computed under section 435 (g). The net capital addition (or reduction), in general, consists of the net increase (or decrease) in equity and borrowed capital, determined by comparing the equity and borrowed capital for the taxable year with the equity and borrowed capital at the beginning of the first day of the taxpayer's first taxable year ending after June 30, 1950. For this purpose borrowed capital is taken into account at 75 percent. Under certain circumstances an adjustment is made with respect to inadmissible assets and loans to members of a controlled group of corporations of which the taxpayer is a member.

(2) For rules applicable if the average base period net income is computed under the provisions of section 443, relating to change in products or services, see § 40.443–3 (b). For rules applicable if the average base period net income is computed under the provisions of section 445, relating to new corporations, see § 40.445–2 (c). For rules applicable in the case of installment basis taxpayers and taxpayers with income from long-term contracts, electing under section 455, see section 441 (h).

(3) No net capital addition or reduction is permitted or required in the case of a foreign corporation.

(4) For special rules applicable in the case of a corporation a party to a transaction described in section 461 (a), see section 463. See also section 441 for additional rules generally applicable to this section.

(5) In order to determine the net capital addition or reduction, it is necessary to determine the daily capital addition and reduction for each day of the taxable year. The items which shall be taken into account in computing the daily capital addition and the daily capital reduction for each day are described in paragraphs (b) and (c) of this section.

(b) *Daily capital addition.* The daily capital addition for any day of the taxable year is the sum of the following amounts:

(1) The aggregate of the amounts of money and property paid-in in good faith for purposes of the business for stock, or as paid-in surplus, or as a contribution to capital, after the beginning of the taxable year and prior to such day. For rules for determination of the amount so paid in, see section 441.

(2) The amount, if any, by which the equity capital (as defined in section 437 (c)) at the beginning of the taxable year exceeds the equity capital at the beginning of the taxpayer's first taxable year ending after June 30, 1950. The amount of the equity capital shall be determined as of the beginning of the first day of each such taxable year. For rules governing the computation of the amount of equity capital, see sections 437 (c), 441, and 470, and the regulations under such sections.

(3) 75 percent of the excess, if any, of the average borrowed capital for the taxable year (as determined under section 439 (a)) over the daily borrowed capital (as defined in section 439 (b)) for the first day of the taxpayer's first taxable year ending after June 30, 1950. See § 40.439–1.

(c) *Daily capital reduction.* The daily capital reduction for any day of the taxable year is the sum of the following amounts:

(1) The aggregate of the amounts of distributions to shareholders previously made during the taxable year which are not out of the earnings and profits of such taxable year. For each day of the taxable year, the daily amount of distributions not out of earnings and profits of such year is the total amount of such distributions made during the year and prior to such day. For rules for determination of distributions, see section 441.

(2) The amount, if any, by which the amount of the equity capital (as defined in section 437 (c)) at the beginning of the taxpayer's first taxable year ending after June 30, 1950, exceeds the amount of the equity capital at the beginning of the taxable year. The amount of the equity capital shall be determined as of the beginning of the first day of each taxable year. See sections 437 (c), 441, and 470, and the regulations under such sections for rules relating to the computation of equity capital.

(3) 75 percent of the amount, if any, by which the daily borrowed capital (as determined under section 439 (b)) for

the first day of the taxpayer's first taxable year ending after June 30, 1950, exceeds the average borrowed capital for the taxable year (as defined in section 439 (a)).

(4) The amount determined under section 435 (g) (6), relating to an increase in certain inadmissible assets held by the taxpayer, if the taxpayer and one or more other corporations are members of a controlled group of corporations. Section 435 (g) (6) defines controlled group. The amount to be included in the daily capital reduction for any day, with respect to such increase, shall be the amount determined under subdivisions (i) or (ii) of this subparagraph, whichever is the lesser:

(i) The excess of the aggregate of the adjusted basis (for determining gain upon sale or exchange) of stock in such other corporation (or if more than one, in such other corporations) held by the taxpayer at the beginning of such day over the aggregate of the adjusted basis (for determining gain upon sale or exchange) of stock in such other corporation (or if more than one, in such other corporations) held by the taxpayer at the beginning of its first taxable year ending after June 30, 1950.

(ii) The excess of the aggregate of the adjusted basis (for determining gain upon sale or exchange) of inadmissible assets held by the taxpayer at the beginning of such day over the aggregate of the adjusted basis (for determining gain upon sale or exchange) of inadmissible assets held by the taxpayer at the beginning of its first taxable year ending after June 30, 1950.

(5) 75 percent of the amount determined under section 435 (g) (7), relating to any increase in loans to a member of a controlled group of corporations of which the taxpayer is a member. The daily amount of any increase in loans to a member of a controlled group for any day of the taxable year shall be the excess of the amount of the indebtedness (as defined in section 439 (b) (1)) of such other corporation (or if more than one, such other corporations) to the taxpayer at the beginning of such day over the amount of the indebtedness of such other corporation (or if more than one, such other corporations) to the taxpayer at the beginning of the taxpayer's first taxable year ending after June 30, 1950.

(d) *Computation of net capital addition.* (1) The net capital addition for the taxable year is the excess, divided by the number of days in the taxable year, of the aggregate of the daily capital addition for each day of the taxable year over the aggregate of the daily capital reduction for each day of the taxable year. This amount is to be reduced where there is an increase in inadmissible assets (as defined in section 440 (a)) for the taxable year. For the determination of the amount attributable to inadmissible assets for any day, see section 440 (b). Where the total of the daily amounts attributable to inadmissible assets for the taxable year, divided by the number of days in the taxable year, exceeds the total of the inadmissible assets for the first day of the taxpayer's first taxable year ending after June 30, 1950, there is an increase in inadmissible assets for the taxable year. The net capital addition shall be reduced by the amount of such increase. However, certain adjustments to such increase in inadmissible assets must be made in the following cases:

(i) Where there is a daily capital reduction for any day of the taxable year under section 435 (g) (4) (D), the increase in inadmissible assets shall be determined by reducing the inadmissible assets for such day by the amount by which the daily capital reduction for such day is increased under section 435 (g) (4) (D).

(ii) If the amount of the increase in inadmissible assets, as adjusted under subdivision (i) of this subparagraph, is in excess of the net capital addition computed without regard to section 435 (g) (3) (C), relating to increase in borrowed capital, then such increase in inadmissible assets shall be further reduced. The amount of such reduction shall be an amount equal to 25 percent of the excess described in the preceding sentence.

The net capital addition for the taxable year shall in no case be reduced below zero by an increase in inadmissible assets.

(2) For the purpose of section 435 (g) (1), the amount of inadmissible assets for any day shall be determined as provided in section 440 (b). The ratio of such assets to total assets provided in section 440 (b) is not applicable in computing the excess profits credit under section 435.

(e) *Computation of net capital reduction.* (1) The net capital reduction for the taxable year is the excess, divided by the number of days in the taxable year, of the aggregate of the daily capital reduction for each day of the taxable year over the aggregate of the daily capital addition for each day of the taxable year. This amount shall be reduced where there is a decrease in inadmissible assets (as defined in section 440 (a)) for the taxable year. For the determination of the amount attributable to inadmissible assets for any day, see section 440 (b). Where the total of the inadmissible assets for the first day of the taxpayer's first taxable year ending after June 30, 1950, exceeds the total of the daily amounts attributable to the inadmissible assets for the taxable year, divided by the number of days in such year, there is a decrease in inadmissible assets for the taxable year. The amount of the net capital reduction is to be reduced by the amount of such decrease. However, if the amount of such decrease in admissible assets is in excess of the net capital reduction computed without regard to section 435 (g) (4) (C) and (E), relating to a decrease in borrowed capital and an increase in loans to members of a controlled group of corporations of which the taxpayer is a member, then such decrease in inadmissible assets shall be reduced. The amount of such reduction shall be an amount equal to 25 percent of the excess described in the preceding sentence. The net capital reduction for the taxable year shall in no case be reduced below zero as a result of a decrease in inadmissible assets.

(2) For the purpose of section 435 (g) (2), the amount of inadmissible assets for any day shall be determined as provided in section 440 (b). The ratio of such assets to total assets provided in section 440 (b) is not applicable in computing the excess profits credit under section 435.

SEC. 436. EXCESS PROFITS CREDIT—BASED ON INVESTED CAPITAL.

(a) *General rule.* In the case of a domestic corporation (except a corporation described in subsection (b)) the excess profits credit for any taxable year computed under this section shall be the sum of the following:

(1) The invested capital credit computed under section 437, reduced by the amount computed under section 440 (b) (relating to inadmissible assets), and

(2) The new capital credit, if any, computed under section 438 (a).

(b) *Foreign corporations and corporations entitled to benefits of section 251*—(1) *Computation of credit.* In the case of a foreign corporation engaged in a trade or business within the United States, and in the case of a corporation entitled to the benefits of section 251, the excess profits credit for any taxable year computed under this section shall be determined in accordance with rules and regulations prescribed by the Secretary, under which—

(A) *General rule.* The excess profits credit shall be the invested capital credit computed under section 437, reduced by the amount computed under section 440 (b) (relating to inadmissible assets). In computing the invested capital credit for the purposes of this subsection, (i) the invested capital for any taxable year shall (in lieu of the amount provided in section 437 (b) (1)) be the aggregate, divided by the number of days in such year, of the sum of the equity capital (determined under section 437 (c)) as of the beginning of each day of such taxable year and 75 per centum of the daily borrowed capital (determined under section 439 (b)) for each such day, (ii) the term "assets" as used in section 437 (c) shall be considered as referring to United States assets, (iii) the term "liabilities" as used in such section shall be considered as referring to United States liabilities, and (iv) the daily borrowed capital shall be determined under section 439 (b) by reference only to United States liabilities. In the application of section 440, the terms "admissible assets" and "inadmissible assets" shall include only United States assets.

(B) *Exception.* If the Secretary determines that the United States assets of the taxpayer cannot satisfactorily be segregated from its other assets or that the United States liabilities of the taxpayer cannot satisfactorily be segregated from its other liabilities, the invested capital of the taxpayer shall be an amount (in lieu of the amount ascertained under subparagraph (A)) which is the same percentage of the sum of the equity capital of the taxpayer, determined under section 437 (c) as of the end of the last day of the taxable year without the application of this subparagraph, and 75 per centum of the daily borrowed capital determined under section 439 (b) for the day following such last day without the application of this subparagraph, which the net income for the taxable year from sources within the United States is of the total net income of the taxpayer for such year.

(2) *Definitions.* As used in this subsection—

(A) The term "United States assets" means assets held by the taxpayer (in good faith for the purposes of the business) in the United States, determined in accordance with rules and regulations prescribed by the Secretary.

(B) The term "United States liabilities" means the liabilities of the taxpayer which are directly related to its United States assets, determined in accordance with rules and regulations prescribed by the Secretary.

§ 40.436–1 *Excess profits credit based on invested capital; domestic corporations.* Any domestic corporation may compute its excess profits credit under the invested capital method. Such credit, except in the case of a corporation entitled to the benefits of section 251, is an amount equal to the sum of:

(a) The invested capital credit computed under section 437, reduced by the amount computed under section 440 (b), relating to inadmissible assets, and

(b) The new capital credit, if any, computed under section 438 (a).

§ 40.436–2 *Foreign corporations and corporations entitled to benefits of section 251.* In the case of a foreign corporation engaged in trade or business within the United States, and in the case of a corporation entitled to the benefits of section 251 (on account of deriving a large portion of its gross income from sources within possessions of the United States), the excess profits credit for any taxable year computed under this section shall be the invested capital credit provided in section 437, reduced by the amount computed under section 440 (b), relating to inadmissible assets, with the following exceptions:

(a) In lieu of the amount provided in section 437 (b) (1), the invested capital for any taxable year shall be the aggregate, divided by the number of days in such year, of the sum of (1) the equity capital (determined under section 437 (c)) as of the beginning of each day of such taxable year, and (2) 75 percent of the daily borrowed capital (determined under section 439 (b)) for each such day.

(b) For the purpose of determining equity capital for any day under paragraph (a) of this section, the terms "assets" and "liabilities" as used in section 437 (c) shall include only United States assets and liabilities. For the purpose of paragraph (a) of this section the "daily borrowed capital" shall be determined under section 439 (b) by reference only to United States liabilities. In the application of the provisions of section 440 in reduction of the invested capital credit (determined under section 437 as provided in paragraph (a) of this section), the terms "admissible assets" and "inadmissible assets" shall include only United States assets. A corporation described in section 436 (b) may not elect to compute its invested capital under section 458, relating to historical invested capital.

(c) In cases in which the Commissioner determines that the United States assets or liabilities cannot satisfactorily be segregated from the corporation's other assets or liabilities, the invested capital of the corporation shall be (in lieu of the amount determined under paragraph (a) of this section) an amount which is the same percentage of:

(1) The sum of (i) the equity capital determined under section 437 (c) as of the end of the last day of the taxable year and determined without regard to paragraph (b) of this section, and (ii) 75 percent of the daily borrowed capital determined under section 439 (b) as of the beginning of the day following the last day of the taxable year and determined without regard to paragraph (b) of this section, as

(2) The net income for the taxable year from sources within the United States is of the net income of the taxpayer from all sources for such year.

(d) For the purpose of section 436 (b) and of paragraph (b) of this section, the term "United States assets" means assets either (1) employed by the taxpayer in the United States in carrying on its trade or business therein, or (2) of a kind the income from which is income from sources within the United States under section 119 and the regulations prescribed thereunder regardless of where the evidence of the property rights in such assets are held. The term "United States liabilities" means liabilities directly related to the United States assets, such as mortgages or other liens on United States assets and any liabilities attributable to the business conducted in the United States or to the income from sources within the United States.

SEC. 437. INVESTED CAPITAL CREDIT.

(a) *Definition.* The invested capital credit for any taxable year shall be the amount shown in the following table:

If the invested capital for such year (as defined in subsection (b) (1)) is:	The credit shall be:
Not over $5,000,000	12% of the invested capital.
Over $5,000,000 but not over $10,000,000	$600,000, plus 10% of the excess over $5,000,000.
Over $10,000,000	$1,100,000, plus 8% of the excess over $10,000,000.

(b) *Invested capital*—(1) *Election of taxpayer.* The invested capital for any taxable year shall be the adjusted invested capital determined under paragraph (2), except that if the taxpayer elects in its return for such taxable year to compute its invested capital under the provisions of section 458, the invested capital for such year shall be the historical invested capital determined under section 458. For the invested capital of certain insurance companies, see paragraph (3).

(2) *Adjusted invested capital.* The adjusted invested capital for any taxable year (hereinafter in this paragraph referred to as "the taxable year") shall be the sum of—

(A) The equity capital (as defined in subsection (c)) as of the beginning of the taxable year;

(B) The capital addition for the taxable year computed under subsection (d);

(C) 75 per centum of the average borrowed capital for the taxable year computed under section 439 (a); and

(D) The recent loss adjustment computed under subsection (f),

minus the capital reduction for the taxable year computed under subsection (e). If the amount of the adjusted invested capital so computed is over $5,000,000, such amount shall be reduced by the net new capital addition computed under section 438 (b).

(3) *Mutual insurance company (other than life or marine).* The invested capital of a mutual insurance company (other than life or marine) shall be the mean of its surplus, plus 50 per centum of the mean of all reserves required by law, both surplus and reserves being determined at the beginning and end of the taxable year, and it may include as equity capital its organization expenses. The surplus shall include all of the assets of the company other than the reserves required by law.

(c) *Definition of equity capital.* The equity capital of the taxpayer as of any time shall be the total of its assets held at such time in good faith for the purposes of the business, reduced by the total of its liabilities at such time. For such purposes, the amount attributable to each asset shall be determined by ascertaining the adjusted basis thereof (or, in the case of money, the amount thereof) and the adjusted basis shall be the adjusted basis for determining gain upon sale or exchange. In the case of an insurance company (other than mutual and other than life or marine), 50 per centum of its reserves required by law (other than reserves used in computing borrowed capital under section 439 (b) (2)) shall be considered as equity capital and, it may include as equity capital its organization expenses. In the case of a bank (as defined in section 104) its reserves for bad debts shall not be treated as liabilities. In the case of assets subject to a mortgage or other lien, the amount of the indebtedness secured by such mortgage or lien shall be considered as a liability of the taxpayer whether or not the taxpayer assumed or agreed to pay such indebtedness.

(d) *Capital addition for the taxable year.* The capital addition for the taxable year shall be the aggregate of the daily capital addition for each day of the taxable year, divided by the number of days in such year. The daily capital addition for each day of the taxable year shall be the aggregate of the amount of money and property paid in after the beginning of such taxable year and prior to such day for stock, or as paid-in surplus, or as a contribution to capital.

(e) *Capital reduction for the taxable year.* The capital reduction for the taxable year shall be the aggregate of the daily capital reduction for each day of the taxable year, divided by the number of days in such year. The daily capital reduction for each day of the taxable year shall be the amount of the distributions previously made during the taxable year which are not out of the earnings and profits of such taxable year.

(f) *Recent loss adjustment*—(1) *Determination.* The recent loss adjustment for any taxable year shall be the excess of the aggregate of the net operating loss for each taxable year in the recent loss period over the aggregate of the net income for each taxable year in such period. For purposes of this subsection, the term "recent loss period" means whichever of the following periods results in a higher recent loss adjustment—

(A) The base period, or

(B) The period beginning January 1, 1940, and ending December 31, 1949.

(2) *Definitions.* For purposes of this subsection—

(A) *Net operating loss.* The net operating loss for any taxable year means the net operating loss as defined in section 122 (d), determined under the law applicable to such taxable year.

(B) *Net income.* The net income for any taxable year means the net income computed with the exceptions, additions, and limitations provided in section 122 (d) (other than paragraph (6) of section 122 (d)), under the law applicable to such taxable year.

(3) *Special rules*—(A) *Only part of taxable year included in recent loss period.* For purposes of this subsection, the net operating loss or net income for a taxable year

only part of which is within the recent loss period shall be such part of the net operating loss or net income for such taxable year, computed without regard to this subparagraph, as the number of months in such taxable year falling within the recent loss period is of the total number of months in such taxable year. For purposes of this subsection, a fractional part of a month shall be disregarded unless it amounts to more than half a month in which case it shall be considered as a month.

(B) *Recent losses of component corporations.* The recent loss adjustment shall be separately computed for each corporation which is a component corporation of the taxpayer within the meaning of part II of this subchapter, and the amount so computed shall be added to the recent loss adjustment of the taxpayer. For purposes of such computation, the recent loss period of the component corporation shall not include any period after the date of the transaction in which such corporation became a component corporation of the taxpayer. The recent loss adjustment of the component corporation, for the purpose of computing the adjusted equity capital of any corporation (including the component corporation) other than the taxpayer for a taxable year ending after such date shall be reduced by the amount with respect to such component corporation which, under this subsection, is added to the recent loss adjustment of the taxpayer.

§ 40.437–1 *Invested capital credit.* The invested capital credit is an amount equal to 12 percent of the taxpayer's invested capital for the taxable year, except that if such invested capital for any taxable year exceeds $5,000,000, the credit for such taxable year is an amount determined in accordance with the table set forth in section 437 (a).

§ 40.437–2 *Invested capital*—(a) *Definition.* The "invested capital" of the taxpayer means whichever one of the following amounts the taxpayer is required to use for the purpose of determining its credit based on invested capital:

(1) Adjusted invested capital computed under section 437 (b) (2).

(2) Historical invested capital computed under section 458.

(3) In the case of a mutual insurance company other than life or marine, the invested capital computed under section 437 (b) (3).

(4) In the case of a foreign corporation and in the case of a corporation entitled to the benefits of section 251, the invested capital computed under the rules provided in section 436 (b).

(b) *General rule.* The invested capital of every taxpayer is the adjusted invested capital for the taxable year computed under section 437 (b) (2), unless paragraph (c) or (d) of this section applies to the taxpayer for the taxable year.

(c) *Election to use historical invested capital.* If the taxpayer (other than a taxpayer described in paragraph (d) of this section) elects on its return for the taxable year to compute its invested capital under the provisions of section 458, the invested capital of the taxpayer for such year shall be the historical invested capital determined under section 458. A separate election must be made for each taxable year, and an election once made is irrevocable with respect to the taxable year. A taxpayer making such election may not thereafter compute invested capital for the taxable year under section 437 (b) (2). If the historical method is used on the return in determining the excess profits tax liability, the taxpayer will be deemed to have elected the historical method. A taxpayer which computes its excess profits tax on its return on the basis of a credit other than the invested capital credit may nevertheless elect the historical method for such year, in the event that the invested capital credit should subsequently become significant in the determination of its excess profits tax liability for such year, by attaching to its return for the taxable year a statement electing the historical method.

(d) *Special rules.* For the determination of the invested capital of a mutual insurance company other than life or marine, see § 40.437–4. For the determination of the invested capital of a foreign corporation or of a corporation entitled to the benefits of section 251, see § 40.436–2.

§ 40.437–3 *Adjusted invested capital.* (a) The adjusted invested capital is (1) the sum of—

(i) The equity capital (as defined in section 437 (c) and § 40.437–5) as of the beginning of the first day of the taxable year,

(ii) The capital addition for the taxable year computed under section 437 (d) and § 40.437–6.

(iii) 75 percent of the average amount of borrowed capital for the taxable year computed under section 439 (a) and § 40.439–1, and

(iv) The recent loss adjustment computed under section 437 (f) and § 40.437–8;

minus (2) the capital reduction for the taxable year computed under section 437 (e) and § 40.437–7.

(b) Where the amount of the adjusted invested capital so computed is over $5,000,000, such amount shall be reduced by the net new capital addition, computed under section 438 (b). In such case, a separate credit at the rate of 12 percent is allowed under section 436 (a) (2) and section 438 with respect to such net new capital addition. No computation under section 438 is necessary if the adjusted invested capital does not exceed $5,000,000, since the 12 percent rate is applied to the entire invested capital in such a case.

§ 40.437–4 *Invested capital of mutual insurance companies other than life or marine.* The invested capital of a mutual insurance company other than life or marine shall be determined as provided in section 437 (b) (3). The invested capital of such an insurance company for any taxable year shall be the mean of the surplus, plus 50 percent of the mean of all reserves required by law, both surplus and reserves being determined at the beginning and end of the taxable year. For this purpose surplus means the excess of all the assets of the company over the sum of the liabilities of the company, including in such liabilities the reserves required by law. In determining such excess, all the assets of the company, whether admitted or not admitted, shall be included. "Reserves required by law" include not only reserves required by express statutory provisions but also reserves required by the rules and regulations of State insurance departments when promulgated in the exercise of an appropriate power conferred by statute, but do not include assets required to be held for the ordinary running expenses of the business, such as taxes, salaries, and unpaid brokerage. Only reserves commonly recognized as such in insurance accounting are to be taken into consideration in computing the "reserves required by law." In the case of a fire insurance company the only reserves commonly recognized are the "unearned premiums." In addition, the organization expenses of such mutual insurance companies may be included in equity capital.

§ 40.437–5 *Definition of equity capital.* (a) The equity capital of a taxpayer for any day shall be the total of the assets (determined under paragraph (b) of this section) held by it at the beginning of such day in good faith for the purposes of the business, reduced by the total of its liabilities (determined under paragraph (c) of this section) outstanding at the beginning of such day. The determination of the equity capital under section 437 (c) shall be made generally in accordance with sound accounting principles, and shall be consistent with the proper method of accounting used in determining the taxpayer's net income and with the rules applicable in determining the earnings and profits of the taxpayer. For example, in the case of a taxpayer which makes its return on the basis of cash receipts and disbursements, assets and liabilities do not include accounts receivable which are to be included in income when collected and accounts payable which are to be deducted from income when paid. Ordinarily, the starting point in determining the equity capital of a corporation as of the beginning of the first day of its taxable year is its balance sheet as of the close of the preceding taxable year.

(b) (1) The term "total assets" for any day means the sum of the money, plus the aggregate of the adjusted basis (determined as of the beginning of such day) of the property other than money held by the taxpayer at the beginning of such day in good faith for the purposes of the business. Such adjusted basis for any asset is its adjusted basis for determining gain upon sale or exchange for Federal income tax purposes (see, in general, section 113 and the regulations prescribed thereunder), except that in the case of secret processes and formulas, good will, trade-marks, trade brands, franchises, and other like property, such adjusted basis shall be determined without regard to the value of the property as of March 1, 1913. See section 441 (i). The determination of the total assets of any taxpayer shall conform to the method of accounting employed by such taxpayer in determining net income and to the rules applicable in determining its earnings and profits. Thus, a corporation reporting income from installment sales and using the installment method of accounting shall, unless subject to the provisions of section 441 (h), treat its installment accounts receivable as having an adjusted basis determined under section 44 (d). Similarly, a corporation using the completed contract method of accounting for income from long-term contracts shall, unless subject to the provisions of section 441 (h), treat only its net investment in uncompleted contracts as the adjusted basis thereof. See sections 441 (h) and 455. Treasury stock purchased for investment and held in good faith for the purposes of the business is included in total assets.

(2) For special rule in the case of improvements by a lessee to properties of a lessor railroad corporation, see section 441 (j).

(3) Under section 441 (e), certain distributions to shareholders made during the first 60 days of the taxable year (other than the first taxable year ending after June 30, 1950) are deemed to have been made on the last day of the preceding taxable year. Accordingly, in any case in which section 441 (e) is applicable, the total assets at the beginning of the first day of the taxable year shall be reduced by the amount of the distributions deemed to have been made on the last day of the preceding taxable year, and the taxpayer's liability for such distributions, if any, outstanding at the beginning of such day shall be appropriately adjusted.

(4) For rules applicable in determining the adjusted basis of assets acquired in an intercorporate liquidation, see section 470.

(5) In the case of an insurance company (other than mutual and other than life or marine), the equity capital shall include 50 percent of its reserves required by law, except the reserve for unearned premiums used in computing borrowed capital under section 439 (b) (2). Such an insurance company shall also include its organization expenses in equity capital.

(c) The term "total liabilities" means all liabilities of the taxpayer, absolute and not contingent, and includes those items which constitute liabilities in the sense of debts or obligations. Also included are liabilities assumed by the taxpayer whether or not in connection with assets held by the taxpayer. In the case of assets held by the taxpayer subject to a mortgage or other lien, the amount of the indebtedness secured by such mortgage or lien shall be considered as a liability of the taxpayer whether or not the taxpayer assumed or agreed to pay such indebtedness. If, in a bona fide business transaction, indebtedness of the taxpayer is assumed by another person or property subject to such a mortgage or other lien is disposed of to another person, such indebtedness ceases to be a liability of the taxpayer. The obligation of the taxpayer on its capital stock is not a liability. The determination of the date upon which a liability is incurred is to be made generally in accordance with sound accounting principles and is subject to the rules applicable in determining the taxpayer's earnings and profits. Thus, in the case of a distribution by a corporation, the liability for such distribution is considered incurred at the beginning of the date set for its payment, except that where no date is set for its payment, it is considered incurred on the date when it is declared. See § 40.441–1. Whether a reserve is treated as a liability is dependent upon the nature of the reserve. The reserve for bad debts under section 23 (k) is included as a liability unless under the taxpayer's method of accounting it is treated as a reduction of total assets. In the case of a bank, as defined in section 104, its reserves for bad debts shall neither reduce assets nor be treated as liabilities. A reserve for depletion or depreciation is properly accounted for in determining the adjusted basis of property. Reserves for contingencies and other reserves which are mere appropriations of surplus are not liabilities.

§ 40.437–6 *Capital addition for the taxable year.* (a) The capital addition for the taxable year shall be the aggregate of the daily capital addition for each day of the taxable year, divided by the number of days in such year. The daily capital addition for each day of the taxable year is the aggregate of the money and property paid in after the beginning of such taxable year and prior to such day for stock, or as paid-in surplus, or as a contribution to capital. Only money and property paid-in in good faith for the purposes of the business shall be included.

(b) Under rules provided in section 441, such property is included in determining the daily capital addition in a manner consistent with its inclusion in equity capital under section 437 (c). The rules provided in section 441 with respect to money and property paid in for stock, or as paid-in surplus, or as a contribution to capital, include the following:

(1) Such property shall be included in determining the daily capital addition in an amount equal to its basis (unadjusted) for determining gain upon sale or exchange. If the basis (unadjusted) of the property is a substituted basis, such basis shall be adjusted, with respect to the period before the property was paid in, by an amount equal to the adjustments proper under section 113 (b) (2). See section 441 (b). For rules regarding value as of March 1, 1913, in the case of certain intangible property, see section 441 (i).

(2) If the basis (unadjusted) of property so paid in is a substituted basis, section 441 (g) (1) provides rules with respect to liabilities involved in the exchange, indebtedness of the taxpayer canceled or released in the exchange, and money and property transferred to the transferor.

(3) If an indebtedness of the taxpayer is canceled or released in exchange for stock, or as paid-in surplus, or as a contribution to capital, the amount paid in shall be considered equal to the amount of the indebtedness. See section 441 (g) (2).

(4) Distributions of the corporation's own stock, or rights to acquire its stock, shall not be regarded as money or property paid in for stock, or as paid-in surplus, or as a contribution to capital, and, therefore, do not constitute a capital addition for the taxable year. See section 441 (d).

§ 40.437–7 *Capital reduction for the taxable year.* (a) The capital reduction for the taxable year is the aggregate of the daily capital reduction for each day of the taxable year, divided by the number of days in such year. The daily capital reduction for each day of the taxable year is the amount of the distributions previously made during the current taxable year which are not out of earnings and profits of such taxable year.

(b) As in the case of the capital addition for the taxable year (see § 40.437–6), rules provided in section 441 are applicable in determining the daily capital reduction. Such rules include the following:

(1) A distribution by a corporation of its stock or rights to acquire its stock shall not be considered as a distribution. See section 441 (d).

(2) In determining whether a distribution is out of the earnings and profits of any taxable year, such earnings and profits shall be computed as of the close of such taxable year without diminution by reason of any distribution made during such taxable year or by reason of any income or excess profits tax imposed for such year, and the determination shall be without regard to the amount of earnings and profits at the time the distribution was made. So much of the distributions to shareholders made during the first 60 days of any taxable year (other than the first taxable year ending after June 30, 1950) as does not exceed the accumulated earnings and profits at the beginning thereof shall be considered to have been made on the last day of the preceding taxable year. See section 441 (e) and (f).

§ 40.437–8 *Recent loss adjustment*—(a) *In general.* The amount of the recent loss adjustment computed under section 437 (f) constitutes an item to be included in computing the adjusted invested capital under section 437 (b) (2). The effect of section 437 (f) is, in general, to offset any reduction, reflected in the amount of equity capital at the beginning of the taxable year, which arose from an excess of net operating losses over net income for the recent loss period.

(b) *Computation.* The recent loss adjustment for any taxable year shall be the excess of the aggregate of the net operating loss for each taxable year in the recent loss period over the aggregate of the net income for each taxable year in such period. For the purpose of the preceding sentence, if only part of a taxable year is included in the recent loss period, the net income or net operating loss for such taxable year shall be the portion of such net income or such net operating loss, as the case may be, which is allocable to the recent loss period. Such allocation shall be made on the basis of the number of months in the taxable year which fall within the recent loss period; for the purpose of such allocation, a fractional part of a month shall be disregarded unless it amounts to more than half a month in which case it shall be considered as a month.

(c) *Definitions.* (1) The term "recent loss period" means either the taxpayer's base period or the period beginning January 1, 1940, and ending December 31, 1949, whichever results in the higher recent loss adjustment.

(2) The net operating loss for any taxable year in the recent loss period shall be determined under section 122 (a) under the law applicable to the year for which the loss was sustained. The net income for any taxable year in the recent loss period shall be recomputed with the exceptions, additions, and limitations provided in section 122 (d), under the law applicable to such taxable year. However, no adjustment shall be made under section 122 (d) (6) for excess profits taxes under the World War II law.

(d) *Recent losses of component corporations.* If the taxpayer is an acquiring corporation as defined in section 461 (a), the recent loss adjustment of each of its component corporations, as defined in section 461 (b), shall be separately determined without regard to any period after the date of the transaction in which such corporation became a component corporation of the taxpayer. The recent loss adjustment so determined for each such component corporation is included in the recent loss adjustment of the taxpayer. However, the amount so made available to the taxpayer is not allowed to the component corporation, or to any other corporation with respect to the component corporation, for any taxable year ending after the date such corporation became a component corporation of the taxpayer; for each such taxable year, an amount equal to the amount included in the taxpayer's recent loss adjustment is excluded from the recent loss adjustment of such component or other corporation. The recent loss period used by the taxpayer must be the same for both the computations relating to its own recent losses and the computations relating to those of its component corporations; it is the period (defined in paragraph (c) (1) of this section) for which the sum of the recent loss adjustments is higher.

SEC. 438. NEW CAPITAL CREDIT CHANGES.

(a) *New capital credit.* The new capital credit for any taxable year shall be 12 per ce tum of the amount of the net new capital addition for the taxable year, except that the credit provided by this subsection shall not be allowed—

(1) If the invested capital for the taxable year (computed without reduction by the amount of the net new capital addition) is $5 000,000 or less;

(2) If the invested capital for the taxable year is the historical invested capital determined under section 458;

(3) If the taxpayer is a mutual insurance company (other than life or marine).

(b) *Net new capital addition.* The net new capital addition for the taxable year shall be the excess, divided by the number of days in the taxable year, of the aggregate of the daily new capital addition (determined under subsection (c)) for each day of the taxable year over the aggregate of the daily new capital reduction (determined under subsection (d)) for each day of the taxable year. If there is an increase in inadmissible assets for the taxable year, determined under section 435 (g) (5), the net new capital addition shall be the excess of the amount determined under the preceding sentence over—

(1) Unless paragraph (2) is applicable, the amount of such increase in inadmissible assets;

(2) If the amount of such increase in inadmissible assets is in excess of the net new capital addition determined without regard to this sentence and without regard to subsection (c) (3) and subsection (d) (3), the amount of such increase in inadmissible assets minus 25 per centum of such excess.

(c) *Daily new capital addition.* The daily new capital addition for any day of the taxable year shall, for the purposes of this section, be the sum of the following:

(1) The aggregate of the amounts of money and property (other than excluded equity capital as defined in subsection (e)) paid in for stock, or as paid-in surplus, or as a contribution to capital, after the beginning of such taxable year and prior to such day.

(2) The amount, if any, by which the equity capital at the beginning of the taxable year minus the amount of excluded equity capital (as defined in subsection (e)) paid in before the beginning of the taxable year and after the beginning of the taxpayer's first taxable year under this subchapter exceeds the equity capital at the beginning of such first taxable year.

(3) 75 per centum of the amount, if any, by which the increase in the daily borrowed capital for such day exceeds the increase in the excluded borrowed capital for such day. For the purposes of this paragraph the term "increase in the daily borrowed capital" for such day means the amount by which the daily borrowed capital for such day (as defined in section 439 (b)) exceeds the daily borrowed capital for the first day of the taxpayer's first taxable year under this subchapter, and the term "increase in the excluded borrowed capital" for such day means the amount by which the excluded borrowed capital for such day (as defined in subsection (f)) exceeds the excluded borrowed capital for the first day of the taxpayer's first taxable year under this subchapter.

(d) *Daily new capital reduction.* The daily new capital reduction for any day of the taxable year shall be the sum of the following:

(1) Distributions to shareholders previously made during such taxable year which are not out of the earnings and profits of such taxable year; and

(2) The amount, if any, by which the equity capital at the beginning of the taxpayer's first taxable year under this subchapter plus the total amount of excluded equity capital paid in after the beginning of such first taxable year and before the beginning of the taxable year exceeds the amount of the equity capital at the beginning of the taxable year; and

(3) 75 per centum of the amount, if any, by which the daily borrowed capital (as defined in section 439 (b)) for the first day of the taxpayer's first taxable year under this subchapter exceeds the daily borrowed capital for such day.

(e) *Definition of excluded capital.* The term "excluded equity capital" means the amount of money or property paid in for stock, or as paid-in surplus, or as a contribution to capital, to the taxpayer—

(1) By a corporation in an exchange to which section 112 (b) (3), (4), (5), or (10), or so much of section 112 (c), (d), or (e) as refers to section 112 (b) (3), (4), (5), or (10), is applicable (or would be applicable except for section 371 (g)), or would have been applicable if the term "control" had been defined in section 112 (h) to mean the ownership of stock possessing more than 50 per centum of the total combined voting power of all classes of stock entitled to vote or more than 50 per centum of the total value of shares of all classes of stock.

(2) By a transferor corporation if immediately after such transaction the transferor and the taxpayer are members of the same controlled group. As used in this paragraph, a controlled group means one or more chains of corporations connected through stock ownership with a common parent corporation if (A) more than 50 per centum of the total combined voting power of all classes of stock entitled to vote, or more than 50 per centum of the total value of shares of all classes of stock, of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations, and (B) the common parent corporation owns directly more than 50 per centum of the total combined voting power of all classes of stock entitled to vote, or more than 50 per centum of the total value of shares of all classes of stock, of at least one of the other corporations.

(f) *Definition of excluded borrowed capital.* The term "excluded borrowed capital" for any day of any taxable year means so much of the daily borrowed capital for such day as consists of outstanding indebtedness to a member of a controlled group, as defined in subsection (e) (2), which includes the taxpayer.

§ 40.438–1 *New capital credit*—(a) *In general.* (1) Section 438 provides that the new capital credit for any taxable year shall be 12 percent of the amount of the net new capital addition for the taxable year. Section 436 (a) provides that the new capital credit as computed under section 438 is to be added to the invested capital credit computed under section 437 in computing the excess profits credit for the taxable year. The new capital credit provided by section 438 shall not be allowed—

(i) If the invested capital for the taxable year (computed without reduction by the amount of the net new capital addition) is $5,000,000 or less, or

(ii) If the invested capital for the taxable year is the historical invested capital determined under section 458, or

(iii) If the taxpayer is a mutual insurance company (other than life or marine).

(2) The net new capital addition, in general, consists of the net increase in equity and borrowed capital, determined by comparing the equity and borrowed capital for the taxable year with the equity and borrowed capital as of the beginning of the taxpayer's first taxable year ending after June 30, 1950. For this purpose borrowed capital is taken into account at 75 percent. Under certain circumstances an adjustment is made with respect to inadmissible assets and for excluded equity capital and excluded borrowed capital. In no event is the net new capital addition less than zero.

(3) In the case of installment basis taxpayers and taxpayers with income from long-term contracts, electing under section 455, see section 441 (h). Section 441 also provides additional rules of general application to the determinations under section 438.

§ 40.438–2 *Determination of daily new capital addition.* (a) In order to determine the net new capital addition, it is necessary to ascertain the amount of the daily new capital addition and reduction for each day of the taxable year. This section describes the items which shall constitute a daily new capital addition. Items which constitute a daily new capital reduction are described in § 40.438–3. The daily new capital addition for any day of the taxable year is the sum of the amounts described in the following paragraphs of this section.

(b) The daily new capital addition for any day includes the aggregate of the amounts of money and property paid-in in good faith for purposes of the business for stock, or as paid-in surplus, or as a contribution to capital after the beginning of the taxable year and prior to such day, subject, however, to an exception for excluded equity capital as defined in section 438 (e). See paragraphs (c) and (d) of this section. For rules applicable in determining the amount of the money and property so paid-in, see section 441 and section 470.

(c) (1) The exception for excluded equity capital referred to in section 438 (c) (1) and in paragraph (b) of this section excludes from the daily new capital addition the amount of any money or property paid in during a taxable year ending after June 30, 1950, for stock, or as paid-in surplus, or as a contribution to capital, in an exchange to which section 112 (b) (3), (4), (5), or (10), or so much of section 112 (c), (d), or (e) as refers to section 112 (b) (3), (4), (5), or (10), is applicable, or in an exchange to which such provisions of section 112 would be applicable if the control requirement for the purpose of applying those provisions had been defined to mean the ownership of stock possessing more than 50 percent of the total combined voting power of all classes of stock entitled to vote or more than 50 percent of the total value of shares of all classes of stock. The exception described in the preceding sentence is determined without regard to section 371 (g), relating to certain exchanges under Supplement R of chapter 1 to which the specified provisions of section 112 would also be applicable.

(2) Example: The A Corporation issues stock during its taxable year beginning January 1, 1952, to the B Corporation in exchange for the transfer of certain property by the B Corporation. Immediately after the transfer the stock acquired by the B Corporation has a value of $10,000, the total value of all classes of stock of the A Corporation then outstanding amounting to $18,000. The A Corporation obtains no daily new capital addition, since the property for which the new stock was issued was obtained in an exchange to which section 112 (b) (5) would be applicable if the term "control" had been defined in section 112 (h) so as to include either the ownership of stock possessing more than 50 percent of the total combined voting power of all classes of stock entitled to vote or more than 50 percent of the total value of all classes of stock outstanding.

(d) (1) The exception for excluded equity capital referred to in section 438 (c) (1) and in paragraph (b) of this section also excludes from the daily new capital addition any money or property paid in to the taxpayer by a transferor corporation if immediately after such transaction the transferor and the taxpayer are members of the same controlled group as that term is defined in section 438 (e) (2).

(2) Example: The A Corporation owns stock in the B Corporation and the B Corporation owns stock in the C Corporation. The A Corporation transfers property to the C Corporation in exchange for stock of the C Corporation. Immediately after the transfer the stock owned by the A Corporation in the B Corporation possesses more than 50 percent of the total combined voting power of all classes of stock entitled to vote. Also immediately after such transfer the stock owned by the B Corporation in the C Corporation has a value equal to more than 50 percent of the total value of all classes of stock of the C Corporation. The C Corporation obtains no daily new capital addition through the acquisition of the property from the A Corporation in exchange for its stock, since immediately after the transfer the A Corporation, the transferor, and the C Corporation, the transferee, are members of the same controlled group.

(e) The daily new capital addition for any day includes the amount, if any, by which (1) (i) the equity capital at the beginning of the taxable year minus (ii) the amount of excluded equity capital (as defined in section 438 (e) and in paragraphs (c) and (d) of this section) paid in before the beginning of the taxable year and after the beginning of the taxpayer's first taxable year ending after June 30, 1950, exceeds (2) the equity capital at the beginning of such first taxable year ending after June 30, 1950. The amount of the equity capital at the beginning of any taxable year shall be determined as of the beginning of the first day of such taxable year, and shall be determined under section 437 (c) and under the rules applicable to section 437 (c). See section 441 and section 470.

(f) The daily new capital addition for any day includes 75 percent of the amount, if any, by which the increase in the daily borrowed capital for such day exceeds the increase in the excluded borrowed capital for such day. This amount for any day shall be determined by computing:

(1) The amount, if any, by which the daily borrowed capital for such day (as defined in section 439 (b)) exceeds the daily borrowed capital for the first day of the taxpayer's first taxable year ending after June 30, 1950.

(2) The amount by which the excluded borrowed capital for such day exceeds the excluded borrowed capital for the first day of the taxpayer's first taxable year ending after June 30, 1950.

(3) The amount by which subparagraph (1) of this paragraph exceeds subparagraph (2) of this paragraph. Seventy-five percent of the amount so computed is included in the daily new capital addition.

For the purpose of the above computation, the term "excluded borrowed capital" for any day of any taxable year means so much of the daily borrowed capital for such day as consists of outstanding indebtedness to a member of a controlled group, as defined in section 438 (e) (2), which includes the taxpayer.

§ 40.438–3 *Determination of daily new capital reduction.* (a) The daily new capital reduction for any day of the taxable year is the sum of the amounts described in the paragraphs (b) to (d) of this section.

(b) The daily new capital reduction for any day includes distributions to shareholders previously made during such taxable year which are not out of the earnings and profits of such taxable year. For each day of the taxable year, the daily amount of distributions not out of earnings and profits of such year is the total amount of such distributions made during the year and prior to such day. See section 441 for rules applicable in determining the amount of such distributions.

(c) The daily new capital reduction for any day includes the amount, if any, by which (1) the sum of (i) the amount of the equity capital at the beginning of the taxpayer's first taxable year ending after June 30, 1950, and (ii) the total amount of excluded equity capital paid in after the beginning of such first taxable year and before the beginning of the taxable year exceeds (2) the amount of the equity capital at the beginning of the taxable year. Equity capital and excluded equity capital shall be determined in the manner provided in § 40.438–2.

(d) The daily new capital reduction for any day includes 75 percent of the amount, if any, by which the daily borrowed capital (as defined in section 439 (b)) for the first day of the taxpayer's first taxable year ending after June 30, 1950, exceeds the daily borrowed capital (as defined in section 439 (b)) for such day of the taxable year.

§ 40.438–4 *Computation of net new capital addition*—(a) *In general.* The net new capital addition to which the 12 percent credit provided in section 438 (a) shall be applied is the excess, divided by the number of days in the taxable year, of the aggregate of the daily new capital additions for each day of the taxable year over the aggregate of the daily new capital reductions for each day of the taxable year, reduced, however, by the amount determined under paragraphs (1) and (2) of section 438 (b) and under paragraph (b) of this section, relating to an increase in inadmissible assets for the taxable year.

(b) *Limitations under paragraphs (1) and (2) of section 438 (b).* (1) The amount of the reduction applicable in computing the net new capital addition for the taxable year is computed as follows:

(i) The average inadmissible assets for the taxable year is determined by ascertaining the total of the daily amounts attributable to the inadmissible assets for such taxable year, determined under subparagraph (2) of this paragraph, and by dividing such total by the number of days in such taxable year.

(ii) The total of the inadmissible assets for the first day of the taxpayer's first taxable year ending after June 30, 1950, is determined.

(iii) The excess of the average determined in subdivision (i) over the total determined in subdivision (ii) of this subparagraph is ascertained.

(iv) The net new capital addition is computed without including in the daily new capital addition for any day any amount determined under section 438 (c) (3), relating to increases in borrowed capital, and without including in the daily new capital reduction for any day any amount determined under section 438 (d) (3) relating to decreases in borrowed capital.

(v) If the amount ascertained under subdivision (iii) exceeds the amount computed under subdivision (iv) of this subparagraph, then 25 percent of such excess is computed.

(vi) The amount ascertained under subdivision (iii), minus the amount, if any, computed under subdivision (v) of this subparagraph, is the amount of the reduction applicable in computing the net new capital addition.

(2) The amount attributable to inadmissible assets for any day shall be determined under section 440 (b). The ratio of such assets to total assets provided in section 440 (b) is not applicable for the purpose of section 438.

SEC. 439. BORROWED CAPITAL.

(a) *Average borrowed capital.* For the purposes of this subchapter, the average borrowed capital for any taxable year shall be the aggregate of the daily borrowed capital for each day of such taxable year, divided by the number of days in such taxable year.

(b) *Daily borrowed capital.* For the purposes of this subchapter, the daily borrowed capital for any day of any taxable year shall be determined as of the beginning of such day and shall be the sum of the following:

(1) The amount of the outstanding indebtedness (not including interest) of the taxpayer, incurred in good faith for the purposes of the business, which is evidenced by a bond, note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract. In the case of property of the taxpayer subject to a mortgage or other lien, the amount of indebtedness secured by such mortgage or lien shall be considered as an indebtedness of the taxpayer whether or not the taxpayer assumed or agreed to pay such indebtedness, plus

(2) In the case of an insurance company, an amount equal to 66⅔ per centum of the mean of the amount of the pro rata unearned premiums determined at the beginning and end of the taxable year, plus,

(3) In the case of a life insurance company, an amount equal to 66⅔ per centum of the mean of the amount of the adjusted reserves, and an amount equal to 66⅔ per centum of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year; plus

(4) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ per centum of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year.

§ 40.439–1 *Borrowed capital.* (a) The amount of the average borrowed capital of a corporation shall be computed in the manner provided in section 439 (a) and the daily borrowed capital, as defined in sections 439 (b) (1), (2), (3), and (4), shall be computed in the manner provided in section 439 (b). The average borrowed capital for any taxable year is the aggregate of the daily borrowed capital for each day of the taxable year, divided by the number of days in such taxable year. Daily borrowed capital for any day of the taxable year shall be determined as of the beginning of such day and shall be the sum of the following amounts:

(1) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(2) In the case of an insurance company (except a mutual insurance company other than life or marine) an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(3) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(4) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(5) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(6) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(7) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(8) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(9) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(10) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(11) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(12) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(13) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(14) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(15) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(16) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(17) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(18) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(19) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(20) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(21) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(22) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(23) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(24) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(25) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(26) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(27) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(28) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(29) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(30) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(31) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(32) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(33) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(34) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(35) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(36) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(37) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(38) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(39) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(40) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(41) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(42) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(43) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(44) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(45) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(46) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(47) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(48) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(49) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(50) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(51) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(52) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(53) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(54) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(55) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(56) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(57) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(58) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(59) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(60) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(61) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(62) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(63) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(64) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(65) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(66) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(67) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(68) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(69) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(70) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(71) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(72) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(73) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(74) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(75) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(76) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(77) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(78) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(79) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(80) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(81) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(82) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(83) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(84) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(85) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(86) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(87) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(88) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(89) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(90) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(91) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(92) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(93) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(94) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(95) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(96) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(97) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(98) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(99) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(100) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(101) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(102) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(103) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(104) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(105) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(106) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(107) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(108) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(109) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(110) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(111) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(112) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal to 66⅔ percent of the mean of the amount of reserves on its outstanding investment certificates, determined at the beginning and end of the taxable year, plus

(113) The amount of the outstanding indebtedness (other than interest) of the taxpayer, incurred in good faith for the purpose of the business, which is evidenced by a bond, promissory note, bill of exchange, debenture, certificate of indebtedness, mortgage, deed of trust, bank loan agreement, or conditional sales contract, plus

(114) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of its pro rata unearned premiums (see section 204 (b) (5) and § 29.204–2 of Regulations 111) determined at the beginning and end of the taxable year, plus

(115) In the case of a life insurance company, an amount equal to 66⅔ percent of the mean of the amount of the adjusted reserves (see section 201 (c) (3) and § 29.201–6 of Regulations 111), and an amount equal to 66⅔ percent of the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year, plus

(116) In the case of a face-amount certificate company as defined in section 4 (1) of the Investment Company Act of 1940 (15 U. S. C., section 80a–4), an amount equal

property was paid in, by an amount equal to the adjustments proper under section 113 (b) (2).

(d) *Distributions to shareholders.* Subject to the rule provided in section 441 (e) and in paragraph (e) of this section, a distribution is considered to be made on the date it is payable, except that where no date is set for its payment, the distribution is considered to be made on the date when it is declared. A distribution by a corporation in its stock, or in rights to acquire its stock shall not be regarded as money or property paid in for stock, or as paid-in surplus, or as a contribution to capital, whether such a distribution is paid out of capital or out of earnings and profits, or is of such a character as to be subject to tax in the hands of a distributee because not exempt as a stock dividend either by statute or otherwise. Such a distribution is not deemed to constitute a distribution by a corporation to its shareholders and does not reduce the adjusted invested capital or the equity capital of the taxpayer at any time.

(e) *Distributions in first 60 days of taxable year.* In computing invested capital, equity capital, or accumulated earnings and profits as of the beginning of any taxable year and in determining what distributions during any taxable year were made out of the earnings and profits of such taxable year, distributions made during the first 60 days of the taxable year (except in the case of the taxpayer's first taxable year ending after June 30, 1950) are deemed, to the extent they do not exceed the accumulated earnings and profits as of the beginning of such taxable year, to have been made on the last day of the preceding taxable year. In applying such rule, such distributions shall be considered in the order of time. For example, if a corporation on the calendar year basis has accumulated earnings and profits of $100,000 on January 1, 1951, and makes distributions of $75,000 on January 15, 1951, and $60,000 on February 15, 1951, the distribution of January 15, 1951, and $25,000 of the distribution of February 15, 1951, are considered as having been made on December 31, 1950.

(f) *Computation of earnings and profits of taxable year.* In determining whether a distribution is out of the earnings and profits of any taxable year, such earnings and profits shall be computed as of the close of such taxable year without diminution by reason of any distribution made during such taxable year, or by reason of any income or excess profits tax imposed for such taxable year, and without regard to the amounts of earnings and profits at the time the distribution was made. For example, if a corporation making a return on the calendar year basis had accumulated earnings and profits as of the beginning of the taxable year of $50,000, and earnings and profits during the taxable year (without diminution by any distributions, or by the income or excess profits tax for the taxable year) of $150,000, all earned during the last six months of the taxable year, and distributed $175,000 as dividends during the taxable year, $56,000 on April 1, $70,000 on July 1, and $49,000 on October 1, six-sevenths of each distribution will be deemed to have been paid out of earnings of the taxable year and one-seventh from accumulated earnings and profits, so that accumulated earnings and profits will be reduced by $8,000 beginning April 2, by an additional $10,000 beginning July 2, and by an additional $7,000 beginning October 2.

(g) *Exchanges.* (1) For the purpose of determining the amount of property paid in for stock, or as paid-in surplus, or as a contribution to capital, if the unadjusted basis of the property for determining gain upon a sale or exchange is determined by reference to the basis of the property in the hands of the transferor, such amount shall be reduced by the sum of the following:

(i) The amount of any liability of the transferor assumed upon the exchange and of any liability subject to which such property was so received,

(ii) The amount of any liability of the transferee (not arising out of any liability described in subdivision (i) of this subparagraph) constituting consideration for the property so received, and

(iii) The aggregate of the amount of any money and the fair market value of any other property (other than such stock and other than property described in subdivisions (i) and (ii) of this subparagraph) transferred to the transferor, whether or not such money or property was permitted to be received by the transferor without the recognition of gain.

(2) Where indebtedness of a taxpayer is cancelled or released in exchange for stock, or as paid-in surplus, or as a contribution to capital, the amount paid in shall be considered equal to the amount of the indebtedness. For example, if a corporation exchanges stock for bonds outstanding in a transaction in which, if property other than bonds were paid in, such property would have the same basis in the hands of the taxpayer as in the hands of the transferor, the face amount of the bonds, rather than their basis in the hands of the bondholder, is treated as the amount paid in for such stock.

(h) *Election under section 455.* In the case of a taxpayer electing under section 455 (a) to compute its income from installment sales or installment sales obligations on the basis of the taxable period for which such income is accrued, and in the case of a taxpayer electing under section 455 (b) to compute income from long-term contracts on the percentage of completion method of accounting, section 441 (h) provides that the invested capital, the net new capital addition, the base period capital addition, and the net capital addition or reduction shall be computed in a manner consistent with the method of accounting so elected. However, for the purpose of such computations, installment sales made, or installment sales obligations acquired, prior to the beginning of the taxpayer's first taxable year ending after June 30, 1950, shall be taken into account as if the taxpayer continued to report income on the installment basis, and long-term contracts begun prior to the beginning of the taxpayer's first taxable year ending after June 30, 1950, shall be taken into account as if the taxpayer continued to report income on the completed contract basis. For example, if a taxpayer on the calendar year basis elects under section 455 (a) to use the accrual method of accounting for excess profits tax purposes, its equity capital as of the beginning of its 1950 taxable year is computed by treating its accounts receivable with respect to installment sales as having an adjusted basis determined under section 44 (d), and its equity capital as of the beginning of its taxable year 1951 would be computed by determining the adjusted basis of its accounts receivable with respect to installment sales made before 1950 in the same manner as the computation for 1950, and by determining the adjusted basis of its accounts receivable with respect to installment sales made after 1949 (which are reported on the accrual basis for excess profits tax purposes) in the same manner as in the case of a taxpayer reporting on the accrual basis for all purposes. Another example might be a taxpayer on the calendar year basis electing under section 455 (b) to compute income from long-term contracts by using the percentage of completion method of accounting. For the purpose of determining the base period capital addition of such taxpayer, the election would have no effect (since all contracts involved would have been begun prior to January 1, 1950) and the completed contract method of accounting would apply to all items entering into the computation. However, for purposes of determining the net capital addition or reduction of the taxpayer for 1950, contracts begun in 1950 would be accounted for on the percentage of completion method of accounting whereas contracts begun prior to 1950 and completed in 1950 or in a subsequent year would be accounted for on the completed contract method of accounting. The amount of normal tax and surtax for any taxable year is not recomputed under section 441 (h) for any purpose. If average base period net income is computed under section 442, 443, 444, 445, or 446, the computation of total assets for the purpose of such section shall be made subject to the rules provided in section 441 (h). The determination of the recent loss adjustment under section 437 (f) is made on the basis of the taxpayer's former method of accounting unless the recent loss period ends on a date later than the beginning of the taxpayer's first taxable year ending after June 30, 1950, in which case the net income or net operating loss for such taxable year shall be computed on the basis of the method of accounting elected under section 455, subject to the rules provided in section 441 (h) and in this section.

(i) *Effect of intangible property on determination of credit.* In the case of intangible property, both the unadjusted and adjusted basis for determining gain upon sale or exchange shall be determined without regard to the value of the property as of March 1, 1913. However, this rule shall not have any application in determining the amount of gain realized upon the sale (exchange, or other disposition of such property. As used in section 441 (i), the term "intangible property" means secret processes and formulas, good will, trademarks, trade brands, franchises, and other like property.

(j) *Improvements by lessee to properties of lessor railroad corporation.* For the purpose of computing equity capital under section 437 (c), the fair value of additions and betterments made by the lessee to the physical properties of the lessor, having become the property of the lessor by rejection of its lease, is included in determining the unadjusted basis of such property. The specific rules for determination of such fair value are set forth in section 441 (j).

SEC. 442. AVERAGE BASE NET INCOME—ABNORMALITIES DURING BASE PERIOD.

(a) *In general.* If a taxpayer which commenced business on or before the first day of its base period establishes that, for any taxable year within, or beginning or ending within, its base period:

(1) Normal production, output, or operation was interrupted or diminished because of the occurrence, either immediately prior to, or during such taxable year, of events unusual and peculiar in the experience of such taxpayer, or

(2) The business of the taxpayer was depressed because of temporary economic circumstances unusual in the case of such taxpayer,

the taxpayer's average base period net income determined under this section shall be the amount computed under subsection (c) or (d), whichever is applicable.

(b) *Period subject to adjustment.* The period subject to adjustment under this section shall be determined as follows:

(1) By computing the excess profits net income or deficit in excess profits net income for each month in the base period. The excess profits net income or the deficit in excess profits net income for any month shall be the excess profits net income or deficit in excess profits net income, as the case may be, for the taxable year in which such month falls divided by the number of calendar months in such year.

(2) By eliminating from the base period whichever of the following 12 months results in the higher remaining aggregate excess profits net income or the lower remaining aggregate deficit in excess profits net income—

(A) The 12 consecutive months the elimination of which produces the highest remaining aggregate excess profits net income, or the lowest remaining aggregate deficit in excess profits net income, or

(B) The 12 months which remain after retaining in the base period the 36 consecutive months which produce the highest remaining aggregate excess profits net income or the lowest remaining aggregate deficit in excess profits net income.

(c) *Twelve or fewer months affected by abnormalities.* If no more than 12 of the months remaining after the application of subsection (b) (2) fall within taxable years the excess profits net income of which was reduced (or the deficit in excess profits net income of which was increased) by reason of an abnormality determined to exist under subsection (a), the average base period net income determined under this section shall be computed as follows:

(1) By computing the excess profits net income, determined in accordance with section 435 (d) (1), for each of the 36 months remaining after the application of subsection (b) (2) of this section.

(2) By computing, for each such month which falls within any taxable year the excess profits net income of which was reduced (or the deficit in excess profits net income of which was increased) by reason of an abnormality determined to exist under subsection (a), the substitute excess profits net income provided under subsection (e).

(3) By identifying the months described in paragraph (2) for which the amount of the substitute excess profits net income ascertained under such paragraph exceeds 110 per centum of the amount of the excess profits net income ascertained under paragraph (1).

(4) By computing the sum of (A) the aggregate of the substitute excess profits net income for each of the months identified under paragraph (3) and (B) the aggregate of the excess profits net income (ascertained under paragraph (1)) for each of the other months remaining after the application of subsection (b) (2).

(5) By dividing by 3 the amount ascertained under paragraph (4).

(d) *More than twelve months affected by abnormalities.* If more than 12 of the months remaining after the application of subsection (b) (2) fall within taxable years the excess profits net income of which was reduced (or the deficit in excess profits net income of which was increased) by reason of an abnormality determined to exist under subsection (a), the average base period net income determined under this section shall be computed as follows:

(1) By determining the amount of the taxpayer's total assets for the last day of each of its taxable years ending after the first day of its base period and prior to the first day of its first taxable year under this subchapter.

(2) By computing the average of the amounts ascertained under paragraph (1).

(3) By multiplying the amount ascertained under paragraph (2) by the base period rate of return, proclaimed by the Secretary under section 447, for the taxpayer's industry classification.

(4) By determining the aggregate amount of interest paid or incurred by the taxpayer for all taxable years ending after the first day of its base period and prior to the first day of its first taxable year under this subchapter, dividing such aggregate by the total number of months in such years, and multiplying the quotient by 12.

(5) By subtracting the amount ascertained under paragraph (4) from the amount ascertained under paragraph (3).

This subsection shall have no application with respect to any taxpayer unless the amount of the taxpayer's average base period net income determined under this subsection exceeds 110 per centum of the taxpayer's average base period net income computed under section 435 (d).

(e) *Substitute excess profits net income—*(1) *Computation.* For the purposes of subsection (c) (2), the substitute excess profits net income for any month shall be computed as follows:

(A) By multiplying the amount of the taxpayer's total assets for the last day of the taxable year in which such month falls or for the last day of its taxable year immediately preceding its first taxable year under this subchapter, whichever day is earlier, by the rate of return provided under paragraph (2).

(B) By reducing the amount ascertained under subparagraph (A) by the total interest paid or incurred by the taxpayer for the 12 months beginning with the first day of the taxable year within which such month falls.

(C) By dividing by 12 the amount ascertained under subparagraph (B).

(2) *Base period yearly rate of return.* The rate of return to be used under paragraph (1) (A) shall be the base period yearly rate of return, proclaimed by the Secretary under section 447 for the taxpayer's industry classification, for the following year—

(A) In the case of a taxable year of the taxpayer beginning in 1945 and ending in 1946—for the year 1946;

(B) In the case of a taxable year of the taxpayer beginning in 1949 and ending in 1950—for the year 1949; and

(C) In the case of any other taxable year of the taxpayer—for the year in which falls the greater number of days in such taxable year.

(f) *Total assets.* For the purposes of this section, the taxpayer's total assets for any day shall be determined as of the end of such day and shall be an amount equal to the sum of the cash and the property (other than cash, inadmissible assets, and loans to members of a controlled group as defined in section 435 (f) (4) held by the taxpayer in good faith for the purposes of the business. Such property shall be included in an amount equal to its adjusted basis for determining gain upon sale or exchange, determined under the rules provided in section 441.

(g) *Taxpayer's industry classification.* The taxpayer's industry classification shall be determined, for the purposes of subsection (d), by reference to the last taxable year within or beginning within its base period, and, for the purposes of subsection (e), by reference to the taxable year within which falls the last month for which a substitute excess profits net income is determined; and, in either case, shall be the industry classification under section 447 to which is attributable the largest amount of the taxpayer's gross receipts for such taxable year.

(h) *Rules for application of section.* The benefits of this section shall not be allowed unless the taxpayer makes application therefor in accordance with section 447 (e).

(i) *Cross references.* (1) For definition of gross receipts, see section 435 (e) (5).

(2) For computation of capital additions in the base period, see section 435 (f) (3).

(3) For computation of excess profits credit based on income in the case of certain reorganizations, see Part II of this subchapter.

§ 40.442–1 *General rule.* If a taxpayer which commenced business on or before the first day of its base period establishes that it experienced certain abnormalities (described in § 40.442–2), then such taxpayer may be entitled to use the average base period net income computed under section 442. See § 40.442–3, for methods of computation. However, section 442 is applicable only if the taxpayer makes application therefor in accordance with section 447 (e). For rules governing the application of section 442 in the case of an acquiring corporation, see section 462 (d), and in the case of a component corporation, see section 461 (c).

§ 40.442–2 *Abnormalities—*(a) *Interruption or diminution of normal production, output, or operation in the base period.* (1) Section 442 applies if the taxpayer establishes that for any taxable year within, or beginning or ending within, its base period its normal production, output, or operation was interrupted or diminished because of the occurrence either immediately prior to or during such taxable year, of events unusual and peculiar in the experience of the taxpayer. Activities comprised within the meaning of production, output, or operation include the rendering of services in those cases in which corporations render services rather than manufacture or market tangible products, for example, advertising agencies, brokerage concerns, purchasing agents, etc. Normal production, output, or oper-

ation, means the level of production, output, or operation customary for the taxpayer, determined on the basis of the actual experience of the taxpayer up to the time the unusual and peculiar event occurred.

(2) Not every interruption or diminution of normal production, output, or operation in the base period may furnish the basis for the application of section 442 (a) (1). The interruption or diminution must be significant and not trivial.

(3) An event is unusual and peculiar in the experience of the taxpayer if its occurrence is not ordinarily encountered in the taxpayer's business operations. Such event may be unusual in the case of the taxpayer even though it is also unusual in the case of other taxpayers. For example, a flood in a particular locality may be unusual in the case of a number of taxpayers. If an event is unusual in the course of business experience in general but regular in the case of the taxpayer, such event is not unusual and peculiar in the experience of that taxpayer. Thus, if a corporation is engaged in felling and transporting logs and timber, and if its annual operations are interrupted by spring floods occasioned by thaws and rains, such events are not unusual and peculiar in the experience of that corporation. Unusual and peculiar events contemplated in section 442 (a) (1) consist primarily of physical rather than economic events or circumstances. Such physical events include floods, fires, explosions, strikes, and other exceptional and uncommon circumstances hindering production, output, or operation.

(b) *Business depression in base period on account of temporary economic circumstances.* (1) Section 442 applies if the taxpayer establishes that its business was depressed for any taxable year within, or beginning or ending within, its base period because of temporary economic circumstances unusual in the case of such taxpayer. Section 442 (a) (2) applies to only those economic circumstances which were temporary in the sense that they had little perceptible long-range effect upon the taxpayer's business, and which affected the taxpayer unusually as distinguished from those economic events which were of a chronic or continuing character.

(2) As in the case of unusual and peculiar events interrupting or diminishing production, output, or operation, a temporary economic circumstance is unusual in the case of a taxpayer if its occurrence is not ordinarily encountered in that taxpayer's business operations. A temporary economic circumstance may be unusual in the case of a taxpayer even though it is also unusual in the case of other taxpayers. If an economic circumstance is unusual in the course of business experience in general but regular in the case of the taxpayer, such circumstance is not unusual in the case of such taxpayer. An example illustrating section 442 (a) (2) might be a taxpayer compelled to develop a new market because it conducted business with only one customer for a long period of years and lost such customer during the base period when such customer decided to manufacture for itself the product it had formerly bought from the taxpayer.

§ 40.442–3 *Computation of average base period net income*—(a) *Period subject to adjustment.* If a taxpayer which commenced business on or before the first day of its base period qualifies as to abnormalities in its base period under § 40.442–2, the period subject to adjustment is determined under section 442 (b)—

(1) By computing the excess profits net income (or deficit in excess profits net income) for each month in the taxpayer's base period, such computation being made by dividing the excess profits net income (or deficit in excess profits net income) as determined under section 433 (b) (or (c)) for the taxable year in which the month falls, by the number of calendar months in such taxable year, and

(2) Either by eliminating 12 consecutive months, or by eliminating the 12 months remaining after retaining 36 consecutive months, whichever method produces the highest aggregate excess profits net income (or lowest deficit) for the 36 months retained after such elimination of 12 months.

After such determination of the 36 months which result in the highest aggregate excess profits net income (or lowest deficit), the average base period net income is determined by whichever of the methods set forth in paragraphs (b) and (c) of this section is applicable.

(b) *12 or fewer months affected adversely by abnormalities.* If 12 or fewer of the 36 base period months determined under paragraph (a) of this section fall within taxable years which are affected adversely as to excess profits net income by abnormalities determined to exist under section 442 (a) and § 40.442–2, the taxpayer's average base period net income is computed under section 442 (c) as follows:

(1) An excess profits net income is computed under section 435 (c) (1) for each of the 36 base period months, by dividing the excess profits net income for the taxable year in which each such month falls by the number of full calendar months in such taxable year, and raising any deficits in excess profits net income to zero.

(2) The substitute excess profits net income is computed for each such month which falls within a taxable year affected adversely as to excess profits net income by such abnormalities. The substitute excess profits net income is computed under section 442 (e) for each such month as follows:

(i) The taxpayer's total assets (determined under section 442 (f) and under paragraph (d) of this section) for the last day of the taxable year in which such month falls, or for the last day of the taxpayer's last taxable year ending before July 1, 1950, whichever day is earlier, is multiplied by the appropriate industry base period yearly rate of return determined under section 447 for the base period year in which such month falls. See section 442 (e) (2) for special rules in case of fiscal years. Under section 442 (g) the appropriate industry classification under section 447 is the classification to which is attributable the largest amount of the taxpayer's gross receipts for the taxable year within which falls the last month for which a substitute excess profits net income is determined.

(ii) The amount determined under subdivision (i) of this subparagraph is reduced by the total interest paid or incurred by the taxpayer for the 12 months beginning with the first day of the taxable year within which such month falls.

(iii) The amount determined under subdivision (i) and reduced under subdivision (ii) of this subparagraph is divided by 12. The amount so computed is the substitute excess profits net income for the month.

(3) Each month for which the substitute excess profits net income determined under subparagraph (2) exceeds 110 percent of the excess profits net income determined under subparagraph (1) of this paragraph is identified.

(4) The aggregate of the substitute excess profits net income for the months identified in subparagraph (3) is added to the aggregate of the excess profits net income, ascertained under subparagraph (1), for those of the 36 base period months which were not identified under subparagraph (3) of this paragraph.

(5) The sum ascertained under subparagraph (4) of this paragraph is divided by 3. The result obtained is the average base period net income determined under section 442.

(c) *More than 12 months affected adversely by abnormalities.* If more than 12 of the 36 base period months fall within taxable years which are affected adversely as to excess profits net income by abnormalities determined to exist under section 442 (a) and § 40.442–2, the taxpayer's average base period net income is computed under section 442 (d) as follows:

(1) The amount of the total assets for the last day of each taxable year ending after the first day of the taxpayer's base period and prior to July 1, 1950, is determined under section 442 (f) and under paragraph (d) of this section.

(2) The sum of the amounts ascertained under subparagraph (1) of this paragraph is divided by the number of such amounts.

(3) The average ascertained under subparagraph (2) of this paragraph is multiplied by the base period rate of return determined under section 447 for the taxpayer's industry classification. Under section 442 (g) the taxpayer's industry classification is the classification to which is attributable the largest amount of the taxpayer's gross receipts for its last taxable year beginning within its base period.

(4) The average of the aggregate interest paid or incurred by the taxpayer for all taxable years ending after the first day of its base period and prior to July 1, 1950, is subtracted from the amount determined under subparagraph (3) of this paragraph. This average is computed by ascertaining the total of such interest for all such taxable years, by dividing the amount so ascertained by the number of months in such taxable years, and by multiplying the quotient by 12.

The amount determined under subparagraphs (1)–(4) of this paragraph, is the average base period net income computed under section 442 only if such amount exceeds 110 percent of the taxpayer's average base period net income computed under section 435 (d). If such amount does not exceed 110 percent of such average, section 442 is not applicable to the taxpayer.

(d) *Definitions.* For the purpose of section 442—

(1) The term "total assets" for any day means the sum of the cash and other property (other than inadmissible assets, as defined in section 440 (a) (1), and other than loans to members of a controlled group, as defined in section 435 (f) (4)) held by the taxpayer at the end of such day in good faith for purposes of the business. Property shall be included in an amount equal to its adjusted basis for determining gain upon sale or exchange, except that the adjusted basis of secret processes and formulas, good will, trade-marks, trade brands, franchises, and other like property shall be determined without regard to value as of March 1, 1913. In determining total assets, so much of the distributions to shareholders made during the first 60 days of any taxable year (other than the taxpayer's first taxable year ending after June 30, 1950) as does not exceed the accumulated earnings and profits at the beginning of the year shall be considered to have been made on the last day of the preceding taxable year. For special rule in the case of improvements by a lessee to properties of a lessor railroad corporation, see section 441 (j). In the case of a taxpayer electing to compute income from installment sales or installment sales obligations on the accrual method of accounting, or income from long-term contracts on the percentage of completion method of accounting, see section 441 (h). See section 470 for rules applicable in determining the adjusted basis of assets received in certain intercorporate liquidations.

(2) The term "gross receipts" means gross receipts as defined in section 435 (c) (5).

(3) For rules for determining when a taxpayer "commenced business," see § 40.445–1.

(4) The term "base period" means the base period as defined in section 435 (b).

(5) The term "interest" includes interest on all indebtedness, irrespective of whether the indebtedness constitutes borrowed capital within the meaning of section 439 (b).

(e) *Cross reference.* For special rules in determining the base period capital addition in case average base period net income is computed under section 442, see section 435 (f) (3) and § 40.435–6 (d).

SEC. 443. AVERAGE BASE PERIOD NET INCOME—CHANGE IN PRODUCTS OR SERVICES.

(a) *In general.* If a taxpayer which commenced business on or before the first day of its base period establishes with respect to any taxable year that—

(1) During so much of its three immediately preceding taxable years as falls within the 36-month period ending on the last day of its base period, there was a substantial change in the products or services furnished by the taxpayer.

(2) More than 40 per centum of its gross income or 33 per centum of its net income for such taxable year is attributable to one or more of the new products or services, and

(3) Its average monthly excess profits net income (determined under subsection (e)) for such taxable year exceeds 125 per centum of its average monthly excess profits net income (determined under subsection (e)) for the taxable years ending within its base period and prior to the taxable year in which the first change to which gross income is attributed for the purpose of this subsection occurred,

then, in computing its excess profits credit for taxable years under this subchapter which end on or after the last day of the earliest taxable year with respect to which the requirements of paragraphs (1), (2), and (3) are satisfied, its average base period net income determined under this section shall be the amount computed under subsection (b).

(b) *Average base period net income.* The average base period net income determined under this section shall be computed as follows:

(1) By multiplying the amount of the taxpayer's total assets for (A) the last day of its taxable year immediately preceding its first taxable year under this subchapter, or (B) the last day of the taxable year in which the taxpayer first meets the requirements of subsection (a), whichever day is later, by the base period rate of return, proclaimed by the Secretary under section 447, for the taxpayer's industry classification.

(2) By subtracting from the amount ascertained under paragraph (1) the total interest paid or incurred by the taxpayer for the 12 months ending with whichever day is used under such paragraph.

(c) *Taxpayer's industry classification.* For the purposes of this section, the taxpayer's industry classification shall be the industry classification under section 447 to which is attributable the largest amount of the taxpayer's gross receipts for the taxable year which includes whichever day is used under subsection (b).

(d) *Capital addition or reduction.* If the average base period net income of the taxpayer is determined under this section—

(1) The excess profits credit for the taxable year in which the taxpayer first meets the requirements of subsection (a) shall not include any net capital addition or reduction determined under section 435 (g), and

(2) In determining the net capital addition or reduction under section 435 (g) for any subsequent taxable year, the expression "the first day of the taxpayer's first taxable year under this subchapter" shall be read as "the first day of the taxpayer's first taxable year under this subchapter or the day following the close of the taxable year in which the taxpayer first met the requirements of section 443 (a), whichever day is later".

(e) *Average monthly excess profits net income.* For the purposes of subsection (a) (3)—

(1) The excess profits net income for any year shall be computed by making the adjustments provided in section 433 (b) as though such section were applicable to all taxable years.

(2) The average monthly excess profits net income for any period of two or more taxable years shall be determined (A) by computing the aggregate of the excess profits net income for all taxable years within such period, (B) by subtracting from such aggregate the aggregate amount of the deficits in excess profits net income for all taxable years within such period, and (C) by dividing the amount ascertained under (B) by the total number of months in such taxable years.

(3) The average monthly excess profits net income determined for any period shall in no case be less than zero.

(f) *Rules for application of section.* The benefits of this section shall not be allowed unless the taxpayer makes application therefor in accordance with section 447 (e).

(g) *Cross references.* (1) For definition of gross receipts, see section 435 (e) (5).

(2) For definition of total assets, see section 442 (f).

(3) For computation of excess profits credit based on income in the case of certain reorganizations, see Part II of this subchapter.

§ 40.443–1 *General rule.* (a) A taxpayer which commenced business on or before the first day of its base period and which, during the last 36 months of its base period, changed substantially the products or services furnished by it may, in certain cases, compute its average base period net income under section 443. The taxpayer must establish, with respect to a single taxable year (hereinafter referred to as the "qualifying taxable year"), that—

(1) During so much of its three immediately preceding taxable years as falls within the 36-month period ending on the last day of its base period, there was a substantial change in the products or services furnished by the taxpayer, and

(2) Either more than 40 percent of its gross income or more than 33 percent of its net income for the qualifying taxable year is attributable to one or more of the new products or services, and

(3) Its average monthly excess profits net income for the qualifying taxable year exceeds 125 percent of its average monthly excess profits net income for the taxable year (or years) ending within its base period and ending prior to the taxable year in which occurred the first change in products or services to which gross income or net income is attributed for the purpose of the requirement of subparagraph (2) of this paragraph.

(b) The qualifying taxable year may be a base period taxable year or a taxable year ending after June 30, 1950, but in any case shall be the earliest taxable year with respect to which the taxpayer meets the requirements of subparagraphs (1), (2), and (3) of this paragraph. A taxpayer meeting the requirements of subparagraphs (1), (2), and (3) of this paragraph may compute its average base period net income under section 443 for the qualifying taxable year (if an excess profits tax taxable year) and for each subsequent excess profits tax taxable year. Under section 443, the average base period net income is computed on the basis of the base period rate of return for the taxpayer's industry classification. See § 40.443–3 (a) for method of computation. However, section 443 is applicable only if the taxpayer makes application therefor in accordance with section 447 (e). For rules governing the application of section 443 in the case of an acquiring corporation, see section 462 (e), and in the case of a component corporation, see section 461 (c).

§ 40.443–2 *Requirements as to change in products or services*—(a) *Substantial change in products or services.* (1) For the purpose of section 443, there is a change in products or services only if the new products or services are substan-

tially different from the products or services previously furnished. Ordinarily, it is necessary that the trade custom or practice treat the new products or services as being of a different class from the products or services previously furnished by the taxpayer. A mere improvement or change in style of product or service does not constitute a change in the product or service. The change must represent more than a usual or customary event in the type of business in which the taxpayer is engaged. In certain types of business it is customary to eliminate unprofitable lines and add new lines as, for example, in a business the products of which are affected by style changes. Such variation in products would not qualify as a change in products furnished. The addition of a new product to a line of varied products, as where a novelty store selling hundreds of items adds several new lines, will not ordinarily be held to constitute the addition of new products for the purpose of section 443.

(2) The change in products or services furnished must take the form of the addition of a product or service which is new to the taxpayer. The discontinuance of a product or service previously furnished by the taxpayer is not a change in products or services for the purpose of section 443.

(b) *Qualifying taxable year under section 443.* The qualifying taxable year must be one of the three taxable years of the taxpayer immediately following the taxable year of the first change in products or services upon which the taxpayer relies, which change must have occurred during the last 36 months of the taxpayer's base period. The taxable year with respect to which the taxpayer claims qualification under section 443 (a) and § 40.443–1 must be the earliest year with respect to which the taxpayer meets the requirement of such sections. For the purpose of the requirement of section 443 (a). (2) and § 40.443–1 (a) (2) as to gross income or net income, if more than one substantial change in products or services occurred during the prescribed period, the gross income or net income attributable to such new products or services shall be aggregated in determining whether the amount attributable to new products or services exceeds the stated percentages of total gross income or total net income, as the case may be.

(c) *Average monthly excess profits net income.* For the purpose of the requirement of section 443 (a) (3) and § 40.443–1 (a) (3) the average monthly excess profits net income for the qualifying taxable year must exceed 125 percent of such average for the taxable years ending within the taxpayer's base period and ending prior to the taxable year in which occurred the first change in products or services upon which the taxpayer relies. For the purpose of this requirement, average monthly excess profits net income shall be computed for any taxable year by making the adjustments provided in section 433 (b) as though that section were applicable to all taxable years, and by dividing the excess profits net income so computed for the taxable year by the number of months in the taxable year. The average monthly excess profits net income for any period of two or more taxable years is determined by ascertaining the excess of the aggregate of the excess profits net income (computed by making the adjustments provided in section 433 (b) as though that section were applicable to all taxable years) for all taxable years within the period over the aggregate of any deficits in excess profits net income (similarly computed) for all taxable years within the period, and by dividing the excess so ascertained by the total number of months in the taxable years in the period. The average monthly excess profits net income determined for any period shall in no case be less than zero.

§ 40.443–3 *Computations*—(a) *Average base period net income.* The average base period net income determined under section 443 (b) is computed as follows:

(1) The amount of the total assets determined under section 442 (f) and under § 40.442–3 (d) (1) for the last day of the taxpayer's last taxable year ending before July 1, 1950, or for the last day of the first taxable year in which the taxpayer first meets the requirements of section 443 (a) and § 40.443–1, whichever day is later, is multiplied by the base period rate of return determined under section 447 for the taxpayer's industry classification. Under section 443 (c) the taxpayer's industry classification is the classification to which is attributable the largest amount of the taxpayer's gross receipts for the taxable year which includes the day for which the amount of the taxpayer's total assets was determined for the computation in the preceding sentence.

(2) The amount determined in subparagraph (1) of this paragraph is reduced by the total interest paid or incurred by the taxpayer for the 12 months ending with the day for which the taxpayer's total assets were determined for the purpose of subparagraph (1) of this paragraph.

(b) *Capital addition or reduction.* The base period capital addition computed under section 435 (f) is not available to a taxpayer computing its average base period net income under section 443. The net capital addition or reduction computed under section 435 (g), however, is applicable to such a taxpayer in accordance with the following modifications:

(1) If the taxable year in which the taxpayer first meets the requirements of section 443 (a) and § 40.443–1 is a year ending after June 30, 1950, no net capital addition or reduction will be applicable in computing the excess profits credit based on income for that taxable year.

(2) In determining the net capital addition or reduction under section 435 (g) for a taxable year subsequent to the taxable year in which the taxpayer first met the requirements of section 443 (a) and § 40.443–1, the day immediately following the taxable year in which such requirements were first met, if such taxable year ends after June 30, 1950, shall be used in lieu of the first day of the taxpayer's first taxable year ending after June 30, 1950, wherever the latter day is referred to in section 435 (g).

(c) *Definitions.* For the purpose of section 443—

(1) For definition of "total assets" see § 40.442–3 (d) (1).

(2) The term "gross receipts" means gross receipts as defined in section 435 (e) (5).

(3) For rules for determining when a taxpayer "commenced business," see § 40.445–1.

(4) The term "base period" means the base period as defined in section 435 (b).

(5) For definition of "interest," see § 40.442–3 (d) (5).

SEC. 444. AVERAGE BASE PERIOD NET INCOME—INCREASE IN CAPACITY FOR PRODUCTION OR OPERATION.

(a) *In general.* If a taxpayer which commenced business on or before the first day of its base period established that, during the 36-month period ending on the last day of its base period, there was an increase, as defined in subsection (b), in its capacity for production or operation, the taxpayer's average base period net income determined under this section shall be the amount computed under subsection (c).

(b) *Increase in capacity.* An increase in capacity for production or operation shall be deemed to have occurred, for the purposes of this section, if the taxpayer establishes that it made an addition or additions to its facilities (as defined in subsection (d)) or replaced all or a part of its existing facilities, and that:

(1) As a result of such additions or replacements, its capacity for production or operation on the last day of its base period was 200 per centum or more of its capacity for production or operation on the day prior to the beginning of such 36-month period, or

(2) (A) As a result of such additions or replacements, its capacity for production or operation on the last day of its base period was 150 per centum or more of its capacity for production or operation on the day prior to the beginning of such 36-month period, and (B) the adjusted basis for determining gain upon sale or exchange of its total facilities on the last day of its base period was 150 per centum or more of the adjusted basis for determining gain upon sale or exchange of its total facilities on the day prior to the beginning of such 36-month period, or

(3) The basis (unadjusted) for determining gain upon sale or exchange of its total facilities on the last day of its base period was 200 per centum or more of the basis (unadjusted) for determining gain upon sale or exchange of its total facilities on the day prior to the beginning of such 36-month period.

(c) *Average base period net income.* The average base period net income determined under this section shall be computed as follows:

(1) By multiplying the amount of the taxpayer's total assets for the last day of its taxable year immediately preceding its first taxable year under this subchapter by the base period rate of return, proclaimed by the Secretary under section 447, for the taxpayer's industry.

(2) By subtracting from the amount ascertained under paragraph (1) an amount equal to the total interest paid or incurred by the taxpayer for the 12 months ending with the end of such immediately preceding taxable year.

(d) *Facilities.* For the purposes of this section, the term "facilities" means real property and depreciable tangible property, held by the taxpayer in good faith for the purposes of the business.

(e) *Taxpayer's industry classification.* For the purposes of this section, the taxpayer's industry classification shall be the industry classification under section 447 to which is attributable the largest amount of the taxpayer's gross receipts for its taxable year immediately preceding its first taxable year under this subchapter.

(f) *Rules for application of section.* The benefits of this section shall not be allowed unless the taxpayer makes application therefor in accordance with section 447 (e).

(g) *Cross references.* (1) For definition of gross receipts, see section 435 (e) (5).

(2) For definition of total assets, see section 442 (f).

(3) For computation of excess profits credit based on income in the case of certain reorganizations, see Part II of this subchapter.

§ 40.444–1 *Increase in capacity for production or operation.* A taxpayer may compute its average base period net income under section 444 if it commenced business on or before the first day of its base period and if it establishes that during the 36-month period ending on the last day of its base period there was an increase in its capacity for production or operation, as defined in section 444 (b). However, the benefits of section 444 are allowed only if the taxpayer makes application therefor in accordance with section 447 (e). For rules governing the application of section 444 in the case of an acquiring corporation, see section 462 (f), and in the case of a component corporation, see section 461 (c).

§ 40.444–2 *Requirements as to increase in capacity for production or operation*—(a) *Meaning of term "capacity for production or operation."* (1) As used in section 444, the term "capacity for production or operation" means the capacity to produce or to operate rather than the level of production or operation actually achieved. For example, a change from one shift to two shifts per day does not constitute an increase in capacity, but merely represents the utilization of existing capacity.

(2) The words "capacity for production or operation" shall be construed as alternatives, that is, capacity for production or capacity for operation. Thus, in the case of a manufacturer, an increase in the capacity for production may result from the acquisition of additional manufacturing facilities. In the case of a corporation engaged primarily in selling operations or the rendering of services, an increase in the capacity for operation may result from an increase in capacity to make sales or render services.

(3) For the purpose of section 444, an increase in capacity for production or operation must result either from an addition to or from a replacement of all or a part of the taxpayer's facilities, and must occur during the 36-month period ending on the last day of the taxpayer's base period.

(b) *Measurement of increase in capacity for production or operation.* (1) For the purpose of section 444, an increase in capacity for production or operation is deemed to have occurred if the taxpayer establishes that it made an addition or additions to its facilities or replaced all or a part of its existing facilities, and that—

(i) As a result of such addition or replacement, its capacity for production or operation on the last day of its base period was 200 percent or more of its total capacity for production or operation on the last day of the twelfth month of its base period, or

(ii) (a) As a result of such addition or replacement, its capacity for production or operation on the last day of its base period was 150 percent or more of its total capacity for production or operation on the last day of the twelfth month of its base period, and (b) the adjusted basis for determining gain upon sale or exchange of its total facilities on the last day of its base period was 150 percent or more of the adjusted basis for determining gain upon sale or exchange of its total facilities on the last day of the twelfth month of its base period, or

(iii) The basis (unadjusted) for determining gain upon sale or exchange of its total facilities on the last day of its base period was 200 percent or more of the basis (unadjusted) for determining gain upon sale or exchange of its total facilities on the last day of the twelfth month of its base period.

(2) In determining capacity for production or operation, the unit of measurement customary for the output of the particular kind of business shall be used, such as tons, gallons, barrels, yards, or dozens. In those businesses having no customary unit of measurement, an acceptable alternative might be expressed in terms of the principal raw material utilized. Dollar amounts may be used only if there is no other practical measurement for such output and then only if the taxpayer can establish that no distortion in the comparison results. The same unit of measurement must be used in computing capacity for the last day of the base period as is used in computing capacity for the last day of the twelfth month of the base period, except that the capacity for the last day of the base period must not include any increase not due to replacements or additions to facilities.

(3) For the purpose of subdivisions (ii) and (iii) of subparagraph (1) of this paragraph, the adjusted basis or the basis (unadjusted), as the case may be, of all facilities of the taxpayer is to be included in the computation for the last day of the twelfth month of the base period and in the computation for the last day of the base period, irrespective of whether the facility is one directly involved in any determination of capacity for production or operation.

§ 40.444–3 *Computations*—(a) *Average base period net income.* Average base period net income is computed under section 444 (c) as follows:

(1) The amount of the total assets determined under section 442 (f) and under § 40.442–3 (d) (1) for the last day of the taxpayer's last taxable year ending before July 1, 1950, is multiplied by the base period rate of return determined under section 447 for the taxpayer's industry classification. Under section 444 (e) the taxpayer's industry classification is the industry classification to which is attributable the largest amount of the taxpayer's gross receipts for its last taxable year ending before July 1, 1950.

(2) The amount ascertained under subparagraph (1) of this paragraph is reduced by the total interest paid or incurred by the taxpayer for the 12 months ending with the last day of the taxpayer's last taxable year ending before July 1, 1950.

(b) *Capital addition or reduction.* The base period capital addition computed under section 435 (f) is not available to a taxpayer computing its average base period net income under section 444. The net capital addition or reduction computed under section 435 (g), however, is applicable to such a taxpayer.

(c) *Definitions.* For the purpose of this section—

(1) For definition of "total assets," see § 40.442–3 (d) (1).

(2) The term "gross receipts" means gross receipts as defined in section 435 (e) (5).

(3) For rules for determining when a taxpayer "commenced business," see § 40.445–1.

(4) The term "base period" means the base period as defined in section 435 (b).

(5) The term "facilities" means tangible property of a character which is subject to the allowance for depreciation provided in section 23 (*l*) and real property, held by the taxpayer in good faith for the purposes of the business.

(6) For definition of "interest," see § 40.442–3 (d) (5).

SEC. 445. AVERAGE BASE PERIOD NET INCOME—NEW CORPORATION.

(a) *New corporation.* A taxpayer which commenced business after the first day of its base period shall, except as provided in subsection (g), be considered a new corporation for the purposes of this section, and its average base period net income determined under this section shall be the amount computed under subsection (b).

(b) *Average base period net income.* The average base period net income of a new corporation determined under this section shall be computed as follows:

(1) For the purpose of determining the excess profits credit for any of the taxpayer's first three taxable years which is a taxable year under this subchapter—

(A) By multiplying the amount of the total assets for such taxable year (determined under subsection (c)), held by the taxpayer in good faith for the purposes of the business, by the base period rate of return, proclaimed by the Secretary under section 447, for the taxpayer's industry classification.

(B) By subtracting from the amount ascertained under subparagraph (A) the total interest paid or incurred by the taxpayer for the 12 months ending with the last day of such taxable year.

(2) For the purpose of determining the excess profits credit for any taxable year under this subchapter other than a taxable year described in paragraph (1)—

(A) By multiplying the amount of the taxpayer's total assets (as defined in section 442 (f)) for (i) the last day of its taxable year immediately preceding its first taxable year under this subchapter, or (ii) the last day of its third taxable year, whichever day is later, by the base period rate of return, proclaimed by the Secretary under section 447, for the taxpayer's industry classification.

(B) By subtracting from the amount ascertained under subparagraph (A) the total interest paid or incurred by the taxpayer for the 12 months ending with whichever day is used under such subparagraph.

For the purposes of this section, the taxable year of the taxpayer in which it commenced business and its two succeeding taxable

years shall be considered to be its first three taxable years.

(c) *Total assets for first three years.* The amount of the total assets for any taxable year referred to in subsection (b) (1) shall, for the purposes of such subsection, be the sum of

(1) The total assets (as defined in section 442 (f)) for the last day of the taxpayer's taxable year immediately preceding its first taxable year under this subchapter, and

(2) The net capital addition (determined under section 435 (g)) for such taxable year referred to in subsection (b) (1),

minus the net capital reduction (determined under section 435 (g) for such taxable year referred to in subsection (b) (1).

(d) *Taxpayer's industry classification.* The taxpayer's industry classification shall be determined, for the purposes of subsection (b) (1), by reference to the particular taxable year for which the excess profits credit is thereunder determined, and, for the purposes of subsection (b) (2), by reference to the taxpayer's third taxable year; and, in either case, shall be the industry classification under section 447 to which is attributable the largest amount of the taxpayer's gross receipts for such taxable year.

(e) *Capital addition or reduction.* If the average base period net income of the taxpayer is determined under this section—

(1) The excess profits credit for any taxable year for which such determination is made under subsection (b) (1) shall not include any net capital addition or reduction determined under section 435 (g), and

(2) In computing the net capital addition or reduction under section 435 (g) for any taxable year for which such determination is made under subsection (b) (2), the expression "the first day of the taxpayer's first taxable year under this subchapter" shall be read as "the first day of the taxpayer's first taxable year under this subchapter or the day following the close of the taxpayer's third taxable year, whichever day is later."

(f) *Rules for application of section.* The benefits of this section shall not be allowed unless the taxpayer makes application therefor in accordance with section 447 (e).

(g) *Ineligible corporations.* (1) If a taxpayer, on or after December 1, 1950, and prior to the end of its third taxable year, acquires any properties in any of the transactions described in paragraph (2), it shall not, for the taxable year in which such acquisition occurs or for succeeding taxable years, be entitled to the benefits of this section except under the circumstances and subject to the limitations provided in section 462 (g).

(2) The transactions to which paragraph (1) applies are as follows:

(A) The acquisition by the taxpayer from another corporation of properties the basis of which in its hands is determined by reference to the basis of such properties to the transferor;

(B) The acquisition by the taxpayer of a substantial part of its assets from another corporation, or of a substantial part of the properties of another corporation, if 50 per centum or more in value of the outstanding stock or outstanding voting stock of the taxpayer is directly or indirectly owned, at the time of such acquisition, by individuals owning directly or indirectly 50 per centum or more in value of the outstanding stock, or outstanding voting stock of the transferor;

(C) The acquisition by the taxpayer of a substantial part of the properties distributed on or after December 1, 1950, by another corporation, if such properties constituted a substantial part of the business assets of such other corporation, and if 50 per centum or more in value of the outstanding stock or outstanding voting stock of the taxpayer is owned directly or indirectly by individuals who at the time of such distribution owned directly or indirectly 50 per centum or more in value of the outstanding stock or outstanding voting stock of such other corporation;

(3) For the purposes of this subsection, the provisions of section 503 shall be applicable in the determination of ownership of stock.

(h) *Cross references.* (1) For definition of gross receipts, see section 435 (e) (5).

(2) For computation of excess profits credit based on income in the case of certain reorganizations, see Part II of this subchapter.

§ 40.445–1 *New corporations*—(a) *In general.* (1) Section 445 provides an alternative average base period net income for new corporations. For the purpose of section 445 and the regulations thereunder, a taxpayer which commenced business after the first day of its base period and which is not an ineligible corporation is considered to be a new corporation. However, section 445 is applicable only if the taxpayer makes application therefor in accordance with section 447 (e). For rules governing the application of section 445 in the case of an acquiring corporation, see section 462 (g), and in the case of a component corporation, see section 461 (c).

(2) The words "commenced business" do not have the same meaning as "in existence." Ordinarily, a corporation commences business when it starts the business operations for which it was organized; a corporation comes into existence on the date of its incorporation. Mere organizational activities, such as incorporation or the issuance of capital stock, are not alone sufficient to show commencement of business. If the activities of the corporation have advanced to the extent necessary to establish the nature of its business operations, it will be deemed to have commenced business. For example, the acquisition of operating assets which are necessary to the type of business contemplated may constitute the commencement of business.

(b) *Ineligible corporations.* If a taxpayer, on or after December 1, 1950, and prior to the end of its third taxable year (counting as the first taxable year, the taxable year in which the taxpayer commenced business), acquires any properties in any of the transactions described in subparagraphs (1), (2), or (3) of this paragraph, it shall be deemed an "ineligible corporation" and it shall not be entitled to the application of section 445 for the taxable year in which such acquisition occurs or for any succeeding taxable year, except under the circumstances and subject to the limitations provided in section 462 (g). The transactions referred to above are—

(1) The acquisition by the taxpayer from another corporation of properties the basis of which in the hands of the taxpayer is determined by reference to the basis of such properties to the transferor; or

(2) The acquisition by the taxpayer of a substantial part of its assets from another corporation, or of a substantial part of the properties of another corporation, if 50 percent or more in value of the outstanding stock or outstanding voting stock of the taxpayer is directly or indirectly owned, at the time of such acquisition, by individuals owning directly or indirectly 50 percent or more in value of the outstanding stock, or outstanding voting stock of the transferor; or

(3) The acquisition by the taxpayer of a substantial part of the properties distributed on or after December 1, 1950, by another corporation, if such properties constituted a substantial part of the business assets of such other corporation, and if 50 percent or more in value of the outstanding stock or outstanding voting stock of the taxpayer is owned directly or indirectly by individuals who at the time of such distribution owned directly or indirectly 50 percent or more in value of the outstanding stock, or outstanding voting stock of the transferor;

(c) For the purpose of paragraph (b) of this section, the provisions of section 503 are applicable in determining the ownership of stock.

§ 40.445–2 *Computations*—(a) *Average base period net income for first three taxable years.* The average base period net income for each of the taxpayer's first three taxable years (counting as the first taxable year, the taxable year in which the taxpayer commenced business) which is an excess profits tax taxable year is computed under section 445 as follows:

(1) The amount of the taxpayer's total assets determined under paragraph (d) (1) of this section for such taxable year is multiplied by the base period rate of return determined under section 447 for the taxpayer's industry classification. Under section 445 (d), the taxpayer's industry classification is the classification to which is attributable the largest amount of the taxpayer's gross receipts for the taxable year for which the excess profits credit is being determined.

(2) The amount ascertained under subparagraph (1) of this paragraph is reduced by the total interest paid or incurred by the taxpayer for the 12 months ending with the last day of the taxable year for which the excess profits credit is being determined.

(b) *Average base period net income for fourth and subsequent taxable years.* The average base period net income for each excess profits tax taxable year subsequent to the taxpayer's third taxable year (counting as the first taxable year, the taxable year in which the taxpayer commenced business) is computed under section 445 as follows:

(1) The amount of the taxpayer's total assets determined under paragraph (d) (2) of this section is multiplied by the base period rate of return determined under section 447 for the taxpayer's industry classification. Under section 445 (d), the taxpayer's industry classification is the classification to which is attributable the largest amount of the taxpayer's gross receipts for its third taxable year.

(2) The amount ascertained under subparagraph (1) of this paragraph is reduced by the total interest paid or incurred by the taxpayer for the 12 months ending with the day for which the taxpayer's total assets are computed under paragraph (d) (2) of this section.

(c) *Capital addition or reduction.* The base period capital addition computed under section 435 (f) is not available to a taxpayer computing its average base period net income under section 445. The net capital addition or reduction computed under section 435 (g) is, however, applicable to such a taxpayer in accordance with the following modifications:

(1) In the case of a taxpayer computing its average base period net income under section 445 (b) (1) and under paragraph (a) of this section for any of its first three taxable years, the net capital addition or reduction is not applicable. See, however, paragraph (d) (1) of this section for inclusion of net capital addition or reduction in determining total assets.

(2) In the case of a taxpayer computing its average base period net income under section 445 (b) (2) and under paragraph (b) of this section for its fourth taxable year, or for any taxable year subsequent thereto, the net capital addition or reduction is applicable. However, if the taxpayer's third taxable year ends after June 30, 1950, then the day following the close of such taxable year shall be used in lieu of the first day of the taxpayer's first taxable year ending after June 30, 1950, wherever the latter day is referred to in section 435 (g).

(d) *Definitions.* For the purpose of this section—

(1) The amount of the taxpayer's "total assets" for any taxable year referred to in paragraph (a) of this section, is (i) the sum of (*a*) the total assets (as defined in section 442 (f) and § 40.442–3 (d) (1)) for the last day of the taxpayer's last taxable year ending before July 1, 1950, and (b) the net capital addition determined under section 435 (g) for the taxable year for which the excess profits credit is being computed, minus (ii) the net capital reduction determined under section 435 (g) for such taxable year. If the taxpayer's first taxable year ended after June 30, 1950, its total assets consist only of its net capital addition for the taxable year for which the excess profits credit is being computed.

(2) The amount of the taxpayer's "total assets" for any taxable year referred to in paragraph (b) of this section, means the total assets determined under section 442 (f) and § 40.442–3 (d) (1) for the last day of the taxpayer's last taxable year ending before July 1, 1950, or the last day of the taxpayer's third taxable year, whichever day is later.

(3) The term "gross receipts" means gross receipts as defined in section 435 (e) (5).

(4) The term "base period" means the base period as defined in section 435 (b).

(5) For the purpose of this section, the taxable year of the taxpayer in which it commenced business and its two immediately succeeding taxable years shall be considered to be its first three taxable years.

(6) For definition of "interest" see § 40.442–3 (d) (5).

SEC. 446. AVERAGE BASE PERIOD NET INCOME—DEPRESSED INDUSTRY SUBGROUPS.

(a) *In general.* If a taxpayer which commenced business on or before the first day of its base period is a member of a depressed industry subgroup, as defined in subsection (c), its average base period net income determined under this section shall be the amount computed under subsection (b).

(b) *Average base period net income.* The average base period net income determined under this section shall be computed as follows:

(1) By determining the amount of the taxpayer's total assets for the last day of each of its taxable years ending after the first day of its base period and prior to the first day of its first taxable year under this subchapter.

(2) By computing the average of the amounts ascertained under paragraph (1).

(3) By multiplying the amount ascertained under paragraph (2) by the adjusted rate of return, proclaimed by the Secretary under subsection (e), for the taxpayer's industry subgroup.

(4) By determining the aggregate amount of interest paid or incurred by the taxpayer for all taxable years ending after the first day of its base period and prior to the first day of its first taxable year under this subchapter, dividing such aggregate by the total number of months in such years, and multiplying the quotient by 12.

(5) By subtracting the amount ascertained under paragraph (4) from the amount ascertained under paragraph (3).

(c) *Depressed industry subgroups:* The Secretary shall determine and proclaim as a depressed industry subgroup any industry subgroup (defined in accordance with subsection (f) having a rate of return (determined under subsection (d) (1)) for the period 1946 through 1948 which is less than 63 per centum of its rate of return (determined under subsection (d) (2)) for the period 1938 through 1948.

(d) *Rates of return for industry subgroups*—(1) *Period 1946–48.* The rate of return for an industry subgroup for the 3-year period 1946 through 1948 shall be obtained by dividing the sum of the aggregate net income (computed without regard to the net operating loss deduction provided in section 23 (s)) for the 3 years 1946 through 1948 and the aggregate interest deduction for such years shown on the income tax returns filed by the corporations in such industry subgroup submitting balance sheets, by the aggregate assets for such years of such corporations as of the close of the taxable years for which such returns were filed. Such aggregate net income, interest deduction and total assets shall include the amounts reported on the income tax returns for the calendar years 1946, 1947, and 1948, and the amounts reported on returns for other taxable years the greater part of which falls in such calendar years.

(2) *Period 1938–48.* The rate of return for an industry subgroup for the 11-year period 1938 through 1948 shall be determined in the same manner as is provided in paragraph (1) with the substitution of the years 1938 through 1948 for the years 1946 through 1948.

(e) *Adjusted rates of return for depressed industry subgroups.* The adjusted rate of return for a depressed industry subgroup shall be a rate equal to four-fifths of the rate of return for such industry subgroup for the 11-year period 1938 through 1948 as determined under subsection (d) (2). The Secretary shall determine and proclaim the adjusted rate of return (computed to the nearest thousandth) for each industry subgroup determined and proclaimed to be depressed under subsection (c).

(f) *Industry subgroups.* For the purposes of this section, industry subgroups shall be generally in accord with the industry subgroups regularly used by the Treasury Department in compiling published statistics from income tax returns, but with such combinations of subgroups as the Secretary determines are necessary to provide reasonably comparable data over the period 1938 through 1948.

(g) *Members of industry subgroup.* For the purposes of this section, a taxpayer is a member of an industry subgroup if more than fifty per centum of the taxpayer's gross receipts (as defined in section 435 (e) (5)) for the taxable years beginning with or within its base period is attributable to such industry subgroup.

(h) *Tentative determinations of depressed industry subgroups and adjusted rates of return.* The Secretary, not later than March 1, 1951, shall proclaim the industry subgroups tentatively determined to be depressed in accordance with subsection (c) and the tentative adjusted rates of return (computed to the nearest thousandth), determined under subsection (d), for such industry subgroups. Such tentative determinations shall be effective until such time as final determinations are proclaimed by the Secretary. Such final determinations shall relate back as though such determinations had been in effect in place of the tentative determinations. If the application of this section is made in accordance with a tentative determination, such application shall be redetermined in accordance with the final determination when proclaimed. The period of limitation prescribed under sections 275, 276, and 322 shall not begin to run with respect to overpayments or deficiencies in tax caused by such redetermination prior to such time as the final determination is proclaimed by the Secretary.

(i) *Rules for application of section.* The benefits of this section shall not be allowed unless the taxpayer makes application therefor in accordance with section 447 (e). The determinations by the Secretary required under this section shall be made on the basis of returns regularly used by the Treasury Department in compiling published statistics from income tax returns. For the purposes of this section, rates of return shall be determined after giving effect to renegotiation of contracts in accordance with renegotiation statistics published in the statistics compiled with respect to industry subgroups.

§ 40.446–1 *General rule.* A taxpayer which commenced business on or before the first day of its base period and which is a member of a depressed industry subgroup may be entitled to use the average base period net income computed under section 446. See § 40.446–3, for method of computation. However, section 446 is applicable only if the taxpayer makes application therefor in accordance with section 447 (e). For rules governing application of section 446 in the case of an acquiring corporation, see section 462 (h), and in the case of a component corporation, see section 461 (c). For the purpose of section 446, a taxpayer is a member of a depressed industry subgroup if more than 50 percent of the aggregate of its gross receipts for all of the taxable years beginning with or within its base period is attributable to such depressed industry subgroup.

§ 40.446–2 *Determination of depressed industry subgroups and adjusted rates of return therefor.* (a) For the purpose of section 446, the depressed industry subgroups determined and proclaimed to be depressed by the Secretary are defined in accordance with specifications shown in the Standard Industrial Classification Manual prepared by the Division of Statistical Standards, Bureau of the Budget.

(b) For the purpose of section 446, depressed industry subgroups and adjusted rates of return for depressed industry subgroups are only those proclaimed by the Secretary. Under section

446 (h), tentative determinations of depressed industry subgroups and adjusted rates of return have been proclaimed by the Secretary, and are set forth below. The tentative adjusted rates of return and tentative determinations of depressed industry subgroups shall be effective until such time as the adjusted rates described in section 446 (e) and the determinations of depressed industry subgroups under section 446 (c) are determined and proclaimed by the Secretary. The adjusted rates of return, when proclaimed by the Secretary, shall relate back as though they had been in effect in place of the tentative adjusted rates. Any application of section 446 made in accordance with a tentative determination and tentative adjusted rate shall be redetermined in accordance with the final determination and adjusted rate when proclaimed. The period of limitations prescribed under section 322 and sections 275 and 276 with respect to overpayments or deficiencies in tax caused by such redetermination shall not begin to run prior to the time that the adjusted rates of return are determined and proclaimed.

(c) The tentative determinations of depressed industry subgroups and the tentative adjusted rates of return therefor are as follows:

Industry subgroup	Tentative-adjusted rate of return (percent)
1. The manufacture of aircraft and parts, including aircraft engines	11.3
This industry subgroup is Standard Industrial Classification No. 372,[1] consisting of the following: 3721 (Aircraft), 3722 (Aircraft engines and engine parts), 3723 (Aircraft propellers and propeller parts), and 3729 (Aircraft parts and auxiliary equipment, not elsewhere classified).	
2. The manufacture of engines and turbines, except automotive, aircraft and railway	12.8
This industry subgroup is Standard Industrial Classification No. 351,[1] consisting of the following: 3511 (Steam engines, turbines, and water wheels), and 3519 (Diesel and semi-Diesel engines; and other internal-combustion engines, not elsewhere classified).	
3. The manufacture of metalworking machinery, including machine tools	16.8
This industry subgroup is Standard Industrial Classification No. 354,[1] consisting of the following: 3541 (Machine tools), 3542 (metalworking machinery, except machine tools), and 3543 (Machine tool accessories and other metalworking machinery; small power-driven cutting and shaping tools and tool holders; and precision measuring tools).	
4. Ship and boat building and repairing	10.4
This industry subgroup is Standard Industrial Classification No. 373,[1] consisting of the following: 3731 (Ship building and repairing), and 3732 (Boat building and repairing).	
5. The manufacture of wines	7.8
This industry subgroup is Standard Industrial Classification No. 2084[1] (Wines).	
6. Photographic studios, including commercial photography	8.6
This industry subgroup is Standard Industrial Classification No. 723,[1] consisting of the following: 7231 (Photographic studios, except commercial photography), and 7232 (Commercial photography).	
7. Telegraphic communication, wire and radio	1.5
This industry subgroup is Standard Industrial Classification No. 4821[1] (Telegraphic communication, wire and radio).	
8. Transportation by air	3.0
This industry subgroup is Standard Industrial Classification No. 45,[1] consisting of the following: 4512 (Certified carriers), 4513 (Uncertified carriers), 4521 (Air carriage, except common carriers), 4582 (Airports and flying fields), and 4583 (Airport terminal services).	

[1] References are to the Standard Industrial Classification Manual prepared by the Division of Statistical Standards, Bureau of the Budget.

§ 40.446–3 *Computations*—(a) *Average base period net income.* The computation of the average base period net income under section 446 (b) is as follows:

(1) The amount of the taxpayer's total assets for the last day of each taxable year ending after the first day of its base period and prior to July 1, 1950, is determined under section 442 (f) and under § 40.442–3 (d) (1).

(2) The sum of the amounts ascertained under subparagraph (1) of this paragraph is divided by the number of such amounts.

(3) The average ascertained under subparagraph (2) of this paragraph is multiplied by the adjusted rate of return for the taxpayer's industry subgroup. Under section 446 (g) and § 40.446–2, the taxpayer's industry subgroup is the industry subgroup to which is attributable more than 50 percent of the aggregate of the taxpayer's gross receipts for all of the taxable years beginning with or within its base period.

(4) The average of the aggregate interest paid or incurred by the taxpayer for all taxable years ending after the first day of its base period and prior to July 1, 1950, is subtracted from the amount determined under subparagraph (3) of this paragraph. This average is computed by ascertaining the total of such interest for all such taxable years, by dividing the amount so ascertained by the number of months in such taxable years, and by multiplying the quotient by 12.

(b) *Capital addition or reduction.* The base period capital addition determined under section 435 (f) is not available to a taxpayer computing its average base period net income under section 446. The net capital addition or reduction, computed under section 435 (g), however, is applicable to such a taxpayer.

(c) *Definitions.* For the purpose of this section:

(1) For definition of "total assets," see § 40.442–3 (d) (1).

(2) The term "gross receipts" means gross receipts as defined in section 435 (e) (5).

(3) For rules for determining when a taxpayer "commenced business," see § 40.445–1.

(4) The term "base period" means the base period as defined in section 435 (b).

(5) For definition of "interest," see § 40.442–3 (d) (5).

SEC. 447. INDUSTRY BASE PERIOD RATES OF RETURN.

(a) *Base period yearly rate of return.* The Secretary shall determine and proclaim for each industry classification in subsection (c) a rate of return (computed to the nearest thousandth) for each of the four years 1946 through 1949. The yearly rate of return for each industry classification shall be obtained by dividing the sum of the aggregate net income (computed without regard to the net operating loss deduction provided in section 23 (s)) and the aggregate interest deduction shown on the income tax returns filed by the corporations in such classification submitting balance sheets, by the aggregate total assets of such corporations as of the close of the taxable year for which such returns were filed. Such aggregate net income, interest deduction and total assets for each such year shall include the amounts reported on the income tax returns for the calendar year and the amounts reported on returns for other taxable years the greater part of which falls in such calendar year. The determinations by the Secretary required under this section shall be made on the basis of returns regularly used by the Treasury Department in compiling published statistics from income tax returns, computing all rates of return after giving effect to renegotiation of contracts in accordance with renegotiation statistics published in the statistics compiled with respect to industry classifications.

(b) *Base period rate of return.* The Secretary shall determine and proclaim for each industry classification in subsection (c) a rate of return (computed to the nearest thousandth) for the four-year period 1946 through 1949. Such base period rate of return for each industry classification shall be obtained by aggregating the net income and interest deduction (such amounts being determined as provided under subsection (a)) for such four years and dividing the aggregate by the sum of the total assets (determined as provided under subsection (a)) for such four years.

(c) *Industry classification.* For purposes of this subchapter the classification of taxpayers by industry shall be as provided in the table below. Each such industry classification is defined in accordance with the specifications shown in the Standard Industrial Classification Manual (prepared by the Division of Statistical Standards, Bureau of the Budget) for the major industry group or groups the numbers of which appear opposite such classification.

INDUSTRY CLASSIFICATIONS

	Major group No.
Agriculture, Forestry, and Fisheries	
Farms and agricultural services, hunting, trapping	01 and 07
Forestry	08
Fisheries	09
Mining	
Metal mining	10
Anthracite mining	11
Bituminous coal and lignite mining	12
Crude petroleum and natural gas extraction	13
Nonmetallic minerals except fuels	14
Contract Construction	
General contractors	15 and 16
Special trade contractors	17
Manufacturing	
Ordnance and accessories	19
Food and kindred products	20
Tobacco manufactures	21
Textile mill products	22

INDUSTRY CLASSIFICATIONS—Continued

	Major group No.
Manufacturing—Continued	
Apparel and other finished products made from fabrics	23
Lumber and wood products	24
Furniture and fixtures	25
Paper and allied products	26
Printing, publishing, and allied industries	27
Chemicals and allied products	28
Products of petroleum and coal	29
Rubber products	30
Leather and leather products	31
Stone, clay, and glass products	32
Primary metal industries and fabricated metal products (except ordnance, machinery, and transportation equipment)	33 and 34
Machinery (except electrical)	35
Electrical machinery, equipment, and supplies	36
Transportation equipment	37
Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks; including miscellaneous manufacturing industries	38 and 39
Transportation, Communication, and Other Public Utilities	
Railroads	40
Local and interurban railways and bus lines	41
Trucking and warehousing	42
Highway transportation not elsewhere classified	43
Water transportation	44
Transportation by air	45
Pipe line transportation	46
Services incidental to transportation	47
Telecommunications	48
Utilities and sanitary services	49
Wholesale Trade	
Wholesale trade	50 and 51
Retail Trade	
Building materials and farm equipment	52
General merchandise	53
Food	54
Automotive dealers and gasoline service stations	55
Apparel and accessories	56
Furniture, home furnishings, and equipment	57
Eating and drinking places	58
Miscellaneous retail stores	59
Finance, Insurance, and Real Estate	
Banking	60
Credit agencies other than banks	61
Security and commodity brokers, dealers, exchanges, and services	62
Insurance carriers	63
Insurance agents, brokers, and service	64
Real estate	65
Holding and other investment companies	67
Services	
Hotels, rooming houses, camps, and other lodging places	70
Personal services	72
Miscellaneous business services	73
Automobile repair services and garages	75
Miscellaneous repair services	76
Radio broadcasting, including facsimile broadcasting, and television	77
Motion pictures	78
Amusement and recreation services except motion pictures	79
Other services	80, 81, 82, 84, 86, and 89

(d) *Tentative rates of return.* The Secretary, not later than March 1, 1951, shall determine and proclaim for each industry classification, tentative base period yearly rates of return and a tentative base period rate of return (each computed to the nearest thousandth). Such tentative rates of return shall be effective until such time as the base period yearly rates of return and base period rates of return are determined and proclaimed. The base period yearly rates of return and base period rates of return, upon proclamation thereof by the Secretary, shall relate back as though such rates had been in effect in place of the tentative rates of return. If the application of section 442, 443, 444, 445, or 446 is made in accordance with tentative rates of return, such application shall be redetermined in accordance with the base period yearly rate of return or the base period rate of return when determined and proclaimed. The period of limitation prescribed under section 322 and sections 275 and 276 shall not begin to run with respect to overpayments or deficiencies in tax caused by such redetermination prior to such time as the base period yearly rates of return and the base period rates of return are determined and proclaimed by the Secretary.

(e) *Application for benefits of section 442, 443, 444, 445, or 446.* The tax for any taxable year under this subchapter shall be determined without regard to section 442, 443, 444, 445, or 446 unless an application for the benefits of such section, setting forth the grounds for the application of such section in such detail and in such manner as the Secretary may prescribe, is filed by the taxpayer—

(A) With its return for the taxable year, or

(B) Within the period of time prescribed by section 322 (as extended under the last sentence of subsection (d) of this section or of section 446 (h)) for filing claim for credit or refund, and in such case the application of section 442, 443, 444, 445, or 446, shall be subject to the limitations as to amount of credit or refund prescribed in section 322, or

(C) After the period described in paragraph (B), if within the period of limitations for the assessment of a deficiency (as extended under the last sentence of subsection (d) of this section or of section 446 (h)) in the tax imposed by this chapter for the taxable year, and in such case the application of section 442, 443, 444, 445, or 446 shall not reduce the tax by an amount greater than the deficiency determined without regard to the application of such section,

except that if a petition is filed with the Tax Court for the redetermination of the tax under this chapter for the taxable year, the application for the benefits of section 442, 443, 444, 445, or 446, shall be effective only if filed not later than the date on which such petition is filed. Section 442, 443, 444, 445, or 446, shall not be applied upon the basis of any grounds other than those set forth in an application filed within the period prescribed in this subsection.

§ 40.447–1 *Industry base period rates of return*—(a) *In general.* Sections 442 through 445 provide for the determination of an average base period net income computed, in general, on the basis of an industry rate of return determined under section 447 rather than on the basis of the taxpayer's own experience. Section 447 provides for two types of industry rates of return. The first, for use under section 442 (c) (relating to 12 or fewer months affected by abnormalities) is designated as the base period yearly rate of return. The second, for use under sections 442 (d), 443, 444, or 445, is designated as the base period rate of return.

(b) *Industry classification.* For the purpose of sections 442 through 445, and of section 447, the industry classification must be one set forth in section 447 (c). Each industry classification set forth in section 447 (c) is defined in accordance with the specifications shown in the Standard Industrial Classification Manual prepared by the Division of Statistical Standards of the Bureau of the Budget. The industry classification of the taxpayer is to be determined in accordance with the specifications shown in that manual.

(c) For the purpose of sections 442 through 445, and of section 447, the base period yearly rates of return and the base period rates of return are only those rates of return which are proclaimed by the Secretary. Under section 447 (d), tentative base period yearly rates of return and tentative base period rates of return have been proclaimed by the Secretary, and are set forth in § 40.447–2. These tentative rates shall be effective until such time as the rates described in section 447 (a) and (b) are determined and proclaimed by the Secretary. The rates described in section 447 (a) and (b), when proclaimed by the Secretary, shall relate back as though they had been in effect in place of the tentative rates.

(d) Any application of sections 442 through 445 made in accordance with the tentative rates shall be redetermined in accordance with the final rates when proclaimed. The period of limitation prescribed under section 322 and sections 275 and 276 with respect to overpayments of or deficiencies in tax caused by such redetermination shall not begin to run prior to the time that the final rates of return under section 447 (a) and (b) are determined and proclaimed.

§ 40.447–2 *Tentative industry base period rates of return.* The industry classifications set forth in section 447 (c), and the tentative base period yearly rates of return and the tentative base period rate of return for each such industry classification are as follows:

Major group number	Industry classification	Tentative base period yearly rates of return (percent)				Tentative base period rate of return (percent)
		1946	1947	1948	1949	
	Agriculture, forestry, and fisheries					
01 and 07	Farms and agricultural services, hunting, trapping	12.5	12.8	12.7	11.9	12.5
08	Forestry	6.1	8.2	9.2	10.7	8.5
09	Fisheries	9.1	2.1	4.5	4.5	4.8
	Mining					
10	Metal mining	5.2	11.8	13.8	8.7	10.1
11	Anthracite mining	6.4	5.8	8.0	4.5	6.2
12	Bituminous coal and lignite mining	6.3	14.6	15.4	7.7	11.3
13	Crude petroleum and natural gas extraction	5.1	9.7	11.8	11.2	10.0
14	Nonmetallic minerals except fuels	11.9	14.2	15.0	14.9	14.2

Major group number	Industry classification	Tentative base period yearly rates of return (percent)				Tentative base period rate of return (percent)
		1946	1947	1948	1949	
	Contract construction					
15 and 16	General contractors	8.6	10.5	13.7	14.5	12.2
17	Special trade contractors	12.6	15.2	15.1	9.7	13.1
	Manufacturing					
19	Ordnance and accessories	4.5	11.6	14.8	7.1	9.4
20	Food and kindred products	18.4	15.2	12.4	13.2	14.6
21	Tobacco manufactures	9.7	9.8	11.1	11.8	10.7
22	Textile mill products	24.0	23.2	20.6	10.3	19.2
23	Apparel and other finished products made from fabrics.	21.8	16.7	10.4	8.0	13.8
24	Lumber and wood products	16.0	23.0	19.6	11.5	17.5
25	Furniture and fixtures	16.4	16.4	14.6	13.7	15.3
26	Paper and allied products	17.8	24.2	18.1	13.7	18.1
27	Printing, publishing, and allied industries	18.6	15.7	13.8	13.2	15.1
28	Chemicals and allied products	17.3	17.6	16.2	15.8	16.7
29	Products of petroleum and coal	6.1	8.7	11.3	6.6	8.3
30	Rubber products	18.6	12.4	13.4	9.0	13.2
31	Leather and leather products	19.3	15.9	10.2	8.3	13.3
32	Stone, clay, and glass products	15.4	16.3	17.2	16.8	16.5
33 and 34	Primary metal industries and fabricated metal products (except ordnance, machinery, and transportation equipment).	9.8	15.4	16.4	12.9	13.8
35	Machinery (except electrical)	9.4	16.0	17.2	14.7	14.6
36	Electrical machinery, equipment, and supplies	4.2	14.5	15.6	13.6	12.4
37	Transportation equipment	1.4	13.5	18.6	21.4	14.5
38 and 39	Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks including miscellaneous manufacturing industries.	11.9	13.8	13.5	12.8	13.0
	Transportation, communication, and other public utilities					
40	Railroads	2.1	3.9	5.3	4.0	3.9
41	Local and interurban railways and bus lines	4.1	[1] (2.9)	2.2	1.7	1.4
42	Trucking and warehousing	11.4	12.2	14.0	12.7	12.7
43	Highway transportation not elsewhere classified	24.1	18.1	12.1	10.4	15.2
44	Water transportation	9.1	9.0	8.1	8.4	8.9
45	Transportation by air	[1] (2.6)	[1] (3.7)	1.3	4.3	.2
46	Pipe line transportation	11.1	10.5	10.5	9.1	10.1
47	Services incidental to transportation	8.1	10.0	7.1	7.2	8.1
48	Telecommunications	6.1	4.1	4.9	5.0	5.0
49	Utilities and sanitary services	7.0	6.3	6.1	6.5	6.4
	Wholesale trade					
50 and 51	Wholesale trade	16.5	15.3	12.6	9.7	13.3
	Retail trade					
52	Building materials and farm equipment	15.3	16.3	15.3	10.0	14.3
53	General merchandise	20.9	17.4	16.7	13.2	16.9
54	Food	15.8	13.9	12.9	13.8	14.6
55	Automotive dealers and gasoline service stations	27.5	31.0	27.3	15.7	25.0
56	Apparel and accessories	19.4	14.4	11.6	7.8	13.0
57	Furniture, home furnishings, and equipment	16.9	12.4	9.1	6.5	10.7
58	Eating and drinking places	12.6	6.6	5.7	6.2	7.5
59	Miscellaneous retail stores	14.3	10.7	9.1	6.8	9.8
	Finance, insurance, and real estate					
60	Banking	.9	.7	.8	.8	.8
61	Credit agencies other than banks	3.3	3.7	4.8	5.1	4.3
62	Security and commodity brokers, dealers, exchanges, and services.	2.8	1.5	1.5	2.4	2.1
63	Insurance carriers	2.4	2.4	2.8	3.2	2.7
64	Insurance agents, brokers, and service	8.3	9.5	10.0	10.3	9.6
65	Real estate	5.1	5.2	5.3	5.8	5.3
67	Holding and other investment companies	5.9	5.6	6.0	5.8	5.8
	Services					
70	Hotels, rooming houses, camps, and other lodging places.	9.6	8.6	8.1	7.8	8.5
72	Personal services	11.7	11.1	9.1	11.5	10.8
73	Miscellaneous business services	12.8	13.1	13.0	14.2	13.3
75	Automobile repair services and garages	14.8	13.7	12.5	10.6	12.7
76	Miscellaneous repair services	10.4	13.4	13.3	14.6	13.2
77	Radio broadcasting, including facsimile broadcasting, and television.	24.9	18.8	12.5	10.1	15.8
78	Motion pictures	19.4	14.6	9.2	8.4	12.7
79	Amusement and recreation services except motion pictures.	21.3	13.6	11.9	12.0	14.9
80, 81, 82, 84, 86, and 89.	Other services	8.8	9.7	10.3	8.3	9.3

[1] Parentheses indicate negative rate of return.

§ 40.447–3 *Application required under section 447.* (a) The excess profits tax for any taxable year shall be determined by reference to section 442, 443, 444, 445, or 446 only if an application for the benefits of such section is filed by the taxpayer within the period specified in section 447 (e).

(b) The application shall be made by filing with the collector schedule EP–5 (Form 1120) together with the statement described below. If the application is made with the original return, it shall be filed with, and as a part of, Form 1120 for the taxable year. If the application is not filed with the original return, it shall be filed with, and as a part of, an amended return, or, if made in connection with a claim for credit or refund, it shall be filed with, and as a part of, the claim for credit or refund. If a petition is filed with the Tax Court for the redetermination of the tax under chapter 1 for the taxable year, the application shall be effective only if filed with the collector not later than the date on which the original petition is filed. The application, however filed, must include a statement setting forth in detail each ground upon which the taxpayer relies, and facts sufficient to apprise the Commissioner of the exact basis for the application. Section 442, 443, 444, 445, or 446 shall not be applied upon the basis of any ground other than those set forth in an application filed within the period prescribed in section 447 (e).

SEC. 448. EXCESS PROFITS CREDIT—REGULATED PUBLIC UTILITIES.

(a) *Amount of credit.* In the case of a regulated public utility (as defined in subsection (d)), the excess profits credit for any taxable year computed under this section shall be the sum of the tax imposed by sections 13, 14, 15, and 141 (c), for such taxable year and the amount determined under subsection (b).

(b) *Computation.* The amount referred to in subsection (a) for any taxable year shall be determined as follows:

(1) By applying to the sum of the following the per centum prescribed in subsection (c):

(A) The adjusted invested capital for such taxable year, and

(B) The average borrowed capital for such taxable year as defined in section 439.

For the purposes of this paragraph the adjusted invested capital for any taxable year shall be the amount computed for such year under section 437 (b) (2) without reduction by the amount of the net new capital addition and without regard to section 437 (b) (2) (C); except that in the case of a corporation described in subsection (c) (1) (A), (c) (1) (B), (c) (2), or (c) (4), the corporate books of account of which are maintained in accordance with systems of accounts prescribed by an appropriate regulatory body (or, if not so prescribed, are maintained in accordance with the uniform systems of accounts prescribed by the Federal Power Commission or the National Association of Railway and Utility Commissioners), the adjusted invested capital for such year shall be the sum of the average outstanding common and preferred capital stock accounts and the capital surplus and earned surplus accounts for such taxable year as recorded on such corporate books of account.

(2) By reducing the amount ascertained under paragraph (1) by the deduction allowable for such year with respect to interest on indebtedness included in borrowed capital under section 439.

(3) By reducing the amount ascertained under paragraph (2) by the amount computed under section 440 (b) (relating to inadmissible assets): except that in the case of a corporation described in subsection (c) (1) (A), (c) (1) (B), (c) (2), or (c) (4), the corporate books of account of which are maintained in accordance with systems of accounts prescribed by an appropriate regulatory body (or, if not so prescribed, are maintained in accordance with the uniform systems of accounts prescribed by the Federal Power Commission or the National Association of Railway and Utility Commissioners), in determining the amount computed under section 440, the amount attributable to each asset held at any time during such taxable year shall be determined according to such corporate books of account.

(c) The per centum referred to in subsection (b) (1) shall be:

(1) 6 per centum in the case of a corporation engaged in the furnishing or sale of—

(A) Electric energy, gas, water, or sewerage disposal services, or

(B) Transportation (not included in paragraph (3)) on an intrastate, suburban, municipal, or interurban electric railroad, on an intrastate, municipal, or suburban trackless trolley system, or on a municipal or suburban bus system, or

(C) Transportation (not included in subparagraph (B)) by motor vehicle—

if the rates for such furnishing or sale, as the case may be, have been established or approved by a State or political subdivision thereof, by an agency or instrumentality of the United States, or by a public service or public utility commission or other similar body of the District of Columbia or of any State or political subdivision thereof.

(2) 6 per centum in the case of a corporation engaged as a common carrier in the furnishing or sale of transportation of gas by pipe line, if subject to the jurisdiction of the Federal Power Commission.

(3) 6 per centum in the case of a corporation engaged as a common carrier in the furnishing or sale of transportation by railroad, or in the furnishing or sale of transportation of oil or other petroleum products (including shale oil) by pipe line, subject to the jurisdiction of the Interstate Commerce Commission.

(4) 7 per centum in the case of a corporation engaged in the furnishing or sale of telephone or telegraph service, if the rates for such furnishing or sale meet the requirements of paragraph (1).

(5) 7 per centum in the case of a corporation engaged in the furnishing or sale of transportation as a common carrier by air, subject to the jurisdiction of the Civil Aeronautics Board.

(6) 6 per centum in the case of a corporation engaged in the furnishing or sale of transportation by common carrier by water, subject to the jurisdiction of the Interstate Commerce Commission under Part III of the Interstate Commerce Act, or subject to the jurisdiction of the Federal Maritime Board under the Intercoastal Shipping Act, 1933.

(d) For the purposes of this subchapter the term "regulated public utility" means (except as provided in subsection (e)) a corporation described in subsection (c), but only if 80 per centum or more of its gross income (computed without regard to dividends and capital gains and losses) for the taxable year is derived from sources described in subsection (c). If the taxpayer establishes to the satisfaction of the Secretary that—

(1) Its revenue from regulated rates described in subsection (c) (1) or (4) and its revenue derived from unregulated rates are derived from its operation of a single interconnected and coordinated system or from the operation of more than one such system, and

(2) The unregulated rates have been and are substantially as favorable to users and consumers as are the regulated rates,

such revenue from such unregulated rates shall be considered, for the purposes of this subsection, as income derived from sources described in subsection (c) (1) or (4).

(e) *Consolidated returns of regulated public utilities.* For provisions applicable to consolidated returns of regulated public utilities computing their excess profits credit under this section, see subsections (e) and (j) of section 141. For purposes of filing a consolidated return, a common parent corporation shall be deemed a regulated public utility if at least 80 per centum of its gross income (computed without regard to capital gains or losses) is derived directly or indirectly from sources described in subsection (c). For the purposes of the preceding sentence dividends or interest received from a regulated public utility shall be considered as derived from sources described in subsection (c) if the regulated public utility is a member of an affiliated group (as defined in section 141 (d)) which includes the common parent corporation.

§ 40.448–1 *Excess profits credit of regulated public utilities entitled to benefits of section 448.* Section 448 provides for certain regulated public utilities an excess profits credit which is an alternative to the excess profits credit based on income (section 435) and to the excess profits credit based on invested capital (section 436). This alternative excess profits credit shall be computed under §40.448–3.

§ 40.448–2 *Definitions*—(a) *Regulated public utility.* For the purpose of subchapter D of chapter 1, the term "regulated public utility" means (except as provided in section 448 (e) relating to consolidated returns of regulated public utilities) a corporation described in section 448 (c) and subparagraphs (1) through (6) of this paragraph, but only if 80 percent or more of its gross income, computed without regard to dividends and capital gains and losses, for the taxable year is derived from sources described in section 448 (c) and in subparagraphs (1) through (6), of this paragraph.

(1) A corporation engaged in the furnishing or sale of—

(i) Electric energy, gas, water, or sewerage disposal services, or

(ii) Transportation (not included in subparagraph (3) of this paragraph) on an intrastate, suburban, municipal, or interurban electric railroad, on an intrastate, municipal, or suburban trackless trolley system, or on a municipal or suburban bus system, or

(iii) Transportation (not included in subdivision (ii) of this subparagraph) by motor vehicle—

if the rates for such furnishing or sale, as the case may be, have been established or approved by a State or political subdivision thereof, by an agency or instrumentality of the United States, or by a public service or public utility commission or other similar body of the District of Columbia or of any State or political subdivision thereof.

(2) A corporation engaged as a common carrier in the furnishing or sale of transportation of gas by pipeline, if subject to the jurisdiction of the Federal Power Commission.

(3) A corporation engaged as a common carrier in the furnishing or sale of transportation by railroad, or in the furnishing or sale of transportation of oil or other petroleum products (including shale oil) by pipeline, subject to the jurisdiction of the Interstate Commerce Commission.

(4) A corporation engaged in the furnishing or sale of telephone or telegraph service, if the rates for such furnishing or sale meet the requirements of subparagraph (1) of this paragraph.

(5) A corporation engaged in the furnishing or sale of transportation as a common carrier by air, subject to the jurisdiction of the Civil Aeronautics Board.

(6) A corporation engaged in the furnishing or sale of transportation by common carrier by water, subject to the jurisdiction of the Interstate Commerce Commission under Part III of the Interstate Commerce Act, or subject to the jurisdiction of the Federal Maritime Board under the Intercoastal Shipping Act, 1933.

If the taxpayer establishes to the satisfaction of the Commissioner that its revenue from regulated rates described in subparagraphs (1) or (4) of this paragraph, and from unregulated rates are derived from its operation of a single interconnected and coordinated system or from its operation of more than one such system, and that the unregulated rates have been and are substantially as favorable to users and consumers as the regulated rates, such revenue from such unregulated rates shall be considered, for the purpose of this paragraph, as income derived from sources described in subparagraphs (1) or (4) of this paragraph.

(b) *Normal tax and surtax.* The amount of the normal tax and surtax which is included in the excess profits credit computed under section 448 for any taxable year is the total amount of the tax imposed by sections 13, 14, 15, and 141 (c) for such taxable year. If an alternative tax is imposed by section 117 (c) for the taxable year, such alternative tax is included in lieu of the tax that otherwise would have been imposed for such year.

(c) *Adjusted invested capital.* For the purpose of computing the excess profits credit for any taxable year under section 448—

(1) In the case of a corporation which is a regulated public utility and is not described in subparagraph (2) of this paragraph, the adjusted invested capital for such year shall be the sum of (i) the equity capital (as defined in section 437 (c) and § 40.437–5) at the beginning of the taxable year, (ii) the average daily amount of money and property paid in for stock, or as paid-in surplus, or as a contribution to capital during the taxable year, and (iii) the recent loss adjustment (computed under section 437 (f) and § 40.437–8); reduced by the average daily amount of distributions made during the taxable year not out of the earnings and profits of such taxable year.

(2) In the case of a corporation described in paragraph (a) (1) (i) or (ii), (2) or (4) of this section, if the corporate books of account are maintained in accordance with systems of accounts prescribed by an appropriate regulatory body (or, if not so prescribed, are maintained in accordance with the uniform systems of accounts prescribed by the Federal Power Commission or the National Association of Railway and Utility Commissioners), the adjusted invested capital for such year shall be the sum of the average outstanding common and preferred capital stock accounts for the taxable year and the capital surplus and earned surplus accounts at the beginning of the taxable year as properly recorded on the corporate books of account. In order to establish its right to compute its adjusted invested capital by this method for any taxable year, the taxpayer must attach a statement to its return for such taxable year setting

forth all the facts relied on as qualifying the taxpayer to use such method.

(d) *Inadmissible assets.* For the purpose of section 448, the term "inadmissible assets" means inadmissible assets as defined in section 440 (a). In computing the ratio of inadmissible assets to total assets the amount attributable to each asset shall be determined as provided in section 440 (b), except that in the case of a corporation described in paragraph (a) (1) (i) or (ii), (2), or (4), of this section, if the corporate books of account are maintained in accordance with systems of accounts prescribed by an appropriate regulatory body (or, if not so prescribed, are maintained in accordance with the uniform systems of accounts prescribed by the Federal Power Commission or National Association of Railway and Utility Commissioners), the amount attributable under section 440 (b) to each asset shall be determined according to the amounts properly recorded in the corporate books of account.

§ 40.448–3 *Computation of excess profits credit.* The excess profits credit of a regulated public utility is determined under section 448 as follows:

(a) The sum of the adjusted invested capital (§ 40.448–2 (c)) and the average daily amount of borrowed capital of the taxpayer for the taxable year is multiplied by 6 percent in the case of a corporation described in § 40.448–2 (a) (1), (2), (3), or (6), or by 7 percent in the case of a corporation described in § 40.448–2 (a) (4) or (5).

(b) The amount ascertained under paragraph (a) of this section is reduced by the amount of the deduction allowable for the taxable year with respect to interest on the indebtedness included in (a) as borrowed capital.

(c) The amount ascertained under paragraph (b) of this section is reduced by the amount computed under section 440 (b), relating to inadmissible assets. See § 40.448–2 (d).

(d) The amount ascertained under paragraph (c) of this section is added to the amount of the corporation's normal tax and surtax for the taxable year. See § 40.448–2 (b).

SEC. 449. PERSONAL SERVICE CORPORATIONS.

(a) *Definition.* As used in this subchapter, the term "personal service corporation" means a corporation whose income is to be ascribed primarily to the activities of shareholders who are regularly engaged in the active conduct of the affairs of the corporation and are the owners at all times during the taxable year of at least 70 per centum in value of each class of stock of the corporation, and in which capital is not a material income-producing factor; but does not include any foreign corporation, nor any corporation 50 per centum or more of whose gross income consists of gains, profits, or income derived from trading as a principal. For the purposes of this subsection, an individual shall be considered as owning, at any time, the stock owned at such time by his spouse or minor child or by any guardian or trustee representing them.

(b) *Election as to taxability.* If a personal service corporation signifies, in its return under this chapter for any taxable year, its desire not to be subject to the tax imposed under this subchapter for such taxable year, it shall be exempt from such tax for such year, and the provisions of Supplement S of this chapter shall apply to the shareholders in such corporation who were such shareholders on the last day of such taxable year of the corporation. Such corporation shall not be exempt for such year if it is a member of an affiliated group of corporations filing consolidated returns under section 141.

§ 40.449–1 *Taxation of personal service corporations.* A personal service corporation is subject to the excess profits tax imposed under subchapter D of chapter 1 the same as any other domestic corporation unless it elects as to any taxable year not to be subject to such tax. Such an election may not be exercised by a corporation filing a consolidated return under section 141. If a corporation is exempt by reason of the exercise of such an election, the provisions of Supplement S of chapter 1 (sections 391 to 396, inclusive) shall apply to the shareholders in such corporation who were such shareholders on the last day of the taxable year of the corporation. See § 29.394–1 of Regulations 111. In such case, the amount of the undistributed Supplement S net income shall be considered as paid in to the corporation as of the close of the taxable year as paid-in surplus or as a contribution to capital, and the amount of accumulated earnings and profits as of the close of such year shall be correspondingly reduced. See section 394 (d).

§ 40.449–2 *Definition of personal service corporations.*—(a) *In general.* The term "personal service corporation" means a domestic corporation in which capital is not a material income-producing factor and the income of which is to be ascribed primarily to the activities of shareholders who (1) are regularly engaged in the active conduct of the affairs of the corporation, and (2) are the owners, throughout the entire taxable year of at least 70 percent in value of each class of stock of the corporation. If 50 percent or more of the gross income of a corporation consists of gains, profits, or income derived from trading as a principal, such corporation cannot be considered to be a personal service corporation. As to corporations in which less than 50 percent of the gross income is derived from trading as a principal, see paragraph (c) of this section.

(b) *Stock interest of shareholders.* (1) Shareholders regularly engaged in the active conduct of the affairs of the corporation and to whom the income of the corporation is primarily to be ascribed must own at all times during the taxable year at least 70 percent in value of each class of stock of the corporation. If stock is owned by the spouse or minor child of an individual, or owned by the guardian or trustee of such spouse or child, such stock is treated as being owned by such individual.

(2) A corporation cannot be considered to be a personal service corporation for any taxable year if another corporation owns more than 30 percent in value of any class of its stock at any time during such year. A corporation is an artificial entity and cannot itself be regularly engaged in the active conduct of the affairs of another corporation within the meaning of section 449.

(3) The fact that the ownership of shares in the corporation may change during the course of the taxable year does not take the corporation which is otherwise a personal service corporation out of that class unless at some time during the taxable year the ownership of more than 30 percent in value of the shares of any class of stock passes into the hands of persons not regularly engaged in the active conduct of the affairs of the corporation.

(c) *Income to be ascribed primarily to the activities of shareholders.* (1) If employees other than shareholders contribute substantially to the services rendered by a corporation, such corporation is not a personal service corporation unless, in every case in which services are so rendered, the value of and the compensation charged for such services are to be attributed primarily to the experience or skill of the shareholders and such fact is evidenced in some definite manner in the normal course of the business or profession. The fact that the shareholders give personal attention or render valuable services to the corporation as a result of which its earnings are greater than those of a corporation engaged in a like or similar business or profession, the shareholders of which are not regularly engaged in the activities of the corporation, does not of itself constitute the corporation a personal service corporation.

(2) Income of a corporation from merchandising or trading as a principal, directly or indirectly, in commodities or in the services of others is not to be ascribed primarily to the activities of its shareholders. Income of a corporation from the conduct of an auction, agency, brokerage, or commission business strictly on the basis of a fee or commission may be so ascribed. If, however, either as a matter of business policy or by contract, the corporation assumes any such risks as those of market fluctuations, bad debts, or failure to accept shipments, or if it guarantees the accounts of the purchaser or is in any way accountable to the seller for the payment of the purchase price, the transaction is one of merchandising or trading, and this is true even though the goods are shipped directly from the producer to the consumer and are never actually in the possession of the corporation. The fact that earnings of the corporation are termed commissions or fees is not controlling. The fact that a commission or fee in a transaction is based on a difference in the prices at which the seller sells and the buyer buys raises a presumption that the transaction is one of merchandising or trading, and it will be so considered in the absence of satisfactory evidence to the contrary.

(3) It may happen that a corporation is engaged in two or more businesses or professions which are more or less related. Thus, an engineering concern may also engage in contracting, which amounts to trading in materials and labor, or a brokerage concern may guarantee some of its accounts, or a photographic concern may sell pictures, frames, art goods, and supplies. In such cases, the corporation is not a personal service corporation unless the activities of the corporation consisting of trading or guaranteeing of accounts or selling

are negligible or merely incidental, and unless no appreciable part of the earnings is to be ascribed to such activities. See also paragraph (e) of this section, relating to the employment of capital.

(d) *Shareholders regularly engaged in the active conduct of the affairs of the corporation.* A corporation is not a personal service corporation unless shareholders who own at all times during the taxable year at least 70 percent in value of each class of stock are regularly engaged in the active conduct of the affairs of the corporation. That such shareholders devote some of their time to the affairs of the corporation is not sufficient; they must with regularity devote substantial time and energy to the conduct of its affairs.

(e) *Capital as a material income-producing factor.* (1) In a personal service corporation capital must not be a material income-producing factor. Whether capital is a material income-producing factor is to be determined by reference to (i) the extent to which capital is required to carry on the business or profession and (ii) the extent to which capital is actually used in the production of income though not required by the primary activities of the corporation. If the use of capital is necessary to the production of the income of the corporation and is more than incidental, capital is a material income-producing factor and the corporation is not a personal service corporation. If a substantial portion of the income is attributable to a use of capital, whether or not connected with the primary activities of the corporation, capital is a material income-producing factor even though such use of capital is not necessary to such primary activities. The term "capital" as used in section 449 and in this section means not only capital actually invested by the shareholders but also capital obtained in other ways. Thus, capital may be borrowed either directly as shown by bonds, debentures, certificates of indebtedness, notes, bills payable, or other paper, or indirectly as shown by accounts payable or other forms of credit, or the business of the corporation may be financed in some other manner by its shareholders. If a substantial amount of capital is used to finance or carry the accounts of clients or customers, it will be inferred that because of competition or for other reasons such use of capital is necessary and more than incidental in order to secure or hold business which would otherwise be lost. If a corporation engaged in an agency, brokerage, or commission business regularly employs a substantial amount of capital to lend to its principals, to buy and carry goods on its own account, or to buy and carry odd lots in order that it may render more satisfactory service to its principals or customers, such corporation is not a personal service corporation. In general, the larger the amount of capital actually used the stronger is the evidence that capital is necessary and more than incidental and is a material income-producing factor.

(2) The term "income" as used in section 449 and in this section means gross income. Capital is a material income-producing factor if its use results in a substantial amount of gross income, irrespective of the amount of net income, if any, such use produces.

(f) *Application of regulations; returns.* No definite and conclusive tests can be prescribed by which it can be finally determined in advance of an examination of the corporation's income tax return whether it is or is not a personal service corporation. In the preceding subsections are set forth the general principles under which such determination will be made. If a corporation claiming to be a personal service corporation signifies in its return for any taxable year its desire not to be subject to the excess profits tax, it shall attach and file Schedule PS (Form 1120) with, and as a part of, its return on Form 1120. In Schedule PS (Form 1120) there shall be stated (1) such facts as tend to show whether or not the corporation is a personal service corporation, including (i) the nature of its business, (ii) the character, preferences, dividend rates, and other essential features of the various classes of its stock outstanding for any time during the taxable year, (iii) the names and addresses of its several shareholders and their relationship to each other, (iv) the number and classes of shares owned at any time during the taxable year by each shareholder and the portion of the year during which such shares were so owned, (v) the nature of the activities of the several shareholders on behalf of the corporation, and (vi) the extent to which capital in any form is used in the business, and (2) the computation of the undistributed Supplement S net income for the taxable year, the names and addresses of all shareholders of the corporation at the close of the taxable year, the number and classes of shares held by each, and such other information as may be required by the form and the instructions printed on the form or issued therewith.

§ 40.449–3 *Election as to taxability.* The election as to taxability provided for in section 449 (b) and the exemption from tax, where such is allowable, have application only to the excess profits tax on domestic corporations imposed under subchapter D of chapter 1. The corporation may make such an election by signifying in its return its desire not to be subject to the excess profits tax. A new election is required for each taxable year. An amended return filed after the statutory period for filing the return (or after the last day of any extension period) is not a return within the meaning of section 449 (b).

SEC. 450. CORPORATIONS ENGAGED IN MINING OF STRATEGIC MINERALS.

(a) *Exemption from tax.* In the case of any domestic corporation engaged in the mining of a strategic mineral, the portion of the adjusted excess profits net income attributable to such mining in the United States shall be exempt from the tax imposed by this subchapter. The tax on the remaining portion of such adjusted excess profits net income shall be an amount which bears the same ratio to the tax computed without regard to this section as such remaining portion bears to the entire adjusted excess profits net income.

(b) *Definitions.* For the purposes of this section—

(1) The term "strategic mineral" means antimony, chromite, manganese, nickel, platinum (including the platinum group metals), quicksilver, sheet mica, tantalum, tin, tungsten, vanadium, fluorspar, flake graphite, vermiculite, perlite, long-fibre asbestos in the form of amosite, chrysotile or crocidolite, beryl, cobalt, columbite, corundum, diamonds, kyanite (if equivalent in grade to Indian kyanite), molybdenum, monazite, quartz crystals, and uranium, and any other mineral which the certifying agency has certified to the Secretary as being essential to the defense effort of the United States and as not having been normally produced in appreciable quantities within the United States.

(2) The term "certifying agency" means the department, official, corporation, or agency utilized or created to carry out the authority of the President under section 303 (a) of the Defense Production Act of 1950 to make provision for the encouragement of exploration, development, and mining of critical and strategic minerals and metals.

(c) *Certification during taxable year of taxpayer.* In determining under subsection (a) the portion of the adjusted excess profits net income which is attributable to the mining of a mineral which is a strategic mineral by reason of a certification made during the taxable year, such portion shall be an amount which bears the same ratio to the portion of the adjusted excess profits net income, determined without regard to this subsection, attributable to such mining during the entire taxable year as the number of days for which the taxpayer held the mineral property during the taxable year and after the date of the making of the certification bears to the number of days for which the taxpayer held the property during such taxable year.

(d) *Application of section to lessor.* In the case of a mining property operated under a lease, income attributable to such property derived by a lessor corporation shall, for the purposes of this section, be considered to be income of a corporation engaged in mining.

§ 40.450–1 *Corporations which mine strategic minerals.* (a) If a domestic corporation is engaged in mining a strategic mineral (as defined in section 450 (b)) within the United States, the portion of its adjusted excess profits net income attributable to such mining is exempt from excess profits tax. The excess profits tax on the remaining portion of such adjusted excess profits net income is an amount which bears the same ratio to the excess profits tax computed without regard to section 450 as such remaining portion bears to the entire adjusted excess profits net income.

(b) The portion of the adjusted excess profits net income attributable to mining of strategic minerals is an amount which bears the same ratio to the total adjusted excess profits net income as the portion of the excess profits net income attributable to such mining bears to the total excess profits net income. For any taxable year, the portion of the excess profits net income attributable to such mining is the gross income derived from strategic minerals and arising out of operations which give rise to "gross income from the property," as defined in § 29.23 (m)–1 (f) of Regulations 111, less the sum of (1) allowable deductions which are directly attributable to such mining for such year, (2) any adjustments made under the provisions of section 483 applicable to such year involving items directly attribut-

able to such mining, and (3) an allocable portion of any deductions partly attributable to such mining and of any adjustments under the provisions of section 433 applicable to such year involving items partly attributable to such mining.

(c) If a mineral is certified to the Secretary during the taxable year to be a strategic mineral, the portion of the adjusted excess profits net income which is attributable to the mining of such mineral shall be an amount which bears the same ratio to the portion of the adjusted excess profits net income, determined under paragraph (b) of this section without regard to this sentence, attributable to such mining during the entire taxable year as the number of days which the taxpayer held the property during the taxable year and after the date of the making of the certification bears to the total number of days for which the taxpayer held the property during such taxable year.

(d) There shall be attached to and made a part of the return of any taxpayer claiming the benefits under section 450 a schedule containing the following information:

(1) The amount of gross income from the mining of strategic minerals and from each other activity of the corporation;

(2) The allowable deductions and the adjustments under section 433 directly attributable to such mining; and

(3) The portion of the allowable deductions and of the adjustments under section 433 allocated to such mining and the basis for such allocation.

(e) In the case of a mining property operated under a lease, income attributable to such property derived by a lessor corporation, which is a domestic corporation, shall for the purposes of section 450, be considered to be income of a corporation engaged in mining.

SEC. 451. CAPITALIZATION OF ADVERTISING, ETC., EXPENDITURES.

(a) *Election to charge to capital account.* For the purpose of computing the excess profits credit, a taxpayer may elect, within six months after the date prescribed by law for filing its return for its first taxable year under this subchapter, to charge to capital account so much of the deductions for taxable years in its applicable base period on account of expenditures for advertising or the promotion of good will, as, under rules and regulations prescribed by the Secretary, may be regarded as capital investments. Such election must be the same for all such taxable years, and must be for the total amount of such expenditures which may be so regarded as capital investments. In computing the excess profits credit, no amount on account of such expenditures shall be charged to capital account:

(1) For taxable years in the base period unless the election authorized in this subsection is exercised, or

(2) For any taxable year prior to the beginning of the base period.

The election provided by this subsection shall be available with respect to expenditures to establish, maintain or increase the circulation of a newspaper, magazine or other periodical notwithstanding the provisions of section 204 (b) of the Revenue Act of 1950.

(b) *Effect of Election.* If the taxpayer exercises the election authorized under subsection (a)—

(1) The net income for each taxable year in the base period shall be considered to be the net income computed with such deductions disallowed, and such deductions shall not be considered as having diminished earnings and profits. This paragraph shall be retroactively applied as if it were a part of the law applicable to each taxable year in the base period; and

(2) The treatment of such expenditures as deductions for a taxable year in the base period shall, for the purposes of section 452 (b) be considered treatment which was not correct under the law applicable to such year.

§ 40.451–1 *Scope of election to charge to capital account expenditures for advertising or the promotion of good will.* (a) Any taxpayer may, for the purpose of computing its excess profits credit under either the income or the invested capital method, elect to charge to capital account any deductions based upon expenditures for taxable years in its base period on account of advertising or the promotion of good will, to the extent that such expenditures may be regarded as capital investments under the regulations prescribed under section 451. Section 451 provides for an election with reference only to deductions for such expenditures for taxable years in the base period. In order to secure the benefits of that section an election must be made by the taxpayer within six months after the date prescribed by law for filing its return for its first taxable year ending after June 30, 1950.

(b) The election under section 451 is an election to capitalize all the expenditures in each taxable year in the taxpayer's base period which were for advertising or the promotion of good will and which may be regarded as capital investments under the regulations prescribed under section 451. A taxpayer may not capitalize such expenditures for one base period taxable year and treat as a deduction such expenditures with respect to another base period taxable year. No such expenditures for any taxable year prior to the beginning of taxpayer's base period may be charged to capital account. A taxpayer which has failed to make an election under section 451 is not permitted, in computing its excess profits credit, to charge to capital account base period expenditures for advertising or the promotion of good will which have been deducted for taxable years in such period. The election provided by section 451 (a) and by this section shall be available with respect to those expenditures to establish, maintain, or increase the circulation of a newspaper, magazine, or other periodical, which may be regarded as capital expenditures under the regulations prescribed under section 451, not withstanding the provisions of section 23 (bb).

§ 40.451–2 *Expenditures which may be regarded as capital investments.* (a) An expenditure for advertising or the promotion of good will, including an expenditure to establish, maintain, or increase the circulation of a newspaper, magazine, or other periodical, may be regarded as a capital investment if, upon consideration of all the facts and circumstances of the particular case, it may be regarded as made for the purpose of increasing the taxpayer's earning capacity over a substantial period subsequent to the taxable year in which such expenditure was made. The fact that a corporation failed, because of operating losses, to receive any benefits with respect to its income tax liability from deductions on account of expenditures is not evidence that such expenditures may be regarded as capital investments. In addition to those expenditures for capital items including good will which, under the provisions of section 24, may not be allowed as deductions, the following expenditures may in any case be regarded as capital investments within the contemplation of section 451:

(1) All advertising expenditures to promote a taxpayer's business in a territory new to such taxpayer, or to promote a new product, department, trade-mark, trade brand, or trade name of such taxpayer, for the first 12 months after the taxpayer has begun to develop such new territory or to promote such new product, department, trade-mark, trade brand, or trade name. A new product within the meaning of this section does not include any product which is merely an improvement of an earlier product.

(2) All advertising expenditures for the taxable year to the extent that such expenditures exceed the taxpayer's average annual expenditures on account of advertising for the 48 months preceding the taxable year, or, if the taxpayer was not in existence during the whole of such 48-month period, then for the period during which the taxpayer was in existence.

(3) In the case of expenditures to establish, maintain, or increase the circulation of a newspaper, magazine, or periodical, the portion of such expenditures which, pursuant to regulations prescribed under section 23 (bb), would be chargeable to capital account if the taxpayer made the election provided in section 23 (bb).

(b) Every item classifiable under this section as a capital investment constitutes a permanent asset of the taxpayer's business, and no deduction for depreciation will be allowed in respect of such an item.

(c) A taxpayer which has made the election under section 451 may not deduct for any excess profits tax taxable year expenditures made in such year similar to expenditures made during its base period for advertising or the promotion of good will which are treated under section 451 for the purposes of its excess profits credit as capital investments. Such a taxpayer has the burden of proving that expenditures for advertising or the promotion of good will which it seeks to deduct for such excess profits tax taxable year may not be regarded as capital investments under the provisions of this section. The taxpayer shall submit with its excess profits tax return a statement containing complete information with respect to all expenditures for advertising or the promotion of good will made during its excess profits tax taxable year, classified as to those which are deductible and those which may be regarded as capital investments under section 451. The statement filed with the return shall also set forth

whether such expenditures were extraordinary in nature or amount and the purpose for which they were made.

§ 40.451–3 *Effect of election.* (a) Section 451 retroactively amends, for the purpose of determining the income tax liability and the excess profits credit of any taxpayer exercising an election under that section, the revenue laws applicable to each of such taxpayer's base period taxable years. Hence, the previous treatment as deductions of expenditures made during the base period which may be regarded as capital investments under the regulations prescribed under section 451 is an erroneous and inconsistent treatment. The normal-tax net income for each applicable base period taxable year must be recomputed with such expenditures disallowed as deductions, and both the excess profits net income for each such year and the earnings and profits account will be increased in the amount of such disallowed deductions.

(b) The disallowance of deductions in the base period made necessary by this section requires a redetermination of the income tax liability for such years and any deficiencies in tax resulting from the disallowance of such deductions shall be assessed and collected under the internal revenue laws applicable with respect to the assessment and collection of deficiencies for such years. If, however, correction of the effect of the prior inconsistent treatment of such items in the base period years is prevented, within the meaning of section 452 (b) (1) (C), correction shall be made by means of an adjustment under section 452. Since the amount of such an adjustment under section 452 is a part of the excess profits tax, which applies only to taxable years ending after June 30, 1950, it does not decrease earnings and profits or excess profits net income for any period before the beginning of the taxpayer's first excess profits tax taxable year.

(c) In the case of a taxpayer electing under section 451, the provisions of section 433 (b) (9), relating to abnormal deductions in the base period, do not affect deductions for expenditures for advertising or the promotion of good will which may be regarded as capital investments, since, in such a case, section 451 effects a disallowance of such deductions for income tax purposes before any of the adjustments under section 433 (b) are operative.

SEC. 452. ADJUSTMENT IN CASE OF POSITION INCONSISTENT WITH PRIOR INCOME TAX LIABILITY.

(a) *Definitions.* For the purposes of this section:

(1) *Taxpayer.* The term "taxpayer" means any person subject to a tax under the applicable revenue act.

(2) *Income tax.* The term "income tax" means an income tax imposed by this chapter or subchapter A of chapter 2 of this title; Title I and Title IA of the Revenue Acts of 1938, 1936, and 1934; Title I of the Revenue Acts of 1932 and 1928; Title II of the Revenue Acts of 1926 and 1924; Title II of the Revenue Acts of 1921 and 1918; Title I of the Revenue Act of 1917; Title I of the Revenue Act of 1916; or section II of the Act of October 3, 1913; a war profits or excess profits tax imposed by chapter 2E of this title; Title II of the Revenue Acts of 1921 and 1918; or Title II of the Revenue Act of 1917; or an income, war profits, or excess profits tax imposed by any of the foregoing provisions, as amended or supplemented.

(3) *Prior taxable year.* A taxable year ending after June 30, 1950, shall not be considered a prior taxable year.

(4) The term "predecessor of the taxpayer" means—

(A) A person which is a component corporation of the taxpayer within the meaning of Part II; and

(B) A person which on July 1, 1950, or at any time thereafter, controlled the taxpayer. The term "controlled" as herein used shall have the same meaning as "control" under section 112 (h); and

(C) Any person in an unbroken series ending with the taxpayer if subparagraph (A) or (B) would apply to the relationship between the parties.

(b) *Circumstances of adjustment:*

(1) If

(A) In determining at any time the tax of a taxpayer under this subchapter an item affecting the determination of the excess profits credit is treated in a manner inconsistent with the treatment accorded such item in the determination of the income tax liability of such taxpayer or a predecessor for a prior taxable year or years, and

(B) The treatment of such item in the prior taxable year or years consistently with the determination under this subchapter would effect an increase or decrease in the amount of the income taxes previously determined for such taxable year or years, and

(C) On the date of such determination of the tax under this subchapter correction of the effect of the inconsistent treatment in any one or more of the prior taxable years is prevented (except for the provisions of section 3801) by the operation of any law or rule of law (other than section 3761, relating to compromises),

then the correction shall be made by an adjustment under this section. If in a subsequent determination of the tax under this subchapter for such taxable year such inconsistent treatment is not adopted, then the correction shall not be made in connection with such subsequent determination.

(2) Such adjustment shall be made only if there is adopted in the determination a position maintained by the Secretary (in case the net effect of the adjustment would be a decrease in the income taxes previously determined for such year or years) or by the taxpayer with respect to whom the determination is made (in case the net effect of the adjustment would be an increase in the income taxes previously determined for such year or years) which position is inconsistent with the treatment accorded such item in the prior taxable year or years which was not correct under the law applicable to such year.

(3) *Burden of proof.* In any proceeding before the Tax Court or any other court the burden of proof in establishing that an inconsistent position has been taken (A) shall be upon the Secretary, in case the net effect of the adjustment would be an increase in the income taxes previously determined for the prior taxable year or years, or (B) shall be upon the taxpayer, in case the net effect of the adjustment would be a decrease in the income taxes previously determined for the prior taxable year or years.

(c) *Method and effect of adjustment.* (1) The adjustment authorized by subsection (b), in the amount ascertained as provided in subsection (d), if a net increase, shall be added to, and, if a net decrease, shall be subtracted from, the tax otherwise computed under this subchapter for the taxable year with respect to which such inconsistent position is adopted.

(2) If more than one adjustment under this section is made because more than one inconsistent position is adopted with respect to one taxable year under this subchapter, the separate adjustments, each an amount ascertained as provided in subsection (d), shall be aggregated, and the aggregate net increase or decrease shall be added to or subtracted from the tax otherwise computed under this subchapter for the taxable year with respect to which such inconsistent positions are adopted.

(3) If all the adjustments under this section, made on account of the adoption of an inconsistent position or positions with respect to one taxable year under this subchapter, result in an aggregate net increase, the tax imposed by this subchapter shall in no case be less than the amount of such aggregate net increase.

(4) If all the adjustments under this section, made on account of the adoption of an inconsistent position or positions with respect to a taxable year under this subchapter (hereinafter in this paragraph called the current taxable year), result in an aggregate net decrease, and the amount of such decrease exceeds the tax imposed by this subchapter (without regard to the provisions of this section) for the current taxable year, such excess shall be subtracted from the tax imposed by this subchapter for each succeeding taxable year, but the amount of the excess to be so subtracted shall be reduced by the reduction in tax for intervening taxable years which has resulted from the subtraction of such excess from the tax imposed for each such year.

(d) *Ascertainment of amount of adjustment.* In computing the amount of an adjustment under this section there shall first be ascertained the amount of the income taxes previously determined for each of the prior taxable years for which correction is prevented. The amount of each such tax previously determined for each such taxable year shall be (1) the tax shown by the taxpayer, or by the predecessor, upon the return for such prior taxable year, increased by the amounts previously assessed (or collected without assessment) as deficiencies and decreased by the amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax; or (2) if no amount was shown as the tax by such taxpayer or such predecessor upon the return, or if no return was made by such taxpayer or such predecessor, then the amounts previously assessed (or collected without assessment) as deficiencies, but such amounts previously assessed, or collected without assessment, shall be decreased by the amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax. There shall then be ascertained the increase or decrease in each such tax previously determined for each such year which results solely from the treatment of the item consistently with the treatment accorded such item in the determination of the tax liability under this subchapter. To the increase or decrease so ascertained for each such tax for each such year there shall be added interest thereon computed as if the increase or decrease constituted a deficiency or an overpayment, as the case may be, for such prior taxable year. Such interest shall be computed to the fifteenth day of the third month following the close of the excess profits tax taxable year with respect to which the determination is made. There shall be ascertained the difference between the aggregate of such increases, plus the interest attributable to each, and the aggregate of such decreases, plus the interest attributable to each, and the net increase or decrease so ascertained shall be the amount of the adjustment under this section with respect to the inconsistent treatment of such item.

(e) *Interest in case of net increase or decrease.* (1) If an adjustment under this section results in a net decrease, or more than one adjustment results in an aggregate net decrease, the portion of such net decrease or aggregate net decrease, as the case may be, subtracted from the tax which represents interest shall be included in gross income

of the taxable year in which falls the date prescribed for the payment of the tax under this subchapter.

(2) If an adjustment under this section results in a net increase, or more than one adjustment results in an aggregate net increase, the portion of such net increase or aggregate net increase, as the case may be, which represents interest shall be allowed as a deduction in computing net income for the taxable year in which falls the date prescribed for the payment of the tax under this subchapter.

§ 40.452–1 *Purpose and scope of section 452.*—(a) *General.* Section 452 provides for an adjustment if a determination of a taxpayer's excess profits tax liability treats an item or transaction affecting the excess profits credit inconsistently with the treatment of such item or transaction in the determination of the income tax liability of the taxpayer, or a predecessor, for a prior taxable year or years. The adjustment is not authorized unless (1) the treatment of the item or transaction for prior taxable years was incorrect under the law applicable to such years, (2) a correction of the effect of such erroneous treatment for one or more of the prior taxable years is prevented by the operation of a provision or rule of law, and (3) the inconsistent position adopted in the determination is asserted and maintained by the party (either the Commissioner or the taxpayer) who would be adversely affected by the adjustment.

(b) *Definitions.* When used in §§ 40.452–1 to 40.452–4, inclusive

(1) The terms "taxpayer," "income tax," and "prior taxable year," shall have the meaning assigned to such terms by section 452 (a). As to what constitutes a taxable year, see section 48 (a).

(2) (i) The term "predecessor of the taxpayer" shall have the meaning assigned to such term by section 452 (a) (4) It is specifically provided that the term "controlled" as used in such definition shall have the same meaning as "control" under the definition contained in section 112 (h). Accordingly, a person is a predecessor of the taxpayer if, on July 1, 1950, or at any time thereafter, such person owned stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock of the taxpayer. For the purpose of section 452 it is immaterial that such control did not exist during the taxable year in respect of which the incorrect treatment of the item or transaction occurred, or during the taxable year in respect of which the inconsistent position is adopted in the determination of the excess profits credit of the taxpayer.

(ii) Any person which is a component corporation of the taxpayer under the definition contained in section 461 is a predecessor of the taxpayer within the meaning of section 452. Such person may be a corporation, partnership, or a sole proprietor. Any such component corporation is a predecessor of the taxpayer irrespective of the method employed in computing the excess profits credit of the taxpayer.

(iii) Under the terms of the definition, any person which is a predecessor of a predecessor in an unbroken series ending with the taxpayer is a predecessor of the taxpayer within the meaning of section 452.

(iv) The limitation of the term "predecessor of the taxpayer" to certain cases, and the resulting exclusion of other cases, should not be construed to affect the established judicial doctrines commonly known as estoppel, recoupment, set-off, etc., which may be applied by the courts in appropriate cases.

§ 40.452–2 *Circumstances of adjustment.*—(a) *Determination.* A final determination of the excess profits tax liability is not a prerequisite to an adjustment under section 452. Whenever there is a determination of the excess profits tax liability and the conditions prescribed in section 452 (b) are satisfied, the adjustment is authorized as an essential part of the determination of such tax liability. For example, the making of a return for excess profits tax purposes is a determination by the taxpayer; the assertion of a deficiency or the allowance or disallowance of a claim for refund is a determination by the Commissioner; and a decision by The Tax Court of the United States or a court is a determination by such Tax Court or court. If any such determination becomes final, the adjustment also becomes final. If, following a determination, there are further proceedings in the case and a subsequent determination which does not adopt the inconsistent treatment of the item or transaction, then no adjustment is authorized as a part of such subsequent determination.

(b) *Correction under ordinary procedure prevented.* (1) An adjustment is authorized only if, on the date of the determination of the excess profits tax liability, correction of the effect of the inconsistent treatment for one or more of the prior taxable years is prevented (except for the provisions of section 3801, relating to mitigation of effect of limitations and other provisions in income tax cases) by the operation, whether before, on, or after the date of enactment of section 452, of any provision of law (other than section 3761, relating to compromises) or rule of law. Such provisions or rules of law include, for example, statutes of limitations and res judicata.

(2) The ascertainment of whether correction of the effect of the inconsistent treatment is prevented within the meaning of section 452 (b) (1) (C) and this section must be made with respect to each income tax for each prior taxable year affected by the erroneous treatment of the item or transaction. Section 452 is not applicable in respect of any income tax for any prior taxable year if, on the date of the determination of the excess profits tax liability, correction of the effect of the erroneous treatment of the item is possible under the ordinary procedure applicable to the assessment and collection of deficiencies or the refund or credit of overpayments, as the case may be, in respect of such tax for such taxable year. See the example under § 40.452–4.

(3) If correction of the effect of the erroneous treatment of the item or transaction with respect to an income tax for a prior taxable year is otherwise prevented, the application of section 452 is not precluded by the fact that the tax for such year may, under appropriate circumstances, be open to an adjustment under section 3801.

(4) If any income tax liability for a prior taxable year has been compromised under section 3761, no adjustment may be made under section 452 with respect to the tax liability compromised.

(c) *Operation dependent upon maintenance of inconsistent position.* (1) An adjustment, with respect to an item or transaction, which would result in a net increase in the amount of the income taxes previously determined for prior taxable years is authorized only if (i) the taxpayer with respect to which the determination is made has, in connection with an item or transaction affecting the determination of its excess profits credit, maintained a position which is inconsistent with the erroneous treatment of such item or transaction for prior taxable years, and (ii) such inconsistent position is adopted in the determination.

(2) An adjustment, with respect to an item or transaction, which would result in a net decrease in the amount of the income taxes previously determined for prior taxable years is authorized only if (i) the Commissioner, in connection with an item or transaction affecting the determination of the taxpayer's excess profits credit, has maintained a position which is inconsistent with the erroneous treatment of such item or transaction for prior taxable years, and (ii) such inconsistent position is adopted in the determination.

(3) Neither the Commissioner nor the taxpayer is required to adopt an inconsistent position with respect to the treatment of an item or transaction in the determination of the excess profits credit because of the fact that such item or transaction was incorrectly treated in the determination of the income tax liability of the taxpayer, or a predecessor, for a prior taxable year or years, under the law applicable to such year or years. Such item or transaction may, in the determination of the excess profits credit, be treated in a manner consistent with the incorrect treatment accorded in the determination of the income tax liability if neither the Commissioner nor the taxpayer objects. Either the Commissioner or the taxpayer, however, may insist upon the correct treatment of such item or transaction in the determination of the excess profits credit under the law applicable to the excess profits tax taxable year, but such action constitutes the maintenance of an inconsistent position and will result in an adjustment under section 452, if the party insisting upon such treatment is the party who would be adversely affected by such adjustment.

(4) A taxpayer which has taken an inconsistent position with respect to an item or transaction affecting the determination of its excess profits credit may, upon notice to the Commissioner in writing, withdraw from such position.

(5) Inconsistent treatment within the meaning of section 452 may relate to the principle or rule of law applied in determining the taxable status of an item or transaction, or it may relate only to the amount of the item or transaction which is to be taken into account for tax purposes. The inconsistency is to be ascertained by reference to the actual treatment of the item or transaction for prior taxable years rather than to what the taxpayer or the Commissioner may have urged.

(6) If a determination of the excess profits tax liability for one taxable year adopts with respect to an item or transaction an inconsistent position which results in an adjustment under section 452, similar treatment of the same item or transaction for subsequent excess profits tax taxable years does not authorize a further adjustment under such section.

(d) *Law applicable in determination of error.* (1) Whether there was an erroneous treatment of the item or transaction for prior taxable years is to be determined under the provisions of the internal revenue laws applicable with respect to such years. If the inconsistent treatment adopted in the determination of the excess profits tax liability is based upon an authoritative judicial interpretation of the applicable revenue law which differs from the interpretation of such law accepted in the determination of the tax liability for such prior years, then the treatment accorded the item or transaction for such prior years is erroneous within the meaning of section 452.

(2) Section 452 does not authorize an adjustment if the difference between the treatment accorded an item or transaction in computing the excess profits credit and the treatment accorded such item or transaction in computing the tax liability for prior taxable years is occasioned solely by reason of an adjustment required by a specific provision of the Act, such as the adjustments required by section 433 (b) to normal-tax net income in computing excess profits net income. Since the disallowances under section 451 of deductions on account of expenditures for advertising or the promotion of good will are not required by the Act but are merely permissive at the election of the taxpayer, and since section 451 specifically provides that, if an election is made, the treatment of such expenditures as deductions for prior taxable years shall be considered incorrect, an adjustment under section 452 may be authorized in the case of such a disallowance.

(3) The rule relative to the burden of proof to establish, in any Tax Court or other court proceeding, that an inconsistent position has been taken, is prescribed in section 452 (b) (3). If the net effect of the adjustment by reason of the alleged inconsistency would be an increase in the income taxes previously determined for the prior taxable year or years, the burden of proof is upon the Commissioner. If the net effect of such adjustment would be a decrease in the income taxes previously determined for the prior taxable year or years, the burden of proof is upon the taxpayer. Inasmuch as the adjustment under section 452 is a factor in the determination of the excess profits tax liability, the provisions relative to the burden of proof in a Tax Court or court proceeding do not relieve the taxpayer from responsibility for a full disclosure of the facts necessary to the correct determination of the tax liability.

§ 40.452–3 *Method and effect of adjustment.* (a) The adjustment authorized by section 452, although measured by reference to the income taxes previously determined for prior taxable years, does not operate as an adjustment to the income tax liability for such years, but the amount of such adjustment is added to or subtracted from, as the case may be, the excess profits tax otherwise computed for the taxable year with respect to which the inconsistent position is adopted.

(b) No adjustment with respect to an item or transaction is authorized unless the inconsistent position adopted in the determination is maintained by the party who would be adversely affected by such adjustment. See § 40.452–2 (c). Accordingly, if a determination for one taxable year adopts inconsistent positions with respect to several items or transactions, it is necessary to make separate and distinct computations with respect to each such item or transaction in order to ascertain the amount of the potential adjustment with respect to each such item or transaction and whether an adjustment with respect to such item or transaction is authorized. If several adjustments are authorized with respect to one excess profits tax taxable year, the separate adjustments are aggregated and the aggregate net increase or net decrease is added to, or subtracted from, as the case may be, the excess profits tax otherwise computed for such taxable year. In ascertaining the amount of the adjustment with respect to a particular item or transaction, no effect shall be given to the computations made for the purpose of determining the amount of the adjustment with respect to any other item or transaction. If the several authorized adjustments result in an aggregate net increase, the excess profits tax liability for such taxable year shall not in any case be less than the amount of such aggregate net increase.

(c) If the authorized adjustments with respect to one excess profits tax taxable year result in an aggregate net decrease and the amount of such decrease exceeds the excess profits tax (computed without regard to the provisions of section 452) for such year, the excess may be carried over and subtracted from the excess profits tax in each succeeding taxable year until such excess is exhausted. If excesses result from adjustments with respect to two or more excess profits tax taxable years, such excesses shall be carried over in the order of their occurrence.

(d) The amount of the credit for foreign taxes allowable under the provisions of section 131 shall be determined before giving effect to any adjustment under this section.

§ 40.452–4 *Ascertainment of amount of adjustment.* (a) To ascertain the amount of the adjustment, it is necessary to determine the amount of the increase or decrease in each income tax previously determined for each of the prior taxable years which would have resulted if the item or transaction erroneously treated had received the correct treatment under the law applicable with respect to such tax for such year. To each such increase or decrease there shall be added interest thereon computed as if the increase or decrease constituted a deficiency or an overpayment, as the case may be, with respect to such tax for such year. In all such cases interest shall be computed to the 15th day of the third month following the close of the excess profits tax taxable year with respect to which the determination of the excess profits tax liability is made.

(b) If only one income tax for one prior taxable year is involved, the increase or decrease in such tax for such year plus the interest thereon is the amount of the adjustment with respect to the particular item or transaction.

(c) If two or more income taxes for one prior taxable year, or two or more prior taxable years are involved, it is necessary to determine the increase or decrease in each income tax previously determined for each such year, plus the interest on each such increase or decrease. The difference between the sum of the increases, including the interest thereon, and the sum of the decreases, including the interest thereon, shall be ascertained and the net increase or net decrease so determined is the amount of the adjustment with respect to the particular item or transaction.

(d) The computation to determine the increase or decrease in each income tax for each year shall be made as follows:

(1) The amount of the tax previously determined must first be ascertained. This may be the amount of tax shown on the taxpayer's return, but if any changes in that amount have been made they must be taken into account, including any adjustment previously made under the provisions of section 820 of the Revenue Act of 1938 or section 2801 of the Internal Revenue Code. In such cases, the tax previously determined will be the tax shown on the return, increased by the amounts previously assessed (or collected without assessment) as deficiencies, and decreased by amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax. If no amount was shown as the tax on the return, or if no return was made, the tax previously determined will be the sum of the amounts previously assessed (or collected without assessment) as deficiencies, decreased by the amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax.

(2) After the tax previously determined has been ascertained, a recomputation must be made to ascertain the increase or decrease in tax represented by the difference, if any, between the tax previously determined and the tax as recomputed upon the basis of the correct treatment of the item or transaction.

(e) With the exception of the items upon which the tax previously determined was based and the item or transaction with respect to which the erroneous treatment occurred, no item shall be

considered in computing the amount of the increase or decrease in the tax previously determined. If the treatment of any item upon which the tax previously determined was based, or if the application of any provisions of the internal revenue laws with respect to such tax depends upon the amount of income (e. g., charitable contributions or foreign tax credit), readjustment of such items in conformity with the change in the amount of the income which results from the correct treatment of the item or transaction in respect of which the inconsistent position was adopted is necessary as part of the recomputation.

(f) Example: On January 1, 1946, the X Corporation in pursuance of a plan of reorganization transferred all of its assets except cash to the Y Corporation in exchange for all of the stock of the Y Corporation, such stock having a fair market value of $300,000. The assets transferred consisted of depreciable business property acquired by the X Corporation in 1936 which had an adjusted basis in the hands of the X Corporation of $325,000 and an estimated remaining life of 20 years. The fair market value of the property at the time of transfer was $300,000. Both corporations make their returns on the calendar year basis. The exchange was treated as taxable and the loss of $25,000 realized by the X Corporation was recognized. For each of the years 1946 to 1949, inclusive, the Y Corporation was allowed a deduction for depreciation in the amount of $15,000 computed on the cost basis of $300,000. In its income tax return for the calendar year 1950, the Y Corporation claimed that the assets acquired from the X Corporation should have a basis (unadjusted) of $325,000 in determining its invested capital for excess profits tax purposes and claimed a deduction of $16,250 for depreciation on the property for such year. This position was based upon the contention that the 1946 exchange was a nontaxable reorganization resulting from the acquisition by Y Corporation in exchange solely for its voting stock of substantially all of the properties of X Corporation; and that the basis (unadjusted) in the hands of the Y Corporation of the assets acquired upon the exchange was the same as the adjusted basis in the hands of the transferor. Timely claims for refund based upon the allowance of additional deductions for depreciation for the taxable years 1947, 1948, and 1949 were filed. The statute of limitations prevents any refund of overpayments or assessment of deficiencies for the taxable year 1946. The Commissioner's determination of the excess profits tax liability for the calendar year 1950 adopts the inconsistent position asserted by the Y Corporation and, accordingly, if the computation under section 452 (d) discloses a net increase in the taxes previously determined for the taxable year for which correction is prevented, an adjustment is authorized under the provisions of section 452.

The X Corporation's combined normal and surtax for 1946 is $28,500, computed upon normal-tax net income of $75,000 and corporation surtax net income in the same amount. The corporation omitted from the gross income reported on the return an item of rental income amounting to $3,000 and neglected to take a deduction for interest amounting to $1,500. During the taxable year 1946 it realized a gain of $10,000 from the sale of depreciable business property held for more than six months. There was no unused excess profits credit for 1946 which was allowable as a carry-back to a prior taxable year.

The increase in the tax of the X Corporation previously determined for 1946, plus the interest thereon, is computed as follows:

Tax previously determined for 1946	$28,500
Normal tax net income ($75,000) and surtax net income ($75,000) on which tax previously determined was based	75,000
Plus: Ordinary loss previously allowed under section 117 (j) (excess of $25,000 loss on exchange with Y Corporation over $10,000 gain on sale of other depreciable business property)	15,000
Ordinary normal-tax net income	90,000
Ordinary surtax net income	90,000
Tax as recomputed (38 percent of $80,000 ($90,000 less $10,000 treated as capital gain) plus 25 percent of $10,000 gain from sale of depreciable business property)	32,900
Tax previously determined	28,500
Increase in tax	4,400
Interest on increase in tax	1,056
Total increase for 1946	5,456

In accordance with the provisions of section 452 (d), the recomputation does not take into consideration the item of $3,000, representing rental income which was omitted from gross income, or the item of $1,500, representing interest paid, for which no deduction was allowed.

The Y Corporation had normal-tax net income and corporation surtax net income of $100,000 for the taxable year 1946. The decrease in the tax of the Y Corporation previously determined which results solely from the allowance of an additional deduction of $1,250 for depreciation in such year, plus the interest on such decrease, is assumed to be as follows:

Tax	$475
Interest	114
Total	589

The amount of the adjustment to be added to the excess profits tax of the Y Corporation otherwise determined for the taxable year 1950 is as follows:

Increase for 1946 (X Corporation)	$5,456
Less: Decrease for 1946 (Y Corporation)	589
Net increase (amount of adjustment authorized)	4,867

§ 40.452–5 *Interest.* (a) The portion of an adjustment under section 452 which represents interest is characterized as interest for certain tax purposes and is includible in gross income, or allowable as a deduction in computing net income, as the case may be, for the taxable year in which falls the date prescribed for the payment of the excess profits tax for the taxable year to which the adjustment or, in the case of an adjustment involving a carry-over, the portion of such adjustment is applied, regardless of the method of accounting employed by the taxpayer. The date prescribed for payment of the tax is, in the case of a domestic corporation, the 15th day of the third month following the close of the taxable year and, in the case of a foreign corporation not having an office or place of business in the United States, the 15th day of the sixth month following the close of the taxable year.

(b) Under the rule prescribed, if the adjustments in respect of an excess profits tax taxable year result in a net increase, or an aggregate net increase, the portion of such increase which represents interest shall be allowed as a deduction in computing net income for the succeeding taxable year. Thus, under the facts set forth in the example contained in § 40.452–4, the portion of the net increase which represents interest is $942 (interest on the increase, $1,056, minus interest on the decrease, $114), and such interest is allowable as a deduction in computing net income for the calendar year 1951.

(c) If the adjustments in respect of an excess profits tax taxable year result in a net decrease, or an aggregate net decrease, the interest contained in that portion of such decrease which is subtracted from the tax for any taxable year shall be included in the gross income for the succeeding taxable year. For such purpose, no portion of the amount subtracted in any taxable year shall be deemed to represent interest until the portion of the net decrease which represents tax has been exhausted.

(d) Example: For the calendar year 1950, Corporation X had an excess profits tax liability of $9,000 (computed without regard to section 452) and an authorized adjustment under section 452 resulting in a net decrease of $12,000, of which $8,000 represents tax and $4,000 represents interest. In giving effect to the adjustment, $9,000 will be subtracted from the tax for 1950 and the balance will be carried over to succeeding taxable years. Since $8,000 of the net decrease represents tax, only $1,000 of the amount subtracted in 1950 represents interest and hence $1,000 will be included as interest in the taxpayer's gross income for 1951. The entire amount of the $3,000 to be carried over and subtracted from the tax for a succeeding taxable year represents interest, since the portion of the net decrease which represents tax is exhausted in 1950.

SEC. 453. NONTAXABLE INCOME FROM CERTAIN MINING AND TIMBER OPERATIONS, AND FROM NATURAL GAS PROPERTIES.

(a) *Definitions.* For the purposes of this section and section 433 (a)

(1) *Producer; lessor; natural gas company.* The term "producer" means a corporation which extracts minerals from a mineral property, or which cuts logs from a timber block, in which an economic interest is owned by such corporation. The term "lessor" means a corporation which owns an economic interest in a mineral property or

a timber block, and is paid in accordance with the number of mineral units or timber units recovered therefrom by the person to which such property or block is leased. The term "natural gas company" means a corporation engaged in the withdrawal, or transportation by pipe line, of natural gas.

(2) *Mineral unit, natural gas unit, and timber unit.* The term "mineral unit" means a unit of metal, coal, or nonmetallic substance in the minerals recovered from the operation of a mineral property. The term "natural gas unit" means a unit of natural gas sold by a natural gas company. The term "timber unit" means a unit of timber recovered from the operation of a timber block.

(3) *Excess output.* The term "excess output" means the excess of the mineral units, natural gas units, or timber units for the taxable year over the normal output.

(4) *Normal output.* The term "normal output" means the average annual mineral units, or the average annual timber units, as the case may be, recovered in the taxable years beginning after December 31, 1945, and not ending after June 30, 1950 (hereinafter in this section called "normal period"), of the person owning the mineral property or the timber block (whether or not the taxpayer). The term "normal output", in the case of a natural gas company, means the average annual natural gas units sold in the taxable years beginning after December 31, 1945, and not ending after June 30, 1950 (hereinafter in this section called "normal period"), of the person owning the natural gas property (whether or not the taxpayer). The average annual mineral units, natural gas units, or timber units shall be computed by dividing the aggregate of such mineral units, natural gas units, or timber units for the normal period by the number of months for which the mineral property, natural gas property, or timber block was in operation during the normal period and by multiplying the amount so ascertained by twelve. In any case in which the taxpayer establishes, under regulations prescribed by the Secretary, that the operation of any mineral property, natural gas property, or timber block is normally prevented for a specified period each year by physical events outside the control of the taxpayer, the number of months during which such mineral property, natural gas property, or timber block is regularly in operation during a taxable year shall be used in computing the average annual mineral units, natural gas units, or timber units, instead of twelve. Any mineral property, natural gas property, or timber block, which was in operation for less than six months during the normal period, shall, for the purposes of this section, be deemed not to have been in operation during the normal period.

(5) *Natural gas property.* The term "natural gas property" means the property of a natural gas company used for the withdrawal, storage, and transportation by pipe line, of natural gas, excluding any part of such property which is an emergency facility under section 124A.

(6) *Mineral property.* The term "mineral property" means a mineral deposit, the development and plant necessary for the extraction of the deposit, and so much of the surface of the land as is necessary for purposes of such extraction.

(7) *Minerals.* The term "minerals" means ores of the metals, coal, and such nonmetallic substances as abrasives, asbestos, asphaltum, barytes, borax, building stone, cement rock, clay, crushed stone, feldspar, fluorspar, fuller's earth, graphite, gravel, gypsum, limestone, magnesite, marl, mica, mineral pigments, peat, potash, precious stones, refractories, rock phosphate, salt, sand, shell, silica, slate, soapstone, soda, sulphur, and talc.

(8) *Timber block.* The term "timber block" means an operation unit which includes all the taxpayer's timber which would logically go to a single given point of manufacture.

(9) *Normal unit profit.* The term "normal unit profit" means the average profit for the normal period per mineral unit for such period, determined by dividing the net income with respect to minerals recovered from the mineral property (computed with the allowance for depletion computed in accordance with the basis for depletion applicable to the current taxable year) during the normal period by the number of mineral units recovered from the mineral property during the normal period.

(10) *Alternative computation.* In any case in which more than one mineral property is owned or operated by a lessor or producer as defined in (a) (1) of this section, such lessor or producer may treat the mineral properties as one property for purposes of computing exempt excess output under this section.

(11) *Estimated recoverable units.* The term "estimated recoverable units" means the estimated number of units of metal, coal, or nonmetallic substances in the estimated recoverable minerals from the mineral property at the end of the taxable year plus the excess output for such year. All estimates shall be subject to the approval of the Secretary, the determinations of whom for the purposes of this section, shall be final and conclusive.

(12) *Exempt excess output.* The term "exempt excess output" for any taxable year means a number of units equal to the following percentages of the excess output for such year:

100 per centum if the excess output exceeds 50 per centum of the estimated recoverable units;

95 per centum if the excess output exceeds 33⅓ but not 50 per centum of the estimated recoverable units;

90 per centum if the excess output exceeds 25 but not 33⅓ per centum of the estimated recoverable units;

85 per centum if the excess output exceeds 20 but not 25 per centum of the estimated recoverable units;

80 per centum if the excess output exceeds 16⅔ but not 20 per centum of the estimated recoverable units;

60 per centum if the excess output exceeds 14⅔ but not 16⅔ per centum of the estimated recoverable units;

40 per centum if the excess output exceeds 12½ but not 14⅔ per centum of the estimated recoverable units;

30 per centum if the excess output exceeds 10 but not 12½ per centum of the estimated recoverable units;

20 per centum if the excess output exceeds 5 but not 10 per centum of the estimated recoverable units.

(13) *Unit net income.* The term "unit net income" means the amount ascertained by dividing the net income (computed with the allowance for depletion) from the coal or ore or the timber recovered from the mining property, or timber block, as the case may be, during the taxable year by the number of units of coal or ore, or timber, recovered from such property in such year. In respect of a natural gas property, the term "unit net income" means the amount ascertained by dividing the net income, computed in accordance with regulations prescribed by the Secretary, from such property during the taxable year by the number of natural gas units sold in such year.

(b) *Nontaxable income from exempt excess output*—(1) *General rule.* For any taxable year for which the excess output of mineral property which was in operation during the normal period exceeds 5 per centum of the estimated recoverable units from such property, the nontaxable income from exempt excess output for such year shall be an amount equal to the exempt excess output for such year multiplied by the normal unit profit, but such amount shall not exceed the net income (computed with the allowance for depletion) attributable to the excess output for such year.

(2) *Mines in operation during normal period.* For any taxable year, the nontaxable income from exempt excess output of a metal or coal mining property which was in operation during the normal period shall be an amount equal to the excess output of such property for such year multiplied by one-half of the unit net income from such property for such year, or an amount determined under paragraph (1), whichever the taxpayer elects in accordance with regulations prescribed by the Secretary.

(3) *Timber properties.* For any taxable year, the nontaxable income from exempt excess output of a timber block which was in operation during the normal period shall be an amount equal to the excess output of such property for such year multiplied by one-half of the unit net income from such property for such year.

(4) *Mines, timber properties, and natural gas properties not in operation during normal period.* For any taxable year, the nontaxable income from exempt excess output of a metal or coal mining property or a timber block or natural gas property, which was not in operation during the normal period, shall be an amount equal to one-third of the net income for such taxable year (computed with the allowance for depletion) from the metal or coal mining property, the timber block, or the natural gas property, as the case may be. For the purposes of the preceding sentence, a metal mining property shall be deemed not to have been in operation during the normal period if, during the period it was in production during 1946, 1947, 1948, and 1949, the aggregate gross income derived therefrom was less than the aggregate of the deductions (allowed under section 23 without regard to any net operating loss deduction) attributable to such property during such period of production.

(5) *Natural gas companies.* In the case of a natural gas company any of the natural gas property of which was in operation during the normal period, the nontaxable income from exempt excess output for any taxable year shall be an amount equal to the excess output for such year multiplied by one-half of the unit net income for such year.

(c) *Nontaxable bonus income.* The term "nontaxable bonus income" means the amount of the income derived from bonus payments made by any agency of the United States Government on account of the production in excess of a specified quota of:

(1) A mineral product or timber, the exhaustion of which gives rise to an allowance for depletion under section 23 (m), but such amount shall not exceed the net income (computed with the allowance for depletion) attributable to the output in excess of such quota; or

(2) A mineral product extracted or recovered from mine tailings by a corporation which owns no economic interest in the mineral property from which the ore containing such tailings was mined, but such amount shall not exceed the net income attributable to the output in excess of such quota.

(d) *Rule in case income from excess output includes bonus payment.* In any case in which the income attributable to the excess output includes bonus payments (as provided in subsection (c)), the taxpayer may elect, under regulations prescribed by the Secretary, to receive either the benefits of subsection (b) or subsection (c) with respect to such income as is attributable to excess output above the specified quota.

§ 40.453–1 *General rule.* Section 453 provides specific rules for the computation of nontaxable income from exempt excess output which is included in the

computation of excess profits net income of (a) a producer of minerals, (b) a producer of logs or lumber from a timber block, (c) a lessor of a mineral property, a coal or metal mining property, or a timber block, or (d) a natural gas company. It also provides specific rules for the computation of nontaxable bonus income of a producer of minerals, or a producer of logs or lumber from a timber block, as defined in such section.

§ 40.453–2 *Definitions.* For the purposes of section 453 and section 433 (a) (1) (I)—

(a) *Producer; lessor; natural gas company*—(1) *Producer.* (i) The term "producer" means a corporation which extracts minerals from a mineral property, or cuts logs from a timber block, in which an economic interest is owned by such corporation. Although section 433 (a) (1) (I) excludes certain nontaxable income in the computation of excess profits net income in the case of a producer of logs or lumber, a producer of lumber is not within the provisions of this subsection unless such corporation is also a producer of the logs from which such lumber is sawed. An economic interest is possessed in every case in which the taxpayer has acquired, by investment, any interest in minerals in place or standing timber and secures, by any form of legal relationship, income derived from the severance and sale of the mineral or timber, to which it must look for a return of its capital. A taxpayer which has no capital investment in the mineral deposit or standing timber does not possess an economic interest merely because, through a contractual relation to the owner, it possesses a mere economic advantage derived from production. Thus, an agreement between the owner of an economic interest and another entitling the latter to purchase the product upon production or to share in the net income derived from the interest of such owner does not convey an economic interest. The mere ownership of the development and plant necessary to the extraction of the minerals in place or the felling and logging of the timber is not an economic interest for the purposes of section 453. Thus, a corporation which owns the equipment necessary to the extraction of minerals or the logging of timber and which acts as an independent contractor or as an agent in extracting minerals or timber, receiving as consideration a portion of the net income from the property, but which does not own an economic interest in the mineral property or timber block is not a producer within the provisions of this paragraph. However, the owner of the economic interest in the mineral property or timber block and from which the mineral or timber is being extracted by the independent contractor or the agent is the producer within the provisions of this paragraph.

(ii) For the purpose of the exclusion from excess profits net income of nontaxable bonus income on account of the production in excess of a specified quota of a mineral product extracted or recovered from mine tailings (see section 453 (c) (2)), a corporation which so extracts or recovers such a mineral product and which owns no economic interest in the mineral property from which the ore containing such tailings was mined shall be deemed to be a producer of minerals.

(2) *Lessor.* The term "lessor" means a corporation which owns an economic interest, as described in subparagraph (1) of this paragraph, in a mineral property, in a metal or coal mining property, or in a timber block, and is paid in accordance with the number of mineral units or timber units recovered from the mineral property, metal or coal mining property, or timber block by the person to which such property is leased. A corporation which leases a mineral property, metal or coal mining property, or a timber block in consideration for the payment, annual or otherwise, of an amount which is not based upon the number of mineral units or timber units recovered from the property or block is not a lessor within the meaning of section 453 (a) (1). However, the fact that the leasehold agreement contains a provision for minimum royalties will not of itself prevent the corporation from being a lessor within the meaning of section 453 (a) (1). Nor does the fact that the corporation which leases a mineral property, metal or coal mining property, or timber block is paid by one who is not a "producer" within the meaning of this section, e. g., an individual to whom such property or block is leased or a lessee which in turn leases the property or block to a sublessee, preclude such corporation from being a lessor within the provisions of section 453 (a) (1), providing it otherwise satisfies the provisions of such section. Likewise, the fact that a corporation which is a lessor within the meaning of section 453 (a) (1) is also a lessee paying rents or royalties to a supervening holder of an economic interest does not prevent such lessor from satisfying the provisions of section 453 (a) (1).

(3) *Natural gas company.* The term "natural gas company" means a corporation which is engaged in the withdrawal of natural gas or the transportation of natural gas by pipeline. It does not include a corporation which is engaged solely in the storage of natural gas or solely in the distribution of natural gas. For the purpose of this paragraph, distribution means the piping of natural gas, which has been received by the distribution facilities either at the end of the pipeline or at some intermediate point along the line, to the ultimate consumers of such gas. A natural gas company need not own an economic interest in the property from which the natural gas is extracted.

(b) *Mineral unit, natural gas unit, and timber unit*—(1) *Mineral unit.* The term "mineral unit" means a unit of metal, coal, or nonmetallic substance in the minerals recovered from the operation of a mineral property. A mineral unit does not mean the number of units of minerals as defined in paragraph (h) of this section but refers to the units of metal, coal, or nonmetallic substances contained in such minerals. If a corporation extracts from the same mineral property two or more minerals containing different metals, coal, or nonmetallic substances, or if two or more metals, coal, or nonmetallic substances are contained in the same mineral extracted by a corporation from a mineral property, a determination of mineral units must be made with respect to each type of metal, coal, or nonmetallic substance contained in such minerals. A unit is any designation of quantity, such as ton, pound, quart, ounce, kilogram, gram, etc., customarily used by the taxpayer as a standard of measurement.

(2) *Natural gas unit.* The term "natural gas unit" means a unit of natural gas sold by a natural gas company. A natural gas unit does not mean a unit of natural gas as extracted or stored but means a unit as sold. A unit is any designation of quantity, such as 1,000 cubic feet, etc., customarily used by the taxpayer as a standard of measurement of sale.

(3) *Timber unit.* The term "timber unit" means a unit of timber recovered from the operation of a timber block. It does not mean the units of lumber, boards, or other wood products sawed from the timber, but refers to the actual logs felled prior to processing at the sawmill. The fact that more than one species of timber is cut by a taxpayer from a timber block shall not be taken into account and a timber unit shall not be established with respect to each species of timber. A unit is any designation of quantity such as board feet measure, log scale, cords, or other units customarily used by the taxpayer as a standard of measurement.

(c) *Excess output.* (1) The term "excess output" means the excess of the mineral units, the natural gas units, or the timber units for the taxable year over the normal output. If the taxpayer operated two or more timber blocks, the excess output shall be determined with respect to each such timber block and shall not be computed upon the basis of the aggregate of the timber blocks owned by the taxpayer. In any case in which more than one mineral property is owned or operated by a lessor or producer, such lessor or producer may treat the mineral properties as one property for purposes of computing exempt excess output. See paragraph (g) of this section. If two or more metals, coal, or nonmetallic substances are contained in the minerals extracted from a mineral property, the determination of the excess output of mineral products extracted from such mineral property for a taxable year shall be made with respect to each separate type of metal, coal, or nonmetallic substance, i. e., the amount by which the mineral units of each type for the taxable year exceeds the normal output of such type. The excess output of a mineral property from which minerals are extracted containing two or more types of metals, coal, or nonmetallic substances shall not be made upon an aggregate basis, i. e., the amount by which the aggregate of all types of mineral units for the taxable year exceeds the aggregate of the normal output of all such types.

(2) The mineral units for a taxable year shall be the number of units of metal, coal, or nonmetallic substances in the minerals recovered from a mineral property during the taxable year, which would be used in computing the allowance for depletion if the depletion of the mineral property were computed without regard to discovery value or percentage depletion. See § 29.23 (m)–2 of Regulations 111.

(3) The timber units for a taxable year shall be the number of units of timber felled during the year, which is used in the computation of the depletion allowance, but shall not include any timber cut by the taxpayer which owns, or has a contract right to cut, such timber and which has elected pursuant to the provisions of section 117 (k) (1) to treat such cutting as a sale or exchange of the timber as cut. As to the computation of the allowance for depletion, see § 29.23 (m)–21 of Regulations 111.

(4) The number of natural gas units sold during a taxable year shall be the aggregate number of units sold by the natural gas company, whether as a result of withdrawal, of release from storage, or of transportation by pipeline, and regardless of whether different portions of the natural gas property were used in the withdrawal or the transportation of the natural gas sold. Natural gas withdrawn and stored, or transported by pipeline and stored, during the taxable year but not sold during such year shall not be included in the computation of the number of natural gas units for such taxable year for the purpose of the computation of excess output for such year.

(5) The excess output of a lessor shall be computed in the same manner as the excess output of a producer, that is, as the excess of the mineral units or the timber units for the taxable year over the normal output of the mineral property or timber block. The mineral units or timber units of a lessor for the taxable year shall be computed in the same manner as in the case of a producer, except that in the case of a lessor of a timber block there shall not be included in the timber units for such year any timber which has been disposed of by the lessor and which is considered to have been sold under the provisions of section 117 (k) (2). If the disposal of timber by the lessor is not considered a sale of such timber under the provisions of section 117 (k) (2), the number of timber units of the lessor for the taxable year shall not be affected by the fact that the producer of such timber has elected to consider the cutting of such timber as a sale or exchange of such timber cut under section 117 (k) (1).

(d) *Normal output.* (1) The term "normal output" means the average annual mineral units or the average annual timber units recovered, or the average annual natural gas units sold, in the taxable years beginning after December 31, 1945, and not ending after June 30, 1950 (referred to in the regulations under section 453 as the normal period) of the person owning the mineral property, timber block, or natural gas property, whether or not such person is the taxpayer claiming relief under section 433 (a) (1) (I) and section 453. A person includes an individual, a trust, estate, partnership, company, or corporation. See section 3797. If the mineral property or timber block was not owned by the taxpayer for the entire normal period, the taxpayer should, in its first return in which the benefits of section 433 (a) (1) (I) and section 453 are claimed, state the name and address of each person owning the mineral property or timber block during the normal period and submit evidence establishing the mineral units or the timber units recovered from the mineral property or timber block by such other person during the period of its ownership, and the number of months in such period. If all or a portion of the natural gas property owned by the natural gas company during the taxable year was not owned by it during the entire normal period, the taxpayer should, in its first return in which the benefits of section 433 (a) (1) (I) and section 453 are claimed, state the name and address of each person owning such natural gas property, or any portion thereof, during the normal period and submit evidence establishing the natural gas units withdrawn, transported by pipeline, and sold by such other person during the period of its ownership, and the number of months in such period.

(2) In any case in which two or more metals, coal, or nonmetallic substances are contained in the minerals recovered from a mineral property, a normal output shall be computed with respect to each type of metal, coal, or nonmetallic substance in such minerals.

(3) In any case in which a natural gas company withdraws and sells natural gas at the mouth of the well, and in addition transports by pipeline and sells natural gas after such transportation, the normal output shall be computed as the aggregate of the sales prior to and subsequent to transportation.

(4) The average annual mineral units or timber units shall be computed by dividing the aggregate of the mineral units of each type of metal, coal, or nonmetallic substance, or the aggregate of the timber units for the normal period by the number of months for which the mineral property or timber block was in operation during the normal period and by multiplying the amount so ascertained by 12. The average annual natural gas units shall be computed by dividing the aggregate of the natural gas units for the normal period by the number of months for which the natural gas property was in operation during the normal period and multiplying the amount so ascertained by 12. In any case in which the taxpayer establishes that the operation of a mineral property, a timber block, or a natural gas property is normally prevented for a specified period each year by physical events outside the control of the taxpayer, the number of months during which such mineral property, timber block, or natural gas property is regularly in operation during a taxable year shall be used in computing the average annual mineral units, or timber units, or natural gas units, instead of 12. If any taxable year for which excess output is computed for the purposes of section 453 is a taxable year of less than 12 months, the number of months in such year, in lieu of 12 and in lieu of the number of months specified in the preceding sentence (if less than such number of months), shall be used in computing the average annual mineral units, timber units, or natural gas units.

(5) The mineral units for a taxable year in the normal period shall be the number of units of each type of metal, coal, or nonmetallic substance in the minerals recovered from a mineral property during the taxable year, which would be used in computing the depletion allowance if the depletion of the mineral property were computed without regard to discovery value or percentage depletion. See § 29.23 (m)–2 of Regulations 111. The timber units for a taxable year shall be the number of units of timber felled during the year used in the computation of the depletion allowance. See § 29.23 (m)–21 of Regulations 111. The natural gas units for a taxable year in the normal period shall be the aggregate of the number of natural gas units withdrawn from, stored in, or transported by, the natural gas property, and sold during such year by the person owning or operating the natural gas property. Natural gas withdrawn and stored, or transported by pipeline and stored, during a taxable year in the normal period but not sold during such year shall not be included in the computation of the number of natural gas units for such year for the purpose of the computation of normal output.

(6) A mineral property, or a timber block, or a natural gas property which was in operation for less than six months during the normal period shall, for the purposes of section 453, be deemed not to have been in operation during the normal period. Such months need not be consecutive months.

(7) The normal output of a lessor shall be computed in the same manner as the normal output of a producer, that is, as the annual average mineral units or the average annual timber units recovered during the normal period of the person owning the mineral property or the timber block. A mineral property or timber block which is owned by a lessor and which was in operation for less than six months during the normal period shall be deemed not to have been in operation during the normal period. Such months need not be consecutive months.

(e) *Natural gas property.* The term "natural gas property" means the entire property of a natural gas company which is used for the withdrawal, storage, and transportation by pipeline of natural gas but does not include any part of such property which is an emergency facility within the provisions of section 124A. As to what constitutes an emergency facility, see section 124A (d) and the regulations thereunder.

(f) *Mineral property.* (1) The term "mineral property" means a mineral deposit, the development and plant necessary for the extraction of the deposit, and so much of the surface of the land as is necessary for the purposes of such extraction. The term "mineral deposit" refers to the minerals in place. The taxpayer's interest in each separate mineral property is a separate "property." If the mineral deposit in which a taxpayer

owns an economic interest extends beyond the boundaries of a single tract or parcel of land, a separate mineral property exists with respect to each tract or parcel of land into which the mineral deposit extends. Where two or more mineral properties are included in a single tract or parcel of land, the taxpayer's interest in such mineral properties may be considered to be a single "property," provided such treatment is consistently followed.

(2) The mineral property of a lessor need not necessarily be coextensive with the mineral property of the producer, but will be determined solely in the light of the economic interest owned by the lessor. For example, a lessor which owns a mineral property as described in this subsection may have leased one-half of such property to one lessee-producer, and the other half to another lessee-producer. The mineral property of each lessee would be limited to that portion of the property leased to it. The mineral property of the lessor would constitute the aggregate of the mineral property leased, unaffected by its subdivision for the purpose of the leasehold agreements. Similarly, an owner of a mineral property may have joined with another owner of an adjacent mineral property in a lease with a lessee in such manner that the lessee acquires a single mineral property. Nevertheless, insofar as the lessors are concerned, each is the owner of a separate mineral property.

(g) *Alternative computation of exempt excess output for more than one mineral property.* Section 453 (a) (10) provides that where more than one mineral property (as defined in paragraph (f) of this section) is owned or operated by a producer or lessor (as defined in paragraph (a) (1) and (2) of this section), such producer or lessor may elect to treat the mineral properties as one property for purposes of computing exempt excess output under section 453. The election shall be made in writing by a statement attached to Schedule EP (Form 1120). In the case of a taxpayer electing under section 453 (a) (10), the allowance for percentage depletion under section 23 (m) shall be computed in a manner consistent with such election for purposes of computing nontaxable income from exempt excess output under section 453 (b).

(h) *Minerals.* The term "minerals" means ores of the metals, coal, and such nonmetallic substances as abrasives, asbestos, asphaltum, barytes, borax, building stone, cement rock, clay, crushed stone, feldspar, fluorspar, fuller's earth, graphite, gravel, gypsum, limestone, magnesite, marl, mica, mineral pigments, peat, potash, precious stones, refractories, rock phosphate, salt, sand, shell, silica, slate, soapstone, soda, sulphur, and talc.

(i) *Timber block.* The term "timber block" means an operation unit which includes all the timber owned by the taxpayer during each year which would logically go to a single given point of manufacture. In those cases in which the point of manufacture is at a considerable distance, or in which the logs or other products will probably be sold in a log or other market, the block may be a logging unit which includes all of the taxpayer's timber which would logically be removed by a single logging development.

The timber block of a lessor need not necessarily be coextensive with the timber block of the producer, but will be determined solely in the light of the economic interest owned by the lessor in the same manner as in the case of a lessor of a mineral property. See paragraph (f) of this section.

(j) *Normal unit profit*—(1) *In general.* (i) The term "normal unit profit" means the average profit for the normal period per mineral unit for such period, determined by dividing the net income with respect to minerals recovered from the mineral property (computed with the allowance for depletion determined in accordance with the basis for depletion, cost basis depletion, discovery value depletion, or percentage depletion, applicable to the current taxable year) during the normal period by the total number of mineral units recovered from the mineral property during the normal period.

(ii) If two or more metals, coal, or nonmetallic substances are contained in the minerals extracted from a mineral property, a normal unit profit shall be established for each class of mineral unit. The normal unit profit for each class of mineral unit shall be determined by dividing the net income with respect to such type of metal, coal, or nonmetallic substance in the minerals recovered from the mineral property during the normal period by the total number of mineral units of such class for the normal period.

(2) *Net income.* (i) Net income with respect to minerals recovered from the mineral property (computed with the allowance for depletion) means the "gross income from the property" as defined in subparagraph (3) of this paragraph less the allowable deductions attributable to the mineral property with respect to which exempt excess output is computed and the allowable deductions attributable to the processes listed in subparagraph (3) of this paragraph insofar as they relate to the product of such property, including overhead and operating expenses, development costs properly charged to expense, depreciation, taxes, losses sustained, and including the allowance for depletion. The allowance for depletion shall be computed in accordance with the provisions of section 23 (m) and section 114 (b) and the regulations thereunder. The allowance for depletion for each year during the normal period shall, for the purposes of section 453, be computed upon the same basis used in computing the allowance for depletion during the taxable year for which the benefits of section 453 are claimed. Thus, if during the normal period the taxpayer computed the allowance for depletion with respect to a mineral property upon the cost basis, and if during each taxable year, for which the benefits of section 453 are claimed, the taxpayer computes the allowance for depletion based upon a percentage of income, the allowance for depletion for each year in the normal period shall be recomputed as a percentage of income under the law applicable to each such year. In cases where the taxpayer engages in activities in addition to mineral extraction and to the processes listed in subparagraph (3) of this paragraph, deductions for depreciation, taxes, general expenses, and overhead, which cannot be directly attributed to any specific activity, shall be fairly apportioned between (*a*) the mineral extraction and the processes listed in subparagraph (3) of this paragraph and (*b*) the additional activities, taking into account the ratio which the operating expenses directly attributable to the mineral extraction and the processes listed in subparagraph (3) of this paragraph bear to the operating expenses directly attributable to the additional activities. If more than one mineral property is involved, the deductions apportioned to the mineral extraction and the processes listed in subparagraph (3) of this paragraph shall, in turn, be fairly apportioned to the several properties, taking into account their relative production.

(ii) If two or more metals, coal, or nonmetallic substances are contained in the minerals extracted from a mineral property, a net income with respect to each type of metals, coal, or nonmetallic substance shall be established. Such net income shall be the gross income with respect to such type minus the allowable deductions for such year attributable to such type. The allowable deductions for any taxable year attributable to each type of metal, coal, or nonmetallic substance shall be computed as follows: There shall be determined an amount which bears the same ratio to the total allowable deductions (not including the allowance for depletion) attributable to the mineral property from which the minerals containing such type of metal, coal, or nonmetallic substance has been recovered, as the gross income from such type of metal, coal, or nonmetallic substance bears to the total gross income from such property. To this amount shall be added the allowance for depletion computed with respect to such type of metal, coal, or nonmetallic substance.

(3) *Gross income from the property.* (i) For the purpose of section 453, the term "gross income from the property" for any year in the normal period means the gross income from mining. The term "mining" as used herein includes not only the extraction of ores or minerals from the ground but also the ordinary treatment processes which are normally applied by the mine owners or operators to the crude mineral product after extraction in order to obtain the commercially marketable mineral product or products, and so much of the transportation of ores or minerals (whether or not by common carrier) from the point of extraction from the ground to the plants or mills in which the ordinary treatment processes are applied thereto as is not in excess of 50 miles unless the taxpayer establishes to the satisfaction of the Commissioner that the physical and other requirements are such that the ore or minerals must be transported a greater distance to such plants or mills.

(ii) If the taxpayer sells the crude mineral product of the property in the immediate vicinity of the mine, "gross income from the property" means the amount for which such product was sold, but, if the product is transported or processed (other than by the ordinary treatment processes described below) before sale, "gross income from the property" means the representative market or field price (as of the date of sale) of a mineral product of like kind and grade as beneficiated by the ordinary treatment processes actually applied, before transportation of such product. If there is no such representative market or field price (as of the date of sale), then there shall be used in lieu thereof the representative market or field price of the first marketable product resulting from any process or processes (or, if the product in its crude mineral state is merely transported, the price for which sold) minus the costs and proportionate profits attributable to the transportation and the processes beyond the ordinary treatment processes. If the taxpayer establishes to the satisfaction of the Commissioner that another method of computation, other than the computation of profits proportionate to costs, clearly reflects the gross income from the property, then such gross income shall be computed by the use of such other method.

(iii) The term "ordinary treatment processes," as used in this section, shall include the following:

(*a*) In the case of coal—cleaning, breaking, sizing, and loading for shipment;

(*b*) In the case of sulphur—pumping to vats, cooling, breaking, and loading for shipment;

(*c*) In the case of iron ore, bauxite, ball and sagger clay, rock asphalt, and minerals which are customarily sold in the form of a crude mineral product—sorting, concentrating, and sintering to bring to shipping grade and form, and loading for shipment;

(*d*) In the case of lead, zinc, copper, gold, silver or fluorspar ores, potash, and ores which are not customarily sold in the form of the crude mineral product—crushing, grinding, and beneficiation by concentration (gravity, flotation, amalgamation, electrostatic, or magnetic), cyanidation, leaching, crystallization, precipitation, or by substantially equivalent processes or combination of processes used in the separation of extraction of the product or products from the ore. The furnacing of quicksilver ores is included in the term "ordinary treatment processes." The following processes are not included in the term "ordinary treatment processes": electrolytic deposition, roasting, thermal or electric smelting, refining, or substantially equivalent processes.

(iv) In case any of the ordinary treatment processes are not applied in the immediate vicinity of the mining district in which the mine is located, so much of the transportation of ores or minerals (whether or not by common carrier) from the point of extraction from the ground to the plants or mills in which the ordinary treatment processes are applied thereto as is not in excess of 50 miles (unless the taxpayer establishes to the satisfaction of the Commissioner that the physical and other requirements are such that the ore or minerals must be transported a greater distance to such plants or mills) shall be included in the sale price of the product to determine "gross income from the property." Where the plants or mills in which the ordinary treatment processes are applied are in excess of 50 miles from the point of extraction from the ground (and where the taxpayer fails to establish to the satisfaction of the Commissioner that the physical and other requirements are such that the ore or mineral must be transported a greater distance to such plants or mills) then costs incurred for transportation in excess of 50 miles to the processing location and, if transported by the taxpayer, the proportionate profits attributable to such transportation, should be subtracted from the sale price of the product to determine "gross income from the property." If the taxpayer establishes to the satisfaction of the Commissioner that another method of computation, other than the computation of profits proportionate to costs, clearly reflects the gross income from the property, then such gross income shall be computed by the use of such other method.

(v) There shall be excluded in determining the "gross income from the property," for each year in the normal period, an amount equal to any rents or royalties which were paid or incurred by the taxpayer in respect of the property and were not otherwise excluded from the "gross income from the property." If royalties in the form of bonus payments were paid in respect of the property in a taxable year in the normal period or any prior years, or if advanced royalties were paid in respect of the property in any taxable year ending prior to December 31, 1939, the amount excluded from "gross income from the property" for a taxable year in the normal period on account of such payments shall be an amount equal to that part of such payments which is allocable to the product sold during the taxable year.

(vi) If the taxpayer paid rents, royalties, or bonuses with respect to the mineral property during the normal period, and in a taxable year for which the benefits of section 453 are claimed owns an economic interest in such property which does not require the payments of rents, royalties, or bonus payments, the amount of such rents, royalties, and bonuses paid during the normal period shall, for the purposes of section 453, not be deducted in the computation of the gross income from the property. If the taxpayer paid rents, royalties, or bonuses with respect to the mineral property during the normal period and in a taxable year for which the benefits of section 453 are claimed pays rents, royalties, or bonuses in amounts different from those paid during the normal period because of a change in its economic interest, the gross income from the property during the normal period shall be recomputed as if the new contractual terms pursuant to which the new rents, royalties, or bonuses are paid had been in effect during the normal period. If the economic interest of the taxpayer during the normal period was such that it did not pay rents, royalties, or bonuses, but such interest has changed so that during the taxable year for which the benefits of section 453 are claimed the taxpayer pays rents, royalties, or bonuses, the gross income from the property during the normal period shall be recomputed as if the contractual agreement pursuant to which rents, royalties, or bonuses are paid during the taxable year were in full force and effect during the normal period. If the economic interest of a person other than the taxpayer in the mineral property during any year in the normal period was different from the economic interest of the taxpayer in the taxable year for which the benefits of section 453 are claimed, the gross income of such person from the property during such normal period year shall be recomputed as if its economic interest in the mineral property were the same as the economic interest of the taxpayer in the taxable year for which the benefits of section 453 are claimed.

(vii) If two or more metals, coal, or nonmetallic substances are contained in the minerals extracted from a mineral property, the gross income from such property shall be allocated to each type of metal, coal, or nonmetallic substance for which a separate mineral unit is established. If the gross income from the property is determined by excluding the costs and proportionate profits attributable to transportation and to processes other than the ordinary treatment processes listed above, or if such gross income is an amount different from the gross proceeds received from the sale of the minerals, the gross income attributable to each type of metal, coal, or nonmetallic substance shall be an amount which bears the same ratio to the gross income from the property which the gross proceeds received from the sale of such type of metal, coal, or nonmetallic substance in the minerals bears to the total gross proceeds received from the sales of all such types.

(viii) In the case of a lessor, the computation of normal unit profit shall be made in a manner similar to that in the case of a producer except that the number of mineral units to be used in the computation of normal unit profit shall be the aggregate of the number of mineral units which were paid for during the normal period. If the lessor's economic interest in the mineral property during the taxable year for which the benefits of section 453 are claimed is different from what it was during the normal period, the gross income of the lessor from the property during the normal period shall be recomputed as if the lessor's economic interest which existed during the taxable year likewise existed in full force and effect during the normal period.

(k) *Estimated recoverable units.* (1) The term "estimated recoverable units" means the estimated number of units of metal, coal, or nonmetallic substances in the estimated recoverable minerals from the mineral property at the end of the taxable year for which the benefits of section 453 are claimed plus the excess output for such year. If the number of

recoverable units of metal, coal, and nonmetallic substances in the minerals in the property have been previously estimated for the prior year or years, and if there has been no known change in the facts upon which the prior estimate was based, the number of recoverable units of metal, coal, and nonmetallic substances in the minerals in the property as of the taxable year will be the number remaining from the prior estimate. Thus, the recoverable units estimated to remain at the end of a taxable year shall be computed, generally, as the estimated recoverable units as of the beginning of the taxable year minus the output for the year. In any case in which it is ascertained either by the taxpayer or the Commissioner as the result of operations or development work prior to the close of the taxable year that the remaining recoverable mineral units are materially greater or less than the number remaining from the prior estimate, the estimate of the remaining recoverable units shall be revised and the revised estimate will be used for the purposes of computing exempt excess output under the provisions of section 453 (a) (12) and (e) of this section unless a change in the facts requires another revision. Regardless of the method of determining the estimated number of units of metal, coal, or nonmetallic substances in the estimated recoverable minerals from the mineral property at the end of the taxable year, the estimated recoverable units for the purposes of section 453 shall be the number of such units plus the excess output for such year. The estimated number of units of metal, coal, or nonmetallic substances in the estimated recoverable minerals means the metal, coal, or nonmetallic substance content of the minerals, and not the estimated recoverable units of the minerals which are the ores of the metals, coal, or nonmetallic substances. The estimated recoverable units from any mineral property shall be determined with respect to each type of metal, coal, or nonmetallic substance in the estimated recoverable minerals and shall not be determined as the aggregate of all classes of mineral units attributable to all such types of metal, coal, or nonmetallic substances. As to the determination of the estimated recoverable units of mineral products, see § 29.23 (m)–9 of Regulations 111.

(2) All estimates of recoverable units of metal, coal, and nonmetallic substances in the estimated recoverable minerals from the mineral property shall be subject to the approval of the Commissioner, and the determination of the Commissioner for the purposes of section 453 shall be final and conclusive.

(l) *Exempt excess output.* (1) The term "exempt excess output" for any taxable year means a number of units equal to the following percentages of the excess output for such year:

100 percent if the excess output exceeds 50 percent of the estimated recoverable units;

95 percent if the excess output exceeds 33⅓ but not 50 percent of the estimated recoverable units;

90 percent if the excess output exceeds 25 but not 33⅓ percent of the estimated recoverable units;

85 percent if the excess output exceeds 20 but not 25 percent of the estimated recoverable units;

80 percent if the excess output exceeds 16⅔ but not 20 percent of the estimated recoverable units;

60 percent if the excess output exceeds 14⅔ but not 16⅔ percent of the estimated recoverable units;

40 percent if the excess output exceeds 12½ but not 14⅔ percent of the estimated recoverable units;

30 percent if the excess output exceeds 10 but not 12½ percent of the estimated recoverable units;

20 percent if the excess output exceeds 5 but not 10 percent of the estimated recoverable units.

(2) Since the excess output and the estimated recoverable units, in the case of a mineral property from which are extracted minerals containing two or more types of metal, coal, or nonmetallic substances, shall be determined with respect to the mineral units comprising the excess output and the mineral units contained in the estimated recoverable units for each separate type of metal, coal, or nonmetallic substance, the percentage which the excess output is of the estimated recoverable units shall be based upon the excess output and the estimated recoverable units of each separate type and shall not be computed with respect to the aggregate of all classes of mineral units. The percentage so determined with respect to each separate type of metal, coal, or nonmetallic substance shall then be multiplied by the excess output of such type of metal, coal, or nonmetallic substance in the minerals recovered from the mineral property, and the product of the two shall be considered the exempt excess output of that type of metal, coal, or nonmetallic substance.

(m) *Unit net income.* (1) The term "unit net income" means the amount of net income per mineral unit of coal or ore or per timber unit for any taxable year for which the benefits of section 453 are claimed. It is ascertained by dividing the net income (computed with the allowance for depletion used in computing net income for normal tax and surtax purposes for such year) from the coal or ore, or the timber, recovered during the taxable year from the mining property, or the timber block, as the case may be, by the number of mineral units contained in the coal or ore recovered from such mining property or by the number of timber units recovered from such timber block, in such year. With respect to a natural gas company, the term "unit net income" means the amount of net income per natural gas unit for any taxable year for which the benefits of section 453 are claimed. It is ascertained by dividing the net income from the natural gas property during such taxable year by the number of natural gas units sold in such year.

(2) For the purpose of section 453 (a) (13) and section 453 (b) (2), a coal mining property shall include the aggregate of all tracts or parcels of land containing coal deposits in which economic interests were owned, and from which coal was extracted, by the taxpayer at any time after the beginning of the normal period (excluding, however, any tract or parcel of land in which an economic interest was acquired, and from which coal was extracted, by any other person subsequent to the last date of ownership and operation by the taxpayer) to the extent that the coal extracted therefrom by the taxpayer was processed at a single preparation plant, regardless of whether the economic interest in one such tract or parcel of land differed from that in another. The coal mining property of a lessor is the tract or parcel of land containing coal deposits in which an economic interest is owned by the lessor. It need not necessarily be coextensive with the coal mining property in the case of the producer.

(3) For the purpose of section 453 (a) (13) and section 453 (b) (2), a metal mining property shall include the aggregate of all tracts or parcels of land containing ore deposits in which economic interests were owned, and from which ore was extracted, by the taxpayer at any time after the beginning of the normal period (excluding, however, any tract or parcel of land in which an economic interest was acquired, and from which ore was extracted, by any other person subsequent to the last date of ownership and operation by the taxpayer) to the extent that such tracts or parcels of land were operated by the taxpayer as an operation unit, regardless of whether the economic interest in one tract or parcel of land differed from that in another. The metal mining property of a lessor is the tract or parcel of land containing ore deposits in which an economic interest is owned by the lessor. It need not necessarily be coextensive with the metal mining property in the case of the producer.

(4) The net income (computed with the allowance for depletion) from the coal or the ore recovered from the mining property during a taxable year for which the benefits of section 453 (b) (2) are claimed shall be the net income from the mining property from which such coal or ore is recovered, computed in a manner similar to that described in paragraph (j) of this section with respect to a mineral property as if such mining property were a mineral property, except that the amount of depletion allowed in the computation of such net income shall be computed according to sections 23 (m) and 114, and the regulations thereunder.

(5) The determination of net income from a timber block for a taxable year must be made with respect to each timber block separately and cannot be made with respect to the aggregate of the timber blocks owned by the taxpayer. Net income from timber recovered from a timber block (computed with the allowance for depletion) means the net income attributable to timber and logging operations, not including transportation of the logs to the log or other market. That portion of the taxpayer's net income attributable to transportation or to manufacturing or remanufacturing, if the taxpayer which is a producer of logs from a timber block carries its operations beyond the logging stage, must be eliminated. If the taxpayer is engaged in activities in addition to timber and logging operations, the net income attributable to timber

recovered from a timber block shall be computed as provided in subparagraph (6) of this paragraph.

(6) Net income from timber recovered from a timber block (computed with the allowance for depletion) means the gross income from the timber block as defined in subparagraph (7) of this paragraph, less the allowable deductions attributable to the timber block with respect to which exempt excess output is computed and the allowable deductions attributable to timbering and logging operations, but not including transportation of the logs to the log or other market, insofar as they relate to logs cut by the taxpayer from the timber block, including overhead and operating expenses, development costs properly charged to expense, depreciation, taxes, losses sustained, and including the allowance for depletion. The allowance for depletion shall be that used in computing net income for the taxable year. In cases where the taxpayer engages in activities in addition to timbering and logging operations, including in such additional activities transportation of the logs to the log or other market, deductions for depreciation, taxes, general expenses, and overhead which cannot be directly attributed to any specific activity shall be fairly apportioned between (i) the timber and logging operations, and (ii) the additional activities, taking into account the ratio which the operating expenses directly attributable to the timber and logging operations bear to the operating expenses directly attributable to the additional activities. If more than one timber block is involved, the deductions apportioned to the timber and logging operations shall, in turn, be fairly apportioned to the several timber blocks, taking into account their relative production.

(7) (i) Gross income from the timber block means the amount for which the taxpayer sold the timber or the logs in the immediate vicinity of the timber block, but if the logs were transported or processed or manufactured or remanufactured before sale, it means the representative market or field price (as of the date of sale) of logs of like kind and grade before such transportation, processing, manufacture, or remanufacture. If there was no such representative market or field price (as of the date of sale), then there shall be used in lieu thereof the representative market or field price of the first marketable product resulting from any processing, manufacture, or remanufacture (or, if the logs were merely transported, the price for which sold) minus the costs and proportionate profits attributable to the transportation and the processes, manufacture, and remanufacture. If the taxpayer establishes to the satisfaction of the Commissioner that another method of computation, other than the computation of profits proportionate to costs, clearly reflects the gross income from the timber blocks, then such gross income shall be computed by the use of such other method.

(ii) In all cases there shall be excluded in determining the gross income from the timber block an amount equal to any rents or royalties which were paid or incurred by the taxpayer in respect of the timber block and are not otherwise excluded from the gross income from the timber block. If royalties in the form of bonus payments have been paid in respect of the timber block in the taxable year or any prior years or if advanced royalties have been paid in respect of the property in any taxable year ending prior to December 31, 1939, the amount excluded from gross income from the timber block for the current taxable year on account of such payments shall be an amount equal to that part of such payments which is allocable to the product sold during the taxable year. If advanced royalties have been paid in respect of the timber block in any taxable year ending on or after December 31, 1939, the amount excluded from gross income from the timber block for the current taxable year on account of such payments shall be an amount equal to the deduction for such taxable year taken on account of such payments pursuant to the rules provided in § 29.23 (m)–10 (e) of Regulations 111 with respect to advanced royalties paid in the case of mineral properties.

(8) The determination of net income from the natural gas property must be made with respect to the entire natural gas property of the taxpayer as a single property and cannot be made separately with respect to portions of such property. If the natural gas company is engaged in other activities in addition to the withdrawal, storage, and transportation by pipeline of natural gas, the net income from the natural gas company shall not include the income attributable to such other activities. For example, if a natural gas company is engaged in the distribution of natural gas, in addition to the withdrawal, storage, and transportation by pipeline of such gas, that portion of the net income from the sales of the natural gas which is attributable to the distribution of such gas shall not be included in the net income from the natural gas property. For the purposes of this subsection, distribution means the piping of gas, which has been received by the distribution facilities either at the end of a pipeline or at some intermediate point along the line, to the ultimate consumer of such gas. Likewise, the net income from the natural gas property does not include any net income attributable to any portion of the property of the taxpayer which is an emergency facility. So also, income derived from leasing storage facilities to other taxpayers engaged in the withdrawal, or transportation by pipeline, of natural gas shall not be included in the determination of net income from the natural gas property. If the taxpayer derives income from activities other than the withdrawal of natural gas and the transportation of natural gas by pipeline, or is engaged in such withdrawal and transportation by using, in part, property which is not included in the natural gas property, as, for example, an emergency facility, the net income from the natural gas property shall be computed as provided below.

(9) Net income from a natural gas property means the gross income from such property as defined in this subsection less the allowable deductions attributable to such property, including overhead and operating expenses, development costs properly charged to expense, depreciation, taxes, losses sustained, and including the allowance for depletion, if any. Any allowance for depletion shall be that used in computing net income for the taxable year. Deductions for depreciation and amortization of operating equipment can be charged directly to natural gas property and other property. Taxes, general expense, and overhead, which cannot be directly attributed to the natural gas property or to other property shall be fairly apportioned between (i) the natural gas property, and (ii) the other property of the taxpayer, taking into account the ratio which the operating expenses directly attributable to the property constituting the natural gas property bears to the operating expenses directly attributable to the other property of the taxpayer.

(10) Gross income from the natural gas property means the aggregate of the gross income received from the sale of natural gas at the mouth of the well or from storage plants in which the natural gas was stored, and from the sale of natural gas at the end of, or at any intermediate point along, the pipeline. It does not include any income derived from the distribution of natural gas after its transportation by pipeline. In the case of a natural gas company which transports natural gas by pipeline to a city and then distributes such gas within the city, the city gate shall be considered the end of the process of transportation by pipeline, and shall be considered the point at which distribution begins. In such a case, the market price at the city gate for the natural gas transported to that point, and subsequently sold, shall be considered to be the gross income from transportation by pipeline of such natural gas. If there is no market price at the city gate or if there is no city gate, the gross income from the natural gas property shall be determined by deducting from the gross income from the sale of such gas the costs and proportionate profits attributable to the local distribution within the city. If the taxpayer establishes to the satisfaction of the Commissioner that another method of computation, other than the computation of profits proportionate to costs, clearly reflects the gross income from the natural gas property, then such gross income shall be computed by the use of such other method.

(11) If any emergency facilities were used in the withdrawal, storage, or transportation of the natural gas, the gross income from the natural gas property shall be the gross income less the costs and proportionate profits attributable to the emergency facilities. Such proportionate profits shall be computed in the same manner as proportionate profits attributable to distribution facilities.

(12) In all cases there shall be excluded in determining gross income from the natural gas property an amount equal to any rents or royalties which were paid or incurred by the taxpayer in respect of the natural gas property and are not otherwise excluded from

the gross income or deducted in computing the net income from the natural gas property. The treatment of royalties in the form of bonus payments or advanced royalties in respect to the natural gas property shall be the same as in the case of such royalties with respect to mineral properties. See paragraph (j) of this section.

(13) The net income from the coal or ore from the mining property, or from the timber block, or from the natural gas property shall be computed with the deduction of any net operating loss deduction attributable to the coal or ore from the mining property, to the timber block, or to the natural gas property. Such net operating loss deduction shall be determined by computing the net operating loss for any taxable year under section 122 (a), the net operating loss carry-overs and carry-backs under section 122 (b), and the adjustment under section 122 (c), as adjusted by section 433 (a) (1) (J), in accordance with the principles of determining net income from the coal or ore from the mining property, from the timber block, or from the natural gas property set forth in this paragraph.

(14) In the case of a lessor of a mining property or a timber block, the computation of unit net income shall be made in a manner similar to that in the case of a producer except that the number of mineral units or timber units to be used in the computation of unit net income shall be the number of mineral units or timber units which were paid for during the taxable year.

§ 40.453–3 *Nontaxable income from exempt excess output.* Nontaxable income from exempt excess output is excluded in the computation of excess profits net income under section 433 (a) (1) (I) and is determined as follows:

(a) *General rule.* (1) If the excess output of a mineral property which was in operation during the normal period exceeds 5 percent of the estimated recoverable units from such mineral property, computed as provided in § 40.453–2 (k) the nontaxable income from exempt excess output shall be an amount equal to the exempt excess output for such year (computed under § 40.453–2 (l)) multiplied by the normal unit profit (computed under § 40.453–2 (j)). In no event shall the amount of nontaxable income from exempt excess output exceed the net income (computed with the allowance for depletion) attributable to the excess output for such year. The net income attributable to excess output shall be that percentage of the net income from the mineral property which the excess output for the taxable year is of the total output for the taxable year. The net income from the mineral property shall be computed in accordance with the rules provided in § 40.453–2 (j) for the computation of net income from the mineral property for a taxable year in the normal period.

(2) If mineral units are determined for two or more tyes of metals, coal, or nonmetallic substances, the nontaxable income shall be determined with respect to the exempt excess output of each type of metal, coal, or nonmetallic substance. In no event shall nontaxable income from exempt excess output be determined with respect to any such type unless the mineral property was in operation during the normal period and unless the excess output of such type exceeds 5 percent of the estimated recoverable units of such type of metal, coal, or nonmetallic substance in the mineral property.

(3) If the minerals recovered from a mineral property contain two or more types of metals, coal, or nonmetallic substances, the nontaxable income from exempt excess output of such property for a taxable year shall be the aggregate of the nontaxable incomes from exempt excess output of each type of metal, coal, or nonmetallic substance. The nontaxable income from exempt excess output of each type of metal, coal, or nonmetallic substance shall be an amount equal to the exempt excess output of such type of metal, coal, or nonmetallic substance (see § 40.453–2 (l) multiplied by the normal unit profit for such type (see § 40.453–2 (j)). The nontaxable income from exempt excess output attributable to each type of metal, coal, or nonmetallic substance shall not exceed the net income (computed with the allowance for depletion) attributable to the excess output of such type for the taxable year. The net income attributable to the excess output of each type of mineral unit shall be determined as follows: The net income attributable to the mineral property for the taxable year shall be fairly allocated to each type of metal, coal, or nonmetallic substance contained in the minerals recovered from the mineral property in such year in accordance with the principles set forth in § 40.453–2 (j). The amount so allocated shall be divided by the total number of mineral units of such type of metal, coal, or nonmetallic substance for the taxable year, and the amount so determined shall be multiplied by the excess output of the mineral units of such type, determined in accordance with § 40.453–2 (c), for the year.

(4) The provisions of this paragraph may be illustrated by the following examples:

Example (1). Assume that the taxpayer, which is on the calendar year basis, owns a mineral property from which is extracted a mineral containing one nonmetallic substance. The total output of such property during the four calendar years in the normal period, the first of which began in 1946, was 416,000 tons and the aggregate of the net incomes for such years (including the allowance for depletion computed upon the same basis as for the year 1950) was $1,248,000. The normal output is 104,000 tons and the normal unit profit is $3 per ton. During 1950 minerals containing 200,000 tons of the nonmetallic substance were extracted from the property at a unit profit of $3.50 per ton. The net income for such year was $700,000. As of December 31, 1950, it is estimated that 1,000,000 tons of the nonmetallic substance remained in the mineral property. The amount of nontaxable income from exempt excess output to be excluded in the computation of excess profits net income for 1950 is $57,600, computed as follows:

1. Normal output (tons)	104,000
2. Output for 1950 (tons)	200,000
3. Excess output for 1950 (tons)	96,000
4. Estimated recoverable units for 1950 (1,000,000 tons plus item 3)	1,096,000
5. Percentage which item 3 is of item 4 (percent)	8.8
6. Percentage of item 3 to be used in computing exempt excess output (percent)	20
7. Exempt excess output for 1950 (tons) (item 3 times item 6)	19,200
8. Normal unit profit (per ton)	$3.00
9. Nontaxable income from exempt excess output (item 8 times item 7, but not in excess of item 12)	$57,600.00
10. Net income or 1950	$700,000.00
11. Unit net income for 1950 (per ton) (item 10 divided by item 2)	$3.50
12. Net income attributable to excess output for 1950 (item 3 times item 11)	$336,000.00

Example (2). Corporation A, which is on a calendar year basis, owns a mineral property from which it extracts minerals containing gold and silver. The output of silver for each of its four normal period years was 2,500,000 ounces, and of gold was 12,500 ounces. The "gross income from the property" for each normal period year was the sum of the net smelter returns of $1,500,000 received for silver and $437,500 for gold, a total of $1,937,500. Allowable deductions, excluding the allowance for depletion, amounted to $1,000,000. Of the amount of such deductions, $774,193.55 represented the amount allocable to silver production $\left(\frac{1,500,000}{1,937,500} \text{ times } \$1,000,000\right)$ and $225,806.45 represented the amount allocable to gold production $\left(\frac{437,500}{1,937,500} \text{ times } \$1,000,000\right)$. The net income from the mineral property (computed without the allowance for depletion) was $725,806.45 attributable to silver and $211,693.55 attributable to gold. The allowance for percentage depletion computed with respect to silver mining was $225,000 (15 percent of $1,500,000 but not in excess of 50 percent of $725,806.45); the allowance for such depletion computed with respect to gold mining was $65,625 (15 percent of $437,500 but not in excess of 50 percent of $211,693.55). For 1950, the total output of silver was 4,800,000 ounces and of gold was 8,000 ounces. The "gross income from the property" for 1950 was the sum of the net smelter returns of $3,360,000 received for silver and $280,000 received for gold, a total of $3,640,000. Allowable deductions, excluding the allowance for depletion, amounted to $1,280,000. Of the amount of such deductions, $1,181,538.46 represented the amount allocable to silver production $\left(\frac{3,360,000}{3,640,000} \text{ times } \$1,280,000\right)$ and $98,461.54 represented the amount allocable to gold production $\left(\frac{280,000}{3,640,000} \text{ times } \$1,280,000\right)$. The net income from the mineral property (computed without the allowance for depletion) was $2,178,461.54 attributable to silver and $181,538.46 attributable to gold. The allowance for percentage depletion computed with respect to silver mining was $504,000 (15 percent of $3,360,000 but not in excess of 50 percent of $2,178,461.54); the allowance for such depletion computed with respect to gold mining was $42,000 (15 percent of $280,000 but not in excess of 50 percent of $181,538.46). It is estimated that as of December 31, 1950, there were 19,200,000 units of silver and 32,000 units of gold remaining in the mineral property. There is no nontaxable income from exempt excess output of gold, since the normal output exceeds the 1950

output of that metal. The nontaxable income from exempt excess output of silver is $138,220.80, computed as follows:

	Silver	Gold
1. Normal output (ounces):		
a. Silver (10,000,000 divided by 4)	2,500,000	
b. Gold (50,000 divided by 4)		12,500
2. Output for 1950 (ounces)	4,800,000	8,000
3. Excess output (item 1a or 1b, minus item 2)	2,300,000	0
4. Estimated recoverable units as of Dec. 31, 1950 (ounces):		
a. Silver (19,200,000 plus 2,300,000)	21,500,000	
b. Gold (32,000 plus 0)		32,000
5. Percentage which item 3 is of item 4a or 4b (percent)	10.7	
6. Percentage of item 3 to be used in computing exempt excess output (percent)	30	
7. Exempt excess output (ounces) (item 3 times item 6)	690,000	
8. Normal unit profit per ounce (item 17)	$0.20032	$11.68548
9. Nontaxable income from exempt excess output (item 7 times item 8) but not in excess of item 24	138,220.80	0
Normal unit profit		
10. Gross income from the mineral property for each normal period year	1,500,000.00	437,500.00
11. Allowable deductions (excluding allowance for depletion) for each normal period year	774,193.55	225,806.45
12. Net income from the mineral property (excluding allowance for depletion) for each normal period year	725,806.45	211,693.55
13. Allowance for percentage depletion	225,000.00	65,625.00
14. Net income from the mineral property for each normal period year	500,806.45	146,068.55
15. Aggregate net income from the mineral property for the normal period	2,003,225.80	584,274.20
16. Aggregate mineral units recovered during normal period (ounces)	10,000,000	50,000
17. Normal unit profit (item 15 divided by item 16)	$0.20032	$11.68548
Net income attributable to excess output		
18. Gross income from the mineral property for 1950	3,360,000.00	280,000.00
19. Allowable deductions (excluding allowance for depletion) for 1950	1,181,538.46	98,461.54
20. Net income from the mineral property (excluding allowance for depletion) for 1950	2,178,461.54	181,538.46
21. Allowance for percentage depletion	504,000.00	42,000.00
22. Net income from the mineral property for 1950	1,674,461.54	139,538.46
23. Unit net income for 1950 (item 22 divided by item 2)	0.348846	17.4423
24. Net income attributable to excess output (item 3 times item 23)	802,345.80	0

(5) If income attributable to a strategic mineral as defined in section 450 is exempt from the excess profits tax pursuant to the provisions of such section, nontaxable income from exempt excess output of such strategic mineral shall not be computed for the purposes of section 453 (b) (1) or of section 433 (a) (1) (I). The portion of gross income and allowable deductions attributable to such strategic mineral shall be excluded from the net income from the mineral property in determining the net income attributable to other metals or nonmetallic substances in the minerals recovered from such mineral property for the normal period and for the taxable year for which the benefits of sections 453 are claimed.

(b) *Metal and coal mines.* (1) The nontaxable income from exempt excess output of a metal or coal mining property which was in operation during the normal period shall be whichever of the following amounts the taxpayer elects—

(i) An amount equal to the the excess output of such metal or coal mining property, determined under this subsection, for such year multiplied by one-half of the unit net income determined under § 40.453–2 (m) from such property for such year, or

(ii) An amount determined under paragraph (a) of this section.

In order to elect the amount provided in subdivision (i) of this subparagraph, the excess output of the metal or coal mining property (as defined in § 40.453–2 (m)) which was in operation during the normal period need not exceed 5 percent of the estimated recoverable units in such property. As to the election with respect to the amount provided in this subdivision, see section 453 (b) (1) and paragraph (a) of this section.

(2) For the purposes of the computation of the amount described in subdivision (i) of subparagraph (1) of this paragraph for a taxable year—

(i) A metal mining property or a coal mining property (as defined in § 40.453–2 (m)) shall be considered to have been in operation during the normal period if any part of such property was in operation for six months or more during the normal period.

(ii) The excess output of a metal mining property or a coal mining property which was in operation during the normal period shall be computed upon the basis of the metal mining property or the coal mining property and shall be the excess of the aggregate of the mineral units extracted from such metal mining or coal mining property during the taxable year over the normal output of such property. The normal output of a metal mining property or a coal mining property shall be computed with respect to such property in a manner similar to that described in § 40.453–2 (d) with respect to a mineral property, as if such metal mining property or coal mining property were a mineral property.

(3) The election pursuant to section 453 (b) and this paragraph shall be made in a statement attached to Schedule EP (Form 1120) accompanying the income tax return, filed on or before the last day required by law for the filing of such return, for the taxable year for which the benefits of section 453 are claimed. The last day required by law for the filing of such return includes the last day of the period of any extension of time granted for such filing. Such election must be made for each taxable year for which the benefits of section 453 (b) (2) are claimed. An election made with respect to a taxable year to compute nontaxable income from exempt excess output pursuant to the provisions of section 453 (b) (2) and subparagraph (1) (i) of this paragraph does not preclude the taxpayer from electing for a subsequent year to compute nontaxable income pursuant to the provisions of section 453 (b) (1) and paragraph (a) of this section provided the taxpayer satisfies the requirements there provided, and vice versa. For any taxable year for which an election is made under section 453 (b) (2) and this paragraph, such election shall be made by the taxpayer by attaching to Schedule EP (Form 1120) a statement showing the method of computation and the amount of nontaxable income from exempt excess output elected under the provisions of section 453 (b) (2) and this paragraph. If the taxpayer has failed so to elect or desires to change its election, such election or change in election may, subject to the approval of the Commissioner, be made by the taxpayer filing with the Commissioner of Internal Revenue, Washington, D. C., within the period of limitations for the filing of claims for credit or refund with respect to the year or years involved, a notice of its election or change in election accompanied by a recomputation of its income and excess profits taxes for such years. If the recomputation results in an overpayment for any of such years, the taxpayer should file a claim for refund on Form 843 in accordance with the provisions of section 322.

(4) The provisions of this paragraph may be illustrated by the following example:

Example. Assume that during the taxable year 1950 a corporation owned several tracts of land containing coal deposits which it had operated for more than six months during the normal period. During the taxable year 1950, the coal extracted by the taxpayer from such land was processed at a single preparation plant, so that for the purposes of the computation provided by subparagraph (1) of this paragraph such land constitutes a coal mining property. The normal output of the coal mining property was 350,000 tons. The output for the calendar year 1950 was 450,000 tons. The net income from the coal mining property during 1950 was $103,500. Assume that for the year 1950, the corporation elected to compute an amount of nontaxable income from exempt excess output of the coal mining property under the rule prescribed by subparagraph (1) (i) of this paragraph rather than under subparagraph (1) (ii) of this paragraph. Such amount of nontaxable income from the exempt excess output would be $11,500, computed as follows:

1. Normal output (tons)	350,000
2. Output for 1950 (tons)	450,000
3. Excess output (tons) (item 2 less item 1)	100,000
4. Net income from coal extracted from coal mining property in 1950	$103,500.00
5. Unit net income per ton for 1950 (item 4 divided by item 2)	$0.23
6. Nontaxable income from exempt excess output computed pursuant to section 453 (b) (2) and without regard to section 453 (b) (1) (item 3 times one-half of item 5)	$11,500.00

(c) *Timber properties.* (1) The nontaxable income from exempt excess output of a timber block which was in operation during the normal period shall

be an amount equal to the excess output of such timber block for such year, determined under § 40.453–2 (c), multiplied by one-half of the unit net income from such timber block for such year, determined under § 40.453–2 (m).

(2) The provisions of this paragraph may be illustrated by the following example:

Example. Assume that the normal unit output of a timber block operated by Corporation T during the normal period was 20,000,000 board feet log scale. The output of timber units for the taxable year 1950 was 32,000,000 board feet log scale and the net income attributable to the timber block, and to timber and logging operations, not including transportation, was $320,000. The nontaxable income from exempt excess output of the timber block for 1950 is $60,000, computed as follows:

1. Normal output (M board feet log scale)	20,000
2. Timber units for 1950 (M board feet log scale)	32,000
3. Excess output (M board feet log scale)	12,000
4. Net income from timber block for 1950	$320,000
5. Unit net income per M board feet log scale for 1950 (item 4 divided by item 2)	$10
6. Nontaxable income from exempt excess output computed pursuant to section 453 (b) (3) (item 3 multiplied by one-half of item 5)	$60,000

§ 40.453–4 *Mines, timber properties, and natural gas properties not in operation during normal period.* In the case of a metal mining property, a coal mining property, a timber block, or a natural gas property which was not in operation during the normal period, nontaxable income from exempt excess output is excluded under section 433 (a) (1) (I) in the computation of excess profits net income. For the purposes of the preceding sentence, a metal mining property shall be deemed not to have been in operation during the normal period if, during the period it was in production during 1946, 1947, 1948, and 1949, the aggregate gross income derived therefrom was less than the aggregate of the deductions (allowed under section 23 without regard to any net operating loss deduction) attributable to such property during such period of production. Such nontaxable income from exempt excess output shall be an amount equal to one-third of the net income for the taxable year, computed with the allowance for depletion, from the metal mining property, coal mining property, timber block, or natural gas property as the case may be. Such net income shall be determined in accordance with the provisions of § 40.453–2 (m), relating to unit net income.

§ 40.453–5 *Natural gas companies.* In the case of a natural gas company, as defined in section 453 (a) (1) and section 40.453–2 (a) (3), any portion of the natural gas property of which, as defined in § 40.453–2 (e), was in operation for six months or more during the normal period regardless of whether such portion of such property is in operation during the taxable year, nontaxable income from exempt excess output is excluded in the computation of excess profits net income for any taxable year under section 433 (a) (1) (I). Such nontaxable income from exempt excess output shall be an amount equal to the excess output of such natural gas property for the taxable year determined under § 40.453–2 (c) multiplied by one-half of the unit net income from such natural gas property for such year determined under § 40.453–2 (m).

§ 40.453–6 *Nontaxable bonus income.* (a) The term "nontaxable bonus income" means the amount of the income derived from bonus payments made by any agency of the United States Government on account of the production in excess of a specified quota of either of the following:

(1) A mineral product or timber, if the exhaustion of the mineral property or the timber block from which such product or timber was recovered gives rise to an allowance for depletion under section 23 (m). Such amount, however, shall not exceed the net income (computed with the allowance for depletion) attributable to the output in excess of the quota. Such net income so attributable shall be an amount which bears the same ratio to the net income from the mineral property, computed as provided in § 40.453–2 (j), or the net income from the timber block, computed as provided in § 40.453–2 (m), as the output in excess of the quota bears to the total number of mineral units or timber units produced for the taxable year. If the taxpayer establishes to the satisfaction of the Commissioner that another method of computation clearly reflects the net income attributable to the output in excess of the quota, the net income so attributable shall be computed by the use of such other method. If two or more metals, coal, or nonmetallic substances are contained in the minerals recovered from a mineral property, nontaxable bonus income must be determined with respect to each such metal, coal, or nonmetallic substance, and net income from the property must be allocated fairly between each type of metal, coal, or nonmetallic substance. In the case of any such bonus paid with respect to any such type of metal, coal, or nonmetallic substance the nontaxable bonus income shall not exceed the net income attributable to the output in excess of the specified quota of such type. Such net income shall be an amount which bears the same ratio to the net income attributable to such type of metal, coal, or nonmetallic substance as the output in excess of the quota established for such type bears to the number of mineral units of such type produced for the taxable year. If the taxpayer establishes to the satisfaction of the Commissioner that another method of computation clearly reflects the net income attributable to the output in excess of the quota established for such type, then the net income so attributable shall be computed by the use of such other method.

(2) A mineral product extracted or recovered from mine tailings by a corporation which does not own an economic interest in the mineral property from which the ore containing such tailings was mined. Such amount, however, shall not exceed the net income attributable to the output in excess of the quota. Such net income so attributable shall be an amount which bears the same ratio to the net income computed with respect to the mineral product extracted or recovered from the tailings as the number of mineral units in the output of the mineral product recovered or extracted from the tailings in excess of the quota bears to the total number of mineral units in the mineral product recovered or extracted from the tailings in the taxable year. If the taxpayer establishes to the satisfaction of the Commissioner that another method of computation clearly reflects the net income attributable to the output in excess of the quota, then the net income so attributable shall be computed by the use of such other method. Net income computed with respect to the mineral product extracted or recovered from mine tailings shall be computed pursuant to § 40.453–2 (j), except with respect to the allowance for depletion, as if such mine tailings were a mineral property.

(b) The provisions of this section may be illustrated by the following example:

Example. Corporation C, which is on the calendar year basis, owns a mineral property from which it extracts copper ore. The output of copper for each of the four normal period years was 4,380,000 pounds. The 1950 output of copper was 5,500,000 pounds. With respect to Corporation C, a 1950 quota of 4,000,000 pounds of copper was established and a bonus of $0.05 per pound was paid for above quota production. The "gross income from the property" for 1950 was the sum of the net smelter returns, $660,000, and the bonus payments of $75,000, a total of $735,000. Allowable deductions, excluding the allowance for depletion, amounted to $579,700. Net income from the property, without regard to the allowance for depletion, was $155,300. Percentage depletion amounted to $77,650 (15 percent of $735,000 but not in excess of 50 percent of $155,300). As of December 31, 1950, it was estimated that 35,000,000 pounds of copper remained in the mineral property. Since the excess output for 1950 did not exceed 5 percent of the estimated recoverable units for 1950, nontaxable income from exempt excess output is not authorized by section 453 (b) (1). The amount of nontaxable bonus income for 1950 is $21,177 computed as follows:

1. Normal output (pounds) (17,520,000 divided by 4)	4,380,000
2. Output for 1950 (pounds)	5,500,000
3. Excess output for 1950 (pounds) (item 2 minus item 1)	1,120,000
4. Estimated recoverable units for 1950 (pounds) (35,000,000 plus item 3)	36,120,000
5. Percentage which item 3 is of item 4 (percent)	3.1
6. Gross income for 1950 from the mineral property	$735,000
7. Allowable deductions (excluding depletion)	579,700
8. Net income from the mineral property (excluding depletion)	155,300
9. Less percentage depletion	77,650
10. Net income for 1950 from the mineral property	77,650
11. Unit net income for 1950 (item 10 divided by item 2)	$0.014118
12. Quota for 1950 (pounds)	4,000,000
13. Above-quota production for 1950 (pounds) (item 2 minus item 12)	1,500,000
14. Net income attributable to above-quota production (item 13 times item 11)	$21,177
15. Bonus payments received	$75,000
16. Nontaxable bonus income (item 14 or item 15, whichever is the lesser)	$21,177

(c) If income attributable to a strategic mineral as defined in section 450 is exempt from excess profits tax pursuant to the provisions of such section, nontaxable bonus income attributable to such strategic mineral shall not be computed for the purposes of section 453 (c) or of section 433 (a) (1) (I). The portion of gross income and allowable deductions attributable to such strategic mineral shall be excluded from the net income from the mineral property in determining the net income attributable to other metals or nonmetallic substances in the minerals recovered from such mineral property for the normal period and for the taxable year for which the benefits of section 453 are claimed.

§ 40.453–7 *Rule in case income from excess output includes bonus payment.* (a) The nontaxable income attributable to exempt excess output pursuant to the provisions of section 453 (b) (1), (2), or (3) may include nontaxable bonus payments, as provided in section 453 (c). In such case, the taxpayer may elect to compute its nontaxable income attributable to the output in excess of the established quota as nontaxable income from exempt excess output pursuant to the appropriate provision of section 453 (b) and § 40.453–3 or as nontaxable bonus income pursuant to section 453 (c) and § 40.453–6. Such election shall be made in a statement attached to Schedule EP (Form 1120) accompanying the income tax return filed prior to the last day prescribed by law for the filing of such return for the taxable year for which the benefits of section 453 are claimed. The last day prescribed by law for the filing of the return includes the last day of the period of any extension granted for such filing. The election provided in section 453 (d) must be made for each taxable year for which income attributable to excess output includes bonus payments. An election made with respect to one taxable year to receive the benefits of nontaxable bonus income under section 453 (c) does not preclude the taxpayer from electing for a subsequent year to receive the benefits of nontaxable income from exempt excess output under section 453 (b), and vice versa. For any taxable year for which an election is made under section 453 (d) and this section, such election shall be made by the taxpayer by attaching to Schedule EP (Form 1120) accompanying its income tax return a statement showing the method of computation and the amount of nontaxable income from exempt excess output under section 453 (b) or of nontaxable bonus income under section 453 (c), whichever the taxpayer elects to exclude under section 433 (a) (1) (I) in the computation of excess profits net income. If the taxpayer has failed so to elect or desires to change its election, such election or change in election may, subject to the approval of the Commissioner, be made in an amended return filed by the taxpayer within the period of limitations for the filing of claims for credit or refund.

(b) The provisions of this section may be illustrated by the following example:

Example. Corporation P, which is on the calendar year basis, owns a mineral property from which is extracted minerals containing lead and silver. For each of the four taxable years in the normal period the output of lead was 1,000,000 pounds and of silver was 100,000 ounces. The "gross income from the property" for each year in the normal period was the sum of the net smelter returns of $50,000 received for lead and $70,000 for silver, a total of $120,000. Allowable deductions for each year, excluding the allowance for depletion, amounted to $40,000. Of the amount of such deductions $16,666.67 represented the amount allocable to lead production $\left(\frac{50,000}{120,000} \text{ times } \$40,000\right)$ and $23,333.33 represented the amount allocable to silver production $\left(\frac{70,000}{120,000} \text{ times } \$40,000\right)$. The net income from the mineral property (computed without the allowance for depletion) was $33,333.33 attributable to lead and $46,666.67 attributable to silver. The allowance for percentage depletion computed with respect to lead mining was $7,500 (15 percent of $50,000 but not in excess of 50 percent of $33,333.33); the allowance for such depletion computed with respect to silver mining was $10,500 (15 percent of $70,000 but not in excess of 50 percent of $46,666.67. For 1950, the output of lead was 1,600,000 pounds and of silver was 160,000 ounces. A quota of 900,000 pounds of lead was established with respect to the taxpayer and a bonus of $0.02¾ per pound was paid to the taxpayer with respect to production in excess of such quota. The "gross income from the property" for the year 1950 was $235,250 consisting of $123,250 attributable to lead (the sum of the net smelter returns of $104,000 received for lead and the bonus payment of $19,250 for above-quota production of lead) and $112,000 attributable to silver. Allowable deductions for the year excluding allowance for depletion amounted to $80,000. Of the amount of such deductions, $41,912.86 represented the amount allocable to lead production $\left(\frac{123,250}{235,250} \text{ times } \$80,000\right)$ and $38,087.14 represented the amount allocable to silver production $\left(\frac{112,000}{235,250} \text{ times } \$80,000\right)$. The net income from the mineral property (computed without the allowance for depletion) was $81,337.14 attributable to lead and $73,912.86 attributable to silver. The allowance for percentage depletion computed with respect to lead mining was $18,487.50 (15 percent of $123,250 but not in excess of 50 percent of $81,337.14); the allowance for such depletion computed with respect to silver mining was $16,800 (15 percent of $112,000 but not in excess of 50 percent of $73,912.86). It is estimated that as of December 31, 1950, there were 6,500,000 pounds of lead and 510,000 ounces of silver remaining in the mineral property. For 1950, the amount of nontaxable income from exempt excess output of lead was $3,099.60, the amount of nontaxable bonus income from lead was $19,250, and the amount of nontaxable income from exempt excess output of silver was $6,510.06.

Since the amount of nontaxable bonus income with respect to the output of lead which exceeds the established quota and which also constitutes excess output, i. e., 600,000 pounds, was $16,500 (item 33 in the following computation) and exceeded $3,099.60 representing the nontaxable income from exempt excess output of lead, Corporation P elected under section 453 (d) to exclude $16,500 with respect to such 600,000 pounds in the computation of excess profits net income. With respect to the remaining portion of its output in excess of the established quota, i. e., 100,000 pounds, Corporation P excluded nontaxable bonus income of $2,750 (item 34) in the computation of excess profits net income pursuant to section 453 (c).

COMPUTATION

	Lead	Silver
1. Normal output:		
a. Lead (pounds) (4,000,000 divided by 4)	1,000,000	
b. Silver (ounces) (400,000 divided by 4)		100,000
2. Output for 1950	1,600,000	160,000
3. Excess output (item 2, minus item 1a or 1b)	600,000	60,000
4. Estimated recoverable units as of Dec. 31, 1950:		
a. Lead (pounds) (6,500,000 plus 600,000)	7,100,000	
b. Silver (ounces) (510,000 plus 60,000)		570,000
5. Percentage which item 3 is of item 4a or 4b (percent)	8.45	10.53
6. Percentage of item 3 to be used in computing exempt excess output (percent)	20	20
7. Exempt excess output (item 3 times item 6)	120,000	18,000
8. Normal unit profit (item 17)	$0.02583	$0.05167
9. Nontaxable income from exempt excess output (item 7 times item 8) but not in excess of item 24	3,099.60	6,510.06
Normal unit profit		
10. Gross income from the mineral property for each normal period year	50,000.00	70,000.00
11. Allowable deductions (excluding allowance for depletion) for each normal period year	16,666.67	23,333.33
12. Net income from the mineral property (excluding allowance for depletion) for each normal period year	33,333.33	46,666.67
13. Allowance for percentage depletion	7,500.00	10,500.00
14. Net income from the mineral property for each normal period year	25,833.33	36,166.67
15. Aggregate net income from the mineral property for the normal period	103,333.32	144,666.68
16. Aggregate mineral units recovered during the normal period	4,000,000	400,000
17. Normal unit profit (item 15 divided by item 16)	$0.02583	$0.05167
Net income attributable to excess output		
18. Gross income from the mineral for 1950	123,250.00	112,000.00
19. Allowable deductions (excluding allowance for depletion) for 1950	41,912.86	38,087.14
20. Net income from the mineral property (excluding allowance for depletion) for 1950	81,337.14	73,912.86
21. Allowance for percentage depletion	18,487.50	16,800.00
22. Net income from the mineral property for 1950	62,849.64	57,112.86
23. Unit net income for 1950 (item 22 divided by item 2)	0.03928	0.35695
24. Net income attributable to excess output for 1950 (item 3 times item 23)	23,568.00	21,417.6

Nontaxable bonus income	*Lead*
25. Quota established for 1950 (pounds)	900,000
26. Total output for 1950 (pounds)	1,600,000
27. Above-quota output (pounds)	700,000
28. Bonus payments received (item 27 times $0.02¾)	$19,250
29. Net income attributable to above-quota output (item 27 times item 23)	$27,496
30. Nontaxable bonus income (item 28 or item 29, whichever is the lesser)	$19,250

COMPUTATION—Continued

Computation of nontaxable income from exempt excess output and from bonus payments with respect to 1950 excess output in excess of quota	*Lead*
31. Item 3 or item 27, whichever is the lesser	600,000
32. Nontaxable income from exempt excess output computed with respect to item 31 (item 9)	$3,099.60
33. Nontaxable bonus income computed with respect to item 31 (item 31 times $0.02[3/4])	$16,500.00
34. Nontaxable bonus income computed with respect to above-quota output in excess of 600,000 pounds, i. e., 100,000 times $0.02[3/4] (item 30 minus item 33)	$2,750.00

SEC. 454. EXEMPT CORPORATIONS.

The following corporations, except a member of an affiliated group of corporations filing a consolidated return under section 141, shall be exempt from the tax imposed by this subchapter:

(a) Corporations exempt under section 101 from the tax imposed by this chapter.

(b) Foreign personal holding companies, as defined in section 331.

(c) Regulated investment companies, as defined in section 361 without the application of section 361 (b) (4).

(d) Personal holding companies, as defined in section 501.

(e) Foreign corporation not engaged in trade or business within the United States.

(f) Domestic corporations satisfying the following conditions:

(1) If 95 per centum or more of the gross income of such domestic corporation for the three-year period immediately preceding the close of the taxable year (or for such part of such period during which the corporation was in existence) was derived from sources other than sources within the United States; and

(2) If 50 per centum or more of its gross income for such period or such part thereof was derived from the active conduct of a trade or business.

(g) Any corporation subject to the provisions of Title IV of the Civil Aeronautics Act of 1938, in the gross income of which for any taxable year ending after June 30, 1950, there is includible compensation received from the United States for the transportation of mail by aircraft if, after excluding from its gross income such compensation, its adjusted excess profits net income for such year is zero or less. Such exclusion from gross income for such year shall also be made in computing the unused excess profits credit adjustment for any other taxable year, but only for the purpose of determining whether the corporation is exempted by this subsection from the tax imposed by this chapter for such other taxable year.

§ 40.454–1 *Exempt corporations.* (a) A corporation which has established its right under section 101 to exemption from income tax (whether or not subject to tax under Supplement U) need not again establish its right under section 454 (a) to exemption from excess profits tax. A corporation which has not established its right to exemption under section 101 and which claims exemption under section 454 (a) is required to establish its right to exemption under section 101 in the manner prescribed in the regulations thereunder in order to be held exempt under section 454 (a).

(b) A corporation which claims exemption under the provisions of section 454, other than the provisions of section 454 (a), (f), and (g), shall file with its return a statement showing under what paragraph of section 454 it claims exemption.

(c) A corporation which claims exemption under section 454 (f) shall attach to its return a statement showing for the 3-year period immediately preceding the close of the taxable year (or for such part thereof during which the corporation was in existence) (1) its total gross income from all sources, (2) the amount thereof derived from the active conduct of a trade or business, (3) a description of such trade or business and the facts upon which the corporation relies to establish that such trade or business was actively conducted by it, and (4) the amount of its gross income from sources within the United States. The gross income from sources within the United States shall be determined as provided in section 119 and the regulations prescribed thereunder.

(d) A corporation which claims exemption under section 454 (g) shall attach to its return for the taxable year for which exemption is claimed a statement showing for such taxable year (1) that it is subject to the provisions of title IV of the Civil Aeronautics Act of 1938, (2) the amount of the compensation included in gross income of the corporation as compensation received from the United States for the transportation of mail by aircraft, and (3) the computation and the amount of its gross income, net income, excess profits net income, excess profits credit, and adjusted excess profits net income, after excluding from its gross income the amount of such compensation received from the United States, including a separate computation of its unused excess profits credit adjustment for such year containing the information required by this subsection with respect to each taxable year entering into the computation of such unused excess profits credit adjustment.

(e) If any corporation described in subsection (d), (f), or (g) of section 454 is a member of an affiliated group of corporations filing a consolidated return under section 141, such corporation shall not be exempt under section 454 for such year.

SEC. 455. RELIEF FOR INSTALLMENT BASIS TAXPAYERS AND TAXPAYERS WITH INCOME FROM LONG-TERM CONTRACTS.

(a) *Election to accrue income.* Any taxpayer computing income from installment sales under the method provided by section 44 (a) or whose principal business consists in purchasing installment sales obligations may elect, in its return for the taxable year, for the purposes of the tax imposed by this subchapter, to compute, in accordance with regulations prescribed by the Secretary, its income from installment sales or installment sales obligations on the basis of the taxable period for which such income is accrued without treating any portion of such income as unrealized at the close of such period in lieu of the basis provided by section 44 (a). Such election shall be irrevocable when once made and shall apply also to all subsequent taxable years to which this subchapter is applicable and the income from installment sales or installment sales obligations for each taxable year before the first year with respect to which the election is made which ended after June 30, 1950, shall be adjusted for the purposes of this subchapter to conform to such election. In making such adjustments, no amount shall be included in computing excess profits net income for any excess profits tax taxable year on account of installment sales made in taxable years ending before July 1, 1950.

(b) *Income from long-term contracts.* Any taxpayer computing income from contracts, the performance of which requires more than 12 months may elect, in its return for the taxable year, for the purposes of the tax imposed by this subchapter, to compute, in accordance with regulations prescribed by the Secretary, such income upon the percentage of completion method of accounting. Such election shall be made in accordance with such regulations and shall be irrevocable when once made, and shall also apply to all subsequent taxable year to which this subchapter is applicable. The net income of the taxpayer for each year to which this subchapter is applicable prior to the year with respect to which the election is made shall be adjusted for the purposes of this subchapter. Income described in this section shall not be considered abnormal income under section 456.

(c) *Adjustment on account of changes with respect to installment basis taxpayers and with respect to taxpayers with income from long-term contracts.* If an adjustment specified in subsection (a) or subsection (b) is, with respect to any taxable year, prevented on the date of the election by the taxpayer under subsection (a) or subsection (b), as the case may be, or within two years from such date, by any provision or rule of law (other than this subsection and other than section 3761, relating to compromises), such adjustment shall nevertheless be made if in respect of the taxable year for which adjustment is sought a notice of deficiency is mailed or a claim for refund is filed, as the case may be, within two years after the date such election is made. If at the time of the mailing of such notice of deficiency or the filing of such claim for refund, the adjustment is so presented, then the amount of the adjustment authorized by this subsection shall be limited to the increase or decrease in the tax imposed by this chapter previously determined for such taxable year which results solely from the effect of subsection (a) or subsection (b), as the case may be, and such amount shall be assessed and collected, or credited or refunded, in the same manner as if it were a deficiency or an overpayment, as the case may be, for such taxable year; and as if on the date of such election, two years remain before the expiration of the period of limitation upon the assessment or the filing of claim for refund for the taxable year. The tax previously determined shall be ascertained in accordance with section 452 (d). The amount to be assessed and collected under this section in the same maner as if it were a deficiency or to be refunded or credited in the same manner as if it were an overpayment, shall not be diminished by any credit or set-off based upon any item, inclusion, deduction, credit, exemption, gain or loss, other than one resulting from the effect of subsection (a) or subsection (b), as the case may be. Such amount, if paid, shall not be recovered by a claim or suit for refund, or suit for erroneous refund based upon any item, inclusion, deduction, credit, exemption, gain or loss, other than one resulting from the effect of subsection (a) or subsection (b), as the case may be.

(d) *Cross references.* In the case of a taxpayer making an election under this section—

(1) For adjustment of excess profits net income for taxable years in the base period see section 433 (b) (7) and (8); and

(2) For adjustment in determining the excess profits credit, see section 441 (h).

§ 40.455–1 *Taxpayers reporting income on installment basis; installment sales obligations.*—(a) *In general.* Section 455 (a) provides that a corporation which computes income from installment sales under the method provided by section 44 (a), or whose principal business consists of purchasing installment sales obligations, may elect in its return for the purpose of the excess profits tax to compute its income from installment sales, or installment sales obligations, on the basis of the taxable period for which such income is accrued. No portion of such income shall be treated as unrealized at the close of the period for which the income is accrued. The election shall be made by a statement attached to the return or by the use of figures on the return which clearly reflect the election. The election is irrevocable and applies to all taxable years, including prior and subsequent taxable years, to which the excess profits tax is applicable. If a corporation makes the election, income from installment sales, or installment sales obligations, for each taxable year subject to the excess profits tax must, for the purpose of computing the excess profits tax, be adjusted to conform to such election. No amount, however, will be included in computing excess profits net income for any taxable year ending after June 30, 1950, on account of installment sales made in a taxable year ending before July 1, 1950. A taxpayer electing under section 445 (a) must also (for excess profits tax purposes only) compute its income for all preceding taxable years on the accrual method of accounting. Furthermore, in computing excess profits net income under section 433 (b), the normal-tax net income for the purpose of that section is first recomputed on the accrual method of accounting as if the taxpayer had used that method for all taxable years, and adjustments thereto under section 433 (b) are made in accordance with such recomputation. Except as provided in section 441 (h), if any prior or subsequent year is a factor in computing the excess profits tax, for example, in the case of the net operating loss deduction applicable in computing excess profits net income under section 433 (a) or (b), the computations for such prior or subsequent year are made on the accrual method of accounting. For adjustments in determining invested capital, net new capital addition, the base period capital addition, and the net capital addition or reduction, see section 441 (h). The election under section 455 (a) applies only for the purpose of the excess profits tax; it does not change the method of accounting for the purpose of the normal tax, surtax, etc.

(b) *Definition.* For the purpose of this section, an installment sale means any sale upon credit which the purchaser agrees to repay in two or more scheduled payments, regardless of the maturity of such credit or the amount of the down payment or of each payment, and which for the purposes of the tax imposed by sections 13, 14, and 15 is reported on the installment basis. An installment sale shall not include any casual sale of personal property, and shall not include any sale of real property unless the initial payments received in cash or property (other than evidences of indebtedness of the purchaser) during the taxable period in which the sale is made do not exceed 30 percent of the selling price and unless the taxpayer is regularly engaged in the business of selling real property upon such basis.

(c) *Amended returns.* If a taxpayer makes the election under section 455 (a) in its return for an excess profits tax taxable year other than its first taxable year ending after June 30, 1950, an amended return (including an amended Schedule EP (Form 1120)) shall be filed for each taxable year ending after June 30, 1950, and prior to the taxable year for which the election is made, in order to reflect the effect of computation of income from installment sales, or installment sales obligations, on the accrual method for each such year for purposes of the excess profits tax. If the recomputation produces an overpayment for any of such years, the taxpayer should file a claim for refund on Form 843 with the amended return for such year.

§ 40.455–2 *Computation of income on accrual method.* (a) If the taxpayer has elected under section 455 (a) to compute for excess profits tax purposes its income from installment sales and installment sales obligations on the basis of the taxable year for which such income is accrued, the gross income of the taxpayer from installment sales and installment sales obligations shall be computed upon such accrual basis, and proper adjustment shall be made in computing all deductions and credits of the taxpayer for the taxable year. Thus, all deductions under section 23 allowable in computing net income and attributable to such sales, shall be computed upon the straight accrual basis.

(b) Any deductions under section 23 which are limited to a percentage of net income (computed without regard to such deductions, as for example, the deduction for charitable contributions allowed by section 23 (q)) shall be determined on the basis of such net income with income from installment sales determined upon the accrual method, and not on the basis of such net income for the purposes of the normal tax and surtax. The deduction for bad debts under section 23 (k) shall be allowed only with respect to debts which become worthless within the taxable year. No reserve for bad debts arising from installment accounts receivable may be set up for excess profits tax purposes only, and no bad debt deduction shall be allowed for any additions to such a reserve. Only those debts which have become worthless within the taxable year and which are allowed as a deduction in the computation of net income for the purposes of the normal tax and surtax for the taxable year shall be allowed in the determination of the bad debt deduction for excess profits tax purposes under section 455 (a). If a debt reflected in installment accounts receivable was created in a prior taxable year, and if the total amount of the profit represented by such installment accounts receivable is includible in gross income for such year under the accrual method of accounting, the amount of the deduction for the bad debt shall be computed upon the accrual method and shall not be limited to the unrecovered cost of the goods or articles sold in consideration of such debt.

§ 40.455–3 *Taxpayers with income from long-term contracts.*—(a) *In general.* Any corporation computing income from contracts the performance of which requires more than 12 months may elect in its return for the taxable year, for the purpose of the excess profits tax, to compute such income upon the percentage of completion method of accounting. The election shall be made by a statement attached to the return or by the use of figures on the return which clearly reflect the election. The election is irrevocable and applies to all taxable years, including prior and subsequent taxable years, to which the excess profits tax is applicable. If the corporation makes the election, the income from long-term contracts for each year subject to the excess profits tax will, for the purpose of computing the excess profits tax for all taxable years (including prior taxable years), be adjusted to conform to such election. Furthermore, in computing excess profits net income under section 433 (b), the normal-tax net income for the purpose of that section is first recomputed upon the percentage of completion method as if the taxpayer had used that method for all taxable years, and adjustments thereto under section 433 (b) are made in accordance with such recomputation. Except as provided in section 441 (h), if any prior or subsequent year is a factor in computing the excess profits tax, for example, the net operating loss deduction applicable in computing excess profits net income under section 433 (a) or (b), the computations for such prior or subsequent year are made on the percentage of completion method. For adjustments in determining invested capital, the net new capital addition, the base period capital addition, and the net capital addition or reduction, see section 441 (h). The election under section 455 (b) applies only for the purpose of the excess profits tax; it does not change the method of accounting for the purpose of the normal tax, surtax, etc.

(b) *Amended returns.* If the taxpayer makes the election under section 455 (b) in its return for an excess profits tax taxable year other than its first taxable year ending after June 30, 1950, an amended return (including an amended Schedule EP (Form 1120)) shall be filed for each taxable year ending after June 30, 1950, and prior to the taxable year for which the election is made, in order to reflect the effect of computation of income from long-term contracts, for purposes of the excess profits tax, for such years on the percentage of completion method of accounting. If the recomputation produces an overpayment for any of such years, the taxpayer should file a claim for refund on Form 843 with the amended return for such year.

§ 40.455–4 *Computation of net income upon percentage of completion method of accounting.*—(a) *Excess profits tax taxable year.* If a taxpayer has elected under section 455 (b) to compute for excess profits tax purposes its net income from long-term contracts upon the percentage of completion method of accounting, gross income from such long-

term contracts shall be reported for each excess profits tax taxable year upon the basis of percentage of completion of such contract in such year. Except as provided in section 441 (h), this is true wherever income is a factor in determining the excess profits tax and applies not only to the taxable year for which the excess profits tax is being determined but also to all prior and subsequent years which affect the excess profits tax liability for such year. There shall be deducted from such gross income for the taxable year all expenditures made during such year on account of the contract, account being taken of the material and supplies on hand at the beginning and end of the taxable year for use in connection with the work under the contract but not yet so applied. Any deductions under section 23 which are limited to a percentage of net income (computed without regard to such deduction, as for example, the deduction for charitable contributions which is allowed by section 23 (q) shall, for excess profits tax purposes, be determined upon the basis of such net income with the income from long-term contracts computed upon the percentage of completion method of accounting, and not upon the basis of net income for purposes of the normal tax and surtax. No reserve for bad debts arising from accounts receivable from long-term contracts may be set up for excess profits tax purposes unless a reserve has been established for income tax purposes.

(b) *Taxable year in the base period.* If a taxpayer elects, pursuant to section 455 (b), to compute its income from long-term contracts upon the percentage of completion method of accounting, the excess profits net income for a taxable year in the base period to be used in computing the average base period net income shall be computed pursuant to section 433 (b) but with income from long-term contracts computed upon the percentage of completion method of accounting as described in paragraph (a) of this section in lieu of the completed contract method. In such event gross income attributable to each long-term contract shall be placed in the appropriate year in the base period upon the percentage of completion method of accounting, regardless of whether such contract was completed in a subsequent year in the base period or in an excess profits tax taxable year and regardless of when gross income from such contract was reported for purposes of the normal tax and surtax. Likewise, gross income attributable to each long-term contract completed during a taxable year in the base period shall be included in income for such year only to the extent to which such income is attributable to the percentage of the contract completed in such year. Gross income attributable to the percentage of the contract completed prior to the base period shall be excluded in the computation of excess profits net income for a taxable year in the base period and consequently from average base period net income. There shall be deducted from such gross income for each taxable year in the base period all expenditures made during the taxable year on account of the contract, account being taken of the material and supplies on hand at the beginning and end of each year for use in connection with the work under the contract but not yet so applied.

§ 40.455–5 *Adjustment on account of change arising under section 455 (a) or section 455 (b).* (a) If the adjustment of the tax imposed for any taxable year, in order to give effect to the recomputations provided under section 455 (a) (in the case of a taxpayer with income from installment sales or installment sales obligations) or under section 455 (b) (in the case of a taxpayer with long-term contracts), is prevented on the date of the election by the taxpayer under section 455 (a) or section 455 (b), as the case may be, or within two years from such date by any provision of law (other than section 455 and other than section 3761, relating to compromises) or by any rule of law, including the doctrine of res judicata, an adjustment under section 455 (c) shall nevertheless be made if with respect to the taxable year for which such adjustment is sought a notice of deficiency is mailed or a claim for refund is filed, as the case may be, within two years after the date such election was made. Section 455 (c) applies only if at the time of filing of a claim for refund or the mailing of the notice of the deficiency the adjustment would otherwise be prevented by the running of the statute of limitations, by the execution of a closing agreement, by the operation of the rule of res judicata, or because of other reasons. For reference to provisions which would prevent adjustment except for the provisions of section 455 (c), see § 29.3801 (b)–0 of Regulations 111. Section 455 (c) is not applicable if, on the date of the filing of the claim for refund or the mailing of the notice of deficiency, adjustment of the tax liability is permissible without recourse to such section.

(b) The amount of the adjustment authorized by section 455 (c) is limited to the increase or decrease in the tax imposed previously determined for the taxable year which results solely from the revision of the excess profits tax liability effectuated by section 455 (a) or section 455 (b), as the case may be, and the collateral effects of such revision upon items of income, deductions, credits, average base period net income, etc., already taken into account in ascertaining the tax previously determined. The tax previously determined shall be ascertained in accordance with section 452 (d). If the amount of the adjustment determined under section 455 (c) represents an increase in tax, it is to be treated in the same manner, and assessed and collected as if it were a deficiency for the taxable year; if the amount of the adjustment represents a decrease in tax, it is to be treated, credited, or refunded, in the same manner as if it were an overpayment for the taxable year. In either case the increase or decrease shall be treated as if on the date of the election pursuant to section 455 (a) or section 455 (b), as the case may be, two years remain before the expiration of the period of limitation upon assessment or the filing of a claim for refund for the taxable year. The amount of the adjustment considered as a deficiency or as an overpayment, as the case may be, will bear interest to the extent provided by the internal revenue laws applicable to deficiencies and overpayments for the taxable year for which the adjustment is made.

(c) The amount of any adjustment under section 455 (c) to be collected in the same manner as if it were a deficiency and the amount of any adjustment to be refunded or credited in the same manner as if it were an overpayment, as the case may be, shall not be diminished by any credit or set-off based upon any item, inclusion, deduction, credit, exemption or gain or loss other than one resulting from the effect of section 455 (a) or section 455 (b), as the case may be.

(d) The amount of any adjustment under the provisions of section 455 (c) which is refunded may not subsequently be recovered in a suit for erroneous refund based upon any adjustment other than one resulting from the revision of excess profits tax liability occasioned by the recomputation of tax pursuant to an election under section 455 (a) or section 455 (b), as the case may be. The amount of any adjustment under section 455 (c) which is assessed and collected as a deficiency may not thereafter be recovered by the taxpayer in any suit for refund based upon any adjustment other than one resulting from the revision of excess profits tax liability occasioned by the recomputation of tax pursuant to an election under section 455 (a) or section 455 (b), as the case may be.

SEC. 456. ABNORMALITIES IN INCOME IN TAXABLE PERIOD.

(a) *Definitions.* For the purposes of this section—

(1) *Abnormal income.* The term "abnormal income" means income of any class described in paragraph (2) includible in the gross income of the taxpayer for any taxable year under this subchapter if it is abnormal for the taxpayer to derive income of such class, or, if the taxpayer normally derives income of such class but the amount of such income of such class includible in the gross income of the taxable year is in excess of 115 per centum of the average amount of the gross income of the same class for the four previous taxable years, or, if the taxpayer was not in existence for four previous taxable years, the taxable years during which the taxpayer was in existence.

(2) *Separate classes of income.* Each of the following subparagraphs shall be held to describe a separate class of income:

(A) Income arising out of a claim, award, judgment, or decree, or interest on any of the foregoing; or

(B) Income resulting from exploration, discovery, or prospecting, or any combination of the foregoing, extending over a period of more than 12 months; or

(C) Income from the sale of patents, formulae, or processes, or any combination of the foregoing, developed over a period of more than 12 months; or

(D) Income includible in gross income for the taxable year rather than for a different taxable year by reason of a change in the taxpayer's method of accounting.

All the income which is classifiable in more than one of such subparagraphs shall be classified under the one which the taxpayer irrevocably elects. The classification of income of any class not described in subparagraphs (A) to (D), inclusive, shall be subject to regulations prescribed by the Secretary.

(3) *Net abnormal income.* The term "net abnormal income" means the amount of the abnormal income less, under regulations prescribed by the Secretary, (A) 115 per centum of the average amount of the gross income of the same class determined under paragraph (1), and (B) an amount which bears the same ratio to the amount of any costs or deductions relating to such abnormal income, allowable in determining the normal-tax net income for the taxable year, as the excess of the amount of such abnormal income over 115 per centum of such average amount bears to the amount of such abnormal income.

(b) *Amount attributable to other years.* The amount of the net abnormal income that is attributable to any previous or future taxable year or years shall be determined under regulations prescribed by the Secretary. In the case of amounts otherwise attributable to future taxable years, if the taxpayer either transfers substantially all its properties or distributes any property in complete liquidation, then there shall be attributable to the first taxable year in which such transfer or distribution occurs (or if such year is previous to the taxable year in which the abnormal income is includible in gross income, to such latter taxable year) all amounts so attributable to future taxable years not included in the gross income for a previous taxable year.

(c) *Computation of tax for current taxable year.* The tax under this subchapter for the taxable year, in which the whole of such abnormal income would without regard to this section be includible, shall not exceed the sum of:

(1) The tax under this subchapter for such taxable year computed without the inclusion in gross income of the portion of the net abnormal income which is attributable to any other taxable year, and

(2) The aggregate of the increase in the tax under this subchapter for the taxable year (computed under paragraph (1)) and for each previous taxable year which would have resulted if, for each previous taxable year to which any portion of such net abnormal income is attributable, an amount equal to such portion had been included in the gross income for such previous taxable year.

(d) *Computation of tax for future taxable year.* The amount of the net abnormal income attributable to any future taxable year shall, for the purposes of this subchapter, be included in the gross income for such taxable year.

(1) The tax under this subchapter for such future taxable year shall not exceed the sum of—

(A) The tax under this subchapter for such future taxable year computed without the inclusion in gross income of the portion of such net abnormal income which is attributable to such year; and

(B) The decrease in the tax under this subchapter for the previous taxable year in which the whole of such abnormal income would, without regard to this section, be includible which resulted by reason of the computation of such tax for such previous taxable year under the provisions of subsection (c); but the amount of such decrease shall be diminished by the aggregate of the increases in the tax under this subchapter for the future taxable year as computed under subparagraph (A) and for the taxable years intervening between such previous taxable year and such future taxable year which have resulted because of the inclusion of the portions of such net abnormal income attributable to such intervening years in the gross income for such intervening years.

(2) If, in the application of subsection (c), net abnormal income from more than one taxable year is attributable to any future taxable year, paragraph (1) of this subsection shall be applied with respect to such future taxable year in the order of the taxable years from which the net abnormal income is attributable beginning with the earliest, as if the portion of the net abnormal income from each such year was the only amount so attributable to such future taxable year, and (except in the case of the portion for the earliest previous taxable year) as if the tax under this subchapter for the future taxable year was the tax determined under paragraph (1) with respect to the portion for the next earlier previous taxable year.

(3) If in the application of paragraph (1) to any future taxable year it is determined that the decrease in tax computed under paragraph (1) (B) with respect to the net abnormal income, a portion of which is included in the gross income for the future taxable year, does not exceed the aggregate of the increases in tax computed under paragraph (1) (B) with respect to such net abnormal income, then the portions of such net abnormal income attributable to taxable years subsequent to such future taxable year shall not be included in the gross income for such subsequent taxable year. For the purpose of computing the tax under this subchapter for a taxable year subsequent to the future taxable year, the portion of net abnormal income attributable to the future taxable year shall not be included in the gross income for such future taxable year to the extent that the inclusion of such portion of net abnormal income in the gross income for such future taxable year did not result in an increase in tax for such future taxable year by reason of the provisions of paragraph (1).

(e) *Application of section.* This section shall be applied only for the purpose of computing the tax under this subchapter as provided in subsections (c) and (d), and shall have no effect upon the computation of base period net income. For the purposes of subsections (c) and (d)—

(1) Net abnormal income means the aggregate of the net abnormal income of all classes for one taxable year.

(2) Under regulations prescribed by the Secretary, the tax under this subchapter for previous taxable years shall be computed as if the portions of net abnormal income for each previous taxable year for which the tax was computed under this section were included in the gross income for the other previous taxable years to which such portions were attributable.

(3) If both subsections (c) and (d) are applicable to any current taxable year, subsection (d) shall be applied without regard to subsection (c), and subsection (c) shall be applied as if the tax under this subchapter, except for subsection (c), was the tax computed under subsection (d) and as if the gross income and the other amounts necessary to determine the adjusted excess profits net income were those amounts which would result in the tax computed under subsection (d).

§ 40.456–1 *Abnormalities in income in taxable year.* (a) Section 456 applies if abnormal income (as defined in section 456 (a)) for any excess profits tax taxable year is attributable to other taxable years. The term "abnormal income" means income of any class described in § 40.456–2 includible in the gross income of the taxpayer for any excess profits tax taxable year (1) if it is abnormal for the taxpayer to derive gross income of such class, or (2) if the taxpayer normally derives gross income of such class but the amount of such income of such class is in excess of 115 percent of the average amount of the gross income of the same class determined for the four previous taxable years or, if the taxpayer was not in existence for four previous taxable years, the taxable years during which the taxpayer was in existence. It is abnormal for a taxpayer to derive income of any class only if the taxpayer had no gross income of that class for the four previous taxable years. For the purpose of determining abnormal income under this paragraph the gross income of the class for the previous taxable years is not to be increased or decreased by any allocation under the provisions of section 456. Abnormal income is to be determined by considering classes of income, and not merely particular items.

(b) Abnormal income must be adjusted, as provided in section 456 (a) (3), in order to determine net abnormal income. Net abnormal income must then be allocated to the various items included in abnormal income. The items of net abnormal income so determined are the amounts which may be attributed to other taxable years under these regulations. Net abnormal income and the allocated amounts which are items of net abnormal income are determined in the manner provided in paragraphs (c) and (d) of this section.

(c) Net abnormal income is determined as follows:

(1) The abnormal income of each class is computed;

(2) Such abnormal income is then reduced by 115 percent of the average amount of the gross income of the same class for the four previous taxable years or, if the taxpayer was not in existence for four previous taxable years, the previous taxable years during which it was in existence;

(3) The abnormal income is further reduced by an amount which bears the same ratio to the amount of any costs or deductions relating to such abnormal income, allowable in determining the normal-tax net income for the taxable year, as the abnormal income, reduced as provided in subparagraph (2), of this paragraph, bears to the abnormal income. The amount thus determined is the net abnormal income.

(d) The items of net abnormal income are determined as follows:

(1) Each item of abnormal income is reduced, but not below zero, by an amount equal to 115 percent of the average income, if any, for the four previous taxable years, arising out of the same property as the income represented by the item;

(2) Each item of abnormal income is further reduced, but not below zero, by an amount which bears the same ratio to the amount of any costs or deductions relating to such abnormal income, allowable in determining the normal-tax net income for the taxable year, as the amount of the item of abnormal income reduced in subparagraph (1) of this paragraph, bears to the amount of the item of abnormal income;

(3) The aggregate of the items as reduced under subparagraph (1) of this paragraph and (2) is determined;

(4) Net abnormal income is allocated to each item in the proportion that the item, reduced as provided in subparagraphs (1) and (2) of this paragraph, bears to the aggregate of the items so reduced, determined in subparagraph (3) of this paragraph. The amount so allocated is an item of net abnormal income.

(c) Example: For the taxable year 1950, the A Corporation, which makes its income tax returns on the calendar year basis, has gross income of $1,000,000 from judgments. This consists of two items, one of $800,000 for a judgment against X and the other of $200,000 for a judgment against Y. Its average income of this class for the four previous taxable years was $300,000. For 1950, it has deductible expenses of $160,000 applicable to the judgment against X. There were no deductible expenses applicable to the other judgment. The $1,000,000 is abnormal income, since it is in excess of 115 percent of the average income of this class for the four previous taxable years. The items of net abnormal income represented by the judgment are determined as follows:

(1) Abnormal income		$1,000,000
(2) Less 115 percent of average income ($300,000) for the four previous taxable years		345,000
(3) Excess of (1) over (2)		655,000
(4) Less an amount bearing same ratio to $160,000 (deductions applicable to items in this class) as $655,000 bears to $1,000,000		104,800
(5) Net abnormal income		550,200
(6) Gross income on account of the judgment against X	$800,000	
(7) Less deductions applicable to such item	160,000	
(8) Amount of (6) reduced by (7)		640,000
(9) Gross income on account of the judgment against Y	$200,000	
(10) Less deductions applicable to such item	None	
(11) Amount of (9) reduced by (10)		200,000
(12) Aggregate of (8) and (11)		840,000
(13) Portion of net abnormal income allocated to the judgment against X (640,000/840,000 of $550,200)		419,200
(14) Portion of net abnormal income allocated to the judgment against Y (200,000/840,000 of $550,200)		131,000

§ 40.456–2 *Classification of income.* (a) Section 456 (a) (2) (A), (B), (C), and (D) sets forth four separate classes of income. All the income which reasonably is classifiable in more than one class shall be classified under the one which the taxpayer irrevocably elects. Such election shall be made in the manner prescribed in § 40.456–3. The classification of income for any year must be consistent with the classification made under section 456 for previous years. The classification must also be consistent with any classification made in applying section 433 (b) (9) to the taxpayer.

(b) Other income, not within a class described in subparagraphs (A)–(D) of section 456 (a) (2), to which section 456 is applicable may be grouped by the taxpayer, subject to approval by the Commissioner on the examination of the taxpayer's return, in such classes similar to those specified in subparagraphs (A)–(D) of section 456 (a) (2) as are reasonable in a business of the type which the taxpayer conducts, and as are appropriate in the light of the taxpayer's business experience and accounting practice.

§ 40.456–3 *Amount attributable to other years.* (a) The mere fact that an item includible in gross income is of a class abnormal either in kind or in amount does not result in the exclusion of any part of such item from excess profits net income. It is necessary that the item be found attributable under the regulations in this part in whole or in part to other taxable years. Only that portion of the item which is found to be attributable to other years may be excluded from the gross income of the taxpayer for the year for which the excess profits tax is being computed.

(b) Items of net abnormal income are to be attributed to other years in the light of the events in which such items had their origin, and only in such amounts as are reasonable in the light of such events. To the extent that any items of net abnormal income in the taxable year are the result of such factors as high prices, low operating costs, increased demand, or decreased competition, such items shall not be attributed to other taxable years. Thus, no portion of an item is to be attributed to other years if such item is of a class of income which is in excess of 115 percent of the average income of the same class for the four previous taxable years solely because of an improvement in business conditions. In attributing items of net abnormal income to other years, particular attention must be paid to changes in those years in the factors which determined the amount of such income. No portion of an item of net abnormal income is to be attributed to any previous year solely by reason of an investment by the taxpayer in assets, tangible or intangible, employed in or contributing to the production of such income.

(c) Section 456 has no effect upon the computation of base period net income or of earnings and profits and therefore does not affect the computation of the excess profits credit. Similarly, it has no application in the determination of taxes other than the excess profits tax imposed by subchapter D of chapter 1 (except where the excess profits tax is applicable in the computation of other taxes). Amounts attributed to future years are to be included in gross income for such years for excess profits tax purposes only. If the taxpayer either transfers substantially all its properties or distributes any property in complete liquidation prior to the close of the last future taxable year to which any such amounts are attributable, then all amounts of net abnormal income attributable to years subsequent to both—

(1) The first taxable year in which such transfer or distribution in liquidation occurs, and

(2) The taxable year in the gross income of which such abnormal income would have been included except for section 456

shall be included in the gross income for the year referred to in (1) or the year referred to in (2), whichever is the later. For example, if a taxpayer realizes in 1951 net abnormal income attributable to the years 1950 to 1953, inclusive, and in 1952 begins to distribute its property in complete liquidation, the portion of the net abnormal income attributable to the future year 1953 is to be reallocated to and included in the gross income for 1952 (the first year of liquidation) in addition to the amount already attributed to that year. If the first distribution in liquidation occurred before the year of realization, for example, in 1950, the portions of the net abnormal income attributable to the future years 1952 and 1953 would be included in the gross income for 1951 (the year of realization) in addition to the amount already attributed to that year. In neither event will the allocation originally made to 1950 and 1951 be disturbed.

(d) A taxpayer claiming the benefits of section 456 shall file with its excess profits tax return a detailed statement in duplicate containing the following information:

(1) The amount and a description of each class of income claimed to be abnormal, and the amount and a description of each item in each such class;

(2) For each class of income claimed to be abnormal, the amount and a description of each item of income of the same class derived during the four taxable years, immediately preceding the taxable year, and the aggregate amount of such items for each taxable year;

(3) For each class of income claimed to be abnormal, the amount of net abnormal income, the amount of each item of net abnormal income, and the computations by which these amounts were determined;

(4) The transactions in which each such item had its origin, the method used in allocating such item, the amount allocated to each year, and the reasons therefor; and

(5) All other facts upon which the taxpayer relies.

If any item of income is reasonably classifiable in more than one class, the inclusion of such item in any one of such classes in the statement referred to above shall constitute an irrevocable election by the taxpayer for the purpose of section 456 (a) (2).

§ 40.456–4 *Computation of tax for current taxable year.* (a) The excess profits tax for the taxable year shall be the smaller of the following amounts:

(1) The excess profits tax computed without excluding from gross income any amounts attributable to other years under section 456, and so computed with the application of section 456 (d), relating to the tax for future taxable years to which net abnormal income is attributable, if such section is applicable to such taxable year; or

(2) The sum of (i) the excess profits tax for the taxable year computed without including in gross income the amount of items of net abnormal income attributable to other taxable years

and so computed with the application of section 456 (d) if such section is applicable, and (ii) the aggregate of the amounts of additional excess profits tax which would have resulted for the taxable year in the computations under subdivision (i) of this subparagraph and for each previous excess profits tax taxable year if there had been included in the gross income for each previous taxable year the amount of the items, if any, of the net abnormal income attributable thereto. If the excess profits tax for any previous taxable years was computed under section 456, the increases in tax under subdivision (ii) of this subparagraph shall be computed on the basis of the computations made for such previous taxable years, that is, as if the gross income for all previous taxable years included the items of net abnormal income attributable to such previous taxable years from the other previous taxable years to which section 456 applied.

(b) Since the net abnormal income attributable to any taxable year, if included in the gross income for such taxable year, would reduce items, such as the net operating loss or unused excess profits credit, for such year which are taken into account in other taxable years through a carry-over or carry-back, such inclusion in gross income may also result in an increase in tax in such other taxable years in which such loss or unused credit is taken into account in computing the net operating loss deduction or unused excess profits credit adjustment. Section 456 requires that the increase in tax for the taxable year in which such net operating loss deduction or unused excess profits credit adjustment would be affected by the attributed income must be taken into account in computing the tax under section 456. Such income shall not be included in determining the net abnormal income for the taxable year to which it is attributable. The increase in tax caused by any adjustment under section 456 is the difference between the tax computed without such adjustment and the tax computed after making such adjustment.

(c) The computations required by sections 456 (c) may be illustrated by the following examples:

Example (1). The taxpayer, on the calendar year basis, sustains a net operating loss in 1951 which forms the basis for a net operating loss deduction of $10,000 for 1952. In 1952 it has $6,000 net abnormal income, all of which is attributable to 1951. Although there would be no increase in excess profits tax for 1951 if the $6,000 net abnormal income were included in gross income for that year, the $6,000 would offset the $10,000 net operating loss for 1951. Therefore, the net operating loss deduction for 1952 would be reduced to $4,000 and the excess profits tax for 1952 would be increased to the extent caused by such reduction of the net operating loss deduction. The tax for 1952 is whichever of the following is the lesser:

(i) The tax for 1952 computed without excluding any net abnormal income from gross income, or

(ii) The tax for 1952 computed after excluding from gross income the $6,000 net abnormal income attributable to 1951, plus the increase in the tax so computed which would result if, by reason of the $6,000 being included in gross income for 1951, the net operating loss deduction available in computing excess profits net income for 1952 were only $4,000 instead of $10,000.

The taxpayer had net income and adjusted excess profits net income for 1952 after giving effect to the net operating loss deduction of $10,000. For 1953 it has $8,000 net abnormal income, all of which is attributable to 1951. The tax for 1953 is whichever of the following is the lesser:

(A) The tax for 1953 computed without excluding any net abnormal income from gross income; or

(B) The tax for 1953 computed after excluding from gross income the $8,000 net abnormal income attributable to 1951, plus the increase in the tax for 1951 and 1952 which would be caused by the reduction in the net operating loss for 1951 if the $8,000 were included in gross income for 1951 so that it offset the net operating loss sustained in that year. In making these computations for 1951 and 1952, the adjustments made for those years in applying section 456 (c) to 1952 are retained, that is, the $6,000 net abnormal income attributable to 1951 from 1952 in applying section 456 to 1952 is treated as if it remained in gross income for 1951, and the $6,000 net abnormal income attributable to 1951 from 1952 is not included in the gross income for 1952 and the net operating loss deduction for that year (prior to any adjustment caused by applying section 456 (c) to 1953) is treated as being $4,000, not $10,000.

Example (2). The taxpayer, on the calendar year basis, has $30,000 net abnormal income in 1950 attributable in the amount of $10,000 to each of the years 1951 to 1953. This $10,000 amount is therefore included in gross income for each of these years. In 1953 it has $60,000 net abnormal income, all of which is attributable to 1951. The tax for 1953 is whichever of the following is the lesser:

(i) The tax for 1953 computed under section 456 (d) without excluding any net abnormal income for 1953 from gross income; or

(ii) The tax for 1953 computed under section 456 (d) after excluding the $60,000 net abnormal income for 1953 from gross income, plus the increase in the tax for 1953 as so computed, if any, and the increase in tax, if any, for all previous taxable years which would result if the $60,000 net abnormal income were included in gross income for 1951.

(d) For any taxable year for which the excess profits tax or the increase in excess profits tax is determined under section 456 (c), excess profits net income, for purposes of section 430 (a) (2), shall include any amounts of items of net abnormal income attributable to such year under the provisions of section 456.

§ 40.456–5 *Computation of tax for future taxable years.* (a) Amounts of items of net abnormal income attributable to a future taxable year shall be included in the gross income for such future taxable year for the purposes of the excess profits tax, except that if in the application of section 456 (d) (1) to any future taxable year it is determined that the decrease in tax computed under section 456 (d) (1) (B) for the taxable year in which the net abnormal income was realized does not exceed the aggregate of the increases in tax for other taxable years with respect to such net abnormal income, as computed under section 456 (d) (1) (B), then no portion of such net abnormal income shall be included in gross income for any taxable year subsequent to such future taxable year. For example, in 1950 the taxpayer, on the calendar year basis, has $30,000 net abnormal income, of which $10,000 is attributable to each of the years 1951 to 1953. In applying section 456 (d) to 1952, it is determined that the decrease in tax for 1950 caused by the application of section 456 (c) (computed with the exclusion of the net abnormal income from gross income) does not exceed the increase in tax for 1951 caused by the inclusion in gross income of the net abnormal income attributable to that year. Therefore, the net abnormal income for 1950 attributable to 1953 shall not be included in gross income for that year.

(b) For the purpose of applying section 430 (a) (2) to a future taxable year in the income of which amounts of items of net abnormal income are includible under section 456, excess profits net income for such future taxable year shall include such amounts of items of net abnormal income so includible.

(c) If net abnormal income is included in the gross income for any future taxable year, and if the tax for such year is the amount determined under the limitations of section 456 (d) (1) with respect to such net abnormal income, then for the purpose of computing the net operating loss deduction or unused excess profits credit adjustment for any taxable year subsequent to such future taxable year the gross income for the future taxable year shall be deemed to include only such portion of the net abnormal income as, when added to the other gross income for such future taxable year, would result without the application of section 456 (d) (1) in an excess profits tax equal to the amount determined under that section.

(d) Section 456 (d) (1) provides that the excess profits tax for a future taxable year in which any portion of the net income for a previous taxable year is attributed is the smaller of the amounts determined under subparagraphs (1) and (2) of this paragraph:

(1) The excess profits tax for such year computed with the inclusion in gross income of such portion of the net abnormal income;

(2) The sum of—

(i) The excess profits tax for such year computed without the inclusion in gross income of such portion of the net abnormal income, and

(ii) The excess of—

(a) The decrease in excess profits tax for the year of realization which resulted from the exclusion of net abnormal income from the gross income for such year, over

(b) The aggregate of the increase in excess profits tax for the future taxable year (as determined under subdivision (i) of this subparagraph) and for intervening years resulting from the inclusion in the gross income for such intervening years of the other portions of such net abnormal income.

(e) If net abnormal income from more than one previous taxable year is attributed to the future taxable year, the determinations under paragraph (d) (1) and (2) of this section are to be made first with respect to the portion of net abnormal income attributed from the earliest previous taxable year, the portions of net abnormal income from the later taxable years being treated as

ordinary income for such future taxable year. The determinations under paragraph (d) (1) and (2) of this section are then to be made with respect to the portion of net abnormal income attributed from the next earliest previous taxable year, and for such purpose the excess profits tax for the future taxable year determined under paragraph (d) (1) of this section is considered the excess profits tax resulting from the determinations under paragraph (d) (1) and (2) of this section with respect to the net abnormal income attributed from the earliest previous taxable year, and the gross income referred to in paragraph (d) (2) of this section is considered that amount which would result in the tax reported under paragraph (d) (1) of this section if section 456 (d) (1) did not apply. The determinations for the other previous taxable years from which net abnormal income is attributed to the future taxable year are to be made in a similar manner in the order of such taxable years, and the amount so determined for the latest of such taxable years is the tax under section 456 (d) (1) for the future taxable year.

(f) If part of the income for a future taxable year, to which year net abnormal income of previous years is attributed, constitutes net abnormal income for such future year which is attributable to other taxable years, then the computations under section 456 (d) (1) shall be made without regard to the provisions of section 456 (c) which apply in determining the tax for such future taxable year. Section 456 (c) is applied after the tax is determined under the limitations of section 456 (d). In determining for the purpose of section 456 (d) (1) the increases and decreases in tax for previous taxable years, portions of net abnormal income for any of such previous taxable years attributable under section 456 (c) to other of such previous taxable years shall be treated as remaining in gross income in the years to which attributed.

§ 40.456–6 *Income arising out of a claim, award, judgment, or decree, or interest thereon.* (a) The first class of potentially abnormal income specifically set forth in section 456 (a) (2) is income arising out of a claim, award, judgment, or decree, or interest thereon. All items of such income are of the same class. Therefore, in determining whether income arising out of a judgment, for example, is abnormal either in kind or in amount, account must be taken not only of other judgment income, if any, received in preceding taxable years, but also of any income arising out of claims, awards, and decrees, and interest thereon, so received.

(b) In determining the portions of income of the class described which are attributable to other taxable years, due regard shall be given to the nature of the claim upon which the recovery is founded. Allocation will generally be made to the year or years during which occurred the exploitation, removal, or use, as the case may be, of the property right forming the subject matter of the claim, award, judgment, or decree. Thus, in the case of a judgment for infringement of a patent, the number of units produced through the use by the infringer of such patent in the respective years involved shall constitute a proper basis of allocation. Similarly, if the removal of minerals forms the basis of the recovery, the units removed in the respective years shall constitute a proper basis of allocation. The income arising from awards of a war claims commission, to the extent they constitute compensation for past losses, shall be attributed to the years during which such losses occurred. Interest shall be attributed to the years for which it was allowed.

(c) Example: (1) Based upon encroachment by the Y Corporation upon mineral property, the X Corporation in 1952 obtains judgment for and payment of $350,000. The X Corporation has not in any prior year derived income from any like source; nor are there any expenses involved in obtaining the judgment which are deductible for 1952. This amount, therefore, represents the net abnormal income, and is the only item included therein. As the judgment is based upon $1 per ton for ore removed in each year, the amount received is allocated as follows:

Year	Tonnage	Income attributed
1951	150,000	$150,000
1952	200,000	200,000
Total		350,000

There was no net operating loss deduction or unused excess profits credit adjustment in 1951 or 1952. For the purposes of the computation of the excess profits tax there shall be included in gross income for the year 1952 the amount of $200,000. The amount of $150,000 allocated to 1951 affects the total 1952 excess profits tax as explained below.

(2) The excess profits tax for the year 1952 shall be determined as follows:

(i) An excess profits tax for 1952 shall be computed without regard to section 456, that is, by including in gross income the item of $350,000, and

(ii) A partial excess profits tax for 1952 shall be computed on the net income arrived at by including in gross income only $200,000 of the item of $350,000, and to the partial tax so computed there shall be added the increase in the excess profits tax which would result from the inclusion in gross income for the year 1951 of $150,000 of the item of $350,000.

The excess profits tax for 1952 is either (i) or (ii), whichever is the lesser.

(3) To arrive at the increase in the excess profits taxes for 1951 which would result from the inclusion in the gross income for such year of $150,000 of the item of $350,000, the excess profits tax shall (but only for the purpose of determining the 1952 excess profits tax liability) be computed first by including the item of $150,000 in the gross income, and second by excluding such amount from the gross income. The excess of the amount obtained as the result of the first computation over the amount obtained as the result of the second computation represents such increase.

(4) If in the above example, in addition to the principal amount, interest had been added to the judgment, such interest would be also properly allocable as between 1952 and 1951 in accordance with the method sanctioned by the court in settling the amount of such interest. If the portion of the total interest attributable to the respective years cannot be ascertained from the judgment, such interest may be allocated among such years, upon the basis of the respective portions of the principal amount attributable to such years, giving effect to the period of time each portion remained unpaid.

§ 40.456–7 *Exploration, discovery, prospecting.* The second class of potentially abnormal income specifically set forth in section 456 (a) (2) is income resulting from exploration, discovery, or prospecting, or any combination thereof, extending over a period of more than 12 months. The exploration, discovery, or prospecting, must be that of the taxpayer. Income resulting from activities of such a character carried on by a predecessor is not entitled to the treatment provided in section 456, except as otherwise provided in section 462 (m).

§ 40.456–8 *Sale of patents, formulas or processes.* The third class of potentially abnormal income specifically set forth in section 456 (a) (2) is income resulting from the sale of patents, formulas, or processes or any combination thereof. The class also includes income resulting from the disposition of such property in an exchange upon which gain is recognized for the purpose of chapter 1.

§ 40.456–9 *Change in method of accounting.* The fourth class of potentially abnormal income specifically set forth in section 456 (a) (2) is income which is includible in gross income for the taxable year rather than for a different taxable year by reason of a change in the taxpayer's method of accounting. This class may include such items of income as are includible in gross income for the taxable year by reason of a change from the installment method to the straight accrual method of accounting, a change in inventory method, or a change from the reserve method to the specific charge-off method for the treatment of bad debts. Items of net abnormal income includible in gross income for the taxable year rather than for a different taxable year by reason of a change from the installment method to the straight accrual method of accounting shall be attributed to the year or years such items accrued. The method of allocating items of net abnormal income includible in gross income for the taxable year rather than for a different year by reason of other changes in accounting method is to be determined in each particular case upon consideration of all the facts in the case. See § 40.456–3 as to the statement required to be filed where the benefits of section 456 are claimed.

SEC. 457. CORPORATIONS COMPLETING CONTRACTS UNDER MERCHANT MARINE ACT.

(a) If the Federal Maritime Board certifies to the Secretary that the taxpayer has completed within the taxable year any contracts or subcontracts which are subject to the provisions of section 505 (b) of the Merchant Marine Act of 1936, as amended, then the tax imposed by this subchapter for such taxable year shall be, in lieu of a tax computed under section 430, a tax computed under subsection (b) of this section, if, and only if, the tax computed under subsection (b) is less than the tax computed under section 430.

(b) The tax computed under this subsection shall be the excess of—

(1) A tentative tax computed under section 430 with the normal-tax net income increased by the amount of any payments made, or to be made, to the Federal Maritime Board with respect to such contracts or subcontracts; over

(2) The amount of such payments.

§ 40.457–1 *Corporations completing contracts under Merchant Marine Act of 1936.* (a) Section 457 provides for an alternative tax in the case of a corporation which has been certified by the Federal Maritime Board (hereinafter referred to as the Board) to the Commissioner as having completed within the taxable year any contracts or subcontracts subject to the provisions of section 505 (b) of the Merchant Marine Act of 1936, as amended (hereinafter referred to as section 505 (b)). Under section 505 (b) a contractor or subcontractor is required to pay to the Board the amount of profit, if any, in excess of 10 percent of the total contract prices of such contracts or subcontracts.

(b) The alternative tax is in lieu of the excess profits tax computed under section 430 but only if such alternative tax is less than the tax under such section. Such alternative tax is the excess of (1) a tentative tax computed under section 430 with the normal-tax net income (used in computing excess profits net income) increased by the amount of any payments made, or to be made, to the Board with respect to contracts or subcontracts the completion of which during the taxable year has been certified to the Commissioner by the Board, over (2) the amount of such payments. If the excess profits tax is computed for a taxable year of less than 12 months, the tentative tax shall be the excess profits tax for such taxable year computed under section 433 (a) (2) except that for such purpose the normal-tax net income used in computing excess profits net income shall be increased by the amount of any payments made, or to be made, to the Board with respect to contracts or subcontracts subject to the provisions of section 505 (b).

(c) For the purposes of section 457, a certificate by the Board that the vessel or portion thereof covered by the contract or subcontract has been delivered subject to the provisions of section 505 (b) during the taxable year shall be deemed to be the certificate required by such section.

(d) A corporation claiming the benefit of section 457 shall attach to its excess profits tax return (1) a certificate of the Board showing each contract or subcontract subject to the provisions of section 505 (b) which the corporation has completed within the taxable year and (2) a statement showing the amount of payments made or to be made to the Board with respect to such contracts and subcontracts. If the amount of the payments made, or to be made, to the Board with respect to such contracts or subcontracts has not been ascertained at the time of filing the excess profits tax return, the corporation may estimate the amount of such payments for the purposes of section 457. In such cases, the Commissioner may require a bond from the corporation as a condition precedent to the computation of the tax under that section. If such a bond is required, it shall be on the form prescribed by the Commissioner and in such sum as the Commissioner may prescribe, and it shall be conditioned upon the payment by the corporation of any amount of tax found due upon redetermination of the tax made necessary by the estimated amount under section 457 (b) (2) proving incorrect, and upon such further conditions as the Commissioner may require. The bond shall be executed by the corporation as principal and by sureties satisfactory to the Commissioner. (See also section 1126 of the Revenue Act of 1926, as amended, paragraph 63 of the Appendix to Regulations 111 (Part 29 of this chapter).)

(e) If the amount actually paid, or to be paid, to the Board under section 505 (b) differs from the amount used in determining the tax under section 457, the corporation shall immediately notify the Commissioner of the amount actually paid, or to be paid, with respect to the particular contract. The Commissioner will thereupon redetermine the amount of the excess profits tax under section 457, and the amount of tax, if any, found to be due upon such redetermination shall be paid by the corporation upon notice and demand from the collector. The amount of tax, if any, shown upon redetermination to have been overpaid shall be credited or refunded to the taxpayer in accordance with the provisions of section 322.

SEC. 458. HISTORICAL INVESTED CAPITAL.

(a) *Definition of historical invested capital.* For the purposes of this subchapter the historical invested capital for any taxable year shall be the average invested capital for such year, determined under subsection (b). (For computation of invested capital in case of foreign corporations and corporations entitled to the benefits of section 251, see section 436 (b).)

(b) *Average invested capital.* The average invested capital for any taxable year shall be the aggregate of the daily invested capital for each day of such taxable year, divided by the number of days in such taxable year.

(c) *Daily invested capital.* The daily invested capital for any day of the taxable year shall be the sum of the equity invested capital for such day plus 75 per centum of the daily borrowed capital for such day determined under section 439 (b).

(d) *Equity invested capital.* The equity invested capital for any day of any taxable year shall be determined as of the beginning of such day and shall be the sum of the following amounts, reduced as provided in subsection (e)—

(1) *Money paid in.* Money previously paid in for stock, or as paid-in surplus, or as a contribution to capital;

(2) *Property paid in.* Property (other than money) previously paid in (regardless of the time paid in) for stock, or as paid-in surplus, or as a contribution to capital. Such property shall be included in an amount equal to its basis (unadjusted) for determining loss upon sale or exchange. If the property was disposed of before such taxable year, such basis shall be determined under the law applicable to the year of disposition, but without regard to the value of the property as of March 1, 1913. If the property was disposed of before March 1, 1913, its basis shall be considered to be its fair market value at the time paid in. If the unadjusted basis of the property is a substituted basis, such basis shall be adjusted, with respect to the period before the property was paid in, by an amount equal to the adjustments proper under section 115 (l) for determining earnings and profits. For the purposes of this section the fair value of additions and betterments made by the lessee to the physical properties of a lessor railroad corporation which have become the property of the lessor corporation by rejection of its lease (and fair value being determined as of the date such additions and betterments became the property of the lessor) shall be considered as a contribution to capital; and where the value of such improvements cannot be accurately determined by the old records thereof, because lost, incomplete, or inaccurate, the value of such improvements determined by the Interstate Commerce Commission for rate-making purposes shall be used in lieu of such fair value.

(3) *Distributions in stock.* Distributions in stock—

(A) Made prior to such taxable year to the extent to which they are considered distributions of earnings and profits; and

(B) Previously made during such taxable year to the extent to which they are considered distributions of earnings and profits other than earnings and profits of such taxable year;

(4) *Earnings and profits at beginning of year.* The accumulated earnings and profits as of the beginning of such taxable year;

(5) *Deficit in earnings and profits of another corporation.* In the case of a transferee, as defined in subsection (f) (4), an amount, determined under such paragraph, equal to the portion of the deficit in earnings and profits of a transferor attributable to property received previously to such day.

(e) *Reduction in equity invested capital.* The amount by which the equity invested capital for any day shall be reduced as provided in subsection (d) shall be the sum of the following amounts—

(1) *Distributions in previous years.* Distributions made prior to such taxable year which were not out of accumulated earnings and profits;

(2) *Distributions during the year.* Distributions previously made during such taxable year which are not out of the earnings and profits of such taxable year;

(3) *Earnings and profits of another corporation.* The earnings and profits of another corporation which previously at any time were included in accumulated earnings and profits by reason of a transaction described in section 112 (b) to (e), both inclusive, or in the corresponding provision of a prior revenue law, or by reason of the transfer by such other corporation to the taxpayer of property the basis of which in the hands of the taxpayer is or was determined with reference to its basis in the hands of such other corporation, or would have been so determined if the property had been other than money; and

(4) *Deficit in earnings and profits transferred to another corporation.* In the case of a transferor, as defined in subsection (f) (4), an amount, determined under such paragraph, equal to the portion of the deficit in earnings and profits of the transferor attributable to property transferred previously to such day.

(f) *Rules for application of subsections (d) and (e)—(1) Distributions to shareholders.* The term "distribution" means a

distribution by a corporation to its shareholders, and the term "distribution in stock" means a distribution by a corporation in its stock or rights to acquire its stock. To the extent that a distribution in stock is not considered a distribution of earnings and profits it shall not be considered a distribution. A distribution in stock shall not be regarded as money or property paid in for stock, or as paid-in surplus, or as a contribution to capital.

(2) *Distributions in first sixty days of taxable year.* In the application of such subsections so much of the distributions (taken in the order of time) made during the first sixty days thereof as does not exceed the accumulated earnings and profits as of the beginning thereof (computed without regard to this paragraph) shall be considered to have been made on the last day of the preceding taxable year. This paragraph shall not apply with respect to distributions made during the first sixty days of the taxpayer's first taxable year under this subchapter.

(3) *Computation of earnings and profits of taxable year.* For the purposes of subsections (d) (3) (B) and (e) (2) in determining whether a distribution is out of the earnings and profits of any taxable year, such earnings and profits shall be computed as of the close of such taxable year without diminution by reason of any distribution made during such taxable year or by reason of the tax under this subchapter or chapter 1 for such year and the determination shall be made without regard to the amount of earnings and profits at the time the distribution was made.

(4) *Deficit in earnings and profits—Earnings and profits of transferor and transferee.* If a corporation (hereinafter called "transferor") transfers substantially all its property to another corporation formed to acquire such property (hereinafter called "transferee"), if—

(A) The sole consideration for the transfer of such property is the transfer to the transferor or its shareholders of all the stock of all classes (except qualifying shares) of the transferee. (In determining whether the transfer is solely for stock, the assumption by the transferee of a liability of the transferor or the fact that the property acquired is subject to a liability shall be disregarded);

(B) The basis of the property, in the hands of the transferee, for the purposes of this subsection, is determined by reference to the basis of the property in the hands of the transferor;

(C) The transferor is forthwith completely liquidated in pursuance of the plan under which the acquisition of the property is made; and

(D) Immediately after the liquidation the shareholders of the transferor own all such stock;

for the purposes of this subchapter, in computing the equity invested capital for any day after the date of the acquisition of the property, the earnings and profits or deficit in earnings and profits of the transferee and the transferor shall be computed as if, immediately before the beginning of the taxable year in which such transfer occurs, the transferee had been in existence and sustained a recognized loss, and the transferor had realized a recognized gain, equal to the portion of the deficit in earnings and profits of the transferor attributable to such property.

(g) For special rules affecting computation of property paid in for stock in connection with certain exchanges and liquidations, see part III.

(h) The reserves of an insurance company shall not be included in computing equity invested capital under this section but shall be treated as daily borrowed capital as provided in section 439.

§ 40.458–1 *Historical invested capital method of determining invested capital—*(a) *In general.* A taxpayer computing its excess profits credit upon the basis of invested capital may, if it elects as provided by section 437 (b) (1), compute its invested capital under the so-called "historical invested capital" method. See § 40.437–2 for rules regarding election under section 437 (b) (1) and its effect. A foreign corporation and a corporation entitled to the benefits of section 251 may not compute invested capital under the historical invested capital method. See section 434 (b) and section 436 (b).

(b) *Determination of historical invested capital.* (1) Section 458 (a) defines "historical invested capital" as the "average invested capital" determined under section 458 (b). The "average invested capital" for any taxable year is defined by section 458 (b) as the aggregate of the "daily invested capital" for each day of such taxable year divided by the number of days in such taxable year. The "daily invested capital" for any day of the taxable year is defined by section 458 (c) as the sum of the "equity invested capital" for such day determined under section 458 (d), plus 75 percent of the "daily borrowed capital" for such day determined under section 439 (b). The historical invested capital shall in no event be an amount which is less than zero.

(2) The daily invested capital for any day is the sum of the equity invested capital for such day, determined under section 458 (d)–(h) (whether such equity invested capital be a positive amount or a negative amount), and 75 percent of the daily borrowed capital for such day, determined under section 439 (b). The daily invested capital of a transferee upon an exchange, as defined in section 471 (a), for any day after such exchange shall be reduced by the amount of any excess computed under the provisions of section 471 (c). If the amount of the equity invested capital determined under section 458 (d)–(h) is a negative amount and is not offset by borrowed invested capital, or if the amount of the reduction under section 471 (c) in daily invested capital is larger than the amount of such daily invested capital computed without regard to such reduction, the daily invested capital will be a negative amount.

(3) If, during the taxable year, a corporation is not involved in a tax-free liquidation and neither receives new capital, whether paid in or borrowed, nor makes any distribution other than out of earnings and profits of the taxable year, nor retires indebtedness of the character includible in borrowed capital, its average invested capital for the taxable year is an amount equal to its daily invested capital for the first day of the taxable year.

(4) In cases where the changes in invested capital are not numerous during the taxable year, the determination of the average invested capital may generally be simplified by taking the invested capital as of the first day of the taxable year and adding thereto such portion of each addition made during the year as the number of days remaining in the taxable year after such addition bears to the total number of days in the taxable year, and subtracting such portion of each reduction of capital as the number of days after such reduction bears to the total number of days in the taxable year. A simple method for determining average invested capital is illustrated by the following example:

Example. The daily invested capital of the X Corporation, which files its income tax returns on the calendar year basis, is $500,000 on January 1, 1951. The only changes in invested capital during the taxable year 1951 are as follows:

(a) On April 1, 1951, money amounting to $100,000 is paid in for stock.

(b) On October 1, 1951, a capital distribution is made amounting to $200,000.

Aggregate invested capital from Jan. 1 to Apr. 1, inclusive (91 days), $500,000×91	$45,500,000 00
Aggregate invested capital from Apr. 2 to Oct. 1, inclusive (183 days) ($500,000 plus $100,000)×183	109,800,000 00
Aggregate invested capital from Oct. 2 to Dec. 31, inclusive (91 days) ($600,000 minus $200,000)×91	36,400,000 00
Aggregate invested capital for 1951	191,700,000 00
Average invested capital for 1951 ($191,700,000 divided by 365, number of days in taxable year)	525,205 48

§ 40.458–2 *Determination of equity invested capital; money and property paid in.* The equity invested capital for any day is determined as of the beginning of such day. The basis or starting point is found in the amount of money and property previously paid in for stock, or as paid-in surplus, or as a contribution to capital. The terms "money paid in" and "property paid in" do not include amounts received as premiums by an insurance company subject to taxation under section 204. For the purpose of determining equity invested capital, the amount of any property paid in is the unadjusted basis to the taxpayer for determining loss upon a sale or exchange under the law applicable to the taxable year for which the invested capital is being computed. If the property was disposed of after February 28, 1913, and before such taxable year, such unadjusted basis shall be determined under the law applicable to the year of disposition, but without regard to the value of the property as of March 1, 1913; if the property was disposed of before March 1, 1913, its unadjusted basis shall be considered to be its fair market value at the time paid in.

(b) If the basis to the taxpayer is cost and stock was issued for the property, the cost is the fair market value of such stock at the time of its issuance. If the stock had no established market value at the time of the exchange, the fair market value of the assets of the company at that time should be determined and the liabilities deducted. The resulting net worth will be deemed to represent the total value of the outstanding stock. In determining net worth for the purpose of fixing the fair market value of the stock at the time of the exchange, the property paid in for such stock shall be included in the assets at its fair market value at that time.

(c) If stock having no established market value is issued for intangible property, and it is necessary to determine the fair market value of such property, the following factors, among others, may be taken into consideration in determining such value: (1) The earnings attributable to such intangible assets while in the hands of the predecessor owner; and (2) any cash offers for the purchase of the business, including the intangible property, at or about the time of its acquisition. A corporation claiming a value for intangible property paid in for stock should file with its return a full statement of the facts relating to such valuation.

(d) If the property was acquired after December 31, 1920, by a corporation from a shareholder as paid-in surplus or from any person as a contribution to capital, then the basis shall be the same as it would be in the hands of the transferor if the transfer had not been made. (See section 113 (a) (8).) If so acquired prior to January 1, 1921, the basis is the fair market value of the property at the time it was paid in. Where the basis is the transferor's basis, those adjustments shall be made to such basis with respect to the period before the property was paid in as are proper under section 115 (l) for determining earnings and profits. Thus, if A paid into a corporation in 1930 as paid-in surplus certain improved real estate purchased by him in 1920 for $20 000, with respect to which depreciation was allowed for the period held by him in amounts aggregating $6,000 (the full amount allowable), A's basis of $20,000 shall be reduced by $6,000 for the purpose of computing the invested capital of the corporation.

(e) The fact that the money or property paid in has been lost, destroyed, or otherwise disposed of shall not reduce the invested capital, except as such facts are reflected in the earnings and profits as of the beginning of the taxable year.

(f) As to determination of amount of property paid in for stock in connection with certain exchanges, see section 471 (b). See section 472 for rules for the elimination of duplication in invested capital as between two or more corporations.

(g) The fair value of additions and betterments made by the lessee to the physical properties of a lessor railroad corporation which have become the property of the lessor corporation by reason of its lease (such fair value being determined as of the date such additions and betterments became the property of the lessor) shall be considered as a contribution to capital; and where the value of such improvements cannot be accurately determined by the old records thereof, because lost, incomplete, or inaccurate, the value of such improvements determined by the Interstate Commerce Commission for rate-making purposes shall be used in lieu of such fair value.

§ 40.458–3 *Determination of equity invested capital; distributions in stock.* A distribution made prior to the taxable year by a corporation in its stock, or in rights to acquire its stock, to the extent to which it constitutes a distribution of earnings and profits of the corporation, constitutes an item of equity invested capital. Such a distribution made during the taxable year out of earnings and profits other than out of the earnings and profits of that year is also an item of equity invested capital. If a stock dividend is paid out of capital and not out of earnings and profits, or is of such a character as not to be subject to tax in the hands of a distributee because exempt as a stock dividend either by statute or otherwise, it is not deemed to constitute a distribution and does not reduce the earnings and profits account. See section 115 (h).

§ 40.458–4 *Determination of equity invested capital; accumulated earnings and profits—*(a) *In general.* (1) The term "accumulated earnings and profits" is not defined in the Internal Revenue Code. See, however, section 115 and the regulations prescribed thereunder as to the effect of certain transactions on earnings and profits, and § 40.458–5 as to the effect of the declaration and distribution of dividends. In general, the concept of "accumulated earnings and profits" for the purpose of the excess profits tax is the same as for the purpose of the income tax. In computing accumulated earnings and profits as of the beginning of the taxable year, a taxpayer keeping its books and making its income tax returns on the accrual basis shall subtract the income and excess profits taxes for the preceding taxable year. If there is a deficit in the accumulated earnings and profits as of the beginning of the taxable year, such deficit shall not be taken into account in determining invested capital, and in such cases the earnings and profits as of the beginning of the taxable year shall be considered as zero, but subsequent earnings and profits shall be applied against such deficit. Unrealized appreciation in value of property is not a factor in determining earnings and profits.

(2) If the earnings and profits of another corporation have been included in the earnings and profits of the taxpayer by virtue of a transaction of the character referred to in section 458 (e) (3), for the purpose of computing the equity invested capital of the taxpayer for each day after the day of such transaction there shall be included in the accumulated earnings and profits of the taxpayer as of the beginning of its taxable year in which such transaction occurred the proportionate part of any earnings and profits of the other corporation accumulated prior to the beginning of such taxable year and properly allocable to the taxpayer; and there shall be included in the current earnings and profits of the taxpayer for such taxable year the proportionate part of any earnings and profits of such other corporation accumulated after the beginning of such taxable year and properly allocable to the taxpayer. The amount so included in the earnings and profits of the taxpayer as of the beginning of its taxable year in which the transaction occurred or in its current earnings and profits for such year shall not exceed such proportionate part of the earnings and profits of such other corporation accumulated as of the day on which such transaction occurred.

(3) If the transaction which resulted in the transfer to the taxpayer of the earnings and profits of another corporation constitutes an intercorporate liquidation subject to the provisions of section 472, the rule of the subparagraph (2) of this paragraph shall apply only with respect to that portion of such earnings and profits attributable to the stock of such other corporation held by the taxpayer with a basis determined under section 472 to be a basis other than cost. Section 472 (d) (1) provides for the adjustment appropriate with respect to the earnings and profits of such other corporation taken over in the liquidation attributable to the stock of such other corporation held by the taxpayer with a basis determined to be a cost basis.

(b) *Current earnings and profits.* (1) Earnings and profits of any taxable year cannot be included in the computation of invested capital for that year. If a dividend is declared and paid during any year out of the earnings and profits of that year and the stockholders pay back into the corporation all or a substantial part of the amount of such dividends, the amount so paid back cannot be included in the computation of invested capital for that year unless the corporation shows by evidence satisfactory to the Commissioner that the dividends were paid in good faith and without any understanding, express or implied, that they were to be paid back.

(2) In any case in which the earnings and profits of another corporation are included in the accumulated earnings and profits of the taxpayer by reason of a transaction of the character referred to in section 458 (e) (3), the proportionate part of any such earnings and profits accumulated after the beginning of the taxable year of the taxpayer in which such transaction occurred and allocable to the taxpayer, but in an amount not to exceed the proportionate part of the earnings and profits of such other corporation accumulated as of the day of such transaction, shall be considered to be current earnings of the taxpayer for such taxable year.

(3) The earnings and profits for the taxable year in which an intercorporate liquidation has occurred subject to the provisions of section 472 shall be increased or decreased, as the case may be, by the plus adjustment or the minus adjustment computed under section 472 (b) with respect to the stock of the liquidated corporation held by the taxpayer with a basis determined under section 472 to be a cost basis. See section 472 (d) (1).

§ 40.458–5 *Determination of equity invested capital; reductions by distributions.* (a) The amount of the equity invested capital for any day as partially determined by taking the aggregate of the sums described in section 458 (d) shall be reduced by the amount of the distributions made in prior taxable years which were not out of accumulated earnings and profits plus the amount of the distributions previously made during the taxable year which

were not out of the earnings or profits of such year. In determining whether a distribution is out of the earnings and profits of any taxable year, such earnings and profits shall be computed as of the close of such taxable year without diminution by reason of any distribution made during such taxable year or by reason of any income or excess profits tax imposed for such taxable year and without regard to the amount of earnings and profits at the time the distribution was made.

(b) For example, if a corporation making a return on the calendar year basis had accumulated earnings and profits as of the beginning of the taxable year of $50,000, and earnings and profits during the taxable year (without diminution by any distributions or by any income or excess profits tax for the taxable year) of $150,000, all earned during the last six months of the taxable year, and distributed $175,000 as dividends during the taxable year, $56,000 on April 1, $70,000 on July 1, and $49,000 on October 1, six-sevenths of each distribution will be deemed to have been paid out of earnings of the taxable year and one-seventh from accumulated earnings and profits, so that accumulated earnings and profits will be reduced by $8,000 beginning April 2, by an additional $10,000 beginning July 2, and by an additional $7,000 beginning October 2.

(c) In computing accumulated earnings and profits as of the beginning of the taxable year and in determining what distributions during the taxable year are made out of the earnings and profits of such year, for the purpose of section 458 (d) and (e), distributions made during the first 60 days of any taxable year, other than the taxpayer's first taxable year ending after June 30, 1950, are deemed, to the extent they do not exceed the accumulated earnings and profits as of the beginning of the taxable year, to have been made on the last day of the preceding taxable year. In applying such rule, such distributions shall be considered in the order of time. For example, if a corporation on the calendar year basis has accumulated earnings or profits of $100,000 on January 1, 1952, and makes distributions of $75,000 on January 15, 1952, and $50,000 on February 15, 1952, the distribution of January 15, 1952, and $25,000 of the distribution of February 15, 1952, are considered as having been made on December 31, 1951.

(d) A distribution is considered to be made on the date it is payable, except that where no date is set for its payment, the distribution is considered to be made on the date when it is declared, and except that distributions payable during the first 60 days of any taxable year, other than the taxpayer's first taxable year ending after June 30, 1950, are considered to be distributions made on the last day of the preceding taxable year to the extent such distributions do not exceed the accumulated earnings and profits as of the beginning of the taxable year.

(e) The purchase by a corporation of its own stock for investment does not of itself result in a reduction of equity invested capital. But see § 40.440–1 relative to inadmissible assets. If, however, the corporation subsequently cancels such stock, equity invested capital is reduced, beginning with the day following such cancellation, by so much of the adjusted basis of such stock in the hands of the corporation as is not properly chargeable to earnings and profits of the taxable year. If stock is purchased for retirement, there is a distribution on the date of purchase of the amount paid therefor and the equity invested capital is reduced by the amount thereof not properly chargeable to earnings and profits of the taxable year.

(f) The amount of distributions by a corporation whether in bonds of such corporation, or in money or other property may exceed the amount of the equity invested capital computed without regard to such distributions. In such event, the equity invested capital of such corporation for such day shall be reduced by virtue of such distributions to a negative amount.

§ 40.458–6 *Determination of equity invested capital, reduction by earnings and profits of another corporation.* (a) Section 458 (e) (3) provides for the elimination of the duplication which occurs in the computation of the equity invested capital of the taxpayer following a transaction of the character referred to therein, as a result of which the earnings and profits of another corporation became the earnings and profits of the taxpayer.[1] The earnings and profits of such other corporation having been included at the time of the transaction in the earnings and profits of the taxpayer, they remain continuously thereafter a part of such earnings and profits account for the purpose of computing for any day after such transaction the earnings and profits, the accumulated earnings and profits at the beginning of the taxable year, and the earnings and profits of the taxable year. In addition, however, the amount of such included earnings and profits is also brought into computation of equity invested capital of the taxpayer under provisions of section 458 other than section 458 (d) (4) relating to accumulated earnings and profits as of the beginning of the taxable year. Thus, if the transaction is a reorganization to which section 113 (a) (7) is applicable, and in which the taxpayer receives all the assets of another corporation in exchange solely for its own stock, such amount has already been taken into account in property paid in for stock under section 458 (d) (2); or if the transaction is an intercorporate liquidation of another corporation involving a distribution with respect to stock of such other corporation held by the taxpayer with a basis determined under section 472 to be a basis other than cost, such amount has already been taken into account in the computation of equity invested capital of the taxpayer, as adjusted under section 472 (d) (2).

(b) To preclude this duplicate inclusion of the earnings and profits of another corporation in the invested capital of the taxpayer, section 458 (e) (3) provides, as a step in the computation of equity invested capital, for the reduction of equity invested capital otherwise computed by the amount of earnings and profits of another corporation previously at any time included in the earnings and profits of the taxpayer. This adjustment is to be made in the computation of equity invested capital for each day after the day of such transaction, regardless of whether the earnings and profits absorbed were produced during the taxable year of the taxpayer in which such transaction occurred or in a prior taxable year, and regardless of the condition of the earnings and profits account of the taxpayer immediately prior to or at any time subsequent to the date of such transaction.

§ 40.458–7 *Determination of equity invested capital; deficit in earnings and profits of transferor transferred to transferee.* (a) The determination of the amount of money or property paid in for stock or as paid-in surplus or as a contribution to capital of the transferee on account of certain tax-free exchanges is prescribed by section 471. Such amount of property paid in is computed with respect to the unadjusted basis for determining loss of the property in the hands of the transferee, adjusted for the period prior to the time the property was paid in by amounts equal to the adjustments proper under section 115 (l) for determining earnings and profits, minus, inter alia, any liability of the transferor assumed upon the exchange or to which the property received was subject. Since the unadjusted basis of the property received minus any liabilities assumed by the transferee or to which the property received was subject, will reflect the amount of any deficit incurred by the transferor, the equity invested capital of the transferee resulting from the exchange would be reduced by the amount of such deficit, although the amount of such deficit would not have reduced the equity invested capital of the transferor, prior to the exchange, below the amount of its accumulated earnings and profits.

(b) (1) In certain cases where, despite a reorganization of the transferor involving a tax-free exchange of its assets, the corporate identity of the transferor is preserved, section 458 (d) (5) provides that equity invested capital of the transferee shall be increased by that portion of the deficit in earnings and profits of the transferor attributable to the property transferred by the transferor to the transferee. Section 458 (e) (4) provides for the complementary reduction in the equity invested capital of the transferor for any day after such a transfer by the amount of the deficit in earnings and profits attributable to the property transferred.

(2) If the transferee has received substantially all, but not all, the property of the transferor upon the exchange, the deficit in earnings and profits of the transferor attributable to the property transferred shall be an amount which bears the same ratio to the total deficit in earnings and profits of the transferor as the excess of the basis of

[1] Commissioner v. Sansome, 60 Fed. (2d) 931.

the property transferred to the transferee (adjusted by amounts equal to the adjustments proper under section 115 (l) for determining earnings and profits) over the amount of any liability of the transferor assumed upon the exchange and of any liability subject to which such property was so received bears to the excess of the basis of the total assets of the transferor immediately prior to the exchange (adjusted by amounts equal to the adjustments proper under section 115 (l) for determining earnings and profits) over the amount of any liability of the transferor, and the amount of any liability subject to which such assets were held immediately prior to the transfer.

(3) The adjustments provided by section 458 (d) (5) and section 458 (e) (4) are applicable only in case a corporation (called the transferor) transfers substantially all its property to another corporation formed especially to acquire such property (called the transferee), provided that—

(i) The sole consideration for the transfer of such property is the transfer to the transferor or its shareholders of all the stock of all classes (except qualifying shares) of the transferee. In determining whether the transfer is solely for stock, the assumption by the transferee of a liability of the transferor or the fact that the property acquired was received subject to a liability shall be disregarded;

(ii) The basis of the property in the hands of the transferee is determined by reference to the basis of such property in the hands of the transferor;

(iii) The transferor is forthwith completely liquidated in pursuance of the plan under which the acquisition of the property was made; and

(iv) Immediately after such liquidation the shareholders of the transferor own all the stock of the transferee received by the transferor.

(4) The earnings and profits of the transferee for any day after the date of acquisition of the property shall be considered to have been reduced by an amount equal to the amount by which the equity invested capital was increased pursuant to section 458 (d) (5), as if immediately before the beginning of the taxable year in which such transfer occurred the transferee had been in existence and had sustained a recognized loss equal to the portion of the deficit in earnings and profits of the transferor attributable to the property acquired by the transferee. The deficit in earnings and profits of the transferor for any day after the date of transfer of the property, and prior to the liquidation, must be decreased by the amount by which the equity invested capital is decreased pursuant to section 458 (e) (4), as if immediately before the beginning of the taxable year in which the transfer occurred the transferor had realized a recognized gain equal to the portion of the deficit in earnings and profits of the transferor attributable to the property transferred to the transferee.

(5) The provisions of section 458 (d) (5), section 458 (e) (4), and section 458 (f) (4) shall apply only in the case of a tax-free exchange involving a single transferor and shall not apply to instances where two or more transferors transfer property to a transferee in a tax-free exchange.

(6) The provisions of this section may be illustrated by the following example:

Example. In 1950 Corporation A, which was organized under the laws of the State of New York, found it necessary to incorporate under the laws of Delaware. Consequently a new Corporation B was organized under the laws of Delaware, and in exchange for all its stock received the entire assets of Corporation A. Immediately after the exchange Corporation A was liquidated, and the stock of Corporation B was transferred to the shareholders of Corporation A. Immediately prior to the exchange, the equity invested capital of Corporation A, consisting of money and property previously paid in for stock, was $500,000; in addition, Corporation A had a deficit in earnings and profits of $200,000. The adjusted basis of the assets of Corporation A at the time of the exchange properly adjusted under section 115 (l) for the computation of earnings and profits, and consequently the unadjusted basis of the assets to Corporation B at such time was $300,000. The equity invested capital of Corporation B, however, as of January 1, 1951, is $500,000, since section 458 (d) (5) requires the addition of Corporation A's $200,000 deficit to the equity invested capital of Corporation B, otherwise determined. As of January 1, 1951, Corporation B is also considered to have a deficit in earnings and profits of $200,000. If in 1951 Corporation B had earned $150,000, its equity invested capital as of January 1, 1952, would be $500,000 and its deficit in earnings and profits would be $50,000 ($200,000 minus $150,000). If in 1952 Corporation B had earned $75,000, its equity invested capital as of January 1, 1953, would be $525,000 ($500,000 plus $25,000 accumulated earnings and profits ($150,000 plus $75,000, minus $200,000)). Immediately after the exchange the equity invested capital of Corporation A would be $300,000 since section 458 (e) (4) requires the reduction of Corporation A's invested capital by the amount of any deficit in earnings and profits transferred to the transferee pursuant to the provisions of section 458 (f) (4), and Corporation A's deficit in earnings and profits computed pursuant to section 458 (f) (4) would be zero ($200,000 minus $200,000).

§ 40.458–8 *Determination of equity invested capital; insurance companies.* Section 458 (h) provides that the reserves of certain insurance companies shall not be included in computing equity invested capital but shall be treated as borrowed capital as provided in section 439. Section 458 does not apply to the computation of invested capital of mutual insurance companies other than life or marine. Such mutual insurance companies compute invested capital under section 437 (b) (3) only.

PART II—EXCESS PROFITS CREDIT BASED ON INCOME IN CONNECTION WITH CERTAIN EXCHANGES

SEC. 461. DEFINITIONS.

For the purposes of this part—

(a) *Acquiring corporation.* The term "acquiring corporation" means—

(1) A corporation which has acquired—

(A) Substantially all the properties of another corporation and the whole or a part of the consideration for the transfer of such properties is the transfer to such other corporation of all the stock of all classes (except qualifying shares) of the corporation which has acquired such properties, or

(B) Substantially all the properties of another corporation and the sole consideration for the transfer of such properties is the transfer to such other corporation of voting stock of the corporation which has acquired such properties, or

(C) Before December 1, 1950, properties of another corporation solely as paid-in surplus or a contribution to capital in respect of voting stock owned by such other corporation, or

(D) Substantially all the properties of a partnership in an exchange to which section 112 (b) (5), or so much of section 112 (c) or (e) as refers to section 112 (b) (5) is applicable.

(E) Properties either from one or more corporations or from one or more partnerships or from one or more corporations and one or more partnerships, other than from a corporation exempt under section 101, in an exchange, not otherwise described in this subsection, to which section 112 (b) (4) or (5), or so much of section 112 (c) or (e) as refers to section 112 (b) (4) or (5), is applicable.

For the purpose of subparagraphs (B) and (C) in determining whether such voting stock or such paid-in surplus or contribution to capital is the sole consideration, the assumption by the acquiring corporation of a liability of the other, or the fact that property acquired is subject to a liability, shall be disregarded. Subparagraph (C) shall apply only if the corporation transferring such properties is forthwith completely liquidated in pursuance of the plan under which the acquisition is made, and the transaction of which the acquisition is a part has the effect of a statutory merger or consolidation.

(2) A corporation which has acquired property from another corporation in a transaction with respect to which gain or loss was not recognized under section 112 (b) (6);

(3) A corporation the result of a statutory merger of two or more corporations; or

(4) A corporation the result of a statutory consolidation of two or more corporations.

(b) *Component corporation.* The term "component corporation" means—

(1) In the case of a transaction described in subsection (a) (1), the corporation which transferred the assets;

(2) In the case of a transaction described in subsection (a) (2), the corporation the property of which was acquired;

(3) In the case of a statutory merger, all corporations merged, except the corporation resulting from the merger; or

(4) In the case of a statutory consolidation, all corporation's consolidated, except the corporation resulting from the consolidation; or

(5) In the case of a transaction specified in subsection (a) (1) (D), the partnership whose properties were acquired.

(6) In the case of a transaction specified in subsection (a) (1) (E), the partnerships or corporations whose properties were required.

(c) *Income of certain component corporations not included.* For the purposes of section 434, section 462, section 463, and section 464, in the case of a corporation which is a component corporation in a transaction described in subsection (a)—

(1) Except as provided in paragraphs (2), (3), and (4), for the purpose of computing, for any taxable year ending after June 30, 1950, the excess profits credit of such component corporation or of an acquiring corporation of which the acquiring corporation in such transaction is not a component, no account shall be taken of the excess profits net income, or of the average base period net income if computed under section 442, 443, 444, 445, or 446, of such component corporation for any period before the day after such transaction, and no account shall be taken of capital additions in the base period computed under section 435 (f), and net capital additions or reductions computed under sec-

tion 435 (g), of such component corporation to the extent that such computations relate to any period before such transaction.

(2) Except as provided in paragraphs (3) and (4), in case such transaction occurred in a taxable year of such component corporation ending after June 30, 1950, for the purpose of computing the excess profits credit of such component corporation for such taxable year, the amount of its average base period net income shall be limited to an amount which bears the same ratio to such average base period net income (computed without regard to this paragraph) as the number of days in such taxable year before the day after such transaction bears to the total number of days in such taxable year.

(3) Except as provided in paragraph (4), in the case of a transaction described in subsection (a) (1) (E), for the purpose of computing the excess profits credit of such component corporation or of an acquiring corporation of which the acquiring corporation in such transaction is not a component, no account shall be taken of that portion of the excess profits net income, or of the average base period net income if computed under section 442, 443, 444, 445, or 446, of such component corporation, for any period before the day after such transaction which is allocable to the acquiring corporation in such transaction under section 462 (i), and no account shall be taken of that portion of capital additions in the base period computed under section 435 (f), and net capital additions or reductions computed under section 435 (g), of such component corporation, to the extent that such computations relate to any period before such transaction, which is allocable to the acquiring corporation in such transaction under section 462 (i);

(4) In the case of a transaction described in subsection (a) (1) (E) which occurred in a taxable year of such component corporation ending after June 30, 1950, for the purpose of computing the excess profits credit of such component corporation for such taxable year, the amount of its average base period net income shall be limited to the sum of the following:

(A) An amount which bears the same ratio to such average base period net income (computed without regard to this paragraph), as the number of days in such taxable year before the day after such transaction bears to the total number of days in such taxable year; and

(B) An amount which bears the same ratio to that portion of its average base period net income as is allocable to such component corporation in such transaction under section 462 (i) (computed without regard to this paragraph), as the number of days in such taxable year after the day of such transaction bears to the total number of days in such taxable year.

For the purposes of section 462, in the case of a corporation which is a component corporation in a transaction described in subsection (a), in computing for any taxable year the average base period net income of the acquiring corporation in such transaction, no account shall be taken of the excess profits net income, or of the average base period net income, of such component corporation for any period beginning with the day after such transaction.

(d) For purposes of sections 435 (e), 442, 443, 444, 445, and 446, any taxpayer which is an acquiring corporation shall be considered to have been in existence and to have had taxable years for any period during which it or any of its component corporations was in existence, and such corporation shall be considered to have commenced business on the earliest date on which it or any of its component corporations commenced business. Except for purposes of the previous sentence, a component corporation in a transaction described in subsection (a), other than one described in subsection (a) (1) (E), shall be deemed not to have been in existence or to have commenced business prior to the day after such transaction for purposes of determining the applicability of sections 435 (e), 442, 443, 444, 445, and 446, to such corporation after such transaction. For purposes of the first sentence of this subsection, a corporation which was an acquiring corporation in a previous transaction shall be deemed to have been in existence for such period as is determined by the application of that sentence to that corporation with respect to that transaction. For purposes of this part, where sections 443 (b), 444 (c), 445 (b), and 446 (b) refer to the amount of a taxpayer's total assets as of the last day of its taxable year immediately preceding the taxpayer's first taxable year under this subchapter, such references, where appropriate, shall be taken to mean the amount of such taxpayer's total assets as of the last day of its base period.

(e) *Component corporation which was an acquiring corporation in a previous transaction.* In the case of a component corporation which was an acquiring corporation in a previous transaction, its average base period net income, for purposes of the later transaction, shall be determined under sections 435 (d), 435 (e), or 442 (c) with the application of section 462 (b), and of section 462 (c) or (d), where applicable, with respect to the previous transaction, and its average base period net income, for purposes of the later transaction, shall be determined under sections 442 (d), 443, 444, 445, or 446, with the application of sections 462 (d), (e), (f), (g), or (h), where applicable with respect to the previous transaction.

(f) *Sole proprietorship.* For the purposes of sections 461 (a) (1) (D), 461 (b) (5), and 462 (k), a business owned by a sole proprietorship shall be considered a partnership.

SEC. 462. AVERAGE BASE PERIOD NET INCOME—DETERMINATION.

(a) *In general.* In the case of a taxpayer which is an acquiring corporation, for the purposes of the determination of its average base period net income under section 435 (c), its average base period net income determined under section 435 (d) may be determined by computing its excess profits net income either with or without reference to section 462 (b), and its average base period net income under sections 435 (e) or 442 (c), subject to the rules provided in section 462 (c) or (d), may likewise be determined by computing its excess profits net income either with or without reference to section 462 (b). Its average base period net income under sections 442 (d), 443, 444, 445, and 446 shall be determined subject to the rules provided in sections 462 (d), (e), (f), (g), and (h). The excess profits net income of such acquiring corporation, computed with reference to section 462 (b), shall be the excess profits net income for each month of the acquiring corporation's base period, and for the additional period ending June 30, 1950, increased or decreased, as the case may be, by the addition or reduction resulting from including the excess profits net income for that month of all component corporations in the manner provided in subsection (b).

(b) *Method of recomputation of excess profits net income of acquiring corporation.* (1) The excess profits net income for each month in the base period of the acquiring corporation and for each month in the additional period ending June 30, 1950, shall be determined in the case of the acquiring corporation, and of any component corporation, as provided in section 435 (d) (1) without regard, however, to that part of such section which provides that in no event shall the excess profits net income of any corporation for any month be less than zero.

(2) For the purposes of this section, if the acquiring corporation was in existence, as provided in section 461 (d), at the beginning of its base period and, for any full month of such base period, either the acquiring corporation or any component corporation was not in existence, such corporation's excess profits net income for such month shall, notwithstanding the last sentence of section 435 (d) (1), be an amount equal to 1 per centum of the equity capital (as defined in section 437 (c)) of such corporation at the close of the day before the transaction described in section 461 (a) occurred, or at the close of the base period of such corporation, whichever is earlier, reduced by an amount determined under section 440 (b) (relating to ratio of inadmissible assets), by applying section 440 (b) as of the day before the transaction described in section 461 (a) occurred, or at the close of the base period of such corporation, whichever is earlier. In case either the acquiring corporation or any component corporation owned stock in any other such corporation on the first day of such owning corporation's first taxable year under this subchapter, the amounts computed under this paragraph with respect to such corporations shall be adjusted, under regulations prescribed by the Secretary, to such extent as may be necessary to prevent the excess profits net income of such corporations for the base period of the acquiring corporation from reflecting money or property having been paid in by either of such corporations to the other for stock or as paid-in surplus or as a contribution to capital, or from reflecting stock of either having been paid in for stock of the other or as paid-in surplus or as a contribution to capital. For the purposes of this paragraph, stock in either such corporation which has in the hands of the other corporation a basis determined with reference to the basis of stock previously acquired by the issuance of such other corporation's own stock shall be deemed to have been paid in for the stock of such other corporation.

(3) For every month of the acquiring corporation's base period and for each month thereafter for the period ending June 30, 1950, there shall be added to the excess profits net income of the acquiring corporation for that month, as determined under paragraphs (1) and (2), the excess profits net income of each component corporation for that month so determined. The excess profits net income of the acquiring corporation for any month, recomputed as provided in the previous sentence, shall, in no event, be less than zero.

(c) *Use by acquiring corporation of alternative average base period net income based on growth provided for in section 435 (e).* (1) In the case of a transaction described in section 461 (a), other than a transaction described in section 461 (a) (1) (E),

(A) Where, immediately prior to the date of the transaction, the acquiring corporation and all the component corporations (other than a corporation created incident to such transaction) had commenced business prior to the beginning of its base period (determined without reference to section 461 (d)) and met the requirements of section 453 (e) (1) (A) (1):

(i) The acquiring corporation shall not be denied the right to determine whether it is eligible for the benefits of section 435 (e) without reference to the recomputation of its excess profits net income provided for in section 462 (b) where the transaction occurred on or after July 1, 1950, but it shall be denied such right where the transaction occurred prior to July 1, 1950, and

(ii) The acquiring corporation shall be entitled to compute its average base period net income under section 435 (e) with reference to the recomputation of its excess profits net income provided for in section 462 (b) if the tests of section 435 (e) are satisfied. For that purpose, the acquiring corporation shall combine with its total payroll and its total gross receipts for that portion of its base period which preceded such transaction the total payroll and total gross receipts of such component corporations for that portion of such period and it shall combine with its net sales for that portion of the period prior to January 1, 1951, which preceded such transactions the net sales of such component corporations for that portion of such period. The allocation of payroll and gross receipts amounts of a component corporation to any such portion of such period shall be made in accordance with the rules provided in section 435 (e) (4) and (5). For purposes of qualifying under section 435 (e) (1) (A) (i) (relating to total assets of the taxpayer), such acquiring corporation shall combine its total assets on the date specified in section 435 (e) (1) (A) (i) with the total assets of each component corporation on such date. The Secretary shall prescribe by regulation such rules as may be necessary to insure that such combined total gross receipts do not reflect a duplication for purposes of this section;

(B) Where, immediately prior to the date of the transaction, either the acquiring corporation or one or more component corporations, had commenced business prior to the beginning of its base period (determined without reference to section 461 (d)) and met the requirements of section 435 (e) (1) (A) (1), but where either the acquiring corporation or one or more of such component corporations (other than a corporation created incident to such transaction) did not meet such requirements, the acquiring corporation shall not be entitled to compute its average base period net income under section 435 (e), regardless of the date on which the transaction occurred, or of whether or not, after the transaction, it determines its excess profits net income with reference to the recomputation provided for in section 462 (b). In any such case, where the transaction occurred on or after July 1, 1950, the monthly excess profits net income of the corporation entitled to the benefits of section 435 (e) for any month of the acquiring corporation's base period shall be, for purposes of the recomputation provided for in section 462 (b), one-twelfth of the average base period net income to which such corporation was entitled under section 435 (e).

(2) In the case of a transaction described in section 461 (a) (1) (E) which occurred after the close of the base period of the component corporation in which the component corporation, immediately prior to the date of the transaction, was entitled to the use of the alternative average base period net income based on growth provided for in section 435 (e), the acquiring corporation, if it determines its excess profits net income with reference to the recomputation provided for in section 462 (b), and the component corporation shall be entitled to compute their average base period net incomes under section 435 (e). Where the transaction occurred during the base period of the acquiring corporation, and the component corporation, immediately prior to the date of the transaction, had commenced business prior to the beginning of its base period (determined without reference to section 461 (d)) and met the requirements of section 435 (e) (1) (A) (1), the acquiring corporation, if it determines its excess profits net income with reference to the recomputation provided for in section 462 (b), and the component corporation, shall be entitled to compute their average base period net incomes under section 435 (e) provided, however, that they meet the tests of that section. For that purpose, the payroll and gross receipts of the component corporation for the period prior to the day of the transaction, determined in accordance with the rules provided in section 435 (e) (4) and (5), and the net sales of the component corporation for the period prior to the date of the transaction, shall be allocated as between the component corporation and the acquiring corporation in the same ratio as the excess profits net income of the component corporation allocated under subsection (i), and such allocated payroll, gross receipts, and net sales amounts shall be treated by the component corporation and by the acquiring corporation as the payroll, gross receipts, and net sales of the component corporation and the acquiring corporation for the period prior to the transaction. In the application of the test prescribed in section 435 (e) (1) (A) (i) (relating to total assets of the taxpayer) the component corporation and the acquiring corporation shall each be considered as having held the total assets of the component corporation as of the date applicable for purposes of section 435 (e) (1) (A) (i).

(3) Where any corporation, a party to a transaction described in section 461 (a), which had commenced business prior to the beginning of its base period (determined without reference to section 461 (d)), either was entitled at the time of the transaction to determine its average base period net income under section 435 (e) by reason of its having met the requirements of section 435 (e) (1) (B) or, where the transaction occurred prior to January 1, 1951, was furnishing at the time of the transaction a product or class of products of the type described in section 435 (e) (1) (B) (ii), the acquiring corporation shall be entitled to determine its average base period net income under section 435 (e) as provided in this subsection, substituting, for purposes of this paragraph, for the reference to the requirements of section 435 (e) (1) (A) (i), wherever it appears in paragraphs (1) and (2), a reference to the requirements stated in this paragraph, for the date July 1, 1950, wherever it appears in paragraph (1), the date January 1, 1951, and for the references, as they appear in paragraph (2), to transactions which occurred after the close of the base period of the component corporation and to transactions which occurred during the base period of the acquiring corporation, references to transactions which occurred after December 31, 1950, and to transactions which occurred prior to January 1, 1951, respectively.

(d) *Use by acquiring corporation of alternative average base period net income provided in the case of base period abnormalities in section 442.* (1) In the case of a transaction described in section 461 (a) which occurred during the base period of an acquiring corporation which commenced business (as provided in section 461 (d)) prior to the beginning of its base period, the acquiring corporation shall be entitled to determine its average base period net income under section 442 (c) or (d) if it satisfies the requirements of either such subsection and satisfies the other requirements of section 442. For purposes of section 442—

(A) In the case of such a transaction, other than a transaction described in section 461 (a) (1) (E), for purposes:

(i) Of determining excess profits net income for any month of the base period for purposes of section 442 (c) or (d), such acquiring corporation shall recompute its monthly excess profits net income as provided in section 462 (b), but without regard to the last sentence of section 462 (b) (3);

(ii) Of the computation provided in section 442 (d) (1) or (e) (1) (A) with respect to any day, the acquiring corporation shall be considered as having had the total assets of its component corporation or corporations on such day;

(iii) Of the interest adjustment provided in section 442 (d) (4) and (e) (1) (B), the acquiring corporation shall be considered as having paid or incurred the interest paid or incurred by its component corporation or corporations for that part of such periods as is referred to in those sections as preceded the date of the transaction; and

(iv) Of determining the existence of an abnormality under section 442 (a) with respect to the period prior to such transaction, the acquiring corporation shall be treated as if the component corporation's business during such period were its own; and

(B) In the case of a transaction described in section 461 (a) (1) (E), for purposes:

(i) Of determining excess profits net income for any month of the base period for purposes of section 442 (c) or (d), such acquiring corporation shall be considered as having had for that month that proportion of the excess profits net income (or deficit in excess profits net income) of the component corporation for such month which is allocable to such acquiring corporation under section 462 (i);

(ii) Of the computation referred to in subparagraph (A) (ii) of this paragraph and of the interest adjustment referred to in subparagraph (A) (iii) of this paragraph, the acquiring corporation shall be considered as having had the same portion of the items referred to in those subparagraphs as the ratio of its allocable share of the excess profits net income of the component corporation under section 462 (i) bears to the total excess profits net income of that corporation; and

(iii) Of determining the existence of an abnormality under section 442 (a) with respect to the period prior to such transaction, the acquiring corporation shall be treated as if that portion of the component corporation's business which was subsequently transferred to the acquiring corporation had been its own.

(2) In the case of a transaction described in section 461 (a) which occurred after the close of the base period of an acquiring corporation which commenced business (as provided in section 461 (d)) prior to the beginning of its base period, the acquiring corporation shall not be entitled to determine its average base period net income under section 442 except that:

(A) If all of the corporations, parties to the transaction, were, prior to the transaction, entitled to compute their average base period net incomes under section 442 (d) or under sections 442 (d), 443, 444, 445, or 446, the acquiring corporation may add an average base period net income of any such corporation computed under section 442 (d) to such other average base period net incomes for the purpose of determining its average base period net income after the transaction under the section applicable to it prior to the transaction, and

(B) If all of the corporations, parties to the transaction, were, prior to the transaction, entitled to compute their average base period net incomes under section 442 (c), if some were so entitled under section 442 (c) and the remainder under section 442 (d), or if some, but not all, were so entitled under either section 442 (c) or (d), then, for purposes of the recomputation of the excess profits net income of the acquiring corporation under section 462 (b), and for purposes of the allocation of a portion of the excess profits net income (or deficit in excess profits net income) of the component corporation to the acquiring corporation under section 462 (i) in the case of a transaction described in section 461 (a) (1) (E).

(i) In the case of an average base period net income computed under section 442 (c), the substitute excess profits net income of the corporation for any month determined under section 442 (c) (1) shall be treated as the excess profits net income of that corporation for that month; and

(ii) In the case of an average base period net income computed under section 442 (d), a figure obtained by dividing such average base period net income by 12 shall be treated as the excess profits net income of that corporation for any month of its base period.

(3) In the case of a transaction described in section 461 (a), where the acquiring corporation had not commenced business, within the meaning of section 461 (d), prior to the beginning of its base period, the acquiring corporation shall not be entitled to compute its average base period net income under section 442 in the manner provided therein or as provided in this section.

(e) *Use by acquiring corporation of alternative average base period net income provided for change in products or services in section 443.* (1) In the case of a transaction described in section 461 (a), other than a transaction described in 461 (a) (1) (E), where the acquiring corporation had commenced business, within the meaning of section 461 (d), on or before the first day of its base period, the following rules shall be applicable in determining the availability to the acquiring corporation of a right to compute its average base period net income under section 443—

(A) Except as provided in subparagraphs (B) and (D), where any corporation a party to the transaction, other than a corporation created incident to such transaction, had not commenced business, without regard to section 461 (d), on or before the first day of the acquiring corporation's base period, the acquiring corporation shall not be entitled to compute its average base period net income under section 443.

(B) In a case described in subparagraph (A) above, where the acquiring corporation, other than a corporation created incident to such transaction, and all of the component corporations were, prior to the transaction, entitled to compute their average base period net incomes under sections 442 (d), 443, 444, 445 or 446, the acquiring corporation may add an average base period net income computed under section 443 of any of the parties to the transaction to such other average base period net incomes for the purpose of determining its average base period net income after the transaction under the section applicable to it prior to the transaction.

(C) Where, at the time of the transaction, one or more of the corporations, parties to the transaction, had made a substantial change, within the meaning of section 443 (a) (1), in the products or services which it furnished, but where such corporations were not entitled at such time to compute their average base period net incomes under section 443, the acquiring corporation, if it recomputes its excess profits net income in the manner provided in section 462 (b) (but without regard to the last sentence of section 462 (b) (3)), shall be entitled to compute its average base period net income under section 443 if the requirements of that section are satisfied. For that purpose the gross income of all of the component corporations for taxable years beginning with, within, and subsequent to, the taxable year of the corporation which made the first such change in which such change was made shall be treated as having been earned by the acquiring corporation. The total assets of the component corporations as they existed on the last day of such year of the acquiring corporation which preceded the taxable year in which the transaction occurred shall be treated, for purposes of the determination of its average base period net income under section 443 for the taxable year of the transaction and for subsequent taxable years, as having been held by the acquiring corporation on such day. Interest paid or incurred by any component corporation prior to the day of the transaction shall be considered as having been paid or incurred by the acquired corporation at the time when it was paid or incurred by such component corporation. In any such case, each such change shall be treated as having been made by the acquiring corporation at the time when it was made by the corporation making the change.

(D) In the case described in subparagraph (A), where a corporation a party to the transaction commenced business during the 36-month period ending on the last day of the base period of the acquiring corporation, and the transaction occurred prior to December 1, 1950, the activities of that corporation shall be treated for purposes of section 443, and with respect to the activities of the other corporations parties to the transaction, as though they constituted a substantial change in products or services furnished, within the meaning of section 443 (a) (1), by the acquiring corporation and, for purposes of determining whether or not the acquiring corporation meets the requirements of that section, the rules prescribed in subparagraph (C) shall be applicable.

(E) Where there was a substantial change in the products or services furnished by the acquiring corporation subsequent to the date of the transaction, the acquiring corporation shall be entitled to determine its average base period net income under section 443 with respect to such change if it recomputes its excess profits net income in the manner provided in section 462 (b) (without regard to the last sentence of section 462 (b) (3)), subject to the application of the rules prescribed in subparagraph (C).

(F) Subject to the application of the above rules, an acquiring corporation shall not be deemed, for purposes of section 443, to have made a substantial change in the products or services furnished by it solely by reason of a change in such products or services resulting from the execution of a transaction described in section 461 (a).

(2) In the case of a transaction described in section 461 (a) (1) (E), the acquiring corporation shall only be entitled to compute its average base period net income under section 443 where:

(A) The component corporation was entitled to compute its average base period net income under section 443 prior to the date of the transaction, in which event such average base period net income shall be allocated as between the acquiring corporation and the component corporation in the manner provided in section 462 (i), or

(B) There was, after the date of the transaction, a substantial change in the products or services furnished by the acquiring corporation and the acquiring corporation determines its excess profits net income for each month of the base period by reference to the excess profits net income allocable to it in the manner provided in section 462 (i).

(3) In the case of a transaction described in section 461 (a), where the acquiring corporation had not commenced business, within the meaning of section 461 (d), on or before the first day of its base period, the acquiring corporations shall not be entitled to compute its average base period net income under section 443 in the manner provided therein or as provided in this section.

(f) *Use by acquiring corporation of alternative average base period net income provided in the case of increase in capacity for production or operation in section 444.* Where any corporation, a party to a transaction described in section 461 (a) which occurred after the close of the base period of the acquiring corporation, was entitled to compute its average base period net income under section 444, the acquiring corporation shall only be entitled to compute its average base period net income under such section where all of the corporations, parties to the transaction, (other than a corporation created incident to the transaction) were entitled to compute their average base period net incomes under sections 442 (d), 443, 444, 445 or 446, in which case the acquiring corporation may add an average base period net income computed under section 444, or an allocable portion thereof determined under section 462 (i), of any of the parties to the transaction to such other average base period net incomes for the purpose of determining its average base period net income after the transaction under the section applicable to it prior to the transaction. Where, in the case of a corporation entitled to compute its average base period net income under section 444, the transaction described in section 461 (a) occurred prior to the time at which any corporation a party to the transaction was entitled to compute its average base period net income under section 444, the Secretary, pursuant to regulations, shall provide for the extent to which and for the manner in which the acquiring corporation shall be entitled to compute its average base period net income under such section.

(g) *Use by acquiring corporation of alternative average base period net income provided for new corporations in section 445.* (1) In the case of a transaction described in section 461 (a) which occurred during the base period of the acquiring corporation, such acquiring corporation shall be entitled to compute its average base period net income under section 445, in the manner provided therein, if such corporation had not commenced business, within the meaning of section 461 (d), prior to the beginning of its base period and, in applying section 445, the number of taxable years since the acquiring corporation is deemed to have commenced business under section 461 (d) shall be determinative.

(2) In the case of a transaction described in section 461 (a) which occurred after the close of the base period of an acquiring corporation which had not commenced business, within the meaning of section 461 (d), prior to the beginning of its base period—

(A) Where such transaction is a transaction other than a transaction described in section 461 (a) (1) (E)—

(i) And the transaction occurred after the close of the third taxable year after the commencement of business of the component corporation or corporations and of the acquiring corporation (unless such corporation was created incident to the transaction), the commencement of business for each such corporation being determined without regard to section 461 (d), the average base period net income of the acquiring corporation after the transaction shall be determined, for purposes of section 445, in lieu of in the manner provided by section 445 (b), by adding together the average base period net incomes of the acquiring corporation and of the component corporation or corporations as determined under that section as of the first day of the fourth such taxable year of each such corporation;

(ii) And the transaction occurred prior to the close of the third taxable year after the commencement of business of either the acquiring corporation or of one or more of the component corporations, determined without regard to section 461 (d), but after the close of the third taxable year after the commencement of business of one or more of such corporations, the average base period net income of the acquiring corporation after the transaction shall be determined, for purposes of section 445, in lieu of in the manner provided by section 445 (b), by adding together the average base period net incomes determined under section 445 as of the first day of the fourth such taxable year of each such corporation in business for more than three taxable years and an average base period net income amount computed by the method specified in section 445 for each corporation not in business for three taxable years as though the day immediately prior to such transaction were the first day of such corporation's fourth such taxable year;

(iii) And the transaction occurred prior to the close of the third taxable year after the commencement of business of the acquiring corporation and of the component corporation or corporations, the average base period net income of the acquiring corporation after the transaction shall be determined, for purposes of section 445, by the method specified in section 445, and, in applying that method, the number of taxable years since the acquiring corporation is deemed to have commenced business under section 461 (d) shall be determinative;

(B) Where such transaction is a transaction described in section 461 (a) (1) (E)—

(i) And the transaction occurred after the close of the third taxable year after the commencement of business of the component corporation, the average base period net income of the acquiring corporation after the transaction shall be that portion of the average base period net income of the component corporation, determined under section 445, which is allocable to the acquiring corporation under section 462 (i);

(ii) And the transaction occurred prior to the close of the third taxable year after the commencement of business of the component corporation, the average base period net income of the acquiring corporation after the transaction shall be determined, for purposes of section 445, by the method specified in section 445 and, in applying that method, the number of taxable years since the acquiring corporation is deemed to have commenced business under section 461 (d) shall be determinative.

(3) In the case of a transaction described in section 461 (a) where the acquiring corporation had commenced business, within the meaning of section 461 (d), prior to the beginning of its base period, the acquiring corporation shall not be entitled to compute its average base period net income under section 445 in the manner provided therein or as provided in this section. In any such case, however, where the acquiring corporation (other than a corporation created incident to the transaction) and all of the component corporations were, prior to the transaction, entitled to compute their average base period net incomes under sections 442 (d), 443, 444, 445, or 446, the acquiring corporation may add an average base period net income computed under section 445 of any of the parties to the transaction to such other average base period net incomes for the purpose of determining its average base period net income after the transaction under the section applicable to it prior to the transaction.

(h) *Use by acquiring corporation of alternative average base period net income provided for depressed industries in section 446.* Where any corporation, a party to a transaction described in section 461 (a) which occurred after the close of the base period of the acquiring corporation, was entitled to compute its average base period net income under section 446, the acquiring corporation shall only be entitled to compute its average base period net income under such section where all of the corporations, parties to the transaction (other than a corporation created incident to the transaction), were entitled to compute their average base period net incomes under sections 442 (d), 443, 444, 445, or 446, in which case the acquiring corporation may add an average base period net income computed under section 446, or an allocable portion thereof determined under section 462 (i), of any of the parties to the transaction to such other average base period net incomes for the purpose of determining its average base period net income after the transaction under the section applicable to it prior to the transaction. Where, in the case of a corporation entitled to compute its average base period net income under section 446, the transaction described in section 461 (a) occurred prior to the time at which any corporation a party to the transaction was entitled to compute its average base period net income under section 446, the Secretary, pursuant to regulations, shall provide for the extent to which and for the manner in which the acquiring corporation shall be entitled to compute its average base period net income under such section.

(i) *Allocation rules in the case of transactions described in section 461 (a) (1) (E).* (1) The amount of the component corporation's excess profits net income for any month which shall be taken into account by the acquiring corporation in the computation of its excess profits net income as provided in subsection (b) shall be such portion of the component corporation's excess profits net income, or of its substitute excess profits net income if computed under section 442 (c), for such month as the fair market value of the assets transferred to the acquiring corporation bears to the fair market value of the total assets of the component corporation as they existed immediately prior to such transaction.

(2) In the case of a transaction which occurred after the close of the third taxable year after a component corporation commenced business, the amount of its average base period net income, if computed under section 445 (relating to new corporations), for such taxable year and for any taxable year thereafter which is allocable to the acquiring corporation shall be such portion of the component corporation's average base period net income computed under such section as the fair market value of the assets transferred by the component corporation to the acquiring corporation bears to the fair market value of the total assets of the component corporation as they existed immediately prior to the transaction.

(3) For the purposes of section 461 (c) (4) (B), the average base period net income allocable to the component corporation, other than in the case of an average base period net income computed under section 445 (b) (1), shall be such portion of its average base period net income computed under section 435 (c) as the fair market value of the assets not transferred in the transaction bears to the fair market value of the assets held immediately prior to such transaction.

(4) In the case of a transaction which occurred after the requirements of sections 442 (d), 443, 444, or 446 are met by the component corporation, the amount of the component corporation's average base period net income, if computed under any of such sections, for such taxable year, which is allocable to the acquiring corporation, shall be such portion of the component corporation's average base period net income computed under such section as the fair market value of the assets transferred by the component corporation to the acquiring corporation bears to the fair market value of the total assets of the component corporation as they existed immediately prior to the transaction.

(5) Pursuant to regulations prescribed by the Secretary, a determination of the fair market value of the properties and of the division thereof for the purpose of this subsection, may be made by agreement between all persons parties to the transaction, where the Secretary consents thereto. In no case shall the aggregate of the excess profits net incomes or of the average base period net incomes allocated under the above paragraphs be in excess of 100 per centum of the excess profits net income or of such average base period net income, as the case may be, of the component corporation.

(6) Pursuant to regulations prescribed by the Secretary, an allocation of excess profits net income or average base period net income for the purposes of this section may be made on the basis of the earnings experience of the assets transferred and retained in lieu of an allocation based on the fair market value of the assets if all of the parties to the transaction consent thereto and if it is established to the satisfaction of the Secretary that such an allocation fairly represents an identifiable earnings experience of each such group of assets. Except in the case of a transaction which occurred before December 1, 1950, in which the component corporation is a partnership, the aggregate of the excess profits net incomes or average base period net incomes allocated to the several parties to the transaction as provided in this paragraph shall not be in excess of 100 per centum of the excess profits net income or of the average base period net income as the case may be of the component corporation.

(7) In any case in which there is a determination of the fair market value of the properties or a determination of an allocation of excess profits net income or average base period net income based on identifiable earnings, such fair market values or excess profits net incomes or average base period net incomes so determined shall be binding upon all parties to the transactions for the excess profits tax taxable year for which determined and for all subsequent excess profits tax taxable years.

(8) Cross reference: For rules for the allocation of payroll, gross receipts, equity capital, borrowed capital, and capital additions and reductions, see sections 461 (c) (3), 462 (c), 463, and 464.

(j) (1) If, after December 31, 1945—

(A) The taxpayer acquired stock in another corporation, and thereafter such other corporation became a component corporation of the taxpayer, or

(B) A corporation (hereinafter called "first corporation") acquired stock in another corporation (hereinafter called "second corporation"), and thereafter the first and second corporations became component corporations of the taxpayer,

then to the extent that the consideration for such acquisition was not the issuance of the taxpayer's or first corporation's, as the case may be, own stock, the average base period net income of the taxpayer shall be reduced, and the transferred capital addition and reduction adjusted, in respect of the income and capital addition and reduction of the corporation whose stock was so acquired and in respect of the income and capital addition and reduction of any other corporation which at the time of such acquisition was connected directly or indirectly through stock ownership with the corporation whose stock was so acquired and which thereafter became a component corporation of the taxpayer, in such amounts and in such manner as shall be determined in accordance with regulations prescribed by the Secretary. For the purposes of this paragraph, stock which has, in the hands of the taxpayer or first corporation, as the case may be, a basis determined with reference to the basis of stock previously acquired by the issuance of the taxpayer's or first corporation's, as the case may be, own stock, shall be considered as having been acquired in consideration of the issuance of the taxpayer's or first corporation's, as the case may be, own stock.

(2) If during the taxable year for which tax is computed under this subchapter the taxpayer acquires assets in a transaction which constitutes it an acquiring corporation, the amount includible under subsection (a), attributable to such transaction, shall be limited to an amount which bears the same ratio to the amount computed without regard to this subsection as the number of days in the taxable year after such transaction bears to the total number of days in such taxable year.

(k) In the case of a partnership which is a component corporation by virtue of section 461 (b) (5) and (6), the computations required by this part shall be made, under rules and regulations prescribed by the Secretary, as if such partnership had been a corporation.

(l) In the case of a taxpayer which becomes an acquiring corporation in any taxable year ending after June 30, 1950, if, at the beginning of the first taxable year of such corporation which ends after June 30, 1950, and at all times until the taxpayer became an acquiring corporation—

(1) The taxpayer owned not less than 75 per centum of each class of stock of each of the qualified component corporations involved in the transaction in which the taxpayer became an acquiring corporation; or

(2) One of the qualified component corporations involved in the transaction owned not less than 75 per centum of each class of stock of the taxpayer, and of each of the other qualified component corporations involved in the transaction,

the average base period net income of the taxpayer shall not be less than (A) the average base period net income of that one of its qualified component corporations involved in the transaction the average base period net income of which is greatest, or (B) the average base period net income of the taxpayer computed without regard to the base period net income of any of its qualified component corporations involved in the transaction. As used in this subsection, the term "qualified component corporation" means a component corporation which was in existence and had commenced business (without regard to the provisions of section 451 (d)) on the date of the beginning of the taxpayer's base period.

(m) *Treatment of abnormalities in income in taxable period.* In the case where an acquiring corporation in a transaction described in section 431 (a) which occurred on or before December 31, 1950, receives income which, under the provisions of section 456 (relating to abnormalities in income in taxable period), would be attributable, under section 456 (b), to a taxable year of a component corporation of such acquiring corporation, which taxable year closed prior to or with the close of the base period of the acquiring corporation, for purposes of section 456, such income, and all other income of the same class, of the component corporation for such year and previous taxable years shall be treated as income of the acquiring corporation.

SEC. 463. CAPITAL CHANGES.

(a) *Taxpayer using part II of this subchapter.* For the purposes of section 435 (g), if the transaction which constitutes a taxpayer an acquiring corporation occurs in a taxable year of the taxpayer which ends after June 30, 1950, and the taxpayer's average base period net income is computed by application of this part, the following rules shall apply in computing the net capital addition and net capital reduction of such acquiring corporation after such transaction:

(1) Except with respect to a transaction described in section 461 (a) (1) (E), in the determination of the amounts of money and property paid in for stock or as paid in surplus or as a contribution to capital after the beginning of the taxable year of the acquiring corporation for the purposes of section 435 (g) (3) (A), there shall be added, as of the day after the transaction, the amounts of money and property paid in for stock or as paid in surplus or as a contribution to capital to a component corporation after the beginning of the taxable year of such component corporation and prior to the day of the transaction which constitutes such corporation a component corporation.

(2) Except with respect to a transaction described in section 461 (a) (1) (E), in the determination of the amounts of distributions to shareholders which were not out of the earnings and profits of the taxable year of the acquiring corporation for the purposes of section 435 (g) (4) (A), there shall be added, as of the day after the transaction, the amounts of distributions to shareholders of a component corporation not out of the earnings and profits of its taxable year in which such transaction occurred and prior to such day.

(3) Except with respect to a transaction described in section 461 (a) (1) (E), for the purpose of section 435 (g) (3) (B) and (g) (4) (B), for a taxable year of the acquiring corporation beginning after the date of the transaction the equity capital of the acquiring corporation at the beginning of the taxpayer's first taxable year under this subchapter shall be the aggregate of the equity capital of the acquiring corporation as of such date and the equity capital of a component corporation as of the first day of the first taxable year of such component corporation under this subchapter. This rule shall be modified pursuant to regulations prescribed by the Secretary under section 462 (j) to the extent that the transaction is subject to that subsection.

(4) Except with respect to a transaction described in section 461 (a) (1) (E), in the case of the taxable year in which the transaction occurred, for purposes of section 435 (g) (3), there shall be added as of the day of the transaction the amount, if any, by which the equity capital of a component corporation at the beginning of its taxable year in which the transaction occurred exceeds its equity capital at the beginning of its first taxable year under this subchapter, and, for purposes of section 435 (g) (4), there shall be added as of the day of the transaction the amount, if any, by which the equity capital of a component corporation at the beginning of its first taxable year under this subchapter exceeds its equity capital at the beginning of its taxable year in which the transaction occurred.

(5) Except in the case of a transaction described in section 461 (a) (1) (E), for the purposes of section 435 (g) (3) (C) and (g) (4) (C), in the computation of the daily borrowed capital of the acquiring corporation for the first day of such corporation's first taxable year under this subchapter there shall be added the daily borrowed capital of a component corporation for the first day of its first taxable year under this subchapter, and in the computation of the average borrowed capital of the acquiring corporation for its taxable year in which such transaction occurred there shall be included the daily borrowed capital of a component corporation for that part of the acquiring corporation's taxable year prior to the transaction.

(6) Except in the case of a transaction described in section 461 (a) (1) (E), for the purposes of section 435 (g) (5) (C) and (D), in the computation of the original inadmissible assets of the acquiring corporation there shall be added the original inadmissible assets of a component corporation, and in the computation of the average inadmissible assets of the acquiring corporation for the taxable year of the transaction there shall be added the daily amounts attributable to the inadmissible assets of a component corporation for that part of the acquiring corporation's taxable year prior to the date of the transaction.

(7) The Secretary shall prescribe by regulation such modification of the rules specified in this section as may be necessary to carry out the principles of such rules and the rules of section 435 (g) in cases involving intercorporate stock ownership, contributions, distributions, stock purchases, and loans between parties to a transaction described in section 461 (a), or their shareholders, prior to the date of such transaction.

(8) In the case of an acquiring corporation in a transaction described in section 461 (a) (1) (E), for the purposes of section 435 (g) (3) (B) and (g) (4) (B), so much of the equity capital of the component corporation at the beginning of its first taxable year under this subchapter shall be allocated to the acquiring corporation as is proportionate to the ratio which the equity capital transferred to the acquiring corporation in the transaction bears to the equity capital of the component corporation immediately prior to the transaction. The amount so allocated shall be deemed to be the equity capital of the taxpayer as of the first day of its first taxable year under this subchapter. For purposes of sections 435 (g) (3) (B) and 435 (g) (4) (B) the equity capital of the acquiring corporation at the beginning of its taxable year in which the transaction occurred shall be computed as of the day following the transaction.

(9) In the case of a transaction described in section 461 (a) (1) (E), for the purposes of section 435 (g) (3) (C) and (g) (4) (C), the daily borrowed capital of an acquiring corporation for the first day of such corporation's first taxable year under this subchapter shall be such portion of the daily borrowed capital of the component corporation for the first day of its first taxable year under this subchapter as the borrowed capital of the acquiring corporation immediately after the transaction bears to the borrowed capital of the component corporation as of the close of the day prior to the day of the transaction.

(10) In the case of a transaction described in section 461 (a) (1) (E), in the determination of the original inadmissible assets of an acquiring corporation for the purposes of section 435 (g) (5) (C) and (g) (5) (D), there shall be allocated to such corporation that proportion of the original inadmissible assets of the component corporation as is proportionate to the ratio which the inadmissible assets transferred to the acquiring corporation in the transaction bears to the total of the inadmissible assets held by the component corporation immediately prior to the transaction. The amount so allocated shall be deemed to be the original inadmissible assets of the acquiring corporation.

(11) For purposes of the determination under section 435 (g) (6) and (7) of the amount to be added to the daily capital reduction in the case of a corporation a member of a controlled group such determination shall be made, pursuant to regulations prescribed by the Secretary, in a manner consistent with the method provided in such sections.

(12) In the case of a transaction other than that described in section 461 (a) (1) (E), to the extent that stock of a component corporation was acquired in an exchange for other than stock of the acquiring corporation within the meaning of section 462 (j), the basis of the assets of the component corporation shall be redetermined as provided in section 470 and such redetermination basis shall be used for all purposes of section 435 (g).

(13) In the case of transactions described in section 462 (e) (1) (C), (e) (1) (B), and (e) (2) the net capital additions and reductions of the acquiring corporation after the transaction shall be determined under this section subject to the application, prior to the transaction, of section 443 (d) to each corporation which was a party to the transaction.

(14) In the case of transactions described in section 462 (g) (2) and the second sentence of (g) (3), the net capital additions and reductions of the acquiring corporation after the transaction shall be determined under this section subject to the application, prior to the transaction, of section 443 (f) to each corporation which was a party to the transaction.

(b) *Rule where acquiring corporation is component of taxpayer.* In cases where an acquiring corporation is a component of the taxpayer, and the transaction which constitutes such corporation an acquiring corporation occurs in a taxable year of such corporation which ends after June 30, 1950, for the purpose of determining the daily capital addition or reduction of the taxpayer the above rules shall be applied in a similar manner to determine the net capital addition or reduction of such acquiring corporation for each day after such transaction.

SEC. 464. CAPITAL CHANGES DURING THE BASE PERIOD.

For the purposes of section 435 (f), if the transaction which constitutes the taxpayer an acquiring corporation occurred during or after the beginning of the second taxable year preceding the first taxable year of the acquiring corporation under this subchapter, and the acquiring corporation's average base period net income is computed by application of this part, the following rules shall apply in computing the base period capital addition of such acquiring corporation:

(a) In the case of a transaction, other than a transaction described in section 461 (a) (1) (E), which—

(1) Occurred during or after the first taxable year of the acquiring corporation under this subchapter, for the purposes of section 435 (f), the base period capital addition of the acquiring corporation for the taxable year in which the transaction occurred shall be the sum of:

(A) The base period capital addition of the acquiring corporation, and

(B) So much of the base period capital addition of a component corporation as is proportionate to the ratio which the number of days in the taxable year of the acquiring corporation after the transaction bears to the number of days in such taxable year;

and the base period capital addition of the acquiring corporation for any taxable year thereafter shall be the aggregate of the base period capital addition of the acquiring corporation and the base period capital addition of such component corporation.

(2) Occurred during the taxable year of the acquiring corporation immediately preceding its first taxable year under this subchapter, its base period capital addition shall be computed after—

(A) Adding to its yearly base period capital for the immediately preceding taxable year (as defined in section 435 (f) (2) (A) (ii)) of the acquiring corporation the yearly base period capital for the immediately preceding taxable year (so defined) of a component corporation, and

(B) Adding to its yearly base period capital for the second preceding taxable year (as defined in section 435 (f) (2) (A) (iii)) of the acquiring corporation the yearly base period capital for the second preceding taxable year (so defined) of such component corporation.

(3) Occurred during the second taxable year of the acquiring corporation preceding its first taxable year under this subchapter, its base period capital addition shall be computed after adding to its yearly base period capital for the second preceding taxable year (as defined in section 435 (f) (2) (A) (iii)) of the acquiring corporation the yearly base period capital for the second preceding taxable year (so defined) of a component corporation.

(b) In the case of a transaction described in section 461 (a) (1) (E) which—

(1) Occurred during or after the first taxable year of the component corporation under this subchapter, for purposes of section 435 (f), the base period capital addition of the acquiring corporation shall be such portion of the base period capital addition of the component corporation as is proportionate to the ratio which the fair market value of the assets transferred to the acquiring corporation in the transaction bears to the fair market value of the assets of a component corporation immediately prior to the transaction;

(2) Occurred during a taxable year of the component corporation which is or would be if it remained in existence, a taxable year preceding its first taxable year under this subchapter.

(A) The yearly base period capital of the acquiring corporation for the year in which the transaction occurred shall be computed as of the day following the transaction.

(B) If the taxable year of the acquiring corporation during which the transaction occurred is its first taxable year under this subchapter, its base period capital addition shall be computed by

(i) Treating as its yearly base period capital for the immediately preceding taxable year (as defined in section 435 (f) (2) (ii)) such portion of the yearly base period capital of the component corporation for the first day of the taxable year of the component corporation in which such transaction occurred, and

(ii) Treating as its yearly base period capital for the second preceding taxable year (as defined in section 435 (f) (2) (iii)) such portion of the yearly base period capital of the component corporation for the first day of the taxable year of the component corporation before the taxable year of the component corporation in which the transaction occurred as is proportionate to the ratio which the fair market value of the assets transferred to the acquiring corporation in the transaction bears to the fair market value of the assets of the component corporation immediately prior to the transaction.

(C) If the taxable year of the acquiring corporation during which the transaction occurred is its taxable year immediately preceding its first taxable year under this subchapter its base period capital addition shall be computed by treating as its yearly base period capital for the second preceding taxable years (as defined in section 435 (f) (2) (iii)) such portion of the base period capital of the component corporation for the first day of the taxable year of the component corporation in which such transaction occurred as is proportionate to the ratio which the fair market value of the assets transferred to the acquiring corporation in the transaction bears to the fair market value of the assets of the component corporation immediately prior to the transaction.

(3) Was a transaction in which a part of the assets of a component corporation were transferred to an acquiring corporation which had commenced business prior to such transaction, the base period capital addition of such acquiring corporation shall be computed pursuant to regulations prescribed by the Secretary.

SEC. 465. FOREIGN CORPORATIONS.

The term "corporation" as used in this part does not include a foreign corporation.

PART III—INVESTED CAPITAL IN CONNECTION WITH CERTAIN EXCHANGES AND LIQUIDATIONS

SEC. 470. ADJUSTED BASIS OF ASSETS RECEIVED IN CERTAIN INTERCORPORATE LIQUIDATIONS.

For the purposes of this subchapter (other than section 458)—

(a) *Basis of assets acquired in intercorporate liquidation.* The property received by a transferee in an intercorporate liquidation attributable to a share of stock having in the hands of the transferee a basis determined to be a cost basis, shall be considered to have an adjusted basis at the time so received determined as follows:

(1) The aggregate of the property (other than money) held by the transferor at the time of the acquisition by the transferee of control of the transferor (or, if such share was acquired after the acquisition of such control, at the time of the acquisition of such share, or, if such control was not acquired, at the time immediately prior to the receipt of any property in the intercorporate liquidation in respect of such share) shall be deemed to have an aggregate basis equal to the amount obtained by (A) multiplying the amount of the adjusted basis at such time of such share in the hands of the transferee by the aggregate number of share units in the transferor at such time (the interest represented by such share being taken as the share unit), and (B) adjusting for the amount of money on hand and the liabilities of the transferor at such time.

(2) The basis which property of the transferor is deemed to have under paragraph (1) at the time therein specified shall be used in determining the basis of property subsequently acquired by the transferor the basis of which is determined with reference to the basis of property specified in paragraph (1).

(3) The basis which property of the transferor is deemed to have under paragraphs (1) and (2) at the time therein specified shall be used in determining all subsequent adjustments to the basis of such property.

(4) The property so received by the transferee shall be deemed to have, at the time of its receipt, the same basis it is deemed to have under the foregoing provisions of this subsection in the hands of the transferor, or in the case of property not specified in paragraph (1) or (2), the same basis it would have had in the hands of the transferor.

(5) Only such part of the aggregate property received by the transferee in the intercorporate liquidation as is attributable to such share shall be considered as having the adjusted basis which property is deemed to have under paragraphs (1), (2), (3), and (4) of this subsection.

(b) *Basis for equity capital credit.* The adjusted basis which property received by the transferee in an intercorporate liquidation is considered to have under the provisions of subsection (a) at the time of its receipt shall be thereafter treated as the adjusted basis, in lieu of the adjusted basis otherwise prescribed, in computing any amount, determined by reference to the basis of such property in the hands of the transferee, entering into the computation of the equity capital of the transferee, or of any other corporation the computation of the equity capital of which is determined by reference to the basis of such property in the hands of the transferee.

(c) *Statutory mergers and consolidations.* If a corporation owns stock in another corporation and such corporations are merged or consolidated in a statutory merger or consolidation, then for the purposes of this section and section 437 such stock shall be considered to have been acquired (in such statutory merger or consolidation) by the corporation resulting from the statutory merger or consolidation, and the properties of such other corporation attributable to such stock to have been received by such resulting corporation as a transferee from such other corporation as a transferor in an intercorporate liquidation.

(d) *Determinations*—(1) *Regulations.* Any determination which is required to be made under this section (including determinations in applying this section in cases where there is a series of transferees of the property and cases where the stock of the transferor is acquired by the transferee from another corporation, and the determination of the basis and adjusted basis which property or items thereof have or are considered to have) shall be made in accordance with regulations which shall be prescribed by the Secretary. If the transferor or the transferee is a foreign corporation, the provisions of this section shall apply to such extent and under such conditions and limitations as may be provided in such regulations.

(2) *Application to liquidation extending over long period.* The Secretary is authorized to prescribe rules similar to those provided in this section with respect to the days within the period beginning with the date on which the first property is received in the intercorporate liquidation and ending with the day of its completion; and the extent to which, and the conditions and limitations under which such rules are to be applicable.

(e) *Definitions*—(1) *Intercorporate liquidation.* As used in this section, the term "intercorporate liquidation" means the receipt (whether or not after December 31, 1949) by a corporation (hereinafter called

the "transferee") of property in complete liquidation of another corporation (hereinafter called the "transferor") to which

(A) The provisions of section 112 (b) (6), or the corresponding provision of a prior revenue law, is applicable or

(B) A provision of law is applicable prescribing the nonrecognition of gain or loss in whole or in part upon such receipt (including a provision of the regulations applicable to a consolidated income or excess profits tax return but not including section 112 (b) (7), (9), or (10) or a corresponding provision of a prior revenue law),

but only if none of such property so received is a stock or a security in a corporation the stock or securities of which are specified in the law applicable to the receipt of such property as stock or securities permitted to be received (or which would be permitted to be received if they were the sole consideration) without the recognition of gain.

(2) *Control.* As used in this section, the term "control" means the ownership of stock possessing at least 80 per centum of the total combined voting power of all classes of stock entitled to vote and the ownership of at least 80 per centum of the total number of shares of all other classes of stock (except nonvoting stock which is limited and preferred as to dividends), but only if in both cases such ownership continues until the completion of the intercorporate liquidation.

§ 40.470–1 *Adjusted basis of assets received in certain intercorporate liquidations.* Section 470 provides specific rules applicable in determining the adjusted basis of assets received in certain intercorporate liquidations. These rules must be applied for all purposes of the excess profits tax except the computations under section 458, relating to the historical invested capital. These rules shall be applied in a manner consistent, to the extent appropriate, with the principles of the regulations relating to the corresponding rules provided in section 472.

SEC. 471. EXCHANGES.

For purposes of section 458—

(a) *Definitions, Etc.* For the purposes of this section—

(1) *"Exchange", "transferor", and "transferee".* The term "exchange" means a transaction by which one corporation (hereinafter called "transferee") receives property of another corporation (hereinafter called "transferor") and the basis of the property received, in the hands of the transferee, for the purposes of section 458 (d) is determined by reference to the basis in the hands of the transferor.

(2) *Determination of basis of property received.* The basis, in the hands of the transferee, of the property of the transferor received by the transferee upon the exchange shall be determined in accordance with section 458 (d).

(b) *Rule.* In the application of section 458 (d) to a transferee upon an exchange in determining the amount paid in for stock of the transferee, or as paid-in surplus or as a contribution to capital of the transferee, in connection with such exchange, only an amount shall be deemed to have been so paid in equal to the excess of the basis in the hands of the transferee of the property of the transferor received by the transferee upon the exchange over the sum of—

(1) The amount of any liability of the transferor assumed upon the exchange and of any liability subject to which such property was so received, plus

(2) The amount of any liability of the transferee (not arising out of any liability described in paragraph (1)) constituting consideration for the property so received, plus

(3) The aggregate of the amount of any money and the fair market value of any other property (other than such stock and other than property described in paragraphs (1) and (2)) transferred to the transferor.

(c) *Reduction in daily invested capital.* In the application of section 458 (c) to a transferee upon an exchange, the daily invested capital for any day after such exchange shall be reduced by an amount equal to the amount by which the sum of the amounts specified in paragraphs (1), (2), and (3) of subsection (b) exceeds the basis in the hands of the transferee of the property of the transferor received upon the exchange.

§ 40.471–1 *Definitions and determinations.* For the purposes of section 471 and of §§ 40.471–1, 40.471–2, and 40.471–3:

(a) *Exchange, transferee, transferor.* The term "exchange" means a transaction in which one corporation, called the "transferee," acquires property of another corporation, called the "transferor," and the basis to the transferee of the property acquired, for the purposes of determining the amount of money or property paid in for stock, or as paid-in surplus, or as a contribution to the captial of the transferee pursuant to the provisions of section 458 (d) as a result of such exchange, is a substituted basis under section 113 (b) (2) (A), i. e., is a basis determined by reference to the basis of such property in the hands of the transferor.

(b) *Applicability of section 471 to various types of exchanges*—(1) *In general.* A substituted basis within the provisions of section 113 (b) (2) (A) may result from—

(i) The application of section 113 (a) (7) to property acquired in an exchange in a taxable year beginning after December 31, 1917, pursuant to a plan of reorganization under the provisions of section 112 (g);

(ii) The application of section 113 (a) (8) to property acquired in a taxable year beginning after December 31, 1920, by a corporation by the issuance of its stock or securities, if immediately after such acquisition the transferor is in control of the corporation under the provisions of section 112 (b) (5), or by a corporation as paid-in surplus or as a contribution to capital;

(iii) The application of section 113 (a) (17) and section 372 in certain instances to property acquired in connection with exchanges and distributions in obedience to certain orders of the Securities and Exchange Commission;

(iv) The application of section 113 (a) (20) to property acquired in certain railroad reorganizations;

(v) The application of section 113 (a) (21) to property acquired by certain street, suburban, or interurban electric railway corporations;

(vi) The application of section 113 (a) (22) to property acquired in a taxable year beginning after December 31, 1933, in a reorganization of a corporation resulting from certain receivership and bankruptcy proceedings; and

(vii) The application of a provision of consolidated returns regulations to property acquired by a member of an affiliated group of corporations from another member of such group during a consolidated return period.

The rules provided with respect to the provisions of the Code mentioned in this section shall also be applicable with respect to corresponding provisions of prior revenue laws.

Example. In 1939 Corporation X, solely in exchange for 1,000 shares of its common voting stock (representing 5 percent of its total voting stock), acquired in a statutory reorganization under section 112 (g) (1) (C) all the assets of Corporation Y. Under section 113 (a) (7), (B), the basis of such assets in the hands of Corporation X would be determined by reference to the basis of such assets in the hands of Corporation Y. The amount to be included in the equity invested capital of Corporation X as the amount paid in for stock of Corporation X as a result of such exchange shall be determined under section 471.

The mere fact that property was acquired in an exchange pursuant to a plan of reorganization in which gain or loss was not recognized does not of itself invoke the provisions of section 471 if the basis of the property is not fixed by reference to the basis in the hands of the transferor. Thus, if the exchange described in the preceding example occurred in 1935, the basis of the assets to Corporation X would be fair market value at the date of the exchange because of failure of Corporation Y to retain the 50 percent control in such assets pursuant to section 113 (a) (7) (A), and the provisions of section 471 would be inapplicable in determining the amount includible in the equity invested capital of Corporation X as a result of the exchange.

(2) *Exchanges constituting intercorporate liquidations.* Since section 471 is applicable only in the determination of the amount paid in for stock, or as paid-in surplus, or as a contribution to capital, of a transferee upon an exchange, such section shall not be applicable in determining the equity invested capital of such transferee in the case of the receipt of property in any of the exchanges described in this section if the receipt of such property is a distribution in an intercorporate liquidation, in whole or in part, of the transferor within the provisions of section 472. In such cases, the exchange shall be considered to be an intercorporate liquidation subject to the provisions of section 472. For rules relating to the adjustment of equity invested capital in the case of intercorporate liquidations, see section 472 and § 40.472–7.

Example. Prior to 1940, Corporation A owned the entire outstanding capital stock of Corporation B. In 1940, Corporation C acquired all of the assets of Corporation A and Corporation B in a statutory consolidation constituting a reorganization under section 112 (g) (1) (A). Although Corporation C might be deemed to have acquired the assets of Corporation B with a basis determined by reference to the basis of such assets in the hands of Corporation B, the provisions of section 471 are not applicable to such exchange since section 472 (f) provides that, in such a case, Corporation C shall be considered to have acquired in the statutory consolidation the stock of Corporation B previously owned by Corporation A and to have received the assets of Corporation B in an intercorporate liquidation.

(c) *Determination of basis of property received*—(1) *General rule.* In determining the amount paid in for stock, or as paid-in surplus, or as a contribution to capital of the transferee for the purposes of section 458 (d) with respect

to an exchange, the basis of the property received upon the exchange is to be determined in accordance with the rules provided by section 458 (d) (2), namely, the basis (unadjusted) to the transferee for determining loss, adjusted with respect to the period prior to its receipt by the transferee, by an amount equal to the adjustments proper under section 115 (l) for determining earnings and profits. For the purposes of determining such basis (unadjusted) to the transferee, the amount of any gain or loss recognized to the transferor upon the exchange shall be limited to the gain or loss taken into account under section 115 (l) in computing the earnings and profits of the transferor. If the property was not disposed of prior to the taxable year, such unadjusted basis shall be determined under the law applicable to the taxable year. If the property was acquired in a taxable year beginning after February 28, 1913, and prior to January 1, 1934, and the basis of such property was prescribed by section 113 (a) (6), (7), or (9) of the Revenue Act of 1932, or if the property was acquired in a taxable year beginning after February 28, 1913, and prior to January 1, 1936, and the basis of such property was prescribed by section 113 (a) (6), (7), or (8) of the Revenue Act of 1934, for the purposes of section 471 the basis of such property shall be the same as the basis prescribed by the Revenue Act of 1932 or the Revenue Act of 1934, respectively. See section 113 (a) (12) and (16). If the property was disposed of prior to the taxable year, such unadjusted basis shall be that prescribed by the law applicable to the year of disposition, but without regard to the value of the property as of March 1, 1913.

(2) *Applicability of section 471 in case of statutory change.* If the transferee received property in any taxable year in a transaction which, under the revenue law applicable to such year, did not constitute an exchange within the provisions of section 471 (a), and if—

(i) Such property is held in the taxable year, and under the revenue law applicable to such year such transaction qualifies as an exchange under section 471, or

(ii) Such property was disposed of in a taxable year subsequent to the year of acquisition and under the revenue law applicable to such subsequent taxable year, the transaction did qualify as an exchange under section 471,

the provisions of section 471 are applicable in determining the amount paid in to the transferee as a result of such transaction. However, if such property was disposed of prior to a year in which the revenue law was changed so as to bring a transaction of such a character within the provisions of section 471, the provisions of section 471 shall not be applicable in determining the invested capital of the transferee attributable to the property acquired in such transaction.

Thus, if after December 31, 1917, a corporation acquired the entire assets of another corporation in exchange solely for 79 percent of its voting stock, although such transaction would constitute a reorganization and a tax-free exchange under the Revenue Acts of 1924, 1926, and 1928, the basis of the assets to the transferee would not be determined by reference to the basis of such assets in the hands of the transferor since an interest or control of 80 percent in the assets transferred did not remain in the transferor. See sections 203 (b) (3) and (4), 203 (h) (1) (A), and 204 (a) (7) of the Revenue Acts of 1924 and 1926, and sections 112 (b) (3) and (4), 112 (l) (1) (A), and 113 (a) (7) of the Revenue Act of 1928. The percentage of control necessary to establish a substituted basis for such property was reduced to 50 percent by section 113 (a) (7) of the Revenue Acts of 1932 and 1934. The Revenue Act of 1936 removed the necessity for any control under section 113 (a) (7), but preserved the basis established under the Revenue Act of 1932 or 1934. The Revenue Act of 1938 and the Code provide in section 113 (a) (7) (A) that with respect to property acquired by a corporation in connection with a reorganization after December 31, 1917, but in a taxable year beginning prior to January 1, 1936, 50 percent control is necessary for the property transferred to have a basis to the transferee fixed by reference to the basis of the property in the hands of the transferor. In the case of property acquired in connection with a reorganization after December 31, 1935, no such control is necessary.

Example. Assume that in 1926, Corporation C acquired all the property of Corporation D in exchange for 79 percent of its entire capital stock, all of which was voting stock. Although the transaction would have been a reorganization and a tax-free exchange, the basis of the property to Corporation C in any taxable year beginning before January 1, 1932, would not have been fixed by reference to the basis of such property in the hands of Corporation D. Consequently, if Corporation C had disposed of the property prior to January 1, 1932, the amount paid in to Corporation C as a result of the 1926 exchange would not be determined under section 471. If Corporation C had disposed of the property in a taxable year beginning subsequent to December 31, 1931, the basis of such property to Corporation C would be the basis to Corporation D, and the amount paid in to Corporation C as a result of the 1926 exchange would be computed under section 471.

(3) *Inconsistent position.* As to the effect of an inconsistent position in the determination of invested capital under section 471, or without regard to its provisions, see section 452 and the regulations thereunder.

§ 40.471–2 *Determination of amount paid in for stock, or as paid-in surplus, or as a contribution to capital.* For the purposes of section 458 (d), the amount of money or property determined to have been paid in for stock of the transferee, or as paid-in surplus or as a contribution to capital of the transferee in connection with an exchange defined in § 40.471–1 (a) shall be the excess of the basis (determined under § 40.471–1 (b)) in the hands of the transferee of the property of the transferor received by the transferee upon the exchange over the sum of—

(a) The amount of any liability of the transferor assumed upon the exchange and of any liability subject to which such property was so received, plus

(b) The amount of any liability of the transferee (not arising out of any liability described in paragraph (a) of this section) constituting consideration for the property so received, plus

(c) The aggregate of the amount of any money and the fair market value of any other property (other than such stock and other than property described in paragraphs (a) and (b) of this section) transferred to the transferor, whether or not such money or property was permitted to be received by the transferor without the recognition of gain.

If the sum of the amounts specified in paragraphs (a), (b), and (c) of this section exceeds the basis in the hands of the transferee of the property received from the transferor, such excess shall not be taken into account in computing the equity invested capital of the transferee but shall be used to reduce the daily invested capital of the transferee for each day after the exchange. As to the computation to be made in case of such excess, see § 40.471–3.

Example (1). In 1950 Corporation X transferred property which had an adjusted basis for determining gain or loss of $600,000 to Corporation Y in consideration (1) of 80 percent of the capital stock of Corporation Y which had a fair market value of $400,000; (2) of the assumption by Corporation Y of open account indebtednesss of Corporation X amounting to $20,000; (3) of the payment by Corporation Y of money and other property amounting to $120,000; and (4) of the issuance by Corporation Y to Corporation X of a bond in the amount of $110,000 secured by a lien upon the property acquired. Included in the property acquired by Corporation Y in connection with the foregoing exchange was a building which was subject to a mortgage liability of $100,000 which was not assumed by Corporation X and which was not assumed by Corporation Y. The money and other property received by Corporation X was not distributed in pursuance of the plan of reorganization and therefore the gain resulting from the exchange was recognized by such corporation in accordance with section 112 (d) (2). The amount includible in the equity invested capital of Corporation Y determined under the provisions of section 471 (b) with respect to the exchange is $370,000, computed as follows:

Gain to Corporation X Recognized Upon Exchange

Fair market value of capital stock of Corporation Y	$400,000
Amount of liabilities of Corporation X assumed	20,000
Bond secured by lien upon property	110,000
Money and other property	120,000
Mortgage liability subject to which building was transferred	100,000
Total consideration	750,000
Less: Adjusted basis of property transferred	600,000
Gain	150,000

The gain recognized to Corporation X, however, is limited to $120,000, representing the sum of the money and fair market value of other property received by Corporation X which, pursuant to the plan of reorganization, was not distributed (see sections 112 (d) (2) and 112 (k)).

471 (b) (1), (2), and (3) over the basis of the transferee of the property received upon the exchange is greater than the amount of the daily invested capital for any day after such exchange, the daily invested capital for such day shall be a minus quantity. In such case the average invested capital of the taxpayer computed under section 458 (b) shall be the aggregate of the daily invested capital for each day of the taxable year computed by taking into account any plus amounts in daily invested capital and any negative amounts in daily invested capital after the exchange resulting from the application of section 471 (c), divided by the number of days in such taxable year. In no case, however, shall such average invested capital be an amount which is less than zero.

Example (1). In 1951 Corporation O owned property with an adjusted basis for determining gain or loss of $400,000 but with a fair market value of $1,000,000. Corporation O had no accumulated earnings and profits or deficit in earnings and profits. On June 30, 1951, pursuant to a plan of reorganization, Corporation P acquired such property from Corporation O in exchange for 80 percent of its outstanding stock which had a fair market value of $400,000, $125,000 in cash, and $475,000 of its short-term notes. Immediately prior to the exchange Corporation P had an equity invested capital of $100,000, consisting of money and property paid in and of accumulated earnings and profits. Under section 112 (d) (1) no gain was recognized to Corporation O upon the exchange since immediately after the exchange and in pursuance of the plan of reorganization it distributed the cash and stock and notes of Corporation P to its shareholders. The daily invested capital of Corporation P for each day after the exchange was $256,250 and the average invested capital for the taxable year 1951 was $178,767, computed as follows:

Daily Invested Capital of Corporation P Immediately After Exchange	
Equity invested capital immediately prior to exchange	$100,000
Amount deemed to have been paid in under sections 458 (d) and 471 upon the exchange	0
Borrowed invested capital of Corporation P (75 percent of $475,000)	356,250
Total daily invested capital prior to application of section 471 (c)	456,250
Less: Amount provided by section 471 (c) as reduction in daily invested capital:	
Cash paid upon the exchange	$125,000
Notes issued by Corporation P	475,000
Total	600,000
Less: Basis of property received upon exchange	400,000
Reduction under section 471 (c)	200,000
Daily invested capital for each day after exchange	256,250

Average Invested Capital of Corporation P for 1951	
Aggregate of daily invested capital for each day prior to and including the day of the exchange ($100,000×181 days)	$18,100,000
Aggregate of daily invested capital for each day after the exchange ($256,250×184 days)	47,150,000
Total aggregate daily invested capital for each day of the taxable year	65,250,000
Average invested capital ($65,250,000 divided by 365 days)	178,767

Example (2). In 1951 Corporation A owned property with an adjusted basis for determining gain or loss of $1,300,000 but with a fair market value of $7,500,000. Corporation A had no accumulated earnings and profits or deficit in earnings and profits. On June 30, 1951, pursuant to a plan of reorganization, Corporation B acquired such property from Corporation A in exchange for 80 percent of its outstanding stock which had a fair market value of $1,500,000, cash of $500,000, and bonds of $5,500,000. Immediately prior to the exchange Corporation B had an equity invested capital of $375,000 consisting of money paid in and of accumulated earnings and profits. Under section 112 (d) (1) no gain was recognized to Corporation A upon the exchange since immediately after the exchange and pursuant to the plan of reorganization it distributed the cash and bonds of Corporation B to its shareholders. The daily invested capital of Corporation B for each day after the exchange is minus $200,000 and the average invested capital for the taxable year 1951 is $85,137, computed as follows:

Daily Invested Capital Immediately After the Exchange	
Equity invested capital of Corporation B immediately prior to the exchange	$375,000
Amount deemed to have been paid in upon the exchange	0
Borrowed invested capital (75 percent of $5,500,000)	4,125,000
Total daily invested capital prior to application of section 471 (c)	4,500,000
Less: Amount provided by section 471 (c) as reduction in daily invested capital:	
Cash paid upon the exchange	$500,000
Bonds issued upon the exchange	5,500,000
Total	6,000,000
Less basis of property received upon exchange	1,300,000
Reduction under section 471 (c)	4,700,000
Daily invested capital for each day immediately after exchange (a minus quantity)	(200,000)

Average Invested Capital of Corporation B for 1951	
Aggregate of daily invested capital for each day prior to and including the day of the exchange ($375,000×181 days)	$67,875,000
Aggregate of daily invested capital for each day after the exchange (($200,000) ×184 days) (a minus quantity)	(36,800,000)
Total aggregate daily invested capital for each day of the taxable year	31,075,000
Average invested capital ($31,075,000 divided by 365 days)	85,137

Amount Deemed To Be Paid in for Stock of Corporation Y Under Section 458 (d) and Section 471	
Adjusted basis of property to Corporation X	$600,000
Add: Gain to Corporation X recognized upon exchange	120,000
Unadjusted basis for determining loss to Corporation Y	720,000
Deduct: Amount of liabilities of Corporation X assumed	$20,000
Bonds issued by Corporation Y secured by lien upon property received	110,000
Money and other property paid	120,000
Mortgage liability subject to which building was acquired by Corporation Y	100,000
	350,000
Amount deemed to have been paid in for stock of Corporation Y upon the exchange	370,000

Daily Invested Capital of Corporation Y Resulting From the Exchange	
Amount deemed to have been paid in to Corporation Y upon the exchange	$370,000
Borrowed invested capital:	
Mortgage liability on building not assumed	$100,000
Bond issued secured by lien upon property	110,000
Total borrowed capital	210,000
Borrowed invested capital (75 percent of $210,000)	157,500
Daily invested capital	527,500

Assume that in 1951, Corporation Y sold the properties acquired from Corporation X for $750,000, the purchaser paying cash in the amount of $650,000 and taking the building subject to the mortgage liability of $100,000. The gain recognized to Corporation Y, and included in its earnings and profits, is $30,000 ($750,000 minus $720,000). There were no other accumulated earnings and profits. Immediately thereafter Corporation Y redeemed and canceled the bond and mortgage it had issued to Corporation X at the time of the exchange. That portion of the daily invested capital of Corporation Y for the excess profits tax taxable year following the year of the sale and attributable to the acquisition and sale of the properties received from Corporation X would be $400,000, computed as follows:

Equity invested capital resulting from the exchange	$370,000
Earnings and profits from sale of properties	30,000
Daily invested capital	400,000

Example (2). Assume that in the preceding example the money and other property received by Corporation X upon the exchange were distributed pursuant to the plan of reorganization so that no gain was recognized to Corporation X as a result of the exchange (see sections 112 (d) (1) and 112 (k)). Consequently, the basis of the property received by Corporation Y would not be increased by any gain recognized to Corporation X pursuant to section 113 (a) (7), and would be $600,000, rather than $720,000. The amount deemed to have been paid in for stock of Corporation Y upon the exchange would be $350,000 instead of $370,000, and the daily invested capital of Corporation Y resulting from the exchange would be $407,500 instead of $527,500. Upon the sale of the property, however, a gain of $150,000, rather than $30,000, would be realized, and the accumulated earnings and profits of Corporation Y would be increased accordingly by $150,000 instead of $30,000. That portion of the daily invested capital of Corporation Y for the excess profits tax taxable year following the year of the sale and attributable to the acquisition and sale of the properties received from Corporation X would be $400,000 ($250,000 plus $150,000).

§ 40.471-3 *Reduction in daily invested capital.* For the purposes of determining the daily invested capital of the transferee upon an exchange pursuant to the provisions of section 458 (c) for any day after such exchange, the daily invested capital for each such day shall be reduced by an amount equal to the excess of the sum of the amounts specified in section 471 (b) (1), (2), and (3) over the basis (determined in accordance with § 40.471-1 (b)) to the transferee of the property of the transferor received upon the exchange.

In any case in which the excess of the sum of the amounts specified in section

SEC. 472. INVESTED CAPITAL ADJUSTMENT AT THE TIME OF TAX-FREE INTERCORPORATE LIQUIDATIONS.

For purposes of section 458—

(a) *Definition of intercorporate liquidation.* As used in this section, the term "intercorporate liquidation" means the receipt (whether or not after June 30, 1950) by a corporation (hereinafter called the "transferee") of property in complete liquidation of another corporation (hereinafter called the "transferor"), to which—

(1) The provisions of section 112 (b) (6), or the corresponding provision of a prior revenue law, is applicable or

(2) A provision of law is applicable prescribing the nonrecognition of gain or loss in whole or in part upon such receipt (including a provision of the regulations applicable to a consolidated income or excess profits tax return but not including section 112 (b) (7), (9), or (10) or a corresponding provision of a prior revenue law),

but only if none of such property so received is a stock or a security in a corporation the stock or securities of which are specified in the law applicable to the receipt of such property as stock or securities permitted to be received (or which would be permitted to be received if they were the sole consideration) without the recognition of gain.

(b) *Definition of plus adjustment and minus adjustment.* For the purposes of this section—

(1) *Plus adjustment.* The term "plus adjustment" means the amount, with respect to an intercorporate liquidation, determined to be equal to the amount by which the aggregate of the amount of money received by the transferee in such intercorporate liquidation, and of the adjusted basis at the time of such receipt of all property (other than money) so received, exceeds the sum of—

(A) The aggregate of the adjusted basis of each share of stock with respect to which such property was received; such adjusted basis of each share to be determined immediately prior to the receipt of any property in such liquidation with respect to such share, and

(B) The aggregate of the liabilities of the transferor assumed by the transferee in connection with the receipt of such property, of the liabilities (not assumed by the transferee) to which such property so received was subject, and of any other consideration (other than the stock with respect to which such property was received) given by the transferee for such property so received

exceeds the aggregate of the amount of the money so received and of the adjusted basis, at the time of receipt, of all property (other than money) so received.

(2) *Minus adjustment.* The term "minus adjustment" means the amount, with respect to an intercorporate liquidation, determined to be equal to the amount by which the sum of—

(A) The aggregate of the adjusted basis of each share of stock with respect to which such property was received; such adjusted basis of each share to be determined immediately prior to the receipt of any property in such liquidation with respect to such share, and

(B) The aggregate of the liabilities of the transferor assumed by the transferee in connection with the receipt of such property, of the liabilities (not assumed by the transferee) to which such property so received was subject, and of any other consideration (other than the stock with respect to which such property was received) given by the transferee for such property so received

exceeds the aggregate of the amount of the money so received and of the adjusted basis, at the time of receipt, of all property (other than money) so received.

(3) *Rules for application of paragraphs (1) and (2).* In determining the plus adjustment or minus adjustment with respect to any share, the computation shall be made in the same manner as is prescribed in paragraphs (1) and (2) of this subsection, except that there shall be brought into account only that part of each item which is determined to be attributable to such share.

(c) *Rules for the application of this section—(1) Stock having cost basis.* The property received by a transferee in an intercorporate liquidation attributable to a share of stock having in the hands of the transferee a basis determined to be a cost basis, shall be considered to have, for the purposes of subsection (b), an adjusted basis at the time so received determined as follows:

(A) The aggregate of the property (other than money) held by the transferor at the time of the acquisition by the transferee of control of the transferor (or, if such share was acquired after the acquisition of such control, at the time of the acquisition of such share, or, if such control was not acquired, at the time immediately prior to the receipt of any property in the intercorporate liquidation in respect of such share) shall be deemed to have an aggregate basis equal to the amount obtained by (i) multiplying the amount of the adjusted basis at such time of such share in the hands of the transferee by the aggregate number of share units in the transferor at such time (the interest represented by such share being taken as the share unit), and (ii) adjusting for the amount of money on hand and the liabilities of the transferor at such time.

(B) The basis which property of the transferor is deemed to have under subparagraph (A) at the time therein specified shall be used in determining the basis of property subsequently acquired by the transferor the basis of which is determined with reference to the basis of property specified in subparagraph (A).

(C) The basis which property of the transferor is deemed to have under subparagraphs (A) and (B) at the time therein specified shall be used in determining all subsequent adjustments to the basis of such property.

(D) The property so received by the transferee shall be deemed to have, at the time of its receipt, the same basis it is deemed to have under the foregoing provisions of this paragraph in the hands of the transferor, or in the case of property not specified in subparagraphs (A) or (B), the same basis it would have had in the hands of the transferor.

(E) Only such part of the aggregate property received by the transferee in the intercorporate liquidation as is attributable to such share shall be considered as having the adjusted basis which property is deemed to have under subparagraphs (A), (B), (C), and (D) of this paragraph.

(2) *Basis of stock not a cost basis.* The property received by a transferee in an intercorporate liquidation attributable to a share of stock having in the hands of the transferee a basis determined to be a basis other than a cost basis shall, for the purposes of subsection (b), be considered to have, at the time of its receipt, the basis it would have had had the first sentence of section 113 (a) (15) been applicable.

(3) *Definition of control.* As used in this subsection, the term "control" means the ownership of stock possessing at least 80 per centum of the total combined voting power of all classes of stock entitled to vote and the ownership of at least 80 per centum of the total number of shares of all other classes of stock (except nonvoting stock which is limited and preferred as to dividends), but only if in both cases such ownership continues until the completion of the intercorporate liquidation.

(d) *Adjustment of equity invested capital.* If property is received by the transferee in an intercorporate liquidation, in computing the equity invested capital of the transferee for any day following the completion of such intercorporate liquidation—

(1) With respect to any share of stock in the transferor having in the hands of the transferee, immediately prior to the receipt of any property in such intercorporate liquidation, a basis determined to be a cost basis, the earnings and profits or deficit in earnings and profits of the transferee shall be computed as if on the day following the completion of such intercorporate liquidation the transferee had realized a recognized gain equal to the amount of the plus adjustment in respect of such share, or had sustained a recognized loss equal to the amount of the minus adjustment in respect of such share;

(2) With respect to any share of stock in the transferor having in the hands of the transferee, immediately prior to the receipt of any property in such intercorporate liquidation, a basis determined to be a basis other than a cost basis, there shall be treated as an amount includible in the sum specified in section 458 (d) the amount of the plus

adjustment with respect to such share, or as an amount includible in the sum specified in section 458 (e) the amount of the minus adjustment with respect to such share.

(e) *Invested capital basis.* The adjusted basis which property received by the transferee in an intercorporate liquidation is considered to have under the provisions of subsection (c) at the time of its receipt shall be thereafter treated as the adjusted basis, in lieu of the adjusted basis otherwise prescribed, in computing any amount, determined by reference to the basis of such property in the hands of the transferee, entering into the computation of the invested capital of the transferee, or of any other corporation the computation of the invested capital of which is determined by reference to the basis of such property in the hands of the transferee.

(f) *Statutory mergers and consolidations.* If a corporation owns stock in another corporation and such corporations are merged or consolidated in a statutory merger or consolidation, then for the purposes of this section and section 458 such stock shall be considered to have been acquired (in such statutory merger or consolidation) by the corporation resulting from the statutory merger or consolidation, and the properties of such other corporation attributable to such stock to have been received by such resulting corporation as a transferee from such other corporation as a transferor in an intercorporate liquidation.

(g) *Determinations.*—(1) *Regulations.* Any determination which is required to be made under this section (including determinations in applying this section in cases where there is a series of transferees of the property and cases where the stock of the transferor is acquired by the transferee from another corporation, and the determinations of the basis and adjusted basis which property or items thereof have or are considered to have) shall be made in accordance with regulations which shall be prescribed by the Secretary. If the transferor or the transferee is a foreign corporation, the provisions of this section shall apply to such extent and under such conditions and limitations as may be provided in such regulations.

(2) *Application to liquidation extending over long period.* The Secretary is authorized to prescribe rules similar to those provided in this section with respect to the days within the period beginning with the date on which the first property is received in the intercorporate liquidation and ending with the day of its completion; and the extent to which, and the conditions and limitations under which, such rules are to be applicable.

§ 40.472–1 *Intercorporate liquidation.*—(a) *General rule.* For the purposes of section 472, the term "intercorporate liquidation" means the receipt, whether or not after June 30, 1950, by a corporation (hereinafter called the "transferee") of property in complete liquidation of another corporation (hereinafter called the transferor") to which—

(1) The provisions of section 112 (b) (6), or the corresponding provisions of a prior revenue law, are applicable, including the case in which an election has been made pursuant to the last sentence of section 113 (a) (15) of the Revenue Act of 1936, as amended by section 808 of the Revenue Act of 1938, or

(2) A provision of law is applicable prescribing the nonrecognition of gain or loss in whole or in part upon such receipt, including a provision of the regulations applicable to a consolidated return, but not including the provisions of section 112 (b) (7) relating to certain complete liquidations, or the provisions of section 112 (b) (9) relating to certain complete liquidations of railroad corporations, or the provisions of section 112 (b) (10) relating to reorganizations of corporations in certain receivership and bankruptcy proceedings. A liquidation of a member of an affiliated group during a taxable year, which is a consolidated return period, beginning prior to January 1, 1929, is not an intercorporate liquidation for the purposes of section 472, unless some provision of law other than regulations relating to consolidated returns is applicable prescribing the nonrecognition of gain or loss, in whole or in part, upon the liquidation. A liquidation of a member of an affiliated group during a taxable year, which is a consolidated return period, beginning after December 31, 1933, is not an intercorporate liquidation if it comes within the exceptions provided in consolidated returns regulations, such as articles 37 (a) and 38 (c) (3) of Regulations 89, article 37 (a) (1) and (2) of Regulations 97 and 102, § 23.37 (a) (1) and (2) of Regulations 104, and § 33.37 (a) (1) and (2) of Regulations 110.

The rules provided with respect to the sections of the Code mentioned in this section shall also be applicable with respect to corresponding sections of prior revenue laws.

(b) *Exception.* A transaction is an intercorporate liquidation within the meaning of the foregoing provisions only if none of the property received by the transferee is a stock or a security in a corporation, the stock or securities of which are specified in the law applicable to the receipt of such property as stock or securities permitted to be received (or which would be permitted to be received if they were the sole consideration) without the recognition of gain.

Thus, assume that Corporation P owned all the outstanding stock of Corporation S. Pursuant to a plan of reorganization, Corporation S transferred all its assets to Corporation S (1) in exchange for all the capital stock of Corporation S (1), and distributed such stock to Corporation P in liquidation. The entire property received by Corporation P upon the liquidation of Corporation S was stock in a corporation which pursuant to section 112 (b) (3) Corporation P was permitted to receive without the recognition of gain. Consequently, the transaction in which Corporation P acquired the stock of Corporation S (1) in complete liquidation of Corporation S is not an intercorporate liquidation within the provisions of section 472. If the reorganization had occurred in a taxable year beginning prior to January 1, 1934, and the stock of Corporation S (1) had been acquired pursuant to a plan of reorganization by Corporation P without the surrender of the stock of Corporation S, such acquisition by Corporation P of all the assets of Corporation S would not constitute an intercorporate liquidation within the meaning of section 472, since the stock of Corporation S (1) is a stock specified in section 112 (g) of the Revenue Act of 1932 and corresponding provisions of prior revenue laws as stock in a corporation permitted to be received without the recognition of gain. If the stock of Corporation S (1) was acquired by Corporation P in a taxable year beginning subsequent to December 31, 1933, without the surrender or cancellation or retirement of the stock of Corporation S, since the transaction would not be one in which gain or loss is not recognized to Corporation P, the transaction would not be an intercorporate liquidation under section 472. (See § 29.112 (g)–5 of Regulations 111.)

Assume that Corporation P owned the entire outstanding capital stock of Corporation S and that Corporation S owned the entire outstanding capital stock of Corporation S (1). If Corporation P acquired the stock of Corporation S (1) in a complete liquidation of Corporation S pursuant to the provisions of section 112 (b) (6), such liquidation would be an intercorporate liquidation within the provisions of section 472 since section 112 (b) (6) does not specify stock in any corporation as stock permitted to be received without the recognition of gain.

If, in connection with an intercorporate liquidation described in this section, there is also involved (1) the transfer by the transferor to the transferee of property not attributable to the shares of the transferor owned by the transferee in consideration of stock issued by the transferee in an exchange described in section 112 (b) (4) or in an exchange not within the provisions of section 112 (b), or (2) the transfer to the transferee by minority shareholders of the transferor of stock of the transferor in consideration of the issuance by the transferee of stock in an exchange described in section 112 (b) (3) or in an exchange not within the provisions of section 112 (b), the amount includible in the equity invested capital as a result of the receipt of such property or such stock in the exchanges described in (1) or (2) of this sentence shall be determined pursuant to the provisions of section 471 or of section 458 (d) (1) or (2), as the case may be. (See § 40.471–2 and section 458.)

(c) *Statutory merger or consolidation.* In any case in which one corporation owns stock in another corporation (hereinafter called the "transferring corporation"), whether or not such stock ownership amounts to control, and such corporations are merged or consolidated in a statutory merger or consolidation, for the purposes of section 472 and of section 458, the corporation resulting from the statutory merger or consolidation (hereinafter called the "resulting corporation") shall be considered first to have acquired the stock of such transferring corporation in the statutory merger or consolidation and then to have acquired the properties of such transferring corporation which are attributable to the stock considered to have been acquired by the resulting corporation in the statutory merger or consolidation as a transferee from the transferring corporation as a transferor in an intercorporate liquidation. The foregoing rule is equally applicable to all cases of statutory merger and consolidation, whether the resulting corporation operates under the charter of the parent, the subsidiary, or under a new charter.

(d) *Intercorporate liquidation involving foreign corporation.* An exchange which would otherwise be an intercorporate liquidation subject to the provisions of section 472, but which involves a foreign corporation as the transferor or transferee, shall not constitute an intercorporate liquidation for the purposes of section 472 if such exchange was consummated after June 6, 1932, and involved gain unless, prior to such exchange, it was established to the satisfaction of the Commissioner pursuant to the provisions of section 112 (i) and § 29.112 (i)–1 of Regulations 111 or the corresponding provisions of prior revenue laws and regulations, that such exchange was not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes.

§ 40.472–2 *Definition of plus adjustment and minus adjustment.* For the purposes of determining the adjustment of equity invested capital under section 472 (d) and § 40.472–7:

(a) *Plus adjustment.* The term "plus adjustment" means the amount computed with respect to an intercorporate liquidation and determined to be equal to the amount by which the aggregate of the amount of money received by the transferee in the intercorporate liquidation and of the adjusted basis at the time of receipt of all property, other than money, so received exceeds the sum of—

(1) The aggregate of the adjusted basis of each share of stock with respect to which the property was received in the intercorporate liquidation, and

(2) The aggregate of the liabilities of the transferor assumed by the transferee in connection with the receipt of the property in the intercorporate liquidation, of the liabilities (not assumed by the transferee) to which the property so received was subject, and of any other consideration other than the stock with respect to which such property was so received given by the transferee for such property so received.

(b) *Minus adjustment.* The term "minus adjustment" means the amount computed with respect to an intercorporate liquidation and determined to be equal to the amount by which the sum of—

(1) The aggregate of the adjusted basis of each share of stock with respect to which the property was received in the intercorporate liquidation, and

(2) The aggregate of the liabilities of the transferor assumed by the transferee in connection with the receipt of the property in the intercorporate liquidation, of the liabilities (not assumed by the transferee) to which the property so received was subject, and of any other consideration other than the stock with respect to which such property was so received given by the transferee for such property so received,

exceeds the aggregate of the amount of money received by the transferee in the intercorporate liquidation and of the adjusted basis at the time of receipt of all property other than money so received.

(c) *Rules applicable in determining plus adjustment and minus adjustment.* For the purpose of determining the plus adjustment and the minus adjustment provided by section 472 (b):

(1) The adjusted basis of each share of stock with respect to which property is received upon the intercorporate liquidation shall be determined immediately prior to the receipt in the intercorporate liquidation of the property with respect to such share. As to the computation of the adjusted basis of such share, see § 40.472–4.

(2) The adjusted basis of property other than money at the time of receipt of such property shall be determined in accordance with the provisions of section 472 (c) and § 40.472–5 or § 40.472–6. This adjusted basis may be different from the adjusted basis otherwise determined under the provisions of section 113.

(3) A share of stock with respect to which property is received upon an intercorporate liquidation means outstanding stock of the transferor owned by the transferee at the time of such liquidation. Outstanding stock of the transferor shall not include shares of the transferor held by it in its treasury as treasury stock. In the case of a complete liquidation of a transferor under the provisions of section 112 (b) (6), such stock refers only to stock of the transferor owned by the transferee at the time of the receipt of the property.

(4) The plus adjustment or the minus adjustment with respect to each share of stock shall be computed in the manner prescribed in section 472 (b) (1) and (2), except that there shall be brought into account only that part of each item specified in such section which is determined to be attributable to such share. The amount of any consideration (other than the stock of the transferor with respect to which property was received upon the intercorporate liquidation) given by the transferee for the property received upon the intercorporate liquidation shall be prorated with respect to each share of stock (other than stock which is limited and preferred as to assets upon liquidation) upon the basis of the percentage which one share of stock is of the total shares of stock of the transferor owned by the transferee at the time of liquidation (not including stock which is limited and preferred as to assets upon liquidation).

(5) In no event shall there be taken into account any plus adjustment with respect to a share of stock which is limited and preferred as to assets upon liquidation of the transferor in excess of the sum of—

(i) The excess of that portion of the net assets to which such share is entitled upon liquidation of the transferor over the adjusted basis to the transferee of such share at the time of liquidation, and

(ii) The amount of any cumulative dividends in arrears upon such share.

(6) Property received by a transferee in an intercorporate liquidation in exchange for stock of the transferee issued by the transferee to the transferor or to minority shareholders of the transferor, whether or not in an exchange within the provisions of section 112 (b) (4) of the applicable revenue law, is not property received upon an intercorporate liquidation, but is property received upon an exchange under section 471 or property paid in under section 458 (d) (1) or (2). Consequently, other consideration given by the transferee for property received upon the intercorporate liquidation within the provisions of section 472 (b) (1) (B) or section 472 (b) (2) (B) does not include stock of the transferee issued in consideration for property which is received at the time of the intercorporate liquidation but which is received in an exchange under section 471 or which is paid in under section 458 (d) (1) or (2).

(d) *Rules applicable in case intercorporate liquidation extends over period of time.* If any distribution in an intercorporate liquidation occurs in an excess profits tax taxable year ending after June 30, 1950, to which the provisions of section 472 are applicable, and if the liquidation is consummated by a series of distributions covering a period of more than one taxable year, the application of the principles of section 472 in the computation of the equity invested capital of the taxpayer shall, in addition to the requirements set forth in section 472, be subject to the following requirements:

(1) The taxpayer shall file with its return for the first excess profits tax taxable year to which the provisions of section 472 are applicable with respect to the intercorporate liquidation a statement describing the plan pursuant to which the distributions in liquidation have been or will be made and setting forth the period within which the transfer of the property of the transferor to the taxpayer has been or is to be completed.

(2) If the intercorporate liquidation involves a distribution in liquidation pursuant to the provisions of section 112 (b) (6), the taxpayer shall comply with the requirements prescribed by § 29.112 (b) (6)–3 of Regulations 111. The bond required by such section shall also contain provisions unequivocally assuring prompt payment of the excess of income and excess profits taxes (plus penalty, if any, and interest) as computed by the Commissioner without regard to the provisions of section 472 over such taxes computed with regard to such section, regardless of whether such excess may or may not be made the subject of a notice of deficiency under section 272 and regardless of whether it may or may not be assessed.

(3) If the intercorporate liquidation involves a distribution in liquidation other than one pursuant to section 112 (b) (6), in addition to the statement required by subparagraph (1) of this paragraph for each of the taxable years which falls wholly or partly within the period of liquidation, the taxpayer shall, at the time of filing its return, file with the collector for transmittal to the Commissioner a waiver of the statute of limitations on assessment and collection. The waiver shall be executed on such form as may be prescribed by the Commissioner and shall extend the period for assessment of all income and excess profits taxes for such year to a date not earlier than one year after the last date

of the period for assessment of such taxes for the last taxable year in which the transfer of the property of the transferor to the transferee may be completed pursuant to the plan filed by the taxpayer. Such waiver shall also contain such other terms with respect to assessment as may be considered by the Commissioner to be necessary to insure the assessment and collection of the correct tax liability for each year within the period of liquidation. For each of the taxable years which falls wholly or partly within the period of liquidation, the recipient corporation shall file a bond, the amount of which shall be fixed by the Commissioner. The bond shall contain all terms specified by the Commissioner, including provisions unequivocally assuring prompt payment of the excess of the income and excess profits tax (plus penalty, if any, and interest) as computed by the Commissioner without regard to the provisions of section 472 over such taxes computed with regard to such provisions, regardless of whether such excess may or may not be made the subject of a notice of deficiency under section 272 and regardless of whether it may or may not be assessed. Any bond required under this paragraph shall have such surety or sureties as the Commissioner may require. However, see section 1126 of the Revenue Act of 1926, as amended, providing that where a bond is required by law or regulations, in lieu of surety or sureties there may be deposited bonds or notes of the United States. Only surety companies holding certificates of authority from the Secretary as acceptable sureties on Federal bonds will be approved as sureties. The bonds shall be executed in triplicate so that the Commissioner, the taxpayer, and the surety or the depository may each have a copy.

(4) Pending the completion of the liquidation, if there is a compliance with this section and § 40.472–1 with respect to intercorporate liquidations, the equity invested capital of the taxpayer for each day following a distribution in liquidation of the transferor shall be determined under section 472, and the plus adjustment or minus adjustment for each such day shall be computed under section 472 (b) subject to the following rules:

(i) If a distribution in liquidation is in complete cancellation and retirement of any specific share or shares of stock of the transferor, a plus adjustment or a minus adjustment with respect to such share or shares shall be computed at the time such distribution occurred pursuant to the provisions of § 40.472–2 (c), and the money and property received upon the distribution, the liabilities of the transferor assumed at the time of the distribution, the liabilities to which the property received in the distribution was subject, and any other consideration (other than the stock of the transferor with respect to which the distribution was received) shall be taken into account in computing the plus adjustment or minus adjustment with respect to such distribution and shall not be allocated to any prior or subsequent distribution.

(ii) If the distribution in liquidation is not in complete cancellation and retirement of any specific share or shares, but extends ratably over all the outstanding shares of the transferor or over all the outstanding shares of a particular class of stock of the transferor, a plus adjustment or a minus adjustment shall be computed at the time of each distribution in accordance with the provisions of § 40.472–2 (c), and—

(*a*) The distribution shall be considered a distribution with respect to each share (or each share of a particular class) held by the transferee;

(*b*) The adjusted basis of each share for the purposes of computing the plus adjustment or the minus adjustment at the time of any distribution shall bear that ratio to the total adjusted basis of such share computed under § 40.472–4 as the excess of the aggregate of the money and adjusted basis (computed under § 40.472–5) of all property other than money received from the transferor as a distribution over the aggregate of the liabilities of the transferor assumed by the transferee or to which property received from the transferor was subject, bears to the excess of the aggregate of the money and adjusted basis of all property other than money (computed under § 40.472–5) held by the transferor at the time of the first distribution in liquidation over the aggregate of the liabilities of the transferor and liabilities to which the property held by the transferor was subject, at the time of the first distribution in liquidation. In no event, however, shall the portion of the total adjusted basis of a share of stock used in computing the plus adjustment or the minus adjustment under this paragraph exceed an amount which, when added to portions of such basis previously used in computing the plus adjustment or minus adjustment in connection with such intercorporate liquidation, equals the total adjusted basis of such share computed under § 40.472.4;

(*c*) The amount of any consideration (other than the stock of the transferor with respect to which the distribution was received) given by the transferee at the time of the distribution and the amount of any liability of the transferor assumed at the time of the distribution or any liability to which the property received in the distribution was subject shall be taken into account in computing the plus adjustment or the minus adjustment with respect to such distribution, and shall not be allocated to any other prior or subsequent distribution.

(iii) In no event shall the aggregate of the plus adjustments and minus adjustments computed with respect to an intercorporate liquidation extending over a period of time be different for each day after the last day of the last distribution in liquidation than the plus adjustment or minus adjustment which would have resulted had the intercorporate liquidation been commenced and completed entirely during such last day.

§ 40.472–3 *Determination of basis of stock; cost basis or basis other than cost*—(a) *Cost basis.* In all cases other than those in which the basis of stock is determined to be a basis other than cost under paragraphs (b) or (c) of this section, the basis of stock shall be determined to be a cost basis.

(b) *Basis other than cost.* Stock in any corporation shall be determined to have a basis other than cost if, as a result of the transaction in which such stock was acquired—

(1) The basis of such stock is fixed by reference to the basis of other property previously held by the acquiring corporation, not including any case in which the basis of such other property to such corporation was a cost basis if, at the time of the acquisition of such stock or immediately thereafter, the acquiring corporation or its shareholders were in control of the corporation from which such stock was acquired or the corporation from which such stock was acquired or its shareholders were in control of the acquiring corporation; or

(2) The basis of such stock is fixed by reference to its basis in the hands of a preceding owner not including any case in which—

(i) Such stock was acquired from another member of an affiliated group of corporations in a taxable year in which the acquiring corporation and the transferring corporation filed a consolidated return and

(*a*) The basis of such stock to the transferring corporation was a cost basis, or

(*b*) The basis of the stock of the transferring corporation or of any other member of the affiliated group holding stock of the transferring corporation, directly or indirectly, was a cost basis, whether or not the basis to the transferring corporation of the stock transferred was a cost basis (see § 40.472–4 (c) relating to amount of basis) except in those cases in which such stock would have a basis other than cost if it had been acquired in an intercorporate liquidation described in subdivision (ii) of this subparagraph or in an exchange described in subdivision (iii) of this subparagraph; or

(ii) Such stock was acquired in an intercorporate liquidation if immediaitely prior to such liquidation the stock of the liquidated corporation was held by the acquiring corporation with a cost basis (see section 472 (e)), or the stock which was acquired in such liquidation was held by the liquidated corporation with a cost basis; or

(iii) Such stock was acquired from another member of a controlled group of corporations and

(*a*) The basis of such stock to the preceding owner was a cost basis, or

(*b*) The basis of the stock of the transferring corporation or of any other member of the controlled group holding stock of the transferring corporation, directly or indirectly, was a cost basis, whether or not the basis to the transferring corporation of the stock transferred was a cost basis (see § 40.472–4 (c) relating to amount of basis) except in those cases in which such stock would have a basis other than cost if it had been acquired in an intercorporate liquidation described in subdivision (ii) of this subparagraph;

provided that if, in the opinion of the Commissioner, the liquidation of the transferor whose stock was acquired in a transaction subject to the provisions of subdivisions (i) and (iii) of this subparagraph has the effect of a substitution of one member of a controlled group for another member of such group, the provisions of subdivisions (i) and (iii) of this subparagraph shall not be applicable. For the purposes of this section a controlled group includes one or more chains of corporations connected through stock ownership with a common parent corporation if stock possessing at least 80 percent of the voting power of all classes of stock and at least 80 percent of each class of the nonvoting stock of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations and the common parent corporation owns directly stock possessing at least 80 percent of the voting power of all classes of stock and at least 80 percent of each class of the nonvoting stock of at least one of the other corporations. As used in the preceding sentence, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends.

(c) *Statutory merger or consolidation.* In any case in which a corporation held stock in another corporation and such corporations were merged or consolidated in a statutory merger or consolidation, such stock, for the purposes of section 472 (f), shall be determined to have a cost basis in the hands of the corporation resulting from the merger or consolidation if such stock was held with a cost basis immediately prior to the statutory merger or consolidation and if, immediately thereafter, the shareholders of the holding corporation were in control of the corporation resulting from the statutory merger or consolidation. In all other cases, such stock shall be determined to have a basis other than cost in the hands of the corporation resulting from the statutory merger or consolidation.

(d) *Control.* For the purposes of this section, in determining whether the basis of stock is a cost basis or a basis other than a cost basis, the term "control" means the ownership of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock of the corporation (except nonvoting stock which is limited and preferred as to dividends).

(e) *Series of stock transfers.* The rules provided in this section shall be applicable in determining the basis of stock held by a transferee where there has been a series of transfers of such stock.

§ 40.472–4 *Computation of basis of stock; amount of basis.* The following rules are applicable in determining the adjusted basis of the stock with respect to which the property was received in the intercorporate liquidation, for the purposes of the computation of the plus adjustment or the minus adjustment under section 472 (b):

(a) *Time of computation.* The adjusted basis of each share of stock with respect to which property is received in an intercorporate liquidation shall be determined immediately prior to the receipt of any property in such liquidation with respect to such share. In case of the receipt by a corporation in a statutory merger or consolidation of shares of stock of another corporation, the properties of which are deemed to have been transferred to the acquiring corporation with respect to such stock, the adjusted basis of such stock shall be determined immediately prior to the statutory merger or consolidation.

(b) *Determination of basis.* The adjusted basis of each share of stock shall be the unadjusted basis for determining loss upon a sale or exchange, adjusted by amounts proper under section 115 (*l*) for determining earnings and profits, under the law applicable to the year in which the intercorporate liquidation began. If such stock has a basis fixed by reference to the basis of such stock in the hands of any preceding owner, the basis of such stock to the transferee upon its receipt shall be the basis to the prior owner determined without regard to its value as of March 1, 1913, and adjusted in the hands of the prior owner (and in the hands of any owners prior to such prior owner if the basis of such stock is determined by reference to the basis in the hands of such other prior owners) by an amount equal to the adjustments proper under section 115 (*l*) for determining earnings and profits. In any case in which such stock has a basis to the transferee fixed by reference to the basis of such stock in the hands of any preceding owner, and the basis of such stock in the hands of such preceding owner is different for invested capital purposes, because of the provisions of section 472, then for the purposes of determining gain or loss upon a sale or exchange, the basis of such stock for invested capital purposes, rather than the basis for determining gain or loss upon a sale or exchange, shall be used in determining the unadjusted basis of such stock to the transferee. If the basis of such stock to the preceding owner was a cost basis which is preserved to the transferee, and if the preceding owner was in control of the transferor as defined in section 472 (c) (3), the adjustments prescribed by this section with respect to stock owned by a transferee shall also be made with respect to the stock owned by the preceding owner for the purposes of determining the unadjusted basis of such stock to the transferee.

(c) *Acquisition of stock from member of affiliated or controlled group.* If stock of a corporation was acquired by a member of an affiliated group of corporations from another member of such affiliated group in a transaction subject to the provisions of § 40.472–3 (b) (2) (i) (*b*), or by a member of a controlled group of corporations as defined in § 40.472–3 (b) (2) from another member of such controlled group in a transaction subject to the provisions of § 40.472–3 (b) (2) (iii) (*b*), the basis of such stock to the acquiring corporation shall be an amount equal to the basis which such stock would have, determined pursuant to the provisions of section 472 (c) (1) and (e), if such stock were acquired as the result of an intercorporate liquidation of the corporation transferring such stock and of each member of the group owning stock of the transferring corporation, directly or indirectly, through which such stock would have passed prior to its acquisition by the member of the group.

(d) *Nonapplication of adjustment based on loss during consolidated return period.* If the transferee owns stock of a transferor with which it has made a consolidated return, the basis of such stock shall not be reduced pursuant to the provisions of section 113 (a) (11), or pursuant to a provision of consolidated returns regulations such as § 33.34 (c) of Regulations 110, or § 23.34 (c) of Regulations 104, or corresponding provisions of prior consolidated returns regulations, or similar rules of law applicable to consolidated returns, relating to decrease in basis of stock of a corporation on account of losses sustained by such corporation during a consolidated return period.

(e) *Precontrol distributions in case of cost basis stock.* As of the date of acquisition of control by the transferee (or as of the time of the intercorporate liquidation in case control was not acquired by the transferee), the basis of the aggregate assets of the transferor attributable to stock owned by the transferee with a cost basis is to be revalued to accord with such cost basis. See section 472 (c). Distributions from earnings and profits of the transferor between the date of acquisition of such stock and the date of acquisition of control (or the time of the intercorporate liquidation in case control was not acquired) may have the effect of reducing the assets of the transferor properly subject to revaluation. For the purpose of section 472 in the case of such distributions made with respect to stock having a cost basis, the basis of such stock shall be reduced by an amount proper to give effect to any such reduction in assets.

(f) *Postcontrol distributions in case of cost-basis stock.* If the stock of the transferor is deemed to have a cost basis to the transferee, the adjusted basis of the assets of the transferor must be recomputed pursuant to the provisions of section 472 (c) (1) and § 40.472–5 (a). A subsequent sale or other disposition of the assets of the transferor involved in such recomputation, or the use of such assets in the trade or business of the transferor, will affect the earnings and profits of the transferor in amounts determined by reference to the recomputed basis. In determining whether a distribution made by the transferor to the transferee after the acquisition of control by the transferee of the transferor is a dividend within the meaning of section 115 (a) or a distribution in reduction of the basis of the stock of the

transferor under section 113 (b) (1) (D) for the purposes of the computation of the adjusted basis of such stock to be used in the computation of the plus adjustment or the minus adjustment under section 472 (b), the earnings and profits of the transferor recomputed in accordance with the method prescribed in this subsection shall be used in lieu of the earnings and profits of the transferor otherwise determined.

§ 40.472–5 *Basis of property received in an intercorporate liquidation with respect to stock having a cost basis*—(a) *Determination.* For the purpose of determining the plus adjustment or the minus adjustment to be used in adjusting the equity invested capital of a transferee in an intercorporate liquidation pursuant to section 472 (b) and (d), the property received by a transferee in an intercorporate liquidation attributable to a share of stock of the transferor having in the hands of the transferee a basis determined under § 40.472–3 to be a cost basis shall be considered to have at the time so received an adjusted basis determined as follows:

(1) *Basis of property with respect to stock acquired on or before date of acquisition of control of transferor.* With respect to a share of stock of the transferor acquired by the transferee with a cost basis on or before the date of acquisition by the transferee of control of the transferor, the aggregate of the property (other than money) held by the transferor at the time of the acquisition by the transferee of control of the transferor shall be considered to have an aggregate basis equal to the amount determined by—

(i) Multiplying the amount of the adjusted basis of such share in the hands of the transferee at the time of acquisition of control by the aggregate number of share units in the transferor at such time, the interest represented by such share being taken as the share unit,

(ii) Adding to the amount determined under subdivision (i) of this subparagraph the amount of the liabilities of the transferor at the time of acquisition of control, and

(iii) Subtracting from the sum of the amounts determined under subdivisions (i) and (ii) of this subparagraph the amount of money on hand in the transferor at the time of acquisition of control.

(2) *Basis of property with respect to stock acquired after acquisition of control of transferor.* If a share of stock of the transferor was acquired by the transferee with a cost basis after the transferee acquired control of the transferor, the aggregate basis of the property of the transferor (other than money) held by the transferor at the time of the acquisition by the transferee of such share of the transferor shall be determined in the manner prescribed in subparagraph (1) of this paragraph, except that such computation shall be made as of the time of the acquisition of such share. A share of stock shall be considered to have been acquired after the transferee acquired control of the transferor only if, after the acquisition of such share, the transferee did not lose control of the transferor. A share of stock shall be considered to have been acquired on or before the date of acquisition of control if, after the acquisition of such share, the transferee lost control previously held in the transferor and subsequently reacquired and retained control until the time of the intercorporate liquidation.

(3) *Basis of property with respect to stock in transferor in which control is not acquired.* If a share of stock is owned in a transferor and if immediately prior to the receipt of any property in the intercorporate liquidation in respect of such share the transferee does not have control of the transferor, the aggregate basis of the property of the transferor shall be determined in the manner prescribed in subparagraph (1) of this paragraph, except that such computation shall be made as of the time immediately prior to the receipt of the property in the intercorporate liquidation.

(4) *Redetermination of basis of property to accord with basis of stock.* The amount determined under subparagraphs (1), (2), or (3) of this paragraph, representing the aggregate basis of the property of the transferor at the time of acquisition of control of the transferor, at the time of acquisition of stock of the transferor subsequent to the acquisition of control, or at the time of the intercorporate liquidation may be greater or less than the amount of the aggregate adjusted basis of the property of the transferor at such time otherwise computed. Ordinarily, if—

(i) The aggregate basis of the property of the transferor determined under subparagraph (1), (2), or (3) of this paragraph exceeds the aggregate adjusted basis of such property otherwise computed, such excess shall be deemed to be the basis of an asset which, for the purposes of section 472, shall be called "positive good will," or

(ii) The aggregate basis of the property of the transferor determined under subparagraph (1), (2), or (3) of this paragraph is less than the aggregate adjusted basis of such property otherwise computed, such difference shall be deemed to represent a deduction from the aggregate basis of the property of the transferor otherwise computed; such difference shall be represented in a credit account to be called "negative good will."

If the fair market value of the property of the transferor at the time as of which the recomputation is made is greater or less than the aggregate adjusted basis of such property determined without regard to subparagraph (1), (2), or (3) of this paragraph, proper adjustment shall be made to the basis of such assets to reflect such difference.

(5) *Basis of property acquired by transferor subsequent to determination of basis under (4).* In any case in which the transferor, subsequent to the date as of which the redetermination of the basis of its property has been made pursuant to subparagraph (4) of this paragraph, acquires additional property, the basis of which is fixed by reference to the basis of the property redetermined under subparagraph (4) of this paragraph, the basis of such additional property shall be determined with respect to the basis of such property redetermined in accordance with the rules set forth in subparagraph (4) of this paragraph in lieu of the basis otherwise prescribed with respect to such property.

(6) *Use of basis determined for subsequent adjustments.* The basis of the property determined under subparagraph (4) or (5) of this paragraph shall be used in determining, for the purposes of section 472, all subsequent adjustments to the basis of such property, as for example, the adjustment based upon depreciation or depletion. Such basis shall also be used in lieu of the basis otherwise prescribed by section 113 in determining, for the purposes of section 472, the gain or loss resulting from a sale or other disposition of such assets by the transferor. The adjustments so obtained and the amount of gain or loss resulting from a sale or other disposition of such assets so determined shall, for the purposes of section 472, be used in computing the earnings and profits or the deficit in earnings and profits of the transferor to ascertain—

(i) Whether distributions subsequent to the date as of which the aggregate basis of the assets of the transferor is determined with respect to stock having a cost basis are out of earnings and profits of the transferor;

(ii) The amount to be included in the earnings and profits of the transferee as a result of such distributions out of earnings and profits of the transferor; or

(iii) The adjustment to be made to the basis of the stock of the transferor owned by the transferee resulting from any such distributions not out of earnings and profits of the transferor.

(7) *Property received by transferee in intercorporate liquidation.* The property received by the transferee in an intercorporate liquidation attributable to a share of stock of the transferor having a cost basis shall be considered to have, at the time of its receipt by the transferee in the intercorporate liquidation, a basis determined as follows:

(i) With respect to property so received which was owned by the transferor with a basis not determined by reference to this paragraph, for example property the basis of which had not been increased or decreased in a revaluation under subparagraph (4) of this paragraph or property acquired subsequent to the date of such revaluation, such property shall have the same basis to the transferee which it had in the hands of the transferor immediately prior to the intercorporate liquidation, adjusted, however, by adjustments proper under section 115 (l) for the determination of earnings and profits;

(ii) With respect to property so received which was owned by the transferor with a basis increased or decreased as the result of a recomputation provided by subparagraph (4) of this paragraph, and with respect to property so received which had a basis fixed, as provided by subparagraph (5) of this paragraph, by reference to other property the basis of which was recomputed pursuant to the provisions of subparagraph (4) of this paragraph, such property shall have the same basis to the transferee which it had in the hands of the transferor, so increased or decreased, immediately prior to the intercorporate liquidation adjusted, however, by adjustments proper under section 115 (l) for the determination of earnings and profits; only such part of the aggregate property received by the transferee in the intercorporate liquidation as is attributable to the share of stock with a cost basis shall be considered as having the recomputed basis which such property is deemed to have under subparagraph (4) or (5) of this paragraph.

(b) *Control.* For the purposes of this section, "control" means the ownership of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote and the ownership of at least 80 percent of the total number of shares of all other classes of stock (except nonvoting stock which is limited and preferred as to dividends), and shall be determined under the following rules:

(1) Control must be continued until the completion of the intercorporate liquidation.

(2) If control is lost and later reacquired (except as otherwise provided in subparagraph (3) of this paragraph), the date of the last acquisition of control shall be considered to be the date of acquisition of control.

(3) If control, once acquired, was lost because stock of the transferor which did not possess voting power at the time such control was acquired became entitled to vote, and if control was reacquired either because the stock which became entitled to vote lost its voting power or through the acquisition of the requisite portion of such stock, and such control continues until the completion of the intercorporate liquidation, the date of acquisition of control shall be the date upon which control was first acquired.

(4) Except as otherwise provided in subparagraph (6) of this paragraph, if stock of a corporation was acquired from another corporation which had held such stock with a cost basis, and if such stock is determined to have a cost basis in the hands of the acquiring corporation fixed by reference to its basis in the hands of such other corporation, the acquiring corporation shall be deemed to have acquired such stock as of the date upon which such stock was acquired by such other corporation.

(5) If stock of a corporation was acquired from another corporation in a liquidation subject to the provisions of section 112 (b) (6), or the corresponding provisions of a prior revenue law, and if the stock of the liquidated corporation was held by the acquiring corporation with a cost basis but the stock acquired was held by the liquidated corporation with a basis other than cost, the acquiring corporation shall be deemed to have acquired the stock received in the liquidation as of the date upon which it had acquired the stock of the liquidated corporation.

(6) If stock of a corporation was acquired from another corporation in a liquidation subject to the provisions of section 112 (b) (6), or the corresponding provisions of a prior revenue law, and if the stock so acquired was held by the liquidated corporation and the stock of the liquidated corporation was held by the acquiring corporation, both with a cost basis, the acquiring corporation shall be deemed to have acquired the stock received in the liquidation as of the date upon which such stock was acquired by the liquidated corporation, or as of the date upon which the acquiring corporation acquired the stock of the liquidated corporation with respect to which the distribution was made, whichever date was the later.

(7) If stock of a corporation was acquired with a basis determined to be a cost basis under § 40.472–3 (b) (1) because the basis of such stock was fixed by reference to the cost basis of other stock in the hands of the acquiring corporation, the acquiring corporation shall be deemed to have acquired such stock as of the date upon which it had acquired such other stock.

(8) If the basis of the stock of a transferor in the hands of the transferee was increased as the result of a statutory merger or consolidation of the transferor and another corporation, or as the result of a transaction having the effect of a statutory merger or consolidation, and if the stock of such other corporation was held by the transferee with a cost basis, that portion of the transferee's stockholding interest in the transferor represented by the increase shall be deemed to have been acquired as of the date upon which the transferee had acquired the stock of such other corporation.

§ 40.472–6 *Basis of property received in an intercorporate liquidation with respect to stock having a basis other than cost.* For the purpose of determining the plus adjustment or the minus adjustment to be used in adjusting the equity invested capital of a transferee in an intercorporate liquidation pursuant to section 472 (b) and (d), the property received by a transferee in an intercorporate liquidation attributable to a share of stock of the transferor having in the hands of the transferee a basis determined under § 40.472–3 to be a basis other than cost shall be considered to have at the time so received by the transferee the basis it would have had if the first sentence of section 113 (a) (15) had been applicable, i. e., the basis of such property to the transferee shall be the basis which such property had in the hands of the transferor, adjusted by adjustments proper under section 115 (l) in determining earnings and profits. Such basis shall be used for the purposes of section 472 in lieu of the basis for determining gain or loss upon a sale or other disposition prescribed by any provision or rule of law such as the last sentence of section 113 (a) (15), or the corresponding provisions of a prior revenue law, or a provision of consolidated return regulations such as § 33.38 (c) (3) of Regulations 110, or § 23.38 (c) (3) of Regulations 104, or corresponding sections of other consolidated returns regulations. Only such part of the aggregate property of the transferor received by the transferee in the intercorporate liquidation as is attributable to a share having a basis determined to be a basis other than cost shall be considered as having the adjusted basis which property is deemed to have under section 472 (c) (2) and this section. Thus, if the aggregate basis of the assets to the transferor, properly adjusted by the adjustments required by section 115 (l) is $400,000, and if the transferee owns 90 percent of the stock of the transferor half of which was held with a basis other than cost, and receives 90 percent of the aggregate property of the transferor upon the intercorporate liquidation, the aggregate basis of the assets received by the transferee with respect to the shares held with a basis other than cost, for the purposes of section 472, is $180,000 (one-half of 90 percent of $400,000).

§ 40.472–7 *Adjustment of equity invested capital.* If property is received by the transferee in an intercorporate liquidation within the meaning of section 472 (a), the equity invested capital of the transferee for any day following the day in which such intercorporate liquidation is completed shall be computed with the following adjustments:

(a) *Adjustment with respect to stock with cost basis.* With respect to any share of stock in the transferor having in the hands of the transferee, immediately prior to the receipt of the property in the intercorporate liquidation, a basis determined under the provisions of § 40.472–3 to be a cost basis the earnings and profits or the deficit in earnings and profits of the transferee shall be computed as if, on the day following the completion of the intercorporate liquidation, the transferee had realized a recognized gain equal to the amount of the plus adjustment in respect of such share or had sustained a recognized loss equal to the amount of the minus adjustment in respect to such share, computed under the provisions of section 472 (b) and § 40.472–2. No other amount shall be included pursuant to any provision or rule of law in the earnings and profits of the transferee as a result of the intercorporate liquidation with respect to such share.

(b) *Adjustment with respect to stock with basis other than cost.* With respect to any share of stock in the transferor having in the hands of the transferee, immediately prior to the receipt of the property in the intercorporate liquidation, a basis determined under the provisions of § 40.472–3 to be a basis other than cost, there shall be treated as an amount includible in the sum specified in section 458 (d) (relating to equity invested capital) for each day following

the intercorporate liquidation the amount of the plus adjustment computed with respect to such share under section 472 (b) and § 40.472–2 (a), or as an amount includible in the sum specified in section 458 (e) (relating to reduction in equity invested capital) for each day following the intercorporate liquidation the amount of the minus adjustment computed with respect to such share under section 472 (b) and § 40.472–2 (b).

(c) *Illustration.* The provisions of section 472 may be illustrated by the following example:

Assume that Corporation S was organized on December 31, 1928, with an authorized capital stock of $25,000 consisting of 1,000 shares of common stock with a par value of $25 per share. On that date, in a transaction within the provisions of section 112 (b) (5) of the Revenue Act of 1928, Corporation S issued to Corporation P 600 shares of its stock in exchange for a patent which had an adjusted basis to P of $15,000, and 400 shares of its stock to individuals in exchange for property with an adjusted basis to such individuals of $10,000. The basis to P of the 600 shares of stock of S is determined to be a basis other than cost. Section 113 (a) (6) and section 40.472–3 (b) (1). On December 31, 1931, P purchased for $80,000 in cash the remaining 400 shares of the stock of S which it retained until the liquidation of S on December 31, 1936, under section 112 (b) (6) of the Revenue Act of 1936, an intercorporate liquidation. The date of acquisition of control of S by P was December 31, 1931. Section 40.472–5 (b). On December 31, 1928, the patent acquired by S had a remaining life of 15 years; on December 31, 1931, the date of acquisition of control of S by P, the patent had a fair market value of $72,000. As of December 31, 1931, the fair market value of the remaining assets of S was identical with their adjusted basis.

Comparative balance sheets of S as of December 31, 1931, the date of acquisition of control by P, and as of December 31, 1936, the date of liquidation of S, are as follows:

	Dec. 31, 1931		Dec. 31, 1936	
Assets:				
Cash	$5,000		$55,000	
Other current assets	60,000		150,000	
Fixed assets (less depreciation)	80,000		130,000	
Patent	$15,000	$15,000		
Less: Reserve for amortization	3,000	8,000		
		12,000		7,000
Total assets		157,000		292,000
Liabilities and capital:				
Current liabilities	$12,000		$22,000	
Mortgage on fixed assets	15,000		10,000	
Capital stock	25,000		25,000	
Surplus (earnings and profits)	85,000		235,000	
Total liabilities and capital	157,000		292,000	

The plus adjustment or the minus adjustment to be made to the invested capital of P resulting from the intercorporate liquidation of S is a direct addition to or subtraction from the equity invested capital of P with respect to the stock of S held with a basis other than cost (section 472 (d) (2)); it is deemed to be a recognized gain or loss to P as of the day following the intercorporate liquidation with respect to the stock of S held with a cost basis (section 472 (d) (1)). Moreover, the determination of the basis of property received with respect to stock held with a basis other than cost (section 472 (c) (2)) differs from the determination of such basis with respect to stock held with a cost basis (section 472 (c) (1)). Two separate computations must therefore be made.

(1) *Stock with a basis other than cost.* With respect to the 600 shares of stock of S held by P with a basis other than cost, P is deemed to have received 60 percent $\left(\frac{600}{1000}\right)$ of the assets and to have assumed 60 percent of the liabilities of S, as follows:

	Total assets	Assets received
Cash	$35,000	$21,000
Other current assets	120,000	72,000
Fixed assets (less depreciation)	130,000	78,000
Patent	$15,000	$9,000
Less: Reserve for amortization	8,000	4,800
	7,000	4,200
Total	292,000	175,200
	Total liabilities	Liabilities assumed
Current liabilities	$22,000	$13,200
Mortgage on fixed assets	10,000	6,000
Total	32,000	19,200

There is a plus adjustment to the equity invested capital of P in the amount of $141,000, computed as follows:

Money received by P		$21,000
Adjusted basis of all other property received by P		154,200
Total assets received		$175,200
Less: Adjusted basis to P of 600 shares of stock of S	$15,000	
Aggregate liabilities assumed	19,200	
Total		34,200
Plus adjustment		141,000

(2) *Stock with a cost basis.* With respect to the 400 shares of stock of S held by P with a cost basis, the basis of the aggregate property of S is to be recomputed, as of December 31, 1931, the date of acquisition by P of control of S, to accord with the basis of such stock (section 472 (c) (1) (A)), as follows:

Cost basis per share of stock ($80,000 divided by 400)		$200
Number of share units		1,000
Product of cost per share and number of share units		$200,000
Less: Money		5,000
Difference		195,000
Add: Liabilities:		
Current liabilities	$12,000	
Mortgage on fixed assets	15,000	
		27,000
Basis of aggregate property other than money		222,000

The excess of the recomputed basis of the aggregate property of S, other than money, over the adjusted basis of such property prior to the recomputation is $120,000 ($222,000 minus $102,000). The only asset which had a fair market value in excess of its adjusted basis prior to the recomputation is the patent. In the recomputation, the basis of the patent is increased by $60,000 under section 472 (c) (1) (A) to its fair market value of $72,000. The remainder of the excess of the recomputed basis of the aggregate property of S other than money over the adjusted basis of such property prior to the recomputation ($120,000 minus $60,000) becomes the basis of an account entitled "positive good will."

As of December 31, 1931, the adjusted basis and the recomputed basis of the property of S would appear as follows:

	Adjusted basis	Recomputed basis
Assets:		
Cash	$5,000	$5,000
Other current assets	60,000	60,000
Fixed assets (less depreciation)	80,000	80,000
Patent	$15,000	$75,000
Less: Reserve for amortization	3,000	8,000
	12,000	72,000
Positive good will	------	60,000
	157,000	277,000

Pursuant to section 472 (c) (1) (C), the recomputed basis of the patent is to be used in determining all subsequent adjustments to the basis of such asset. Thus, for each of the five years between December 31, 1931, and December 31, 1936, the date of the intercorporate liquidation, the patent will be amortized at $6,000 per year ($72,000 divided by 12), instead of $1,000 per year ($15,000 divided by 15). The total amount included in the reserve for amortization will be $33,000 ($3,000 plus $30,000) instead of $8,000 ($3,000 plus $5,000). As of December 31, 1936, P is deemed to have received with respect to the 400 shares of stock of S held with a cost basis 40 percent $\left(\frac{400}{1000}\right)$ of the assets of S including the positive good will account, revalued according to section 472 (c) (1) (A) and (C), and to have assumed 40 percent of the liabilities of S. (Section 472 (c) (1) (E).) The adjusted basis of the property of S as of December 31, 1936, prior to the recomputation and as recomputed, and the portion of the assets deemed to have been received and the liabilities deemed to have been assumed by P, are as follows:

Assets	Prior to recomputation	As recomputed	Assets received
Cash	$35,000	$35,000	$14,000
Other current assets	120,000	120,000	48,000
Fixed assets (less depreciation)	130,000	130,000	52,000
Patent	$15,000	$75,000	$30,000
Less: Reserve for amortization	8,000	33,000	13,200
	7,000	42,000	16,800
Positive good will	------	60,000	24,000
Total	292,000	387,000	154,800

Liabilities:	Total liabilities	Liabilities assumed
Current liabilities	$22,000	$8,800
Mortgage on fixed assets	10,000	4,000
Total	32,000	12,800

There is a plus adjustment deemed to be a recognized gain to P as of January 1, 1937, in the amount of $62,000, computed as follows:

Money received by P		$14,000
Adjusted basis of all other property received by P		140,800
Total assets received		$154,800
Less: Adjusted basis to P of 400 shares of stock of S	$80,000	
Aggregate liabilities assumed	12,800	
Total		92,800
Plus adjustment		62,000

The unadjusted basis to P of the property received from S in the intercorporate liquidation is computed as follows:

	Basis with respect to 600 shares	Basis with respect to 400 shares	Total
Cash	$21,000	$14,000	$35,000
Other current assets	72,000	48,000	120,000
Fixed assets (less depreciation)	78,000	52,000	130,000
Patent	$9,000	$30,000	$39,000
Less: Reserve for amortization	4,800	13,200	18,000
	4,200	16,800	21,000
Positive good will	------	24,000	24,000
Total	175,200	154,800	330,000

For the purpose of computing the earnings and profits and the adjusted basis of the patent received from S in the intercorporate liquidation to be used in the determination of the invested capital of P for each excess profits tax taxable year, the patent would be deemed to have an unadjusted basis to P of $21,000 as of January 1, 1937, and the annual amount of amortization from that date would be $3,000 ($21,000 divided by 7) instead of $1,000, the amount of amortization taken by S.

§ 40.472–8 *Invested capital basis.* For the purpose of computing any amount entering into the computation of the invested capital of the transferee, or of any other corporation the computation of the invested capital of which is determined by reference to the basis of property in the hands of the transferee, the adjusted basis which property received by the transferee in an intercorporate liquidation is deemed to have at the time of its receipt by the transferee, determined under section 472 (c) and § 40.472–5, shall be thereafter treated as the adjusted basis of such property in lieu of any other basis otherwise prescribed. Thus, items of depreciation or depletion or any other items computed by reference to the basis of property received in an intercorporate liquidation, shall, for the purpose of computing the invested capital of the transferee, be determined by reference to the adjusted basis of such property in the hands of the transferee computed under section 472 in lieu of any basis prescribed by section 113 or any other provision or rule of law. Likewise, the adjusted basis of stock or other assets received by the transferee in an intercorporate liquidation shall, for the purpose of determining the ratio of inadmissible assets to total assets under section 440 (b), be the adjusted basis as provided in section 472 (c) in lieu of the basis determined under section 113. So, also, for the purpose of determining the earnings and profits resulting from a sale or other disposition of an asset received in an intercorporate liquidation the adjusted basis of such asset shall be the adjusted basis as provided in section 472 (c).

In pursuance of the Internal Revenue Code, the foregoing regulations are hereby prescribed, applicable only to taxable years ending after June 30, 1950. In order that these regulations may be available for guidance to taxpayers for as long a period as possible prior to March 15, 1951 (the date prescribed for filing returns for taxable years ending before January 1, 1951), it is hereby found to be impracticable to incur the delay which would result from the issuance of these regulations with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

[SEAL] FRED S. MARTIN,
Acting Commissioner of Internal Revenue.

Approved: March 1, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51-2959; Filed, Mar. 2, 1951; 12:22 p. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

[Domestic Uranium Program Circular 5, Revised]

PART 60—DOMESTIC URANIUM PROGRAM

GUARANTEED MINIMUM PRICE FOR URANIUM-BEARING CARNOTITE-TYPE OR ROSCOELITE-TYPE ORES OF COLORADO PLATEAU AREA

Section 60.5 and § 60.5a of Title 10, Code of Federal Regulations, are amended by increasing the prices and premiums to be paid after March 1, 1951, for uranium ores, so that § 60.5 and § 60.5a, as amended, shall read as follows:

§ 60.5 *Guaranteed minimum price for uranium-bearing carnotite-type or roscoelite-type ores of the Colorado Plateau area*—(a) *Guarantee.* To stimulate domestic production of uranium-bearing ores of the Colorado Plateau area, commonly known as carnotite-type or roscoelite-type ores, and in the interest of the common defense and security, the United States Atomic Energy Commission hereby establishes the guaranteed minimum prices specified in § 60.5a effective during the period, March 1, 1951, through March 31, 1953, for the delivery of such ores to the Commission at Monticello, Utah, in accordance with the terms of this section and § 60.5a.

NOTE: In §§ 60.1 and 60.2 (Domestic Uranium Program, Circulars No. 1 and 2), the Commission established guaranteed prices for other domestic uranium-bearing ores, mechanical concentrates, and refined uranium products.

(b) *Effect on §§ 60.3 and 60.3a.* Sections 60.3 and 60.3a, which also apply to carnotite and roscoelite ores, are not revoked by the issuance of this section and § 60.5a and sellers may elect to deliver ore under the provisions of §§ 60.3 and 60.3a rather than under this section and 60.5a, at their option, during the unexpired terms of §§ 60.3 and 60.3a (through April 11, 1951). It is believed, however, that in most cases the provisions of this section and § 60.5a will be more favorable to producers.

(c) *Definitions.* As used in this section and in § 60.5a, the term "buyer" refers to the U. S. Atomic Energy Commission, or its authorized purchasing agent. The term "ore" does not include mill tailings or other mill products. The term "seller" refers to any person offering uranium ores for delivery to the

Commission. Weights are avoirdupois dry weights, unless otherwise specifically provided.

(d) *Deliveries of not to exceed 1,000 tons per year.* To aid small producers, any one seller may deliver without a written contract but otherwise in accordance with this circular up to, but not exceeding, 1,000 short tons (2,000 pounds per ton) of ores during any calendar year.

(e) *Deliveries in excess of 1,000 tons per year.* Sellers desiring to deliver in excess of 1,000 short tons (2,000 pounds per ton) of ores during any calendar year will be required to enter into a contract with the Commission providing for, among other things, a rate of delivery and the total quantity of ore to be delivered.

(f) *Delivery.* Seller, at his own expense, shall deliver and unload all ores at the buyer's depot at Monticello, Utah. Deliveries shall be in lots of not less than 10 short tons (2,000 pounds per ton) unless special arrangements have been agreed upon by buyer, but such lots may be delivered in more than one load. Days and hours during which ore may be delivered will be posted at the depot.

(g) *Weighing, sampling and assaying.* Buyer will bear the cost of weighing, sampling, and assaying. The net weight of each load will be determined by the buyer's weighmaster on scales which will be provided by the buyer at or in the vicinity of the purchase depot and such weight will be accepted as final. A weight ticket will be furnished seller or his representative for each load. Each lot of ores will be sampled promptly by the buyer according to standard practice and such sampling will be accepted as final. Seller or his representative may be present at the sampling at his own expense. The absence of seller or his representative shall be deemed a waiver of this right. Buyer will make moisture determinations according to standard practices in ore sampling. All final samples will be divided into four pulps and distributed as follows: (1) The seller, or his representative, will receive one pulp; (2) the buyer will retain one pulp; (3) the other two pulps will be reserved for possible umpire analysis. The buyer's pulp will be assayed by the buyer. The seller may, if he desires, and at his own expense, have his pulp assayed by an independent assayer. In case of disagreement on assays as to any constituent of the ores, an umpire shall be selected in rotation from a list of umpires approved by the buyer whose assays shall be final if within the limits of the assays of the two parties; if not, the assay which is nearer to that of the umpire shall prevail. The party whose assay is the farther from that of the umpire shall pay the cost of the umpire's assay for the constituent of the ores which is in dispute. In the event that the umpire's assay is equally distant from the assay of each party, costs will be split equally. In case of seller's failure to make or submit assays, buyer's assays shall govern. After sampling, the ores may be placed in process, commingled, or otherwise disposed of by buyer.

(h) *Payment.* Buyer will make payment promptly but payment will not be made until an entire minimum lot of ten short tons (2,000 pounds per ton) has been delivered and accepted, unless special arrangements have been agreed upon by buyer, in which case there may be an extra charge for assaying and sampling. Moisture determinations, analyses and settlement sheets, together with the check in payment, will be mailed to seller.

(i) *Inquiries.* All inquiries concerning the provisions of this section and § 60.5a, offers to deliver ores, or questions about the Commission's domestic uranium program in the Colorado Plateau area should be addressed to:

United States Atomic Energy Commission, Post Office Box 270, Grand Junction, Colorado; Telephone: Grand Junction 3000.

(j) *Licenses.* Arrangements will be made by the Commission for the issuance of licenses, pursuant to the Atomic Energy Act of 1946, covering deliveries of source material to the Commission under this section and § 60.5a.

(k) *Limitation of commitment.* Commitments by the Commission to accept delivery of ores are limited to the provisions of this section and § 60.5a as amended from time to time, or to written contracts between the Commission and sellers. Other commitments purporting to be made by the Commission's field personnel or other agents of the Commission will not bind the Commission unless they are in accord with the provisions of this section and § 60.5a or other official circulars.

§ 60.5a. *Schedule I; minimum prices, specifications, and conditions*—(a) *Prices.* Payment for delivery of the ores will be computed on the following basis:

(1) *Uranium.* (i) Ores assaying less than 0.10 percent: no payment. Any such ores which are delivered to the purchase depot shall, unless otherwise specifically agreed to by buyer, become the property of the buyer as liquidated damages for buyer's expense of weighing, sampling, and assaying, and after sampling may be placed in process, commingled, or otherwise disposed of by buyer. If seller has any question as to the quality of his ore, it is suggested that before shipment and delivery to the purchase depot a representative sample be submitted to the buyer or to one of the umpires for assay at seller's expense. The buyer at its discretion may assay a limited number of samples without charge.

(ii) Ores assaying 0.10 percent U_3O_8 and more, as follows:

U_3O_8 assay:	Payment per pound U_3O_8
0.10 percent	$1.50
0.11 percent	1.70
0.12 percent	1.90
0.13 percent	2.10
0.14 percent	2.30
0.15 percent	2.50
0.16 percent	2.70
0.17 percent	2.90
0.18 percent	3.10
0.19 percent	3.30
0.20 percent and more	3.50

(iii) Premiums on uranium: $0.75 per pound for each pound of U_3O_8 in excess of 4 pounds U_3O_8 per short ton (2,000 pounds per ton) of ore and an additional premium of $0.25 per pound for each pound in excess of ten pounds U_3O_8 per short ton. Fractional parts of a pound will be paid for on a pro rata basis to the nearest cent.

(2) *Vanadium.* V_2O_5 at $0.31 per pound up to, but not exceeding, ten pounds of V_2O_5 for each pound of U_3O_8 contained in ores. No factor will be included for V_2O_5 in excess of ten pounds for each pound of U_3O_8, although buyer may, from time to time, publicly announce that, for limited periods by written agreements with individual producers, V_2O_5 in excess of ten-to-one will be paid for. Any such announcement will be made by posting a notice to this effect at the Monticello depot and through such other channels as are deemed suitable to achieve maximum dissemination among producers. Excess V_2O_5 shall be deemed to be buyer's property.

(3) *Allowances.* (i) A development allowance of $0.50 per pound U_3O_8 contained in ores assaying 0.10 percent U_3O_8 or more in recognition of the expenditures necessary for maintaining and increasing developed reserves of uranium ores. Fractional parts of a pound will be paid for on a pro rata basis to the nearest cent. Sellers accepting this allowance are deemed to agree to spend such funds for the development or exploration of their properties. Sellers delivering less than 1,000 short tons per calendar year will not be required to submit an accounting record of expenditures for development or exploration pursuant to this agreement but sellers delivering in excess of 1,000 short tons per calendar year will be required, under the terms of their contracts, to submit proof satisfactory to the Commission that funds equivalent to the amount received as development allowance have been spent for development or exploration either during the contract period or within six months thereafter, unless otherwise provided in the contract.

(ii) A haulage allowance of 6¢ per ton mile for transportation of ore paid for under §§ 60.5 and 60.5a from the mine where produced to the purchase depot specified by the Commission, up to a maximum of 100 miles. The haulage distance from the mine to the purchase depot will be determined by the Commission and its decision will be final. Tonnages for purposes of this allowance shall be calculated on the basis of natural weights rather than dry weights.

(4) *Adjustment of assays.* Assays shall be adjusted to the nearest 0.01 percent for purposes of payment.

(b) *Quality and size.* Ores will not be accepted by buyer under §§ 60.5 and 60.5a which, in buyer's judgment:

(1) Contain less than 0.10 percent U_3O_8;

(2) Contain more than three parts of lime ($CaCO_3$) to one part of V_2O_5, or a total of more than 6 percent lime in the ore;

(3) Contain impurities deleterious to buyer's extraction process or for any other reason are not amenable to it;

(4) Contain lumps in excess of twelve inches in size.

NOTE: The Commission will be interested in discussing arrangements for delivery to it of types of uranium-bearing materials other than those for which guaranteed prices have been established, such as tailings, mill products, and ores of types not acceptable under §§ 60.5 and 60.5a.

(69 Stat. 755–775; 42 U. S. C. 1801–1819. Interpret or apply sec. 5, 60 Stat. 761, 42 U. S. C. 1805)

Effective March 1, 1951 through March 31, 1958.

Dated at Washington, D. C., this 26th day of February 1951.

By order of the Commission.

M. W. BOYER,
General Manager.

[F. R. Doc. 51-3190; Filed, Mar. 12, 1951; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 357]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 352]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

LOUISIANA

Amendment 357 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 352 to the rent regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 129, is amended to read as follows:

Name of defense-rental area	State	County or counties under rent regulation	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed
(129) Alexandria-Leesville.	Louisiana...	The parishes of Beauregard and Vernon.	Jan. 1, 1941	July 1, 1942	Aug. 15, 1942

This recontrols the Parishes of Beauregard and Vernon in Louisiana, portions of the Alexandria-Leesville, Louisiana, Defense-Rental Area. Vernon Parish was decontrolled as of June 1, 1947. As of October 31, 1947, in Beauregard Parish, the application of the following regulations was terminated: (a) §§ 825.81 to 825.92 (Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments) in its entirety, and (b) §§ 825.1 to 825.12 (Controlled Housing Rent Regulation) only with respect to furnished rooms, not constituting an apartment, located within the residence occupied by the landlord or his immediate family. As of October 30, 1948, Beauregard Parish was entirely decontrolled.

2. A new Item is hereby incorporated in Schedule B to read as follows:

81. Provisions relating to the Parishes of Beauregard and Vernon, Louisiana, portions of the Alexandria-Leesville, Louisiana, Defense-Rental Area.

Recontrol of the Parishes of Beauregard and Vernon, Louisiana, portions of the Alexandria-Leesville, Louisiana, Defense-Rental Area. Effective March 8, 1951, the provisions of §§ 825.1 to 825.12 and 825.81 to 825.92 shall apply to housing accommodations in the Parishes of Beauregard and Vernon, Louisiana, portions of the Alexandria-Leesville, Louisiana, Defense-Rental Area, except as modified by the following provisions:

a. As to housing accommodations in the Parish of Vernon, Louisiana, all orders in effect on May 31, 1947, in accordance with §§ 825.1 to 825.12 or 825.81 to 825.92, shall be in full force and effect.

b. As to housing accommodations in the Parish of Beauregard, the following orders shall be in full force and effect: (i) all orders in effect on October 30, 1947, in accordance with §§ 825.81 to 825.92; (ii) all orders in effect on October 30, 1947, with respect to furnished rooms not constituting an apartment located within the residence occupied by the landlord or his immediate family in accordance with §§ 825.1 to 825.12; (iii) all orders in effect on October 29, 1948, in accordance with §§ 825.1 to 825.12.

c. If, on March 8, 1951, there was a ground for adjustment under § 825.5 (a) or § 825.85 (a) for which no order had previously been issued, and a petition for adjustment is filed on or before April 8, 1951, the adjustment shall be effective as of March 8, 1951.

d. If, on March 8, 1951, the services provided with any housing accommodations are less than the minimum required by § 825.3 or § 825.83, the landlord shall either restore and maintain such minimum services or file a petition on or before April 8, 1951 requesting approval of the decreased services. If, on March 8, 1951, the furniture, furnishings or equipment provided with any housing accommodations are less than the minimum required by § 825.3 or § 825.83, the landlord shall file, on or before April 8, 1951, a written report showing the decrease in furniture, furnishings or equipment. Except as modified by this paragraph "d", the provisions of §§ 825.5 (b) and 825.85 (b) shall be applicable to all such cases.

e. In the case of any action which on March 8, 1951, was required or authorized by §§ 825.1 to 825.12 or 825.81 to 825.92 to be taken within a specified period of time, the same time period shall be applicable but such time period shall be counted from March 8, 1951.

f. The provisions of §§ 825.6 and 825.86 shall not apply to any case in which judgment was entered prior to March 8, 1951 by a court of competent jurisdiction for the eviction or removal of a tenant from housing accommodations.

(Sec. 204, 61 Stat. 197, as amended; U. S. C. App. Sup. 1894)

This amendment shall become effective March 8, 1951.

Issued this 8th day of March 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-3230 Filed, Mar. 12, 1951; 8:55 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order 7]

DMO 7—CREATION OF A COMMITTEE ON DEFENSE TRANSPORTATION AND STORAGE

By virtue of the authority vested in me by Executive Order No. 10193 of December 16, 1950, and in accordance with Executive Order No. 10219 of February 28, 1951, and in order to assist the Director of Defense Mobilization to improve the coordination and effectiveness of Federal policies and programs relating to transportation and storage, *It is hereby ordered:*

SECTION 1. There is established in the Office of Defense Mobilization the Committee on Defense Transportation and Storage, which shall consist of a Chairman and one representative each, designated by the Secretaries of State, Treasury, Defense, Interior, and Commerce, the Defense Production Administrator, and the Defense Transport Administrator, respectively, and such other members as the Director of Defense Mobilization may hereafter provide. The Chairman of the Committee shall be designated by the Director of Defense Mobilization.

SEC. 2. The Defense Transportation Committee shall:

(a) Advise the Director of Defense Mobilization on problems relating to defense transportation and storage.

(b) Review Federal policies, plans, and programs relating to defense transportation and storage, and advise the Director of Defense Mobilization concerning policies, methods, and measures for improving the coordination and obtaining the most effective utilization of the various forms and facilities of transportation and storage, including among other matters policies, methods, and measures for the coordination of inland and ocean transportation and the operation of ports.

(c) Review for the Director of Defense Mobilization such proposed legislation, Executive Orders, and administrative orders and regulations relating to transportation and storage as he may direct.

SEC. 3. In carrying out the responsibilities set forth in this order the Committee on Defense Transportation and Storage shall concern itself primarily with interagency problems, policies, and programs relating to defense transportation and storage and with matters relating to two or more forms of transportation under the jurisdiction of different departments or agencies.

(E. O. 10193, Dec. 16, 1950, 15 F. R. 9031, 3 CFR, 1950 Supp.)

This order shall take effect on March 13, 1951.

OFFICE OF DEFENSE MOBILIZATION,
C. E. WILSON,
Director.

[F. R. Doc. 51-3271; Filed, Mar. 9, 1951, 4:15 p. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Administrative Order 22]

AO 22—Delegation of Authority With Respect to Enforcement Functions

By virtue of the authority vested in me as the Director of Price Stabilization pursuant to Executive Order No. 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), and in order to further define the internal organization of the Office of Price Stabilization, particularly the duties, powers, and authority of the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement), *It is hereby ordered:*

Section 1. Those functions relating to the enforcement of price stabilization which were delegated to the Director of Price Stabilization by Economic Stabilization Order No. 2 (16 F. R. 738), are hereby redelegated to the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement), who shall have the authority to make and authorize successive redelegations.

Sec. 2. All functions delegated pursuant to this order shall be performed by the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) subject to such general supervision, direction and control as the Director of Price Stabilization deems expedient.

This order shall become effective March 12, 1951.

Issued this 12th day of March 1951.

Michael V. DiSalle,
Director of Price Stabilization.

[F. R. Doc. 51-3334; Filed, Mar. 12, 1951; 11:41 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 11]

GCPR, SR 11—Manufacturers' and Wholesalers' Prices for Soft Surface Floor Coverings

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation No. 11 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

Statement of Considerations

The General Ceiling Price Regulation froze the ceiling price of manufacturers of soft surface floor coverings at their January 26, 1951, level of prices. With respect to most carpets and rugs, wool constitutes half the cost of the finished product. Carpet wool is entirely an imported raw material and has not been brough under control. As a result of steadily increasing wool prices, carpet manufacturers are suffering a squeeze. This supplementary regulation relieves them of most of this squeeze.

The weighted monthly average cost of scoured wool per pound for a representative group of manufacturers, representing approximately 80 percent of the industry during two months of 1950 and the first five months of 1951, is as follows:

November 1950	$1.05
December	1.13
January 1951	1.39
February	1.76
March	1.91
April	2.03
May (3 companies)	2.11

The wool floor covering industry consists of approximately 30 manufacturers, all of whom sell from published price lists. In measuring the amount of price adjustment needed, reference was first made to the prices in effect at the end of June 1950 and beginning of July 1950. These prices were announced prior to June 25 and thus reflected manufacturing costs in existence prior to the outbreak of the Korean hostilities.

On the basis of data gathered from a representative group of manufacturers, increases in direct cost of cotton, jute, and rayon were calculated up to December 31, 1950. The price adjustment granted gives the manufacturers the benefit of such increases in direct costs. In addition, it gives them the benefit of increases in wool prices and direct labor costs up to the present time.

The price relief granted is expressed in the form of a 15 percent increase in the prices which were in effect between December 19, 1950, and January 15, 1951, pursuant to published price lists. Between June 1950 and January 15, 1951, the industry as a whole made several price increases which reflected in part the increased cost of wool. Virtually the entire industry published new lists between December 19, 1950, and January 15, 1951. This period, then, represents the last period in which fairly uniform prices prevailed. A few manufacturers published lists subsequently to January 15, 1951. Had the permitted increase been added to the ceiling prices in effect during the base period for the General Ceiling Price Regulation, December 19, 1950, to January 26, 1951, these manufacturers would have received an unjustified amount.

Retailers apply their mark-up only on the original price without the permitted increase. The amount of the permitted increase is then added to the price which the retailer arrives at. In this fashion the retailer obtains the same dollar margin that he previously enjoyed.

Most floor coverings are sold direct from manufacturers to retailers. Some manufacturers, however, use wholesale distributors. The uniform practice in the industry has been that the wholesalers sell at the same price as the manufacturers and that their mark-up is determined by a percentage discount from the list price. This discount is usually 12 to 14 percent.

The wholesaler performs a somewhat less complete function that in other fields. Usually he is guaranteed against overstocking and losses through obsolescence. The price structure of the industry would make it difficult to provide any absorption by the wholesaler which would benefit the retailer or consumer. In the light of this fact and the relatively small margin which the wholesaler receives, no provisions have been made in this temporary regulation for any absorption by the wholesaler of any part of the increase. The supplementary regulation, therefore, retains the customary discount to wholesalers.

The supplementary regulation provides interim relief. It is expected that a permanent regulation will be issued in due course which will deal more completely with the problems of the industry. In connection with the issuance of a permanent regulation the possibilities of absorption at both the wholesale and retail level will be given further study.

In the judgment of the Director of Price Stabilization, the provisions of the supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

Regulatory Provisions

Sec.
1. Applicability of supplementary regulation.
2. Ceiling prices for sales to persons other than wholesalers.
3. Ceiling prices for sales to wholesalers.
4. Ceiling prices for new articles.
5. Notification to retailers.
6. Miscellaneous.

Authority: Sections 1 to 6 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

Section 1. *Applicability of supplementary regulation.* This supplementary regulation establishes new ceiling prices for sales by manufacturers and wholesalers of soft surface floor coverings with pile fabrics of wool, synthetic materials, or a blend of both. These ceiling prices supersede the ceiling prices under the General Ceiling Price Regulation.

Sec. 2. *Ceiling prices for sales to persons other than wholesalers.* The ceiling price for any unit of floor covering covered by this order shall be 115 percent of list prices for the same unit of floor covering which was contained in the applicable manufacturer's price list in effect for deliveries at any time between December 19, 1950, and January 15, 1951.

Sec. 3. *Ceiling prices for sales to wholesalers.* Ceiling prices for all sales by manufacturers to wholesalers shall be the ceiling prices established in section 2, less discounts of a percentage no smaller than the discounts in effect during the period from December 19, 1950, to January 26, 1951.

Sec. 4. *Ceiling prices for new articles.* Ceiling prices for new units of floor covering not included in manufacturers' price lists in effect between December 19, 1950, and January 15, 1951, shall be established under the provisions of sections 4 and 5 of the General Ceiling Price Regulation for manufacturers and wholesalers, respectively. In applying these sections, the ceiling prices for a "comparison commodity" shall be the applicable ceiling prices fixed under section 2 or 3 of this supplementary regulation.

Sec. 5. *Notification to retailers.* Each manufacturer or wholesaler must break down his invoice price for each unit sold into two component parts:

The "original price", i. e. the price list price in effect between December 19, 1950 and January 15, 1951 and the "permitted increase", i. e. the amount of any increase above the "original price" permitted by this supplementary regulation. To each invoice shall be affixed by rubber stamp or otherwise the following statement:

> The amount on this invoice shown as the "original price" is the cost on which you apply your mark-up under OPS Ceiling Price Regulation 7. The amount shown as "permitted increase" may be added to your price after applying your mark-up. The total becomes your ceiling price.

Sec. 6. *Miscellaneous.* All other provisions of the General Ceiling Price Regulation, not inconsistent with the provisions of this supplementary regulation, shall remain in effect.

Effective date. This supplementary regulation to the General Ceiling Price Regulation shall become effective March 13, 1951.

Michael V. DiSalle,
Director of Price Stabilization.

March 9, 1951.

[F. R. Doc. 51-3335; Filed, Mar. 12, 1951; 11:41 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-7, as Amended Mar. 9, 1951]

M-7—Aluminum for Civilian Use

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendation.

This amendment affects NPA Order M-7 as amended Feb. 21, 1951, as follows: Two items in the list of products in section 3 have been changed, a new paragraph (c) has been added to section 5, and section 6 has been revised to read as set forth below. NPA Order M-7 as amended (including Directions 1, 2, and 3, appearing herein as sections 21, 22, and 23) reads as follows:

Sec.
1. Purpose and scope.
2. Definitions.
3. Aluminum forms and products to which this order applies.
4. Application of order.
5. Use of aluminum.
6. Prohibited use of aluminum.
7. Maintenance, repair, and operating supplies.
8. Exceptions.
9. Inventories.
10. Applications for adjustment.
11. Records and reports.
12. Communications.
13. Violations.

Directions

21. Base period: applications for adjustment; December 1950 use.
22. Base period: applications for adjustment; use during first calendar quarter of 1951.
23. Application for adjustment—component parts.

Authority: Sections 1 to 23 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

Section 1. *Purpose and scope.* The purpose of this order is to describe how the aluminum remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy. It is the policy of the National Production Authority that aluminum and articles made of aluminum, not required to fill rated orders, shall be distributed equitably through normal channels of distribution, and that due regard shall be given by suppliers to the needs of new and small business.

Sec. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the 6 months' period ending June 30, 1950.

(c) "Manufacture" means to put into process, machine, fabricate, or otherwise alter materials by physical or chemical means: *Provided, however,* That as applied to "Castings (foundry products as shipped by the producer)" specified in section 3 the word "manufacture" will also mean the assembly of said items into components or end products.

(d) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment or facility in sound working condition, and "repair" means the restoration of a building, machine, piece of equipment or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like: *Provided, however,* Neither maintenance nor repair includes the improvement of any such item with material of a better kind, quality or design.

(e) "Operating supplies" means any aluminum forms or products listed in section 3 which are normally carried by a person as operating supplies according to established accounting practice and are not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies.

Sec. 3. *Aluminum forms and products to which this order applies.* The word "aluminum" as used in this order means only the following aluminum forms and products:

Rod and bar.
Wire (under 3/8").
Cables (electrical transmission only).
Rivets.
Forgings and pressings (before machining).
Impact extrusions.
Castings (foundry products as shipped by the producer).
Rolled structural shapes (angles, channels, zees, tees, etc.).
Extruded shapes.
Sheet (coiled and flat), plate, circles and blanks.
Slugs.
Plain coil foil.
Tubing (extruded, drawn and roll formed).
Tube blooms.
Powder (including atomized, flake, paste and pigments).
Ingot, pig, billets, slabs, granulated.
Purchased scrap.

Sec. 4. *Application of order.* Subject to the exemptions stated in section 8, this order applies to all persons who use any aluminum for purposes of manufacture or construction, or for maintenance, repair, or operating supplies. It does not apply to persons (a) who produce aluminum in or convert it to the forms and products listed in section 3; or (b) who use aluminum in the production of other metals (including aluminized steel), or of metal alloys, the chief constituent of which is not aluminum, or of chemical salts of aluminum and compositions of aluminum used as a catalyst.

Sec. 5. *Use of aluminum.* Subject to the exemptions stated in section 8, and unless specifically directed by the National Production Authority, no person shall use in manufacture or construction:

(a) During December 1950, a quantity by weight of aluminum in excess of 100 percent of his average monthly use of aluminum during the base period.

(b) During the following months a total quantity by weight of aluminum in excess of the percentages specified with respect to each month of his average monthly use of aluminum during the base period:

	Percent
January, 1951	80
February, 1951	75
March, 1951	65

(c) During the calendar quarter commencing on April 1, 1951, a total quantity by weight of aluminum in excess of 65 percent of his average quarterly use of aluminum during the base period: *Provided, however,* That such use in any one month shall not exceed 40 percent of the permitted quarterly use.

Sec. 6. *Prohibited uses of aluminum.* (a) Commencing on April 1, 1951, no person shall use aluminum, or any component part made therefrom, in the manufacture or assembly of any item included in attached List A, except as permitted therein; and no person shall use in the manufacture or assembly of any item, whether or not included in List A, or any component part therefor, a greater quantity or better grade of aluminum than is necessary for functional or operational purposes, or use aluminum solely for decorative or orna-

mental purposes. However, these prohibitions shall not apply to the use of: (1) aluminum, or component parts made therefrom, on and after April 1, 1951, if such materials were contained in such person's inventory on said date and are wholly unsuitable for use in the manufacture or assembly by such person of any item not included in List A; or (2) any such materials covered by an order placed with a producer and included in such producer's schedule for the first calendar quarter of 1951 which is delivered to such person at his plant prior to May 1, 1951, to the extent that such materials are wholly unsuitable for use in the manufacture or assembly by such person of any item not included in List A. Every person who relies on the exceptions contained in the next preceding sentence shall prepare a detailed record showing: (1) the quantities of aluminum, and component parts made therefrom, which were contained in his inventory on the first days of January, February, March and April 1951, and which were wholly unsuitable for use in his manufacture or assembly of any item not included in List A; and (2) the quantities of such materials wholly unsuitable for such use which were delivered to him on or after April 1, 1951, the names and addresses of the suppliers thereof, and the dates of the orders and acceptances covering such materials together with the applicable mill schedule. Such record shall be retained for at least 2 years and shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(b) During March 1951, no person shall use in the manufacture or assembly of the items included in attached List A a total quantity by weight of aluminum, or of any component parts made therefrom, in excess of 65 percent of his average monthly use of such materials for such purposes during the base period. To the extent that manufacture or assembly of the items on List A is permitted on or after April 1, 1951, under paragraph (a) of this section, the limitations of section 5 shall apply during April and succeeding months.

(c) Commencing on July 1, 1951, no person shall use aluminum in the manufacture or assembly of any item in attached List B: *Provided, however,* That any such item may be completed if it was in process of manufacture or assembly on or before April 30, 1951, and such completion is effected not later than June 30, 1951: *And provided further,* That windows of the non-residential type may be completed *on or before June 30, 1951,* regardless of when manufacture or assembly is commenced if orders therefor were received by the manufacturer prior to February 20, 1951. During each of the months of March, April, May, and June, 1951, no person may use in the manufacture or assembly of ducts and windows of residential type included in the attached List B a total quantity by weight of aluminum in excess of 65 percent of his average monthly use of aluminum in the manufacture or assembly of such items during the base period.

(d) No person may use in construction any aluminum for any item included in attached List A after May 31, 1951, or for any item contained in attached List B after June 30, 1951: *Provided, however,* That this prohibition will not apply to such use of aluminum for any such item if it was manufactured within the time limits specified in this section.

(e) The prohibitions of this section apply notwithstanding the provisions of NPA Reg. 2 with respect to the filling of rated orders and are not affected by any of the exemptions stated in section 8.

SEC. 7. *Maintenance, repair, and operating supplies.* Unless specifically directed by the National Production Authority, during the 6 months' period commencing on December 1, 1950, and each 6 months' period thereafter, no person shall use for maintenance, repair, and operating supplies a quantity by weight of aluminum in excess of the quantity of aluminum that he used for such purposes during the base period.

SEC. 8. *Exemptions.* (a) The use of aluminum required by any person to fill an order that is rated under the priorities system established by NPA Reg. 2 (15 F. R. 6911, 7185), or to meet any other mandatory order of the National Production Authority, is permitted in addition to the use of aluminum authorized by the provisions of sections 5 or 7.

(b) Pending development of requirements for aluminum conductor (including transmission cable, wire, and bus bar) for the production, transmission, or distribution of electric energy, this order does not presently restrict the use of aluminum conductor, conductor accessories or pole hardware for such purposes, if these items are on hand or the suppliers have accepted orders for these items prior to November 13, 1950, for delivery prior to April 1, 1951. The use of other shapes and forms of aluminum listed in section 3 for the production, transmission, or distribution of electric energy remain subject to the restrictions of this order.

(c) The provisions of sections 5 and 7 do not apply to persons who use less than 1,000 pounds of aluminum during any period of twelve consecutive months: *Provided, however,* That persons who by reason of the provisions of section 5 would be permitted to use less than 1,000 pounds during any period of twelve consecutive months may use during such period a quantity up to 1,000 pounds.

(d) Commencing on February 1, 1951, the provisions of section 5 will not apply to the use of aluminum in the manufacture of collapsible tubes as defined in NPA Order M-27.

SEC. 9. *Inventories.* In addition to the provisions of NPA Reg. 1 (15 F. R. 6253), relating to Inventory Control, it is considered that a more exact requirement applying to users of aluminum is necessary. No person obtaining aluminum for use in manufacture or construction, or for maintenance, repair, or operating supplies, may receive or accept delivery of a quantity of aluminum if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 60-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less. For the purpose of this section, aluminum shapes and forms listed in section 3 in which only minor changes or alterations have been effected shall be included in inventory. NPA Reg. 1 will apply to aluminum except as modified by this section.

SEC. 10. *Application for adjustment.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue and exceptional hardship upon him not suffered generally by others in the same trade or industry or its enforcement against him would not be in the interest of the national defense or in the public interest. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 11. *Records and reports.* (a) Persons subject to this order shall preserve the records which they have maintained and will maintain of inventories, receipts, deliveries, and uses of aluminum forms and products commencing with January 1, 1950.

(b) Persons subject to this order shall make records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (P. L. 831, 77th Cong., 5 U. S. C. 139–139–F).

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref.: M-7.

SEC. 13. *Violations.* Any person who wilfully violates any provisions of this order or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect, except as otherwise specifically stated, on March 9, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

LIST A

(See section 6)

The use of the forms and products of aluminum defined in section 3 in the items listed below (excluding repair parts) is subject to the prohibitions stated in this order, except as otherwise stated in this order or the list:

Airfoil (tubing) for windmills
Aluminum wool
Andirons, screens, and fireplace fixtures
Animal cages
Animal training equipment
Animal traps
Applicators for moistening envelopes
Arbors and trellises
Architectural and other building ornamentation
Ash trays
Automobile hardware and trim (except functional parts)
Awnings
Badges
Balloon molds
Bar rails
Barber chairs
Batons
Bathtubs
Beauty parlor equipment
Beer equipment: all items
Bells
Beverage mixing and serving equipment, such as bottle coolers, cocktail shakers, ice buckets and pails, ice chippers and shavers
Bicycles
Bird and pet cages, houses, aquariums, accessories and equipment
Blackboard frames and chalk troughs
Boards: shampoo, tanning
Book covers
Book stacks
Boxes, including match, cigarette, typewriter ribbon
Brackets: light, shelf and wall
Brooms and brushes (except industrial)
Buckles, all types
Buckets, household
Burglar alarms
Burial vaults and urns
Buttons (except for work clothing where necessary to resist corrosion).
Cabinets: kitchen, medicine and radiator
Calendars, calendar pads and parts
Cameras, amateur box type still picture, fixed focus (except reflex)
Candle molds
Canes
Canopies
Cans, including ignition coil and motion picture humidor.
Caps: chimney and vent flue
Card tables
Cards, greeting
Carriages: baby, luggage, strollers, scooters (except functional parts)
Cases:
  Cigar
  Film
  Radio, home type
  Soft drink
  Spectacle
  Vanity
Caskets, and accessory devices
Caster cups, wheel casters and glides
Chicken crates
Chutes: coal, package and waste
Cigarette lighters
Cleaning accessories, such as carpet sweepers, dust pans and scrubbing sets
Clothespins
Coasters
Combs
Containers, foil lined, shoe polish
Coops, brooder, chicken, quail, etc.
Copings
Cornices
Crayon molds
Cups
Curtain, drapery, and carpet hardware
Cutlery handles
Cuspidors
Desk pads
Dispensers, fixed or portable, for soap, lotion, paper, straws, etc.
Dolls
Domestic laundry accessories, such as tubs and boilers, washboards, drain board and tub covers, clothes hampers, ironing boards and tables, garment stretchers and dryers, clothes drying frames, and clothes line hardware
Door chimes
Doors, including, but not limited to:
  Coal
  Door frames
  Dumbwaiter
  Incinerator
  Screen
  Storm
Draperies
Dresser sets
Emblems, medals (except religious), crestings and plates
Fences, wire
Flag poles, stanchions and sockets
Floor scrubbers
Flower boxes, stands and pot holders
Forms, concrete vault casting, wax
Fountains
Frames:
  electric sign
  level
  picture
Frames, Window Screen
Frozen fruit sticks
Furniture
Furniture, hardware (except functional parts)
Games
Garden tools and equipment
Garment hooks, brackets, racks, rods, trees and hangers
Giftware
Gutters, leaders and downspouts.
Hair curlers
Hand-tool handles
Hedge clipping machine
Highway markers, signals and signs
Holders:
  Brush
  Pen
  Soda fountain cup
Horse shoes
Hollow ware (tea sets, etc.)
Ice cream freezers for home use
Jewelry, all types (except religious goods)
Kick plates
Kitchen utensils and tools, and food processing equipment (except cooking and baking utensils)
Ladders and step stools (except industrial and fire)
Lawn and garden hose accessories, such as sprinklers, nozzles, couplings, clamps, menders, and reels
Lawn mowers, seeders, rollers and tampers
Ledger books
Letter openers
Lightning rods
Luggage fittings, trim and hardware
Machines: rowing, voting
Mail boxes
Maps and globes (world)
Marine construction:
  Boats: pleasure boats and fittings of all kinds
  Canoes
  Rowboats
  Sailboats
Markers:
  grave
  license plates
  price
  tee
  traffic
  tree
Medicine cabinets
Memorials and tablets
Mesh bags
Metal lath
Metal letters and numbers
Mops
Mouldings and trim
Mud scrapers
Nursing bottles
Oil cloth, foil-covered
Ornaments, Christmas tree
Packaging:
  Containers for:
    Bath salt
    Cosmetic, except collapsible tubes
    Gift
    Powder
    Tube, for cigar
  Jars, beauty cream
  Shakers, talcum powder
  Foil for:
    Capsules
    Cartons, liquor
    Florist
    Household
    Labels
    Over wraps (except food)
    Wraps: gift, cosmetic, liquor
    Wine bottle
Paper clips
Plates: name, scuff (except instruction plates on equipment)
Playground equipment
Pleasure boat fastenings, fittings and hardware
Portable bleachers
Push plates
Roofing, residential type (including shingles).
Rulers
Saddlery, and harness hardware
Screening (except insect wire screening)
Shoe heels
Shovels, scoops, scrapers and pushers, (except as required for handling chemical products and grain)
Siding, (except industrial)
Signs, including advertising
Smokers' accessories
Soap dishes
Souvenirs and novelties, advertising specialties
Spandrels
Spools: wire, adhesive tape
Sporting goods, all kinds (except commercial fishery goods)
Spray guns (except paint spraying equipment and agricultural sprays)
Spurs, climbing
Statuary (except religious and artists originals)
Stencils
Store fronts, (except glass holding members)
Stove pipe
Tent poles, frames and pegs
Thermostatic containers, (except shoulders and cups on vacuum bottles of one quart and under size)
Toilet seats and covers
Tokens (except where necessary for electrical operation)
Tombstones
Tooth brush and tumbler holders
Towel bars
Toys
Tricycles and other children's vehicles
Umbrellas and parasols
Venetian blinds, fittings and accessories
Vending machines (except functional parts)
Waste baskets
Wheel barrows (except as required for handling chemicals)
Whistles
Windows, storm (except sash slides)

LIST B

(See section 6)

The use of the forms and products of aluminum defined in section 3 in the items listed below (excluding repair parts) is subject to the prohibitions in this order, except as otherwise stated in this order:

Ducts
Windows, residential type
Windows, non-residential type

SEC. 21. *Base period; applications for adjustment; December 1950 use.* (a) Section 5 (a) of the regulation states, among other things, that no person shall use in manufacture (as defined) or construction "during December 1950 a quantity by weight of aluminum in excess of 100 percent of his average monthly use during the base period."

(b) "Base period" is defined by section 2 (b) as the 6 months' period ending June 30, 1950.

(c) Section 10 states, in part, that "any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue and exceptional hardship upon him not suffered generally by others in the same trade or industry * * *"

(d) A number of requests for adjustment have been filed with the National Production Authority upon the ground that the applicants' business operations were commenced during or after the base period, or that the application of the base period to the applicants' business operations otherwise caused undue hardship upon the applicants not suffered generally by others in the same trade or business. Since many of these applications present common problems, this direction will constitute a determination of adjustment with respect to the limitation stated in section 5 (a) to the classes of cases described below, whether or not applications for adjustment have been filed with the National Production Authority under section 10. This determination is subject, however, to the conditions stated in paragraph (e) of this section.

(e) (1) Cases in which it is claimed that the base period specified in sections 1 to 13, inclusive, is inapplicable because: (i) The applicants commenced new business operations during or after the base period; (ii) although the applicants' business operations were commenced prior to the base period, the applicants produced or manufactured a new product during or after the base period; or (iii) the applicants brought additional productive or manufacturing capacity into operation during or after the base period.

(i) *Direction.* In any such case the applicant may apply as a measure of his permitted use of aluminum during December 1950, his average monthly use during October and November 1950.

(ii) *Illustration 1.* The X Company, a newly organized company, commenced its operations on March 15, 1950. This company will be permitted to use in manufacture or construction during December 1950 a quantity by weight of aluminum not in excess of 100 percent of his average monthly use of aluminum during October and November 1950.

(iii) *Illustration 2.* The Y Company had been engaged in the manufacture of several products incorporating aluminum. Subsequent to June 30, 1950, this company manufactured and marketed an additional line of products, requiring aluminum, not previously manufactured by it. The rule stated in Illustration 1 above applies to the use of aluminum during December 1950 in the manufacture of the new line of products. However, the limitation stated in section 5 (a) applies to the use of aluminum in manufacturing the company's other products.

(iv) *Illustration 3.* During August 1950, the A Company commenced operations for the first time in a new, additional plant. The A Company may use the months of October and November 1950 as the base period for the new plant whereas the base period specified in sections 1 to 13, inclusive, will apply to the operation of its original manufacturing facilities.

(2) Cases in which it is claimed that the base period specified in the order is inapplicable because of changes made during or after the base period in the design, specifications or operating features of certain of its products, and where these changes required the use of substantially larger quantities of aluminum to maintain the same unit output than were required during the base period specified in sections 1 to 13, inclusive.

(i) *Direction.* In any such case, the applicant may apply as a measure of his permitted use of aluminum during December 1950, his average monthly use during October and November 1950.

(ii) *Illustration 1.* During June 1950 the B Company redesigned a machine, its sole product, which it had manufactured and marketed for a number of years and its plant was retooled for its production. In order to conserve weight, aluminum was substituted for steel in various elements resulting in a 30 percent increase in the quantity of aluminum required for the manufacture of the machine. The B Company will be permitted to use in manufacture during December 1950 a quantity by weight of aluminum not in excess of 100 percent of its average monthly use of aluminum during October and November 1950.

(3) Cases in which it is claimed that the applicants' operations were substantially interrupted during the base period.

(i) *Direction.* In any such case in which production or manufacturing operations were shut down or suspended for more than 15 consecutive calendar days, the applicant in determining his base period may exclude from the base period specified in sections 1 to 13, inclusive, the month or months in which shut down or suspension existed.

(ii) *Illustration 1.* The C Company was shut down from February 16 through March 5, 1950. Its base period will comprise the months of January, April, May and June 1950.

(4) Cases in which it is claimed that operations during December 1950 cannot be fairly measured by the base period specified in sections 1 to 13, inclusive, because of seasonal fluctuations which will result in a substantially higher level of operations during December than the average rate of operations during the first six months of 1950.

(i) *Direction.* In any such case, in order to allow for the seasonal factor, the following formula may be applied: The ratio between the total quantity of aluminum used during December of the years 1947, 1948 and 1949, and the total quantity of aluminum used during the first six months of said years. Such ratio may be applied to the total quantity of aluminum used in the first six months of 1950 to determine the quantity that may be used during December 1950.

(ii) *Illustration 1.* By reason of a seasonal demand for its products, the E Company normally schedules its manufacturing operations during December at a rate substantially higher than the average monthly rate that prevailed during the first six months of the year. The ratio between the total quantity of aluminum used in the products manufactured by the E Company during December 1947, 1948 and 1949 and the total quantity of aluminum used during the first six months of these years is 20 percent. Accordingly, the company may use during December 1950 20 percent of the total quantity of aluminum used by it during the first six months of 1950.

(f) The above determinations of adjustment with respect to the classes of cases described are subject to the following conditions: (1) That every person relying on any such determination will promptly after December 1, 1950 prepare a detailed written record of the facts relating to the application of the determination to his operations and preserve same; (2) that a copy of such record will be promptly transmitted to the National Production Authority upon its request; and (3) that such record and all other records relating to production or manufacture and the use of aluminum forms and products listed in section 3 during 1950, and 1947, 1948, and 1949 to the extent applicable, will be made available at his usual place of business for inspection and audit by duly authorized representatives of the National Production Authority. [Direction 1]

SEC. 22. *Base period; applications for adjustment; use during first calendar quarter of 1951.* (a) (1) Section 5 (b) states, among other things, that no person shall use in manufacture (as defined) or construction "during the following months a total quantity by weight of aluminum in excess of the percentages specified with respect to each month of his average monthly use of aluminum during the base period:

	Percent
January 1951	80
February 1951	75
March 1951	65"

(2) "Base period" is defined by section 2 (b) as the 6 months period ending June 30, 1950.

(3) Section 10 states, in part, that "any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue and exceptional hardship upon him not suffered generally by others in the same trade or industry."

(4) A number of requests for adjustment have been filed with the National Production Authority upon the ground that the applicants' business operations were commenced during or after the base period, or that the application of the base period to the applicants' business operations otherwise caused undue hardship upon the applicants not suffered generally by others in the same trade or business. Since many of these applications present common problems, this direction will constitute a determination of adjustment with respect to the limitation stated in section 5 (b) to the classes of cases described below, whether or not applications for adjustment have been filed with the National Production Authority under section 10. This determination is subject, however, to the conditions hereinafter stated.

(i) Cases in which it is claimed that the base period specified in the order is inapplicable because: (1) The applicants commenced new business operations during or after the base period; or (2) although the applicants' business operations were commenced prior to the base period, the applicants produced or manufactured a new product during or after the base period.

(*a*) *Direction.* In any such case the applicant may apply as a measure of his permitted use of aluminum during the first quarter of 1951 as specified in the percentage limitations stated in section 5 (b), his average monthly use during October and November 1950.

(*b*) *Illustration 1.* The X Company, a newly organized company, commenced its operations on March 15, 1950. This company will be permitted to use in manufacture or construction during the following months a total quantity by weight of aluminum not in excess of the percentages specified with respect to each month of his average monthly use of aluminum during October and November 1950:

	Percent
January 1951	80
February 1951	75
March 1951	65

(*c*) *Illustration 2.* The Y Company had been engaged in the manufacture of several products incorporating aluminum. Subsequent to June 30, 1950, this company manufactured and marketed an additional line of products, requiring aluminum, not previously manufactured by it. The rule stated in Illustration 1 above applies to the use of aluminum during the first quarter of 1951 in the manufacture of the new line of products. However, the limitation stated in section 5 (b) as amended, applies to the use of aluminum in manufacturing the company's other products.

(ii) Cases in which it is claimed that the base period specified in the order is inapplicable because of changes made during or after the base period in the design, specifications or operating features of certain of its products, and where these changes required the use of substantially larger quantities of aluminum to maintain the same unit output than were required during the base period specified in the order.

(*a*) *Direction.* In any such case, the applicant may apply as a measure of his permitted use of aluminum during the following months a quantity by weight of aluminum not in excess of the following percentages specified with respect to each month of the quantity of aluminum that he would have used on an average monthly basis during the base period if during said period his products had been manufactured in accordance with the changed design, specifications or operating features:

	Percent
January 1951	80
February 1951	75
March 1951	65

(*b*) *Illustration 1.* During July 1950 the A Company redesigned a machine, its sole product, which it had manufactured and marketed for a number of years and its plant was retooled for its production. In order to conserve weight, aluminum was substituted for steel in various elements of the machine. In manufacturing this machine during the base period and prior to its redesign, 2 lbs. of aluminum had been required for each machine whereas each machine as redesigned required 3 lbs. of aluminum. The average monthly use of aluminum by A Company for this purpose during the base period was 1,000 lbs. During January 1951, the A Company will be permitted to use in manufacture a quantity by weight of aluminum not in excess of 80 percent of 1,500 lbs. of aluminum.

(iii) Cases in which it is claimed that the applicants' operations were substantially interrupted during the base period.

(*a*) *Direction.* In any such case in which production or manufacturing operations were shut down or suspended for more than 15 consecutive calendar days, the applicant in determining his base period may exclude from the base period specified in the order the month or months in which the shutdown or suspension existed.

(*b*) *Illustration 1.* The B Company was shut down from February 16 through March 5, 1950. Its base period will comprise the months of January, April, May, and June 1950.

(b) (1) The above determinations of adjustment with respect to the classes of cases described are subject to the following conditions: (i) That every person relying on any such determination will promptly after January 1, 1951, prepare a detailed written record of the facts relating to the application of the determination to his operations which will be signed by such person or by an authorized officer or representative, and preserve same, such record to include (*a*) use permitted under the order as amended, of the aluminum forms and products listed in section 3 during the first quarter of 1951, (*b*) permitted use of such forms and products during said quarter under this section and (*c*) basis of computation; and (ii) that such record shall be retained for at least two years and will be made available at his usual place of business for inspection and audit by duly authorized representatives of the National Production Authority.

(2) The National Production Authority reserves the right to modify or revoke adjustments made pursuant to this section. Any person affected by such a modification or revocation will be notified in writing of the nature of the action taken and the reasons therefor. Such actions will be effective upon such date or dates subsequent to the date of the notification as are specified therein. [Direction 2]

SEC. 23. *Application for adjustment—component parts.* (a) (1) Section 5 (b) states, among other things, that no person shall use in manufacture (as defined) or construction during March 1951 a total quantity by weight of aluminum in excess of 65 percent of his average monthly use of aluminum during the base period. The base period is defined by section 2 (b) as the six months period ending on June 30, 1950.

(2) Section 10 states, in part, that "any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue and exceptional hardship upon him not suffered generally by others in the same trade or industry."

(3) A number of requests for adjustment have been filed with the National Production Authority on the ground that the permitted use of aluminum in March 1951 for the manufacture of certain component parts requiring relatively small amounts of aluminum will unduly curtail the production of the end products for which these components are designed and would not be in the public interest. The following direction will constitute a determination of adjustment with respect to the limitation stated in section 5 (b) to the manufacture of component parts hereinafter described whether or not applications for adjustment have been filed with the National Production Authority.

(b) Direction: Any person who manufactures any component parts made wholly or partly of aluminum may use a total quantity by weight of aluminum in the manufacture of such component parts during March 1951 not in excess of 75 percent of his average monthly use of aluminum for this purpose during the base period: *Provided*, That (1) such component parts serve a functional purpose in the end product; (2) it is not practicable to substitute another material for aluminum before or during March 1951; (3) the total weight of the aluminum in such component parts in the end product is less than 1 percent of the total weight of the end product; and (4) the manufacturer of such component parts obtains a signed certification from the manufacturer or assembler of the end product evidencing the facts set forth in subparagraphs (1), (2) and (3) of this paragraph.

(c) (1) The above determination of adjustment is subject to the following conditions: (i) That every person relying on such determination shall on or before April 1, 1951, prepare a detailed written record of the facts relating to the application of the determination to his operations which will be signed by such person or by an authorized officer or representative; and (ii) that such record will be retained for at least two years and will be made available at his usual place of business for inspection and audit by duly authorized representatives of the National Production Authority.

(2) The National Production Authority reserves the right to modify or revoke adjustments made pursuant to this section. Any person affected by such a

modification or revocation will be notified in writing of the nature of the action taken and the reasons therefor. Such action will be effective upon such date or dates subsequent to the date of notification as are specified therein. [Direction 3]

[F. R. Doc. 51-3283; Filed, Mar. 9, 1951; 5:06 p. m.]

[NPA Order M-12 as Amended Mar. 9, 1951]

M-12—USE OF COPPER AND COPPER-BASE ALLOYS

This amendment to NPA Order M-12 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

This amendment affects NPA Order M-12, as previously amended, as follows: It amends paragraphs (a) and (b) of section 5, paragraphs (c) and (d) of section 6, revises section 9, adds paragraph (c) to section 11, and amends Lists A and B. As so amended, NPA Order M-12 reads as follows:

Sec.

1. What this order does.
2. Definitions.
3. Copper forms and products to which this order applies.
4. Application of order.
5. Production of brass mill products, copper wire mill products and foundry products.
6. Use of copper forms and products.
7. Prohibited uses of copper.
8. Maintenance, repair and operating supplies.
9. Exemptions.
10. Inventories.
11. Restrictions on delivery.
12. Applications for adjustment.
13. Records and reports.
14. Communications.
15. Violations.

AUTHORITY: Sections 1 to 15 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, F. R. 6105 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to describe how the copper remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy. It is the policy of the National Production Authority that copper and articles made of copper, not required to fill rated orders, shall be distributed equitably through normal channels of distribution, and that due regard shall be given by suppliers to the needs of new and small business. It is the intent of this order that other materials which are not in short supply shall be substituted for copper and copper-base alloy wherever possible.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the six-months period ending June 30, 1950.

(c) "Manufacture" means to put into process, machine, incorporate into products, fabricate or otherwise alter the forms and products of copper defined in section 3 by physical or chemical means, and includes the use of copper in plating.

(d) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment or facility in sound working condition, and "repair" means the restoration of a building, machine, piece of equipment or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like: *Provided, however,* Neither maintenance nor repair includes the improvement of any such item with materials of a better kind, quality or design.

(e) "Operating supplies" means any copper or copper-base alloy forms or products listed in section 3 which are normally carried by a person as operating supplies according to established accounting practice and are not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies.

SEC. 3. *Copper forms and products to which this order applies.* This order applies to the following forms and products of copper: Copper, copper-base alloy, brass mill products, copper wire mill products, and foundry copper products and copper-base alloy products. For the purpose of this order, these items are defined as follows:

(a) "Copper" means unalloyed copper. (It includes electrolytic copper, fire refined copper and all unalloyed copper in any form including scrap.)

(b) "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal by weight equals or exceeds 40 percent of the total weight of the alloy. (It shall include fired and demilitarized cartridge and artillery cases, and all copper-base alloy, as specified above, in any form including scrap.) It does not include alloyed gold produced in accordance with U. S. Commercial standard CS67-38.

(c) "Brass mill product" means sheet, including strip and plate; rod, including bars, forgings (rough as forged), and extruded shapes; wire; or tube, including pipe; made from copper or copper-base alloy. This does not include copper wire mill products.

(d) "Copper wire mill product" means bare wire, insulated wire and cable whatever the outer protective coverings may be, and uninsulated wire and cables, where the conductors are made from copper, copper-base alloy, or copper clad steel containing over 20 percent copper by weight. All copper wire mill products should be measured in terms of pounds of copper content.

(e) "Foundry products" means cast copper and copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding or forging. (Includes the removal of gates, risers and sprues, and sandblasting, tumbling, or dipping, but excludes any further machining or processing.)

SEC. 4. *Application of order.* Subject to the exemptions stated in section 9, this order applies to all persons who produce brass mill products, copper wire mill products or foundry products as listed in section 3, or who use any of the forms and products of copper defined in paragraphs (a), (b), (c), (d) and (e) of section 3 for the purpose of manufacture, use in installation or construction, or for maintenance, repair or operating supplies. This order also contains limitations on the use of such copper forms and products in the manufacture or assembly of certain items. This order does not apply to persons who use copper or copper-base alloy in the production of other metals or metal alloys.

SEC. 5. *Production of brass mill products, copper wire mill products and foundry products.* Subject to the exemptions stated in section 9 or unless specifically directed by the National Production Authority:

(a) No person shall produce during the following months a total quantity by weight of brass mill products and copper wire mill products in excess of the percentages specified with respect to each month of his average monthly production of such products during the base period:

	Percent
January, 1951	85
February, 1951	85
March, 1951	80

During the calendar quarter commencing on April 1, 1951, no person shall produce a total quantity by weight of brass mill products and copper wire mill products in excess of 80 percent of his average quarterly production of such products during the base period: *Provided, however,* That such production in any one month shall not exceed 40 percent of the permitted quarterly production. The production of brass mill products and copper wire mill products, pursuant to a valid toll or conversion agreement or other arrangement whereby title to the material to be processed remains vested in the person who delivers it, is permitted in addition to the production permitted by this paragraph. In determining average monthly production during the base period, the brass mill products and copper wire mill products so produced shall not be included in the base period production of the brass mill or wire mill. Nothing contained in this paragraph shall affect the restrictions on toll and other similar agreements contained in NPA Order M-16.

(b) During each of the calendar quarters commencing on January 1, 1951, and April 1, 1951, no person shall produce a total quantity by weight of foundry products in excess of 100 percent of his average quarterly production of foundry products during the base period.

SEC. 6. *Use of copper forms and products.* Subject to the exemptions stated in section 9, or unless specifically directed by the National Production Authority, no person shall use in manufacture, installation or construction:

(a) During December 1950, a total quantity by weight of the forms and products of copper defined in paragraphs (a), (b), (c), (d) and (e) of section 3 in excess of 100 percent of his average monthly use of such material in October and November 1950.

(b) During the following months a total quantity by weight of the forms and products of copper defined in paragraphs (a), (b), (c), and (d) of section 3 (including copper forms and products produced under toll and conversion agreements or other similar arrangements) in excess of the percentages specified with respect to each month of his average monthly use of such material during the base period:

	Percent
January, 1951	85
February, 1951	85
March, 1951	80

(c) During the calendar quarter commencing on April 1, 1951, a total quantity by weight of the forms and products of copper defined in paragraphs (a), (b), (c), and (d) of section 3 (including copper forms and products produced under toll and conversion agreements or other similar arrangements) in excess of 75 percent of his average quarterly use of such copper during the base period: *Provided, however,* That such use in any one month shall not exceed 40 percent of the permitted use.

(d) During each of the calendar quarters commencing on January 1, 1951, and April 1, 1951, a total quantity by weight of foundry products in excess of 100 percent of his average quarterly use of such products during the base period: *Provided, however,* That in cases where a foundry product in the form of a casting is owned by one person and machined pursuant to a contractual agreement by another person, it shall be considered that the owner used the casting in manufacture.

SEC. 7. *Prohibited uses of copper.* (a) Commencing on March 1, 1951, no person shall use copper in the forms and products defined in section 3, or any component part made therefrom, in the manufacture or assembly of any item included in attached List A, except as permitted therein; and no person shall use in the manufacture or assembly of any item, whether or not included in List A, a greater quantity or better grade of such materials than is necessary for functional or operational purposes, or use such materials solely for decorative or ornamental purposes. However, these prohibitions shall not apply to such use of: (1) Any such copper forms and products, or component parts made therefrom, on or after March 1, 1951, if such materials were contained in such person's inventory on said date and are wholly unsuitable for use in the manufacture or assembly by such person of any item not included in List A; or (2) any such materials covered by an order placed with a producer and included in the producer's schedule for February 1951, which are delivered to such person at his plant prior to April 1, 1951, to the extent that such materials are wholly unsuitable for use in manufacture or assembly by such person of any item not included in List A. Every person who relies on the provisions of the next preceding sentence shall prepare a detailed record showing: (A) The quantities of such copper forms and products, and component parts made therefrom, which were contained in his inventory on the first days of December 1950, and of January, February and March 1951, and which were wholly unsuitable for use in his manufacture or assembly of any item not included in List A; and (B) the quantities of such materials wholly unsuitable for such use which were delivered to him on or after March 1, 1951, the names and addresses of the suppliers thereof, and the dates of the orders and acceptances covering such materials together with the applicable mill schedule. Such record shall be retained for at least two years and shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(b) Commencing on April 1, 1951, no person shall use copper in the forms and products defined in section 3, or any component part made therefrom, in the manufacture or assembly of any item included in attached List B, except as permitted therein. However, this prohibition shall not apply to such use of: (1) Any such copper forms and products, or component parts made therefrom, on or after April 1, 1951, if such materials were contained in such person's inventory on said date and are wholly unsuitable for use in the manufacture or assembly by such person of any item not included in List A or List B; or (2) any such materials that have been covered by any order placed with a producer which were included in the producer's schedule for March 1951, and are delivered to such person at his plant prior to May 1, 1951, to the extent that such materials are wholly unsuitable for use in manufacture or assembly by such person of any item not included in List A or List B. Every person who relies on the provisions of the next preceding sentence shall prepare a detailed record showing: (A) The quantities of such copper forms and products, and component parts made therefrom, which were contained in his inventory on the first days of January, February, March and April 1951, and which were wholly unsuitable for use in his manufacture or assembly of any item not included in List B; and (B) the quantities of such materials wholly unsuitable for such use which were delivered to him on or after April 1, 1951, the names and addresses of the suppliers thereof, and the dates of the orders and acceptances covering such materials, together with the applicable mill schedule. Such record shall be retained for at least two years and shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, copper or copper-base alloy may be used: (1) For plating any item included in List A or List B, or any component part thereof, where such plating is an undercoat for chromium, nickel, gold or silver; or (2) for brazing any item, or component part thereof, included in List A or List B.

(d) During February 1951, no person shall use in the manufacture or assembly of the items included in attached List A a total quantity by weight of the copper forms or products defined in paragraphs (a), (b), (c) and (d) of section 3, or any component part made therefrom, in excess of 85 percent, or of the foundry products defined in paragraph (e) of said section, or any component part made therefrom, in excess of 100 percent, of his average monthly use of such materials for such purposes during the base period. During March 1951, the same limitations shall apply to the manufacture or assembly of the items included in attached List B, except that the percentage limitation as to the copper forms and products defined in paragraphs (a), (b), (c) and (d) of section 3 shall be 80 percent instead of 85 percent. To the extent that manufacture or assembly of the items on attached List A or List B is permitted under paragraphs (a) or (b) of this section, the limitations of section 6 shall also apply during March 1951 and each succeeding month.

(e) Commencing on April 1, 1951, no person shall use in construction any brass mill product as such for any item included in List A or List B except as permitted therein.

(f) The following items included in List A or List B shall be exempt from the application of this section if they are used on vessels other than pleasure craft: (1) Furnishings, fittings, and fixtures when located within the sphere of the magnetic compasses; and (2) builders' hardware, building materials and snap hooks where the properties supplied by copper are essential and satisfactory substitutes not available.

(g) The prohibitions of this section apply notwithstanding the provisions of NPA Reg. 2 with respect to the filling of rated orders and are not affected by any of the exemptions stated in section 9: *Provided, however,* That such provisions of NPA Reg. 2 and paragraphs (a) and (b) of section 9 apply to such items included in attached List A or List B as are specifically designated as being permitted for the use of the Armed Forces of the United States, including the United States Coast Guard.

SEC. 8. *Maintenance, repair and operating supplies.* Unless specifically directed by the National Production Authority, during the calendar quarter commencing on January 1, 1951, and each calendar quarter thereafter, no person shall use for maintenance, repair and operating supplies a quantity by weight of the forms and products of copper defined in paragraphs (a), (b),

(c), (d) and (e) of section 3 in excess of 100 percent of his average quarterly use for such purposes during the base period.

SEC. 9. *Exemptions.* (a) The production of brass mill, copper wire mill and foundry products and the use of such products is permitted to fill rated orders, or to meet any mandatory order of the National Production Authority, in addition to the production and use permitted by the provisions of sections 5, 6 and 8.

(b) Copper forms and products defined in section 3 acquired with ratings, or to meet a National Production Authority scheduled program may be used in addition to the quantities permitted by the provisions of sections 6 and 8.

(c) The provisions of sections 6 and 8 do not apply to persons who use less than 1,000 lbs. of the copper forms and products defined in section 3 during any calendar quarter; *Provided, however,* That persons who by reason of the provisions of sections 6 and 8 would be permitted to use less than 1,000 lbs. during any calendar quarter, may use during such period a quantity up to 1,000 lbs.

SEC. 10. *Inventories.* In addition to the provisions of NPA Reg. 1 relating to Inventory Controls, it is considered that a more exact requirement applying to producers of brass mill products, copper wire mill products and foundry products, and to users of the copper forms and products defined in section 3 is necessary.

(a) No person producing brass mill products, copper wire mill products or foundry products may receive or accept delivery of copper or copper-base alloy if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 45-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg 1, whichever is less.

(b) No person obtaining copper forms or products defined in section 3 for use in manufacture, installation or construction, or for maintenance, repair or operating supplies, may receive or accept delivery of a quantity of such forms and products if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 60-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less.

(c) For the purpose of this section, any copper forms and products defined in section 3, in which minor changes or alterations have been effected, shall be included in inventory. NPA Reg. 1 will apply to all such forms and products except as modified by this section.

SEC. 11. *Restrictions on delivery.* (a) No person shall deliver any of the forms and products of copper defined in section 3 if he knows or has reason to believe that his customer may not accept delivery of such materials under this order or will use such materials in violation of this order.

(b) No person shall deliver any copper forms or products defined in section 3 unless the purchaser shall have furnished to the seller a signed certification as follows:

> The undersigned, subject to statutory penalties, certifies that acceptance of delivery and use by the undersigned of the copper forms or products herein ordered will not be in violation of NPA Order M-12.

This certification constitutes a representation by the purchaser to the seller and to the National Production Authority that delivery of such copper forms or products may be accepted by the purchaser under this order, and that such materials will not be used by the purchaser in violation of this order.

(c) The certification required by paragraph (b) of this section shall not be required in connection with the delivery of copper forms and products (1) to the General Services Administration for the stockpile of strategic materials, (2) to purchasers where delivery is made prior to April 1, 1951, pursuant to an order received prior to February 19, 1951, (3) to purchasers of quantities weighing 25 pounds or less, or (4) to purchasers in foreign countries.

SEC. 12. *Applications for adjustment.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Producers shall make such application on Form NPAF-11, "Copper and Copper-Base Alloys: Producer's application for Adjustment or Exception." Users shall make application on Form NPAF-12, "Copper Forms and Products: User's Application for Adjustment or Exception." Copies of these forms may be obtained from the nearest Department of Commerce Field Office.

SEC. 13. *Records and reports.* (a) Persons subject to this order shall preserve the records which they have maintained of production, inventories, receipts, deliveries and uses of copper forms and products defined in section 3 commencing with January 1, 1950.

(b) Persons subject to this order shall make records and submit such reports to the National Production Authority as it shall require subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139-139F).

SEC. 14. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C. Ref: M-12.

SEC. 15. *Violations.* Any person who wilfully violates any provisions of this order or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order, as amended, (includes Lists A and B hereto attached. The order as amended including Lists A and B shall take effect, except as otherwise specifically stated, on March 9, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

LIST A

(See section 7)

The use of the forms and products of copper defined in section 3 and of any component parts made therefrom in the items listed below (excluding repair parts) is prohibited except to the extent permitted in the order or the list: *Provided, however,* That such material may be used in such items included in the list as are marked with an asterisk in cases where such items are to be used by the Armed Forces of the United States, including the United States Coast Guard.

BUILDERS' HARDWARE

Protective brass plating of all listed items of builders' hardware is permitted where other types of finishes are not practicable.
Butts, hinges and related items.
Checking floor closers, overhead concealed, semi-concealed and surface door closers (except gland nuts, regulating screw assemblies, and fusible links).
Closers, hanging brackets for.
Closers, screen door.
Cabinet hardware, including cabinet hinges.
Hangers, track and related items including:
- Sliding door hardware.
- Folding door hardware.
- Sliding-folding door hardware.
- Folding partition hardware.
- Upward acting door hardware.
- Fire door hardware (except bearings and fusible links).

Hardware for sash, screen, transom and casement and other shelf hardware items.
Locks, lock trim (except for cylinder assemblies and keys, for essential working parts of locks and latches, for faces of locks and latches and for trim of cylinder lock sets).
Spring hinges.
Sash balances.
Door holding devices.
Kick plates.
Push plates.
Door pulls.
Push bars.
House numbers.
Door knockers.
Letter boxes.
Nameplates.

BUILDING MATERIALS

Anchors and dowels (except window cleaner's safety anchors).
Bands on pipe insulation.

Bathtub enclosures and shower enclosures.
Blinds, including fixtures and fittings (except where essential for operating parts).
Caulking anchors.
Cement flooring and composition flooring (except that crude arsenical copper precipitate may be used for flooring in hospital operating and anesthesia rooms, for places where explosives are handled or stored and for places where explosive vapors may be present).
Chimneys and flues.
Conduits (except instrument assemblies).
Cornices.
Door sills.
Door frames.
Doors.
Downspouts and accessories thereto.
Drains (except strainer grids for showers and urinals).
Drip pans.
Elevators and escalators (except for worm gears and parts for conducting electricity).
Escutcheons and plates for floor, ceiling and wall use.
Fences and gates.
Food waste disposal units (except current-carrying parts, bearings, controls, impellers and sink strainers).
Gratings.
Grids (except for flooring in hospital operating rooms and anesthesia rooms, and for places where explosives are handled or stored and for places where explosive vapors may be present).
Grilles and shields, including fresh air inlet boxes and radiator and convector enclosures.
Gutters and accessories thereto.
Holdback hooks for curtains.
I. P. S. waste nipples.
Lavatory legs (except for hospital use).
Leaders and accessories thereto.
Linoleum stripping.
Louvres.
Marquees.
Metal siding.
Mouldings for joining cabinet sinks.
Ornamental metal work; including grille work, railings, and fittings.
Pipe, iron pipe sizes and fittings (except for industrial process piping and chemical and gas equipment and except for solder nipples, solder bushing and ferrules).
Radiator covers and shields.
Railings and fittings.
Reglets, moulding and trim.
Rim protectors for fixtures.
Robe hooks.
Roofing.
Roofing nails (except staples, clips and similar devices designed for the purpose of protecting shingles, flashings and siding against wind damage).
Shower curtain rods and bars (except for hospitals).
Shower door frames.
Shower goosenecks.
Skylights.
Stair and threshold treads, nosing and edgings.
Store fronts.
Straps and hangers for pipe supports.
Supply pipes, iron pipe sizes.
Switch plates.
Tanks for automatic storage water heaters.
Traps (except tube traps in 20 gauge without cleanouts and except traps cast from secondary metal).
Thresholds and saddles.
Towel bars and brackets.
Tube, tubing and fittings for piping systems in construction (except for Type K for underground water service connections; Types B, L, and M for domestic hot and cold water supply pipes, tank to oil burner hook-ups, and oxygen lines; Types B, K, L, and M for industrial process, food, chemical and gas equipment piping; and seamless tube for air temperature control apparatus).
Unit heaters, unit ventilators, unit ventilator inlet wall boxes and convectors, and blast heating coils, or any apparatus using such coils as part of its construction (except for valves, controls, fins, bearings or parts necessary for conducting electricity, and for water or steam courses and headers).
Ventilators.
Vents.
Weatherstripping.
Window frames.
Window sills.
Windows.

BURIAL EQUIPMENT

Burial urns.
Burial vaults.
Caskets and casket hardware (except copper or brass flash plate treatment necessary to prevent corrosion during period of manufacture and warehousing).
Memorial tablets.

CLOTHING AND DRESS ACCESSORIES, NOT INCLUDING SAFETY EQUIPMENT

Artificial flowers.
*Buckles and shoe buckles (except for foundation garments where strength, launderability and non-corrosiveness are essential).
*Buttons (except front shells of uniform buttons for police, firemen, guards, railroad and other transportation employees and similar uniforms, the backs to be made of steel with rust resistant plating; and work clothing and other utility (closure) purposes where launderability and non-corrosiveness are essential, provided that all strictly decorative and out-size buttons are eliminated).
Dress ornaments and trimmings.
*Pittings: belt, corset, garter, glove, hand bag, purse, suspender, luggage and supporter (except for foundation garments and sanitary belts where launderability and non-corrosiveness are essential).
*Insignia and decorations (awards).
*Metal clothes, laces, tassels, braids, embroidery, ribbons.
Millinery accessories and frames.
*Snaps, snap buttons, and hooks and eyes (except (1) irrespective of weight, in industrial safety clothing, work clothing and foundation garments; (2) for complete fasteners weighing 5 pounds or less per thousand units, on other wearing apparel exclusive of belts, suspenders, gloves, footwear, and other dress accessories, and billfolds, luggage, wallets and key cases; and (3) except for wire springs contained in snaps and snap buttons weighing in excess of 5 pounds per thousand complete units).

FURNISHINGS AND EQUIPMENT

Andirons, fireplace screens and fittings.
Candlesticks.
Curtain fasteners, rods and rings.
Cuspidors.
Gas heater and stove installation connections (except for high pressure LPG connections from tank to fixture).
Lamp shades.
Mops.
Mud scrapers.
Scrubbing boards.
Space heaters, flue connected and non-flue connected (except valves, controls and parts necessary for proper operation or for conducting electricity).
Stoves and ranges of all fuels for household cooking use (except valves, compression fittings, controls including timers, thermostats and parts for conducting electricity or necessary for safe operation).
Trays.
Upholsterers' supplies, including nails and tacks.
Vases, pitchers, bowls, and artcraft (except scientific laboratory).
Washing tubs and washing boilers.
Waste baskets, humidors and similar items.

FURNITURE AND FIXTURES

Barber shop and beauty parlor furniture.
Household furniture.
Mattresses and bedsprings (except hospital).
Partitions and shelving (except hospital and laboratory).
Public building and office furniture.
Reed and rattan furniture.
Restaurant furniture.
Venetian blinds (except where essential for operating parts).

HARDWARE, MISCELLANEOUS

Collars and other harness for pets.
Cutlery, table, kitchen, butcher and meat packing (except rivets and knife assemblies in matching silver-plated flatwear sets).
Fireplace fixtures and equipment.
Furniture (except in cylinder assemblies and keys and for essential working parts of locks).
Hand saw screws, nuts and washers for attaching saw blades to the handles.
Hand service tools, including hammers, pliers, wrenches, screw drivers, etc. (except essential parts of spiral ratchet and ratchet screw drivers and drills; hand and breast drills and bit braces; soldering irons; and blow-torches; except nonsparking tools necessary to prevent explosion hazards; and except portable spot welders).
Passenger transportation equipment, decorative hardware and ornamental metal work and trim and general hardware (except for locks).
Pleasure boat decorative hardware.
Pocket knives (except rivets and lining assemblies).
Puttying and scraping knives (except rivets).
*Saddlery and harness hardware (except for brass protective plating).
Scissors, shears, hedge and other trimmers, tinners and other snips.
Stairs and threshold treads and edgings.
Trunk and luggage hardware (except for brass protective plating and except in cylinder assemblies and keys and for essential working parts of locks).

HOUSEHOLD ELECTRICAL APPLIANCES

(Except for operational parts where the properties supplied by the copper are essential or where necessary for electrical conductivity)

Household electrical appliances including but not limited to:

Laundry equipment.
Vacuum cleaners.
Refrigerators.
Floor and furniture polishers.
Food mixers.
Electric irons.
Hair driers.
Toasters.

JEWELRY, GIFTS, AND NOVELTIES

All jewelry (except operational attachments such as screw and snap posts; cam assemblies; wire pegs; screws and or rivets; spring pins for wrist watches; catches and pin stems; and copper seal interlinings to prevent "bleeding" of silver through gold); gifts and novelties, including but not limited to:

Book ends.
Jewelry and instrument cases, including cosmetic.
Lighters (except necessary operational parts).
*Medals and emblems, including decorations (except religious goods).
Mirror and picture frames.
Napkin rings.
Smokers' accessories, including ash trays and humidors.
Souvenirs.

CIVILIAN TYPE MOTOR VEHICLE: PASSENGER AUTOMOBILES INCLUDING TAXICABS, STATION WAGONS, AMBULANCES, HEARSES, TRUCKS, TRUCK TRACTORS, TRUCK TRAILERS, MOTORCYCLES AND BUSSES

Decorative mouldings, both internal and external (except for glass run channels, window-glass frames, external windshield and rear window external mouldings where such mouldings are produced from strip 6 inches or narrower).
Defrosters and heaters (except (1) for conducting electricity and (2) radiators (heat exchangers) and supply and return hot water lines and (3) parts used in the operating controls of the heating and defrosting systems).
Gas tank caps (except valves and springs).
Horns (except parts for diaphragms, vibrators and conducting electricity).
Lighters (except parts for conducting electricity).
Lights, lamps, headlamps, and lighting accessories (except for doors, bezels, adjusting and attaching screws, retaining rings, copper flash plating on reflectors and parts for conducting electricity including light bulbs).
Motor vehicle hardware (except door handles, ventilator and regulator handles for windows and doors, working parts for locks, ventilator window latches, external lock cylinder caps and covers, external windshield wiper arm and blade assemblies and screw).
Rear-view mirrors and brackets (except copper flash plating on mirrors).
Smokers' accessories, including ash trays.
Wheel discs and wheel trim rings.

PASSENGER TRANSPORTATION EQUIPMENT

(Including railroad cars, street and interurban cars, busses, and trailers, but excluding locomotives)

All items under the heading "Furnishings and Equipment".
Bands on pipe coverings.
Door knockers, checks, pulls and stops.
Doors and windows, door and window frames and window sills.
Drinking water reservoirs.
Shower rods and pans.
Sinks and drainboards.
Towel and luggage racks.
Water containers for humidification.
Weatherstripping and insulation.

MISCELLANEOUS

Alarm and protective systems (except parts for conducting electricity or where essential to the proper service or functioning of the parts).
Antique reproductions.
Arch supports.
Atomizers (except for medicinal purposes and for use in the preparation of dried milk and dried eggs).
Barrels, boxes, cans, jars, and other containers.
*Badges (except for use by personnel where badges are required for protection and security by Government agencies or by industrial plants).
Bar and counter equipment and fittings.
Barber shop equipment and supplies (except for current-carrying parts).
Barrel hooks.
Bathroom accessories (including grab bars, tumbler holders, tooth brush holders, paper holders, and shelf brackets).
Beauty parlor equipment and supplies (except for replacement parts of commercial permanent wave equipment and commercial hair driers and for current-carrying parts).
Bicycles, and similar vehicles and equipment therefor (except valves for bicycle tires and tubes and except plating of operational parts).
Binoculars (except precision types) and opera glasses.
Bird and pet cages and stands.
Branding, marking, and labeling devices and stock for same (except engraved burning branding dies, and except where the devices and the stock are for affixing governmental, notarial and corporate seals).
Bronze ink (except use in the graphic arts industry where bronze ink and powder are an integral part of product identification and whose normal replating is less frequent than one year).
Brushes (except for the types used in electric motors and generators; and except for industrial brushes and tooth brushes).
Carpet rods.
Chimes and bells (except parts for conducting electricity or where non-magnetic gong material is required for electrically operated signaling devices used as adjuncts to communication systems and except bells for use on board ship where essential to the proper functioning of the parts).
Clips, paper.
Cleaning and polishing accessories, such as brooms, carpet sweepers, crumbing sets, dust pans, mops, pot scourers, whisk brooms and floor and furniture polishers.
Clock cases (except for marine use).
Clothes line pulleys and reels.
Cocktail shakers.
Coin-operated game and gambling machines (except tumblers for locks and current-carrying parts).
Coin-operated vending machines (except necessary operational parts and current-carrying parts).
Cooking utensils (except gauges and protective devices and plating of bottoms).
Daubers for shoe polish.
Dispensers, hand, for hand lotions, paper products, soap and straws (except for hospitals).
Flower pots, boxes and holders for same.
Fountain pens (except necessary operational parts).
Furniture grommets.
Garden tools and equipment (except for functional parts).
Hair curlers, hair brushes and combs (except for heat-carrying parts and for electrical conductivity).
Ice cream freezers for use in the home (except electric).
Juke boxes (except for current-carrying parts).
Kitchen utensils, devices and machines (except electrical appliances).
Lace tips.
Lamps, portable electric (except for current-carrying parts).
Lamps and lanterns, other than electric (except for generators, valves, controls, burners, wicks and founts).
Letter boxes and mail chutes.
Lighting fixtures (except (1) current-carrying parts, plating, rivets, eyelets, screws, small fasteners; (2) the threaded parts, clamping, sealing or attachment devices of exterior, explosion-proof, dust-tight and vapor-tight fixtures; (3) Marine and airport).
Loose-leaf binders.
Manicure implements.
Match and pattern plates, matrices, and flasks.
Mattress buttons and furniture glides.
Name plates (except instruction and data plates and identification plates for use on machinery or equipment without display or ornamentation).
Nonoperating or decorative uses of copper or copper-base alloy, or the use of the same in such parts of installations and equipment (mechanical or otherwise) as bases, frames, guards, standards and supports.
Package handles and holders.
Pari-mutuel gambling and gaming machines, devices and accessories.
Pencils, mechanical (except functional parts and plating).
Pins (except safety pins, common pins, laundry net and laundry identification pins, or safety catches on products otherwise permitted under this order).
Pleasure boat fastenings and fittings.
Razors operated by electricity (except functional parts and parts for conducting electricity).
Razors not operated by electricity (except (1) in making safety razors: heads, functional parts for heads, and plating; and (2) in making straight razors: rivets, pins and washers).
Razor blade magazines.
Reflectors (except photographic and except as an undercoating or an overcoating in electroplating with silver or chromium).
Signs and advertising displays (except current-carrying parts).
Sporting goods and equipment (except fishing equipment and supplies for commercial fishing use, firearms, ammunition, and except reel gears, bearings and spools, swivels and snaps, rod mountings and copper for plating of baits and lures for sport fishing use).
Staplers and stapler machines (not including foot-operated or power-driven stitching machines).
Stationery supplies including but not limited to:
Desk accessories.
Office supplies.
Pencils (except for ferrules).
Pens and penholders.
Statues and statuettes (except religious and artists' originals).
Sundials.
*Tent poles and parts.
Tobacco pipes.
Toys (except in motors and essential operating parts).
Unions and union fittings (except seats, and except for other parts of unions and union fittings (1) where and to the extent that the physical and chemical properties of the liquid or gas passing through the union or union fittings make the use of any other material dangerous or impractical, or (2) where the valve is of a type designed for use in an air conditioning or refrigeration "system", or (3) where use of copper and tubing and/or brass pipe is permitted).
Umbrellas and parasols.
Vacuum bottles and jugs.
Valve handles (except plumbing fixture trim).
Walking sticks and canes.
Weather vanes.
Weight reducing and exercising machines (except for current-carrying parts).
Wool (except metal sponges intended for use in dairy products processing plants and by the canning industry and for filtering purposes).

LIST B

(See section 7)

The use of the forms and products of copper defined in section 3 and of any component parts made therefrom in the items listed below (excluding repair parts) is prohibited except to the extent permitted in the order or the list: *Provided, however*, That such material may be used in such items included in the list as are marked with as asterisk in cases where such items are to be used by the armed forces of the United States, including the United States Coast Guard.

BUILDERS' HARDWARE

Protective brass plating of all listed items of builders' hardware is permitted where other types of finishes are not practicable.
Door knobs.
Letter slots.

BUILDING MATERIALS

Facias: Fittings for underfloor raceway systems.
Flashings (except (1) cap and base flashing for built-up roofing, (2) through-wall flashing in parapet walls, (3) flashing for chimneys, vent stacks and all other vertical surfaces rising through roof levels, (4) roof-to-side wall flashing, (5) valley flashing for slate, tile and cement shingle roofs, (6) door and window head flashing, (7) expansion joint flashing).
Gravel stops.
Shower pans.
Terrazzo strips.
Fins for: Unit heaters, unit ventilators, unit ventilator inlet wall boxes and convectors, and blast heating coils, or any apparatus using such coils as part of its construction.

CIVILIAN-TYPE MOTOR VEHICLE: PASSENGER AUTOMOBILES INCLUDING TAXICABS, STATION WAGONS, AMBULANCES, HEARSES, TRUCKS, TRUCK TRACTORS, TRUCK TRAILERS, MOTORCYCLES AND BUSSES.

Hubcaps (except for plating).
Radio antennae for vehicles.
Sidewalk or curbstone warning devices for automobiles.

CLOTHING AND DRESS ACCESSORIES, NOT INCLUDING SAFETY EQUIPMENT

*Slide fasteners (zippers) (except (1) for the following functional components: slider bodies, separating end-components and top and bottom stops; and (2) except for applications in safety garments, work clothing, rubber footwear, foundation and surgical garments were necessary for reasons of strength, launderability and anticorrosion).

FURNISHINGS AND EQUIPMENT

Refrigerator and water heater installation connections (except for high pressure LPG connections from tank to fixture).

FURNITURE AND FIXTURES

Fittings (except hospital and laboratory).

HARDWARE, MISCELLANEOUS

Tags for pets.

HOUSEHOLD ELECTRICAL APPLIANCES

(Except for operational parts where the properties supplied by the copper are essential or where necessary for electrical conductivity)

Coffee makers.
Home and farm freezers.
Ice cream freezers.
Waffle irons.

REFRIGERATION AND AIR CONDITIONING MACHINERY AND EQUIPMENT

(Commercial and Industrial)

(Except where copper products or copper-base alloy products are essential for the following: carbonators, complete condensing units less condensers, dehydrators, draft arms for soda fountain equipment, electrical controls and wiring, fittings, protective coatings, refrigerant circuits, refrigerant connections between compressor and cooling coils, refrigerant flow control valves, sight glasses, soldering and brazing materials, strainers, suction line heat exchangers, tube sheets, valves, water cooler low sides and pre-coolers, water flow control valves and water spray nozzles for evaporative condensers, evaporative coolers, and air washers)

Commercial and industrial refrigeration and air conditioning machinery and equipment including but not limited to:

Air conditioning systems, self-contained or remote.
Air washers.
Blast coolers.
Blast freezers.
Bottled beverage coolers.
Carbonated beverage dispensing systems (except coin operated).
Compressor stop valves (except valve seats, gaskets, bonnets, discs, disc screens, and protective coverings for valve stems).
Evaporative condensers.
Evaporative coolers (desert type).
Finned air-cooled condensers except those used for hermetic systems where the condenser is exposed to the outside air or for transportation systems.
Finned coils or evaporators.
Florist refrigerators.
Fountainettes.
Frozen food cabinets.
Ice cream cabinets.
Ice cube makers.
Malt beverage dispensing systems.
Mortuary refrigerators.
Non-carbonated beverage dispensing systems (except coin operated).
Packaged air conditioners (room, window, and store coolers).
Reach-in refrigerators.
Refrigerated display cases.
Refrigeration systems, self-contained or remote.
Reverse cycle heating and air conditioning systems (heat pumps).
Sandwich units.
Shell and tube or shell and coil condensers (except water courses, either straight or finned tube, where the refrigerant is in contact with the tube).
Shell and tube or shell and coil water chillers (except water courses, either straight or finned tube, where the refrigerant is in contact with the tube).
Soda fountains.
Space coolers.
Unit coolers.
Walk-in refrigerators.
Water coolers (except bubblers, bubbler connections, faucets and faucet connections).

MISCELLANEOUS

Ball point pens (except necessary operational parts).
Dehumidifiers for home and office use (except operational parts where the properties supplied by the copper are essential or where necessary for electrical conductivity).
Flashlight cases (except contact points for carrying current).
Garment hangers.
Hollow ware (except for hotels, restaurants, institutions and ecclesiastical use).
Identification and directional signs (except current-carrying parts).
Key chains and catches and fasteners therefor.
Lawn sprinklers (except working parts and propellers).
Outboard motors (except for operational parts).
Portable electric lanterns, such as railroad, miners' and industrial (except parts for conducting electricity and for plating).
Shells and caps for sockets.
Ties (except for explosives and other products where the properties supplied by copper are essential).

[F. R. Doc. 51-3284; Filed, Mar. 9, 1951; 5:06 p. m.]

[NPA Order M-48]

M-48—BISMUTH

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable due to the necessity for immediate action, and because the order affects a large number of different trades and industries.

Sec.
1. What this order does.
2. Definitions.
3. Limitations on use of bismuth and bismuth alloys.
4. Limitations on acceptance of rated orders.
5. Set aside from production and imports.
6. Limitations on acceptance of delivery.
7. Application for delivery from set aside reserve.
8. Certification.
9. Inventories.
10. Records and reports.
11. Application for adjustment.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to set forth the conditions under which bismuth and bismuth alloys may be delivered and accepted, and the processes and products in which these materials can be used. This order also establishes limitations on the acceptance of rated orders, and on inventories of bismuth, bismuth alloys and articles made therefrom. It explains the conditions under which reports are required in connection with the production, distribution, importation, use and inventories of these materials. It is the intent of this order that other materials which are not in short supply will be substituted for bismuth wherever possible.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the six months' period ending June 30, 1950.

(c) "Bismuth" means metallic bismuth in bars, ingots, pigs, sticks, slabs, kegs, moss powder or other shapes or forms suitable for use in the manufacture of industrial or medicinal products or bismuth alloys.

(d) "Bismuth alloy" means any alloy containing more than 1 percent bismuth.

(e) "Bismuth product" means any semi-finished or finished article containing bismuth commercially recognized.

(f) "Scrap" means all materials or objects which are the waste or by-product of industrial fabrications or processes, or which have been discarded for obsolescence, failure or other reason, including, but not limited to, items such as unused, discarded or broken tools, dies, or accessories for production equipment which have been unused for a period in excess of six months, and which contain bismuth commercially recoverable.

(g) "Producer" means any person producing bismuth or bismuth alloys for re-

sale, and any person having bismuth or bismuth alloys produced for him under toll agreement.

(h) "Dealer" means any person who receives physical deliveries of bismuth, bismuth alloys or bismuth products and sells or holds same for resale without change in form.

(i) "Import" means to transport in any manner into the continental United States from areas outside the continental United States, including territories and possessions. It includes shipments into foreign-trade zones, customs bonded warehouses, and customs custody, except when such shipments are merely in transit through the continental United States, to destinations outside the continental United States, as shown by the bills of lading or other shipping documents. However, if any such material in transit is halted or diverted to a destination in the continental United States or subjected to processing or manufacture in the continental United States, it becomes an "import" for the purposes of this order.

SEC. 3. *Limitations on use of bismuth and bismuth alloys.* (a) Unless specifically authorized by the National Production Authority, commencing on April 1, 1951, no person shall put into process or otherwise use any bismuth or bismuth alloys in the manufacture, treatment, installation, or construction of any item or product, or in any process, or for any purpose, except those set forth in the Schedule appearing at the end of this order and to the extent permitted thereby. Uses not thus expressly authorized are prohibited.

(b) Paragraph (a) of this section does not prohibit the completion and subsequent sale of any items or the completion of any processes or installations if the manufacturing, processing, or installation was begun on or before April 1, 1951, and if such manufacturing, processing or installation is completed not later than April 30, 1951.

SEC. 4. *Limitations on acceptance of rated orders.* Notwithstanding the provisions of NPA Reg. 2 and unless otherwise directed by the National Production Authority:

(a) No producer shall be required to accept rated orders for shipment in any one month for a total weight of bismuth, bismuth alloys and bismuth products in excess of 50 percent of his scheduled production of such items, in terms of bismuth content, during that month.

(b) No dealer shall be required to accept rated orders for shipment in any one month for a total weight of bismuth, bismuth alloys and bismuth products in excess of 25 percent of the total quantity of bismuth, bismuth alloys and bismuth products available to him, in terms of bismuth content, during that month.

SEC. 5. *Set aside from production and imports.* In addition to the requirements of section 4 of this order, commencing on April 1, 1951:

(a) Each producer shall set aside a reserve of 20 percent of his monthly production of bismuth (including bismuth produced for him by others under toll agreement, but not bismuth which he produces for others under toll agreement). Except as otherwise directed by the National Production Authority, this reserve may be delivered only upon the specific authorization of the National Production Authority in accordance with the procedure stated in section 7 of this order.

(b) Any person who imports bismuth shall set aside in each month a reserve of 20 percent of his imports of bismuth during such month. Except as otherwise directed by the National Production Authority, this reserve may be delivered only upon the specific authorization of the National Production Authority in accordance with the procedure stated in section 7 of this order.

SEC. 6. *Limitations on acceptance of delivery.* Except as may be authorized in accordance with the procedure stated in section 7 of this order and subject to the inventory limitations contained in section 9 of this order, no person shall accept delivery from domestic sources in any month of a total quantity by weight of bismuth and bismuth alloys (bismuth content), in excess of 60 percent of his average monthly receipts of such materials (bismuth content), during the base period, or 100 pounds, whichever is greater.

SEC. 7. *Application for delivery from set aside reserve.* Any person who, in the public interest, considers that he requires more bismuth than he can obtain from commercial sources, may apply to the National Production Authority for a delivery of bismuth from the set aside. Such application shall be submitted by letter not later than the 25th day of the month preceding the month during which delivery is desired, and shall set forth: the quantity of bismuth desired, the public interest which will be served, the desired delivery date, the applicant's anticipated receipts of non-set aside bismuth, the applicant's anticipated inventory of bismuth at the beginning of the month during which bismuth from the set aside is desired, and such other facts as may be pertinent. If the request is approved, the applicant will be notified that a particular supplier has been directed to make delivery of the bismuth concerned, and that the applicant is thereby authorized to accept delivery of this additional quantity of bismuth for a specified use.

SEC. 8. *Certification.* (a) Commencing on April 1, 1951, no person shall sell or deliver, and no person shall purchase or accept delivery of, any bismuth or bismuth alloys unless the purchaser furnishes a signed certification as follows:

> The undersigned certifies, subject to statutory penalties, that acceptance of delivery of the bismuth or bismuth alloys herein ordered is permitted by NPA Order M-48, and this material will be used only for the purposes permitted thereby, as follows: ----------
> Specify end use

This certification constitutes a representation by the purchaser to the seller and to the National Production Authority that the bismuth or bismuth alloys delivered will be used only for the purpose or purposes set forth in the appended Schedule, that such use is not prohibited by other applicable orders or regulations of the National Production Authority, and that the receipt is in accordance with sections 6 and 9 of this order.

(b) This certification shall not be required in connection with: (1) The delivery of bismuth to the General Services Administration for the stockpile of strategic materials, (2) the delivery of bismuth or bismuth alloys pursuant to a specific authorization of the National Production Authority, or (3) the importation of bismuth or bismuth alloys.

SEC. 9. *Inventories.* (a) No person shall receive or accept delivery of a quantity of bismuth, bismuth alloys, bismuth products or scrap if his inventory of such material is, or by such receipt would become, more than the smallest quantity of such material which he reasonably requires to meet his deliveries or maintain his scheduled rate of operations during the next succeeding 30-day period, or in excess of a "practicable minimum working inventory" as defined in NPA Reg. 1, whichever is less.

(b) Except as otherwise provided by this section, NPA Reg. 1 (particularly § 10.11 *Imported Materials*) will apply to all materials mentioned in paragraph (a) of this section.

SEC. 10. *Records and reports.* (a) Any person who on any day of any month has in his possession or under his control a quantity of bismuth in excess of 100 pounds or who receives, uses or ships a quantity of bismuth in excess of 100 pounds during any month, shall complete and file Form NPAF-40 on or before the 30th day of March 1951 with respect to February 1951, and on the 15th day of each succeeding month with respect to such transactions, possession or use during the preceding month.

(b) Producers and importers of bismuth shall report by letter not later than March 20, 1951 with respect to April 1951, and not later than the 20th day of each month thereafter, the quantity of bismuth which they expect to set aside during the next succeeding month in accordance with section 5 of this order.

(c) The reports required by this section shall be filed with the National Production Authority, Washington 25, D. C.

(d) Each person participating in any transaction covered by this order shall retain in his possession for at least two years records of receipts, deliveries, inventories, production and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(e) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(f) Persons subject to this order shall make such records and submit such other reports to the National Production Authority as it shall require subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 11. *Application for adjustment.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought and the justification therefor.

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–48.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect, except as otherwise specifically stated, on March 9, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

SCHEDULE OF PERMITTED USES

[See Section 3]

The use of bismuth and bismuth alloys is permitted only for the following items, processes and purposes:

(a) Anchoring:
1. Bearings, bushings and parts in machinery.
2. Bushings in drill jigs.
3. Inserts and ceramics, plastics, etc.
4. Location members, pads and points in aircraft and automotive assembly, drill, inspection and welding fixtures.
5. Pole pieces in magnetic chucks and fixtures.
6. Precision parts for machining, testing and inspection.
7. Punches and dies for blanking, piercing and trimming.
8. Repairing broken dies.
9. Shafts in rotors of alnico, etc.

(b) Making chucks for:
1. Weil drill cores.
2. Holding irregular shapes for machining (split jaw).

(c) Making cores for:
1. Electroforming.
2. Intricate compound foundry cores.

(d) Making dies and punches for:
1. Sheet metal embossing and short run forming.
2. Form blocks for bending, forming and stretch press forming.

(e) Models and patterns for:
1. Dental and medical models and prosthetic devices.
2. Core dryer patterns.
3. Pantograph and Keller tracer models.
4. Master patterns for match plates.
5. "Lost Wax" patterns, precision castings.

(f) Molds for:
1. Duplicating plaster and plastic patterns.
2. Casting and forming plastics and plaster.
3. Holding irregular shaped parts.

(g) Production tooling:
1. Duplicate patterns for ceramics, plastics, pottery, etc.
2. Fixtures for assembly checking, die spotting, drilling, inspection.
3. Filler for mold and tube bending and for fabricating seamless fittings.
4. Hold-down clamp pads.
5. Masks for electroforming and spray painting.
6. Nests for drill jigs and dial feed stations.
7. Shimming pads in aircraft tooling fixtures.
8. Supporting parts while machining and grinding.
9. Repairing wood, plastic, masonite and plastic tooling.
10. Stripper plates in stamping dies.
11. Trim dies for die casting and plastics.

(h) Miscellaneous:
1. Filling blowholes and defects in castings.
2. Fusible elements in sprinkler head links, protective and safety equipment.
3. Heat and/or transfer and pressure medium in autoclave, textile dyeing and drying equipment and constant temperature heat treating baths.
4. Liquid seals for bright annealing nitriding furnaces.
5. Low temperature solders in delicate assemblies, instruments, ammunition, etc.
6. Proof casting, forging dies, molds, gun chambers, etc.
7. Sealing adjustment screws on instruments, torque wrenches, etc.
8. Hermetic and vacuum seals—glass and metal.
9. Selenium rectifiers.
10. Shielding—X-ray equipment and therapeutic short wave equipment.
11. Low melting solders for ammunition boxes, shell cases, fuse sealing, etc.

(i) To comply with safety regulations issued under governmental authority which require the use of bismuth as a fusible alloy for protective devices.

(j) In research laboratories where and to the extent that the physical or chemical material requirements make the use of any other material impracticable.

(k) As an alloying material in the production of aluminum, stainless steels and malleable iron and cast iron to the extent necessary to improve machinability.

(l) To make bismuth salts used in pharmaceutical preparations.

[F. R. Doc. 51–3285; Filed, Mar. 9, 1951; 5:06 p. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MEXICO

Whereas the Post Office Department has received advice through the Department of Commerce that certain import restrictions have been relaxed by the Mexican Government, and it having been found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable for the reason that such compliance would impede the due and timely execution of the functions of this Department:

Now, therefore, it is ordered, that, effective at once, Part 127 (39 CFR Part 127) be amended as follows:

In § 127.304 *Mexico* amend paragraph (b) (9) to read as follows:

(b) *Parcel post.* • • •

(9) *Prohibitions.*—(i) *Import permits.* A large variety of items require import permits to be obtained by the addressees in Mexico, when the value of the shipment is 100 Mexican pesos or over. Information as to what articles require import licenses, and as to rates of Mexican customs duty, may be obtained from the American Republics Division, Office of International Trade, Department of Commerce, Washington 25, D. C., or from any regional or district office of that Department.

(ii) *For sanitary reasons.* Pacifiers for the amusement of babies. For medicines, cosmetics, and toilet articles, see paragraph (a) *Regular mails* of this section. The customs service requires, from persons receiving by mail from abroad, in small quantities, products of animal origin contained in tin cans, a certificate of sanitary inspection issued by the Department of Agriculture and Fomento. However, the products in question may be exempted from the above-mentioned inspection certificate when their weight is less than 11 pounds.

(iii) *For the protection of animals and plants.* (a) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(b) Parasites and predators of injurious insects, unless intended for the control of those insects and exchanged between officially recognized institutions.

(iv) *Arms, etc.* Arms require the special permission of the Secretariat of War and Navy. The importation by mail of pistols, hunting and target arms, requires also a certificate from the Mexican consul at the place of shipment. Pistols and other instruments for the projection of tear gas are prohibited.

(v) *For other reasons.* Works violating the Mexican copyright laws. Bank notes, coins of all kinds, and values payable to bearer. As an exception, the Bank of Mexico and the banks associated therewith are authorized to import bank notes exclusively for the purpose of exchange. Uncanceled postage stamps are accepted only under registration.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 23; 5 U. S. C. 22, 369; and the terms of postal conventions and agreements entered into pursuant to R. S. 398, 48 Stat. 943; 5 U. S. C. 372)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 51-3191; Filed, Mar. 12, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 70]

GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of revised rules governing the grading and inspection of poultry and edible products thereof and United States specifications for classes, standards, and grades with respect thereto, to become effective May 1, 1951, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act 1951 (Pub. Law 759), 81st Cong., approved September 6, 1950). The proposed rules will supersede the currently effective Part 70 (7 CFR Part 70), insofar as applicable to poultry and edible products thereof, since such part is comprised of rules and specifications governing grading and inspection of both poultry and domestic rabbits. It is planned to revise the rules and specifications for domestic rabbits and, therefore, no references to domestic rabbits are contained in the proposals set forth herein. The proposed revision with respect to domestic rabbits will be published in the FEDERAL REGISTER and the industry will be given an opportunity to submit relevant written data, views, or arguments. It is planned to make the revised rabbit regulations and the revised poultry regulations effective at the same time.

Most of the provisions of the proposed rules and specifications have received thorough consideration throughout the country at numerous conferences held with industry and college and State departments of agriculture representatives. Among other things, the proposed revision of the rules and specifications changes the provisions governing the grading of ready-to-cook poultry by requiring, as a prerequisite thereto, some form of official inspection for wholesomeness.

All persons who desire to submit written data, views, or arguments in connection with the proposals should file the same in triplicate with the Chief of the Marketing Services Division, Poultry Branch, Production and Marketing Administration, United States Department of Agriculture, Room 2099 South Building, Washington 25, D. C., not later than the close of business on the 30th day after publication of this notice in the FEDERAL REGISTER.

The proposed rules and specifications are as follows:

SUBPART A—RULES GOVERNING THE GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF

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70.31 General.
70.32 Live poultry.
70.33 Dressed poultry and ready-to-cook poultry.
70.34 Basis of acceptability of other official inspection systems.
70.35 Certificates.
70.36 Application for regrading of a graded product; regrading certificates.
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70.39 Minimum standards for sanitation, facilities, and operating procedures in official plants.
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70.101 United States specifications for kinds and classes of live poultry, dressed poultry, and ready-to-cook poultry.
70.102 United States specifications for standards of quality for live poultry on an individual bird basis.
70.103 United States specifications for standards of grades for live poultry.
70.104 United States specifications for standards of quality for individual carcasses of dressed poultry and ready-to-cook poultry.
70.105 United States specifications for standards of grades for dressed poultry and ready-to-cook poultry.

SUBPART A—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF

DEFINITIONS

§ 70.1 *Definitions.* Unless the context otherwise requires, the following terms shall have the following meaning:

(a) "Act" means the following provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act of 1951 (Pub. Law 759, 81st. Cong.) or any other act of Congress conferring like authority:

AGRICULTURAL MARKETING ACT OF 1946

• • • to develop and improve standards of quality, condition, quantity, grade, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices • • •

To inspect, certify, and identify the class, quality, quantity, and condition of agricultural products when shipped or received in interstate commerce under such rules and regulations as the Secretary of Agriculture may prescribe, including assessment and collection of such fees as will be reasonable and as nearly as may be to cover the cost of the service rendered, to the end that agricultural products may be marketed to the best advantage, that trading may be facilitated, and that consumers may be able to obtain the quality products which they desire, • • •

DEPARTMENT OF AGRICULTURE APPROPRIATION ACT, 1951

• • • Market inspection of farm products: For the investigation and certification, in one or more jurisdictions, to shippers and other interested parties of the class, quality, and condition of any agricultural commodity or food product, whether raw, dried, canned, or otherwise processed, and any product containing an agricultural commodity or derivative thereof when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered, • • •

Marketing farm products: For acquiring and diffusing among the people of the United States useful information relative to the needed supplies, standardization, classification, grading, preparation for market, handling, transportation, storage, and marketing of farm and food products, including the demonstration and promotion of the use of uniform standards of classification of American farm and food products throughout the world, • • •

(b) "Administration" means the Production and Marketing Administration of the Department.

(c) "Administrator" means the Administrator of the Production and Marketing Administration of the Department, or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

(d) "Applicant" means any interested party who requests any inspection service or grading service.

(e) "Carcass" means any poultry carcass.

(f) "Circuit Supervisor" means the officer in charge of the poultry inspection service in a circuit consisting of a group of stations within an area.

(g) "Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind or between species.

(h) "Condition" means any condition, including but not being limited to, the state of preservation, cleanliness, or soundness of any product; or any condition, including but not limited to, the processing, handling, or packaging which affects such product.

(i) "Condition and wholesomeness" means the condition of any product and its healthfulness and fitness for human food.

(j) "Department" means the United States Department of Agriculture.

(k) "Dressed poultry" means poultry which has been slaughtered for human food with head, feet, and viscera intact and from which the blood and feathers have been removed.

(l) "Edible poultry byproduct" means any giblets or any edible part of dressed poultry other than eviscerated poultry.

(m) "Edible product" means any product other than live poultry and dressed poultry.

(n) "Eviscerated poultry" means any dressed poultry from which the pinfeathers, vestigial feathers (hair or down, as the case may be), head, shanks, crop, oil gland, trachea, esophagus, entrails, reproductive organs, and lungs have been removed and, with or without the giblets, is ready to cook without need of further processing.

(o) "Food product containing poultry product" means any article of food for human consumption which is prepared in part from any edible portion of dressed poultry or from any product derived wholly from such edible portion, if such edible portion or product does not comprise a substantial portion of such article of food.

(p) "Giblets" means the liver from which the bile sac has been removed, the heart from which the pericardial sac has been removed, and the gizzard from which the lining and contents have been removed; *Provided*, That each such organ has been properly trimmed and washed.

(q) "Grader" means any employee of the Department authorized by the Secretary, or any other individual to whom a license has been issued by the Secretary, to investigate and certify, in accordance with the regulations in this part, the class, quality, quantity, and condition of products.

(r) "Grading" or "grading service" means (1) the act whereby a grader determines, according to the regulations in this part, the class, quality, quantity, or condition of any product by examining each unit thereof, or each unit of the representative sample thereof drawn by a grader, and issues a grading certificate with respect thereto; (2) in addition to the foregoing, the act whereby the grader identifies, according to the regulations in this part, the graded product; (3) with respect to an official plant, the act whereby a grader determines that the products in such plant are processed, handled, and packaged in accordance with § 70.39; and (4) any regrading or any appeal grading of a previously graded product.

(s) "Grading certificate" means a statement, either written or printed, issued by a grader, pursuant to the regulations in this part, relative to the class, quality, quantity, or condition of a product.

(t) "Identify" means to apply official identification to products or the containers thereof.

(u) "Inspected and certified" or "certified" means, with respect to any product, that it has undergone an inspection and was found, at the time of such inspection, to be sound, wholesome, and fit for human food.

(v) "Inspected," "inspection service," or "inspection of products for condition and wholesomeness" means any inspection by an inspector to determine, in accordance with regulations in this part, (1) the condition and wholesomeness of dressed poultry, or (2) the condition and wholesomeness of any edible product at any stage of the preparation or packaging thereof in the official plant where inspected and certified, or (3) the condition and wholesomeness of any previously inspected and certified product if such product has not lost its identity as an inspected and certified product. In addition to the foregoing, the terms "inspection" and "inspection service" shall each mean any inspection by an inspector to determine, in accordance with the regulations in this part, the condition of dressed poultry as it applies to the processing, handling or packaging of such product.

(w) "Inspection certificate" means a statement, either written or printed, issued by an inspector, pursuant to the regulations in this part, relative to the condition and wholesomeness of products.

(x) "Inspector" means any person who is licensed by the Secretary to investigate and certify in accordance with the regulations in this part, the condition and wholesomeness of products or in the condition of dressed poultry. An inspector is an employee of the Department or of a State; he may be a graduate veterinarian or a layman.

(y) "Interested party" means any person financially interested in a transaction involving any inspection or grading.

(z) "National supervisor" means (1) the officer in charge of the poultry inspection service of the Administration, (2) the officer in charge of the poultry grading service of the Administration, and (3) such other officers or employees of the Department who may be so designated by the officer in charge of the poultry inspection and grading service of the Administration.

(aa) "Office of grading" means the office of any grader.

(bb) "Official identification" means the symbol represented by a stamp, label, seal, or other device approved by the Administrator and affixed to any product, or to any container thereof, stating that the product was inspected or graded or both; and the class, quality, or condition of such product as determined by a grader may be indicated.

(cc) "Official plant" means one or more buildings, or parts thereof, comprising a single plant in which the facilities and methods of operation therein have been approved by the Administrator as suitable and adequate for operation under inspection or grading service and in which inspection or grading is carried on in accordance with the regulations in this part.

(dd) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(ee) "Poultry" means any kind of domesticated bird, including, but not being limited to, chickens, turkeys, ducks, geese, pigeons, and guineas.

(ff) "Poultry food product" means any article of human food or any article intended for or capable of being so used which is prepared or derived in whole or in substantial part, from any edible portion of dressed poultry.

(gg) "Poultry grading and inspection service" means the personnel of the Administration who are actively engaged in the administration, application and direction of poultry grading and inspection programs and services pursuant to the regulations in this part.

(hh) "Product" means each of the following: (1) Dressed poultry; (2) eviscerated poultry; (3) edible poultry byproduct; (4) poultry food product; and (5) with respect to grading service only, live poultry.

(ii) "Quality" means the inherent properties of any product which determine its relative degree of excellence.

(jj) "Ready-to-cook poultry" means any eviscerated poultry or any cut-up or disjointed portion thereof.

(kk) "Regional supervisor" means any employee of the Department in charge of poultry grading service or poultry inspection service in a designated geographical area.

(ll) "Regulations" means the provisions of this entire part and such United States specifications for classes, standards, and grades for products as may be in effect at the time grading or inspection is performed.

(mm) "Secretary" means the Secretary of the Department, or any other officer or employee of the Department to whom there has heretofore been delegated or to whom there may hereafter be delegated, the authority to act in his stead.

(nn) "Soundness" means freedom from external evidence of any disease or condition which may render a carcass unfit for food.

(oo) "State supervisor" means any authorized and designated individual who is in charge of the poultry grading service or the poultry inspection service in a State. A State supervisor of poultry inspection service shall be a veterinarian and he may be either a Federal-State employee or a Federal employee.

(pp) "Station supervisor" means any authorized individual who is designated to supervise the poultry grading service or the poultry inspection service in a large official plant or in a group of several smaller plants.

ADMINISTRATION

§ 70.2 *Administration.* The Administrator shall perform for and under the supervision of the Secretary, such duties as are prescribed in the regulations in this part and as the Secretary may require in the administration of the regulations in this part.

GENERAL

§ 70.3 *Grading and inspection programs and services*—(a) *Kinds of services.* The regulations in this part provide for the following kinds of service with respect to live, dressed, and ready-to-cook poultry:

(1) *Grading of live poultry.*

(2) *Grading of dressed poultry.* (i) In an official plant.

(ii) At terminal markets and other receiving points other than official plants.

(3) *Grading of ready-to-cook poultry.* (i) In an official plant.

(ii) At terminal markets and other receiving points other than official plants.

(4) *Inspection of dressed poultry in official plants for processing as ready-to-cook poultry.*

(5) *Inspection in an official plant of ready-to-cook poultry for canning or poultry to be prepared as edible products other than eviscerated poultry.*

(6) *Certification of dressed poultry produced under sanitary requirements; in official plants.* With respect to any official plant, dressed poultry as such, may be certified by a grader as having been processed, handled and packed in accordance with the minimum standards for sanitation, facilities, and operating procedures in official plants. However, in official plants which have available the services of an inspector who is authorized to inspect for condition and wholesomeness, such inspector is also authorized to certify dressed poultry, as such, as having been processed, handled, and packed in accordance with the minimum standards for sanitation, facilities, and operating procedures in official plants. The bulk containers of such dressed poultry which has been certified as aforesaid, shall be marked for identification purposes and appropriate grading or inspection processing reports shall be issued with respect thereto as required by the regulations in this part. In official plants where this kind of service is rendered all of the poultry that is processed in such official plant as dressed poultry shall be prepared in accordance with the regulations in this part and under the supervision of a grader or inspector.

(b) *Dressed poultry to be eligible for inspection or grading service shall have been processed in official plants.* Except as otherwise provided in this part, and as may be approved by the Administrator for a specified limited period with respect to dressed poultry which is to be inspected for canning, only dressed poultry which was processed in official plants in accordance with the regulations in this part may be graded or inspected and only dressed poultry from an official plant may be brought into another official plant. However, with respect to dressed poultry which was processed on the farm where it was raised, such poultry may be brought into official plants for grading or inspection, provided such poultry was dressed under sanitary conditions in accordance with such methods and operating procedures which are acceptable to the Administrator.

(c) *Inspection required during eviscerating operations at official plants under inspection service.* Any dressed poultry that is eviscerated in an official plant where inspection service is maintained, shall be inspected for condition and wholesomeness and no uninspected edible products shall be brought into such official plant.

(d) *Basis of service.* (1) Any inspection service in accordance with the regulations in this part shall be for condition and wholesomeness but, with respect to dressed poultry, as such, the inspection may be for condition only.

(2) Any grading service in accordance with the regulations in this part shall be for class, quality, quantity, or condition or any combination thereof. Grading service with respect to determination of quality of products shall be on the basis of United States specifications for classes, standards, and grades as contained in Subpart B of the regulations in this part. However, grading service may be rendered with respect to products which are bought and sold on the basis of institutional contract specifications and such service when approved by the Administrator, shall be rendered on the basis of the specifications of such contract.

(3) All grading service and all inspection service shall be subject to supervision at all times by the applicable station supervisor, State supervisor, circuit supervisor, regional supervisor, and national supervisor. Such services shall be rendered where the facilities and conditions are satisfactory for the conduct of the service and the requisite graders and inspectors are available.

(e) *Licensed graders and inspectors.* (1) Any person who is a Federal or State employee possessing proper qualifications as determined by an examination for competency, and who is to perform grading service or inspection service may be licensed by the Secretary as a grader or an inspector.

(2) Any prospective grader, other than a Federal or State employee, possessing proper qualifications as determined by an examination for competency and who is to perform grading service may be licensed by the Secretary as a grader.

(3) Any prospective grader, other than a Federal or a State employee, shall, prior to granting of the license, procure and deliver to the Administration a surety bond, issued by such surety as may be approved by the Administrator, in the amount of $1,000 for the proper performance of the duties of such licensee under the regulations in this part.

(4) All licenses issued by the Secretary shall be countersigned by the officer in charge of the poultry grading and inspection service of the Administration or any other designated official of such service.

(f) *Suspension of license or authority; revocation.* Pending final action by the Secretary, the officer in charge of the poultry grading and inspection service may, whenever he deems such action necessary, suspend any license or authority effective pursuant to the regulations in this part, by giving notice of such suspension to the respective individual involved, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such individual, he may file an appeal, in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license or authority should not be suspended or revoked. After the expiration of the aforesaid seven-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed seven days the license is revoked.

(g) *Surrender of license.* Each license which is suspended, or revoked, or has expired shall promptly be surrendered by the licensee to his immediate superior. Upon termination of the services of a licensed grader or inspector the licensee shall promptly surrender his license to his immediate superior.

(h) *Identification.* Each grader and inspector shall have in his possession at all times, and present upon request while on duty, the means of identification furnished by the Department to such person.

(i) *Financial interest of inspectors.* No inspector shall inspect any product in which he is financially interested.

§ 70.4 *Application for grading service or inspection service—*(a) *Who may obtain grading service or inspection service.* An application for grading service or inspection service may be made by any interested person, including, but not being limited to, the United States, any State, county, municipality, or common carrier, and any authorized agent of the foregoing.

(b) *How application may be made.* (1) Any application for inspection service must be made in writing and filed with the Administrator.

(2) An application for grading service to be rendered in an official plant must be made in writing and filed with the Administrator.

(3) An application for any grading service to be rendered other than in an official plant may be made in any office of grading, or with any grader at or nearest the place where the service is desired. Such application may be made orally, in writing, or by telegraph. If the application for grading service is made orally, the office of grading or the grader with whom the application is made, or the Administrator may require that the application be confirmed in writing.

(4) Each application for grading service or inspection service shall include such information as may be required by the Administrator in regard to the products and premises where the service is to be rendered.

(c) *Filing of application.* An application for grading service or inspection service shall be regarded as filed only when made pursuant to the regulations in this part.

(d) *Authority of applicant.* Proof of the authority of any person applying for grading service or inspection service may be required at the discretion of the Administrator.

(e) *Application for inspection service or grading service in official plants; approval.* Any person desiring to process and pack products in a plant under grading service or inspection service, or both, must receive approval of such plant and facilities as an official plant prior to the rendition of such service. Application for continuous grading service in an official plant other than the service provided in § 70.3 (a) (6) may be approved only when a substantial majority (approximately 75 percent) of the product processed each month is graded for quality and packed according to grade. An application for grading service or inspection service to be rendered in an official plant shall be approved according to the following procedure:

(1) *Initial survey.* When an application has been filed for grading service or inspection service, as aforesaid, the regional supervisor, or his assistant, shall examine the plant, premises, and facilities and shall specify any additional or necessary facilities required for the service. Appeals with respect to any such specification may be made to the national supervisor.

(2) *Drawings and specifications to be furnished in advance of construction or alterations.* Four copies of drawings, consisting of floor plans of space to be included in the official plant, showing the locations of such features as the principal pieces of equipment, floor drains, principal drainage lines, hand washing facilities, hose connections for clean up purposes, cardinal points of the compass, and the routes of edible and inedible products through the plant, properly drawn to scale, shall be submitted to the regional supervisor. The official plant shall include toilet and dressing rooms, office space for the inspector and grader, store rooms for supplies used in the operations under inspection or grading, feeding rooms, and all rooms, compartments or passageways where products or any ingredients to be used in the preparation of products under inspection service or grading service will be handled or kept, and may include other rooms or compartments located in the building or buildings comprising the official plant. If rooms or compartments shown on the drawings are not to be included as part of the official plant this should be clearly indicated thereon. Specifications covering the height of ceilings, types of principal pieces of equipment, character of floors, walls, and ceilings, lighting, ventilation, water supply, and drainage, and such other notations as may be required, shall accompany the drawings. Construction or remodeling of buildings, facilities, or premises should not be initiated without prior approval of the drawings. Upon approval of drawings and specifications the application for grading service or inspection service may be approved.

(3) *Final survey and plant approval.* Prior to the inauguration of the grading service, or inspection service, a final survey of the plant and premises shall be made by the regional supervisor or his assistant to determine if the plant is constructed and facilities are installed in accordance with the approved drawings and the regulations in this part. The plant may be approved only when these requirements have been met, except that conditional approval for a specified limited time may be granted only under emergency conditions of restricted availability of facilities and construction materials, provided practices suitable to the Administrator are employed to effect adequate sanitary conditions in the plant.

(f) *Rejection of application.* Any application for grading service or inspection service may be rejected by the Administrator (1) for noncompliance, by the applicant, with the act or the regulations in this part, or (2) whenever the product involved is owned by, or located on the premises of, a person currently denied the benefits of the act. Each such applicant shall be notified immediately of the reasons for the rejection.

(g) *Withdrawal of application.* Any application for grading or inspection service may be withdrawn by the applicant at any time before the service is performed upon payment by the applicant, of all expenses incurred by the Administration in connection with such application.

(h) *Order of service.* Grading service or inspection service shall be performed, insofar as practicable, in the order in which application therefor is made except that precedence may be given to any application for an appeal inspection or appeal grading.

§ 70.5 *Fraud or misrepresentation.* Any willful violation of the regulations in this part, the use of the terms "Government graded," "Federal-State graded," or terms of similar import in the labeling or advertising of any product without stating in conjunction therewith the U. S. grade of the product, or any willful misrepresentation or deceptive or fraudulent practice found to be made or committed by any person in connection with:

(a) The making or filing of an application for any grading service or inspection service;

(b) The use of any grading certificate or inspection certificate issued pursuant to the regulations in this part, or the use of any official identification;

(c) The use of the terms "United States" or "U. S." in conjunction with the grade of the product;

(d) The use of any of the aforesaid terms or an official identification in the labeling or advertising of any product; or

(e) The use, in connection with any product, of a facsimile form which simulates in whole or in part any official identification; may be deemed sufficient cause for debarring such person from any or all benefits of the act after opportunity for hearing has been accorded him; and, pending investigation and hearing the Administrator may, without hearing, direct that such person shall be denied the benefits of the act.

§ 70.6 *Political activity.* All graders and inspectors who are employees of the Department are forbidden during the period of their respective appointments, or licenses, to take an active part in political management or in political campaigns. Political activity in city, county, state, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Willful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 70.7 *Interfering with a grader or inspector.* Any further benefits of the act and the regulations in this part may be denied any applicant who either personally or through an agent or representative interferes with or obstructs, by intimidation, threats, ridicule, or assault, or in any other manner, a grader or inspector in the performance of his duties.

§ 70.8 *Other applicable regulations.* Compliance with the regulations in this part shall not excuse failure to comply with any other Federal, or any State or municipal, applicable laws or regulations.

§ 70.9 *Publications.* Publications under the act and the regulations in this part shall be made in the FEDERAL REGISTER, the Service and Regulatory Announcements of the Department, and such other media as the Administrator may approve for the purpose.

§ 70.10 *Forms of certificates*—(a) *Grading certificates.* Grading certificates (including appeal grading certificates and regrading certificates) shall be issued on forms approved by the Administrator.

(b) *Inspection certificates.* Each inspection certificate issued pursuant to the regulations in this part shall be approved by the Administrator as to form, and:

(1) Each dressed poultry inspection certificate shall show the class or classes of poultry, the quantity of product contained in the respective lot, and all pertinent information concerning the condition and wholesomeness thereof;

(2) Each food product inspection certificate shall show the names of the edible products covered by such certificate, the quantity of each such product, such shipping marks as are necessary to identify such products, and all pertinent information concerning the condition and wholesomeness thereof;

(3) Each export certificate shall show the respective names of the exporter and the consignee, the destination, the shipping marks, the numbers of the export stamps attached to the edible products to be exported and covered by the certificate, and the names of such products and the total net weight thereof.

(c) *Advance information.* Upon the request of an applicant, all or part of the contents of any grading certificate or inspection certificate issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him, at his expense.

§ 70.11 *Identifying and marking products*—(a) *Approval of official identification.* (1) Any label or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label or packaging material bearing official identification may be used unless finished copies or samples of such labels and packaging material have been approved by the Administrator. No label bearing the official identification shall be printed for use until the printer's final proof has been approved by the Administrator; and no label, other than labels for shipping containers or containers for institutional packs, bearing any official identification shall be used until finished copies or samples of such labels have been approved by the Administrator. Final approval may be given to printer's final proof or photostatic copies of labels for shipping containers or containers for institutional packs, and no such labels shall be used until such proofs or copies have been approved by the Administrator. A label which bears official identification shall not bear any statement that is false or misleading, and if labels in the name of the same packer or distributor, or bearing the same brand name, are used on the same or similar products which are prepared from products which are not inspected, the diameter of the inspection mark, or combination inspection and grading mark, used on labels for inspected products shall be equal to at least one-tenth of the length of the label, plus at least one-tenth of the width of the label. If the labeling is printed or otherwise applied directly on the container, the principal display panel of such container shall, for this purpose, be considered as the label.

(b) *Products that may be individually identified; information required on grade mark.* Only the following products may be individually identified with a grade mark if the respective product is of A Quality or B Quality: Dressed poultry, and ready-to-cook poultry. Except as otherwise authorized each grade mark which is to be used shall conspicuously indicate the U. S. grade of the product which it identifies, and shall indicate whether the bird is "young" or "mature" or "old," and shall include one of the following phrases: "Federal-State Graded," "Government Graded," or a phrase of similar import. Such grade mark shall be contained within the outline of a shield of such design as may be prescribed or approved by the Administrator.

(c) *Use of grade mark and inspection mark with respect to the same product.* The Administrator is authorized to prescribe and approve the form of the grade mark and inspection mark that may be used individually or in combination with respect to the same product.

(d) *Marking inspected products*—(1) *Wording and form of the inspection mark.* Except as otherwise authorized, the inspection mark permitted to be used with respect to inspected and certified edible products shall include wording as follows: "Inspected for wholesomeness by U. S. Department of Agriculture." This wording, in such form as the Administrator may prescribe or approve, shall be contained within a circle. The Administrator may approve the use of abbreviations of such inspection mark; and such approved abbreviations shall have the same force and effect as the inspection mark. The inspection mark or approved abbreviation thereof, as the case may be, may be applied to the inspected and certified edible product or to the packaging material of such product. The inspection mark, or the approved abbreviation thereof, shall, when used on packaging material, be printed on such material or on a label to be affixed to the packaging material, and the name of the packer or distributor of such product must be legibly printed on the packaging material or label, as the case may be, excepting that on shipping containers and containers for institutional packs the inspection mark may be stenciled on the container and when the inspection mark is so stenciled, the name and address of the packer or distributor may be applied by the use of a stencil or a rubber stamp.

(2) *Wording on labels.* Each trade label to be approved for use pursuant to this section with respect to any inspected and certified edible product shall bear the true name of the edible product, the name and address of the packer or distributor thereof, and, in prominent letters and figures of uniform size, the inspection mark, as aforesaid; and the label shall also bear, in such manner as may be prescribed or approved by the Administrator, the plant number, if any, of the official plant in which such product was inspected and certified.

(3) *Formulas required.* Copies of each trade label submitted for approval pursuant to this section shall, when the Administrator requires, be accompanied by a statement showing the kinds and percentages of the ingredients comprising the edible product with respect to which the label is to be used. Approximate percentages may be given in cases where the percentages of ingredients may vary from time to time, if the limits of variation are stated.

(4) *Wording permitted on food products containing poultry products.* Any trade label which is to be affixed to a container of any food product containing poultry product which is packed under the supervision of an inspector in any official plant may bear the phrase: "The poultry product contained herein has been inspected and certified at a plant where Federal inspection is maintained." Each such trade label shall also be subject to the applicable provisions of this section.

(5) *Labels in foreign languages.* Any trade label to be affixed to a container of any edible products for foreign commerce may be printed in a foreign language. However, the inspection mark shall appear on the label in English, but, in addition, may be literally translated into such foreign language. Each such trade label which is to be printed in a foreign language must be approved pursuant to this section.

(6) *Use of approved labels.* Trade labels approved for use pursuant to this section shall be used only for the purpose for which approved.

(e) *Marking dressed poultry which was certified as having been produced under sanitary requirements.* The Administrator is authorized to prescribe and approve the manner in which dressed poultry which was processed in accordance with minimum standards for sanitation, facilities, and operating procedures in official plants may be marked for identification purposes.

§ 70.12 *Supervision of marking and packaging*—(a) *Evidence of label approval.* No grader or inspector shall authorize the use of official identification for any graded or inspected product unless he has on file evidence that such official identification or packaging material bearing such official identification has been approved in accordance with the provisions of § 70.11.

(b) *Affixing of official identification.* (1) No official identification or any abbreviation, copy or representation thereof may be affixed to or placed on or caused to be affixed to or placed on any product or container thereof except by a grader or an inspector or under the supervision of a grader or an inspector or other person authorized by the Administrator. All such products shall have been inspected and certified or graded or both. The grader or inspector shall have supervision over the use and handling of all material bearing any official identification.

(2) Each container of inspected and certified edible products to be shipped from one official plant to another official plant for further processing shall be marked for identification and shall show the following information:

(i) The name of the inspected and certified edible products in the container;

(ii) The name and address of the packer or distributor of such product;

(iii) The net weight of the container;

(iv) The inspection mark permitted to be used pursuant to the regulations in this part, unless the containers are sealed or otherwise identified in such manner as may be approved by the Administrator; and

(v) The plant number of the official plant where the products were packed.

(c) *Packaging.* No container which bears or may bear any official identification or any abbreviation or copy or representation thereof may be filled in whole or in part except with edible products which were inspected and certified or graded or both and are at the time of such filling, sound, wholesome and fit for human food. All such filling of containers shall be under the supervision of an inspector or grader.

§ 70.13 *Retention labels.* An inspector or grader may use such labels, devices and methods as may be approved by the Administrator for the identification (a) of products which are held for further examination, and (b) all equipment and utensils which are to be held for proper cleaning.

§ 70.14 *Prerequisites to grading and inspection.* Grading and inspection of products shall be rendered pursuant to the regulations in this part and under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

§ 70.15 *Accessibility of products.* Each product for which grading service or inspection service is requested shall be so placed as to disclose fully its class, quality, quantity, and conditions as the circumstances may warrant.

§ 70.16 *Time of grading or inspection in an official plant.* The grader or inspector who is to perform the grading or inspection in an official plant shall be informed, in advance, of the hours when such grading or inspection will be required. Graders and inspectors shall have access at all times to every part of any official plant to which they are assigned.

§ 70.17 *Report of inspection work and grading work.* Reports of the work of inspection and grading carried on within official plants shall be forwarded to the Administrator by the inspector and grader in such manner as may be specified by the Administrator.

(a) *Information to be furnished to inspectors and graders.* When inspection service or grading service is performed within an official plant, the applicant for such inspection or grading shall furnish to the inspector or grader rendering such service such information as may be required for the purposes of this section.

(b) *Reports of violations.* Each inspector and each grader shall report, in the manner prescribed by the Administrator, all violations of and noncompliance with the act and the regulations in this part of which he has knowledge.

§ 70.18 *Fees and charges*—(a) *Payment of fees and charges.* (1) Fees and charges for any grading or inspection shall be paid by the applicant for the service in accordance with the applicable provisions of this section and, if so required by the Administrator, such fees and charges shall be paid in advance.

(2) Fees and charges for any grading or inspection performed by any grader or inspector who is a salaried employee of the Department shall, unless otherwise required pursuant to subparagraph (3) of this paragraph, be paid by check, draft, or money order payable to the Treasurer of the United States and remitted promptly to the Administration.

(3) Fees and charges for any grading or inspection pursuant to a cooperative agreement with any State or person shall be paid in accordance with the terms of such cooperative agreement.

(b) *Grading service on a fee basis.* (1) Unless otherwise provided in this section, the fees to be charged and collected for any grading service (other than for an appeal grading) on a fee basis shall be based on the applicable rates specified in paragraph (d) of this section.

(2) In the event the aforesaid applicable rates specified in paragraph (d) of this section are deemed by the Administrator to be inadequate fully to reimburse the Administration for all costs and other items paid or incurred by the Administration in connection with such service, the fees for such service shall not be based on the rates specified in paragraph (d) of this section, but shall be based on the time required to perform such service and the travel of each grader at the rate of $3.00 per hour for the time actually required.

(3) If an applicant requests that any grading service be performed on a holiday or a non-work day, he may be charged for such service at a rate one and one-half times the rate which would be applicable for such service if performed on a day other than a holiday or a non-work day.

(c) *Fees for appeal grading.* The fees to be charged for any appeal grading shall be double the fee specified in the grading certificate from which the appeal is taken: *Provided*, That the fee for any appeal grading requested by the United States, or any agency or instrumentality thereof, shall be not more than that set forth in the grading certificate from which the appeal is taken. If the fee on the certificate from which the appeal is taken is based on a contract, then the fee for such appeal grading shall be double the amount specified in paragraph (d) of this section for the applicable volume of product appeal graded. If the result of any appeal grading discloses that a material error was made in the grading appealed from, no fee shall be required.

(d) *Poultry grading fees.* For each grading of any lot of poultry, whether live, dressed, or ready-to-cook, the following fees shall be applicable:

For 500 pounds or less	$1.50
For 501 to 1,500 pounds, inclusive	2.25
For 1,501 to 3,000 pounds, inclusive	3.00
For 3,001 to 6,000 pounds, inclusive	4.00
For 6,001 to 10,000 pounds, inclusive	6.00
For 10,001 to 20,000 pounds, inclusive	10.00
For each additional 10,000 pounds or fraction thereof, in excess of 20,000 pounds	3.00

(e) *Inspection service on a fee basis.* Fees to be charged and collected for inspection services furnished on a fee basis shall be based on the time required to render such services including, but not being limited to, the time required for the travel of the inspector or inspectors in connection therewith, at the rate of $3.25 per hour for each inspector for the time actually required.

(f) *Fees for additional copies of grading certificates and inspection certificates.* Additional copies, other than those provided for in § 70.30 and § 70.35, of any grading certificates or inspection certificates may be supplied to any interested party upon payment of a fee of $1.00 for each set of five or fewer copies.

(g) *Traveling expenses and other charges.* Charges may be made to cover the cost of traveling and other expenses incurred by the Administration in connection with the performance of any grading service or inspection service.

(h) *Additional charges.* With respect to any grading service performed in a freight or express car or any other place where the entire lot of the product is not readily accessible to the grader, a charge of $5.00 shall be made in addition to the applicable rates specified in paragraph (d) of this section.

(i) *On a contract basis.* Fees to be charged and collected for any grading service or inspection service, other than for an appeal grading, on a contract basis shall be those provided for in such contract. The fees to be charged for any appeal grading shall be as provided in paragraph (c) of this section.

(j) *Fees for grading service or inspection service performed under cooperative agreement.* The fees to be charged and collected for any grading service or inspection service performed under cooperative agreement shall be those provided for by such agreement.

(k) *Disposition of fees for inspections made under cooperative agreement.* Fees for inspection under a cooperative agreement with any State or person shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement as may be due the United States shall be remitted to the Administration.

INSPECTION

§ 70.19 *Manner of handling products in an official plant.* Unless otherwise specified in the regulations in this part or by the Administrator, products which are to be further processed under inspection in an official plant shall be prepared and handled in such official plant only in such manner as may be prescribed or approved by the Administrator and under the supervision of an inspector.

§ 70.20 *Ante-mortem inspection.* Ante-mortem examination of poultry may be required by the Administrator as a prerequisite to any inspection; and such ante-mortem examination shall be carried out under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

§ 70.21 *Evisceration.* No viscera or any part thereof shall be removed from any dressed poultry which is to be processed under inspection in any official plant, except at the time of evisceration and inspection. Each carcass to be eviscerated shall be opened so as to expose the organs and the body cavity for proper examination by the inspector and shall be prepared immediately after inspection as eviscerated poultry. If a carcass is frozen, it shall be thoroughly thawed before being opened for examination by the inspector. Each carcass, or all parts comprising such carcass, shall be examined by the inspector: *Provided*, That the Administrator may, whenever he deems it advisable and under such conditions as he may prescribe, authorize the removal from such carcass or parts as aforesaid, of any part thereof prior to such inspection if such part will not be used in the preparation of any edible product.

§ 70.22 *Carcasses held for further examination.* Each carcass, including all parts thereof, in which there is any lesion of disease, or other condition, which might render such carcass or any part thereof unfit for human food, and with respect to which a final decision cannot be made on first examination by the inspector, shall be held for further examination. The identity of each such carcass, including all parts thereof, shall be maintained until a final examination has been completed.

§ 70.23 *Condemnation and treatment of carcasses.* Each carcass, or any part thereof, which is found to be unsound, unwholesome, or otherwise unfit for human food shall be condemned by the inspector and shall receive such treatment, under the supervision of the inspector as will prevent its use for human food and preclude dissemination of disease through consumption by animals.

§ 70.24 *Certification of carcasses.* Each carcass and all parts and organs thereof which are found by the inspector to be sound, wholesome, and fit for human food shall be certified as provided in this part.

§ 70.25 *Reinspection of edible products.* (a) Any inspected and certified edible product may be brought into an official plant only if the container of such product is marked for identification in the manner prescribed in § 70.12 (b) (2) and the product is reinspected by an inspector at the time it is brought into such plant. Upon reinspection, if any such product or portion thereof is found to be unsound, unwholesome, or otherwise unfit for human food, such product, or portion thereof, shall be condemned and shall receive such treatment as that provided in § 70.23.

(b) Any product which is prepared under inspection in an official plant shall be inspected in such plant as often as the inspector deems it necessary in order to ascertain whether such product is sound, wholesome, and fit for human food at the time such product leaves such plant. Upon any such inspection, if any such product or portion thereof is found to be unsound, unwholesome, or otherwise unfit for human food, such product or portion thereof shall be condemned and shall receive such treatment as that provided in § 70.23.

(c) All substances and ingredients used in the manufacture or preparation of any edible product shall be clean, sound, wholesome, and fit for human food.

§ 70.26 *Edible products for canning.* Only inspected and certified edible products may be canned in an official plant; and such edible products shall be processed and handled in compliance with the following requirements:

(a) Immediate containers (whether of metal, glass, or other material) shall be cleaned thoroughly by washing in an inverted position with running water of a temperature of at least 180° F. prior to filling with edible products; and precaution shall be taken to avoid any subsequent soiling of the inner surfaces of such containers.

(b) Only perfect closure is acceptable for hermetically sealed containers; and heat processing of the products in such containers shall follow immediately after closing.

(1) Except as provided in paragraph (c) of this section, such products shall be so processed at such temperature and for such period of time as will insure preservation of the products under usual conditions of storage and transportation.

(2) Immediately after closing, and again after the containers have cooled sufficiently for handling after heat processing, careful examination shall be made by competent plant employees of all containers to ascertain whether such containers are perfectly sealed. The edible products in such containers as are defectively closed or sealed shall, as promptly as practicable, be filled into other containers, hermetically sealed, and heat processed unless the containers are promptly placed in a cooler at a temperature not exceeding 36° F. under conditions that will promptly and effectively chill them. Such chilled containers of products shall be opened and the contents removed and reprocessed immediately after removal from the cooler: *Provided*, That if such containers remained in the cooler for a period of 24 hours or longer, the contents shall be inspected by an inspector prior to the reprocessing thereof. Failure to comply with the provisions of this paragraph shall subject the edible products to condemnation.

(c) After heat processing, and after the containers have cooled sufficiently for handling, the containers shall be examined by competent plant employees and shall not be passed unless showing the external characteristics of sound containers, that is, there is no bulging or slack or loose tin.

(d) After heat processing, any containers of edible products showing characteristics of short vacuum or overstuffed containers shall, when an inspector deems it necessary in order to determine whether spoilage of the product has taken place, be incubated under the supervision of an inspector, after which the containers shall be opened and sound products passed for food and spoiled products condemned.

(e) Edible products may, when authorized by the national supervisor, and under such conditions as he may prescribe or approve, be canned without steam-pressure cooking, and such products shall be labeled "Perishable, keep under refrigeration."

(f) Each lot of canned edible products shall be identified, during the handling preparatory to heat processing, by tagging the baskets, cases, or containers with a tag which will change color on going through the heat processing or by other effective means which will positively prevent failure to heat process.

(g) Facilities shall be provided to incubate at least representative samples of fully processed canned edible products. The incubation shall consist of holding the samples for at least 10 days at about 98° F. The extent to which incubation tests shall be required will depend on conditions such as the efficiency of the plant in conducting canning operations, the kind of equipment used, and the degree of efficiency at which such equipment is maintained.

(1) In the event the official plant fails to provide suitable facilities for incubation of test samples of any lot of fully processed canned edible products, the inspector in charge may require holding of the entire lot under such conditions and for such period of time as will, in his discretion, be necessary to ascertain the stability of the product.

(2) The inspector in charge may, prior to completion of any required incubation of a representative sample, permit lots of fully processed canned edible products to be shipped from the official plant when he has no reason to suspect unsoundness of such products; however, such shipments shall be made under circumstances which will assure the return of the products to the plant for reinspection should such action be indicated by the incubation results.

(h) All canned products, excepting those in glass, shall be plainly and permanently marked, by code or otherwise, on the containers, with the identity of the contents and date of canning. If the marking is by code, its meaning shall be on record in the office of the inspector in charge.

§ 70.27 *Products contaminated by polluted water; procedure for handling.* (a) In the event there is polluted water (including, but not being limited to, flood water and harbor water) in an official plant, all edible products that have been contaminated by the water shall be condemned.

(b) After the polluted water has receded, all walls, ceilings, posts, and floors of the rooms and compartments involved, including the equipment therein, shall, under the supervision of an inspector, be cleansed thoroughly. An adequate supply of hot water, under pressure, is essential for effective cleansing. After cleansing, a solution of sodium hypochlorite containing approximately ½ of 1 percent of available chlorine (5,000 parts per million), or other disinfectant approved by the national supervisor, shall be applied; and all metal surfaces shall be rinsed thoroughly with water to prevent corrosion. Any such equipment that will afterwards be used in connection with any edible product shall be rinsed thoroughly with clean water before being used.

(c) Hermetically sealed containers of edible products which have been submerged in, or otherwise contaminated by, the polluted water shall be rehandled promptly under supervision of an inspector as follows:

(1) Such of the containers as are swollen or leaky or otherwise do not show the external characteristics of sound containers shall be segregated and the contents thereof condemned.

(2) Paper labels, if any, attached or affixed to the remaining containers shall be removed and the containers washed in warm soapy water; and, if necessary to remove rust and other foreign material, a brush shall be used.

(3) Thereafter, such containers shall be immersed in a solution of sodium hypochlorite containing not less than 100 parts per million of available chlorine, or other disinfectant approved specifically for this purpose by the national supervisor, and rinsed in clean fresh water and dried thoroughly. Any such containers which show extensive rusting or corrosion, such as might materially weaken the container, shall be opened under the supervision of an inspector. The edible products from such containers that are found by the inspector to be sound and wholesome shall be passed for human food.

(4) The remaining containers may be relacquered, if necessary, and then relabeled with approved labels applicable to the edible products therein.

(5) The identity of the canned edible products shall be maintained throughout all stages of the rehandling operation to insure correct labeling of the containers.

§ 70.28 *Preparation of animal food or similar uninspected articles in an official plant.* (a) When an article (including, but not being limited to, animal food) that will not be prepared for use as human food is prepared in any room or compartment in an official plant where edible products are prepared or handled (such room or compartments being herein referred to as "edible products department"), there shall be sufficient space allotted, and adequate equipment provided, so that the preparation of the article in no way interferes with the preparation or handling of the edible products. Where necessary, separate equipment shall be provided for the preparation of the article. To assure the maintenance of the requisite sanitary conditions in the edible products department, the operations incident to the preparation of the article shall be subject to the same sanitary requirements as apply to the edible products department. Preparation of the article shall be limited to those hours during which the official plant operates under the supervision of an inspector. The ingredients used in the preparation of the article shall, unless otherwise approved by the national supervisor, be such as may be used in the preparation of an edible product. The article may be stored in, and distributed from, the edible products department if the article is properly identified.

(b) When any article (including, but not being limited to, animal food) that will not be prepared for use as human food, is prepared in any part of an official plant other than an edible products department (such part of the plant being herein referred to as "inedible products department"), the area in which such article is prepared shall be distinctly separated from all edible products departments. Edible products and inedible products may be brought from any edible products department into any inedible products department, but no edible product or inedible product from an inedible products department may be brought into an edible products department except under such conditions as may be prescribed or approved by the national supervisor. Any such articles as are in sealed containers or are handled in the manner prescribed or approved by the national supervisor may be brought into an edible products department. Diseased carcasses or diseased parts of any carcass shall not be used in the preparation of any animal food. Trucks or containers used for the transportation of edible products or inedible products into an inedible products department shall be cleaned before being returned to or brought into an edible products department. Sufficient space shall be allotted and adequate equipment and facilities provided so that the preparation of the article does not interfere with the preparation of edible products in the plant or the maintenance of the requisite sanitary conditions in the official plant. The preparation of any article shall be subject to supervision by an inspector.

(c) The immediate container of any such article that is prepared in an official plant shall be conspicuously labeled so as to distinguish it from human food.

§ 70.29 *Appeal inspections; how made.* Any interested party may, if dissatisfied with any decision of an inspector relating to any inspection, file an appeal from such decision. Any such appeal from a decision of an inspector shall be made to his immediate superior having jurisdiction over the subject matter of the appeal. Review of such appeal findings, when requested, shall be made by the immediate superior of the employee of the Department making the appeal inspection.

§ 70.30 *Inspection certificates; issuance and disposition*—(a) *Issuance and disposition of dressed poultry inspection certificates.* (1) Upon the request of an interested party, any inspector is authorized to issue a dressed poultry inspection certificate with respect to any lot of dressed poultry inspected by him. Each certificate shall be signed by the inspector who made the inspection covered by the certificate, and if more than one inspector participated in the inspection of the lot of poultry, each such inspector shall sign the certificate with respect to such lot.

(2) The original of each inspection certificate, issued pursuant to this section, and not to exceed three copies thereof, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of the regional supervisor serving the area in which the inspection was performed, and the remaining copies to be disposed of in such manner as the Administrator may approve. Additional copies of any such certificate may be furnished to any interested party as provided in § 70.18 (f).

(b) *Food product inspection certificates; issuance and disposition.* (1) Upon the request of an interested party, any inspector is authorized to issue a food product inspection certificate with respect to any inspected and certified edible product after suitable examination of the product has been made by the inspector.

(2) The original of each food product inspection certificate, and not to exceed two copies thereof, if requested, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. Another copy shall be filed in the office of the regional supervisor serving the area in which such certificate was issued, and one copy shall be forwarded to the Administrator. The last named two copies shall be retained until otherwise ordered by the Administrator.

(c) *Export certificates; issuance and disposition.* (1) Upon the request of an exporter, any inspector is authorized to issue an export certificate with respect to the shipment to any foreign country of any inspected and certified edible product after suitable examination of the product has been made by the inspector.

(2) Each export certificate shall be issued in quintuplicate; the original shall be delivered to the exporter who requested such certificate; and the duplicate copy shall be delivered to the agent of the railroad or other carrier transporting such products from the United States. The triplicate copy of such export certificate shall be forwarded to the Administrator; the quadruplicate copy shall be filed in the office of the regional supervisor serving the area in which such export certificate was issued; and the memorandum copy shall be retained by the inspector for filing. The last named three copies shall be retained until otherwise ordered by the Administrator.

GRADING

§ 70.31 *General.* Grading service performed with respect to any quantity of product shall, as the case may require, be on the basis of an examination, pursuant to the regulations in this part, of each unit thereof or of each unit in the representative sample thereof drawn by a grader. Whenever the grading service is performed on a representative sample basis, such sample shall be drawn and

consist of not less than the minimum number of containers as indicated in the following table:

[Minimum number of containers comprising a representative sample]

Containers in lot:	*Containers in sample*
3 containers, or less	(1)
4 to 10, inclusive	3
11 to 20, inclusive	4
21 to 50, inclusive	7
51 to 100, inclusive	10
In excess of 100 containers	(2)

[1] All containers.

[2] Ten percent of the number of containers in the lot.

§ 70.32 *Live poultry.* Grading service performed with respect to any quantity of live poultry shall, as the case may require, be on the basis of an examination, pursuant to regulations in this part, of each unit thereof or of each unit in the representative sample thereof drawn by a grader. Such poultry may be identified with official identification on a lot basis only.

§ 70.33 *Dressed poultry and ready-to-cook poultry*—(a) *In an official plant.* Grading service performed in an official plant with respect to dressed poultry or ready-to-cook poultry shall, as the case may require, be on the basis of each individual carcass or on a representative sample basis.

(1) Only such ready-to-cook poultry which has been inspected and certified, pursuant to the regulations in this part, or has been inspected and passed by any other official inspection system which is acceptable to the Administrator, may be graded.

(2) Only such dressed poultry or ready-to-cook poultry which has been graded, on an individual carcass basis, as A Quality or B Quality may be individually identified with the appropriate grade mark, and any container of such dressed poultry or ready-to-cook poultry may also be so identified. The grading of ready-to-cook poultry shall be performed prior to the disjointing or cutting up of the respective carcass.

(3) If the dressed poultry or ready-to-cook poultry is of C Quality only the bulk container of such dressed poultry or ready-to-cook poultry may be identified with the appropriate grade mark even though the grading may have been performed on an individual carcass basis.

(b) *At terminal markets and other receiving points.* Grading service performed with respect to dressed poultry or ready-to-cook poultry at terminal markets and other receiving points may be on a representative sample basis. Only such dressed poultry which was processed in an official plant and is graded on an individual carcass basis may be individually identified with a grade mark. Only ready-to-cook poultry which was inspected and certified and is marked with the inspection mark or in accordance with the provisions of § 70.12 (b) (2) may be graded..

§ 70.34 *Basis of acceptability of other official inspection systems*—(a) *General.* Any poultry inspection system may be deemed to be acceptable to the Administrator which (1) is conducted under the authority of laws, ordinances, or similar enactments of the State, county, city, or other political subdivision in which is located the official plant at which the ready-to-cook poultry is prepared and submitted for grading service; and (2) imposes at least the requirements set forth in paragraph (b) of this section: *Provided*, That no such inspection system shall be deemed acceptable to the Administrator with respect to any official plant in which ready-to-cook poultry is prepared if he finds at any time that such requirements are not adequately enforced.

(b) *Requirements as to manner of inspection.* (1) The inspection shall be made by a State, county or city inspector who is a qualified veterinarian or under the supervision of a qualified veterinarian. All such inspectors shall be employed by the State, county, city, or other political subdivision in which the official plant is located.

(2) The inspection shall include post-mortem examination of each poultry carcass during the evisceration operation.

(3) All carcasses which show evidence of disease or any other condition which may render them unwholesome or unfit for food shall be condemned and shall be destroyed for food purposes under the supervision of an inspector. Each carcass and part thereof which has been inspected and passed or containers of carcasses or parts thereof shall bear the identifying inspection symbol of the other official inspection system and the marking devices or labels shall be in the custody of the inspector at all times.

(c) *Determining compliance with paragraph (b) of this section.* A qualified veterinary supervisor of the poultry grading service of the Administration shall investigate the manner of operation of the inspection system to determine the adequacy of the post-mortem examination and the compliance with the requirements contained in this section prior to approving the official plant for the grading of ready-to-cook poultry. This supervisor as well as any official graders who may be stationed in the official plant shall periodically observe the inspection operations in the official plant to determine whether the requirements of this section are being met. If at any time the inspector fails to enforce the requirements as set forth in the inspection system, grading service may be withdrawn from the official plant.

§ 70.35 *Certificates* — (a) *Issuance.* Each grader shall issue a grading certificate covering each product graded.

(b) *Disposition.* The original of each grading certificate, issued pursuant to this section, and not to exceed three of the copies thereof, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of grading which serves the area in which the grading service was performed, and the remaining copies shall be disposed of in such manner as the Administrator may approve. Additional copies of any such certificate may be furnished to any interested party as provided in § 70.18 (f).

§ 70.36 *Application for regrading of a graded product; regrading certificates*—(a) *Application for regrading of a graded product.* An application for a regrading of any previously graded product may be made at any time by any interested party, and such application shall clearly state the reasons for requesting the regrading. The provisions of the regulations relative to grading service shall apply to regrading service.

(b) *Regrading certificates.* Immediately after a regrading has been completed, a regrading certificate shall be issued showing the results of such regrading; and such certificate shall thereupon supersede, as of the time of issuance of the regrading certificate, the grading certificate previously issued for the product involved. Each regrading certificate shall clearly set forth the number and date of the grading certificate which it supersedes. The provisions of §§ 70.10 and 70.35 shall, whenever applicable, also apply to regrading certificates except that copies of such regrading certificates shall be furnished each interested party of record.

§ 70.37 *Appeal grading*—(a) *Application for appeal grading.* An application for an appeal grading may be made by any interested party who is dissatisfied with any determination stated in any grading or regrading certificate only if the indentity of the product, or representative sample thereof, on the basis of which a determination was made has not been lost, and such application for the appeal grading is made within two days following the day on which the grading was performed. Upon approval by the Administrator, the time within which an application for an appeal grading may be made may be extended.

(b) *How to obtain appeal grading.* Appeal grading may be obtained by filing a request therefor (1) with the Administrator, (2) with the grader who issued the grading certificate with respect to which the appeal grading is requested, (3) with the immediate superior of such grader, or (4) with the officer in charge of any office of grading. The application for appeal grading shall clearly state the reasons therefor and may be accompanied by a copy of the aforesaid grading certificate or any other information the applicant may have secured regarding the product, at the time of grading, from which the appeal is requested. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation may be required.

(c) *Record of filing time.* A record showing the date and hour when each such application for appeal grading is received shall be maintained in such manner as the Administrator may prescribe.

(d) *When an application for an appeal grading may be refused.* Notwithstanding the provisions of paragraph (a) of this section, if it appears to the Administrator that the reasons for an appeal grading are frivolous or not substantial, or that the quality or condition of the products has undergone a material change since the grading from which the appeal is made, or the identical products that were examined to ascertain the grade thereof cannot be made accessible for reexamination, or the act or regulations in this part have not been complied with, the Administrator may refuse the applicant's request for the appeal grading; and such applicant shall be promptly notified of the reason for such refusal.

(e) *When an application for appeal grading may be withdrawn.* An application for appeal grading may be withdrawn by the applicant at any time before the appeal grading is made upon payment, by the applicant, of all expenses incurred by the Administration in connection with such application.

(f) *Who shall perform the appeal grading.* An appeal grading of any graded product shall be made by any grader (other than the one from whose grading the appeal is made) designated for this purpose by the Administrator; and, whenever practicable, such appeal grading shall be conducted jointly by two such graders.

(g) *Appeal grading by immediate superior.* Notwithstanding the provisions of this section, whenever the immediate superior of a grader has evidence that such grader incorrectly graded a product, such superior shall immediately make a regrading of the product.

(h) *Order of performance of appeal gradings.* Appeal gradings shall be performed, insofar as practicable, in the order in which applications therefor are received; and any such application may be given precedence pursuant to § 70.4.

(i) *Appeal grading certificates.* Immediately after an appeal grading has been completed, an appeal grading certificate shall be issued showing the results of such appeal grading. Such certificate shall thereupon supersede the grading certificate for the product involved and such supersedure shall be effective as of the time of issuance of the grading certificate with respect to which the appeal is made. Each appeal grading certificate shall clearly set forth the number and date of the grading certificate which it supersedes. The provisions of §§ 70.10 and 70.35 shall, whenever applicable, also apply to appeal grading certificates except that copies of such appeal grading certificates shall be furnished each interested party of record.

§ 70.38 *Superseded certificates.* Whenever any grading certificate is superseded in accordance with the regulations in this part such certificate shall become null and void as of the effective time of supersedure. If the original and all copies of such superseded certificate are not delivered to the person issuing the regrading certificate or appeal grading certificate, he shall notify such persons as he considers necessary to prevent fraudulent use of the superseded certificate.

SANITARY REQUIREMENTS

§ 70.39 *Minimum standards for sanitation, facilities, and operating procedures in official plants.* Except as otherwise provided herein the provisions of this section shall apply with respect to grading service and inspection service in all official plants other than with respect to the grading of live poultry. The table set forth in this section indicates some of the types of material which may be used in the construction of equipment, utensils and facilities for use in the plant.

BUILDING AND PLANT FACILITIES

(a) *Construction and repair of buildings.* The buildings shall be of sound construction and kept in good repair, and shall be of such construction as to prevent the entrance or harboring of rodents.

(1) *Outside openings.* (i) The doors, windows, skylights and other outside openings of the plant, except receiving rooms and feeding rooms shall be protected by properly fitted screens and other suitable devices, against the entrance of flies and other insects.

(ii) Outside doors, except in receiving rooms and feeding rooms shall be self-closing and so hung that not over ¼ inch clearance remains when closed. Screen doors shall open toward the outside of the building.

(b) *Rooms and compartments.* Rooms and compartments used for edible products shall be separate and distinct from inedible products departments and from rooms where live poultry is held or slaughtered. Separate rooms shall be provided when required for conducting processing operations in a sanitary manner; and all rooms shall be of sufficient size to permit the installation of the necessary equipment for processing operations and the conduct of such operations in a sanitary manner.

(1) *Separate rooms for various types of operations conducted.* The official plant should have separate rooms for each of the following operations depending upon the various types of operations conducted; but in no case shall the receiving or feeding of live poultry or killing operations be permitted in rooms in which eviscerating operations are performed:

(i) The receiving and feeding of live poultry.

(ii) Killing, scalding, and roughing operations.

(iii) Pinning, finishing, and chilling and packing operations for dressed poultry.

(iv) Evisceration operations. Final pinning of dressed poultry and chilling and packaging of edible products may be performed in this room. Openings in walls for conveyor lines are permissible.

(v) Inedible products departments.

(vi) Refuse room.

(2) *Rooms and compartments for inspection of carcasses, or parts thereof.* Rooms and compartments in which carcasses or parts thereof are held for further inspection shall be in such numbers and such locations as the needs of the inspection in the plant may require. These rooms and compartments shall be equipped with locks and keys and the keys shall not leave the custody of the inspector in charge of the plant. All such rooms and compartments shall be marked conspicuously with the word "retained" in letters not less than 2 inches high.

(3) *Coolers and freezers.* Coolers and freezers of adequate size and capacity shall be provided to reduce the internal temperature of dressed poultry and ready-to-cook poultry prepared and otherwise handled in the plant to 36° F. within 24 hours unless other cooling facilities are available.

(4) *Refuse rooms.* Refuse rooms shall be entirely separate from other rooms in the plant, shall have tight fitting doors and be properly ventilated.

(5) *Storage and supply rooms.* The storage and supply rooms shall be in good repair, kept dry, and maintained in a sanitary condition.

(6) *Boiler room.* The boiler room shall be a separate room, if necessary, to prevent its being a source of dirt and objectionable odors entering any room where dressed poultry or edible products are prepared, processed, handled, and stored.

(7) *Inspector's office.* Furnished office space, including but not being limited to light, heat, and janitor service shall be provided rent free in the official plant, for the exclusive use for official purposes of the inspector or grader and the Administration. The room or rooms set apart for this purpose must meet with the approval of the regional supervisor and be conveniently located, properly ventilated and provided with lockers or cabinets suitable for the protection and storage of supplies and with facilities suitable or inspectors and graders to change clothing.

(8) *Toilet rooms.* No toilet rooms shall open directly into any room where poultry products are exposed and each such room shall be provided with self-closing doors.

(c) *The floors, walls, ceiling, partitions, posts, doors, and other parts of all compartments shall be of such material, construction, and finish as will make them susceptible of being readily and thoroughly cleaned*—(1) *Floors.* (i) All floors, except those in receiving rooms and feeding rooms and floors which are kept dry, shall be constructed of hardened concrete, or of tile laid closely together with impervious joint material, or of other similar impervious material and kept in good repair.

(ii) The floors in killing, ice-cooling, ice-packing and eviscerating rooms shall be graded to permit run-off with no standing water and in new construction and renovated plants the pitch shall be not less than ¼ inch per foot to drains.

(2) *Ceilings and walls.* (i) Ceilings and walls in rooms and compartments where exposed edible products are processed, handled or stored shall have tiled, enameled, or other smooth surface impervious to moisture.

(ii) Cooler and freezer rooms shall have interior surfaces impervious to moisture so as to permit thorough cleaning.

(3) *Blood disposal.* (i) Adequate facilities shall be provided for the disposal of blood in a sanitary manner.

(ii) When bleeding troughs are used they shall be long enough to catch the blood during the bleeding process and shall be cleaned daily. Such troughs shall be installed so as to pitch at least ½ inch per foot toward a smooth metal

catch basin or basins, of sufficient capacity for a day's operation at peak production, or shall be flushed continuously.

(d) *There shall be an efficient drainage and plumbing system for the plant and premises*—(1) *Drains and gutters.* All drains and gutters shall be properly installed with approved traps and vents. The drainage and plumbing system must permit the quick run-off of all water from plant buildings, and surface water around the plant and on the premises; and all such water shall be disposed of in such a manner as to prevent a nuisance or health hazard.

(2) *Sewerage and plant wastes.* (i) The sewerage system shall have adequate slope and capacity to remove readily all waste from the various processing operations and to minimize, and if possible to prevent stoppage and surcharging of the system.

(ii) Catch basins which are connected with the sewerage system shall be suitably located but not near any edible products department or in any area where products are unloaded from, or loaded into, vehicles. To facilitate cleaning such basins shall have inclined bottoms and be provided with suitable covers.

(iii) Toilet soil lines shall be separate from house drainage lines to a point outside the buildings; and drainage from toilet bowls and urinals shall not be discharged into a grease catch basin.

(iv) All floor drains shall be equipped with traps, constructed so as to minimize clogging; and the plumbing shall be installed so as to prevent sewage from backing up and from flooding the floor.

(v) Floor drainage lines should be of metal and at least 4 inches in diameter and open into main drains of at least 8 inches in diameter and shall be properly vented to the outside air.

(vi) Where refrigerators are equipped with drains, such drains should be properly trapped and should discharge through an air gap into the sewer system. All new installations, and all replacements, of refrigerators equipped with drains shall meet these requirements.

(e) *The water supply shall be ample, clean, and potable with adequate facilities for its distribution in the plant, and its protection against contamination and pollution.* (1) Hot water at a temperature not less than 180° F. shall be available for sanitation purposes.

(2) Hose connections with steam and water mixing valves or hot water hose connections shall be provided at convenient locations throughout the plant for cleaning purposes.

(3) The refuse rooms shall be provided with a hot water supply and adequate facilities for washing refuse cans and other equipment in the rooms; and the rooms, cans, and equipment shall be cleaned after each day's use.

(f) *Modern lavatory accommodations, and properly located facilities for cleaning utensils and hands shall be provided.* (1) Adequate lavatory and toilet accommodations, including, but not being limited to, running hot water and cold water, soap, and towels, shall be provided. Such accommodations shall be in or near toilet and locker rooms and also at such other places in the plant as may be essential to the cleanliness of all personnel handling products.

(2) Sufficient metal containers shall be provided for used towels and other wastes.

(3) The water supply in all hand washing facilities shall be operated by foot pedal or knee control or shall be of a continuous-flow type.

(4) Durable signs shall be posted conspicuously in each toilet room and locker room directing employees to wash their hands before returning to work.

(5) Toilet facilities shall be provided according to the following formula.

Persons of same sex:	*Toilet bowls required*
1 to 15, inclusive	1
16 to 35, inclusive	2
36 to 55, inclusive	[1] 3
56 to 80, inclusive	[1] 4
For each additional 30 persons in excess of 80	[1] 1

[1] Urinals may be substituted for toilet bowls but only to the extent of ⅓ of the total number of bowls stated.

(g) *Lighting and ventilation.* There shall be ample light, either natural or artificial or both, of good quality and well distributed, and sufficient ventilation for all rooms and compartments to insure sanitary conditions.

(1) All rooms in which poultry is killed, eviscerated, or otherwise processed shall have at least 10 foot candles of light intensity on all working surfaces except that at the grading and inspection stations such light intensity shall be of 50 foot candles. In all other rooms there shall be provided at least 4 foot candles of light intensity when measured at a distance of 30 inches from the floor.

(2) All rooms shall be adequately ventilated to eliminate objectionable odors and minimize moisture condensation.

EQUIPMENT AND UTENSILS

(h) *Equipment and utensils used for the preparation, processing, or otherwise handling any product in the plant shall be suitable for the purpose intended and shall be of such material and construction as will facilitate their thorough cleaning and insure cleanliness in the preparation and handling of products*—(1) *Material.* Insofar as it is practical, equipment and utensils shall be made of metal or other impervious material. Trucks and receptacles used for handling inedible products shall be of similar construction and shall be conspicuously and distinctly marked and shall not be used for handling any edible products.

(2) *Batteries.* Batteries should be constructed entirely of metal and have metal dropping pans so as to permit proper and complete washing and cleaning. Batteries that are not made entirely of metal shall be replaced with metal batteries whenever replacement becomes necessary.

(3) *Metal refuse containers.* Metal refuse containers with covers shall be provided; and such containers shall be kept covered.

(4) *Scalding equipment.* (i) Scalding equipment, tank or spray type, shall be made of metal and have smooth surfaces, and be of such construction as to permit proper and complete washing and cleaning.

(ii) The scalding tanks, when used, shall be so constructed (including, but not being limited to, the use of a back flow preventer) as to permit water to enter continuously at the rate of ¼ gallon per bird per minute and to flow out through an overflow near the top.

(iii) The overflow outlets in scalding equipment shall be of sufficient size to permit feathers and water to be carried off.

(iv) The overflow, draw-off valves, and sediment basin drain shall discharge into a floor or valley drain.

(5) *Mechanical pickers.* When necessary, safety guards shall be installed around moving machine parts of mechanical pickers, and such guards shall be of such construction as not to be difficult or laborious to remove or to keep clean. Sheet metal or metal grills fastened down with sufficient bolts and wing nuts are preferable.

(6) *Wax finishing.* When wax dipping is used, metal troughs shall be provided to catch the wax removed from the dipped poultry. Acceptable facilities and methods shall be employed in reclaiming the wax.

(7) *Ice chilling vats.* (i) Chilling vats or tanks used for chilling dressed poultry should be, and all replacements thereof and all chilling vats or tanks used for chilling ready-to-cook poultry shall be, made of metal or other hard-surfaced impervious material.

(ii) Ice shovels shall be smooth surfaced and made of metal.

(8) *Grading and packing bins.* Where grading bins are used for dressed poultry, they shall be of sufficient number and capacity to handle the grading adequately without the use of makeshift bins; and all dressed poultry shall be kept off the floor. Grading bins may be made of metal or enameled wood and shall be constructed and maintained in such a manner as to allow easy and thorough cleaning. All replacements of such bins shall, however, be of metal.

(9) All equipment and utensils used in the killing, roughing, pinning, chilling and packing rooms shall be of metal or other impervious material and constructed so as to permit proper and complete cleaning.

(10) *Conveyors.* (i) Conveyors used in the preparation of ready-to-cook poultry shall be of metal and of such construction as to permit thorough and ready cleaning and easy identification of viscera with its carcass and so designed as will present each carcass or all parts thereof in a way that will permit adequate and efficient inspection.

(ii) Overhead conveyors shall be so constructed and maintained that they will not allow grease, oil, or dirt to accumulate on the drop chain or shackle which shall be of non-corrosive metal.

(iii) Non-metallic belt-type conveyors used in moving edible products shall be of water-proof composition.

(iv) When individual trays or other acceptable equipment are not used during eviscerating operations, each carcass shall be suspended and a metal trough shall be provided beneath the conveyor to extend from the point where the carcass is opened to the point where the viscera has been completely removed, and such troughs shall be flushed continuously by a water spray.

(11) Inspection, eviscerating, and cutting tables shall be made of metal and have coved corners and be so constructed and placed to permit thorough cleaning.

(12) In plants where no conveyors are used, each carcass shall be eviscerated in an individual metal tray of seamless construction.

(13) Water spray washing equipment with sufficient water pressure to thoroughly and efficiently wash carcasses shall be used for washing carcasses inside and out.

(14) Watertight metal receptacles shall be used for entrails and other waste resulting from preparation of eviscerated poultry.

(15) Watertight trucks and receptacles for holding or handling diseased carcasses and diseased parts of carcasses shall be so constructed as to be readily and thoroughly cleaned; such trucks and receptacles shall be marked in a conspicuous manner with the word "condemned" in letters not less than 2 inches high and, when required by the inspector in charge, shall be equipped with facilities for locking and sealing.

(16) Freezing rooms shall be adequately equipped to freeze ready-to-cook poultry solid in less than 60 hours. Freezing rooms shall be equipped with floor racks or pallets and fans to insure air circulation.

(17) Cooling racks should be made of metal and be readily accessible for thorough washing and cleaning. All replacements of cooling racks shall be made of metal.

(18) Trucks and receptacles in which carcasses or parts thereof are held for further inspection shall be in such numbers and in such locations as the needs of the inspection in the plant may require. They shall be equipped for locking by means of lock and key and the key shall not leave the custody of the inspector in charge of the plant. Such trucks and receptacles shall be marked conspicuously with the word "retained" in letters not less than 2 inches high.

(i) *All equipment shall be so placed as to be readily accessible for all processing and cleaning operations*—(1) *Mechanical pickers.* When used in the plant, mechanical pickers shall be so installed as to be accessible for thorough cleaning and removal of the accumulation of feathers.

(j) *Equipment and utensils used in official plant.* Equipment and utensils used in the official plant shall not be used outside the official plant except under such conditions as may be prescribed or approved by the national supervisor, and equipment used in the preparation of any article (including, but not being limited to animal, food), from inedible material shall not be used outside of the inedible products department except under such conditions as may be prescribed or approved by the national supervisor.

MAINTENANCE OF SANITARY CONDITIONS AND PRECAUTIONS AGAINST CONTAMINATION OF PRODUCTS

(k) *The premises shall be kept free from refuse, waste materials, and all other sources of objectionable odors.*

(l) *Rooms, compartments, or other parts of the official plant in which products are handled and kept shall be kept clean and in sanitary condition.* (1) All feathers, blood, offal, birds or parts of birds too severely damaged to be salvaged, and all discarded containers and other materials shall be completely disposed of daily.

(2) All windows, doors, and light fixtures in the official plant shall be kept clean.

(3) All docks and rooms shall be kept clean and free from debris and unused equipment and utensils.

(4) Live poultry receiving docks and receiving rooms shall be of such construction as readily to permit their thorough cleaning.

(5) Floors in feeding rooms shall be thoroughly cleaned and with such regularity as may be necessary to maintain them in a sanitary condition.

(6) The killing, roughing, and pinning room shall be kept clean and free from offensive odors at all times.

(7) The walls, floors, and all equipment and utensils used in the killing, roughing and pinning room shall be thoroughly cleaned after each day's operation.

(8) The floors in the killing, roughing, and pinning room shall be cleaned frequently during roughing and finishing operations and be kept reasonably free from accumulated blood, feathers, manure, water, and dirt.

(9) All equipment in the toilet room and locker room, as well as the room itself, shall be kept clean, sanitary, and in good repair.

(10) Cooler and freezer rooms shall be free from objectionable odors of any kind and shall be maintained in a sanitary condition (including, but not being limited to, the prevention of drippings from refrigerating coils onto products).

(m) *Equipment and utensils used for preparing or otherwise handling any product shall be kept clean and in a sanitary condition and in good repair.* (1) Batteries and dropping pans shall be cleaned regularly and the manure removed from the plant daily.

(2) The feed mixer shall be cleaned daily.

(3) Scalding tanks shall be completely emptied and thoroughly cleaned as often as may be necessary but not less frequently than once a day.

(4) Ice shovels shall be kept clean, free of corrosion, and shall be stored off the floor.

(5) All equipment and utensils used in the killing, roughing, and pinning rooms shall be thoroughly washed and cleaned after each day's operation. The chilling and packing room and equipment and utensils used therein shall be maintained in a clean and sanitary condition.

(6) Graders' and packers' gloves and grading bins shall be washed daily and used only for grading or packing, as the case may be.

(7) Chilling vats or tanks, if practicable, shall be emptied after each use. They shall be thoroughly cleaned once daily, and after each cleaning operation they shall be sanitized with such compounds or by such methods as may be approved or prescribed by the Administrator.

(8) Thawing: When frozen or chilled poultry is to be eviscerated, adequate tanks or vats shall be provided with running tap water or air-circulated water for thawing such poultry. Such poultry shall not be thawed in still water and the water used for thawing shall be changed after each lot of poultry is thawed. If water is heated it shall not be heated above 70° F. The tanks or vats shall be equipped with properly installed overflow pipes to discharge the water over floor drains or a valley drain. Where mechanical devices are not used for removing thawed carcasses from the tanks or vats, the tanks or vats, as the case may be, shall be of such size as to enable employees to remove poultry without getting inside the tanks or vats.

(9) When synchronized overhead conveyors and tray conveyors are used, the trays shall be completely washed and sanitized after being automatically emptied of inedible viscera.

(10) When a conveyor tray operation is used, such trays shall be of metal of seamless construction and shall be completely washed and sanitized after each use.

(11) Tables, shelves, bins, trays, pans, knives, and all other tools and equipment used in the preparation of eviscerated or ready-to-cook poultry shall be kept clean and sanitary at all times. Cleaned equipment and utensils shall be drained on racks and shall not be nested.

(12) Drums, cans, tanks, vats, and other receptacles used to hold or transport dressed poultry, or eviscerated poultry, shall be kept in a clean and sanitary condition.

(n) *Operations and procedures involving the preparation, storing, or handling of any product shall be strictly in accord with clean and sanitary methods.* (1) There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or other places in the plant where any product is prepared, stored, or otherwise handled.

(2) The pinning and finishing operations shall be performed in a part of the room that is away from the killing and roughing operations.

(3) Blood from the killing operation shall be confined to a relatively small area and kept from being splashed about the room.

(4) In finishing and cleaning dressed poultry, feed shall be removed from the crop and the fecal material in the cloaca shall be removed by venting and such operations shall be completed prior to the final washing, chilling, and packaging of dressed poultry.

(5) The head of each dressed poultry carcass shall be washed thoroughly to

remove feed from the mouth and blood from the head and mouth.

(6) In the final washing, the carcass shall be passed through a system of sprays providing an abundant supply of fresh clean water either under pressure or scrubbing action.

(7) Grading and packaging: Dressed poultry may be graded and packaged in the killing, roughing, pinning, chilling, and packing room; however, such poultry shall be graded and packed in an area of the room which is well isolated from the killing and roughing operation.

(8) The floors in the eviscerating room shall be kept clean and reasonably dry during eviscerating operations and free of all refuse.

(9) Conveyors shall be operated at such speeds as will permit a sanitary eviscerating operation and will permit adequate inspection for condition and wholesomeness.

(10) Mechanized packaging equipment shall be maintained in good sanitary condition.

(11) All offal resulting from the eviscerating operation shall be removed as often as necessary to prevent the development of a nuisance.

(12) Paper and other material used for lining barrels or other containers in which products are packaged shall be of such kinds as do not tear readily during use, but remain intact when moistened by the product.

(13) Protective coverings shall be used for the product, as it is distributed from the plant, as will afford adequate protection for the product against contamination by any foreign substance (including, but not being limited to, dust, dirt, and insects), considering the means intended to be employed in transporting the product from the plant.

(14) Refuse may be moved directly to loading docks only for prompt removal.

(15) Cleanliness and hygiene of personnel: (i) All employees coming in contact with exposed edible products or edible products handling equipment shall wear clean garments and shall keep their hands clean at all times while thus engaged.

(ii) Hands of employees handling dressed poultry or edible products or edible products handling equipment shall be free of infected cuts, boils, and open sores at all times while thus engaged.

(iii) Every person after each use of toilet or change of garments shall wash his hands thoroughly before returning to duties that require the handling of dressed poultry or edible products, or containers therefor, or edible products handling equipment.

(iv) Neither smoking nor chewing of tobacco shall be permitted in any room where exposed edible products are prepared, processed, or otherwise handled.

(o) *Temperatures and procedures necessary for cooling and freezing of poultry.* Temperatures and procedures which are necessary for cooling and freezing of poultry in accordance with sound commercial practice shall be maintained in the coolers and freezers, and ice chilling temperatures and procedures shall also be in accordance with sound commercial practice.

(1) *Ice chilling.* (i) Only ice manufactured or produced from potable water may be used for ice chilling. The ice shall be handled and stored in a sanitary manner. If of block-type, the ice shall be washed by spraying with clean water before crushing. Metal ice crushers shall be washed at least once daily.

(ii) Enough clean crushed ice shall be used to maintain a temperature in vats or tanks under 40° F. at all times during chilling. Any dressed poultry carcass weighing less than 8 pounds shall not be permitted to remain in a chilling vat or tank for longer than six hours unless the water is drained. Any dressed poultry carcass weighing 8 pounds or more shall not be permitted to remain in a chilling vat or tank for longer than eight hours unless the water is drained. Any such poultry carcass, however, shall not be allowed to remain in a chilling vat or tank after the internal temperature of the carcass has been lowered to 36° F. unless the water is drained.

(2) *Air chilling.* In air chilling, dressed poultry shall be passed through a spray of clean water immediately following the removal of the feathers, and then hung on racks. Thereupon the racks of dressed poultry shall be placed in a refrigerated room with moderate air movements and a temperature which will reduce the internal temperature of the carcass to from 36° F. to 40° F., both inclusive, within 24 hours.

(3) *Freezing.* (i) When dressed poultry is packaged in bulk or shipping containers, the carcasses should be individually wrapped or packaged in water-vapor resistant cartons or the containers should be lined with heavy water-vapor resistant paper so as to assure adequate overlapping of the lining to completely surround the carcasses and to permit unsealed closure or sealing in such a manner that water-vapor loss from the product is considerably retarded or prevented. The dressed poultry should receive an initial rapid freezing under such packaging, temperature, air circulation, and stacking conditions which will result in freezing the carcasses solid in less than 60 hours. Any carcass weighing less than 8 pounds should freeze solid in from 30 to 40 hours, whereas a carcass weighing more than 8 pounds should freeze solid in from 48 to 60 hours. (The approximate highest temperatures which will attain this result under average to most favorable conditions, are −10° F. with circulated air and −20° F. with still air; however, freezing temperatures of −20° F. to −40° F. are desirable.)

(ii) Frozen dressed poultry should be stored at 0° F. or below, with temperatures maintained as constant as possible.

(4) Immediately after packaging, all dressed poultry and ready-to-cook poultry, other than that which is ice-packed or shipped from the plant in a refrigerated carrier, should be moved into the freezer; except, that a period not exceeding 72 hours shall be permitted for transportation and temporary holding before placing in the freezer provided such poultry is held at not above 36° F. The provisions in subparagraphs (1) and (3) of this paragraph, shall be applicable to ready-to-cook poultry.

(5) When poultry is packed in ice in barrels or other containers the barrels and containers shall be covered and shall have an adequate number of drain holes to permit water to drain out.

(p) *Precaution against flies, rats, mice, and other vermin.* Every practicable precaution shall be taken to exclude flies, rats, mice, and other vermin from the official plant.

(q) *Persons affected with communicable disease.* No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted in any room or compartment where exposed or unpacked dressed poultry or edible products are prepared, processed, or otherwise handled.

(r) *Table showing types of materials.*

Equipment, utensils, and facilities	Iron	Rubber	Concrete	Stainless steel and monel metal	Aluminum	Galvanized iron	Copper (tin plated)	Porcelain or glazed tile
Batteries				A	A	A		
Overhead conveyors	A			A		A		
Conveyor track	A			A		A		
Shackle chain				A		A		
Shackles				A	A	A		
Blood trough	A		A	A	A			
Scalding vat	A			A		A		
Mechanical pickers	A	A		A	A	A		
Mechanical scrubber	A	A		A	A	A		
Wax dipping tank	A			A	A	A		
Trough for catching wax	A			A	A	A		
Water-spray cooling chamber				A	A	A		
Opening trough				A	A	A		
Eviscerating guns				A	A	A		
Inspection table (those parts which come in contact with product)				A	A	A		
Eviscerating trough				A	A	A		
Framework (of equipment)	A			A		A		
Inside and outside washer		A		A	A	A		A
Gizzard, heart, and liver trimming tables				A	A			
Defrosting trucks				A	A	A		
Defrosting tanks			A	A		A		A
Cooling racks				A	A	A		
Tanks or vats and other equipment used for cooling products			A	A	A	A		
Above-the-floor grease traps					A	A		
Utensils for handling edible products					A	A		
Boning and cooling tables, cutting surfaces				A	A	A		
Cooking kettles	A			A	A	A		

§ 70.40 *Authority of Administrator to amend minimum standards for sanitation, facilities, and operating procedures in official plants.* The Administrator is authorized to amend the provisions in § 70.39; and such amended provisions shall be applicable to official plants.

SUBPART B—UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES OF POULTRY AND EDIBLE PRODUCTS THEREOF

§ 70.101 *United States specifications for kinds and classes of live poultry, dressed poultry, and ready-to-cook poultry.* The specifications contained in this section apply to live poultry, dressed poultry, and individual carcasses of ready-to-cook poultry in determining the kind of poultry and its class. The kinds of poultry are as follows: Chickens, turkeys, ducks, geese, guineas, and pigeons.

(a) *Chickens.* For the purpose of this section, the following classes of chickens are specified:

(1) *Broiler or fryer.* A broiler or fryer is a young chicken (usually under 16 weeks of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin and flexible breastbone cartilage.

(2) *Roaster.* A roaster is a young chicken (usually under 8 months of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin and breastbone cartilage that is somewhat less flexible than that of a broiler or fryer.

(3) *Capon.* A capon is an unsexed male chicken (usually under 10 months of age) that is tender-meated with soft, pliable, smooth-textured skin.

(4) *Stag.* A stag is a male chicken (usually under 10 months of age) with coarse skin, somewhat toughened and darkened flesh, and considerable hardening of the breastbone cartilage. Stags show a condition of fleshing and a degree of maturity intermediate between that of a roaster and a cock or old rooster.

(5) *Hen or stewing chicken or fowl.* A hen or stewing chicken or fowl is a mature female chicken (usually more than 10 months old) with meat less tender than that of a roaster, and nonflexible breastbone.

(6) *Cock or old rooster.* A cock or old rooster is a mature male chicken with coarse skin, toughened and darkened meat, and hardened breastbone.

(b) *Turkeys.* For the purpose of this section, the following classes of turkeys are specified:

(1) *Fryer.* A fryer is a young turkey (usually under 14 weeks of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin, and flexible breastbone cartilage.

(2) *Young hen turkey.* A young hen turkey is a young female turkey (usually under 8 months of age) that is tender-meated with soft, pliable, smooth-textured skin, and breastbone cartilage that is somewhat less flexible than in a turkey fryer.

(3) *Young tom turkey.* A young tom turkey is a young male turkey (usually under 8 months of age) that is tender-meated with soft, pliable, smooth-textured skin and breastbone cartilage that is somewhat less flexible than in a turkey fryer.

(4) *Mature hen turkey or old hen turkey.* A mature hen turkey or old hen turkey is a mature female turkey (usually over 10 months of age) with toughened flesh and hardened breastbone that may have coarse or dry skin and patchy areas of surface fat.

(5) *Mature tom turkey or old tom turkey.* A mature tom turkey or old tom turkey is a mature male turkey (usually over 10 months of age) with coarse skin, toughened flesh, and hardened breastbone.

(c) *Ducks.* For the purpose of this section the following classes of ducks are specified:

(1) *Broiler duckling or fryer duckling.* A broiler duckling or fryer duckling is a young duck (usually under 8 weeks of age) of either sex, that is tender-meated and has a soft bill and soft windpipe.

(2) *Roasting duckling.* A young roasting duckling is a young duck (usually under 16 weeks of age), of either sex, that is tender-meated and has a bill that is not completely hardened and a windpipe that is easily dented.

(3) *Mature duck or old duck.* A mature duck or an old duck is a duck (usually over 6 months of age), of either sex, with toughened flesh, hardened bill, and hardened windpipe.

(d) *Geese.* For the purpose of this section, the following classes of geese are specified:

(1) *Young goose.* A young goose may be of either sex, is tender-meated, and has a windpipe that is easily dented.

(2) *Mature goose or old goose.* A mature goose or old goose may be of either sex and has toughened flesh and hardened windpipe.

(e) *Guineas.* For the purpose of this section, the following classes of guineas are specified:

(1) *Young guinea.* A young guinea may be of either sex and is tender-meated.

(2) *Mature guinea or old guinea.* A mature guinea or an old guinea may be of either sex and has toughened flesh.

(f) *Pigeons.* For the purpose of this section, the following classes of pigeons are specified:

(1) *Squab.* A squab is a young, immature pigeon of either sex, and is extra tender-meated.

(2) *Pigeon.* A pigeon is a mature pigeon of either sex, with coarse skin and toughened flesh.

§ 70.102 *United States specifications for standards of quality for live poultry on an individual bird basis—(a) General.* (1) The United States specifications for standards of quality for individual live birds contained in this section are applicable only to poultry of the kinds and classes set forth in § 70.101.

(2) Birds showing evidence of any disease or other condition which may render then unwholesome or unfit for human food shall not be included in any of the quality designations specified in this section.

(3) The following factors are considered in ascertaining the quality of an individual bird: (i) Health and vigor; (ii) feathering; (iii) conformation; (iv) fleshing; (v) fat covering; and (vi) the degree of freedom from defects.

(b) *Standards of quality—(1) A Quality or No. 1 Quality.* To be of A Quality or No. 1 Quality the live bird:

(i) Is alert, has bright eyes, and is of good health and vigor.

(ii) Is well feathered, with feathers showing luster or sheen and quite thoroughly covering all parts of the body; however, there may be a slight scattering of pinfeathers.

(iii) Is of normal physical conformation except that it may have a slightly curved breastbone or other slight abnormality in the shape of the breastbone which does not interfere with the normal distribution of the flesh. The bird may also have a slightly curved back. There may be a dent in the breastbone which does not exceed ⅛ inch in depth except that for turkeys the depth does not exceed ¼ inch.

(iv) Has a well developed, moderately broad and long breast that is well-fleshed throughout its entire length; and the thighs and back are well covered with flesh according to the age and sex of the bird.

(v) Has the breast, back, hips, and pin bones well covered with fat, except that a fryer (whether chicken or turkey) and a young tom turkey may have only a moderate amount of fat covering these parts, and a hen, stewing chicken, or fowl does not have excessive abdominal fat.

(vi) Is free from tears and broken bones; however, it may have slight scratches, slight skin bruises, and slight callouses (i. e., slightly thickened, hardened, and darkened areas of skin over the breastbone), if these conditions do not materially affect the appearance of the bird, especially the breast. It may also have slightly scaly shanks.

(2) *B Quality or No. 2 Quality.* To be of B Quality or No. 2 Quality the live bird:

(i) Is of good health and vigor.

(ii) Is fairly well feathered (i. e., some feathers may be lacking on some parts of the body); however, there may be a moderate number of pinfeathers.

(iii) Is of normal physical conformation except that it may have a slightly crooked breastbone which does not seriously interfere with the normal distribution of the flesh. It may also have a moderately crooked back and slightly misshapen legs and wings.

(iv) Is fairly well fleshed in relation to length and depth of body, with all parts fairly well covered with flesh according to the age and sex of the bird.

(v) Has sufficient coverage of fat on breast and legs to prevent a distinct appearance of the flesh through the skin; however, a hen, stewing chicken, or fowl may have excessive abdominal fat.

(vi) Is free from tears, broken bones, severe breast blisters, heavy callouses (i. e., thickened, hardened, and darkened areas of skin over the breastbone) and seriously scaly shanks; however, it may have moderate skin bruises and slight flesh bruises.

(3) *C Quality or No. 3 Quality.* A live bird that does not meet the requirements of B Quality or No. 2 Quality may be of C Quality or No. 3 Quality and such bird may:

(i) Be lacking in vigor.

(ii) Have a large number of pinfeathers over all parts of its body and complete lack of plumage feathers on the back.

(iii) Have definite deformities (including, but not being limited to, a crooked breastbone, hunchback, and slight crippling).

(iv) Have a poorly developed, narrow breast and thin covering of flesh over all parts of its body.

(v) Have only a small amount of fat in the feather tracts and is completely lacking in fat on back and thighs; and

(vi) Have skin bruises, small or moderate flesh bruises, and severe breast blisters; however, it has no broken bones.

The term "Reject" is not a standard of quality within the purview of this section; however, such term may be used

with respect to an individual live bird to indicate that it is affected by, or shows evidence of, any disease or condition (including, but not being limited to, large flesh bruises, severe discolorations, severe injury, and emaciation) which may render the bird unfit for human food.

§ 70.103 *United States specifications for standards of grades for live poultry*—(a) *General.* (1) The United States specifications for standards of grades for live poultry contained in this section are applicable to live poultry of the kinds and classes set forth in § 70.101 and are based upon United States specifications for standards of quality as set forth in § 70.102.

(2) Birds showing evidence of any disease or other condition which may render them unwholesome or unfit for human food shall not be included in any of the grade designations specified in this section.

(3) All terms in the United States specifications for standards of quality, as set forth in § 70.102, shall, when used in this section, have the same meaning as when used in the specifications.

(b) *Specifications for grades*—(1) *U. S. Grade A or U. S. No. 1.* Any lot of live poultry may be designated as U. S. Grade A or U. S. No. 1 if at least 90 percent, by count, of the birds are of A Quality or No. 1 Quality and the remainder are of B Quality or No. 2 Quality. When more than one container comprises the lot, no container shall have more birds of B Quality or No. 2 Quality than that specified in the following table:

[When lot consists of more than 1 container]

Grade	Number of birds in container	Maximum number of B quality or No. 2 quality birds
U. S. Grade A or U. S. No. 1.	Less than 10	1 bird.
	10 to 15, inclusive	2 birds.
	16 to 20, inclusive	3 birds.
	21 to 25, inclusive	4 birds.
	26 or more	5 birds.

(2) *U. S. Grade B or U. S. No. 2.* Any lot of live poultry may be designated as U. S. Grade B or U. S. No. 2 if at least 90 percent, by count, of the birds are of B Quality or No. 2 Quality, or better, and the remainder are of C Quality, or No. 3 Quality. When more than one container comprises the lot, no container shall have more birds of C Quality or No. 3 Quality than that specified in the following table:

[When lot consists of more than 1 container]

Grade	Number of birds in container	Maximum number of quality or No. 3 quality birds
U. S. Grade B or U. S. No. 2.	Less than 10	1 bird.
	10 to 15, inclusive	2 birds.
	16 to 20, inclusive	3 birds.
	21 to 25, inclusive	4 birds.
	26 or more	5 birds.

(3) *U. S. Grade C or U. S. No. 3.* Any lot of live poultry may be designated as U. S. Grade C or U. S. No. 3 if it consists of birds of not less than C quality or No. 3 Quality.

The term "No Grade" is not a grade within the meaning of this section. Such term may be applied to any lot of live poultry if such lot contains any birds of less than C Quality or No. 3 Quality or has not been graded in accordance with this section.

§ 70.104 *United States specifications for standards of quality for individual carcasses of dressed poultry and ready-to-cook poultry*—(a) *General.* (1) The United States specifications for standards of quality contained in this section are applicable to individual carcasses of dressed poultry and ready-to-cook poultry of the kinds and classes set forth in § 70.101.

(2) Carcasses found to be unsound, unwholesome, or unfit for food shall not be included in any of the quality designations specified in this section. If the carcass is dressed poultry, determination of unsoundness or unwholesomeness will be based on external characteristics only.

(3) The quality designations specified in this section may not be made applicable to dressed poultry that is not free from the following conditions: Dirty head; bloody head; dirty carcass; bloody carcass; dirty vent; dirty feet; fan feathers on the wing tips; garter feathers around the hock joints; neck feathers; and, if the crop is not removed, feed in the crop.

(4) The A Quality designation may not be made applicable to any poultry carcass if the poultry was wet picked in such a manner that the skin has been damaged by extended immersion in, or high temperature of, the water which resulted in immediate discoloration or may result in later objectionable discoloration.

(5) The following factors are considered in ascertaining, pursuant to this section, the quality of an individual carcass: (i) Conformation; (ii) fleshing; (iii) fat covering; (iv) the degree of freedom from pinfeathers and vestigial feathers (i. e., hair or down, as the case may be); (v) the degree of freedom from tears, cuts (including, but not being limited to, any cut for the removal of the crop), disjointed bones, and broken bones; (vi) the degree of freedom from discolorations of the skin and of the flesh and of blemishes and bruises of the skin and flesh; and (vii) the degree of freedom from freezer burn.

(6) In addition to the respective requirements specified in this section for A Quality, B Quality, and C Quality, the intensity, aggregate area involved, and locations of all (i) discolorations (whether or not caused by dressing operations), (ii) bruises, (iii) pinfeathers, and (iv) freezer burn, as such combination of defects detracts from the general appearance of the carcass, will also be considered in determining the particular quality of an individual carcass.

(b) *Standards of quality*—(1) *A Quality.* To be of A Quality the carcass:

(i) Is of normal physical conformation except that it may have a slightly curved breastbone or other slight abnormality in the shape of the breastbone which does not interfere with the normal distribution of the flesh. The carcass may also have a very slightly curved back. There may be a dent in the breastbone which does not exceed ⅛ inch in depth except that for turkeys the depth does not exceed ¼ inch.

(ii) Has a well-developed, moderately broad and long breast, well-fleshed throughout its entire length, with the flesh carrying sufficiently well up to the crest of the breastbone so that the breastbone is not prominent; and, with respect to young tom turkeys, there may be a slight thickening and slight pouchiness of the skin on the forepart of the breast. The legs are well covered with flesh.

(iii) Has the breast, back, hips, and pin bones well covered with fat except that chicken broilers or fryers, turkey fryers, and young tom turkeys may have only a moderate amount of fat covering these parts, but a hen, stewing chicken, or fowl does not have excessive abdominal fat.

(iv) Is practically free from pinfeathers, especially on the breast, and is free from vestigial feathers (i. e., hair or down, as the case may be) if the carcass is dressed poultry. If the carcass is ready-to-cook poultry, it is free from protruding pinfeathers, practically free from nonprotruding pinfeathers, especially on the breast, and free from vestigial feathers.

(v) Is free from skin tears and cuts on the breast and legs; however, elsewhere on the carcass there may be tears and cuts (exclusive of the cuts usually made to remove the neck and viscera in the production of eviscerated poultry) the aggregate length of which does not exceed 1½ inches except that, with respect to any turkey carcass or goose carcass, such aggregate length does not exceed 3 inches. There are no sewn tears or cuts. The carcass has no disjointed bones or broken bones except that it may have one disjointed bone in either a leg or wing but only if there is no evidence of a related bruise or blood clot; and, if the carcass is of a chicken broiler or fryer, it may have one nonprotruding broken bone in a wing in addition to such disjointed bone but only if there is no evidence of a related bruise or blood clot. The wing tips may have been removed.

(vi) Is free from bruises and discolorations of the flesh on the breast and legs; however, elsewhere on the carcass there may be bruises and discolorations of the flesh showing not more than a slightly reddened color the aggregate area of which does not exceed the area of a circle ½ inch in diameter, except that, with respect to any turkey or goose carcass, such aggregate area does not exceed the area of a circle 1 inch in diameter. The carcass is free from skin bruises, on the breast and legs, the aggregate area of which exceeds the area of a circle ½ inch in diameter, and from skin bruises, elsewhere on the carcass, the aggregate area of which exceeds the area of a circle ¾ inch in diameter. With respect to any turkey or goose carcass, such aggregate area on the breast and legs does not exceed the area of a circle ¾ inch in diameter; and elsewhere on the carcass such aggregate area does not exceed the area of a circle 1½ inches in diameter. Notwithstanding the foregoing, the total aggregate area, on the breast and legs, of all such

flesh bruises, skin bruises, and all other discolorations and blemishes of the skin, is not in excess of the area of a circle 1 inch in diameter; and elsewhere on the carcass such total aggregate area is not in excess of the area of a circle 1½ inches in diameter. Furthermore, with respect to any turkey or goose carcass, such total aggregate area on the breast and legs is not in excess of the area of a circle 2 inches in diameter; and elsewhere on the carcass such total aggregate area is not in excess of the area of a circle 3 inches in diameter. The skin may show only slight reddening in the feather follicles on the neck, near the head, and on the wings because of improper bleeding.

(vii) Shows only slight freezer burn, or evidence thereof (i. e., a few pockmarks, or evidence thereof, none of which exceeds the area of a circle ⅛ inch in diameter).

(2) *B Quality.* To be of B Quality the carcass:

(i) Is of at least practically normal physical conformation except that it may have a dented, curved, and slightly crooked breastbone which does not seriously interfere with the normal distribution of the flesh. The carcass may also have a moderately crooked back or misshapen legs or misshapen wings.

(ii) Is sufficiently well-fleshed on the breast and legs so as to prevent a thin appearance and a prominent breastbone; however, a young tom turkey may have a pouchy, thick, and somewhat flabby skin on the forepart of the breast.

(iii) Has a sufficient coverage of fat on the breast and legs to prevent a distinct appearance of the flesh through the skin.

(iv) Has not more than a slight scattering of pinfeathers over the entire carcass with only relatively few on the breast and is free from vestigial feathers (i. e., hair or down, as the case may be) if the carcass is dressed poultry. If the carcass is ready-to-cook poultry, it is free from protruding pinfeathers and vestigial feathers but may have not more than a few scattered, nonprotruding pinfeathers.

(v) Is free from tears and cuts, on the breast and legs, the aggregate length of which exceeds 1½ inches; however, elsewhere on the carcass there may be tears and cuts (exclusive of the cuts usually made to remove the neck and viscera in the production of eviscerated poultry), the aggregate length of which does not exceed 3 inches except that, with respect to any turkey or goose carcass, such aggregate lengths do not exceed 3 inches on the breast and legs and 6 inches elsewhere on the carcass. There are no sewn tears or cuts. The carcass may have not more than a total of 2 disjointed bones in either the legs or wings, or both, but only if there is no evidence of a related bruise or blood clot, and, in addition, 1 broken bone in a leg or wing, but only if it is nonprotruding and does not show an excessive related bruise or blood clot. The wing tips may have been removed.

(vi) Is free from bruises and discolorations, of the flesh on the breast and legs, showing not more than a slightly darkened color and which in the aggregate is in excess of the area of a circle ½ inch in diameter; however, elsewhere on the carcass there may be bruises and discolorations of the flesh the aggregate area of which does not exceed the area of a circle 1½ inches in diameter, except that, with respect to any turkey or goose carcass, such aggregate area on the breast and legs does not exceed the area of a circle 1 inch in diameter, and, elsewhere on the carcass, it does not exceed the area of a circle 3 inches in diameter. The carcass is free from skin bruises, on the breast and legs, the aggregate area of which exceeds the area of a circle ¾ inch in diameter, and from skin bruises, elsewhere on the carcass, the aggregate area of which exceeds the area of a circle 1½ inches in diameter. With respect to any turkey or goose carcass, such aggregate area on the breast and legs does not exceed the area of a circle 1½ inches in diameter, and, elsewhere on the carcass, such aggregate area does not exceed the area of a circle 3 inches in diameter. Notwithstanding the foregoing, the total aggregate area on the breast and legs of all such flesh bruises, skin bruises, and all other discolorations and blemishes of the skin is not in excess of the area of a circle 1½ inches in diameter; and elsewhere on the carcass such total aggregate area is not in excess of the area of a circle 3 inches in diameter. Furthermore, with respect to any turkey or goose carcass; such total aggregate area on the breast and legs is not in excess of the area of a circle 3 inches in diameter; and elsewhere on the carcass such total aggregate area is not in excess of the area of a circle 6 inches in diameter. The skin may show not more than moderate reddening in the feather follicles on the neck, near the head, and on the wings and thighs because of improper bleeding.

(vii) Shows no more than moderate freezer burn, or evidence thereof, on any part of the carcass and no dried area in excess of the area of a circle ½ inch in diameter.

(3) *C Quality.* A carcass that does not meet the requirements of B Quality may be of C Quality and such carcass may:

(i) Be of abnormal physical conformation (i. e., possess serious abnormal physical conditions, including, but not being limited to, a crooked back and crooked breastbone) if it is fairly well fleshed.

(ii) Be poorly fleshed and a young tom turkey may have a thick, coarse skin and extended breast that is pouchy or flabby.

(iii) Be lacking in fat covering, over all parts of the carcass.

(iv) Have numerous pinfeathers and vestigial feathers (i e., hair or down, as the case may be) scattered over the entire carcass if the carcass is dressed poultry; if ready-to-cook poultry, the carcass is free from protruding pinfeathers and vestigial feathers, but may have nonprotruding pinfeathers that do not seriously detract from the appearance of the carcass.

(v) Have torn skin, disjointed bones, and broken bones but only if there is no evidence of a related severe bruise or blood clot. There are no sewn tears or cuts. Wing tips may have been removed.

(vi) Have numerous and large discolored areas or blemishes of the skin which may be accompanied by some reddening and darkening of the flesh beneath, if such discolored areas and blemishes do not render any part of the carcass unfit for food.

(vii) Show more than moderate freezer burn or evidence thereof (including, but not being limited to, numerous pockmarks or large dried areas) on any part of the carcass.

§ 70.105 *United States specifications for standards of grades for dressed poultry and ready-to-cook poultry*—(a) *General.* (1) The United States specifications for standards of grades for dressed poultry and ready-to-cook poultry are applicable to dressed poultry and ready-to-cook poultry of the kinds and classes as set forth in § 70.101 when individual carcasses are not separately identified and are based upon the United States specifications for standards of quality set forth in § 70.104 except the provisions in subparagraph (3) of this paragraph.

(2) When any lot of dressed poultry is graded on the basis of an examination of each carcass in a representative sample thereof, any carcass that would be of A Quality if it did not possess any of the following conditions shall, for the purpose of this section, be considered as being of B Quality; dirty or bloody head or carcass, dirty feet or vent, fan feathers or neck feathers or garter feathers, or feed in the crop. Any carcass that would be of B Quality or C Quality if it did not possess any of the foregoing conditions shall, for the purpose of this section, be considered as being of C Quality.

(3) All terms in the United States specifications for standards for quality set forth in § 70.104 shall, when used in this section, have the same meaning as when used in the specifications.

(4) The suggested weight specifications for dressed poultry and ready-to-cook poultry contained in paragraph (c) of this section are not incorporated in the standards of grades for dressed poultry and ready-to-cook poultry since weight, as such, is not a factor of grade for the purpose of the standards in this section. It is recommended, however, that each container of dressed poultry and ready-to-cook poultry contain carcasses of the weights specified in paragraph (c) of this section.

(b) *Specifications for grades*—(1) *U. S. Grade A.* Any lot of dressed poultry or ready-to-cook poultry composed of one or more containers of carcasses of the same kind and class may be designated as U. S. Grade A if not less than 90 percent, by count, of the carcasses in such lot are of A Quality, the remainder is of B Quality, and no individual container in such lot contains more carcasses of B Quality than in the proportion of 2 to each 12 carcasses in the container.

(2) *U. S. Grade B.* Any lot of dressed poultry or ready-to-cook poultry composed of one or more containers of carcasses of the same kind and class may be designated as U. S. Grade B if not less than 90 percent, by count, of the car-

DRESSED POULTRY—Continued

TABLE III—DUCKS, GEESE, GUINEAS, SQUABS, AND PIGEONS

Kind and class	Weight range per carcass		Weight range per dozen carcasses	
	Minimum	Maximum	Minimum	Maximum
Ducks (all classes)	None	4 pounds	None	48 pounds.
	Over 4 pounds	5 pounds	Over 48 pounds	60 pounds.
	Over 5 pounds	None	Over 60 pounds	None.
Geese (all classes)	None	8 pounds	None	96 pounds.
	Over 8 pounds	10 pounds	Over 96 pounds	120 pounds.
	Over 10 pounds	None	Over 120 pounds	None.
Guineas (all classes)	None	1 pound 8 ounces	None	18 pounds.
	Over 1 pound 8 ounces	2 pounds 4 ounces	Over 18 pounds	27 pounds.
	Over 2 pounds 4 ounces	None	Over 27 pounds	None.
Squabs and pigeons	None	8 ounces	None	8 pounds 6 ounces.
	Over 8 ounces	14 ounces	Over 8 pounds 6 ounces	10 pounds 8 ounces.
	Over 14 ounces	None	Over 10 pounds 8 ounces	None.

TABLE IV—READY-TO-COOK POULTRY

Kinds and classes	Weight range per carcass	
	Minimum	Maximum
Broilers or fryers	None	1 pound 8 ounces.
	Over 1 pound 8 ounces	2 pounds.
	Over 2 pounds	2 pounds 8 ounces.
	Over 2 pounds 8 ounces	3 pounds.
	Over 3 pounds	3 pounds 8 ounces.
	Over 3 pounds 8 ounces	4 pounds.
	Over 4 pounds	4 pounds 8 ounces.
	Over 4 pounds 8 ounces	5 pounds.
Roasters	Over 1 pound 8 ounces	5 pounds 8 ounces.
	Over 5 pounds	None.
	None	2 pounds.
	Over 2 pounds	3 pounds.
	Over 3 pounds	4 pounds.
Hens or stewing chickens or fowl	Over 3 pounds 8 ounces	4 pounds 8 ounces.
	Over 4 pounds 8 ounces	5 pounds.
	Over 5 pounds	5 pounds 8 ounces.
	Over 5 pounds 8 ounces	None.
	None	2 pounds 8 ounces.
	Over 2 pounds 8 ounces	3 pounds 8 ounces.
	Over 3 pounds 8 ounces	4 pounds 8 ounces.
Cocks or old roosters	Over 4 pounds 8 ounces	5 pounds 8 ounces.
	Over 5 pounds 8 ounces	None.
	None	4 pounds.
	Over 4 pounds	8 pounds.
	Over 8 pounds	10 pounds.
	Over 10 pounds	12 pounds.
Turkeys and geese (all classes)	Over 12 pounds	14 pounds.
	Over 14 pounds	16 pounds.
	Over 16 pounds	18 pounds.
	Over 18 pounds	20 pounds.
	Over 20 pounds	None.
	None	3 pounds.
Ducks (all classes)	Over 3 pounds	3 pounds 8 ounces.
	Over 3 pounds 8 ounces	4 pounds.
	None	12 ounces.
	Over 12 ounces	1 pound.
Guineas (all classes)	Over 1 pound	1 pound 4 ounces.
	None	6 ounces.
Pigeons (all classes)	Over 6 ounces	10 ounces.
	Over 10 ounces	14 ounces.
	Over 14 ounces	None.

cases In such lot are of at least B Quality, the remainder is of C Quality, and no individual container in such lot contains more carcasses of C Quality than in the proportion of 2 to each 12 carcasses in the container.

(3) *U. S. Grade C.* Any lot of dressed poultry or ready-to-cook poultry may be designated as U. S. Grade C if it consists of carcasses of not less than C Quality.

(c) *Suggested weight specifications for dressed poultry and ready-to-cook poultry.* The suggested weight specifications for dressed poultry and ready-to-cook poultry are contained in Tables I, II, III, and IV in this paragraph.

DRESSED POULTRY

TABLE I—CHICKENS

Class of chickens	Weight range per carcass		Weight range per dozen carcasses	
	Minimum	Maximum	Minimum	Maximum
Broilers or fryers	None	1 pound 8 ounces	None	18 pounds.
	Over 1 pound 8 ounces	2 pounds	Over 18 pounds	24 pounds.
	Over 2 pounds	2 pounds 8 ounces	Over 24 pounds	30 pounds.
	Over 2 pounds 8 ounces	3 pounds	Over 30 pounds	36 pounds.
	Over 3 pounds	3 pounds 8 ounces	Over 36 pounds	42 pounds.
	Over 3 pounds 8 ounces	4 pounds	Over 42 pounds	48 pounds.
	Over 4 pounds	4 pounds 8 ounces	Over 48 pounds	54 pounds.
	Over 4 pounds 8 ounces	5 pounds	Over 54 pounds	60 pounds.
Roasters	Over 1 pound 8 ounces	5 pounds 8 ounces	Over 60 pounds	66 pounds.
	Over 5 pounds 8 ounces	None	Over 66 pounds	None.
	None	6 pounds	None	72 pounds.
	Over 6 pounds	7 pounds	Over 72 pounds	84 pounds.
	Over 7 pounds	8 pounds	Over 84 pounds	96 pounds.
Capons	Over 8 pounds	9 pounds	Over 96 pounds	108 pounds.
	Over 9 pounds	10 pounds	Over 108 pounds	120 pounds.
	Over 10 pounds	None	Over 120 pounds	None.
	None	3 pounds	None	36 pounds.
Stags	Over 3 pounds	4 pounds	Over 36 pounds	48 pounds.
	Over 4 pounds	5 pounds	Over 48 pounds	60 pounds.
	Over 5 pounds	6 pounds	Over 60 pounds	72 pounds.
	Over 6 pounds	None	Over 72 pounds	None.
	None	4 pounds	None	48 pounds.
Cocks	Over 4 pounds	5 pounds	Over 48 pounds	60 pounds.
	Over 5 pounds	6 pounds	Over 60 pounds	72 pounds.
	Over 6 pounds	None	Over 72 pounds	None.
	None	3 pounds	None	36 pounds.
Hens or stewing chickens or fowl	Over 3 pounds	3 pounds 8 ounces	Over 36 pounds	42 pounds.
	Over 3 pounds 8 ounces	4 pounds	Over 42 pounds	48 pounds.
	Over 4 pounds	4 pounds 8 ounces	Over 48 pounds	54 pounds.
	Over 4 pounds 8 ounces	5 pounds	Over 54 pounds	60 pounds.
	Over 5 pounds	None	Over 60 pounds	None.

TABLE II—TURKEYS

Class	Weight range per carcass	
	Minimum	Maximum
Turkey fryers	None	6 pounds.
	Over 6 pounds	8 pounds.
	Over 8 pounds	10 pounds.
	None	6 pounds.
	Over 6 pounds	8 pounds.
	Over 8 pounds	10 pounds.
	Over 10 pounds	12 pounds.
Young hen turkeys or young tom turkeys	Over 12 pounds	14 pounds.
	Over 14 pounds	16 pounds.
	Over 16 pounds	18 pounds.
	Over 18 pounds	20 pounds.
	Over 20 pounds	22 pounds.
	None	24 pounds.
	Over 22 pounds	None.
	None	16 pounds.
Mature or old hen turkeys and mature or old tom turkeys	Over 16 pounds	20 pounds.
	Over 20 pounds	None.

(Pub. Law 739, 81st Cong., approved Sept. 6, 1950)

Issued at Washington, D. C., this seventh day of March 1951.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 51-3197; Filed, Mar. 12, 1951; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 20, 21, 22, 24, 25, 26, 27, 33, 34, 35, and 51]

AIRMAN IDENTIFICATION CARD

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments of Parts 20, 21, 22, 24, 25, 26, 27, 33, 34, 35, and 51 of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by April 13, 1951, will be considered by the Board before taking further action on the proposed rules. Copies of such communications will be available after April 17, 1951, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

No provisions of our currently effective Civil Air Regulations require the possession of positive identification data by certificated airmen while exercising the privileges of their airman certificates. The proposed amendments will make provision for such identification and will require that each certificated airman, after September 1, 1951, have in his possession an airman identification card (Form ACA 2135), which the Administrator would be authorized to issue subsequent to April 15, 1951.

This airman identification card shall contain, among other data, the airman's signature, picture, and one fingerprint. It is contemplated that each certificated airman shall complete an application for identification card (Form ACA 2134) and shall furnish documentary evidence of his personal identification, citizenship, place and date of birth, and the type of airman certificate held. It should be noted that an expired airman identification card (Form ACA 935) issued during World War II may serve as sufficient evidence in these matters. An applicant who has once possessed this expired identification card but is unable to produce it at the time of application may substitute a letter from the Airman Records Branch, Civil Aeronautics Administration, Washington 25, D. C., which, in effect, attests to the issuance and contents of the expired card.

It is proposed to amend Parts 20, 21, 22, 24, 25, 26, 27, 33, 34, 35, and 51 of the Civil Air Regulations by adding new §§ 20.58, 21.45, 22.32 (g), 24.47, 25.86, 26.37, 27.23, 33.46, 34.20, 35.21, and 51.6, each to read as follows:

Identification. After September 1, 1951, the holder of a certificate issued under the provisions of this part shall not exercise the privileges conferred by the certificate unless he has in his possession a current airman identification card which duly describes him. This identification card may be obtained from the Administrator who shall prescribe its form and the manner of applying for it.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposed amendments may be changed in view of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012, 62 Stat. 1216; 49 U. S. C. 551-560, act of July 1, 1948)

Dated: March 8, 1951, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 51-3218; Filed, Mar. 12, 1951; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR, Part 400]

CONTRACTS BETWEEN FREIGHT FORWARDERS AND MOTOR COMMON CARRIERS

NOTICE OF PROPOSED RULE MAKING

MARCH 5, 1951.

In the matter of rules and regulations for the filing of contracts covering service by motor common carriers for freight forwarders and the compensation to be paid therefor.

Notice is hereby given that the Commission has under consideration the prescription, under the authority of section 409 of the Interstate Commerce Act, as amended by Public Law 881 of the 81st Congress, of rules and regulations for the filing with the Commission of contracts between freight forwarders subject to part IV of that act and common carriers by motor vehicle subject to part II of that act, governing the utilization by such freight forwarders of the services and instrumentalities of such common carriers. The following suggested rules will be considered:

§ 400.1 *Filing.* All contracts, and amendments thereto, between freight forwarders and motor common carriers, entered into pursuant to section 409 of the Interstate Commerce Act, as amended December 20, 1950, and amendments to contracts continued, shall be in writing, and the freight forwarder party thereto shall file with the Interstate Commerce Commission three true copies thereof on paper of good quality, size 8½ x 11.

§ 400.2 *Specifications.* All such contracts and amendments shall show:

(a) In the upper right-hand corner a number in the consecutive series of the forwarder filing the same;

(b) The full and correct name and address of each party to the contract, and the ICC number, omitting subnumbers, identifying the operating authority of each;

(c) The points between which, or the territory from or to which, motor carrier service is to be performed under the contract, and the compensation to be paid therefor, stated in lawful moneys of the United States and separately as to each service or movement, and whether each service is assembling, distribution, or terminal-to-terminal service;

(d) The effective date of the contract; and

(e) All terms and conditions agreed upon between the parties to the contract.

§ 400.3 *Amendments.* Amendments to contracts shall show the same series number as the original contract, be consecutively numbered, and specifically indicate the provisions superseded; and where a contract is superseded by a new contract, the new contract shall specifically cancel the old contract.

§ 400.4 *Time of filing and notice of termination.* Contracts and amendments thereto shall be filed with the Commission within 10 days after the effective date thereof. Within 10 days after the effective date of termination of a contract, the forwarder party thereto shall file with the Commission three copies of a notice showing the effective date of such termination.

§ 400.5 *Contracts continued.* Evidence of agreements or amendments thereto, filed with the Commission prior to September 20, 1951, in accordance with the regulations heretofore proposed in Docket No. 29493, Freight forwarders, motor common carriers, agreements, 272 I. C. C. 413 (49 CFR Part 400), will be accepted as substantial compliance with the rules and regulations in this part, but any changes in such agreements with any carrier subsequent to September 20, 1951, shall be indicated by the filing, in conformity with the rules and regulations in this part, of complete new contracts covering service by that carrier, or of amendments completely covering the particular traffic involved, which amendments shall clearly indicate the portions of the schedules and evidence of concurrence superseded thereby; except that all such filings made prior to September 20, 1951, shall be superseded by new contracts complying with the rules and regulations in this part and filed with this Commission not later than December 31, 1952.

§ 400.6 *Public inspection.* All contracts and amendments thereto filed with the Commission under the rules and regulations in this part shall be open to public inspection.

§ 400.7 *Effective date.* The rules and regulations in this part shall become effective September 20, 1951.

Any interested party desiring to make representations in favor of or against the proposed rules and regulations or to suggest alternatives may do so through the submission of written data, views, or arguments. The original and 14 copies of such submission shall be filed with the Commission on or before April 12, 1951.

Notice will be given to the general public by posting copies hereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing with the Director of the Federal Register.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3207; Filed, Mar. 12, 1951; 8:49 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Forest Service

MODOC NATIONAL FOREST

REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are trespassing and grazing on portions of the Modoc National Forest in the State of California; and

Whereas these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat., 35; 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat., 628; 16 U. S. C. 472), the following order is issued for the occupancy, use, protection, and administration of the Happy Camp, Doublehead, and Goose Lake Districts of the Modoc National Forest, within the boundaries described below:

Temporary closure from livestock grazing. (a) The grazing allotments described below are hereby closed for the period from April 1, 1951, to December 31, 1951, to the grazing of horses excepting those which are lawfully grazing on or crossing land in such allotments pursuant to the regulations of the Secretary of Agriculture, or which are used in connection with operations authorized by such regulations, or which are used as riding, pack, or draft animals by persons traveling over such land. The boundaries of the allotments are more particularly described as follows:

Commencing at the intersection of the Modoc National Forest boundary with the Oregon-California State line at the NW corner, Sec. 13, T. 48 N., R. 6 E., M. D. M.;

Thence easterly along the Oregon-California State line to its intersection with the boundary of the Modoc National Forest in Sec. 21, T. 48 N., R. 13 E., M. D. M.;

Thence southerly along the boundary of the Modoc National Forest to the section corner common to Sections 15, 16, 21 and 22, T. 43 N., R. 13 E., M. D. M., approximately one mile east of Griener Reservoir;

Thence westerly and southerly along the boundary of Modoc National Forest to the section corner common to Sections 9, 10, 15, and 16, T. 41 N., R. 9 E., M. D. M.;

Thence northeasterly along the road intersecting Highway No. 299 adjacent to and north of Pit River; through Pit River Guard Station, Turner Creek, Cottonwood Flat, Craig Spring, McCay (cabin) to intersection with the Lookout road approximately one mile east of Upper Mud Lake;

Thence northerly along latter road to intersection with Canby-Tule Lake highway near Cannon Reservoir;

Thence northwest along Canby-Tule Lake highway to intersection near Elukey Spring (south of Perez) with main traveled road to Lava Beds National Monument;

Thence westerly along latter road via Mammoth Cave to south of Little Sand Butte to the survey corner common to Townships 44 and 45 North, Ranges 4 and 5 East, M. D. M., at the Siskiyou-Modoc County line;

Thence north along said county line approximately six miles to township line; east one-half mile; and north two miles between Sections 30, 31, 29, 32 to the survey corner common to Sections 19, 20, 29, and 30, T. 46 N., R. 5 E., M. D. M., at intersection with the boundary of Modoc National Forest;

Thence easterly and northerly along said Forest boundary to point of commencement at the Oregon-California State line.

(b) Forest officers are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Modoc National Forest is located.

Done at Washington, D. C., this 7th day of March 1951.

[SEAL] K. T. HUTCHINSON, *Acting Secretary of Agriculture.*

[F. R. Doc. 51-3193; Filed, Mar. 12, 1951; 8:46 a. m.]

Production and Marketing Administration

[P. & S. Docket No. 383]

ST. LOUIS NATIONAL STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION

In re: Market Agencies at St. Louis National Stock Yards, respondents.

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on March 23, 1949 (8 A. D. 254), authorizing assessment of the rates presently in effect for a period of one year beginning April 1, 1949. Subsequently, by an order dated February 9, 1950 (9 A. D. 202), the authorization was continued in effect to and including September 30, 1951.

On February 26, 1951, a petition was filed on behalf of respondents, requesting that an order be issued authorizing the market agencies (respondents) to assess the following selling and buying commissions:

SELLING CHARGES

	Per head
Cattle:	
Consignments of one head and one head only	$1.30
Consignments of more than one head:	
First 5 head in each consignment	1.10
Next 10 head in each consignment	1.00
Each head over 15 in each consignment	.95
Calves:	
Consignments of one head and one head only	.75
Consignments of more than one head:	
First 5 head in each consignment	.60
Next 10 head in each consignment	.50
Each head over 15 in each consignment	.40
Bulls:	
Bulls irrespective of the number in a consignment	1.65
TB or bangs reactor cattle and calves irrespective of weight	1.65
Suspects or condemned cattle and calves	1.65
Hogs:	
Consignments of one head and one head only	.55
Consignments of more than one head:	
First 10 head in each consignment	.39
Next 15 head in each consignment	.34
Each head over 25 in each consignment	.29
Sheep:	
Consignments of one head and one head only	.50
Consignments of more than one head:	
First 10 head in each 240 head in each consignment	.37
Next 50 head in each 240 head in each consignment	.24
Next 60 head in each 240 head in each consignment	.14
Next 120 head in each 240 heads in each consignment	.09

MAXIMUM CHARGES

The maximum selling charge on any one rail consignment of sheep shall not exceed an amount equal to $20 multiplied by the number of single-deck cars in the consignment plus an amount equal to $30 multiplied by the number of double-deck cars in the consignment.

SECTION C—RESALES

	Per head
Bulls	$1.65
Cattle	.90
Calves	.45
Hogs	.20
Sheep	.25

SECTION E—EXTRA SERVICE CHARGES

Each weight draft in excess of one necessary to handle sold livestock in the best interest of the owner, or requested by him $0.10

NOTE: On purchased livestock no draft charge applies.

MAXIMUM CHARGES—Continued

SECTION E—EXTRA SERVICE CHARGES—continued

Each additional check, each additional copy of account sales, each proceeds deposit or bank credit over 1	$0.10

BUYING

Cattle for immediate slaughter: Per head, same as selling rates.

MAXIMUM CHARGES

The maximum charge on any purchase order of cattle for immediate slaughter shipped out by rail shall not exceed an amount equal to $35 multiplied by the number of cars in which the order is shipped out.

If authorized, the modifications will produce additional revenues for respondents and increase the cost of marketing to shippers. Accordingly, it appears that this notice of the filing of the petition and its contents should be given to the public in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 8th day of March 1951.

[SEAL] KATHERINE L. MASON, *Hearing Clerk.*

[F. R. Doc. 51-3239; Filed, Mar. 12, 1951; 8:56 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. M-24]

COASTWISE LINE

NOTICE OF HEARING ON APPLICATION TO BAREBOAT CHARTER DRY-CARGO VESSELS

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held at Washington, D. C., on March 19, 1951, at 10 o'clock a. m., in Room 4821 Department of Commerce Building, before the Federal Maritime Board, upon the application of Coastwise Line, to bareboat charter two Liberty type vessels for use in its Pacific Coast-Alaska service (with privilege to call at British Columbia ports).

The purpose of the hearing is to receive evidence with respect to whether such service is required in the public interest and is not adequately served, and with respect to the availability of privately owned American-flag vessels on reasonable conditions and at reasonable rates for use in such service.

All persons having an interest in this application will be given an opportunity to be heard if present.

Dated: March 7, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 51-3236; Filed, Mar. 12, 1951; 8:55 a. m.]

[No. M-25]

ISTHMIAN STEAMSHIP CO.

NOTICE OF HEARING ON APPLICATION TO BAREBOAT CHARTER GOVERNMENT-OWNED, WAR-BUILT, DRY-CARGO VESSELS, FOR USE IN THE GULF INTERCOASTAL SERVICE

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held in Room 4821, Commerce Building, Washington, D. C., on March 29, 1951, at 10 o'clock a. m., before Examiner A. L. Jordan, upon the application of Isthmian Steamship Company to bareboat charter Government-owned, war-built, dry-cargo vessels, for use in the gulf intercoastal service.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessels are proposed to be chartered is required in the public interest and is not adequately served, and with respect to the availability of privately-owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service.

All persons having an interest in such application will be given an opportunity to be heard if present.

The parties may have oral argument before the examiner immediately following the close of the hearing in lieu of briefs, and the examiner will issue a recommended decision. Parties may have 7 days within which to file exceptions to or memoranda in support of the examiner's recommended decision, but the Board reserves the right to determine whether oral argument on exceptions will be granted or whether briefs in connection therewith will be received.

Dated: March 8, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 51-3267; Filed, Mar. 12, 1951; 8:59 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9886]

DOWLANDER BROADCASTING CO. (WOOF)

ORDER CONTINUING HEARING

In re application of R. A. Dowling, tr/as Dowlander Broadcasting Company (WOOF), Dothan, Alabama, Docket No. 9886, File No. BP-7757, for construction permit.

The Commission having under consideration a petition filed February 26, 1951 by R. A. Dowling, tr/as Dowlander Broadcasting Company, Dothan, Alabama, requesting that the hearing herein be continued for a period of sixty days from its presently scheduled date of March 7, 1951, in order that applicant's newly hired consulting engineer may complete engineering work in connection with the hearing; and

It appearing that both Counsel for Station WQAM, Miami, Florida, party respondent to this proceeding, and the General Counsel have consented to immediate action on the petition and indicated no objection to a grant thereof, thereby meeting the requirements of § 1.745 of the Commission's rules, and that good cause has been shown for a grant thereof;

It is therefore ordered, This 2d day of March 1951, that the petition of Dowlander Broadcasting Company (WOOF) be and it is hereby granted and the hearing herein is hereby continued to May 7, 1951, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 51-3209; Filed, Mar. 12, 1951; 8:50 a. m.]

[Docket Nos. 9615, 9616]

VALLEY BROADCASTING CO. (KLOK) AND CHARLES E. SALIK (KCBQ)

ORDER SCHEDULING HEARING AND AMENDING ISSUES

In re applications of E. L. Barker, Claribel Barker, T. H. Canfield and Opal A. Canfield, d/b as Valley Broadcasting Company (KLOK), San Jose, California, Docket No. 9615, File No. BP-7400, for construction permit; Charles E. Salik (KCBQ), San Diego, California, Docket No. 9616, File No. BML-1392, for modification of license.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 28th day of February 1951;

The Commission having under consideration a petition filed on November 6, 1950, by Valley Broadcasting Company requesting reconsideration and grant without hearing of its above-entitled application for construction permit as amended, to change power and hours of operation of Station KLOK, San Jose, California, from 5 kilowatts, daytime only to 1 kilowatt, 5 kilowatts-LS, unlimited time, and install directional antenna for night use only;

It appearing, that the said application originally requested power of 5 kilowatts, unlimited time employing directional antenna nights and was designated for hearing by Commission order of March 28, 1950, in a consolidated proceeding with the above-entitled application of Charles E. Salik for modification of license of Station KCBQ, San Diego, California, to increase nighttime power from 1 kilowatt to 5 kilowatts; and

It further appearing, that the petition of Valley Broadcasting Company filed on November 6, 1950, requesting leave to amend its above-entitled application to request power of 5 kilowatts day, 1 kilowatt night was granted on November 17, 1950, and that, as amended, the said application would not involve objectionable interference with any existing broadcast stations, but that objectionable interference may be involved nighttime with the above-entitled application of Charles E. Salik which would result in a nighttime limitation to petitioner's proposed operation greatly in excess of the 2.5

mv/m contour recommended in the Standards of Good Engineering Practice; and

It further appearing, that the operation of Station KLOK as proposed in the above-entitled application may not be in compliance with the Standards of Good Engineering Practice particularly with reference to nighttime service to the San Jose, California, metropolitan district and to the ratio of the population residing between the 2.5 mv/m normally protected and nighttime interference free contours to the population residing within the nighttime interference free contour and that nighttime service of Station KLOK operating as proposed may be degraded from the operation of Station KCBQ as proposed in the above-entitled application to increase nighttime power to an extent which in and of itself would prohibit a grant of both the above-entitled applications; and

It further appearing, that, in view of the above matters, the Commission cannot determine whether a grant of the said application of Valley Broadcasting Company would serve public interest, convenience, or necessity;

It is ordered, That the said petition is denied and that hearing on the above-entitled applications shall commence at 10:00 a. m. on April 30, 1951, at Washington, D. C.; and

It is further ordered, That, on the Commission's own motion, the order of March 28, 1950, designating the above-entitled applications for hearing in a consolidated proceeding is amended to renumber issues 3, 4, 5, and 6 as issues 4, 5, 6, and 7, respectively, and to include therein as issue 3 the following issue:

3. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Stations KLOK and KCBQ as proposed, and the character of other broadcast service available to such areas and populations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3210; Filed, Mar. 12, 1951; 8:50 a. m.]

[Docket No. 9885]

LAWRENCE COUNTY BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of James L. Harrison, J. E. Sowell, Harold Twitty and R. C. Wiley, d/b as Lawrence County Broadcasting Company, Lawrenceburg, Tennessee, Docket No. 9885, File No. BP-7756, for construction permit.

The Commission having under consideration a petition filed on February 23, 1951, by James L. Harrison, J. E. Sowell, Harold Twitty and R. C. Wiley, d/b as Lawrence County Broadcasting Company, Lawrenceburg, Tennessee, requesting that the hearing now scheduled to be held on March 2, 1951, be continued for a period of sixty days; and

It appearing, that no opposition has been filed to the above petition by any of the parties to this proceeding;

It is ordered, This 1st day of March 1951, that the petition be, and it is hereby granted; and that the hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Wednesday, May 2, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3211; Filed, Mar. 12, 1951; 8:50 a. m.]

[Docket No. 9891]

RADIOMARINE CORP. OF AMERICA

ORDER CONTINUING HEARING

In the matter of Radiomarine Corporation of America, Docket No. 9891; charges, classifications, regulations and practices, for and in connection with Ship/Shore Radiotelephone Service via foreign coastal stations.

The Commission having under consideration a motion filed February 28, 1951, by the Chief, Common Carrier Bureau, Federal Communications Commission, requesting indefinite continuance of the hearing on the above-entitled proceeding presently scheduled for March 12, 1951, pending action by the Commission upon application for special tariff permission filed by Radiomarine Corporation of America on February 26, 1951; and

It appearing, that said application requests authority to cancel the tariff schedules which are the subject of suspension and investigation in this proceeding; and if such application is granted and the tariff schedules are cancelled pursuant thereto the proceeding may become moot; and

It further appearing, that other counsel in the proceeding have informally consented to a waiver of § 1.745 of the Commission's rules to permit the early consideration and grant of the motion for continuance;

It is ordered, This 2d day of March 1951, that the petition be, and it is hereby, granted; and the hearing on the above-entitled application be, and it is hereby, continued until further order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3212; Filed, Mar. 12, 1951; 8:50 a. m.]

[Docket Nos. 9179, 9575]

SPA BROADCASTERS, INC., AND SARATOGA BROADCASTING CO.

ORDER SCHEDULING FURTHER HEARING

In re applications of Spa Broadcasters, Inc., Saratoga Springs, New York, Docket No. 9179, File No. BP-6808; Saratoga Broadcasting Company, a partnership composed of John Nazak and Joanne May Levko, Saratoga Springs, New York, Docket No. 9575, File No. BP-7459, for construction permits.

Pursuant to the Commission's memorandum opinion and order issued on February 7, 1951, denying a petition filed on behalf of Spa Broadcasters, Inc., Saratoga Springs, New York, to reconsider and set aside the Commission's memorandum opinion and order of August 17, 1950, in which the Commission ordered that the record in the above-entitled proceeding be reopened to permit the Saratoga Broadcasting Company, Saratoga Springs, New York, to present evidence in support of its application (Docket No. 9575).

It is ordered, This 2d day of March 1951, that a further hearing in the above-entitled proceeding is scheduled to be held in Washington, D. C., at 10:00 a. m., on Wednesday, April 4, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3213; Filed, Mar. 12, 1951; 8:51 a. m.]

[Docket Nos. 9894-9896, 9912]

BOOTH RADIO & TELEVISION STATIONS, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Booth Radio & Television Stations, Inc., Lansing, Michigan, Docket No. 9894, File No. BP-7905; John C. Pomeroy, Pontiac, Michigan, Docket No. 9895, File No. BP-7811; Adelaide Lillian Carrell, Flint, Michigan, Docket No. 9896, File No. BP-7840; Oakland Broadcasting Company, Pontiac, Michigan, Docket No. 9912, File No. BP-7984, for construction permits.

The Commission having under consideration a petition filed February 23, 1951, by Booth Radio and Television Stations, Inc., Lansing, Michigan, requesting a continuance of the hearing from March 22, 1951, to May 14, 1951, in the proceeding upon the above-entitled applications for construction permits; and an opposition thereto filed on February 27, 1951, by Adelaide Lillian Carrell; and

It appearing, that the remaining parties in this proceeding have not objected to a continuance of the hearing; that this is the first request for a continuance in this proceeding; and that in view of the illness of the principal stockholder of Booth Radio and Television Stations, Inc. the continuance sought is reasonable;

It is ordered, This 2d day of March 1951, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Monday, May 14, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3214; Filed, Mar. 12, 1951; 8:51 a. m.]

[Docket No. 9893]

WARNER BROS. (KWBR)

ORDER CONTINUING HEARING

In re application of S. W. Warner and E. N. Warner d/b as Warner Brothers (KWBR), Oakland, California, Docket No. 9893, File No. BP-7709, for construction permit.

The Commission having under consideration a petition filed February 27, 1951, by S. W. Warner and E. N. Warner d/b as Warner Brothers (KWBR), Oakland, California, requesting a 90-day continuance of the hearing presently scheduled for March 16, 1951, at Washington, D. C., in the proceeding upon its above-entitled application for construction permit;

It is ordered, This 2d day of March 1951, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Monday, June 18, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3215; Filed, Mar. 12, 1951; 8:51 a. m.]

[Docket No. 9738]

WHARTON COUNTY BROADCASTING CO., INC. (KULP)

ORDER CONTINUING HEARING

In re application of Wharton County Broadcasting Company, Inc. (KULP), El Campo, Texas, Docket No. 9738, File No. BP-7644, for construction permit.

The Commission having under consideration a petition filed February 23, 1951, by Wharton County Broadcasting Company, Incorporated (KULP), El Campo, Texas, requesting reconsideration and rehearing of its above-entitled application; and

It appearing, that on January 29, 1951, the Commission denied a petition filed by Wharton County Broadcasting Company, Inc. (KULP) requesting a waiver of hearing pursuant to § 1.391 of the Commission's rules and regulations; and that the petitioner is apparently of the impression that the denial of its said petition for waiver of hearing has the effect of precluding hearing on its above-entitled application; and

It further appearing, that the Commission denied the said petition for rehearing inasmuch as it considered this to be an appropriate case for the presentation of oral testimony; that the petitioner is in effect only asking that it be afforded a hearing on its above-entitled application; that the petitioner is not seeking reconsideration or rehearing; and that, therefore, there is no need to act on this petition;

It is ordered, this 2d day of March 1951, that the petition for reconsideration and rehearing is dismissed; and that the hearing in the above-entitled proceeding is scheduled to be heard at 10:00 a. m., Friday, April 20, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3216; Filed, Mar. 12, 1951; 8:51 a. m.]

[Docket No. 9587]

PRATT BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Clem Morgan and Robert E. Schmidt, d/b as Pratt Broadcasting Company, Pratt, Kansas, Docket No. 9587, File No. BP-7395, for construction permit.

The Commission having under consideration a petition filed February 27, 1951, by KVGB, Inc. (KVGB), Great Bend, Kansas, party respondent in the above-entitled proceeding, for a continuance to April 5, 1951, of the hearing in the above-entitled matter now scheduled for March 9, 1951; and

It appearing, that party respondent's consulting engineer will be unable to participate in the hearing on the date presently scheduled, and that another witness who may be called to testify on behalf of KVGB, Inc., is now en route to the Mayo Clinic at Rochester, Minnesota, assisting in the care and transportation of an associate, and will be unable to be in Washington on the presently scheduled hearing date; and

It further appearing, that the time within which opposition to this petition for continuance might be filed has expired and no such opposition has been filed by any party or by Commission counsel, and that good cause has been shown for the requested continuance;

It is ordered, This 5th day of March 1951, that the petition is granted, and the hearing on the above-entitled matter now scheduled for March 9, 1951, is continued to 10 o'clock a. m., April 5, 1951, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3217; Filed, Mar. 12, 1951; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1556]

SOUTHERN CALIFORNIA GAS CO.

NOTICE OF ORDER APPROVING TRANSFERS OF AMOUNTS IN DEPRECIATION RESERVE

MARCH 7, 1951.

Notice is hereby given that, on March 5, 1951, the Federal Power Commission issued its order entered March 2, 1951, amending order issued February 13, 1951, published in the FEDERAL REGISTER on February 17, 1951 (16 F. R. 1690), in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3208; Filed, Mar. 12, 1951; 8:49 a. m.]

[Docket No. G-1612]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

MARCH 7, 1951.

Take notice that on February 15, 1951, Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation with its principal office at Kansas City, Missouri, filed an application in the alternative seeking (a) a disclaimer by the Commission of its jurisdiction or (b) a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of (1) approximately 400 feet of 6⅝-inch O. D. pipeline extending from Applicant's Quincy lateral in Marion County, Missouri, to a point of delivery on the property and with the facilities of the Northeast Missouri Electric Power Cooperative (Northeast Missouri) and (2) metering and regulating facilities for the direct sale of natural gas to Northeast Missouri.

Applicant proposes to construct and operate the described facilities for the purpose of selling natural gas to Northeast Missouri under the terms of a contract dated December 15, 1950, providing for the sale and delivery of natural gas in volumes not to exceed 1,200 Mcf daily on a "dump" basis, when Applicant has available gas in excess of its commitments to customers to whom gas is being sold on other than a temporary or dump basis.

Applicant states the facilities proposed are only incidental measuring facilities and, as such exempt from the jurisdiction of the Commission; that the proposed sale is not a sale for resale within the meaning of section 1 (b) of the Natural Gas Act.

The estimated cost of the facilities proposed to be constructed is approximately $5,000, which will be financed out of current funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 27th day of March 1951. The application is on file with the Federal Power Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3199; Filed, Mar. 12, 1951; 8:46 a. m.]

[Docket No. G-1619]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

MARCH 7, 1951.

Take notice that on February 23, 1951, El Paso Natural Gas Company (Applicant), a Delaware corporation, of El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the installation of a meter station, at a point on its main transmission system in Pinal County, Arizona. Applicant proposes by these facilities to sell and deliver natural

gas to Arizona Edison Company, Inc., for resale and distribution in the towns of Ray and Sonora, Arizona. These communities have no gas utility service at present.

Through the proposed facilities, Applicant expects to deliver a maximum of 68,000 Mcf per year with a daily maximum of about 585 Mcf of natural gas. The cost of these facilities is estimated to be $2,800, which will be paid from general funds of Applicant.

Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 27th day of March 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3200; Filed, Mar. 12, 1951; 8:46 a. m.]

FEDERAL RESERVE SYSTEM

VOLUNTARY CREDIT RESTRAINT

REQUEST TO FINANCING INSTITUTIONS

This "Request" is addressed to all financing institutions in the United States, including without limitation all individuals, firms, partnerships, corporations and other organizations of any kind which are engaged in the business of extending credit, making loans, or purchasing, discounting, selling, distributing, dealing in, or underwriting securities, any and all of such institutions being hereinafter referred to as "financing institutions".

Pursuant to the provisions of section 708 of the Defense Production Act of 1950 (hereinafter called the "act") and of section 701 of Executive Order No. 10161, the Board of Governors of the Federal Reserve System has consulted with representatives of financing with a view to encouraging the making of voluntary agreements and programs to further the objectives of the act. As a result of such consultations, such representatives have prepared a "Program for Voluntary Credit Restraint", including as a part thereof a Statement of Principles, the entire document being hereinafter referred to as the "Program". The Program is set forth below.

The Board of Governors of the Federal Reserve System hereby approves the Program and finds the Program to be in the public interest as contributing to the national defense. Under section 708 of the act and section 701 of the said order, acts or omissions to act pursuant to this Request and the Program which occur while said section 708 is in effect and before the withdrawal of this Request or of the finding of the Board in the preceding sentence are not construed to be within the prohibitions of the antitrust laws or the Federal Trade Commission Act of the United States.

The Board of Governors of the Federal Reserve System has consulted with the Attorney General and with the Chairman of the Federal Trade Commission on and before February 5, 1951, said date being not less than 10 days before the date of this Request, with regard to the provisions of the Program, the finding by the Board above mentioned and this Request; and the Attorney General has given his approval to the making of this Request.

Every financing institution in the United States is hereby requested by the Board of Governors of the Federal Reserve System to act, and to refrain from acting, pursuant to and in accordance with the provisions of the Program. The national committee which is to be set up pursuant to the provisions of the Program, each and every subcommittee set up pursuant to the provisions of the Program, and each and every individual who may become a member of said national committee or of any of said subcommittees are hereby requested by the Board of Governors of the Federal Reserve System to act, and to refrain from acting, pursuant to and in accordance with the provisions of the Program.

By order of the Board of Governors of the Federal Reserve System this 9th day of March 1951.

[SEAL] S. R. CARPENTER,
Secretary.

PROGRAM FOR VOLUNTARY CREDIT RESTRAINT

PREAMBLE

The task of restraining strong inflationary pressures is one of the most difficult and most important in the whole range of economic problems today.

One part of this task—the restraint of unnecessary credit expansion—presents a challenge to the financing institutions throughout the nation.

Section 708 of the Defense Production Act of 1950 authorizes the President to encourage financing institutions to enter into voluntary agreements and programs to restrain credit, which will further the objectives of that act. By executive order, the President has delegated to the Board of Governors of the Federal Reserve System his authority with respect to financing under this section of the act upon the required condition that it consult with the Attorney General and with the Chairman of the Federal Trade Commission, and that it obtain the approval of the Attorney General before requesting actions under such voluntary agreements and programs.

At the invitation of the Board, and in company with it, representatives of the American Bankers Association, the Life Insurance Association of America and the Investment Bankers Association of America have been examining the possibilities of this method of credit restraint.

While it is recognized that the proposed Program is addressed only to one limited source of inflationary pressure, the vital importance of this problem to the stability of the economy, and the necessity to extend credit only in such a way as to restrain inflationary pressures outside the financing of the defense program should be emphasized to all financing institutions.

It is appropriate to point out that this Program of voluntary credit restraint does not have to do with such factors as inflationary lending by federal agencies, unnecessary spending, federal, state or local, and the wage-price spiral and other much more seriously contributing factors. These should be vigorously dealt with at the proper places. It assumes that the proper governmental authorities will exercise the requisite fiscal and monetary controls.

DEFINITIONS

As used herein:

The terms "financing institution" or "financing institutions" mean banks, life insurance companies, investment bankers engaged in the underwriting, distribution, dealing or participating, as agents or otherwise, in the offering, purchase or sale of securities, and such other types or groups of financial institutions as the Board of Governors of the Federal Reserve System may invite to participate in the Program.

The terms "loan", "loans", "lending" and "credit", in addition to their ordinary connotations, mean the supplying of funds through the underwriting and distribution of securities (either on a firm commitment, agency or "best efforts" basis), the making or assisting in the making of direct placements, or otherwise participating in the offering or distribution of securities.

STATEMENT OF PRINCIPLES

Pursuant to the provisions of section 708 (a) of the Defense Production Act of 1950, and with the approval of the Board of Governors of the Federal Reserve System in accordance with the functions delegated to it by section 701 (a) (2) of Executive Order 10161, this Statement of Principles has been drafted to which all financing institutions are asked to conform.

It shall be the purpose of financing institutions to extend credit in such a way as to help maintain and increase the strength of the domestic economy through the restraint of inflationary tendencies and at the same time to help finance the defense program and the essential needs of agriculture, industry and commerce.

Inflation may be defined as a condition in which the effective demand for goods and services exceeds the available supply, thus exerting an upward pressure on prices.

Any increase in lending at a more rapid rate than production can be increased exerts an inflationary influence. Under present conditions of very high employment of labor, materials and equipment, the extension of loans to finance increased output will have an initial inflationary effect; but loans which ultimately result in a commensurate increase in production of an essential nature are not inflationary in the long run whatever their temporary effect may be. It is most important, however, that loans for nonessential purposes be curtailed in order to release some of the nation's resources for expansion in more vital areas of production.

Cooperation with this program of credit restraint makes it increasingly necessary for financing institutions to screen loan applications on the basis of their purpose, in addition to the usual tests of credit worthiness. The criterion for sound lending in a period of inflationary danger boils down to the following: Does it commensurately increase or maintain production, processing and distribution of essential goods and services?

In interpretation of the foregoing, the following types of loans would be classified as proper:

1. Loans for defense production, direct or indirect, including fuel, power, and transportation.

2. Loans for the production, processing and orderly distribution of agricultural and other staple products, including export and import as well as domestic, and of goods and services supplying the essential day-to-day needs of the country.

3. Loans to augment working capital where higher wages and prices of materials make such loans necessary to sustain essential production, processing or distribution services.

4. Loans to securities dealers in the normal conduct of their business or to them or others incidental to the flotation and distribution of securities where the money is being raised for any of the foregoing purposes.

This Program would not seek to restrict loans guaranteed or insured, or authorized as to purpose by a Government agency, on the theory that they should be restricted, in accordance with national policy, at the source of guaranty or authorization. Financing institutions would not be restricted in honoring previous commitments.

The following are types of loans which in general financing institutions should not make under present conditions, unless modified by the circumstances of the particular loan so as not to be inconsistent with the principles of this Program:

1. Loans to retire or acquire corporate equities in the hands of the public, including loans for the acquisition of existing companies or plants where no overall increase of production would result.

2. Loans for speculative investments or purchases. The first test of speculation is whether the purchase is for any purpose other than use or distribution in the normal course of the borrower's business. The second test is whether the amounts involved are disproportionate to the borrower's normal business operations.[1] This would include speculative expansion of real estate holdings or plant facilities as well as speculative accumulation of inventories in expectation of resale instead of use.

The foregoing principles should be applied in screening as to purpose on all loans on securities whether or not covered by Regulations U or T.

[1] Loans additional to those needed for a borrower's normal business may, of course, be regarded as proper when they are for the purpose of defense production or otherwise conform to the types of loans listed as proper in this Statement of Principles.

Recognizing that the maximum estimate of the percentage of our 1951 production which will be devoted directly or indirectly to national defense is between 20 percent and 30 percent, a very substantial proportion of the lending of the country will be devoted to the financing of the production and growth of our industrial and commercial community. In these circumstances, it is felt that each financing institution can help accomplish the objectives outlined above by careful screening of each application for credit extension.

In carrying out such screening, financing institutions should not only observe the letter of the existing regulations of the Board of Governors of the Federal Reserve System with respect to real estate credit, consumer credit, security loans, etc., but should also apply to all their lending the spirit of these and such other regulations and guiding principles as the Government may from time to time announce in the fight against inflation.

This Program is necessarily very general in nature. It is a voluntary Program to aid in the over-all efforts to restrain inflation. To be helpful, this Program must rely on the good will of all financing institutions and the over-all intention to comply with its spirit.

PROCEDURE FOR IMPLEMENTING THE PROGRAM

Pursuant to the provisions of section 708 (b) and (c) of the Defense Production Act of 1950, and upon full compliance with the terms and conditions thereof:

1. A "Voluntary Credit Restraint Committee" (hereinafter referred to as "the Committee") will be appointed by the Board of Governors of the Federal Reserve System (hereinafter referred to as "the Board"). Members shall be appointed for such terms as the Board may prescribe. Initially, the Committee will consist of twelve members, four representing the life insurance companies, four representing the investment bankers, and four representing the banks. The membership of the Committee may from time to time be expanded as deemed advisable or appropriate by the Board to insure adequate representation thereon of other types or groups of financing institutions which may participate in the Program. In selecting and appointing the members of the Committee, the Board shall have due regard to fair representation thereon for small, for medium and for large financing institutions, and for different geographical areas. The Committee will:

(a) With such assistance from the Board and the Federal Reserve Banks as may be necessary, distribute this statement of the Program, including the Statement of Principles, to financing institutions to such extent as may be deemed desirable in view of any distribution previously made;

(b) Appoint the subcommittees referred to below in 2;

(c) Meet for the purpose of considering the functioning of the Program, advising the Board with respect thereto, and suggesting for the consideration of the Board such changes in the Program, including the Statement of Principles, as may from time to time appear appropriate. Meetings of the Committee shall be held at the call of an official of the Federal Reserve System, designated by the Board; shall be under the chairmanship of such an official; and an agenda for such meetings shall be prepared by such an official. Full and complete minutes of each meeting shall be made by such an official and copies shall be kept in the files of the Board available for public inspection.

2. Subcommittees may be established for each type of financing institution participating in the Program. One of the members of each subcommittee located in any city in which there is a Federal Reserve Bank or branch thereof will be a Federal Reserve representative designated by the Board of Governors of the Federal Reserve System or by such Federal Reserve Bank or branch; and such member shall attend each meeting of the subcommittee. For the investment bankers, the life insurance companies, and the banks there may in each case be one or more subcommittees organized. All such subcommittees will meet only for the purposes specified in the Program; will maintain records of their actions; and will make reports directly to the Committee regarding the actions taken by them, including statements of the types of cases considered and the nature of the advice given. The subcommittees will be available for consultation with individual financing institutions to assist them in determining the application of the Statement of Principles with respect to specific loans for which application has been made to such financing institutions. In consulting with a subcommittee, a financing institution shall not be required to disclose the identity of the applicant for any loan. No financing institution shall be required to consult with any subcommittee with respect to any loan or loans, or any application or applications therefor. Consultation with a subcommittee shall be wholly within the individual and independent discretion of a financing institution. The final decision with respect to making or refusing to make any particular loan or loans shall likewise remain wholly within the individual and independent discretion of each financing institution, whether or not it has consulted with any of the subcommittees.

In setting up the subcommittees, the Committee shall have due regard for fair representation thereon for small, for medium and for large financing institutions, and for different geographical areas. It shall also inform the Board of all subcommittee appointments.

3. The Committee shall be furnished with such compilations of statistical data on extension of credit by financing institutions as may be required to show the amounts and direction of credit use and to watch the operation of the Program. Such statistics shall be compiled by the Board. To assist the Board in making such compilations, data shall be supplied for the investment bankers, jointly by the Investment Bankers Association and the National Association of Securities Dealers, and for the life insurance companies, jointly by the Life Insurance Association of America and the American

Life Convention. Compilations of data made by the Board shall not reveal the identity of individual financing institutions or borrowers. Such compilations shall be kept on file with the Board and shall be available for public inspection.

4. Financing institutions participating in the Program will keep records of individual loans, as to purpose, in such form as to be available for future analysis.

5. Any change in the Program, including the Statement of Principles, shall be passed upon by the Committee and shall be made in accordance with the requirements of section 708 of the Defense Production Act of 1950.

All actions pursuant to and under the Program will be automatically terminated by all participating financing institutions as of the termination of the authority conferred under section 708 of the Defense Production Act of 1950; or upon withdrawal by the Board of its request for action under the Program. If the Committee, after study of the operation of the Program, concludes that it is no longer necessary or is not making a substantial contribution to the solution of the problem for which the Program was established, it shall so advise the Board.

[F. R. Doc. 51-3286; Filed, Mar. 9, 1951; 5:04 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25892]

SULPHURIC ACID FROM EAST ST. LOUIS, ILL., AND ST. LOUIS, MO., TO DAVIS, MISS.

APPLICATION FOR RELIEF

MARCH 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for Missouri Pacific Railroad Company, St. Louis-San Francisco Railway Company and St. Louis Southwestern Railway Company pursuant to fourth section order No. 16101.

Commodities involved: Sulphuric acid, in tank-car loads.

From: East St. Louis, Ill., and St. Louis, Mo.

To: Davis, Miss.

Grounds for relief: Circuitous routes and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3201; Filed, Mar. 12, 1951; 8:47 a. m.]

[4th Sec. Application 25893]

CLASS RATES BETWEEN OFFICIAL TERRITORY AND EASTERN CANADA

APPLICATION FOR RELIEF

MARCH 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and L. C. Schuldt, Agents, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-721 and Agent L. C. Schuldt's tariff I. C. C. No. 3814.

Involving: Class rates.

Between: Points in official territory and points in eastern Canada generally north of Montreal and west of Megantic and Levis, Que.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-721, Supp. 73; L. C. Schuldt's tariff I. C. C. No. 3814, Supp. 48.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3202; Filed, Mar. 12, 1951; 8:47 a. m.]

[4th Sec. Application 25894]

LOGS FROM HARRODSBURG, KY., TO SMYRNA, TENN.

APPLICATION FOR RELIEF

MARCH 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for Louisville and Nashville Railroad Company, The Nashville, Chattanooga & St. Louis Railway and Southern Railway Company.

Commodities involved: Logs, native wood, carloads.

From: Harrodsburg, Ky.

To: Smyrna, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 890, Supp. 177.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3203; Filed, Mar. 12, 1951; 8:48 a. m.]

[4th Sec. Application 25895]

PIG IRON FROM DAINGERFIELD AND LONE STAR, TEX., TO POINTS IN WISCONSIN

APPLICATION FOR RELIEF

MARCH 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties tariff to his I. C. C. No. 3599.

Commodities involved: Pig iron, carloads.

From: Daingerfield and Lone Star, Tex.

To: Points in Wisconsin.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3599, Supp. 74.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3204; Filed, Mar. 12, 1951; 8:48 a. m.]

[4th Sec. Application 25896]

ETHYLENE GLYCOL FROM PORT NECHES, TEX., TO CLEVELAND, OHIO, AND LATROBE, PA.

APPLICATION FOR RELIEF

MARCH 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3721.

Commodities involved: Ethylene glycol, in tank-car loads.

From: Port Neches, Tex.

To: Cleveland, Ohio, and Latrobe, Pa.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3721, Supp. 171.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3205; Filed, Mar. 12, 1951; 8:48 a. m.]

[4th Sec. Application 25897]

MANGANESE FROM EMCO, ALA., TO HOUSTON, TEX.

APPLICATION FOR RELIEF

MARCH 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3899.

Commodities involved: Ferro-manganese, ferro-silicon, silico-manganese and zirconium-ferro-silicon, carloads.

From: Emco, Ala.

To: Houston, Tex.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3899, Supp. 37.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3206; Filed, Mar. 12, 1951; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-184]

UNITED CORP.

ORDER MAKING LIST OF STOCKHOLDERS AVAILABLE FOR INSPECTION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of March A. D. 1951.

Randolph Phillips, a common stockholder of the United Corporation and Chairman of the Committee for the Common Stockholders of the United Corporation, having filed a petition requesting that the Commission: (1) Direct United to include in its solicitation material for the 1951 annual stockholders' meeting the names of two nominees of the Committee among the seven nominees for directors for whom proxies are to be solicited; (2) find that any board of directors of United which includes directors originally nominated to represent the preferred stock would be unrepresentative and contrary to the standards of sections 11 (b) (2) and 12 (e) of the Public Utility Holding Company Act of 1935; (3) find that the incumbent board is unrepresentative since it excludes representatives of the 22,000 stockholders who voted against the board; (4) take steps for the enforcement of cumulative voting in time to be effective for the 1951 annual meeting; (5) direct United to mail proxy forms furnished by petitioner to United's common stockholders; (6) direct United to make available to petitioner stockholders' lists; (7) direct United to appoint as inspectors of election at the 1951 meeting one person designated by the management and one by opposition stockholders; (8) if it denies the relief requested to include two nominees of the Committee among the seven nominees for directors, prohibit United from expending any funds for proxy solicitation to elect the three nominees of the management opposed by petitioner and the Committee;

United having filed an answer to the petition opposing the granting of any of the relief requested by Phillips;

Phillips having filed certain solicitation material pursuant to Regulation X-14 promulgated under the Securities Exchange Act of 1934 under which regulation a procedure is available to petitioner pursuant to Rule X-14A-7 for securing the mailing of the material by the company;

A plan having been filed by United under section 11 (e) of the Holding Company Act, hearings thereon having been concluded, briefs filed and oral argument held, the Commission having taken the matter under advisement, and the said petition appearing in the main to request summary action, in advance of a determination of the issues in the section 11 (e) proceeding, granting relief of similar nature to that requested by petitioner in that proceeding;

The Commission having not as yet reached a determination of the issues in the section 11 (e) proceeding and being of the opinion, under all the circumstances, that such interim summary relief is not appropriate in the public interest;

It is ordered, That United make available at its New York office for inspection by petitioner and his representatives a list of all the common stockholders of record as of the close of business on the record date selected for voting at the 1951 annual meeting, including the address of and number of shares owned by each such holder; and

It is further ordered, That in all other respects the said petition be and it is hereby denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3189; Filed, Mar. 12, 1951; 8:45 a. m.]

[File No. 70-2464]

NEW ENGLAND GAS & ELECTRIC ASSN. AND NEW HAMPSHIRE ELECTRIC CO.

ORDER GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of March A. D. 1951.

New England Gas & Electric Association ("Negea"), a registered holding company, and its public utility subsidiary, New Hampshire Electric Company ("New Hampshire"), having filed a joint application-declaration regarding the surrender by Negea to New Hampshire of all the common stock of New Hampshire in exchange for 14,000 shares of $4.50 preferred stock and 150,000 shares of common stock and the sale of the preferred stock to underwriters

and the underwritten offer of sale of the common stock to its stockholders, both pursuant to the competitive bidding requirements of Rule U-50, and the donation by Negea to New Hampshire of all the common stock of Kittery Electric Light Company ("Kittery"); and

New Hampshire having applied for an order pursuant to section 3 (a) (2) exempting it from the provisions of the act upon acquisition of all the common stock of Kittery; and

Public hearings having been held after appropriate notice, and the Commission having considered the record and filed its findings and opinion herein:

It is ordered, That said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and to the further condition that the proposed issuance and sale by New Hampshire of the preferred and common stocks of New Hampshire shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record herein and a further order shall be entered with respect thereto, which order shall contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction be, and the same, hereby is, reserved.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over all fees and expenses to be incurred in connection with the proposed transactions.

It is further ordered, Pursuant to section 3 (a) (2) of the act, that New Hampshire, upon acquisition of the common stock of Kittery, be, and the same hereby is, exempted as a holding company from all the provisions of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3169; Filed, Mar. 12, 1951; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17452]

DR. HERZFELD-WUESTHOFF

In re: Debts owing to Dr. Herzfeld-Wuesthoff, also known as Dr. Ing. Frank Herzfeld-Wuesthoff, as Dr. Ing. F. Herzfeld-Wuesthoff and as Dr. F. Wuesthoff. F-28-22130; C-2, C-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Herzfeld-Wuesthoff, also known as Dr. Ing. Frank Herzfeld-Wuesthoff, as Dr. Ing. F. Herzfeld-Wuesthoff and as Dr. F. Wuesthoff, whose last known address is Unter der Linden 21, Berlin W8, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Dr. Herzfeld-Wuesthoff, also known as Dr. Ing. Frank Herzfeld-Wuesthoff, as Dr. Ing. F. Herzfeld-Wuesthoff and as Dr. F. Wuesthoff, by Behr-Manning Corporation, Troy, New York, arising out of an account resulting from legal services rendered to said Behr-Manning Corporation, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Dr. Herzfeld-Wuesthoff, also known as Dr. Ing. Frank Herzfeld-Wuesthoff, as Dr. Ing. F. Herzfeld-Wuesthoff and as Dr. F. Wuesthoff, by Whittemore, Hulbert & Belknap, 3053 Penobscot Building, Detroit 16, Michigan, arising out of an account resulting from legal services rendered to said Whittemore, Hulbert & Belknap, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Dr. Herzfeld-Wuesthoff also known as Dr. Ing. Frank Herzfeld-Wuesthoff, as Dr. Ing. F. Herzfeld-Wuesthoff and as Dr. F. Wuesthoff, by Pierce & Scheffler, 1319 F Street NW., Washington 4, D. C., arising out of a credit balance resulting from legal services rendered to said Pierce & Scheffler, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation owing to Dr. Herzfeld-Wuesthoff also known as Dr. Ing. Frank Herzfeld-Wuesthoff, as Dr. Ing. F. Herzfeld-Wuesthoff and as Dr. F. Wuesthoff, by Haseltine, Lake & Co., 19 West 44th Street, New York 18, New York, arising out of an account resulting from legal services rendered to said Haseltine, Lake & Co., together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3175; Filed, Mar. 9, 1951; 8:55 a. m.]

[Vesting Order 17473]

CREDIT SUISSE

In re: Accounts maintained in the name of Credit Suisse, Neuchatel, Switzerland, and owned by persons whose names are unknown. F-63-60 (Neuchatel).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on February 28, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column I	Column II
Name and address of institution which maintains account.	Designation of account
Credit Suisse, New York Agency, 30 Pine St., New York 5, N. Y.	a. Current account; b. General ruling No. 6 account, and c. Miscellaneous portfolio of stocks, as described by Credit Suisse, New York Agency, in its report on form OAP-700, bearing its serial No. 25.

[F. R. Doc. 51-3179; Filed, Mar. 9, 1951; 8:56 a. m.]

[Vesting Order 17446]

ANNA ELISABETH OTTO-SARAUW

In re: Bonds and bank account owned by Anna Elisabeth Otto-Sarauw. F-28-31117-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Elisabeth Otto-Sarauw, who on or since the effective date of Executive Order 8389, as amended, and on or, since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) New York Central Railroad Co., Refunding and Improvement 4½ Percent, Series A, Mortgage Bearer Bond, of $1,000 face value, bearing the number 40754, presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, in an account entitled "Banque Cantonale de Zurich, Zurich, Clients Account Blocked Account," together with any and all rights thereunder and thereto,

b. Two (2) Southern Pacific Co., (Oregon Lines) First Mortgage 4½ Percent Series A Bearer Bonds of $1,000 face value each, bearing the numbers 19358 and 38949, presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, in an account entitled "Banque Cantonale de Zurich, Zurich, Clients Account Blocked Account," together with any and all rights thereunder and thereto,

c. One (1) Kingdom of Denmark 34 Year External Loan 4½ Percent Bearer Bond of $1,000 face value, bearing the number M49476, presently in the custody of Brown Brothers Harriman and Co., 59 Wall Street, New York 5, New York, in an account entitled "Banque Cantonale de Zurich, Zurich, Clients Account Blocked Account," together with any and all rights thereunder and thereto,

d. One (1) Kingdom of Denmark 30 Year External Loan 5½ Percent Bearer Bond of $1,000 face value, bearing the number M22058, presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, in an account entitled "Banque Cantonale de Zurich, Zurich, Clients Account, Blocked Account," together with any and all rights thereunder and thereto, and

e. That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, in the amount of $389 as of January 19, 1951, held in an account entitled "Banque Cantonale de Zurich, Zurich, Clients Account, General Ruling No. 6 Account," maintained with the aforesaid company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anna Elisabeth Otto-Sarauw, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3171; Filed, Mar. 9, 1951; 8:54 a. m.]

[Vesting Order 17441]

JAPANESE CHINAWARE AND NOVELTY IMPORTERS' ASSN. OF NEW YORK

In re: Bank account owned by Japanese Chinaware and Novelty Importers' Association of New York. D-39-292.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation:

1. It is hereby found that Morimura Bros., Inc., the last known address of which is Japan, is a corporation, partnership, association, or other business organization, organized under the laws of Japan and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. It having been found and determined under the vesting orders, the numbers and dates of which are set forth below, that the following named companies are nationals of a designated enemy country (Japan);

Name	Vesting order	Date
Haruta & Co., Inc.	173	Sept. 8, 1942
Mogi, Mamonoi & Co.	92	Aug. 6, 1942
Nagoya Saito Kaisha, Ltd.	170	Sept. 28, 1942
	370	Nov. 18, 1942
Taiyo Trading Co., Inc.	147	Sept. 17, 1942
	387	Nov. 19, 1942

3. It is hereby found that Japanese Chinaware and Novelty Importers' Association of New York is a voluntary unincorporated association, whose principal place of business is in New York, New York, and is or, since the effective date of Executive Order 8389, as amended, has been controlled, directly or indirectly by the aforesaid Haruta and Company, Inc., Morimura Bros., Inc., Mogi, Mamonoi & Company, Nagoya Saito Kaisha, Ltd., and Taiyo Trading Company, Inc., and is a national of a designated enemy country (Japan);

4. It is hereby found that the property described as follows: That certain debt or other obligation owing to Japanese Chinaware and Novelty Importers' Association of New York, by Central Hanover Bank and Trust Company, 70 Broadway, New York, New York, arising out of a checking account, entitled Japanese Chinaware and Novelty Importers' Association of New York, maintained at the aforesaid company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Japanese Chinaware and Novelty Importers' Association of New York, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

5. That Japanese Chinaware and Novelty Importers' Association of New York is controlled by, or acting for or on behalf of, a designated enemy country (Japan), or persons within such country, and is a national of a designated enemy country (Japan); and

6. That to the extent that the persons named in subparagraphs 1, 2 and 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3169; Filed, Mar. 9, 1951; 8:54 a. m.]

[Vesting Order 17383]

CHARLOTTE SCHEPELMANN

In re: Stock owned by Charlotte Schepelmann. F-28-31225.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charlotte Schepelmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Twenty-five (25) shares of $1.00 par value common capital stock of New Mexico Gold Producers Corporation, evidenced by a certificate numbered 531, registered in the name of Charlotte Schepelmann, and presently in the custody of the Department of State, Division of Protective Services, 515 Twenty-second Street NW., Washington, D. C., together with all declared and unpaid dividends thereon,

b. Two (2) shares of $20.00 par value common capital stock of American Commercial Alcohol Corporation, evidenced by a certificate numbered CO10257, registered in the name of Miss Charlotte Schepelmann, and presently in the custody of the Department of State, Division of Protective Services, 515 Twenty-second Street NW., Washington, D. C., together with all declared and unpaid dividends thereon, and

c. One (1) Scrip Certificate for four-fifths (4/5) share of $20.00 par value common capital stock of American Distilling Company, 247 Park Avenue, New York, New York, said certificate numbered SC680 and presently in the custody of the Department of State, Division of Protective Services, 515 Twenty-second Street NW., Washington, D. C., and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-3219; Filed, Mar. 12, 1951; 8:52 a. m.]

[Vesting Order 17430]

INDUSTRIAL BANK OF JAPAN, LTD.

In re: Bonds owned by the Industrial Bank of Japan, Ltd. F-39-132-A-1/2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the Industrial Bank of Japan, Ltd., the last known address of which is Tokyo, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Twenty-two (22) Russian Imperial Government six and one-half percent (6½ percent) bonds, due June 18, 1919, of Twenty-five Thousand Dollar ($25,000.00) face value each, bearing the numbers D688/809, both inclusive, registered in the name of The Industrial Bank of Japan, Ltd., Tokyo, Japan, presently in the custody of The Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, together with any and all rights thereunder and thereto, and

b. Fifty (50) Russian Imperial Government six and one-half percent (6½ percent) bonds, due June 18, 1919, of Ten Thousand Dollar ($10,000.00) face value each, registered in the name of William Mehte (nominee) and bearing the numbers C18/67, both inclusive, presently in the custody of The National City Bank, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-3221; Filed, Mar. 12, 1951; 8:52 a. m.]

[Vesting Order 17475]

HELEN KURZ ET AL.

In re: Rights of Helen Kurz et al., under insurance contracts. File Nos. F-28-28976-H-2, H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helen Kurz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Helen Kurz, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies numbered 66967565 and 84746865, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Helen Kurz, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid The Prudential Insurance Company of America, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Helen Kurz or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Helen Kurz, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Helen Kurz, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 1, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3222; Filed, Mar. 12, 1951; 8:53 a. m.]

[Vesting Order 17486]

JAPAN

In re: Debt owing to Japan. F-39-4691-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: That certain debt or other obligation of The Northern Trust Company, 50 South LaSalle Street, Chicago 90, Illinois, in the amount of $10,043.00 as of December 31, 1945, representing a portion of a checking account entitled Kahachiro Omori, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3224; Filed, Mar. 12, 1951; 8:53 a. m.]

[Vesting Order 17393]

AMALIE STOCKMANN ET AL.

In re: Stocks and bank account owned by Amalie Stockmann, Heinrich Borchers and Agnes Borchers. D-28-12969.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Amalie Stockmann, Heinrich Borchers and Agnes Borchers, whose last known addresses is Junkerstrasse 34, Oldenburg i/Oldenburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Six and one-half (6½) shares of preferred stock of Pacific Steamship Lines, Lt., San Francisco, California, a corporation organized under the laws of the State of California, evidenced by certificate numbered P 703, in the name of Haydn P. Phennah, and endorsed by him in blank, and presently in the custody of H. Otto Giese, Hoge Building, Seattle, Washington, together with all declared and unpaid dividends thereon,

b. Twenty (20) shares Class A common stock of Pacific Steamship Lines, Ltd., San Francisco, California, a corporation organized under the laws of the State of California, evidenced by certificate numbered A 1535, in the name of Haydn P. Phennah, and endorsed by him in blank, and presently in the custody of H. Otto Giese, Hoge Building, Seattle, Washington, together with all declared and unpaid dividends thereon, and

c. That certain debt or other obligation of Seattle Trust and Savings Bank, Seattle, Washington, arising out of Blocked Account numbered 3282, designated "Estate of Louis S. Borchers, Deceased, by H. Otto Giese, Trustee," maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Amalie Stockmann, Heinrich Borchers and Agnes Borchers, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 15, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3220; Filed, Mar. 12, 1951; 8:52 a. m.]

[Vesting Order 17485]

GERMAN NATIONALS

In re: Debt owing to German nationals whose names are unknown. D-28-12526-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described in subparagraph 4 hereof was received by Upright Associates, 45 East 17th Street, New York, New York, for deposit in a safekeeping account at Manufacturers Trust Company, 221 4th Avenue, New York 4, New York, under the designation

Upright Associates Special Blocked Account;

2. That although the names of the owners of the property described in subparagraph 4 hereof are not available, such persons are within Germany;

3. That the owners of the property described in subparagraph 4 hereof who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

4. That the property described as follows: That certain debt or other obligation of Upright Associates, 45 East 17th Street, New York, New York, in the amount of $3,108.69, representing funds collected by said Upright Associates for and on behalf of the persons identified in subparagraph 3 hereof, deposited in an account with Manufacturers Trust Company, 221 Fourth Avenue, New York 4, New York, entitled Upright Associates Special Blocked Account, and thereafter withdrawn from said account by said Upright Associates, together with any and all accruals thereto and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the persons referred to in subparagraph 3 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons referred to in subparagraph 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3223; Filed, Mar. 12, 1951; 8:53 a. m.]

[Return Order 870]

KONINKLIJKE INDUSTRIEELE MAATSCHAPPIJ VOORHEEN NOURY AND VAN DER LANDE N. V.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Koninklijke Industrieele Maatschappij Voorheen Noury & Van der Lande N. V., Deventer, The Netherlands; Claim No. 6531; December 28, 1950 (15 F. R. 9368); property described in the following Vesting Orders:

SCHEDULE A—PATENTS ASSIGNED TO KONINKLIJKE INDUSTRIEELE MAATSCHAPPIJ VOORHEEN NOURY & VAN DER LANDE N. V.

[Vested by Vesting Order No. 671]

Patent No.	Date Issued	Inventor	Title	Assigned
2,043,940	6- 9-36	E. Van Thiel	Apparatus for the Manufacture of Yeast	5- 2-[illegible]
2,081,097	5-18-37	W. Reinders	Manufacture of Hydrogen Peroxide	3-29-[illegible]
2,105,438	1-11-38	H. Hartman	Process and Apparatus for Producing Percompounds.	6-18-[illegible]
2,117,255	8- 8-39	R. Priester	Resins and Process of Making Same	8-15-[illegible]
2,118,903	5-31-38	E. Staudt	Process for the Manufacture of Nitrogen Trichloride.	6-28-[illegible]
2,118,904	5-31-38	E. Staudt, G. Van der Lee	Process for the Manufacture of Chloro Amines	6-28-[illegible]
2,119,188	5-31-38	B. L. M. Van der Lande, E. Van Thiel.	Process for Aerating Liquids in the Production of Yeast.	7-12-[illegible]
2,128,732	8-30-38	R. Priester	Process for Manufacturing Driers	12-16-[illegible]
2,153,014	4-25-39	G. Van der Lee	Process for the Preparation of a Bleaching and Sterilizing Agent.	2-14-[illegible]
2,163,868	6-27-39	J. A. L. Van der Lande	Process for the Production of Hydrogen Peroxide	7-21-[illegible]
2,185,967	1- 2-40	R. Priester	Linoxin Like Material and Process of Manufacture.	5-[illegible]
2,195,225	3-26-40	do	Process for the Manufacture of Drying Oil from Castor Oil.	11-25-[illegible]
2,199,942	5- 7-40	E. Staudt	Process for Producing Nitrogen Trichloride	5-12-[illegible]
2,226,830	12-31-40	R. Priester	Process for the Manufacture of Drying Oils	12-16-[illegible]
2,226,831	12-31-40	do	do	12-16-[illegible]
2,228,154	1- 7-41	do	Drying Oil and Process of Making Same	6-[illegible]
2,248,050	7- 8-41	G. Van der Lee	Process for Producing Nitrogen Trichloride	2-[illegible]
2,280,082	4-21-42	R. Priester	Manufacture of Drying Oils	6-2-[illegible]

PATENT APPLICATIONS ASSIGNED TO KONINKLIJKE INDUSTRIEELE MAATSCHAPPIJ VOORHEEN NOURY & VAN DER LANDE N. V.

[Vested by Vesting Order No. 291]

Serial No.	Date filed	Inventor	Title	Assigned
164,089 (now Pat. No. 2,301,430).	9-21-37	G. Van der Lee	Stable Mixtures Containing Levoascorbic Acid or the Like.	9-[illegible]
310,261 (now Pat. No. 2,351,970).	12-20-39	M. P. J. M. Janssen	Process for the Separation of Yeast from Yeast Suspensions.	11-[illegible]
362,482 (now Pat. No. 2,309,273).	10-24-40	R. Priester	Making Drying Oils	10-[illegible]
386,748 (now Pat. No. 2,344,420).	4- 3-41	D. W. van Gelder	Process of Purifying Acid Solutions.	Sulphuric [illegible]
413,022 (now Pat. No. 2,356,632).	9-30-41	B. J. Van den Dool	Pill Box	[illegible]

[Vested by Vesting Order No. 1526]

820,517	2-26-40	C. S. Neuberg	Process for the Production of Saccharic Acid.	[illegible]

[1] The date in parenthesis refers to the date of issuance of the patent.

[F. R. Doc. 51-3227; Filed, Mar. 12, 1951; 8:54 a. m.]

[Vesting Order 16424, Amdt.]

MRS. HERMANN ROESING ET AL.

In re: Rights of Mrs. Hermann Roesing et al., under insurance contracts. File Nos. F-28-30641 H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

Vesting Order 16424 dated December 13, 1950, is hereby amended to read as follows:

1. That Mrs. Hermann Roesing, also known as Gabriele Paula Roesing, Mario Helm, Hermann Max Fritz Roesing, Gerd Udo Ellerbroek, Antje Kathrin Ellerbroek and Mrs. George (Georg) Hirschfeld, also known as Ada Hirschfeld, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies numbered 122552 and 124607, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Phillip H. N. Wustendorfer, together with the right to demand, receive and collect said net proceeds,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 1, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3225; Filed, Mar. 12, 1951; 8:53 a. m.]

[Return Order 850]

ENRICO PHILIPPI

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Enrico Philippi, New York, N. Y.; Claim No. 4392; September 30, 1950 (15 F. R. 6622); $1,870.87 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 6, 1951.

For the Attorney General.

HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3226; Filed, Mar. 12, 1951; 8:54 a. m.]

[Return order 871]

N. V. NOURY & VAN DER LANDE'S EXPLOITATIEMAATSCHAPPIJ

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, Notice of Intention To Return Published, and Property

N. V. Noury & Van der Lande's Exploitatiemaatschappij, Deventer, The Netherlands; Claim No. 6532; Dec. 22, 1950 (15 F. R. 9216); property described in Vesting Order No. 671 (8 F. R. 5004, April 17, 1943) relating to United States Letters Patent Nos. 1,866,412; 2,149,682 and 2,156,737. Property described in Vesting Order No. 1550 (8 F. R. 8564, June 22, 1943) as Transaction Control No. 312, relating to a disclosure of invention entitled "Improvement of the Baking Strength of Flour", inventor Hanns John. This return shall not be deemed to include the rights of any licensees under the above patents, or disclosure of invention.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 7, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3228; Filed, Mar. 12, 1951; 8:54 a. m.]

[Return Order 896]

PAUL GARNIER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Paul Garnier, Lyon, France; Claim No. 29556; January 23, 1951 (16 F. R. 636); property described in Vesting Order No. 1028 (8 F. R. 4205, April 2, 1943) relating to United States Patent Application Serial No. 451,094. This return shall not be deemed to include the rights of any licensees under the above patent application.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 7, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3229; Filed, Mar. 12, 1951; 8:55 a. m.]

MAR 16 '51

FEDERAL REGISTER

VOLUME 16 NUMBER 50

Washington, Wednesday, March 14, 1951

TITLE 3—THE PRESIDENT

PROCLAMATION 2918

"I AM AN AMERICAN DAY", 1951

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the United States of America, built by millions of devoted, faithful, and vigilant men and women of many races and creeds, carries high the Torch of Liberty, not only to guide our own people, but also to light the way for other freedom-loving peoples; and

WHEREAS in this tense period of world history our Nation must strengthen its unity of purpose through increased devotion to the fundamental principles of individual liberty, equal opportunity, and justice for all; and

WHEREAS it is especially fitting at this time that each and every citizen of the United States, whether native or naturalized, should renew his faith in the ideals that form the foundation upon which our country has been built into a mighty force for the advancement of freedom's cause:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the Congress through Public Resolution 67, approved May 3, 1940 (54 Stat. 178), do hereby designate Sunday, May 20, 1951, as "I Am An American Day", and do set aside that day as a public occasion for the recognition, observance, and commemoration of United States citizenship, and for the special recognition of those of our youth who have attained their majority and of those foreign-born who have become citizens through naturalization during the past year.

I also urge Federal, State, and local officials, as well as patriotic, civic, educational, and other interested organizations, to arrange for appropriate ceremonies on or about May 20 in which all our people may join, to the end that both old and new citizens may have a fuller understanding of their rights and privileges and of their obligations and responsibilities as citizens.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighth day of March in the year of our Lord nineteen hundred and fifty-one, and of the Independence of the United States of America the one hundred and seventy-fifth.

[SEAL]

HARRY S. TRUMAN

By the President:

JAMES E. WEBB,
Acting Secretary of State.

[F. R. Doc. 51-3373; Filed, Mar. 13, 1951; 11:11 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-160 All Rol]

PART 961—MILK IN PHILADELPHIA, PA., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 961.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hear-

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FEDERAL REGISTER

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ing was held at Philadelphia, Pennsylvania, on January 25, 26 and 27, 1950, pursuant to notice thereof which was issued January 18, 1950 (15 F. R. 366), on April 19, 20 and 21, 1950, pursuant to notice thereof which was issued on April 12, 1950 (15 F. R. 2146), on May 10, 11 and 12, 1950, pursuant to notice thereof issued on May 3, 1950 (15 F. R. 2687), and on November 21, 1950, pursuant to notice thereof issued on October 20, 1950 (15 F. R. 7139), upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary to make the present amendment to said order, as amended, effective April 1, 1951, to reflect current marketing conditions. Any further delay in the effective date of this order, amending the said order, as amended, will seriously disrupt the orderly marketing of milk for the Philadelphia, Pennsylvania, marketing area. The changes effected by this order, amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is hereby found that good cause exists for making this order effective April 1, 1951 (see section 4 (c), Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the Philadelphia, Pennsylvania, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of this order amending the order, as amended, and who during the determined representative period (December 1950) were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Philadelphia, Pennsylvania, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

Delete § 961.4 (a) (1) and substitute the following:

(1) *Class I milk.* The market administrator shall compute and announce on the 15th day of each month (or on the next business day if the 15th is a holiday) from the latest available data the index values computed pursuant to subdivisions (i) through (vi) of this subparagraph, the Class I price, and the utilization percentages computed pursuant to subdivisions (vii) and (viii) of this subparagraph.

(i) Compute an index of wholesale commodity prices by averaging the four latest weekly index figures of wholesale commodity prices published by the Bureau of Labor Statistics, United States Department of Labor, and convert the result to a 1936–1940 base period by dividing by 0.8023.

(ii) Compute an index of prices paid by Pennsylvania farmers per hundredweight for 20 percent protein mixed dairy feed, using a 1936–1940 base period, by dividing by 0.01776 the monthly price for such feed published by the Pennsylvania Federal-State Crop Reporting Service.

(iii) Compute an index of prices received by Pennsylvania farmers for farm products except dairy on a 1936–1940 base period by dividing the monthly index published by the Pennsylvania Federal-State Crop Reporting Service on a 1910–1914 base by 1.0915, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for each month:

January, February, March	0.96
April, May, June	1.00
July, August, September	1.04
October, November, December	1.00

(iv) Compute an index of prices paid for milk by 18 Midwest condenseries, using a 1936–1940 base period, by dividing by 0.013945 the monthly average price paid at 18 Midwest condenseries as reported by the United States Department of Agriculture, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for each month:

January	1.02	July	0.97
February	1.02	August	1.00
March	1.01	September	1.00
April	.99	October	1.00
May	.98	November	1.02
June	.96	December	1.03

(v) Compute an index of average daily pounds of Class I milk sold by all handlers during the previous month, except that milk which is moved to plants outside of New Jersey and Delaware from which no routes are operated in the marketing area, using a 1936–1940 base period, by dividing the monthly figure by 16,640, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for each month:

January	0.98	July	0.99
February	.99	August	.99
March	1.00	September	1.04
April	.99	October	1.05
May	.98	November	1.02
June	.98	December	.99

(vi) Divide the sum of the indexes calculated in subdivisions (i) through (v) of this subparagraph by 5. This figure shall be the formula index, and shall determine the Class I price for each calendar quarter in accordance with the following table, subject to the provisions of subdivisions (vii) and (viii) of this subparagraph. The price for each calendar quarter shall be determined by the index value calculated and announced in the month preceding the calendar quarter, in accordance with the bracket shown in the following table in which such index value is included, or if such index value is not within a bracket, the price for the calendar quarter shall be determined by the adjacent index bracket which is the same as or nearest to the bracket equivalent to the price in the previous quarter.

CLASS I PRICE SCHEDULE

[Class I price per hundredweight]

Formula index	Jan., Feb., Mar., July, Aug., Sept.	Apr., May, June	Oct., Nov., Dec.
116.3–120.3	$3.44	$3.04	$3.84
124.1–128.1	3.64	3.24	4.04
131.9–135.9	3.84	3.44	4.24
139.6–143.6	4.04	3.64	4.44
147.4–151.4	4.24	3.84	4.64
155.2–159.2	4.44	4.04	4.84
163.0–167.0	4.64	4.24	5.04
170.8–174.8	4.84	4.44	5.24
178.5–182.5	5.04	4.64	5.44
186.3–190.3	5.24	4.84	5.64
194.1–198.1	5.44	5.04	5.84
201.9–205.9	5.64	5.24	6.04
209.7–213.7	5.84	5.44	6.24
217.5–221.5	6.04	5.64	6.44
225.2–229.2	6.24	5.84	6.64
233.0–237.0	6.44	6.04	6.84
240.8–244.8	6.64	6.24	7.04
248.6–252.6	6.84	6.44	7.24
256.4–260.4	7.01	6.64	7.44

If the formula index is more than 260.4, this table shall be extended at the same rate as in the three highest index brackets shown above.

(vii) For any calendar quarter the Class I price shall be 40 cents more than the price prescribed in subdivision (vi) of this subparagraph, if receipts of milk from producers during the 12-month period ending with the second preceding month, excluding receipts at plants which were not producer milk plants during 3 consecutive months, are less than 115 percent of total Class I sales by handlers in the same period; except that a price adjustment pursuant to this subdivision shall not exceed an amount which will result in a Class I price equal to the Class I price for the same quarter of the preceding year plus 80 cents: *And provided*, That the price adjustment described in this subparagraph shall not be effective until the calendar quarter following 12 calendar months after the effective date of this order amending the order as amended.

(viii) For any calendar quarter the Class I price shall be 40 cents less than the price prescribed in subdivision (vi) of this subparagraph, if receipts of milk from producers during the 12-month period ending with the second preceding month, excluding receipts at plants which were not producer milk plants during 3 consecutive months, are more than 137 percent of total Class I sales by handlers in the same period; except that a price adjustment pursuant to this subdivision shall not exceed an amount which will result in a Class I price equal to the Class I price for the same quarter of the preceding year minus 80 cents: *And provided*, That the price adjustment described in this subparagraph shall not be effective until the calendar quarter following 12 calendar months after the effective date of this order amending the order as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Issued at Washington, D. C., this 9th day of March 1951 to be effective on and after the 1st day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-3289; Filed, Mar. 13, 1951; 8:55 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 358]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 353]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CERTAIN STATES, ALASKA, AND PUERTO RICO

Amendment 358 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 353 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

A. The following new items are incorporated in Schedule C:

Name of defense-rental area	State	Localities affected by declarations for continuation of rent control after Mar. 31, 1951
(175c) Missoula	Montana	In Missoula County, the city of Missoula.
(216) Goldsboro	North Carolina	In Wayne County, the city of Goldsboro.
(352) Puget Sound	Washington	In King County, the city of Renton.
(354) Walla Walla	do	In Walla Walla County, the city of Walla Walla, and all unincorporated localities.
		In Franklin County, all unincorporated localities.
		In Benton County, all unincorporated localities in the precincts of Finley, South Kennewick, Kennewick Valley, Kennewick, Kennewick Gardens, and Richland.

This adds to Schedule C (1) the City of Renton, Washington, as of December 12, 1950, (2) the City of Walla Walla, Washington, and all unincorporated localities in the Defense-Rental Area, said City of Walla Walla being the major portion of the Defense-Rental Area, as of December 13, 1950, (3) the City of Missoula, Montana, as of December 20, 1950, and (4) the City of Goldsboro, North Carolina, as of February 23, 1951.

B. In Schedule C, the description of localities affected by declarations for continuation of rent control after March 31, 1951 is amended with respect to certain Defense-Rental Areas to read as follows:

1. (34) Richmond-Vallejo, California, Defense-Rental Area:

In Contra Costa County, the Cities of Richmond and San Pablo; and in Solano County, the City of Benicia.

This adds to Schedule C the City of Richmond, California, as of February 13, 1951.

2. (47) Bridgeport, Connecticut, Defense-Rental Area:

In Fairfield County, the Cities of Bridgeport and Shelton, the Town of Stratford, and all unincorporated localities, if any, in the Towns of Easton, Fairfield, Trumbull and Westport.

In the remainder of Fairfield County, the Cities of Danbury and Stamford, the Towns of Darien and Greenwich, and all unincorporated localities.

This adds to Schedule C the City of Shelton, Connecticut, as of November 20, 1950, and the City of Danbury, Connecticut, as of December 5, 1950.

3. (170) Kansas City, Missouri, Defense-Rental Area:

In Clay County, the Cities of Liberty and North Kansas City, and in Platte County, the City of Parkville.

This adds to Schedule C the City of North Kansas City, Missouri, as of October 17, 1950, and the City of Parkville, Missouri, as of February 5, 1951.

4. (188a) Southern New Jersey Defense-Rental Area:

In Burlington County, the Cities of Bordentown and Burlington, the Boroughs of Fieldsboro and Palmyra, the Townships of Hainesport, Moorestown, Mount Holly, and North Hanover, and all unincorporated localities; in Camden County, the Cities of Camden and Gloucester City, the Boroughs of Audubon Park, Barrington, Berlin, Chesilhurst, Clementon, Collingswood, Gibbsboro, Haddon Heights, Lawnside, Lindenwold, Magnolia, Mouth Ephraim, Oaklyn, Pine Hill, Runnemede, Somerdale, and Woodlynne, the Townships of Berlin and Gloucester, and all unincorporated localities; and in Gloucester County, the City of Woodbury, the Boroughs of Glassboro, Paulsboro, Swedesboro, and Wenonah, the Townships of Monroe and West Deptford, and all unincorporated localities.

This adds to Schedule C the following localities in the State of New Jersey:

(1) Borough of Paulsboro, and the Township of West Deptford as of November 7, 1950.

(2) City of Bordentown as of November 28, 1950.

(3) City of Woodbury as of December 12, 1950.

(4) All unincorporated localities in the Defense-Rental Area, said City of Woodbury being the major portion of the Defense-Rental Area, as of December 12, 1950.

5. (190) Northeastern New Jersey Defense-Rental Area:

In Bergen County, the Cities of Garfield and North Arlington, the Boroughs of Bergenfield, Bogota, Cliffside Park, Closter, Dumont, East Paterson, East Rutherford, Edgewater, Fair Lawn, Fairview, Fort Lee, Harrington Park, Leonia, Little Ferry, Lodi, Maywood, Moonachie, Norwood, Palisades Park, Ridgefield, Teterboro, Wallington, and Wood-Ridge, the Villages of Ridgefield Park, the Township of Teaneck and all unincorporated localities.

In Essex County, the Cities of East Orange, Newark, and Orange, the Towns of Belleville, Bloomfield, Nutley, and West Orange, the Township of Millburn, and all unincorporated localities.

In Hudson County, the Cities of Bayonne, Hoboken, Jersey City, and Union City, the Towns of Harrison, Kearny, Secaucus and West New York, the Townships of North Bergen and Weehawken, and all unincorporated localities.

In Middlesex County, the Cities of New Brunswick and Perth Amboy, the Boroughs of Dunellen, Helmetta, Highland Park, Middlesex, South Plainfield and South River, the Townships of East Brunswick, North Brunswick, Piscataway, Raritan and Woodbridge, and all unincorporated localities.

In Monmouth County, the City of Long Branch, the Boroughs of Deal, Englishtown and Red Bank, and all unincorporated localities.

In Morris County, the Boroughs of Madison, Riverdale and Wharton, the Towns of Boonton, Dover and Morristown, the Townships of Denville, Hanover, Mine Hill and Passaic, and all unincorporated localities.

In Passaic County, the Cities of Clifton, Passaic and Paterson, and all unincorporated localities.

In Somerset County, the Boroughs of Manville, North Plainfield, Raritan, Somerville and South Bound Brook, the Township of Hillsborough, and all unincorporated localities.

In Union County, the Cities of Elizabeth, Linden, Plainfield, Rahway and Summit, the Boroughs of Garwood, Roselle and Roselle Park, the Townships of Cranford, Hillside and Union, and all unincorporated localities.

This adds to Schedule C the following localities in the State of New Jersey:

(1) Town of West Orange as of October 3, 1950.

(2) Borough of Fair Lawn as of October 10, 1950.

(3) Borough of Ridgefield as of February 20, 1951.

6. (197) Roswell, New Mexico, Defense-Rental Area:

In Chaves County, the City of Roswell, and all unincorporated localities.

In Otero County, the City of Alamogordo, and all unincorporated localities.

This adds to Schedule C the City of Roswell, New Mexico, and all unincorporated localities in the Defense-Rental Area, said City of Roswell being the major portion of the Defense-Rental Area as of February 19, 1951.

7. (229) Columbus, Ohio, Defense-Rental Area:

In Franklin County, the Cities of Columbus and Grandview Heights, the Village of Whitehall, and all unincorporated localities.

In Licking County, the City of Newark and all unincorporated localities, if any, in the Townships of Madison and Newark.

This adds to Schedule C the Village of Whitehall, Ohio, as of February 7, 1951.

8. (233) Lorain-Elyria, Ohio, Defense-Rental Area:

In Lorain County, the City of Lorain, and the Villages of Grafton and South Amherst.

This adds to Schedule C the City of Lorain, Ohio, as of November 20, 1950.

9. (257) Allentown-Bethlehem, Pennsylvania, Defense-Rental Area:

In Lehigh County (exclusive of the Townships of Heidelberg, Lowhill, Lower Macungie, Lower Milford, Lynn, Upper Macungie, Upper Milford, Washington and Weisenberg, and the Boroughs of Albertis, Macungie and Slatington), the City of Allentown, the Townships of Salisbury and Whitehall, and all unincorporated localities; and in Northampton County (exclusive of the Townships of Bushkill, Lehigh, Lower Mount Bethel, Moore, Plainfield, Upper Mount Bethel and Washington, and the Boroughs of Bangor, Chapman, East Bangor, Penn Argyl, Portland, Roseto, Walnutport and Wind Gap), the City of Easton, the Borough of Hellertown, the Township of Allen, and all unincorporated localities.

This adds to Schedule C the Borough of Hellertown, Pennsylvania, as of December 20, 1950.

10. (258) Altoona-Johnstown, Pennsylvania, Defense-Rental Area:

In Blair County, the unincorporated localities, if any, in the Townships of Allegheny, Antis, Blair, Frankstown, Logan and Snyder; in Cambria County, the City of Johnstown, the Boroughs of Barnesboro, Brownstown, Ebensburg, Franklin, Gallitzin, Geistown, Lorain, Nanty-Glo, Scalp Level and South Fork, and all unincorporated localities; and in Somerset County, the Boroughs of Boswell, Central City, Garrett, Hooversville, Meyersdale, Paint and Windber, and all unincorporated localities, if any, in the Townships of Black, Conemough, Jenner, Lincoln, Ogle, Paint, Shade, Somerset, Summit and Quemahoning.

This adds to Schedule C the Borough of Paint, Pennsylvania, as of September 18, 1950.

11. (266) Philadelphia, Pennsylvania, Defense-Rental Area:

In Bucks County, the Boroughs of Bristol, Quakertown and Riegelsville, and all unincorporated localities; in Chester County, the Boroughs of Kennett Square and Phoenixville, and all unincorporated localities; in Delaware County (exclusive of the Borough of Swarthmore), the Boroughs of Clifton Heights, Collingdale, Eddystone, Folcroft, Glenolden, Marcus Hook, Millbourne, Norwood and Sharon Hill, the Township of Ridley, and all unincorporated localities, including Upper Darby Township; in Montgomery County, the Boroughs of Ambler, Conshohocken, Jenkintown, Norristown, Pottstown and West Conshohocken, and all unincorporated localities; and the County and City of Philadelphia.

This adds to Schedule C the Borough of Norristown, Pennsylvania, as of November 8, 1950.

12. (267) Pittsburgh, Pennsylvania, Defense-Rental Area:

In Allegheny County (exclusive of Mount Lebanon Township), the Cities of Clairton, Duquesne, McKeesport and Pittsburgh, the Boroughs of Blawnox, Brackenridge, Braddock, Braddock Hills, Bridgeville, Carnegie, Castle Shannon, Cheswick, Coraopolis, Dravosburg, East McKeesport, East Pittsburgh, Eden Park, Etna, Glassport, Homestead, Leetsdale, Liberty, McKee's Rocks, Millvale, Munhall, North Braddock, Pitcairn, Rankin, Sharpsburg, Swissvale, Turtle Creek, Versailles, Wall, West Elizabeth, West Homestead, West Mifflin and Wilmerding, the Townships of Baldwin, Harrison, Jefferson, Leet, Neville, Reserve, Sewickley, South Versailles, Springdale, Stowe and West Deer, and all unincorporated localities.

In Armstrong County, the Boroughs of Ford City, Kittaning and Leechburg, and all unincorporated localities.

In Beaver County, the City of Beaver Falls, the Borough of Aliquippa, Ambridge, Baden, Bridgewater, Freedom, Koppell, Midland and Monaca, the Townships of Borough and Chippewa, and all unincorporated localities.

In Butler County, all unincorporated localities, if any, in the Townships of Adams, Butler, Jackson and Slippery Rock.

In Fayette County (exclusive of the Townships of Henry Clay, Stewart and Wharton), the City of Connellsville, the Boroughs of Belle Vernon, Everson, Masontown and South Connellsville, the Township of Franklin, and all unincorporated localities.

In Greene County, the Township of Jefferson and all unincorporated localities, if any, in the Townships of Cumberland, Dunkard, Franklin, Monongahela and Morgan.

In Lawrence County, the Borough of Elwood City and all unincorporated localities.

In Washington County (exclusive of the Townships of East Finley, Morris, South Franklin and West Finley), the City of Monongahela, the Boroughs of Allenport, Beallsville, Bentleyville, Burgettstown, California, Canonsburg, Charleroi, Coal Center, Donora, Dunlevy, Elco, New Eagle, North Charleroi, Roscoe, Stockdale and West Brownsville, the Township of North Strabane, and all unincorporated localities.

In Westmoreland County, the Cities of Arnold, Jeannette, Monessen and New Kensington, the Boroughs of East Vandergrift, Export, Manor, North Belle Vernon, Penn, South Greensburg, Southwest Greensburg, Trafford and West Newton, the Township of East Huntingdon, and all unincorporated localities.

This adds to Schedule C the Borough of Dunlevy, Pennsylvania, as of September 12, 1950 and the Borough of Trafford, Pennsylvania, as of February 5, 1951.

13. (269a) Scranton-Wilkes-Barre, Pennsylvania, Defense-Rental Area:

In Carbon County, the Boroughs of East Mauch Chunk, Lansford, Mauch Chunk and Weatherly; in Lackawanna County, the Boroughs of Dickson City, Jermyn, Mayfield, Olyphant, Vandling and Winton; in Luzerne County, the Cities of Hazleton, Nanticoke, Wilkes-Barre and the Boroughs of Dupont, Edwardsville, Exeter, Forty Fort, Hughestown, Kingston, Larksville, Luzerne, Plymouth, Pringle, Shickshinny, West Hazelton and West Wyoming; and in Schuylkill County, the City of Pottsville and the Boroughs of Ashland, Frackville, McAdoo, Shenandoah and Tamaqua.

This adds to Schedule C the following localities in the State of Pennsylvania:

(1) Borough of Frackville as of November 8, 1950.

(2) Borough of Vandling as of December 12, 1950.

(3) Borough of Olyphant as of December 18, 1950.

(4) City of Hazleton as of December 29, 1950.

(5) Borough of Larksville as of February 5, 1951.

14. (272) Williamsport, Pennsylvania, Defense-Rental Area:

In Lycoming County, the City of Williamsport and all unincorporated localities, if any, in the Townships of Armstrong, Loyalsock and Old Lycoming.

In Columbia County, all unincorporated localities, if any, in the Township of Scott and the Town of Bloomsburg; in Northumberland County, the Cities of Shamokin and Sunbury, and all unincorporated localities, if any, in the Townships of Coal, Upper Augusta, Point and Rockefeller; in Snyder County, the Borough of Selinsgrove, and all unincorporated localities, if any, in the townships of Monroe and Penn; and in Union County, the Borough of Lewisburg and all unincorporated localities, if any, in the Townships of Buffalo and East Buffalo.

In Clinton County, the City of Lock Haven, the Borough of Renova, and all unincorporated localities, if any, in the Townships of Bald Eagle, Castanea, Dunnstable, Allison, Pine Creek, Wayne and Woodward.

This adds to Schedule C the Borough of Selinsgrove, Pennsylvania, as of November 7, 1950.

15. (357) Morgantown, West Virginia, Defense-Rental Area:

In Marion County, the Towns of Grant Town and Monongah; and in Monongalia County, the Towns of Granville and Star City.

This adds to Schedule C the Town of Star City, West Virginia, as of January 30, 1951, and the Town of Granville, West Virginia, as of January 31, 1951.

16. (359) Wheeling-Steubenville, West Virginia, Defense-Rental Area:

In Belmont County, the Cities of Bellaire, Bethesda and Martins Ferry; in Columbiana County, the Cities of East Liverpool and East Palestine; and in Jefferson County the City

of Steubenville and the Villages of Brilliant, Tiltonsville, Wintersville, and Yorkville.

This adds to Schedule C the following localities in the State of Ohio:

(1) City of Martins Ferry as of August 5, 1950.

(2) City of Bellaire as of August 19, 1950.

(3) City of East Palestine as of October 2, 1950.

(4) Village of Brilliant as of October 13, 1950.

(5) City of East Liverpool as of November 7, 1950.

(6) Village of Wintersville as of December 7, 1950.

17. (370) Alaska Defense-Rental Area:

In the Territory of Alaska, the Cities of Anchorage, Fairbanks and Juneau, and the Town of Petersburg.

This adds to Schedule C the City of Anchorage, Alaska, as of January 26, 1951, and the City of Fairbanks, Alaska, as of February 5, 1951.

18. (371) Puerto Rico Defense-Rental Area:

In Puerto Rico, all unincorporated localities and the Municipalities of Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Anasco, Arecibo, Arroyo, Barceloneat, Barranquitas, Bayamon, Cabo Rojo, Caguas, Camuy, Carolina, Catano, Cayey, Ceiba, Ciales, Cidra, Coamo, Comerio, Corozal, Culebra, Dorado, Fajardo, Guanica, Guayama, Gueyanilla, Gurabo, Hatillo, Hormigueros, Humacao, Isabella, Jayuya, Juana Diaz, Juncos, Lajas, Lares, Las Marias, Las Piedras, Loiza, Luquillo, Manati, Maricao, Maunabo, Mayaguez, Moca, Morovis, Naguabo, Naranjito, Orocovis, Patillas, Penuelas, Ponce, Quebradillas, Rincon, Rio Grande, Rio Piedras, Sabana Grande, Salinas, San German, San Juan, San Lorenza, San Sebastian, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Vieques, Villalba, Yabucoa and Yauco.

This adds to Schedule C the Municipality of Anasco, Puerto Rico, as of December 22, 1950.

All the foregoing additions to Schedule C are based on declarations made on the dates specified above in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894.)

This amendment shall be effective with respect to each locality covered thereby as of the date on which the declaration affecting that locality was made.

Issued this 9th day of March 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-3270; Filed, Mar. 13, 1951; 8:51 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order No. 158; Docket No. R-116]

PART 35—FILING OF RATE SCHEDULES

CHANGES RELATING TO SUSPENDED RATE SCHEDULES OR PARTS THEREOF

MARCH 6, 1951.

In the matter of amendment of Part 35 of the general rules and regulations to govern the withdrawal of, and changes in, suspended rate schedules or parts thereof, and changes in rate schedules or parts thereof theretofore in effect proposed to be changed by the suspended filings; Docket No. R-116.

By this order, the Federal Power Commission is adding a new § 35.13 to Part 35, Filing of Rate Schedules, of Subchapter B, regulations under the Federal Power Act, of Chapter I, Federal Power Commission, Title 18, Conservation of Power, of the Code of Federal Regulations. The new section is designed to clarify the procedures available to "public utilities", as defined in Part II of the Federal Power Act, for the withdrawal of a suspended rate schedule, for filing changes in a suspended rate schedule, and for filing changes during the suspension period in rate schedules continued in effect by reason of the suspension of a proposed change. The Commission has been aware for some time that there is uncertainty on these matters among those interested.

Paragraph (a) of the new section provides that during the period of suspension suspended rate filings may not be withdrawn without Commission permission; paragraph (b) of the new section provides that changes may not be made in suspended rate filings during the period of suspension without Commission permission; and, similarly, paragraph (c) prohibits changes without Commission approval during the period of suspension in a rate filing continued in effect by reason of a Commission suspension of a proposed change thereto.

The provisions of the new § 35.13 effectuate the primary purpose for suspension of rate schedules, namely, the maintenance of the status quo until due inquiry has disclosed the propriety, or lack thereof, of the proposed change. Unrestrained filing of changes upon changes would preclude orderly determination of issues and would be productive of uncertainty regarding the effective rates and charges, nullifying the definiteness and certainty which filing requirements are intended to afford consumers and other interested parties.

Notice of the proposed rule making was given by mailing a copy thereof to each public utility and licensee subject to the Federal Power Act and to interested State and Federal agencies and by publication in the FEDERAL REGISTER on May 10, 1950 (15 F. R. 2783). In giving notice of the proposed amendment, the Commission invited all interested persons to submit data, views and comments in writing.

In the only response received objection was made to the provisions of paragraph (a) of § 35.13 permitting withdrawals only on 30 days' notice unless the Commission, upon application, permitted a withdrawal notice to take effect in less than 30 days. The objection was that such provision precluded concurrent filings of withdrawals of suspended rate schedules under paragraph (a) and of new proposals under paragraph (c). This objection is no longer applicable, since paragraph (a), as herein promulgated, prescribes no specific time period for effectiveness of withdrawals, all withdrawals requiring Commission approval. Thus, the conditions for withdrawals and filing of new proposals are the same under paragraphs (a) and (c).

No request has been made for a hearing on the proposed amendment or the suggestion or recommendation submitted with respect thereto, and hearing would not be of assistance to a determination by the Commission.

Upon consideration of the proposed amendment, the purpose thereof and the response referred to above, the Commission finds:

(1) The proposed amendment represents matters of practice or procedure which do not require a hearing under section 4 (a) of the Administrative Procedure Act.

(2) The proposed amendment is necessary or appropriate for purposes of administration of the Federal Power Act.

The Commission, acting pursuant to authority granted by the Federal Power Act, particularly sections 205 and 309 (49 Stat. 851, 858, 859; 16 U. S. C. 824d, 825h), orders:

(A) Part 35 of the general rules and regulations be amended by the addition thereto of a new section to read as follows:

§ 35.13 *Changes relating to suspended rate schedules or parts thereof*—(a) *Withdrawal of suspended rate schedules or parts thereof.* Where a rate schedule or part thereof has been suspended by the Commission, it may be withdrawn during the period of suspension only by special permission of the Commission upon application therefor and for good cause shown.

(b) *Changes in suspended rate schedules or parts thereof.* A public utility may not, within the period of suspension, file any change in a rate schedule or part thereof which has been suspended by order of the Commission except by special permission of the commission granted upon application therefor and for good cause shown.

(c) *Changes in rate schedules or parts thereof continued in effect and which were proposed to be changed by the suspended filing.* A public utility may not, within the period of suspension, file any change in a rate schedule or part thereof continued in effect by operation of an order of suspension and which was proposed to be changed by the suspended filing except by special permission of the Commission granted upon application therefor and for good cause shown.

(B) The amendments prescribed by this order shall become effective May 1, 1951.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(Sec. 309, 49 Stat. 858; 16 U. S. C. 825h. Interprets or applies secs. 10, 19, 20, 41 Stat. 1068, as amended, 1073, secs. 205, 206, 49 Stat. 851, 852; 16 U. S. C. 803, 812, 813, 824d, 824e)

Date of issuance: March 13, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3251; Filed, Mar. 13, 1951; 8:47 a. m.]

[Order No. 159; Docket No. R-117]

PART 154—RATE SCHEDULES AND TARIFFS

CHANGES RELATING TO SUSPENDED TARIFFS, EXECUTED SERVICE AGREEMENTS OR PARTS THEREOF

MARCH 6, 1951.

In the matter of amendment of Part 154 of the general rules and regulations to govern the withdrawal of and changes in suspended rate schedules or parts thereof, and changes in rate schedules or parts thereof theretofore in effect proposed to be changed by the suspended filings; Docket No. R-117.

By this order, the Federal Power Commission is adding a new § 154.66 to Part 154, Rate Schedules and Tariffs, of Subchapter E—Regulations under Natural Gas Act, of Chapter I—Federal Power Commission, Title 18—Conservation of Power, of the Code of Federal Regulations. The new section is designed to clarify the procedures available to "natural-gas companies", as defined in the Natural Gas Act, for the withdrawal of a suspended rate schedule or tariff, for filing changes in a suspended rate schedule or tariff, and for filing changes during the suspension period in rate schedules or tariffs continued in effect by reason of the suspension of a proposed change. The Commission has been aware for some time that there is uncertainty on these matters among those interested.

Paragraph (a) of the new section provides that during the period of suspension rate filings may not be withdrawn without Commission permission; paragraph (b) of the new section provides that changes may not be made in suspended rate filings during the period of suspension without Commission permission; and, similarly, paragraph (c) prohibits changes, without Commission approval during the period of suspension, in a rate filing continued in effect by reason of a Commission suspension of a proposed change thereto.

Notice of the proposed rule making was given by mailing a copy thereof to each natural-gas company subject to the Natural Gas Act and to interested State and Federal agencies and by publication in the FEDERAL REGISTER on May 10, 1950 (15 F. R. 2783). In giving notice of the proposed amendment, the Commission invited all interested persons to submit data, views and comments in writing.

Responses were received from or on behalf of six natural-gas companies in which various objections were raised against the proposed rule. In substance, the objections are that the proposed rule is beyond the Commission's authority under the Natural Gas Act and is neither necessary nor desirable in that the proposed rule will permit withdrawals of suspended tariffs to be made only after the expiration of a specified period of time, will permit changes in suspended tariffs to be filed during the period of suspension only with Commission permission, and will preclude concurrent withdrawals of suspended tariffs and the filings of new tariffs. We find no merit in these objections.

As to the need for the rule, the fact that there is uncertainty among natural-gas companies respecting their rights in regard to suspended rate filings is ample reason for the clear enunciation in rule form of the conditions under which suspended filings may be withdrawn or new filings made during the period of suspension, both as to changes in the suspended tariff and changes in the tariff continued in effect by reason of the suspension.

As for the objections which argue lack of authority in the Commission and the right of natural-gas companies to file changes without restriction during the period of suspension, it seems sufficient to point out that the provisions of the new § 154.66 effectuate the primary purpose for suspension of changes in rate schedules or tariffs, namely, the maintenance of the status quo until due inquiry has disclosed the propriety, or lack thereof, of the proposed changes. Unrestrained filing of changes upon changes would preclude orderly determination of issues and would be productive of uncertainty regarding the effective rates and charges, nullifying the definiteness and certainty which filing requirements are intended to afford consumers and other interested parties. The exercise of the authority contemplated by the new § 154.66 is a necessary incident to the authority vested in the Commission by section 4 of the Natural Gas Act, and additionally finds ample support in section 16, which provides that the "Commission shall have power * * * to prescribe * * * such orders, rules, and regulations as it may find necessary or appropriate to carry out the provisions of this act." There can be no question that what is proposed in § 154.66 is necessary or appropriate to effectuate the provisions of section 4 and we so find. Moreover, referring specifically to the objection that the proposed rule would preclude concurrent filings of withdrawals of suspended tariffs and of new proposals, it may be noted that this objection is no longer applicable since paragraph (a), as herein promulgated, prescribes no specific time period for effectiveness of withdrawals, all withdrawals requiring Commission approval. Thus, the conditions for withdrawals and filing of new proposals have been made the same.

Only one request for a hearing on the proposed amendment on the suggestions or recommendations submitted with respect thereto was made by Northern Natural Gas Company. A hearing, however, is not necessary and would not aid a determination by the Commission.

Upon consideration of the proposed amendment, the purposes thereof and the responses referred to above, the Commission further finds:

(1) The proposed amendment represents matters of practice or procedure which do not require a hearing under section 4 (a) of the Administrative Procedure Act.

(2) The proposed amendment is necessary or appropriate for purposes of administration of the Natural Gas Act.

The Commission, acting pursuant to authority granted by the Natural Gas Act, particularly sections 4 and 16 (52 Stat. 821–833; 822, 830; 15 U. S. C. 717–717w; 717c, 717o), orders:

(A) Part 154 of the general rules and regulations be amended by the addition thereto of a new section to reads as follows:

§ 154.66 *Changes relating to suspended tariffs, executed service agreements or parts thereof*—(a) *Withdrawal of suspended tariffs, executed service agreements or parts thereof.* Where a tariff, executed service agreement or part thereof has been suspended by the Commission, it may be withdrawn during the period of suspension only by special permission of the Commission upon application therefor and for good cause shown.

(b) *Changes in suspended tariffs, executed service agreements or parts thereof.* A natural-gas company may not, within the period of suspension, file any change in a tariff, executed service agreement or part thereof which has been suspended by order of the Commission except by special permission of the Commission granted upon application therefor and for good cause shown.

(c) *Changes in tariffs, executed service agreement or parts thereof continued in effect, and which were to be changed by the suspended filing.* A natural-gas company may not, within the period of suspension, file any change in a tariff, executed service agreement or part thereof continued in effect by operation of the order of suspension, and which was proposed to be changed by the suspending filing, except by special permission of the Commission granted upon application therefor and for good cause shown.

(B) The amendments prescribed by this order shall become effect May 1, 1951.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(Sec. 16, 52 Stat. 830; 15 U. S. C. 717o. Interprets or applies sec. 4, 52 Stat. 822; 15 U. S. C. 717c)

Date of issuance: March 13, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3252; Filed, Mar. 13, 1951; 8:47 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5832]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

EXCLUSION FROM GROSS INCOME FOR MEMBERS OF ARMED FORCES SERVING IN COMBAT AREAS

On December 13, 1950, notice of proposed rule making, regarding amendments to the income tax regulations made

necessary by section 202 (a) of the Revenue Act of 1950, approved September 23, 1950, was published in the FEDERAL REGISTER (15 F. R. 8825). No objection to the rules proposed having been received, the amendments to Regulations 111 (26 CFR Part 29) set forth below are hereby adopted:

PARAGRAPH 1. There is inserted immediately preceding § 29.22 (b) (13)–1 the following:

SEC. 202. INCOME TAX EXEMPTIONS FOR MEMBERS OF THE ARMED FORCES SERVING IN COMBAT AREAS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Exclusion from gross income.* Section 22 (b) (13) (relating to exclusions from gross income) is hereby amended to read as follows:

(13) *Additional allowance for certain members of the Armed Forces*—(A) *Enlisted personnel.* Compensation received for active service as a member below the grade of commissioned officer in the armed forces of the United States for any month during any part of which such member served in a combat zone after June 24, 1950, and prior to January 1, 1952.

(B) *Commissioned officers.* In the case of compensation received for active service as a commissioned officer in the armed forces of the United States for any month during any part of which such officer served in a combat zone after June 24, 1950, and prior to January 1, 1952, so much of such compensation as does not exceed $200.

(C) *Definitions.* For the purposes of this paragraph—

(i) The term "commissioned officer" does not include a commissioned warrant officer;

(ii) The term "combat zone" means any area which the President of the United States by Executive Order designates, for the purposes of this paragraph, as an area in which Armed Forces of the United States are or have (after June 24, 1950) engaged in combat;

(iii) Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combatant activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone; and

(iv) The term "compensation" does not include pensions and retirement pay.

* * * * * *

PAR. 2. Section 29.22 (b) (13)–1, as amended by Treasury Decision 5645, approved July 20, 1948, is hereby further amended by changing the heading thereof to read as follows: "*Compensation of members of military and naval forces received prior to January 1, 1949.*"

PAR. 3. There is inserted immediately after § 29.22 (b) (13)–1 the following:

§ 29.22 (b) (13)–2 *Compensation of members of the armed forces of the United States for service in a combat zone after June 24, 1950, and prior to January 1, 1952.* In addition to the exemptions and credits otherwise applicable, section 22 (b) (13) provides that there shall be excluded from gross income:

(a) Compensation received for active service as a member below the grade of commissioned officer in the armed forces of the United States for any month during any part of which such member served in a combat zone after June 24, 1950, and prior to January 1, 1952.

(b) In the case of compensation received for active service as a commissioned officer in the armed forces of the United States for any month during any part of which such officer served in a combat zone after June 24, 1950, and prior to January 1, 1952, so much of such compensation as does not exceed $200.

The exclusions under section 22 (b) (13) and this section are applicable only if active service is performed in a combat zone after June 24, 1950, and prior to January 1, 1952. Compensation is subject to exclusion whether or not it is received outside a combat zone or in a year (including a year after 1951) different from that in which such service is performed. Service is performed in a combat zone only if it is performed in an area which the President of the United States has designated by Executive order, for the purpose of section 22 (b) (13), as an area in which armed forces of the United States are or have (after June 24, 1950) engaged in combat, and only if it is performed on or after the date designated by the President by Executive order as the date of the commencing of combatant activities in such zone and on or before the date designated by the President by Executive order as the date of the termination of combatant activities in such zone. If a member of the armed forces serves in a combat zone for any part of a month, he is entitled to the exclusion for such month to the same extent as if he had served in such zone for the entire month.

The term "commissioned officer" does not include a commissioned warrant officer, and, accordingly, a commissioned warrant officer is entitled to the exclusion allowed to enlisted personnel under section 22 (b) (13) (A). The term "compensation", for the purpose of this section, does not include pensions and retirement pay. As to who are members of the armed forces, see § 29.3797–11.

These exclusions are applicable without regard to the marital status of the recipient of the compensation, and if a husband and wife both meet the requirements of the statute, then each is entitled to the benefit of an exclusion. In the case of a husband and wife domiciled in a State recognized for Federal income tax purposes as a community property State, any exclusion from gross income under section 22 (b) (13) operates before apportionment of the gross income of the spouses in accordance with community property law. For example, a man and his wife are domiciled in a community property State and he is entitled, as a commissioned officer, to the benefit of the exclusion of $200 for each month under section 22 (b) (13) (B). He receives $1,000 as compensation for active service for three months in a combat zone. Of such amount, $600 is excluded from gross income under section 22 (b) (13) (B) and only $400 is taken into account in determining the gross income of both husband and wife.

A member of the armed forces is in active service if he is actually serving in the armed forces. Periods during which a member of the armed forces is absent from duty on account of sickness, wounds, leave, internment by the enemy, or other lawful cause are periods of active service. A member of the armed forces in active service in a combat zone who there becomes a prisoner of war or missing in action is deemed, for the purpose of section 22 (b) (13) and this section, to continue in active service in the combat zone for the period for which he is entitled to such status for military pay purposes. These exclusions apply to compensation received by a member of the armed forces for services rendered while in active service even though payment is received subsequent to discharge or release from active service. Compensation credited to a decedent's account for a period subsequent to the established date of his death and received by his estate will be excluded under section 22 (b) (13) from the gross income of the estate to the same extent that it would have been excluded from the gross income of the decedent if he had lived and received such compensation.

PAR. 4. Section 29.3797–11 is hereby amended to read as follows:

§ 29.3797–11 *Military or naval forces and armed forces of the United States.* The term "military or naval forces of the United States" and the term "armed forces of the United States" each includes all regular and reserve components of the uniformed services which are subject to the jurisdiction of the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force. The terms also include the Coast Guard. The members of such forces include commissioned officers and the personnel below the grade of commissioned officer in such forces.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] FRED S. MARTIN,
Acting Commissioner of Internal Revenue.

Approved: March 8, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51–3242; Filed, Mar. 13, 1951; 8:45 a. m.]

[T. D. 5835]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

TIME EXTENDED FOR FILING INCOME AND EXCESS PROFITS TAX RETURNS OF MEMBERS OF A GROUP OF AFFILIATED CORPORATIONS FOR TAXABLE YEARS ENDING AFTER JUNE 30, 1950, AND BEFORE MARCH 1, 1951

Pursuant to the authority contained in section 53 (a) (2) of the Internal Revenue Code, the time for filing the return for a taxable year ending after June 30, 1950, and before March 1, 1951, by a corporation having the privilege of making a consolidated return for such taxable year under section 141 of the Code (as amended by section 301 of the Excess Profits Tax Act of 1950, approved January 3, 1951) is hereby extended to and including June 15, 1951.

Inasmuch as this Treasury decision cannot effectuate its purpose unless it is promulgated immediately, it is found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of such act.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: March 13, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51–3372; Filed, Mar. 13, 1951; 11:09 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 11]

CPR 11—RESTAURANTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 11 is hereby issued.

STATEMENT OF CONSIDERATIONS

The General Ceiling Price Regulation was issued on January 26, 1951, essentially as a "stop-gap" measure, in order to bring under immediate control the prices of most goods and services at all levels of production and distribution. At the time of its issuance, it was recognized that its provisions were not well-suited to all classes of trade or business, and that it would have to be replaced by other regulations, tailored to meet the needs of individual commodities or levels of production or distribution.

The General Ceiling Price Regulation exempts many agricultural commodities from price control because they are selling below the minimum prices required to be reflected to producers by section 402 (d) (3) of the Defense Production Act of 1950. Other foods were exempted which, because of unusual marketing factors and seasonal and perishable characteristics, made them subject to such sharp and unforeseeable price fluctuations as to make a price freeze inequitable. Thus, the regulation was not well adapted to restaurants because while their selling prices were generally frozen at their base period ceiling, the cost of many foods purchased by them was permitted to increase.

This regulation is designed to eliminate this inequity and to provide a temporary method of controlling restaurant prices until food prices are stabilized. It replaces the General Ceiling Price Regulation in the restaurant field and provides for a different type of price control based primarily on controlling the mark-up over the cost of food. Technically the regulation does not refer to mark-up. This is because it is not the industry's custom to use this term. Instead, the industry customarily utilizes and understands the phrase "food cost per dollar of sales" and this ratio reflects the mark-up. Under the regulation every restaurant must fix its prices so as to maintain during each four month period, commencing April 1, 1951, a "food cost per dollar of sales" no lower than it had in its base period. Thus while restaurants generally will be permitted to reflect increases in the cost of food to the restaurant, the operator will not be allowed a higher percentage mark-up than he experienced in his base period. Where reports and records are kept for the sales of alcoholic beverages and for food, the restaurant must maintain its ratio in each category.

This regulation does not permit restaurants to establish prices which reflect a mark-up any higher than the mark-up used during the calendar year 1949 or the pre-Korean twelve month period July 1, 1949–June 30, 1950. Because of seasonal factors affecting the industry, only a twelve month period will generally provide the fairest basis for computing the base rates. The twelve month period prior to June 30, 1950, was chosen, because it represents the most recent twelve month period prior to the outbreak of the Korean war. The calendar year of 1949, was permitted as an alternative, because many establishments would readily have available their total figures for sales and costs for such 1949 calendar year and would not necessarily be forced to prepare a new set of figures embracing portions of two calendar years. This alternative was designed to be helpful to the small operator. In addition, seasonal operators are permitted to compute their mark-up on a month-to-month basis and to compare their current monthly mark-up with the same month in the base year.

Every restaurant must be in compliance at the end of each four months' period beginning April 1, 1951. The Director of Price Stabilization was advised by members of the industry that this period of time was sufficient to give restaurant operators a full chance to adjust prices to obtain complete compliance by the end of each period. If a restaurant at the end of any four months' period exceeds the mark-up limitations, it is not only subject to the penalties prescribed in the Defense Production Act of 1950 but it must during the next four months' period so adjust its prices so as to make up the excess charges. In addition, its prices are frozen at the level prevailing in the period when the violation occurred. Theoretically an out-of-balance restaurant could get in compliance by raising prices and increasing substantially the portions of food served. This would increase its ratio of "food cost per dollar of sales" and lower its mark-up. The freeze provision was deemed necessary to prevent a violator from getting in compliance by raising prices.

The regulation further requires that if a restaurant offered combination meals such as plate lunches during the period January 16, 1951, through January 25, 1951, and it continues to serve combination meals, it may not advance the price of any one combination meal by a greater percentage than any other. Thus, while restaurants are permitted to increase the prices of plate lunches, as long as overall they observe their base period "food cost per dollar of sales", they cannot merely increase the low-prices plate lunches. The increase in prices of plate lunches must be by a uniform percentage from the lowest to the highest plate lunch offered. The meals offered must at least be comparable in quantity and quality to those offered in the base period. In addition, certain restaurants' service charges are frozen at levels of the highest price charged during specified base periods.

Thus restaurant prices are controlled in three ways. (1) By requiring restaurants to at least maintain their base period ratio of "food cost per dollar of sales"; (2) by preserving the January relationship between low and high priced combination meals; and (3) by freezing restaurant service charges. The restaurant business is one of the few which has experienced a decline in dollar volume in 1950 as compared to 1949 and 1948. In this situation these three methods are believed to provide an effective method of controlling restaurant prices until food costs level off.

The reporting requirements are designed to secure sufficient information to determine whether the "food cost per dollar of sales" is computed in accordance with the regulation and to ascertain which base period option has been chosen. Restaurants are required to preserve sufficient records, including means and invoices, so that it can be determined whether the ceiling prices fixed under this regulation are being observed, whether the "food cost per dollar of sales" was accurately and consistently computed in the base and the current period, and whether there has been a violation.

Separate rules are provided for new establishments. A restaurant in operation between July 1, 1950, and April 1, 1951, uses as its base period, its experience ratio during the period prior to the effective date when it was in operation. A restaurant that opens after the effective date uses, during its first four months, the prices of its nearest comparable competitor and after that its "food cost per dollar of sales" experience ratio during the first four months of operation. These ratios must be reported promptly and the Director may disapprove or revise the ratios for new establishments at any time. Special reporting requirements are established for new establishments in order to check the validity of the ratio employed and also to prevent an existing restaurant operator from closing and opening a new one in order to establish a more favorable ratio.

Under certain conditions meals served by hospitals, educational institutions, or fraternal, charitable, religious or cultural organizations, and eating cooperatives formed by personnel of the Armed Forces, are exempt.

In formulating this regulation the Director of Price Stabilization has consulted extensively with industry representatives and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable

and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Applicability and prohibitions.
3. Ceiling prices for restaurants.
4. Reporting for restaurants in operation prior to July 1, 1950.
5. Records for restaurants in operation prior to July 1, 1950.
6. Rules for new restaurants.
7. Group of restaurants under common control.
8. Transfers of business.
9. Exempt sales.
10. Petitions for amendments.
11. Penalties.
12. Evasions.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation establishes a method of fixing ceiling prices for food and beverages served by restaurants. The term "Restaurant" when used in this regulation includes any place, establishment, or location, whether temporary or permanent, at or from which any meals or prepared food or beverages are sold and any place from which food items and beverages (whether prepared or not) are sold primarily for consumption on the premises. It includes, but is not limited to, establishments such as restaurants, hotels (including room service), taverns, cafes, cafeterias, delicatessens, soda fountains, boarding houses, catering establishments, athletic stadiums, field kitchens, lunch wagons, hot dog carts, etc. The words "you" and "your" in this regulation refer to any person who owns or operates such an establishment. These ceiling prices supersede those established by the General Ceiling Price Regulation.

SEC. 2. *Applicability and prohibitions*—(a) *Applicability.* The provisions of this regulation are applicable to the United States, its territories and possessions and the District of Columbia.

(b) *When to begin using this regulation.* Beginning April 1, 1951, you must fix your prices in accordance with this regulation.

(c) *Prohibitions.* After the effective date of this regulation, regardless of any contract or other obligation, you shall not sell any meals, food items, beverages or services at prices which reflect a lower "food cost per dollar of sales" than is permitted by this regulation and you shall not sell at prices higher than the ceiling prices established by this regulation. You shall not buy in the regular course of business or trade any commodity or service at a price exceeding that established by any ceiling price regulation now or hereafter issued.

SEC. 3. *Ceiling prices for restaurants*—(a) *Ceiling prices for sale of foods and beverages.* Your ceiling prices are those prices which reflect a current "food cost per dollar of sales" no lower than the "food cost per dollar of sales" which you had in the base period. You must fix your prices so as to maintain during each four month period, beginning April 1, 1951, no lower "food cost per dollar of sales" than you had in your base period. "Food cost per dollar of sales" means the ratio between the total cost of "food" and the total sales. In computing your current food cost and your total sales, you shall use the same methods as those used in the base period. In computing your current food cost and total sales, you must treat taxes in the same way as in the base period. You may not add any item of expense into your food cost that you did not include in your base period. However, if it was your custom to include in your food cost some nominal non-food items such as ice, straws and napkins, you may continue to do so. "Food" includes beverages, both alcoholic and non-alcoholic unless you kept separate records showing the cost and gross sales of alcoholic beverages. If you kept separate records, your prices must be fixed in accordance with paragraph (b) of this section.

Example 1: During your base period your total cost of food was $50,000 and your total gross sales were $100,000; your "food cost per dollar of sales" was 50 cents. During the four month period beginning April 1, 1951, and ending July 31, 1951, your cost of food was $12,000. You must fix your prices so that your total gross sales do not exceed $24,000, and, therefore, your "food cost per dollar of sales" is not below $0.50.

Example 2: During the base period the cost of food in a meal selling for $1.00 was $0.50. The cost of food has now gone up to $0.55. You run the risk of exceeding your four month overall ratio if you price the same meal at more than $1.10.

Example 3: Assume that under the facts in Example 1, the cost of food goes down to $0.45. You run the risk of pricing yourself out of balance if you price the meal at more than $0.90.

(b) *Ceiling prices for the separate sales of alcoholic beverages and of food.* If during the base period you kept separate records showing the cost and the gross sales of alcoholic beverages, you must compute separately your "food cost per dollar of sales" and you must conform to the requirements of paragraph (a) of this section both for sales of alcoholic beverages and for sales of all other items.

Example: During your base period you kept separate records and you had a "food cost per dollar of sales" for alcoholic beverages of $0.35 and for food alone of $0.45. If during the period April 1, 1951, through July 31, 1951, your "food cost per dollar of sales" on alcoholic beverages is $0.30, you are in violation even if the rate on food alone is in line. You are also in violation even if, by reason of a higher than $0.45 cost for food alone, the "food cost per dollar of sales" of alcoholic beverages and food combined is not in excess of the combined ratio during your base period. If either the ratio for alcoholic beverages or for food alone is below the identical ratio for the base period, you are in violation.

(c) *Duty to lower prices if in violation.* If your "food cost per dollar of sales" is too low at the end of any one four month period, you are in violation of this regulation and subject to the penalties prescribed in the Defense Production Act of 1950. Moreover, until you are in compliance you shall not charge a higher price for any food or beverage item than the price charged for that item during the period when the violation occurred. In order to be in compliance, you must adjust your prices during the next four month period so that the "food cost per dollar of sales" computed for that four month period and for the eight month period is in balance. If you are still out of balance, you must continue to adjust your prices during each succeeding four month period until you are in compliance for the full period.

Example: Your "food cost per dollar of sales" is $0.35. Your gross sales during the period beginning August 1, 1951, through November 30, 1951, are $100,000. Your cost for food for this four month period is $32,000 instead of the required $35,000. You are now in violation and you are out of balance by $3,000. You are still not in compliance even if for the period April 1, 1951, through July 31, 1951, your "food cost per dollar of sales" exceeded your base rates by $3,000. You may not charge a price for any food or beverage item higher than the highest price charged between August 1, 1951, through November 30, 1951, until you are in full compliance. During the total eight month period from August 1, 1951, through March 31, 1952, your total sales are $200,000. For this entire period your total food cost must be $70,000 or more, so that you will be operating under the proper food ratio. The mere fact that your food costs for the last four months may have been over $35,000 does not save you from violation or put you in compliance.

(d) *Seasonal operators.* If your "food cost per dollar of sales" varies seasonally, you may use a monthly basis for determining your "food cost per dollar of sales" using for each current month the corresponding month during the twelve month period selected by you as your base period. You must, however, still be in compliance at the end of each four month period commencing April 1, 1951.

(e) *Price ranges of combination meals.* (1) If, during the base period January 16, 1951, through January 25, 1951, you offered combination meals, such as table d'hote dinners, plate lunches, club breakfasts, or combination specials, and you continue to offer such combination meals, you may not advance the price of any combination by an amount percentagewise any greater than you do on any other combination.

Example: If you advance the price of one of your table d'hote dinners from $1.00 to $1.40, then you would be in violation if you advanced a $0.50 table d'hote dinner by more than five cents.

Example: If you advance the price of a $0.60 combination meal by six cents, you would be in violation if you raised a $1.00 combination meal by more than ten cents.

(2) Whenever a percentage computation falls below one-half cent you must take the next lowest figure. If it falls at one-half cent or above you may price at the next highest penny.

(3) If in your base period you always rounded out your combination meal prices in multiples of five cents, you may continue to do so, but when a percentage computation figure falls below two and one-half cents, you may not increase this item. However, if your percentage computation figure results in two and one-half cents or above, you may increase this item by five cents.

(4) The low priced meals offered in the current period must at least be comparable as to items of food and drink offered, number of items, quality and size of portions with those offered in the January period. If you serve combination meals, you may not make merely a token offering, that is, not prepare and offer enough to meet expected demand.

(f) *Ceiling prices for service charges.* You may not increase any cover, minimum, bread-and-butter, service, corkage, entertainment, checking, parking, or other special charges, or increase any extra charge for the sale of food item or meal to be eaten on or off the premises, or make any of these charges that were not in effect during your base period or during January 16, 1951, through January 25, 1951. However, a cover or minimum charge in effect during January 16, 1951, through January 25, 1951, may be increased where it was your practice to vary the charge in accordance with the type of entertainment offered, and the increase does not cause the charge to go above the highest charge made during your base period or during January 16, 1951, through January 25, 1951, under the same conditions. If during your base period or during January 16, 1951, through January 25, 1951, you had any of the above charges on one or several days of the week, or at certain times of the day, you may not make the charge on other days of the week or other times of the day.

(g) *Base-period.* Your base period is the calendar year 1949 or the twelve month period ending June 30, 1950. Once you have chosen your base period, you may not change it.

SEC. 4. *Reporting for restaurants in operation prior to July 1, 1950.* (a) On or before April 30, 1951, you must file the following statement with your OPS office:[1]

(1) Your name and address and the name and address of the restaurant.

(2) A statement whether you elect the entire calendar year 1949 on the entire twelve month period July 1, 1949, to June 30, 1950, as your base period, and whether you want to compute your ratio on a monthly basis. Once you have chosen your base period and whether to compute your rates on a monthly or an annual basis, you may not change your base period option.

(3) A statement of your gross sales for the base period; if you kept separate records showing sales of alcoholic beverages, show these separately.

(4) A statement of your total food cost during the base period; if you kept separate records showing cost of food, show these separately.

(5) A statement of those items, if any, other than food and beverage, which you have included in the food cost.

(6) A statement of special charges, such as cover, minimum, bread-and-butter, service, corkage, entertainment, parking, etc.

(b) If you are computing your "food cost per dollar of sale" on a seasonal basis, you must report your gross sales and food cost on a monthly basis for your base period.

SEC. 5. *Records for restaurants in operation prior to July 1, 1950.* You must preserve two copies of all menus and price lists used by you after January 15, 1951. In addition, if in 1950 you were in operation only during a particular season, you must preserve two copies of all menus and price lists used by you during the last ten day period of your 1950 season. You must preserve written records substantiating your "food cost per dollar of sales" and you must preserve your invoices on all items that you used to compute food cost during your base period and during any period after you started fixing your prices in accordance with this regulation.

SEC. 6. *Rules for new restaurants*—(a) *For restaurants in operation between July 1, 1950, and April 1, 1951.* If you did not operate an eating or drinking establishment prior to July 1, 1950, but you were in operation between July 1, 1950, and April 1, 1951, your base period for determining the "food cost per dollar of sales" is the total period of time prior to April 1, 1951, that you were in operation.

(b) *Rules for restaurants not in operation by April 1, 1951.* If you did not operate an eating or drinking establishment during any period prior to April 1, 1951, you shall compute your base period "food cost per dollar of sales" as follows:

(1) For the first four months of operation you shall use the prices of the nearest comparable restaurant of the same type, grade and class as the one that you are operating.

(2) After the first four months of operation your allowable "food cost per dollar of sales" ratio is the ratio experienced by you during the first four months of your operation.

(c) *Approval and revision.* The Director of Price Stabilization, or any officer to whom he delegates authority, may disapprove or revise your "food cost per dollar of sales" ratio.

(d) *Reporting and records requirements for new restaurants.* (1) If you were in operation between July 1, 1950, and April 1, 1951, you shall submit the reports required by section 4 for the period during which you were in operation. You must also preserve the records required by section 5 after January 15, 1951, or the date you opened, whichever date is later.

(2) If you were not in operation prior to April 1, 1951, within ten days after opening your restaurant you shall file with the OPS office a statement containing the following information:

(i) Your name and address and the name of your restaurant.

(ii) A brief description of the business you operate or plan to operate, giving such information as seating capacity, estimated number of people to be served, type of equipment and type of restaurant; also attach a copy of your proposed menu or price list.

(iii) The date on which you opened or plan to open.

(iv) The names and addresses of the two nearest comparable restaurants.

(v) Your proposed "food cost per dollar of sales."

(vi) A statement of whether you, or the principal owner of your business, are now or were during the past twelve months engaged in any capacity in the operation of any restaurant, and if so, the trade name and address of each such restaurant and its "food cost per dollar of sales." Within twenty-five days after the close of the first four months of operation you shall submit to your OPS office the information required in section 4 based on your experience during the first four months of operation. You shall preserve all of the records listed in section 5 from the time you started operation.

SEC. 7. *Group of restaurants under common control.* A group of restaurants under common ownership or control which had an established practice of centrally determining a uniform price or food cost during the base period for some or all meals, food items or beverages for some or all of its restaurants, may treat all the restaurants as one restaurant for the purpose of (a) computing the "food cost per dollar of sales" and the ceiling prices for meals, food items or beverages in the restaurant for which this practice existed, and (b) complying with the record-keeping, reporting and filing provisions of this regulation.

SEC. 8. *Transfers of business.* If after April 1, 1951, you lease or acquire the business, assets, or stock-in-trade of a restaurant, your duties under this regulation are the same as those of the previous proprietor. He must turn over to you all records which are necessary to enable you to comply with the records and filing provisions of this regulation.

SEC. 9. *Exempt sales.* Sales by the following restaurants or persons are specifically exempt from the provisions of this or any prior regulations:

(a) *Hospitals.* Except for food items and meals served to persons other than patients, where a separate charge is made for such meals and food items;

(b) *Educational and fraternal organizations.* Restaurants operated by a school, college, university or other educational institution or a student fraternity or other student organization or association primarily for the convenience or accommodation of students and faculty and not for profit as a commercial or business enterprise or undertaking;

(c) *Charitable, religious or cultural organizations.* Restaurants owned or operated by charitable, religious or cul-

[1] Ordinarily your OPS office is the district office having jurisdiction over the area in which your business is located. If, however, you operate a group of restaurants doing business in more than one district, you may file all required records and reports in the regional office having jurisdiction over the area. A group of restaurants doing business in more than one region may file all required reports with the Restaurant Branch, Office of Price Stabilization, Washington 25, D. C.

tural organizations, recognized as such by the Bureau of Internal Revenue and exempt from payment of income tax by reason thereof, where no part of the net earnings inures to the benefit of any private shareholder or individual, and the net profits, if any, are devoted to religious, charitable, or cultural purposes;

(d) *Armed Forces eating cooperatives.* Eating cooperatives formed by personnel in the Armed Forces (as, for example, officers' mess, non-com and enlisted men's mess) operated without profit;

SEC. 10. *Petitions for amendments.* If you wish to have this regulation amended you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1 (15 F. R. 9055).

SEC. 11. *Penalties.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Defense Production Act of 1950.

SEC. 12. *Evasion.* You shall not evade or circumvent the provisions of this regulation by direct or indirect methods.

Effective date. This regulation is effective April 1, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MARCH 13, 1951.

[F. R. Doc. 51-3380; Filed, Mar. 13, 1951; 1:00 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-46]

M-46—PRIORITIES ASSISTANCE FOR THE PETROLEUM AND GAS INDUSTRIES

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. Consultation with industry representatives in advance of the issuance of this order has been rendered impracticable due to the fact that it applies to all branches of the petroleum and gas industries.

PURPOSES AND DEFINITIONS

Sec.
1. What this order does.
2. Definitions.

MRO MATERIAL—MAINTENANCE AND REPAIR, OPERATING SUPPLIES AND LABRATORY EQUIPMENT

3. The rating for MRO material.
4. How to use rating for MRO material.
5. Emergency MRO material.
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MATERIAL FOR USE IN PRODUCTION

7. Material covered.
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MATERIAL OTHER THAN MRO MATERIAL OR OIL COUNTRY TUBULAR GOODS

13. Other material.

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20. Communications.
21. Violations.

AUTHORITY: Sections 1 to 21 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 01.

PURPOSES AND DEFINITIONS

SECTION 1. *What this order does.* This order sets out the rules by which priorities assistance is made available to petroleum and gas operators to obtain material for maintenance and repair purposes, as operating supplies, or laboratory equipment. It also tells operators how to get assistance in obtaining materials for use in production. The order does not apply to foreign operations.

SEC. 2. *Definitions.* (a) "Operator" means any person to the extent he is engaged in the petroleum and gas industries.

(b) "Petroleum" means crude oil and associated hydrocarbons, including the products thereof.

(c) "Gas" means natural gas, manufactured gas or mixtures thereof.

(d) "Petroleum and gas industries" includes any of the following activities and any operations directly incident to these activities as they pertain to petroleum or gas:

(1) The discovery, development or depletion of petroleum or gas (production);

(2) The extraction or recovery of natural gasoline or associated hydrocarbons (natural gasoline recovery);

(3) The movement, loading or unloading of petroleum (transportation);

(4) The transportation of gas (gas transmission);

(5) The processing, reprocessing or alteration of petroleum, including but not limited to compounding or blending (refining);

(6) The processing of material for the production of manufactured gas (manufactured gas production);

(7) The distribution or dispensing of petroleum, gas, or the products thereof, and the storage incident thereto (distribution), and shall include for each of the above listed branches of the industries, to the extent applicable, the control of, or the investigation into more effective methods of conducting, petroleum or gas operations by means of research, technical or control laboratories.

(e) "Material" means any raw, in-process, or manufactured commodity, equipment, component, accessory, part, assembly or product of any kind.

(f) "Maintenance and repair" means (without regard to accounting practice):

(1) The upkeep of any structure, equipment, or material in a sound working condition or the restoration or fixing of any structure, equipment, or material which has broken down or is worn out, damaged or destroyed;

(2) Any other use of material not exceeding in material cost $1,000 for any one complete operation which has not been subdivided for the purpose of coming within this definition.

(3) Maintenance and repair does not include: (a) The deepening, redrilling, or plugging back of any well or the initial installation on any well of pumping or other artificial lifting equipment, or (b) any use of material in connection with a service station or retail outlet other than for upkeep or restoration purposes or the replacement of equipment worn out and beyond repair.

(g) "Operating supplies" means any material other than material used for maintenance and repair which is essential to and consumed in the petroleum and gas industries and which is normally carried by an operator as operating supplies or which is normally chargeable to operating expense, including, among other items, chemicals, additives, and blending agents.

(h) "Laboratory equipment" means material or equipment used exclusively for the purpose of controlling, or investigating more effective methods of conducting, petroleum and gas industries operations by means of research, technical or control laboratories. This material or equipment shall not, however, include material for use in the construction of laboratory buildings or other structures.

(i) "Oil country tubular goods" means those basic forms of steel produced in the United States as itemized on Schedule A of this order.

(j) "PAD District" means any one of the five areas designated as a PAD District on Schedule B of this order.

(k) "Delivery order" means any purchase order, contract, release, or shipping instruction which constitutes a definite and complete instruction from a purchaser to a seller calling for delivery of any material or product. The term does not include any contract, purchase order, or other arrangement which, although specifying the total amount to be delivered, contemplates that further instructions are to be given before delivery is made.

(l) "Administrative operations" means the supervisory, fiscal, administrative or clerical activities necessary to the operation of plants, units or facilities involved in and a part of the petroleum and gas industries.

MRO MATERIAL—MAINTENANCE AND REPAIR, OPERATING SUPPLIES AND LABORATORY EQUIPMENT

SEC. 3. *The rating for MRO material.* To secure material for maintenance and repair, operating supplies, or laboratory equipment (all known as MRO material) an operator may use and apply the rating DO-97.

SEC. 4. *How to use rating for MRO material.* (a) To use the rating DO-97 for MRO material, other than MRO material to be used for administrative operations, an operator must:

(1) Place the rating on each delivery order for material together with the words set forth in section 14.

(2) Prior to placing the order with the supplier, if it is for a total amount of $2,000 or more or if any single item costs more than $1,000, submit for approval two copies of the order to the Petroleum Administration for Defense (PAD), Washington 25, D. C., Att: Materials Division. A delivery order of this kind required to be submitted to PAD for approval may not be placed until there has been returned to the operator one approved copy of the order.

(3) Prior to placing the order with the supplier, if it is for a total amount of $100 or more but less than $2,000 and contains no single item which costs more than $1,000, submit for information one copy of the order to the Petroleum Administration for Defense, Washington 25, D. C., Att: Materials Division. A delivery order of this kind required to be submitted to PAD for information may be placed with the supplier as soon as the information copy is submitted.

(b) To use the rating DO-97 for MRO material to be used for administrative operations an operator must:

(1) Establish a quota in accordance with the provisions of Schedule C.

(2) Place the rating on each delivery order for material together with the words set forth in section 14 of this order.

An operator may not use the rating DO-97 for MRO material to be used for administrative operations in excess of a quota applicable to him established pursuant to the provisions of Schedule C.

SEC. 5. *Emergency MRO material.* (a) Where there has been an actual breakdown or suspension of operations and where the methods specified in section 4 of this order will not get the material on the date and in the quantity required, an operator may request priorities assistance to secure emergency MRO material by letter, telegram or telephone to the Washington office of the Petroleum Administration for Defense advising the date of the actual breakdown or suspension of operations and the operations affected, the equipment to be repaired and its function in maintaining continuous operation, the price, quantity, and a detailed description of the material required including the number and the date of delivery orders therefor, and the supplier or suppliers from whom the material is to be obtained.

(b) If information is supplied by telephone, it must be confirmed within 3 days by letter or telegram.

(c) No delivery order for emergency MRO material need be submitted for approval to PAD, but an operator may not place a delivery order bearing the rating DO-97 with the supplier for emergency MRO material until approval to do so has been received and a delivery order has been certified in accordance with section 14 of this order.

SEC. 6. *Limitation on use of MRO rating.* The rating DO-97 authorized herein for MRO material may be used to secure services to the extent provided for in NPA Reg. 2 as amended from time to time. The rating DO-97 authorized herein may not be applied to secure items upon List A of such NPA Reg. 2 as amended from time to time.

MATERIAL FOR USE IN PRODUCTION

SEC. 7. *Material covered.* (a) At the present time a rating is assigned by this order to obtain only MRO material (covered in sections 3 to 6 of this order) and oil country tubular goods. Material other than MRO material or oil country tubular goods will have to be obtained without rating unless special provision is made in accordance with section 13 of this order.

(b) Needs for oil country tubular goods are divided into two classes: (1) Normal requirements, and (2) emergency requirements. Separate rules apply to each. Normal requirements are the quantities of oil country tubular goods necessary to meet an operator's projected quarterly drilling program, including exploratory wells. Emergency requirements are those quantities of oil country tubular goods found necessary to carry out exploratory operations, drilling obligations, or the like, in circumstances where sufficient materials are not on hand, readily available or otherwise obtainable without use of a DO rating. The PAD will review applications for requirements and will authorize, on the basis of information submitted by the operator, quantities of oil country tubular goods based on the needs of the operator and the availability of material.

SEC. 8. *The rating for oil country tubular goods.* To secure oil country tubular goods for normal requirements an operator may use and apply the rating DO-48; for emergency requirements an operator may use and apply the rating DO-48E. An operator may not use either of these ratings until he has complied with the rules set out in section 9 of this order and he has been informed by PAD that a rating may be applied to a quantity of oil country tubular goods authorized by the Petroleum Administration for Defense.

SEC. 9. *How to use the rating for normal requirements.* (a) The rating DO-48 may be used by an operator only to obtain those quantities of oil country tubular goods which have been approved by PAD. In order to obtain PAD approval, an operator must:

(1) File with PAD four copies of Form PAD-16 (Petroleum and Gas Operator's Inventory of Unused Oil Country Tubular Goods) for each PAD District in which operations are being or are to be conducted; and

(2) File with PAD four copies of Form PAD-17 (Petroleum and Gas Operator's Quarterly Requirements Statement) for each PAD District in which operations are to be conducted during the calendar quarter when delivery of the material requested on the form is required.

(b) PAD will return to the operator one copy of Form PAD-17 together with an authorization giving the quantities of oil country tubular goods which the operator may obtain by use of the rating DO-48. To use the rating to obtain deliveries of these quantities, an operator must place the rating on each delivery order for such material, together with the words set forth in section 14 of this order.

(c) The times for filing applications for normal requirements on Form PAD-17 are set forth in section 10 of this order. The rules on filing Form PAD-16, covering inventories, are set forth in section 15 of this order. Operators should remember that PAD will not authorize quantities of material on Form PAD-17 until an operator has reported his inventory on Form PAD 16.

SEC. 10. *Time for filing for normal requirements.* (a) It is not possible to bring into effect the assistance program for normal requirements during the second quarter of 1951. Accordingly, normal requirements for oil country tubular goods cannot be delivered with priorities assistance until the beginning of the third quarter, that is, July 1, 1951. For deliveries of normal requirements before that date, operators will have to look to usual commercial sources without rating assistance.

(b) In order to authorize quantities far enough in advance to permit deliveries on and after July 1 through use of rating DO-48, it will be necessary for operators to file Form PAD-17 at the earliest practicable time. In any event, Form PAD-17 must be filed for deliveries for the third quarter (July, August, September) not later than March 31, 1951. Four copies of Form PAD-17 should be filed, addressed to the Petroleum Administration for Defense, Washington 25, D. C., Att: Materials Division.

(c) For the quarters following (that is, for deliveries during the fourth quarter of 1951, the first quarter of 1952, and so on), an operator must file Form PAD-17 at least 3 months prior to the quarter in which delivery of the materials is to be made. Thus for deliveries to be made in October, November, or December of 1951, an operator must file with PAD Form PAD-17 not later than June 30, 1951.

(d) After Form PAD-17 has been returned to an operator, he may find that the quantities authorized are inadequate for his normal requirements during the ensuing calendar quarter. In that event the operator may file a supplemental request for oil country tubular goods. This filing should be by Form PAD-17 (four copies), accompanied by an explanatory letter in duplicate, both addressed to the Petroleum Administration for Defense, Washington 25, D. C., Att: Materials Division. The filing should be within 2 weeks of the time that the operator receives his original authorization. In the event that additional quantities are authorized by PAD, the operator will be appropriately notified and may then apply rating DO-48 to his delivery orders for these quantities in the manner specified in section 9 of this order.

SEC. 11. *Filing and rating for emergency requirements.* (a) Use of rating DO-48E to obtain quantities of oil coun-

try tubular goods for emergency requirements will be permitted for deliveries to be made after April 1, 1951. Before the rating may be used for this purpose, an operator must file with PAD four copies of Form PAD–15 (Emergency Requirements Application). Form PAD–15 may be filed either before or during the month in which deliveries of oil country tubular goods for emergency purposes are required. When the operator has not filed Form PAD–16 for the quarter preceding the emergency application, he must accompany his Form PAD–15 request with the inventory report called for on Form PAD–16.

(b) PAD will notify the operator of the quantities for which he is authorized to use a DO–48E rating. The operator may not use the rating until he has been authorized to apply it to a specific quantity of oil country tubular goods, and may use the rating to obtain no more than that quantity unless specially authorized to do so under this or other provisions of this order. The operator may use the rating DO–48E by placing the rating on each delivery order for the materials authorized, together with the words set forth in section 14 of this order.

SEC. 12. *Prompt use of ratings.* (a) After an operator has been authorized to use a rating on a quantity of oil country tubular goods, he must do so promptly. An operator who receives authorization for a quantity of oil country tubular goods on a quarterly basis must place his rated delivery orders for this quantity within 15 days after the beginning of the quarter in which the material is to be delivered. An operator who receives authorization for a quantity of oil country tubular goods pursuant to either an emergency application or a supplementary application must place his rated delivery orders for the quantity authorized within 30 days after the authorization is received. If orders are not placed within the appropriate period or when an order is canceled in whole or in part, the operator must promptly notify the PAD in Washington the extent to which rated orders have not been placed or have been canceled.

(b) Within 48 hours after rated orders are placed by an operator and accepted by the supplier for quantities of material authorized on Form PAD–17, one copy of each delivery order so placed shall be sent to the Petroleum Administration for Defense, Washington 25, D. C., Att: Materials Division.

MATERIALS OTHER THAN MRO MATERIAL OR OIL COUNTRY TUBULAR GOODS

SEC. 13. *Other material.* Priorities assistance is authorized in this order only for MRO material and oil country tubular goods. Operators in all branches of the petroleum and gas industries may have need of assistance from time to time to obtain other material for their operations. At present, the extent of this assistance will be limited. To request assistance when an operator is not able to obtain material to meet an immediate and pressing need, an operator should prepare a statement of the reasons why assistance is required, containing the following information: The price, quantity, and a detailed description of the material required, the number and date of delivery orders therefor, the supplier or suppliers with whom the delivery orders have been placed, the reasons why timely delivery cannot be effected without the assistance requested, the relationship of the materials to operations, and the circumstances which justify assistance in the interests of national defense. This statement in four copies should be sent to the Petroleum Administration for Defense, Washington 25, D. C., Ref: M–46. Where possible a copy of the delivery order should accompany the application.

GENERAL PROVISIONS

SEC. 14. *Certification.* The certificate which an operator must use in applying the preference rating is:

The undersigned certifies that the rating hereby applied is authorized by and is properly used pursuant to the provisions of NPA Order M–46.

SEC. 15. *Inventory information.* (a) An operator must file Form PAD–16 prior to receiving authorization of quantities of oil country tubular goods. The first filing date is March 17, 1951. Inventory information shall be current as of March 10, 1951.

(b) A second inventory report is to be made to PAD prior to July 1, 1951. The information on the form shall be current as of June 20, 1951. A third inventory report shall be made on or before October 1, 1951. The information on this report shall be current as of September 20, 1951. Thereafter, unless additional instructions are given, inventory reports will not be required.

(c) Where an operator fails to file with PAD a Form PAD–16, and subsequently files either a Form PAD–15 or 17, he must attach a Form PAD–16, containing information current as of the inventory date nearest the date of filing. Thus a Form PAD–15, filed May 30, 1951, should contain inventory information current as of March 10, 1951, or any later date; a Form PAD–15 filed June 30, 1951, should contain information current as of June 20, 1951, or any later date. Where a Form PAD–16 is on file there is no need to duplicate the information by additional filings covering the same period.

(d) Four copies of Form PAD–16 must be submitted. The copies must be sent to the Petroleum Administration for Defense, Washington 25, D. C., Attention: Materials Division. If an operator has not filed his inventory report (Form PAD–16) along with his regular requirements (Form PAD–17), he must file the report with his request for emergency requirements (Form PAD–15).

SEC. 16. *Other regulations.* This order and all transactions affected hereby, except as herein otherwise provided, are subject to all orders and regulations of the National Production Authority, as amended from time to time. In particular and without limiting the foregoing, the inventory limitations set forth in NPA Reg. 1 as amended from time to time, shall apply, and nothing herein shall authorize an operator to secure material in excess of the inventory limitations provided therein. The rating authorized by this order may be extended and shall be governed by the general priorities procedure set forth in NPA Reg. 2, as amended from time to time. An operator using the rating DO–97 pursuant to this order is not bound by the provisions of NPA Reg. 4.

SEC. 17. *Need for rating or symbol.* An operator may not use any rating authorized under this order to obtain material:

(a) For any purpose other than a purpose authorized under this order or in greater amounts or on earlier dates than required for any authorized purpose.

(b) Which can be secured without the use of a rating.

(c) The use of which could be eliminated without serious loss of efficiency by substitution of less scarce material, or by change of design.

SEC. 18. *Additional priorities restrictions.* (a) The PAD may issue in its own name further restrictions or limitations on the use of the priorities assistance by operators.

(b) Rating DO–97 for MRO material may not be used until March 15, 1951. An operator who has outstanding nonrated orders for MRO material on the effective date of this order or who thereafter places such orders without rating them, may on or after March 15, 1951, apply DO–97 to them.

SEC. 19. *Records, reports, and forms.* (a) Each person participating in any transaction covered by this order shall retain in his files, for at least 2 years, records of receipts, deliveries, inventory and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method, nor does it require alteration of the system of records customarily maintained, provided the system provides an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copy instead of the original.

(b) All records required by this order shall be made available at the usual place of business where maintained for the inspection and audit by duly authorized representatives of the National Production Authority or the Petroleum Administration for Defense.

(c) Persons subject to this order shall make such records and submit such reports to the Petroleum Administration for Defense and the National Production Authority as they shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 20. *Communications.* All communications concerning this order shall be addressed to the Petroleum Administration for Defense, New Interior Building, Washington 25, D. C., Attention: Materials Division.

SEC. 21. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: The reporting requirements and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on March 12, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

SCHEDULE A—MATERIALS FOR USE IN PRODUCTION

Casing—Tubing—Drill pipe.

SCHEDULE B—PETROLEUM ADMINISTRATION FOR DEFENSE DISTRICTS

District 1: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, District of Columbia.

District 2: Ohio, Kentucky, Tennessee, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota.

District 3: Alabama, Mississippi, Louisiana, Arkansas, Texas, New Mexico.

District 4: Montana, Wyoming, Colorado, Utah, Idaho.

District 5: Arizona, California, Nevada, Oregon, Washington, Territory of Alaska.

SCHEDULE C

Schedule C is applicable to the use of the rating DO–97 for the procurement by an operator of material to be used for administrative operations. Such material consists of office supplies, office equipment and machinery, and the like, to the extent that these materials come within the definitions of maintenance and repair and operating supplies set forth in the order.

The rating DO–97 for material to be used for administrative purposes may be used pursuant to the provisions of section 4 (b) only if the operator has a quota as established through this schedule.

TYPES OF QUOTA

An operator may elect one of the three types of quotas described below. If an operator elects or obtains permission to use any one of the three quotas, he may not change to either of the other two without obtaining the permission of the PAD.

(a) *Standard Quota:* The Standard Quota is one-fourth of the dollar amount which the operator spent during the calendar year 1950 for MRO material for administrative operations. If he operated on a fiscal year basis, it is one-fourth of the dollar amount spent for MRO material for administrative operations during the fiscal year ending nearest December 31, 1950.

(b) *Seasonal Quota:* The Seasonal Quota is the dollar amount which the operator spent during the corresponding calendar quarter of the calendar year 1950 for MRO material for administrative operations. If he operated on a fiscal year basis, it is the dollar amount spent for MRO material for administrative operations during the corresponding quarter of the fiscal year ending nearest December 31, 1950.

(c) *Administrative Quota:* The Administrative Quota is the quota determined by PAD which the operator may use in lieu of either the Standard Quota or Seasonal Quota.

HOW TO OBTAIN AN ADMINISTRATIVE QUOTA

The Administrative Quota must be applied for. It is designed to provide relief where an operator was only in partial operation in 1950, did not operate at all in 1950, or has had such expansion of operations since 1950 that neither the Standard Quota nor Seasonal Quota properly represents the operator's demands for MRO material to be used for administrative purposes. To procure an Administrative Quota, an operator must file with the Petroleum Administration for Defense, Att: Materials Division, four copies of a letter setting forth in full the circumstances as to his operations which make inappropriate the use of either the Standard Quota or the Seasonal Quota. An operator may use only a Standard Quota or Seasonal Quota until he has received from the Petroleum Administration for Defense authority to use the Administrative Quota.

[F. R. Doc. 51–3352; Filed, Mar. 12, 1951; 5:01 p. m.]

Chapter VIII—Defense Transport Administration

LIMITED TEMPORARY GRAIN PORT HANDLING PERMIT REGARDING STORAGE AND HANDLING OF BULK GRAIN FOR DOMESTIC SALE OR USE; GRAIN ON HAND OR LOADED FOR MOVEMENT ON OR BEFORE MARCH 24, 1951.

Pursuant to authority vested in me by DTA Delegation 3 (16 F. R. 2104) under General Order DTA 2 (16 F. R. 2046):

This limited temporary grain port handling permit is hereby issued authorizing the operator of any port terminal warehouse to store and handle at such warehouse grain intended for domestic sale or use, but not in excess of the quantity of such grain normally stored or handled thereat during 1950: *Provided, however,* That this permit shall be applicable only to grain intended for domestic sale or use received at, or loaded for movement to, such warehouse on or before March 24, 1951.

Grain intended for domestic sale or use not so received or loaded for movement on or before such date may not, under said General Order DTA 2, be stored or handled under this permit at any port terminal warehouse without a permit therefor issued to each operator upon his application.

This limited temporary permit shall become effective immediately.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title I, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp., E. O. 10200, Jan. 3, 1951, 16 F. R. 61, E. O. 10219, Feb. 28, 1951, 16 F. R. 1983)

Issued at Washington, D. C., this 12th day of March 1951.

H. K. OSGOOD,
Director Warehousing and Storage Division, Defense Transport Administration.

[F. R. Doc. 51–3338; Filed, Mar. 12, 1951; 4:22 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

PART 207—NAVIGATION REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.160 is hereby revoked and the note following § 204.25 (a) and § 204.81 (a) (1) are hereby amended as follows:

§ 204.25 *Atlantic Ocean off Delaware coast; antiaircraft artillery firing areas, Second Army.* (a) • • •

NOTE: The danger zones will be marked by buoys.

§ 204.81 *Atlantic Ocean off Georgia coast; air-to-air and air-to-water gunnery and bombing ranges for fighter and bombardment aircraft, United States Air Force*—(a) *The danger zones*—(1) *For fighter aircraft.* • • •; thence 270° to longitude 80°51'00"; and thence northeasterly to the point of beginning.

§ 204.160 *Laguna Madre and Corpus Christi Bay, Texas; restricted area, Naval Air Training Bases, Corpus Christi, Texas.* [Revoked.]

(Sec. 4, 28 Stat. 362, as amended; 33 U. S. C. 1. Interpret or apply 40 Stat. 892; 33 U. S. C. 3)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.188 is hereby prescribed establishing and governing the use of a seaplane restricted area in Laguna Madre and Corpus Christi Bay, Texas, as follows:

§ 207.188 *Corpus Christi Bay and Laguna Madre; seaplane restricted area, Naval Air Station, Corpus Christi, Tex.*—(a) *The area.* Beginning at a point on the south shore of Corpus Christi Bay at the "North Gate" of the Naval Air Station (at approximate longitude 97°17'15"); thence 312°20' true, 6,500 yards, to latitude 27°44'30", longitude 97°20'00"; thence due north, 4,100 yards, to latitude 27°46'30"; thence 126°20' true, 7,665 yards, to a beacon located in Corpus Christi Bay at latitude 27°44'12",

longitude 97°16'31''; thence 111°22' true, 6,250 yards, to latitude 27°43'04'', longitude 97°13'12''; thence 201° true, 5,000 yards, to latitude 27°40'44'', longitude 97°14'12''; thence 245° true to a point on the east shore of Encinal Peninsula at latitude 27°40'00''; thence generally northerly along the shore to Flour Bluff Point; and thence westerly along the south shore of Corpus Christi Bay to the point of beginning.

(b) *The regulations.* (1) No vessel or watercraft of any type shall enter or remain in the area at any time, day or night, except as provided in this paragraph.

(2) Clearance for watercraft operating in the area on set schedules and on prescribed routes may be granted upon written application to the enforcing agency.

(3) Changes in schedules and routes may be made upon written application to the enforcing agency.

(4) Off schedule operations of craft or operation over unprescribed routes may be authorized, in cases of necessity, upon special application in each case. These applications shall be made in writing to the enforcing agency, except as provided in subparagraph (5) of this paragraph.

(5) Commercial fishermen, geophysical exploration crews, and personnel of oil companies holding leases within the area will not be required to operate on set schedules or over prescribed routes but, in order to enter the area, either day or night, they shall have proper identification and the approval of the enforcing agency.

(6) The regulations in this section shall be enforced by the Chief of Naval Air Advanced Training, United States Naval Air Station, Corpus Christi, Texas, and such agencies as he may designate.

(Sec. 4, 28 Stat. 362, as amended; 33 U. S. C. 1)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-3268; Filed, Mar 13, 1951; 8:51 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 3—MISCELLANEOUS PROVISIONS RELATING TO THE DEPARTMENT AND THE POSTAL SERVICE

PART 6—SUPPLY CONTRACTS: SERVICE PROPERTY: TELEGRAMS

PART 18—SETTLEMENT OF ACCOUNTS: LEGAL PROCEEDINGS: COMPROMISES

PART 36—NONMAILABLE MATTER

MISCELLANEOUS AMENDMENTS

a. In § 3.5 *Damage to person or property by postal operations* (39 CFR 3.5; 15 F. R. 2875) rescind paragraph (d).

b. In § 6.3 *Advertisements for proposals* (39 CFR 6.3) amend paragraph (e) to read as follows:

(e) *Rates for advertising.* All advertisements, notices, proposals for contracts, and all forms of advertising required by law for the several departments of the Government may be paid for at a price not to exceed the commercial rates charged to private individuals, with the usual discounts. But the heads of the several departments may secure low terms at special rates whenever the public interest requires it. (Sec. 1, 20 Stat. 216, as amended; 44 U. S. C. 322; sec. 5, Pub. Law 830, approved Sept. 23, 1950)

c. In § 18.55 *When claimant is indebted to United States* (39 CFS 18.55) rescind paragraph (g).

d. Amend § 36.6 *Lottery and related matter* (39 CFR 36.6) by the addition of a paragraph (c) to read as follows:

(c) *Fishing contest.* The provisions of this chapter (paragraphs (a) and (b) of this section) shall not apply with respect to any fishing contest not conducted for profit wherein prizes are awarded for the specie, size, weight, or quality of fish caught by contestants in any bona fide fishing or recreational event. (18 U. S. C. 1305)

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 51-3254; Filed, Mar. 13, 1951; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 56—ISSUANCE OF SECURITIES, ASSUMPTION OF OBLIGATIONS, AND FILING OF CERTIFICATES AND REPORTS

EDITORIAL NOTE: Section 56.25, contained in the order of June 1, 1944, 9 F. R. 7205; 49 CFR, 1944 Supp., 56.25, was inadvertently omitted from the Code of Federal Regulations, 1949 Edition, and is hereby reinstated therein.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 39]

NONFAT DRY MILK SOLIDS

U. S. STANDARDS FOR GRADES

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of United States Standards for Grades of Nonfat Dry Milk Solids, pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same, in duplicate, with the Director, Dairy Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C., not later than the close of business on the 30th day after publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

DEFINITION

§ 39.1 *Nonfat dry milk solids.* "Nonfat dry milk solids," or "defatted milk solids" (made by the spray process or the atmospheric roller process) is the product resulting from the removal of fat and water from milk, and contains the lactose, milk proteins, and milk minerals in the same relative proportions as in the fresh milk from which made. It contains not over 5 percent by weight of moisture. The fat content is not over 1½ percent by weight. The term "milk", when used in this part, means milk produced by healthy cows that has been pasteurized before or during the manufacture of the nonfat dry milk solids.

U. S. GRADES

§ 39.2 *Nomenclature of U. S. grades*—(a) *Nomenclature.* The nomenclature of U. S. grades is U. S. Extra and U. S. Standard.

§ 39.3 *Basis for determination of U. S. grades.* The U. S. grades of nonfat dry milk solids are determined hereunder on the basis of flavor and odor, physical appearance, bacterial estimate, butterfat content, moisture content, scorched particle content, solubility index, and titratable acidity.

§ 39.4 *U. S. grades*—(a) *U. S. Extra.* The requirements of the U. S. Extra grade differ for nonfat dry milk solids made by the spray process from that made by the atmospheric roller process.

(1) *U. S. Extra; spray process.* Nonfat dry milk solids manufactured by the spray process conform to the following requirements:

(i) Flavor and odor (applies equally to the reliquefied form): Sweet, and has not more than slight feed flavors and odors.

(ii) Physical appearance: Is white or light cream color; free from lumps that do not break up under slight pressure; and practically free from brown and black scorched particles.

(iii) Bacterial estimate: not more than 50,000 per gram.

(iv) Butterfat content: not more than 1.25 percent.

(v) Moisture content: not more than 4.00 percent.

(vi) Scorched particle content: not more than 15.00 mg.

(vii) Solubility index: not more than 1.25 ml.

(viii) Titratable acidity: not more than 0.15 percent.

(2) *U. S. Extra; roller process.* Nonfat dry milk solids manufactured by the roller process conform to the requirements in subparagraph (1) of this paragraph, except that the solubility index is not more than 15.0 ml., and the scorched particle content is not more than 22.5 mg.

(b) *U. S. Standard.* The requirements of the U. S. Standard grade differ for nonfat dry milk solids manufactured by the spray process from that manufactured by the atmospheric roller process.

(1) *U. S. Standard; spray process.* Nonfat dry milk solids manufactured by the spray process conform to the following requirements:

(i) Flavor and odor (applies equally to the reliquefied form): Has not more than moderate feed flavors and odors and other unnatural, but not offensive, flavors and odors (including, but not being limited to storage and scorched) to not more than a slight degree.

(ii) Physical appearance: Is white or light cream color; free from lumps that do not break up under slight pressure; and contains brown and black scorched particles to not more than a moderate degree.

(iii) Bacterial estimate: not more than 100,000 per gram.

(iv) Butterfat content: not more than 1.5 percent.

(v) Moisture content: not more than 5.00 percent.

(vi) Scorched particle content: not more than 22.5 mg.

(vii) Solubility index: not more than 2.00 ml.

(viii) Titratable acidity: not more than .17 percent.

(2) *U. S. Standard; roller process.* Nonfat dry milk solids manufactured by the roller process conform to the requirements prescribed in subparagraph (1) of this paragraph, except that the solubility index is not more than 15.0 ml., and the scorched particle content is not more than 32.5 mg.

§ 39.5 *Test methods.* The test methods contained in this section are used to determine bacterial estimate, butterfat content, moisture content, scorched particle content, solubility index, and titratable acidity.

(a) *Bacterial estimate.* Bacterial estimate is determined in accordance with paragraphs 6.21–6.27, pages 176 through 179, of the publication "Standard Methods for the Examination of Dairy Products," 9th edition, 1948, published by the American Public Health Association, 1790 Broadway, New York, New York.

(b) *Butterfat content.* Butterfat content is determined in accordance with paragraph 22.102, page 329, of the publication "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists" 6th edition, 1945, published by the Association of Agricultural Chemists, P. O. Box 540, Benjamin Franklin Station, Washington 4, D. C.

(c) *Moisture determination.* Moisture determination is by the toluene distillation method or by the Karl Fischer method in accordance with the procedures outlined on pages 16 through 22 of the publication "The Grading of Nonfat Dry Milk Solids and Sanitary and Quality Standards" (Bulletin 911, revised, 1948) published by the American Dry Milk Institute, 221 North LaSalle Street, Chicago 1, Illinois.

(d) *Scorched particle content.* Scorched particle content is determined as follows:

(1) *Spray process nonfat dry milk solids.* (i) Reliquefy 25 grams of spray process nonfat dry milk solids in approximately 250 ml. of warm sediment-free water. Mix thoroughly until the product is uniformly dispersed. Filter the entire solution through a standard 1¼'' lintine disc (1⅛'' filtering surface). Rinse the mixing container with sediment-free water and pass the rinse through the disc.

(ii) The scorched particle content of the nonfat dry milk solids is determined by visually comparing the discs obtained in subdivision (i) of this subparagraph with the United States Scorched Particle Standards for Dry Milks (16 F. R. 923).

(2) *Roller process nonfat dry milk solids.* (i) Prepare a sample solution by mixing 25 grams of roller process nonfat dry milk solids with 100 ml. of pepsin-hydrochloric acid solution.[1] Mix thoroughly until the product is uniformly dispersed. Place in a 45° C. water bath for 20 minutes. Add approximately 0.5 ml. of caprylic alcohol or diglycol laurate (defoaming agents). Bring to a boil within 5 to 8 minutes and filter immediately through a 1¼'' lintine disc (1⅛'' filtering surface). Rinse mixing container with boiling or near boiling water, and pass all rinsings through the filter disc. The temperature of the sample solution is not allowed to drop prior to boiling or prior to filtering.

(ii) The scorched particle content of the nonfat dry milk solids is determined by visually comparing the discs obtained in subdivision (i) of this subparagraph with the United States Scorched Particle Standards for Dry Milks (16 F. R. 923).

(e) *Solubility index.* Solubility index is determined in accordance with the procedure outlined on pages 24 through 26 of the said publication "The Grading of Nonfat Dry Milk Solids and Sanitary and Quality Standards."

(f) *Titratable acidity.* Titratable acidity is determined by using 10 grams of nonfat dry milk solids reliquefied with 100 ml. of distilled water. Allow the reliquefied product to stand for approximately one hour, stir gently, and thereupon proceed in accordance with paragraph 22.4, page 303, of the said publication "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists."

Done at Washington, D. C., this 9th day of March 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-3288; Filed, Mar. 13, 1951; 8:55 a. m.]

[1] 10 grams of pepsin (powder—1:3000) dissolved in approximately 500 ml. of distilled water; 30 ml. of CP. HCl, 37 percent, specific gravity 1.18–1.19 added; and solution made up to 1000 ml. with distilled water. Solution filtered.

[7 CFR, Part 932]

[Docket No. AO-33-A16]

HANDLING OF MILK IN FORT WAYNE, INDIANA, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A hearing to consider a proposed amendment to the tentative marketing agreement and to the order, as amended, was conducted at Fort Wayne, Indiana, on January 3, 1951, pursuant to notice thereof which was issued on December 30, 1950 (15 F. R. 9522).

The only material issue on the record related to a proposal to increase the differentials (over basic formula prices) in the prices of Class I and Class II milk for the period January–March 1951.

Findings and conclusions. The following finding and conclusion on this issue is based upon the evidence introduced at the hearing and the record relating thereto.

The differentials (over basic formula prices) in the prices of Class I and Class II milk during the period, January–March 1951, should not be increased.

The record shows that under prevailing conditions Class I and II prices during the first quarter of 1951 should not take the usual seasonal drop below previous November levels. But, to increase differentials to the level of those of the last quarter of 1950 would not be advisable; for it would leave out of account what is most likely to occur in basic prices. Producers proposed that, for the first quarter of 1951, the price differentials for Class I and II milk be raised to the level of the differentials applicable during the preceding quarter—the last quarter of 1950. This would be an increase of 15 cents per hundredweight in each differential. This increase in the differentials would forestall seasonal reduction in the Class I and Class II prices in the first quarter of 1951 if basic formula prices during the period equal or exceed those in the preceding period. Monthly data were not available for the

record respecting basic prices later than November 1950.

The record does not furnish sufficient data for a reexamination of the relation of Class prices to basic prices. The basic price in November is normally at the top for the year; in January, February and March of the following year basic prices usually are lower. If basic prices after the first of the year should decline as usual, raising the differentials to the November level would not assure prices as high as those of November. If need be this could better be done by a simple "floor" price provision. On the other hand, if the annual level of basic prices should rise, increasing the differentials might make Class I and Class II prices for the period too high. From the middle of last summer through November, basic prices increased from 10 to 12 cents per month. This is hardly a normal seasonal increase. By November it was clear that basic prices were not keeping pace with the rising costs of milk production. The results showed up in declining production and receipts of milk for manufacturing as well as for fluid purposes throughout the whole central dairy region. In the Fort Wayne area with receipts from 3 to 4 percent below a year ago and sales about 9 percent above a year ago market utilization reduced Class III disposition to only a token of an adequate reserve. Producer testimony attributed this tight supply situation in part to the loss of producers to other markets with higher prices. But since other markets in the region were equally short of supplies in relation to sales the shifting of producers from one market to another was only a symptom of the underlying condition of slackening production and increasing demand throughout the whole central dairy region. This condition cannot be corrected by increasing the prices in one area in relation to prices of other areas. Nor is the remedy necessarily an increase of fluid prices in relation to basic prices when, as now, basic prices may, it would seem, be relied upon to reflect changes taking place in production and marketing conditions. If despite a counter-seasonal increase in basic prices Class I and Class II prices still appear to be low in relation to prevailing supply and demand conditions differentials can be reexamined by further hearings. This would bring under review their year around pattern in order to determine for what seasonal periods and in what amounts changes may be advisable.

Basic prices appear to be responding to the forces that have tended to reduce supplies and to increase the demand for milk and its products. As noted above data later than November were not available at time of hearing. But notice may be taken of more recently published data for December and January which show that since December 1 there has been a marked advance in the prices of all dairy products and in the prices paid for milk at manufacturing plants. The December basic formula price in the Fort Wayne marketing area was $3.64—16 cents per hundredweight above that for November. For January the counter-seasonal advance brought the basic price to $3.86 per hundredweight—22 cents above December and 38 cents above November. With such prospects for basic prices in the January–March 1951 period there appears to be no grounds in this record for amendment of the Class I and Class II price provisions as proposed by producers or for any other amendment to these provisions.

Filed at Washington, D. C., this 8th day of March 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 51-3261; Filed, Mar. 13, 1951; 8:48 a. m.]

FEDERAL POWER COMMISSION

[18 CFR, Part 157]

[Docket No. R-120]

APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

NOTICE OF PROPOSED RULE MAKING

MARCH 6, 1951.

Amendment of Part 157 of Subchapter E, regulations under the Natural Gas Act, to prescribe requirements for form and filing of applications for certificates of public convenience and necessity under section 7 of the Natural Gas Act.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend Part 157, entitled "Applications for Certificates of Public Convenience and Necessity Under Section 7 of the Natural Gas Act As Amended" of Subchapter E, regulations under the Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations to prescribe therein (in lieu of existing §§ 157.5 through 157.10, and §§ 157.12 and 157.14) amended, or new §§ 157.5 through 157.8, 157.11, and 157.20 through 157.22, to read as provided in the accompanying attachment, which is made a part hereof by reference.

3. Experience in the operation and administration of the present rules for the filing of applications for certificates of public convenience and necessity, which were adopted under the Commission's Order No. 99, dated August 26, 1942, effective September 15, 1942, indicates a need for extensive revision of the rules. Among the ends sought in the proposed revision are: (a) Elimination of sketchy and incomplete applications requiring extensive correspondence to supply deficiencies by placing upon the applicant the burden of adequate presentation of certificate applications in intelligible form; (b) provision for the filing of abbreviated applications in the case of relatively minor operations, sales, service, construction, extension of acquisitions; and (c) general improvement in the form and content of applications.

4. The accompanying proposed amendments to the Commission's rules are proposed to be issued under authority granted the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 7 and 16 thereof (52 Stat. 824, 830; 15 U. S. C. 717f and 717o).

5. Any interested person may submit to the Federal Power Commission, Washington 25, D. C., not later than sixty days from date of publication, data, views and comments in writing concerning the proposed amendments. An original and nine copies should be filed of any such submittals.

The Commission will consider these written submittals before acting upon the proposed amendments.

[SEAL] LEON M. FUQUAY,
Secretary.

Subchapter E—Regulations Under the Natural Gas Act

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 7 OF THE NATURAL GAS ACT

APPLICATIONS FOR NON-"GRANDFATHER" CLAUSE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Sec.
157.5 Abbreviated applications.
157.6 General requirements for applications.
157.7 Detail requirements for applications.
157.8 Requirements for applications covering acquisitions.

APPLICATIONS FOR TEMPORARY CERTIFICATES IN CASES OF EMERGENCY

157.11 Requirements for temporary certificate applications.

MISCELLANEOUS REGULATIONS UNDER CERTIFICATE PROVISIONS OF THE NATURAL GAS ACT

157.20 Reports to be filed.
157.21 Transferability and temporary continuance of certificate authorizations.
157.22 Exemption of temporary acts and operations.

APPLICATIONS FOR NON-"GRANDFATHER" CLAUSE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

§ 157.5 *Abbreviated applications.* (a) When relatively minor operations, sales, service, construction, extensions or acquisitions are involved, applicant may omit the data and information required by §§ 157.6 through 157.8 as provided by paragraph (c) of this section.

(b) An application filed under this section shall conform closely to the applicable requirements of §§ 157.6 through 157.8 regarding form, manner of presentation, and filing, and shall contain all necessary information and supporting data to explain fully the proposed project, and its effect upon applicant's present and future operations, and upon the public proposed to be served.

(c) An application filed under this section shall contain a request that it be accepted for filing, and that submission of all data required by §§ 157.6 through 157.8 be not required for reasons which applicant shall set forth therein.

§ 157.6 *General requirements for applications*—(a) *Compliance with rules.* Applications for certificates of public convenience and necessity under section 7 (c) of the Natural Gas Act, as amended, shall conform to the requirements of § 157.7 and applicable requirements of the rules of practice and procedure, particularly §§ 1.5, 1.14, 1.15, 1.16 and 1.17 of this chapter. Amendments to or withdrawals of applications shall conform to the requirements of § 1.11 of this chapter. If the application involves an acquisition of facilities, it shall conform to the additional requirements prescribed by § 157.8.

(b) *Rejection of applications.* The burden of adequate presentation of certificate applications in intelligible form and compliance with these rules is entirely upon the applicant. All applications tendered under this part will be filed as of the date of their receipt by the Office of the Secretary of the Commission in Washington, D. C. Applications which are not in substantial conformity with this part will be rejected by the Secretary (§ 1.14 of this chapter).

(c) *General contents.* An application filed under this and the next following section shall include:

(1) The exact legal name of applicant, its principal place of business, and the name, title and mailing address of the person to whom communications concerning the application are to be addressed.

(2) A concise description of applicant's existing operations.

(3) A concise general description of the operation, sale, service, construction, extension or acquisition proposed in the application, including the estimated beginning and completion dates of construction, the estimated date of acquisition, and the estimated date of commencement of operations.

(4) A statement of whether any other application with respect to applicant's proposals is required to be filed by applicant or any other person with any other Federal, State or other regulatory body; and if so, the nature and status of such applications.

(5) A table of contents which shall list all exhibits and documents filed in compliance with §§ 157.7 and 157.8, identifying them by their appropriate titles and alphabetical letter designations.

(d) *Requests for temporary authorization.* In cases of emergency, a request for temporary authorization to proceed with a particular operation, sale, service, construction, extension or acquisition may be included in the application, or may be submitted separately, in accordance with § 157.11.

(e) *Requests for shortened procedure.* A request for the shortened procedure in conformity with § 1.32 (b) of this chapter may be included in a certificate application, or may be filed separately.

(f) *Application processing procedure*—(1) *Notice.* Upon the filing of a certificate application, notice thereof will be published in the FEDERAL REGISTER and copies of such notice mailed to persons, States or other governmental authorities deemed by the Commission to have sufficient interest in the proceeding to be entitled to notice, and to other persons requesting copies. Persons desiring to receive notice of applications for certificates in all cases shall so advise the Secretary.

(2) *Protests and interventions.* (i) Notices of applications will fix a time within which any person desiring to participate in the proceeding or to protest regarding the application, may file a petition to intervene or protest, or within which any interested state commission desiring to intervene may file its notice of intervention. Notices of applications will provide ordinarily that protests, petitions or notices must be filed not later than ten days next preceding the commencement of hearings.

(ii) Petitions to intervene and notices of intervention shall be filed within the time provided in the notice of application, or of amendments thereto, if any; failure to make timely filing will be grounds for denial of participation in the absence of extraordinary circumstances and good cause shown for the untimely filing. (See §§ 1.7, 1.8, 1.10 and 1.37 (f) of this chapter.)

(3) *Hearings.* Upon the filing of a complete application, including such supplemental information as the Commission may require:

(i) *General.* The Commission will schedule the application for public hearing, and will give notice thereof as provided by §§ 1.14 (c) (2), 1.19 (b) and 1.20 (a) and (b) of this chapter: *Provided,* That the Commission will not schedule for hearing an application filed later than fifteen days prior to the commencement of the hearing of the application of another person for service by such other person directly to some or all of the same markets until the Commission has rendered its final decision on the first filed application.

(ii) *Shortened procedure.* If no protest or petition to intervene raises an issue of substance, the Commission may dispose of the application in accordance with the provisions of § 1.32 (b) of this chapter.

(4) *Dismissal of application.* Failure of an applicant promptly to present full proof in support of its application will constitute grounds for the Commission forthwith to dismiss the application and terminate the proceedings.

§ 157.7 *Detailed requirements for applications*—(a) *General.* Except as otherwise permitted by § 157.5, exhibits listed in paragraph (d) of this section shall be submitted, if applicable, at the time the application is filed. Each shall contain:

(1) A title page which will show: Applicant's name, docket number (to be filled in by the Secretary), title of the exhibit, and applicant's letter designation of the exhibit.

(2) If of ten or more pages, an appropriate table of contents, citing by page, section number or subdivision, the component elements or matters therein contained.

(b) *Reference to previous applications.* Applicant may refer to previous applications provided the portions thereof referred to are specified with particularity and the exact page or exhibit numbers are stated (including page numbers in any exhibits).

(c) *Measurement base.* All gas volumes shall be stated upon a uniform pressure of 14.73 psia, at 60° F. temperature.

(d) *Exhibits*—(1) *Exhibit A—Articles of incorporation and bylaws.* If applicant is not an individual, a certified copy or photostat of its articles of incorporation and bylaws, or other similar instruments.

(2) *Exhibit B—State authorization.* A certified copy or photostat of evidence of applicant's authorization to do business in each State affected.

(3) *Exhibit C—Company officials.* A list of the names and business addresses of applicant's officers and directors or similar officials.

(4) *Exhibit D—Subsidiaries and affiliation.* If applicant or any of its officers or directors or similar officials, directly or indirectly, owns, controls, or holds with power to vote, 5 percent or more of the outstanding voting securities of any other person or organized group of persons engaged in production, transportation, distribution, or sale of natural gas, or of any person or organized group of persons engaged in the financing of such enterprises or operations—a detailed specification of such relationship, including the percentage of voting strength represented by such ownership of securities. If any person or organized group of persons, directly or indirectly, owns, controls, or holds with power to vote, 5 percent or more of the outstanding voting securities of applicant—a detailed specification of such relationship.

(5) *Exhibit E—Corporate authorization.* A certified copy or photostat of the resolution or other instrument of the board of directors authorizing the proposed project and the filing of the application.

(6) *Exhibit F—Location of facilities.* A geographical map of suitable scale showing and appropriately differentiating between all of the facilities proposed to be constructed or acquired and those existing facilities of applicant which are related thereto, including:

(i) Location, length and size of pipe lines.

(ii) Location and size (rated horsepower) of compressor stations.

(iii) Location and designation of each point of connection of existing and proposed facilities with main line industrial customers, gas pipeline or distribution systems, gas producing and storage fields, or other sources of gas supply.

(7) *Exhibit G—Design and operation of proposed facilities.* (i) A flow diagram under proposed operating conditions showing the following, together with the effect upon existing facilities of those proposed:

(*a*) Diameter, wall thickness and length of pipe to be installed.

(*b*) For each compressor station proposed or for which changes are proposed in existing stations, the size, type and number of compressor units, horsepower required, horsepower to be installed, volume of gas to be used as fuel, suction and discharge pressures, and compression ratio.

(*c*) Pressures and volumes of gas at the main-line inlet and outlet connections of each compressor station.

(*d*) Pressures and volumes of gas at the beginning and terminus of the proposed facilities, and at each intake and take-off point.

(ii) If the flow diagram submitted in compliance with the next preceding subdivision does not reflect the maximum capacities or deliveries of which applicant's existing and proposed facilities would be capable of achieving under most favorable operating conditions, then include an additional diagram or diagrams to depict the maximum capabilities of the facilities.

(iii) The flow diagram or diagrams submitted in compliance with the next preceding two subdivisions shall be accompanied by a statement of engineering design data in explanation and support of the diagrams and the proposed project, setting forth:

(*a*) Assumptions, bases, formulae and methods used in the development and preparation of such diagrams and accompanying data.

(*b*) A detailed description of the proposed facilities, specifying particularly the diameter, wall thickness, yield and tensile strength and method of fabrication of the pipe to be used.

(*c*) The location and installed horsepower of each compressor station.

(*d*) Type, capacity and location of each natural gas storage field or facility, and of each dehydration, desulphurization, natural gas liquefaction or other similar plant or facility.

(8) *Exhibit H—Gas supply data.* A statement of the gas supply committed to, controlled, or possessed by applicant which is available to it for the acts and the services proposed in the application. The statement shall show:

(i) The estimated total of proven reserves in place.

(ii) The volumes of reserves, held in fee or under lease, by each gas field and horizons or zones thereof, giving names and locations of fields (state and county or parish).

(iii) The names and addresses of persons from whom applicant has contractual commitments and proposes to purchase gas, together with the effective dates and remaining terms in years of its gas purchase contracts; and the estimated volumes of gas reserves applicant has available for purchase under each contract, segrated by gas fields and horizons or zones thereof, giving names and locations of fields (state and county or parish).

(iv) A deliverability study showing the daily volumes of natural gas which can and are proposed to be obtained each year from each source of supply.

(v) A conformed copy of each principal agreement, contract or other instrument, not on file with the Commission, which applicant proposes to rely upon for showing its gas supply. Contracts already filed shall be designated with particularity.

(vi) A map or maps showing: Location of each gas field; acreage committed and dedicated to applicant's project; and pipelines and other facilities to be utilized to deliver gas to applicant's main pipeline system, indicating identity of ownership of said facilities if other than by applicant.

(9) *Exhibit I—Market data*—(i) *New markets.* An estimate of the volumes of gas to be delivered during each of the first five years of operation of the proposed facilities, and historical data for each of the five years next preceding the filing of the application, in the proposed market area, which estimate and data shall state the B. t. u. content. The estimate and data shall show:

(*a*) Names and locations of gas companies and municipalities to which gas is to be sold, and, also, the names and locations of firm direct industrial and interruptible direct industrial customers each of whose estimated consumption totals 100,000 Mcf or more per year. The number of residential, commercial, firm industrial, interruptible industrial, residential space-heating, commercial space-heating, and other types of customers for each distribution system to be served at retail or wholesale.

(*b*) Total annual requirements and the annual requirements of each customer and classification of service listed in subdivision (*a*) of this subparagraph. Include also company use and unaccounted for gas.

(*c*) Total past and expected curtailments of service and the past and expected curtailments for each customer and classification of service listed in subdivision (*a*) of this subparagraph.

(*d*) Total peak day and the peak day requirements for each customer listed in subdivision (*a*) of this subparagraph.

(*e*) Explanation of basic factors used in estimating future requirements, including, for example: Peak day and annual degree-day deficiencies, annual load factors of applicant's system and of its deliveries to its proposed customers; individual consumer peak day and annual consumption factors for each class of consumers, with supporting historical data; and forecasted saturation of space-heating as related to past experience.

(*f*) Conformed copy of each contract, not on file with the Commission, for sale or transportation of natural gas by means of the proposed facilities. Contracts already filed shall be designated with particularity.

(*g*) Copies of all recent market surveys.

(ii) *System markets.* Where a major project is proposed, the estimates and data required by subdivision (i) of this subparagraph shall also be stated for applicant's entire system, including the proposed new markets.

(10) *Exhibit J—Conversion to natural gas.* If manufactured gas service exists in a community proposed to be served, submit with respect to each such community:

(i) Description of existing gas manufacturing facilities and their physical condition, including the type, size, daily output capacity, and installation date of each gas generating unit; daily sendout capacity of plant; capacity of storage holders; heating value of gas distributed.

(ii) Statement of kind and heating value of gas proposed to be distributed; and use proposed to be made of gas manufacturing facilities in connection with such service; estimated cost of converting gas manufacturing facilities to high Btu gas production, if such conversion is planned, and estimated daily capacity upon conversion.

(iii) Study showing estimated cost of converting consumers' appliances to natural gas and a statement as to the accounting proposed for such cost.

(iv) Description, location, and estimated cost of new facilities, if any, to be constructed for the receipt and distribution of natural gas to be purchased.

(v) Detailed estimates of savings, if any, for the first five years of proposed natural gas operation which each resale customer will be able to realize with the use of natural gas.

(vi) Effect of natural gas service upon the ultimate consumers served by each resale customer, including expected reductions in rates and improvements in service.

(vii) Plans for continued use, if any, of manufactured-gas plants.

(11) *Exhibit K—Cost of facilities.* A detailed estimate of total capital cost of the proposed facilities showing the cost of construction by operating units such as compressor stations, main pipe lines, laterals, measuring and regulating stations, and separately stating the cost of right-of-way, damages, surveys, materials, labor, engineering and inspection, overhead, interest during construction, and contingencies.

(12) *Exhibit L—Financing.* Proposed plan of financing applicant's proposal, including:

(i) A full description of the securities applicant has outstanding and those it proposes to issue or the liabilities it proposes to assume in connection with the proposed project, and the purposes therefor, showing the amount (face value and number), interest or dividend rate, dates of issue and of maturity, voting privileges, and terms and conditions applicable to each issue.

(ii) The manner in which applicant proposes to sell or issue the necessary securities, and the persons, if known, to whom they will be sold or issued, and if not known, the class or classes of such persons.

(iii) A statement showing for each proposed issue, by total amount and by unit, the estimated price to the public and estimated net proceeds to the applicant.

(iv) An itemized statement of estimated expenses, fees and commissions to be paid by applicant in connection with each proposed issue.

(v) Whether the consent of any holder of any security of applicant is required in order to permit the issuance of additional securities proposed by applicant; and whether any such restriction upon the future issuance of securities is being included in any securities proposed to be issued presently by applicant.

(vi) Statement of anticipated cash flow, including provision for interest requirements and capital retirements, for the first five years of operation of proposed facilities.

(vii) Statement showing over the life of each issue the annual amount of securities which applicant expects to retire through operation of a sinking fund or other extinguishment of the obligation.

(viii) A balance sheet and income statement of most recent date available.

(ix) Comparative, pro forma balance sheets and income statements for each of the first five years of operation, giving effect to the proposed construction and proposed financing of the project.

(x) Certified or photostatic copies of all agreements, contracts, mortgages, deeds of trust, indentures, agreements to advance materials or supplies or render services in return for applicant's securities, underwriting agreements and other agreements and documents of a similar nature.

(xi) Certified or photostatic copies of all reports submitted by applicant to underwriters or others regarding financing, including business studies, forecasts of earnings and other similar financial or accounting reports, statements or documents.

(xii) Certified or photostatic copies of all applications and supporting exhibits, registration statements or other similar submittals, if any, to the United States Securities and Exchange Commission.

(xiii) Any additional data and information upon which applicant proposes to rely for showing the adequacy and availability to it of resources for financing its proposed project.

(13) *Exhibit M—Construction, operation and management.* Concise statement setting forth arrangements for supervision, management, engineering or other similar services to be rendered in connection with the construction or operation of the project, if not done by employees of applicant, including reference to any existing or contemplated agreements therefor, together with:

(i) A statement showing such affiliation as may exist between applicant and any parties to such agreements or arrangements.

(ii) Certified or photostatic copies of all construction, engineering, management and other similar service agreements or contracts.

(14) *Exhibit N—Revenues; expenses; income.* Pro forma statements for each of the first five years of operation of the proposed facilities, showing in detail:

(i) Gas system annual revenues and volumes of natural gas related thereto, subdivided by classes of service, and further subdivided by sales to main line industrial customers, sales to other gas utilities, and other sales, indicating billing quantities used for computing charges, e. g., actual demands, billing demands, volumes, heat content adjustment or other determinants; in addition, if enlargement of extension of facilities is involved, the revenues attributable solely to the proposed facilities shall be stated separately.

(ii) Gas system annual operating expenses subdivided by functions, depreciation, depletion, taxes, utility income and rate of return on net investment in gas plant and working capital; in addition, if enlargement or extension of facilities is involved, the costs of service attributable solely to the proposed facilities shall be stated separately.

(15) *Exhibit O—Depreciation and depletion.* Depreciation and depletion rates to be established, the method of determination and the basis therefor.

(16) *Exhibit P—Tariff.* (Need not be submitted by applicants that propose no new or different rates than those currently effective and on file with the Commission.) A pro forma gas tariff or appropriate sections thereof, together with basic data showing:

(i) System cost of service for the first calendar year of operation of the completed proposed facilities.

(ii) A classification of such costs by "demand" and "commodity" components, and the allocation thereof to each particular service classification for which a two-part rate is proposed and a tariff submitted.

(iii) The rate base and rate of return claimed.

(iv) Gas operating expenses segregated functionally by accounts.

(v) Depletion and depreciation.

(vi) Taxes.

(17) *Other exhibits.* Applicant may submit additional exhibits that it considers essential for consideration of the application, or as may be necessary in supplying any additional information that the Commission may require. Such exhibits may be identified and designated with subnumbers of the appropriate single-letter designations referred to in the preceding subparagraphs of this paragraph.

(18) *Additional information.* Upon request in writing by the Commission, applicant shall submit additional data, information, exhibits, or other detail prior to or during the hearing upon any application.

§ 157.8 *Requirements for applications covering acquisitions*—(a) *General contents.* Except as otherwise permitted by § 157.5, applications under section 7 (c) of the Natural Gas Act, as amended, for certificates of public convenience and necessity authorizing acquisition of facilities, in addition to complying with the applicable provisions of §§ 157.6 and 157.7, shall include a statement showing:

(1) The exact legal name of the vendor, lessor, or other party in interest (hereinafter referred to as "vendor"), the state or other jurisdiction under the laws of which vendor was organized, if not an individual, location of vendor's principal place of business, and a description of any existing business, operation or property of vendor covered by the application.

(2) Any certificate held by vendor from the Commission relating directly to the facilities which applicant seeks to acquire, citing the order, date thereof, docket designation and title of the proceeding.

(3) The manner in which the facilities are to be acquired, the consideration to be paid and the method of arriving at the amount thereof, including a statement of all anticipated expenditures to be incurred in the acquisition.

(4) A description of the acquisition, showing the present use of the facilities, their proposed use after acquisition, and whether such facilities constitute all the operating facilities of the parties in interest to the transaction.

(5) Any franchise, license or permit held and applicable to the facilities covered by the application, showing date of expiration, if not perpetual, and including a statement as to the effect of the proposed acquisition thereon.

(6) Whether any application relating to the transaction is required to be filed with any other Federal, state or other regulatory body; if so, set forth the nature and status of such applications.

(b) *Exhibits.* In addition to complying with the applicable requirements of § 157.7, every application involving acquisition of facilities shall include in exhibit form:

(1) *Exhibit Q—Effect on existing contracts and tariffs.* A statement showing the effect of the proposed transaction upon any agreements for the purchase, sale, or interchange of natural gas, and upon any rate schedules or tariffs on file with this Commission or any other regulatory body, together with pro forma rate schedule sheets, notices of cancellation or other gas rate schedule or tariff filings that applicant will need to file with this Commission or with other regulatory bodies.

(2) *Exhibit R—Acquisition contracts.* A statement of, including:

(i) A certified copy or photostat of each contract or other agreement covering the acquisition of the facilities or related thereto.

(ii) Any intermediaries employed in consummating the transaction, including engineering or other service companies or organizations whose services were employed, and estimated compensation and fees of such intermediaries.

(iii) Any affiliation existing between applicant and vendor, or any other party in interest in the proposed acquisition.

(3) *Exhibit S—Accounting.* A statement:

(i) Showing the amounts recorded upon the books of the vendor as being applicable to the facilities to be acquired, and the depreciation, depletion and amortization reserves relating thereto as recorded upon such books.

(ii) Showing original cost of the facilities to be acquired, by accounts prescribed in the Commission's Uniform System of Accounts for Natural Gas Companies. Said statement shall set forth the method by which the original cost was determined, and shall specify whether same has been approved by any regulatory body having jurisdiction over the vendor or applicant.

(iii) If the original cost has not been determined, an estimate thereof, based upon records or data of the vendor or its predecessors, together with an explanation of the manner in which such estimate was made and a statement of the present custodian of all existing pertinent data and records.

(iv) Showing depreciation, depletion and amortization reserve requirements applicable to the original cost of the facilities to be acquired, including a statement of the estimated service lives and the approximate average age of the facilities to which the depreciation reserve applies, the amortization period with respect to the amortization reserves, and the depletion rates and estimated gas reserves upon which accruals to the depletion reserve are to be based.

(v) Showing amount at which the applicant proposes to record the facilities upon its books, setting forth the amount of the original cost to be recorded, the depreciation, depletion, and amortization reserves, and the acquisition adjustments, if any, together with a brief statement showing the manner in which applicant proposes to dispose of such adjustments.

(vi) Showing any duplicate facilities to be acquired which will be retired, or of property which must be extensively rehabilitated, including the estimated amounts of such property, the additional costs to be incurred, and the accounting proposed therefor.

(vii) If acquisition involved is by purchase of capital stock and liquidation of the acquired company, a balance sheet of the company to be acquired as of the most recent date available.

(viii) If acquisition involved is by merger, a pro forma consolidating balance sheet showing the merging of the accounts of vender and applicant and the adjustments relating thereto.

(4) *Other exhibits.* Applicant may submit additional exhibits that it considers essential for consideration of the application or as may be necessary in supplying any additional information that the Commission may require.

APPLICATIONS FOR TEMPORARY CERTIFICATES IN CASES OF EMERGENCY

§ 157.11 *Requirements for temporary certificate applications* (a) Pending the determination of an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, application may be made in cases of emergency for a temporary certificate authorizing the construction and operation of such minor extensions of existing facilities and such interconnections of pipeline systems as may be required to assure maintenance of adequate service, or to serve particular customers.

(b) Such application for temporary certificate shall be submitted in writing and shall state clearly and specifically the exact character of the emergency, the proposed method of meeting it, and the facts warranting the issuance of a temporary certificate.

MISCELLANEOUS REGULATIONS UNDER THE CERTIFICATE PROVISIONS OF THE NATURAL GAS ACT

§ 157.20 *Reports to be filed.* Every natural gas company constructing facilities pursuant to a certificate issued under Section 7 of the Natural Gas Act shall file (a) notice of the date on which construction begins, (b) each three months after the date on which a certificate is issued, a progress report showing the exact status of the construction authorized, (c) the date on which operation begins, and (d) within 90 days after facilities constructed pursuant to a certificate under section 7 (c) have been placed in service, a detailed statement showing the actual cost of such facilities by operating units and separately the cost of labor, materials, and other costs, as well as the cost of rights-of-way, damages, surveys, engineering, inspection, overhead, interest during construction, and contingencies. An original and four conformed copies of such reports shall be filed in lieu of the original and 14 conformed copies required by § 1.17 (f) of the rules of practice and procedure.

§ 157.21 *Transferability and temporary continuance of certificate—Authorizations.* Certificates of public convenience and necessity issued under section 7 of the Natural Gas Act, as amended, are not transferable. However, authorizations thereunder may continue in effect for a period not to exceed two years, in the event of the involuntary transfers by operation of law (including such transfers to receivers or trustees) of the facilities operated thereunder.

§ 157.22 *Exemption of temporary acts and operations*—(a) *General.* Public interest does not require the issuance of a certificate for the construction and operation of facilities necessary to assure maintenance of adequate natural-gas service where interruption or serious curtailment of service exists or is threatened because of failure of facilities or failure or curtailment of supply or unusual and unexpected demand on such facilities or supply, and where such acts and operations are limited to a single period of not more than sixty days.

(b) *Statement showing purpose.* Any company undertaking any such construction or operation shall immediately advise the Commission and within ten days file a full statement in writing and under oath setting forth the purpose and character thereof and a description of the operation and specific facilities constructed therefor.

(c) *Discontinuance and removal.* Except as provided herein, emergency operations undertaken under authority of paragraph (a) of this section shall be discontinued upon expiration of the sixty-day period, and all facilities installed for such temporary acts or operations shall be removed promptly and the Commission shall be so advised under oath within 10 days of such discontinuance and within 10 days of such removal. If appropriate application is made pursuant to section 7 (c) of the Natural Gas Act, as amended, for a certificate authorizing such facilities and operation thereof and such application also contains a request for a temporary certificate, the emergency operations may be continued until action by the Commission on the request for a temporary certificate.

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ATOMIC ENERGY COMMISSION

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PART I—ORGANIZATION

GENERAL

SECTION 1. *Creation and authority.* The Atomic Energy Commission was established by the Atomic Energy Act of 1946 (60 Stat. 755; 42 U. S. C. 1801 et seq.), approved August 1, 1946. Pursuant to section 9 (a) of the act, certain interests, property, and facilities of the Government, including interests, property, and facilities of the Manhattan Engineer District, were transferred to the Commission as of Midnight, December 31, 1946, by Executive Order 9816 of the same date.

SEC. 2. *Purpose.* It is the purpose of the Atomic Energy Act to effectuate the declared policy of the people of the United States that, subject at all times to the paramount objective of assuring the common defense and security, the development and utilization of atomic energy shall, so far as practicable, be directed toward improving the public welfare, increasing the standard of living, strengthening free competition in private enterprise, and promoting world peace.

SEC. 3. *Programs.* The act provides for the following major programs relating to atomic energy:

(a) A program of assisting and fostering private research and development to encourage maximum scientific progress;

(b) A program for the control of scientific and technical information which will permit the dissemination of such information to encourage scientific progress, and for the sharing on a reciprocal basis of information concerning the practical industrial application of atomic energy as soon as effective and enforceable safeguards against its use for destructive purposes can be devised;

(c) A program of federally conducted research and development to assure the Government of adequate scientific and technical accomplishment;

(d) A program for Government control of the production, ownership, and use of fissionable material to assure the common defense and security and to insure the broadest possible exploitation of the fields; and

(e) A program of administration which will be consistent with the foregoing policies and with international arrangements made by the United States, and which will enable the Congress to be currently informed so as to take further legislative action as may hereafter be appropriate.

SEC. 4. *Operations.* The operations of the Commission are carried out largely by industrial concerns and by private and public institutions under contract with the Commission, in accordance with the requirements and policies established by the Commission pursuant to the Atomic Energy Act. Some of the principal production and research and development activities are conducted by contractors in facilities owned by the Commission. Major production facilities owned by the Commission are located at Oak Ridge, Tennessee, and Hanford, Washington. Production facilities at sites near Paducah, Kentucky, and Augusta, Georgia, are under construction. Major research and development facilities owned by the Commission are the Oak Ridge National Laboratory at Oak Ridge, Tennessee; the Los Alamos Scientific Laboratory at Los Alamos, New Mexico; the Argonne National Laboratory at Chicago, Illinois; the Brookhaven National Laboratory at Upton, Long Island, New York; and the Knolls Atomic Power Laboatory at Schenectady, New York.

SEC. 11. *General outline of organization.* This section outlines the principal elements of the Commission's organization, which is described in greater detail in sections 21 to 49, inclusive.

(a) The Commission is composed of five members, one designated as Chairman, all appointed by the President by and with the advice and consent of the Senate. The Commissioners confer and act as a body on important matters of policy, programs, and administration.

(b) The General Manager, appointed by the Commission, is the principal executive and administrative officer of the Commission.

(1) The General Manager is responsible to the Commission for the formulation of policies and programs by the Commission's divisions. Four of the six program divisions—the Divisions of Research, Production, Engineering, and Military Application—were expressly established by the Atomic Energy Act. The Division of Reactor Development and the Division of Biology and Medicine have been established by the Commission.

(2) The General Manager is also assisted in his executive and administrative duties by the Deputy General Manager, by the Office of the General Counsel, by the Director of Intelligence, by the Director of Classification, and by the Divisions of Finance, Organization and Personnel, Information Services, and Security.

(c) Certain executive and administrative functions have been delegated by the General Manager to the division directors, particularly to the Directors of Production, Military Application, and Reactor Development. The Director of Production is responsible for the Operations Offices at New York, N. Y.; Oak Ridge, Tennessee; Hanford, Washington; and Augusta, Georgia; and the Raw Materials Operations Office in Washington, D. C. The Director of Military Application is responsible for the Operations Office at Santa Fe, New Mexico. The Director of Reactor Development is responsible for the Operations Offices at Chicago, Illinois; Schenectady, New York; and Idaho Falls, Idaho; and for the Division of Engineering in Washington, D. C. These division directors have in turn delegated a large measure of executive and administrative authority to the managers of the Operations Offices. The managers of operations are authorized, within stated limits, to enter into contracts on behalf of the Commission, to act as representatives of the Commission for the administration of contracts executed under their authority or assigned to their offices, and to perform other special functions.

SEC. 12. *Committees.* The Atomic Energy Act provides for three permanent committees. The General Advisory Committee, composed of nine members appointed from civilian life by the President, advises the Commission on scientific and technical matters relating to materials, production, and research and development. The Military Liaison Committee consists of representatives of the Department of Defense, and at the present time has seven members. The Commission advises and consults with the Military Liaison Committee on all atomic energy matters which the Committee deems to relate to military applications, including the development, manufacture, use, and storage of bombs, the allocation of fissionable material for military research, and the control of information relating to the manufacture or utilization of atomic weapons. The Commission keeps the Committee fully informed of all such matters before it, and the Committee keeps the Commission fully informed of all atomic energy activities of the Armed Forces. The Joint Committee on Atomic Energy, composed of nine members of the Senate and nine members of the House of Representatives, makes continuing studies of the activities of the Atomic Energy Commission and of problems relating to the development, use, and control of atomic energy. The Commission keeps the Joint Committee fully and currently informed on the activities of the Commission.

COMMISSION HEADQUARTERS

SEC. 21. *The Commission.* The five Commissioners are appointed by the President, by and with the advice and consent of the Senate. One member is designated by the President as Chairman. The Commissioners establish policies and programs pursuant to the provisions of the Atomic Energy Act, direct the administrative and executive functions of the Commission to be discharged by the General Manager, appoint the principal officers of the Commission's organization, and take such other action as may be required to effectuate the purposes and policies of the Atomic Energy Act.

SEC. 22. *Office of the General Manager.* The General Manager is appointed by the Commission. The Commission has authorized and directed the General Manager to discharge those executive and administrative functions of the Commission which may be necessary to carry out the provisions of the Atomic Energy Act of 1946. The General Manager is authorized to redelegate such authority in writing, with or without authority to make successive redelegations, and under such terms, conditions, and limitations as he may deem appropriate. He is assisted in discharging his responsibilities by a Deputy General Manager, who is authorized to take action for the General Manager on all matters falling within the authority of the General Manager.

SEC. 23. *Office of the General Counsel.* The General Counsel advises the Commission directly regarding the interpretation of the Atomic Energy Act of 1946 and other sources of legal powers, and the authority for and legal implications of all activities of the Commission. The Office of the General Counsel advises and assists the General Manager, the division directors, and the Managers of Operations in all matters of law and legal policy. The Office of the General Counsel has supervision of the Patent Branch, which administers matters relating to patents and inventions.

SEC. 24. *Office of the Director of Intelligence.* The Director of Intelligence advises on intelligence matters.

SEC. 25. *Office of Classification.* The Director of Classification administers and effectuates the Commission's programs for the classification and declassification of information.

SEC. 26. *Division of Research.* The Division of Research develops and supervises programs of research in or involving the physical sciences, including the isotopes program, the transfer of peculiar materials and equipment among research installations, the dissemination and use of technical information in the atomic energy program, and research projects requested by other divisions. The Division also administers the program of cooperation with the Office of Naval Research and the contracts with the National Research Council and the Oak Ridge Institute of Nuclear Studies, Inc. for a fellowship program.

SEC. 27. *Division of Reactor Development.* The Division of Reactor Develop-

ment develops and directs the program for the development of reactors, including the equipment and processes which will make possible their effective and safe use; and integrates into this program the special needs of other divisions. The Director of the Reactor Development Division is authorized to make and administer contracts and to redelegate this authority, except that new or unusual types of transactions are subject to prior consideration of the General Manager.

SEC. 28. *Division of Engineering.* The Division of Engineering handles special engineering and related problems for the Division of Reactor Development.

SEC. 29. *Division of Production.* The Division of Production develops and directs programs of raw materials, production of fissionable materials, and procurement of special materials; supervises construction and related engineering and community activities; maintains accountability records of source and fissionable materials; coordinates mobilization plans, coordinates the use of priorities and allocations powers delegated by control agencies; and administers programs for equipment export control and for source materials and production facilities licensing. The Director of Production is authorized to make and administer contracts, and to redelegate this authority, except that new or unusual types of transactions are subject to prior consideration of the General Manager.

SEC. 30. *Division of Military Application.* The Division of Military Application directs the research, development, production and testing of atomic weapons; manages related AEC installations and communities; and assists in maintaining liaison between the Atomic Energy Commission and the Department of Defense. The Director of Military Application is authorized to make and administer contracts, and to redelegate this authority, except that new or unusual types of transactions are subject to prior consideration of the General Manager.

SEC. 31. *Division of Biology and Medicine.* The Division of Biology and Medicine develops and supervises programs of research in biology, medicine, and biophysics at AEC facilities and through direct contacts with private institutions; supervises measures to guard the health of atomic energy employees and the public; maintains liaison with Federal Civil Defense Administration and other Federal agencies on civil defense matters; coordinates the procurement of radiation detection instruments; supervises fellowship and special training programs in the life sciences.

SEC. 32. *Division of Security.* The Division of Security develops and maintains policies, standards, and procedures to assure the safekeeping of restricted data and other classified matter and to assure the protection of installations and materials of AEC; maintains liaison with the Federal Bureau of Investigation, the National Military Establishment, and other agencies as required for the protection of restricted data and for the clearance of personnel; and operates the security program for the Washington Area.

SEC. 33. *Division of Organization and Personnel.* The Division of Organization and Personnel develops and maintains the independent AEC employee personnel policy and related procedures; provides staff assistance in all matters of organization, management methods, contractor personnel administration, and safety and fire protection; and operates personnel services for the Washington Office.

SEC. 34. *Division of Finance.* The Controller has direct responsibility to the Commission to report the financial status of the agency and the results of its operations in conformity with generally accepted accounting principles; to detect fraud and improper diversion of assets and to prevent such occurrences to the extent possible by the maintenance of reasonable accounting and business-management controls; and to advise on financial implications of proposed courses of action. He is responsible to the General Manager for the performance of the functions assigned to the Division of Finance. The Division of Finance plans, develops, and maintains over-all policies and standards for accounting, auditing, budgeting, insurance, traffic management, records, motor vehicle operation, communications, and the procurement, custody, and disposal of materials, equipment, supplies and real estate; plans, develops, and maintains procedures for program authorization and progress reporting; performs financial and business management services for the Washington Office.

SEC. 35. *Division of Information Services.* The Division of Information Services advises and assists the Commission, General Manager, and Washington principal staff in disseminating scientific, technical and general information arising from policy determinations and program developments in accordance with provisions of the Atomic Energy Act of 1946 and other statutes. The Division assists Managers of Operations in complying with the requirements of the Commission, General Manager, and Directors of Program Divisions for coordination of public and technical information programs through advice to their public and technical information staffs.

SEC. 36. *Secretary to the Commission.* The Secretary to the Commission maintains official minutes and records of the Commission; reviews and processes documents to be presented to the Commission; advises the staff on behalf of the General Manager, of Commission decisions and requests; and provides related services.

OPERATIONS OFFICES

SEC. 41. *Chicago Operations Office.* The Chicago Operations Office, under the direction of a Manager of Operations responsible to the Director of Reactor Development, administers contracts for research and development programs, including those at the Argonne National Laboratory; administers related engineering and construction programs; provides management for the execution of programs at the University of California at Berkeley, Ames Laboratory of Iowa State College at Ames, Iowa, and the Westinghouse Company at Pittsburgh; and makes or approves purchases, contracts and subcontracts, except that each purchase, contract, subcontract, extension or modification in excess of $2 million is subject to the approval of the Director of Reactor Development.

SEC. 42. *Hanford Operations Office.* The Hanford Operations Office, under the direction of a Manager of Operations responsible to the Director of Production, is responsible for the production of fissionable materials and other special materials and fabricated items; manages Richland Village; related engineering and construction programs; and makes or approves purchases, contracts, and subcontracts, except that each purchase, contract, subcontract, extension or modification in excess of $5 million is subject to the approval of the Director of Production.

SEC. 43. *Idaho Operations Office.* The Idaho Operations Office, under the direction of a Manager of Operations responsible to the Director of Reactor Development, provides for the design, construction and operation of nuclear reactors and facilities and services as necessary; manages the Reactor Testing Station and performs other special assigned functions; and makes or approves purchases, contracts, and subcontracts, except that each purchase, contract, subcontract, extension or modification in excess of $2 million is subject to the approval of the Director of Reactor Development.

SEC. 44. *New York Operations Office.* The New York Operations Office, under the direction of a Manager of Operations responsible to the Director of Production, provides for receiving and warehousing source and other raw materials, processing source materials and other raw materials; administers the contract for a research and development program at the Brookhaven National Laboratory; is responsible for source material licensing; supervises the St. Louis and Cleveland Area Offices; administers contracts for research programs in the field of biology and medicine at Rochester, Western Reserve, and Columbia Universities; and makes or approves purchases, contracts, and subcontracts, except that each purchase, contract, subcontract, extension, or modification in excess of $2 million is subject to the approval of the Director of Production.

SEC. 45. *Oak Ridge Operations Office.* The Oak Ridge Operations Office, under the direction of a Manager of Operations responsible to the Director of Production, is responsible for the production of fissionable materials and certain special materials and fabricated items; administers contracts for research programs at Oak Ridge National Laboratory and other AEC installations administered by the Oak Ridge Operations Office; manages the community of Oak Ridge; administers related engineering and construction work; administers the AEC isotope-production and distribution program in accordance with policies of the Division of Research; supervises the Dayton Area Office, and the Kentucky Area Office; and makes or approves purchases, contracts, and subcontracts, except that each purchase, contract, subcontract, extension, or modification in excess of $5 million is subject to the approval of the Director of Production.

SEC. 46. *Raw Materials Operations Office.* Under the direction of a Manager of Operations responsible to the Director of Production, is responsible for the functions of exploration for, and acquisition and production of, raw materials and the procurement of certain special materials; administers related research, development, engineering, and construction work; supervises the Colorado Raw Materials Office; and makes or approves purchases, contracts, and subcontracts, except that each purchase, contract, subcontract, extension, or modification in excess of $2 million is subject to the approval of the Director of Production.

SEC. 47. *Santa Fe Operations Office.* Under the direction of a Manager of Operations responsible to the Director of Military Application, is responsible for research, development, production, and testing in the field of atomic weapons; supervises facilities at Sandia, New Mexico; manages the community at Los Alamos, New Mexico; and makes or approves purchases, contracts, and subcontracts, except that each purchase, contract, subcontract, extension, or modification in excess of $3 million is subject to the approval of the Director of Military Application.

SEC. 48. *Savannah River Operations Office.* The Savannah River Operations Office, under the direction of a Manager of Operations responsible to the Director of Production, administers assigned programs for the production of fissionable materials, special materials, and fabricated items; administers related engineering and construction programs; supervises the Dana Area Office; and makes or approves purchases, contracts, and subcontracts, except that each purchase, contract, subcontract, extension, or modification in excess of $5 million is subject to the approval of the Director of Production.

SEC. 49. *Schenectady Operations Office.* The Schenectady Operations Office, under the direction of a Manager of Operations responsible to the Director of Reactor Development, carries out the policies of the Commission for development of nuclear reactors in the Schenectady area, including the Knolls Atomic Power Laboratory; administers related research and development contracts and engineering contracts; supervises work in the Schenectady area performed as assistance to the Hanford Operations Office; and makes or approves contracts and subcontracts, except that each purchase, contract, subcontract, extension, or modification in excess of $1 million is subject to the approval of the Director of Reactor Development.

PART II—PROCEDURES

SECTION 1. *Research assistance—(a) Research and development contracts.* The Commission has entered into many contracts with public and private institutions for the prosecution of research and development work in various branches of atomic science and technology. These contracts are negotiated and supervised on behalf of the Commission by the General Manager, the Division of Biology and Medicine, the Managers of Operations and their authorized representatives. The Division of Research is responsible for the development and supervision of the research program involving the physical sciences in AEC installations and outside organizations, including the isotope program, and inquiries regarding participation in this program may be addressed to the Director of the Division of Research in Washington. The Division of Biology and Medicine is responsible for administration of the program for the support of basic research relating to atomic energy in the fields of biology and medicine, and inquiries regarding participation in this program may be addressed to the Director of the Division of Biology and Medicine in Washington.

(b) *Distribution of isotopes.* The Commission assists and fosters research and development by a program for the sale and distribution of various radioactive and stable isotopes, including deuterium, and for the irradiation in an operating nuclear reactor of various samples. Because radioisotopes are at present available only in limited amounts, and because they may present a distinct health hazard unless used with proper care, the Commission desires to insure that they are distributed in a manner that will assure effective use and safe handling. Any scientist working in a recognized academic, medical, or industrial research institution in the United States may address his specific request for isotopes or irradiation service to the United States Atomic Energy Commission, P. O. Box E, Oak Ridge, Tennessee. The Oak Ridge Operations Office processes applications for necessary approvals. The approved application is returned to the applicant for transmittal to the contractor serving as distributor. The contractor, on receipt of the approved application, fills the order and bills the applicant according to a price schedule approved by the Commission.

(c) *Fellowship program.* The Division of Research is responsible for the administration of contracts with the National Research Council and the Oak Ridge Institute of Nuclear Studies for a fellowship program. The fellowship program for the 1951–1952 academic year will be administered for the Commission by the Oak Ridge Institute. Predoctoral fellowships will be given in the physical and biological sciences; postdoctoral fellowships in the physical, biological, and medical sciences. Applications may be submitted to the Oak Ridge Institute of Nuclear Studies, Inc., University Relations Division, P. O. Box 117, Oak Ridge, Tennessee.

SEC. 2. *Information services.* Writers or speakers may submit material to the AEC for security review and for assistance in determining if the material is free of restricted data (as defined in the Atomic Energy Act). Review and assistance will be given insofar as national security permits. Such submission of material, as well as any requests for publicly releasable information concerning the Commission's organization and activities, should be directed to the Division of Information Services, U. S. Atomic Energy Commission, Washington 25, D. C.

SEC. 3. *Material and equipment control.* (a) Pursuant to section 5 (b) of the Atomic Energy Act of 1946, a regulation for licensing the transfer of source materials (uranium and thorium) has been published as Code of Federal Regulations, Title 10, Part 40 (14 F. R. 1156), which sets forth necessary procedures. Correspondence and other inquiries concerning possession, transfer, and use of source materials should be addressed to the U. S. Atomic Energy Commission, New York Operations Office, P. O. Box 30, Ansonia Station, New York 23, New York.

(b) Pursuant to section 4 (e) of the Atomic Energy Act of 1946, a regulation for licensing the manufacture and transfer of facilities for the production of fissionable material has been published as Code of Federal Regulations, Title 10, Part 50 (14 F. R. 3492 as amended), July 1, 1949, which sets forth necessary procedures. Correspondence and other inquiries in this connection should be addressed to the Division of Production, U. S. Atomic Energy Commission, Washington 25, D. C.

SEC. 4. *Patents, inventions, and awards.* (a) Rules and regulations with respect to applications for awards, just compensation or the fixing of reasonable royalty fees in connection with patents and inventions under the provisions of section 11 of the Atomic Energy Act of 1946 have been published as Code of Federal Regulations, Title 10, Part 80 (13 F. R. 3457). Inquiries with respect to such matters should be addressed to the Clerk, Patent Compensation Board, U. S. Atomic Energy Commission, Washington 25, D. C.

(b) Patents and Patent Applications Owned by the Commission Available for Licensing: The Commission grants nonexclusive, royalty-free licenses on Commission-owned patents and declassified patent applications as part of its program to make non-secret technological information available for use by industry. Periodic listings of such patents and patent applications are released in press releases and published in various journals including the U. S. Patent Office, Official Gazette, and the Atomic Energy Commission Nuclear Science Abstracts. Applicants for licenses should apply to the Chief, Patent Branch, Office of the General Counsel, U. S. Atomic Energy Commission, Washington 25, D. C.

SEC. 5. *Domestic uranium program.* The domestic uranium program of the

Commission, under the direction of Raw Materials Operations Office, was put into effect in April 1948. The details of this program have been explained in Domestic Uranium Circulars Nos. 1, 2, 3, and 5 which were published as Code of Federal Regulations, Title 10, Part 60 (13 F. R. 2089; 13 F. R. 2090; 14 F. R. 731). The Raw Materials Operations Office has developed a booklet entitled "Prospecting for Uranium" which provides valuable information and assistance to those interested in prospecting for radioactive materials. This booklet may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C., for 30 cents a copy.

(60 Stat. 755–775; 42 U. S. C. 1801–1819)

Dated: March 7, 1951.

WALTER J. WILLIAMS,
Deputy General Manager.

[F. R. Doc. 51–3240; Filed, Mar. 13, 1951; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA–229]

ACCIDENT OCCURRING AT SIOUX CITY, AIRPORT, SIOUX CITY, IOWA

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC–19928, which occurred at Sioux City Airport, Sioux City, Iowa, on March 2, 1951.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, March 15, 1951, at 9 a. m. (local time) in the Courtroom, United States Post Office Building, Sioux City, Iowa.

Dated at Washington, D. C., March 8, 1951.

[SEAL] RUSSELL A. POTTER,
Presiding Officer.

[F. R. Doc. 51–3259; Filed, Mar. 13, 1951; 8:48 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Administrative Order 22, Supp. 1]

REDELEGATION OF AUTHORITY WITH RESPECT TO ENFORCEMENT FUNCTIONS

By virtue of the authority vested in me as Assistant Director of Price Stabilization for Enforcement (Director of Enforcement), pursuant to Administrative Order No. 22, Executive Order No. 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), and in order to further define the internal organization of the Office of Price Stabilization, particularly the enforcement functions of the several Regional Enforcement Directors and District Enforcement Directors, *It is hereby ordered:*

SECTION 1. Those functions relating to the enforcement of price stabilization which were delegated to the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) by Administrative Order 22 are hereby redelegated to the several Regional Enforcement Directors and District Enforcement Directors subject to such rules, regulations and orders as may hereafter be issued by the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement), and further subject to such general supervision, direction and control as the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) deems necessary and expedient.

SEC. 2. This order shall become effective March 13, 1951.

Issued this 13th day of March 1951.

E. P. MORGAN,
Assistant Director of Price Stabilization for Enforcement (Director of Enforcement).

[F. R. Doc. 51–3379; Filed, Mar. 13, 1951; 11:49 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950 (15 F. R. 1583), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

MARCH DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Dried whole eggs 1950 pack (packed in barrels and drums) in carload lots only, 1,000,000 pounds.[1]	$1.03 per pound f. o. b. cars or trucks at warehouses in Illinois, Indiana, Iowa, Michigan, Ohio, Minnesota, Oklahoma, Texas, Kansas, Missouri, Nebraska, Wisconsin, Pennsylvania, New York, and Delaware.
Nonfat dry milk solids, in carload lots only:	
Spray process, 35,000,000 pounds.[1]	14 cents per pound, f. o. b. location of stock in any State.
Roller process, 15,000,000 pounds.[1]	12 cents per pound, f. o. b. location of stock in any State.
Linseed oil, raw, 216,000,000 pounds	Market price on date of sale.
Dry edible beans	On all beans, for areas other than those shown below, adjust prices upward or downward by an amount equal to the price support program differential between areas. Where no price differential occurs, the prices listed will apply. For other grades of all beans, adjust by market differentials. Prices listed below, on all beans, are at point of production. Amount of any paid-in freight to be added.
Pinto, bagged, 1,760,000 hundredweight.	No. 1 Grade, 1948[1] and 1949 crops: $8.10 per 100 pounds, basis f. o. b. Denver area and California area; $7.70 per 100 pounds, basis f. o. b. Idaho.
Pea, bagged, 955,000 hundredweight.	No. 1 Grade 1948[1] and 1949 crops: $7.85 per 100 pounds, basis f. o. b. Michigan area.
Red kidney, bagged, 543,000 hundredweight.	No. 1 Grade 1948 and 1949 crops: $9.30 per 100 pounds, basis f. o. b. New York area.
Great Northern, bagged, 1,950,000 hundredweight.	No. 1 Grade 1948[1] and 1949 crops: $7.15 per 100 pounds, basis f. o. b. Twin Falls, Idaho, area; $7.55 per 100 pounds, basis f. o. b. Morrill, Nebr., area.
Baby lima, bagged, 700,000 hundredweight.	No. 1 Grade 1948[1] and 1949 crops: $7.95 per 100 pounds, basis f. o. b. California area.
Cranberry beans, bagged, 80,000 hundredweight.	No. 1 Grade 1949 crops: $8.60 per 100 pounds, basis f. o. b. California or Michigan area.
Austrian Winter pea seed, bagged, 145,000 hundredweight.[1]	$5.26 per 100 pounds, f. o. b. point of production; amount of any paid-in freight to be added.
Blue lupine seed, bagged, 400,000 hundredweight	$5.26 per 100 pounds, f. o. b. point of production; amount of any paid-in freight to be added.
Kobe Lespedeza seed, bagged, 3,600 hundredweight.	$13.49 per 100 pounds, f. o. b. point of production; amount of any paid-in freight to be added.
Weeping Lovegrass seed, bagged, 1,300 hundredweight.	$54.33 per 100 pounds f. o. b. point of production; amount of any paid-in freight to be added.
Wheat, bulk, 5,000,000 bushels	This wheat is available only when premium wheat is required or when emergency situations exist. Basis in store, the market price but not in no event less than the applicable 1950 loan rate for the class, grade, quality, and location, plus: (1) 30 cents per bushel if received by truck, or 12 cents per bushel if received by rail or barge. Examples of minimum prices, per bushel: Kansas City, No. 1 HW, ex rail or barge, $2.41; Minneapolis, No. 1 DNS, ex rail or barge $2.52; Chicago, No. 1 RW, ex rail or barge, $2.56. NOTE: No wheat will be for sale in the Portland, Oreg., area until further notice.
Oats, bulk, 11,120,000 bushels	At points of production, basis in store, the market price but not less than the applicable 1950 county loan rate plus 15 cents per bushel; at other points, the foregoing plus average paid-in freight. Examples of minimum prices, per bushel: Chicago, No. 3 or better, 98 cents; Minneapolis, No. 3 or better, 94 cents.
Barley, bulk, 19,975,000 bushels	Basis in store, the market price but in no event less than the applicable 1950 loan rate for the class, grade, quality, and location, plus: (1) 22 cents per bushel if received by truck, or (2) 18 cents per bushel if received by rail or barge. Examples of minimum prices per bushel: Minneapolis, No. 3 barley, ex rail or barge, $1.50; San Francisco, No. 1 Western barley, rail or barge, $1.57.
Corn, bulk, 50,000,000 bushels	1950 commercial corn-producing area: At points of production, basis in store, the market price but not less than the applicable 1950 county loan rate for No. 3 yellow, plus 20 cents per bushel, but market differentials for other grades, quality, and classes. At other delivery points: (1) The foregoing, plus average paid-in freight; (2) basis the following fixed minimum terminal prices, with market differentials for grade, quality, and class, and freight differentials for location. Fixed minimum prices, per bushel: Chicago, No. 3 yellow, $1.82; St. Louis, No. 3 yellow, $1.82; Minneapolis, No. 3 yellow, $1.75; Omaha, No. 3 yellow, $1.74; Kansas City, No. 3 yellow, $1.78. Market differentials for other grades, quality, and classes. 1950 non-commercial corn-producing area: At points of production originating in a non-commercial county, basis in store, the market price but not less than 133 percent of the applicable 1950 county loan rate for No. 3, plus 20 cents per bushel; at other points, the foregoing plus average paid-in freight. If originating in a commercial county, the county loan rate for No. 3 plus 20 cents, plus average paid-in freight. Example of minimum price, per bushel: 1950 county loan rate for Brown County, Ill., $1.10 per bushel, No. 3 corn, 133 percent of $1.10, plus 20 cents equals $1.67 per bushel the minimum sales price.

[1] These same lots also are available at export sales prices announced concurrently.

MARCH EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export sales price
Dried whole eggs: 1950 pack (packed in barrels and drums) in carload lots only. 10,000,000 pounds.	(1) 60 cents per pound, f. a. s. vessel any U. S. Gulf or East Coast port; or (2) 60 cents per pound f. o. b. cars or trucks at warehouse locations, less freight based on the average gross shipping weight calculated at the lowest export freight rate.
Nonfat dry milk solids, in carload lots only:	For export to all countries except those listed below: Spray process—12½ cents per pound f. o. b. location of stock in any State. Roller process—10½ cents per pound f. o. b. location of stock in any State.
Spray process 35,000,000 pounds[1]	For export to Western Hemisphere countries except Canada and Colonial possessions of foreign countries, and territories and possessions of the U. S.: Spray process—9½ cents per pound f. o. b. location of stock in any State, less freight based on the average gross shipping weight, at the lowest export freight rate from that location to nearest port of export. Roller process—7½ cents per pound f. o. b. location of stock in any State, less freight based on the average gross shipping weight, at the lowest export freight rate from that location to nearest port of export.
Roller process, 15,000,000 pounds[1]	
Dry edible beans	No. 1 Grade 1948 Crop, f. a. s. vessel at locations shown below:
Pinto, bagged, 930,000 hundredweight[1]	$5.90 per 100 pounds, San Francisco and Portland, Oreg.; $6 per 100 pounds, U. S. Gulf ports. (See note below.)
Pea, bagged, 245,000 hundredweight[1]	$5.50 per 100 pounds, East Coast ports.
Great Northern, bagged, 715,000 hundredweight.[1]	$6 per 100 pounds, Portland, Oreg.; $6.10 per 100 pounds, U. S. Gulf ports. (See note below.)
Baby lima, bagged, 230,000 hundredweight.[1]	$5 per 100 pounds, San Francisco.
	NOTE: "U. S. Gulf ports" means ports with freight rates not greater than to New Orleans. Any excess freight will be for account of the buyer. Discounts for grades on all beans: No. 2, 25 cents less than No. 1; No. 3, 50 cents less than No. 1.
	Purchasers of beans for export to Canada must provide proof of re-export from Canada and the beans must not be re-exported to the U. S.
	At CCC's option, 1949 crop beans may be furnished in place of 1948 beans in instances where stocks of 1948 beans of the type and grade desired are exhausted.
Austrian winter pea seed, bagged, 145,000 hundredweight.[1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.
Fresh Irish potatoes, packed in usual 100-pound burlap sacks, in carload or truckload lots only. Substantial quantities as available in Aroostook County, Maine.	U. S. No. 1 Grade when loaded at CCC's point of purchase—60 cents per sack, f. o. b. cars at country shipping point, for export to areas other than U. S. possessions, Canada, Cuba, Mexico, or the Caribbean area. Consideration will be given to offers to purchase potatoes packed in crates at above price, plus additional costs to CCC. Consideration also will be given to purchases of certified seed potatoes packed in usual 100-pound burlap sacks or crates at the above price plus additional costs to CCC. Communicate with the Director, PMA Commodity Office, 139 Center St., New York 13, N. Y. Tel. REctor 2-5100.
Fresh Irish potatoes, for processing into potato food products for export. Quantities as available in the late potato producing States.	Basis 1 cent per hundredweight bulk ungraded at farm, plus reimbursement for approved marketing services required to be performed.

[1] These same lots also are available at domestic sales prices announced concurrently.

(Pub. Law 439, 81st Cong.)

Issued: March 9, 1951.

RALPH S. TRIGG,
President, Commodity Credit Corporation.

[F. R. Doc. 51–3287; Filed, Mar. 13, 1951; 8:55 a. m.]

Rural Electrification Administration

[Administrative Order 3152]

NEBRASKA

LOAN ANNOUNCEMENT

FEBRUARY 1, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Nebraska 77AK Norris District Public	$505,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51–3290; Filed, Mar. 13, 1951; 8:56 a. m.]

[Administrative Order 3153]

NORTH DAKOTA

LOAN ANNOUNCEMENT

FEBRUARY 1, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
North Dakota 27F Emmons	$50,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51–3291; Filed, Mar. 13, 1951; 8:56 a. m.]

[Administrative Order 3154]

WYOMING

LOAN ANNOUNCEMENT

FEBRUARY 1, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Wyoming 3N Fremont	$560,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51–3292; Filed, Mar. 13, 1951; 8:56 a. m.]

[Administrative Order 3155]

UTAH

LOAN ANNOUNCEMENT

FEBRUARY 13, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Utah 8S Duchesne	$2,366,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51–3293; Filed, Mar. 13, 1951; 8:56 a. m.]

[Administrative Order 3156]

ILLINOIS

LOAN ANNOUNCEMENT

FEBRUARY 15, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Illinois 41P Jefferson	$205,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51–3294; Filed, Mar. 13, 1951; 8:56 a. m.]

[Administrative Order 3157]

ALASKA

LOAN ANNOUNCEMENT

FEBRUARY 15, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Alaska 6B Golden Valley	$800,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51–3295; Filed, Mar. 13, 1951; 8:56 a. m.]

[Administrative Order 3158]

GEORGIA

LOAN ANNOUNCEMENT

FEBRUARY 15, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting

through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Georgia 92K Brantley	$230,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3296; Filed, Mar. 13, 1951; 8:56 a. m.]

[Administrative Order 3159]

MONTANA

LOAN ANNOUNCEMENT

FEBRUARY 15, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Montana 13K Flathead	$755,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3297; Filed, Mar. 13, 1951; 8:57 a. m.]

[Administrative Order 3160]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 15, 1951.

I hereby amend:

(a) Administrative Order No. 2132, dated May 25, 1949, by rescinding the loan of $25,000 therein made for "North Dakota 37F McLean."

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3298; Filed, Mar. 13, 1951; 8:57 a. m.]

[Administrative Order 3161]

MISSISSIPPI

LOAN ANNOUNCEMENT

FEBRUARY 15, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Mississippi 36W Marion	$760,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3299; Filed, Mar. 13, 1951; 8:57 a. m.]

[Administrative Order 3162]

NORTH CAROLINA

LOAN ANNOUNCEMENT

FEBRUARY 17, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
North Carolina 36S Randolph	$500,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 51-3300; Filed, Mar. 13, 1951; 8:57 a. m.]

[Administrative Order 3163]

ILLINOIS

LOAN ANNOUNCEMENT

FEBRUARY 17, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Illinois 29N Shelby	$290,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 51-3301; Filed, Mar. 13, 1951; 8:57 a. m.]

[Administrative Order 3164]

MARYLAND

LOAN ANNOUNCEMENT

FEBRUARY 17, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Maryland 7Y Caroline	$350,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 51-3302; Filed, Mar. 13, 1951; 8:57 a. m.]

[Administraitve Order 3165]

NORTH DAKOTA

LOAN ANNOUNCEMENT

FEBRUARY 17, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
North Dakota 26G LaMoure	$192,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 51-3303; Filed, Mar. 13, 1951; 8:57 a. m.]

[Administrative Order 3166]

KENTUCKY

LOAN ANNOUNCEMENT

FEBRUARY 17, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kentucky 61A Carter	$1,000

[SEAL] WM. C. WISE, *Acting Administrator*

[F. R. Doc. 51-3304; Filed, Mar. 13, 1951; 8:58 a. m.]

[Administrative Order 3167]

KENTUCKY

LOAN ANNOUNCEMENT

FEBRUARY 19, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kentucky 52U Fleming	$960

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3305; Filed, Mar. 13, 1951; 8:58 a. m.]

[Administrative Order T-14]

TENNESSEE

LOAN ANNOUNCEMENT

FEBRUARY 8, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Powell Telephone Company, Tennessee 502-A	$163

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3306; Filed, Mar. 13, 1951; 8:58 a. m.]

[Administrative Order T-51]

WEST VIRGINIA

LOAN ANNOUNCEMENT

FEBRUARY 8, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Home Telephone Company, Inc., West Virginia 501-A	$142,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3307; Filed, Mar. 13, 1951; 8:58 a. m.]

[Administrative Order T-16]

MINNESOTA

LOAN ANNOUNCEMENT

FEBRUARY 12, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Runestone Telephone Association, Minnesota 540-A	$1,028,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3308; Filed, Mar. 13, 1951; 8:58 a. m.]

[Administrative Order T-17]

NORTH CAROLINA

LOAN ANNOUNCEMENT

FEBRUARY 15, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Eastern Rowan Telephone Company, Inc., North Carolina 507-A	$343,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3309; Filed, Mar. 13, 1951; 8:58 a. m.]

[Administrative Order T-18]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

FEBRUARY 15, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
The Citizens Telephone Company South Carolina 505-A	$167,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3310; Filed, Mar. 13, 1951; 8:58 a. m.]

[Administrative Order T-19]

INDIANA

LOAN ANNOUNCEMENT

FEBRUARY 20, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Eureka Telephone Company, Indiana 505-A	$666,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3311; Filed, Mar. 13, 1951; 8:58 a. m.]

[Administrative Order T-20]

GEORGIA

LOAN ANNOUNCEMENT

FEBRUARY 21, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Nelson-Ball Ground Telephone Company, Georgia 517-A	$172,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3312; Filed, Mar. 13, 1951; 8:59 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9699]

CHAMPION CITY BROADCASTING CO. (WJEL)

ORDER CONTINUING HEARING

In re application of Champion City Broadcasting Company (WJEL), Springfield, Ohio, Docket No. 9699, File No. BP-6642; for construction permit.

The Commission having under consideration a petition filed on February 26, 1951, by Champion City Broadcasting Company (WJEL), requesting that the hearing now scheduled to be heard on March 12, 1951, on the above-entitled application, be continued for a period of sixty days; and

It appearing, that no opposition has been filed to the above petition by any of the parties to this proceeding;

It is ordered, This 6th day of March 1951, that the petition be, and it is hereby, granted; and that the hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Monday, May 14th, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 51-3269; Filed, Mar. 13, 1951; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6343]

GULF STATES UTILITIES CO.

NOTICE OF APPLICATION

MARCH 7, 1951.

Take notice that on March 7, 1951, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Gulf States Utilities Company, a corporation organized under the laws of the State of Texas and doing business in the States of Texas and Louisiana, with its principal business office at Beaumont, Texas, seeking an order authorizing the issuance of such number of whole shares of its presently authorized but unissued common stock as will yield an aggregate price to Applicant of $3,500,000 before payment of expenses of issuance, at competitive bidding to underwriters who will agree to make a public offering of all of such shares. Applicant proposes to issue such shares on or about May 1, 1951; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 28th day of March 1951, file with the Federal Power Commission, Washington, 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3263; Filed, Mar. 13, 1951; 8:49 a. m.]

[Docket No. E-6344]

MOUNTAIN STATES POWER CO.

NOTICE OF APPLICATION

MARCH 8, 1951.

Take notice that on March 7, 1951, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Mountain States Power Company, a corporation organized under the laws of the State of Delaware and doing business in the States of Idaho, Oregon, Montana, and Wyoming, with its principal business office at Albany, Oregon, seeking an order authorizing the issuance of $5,500,000 Principal Amount of First Mortgage Bonds, Series due April 1, 1981, bearing interest at a rate to be determined later, to be issued April 1, 1951, and to mature April 1, 1981, and 150,000 shares of common stock, par value $7.25 per share, to be issued approximately seven days after acceptable bid therefor. Applicant proposes to issue and sell the bonds and common stock at competitive bidding; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 27th day of March 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in

accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3245; Filed, Mar. 13, 1951; 8:46 a. m.]

[Docket No. G-1368]

RIO GRANDE VALLEY GAS CO.

NOTICE OF ORDER AUTHORIZING EXPORTATION OF NATURAL GAS AND RELEASING PRESIDENTIAL PERMIT

MARCH 9, 1951.

Notice is hereby given that, on March 8, 1951, the Federal Power Commission issued its order entered March 6, 1951, in the above-designated matter, authorizing the exportation of natural gas from the United States to a foreign country and releasing Presidential Permit.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3262; Filed, Mar. 13, 1951; 8:49 a. m.]

[Docket Nos. G-1399, G-1400]

VIRGINIA GAS TRANSMISSION CORP. AND LYNCHBURG PIPE LINE CO.

NOTICE OF CONTINUANCE OF HEARING

MARCH 7, 1951.

In the matters of Virginia Gas Transmission Corporation, Docket No. G-1399, and Lynchburg Pipe Line Company, Docket No. G-1400.

Upon consideration of the petition of Lynchburg Pipe Line Company, filed March 6, 1951, for further postponement of the hearing now scheduled for March 12, 1951, in the above-designated matters;

Notice is hereby given that the hearing be and it is hereby continued to a date to be hereafter fixed.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3248; Filed, Mar. 13, 1951; 8:46 a. m.]

[Docket Nos. G-1518, G-1537, G-1541, G-1561]

TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

NOTICE OF FINDINGS AND ORDERS

MARCH 8, 1951.

In the matters of Transcontinental Gas Pipe Line Corporation, Docket No. G-1518; Montana-Dakota Utilities Co., Docket No. G-1537; Southern Natural Gas Company, Docket No. G-1541; El Paso Natural Gas Company, Docket No. G-1561.

Notice is hereby given that, on March 7, 1951, the Federal Power Commission issued its findings and orders entered March 6, 1951, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3246; Filed, Mar. 13, 1951; 8:46 a. m.]

[Docket No. G-1565]

EQUITABLE GAS CO.

ORDER FIXING DATE OF HEARING

MARCH 7, 1951.

On December 19, 1950, Equitable Gas Company (Applicant), a Pennsylvania corporation having its principal place of business at Pittsburgh, Pennsylvania, filed an application for a certificate of public convenience and necessity and an amendment thereto January 30, 1951, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities replacing the existing Denniston Compressor Station, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 4, 1951 (16 F. R. 101).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on March 20, 1951, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 8, 1951.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3243; Filed, Mar. 13, 1951; 8:45 a. m.]

[Docket No. G-1569]

PENN-YORK NATURAL GAS CORP.

ORDER FIXING DATE OF HEARING

MARCH 7, 1951.

On December 22, 1950, Penn-York Natural Gas Corporation (Applicant), a Pennsylvania corporation having its principal place of business at Buffalo, New York, filed an application and amendments thereto on January 22 and February 21, 1951, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities and the sale of natural gas, subject to the jurisdiction of the Commission as fully described in the application on file with the Commission and open to public inspection.

The Commission finds:

(1) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition presenting any issue of substance having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 11, 1951 (16 F. R. 290).

(2) Good cause exists for the setting of a hearing hereof for March 15, 1951, under the abridged procedure rule without 15 days notice being given.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on March 15, 1951, at 9:30 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's Rules of Practice and Procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 8, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3244; Filed, Mar. 13, 1951; 8:45 a. m.]

[Docket No. G-1617]

PIEDMONT GAS CO., INC.

NOTICE OF APPLICATION

MARCH 9, 1951.

Take notice that Piedmont Gas Company, Inc. (Applicant), a North Carolina corporation having its principal place of business at Hickory, North Carolina, filed on February 19, 1951, an application for (1) a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of certain natural gas transmission pipe line facilities hereinafter described, and (2) for an order under section 7 (a) of the act directing Transcontinental Gas Pipe Line Corporation (Transcontinental) a natural gas company subject to the jurisdiction of the Commission to establish a physical connection of its transportation facilities with the proposed facilities of Applicant and to sell natural gas to it.

Applicant proposes to construct an interconnecting pipeline system between Transcontinental's pipeline project and the various communities Applicant proposes to serve. The proposed interconnecting system will consist of 6-inch pipe, approximately 28 miles in length.

The communities proposed to be served include the cities of Lincolnton, Maiden, Newton, Conover, Hickory, Granite Falls, Lenoir, Valdese, Morganton, and other intermediate points.

The Applicant estimates that its natural gas requirements on the maximum day in the first year of operation will be 1,203 Mcf, increasing to 4,963 Mcf in the fifth year.

Applicant proposes to finance the project by the sale of first mortgage bonds and common stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 28th day of March 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3264; Filed, Mar. 13, 1951; 8:49 a. m.]

[Docket No. G-1620]

PENNSYLVANIA GAS CO.

NOTICE OF APPLICATION

MARCH 9, 1951.

Take notice that on February 23, 1951, Pennsylvania Gas Company (Applicant), a Pennsylvania corporation having its principal place of business in the Borough of Warren, Pennsylvania, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of certain natural gas transmission pipeline facilities in order to enable Applicant to meet present and future demands of its customers.

Applicant proposes to construct approximately 52 miles of 12¾-inch O. D. pipeline, paralleling its existing transmission lines between Warren and Erie, Pennsylvania. Applicant also proposes to install 3 new gas compressor units totaling 990 horsepower at its Roystone Compressing Station in Warren County, Pennsylvania; 2 compressor units totaling 440 horsepower at its Sackett Compressing Station in Elk County, Pennsylvania; and approximately 3,090 feet of 10¾-inch pipe from its Sackett Station to the point of connection with the lines of United Natural Gas Company. The proposed construction is expected to be completed over a period of three years as materials become available.

The estimated over-all capital cost of the proposed facilities is approximately $2,200,000. The Applicant proposed to finance the cost of construction by selling long term installment promissory notes to National Fuel Gas Company, Applicants' majority stockholder.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 28th day of March 1951.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3265; Filed, Mar. 13, 1951; 8:50 a. m.]

[Docket No. G-1624]

ALABAMA-TENNESSEE NATURAL GAS CO.

NOTICE OF APPLICATION

MARCH 9, 1951.

Take notice that on February 28, 1951, Alabama-Tennessee Natural Gas Company (Applicant), a Delaware corporation of Florence, Alabama, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction of meter and regulator stations at points in its transmission system near Austinville, Barton, Belle Mina, Flint, Greenbrier, Margerum, Pride School, Pryor, and Tanner, Alabama. Applicant proposes by these facilities to sell natural gas to Muscle Shoals Natural Gas Corporation for resale in these communities, which have no gas utility service at present.

Through these facilities Applicant proposes to sell and deliver a maximum of 91,250 Mcf per year with a daily maximum of 400 Mcf of natural gas. The cost of these facilities is estimated to be $7,470, which will be paid from general funds of Applicant.

Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 28th day of March 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3266; Filed, Mar. 13, 1951; 8:50 a. m.]

[Project Nos. 1256, 1417, 1490, 1835]

LOUP RIVER PUBLIC POWER DISTRICT ET AL.

NOTICE OF ORDERS DETERMINING ORIGINAL COST AND PRESCRIBING ACCOUNTING THEREOF

MARCH 8, 1951.

In the matters of Loup River Public Power District, Project No. 1256; the Central Nebraska Public Power and Irrigation District, Project No. 1417; Brazos River Conservation and Reclamation District, Project No. 1490; Platte Valley Public Power and Irrigation District, Project No. 1835.

Notice is hereby given that, on March 7, 1951, the Federal Power Commission issued its orders entered March 6, 1951, determining actual legitimate original cost and prescribing accounting therefor in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3247; Filed, Mar. 13, 1951; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2564]

OHIO EDISON CO. AND PENNSYLVANIA POWER CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 7th day of March A. D. 1951.

Ohio Edison Company ("Ohio"), a registered holding company and a public utility company, and its subsidiary Pennsylvania Power Company ("Pennsylvania"), a public utility company, having filed a joint application-declaration pursuant to sections 6, 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 (the "act") and Rules U-43 and U-50 promulgated thereunder with respect to the following transactions:

Ohio, the holder of all the issued and outstanding shares of common stock of Pennsylvania, par value $30 per share, proposes to purchase from Pennsylvania and Pennsylvania proposes to issue and sell to Ohio 40,000 additional shares of common stock of Pennsylvania for a total cash consideration of $1,200,000.

In addition to the issuance and sale of the above described common stock, Pennsylvania also proposes to issue and sell, at competitive bidding pursuant to the requirements of Rule U-50, 40,000 shares of $100 par value preferred stock of a new series or class ranking equally with the shares of Pennsylvania's 4.25 percent preferred stock now outstanding. The new preferred stock is to be sold for the lowest actual cost of money obtainable which, however, is to be not more than 4.50 percent per annum. It is represented in the filing that the proceeds from the sale of these securities will be used to assist Pennsylvania in its contemplated construction program for the years 1951 and 1952.

Notice of the filing of this joint application-declaration having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act and the Commission not having received a request for a hearing and not having ordered a hearing thereon; and

The Commission finding with respect to this joint application-declaration that all of the applicable statutory standards are satisfied and that there is no basis for any adverse findings and

deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration be granted and permitted to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, that said joint application-declaration be and the same is hereby granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the following terms and conditions:

(1) That the proposed issuance and sale of the 40,000 shares of $100 par value preferred stock of Pennsylvania shall not be consummated until the results of competitive bidding held with respect thereto have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate;

(2) That jurisdiction be reserved with respect to the payment of any and all fees and expenses incurred or to be incurred in connection with the consummation of the proposed transactions.

It is further ordered, That the granting and permitting of the said application-declaration to become effective forthwith is further subject to the following terms and conditions proposed by applicants-declarants:

(1) So long as any shares of the 4.25 percent and the new preferred stock (collectively referred to herein as "Preferred Stock") are outstanding, the payment of dividends on the Common Stock (other than (i) dividends payable in Common Stock or (ii) dividends paid in cash if immediately thereafter there shall be paid to the Company in cash an amount equal to such dividends for shares of or as a capital contribution with respect to Common Stock) and the making of any distribution of assets to holders of Common Stock by purchase of shares or otherwise (each of such actions being herein embraced within the term "payment of Common Stock dividends") shall be subject to the following limitations (except as such payments may be approved or permitted by subsequent order of the Securities and Exchange Commission or any successor thereto or except as such payments may be permitted in accordance with a waiver of such limitations which shall have been approved by the affirmative vote in favor thereof of the holders of at least 66⅔ percent of the shares of Preferred Stock at the time outstanding):

(a) If and so long as the ratio of the aggregate of the par value of, or stated capital represented by, the outstanding shares of Common Stock and of the surplus of the Company, paid-in, earned or other, (including premiums on Common Stock but excluding premiums on the Preferred Stock) to the aggregate of the total capitalization (which shall mean the aggregate of the principal amount of all outstanding indebtedness of the Company maturing more than twelve months after the date of determination of total capitalization, plus the par value of, or stated capital represented by, the outstanding shares of all kinds and classes of stock of the Company, including any premiums on capital stock) and surplus of the Company at the end of the calendar month immediately preceding the calendar month in which the proposed Common Stock dividend is to be declared, adjusted in each case to reflect the proposed payment of Common Stock dividends, (which ratio is hereinafter referred to as the "capitalization ratio") is less than 20 percent, the payment of Common Stock dividends, including the proposed payment, during the twelve calendar months period ending with and including the date on which the proposed payment is to be made shall not exceed 50 percent of the net income of the Company available for the payment of dividends on the Common Stock for the twelve full calendar months immediately preceding the month in which such dividend is declared;

(b) If and so long as the capitalization ratio is 20 percent or more but less than 25 percent, the payment of Common Stock dividends, including the proposed payment, during the twelve calendar months period ending with and including the date on which the proposed payment is to be made shall not exceed 75 percent of the net income of the Company available for the payment of dividends on the Common Stock for the twelve full calendar months immediately preceding the month in which such dividend is declared;

(c) Except to the extent permitted under paragraphs (a) and (b) above, the Company shall not make any payment of Common Stock dividends which would reduce the capitalization ratio to less than 25 percent.

(2) So long as any shares of the Preferred Stock are outstanding, the Company shall not, without the affirmative vote in favor thereof of the holders of at least 66⅔ percent of the shares of Preferred Stock at the time outstanding, create, authorize or, except within 180 days after such a vote of the Preferred Stock, issue any kind or class of stock preferred as to dividends or assets over the Preferred Stock or any security convertible into shares of any such kind or class of stock.

(3) So long as any shares of the Preferred Stock are outstanding, the Company shall not, without the affirmative vote in favor thereof of the holders of at least a majority of the shares of Preferred Stock at the time outstanding,

(a) Sell, lease or exchange all or substantially all of its property, unless such sale, lease or exchange or the issuance and assumption of all securities to be issued or assumed in connection therewith, shall have been ordered, approved or permitted by a regulatory authority of the Commonwealth of Pennsylvania or of the United States of America having jurisdiction in the premises;

(b) Issue, sell or otherwise dispose of any shares of Preferred Stock (other than the disposition heretofore made of the 41,049 shares of 4.25 percent preferred stock now outstanding and the presently proposed disposition of the 40,000 shares of new preferred stock) or of any shares of any kind or class of stock ranking on a parity with the Preferred Stock as to dividends or as to assets, unless (i) the gross income of the Company available for the payment of interest (determined in accordance with generally accepted accounting practices but in any event after deducting the amount charged by the Company on its books for all taxes and for retirement or depreciation reserve) for a period of twelve consecutive calendar months within the fifteen calendar months immediately preceding the issuance, sale or disposition of such a stock (including, in any case in which such stock is to be issued, sold or otherwise disposed of in connection with the acquisition of new property, the gross income of the property to be so acquired, computed on the same basis as the gross income of the Company available for the payment of interest) is at least equal to one and one-half (1½) times the aggregate of the annual interest requirements (adjusted by provision for amortization of debt discount and expense or of premium on debt, as the case may be) on all indebtedness of the Company and the annual dividend requirements (adjusted by provision for amortization of Preferred Stock premium and expense) on all shares of Preferred Stock and of all kinds of stock over which the Preferred Stock does not have preference as to the payment of dividends and as to assets, including the shares proposed to be issued, to be outstanding immediately following such issuance, sale or disposition and (ii) the aggregate of the par value of, or stated capital represented by, the outstanding shares of Common Stock and of the surplus of the Company (paid-in, earned and other, if any, including any premium on Common Stock but excluding any premium on Preferred Stock) shall be not less than the aggregate amount payable in the event of involuntary liquidation upon all outstanding shares of Preferred Stock and of all kinds of stock over which the Preferred Stock does not have preference as to the payment of dividends and as to assets, including the shares proposed to be issued, and provided further that no portion of the surplus of the Company utilized to satisfy such requirement shall thereafter be available for dividends or other distributions of assets, by purchase of shares or otherwise, on Common Stock or on any other kinds of stock over which the Preferred Stock has preference as to the payment of dividends and as to assets until and to the extent that shares of Preferred Stock are retired or until and to the extent that the par value of, or stated capital represented by, the outstanding shares of Common Stock shall have been increased.

It is further ordered, That the condition in the Commission's order dated October 17, 1945, restricting the payment of common stock dividends by Pennsylvania shall cease to be effective upon the taking effect of the proposed dividend restriction embodied in this instant order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3255; Filed, Mar. 13, 1951; 8:47 a. m.]

[File No. 70-2566]

GENTILLY DEVELOPMENT CO., INC., AND MIDDLE SOUTH UTILITIES, INC.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of March A. D. 1951.

Middle South Utilities, Inc. ("Middle South"), a registered holding company and its wholly owned non-utility subsidiary, Gentilly Development Company, Inc. ("Gentilly"), having filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 11 (b) (1), 11 (b) (2), 12 (c), and 12 (f) thereof, and Rule U-46 of the rules and regulations promulgated thereunder with respect to the following proposed transactions:

Gentilly's principal assets consist of two first mortgage notes in the aggregate principal amount of $810,000, maturing January 12, 1953, which notes were received in connection with Gentilly's sale of land which it owned in the City of New Orleans (Holding Company Act Release No. 10328). Pursuant to such mortgages the mortgagors may obtain release of specific parcels of property from time to time upon payment of specified amounts per unit of property to be released. As such property is released Gentilly proposes to pay liquidating dividends to Middle South of such amounts as are received in excess of Gentilly's corporate needs. Such payments will be made as a return of capital out of unearned surplus and will be charged to capital surplus created as a result of the reduction of capital stock authorized by the Commission in 1948 (Holding Company Act Release No. 8452). It is proposed that payments received by Middle South will be credited to the carrying value of its investment in the common stock of Gentilly. It is further proposed that Middle South maintain the corporate existence of Gentilly until such time as the mortgage notes shall have been paid, at which time it is contemplated that appropriate action will be taken for complete liquidation of Gentilly.

The application-declaration states that the sale of the real property of Gentilly and the transactions described herein are in pursuance of the program of Middle South and its subsidiaries to dispose of properties not properly constituting a part of the Middle South system.

Said application-declaration having been filed on February 6, 1951, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in compliance with the applicable sections of the act and that no adverse findings are necessary thereunder, the Commission deeming it appropriate to grant the application and permit the declaration to become effective, and also deeming it appropriate to grant the request of the applicants-declarants that the order herein contain the recitals required by section 1808 (f) and Supplement R of the Internal Revenue Code, as amended:

It is ordered, Pursuant to the applicable provisions of the act and subject to the terms and conditions contained in Rule U-24 that the said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith; and

It is further ordered and recited, That the transactions proposed herein are necessary or appropriate to the integration or simplification of the holding company system of which Gentilly and Middle South are members, and necessary or appropriate to effectuate the provisions of sub-section (b) of section 11 of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3257; Filed, Mar. 13, 1951; 8:48 a. m.]

[File No. 70-2568]

UTAH POWER & LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of March A. D. 1951.

Utah Power & Light Company ("Utah"), a registered holding company having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof with respect to the following proposed transactions:

Utah proposes, during the year 1951, to borrow from certain banks amounts not to exceed in the aggregate $12,000,000. Such loans will be evidenced by promissory notes payable December 15, 1951, and bearing interest at the rate of 2½ percent per annum.

The declaration states that the proceeds from the proposed borrowings are to be used in connection with Utah's construction program. It is further stated that during the year 1951 Utah proposes to issue and sell 200,000 shares of common stock and to issue and sell first mortgage bonds in an amount presently estimated at not to exceed $10,000,000. Proceeds from such later financing will be used to repay the loans herein proposed and to provide additional funds for Utah's construction program, which, it is estimated, will entail the expenditure of approximately $44,000,000 in the years 1951-53, inclusive, of which the estimated expenditures for the year 1951 are approximately $18,000,000.

Said declaration having been filed on February 9, 1951, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in accordance with the applicable standards of the act, the Commission observing no basis for the imposition of terms and conditions in connection therewith, and the Commission deeming it appropriate to permit said declaration to become effective:

It is ordered, Pursuant to the applicable provisions of the act and subject to the terms and conditions stated in Rule U-24 that said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3256; Filed, Mar. 13, 1951; 8:47 a. m.]

[File No. 70-2576]

WEST PENN ELECTRIC CO. AND POTOMAC EDISON CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of March A. D. 1951.

Notice is hereby given that a joint application-declaration has been filed with this Commission by the West Penn Electric Company ("West Penn Electric"), a registered holding company, and the Potomac Edison Company ("Potomac"), which is an operating public utility company, a registered holding company, and a direct subsidiary of West Penn Electric. The filing designates sections 6, 7, 9, 10, and 12 of the act and Rules U-43, U-44 and U-50 promulgated thereunder as being applicable to the proposed transactions.

Notice is further given that any interested person may, not later than March 20, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter, this application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and P-100 thereof.

All interested persons are referred to said joint application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Potomac proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $10,000,000 principal amount of its First Mortgage

and Collateral Trust Bonds, ___ percent series, due 1981. The bonds are to be issued under and secured by Potomac's present indenture dated as of October 1, 1944, as supplemented by an indenture to be dated as of April 1, 1951.

Potomac also proposes to issue and sell 200,000 shares of common stock, without par value, to West Penn Electric and West Penn Electric proposes to acquire such shares for a total cash consideration of $4,000,000. West Penn Electric will pledge the new shares of common stock to be acquired by it from Potomac as additional collateral security for West Penn Electric's 3½ percent Sinking Fund Collateral Trust Bonds, this pledge being pursuant to the terms of the trust indenture dated as of September 1, 1949. West Penn Electric now owns all of the 450,000 outstanding shares of common stock of Potomac.

The filing indicates that Potomac and its subsidiaries anticipate making expenditures of about $23,850,000 during 1951 and 1952 for the construction of property additions. In order to finance such construction program the companies will utilize the proceeds from the sale of the said securities and cash on hand and estimated to be received from operations. Potomac estimates that, based on the present level of earnings and current expectations as to the progress of the construction program, approximately $5,000,000 of additional cash will have to be provided before the end of 1952 through the sale of additional securities of a type not yet determined.

The joint application-declaration requests that any order of this Commission authorizing the proposed transactions become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3258; Filed, Mar. 13, 1951; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17414]

GRACE H. VON OERTZEN

In re: Bonds owned by Grace H. Von Oertzen. F-28-23533-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Grace H. Von Oertzen, whose last known address is Adolf Hitler Str. 20, Mecklenburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) New Netherland Bond and Mortgage Company 6 percent Deb. Stpd. Bonds, due February 1, 1938, of $1,000.00 face value each, bearing the numbers 194/203 inclusive, registered in the name of Grace H. Von Oertzen, presently in the custody of The New York Trust Company, 100 Broadway, New York 15, New York, in account number A837, and all rights thereunder and thereto subject, however to any and all lawful liens of the aforesaid company,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Grace H. Von Oertzen, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3272; Filed, Mar. 12, 1951; 8:51 a. m.]

[Vesting Order 17445]

HEINRICH VON DER NEUSTADT ET AL.

In re: Cash owned by Heinrich von der Neustadt and others. D-28-5428, F-28-12518, F-28-12519, F-28-12520.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and addresses are as follows: Herman von der Neustadt, Fladderlohausen, Uber Damme, Oldenburg, Germany, Wilhelmine von der Neustadt, Fladderlohausen, Uber Damme, Oldenburg, Germany and Heinrich von der Neustadt, Bad Schwartan, Lubeck, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Cash in the sum of $831.27 presently held by the Alameda County Treasurer, Alameda County Court House, Oakland, California in a blocked account entitled "Estate of George V. Neustadt No. 60941, Heinrich von der Neustadt, German Heir," and any and all rights to demand, enforce and collect the same,

b. Cash in the sum of $831.27 presently held by the Alameda County Treasurer, Alameda County Court House, Oakland, California in a blocked account entitled "Estate of George V. Neustadt No. 60941, Herman von der Neustadt, German Heir," and any and all rights to demand, enforce and collect the same, and

c. Cash in the sum of $831.27 presently held by the Alameda County Treasurer, Alameda County Court House, Oakland, California in a blocked account entitled "Estate of George V. Neustadt No. 60941 Wilhelmine von der Neustadt, German Heir," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Heinrich von der Neustadt, Herman von der Neustadt and Wilhelmine von der Neustadt, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3273; Filed, Mar. 13, 1951; 8:51 a. m.]

[Vesting Order 17476]

KAMEKI ARAMAKI

In re: Safe deposit lease and contents owned by Kameki Aramaki, also known as Kameko Aramaki and as K. Aramaki. D-39-2862-F-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kameki Aramaki, also known as Kameko Aramaki, and as K. Aramaki, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. All rights and interests created in Kameki Aramaki, also known as Kameko Aramaki and as K. Aramaki under and by virtue of a safe deposit box lease agreement by and between Kameki Aramaki and Yoneko Aramaki and the Pajaro Valley National Bank, Watsonville, California, relating to safe deposit box No. 1489, located in the vaults of the aforesaid bank including particularly, but not limited to the right of access to said safe deposit box, and

b. All property of any nature whatsoever owned by Kameki Aramaki, also known as Kameko Aramaki and as K. Aramaki in the safe deposit box referred to in subparagraph 2 (a) hereof and any and all rights of said person evidenced or represented by,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 1, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3274; Filed, Mar. 13, 1951; 8:52 a. m.]

[Vesting Order 17481]

GIKYO KUCHIBA

In re: Cash owned by Gikyo Kuchiba. D-39-182-E-4.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gikyo Kuchiba, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $578.47 presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," in the name of Gikyo Kuchiba, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Gikyo Kuchiba, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 1, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3275; Filed, Mar. 13, 1951; 8:52 a. m.]

[Vesting Order 17479]

HEINRICH HOCK

In re: Bonds owned by and debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Heinrich Hock, deceased. F-28-31342.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Heinrich Hock, deceased, who their is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain 4 percent Northern Pacific Railway Co. bond or bonds due 1997, having an aggregate face value of $500.00 and presently in the custody of The American Express Company, Inc., New York Agency, 65 Broadway, New York 6, New York, in a Blocked General Ruling No. 6 Account entitled, "The American Express Company, Inc., Zurich, Switzerland", and any and all rights thereunder and thereto, and

b. That certain debt or other obligation of The American Express Company, Inc., New York Agency, 65 Broadway, New York 6, New York, in the amount of $6,684.20 as of December 15, 1950, representing a portion of funds on deposit in a Blocked General Ruling No. 6 Account entitled, "The American Express Company, Inc., Zurich, Switzerland", maintained by the aforesaid company, and any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Heinrich Hock, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Heinrich Hock, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 1, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3276; Filed, Mar. 13, 1951; 8:52 a. m.]

[Vesting Order 17462]

SAKIGAKE MORITA

In re: Debts owing to Sakigake Morita, also known as Sakigaki Morita and as Karo Morita. D-39-1860.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to

law, after investigation, it is hereby found:

1. That Sakigake Morita, also known as Sakigaki Morita and as Karo Morita, whose last known address is 583, 3-chome, Magome Higashi, Omori-ku, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Sakigake Morita, also known as Sakigaki Morita and as Karo Morita, by the Fresno National Farm Loan Association, Fresno, California, representing the proceeds of retirement of ninety-five (95) shares of common stock of the Kerman National Farm Loan Association and dividends thereon owned by Sakigake Morita, also known as Sakigaki Morita and as Karo Morita, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Sakigake Morita, also known as Sakigaki Morita and as Karo Morita, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 1, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3277; Filed, Mar. 13, 1951; 8:52 a. m.]

[Vesting Order 17489]

HELENE SCHOENESHOEFER ET AL.

In re: Real property and insurance policies owned by Helene Schoeneshoefer, also known as Helene Schoneshoefer and others. F-28-31255.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helene Schoeneshoefer, also known as Helene Schoneshoefer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of William Schoeneshoefer, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. Real property situated in the County of Marshall, State of Kansas, particularly described as the South one-half (S½) of Lots One (1) and Two (2) Block "A", Yaussi's Addition to the City of Marysville, Kansas, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits and other payments arising from the ownership of such property, and

b. All right, title, interest and claim in and to all insurance policies covering the premises described in subparagraph 3-a hereof and any and all extensions or renewals thereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and referred to in subparagraph 2 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, but not subject to that certain purported deed from Helene Schoeneshoefer, also known as Helene Schoneshoefer, to W. A. Kraemer of Marshall County, Kansas, dated December 30, 1949, and recorded in the Office of the Register of Deeds of Marshall County, Kansas, on the first day of February 1950, in Book 260, at page 211, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3281; Filed, Mar. 13, 1951; 8:54 a. m.]

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THE NATIONAL ARCHIVES
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OF THE UNITED STATES
1934

FEDERAL REGISTER

VOLUME 16 NUMBER 51

Washington, Thursday, March 15, 1951

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1023 (Peanuts—51) 1]

PART 729—PEANUTS

MARKETING QUOTA REGULATIONS FOR 1951 CROP

The amendments herein are based on the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1357-1359), and are made for the purpose of amending §§ 729.219 and 729.226 of the peanut marketing quota regulations for the 1951 crop relating to the establishment of farm acreage allotments. The first amendment corrects a typographical error by changing the year "1947" appearing in § 729.219 (c) to the year "1946". The other amendment clarifies the last sentence of § 729.226 relating to the procedure to be followed in apportioning the acreage reserve for new farm allotments in the event the total acreage approved for new farms by the county and State committees exceeds such reserve.

Farmers in the southernmost areas of the United States have already begun the planting of their 1951 crops of peanuts, and farmers in the other peanut-producing areas of the Nation are completing their plans for the production of peanuts in 1951. In order that peanut farmers who are affected by the amendments set forth below may make the necessary changes in their plans and operations, it is essential that the amendments be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest, and the amendments contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

The marketing quota regulations for the 1951 crop of peanuts (15 F. R. 7292) are hereby amended as follows:

1. Section 729.219 (c) is amended by changing the year "1947" appearing therein to "1946".

2. The last paragraph of § 729.226 is amended by striking out the last sentence and adding the following new sentences: "If the total of the acreage allotments for new farms as determined by the county and State committees pursuant to this section exceeds the acreage reserved for new farm allotments, such acreage shall be made available to the States for establishing new farm allotments as follows: (1) For any State for which the total of the new farm allotments determined by the county and State committees does not exceed one percent of the State's share of the 1951 national peanut acreage allotment, no adjustment will be made in the new farm allotments determined by the county and State committees; (2) for any State for which the total of the new farm allotments determined by the county and State committees exceeds one percent of the State's share of the national acreage allotment, there shall be made available for new farm allotments in each such State an acreage equal to one percent of the State's share of the national acreage allotment; and (3) the acreage remaining after making the apportionments under subparagraphs (1) and (2) of this paragraph shall be apportioned pro rata among the States receiving acreage under subparagraph (2) of this paragraph on the basis of the total acreage determined for new farm allotments by the county and State committees that is in excess of the acreage made available under subparagraph (2) of this paragraph. The acreage allotments determined by the county and State committees for new farms in States which receive acreage under subparagraphs (2) and (3) of this paragraph shall be adjusted downward so that the total of the acreage allotments for such farms shall not exceed the acreage made available to the State for establishing allotments for such farms. For purposes of the provisions of this paragraph, each State's share in the national acreage allotment shall be determined by applying to the 1950 State acreage allotment calculated prior to the enactment of Public Law 471, 81st Congress, approved March 31,

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FEDERAL REGISTER

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1950, a uniform factor obtained by dividing the 1951 national acreage allotment of 1,771,117 acres by the 1950 national acreage allotment of 2,100,000 acres."

(Sec. 375, 52 Stat. 66 as amended; 7 U. S. C. 1375. Interprets or applies sec. 358, 55 Stat. 89, as amended; 7 U. S. C. 1358).

Done at Washington, D. C., this 12th day of March 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN, *Secretary.*

[F. R. Doc. 51-3328; Filed, Mar. 14, 1951; 8:50 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 960—HANDLING OF IRISH POTATOES GROWN IN MICHIGAN, WISCONSIN, MINNESOTA, NORTH DAKOTA, AND IN CERTAIN COUNTIES OF IOWA AND OF INDIANA

REPORTS FROM HANDLERS

A notice of proposed rule making relevant to reports from handlers, to be made effective under Order No. 60, as amended (15 F. R. 6956), regulating the handling of Irish potatoes grown in Michigan, Wisconsin, Minnesota, North Dakota, and in certain counties of Iowa and of Indiana, was published in the FEDERAL REGISTER (16 F. R. 1603). This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the rule set forth in the aforesaid notice, which rule was adopted and submitted for approval by the North Central Potato Committee, established pursuant to said order, it is hereby determined that the following rule will tend to effectuate the declared policy of the act and it is, therefore, hereby approved.

§ 960.105 *Inspection reports*—(a) *Policy.* The North Central Potato Committee should have, for effective and efficient administration of the order, a record of the Federal-State Inspection Certificate applicable to each shipment of potatoes during any period in which inspection is required pursuant to § 960.65. A copy of the Federal-State Inspection Certificate shall be accepted as sufficient and adequate record for the committee when such certificate covers only the potatoes included within such shipment. If an inspection certificate covers more than one shipment of potatoes, the handler who obtained inspection on the whole lot from which each such shipment is a part should report each such shipment to the committee in such manner as to identify such shipment as part of the whole lot which was covered by an inspection certificate and to enable the committee to determine if each shipment has been inspected. Such reports should set forth appropriate and adequate information to serve the committee's requirements, including the name and address of the person to whom each such shipment is made, the hundredweight of potatoes in each such shipment, the type of pack, the number of units, the inspection certificate number applicable to the lot from which such shipment is made, and such other necessary information as the committee may require.

(b) *Rule.* Each handler shall report inspections on potatoes which he ships by requesting the Federal-State Inspection Service to forward to the committee a copy of each certificate issued to such handler. If an inspection certificate covers more than one shipment of potatoes the handler who obtained such inspection shall report to the committee, on forms obtainable from the committee, the name and address of the person to whom each such shipment is made, the hundredweight of potatoes involved in each such shipment, the mode of transportation (if any) utilized in effecting each such shipment, the type of pack and the number of units in each such shipment, and the inspection certificate number applicable to such shipment: *Provided*, That a report other than a copy of the inspection certificate shall not be required hereunder for a potato shipment if (1) the applicable inspection certificate required by § 960.65 covers only the specific potatoes involved in such shipment, or (2) each potato container in such shipment is appropriately identified by tag or label supplied for such purposes by the inspection agency: *Provided further*, That a report shall not be required hereunder if shipments of such potatoes are made pursuant to regulations issued under § 960.54.

It is hereby further found that it is impracticable and contrary to the public interest to give 30-day notice of the effective date of this section in that (a) shipments of potatoes from the production area are now being made and have been taking place since the beginning of harvest for the 1950 crop year; (b) more orderly marketing in the public interest than would otherwise prevail will be promoted by effectuating the aforesaid rule on and after the effective date of this section; (c) compliance with the rule will require no preparation on the part of handlers which cannot be completed by the effective date of this section; (d) notice has been given of the proposed rule by publication thereof as required by law (16 F. R. 1603); and (e) the rule should be approved upon publication of this section in order to effectuate the declared policy of the act.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 12th day of March 1951, to be effective on publication in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNON, *Secretary of Agriculture.*

[F. R. Doc. 51-3356; Filed, Mar. 14, 1951; 8:56 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

PART 664—TOBACCO

SUBPART—1950 TOBACCO LOAN PROGRAM

Correction

In Federal Register Document 51-3132, appearing on page 2182 of the issue for Friday, March 9, 1951, the advance rate for Grade B1F 37 in the table under § 664.233 should read "110".

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

Subchapter A—Test Fee Schedules

PART 202—METROLOGY

PART 203—HEAT AND POWER

PART 206—MECHANICS

MISCELLANEOUS AMENDMENTS

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedure, because of the nature of these rules, serves no useful purpose. These schedules are effective from April 1, 1951.

1. Section 202.401 *Volumetric apparatus* is amended by the revision of items

b, c, and g, and the addition of item cc to read as follows:

Item	Description	Fee
202.401b.....	Flasks, capacities exceeding 250 ml, testing and stamping, each flask. NOTE: When flasks bearing one capacity mark are calibrated "to contain" or "to deliver," each determination will constitute a separate calibration.	$2.00
	Flasks, of any capacity, when bearing more than one capacity mark:	
202.401c.....	Calibration of the primary capacity.	2.00
202.401cc.....	Calibration of each additional capacity.	1.00
. . . . .		
202.401g.....	Certificates of capacity for test items (a) to (d) inclusive, when requested, each.	1.00
. . . . .		

2. Section 202.402 *Metal capacity standards* is amended by the revision of item f, and the addition of item i to read as follows:

Item	Description	Fee
202.402f.....	Field standards of capacity less than 5 gallons (seraphin neck type), testing, sealing, and certifying or reporting, each. NOTE: When any of the above types of standards are calibrated "to contain" or "to deliver," each determination will constitute a separate calibration.	$8.50
. . . . .		
202.402i.....	Adjusting and sealing the zero index or gage scales on any of the above standards to give correct capacity	1.50
. . . . .		

3. Section 202.403 *Hydrometers and thermo-hydrometers* is amended by the addition of item g to read as follows:

Item	Description	Fee
202.403g.....	Hydrometers—general inspection when instruments fail to qualify for calibration, each.	$1.25

4. Section 202.404 *Density of solids and liquids* is amended by the revision of item a to read as follows:

Item	Description	Fee
202.404a.....	Density of solids—determination at room temperature, each.	$5.50
. . . . .		

(Sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interpret or apply sec. 8, 31 Stat. 1450, as amended; 15 U. S. C. 276)

5. Section 203.501 *Internal combustion engine fuels* is amended by the revision of item e to read as follows:

Item	Description	Fee
203.501e.....	Measurements of physical properties of primary reference fuels, isooctane (2, 2,4—trimethylpentane) and n-heptane, and comparison with the national standards, including check measurements on a representative sample of the packaged product.	$653

(Sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interprets or applies sec. 8, 31 Stat. 1450, as amended; 15 U. S. C. 276)

6. Section 206.202 *Mercurial barometers and manometers* is revised to read as follows:

Item	Description	Fee
206.202a.....	Barometers, range 28-31 inches of mercury, calibration test at 25° C.	$22.00
	Barometers, altitude type, not requiring filling with mercury and evacuation, calibration test at 25° C., 10 test points:	
206.202b.....	For first barometer	27.00
206.202c.....	For each additional barometer when all are tested as a unit.	17.00
20 .202d.....	For each additional test point	2.00
	Barometers, when requiring filling with mercury and evacuation, calibration test at 25° C., 10 test points:	
206.202e.....	For first barometer	72.00
206.202f.....	For each additional barometer when all are tested as a unit.	47.00
206.202g.....	For each additional test point	2.00
	Mercury manometers, for use as standards, calibration test at 25° C., 10 test points:	
206.202h.....	Range up to 300 mm. of mercury.	15.00
206.202i.....	Range above 300 mm. of mercury.	24.00
206.202j.....	For each additional test point	1.00
206.202Z.....	For special tests not covered by above schedule, fees will be charged dependent upon the nature of the test.	

(Sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interprets or applies sec. 8, 31 Stat. 1450, as amended; 15 U. S. C. 276)

[SEAL] E. U. CONDON,
Director,
National Bureau of Standards.

Approved: March 8, 1951.

THOMAS W. S. DAVIS,
Acting Secretary of Commerce.

[F. R. Doc. 51-3313; Filed, Mar. 14, 1951; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter B—Estate and Gift Taxes

[Regulations 105, T. D. 5834]

PART 81—REGULATIONS RELATING TO ESTATE TAX

MISCELLANEOUS AMENDMENTS

On November 18, 1950, notice of proposed rule making, regarding the estate tax provisions of Public Law 378 (81st Cong., 1st Sess.), approved October 25, 1949, and Public Law 761 (81st Cong., 2d Sess.), approved September 6, 1950, was published in the FEDERAL REGISTER (15 F. R. 7880). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments set forth below are hereby adopted. Such amendments are necessary in order to conform Regulations 105 (26 CFR Part 81), relating to the estate tax, to Public Laws 378 and 761, 81st Congress.

PARAGRAPH 1. There is inserted immediately before § 81.2 the following:

PUBLIC LAW 378 (81st Cong., 1st Sess.), approved October 25, 1949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

• • • • •

SEC. 10. EXEMPTION FROM THE ADDITIONAL ESTATE TAX FOR CERTAIN MEMBERS OF ARMED FORCES.

(a) Subchapter B of chapter 3 of the Internal Revenue Code (relating to additional estate tax) is amended by adding at the end thereof the following new section:

SEC. 939. CERTAIN MEMBERS OF ARMED FORCES.

The tax imposed by section 935 shall not apply to the transfer of the net estate of a citizen or resident of the United States dying on or after December 7, 1941, and before January 1, 1947, while in active service as a member of the military or naval forces of the United States or of any of the other United Nations if such decedent—

(1) Was killed in action; or

(2) Died as a result of wounds or other injuries, or of disease, suffered while in line of duty by reason of a hazard to which he was subjected as an incident of military or naval service.

(b) If the refund of any overpayment resulting from the application of this section is prevented on the date of the enactment of this Act, or within one year from such date, by the operation of any law or rule of law (other than section 3761 of the Internal Revenue Code, relating to compromises), refund of such overpayment may, nevertheless, be made if claim therefor is filed within one year from the date of the enactment of this Act. No interest shall be paid on any overpayment resulting from the application of this section.

PAR. 2. Section 81.2, as amended by Treasury Decision 5699, approved May 13, 1949, is further amended (A) by striking the heading thereof which reads as follows: "*General description.*", by inserting in lieu thereof the following: "*Description of tax*—(a) *In general.*", by redesignating paragraphs (a) through (f) to be subparagraphs (1) through (6); and (B) by adding at the end of such section the following:

(b) *Exemption from additional estate tax for certain members of the armed forces.* Section 939 of the Internal Revenue Code, as added by section 10 of Public Law 378 (81st Congress), provides that the additional estate tax does not apply to the transfer of the net estate of a citizen or resident of the United States dying after December 6, 1941, and before January 1, 1947, while in active service as a member of the military or naval forces of the United States or of any of the other United Nations if the decedent was either (1) killed in action or (2) died as result of wounds or other injuries, or of disease suffered while in line of duty by reason of a hazard to which he was subjected as an incident of military or naval service.

If the official record of the military force of which the decedent was a member at the time of his death states that death resulted from wounds or injuries received or disease contracted while in line of duty, such fact shall, in the absence of evidence establishing the contrary, be presumed to be established for the purposes of the exemption. Moreover, wounds, injuries or disease suffered while in line of duty will be considered to have been caused by a hazard to which the decedent was subjected as an incident of military or naval service unless the hazard which caused such wounds, injuries or disease was clearly unrelated to such service.

A person was in active service as a member of the military or naval forces of the United States or of any of the other United Nations if he was at the time of his death actually serving in such forces, not necessarily in the field or in the theater of war. Personnel in the inactive reserves or on retirement are not in active service. Periods during which a person is absent from duty on account of sickness, wounds, leave, internment by the enemy, or other lawful cause are periods of active service.

For the purposes of this section the military and naval forces of the United States include (but are not necessarily limited to) the Army, the Navy, the Marine Corps, the Coast Guard, the Army Nurse Corps, Female, the Navy Nurse Corps, Female, the Women's Army Auxiliary Corps or the Women's Army Corps, the Women's Reserve branch of the Naval Reserve, the Marine Corps Women's Reserve, and the Coast Guard Reserve, including the Coast Guard Women's Reserve. However, the exemption is not allowed to the estate of a decedent whose only military status was of a limited character, such as that of a member of the Army Specialist Corps or of certain temporary members of the Coast Guard Reserve. For the purposes of this section the term "member of the military or naval forces • • • of any of the other United Nations" includes any decedent whose duties and status in the service of any of the United Nations other than the United States corresponded to those of any member of the military or naval forces of the United States as defined in this section.

If refund of the additional estate tax paid by an estate entitled to the exemption provided by section 939 is prevented on October 25, 1949, the date of enactment of Public Law 378 (81st Congress), or within one year from such date by the operation of any law or rule of law (including a prior judicial determination) other than section 3761, of the Internal Revenue Code, relating to compromises, refund of such tax may nevertheless be made if claim therefor is filed within one year from October 25, 1949.

No interest shall be paid on any overpayment resulting from the application of section 10 of Public Law 378.

PAR. 3. The heading of section 811 (c) of the Internal Revenue Code, which section of the Code is set forth immediately after § 81.14, is amended to read as follows: "(c) Transfers in Contemplation of, or Taking Effect at Death [as originally enacted; see the amendments, set forth below, made by section 7, Public Law 378, approved October 25, 1949].".

PAR. 4. There is inserted immediately after section 351 of the Revenue Act of 1948 (inserted by Treasury Decision 5699, approved May 13, 1949) and preceding section 302 (c) of the Revenue Act of 1926 (as originally enacted), which precede § 81.15, the following:

PUBLIC LAW 378 (81st Cong., 1st Sess.), approved October 25, 1949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

• • • • •

SEC. 6. RELINQUISHMENT OF POWERS IN CASE OF RECIPROCAL TRUSTS.

• • • • •

(c) In the case of a decedent who relinquished on or before December 31, 1950, a power described in section 1000 (g) of the Internal Revenue Code, such relinquishment shall, for the purposes of section 811 (d) of such code, be deemed not to have been made in contemplation of the death of such decedent if such relinquishment, by virtue of the enactment of this section, is not deemed a trarsfer of property for the purposes of the gift tax. The provisions of this subsection shall be applicable with respect to estates of decedents dying after February 10, 1939.

SEC. 7. TRANSFERS TAKING EFFECT AT DEATH.

(a Section 811 (c) of the Internal Revenue Code (relating to transfers in contemplation of or taking effect at death) is hereby amended to read as follows:

(c) *Transfers in contemplation of, or taking effect at, death.*—(1) *General rule.* To the extent of any interest therein of which the decedent has at any time made a transfer (except in case of a bona fide sale for an adequate and full consideration in money or money's worth), by trust or otherwise—

(A) In contemplation of his death. Any transfer of a material part of his property in the nature of a final disposition or distribution thereof, made by the decedent within two years prior to his death without such consideration, shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this subchapter; or

(B) Under which he has retained for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death (i) the possession or enjoyment of, or the right to the income from, the property, or (ii) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom; or

(C) Intended to take effect in possession or enjoyment at or after his death.

(2) *Transfers taking effect at death; transfers prior to October 8, 1949.* An interest in property of which the decedent made a transfer, on or before October 7, 1949, intended to take effect in possession or enjoyment at or after his death shall not be included in his gross estate under paragraph (1) (C) of this subsection unless the decedent has retained a reversionary interest in the property, arising by the express terms of the instrument of transfer and not by operation of law, and the value of such reversionary interest immediately before the death of the decedent exceeds 5 per centum of the value of such property. For the purposes of this paragraph, the term "reversionary interest" includes a possibility that property transferred by the decedent (A) may return to him or his estate, or (B) may be subject to a power of disposition by him, but such term does not include a possibility that the income alone from such property may return to him or become subject to a power of disposition by him. The value of a reversionary interest immediately before the death of the decedent shall be determined (without regard to the fact of the decedent's death) by usual methods of valuation, including the use of tables of mortality and actuarial principles, pursuant to regulations prescribed by the Commissioner with the approval of the Secretary. In determining the value of a possibility that property may be subject to a power of disposition by the decedent, such possibility shall be valued as if it were a possibility that such property may return to the decedent or his estate.

(3) *Transfers taking effect at death; transfers after October 7, 1949.* An interest in property transferred by the decedent after October 7, 1949, shall be included in his gross estate under paragraph (1) (C) of this subsection (whether or not the decedent retained any right or interest in the property transferred) if and only if—

(A) possession or enjoyment of the property can, through ownership of such interest, be obtained only by surviving the decedent; or

(B) under alternative contingencies provided by the terms of the transfer, possession or enjoyment of the property can, through ownership of such interest, be obtained only by surviving the earlier to occur of (i) the decedent's death or (ii) some other event; and such other event did not in fact occur during the decedent's life.

Notwithstanding the foregoing sentence, an interest so transferred shall not be included in the decedent's gross estate under paragraph (1) (C) of this subsection if possession or enjoyment of the property could have been obtained by any beneficiary during the decedent's life through the exercise of a power of appointment (as defined in section 811 (f) (2)) which in fact was exercisable immediately prior to the decedent's death.

(b) The amendment made by subsection (a) shall be applicable with respect to estates of decedents dying after February 10, 1939. The provisions of section 811 (c) of the Internal Revenue Code, as amended by subsection (a), shall (except as otherwise specifically provided in such section or in the following sentence) apply to transfers made on, before, or after February 26, 1926. The provisions of section 811 (c) (1) (B) of such code shall not, in the case of a decedent dying prior to January 1, 1950, apply to—

(1) A transfer made prior to March 4, 1931; or

(2) A transfer made after March 3, 1931, and prior to June 7, 1932, unless the property transferred would have been includible in the decedent's gross estate by reason of the amendatory language of the joint resolution of March 3, 1931 (46 Stat. 1516).

No interest shall be allowed or paid on any overpayment resulting from the application of subsection (a) with respect to any payment made prior to the date of the enactment of this Act.

(c) [As amended by Public Law 761, 81st Congress, approved September 6, 1950] If refund or credit of any overpayment resulting from the application of subsections (a) and (b) is prevented on the date of the enactment of this Act, or within one year from such date, by the operation of any law or rule of law (other than section 3760 of the Internal Revenue Code, relating to closing agreements, and other than section 3761 of such code, relating to compromises), refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed within one year from the date of the enactment of this Act. This subsection shall not apply with respect to a transfer of property in case (1) the decedent retained for his life or for any period not ascertainable without reference to his death or for any period which did not in fact end before his death (A) the possession or enjoyment of, or the right to the income from, the property, or (B) the right, either alone or in conjunction with any person, to designate the persons who should possess or enjoy the property or the income therefrom, and (2) refund or credit of any overpayment resulting from the application of subsections (a) and (b) was prevented on or before January 16, 1949, by the operation of any law or rule of law.

SEC. 8. TAX FREE RELEASE OF CERTAIN LIFE ESTATES.

In the case of a transfer of property made prior to June 7, 1932, under which the grantor retained (1) the possession or en-

joyment of, or the right to the income from, the property, or (2) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom, then an assignment by the grantor of such possession, enjoyment, or right to income, or a relinquishment by him of such right of designation, shall, if made in 1949 or 1950, not be deemed a transfer of property for the purposes of chapter 4 of the Internal Revenue Code, and shall, if made prior to 1951, not be deemed to have been made in contemplation of death within the meaning of chapter 3 of such code. The foregoing provisions shall not apply—

(A) If the transfer was made after March 3, 1931, and prior to June 7, 1932, and if the property transferred would have been includible in the grantor's gross estate upon his death by reason of the amendatory language of the joint resolution of March 3, 1931 (45 Stat. 1516); or

(B) If the property transferred would have been includible in the grantor's gross estate under section 811 (d) of the Internal Revenue Code had he died on October 7, 1949.

PAR. 5. Section 81.15, as amended by Treasury Decision 5699, is further amended by changing paragraph (a) (2) to read: "(2) transfers intended to take effect in possession or enjoyment at or after the decedent's death (see § 81.17);".

PAR. 6. Section 81.16, as amended by Treasury Decision 5248, approved March 19, 1943, is further amended by inserting at the end thereof the following:

(e) Section 8 of Public Law 378 (81st Congress) provides that in the case of property transferred by the decedent prior to June 7, 1932, with retention or reservation of the possession or enjoyment of, or the right, either alone or in conjunction with any person, to designate the person or persons who shall possess or enjoy the property or the income therefrom, an assignment by the decedent of such possession, enjoyment, or right to income, or relinquishment by him of such right of designation, shall, if made during his lifetime and prior to 1951, not be deemed to have been made in contemplation of death. This provision of section 8 does not apply—

(1) To any transfer made after March 3, 1931, and before June 7, 1932, which, had the decedent died immediately prior to the time of the assignment or relinquishment, would have been considered a transfer described in § 81.18 (b) (1) or § 81.19 (b) (1); or

(2) If the property transferred would have been includible in the decedent's gross estate under section 811 (d) had he died on October 7, 1949.

PAR. 7. Section 81.17, as amended by Treasury Decision 5741, approved September 6, 1949, is amended to read as follows:

§ 81.17 *Transfers intended to take effect at or after the decedent's death*—(a) *Introductory.* Except in the case of a bona fide sale for an adequate and full consideration in money or money's worth and except as otherwise provided in section 811 (c) (2) (applicable to transfers made prior to October 8, 1949) section 811 (c) (1) (C) requires the inclusion in the gross estate of a decedent of the value of an interest in property of which he has made a transfer "intended to take effect in possession or enjoyment at or after his death". The rules applicable to transfers made after October 7, 1949 are set forth in paragraph (b) of this section and those applicable to transfers made prior to October 8, 1949 are set forth in paragraph (c) of this section.

(b) *Transfers made after October 7, 1949.* A transfer of an interest in property by the decedent during his life if made after October 7, 1949 is "intended to take effect in possession or enjoyment at or after his death" if and only if—

(1) Possession or enjoyment of the property can, through ownership of such interest, be obtained only by surviving the decedent (section 811 (c) (3) (A)); or

(2) Under alternative contingencies provided by the terms of the transfer, possession or enjoyment of the property can, through ownership of such interest, be obtained only by surviving the earlier to occur of (i) the decedent's death or (ii) some other event; and such other event did not in fact occur during the decedent's life (section 811 (c) (3) (B)). Notwithstanding the foregoing rules, an interest in property transferred by the decedent is not includible in the gross estate under this paragraph if possession or enjoyment of the property was obtainable by any beneficiary during the decedent's life through the exercise of a power of appointment, as defined in section 811 (f) (2), which was in fact exercisable immediately prior to the decedent's death.

The foregoing rules are to be applied in the light of circumstances existing immediately prior to the decedent's death. For the purpose of subparagraph (2) of this paragraph, the expression "some other event" includes the expiration of a term of years or the happening or failure to happen of a certain or uncertain event (including the possible exercise of a power which is not a taxable power of appointment as defined in section 811 (f) (2).

Where separate interests are transferred to each of several beneficiaries, the above rules are to be separately applied to each interest. Thus, if beneficiary A receives an interest which enables him to obtain possession or enjoyment of the property only by surviving the decedent and beneficiary B obtains an interest which enables him to obtain possession or enjoyment of the property only on the occurrence of some event unrelated to the decedent's death, it is only the transfer of the interest to beneficiary A which is intended to take effect in possession or enjoyment at or after the decedent's death. See also examples (2) and (4) of this paragraph. Likewise, if the decedent gave his son the immediate right to receive the income from the property until five years after the decedent's death, and the right to the corpus upon the expiration of such term, it is only the transfer of the latter interest which is intended to take effect in possession or enjoyment at or after the decedent's death.

The following examples illustrate the application of the foregoing principles. It is assumed that in each case the transfer is made after October 7, 1949.

Example (1). The decedent transferred property in trust, providing for an estate for life in his daughter, and a remainder to the children of the daughter. No part of the property is includible under this section. The daughter can possess and enjoy the property through ownership of the life estate without surviving the decedent. The same is true of the daughter's children with respect to their remainder interest.

Example (2). The decedent transferred property in trust, to pay the income to his wife during her life, and at her death to pay the corpus to the decedent if living, and if not, to his children. The decedent was survived by his wife. The value of the transferred property, less the outstanding life estate in the wife, is includible in the decedent's gross estate since the children cannot obtain possession or enjoyment of the property, through ownership of their interest, except by surviving the decedent.

Example (3). The decedent transferred property in trust to accumulate the income during his life and at his death to distribute the principal and accumulated income to his son or the son's estate. While the decedent retained no right or interest in the property, the transfer is taxable since possession or enjoyment of the property cannot be obtained except by surviving the decedent.

Example (4). The decedent transferred property in trust providing for payment of the income to his wife until her death, at which time the son was to receive the corpus. If the son predeceased the wife the corpus was to revert to the decedent if living at his wife's death; and if the decedent was not then living, it was to pass to X or X's estate. The decedent was survived by his wife, his son, and X. Neither the interest transferred to the wife nor to the son is includible in the decedent's gross estate under this section since each could, through ownership of his interest, obtain possession or enjoyment of the property even though the decedent was living. The interest transferred to X, however, is includible under section 811 (c) (3) (A) (to the extent of the value of X's interest immediately after the decedent's death) since X's possession or enjoyment of the property, if it materializes, could be obtained only by surviving the decedent. Section 811 (c) (3) (B) has no application to this example.

Example (5). The decedent transferred property in trust, to accumulate the income until his son reached the age of 30, or until the decedent's prior death. Upon the first to occur of these events the son was to receive the corpus. The decedent's death in fact occurred before his son attained the age of 30. The transfer is taxable under section 811 (c) (3) (B) since the son could obtain possession or enjoyment only by surviving the earlier to occur of the decedent's death or the son's attaining age 30, and since the decedent's death in fact occurred first.

Example (6). The decedent transferred property in trust providing for accumulation of the income during his life, and at his death to pay the entire fund to his children or their issue. His wife was given the unrestricted power to alter, amend, or revoke the trust. The wife survived the decedent and did not in fact exercise her power during the decedent's life. Under the last sentence of section 811 (c) (3) the transfer is not taxable since possession or enjoyment of the property was obtainable during the decedent's life through the exercise of the wife's power, which was a power of appointment as defined in section 811 (f) (2) of the Internal Revenue Code, and was in fact exercisable immediately prior to the decedent's death.

(c) *Transfers made prior to October 8, 1949*—(1) *In general.* A transfer of an interest in property made by the decedent prior to October 8, 1949, (whether made before or after the enactment of the Revenue Act of 1916) is not "intended to take effect in possession or enjoyment at or after his death" unless possession or enjoyment of the transferred property can, through ownership of such interest, be obtained only by surviving the decedent. For the purpose of determining whether this requirement is satisfied, the principles illustrated in examples (1) to (4) of paragraph (b) of this section are applicable. Where possession or enjoyment of the transferred property can be obtained either by surviving the decedent or through the occurrence of some other event (as, for example, the exercise of a power), the transfer shall not be considered as intended to take effect in possession or enjoyment at or after the decedent's death unless, from a consideration of its terms and circumstances as a whole, the other event is deemed to be unreal, in which case such other event shall be disregarded.

However, not every interest in property of which the decedent made a transfer before October 8, 1949, intended to take effect in possession or enjoyment at or after his death, is includible in his gross estate under section 811 (c) (1) (C). Section 811 (c) (2) provides that an interest so transferred shall be included in the gross estate under section 811 (c) (1) (C) only if the decedent has retained a reversionary interest in the transferred property arising by the express terms of the instrument of transfer and not by operation of law, and the value of such reversionary interest immediately before the death of the decedent exceeds five percent of the value of the transferred property. For example, where a decedent, prior to October 8, 1949, transferred property in trust, reserving the income to himself for life and providing that at his death the corpus should be distributed to his niece if living and, if not, to his estate, and the decedent's niece in fact survived him, the transfer is "intended to take effect in possession or enjoyment at or after his death". However, the transferred property is includible in the gross estate under section 811 (c) (1) (C) if and only if the value of the decedent's reversionary interest immediately before his death exceeded five percent of the value of the transferred property. (Even though not includible under section 811 (c) (1) (C), the transferred property may, depending upon the date of transfer and the date of the decedent's death, be includible under section 811 (c) (1) (B); in this connection, see § 81.18.)

The term "reversionary interest" includes a possibility that property transferred by the decedent may return to him or his estate and a possibility that property transferred by the decedent may become subject to a power of disposition by him. The term "reversionary interest" is not used in a technical sense; it includes any reserved right under which the transferred property shall or may be returned to the grantor. The term does not, however, include rights to income only, such as the right to receive the income from a trust after the death of another person. (For regulations concerning the effect of reservation of rights over income from the transferred property, see §§ 81.18 and 81.19.)

A reversionary interest will be considered to arise by the express terms of the instrument of transfer if the instrument contains an express disposition which affirmatively creates a reversionary interest, even though the terms of the disposition do not refer to the decedent or his estate, as such. For example, where a disposition which, in terms, is to the next of kin of the decedent constitutes, under the applicable local law, a reversionary interest in the decedent's estate, such reserved reversionary interest will be considered to arise by the express terms of the instrument and not by operation of law.

The value of the decedent's reversionary interest shall be computed as of the moment immediately before his death without regard to whether the executor elects to have the gross estate valued as provided under section 811 (j) and without regard to the fact of the decedent's death. Such value shall be ascertained according to recognized valuation principles applicable in determining the value for estate and gift tax purposes of future or conditional interests in property. See § 81.10 (i) (3). A possibility that the decedent may be able to dispose of property under certain conditions shall be deemed to be as valuable as a right to the return of the property to him under those conditions.

The value of the reversionary interest shall be ascertained as though the decedent were, immediately before his death, making a gift of the property and retaining the reversionary interest. See, for example, § 86.19 (g) of this chapter, pertaining to the gift tax. If a reversionary interest does not have an ascertainable value under the applicable valuation principles, it is considered to have a value of zero. Thus, if a reversionary interest consisting of a right enforceable in equity to compel a trustee to apply trust corpus for the support and maintenance of the grantor would be considered to have a value of zero for gift tax purposes were it being retained under a transfer by gift, it is to be similarly valued for the purposes of this section.

In determining whether the value of a reversionary interest exceeds five percent, it is to be compared with the entire value of the transferred property, including interests which are not dependent upon survivorship of the decedent. Thus, if A transferred property in trust with the income payable to B for B's life and with the remainder payable to X unless B predeceases A, in which event the property shall return to A, and A dies during B's life, the value of A's reversionary interest immediately before his death shall be compared with the entire value of the trust corpus, without deduction of the value of B's outstanding life estate.

A reversionary interest which, for instance, exists in only one-half of the corpus of a trust shall be compared with the value of such one-half. Assume, for example, that the decedent transferred property in trust prior to October 8, 1949, providing that the income should be paid to himself for life and that, upon his death, the property should be distributed to his children. The trust instrument further provided that the decedent should have the right, upon the prior death of his wife, to request the return of one-half of the property. The decedent was survived by his wife. If the value of the decedent's reversionary interest exceeded five percent of the value of the one-half of the corpus in which it existed, such one-half is includible in the decedent's gross estate under section 811 (c) (1) (C); but the other one-half is not includible under that section. (Such other one-half may, however, depending upon the date of transfer and the date of the decedent's death, be includible under section 811 (c) (1) (B).)

(2) *Retroactive operation.* The rule (set forth in subparagraph (1) of this paragraph) that an interest in property of which the decedent, prior to October 8, 1949, made a transfer "intended to take effect in possession or enjoyment at or after his death" is to be included in his gross estate only if he expressly reserved a reversionary interest having a value in excess of five percent of the value of the transferred property results from the addition of section 811 (c) (2) of the Internal Revenue Code made by section 7 (a) of Public Law 378 (81st Congress), approved October 25, 1949, and is applicable with respect to estates of decedents dying after February 10, 1939, the date of enactment of the Internal Revenue Code.

Section 7 (b) of Public Law 378 provides that no interest shall be allowed or paid on any overpayment resulting from the application of section 7 (a) of such Public Law with respect to any payment made prior to October 25, 1949.

Where refund or credit of any overpayment resulting from the application of section 7 (a) of Public Law 378 is prevented on or before October 25, 1950, by the operation of any law or rule of law (including a judicial determination but not including section 3760, relating to closing agreements, and not including section 3761, relating to compromises), section 7 (c) of such Public Law provides that refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed on or before October 25, 1950: *Provided, however,* That in case such overpayment relates to a transfer of property under which the decedent retained for his life or for any period not ascertainable without reference to his death or for any period which did not in fact end before his death (i) the possession or enjoyment of, or the right to the income from, the transferred property, or (ii) the right, either alone or in conjunction with any person, to designate the persons who should possess or enjoy such property or the income therefrom, the following condition is also met: Such refund or credit was not prevented on or before January 16, 1949, by the operation of any law or rule of law.

(3) *Certain transfers between November 11, 1935, and January 29, 1940.* Where the transfer was made during the period between November 11, 1935 (that being the date upon which the Supreme Court of the United States rendered its decisions in the cases of Helvering v.

St. Louis Union Trust Co. (296 U. S. 39) and Becker v. St. Louis Union Trust Co. (296 U. S. 48)), and January 29, 1940 (that being the date upon which such Court rendered its decisions in Helvering v. Hallock and companion cases) 309 U. S. 106)), and the Commissioner, whose determination therein shall be conclusive, determines that such transfer is classifiable with the transfers involved in such two cases decided on November 11, 1935, rather than with the transfer involved in the case of Klein v. United States (283 U. S. 231), previously decided by such Court, then the property so transferred shall not be included in the decedent's gross estate under the provisions of this section, if the following condition is also met: Such transfer shall have been finally treated for all gift tax purposes, both as to the calendar year of such transfer and subsequent calendar years, as a gift in an amount measured by the value of the property undiminished by reason of a provision in the instrument of transfer by which the property, in whole or in part, is to revert to the decedent should he survive the donee or another person, or the reverting thereof is conditioned upon some other contingency terminable by decedent's death.

PAR. 8. Section 81.18, as amended by Treasury Decision 5741, is further amended as follows:

(A) By amending the heading, by redesignating paragraphs (a), (b) and (c) as (a) (1), (2), and (3), by adding a headnote for paragraph (a), and by amending subparagraph (1) to read as follows:

§ 81.18 *Transfers with possession or enjoyment retained*—(a) *General rule.* (1) Except in the case of a bona fide sale for an adequate and full consideration in money or money's worth, section 811 (c) (1) (B) requires the inclusion in the gross estate of the value of all property transferred by the decedent, whether in trust or otherwise, if the decedent retained or reserved the use, possession, right to the income, or other enjoyment of the transferred property (i) for his life; or (ii) for any period not ascertainable without reference to his death; or (iii) for such a period as to evidence his intention that it should extend at least for the duration of his life and his death occurs before the expiration of such period. Except as provided in paragraph (b) of this section, such property is includible without regard to the date when the transfer was made, whether before or after the enactment of the Revenue Act of 1916.

A reservation for a "period not ascertainable without reference to his death" may be illustrated by a reservation of the right to receive, in quarterly payments, the income of the transferred property where none of the income between the last quarterly payment and the decedent's death was to be received by him or his estate. This expression also includes a reservation of the right to receive the income from transferred property after the death of another person who in fact survived the decedent; but in such a case the amount to be included in the gross estate under this section does not include the value of the outstanding income interest in such other person. However, if such other person predeceased the decedent, the reservation may be considered to be for the decedent's life or for such a period as to evidence his intention that it should extend at least for the duration of his life.

(B) By inserting at the end of such section the following:

(b) *Estates of decedents dying before January 1, 1950.* In the case of a decedent who died before January 1, 1950, property shall not be included in the gross estate under this section unless transferred—

(1) After March 3, 1931, and before June 7, 1932, and the retention or reservation by the decedent was (i) for his life or (ii) for such a period as to evidence his intention that it should extend at least for the duration of his life, and his death occurs before the expiration of such period; or

(2) On or after June 7, 1932.

PAR. 9. Section 81.19, as amended by Treasury Decision 5741, is amended to read as follows:

§ 81.19 *Transfers with right retained to designate who shall possess or enjoy*—(a) *General rule.* (1) Except in the case of a bona fide sale for an adequate and full consideration in money or money's worth, section 811 (c) (1) (B) requires the inclusion in the gross estate of the value of all property transferred by the decedent, whether in trust or otherwise, if there is retained by or reserved to him (1) for his life, or (2) for any period not ascertainable without reference to his death, or (3) for such a period as to evidence his intention that it should extend at least for the duration of his life and his death occurs before the expiration of such period, the right either alone or in conjunction with any other person or persons to designate the person or persons who shall possess or enjoy the transferred property or the income therefrom. Except as provided in paragraph (b) of this section, such property is includible without regard to the date when the transfer was made, whether before or after the enactment of the Revenue Act of 1916.

(2) The rights of designation described in section 811 (c) (1) (B) include a reserved power to designate the person or persons who shall, during the decedent's life or during any lesser period described in such section, receive the income from the transferred property or who shall, during any such period, possess or enjoy non-income-producing property. Such rights of designation do not, however, include powers over the transferred property itself not affecting the enjoyment of the income during the decedent's life. (See, however, § 81.20.)

(3) If the retention or reservation of the right described pertains to a part only of the transferred property, or to a part only of the income therefrom, then only a corresponding proportion of the value of the transferred property is includible in determining the value of the gross estate.

(4) The right to so designate will be treated as having been retained or reserved if at the time of the transfer there was an understanding, either expressed or implied, that such right would later be created or conferred. (See § 81.15.)

(b) *Estates of decedents dying before January 1, 1950.* In the case of a decedent who died before January 1, 1950, property shall not be included in the gross estate under this section unless transferred—

(1) After March 3, 1931, and before June 7, 1932, and the right of designation was retained by or reserved to the decedent alone (i) for his life or (ii) for such a period as to evidence his intention that it should extend at least for the duration of his life and his death occurs before the expiration of such period; or

(2) On or after June 7, 1932.

PAR. 10. Section 81.21 is amended (A) by changing the heading to read: "*Power relinquished in contemplation of death*—(a) *In general.*", and redesignating paragraphs (a) and (b) as (1) and (2) of (a); and (B) by adding at the end thereof the following:

(b) *Certain reciprocal trusts.* Section 6 (c) of Public Law 378 (81st Congress) provides a special rule applicable in the case of property transferred in trust prior to January 1, 1940, if and to the extent that such property may be deemed to have been transferred in trust by the decedent instead of by the nominal grantor of such property (by reason of the fact that the decedent made a reciprocal transfer of property in trust). Under this section, a relinquishment by the decedent, during his lifetime and prior to 1951, of a power (as described in § 81.20) or right of designation (as described in § 81.19) with respect to such property shall not be deemed to have been made in contemplation of death. This section shall not apply unless a gift tax was paid with respect to the reciprocal transfer by the decedent and was not credited or refunded. This section also does not apply to the assignment by the decedent of a reserved life estate or other interest (as distinguished from a power or right of designation) in the property which may be so deemed to have been transferred by him. (See, however, § 81.16.)

(53 Stat. 467; 26 U. S. C. 3791)

[SEAL] FRED S. MARTIN,
Acting Commissioner of Internal Revenue.

Approved: March 8, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51-3349; Filed, Mar. 14, 1951; 8:54 a. m.]

[T. D. 5833]

[Regulations 79, 1936 Edition]

PART 85—GIFT TAX UNDER THE REVENUE ACT OF 1932, AS AMENDED

[Regulations 108]

PART 86—GIFT TAX UNDER CHAPTER 4 OF THE INTERNAL REVENUE CODE, AS AMENDED

MISCELLANEOUS AMENDMENTS

On November 18, 1950, notice of proposed rule making, regarding the gift tax provisions of Public Law 378 (81st Cong., 1st Sess.), approved October 25, 1949, was published in the FEDERAL REGISTER (15 F. R. 7884). No objection to the rules proposed having been received, the amendments set forth below are hereby adopted. Such amendments are necessary in order to conform Regulations 108 (26 CFR Part 86) and Regulations 79, 1936 edition (26 CFR, 1938 ed., Part 85), relating to the gift tax, to Public Law 378.

PARAGRAPH 1. There is inserted immediately preceding § 86.1 the following:

PUBLIC LAW 378 (81st Cong., 1st sess.), approved October 25, 1949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * *

SEC. 6. RELINQUISHMENT OF POWERS IN CASE OF RECIPROCAL TRUSTS.

(a) Section 1000 of the Internal Revenue Code (relating to imposition of gift tax) is hereby amended by adding at the end thereof the following new subsection:

(g) *Certain reciprocal trusts.* In the case of property in a trust created prior to January 1, 1940, if and to the extent that such property may be deemed to have been transferred to such trust by a person other than the nominal grantor of such property (by reason of the fact that such person has made a reciprocal transfer of property in trust), then a relinquishment by such person on or before December 31, 1950, of any power over such property or over the income therefrom shall not be deemed a transfer of property for the purposes of this chapter. In the event of such relinquishment, the reciprocal transfer made by the person relinquishing such power shall be deemed, for the purposes of this chapter, to have been a completed gift at the time such reciprocal transfer was made. This subsection shall apply only if, at the time such person made the aforesaid reciprocal transfer of property, a law was in effect imposing a tax upon the transfer of property by gift and a gift tax was paid with respect to such reciprocal transfer, and not credited or refunded.

* * * * *

SEC. 8. TAX FREE RELEASE OF CERTAIN LIFE ESTATES.

In the case of a transfer of property made prior to June 7, 1932, under which the grantor retained (1) the possession or enjoyment of, or the right to the income from, the property, or (2) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom, then an assignment by the grantor of such possession, enjoyment, or right to income, or a relinquishment by him of such right of designation, shall, if made in 1949 or 1950, not be deemed a transfer of property for the purposes of chapter 4 of the Internal Revenue Code. * * *. The foregoing provisions shall not apply—

(A) If the transfer was made after March 3, 1931, and prior to June 7, 1932, and if the property transferred would have been includible in the grantor's gross estate upon his death by reason of the amendatory language of the joint resolution of March 3, 1931 (45 Stat. 1516); or

(B) If the property transferred would have been includible in the grantor's gross estate under section 811 (d) of the Internal Revenue Code had he died on October 7, 1949.

PAR. 2. Section 86.1, as amended by Treasury Decision 5811, approved October 5, 1950, is further amended by striking therefrom the second sentence and inserting in lieu thereof the following: "The statute taxes all such transfers of property (to the extent that they exceed the deductions authorized by section 1004) other than the following: Gifts specified in section 1003 (b) (2) and (3); releases before July 1, 1951 of powers to appoint created on or before October 21, 1942, the date of enactment of the Revenue Act of 1942; certain relinquishments of powers over discretionary trusts described in section 1000 (e) and over reciprocal trusts described in section 1000 (g); and, as described in § 86.2 (d), the assignment or relinquishment in 1949 or 1950 of certain reserved rights over income from property transferred before March 4, 1931 and, in certain cases, before June 7, 1932."

PAR. 3. Section 86.2, as amended by Treasury Decision 5811, is further amended as follows:

(A) By striking the seventh sentence of paragraph (a) (including the parentheses enclosing such sentence) and inserting in lieu thereof the following: "(However, for special provisions with respect to the exercise or release of powers of appointment, see paragraph (b) of this section and for special provisions with respect to the assignment or relinquishment of certain reserved rights over income from property transferred before March 4, 1931 or June 7, 1932, see paragraph (d) of this section.)"

(B) By adding at the end of such section the following:

(d) *Transfers of certain life estates and other rights over income.* Section 8 of Public Law 378 (81st Congress) provides that in the case of property transferred prior to June 7, 1932, with retention or reservation by the transferor of the possession of, or the right to the income from, the property, or the right, either alone or in conjunction with any person, to designate the person or persons who shall possess or enjoy the property or the income therefrom, an assignment by the transferor of such possession, enjoyment, or right to income, or relinquishment by him of such right of designation, shall, if made during 1949 or 1950, not be deemed a transfer of property subject to gift tax. This provision of section 8 does not apply—

(1) To any transfer made after March 3, 1931, and before June 7, 1932, which, had the transferor died immediately prior to the time of the assignment or relinquishment, would have been considered a transfer described in § 81.18 (b) (1) or § 81.19 (b) (1) of this chapter; or

(2) If the property transferred would have been includible in the transferor's gross estate under section 811 (d) had he died on October 7, 1949.

PAR. 4. Section 86.3, as amended by Treasury Decision 5606, approved March 4, 1948, is further amended as follows:

(A) By striking therefrom the section heading, which reads "*Cessation of donor's dominion and control.*", and inserting in lieu thereof, the following: "*Cessation of donor's dominion and control*—(a) *In general*", and by redesignating paragraph (a) through (g) to be subparagraphs (1) through (7).

(B) By redesignating paragraph (h) as paragraph (b) and adding the headnote: "(b) *Relinquishment of powers over certain discretionary trusts.*"

(C) By adding at the end thereof the following:

(c) *Relinquishment of powers over certain reciprocal trusts.* Section 1000 (g), as added by section 6 of Public Law 378 (81st Congress), provides in the case of property in a trust created before January 1, 1940, to the extent that such property may be deemed to have been transferred to such trust by a person other than the nominal grantor (by reason of the fact that such person made a reciprocal transfer of property in trust), that a relinquishment by such person (that is, by the constructive grantor) on or before December 31, 1950, of any power over such property or over the income therefrom shall not be treated as a gift for the purposes of the gift tax statute. In the event of such relinquishment, the reciprocal transfer made by the person relinquishing the power shall be deemed, for the purposes of gift tax, to have been a completed gift at the time such reciprocal transfer was made.

The provisions of section 1000 (g) are applicable only if, at the time the reciprocal transfer was made by the person relinquishing the power, a gift tax law was in effect and a gift tax was paid with respect to such reciprocal transfer, and not credited or refunded. Section 1000 (g) also does not apply to the assignment of a life estate or other interest in property (as distinguished from the relinquishment of a power) which has been created in a reciprocal trust. See, however, § 86.2 (d).

PAR. 5. There is inserted immediately preceding article 1 (26 CFR, 1938 ed., 85.1) the following:

PUBLIC LAW 378 (81st Cong., 1st session), approved October 25, 1949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * *

SEC. 6. RELINQUISHMENT OF POWERS IN CASE OF RECIPROCAL TRUSTS.

* * * * *

(b) Section 501 of the Revenue Act of 1932 (imposing a gift tax) is hereby amended by adding at the end thereof the following new subsection:

(d) *Certain reciprocal trusts.* In the case of property transferred in trust prior to January 1, 1940, if and to the extent that such property may be deemed to have been so transferred by a person other than the nominal grantor of such property (by reason of the fact that such person has made a reciprocal transfer of property in trust), then a relinquishment by such person of any power over such property or over the income therefrom shall not be deemed a transfer of property for the purposes of this title. In the event of such relinquishment on or before December 31, 1950, the reciprocal transfer made by the person relinquishing such power shall be deemed, for the purposes of this title, to have been a completed gift at the time such reciprocal transfer was made. This subsection shall apply only if, at the time such person made the aforesaid reciprocal transfer of property, a law was in effect imposing a tax upon the transfer of property by gift and a gift tax was paid with respect to such reciprocal transfer, and not credited or refunded.

PAR. 6. Article 3, as amended by Treasury Decision 5469, approved August 14, 1945 (26 CFR, 1938 ed., 85.3), is further amended by adding at the end thereof the following:

Section 501 (d), as added by section 6 of Public Law 378 (81st Congress), provides in the case of property transferred in trust prior to January 1, 1940, to the extent that such property may be deemed to have been transferred by a person other than the nominal grantor (by reason of the fact that such other person made a reciprocal transfer of property in trust), that a relinquishment by such person (that is, by the constructive grantor) of any power over such property or over the income therefrom shall not be treated as a gift for the purposes of the gift tax provisions. In the event of such relinquishment before January 1, 1951, the reciprocal transfer made by the person relinquishing such power shall be deemed, for the purposes of the gift tax provisions, to have been a completed gift at the time such reciprocal transfer was made.

The provisions of section 501 (d) are applicable only if, at the time the reciprocal transfer was made by the person relinquishing the power, a gift tax law was in effect and a gift tax was paid with respect to such reciprocal transfer, and not credited or refunded. Section 501 (d) also does not apply to the assignment of a life estate or other interest in property (as distinguished from the relinquishment of a power) which has been created in a reciprocal trust.

(53 Stat. 157, 467; 26 U. S. C. 1029, 3791)

[SEAL] FRED S. MARTIN,
Acting Commissioner of Internal Revenue.

Approved: March 8, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51-3348; Filed, Mar. 14, 1951; 8:54 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 702—HANDICRAFT PRODUCTS INDUSTRY IN PUERTO RICO

MINIMUM WAGE ORDER

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C., Sup., 1001) notice was published in the FEDERAL REGISTER on February 13, 1951 (16 F. R. 1480), of my decision to approve the minimum wage recommendation of Special Industry Committee No. 8 for Puerto Rico for the Handicraft Products Industry in Puerto Rico, and the wage order which I proposed to issue to carry such recommendation into effect was published therewith. Interested parties were given an opportunity to submit exceptions within 15 days of the date of publication of the notice.

An exception was filed by the American Veneer Package Association, Inc. This petition has been considered and I find that the exceptions contained therein present no new matters which would require any modification of my previous decision, as set forth in my findings and opinion entitled "In the Matter of the Recommendation of Special Industry Committee No. 8 for Puerto Rico for a Minimum Wage Rate in the Handicraft Products Industry in Puerto Rico."

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060; 29 U. S. C. 201), the said decision is hereby affirmed and made final, and the said wage order is hereby issued, to become effective April 16, 1951.

Sec.
702.1 Approval of recommendation of industry committee.
702.2 Wage rate.
702.3 Notices of order.
702.4 Definition of the handicraft products industry in Puerto Rico.

AUTHORITY: §§ 702.1 to 702.4 issued under sec. 8, 52 Stat. 1064; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. Sup., 205.

§ 702.1 *Approval of recommendation of industry committee.* The Committee's recommendation is hereby approved.

§ 702.2 *Wage rate.* Wages at a rate of not less than 26 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the handicraft products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 702.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the handicraft products industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 702.4 *Definition of the handicraft products industry in Puerto Rico.* The handicraft products industry, to which this part shall apply, is hereby defined as follows:

(a) The manufacture of hand-made or hand-woven products (including, but without limitation, handbags, belts, hats, rugs, baskets, mats, coasters, lamp and window shades, blinds, and fans) made wholly or chiefly of straw, raffia, sisal, maguey, palm leaves, rushes, grasses, hair bristles, feathers, excelsior, cork, bamboo, rattan, willow, seeds, native shells, pebbles, esponga, or similar materials: *Provided, however,* That this definition shall not include any product or activity included in the button, buckle, and jewelry industry or the textile and textile products industry, as those industries in Puerto Rico are defined in the wage orders for such industries (Parts 697 and 699 of this chapter).

(b) This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

Signed at Washington, D. C., this 9th day of March 1951.

WM. R. MCCOMB,
Administrator, Wage and Hour Division.

[F. R. Doc. 51-3317; Filed, Mar. 14, 1951; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 12]

CPR 12—MILLED RICE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 12 is hereby issued.

STATEMENT OF CONSIDERATIONS

The issuance of the General Ceiling Price Regulation on January 26, 1951, resulted in many disparities in the prices of milled rice throughout the industry. This Ceiling Price Regulation No. 12 is designed primarily to correct these disparities by establishing specific dollars and cents prices for milled rice containing not less than 96 percent of whole kernels and grading U. S. No. 2, and for classes of broken milled rice grading U. S. No. 2, packed in 100-pound customary containers sold f. o. b. mill by the processor or rice mill.

The regulation, although establishing specific prices only for this particular quality of all milled rice varieties in this type of packaging, does by reference to the enumerated prices establish ceiling prices for sales of all other grades, varieties and container types and sizes of the product. Specific prices are established for milled rice containing not less than 96 percent of whole kernels and grading U. S. No. 2, because that quality is the most representative and most widely traded in quality in the continental United States.

It is expected that the normal marketing of rice which was disrupted by the freeze technique used in the General Ceiling Price Regulation will be restored by the establishment of uniform dollars and cents ceilings for milled rice. Time limitations have prevented the Director of Price Stabilization from conducting comprehensive surveys and developing the specific schedules so necessary to the determination of precise differentials for the numerous mill locations, classes and grades of rice and types and sizes of packaging containers. Processors and rice mills will, however, establish their prices for the other varieties, grades, lower degree of milling, types and sizes by adjusting the applicable ceiling price in accordance with customary differentials which obtained during the base period of the General Ceiling Price Regulation.

Data made available to the Director of Price Stabilization by the United States Department of Agriculture, members of the rice industry and trade sources justify the adequacy of the ceiling prices established by this regulation. These ceiling prices represent a roll back from the highest, and an increase from the lower, individual ceilings at which rice mills and processors were frozen under the General Ceiling Price Regulation. Thus, the prices distributors pay for milled rice are not on the average increased and no over-all reduction of distributive margins is involved in the issuance of this regulation. All distributive margins remain frozen under the provisions of the General Ceiling Price Regulation and therefore prices paid by consumers for milled rice products are not altered or affected by the provisions of this regulation.

The provisions and prices of this regulation have been considered and approved by the Rice Industry Advisory Committee, which was organized in accordance with the requirements of PPR 2. Extensive consultation has been had with the duly constituted Industry Advisory Committee, and representatives of the rice industry trade associations. The Director of Price Stabilization has determined after careful study of the data supplied by the industry and other Government agencies and after consultation with, and the agreement of, the Industry Committees, that the prices established by this regulation satisfy all the minimum requirements of the Defense Production Act of 1950 and, under existing circumstances, provide generally fair and equitable processing margins. The Industry Advisory Committee has confirmed the adequacy of the processing margins established until such time as the compilation and analyses of current industry-wide cost data indicates the necessity for adjustment of these margins to satisfy statutory requirements.

In the judgment of the Director of Price Stabilization, the ceiling prices established by this Regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to parity prices and the other minimum requirements of the law including prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Applicability, effective date and prohibitions.
3. Definitions.
4. Ceiling prices for sales of milled rice by the processor.
5. Evasion.
6. Enforcement.
7. Records.
8. Petitions for amendment.

AUTHORITY: Sections 1 to 8 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* The purpose of this regulation is to establish specific ceiling prices for milled rice at the processor or mill levels. These ceiling prices supersede those established for sales of the product at the processor or mill level by the General Ceiling Price Regulation. The General Ceiling Price Regulation will, however, continue to be applicable to sales of milled rice at all other levels of distribution.

SEC. 2. *Applicability, effective date and prohibitions.* (a) *Applicability.* The provisions of this regulation are applicable to the United States, its territories and possessions, and the District of Columbia.

(b) *Prohibitions.* After the effective date of this Regulation, you shall not sell, and you shall not buy, in the regular course of business or trade, at a price exceeding the ceiling price established by this Regulation, any milled rice item for which a ceiling price or a method for computing a ceiling price is established by this Regulation.

SEC. 3. *Definitions.* (a) "Rice mill" means a plant at which is performed the normal process of removing the hull and bran from rice and classifying it for packaging and distribution.

(b) "Rice miller" means the processor, individual or firm, who performs the above described functions.

(c) "F. o. b. mill" means free on board the carrier at the mill at which the rice was processed and from which the shipment was made.

(d) "Milled rice" means whole or broken kernels of rice from which the hulls, and practically all of the germs and bran layers have been removed.

SEC. 4. *Ceiling prices for sales of milled rice by the processor.* (a) If you are a rice miller or processor of rough rice, your ceiling prices for sales of milled rice f. o. b. mill, per 100 pounds, packed in customary 100 pound bulk containers are as follows:

(1) For varieties of milled rice containing not less than 96 percent of whole kernels and grading U. S. No. 2, your ceiling prices are as follows:

Varieties	*Price per 100 pounds*
Rexora, Rexark, Patna, and Blue Bonnet	$12.00
Nira and Rex Nira, sometimes known as RN	11.50
Fortuna and Edith	11.00
Blue Rose, Kamrose, Arkrose, Calrose, and Lady Wright	10.75
Magnolia, Zenith, and Prelude	10.50
Pearl, Early Prolific, and all other varieties not specifically named	9.50

(2) For classes of broken milled rice grading U. S. No. 2, your ceiling prices are as follows:

Classes	*Price per 100 pounds*
Second heads—Rexoro, Rexark, Patna, Blue Bonnet, Nira, Rex Nira, Fortuna, Edith, Lady Wright, and Prelude	$8.50
Second heads—Any other variety	8.00
Screenings	7.00
Brewers	7.00

Your ceiling prices for all other grades and qualities, and for mixtures of varieties and grades, are determined under the provisions of paragraphs (d) and (e), respectively, of this section.

(b) *Differential for delivered sales.* You may quote and charge delivered prices by adding to the above price for the applicable variety of rice, the actual freight incurred from the rice mill to the point of destination at the current tariff rates.

(c) *Differentials for other types of containers.* Your differentials which you customarily used during the base period established by the General Ceiling Price Regulation for other types of containers shall continue to prevail and to apply.

(d) *Differentials for grade and quality.* Your differentials, above or below the prices listed in paragraph (a) of this section for grade, quality and lower degree of milling, which you customarily used during the base period established by the GCPR, shall continue to prevail and apply.

(e) *Mixtures of varieties and grades of milled rice.* Your ceiling price for sales of a mixture of rice consisting of combinations of two or more of the varieties, grades and classes of milled rice shall be determined by multiplying the percentage of each variety, class and grade by the applicable ceiling price for each.

(f) *Adjustment of f. o. b. price for mill location.* If, because of mill location, it is customary for you to quote and charge a higher f. o. b. price than is generally applicable to your industry, you may apply to the Director of Price Stabilization, Washington 25, D. C., for an adjustment in your f. o. b. ceiling price. Complete data justifying the requested adjustment must be submitted with your application. Your f. o. b. ceiling price may be raised by the amount of any such adjustment approved in writing by the Director.

SEC. 5. *Evasion.* You shall not evade or circumvent the provisions of this regulation by direct or indirect methods in connection with the purchase, sale, delivery, or transfer of milled rice or by way of premium, commission, service, transportation, or other charge, or by tie-in agreement, trade understanding, or otherwise.

SEC. 6. *Enforcement.* If you violate any provision of this regulation, you are subject to the criminal penalties, civil enforcement actions, and suits for damages provided for by the Defense Production Act of 1950.

SEC. 7. *Records.* If you sell milled rice for which ceiling prices are established by this regulation, you must preserve and keep available for examination by the Director of Price Stabilization for a period of two years, accurate records of each sale.

These records must include:
(a) The date of the sale;
(b) The name of the purchaser;
(c) The price paid or received;
(d) The grade, quality, and amount sold.

SEC. 8. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the pro-

visions of Price Procedural Regulation 1, 15 F. R. 9055.

Effective date. This regulation is effective March 15, 1951.

NOTE: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

MARCH 13, 1951.

[F. R. Doc. 51-3408; Filed, Mar. 14, 1951; 11:06 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 12]

GCPR, SR 12—DOMESTIC GREAT LAKES CONTRACT WATER CARRIERS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Supplementary Regulation No. 12 to the General Ceiling Price Regulation (16 F. R. 809) is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation is issued to enable contract water carriers trading on the Great Lakes between United States ports to establish their ceiling rates within the framework of the General Ceiling Price Regulation, but departing from the General Ceiling Price Regulation requirements as to base period delivery or offer for base period delivery of their transportation services.

Transportation on the Great Lakes is seasonal, usually between March and November when the Great Lakes are sufficiently free from ice to be open to navigation, with the "closed season" extending from December into March. Hence, these carriers could not deliver their services or offer such services for delivery during the base period.

It is customary in this trade to negotiate with shippers at the close of the navigation season but not later than January of the ensuing year for seasonal contracts on principal bulk lake cargo such as iron ore, limestone and coal. Accordingly, for the most part, contracts were fixed for the 1951 season before and during the base period, but due to the aforementioned "closed season" no deliveries under these contracts could be made during the base period.

This presents a condition unforeseen at the time the General Ceiling Price Regulation was issued and, therefore, it is deemed desirable and proper to remedy the difficulty which confronts these carriers through the medium of this supplementary regulation which establishes as ceiling the rates agreed upon in any such contract for the 1951 season which was entered into on or before January 25, 1951.

In addition to the foregoing condition, there are also spot cargo offerings in this trade and the practice is to fix during the season contracts for these spot cargoes when offerings are made. Many Great Lakes contract carriers compete for this tonnage, including some few carriers which do not negotiate seasonal contracts on the principal basic cargoes referred to above. A procedure for determining ceiling rates for contract carriers engaging in this "spot cargo" trade is established in section 3 (c) of this supplementary regulation by reference to the 1951 season contract rates and basic cargoes of the carrier or its closest competitor.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the provisions of Supplementary Regulation 12 to General Ceiling Price Regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to other minimum requirements of the law; and to relevant factors of general applicability.

In formulating this supplementary regulation the Director has consulted with representatives of the industry to the extent practicable under the circumstances and has given consideration to their recommendations.

REGULATORY PROVISIONS

Sec.
1. Purpose.
2. Applicability.
3. Maximum rates.
4. Keeping of records.

AUTHORITY: Sections 1 to 4 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Purpose.* The purpose of this supplementary regulation is to establish ceiling rates for certain contract water carriers engaged in the transportation between United States ports on the Great Lakes of commodities in bulk (other than liquid cargoes in bulk) falling within the meaning of the exclusion contained in section 303 (b) and (c) of the Interstate Commerce Act, as amended.

SEC. 2. *Applicability.* The provisions of this supplementary regulation shall apply to any carrier, other than a common carrier, as defined in section 302 (d), Interstate Commerce Act, as amended, in the transportation, under individual contract or agreement, of commodities in bulk between United States ports on the Great Lakes, their connecting and tributary waters.

SEC. 3. *Maximum rates.* The maximum rate of any carrier subject to this supplementary regulation for such transportation service shall be:

(a) The highest rate agreed with any shipper on or before January 25, 1951, for the same service or for the service most nearly like it to be performed during the Great Lakes navigation season of 1951; or,

(b) If any carrier's maximum rate cannot be determined under paragraph (a) of this section, such carrier's maximum rate shall be the highest rate agreed, as provided in paragraph (a) of this section, by such carrier's closest competitor for the same service or service most nearly like it.

(c) (1) If any carrier's maximum rate cannot be determined under paragraph (a) or (b) of this section, such carrier's maximum rate shall be the highest rate charged for the same or similar service performed during the 1950 season plus the same percentage increase, if any, by which 1951 rates determined under paragraph (a) of this section were increased over 1950 rates.

(2) If the same or similar service was not performed in 1950, such carrier's maximum rate shall be the highest rate charged for service of a different class performed during 1950, adjusted to reflect such carrier's customary differential between the two classes of service, increased by the same method indicated in subparagraph (1) of this paragraph.

(d) Any carrier who cannot establish a ceiling rate for any such transportation service may apply to the Director of Price Stabilization for establishment of a ceiling rate as provided in section 7 of the General Ceiling Price Regulation.

SEC. 4. *Keeping of records.* Carriers subject to this supplementary regulation are not required to comply with the record-keeping provisions of the General Ceiling Price Regulation, but must prepare and keep available for inspection by the Director of Price Stabilization for a period of two years, records customarily kept by such carriers and all records used in the determination of ceiling rates for services performed under this supplementary regulation.

Effective date. This supplementary regulation to the General Ceiling Price Regulation shall become effective on the 14th day of March, 1951.

NOTE: The record-keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

MARCH 13, 1951.

[F. R. Doc. 51-3407; Filed, Mar. 14, 1951; 11:05 a. m.]

[Ceiling Price Regulation 11]

CPR 11—RESTAURANTS

NOTE: In Federal Register Document 51-3380, appearing in the issue for Wednesday, March 14, 1951, at page 2391, the word "on" in the second line of section 4 (a) (2) has been changed to read "or" so that subparagraph (2) reads as follows:

(2) A statement whether you elect the entire calendar year 1949 or the entire twelve month period July 1, 1949, to June 30, 1950, as your base period, and whether you want to compute your ratio on a monthly basis. Once you have chosen your base period and whether to compute your rates on a monthly or an annual basis, you may not change your base period option.

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-8, as Amended Mar. 12, 1951]

M-8—TIN

This order which amends and supersedes NPA Order M-8, dated Jan. 27, 1951, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order, has been rendered impracticable by the fact that the order affects a very substantial number of different trades and industries.

This amendment affects order M-8 as follows: It redesignates §§ 27.1 through 27.6 as sections 1 to 6; it adds a new section 7; it redesignates §§ 27.7 through 27.11 as sections 8 through 12; it adds a new section 13; it redesignates §§ 27.12 through 27.15 as sections 14 through 17; it adds a new sentence to section 1; adds a new paragraph (b) to section 5; adds a new item (7) to section 8 (b); and effects other minor changes in wording. As so amended NPA Order M-8 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Application of order.
4. Restrictions on use of pig tin and alloys and other materials containing tin.
5. Limitations on use of pig tin.
6. Maintenance, repair, and operating supplies.
7. Allocation of pig tin.
8. Certification.
9. Defense orders for items containing tin.
10. Exemption.
11. Inventories.
12. Export certificates.
13. Importation of pig tin.
14. Reports and records.
15. Application for adjustments.
16. Communications.
17. Violations.

AUTHORITY: Sections 1 to 17 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order amends and supersedes NPA Order M-8. The purpose of this order is to describe how tin remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy. It restricts the use of pig tin in manufacture, processing and construction. It prohibits all uses of pig tin, secondary tin and certain tin-bearing products not expressly set forth in the attached Schedules I through VII. In addition, many of the permissible uses included in the Schedules I through VII are prohibited in connection with the manufacture of the items or for the purposes set forth in List A. The order also sets forth limitations on inventories or pig tin and alloys and other materials containing tin and explains the conditions under which reports are required in connection with the production, distribution, importation, use, and inventories of pig tin. In addition, it covers the conditions under which reporting is required in connection with the customs entry of tin importation. It is the intent of this order that other materials which are not in short supply will be substituted for tin and alloys and other materials containing tin wherever possible. It prohibits the private importation of pig tin after a specified date and places pig tin under allocation by prohibiting, subject to limited exceptions, any deliveries not covered by allocation authorizations to be issued monthly by the National Production Authority.

SEC. 2 *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the 6-month period ending June 30, 1950.

(c) "Manufacture" means to melt, put into process, machine, fabricate, cast, roll, turn, spin, coat, extrude, or otherwise alter pig tin, alloys containing tin, or other materials containing tin, by physical or chemical means and includes the use of tin and alloys and other materials containing tin in plating, and in chemical compounding and processing. It does not include the use of tin contained in any "in process" materials or any other materials not actually to be incorporated into the items to be manufactured, such "in process" materials and other materials being included under paragraphs (d) and (e) of this section.

(d) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment, or facility in sound working condition, and "repair" means the restoration of a building, piece of equipment, or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like; *Provided, however,* Neither maintenance nor repair includes the improvement of any such item with material of a better kind, quality or design.

(e) "Operating supplies" means any tin or alloy or other material containing tin normally carried by a person as operating supplies according to established accounting practice and not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies.

(f) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States. It includes shipments into a U. S. foreign trade zone, or bonded custody of any United States Collector of Customs (bonded warehouse) in the continental United States and shipments into the continental United States for processing or manufacture in bond for exportation. "Import" does not include shipments in transit in bond through the continental United States without processing or manufacture to Canada, Mexico or any other foreign country, or shipments through U. S. foreign trade zones to a foreign country without processing or manufacture. However, if any material in such shipments in transit in bond is, because of a change in plans, to be sold or used in the continental United States, or subjected to processing or manufacture in the continental United States, it becomes an "import" for the purposes of this order and requires the reports specified in section 14.

(g) "Pig tin" means metal containing 95 percent or more by weight of the element tin, in shapes current in the trade, including anodes, small bars, and ingots, but excluding the products specifically listed in Section IV of report Form NPAF-7.

(h) "Secondary tin" means any alloy, produced from scrap, which contains less than 95 percent but not less than 1.5 percent by weight of the element tin.

(i) For the purpose of the reporting requirements relating to imports stated in section 14 (b): "Tin" means pig tin and tin in any raw, semi-finished, or scrap form, and any alloys, compounds, or other materials containing tin (where tin is of chief value) in any raw, semi-finished or scrap form. This includes, but is not limited to, the following:

Babbitt metal and solder	6506.100
Alloys and combinations of lead, not in chief value lead (including lead, antimony, and white metal)	6506.900
Type metal	6507.000
Tin bars, blocks, pigs, grained or granulated	6551.300
Tin metallic scrap (except alloyed scrap)	6551.500
Tin alloys, chief value tin n. s. p. f. (including alloyed scrap)	6551.900
Tin dross, skimmings and residues	6740.170
Tin foil less than 0.006 inch thick	6790.710
Tin powder, flitters and metallics	6790.720
Tin bichloride, tin tetrachloride and other chemical compounds, mixtures, and salts, tin chief value (including tin oxide)	8380.920

NOTE: The numbers listed in the second column are commodity numbers taken from Schedule A, Statistical Classification of Imports into the United States, issued by the U. S. Department of Commerce (August 1, 1950 edition).

(j) "Copper-base alloy" for the purpose of this order means any alloy containing tin in the composition of which the percentage of copper metal by weight equals or exceeds 40 percent of the total weight of the alloy.

(k) "Scrap" means all materials or objects which are the waste or by-products of industrial fabrication or which have been discarded for obsolescence, failure, or other reason, and which contain tin or alloys or other materials containing tin in a form making such scrap suitable for industrial use.

(l) "Soldering" means joining with solder. This term does not include dipping or solder coating in which the joining operation is not performed simultaneously with such dipping or coating.

(For dipping or coating see Schedule IV and Schedule VII, item 13).

(m) "Low grade" secondary tin-bearing drosses, residues and scrap metal means such material having a tin content not over 10 percent and an impurity content too high for use in the production of other items for which secondary low grade tin-bearing materials are permitted in the attached schedules.

(n) "Implements of war" means combat end products, complete for tactical operations (including, but not limited to aircraft, ammunition, armaments, weapons, ships, tanks, military vehicles and radio and radar equipment), and any parts, assemblies or materials to be incorporated in any of these items. This term does not include facilities or equipment used to manufacture the items described above nor does it include any "in process" or any other materials not actually to be incorporated into the items described above.

SEC. 3. *Application of order.* Subject to the exemptions stated in section 10 this order applies to all persons who produce tin or alloys or other materials containing tin, or who use tin or alloys or other materials containing tin, in manufacture, processing, or construction, or for maintenance, repair, or operating supplies. In addition, the reporting provisons stated in section 14 apply to persons who produce, distribute, or hold in their possession pig tin, or who import tin.

SEC. 4. *Restrictions on use of pig tin and alloys and other materials containing tin.* Subject to the exemption in section 10, or unless specifically directed by the National Production Authority:

(a) No person shall use pig tin for any purpose where secondary tin can be used.

(b) Commencing on March 1, 1951, no person shall use any pig tin, secondary tin, solder, babbitt, copper-base alloy, or other alloy containing 1.5 percent or more tin, or other materials containing 1.5 percent or more tin in the manufacture, treatment, installation, construction of any item or product, or in any process, or for any purpose, except those set forth in the attached schedules and to the extent permitted thereby. Uses not expressly authorized by said schedules are prohibited.

(c) During February 1951, no person shall use in the manufacture of any item or in any process set forth in the attached List A a total quantity by weight of tin in any form specified in paragraph (b) in excess of 80 percent of his average monthly use of such materials for said purposes during the base period. Commencing on March 1, 1951, no person shall use tin in any form specified in paragraph (b) in the manufacture of any item or in any process set forth in List A, even though such use might otherwise be permissible under paragraph (b): *Provided, however,* That this prohibition will not apply to the use of solder for joining purposes to the extent permitted in attached Schedule II.

(d) In addition to the restrictions set forth in the attached schedules, commencing on March 1, 1951, no person shall use: (1) In the manufacture of any product or for any purpose as to which the attached schedules limit tin content, any alloys or other materials having a tin content greater than that being used by such person in such manufacture or for such purpose on January 27, 1951; (2) in the coating of any item, a heavier coating in terms of tin content than that being used by such person for such purpose on January 27, 1951; or (3) any metal to which pig tin has been added to produce any product or perform any process for which the use of pig tin is not permitted in the schedules.

(e) Paragraphs (b) and (c) of this section do not apply to the use of tin in any form specified in paragraph (b) of this section prior to May 1, 1951, in the completion of any item that was in the process of manufacture or production on March 1, 1951.

SEC. 5. *Limitations on use of pig tin.* Subject to the restrictions of section 4 and to the exemption in section 10, or unless specifically directed by the National Production Authority:

(a) No person shall put into process or otherwise use in the manufacturing, treating, installation or construction during the following months, a total quantity by weight of pig tin in excess of the percentages specified with respect to each month of his average monthly use of such forms of tin during the base period:

	Percent
January 1951	100
February 1951	80
March 1951	80

(b) No person shall put into process or otherwise use in manufacturing tin plate or terneplate during each of the months of April, May, and June, 1951 a total quantity by weight of pig tin in excess of 95 percent of his average monthly use of pig tin for this purpose during the base period; and no person shall put into process or otherwise use in manufacturing, treating, installation or construction during each of these months for any other purpose or purposes, a total quantity by weight of pig tin in excess of 90 percent of his average monthly use of pig tin for such other purposes during the base period.

SEC. 6. *Maintenance, repair and operating supplies.* Unless specifically directed by the National Production Authority during the calendar quarter commencing January 1, 1951, no person shall use for maintenance, repair and operating supplies a quantity by weight of pig tin in excess of 100 percent of his average quarterly use of pig tin for such purposes during the base period: *Provided, however,* That such use is permissible only in connection with items, products or processes included in the attached schedules and to the extent permitted thereby. No pig tin shall be used for such purposes where secondary tin can be used.

SEC. 7. *Allocation of pig tin.* (a) Commencing on May 1, 1951, no person shall deliver pig tin or accept delivery of pig tin for any purpose in any month except in accordance with the terms of an allocation authorization issued for such month by the National Production Authority. An allocation authorization will be sent by the National Production Authority to the appropriate supplier and the purchaser will be notified of the issuance thereof. The authorization will permit the supplier to make delivery pursuant to the purchaser's order within the limits of the authorization. The National Production Authority may specifically direct the purposes for which a person may process pig tin or otherwise use it in manufacturing, treating, installation or construction, whether or not directly allocated to him.

(b) An application for an allocation authorization must be filed with the National Production Authority by the proposed purchaser on Form NPAF-7 not later than the 20th day of the month preceding the month in which delivery is sought.

(c) No person shall deliver any pig tin if he knows, or has reason to believe, that the person requesting delivery is not permitted to receive it under this order or will use it for purposes not permitted by this order.

(d) The provisions of paragraph (a) of this section shall not apply to any: (1) Delivery of pig tin to the Reconstruction Finance Corporation or the General Services Administration for the stockpile of strategic materials; (2) delivery of pig tin pursuant to specific directives of the National Production Authority; (3) delivery of pig tin to any person whose total receipts during the month in which such delivery occurs are and by such delivery will remain less than 5 long tons, and who has not received an allocation authorization for pig tin for that month, and who furnishes to the supplier a signed certification in substantially the following form:

The undersigned hereby certifies, subject to statutory penalties, that receipt of this shipment of pig tin in the month requested is permitted by NPA Order M-8, that no allocation authorization for pig tin for that month has been issued to the undersigned by the National Production Authority, and that the pig tin received pursuant to this order will be used only for resale as permitted by NPA Order M-8 or for (*specify end use*) in accordance with that order.

(Schedule --------, item --------)

Any person who furnishes the foregoing certification shall not be required to furnish with respect to pig tin the certification required by section 8.

SEC 8. *Certification.* (a) No person shall sell or deliver and no person shall purchase or accept delivery of any pig tin, secondary tin, solder, babbitt containing more than 10 percent of tin, copper-base alloys containing 3.5 percent or more tin, or other alloys containing 1.5 percent or more tin, or other materials containing 1.5 percent or more tin unless the purchaser furnishes a signed certification as follows:

The undersigned certifies, subject to the penalties of Title 18, U. S. Code (Criminal), section 1001, that the tin or tin product herein ordered will be used only for the purposes permitted by NPA Order M-8 (Schedule ----, item----) as follows:[1]

(Specify end use)

[1] In cases coming within the exemption stated in section 10, substitute the phrase "implements of war" for the reference to Schedule and item.

This certification constitutes a representation by the purchaser to the seller and to the National Production Authority that the tin or tin-bearing products or materials delivered will be used either for the purpose or purposes set forth in the attached schedules or for "implements of war," and that such use is not prohibited by other applicable orders or regulations of the National Production Authority.

(b) This certification shall not be required in connection with the delivery of: (1) Tin to the General Services Administration for the stockpile of strategic materials; (2) tin or tin-bearing items or products pursuant to a specific authorization of the National Production Authority; (3) solder in lots not exceeding 2 pounds, if in wire form, solid or cored, not over $\frac{5}{32}$" in diameter, and containing no more than 40 percent tin by weight; (4) solder in lots not exceeding 5 pounds, if in any other form and containing not more than 35 percent tin by weight; (5) babbitt in lots not exceeding 5 pounds; (6) printing plates and type metal containing tin for use by the printing, publishing and related services industries; or (7) liquor-finished wire.

(c) No person giving a certification under this section may receive, use or dispose of the materials obtained upon such certification contrary to its terms.

SEC. 9. *Defense orders for items containing tin.* Notwithstanding the provisions of NPA Reg. 2 which establishes a priorities system, rated orders calling for items containing tin are subject to the provisions of sections 4, 5, 6, and 8, unless within the exemption provided in section 10 or unless otherwise directed by the National Production Authority.

SEC. 10. *Exemption.* The restrictions of sections 4 and 5 shall not apply to the manufacture of "implements of war" produced for the Department of Defense, Atomic Energy Commission, United States Coast Guard, and the National Advisory Committee for Aeronautics, provided that the use of tin contrary to these restrictions is required either by the latest applicable specifications or drawings, or by letter or contract issued by any such government agency for which the "implements of war" are being produced.

SEC. 11. *Inventories.* In addition to the inventory provisions of NPA Reg. 1, it is considered that a more exact requirement applying to users of pig tin or alloys or other materials containing tin (excluding ores and concentrates) is necessary.

(a) No person obtaining any such materials for use in manufacture, processing, or construction, or for maintenance, repair, or operating supplies, shall receive or accept delivery of a quantity of the materials listed in Column A below from domestic sources, if his inventory of such materials is, or by such receipt would become, more than the smallest quantity which will be required by his scheduled method and rate of operation to be put into use for such purposes during the next succeeding period specified in the corresponding section of Column B below, or (except for pig tin) in excess of a "practicable minimum working inventory" as defined in NPA Reg. 1, whichever is less:

Column A	*Column B*
1. Pig tin.	1. 120 days (for manufacture of tin plate); 60 days (for any other use).
2. Copper-base alloys (containing 1.5 percent or more tin).	2. 60 days.
3. Solder, babbitt, and other alloys containing 1.5 percent or more tin (except copper-base alloys).	3. 60 days.
4. All other materials containing tin.	4. 60 days.

For the purpose of this section, any such materials in which only minor changes or alterations have been effected shall be included in inventory.

(b) Section 10.11 of NPA Reg. 1, entitled "Imported materials" will continue to apply. The other provisions of this regulation will continue to apply except as modified by this section.

(c) No scrap dealer shall accept delivery of any form of scrap defined in section 2 of this order, unless, during the 60 days immediately preceding the date of such acceptance, he shall have made delivery or otherwise disposed of scrap to an amount at least equal in weight to his scrap inventory on the date of such acceptance, exclusive of the delivery to be accepted.

SEC. 12. *Export certificates.* Any purchaser of an item included in the attached schedules who intends to export such item from the United States, its territories or possessions, or from Canada, shall include in the certification required under section 8 the words "for export" as well as the number of the export license applicable to such item. No item may be produced for export unless its manufacture is permitted under the provisions of section 4.

SEC. 13. *Importation of pig tin.* Commencing on the effective date of this order, no person other than the Reconstruction Finance Corporation, acting for and in behalf of the General Services Administration, shall import into the United States, its territories or possessions any quantity of pig tin in bars, blocks, pigs, grain or granulated (Item 6551.300 Statistical Classification of Imports into the United States, dated August 1, 1950) except as specifically authorized in writing by the National Production Authority: *Provided, however,* That this prohibition shall not apply to any private importation pursuant to a contract executed prior to the effective date of this order, which is reported to and approved by the National Production Authority on or before March 23, 1951. The report of such contracts shall be by letter in duplicate addressed to the National Production Authority, Washington 25, D. C. (Ref: M-8), stating the date of execution of the contract, the parties thereto, the approximate date or dates of arrival, the quantity and brand or brands of the material to be imported.

SEC. 14. *Reports and records.* (a) Reports on pig tin:

(1) Any person using 1,000 lbs. or more of pig tin in any calendar month must complete and file report Form NPAF-7 with the National Production Authority on or before the 20th day of November 1950, and on or before the 20th day of each succeeding month with respect to such use during the preceding month.

(2) Any person who on any day of any calendar month has in his possession or under his control 1,000 lbs. or more of pig tin must complete and file report Form NPAF-7 with the National Production Authority on or before the 20th day of November 1950, and on or before the 20th day of each succeeding month with respect to such possession or control on the last day of the preceding month.

(3) Any person who produces, imports, or distributes any pig tin must report his production, entries, receipts, deliveries, inventories, balance of entries, and all other transactions in pig tin either by completing and filing report Form NPAF-7, or by letter in triplicate with the National Production Authority, on or before the 20th day of November 1950, with respect to all such operations and transactions during October 1950, and on or before the 10th of December and on or before the 10th day of each succeeding month with respect to all such operations and transactions during the preceding month.

(b) Reports on Customs Entry: No tin including, without limitation, tin imported by or for the account of the Reconstruction Finance Corporation, U. S. Commercial Company, or any other United States governmental department, agency or corporation, shall be entered through the United States Collectors of Customs unless the person making the entry shall complete and file with the Collector of Customs Form NPAF-8. The filing of such form a second time shall not be required upon any subsequent entry of the same material through the United States Collectors of Customs; nor shall the filing of such form a second time be required upon the withdrawal of such material from bonded custody of the United States Collectors of Customs, regardless of the date when such material was first transported into the continental United States. Form NPAF-8 will be transmitted by the Collectors of Customs to the National Production Authority.

(c) Records: (1) Each person participating in any transaction covered by this order shall retain in his possession

for at least 2 years records of receipts, deliveries, inventories and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(2) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(3) Persons subject to this order shall make such records and submit such other reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

(d) All reports required by this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–8, together with such number of copies as may be specified in the report form.

SEC. 15. *Application for adjustments.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 16. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–8.

SEC. 17. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by a fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

This order, as amended, shall take effect, except as otherwise specifically stated, on March 12, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

SCHEDULES

(See section 4)

SCHEDULE I—BRASS AND BRONZE

A. CAST COPPER-BASE ALLOYS

Alloys containing 3.5 percent or more by weight of tin may be cast for the following purposes only	*Maximum permissible tin content of alloys (percent by weight)*
(1) Piston rings for locomotives and for airbrake equipment	(1) 20.
(2) Bridge trunnion bearings, bridge bearing plates, railroad and bridge turntable bearing discs, mill stand screw down nuts	(2) 18.
(3) High ratio worm gears, fire engine pump gears, jack nuts, feed nuts, elevating nuts, thrust washers or discs, machine tool spindle bearings	(3) 12.
(4) Hydraulic pump bodies and ends for gear pumps, grinder spindle sleeve bearings, step bearings, internal parts of industrial centrifugal pumps and injectors, collector rings, bearings and bushings	(4) 10.
(5) Bearings produced by the process of powder metallurgy	(5) 10.
(6) Steam industrial and aircraft valves, fittings and specialties	(6) 9.
(7) Tablets, markers, and memorials	(7) 3.5.
(8) All other castings	(8) 6.

B. WROUGHT ALLOYS

Pig or secondary tin may be used to make wrought alloys, but the tin content of such alloys must be limited to the amount essential for the particular purpose.

C. COPPER NICKEL ALLOYS

(1) Seats, discs, and bearing surfaces of steam and industrial valves	(1) 12.

SCHEDULE II—SOLDERS

Pig or secondary tin may be used to make solder to be used for the following purposes only. (See definition of "soldering" in section 2. Solder coating is covered by Schedule IV, and item 13, Schedule VII.)	*Maximum permissible tin content of solder (percent by weight)*
(1) For soldering side seams in the manufacture of cans made with either lock or lap side seams with a combination of lock or lap seams.	(1) 5.
(2) For soldering end seams of all solder seam cans	(2) 26.
(3) For the sealing of milk cans	(3) 21.
Pig or secondary tin may be used to make solder to be used for the following purposes only. (See definition of "soldering" in section 2. Solder coating is covered by Schedule IV, and item 13, Schedule VII.)	*Maximum permissible tin content of solder (percent by weight)*
(4) For a filler or smoother for automobile or truck bodies or fenders or for similar purposes.	(4) 20.
(5) Radiators	(5)
(i) All cellular type radiators (average per radiator)	(i) 21.
(ii) All fin and tube type radiators for military and civilian use (average per radiator).	(ii) 30.
(6) For all soldering on the following: railroad car and truck refrigeration; refrigeration equipment inside refrigeration compartments; aluminum refrigeration condensers; aircraft motors; diesel and electric generators; electric-traction motors; generators for railroads, street cars, mine locomotives, railway locomotives and busses (including the dipping of commutator segments); electrical precision instruments, meters, recording and indicating; dairy equipment; food processing equipment; and hospital and sterilizing equipment.	(6) Unlimited.
(7) For other hand soldering operations done either with a soldering iron or with a torch and wiping.	(7) 40.
(8) For any other soldering operations	(8) 35.

SCHEDULE III—BABBITT

Pig or secondary tin may be used to make babbit metal or alloys used as babbit for the following purposes only	*Maximum permissible tin content of babbit (percent by weight)*
(1) For manufacture, repair, maintenance or replacement of multivane crosshead things in locomotives or for lining aluminum crossheads and for bonding of precision bearings and all bearings included under items (2) and (3) below.	(1) Unlimited.
(2) For manufacture, repair, maintenance or replacement of connecting rods or main engine bearings for trucks, tractors, bulldozers or busses.	(2) 90.
(3) For manufacture, repair, maintenance or replacement of Diesel engines; turbines; locomotive connecting rod or coupling rod bearings; irrigation water pumping engines and equipment; industrial engines, generators, and motors; compressors; pumps; vessels or other ship facilities; electric locomotives; electric traction motor and generator bearings; stone crusher bearings; saw mill, planing mill, and paper mill machinery.	(3) 90.
(4) For any other bearing purpose	(4) 10.

SCHEDULE IV—PLATING AND COATING

Pig tin or alloys containing tin may be used to plate or coat solely for protective or functional purposes in the following items only	*Permitted use of pig tin or alloys containing tin*
(1) Dairy equipment, including fluid milk shipping containers, ice cream cans, strainers, pails, and other dairy equipment.	(1) Plate, coat or retin.
(2) Equipment for preparing and handling food, including kitchen utensils, gulley and mess equipment.	(2) Coat or retin only such parts as are designed to come in actual contact with food.
(3) Cutlery and flatware.	(3) Plate or coat.
(4) Copper or brass pipe and fittings:	(4)
(i) Tubing or fittings to dispense beverages or distilled water.	(i) Coat.
(ii) Tubing or fittings used as refrigeration tubing or in contact with beverages or drinking water in beverage or drinking water equipment.	(ii) Electro tin or chemically tin.
(5) Snap fasteners and hooks and eyes	(5) Tin or tin chemicals may be used for barrel plating or chemical plating.
(6) Copper and copper-base alloy wire and strip:	(6)
(i) Wire—0.032" nominal diameter or finer.	(i) Coat.
(ii) Wire—larger than 0.032" nominal diameter.	(ii) Coat with alloy containing not more than 12 percent tin by weight.
(iii) Strip—0.0250" thick or thinner where solderable coating is required for electrical connection.	(iii) Coat. Coating limited to .0004" in thickness.
(iv) Strip—where solderable coating is required for radiators and heat exchangers.	(iv) Coat with an alloy containing not more than 15 percent tin by weight.
(7) Steel wire, for following purposes:	(7) Coat for purposes indicated.
(i) Liquor finishing process of fine steel bright wire.	
(ii) Armature binding wire and wire for all electrical equipment and aircraft parts including aircraft wire and cable.	
(iii) Wire having ultimate tensile strength of 100,000 lbs. per sq. in. for manufacture of stranded cable (not including picture wire, fishing leaders and like items) but including musical instrument strings.	
(iv) Spring steel wire for use as springs where prime function of the wire is a spring and alternative coatings cannot be used (this does not include wire for spiral binding and like applications).	
(v) Wire for use in manufacture of equipment for the production of textiles.	
(vi) Wire for manufacture of pin tickets and tag wire in direct contact with garments and other textiles and including dry cleaning and laundry tag use, for pin type card holders and brake strand.	
(vii) Beekeepers' wire for comb construction.	
(viii) Wire for packaging or marking food where wire comes into actual contact with edible portions of the food.	
(ix) Bookbinders' wire or preformed staple wire to be used in foot or power operated stitching machines using wire in coils or spools or preformed staples for the following:	
(a) Stitching of magazines, books, booklets and pamphlets, other than those used solely for advertising purposes.	
(b) Preformed containers for dairy products and other foods and for pull-up tabs for bottles and tubs only where the wire comes into direct contact with the food.	
(x) Stitching wire and wire for staples to be used in hand, foot or power operated stitching machines using wire in coils or spools or preformed staples for the following:	
(a) Attaching tabs and tickets to garments, other textiles, leather and imitation leather, and sheet plastics, and for attaching these items to other items or materials:	
(b) Stitching and stapling in industrial manufacturing operations where tinned stitching wire or staples are required for penetration and alternative coatings cannot be used (this does not include wire for office staples, staples for tea bags, book matches or box and carton construction).	
(8) Tin plate and terne plate	(8) Pig or secondary tin may be used to coat tin plate, and terne metal containing not more than 15 percent tin may be used to coat short ternes and roofing ternes, and terne metal containing not more than 10 percent tin may be used to coat all other long ternes in accordance with the specification limits stated in CPA Order M–24.

SCHEDULE VII—MISCELLANEOUS—Continued

Items	Permitted use
(3) Tin pipe or tubes	(3) Where required for conducting chemically pure distilled water.
(4) Bolster metal	(4) In the manufacture of surgical instruments if the tin content of the bolster metal does not exceed 35 percent of tin by weight.
(5) Pipe organs for religious and educational institutions.	(5) May be manufactured, rebuilt or repaired with secondary tin taken from the inventories of organ builders or acquired from old organs.
(6) Dental amalgam alloys	(6) No restriction on tin content.
(7) Detonators and blasting caps (including electric blasting caps).	(7) Pig or secondary tin may be used to make the detonators and blasting caps and all necessary parts and accessories.
(8) Collapsible tubes	(8) Pig or secondary tin may be used in accordance with the specification limits stated in NPA Order M-27.
(9) Printing plates and type metal containing tin.	(9) May be made for use by the printing, publishing and related services industries without certification.
(10) Terne metal	(10) Terne metal containing not more than 15 percent of tin may be produced if made from secondary tin only.
(11) Fusible alloys and dry pipe seat rings	(11) —
(i) Dry pipe seat rings	(i) Pig or secondary tin may be used to the extent required to meet performance specifications.
(ii) Fusible alloys for safety purposes only.	(ii) Pig or secondary tin may be used to the extent required to meet minimum code requirements with respect to the operation of the product in which the alloy is to be contained.
(12) Linings for chromium plating tanks and lead anodes for chromium plating.	(12) Lead base alloys containing not more than 4 percent tin may be used if the alloys are derived from secondary tin only.
(13) Secondary tin bearing drosses, residues, and scrap metal containing not more than 10 percent tin.	(13) May be used for any purpose except to make items included in List "A."
(14) Bismuth alloys. Pig tin may not be used to make bismuth alloys except when, and to the extent, specifically authorized in writing by the National Production Authority.	(14) No restriction in tin content when subject to use in accordance with order M-88.
(15) Clutch and brake facings when produced by the process of powder metallurgy wholly from metals.	(15) Not more than 10 percent by weight of tin powder.

LIST A
(See Section 4)

1. Advertising specialties.
2. Art objects.
3. Britannia metal, pewter metal, or other similar tin bearing alloys.
4. Buckles.
5. Buttons.
6. Chimes and bells.
7. Coated paper.
8. Emblems and insignia.
9. Fasteners as follows: book match clips and staples, paper clips, spiral binders, office staples, and paper fasteners.
10. Jewelry.
11. Novelty souvenirs and trophies.
12. Ornaments and ornamental fittings.
13. Hollowware.
14. Plating and coating for decorative purposes.
15. Powder for decorative purposes.
16. Refrigerator trays or shelves (all types).
17. Seals and labels.
18. Slot, game and vending machines.
19. Tin oxide (except for the purposes and to the extent set forth in Schedule VI).
20. Toys and games.
21. Zinc galvanizing.
22. All other ornamental or decorative purposes.

[F. R. Doc. 51-3410; Filed, Mar. 12, 1951; 11:14 a. m.]

SCHEDULE IV—PLATING AND COATING

Pig tin or alloys containing tin may be used to plate or coat solely for protective or functional purposes in the following items only	Permitted use of pig tin or alloys containing tin
(1) Electrotypers foil	(1) 30.
(2) Soft babbitt for the preparation of industrial metallic packing.	(2) 1½.
(3) Condenser foil of dimensions .00035" by 1 inch or less	(3) 50.
(4) Condenser foil for all other condensers	(4) 15.
(5) Foil for aircraft magnetos	(5) 50.
(6) Capliner foil for packing medicinal, pharmaceutical, and biological preparations containing chloroform or other highly volatile chemicals; and preparations containing an equivalent alcohol content in excess of 50%, and for which other types of liners cannot be used.	(6) Unlimited.
(7) Dental foil	(7) Unlimited.
(8) Lead-base foil for burglar alarm systems	(8) 4½.

SCHEDULE V—FOIL

Pig or secondary tin may be used to make foil for the following purposes only	Maximum permissible tin content of foil (percent by weight)
(1) Electrotypers foil	(1) 30.
(2) Soft babbitt for the preparation of industrial metallic packing.	(2) 1½.
(3) Condenser foil of dimensions .00035" by 1 inch or less	(3) 50.
(4) Condenser foil for all other condensers	(4) 15.
(5) Foil for aircraft magnetos	(5) 50.
(6) Capliner foil for packing medicinal, pharmaceutical, and biological preparations containing chloroform or other highly volatile chemicals; and preparations containing an equivalent alcohol content in excess of 50%, and for which other types of liners cannot be used.	(6) Unlimited.
(7) Dental foil	(7) Unlimited.
(8) Lead-base foil for burglar alarm systems	(8) 4½.
(9) Electrotype shells	(9) Pig or secondary tin may be used to electro-plate, electrotype shells only where such installations were operating on or before January 27, 1951.
(10) Steel bearing shells	(10) Pig or secondary tin may be used to electro-tin to a thickness not exceeding .00006".
(11) Electrotype shells	(11) Pig or secondary tin may be used to electro-plate, electrotype shells only where such installations were operating on or before January 27, 1951.

SCHEDULE VI—TIN CHEMICALS AND TIN OXIDE

A. TIN CHEMICALS

Types of tin chemicals	Permitted use
(1) Pig tin or tin chemicals (excluding tin oxide).	(1) May be used only as or for: Laboratory reagents, medicinals, or plating (to the extent permitted in other Schedules).
(2) Tin chemicals (excluding tin oxide) produced from "low-grade" secondary tin-bearing drosses, residues, or scrap metal (See definition in Section 2).	(2) May be used for any purpose except to make items included in List A.

B. TIN OXIDE

Production	Permitted use
Pig tin cannot be used to make tin oxide except when and to the extent that manufacture is specifically authorized in writing by NPA.	(1) Commencing on March 1, 1951, for the production of green, pink, yellow and red colors in amounts in any one month not in excess of 50 percent of the average monthly use for such purposes during the base period. (2) For the production of earthenware plumbing fixtures. (3) Laboratory agents and medicinals.

SCHEDULE VII—MISCELLANEOUS

Items	Permitted use
(1) Aluminum alloys containing tin where tin content does not exceed 7 percent by weight.	(1) For any purpose except to make items included in List A.
(2) Tin pipe, sheet tin and fittings to repair or maintain brew-, dairy-, and refrigerating units and their parts, including cold-cathode carbon dioxide tanks.	(2) May be made from pig or secondary tin provided the purchaser returns to the supplier a quantity of scrap tin with the same tin content as that supplied.

[NPA Order M-12, as Amended March 9, 1951, Direction 1]

M-12—USE OF COPPER AND COPPER-BASE ALLOYS

DIR. 1—BASE PERIOD; APPLICATIONS FOR ADJUSTMENT; USE DURING THE FIRST CALENDAR QUARTER OF 1951

The following direction is issued under NPA Order M-12 as amended March 9, 1951. This direction relates to the permitted use of the forms and products of copper which are specified in section 3 of the order during the first calendar quarter of 1951.

This amendment affects Dir. 1 to M-12 as follows: It adds the word "production" to the first sentence of the paragraph entitled *"Direction."*

As so amended, Dir. 1 to NPA Order M-12 reads as follows:

SECTION 1. (a) Paragraph (b) of section 6 of the order states that no person shall manufacture (as defined) or use in installation or construction "During the following months a total quantity by weight of the forms and products of copper defined in paragraphs (a), (b), (c) and (d) of section 3 in excess of the percentages specified with respect to each month of his average monthly use of such material during the base period:

	Percent
January 1951	85
February 1951	85
March 1951	80

(b) Paragraph (d) of section 6 states that no person shall manufacture or use in installation or construction "During each of the calendar quarters commencing on January 1, 1951, and April 1, 1951, a total quantity by weight of foundry products in excess of 100 percent of his average quarterly use of such products during the base period."

(c) Section 8 of the order states: "Unless specifically directed by the National Production Authority, during the calendar quarter commencing on January 1, 1951, and each calendar quarter thereafter, no person shall use for maintenance, repair and operating supplies a quantity by weight of the forms and products of copper defined in paragraphs (a), (b), (c), (d) and (e) of section 3 in excess of 100 percent of his average quarterly use for such purposes during the base period."

(d) "Base period" is defined by section 2 (b) as the six-month period ending June 30, 1950.

(e) Section 12 states, in part, that "any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry. * * *"

(f) A number of requests for adjustment have been filed with the National Production Authority upon the ground that the application of the base period to the applicants' business operations caused undue hardship upon the applicants by reason of the fact that their business operations were substantially interrupted during the base period. This direction will constitute a determination of adjustment with respect to the limitations stated in section 6 (b) and (c) and section 8 of the order in such cases, whether or not applications for adjustment have been filed with the National Production Authority under section 12 thereof. This determination is subject, however, to the conditions hereinafter stated.

Direction. In any case in which production, manufacturing operations, or construction was shut down or suspended for more than 15 consecutive calendar days, the applicant in determining its average monthly use during the base period may exclude from the base period specified in the order the month or months in which the shut-down or suspension existed. In determining its average quarterly use during the base period, it may calculate the same to be three times its average monthly use during the base period as above determined.

Illustration 1: The A company was shut down from March 16 through April 5, 1950. Its base period will comprise the months of January, February, May and June 1950. Its average monthly use will be one-fourth of its total use during these months, and its average quarterly use will be three times this average monthly use.

SEC. 2. (a) The above determination of adjustment is subject to the following conditions: (1) That every person relying on this determination will, promptly after the date of the issuance of this direction, prepare a detailed written record of the facts relating to the application of the determination to his operations which will be signed by such person or by an authorized officer or representative; and (2) that such record shall be retained for at least 2 years and will be made available at his usual place of business for inspection and audit by duly authorized representatives of the National Production Authority.

(b) The National Production Authority reserves the right to modify or revoke adjustments made pursuant to this Direction No. 1. Any person affected by such a modification or revocation will be notified in writing of the nature of the action taken and the reasons therefor. Such actions will be effective upon such date or dates subsequent to the date of the notification as are specified therein.

NOTE: All reporting requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This direction, as amended, shall take effect on March 14, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-3410; Filed, Mar. 14, 1951; 11:14 a. m.]

[NPA Order M-25, Direction 1]

M-25—CANS

DIR. 1—DETERMINATION OF ADJUSTMENT

The following direction is issued under NPA Order M-25, as amended February 23, 1951. This direction relates only to the restrictions which are specified (1) in section 5 (b) of the order, on the amount of any particular product, which is listed in Schedules I and II and preceded by a double asterisk, which may be packed in cans made in whole of tin plate or terneplate, or a combination of tin plate and black plate, or a combination of terneplate and black plate, and (2) in section 5 (c) of the order, on the amount of any particular product, which is listed in Schedules I and II and not preceded by either a single or double asterisk, which may be packed in cans made in whole of tin plate or terneplate, or a combination of tin plate and black plate, or a combination of terneplate and black plate.

Section 1 of the order specifically provides that cans made wholly of black plate are not restricted by the order. Consequently, cans made wholly of black plate in the base period should be excluded in computing the restrictions on the amount of any particular product which may be packed in cans made in whole of tin plate or terneplate, or a combination of tin plate and black plate, or a combination of terneplate and black plate.

However, cans made in whole of tin plate or terneplate, or a combination of tin plate and black plate, or a combination of terneplate and black plate during the base period should be included in computing the restrictions, as provided in section 5 (b) and (c) of the order, on the amount of any particular product which may be packed in cans made in whole of tin plate or terneplate, or a combination of tin plate and black plate, or a combination of terneplate and black plate.

1. Section 5 (b) provides as follows:

(b) During the first quarter of the calendar year 1951 and each quarter thereafter, until otherwise ordered by NPA, no packer may accept delivery of or use for packing any particular product which is listed in Schedules I and II and preceded by a double asterisk any cans, made in whole or in part of tin plate or terneplate, requiring more than 100 percent of the quantity by area of measurement of tin plate, terneplate and black plate which he used for packing that particular product during the corresponding quarter of 1949 or 1950. The amounts packed during each quarter shall be spread as equally as possible over each of the three months of such quarter, but no packer shall be required to take delivery of cans in less than carload lots to meet this provision.

Section 5 (c) provides as follows:

(c) During the first quarter of the calendar year 1951 and each quarter thereafter, until otherwise ordered by NPA, no packer may accept delivery of or use for packing any other product which is listed in Schedules I and II any cans, made in whole or in part of tin plate or terneplate, by area of measurement requiring more than 90 percent of the quantity by area of measurement of tin plate, terneplate and black plate which he used for packing such product during the corresponding quarter of 1949 or 1950. The amounts packed during each quarter shall be spread as equally as possible over each of the three months of such quarter, but no packer shall be required to take delivery of cans in less than carload lots to meet this provision.

In section 5 (b) and (c) the base period for these restrictions in the first

quarter of the calendar year 1951 is the first quarter of the calendar years 1949 or 1950. The base period for these restrictions in subsequent quarters of the calendar year 1951, until otherwise ordered by NPA, is the corresponding quarter of the calendar years 1949 or 1950.

Section 8 of the order states, in part, that "any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry."

A number of requests for adjustment have been filed with the National Production Authority upon the ground that the applicants commenced packing a particular product in cans made in whole or in part of tin plate or terneplate during or after the first quarter of the calendar years 1949 or 1950, or upon the ground that the application of the base period otherwise caused undue hardship upon the applicants not suffered generally by others in the same trade or business. Since many of these applications present common problems, this direction will constitute a determination of adjustment with respect to the restrictions stated in section 5 (b) and (c) of the order to the classes of cases described below, whether or not applications for adjustment have been filed with the National Production Authority under section 8 of the order. This determination is subject, however, to the conditions hereinafter stated:

(a) Cases in which it is claimed that the first quarter of the calendar years 1949 or 1950, the base period specified in the order, is inapplicable because the applicants commenced packing a particular product in cans made in whole of tin plate or terneplate, or a combination of tin plate and black plate, or a combination of terneplate and black plate, during or after that base period.

(1) *Direction:* In any such case the applicant may substitute for the first quarter of the calendar years 1949 or 1950, the base period specified in the order, the following alternative base period:

(i) The average monthly quantity of cans, by area of measurement of tin plate, terneplate and black plate, which the packer accepted delivery of and used for packing that particular product during each month of either the calendar year 1949 or 1950 in which that particular product was actually packed, multiplied three times to determine the quantity of cans, by area of measurement of tin plate, terneplate and black plate, which he may accept delivery of and use for packing that particular product during the first quarter of the calendar year 1951 and each succeeding quarter, until otherwise ordered by NPA.

Illustration 1: A packer commenced packing product Y on August 1, 1950, and accepted delivery of and used 15,000 base boxes during the remaining 5 months of the calendar year 1950. His average monthly use was 3,000 base boxes. When multiplied by 3, this average monthly use results in a quarterly use of 9,000 base boxes.

If product Y is preceded by a double asterisk in Schedules I or II, during the first quarter of 1951 and each succeeding quarter, until otherwise ordered by NPA, the packer may accept delivery of and use 100 percent of 9,000 base boxes.

If product Y is not preceded by either a single or a double asterisk in Schedules I or II, during the first quarter of 1951 and each succeeding quarter, until otherwise ordered by NPA, the packer may accept delivery of and use 8,100 base boxes, which is 90 percent of 9,000 base boxes.

(b) Cases in which it is claimed that the first quarter of the calendar years 1949 or 1950, the base period specified in the order, is inapplicable because the applicants, although they were packing a particular product in cans made in whole of tin plate or terneplate, or a combination of tin plate and black plate, or a combination of terneplate and black plate, before that base period and continued packing that product in such cans during the base period, were packing that particular product in such cans during the base period at less than the customary volume of packing of that particular product in such cans during the first quarter of a calendar year, but without shutting down or suspending the packing of that particular product in cans for more than 15 consecutive calendar days during the base period.

(1) *Direction:* In any such case the applicant may substitute for the first quarter of the calendar years 1949 or 1950, the base period specified in the order, the following alternative base period:

(i) The average monthly quantity of cans, by area of measurement of tin plate, terneplate and black plate, which the packer accepted delivery of and used for packing that particular product during the entire calendar year 1949 or 1950, multiplied three times to determine the quantity of cans, by area of measurement of tin plate, terneplate and black plate, which he may accept delivery of and use for packing that particular product during the first quarter of the calendar years 1951 and each succeeding quarter, until otherwise ordered by NPA.

Illustration 1: During the calendar year 1950 a packer accepted delivery of and used a total of 24,000 base boxes for packing product X. His average monthly use was 2,000 base boxes. When multiplied by 3, this average monthly use results in a quarterly use of 6,000 base boxes.

If product X is preceded by a double asterisk in Schedules I or II, during the first quarter of 1951 and each succeeding quarter, until otherwise ordered by NPA, the packer may accept delivery of and use 100 percent of 6,000 base boxes.

If product X is not preceded by either a single or a double asterisk in Schedules I or II, during the first quarter of 1951 and each succeeding quarter, until otherwise ordered by NPA, the packer may accept delivery of and use 5,400 base boxes, which is 90 percent of 6,000 base boxes.

(c) Cases in which it is claimed that the applicants' packing of a particular product in cans was substantially interrupted during the first quarter of the calendar year 1949 or 1950.

(1) *Direction:* In any such case in which the packing of a particular product in cans was shut down or suspended for more than fifteen consecutive calendar days during the calendar years 1949 or 1950, the applicant may substitute for the first quarter of the calendar years 1949 or 1950 a base period determined by excluding that quantity of cans, by area of measurement of tin plate, terneplate and black plate, which he accepted delivery of and used for packing that particular product during the month or months in which the shut-down or suspension existed and then determining the average monthly quantity of cans by area of measurement of tin plate, terneplate and black plate, which he accepted delivery of and used for packing that particular product during the remaining months of that same calendar year 1949 or 1950, multiplied three times to determine the quantity of cans, by area of measurement of tin plate, terneplate and black plate, which he may use for packing that particular product during the first quarter of the calendar year 1951 and each succeeding quarter, until otherwise ordered by NPA.

Illustration 1: During the calendar year 1950 a packer was shut down or suspended packing from March 5 to March 22, 1950, a period of 17 consecutive days. During the entire month of March 1950 he used 1,000 base boxes for packing product Z. During the entire calendar year 1950 he used a total of 45,000 base boxes. Excluding the 1,000 base boxes he used in the month of March 1950, he therefore used 44,000 base boxes during the other 11 months of the calendar year 1950 for packing product Z. Accordingly, his average monthly use was 4,000 base boxes. When multiplied by 3, this average monthly use results in a quarterly use of 12,000 base boxes.

If product Z is preceded by a double asterisk in Schedules I or II, during the first quarter of 1951 and each succeeding quarter, until otherwise ordered by NPA, the packer may accept delivery of and use 100 percent of 12,000 base boxes.

If product Z is not preceded by either a single or a double asterisk in Schedules I or II, during the first quarter of 1951 and each succeeding quarter, until otherwise ordered by NPA, the packer may accept delivery of and use 10,800 base boxes, which is 90 percent of 12,000 base boxes.

2. The above determination of adjustment with respect to the classes of cases described are subject to the following conditions:

(a) That the quantity of cans, by area of measurement of tin plate, terneplate and black plate, as adjusted by any one of the above determinations, which the packer determines to accept delivery of and use during the first quarter of the calendar year 1951 and each succeeding quarter, until otherwise ordered by NPA, shall not exceed 100 percent of that quantity of cans for packing that particular product which is listed in Schedules I and II and preceded by a double asterisk, and shall not exceed 90 percent of that quantity of cans for packing that particular product which is listed in Schedules I and II and not preceded by either a single or a double asterisk; (b) that every packer relying on such determinations shall continue to use during succeeding quarters of the calendar year 1951, until otherwise ordered by NPA, whichever one of the adjustments he elects to use during the first quarter of the calendar year 1951; (c) that every person relying on such determination will, before March 31, 1951, prepare a detailed written record of the facts relating to the application of the determination to his operations and preserve same; (d) that a copy of such record be promptly transmitted to the National Production Authority upon its request; and (e) that such record and all other records relating to the use of cans made in whole of tin plate and terneplate, or a combination of tin plate and black plate, or a combination of terneplate and black plate, during the calendar year 1951 will be made available at his usual place of business for inspection and audit by duly authorized representatives of the National Production Authority.

The National Production Authority reserves the right to modify or revoke adjustments made pursuant to this Direction No. 1.

3. Section 8 of NPA Order M–25 permits any person affected by any provision of the order to file an application for adjustment or exception upon the grounds stated in section 8. A number of such applications have heretofore been filed with the National Production Authority. If the application is not within the classes of cases determinable by this Direction 1, rulings upon the application will be issued by the National Production Authority to the applicants.

Any person affected by any provision of the order who has not heretofore filed such a request, and who wishes to file an application for adjustment or exception with the National Production Authority, pursuant to the provisions of section 8 of NPA Order M–25, shall do so by submitting Form NPAF–38, "Cans: Users Application for Adjustment or Exception," in accordance with the instructions thereon. Copies of Form NPAF–38 may be obtained from any Field Office of the Department of Commerce.

From the effective date of this direction any person affected by the provision of NPA Order M–25 in the classes of cases determinable by this Direction 1 may forthwith make the adjustment applicable to his case, subject to the specified conditions, whether or not he has filed an application for adjustment or exception.

This direction shall take effect on March 12, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–3351; Filed, Mar. 12, 1951; 5:01 p. m.]

Chapter XV—Federal Reserve System

[Reg. W, Interpretations]

REG. W—CONSUMER CREDIT

INT. 32—EVAPORATIVE AIR COOLERS

Evaporative air coolers. Evaporative air coolers which do not incorporate a refrigerating unit are not "air conditioners, room unit," within meaning of Group B, Item 7 of section 9 of Regulation W.

INT. 33—LEASING ARRANGEMENTS

Leasing arrangements—(a) *Certain transactions exempt.* Three different classes of leasing or rental arrangements are exempt from Regulation W. These are outlined in summary form as follows:

(1) Single-payment arrangements are exempt. This exempts the usual drive-it-yourself arrangement that contemplates a rental of a car for merely a day or a week or so, with the car to be returned, the arrangement terminated, and the single-payment made, at the end of the brief period.

(2) Auto leasing contracts that exceed the ceiling figure of $5,000 (the ceiling figure for listed articles other than autos is $2,500) are exempt if there is a single obligation rather than a number of separate obligations. This exempts a number of large scale "fleet operations." It also exempts over-$5,000 leases covering both trucks and automobiles in combination even if the auto portion would be less than $5,000.

(3) Certain temporary short-term, nonrenewable rentals are exempt under section 7 (1) of the regulation if they do not extend beyond 3 months and, briefly, also are not related to any subsequent leasing or sale arrangements.

(b) *Other leasing or rental arrangements.* Other types of rentals or leases of listed articles should be considered subject to the regulation. With the exception of those indicated above, there is no appreciable difference between leases that were in use before Regulation W and those proposed for use now in an effort to avoid the regulation.

The absence of an option to purchase or of an obligation to pay substantially the value of the article does not exempt a contract from the regulation. Regardless of whether or not the lease contains an option to purchase and regardless of the amount the customer undertakes to pay, leasing contracts can supply a person with the continuous use of an automobile in substantially the same way as a conditional sale contract. Banks or finance companies also can finance them in substantially the same way as conditional sale contracts.

(c) *Leases can comply with Regulation W.* Regulation W does not prohibit leasing or rental arrangements — it merely requires that specified payments (or deposits) be obtained. When arrangements are subject to the regulation, the lessor can comply with the regulation by obtaining the required down-payment and monthly payments (or deposits in equal amounts). He can return to the customer any portion of such payments or deposits when the article is returned and the lease terminated. The lease can even provide in advance for such refunds.

(d) *Determining whether contract exceeds $5,000 (or $2,500) ceiling.* In determining whether leasing arrangements exceed the $5,000 (or $2,500) ceiling, and also in determining the size of payments or deposits required on contracts that are subject to the regulation, it is helpful to consider the analogy of leasing contracts to chattel purchase-money mortgages.

For example, suppose that A sells B three $2,000 automobiles, getting a total down payment of $600, and a $5,400 purchase-money mortgage that is payable in 15 monthly installments of $360 each. Assuming that there is a single obligation for all three cars rather than a separate one for each car, the contract would obviously be exempt from the regulation because it would be over the $5,000 ceiling.

Suppose that the contract were slightly different. Instead of paying the $5,400 purchase-money mortgage in fifteen monthly installments of $360 each, B is to pay fifteen monthly installments of $300 each, and at the end of the 15-month period is to reconvey the three cars to A. The contract would still be exempt as over $5,000, because the proper test of the amount of credit would still be the $6,000 value of the cars minus the $600 down payment, rather than merely the $4,500 of cash monthly payments.

Similarly, a lease of the three $2,000 cars for 15 months with a $600 payment (or deposit) in advance and 15 monthly payments of $300 each would be considered exempt from the regulation as an over-$5,000 contract rather than subject as a $4,500 contract.

(e) *Payments that comply.* If the instalment contract referred to in paragraph (d) of this interpretation were for only two $2,000 cars instead of three, it would lose the benefit of the over-$5,000 exemption and would be subject to the regulation. The similarity between a lease and a chattel purchase-money mortgage also is helpful in showing the amounts of payments required in such cases.

For example, suppose A sells B two $2,000 cars and takes a chattel purchase-money mortgage payable in instalments. He must get a down payment of $1,334 and the remaining $2,666, plus any insurance and finance charges, must be paid in 15 monthly instalments.

Suppose that the contract were changed slightly. The down payment and monthly payments are to be as before, but at the end of the 15-month period B is to reconvey the car to A and receive $600 from A in return. That payment of $600 to B when the car is reconveyed to A at the conclusion of the transaction would not conflict with Regulation W. On the other hand, the provision for reconveyance of the car at the end of the period would not exclude the arrangement from the operation of the regulation, nor would it reduce the amount of the down payment or monthly payments that must be obtained.

Similarly, if the contract were for a lease—rather than a chattel purchase-money mortgage followed by a reconveyance—the payments (or deposits) made

initially and each month of the 15-month period would have to be the same as in the cases indicated above.

In some cases, the parties might wish to set up the arrangement so that the car would be reconveyed (or returned) to A in some reasonable period shorter than 15 months, say twelve months or six months. In such a case, the dollar payments (or deposits) initially and for each month of the period would not have to be increased above those applicable on a 15-month basis.

(Sec. 5, 40 Stat. 415, as amended, sec. 601, Pub. Law 774, 81st Cong.; 50 U. S. C. App. 5, E. O. 8843, Aug. 9, 1941, 6 F. R. 4035; 3 CFR, 1941 Supp.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-3320; Filed, Mar. 14, 1951; 8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 1—ESTABLISHMENT AND ORGANIZATION OF THE POST OFFICE DEPARTMENT

PART 18—SETTLEMENT OF ACCOUNTS: LEGAL PROCEEDINGS: COMPROMISES

PART 26—LEASES, ALLOWANCES AND SUPPLIES FOR POST OFFICES

MISCELLANEOUS AMENDMENTS

a. Amend § 1.6 *General duties of Postmaster General* (39 CFR 1.6; 15 F. R. 4682) to read as follows:

§ 1.6 *General duties of Postmaster General—(a) Authorization.* It shall be the duty of the Postmaster General:

(1) To establish and discontinue post offices.

(2) To instruct all persons in the Postal Service with reference to their duties.

(3) To decide on the forms of all official papers, except as otherwise provided by law.

(4) To enforce the prompt rendition of returns relative to accounts.

(5) To control, according to law, and subject to the settlement of the General Accounting Office, all expenses incident to the service of the department.

(6) To superintend the disposal of the moneys of the department.

(7) To * * * issue warrants to cover money into the Treasury; and to pay out the same.

(8) To superintend generally the business of the department and execute all laws relative to the Postal Service. (R. S. 396, as amended; 5 U. S. C. 369.)

NOTE: As to other duties of the Postmaster General, see 39 U. S. C. 751, et seq. (as member of board of trustees, Postal Savings System); 5 U. S. C. 124–132 (as to administration of post office buildings); 40 U. S. C. 267, 341, 344 (as to the approval of plans and the selection of sites for public buildings); 5 U. S. C. 134 (as to joint authority with Secretary of the Treasury to make regulations governing shipments of valuables by executive departments, etc.); 17 U. S. C. 33 (as to authority respecting enforcing regulations to prevent certain importations); 20 U. S. C. 41, 45 (as member of Smithsonian Institution); 3 U. S. C. 21 (as to succession to Presidency).

(b) *Authority with respect to leases, gifts, and rewards.* In the performance of, and with respect to, the functions, powers, and duties vested in him, the Postmaster General may—

(1) Enter into such leases of real property as may be necessary in the conduct of the affairs of the Department on such terms as he may deem appropriate, without regard to the provisions of any law, except those provisions of law specifically applicable to the Department;

(2) Accept gifts and donations of services, and of property (whether real, personal, or mixed, and whether tangible or intangible), in aid of any of the activities of the Department;

(3) Offer and pay rewards in connection with violations of the postal laws. (Sec. 8, Public Law 712, approved August 17, 1950.)

NOTE: See §§ 6.19 (a) and 6.19a of this chapter with respect to acceptance of gifts by Postmaster General.

(c) *Functions of the Postmaster General.* (1) There are hereby transferred to the Postmaster General the functions of all subordinate officers and agencies of the Post Office Department, including the functions of each Assistant Postmaster General, the Purchasing Agent for the Post Office Department, the Comptroller, and the Bureau of Accounts (sec. 1, Reorganization Plan No. 3 of 1949).

(2) The Postmaster General is hereby authorized to delegate to any officer, employee, or agency of the Post Office Department designated by him such of his functions as he deems appropriate (sec. 1, Reorganization Plan No. 3 of 1949).

(d) *Delegation of authority.* The head of any department may delegate to subordinate officials (1) the power vested in him by law to take final action on matters pertaining to the employment, direction, and general administration of personnel under his department; * * * (Sec. 12, 60 Stat. 809; 5 U. S. C. 22a.)

(R. S. 161, secs. 304, 309, 42 Stat. 24, 25; Reorg. Plan No. 3 of 1949, 14 FR 5225, 63 Stat. 1066; 5 U. S. C. 22, 133z–15, 369)

b. § 18.3 *Accounts of Post Office Department* (39 CFR 18.3) is rescinded.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

c. In § 26.2 *Leasing of premises.* (39 CFR 26.2) rescind paragraph (d).

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-3321; Filed, Mar. 14, 1951; 8:48 a. m.]

PART 151—PROCEDURES BEFORE THE SOLICITOR

COMPLAINTS

In Part 151 (39 CFR Part 151; 15 F. R. 6081) amend § 151.8 to read as follows:

§ 151.8 *Complaints.* Whenever the Assistant Solicitor, Litigation Division or in his absence the Chief of the Fraud Section of the Office of the Solicitor shall have reasonable cause to believe that any person, partnership, corporation, or association is using the mails in the operation of an enterprise which is in violation of the provisions of any of the statutes referred to in § 151.1, he shall prepare and file with the Chief Trial Examiner a complaint naming the party or parties accused, specifying the alleged violations in such manner as to enable the accused to make answer thereto, and recommending that an order be issued against such party by the Postmaster General pursuant to the provisions of the statutes under which the proceedings are brought. The party accused shall be known as the respondent.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24; 5 U. S. C. 22, 369)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 51-3322; Filed, Mar. 14, 1951; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 703]

NEW MEXICO

WITHDRAWING PUBLIC LANDS FROM PROSPECTING, LOCATION, ENTRY, AND PURCHASE UNDER THE MINING LAWS AND RESERVING THEM FOR THE USE OF THE DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the public lands within the following-described areas in New Mexico are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States and reserved for the use of the Department of the Army for military purposes:

NEW MEXICO PRINCIPAL MERIDIAN

Tps. 6 to 16 S., R. 2 E.,
Secs. 1 to 4, 9 to 16, 21 to 28, and 33 to 36 inclusive in each township.
T. 17 S., R. 2 E.,
Secs. 1 to 4, 9 to 16, 22 to 27, and 34 to 36 inclusive.
T. 18 S., R. 2 E.,
Secs. 1, 2, 11 to 14, 24, 25, and 36.
Tps. 11 to 18 S., inclusive R. 3 E.
T. 19 S., R. 3 E.,
Secs. 1 to 18, 20 to 29, and 32 to 36 inclusive.
T. 20 S., R. 3 E.,
Secs. 1 to 4, 9 to 16, 22 to 27 inclusive, 35 and 36.
T. 21 S., R. 3 E.,
Secs. 1, 2, 11, 12, 13, 24, and 25.
Tps. 17 to 23 S., inclusive R. 4 E.
Tps. 17 to 25 S., inclusive Rs. 5 and 6 E.
Tps. 17 to 23 S., R. 7 E.
Tps. 24 and 25 S., R. 7 E., those portions west of the Southern Pacific Railroad right-of-way.

T. 6 S., R. 8 E.,
Sec. 18 lots 5, 6, 10 to 16 inclusive, SW¼SE¼.
Sec. 19;
Sec. 20, SW¼NW¼, SW¼, and SW¼SE¼;
Sec. 28, SW¼NW¼, SW¼, and SW¼SE¼;
Sec. 29, NW¼NE¼, S½NE¼, W½ and SE¼;
Secs. 30, 31, and 32;
Sec. 33, W½NE¼, W½, and SE¼;
Tps. 7 to 10 S., R. 8 E.,
Secs. 4 to 9, 16 to 21, and 28 to 33 inclusive in each township.
T. 17 S., R. 8 E.,
Secs. 2, 4 to 9 inclusive, 13, 16 to 20 inclusive and 29 to 32 inclusive.
Tps. 18 and 19 S., R. 8 E.,
Secs. 5 to 8, 17 to 20, and 29 to 32 inclusive in each township.
T. 20 S., R. 8 E.,
Secs. 5 to 8, 16 to 21, and 28 to 33 inclusive.
T. 21 S., R. 8 E.,
Secs. 4 to 9, 16 to 21, and 28 to 33 inclusive.
T. 22 S., R. 8 E.,
Secs. 5 to 8, 17 to 20, and 29 to 32 inclusive.
T. 23 S., R. 8 E., that portion west of the Southern Pacific Railroad right-of-way.
Tps. 11 to 15 S., R. 9 E.,
Secs. 5 to 8, 17 to 20, and 29 to 32 inclusive in each township.

OSCAR L. CHAPMAN,
Secretary of the Interior.

MARCH 8, 1951.

[F. R. Doc. 51-3314; Filed, Mar. 14, 1951; 8:45 a. m.]

[Public Land Order 704]

NEBRASKA

TRANSFERRING JURISDICTION OVER THE OIL AND GAS DEPOSITS IN CERTAIN LANDS OWNED BY THE UNITED STATES

Whereas the hereinafter-described lands, title to which has been acquired by the United States, comprising the site of the Sioux Ordnance Depot, Cheyenne County, Nebraska, are reported to be subject to drainage of their oil and gas deposits by wells on adjacent lands in private ownership; and

Whereas it is necessary in the public interest that such protective action be taken as will prevent loss to the United States by reason of the drainage or threatened drainage from the said lands; and

Whereas, in order to facilitate such action, it is considered advisable that jurisdiction over the oil and gas deposits in such lands be transferred from the Department of the Army to the Department of the Interior; and

Whereas such transfer has the concurrence of the Secretary of the Army:

Now, therefore, by virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

1. The jurisdiction over the oil and gas deposits in the following-described lands is hereby transferred from the Department of the Army to the Department of the Interior:

SIXTH PRINCIPAL MERIDIAN

T. 15 N., R. 49 W.,
Sec. 31, S½, that part west of the Chicago, Burlington and Quincy R. R. right-of-way.
T. 14 N., R. 50 W.,
Sec. 3, N½;
Sec. 4, N½;
Sec. 5, N½;
Sec. 6;
Sec. 7, W½;
Sec. 18, NW¼, N½SW¼, that part north of the Union Pacific R. R. right-of-way.
T. 15 N., R. 50 W.,
Secs. 8 to 17 inclusive;
Secs 20 to 36 inclusive.
T. 14 N., R. 51 W.,
Sec. 1, that part of the NE¼ described as follows:
Beginning at the corner for Tps. 14 and 15 N., Rs. 50 and 51 W., thence by metes and bounds:
N. 89°15' W., 2,087.50 feet,
S. 46°13' E., 2,885.01 feet,
N. 0°07' W., 1,968.87 feet to point of beginning.

The tracts described aggregate 19,771.22 acres.

2. The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss on account of drainage or threatened drainage of oil and gas from such land.

3. The jurisdiction of the Department of the Interior over such lands shall be subject to the primary jurisdiction of the Department of the Army over the lands for military purposes.

4. Prior to execution of any lease or development authorized by the Department of the Interior the approval of the Department of the Army shall be obtained to assure that there is no interference with the primary use of the land.

5. All moneys received as royalties under leases, or otherwise, on account of oil and gas extracted from such land shall be paid into the Treasury of the United States and credited to miscellaneous receipts.

OSCAR L. CHAPMAN,
Secretary of the Interior.

MARCH 8, 1951.

[F. R. Doc. 51-3315; Filed, Mar. 14, 1951; 8:46 a. m.]

[Public Land Order 705]

UTAH

AMENDING PUBLIC LAND ORDERS NO. 15 OF JULY 21, 1942, AND NO. 66 OF NOVEMBER 30, 1942

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Orders No. 15 of July 21, 1942, and No. 66 of November 30, 1942, as amended by Public Land Orders No. 104 and No. 452, reserving public lands in T. 6 S., Rs. 4 and 5 W., Salt Lake Meridian, Utah, for the use of the War Department, are hereby amended by deleting therefrom the following paragraph added to such orders by Executive Order No. 9526 of February 28, 1945:

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

Both of such orders are also amended by substituting the words "Department of the Army" for the words "War Department," occurring in the orders and the titles thereof, and Public Land Order No. 15 is further amended so that the withdrawal made thereby shall expressly include withdrawal from appropriation under the mineral-leasing laws.

OSCAR L. CHAPMAN,
Secretary of the Interior.

MARCH 8, 1951.

[F. R. Doc. 51-3316; Filed, Mar. 14, 1951; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 962]

HANDLING OF FRESH PEACHES GROWN IN GEORGIA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Department is considering a proposed revision, as hereinafter set forth, of the rules and regulations (7 CFR 962.100 et seq.; Subpart—Rules and Regulations) currently in effect pursuant to the amended marketing agreement and Order No. 62 (7 CFR Part 962; 15 F. R. 4105), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

All persons who desire to submit written data, views, or arguments for consideration in connection with such proposed revision of the rules and regulations should do so by forwarding the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, Room 2077, South Building, Washington 25, D. C., not later than the fifteenth day after the publication of this notice in the FEDERAL REGISTER.

The proposed revision of the rules and regulations has been recommended by the Industry Committee, established pursuant to the provisions of the afore-

said marketing agreement and order, and would effect, among others, the following changes in accordance with the recent amendment (15 F. R. 4105) of said marketing agreement and order: (a) Prescribe the manner in which adjacent market peaches may be shipped; and (b) prescribe the reporting requirements with respect to (1) shipments of such peaches to adjacent markets, and (2) shipments of peaches not subject to regulation.

The proposed revision is as follows:

SUBPART—INDUSTRY COMMITTEE REGULATIONS [REVISED]

DEFINITIONS

Sec.
962.100 Terms.
962.101 Order.
962.102 Marketing agreement.
962.103 Adjacent market peaches.

COMMUNICATIONS AND NOTICES

962.105 Communications.
962.106 Notices.

DISTRICT REPRESENTATION

962.110 Change in representation by districts on Industry Committee.

REGULATION OF SHIPMENTS

962.120 Adjacent market peaches, shipments of.
962.121 Exemption certificates.
962.122 Shipments by truck.

REPORTS AND SAFEGUARDS

962.130 Peaches shipped to adjacent markets.
962.131 Peaches not subject to regulation.

SUBPART—MATURITY REGULATIONS

962.400 Maturity regulations.

AUTHORITY: §§ 962.100 to 962.400, inclusive, issued under Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c.

SUBPART—INDUSTRY COMMITTEE REGULATIONS [REVISED]

DEFINITIONS

§ 962.100 *Terms.* Terms used in this subpart, shall have the same meaning as when used in the marketing agreement and order.

§ 962.101 *Order.* "Order" means Order No. 62, as amended (7 CFR Part 962; 15 F. R. 4105), regulating the handling of fresh peaches grown in the State of Georgia.

§ 962.102 *Marketing agreement.* "Marketing agreement" means Marketing Agreement No. 99, as amended, regulating the handling of fresh peaches grown in the State of Georgia.

§ 962.103 *Adjacent market peaches.* "Adjacent market peaches" means peaches which, in accordance with a regulation issued pursuant to § 962.60 (b) of the marketing agreement and order, are permitted to be shipped only to destinations in adjacent markets.

COMMUNICATIONS AND NOTICES

§ 962.105 *Communications.* Unless otherwise provided in the marketing agreement and order or by specific direction of the Industry Committee, all communications (including, but not being limited to, reports, applications, submittals, and requests) in connection with the marketing agreement and order shall be addressed to Industry Committee, P. O. Box 1239, Macon, Georgia.

§ 962.106 *Notices.* The following newspapers are designated for the giving of notice as required by the marketing agreement and order:

Atlanta Journal, Atlanta, Ga.
Atlanta Constitution, Atlanta, Ga.
Macon News, Macon, Ga.
Albany Herald, Albany, Ga.

DISTRICT REPRESENTATION

§ 962.110 *Change in representation by districts on Industry Committee.* The representation or membership on the Industry Committee is changed to provide for:

(a) Four (4) members to represent the South Georgia District;

(b) Three (3) members to represent the Central Georgia District; and

(c) One (1) member to represent the North Georgia District. [14 F. R. 408, Jan. 29, 1949]

REGULATION OF SHIPMENTS

§ 962.120 *Adjacent market peaches, shipments of.* During each period when a grade or size regulation is in effect pursuant to § 962.60 (b) and prescribes separate requirements for shipments of adjacent market peaches, such shipments may be effected only if the adjacent market peaches are shipped in bulk (i. e. loose in the body of a truck, trailer, or other conveyance, or loose in containers, without being place-packed or ring-faced, and without liners or cushions).

§ 962.121 *Exemption certificates*—(a) *Application.* Each application (pursuant to § 962.62 *Exemption certificates*) for an exemption certificate to ship peaches of a particular variety shall be submitted to the Industry Committee on form "Grower Application for Exemption Certificate." Such form may be obtained from the Industry Committee; and the completed application shall contain the following information:

(1) Name and address of the applicant; and date;

(2) Variety of peaches for which exemption is requested;

(3) District in which the orchard where such peaches are grown is located;

(4) Location (by county, highway, rural route, distance from nearest town, etc.) of each of applicant's orchards of such varieties in such district;

(5) Number and age of trees of the stated variety;

(6) Regulations from which exemption is requested;

(7) Estimated current crop (of both harvested and unharvested) of such variety of peaches in such detail as required by the form of application for an exemption certificate;

(8) Estimated percentage of the aforesaid crop not meeting the requirements of the grade regulation then in effect and the reasons therefor;

(9) Estimated percentage of the aforesaid crop not meeting the minimum size requirements of the size regulation then in effect and the reasons therefor; and

(10) The aggregate number of bushels of the aforesaid crop which the applicant already (i) has shipped, and (ii) has had shipped for him.

(b) *Issuance of exemption certificate; non-issuance.* In the event the Industry Committee finds and determines, from proof satisfactory to the committee, that the applicant is entitled to an exemption certificate, the committee shall issue, or authorize the issuance of, an exemption certificate which shall permit the applicant to ship or have shipped the requisite quantity, as provided in § 962.62, of the particular variety of peaches. If the committee finds and determines that the applicant is not entitled to an exemption certificate, it shall so advise the applicant in writing, and give the reasons therefor.

(c) *Shipments pursuant to an exemption certificate.* Each grower who ships, or has shipped, any portion of his crop of such variety pursuant to an exemption certificate shall report the respective shipment promptly to the Industry Committee.

§ 962.122 *Shipments by truck.* Each handler who ships peaches in a truck during any period in which a regulation is in effect pursuant to § 962.54, § 962.55, § 962.60, or § 962.61 shall keep and maintain in the truck, until the shipment has been completed, a copy of the certificate or memorandum issued by the Federal Inspection Service or the Federal-State Inspection Service or any other inspection service designated by the Secretary, as the case may be, with regard to the respective shipment of peaches. Each such handler shall upon demand by an authorized agent or employee of the Industry Committee or any authorized agent or employee of the United States Department of Agriculture, make such copy of the certificate or memorandum available for examination by such agent or employee.

REPORTS AND SAFEGUARDS

§ 962.130 *Peaches shipped to adjacent markets.* Each handler who ships adjacent market peaches shall report daily to the Industry Committee, in such manner and on such forms as prescribed by that committee, the following information with respect to each such shipment:

(a) Name and address of the handler; and date;

(b) Originating point;

(c) Destination in adjacent markets;

(d) Truck license number, trailer license number, or other identification of the conveyance in which shipment was made;

(e) Number of bushels so shipped;

(f) The number of the inspection certificate or memorandum issued with respect to the shipment; and

(g) A certification that the information is complete and accurate.

§ 962.131 *Peaches not subject to regulation.* Each handler who ships peaches (except peaches shipped by express or parcel post, or peaches included in shipments of peaches to any person during any day by any handler if such shipments do not aggregate more than the equivalent of five (5) bushels) pursuant to § 962.71 shall report promptly to the Industry Committee, on forms provided by that committee, the following information with respect to each such shipment:

(a) Names and address of the handler; date;

(b) Shipping point;

(c) Name and address of consignee; destination;

(d) Truck license number, trailer license number, car initials and number; or other identification of the conveyance in which shipment was made;

(e) Signature of truck driver;

(f) Number and kind of containers;

(g) Total net weight of, or total number of bushels in, the shipment;

(h) Purpose for which shipped; and

(i) A certification that the information is complete and accurate.

SUBPART—MATURITY REGULATIONS

§ 962.400 *Maturity regulation.* (a) Unless otherwise indicated, terms used in this subpart shall have the same meaning as when used in the aforesaid marketing agreement and order.

(b) The regulatory provisions in § 962.54 are modified as follows:

No handler shall ship peaches which do not meet the requirements for maturity set forth and defined in the U. S. Standards for Peaches (7 CFR 51.312) or as such standards may be modified, revised, or new standards promulgated: *Provided*, That not more than an average of 10 percent, by count, of the peaches contained in any bulk lot or in any lot of packages may fail to meet the said requirements for maturity, but not more than 15 percent, by count, of the peaches contained in any individual package in any lot may fail to meet the said requirements for maturity.

Issued at Washington, D. C., this 12th day of March 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-3353; Filed, Mar. 14, 1951; 8:55 a. m.]

[7 CFR, Part 965]

[Docket No. AO 166-A13]

HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Cincinnati, Ohio, on January 8, 1951, pursuant to notice thereof which was issued on January 2, 1951 (16 F. R. 98).

Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator, Production and Marketing Administration, on February 21, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto (hereinafter referred to as "the recommended decision"), which was published in the FEDERAL REGISTER on February 27, 1951 (16 F. R. 1832).

The material issues of record related to (1) the level of Class I and Class II prices in relation to the basic formula price, and (2) the pricing of Class III milk in such a manner as to discourage handlers from using producer milk in Class III when outlets are available for such milk in Class I or Class II.

Findings and conclusions. The following findings and conclusions are based upon evidence contained in the record:

(1) The level of Class I and Class II prices in relation to the basic formula price.

The amounts to be added to the basic formula price in computing Class I and Class II prices should not be changed; however, Class I and Class II prices should not be allowed to decline prior to May 1, 1951.

In November 1950, the last month for which the record contains data, the amount of emergency milk classified in Classes I and II was only one percent of total Class I and Class II milk and was only 7 percent of the amount of producer milk classified in Class III. No emergency milk was received by handlers from January 1949 to October 1950. Even though the weather in the latter part of November was more severe and more unfavorable to milk production than in most winters, only a very small amount of emergency milk was needed. On some days deliveries of milk from farms to plants and from plants to wholesale or retail outlets were curtailed because of weather and road conditions. The unfavorable weather continued into December and early January, but the supply of producer milk is usually lowest in November, so that the extent of usage of emergency milk in Classes I and II was probably not significantly greater in December or January than in November.

Conclusions set forth hereinafter concerning the pricing of Class III milk should make more producer milk available for use in Class I and Class II in the short supply season.

The basic formula price, and accordingly Class I and Class II prices, increased 24 cents from November to December and further increases appear likely.

In view of the above, it is concluded that no permanent increase in Class I and Class II price differentials is necessary.

Any condition unfavorable to the milk production of an individual cow will be reflected to some extent throughout the lactation period in which that condition exists. A relatively large number of cows in producers' herds freshen in December and January. Thus, the severe weather this winter will have some unfavorable effect on the volume of producer milk throughout most of 1951. Establishment of some incentive to encourage producers to maintain their herds at a high level of production to assure an adequate supply for the short season of 1951 appears desirable. It is therefore concluded that Class I and Class II prices should not be allowed to decline prior to May 1, 1951. By May 1 production is nearing the seasonal high point and pastures are supplying a large amount of nutrients.

(2) The pricing of Class III milk in such a manner as to discourage handlers from using producer milk in Class III when outlets are available for such milk in Class I or Class II.

The Class III price should be increased 30 cents per hundredweight above the price presently applicable in each of the months of October through February.

Considerable quantities of producer milk have been used in Class III in the recent short milk production season by some handlers while other handlers have had considerable difficulty obtaining milk to satisfy their needs for Class I and Class II. Attempts have been made by a cooperative association to channel producer milk into the Class I and Class II outlets available, but some handlers using substantial amounts of producer milk in Class III have not been willing to release such milk.

Ice cream constitutes the major portion of Class III usage in the short supply season. Regulations of marketing area health authorities require that butterfat used in ice cream must be from milk produced under their supervision, but nonfat milk solids used in ice cream can be obtained from other sources if certain temperature requirements are met in processing. Ice cream sold ouside the marketing area need not be made from producer milk.

Butterfat can be stored during the season of flush milk production for use in the short season. Apparently the seasonal variation in the Class III price is not presently great enough to encourage such storage. On the basis of estimated costs of storage of such butterfat, a seasonal differential of 30 cents plus the seasonal variation in the Class III formula factors should encourage storage of butterfat for use in ice cream. This should result in making more producer milk available for Class I and Class II requirements in the season of short milk production.

A proposal considered at the hearing would add 30 cents to the Class III price in any of the months of October through February if a prescribed relationship between volume of Class I and Class II milk and volume of producer milk was exceeded. Such a provision would provide less incentive for handlers to store butterfat than the change herein concluded to be necessary and desirable.

It is therefore concluded that the Class III price should be increased 30 cents above the present formula level in each of the months of October through February.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which

affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings. Exception was taken to some of the findings and conclusions and to certain provisions of the recommended marketing agreement and amendment to the order contained in the recommended decision. These exceptions were all fully considered in making the findings and reaching the conclusions contained herein and in deciding upon the appropriate and detailed provisions to be included in the marketing agreement and order to effectuate such conclusions. To the extent that the findings and conclusions or the marketing agreement and order contained herein are at variance with the exceptions pertaining thereto, such exceptions are denied for the reasons set forth in the findings and conclusions on the issue to which the exceptions relate.

Rulings contained in the recommended decision on proposed findings and conclusions are hereby confirmed, and any proposed finding or proposed conclusion not previously ruled upon which is inconsistent with the findings and conclusions contained herein is denied on the basis of facts found and stated in connection with the conclusions herein set forth.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 12th day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area

§ 965.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 965.51 (a) by adding thereto the following: "*Provided,* That from the effective date of this proviso through April 1951 the Class I price for any month shall not be lower than in the immediately preceding month."

2. Amend § 965.51 (b) by adding thereto the following: "*Provided,* That from the effective date of this proviso through April 1951 the Class II price for any month shall not be lower than in the immediately preceding month."

3. Amend that portion of § 965.51 (c) which precedes subparagraph (1) thereof to read as follows:

(c) The price for Class III milk during each of the months of March through September shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph; and the price for Class III milk during each of the months of October through February shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph, plus 30 cents.

[F. R. Doc. 51-3354; Filed, Mar. 14, 1951; 8:55 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR, Part 965]

[Docket No. AO 166-A13]

HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG PRODUCERS; DETERMINATION OF A REPRESENTATIVE PERIOD; AND DESIGNATION OF AN AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among producers (as defined in the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area) who, during the month of January 1951, were engaged in production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order amending the aforesaid order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.[1]

The month of January 1951 is hereby determined to be a representative period for the conduct of such referendum.

Fred W. Issler is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

Done at Washington, D. C., this 12th day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-3358; Filed, Mar. 14, 1951; 8:55 a. m.]

[1] See F. R. Doc. 51-3353, *supra.*

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1951, 45th Supp.]

GLENS FALLS INSURANCE CO.

SURETY COMPANY ACCEPTABLE ON FEDERAL BONDS

MARCH 9, 1951.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the act of Congress approved July 30, 1947 (6 U. S. C. 6–13), as an acceptable surety on Federal bonds. An underwriting limitation of $2,603,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-3347; Filed, Mar. 14, 1951; 8:54 a. m.]

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1951, 46th Supp.]

NATIONAL UNION FIRE INSURANCE CO. OF PITTSBURGH, PA.

SURETY COMPANY ACCEPTABLE ON FEDERAL BONDS

MARCH 9, 1951.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the act of Congress approved July 30, 1947 (6 U. S. C. 6–13), as an acceptable surety on Federal bonds. An underwriting limitation of $1,325,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-3346; Filed, Mar. 13, 1951; 8:54 a. m.]

DEPARTMENT OF DEFENSE

Department of the Army

FOREIGN TRADE AND FINANCIAL INVESTMENTS IN JAPAN

The following material, promulgated by the Supreme Commander for the Allied Powers, Japan, contains regulations of interest to American citizens. Included is SCAP Circular No. 1, January 8, 1951, which amends SCAP Circular No. 3, February 3, 1950, as published in 15 F. R. 1697, March 28, 1950.

[Circular No. 1, Jan. 8, 1951]

CONTROL OF ENTRY AND EXIT OF INDIVIDUALS, CARGO, AIRCRAFT, AND SURFACE VESSELS INTO AND FROM JAPAN

Paragraph 26, Circular 3, General Headquarters, Supreme Commander for the Allied Powers, 1950, is amended by adding the following:

g. With respect to shipments of cargo originating in Japan which are designated from time to time as "Subject to special provisions of paragraph 26g, Circular 3, General Headquarters, Supreme Commander for the Allied Powers, 1950" which designation will appear on the approved export license no carrier thereof, or any other person on behalf of any carrier, shall issue a bill of lading which provides for delivery of cargo so designated at any foreign port except a port located in the country of destination of the ultimate consignee or the intermediate consignee named in the approved export license. No carrier shall deliver any such cargo in any other country of destination at the request or option of the shipper, consignor, exporter, or purchaser or ultimate consignee or their agents or any other person having custody or control of the shipment without the prior written authorization of the Supreme Commander for the Allied Powers authorities to the carrier or its agent. These regulations shall not be deemed to prohibit a carrier from unloading cargo at a port in any other than the intermediate or ultimate country of destination shown on the approved export license where, by reason of an act of God, perils of the sea, damage to the carrier, strikes, war, political disturbances, insurrection, or other causes beyond the control of the carrier set forth as standard provisions in the carrier's bill of lading, it is not feasible to deliver the cargo at the licensed port of destination: *Provided, however,* That when, because of the existence of any said causes cargo is unloaded at other than the approved port of destination, the carrier will promptly, and not later than 10 days from the date of unloading said cargo, report the facts with respect thereto to the Supreme Commander for the Allied Powers authorities. The carrier shall take all necessary steps to assure that such cargo is placed in custody under bond or other guarantee not to enter the commerce of said country or any other country other than the country of destination named in the export license.

h. With respect to vessels arriving in Japanese ports having cargo on board manifested for or consigned to Japan (including those instances where Japanese ports are listed as one of several optional destinations), the master of the vessel may be required to discharge such cargo before clearance for departure is granted, unless such cargo is properly licensed for exit from Japan.

By Command of General MacArthur.

DOYLE C. HICKEY,
Major General, General Staff Corps
Acting Chief of Staff.

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-3336; Filed, Mar. 14, 1951; 8:51 a. m.]

Department of the Navy

[No. 11 (a)]

OCEAN TUGS, AUXILIARY (ATA–121 CLASS)

NAVIGATION LIGHTS

Whereas, section 360, Title 33, United States Code provides that any requirement as to the number, position, range of visibility or arc of visibility of navigation lights, required to be displayed by naval vessels under acts of Congress, as enumerated in said section 360, Title 33, United States Code, shall not apply to any vessel of the Navy where the Secretary of the Navy shall find or certify that, by reason of special construction, it is not possible with respect to such vessel or class of vessels to comply with statutory requirements as to the number, position, range of visibility or arc of visibility of navigation lights; and

Whereas, a study of the arrangement and position of the navigation lights of that type of naval vessels, known as Ocean Tugs, Auxiliary, ATA–121 Class, has been made in the Navy Department and, as a result of such study, it has been determined that because of their special construction it is not possible for Ocean Tugs, Auxiliary, ATA–121 Class, to comply with the requirements of the statutes enumerated in said section 360, Title 33, United States Code; and

Whereas, on the 26th day of June 1950, the Secretary of the Navy duly executed, with respect to the type of naval vessels, known as Ocean Tugs, Auxiliary, ATA–121 Class, a certificate and therein set forth that it was feasible to locate the additional white light (commonly termed the range light), if such light were installed, forward of the masthead light in such position that the said additional white light and the masthead light would be in line with the keel and the after light would be at least fifteen (15) feet higher than the forward light and further directed that the aforesaid additional white light, if such light were installed, should be located in the designated manner;

Now, therefore, I, Francis P. Matthews, Secretary of the Navy, do hereby rescind, revoke, and render of no effect the aforesaid certificate, dated 26 June 1950, with respect to the class of vessels, known as Ocean Tugs, Auxiliary, ATA–121 Class; and

Further, I, Francis P. Matthews, Secretary of the Navy, do hereby find and certify that the type of naval vessels, known as Ocean Tugs, Auxiliary, ATA–121 Class, are naval vessels of special construction and that on such vessels with respect to the position of the masthead light, it is not possible to comply with the requirements of the statutes enumerated in section 360 of Title 33, United States Code; and

Further, as a result of additional study, I do find and certify that it is feasible to locate the said masthead light on said class of vessels at a distance of not less than twenty (20) feet above the

hull, without reference to or compliance with any requirement that said light be located at a height determined by the breadth of the vessel; and

Further, I do find and certify that the additional white light (commonly termed the range light), if such light is installed, shall be in line with the keel and that the after light shall be at least fifteen (15) feet higher than the forward light and the vertical distance between the two lights shall be less than the horizontal distance and that the location of the said lights shall be without any reference to or compliance with any statutory requirement relating to the breadth of the vessel.

I further direct that the masthead light and the aforesaid additional white light, if such light is installed, shall be located in the manner above described and I further certify that such location of the respective lights constitutes compliance as closely with the applicable statutes as I hereby find feasible.

Dated at Washington, D. C., this 28th day of February A. D. 1951.

FRANCIS P. MATTHEWS,
Secretary of the Navy.

[F. R. Doc. 51-3318; Filed, Mar. 14, 1951; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

PRODUCTION AND MARKETING ADMINISTRATION

DELEGATION OF AUTHORITY TO ADMINISTRATOR WITH RESPECT TO PROGRAMS RELATED TO FACILITATION OF NATIONAL DEFENSE

1. Pursuant to the authority contained in Executive Order 10216, dated February 23, 1951, the Administrator of the Production and Marketing Administration is authorized to utilize the authority set forth in Title II of the First War Powers Act, 1941, as amended and extended by the act of January 12, 1951 (Public Law 921, 81st Congress), in connection with programs now or hereafter assigned to the Production and Marketing Administration related to the facilitation of the national defense. The Administrator shall designate in writing any program to which he determines this authority shall apply.

2. The authority hereby delegated does not include the authority to amend or modify contracts without consideration, or to settle claims or release accrued obligations.

3. The Administrator of the Production and Marketing Administration may make provision for the use by Production and Marketing Administration of the authority hereby delegated. These provisions shall include regulations showing the uses to which the authority will be put and the methods by which control will be exercised.

4. In the exercise of the authority hereby delegated all of the applicable terms and conditions of Executive Order 10216 dated February 23, 1951 (16 F. R. 1815), and of Part I of Executive Order 10210 dated February 2, 1951 (16 F. R. 1049), shall be followed.

Done at Washington, D. C., this 12th day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-3355; Filed, Mar. 14, 1951; 8:56 a. m.]

[Secretary's Memorandum 1270, Amdt. 1]

DELEGATION OF FUNCTIONS UNDER THE DEFENSE PRODUCTION ACT OF 1950

The delegation of functions effected by Secretary's Memorandum No. 1270 (15 F. R. 6424), issued September 15, 1950, pursuant to Executive Order No. 10161 (15 F. R. 6105), is hereby approved, confirmed, and adopted as a delegation of functions pursuant to Executive Order No. 10161, Executive Order No. 10200 (16 F. R. 61), and Defense Production Administration Delegation No. 1 (16 F. R. 738), subject to the following amendments:

(a) The words "except in respect to lumber" are deleted from paragraph (1) of Secretary's Memorandum No. 1270.

(b) Paragraph (2) of said memorandum is amended to read as follows:

(2) The Chief of the Forest Service shall have, with respect to timber and timber products, the functions of maintenance of liaison and coordination with, and advice to, other governmental agencies concerned with functions under the provisions of the Defense Production Act of 1950 (except Title VI) or other phases of the nation's defense production program.

All action heretofore taken pursuant to Secretary's Memorandum No. 1270 is hereby approved, ratified, and confirmed.

Issued this 9th day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-3329; Filed, Mar. 14, 1951; 8:50 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

DEL. 7—DELEGATION OF AUTHORITY TO ADMINISTER NPA ORDER M-4

NPA Delegation 7 is amended by substituting a new List A for the tables as previously printed.

Delegation 7 as amended reads as follows:

Pursuant to the authority of section 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; Defense Production Administration Delegation 1, January 24, 1951; and U. S. Department of Commerce Order 123 as amended, the following administrative functions to be performed pursuant to NPA Order M-4 are delegated to the Directors of the Regional Offices of the U. S. Department of Commerce, and the Managers of the District Offices of the U. S. Department of Commerce, specified in List A:

1. To receive, consider, pass upon and take action for and in the name of the National Production Authority upon applications for an authorization to commence construction pursuant to section 6 of NPA Order M-4.

2. To receive, consider, pass upon, and take action for and in the name of the National Production Authority upon, applications for adjustment and exception based upon unreasonable hardship pursuant to section 11 of NPA Order M-4.

3. To receive, consider, pass upon and take action for and in the name of the National Production Authority upon, applications for exemption where the prohibition of such construction would not be in the interest of the national defense pursuant to section 11 of NPA Order M-4.

Actions taken by a Regional Director or District Manager pursuant to this delegation shall be signed as follows:

National Production Authority
By _____
(Name and Title)

This delegation as amended shall take effect on March 14, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

LIST A

Regional offices to whose directors this delegation extends:

Region I—1800 Customhouse, Boston 9, Mass.

Region II—42 Broadway, New York 4, N. Y.

Region III—Jefferson Building, 1015 Chestnut Street, Philadelphia 6, Pa.

Region IV—Room 2, Mezzanine, 801 East Broad Street, Richmond 19, Va.

Region V—418 Atlanta National Building, 50 Whitehall Street SW., Atlanta 3, Ga.

Region VI—410 Union Commerce Building, 925 Euclid Avenue, Cleveland 14, Ohio.

Region VII—1150 McCormick Building, 332 South Michigan Avenue, Chicago 4, Ill.

Region VIII—338 Midland Bank Building, 401 Second Avenue South, Minneapolis 1, Minn.

Region IX—2400 Fidelity Building, 911 Walnut Street, Kansas City 6, Mo.

Region X—Room 1114, 1114 Commerce Street, Dallas 2, Tex.

Region XI—142 New Customhouse, Nineteenth and Stout Streets, Denver 2, Colo.

Region XII—306 Customhouse, 555 Battery Street, San Francisco 11, Calif.

Region XIII—809 Federal Office Building, 909 First Avenue, Seattle 4, Wash.

District offices to whose managers this delegation extends:

314 United States Appraisers' Stores Building, 103 South Gay Street, Baltimore 2, Md.

1038 Federal Building, 230 West Fort Street, Detroit 26, Mich.

Chamber of Commerce Building, 310 San Francisco Street, El Paso, Tex.

224 Post Office Building, 135 High Street, Hartford 1, Conn.

602 Federal Office Building, Houston 14, Tex.

425 Federal Building, 311 West Monroe Street, Jacksonville 1, Fla.

1546 United States Post Office and Court House, 312 North Spring Street, Los Angeles 12, Calif.

229 Federal Building, Memphis 3, Tenn.

947 Seybold Building, 36 Northeast First Street, Miami 32, Fla.

1508 Masonic Temple Building, 333 St. Charles Avenue, New Orleans, La.

1013 New Federal Building, 700 Grant Street, Pittsburgh 19, Pa.

217 Old United States Court House 520 Southwest Morrison Street, Portland 4, Oreg.

327 Post Office Annex, Providence 3, R. I.

910 New Federal Building, 1114 Market Street, St. Louis 1, Mo.

508 Post Office Building, 350 South Main Street, Salt Lake City 1, Utah.

518 Bedell Building, 118 Broadway, San Antonio, Tex.

[F. R. Doc. 51-3409; Filed, Mar. 14, 1951; 11:14 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Administrative Order 22, Supplement 2]

DELEGATION OF AUTHORITY TO ISSUE SUBPENAS, INSPECTION AUTHORIZATIONS AND REQUEST LETTERS

By virtue of the authority vested in me as the Director of Price Stabilization pursuant to Executive Order No. 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), and in order to further define the internal organization of the Office of Price Stabilization, particularly the duties, powers, and authority of the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement), *It is hereby ordered:*

Those functions relating to the signing and issuance of Subpenas; Subpenas Duces Tecum; Inspection Authorizations; and, letters requesting inspection and interviews relating to investigations, are hereby redelegated to the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement), who shall have the authority to make and authorize successive redelegations.

This order shall become effective March 15, 1951.

Issued this 14th day of March 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

[F. R. Doc. 51-3429; Filed, Mar. 14, 1951; 11:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6345]

DUKE POWER CO.

NOTICE OF APPLICATION

MARCH 9, 1951.

Take notice that on March 8, 1951, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Duke Power Company, a corporation organized under the laws of the State of New Jersey, and doing business in the States of North Carolina and South Carolina, with its principal business office at Charlotte, North Carolina, seeking an order authorizing the issuance of $35,000,000 principal amount of First and Refunding Mortgage Bonds, ____% Series due 1981, to be dated April 1, 1951, to mature April 1, 1981, bearing interest at a rate to be determined later, and 126,255 shares of Common Stock without par value to be dated as of actual date of issue. Applicant proposes to issue and sell the proposed Bonds at competitive bidding. The 126,255 shares of additional Common Stock will be offered for subscription to the holders of shares of outstanding Common Stock at the ratio of one share for each ten shares of Common Stock. Each Common Stockholder will be accorded an Additional Subscription Privilege pursuant to which he may subscribe pro rata for such of the 126,255 additional shares of Common Stock as are not subscribed for through exercise of the right to subscribe specified above; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 29th day of March, 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3319; Filed, Mar. 14, 1951; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25899]

PULPWOOD FROM ASHFORD AND SPRUCE PINE, N. C., TO YORK HAVEN, PA.

APPLICATION FOR RELIEF

MARCH 12, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for Carolina, Clinchfield and Ohio Railway and other carriers named in the application.

Commodities involved: Pulpwood, hemlock, carloads.

From: Ashford and Spruce Pine, N. C.

To: York Haven, Pa.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1214, Supp. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3331; Filed, Mar. 14, 1951; 8:50 a. m.]

[4th Sec. Application 25898]

BENZENE HEXACHLORIDE FROM TERRE HAUTE, IND., TO CHICAGO, ILL.

APPLICATION FOR RELIEF

MARCH 12, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to C&EI RR. tariff I. C. C. No. 85, CMStP&P RR. tariff I. C. C. No. B-7644 and P RR. tariff I. C. C. No. 3108, pursuant to fourth-section order No. 9800.

Commodities involved: Benzene hexachloride, carloads.

From: Terre Haute, Ind.

To: Chicago, Ill.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3332; Filed, Mar. 14, 1951; 8:51 a. m.]

[No. 30767]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. ET AL.

IOWA INTRASTATE RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 7th day of March A. D. 1951.

It appearing, that in Ex Parte No. 162, Increased Railway Rates, Fares, and Charges, 1946, and Ex Parte No. 148, Increased Railway Rates, Fares, and Charges, 1942, 264 I. C. C. 695, and 266 I. C. C. 537; Ex Parte No. 166, Increased Freight Rates, 1947, 269 I. C. C. 33, 270 I. C. C 81, 93, and 403; and Ex Parte No.

168, Increased Freight Rates, 1948, 272 I. C. C. 695, and 276 I. C. C. 9, the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States, and that increases under such authorizations have been made;

It further appearing, that a petition dated January 12, 1951, has been filed on behalf of The Atchison, Topeka and Santa Fe Railway Company and other common carriers by railroad operating to, from, and between points in the State of Iowa, averring that the Iowa State Commerce Commission, by various orders, has refused to authorize or permit petitioners to establish, for intrastate transportation upon their railroads in Iowa, for application on certain commodities and as to certain services, increases in freight rates and charges corresponding to those authorized by this Commission and made by petitioners for application on interstate traffic in the proceedings cited; such refusal being alleged in the manner and to the extent as stated in the said petition dated January 12, 1951, which petition so filed is referred to for greater certainty;

It further appearing, that petitioners allege that the refusal of the said Iowa State Commerce Commission to permit the increases on intrastate traffic referred to in the preceding paragraph causes and results in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce on the other hand, and undue or unreasonable and unjust discrimination against interstate commerce, in violation of sections 3, 13 and 15 (a) of the Interstate Commerce Act;

It further appearing, that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of Iowa;

And it further appearing, that the investigation hereinafter instituted responsive to the requirements of section 13 is without prejudice to subsequent appropriate consideration on their merits of the arguments made by the Iowa State Commerce Commission in its answer to the petition:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested, to determine whether the rates and charges of the common carriers by railroad or any of them operating in the State of Iowa for the intrastate transportation of property made or imposed by authority of the State of Iowa, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic in the proceedings listed above, any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges, shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Iowa subject to the jurisdiction of this Commission be, and they are, hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Iowa be notified of this proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Iowa State Commerce Commission at Des Moines, Iowa;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be assigned for hearing at a time and place hereafter to be fixed.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3333; Filed, Mar. 14, 1951; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-713]

UNITED FUNDS, INC.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 9th day of March A. D. 1951.

Notice is hereby given that United Funds, Inc. has filed an application and an amendment thereto pursuant to section 6 (c) of the Investment Company Act of 1940 for an order of the Commission granting leave to appoint Wilmington Trust Company as Custodian of the assets of United Science Fund.

It appears from the application, as amended, that United Funds, Inc. now has a custodian of the assets of its several Funds and is of the opinion that it will be to the advantage of the company and its stockholders, and will not result in any appreciably greater expense to the applicant to appoint Wilmington Trust Company as custodian of the assets of United Science Fund; the present custodian, Commerce Trust Company, will continue to act as custodian for all the other Funds of United Funds, Inc.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application as amended which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may see fit to impose, may be issued by the Commission at any time after March 27, 1951, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than March 23, 1951, at 5:30 p. m., in writing submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3323; Filed, Mar. 14, 1951; 8:49 a. m.]

[File No. 70-2584]

OHIO EDISON CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 9th day of March A. D. 1951.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "act") by Ohio Edison Company ("Ohio"), a registered holding company and a public utility company. The filing has designated sections 6 and 12 of the act and Rule U-62 thereunder as being applicable to the transactions described therein.

Notice is further given that any interested person may, not later than March 19, 1951 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. At any time after said date, said declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Ohio proposes to solicit the holders of its common stock for proxies to be voted at the annual meeting to be held on April 26, 1951, in favor of certain proposed amendments to its Articles of Incorporation. These amendments are being proposed at this time in contemplation of the subsequent issuance by Ohio of additional preferred stock and common stock, which security issuances are not embraced in the instant filing. The amendments, generally speaking, relate to, among other things, certain limitations on the payment of common stock dividends and limitations on the issuance of unsecured indebtedness and additional preferred stock. Ohio requests that the Commission's order contain a provision that upon the taking effect of these proposed amendments, the conditions limiting common stock dividends contained in the Commission's orders of September 14, 1944, September 26, 1944, March 31, 1945, September 9, 1948, March 29, 1950, and May 4, 1950, shall cease to be effective.

The declaration states that the approval of two-thirds of the outstanding common stock is necessary to adopt the proposed amendment.

The filing requests that any order of this Commission authorizing the proposed transaction become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3324; Filed, Mar. 14, 1951; 8:49 a. m.]

[File No. 70-2548]

CENTRAL LOUISIANA ELECTRIC CO., INC., ET AL.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of March A. D. 1951.

In the matter of Central Louisiana Electric Co., Inc., Forrest C. Lattner; Frances H. Lattner; File No. 70-2548.

Central Louisiana Electric Company, Inc. ("Central Louisiana"), an electric utility company and a holding company, and Forrest C. Lattner and Frances H. Lattner (the "Lattners") stockholders of Gulf Public Service Co., Inc. ("Gulf"), a non-affiliated public utility company, having filed a joint application pursuant to sections 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935, with respect to the acquisition by Central Louisiana of 80 percent or more of the common stock of Gulf, and the acquisition by the Lattners of over 5 percent of the common and preferred stocks of Central Louisiana, such acquisitions to be made pursuant to an offer of shares of the common stock and preferred stock of Central Louisiana in exchange for shares of the common stock of Gulf; and

A public hearing having been held on such joint application after appropriate notice, and the Commission having considered the record and having this day issued its Findings and Opinion herein:

It is ordered, That said joint application be, and it hereby is, granted forthwith, subject to the reservation of the Commission's jurisdiction with respect to fees and expenses subject to the following terms and conditions:

(1) Central Louisiana shall give the Commission at least 60 days' notice of any proposed merger or consolidation of Central Louisiana and Gulf;

(2) Unless and until Central Louisiana shall have ceased to be a holding company with respect to Gulf, Central Louisiana shall give the Commission at least 40 days' notice of any proposed transaction either by Central Louisiana or by Gulf that would, apart from the exemption provided by Rule U-2, require the filing of a declaration or application pursuant to section 6 (a) or 6 (b) of the act; and

(3) The conditions specified in Rule U-24, Conditions numbered (1) and (2) above are subject to termination or modification upon application to the Commission, and the notice periods may be waived or shortened by notice from the Commission to Central Louisiana.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3326; Filed, Mar. 14, 1951; 8:49 a. m.]

[File No. 70-2563]

WEST PENN ELECTRIC CO.

SUPPLEMENTAL ORDER GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of March A. D. 1951.

The West Penn Electric Company ("West Penn Electric"), a registered holding company, having filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 (the "act") and certain rules and regulations promulgated thereunder, proposing, among other things, the offier to its stockholders of the right to subscribe for the purchase of 320,000 additional shares of its no par value common stock on the basis of one additional share for each ten shares of common stock now held, with certain privileges to be accorded to regular full time employees of the company and its subsidiary companies to subscribe, at the subscription price, for shares of the new common stock not issued upon the exercise by stockholders of rights to subscribe; and West Penn Electric also proposing to offer such shares as are not subscribed for by stockholders and employees to underwriters who pursuant to the competitive bidding requirements of Rule U-50, have been publicly invited to submit bids for the purchase of such common stock at the subscription price which shall be determined by West Penn Electric, such bids to include the compensation to be paid for their services; and

The Commission by order dated February 21, 1951, having granted the application and permitted the declaration to become effective subject to the condition, among others, that the proposed issuance and sale of stock shall not be consummated until the results of the competitive bidding, pursuant to Rule U-50, shall have been made a matter of record in this proceeding and a further order shall have been entered with respect thereto, and jurisdiction having been reserved therein over the payment of fees and expenses to be incurred in connection with the proposed transaction; and

West Penn Electric having, on March 8, 1951, filed an amendment to said application-declaration in which it is stated that West Penn Electric has designated a subscription price of $27 per share for the additional shares of its common stock and his invited bids, pursuant to the competitive bidding requirements of Rule U-50, with respect to the compensation to be paid the underwriters for purchasing, at the subscription price of $27 per share, the common stock not taken by subscription and has received the following bids:

Bidding group headed by—	Amount of compensation bid	Aggregate net proceeds
Harriman Ripley & Co. Inc.	$89,600	$8,550,400
W. C. Langley & Co. and the First Boston Corp.	127,608	8,512,092
Lehman Bros. and Goldman, Sachs & Co.	136,000	8,504,000

The amendment having further stated that West Penn Electric has accepted the bid of Harriman Ripley & Co. Inc. for the common stock as set forth above; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said stock or the compensation to be paid the underwriters for their purchase of said stock, but finding that the record is incomplete with respect to the details of certain fees and expenses incurred in connection with the proposed transactions:

It is hereby ordered, That the application-declaration, as amended, be granted and permitted to become effective forthwith, subject to the condition that the jurisdiction heretofore reserved with respect of the payment of all fees and expenses, be, and the same hereby is, continued, all other reservations of jurisdiction being released, and subject, further, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3325; Filed, Mar. 14, 1951; 8:49 a. m.]

VETERANS' ADMINISTRATION

ORGANIZATION

The Veterans' Administration statement of organization (15 F. R. 7851) is amended as follows:

1. In section 1, paragraph (a) is amended to read as follows:

SECTION 1. *General*—(a) *Authority and functions.* (1) The Veterans' Administration administers laws authorizing benefits for former members of the Armed Forces and for the dependents and other beneficiaries of deceased former members of such forces. The Veterans' Administration benefits available under various acts of Congress include: Compensation for service-connected disability or death; pension for non-service-connected disability or death; emergency officers' retirement pay; vocational rehabilitation for service-connected disability; education and training; guaranty or insurance of home, farm, and business loans, and, under certain conditions, direct home loans; readjustment allowances for unemployment or self-employment; U. S. Government and National Service Life Insurance; hospitalization; domiciliary care; outpatient medical and dental care for service-connected disability; prosthetic and other appliances; special housing for certain seriously disabled veterans; automobiles or other conveyances for certain disabled veterans; World War I adjusted service certificates; a guardianship program for the protection of estates derived from Veterans' Administration benefits paid to incompetent or minor beneficiaries; burial allowances; and burial flags. In addition, the Veterans' Administration administers the insurance section of the Soldiers' and Sailors' Civil Relief Act for persons in the active military service.

(2) The Veterans' Administration was established as an independent agency under the President by Executive Order 5398, July 21, 1930, in accordance with the act of July 3, 1930 (46 Stat. 1016; 38 U. S. C. 11). This act authorized the President to consolidate and coordinate Federal agencies especially created for or concerned in the administration of laws providing benefits for veterans.

* * * * *

2. In section 2, paragraph (n) is amended to read as follows:

SEC. 2. *Central Office.* * * *

(n) *Office of the assistant administrator for vocational rehabilitation and education*—(1) *Mission.* Formulates policies, plans, and procedures for the vocational rehabilitation and education or training programs of the Veterans' Administration under the provisions of Part VII and Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note); exercises staff supervision over activities located in field stations.

(2) *Major functions.* The office of the assistant administrator for vocational rehabilitation and education performs the following major functions:

(i) Develops a program for the determination of eligibility and the extent of entitlement to education or training benefits, including the authorization of subsistence allowance payments under both Part VII and Part VIII, as amended.

(ii) Develops a program for securing from the appropriate agency of each State a list of approved education and training institutions and for conducting the business relationships with institutions for the purpose of establishing the basis for payment for tuition fees and other allowable charges for training of veterans under Public Laws 16, as amended, and 346, as amended, 78th Congress, and with the States for services rendered in connection with the inspection, approval, and supervision of establishments and institutions under the provisions of Public Laws 679, 79th Congress, and 610, 81st Congress.

(iii) Develops a program for advisement and guidance of veterans in vocational rehabilitation and for those veterans eligible for education or training who desire guidance.

(iv) Develops a program for prescribing courses of vocational rehabilitation to restore employability lost by reason of service-incurred disabilities, and for supervising the training of disabled veterans under Part VII, as amended, and veterans enrolled in a course of education or training under Part VIII, as amended.

(3) *Organization.* The office of the assistant administrator for vocational rehabilitation and education consists of the executive assistant, registration and research service, training facilities service, advisement and guidance service, and education and training service.

3. In section 4, paragraph (a) is amended to read as follows (in this revision of section 4, changes have been made only in the following: Arizona, Arkansas, California, Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Missouri, Nebraska, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Philippines, Texas, Utah, and Wisconsin):

SEC. 4. *Addresses of Veterans' Administration installations and jurisdictional areas of district offices*—(a) *Addresses of Veterans' Administration installations.* This is a guide to the location of Veterans' Administration field stations in each State (also Alaska, Canal Zone, Hawaii, and Philippines), where information may be obtained by personal contact or correspondence concerning benefits to veterans and their dependents and beneficiaries. The parent regional offices and centers having regional office activities are listed with the VA Offices (formerly subregional and contact offices) indented thereunder. VA Offices having Managers are italicized.

Type of Activity and Location	*Address*
ALABAMA	
Regional Office, Montgomery 4	400 Lee Street.
VA Office, Anniston	Boozer Building, Thirteenth and Moore Avenue.
VA Office, Birmingham 3	1724 Third Avenue, North.
VA Office, Decatur	201 Gordon Drive.
VA Office, Dothan	301 North Foster Street.
VA Office, Florence	401 East Tuscaloosa Street.
VA Office, Gadsden	Post Office Building.
VA Office, Mobile 10	957 Springhill Avenue.
Hospital, Montgomery 10	Perry Hill Road.
Hospital, Tuscaloosa	Veterans' Administration Hospital.
Hospital, Tuskegee	Do.
ALASKA	
Regional Office, Juneau	Goldstein Building.
VA Office, Anchorage	P. O. Box 1399, Federal Building.
VA Office, Fairbanks	P. O. Box 869, Federal Building.
VA Office, Ketchikan	P. O. Box 2621, Federal Building.
ARIZONA	
Regional Office, Phoenix	Ellis Building, 137 North Second Avenue.
VA Office, Tucson	Greenway Station.
VA Office, Yuma	First National Bank Building, 198 Main Street.
Hospital, Phoenix	P. O. Box 2260.
Hospital, Tucson	Veterans' Administration Hospital.
Center (Hospital and Domiciliary), Whipple.	Veterans' Administration Center.
ARKANSAS	
Regional Office, Little Rock	Federal Building.
VA Office, Batesville	136 West Main Street.
VA Office, Blytheville	116 South Second Street.
VA Office, El Dorado	Federal Building.
VA Office, Forrest City	Planters Bank Building.
VA Office, Ft. Smith	Federal Building, 1218 South "A" Street.
VA Office, Harrison	Seville Hotel.
VA Office, Jonesboro	Jonesboro Clinic Building.
VA Office, Pine Bluff	203½ West Fifth Street.
VA Office, Texarkana	P. O. Building, Fifth and State Line.
Hospital, Fayetteville	Veterans' Administration Hospital.
Hospital, Little Rock	300 East Roosevelt Road.
Hospital, North Little Rock	Veterans' Administration Hospital.

Type of Activity and Location	*Address*
DISTRICT OF COLUMBIA	
Regional Office (no VA Offices), Washington 25.	1825 H Street NW.
Hospital, Washington 7	2650 Wisconsin Avenue NW.
FLORIDA	
Regional Office, Miami 10	3300 Northeast Second Avenue; mail: P. O. Box 1701.
VA Office, Fort Lauderdale	Radio Center Building, 100 East Las Olas Building.
VA Office, Fort Pierce	118 Arcade Building.
VA Office, Key West	Post Office Building.
VA Office, West Palm Beach	712 Conneru Building.
Regional Office, Pass-A-Grille Beach	P. O. Box 1437, Saint Petersburg, Fla.
VA Office, Daytona Beach	233 South Palmetto Avenue.
VA Office, Gainesville	Seagle Building, P. O. Box 639.
VA Office, Jacksonville 1	Haverty Building, 317 Main Street.
VA Office, Lakeland	306½ South Kentucky Avenue.
VA Office, Marianna	Corner Estes and Lafayette Streets.
VA Office, Orlando	Old Post Office, 42 East Central Avenue.
VA Office, Panama City	Post Office Building.
VA Office, Pensacola	Carpenters Hall, 114 East Gregory Street.
VA Office, Tallahassee	Brinkley Building, 310 North Monroe Street.
VA Office, Tampa 2	314 East Harrison Street.
Center (Hospital and Domiciliary), Bay Pines.	Veterans' Administration Center.
Hospital, Coral Gables	Veterans' Administration Hospital.
Hospital, Lake City	Do.
GEORGIA	
Regional Office, Atlanta 3	105 Pryor Street NE.
VA Office, Albany	221½ Broad Avenue.
VA Office, Athens	New Post Office Building.
VA Office, Augusta	909 Greene Street.
VA Office, Brunswick	Carpenter's Building, 302½ Gloucester Street.
VA Office, Columbus	Doctors' Building, 1320 Broad Street.
VA Office, Macon	Jacques Building, 407 Broadway.
VA Office, Rome	West Building.
VA Office, Savannah	Blum Building, 35 Bull Street.
VA Office, Valdosta	McKey Building, 133 North Patterson Street.
District Office, Atlanta 3	Veterans' Administration District Office.
Hospital, Atlanta	5998 Peachtree Road NE.
Hospital, Augusta	Veterans' Administration Hospital.
Hospital, Chamblee	Do.
Hospital, Dublin	Do.
Domiciliary, Thomasville	Veterans' Administration Domiciliary.
HAWAII	
Regional Office, Honolulu 1	P. O. Box 3198.
VA Office, Hilo, Hawaii	P. O. Box 1779 (Post Office Building).
VA Office, Wailuku, Maui	P. O. Box 1731 (Wadsworth Federal Building).
IDAHO	
Regional Office, Boise	914 Jefferson Street.
VA Office, Coeur d'Alene	214 Third Street.
VA Office, Idaho Falls	Post Office Building.
VA Office, Lewiston	Weisgerber Building.
VA Office, Moscow	210½ South Main Street.
VA Office, Pocatello	252 North Main Street.
VA Office, Twin Falls	240 Main Avenue, East.
Hospital, Boise	Veterans' Administration Hospital.
CALIFORNIA	
Regional Office, Los Angeles 25	Mail: 1360 South Sepulveda Boulevard, Mgr. Office: 1031 South Broadway.
VA Office, Bakersfield	1100 Golden State Highway.
VA Office, Las Vegas, Nev	Elwell Hotel, 18 Carson Street.
VA Office, Long Beach	Post Office Building, Third and American Avenue.
VA Office, Pasadena	137 North Marengo Avenue.
VA Office, San Bernardino	1120 North E Street.
VA Office, San Luis Obispo	864 Santa Rosa Street.
VA Office, Santa Barbara	735 State Street.
Regional Office, San Diego 12	325 B Street; mail: P. O. Box 1111.
VA Office, El Centro	Sixth and Main Streets.
Regional Office, San Francisco 3	49 Fourth Street.
VA Office, Eureka	Federal Building.
VA Office, Fresno 1	2109 Inyo Street.
VA Office, Oakland 12	1305 Franklin Street.
VA Office, Richmond	4218 MacDonald Avenue.
VA Office, Sacramento 14	921 Tenth Street.
VA Office, San Jose 10	193 San Augustine Street.
VA Office, Santa Rosa	Lemmon Building, 533 Fifth Street.
VA Office, Stockton	311 North El Dorado Street.
VA Office, Vallejo	327 Georgia Street.
District Office, Oakland 12	1500 Clay Street.
Hospital, Fresno	2615 Clinton Avenue.
Hospital, Livermore	Veterans' Administration Hospital.
Hospital, Long Beach	5901 Seventh Street.
Center (Hospital and Domiciliary), Los Angeles 25.	Sawtelle and Wilshire Boulevards.
Hospital, Oakland 12	13th and Harrison Streets.
Hospital, Palo Alto	Veterans' Administration Hospital.
Hospital, San Fernando	Do.
Hospital, San Francisco 21	Forty-second and Clement Streets.
CANAL ZONE	
Veterans' Administration Office, Balboa	Office: Room 118, Building 5142; mail: P. O. Box 3672.
COLORADO	
Center (District Office and Regional Office), Denver 1.	P. O. Box 1260, Denver Federal Center.
VA Office, Boulder	1345 Spruce Street.
VA Office, Colorado Springs	121 East Pikes Peak Avenue.
VA Office, Fort Collins	101 North College Avenue.
VA Office, Greeley	Greeley Building, 802 Eighth Avenue.
VA Office, Pueblo	Federal Building.
VA Office, Trinidad	312 North Commercial Street.
Hospital, Fort Logan (near Denver)	Veterans' Administration Hospital.
Hospital, Fort Lyon (near Las Animas)	Do.
Hospital, Grand Junction	Do.
CONNECTICUT	
Regional Office, Hartford 4	95 Pearl Street.
VA Office, Bridgeport 3	355 Fairfield Avenue.
VA Office, Middletown	505 Main Street.
VA Office, New Haven 11	294 Cedar Street.
VA Office, Norwich	Post Office Building.
VA Office, Stamford	Post Office Building, 421 Atlantic Street.
VA Office, Waterbury 20	29 Field Street.
Hospital, Newington 11	Veterans' Administration Hospital.
DELAWARE	
Regional Office (no VA Offices), Wilmington.	Dravo Building.
Hospital, Wilmington	Veterans' Administration Hospital.

ILLINOIS

Type of Activity and Location	Address
Regional Office, Chicago 6	366 West Adams Street.
VA Office, Cairo	Federal Building.
VA Office, Centralia	122–A North Locust Street.
VA Office, Champaign	821 South Neil Street.
VA Office, Decatur	201 North Main Street.
VA Office, East St. Louis	435 Missouri Avenue.
VA Office, Galesburg	311 East Main Street.
VA Office, Gary, Ind.	Gerometta Building, 301 East Fifth Avenue.
VA Office, Moline	417 Seventeenth Street.
VA Office, Olney	108 York Street.
VA Office, Peoria	517 Fulton Street.
VA Office, Quincy	510 Main Street.
VA Office, Rockford	301–5 South Main Street.
VA Office, Springfield	400–410 East Monroe Street.
District Office, Chicago 2	17 North Dearborn Street.
Hospital, Danville	Veterans' Administration Hospital.
Hospital, Downey (Near Waukegan)	Do.
Hospital, Dwight	Do.
Hospital, Hines	Do.
Hospital, Marion	Do.

INDIANA

Regional Office, Indianapolis 9	36 South Pennsylvania Street.
VA Office, Bloomington	102½ West Sixth Street.
VA Office, Evansville	310 Northwest Eighth Street.
VA Office, Fort Wayne 2	220 East Jefferson Street.
VA Office, Muncie	1128 South Mulberry Street.
VA Office, New Albany	202½ East Market Street.
VA Office, Richmond	Morton Center, Ninth and B Streets.
VA Office, South Bend 2	224 West Jefferson Boulevard.
VA Office, Terre Haute	120 South Seventh Street.
VA Office, Lafayette	Hook Building, 603 Main Street.
Under Chicago, Ill., Regional Office:	
VA Office, Gary.	
Hospital, Fort Wayne 3	1600 Randalia Drive.
Hospital, Indianapolis 16	Fort Benjamin Harrison.
Hospital, Indianapolis 22	2601 Cold Spring Road.
Hospital, Marion	Veterans' Administration Hospital.

IOWA

Center (Regional Office and Hospital), Des Moines 9.	Veterans' Administration Center.
VA Office, Burlington	218 North Third Street.
VA Office, Cedar Rapids	319 Third Street SE.
VA Office, Davenport	Union Arcade, 111 East Third Street.
VA Office, Dubuque	Bank and Insurance Building.
VA Office, Fort Dodge	Snell Building, 803 Central Avenue.
VA Office, Iowa City	104 South Clinton Street.
VA Office, Mason City	Post Office Building.
VA Office, Ottumwa	302 East Main Street.
VA Office, Sioux City 9	Post Office Building.
VA Office, Waterloo	East Park Avenue and Mulberry Street.
Hospital, Knoxville	Veterans' Administration Hospital.
Domiciliary, Clinton	Veterans' Administration Domiciliary.

KANSAS

Center (Regional Office and Hospital), Wichita 8	Kellogg at Bleckley Drive.
VA Office, Hays	Ellis County Courthouse.
VA Office, Hutchinson	Post Office Building.
VA Office, Pittsburg	City Auditorium, Fifth and Pine Streets.
VA Office, Topeka	3701–9 West Twenty-first Street.

KANSAS—Continued

Type of Activity and Location	Address
Under Kansas City, MISSOURI, Regional Office,	
VA Office, Horton.	
Center (Hospital and Domiciliary), Wadsworth (within the Kansas City, Mo., Regional Office territory).	Veterans' Administration Center.
Hospital, Topeka	Veterans' Administration Hospital.

KENTUCKY

Regional Office, Louisville 3	1405 West Broadway.
VA Office, Ashland	1532½ Greenup Avenue.
VA Office, Bowling Green	Court House, 401 Tenth Street.
VA Office, Corbin	Waldon Building, Second and Kentucky Streets.
VA Office, Covington	City Building, Third and Court Streets.
VA Office, Harlan	Post Office Building.
VA Office, Hazard	Chamber of Commerce Building.
VA Office, Jackson	Hotel Jefferson.
VA Office, Lexington	508 West Main Street.
VA Office, Madisonville	County Courthouse.
VA Office, Owensboro	110 East First Avenue.
VA Office, Paducah	224½ South Sixth Street.
VA Office, Pikeville	Connelly Building.
VA Office, Somerset	Hotel Beecher, 203 South Main Street.
Hospital, Fort Thomas	Veterans' Administration Hospital.
Hospital, Lexington	Do.
Hospital, Louisville	Do.
Hospital, Outwood	Do.

LOUISIANA

Regional Office, New Orleans 13	2026 St. Charles Avenue.
VA Office, Baton Rouge 2	Triad Building, Third and Florida Streets.
VA Office, Hammond	City Hall.
VA Office, Houma	Terrebonne Parish Courthouse.
VA Office, Lafayette	905 Lee Avenue.
VA Office, Lake Charles	921½ Ryan Street.
Center (Regional Office and Hospital), Shreveport 12.	510 East Stoner Avenue.
VA Office, Alexandria 3	1201 Sixth Street.
VA Office, Bastrop	225 East Madison Street.
VA Office, Monroe	136 South Grand Street.
VA Office, Natchitoches	514 Second Avenue.
VA Office, Ruston	303 North Vienna Street.
Hospital, Alexandria	Veterans' Administration Hospital.
Hospital, New Orleans 12	Do.

MAINE

Center (Regional Office and Hospital), Togus.	Veterans' Administration Center.
VA Office, Bangor	General Electric Building, 115 Franklin Street.
VA Office, Houlton	109 Main Street.
VA Office, Lewiston	14 Lisbon Street.
VA Office, Portland	79 Exchange Street.
VA Office, Sanford	27 Washington Street.

MARYLAND

Regional Office, Baltimore 2	Veterans' Administration Building, St. Paul and Fayette Streets.
VA Office, Annapolis	Post Office Building.
VA Office, Cambridge	Seminary Building, Market Street.
VA Office, Cumberland	Post Office Building, Pershing Street.
VA Office, Frederick	Winchester Hall, East Church Street.
VA Office, Hagerstown	City Hall, North Potomac and Franklin Streets.
VA Office, Salisbury	Post Office Building.

MARYLAND—Continued

Type of Activity and Location	Address
Hospital, Fort Howard	Veterans' Administration Hospital.
Hospital, Perry Point	Do.

MASSACHUSETTS

Regional Office, Boston 8	17 Court Street.
VA Office, Brockton	37 Belmont Street.
VA Office, Cambridge	57 Inman Street.
VA Office, Chelsea	War Memorial Building.
VA Office, Fitchburg	280 Main Street.
VA Office, Greenfield	249 Main Street.
VA Office, Haverhill	Post Office Building, Merrimac Street.
VA Office, Holyoke	War Memorial Building.
VA Office, Lawrence	477 Essex Street.
VA Office, Lowell	Old Post Office, 69 Appleton Street.
VA Office, Lynn	Item Building, 38 Exchange Street.
VA Office, Malden	City Hall Annex, Ferry Street.
VA Office, North Adams	85 Main Street.
VA Office, Pittsfield	246 North Street.
VA Office, Quincy	Chamber of Commerce Building, 18 Washington Street.
VA Office, Salem	126 Washington Street.
VA Office, Somerville	Post Office Building, Union Square.
VA Office, Springfield	1200 Main Street.
VA Office, Worcester 8	7 Chatham Street.
Under Providence, R. I., Regional Office:	
VA Office, Fall River.	
VA Office, New Bedford.	
District Office, Boston 8	55 Tremont Street.
Hospital, Bedford	Veterans' Administration Hospital.
Hospital, Framingham	Do.
Hospital, Northampton	Do.
Hospital, Rutland Heights	Do.
Hospital, West Roxbury 32	Do.

MICHIGAN

Regional Office, Detroit 32	310 East Jefferson.
VA Office, Battle Creek	33–45 Capital Avenue, NE.
VA Office, Escanaba	First National Bank Building, 621 Ludington Street.
VA Office, Flint 3	432 North Saginaw Street.
VA Office, Grand Rapids 2	Goodspeed Building, 190 Monroe Avenue, NW.
VA Office, Jackson	Court House, 312 South Jackson Street.
VA Office, Kalamazoo 10	135 North Westnedge Street.
VA Office, Lansing 2	411 West Michigan Avenue.
VA Office, Marquette	Post Office Building.
VA Office, Muskegon Heights	Noel Building, 1210–16 Peck Street.
VA Office, St. Joseph	503 North Pleasant Street.
VA Office, Saginaw	Chamber of Commerce Building.
VA Office, Sault Sainte Marie	Post Office Building, East Portage Avenue.
VA Office, Traverse City	318 South Union Street.
Hospital, Dearborn	Veterans' Administration Hospital.
Hospital, Fort Custer	Do.
Hospital, Iron Mountain	Do.
Hospital, Saginaw	1500 Weiss Street.

MINNESOTA

Center (District Office and Regional Office), St. Paul 11.	Fort Snelling.
Under Fargo, N. Dak., Regional Office:	
VA Office, Bemidji.	
Hospital, Minneapolis 17	Fifty-fourth Street and Forty-eighth Avenue South.
Hospital, St. Cloud	Veterans' Administration Hospital.

MISSISSIPPI

Type of Activity and Location	Address
Regional Office, Jackson	Veterans' Administration Regional Office.
VA Office, Clarksdale	McWilliams Building, Third and Yazoo Streets.
VA Office, Greenville 1	Paxton Building, Main and Poplar Streets.
VA Office, Greenwood	315 Howard Street.
VA Office, Grenada	Honeycutt Building, 30 South Main Street.
VA Office, Gulfport	American Legion Building, Thirteenth Street and Twenty-Sixth Avenue.
VA Office, Hattiesburg	723 Main Street.
VA Office, Kosciusko	Potts Building, North Jackson Street.
VA Office, Laurel	408 North Magnolia Street.
VA Office, McComb	104½ Main Street.
VA Office, Meridian	814–818 Twenty-Second Avenue.
VA Office, Natchez	328½ Main Street.
VA Office, Pascagoula	Bacot Building, 262 Delmas Avenue.
VA Office, Tupelo	409 South Spring Street.
VA Office, Vicksburg	1323 Washington Street.
Center (Hospital and Domiciliary) Biloxi	Veterans' Administration Center.
Hospital, Gulfport	Veterans' Administration Hospital.
Hospital, Jackson	Do.

MISSOURI

Regional Office, Kansas City 8	1828 Walnut Street.
VA Office, Chillicothe	619–621 Locust Street, P. O. Box 411.
VA Office, Horton, Kans	115 East Tenth Street.
VA Office, Joplin	223 West Third Street.
VA Office, Maryville	115 West Fourth Street.
VA Office, St. Joseph 7	Eighth and Edmond Streets.
VA Office, Sedalia	208 South Lamine Street.
VA Office, Springfield	Wilhoit Building, Pershing and Jefferson Streets.
Regional Office, St. Louis 2	415 Pine Street.
VA Office, Cape Girardeau	400–416 Broadway.
VA Office, Columbia	715–A Broadway.
VA Office, Hannibal	Post Office Building.
VA Office, Jefferson City	Do.
VA Office, Moberly	203 North Williams Street.
VA Office, Poplar Bluff	Butler County Courthouse.
VA Office, Rolla	Null Building.
District Office, St. Louis 2	420 Locust Street.
Hospital, Excelsior Springs	Veterans' Administration Hospital.
Hospital, Jefferson Barracks 23	Do.
Hospital, Poplar Bluff	Do.
Hospital, Springfield	Do.

MONTANA

Center (Regional Office and Hospital), Fort Harrison.	Veterans' Administration Center.
VA Office, Billings	219 North Broadway.
VA Office, Bozeman	2 West Main Street.
VA Office, Butte	Owsley Building, Park and Main Streets.
VA Office, Great Falls	Mail P. O. Box 1788 Civic Center Building, Central and Park Drive.
VA Office, Miles City	Federal Building, Corner North Seventh and Pleasant Streets.
VA Office, Missoula	Federal Building, East Broadway and Pattie.

NEBRASKA

Regional Office, Lincoln 1	Veterans Building, Twelfth and O Streets.
VA Office, Omaha	Federal Office Building, Fifteenth and Dodge Streets.
Hospital, Grand Island	Veterans' Administration Hospital.
Hospital, Lincoln 1	Do.
Hospital, Omaha 5	4101 Woolworth Avenue.

UNIVERSITY OF MICHIGAN

Type of Activity and Location	*Address*
Center (Regional Office and Hospital), Reno.	Veterans' Administration Center.
Under Los Angeles, Calif., Regional Office:	
VA Office, Las Vegas.	

NEW HAMPSHIRE

Regional Office, Manchester	497 Silver Street.
VA Office, Berlin	County Courthouse.
VA Office, Dover	125 Washington Street.
VA Office, Keene	15 Court Street.
VA Office, Laconia	Forestry Building, Main Street.
VA Office, Portsmouth	Post Office Building, Pleasant Street.
Hospital, Manchester	Smyth Road.

NEW JERSEY

Regional Office, Newark 2	20 Washington Place.
VA Office, Atlantic City	Boardwalk National Bank Building, Virginia and Atlantic Avenues.
VA Office, Camden	Broadway Stevens Building, 300 Broadway.
VA Office, New Brunswick	78 Carroll Place.
VA Office, Paterson	Post Office Building.
VA Office, Red Bank	12 Broad Street.
VA Office, Trenton	200 East State Street.
VA Office, Union City	Elks Club Building, 3211–13 Hudson Boulevard.
Hospital, Lyons	Veterans' Administration Hospital.

NEW MEXICO

Regional Office, Albuquerque	115 South Third Street.
VA Office, Carlsbad	County Courthouse.
VA Office, Clovis	City Hall.
VA Office, Gallup	Post Office Building.
VA Office, Las Vegas	Do.
VA Office, Roswell	City Hall.
VA Office, Santa Fe	U. S. Courthouse, Federal Place.
VA Office, Las Cruces	Stern Bldg., 223 North Main Street.
Hospital, Albuquerque	Veterans' Administration Hospital.
Hospital, Fort Bayard (near Silver City)	Do.

NEW YORK

Center (Regional Office and Hospital) Albany 1.[1]	Watervliet Arsenal.
VA Office, Glens Falls	45 Ridge Street.
VA Office, Kingston	286 Fair Street.
VA Office, Plattsburg	13 City Hall Place.
VA Office, Poughkeepsie	13 Washington Street.
VA Office, Saratoga Springs	Veterans' Administration Hospital.
VA Office, Schenectady	Lorraine Building, 501–505 State Street.
Regional Office, Brooklyn 5	35 Ryerson Street.
Regional Office, Buffalo 3	1021 Main Street.
VA Office, Jamestown	101 West Third Street.
VA Office, Niagara Falls	42 Falls Street.
VA Office, Olean	302 Laurens Street.
VA Office, Rochester	39 State Street.
Regional Office, New York City 1	252 Seventh Avenue.
VA Office, Bay Shore, Long Island	75 Fourth Avenue.
VA Office, Jamaica, Long Island	89–09 Sutphin Boulevard.
VA Office, Middletown	City Hall, 16 James Street.
VA Office, Mineola, Long Island	Old Nassau County Courthouse.
VA Office, Newburgh	Post Office Building.

[1] Includes hospital at Saratoga Springs.

NEW YORK—Continued

Type of Activity and Location	*Address*
Regional Office, New York City 1—Con.	252 Seventh Avenue.
VA Office, St. George, Staten Island	36 Richmond Terrace.
VA Office, White Plains	County Office Building.
Regional Office, Syracuse 2	Chimes Building, 500 South Salina Street.
VA Office, Auburn	Post Office Building.
VA Office, Binghamton	64 Henry Street.
VA Office, Elmira	115 East Church Street.
VA Office, Ithaca	U. S. Post Office Building.
VA Office, Ogdensburg	127 North Water Street.
VA Office, Oswego	213 West First Street.
VA Office, Utica 2	110 Genessee Street.
VA Office, Watertown	Post Office, 163 Arsenal Street.
District Office, New York 13	346 Broadway.
Hospital, Batavia	Veterans' Administration Hospital.
Center (Hospital and Domiciliary), Bath	Veterans' Administration Center.
Hospital, Bronx 63	130 West Kingsbridge Road.
Hospital, Brooklyn 9	Veterans' Administration Hospital.
Hospital, Buffalo 15	3495 Bailey Avenue.
Hospital, Canadaigua	Veterans' Administration Hospital.
Hospital, Castle Point	Do.
Hospital, Montrose	Do.
Hospital, Northport, Long Island	Do.
Hospital, Sunmount	Do.

NORTH CAROLINA

Regional Office, Winston-Salem	310 West Fourth Street.
VA Office, Asheville	Room 400, City Building.
VA Office, Charlotte 2	127 West Seventh Street.
VA Office, Durham	302 Morris Street.
VA Office, Elizabeth City	Post Office Building.
VA Office, Fayetteville	% Veterans' Administration Hospital.
VA Office, Gastonia	205 West Main Street.
VA Office, Goldsboro	Borden Building.
VA Office, Greensboro	218 South Greene Street.
VA Office, Greenville	Armory, Corner Second and Evans Streets.
VA Office, Hickory	1355 Union Square.
VA Office, New Bern	Post Office Building.
VA Office, Raleigh	1109 Capital Club Building.
VA Office, Salisbury	Post Office Building.
VA Office, Wilmington	124 Customhouse.
Hospital, Fayetteville	Veterans' Administration Hospital.
Hospital, Oteen (near Asheville) (includes Division at Swannanoa).	Do.

NORTH DAKOTA

Center (Regional Office and Hospital), Fargo.	Veterans' Administration Center.
VA Office, Bemidji, Minn	304 Third Street.
VA Office, Bismarck	Federal Building.
VA Office, Grand Forks	102 North Fourth Street.
Hospital, Minot	Veterans' Administration Hospital.

OHIO

Regional Office, Cincinnati 2	209 East Sixth Street.
VA Office, Athens	6½ West State Street.
VA Office, Cambridge	118½ North Ninth Street.
VA Office, Columbus 8	52 Starling Street.
VA Office, Dayton 2	11 West Monument Street.
VA Office, Hamilton	152 High Street.
VA Office, Ironton	311 South Third Street.
VA Office, Lancaster	201 South Broad Street.
VA Office, Lima	Faurot Building, 106 West High Street.
VA Office, Marietta	114–116 Front Street.

OHIO—Continued

Type of Activity and Location	*Address*
Regional Office, Cincinnati 2—Continued	209 East Sixth Street.
VA Office, Newark	41½ North Second Street.
VA Office, Portsmouth	604 Chillicothe Street.
VA Office, Springfield	350 South Limestone Street.
VA Office, Zanesville	406 Market Street.
Regional Office, Cleveland 14	Cuyahoga Building.
VA Office, Akron	72–76 South High Street.
VA Office, Ashtabula	Post Office Building.
VA Office, Canton 2	117 Walnut Avenue NE.
VA Office, Lorain	Broadway Building, 305 Broadway Avenue.
VA Office, Mansfield	115 Park Avenue West.
VA Office, Marion	196 South Main Street.
VA Office, New Philadelphia	152 North Broadway.
VA Office, Sandusky	Felck Building, 158 East Market Street.
VA Office, Steubenville	224 North Fifth Street.
VA Office, Toledo 4	501 Huron Street, Veterans' Building.
VA Office, Warren	Post Office Building.
VA Office, Youngstown 3	Union National Bank Building, 6 West Federal Street.
District Office, Columbus 8	52 Starling Street.
Hospital, Brecksville	Veterans' Administration Hospital.
Hospital, Chillicothe	Do.
Hospital, Cleveland 29	7300 York Road.
Center (Hospital and Domiciliary), Dayton.	Veterans' Administration Center.

OKLAHOMA

Regional Office, Muskogee	Second and Court Streets.
VA Office, Bartlesville	Post Office Building.
VA Office, Hugo	Do.
VA Office, McAlester	Do.
VA Office, Tulsa 3	16 East Second Street.
Regional Office, Oklahoma City	1101 North Broadway.
VA Office, Ada	Federal Building, 131 East Twelfth Street.
VA Office, Ardmore	Federal Building.
VA Office, Clinton	Calmez Hotel.
VA Office, Enid	Federal Building, 105 West Broadway.
VA Office, Lawton	Federal Building, P. O. Box 1185.
VA Office, Ponca City	213 Federal Building.
VA Office, Shawnee	107 North Broadway.
VA Office, Woodward	Post Office Building, Tenth and Maine Streets.
Hospital, Muskogee	Memorial Station, Honor Heights Drive.
Hospital, Oklahoma City	Will Rogers Field.

OREGON

Regional Office, Portland 4	208 Southwest Fifth Avenue
VA Office, Baker	1812 Washington Avenue.
VA Office, Corvallis	129 North Fourth Street.
VA Office, Eugene	610 Willamette Street.
VA Office, Klamath Falls	Federal Building, P. O. Box 909.
VA Office, Medford	33 North Riverside Avenue.
VA Office, Pendleton	157 South Main Street.
VA Office, Salem	164½ South Commercial Street.
Domiciliary, Camp White	Veterans' Administration Domiciliary.
Hospital, Portland 7	Sam Jackson Park.
Hospital, Roseburg	Veterans' Administration Hospital.

PENNSYLVANIA

Regional Office, Philadelphia 2	128 North Broad Street.
VA Office, Allentown	1122 Hamilton Street.
VA Office, Easton	11 North Second Street.
VA Office, Pottstown	Y. M. C. A., 338 King Street.
VA Office, Reading	Rajah Temple, 136 North Sixth Street.

PENNSYLVANIA—Continued

Type of Activity and Location	*Address*
Regional Office, Philadelphia 2—Con.	128 North Broad Street.
VA Office, Upper Darby	Terminal Motors Building, 17 Brief Street.
Regional Office, Pittsburgh 22	107 Sixth Street.
VA Office, Altoona	Crist Building, 1114 Twelfth Street.
VA Office, Bradford	Odd Fellows Building, South and Main Streets.
VA Office, DuBois	Deposit National Bank Building.
VA Office, Erie	Baldwin Building, 1005 State Street.
VA Office, Greensburg	119 South Main Street.
VA Office, Johnstown	Old Post Office Building, Market and Locust Streets.
VA Office, Kittanning	201 North Jefferson Street.
VA Office, Meadville	U. S. P. O. Building, 296 Chestnut Street.
VA Office, New Castle	223 East Washington Street.
VA Office, Oil City	232–236 Seneca Street.
VA Office, Uniontown	Union Trust Building, 37 Main Street.
VA Office, Washington	140 North College Street.
VA Office, Wheeling, W. Va	Methodist Building, Eleventh and Chapline Streets.
Regional Office, Wilkes-Barre	19–27 North Main Street.
VA Office, Harrisburg	229 Walnut Street.
VA Office, Lancaster	250 West Orange Street.
VA Office, Pottsville	Thompson Building, 23–27 North Centre Street.
VA Office, Scranton 3	Select Building, 116–18 North Washington Avenue.
VA Office, Shamokin	24 South Market Street.
VA Office, Williamsport	153 West Fourth Street.
VA Office, York	38 South George Street.
District Office, Philadelphia 1	5000 Wissahickon Avenue, *Mail:* P. O. Box 8079.
Hospital, Altoona	Veterans' Administration Hospital.
Hospital, Aspinwall 15	Do.
Hospital, Butler	Do.
Hospital, Coatesville	Do.
Hospital, Erie 5	135 East Thirty-eighth Street Boulevard.
Hospital, Lebanon	Veterans' Administration Hospital.
Hospital, Wilkes-Barre	East End Boulevard.

PHILIPPINES

Regional Office, Manila	APO 928, c/o Postmaster, San Francisco, Calif.
VA Office, Bacolod City, Occidental Negros.	General Delivery.
VA Office, Baybay, Leyte	U. S. Veterans' Administration, Municipal Building.
VA Office, Cebu City, Cebu	Mercedes Building, Juan Luna and Sanciagko Street.
VA Office, Cotabato City, Cotabato	General Delivery.
VA Office, Dagupan City, Pangasinan	City Hall.
VA Office, Iloilo City, Iloilo	Customs Building.
VA Office, Naga City, Camarines Sur	Capitol Building.

PUERTO RICO

(Including the Virgin Islands)

Center (Regional Office and Hospital), San Juan.	Regional Office—VA Building, 520 Ponce de Leon Avenue, Stop 8, Puerta de Tierra. Hospital—San Patricio. Mail: Post Office Box 4424 (All VA.).
VA Office, Arecibo	59 Gonzalo Marin Street.
VA Office, Caguas	Aldrich Building, Munoz Rivera and Goyco Street.
VA Office, Cayey	45 Santiago Palmer Street.
VA Office, Guayama	21 North Hostos Street.
VA Office, Humacao	1 Font Martelo Street.
VA Office, Mayaguez	Boulevard Santiago Veve.
VA Office, Ponce	Post Office Building, Atocha Street.
VA Office, St. Thomas (Virgin Islands)	Charlotte Amalie.

Type of Activity and Location	Address
TEXAS—Continued	
Regional Office, Lubbock—Continued	1612–20 Nineteenth Street.
VA Office, Childress	County Courthouse.
VA Office, El Paso	102 South El Paso Street.
VA Office, Odessa	County Courthouse.
VA Office, San Angelo	201 Rust Building.
Regional Office, San Antonio 5	307 Dwyer Avenue.
VA Office, Brownsville	852 South East Levee Street.
VA Office, Corpus Christi	303 Mesquite Street.
VA Office, Del Rio	Post Office Building.
VA Office, Harlingen	Do.
VA Office, Laredo	Do.
VA Office, Victoria	Federal Building.
VA Office, Weslaco	516 Texas Avenue.
Center (Regional Office and Hospital), Waco.	Veterans' Administration Center.
VA Office, Austin	900 Lavaca Street.
VA Office, Brownwood	200 East Baker Street.
VA Office, Corsicana	State National Bank Building, 101 North Beaton Street.
VA Office, Palestine	Post Office Building.
VA Office, Temple	Federal Building, North First and Adams Streets.
District Office, Dallas 2	1114 Commerce Street.
Hospital, Amarillo	Veterans' Administration Hospital.
Hospital, Big Spring	Do.
Hospital, Dallas 2	Do.
Hospital, Houston 4	2002 Holcombe Boulevard.
Hospital, Kerrville (Legion Branch)	Veterans' Administration Hospital.
Hospital, Marlin	Do.
Hospital, McKinney	Do.
Center (Hospital and Domiciliary), Temple.	Veterans' Administration Center.
UTAH	
Regional Office, Salt Lake City 4	1710 South Redwood Road.
VA Office, Ogden	2411 Kiesel Avenue.
VA Office, Provo	32 West Center Street.
VA Office, Salt Lake City 1	212 Southwest Temple Street.
Hospital, Salt Lake City 3	Veterans' Administration Hospital.
VERMONT	
Center (Regional Office and Hospital), White River Junction.	Veterans' Administration Center.
VA Office, Burlington	86 St. Paul Street.
VA Office, Montpelier	112 Main Street.
VA Office, Rutland	Federal Building and Courthouse.
VIRGINIA	
Regional Office, Roanoke 11	211 West Campbell Avenue.
VA Office, Bristol	Reynolds Arcade Building, 518 Cumberland Street.
VA Office, Charlottesville	Post Office Building.
VA Office, Danville	Do.
VA Office, Harrisonburg	Do.
VA Office, Lynchburg	Do.
VA Office, Newport News	2710 Huntington Avenue.
VA Office, Norfolk	Post Office Building.
VA Office, Richmond 20	900 North Lombardy Street.
District Office, Richmond 19	Broad Rock Avenue and South Boulevard.
Center (Hospital and Domiciliary), Kecoughtan.	Mail: P. O. Box 344. Veterans' Administration Center.
Hospital, Richmond 19	Broad Rock Avenue and South Boulevard
Hospital, Roanoke 17	Veterans' Administration Hospital.
RHODE ISLAND	
Regional Office, Providence 3	100 Fountain Street.
VA Office, Fall River Mass	146 North Main Street.
VA Office, New Bedford, Mass	757 Pleasant Street.
VA Office, Woonsocket	Stadium Building.
Hospital, Providence 8	Davis Park.
SOUTH CAROLINA	
Regional Office, Fort Jackson	Veterans' Administration Regional Office.
VA Office, Charleston 10	The Old Citadel Building.
VA Office, Florence	165 South Irby Street.
VA Office, Greenville	19 East North Street.
VA Office, Newberry	1216 College Street.
VA Office, Orangeburg	28 St. Paul Street.
VA Office, Rock Hill	131½ East Main Street.
VA Office, Spartanburg	187 North Church Street.
Hospital, Columbia	Veterans' Administration Hospital.
SOUTH DAKOTA	
Center (Regional Office and Hospital), Sioux Falls.	Veterans' Administration Hospital.
VA Office, Aberdeen	Western Union Building.
VA Office, Rapid City	414 Seventh Street.
Hospital, Fort Meade	Veterans' Administration Hospital.
Center (Hospital and Domiciliary), Hot Springs.	Veterans' Administration Center.
TENNESSEE	
Regional Office, Nashville 5	White Bridge Road.
VA Office, Chattanooga 2	738 Georgia Avenue, Dome Building.
VA Office, Jackson	618 East Main Street.
VA Office, Knoxville 2	618 West Church Avenue.
VA Office, Memphis	32 South Second Street.
VA Office, Nashville	Courthouse Building, Eighth and Broad.
VA Office, Oak Ridge	102-A Town Hall.
Hospital, Memphis 4	1025 E. H. Crump Boulevard.
Hospital, Memphis 15	Park Avenue and Getwell Street.
Hospital, Murfreesboro	Veterans' Administration Hospital
Center (Hospital and Domiciliary), Mountain Home.	Veterans' Administration Center.
Hospital, Nashville 5	White Bridge Road.
TEXAS	
Regional Office, Dallas	912 South Ervay Street.
VA Office, Cleburne	111½ East Henderson.
VA Office, Denton	201–7 West Hickory Street.
VA Office, Fort Worth	Texas and Pacific Building.
VA Office, Greenville	2716 Lee Street.
VA Office, Longview	214 Methvin.
VA Office, Marshall	Mahon Building.
VA Office, Mineral Wells	State National Bank Building.
VA Office, Mount Pleasant	102 West Third Street.
VA Office, Paris	136 Grand Avenue.
VA Office, Sherman	109 South Travis Street.
VA Office, Tyler	Swinney Building, 217–219 East Elm Street.
VA Office, Wichita Falls	Federal Building, Lamar at 10th Streets.
Regional Office, Houston 4	3320 La Branch Street.
VA Office, Beaumont	450 Tevis Street.
VA Office, Brenham	105 South Main Street.
VA Office, Galveston	201 Post Office Building.
VA Office, Huntsville	1118 Avenue I, P. O Box 912.
VA Office, Lufkin	206 South Second Street.
Regional Office, Portland	1071–5th Northeast Street.
VA Office, Astoria	104 Pine Street.
VA Office, Klamath	Hatfield Building.

Type of Activity and Location	Address
WASHINGTON	
Regional Office, Seattle 1	Textile Tower, Seventh Avenue and Olive Way.
VA Office, Bellingham	Clover Building, West Holly Street.
VA Office, Everett	Fobes Building, 1806½ Hewitt Avenue.
VA Office, Richland	329 Cullum Street.
VA Office, Spokane 8	Hutton Building, Sprague and Washington Streets.
VA Office, Tacoma	Jones Building, 909 Broadway.
VA Office, Vancouver	Schofield Building, 600½ Main Street.
VA Office, Wenatchee	Chelan County Courthouse.
VA Office, Yakima	206½ East Yakima Avenue.
District Office, Seattle 4	821 Second Avenue.
Hospital, American Lake	Veterans' Administration Hospital.
Hospital, Spokane 12	North 4815 Assembly.
Hospital, Vancouver	Veterans' Administration Hospital.
Hospital, Walla Walla	Do.
WEST VIRGINIA	
Regional Office, Huntington 1	824 Fifth Avenue.
VA Office, Beckley	104 McCreery Street.
VA Office, Bluefield	318 Federal Street.
VA Office, Charleston 1	U. S. Courthouse.
VA Office, Clarksburg	227 West Pike Street.
VA Office, Martinsburg	Boyd Building, 202 South Queen Street.
VA Office, Morgantown	223 Fayette Street.
VA Office, Parkersburg	221 Fourth Street.
Under Pittsburgh, Pa., Regional Office: VA Office, Wheeling.	
Hospital, Beckley	Veterans' Administration Hospital.
Hospital, Clarksburg	Do.
Hospital, Huntington 1	1540 Spring Valley Drive.
Center (Hospital and Domiciliary), Martinsburg.	Veterans' Administration Center.
WISCONSIN	
Regional Office, Milwaukee 2	342 North Water Street.
VA Office, Ashland	209 Vaughn Avenue.
VA Office, Beloit	Post Office Building.
VA Office, Eau Claire	118 Mappa Street.
VA Office, Green Bay	311 South Adams Street.
VA Office, LaCrosse	LaCrosse Vocational School.
VA Office, Madison 3	448 State Street.
VA Office, Oshkosh	Post Office Building, 50 Washington Boulevard.
VA Office, Racine	Arcade Building, 423 North Main Street.
VA Office, Superior	805 East Belknap Street.
VA Office, Wausau	Courthouse Annex, Fourth and Scott.
Hospital, Tomah	Veterans' Administration Hospital.
Hospital, Waukesha	Do.
Center (Hospital and Domiciliary), Wood.	Veterans' Administration Center.
WYOMING	
Center (Regional Office and Hospital), Cheyenne.	Veterans' Administration Center.
VA Office, Casper	722 South Center Street.
Hospital, Sheridan	Veterans' Administration Hospital.

[SEAL]

O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51–3337; Filed, Mar. 14, 1951; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17488]

MARY ALICE GRZESIAK AND BERTA MARGARET LISSNER

In re: Interest in real property owned by Mary Alice Grzesiak and Berta Margaret Lissner, also known as Bertha Margaret Lissner. D–28–12971.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Alice Grzesiak and Berta Margaret Lissner, also known as Bertha Margaret Lissner, each of whose last known address is Heidelberg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-sixth (1/6th) interest in real property consisting of One Hundred and Forty-one and Eighty-three One Hundredths (141 83/100ths) acres of land situated in the County of Hardin, State of Texas, being that certain property granted to S. B. Turner and Wm. Von Rosenberg, Jr., by Letter Patent No. 620, Volume 9, by the State of Texas, on August 15, 1884, and purchased under the Act of July 14, 1879, and recorded in Volume L, page 411 of the Deed Records of said Hardin County, Texas, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, royalties, refunds, benefits or other payments, arising from the ownership of such property, and

b. An undivided one-twelfth (1/12th) interest in real property consisting of twenty-eight (28) acres of land situated in the County of Liberty, State of Texas, more particularly described in Abstract 429, Survey 34, I&GN RR, being that certain property recorded in the names of Goeth, Bachman, Giesen and Creighton, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, royalties, refunds, benefits or other payments, arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2–a and 2–b hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designed enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–3280; Filed, Mar. 13, 1951; 8:53 a. m.]

[Vesting Order 17483]

UNION BANK OF SWITZERLAND

In re: Accounts maintained in the name of Union Bank of Switzerland or Union de Banques Suisse, Lugano, Switzerland, and owned by persons whose names are unknown. F–63–139 (Lugano).

Under the authority of the Trading With the Enemy Act, as amended, Exec-

utive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subpargaraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on March 1, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Accounts maintained in the name of Union Bank of Switzerland or Union de Banques Suisse, Lugano, Switzerland

Column I Name and address of Institution which maintains account	Column II Designation of account
1. Bankers Trust Co., 16 Wall St., New York, N. Y.	a. Custodian cash a/c General Ruling No. 6 and b. Stock; as described by the Bankers Trust Co. in its report on Form OAP-700, bearing its serial No. CU 18.
2. Guaranty Trust Co. of New York, 140 Broadway, New York 15, N. Y.	Miscellaneous portfolio of bonds (containing bonds payable in dollars and foreign currencies) a/c XC-21583; as described by the Guaranty Trust Co. of New York in its report on Form OAP-700, bearing its serial No. CU 0058.

[F. R. Doc. 51-3278; Filed, Mar. 13, 1951; 8:53 a. m.]

[Vesting Order 17484]

UNION BANK OF SWITZERLAND

In re: Accounts maintained in the name of Union Bank of Switzerland, Berne, Switzerland, and owned by persons whose names are unknown. F-63-139 (Berne).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on March 1, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Accounts maintained in the name of Union Bank of Switzerland, Berne, Switzerland.

Column I Name and address of Institution which maintains account	Column II Designation of account
Guaranty Trust Co., of New York, 140 Broadway, New York 15, N. Y.	Miscellaneous portfolio of stocks and bonds a/c XC-21581; as described by the Guaranty Trust Co. of New York in its report on Form OAP-700, bearing its serial number CU [illegible]

[F. R. Doc. 51-3279; Filed, Nov. 13, 1951; 8:53 a. m.]

[Vesting Order 12198, Amdt]

SCHILLING ESTATE CO. AND GRETCHEN KOTZENBERG

In re: Annuity under agreement of Schilling Estate Company, a corporation, payable to Gretchen Kotzenberg. File No. F-28-11710-C-1.

Vesting Order 12198, dated October 15, 1948, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Gretchen Gotzenberg, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: All those certain debts or other obligations, matured or unmatured, owing to Gretchen Kotzenberg by Schilling Estate Company, 225 Bush Street, San Francisco, California, including particularly but not limited to those debts or other obligations payable to said Gretchen Kotzenberg by said Schilling Estate Company pursuant to its resolution of March 6, 1934 whereby the sum of $900.00 per year is payable to said Gretchen Kotzenberg for life,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Gretchen Kotzenberg, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3282; Filed, Mar. 13, 1951; 8:54 a. m.]

[Vesting Order 17435]

HILMAR H. WEBER

In re: Estate of Hilmar H. Weber, deceased. File No. D-66-719; E. T. sec. 4118.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hanna Duncker, Emma Hansen, Anna Lorenzen-Rojer, Emma Goedel, Käthe Laubinger, Otto Hansen, Walter Hansen, Margarete Delfs Hansen, Renate Schläger, Reinhard Schläger, Helene V. Schroder, Nanna Strauss, Ludwig Duncker and Ilse Duncker, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Hanna Duncker; the grandchildren, names unknown, of Hinrich Tietjens, and the heirs, names unknown, of Renate Schläger, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the Stadtbibliothek in Worms a Rhein, Germany; the Ratsgymnasium in Osnabrück, Germany; the Gelehrtenschule des Johanneums in Hamburg, Germany; the Universitätsbibliothek der Rheinischen-Friedrich - Wilhelms - Universitat in Bonn a./Rh Germany; the Universitätsbibliothek der Friendrich-Wilhelms-Universität in Berlin, Germany; the Preussische Staats-Bibliothek (ehemals Kënigliche) iin Berlin, Germany; the Museum für Völkerkunde in Hamburg, Germany; the Altonaer Museum für Schleswig-Holsteinische Landeskunde in Altona, Germany, and the Kunsthalle in Hamburg, Germany, are corporations, partnerships, associations or other organizations organized under the laws of Germany, which have or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany);

4. That the Village of Badbergen, Kreis Bersenbrück, Regierungsbezirk Osnabrück, Provinz Hannover, Germany, and the City of Bramsche, Kreis Bersenbrück, Regierungsbezirk, Osnabrück, Provinz Hannover, Germany, are political subdivisions of a designated enemy country (Germany);

5. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1, 2 and 3 hereof, and the political subdivisions of a designated enemy country (Germany) identified in subparagraph 4 hereof in and to the Estate of Hilmar H. Weber, deceased and in and to the trust created under the will of Hilmar H. Weber, deceased, is property payable or distributable to, or claimed by, the nationals of a designated enemy country (Germany) identified in subparagraphs 1, 2 and 3 hereof and the political subdivisions of a designated enemy country (Germany) identified in subparagraph 4 hereof;

6. That such property is in the process of administration by Harvard Trust Company, as trustee, acting under the judicial supervision of the Probate Court of Middlesex County, Massachusetts;

and it is hereby determined:

7. That to the extent that the persons identified in subparagraphs 1, 2 and 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3339; Filed, Mar. 14, 1951; 8:52 a. m.]

[Vesting Order 17442]

JAPANESE NATIONALS

In re: Checks owned by Japanese nationals whose names are unknown.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described in subparagraph 3 hereof was received by the Civil Property Custodian, Tokyo, Japan, acting for the Supreme Commander for the Allied Powers (S. C. A. P.) Japan, from the Government of Japan;

2. That although the names of the owners of the property described in subparagraph 3 hereof are not available, such persons, who, if individuals, there is reasonable cause to believe are residents of Japan and, if partnerships, corporations, associations, or other organizations, there is reasonable cause to believe are organized under the laws of, or have or, on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Japan, are nationals of a designated enemy country (Japan);

3. That the property described as follows: Those certain checks described in Exhibit A, attached hereto and by reference made a part hereof, and any and all rights in, to and under including particularly the right to possession and presentation for payment of the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the

persons referred to in subparagraph 2 hereof, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Payee	Check Nos.	Date	Face amount
Nippon Ginko	324794	7-29-41	$211.91
R. Tsuchiya	34158	6-21-41	450.00
Mr. Phs. V. Ommeren	39675	4-20-40	350.00
N. V. Phs. Van Ommeren's Scheepvaartbedrijf	32761	5- 7-40	600.00
Illegible (Drawer-S. Takanishi)	8	11-18-40	110.00
Chugo Yasui	5760	10-15-40	1.67
Standard Trading Co	53100	7-25-41	250.00
The Japan Society For The Promotion of Scientific Research	75410	7-10-41	49.98
Saijiro Maki	87856	8-11-41	24.90
	88062	8-29-41	24.90
	91109	9-30-41	24.90
Japan Tourist Bureau	703672	10- 9-40	150.00
Nippon Yusen Kaisha	711144	7-11-41	202.75
E. Nomi	N50227	5-15-40	1,527.72
The Nippon Ginko	125300	7- 4-41	161.63
K. Yashimoto	8423	7-24-41	56.00
Yokohama Rubber Co., Ltd	7048	7- 7-41	52.00
Ryobi Denki Shokai, Ltd	513812	6-24-41	230.48
Chuco Yasui	12G-131469	12-16-40	31.31
Senor Ikuro Atsumy	002,284	6- 5-41	213.97
Calmusho	12016	6- 4-41	1.58
	43650	4- 1-41	30.58
	122543	6-20-41	7.18
	1806	7-12-41	98.60
The Mitsui Bank, Ltd	0075	10- 8-40	459.81
	44772	6- 4-41	1,560.09
	44750	6- 4-41	897.75
	50538	7-17-41	102.14
	26926	6-41	654.10
	60764	7-7-41	1,500.00
Banco Hispano Americano	31164	7-23-41	1,566.53
T. Takahashi	F036282/320/36	8-28-40	23.00
Yasu Sasao, wife of Kumetaro Sasao	F036283/321/36	8-28-40	23.00
Honolulu Iron Works Co	F036346/344/28	9-30-40	23.00
	F036352/301/36	7-25-40	23.00

[F. R. Doc. 51-3340; Filed, Mar. 14, 1951; 8:53 a. m.]

[Vesting Order 17449]

MARIA SCHROEDER

In re: Stock owned by and debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Maria Schroeder, also known as Marie Schroeder and as Marie Harms Schroeder, deceased. F-28-31208.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Maria Schroeder, also known as Marie Schroeder and as Marie Harms Schroeder, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Five hundred (500) shares of $1.00 capital stock of Independent Coal & Coke Company, Salt Lake City, Utah, a corporation organized under the laws of the State of Wyoming, evidenced by a certificate numbered 1070, registered in the name of Marie Harms Schroeder, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation evidenced by an outstanding check, numbered 56900, in the amount of $51.84, dated May 25, 1950, issued by the Trust Department of the Zion's Savings Bank and Trust Company, Salt Lake City, Utah, Trust No. 940, and payable to the order of Marie Harms Schroeder, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under the aforesaid check,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Maria Schroeder, also known as Marie Schroeder and as Marie Harms Schroeder, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Maria Schroeder, also known as Marie Schroeder and as Marie Harms Schroeder, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3342; Filed, Mar. 14, 1951; 8:53 a. m.]

[Vesting Order 17477]

A. DRIESSEN

In re: Bonds owned by A. Driessen, also known as Andre Simon Driessen. F-28-31281.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That A. Driessen, also known as Andre Simon Driessen, whose last known address is 101 Adrian Stoopstrasse, Bad Wiessee, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by two (2) The Atchison, Topeka and Santa Fe Railway Company 4% General Mortgage One Hundred Year Bonds, due 1995, of $1,000 face value each, bearing the numbers 125364 and 16346, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the said bonds, and

b. Twenty-two (22) coupons, each of $20.00 face value, detached from two (2) The Atchison, Topeka and Santa Fe Railway Company 4% General Mortgage One Hundred Year Bonds, due 1995, each of $1,000 face value, bearing the Numbers 125364 and 16346, said coupons presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, A. Driessen, also known as Andre Simon Driessen, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 1, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3343; Filed, Mar. 14, 1951; 8:53 a. m.]

[Vesting Order 17448]

KATHARINE SCHOTT

In re: Stock owned by and a debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Katharine Schott, deceased. D-28-12970.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Katharine Schott, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Fifty-three (53) shares of $100 par value common capital stock of Northern Pacific Railway Company, 176 East Fifth Street, St. Paul 1, Minnesota, a corporation organized under the laws of the State of Wisconsin, evidenced by a certificate bearing the number C292851, registered in the name of Katharine Schott, presently in the custody of William H. Voehl, 11-11 Beach Channel Drive, Far Rockaway, New York, together with any and all declared and unpaid dividends thereon, and

b. That certain debt or other obligation of William H. Voehl, 11-11 Beach Channel Drive, Far Rockaway, New York, arising out of the receipt, on and after June 14, 1941, of cash dividends derived from the shares of stock described in subparagraph 2-a hereof, with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Katharine Schott, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Katherine Schott, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3341; Filed, Mar. 14, 1951; 8:53 a. m.]

FEDERAL REGISTER

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TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS [1]

UNITED STATES STANDARDS FOR GRADES OF EXTRACTED HONEY

On May 18, 1950, a notice of proposed rule making was published in the FEDERAL REGISTER (15 F. R. 3036) regarding a proposed revision of the United States Standards for Grades of Extracted Honey. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following revised United States Standards for Grades of Extracted Honey are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950):

§ 52.403 *Extracted honey; honey.* "Extracted honey" or "honey" is honey that has been separated from the comb by centrifugal force, gravity, straining, or by other means, and is prepared and packed under sanitary conditions in accordance with good commercial practice.

(a) *Types of extracted honey.* The type of extracted honey is not incorporated in the grades of the finished product since the type of extracted honey, as such, is dependent upon the method of preparation and processing, and therefore is not a factor of quality for the purpose of these grades. Extracted honey may be prepared and processed as one of the following types:

(1) *Liquid honey.* "Liquid honey" is honey that is free from visible crystals.

(2) *Crystallized honey.* "Crystallized honey" is honey that is solidly granulated or crystallized, irrespective of whether "Candied," "Fondant," "Creamed," or "Spread" types of crystallized honey.

(3) *Partially crystallized honey.* "Partially crystallized honey" is honey that is a mixture of liquid honey and crystallized honey.

(b) *Color of honey.* The color of honey is not a factor of quality for the purpose of these grades.

(1) The color classification of honey is determined by means of the U. S. D. A. permanent glass color standards for honey.[2]

(2) The respective color designation, applicable range of each color, and color range on the Pfund scale are shown in Table No. 1 of this section, together with spectrophotometric specifications for freshly prepared caramel-glycerin solutions which in thickness of 3.15 centimeters (1.24 inch) closely match the colors of the U. S. D. A. permanent glass color standards.

(3) Crystallized honey and partially crystallized honey are liquefied by heating to approximately 54.4° C. (130° F.) and cooled to approximately 20° C. (68° F.) before ascertaining the color of the honey by means of the U. S. D. A. permanent glass color standards for honey.

(c) *Application of U. S. D. A. permanent glass color standards in classifying the color of honey*—(1) *Sample containers.* The sample containers for use in making the visual color determination as set forth in paragraph (d) of this section are square bottles of colorless transparent glass, having an internal width at the center of 3.15 centimeters (1.24 inch), with outside base dimensions of approximately $1\frac{7}{16}$ inches by $1\frac{7}{16}$ inches, and having a capacity of approximately 2 ounces.

(2) *Comparator; viewing box.* Two comparators or viewing boxes are re-

[1] The requirements of these standards shall not [illegible] failure to comply with the provi[illegible] of the Federal Food, Drug, and Cosmetic A[illegible].

[2] An approximate color classification may be made by means of the Pfund color grader and the color designated in terms of the aforesaid U. S. D. A. color standards.

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FEDERAL REGISTER

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quired for the entire color range in the visual comparison test. Each comparator is divided into five compartments approximately 1½ inches square, with each compartment provided with openings approximately $1^{3}/_{16}$ inches square in two parallel sides. The U. S. D. A. permanent glass color standards are mounted in a fixed position in the front openings of compartments 1, 3, and 5 of the two comparators, compartments 2 and 4 being adapted to receive the sample containers.

(3) *Clear blanks.* Six clear blanks of distilled water in capped sample containers are required. The clear blanks are placed in the compartments provided behind each permanent glass color standard.

(4) *Cloudy suspensions.* Three cloudy suspensions of bentonite in distilled water, each in a capped sample container, are required. These are referred to as "Cloudy No. 1," "Cloudy No. 2," and "Cloudy No. 3," corresponding to varying degrees of cloudiness within the range of the different grades of honey. The cloudy suspensions replace the clear blanks when cloudy honey is to be classified for color.

(5) *Visual comparison test.* The color of a sample of honey is compared with the U. S. D. A. permanent glass color standards in the following manner to determine its color classification:

(i) Place the sample of honey in a clean dry sample container.

(ii) Place the clear blanks behind each permanent glass color standard.

(iii) Place the container filled with the sample of honey successively in compartments 2 and 4 of the comparator, and visually compare the color of the sample with that of each of the glass color standards by looking through them at a diffuse source of natural or artificial daylight. The color is classified in accordance with the color range as given in Table No. I of this section.

(iv) If the sample is appreciably cloudy in appearance, the clear blanks are replaced by the cloudy suspensions, "Cloudy No. 1," "Cloudy No. 2," or "Cloudy No. 3," respectively, to facilitate color classification.

(d) *Tolerance for certification of color of officially drawn samples.* When certifying the color of samples that have been officially drawn and which represent a specific lot of honey, the lot shall be considered as of one color if not more than one-sixth of the containers comprising the sample contains honey of a different color: *Provided, however,* That the honey in none of the containers falls below the next darker color designation.

TABLE No. I—COLOR DESIGNATION OF HONEY AND RANGE FOR EACH COLOR

U. S. D. A. color standards	Color range U. S. D. A. color standards	Color range Pfund scales	Optical density[1]
		Millimeters	
Water White	Honey that is Water White or lighter in color than Water White Color Standard.	8 or less	0.060
Extra White	Honey that is darker than Water White but not darker than Extra White Color Standard.	Over 8 to and including 17.	.180
White	Honey that is darker than Extra White but not darker than White Color Standard.	Over 17 to and including 34.	.378
Extra Light Amber	Honey that is darker than White but not darker than Extra Light Amber or Golden Color Standard.	Over 34 to and including 50.	.565
Light Amber	Honey that is darker than Extra Light Amber but not darker than Light Amber Color Standard.	Over 50 to and including 85.	1.380
Amber	Honey that is darker than Light Amber but not darker than Amber Color Standard.	Over 85 to and including 114.	3.068
Dark Amber	Honey that is darker than Amber Color Standard.	Over 114	

[1] Optical density (absorbance) = log 10 (100/percent transmittance), at 560 mu for 3.15 centimeter thickness for caramel-glycerin solutions measured versus an equal cell containing glycerin.

(e) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container be filled with honey as full as practicable, and with respect to containers of one gallon or less the honey shall occupy not less than 95 percent of the total capacity of the container.

(f) *Grades of honey.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of honey that contains not less than 81.4 percent soluble solids,[2] possesses a good flavor for the predominant floral source or, when blended, a good flavor for the blend of floral sources, is free from defects, and is of such quality with respect to clarity as to score not less than 90 points when scored in accordance with the scoring system outlined herein.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of honey that contains not less than 81.4 percent soluble solids,[2] possesses a reasonably good flavor for the predominant floral source or, when blended, a reasonably good flavor for the blend of floral sources, is reasonably free from defects, is reasonably clear, and scores not less than 80 points when scored in accordance with the scoring system outlined herein.

(3) "U. S. Grade C" or "U. S. Standard" is honey for reprocessing that contains not less than 80 percent soluble solids,[2] possesses a fairly good flavor for the predominant floral source or, when blended, a fairly good flavor for the blend of floral sources, is fairly free from defects, and is of such quality with respect to clarity as to score not less than 70 points when scored in accordance with the scoring system outlined herein.

(4) "U. S. Grade D" or "Substandard" is the quality of honey that fails to meet the requirements of "U. S. Grade C" or "U. S. Standard."

(g) *Ascertaining the grade.* (1) The grade of honey may be ascertained by considering in conjunction with the requirements of the various grades the respective ratings for the factors of flavor, absence of defects, and clarity.

(2) The soluble solids content of honey may be determined by means of the refractometer at 20° C. (68° F.). The refractive indices and corresponding percent soluble solids and equivalent specific gravity and percent of moisture may be ascertained from Table No. II of this section. The soluble solids content of honey and equivalent values may be determined by any other method which gives equivalent results.

(3) The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors:	*Points*
(i) Flavor	50
(ii) Absence of defects	40
(iii) Clarity	10
Total score	100

(4) Crystallized honey and partially crystallized honey shall be liquefied by heating to approximately 54.4° C. (130° F.) and cooled to approximately 20° C. (68° F.) before ascertaining the grade of the product.

(h) *Ascertaining the rating for each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range for the rating of each factor is inclusive (for example, "27 to 30 points" means 27, 28, 29, or 30 points).

(i) *Flavor.* The factor of flavor refers to the prominence of the honey flavor and aroma and to its conformity to the flavor and aroma of the predominant floral source or blend of floral sources:

(i) Honey that possesses a good flavor for the predominant floral source may be given a score of 45 to 50 points. "Good flavor for the predominant floral source" means that the product has a good, normal flavor and aroma for the predominant floral source or, when blended, a good flavor for the blend of floral sources and that the honey is free from caramelized flavor or objectionable flavor caused by fermentation, smoke, chemicals or other causes with the exception of the predominant floral source.

[2] Percent moisture and other equivalents may be ascertained from Table No. II of this section.

(ii) If the honey possesses a reasonably good flavor for the predominant floral source, a score of 40 to 44 points may be given. Honey that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice" regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor for the predominant floral source" means that the product has a reasonably good, normal flavor and aroma for the predominant floral source or, when blended, a reasonably good flavor for the blend of floral sources and that the honey is practically free from caramelized flavor and is free from objectionable flavor caused by fermentation, smoke, chemicals or other causes with the exception of the predominant floral source.

(iii) Honey that possesses a fairly good flavor for the predominant floral source may be given a score of 35 to 39 points. Honey that falls into this classification shall not be graded above "U. S. Grade C" or "U. S. Standard" regardless of the total score for the product (this is a limiting rule). "Fairly good flavor for the predominant floral source" means that the product has a fairly good, normal flavor and aroma for the predominant floral source or, when blended, a fairly good flavor for the blend of floral sources and that the honey may possess a slightly caramelized flavor, is free from objectionable flavor caused by fermentation, smoke, chemicals or other causes with the exception of the predominant floral source.

(iv) Honey that fails to meet the requirements of subdivision (iii) of this subparagraph or is off flavor for any reason may be given a score of 0 to 34 points and shall not be graded above "U. S. Grade D" or "Substandard" regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of cleanliness and to the degree of freedom from particles of comb, propolis, or other defects which may be in suspension or deposited as sediment in the container:

(i) Honey that is free from defects may be given a score of 37 to 40 points. "Free from defects" means that the honey contains no defects that affect the appearance or edibility of the product, and shall be at least as free from defects as honey that has been strained through a standard No. 80 sieve, at a temperature of not more than 130° F.

(ii) If the honey is reasonably free from defects, a score of 34 to 36 points may be given. Honey that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice" regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the honey may contain defects which do not materially affect the appearance or edibility of the product, and shall be at least as free from defects as honey that has been strained through a standard No. 50 sieve, at a temperature of not more than 130° F.

(iii) Honey that is fairly free from defects may be given a score of 31 to 33 points. Honey that falls into this classification shall not be graded above "U. S. Grade C" or "U. S. Standard" regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the honey may contain defects which may be noticeable but shall be at least as free from defects as honey that has been strained through a standard No. 18 sieve, at a temperature of not more than 130° F.

(iv) Honey that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 29 points and shall not be graded above "U. S. Grade D" or "Substandard" regardless of the total score for the product (this is a limiting rule).

(3) *Clarity.* The factor of clarity has reference to the degree of freedom from air bubbles, pollen grains, or fine particles of any material which might be suspended in the product:

(i) Honey that is clear may be given a score of 8 to 10 points. "Clear" means that the honey may contain air bubbles which do not materially affect the appearance of the product and may contain a trace of pollen grains or other finely divided particles of suspended material which does not affect the appearance of the product.

(ii) If the honey is reasonably clear a score of 6 to 7 points may be given. "Reasonably clear" means that the honey may contain air bubbles, pollen grains, or other finely divided particles of suspended material which does not materially affect the appearance of the product.

(iii) Honey that is fairly clear may be given a score of 4 to 5 points. Honey that falls into this classification shall not be graded above "U. S. Grade C" or "U. S. Standard" regardless of the total score for the product (this is a limiting rule). "Fairly clear" means that the appearance of the honey may be materially but not seriously affected by the presence of air bubbles, pollen grains, or other finely divided particles of suspended material.

(iv) Honey that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 3 points and shall not be graded above "U. S. Grade C" or "U. S. Standard" regardless of the total score for the product (this is a limiting rule).

TABLE NO. II—REFRACTIVE INDICES AND CORRESPONDING PERCENT SOLUBLE SOLIDS, EQUIVALENT SPECIFIC GRAVITY AND PERCENT MOISTURE IN EXTRACTED HONEY[1]

Refractive index at 20° C.	Soluble solids (percent)	Specific gravity (20°/20° C.) at 20° C.	Moisture (percent)
1.3844	79.0	1.3966	21.0
1.3849	79.2	1.3979	20.8
1.3853	79.4	1.3992	20.6
1.3858	79.6	1.4006	20.4

[1] Temperature corrections: If refractometer reading is made at temperatures above 20° C. (68° F.), add 0.00023 to the refractive index for each degree C., or 0.00013 for each degree F. If made below 20° C. (68° F.), subtract correction. The moisture content of honey and equivalent values may be determined by any other method which gives equivalent results.

TABLE NO. II—REFRACTIVE INDICES AND CORRESPONDING PERCENT SOLUBLE SOLIDS, EQUIVALENT SPECIFIC GRAVITY AND PERCENT MOISTURE IN EXTRACTED HONEY[1]—Continued

Refractive index at 20° C.	Soluble solids (percent)	Specific gravity (20°/20° C.) at 20° C.	Moisture (percent)
1.4862	79.8	1.4020	20.2
1.4866	80.0	1.4033	20.0
1.4871	80.2	1.4046	19.8
1.4876	80.4	1.4060	19.6
1.4880	80.6	1.4074	19.4
1.4885	80.8	1.4087	19.2
1.4890	81.0	1.4101	19.0
1.4895	81.2	1.4115	18.8
1.4900	81.4	1.4129	18.6
1.4905	81.6	1.4143	18.4
1.4910	81.8	1.4156	18.2
1.4915	82.0	1.4171	18.0
1.4920	82.2	1.4184	17.8
1.4925	82.4	1.4197	17.6
1.4930	82.6	1.4212	17.4
1.4935	82.8	1.4225	17.2
1.4940	83.0	1.4240	17.0
1.4945	83.2	1.4254	16.8
1.4950	83.4	1.4267	16.6
1.4955	83.6	1.4282	16.4
1.4960	83.8	1.4295	16.2
1.4965	84.0	1.4310	16.0
1.4970	84.2	1.4324	15.8
1.4975	84.4	1.4338	15.6
1.4980	84.6	1.4352	15.4
1.4985	84.8	1.4367	15.2
1.4990	85.0	1.4381	15.0
1.4995	85.2	1.4395	14.8
1.5000	85.4	1.4409	14.6
1.5005	85.6	1.4424	14.4
1.5010	85.8	1.4438	14.2
1.5015	86.0	1.4453	14.0
1.5020	86.2	1.4466	13.8
1.5025	86.4	1.4481	13.6
1.5030	86.6	1.4495	13.4
1.5035	86.8	1.4510	13.2
1.5041	87.0	1.4525	13.0

(i) *Tolerances for certification of officially drawn samples.* When certifying samples that have been officially drawn and which represent a specific lot of extracted honey, the grade for such lot will be determined by averaging the total scores of all the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor subject to such limiting rule must be within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal, Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(j) *Score sheet for extracted honey.*

Factors		Score points	
I. Flavor	50	(A) 45-50 (B) 40-44 (C) 35-39 (D) 30-34	
II. Absence of defects	40	(A) 37-40 (B) 34-36 (C) 31-33 (D) 0-29	
III. Clarity	10	(A) 8-10 (B) 6-7 (C) 4-5 (D) 0-3	
Total score	100		
Grade			
Color			
Floral source or source			

[1] Indicates limiting rule.

(k) *Effective time and supersedure.* The revised United States Standards for Grades of Extracted Honey (which are the fourth issue) contained in this section will become effective 30 days after publication of these standards in the FEDERAL REGISTER and will thereupon supersede the United States Standards for Grades of Extracted Honey which have been in effect since March 15, 1943.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624. Interprets or applies sec. 203, 60 Stat. 1087, Pub. Law 759, 81st Cong., 7 U. S. C. 1622)

Issued at Washington, D. C., this 13th day of March 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-3397; Filed, Mar. 15, 1951; 8:54 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 76]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§955.337 *Grapefruit Regulation 76*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than March 18, 1951. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 15, 1950, and will so continue until March 18, 1951; the recommendation and supporting information for continued regulation subsequent to March 17, 1951, was promptly submitted to the Department after an open meeting of the Administrative Committee on March 8; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., March 18, 1951, and ending at 12:01 a. m., P. s. t., April 15, 1951, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit are at least fairly well colored, and otherwise grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than $3^{11}/_{16}$ inches in diameter, or (*b*) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than $3^{8}/_{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.241: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than $3^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{2}/_{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than $3^{8}/_{16}$ inches in in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3^{15}/_{16}$ inches in diameter and smaller.

(2) As used in this section, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2" and "fairly well colored" shall each have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.241.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 14th day of March 1951.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-3455; Filed, Mar. 15, 1951; 8:50 a. m.]

[Orange Reg. 362, Amdt. 1]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the provisions of Order No. 66 (7 CFR Part 966; 14 F. R. 3614) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the

Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of oranges grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) (*b*) of § 966.508 (Orange Regulation 362, 16 F. R. 2215) are hereby amended to read as follows:

(ii) Oranges other than Valencia oranges • • •

(*b*) Prorate District No. 2: 1300 carloads;

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 14th day of March 1951.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch Production and Marketing Administration.

[F. R. Doc. 51-3454; Filed, Mar. 15, 1951; 8:50 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 116—CIVIL AIR NAVIGATION

MISCELLANEOUS AMENDMENTS

The terms "airport of entry" and "customs airport" are changed to "international airport," and the term "airports of entry" is changed to "international airports" wherever they appear in Part 6 of Title 19, Code of Federal Regulations, also designated as Part 116, Title 8, and Part 71, Title 42.

The term "the Philippine Islands," is deleted from the last sentence of § 6.2 (c) of Title 19, Code of Federal Regulations, also designated as § 116.2 (c) of Title 8 and § 71.502 (c) of Title 42.

The second sentence of § 6.8 (b) (4) of Title 19, Code of Federal Regulations, also designated as § 116.8 (b) (4) of Title 8 and § 71.508 (b) (4) of Title 42, is amended to read as follows: "In case of aircraft arriving in the United States on a trip which started in noncontiguous foreign territory, the baggage declaration number, or, in the absence of such declaration, the number of pieces of accompanied baggage belonging to each passenger shall be shown opposite the name of each passenger on the air passenger manifest, or, if an air passenger manifest is not required, on a separate baggage list."

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary because the first and second amendments prescribed by the order make no substantive changes and the third amendment relieves restrictions and is clearly advantageous to persons affected thereby.

(R. S. 161, sec. 23, 39 Stat. 892, as amended, sec. 24, 43 Stat. 166, R. S. 251, secs. 624, 644, 46 Stat. 759, 761, secs. 201, 367, 58 Stat. 683, 706, sec. 7, 44 Stat. 572, as amended; 5 U. S. C. 22, 8 U. S. C. 102, 222, 19 U. S. C. 66, 1624, 1644, 42 U. S. C. 202, 270, 49 U. S. C. 177, sec. 1, Reorg. Plan No. 5, 5 F. R. 2223, 3 CFR, 1940 Supp., 54 Stat. 1238, sec. 102, Reorg. Plan No. 3 of 1946, 11 F. R. 7875, 3 CFR, 1946 Supp., 60 Stat. 1097; 5 U. S. C. 133t, note, 133y-16, note)

[SEAL] FRANK DOW,
Commissioner of Customs.
JOHN S. GRAHAM,
Acting Secretary of the Treasury.
LEONARD A. SCHEELE,
Surgeon General,
U. S. Public Health Service.
OSCAR R. EWING,
Federal Security Administrator.
PEYTON FORD,
Acting Attorney General.

MARCH 5, 1951.

[F. R. Doc. 51-3386; Filed, Mar. 15, 1951; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR-361]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

POSITION LIGHT SYSTEM ON TRANSPORT CATEGORY AIRPLANES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 9th day of March 1951.

Sections 4b.632 through 4b.635 of the current Civil Air Regulations prescribe requirements for the position light system on airplanes of the transport category. Experience has shown the need for improvements in the present system, and recent demonstrations conducted by the Civil Aeronautics Administration indicate that new systems, requiring material changes in design, are promising and warrant further experimentation. When, as a result of this experimentation, a more satisfactory position light system is decided upon, it is planned to adopt new requirements domestically and to solicit modification of current international standards.

One improvement, however, in the operation of the present system, involving only minor mechanical adjustments, is believed to be of immediate value. Accordingly, while further improvements or new systems are being developed, it is proposed to allow an increase in flash rates in the present dual circuit position light system.

This Special Civil Air Regulation is intended to authorize for a temporary period, subject to the approval of the Administrator, variations generally from the conventional position light system, and the use, in particular, of flash rates with frequencies of 80, plus or minus 10, cycles per minute in the present system. In the interest of safety, the public as well as the armed forces and the aviation industry must be kept fully apprised of the variations and with the practices resulting therefrom. For this reason the Administrator is authorized to require those conducting this program of development to assist the Civil Aeronautics Administration in making their actions in this respect widely known.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter submitted. Since this regulation imposes no additional burden on any person, it may be made effective immediately.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective March 9, 1951:

Contrary provisions of the Civil Air Regulations notwithstanding, any air carrier may, subject to the approval of the Administrator, (1) utilize, while operating the present position light system as established in Part 4b of the Civil Air Regulations, a flashing sequence which provides flashing rates of 80, plus or minus 10, cycles per minutes for each forward position and fuselage light and flashing rates of 40, plus or minus 5, cycles per minute for each rear position light; and (2) engage, while operating aircraft in scheduled or other service, in similar projects which are designed to improve the present position light system and which are not likely to cause confusion in air navigation. The Administrator shall prescribe such conditions and limitations as may be necessary to assure safety and avoid confusion in air navigation and shall require each carrier to disclose publicly its deviations from the requirements of Part 4b at times and in a manner which he deems consistent with the best interests of safety.

This regulation shall terminate January 1, 1953, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended, sec. 603, 52 Stat. 1008; 49 U. S. C. and Sup. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-3382; Filed, Mar. 15, 1951; 8:50 a. m.]

[Supp. 7, Amdt. 66]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the pubic interest, and therefore is not required. Title 14, § 60.13-1 is amended as follows:

The Oswego County, New York, area, published on April 11, 1950, in 15 F. R. 2036, and amended on August 18, 1950, in 15 F. R. 5497, is further amended by

changing the "Time of Designation" column to read: "Continuous, April 11, 1950, through June 30, 1951".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on March 16, 1951.

[SEAL] J. S. MARRIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-3439; Filed, Mar. 15, 1951; 9:43 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 49]

PART 371—GENERAL LICENSES

GIFT PARCELS

Part 371 is amended to add the following provisions under § 371.23.[1]

§ 371.23 *General license for gift parcels*—(a) *Scope of license.* A general license is hereby established authorizing the exportation of gift parcels as defined in paragraph (b) of this section, via mail, express, or freight addressed to individuals in all destinations except North Korea, Manchuria, and Mainland of China as described in this section: *Provided*, That such exportations are made in accordance with the following provisions of this section:

(b) *Definitions.* For the purpose of this general license a gift parcel is defined as a parcel containing commodities to be sent free of cost to the person ultimately receiving them and must be for the personal use of the addressee (donee) or his immediate family. In addition, the parcel must be homepacked by the individual donor and sent by the donor to an individual donee.

(c) *Commodity, weight, and other limitations*—(1) *Parcel post.* Gift parcels mailed by parcel post shall conform to the applicable Post Office regulations as to size and weight and permissible contents.

(2) *Weight limitations.* The weight of each gift parcel sent under this general license shall not exceed forty-four (44) pounds.

(3) *Dollar value limitations.* Combined total domestic retail value of all commodities included in a single parcel shall not exceed twenty-five (25) dollars.

(4) *Commodity limitations.* The commodities which may be included in each gift parcel sent under this general license are limited to those items which are normally sent as gifts, such as food, clothing, medicinals, and drugs.

(5) *Other limitations.* Not more than one gift parcel may be sent by the same donor to the same donee in any one calendar week.

(6) *Excluded destinations.* Exportations under the authority of this general license may not be made to destinations in North Korea,[2] Manchuria (including the Port Arthur Naval Base Area and Liaoning Province), and China (including the provinces of Suiyuan, Chahar, Ningsia, and Jehol, sometimes referred to as Inner Mongolia; the provinces of Chinghai (Tsinghai) and Sikang; Sinkiang; Tibet; and Outer Mongolia), as described in Schedule C of the Bureau of the Census.

(d) *General license designation.* All gift parcels presented for shipment under this general license must be individually addressed and have the word "Gift" written on the addressee side of the package and also entered on any required customs or shipper's export declarations.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of March 12, 1951.

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-3383; Filed, Mar. 15, 1951; 8:50 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. 48[3]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

SPECIAL PROVISIONS FOR CERTAIN COMMODITIES; EVIDENCE OF AVAILABILITY

Section 373.16 *Special provisions for certain commodities; evidence of availability, paragraph* (b) *Commodities* is amended by adding thereto the following commodities, to which the requirements of this section are applicable:

Ferroalloys: Schedule B Nos. 622096, 622050, 621303, 622085, and 622098 (ferrocolumbium).

Lead and manufactures: Schedule B Nos. 650500 through 651598.

Nickel and manufactures: Schedule B Nos. 654505 through 654998.

Tin and manufactures: Schedule B Nos. 656502 through 656598.

Other nonferrous ores, metals, and alloys, except precious (with processing code NONF): Schedule B Nos. 663600, 663700, 663800, 663900, 664515, 664525, 664530, 664560, 664580, 664915, 664917, 664920, 664925, 664930, 664945, 664960, 664990, 669103, 669108.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of March 19, 1951.

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-3365; Filed, Mar. 15, 1951; 8:46 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. 47[4]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

TIME SCHEDULES FOR SUBMISSION OF APPLICATION FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES

Section 373.51 *Supplement 1: time schedules for submission of applications for licenses to export certain Positive List commodities* is amended by adding thereto submission dates with respect to certain applications for the second calendar quarter, 1951, as follows:

Department of Commerce Schedule B No.	Commodity	Submission date, second quarter, 1951
	Hides and skins, raw, except furs	
020402	Calf skins, dry	The first month of the current calendar quarter.[1]
020404	Calf skins, wet (include slunk skins)	
020702	Kip skins, dry	
020704	Kip skins, wet	
	Nonferrous ores, metals, and alloys	
630000–630998	Aluminum and manufactures	Mar. 19–Apr. 2, 1951, inclusive.
641200–642900	Copper and manufactures	
708810	Building wire and cable	
708830	Weatherproof and slow-burning wire	
708850	Insulated copper wire, n. e. s., including rubber-covered lamp cord	
644000–645430; 645500, 647901; 647913.	Brass and bronze manufactures	
647906	Brass and bronze blanks and circles	
650500–651598	Lead and manufactures	
654505–654998	Nickel and manufactures	
657050–658501	Zinc and manufactures	
664515	Cadmium dross, fine dust, residues, and scrap	
664915–664917	Cadmium metals and alloys	
663600	Tungsten carbide, except tool blanks, tips and inserts	
663800	Other tungsten metals, stellite, wire, shapes and alloys	
629906	Ferrotungsten	
664580	Tungsten ores and concentrates	
656502–656598	Tin and manufactures	
664920	Chromium metal, anodes, chromium-bearing alloys and scrap	
629050	Ferrochrome	Until May 1, 1951.
664525	Cobalt metal-alloys, and cobalt-bearing scrap metal (cobalt alloys and scrap not in chief value of cobalt included).	

[1] Applications covering calf and kip skins, dry, imported, submitted in accordance with § 373.6 (a), may be submitted at any time.

[1] The former provisions of this section were deleted by Amdt. No. 1, 15 F. R. 2750; Current Export Bulletin No. 570, dated April 13, 1950.

[2] Includes any territory controlled by the Government of North Korea.

[3] This amendment was published in Current Export Bulletin No. 611, dated March 8, 1951.

[4] This amendment was published in Current Export Bulletin No. 610, dated March 6, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of March 6, 1951.

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-3363; Filed, Mar. 15, 1951; 8:46 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. P. L. 40 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The following revisions are made in commodity descriptions. The revisions include changes in validated license control.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
092000	Feathers, dressed, and manufactures of feathers: Down, and waterfowl feathers, three inches in length and under and the following manufactures of such feathers: down comforters, "down-filled coats and jackets, feather pillows, sleeping bags, and sleeping robes[1]	.....	TEXT	100	RO
697307	Zinc in other forms, n. e. s.: Zinc die castings, unfinished [1]	Lb.....	NONF	300	RO
703620	Transmission and distribution apparatus: Electric indicating instruments (including micro-ammeters), other than laboratory standards, except battery-testing voltmeters, battery testers, and cell testers (report laboratory standards in 941698) (report indicating instrument parts in 706668).[2]	No.....	ELME 2	None	RO
706668	Other electrical apparatus: Indicating instrument parts [4]	.....	ELME 1	None	RO
725010	Other conveying equipment, and parts: Parts for cranes included on the Positive List under Schedule B Nos. 725010 and 725510 for which validated license is required to R and O destinations.[3]	.....	CONS	100	RO
750809	Textile machinery: Spinning and twisting machinery, rayon yarn (report filament spinning machinery and spinnerettes for synthetic fibers in 754800).[5]	.....	GIEQ	None	R

[1] The effect of this revision is to add certain manufactures of down and waterfowl feathers to the Positive List of Commodities requiring validated licenses for exportation to all destinations in Country Groups R and O.

[2] The effect of this amendment is to clarify the commodity description without making substantive change. (See Census Bulletin PB No. 1778-I and -II dated Feb. 26, 1951.)

[3] The effect of this amendment is to correct the commodity classifications of (1) electric indicating instrument parts, which are properly classified under Schedule B No. 706668 (see footnote 4 below); and (2) micro-ammeters, which now appear under both Schedule B Nos. 703620 and 706668 (see Census Bulletin PB No. 1778-I and -II dated Feb. 26, 1951). The Positive List entry for micro-ammeters under Schedule B No. 703620 is accordingly deleted.

[4] By this amendment the Positive List entry for indicating instrument parts is revised to show RO instead of R control. No extension of controls is involved in this amendment, since RO controls have applied to these commodities under the previous classification under Schedule B No. 703620 (see footnote 3 above).

[5] The effect of this amendment is to add to the Positive List, subject to RO control, parts for cranes included in the Positive List under Schedule B No. 725510.

[6] By this amendment, which combines the two present entries under Schedule B No. 750800, rayon preparing machinery and filament spinning machinery, and parts, and spinnerettes for synthetic fibers, are reclassified under Schedule B No. 754800 (see Census Bulletin PB No. 1778-I and -II dated Feb. 26, 1951). These commodities will now be included in the Positive List entry "rayon filament and band forming machinery, and parts", which is unaffected by this amendment.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, as a result of changes set forth in this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., March 13, 1951, may be exported under the previous general license provisions up to and including April 7, 1951. Any such shipment not laden aboard the exporting carrier on or before April 7, 1951, requires a validated license for export. This saving clause is not applicable to any such shipments to Subgroup A destinations.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of March 13, 1951, 12:01 a. m.

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-3364; Filed, Mar. 15, 1951; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 4484]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ALVI CO. AND ALVI, INC.

Subpart—*Advertising falsely or misleadingly:* § 3.30 *Composition of goods;* § 3.135 *Nature—Product or service;* § 3.170 *Qualities or properties;* § 3.195 *Safety.* In connection with the offering for sale, sale or distribution of respondent's hair dye cosmetic variously designated as Vitale Instantaneous Hair Dye, Vitale Rapid Hair Coloring, Vitale Rapid, Vitale Hair Coloring, Vitale Hair Dye, and as Vitale, or any other hair dye cosmetic or product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication, that said preparation is a safe or scientific cosmetic, free from harmful, injurious or dangerous chemicals; or that its use will end premature gray hair or produce a permanent, natural, uniform shade or give warmth, color, luster or glint of youth to the hair; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended 15 U. S. C. 45) [Modified cease and desist order, Casimiro Muojo trading as Alvi Co., etc., Docket 4484, December 29, 1950]

In the Matter of Casimiro Muojo, an Individual, Trading as Alvi Co., and as Alvi, Inc.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of the respondent, in which answer the respondent admitted all of the material allegations of fact set forth in said complaint and stated that he waived all intervening procedure and further hearing as to said facts, the Commission, after having made its findings as to the facts and its conclusion that said respondent had violated the provisions of the Federal Trade Commission Act, on August 7, 1941, issued, and on August 8, 1941, served upon the respondent said findings as to the facts, conclusion, and its order to cease and desist; and this proceeding having been reopened and said findings as to the facts, conclusion, and order to cease and desist having been set aside:

It is ordered, That the respondent, Casimiro Muojo, an individual, trading as Alvi Co. and as Alvi, Inc., or trading under any other name or names, and his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of his hair dye cosmetic variously designated as Vitale Instantaneous Hair Dye, Vitale Rapid Hair Coloring, Vitale Rapid, Vitale Hair Coloring, Vitale Hair Dye, and as Vitale, or any other hair dye cosmetic or product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing to be disseminated, any advertisement (a) by means of the United States mails, or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that said preparation is a safe or scientific cosmetic, free from harmful, injurious or dangerous chemicals; or that its use will end premature gray hair or produce a permanent, natural, uniform shade or give warmth, color, luster or glint of youth to the hair.

2. Disseminating, or causing to be disseminated, any advertisement, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

Issued: December 29, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-3385; Filed, Mar. 15, 1951; 8:51 a. m.]

[1] This amendment was published in Current Export Bulletin No. 611, dated March 8, 1951.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

PART 6—AIR COMMERCE REGULATIONS

MISCELLANEOUS AMENDMENTS

CROSS REFERENCE: For amendments to Part 6 of this title, see Title 8, Chapter 1, Part 116, *supra.*

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. and Sup., 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141.1 et seq., and 1949 Supp.; 15 F. R. 9446) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq., and 1949 Supp.; 15 F. R. 9464; 16 F. R. 714) are amended as indicated below:

1. Section 141.403 (a), first sentence, is amended to read as follows:

§ 141.403 *Bacitracin tablets*—(a) *Potency.* Proceed as directed in § 141.401 (a), except subparagraph (3) thereof, and in lieu of the directions in subparagraph (1) (iii) of § 141.401 (a), prepare sample as directed in § 141.9 (a), using 5 tablets. • • •

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup., 357)

2. In § 146.47, paragraph (a) *Standards of identity, etc.*, is amended as follows:

a. In the first sentence, the phrase reading "with or without one or more suitable and harmless buffer substances," is changed to read: "with or without one or more suitable and harmless preservatives and buffer substances,".

b. Paragraph (a) (1) is changed to read:

(1) If it is an aqueous suspension of the drug, each container or each milliliter shall contain not less than 300,000 units;

3a. In § 146.102 *Streptomycin ointment* • • •, the first sentence of paragraph (a) *Standards of identity, etc.* is amended by eliminating the period at the end thereof and by adding the words "and preservatives."

b. In § 146.102, paragraph (c) *Labeling* is amended by deleting the word "and" at the end of subparagraph (1) (ii), by renumbering subdivision (iii) as (iv), and by inserting the following new subdivision (iii) between subdivision (ii) and renumbered subdivision (iv):

(iii) If the batch contains preservatives, the name and quantity of each such substance used; and

c. Section 146.102 (c) (1) (iv) (as renumbered) is amended by changing the figure "12" to "24".

4a. In § 146.104 *Streptomycin tablets, dihydrostreptomycin tablets,* paragraph (a) *Standards of identity, etc.* is amended by inserting a new sentence between the first and second sentences, to read: "If it is intended solely for veterinary use and is conspicuously so labeled, it may contain two or more suitable sulfonamides."

b. Section 146.104 (c) (1) (iv) is amended to read:

(c) *Labeling.* • • •
(1) • • •
(iv) If the batch contains sulfonamides or glucuronolactone, the quantity of each such ingredient in each tablet;

c. Section 146.104 (c) is further amended by renumbering subparagraph (3) as (4) and by inserting the following new subparagraph (3) between subparagraph (2) and renumbered subparagraph (4):

(3) On the label and labeling, if it contains sulfonamides or glucuronolactone, after the name "Streptomycin Tablets," wherever it appears, the words "with sulfonamides," "with sulfonamides and glucuronolactone," or "with glucuronolactone," as the case may be, in juxtaposition with such name.

5a. In § 146.402 *Bacitracin ointment,* paragraph (a) *Standards of identity, etc.* is amended by inserting the following new sentence between the first and second sentences: "It may contain a suitable local anesthetic."

b. Section 146.402 (c) (1) is amended by renumbering subdivisions (iii) and (iv) as (iv) and (v), respectively, and by inserting the following new subdivision (iii) between subdivision (ii) and renumbered subdivision (iv):

(iii) If the batch contains a local anesthetic, the name and quantity of such substance;

c. Section 146.402 (c) is amended by renumbering subparagraph (3) as (4) and by inserting the following new subparagraph between subparagraph (2) and renumbered subparagraph (4):

(3) On the label and labeling, if a local anesthetic is present, after the name "Bacitracin Ointment," wherever it appears, the words "with ---------" (the blank being filled in with the common or usual name of the local anesthetic), in juxtaposition with such name.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup., 357)

This order which provides for the optional use of a preservative in the dry mix of procaine penicillin for aqueous injection; for modifying the packaging requirements for an aqueous suspension of procaine penicillin; for the optional use of a preservative as an ingredient in streptomycin ointment and for a change in the expiration date of certification of this drug from 12 months to 24 months after the month during which it was certified; for the optional use of two or more suitable sulfonamides in the manufacture of streptomycin tablets and dihydrostreptomycin tablets intended solely for veterinary use; for the optional use of a suitable and harmless local anesthetic in the manufacture of bacitracin ointment; and a change in the method of preparing a sample of bacitracin tablets for assay, shall become effective upon publication in the FEDERAL REGISTER since both the public and the affected industries will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay providing for the optional use of a preservative in the dry mix of procaine penicillin for aqueous injection; for modifying the packaging requirements for an aqueous suspension of procaine penicillin; for the optional use of a preservative as an ingredient in streptomycin ointment and for a change in the expiration date of certification of this drug from 12 months to 24 months after the month during which it was certified; for the optional use of two or more suitable sulfonamides in the manufacture of streptomycin tablets and dihydrostreptomycin tablets intended solely for veterinary use; for the optional use of a suitable and harmless local anesthetic in the manufacture of bacitracin ointment; and a change in the method of preparing a sample of bacitracin tablets for assay.

Dated: March 12, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-3384; Filed, Mar. 15, 1951; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter G—Personnel

PART 874—ENLISTMENT OF AVIATION CADETS

MISCELLANEOUS AMENDMENTS

Sections 874.1, 874.4, 874.5, 874.12, and 874.13 are changed as follows:

§ 874.1 *Requirements*—(a) *Eligibility.* Any United States male citizen residing

or stationed in the continental United States or one of its Territories, to include the Zone of the Interior, Hawaii, Alaska, Puerto Rico, and the Panama Canal Zone, is eligible to apply for appointment or enlistment as an aviation cadet.

(b) *Marital status and age.* Applicants must be unmarried United States male citizens between 20 and 26½ years of age at the time of making application. (Qualified applicants will not be entered into training after passing their 27th birthday.)

(c) *Educational.* Each applicant must have satisfactorily completed at least 60 semester hours or 90 quarter hours leading to a baccalaureate degree, or have been awarded a certificate of graduation from an accredited institution of higher education.

(d) *Examination.* Each applicant must accomplish the Aviation Cadet Qualifying Test.

(e) *Physical.* Each applicant must accomplish the physical examination for flying training in accordance with prescribed standards.

(f) *Personal interview.* Each applicant must appear before an Aviation Cadet-Officer Candidate Examining Board for the personal interview.

§ 874.4 *Examination—(a) Examining boards—(1) Appointment.* Commanding generals of major air commands, or such officers as they may designate, will appoint an Aviation Cadet-Officer Candidate examining board at all Air Force installations having adequate facilities. Additional examining boards may be appointed by the Chief of Staff, United States Air Force, or by such officers as he may direct.

(2) *Composition.* Examining boards will consist of the following personnel, if available, to insure the expeditious processing of aviation cadet applicants:

(i) At least five field grade officers.

(ii) At least five company grade officers, one of whom will be assigned the permanent duties of recorder of the board. (The use of the recorder will not be necessary except in cases of appeal to the decisions of one-officer boards.)

(iii) At least one medical officer (flight surgeon or aviation medical examiner, in all cases).

(3) *Convening of the board.* (i) Personnel detailed to conduct the personal interview examination will be available regularly for the purpose of administering the qualifying test to aviation cadet applicants. However, in conducting the personal interview of an applicant, the examining board need consist of but one rated officer of field grade.

(ii) In the case of an appeal to the decision of a one-officer board, a review board composed of at least three qualified officers, one of whom must be of field grade, will be convened. In no case will the membership of such board include the officer who acted as the board in the case under appeal. The findings of the review board will be final and conclusive.

* * * * *

§ 874.5 *Deferment from Selective Service.* In accordance with section 6 (e) of the Selective Service Act of 1948 (Pub. Law 759, 80th Cong.; 62 Stat. 611, 50 U. S. C., App., Sup., 456 (e)), fully qualified and accepted civilian aviation cadet applicants are eligible for four months' deferment from being ordered into active military service from the date of qualification for aviation cadet training.

§ 874.12 *Forms and information.* Detailed information, application blanks, instructions for making application, etc., regarding aviation cadet training (pilot) (navigator) may be obtained from:

* * * * *

(e) Headquarters United States Air Force, Director of Training, Attention: Personnel Procurement Division, Washington, 25, D. C.

§ 874.13 *Location of Aviation Cadet-Officer Candidate examining boards.*

Brookley Air Force Base, Mobile, Ala.
Maxwell Air Force Base, Montgomery, Ala.
Davis-Monthan Air Force Base, Tucson, Ariz.
Williams Air Force Base, Chandler, Ariz.
Castle Air Force Base, Merced, Calif.
Hamilton Air Force Base, San Rafael, Calif.
Main Recruiting Station, Los Angeles, Calif.
March Air Force Base, Riverside, Calif.
Mather Air Force Base, Sacramento, Calif.
McClellan Air Force Base, Sacramento, Calif.
Norton Air Force Base, San Bernardino, Calif.
Travis Air Force Base, Fairfield, Calif.
Lowry Air Force Base, Denver, Colo.
Andrews Air Force Base, Washington, D. C.
Bolling Air Force Base, Washington, D. C.
Eglin Air Force Base, Valparaiso, Fla.
MacDill Air Force Base, Tampa, Fla.
Tyndall Air Force Base, Panama City, Fla.
Dobbins Air Force Base, Marietta, Ga.
Lawson Air Force Base, Columbus, Ga.
Robins Air Force Base, Macon, Ga.
Turner Air Force Base, Albany, Ga.
Chanute Air Force Base, Rantoul, Ill.
Scott Air Force Base, Belleville, Ill.
Barksdale Air Force Base, Shreveport, La.
Otis Air Force Base, Falmouth, Mass.
Westover Air Force Base, Chicopee Falls, Mass.
Selfridge Air Force Base, Mount Clemens, Mich.
Kessler Air Force Base, Biloxi, Miss.
Offutt Air Force Base, Omaha, Nebr.
Nellis Air Force Base, Las Vegas, Nev.
McGuire Air Force Base, Fort Dix, N. J.
Kirtland Air Force Base, Albuquerque, N. Mex.
Walker Air Force Base, Roswell, N. Mex.
Griffiss Air Force Base, Rome, N. Y.
Mitchel Air Force Base, Hempstead, N. Y.
Stewart Air Force Base, Newburgh, N. Y.
Wright-Patterson Air Force Base, Dayton, Ohio.
Tinker Air Force Base, Oklahoma City, Okla.
Vance Air Force Base, Enid, Okla.
Olmsted Air Force Base, Middletown, Pa.
Greenville Air Force Base, Greenville, S. C.
Shaw Air Force Base, Sumter, S. C.
Rapid City Air Force Base, Rapid City, S. Dak.
Sewart Air Force Base, Smyrna, Tenn.
Bergstrom Air Force Base, Austin, Tex.
Biggs Air Force Base, El Paso, Tex.
Carswell Air Force Base, Fort Worth, Tex.
Connally Air Force Base, Waco, Tex.
Ellington Air Force Base, Houston, Tex.
Goodfellow Air Force Base, San Angelo, Tex.
Kelly Air Force Base, San Antonio, Tex.
Lackland Air Force Base, San Antonio, Tex.
Perrin Air Force Base, Sherman, Tex.
Randolph Air Force Base, San Antonio, Tex.
Reese Air Force Base, Lubbock, Tex.
Sheppard Air Force Base, Wichita Falls, Tex.
Hill Air Force Base, Ogden, Utah.
Langley Air Force Base, Hampton, Va.
McChord Air Force Base, Tacoma, Wash.
Larson Air Force Base, Ephrata, Wash.
Spokane Air Force Base, Bong, Wash.
Francis E. Warren Air Force Base, Cheyenne, Wyo.

[AFL 51-4; AFR 50-3B] (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22 and Sup., 171a. Interpret or apply sec. 3, 55 Stat. 239, sec. 6, 62 Stat. 609; 10 U. S. C. 299, 50 U. S. C., App., Sup., 456)

PART 878—DECORATIONS AND AWARDS

INDIVIDUAL DECORATIONS; SERVICE MEDALS; BADGES; CERTIFICATES AND LAPEL BUTTONS

1. Sections 878.5, 878.14 (b), and 878.15 (b) are changed as follows:

§ 878.5 *Time Limitations—(a) Recommendations.* (1) Recommendations for award of decorations must be in official channels within two years of the date of heroism, achievement, or service.

(2) Recommendations placed in official channels, which have become lost or not acted upon may be resubmitted with supporting evidence.

(3) Recommendations based upon World War II acts or services performed between December 7, 1941, and September 2, 1945, must be made not later than May 2, 1951.

(b) *Requests for reconsideration.* A request for reconsideration of a recommendation for a decoration may be submitted only when the original recommendation was incomplete and did not present a true picture of the act or service rendered. Additional factual information must be presented to establish a basis for reconsideration. A request for reconsideration of a recommendation for a decoration must be in official channels within two years of the termination date of the act or service performed except that requests for reconsideration of recommendations based on wartime acts or services performed between December 7, 1941, and September 2, 1945, may be submitted not later than May 2, 1951.

(Interprets or applies 40 Stat. 871; Pub. Law 561, 81st Cong.; 10 U. S. C. 1409)

§ 878.14 *Distinguished Flying Cross.*

* * *

(b) The Distinguished Flying Cross, established by law, is awarded to any member of the Armed Forces of the United States including Reserve Forces and to any member of the Armed Forces of friendly foreign nations, who, while serving in any capacity with the Air Force, distinguishes himself by heroism or extraordinary achievement while participating in aerial flight. Both heroism and achievement must be entirely distinctive, involving operations that are not routine.

(Interprets or applies sec. 12, 44 Stat. 789, as amended; 10 U. S. C. 1429)

§ 878.15 *Soldier's Medal.* * * *

(b) The Soldier's Medal, established by law, is awarded to any member of the Armed Forces of the United States including Reserve Forces and to any member of the Armed Forces of friendly foreign nations, who, while serving in any capacity with the Air Force, distinguishes himself by heroism involving voluntary risk of life under conditions other than those of conflict with an armed enemy of the United States. The saving of a life or the success of the voluntary heroic act is not essential for consideration for an award.

[AFR 30-14A] (Interprets or applies sec. 11, 64 Stat. 789; 10 U. S. C. 1428)

2. Paragraph (c) (2) of § 878.52 is changed as follows:

§ 878.52 *Medal for Humane Action.* * * *

(c) *Boundaries of area of Berlin airlift operations.* * * *

(2) Eastern boundary—14th meridian east longitude.

* * * * *

[AFR 35-50D] (Interprets or applies sec. 1, 63 Stat. 447; 10 U. S. C., Sup., 1430d)

3. Section 878.75 of Part 878, carried under the centerhead of "Badges" is deleted.

[AFR 35-80A]

4. Section 878.88 is changed as follows, and a new § 878.91 is added to §§ 878.86 to 878.90, Certificates and Lapel Buttons:

§ 878.88 *Gold Star Lapel Button.* The Gold Star Lapel Button with pin or clutch consists of a gold-colored wreath surrounding a gold-colored star on purple enamel. It is awarded to widows, parents, and certain next of kin of members of the Armed Forces of the United States who lost their lives during World War II, December 7, 1941, through July 25, 1947. One button is furnished, without cost, to the widow or widower (remarried or not) and to each of the parents (includes the mother, father, stepmother, stepfather, mother by adoption or father by adoption). One Gold Star Lapel Button is furnished, at cost, to each child, stepchild, brother, sister, half-brother, and half-sister. Penalties are prescribed for the unauthorized manufacture, sale, or wearing of Gold Star Lapel Buttons. Gold Star Lapel Buttons may be obtained by writing direct to the Air Force Liaison Unit, Demobilized Personnel Records Branch, 4300 Goodfellow Boulevard, St. Louis 20, Missouri.

(Interprets or applies secs. 2, 3, 61 Stat. 710; 36 U. S. C. 182b, 182c)

§ 878.91 *Accolade.* An accolade signed by the President of the United States is presented to the next of kin of record of members of the Armed Forces of the United States who died in the line of duty during military operations and to the next of kin of civilians who died overseas or as a result of injury or disease contracted while serving in that capacity with the Armed Forces during periods of military operations.

[AFR 30-9A] (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22 and Sup., 171a)

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 51-3257; Filed, Mar. 15, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order 7, Amdt. 1]

DMO 7—CREATION OF COMMITTEE ON DEFENSE TRANSPORTATION AND STORAGE

PROVISION FOR REPRESENTATIVE OF DEPARTMENT OF AGRICULTURE AS MEMBER OF COMMITTEE

1. Defense Mobilization Order No. 7 (16 F. R. 2535), issued by this Office effective March 13, 1951, creating a Committee on Defense Transportation and Storage, is hereby amended, under paragraph 1, to provide that a representative designated by the Secretary of Agriculture shall be included in the regular membership of the committee.

2. This order shall take effect on March 16, 1951.

(E. O. 10193, Dec. 16, 1950, 15 F. R. 9031, 3 CFR, 1950 Supp.)

OFFICE OF DEFENSE MOBILIZATION,
CHARLES E. WILSON,
Director.

[F. R. Doc. 51-3468; Filed, Mar. 15, 1951; 11:44 a. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 13]

GCPR, SR 13—COKE, COAL CHEMICALS AND COKE OVEN GAS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation No. 13 to the General Ceiling Price Regulation (16 F. R. 809) is hereby issued.

STATEMENT OF CONSIDERATIONS

The production and distribution of coke, coal chemicals and coke oven gas is a highly competitive industry located principally east of the Mississippi River and north of the Ohio. These materials are directly used in practically all phases of the Defense Program and no reduction in the activity of the industry should be permitted. This is a temporary order which expires June 30, 1951.

Approximately 80 percent of the total operating costs of a coke plant is represented by the delivered cost of coal. One and one-half tons of coking coal are required to produce one ton of coke. Any increase in the cost of coal immediately places a crushing burden on the industry. Ceiling Price Regulation No. 3 issued February 1, 1951, permitted adjustment of bituminous coal prices caused by the recent wage increase granted to the miners. This increased price is being passed along to the coke industry, and, by extension, to the coal chemicals and coke oven gas derived from coal. After consultation with members representing all segments of this industry it is obvious that absorption of this increased cost by all companies generally would result in hardship and no doubt have a disturbing influence on the production of products vitally needed in the present emergency. Consequently, it is deemed advisable by the Director to maintain the status of the industry by permitting adjustment in ceiling prices equivalent to the increased delivered costs of the raw materials carbonized or processed where producer margins are decreased compared to margins realized in the period January 1, 1950, to December 31, 1950.

This supplementary regulation is issued by the Director on a temporary basis in order to obviate the need for processing exceptions to the CCPR in an industry whose full activity is necessary to the re-armament program. In general effect, the regulation imposes a ceiling on the margins earned by producers of coke, coal chemicals and coke oven gas at a level not exceeding that earned during the period January 1, 1950, to December 31, 1950. Consequently, all inflationary trends are effectively halted. At the same time, those producers whose financial position may have been drastically affected by the recent increases in the price of coking coal permitted under CPR 3, are allowed to increase their ceiling prices but not beyond their base period margins. The regulation recognizes the tandem relationship between bituminous prices and the products of the coke oven. This recognition simplifies the problem of control.

This supplementary regulation adopts the producer's operating margin for the calendar year 1950 as a measure of the increases permitted in order to alleviate the "squeeze" on producers resulting principally from higher coal costs. Before adopting that period, the Director considered and rejected other possible periods for reasons peculiar to each. The prolonged interruption of the coal supply, reduced production of coke, coal chemicals and gas, and abnormal raw material costs resulting therefrom adversely affected industry performance during the first and second quarters of 1950. The second and part of the third quarters were further adversely affected by the customary seasonal reduction in prices required to stimulate sales during non-fuel burning months. The third and fourth quarters witnessed a degree of recovery from the low levels of performance during the first half of 1950. The calendar year 1950 thus represents periods of lower-than-average as well as a period of above-average activity. As a base line for measuring the permissive price adjustments which are generally fair and equitable to both sellers and buyers of coke, coal chemicals, and coke-oven gas, the calendar year 1950 seems to conform substantially with the criteria set forth in the Defense Production Act of 1950.

This temporary regulation will, it is planned, be supplanted by a permanent one as soon as a comprehensive survey of the industry has been completed and interpreted. The industry is extremely complicated. It is believed, however, that this regulation will elimi-

nate any substantial injustice and give the Office of Price Stabilization the time needed to tailor a permanent regulation to fit the pricing problems of the producers of coke, coal chemicals and coke oven gas.

Supplementary Regulation 13 provides for the exemption of contracts of two years or longer, executed prior to December 19, 1950. In the marketing of coke oven gas, for instance, there is in the market normally only a single buyer and a single seller. The seller produces only what the buyer has contracted for; any surplus goes unmarketed. Consequently, coke oven gas is sold, typically, under long-term contracts to a single purchaser since only long-term contracts can provide for the amortization of the capital investment needed for the performance of the contract. In view of the structure of the industry and the stabilizing character of these long-term contracts, which are carefully negotiated, contain limited adjustment provisions and generally result in prices below spot market prices, they are exempted from control under this supplementary regulation.

Similarly, long-term contracts with respect to coke and coal chemicals are established business practices sanctioned by historical experience. Their essentially non-inflationary character is recognized since their prevailing prices are below ceiling prices.

Participating contracts, a time-honored business practice in the coal chemicals field, are also exempted. Such contracts should not be of great concern to the Director at this time since the ceiling prices of the derivatives of the material covered by the participating contract are themselves covered by ceilings. Participating contracts covering coal tar also were exempted from control by the Office of Price Administration. This supplementary regulation exempts all participating contracts from control since, because of their non-inflationary nature, regulation would serve no useful purpose.

The steel companies are by far the largest producers and sellers of crude coal tar. Both coal tar and many of the chemicals obtained therefrom are basically vital to our national economy and it is therefore important to keep coal tar in good supply in order that these much needed chemicals be obtained. The higher British thermal unit content of coal tar as compared with No. 6 fuel oil and its better luminosity make it a more advantageous fuel for open hearth use and increases ingot production. In evaluating coal tar the steel companies have customarily used the delivered cost of fuel oil adjusted for the differences in heat content, inherent value of coal tar, handling costs, etc., in arriving at the price. Consequently since the price on such sales is related to the price on fuel oil, it is deemed advisable to exempt coal tar from price control.

This supplementary regulation also prevents a seller from suffering any injustice as a result of compliance with an allocation order. The provision covers, it is believed, every situation under which a seller makes a sale pursuant to an allocation order, f. o. b. pricing, delivered pricing, and freight absorption. In the first case, he has the option of charging the price he would have normally obtained in the absence of the order or the price applicable on an ordinary sale to the person for whom the order was issued; in the latter two situations, he may charge a price which will yield him his average plant net margin during the base period.

In addition, this supplementary regulation spreads the increased costs of raw materials carbonized among coke, gas, and other products upon an approximate proportionate basis of output. Beehive coke producers apply the additional costs to coke only which is their single product. The oven coke producers distribute the increased costs over coke, gas and chemicals in the ratio of 70 percent to coke and 30 percent to the remaining output. Tar processors apply their increased costs to a variety of coal chemicals.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the provisions of Supplementary Regulation 13 to General Ceiling Price Regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

In formulating this supplementary regulation the Director has consulted with representatives of the industry to the extent practicable under the circumstances and has given consideration to their recommendations.

REGULATORY PROVISIONS

Sec.
1. Applicability of supplementary regulation.
2. Definitions.
3. Authority to increase ceiling prices.
4. Exemptions.
5. Pricing allocated commodities.
6. Records and reports.
7. Miscellaneous.

AUTHORITY: Sections 1 to 7 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Applicability of supplementary regulation.* This supplementary regulation authorizes producers of coke, coal chemicals and coke oven gas to increase the ceiling prices on such materials sold by them in the 48 States of the United States, the District of Columbia and the territories and possessions of the United States.

SEC. 2. *Definitions.* When used in this part, the term:

(a) "Producer" means any person in the business of manufacturing coke from coal, coal chemicals and coke oven gas, and any person acting as the agent of such producer in the sale of such material.

(b) "Coke" means all coke (made from coal, coal tar or coal tar pitch) and coke breeze made in beehive ovens, gas retorts, oven plants and stills.

(c) "Coal chemicals" means any material generally produced in and sold from (1) coke oven plants, except coke and gas, (2) coal tar distillation plants or (3) plants refining or upgrading materials obtained from coke oven or tar distillation plants; and, in addition, materials produced from water gas or residuum tar.

(d) "Coke oven gas" is gas produced in and sold from a coke-oven plant.

(e) "Base period" means the period January 1 to December 31, 1950, inclusive.

(f) A "long-term contract" is a bona fide written contract of two years or longer entered into prior to December 19, 1950.

(g) "Participating contract" means a contract under which the seller's price for the material varies under the terms of the contract according to the revenue obtained by the buyer thereof from the sale of the derivatives.

(h) "Operating margin" means the difference between (1) the total dollars of revenue derived from the sales of all the products of the raw material carbonized and (2) the total cost of the raw material carbonized plus the other manufacturing, selling and administration costs (in the base period), divided by (3) the number of net tons of raw material carbonized.

In computing a margin, products produced and consumed by the producer thereof shall be valued at the producer's ceiling prices and, in the absence of a ceiling price, at a sales value not in excess of the prices established in the producer's locality by the General Ceiling Price Regulation for the plant geographically closest to the plant consuming its own production.

All definitions used in the General Ceiling Price Regulation issued by the Director on January 26, 1951, which are pertinent to this supplementary regulation, are incorporated in this supplementary regulation by this reference, except those which are more particularly defined and used herein.

SEC. 3. *Authority to increase ceiling prices.* On and after March 16, 1951, regardless of any contract, agreement, lease or other obligation:

(a) Each producer of coke, coal chemicals and coke oven gas may increase his ceiling prices, determined under the provisions of the GCPR, by an amount sufficient to recover the increase or increases in delivered cost, incurred after January 25, 1951, and prior to June 30, 1951, of the raw materials carbonized or processed, provided such increase or increases in the delivered cost of such raw materials were authorized by a regulation or order of the Office of Price Stabilization or other Federal or State regulatory body or agency.

(b) The increase or increases in the delivered cost of the raw materials carbonized or processed, referred to in section 3 (a) of this supplementary regulation, may be applied as follows: (1) In the case of producers of coke in beehive ovens and of tar processors, not more than 100 percent of said increase or increases in delivered cost may be applied to the ceiling price or prices on their respective products; and (2) in the case of all other producers under this supplementary regulation, not more than 70 percent of said increase or increases in delivered cost may be applied to the ceiling price or prices of coke and not more than 30 percent of said increase or increases in delivered cost may be applied to the ceiling prices of coal chemicals and or coke oven gas: *Provided, however,* That the ceiling prices, or the application of increases in delivered cost thereto, of products sold under contracts exempted in section 4 of this supplementary regulation, shall not be subject to the foregoing percentage limitations but shall bear their full share of the increased delivered cost in accordance with such contracts, the remainder of said increase in delivered cost to be applied in accordance with the foregoing percentage formula.

(c) Nothing in this supplementary regulation shall authorize or permit a producer to increase his operating margin per ton of raw material carbonized for the period February 1, 1951, to June 30, 1951, inclusive, above his operating margin during the base period January 1 to December 31, 1950, inclusive.

SEC. 4. *Exemptions.* Nothing in this supplementary regulation, or in the GCPR, shall apply to sales or deliveries of coke, coal chemicals and coke-oven gas pursuant to a long-term contract, or to a participating contract, or to sales or deliveries of coal tar at prices determined by the formula customarily used by steel companies when evaluating tar in comparison with other fuels.

SEC. 5. *Pricing allocated commodities.* A sale made pursuant to an allocation order issued by a Department or Agency of the Federal Government shall, at the option of the seller, command a price not in excess of the ceiling price applicable to a sale made to the person for whom the allocation order was issued or a price not in excess of the ceiling price such sale would have commanded in the absence of the allocation order; and where the seller normally sells on a delivered or freight-absorption price basis he may sell at a price which will yield him his average plant net return during the base period.

SEC. 6. *Records and reports.* (a) Not later than 20 days after the effective date of this supplementary regulation each producer shall file, by letter, with the Office of Price Stabilization, attention Solid Fuels Branch, Washington 25, D. C., a statement setting forth: (1) The last price circular, list, or schedule issued by the seller and in effect at any time during the base period; (2) the charges, if any, made by the seller for any special service rendered during the base period, together with a description of the special service so rendered; (3) ceiling prices established under the GCPR; (4) ceiling prices established under the authority of this supplementary regulation; (5) the producer's (except tar processor's) operating margin during the base period, and (6) the prices specified in the contracts exempted by section 4 of this supplementary regulation.

(b) The producer, his sales agent or distributor shall furnish to each retail coal dealer to whom he sells coke a statement showing the exact dollar-and-cents amount the producer, sales agent or distributor has added to the price of his coke as authorized under this supplementary regulation.

(c) Notwithstanding any other provision of this supplementary regulation, each producer subject to this supplementary regulation shall continue to be subject to the record-keeping provisions of the General Ceiling Price Regulation.

SEC. 7. *Miscellaneous.* The producers of coke, coal chemicals and coke-oven gas subject to this supplementary regulation shall be subject to all other provisions of the General Ceiling Price Regulation which are not inconsistent with the provisions of this supplementary regulation, including, but not limited to, the enforcement and penalty provisions thereof, and the requirement of keeping on file for inspection a statement of his ceiling prices.

Effective date. This supplementary regulation to the General Ceiling Price Regulation shall become effective on the 16th day of March 1951.

Expiration date. This supplementary regulation to the General Ceiling Price Regulation shall expire at midnight June 30, 1951.

NOTE: The record-keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

MARCH 13, 1951.

[F. R. Doc. 51-3453; Filed, Mar. 14, 1951; 4:48 p. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 78—POSTAL NOTES

WITHDRAWAL FROM SALE

Whereas it has been determined by the Postmaster General that a revision of the postal money order system is in the public interest; and

Whereas such revised postal money order system, to become effective July 1, 1951, does not and, in operation, cannot permit of the continued use of postal notes; and

Whereas it is necessary to withdraw postal notes from sale and remove them from the Postal Service at the earliest date practicable in order to expedite the work involved in the canceling of all postal note fixed credits and effect other necessary changes in the administrative and accounting systems of the Post Office Department; and

Whereas it has been determined by the Postmaster General that the issuance of postal notes, heretofore authorized by section 207, 62 Stat. 1264; 39 U. S. C. 738a, must be discontinued not later than March 31, 1951, and it having been found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable for the reason that such compliance would impede the due and timely inauguration of the revised postal money order system and the proper execution of the functions of this Department:

Now, therefore, it is ordered, That Part 78 (39 CFR Part 78) be amended as follows: Rescind §§ 78.2 to 78.15, inclusive.

The foregoing amendment shall become effective April 1, 1951: *Provided, however,* That the payment and handling of any postal note issued prior to April 1, 1951, shall be made pursuant to the regulations in force and effect on the date of issuance: *Provided, further,* That the redemption of postal notes and postal note stamps remaining on hand in post offices after March 31, 1951, shall be made pursuant to the regulations in force and effect on March 31, 1951.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 207, 62 Stat. 1264; 5 U. S. C. 22, 369, 39 U. S. C. Sup. 738a)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-3371; Filed, Mar. 15, 1951; 8:48 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 71—FOREIGN QUARANTINE

MISCELLANEOUS AMENDMENTS

CROSS REFERENCE: For amendments to Part 71 of this title, see Title 8, Chapter 1, Part 116, *supra*.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 975]

[Docket No. AO-179-A8]

HANDLING OF MILK IN CLEVELAND, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Carter Hotel, 1010 Prospect Avenue, Cleveland, Ohio, beginning at 10:00 a. m., e. s. t., March 21, 1951, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth or appropriate modification thereof, to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area (7 CFR 975.0 et seq.). The amendment proposed has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the proposed amendments hereinafter set forth:

The following amendment has been proposed by the Milk Producers Federation of Cleveland:

Delete § 975.51 (a) (1) and substitute therefor the following:

(1) Disposed of in fluid form as milk, skim milk or buttermilk (except for livestock feed); flavored milk or flavored milk drinks; concentrated milk disposed of for fluid consumption; or eggnog;

Proposed by the Dairy Branch, Production and Marketing Administration:

Delete § 975.72 (b) and substitute therefor the following:

(b) For each delivery period, the pool value pursuant to § 975.70 for each handler who operates a pool plant designated pursuant to paragraph (a) of § 975.30 which received within such delivery period less than 50 percent of its total receipts of skim milk and butterfat from producers or from other pool plants shall be increased by an amount computed by multiplying the amount of skim milk and butterfat in other source milk received which is classified as Class I milk by the difference between the price for skim milk and for butterfat in Class I milk and the highest price for skim milk and for butterfat in Class III milk.

Copies of this notice of hearing and of the tentatively approved marketing agreement, and the order, as amended, now in effect may be procured from the Market Administrator, 2163 East Second Street, Cleveland 15, Ohio, or from the Hearing Clerk, United States Department of Agriculture in Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: March 12, 1951, at Washington, D. C.

[SEAL] JOHN I. THOMPSON, *Assistant Administrator.*

[F. R. Doc. 51-3374; Filed, Mar. 15, 1951; 8:48 a. m.]

[7 CFR, Part 989]

[Docket No. AO 198-A 1]

HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the marketing agreement and order (7 CFR Part 989) regulating the handling of raisins produced from raisin variety grapes grown in California, effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.). Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C. Any exceptions must be filed in quadruplicate prior to the close of business on the tenth day after publication of this recommended decision in the FEDERAL REGISTER.

Preliminary statement. A hearing on proposed amendments to the marketing agreement and order was held at Fresno, California, during the period May 10 to 16, 1950, inclusive. Such hearing was held pursuant to a notice thereof which was published in the FEDERAL REGISTER (15 F. R. 2466) of May 2, 1950, as corrected in the FEDERAL REGISTER (15 F. R. 2687) of May 6, 1950.

The material issues presented on the record of the hearing were whether the proposed amendments, or appropriate modifications thereof, to the marketing agreement and order should be made effective.

Finding and conclusion. In view of the changed economic and marketing conditions affecting the raisin industry, which have accompanied changed domestic and world conditions since the public hearing on the proposed amendments to the marketing agreement and order, one group of proponents of the amendments has requested the Department to withhold action on them for the time being with the reservation, however, that it retained the right to request the Department's approval of the amendments at some subsequent time when conditions are more appropriate. Substantial changes have occurred in economic and marketing conditions affecting the raisin industry since the hearing was held in May 1950, and these changes raise a serious question as to whether the evidence in the record of that hearing is reflective of current conditions and as to whether any of the proposed amendments to the marketing agreement and order or any modifications thereof will effectuate the policy of the act upon the basis of current conditions. Moreover, since changes likely will continue to occur in the economic and marketing conditions affecting the raisin industry, there is no reason to assume that the evidence adduced at the hearing will reflect future conditions so that a sound basis will exist later for making such amendments effective. Therefore, it is concluded that no amendments shall be issued as a result of this proceeding and the proceeding is hereby terminated.

In view of the aforementioned conclusion, there appears to be no need to discuss the several issues which are presented on the record of the hearing. No suggested findings of fact, conclusions or briefs were filed.

Filed at Washington, D. C., this 15th day of March 1951.

[SEAL] JOHN I. THOMPSON, *Assistant Administrator.*

[F. R. Doc. 51-3398; Filed, Mar. 15 1951; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52689]

COAL, COKE, AND BRIQUETS IMPORTED FROM CERTAIN COUNTRIES

TAXABLE STATUS

MARCH 12, 1951.

Coal, coke made from coal, and coal or coke briquets imported from the following countries and entered for consumption or withdrawn from warehouse for consumption during the period from January 1 to December 31, 1951, inclusive, will not be subject to the tax of 10 cents per 100 pounds prescribed in the Internal Revenue Code, section 3423:

Brazil, Canada, France, Germany, Italy, Jamaica, Mexico, United Kingdom.

Coal, coke made from coal, and coal or coke briquets produced in the following countries, imported into the United States directly or indirectly therefrom, and entered for consumption or withdrawn from warehouse for consumption during the calendar year 1951 will be exempt from the tax by virtue of the Internal Revenue Code, section 3420:

Greece, Netherlands, Peru.

Certain countries from which there have been no importations of coal or allied fuels since January 1, 1949, are not included in the above lists. Further information concerning the taxable status of such fuels imported during the calendar year 1951 will be furnished upon application therefor to the Bureau.

[SEAL] FRANK DOW, *Commissioner of Customs.*

[F. R. Doc. 51-3387; Filed, Mar. 15, 1951; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

ORDER REVOKING PROCLAMATION OF NOVEMBER 30, 1949, OF SECRETARY OF THE INTERIOR ESTABLISHING RESERVE FOR INHABITANTS OF THE NATIVE VILLAGES OF SHUNGNAK AND KOBUK, ALASKA, AND VICINITY

Whereas by the proclamation of November 30, 1949 of the Secretary of the Interior, certain lands in Alaska were reserved for the exclusive use and occupancy of the native inhabitants of the villages of Shungnak and Kobuk, Alaska, and

Whereas such proclamation provided, among other things, that it should become effective only upon its approval by a majority of the natives residing in the area, voting in the manner prescribed in section 2 of the act of May 1, 1936 (49 Stat. 1250; 48 U. S. C. 358a), and

Whereas on April 24, 1950, the natives of the villages of Shungnak and Kobuk rejected the reservation;

Now, therefore, pursuant to the authority contained in the said section 2 of the act of May 1, 1936, the proclamation of November 30, 1949 is hereby revoked.

OSCAR L. CHAPMAN, *Secretary of the Interior.*

MARCH 12, 1951.

[F. R. Doc. 51-3359; Filed, Mar. 15, 1951; 8:45 a. m.]

ALASKA

ORDER REVOKING PROCLAMATION OF NOVEMBER 30, 1949, OF SECRETARY OF THE INTERIOR ESTABLISHING RESERVE FOR NATIVE INHABITANTS OF THE VILLAGE OF BARROW, ALASKA

Whereas, by the Proclamation of November 30, 1949, of the Secretary of the Interior, certain lands in the vicinity of Barrow, Alaska, were withdrawn from settlement, location, sale or entry, and reserved to the native village of Barrow, Alaska, together with an area to be designated as the Barrow Coal Reserve, and

Whereas such proclamation provided, among other things, that it should become effective only upon its approval by a majority vote of the natives residing in the area, voting in the manner provided in section 2 of the act of May 1, 1936 (49 Stat. 1250; 48 U. S. C. 358a), and

Whereas, on February 6, 1950, the natives of the village of Barrow rejected the reservation;

Now, therefore, pursuant to the authority contained in the said Section 2 of the act of May 1, 1936, the proclamation of November 30, 1949, is hereby revoked.

OSCAR L. CHAPMAN, *Secretary of the Interior.*

MARCH 12, 1951.

[F. R. Doc. 51-3360; Filed, Mar. 15, 1951; 8:45 a. m.]

ALASKA

NOTICE OF APPROVAL OF ORDER OF NOVEMBER 30, 1949, OF SECRETARY OF THE INTERIOR DESIGNATING RESERVATION FOR THE INDIANS OF HYDABURG, ALASKA

Whereas by the order of November 30, 1949 of the Secretary of the Interior, a certain area was designated as a reservation for the use and occupancy of the Indians of Hydaburg, Alaska, and

Whereas such order provided, among other things, that it should become effective only upon its approval by a majority vote of the natives residing in the area, voting in the manner prescribed in section 2 of the act of May 1, 1936 (49 Stat. 1250; 48 U. S. C. 358a), and

Whereas on April 24, 1950, the natives voted to accept the reservation;

Now, therefore, notice is hereby given that the said reservation is established effective April 24, 1950.

OSCAR L. CHAPMAN, *Secretary of the Interior.*

MARCH 12, 1951.

[F. R. Doc. 51-3361; Filed, Mar. 15, 1951; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4603 et al.]

NORTH CENTRAL ROUTE INVESTIGATION CASE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the North Central Route Investigation Case.

Notice is hereby given that the hearing in the above-entitled proceeding is postponed from March 19, 1951, to March 26, 1951, at 10:00 a. m., e. s. t., and will be held in Room E-210, Temporary 5 Building, Sixteenth Street and Constitution Avenue NW, Washington, D. C., before Examiner Warren E. Baker.

Dated at Washington, D. C., March 13, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-3381; Filed, Mar. 15, 1951; 8:50 a. m.]

[Docket No. 4855]

"AREA" AEROVIAS ECUATORIANAS, C. A.; SERVICE TO MIAMI

NOTICE OF HEARING

In the matter of the application of "Area" Aerovias Ecuatorianas, C. A., for a foreign air carrier permit authorizing the transportation of persons, property, and mail between the terminal point Quito or Guayaquil, Ecuador, the intermediate point Panama (Tocumen) and the terminal point Miami, Florida.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on March 27, 1951, at 10:00 a. m., e. s. t., in Room 5040, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by said applicant, particular attention will be directed to the following matters and questions:

1. Whether the proposed air transportation will be in the public interest as defined in section 2 of the Civil Aeronautics Act of 1938, as amended.

2. Whether the applicant is fit, willing, and able to perform such transportation and to conform to the provisions

of the act and the rules, regulations, and requirements of the Board thereunder.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention or agreement in force between the United States of America and Ecuador.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before March 27, 1951, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., March 12, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-3396; Filed, Mar. 15, 1951; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1566]

ARKANSAS LOUISIANA GAS CO.

ORDER FIXING DATE OF HEARING

MARCH 9, 1951.

On December 20, 1950, Arkansas Louisiana Gas Company (Applicant) filed an application, as supplemented on January 29, 1951, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain natural gas pipe line facilities, all as more particularly described in the application on file with the Commission and open to public inspection.

Applicant has requested that its application be heard under the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure; and no request to be heard or protest has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 18, 1951 (16 F. R. 476).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held commencing on March 29, 1951 at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided for by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 12, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3362; Filed, Mar. 15, 1951; 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Administrative Order 22, Supp. 3]

DELEGATION OF AUTHORITY WITH RESPECT TO ENFORCEMENT FUNCTIONS RELATING TO ALLOCATION OF MEAT

By virtue of the authority vested in me as the Director of Price Stabilization pursuant to Executive Order No. 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), and in order to further define the internal organization of the Office of Price Stabilization, particularly the duties, powers, and authority of the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement), *It is hereby ordered:*

SECTION 1. Those functions relating to the enforcement of price stabilization which were delegated to the Director of Price Stabilization by Economic Stabilization General Order No. 5 (16 F. R. 1273) with respect to the allocation of meat, are hereby redelegated to the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement), who shall have the authority to make and authorize successive redelegations.

SEC. 2. This order shall become effective March 16, 1951.

Issued this 15th day of March 1951.

MICHAEL V. DISALLE, *Director of Price Stabilization.*

[F. R. Doc. 51-3467; Filed, Mar. 15, 1951; 11:43 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25900]

FINISHED PIECE GOODS FROM EAST TO BORDER TERRITORY

APPLICATION FOR RELIEF

MARCH 13, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-887.

Commodities involved: Finished piece goods, cotton, rayon and hair, mixed, carloads.

From: Trunk-line (including Buffalo-Pittsburgh territory) and New England territories.

To: Points in North Carolina, southern Virginia, Kentucky and northeastern Tennessee.

Grounds for relief: Competition with rail carriers and analogous commodities.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-887, Supp. 10.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3378; Filed, Mar. 15, 1951; 8:49 a. m.]

[4th Sec. Application 25901]

CEMENT FROM PENNSYLVANIA TO CONCORDIA, KANS., AND IOWA POINTS

APPLICATION FOR RELIEF

MARCH 13, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-850.

Commodities involved: Cement, portland, hydraulic or natural, also mortar cement and masonry cement, carloads.

From: Northampton, Navarro and York, Pa.

To: Concordia, Kans., Red Oak, Humboldt, Dakota City and Maxwell, Iowa.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-850, Supp. 85.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3377; Filed, Mar. 15, 1951; 8:49 a. m.]

[4th Sec. Application 25902]

COTTON PIECE GOODS AND RELATED ARTICLES FROM NEW ENGLAND TO CENTRAL TERRITORY

APPLICATION FOR RELIEF

MARCH 13, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to Agent I. N. Doe's tariff I. C. C. No. 591.

Commodities involved: Cotton, woolen and knitting factory products, carloads.

From: Points in New England territory.

To: Points in central territory, generally on and west of a line drawn from Cincinnati, Ohio, through Indianapolis, Ind., to Chicago, Ill.

Grounds for relief: Competition with rail and motor carriers and market competition.

Schedules filed containing proposed rates: I. N. Doe's tariff I. C. C. No. 591, Supp. 29.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3376; Filed, Mar. 15, 1951; 8:49 a. m.]

[4th Sec. Application 25903]

ASPHALT COATED CRUSHED STONE FROM KANSAS CITY TO SEDALIA, MO.

APPLICATION FOR RELIEF

MARCH 13, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for the Missouri-Kansas-Texas Railroad Company.

Commodities involved: Asphalt coated crushed stone, chatt, gravel and sand, and bituminous asphalt rock.

From: Kansas City, Mo.

To: Sedalia, Mo.

Grounds for relief: Circuitous routes and to meet intrastate rates.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3736, Supp. 158.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3375; Filed, Mar. 15, 1951; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2569]

UNION ELECTRIC CO. OF MISSOURI

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of March 1951.

Union Electric Company of Missouri ("Union Electric"), a registered holding company and a public utility company and a subsidiary of The North American Company, also a registered holding company, having filed an application, pursuant to sections 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("act"), with respect to the following proposed transactions:

Union Electric proposes to subscribe for and acquire 1,200 shares of common stock, of the par value of $1 per share, and $123,800 principal amount of income debentures of a corporation to be organized and known as Urban Redevelopment Corporation of St. Louis ("Redevelopment Corporation"). The cash consideration for the common stock will be $1,200 and the cash consideration for the income debentures will be $123,800, of which 10 percent will be paid upon subscription and the balance on or prior to April 15, 1956, upon call therefor from time to time by the Board of Directors of Redevelopment Corporation. Said income debentures will bear simple interest at 4 percent per annum, cumulative for not to exceed five successive years, and will mature in forty years or such other period as said Board of Directors shall determine.

Upon receipt by Union Electric of such common stock and income debentures it proposes to deposit the same under a voting trust agreement and to acquire in exchange therefor voting trust participation certificates.

It is stated that Redevelopment Corporation is being organized under the Urban Redevelopment Corporation Act of Missouri for the purpose of clearance, replanning, reconstruction or rehabilitation of blighted areas and the construction of such industrial, commercial, residential or public structures as may be appropriate. It is further stated that Redevelopment Corporation is being supported by subscriptions of leading newspapers, banks, department stores, manufacturers and merchants of the City of St. Louis, and Union Electric believes that it is its civic responsibility to participate in the project as one of the large business organizations of the city.

Applicant states that no state commission or regulatory body, other than this Commission, has jurisdiction over the proposed transactions. No fees, commissions or other remunerations are to be paid in connection with the proposed transactions.

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that the said application be granted:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act, that said application be, and the same hereby is, granted effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3367; Filed, Mar. 15, 1951; 8:47 a. m.]

[File No. 70-2577]

MIDDLE SOUTH UTILITIES, INC.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of March A. D. 1951.

Middle South Utilities, Inc. ("Middle South"), a registered holding company, having filed a declaration, and amendment thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof, and Rule U-50 of the rules and regulations promulgated thereunder, with respect to the following proposed transactions:

Middle South proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, 450,000 shares of common stock, without nominal or par value, to underwriters or investment bankers who shall agree promptly to make a public offering thereof.

The declaration states that the proceeds from the financing will be used to finance in part the construction program of the electric utility subsidiaries of Middle South, which program for the year 1951 is estimated to require expenditures of approximately $48,450,000 of which approximately $25,000,000 is to be raised from new financing.

The declaration further states that out of the proceeds from the presently proposed sale of stock and from funds on hand or which may become available, Middle South, upon obtaining requisite authorization from this Commission, will make an additional investment in the common stock of its subsidiary, Arkansas Power & Light Company in the amount of $8,000,000, during the year 1951.

Said declaration having been filed on February 21, 1951, an amendment thereto having been filed on March 9, 1951, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing within the time specified in said notice, or otherwise; and

The Commission finding that the proposed transactions are in accordance with the applicable standards of the act, and that no adverse findings are necessary thereunder; the Commission deeming it appropriate to permit the declaration, as amended, to become effective, subject to the conditions and reservations stated below, and the Commission also deeming it appropriate to grant declarant's request that the 10-day period for publicly inviting bids as provided in Rule U-50 be shortened so that bids for the common stock may be received on March 20, 1951:

It is ordered, Pursuant to the applicable provisions of the act that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions stated in Rule U-24, and subject to the following further conditions:

(1) That the proposed sale of common stock shall not be consummated until the results of competitive bidding held with respect thereto shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission on the basis of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate;

(2) That jurisdiction be and is hereby reserved with respect to the payment of all fees and expenses to be incurred in connection with the proposed transactions;

It is further ordered, That for the purposes of this proceeding, the ten-day solicitation period required by Rule U-50 be shortened so that bids may be received on March 20, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3366; Filed, Mar. 15, 1951; 8:46 a. m.]

[File No. 70-2578]

WORCESTER COUNTY ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of March A. D. 1951.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Worcester County Electric Company ("Worcester County"), a subsidiary of New England Electric System ("NEES"), a registered holding company. The application designates the third sentence of section 6 (b) of the act and Rules U-42 (b) (2) and U-50 thereunder as applicable to the proposed transactions.

Notice is further given that any person may, not later than March 21, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held with respect to the application, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by the application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C. At any time after 5:30 p. m., e. s. t., on March 21, 1951, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt the proposed transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to the application, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Worcester County proposes to issue and sell $12,000,000 principal amount of First Mortgage Bonds, Series B, to be dated March 1, 1951, and to mature March 1, 1981. The interest rate (which shall be a multiple of ⅛ of 1 percent) and the price to be paid to Worcester County (which, excluding accrued interest, shall not be less than 100 percent nor more than 102.75 percent of the principal amount) are to be determined at competitive bidding pursuant to Rule U-50. Worcester County proposes to issue the bonds under an Indenture of Trust and First Mortgage dated July 1, 1947, as amended and supplemented by a supplemental Indenture dated March 1, 1951, which, it is stated, will secure the bonds to be issued by a direct first mortgage lien on substantially all the properties then owned by the company, with certain limited exceptions.

The application states that the proceeds from the sale of the bonds (exclusive of accrued interest and of expenses of issuance estimated by Worcester County at $90,400) will be applied by Worcester County to the payment of notes due May 31, 1951, issued to evidence bank borrowings aggregating $11,370,000; to the payment of notes and advances due NEES aggregating $505,000 and to the cost of additions to the plant and property of Worcester County.

In connection with the system program for financing the construction requirements of the subsidiaries of NEES, including, among other things, the maintenance by NEES of a reasonable equity base for the required senior financing, the application contains the same statement quoted in the order of this Commission dated October 27, 1950, in Beverly Gas and Electric Company, et al., Holding Company Act Release No. 10182.

The application states that a petition has been filed with the Massachusetts Department of Public Utilities for authorization of the proposed transactions.

Applicant requests that the Commission's order herein become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3370; Filed, Mar. 15, 1951; 8:48 a. m.]

[File No. 70-2591]

UNITED GAS CORP. AND UNITED GAS PIPE LINE CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of March A. D. 1951.

Notice is hereby given that United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, and United's wholly owned subsidiary United Gas Pipe Line Company ("Pipe Line"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935, and have designated sections 6 (a), (7), 9 (a) (1), 10, 12 (c) and 12 (f) thereof as applicable to the proposed transactions which are summarized as follows:

United proposes to borrow from time to time within a period of sixty days from the date hereof, the aggregate amount of $25,000,000 from certain banks. Said loans will be evidenced by promissory notes, dated as of the date of the borrowing, payable on or before December 31, 1951, and bearing interest at the rate of 2½ percent per annum. Proceeds from the proposed loans will be used to purchase during the next twelve months, an aggregate of $25,000,000 principal amount of Pipe Line's First Mortgage Bonds, 4 percent Series due 1971, for cash at par. The bonds to be so acquired by United will be pledged under its existing Mortgage and Deed of Trust.

Pipe Line proposes the issuance of the $25,000,000 principal amount of its bonds to United under Pipe Line's existing Mortgage and Deed of Trust as supplemented and to be supplemented. Proceeds from the sale of the bonds by Pipe Line will be used in connection with its construction program and for general corporate purposes.

The application-declaration states that United and Pipe Line are engaged in a construction program estimated to require the expenditure of approximately $165,000,000 during the years 1951 and 1952 for improvements to existing facilities and construction of new facilities. This program, it is stated, will require the issuance and sale of securities by United to the public, in the 12-month period ending in March, 1952, in the aggregate amount of approximately $145,000,000, the nature and precise amounts of such securities to be the subject of further application to this Commission. The loans herein proposed will be repaid by United out of the issuance of such securities.

Notice is further given that any interested person may, not later than March 23, 1951, at 11:30 a. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 23, 1951, at 11:30 a. m., e. s. t., said application-declaration as filed, or as amended, may be granted and permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application-declaration, as amended, which is on file with the Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3268; Filed, Mar. 15, 1951; 8:47 a. m.]

STEINAUER & CO., INC.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 9th day of March 1950.

In the matter of Steinauer & Co., Inc., First National Bank Bldg., Lincoln, Nebr.

I. The Commission's public official files disclose that Steinauer & Co., Inc., hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1945, 1947, 1948, 1949, or 1950 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in Paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 9th day of April 1951 at the main office of the Securities and Exchange Commission, located at 425 2d Street, NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before April 2, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

The order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to April 9th, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provision of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3269; Filed, Mar. 15, 1951; 8:47 a. m.]

[1] Filed as part of the original document.

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17144]

GERMAN NATIONALS

In re: Interests of German nationals in patents standing of record in the United States Patent Office in the name of American Hyalsol Corporation and The Hydronapthene Corporation.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henkel & Cie, G. m. b. H., whose principal place of business is Düsseldorf, Germany, is a business enterterprise organized under the laws of Germany and is a national of a designated enemy country (Germany);

2. That Deutsche Hydrierwerke Aktiengesellschaft and Böhme Fettchemie, G. m. b. H., wholly-owned subsidiaries of Henkel & Cie, G. m. b. H., are business enterprises organized under the laws of, and having their principal places of business in Germany and are nationals of a designated enemy country (Germany);

3. That "Patchem" (Aktiengesellschaft zur Beteiligung an Patenten und sonstigen Erfinderrechten auf chemische Verfahren) whose principal place of business is Zürich, Switzerland, is a corporation or other business organization

organized under the laws of Switzerland, is a national of a foreign country (Switzerland), is acting for the benefit of and on behalf of Deutsche Hydrierwerke Aktiengesellschaft and is a national of a designated enemy country (Germany);

4. That "Unichem" (Chemikalien Handelsgesellschaft, A. G.) whose principal place of business is Zürich, Switzerland, is a corporation or other organization organized under the laws of Switzerland, is a national of a foreign country (Switzerland), is acting for the benefit of and on behalf of Böhme Fettchemie, G. m. b. H., and is a national of a designated enemy country (Germany);

5. That each of the following persons whose last known address is Germany, is a citizen or resident and is a national of a designated enemy country (Germany): Walther Schrauth, Heinrich Bertsch, Ernst Alfred Mauersberger, Otto Schenck, Kurt Stickdorn, Karl Butz, Wilhelm Normann, Ernst Helft, Martha Normann, Wilhelm Rittmeister, Emil Schwabe, Friedrich Schmitt, Kurt Buredorf, Herbert Frotscher, Hubert Machon, Ernst Grotte, Carl Stiepel, Adolf Grün:

6. That the property described as follows: All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringements, to which the owners of such interests are entitled, of Deutsche Hydrierwerke Aktiengesellschaft, Böhme Fettchemie, G. m. b. H., Unichem (Chemikalien Handelsgesellschaft, A. G.), Patchem (Aktiengesellschaft zur Beteiligung an Patenten und sonstigen Erfinderrechten auf chemische Verfahren), and of the persons listed in subparagraph 5 hereof, respectively, in and to the United States Letters Patent which stand of record in the United States Patent Office in the name of American Hyalsol Corporation and The Hydronaphthene Corporation, respectively, and which are identified in Exhibit A, attached hereto and made a part hereof;

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, one or more of the persons identified in subparagraphs 2, 3, 4 and 5 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

7. That to the extent that the persons mentioned under subparagraphs 2, 3, 4 and 5 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[U. S. Letters Patent recorded in the name of American Hyalsol Corporation]

Patent No.	Date of issue	Inventor	Title of invention
1,840,349	1-12-32	Heinrich Bertsch	Fat Cleavage.
1,[illegible]43	10-31-33	Walther Schrauth	Process of Producing Emulsifiable [illegible] Wax-Like Character.
1,924,100	11- 7-33	Carl Stiepel	Production of Neat's-Foot Oil Equivalents.
1,936,484	11-21-33	Walther Schrauth	Process of Greasing Textile Fibers and [illegible]
1,957,671	5- 8-34	do	Washing, Cleaning, Emulsifying and [illegible] Agent.
1,962,041	6-12-34	do	Process of Obtaining Higher Molecular [illegible]
1,[illegible]287	7-10-34	Erik Schirm	Material for the Production of [illegible]
1,968,703	7-31-34	Heinrich Bertsch	Production of Wetting, Cleaning, Dispersing and the like Agents.
1,968,791	7-31-34	do	Process of making sulfuric reaction products of [illegible] phatic alcohols.
1,968,795	7-31-34	do	Moistening, Permeating, Foaming and [illegible] Means and the Process of Making the same.
1,968,796	7-31-34	do	Agents for Wetting, Emulsifying, etc.
1,968,797	7-31-34	do	Sulfuric Derivatives of Higher Alcohols.
1,971,702	8-28-34	do	Production of Primary Glycols.
1,971,744	8-28-34	do	Process of Reducing Organic Compounds.
1,971,971	9-25-34	Walther Schrauth	Process for Producing Shoe Blacking, Polishing Waxes and Soap Lakes.
1,993,431	3- 5-35	Heinrich Bertsch	Sodium Salts of Higher Molecular Alkyl Sulfonic Acids.
1,999,028	4-30-35	Peter Fresenhahn	Wetting-out, Cleaning, and Emulsifying Agents. Solid Grindable Form.
1,999,029	4-30-35	do	Wetting-out, Washing, Cleaning and Emulsifying Agents Methods.
1,999,030	4-30-35	do	Wetting-out, Washing, Cleaning and Emulsifying Agents Methods.
1,999,031	4-30-35	do	Detergent Composition.
1,999,032	4-30-35	do	Wetting-out, Washing, Cleaning and Emulsifying Agents Methods.
2,000,394	5-14-35	Walther Schrauth	Sulfonated Naphthenic Alcohols and Method of Preparing the Same.
2,006,184	6-25-35	do	Treatment of Rubber.
2,006,705	7- 2-35	Richard Huter	Process for Manufacturing Hydrogenated Fatty Substances.
2,006,745	7-2[illegible]-35	Walther Schrauth	Emulsifiable Waxes.
2,006,746	7-2[illegible]-35	Erik Schirm	Wetting-out, Dispersing, Lathering and Cleansing Agents.
2,006,933	7-30-35	Louis Friedrich, Wilhelm Pape	Polishing Masses, Shoe Polishes and Leather Substances and Process of Treating the Same.
2,012,073	8-20-35	Erik Schirm	Process for the Preparation of Wetting, Emulsifying, Peptizing, Cleaning Agents.
2,014,782	7-17-35	Walther Schrauth, Richard Huter	Lime, Magnesia and Acid Resistant Soaps Produced from Unsaturated Fatty Acids.
2,018,500	9-24-35	Walther Schrauth	Procedure for the Manufacture of Wetting, Washing, Wetting-out and Emulsifying Agents.
2,027,364 (re. 20,417)	12-31-35	Walther Schrauth, Theodor Bother	Process for Hydrogenation and Sulfation of Coal Distillates, Tars, Mineral Oils, Fats, and the like.
2,028,816	1- 7-36	Heinrich Bertsch	Soap Preparations.
2,028,817	1- 7-36	do	Process for the Making of Dye Baths for Leather Colors for Naphthol Dyeing.
2,027,889	1-14-36	do	Treatment Substances.
2,027,926	1-14-36	Walther Schrauth	Process of Manufacturing Soap.
2,035,940	3-10-36	do	Process for the Production of Aliphatic Cyclohexane Primary Amines.
2,036,703	4- 7-36	Ernst Alfred Mauersberger	Preparation of Alkylated Aromatic Carboxylic Sulfonic Acids.
2,041,500	5-19-36	do	Water Soluble Sulphonated Condensation Products.
2,042,404	5-26-36	Walther Schrauth	Salving, Softening and Gelatinizing Agents.
2,044,919	6-23-36	Walther Schrauth, Richard Huter	Lime, Magnesia and Acid Resistant Soaps Produced from Unsaturated Fatty Acids.
2,046,242	6-30-36	Heinrich Bertsch	Process for Preventing the Detrimental Action of Lime and Magnesia Soaps.
2,047,612	7-14-36	do	Preparation of Sulfuric Derivatives of Higher Aliphatic Alcohols.
2,050,909	8-11-36	Richard Huter	Fatty Substances Soluble in Concentrated Alkaline Baths.
2,051,184	8-18-36	Walther Schrauth	Adhesives.
2,051,343	8-25-36	Ernst Gotte	Method of Producing a Water-Proof Sheet of Fiber Materials.
2,049,852	7- 7-36	Walther Schrauth	Cellulose Derivative.
2,054,101	9-29-36	Richard Huter	Treatment of Starches.
2,056,272	10- 6-36	Karl Hennig	Wetting, Detergent and Emulsifying Agent.
2,059,815	11- 3-36	Walther Schrauth	Oil Lacquer.
2,061,168	11-17-36	Walter Kling	Soap Preparation.
2,067,163	1-12-37	Erik Schirm	Penetrating, Wetting-out, Dispersing and Cleansing Agents.
2,070,163	4- 9-37	Walther Schrauth	Method of Obtaining Higher Molecular Unsaturated Esters and Sulfonic [illegible]
2,070,228	5- 4-37	do	Treatment Bases for Carbon Papers, Ribbons and Stencil Sheets.
2,070,229	5- 4-37	do	Stable Emulsions and Method of Preparing the same.
2,080,179	7- 6-37	do	Production of Hydroxy Olefin Carboxylic Acids.
2,086,713	7-13-37	Adolf Grun	Method of Producing Formol Washing Substances.
2,088,308	7-27-37	Walther Schrauth	Stencil Sheet.
2,088,761	8- 3-37	Otto Schenck, Kurt Stickdorn	Wetting-out, Washing, Cleansing, Emulsifying and Dispersing Agents.
2,094,189	9-28-37	Richard Huter	

EXHIBIT A—Continued

[U. S. Letters Patent recorded in the name of American Hyalsol Corporation]

Patent No.	Date of issue	Inventor	Title of invention
2,098,527	11- 9-37	Kurt Stickdorn	Treatment Bath for Fibrous Material.
2,099,651	11-16-37	Ernst Helft	Plastic Material and Method of Producing Same.
2,100,849	11-30-37	Ehrhart Franz, and Max Hardtmann	Product for Increasing the Slip of Textile Materials.
2,101,211	12- 7-37	Adolf Grun	Production of Unsaturated Hydrocarbon.
2,101,722	1-11-38	Heinrich Bertsch	Process for the Production of Artificial Silk and the Like.
2,105,779	2-15-38	Ernst Helft	Coating Compositions.
2,106,102	2-22-38	Stefan Morgenstern and Johann Eggert	Plastic Compositions.
2,112,725	3-29-38	do	Method of Enhancing the Elasticity and Softness of Albuminous Artificial Stuffs.
2,113,807	4-12-38	Richard Huter	Condensation Products.
2,113,942	4-12-38	Heinrich Bertsch	Sulfuric Derivatives of Higher Alcohols.
2,113,943	4-12-38	do	Mixed Esters of Higher Alcohols.
2,114,256	4-12-38	Otto Schenck	Sulfuric Acid Derivatives of Higher Molecular Organic Amines.
2,119,823	6- 7-38	Karl Butz	Pyrophosphate Ester Bleaching Agents.
2,119,671	6- 7-38	Adolf Grun	Glycols from Fatty Acids.
2,125,650	8- 2-38	Walther Schrauth	Method of Producing Halogenated Sulfates and Sulfonates.
2,127,407	8-16-38	Wilhelm Normann and Gustav von Schuckmann	Hydrogenation of Higher Fatty Acids.
2,132,318	10- 4-38	Heinrich Bertsch	Higher Molecular Alcohols.
2,135,735	11- 8-38	Emil Schwabe	Ink Compositions.
2,137,067	11-15-38	Walther Schrauth and Kurt Stickdorn	Dissolving, Softening, Gelatinizing and Swelling Agents.
2,138,017	12- 6-38	Adolf Grun	Production of Higher Molecular Glycols.
2,140,845 (Re 21,720)	12-27-38 (2-25-41)	Walther Schrauth	Method of Treating Fibrous Materials.
2,157,027	5- 2-39	do	Superfatted Soap.
2,166,183	6-20-39	do	Sulfonated and Acetylated Alcohols and Hydroxy Acids and Sulfonated and Hydrolyzed Derivatives Thereof.
2,164,723	7- 4-39	Walther Schrauth and Kurt Stickdorn	Emulsions.
2,171,117	8-29-39	do	Method of Producing Sulfonic Acids to be Used as Wetting-Out, Emulsifying, Dispersion, Peptization and Cleaning Agents.
2,176,[illegible]	10-17-39	Richard Neu	Method for the Manufacture of Developing Agents for Oxygen Baths.
2,181,486	11-28-39	Georg Golland Ernst Helft	Material and Method for the Treatment of Rubber.
2,187,[illegible]	1-16-40	Kurt Stickdorn	Method of Manufacturing Hard-Wax or Resin-Like Condensation Products.
2,190,769	2-20-40	Karl Butz	Pyrophosphate Esters of Higher Molecular Hydroxy Compound.
2,191,[illegible]	2-20-40	Richard Huter, Richard Neu, Heinz-Joachim Engelbrecht	Procedure for the Manufacturing of Aqueous Solution of Phenol, Its Homologues and Derivatives.
2,195,418	4- 2-40	Ernst Alfred Mauersberger	Wetting, Washing, Dispersing, and Penetrating Agents and the Method of Producing the Same.
2,201,116	5-13-41	Wilhelm Normann	Process for Making Higher Aliphatic Alcohols.
2,201,117	5-13-41	do	Higher Aliphatic Alcohols.
2,201,[illegible]	5-13-41	do	Production of Alcohols.
2,[illegible]05	7- 8-41	Wilhelm Rittmeister	Process for Reduction of Fatty Acids to Alcohols.
2,209,877	9-23-41	Heinrich Bertsch	Wetting, Penetrating, Foaming and Dispersing Agents.
2,220,[illegible]	10-14-41	Friedrich Schmitt	Process for the Treatment of Hides and Skins.
2,[illegible]77	12- 2-41	Heinrich Bertsch	Wetting, Detergent and Emulsifying Agents.
2,[illegible]13	3-10-42	do	Sulfuric Derivatives of Esters.
2,288,181	6-30-42	Kurt Buredorf, Herbert Frotscher, Hubert Machon	Method of Manufacturing Ether Alcohols.
2,318,434 (S. N. 345,414)	5- 4-43	Heinrich Bertsch, Friedrich Schmitt	Washing and Delming Compositions for Limed Hides.
2,332,831 (S. N. 41,905)	10-26-43	G. von Schuckmann	Process for the Preparation of Higher Unsaturated Aliphatic Alcohol.
2,341,671 (S. N. 228,450)	3-21-44	Heinrich Bertsch	Higher Molecular Alcohols.
2,349,266 (S. N. 345,416)	2-30-45	Friedrich Schmitt	Baiting Composition.
2,371,879 (S. N. 365,456)	4-24-45	W. Rittmeister	Process for the Manufacture of Reduction Products From Unsaturated Fatty Acids or Their Derivatives.
2,445,314 (S. N. 440,356)	7-20-48	Heinz-Joachim Engelbrecht	Method for the Manufacture of Quaternary Nitrogen Compounds.
2,453,653	9- 8-36	Karl Butz	Stabilizing Agents for Peroxide Solutions and Process for Producing Said Agents.
2,064,257	9-15-36	Richard Huter	Emulsification Process.
2,064,258	9-15-36	Erik Schirm	Amides of Higher Aliphatic Carboxylic Acids and Their Production.
1,[illegible]83	1-17-28	Walther Classen	Process for the Production of Ester Mixtures.
1,[illegible]15	9-15-31	Heinrich Bertsch	Production of Esters.
1,[illegible]72	7-18-33	do	Emulsion Treatments and Agents Therefor.
1,[illegible]73	7-18-33	do	Treatment Substances.
1,947,[illegible]	2-20-34	do	Process of Preparing Esters.
1,967,[illegible]	7-24-34	do	Wetting, Penetrating, Foaming and Dispersion Agents.
1,974,[illegible]	9-18-34	do	Treatment Substances.
2,014,[illegible]	9-17-35	Walther Schrauth	Process for Purifying Pyridines.
2,042,[illegible]	5-26-36	Heinrich Bertsch	Production of Esters.
2,042,[illegible]	5-26-36	do	Do.
2,089,[illegible]	8-10-37	Kurt Stickdorn	Liquid Soap.
2,157,[illegible]	11-15-38	Walther Schrauth	Procedure to Render Albuminous Artificial Stuffs Soft and Elastic.
2,178,[illegible] (S. N. [illegible],200)	5- 4-43	Winfried Hentrich, A. Klrschaler, and W. Kaiser	Process for Producing Condensation Products.
2,258,[illegible] (S. N. 442,645)	1- 4-44	Wolfgang Gundel	Polymine-aldehyde Condensation Products and Their Production.
2,348,[illegible] (S. N. 476,507)	5- 9-44	Erik Schirm	Process for the Manufacture of P-Nitroaryl-Disulfamides.
2,355,111 (S. N. [illegible],281)	8- 8-44	do	Process for Producing Condensation Products.
2,[illegible]87 (S. N. 514,884)	7- 1-47	Wolfgang Gundel, E. Gotte	Process for the Manufacture of Coated and Impregnated Materials.
2,[illegible]60 (S. N. [illegible],086)	8- 8-44	Heinrich Bertsch	Sulfated Amide Wetting, Detergent and Sudsing Agents.

[F. R. Doc. 51-3344; Filed, Mar. 14, 1951; 8:53 a. m.]

[Vesting Order 17366]

OTTO SKORZENY

In re: Literary property in work by Otto Skorzeny.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Skorzeny, whose last known address is Germany, is a resident of Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

(a) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several states thereof, in, to and under the following: Every right, copyright, claim of copyright and right to copyright in that certain work by Otto Skorzeny which purports to be an account of his assignments, deeds, adventures and experiences as head of the German Commandos during World War II and of which work the book entitled "Skorzeny's Secret Missions," published by E. P. Dutton & Co., Inc., New York, 1950, is an English language version translated from the French language version entitled "Missions Secretes," published by Flammarion & Cie, Editeurs, 26 rue Racine, Paris, France.

(b) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of Otto Skorzeny and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this order, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany, and are nationals of such designated enemy country, in, to and under the following:

(i) Every right, copyright, claim of copyright and right to copyright in every issue, edition, publication, republication, version, translation, arrangement, dramatization and revision of the work described in subparagraph 2 (a) of this order

(ii) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to property described in subparagraphs 2 (a) and 2 (b) (i) of this order

(iii) All monies and amounts, and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 2 (a), 2 (b) (i) and 2 (b) (ii) of this order,

(c) All rights of renewal, reversion or revesting, if any, in the property described in subparagraphs 2 (a) and 2 (b) of this order, and

(d) All causes of action, accrued or to accrue at law or in equity with respect to the property described in subparagraphs 2 (a), 2 (b) and 2 (c) of this order, including but not limited to the rights to sue for and recover all damages

and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraphs 1 and 2 (b) hereof, the aforesaid nationals of a designated enemy country (Germany) and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests therein held by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that Otto Skorzeny is not within a designated enemy country, the national interest of the United States requires that he be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-3389; Filed, Mar. 15, 1951; 8:52 a. m.]

[Vesting Order 16885]

SIEGFRIED JUNGHANS

In re: Debt owing to Siegfried Junghans. F-28-289-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Siegfried Junghans, whose last known address is Schorndorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Siegfried Junghans by Irving Rossi, 40 Wall Street, New York, N. Y., representing payments due under an agreement dated January 4, 1939, between the aforesaid Siegfried Junghans and Irving Rossi, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3388; Filed, Mar. 15, 1951; 8:52 a. m.]

[Vesting Order 17444]

HENRY KNEBEL

In re: Adjusted service bonds owned by Henry Knebel. F-28-30555.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Knebel, whose last known address is Breitscheidstr. 28, Hanau, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) Adjusted Service Bonds, of $50.00 face value each, bearing the numbers 35445022/31, inclusive, registered in the name of Henry Knebel, A-4,406,079 presently in the custody of the Treasury Department of the United States, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Henry Knebel, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3390; Filed, Mar. 15, 1951; 8:52 a. m.]

[Vesting Order 17478]

LINA FISCHER

In re: Securities owned by Lina Fischer. F-28-31213.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law after investigation, it is hereby found:

1. That Lina Fischer, whose last known address is 63 Obertorstrasse, Esslingen, a N., Weuerttemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) Piedmont Hydro-Electric Company First and Refunding Sinking Fund 6½ percent bond, due April 1, 1960, of $1,000 face value, in bearer form, bearing the number 4714 and presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York, New York, in a blocked account entitled "Credit Suisse, Zurich, Switzerland", together with any and all rights thereunder and thereto, and

b. Five (5) shares of $100 par value 5 percent cumulative convertible preferred stock of Missouri Pacific Railroad Company, a corporation organized under the laws of the State of Missouri, evidenced by certificate number 087366, registered in the name of and presently in the custody of Brown Brothers Harriman and Co., 59 Wall Street, New York 5, New York, in a blocked account entitled "Credit Suisse Zurich, Switzerland", together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by, Lina Fischer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 1, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F R. Doc. 51-3391; Filed, Mar. 15, 1951; 8:53 a. m.]

[Vesting Order 17480]

OTTO JANSSEN

In re: Bonds owned by Otto Janssen also known as Otto G. Janssen. F-28-6903.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Janssen also known as Otto G. Janssen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) Law & Finance Building, 6½ percent bond of $500.00 face value, bearing the number 646, registered in the name of Otto G. Janssen, presently in the custody of the Department of State Division of Protective Services, 515 22d Street NW., Washington, D. C., together with any and all rights thereunder and thereto,

b. Twenty (20) shares of $100.00 par value 7 percent preferred capital stock of F. H. Smith Company, 1815 Fifteenth Street NW., Washington, D. C., evidenced by Certificates numbered A 4231/32 for five (5) shares each and Certificate numbered A 4233 for ten (10) shares, said certificates registered in the name of Otto Janssen, and presently in the custody of the Department of State Division of Protective Services, 515 22d Street NW., Washington, D. C., together with all declared and unpaid dividends thereon, and

c. Fifty (50) shares of $1.00 par value capital stock of New Mexico Gold Producers Corporation, evidenced by certificates numbered 1881 and 2926 for ten (10) shares and thirty (30) shares respectively registered in the name of Otto Janssen and certificate numbered 520 for ten (10) shares registered in the name of Otto G. Janssen, said certificates presently in the custody of the Department of State Division of Protective Services, 515 22d Street NW., Washington, D. C., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 1, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3391; Filed, Mar. 15, 1951; 8:53 a. m.]

[Vesting Order 17496]

ELIZABETH SCHUETZE

In re: Debt owing to Elizabeth Schuetze. D-28-8615.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Schuetze, whose last known address is Ursulastrasse IAII, Berlin-Lankwitz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Elizabeth Schuetze, by Alfred E. Hinrichs, 76 Lincoln Street, Glen Ridge, New Jersey, representing funds held for said Elizabeth Schuetze on deposit in an account entitled Alfred E. Hinrichs, Special, maintained at Glen Ridge Trust Company, Glen Ridge, New Jersey, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 1, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3392; Filed, Mar. 15, 1951; 8:53 a. m.]

[Vesting Order 17144, Amdt.]

GERMAN NATIONALS

In re: Interests of German nationals in patents standing of record in the United States Patent Office in the name of American Hyalsol Corporation and The Hydronapthene Corporation.

Vesting Order 17144, dated January 19, 1951, is hereby amended to read as follows and not otherwise:

By deleting from the last, unnumbered page of Exhibit A, attached to said Vesting Order 17144 and a part thereof, the following (appearing under the headings "patent number," "date of issue," "inventor," "title of invention"):

2,138,556 (S. N. 338,200)	5-4-43	Winfried Hentrich, A. Kirschaler, and W. Kaiser.	Process for Producing Condensation Products.

and substituting therefor

2,318,556 (S. N. 338,220)	5-4-43	Winfried Hentrich, Alfred Kirstahler, Wilhelm Kaiser.	Sulphanilamide Derivatives.

All other provisions of said Vesting Order 17144 and all action taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-3345; Filed, Mar. 14, 1951; 8:54 a. m.]

deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3393; Filed, Mar. 15, 1951; 8:53 a. m.]

[Vesting Order 16078, Amdt.]

HERMAN AND KANEKO BAUMFIELD

In re: Stock owned by Herman and Kaneko Baumfield. F-39-4324-D-1.

Vesting Order 16078, dated December 1, 1950, as amended, is hereby further amended as follows and not otherwise:

1. By deleting from subparagraph 1 of said Vesting Order 16078, as amended, the names "Herman Baumfield and Kaneko Baumfield" and substituting therefor the names "Herman Baumfeld and Kaneko Baumfeld", and

2. By deleting from subparagraph 2 of said Vesting Order 16078, as amended, the words, "Herman and Kaneko Baumfield, as joint tenants with right of survivorship", and substituting therefor the words, "Herman Baumfeld and Kaneko Baumfeld, as joint tenants with the right of survivorship and not as tenants in common".

All other provisions of said Vesting Order 16078, as amended, and all action taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3394; Filed, Mar. 15, 1951; 8:53 a. m.]

EVERETT IRION

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Everett Irion, trustee, Dallas, Tex.; Claim No. 33958; $38,544.89 in the Treasury of the United States. All property described in Assignments dated March 19, 1947, and June 24, 1947, respectively, from H. Molsen & Co. to the Attorney General of the United States, including specifically, certain accounts receivable therein identified.

Executed at Washington, D. C., on March 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3395; Filed, Mar. 15, 1951; 8:53 a. m.]

[Vesting Order 17484]

UNION BANK OF SWITZERLAND

Correction

In F. R. Document 51-3279 appearing in the issue for March 15, 1951, on page 2458, the file line should be changed so that the filing date will read "Mar. 13, 1951" instead of "Nov. 13, 1951".

REFERENCE

MAR 19

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 16 NUMBER 53

Washington, Saturday, March 17, 1951

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

CIVIL AERONAUTICS BOARD

Effective upon publication in the FEDERAL REGISTER, a new paragraph is added to § 6.137 as follows:

§ 6.137 *Civil Aeronautics Board.* • • •

(i) The Executive Director of the Board.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] L. A. MOYER,
Executive Director.

[F. R. Doc. 51-3399; Filed, Mar. 16, 1951; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 374]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.481 *Lemon Regulation 374*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on March 14, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 18, 1951, and ending at 12:01 a. m., P. s. t., March 25, 1951, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 350 carloads;

(iii) District 3: Unlimited movement.

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(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 373 (16 F. R. 2214), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 15th day of March 1951.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-3482; Filed, Mar. 16, 1951; 9:10 a. m.]

[Orange Reg. 363]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.509 *Orange Regulation 363*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on March 15, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., March 18, 1951, and ending at 12:01 a. m., P. s. t., March 25, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1: No movement;

(b) Prorate District No. 2: No movement;

(c) Prorate District No. 3: 85 carloads;

(d) Prorate District No. 4: No movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1: Unlimited movement;

(b) Prorate District No. 2: 1,300 carloads;

(c) Prorate District No. 3: Unlimited movement;

(d) Prorate District No. 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 16th day of March 1951.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. (P. s. t.) Mar. 18, 1951 to 12:01 a. m. (P. s. t.) Mar. 25, 1951]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.2602
A. F. G. Corona	.1820
A. F. G. Fullerton	.0000
A. F. G. Orange	.0000
A. F. G. Riverside	.6510
A. F. G. Santa Paula	.0467
Eadington Fruit Co., Inc	.4154
Hazeltine Packing Co	.1277
Krinard Packing Co	1.6282
Placentia Cooperative Orange Association	.8734
Placentia Pioneer Valencia Growers Association	.0610
Signal Fruit Association	.7177
Azusa Citrus Association	1.9008
Covina Citrus Association	2.5151
Covina Orange Growers Association	.7837
Damerel-Allison Co	1.4523
Glendora Citrus Association	1.6136
Glendora Mutual Citrus Association	.7472
Puente Mutual Citrus Association	.0350
Valencia Heights Orchard Association	.2736
Gold Buckle Association	2.9195
La Verne Orange Association	4.1256
Anaheim Valencia Orange Association	.0000
Fullerton Mutual Orange Association	.1584
La Habra Citrus Association	.0000
Yorba Linda Citrus Association, The	.1058
Escondido Orange Association	.0858
Alta Loma Heights Citrus Association	.3643
Citrus Fruit Growers	.8685
Etiwanda Citrus Fruit Association	.1758
Mountain View Fruit Association	.1332
Old Baldy Citrus Association	.4668
Rialto Heights Orange Growers	.3174
Upland Citrus Association	2.7744
Upland Heights Orange Association	1.4239
Consolidated Orange Growers	.0021
Garden Grove Citrus Association	.0320
Goldenwest Citrus Association, The	.0000
Olive Heights Citrus Association	.0031
Santiago Orange Growers Association	.0000
Villa Park Orchards Association, The	.0025
Bradford Bros., Inc	.0551
Placentia Mutual Orange Association	.0757
Placentia Orange Growers Association	.1013

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Yorba Orange Growers Association	0.0698
Call Ranch	.7270
Corona Citrus Association	1.0158
Jameson Co	.4594
Orange Heights Orange Association	2.1754
Crafton Orange Growers Association	1.1293
East Highlands Citrus Association	.3695
Redlands Heights Groves	.5541
Redlands Orangedale Association	.9401
Rialto-Fontana Citrus Association	.3014
Break & Son, Allen	.1878
Bryn Mawr Fruit Growers Association	.7700
Mission Citrus Association	.8220
Redlands Cooperative Fruit Association	1.2637
Redlands Orange Growers Association	.9720
Redlands Select Groves	.4221
Rialto Orange Co	.4833
Southern Citrus Association	.6418
United Citrus Growers	.6137
Zilen Citrus Co	.2261
Arlington Heights Citrus Co	.7452
Brown Estate, L. V. W	1.9411
Gavilan Citrus Association	2.0624
Highgrove Fruit Association	.5392
McDermont Fruit Co	1.4889
Monte Vista Citrus Association	1.4810
National Orange Co	1.1543
Riverside Heights Orange Growers Association	.8175
Sierra Vista Packing Association	.7563
Victoria Avenue Citrus Association	3.1492
Claremont Citrus Association	1.1224
College Heights Orange & Lemon Association	1.9828
Indian Hill Citrus Association	1.5623
Pomona Fruit Growers Exchange	1.6942
Walnut Fruit Growers Association	.7462
West Ontario Citrus Association	1.2222
El Cajon Valley Citrus Association	.0000
Escondido Cooperative Citrus Association	.0000
San Dimas Orange Growers Association	1.4434
Canoga Citrus Association	.3946
North Whittier Heights Citrus Association	.1960
San Fernando Heights Orange Association	.3166
Sierra Madre-Lamanda Citrus Association	.1456
Camarillo Citrus Association	.0113
Fillmore Citrus Association	1.3246
Ojai Orange Association	.9283
Piru Citrus Association	1.4148
Rancho Sespe	.0013
Tapo Citrus Association	.0082
Ventura County Citrus Association	.1774
East Whittier Citrus Association	.0078
Murphy Ranch Co	.0000
Anaheim Cooperative Orange Association	.0000
Bryn Mawr Mutual Orange Association	.5431
Chula Vista Mutual Lemon Association	.0700
Euclid Avenue Orange Association	3.0951
Foothill Citrus Union, Inc	.6159
Garden Grove Orange Cooperative, Inc	.0000
Golden Orange Groves, Inc	.3201
Highland Mutual Groves	.1791
Index Mutual Association	.0000
La Verne Cooperative Citrus Association	4.8912
Mentone Heights Association	.4513
Olive Hillside Groves, Inc	.0042
Orange Cooperative Citrus Association	.0000

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Redlands Foothill Groves	2.1483
Redlands Mutual Orange & Lemon Association	1.0020
Ventura County Orange & Lemon Association	.3861
Whittier Mutual Orange & Lemon Association	.0000
Allec Bros	.0045
Babijuice Corp. of California	.3300
Banks, L. M	.0154
Becker, Samuel Eugene	.0200
Bennett Fruit Co., Inc	.4009
Book, Maynard C	.0002
Borden Fruit Co	.0000
Cherokee Citrus Association	.7307
Chess Co., Meyer W	.3596
Dozier, Paul M	.0042
Dunning Ranch	.2189
Evans Bros. Packing Co	1.2698
Gold Banner Association	1.3927
Granada Hills Packing Co	.0076
Granada Packing House	.2110
Hill Packing Co., Fred A	.5880
Holland, M. J	.0233
Knapp Packing Co., John C	.3390
Orange Belt Fruit Distributors	1.9567
Orange Hill Groves	.0199
Panno Fruit Co., Carlo	.0891
Paramount Citrus Association, The	.1224
Placentia Orchard Co	.0107
Prescott, John A	.0000
Pulos, James J	.0266
Redlands Fruit Association, Inc	.0165
Riverside Citrus Association	.1233
Ronald, P. W	.0463
San Antonio Orchard Co	1.3665
Stephens, T. F	.1586
Summit Citrus Packers	.0667
Wall, E. T., Grower-Shipper	2.1526
Western Fruit Growers, Inc	2.5356

VALENCIA ORANGES

Prorate District No. 3

Total	100.0000
A. F. G. Vernon	.1549
Allen & Allen Citrus Packing Co	1.2196
Consolidated Citrus Growers	11.5074
Mckellips Citrus Co., Inc	9.1488
Phoenix Citrus Co., Inc	1.4878
Arizona Citrus Growers	13.0398
Chandler Heights Citrus Growers	2.4140
Desert Citrus Growers Co	5.3607
Mesa Citrus Growers	12.8042
Tempe Citrus Co	2.2549
Imperial Valley Grapefruit Growers Association	.8437
Southern Citrus Association	1.8078
United Citrus Growers	1.2480
Yuma Mesa Fruit Growers Association	5.8778
Leppla-Henry Produce Co	10.1455
Maricopa Citrus Co	1.2353
Pioneer Fruit Co	5.8483
Clark & Sons Produce Co., J. H	.4043
Commercial Citrus Packing Co	1.3222
Hi Jolly Citrus Packing House	.4820
Hill Packing House, Fred A	.1850
Ishikawa, Paul	.0645
Macchiaroli Fruit Co., James	.8208
Mattingly, Charles A	.3537
Orange Belt Fruit Distributors	1.9958
Panno Fruit Co., Carlo	.4303
Paramount Citrus Association, Inc	.0343
Potato House, The	.1459
Russo Bros	1.6806
Sharp Co., K. K	.2929
Sunny Valley Citrus Packing Co	2.7593
Valley Citrus Packing Co	2.5599

[F. R. Doc. 51-3504; Filed, Mar. 16, 1951; 11:25 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5656]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DABROL PRODUCTS CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.140 *Old, reclaimed or reused as new.* Subpart—*Furnishing means and instrumentalities of misrepresentation and deception:* § 3.1055 *Furnishing means and instrumentalities of misrepresentation and deception.* Subpart—*Misbranding or mislabeling:* § 3.1185 *Composition;* § 3.1325 *Source or origin—Place.* Subpart—*Misrepresenting oneself and goods—Goods:* § 3.1695 *Old, secondhand, reclaimed or reconstructed as new.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1880 *Old, used, reclaimed, or reused as unused or new.* Subpart—*Using misleading name—Goods:* § 3.2280 *Composition:* § 3.2345 *Source or origin—Place.* In connection with the sale, offering for sale and distribution in commerce, of lubricating oil, (1) representing directly or by implication, abbreviation, or derivation that any lubricating oil is 100 percent Pennsylvania oil, or Pennsylvania oil, when any part of such oil is not, in fact, derived from crude oil extracted from that portion of western Pennsylvania and contiguous portions of New York, Ohio and West Virginia, generally known as the Pennsylvania Oil Field; (2) using the brand name "Cert-O-Penn" or "Pennolenne," or any other name of similar import, or any abbreviation, derivation, or simulation of the word "Pennsylvania," to designate or describe lubricating oil, any part of which is not derived from crude oil, extracted from that portion of western Pennsylvania, and contiguous portions of Ohio, New York and West Virginia, generally known as the Pennsylvania Oil Field; (3) packaging lubricating oil in cans or containers for others for resale to the purchasing public, which cans or containers violate in any way the prohibitions contained in Paragraphs 1 and 2 hereinabove; (4) advertising, selling or offering for sale any lubricating oil, previously used for lubricating purposes, without disclosing such prior use to the purchaser or potential purchaser, either directly or by appropriate statement to that effect on the container; or, (5) packaging previously used lubricating oil for others for resale to the purchasing public in containers which do not clearly and conspicuously disclose such prior use; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Dabrol Products Corporation et al., Docket 5656, Dec. 30, 1950]

In the Matter of Dabrol Products Corporation, a Corporation, and Andrew O'Blasney, Individually and as an Officer of Dabrol Products Corporation

This proceeding was heard by Frank Hier, theretofore duly designated by the Commission, upon the amended complaint of the Commission, the answer of the respondents, and testimony and other evidence in support of and in opposition to the allegations to said amended complaint, which were duly recorded and filed in the office of the Commission.

Thereafter the proceeding regularly came on for final consideration by said trial examiner on the amended complaint, answer thereto, testimony and other evidence, proposed findings as to the facts and conclusions presented by all counsel, and said trial examiner, having duly considered the record in said matter, and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts, conclusion drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII, became the decision of the Commission December 30, 1950.

The said order to cease and desist is as follows:

It is ordered, That Dabrol Products Corporation, a corporation, Tri-O-Lene Oil Company, a corporation, their officers, directors, employees and representatives, and Andrew O'Blasney, individually and as an officer of such corporations, his employees and representatives, through any corporate or other device, in connection with the sale, offering for sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of lubricating oil, do forthwith cease and desist from:

1. Representing directly or by implication, abbreviation, or derivation, that any lubricating oil is 100 percent Pennsylvania oil, or Pennsylvania oil, when any part of such oil is not, in fact, derived from crude oil extracted from that portion of western Pennsylvania and contiguous portions of New York, Ohio and West Virginia, generally known as the Pennsylvania Oil Field.

2. Using the brand names "Cert-O-Penn" or "Pennolenne," or any other name of similar import, or any abbreviation, derivation, or simulation of the word "Pennsylvania," to designate or describe lubricating oil, any part of which is not derived from crude oil, extracted from that portion of western Pennsylvania, and contiguous portions of Ohio, New York and West Virginia, generally known as the Pennsylvania Oil Field.

3. Packaging lubricating oil in cans or containers for others for resale to the purchasing public, which cans or containers violate in any way the prohibitions contained in Paragraphs 1 and 2 hereinabove.

4. Advertising, selling or offering for sale any lubricating oil, previously used for lubricating purposes, without disclosing such prior use to the purchaser or potential purchaser, either directly or by appropriate statement to that effect on the container.

5. Packaging previously used lubricating oil for others for resale to the purchasing public in containers which do not clearly and conspicuously disclose such prior use.

By "Decision of the Commission and order to File Report of Compliance," Docket 5656, December 29, 1950, which announced that said initial decision would become the decision of the Commission on December 30, 1950, report of compliance with said cease and desist order was required as follows:

It is ordered, That the respondents, Dabrol Products Corporation, Andrew O'Blasney and Tri-O-Lene Oil Company shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 29, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-3446; Filed, Mar. 16, 1951; 8:55 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt 359]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 354]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CERTAIN STATES

Amendment 359 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 354 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 38, is amended to describe the counties in the Defense-Rental Area as follows:

San Francisco County; San Mateo County, except the Cities of Belmont, Burlingame, Menlo Park, Millbrae, Redwood City, San Carlos, South San Francisco, San Mateo, San Bruno, the Community known as Lomita Park which is adjacent to said City of San Bruno, and the Town of Atherton; and Sonoma County, except (i) the Cities of Healdsburg, Santa Rosa and Sebastopol, (ii) the Judicial Townships of Redwood and Sonoma (including the City of Sonoma) and (iii) that portion of Analy Judicial Township lying west of the Monte Rio-Valley Ford Highway and lying between Redwood Judicial Township on the north and the northern line of Marin County on the South.

This decontrols the City of San Carlos in San Mateo County, California, and the City of Sebastopol in Sonoma County, California, portions of the San Francisco Bay, California, Defense-Rental Area.

2. Schedule A, Item 43, is amended to describe the counties in the Defense-Rental Area as follows:

Adams County; Arapahoe County, except the City of Englewood and the Town of Littleton; Denver County; and Jefferson County, except the City of Golden.

This decontrols the City of Golden in Jefferson County, Colorado, a portion of the Denver, Colorado, Defense-Rental Area.

3. Schedule A, Item 89, is amended to describe the counties in the Defense-Rental Area as follows:

Rock Island County.

Scott County, except the City of Davenport and the Towns of Buffalo, Le Claire and Long Grove.

This decontrols the Town of Long Grove in Scott County, Iowa, a portion of the Quad Cities, Illinois, Defense-Rental Area.

4. Schedule A, Item 142, is amended to describe the counties in the Defense-Rental Area as follows:

Montgomery County; and Prince Georges County, except the Town of Colmar Manor, and the Election Districts 3, 4, 5, 7, 8, 11, and 15.

This decontrols the Town of Colmar Manor in Prince Georges County, Maryland, a portion of the Montgomery-Prince Georges, Maryland, Defense-Rental Area.

5. Schedule A, Item 191, is amended to describe the counties in the Defense-Rental Area as follows:

Warren County, except the Borough of Washington, the Town of Belvidere, and the Townships of Oxford, Pahaquarry, Hardwick and Frelinghausen.

The Counties of Hunterdon and Mercer.

This decontrols the Township of Oxford in Warren County, New Jersey, a portion of the Trenton, New Jersey, Defense-Rental Area.

6. In Schedule A, all of Item 228 which relates to Lake County, Ohio, is deleted.

This decontrols, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended, those portions of Lake County, Ohio, in the Cleveland, Ohio, Defense-Rental Area, which were under rent control immediately prior to the effective date of this amendment.

7. (a) Schedule A, Item 272, is amended to describe the counties in the Defense-Rental Area as follows:

In Lycoming County, the City of Williamsport, the Borough of South Williamsport, Duboistown and Montoursville, and the Townships of Armstrong, Loyalsock and Old Lycoming.

In Northumberland County, the Cities of Shamokin and Sunbury, the Borough of Northumberland, and the Townships of Coal, Upper Augusta, Point and Rockefeller; in Snyder County, the Borough of Selinsgrove, and the Townships of Monroe and Penn including Shamokin Dam; and in Union County, the Borough of Lewisburg and the Townships of Buffalo and East Buffalo.

In Clinton County, the City of Lock Haven, the Boroughs of Flemington, Mill Hall and Renovo, and the Townships of Bald Eagle, Castanea, Dunnstable, Allison, Pine Creek, Wayne and Woodward.

(b) Schedule C, Item 272, is amended to describe the localities in the Williamsport, Pennsylvania, Defense - Rental Area, effected by declarations for continuation of rent control after March 31, 1951, as follows:

In Lycoming County, the City of Williamsport and all unincorporated localities, if any, in the Townships of Armstrong, Loyalsock and Old Lycoming.

In Northumberland County, the Cities of Shamokin and Sunbury, and all unincorporated localities, if any, in the Townships of Coal, Upper Augusta, Point and Rockefeller; in Snyder County, the Borough of Selinsgrove, and all unincorporated localities, if any, in the Townships of Monroe and Penn; and in Union County, the Borough of Lewisburg and all unincorporated localities, if any, in the Townships of Buffalo and East Buffalo.

In Clinton County, the City of Lock Haven, the Borough of Renovo, and all unincorporated localities, if any, in the Townships of Bald Eagle, Castanea, Dunnstable, Allison, Pine Creek, Wayne and Woodward.

This decontrols in Columbia County, Pennsylvania, a portion of the Williamsport, Pennsylvania, Defense - Rental Area: (1) The Town of Bloomsburg, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended; and (2) Scott Township on the Housing Expediter's own initiative under section 204 (c) of said act.

All decontrols effected by this amendment, except Items 6 and 7 thereof, are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup., 1894)

This amendment shall become effective March 15, 1951.

Issued this 14th day of March 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-3441; Filed, Mar. 16, 1951; 8:54 a. m.]

[Controlled Housing Rent Reg., Amdt. 360]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 355]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MONTANA

Amendment 360 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 355 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 175c, is amended to describe the counties in the Defense-Rental Area as follows:

Missoula County.

This recontrols Missoula County, Montana, except the City of Missoula, a portion of the Missoula, Montana, Defense-Rental Area. Said City of Missoula is and has been continuously under rent control, but the remainder of said Missoula County was heretofore decontrolled as of September 23, 1949.

2. A new item is hereby incorporated in Schedule B to read as follows:

82. Provisions relating to the County of Missoula, other than the City of Missoula, a portion of the Missoula, Montana, Defense-Rental Area.

Recontrol of Missoula County, other than the city of Missoula, a portion of the Missoula, Mont., defense-rental area. Effective March 15, 1951, the provisions of §§ 825.1 to 825.12 and 825.81 to 825.92 shall apply to housing accommodations in Missoula County, other than the City of Missoula, a portion of the Missoula, Montana, Defense-Rental Area (said County, other than the City of Missoula, having been heretofore decontrolled as of September 23, 1949), except as modified by the following provisions:

a. All orders in effect on September 22, 1949, in accordance with §§ 825.1 to 825.12 or 825.81 to 825.92, shall be in full force and effect.

b. If, on March 15, 1951, there was a ground for adjustment under § 825.5 (a) or § 825.85 (a) for which no order had previously been issued, and a petition for adjustment is filed on or before April 15, 1951, the adjustment shall be effective as of March 15, 1951.

c. If, on March 15, 1951, the services provided with any housing accommodations are less than the minimum required by § 825.3 or § 825.83, the landlord shall either restore and maintain such minimum services or file a petition on or before April 15, 1951, requesting approval of the decreased services. If, on March 15, 1951, the furniture, furnishings or equipment provided with any housing accommodations are less than the minimum required by § 825.3 or § 825.83, the landlord shall file, on or before April 15, 1951, a written report showing the decrease in furniture, furnishings or equipment. Except as modified by this paragraph "c", the provisions of §§ 825.5 (b) and 825.85 (b) shall be applicable to all such cases.

d. In the case of any action which, on March 15, 1951, was required or authorized by §§ 825.1 to 825.12 or 825.81 to 825.92 to be taken within a specified period of time, the same time period shall be applicable but such time period shall be counted from March 15, 1951.

e. The provisions of §§ 825.6 and 825.86 shall not apply to any case in which judgment was entered prior to March 15, 1951, by a court of competent jurisdiction for the eviction or removal of a tenant from housing accommodations.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup., 1894)

This amendment shall become effective March 15, 1951.

Issued this 14th day of March 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-3442; Filed, Mar. 16, 1951; 8:54 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 2, Rev. 1]

CPR 2—CATTLEHIDES, KIPS AND CALFSKINS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this revised Ceiling Price Regulation 2 is hereby issued.

STATEMENT OF CONSIDERATIONS

This revised regulation on untanned domestic cattlehides, kips, and calfskins, including any cut up parts, supersedes CPR 2, issued January 25, 1951, and establishes "dollars and cents" ceiling prices for items to be sold and delivered on and after March 31, 1951, at the November 1950 average level of domestic sales. It provides a workable scale of prices for hides and skins sold according to commercial specifications and standards.

The general level of hide prices established in this regulation is, in the main, based on the average prices at which hides, kips, and calfskins sold during November 1950.

The general economic considerations which governed the issuance of CPR 2 and which are summarized in the Statement of Considerations accompanying that regulation are applicable to the present regulation. Moreover, clarification and simplification of ceiling prices have been demonstrated to be economically desirable in view of the obstructions to trade and production that have arisen in recent weeks through marked variations in prices.

This regulation establishes a sliding scale of prices for sales of hides and skins, based on the average weights of hides. The purpose of this provision is to insure, insofar as possible, that all hides will sell at their proper relative values for leather-making purposes. Heavy hides yield lesser amounts in leather than hides of lighter average weight.

Under the same general principles specific adjustments are established for hides which originate in the Pacific Coast area. The price differences between such hides and others are due primarily to variations in trade practices and transportation charges. Dry hides and skins, which are produced in small quantities, mostly in the Far West, have special prices established for them. Although they are usually of inferior quality and condition, they bring a higher price per pound because they are free from moisture and excessive salt and produce materially higher footage per pound than do green salted hides. Prices for certain kips and calfskins have been determined either by the pound or by the piece. Both methods of merchandising have long been normal practice in the trade.

The prices of hides sold in lots of less than 36,000 pounds are lower than those sold in larger lots. This tends to encourage the purchase of small lots by dealers, who collect and sort them into various weight and grade selections. The same principle is applicable to the sale of lots of less than 20,000 pounds of bullhides, and 20,000 pounds of kips, and 10,000 pounds of calfskins.

This revised regulation also provides a special method of pricing cut parts of hides and skins. It is impracticable to define dollars and cents prices for cut parts because they are sold in non-

standardized sizes, weights, and qualities. Green hides are also subject to separate treatment, and can be sold only at a price reduction. Green hides, when not cured by the producer, are customarily purchased by dealers who salt, select, and direct them to proper users.

This revised regulation permits two percent to be added to the ceiling price as a brokerage charge for any person who buys hides or skins for the account of tanners and physically inspects or receives them at the time they are shipped from a producer's plant or a dealer's warehouse. Brokers who act for tanners but do not actually receive the hides are limited to a maximum brokerage commission of 40 cents per hundredweight.

Provision has been made to alleviate hardships to dealers who, during the three-week period preceding January 29, 1951, the effective date of CPR 2, were curing hides and skins for delivery on and after that date, pursuant to bona fide contracts. Similar provision was not considered necessary, however, in the case of producers since their cost is the cost of the basic livestock and not the cost of the hides. Their ceiling prices under CPR 2 for hides and skins were adequate to take care of increased costs to them of cattle.

The provisions of this revised regulation and their effect upon business practices, cost practices, or methods, or means or aids to distribution in the industry have been carefully considered. It is believed that generally no changes in such practices or methods have been effected. To the extent, however, that the provisions of this regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and to effectuate the policies of the act.

In formulating this revised regulation the Director has consulted with representatives of the industry to the extent practicable under the circumstances and has given consideration to their recommendations.

He has also given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

In the judgment of the Director based upon an analysis of the presently available data, the provisions of this revised regulation and the ceiling prices established are generally fair and equitable and will effectuate the purposes of Title IV of the Defense Production Act of 1950. A more comprehensive analysis may indicate that lower prices also are generally fair and equitable and would more effectively accomplish the purposes of Title IV of the act. If this proves to be the case, the Director stands ready to make such revisions downward as appear warranted.

REGULATORY PROVISIONS

Sec.
1. What this revised regulation does.
2. Ceiling prices for hides (fully cured).
3. Ceiling prices for kips and calfskins (fully cured).
4. Ceiling prices for green or partially cured hides and skins.
5. Ceiling prices for cut parts.
6. Brokers and commissions.
7. Records and reports.
8. What acts are prohibited by this regulation.
9. Enforcement.
10. Petitions to amend this regulation.
11. Temporary adjustments for dealers.
12. Definitions.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this revised regulation does.* This revised regulation fixes ceiling prices and maximum brokerage commissions for all sales of untanned domestic cattlehides, kips and calfskins, including cut-up parts suitable for making leather. It applies in the 48 States and the District of Columbia. During the period between the effective date of this revised regulation and March 30, 1951, you may use either this regulation or CPR 2, which was issued on January 25, 1951. On and after March 31, 1951, you must use this revised regulation.

SEC. 2. *Ceiling prices for hides (fully cured).* Table I shows the basic ceiling prices for fully cured hides. Table II shows the special ceiling prices for standard packer hides based on standard packer selection. These prices must be adjusted in accordance with the directions contained in the notes following each table.

SEC. 3. *Ceiling prices for kips and calfskins (fully cured).* Table III shows the basic ceiling prices for fully cured kips and calfskins. Table IV shows the special ceiling prices for standard packer skins based on standard packer selection; Table V, the special ceiling prices for New York City trimmed skins. These prices must be adjusted in accordance with the directions contained in the notes following each table.

SEC. 4. *Ceiling prices for green or partially cured hides and skins.* If you sell green or partially cured hides, kips or calfskins, your ceiling price is computed as follows:

Step 1. Take the price shown in the appropriate table for fully cured hides and skins of the same average net weight (for slunks, the price per piece), and adjust it in accordance with the directions contained in the following notes:

Table I

Note 1 (except for tare allowance).
Note 3.
Note 4.
Note 5.
Note 6.

Table II

Note 1.
Note 3.
Note 5.

Table III

Note 2.

Table IV

Note 1.
Note 2.

Table V

Note 1.
Note 2.

If the table you use lists hides or skins by type and classification, your green or partially cured hide or skin must be the same type and classification. (For example, if Table II is the appropriate table you may use the price shown for heavy native steers only if your green hide is a heavy native steer hide.)

Step 2. Take the following percentage of the adjusted price:

For sales of hides or skins to tanners, 70 percent.

For sales of hides to dealers, 80 percent.

For sales of skins to dealers, 90 percent.

Example. If you sell a tanner 200 green hides, including 20 that are branded, and if the total net weight is 11,200 pounds, the average net weight is 56 pounds; and the unadjusted price is 32¢ (see Table I). You subtract $11.20 for the branded hides (see Note 5) and whatever other deductions may be required (33⅓ percent for =3's, etc.). After making these adjustments, you compute your ceiling price by taking 70 percent of the balance.

SEC. 5. *Ceiling prices for cut parts.* Your ceiling price for cut parts of hides, kips or calfskins is the highest price at which you sold or delivered the same type, weight, and grade of cut parts during November 1950. If the cut parts you are pricing are not the same as any you then sold or delivered, your ceiling price is a price in line with the price of the most closely related cut parts you sold or delivered during November 1950. You fix your in-line price by taking your selling price for the most closely related cut part you then sold or delivered, and making an adjustment to reflect your customary differentials in November 1950 for the difference between it and the cut part you are now pricing. If you had no customary differentials, make your adjustment on the basis of the customary trade differentials during November 1950. If you neither sold nor delivered any cut parts during November 1950, apply in writing to the Hides and Leather Section, Office of Price Stabilization, Washington 25, D. C., for a price based on the ceiling price of your most closely competitive seller. (In your application state your name and address and describe in detail the cut part you propose to sell, the terms of sale, and the price charged by your most closely competitive seller on such sales.) A cut part for which a ceiling price is thus requested may not be sold until the price has been approved by the Director of Price Stabilization, but the price you propose in the application shall be deemed approved 20 days after you mail the application (or all additional information which the Office of Price Stabilization may request) unless, within that time, you are notified that your proposed price has been disapproved.

SEC. 6. *Brokers and commissions.* If a broker is employed in the purchase of whole hides, kips or calfskins by or for the account of a tanner, not more than 2 percent of the ceiling price of the hides and skins purchased may be charged; but in no event may more than 40 cents per cwt. be charged by a broker who does not receive the hides or skins. Brokers who charge more than 40 cents per cwt. must physically inspect for quality, condition, cure, trim and grade,

in accordance with customary trade practices. They must also in their inspection determine that appropriate allowances have been granted, that the number of pieces in the shipment is correct by actual count, and that the weights shown on the invoice are correct.

A broker's commission is payable and may be added to the purchase price only if:

(a) It is shown as a separate charge in billing;

(b) The hides and skins are purchased at prices no higher than the ceiling prices; and

(c) No broker splits or divides the commission with the buyer or seller, or with an agent or employee of the buyer or seller.

No person may charge or receive a commission or fee on hides or skins sold for his own account, even though he may have performed the receiving service or any other service for the buyer. No person may charge, receive, pay or offer to pay a commission or fee on hides or skins sold green or partially cured. No commission or fee may be paid or received on hides or skins (except slunks) delivered in lots of less than 36,000 pounds of steer and cowhides, 20,000 pounds of bullhides, 20 000 pounds of kips, or 10,000 pounds of calfskins, except that the commission allowed by this section may be charged on the purchase of smaller lots of bullhides, kips or calfskins if they are received together with lots containing at least 36,000 pounds of steer and cowhides. (If, however, the quantity of bullhides or skins is less than the minimum required for top ceiling prices they must, of course, be invoiced at the appropriate discounts. For example, bullhides of less than 20,000 pounds must be sold at 2 cents less than the otherwise applicable ceiling price.)

SEC. 7. *Records and reports*—(a) *Records.* You must keep and make available for examination by the Office of Price Stabilization all records (the same kind as you customarily have maintained) relating to the prices you charge for hides, kips, calfskins and cut parts sold or delivered after the effective date of this regulation. You must also preserve all records relating to your sales and deliveries of cut parts in November 1950.

(b) *Reports.* Every person making sales of hides, kips, calfskins or cut parts to a tanner, or through a tanner's agent or broker, must mail, simultaneously with the commencement of the shipment, to the regional office of the Office of Price Stabilization nearest the consignee tanner, a copy of each invoice or similar document delivered in connection with any such sale. This invoice or document must contain all relevant details of the transaction, including (1) the quantity and price of each type, classification and grade of hides, skins or parts sold, the number of pieces and the gross weight, and (2) the tare and other allowances given or received, except that the number of pieces need not be reported on cut parts other than croupons, and the weight need not be reported on trimmed skins sold by the piece. If hides, skins or cut parts received by a tanner or by an agent or broker acting on his behalf differ in any material respect from the description thereof contained in the invoice or similar document delivered in connection with the purchase, the tanner, agent or broker must within 48 hours after inspection transmit to the nearest regional office of the Office of Price Stabilization a statement identifying the seller and the shipment, and setting forth such differences. The hides, skins or cut parts must be held segregated from other inventory, for a period of at least 8 days from inspection, to permit inspection by the Office of Price Stabilization.

SEC. 8. *What acts are prohibited by this regulation.* On and after March 31, 1951, regardless of any contract or other obligation, the following practices are forbidden:

(a) *Charging more than ceiling prices.* You are prohibited from selling, delivering or handling any hide, kip, calfskin or cut part at a price or commission higher than that permitted by this regulation. A lower price or commission may, of course, be charged.

(b) *Buying for more than ceiling price.* You are prohibited from buying or receiving, in the course of trade or business, any hide, kip, calfskin or cut part sold or delivered in violation of this regulation.

(c) *Evasion.* You must not evade or circumvent this regulation by any direct or indirect methods in connection with the sale, purchase, delivery or transfer of hides, kips, calfskins or cut parts, alone or in conjunction with any other commodity or material, or by way of commission, service or transportation charge, or other charge, or discount, premium, or other privilege, or by upgrading, tying-agreement, trade understanding, or otherwise.

(d) *Attempts to violate.* You are prohibited from agreeing, offering, soliciting, or attempting to do any of the acts prohibited by this regulation.

SEC. 9. *Enforcement.* If you violate any provision of this regulation, you are subject to the criminal penalties, civil enforcement actions, and suits for damages provided for by the Defense Production Act of 1950.

SEC. 10. *Petitions to amend this regulation.* Any person seeking an amendment of this regulation may file a petition for amendment in accordance with Price Procedural Regulation 1.

SEC. 11. *Temporary adjustments for dealers.* This section applies only to dealers. If, prior to January 25, 1951, you contracted in writing to make deliveries after January 28 of hides, kips or calfskins which, from January 8 to January 24, were delivered uncured at the premises where you cured them, you may apply for an adjusted ceiling price on those hides and skins.

(a) *How you apply.* On or before March 31, 1951, you must file the following documents with the Hides and Leather Section, Office of Price Stabilization, Washington 25, D. C.:

(1) A properly executed affidavit stating that you are a dealer, and showing your name and address and:

(i) The quantity, by type, classification, weight and grade, of the hides and skins remaining undelivered by you which, from January 8 to January 24, were delivered uncured at the premises where you cured them, and their actual cost to you (uncured);

(ii) Which of those hides and skins are covered by a written contract entered into prior to January 25, calling for delivery after January 28;

(iii) Your ceiling prices under section 2 or 3 of this regulation for the hides and skins covered by such contracts.

(2) A copy of each such contract, and of all the invoices or other documents evidencing delivery at the premises where you cured them of the hides and skins listed in subparagraph (1) (i) of this paragraph.

(b) *How your ceiling prices will be adjusted.* If you meet the requirements of this section, you will receive a special order authorizing you to sell at adjusted ceiling prices for a period of 20 days after the date of the order. The Office of Price Stabilization will first fix your proper costs and will then divide by 0.82 for hides, by 0.90 for skins. You may not charge more than the ceiling prices fixed by sections 2 and 3 of this regulation until you actually receive the special order.

SEC. 12. *Definitions.* (a) "Hides, kips and calfskins" includes all hides and skins of cattle of the bovine species originating in the 48 States and the District of Columbia.

(b) "Pacific Coast" includes California, Washington, Oregon, Arizona, Nevada, Idaho, Montana, Utah, and that part of Wyoming, Colorado and New Mexico west of Denver, Colorado.

(c) "Standard hide trim" means the standard head and tail trim prevailing on standard packer hides, in which the ears, ear butt fat and gristle, ox lips, snouts and lower lips are trimmed off in the green state, and the tails are cut off to not more than eight inches in length.

(d) "Pacific Coast trim" means the standard short trim used on kips and calfskins in the Pacific Coast area.

(e) "N. Y. City trimmed" describes the standard trim for kips and calfskins prevailing in and about New York City, in which the skin has had the head cut straight off behind the ears and the shanks cut off at the knees or above.

(f) "Producer" is a person engaged in the business of slaughtering.

(g) "Dealer" is a person other than a producer who sells to tanners.

(h) "Tanner" is a person who makes leather from hides, kips, calfskins or cut parts, or who has leather made for him. (Rawhide manufacturers are included.)

(i) "Point of shipment" means the place from which hides or skins are shipped to the purchaser, including the place from which a seller who has consolidated hides or skins into carload lots ships them to his purchaser.

(j) "Inspection" means examination of a representative selection of hides or skins in accordance with standard trade practice. In testing for grubs, standard practice may be followed at point of origin; and where hides or skins are sold unselected, a brand selection can be estimated from inspection of 100 hides or skins selected at random from each lot of 36,000 pounds or more.

(k) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase," and "purchaser" shall be construed accordingly.

(l) "Delivered": A hide, kip, calfskin or cut part shall be deemed to have been delivered when it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

(m) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or repesentative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(n) All other trade terms used in this regulation have the meanings generally accepted in the trade.

Effective date. This revised regulation shall become effective on March 19, 1951, except that either this regulation or CPR 2 may be used between that date and March 30, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MARCH 15, 1951.

TABLE I—BASIC PRICES (HIDES)

Average net weight:	*Per pound f. o. b. point of shipment flat for No. 1's and No. 2's (cents)*
70 pounds and over	28½
69 pounds	28¾
68 pounds	29
67 pounds	29¼
66 pounds	29½
65 pounds	29¾
64 pounds	30
63 pounds	30¼
62 pounds	30½
61 pounds	30¾
60 pounds	31
59 pounds	31¼
58 pounds	31½
57 pounds	31¾
56 pounds	32
55 pounds	32¼
54 pounds	32½
53 pounds	32¾
52 pounds	33
51 pounds	33¼
50 pounds	33½
49 pounds	33¾
48 pounds	34
47 pounds	34¼
46 pounds	34½
45 pounds	34¾
44 pounds	35
43 pounds	35¼
42 pounds	35½
41 pounds	35¾
40 pounds	36
39 pounds	36¼
38 pounds	36½
37 pounds	36¾
36 pounds	37
35 to 30 pounds	37¼

NOTE 1. *Average net weight.* Before computing average net weight, separate your hides weighing 60 pounds and more from those weighing less than 60 pounds. (Invoice them separately, too.) You cannot include dry hides, bullhides weighing 58 pounds or more, or kips and calfskins when you are computing average net weight. (And they also must be invoiced separately.) The minimum tare allowance is 2 pounds for each Pacific Coast hide and 2 percent for other hides. (This does not apply to standard packer brine-cured hides or dry hides.) For manure and mud take the normal trade allowance. Make the normal trade adjustment for poor take-off or delivery, and inferior quality.

NOTE 2. *No. 1 hide selections.* If the following conditions are met, you may add 1¢ per pound for No. 1 hides having less than 5 grubholes:

(a) All hides in the lot are of packer quality, condition, takeoff and moisture content.

(b) Less than 20 percent show butcher damage that would make them No. 2's or No. 3's.

However, you may add this premium only when you deliver in lots of 36,000 pounds or more. After you once have charged the premium, all the lots you sell from the same point of shipment must meet the conditions described in (a) and (b). If the conditions are not met, and you therefore sell without adding the premium, you must wait 30 days before making another premium sale.

NOTE 3. *Bullhides.* Table I covers bullhides weighing less than 58 pounds. When they weigh 58 pounds or more the basic price is 23¢. (Neither this nor any other note applies when bullhides are sold to users, other than tanners, in quantities less than 100 hides per month. In such cases the ceiling price is 25¢ per pound, f. o. b. point of shipment.)

NOTE 4. *Pacific Coast hides.* Subtract 1½¢ per pound for hides weighing less than 68 pounds and for all bullhides. When Pacific Coast hides other than bullhides weigh 68 pounds or more the basic price is 28½¢.

NOTE 5. *Branded hides.* Subtract 1¢ per pound. (This does not apply to Pacific Coast hides, dry hides, or country hides.)

NOTE 6. *No. 3 and country hides.* Deduct 33⅓ percent for No. 3 hides; 10 percent for country hides (including renderer, abattoir and locker plant hides of inferior quality, take-off or pattern).

NOTE 7. *Dry hides.* The ceiling price for dry hides (and skins) weighing 15 pounds or more is 40¢ per pound; for those less than 15 pounds, 60¢. The former must be invoiced separately from the latter.

NOTE 8. *Trim.* Deduct 10 percent for hides not trimmed in accordance with standard hide trim. (This does not apply to dry hides.)

NOTE 9. *Inspection.* When hides are inspected at a tannery or warehouse within 14 days from the date of shipment, a tolerance of 3 percent is allowed on net invoice weights. For each additional 7-day period add 1 percent, but the total allowance cannot exceed 5 percent.

NOTE 10. *Small lots.* For lots less than 36,000 pounds subtract 3¢ per pound. But if you deliver 36,000 pounds or more to the same purchaser in more than one truckload, this 3¢ discount applies to the contents of each truck only when less than 36,000 pounds are delivered to the purchaser within a 3-day period. If you include bullhides weighing 58 pounds or more in your 36,000 pound lots, in an amount less than 20,000 pounds, subtract 2¢ per pound for each bullhide.

TABLE II—STANDARD PACKER SELECTIONS (HIDES)

You may not use this table for fully cured hides unless you deliver from the point of shipment in lots of 36,000 pounds or more. Moreover, producers may use this table only when they have not used Table I for any lots sold from the same point of shipment during the preceding 30 days. Not more than 20 percent of the hides may show butcher damage that would make them No. 2's or No. 3's. Not more than 4 selections may be included in the same shipment, and each must be identified separately on the invoice.

	Per pound f. o. b. point of shipment
Heavy native steers	33
Light native steers	36½
Ex light native steers	39
Heavy native cows	34
Light native cows:	
36/43 pound average	37
43/45 pound average	36½
Over 45 pound average	36
Native cows and ex light native steers (mixed):	
Not over 36 pound average	41
Not over 38 pound average	39
Branded cows	33
Butt branded and heavy Texas steers	30
Colorado steers	29½
Light branded steers	34½
Ex light branded steers	37
Native bulls (if branded, 1¢ less)	24

NOTE 1. *Pacific Coast hides.* Subtract ½¢ per pound.

NOTE 2. *Tare allowance.* The minimum tare allowance is 3 percent. (This does not apply to standard packer brine-cured hides.)

NOTE 3. *No. 2 and No. 3 hides.* Subtract 1¢ per pound for No. 2's. (Each No. 1 hide having 5 or more grubholes is classed as a No. 2.) Deduct 33⅓ percent for No. 3's.

NOTE 4. *Bullhides.* Subtract 2¢ per pound when less than 20,000 pounds are shipped.

NOTE 5. *Manure and mud.* Take the normal trade allowance.

TABLE III—BASIC PRICES (SKINS)

	Flat for No. 1's and No. 2's, f. o. b. point of shipment	
	Cents per pound	Per piece
Calf (under 15 pounds)	72	
Kip (15-30 pounds)	51	
Pacific Coast kip (15-30 pounds)	50	
Pacific Coast calf, 6-15 pounds	72½	
Pacific Coast calf under 6 pounds		$4.60
Pacific Coast slunks, regular		2.60
Other slunks, regular		3.25
Slunks, hairless		.90

NOTE 1. *Tare allowance.* When skins are sold by the pound, the minimum tare allowance is ½ pound for each Pacific Coast skin and 2% for other skins.

NOTE 2. *No. 3 and country skins.* Deduct 33⅓ percent for No. 3 skins. For country skins (including renderer, abattoir and locker plant skins of inferior quality, take-off or pattern), the basic price is 55¢ per pound for skins under 15 pounds and 45¢ for skins 15 to 30 pounds.

NOTE 3. *Trim.* For Pacific Coast calf 6 to 15 pounds, not trimmed in accordance with Pacific Coast trim, deduct 20 percent. For Pacific Coast kips not trimmed in accordance with either Pacific Coast or standard hide trim, and for skins other than Pacific Coast skins not trimmed in accordance with standard hide trim, deduct 10 percent.

NOTE 4. *Inspection.* When skins are inspected at a tannery or warehouse within 14 days from the date of shipment, a tolerance of 3 percent is allowed on net invoice weights. For each additional 7-day period add 1 percent, but the total allowance cannot exceed 5 percent.

NOTE 5. *Small lots.* For calf, subtract 5¢ per pound for lots less than 10,000 pounds; for kip, subtract 3¢ per pound for lots less than 20,000 pounds. (This does not apply

when the skins are to be used exclusively for rawhide.)

NOTE 6. *Invoicing.* Skunks and other skins sold by the piece must be invoiced separately from skins sold by the pound.

NOTE 7. *Dry skins.* The ceiling price for dry skins (and hides) weighing 15 pounds or more is 40¢ per pound; for those less than 15 pounds, 60¢. The former must be invoiced separately from the latter.

TABLE IV—STANDARD PACKER SELECTIONS (SKINS)

(This table does not apply to Pacific Coast skins)

	F. o. b. point of shipment	
	Cents per pound	Per piece
No. 1 Calf (under 15 pounds)	80	
No. 1 Kip, 15–25 pounds	60	
No. 1 Kip, 25–30 pounds	55	
Skunks, regular		$3.75
Skunks, large, hairless		1.10
Skunks, small, hairless		.75

NOTE 1. *No. 2 and No. 3 skins.* Deduct 10% for No. 2's (except on slunks); 33⅓% for No. 3's.

NOTE 2. *Branded kips.* Subtract 2½¢ per pound.

NOTE 3. *Tare allowance.* The minimum tare allowance is ½ pound per calfskin and ¾ pound per kip. (This does not apply to standard packer brine-cured skins or to slunks.)

TABLE V—N. Y. CITY TRIMMED SKINS

Weight	Per piece, f. o. b. point of shipment	
	Standard packer	Good collector
Under 4 pounds	$3.75	$3.65
4–5 pounds	4.75	4.65
5–7 pounds	6.00	5.85
7–9 pounds	7.15	6.70
9–12 pounds	9.60	9.10
12–17 pounds	10.85	10.00
17–25 pounds	13.50	13.15

NOTE 1. *Pacific Coast skins.* Subtract 15¢ for calfskins weighing less than 15 pounds. For kips (15–25 pounds), the ceiling price flat for No. 1's and No. 2's is 57½¢ per pound.

NOTE 2. *No. 2 and No. 3 skins.* Deduct 10 percent for No. 2 skins (except on Pacific Coast kips); 23⅓ percent for No. 3 skins.

NOTE 3. *Trim, take-off and delivery.* Deduct 10 percent for skins failing to meet established standards of trim, take-off and delivery for the type and grade sold.

NOTE 4. *Small lots.* Deduct 10 percent for lots less than 500 skins. (You must count skins weighing under 12 pounds and skins weighing 12 and over in separate lots.)

[F. R. Doc. 51-3472; Filed, Mar. 15, 1951; 4:34 p. m.]

[Enforcement Procedure Reg. 1]

EP1—DEFINING THE SCOPE AND AUTHORITY FOR ISSUANCE AND USE OF INSPECTION AUTHORIZATIONS UNDER THE DEFENSE PRODUCTION ACT OF 1950

By virtue of the authority vested in me as Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) by Administrative Order No. 22 and pursuant to Administrative Order 22, Supp. 1, 2, and 3, issued pursuant to Executive Order No. 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), and in order to define the manner in which Inspection Authorizations may be utilized by enforcement agents and employees of the Office of Price Stabilization under the Defense Production Act of 1950, this regulation is issued:

SECTION 1. An Inspection Authorization as used herein is an order which requires any person to permit a duly authorized representative of the Office of Price Stabilization to inspect books, records and other writings in the possession or control of said person at the place where such person usually keeps them; and to inspect the premises or property of said person.

SEC. 2. Inspection Authorizations may be signed and issued only by the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement), Regional Enforcement Directors and District Enforcement Directors, and only in connection with any investigation or proceeding relating to the administration or enforcement of the Defense Production Act of 1950 or of any regulations or orders of the Office of Price Stabilization issued thereunder.

SEC. 3. Inspection Authorizations shall specify the person to be served, the title or official position of such person, the evidence sought to be adduced, its general relevancy, and the scope and purpose of the investigation, inspection or inquiry to be made. If books, records, and other writings, premises or property, are sought to be inspected, the request shall describe said books, records, and other writings, premises or property, with particularity. No Inspection Authorization shall be issued until it is assured that the information sought is not available at any Federal or other responsible agency.

SEC. 4. Service of an Inspection Authorization upon an individual shall be made by personally serving the Inspection Authorization upon the person named therein. Service upon other than an individual may be had by serving an officer, a managing or general agent, or any other agent authorized by appointment or by law to accept service of process. A duplicate original of any such Inspection Authorization shall be left with the person served. Any person eighteen years of age or over may serve an Inspection Authorization. The person making the service shall make an affidavit as to the manner in which service was made and forthwith return the original Inspection Authorization and affidavit to the issuing officer. In case of failure to make service, the reasons for the failure should be stated on the original Inspection Authorization.

SEC. 5. The terms herein shall have the same meaning as in the Defense Production Act of 1950.

(Sec. 704, Pub Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

This Regulation shall become effective March 17, 1951.

Issued this 16th day of March 1951.

E. B. MORGAN,
Assistant Director of Price Stabilization for Enforcement (Director of Enforcement).

[F. R. Doc. 51-3508; Filed, Mar. 16, 1951; 11:42 a. m.]

[Enforcement Procedure Reg. 2]

EP 2—DEFINING THE SCOPE AND AUTHORITY FOR ISSUANCE AND USE OF SUBPENAS UNDER THE DEFENSE PRODUCTION ACT OF 1950

By virtue of the authority vested in me as Assistant Director of Price Stabilization for Enforcement (Director of Enforcement), by Administrative Order No. 22 and pursuant to Administrative Order No. 22, Supp. 1, 2, and 3, issued pursuant to Executive Order No. 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), and in order to define the manner in which the power of subpena may be utilized by enforcement agents and employees of the Office of Price Stabilization of the Economic Stabilization Agency under the Defense Production Act of 1950, this regulation is issued:

SECTION 1. Subpenas may be issued in connection with any investigation or proceeding relating to the administration or enforcement of the Defense Production Act of 1950, or any regulation or order issued thereunder by the Office of Price Stabilization. Subpenas may require any person to appear and testify under oath or to appear and produce books, records and other writings at any designated place.

SEC. 2. Subpenas shall be issued only after the scope and purpose of the investigation, inspection, or inquiry to be made have been defined by the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement), Regional Enforcemnt Director or District Enforcement Director of the Office of Price Stabilization having jurisdiction over such investigation, inspection, or inquiry, and it is assured that no adequate and authoritative data requested by such subpena are available from any Federal or other responsible agency. If books, papers, or documents are sought to be obtained, the subpena shall describe such books, papers, or documents with reasonable particularity.

SEC. 3. Service of a subpena upon an individual shall be made by personally serving the subpena upon the person named therein. Service upon other than an individual may be had by serving an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive such service. A duplicate original of any such subpena shall be left with the person served. Any person eighteen years of age or over may serve a subpena. The person making the service shall make an affidavit as to the manner in which service was made and forthwith return the original subpena and affidavit to the issuing officer. In case of failure to make service, the reasons for the failure should be stated on the original subpena. Witnesses are entitled to be paid the same fees and mileage that are paid witnesses in the courts of the United States but such fees and mileage shall not be tendered at the time of service of the subpena.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774; 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

This regulation shall become effective March 17, 1951.

Issued this 16th day of March, 1951.

E. B. MORGAN,
Assistant Director of Price Stabilization for Enforcement (Director of Enforcement).

[F. R. Doc. 51-3509; Filed, Mar. 16, 1951; 11:42 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-3, as amended March 15, 1951]

M-3—COLUMBIUM- AND TANTALUM-BEARING STEELS—PRODUCTION AND USE

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order as amended there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This order as amended amends §§ 21.1, 21.2, 21.3, 21.4 and 21.8 of NPA Order M-3 of October 19, 1950; redesignates §§ 21.1 through 21.3 as sections 1 through 3; adds a new section designated as section 4; redesignates §§ 21.4 through 21.8 as sections 5 through 9; changes the word "part" to "order" wherever it appears; and changes the heading from "Columbium - Bearing Steel" to "Columbium- and Tantalum-Bearing Steels."

Sec
1. What this order does.
2. DO ratings required.
3. Use of substitutes.
4. Restrictions.
5. Exceptions.
6. Application for adjustment or exception.
7. Communications.
8. Records and reports.
9. Violations.

AUTHORITY: Sections 1 to 9 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies to columbium- and tantalum-bearing steels and to the producers, dealers and users thereof. In view of the fact that columbium, ferro-columbium and ferro-columbium-tantalum are in short supply, it is essential that the production, distribution and use of columbium- and tantalum-bearing steels be limited to DO rated orders and NPA directives. This order, in addition, prohibits the use of columbium-bearing steels in any application or process where columbium - tantalum - bearing steels may be used as a substitute for Columbium-bearing steels; forbids the use of either if the use of any other substitute will meet the requirements of the use to be made of the material; and restricts the use of columbium and tantalum in the production of steel.

SEC. 2. *DO ratings required.* Except as may be otherwise ordered by NPA, no columbium- or tantalum-bearing steels shall be produced, sold, delivered or purchased except pursuant to DO rated orders or NPA directives.

SEC. 3. *Use of substitutes.* No columbium-bearing steel shall be used or incorporated in any product or material if columbium-tantalum-bearing steel will meet the requirements for the use to be made of the product or material. In no case shall any columbium or columbium-tantalum-bearing steel be used or incorporated in any product or material if any substitute therefor will meet the requirements for the use to be made of the product or material.

SEC. 4. *Restrictions.* No person shall produce any columbium or columbium-tantalum-bearing steel if the material specifications for the same require the ratio between columbium (or columbium-tantalum) and carbon to be greater than eight to one as a minimum.

SEC. 5. *Exceptions.* This order shall not prohibit the completion of the production and the delivery of materials or products containing columbium or tantalum in any form previously ordered and accepted, which by reason of the condition or nature of the materials or products cannot, without excessive loss of yield, be used in connection with DO rated orders, nor shall it prohibit the use, in filling DO rated orders, of columbium-bearing steel or columbium-tantalum-bearing steel held at the effective date of this order, as amended, in the inventory of a producer or fabricator of steel products.

SEC. 6. *Application for adjustment or exception.* Any person affected by any provision of this order may file an application for an adjustment or exception upon the ground that such provision works an exceptional hardship upon him not suffered generally by others, or that its enforcement against him would not be in the interest of the national defense program. All such applications should be addressed to National Production Authority, Washington 25, D. C., Ref: M-3.

SEC. 7. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M-3.

SEC. 8. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act. (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 9. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend his privileges of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order as amended shall take effect on March 15, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-3482; Filed, Mar. 15, 1951; 4:56 p. m.]

[NPA Order M-49]

M-49—COLUMBIUM AND TANTALUM

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable by the fact that the order affects a large number of different trades and industries.

Sec.
1. What this order does.
2. Definitions.
3. Relation to other regulations and orders.
4. Substitution required.
5. Allocation authorization required.
6. Exceptions to allocation requirements.
7. Limitations on inventory.
8. Records to be kept.
9. Audit and inspection.

Sec.
10. Reports.
11. Adjustments and exceptions.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to conserve and to provide for the distribution and use of "columbium and tantalum," as hereinafter defined, so as best to serve the interests of the national defense program and of defense supporting activities. It makes "columbium and tantalum" subject to allocation. It prohibits, subject to certain exceptions, deliveries of "columbium and tantalum," except by authorizations to be issued monthly by the National Production Authority (hereinafter called "NPA").

SEC. 2. *Definitions.* As used in this order: (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Columbium and tantalum" means and includes ferrocolumbium, ferrotantalum, and ferrocolumbium-tantalum.

SEC. 3. *Relation to other regulations and orders.* The provisions of this order supersede NPA Order M–3 and all other NPA regulations and orders to the extent that they are in conflict herewith, but in all other respects, such regulations and orders continue in full force and effect. The NPA may, from time to time, issue directives as to deliveries or use of "columbium and tantalum" and, unless otherwise provided therein, such directives will prevail over the provisions of this order.

SEC. 4. *Substitution required.* No person, whether pursuant to a DO rated order or otherwise, shall incorporate any "columbium and tantalum" into any product or material in any case in which the incorporation of a substitute or substitutes will meet the requirements for use to be made of any such product or material.

SEC. 5. *Allocation authorization required.* (a) After April 1, 1951, no person shall deliver or accept delivery of or use "columbium and tantalum" in any month except in accordance with the terms of an allocation authorization issued for such month by NPA in accordance with this section. In the case of a person who keeps separate inventory records for any separate operating or producing units, each such separate operating or producing unit shall be deemed a person for purposes of this section.

(b) NPA may, from time to time, allocate the supply of "columbium and tantalum" and specifically direct the manner and quantities in which deliveries to particular persons or for particular uses may be made or withheld. Any person seeking to place a purchase order for "columbium and tantalum" may be required to place the same with one or more particular suppliers.

(c) An application for an allocation must be filed with NPA by the applicant on Form NPAF–15 and NPAF–41, not later than the 15th day of the month preceding the month in which delivery is sought (provided, that applications with respect to delivery in April, 1951, must be filed not later than March 21, 1951). Such application must furnish all information required by said forms.

(d) The authorization allocation (Form NPAF–41) issued will be sent by NPA to the appropriate supplier or suppliers and a copy furnished to the purchaser. The authorization will require a supplier to make delivery to the extent of the purchaser's orders within the limits of the authorization.

SEC. 6. *Exceptions to allocation requirements.* The provisions of section 5 of this order shall not apply to:

(a) Deliveries to the General Services Administration, or any other duly authorized governmental agency, for the purpose of stockpiling.

(b) Deliveries to any person whose total receipts from all sources during the current calendar month are not thereby made to exceed 10 pounds of contained "columbium and tantalum," and who delivers a signed certification to his supplier as follows:

Certified under M–49

Such certification constitutes a representation to the supplier and to the NPA that the purchaser is authorized under the provisions of this order to accept delivery of "columbium and tantalum" as permitted hereby, and that his receipt of the shipment in the amount requested, during the month of specified delivery, will not bring his total receipts of "columbium and tantalum" during that month above 10 pounds (columbium and tantalum content).

(c) Deliveries of columbium- and tantalum-bearing scrap: *Provided*, That any such scrap which is fit for re-melting must be disposed of in such a manner that it will be used in the production of columbium- and tantalum-bearing steel.

(d) Deliveries of columbium- and tantalum-bearing ores and concentrates by any producer, dealer, or processor.

(e) Deliveries of the pure metal tantalum or columbium in any amount.

SEC. 7. *Limitations on inventory.* No person shall place an order for "columbium and tantalum" calling for delivery, and no person shall accept delivery of "columbium and tantalum" at a time when his inventory exceeds, or by acceptance of such delivery, would be made to exceed 30 days' requirements at his then scheduled rate and method of operation. Any person who, on the effective date of this order or at any other time, has outstanding orders for "columbium and tantalum" calling for delivery earlier or in quantities greater than he would be permitted to receive under this section shall forthwith notify his supplier of the extent to which delivery cannot be accepted as scheduled, and such orders shall be adjusted accordingly. Imported as well as domestic "columbium and tantalum," except when such imported "columbium and tantalum" has been purchased for resale, is subject to this section and so is to be included in computing inventory as aforesaid "Columbium and tantalum" which has been subjected to minor processing, but has not yet been actually incorporated into a finished or partially finished product, is likewise to be included in computing inventory. This section is applicable irrespective of whether or not any such orders or deliveries are made in accordance with an allocation authority.

SEC. 8. *Records to be kept.* Each person participating in any transaction covered by this order shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 9. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 10. *Reports.* Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act (5 U. S. C. 139–139F).

SEC. 11. *Adjustments and exceptions.* Any person affected by any provision of this order may file a request for an adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought and shall state the justification therefor.

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C. Ref: M–49.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order, or furnishes false information or conceals any material fact in the course of operation under it, is guilty of a crime and upon conviction may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on March 15, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-3479; Filed, Mar. 15, 1951; 4:52 p. m.]

[NPA Order M–1, as amended March 15, 1951]

M–1—IRON AND STEEL

This amendment to order M–1 is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the issuance of this amendment, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

This amendment affects NPA Order M–1 as amended February 23, 1951, by making changes in Table I. As so amended, NPA Order M–1 reads as follows:

Sec.
1 What this order does.
2. Forms of iron and steel products to which this order applies.
3 Required shipment dates.
4 Rejection of rated orders (lead time).
5. Product limitation for acceptance of rated orders.
6. Conditions for acceptance of rated orders.
7. Changes in lead time.
8. Allotments for further conversion.
9. Extension of ratings for further conversion of steel products.
10 NPA assistance in placing rated orders.
11. Scheduled programs.
12. Minimum orders.
13. Inventories.
14. Application for adjustment or exception.
15. Communications.
16. Reports.
17 Records.
18. Audits and inspection.
19 Violations.

AUTHORITY: Sections 1 to 19 issued under sec. 704, Pub. Law 774, 81st Cong. Interprets or applies sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to producers of iron and steel and provides rules for placing, accepting, and scheduling rated orders for iron and steel. Its purpose is to provide equitable distribution of rated orders among all iron and steel producers of the particular products in order to make possible maximum production and to reduce to a minimum disruption of normal distribution. It makes provision for required acceptance of rated orders based on a percentage of previous shipments, and provides for allotment, and maximum inventories. It supplements NPA Regs. 1 and 2, but only those provisions of Regs. 1 and 2 which are inconsistent with this order are superseded, and all other provisions of those regulations continue to apply to the iron and steel industry.

SEC. 2. *Forms of iron and steel products to which this order applies.* The iron and steel products to which this order applies are set out in Table I at the end of this order. Table I also sets out the lead time (days) and product limitation for acceptance of rated orders. This order also applies to all second quality materials and shearings and material sorted or salvaged from steel scrap and sold for other than remelting purposes.

SEC. 3. *Required shipment dates.* A rated order for iron or steel in any of the forms listed in Column A of Table I must specify shipment on a particular date or in a particular month, which, in no case, may be earlier than required by the person placing the order. The producer of iron or steel must schedule the order for shipment within the requested month as close to the requested shipment date as is practicable considering the need for maximum production.

SEC. 4. *Rejection of rated orders (lead time).* A producer of iron or steel in a form listed in Column A of Table I need not accept a rated order which is received by him less than the number of days (lead time) set forth in Column B of Table I prior to the first day of the month in which shipment is requested, unless specifically directed to accept such order by the National Production Authority.

SEC. 5. *Product limitation for acceptance of rated orders.* Unless specifically directed by NPA, no iron or steel producer shall be required to accept rated orders for shipment from any one producing unit regardless of location in any one month in excess of the percentages set forth in Column C of Table I, of his average monthly shipments of the products listed in said column, as made by him during the period from January 1, 1950, through August 31, 1950. Where no percentage limitation is set forth as to any product, it is expected that the amount of such product to be called for by rated orders will be relatively small.

SEC. 6. *Conditions for acceptance of rated orders.* Unless otherwise specifically directed by the National Production Authority, and subject to the provisions of NPA Reg. 2, each iron or steel producer shall be required to accept rated orders calling for shipment in any one month from any one of his producing units regardless of location, of products listed in Column A of Table I up to the amount of the percentages listed in Column C of Table I of his average monthly shipments of such products from that producing unit during the period from January 1, 1950, to August 31, 1950. Where no percentage is listed in Column C, in regard to any iron or steel product, each iron or steel producer shall be required to accept all rated orders served upon him, subject to the provisions of NPA Reg. 2, unless otherwise specifically directed by the National Production Authority.

SEC. 7. *Changes in lead time.* (a) If an iron or steel producer would have an open space on his production schedule created by the difference between the lead time of forty-five days as established by this order as originally issued or as subsequently amended, and a longer lead time as established by section 4, he shall continue to accept rated orders to fill such open space on his production schedule, on the basis of a lead time of forty-five days, before he applies the newly established longer lead time. In filling such open space on his production schedule, as above referred to, an iron or steel producer shall be governed by the product limitation percentage appearing in Column C of Table I.

Example: Under the previously established lead time of 45 days, a steel producer would, up to December 17, 1950, accept DO rated orders for shipment in February 1951. Where a lead time has been increased to 120 days, he would, up to January 31, 1951, accept DO rated orders for shipment in June 1951. In the application of this example, the steel producer would continue to accept DO rated orders for shipment in March and April 1951, on a 45-day lead time until he had arrived in any one month at the product limitation percentage of that product as set forth in Column C of Table I. Thereafter, he would conform to the new lead time of 120 days for shipment in the succeeding months.

(b) In the example in paragraph (a) of this section, if the product limitation percentage under Column C of Table I as to that particular iron or steel product has been increased from 5 percent to 10 percent, the iron or steel producer should accept DO rated orders up to the amount of the new product limitation percentage figure, commencing with shipments for the month of March, 1951, and should continue at that new figure thereafter.

SEC. 8. *Allotments for further conversion.* A steel producer who buys from another steel producer a steel product listed under the heading "Steel Mill Products" in Column A of Table I (herein called "steel mill products"), and by further processing converts, for resale, the purchased steel into another steel

mill product is engaged in further conversion. For the purpose of this section, the steel producer who sells a steel mill product for further conversion shall be called a producer supplier and the steel producer engaged in further conversion shall be called a converter. Each producer supplier shall make a monthly allotment of his production of each steel mill product that remains after shipments on DO ratings and NPA directives to each of his converter customers. Such monthly allotment shall be at least equal to that percentage of his available production so remaining, as the producer supplier's shipments to each converter customer bore to his total shipments, during the base period, from January 1, 1950, through September 30, 1950. A producer supplier must accept orders placed by his converter customer up to the limit of his allotment: *Provided, however*, That such orders are placed in accordance with the lead times in Column B of Table I. Shipments under such allotments shall be made in addition to shipments to the same converter customer pursuant to authorized extension of DO ratings. Orders placed under the provisions hereof must be for substantially the same product as was supplied to each such converter during such period, except for minor variations in size and design. In determining the amount of the monthly allotments, adjustments may be made by a producer supplier, with the consent of the converter involved, to provide for any abnormal situations which affect any steel products.

SEC. 9. *Extension of ratings for further conversion of steel products.* All DO ratings extended for the purpose of further conversion of steel products shall have the symbol FC added to the two-digit designation following the prefix DO on the order.

SEC. 10. *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for iron or steel due to the limitations imposed by sections 5 and 6 should apply to the NPA, Iron and Steel Division, Ref.: M–1, specifying the producers who refused to accept the order. The NPA will arrange to assist him in locating other sources of supply.

SEC. 11. *Scheduled programs.* NPA will from time to time approve scheduled programs calling for the production and delivery of iron and steel products for stated purposes, over specified periods of time. Upon approval of major programs of this type, supplements to this order will be issued describing such programs and specifying the manner in which they are to be carried out by the iron and steel industry. Thereafter, directives will be issued to individual concerns establishing schedules for their participation in such programs. Such directives shall be complied with by the recipients in accordance with the terms thereof, unless otherwise directed by NPA.

SEC. 12. *Minimum orders.* The minimum orders that may be placed with DO ratings or under NPA directives are set out in Table II at the end of this order. The minimum quantity for each size and grade of any item for shipment at any time to any one destination is listed opposite the appropriate item. If all other requirements of this order have been met, orders for such minimum quantities shall be accepted.

SEC. 13. *Inventories.* In addition to the provisions of NPA Reg. 1, relating to Inventory Control, it is considered that a more exact requirement applying to users of iron or steel products is necessary. No person obtaining iron or steel products for use in manufacture, processing or construction, may receive or accept delivery of a quantity of iron or steel products if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 45-day period, for steel products, gray and malleable iron castings, and 30-day period for pig iron, or in excess of a practicable minimum working inventory (as defined in NPA Reg. 1), whichever is less. For the purpose of this section, iron and steel products listed in Table I in which only minor changes or alterations have been effected shall be included in inventory. NPA Reg. 1 will apply to iron and steel products except as modified by this section. Said 45-day limitation does not apply to persons who order structural steel for use in construction (including buildings, bridges and other structures of a like type) and who order it delivered cut to the specifications required for a specific project and who normally keep such steel segregated for the specific project. Instead, no such person may accept delivery of such steel more than 45 days before it is scheduled to be fabricated or, if it is not to be further fabricated, before it is scheduled to be assembled.

SEC. 14. *Application for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 15. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M–1.

SEC. 16. *Reports.* Persons subject to this order shall make such records and submit such reports to the NPA as it shall require, subject to the terms of the Federal Reports Act (P. L. 831, 77 Cong., 5 U. S. C. 139–139F). All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. In accordance with this section all steel producers are required to report on "NPAF–13—Steel Producers' Report of Orders Accepted for DO Ratings and Programs" the orders accepted bearing DO ratings and orders resulting from programs made effective by NPA directives; and on "NPAF–17—Steel Producers' Monthly Report of Shipments and Past Due Orders" the record of the shipments and past due orders by DO ratings and programs made effective by NPA directives.

SEC. 17. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 18. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the NPA.

SEC. 19. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order as amended shall take effect on March 15, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

TABLE I—IRON AND STEEL PRODUCTS TO WHICH THIS ORDER APPLIES

Column A	Column B: Lead times (days)			Column C: Product limitation: required acceptance (percentage)		
Name of product	Carbon (including low alloy high strength) (1)	Stainless (2)	Full alloy (3)	Carbon (including low alloy high strength) (1)	Stainless (2)	Full alloy (3)
Steel mill products:						
Ingots	45	45	45	5	35	25
Billets, projectile and shell quality	45		45	[15]		[1]
Blooms, slabs, billets (except projectile and shell quality)	45	45	45	[12] 20	[12] 25	[12] 45
Tube rounds	45	45	45	30	[13] 0	60
Sheet bars	45	45	45	5	[13] 0	5
Skelp	45			5		
Wire rods	45	60	45	20		45
Structural shapes (heavy)	45	120	60	20		
Steel piling	45		[1]	15		[1]
Plates—Rolled armor		45	60	45	70	25
Plates—Other		45		10		
Rails—Standard (over 60 pounds)		45		10		
Rails—All other		45		10		
Joint bars		45		10		
Tie plates		45		10		
Track spikes		45		5		5
Wheels (rolled and forged)		45		5		5
Axles						
Bars—Hot rolled, projectile and shell quality (includes all projectile components such as fuzes, adapters and base plugs)		45	45	[14]		[14]
Bars—Hot rolled, other (including light shapes)	[6]		[6]	20	50	45
Bars—Reinforcing		45		20		
Bars—Cold finished	[7]	75	[7]	15	50	40
Bars—Tool steel	[8]		[8]			
Bars—Rounds for piercing			60			40
Standard pipe		45	90	10	25	
Oil-country goods		45				
Line pipe		45		10		
Mechanical tubing	[9]	90	90	25	50	40
Pressure tubing	[9]	90	90	10	50	25
Wire—Drawn		75	60	[16]	50	25
Wire—Nails and staples		45		10		
Wire—Barbed and twisted		45		10		
Wire—Woven wire fence		45		5		
Wire—Bale ties		45		5		
Tin mill black plate		45		5		
Tin- and terne-plate, hot dipped		45		5		
Tin plate, electrolytic		45		5		
Sheets—Hot rolled		45		5		
Sheets—Cold rolled		45		10		
Sheets—Galvanized		45		15		
Sheets—All other coated		45		5		
Sheets—Enameling		45		5		
Electrical sheets and strip		45	60	5		35
Strip—Hot rolled		45	60	15	45	5
Strip—Cold rolled		45	75	12	25	5
Steel castings:			60			
High alloy, rough as cast (heat and corrosion resisting)		[11] 60	[11] 60		20	20
Carbon and low alloy		[11] 60		20		
Steel products, fabricated:						
Forgings (rough, as forged)		90	90	30	20	30
Wire rope and strand						
Welded wire mesh						
Netting						
Iron products:						
Pig iron (not including iron with more than 6 percent silicon)		45				
Malleable casting (rough as cast)		[11] 60		20		
Gray iron, excluding pipes and fittings (rough as cast)		[11] 60		20		

[1] No "product limitation" or "lead time," whichever is applicable. Subject to direct negotiation by NPA if necessary.
[2] Of each item.
[3] Applies to special rolled shapes including angles and channels.
[4] In addition all hot-rolled sheet producers are to set aside for plates an amount equal to 5 percent of the average monthly shipments of hot-rolled carbon sheets in the base period January 1, 1950, through August 31, 1950.
[5] If annealed or heat-treated, 60 days; otherwise, 45 days.
[6] If annealed or heat-treated, 90 days; otherwise, 75 days.
[7] If cold finished, 75 days; otherwise, 60 days.
[8] If cold drawn or cold finished, 60 days; otherwise, 45 days.
[9] Wire drawn: Low carbon, 10 percent; high carbon, 15 percent.
[11] Lead times apply to unmachined castings after approval of patterns for production.
[12] Such percentage being the total for any combination of these products.
[13] An amount equal to 35 percent of the tonnage represented by hot-rolled carbon bar set aside. This is in addition to tonnage set aside for hot rolled bars.
[14] An amount equal to 35 percent of the tonnage represented by hot-rolled alloy bar set aside. This is in addition to tonnage set aside for hot-rolled bars.
[15] An amount equal to 25 percent of the tonnage represented by the carbon blooms, slabs, billets set aside. This is in addition to tonnage set aside for blooms, slabs, billets.

TABLE II—MINIMUM ORDERS THAT MAY BE PLACED ON STEEL MILLS, STEEL AND IRON FOUNDRIES, STEEL FORGE SHOPS AND MERCHANT PIG IRON PRODUCERS FOR THE PRODUCTS SPECIFIED

(Special grades, shapes, specifications, processes, and similar factors must be handled by negotiation)

Name of product	Minimum quantity for each size and grade of any item for shipment at any one time to any one destination
STEEL MILL PRODUCTS	
Carbon and low-alloy steel:	
Ingots, blooms, billets, slabs, and tube rounds, sheet bars, skelp, etc., rerolling quality	25 net tons.
Blooms, billets, and slabs, forging quality	Product of 1 ingot.
Wire rods, hot-rolled	5 net tons.
Structural shapes	5 net tons.
Plates:	
Rolled armor	By negotiation.[1]
Continuous strip mill production	10 net tons.
Sheared, universal, or bar mill production	3 net tons.
Rails	5 net tons.
Track accessories (joint bars, tie plates, track spikes)	5 net tons.
Bars, hot-rolled:	
Projectile and shell quality	Product of 1 heat.[2]
Round bars up to and including 3" and squares, hexagons, half rounds, ovals, etc., of approximately equivalent sectional area	5 net tons.
Round and square bars over 3" to but not including 8"	15 net tons.
Bar size shapes (angles, tees, channels and zees under 3")	5 net tons.
Bars, cold finished	3 net tons.
Bars, tool steel	500 pounds.
Pipe, published carload minimum (mixed sizes and grades)	
Tubing:	
Seamless cold-drawn (O. D. in inches):	
Up to ¾" inclusive	1,000 feet.
Over ¾" to 1½" inclusive	800 feet.
Over 1½" to 3" inclusive	600 feet.
Over 3" to 6" inclusive	400 feet.
Over 6"	250 feet.
Seamless hot-rolled	By negotiation.[1]
Welded	By negotiation.[1]
Wire rods. (See above.)	
Wire, drawn, for further fabrication and manufacturing:	
Low-carbon	1 net ton.
High-carbon (0.40 carbon and higher):	
0.0475" and heavier	1 net ton.
Under 0.0475" to 0.021" inclusive	1,000 pounds.
Under 0.021"	500 pounds.
Wire merchant trade products, assorted	5 net tons.
Tin mill products—any 1 gauge	5,000 pounds.
Sheet, hot- and cold-rolled	5 net tons.
Strip, hot- and cold-rolled	3 net tons.
Stainless steel: No minimum on standard grades and sizes. For unusual grades or sizes the minimum order is to be worked out by negotiation.[1]	
Full alloy steel:	
Ingots	Product of 1 heat.[2]
Billet, projectile and shell quality	By negotiation.[1]
STEEL MILL PRODUCTS—continued	
Full alloy steel—Continued	
Blooms, slabs, billets (except projectile and shell quality) tube rounds, sheet bars, etc.:	
7" square (or equivalent cross sectional area) and under	5 net tons.
Larger than 7" square (or equivalent cross sectional area)	10 net tons.
Both of the above may be modified because of a mill's ingot size and/or rolling schedules.	
Wire rods	5 net tons.
Structural shapes	By negotiation.[1]
Plates:	
Rolled armor	By negotiation.[1]
Other, whether rolled on continuous strip, sheared, universal or bar mill.	10 net tons.
(A steel producer need not accept an order unless the total quantity ordered is sufficient to make a heat of steel or unless ingots or slabs are available in stock or unless similar material is regularly being produced.)	
Rails	By negotiation.[1]
Wheels	By negotiation.[1]
Axles	By negotiation.[1]
Bars, hot-rolled, projectile and shell quality	By negotiation.[1]
Bars, hot-rolled, other:	
Rounds and squares 3½" and smaller	5 net tons
Rounds and squares larger than 3½"	By negotiation.[1]
Hexagons and flats	5 net tons.
Bars, cold-finished	3 net tons.
Bars, tool steel	500 pounds.
Oil-country goods	By negotiation.[1]
Mechanical tubing	5 net tons.
Pressure tubing	By negotiation.[1]
Sheet and strip	By negotiation.[1]
STEEL CASTINGS (UNMACHINED)	
High alloy and stainless (heat and corrosion resisting)	(3).
Carbon and low-alloy	(3).
STEEL PRODUCTS, FABRICATED	
Forgings (rough as forged)	By negotiation.[1]
Wire rope and strand	1,000-foot lengths.
Welded wire mesh	Full rolls of manufacturers' standard stock sizes.
Netting	Full rolls of manufacturers' standard stock sizes.
IRON PRODUCTS	
Pig iron	Car load.
Gray iron castings, excluding soil and pressure pipe and fittings (unmachined)	(3).
Malleable castings (unmachined)	(3).

[1] "By negotiation" means negotiation between the mill and its customer. If no acceptable arrangements are worked out, the NPA should be notified.

[2] "1 heat" means one batch of metal made in 1 furnace.

[3] 2,000 pounds or less from any 1 pattern or mold, or a minimum production run by the producing foundry even though the delivery from such minimum run may cause the consumers' inventory to exceed the 45-day minimum stated in section13.

[F. R. Doc. 51-3481; Filed, Mar. 15, 1951; 4:54 p. m.]

[NPA Order M-6 as amended March 15, 1951]

M-6—STEEL DISTRIBUTORS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950 and to further implement the provisions of the Statement of Principles for Economic Cooperation, dated October 26, 1950, issued by the Governments of the United States and Canada. In the formulation of this order and the amendments hereto, through December 15, 1950, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. In the formulation of the amendment of March 15, 1951, such consultation was impracticable due to the necessity for prompt action.

The amendment of March 15, 1951, to this order affects the order as follows:

It requires a minimum allotment for carbon steel products to steel distributors irrespective of the amount to which the distributor would be entitled on a percentage basis, and defines "base period." In effecting this amendment, § 22.4 (now section 4) is the only section in which there is a substantive change. This amendment also redesignates §§ 22.1 through 22.16 as sections 1 through 16, respectively, and the word "part" is changed to "order" throughout. As so amended NPA Order M-6 read as follows:

Sec.
1. What this order does.
2. Definitions.
3. Shipments during the current calendar quarter for 1950.
4. Allotments for steel distributors.
5. Rejection of orders issued pursuant to this order.
6. Tonnage limitation.
7. Item limitation for acceptance of rated orders.
8. Extension of DO ratings for industrial and merchant trade steel products.
9. Application for adjustment or exception.
10. Communications.
11. Reports.
12. Records.
13. Audit and inspection.
14. Violations.
15. List A—Industrial steel products.
16. List B—Merchant trade steel products.

AUTHORITY: Sections 1 to 16 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to steel distributors, and provides rules to assist them in obtaining supplies of steel for the carrying out of their normal functions. It requires steel producers to establish regular allotments of steel for purchase by steel distributors based upon their average monthly purchases over an established base period. It provides special rules for the extension of DO rated orders by steel distributors and specifies a tonnage limitation and item limitation for required acceptance of rated orders by them.

SEC. 2. *Definitions.* As used in this order:

(a) "Steel distributor" means a person engaged in the business of maintaining facilities and equipment for the stocking and distribution of rolled or drawn steel products for sale or resale in the form as received or after performing such operations as cutting to length, shearing to size or shape, pipe threading or sorting and grading. A person who, in connection with any sale of such steel products from his stock, bends, punches or performs any fabricating or processing operation designed to prepare steel for final use or assembly is not a steel distributor with respect to such sale. The term "steel distributor" excludes any person who purchases steel products for resale but does not take physical delivery of the material into his own stock at a location regularly maintained for such purpose.

(b) "Industrial steel products" means all products shown on section 15 (List A).

(c) "Merchant steel products" means all products shown on section 16 (List B).

(d) "Item" shall mean any steel or iron product which is different from all other steel or iron products by reason of one or more of its specifications, such as width, thickness, temper, alloy, finish or method of manufacture.

(e) "Base period" means the period commencing January 1, 1950, and ending September 30, 1950.

SEC. 3. *Shipments during the current calendar quarter for 1950.* Producers of steel who have accepted orders from steel distributors, including the affiliates and subsidiaries of such producers, for steel products for shipment prior to or during the remainder of the current calendar quarter ending December 31, 1950, shall endeavor to make shipment of all such unfilled order not later than 45 days immediately following the end of said quarter.

SEC. 4. *Allotments for steel distributors*—(a) *Allotments from steel producers in the United States to their steel distributor customers in the United States.* In order to determine the monthly allotment for each steel distributor, each steel producer shall first determine the amount of each steel product which will be available for that particular month, after making provision for production under DO rated orders and other orders which such steel producer is required to accept by specific direction of NPA. The ratio of the tonnage thus remaining to the total average monthly shipments of each such product during the base period shall be applied to the average monthly shipment of each such product to each steel distributor customer during the base period. The result shall be the monthly allotment for each distributor customer: *Provided, however*, That the monthly allotment of each carbon steel mill product shall in no case be less than 85 percent of the average monthly tonnage of each carbon steel mill product shipped to each steel distributor customer during the base period. Any such allotment of a carbon steel mill product shall include the tonnage to be shipped on all DO rated orders for that particular product received by the steel producer from such steel distributor customer for shipment during the month for which the allotment has been made. Deliveries, except for carbon steel mill products, under such allotments shall be made in addition to shipments to the same steel distributor pursuant to authorized extension of DO ratings. A steel producer must accept orders placed by a steel distributor up to the limit of his allotment: *Provided, however*, That such orders are placed with the steel producers in accordance with the lead times for the various steel products established by Table I of Order M-1 as now or hereafter amended. Orders placed under the provisions of this order must be for substantially the same product as was supplied to each such steel distributor during such period, except for minor variations in size and design. In determining the amount of the monthly allotments, adjustments may be made by a steel producer with the consent of the steel distributors involved, to provide for any abnormal situations which affect any steel products.

(b) *Allotments from steel producers in the United States to their Canadian steel distributor customers.* In order to determine the monthly allotment for each Canadian steel distributor, each steel producer shall first determine the amount of each steel product which will be available for that particular month, after making provision for production under DO rated orders and other orders which such steel producer is required to accept by specific direction of NPA. The ratio of the tonnage thus remaining to the total average monthly shipments of each such product during the base period shall be applied to the average monthly shipment of each such product to each steel distributor customer during the base period. The result shall be the monthly allotment for each distributor customer: *Provided, however*, That the monthly allotment of each carbon steel mill product shall in no case be less than 85 percent of the average monthly tonnage of each carbon steel mill product shipped to each steel distributor customer during the base period. Any such allotment of a carbon steel mill product shall include the tonnage to be shipped on all DO rated orders for that particular product received by the steel producer from such Canadian steel distributor customer for shipment during the month for which the allotment has been made. Deliveries, except for carbon steel mill products, under such allotments shall be made in addition to shipments to the same steel distributor pursuant to authorized extension of DO ratings. A steel producer must accept orders placed by a Canadian steel distributor up to the limit of his allotment: *Provided, however*, That such orders are placed with the steel producer in accordance with the lead times for the various steel products established by Table I of Order M-1 as now or hereafter amended. Orders placed under the provisions of this order must be for substantially the same product as was supplied to each such Canadian steel distributor during such period, except for minor variations in size and design. In determining the amount of the monthly allotments, adjustments may be made by a steel producer with the consent of the Canadian steel distributors involved, to provide for any abnormal situations which affect any steel products.

SEC. 5. *Rejection of orders issued pursuant to this order.* Unless otherwise specifically directed by NPA, producers of steel need not accept an order issued pursuant to this order which is received by such steel producer less than the number of days set forth in Column B of TABLE I of NPA Order M-1 as amended prior to the first day of the month in which shipment is requested.

SEC. 6. *Tonnage limitation.* Unless specifically directed by the National Production Authority, no steel distributor shall be required to accept rated orders for shipment from inventory from any one location where he maintains a stock, in any one calendar quarter for a total tonnage of each product or grade in excess of 30 percent of his average quarterly shipments thereof from such locations during the period from January 1, 1950, through September 30, 1950.

SEC. 7. *Item limitation for acceptance of rated orders.* Unless otherwise specifically directed by the National Production Authority, no steel distributor shall be required to make delivery on a rated order from warehouse stock to any one customer to any one destination, at any one time, steel products in quantities in excess of the following:

Any item of carbon steel more than 8,000 lbs.

Any item of alloy steel (except stainless) more than 5,000 lbs.

Any item of stainless steel sheet more than 2,000 lbs.

Any item of stainless bars and plates more than 1,000 lbs.

Any item of stainless tubing or pipe more than 1,000 lbs. or feet whichever is less.

In no case shall a distributor be required to make such deliveries aggregating 40,000 pounds or more at one time unless the deliveries include ten or more different items with no item to weigh more than shown in the table above.

SEC. 8. *Extension of DO ratings for industrial and merchant trade steel products*—(a) *Extension of DO ratings for industrial and merchant trade steel products by a person located in Canada.* No person may extend a DO rating to secure industrial and/or merchant trade steel products for sale or resale in the form in which such steel is received, except to replace inventory carried regularly in stock which has been delivered by him from stock under DO rated orders. However, this provision shall not prevent the extension of a DO rating to effect delivery of those steel products

which are normally sold by steel producers through their own authorized steel distributors for direct shipment from the mill of such steel producers to steel consumers.

(b) *Extension of DO ratings for industrial and merchant trade steel products by a person located in Canada.* No person located in Canada may extend a DO rating to secure industrial and/or merchant trade steel products from steel producers located in the United States for sale or resale in the form in which such steel is received, except to replace inventory carried regularly in stock which has been delivered by him from stock under DO rated orders. However, this provision shall not prevent the extension of a DO rating to effect delivery of those steel products which are normally sold by steel producers located in the United States through their own authorized steel distributors located in Canada for direct shipment from the mills of such steel producers located in the United States to steel consumers.

SEC. 9. *Application for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 10. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C. Ref.: M-6.

SEC. 11. *Reports.* Persons subject to this order shall make such records and submit such reports to the NPA as it shall require, subject to the terms of the Federal Reports Act (P. L. 831, 77 Cong., 5 U. S. C. 139–139F).

SEC. 12. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 13. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the NPA.

SEC. 14. *Violations.* Any person who wilfully violates any provisions of this order or any other order or regulation of NPA or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

SEC. 15. *List A—Industrial steel products.*

Product groups	Types		
	Carbon	Stainless	Other alloy
1. Blooms, billets, slabs, tube rounds, die blocks, sheet and tin bars	X	X	X
2. Structural shapes and piling	X		X
3. Plates (universal and sheared) including skelp	X	X	X
4. Rails and track accessories	X		X
5. Hot rolled bars—except concrete reinforcing bars but including forged, galvanized and wrought iron bars	X	X	X
6. Concrete reinforcing bars (unfabricated)	X		
7. Cold finished bars	X	X	X
8. Sheets and strip, hot rolled	X	X	X
9. Sheet and strip, cold reduced	X	X	X
10. Tin mill black plate, tin plate and terneplate	X		
11. Sheets and strip, all other but not including items on List B	X	X	X
12. Welded tubing	X	X	X
13. Seamless tubing	X	X	X
14. Tool steel, including drill rod	X		X
15. Wire rope and strand	X		X

SEC. 16. *List B—Merchant trade steel products.*

CARBON AND LOW ALLOY ONLY

No.	Products
20.	Standard and line pipe, water well tubular products, and couplings[1] (includes steel and wrought iron pipe).
21.	Oil country casing, tubing, drill pipe and couplings[1]
22.	Galvanized, lead-coated, or painted sheet and strip purchased for the manufacture of roofing and siding, formed roofing and siding (painted, black, galvanized or lead-coated) valley ridge roll and flashing.
23.	Nails (cut and wire), fence and netting staples.
24.	Wire drawn.
25.	Wire bale ties.
26.	Wire (barbed and twisted) and wire fence (woven or welded).
27.	Wire netting.
28.	Fence posts.
29.	Welded wire concrete reinforcing mesh.

NOTE: All reporting and record-keeping requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[1] Threaded couplings of the type normally supplied on threaded pipe by pipe producers.

This order, as amended, shall take effect on March 15, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-3480; Filed, Mar. 15, 1951; 4:54 p. m.]

Chapter XV—Federal Reserve System

[Regulation X, Interpretations]

REG. X—REAL ESTATE CREDIT

In order to conform to the style and section references of Regulation X as contained in this Title 32A, all interpretations of Regulation X heretofore published under Part 225 of Title 12 which are still applicable have been edited and are republished below:

Int.
1. Statement of borrower where credit secured by mortgage collateral.
2. Necessity for statement of borrower for nonregulated credit.
3. Instruments evidencing exempt credit.
4. Registrant's records of nonregulated credit.
5. Firm commitment prior to effective date.
6. Painting, reroofing and repairs as "major improvement".
7. Sale of new residence subject to pre-effective date indebtedness.
8. Allowance for labor.
9. Mixed purpose loans.
10. House trailers.
11. Maximum maturity.
12. Short-term construction credits.
13. Exemptions for contemplated construction.
14. Modification of pre-effective date firm commitment.
15. Motels and tourist courts.
16. Allowance for builder's profit and costs of sale.
17. Preservation of records.
18. Fraternity house.
19. Maximum maturity of converted short-term construction credit.
20. Loan values computed on family unit basis.
21. Commodity Credit Corporation loans.
22. Maximum maturity.
23. Real estate brokers.

INT. 1—STATEMENT OF BORROWER WHERE CREDIT SECURED BY MORTGAGE COLLATERAL

A Registrant makes a loan to a mortgage company on a note secured by a pledge of collateral consisting of real estate mortgages, including some subject to Regulation X. May the Registrant rely upon a statement by the mortgage company that all of the pledged mortgages which are subject to Regulation X conform with the requirements of the regulation? Must the Registrant procure a copy of the Statement of the Borrower which the mortgagor signed, pursuant to section 4 (d) of Regulation X, with respect to each pledged mortgage which is subject to Regulation X?

Section 4 (a) (5) of Regulation X provides that no Registrant shall lend on any credit instrument evidencing real estate construction credit which is subject to and not exempt from the regulation, unless the terms of such credit conformed with the provisions of section 7 (the Supplement to the regulation) when such credit was originally extended, or conform at the time of such loan. In the case described, the Registrant may not rely upon the statement by the mortgage company to establish that the pledged mortgages which are subject to Regulation X conform with the requirements of the regulation. The Registrant, however, may rely upon a signed statement accepted in good faith in which the mortgage company states which of the pledged mortgages do, and which do not, evidence real estate construction credit subject to Regulation X; and in determining whether a mortgage which is subject to Regulation X conforms with the regulation, the Registrant may rely upon the facts stated in a copy of the Statement of the Borrower signed by the mortgagor and which the Registrant accepts in good faith.

INT. 2—NECESSITY FOR STATEMENT OF BORROWER FOR NONREGULATED CREDIT

A Registrant makes an unsecured loan to a mortgage company, the proceeds of which are to be used by the mortgage company to make real estate loans, including some subject to Regulation X. Must the Registrant obtain any Statement of the Borrower?

As described, the loan by the Registrant to the mortgage company is not an extension of real estate construction credit or a loan on credit instruments evidencing real estate construction credit. The Registrant is required only to be satisfied, and maintain records which reasonably demonstrate on their face, that the loan to the mortgage company is not real estate construction credit. This requirement may be met by the execution by the mortgage company of a Statement of the Borrower of the kind described in the first paragraph of section 4 (d) of Regulation X and the acceptance of the Statement by the Registrant in good faith.

INT. 3—INSTRUMENTS EVIDENCING EXEMPT CREDIT

The prohibitions of section 4 (a) (5) of Regulation X with respect to a Registrant purchasing, discounting, or lending on credit instruments evidencing real estate construction credit apply only to credit instruments evidencing credit which is subject to and not exempt from Regulation X. Under section 6 (b) of the regulation, credit extended pursuant to firm commitments made prior to the effective date of the regulation is exempt. Accordingly, there is no prohibition with respect to purchasing, discounting, or lending on credit instruments evidencing such credit.

INT. 4—REGISTRANT'S RECORDS OF NONREGULATED CREDIT

(This interpretation is obsolete as the subject is now included in section 4 (c) of Regulation X.)

INT. 5—FIRM COMMITMENT PRIOR TO EFFECTIVE DATE

Section 6 (b) of Regulation X provides that the provisions of the regulation shall not apply to or affect any credit extended pursuant to any firm commitment to extend credit made prior to the effective date of the regulation. Inquiries have been received concerning the application of this section to agreements entered into by a Registrant and a builder prior to the effective date of the regulation under which the Registrant agreed to lend a stated amount on stated terms to any purchaser of particular residences built or to be built by the builder if the purchaser has a credit standing satisfactory to the Registrant and if the residence has been constructed according to prescribed plans and specifications.

Section 6 (b) defines a firm commitment as "either (1) a written agreement under which the Registrant is required without option or discretion on his part to extend upon demand by the borrower or upon compliance by the borrower with one or more conditions referred to in such agreement; or (2) any other agreement to extend credit * * * which has been entered into in good faith by the parties and in reliance upon which the prospective borrower or builder has taken specific action prior to October 12, 1950, if the Registrant prior to January 1, 1951, shall have sent to the Federal Reserve Bank of the district in which he does business a letter or other statement reciting the facts with respect to such agreement and the specific action taken by the prospective borrower or builder prior to October 12, 1950;".

If an agreement of the kind described above is in writing, it consitutes a firm commitment within the meaning of clause (1) of the definition of that term and the fact that the borrower (purchaser) must have a credit standing satisfactory to the Registrant is merely one of the conditions with which the borrower must comply. If such an agreement is not in writing, it constitutes a firm commitment within the meaning of clause (2) of the definition if the builder has taken specific action in reliance upon the agreement prior to October 12, 1950, and the Registrant furnishes the required information to the appropriate Federal Reserve Bank prior to January 1, 1951.

INT. 6—PAINTING, REROOFING AND REPAIRS AS "MAJOR IMPROVEMENT"

It is the Board's view that painting, reroofing, and repairs to a single family residence constitute a "major improvement", within the meaning of section 2 (g) of Regulation X, if their cost exceeds $2,500.

INT. 7—SALE OF NEW RESIDENCE SUBJECT TO PRE-EFFECTIVE DATE INDEBTEDNESS

Inquiries have been received regarding the application of Regulation X to a sale of residential property on which there is new construction, where the vendee assumes, or takes the property subject to, indebtedness secured by a mortgage on the property and such indebtedness exceeds the maximum loan value of the property but evidences credit extended prior to October 12, 1950, the effective date of the regulation.

Regulation X does not prohibit such a sale or require that the indebtedness be reduced to the maximum loan value of the property. Under the definition contained in section 2 (d) of Regulation X, such a sale constitutes an extension of credit by the vendor of the property; but, even though the vendor may be a Registrant, the sale is not prohibited by Regulation X because the provisions of section 4 (a) (6) of the regulation, which deal specifically with such transactions, prohibit a sale only "if the amount of outstanding credit (including any credit exempt from, or not subject to the prohibitions of, this regulation) which was extended after October 12, 1950 * * * with respect to the property exceeds, or as a result of such sale or transfer would exceed, the applicable maximum loan value of such property, or if any outstanding real estate construction credit (subject to and not exempt from this regulation) with respect to such property does not conform with the provisions of this regulation." However, any additional extension of credit by a Registrant (including the vendor if he is a Registrant) in connection with such a sale would be prohibited by section 4 (a) (1) of Regulation X.

For example, in a sale of residential property on which there is new construction where the bona fide sale price is $12,000, and the vendee pays $2,000 for the equity of redemption and assumes, or takes such property subject to, a $10,000 mortgage which evidences credit extended prior to October 12, it is not necessary that the $10,000 mortgage be rewritten to conform with Regulation X. However, no part of the $2,000 paid by the vendee for the equity of redemption may be borrowed from a Registrant because the amount of credit outstanding with respect to the property already exceeds the maximum loan value of the property.

INT. 8—ALLOWANCE FOR LABOR

Inquiries have been received under section 2 (i) (2) (B) of Regulation X where the facts are these: A prospective borrower owns a vacant lot on which he, with the help of his family and friends, will perform the necessary labor to build a residence. He applies to a Registrant for credit to be secured by a mortgage upon the residential property, the proceeds of the loan to be used to pay for materials used in the new construction. The question is: How does a Registrant determine the "value" of the residential property?

If the entire cost of the property has been incurred by the prospective borrower not more than 12 months prior to the extension of credit or is to be incurred by him after such extension of credit, the "value" is the bona fide cost of the property to the borrower, including a bona fide estimate of the cost of completing the new construction. It is the view of the Board that a reasonable bona fide estimate of the value of the labor to be performed by the prospective borrower, his family, and friends may be included in the "bona fide estimate of the cost of completing new construction".

If the lot has been purchased or any other part of the cost of the property has been incurred by the prospective borrower more than 12 months prior to the extension of credit, or if any part of such property has been acquired by gift, exchange, or inheritance, the "value" shall

be the appraised value as determined in good faith by the Registrant.

INT. 9—MIXED PURPOSE LOANS

Inquiries have been received regarding the application of Regulation X to extensions of credit for mixed purposes. For example, a prospective borrower applies to a Registrant for a loan to be secured by a mortgage on residential property on which there is no new construction. A part of the loan is for the purpose of financing a major addition to the residence which will cost $8,000, and $2,000 of the loan will be used (a) to retire an existing mortgage on the property, or (b) to retire outstanding indebtedness not secured by a mortgage on the property, or (c) for some other purpose which would not make the loan subject to Regulation X. The question is: How much credit can the Registrant extend and on what terms?

It is the view of the Board that in such cases Regulation X requires that the amount and terms of the loan shall be such as would result if the loan were divided into two or more parts on the basis of the purposes of the loan and each part were treated as if it stood alone; and the amount and terms of the loan would comply with Regulation X if they satisfied the requirements of the regulation applicable to that part which is subject to Regulation X.

By way of illustration, in each of the examples set forth above, the maximum amount of credit permitted by Regulation X would be $8,450, that is, $6,450 (the maximum loan value of the $8,000 major addition) plus $2,000. The maturity and amortization of that part ($6,450) which is subject to Regulation X would have to conform with the provisions of section 7 (the Supplement); or, in other words, the payments on the loan would have to be such as to repay $6,450 of the loans within the time and at the rate required by section 7.

The same principles apply in the case of a loan secured by a mortgage on farm property where part of the loan is for the purpose of financing the construction of a residence on such property and the remainder of the loan is for purposes which would not make the loan subject to Regulation X.

INT. 10—HOUSE TRAILERS

The question has been raised whether Regulation X applies to extensions of credit in connection with sales of house trailers. It is the view of the Board that such extensions of credit are subject to the regulation where the trailers are to be used for dwelling purposes and the wheel assemblies are to be detached and the trailer placed on a foundation constructed on real property.

INT. 11—MAXIMUM MATURITY

(This interpretation has been superseded by Interpretation 22.)

INT. 12—SHORT-TERM CONSTRUCTION CREDITS

In answer to questions that have been raised concerning the exemption in the first sentence of section 5 (b) of Regulation X for short-term construction credits having a maturity of not more than 18 months, it is the opinion of the Board (1) that a demand note complies with the 18 months' maturity limitation if it is understood by the parties that payment will be demanded within a reasonable time and in any event within 18 months from the date the credit is extended; and (2) that a note having a maturity of less than 18 months may be renewed pending completion of construction if the date of maturity of the renewal is not more than 18 months after the date the credit originally was extended.

INT. 13—EXEMPTIONS FOR CONTEMPLATED CONSTRUCTION

It is the view of the Board that exemptions under section 5 (g) of Regulation X should not be granted unless there is a clear showing of substantial hardship. The mere fact that a builder or other person may have made substantial commitments or undertakings before August 3 is not sufficient basis for the granting of an exemption unless he is also able to show that he will suffer substantial hardship if he has to comply with Regulation X in obtaining credit rather than obtaining it on the basis previously contemplated by him and the Registrant. The builder or other person must also be able to show that he had contacts or negotiations with a Registrant prior to August 3, 1950, with a view to possible subsequent agreement for extension of credit to such builder or other person. Section 5 (g) relates only to the credit to finance new construction which is extended to the builder or other person who made substantial commitments or undertakings before August 3 and the provision does not apply to credit involved in a subsequent sale of the property by such builder or other person.

INT. 14—MODIFICATION OF PRE-EFFECTIVE DATE FIRM COMMITMENT

Section 6 (b) of Regulation X provides that the provisions of the regulation shall not apply to or affect any credit extended pursuant to any firm commitment to extend credit made prior to the effective date of the regulation. Questions have been raised concerning the application of this provision where firm commitments made prior to the effective date of the regulation are modified subsequent to that date by (1) substituting a new borrower for the one named in the commitment, (2) increasing the amount which the Registrant is committed to lend in order to cover increases in construction costs, or (3) extending the time within which the Registrant is committed to make the loan. It is the Board's opinion that credit extended pursuant to such a modification of a prior commitment is not exempt from Regulation X except in the case of reasonable extensions of time in accordance with customary practices where the closing of loans is delayed by title difficulties, unforeseen delays in the completion of construction, or comparable circumstances.

INT. 15—MOTELS AND TOURIST COURTS

(This interpretation is obsolete as the subject is now included in footnote 10 to section 2 (k) of Regulation X.)

INT. 16—ALLOWANCE FOR BUILDER'S PROFIT AND COSTS OF SALE

Section 2 (i) of Regulation X provides that, in certain circumstances, the "value" of residential property shall be "the bona fide cost of the property to the borrower, including a bona fide estimate of the cost of completing new construction on such property when the extension of credit is for the purpose of financing such new construction;". Questions have been raised concerning the inclusion of builder's profit and sales cost in determining "value" in cases where, in lieu of obtaining short-term construction credit which would be refinanced upon the sale of the houses, a builder constructing houses for sale seeks long-term mortgage loans for the purpose of financing the construction of the houses and with the expectation that the houses will be sold subject to such indebtedness. It is the Board's view that in such cases a reasonable builder's profit and a reasonable estimate of the cost of selling the houses may be included as a part of the cost to the borrower (builder) for the purposes of determining "value" under the above-mentioned provision of Regulation X. However, in connection with the sale of the houses, consideration must be given to the provisions of section 4 (a) (6) of Regulation X relating to the sale of property by a Registrant subject to indebtedness which exceeds, or as a result of such sale would exceed, the applicable maximum loan value of such property.

INT. 17—PRESERVATION OF RECORDS

(This interpretation is obsolete as the subject is now included in section 6 (d) of Regulation X.)

INT. 18—FRATERNITY HOUSE

(This interpretation is obsolete as the subject is now included in footnote 10 to section 2 (k) of Regulation X.)

INT. 19—MAXIMUM MATURITY OF CONVERTED SHORT-TERM CONSTRUCTION CREDIT

(This interpretation is obsolete as the subject is now included in section 5 (b) of Regulation X.)

INT. 20—LOAN VALUES COMPUTED ON FAMILY UNIT BASIS

(This interpretation is obsolete as the subject is now included in section 7 (the Supplement) of Regulation X.)

INT. 21—COMMODITY CREDIT CORPORATION LOANS

An inquiry has been received concerning the application of Regulation X to loans which are made by banks and other lending agencies pursuant to commodity loan programs of the Commodity Credit Corporation and which the Commodity Credit Corporation is committed to purchase. It is the Board's view that such loans should be regarded for this purpose as loans guaranteed by a wholly owned Government corporation and that, therefore, they do not constitute real estate construction credit as defined in section 2 (e) of Regulation X and are not subject to Regulation X.

INT. 22—MAXIMUM MATURITY

The maturity provision in section 7 (the Supplement to Regulation X) provides for maximum maturity of 20 years (or 25 years, in some cases) "from the date such credit is extended". In trade practice, provision often is made for the payment of the first instalment of an amortized loan on the first day of the second calendar month after the month in which the credit is extended. In order to permit this practice, the Board, in Interpretation 11, stated: * * * in calculating the maximum maturity of credit subject to the regulation, a Registrant may, at his option, use any date not more than 32 days subsequent to the date such credit is extended."

Regulation X provides in section 6 (i) that "In calculating the maximum maturity of credits which are subject to maximum maturity provisions in section 7, a Registrant may use, at his option, as 'the date such credit is extended', any date not more than 32 days subsequent to the actual date such credit is extended."

Neither Interpretation 11 nor section 6 (i) of the regulation means that the first instalment of an amortized loan must be paid within 32 days after the date the credit is extended. They do mean, in effect, that the maximum maturity of credit subject to Regulation X may be 20 years and 32 days (or, in some cases, 25 years and 32 days) from the actual date such credit is extended.

For example, if a 20-year loan payable monthly were closed on January 1, 1951, and the first payment is made on March 1, 1951, the last payment would be made on February 1, 1971. Here the Registrant would be using February 1, 1951, which is 31 days subsequent to the actual date such credit is extended, as "the date such credit is extended", and the loan would mature 20 years from such date. The loan, in effect, would have a maturity of 20 years and 31 days from January 1, 1951, the actual date such credit was extended.

The principles of Interpretation 11 and of section 6 (i) of the regulation are not limited to monthly payment loans. The amortization provision in section 7 (the Supplement to Regulation X) permits repayment through substantially equal monthly, quarterly, semiannual, or annual payments. As a further illustration, in the case of a 20-year loan payable annually in 20 instalments, where the loan is closed on February 1, 1951, the first payment could be made on March 1, 1952, because the last payment would be made and the loan would mature on March 1, 1971. Here the Registrant would be using March 1, 1951, which is 28 days subsequent to the actual date such credit is extended, as "the date such credit is extended", and the loan would mature 20 years from such date.

INT. 23—REAL ESTATE BROKERS

An inquiry has been received by the Board regarding the status under Regulation X of real estate brokers: When are they Registrants and, in cases where they are, does this affect sales of real property by non-Registrants, when the broker acts as the vendor's sales agent?

Section 1 (b) of the regulation provides that the regulation applies to any person who is engaged in the business of extending certain real estate credit, "including any person who acts as agent in arranging for such credit." The quoted phrase means that the regulation applies to persons who are engaged in the business of arranging for such credit as agents for lenders, not as agents for borrowers.

In a typical sale of real estate, where the real estate broker acts as sales agent for the vendor, the broker may also arrange the financing for the sale. In such cases, if the broker receives a fee from a lender for his services in arranging the financing, whether the lender is the vendor or a third party, the broker ordinarily would be considered an agent for the lender. However, if the broker does not receive such a fee, but merely contacts or otherwise negotiates with the lender on behalf of the vendor or vendee, he ordinarily would not be considered an agent for the lender.

It is the opinion of the Board that a real estate broker would be a Registrant under Regulation X if, in his own right or as agent for a lender or as a fiduciary, he either (1) extends or has extended such real estate credit more than three different times during the current calendar year or during the preceding calendar year, or (2) extends or has extended such real estate credit in an amount or amounts aggregating more than $50,000 during the current calendar year or during the preceding calendar year. For this purpose, a transaction in which a real estate broker acts as agent of the lender in arranging the financing as described above is to be considered an extension of credit by him.

The mere fact, however, that a real estate broker acting as sales agent in a sale of real property may be a Registrant does not affect a sale by a non-Registrant, unless the real estate broker extends or arranges as agent for an extension of real estate construction credit in connection with the sale.

Under section 4 (a) (6) of Regulation X, a sale in which the vendee assumes, or takes the property subject to, a mortgage is not permissible if the amount of outstanding credit (extended after October 12, 1950, January 12, 1951, or February 15, 1951, as the case may be) exceeds the maximum loan value. However, this restriction is applicable only to a Registrant who is acting as principal and, therefore, does not apply to a real estate broker who is acting as agent in connection either with the sale or the financing which may be involved. Of course, if additional real estate construction credit over and above the maximum loan value of the property were extended in connection with the sale, the other provisions of section 4 would apply to a real estate broker who acted as agent in arranging for the extension of such additional credit in the manner described above.

(Sec. 704, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp. Interpret or apply sec. 602, Pub. Law 774, 81st Cong.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-3406; Filed, Mar. 16, 1951; 8:47 a. m.]

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter III—Government Patents Board

[Administrative Order No. 4]

PART 301—FOREIGN PATENT PROTECTION PROCEDURE

MARCH 12, 1951.

Sec.
301.1 Purpose.
301.2 Scope.
301.3 Reports and recommendations.
301.4 The Secretary of Commerce.
301.5 The Department of State.
301.6 Licensing of foreign patents.
301.7 Disclosure of inventions.
301.8 Foreign filing by inventor.

AUTHORITY: §§ 301.1 to 301.8 issued under E. O. 9865, 12 F. R. 3907, E. O. 10096, 15 F. R. 389.

§ 301.1 *Purpose.* The purpose of this part is to prescribe procedures for effectuating the policy of the Government, as set forth in Executive Order 9865, with respect to the administration of the program for patent protection abroad of inventions resulting from Government-financed research to which the Government has acquired title or the right to file foreign patent applications thereon.

§ 301.2 *Scope.* This part applies to any invention to which the Government has acquired or may acquire title or the right to seek patent protection abroad, except any invention officially classified for reasons of the national security and any invention within the jurisdiction of the Atomic Energy Commission which is not specifically authorized by said Commission for inclusion within the terms of this part.

§ 301.3 *Reports and recommendations.* (a) Immediately upon filing an application for United States patent and receiving from the Commissioner of Patents the serial number of such application on an invention in and to which the Government has obtained title or the right to file foreign patent applications thereon, or holds an option to obtain such right, the Government agency concerned shall inform the Office of Technical Services, Department of Commerce, and furnish the information specified in paragraph (b) of this section concerning each such invention.

(b) The Government agency concerned shall furnish the Office of Technical Services, through the use of Foreign Patent Protection Reporting Form TS12, the following information concerning each invention:

(1) Whether or not the reporting agency recommends that the invention should receive patent protection abroad by the United States and, if so, in what

foreign jurisdictions such patent protection should be sought, together with the reasons for the recommendation to file or not to file for foreign patent protection, or to cause disclosure of the invention in accordance with § 301.7, and an indication of the immediate or future industrial, commercial or other value of the invention, including its value to public health.

(2) The other information specified in Form TS12, including an abstract of the invention, which shall consist of a clear and concise summary of the invention, containing, in 100 words or less of simple language (non-technical where possible), information concerning the specific form or embodiment of the invention with special reference to its novel features and giving the permissible variations unless they are obvious. The abstract should cover:

(i) What the invention is or to what it relates;

(ii) Its construction, if a machine, apparatus, device or article; its identity, if a chemical compound, or its ingredients, if a mixture, including the production thereof if not obvious; or the procedure involved, if a process;

(iii) Its manner of operation (how it works), if a machine, apparatus, device or article; and

(iv) What it accomplishes or is intended to accomplish over the known prior art.

Unessential details and theoretical matters and discussions should be omitted, but the abstract should be sufficiently complete to serve as a disclosure of the invention.

§ 301.4 *The Secretary of Commerce.* Under Administrative Order No. 2, issued by the Chairman of the Government Patents Board on September 6, 1950 (15 F. R. 6131), which delegated to the Secretary of Commerce certain of the functions and duties transferred to the Chairman of the Government Patents Board under Executive Order 10096, it is the responsibility of the Secretary of Commerce, as represented by the Office of Technical Services, Department of Commerce, upon receipt of the information specified under § 301.3:

(a) To consult fully with United States industry and commerce, with the Chairman of the Government Patents Board, with the Department of State, and with other Government agencies familiar with technical, scientific, industrial, commercial or other economic or social factors affecting the invention involved;

(b) Upon the basis of such consultation and after consideration of the availability of valid patent protection in the countries determined to be immediate or potential markets for, or producers of, products, processes, or services covered by or relating to the invention, to determine whether or not and in what foreign jurisdictions the United States should seek patent protection of such inventions and, to the extent of available funds therefor, to procure foreign patent protection of such inventions, taking all action, consistent with existing law, necessary to acquire and maintain patent rights abroad on such inventions;

(c) To administer foreign patents acquired by the United States under the terms of this part, subject to the approval of the Chairman of the Government Patents Board on all matters of policy;

(d) To issue licenses under such patents as prescribed in § 301.6 and in accordance with law;

(e) To maintain adequate records, and other necessary files, to provide readily available information on all the inventions included under the program, with special reference to patent applications pending, patents issued, and licenses granted; and

(f) To submit to the Chairman of the Government Patents Board a written report quarterly, or otherwise as the Chairman may request, on all operations of this program during the preceding calendar quarter or other period designated.

§ 301.5 *The Department of State.* Pursuant to Executive Orders 9865 and 10096, it is the responsibility of the Department of State, in consultation with the Chairman of the Government Patents Board and the Secretary of Commerce, to seek arrangements among governments under which each government and its nationals shall have access to the foreign patents of the other participating governments.

§ 301.6 *Licensing of foreign patents.* (a) Licenses under foreign patents issued to the United States shall be granted by the Secretary of Commerce to nationals of the United States on a nonexclusive, revocable, royalty-free basis except in such cases as the Secretary of Commerce with the approval of the Chairman of the Government Patents Board shall determine it to be inconsistent with the public interest to issue such licenses on a nonexclusive, royalty-free basis.

(b) Licenses under foreign patents issued to the United States may be granted by the Secretary of Commerce to foreign countries or to nationals of foreign countries pursuant to any arrangements which may come into force with such countries as provided in § 301.5, or, in the absence of such arrangements, on such terms as the Secretary of Commerce, with the approval of the Chairman of the Government Patents Board, shall determine, in accordance with law and on the recommendation of the Secretary of State, would be in the public interest, subject to outstanding licenses.

(c) With respect to foreign patents relating to matters of public health, licenses under such patents issued to the United States may be granted by the Secretary of Commerce to foreign countries or to nationals of foreign countries on a nonexclusive, revocable, royalty-free basis unless the Chairman of the Government Patents Board, on the recommendation of the Secretary of State, shall determine otherwise, regardless of whether a country is a party to the arrangements specified in § 301.5.

§ 301.7 *Disclosure of inventions.* (a) The Secretary of Commerce may, in cooperation with the Government agency concerned and with the approval of the Chairman of the Government Patents Board, cause prompt disclosure of any invention falling within the scope of this part, with respect to which a patent application has been filed in the United States, and concerning which a secrecy order has not been issued by the United States Commissioner of Patents, in such manner as may be necessary, or useful and feasible, to insure maximum protection to the interest of the United States.

(b) The Secretary of Commerce may, in cooperation with the Government agency concerned and with the approval of the Chairman of the Government Patents Board, cause prompt disclosure of any invention falling within the scope of this part, with respect to which a determination has been made that a patent application will not be filed in the United States, in such manner as may be necessary, or useful and feasible, to insure maximum protection to the interest of the United States, upon determination by the Secretary of Commerce, after consultation with all interested departments and agencies and with the approval of the Chairman of the Government Patents Board, that such disclosure would not be contrary to the national interest or security and that the invention is of sufficient novelty and significance to require such protection.

§ 301.8 *Foreign filing by inventor.* When the foreign patent rights in an invention are not assigned to the Government but the Government may, at its option or on request, acquire such rights and the Secretary of Commerce, as represented by the Office of Technical Services, Department of Commerce, fails to cause an application to be filed in any particular foreign country on behalf of the Government, or determines not to seek a foreign patent in such country, within six months of the filing of an application for United States patent on the invention, such failure to cause an application to be filed, or determination not to seek a foreign patent, shall constitute a decision by the Government not to acquire the patent rights in such foreign country, subject to the provisions of paragraph 6 of Executive Order 9865. After the decision by the Government the inventor may apply for patent in such country, subject to the reservation to the Government of a nonexclusive, irrevocable, royalty-free license in the invention for all governmental purposes

ARCHIE M. PALMER,
Chairman.

[F. R. Doc. 51-3463; Filed, Mar. 16, 1951; 8:59 a. m.]

TITLE 50—WILDLIFE

Chapter II—Alaska Game Commission, Department of the Interior

MISCELLANEOUS AMENDMENTS TO REGULATIONS

Basis and purpose. Wildlife surveys during the past year have shown that mountain sheep require additional protection at the southern tip of their range south of Lake Clark and in the southern portion of the Chugach Mountains permit area, south of and including Eagle River. In the remainder of the Chugach Mountains permit area, and in the Talkeetna permit area, surveys have shown a substantial number of legal rams which could be taken by hunters. At the present time there is no way of knowing the extent of hunting pressure in any given area, nor the success of hunters, without the use of permits. For this reason hunters in the Talkeetna and Chugach areas will be required to have permits, but the number of permits issued will not be limited. This will then give a measurement of normal hunting pressure in these accessible areas, together with a report on the number of rams taken during the season. The resultant data will form a basis for deciding future regulations.

Field surveys and investigations have shown that only a limited number of surplus male elk are available, and that the number of surplus males is not large enough to justify an additional season at this time.

Surveys and investigations have shown that a limited number of surplus bison bulls (25) can be removed without harm to the herd. The experience of 1950 showed that the 25 bulls can be removed in a period of 10 days. The limitation on the number of applications will be accomplished by a non-discriminatory public drawing open only to those applicants who did not receive a permit during the 1950 bison hunt.

That portion of the Palmer area west of Knik Arm and the Matanuska River supports a winter moose population far in excess of the carrying capacity of the area. Studies have shown that wintering populations greater than five moose per square mile are excessive. Some parts of this area support more than fifty moose per square mile. The total moose population in this area is in excess of 1,200 animals. All the wintering locations near the Palmer area are at or above maximum carrying capacity and the moose have no other place to winter. This winter concentration is located in the Matanuska Valley where much farming is done and moose enter the farms and cause considerable damage in the hayfields and haystacks. Attempts have been made to drive the moose from farms with noisemakers, flares and smokepots without success. Roads completely cover this portion of the Palmer area and a general open season will make too many moose accessible to hunters and allow an excessive kill. Therefore, it is the opinion of the Commission that a permit moose hunt is the logical way to reduce the moose population in these concentrated areas.

Thallium and sodium floracetate are newly developed lethal compounds and their use must be prohibited.

Sec.
161.1 Employment of guides by nonresidents and aliens.
161.2 Qualifications for guide licenses and issuance thereof.

AUTHORITY: §§ 161.1 to 161.2 issued under sec. 10, 43 Stat. 744, as amended; 48 U. S. C. 199.

PART 161—GUIDES

§ 161.1 *Employment of guides by nonresidents and aliens.* (a) Nonresidents of the Territory or aliens taking big game animals for any purpose, or going afield to photograph large brown or grizzly bears, except nonresident Federal officials engaged in wildlife investigations in Alaska exempted by special permit of the Commission, are required to employ and be accompanied by a guide registered and licensed by the Commission: *Provided*, That one such guide may conduct a party of nonresident or alien hunters if he provides a resident, licensed hunter 21 years of age or more to accompany each hunter not personally accompanied in the field by the registered guide; but no such guide, or resident assistant under the supervision of a registered and licensed guide, shall accompany in the field more than one nonresident or alien, except husband and wife and minor child, all of whom are in possession of the required hunting license: *Provided further*, That the registered guide in charge of each party shall be held responsible by the Alaska Game Commission for observance of all conservation regulations by all members of his party including the provisions of section 5093 C. L. A. 1933 (Wanton Destruction of Game), which fully applies to all meat acquired on trophy hunts.

(b) No guide or resident assistant under the supervision of a registered and licensed guide may take any big game animal while guiding, except in cases of actual emergency when a bear is attacking or is about to escape after being wounded, it shall be the duty of the guide to take such action as he deems necessary.

§ 161.2 *Qualifications for guide licenses and issuance thereof.* (a) Only resident citizens who are 21 years of age or more and have resided in the Territory for the 5 years immediately preceding application for registration and a guide license, and who are in sound physical condition and have had practical field experience in the handling of firearms, hunting, judging trophies, first aid, field preparation of trophies, and photography, and who are familiar with the terrain and transportation problems involved in the district for which application for such license is made, and who have further successfully passed oral and written examination prepared by the Commission will be registered and licensed to act as guides for nonresidents and aliens taking big game animals for any purpose, or going afield to photograph large brown or grizzly bears.

(b) The Alaska Game Commission will establish guide districts and maintain a register of such persons as are duly qualified and licensed to act as guides in such districts.

(c) Applications for such registration and guide license shall be made to an enforcement agent employed in the guide district in which the applicant resides, on a form issued by the Commission and shall state applicant's citizenship and resident status, age, physical characteristics, permanent address, and district or districts in which he desires to operate, together with full information relative to his qualifications to act as guide, and shall be subscribed to and sworn to by the applicant before an officer authorized to administer oaths.

(d) Upon receipt of such application by the enforcement agent, he shall conduct such written and oral examinations and make such investigations as the Commission shall require to determine the qualifications of the applicant to act as a guide.

(e) The enforcement agent who conducts such examination shall promptly file his report thereof with the executive officer of the Commission, together with his recommendation thereon, which report and recommendation shall be attached to the application and considered and determined at a regular or special meeting of the Commission.

(f) The executive officer of the Commission may, after investigation and satisfying himself of an applicant's qualifications, issue a guide license to him upon payment of the required fee, authorizing him to act as a guide under the terms of the license, subject to approval of the Commission at its next meeting.

(g) A registered guide license must bear the signature of the executive officer of the Commission. Each license shall expire on June 30 next succeeding its issuance, shall be revocable at the discretion of the Commission, and shall not be transferable.

(h) Each licensed guide shall submit to the Commission, immediately upon completion of a hunting or photographing trip, a separate report on each hunter containing the name and address of the nonresident or alien hunter for whom he or any of his resident assistants acted as guide, period covered by his or his assistant's services, number and species of animals taken, wounded and not secured, numbers and locations of each species of big game animal observed on the trip, and such other information as the Commission may require.

PART 162—POISONS

§ 162.1 *Designation and use of poison.* (a) Pursuant to section 8 of the Alaska Game Law, the following substances are by the Commission designated poisons: Strychnine, arsenic, phosphorus, antimony, barium, the cyanides, corrosive sublimate, thallium, sodium floracetate, or any derivative or derivatives, compound or compounds thereof, which, by said section 8, are forbidden:

(1) To be used at any time to kill any game or fur animal or bird, except by Fish and Wildlife Service employees under direction of the Commission.

(2) To be put out where any game or fur animal or bird may come in contact with it,

(3) To be sold or given to any hunter or trapper, or

(4) To be possessed by any hunter or trapper.

(b) Any person selling or otherwise disposing of any of the aforesaid poisons is required by said section 8 of the Alaska Game Law to keep a record in a special book showing the name and address of

each person purchasing or otherwise procuring said poison, and the kind and amount thereof, such record to be, at all times, open to inspection by any enforcement agent or other officer authorized to enforce the Alaska Game Law and information thereof to be transmitted monthly to the Alaska Game Commission.

(Sec. 10, 43 Stat. 744, as amended; 48 U. S. C. 199)

PART 163—TRAPPING AND HUNTING LICENSES

§ 163.1 *Resident trapping, hunting and fishing licenses.* No resident of the Territory over 16 years of age, except a native-born Indian or Eskimo, shall take game animals, fur animals, birds, or game fishes in the Territory without first having obtained a resident hunting license for game animals or birds, a trapping license for fur animals, or a fishing license for game fishes, but a person who is the holder of such trapping license shall be entitled to the privilege of hunting game animals or birds or taking game fishes, and a person who is the holder of a resident hunting license shall be entitled to the privilege of taking game fishes during the respective open seasons.

(Sec. 10, 43 Stat. 744, as amended; 48 U. S. C. 199)

PART 164—FUR MANAGEMENT AREAS

Sec.
164.1 Koyukuk Fur Management Area.
164.2 Arctic Slope Fur Management Area.
164.3 Upper Tanana River Fur Management Area.

AUTHORITY: §§ 164.1 to 164.3 issued under sec. 10, 43 Stat. 744, as amended; 48 U. S. C. 199.

§ 164.1 *Koyukuk Fur Management Area.* (a) There is hereby set aside an area that hereafter, and for the purpose of this section, shall be known as the Koyukuk Fur Management Area, more particularly described as follows: The entire drainage of the Koyukuk River, beginning at the mouth of the Dalby Slough and extending upstream to and including the entire drainage of the Alatna River; thence crossing the Koyukuk River 10 statute airline miles up river from Alatna; thence crossing the Kanuti River 24 statute airline miles up river from the confluence of the Koyukuk and Kanuti Rivers; thence along the drainage of the Koyukuk River to the place of beginning.

(b) The seasons and limits on fur animals prescribed in the annual regulations of the Secretary of the Interior under the Alaska Game Law shall be effective on the Koyukuk Fur Management Area. In that part of the area located within Fur District 6 the seasons and limits as prescribed by the Secretary, and then in effect, for that district shall be applicable. In the remainder of the aforesaid area those seasons and limits as established for Fur District 7 shall prevail.

(c) No fur animals may be taken except by the methods, means, and numbers provided in the general regulations of the Secretary of the Interior:

(1) No person shall take any fur animal within the Koyukuk Fur Management Area without first having resided within the boundaries of this area continuously for not less than one year; and

(2) Except as to native Indians, Eskimos, and residents under 16 years of age, be in possession of a current resident license to take fur animals in the Territory of Alaska at large.

§ 164.2 *Arctic Slope Fur Management Area.* (a) There is hereby set aside an area that hereafter, and for the purpose of this section, shall be known as the Arctic Slope Fur Management Area, more particularly described as follows: Beginning at the Village of Sinaru and running due south to the divide between the Colville and Noatak Rivers; thence easterly along the divide separating the waters flowing into the Arctic Ocean from the waters flowing into the Noatak and Yukon River drainages to the International Boundary; thence north along the International Boundary to the Arctic Ocean; thence westerly along the shores of the Arctic Ocean to the Village of Sinaru, or place of beginning.

(b) The seasons and limits on fur animals as prescribed in the annual regulations of the Secretary of the Interior under the Alaska Game Law shall be effective on the Arctic Slope Fur Management Area. The seasons and limits as prescribed by the Secretary, and then in effect, for Fur District 8, shall be applicable.

(c) No fur animals may be taken except by the methods, means, and numbers provided in the general regulations of the Secretary of the Interior:

(1) No person shall take any fur animal within the Arctic Slope Fur Management Area without first having resided within the boundaries of this area continuously for not less than one year; and

(2) Except as to native Indians, Eskimos, and residents under 16 years of age, be in possession of a current resident license to take fur animals in the Territory of Alaska at large.

§ 164.3 *Upper Tanana River Fur Management Area.* (a) There is hereby set aside an area that hereafter, and for the purpose of this section, shall be known as the Upper Tanana River Fur Management Area, more particularly described as follows: To include the entire headwater drainage of the Tanana River from the Alaska-Canadian border to its confluence with the Robertson River below Tanana Crossing.

(b) The seasons and limits on fur animals as prescribed in the annual regulations of the Secretary of the Interior under the Alaska Game Law shall be effective on the Upper Tanana River Fur Management Area. The seasons and limits as prescribed by the Secretary, and then in effect, for Fur District 6, shall be applicable.

(c) No fur animals may be taken except by the methods, means, and numbers provided in the general regulations of the Secretary of the Interior:

(1) No person shall take any fur animal within the Upper Tanana River Fur Management Area without first having resided within the boundaries of this area continuously for not less than one year; and

(2) Except as to native Indians, Eskimos, and residents under 16 years of age, be in possession of a current resident license to take fur animals in the Territory of Alaska at large.

PART 165—SPECIAL PERMIT HUNTS

Sec.
165.1 Mountain sheep.
165.2 Bison.
165.3 Moose.

AUTHORITY: §§ 165.1 to 165.3 issued under sec. 10, 43 Stat. 744, as amended; 48 U. S. C. 199.

§ 165.1 *Mountain sheep.* In the Talkeetna area bounded by the Susitna River on the west and north, Tyone Creek and the Little Nelchina River to the Glenn Highway on the east, the Glenn Highway and the waters of Knik Arm to the mouth of the Susitna River on the south; and in the Chugach Mountains area bounded by Turnagain and Knik Arms on the west, the Glenn Highway to the Little Nelchina River on the north; thence south along Nelchina Glacier and following the summit of the Chugach Mountains to the head of Turnagain Arm, sheep hunting will be limited to holders of a special permit in addition to the 1952 fiscal year hunting license. Each hunter will be limited to one mature ram with three-fourths curl of horn or larger and will be required to furnish data on the hunt to the Commission. No permits will be issued for that portion of the Chugach Mountains area including all drainages into Knik and Turnagain Arms between and including Eagle River and Twenty-Mile River.

Permits will be issued upon application, by writing or in person, to the Fish and Wildlife Service, Anchorage, Alaska. Each application must include the kind and serial number of the applicant's 1952 fiscal year hunting license, his name and address, and must specify the location it is desired to hunt. Applications must be in the hands of the Fish and Wildlife Service prior to August 20.

§ 165.2 *Bison.* Bison hunting in the Big Delta area south of the Tanana River and including the Mount Hayes-Blair Lakes closed area will be limited to holders of a special permit in addition to the 1952 fiscal year hunting license. The Commission will issue not to exceed 25 such permits.

Applications must be made by letter to the Alaska Game Commission at Fairbanks, Alaska, stating name, address, and serial number and kind of 1952 fiscal year hunting license. Applications must be postmarked August 1 to August 10, inclusive. Should the number of applications exceed 25 a committee composed of the Governor of the Territory or his representative, and one disinterested citizen shall prescribe on August 25 a non-discriminatory method of issuing the limited number of permits to eligible applicants. Applicants who received permits during the 1950 bison hunt will not be eligible. Eligible applicants, after due notice, and upon submission of a money order, certified check, or bank draft for $25, payable to the Treasurer of the United States, will be issued said special permit by the Executive Officer of the Commission.

Permittees must register with agents of the Commission at the junction of the Richardson and Alaska highways, prior to and following the hunt, and must hunt only those animals as are designated by the agents.

Employees of the Alaska Game Commission and the Fish and Wildlife Service are not eligible for the above permits.

§ 165.3 *Moose.* In that portion of the Palmer area west of Knik Arm and the Matanuska River, moose hunting for 75 bull moose will be allowed by permit only from December 11 through December 23.

Applications must be made in writing to the Alaska Game Commission, Anchorage, Alaska, prior to November 1, 1951, stating name, address, serial number and kind of 1952 fiscal year hunting license. No fee will be charged for a permit. A public drawing will be held at the Alaska Game Commission office, Anchorage, Alaska, at 12:00 noon, November 15, 1951, and successful applicants will be notified immediately thereafter.

A checking station will be located at Palmer, Alaska, and all hunters will be required to check at this station both before and after hunting.

This section will in no way conflict with the provisions of § 46.104 of Chapter I of this title, which states the limit for moose is one male per year. In other words, successful hunters during the general open season will not be eligible to participate in the special permit hunt.

Employees of the Alaska Game Commission and the Fish and Wildlife Service are not eligible for the above permits.

The above enumerated regulations were adopted at a meeting of the Alaska Game Commission held for that purpose, at which a quorum of the members was present, in the City of Juneau, Alaska, on the 12th day of February 1951.

In testimony whereof, we have set our hands and have caused the official seal of the said Commission to be affixed in the City of Juneau, Alaska, this 17th day of February 1951.

[SEAL] EARL N. OHMER,
Commissioner, 1st Judicial Division, and Chairman.
HARRY O. BROWN,
Commissioner, 2d Judicial Division.
FORBES L. BAKER,
Commissioner, 4th Judicial Division.
CLARENCE J. RHODE,
Executive Officer.

[F. R. Doc. 51-3400; Filed, Mar. 16, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 904]

[Docket No. AO-14-A20]

HANDLING OF MILK IN GREATER BOSTON, MASS., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO THE TENTATIVELY APPROVED MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Fleming Museum, University of Vermont, Burlington, Vermont, beginning at 10:00 a. m., e. s. t., April 2, 1951, and in Courtroom No. 4 on the twelfth floor of the Federal Building, Post Office Square, Boston, Massachusetts, beginning at 10:00 a. m., e. s. t., April 5, 1951, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. The proposals to make certain revisions in the Class II pricing formula raise the question of the level of Class II prices and the components of a Class II pricing mechanism. Accordingly, evidence with respect to all phases of Class II pricing will be received at the hearing. These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed by United Farmers of New England, Inc., and Milton Cooperative Dairy Corporation:

1. Revise § 904.7 (b) to increase the rates of processing allowance in line with current operating costs, including the general price level and wage rates of plant labor.

2. Revise § 904.7 (b) to include provisions for automatic adjustment of the processing allowance to reflect changes in prices, labor cost, and volume of Class II milk.

Proposed by H. P. Hood and Sons:

3. Amend § 904.7 (b) to:

(a) Change the yield factors.

(b) Change the price quotations.

(c) Increase the allowances in § 904.7 (b) (3).

(d) Provide for adjusting price to nearest cent.

4. Amend § 904.7 (d) (3) to provide for an automatic change in the factor of 1.03 in the event the transportation tax is changed from 3 percent.

5. Amend § 904.9 (d) (2) to provide for multiplying the cream price by .98, then subtracting 26 cents, then dividing by 330 and then adjusting to the nearest one-tenth cent.

Proposed by New England Milk Producers' Association and Northern Farm Cooperative, Inc:

6. In § 904.9 (d) (2) delete 334.8 and substitute 330.

Proposed by:

Bellows Falls Cooperative Creamery, Inc.
Bethel Cooperative Creamery, Inc.
Cabot Farmers' Cooperative Creamery Co., Inc.
Connecticut Valley Dairy, Inc.
Grand Isle County Cooperative Creamery Association, Inc.
Granite City Cooperative Creamery Association, Inc.
Maine Dairymen's Association, Inc.
Milton Cooperative Dairy Corp.
Mount Mansfield Cooperative Creamery and Grain Association, Inc.
New England Milk Producers' Association,
Northern Farms Cooperative, Inc.
Richmond Cooperative Association, Inc.
St. Albans Cooperative Creamery, Inc.
Shelburne Cooperative Creamery Co.
United Farmers of New England, Inc.

7. Expand the marketing area to include the towns of Ayer, Bedford, Bourne, Falmouth and Sandwich, Massachusetts; or the military and governmental establishments known as Fort Devens, Camp Edwards, Bedford Airport, and Bedford Veterans' Hospital.

Proposed by:

Bethel Cooperative Creamery, Inc.
Cabot Farmers' Cooperative Creamery Co., Inc.
Grand Isle County Cooperative Creamery Association, Inc.
Milton Cooperative Dairy Corp.
Mount Mansfield Cooperative Creamery and Grain Association.
Richmond Cooperative Association, Inc.
St. Albans Cooperative Creamery, Inc.
United Farmers of New England, Inc.

8. Expand the marketing area to include the establishment of the Federal Government in the town of Framingham, Massachusetts, known as "Cushing Memorial Hospital."

Proposed by Independent Cooperative Association, Inc.:

9. Include Fort Devens, Ayer, Massachusetts, in the marketing area during the period of war effort.

Proposed by Northern Farms Cooperative, Inc.:

10. Delete § 904.9 (e).

Proposed by Dairy Branch, Production and Marketing Administration:

11. Delete § 904.7 (a) (3) (ii) and substitute:

(ii) Compute the index of the wage rates for each of the States named below by dividing the wage rate for the latest available month as reported by the United States Department of Agriculture by the applicable factor in the following table. Next compute a simple average of the indexes for each State and a weighted index by using the following

weights: Maine, 10; Massachusetts, 6; New Hampshire, 7; and Vermont, 77. Multiply the weighted index by 2.072 and then by 0.4.

	Maine	Massachusetts	New Hampshire	Vermont
Per month:				
With board and room..	$92 08	$104 25	$90 50	$101 08
With house	107.17	110.75	133.50	128.92
Per week:				
With board and room	25.396	27.292	26.708	25.823
Without board and room.	35.08	38.75	37.75	35.899
Per day:				
Without board and room.	6.108	6.667	6.692	6.392

12. Amend § 904.7 (f) to read as follows:

(f) *Use of equivalent prices in formulas.* If for any reason a price, index, or wage rate specified by this order for use in computing class prices and for other purposes is not reported or published in the manner described in this order, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

13. Amend the applicable provisions of the order to provide that the operator of a milk plant shall be responsible, with respect to all milk and milk products received at the plant, for all payment, reporting, and other obligations imposed by the order upon a handler, with exceptions limited to milk temporarily diverted by a handler from its usual plant of receipt and milk of a dairy farmer's own production which is processed for him.

14. (a) In § 904.1 (b) (5) delete "one of the handlers nonpool plants" and substitute "another plant."

(b) Amend § 904.1 (b) (6) to provide that a dairy farmer whose milk is diverted to a Boston country pool plant from a Lowell-Lawrence, Springfield, or Worcester pool plant to which he ordinarily delivers is not a producer under the Boston order if his milk is reported as a producer receipt under the provisions of the other order.

15. Amend § 904.3 (c) to:

(a) Classify sales of pool milk to producer-handlers on an allocated basis rather than on a specific use basis.

(b) Remove restrictions which prevent buyer-handlers from moving milk to other plants on a Class II basis.

16. Delete § 904.5 (c) and substitute the following:

(c) *Receipt of skim milk from producer-handlers.* Skim milk received from a producer-handler shall be assigned to Class II up to the total quantity of fluid milk products other than cream used as Class II at the plant of receipt.

17. Delete § 904.1 (b) (3) and delete § 904.2 and substitute:

§ 904.2 *Market administrator—(a) Designation of market administrator.* The agency for the administration of this order shall be a market administrator, who shall be a person selected and subject to removal by the Secretary. The market administrator shall be entitled to such compensation as shall be determined by the Secretary.

(b) *Powers of market administrator.* The market administrator shall have the following powers with respect to this order:

(1) To administer its terms and provisions;

(2) To make rules and regulations to effectuate its terms and provisions;

(3) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(4) To recommend to the Secretary amendments to it.

(c) *Duties of market administrator.* The market administrator in addition to the duties described in other sections of this order shall:

(1) Within 45 days following the date upon which he enters upon his duties execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(2) Pay, out of the funds provided by § 904.11, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(3) Keep such books ad records as will clearly reflect the transactions provided for in this order and surrender the same to his successor, or to such other person as the Secretary may designate;

(4) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this order;

(5) Promptly verify the information contained in the reports submitted by the handlers; and

(6) Give each of the producers delivering to a plant, as reported by the handler, prompt written notice of their actual or potential loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

18. Amend § 904.8 (c) (3) by deleting the period and adding thereto the following: "____ because of failure to make reports pursuant to § 904.6 or payment pursuant to § 904.9."

19. Delete § 904.12 (c) and substitute the following:

(c) *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

20. In § 904.14 delete all of the introductory language after "irrespective of when such obligation arose."

21. Amend § 904.8 (b) so as to provide for excluding from each current pool computation the milk of any nonpool handler who is not in compliance with the reporting and payment provisions of the order for any prior month since the effective date of the most recent amendment of the order.

22. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing, the said order, as amended, now in effect, may be procured from the Market Administrator, Room 403, 230 Congress Street, Boston 10, Massachusetts, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated March 14, 1951, at Washington, D. C.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-3457; Filed, Mar. 16, 1951; 8:56 a. m.]

[7 CFR, Part 905]

[Docket No. AO-209-A1]

HANDLING OF MILK IN OKLAHOMA CITY, OKLA., MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Oklahoma City, Oklahoma, on December 11-12, 1950, pursuant to notice thereof which was issued on November 27, 1950 (15 F. R. 8200).

Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator, Production and Marketing Administration, on February 9, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on February 15, 1951 (16 F. R. 1596).

The material issues, findings and conclusions of the recommended decision (F. R. Doc. 51-2235, 16 F. R. 1596) are hereby adopted as if set forth in full herein, subject to the following revision:

1. In the third sentence of the sixth paragraph beginning in the second column of 16 F. R. 1596 (F. R. Doc. 51-2235), delete the word "eight" and substitute therefor the word "nine", and also delete the word "four" and substitute therefor the word "three."

Ruling on exceptions. In arriving at the findings and conclusions included in this decision each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

General findings. (a) The proposed marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of December 1950 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Oklahoma City, Oklahoma, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Oklahoma City, Oklahoma, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 13th day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order Regulating the Handling of Milk in the Oklahoma City, Oklahoma, Marketing Area

§ 905.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for milk in the marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Oklahoma City, Oklahoma, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order, is hereby amended as follows:

1. Add the following as § 905.14:

§ 905.14 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of April through June which is not in excess of such producer's daily average base computed pursuant to § 905.35 multiplied by the number of days in such month for which such producer delivered milk to such handler.

2. Add the following as § 905.15:

§ 905.15 *Excess milk.* "Excess milk" means producer milk received by a handler during any of the months of April through June which is in excess of base milk received from such producer during such month, and shall include all milk received from a producer for whom no daily average base can be computed pursuant to § 905.35.

3. Delete § 905.22 (j) (2) and substitute therefor the following:

(2) On or before the 12th day of each month the uniform price(s) computed pursuant to § 905.71 or § 905.72, as applicable, and the butterfat differential computed pursuant to § 905.81, both for the previous month; and

4. Delete § 905.30 (a) and substitute therefor the following:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and, for the months of April through June, the aggregate quantities of base milk and excess milk;

5. Delete § 905.31 (a) and substitute therefor the following:

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producer, including for the months of April through June such producer's deliveries of base milk and excess milk;

6. Delete § 905.51 (a) and (b) and substitute therefor the following:

(a) *Class I milk.* The basic formula price plus $1.45 during the months of April, May, and June and plus $1.85 during all other months: *Provided,* That for each of the months of September, October, November, and December, such price shall be not less than that for the preceding month, and that for each of the months of April, May, and June such price shall be not more than that for the preceding month.

(b) *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Fairmont Foods Co., Guthrie, Okla.
Wilson & Co., Blackwell, Okla.
Kraft Cheese Co., Sulphur, Okla.
Hawk Dairy, Tulsa, Okla.

Provided, That such price shall be not less than the average of the basic or field prices paid or to be paid for such milk by the Gilt Edge Dairy, Norman, Okla.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

7. Add the following as a center heading and §§ 905.65 and 905.66:

DETERMINATION OF BASE

§ 905.65 *Computation of daily average base for each producer.* For the months of April through June of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 905.66:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through December immediately preceding by the number of days, not to be less than ninety, of such producer's delivery in such period: *Provided*, That for the months of April through June 1951, the total pounds of milk received by handlers from a producer in December 1950 and January 1951 shall be divided by 62 in order to determine such producer's daily average base.

§ 905.66 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period:

(b) Bases may be transferred only during the period of April through June by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer, the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days shall forfeit his base.

8. Amend § 905.71 by deleting from the first sentence thereof the words: "For each month" and substituting therefor the words "For each of the months of July through March."

9. Add the following as § 905.72:

§ 905.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through June the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 905.70 for all handlers who made the reports prescribed in § 905.30 and who made the payments pursuant to §§ 905.80 and 905.83 for the preceding month:

(b) Add not less than one-half of the cash balance in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 905.85;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 905.81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Compute the total value on a 4.0 percent butterfat basis of the excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content received from producers.

(f) Subtract the value of excess milk obtained in paragraph (d) of this section from the value of all milk obtained in paragraph (c) of this section and adjust by any amount involved in adjusting the uniform price for excess milk to the nearest cent;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations;

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

10. Delete § 905.80 (a) and substitute therefor the following:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer (1) at not less than the uniform price computed pursuant to § 905.71 for all milk received from such producer, if such preceding month was any of the months of July through March, or (2) at not less than the uniform price for base milk computed pursuant to § 905.72, with respect to base milk received from such producer, and at not less than the uniform price for excess milk computed pursuant to § 905.72 with respect to excess milk received from such producer, if such preceding month was any of the months of April through June, in each case adjusted by the butterfat differential computed pursuant to § 905.81, and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association, on or before the 13th day after the end of the month, an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

11. In §§ 905.83 and 905.84 delete "§ 905.80 (a)" wherever it appears and substitute therefor "§ 905.80."

[F. R. Doc. 51-3431; Filed, Mar. 16, 1951, 8:52 a. m.]

[7 CFR, Part 905]

[Docket No. AO-209-A1]

HANDLING OF MILK IN OKLAHOMA CITY, OKLA., MARKETING AREA

ORDER OF THE SECRETARY DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG THE PRODUCERS; DETERMINATION OF A REPRESENTATIVE PERIOD; AND DESIGNATION OF AN AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c, (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area), who, during the month of December 1950, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of an order, amending the order, which is filed simultaneously herewith.[1]

The month of December 1950 is hereby determined to be the representative period for the conduct of such referendum.

Kenneth M. Fell is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for conducting of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this referendum order is issued.

Done at Washington, D. C., this 13th day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-3432; Filed, Mar. 16, 1951; 8:52 a. m.]

[7 CFR, Part 906]

[Docket No. AO-210-A1]

HANDLING OF MILK IN TULSA, OKLA., MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Tulsa, Oklahoma, on December 13 and 14, 1950, pursuant to notice thereof which was issued on December 1, 1950 (14 F. R. 8221).

[1] See F. R. Doc. 51-3431, *supra*.

Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator, Production and Marketing Administration, on February 9, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on February 15, 1951 (16 F. R. 1599).

The material issues, findings and conclusions of the recommended decision (F. R. Doc. 51-2236, 16 F. R. 1599) are hereby adopted as if set forth in full herein.

Ruling on exceptions. In arriving at the findings and conclusions included in this decision each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

General findings. (a) The proposed marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and in the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of December 1950 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order regulating the handling of milk in the Tulsa, Oklahoma, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Tulsa, Oklahoma, Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Tulsa, Oklahoma, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 13th day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order Regulating the Handling of Milk in the Tulsa, Oklahoma, Marketing Area

§ 906.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tulsa, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for milk in the marketing area, and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Tulsa, Oklahoma, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 906.10 and substitute therefor the following:

§ 906.10 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk which is received at an approved plant: *Provided*, That such milk is produced under a dairy farm permit, permit authorization or rating issued by any health authority having jurisdiction in the marketing area for the production of milk to be disposed of for consumption as Grade A milk. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. This definition shall not include a person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this order pursuant to § 906.61.

2. Add the following as § 906.14:

§ 906.14 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of April through June which is not in excess of each producer's daily average base computed pursuant to § 906.65 multiplied by the number of days in such month for which such producer delivered milk to such handler.

3. Add the following as § 906.15:

§ 906.15 *Excess milk.* "Excess milk" means producer milk received by a handler during any of the months of April through June which is in excess of base milk received from each producer during such month, and shall include all milk received from producers for whom no daily average base can be computed pursuant to § 906.65.

4. Delete § 906.22 (j) (2) and substitute therefor the following:

(2) On or before the 12th day of each month the uniform price(s) computed pursuant to § 906.71 or § 906.72, as applicable, and the butterfat differential computed pursuant to § 906.82, both for the previous month; and

5. Delete § 906.30 (a) and substitute therefore the following:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and, for the months of

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

April through June, the aggregate quantities of base milk and excess milk;

6. Delete § 906.31 (a) and substitute therefor the following:

(a) The total pounds of milk received from each producer and cooperative association the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producer including for the months of April through June such producer's deliveries of base milk and excess milk;

7. Delete § 906.51 (a) and substitute therefor the following:

(a) *Class I milk.* The basic formula price plus $1.45 during the months of April, May, and June and plus $1.85 during all other months: *Provided*, That for each of the months of September, October, November, and December, such price shall be not less than that for the preceding month, and that for each of the months of April, May, and June such price shall be not more than that for the preceding month.

8. Add the following as a center heading and §§ 906.65 and 906.66:

DETERMINATION OF BASE

§ 906.65 *Computation of daily average base for each producer.* For the months of April through June of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 906.66:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through December immediately preceding by the number of days, not to be less than ninety, of such producer's delivery in such period: *Provided*, That for the months of April through June 1951, the total pounds of milk received by handlers from a producer in December 1950 and January 1951 shall be divided by 62 in order to determine such producer's daily average base.

§ 906.66 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred only during the period of April through June by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days shall forfeit his base.

9. Amend § 906.71 by deleting from the first sentence thereof the words: "For each month" and substituting therefor the words "For each of the months of July through March."

10. Add the following as § 906.72:

§ 906.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through June the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 906.70 for all handlers who made the reports prescribed in § 906.30 and who made the payments pursuant to §§ 906.80 and 906.84 for the preceding month;

(b) Add the aggregate of the values of all allowable location adjustments to producers pursuant to § 906.81;

(c) Add not less than one-half of the cash balance in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 906.85;

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or, add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 906.82 and multiplying the resulting figure by the total hundredweight of such milk;

(e) Compute the total value on a 4.0 percent butterfat basis of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(f) Divide the total value of excess milk obtained in paragraph (e) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers.

(g) Subtract the value of excess milk obtained in paragraph (e) of this section from the value of all milk obtained in paragraph (d) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(h) Divide the amount obtained in paragraph (g) of this section by the total hundredweight of base milk included in these computations;

(i) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (h) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

11. Delete § 906.80 (a) and substitute therefor the following:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer (1) at not less than the uniform price computed pursuant to § 906.71 for all milk received from such producer if such preceding month was any of the months of July through March, or (2) at not less than the uniform price for base milk computed pursuant to § 906.72, with respect to base milk received from such producer, and at not less than the uniform price for excess milk computed pursuant to § 906.72, with respect to excess milk received from such producer, if such preceding month was any of the months of April through June, in each case adjusted by the butterfat differential computed pursuant to § 906.82, subject to location adjustments to producers pursuant to § 906.81, less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association, on or before the 13th day after the end of the month, an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

12. In §§ 906.84 and 906.85 delete "§ 906.80 (a)" wherever it appears and substitute therefor "§ 906.60."

13. Amend § 906.87 (b) by deleting the period at the end thereof, substituting therefor a comma, and adding thereto the following: "identified by a statement showing for each such producer the information required to be reported to the market administrator pursuant to § 906.31. In lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to § 906.31."

[F. R. Doc. 51-3433; Filed, Mar. 16, 1951; 8:53 a. m.]

[7 CFR, Part 906]

[Docket No. AO-210-A1]

HANDLING OF MILK IN TULSA, OKLA., MARKETING AREA

ORDER OF THE SECRETARY DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG THE PRODUCERS; DETERMINATION OF A REPRESENTATIVE PERIOD; AND DESIGNATION OF AN AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order regulating the handling of milk in the Tulsa, Oklahoma, marketing area), who, during the month of December 1950, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of an order, amending such order, which is filed simultaneously herewith.[1]

[1] See F. R. Doc. 51-3433, *supra*.

The month of December 1950 is hereby determined to be the representative period for the conduct of such referendum.

Wendell M. Costello is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for conducting of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this referendum order is issued.

Done at Washington, D. C., this 13th day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-3434; Filed, Mar. 16, 1951; 8:54 a. m.]

[7 CFR, Part 934]

[Docket No. AO-83-A16]

HANDLING OF MILK IN LOWELL-LAWRENCE, MASS., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO THE TENTATIVELY APPROVED MARKETING AGREEMENT AND TO THE ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Memorial Hall Library, Elm Square, Main Street, Andover, Massachusetts, beginning at 10 a. m., e. s. t., on April 11, 1951, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area. The proposals to make certain revisions in the Class II pricing formula raise the question of the level of Class II prices and the components of a Class II pricing mechanism. Accordingly, evidence with respect to all phases of Class II pricing will be received at the hearing. These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed by New England Milk Producers' Association:

1. Amend the definition of the marketing area in § 934.1 (b) to add the City of Haverhill and Towns of Groveland, Merrimac and West Newbury, Massachusetts.

Proposed by Manchester Dairy System, Inc.:

2. Amend § 934.25 so as to provide that fluid milk products, other than cream and skim milk, which are received from the country pool plants of other handlers in containers of 8 quarts or less shall be assigned to Class I milk before receipts of milk directly from producers at the handler's city plant.

Proposed by New England Milk Producers' Association:

3. Make such changes in the Class II pricing provisions as may be needed to maintain the present relationship to the Boston Class II price.

Proposed by H. P. Hood and Sons:

4. Amend the Class II pricing provisions to adjust yield factors, allowances and price quotations in line with changes made in Federal Order No. 4.

Proposed by Findeisen's Farms:

5. Amend the order to provide that all Class II milk delivered directly to a city plant be priced 32 cents per hundredweight higher than under the present formula except for all milk manufactured into skim milk powder or delivered to a manufacturing plant for manufacture into skim milk powder. For milk delivered to a manufacturing plant not manufactured into skim milk powder, the price shall be 32 cents per hundredweight higher than under the present order. The pricing formula for country plants shall remain the same as at present.

Proposed by New England Milk Producers' Association; Northern Farms Cooperative, Inc.:

6. Substitute 33 for 33.48 in § 934.63.

Proposed by H. P. Hood and Sons:

7. Amend the butterfat differential provision in line with Boston.

Proposed by Northern Farms Cooperative, Inc.:

8. Delete § 934.64.

Proposed by H. P. Hood and Sons:

9. Amend § 934.65 to provide that payments on outside milk originating at plants outside the 6 New England States and New York shall not be required in respect to such milk received during a period when an emergency has been declared pursuant to Federal Order No. 4, as amended.

Proposed by Dairy Branch, Production and Marketing Administration:

10. Delete § 934.40 (c) (2) and substitute:

(2) Compute the index of the wage rates for each of the States named below by dividing the wage rate for the latest available month as reported by the United States Department of Agriculture by the applicable factor in the following table. Next compute a simple average of the indexes for each State and a weighted index by using the following weights: Maine, 10; Massachusetts, 6; New Hampshire, 7; and Vermont, 77. Multiply the weighted index by 2.072 and then by 0.4.

	Maine	Massachusetts	New Hampshire	Vermont
Per month:				
With board and room	$92.08	$104.25	$99.50	$101.08
With house	107.17	140.75	133.50	128.92
Per week:				
With board and room	25.300	27.292	26.708	25.833
Without board and room	35.08	38.75	37.75	35.800
Per day:				
Without board and room	6.108	6.667	6.692	6.392

11. Amend § 934.21 to provide: "In determining whether a city plant has disposed of the required 10 percent of its receipts as Class I milk in the marketing area, the total quantity of fluid milk products, other than cream, moved from that plant to another city plant which is a regulated plant shall be considered as a disposition of Class I milk in the marketing area up to the total quantity of Class I milk disposed of in the marketing area from the other plant."

12. Amend § 934.16 to remove the restrictions which prevent buyer-handlers from moving milk to other plants on a Class II basis.

13. In § 934.22 (b) delete the words "from the effective date of this order through February 1951 and any country plant which thereafter is a pool plant continuously."

14. In view of the proposal to amend Federal Order No. 4 to extend the Greater Boston marketing area consider the addition of the following paragraph to § 934.50:

(g) Subtract any amount which the handler is required to pay on such milk pursuant to § 904.9 (g) (2) of the Boston order.

15. Amend § 934.51 so as to provide for excluding from each current pool computation the milk of any handler who is not in compliance with the reporting and payment provisions of the order for any prior month since the effective date of the most recent amendment of the order.

16. Delete § 934.12 (d) and amend § 934.52 (c) by deleting the period and adding thereto the following: "because of failure to make reports or payments pursuant to this order."

17. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the said order now in effect, may be procured from the Market Administartor's Office, National Bank Building, 21 Main Street, Andover, Massachusetts, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated March 14, 1951, at Washington, D. C.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-3456; Filed, Mar. 16, 1951; 8:56 a. m.]

[7 CFR, Part 947]

[Docket No. AO-113-A13]

MILK IN FALL RIVER, MASS., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO THE TENTATIVELY APPROVED MARKETING AGREEMENT AND TO THE ORDER REGULATING THE HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of

1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Knights of Pythias Hall, 103 Pleasant Street, Fall River, Massachusetts, beginning at 10 a. m., e. s. t., April 12, 1951, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area. The proposals to make certain revisions in the Class II pricing formula raise the question of the level of Class II prices and the components of a Class II pricing mechanism. Accordingly, evidence with respect to all phases of Class II pricing will be received at the hearing. These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed by The Fall River Milk Producers' Association, Inc.:

1. Delete § 947.1 (c) and substitute therefor the following: "Fall River, Massachusetts marketing area" also referred to as the "marketing area", means the territory included within the boundary lines of the City of Fall River and the towns of Swansea, Somerset and that part of the town of Westport which lies west of the east branch of the Westport River, so-called, all within the Commonwealth of Massachusetts; and the towns of Tiverton and Little Compton in the State of Rhode Island.

2. Provide specifically that the plant operator is in fact the handler and is responsible for payment to producers for all producer milk received in his plant.

3. Amend § 947.1 (g) to provide that "producers" or "dairy farmers designated for other markets" once designated must remain in that category for a period of 12 months.

Proposed by Arthur Guimond:

4. Provide that a handler may divert his own farm production directly from the farm to another handler and have the diverted milk considered an interhandler transfer.

Proposed by The Nanaquaket Dairy Farm:

5. Delete § 947.1 (j) and substitute the following: "Producer-handler means a producer who is also a handler who receives no milk from producers; provided that such handler shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the maintenance, care and management of the dairy animals and other resources necessary to the production of milk in his name are and continue to be the personal enterprise of and at the risk of such producer and the processing, packaging and distribution of the milk are and continue to be the personal enterprise of and at the personal risk of such producer in his capacity as a handler."

Proposed by The Fall River Milk Producers' Association, Inc.:

6. Amend § 947.2 (b) to provide that the market administrator shall establish and supervise a systematic check of the weight and butterfat test of milk received by producers from handlers.

Proposed by the New England Milk Producers' Association:

7. Authorize the market administrator to regulate the method of taking composite samples of producers' milk.

Proposed by The Fall River Milk Producers' Association, Inc.:

8. Delete § 947.3 (b) and substitute therefor the following:

(b) *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this order or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual business hours, to:

(1) Verify the information contained in reports submitted in accordance with this order;

(2) Weigh, sample, and test milk and milk products; and

(3) Make such examination of records, operations, equipment, and facilities as the market administrator finds necessary for the purpose specified in this order.

9. Provide that to retain unregulated status a plant must have an amount of Federally-regulated Class I milk or New York order Class I–A or I–B equal to the sales from that plant to all Federal-regulated areas; not just to the Fall River market.

10. Provide that Class I milk sold on a route which has stops both within and outside the marketing area shall be considered as sold within the marketing area.

11. Amend § 947.5 to provide that in the event a handler shows other source receipts less than his total Class II disposition exclusive of Class II shrinkage, such other source milk shall first be considered Class II shrinkage and then applied to Class I.

12. Amend § 947.5 to provide for the quantity of milk and milk products received from other handlers who received milk from producers to have pro-rated to it its proportionate share of actual plant shrinkage and further provide for such shrinkage to be classified according to paragraph (c) (2) of § 947.5.

13. Amend § 947.5 (c) (2) to provide that if fluid milk products other than cream are moved to another plant from a regulated plant or from the city plant of an association of producers, such milk products shall be classified, if moved to a plant subject to the Boston, Worcester, Springfield, or Lowell-Lawrence orders, in the same class to which the receipt is assigned under such order.

14. Add a new section providing that receipts from New York order plants shall be assigned to Class II milk if classified in any class other than I–A or I–B under that order.

Proposed by Dairy Branch, Production and Marketing Administration:

15. Delete § 947.6 (a) (3) (ii) and substitute:

(ii) Compute the index of the wage rates for each of the States named below by dividing the wage rate for the latest available month as reported by the United States Department of Agriculture by the applicable factor in the following table. Next compute a simple average of the indexes for each State and a weighted index by using the following weights: Maine, 10; Massachusetts, 6; New Hampshire, 7; and Vermont, 77. Multiply the weighted index by 2.072 and then by 0.4.

	Maine	Massachusetts	New Hampshire	Vermont
Per month:				
With board and room	$92.08	$104.25	$99.50	[illegible]
With house	107.17	140.75	136.50	[illegible]
Per week:				
With board and room	25.396	27.292	26.708	[illegible]
Without board and room	35.08	38.75	37.75	[illegible]
Per day:				
Without board and room	6.108	6.667	6.602	[illegible]

Proposed by Arthur C. Guimond:

16. Delete the thirteen cents plant allowance on Class I received at country plants and substitute thirty-eight cents.

Proposed by New England Milk Producers' Association:

17. Make such changes in the Class II pricing provisions as may be needed to maintain the present relationship to the Boston Class II price.

Proposed by H. P. Hood and Sons:

18. Amend the Class II pricing provisions of the order to adjust the yield factors, allowances, and price quotations in line with changes made in Federal Order No. 4.

Proposed by Arthur C. Guimond:

19. Provide that for plants operating under the Fall River order and located more than one hundred miles from the City Hall in Fall River the price of Class II milk shall be the same as if the Fall River plant were subject to the Boston order.

20. Amend the provision for computation of the butterfat differential to substitute the factor of "33" for the present factor of 33.48.

Proposed by H. P. Hood and Sons:

21. Amend the butterfat differential provision of the order to provide for dividing by 33 rather than 33.48, for subtracting 2 percent for shrinkage and subtracting 0.8 cent in lieu of 1.5 cents as at present.

Proposed by the New England Milk Producers' Association:

22. Amend the provisions for computation of the butterfat differential to substitute the factor 33 for the present factor 33.48.

Proposed by The Fall River Milk Producers' Association, Inc:

23. Add a new section providing that each handler shall furnish each producer delivering milk to him with a daily statement of the milk received. This statement shall be returned to the producer on the day following receipt of the milk. In making payments to producers prescribed by § 947.8 each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer.

(b) The date on which such payment is made.

(c) The total pounds and average butterfat test of milk delivered by the producer.

(d) The minimum rate or rates at which payment to the producer is required under the provisions of § 947.8.

(e) The rate which is used in making the payment, if such rate is other than the applicable minimum rate.

(f) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under § 947.8 and § 947.9, together with a description of the respective deductions, and

(g) The net amount of payment to the producer.

Proposed by the New England Milk Producers' Association:

24. Require handlers to provide daily weigh slips to producers.

Proposed by Arthur C. Guimond:

25. Compile the order with its amendments into a single amended order including therein the amendments which result from this hearing and bring up to date the Class I price schedule by reflecting the increases in freight rates since September 1947.

Proposed by Dairy Branch, Production and Marketing Administration:

26. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the said order now in effect, may be procured from the Market Administrator's Office, 103 Pleasant Street, Fall River, Massachusetts, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated at Washington, D. C., March 14, 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-3458; Filed, Mar. 16, 1951; 8:56 a. m.]

[7 CFR, Part 968]

[Docket No. AO-173-A4]

HANDLING OF MILK IN THE WICHITA, KANS., MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Wichita, Kansas, on October 24, 1950, pursuant to notice thereof which was issued on October 13, 1950 (15 F. R. 6970).

Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator, Production and Marketing Administration, on February 5, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on February 9, 1951 (16 F. R. 1242).

The material issues and the findings and conclusions of the recommended decision (F. R. Doc. 51–2056, 16 F. R. 1242) are hereby approved and adopted as the findings and conclusions of this decision as if set forth in full herein.

Ruling on exceptions. In arriving at the findings and conclusions included in this decision each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of January 1951 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Wichita, Kansas, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Wichita, Kansas, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Wichita, Kansas, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 14th day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

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AUTHORITY: §§ 968.1 to 968.110 issued under sec. 5, 49 Stat. 753, as amended, 7 U. S. C. and Sup. 608c.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Wichita, Kansas, Marketing Area

§ 968.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Wichita, Kansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Wichita, Kansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended to read as follows:

DEFINITIONS

§ 968.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 968.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 968.3 *Wichita, Kansas, marketing area.* "Wichita, Kansas, marketing area" means all the territory within the corporate limits of the city of Wichita, Kansas, and the territory within Delano, Kechi, Minneha, Riverside, Waco, and Wichita Townships and the city of Eastborough, all in Sedgwick County, Kansas.

§ 968.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 968.5 *Approved dairy farmer.* "Approved dairy farmer" means any person who holds a currently valid permit issued by the Health Department of the City of Wichita for the production of milk to be disposed of as Grade "A" milk.

§ 968.6 *Producer.* "Producer" means any approved dairy farmer, other than a producer-handler, whose milk is received at a pool plant or is diverted from a pool plant by the handler who operates such pool plant, or by a cooperative association, to a plant which is not a pool plant for the account of such handler or cooperative association.

§ 968.7 *Approved plant.* "Approved plant" means any plant approved by the health authorities of the city of Wichita, Kansas, for the handling of milk to be disposed of for fluid consumption as milk in the marketing area and currently used for any or all the functions of receiving, weighing (or measuring), sampling, cooling, pasteurizing or other preparation of milk for sale or disposition as milk or cream for fluid consumption in the marketing area.

§ 968.8 *Pool plant.* "Pool plant" means any approved plant other than that of a producer-handler, (a) during any delivery period of January, February, July, August, September, October, November, or December within which such plant disposes of as Class I or Class II milk in the marketing area, an amount of milk equal to 15 percent or more of such plant's receipts of milk from approved dairy farmers, and (b) during each of the delivery periods of March, April, May, and June, if during the preceding delivery periods of August, September, October, and November such plant (1) was a pool plant during each such delivery period, and (2) disposed of as Class I and Class II milk in the marketing area a total amount of milk equal to 50 percent or more of such plant's total receipts of milk from approved dairy farmers during such delivery periods: *Provided*, That an approved plant which was not an approved plant during each of the preceding delivery periods of August, September, October, and November shall be a pool plant during any of the delivery periods of March, April, May, and June within which such plant disposes of as Class I and Class II milk in the marketing area an amount of milk equal to 40 percent or more of such plant's receipts of milk from approved dairy farmers.

For the purposes of this definition, the following shall apply:

(1) Milk diverted from an approved plant for the account of the handler operating such approved plant shall be considered a receipt at the approved plant from which it was diverted; and

(2) Milk diverted from an approved plant to an unapproved plant for the account of a cooperative association which does not operate a plant shall be deemed to have been received by such cooperative association at a pool plant.

§ 968.9 *Handler.* "Handler" means any person who, on his own behalf or on behalf of others, disposes of as Class I or Class II milk in the marketing area all or a portion of the milk purchased or received by him at an approved plant from (a) approved dairy farmers, (b) his own production, and (c) other handlers. This definition shall include a cooperative association with respect to milk which it causes to be delivered from a producer to a plant from which no milk is disposed of as Class I milk or as Class II milk in the marketing area.

§ 968.10 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines (a) to have its entire activities under the control of its members, and (b) to have and to be exercising full authority in the sale of milk of its members.

§ 968.11 *Producer-handler.* "Producer-handler" means any approved dairy farmer who operates an approved plant, but who receives no milk from other approved dairy farmers.

§ 968.12 *Delivery period.* "Delivery period" means the then current marketing period from the first to, and including, the last day of each month.

§ 968.13 *Milk product.* "Milk product" means any product manufactured from milk or milk ingredients except products which fall within the definition of Class III milk pursuant to paragraph (c) of § 968.41 and which are disposed of in the form in which received without further processing or packaging by the handler.

§ 968.14 *Market administrator.* "Market administrator" means the person designated pursuant to § 968.20 as the agency for the administration hereof.

MARKET ADMINISTRATOR

§ 968.20 *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at, the discretion of the Secretary.

§ 968.21 *Powers.* The market administrator shall:

(a) Administer the terms and provisions of this part, and

(b) Report to the Secretary complaints of violations of the provisions of this part.

§ 968.22 *Duties.* The market administrator shall:

(a) Within 45 days following the date upon which he enters upon his duties execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in the amount and with surety thereon satisfactory to the Secretary;

(b) Pay out of the funds provided by § 968.88 the cost of his bond, his own compensation, and all other expenses necessarily incurred by him in the maintenance and functioning of his office;

(c) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who within 10 days after the date upon which he is required to perform such acts, has not (1) made reports pursuant to §§ 968.30 through 968.32 or (2) made payments pursuant to §§ 968.80 through 968.86; and

(e) Promptly verify the information contained in the reports submitted by handlers.

REPORTS, RECORDS AND FACILITIES

§ 968.30 *Periodic reports.* On or before the 7th day after the end of each delivery period each handler, except a producer-handler, shall, with respect to milk or milk products which were purchased, received, or produced by such handler during such delivery period, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts at each plant of milk from each producer or approved dairy farmer, the butterfat content, and the number of days on which milk was received from each producer;

(b) The receipts of milk, cream, and milk products from handlers who purchase or receive milk from producers or approved dairy farmers and the butterfat content;

(c) The receipts of milk, cream, and milk products from any other source and the butterfat content;

(d) The respective quantities of milk and milk products and the butterfat content which were sold, distributed or used, including sales to other handlers for the purpose of classification pursuant to § 968.40; and

(e) Such other information with respect to the use of the milk as the market administrator may request, including a separate statement of Class I and Class II milk disposed of within the marketing area.

§ 968.31 *Reports of payments.* On or before the 20th day after the end of each delivery period, upon the request of the market administrator, each handler who purchased or received milk from producers or approved dairy farmers shall submit to the market administrator his producer payroll for such delivery period which shall show for each producer and each approved dairy farmer: (a) His total deliveries of base milk and total deliveries of milk in excess of base milk, (b) the average butterfat content of his milk, and (c) the net amount of such handler's payments to such producer or approved dairy farmer with the prices, deductions, and charges involved.

§ 968.32 *Reports of producer-handlers.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall require.

§ 968.33 *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose disposition of milk the classification depends. Each handler shall keep adequate records of receipts and utilization of milk and milk products and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to:

(a) Verify the receipts and disposition of all milk and milk products, and in case of errors or omissions, ascertain the correct figures;

(b) Weigh, sample, and test for butterfat content the milk purchased or received from producers and any product of milk upon which classification depends; and

(c) Verify the payments to producers prescribed in § 968.80.

§ 968.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year periods, the market administrator notifies the handler in writing that the retention of such books and records, or specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 968.40 *Basis of classification.* All milk and milk products purchased, received or produced by each handler, including milk of a producer which a cooperative association causes to be delivered to a plant from which no milk is disposed of in the marketing area, shall be reported by the handler in the classes set forth in § 968.41 subject to the following conditions:

(a) Except as provided in paragraph (c) of this section, milk, skim milk, or cream moved in fluid form from an approved plant to an unapproved plant located more than 100 miles from the approved plant, shall be Class I if moved in the form of milk or skim milk and Class II if moved in the form of cream.

(b) Except as provided in paragraph (c) of this section, milk, skim milk, or cream moved in fluid form from an approved plant to an unapproved plant located not more than 100 miles from the approved plant and from which fluid milk and cream are distributed, shall be Class I if moved in the form of milk or skim milk and Class II if moved in the form of cream, unless the purchaser certifies that the market administrator may verify his records. If the market administrator is permitted to verify the necessary records such milk, skim milk, or cream, shall be classified as follows: (1) determine the classification of all milk received in the unapproved plant, and (2) allocate the milk, skim milk, or cream received from the approved plant to the highest use classification remaining after subtracting in series beginning with the highest use classification, the receipts of milk at such unapproved plant directly from dairy farmers who the market administrator determines constitute its regular source of milk for Class I and Class II use.

(c) Milk, skim milk, or cream, which is moved to an unapproved plant from an approved plant which regularly receives type C milk, and which is sold as "type C milk for manufacturing only" and is so tagged or labeled, may be classified as Class III milk up to the extent of the receipt of type C milk at the approved plant.

(d) Except as provided in paragraph (a) of this section, milk, skim milk, or cream, moved from an approved plant to an unapproved plant which does not distribute fluid milk or cream shall be classified as Class III milk.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

(e) Milk or skim milk sold or disposed of by a handler who purchases or receives milk from producers to another handler shall be classified as Class I milk: *Provided*, That if such milk or skim milk, except milk or skim milk sold or disposed of by such handler to a producer-handler, is reported by the receiving handler or by the disposing handler as having been utilized as Class II milk or Class III milk, it shall be classified accordingly but in no event shall the amount classified in any class exceed the total use in such class by the receiving handler.

(f) Cream sold or disposed of as fluid cream by a handler who purchases or receives milk from producers to another handler shall be classified as Class II milk: *Provided*, That if such cream, except cream sold or disposed of by such handler to a producer-handler, is reported by the receiving handler or by the disposing handler as having been utilized as Class III milk, such cream shall be classified accordingly but in no event shall the amount classified in any class exceed the total use in such class by the receiving handler.

(g) Milk, skim milk, or cream sold or disposed of by a producer-handler to another handler who receives milk from producers shall be classified in the lowest use classification of the purchasing handler.

§ 968.41 *Classes of utilization.* Subject to the conditions set forth in § 968.40 the classes of utilization shall be as follows:

(a) Class I milk shall be all milk and skim milk disposed of for consumption as milk, skim milk, buttermilk, flavored milk and milk drinks, and all milk not classified as Class II milk or Class III pursuant to paragraphs (b) and (c) of this section.

(b) Class II milk shall be all milk used to produce cream which is disposed of in the form of cream (other than for use in products specified in paragraph (c) of this section), cottage cheese, products sold or disposed of in the form of cream testing less than 18 percent butterfat, aerated cream, and eggnog.

(c) Class III milk shall be all milk, used to produce butter, cheese (other than cottage cheese), evaporated milk, ice cream, ice cream mix and powdered milk; disposed of as livestock feed; used for starter churning, wholesale baking and candy making purposes; the milk equivalent of butterfat accounted for as loss in products where the salvage of fat is impossible; and the milk equivalent of unaccounted for butterfat not in excess of 3 percent of the total receipts of butterfat other than receipts from other handlers: *Provided*, That for the purpose of establishing such total receipts of butterfat, butterfat in milk diverted directly from producer's farms to another handler shall be included as receipts of the handler to whom such milk was diverted, and excluded from receipts of the diverting handler.

§ 968.42 *Responsibility of handlers in establishing the classification of milk.* In establishing the classification as required in § 968.41 of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

§ 968.43 *Computation of milk in each class.* For each delivery period each handler shall compute, in the manner and on forms prescribed by the market administrator, the amount of milk in each class as defined in § 968.41 as follows:

(a) Determine the total pounds of milk received as follows: Add together total pounds of milk received at approved plants from (1) producers, (2) other handlers, and (3) other sources.

(b) Determine the total pounds of butterfat received as follows: (1) Multiply by its average butterfat test the weight of the milk received at approved plants from (i) producers, (ii) other handlers, and (iii) other sources, and (2) add together the resulting amounts.

(c) Determine the total pounds of milk in Class I as follows: (1) Convert to pounds the quantity of Class I milk on the basis of 2.15 pounds per quart, and subtract the weight of any flavoring materials included, (2) multiply the result by the average butterfat test of such milk, and (3) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk, computed pursuant to paragraphs (d) (2) and (e) (4) of this section is less than the total pounds of butterfat received computed in accordance with paragraph (b) of this section, an amount equal to the difference shall be divided by 3.8 percent and added to the quantity of milk determined pursuant to subparagraph (1) of this paragraph.

(d) Determine the total pounds of milk in Class II as follows: (1) Multiply the actual weight of each of the several products of Class II milk by its average butterfat test, (2) add together the resulting amounts, and (3) divide the result obtained in subparagraph (2) of this paragraph by 3.8 percent.

(e) Determine the total pounds of milk in Class III as follows: (1) Multiply the actual weight of each of the several products of Class III by its average butterfat test, (2) add together the resulting amounts, (3) subtract from the total pounds of butterfat computed pursuant to paragraph (b) of this section the total pounds of butterfat in Class I milk, computed pursuant to paragraph (c) (2) of this section, the total pounds of butterfat in Class II milk, computed pursuant to paragraph (d) (2) of this section and the total pounds of butterfat computed pursuant to subparagraph (2) of this paragraph which resulting quantity shall be allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 3 percent of the total receipts as specified in § 968.41 (c) of butterfat other than receipts from other handlers, (4) add together the results obtained in subparagraphs (2) and (3) of this paragraph, and (5) divide the results obtained in subparagraph (4) of this paragraph by 3.8 percent.

§ 968.44 *Allocation of milk classified.* Determine the classification of milk received from producers as follows:

(a) Subtract from the total pounds of milk in each class the pounds of milk which were received from other handlers and used in each class.

(b) Subtract from the remaining pounds of milk in each class the pounds of milk which were received from sources other than producers, and other handlers in series beginning with the lowest class.

§ 968.45 *Reconciliation of utilization of milk by classes with receipts of milk from producers.* In the event of a difference between the total quantity of milk used in the several classes as computed pursuant to § 968.44 and the quantity of milk received from producers, except for excess milk or milk equivalent of butterfat pursuant to § 968.62, such difference shall be reconciled as follows:

(a) If the total utilization of milk in the various classes for any handler, as computed pursuant to § 968.44, is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

(b) If the total utilization of milk in the various classes for any handler, as computed pursuant to § 968.44, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts from producers and the total utilization of milk by classes for such handler.

MINIMUM PRICES

§ 968.50 *Class prices.* Each handler shall pay at the time and in the manner set forth in this part not less than the following prices per hundredweight of milk received during each delivery period from producers:

(a) *Class I milk.* The price per hundredweight shall be the price determined pursuant to § 968.51 plus $1.00 during the months of April, May, and June of each year, and plus $1.45 during the remaining months of each year.

(b) *Class II milk.* The price per hundredweight shall be the price determined pursuant to § 968.51 plus 75 cents during the months of April, May, and June of each year and plus $1.20 during the remaining months of each year.

(c) *Class III milk.* The price per hundredweight shall be the average of the prices paid during each delivery period for ungraded milk containing 3.9 percent butterfat at the following plants now operated by the listed companies: at Wichita, Kansas, by the DeCoursey Cream Company; at Blackwell, Oklahoma, by Wilson and Company; and at Arkansas City, Kansas, by the Arkansas City Cooperative Milk Association, but in no event shall the price be less than that paid at the plant at Wichita, Kansas, operated by the DeCoursey Cream Company.

§ 968.51 *Basic formula price to be used in determining Class I and Class II prices.* The basic formula price to be used in determining the Class I and Class II prices set forth in § 968.50 shall be the average of the basic or field prices ascertained to have been paid for milk of 3.5 percent butterfat content received during the immediately preceding delivery period at the following places for which prices are reported to the market administrator by the listed companies or by the United States Department of Agriculture (or by such other Federal agency as may be authorized to perform this price reporting function):

Companies and Locations

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
Borden Co., New London, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

divided by 3.5 and multiplied by 3.8 but in no event shall such basic price be less than the following: multiply by 3.8 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture (or such other Federal agency as may be authorized to perform this price reporting function) for the immediately preceding delivery period, and add 20 percent: *Provided*, That such price shall be subject to the following adjustments: (a) add 3½ cents per hundredweight for each full one-half cent that the price of nonfat dry milk solids for human consumption is above 5½ cents per pound or (b) subtract 3½ cents per hundredweight for each full one-half cent that the price of such nonfat dry milk solids is below 5½ cents per pound. For purposes of determining this adjustment, the price of nonfat dry milk solids to be used shall be the average of carlot prices for nonfat dry milk solids for human consumption, f. o. b. manufacturing plant, as published by the United States Department of Agriculture (or such other Federal agency as may be authorized to perform this price reporting function) for the Chicago area during the immediately preceding delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such nonfat dry milk solids for the previous delivery period. In the event the United States Department of Agriculture (or such other Federal agency as may be authorized to perform this price reporting function) does not publish carlot prices for nonfat dry milk solids for human consumption, f. o. b. manufacturing plants, the average of the carlot prices for nonfat dry milk solids for human consumption, delivered at Chicago, shall be used. In the latter event, such price shall be subject to the following adjustments: (1) add 3½ cents per hundredweight for each full one-half cent that the price of nonfat dry milk solids for human consumption, delivered at Chicago, is above 7½ cents per pound, or (2) subtract 3½ per cents per hundredweight for each full one-half cent that such price of nonfat dry milk solids is below 7½ cents per pound.

§ 968.52 *Emergency provisions.* (a) Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payments being made in connection with the milk or product associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

(b) Whenever the Secretary finds and announces that the Class I and Class II prices computed for any delivery period pursuant to § 968.50 are not in the public interest, the Class I and Class II prices for such delivery period shall be the same as the Class I and Class II prices for the previous delivery period.

APPLICATION OF PROVISIONS

§ 968.60 *Producer-handlers.* Sections 968.40 through 968.45, 968.50 through 968.52, 968.61 through 968.63, 968.70, 968.71, 968.80 through 968.88, shall not apply to a producer-handler.

§ 968.61 *Other source milk.* If a handler has purchased or received milk or butterfat from a producer-handler, or from sources other than from producers or other handlers, and has sold or disposed of such milk for other than Class III purposes, the market administrator, in determining the net pool obligation of the handler pursuant to § 968.70, shall add an amount equal to the difference between (a) the value of such milk or the milk equivalent of such butterfat according to its utilization by the handler and (b) the value at the Class III price. The provisions of this section shall not apply if the handler can prove to the market administrator that such milk or butterfat was used only to the extent that milk of producers was not available, either directly from producers or at the plant of another handler at the class prices provided pursuant to § 968.50 (a) and (b).

§ 968.62 *Excess milk.* If a handler, after subtracting receipts from other handlers, and receipts from sources determined as other than producers, or other handlers, has disposed of milk or butterfat in excess of the milk or butterfat which, on the basis of his reports, has been credited to his producers as having been delivered by them, the market administrator, in determining the net pool obligation of the handler, pursuant to § 968.70, shall add an amount equal to the value of such milk or butterfat according to its utilization by the handler.

§ 968.63 *Handler operating an approved plant which is not a pool plant.* Each handler who operates an approved plant which is not a pool plant during a delivery period, shall in lieu of the payments required pursuant to §§ 968.60 through 968.85, pay to the market administrator, for the producer-settlement fund, on or before the 25th day after the end of such delivery period, the amount resulting from the computations of either paragraph (a) or paragraph (b) of this section, whichever is less.

(a) The sum of (1) the product of the quantity of milk received by such handler which was disposed of in the marketing area as Class I milk during the delivery period multiplied by the difference between the price for Class I milk pursuant to § 968.50 (c), and (2) the product of the quantity of milk received by such handler which was disposed of in the marketing area as Class II milk during the delivery period multiplied by the difference between the price for Class II milk pursuant to § 968.50 (b) and the price for Class III milk pursuant to § 968.50 (c).

(b) Any plus amount resulting from the following computation:

(1) To an amount equal to the net pool obligation which would be computed pursuant to § 968.70 for such handler for such delivery period if such handler operated a pool plant, add for each one-tenth by which the average butterfat content of milk received from approved dairy farmers by such handler is greater than 3.8 percent, or subtract for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 968.82 by the total hundredweight of such milk; and

(2) Deduct the gross payments made by such handler to approved dairy farmers for milk received during such delivery period.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 968.70 *Net pool obligations of handlers.* The net pool obligation of each handler for milk received from producers during each delivery period shall be a sum of money computed for such delivery period by the market administrator as follows: Multiply the pounds of milk in each class computed pursuant to § 968.44 by the class price pursuant to § 968.50, add together the resulting values, and add the value of any payments required to be made pursuant to §§ 968.61 and 968.62.

§ 968.71 *Computation and announcement of uniform prices.* For each delivery period the market administrator

shall compute and announce the uniform prices per hundredweight for base milk and excess milk as follows:

(a) Combine into one total the net pool obligations of all handlers computed pursuant to § 968.70 who made the reports prescribed by § 968.30 for such delivery period and who made the payments prescribed by §§ 968.80 and 968.84 for the preceding delivery period;

(b) Add an amount equal to one-half of the cash balance in the producer-settlement fund less the amount due handlers pursuant to § 968.86;

(c) Compute the total value of the milk included in these computations which is in excess of the delivered base of producers by assigning such milk first to Class III milk and then to each succeeding higher classification until all such milk has been classified, and then multiplying the total pounds of excess milk assigned to each class by the appropriate class price and adding together the resulting amounts;

(d) Divide the total value of excess milk obtained in paragraph (c) of this section by the total hundredweight of such milk and round to the nearest cent. This result shall be known as the uniform price for excess milk of 3.8 percent butterfat;

(e) Subtract the value of excess milk obtained in paragraph (c) of this section from the value of all milk obtained in paragraph (b) of this section and adjust by any amount involved in rounding the uniform price for excess milk to the nearest cent;

(f) Divide the result obtained in paragraph (e) of this section by the total hundredweight of milk represented by the delivered bases of producers;

(g) Subtract not less than 4 cents nor more than 5 cents; the result shall be known as the uniform price per hundredweight for such delivery period for base milk of producers containing 3.8 percent butterfat.

PAYMENTS

§ 968.80 *Time and method of payment.* On or before the 12th day after the end of each delivery period each handler shall make payment, after deducting the amount of the payment made pursuant to § 968.81, subject to the butterfat differential set forth in § 968.82 for milk purchased or received from producers by such handler during each delivery period as follows:

(a) To each producer, except as set forth in paragraph (c) of this section, not less than the uniform price per hundredweight computed pursuant to § 968.71 (g) for that quantity of milk received from such producer not in excess of such producer's base;

(b) To each producer, except as set forth in paragraph (c) of this section, not less than the excess price, computed pursuant to § 968.71 (d), for that quantity of milk received from such producer in excess of such producer's base; and

(c) To a cooperative association for milk which it caused to be delivered to a handler from producers and for which such cooperative association collects payments, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers under paragraphs (a) and (b) of this section.

§ 968.81 *Half delivery period payments.* On or before the 27th day of each delivery period, each handler shall make payment to each producer for the approximate value of the milk of such producer which, during the first 15 days of such delivery period, was received by such handler.

§ 968.82 *Butterfat differential.* If, during the delivery period, any handler has purchased or received from any producer milk having an average butterfat content other than 3.8 percent, such handler in making the payments prescribed in § 968.80 shall add to the prices per hundredweight for such producers for each one-tenth of 1 percent of average butterfat content in milk above 3.8 percent not less than, or shall subtract from such prices for such producer for each one-tenth of 1 percent of average butterfat content in milk below 3.8 percent not more than, an amount computed as follows: to the average price of 92-score butter at wholesale in the Chicago market as reported by the United States Department of Agriculture (or such other Federal agency as may hereinafter be authorized to perform this price reporting function) for the delivery period during which such milk was received, add 20 percent and divide the resulting sum by 10.

§ 968.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 968.84, 968.86 and 968.63, and out of which he shall make all payments to handlers pursuant to §§ 968.85 and 968.86: *Provided*, That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform price for each delivery period, the market administrator shall compute the amount by which each handler's net pool obligation, including the payments to producers which are required to be made pursuant to §§ 968.61 and 968.62, is greater or less than the sum obtained by multiplying the hundredweight of milk of producers by the appropriate prices required to be paid producers by handlers pursuant to § 968.80 and adding together the resulting amounts, and shall enter such amount on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

§ 968.84 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator for payment to producers through the producer-settlement fund, the amount by which the net pool obligation of such handler including the payments required to be made pursuant to §§ 968.61 and 968.62 is greater than the sum required to be paid producers by such handler pursuant to §§ 968.80 and 968.81.

§ 968.85 *Payments out of the producer-settlement fund.* (a) On or before the 12th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to §§ 968.80 and 968.81 is greater than the net pool obligation of such handler, including the payments required to be made pursuant to §§ 968.61 and 968.62.

(b) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 12th day after the end of the delivery period, has not received the balance of such reduced payment from the market administrator, shall be deemed to be in violation of § 968.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 968.86 *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to the producer-settlement fund made pursuant to § 968.84, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 968.85, the market administrator shall, within 5 days make payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following the disclosure.

§ 968.87 *Marketing services.*—(a) *Deductions from marketing services.* Except as set forth in paragraph (b) of this section, each handler shall deduct 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, from the payments made to each producer other than himself pursuant to § 968.80 (a) and (b) with respect to all milk of such producer purchased or received by such handler during the delivery period and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples and tests of milk received from, and to provide market information to such producers. The market administrator may contract with a cooperative association or cooperative associations for the furnishing of the whole or any part of such services.

(b) *Deductions with respect to members of a cooperative association.* In the case of producers for whom a cooperative association which the Secretary determines to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in (a) of this section, each handler shall make the deductions from the payments to be made directly to producers pursuant to § 968.80 (a) and (b) which are authorized by such producers, and, on or before the 12th day after the end of each delivery period, pay over such deductions to the association of which such producers are members.

§ 968.88 *Expense of administration.* As his pro rata share of the expense of the administration of this part, each handler who purchased or received milk from producers, with respect to all milk received from approved dairy farmers during the delivery period, shall pay to the market administrator, on or before the 10th day after the end of such delivery period, an amount not exceeding 4 cents per hundredweight, which amount shall be determined by the market administrator subject to review by the Secretary.

§ 968.89 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

BASE RATING

§ 968.90 *Determination of period base.* For each delivery period the base of each producer shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the applicable figure computed pursuant to § 968.91 by the number of days during such delivery period on which milk was received from such producer.

§ 968.91 *Determination of daily base.* (a) Effective January 1, 1948, and for each subsequent year thereafter the daily base of each producer, who regularly delivered milk to a handler during the next previous delivery periods of August, September, October, and November shall be computed by the market administrator in the following manner: Determine for each such producer his average daily delivery of milk to a handler for the time he delivered during the period from the next previous August 1 to November 30.

(b) The daily base of each producer who did not regularly deliver milk to a handler during the next previous delivery periods of August, September, October, and November but who began deliveries of milk to a handler subsequent to August 31 shall be computed by the market administrator in the following manner: For each delivery period from the date upon which the producer first delivers milk to a handler until January 1 after he shall have established a base pursuant to paragraph (a) of this section, the market administrator shall multiply such producer's daily average deliveries of milk during such period by the percentage that total base deliveries are to total deliveries of all producers.

(c) In case of a producer-handler who disposes of all of his delivery routes to another handler who is not a producer, the market administrator shall determine the daily average of the total sales of Class I milk and Class II milk by such producer during the preceding three months. The figures so determined shall be such producer's base until his base may be established pursuant to paragraph (a) of this section.

§ 968.92 *Base rules.* (a) Any producer who ceases to deliver milk to a handler for a period of more than 30 consecutive days shall forfeit his base. In the event such producer thereafter commences to deliver milk to a handler he shall be allotted a daily base computed in the manner provided in § 968.91.

(b) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle when such share basis is terminated.

(c) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided*, That at the beginning of a tenant and landlord relationship the base of each landlord and tenant may be combined and may be divided when such relationship is terminated.

(d) Base may be transferred only under the following conditions: (1) in case of the death of a producer, his base may be transferred to a surviving member or members of his family who carry on the dairy operations, and (2) on the retirement of a producer, his base may be transferred to an immediate member of his family who carries on the dairy operations.

(e) The base of two producers may be combined in the case of forming a partnership, or may be divided in the case of the dissolution of a partnership.

(f) For the purposes of this section only, the term "producer" shall include any person who has been a producer as defined in § 968.6 but whom the Wichita Board of Health has suspended temporarily for failure to produce milk in conformity with the applicable health regulations of the city of Wichita, Kansas.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 968.100 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to § 968.101.

§ 968.101 *Suspension or termination.* Any or all of the provisions of this part, or any amendment to this part, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

§ 968.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all provisions of this part there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty

to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until removed, (2) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 968.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

AGENTS

§ 968.110 *Agents.* The Secretary may, by designation in writing name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

[F. R. Doc. 51-3461; Filed, Mar. 16, 1951; 8:58 a. m.]

[7 CFR, Part 996]

[Docket No. AO-203-A2]

HANDLING OF MILK IN SPRINGFIELD, MASS., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO THE TENTATIVELY APPROVED MARKETING AGREEMENT AND TO THE ORDER REGULATING THE HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hampden County Improvement League Building at 1499 Memorial Avenue, West Springfield, Massachusetts, beginning at 9:30 a. m., e. s. t., on April 9, 1951, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Springfield, Massachusetts, marketing area. The proposals to make certain revisions in the Class II pricing formula raise the question of the level of Class II prices and the components of a Class II pricing mechanism. Accordingly, evidence with respect to all phases of Class II pricing will be received at the hearing. These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed by New England Milk Producers' Association:

1. Amend the definition of outside milk to include receipts from New York order pool plants if classified other than in Classes I-A or I-B under the New York order.

2. Amend § 996.4 (c) to designate the Brattleboro, Vermont, plant of H. P. Hood & Sons, as a pool plant in each of the months in which milk is shipped from the plant to the marketing area.

3. Make such changes as are required to take account of the existence of a market pool in the Lowell-Lawrence market, and to provide for uniform classification of milk moved between Lowell-Lawrence, and Worcester or Springfield pool plants.

4. Amend § 996.4 (a) to include a provision as follows:

Each of a handler's plants which is a nonpool receiving plant during any of the months of October through February shall not be a pool plant in any of the following months of March through September in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during October through February was in the handlers' capacity as a producer-handler.

Proposed by H. P. Hood & Sons:

5. Amend §§ 996.4 (a), 996.5 (c), and 996.9 (g) and such other sections as are necessary to provide reciprocal recognition and treatment of milk received from plants regulated by the Lowell-Lawrence order.

6. Amend § 996.5 (a) to renumber subparagraphs 3 to 9, inclusive, as 4 to 10, inclusive, and insert a new subparagraph (3) as follows:

(3) Receipts of milk from producers at a handler's country plant equal to the volume of fluid milk products disposed of directly from the country plant as Class I milk outside the marketing area without being received at a city plant.

7. Amend § 996.4 (c) (1) to change the 50 percent shipping requirements for country plants to 30 percent. Also amend § 996.4 (c) (3) to provide that any plant which has been a pool plant continuously from the effective date of this order and any country plant which has qualified as a pool plant pursuant to subparagraphs (1) and (2) of this paragraph for each month of the preceding 2 calendar years shall be a pool plant in each month in which milk is shipped from the plant to the marketing area if the handler's written request for pool plant status is received by the market administrator.

Proposed by New England Milk Producers' Association and H. P. Hood and Sons:

8. Make such changes in the Class II pricing provisions as may be needed to maintain the present relationship to the Boston Class II price.

Proposed by Northern Farms Cooperative, Inc., and New England Milk Producers' Association:

9. Substitute 33 for 33.48 in § 996.9 (d) (1).

Proposed by H. P. Hood & Sons:

10. Amend the butterfat differential provision in line with Boston.

11. Amend § 996.9 (f) to provide that payments on outside milk originating at plants outside the 6 New England States and New York shall not be required in respect to such milk received during a period when an emergency has been declared pursuant to Federal Order 4, as amended.

Proposed by Dairy Branch, Production and Marketing Administration:

12. Delete § 996.7 (a) (3) (ii) and substitute:

(ii) Compute the index of the wage rates for each of the States indicated below by dividing each of the individual wage rates for the latest available month as reported by the United States Department of Agriculture by the applicable factor from the schedule below. Compute a simple average of the resulting indexes for each State and then a weighted index by using the following weights: Maine, 10; Massachusetts, 6; New Hampshire, 7; and Vermont, 77. Multiply the weighted index by 2.072 and then by 0.4.

	Maine	Massachusetts	New Hampshire	Vermont
Per month:				
With board and room	$92.08	$104.25	$99.50	$[illegible]
With house	107.17	140.75	133.70	1[illegible]
Per week:				
With board and room	25.396	27.292	26.708	2[illegible]
Without board and room	35.08	38.75	37.77	3[illegible]
Per day:				
Without board and room	6.108	6.667	6.602	6[illegible]

13. Amend the applicable provisions of the order to provide that the operator of a milk plant shall be responsible, with respect to all milk and milk products received at the plant, for all payment, reporting, and other obligations imposed by the order upon a handler, with exceptions limited to milk temporarily diverted by a handler from its usual plant of receipt and milk of a dairy farmer's own production which is processed for him.

14. In § 996.1 (b) (5) delete the words "a nonpool plant" and substitute "another plant."

15. Amend § 996.1 (b) (5) so as to provide that a dairy farmer whose milk is diverted to a Springfield pool plant from the Boston, Lowell-Lawrence, or Worcester pool plant to which he ordinarily delivers is not a producer under the Springfield order if his milk is reported as a producer receipt under the provisions of the other order.

16. Amend § 996.1 (b) (10) to read as follows:

(10) "Buyer-handler" means any handler who operates a bottling or processing plant from which more than 10 percent of his total receipts of fluid milk products other than cream are disposed of by him as Class I milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

17. Delete § 996.1 (c) (5).

18. Delete § 996.1 (d) (6) and substitute the following:

(6) "Outside milk" means:

(i) All milk received from dairy farmers for other markets.

(ii) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the total quantity of nonpool milk received at the unregulated plant; except receipts from New York order pool plants which are assigned to Class I pursuant to § 996.5 (c) and from regulated plants under the Boston or Worcester orders.

(iii) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a regulated plant under the Worcester order, without its intermediate movement to another plant.

19. Amend § 996.3 (b) to remove the restrictions which prevent buyer-handlers from moving milk to other plants on a Class II basis.

20. In § 996.4 (c) (2), delete the words "from the effective date of this order through February 1950 and any country plant which thereafter is a pool plant continuously."

21. Amend § 996.5 (a) to:

(a) Move receipts of skim milk down further in the assignment sequence.

(b) Add a new final subparagraph which will provide for assigning to Class I milk any receipts from sources not specified in the preceding subparagraphs.

22. In § 996.5 (c) (2), delete the final phrase "after deducting its receipts of outside milk."

23. Amend § 996.8 (b) so as to provide for excluding from each current pool computation the milk of any handler who is not in compliance with the reporting and payment provisions of the order for any prior month since the effective date of the most recent amendment of the order.

24. In view of the proposal to amend Federal Order No. 4 to extend the marketing area, consider the addition of the following subparagraph to § 996.8 (a):

(7) Subtract any amount which the handler is required to pay on such milk pursuant to § 904.9 (g) (2) of the Boston order.

25. Amend § 996.4 (b) to provide: "In determining whether a city plant has disposed of the required 10 percent of its receipts as Class I milk in the marketing area, the total quantity of fluid milk products, other than cream, moved from that plant to another city plant which is a regulated plant shall be considered as a disposition of Class I milk in the marketing area up to the quantity of Class I milk disposed of in the marketing area from the other plant."

26. Delete § 996.2 (c) (4) and amend § 996.3 (c) (3) by deleting the period and adding thereto the following: "because of failure to make reports or payments pursuant to this order."

27. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the said order now in effect, may be procured from the Market Administrator's Office, 145 State Street, Springfield, Massachusetts, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated at Washington, D. C., March 14, 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-3459; Filed, Mar. 16, 1951; 8:57 a. m.]

[7 CFR, Part 999]

[Docket No. AO-204-A2]

MILK IN THE WORCESTER, MASS., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER REGULATING THE HANDLING OF MILK

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Horticultural Hall, Elm and Chestnut Streets, Worcester, Massachusetts, beginning at 9:30 a. m., e. s. t., on April 10, 1951, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Worcester, Massachusetts, marketing area. The proposals to make certain revisions in the Class II pricing formula raise the question of the level of Class II prices and the components of a Class II pricing mechanism. Accordingly, evidence with respect to all phases of Class II pricing will be received at the hearing. These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed by New England Milk Producers' Association:

1. Amend the definition of the marketing area to add the towns of Marlboro and Northboro, Massachusetts.

Proposed by South Eastern Worcester County Dairymen's Association:

2. Amend § 999.1 (a) (2) by deleting the name of "Northbridge" as part of the marketing area.

Proposed by New England Milk Producers' Association:

3. Amend the definition of "outside milk to include receipts from New York order pool plants if classified other than in Classes I-A or I-B under the New York order.

Proposed by New England Milk Producers' Association:

4. Make such changes as are required to take account of the existence of a market pool in the Lowell-Lawrence market, and to provide for uniform classification of milk moved between Lowell-Lawrence, and Worcester or Springfield pool plants.

Proposed by New England Milk Producers' Association:

5. Amend § 999.4 (a) to include a provision as follows:

Each of a handler's plants which is a nonpool receiving plant during any of the months of October through February shall not be a pool plant in any of the following months of March through September in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during October through February was in the handlers' capacity as a producer-handler.

Proposed by H. P. Hood & Sons.

6. Amend §§ 999.4 (a), 999.5 (a), 999.5 (c), and 999.9 (g) and such other sections as are necessary to provide reciprocal recognition and treatment of milk received from plants regulated by the Lowell-Lawrence order.

7. Amend § 999.5 (a) to renumber subparagraphs 3 to 9, inclusive, as 4 to 10, inclusive, and insert a new subparagraph (3) as follows:

(3) Receipts of milk from producers at a handler's country plant equal to the volume of fluid milk products disposed of directly from the country plant as Class I milk outside the marketing area without being received at a city plant.

8. Amend § 999.4 (c) (1) to change the 50 percent shipping requirements for country plants to 30 percent. Also amend § 999.4 (c) (3) to provide that any plant which has been a pool plant continuously from the effective date of this order and any country plant which has qualified as a pool plant pursuant to subparagraphs (1) and (2) of this paragraph for each month of the preceding 2 calendar years shall be a pool plant in each month in which milk is shipped from the plant to the marketing area if the handler's written request for pool plant status is received by the market administrator.

Proposed by New England Milk Producers' Association and H. P. Hood and Sons:

9. Make such changes in the Class II pricing provisions as may be needed to maintain the present relationship to the Boston Class II price.

Proposed by Northern Farms Cooperative, Inc., and New England Milk Producers' Association:

10. Substitute 33 for 33.48 in § 999.9 (d) (1).

Proposed by H. P. Hood and Sons:

11. Amend the butterfat differential provision in line with Boston.

12. Amend § 999.9 (f) to provide that payments on outside milk originating at plants outside the 6 New England States and New York shall not be required in respect to such milk received during a period when an emergency has been declared pursuant to Federal Order No. 4, as amended.

Proposed by the Dairy Branch, Production and Marketing Administration:

13. Delete § 999.7 (a) (3) (ii) and substitute:

(ii) Compute the index of the wage rates for each of the States indicated below by dividing each of the industrial wage rates for the latest available month as reported by the United States Department of Agriculture by the applicable factor from the schedule below. Compute a simple average of the resulting indexes for each State and then a weighted index by using the following weights: Maine, 10; Massachusetts, 6; New Hampshire, 7; and Vermont, 77. Multiply the weighted index by 2.072 and then by 0.4.

	Maine	Massachusetts	New Hampshire	Vermont
Per month:				
With board and room	$92.08	$104.25	$99.50	$101.08
Without board and room	107.17	140.75	133.50	128.92
Per week:				
With board and room	25.396	27.292	26.708	25.833
Without board and room	35.08	38.75	37.75	35.896
Per day:				
Without board and room	6.108	6.667	6.692	6.392

14. Amend the applicable provisions of the order to provide that the operator of a milk plant shall be responsible, with respect to all milk and milk products received at the plant, for all payment, reporting, and other obligations imposed by the order upon a handler, with exceptions limited to milk temporarily diverted by a handler from its usual plant of receipt and milk of a dairy farmer's own production which is processed for him.

15. Amend § 999.1 (b) (5) so as to provide that a dairy farmer whose milk is diverted to a Worcester pool plant from the Boston, Lowell-Lawrence, or Springfield pool plant to which he ordinarily delivers is not a producer under the Worcester order if his milk is reported as a producer receipt under the provisions of the other order.

16. Amend § 999.1 (b) (10) to read as follows:

(10) "Buyer-handler" means any handler who operates a bottling or processing plant from which more than 10 percent of his total receipts of fluid milk products other than cream are disposed of by him as Class I milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

17. Delete § 999.1 (c) (5).

18. Delete § 999.1 (d) (6) and substitute the following:

(6) "Outside milk" means:

(i) All milk received from dairy farmers for other markets.

(ii) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the total quantity of nonpool milk received at the unregulated plant; except receipts from New York order pool plants which are assigned to Class I milk pursuant to § 999.5 (c) and from regulated plants under the Boston or Springfield orders.

(iii) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a regulated plant under the Boston or Springfield orders, without its intermediate movement to another plant.

19. Amend § 999.3 (b) to remove the restrictions which prevent buyer-handlers from moving milk to other plants on a Class II basis.

20. In § 999.4 (c) (2), delete the words "from the effective date of this order through February 1950 and any country plant which thereafter is a pool plant continuously."

21. Delete § 999.4 (c) (3).

22. Amend § 999.5 (a) to:

(a) Move receipts of skim milk down further in the assignment sequence.

(b) Add a new final subparagraph which will provide for assigning to Class I milk any receipts from sources not specified in the preceding subparagraphs.

23. In § 999.5 (c) (2), delete the final phrase "after deducting its receipts of outside milk."

24. Amend § 999.8 (b) so as to provide for excluding from each current pool computation the milk of any handler who is not in compliance with the reporting and payment provisions of the order for any prior month since the effective date of the most recent amendment of the order.

25. Amend § 999.4 (b) to provide: "In determining whether a city plant has disposed of the required 10 percent of its receipts as Class I milk in the marketing area, the total quantity of fluid milk products, other than cream, moved from that plant to another city plant which is a regulated plant shall be considered as a disposition of Class I milk in the marketing area up to the quantity of Class I milk disposed of in the marketing area from the other plant."

26. In § 999.1 (b) (5) delete the words "a nonpool plant" and substitute "another plant."

27. In view of the proposal to amend Federal Order No. 4 to extend the Greater Boston marketing area, consider the addition of the following subparagraph to § 999.8 (a):

(7) Subtract any amount which the handler is required to pay on such milk pursuant to § 904.9 (g) (2) of the Boston order.

28. Delete § 999.2 (c) (4) and amend § 999.8 (c) (3) by deleting the period and adding thereto the following: "because of failure to make reports or payments pursuant to this order."

29. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing, the said order, as amended, now in effect, may be procured from the Market Administrator's Office, 107 Front Street, Room 403, Worcester, Massachusetts, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: March 14, 1951, at Washington, D. C.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-3460; Filed, Mar. 16, 1951; 8:57 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. S-22]

GRACE LINE INC.

NOTICE OF PREHEARING CONFERENCE

Grace Line Inc.; application for operating-differential subsidy (Trade Route No. 4) under Title VI, Merchant Marine Act, 1936.

Notice is hereby given that a prehearing conference will be held in Room 4823, Commerce Building, Washington, D. C., on April 3, 1951, at 10 o'clock a. m., before an examiner of the Board's Hearing Examiners' Office, upon an application dated November 27, 1950, of Grace Line Inc., under Title VI of the Merchant Marine Act, 1936, as amended, for financial aid in the operation of two passenger vessels, three combination passenger and freight vessels, and four freight vessels in the foreign commerce of the United States on Trade Route No. 4 (between U. S. Atlantic ports and ports in the Netherlands West Indies, Venezuela and North Coast of Columbia) as described in the United States Maritime Commission's report of Essential Foreign Trade Routes of the American Merchant Marine, issued May 1949.

The prehearing conference will be conducted under § 201.59 of the Board's rules of procedure, for the purpose of considering:

(1) Simplification of the issues;

(2) The necessity or desirability of amendments to the pleadings;

(3) The possibility of obtaining admission of fact and of documents which will avoid unnecessary proof;

(4) Limitations on the number of witnesses;

(5) The procedure at the hearing;

(6) The distribution to the parties prior to the hearing of written testimony and exhibits;

(7) Consolidation of the examination of witnesses by counsel; and

(8) Such other matters as may aid in the disposition of the proceeding.

Also at the prehearing conference a date will be set for the hearing to receive evidence relative to determinations which the Board is required, after hearing, to make pursuant to the provisions of sections 602 and 605 (c) of the Merchant Marine Act, 1936, as amended. The hearing to receive such evidence will be conducted in conformity with the Board's rules of procedure (12 F. R. 6076), and a recommended decision will be made by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to participate in the prehearing conference and in the proceeding should notify the Board on or before March 30, 1951, and should file petitions promptly for leave to intervene in accordance with § 201.81 of the Board's rules of procedure.

Dated: March 7, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-3435; Filed, Mar. 16, 1951; 8:55 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

GENERAL COUNSEL OR ACTING GENERAL COUNSEL, OFFICE OF THE SECRETARY

DELEGATION OF AUTHORITY WITH RESPECT TO CLAIMS

Pursuant to the authority vested in me as Secretary of Defense by the provisions of the Federal Tort Claims Act, as amended, 28 U. S. C. 2672, the General Counsel, Office of the Secretary of Defense, or in his absence the Acting General Counsel in said office, is hereby designated, acting on behalf of the United States, to consider, ascertain, adjust, determine, and settle any claim cognizable by the Department of Defense, other than those cognizable by the Departments of the Army, Navy and Air Force, under or pursuant to said act.

Any award hereunder may include such attorney's fee as is determined, in a particular case, by said designee to be reasonable but in no event shall such fee exceed the amount provided for in said act.

This delegation of authority shall be effective as of March 12, 1951.

ROBERT A. LOVETT,
Acting Secretary of Defense.

[F. R. Doc. 51-3438; Filed, Mar. 16, 1951; 8:55 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Administrative Order 22, Supp. 4]

DELEGATION OF AUTHORITY TO SIGN AND ISSUE SUBPENAS

By virtue of the authority vested in me as Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) by Administrative Order No. 22 and pursuant to Administrative Order No. 22, Supp. 1, 2, and 3, issued pursuant to Executive Order No. 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738) and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), this order is hereby issued:

SECTION 1. In connection with any investigation or proceeding conducted by the Office of Price Stabilization relating to the administration or enforcement of the Defense Production Act of 1950, or any regulation or order issued thereunder, the several Regional Enforcement Directors and District Enforcement Directors of the Office of Price Stabilization are each authorized within their respective regions or districts to sign and issue subpenas requiring any person to appear and testify or to appear and produce documents, or both, at any designated place.

SEC. 2. The terms herein shall have the same meaning as in the Defense Production Act of 1950.

This order shall become effective March 17, 1951.

Issued this 16th day of March, 1951.

E. B. MORGAN,
Assistant Director of Price Stabilization for Enforcement (Director of Enforcement).

[F. R. Doc. 51-3505; Filed, Mar. 16, 1951; 11:27 a. m.]

[Administrative Order 22, Supp. 5]

DELEGATION OF AUTHORITY TO SIGN AND ISSUE INSPECTION AUTHORIZATIONS

By virtue of the authority vested in me as Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) by Administrative Order No. 22 and pursuant to Administrative Order 22, Supp. 1, 2, and 3, issued pursuant to Executive Order No. 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), this order is hereby issued:

SECTION 1. In connection with any investigation or proceeding conducted by the Office of Price Stabilization relating to the administration or enforcement of the Defense Production Act of 1950, or any regulation or order issued thereunder, the several Regional Enforcement Directors and District Enforcement Directors of the Office of Price Stabilization are each authorized within their respective regions or districts to sign and issue Inspection Authorizations requiring any person to permit a duly authorized representative of the Office of Price Stabilization to inspect books, records and other writings in the possession or control of said person at the place where such person usually keeps them; and to inspect the premises or property of said person.

SEC. 2. The terms herein shall have the same meaning as in the Defense Production Act of 1950.

This order shall become effective March 17, 1951.

Issued this 16th day of March, 1951.

E. B. MORGAN,
Assistant Director of Price Stabilization for Enforcement (Director of Enforcement).

[F. R. Doc. 51-3506; Filed, Mar. 16, 1951; 11:28 a. m.]

[Administrative Order 22, Supp. 6]

DELEGATION OF AUTHORITY TO REGIONAL ENFORCEMENT DIRECTORS AND DISTRICT ENFORCEMENT DIRECTORS TO USE LETTERS REQUESTING INSPECTION AND INTERVIEWS RELATING TO INVESTIGATIONS

By virtue of the authority vested in me as Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) by Administrative Order No. 22 and pursuant to Administrative Order 22, Supp. 1, 2, and 3, issued pursuant to Executive Order No. 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), this order is hereby issued:

SECTION 1. In connection with investigations, inspections or inquiries necessary to the enforcement or administration of the Defense Production Act of 1950, or regulations or orders promulgated thereunder by the Office of Price Stabilization, the several Regional Enforcement Directors and District Enforcement Directors are hereby authorized to use letters requesting the inspection of books, documents, and records and the inspection of premises or property. Such request letters will be utilized only after the scope and purpose of the investigation, inspection, or inquiry to be made have been defined by the Regional Enforcement Director or District Enforcement Director having jurisdiction over such investigation, inspection or inquiry, and it is assured that adequate and authoritative data thus sought to be obtained are not available from any Federal or other responsible agency.

SEC. 2. The terms herein shall have the same meaning as in the Defense Production Act of 1950.

This order shall become effective March 17, 1951.

Issued this 16th day of March 1951.

E. B. MORGAN,
Assistant Director of Price Stabilization for Enforcement (Director of Enforcement).

[F. R. Doc. 51-3507; Filed, Mar. 16, 1951; 11:28 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 2075512-3-4-5]

ALABAMA

SMALL TRACT CLASSIFICATION ORDER NO. 1

MARCH 15, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, under section 2.21 of Order No. 427, approved by the Secretary of the Interior on August 16, 1950 (15 F. R. 5641), I hereby classify, under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended (59 Stat. 467, 43 U. S. C. sec. 682a), the following-described public lands for lease and sale for all purposes mentioned in the Act, except business, with sale prices as indicated:

ST. STEPHENS MERIDIAN

	Each
T. 9 S., R. 1 E., fr'l. sec. 26:	
Lots 1 to 4, inclusive	$350
Lots 5 to 12, inclusive	550
T. 9 S., R. 2 E., sec. 27:	
Lots 10 to 17, inclusive	300
Lots 18 to 37, inclusive	190
Lots 38 to 41, inclusive	250
Lots 42 to 45, inclusive	300
Lots 46 to 53, inclusive	450
T. 9 S., R. 2 E., sec. 28:	
Lots 9 to 16, inclusive	300
Lots 17 to 24, inclusive	190
Lots 25 and 26	300
Lots 27 to 30, inclusive	280
Lots 31 to 34, inclusive	300
Lots 35 to 42, inclusive	190

There are 42 lots averaging 1.25 acre, measuring 165 feet wide by 330 feet long, with the long dimension running north and south, and 48 lots averaging 2.50 acres, measuring 330 feet by 330 feet. These tracts, with surfaces consisting of white sand dunes and ridges, are situated in the southwestern part of Baldwin County, on a narrow neck of land that extends westerly between Bon Secours Bay and the Gulf of Mexico. On the western end of this neck of land is Fort Morgan, a military post. A good blacktop road extends from this military reservation easterly to the mainland where it connects, at a resort known as Gulf Shores, with State Highway No. 3. They may be reached over U. S. Highway No. 90 from Mobile to Robertsdale, Alabama, thence southward over blacktop State Road No. 3, through Foley to its intersection with improved blacktop Dixie Graves Parkway at a point 14 miles east of the small tracts herein classified. The Dixie Graves Parkway is a State recreational area 330 feet wide.

2. A multiplicity of filings by those persons entitled to claim veterans' preference for service in World War II is anticipated during the simultaneous filing period. Therefore, in accordance with the provisions of 43 CFR 257.8, Circ. 1764, containing small tract regulations approved September 11, 1950, the special procedure and drawing outlined therein will be used. This special procedure does not apply to veterans of other wars of the United States.

3. As to applications regularly filed prior to 10:00 a. m., October 22, 1947, covering the type of site for which these lands are classified, this order shall become effective upon the date it is signed.

4. As to lands not covered by applications referred to in paragraph 3, this order shall not become effective to change the status of the lands until 10:00 a. m., on the 35th day after the date of this order.

5. Commencing at 10:00 a. m. on the date of this order and for a period of 35 days thereafter, the lands described herein shall be subject to the filing of drawing entry cards only by those persons entitled to claim World War II veterans' preference under the Act of September 27, 1944 (58 Stat. 748, 43 U. S. C. secs. 279–284), as amended. Such veterans, desiring to participate in the drawing, may apply to the Regional Administrator, Region VI, Bureau of Land Management, Interior Department, Washington 25, D. C., for a drawing entry card Form 4–775, upon which the veteran will print clearly his name, post office address, and sign his full name in the space provided on the card, certifying that he is a citizen of the United States, over 21 years of age, or the head of a family, and entitled to veterans' preference based upon service in World War II and honorable discharge from such service. Only one drawing entry card may be filed by an entrant. No filing fee or additional papers should accompany the drawing entry card. All drawing entry cards when completed as indicated shall be mailed to the above-mentioned Regional Administrator and must be forwarded in time to reach him not later than 10:00 a. m. on the 35th day after the date of this order. All cards of qualified entrants received not later than the hour and date mentioned will be placed in a box and at 2:00 p. m. on the business day following such 35th day thoroughly mixed in the presence of such persons as may desire to be present. The cards will then be drawn by a disinterested party, one at a time, and numbered in the order drawn to establish an adequate list of eligibles and of alternates to whom the available tracts will be allocated in consecutive order. The numbers assigned in the drawing will fix the order in which the tracts not covered by applications filed prior to 10:00 a. m. on October 22, 1947 will be allocated to the successful entrants, beginning with lot 1, section 26, T. 9 S., R. 1 E., and continuing in numerical sequence through that section and through sections 27 and 28, T. 9 S., R. 2 E.

6. Each successful entrant to whom a tract is awarded will be sent by registered mail a decision making appropriate requirements with an offer to lease Form 4–776, in duplicate, bearing the description of the tract. Each tract is subject to a 33-foot right-of-way for roads and public utilities. The forms must be completely filled out, signed and returned by the successful entrant within the time allowed, accompanied by a $10.00 filing fee and $15.00 representing rental for a 3-year period; also a complete photostat, or other copy (both sides) of his certificate of honorable discharge, or of an official document of the branch of the service which shows clearly his honorable discharge, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. An award to a successful entrant who was not qualified to enter the drawing, or who for any reason fails within the time allowed to comply with the requirements of the decision accompanying the lease forms, will be canceled upon the records, and the lot will become available to the alternate next in line as determined by the drawing. Every lease will contain an option to purchase clause and every lessee may file an application to purchase at the sale price as provided in the lease.

7. Each entrant to whom no lot is allocated will be informed thereof by the return of his drawing entry card carrying a notation to that effect.

8. The lots, if any, which are not leased as a result of the drawing, will not become subject to application by veterans who do not participate in the drawing or by the general public until a further order has been issued granting veterans of World War II a preference right of application for a period of 90 days.

H. S. PRICE,
Regional Administrator.

[F. R. Doc. 51-3440; Filed, Mar. 1[illegible] 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[Public Notice PN-4]

FINAL DELEGATIONS OF AUTHORITY FROM THE BOARD TO THE STAFF

Recent changes in the organization of the Civil Aeronautics Board and the delegation by the Board of additional authorities to the staff require that:

(1) Public Notice PN–2, together with Amendments 1 and 2 thereof, be revoked.

(2) The following statements of final delegations of authority from the Board to the staff be promulgated as Public Notice PN–4.

OFFICERS AND EMPLOYEES

Sec.
1.1 Requesting information.

EXAMINERS AND PRESIDING OFFICERS

2.1 Procedural matters incident to formal proceedings.
2.2 Initial decisions in safety enforcement proceedings.

CHIEF EXAMINER

3.1 Changes in procedural requirements.

CHIEF, OFFICE OF ENFORCEMENT

4.1 Institution of court proceedings.

DIRECTOR, ALASKA OFFICE

Sec.
5.1 Procedural matters incident to formal proceedings.
5.2 Rejection of Tariffs, Alaskan Air Carriers.
5.3 Special tariff permission, Alaskan Air Carriers.
5.4 Requests for additional information.
5.5 Extension of time for filing documents and waiver of contents.
5.6 Rule making, proposed Economic Regulations affecting Alaskan Air Carriers.
5.7 Issuance of Letters of Registration.

DIRECTOR, BUREAU OF AIR OPERATIONS

6.1 Rejection of tariffs for air carriers other than Alaskan Air Carriers and including foreign air carriers.
6.2 Special tariff permission for air carriers other than Alaskan Air Carriers and including foreign air carriers.
6.3 Waiver, modification, and interpretation of reports and accounts.
6.4 Extension of time for filing certain documents.
6.5 Letters of Registration issued pursuant to Part 291 of the Economic Regulations.
6.6 Letters of Registration issued pursuant to Part 296 of the Economic Regulations.
6.7 Temporary changes in service patterns by feeder air carriers.
6.8 Contracts and agreements.
6.9 Interlocking relationships.
6.10 Tariff investigations, tariff suspensions, and complaints concerning tariffs.
6.11 Free or reduced rate transportation.
6.12 Photographic reproduction of records.
6.13 Certain tariff matters.
6.14 Applications for exemptions.

DIRECTOR, BUREAU OF SAFETY INVESTIGATION

7.1 Accident inquiries.

DIRECTOR, BUREAU OF SAFETY REGULATION

8.1 Rule making, proposed changes in Civil Air Regulations.
8.2 Waiver of citizenship requirements for issuance of airman certificates.
8.3 Waiver of Civil Air Regulations for operations conducted under contract with the armed services.
8.4 Waiver of Civil Air Regulations in specified cases.

OFFICERS AND EMPLOYEES

SECTION 1.1 *Requesting information.* All officers and employees of the Board are authorized to request such information from or make such contact with, the public or agencies of Government as may be necessary to the proper discharge of assigned duties.

EXAMINERS OR PRESIDING OFFICERS

SEC. 2.1 *Procedural matters incident to formal proceedings.* All persons designated as examiners or presiding officers in any proceeding or investigation of the Board have authority:

(a) To adjourn or postpone hearings;

(b) To administer oaths and affirmations;

(c) To sign and issue subpenas;

(d) To take or cause depositions to be taken;

(e) To hold conferences for the settlement or simplification of the issues;

(f) To regulate the course of the proceeding and dispose of procedural requests or similar matters arising in the course of the hearing;

(g) To rule upon the admissibility of and receive evidence; and

(h) To do any and all other or further acts necessary or incident to the conduct of such proceedings and ordinarily entrusted to a presiding judicial officer.

SEC. 2.2 *Initial decisions in safety enforcement proceedings.* Examiners or presiding officers are authorized to make the initial decision in proceedings for the suspension or revocation of airman and other safety certificates, and for the review of the Administrator's refusal to issue an airman certificate.

CHIEF EXAMINER

SEC. 3.1 *Changes in procedural requirements.* The Chief Examiner is authorized to approve or disapprove requests for changes in procedural requirements in economic and safety enforcement cases for good cause shown, providing that an extension of time for filing documents shall not be granted within three days of the date originally set for the filing, except in cases involving unusual hardship on the requesting party or parties.

CHIEF, OFFICE OF ENFORCEMENT

SEC. 4.1 *Institution of court proceedings.* The Chief, Office of Enforcement, is authorized to institute and prosecute in the proper court, as agent of the Board, all necessary proceedings for the enforcement of subpenas and for the enforcement of the provisions of the act or any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate or permit, and for the punishment of all violations thereof.

DIRECTOR, ALASKA OFFICE

SEC. 5.1 *Procedural matters incident to formal proceedings.* In formal proceedings on the Board's Alaskan docket, the Director, Alaska Office, is authorized:

(1) To assign such proceedings for hearings and conferences in appropriate cases, and to serve all interested persons with procedural notices (other than notice of oral argument before the Board) and examiners' reports relating thereto and,

(2) To hear oral argument upon exceptions to an examiner's report provided that upon completion of oral argument a transcript thereof shall be sent to the Board.

SEC. 5.2 *Rejection of tariffs, Alaskan Air Carriers.* The Director of the Alaska Office is authorized to reject, on behalf of the Board, any tariff, supplement, or revised page which is filed by any Alaskan air carrier and which is subject to rejection under section 403 (a) of the Civil Aeronautics Act of 1938, as amended, because it is not consistent with section 403 of the act or with Parts 221 and 222 of the Economic Regulations. In exercising this authority, the Director of the Alaska Office shall give notice of any such rejection in writing to the carrier or agent filing such tariff. The notice shall clearly state the reason or reasons for the rejection. When time will not permit receipt of notice by mail prior to the proposed effective date of the tariff publication so rejected, telegraphic notice shall also be given.

SEC. 5.3 *Special tariff permission, Alaskan Air Carriers.* The Director of the Alaska Office is authorized to approve or disapprove any application for permission to make tariff changes upon less than statutory notice, filed by an Alaskan air carrier pursuant to § 222.3 (k) of the Economic Regulations, which (a) has as its only purpose the correction of merchanical, clerical, or administrative errors, or (b) does not involve new or substantial questions of policy. In exercising this authority, the Director of the Alaska Office may refer any application to the Board for disposition, and shall so refer any application which he is not hereby authorized to approve or disapprove.

SEC. 5.4 *Requests for additional information.* The Director of the Alaska Office is authorized at any time:

(a) To require any person filing documents with the Alaska Office to file additional copies thereof.

(b) To make service upon persons other than those specified in the pertinent regulation, order, or rule of the Board, if he finds such requirements necessary in the public interest or in the interest of efficiency and expedition in the work of the Board.

(c) To require any person filing a formal or informal application, complaint, petition or other document that in his opinion does not sufficiently set forth the material required to be set forth by the applicable regulation, order, or rule of the Board, or is otherwise insufficient, to supply additional information.

(d) To require, if he deems an answer desirable, a reply to formal complaints and petitions.

SEC. 5.5 *Extension of time for filing documents and waiver of contents.* The Director of the Alaska Office is authorized, upon good cause shown, to grant or deny individual requests for extensions of time for filing any document required to be filed with the Alaska Office pursuant to Part 292 of the Economic Regulations, or for waiver of the form or content of such document to conform to the particular operations of the individual requesting such waiver.

SEC. 5.6 *Rule making, proposed Economic Regulations affecting Alaskan Air Carriers.* The Director, Alaska Office, may prepare and publish for comment by Alaskan air carriers a draft of proposed Economic Regulations affecting air transportation within Alaska, or of proposed amendments or modifications of such regulations, providing that such notice shall indicate clearly that the proposals are those of the Director and have not been approved by the Board.

SEC. 5.7 *Issuance of Letters of Registration.* The Director, Alaska Office, is authorized to approve, in whole or in part, or to deny any application for a Letter of Registration filed pursuant to Part 292 of the Economic Regulations. Pursuant to such approval, such Letter of Registration will be issued by the Director, Alaska Office, on behalf of the Secretary of the Board.

DIRECTOR, BUREAU OF AIR OPERATIONS

SEC. 6.1 *Rejection of tariffs for air carriers other than Alaskan Air Carriers*

and including foreign air carriers. The Director, Bureau of Air Operations (or such staff member of the Bureau of Air Operations as he may designate) is authorized to reject any tariff, supplement, or revised page which is filed by any air carrier other than an Alaskan air carrier, or by any foreign air carrier, and which is subject to rejection under section 403 (a) of the Civil Aeronautics Act of 1938, as amended, because it is not consistent with section 403 of the Civil Aeronautics Act or with Parts 221 and 222 of the Economic Regulations, as amended from time to time. In exercising this authority, the Director, Bureau of Air Operations, shall give notice of any such rejection in writing to the carrier or agent filing such tariff. The notice shall clearly state the reason or reasons for the rejection. When time will not permit receipt of notice by mail prior to the proposed effective date of the tariff publication so rejected, telegraphic notice shall also be given.

SEC. 6.2 *Special tariff permission for air carriers other than Alaskan Air Carriers and including foreign air carries.* The Director, Bureau of Air Operations (or such staff member of the Bureau of Air Operations as he may designate) is authorized to approve or disapprove any application for permission to make tariff changes upon less than statutory notice, filed pursuant to § 222.3 (k) of the Economic Regulations which (a) has as its only purpose the correction of mechanical, clerical, or administrative errors, or (b) does not involve new or substantial questions of policy. In exercising this authority, the Director, Bureau of Air Operations, may refer any application to the Board for disposition, and shall so refer any application which he is not hereby authorized to approve or disapprove. Any application disapproved pursuant to this delegation of authority is thereby denied, subject to review by the Board. In the event of such disapproval, an applicant may within 5 days after it has received written notice thereof file a written request for review of the denial resulting from such disapproval. The Board will thereupon review the matter and enter an order finally disposing of the application.

SEC. 6.3 *Waiver, modification, and interpretation of reports and accounts.* (a) The Director, Bureau of Air Operations (or such staff member of the Bureau of Air Operations as he may designate) is authorized to waive, modify or interpret any of the reporting requirements of § 241.1 and Parts 242, 243, and 244 of the Economic Regulations and to establish detailed uniform practices in connection with the submission of the reports required therein: *Provided*, That upon application by any air carrier affected by such action, the Director shall submit any waiver, modification, interpretation, or established practice to the Board for review.

(b) The Director of the Bureau of Air Operations (or such staff member of the Bureau of Air Operations as he may designate) is authorized to waive, modify, or interpret the reporting requirements of § 241.2 of the Economic Regulations and of the provisions of the Uniform System of Accounts for Air Carriers, and to establish detailed uniform practices in connection with the general accounting requirements, prescribed therein; provided, that upon application by any affected air carrier, any such waiver, modification, interpretation, or establishment shall be submitted to the Board for review.

SEC. 6.4 *Extension of time for filing certain documents.* The Director, Bureau of Air Operations (or such staff member of the Bureau of Air Operations as he may designate), is authorized to grant or deny, upon good cause shown, individual requests for extension of time for filing reports or for waiver of the form or content of such reports to conform to the particular operation of the individual requesting such waiver.

SEC. 6.5 *Letters of Registration issued pursuant to Part 291 of the Economic Regulations.* The Director of the Bureau of Air Operations (or such staff member of the Bureau of Air Operations as he may designate) is authorized to approve, in whole or in part, or to deny any application for a Letter of Registration filed pursuant to Part 291 of the Economic Regulations. Pursuant to such approval, such Letter of Registration will be issued by the Secretary of the Board.

SEC. 6.6 *Letters of Registration issued pursuant to Part 296 of the Economic Regulations.* The Director, Bureau of Air Operations (or such staff member of the Bureau of Air Operations as he may designate) is authorized to (a) approve any application for a Letter of Registration filed pursuant to Part 296 of the Economic Regulations; (b) approve relationships prohibited by § 296.11 of the Economic Regulations; (c) advise applicants for such Letters of Registration and such approvals, in cases where disapproval is deemed appropriate that the information set forth in the application does not warrant a recommendation of approval and that the applicant may either (1) withdraw the application, (2) submit further information, (3) request review by the Board, or (4) request a hearing prior to final action; (d) dismiss by Letter applications for Letters of Registration, provided that each such applicant is given notice that his application will be dismissed if, in appropriate cases, he does not, within 30 days, file information necessary to complete the processing of his application or file a tariff, the return of such notice constituting sufficient grounds for dismissal of an application, (e) cancel a Letter of Registration upon the filing by an air freight forwarder of a written notice with the Board indicating the discontinuance of common carrier activities.

SEC. 6.7 *Temporary changes in service patterns by feeder air carriers.* The Director, Bureau of Air Operations (or such staff member of the Bureau of Air Operations as he may designate) is authorized to advise feeder air carriers who have filed applications for authority to effect temporary or seasonal changes in service patterns, in cases where disapproval is deemed appropriate, that the applicant may (a) present further information, (b) revise the application to eliminate all objection thereto, (c) seek review by the Board, or (d) request a hearing prior to final action by the Board.

SEC. 6.8 *Contracts and agreements.* The Director of the Bureau of Air Operations (or such staff member of the Bureau of Air Operations as he may designate), is authorized to advise the parties to any agreement or contract filed by air carriers under section 412 of the act as to which disapproval is deemed appropriate that, on the basis of information of record, approval is not warranted and that the parties thereto may either (a) present such further information as will warrant approval, (b) amend the agreement or contract to eliminate all objections thereto, (c) seek Board review, or (d) request a hearing prior to final action.

SEC. 6.9 *Interlocking relationships.* The Director, Bureau of Air Operations (or such staff member of the Bureau of Air Operations as he may designate), is authorized to advise the applicants, who have submitted applications for approval of interlocking relationships filed under section 409 (a) of the act, that the staff is unable to recommend approval of the relationship, giving the applicants the option of presenting additional information, terminating the relationship, seeking Board review, or requesting a formal hearing in the matter.

SEC. 6.10 *Tariff investigations, tariff suspensions, and complaints concerning tariffs.* (a) In instances where an investigation of a tariff is pending, or the tariff is under suspension, or a complaint requesting investigation or suspension of a tariff has been filed, the Director, Bureau of Air Operations (or such staff member of the Bureau of Air Operations as he may designate), is authorized to permit cancellation of such tariff.

(b) As used herein the term "tariff" means a tariff or any part or parts thereof, including, but not limited to, any fare, charge, rate, rule, regulation or any other provision contained in a tariff or part or parts thereof.

SEC. 6.11 *Free or reduced rate transportation.* (a) The Director, Bureau of Air Operations (or such staff member of the Bureau of Air Operations as he may designate), is authorized to approve or disapprove applications filed under section 403 (b) of the act and § 223.8 of the Economic Regulations for permission to furnish free or reduced rate overseas or foreign air transportation, when such applications do not involve new and substantial questions of policy, provided that any such applications may be referred to the Board for disposition, and that any applications not hereby authorized to be approved or disapproved by the staff shall be referred to the Board.

(b) In the event the disapproval of any such application is deemed appropriate, the Director, Bureau of Air Operations (or such staff member of the Bureau of Air Operations as he may designate), is authorized to advise the applicants that the staff is unable to recommend approval of the free or reduced rate transportation, giving the applicants an opportunity of requesting Board review of the matter.

SEC. 6.12 *Photographic reproduction of records.* The Director, Bureau of Air Operations (or such staff member of the Bureau of Air Operations as he may designate), is authorized to circulate a communication on behalf of the Board authorizing air carriers to substitute photographic reproductions for specified categories of records, and to approve or disapprove an "application for substitution" filed with him by an air carrier pursuant to § 249.1 (d) of the Economic Regulations.

SEC. 6.13 *Certain tariff matters.* The Director, Bureau of Air Operations (or such staff member of the Bureau of Air Operations as he may designate), is authorized:

(a) To approve or disapprove methods for indicating cancellation of an existing rate or rule in the publication stating the new rate or rule in a manner other than that specifically required by § 221.8 (c) of the Economic Regulations;

(b) To determine the form and manner in which a supplement is to be prepared whenever the operation of any provision of a tariff, supplement, or loose-leaf page is suspended by the Board, in accordance with § 222.5 of the Economic Regulations;

(c) To authorize the issuance of supplements to loose-leaf tariffs in accordance with § 221.10 (g) of the Economic Regulations; and

(d) To approve or disapprove applications for waiver of the provisions of Parts 221 and 222 of the Economic Regulations in accordance with § 222.3 (g).

SEC. 6.14 *Applications for exemptions.* The Director, Bureau of Air Operations is authorized to approve or disapprove applications of air carriers for exemptions permitting a carrier to serve a point certificated on one segment of its route in place of a point certificated on another segment of a route whenever no substantive competition to other lines will result or when no new policy is involved.

DIRECTOR, BUREAU OF SAFETY INVESTIGATION

SEC. 7.1 *Accident inquiries.* When in the opinion of the Director, Bureau of Safety Investigation, an inquiry is necessary in order fully to ascertain the facts, conditions, circumstances, and the probable cause of an accident involving aircraft, the Director, Bureau of Safety Investigation, on behalf of the Board, is authorized to order an inquiry and designate a presiding officer to conduct such inquiries. Such inquiries shall not involve adjudication of essential rights of persons, but shall be in the nature of technical investigations conducted in a formal manner.

DIRECTOR, BUREAU OF SAFETY REGULATION

SEC. 8.1 *Rule making, proposed changes in Civil Air Regulations.* The Director, Bureau of Safety Regulation, is authorized to publish notice of proposed changes in the Civil Air Regulations. Such notice shall indicate clearly that the proposed changes are those of the Bureau and have not been approved by the Board.

SEC. 8.2 *Waiver of citizenship requirements for issuance of airman certificates.* The Director, Bureau of Safety Regulation (or such staff member of the Bureau of Safety Regulation as he may designate) acting with the concurrence of the General Counsel (or such staff member of the Office of the General Counsel as he may designate) on legal aspects, is authorized to approve requests for waiver of the citizenship requirements of the Civil Air Regulations regarding the issuance of airman certificates, in cases where the files of the Federal Bureau of Investigation and the Central Intelligence Agency do not contain any information showing, or tending to show, that the persons submitting such requests owe or might owe allegiance to an unfriendly foreign government and thus may, in some way, take improper advantage of the privileges of the airman certificates requested.

SEC. 8.3 *Waiver of Civil Air Regulations for operations conducted under contract with the armed services.* The Director, Bureau of Safety Regulation (or such staff member of the Bureau of Safety Regulation as he may designate), acting with the concurrence of the General Counsel (or such staff member of the Office of the General Counsel as he may designate), is authorized to approve requests for waiver of specific requirements of the Civil Air Regulations as he may deem necessary or desirable where he finds that the granting of the request will be in the interest of the national defense and that it will not create a hazard to air safety. No waiver granted under this authority shall be for a period longer than six months.

SEC. 8.4 *Waiver of Civil Air Regulations in specified cases.* The Director, Bureau of Safety Regulation (or such staff member of the Bureau of Safety Regulation as he may designate), acting with the concurrence of the General Counsel (or such staff member of the Office of the General Counsel as he may designate), on legal aspects, is authorized, under such conditions and limitations as he may deem necessary or desirable, to approve applications for waivers of the Civil Air Regulations where he finds that no new policy question is involved. Applications not hereby authorized to be approved by the staff, or which the staff does not approve, will be referred to the Board with a recommendation as to appropriate action.

Effective: March 1, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-3437; Filed, Mar. 16, 1951; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7955, 8045]

PALO ALTO RADIO STATION, INC. (KYA) AND SAN MATEO COUNTY BROADCASTERS (KVSM)

ORDER CONTINUING HEARING

In the matter of Palo Alto Radio Station, Inc. (KYA), San Francisco, California, Docket No. 7955, File No. BP-4452, Edmund Scott, Gordon D. France, Hugh Smith and Merwyn F. Planting, a partnership, d/b as San Mateo County Broadcasters (KVSM) San Mateo, California, Docket No. 8045, File No. BP-5536, for construction permits.

The Commission having under consideration the petition of Palo Alto Radio Station, Inc. (KYA), filed March 7, 1951, requesting the acceptance of certain amendments to its application and a continuance of the consolidated hearing upon said application and that of Edmund Scott, et al, a partnership, d/b as San Mateo County Broadcasters (KVSM), which is presently scheduled for March 12, 1951;

It appearing that petitioner is applying for authority to change the operating assignment of Station KYA from 1260 kilocycles, 1 kilowatt at night and 5 kilowatts until local sunset, unlimited time, to 1060 kilocycles, 50 kilowatts, unlimited time, directionalized, and to move transmitter site, such application having been heard during the year 1947, in consolidation with the application of Edmund Scott, et al. (KVSM), which seeks authority to use the frequency of 1260 kilocycles in San Mateo, California, in the event Station KYA should be moved to 1060 kilocycles;

It appearing further that the application of Harmeo, Inc. (KROY), Sacramento, California, which originally was involved in this consolidated proceeding, has been dismissed without prejudice;

It appearing further that on July 14, 1949, the Commission reopened the record herein for further hearing on additional issues, and, as the result of extensive engineering and other studies undertaken by petitioner as the result of such issues, and upon its several motions, the said further hearing has been continued from time to time, and, as indicated above, it is presently scheduled for March 12, 1951;

It appearing further that by reason of numerous changes which have occurred since petitioner's application was originally filed and heard, it would be desirable that such application be amended to show the present status of petitioner's corporate organization and its current proposals engineeringwise and from the standpoint of program service;

It appearing further that petitioner seeks to amend with specific reference to paragraphs 5 (c), 5 (e), 5 (g), 7 (a), 7 (b), 8 (a)-(g), 14, 19, 20, 21, 23 (a), 23 (b), 25 and 26 (a)-(c) of the original application (former FCC Form 304), as well as Exhibit A, Program Schedule and Engineering Exhibits V-A and V-G, and, in that connection, petitioner requests that the Commission accept the comprehensive amendment filed with its petition and that the material contained therein be substituted for the pertinent data originally filed;

It appearing further that counsel for the Commission and for Edmund Scott, et al. (KVSM), the only other parties to the proceeding, have consented to the granting of the relief herein sought by petitioner and to a waiver of the provisions of § 1.745 of the Commission's

rules to make possible immediate consideration of the petition;

It appearing further that the petition states good cause and that a grant of the relief sought therein is necessary to a proper consideration of petitioner's application and for final disposition thereof;

It is ordered, This 9th day of March 1951, that the petition of Palo Alto Radio Station, Inc. (KYA), for continuance of the hearing in the above-entitled matter and for authority to amend its application, be, and it is hereby, granted; the amendment to the application, which has been filed with the petition, is accepted; and the hearing is continued to May 16, 1951, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3414; Filed, Mar. 16, 1951; 8:48 a. m.]

[Docket No. 9263]

MIDWEST BROADCASTING CO. (WMAW)

ORDER SCHEDULING ORAL ARGUMENT

In re application of Midwest Broadcasting Company (WMAW), Milwaukee, Wisconsin, Docket No. 9263, File No. BL-3062, for license to cover construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of March 1951;

The Commission having under consideration a Petition for Reconsideration, Rehearing, Reargument and Other Relief, filed by Midwest Broadcasting Company, applicant herein, on January 10, 1951, and a "supplement" to the Midwest petition filed on February 21, 1951, directed against the Commission's Decision of December 20, 1950, herein (released December 21, 1950); oppositions thereto filed by the General Counsel of the Commission on January 16, 1951, and February 26, 1951; and a petition for order to extend authorization to operate Station WMAW, filed by the applicant on March 6, 1951; and

It appearing, that petitioner, in its Petition for Reconsideration, etc., requests that the Commission (1) reconsider its Decision and grant the application; (2) order a rehearing; or (3) set aside its Decision and order reargument before the Commission; and

It further appearing, that while there is no requirement that reargument be granted herein, it appears, under the circumstances of this case, that petitioner should be afforded the opportunity for reargument, and therefore that to the extent that the petitioner requests that the decision be set aside and reargument held, the petition should be granted; and

It further appearing that in view of the action herein, the petition for extension of authorization to operate Station WMAW is moot and should be dismissed;

It is ordered, That the Petition for Reconsideration, etc., insofar as it requests that the decision herein be set aside and reargument before the Commission be ordered is granted; that the decision of December 20, 1950, herein, is vacated and set aside; and that oral argument in the proceeding is scheduled for March 30, 1951, beginning at 2:00 p. m.; and

It is further ordered, That the above-described petition for order to extend authorization to operate Station WMAW is dismissed as moot.

Released March 9, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary

[F. R. Doc. 51-3445; Filed, Mar. 16, 1951; 8:55 a. m.]

[Docket No. 9319]

RADIO STATION WISE, INC. (WISE)

ORDER CONTINUING HEARING

In re application of Radio Station WISE, Inc. (WISE), Asheville, North Carolina, Docket No. 9319, File No. BP-7132, for construction permit.

The Commission having under consideration a petition filed March 2, 1951, by Radio Station WISE, Inc. (WISE), Asheville, North Carolina, requesting a 30-day continuance of the hearing presently scheduled for March 19, 1951, at Washington, D. C., in the proceeding upon its above-entitled application for construction permit; and

It appearing that the other party to this proceeding has consented to a grant of the instant petition and to a waiver of § 1.745 of the Commission's rules and regulations to permit the early consideration of this request;

It is ordered, This 9th day of March 1951, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Thursday, April 19, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3413; Filed, Mar. 16, 1951; 8:48 a. m.]

[Docket No. 9446]

RADIO READING

ORDER CONTINUING HEARING

In re application of John J. Keel and Lloyd W. Dennis, Jr., tr/as Radio Reading, Reading, Pennsylvania, Docket No. 9446, File No. BP-7589, for construction permit.

The Commission having under consideration a petition filed March 6, 1951, by J. T. Ward, d/b as WLAC Broadcasting Service (WLAC), Nashville, Tennessee, requesting a 30-day continuance of the hearing presently scheduled for March 14, 1951, in the proceeding upon the above-entitled application for construction permit; and

It appearing that the other parties to this proceeding have consented to a grant of the petition and to a waiver of § 1.745 of the Commission's rules and regulations to permit the early consideration of this request;

It is ordered, This 9th day of March 1951, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Monday, April 16, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3412; Filed, Mar. 16, 1951; 8:48 a. m.]

[Docket No. 9865]

STATION WTNJ

ORDER CONTINUING HEARING

In the matter of revocation of license of Station WTNJ, Trenton, New Jersey, Docket No. 9865.

The Commission having under consideration a petition for reconsideration filed March 9, 1951, of its Order of December 20, 1950, revoking the license of Station WTNJ; and

It appearing that the hearing on the Order of revocation is now scheduled for commencement at Trenton, New Jersey on March 16, 1951; and

It further appearing that proper administrative process would require action by the Commission on the pending petition prior to commencing the hearing in this matter;

It is ordered, This 12th day of March 1951, on the Commission's own motion, that the hearing in the above entitled proceeding is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3415; Filed, Mar. 16, 1951; 8:48 a. m.]

[Docket No. 9914]

S & G CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Robert R. Stoner, Henrietta Stoner, Harry E. Gilbert and Elsie E. Gilbert, d/b as THE S & G COMPANY, Fort Scott, Kansas, Docket No. 9914, File No. BP-7771, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of March 1951;

The Commission having under consideration the above-entitled application for a permit to construct a new standard broadcast station to operate on the frequency 1570 kilocycles with 250 watts of power, daytime only at Fort Scott, Kansas;

It appearing that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on May 1, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Station KOLS, Pryor, Oklahoma, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That L. L. Gaffney and J. B. Smith d/b as Lakes Area Broadcasting Co., licensee of Station KOLS, Pryor, Oklahoma, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3411; Filed, Mar. 16, 1951; 8:47 a. m.]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of March 1951;

The Commission having under consideration an amendment to its Revised Tentative Allocation Plan for Class B FM Stations to change the FM allocation plan as follows:

General area	*Channel No. Delete*	*Add*
Hickory, N. C.	295	---
Yancey County, N. C.	---	295

It appearing that there is now pending before the Commission an application for a Class B FM station with studios and transmitter located atop Clingman's Peak, Yancey County, North Carolina; that the applicant for this Clingman's Peak station proposes to operate on the channel formerly assigned to Station WMIT until that station surrendered its license for cancellation in April 1950; that the applicant's proposed use of Channel 295 is identical with the technical use made of the channel by the former Station WMIT; that the applicant proposes to locate the station's main studio at Clingman's Peak and not at Hickory; that reallocation of Channel 295 from Hickory to Yancey County does not constitute any real change in the FM allocation pattern for that area; and

It further appearing that the nature of the proposed amendment is such as to render unnecessary the public notice and procedure set forth in section 4 (a) of the Administrative Procedure Act; and that for the same reasons this order may be made effective immediately in lieu of the requirements of section 4 (c) of said act; and

It is ordered, That, effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended so that the Allocation Plan is changed as follows:

General area	*Channel No. Delete*	*Add*
Hickory, N. C.	295	---
Yancey County, N. C.	---	295

Released: March 9, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3443; Filed, Mar. 16, 1951; 8:54 a. m.]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of March 1951;

The Commission having under consideration an amendment of its Revised Tentative Allocation Plan for Class B FM Broadcast Stations, to the extent that Channel 247 will be allocated to West Plains, Missouri; and

It appearing that there is now pending before the Commission an application for a Class B FM station at West Plains, Missouri; that there are no other applications pending for Class B FM facilities at West Plains, Missouri; that no Class B FM channel has been allocated to West Plains, Missouri; that Channel 247, which is presently unallocated in this area, could be allocated to West Plains, Missouri; that the operation of a station on Channel 247 at West Plains, Missouri, would not cause objectionable interference to any station, existing, proposed or contemplated by present allocations; that in addition to Channel 247 there is at least one other channel which is presently unallocated in this area and which could be allocated to West Plains, Missouri; that the adoption of the proposed amendment will increase the number of channels allocated to West Plains, Missouri, will not reduce the number of channels allocated to any other city, and will not require a change in the channel assignment of any existing FM authorization; and that no existing requirements of the Commission will be affected by said amendment; and

It further appearing that the nature of the proposed amendment is such as to render unnecessary the public notice and procedure set forth in section 4 (a) of the Administrative Procedure Act; and that for the same reasons this order may be made effective immediately in lieu of the requirements of section 4 (c) of said act; and

It further appearing that authority for the adoption of said amendment is contained in sections 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended so that the allocation of Channel No. 247 to West Plains, Missouri, is included therein.

Released: March 9, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3444; Filed, Mar. 16, 1951; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1517]

INTERSTATE POWER CO.

ORDER FIXING DATE OF HEARING

MARCH 12, 1951.

On December 8, 1950, Interstate Power Company (Applicant), a Delaware Corporation with its principal place of business at Dubuque, Iowa, filed an application for (1) a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the construction and operation of approximately 26.5 miles of $8^5/_8$-inch diameter pipeline from a point near Hooppole, Illinois, to a point of interconnection with its distribution system near Clinton, Iowa, as more fully described in the application, and (2) an order pursuant to section 7 (a) of the Natural Gas Act directing Natural Gas Pipeline Company of America to establish a physical connection of its natural-gas transmission facilities with the proposed facilities of Applicant and to sell natural gas to Applicant.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application and amendment thereto, including publication in the FEDERAL REGISTER on January 6, 1951 (16 F. R. 203).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on March 28, 1951, at 9:45 a. m. e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning matters involved and the issues presented by such application.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 13, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3430; Filed, Mar. 16, 1951; 8:52 a. m.]

[Project No. 2060]

NIAGARA MOHAWK POWER CORP.

NOTICE OF ORDER ISSUING LICENSE

MARCH 13, 1951.

Notice is hereby given that, on February 2, 1951, the Federal Power Commission issued its order entered February 1, 1951, issuing license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3436; Filed, Mar. 16, 1951; 8:55 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 874, General Permit 1]

EASTERN STATES FARMERS' EXCHANGE

ORDER CONCERNING LOADING REQUIREMENTS

MARCH 13, 1951.

Pursuant to the authority vested in me in paragraph (d) of Service Order No. 874 (16 F. R. 2040), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act, serving Eastern States Farmers' Exchange, Buffalo, New York, to disregard the provisions of Service Order No. 874 insofar as it applies to any car loaded by the Eastern States Farmers' Exchange when the Eastern States Farmers' Exchange advise that (1) such car is loaded to a station where Exchange car door service would be denied because of its inability to meet the minimum requirements; (2) where orders in present schedule call for multiple car movements to one destination and where the total weight exceeds or falls short of 60,000 pounds.

The waybills shall show reference to this general permit and the Eastern States Farmers' Exchange shall furnish the Permit Agent dates forwarded, the car numbers, initials, and destination of the cars shipped under this permit.

This general permit shall become effective at 12:01 a. m., March 15, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of March 1951.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 51-3426; Filed, Mar. 16, 1951; 8:51 a. m.]

[S. O. 874, General Permit 2]

A. E. STALEY MFG. CO.

ORDER CONCERNING LOADING REQUIREMENTS

MARCH 13, 1951.

Pursuant to the authority vested in me in Paragraph (d) of Service Order No. 874 (16 F. R. 2040), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act, serving A. E. Staley Manufacturing Company, Decatur, Illinois, to disregard the provisions of Service Order No. 874 insofar as it applies to any car loaded with Liquid Starch in bottles, by A. E. Staley Manufacturing Company, when The A. E. Staley Manufacturing Company advise that service would be denied because of its inability to meet the minimum requirements because meeting such minimum requirements would constitute hazardous loading.

The waybills shall show reference to this general permit and the A. E. Staley Manufacturing Company shall furnish the permit agent the car numbers, initials and destination of the cars shipped under this permit.

This general permit shall become effective at 12:01 a. m., March 15, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of March 1951.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 51-3427; Filed, Mar. 16, 1951; 8:51 a. m.]

[S. O. 874, General Permit 3]

NATIONAL STARCH PRODUCTS, INC.

ORDER CONCERNING LOADING REQUIREMENTS

MARCH 13, 1951.

Pursuant to the authority vested in me in Paragraph (d) of Service Order No. 874 (16 F. R. 2040), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act, serving National Starch Products, Inc., Indianapolis, Indiana, to disregard the provisions of Service Order No. 874 insofar as it applies to any car loaded with Liquid Dextrine in 55 gallon metal drums when the National Starch Products, Inc., advise that service would be denied because of its inability to meet the minimum requirements because meeting such minimum requirements would constitute hazardous loading.

The waybills shall show reference to this general permit and the National Starch Products, Inc., shall furnish the Permit Agent the car numbers, initials, and destination of the cars shipped under this permit.

This general permit shall become effective at 12:01 a. m., March 15, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of March 1951.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 51-3428; Filed, Mar. 16, 1951; 8:51 a. m.]

[4th Sec. Application 25904]

TOILET PAPER FROM MEMPHIS, TENN. TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

MARCH 14, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for The Chicago, Rock Island and Pacific Railroad Company and other carriers named in the application, pursuant to fourth-section order No. 16101.

Commodities involved: Toilet paper, in carloads and less-than-carloads.

From: Memphis, Tenn.

To: New Orleans, La., (for export).

Grounds for relief: Circuitous routes and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3416; Filed, Mar. 16, 1951; 8:48 a. m.]

[4th Sec. Application 25905]

AUTOMOBILE PARTS FROM SHELBY, OHIO TO CERTAIN POINTS

APPLICATION FOR RELIEF

MARCH 14, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 3758, pursuant to fourth-section order No. 9800

Commodities involved: Automobile parts, carloads.

From: Shelby, Ohio.

To: Boston, Mass., Chester, Pa., Edgewater and Metuchen, N. J., and Norfolk, Va.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3417; Filed, Mar. 16, 1951; 8:49 a. m.]

[4th Sec. Application 25906]

AUTOMOBILE PARTS FROM MUNCIE, IND., TO CHICAGO, ILL., AND LOUISVILLE, KY.

APPLICATION FOR RELIEF

MARCH 14, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to NYC&StL RR. tariff I. C. C. No. 6128 and NYC RR. tariff I. C. C. No. 905, pursuant to fourth-section order No. 9800.

Commodities involved: Automobile engine, driving gear or steering gear parts, also transmissions and parts, carloads.

From: Muncie, Ind.

To: Chicago, Ill., and Louisville, Ky.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3418; Filed, Mar. 16, 1951; 8:49 a. m.]

[4th Sec. Application 25907]

AUTOMOBILE PARTS FROM CINCINNATI, OHIO, TO DETROIT, MICH.

APPLICATION FOR RELIEF

MARCH 14, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to B & O RR. tariff I. C. C. No. WL-10828 and Erie RR. tariff I. C. C. No. A-7730, pursuant to fourth-section order No. 9800.

Commodities involved: Automobile engine, driving gear or steering gear parts, and transmissions and parts, carloads.

From: Cincinnati, Ohio.

To: Detroit, Mich.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3419; Filed, Mar. 16, 1951; 8:50 a. m.]

[4th Sec. Application 25908]

AUTOMOBILE PARTS FROM CINCINNATI, OHIO, TO CHICAGO, ILL.

APPLICATION FOR RELIEF

MARCH 14, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent for carriers parties to his tariff I. C. C. No. 4236, pursuant to fourth-section order No. 9800.

Commodities involved: Automobile engine, driving gear or steering gear parts, and automobile transmissions and parts, carloads.

From: Cincinnati, Ohio.

To: Chicago, Ill.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3420; Filed, Mar. 16, 1951; 8:50 a. m.]

[4th Sec. Application 25909]

VARIOUS COMMODITIES FROM SOUTHERN POINTS TO POINTS IN SOUTHERN AND OFFICIAL TERRITORIES

APPLICATION FOR RELIEF

MARCH 14, 1951.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1062 and other tariffs, pursuant to fourth-section order No. 9800.

Commodities involved: Acetic acid and various other commodities, carloads.

From: Points in southern territory.

To: Points in southern and official territories.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3421; Filed, Mar. 16, 1951; 8:50 a. m.]

[4th Sec. Application 25910]

MERCHANDISE IN MIXED CARLOADS FROM CHARLOTTE, N. C., AND GREENVILLE, S. C., TO CERTAIN POINTS

APPLICATION FOR RELIEF

MARCH 14, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1073.

Commodities involved: All kinds of freight, in mixed carloads.

From: Charlotte, N. C., and Greenville, S. C.

To: St. Louis, Mo., East St. Louis, Ill., and Chicago, Ill., and points grouped therewith.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1073, Supp. 59.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3422; Filed, Mar. 16, 1951; 8:50 a. m.]

[4th Sec. Application 25911]

SULPHURIC ACID FROM CERTAIN POINTS TO NATCHEZ, MISS.

APPLICATION FOR RELIEF

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3694 and 3832.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Lake Charles, La., Houston and Ft. Worth, Tex., and other specified points in Texas, Arkansas and Louisiana.

To: Natchez, Miss.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3694, Supp. 56; D. Q. Marsh's tariff I. C. C. No. 3932, Supp. 13.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3423; Filed, Mar. 16, 1951; 8:50 a. m.]

[4th Sec. Application 25912]

CRUDE SULPHUR FROM ORCHARD, TEX. TO GULFPORT, MISS.

APPLICATION FOR RELIEF

MARCH 14, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3862.

Commodities involved: Crude sulphur (brimstone), carloads.

From: Orchard, Tex.

To: Gulfport, Miss.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3862, Supp. 74.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3424; Filed, Mar. 16, 1951; 8:51 a. m.]

[4th Sec. Application 25913]

RICE FROM ARKANSAS, LOUISIANA AND TEXAS TO NORTH CAROLINA

APPLICATION FOR RELIEF

MARCH 14, 1951

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3558.

Commodities involved: Clean rice, rice bran, rice meal and rice polish, carloads.

From: Points in Arkansas, Louisiana and Texas.

To: Farmville, Greenville, Kinston and Washington, N. C., and certain other points in North Carolina.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3425; Filed, Mar. 16, 1951; 8:51 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-263]

NARROW FABRICS INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference, under the auspices of the Federal Trade Commission, will be held for the Narrow Fabrics Industry at the Hotel Statler, 7th Avenue and Thirty-third Street, New York City, April 10, 1951, commencing at 10 a. m., e. s. t.

All persons, firms, corporations and organizations engaged in the manufacture, distribution, or marketing in commerce of narrow fabrics (non-elastic woven fabrics of 12'' or less in width other than ribbon or seam binding) are cordially invited to attend or send representatives to the conference and to take part in the proceedings. Products of this industry are used extensively in the manufacture of clothing, shoes, parachutes, cartridge belts, insulation for wiring, slide fasteners, and many other products.

The conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules for the industry under which unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, may be eliminated and prevented.

Issued: March 14, 1951.

By direction of the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-3447; Filed, Mar. 16, 1951; 8:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-90]

ALLIED MILLS, INC.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of March A. D. 1951.

Allied Mills, Inc., pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw from registration and listing on the Board of Trade of the City of Chicago its Common Stock, No Par Value. The application for withdrawal alleges the following:

(1) There have been no trades at all on the Board of Trade of the City of Chicago in the above security during the years 1949 and 1950, and practically no trading therein for a number of years previously.

(2) An adequate active market for the above security is provided by the New York Stock Exchange, where the security is fully listed and registered.

Upon receipt of a request, prior to April 9, 1951, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3401; Filed, Mar. 16, 1951; 8:45 a. m.]

[File No. 70-2558]

NIAGARA MOHAWK POWER CORP. AND FRONTIER CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of March A. D. 1951.

Niagara Mohawk Power Corporation ("Niagara Mohawk"), a subsidiary of The United Corporation, a registered holding company, and its wholly owned subsidiary, Frontier Corporation ("Frontier"), having filed a joint application-declaration pursuant to the provisions of sections 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rule U-43 and U-44 promulgated thereunder with respect to the merger of Frontier into Niagara Mohawk, Frontier owning undeveloped riparian land and water rights and other real and personal property in and along the St. Lawrence River within the State of New York; and the Public Service Commission of the State of New York having, by order dated February 27, 1951, approved the said merger; and

Said joint application-declaration having been filed on January 18, 1951, and the last amendment thereto having been filed on March 5, 1951, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint application-declaration be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said joint application-declaration be, and hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3403; Filed, Mar. 16, 1951; 8:45 a. m.]

[File No. 70-2572]

GENERAL PUBLIC UTILITIES CORP.

ORDER FOR WITHDRAWAL OF APPLICATION-DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of March A. D. 1951.

General Public Utilities Corporation ("GPU"), a registered holding company, having heretofore filed an application-declaration regarding the proposed establishment of an Employees' Savings and Retirement Plan which it was contemplated GPU would request its stockholders to consider and vote upon at the annual meeting to be held April 2, 1951; and

Public hearings having been held on February 27, 1951, and GPU having thereafter applied for permission to withdraw the application-declaration without prejudice, upon the ground that it would not be possible for the company to make a full presentation of its position with respect thereto prior to the time when a notice of meeting, proxy statement, and form of proxy would have to be mailed to stockholders for said annual meeting; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors to permit GPU to withdraw said application-declaration without prejudice:

It is ordered, That the request of GPU be, and it hereby is, granted, and that said application-declaration be, and it hereby is, deemed withdrawn, without prejudice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3402; Filed, Mar. 16, 1951; 8:45 a. m.]

[File No. 70-2575]

NIAGARA MOHAWK POWER CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of March A. D. 1951.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Niagara Mohawk Power Corporation ("Niagara Mohawk"), a subsidiary of The United Corporation, a registered holding company. Applicant has designated sections 9 (a) and 10 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than March 27, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 27, 1951, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Pursuant to a contract dated January 19, 1951, Niagara Mohawk proposes to acquire all of the electric plant in service and franchises of Oswegatchie Light and Power Company ("Oswegatchie"), a non-affiliate, for the sum of $515,000 plus adjustments from August 31, 1950 to the closing date. Oswegatchie, a New York Corporation, owns and operates facilities for the transmission and distribution of electricity in the Village of Gouverneur and in the Towns of DeKalb, Edwards, Fowler, Gouverneur, Hammond, Hermon, Macomb, Rossie and Theresa, and in certain unincroporated villages or hamlets in Jefferson and St. Lawrence Counties in the State of New York. Niagara Mohawk also renders electric service in the Village of Gouverneur as well as in the territory contiguous to the entire franchise territory of Oswegatchie The application states that Niagara Mohawk's acquisition will result in a reduction in rates for electric service to Oswegatchie's present customers since Niagara Mohawk will make effective to them the rates and charges now effective in the filed tariffs of Niagara Mohawk for the territory immediately adjacent to that of Oswegatchie.

The application states that Oswegatchie will require and has petitioned the Public Service Commission of the State of New York for its consent to the transfer of its electric system, including all franchises, to Niagara Mohawk. The application further states that the acquisition by Niagara Mohawk of such property is not subject to the jurisdiction of that Commission. The order of the Public Service Commission with respect to the petition of Oswegatchie will be supplied by amendment to the instant application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3404; Filed, Mar. 16, 1951; 8:46 a. m.]

[File No. 70-2579]

NORTHERN STATES POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 13th day of March A. D. 1951.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("the act") by Northern States Power Company ("Northern States"), a Minnesota corporation. Declarant has designated sections 6 (a) and 12 (e) of the act and rules U-62 and U-65 thereunder as applicable to the proposed transactions.

All interested persons are referred to said declaration on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Northern States proposes to amend its Articles of Incorporation:

(a) To change the shares of Preferred Stock from shares without par value to shares having a par value of $100 each; to decrease the authorized number of shares of Preferred Stock from 3,175,000 to 1,000,000; to fix the liquidation price of the Preferred Stock in involuntary liquidation at $100 per share, plus an amount equal to dividends accumulated and unpaid thereon; and to eliminate paragraphs 3 and 16 of Article V, which relate to the involuntary liquidation price of the Preferred Stock and the allocation to stated capital of the consideration received by the company from the sale of shares of stock, and which the declaration states are either rendered unnecessary by the proposed amendments, are appropriate only to shares without par value, or do no more than state the present Minnesota law;

(b) To change the shares of Common Stock from shares without par value to shares having a par value of $5 each; and to increase the authorized number of shares of Common Stock from 12,500,000 to 15,000,000; and

(c) To eliminate paragraphs 13 and 14 of Article V, which set forth certain terms and provisions of the $3.60 series and $4.80 series of Preferred Stock, and to eliminate from paragraph 2 of Article V the reference therein to stock of said series. The declaration states that certificates designating such terms and provisions of said series as well as the $5.10 series, filed with the Secretary of State of Minnesota as required by the Minnesota Business Corporation Act, became part of the Articles of Incorporation upon said filing.

The declaration states that the purpose of the proposed amendments is the reduction of the amount of Federal stamp taxes paid by the company on the issue, and by shareholders on the transfer, of shares of common stock and that, if the common stock is for this reason to be given a par value, it seems appropriate that the preferred stock likewise be given a par value.

The declaration states that upon adoption of the proposed amendments there would remain authorized but unissued 250,000 shares of preferred stock and 3,210,333 shares of common stock. The declaration indicates that the excess of the present stated values of the stocks of the company over the proposed par value would be transferred to Premium on Capital Stocks, increasing that account from $292,025 to $10,276,747.

The declaration further states that the adoption of the proposed amendments requires the affirmative vote of the holders of a majority of the voting power of all shareholders, preferred and common, assuming the absence of the negative vote of the holders of one-fourth of such voting power, otherwise the affirmative vote of two-thirds of the voting power. To obtain the required vote, Northern States proposes to submit the proposals to its shareholders at the annual meeting scheduled to be held on May 2, 1951, and to solicit proxies by means of a letter and statement in the form filed as part of the declaration. Expenses in connection with the proposed amendments are estimated by Northern States as $14,000. The company states that if it later appears necessary to employ an expert in the solicitation of proxies together with special employees, it will file an amendment to its declaration.

Northern States requests that the Commission's order herein be made effective upon issuance.

Notice is further given that any interested person may, not later than March 26, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said declaration, as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transaction as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3405; Filed, Mar. 16, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17490]

H. M. H. ALBERT DE BARY & CO., N. V.

In re: Securities owned by and debts owing to H. M. H. Albert de Bary & Co., N. V. F-49-1180.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the Deutsche Bank, the last known address of which is Berlin, Germany, is a corporation organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That H. M. H. Albert de Bary & Co., N. V., the last known address of which is Amsterdam, The Netherlands, is a corporation organized under the laws of The Netherlands, whose principal place of business is located in Amsterdam, The Netherlands, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid Deutsche Bank, and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. Those certain shares of stock evidenced by the certificates described in Exhibit A, attached hereto and by reference made a part hereof, and presently in the custody of The New York Trust Company, 100 Broadway, New York, New York, in an account entitled H. C. Bersnds, Amsterdam, Holland, together with all declared and unpaid dividends thereon.

b. That certain debt or other obligation of The New York Trust Company, 100 Broadway, New York, New York, arising out of funds received by and on deposit with said Company from cash dividends paid with respect to the shares of stock described in subparagraph 3-a hereof, and any and all rights to demand, enforce and collect the same,

c. Five (5) Allgemeine Elektrizitaets Gesellschaft 20-year sinking fund, 7 percent gold debentures, due January 15, 1945, bearing the numbers 3228, 9014, 8535, 5964 and 3227, of $1,000 face value each, and presently in the custody of Carl M. Leob, Rhoades & Co., 61 Broadway, New York, New York, in an account entitled Keijser & Co., Blocked Account #00-73-49851, together with any and all rights thereunder and thereto,

d. Twelve (12) Kingdom of The Netherlands 10-year 3¾ percent external sinking fund bonds, due May 1, 1957, bearing the numbers 9558, 9560, 9562, 9563, 12857, 8340, 8341, 9377, 9378, 9379, 9380 and 9381, of $1,000 face value each, and presently in the custody of Carl M. Leob, Rhoades & Co., 61 Broadway, New York, New York, in an account entitled Keijser & Co., Blocked Account #00-73-49851, together with any and all rights thereunder and thereto, and

e. That certain debt or other obligation of Carl M. Leob, Rhoades & Co., 61 Broadway, New York, New York arising out of funds received by and on deposit with said company from interest paid with respect to the bonds described in subparagraphs 3-c and 3-d hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, H. M. H. Albert de Bary & Co., N. V., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That H. M. H. Albert de Bary & Co., N. V., is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

Names of issuing corporations	Number of shares	Par value	Type of stock	Certificate Nos.	Registered owners
Detroit Edison Co.	17	$20.00	Capital	1135570 1144099 1174029 1100206 1121564 1158555 1115442 1121246 @ 2 shares each 1128499 @ 1 share	Cobb & Co.
Kansas Power & Light Co.	25	8.75	Common	N052093	J. C. Orr & Co.
North American Co.	100	10.00	do	@ 25 shares L134269	Do.
Pacific Gas & Electric Co.	17	25.00	do	@ 100 shares F409558 F426742 F440802 F456573 F478423 F512432 F601566 @ 1 share each	Do.
Potomac Electric Power Co.	26	10.00	do	NT334422 @ 10 shares NC01061 @ 21 shares NC011665 @ 3 shares NC011746 @ 2 shares	Cobb & Co.
West Kentucky Coal Co.	10	4.00	do	A 11393 @ 10 shares	J. C. Orr & Co.
Wisconsin Electric Power Co.	29	10.00	do	PY3602 @ 26 shares PY33602 @ 3 shares	Do. Do.

[F. R. Doc. 51-3448; Filed, Mar. 16, 1951; 8:55 a. m.]

[Vesting Order 17536]

WALTER SEECK

In re: Property owned by Walter Seeck. D-63-87, F-63-6400.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walter Seeck, whose last known address is 51 Thomas Knorrstrasse, Garmisch-Partenkirchen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Five Hundred (500) shares of $100.00 par value common capital stock of Seeck & Kade, Inc., 440 Washington Street, New York 13, New York, a corporation organized under the laws of the State of New York, and a business enterprise within the United States, which shares are represented by certificates numbered 25 for 250 shares and 26 for 250 shares, registered in the name of Dr. R. Herforth and Hildegard Herforth, respectively, and Two Hundred Fifty (250) shares of $100.00 preferred capital stock of the aforesaid Seeck & Kade, Inc., 440 Washington Street, New York 13, New York, which shares are represented by certificates numbered 3 for 5 shares and 4 for 245 shares, registered in the name of Franz E. Loes and Frau Dr. Else Herforth, respectively; are owned by Walter Seeck, a national of a designated enemy country (Germany), are a substantial part of the issued and outstanding capital stock of Seeck & Kade, Inc., and are evidence of control of Seeck & Kade, Inc.;

3. That the property described as follows:

a. That certain debt or other obligation of the Corn Exchange Bank Trust Company, 13 Williams Street, New York 15, New York, arising out of a checking account entitled Dr. Rudolf Herforth, maintained at the Canal Street Branch of the aforesaid Corn Exchange Bank Trust Company, 74 Varick Street, New York 13, New York, and any and all accruals thereto, together with any and all rights to demand, enforce and collect the same, and

b. Those certain securities presently in the custody of the Corn Exchange Bank Trust Company, 13 Williams Street, New York 15, New York, in an account entitled Dr. Rudolf Herforth, account number 72384, together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Walter Seeck, the aforesaid national of a designated enemy country (Germany), and it is hereby determined:

4. That Seeck & Kade, Inc., is controlled by Walter Seeck or is acting for or on behalf of a designated enemy country (Germany), or persons within such country, and is a national of a designated enemy country (Germany);

5. That to the extent that Walter Seeck and Seeck & Kade, Inc. are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States, the property described in subparagraphs 2 and 3 hereof to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The direction, management, supervision and control of Seeck & Kade, Inc. and of all property of any nature whatsoever situated in the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to Seeck & Kade, Inc. is hereby undertaken, to the extent deemed necessary or advisable from time to time. This order shall not be deemed to limit the power to vary the extent of or terminate such direction, management, supervision or control.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3474; Filed, Mar. 16, 1951; 9:11 a. m.]

[Vesting Order 17491]

FRED GEYER

In re: Bonds owned by personal representatives, heirs, next of kin, legatees and distributees of Fred Geyer, deceased. D-28-12978.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Fred Geyer, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: Twenty-six (26) Adjusted Service Bonds, of $50.00 face value each, bearing the numbers 35267312/37 inclusive, registered in the name of Fred Geyer, A-2,219,744, presently in the custody of the Department of the Treasury of the United States, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Fred Geyer, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Fred Geyer, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3449; Filed, Mar. 16, 1951; 8:55 a. m.]

FRIEDA VOM HOFE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Frieda vom Hofe, San Francisco, Calif., Claim No. 6964; $25,661.70 in the Treasury of the United States; an undivided ½ interest in two parcels of real property, located at 791 Howard Street and 553-61 Valencia Street, San Francisco, California, respectively. The right, title, and interest of Frieda vom Hofe and her descendants in and to the Trust Estate created under the Will of Louis Pockwitz, deceased, and by virtue of a decree of the Superior Court in the State of California in and for the City and County of San Francisco, dated December 24, 1924, in the estate of Louis Pockwitz, deceased; estate administered by Bank of America National Trust and Savings Association, Trustee, under the judicial supervision of the above court, until the termination of the trust in 1946, in accordance with the provisions of the will of Louis Pockwitz, deceased.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3451; Filed, Mar. 16, 1951; 8:56 a. m.]

MAR 26 '51

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

FEDERAL REGISTER

VOLUME 16 NUMBER 54

Washington, Tuesday, March 20, 1951

TITLE 3—THE PRESIDENT

PROCLAMATION 2919

CANCER CONTROL MONTH, 1951

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the present emergency with its extraordinary demands upon the Nation's manpower emphasizes the importance of conserving our human resources; and

WHEREAS cancer is the second highest cause of death, claiming over 200,000 lives each year; and

WHEREAS more than half of these deaths are of persons in the most fruitful years of their lives, the Nation's reservoir of physical, intellectual, and spiritual power being thus depleted; and

WHEREAS encouraging progress has been made in the fight against cancer through the combined efforts of the medical and nursing professions, educational and research institutions, private organizations, public-spirited citizens, and the National Cancer Institute of the National Institutes of Health, Public Health Service, Federal Security Agency; and

WHEREAS, if the gains already made are to be retained and further progress achieved, there must be no relaxation of our efforts; and

WHEREAS by public resolution 82, 75th Congress, approved March 28, 1938 (52 Stat. 148), the President is authorized and requested to issue annually a proclamation setting apart the month of April of each year as Cancer Control Month:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim the month of April 1951 as Cancer Control Month; and I invite the Governors of the States, Territories, and possessions of the United States to issue similar proclamations. I also urge the medical profession, the press, the radio and motion-picture industries, and all interested agencies and individuals to unite during April 1951 in a public dedication to a program for the control of cancer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 14th day of March in the year of our Lord nineteen hundred and [SEAL] fifty-one, and of the Independence of the United States of America the one hundred and seventy-fifth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 51-3535; Filed, Mar. 19, 1951; 11:20 a. m.]

EXECUTIVE ORDER 10224

ESTABLISHING THE NATIONAL ADVISORY BOARD ON MOBILIZATION POLICY

By virtue of the authority vested in me by the Constitution and Statutes, including the Defense Production Act of 1950, and as President of the United States and Commander in Chief of the Armed Forces, it is hereby ordered as follows:

SECTION 1. There is hereby established the National Advisory Board on Mobilization Policy, hereinafter referred to as the Board, which shall be composed of the Director of Defense Mobilization, as Chairman, and sixteen other members of outstanding experience and ability who shall be appointed by the President. All of the members of the Board shall represent the general public and the public interest, but in order that the Board may have the benefit of experience in pertinent matters, four members of the Board shall have had experience in business management, four members shall have had experience in matters relating to labor, and four members shall have had experience in agriculture.

SEC. 2. It shall be the function of the Board to advise the President from time to time with respect to the current defense mobilization program or any phase thereof. The Board shall meet with the President at his request and shall meet at such other times as may be determined by its Chairman. The Board shall make

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FEDERAL REGISTER

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recommendations and reports to the President upon his request and at such other times as the Board deems appropriate.

SEC. 3. The members of the Board shall serve without compensation, and exemption is hereby granted, with respect to their service under this executive order, from the operation of sections 281, 283, 284, 434, and 1914 of Title 18 of the United States Code and Section 190 of the Revised Statutes.

SEC. 4. Members of the Board may be allowed transportation expenses in accordance with the standardized government travel regulations, as amended, and a per diem allowance of $15.00 in lieu of subsistence, while away from their respective homes or regular places of business on the business of the Board. Funds available for carrying out the Defense Production Act of 1950 and allotted for use under this order shall be utilized for the purposes of this Section 4 and for any other necessary expenditures of the Board.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 15, 1951.

[F. R. Doc. 51–3583; Filed, Mar. 19, 1951; 10:18 a. m.]

EXECUTIVE ORDER 10225

EXEMPTION OF BERNICE PYKE FROM COMPULSORY RETIREMENT FOR AGE

WHEREAS, in my judgment, the public interest requires that Bernice Pyke, Collector of Customs for Customs Collection District No. 41, with headquarters at Cleveland, Ohio, be exempted from compulsory retirement for age as provided below:

NOW, THEREFORE, by virtue of the authority vested in me by section 204 of the act of June 30, 1932, 47 Stat. 404 (5 U. S. C. 715a), it is ordered, effective as of April 1, 1950, that the said Bernice Pyke be, and she is hereby, exempted from compulsory retirement for age under the provisions of the Civil Service Retirement Act of May 29, 1930, as amended, for an indefinite period of time not extending beyond March 31, 1952, the date on which her present term of office expires.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 17, 1951.

[F. R. Doc. 51–3598; Filed, Mar. 19, 1951; 11:50 a. m.]

RULES AND REGULATIONS

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 521—EMPLOYMENT OF APPRENTICES

TEMPORARY SPECIAL CERTIFICATES

Pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended, the Administrator has heretofore issued general regulations governing the employment of apprentices (§§ 521.1 to 521.10) and regulations governing the employment of apprentices in the diamond cutting industry (§§ 521.101 to 521.105), at wages lower than the minimum wage applicable under section 6 of the act.

On December 16, 1950, a notice was published in the FEDERAL REGISTER (15 F. R. 8995) that the Administrator proposed to amend the general regulations and revoke the diamond cutting industry regulations, because the special provisions for the diamond cutting industry no longer represent existing conditions. Further, since the date of the promulgation of the special provisions for such industry, the Apprenticeship Council of Puerto Rico has been established, and it is considered necessary that all apprenticeship agreements providing for the employment of an apprentice in Puerto Rico at wages lower than the applicable minimum wage hereafter be filed for approval with the Apprenticeship Council of Puerto Rico, pursuant to §§ 521.2 and 521.3. Interested parties were given 15 days in which to submit data, views or arguments pertaining to the proposed amendments. This period has now expired and careful consideration has been given to all material submitted.

Now, therefore, pursuant to authority under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214), I find that it is necessary, in order to prevent curtailment of opportunities for employment, that the proposed amendments published in the FEDERAL REGISTER on December 16, 1950, be adopted. Accordingly, this part is amended as follows:

1. Section 521.3 is amended by deleting the proviso, so that the section will read as follows:

§ 521.3 *Temporary special certificates.* The written apprenticeship agreement when approved by a recognized local joint apprenticeship committee or by a recognized state apprenticeship council, and after the employer has received notice of such approval by the approving agency, shall be considered a temporary special certificate, authorizing the employment of the apprentice at a wage rate or rates lower than the applicable minimum under section 6 of the act, specified in the approved agreement, until such time as a special certificate is issued by the Administrator or his authorized representative, or the employer is notified that his request for a special certificate is denied. In the event that a request for a special certificate is denied, the temporary special certificate shall be considered terminated and the employer shall thenceforth, upon receipt of notice of such denial, pay the minimum wage applicable under section 6 of the act to the named apprentice.

2. Sections 521.101 through 521.105 are revoked.

The above amendments shall become effective 30 days after the publication of this document in the FEDERAL REGISTER.

(Sec. 14, 52 Stat. 1068; 29 U. S. C. 214)

Signed at Washington, D. C., this 9th day of March 1951.

WM. R. MCCOMB,
Administrator,
Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 51–3464; Filed, Mar. 19, 1951; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. P. L. 41 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
0[illegible]	Sperm oil (excluding other whale oil)	Lb.	FATS	250	RO
1[illegible]	Cottonseed oil, crude	Lb.	FATS	250	RO
1[illegible]	Linseed oil, edible or refined	Lb	FATS	250	RO
	Expressed oils (except cottonseed and fats, inedible):				
2[illegible]	Cottonseed oil, crude	Lb	FATS	250	RO
2[illegible]	Cottonseed oil, commercial	Lb.	FATS	250	RO
2[illegible]	Cottonseed oil, inedible	Lb.	FATS	250	RO
2[illegible]	Tung oil	Lb.	FATS	250	RO
2[illegible]	Palm oil, crude	Lb.	FATS	250	RO
851100	Castor oil, medicinal grade (report commercial grade in 2[illegible])	Gal.	DRUG	250	RO
8[illegible]	D. D. T. (dichlorodiphenyl trichloroethane) (including preparations thereof containing 25 percent or more D. D. T. by percent basis.	Lb.	AGCH	100	RO
8[illegible]	Other agricultural insecticides, fungicides and similar preparations and materials, dry or liquid basis: Benzene hexachloride and formulations thereof, containing 1 percent or more of the gamma form.	Lb	AGCH	100	RO
8[illegible]	Polishes: Castor oil, sulfonated	Lb.	FOOD	250	RO
8[illegible]	Acids and anhydrides: Sebacic acid	Lb.	DYES	250	RO

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., March 20, 1951, may be exported under the previous general license provisions up to and including April 14, 1951. Any such shipment not laden aboard the exporting carrier on or before April 14, 1951, requires a validated license for export. This saving clause is not applicable to any such shipments to Subgroup A destinations.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of March 20, 1951, 12:01 a. m.

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51–3470; Filed, Mar. 19, 1951; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Enforcement Procedure Regulation 3]

EP 3—DEFINING SCOPE AND AUTHORITY FOR USE OF LETTERS REQUESTING INSPECTION AND INTERVIEWS RELATING TO INVESTIGATIONS UNDER THE DEFENSE PRODUCTION ACT OF 1950

By virtue of the authority vested in me as Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) by Administrative Order No. 22 and pursuant to Administrative Order 22, Supp. 1, 2, and 3, issued pursuant to Executive Order No. 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), and in order to define the manner in which Request Letters may be utilized by enforcement agents and employees of the Office of Price Stabilization under the Defense

[1] This amendment was published in Current Export Bulletin No. 612 dated March 15, 1951.

Production Act of 1950, this regulation is issued:

SECTION 1. A Request Letter as used herein is a letter directed to a person subject to the Defense Production Act of 1950 and used in connection with an investigation conducted by a duly authorized representative of the Office of Price Stabilization. Its use is directed to the inspection of books, documents and records of the person subject to investigation, and to permit the inspection of premises and property of such person and to request interviews with such person.

SEC. 2. Request Letters may be signed and issued only by the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement), Regional Enforcement Directors and District Enforcement Directors, and only in connection with any investigation or proceeding relating to the administration or enforcement of the Defense Production Act of 1950 or of any regulations or orders of the Office of Price Stabilization issued thereunder.

SEC. 3. Request Letters shall be issued only after the scope and purpose of the investigation, inspection or inquiry to be made have been defined by the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement), Regional Enforcement Director or District Enforcement Director of the Office of Price Stabilization having jurisdiction over such investigation, inspection or inquiry, and it is assured that no adequate and authoritative data requested by such request letter are available from any Federal or other responsible agency.

SEC. 4. The terms in this regulation shall have the same meaning as in the Defense Production Act of 1950.

SEC. 5. This regulation shall become effective March 20, 1951. Issued this 19th day of March, 1951.

(Sec. 704 Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

E. P. MORGAN,
Assistant Director of Price Stabilization for Enforcement (Director of Enforcement).

[F. R. Doc. 51-3581; Filed, Mar. 19, 1951; 10:12 a. m.]

[General Ceiling Price Regulation, Amdt. 6]

GCPR, AMDT. 6—CONTRACTS TO SELL FOR FUTURE DELIVERY

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Amendment 6 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Since the issuance of the General Ceiling Price Regulation this office has been engaged in formulating "tailored" regulations which are designed for particular industries and are more suitable than the general freeze type of regulation. This office has announced frequently that a number of such regulations are now in preparation. In many cases they will permit sellers to deliver commodities or services at ceiling prices different from those established under the General Ceiling Price Regulation. In order that the taking of orders for future delivery not be impeded while the tailored regulations are under consideration it is deemed advisable to permit the making of offers and contracts to sell a commodity or service at the ceiling price in effect at the time of delivery or, if a fixed price is specified, at either that price or the applicable ceiling price at the time of delivery, whichever is lower. This amendment applies only to those commodities and services covered by the General Ceiling Price Regulation. It does not apply to any commodity or service for which a ceiling price is established by any other regulation or order of the Director of Price Stabilization in effect at the time the offer or contract is made. Moreover, the present amendment does not permit a seller to deliver a commodity or service at a price to be adjusted subsequent to the delivery of such commodity or service.

In the judgment of the Director of Price Stabilization this amendment is generally fair and equitable and is necessary to effectuate the purposes of title IV of the Defense Production Act of 1950.

AMENDATORY PROVISION

The General Ceiling Price Regulation is amended as follows:

Section 22 is amended by adding to the paragraph defining the word "sell" the following sentence: "Nothing in this regulation shall be construed to prohibit the making of a contract or offer to sell a commodity or service at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery."

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Effective date. This amendment shall become effective March 19, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MARCH 16, 1951.

[F. R. Doc. 51-3582; Filed, Mar. 19, 1951; 10:12 a. m.]

[General Ceiling Price Regulation, Amdt. 7]

GCPR, AMDT. 7—AGRICULTURAL COMMODITIES

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 7 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment is designed to make certain changes in section 11 of the General Ceiling Price Regulation relating to agricultural commodities selling at prices below the legal minimum and in section 14 (s) (1) dealing with the exemption of unprocessed listed agricultural commodities from control. First, the amendment clarifies the impact of the General Ceiling Price Regulation on sales of agricultural commodities which have been removed from exemption under section 14 (s) and, second, establishes for these commodities ceiling prices at a level not below the minimum requirements of the Defense Production Act of 1950. It also corrects minor errors, inconsistencies, and omissions; closes certain loopholes; defines several ambiguous terms; and conforms the language of the regulation, with respect to fluid milk, to the requirements of the Defense Production Act.

The first purpose was accomplished by amending section 11 (a) to state categorically that an agricultural commodity is deemed to be automatically removed from the list of agricultural commodities and from section 14 (s) (1) exemption as soon as the Secretary of Agriculture has announced by publication that the price of the commodity has reached the highest of the "legal minima" required to be reflected to producers by section 402 (d) (3) of the Defense Production Act of 1950. Previously, that paragraph had merely indicated that upon such determination and publication, the section ceased to apply to a commodity processed in substantial part from the listed agricultural commodity. No reference was made to the section 14 (s) (1) exemption, it being assumed that the exemption for the raw and natural commodity would terminate at the same time that section 11 ceased to apply to the processed commodity. References to the processed commodity in section 11 and to the raw and natural agricultural commodity in section 14 (s) (1), however, raised grave doubts as to whether the intent of the Director of Price Stabilization had been clearly stated.

To eliminate any further possibility of ambiguity in this respect, this amendment also adds to section 14 (s) (1) a sentence removing the exemption from any agricultural commodity which is deleted, whether automatically or by express amendment to the General Ceiling Price Regulation, from the list of agricultural commodities in section 11. Although the accomplishment of this purpose required some change in language in section 11 as to processed commodities, the new phraseology does not in any way alter the treatment of the processed commodities. Under the language in effect prior to this amendment, the section ceased to apply to processed commodities when the agricultural commodity had been affirmatively deleted from the list of agricultural commodities by the Director of Price Stabilization or when the Secretary of Agriculture had announced by publication that the price of the agricultural commodity had reached the minimum requirements of the Defense Production Act of 1950. Under the revised language of the provision made effective by this amendment, the section will for all practical purposes operate in exactly the same manner. In either case, the section will cease to apply to a processed commodity five days after the date on which the Secretary of Agriculture has announced by publication a prevailing price for an agricultural commodity which price equals or exceeds the highest of the various minimum requirements of the act.

The second purpose is accomplished by amending both section 1 and section 14 (s) (1) to establish, after removal of exemption from control, ceiling prices for food, agricultural and related commodities previously exempt under the provisions of section 14 (s). Those sellers who are able to determine their prices under the provisions of section 3 of the General Ceiling Price Regulation will use as the applicable base period the most recent five-week period preceding the date the exemption is removed, rather than the December 19, 1950, to January 25, 1951, inclusive, base period used by all other sellers. Thus, a seller of a previously exempt agricultural commodity will find his ceiling price by using the regular pricing provisions of section 3 of the General Ceiling Price Regulation, if they are applicable, with a different base period. If the seller prices under one of the other sections of the regulation, which also require reference to a base period, he shall continue to use the regular December 19, 1950 to January 25, 1951, inclusive, base period. It was necessary to permit sellers of previously exempt agricultural commodities obtaining ceiling prices for the first time under section 3 to substitute "the most recent five-week period preceding the date the exemption is removed" as the base period, in place of the December 19, 1950 to January 25, 1951, inclusive, base period, in order to satisfy the minimum requirements of the Defense Production Act of 1950. To have required sellers of agricultural commodities which were exempt because the original base period prices for these commodities were below the minimum requirements of the law to use the same base period prices after the exemption had been removed would obviously violate the standards of the act. It was, therefore, necessary to establish for these commodities a new base period which would, as accurately as possible, reflect the pricing standards of the act. Since automatic removal from exemption is accomplished approximately fifteen days after the prices of the agricultural commodities reflect the minimum requirements of the law, the Director of Price Stabilization has established the five-week period during which the price of the commodity reached the minimum requirement as the proper base period.

It is not necessary, however, that sellers of agricultural commodities removed from exemption be allowed to use the more recent base period, which has the effect of providing higher ceiling prices, for obtaining a ceiling price under any section of the General Ceiling Price Regulation other than section 3. This is true because the application of the base period in the other sections of the regulation does not determine a ceiling price by reference to the highest price at which the commodity was sold or delivered during that time, but rather determines a ceiling price by reference to a markup obtained through use of a net invoice cost. Consequently, application of the December 19, 1950, to January 25, 1951, inclusive, base period to agricultural commodities priced under sections other than section 3 of the General Ceiling Price Regulation will not violate any of the minimum requirements of the Defense Production Act of 1950 and will prevent distributors from enlarging their margins during the period that the agricultural commodity remains exempt.

Third, this amendment provides that the ceiling price for fluid milk which is sold and bought pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended, or any marketing agreement, license or order or provision thereof or amendment thereto, shall be no less than the price determined pursuant to that act and it therefore permits processors and distributors of milk to "pass through" the increased cost under the provisions of section 11 (b) and (c) whether or not milk is deleted from the list of agricultural commodities and thus removed from section 14 (s) (1) exemption. This provision is inserted in section 11 (a) to satisfy the requirement of section 402 (d) (3) of the Defense Production Act of 1950, which states that nothing contained in this act shall be construed to modify, repeal, supersede or affect the provisions of the Agricultural Marketing Act of 1937, as amended, or to invalidate any marketing agreement, license, or order, or provision thereof, or amendment thereto, heretofore or hereafter made or issued under the provisions of such act. It is certainly conceivable that some specific marketing order under that act may provide for a price in excess of the ceiling price established by the General Ceiling Price Regulation. In such event it is clear that the prices established by the marketing order prevail and supersede the ceiling prices to the extent that they exceed them. Recognition of this possibility has caused the Director of Price Stabilization to permit subsequent handlers to increase their prices by the dollars and cents amount of the increase legally paid by them over the highest price previously paid for the commodity. Under these circumstances distributors of fluid milk may increase their prices under the provisions of section 11 (b) and 11 (c) in the same manner as if milk had remained below the legal requirements of the Defense Production Act of 1950 and had continued on the section 11 (a) list of agricultural commodities. This permissive increase only applies, however, in those instances where ceiling prices for milk are in conflict with such marketing orders promulgated under the Agricultural Marketing Agreement Act of 1937, as amended. It does not permit any other seller or buyer of milk to exceed his ceiling as otherwise established by the General Ceiling Price Regulation. Nor does it permit of any increases or "pass through" beyond that legally necessary to recognize and effectuate the overriding standards of the Agricultural Marketing Agreement Act of 1937, as amended, and orders, licenses and agreements issued under that act.

The words "at least in substantial part" are deleted from section 11 (c) (1) to permit the processor to "pass-through" any increase in cost of a listed agricultural commodity over the highest price paid during the base period. The difficulty of determining with any degree of preciseness the meaning of "substantially" and even of applying that word to specific proportions and costs negated any affirmative value originally anticipated from that phraseology. Moreover, the processor is still restricted to increasing his ceiling price by no more than the exact dollars and cents amount of the increase in the cost of the listed commodity actually used in the processed commodity. Under these circumstances, the disadvantages of retaining the provision in a section, the life of which is expected to be of short duration, are much greater than the corresponding advantages.

The revision of section 14 (s) (1) by Amendment 1 to the General Ceiling Price Regulation created some confusion among sellers of eggs, dry edible beans and peas, and popcorn, who mistakenly formed the opinion that this revision removed graded eggs, cleaned dry edible beans and peas, and shelled popcorn from price control at all levels of distribution. Such was not the purpose of the revision, and in order to correct these misunderstandings, section 14 (s) (1) is now amended to provide specifically that eggs, dry edible beans and peas, and popcorn are exempted from the regulation only when sold by the producers of these commodities. With this amendment the original language of section 14 (s) (1) is, in effect, again made applicable to sales of these commodities. It should be noted that these commodities are, of course, subject to the "pass-through" provisions of section 11 (a) and 11 (b) at all levels of distribution above the exempt producer level.

Section 11 of the General Ceiling Price Regulation provides for parity adjustments in ceiling prices and prescribes the method by which sellers of commodities derived from the agricultural commodities listed therein may increase their ceiling prices for such commodities on the basis of increased purchase costs of the basic material. In many cases the increased purchase costs reflect new ceiling prices containing fractions of one cent. In order that a uniform practice may be followed with respect to the disposition of such fractions, this amendment provides in section 22 that, whenever fractions of a cent remain after the total price for the quantity sold has been calculated, fractions under one-half cent shall be dropped while fractions of one-half cent or over may be increased to the next higher cent.

AMENDATORY PROVISIONS

The General Ceiling Price Regulation is amended in the following respects:

1. The following sentence is added at the end of section 1: "With respect to those food, agricultural and related commodities exempt under the provisions of section 14 (s), however, the applicable "base period" used after removal of the exemption to establish the ceiling price under section 3 of this regulation shall be the most recent five-week period pre-

ceding the date the exemption is removed."

2. The first paragraph of section 11 (a) is amended to read as follows:

(a) *Commodities covered by this section.* This section applies to commodities processed in substantial part from the following listed agricultural commodities. This section shall cease to apply, however, when any listed commodity is deleted by the Director of Price Stabilization, if, after consultation with the Department of Agriculture, he determines that the requirements of the Defense Production Act of 1950 are satisfied. Moreover, five days after the date the Secretary of Agriculture has announced by publication a price for any listed commodity, other than tobacco, which price equals or exceeds both (1) the parity price as set forth in the same publication, and (2) the highest price received by producers of the commodity during the period from May 24, 1950, to June 24, 1950, inclusive, both as determined and adjusted by him, that commodity shall be deemed to have been automatically deleted from the list of agricultural commodities and from section 14 (s) (1) exemption. The ceiling price determined under this section and in effect for any processed commodity at the time the listed commodity is deleted (automatically or otherwise) from the list of agricultural commodities shall remain as the ceiling price. Notwithstanding anything contained in this paragraph to the contrary, the ceiling price for fluid milk, which is sold and bought pursuant to the provisions of the Agricultural Marketing Agreement of 1937, as amended, or any marketing agreement, license or order, or provision thereof or amendment thereto, shall be no less than the price determined pursuant to that act, and, for the purposes of such sales and purchases only, fluid milk shall be deemed to remain on the list of agricultural commodities.

3. The words, "at least in substantial part" are deleted from section 11 (b) (1).

4. Section 14 (s) (1) is amended to read as follows:

(1) The following commodities only when sold by the producers thereof: Eggs, dry edible beans and peas, and popcorn. In addition, any other agricultural commodity listed in section 11 (a) (the "parity" adjustment provision) in its raw or natural state, or if the commodity is not customarily sold by producers generally in its raw or natural state, in the first form or state beyond the raw or natural state in which it is customarily sold by producers generally.

The exemption established by this paragraph shall not apply to any agricultural commodity after that commodity has been deleted, automatically or otherwise, from the list of agricultural commodities in section 11 (a) of this regulation. The ceiling price for any commodity so removed from exemption by deletion from the list of agricultural commodities, shall be the ceiling price otherwise determined under the provisions of this regulation and, if the ceiling is determined under section 3, by using the most recent five-week period preceding the date the exemption is removed as the applicable "base period".

5. A new paragraph to read as follows is added at the end of section 22:

Calculations of ceiling prices involving fractions. Fractions of a cent remaining after the total price for a quantity sold has been calculated shall be dropped if less than a half cent and increased to the nearest higher cent if a half cent or more.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Effective date. This amendment shall become effective the 20th day of March 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

MARCH 16, 1951.

[F. R. Doc. 51-3584; Filed, Mar. 19, 1951; 11:59 a. m.]

[General Ceiling Price Regulation, Amdt. 2 to Supplementary Regulation 5]

GCPR, SR 5—RETAIL PRICES FOR NEW AND USED AUTOMOBILES

ADDITIONAL GUIDE BOOKS FOR USED CARS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Supplementary Regulation 5 (16 F. R. 1769) to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Since the date of the last amendment to this supplementary regulation the publishers of two other guides have offered copies of their new issues and substantiated the fact that the prices therein stated are in line with those published in the present books listed for use in the pricing of used cars. This amendment adds these two books to the guides already listed.

In addition a number of the official guide books have republished their prices to conform to the requirements of the regulation. In some instances guide books that did not previously have prices for equipment for which the used car dealer is permitted to charge an extra price, have incorporated prices for such equipment that are in line with the prices published by other guide books in January. One guide book which had in January determined to change its regional coverages has republished its guide book to incorporate these changes. The prices for the new region, in which the several States covered now find themselves placed, are in line with the January prices generally prevailing in those States. In these instances, therefore, the regulation is being amended to permit the use of the newly published guide book in lieu of the January issue.

AMENDATORY PROVISIONS

Supplementary Regulation 5 to the General Ceiling Price Regulation is amended in the following respects:

1. Section 4 (a) is amended to read as follows:

(a) The ceiling price for any used car shall be the highest price listed for that make and model in the listed issue of the used car guide listed in this section 4, which the seller customarily used in the period December 19, 1950 to January 25, 1951, except (1) the ceiling price of any model used car currently being manufactured by the manufacturer shall be the ceiling delivered price of the car when new determined under section 3 of this regulation; and (2) in no event shall the price exceed the ceiling delivered price of the car when new, computed under the formula stated in section 3 of this regulation.

2. Section 4 (e) is amended to read as follows:

(e) If the seller did not customarily use any guide listed in this section during the period December 19, 1950, to January 25, 1951, inclusive, he must select one of the listed guides upon which to base his ceiling price, and thereafter base his ceiling price only on the listed issue of the official guide which he has selected.

3. Section 4 (g) is amended by changing the list of the guides contained therein to read as follows:

Name of guide and publisher	Issue	Territory for which guide is designated
American Auto Appraisal, published by American Auto Appraisal.	March-April supplement	
Blue Book-Executives Edition, published by National Used Car Market Report, Inc.	January issue or January reprint.	
Kelley Blue Book Official Guide, published by Les Kelley.	January issue	Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.
Market Analysis Report, published by Used Car Statistical Bureau, Inc.	January issue or price edition.	Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.
N. A. D. A. Official Used Car Guide, published by National Automobile Dealers Used Car Guide Co.	January issue or Mar. 2, 1951 edition.	
Northwest Used Car Values, published by Northwest Publishing Co.	January issue or March 1951 edition.	Washington, Oregon, Idaho, Montana, and North Dakota.
Official Automobile Guide, published by National Research Bureau, Inc.	Price edition	
Official Used Car Survey, published by Motor Vehicle Dealers Administration, Nebraska.	March-April supplement	
Official Automobile Guide, published by Recording and Statistical Corp.	Price edition	
Official Wisconsin Automobile Valuation Guide, published by Wisconsin Automotive Trades Association.	January issue or Feb. 15, 1951, edition.	Wisconsin.
Red Book National Used Car Market Report, published by National Used Car Market Report, Inc.	January issue or January reprint.	

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1951, 15 F. R. 6105, 3 CFR, 1950 Supp.)

This amendment shall become effective March 19, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

MARCH 17, 1951.

[F. R. Doc. 51-3597; Filed, Mar. 19, 1951; 11:48 a. m.]

Chapter IV—Wage Stabilization Board, Economic Stabilization Agency

[General Regulations 1-7]

REDESIGNATION AS GENERAL WAGE REGULATIONS

EDITORIAL NOTE: General Regulations 1 through 7 are hereby redesignated as General Wage Regulations 1 through 7, and should be cited "GWR" instead of "GR". This change is necessary in order to conform this series to the change in designation introduced with General Wage Regulation 8 (16 F. R. 2032).

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-19 as Amended Mar. 16, 1951]

M-19—CADMIUM

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

This amendment affects order M-19 as follows: It redesignates §§ 33.1 through 33.6 as sections 1 through 6; § 33.7 is deleted; §§ 33.8 through 33.13 are redesignated as sections 7 through 12; it adds a new paragraph (b) to section 2 and redesignates the old paragraphs (b) and (c) to be (c) and (d), respectively; it adds a new subparagraph (12) to section 4 (a); effects other minor changes and additions in sections 4 and 5; and substitutes a new section 6 for the previous §§ 33.6 and 33.7. As so amended NPA Order M-19 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Use of cadmium.
4. Production of cadmium-containing items.
5. Production of cadmium-plated products.
6. Delivery of cadmium, cadmium-containing items, or cadmium-plated products.
7. Defense orders for cadmium-containing items and cadmium-plated products.
8. Inventories.
9. Applications for adjustments.
10. Records and reports.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order controls deliveries of cadmium from a producer or distributor. The order also states the purposes for which cadmium, cadmium-containing items and cadmium-plated items may be produced. In addition, the order imposes inventory controls on cadmium.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the 6-month period ending June 30, 1950.

(c) "Cadmium" means all grades of metallic cadmium, oxide, or plating salts produced directly from ores, concentrates or other primary materials, or redistilled, remelted or otherwise recovered from cadmium scrap or any secondary cadmium-bearing material; and cadmium-bearing materials suitable for the manufacture of pigments.

(d) "Distributor" means any person regularly engaged in the business of buying cadmium and selling the same in forms suitable for general fabrication or electroplating. It also includes laboratory supply houses to the extent they are engaged in buying and selling cadmium in any form to laboratories.

SEC. 3. *Use of cadmium.* No person may use any cadmium in any fashion except to produce the cadmium-containing items listed in section 4 of this order or to produce an electroplated coating on the products listed in section 5, and then only to the extent necessary to meet applicable specifications or for the proper service performance of the end products. Notwithstanding the foregoing, a person may use cadmium in laboratories for research, control, analysis, synthesis, assaying or educational work. The provisions of sections 4, 5, and 6 do not prohibit the completion of items containing cadmium or cadmium-plated products not listed in sections 4 or 5 if they were in the process of manufacture on or before January 1, 1951, and such completion is effected not later than January 31, 1951.

SEC. 4. *Production of cadmium-containing items.* No person shall produce any cadmium-containing item except those listed in paragraphs (a) through (p) of this section, and then only for the purposes and subject to the qualifications set forth in said paragraphs (a) through (p):

(a) Pigments for the following:

(1) Luminescent paint for military uses.

(2) Luminescent printing ink for military uses.

(3) Luminescent paper for military and Government Printing Office uses.

(4) Luminescent plastic for military uses.

(5) Signal and illuminating glassware for safety, religious, military and industrial uses.

(6) Thermometer tubing.

(7) Rubber sea buoys.

(8) Dental purposes.

(9) Artist's colors.

(10) X-ray fluoroscopic screens for medical purposes.

(11) Luminescent coatings for cathode ray tubes, except tubes to be used in signs, lighting fixtures or lamps.

(12) Pigments for all other purposes: *Provided, however,* That no person shall use in any one month in the production of pigments for such other purposes a quantity of cadmium by weight in excess of 40 percent of his average monthly use of cadmium for such purposes during the base period.

(b) Silver brazing alloys containing no more than 19 percent by weight of cadmium (except that silver solder containing not in excess of 25 percent cadmium may be used where centrifugal stresses are encountered at operating temperatures over 500° F.).

(c) Copper-base alloys containing no more than 1¼ percent by weight of cadmium for the following:

(1) Current carrying parts of electrical current interruption devices to the extent that sufficient contact pressure cannot be maintained in service with other less critical materials.

(2) Parts inside electronic tubes.

(3) Resistance welding electrodes.

(4) Overhead electrical contact wire in railroad (including industrial and mines), streetcar, and trolley bus systems.

(5) Multistrand railroad signal bond wire.

(6) Shunt wire leads for motors and generators.

(7) Flexible terminals of resistors, condensers, and field coils.

(d) Low melting point alloys for the following:

(1) On dry type rectifier elements.

(2) In fire protective systems, safety devices, and electrical fuses.

(3) Plugs for screwless fasteners in rimless metal spectacles.

(4) Dental use.

(5) Seals between brass and glass parts of liquid high voltage fuses.

(e) Low melting point alloys containing no more than 10 percent by weight of cadmium for the following:

(1) In plastic fire control instruments for the mounting of optics.

(2) Gold alloy for gold-filled spectacle frames.

(3) In the manufacture of inspection gauges.

(4) Bending of thin wall tubes.

(5) Bending of finished roll-formed and extruded shapes.

(f) Low melting point alloys containing no more than 6.5 percent by weight of cadmium for the following:

(1) Anchorage of punch press dies and bushings in drill jigs.

(2) Location of control points and surfaces (except floor grouting) in construction of fixtures.

(g) Zinc-base alloys, containing no more than 0.5 percent by weight of cadmium, for rolling.

(h) Type metal containing no more than 0.5 percent by weight of cadimum.

(i) Lead base alloys, containing no more than 3 percent by weight of cadmium, for the coating of copper wire.

(j) Items classified as secret, to the extent that certification of engineering necessity accompanies orders issued by the military services of the United States, the Atomic Energy Commission, or the United States Coast Guard.

(k) Standard cells.

(l) Electrolytic testers for storage batteries.

(m) Cadmium impregnated carbon or cadmium-silver alloys for use as contacts in electric current interruption devices.

(n) Bearings for rolling mills and heavy duty diesel engines.

(o) Cadmium chemicals for any use other than the manufacture of pigments or for use in the manufacture of pigments permitted under paragraph (a) of this section. The manufacturer of cadmium chemicals may sell such chemicals without requiring the certificate called for in section 6: *Provided, however,* No person may sell such chemicals if he knows or has reason to know that they will be used in the manufacture of pigments not permitted by paragraph (a) of this section.

(p) Copper tinsel wire containing not more than 1 percent cadmium by weight.

SEC. 5. *Production of cadmium-plated products.* No person shall produce any cadmium-plated product except those listed in paragraphs (a) through (x) of this section and then only for the purposes and subject to the qualifications set forth in said paragraphs (a) through (x):

(a) Functional parts which in service are subjected to frequent and extended periods of intermittent immersion in sea water or wet sprays of sea water to the extent that other finishes cannot be used for reasons of close tolerance or performance.

(b) Heddles and pin boards used in textile plants to the extent that corrosive action makes the use of other materials impracticable.

(c) Ferrous hardware parts in direct contact with fabric or leather to be used on the following:

(1) Aircraft parachutes.
(2) Aircraft safety belts.
(3) Aircraft shoulder harnesses.
(4) Aircraft bomb slings.

(d) Moving parts which require close tolerances for proper functioning and on parts adjacent to such moving parts to the extent that the tolerances cannot be maintained in service with other finishes because of mechanical or electrical interference by the products of corrosion or wear.

(e) Operating parts of electric controllers and switches.

(f) The following ferrous parts which in service reach a temperature of 500° F. or higher and on parts in contact with such ferrous parts:

(1) Aircraft parts requiring corrosion protection.

(2) Functional parts subject to the combined effect of corrosion and stress.

(g) Parts which serve to maintain an electrical contact for the suppression of radio interference to the extent that one of the contacted surfaces is aluminum, magnesium, or their alloys.

(h) Electrical contact parts of aircraft ignition harnesses and propeller hubs.

(i) Parts of electrical equipment to the extent that they, for performance reasons, must be soldered with the use of non-corrosive fluxes and where other finishes do not provide required corrosion protection.

(j) The following parts of electronic equipment:

(1) Surfaces involved in unsoldered butt joints which must remain constant in electrical or radio frequency resistance or both.

(2) Surfaces which require good conductivity for radio frequency current.

(3) Non-ferrous parts in contact with aluminum parts for prevention of electrolytic corrision.

(k) Ferrous nuts, bolts, machine screws, and washers for use in aircraft, except self-locking nuts designed for application below 250° F.

(l) Nuts, bolts, machine screws, and studs having threads $\frac{3}{8}$-inch diameter and smaller and/or having 16 or more threads per inch for use in ship construction by the United States Army and Navy, Maritime Administration, and the United States Coast Guard.

(m) Parts subject to frictional contact at least one of which is a moving part to the extent that other finishes of required thickness and corrosion protective value cause gouging, seizure, or binding.

(n) Parts which in service are subjected to the corrosive action of chlorine except on items which contact chlorine only during laundry operations.

(o) Parts of items classified as secret, to the extent that certification of engineering necessity accompanies orders issued by the military services of the United States, the Atomic Energy Commission, or the United States Coast Guard.

(p) Ferrous springs (including lock washers), and parts which of necessity have been assembled with such springs before the plating operation, to the extent that other finishes do not provide necessary corrosion protection during use, and where their application causes embrittlement of the spring which cannot be removed satisfactorily by low temperature heat treatment.

(q) Carburetor and magneto parts for aircraft engines.

(r) Hose clamps for aircraft.

(s) External parts of engines for combat aircraft, excluding attachments which are not integral parts of the engine proper, such as clips, clamps, lugs, and further excluding such parts on which alternative finishes have proven satisfactory in service and newly designed parts performing similar functions.

(t) Hydraulic fitting coupling sleeves made of copper-base alloys for use in aircraft.

(u) Electrical contact parts which touch parts of aluminum, magnesium, or their alloys.

(v) Threaded fittings of gray and malleable iron to the extent that other finishes do not provide required corrosion protection and tolerance.

(w) Synthetic yarn and cotton twisters.

(x) High carbon wire for carding.

SEC. 6. *Delivery of cadmium, cadmium-containing items, or cadmium-plated products.* (a) Commencing on April 1, 1951, no person may deliver cadmium or any cadmium-containing item or cadmium-plated product unless he obtains directly, or through a dealer, from the person who will receive delivery thereof a signed certification as follows:

> The undersigned, subject to statutory penalties, certifies that the cadmium, cadmium-containing items, and cadmium-plated products herein ordered will be used by the undersigned only for the purposes and to the extent permitted by NPA Order M-19.

This certification constitutes a representation to the seller and to the National Production Authority that the cadmium, cadmium-containing items, and cadmium-plated products delivered will be used only for purposes permitted by this order and that such use is not prohibited by other applicable orders or regulations of the National Production Authority.

(b) The provisions of this section will not apply to deliveries of: (1) Cadmium to any agency of the United States for its stockpile of strategic materials; (2) cadmium, cadmium-containing items or cadmium-plated products for purposes of resale only; or (3) cadmium-containing items or cadmium-plated products in connection with retail sales.

SEC. 7. *Defense orders for cadmium-containing items and cadmium-plated products.* Notwithstanding the provisions of NPA Reg. 2 which establishes a priorities system, unless otherwise directed by the National Production Authority, rated orders calling for cadmium-containing items or cadmium-plated products are subject to the provisions of sections 4, 5, and 6 of this order.

SEC. 8. *Inventories.* No person obtaining cadmium, cadmium-containing items, or cadmium-plated products for any purpose may receive or accept delivery of a quantity of such materials if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation during the succeeding 30-day period. NPA Reg. 1, relating to inventory control, will apply to such materials except as otherwise provided by this section.

SEC. 9. *Applications for adjustments.* (a) Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that any provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

(b) To enable the National Production Authority to evaluate applications for adjustment or exception in cases where it is not practicable to substitute other less scarce materials for cadmium, such applications in the form of requests for authorization to use cadmium for purposes not permitted by this order should be forwarded to the National Production Authority by letter in duplicate setting forth the following information:

(1) Period of time, not exceeding 6 months, for which adjustment is requested.

(2) Quantity of cadmium applicant proposes to consume monthly (i) for purposes permitted by this order and (ii) for purposes covered by the application, stating the sources from which the latter cadmium will be obtained.

(3) Description (and for cadmium-containing alloys, the alloy composition), function, specification number, and cadmium requirement of each part or of each group of parts fulfilling related functions.

(4) The "DO" symbol, if the order or contract bears a "DO" classification.

(5) Justification, including reasons why substitutes are not satisfactory; e. g., faulty performance, lack of facilities, or shortage of manpower.

(6) Such other information as the applicant may wish to submit.

SEC. 10. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act. (Public Law 831, 77th Cong., 5 U. S. C. 139–139F)

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C. Ref: M-19.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

This order, as amended, shall take effect, except as otherwise specifically stated, on March 16, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-3541; Filed, Mar. 16, 1951; 5:02 p. m.]

[NPA Order M-46]

M-46—PRIORITIES ASSISTANCE FOR THE PETROLEUM AND GAS INDUSTRIES

Correction

In Federal Register Document 51-3352, published at page 2394 of the issue for Wednesday, March 14, 1951, the reference to "section 9", appearing in section 8, should read "sections 9 through 12 and 14 through 19". Section 8 as corrected reads as follows:

SEC. 8. *The rating for oil country tubular goods.* To secure oil country tubular goods for normal requirements an operator may use and apply the rating DO-48; for emergency requirements an operator may use and apply the rating DO-48E. An operator may not use either of these ratings until he has complied with the rules set out in sections 9 through 12 and 14 through 19 of this order and he has been informed by PAD that a rating may be applied to a quantity of oil country tubular goods authorized by the Petroleum Administration for Defense.

Chapter XV—Federal Reserve System

[Regulation X, Interpretations]

REG. X—REAL ESTATE CREDIT

Int.
24. Compliance with amortization provisions.
25. Warehouses and office buildings used in processing goods.
26. Actual date credit is extended.
27. Appraised value of improved real property.
28. Radio and television broadcasting companies not public utilities.
29. Interstate trucking companies as public utilities.

INT. 24—COMPLIANCE WITH AMORTIZATION PROVISIONS

Clause (2) of the amortization provision in Schedule I and the amortization provision in Schedule III of section 7 (the Supplement to Regulation X) provide for amortization payments which "will fully liquidate the original principal amount of such credit not later than the date of the maturity of the credit * * *".

In cases where the maturity of credit subject to the regulation is less than the maximum permitted by the regulation, it is the opinion of the Board that the amortization provisions referred to above will be complied with if amortization payments are made until the maturity of the credit which, had they been continued until the maximum permissible maturity, would have fully liquidated the original principal amount of such credit by the date of such maximum permissible maturity.

For example, if the maximum maturity is 20 years, and the credit has a maturity of 10 years, the amortization provisions would be complied with if amortization payments are made during the 10 years which, had they been continued for 20 years, would have fully liquidated the original principal amount of such credit within 20 years.

INT. 25—WAREHOUSES AND OFFICE BUILDINGS USED IN PROCESSING GOODS

The Board has received several inquiries as to whether warehouses and office buildings used in connection with a manufacturing business are subject to Regulation X. As indicated in footnote 11 to section 2 (r) of the regulation, office buildings and warehouses, as well as other buildings, are ordinarily subject to the regulation. They are not subject to the regulation, however, if they fall within one of the exclusions from the definition of "nonresidential structure", namely, structures exclusively used or designed for use by a public utility or by any Government or political subdivision, or structures more than 80 percent of the floor space of which is used or designed for use (i) in processing materials, goods, or articles into finished or partly finished manufactured products, (ii) in mining or otherwise extracting raw materials, or (iii) on farm property in the production, shelter, or storage incidental thereto, of crops, livestock or other agricultural commodities. It is the opinion of the Board that space in such structures as office buildings and warehouses is used or designed for use in processing materials, goods, or articles into finished or partly finished manufactured products where such office building or warehouse is essential to and an integral part of the operations involved in the processing of such materials, goods, or articles. Unless the office building or warehouse, however, is essential to the processing operation and an integral part thereof, it is subject to the regulation.

INT. 26—ACTUAL DATE CREDIT IS EXTENDED

Inquiries have been received by the Board concerning the meaning of the phrase "actual date such credit is extended" as used in section 6 (i) of Regulation X.

Many types of credit extensions are subject to Regulation X and it is administratively impossible to prescribe a spe-

cific rule which would be fairly applicable to all types of financing arrangements affected by the regulation. However, for the purposes of Regulation X the general rule to be followed in most extensions of credit affected by the regulation is that the "actual date such credit is extended" is that date which is (1) the date on which the lender first disburses funds to, or makes funds available to the account of, the borrower, or (2) the date of execution of the note or other credit instrument evidencing the credit extended, whichever shall last occur.

INT. 27—APPRAISED VALUE OF IMPROVED REAL PROPERTY

Several inquiries have been received by the Board regarding the determination under Regulation X of "appraised value as determined in good faith" where there is to be construction on improved real property. The inquiries have related particularly to cases where there is an existing structure on the property such as a residence, servants' quarters, garage, or garage-apartment, but similar inquiries should be answered in accordance with the principles of this interpretation. In such cases, should the Registrant, in making his appraisal in good faith, appraise only the land or should he appraise the land and improvements?

In cases where the existing structure and the proposed construction are to be so located on the property that the possibility of separation in the case of resale would be remote and unlikely, it is the opinion of the Board that the Registrant may appraise the land and improvements. However, any outstanding credit secured by the improved real property necessarily would have to be taken into consideration in determining the amount of credit the Registrant could extend.

For example, if a prospective borrower desires to build a new residence at a cost of $20,000, on improved real property having a "value" of $10,000, the Registrant's appraised value may be $30,000, and the maximum loan value $15,000. However, if there were outstanding credit secured by the improved real property in an amount of, say, $5,000, the Registrant could not extend additional credit in an amount exceeding $10,000.

In cases where the existing structure and the proposed construction are to be so located that separation in the case of resale would not only be possible, but would be likely, it is the opinion of the Board that the Registrant should appraise only the land area on which the new construction is to be located.

For example, if the prospective borrower owns a tract of land consisting of several adjoining lots, some of which are improved with existing structures, and the borrower proposes to build a new structure on one of the vacant lots, the Registrant should appraise only the vacant lot.

INT. 28—RADIO AND TELEVISION BROADCASTING COMPANIES NOT PUBLIC UTILITIES

In answer to inquiries received, it is the opinion of the Board that radio and television broadcasting companies are not public utilities within the meaning of section 2 (s) of Regulation X. Accordingly, structures exclusively used or designed for use by such companies are nonresidential structures within the meaning of section 2 (r) of the regulation.

INT. 29—INTERSTATE TRUCKING COMPANIES AS PUBLIC UTILITIES

Inquiries have been received by the Board asking whether companies engaged in an interstate trucking business are public utilities within the meaning of section 2 (s) of Regulation X.

The Interstate Commerce Commission has authority to regulate three types of interstate motor carriers. They are "common carrier by motor vehicle", "contract carrier by motor vehicle" and "private carrier of property by motor vehicle". The degree of regulation and supervision exercised by the Commission differs with respect to the three types of carriers. Common carriers are required to obtain certificates of convenience and necessity outlining the extent of their proposed service, the routes over which they propose to operate, and other requirements deemed necessary by the Commission. Contract carriers must obtain a permit outlining the territory over which they propose to operate, the type of business, and any other conditions or limitations deemed necessary by the Commission in the public interest. Private carriers require neither certificates nor permits to operate.

Not only does the degree of regulation and supervision differ with respect to the three classes of carriers, but also the extent of their operations "for the convenience, service or accommodation of the public". Common carriers undertake for hire to transport from place to place the goods of anyone who chooses to employ them. Contract carriers transport for a limited number of shippers under special contracts designed to meet their particular needs. Private carriers need not transport for compensation, but may be the owner, lessee, or bailee of the goods transported.

For the above reasons, it is the opinion of the Board that, in the absence of other pertinent facts, only those companies engaged in an interstate trucking business as a "common carrier by motor vehicle" are public utilities within the meaning of section 2 (s) of Regulation X.

(Sec. 704, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1951 Supp. Interpret or apply sec. 602, Pub. Law 774, 81st Cong.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-3568; Filed, Mar. 19, 1951; 10:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket 1246]

ST. LOUIS NATIONAL STOCKYARDS CO.

NOTICE OF PETITION FOR MODIFICATION OF ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on February 2, 1949 (8 A. D. 160), authorizing the Yardage Charges which are presently in effect at respondent's stockyard. Subsequently, by an order dated May 23, 1949, the authorization was continued in effect to and including June 30, 1951.

On March 7, 1951, respondent filed a petition requesting that its current authorization be modified so as to authorize the assessment of the rates set out below under the heading, proposed rates, and extended as modified to and including June 30, 1953:

YARDAGE CHARGE

	Present rates	Proposed rates
A. Livestock sold or resold in the commission division		
Cattle (except bulls weighing 800 pounds)	$0.70	$0.78
Calves	.43	.43
Hogs	.23	.27
Sheep and goats	.16	.17
Bulls weighing 800 pounds or over	1.00	1.10
B. Livestock received directly by packers through the yards		
Cattle (except bulls weighing 800 pounds)	.35	.39
Calves	.22	.24
Hogs	.13	.14
Sheep and goats	.08	.09
Bulls weighing 800 pounds or over	.50	.55

If authorized, the modifications will produce additional revenues for the respondent and increase the cost of marketing to the shippers. Accordingly, it appears that this public notice should be given of the filing of the petition in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 14th day of March 1951.

[SEAL] KATHERINE L. MASON,
Hearing Clerk.

[F. R. Doc. 51-3484; Filed, Mar. 19, 1951; 8:50 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Under Secretary of Commerce for Transportation

MARITIME ADMINISTRATOR

DELEGATION OF AUTHORITY WITH RESPECT TO INTERCOASTAL, COASTWISE, AND OVERSEAS SHIPPING, INCLUDING USE THEREOF

The material appearing at 15 F. R. 759 and 16 F. R. 1130 is amended to the following extent:

The functions, powers, authorities, and discretion conferred upon the Secretary of Commerce by Executive Order 10161, Executive Order 10200 (and Defense Production Administration Delegation No. 1), and Executive Order 10219 with respect to intercoastal, coastwise, and overseas shipping, including the use thereof, and delegated to the Under Secretary of Commerce for Transportation are hereby delegated to the Maritime Administrator.

The Maritime Administrator may, by redelegation, exercise the powers and authorities and discretion conferred upon him by this notice through such officers and employees of the Maritime Administration and Federal Maritime Board in such manner as he determines and he may authorize such redelegations by such officers and employees as he may deem appropriate.

All orders, regulations, rulings, certificates, directives, and other actions heretofore issued or taken under the notices appearing at 15 F. R. 8739 and 16 F. R. 1130 and in effect immediately prior to the effective date of this notice shall remain in full force and effect until hereafter suspended, amended, or revoked under appropriate authority.

(R. S. 161; 5 U. S. C. 22; Reorg. Plan No. 5 of 1950; 15 F. R. 8739, 16 F. R. 1130)

This notice is effective March 13, 1951.

[SEAL] PHILIP B. FLEMING,
Under Secretary of Commerce for Transportation.

[F. R. Doc. 51-3469; Filed, Mar. 19, 1951; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9880]

SPARTAN RADIOCASTING CO. (WORD)

ORDER DELETING ISSUE

In re application of The Spartan Radiocasting Company (WORD), Spartanburg, South Carolina, Docket No. 9880, File No. BP-7810; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of March 1951;

The Commission having under consideration the above-entitled application which was designated for hearing in a consolidated proceeding with the application (File No. BP-7804; Docket No. 9879) of Greenville Broadcasting Company (WESC), Greenville, South Carolina, by Commission order of January 10, 1951; and

It appearing that, on February 16, 1951, the Commission dismissed the application of Greenville Broadcasting Company (WESC) upon request of the applicant; that on February 21, 1951, the Commission amended its hearing order of January 10, 1951, designating the above-entitled application for hearing by deleting therefrom certain issues and by including therein an issue designed to elicit evidence as to whether or not the installation of WORD, as proposed, would constitute a hazard to air navigation; and

It further appearing that, on February 28, 1951, Spartan Radiocasting Company was granted leave to amend the above-entitled application so as to specify a new transmitter site; that the hearing on the amended application began February 28, 1951, and that said hearing has been recessed until March 14, 1951; and

It further appearing that, under Part 17 of the Commission's rules and regulations, the transmitter site and antenna system specified by Spartan Radiocasting Company in its amended proposal do not require a special aeronautical study under the aforesaid rules and would not constitute a hazard to air navigation provided the obstruction marking is in accordance with specification B-6-17 of the rules;

It is ordered, That, the Commission's order of January 10, 1951, as amended by the order of February 21, 1951, designating the above-entitled application of Spartan Radiocasting Company for hearing is amended to delete therefrom the issue reading as follows: "To determine whether or not the installation and operation of Station WORD, as proposed, would constitute a hazard to air navigation."

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3471; Filed, Mar. 19, 1951; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1625]

NATIONAL UTILITIES CO. OF MICHIGAN

NOTICE OF APPLICATION

MARCH 13, 1951.

Take notice that National Utilities Company of Michigan (Applicant), a Michigan corporation, of Coldwater, Michigan, filed on February 28, 1951, an application for (1) an order directing Panhandle Eastern Pipe Line Company (Panhandle) to establish physical connection of its natural-gas transportation facilities with the facilities of Applicant and sell natural gas to Applicant, and (2) a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities as hereinafter described, both pursuant to section 7 of the Natural Gas Act, as amended.

The facilities proposed to be constructed and operated by Applicant are as follows:

(1) Approximately 22.7 miles of $10^{3}/_{4}$-inch O. D. pipeline extending from a point of connection with Panhandle's existing $12^{3}/_{4}$-inch pipeline south of Marshall, Michigan, southward to a point near the southwesterly city limits of Coldwater, Michigan.

(2) Approximately 20 miles of $8^{5}/_{8}$-inch O. D. lateral pipeline extending from a point on the proposed $10^{3}/_{4}$-inch line approximately $^{1}/_{4}$ mile north of Coldwater southeasterly to a point near the city of Hillsdale, Michigan.

(3) Approximately $22^{1}/_{2}$ miles of $3^{5}/_{8}$-inch O. D. lateral pipeline extending from the southern terminus of the proposed $10^{3}/_{4}$-inch line southwesterly to a point near the city of Sturgis, Michigan.

(4) Approximately 5 miles of $4^{1}/_{2}$-inch O. D. lateral pipeline extending from a point of connection with the proposed $8^{5}/_{8}$-inch line to Hillsdale (described in paragraph 2 above) near the city of Hillsdale northerly to a point near the Village of Jonesville, Michigan.

(5) Approximately $6^{1}/_{2}$ miles of $4^{1}/_{2}$-inch O. D. lateral pipeline extending from a point of interconnection with the proposed $10^{3}/_{4}$-inch line approximately $2^{1}/_{2}$ miles south of Tekonsha, Michigan, to a point near the village of Union City, Michigan.

(6) A tap on the proposed $10^{3}/_{4}$-inch line at or near the northwesterly city limits of Coldwater to connect through a measuring and regulating station with an existing $6^{5}/_{8}$-inch O. D. line constituting a part of the Coldwater distribution system.

(7) A tap at the terminus of the proposed $10^{3}/_{4}$-inch line at or near the southwesterly city limits of Coldwater to connect through a measuring and regulating station with the $6^{5}/_{8}$-inch O. D. line constituting a part of the Coldwater distribution system.

(8) A tap on the proposed $10^{3}/_{4}$-inch line at or near the Village of Tekonsha to connect through a measuring and regulating station with a $2^{3}/_{8}$-inch O. D. line constituting a part of a proposed distribution system to be installed in the Village of Tekonsha, Michigan.

(9) A tap on the proposed $8^{5}/_{8}$-inch line (described in paragraph (3) above) at or near the City of Bronson, Michigan, to connect through a measuring and regulating station with a $3^{1}/_{2}$-inch O. D. pipeline constituting a part of a proposed distribution system to be installed in the City of Bronson.

(10) A tap on the proposed $8^{5}/_{8}$-inch line (described in paragraph (3) above) at or near the Village of Burr Oak, Michigan, to connect through a measuring and regulating station with a $2^{3}/_{8}$-inch O. D. pipeline constituting a part of proposed distribution system to be installed in the Village of Burr Oak.

(11) A tap on the proposed $8^{5}/_{8}$-inch line (described in paragraph (2) above)

at or near the northeasterly city limits of Coldwater, to connect through a measuring and regulating station with the 6⅝-inch O. D. pipeline constituting a part of the distribution system of Coldwater.

(12) An interconnection of the 8⅝-inch line (described in paragraph (2) above) with an existing distribution feeder line extending from Coldwater to the Village of Quincy.

(13) Metering and regulating facilities to meter and regulate the pressure of gas delivered to the various cities and villages proposed to be served.

The application states that Applicant proposes initially to convert its present distribution facilities in Coldwater, Sturgis, Hillsdale, and the Village of Quincy from propane-air gas to natural gas and to introduce natural gas into Bronson, Tekonsha and Burr Oak. Applicant also proposes to introduce natural gas into Union City and Jonesville as soon as materials can be obtained to construct the necessary lateral lines and distribution systems.

The application further recites that there is a great demand for natural gas in the area proposed to be served by Applicant, and that the area proposed to be served constitutes the only area of comparable size and population remaining in the southern half of the southern peninsula of Michigan not now being served with natural gas. Applicant also alleges that the introduction of natural gas into the area proposed is of vital importance to the National Defense Program.

The estimated total over-all cost of the facilities to be constructed under the application in this docket is $1,500,000, which Applicant proposes to finance, together with the cost of the distribution systems in the new communities to be served, by the issuance and sale of First Mortgage Bonds and the use of general corporate funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of April 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3462; Filed, Mar. 19, 1951; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 177]

INCREASED EXPRESS RATES AND CHARGES, 1951

MARCH 14, 1951.

By supplemental petition dated March 9, 1951, in the above-entitled proceeding, the Railway Express Agency, Incorporated, requests authority to increase on one day's notice all charges on express matter by 25 cents per shipment except in carloads and shipments of milk, cream, and newspapers, as more particularly set forth in said supplemental petition, for the interim period pending final action by the Commission on the Agency's petition dated January 11, 1951, for general increases in its rates and charges.

The general petition is now set for hearing at the office of the Commission in Washington, D. C., at 9:30 a. m. United States standard time on March 29, 1951, before Hearing Examiner S. R. Diamondson and the cooperating committee representing State transportation and public utility commissions, at which time the supplemental petition will also be heard.

Oral argument on the supplemental petition for the interim increase will be heard before the entire Commission at the office of the Commission in Washington at 10:00 a. m. United States Standard time on April 6, 1951.

Notice hereof will be served upon petitioner, the Governors and regulatory bodies of the several States, and upon all parties of record in the principal proceeding. Notice will also be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

By the Commission.

[SEAL] G. W. LAIRD,
Acting Secretary.

[F. R. Doc. 51-3466; Filed, Mar. 19, 1951; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2570]

JERSEY CENTRAL POWER & LIGHT CO. AND GENERAL PUBLIC UTILITIES CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of March A. D. 1951.

General Public Utilities Corporation ("GPU"), a registered holding company, and its subsidiary, Jersey Central Power & Light Company ("Jersey Central"), having filed a joint application-declaration, and amendments thereto, pursuant to sections 6 (a), 6 (b), 7, 9 (a), and 10 of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-50 promulgated thereunder, with respect to, among other things, (a) the issue and sale by Jersey Central, pursuant to the competitive bidding requirements of Rule U-50, of $1,500,000 principal amount of first mortgage bonds, — percent series, due 1981, and 40,000 shares of its $100 par value, — percent series, cumulative preferred stock, (b) the issue and sale by Jersey Central, and the purchase by GPU, of 350,000 additional shares of Jersey Central's $10 par value common stock for an aggregate cash consideration of $3,500,000, and (c) a borrowing by GPU of $875,000 from each of four commercial banks, the interest rate on the notes to be issued to be the prime rate for commercial borrowing at the time of the making of the loans but not in excess of 3 percent per annum, and each of the notes to mature ten months from the date of issuance.

Such application-declaration, as amended, having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that requirements of the applicable provisions of the act are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application-declaration, as amended, be granted and permitted to become effective and that the request of the applicants-declarants that the order become effective at the earliest date practicable be granted.

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act that the said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and subject to the further condition that the proposed issue and sale of Jersey Central's $1,500,000 principal amount of first mortgage bonds — percent series, due 1981, and of Jersey Central's 40,000 shares of its $100 par value — percent cumulative preferred stock shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such terms and conditions as may then be deemed appropriate.

It is further ordered, That jurisdiction be, and hereby is, reserved over the payment of all fees and expenses of counsel in connection with the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3465; Filed, Mar. 19, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17492]

TOMIZO TANIGAWA

In re: Cash owned by Tomizo Tanigawa. F-39-6859-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tomizo Tanigawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $192.85 presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War", in the name of Tomizo Tanigawa, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Tomizo Tanigawa, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3464; Filed, Mar. 19, 1951; 8:55 a. m.]

[Vesting Order 17493]

DAIHEI YOSHIMOTO

In re: Stock owned by Daihei Yoshimoto, also known as D. Yoshimoto. D-39-12621-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Daihei Yoshimoto, also known as D. Yoshimoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Ten (10) shares of $100 par value capital stock of Needles Masonic Temple Association, Needles, California, a corporation organized under the laws of the State of California, evidenced by certificate numbered 213, dated January 16, 1930, registered in the name of D. Yoshimoto, and presently in the custody of the Office of Alien Property, Department of Justice, Washington, D. C., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3473; Filed, Mar. 19, 1951; 8:48 a. m.]

[Vesting Order 17495]

CARL JUNGBLUT

In re: Bonds owned by Carl Jungblut. F-28-31283

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Jungblut, whose last known address is Bad Orb, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by fifteen (15) International Standard Electric Corporation four percent bonds due July 1, 1953, of one thousand (1,000) Dutch guilders face value each, bearing the numbers DO5144/DO5158 inclusive, in bearer form, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with all rights in, to and under the said bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Carl Jungblut, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3476; Filed, Mar. 19, 1951; 8:48 a. m.]

[Vesting Order 17494]

UNION BANK OF SWITZERLAND

In re: Accounts maintained in the name of Union Bank of Switzerland, or Union de Banques Suisses, Geneva, Switzerland, and owned by persons whose names are unknown. F-63-139 (Geneva).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on

any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on March 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Union Bank of Switzerland, or Union de Banques Suisses, Geneva]

Column I Name and address of institution which maintains account	Column II Designation of account
1. Dominick & Dominick, 14 Wall St., New York 5, N. Y.	Union de Banques Suisses, Geneva, General Ruling No. 6 Account, as described by Dominick & Dominick in its report on Form OAP-700, bearing its serial No. 43.
2. The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	General Ruling 6 a/c Blocked Switzerland, as described by The Chase National Bank of the city of New York in its report on Form OAP-700, bearing its serial No. 200.
3. Bank of The Manhattan Co., 40 Wall St., New York, N. Y.	(a) Bonds and Stock Ordinary Account, and (b) stock Certification Account, as described by the Bank of The Manhattan Co. in its report on Form OAP-700, bearing its serial No. 095.
4. Irving Trust Co., 1 Wall St., New York 15, N. Y.	Demand Deposit Account, as described by the Irving Trust Co. of New York in its report on Form OAP-700, bearing its serial No. 0057.

[F. R. Doc. 51-3475; Filed, Mar. 19, 1951; 8:48 a. m.]

[Return Order 903]

SOCIETE "L'AVIOREX" DREYFUS FRERES

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Societe "L'Aviorex" Dreyfus Freres, Paris, France; Claim No. 13338; February 2, 1951 (16 F. R. 1000); property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to United States Patent Application Serial No. 326,529 (now United States Letters Patent No. 2,352,036), United States Patent Application Serial No. 335,599 (now United States Letters Patent No. 2,314,433) and United States Patent Application Serial No. 318,343 (now United States Letters Patent No. 2,447,824). This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3478; Filed, Mar. 19, 1951; 8:49 a. m.]

MARION C. FAUSTEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Marion C. Fausten, Philadelphia, Pa.; Claim No. 13154; $6,504.61 cash in the Treasury of the United States. The right, title and interest of Marion C. Fausten in and to the Trust created under the Will of Jane E. Triebels, deceased, trust terminated in 1[illegible]. The right, title and interest of Marion C. Fausten in and to a Trust created under the Will of Walther Fausten, deceased, National Bank of Germantown & Trust Company, Philadelphia, Pennsylvania, Trustee.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3482; Filed, Mar. 19, 1951; 8:56 a. m.]

[Vesting Order 5090-A-287]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and all of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany or Japan,

and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 1, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

Column 1 Copyright numbers	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown	Handbuch der Biologischen Arbeitsmethoden. Unter Mitarbeit von zahlreichen Fachgenossen. Abteilung V, Teil II (2. Hälfte). 1922.	Emil Abderhalden (Editor) (nationality not established).	Urban & Schwarzenberg, Berlin N. 24, Friedrichstrasse 105b, Germany (nationality Germany).	Owner.
Do	Handbuch der Mikroskopischen Anatomie des Menschen, Sechster Band, Zweiter Teil. 1930.	Wilhelm von Mollendorff (nationality not established).	Verlag von Julius Springer, Berlin, Germany (nationality, German).	Do.

[F. R. Doc. 51-3477; Filed, Mar. 19, 1951; 8:49 a. m.]

MAR 26 '51

FEDERAL REGISTER

VOLUME 16 NUMBER 55

Washington, Wednesday, March 21, 1951

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[960.309, Amdt. 2]

PART 960—IRISH POTATOES GROWN IN MICHIGAN, WISCONSIN, MINNESOTA, NORTH DAKOTA, AND IN CERTAIN COUNTIES OF IOWA AND OF INDIANA

LIMITATION OF SHIPMENTS

a *Findings.* 1. Pursuant to Order No. 60, as amended (15 F. R. 6956), regulating the handling of Irish potatoes grown in Michigan, Wisconsin, Minnesota, North Dakota, and in certain counties of Iowa and of Indiana, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the North Central Potato Committee, established pursuant to said order, and upon other available information, it is hereby found that the amended limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure (5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Irish potatoes grown in the area regulated by said order.

b. *Order, as amended.* The provisions of paragraph (b) (6) (iv) of § 960.309, Amdt. 1 (16 F. R. 1267) shall, on and after the effective date hereof, read as follows:

(iv) For manufacture into starch, flour or alcohol;.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Supp. 608c)

Done at Washington, D. C., this 16th day of March 1951, to be effective upon publication in the FEDERAL REGISTER.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-3543; Filed, Mar. 20, 1951; 9:00 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

INTERPRETATION REGARDING "SIX MONTHS"

§ 217.104 *Six months equals 180 days.* The Board of Governors has been asked whether a deposit maturing 180 days after the date of the deposit may be regarded as having a maturity of six months or more within the meaning of § 217.6.

In a strict legal sense, of course, the term "six months" means six calendar months. However, it is appreciated that some banks for practical purposes compute interest on a 360-day basis and regard 180 days as equivalent to half a year. Moreover, it is felt that the treatment of a certificate payable after 180 days as a six months' certificate for purposes of this part would not be inconsistent with the spirit and intent of the part. Accordingly, the Board will offer no objection to the payment by a member bank of interest at a rate not exceeding 2½ percent on a time deposit which matures 180 days after its date.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interprets or applies secs. 19, 24, 38 Stat. 270, 273, as amended, sec. 8, 48 Stat. 168, as amended; 12 U. S. C. 264 (c) (7), 371, 371a, 371b, 461.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-3489; Filed, Mar. 20, 1951; 8:47 a. m.]

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FEDERAL REGISTER

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TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 26-3]

PART 26—AIR-TRAFFIC CONTROL TOWER OPERATOR CERTIFICATES

REEXAMINATION REQUIREMENTS OF APPLICANTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of March 1951.

Currently effective airman parts of the Civil Air Regulations are not consistent in their requirements for reexamining applicants who have failed to pass the tests required for obtaining airman certificates. Parts 20, 21, 22, 24, 25, 33, and 51 permit an application for reexamination after at least 5 hours of additional instruction in each subject failed, or after the expiration of 30 days from the date of failure. Parts 26, 27, 34, and 35 on the other hand, permit an application for reexamination only after the expiration of 30 days from the date of failure.

There appears to be no valid reason why the reexamination provisions for all of the airman parts should not be the same. The alternate requirement of 5 hours of additional instruction was adopted in 1942, consistent with the interests of safety, as a wartime measure to expedite the qualification of certain airmen. The Board now believes that, in view of current military needs, the issuance of airman certificates can be more effectively administered by a uniform requirement which would, in effect, permit an applicant who fails any aeronautical knowledge examination to apply promptly for reexamination by taking special instructions, or otherwise be restricted to applying for reexamination after a lapse of 30 days. Our experience has shown that this option is of substantial value in qualifying applicants expeditiously and without jeopardizing our standards for competence. In the course of this experience, we have received information from numerous interested persons which indicates a general approval of this practice.

Accordingly, we are amending § 26.14 to make available the optional requirement of additional instruction to applicants for air-traffic control-tower operator certificates. For the same purpose Parts 27, 34, and 35 are being revised concurrently with this amendment.

For the reasons stated above, notice and public procedure hereon are impracticable and contrary to the public interest, and the Board finds that good cause exists for making this Civil Air Regulation effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 26 of the Civil Air Regulations (14 CFR Part 26, as amended), effective immediately.

By amending § 26.14 to read as follows:

§ 26.14 *Reexamination after failure.* An applicant who has failed any prescribed written or practical examination or test may not apply for reexamination within a 30-day period unless he presents a statement signed by a certificated air-traffic control-tower operator, a certificated ground instructor, or an equally qualified individual acceptable to the Administrator, which attests that the applicant has received an additional 5 hours of instruction in each of the subjects failed and that the applicant is considered competent for reexamination.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 52 Stat. 1007, as amended, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-3531; Filed, Mar. 20, 1951; 8:57 a. m.]

[Civil Air Regs., Amdt. 27-3]

PART 27—AIRCRAFT DISPATCHER CERTIFICATES

REEXAMINATION REQUIREMENTS OF APPLICANTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of March 1951.

Currently effective airman parts of the Civil Air Regulations are not consistent in their requirements for reexamining applicants who have failed to pass the tests required for obtaining airman certificates. Parts 20, 21, 22, 24, 25, 33, and 51 permit an application for reexamination after at least 5 hours of additional instruction in each subject failed, or after the expiration of 30 days from the date of failure. Parts 26, 27, 34, and 35 on the other hand, permit an application for reexamination only after the expiration of 30 days from the date of failure.

There appears to be no valid reason why the reexamination provisions for all of the airman parts should not be the same. The alternate requirement of 5 hours of additional instruction was adopted in 1942, consistent with the interests of safety, as a wartime measure to expedite the qualification of certain airmen. The Board now believes that, in view of current military needs, the issuance of airman certificates can be more effectively administered by a uniform requirement which would, in effect, permit an applicant who fails any aeronautical knowledge examination to apply promptly for reexamination by taking special instructions, or otherwise be restricted to applying for reexamination after a lapse of 30 days. Our experience has shown that this option is of substantial value in qualifying applicants expeditiously and without jeopardizing our standards for competence. In the course of this experience, we have received information from numerous interested persons which indicates a general approval of this practice.

Accordingly, we are amending § 27.19 to make available the optional requirement of additional instruction to applicants for aircraft dispatcher certificates. For the same purpose Parts 26, 34, and 35 are being revised concurrently with this amendment.

For the reasons stated above, notice and public procedure hereon are impracticable and contrary to the public interest, and the Board finds that good cause exists for making this Civil Air Regulation effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 27 of the Civil Air Regulations (14 CFR Part 27, as amended), effective immediately.

By amending § 27.19 to read as follows:

§ 27.19 *Reexamination after failure.* An applicant who has failed any prescribed written or practical examination or test may not apply for reexamination within a 30-day period unless he presents a statement signed by a certificated aircraft dispatcher, a certificated ground instructor, or an equally qualified individual acceptable to the Administrator, which attests that the applicant has received an additional 5 hours of instruction in each of the subjects failed and that the applicant is considered competent for reexamination.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 52 Stat. 1007, as amended, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-3532; Filed, Mar. 20, 1951; 8:57 a. m.]

[Civil Air Regs., Amdt. 34-3]

PART 34—FLIGHT NAVIGATOR CERTIFICATES

REEXAMINATION REQUIREMENTS OF APPLICANTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of March 1951.

Currently effective airman parts of the Civil Air Regulations are not consistent in their requirements for reexamining applicants who have failed to pass the tests required for obtaining airman certificates. Parts 20, 21, 22, 24, 25, 33, and 51 permit an application for reexamination after at least 5 hours of additional instruction in each subject failed, or after the expiration of 30 days from the date of failure. Parts 26, 27, 34, and 35 on the other hand, permit an application for reexamination only after the expiration of 30 days from the date of failure.

There appears to be no valid reason why the reexamination provisions for all of the airman parts should not be the same. The alternate requirement of 5 hours of additional instruction was adopted in 1942, consistent with the interests of safety, as a wartime measure to expedite the qualification of certain airmen. The Board now believes that, in view of current military needs, the issuance of airman certificates can be more effectively administered by a uniform requirement which would, in effect, permit an applicant who fails any aeronautical knowledge examination to apply promptly for reexamination by taking special instructions, or otherwise be restricted to applying for reexamination after a lapse of 30 days. Our experience has shown that this option is of substantial value in qualifying applicants expeditiously and without jeopardizing our standards for competence. In the course of this experience, we have received information from numerous interested persons which indicates a general approval of this practice.

Accordingly, we are amending § 34.13 to make available the optional requirement of additional instruction to applicants for flight navigator certificates. For the same purpose Parts 26, 27, and 35 are being revised concurrently with this amendment.

For the reasons stated above, notice and public procedure hereon are impracticable and contrary to the public interest, and the Board finds that good cause exists for making this Civil Air Regulation effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 34 of the Civil Air Regulations (14 CFR Part 34, as amended), effective immediately.

By amending § 34.13 to read as follows:

§ 34.13 *Reexamination after failure.* An applicant who has failed any prescribed written or practical examination or test may not apply for reexamination within a 30-day period unless he presents a statement signed by a certificated flight navigator, a certificated ground instructor, or an equally qualified individual acceptable to the Administrator, which attests that the applicant has received an additional 5 hours of instruction in each of the subjects failed and that the applicant is considered competent for reexamination.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 52 Stat. 1007, as amended, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-3533; Filed, Mar. 20, 1951; 8:57 a. m.]

[Civil Air Regs., Amdt. 35-3]

PART 35—FLIGHT ENGINEER CERTIFICATES

REEXAMINATION REQUIREMENTS OF APPLICANTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of March 1951.

Currently effective airman Parts of the Civil Air Regulations are not consistent in their requirements for reexamining applicants who have failed to pass the tests required for obtaining airman certificates. Parts 20, 21, 22, 24, 25, 33, and 51 permit an application for reexamination after at least 5 hours of additional instruction in each subject failed, or after the expiration of 30 days from the date of failure. Parts 26, 27, 34 and 35 on the other hand, permit an application for reexamination only after the expiration of 30 days from the date of failure.

There appears to be no valid reason why the reexamination provisions for all of the airman parts should not be the same. The alternate requirement of 5 hours of additional instruction was adopted in 1942, consistent with the interests of safety, as a wartime measure to expedite the qualification of certain airmen. The Board now believes that, in view of current military needs, the issuance of airman certificates can be more effectively administered by a uniform requirement which would, in effect, permit an applicant who fails any aeronautical knowledge examination to apply promptly for reexamination by taking special instructions, or otherwise be restricted to applying for reexamination after a lapse of 30 days. Our experience has shown that this option is of substantial value in qualifying applicants expeditiously and without jeopardizing our standards for competence. In the course of this experience, we have received information from numerous interested persons which indicates a general approval of this practice.

Accordingly, we are amending § 35.14 to make available the optional requirement of additional instruction to applicants for flight engineer certificates. For the same purpose Parts 26, 27 and 34 are being revised concurrently with this amendment.

For the reasons stated above, notice and public procedure hereon are impracticable and contrary to the public interest, and the Board finds that good cause exists for making this Civil Air Regulation effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 35 of the Civil Air Regulations (14 CFR Part 35, as amended), effective immediately.

By amending § 35.14 to read as follows:

§ 35.14 *Reexamination after failure.* An applicant who has failed any prescribed written or practical examination or test may not apply for reexamination within a 30-day period unless he presents a statement signed by a certificated flight engineer, a certificated ground instructor, or an equally qualified individual acceptable to the Administrator, which attests that the applicant has received an additional 5 hours of instruction in each of the subjects failed and that the applicant is considered competent for reexamination.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 52 Stat. 1007, as amended, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-3534; Filed, Mar. 20, 1951; 8:57 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 50 [1]]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 375—BLT (BLANKET) LICENSES

MISCELLANEOUS AMENDMENTS

1. Section 372.12 *Weight and volume tolerance* is amended in the following particulars:

Paragraph (a) *10 percent tolerance* is amended to read as follows:

§ 372.12 *Weight and volume tolerance*—(a) *10 percent tolerance.* For all commodities requiring an export license, unless otherwise specified in such license, a 10 percent tolerance by weight or volume over the amount specified in the license is allowed, except as listed below in this section:

Commodities	*Tolerance (percent)*
Raw cotton except linters (Schedule B Nos. 300005 through 300312) (pounds or bales)	2
Sulfur (crude, crushed, ground, refined, sublimed, and flowers) (Schedule B Nos. 571400 and 571500)	1
Medicinal and pharmaceutical preparations with processing codes DRUG and ACID (Schedule B Nos. 811100 through 818300)	1

This part of the amendment shall become effective as of April 1, 1951.

[1] This amendment was published in Current Export Bulletin No. 612 dated March 15, 1951.

2. Section 373.1 *Export licensing general policy* is amended in the following particulars:

Paragraph (h) *Commodities subject to this export licensing policy*, subparagraph (2) is amended by adding thereto the following commodities:

Commodity	*Schedule B No.*
Wool rags, woven and knit	362200

This part of the amendment shall become effective as of March 20, 1951.

3. Section 375.2 *Commodities subject to procedure* is amended to read as follows:

§ 375.2 *Commodities subject to procedure.* The following commodities are subject to the BLT (Blanket) license procedure:

Commodity	*Schedule B No.*
Aluminum and aluminum-base alloy sheets, plates, and strips (0.006 inch and over in thickness)	630301
Carbon black, contact (including channel)	842310
Carbon black, furnace	842350

In addition, all R commodities, and those RO commodities which have the following processing code symbol of the Office of International Trade: "STEE".

This part of the amendment shall become effective as of March 20, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY, *Deputy Director, Office of International Trade.*

[F. R. Doc. 51-3503; Filed, Mar. 20, 1951; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

PART 702—TABULATION OF EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS APPLICABLE TO THE NAVY

EDITORIAL NOTE: For an addition to the tabulation in § 702.4, see Public Land Order 706 in the Appendix to Title 43, Chapter I, *infra*.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 3, Supplementary Regulation 1]

CPR 3—COAL, EXCEPT PENNSYLVANIA ANTHRACITE DELIVERED FROM MINE OR PREPARATION PLANT

SR 1—BITUMINOUS BRIQUETS PRODUCED AT PLANTS IN OR NEAR THE COAL FIELDS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation No. 1 to Ceiling Price Regulation No. 3 (16 F. R. 1008) is hereby issued.

STATEMENT OF CONSIDERATIONS

Briquet plants make a space heating fuel through the processing of fine coal sizes that otherwise would have but limited use. Included in this category are plants that semidistill coal for the primary purpose of making such fuel although they may also obtain tar in the process.

Some plants are located in coal fields and others outside the fields obtain coal directly from the mine. A number are near docks on the Great Lakes where coal is stored and prepared, and in a few cases plants are adjuncts to retail coal yards. This supplementary regulation covers the plants using bituminous and other soft coal as a principal raw material, which are located in the mine fields, or outside the fields and acquire their principal coal supply directly from the mines. The plants involved have a combined production of approximately one million tons.

The briquet prices reflected the cost of coal to a large degree in addition to the fact that their product is sold in the coal market. Moreover, plants located in the mining fields have wage and other conditions common to coal operations. The effect of this supplementary regulation is to place such plants under Ceiling Price Regulation 3, i. e., on a common basis with provisions applicable to f. o. b. mine prices on soft coal.

FINDINGS OF DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the provisions of Supplementary Regulation No. 1 to Ceiling Price Regulation No. 3 are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

In formulating this supplementary regulation the Director has consulted with representatives of the industry to the extent practicable under the circumstances, and has given consideration to their recommendations.

REGULATORY PROVISIONS

Sec.
1. Applicability of supplementary regulation.
2. Definitions.
3. Application of CPR No. 3.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Applicability of supplementary regulation.* This supplementary regulation applies to a person engaged in the business of manufacturing or producing briquets or semidistilled coal, made principally from coal other than Pennsylvania anthracite and located in the fields where such coal originates or receiving the majority of its coal supply directly from such fields.

SEC. 2. *Definitions.* When used in this supplementary regulation the term:

(a) "Person" means a person as defined in section 2 (a) of Ceiling Price Regulation No. 3;

(b) "Producer" means a person engaged in the business of manufacturing or producing briquets where coal other than Pennsylvania anthracite is the principal raw product, and any person acting as an agent of a producer;

(c) "Distributor" means a person who purchases briquets at or for delivery from a plant operated by a producer hereunder, for resale, and resells the same in not less than cargo or railroad carload lots, or the equivalent thereof, and any person acting as an agent of such distributor in the sale thereof.

(d) "Sales Agent" is a person who, as agent of a producer, sells briquets manufactured or produced by such producer for him or on his behalf;

(e) "Briquets" means briquets and semidistilled coal manufactured or produced principally from coal other than Pennsylvania anthracite at plants operated by producers hereunder.

(f) "Base period" means (1) where the principal supply of coal used in the manufacture or production of such briquets is mined east of the Mississippi River, the base period shall be July 1, 1948, to June 30, 1949, inclusive; (2) where the principal supply of coal used in manufacture or production of such briquets is mined west of the Mississippi River, the base period shall be March 1, 1950, to December 31, 1950, inclusive;

(g) "Realization" means the gross amount of money or value received or debited to the account of the producer in the sale of briquets and shall include the total price charged by the producer (including commissions to sales agents and discounts to distributors);

(h) "Open market sales" shall include briquets sold, delivered or otherwise disposed of by rail, truck, barge or other method of transportation pursuant to an arms-length transaction;

(i) "Ton" means a short or net ton of 2,000 pounds.

(j) "Ceiling price" means the highest price applicable to a particular size or grade of briquets determined in accordance with the provisions of this regulation. Such ceiling price shall include commissions to sales agents and discounts to distributors and shall be a price f. o. b. the plant at which such briquets are manufactured or produced.

SEC. 3. *Application of CPR No. 3.* The producers subject to this supplementary regulation shall be subject to all of the provisions of Ceiling Price Regulation No. 3, as amended, except that:

(a) Wherever the word "coal" appears in CPR No. 3 there shall be substituted the word "briquets."

(b) Wherever the words "mine" or "preparation plant" appear in CPR No.

3 there shall be substituted the words "briquet plant."

(c) For the words "February 1, 1951", "January 31, 1952", and "March 1, 1951", appearing in section 4 (b) of CPR No. 3 there shall be substituted respectively the words "April 1, 1951", "March 31, 1952", and "May 1, 1951."

(d) Section 4 (d) of CPR No. 3 shall be modified to read as follows: The ceiling prices and ceiling weighted average realization determined for a briquet or semidistilled coal plant determined in accordance with the provisions of this regulation may be increased by (1) the amount of the actual increase in delivered cost paid by the producer for the raw materials used in producing such briquets or semidistilled coal incurred on or after February 1, 1951, but prior to July 1, 1951, and (2) the amount of the increase in cost resulting from advances in wages, salaries, and other payroll items of the briquet plant: *Provided*, That such increases became effective on or after January 1, 1951, and prior to July 1, 1951, and that such increases satisfy the policy and requirements of the Wage Stabilization Board of the Economic Stabilization Agency.

Effective date: This supplementary regulation shall become effective March 24, 1951.

NOTE: The record-keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MARCH 19, 1951.

[F. R. Doc. 51-3636; Filed, Mar. 20, 1951; 11:45 a. m.]

[Ceiling Price Regulation 7, Amdt. 1]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

EXTENSION OF TIME, CORRECTIONS AND CLARIFICATIONS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 7 (16 F. R. 1872) is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation 7 extends the time for retailers to file their pricing charts. In view of the fact that certain areas did not receive copies of the regulation as soon as it was issued, retailers generally will require more time in which to prepare and file charts and reports. Accordingly, the Director has extended the time for filing list date charts and base period markup or margin reports to April 30, 1951.

This amendment also makes certain corrections and clarifications and minor changes in the text and appendices of Ceiling Price Regulation 7.

AMENDATORY PROVISIONS

Ceiling Price Regulation 7 is hereby amended in the following respects:

1. Sections 5, 11, 12, and 52 (a) (2) are amended by changing the date "March 29, 1951" wherever it appears to "April 30, 1951" and by changing the date "April 28, 1951" wherever it appears to "May 30, 1951."

2. Section 5 (a) is amended to read as follows:

(a) You may begin to use the applicable pricing rules after you file your chart, but you must begin to use the rules not later than April 30, 1951 (unless you are a mail order establishment subject to paragraph (b) of this section).

3. Section 35 is amended by substituting for the example stated at the end of paragraph (a) the following corrected example:

Example: You wish to price a man's shirt with a net cost of $1.47. You have not listed any net cost of $1.47 for category 117, but you have listed net costs of $1.50 and $1.46. Your percentage markup for your $1.46 net cost is 54%. Your average category markup for category 117 is 53.1%. Since 53.1% is the lower, your ceiling price is found by multiplying the net cost $1.47 by .531 (1.47×.531=.78) and adding the result, $0.78 to $1.47. The total ($1.47+.78=$2.25) $2.25 is the ceiling price.

4. Section 38 is amended by deleting the words "to exceed" in paragraph (a).

5. Section 53 (b) (2) is amended by substituting the phrase "paragraph (b) (1) (i)" for the phrase "paragraph (a) (1) (i)" in the first sentence.

6. Appendix A is amended in the following respects:

(1) In sample chart (a) for category 116 insert under the line for $2.43 in column 2 the following: ($4.50).

(2) In sample chart (a) for category 117 move the lines in column 2 for $1.82, 1.94 and 3.64 down one line so that they will be opposite the following offering prices in column 3 respectively, 2.98 M, 3.50, and (5.95).

(3) In sample chart (a) for category 119 insert the letter "E" after the word "(handkerchiefs)" at the end of the third invoice listed in column 5.

(4) In sample chart (a) for category 122 insert under the line for $1.82 in column 2 the following: ($3.50).

(5) In sample chart (b) for category 701 insert in column 3 beside the 111.60 offering price the letter "R."

7. Appendix B is amended in the following respects:

a. Category 121 is amended by adding the following item:

Men's wallets.

b. Category 305 is amended by deleting the phrase "except rubber panties" from the first item listed in that category.

c. In the headnote to paragraph (3) immediately following the text for Category 752, the phrase "except knotted oriental rugs (which are exempt from price control)" is deleted.

d. Category 1010 is amended by changing the text to read as follows:

All dresses in women's sizes, such as 36's, 38's, etc., all half-sizes, all extra sizes, with a cost at source of over $2.53 after all discounts have been deducted.

e. Category 1010 A is amended in the following respects: (1) Change the headnote to read "Jr. size Dresses costing over $2.53"; and (2) insert the word "over" after the phrase "at source" in the text.

8. In Appendix C substitute for categories 401 through 409 the following:

Category you are pricing	Comparable categories					
	First	Second	Third	Fourth	Fifth	
401	403	402	406	123		
402	410	403	401	123		
402A						
402B						
403	406	401	113			
406	403	401	208			
408	406	407	403	202	1,020	
409	401	403	408	107	112	

9. In Appendix D delete category 404 and the whole line opposite that entry.

10. In Appendix F delete category "104" and the multiplier "1.041" opposite it.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

Effective date. This regulation shall become effective March 19, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MARCH 19, 1951.

[F. R. Doc. 51-3614; Filed, Mar. 19, 1951; 4:46 p. m.]

[Ceiling Price Regulation 7, Amdt. 1 to Supplementary Regulation 1]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 1—SPECIAL PRICING METHODS FOR CERTAIN CHAIN STORES AND MAIL ORDER ESTABLISHMENTS; EXTENSION OF TIME

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 7, Supplementary Regulation 1 (16 F. R. 1895), is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment, reflecting action taken in an amendment to Ceiling Price Regulation 7 issued simultaneously herewith, extends the dates for filing list date charts and reports and for acknowledging those charts and reports to April 30, 1951 and May 30, 1951, respectively. The grounds for the extension are stated in the concurrently issued amendment to Ceiling Price Regulation 7.

AMENDATORY PROVISIONS

Supplementary Regulation 1 is hereby amended in the following respects:

1. Section 6 (c) (1) is amended by substituting the date April 30, 1951 for the date March 29, 1951.

2. Section 6 (c) (3) is amended by substituting the date May 30, 1951 for the date April 28, 1951.

3. Section 6 (d) is amended by substituting the date May 30, 1951 for the date April 28, 1951.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

Effective date. This amendment shall become effective March 19, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MARCH 19, 1951.

[F. R. Doc. 51-3615; Filed, Mar. 19, 1951; 4:46 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-45]

M-45—ALLOCATION OF CHEMICALS AND ALLIED PRODUCTS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

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AUTHORITY: Sections 1 to 28 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

EXPLANATORY PROVISIONS

SECTION 1. *What this order does.* (a) The purpose of this order is to provide for the distribution and use of the limited supply of chemicals and allied products so as best to serve the interests of national defense and essential civilian production. Materials are made subject to its provisions individually through the issuance under this order of separate schedules which classify each material as an Appendix A, B, or C material. This order prohibits, subject to certain exceptions, any deliveries by suppliers, acceptance of certain deliveries from suppliers and use by any person of materials made subject to its provisions except in accordance with allocation authorizations issued by NPA.

(b) Three general systems of allocation are provided for in this order. Appendix A materials are allocated on Forms NPAF-45 and 46. Appendix B materials are allocated on Form NPAF-47, on the basis of certified statements of proposed use from each customer. Appendix C materials are allocated on Form NPAF-47, on the basis of applications on Form NPAF-45 for large orders, and certified statements of proposed use as to orders for intermediate quantities. Special provision is made for small order exemptions.

(c) Provision is thus made whereby the supply remaining after the defense requirements are met may be equitably distributed through normal channels for civilian uses and with due regard for the needs of new and small businesses.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Material" means any chemical or allied product defined and made subject to this order as an Appendix A, B, or C material by any schedule issued pursuant to this order.

(c) "Supplier" means any person who produces or imports material for resale or for his own use or who purchases the material for resale as such or for resale after processing into any form subject to the same schedule which applies to the material.

(d) "Initial allocation date" means the date specified in the applicable schedule on which a material first becomes subject to allocation under this order.

(e) "Allocation period" means the period, usually a calendar month or quarter, specified in the applicable schedule for which regular allocation will be made.

(f) "Small order exemption period" means the period within which the small order quantity specified in the applicable schedule may be delivered, accepted or used free from allocation control.

(g) "Toll agreement" means any agreement or arrangement by which title to the material remains vested in a person other than the one processing such material.

(h) "NPA" means National Production Authority.

SEC. 3. *Effect of schedules issued under this order.* A separate schedule is issued under this general order for each subject material brought within its provisions. The schedule specifies the date on which the material first becomes subject to allocation, details the information required for applications for allocation, and may contain special exemptions or additional requirements modifying the terms of this general order. All provisions of each such schedule are hereby incorporated in and made part of this order. In the event of any inconsistency between a schedule and this general order the provisions of the schedule shall govern. Schedules may be issued or amended at any time and shall remain in effect until individually amended or revoked. Appendices A, B, and C outline the principal requirements for making application for allocation as set forth in the schedules, and list the applicable schedule numbers. Nevertheless a material is subject to this order as an Appendix A, B, or C material as stated in the applicable schedule although the corresponding appendix has not yet been amended to reflect that fact.

SEC. 4. *Relation to other NPA orders and regulations.* All provisions of any NPA regulation or any other NPA order which are inconsistent with this order or any schedule issued hereunder are superseded, but in all other respects such regulations and other orders remain applicable to the industries affected by this order. DO rated orders for any material subject to this order shall have no preference over non-rated orders therefor but NPA may take into consideration such DO rated orders in granting allocation authorizations pursuant to this order. NPA may from time to time issue special directives as to deliveries or use of any such material and unless otherwise provided therein such directives shall prevail over the provisions of this order or of any schedule issued under this order.

SEC. 5. *Equivalent quantities.* The provisions of this order relate to quantities of material and not to particular identifiable lots thereof.

RESTRICTIONS ON DELIVERY AND USE

SEC. 6. *Restrictions on delivery.* On and after the initial allocation date:

(a) No supplier shall deliver to any person any Appendix A, B, or C material in any allocation period except in accordance with the terms of an allocation authorization issued to the supplier for such period by NPA under this order.

(b) No person shall accept from a supplier delivery of any Appendix A material in any allocation period except in

accordance with the terms of an allocation authorization issued to such person for such period by NPA under this order.

(c) No person shall accept from all suppliers delivery in any allocation period of an aggregate quantity of Appendix C material for which authorization to receive is required by the applicable schedule, except in accordance with the terms of an allocation authorization issued to such person for such period by NPA under this order.

SEC. 7. *Certified statement of proposed use.* On and after the initial allocation date no supplier shall deliver to any person and no person shall accept from a supplier delivery of any Appendix B material, or any quantity of Appendix C material for which a use certificate is required by the applicable schedule, unless such a person has entered on or attached to his purchase order a statement of his proposed use of each separate quantity of material listed in such order, together with a signed certification as follows:

Certified under NPA Order M–45.

Such certification constitutes a representation by the purchaser to his supplier and to NPA that the material so ordered will be used only for the purpose or purposes set forth in such statement.

SEC. 8. *Limitation on inventory.* No person (notwithstanding any allocation made to him) shall place an order for any Appendix A, B, or C material calling for delivery, and no person shall accept delivery of such material, at a time when his inventory exceeds, or by acceptance of such delivery would be made to exceed, his minimum requirements for the period of time specified in the applicable schedule at his then scheduled rate and method of operation, or a practicable minimum working inventory within the meaning of NPA Regulation 1, whichever is smaller. Any person who at any time has outstanding orders for any material calling for delivery earlier or in quantities greater than he would be permitted to receive under this section, shall forthwith notify his supplier of the extent to which delivery cannot be accepted as scheduled, and such orders shall be adjusted accordingly. Imported, as well as domestic material, except when such imported material remains in the hands of a person who has purchased it directly from a foreign seller, is subject to this section and is to be included in computing inventory. Material which has been processed to any degree, but has not yet been actually incorporated into a finished or partially finished product, is likewise to be included in computing inventory.

SEC. 9. *Restrictions on use.* On and after the initial allocation date:

(a) No person, except as provided in paragraph (b) of this section, shall use any Appendix A, B, or C material in any allocation period except in accordance with the terms of an allocation authorization issued to such person for such period by NPA under this order.

(b) No person required by section 7 to furnish his supplier with a certified statement of proposed use shall use any material delivered by such supplier on the basis of such statement except for a purpose set forth therein, subject to any modification or limitation on use imposed by NPA in authorizing the supplier to make such delivery.

(c) Pending receipt of any Appendix A, B, or C material allocated for a particular purpose, any person may use stocks on hand for that purpose but he must replace such stocks upon receipt of the allocated material.

AUTHORIZATION BY NPA

SEC. 10. *Application for authorization to deliver or accept delivery.* (a) Application by a supplier for authorization to deliver any Appendix A material shall be made on Form NPAF–46, and for authorization to deliver any Appendix B or C material shall be made on Form NPAF–47.

(b) Application for authorization to accept from a supplier delivery of any Appendix A material or a quantity of Appendix C material for which authorization to receive is required by the applicable schedule shall be made on Form NPAF–45.

SEC. 11. *Application for authorization to use.* (a) Application by a supplier for authorization to use any Appendix A material shall be made on Form NPAF–46, and for authorization to use any Appendix B or C material shall be made on Form NPAF–47. When required by the applicable schedule, a supplier shall also make application on Form NPAF–45 for authorization to use any Appendix A or B material.

(b) Application by a person other than a supplier to use any Appendix A material or a quantity of any Appendix C material for which authorization to receive is required by the applicable schedule shall be made on Form NPAF–45.

(c) No person required under section 7 to file a certified statement of proposed use of Appendix B or C material is required to apply for authorization to use any material received pursuant to a certified purchase order.

(d) Application for authorization to use any Appendix B or C material not specifically provided for in paragraphs (a) and (b) of this section shall be made on Form NPAF–45.

SEC. 12. *Filing of applications for authorization.* Each application under sections 10 and 11 must be filed with NPA prior to the allocation period for which authorization is sought on a date not later than that specified in the applicable schedule.

SEC. 13. *Issuance of authorization by NPA.* Authorization to deliver, accept delivery or use will be entered by NPA on the form on which application is made under sections 10 and 11, and will be sent by NPA to the person who filed the application.

SEC. 14. *Notice of NPA action to purchaser by supplier.* Each supplier must, prior to making delivery to any person who has filed with him a certified statement of proposed use pursuant to section 7, notify such person in writing of denial in whole or in part by NPA of any item or items on such person's certified purchase order. Such notice shall state the separate quantity to be delivered for each different class of proposed use, if more than one class of use was specified in the certified statement.

SEC. 15. *Termination of NPA authorization.* (a) An authorization to deliver shall terminate at the close of the calendar month immediately following the allocation period for which delivery was authorized: *Provided, however,* That such authorization shall terminate immediately upon expiration of the allocation period if a purchaser fails to place his order during that period or if he requires postponement of delivery beyond the end of the calendar month immediately following such allocation period. When authorization to deliver is received before the specified allocation period, advance delivery may be made if it does not delay previously authorized deliveries.

(b) A purchaser may accept delivery before or after the allocation period, but if he knows or has reason to believe that a shipment was made prior to receipt of or after expiration of an authorization to deliver he must notify NPA immediately and hold such material intact subject to direction from NPA.

(c) The duration of an authorization to use any Appendix A, B, or C material is specified in the applicable schedule.

EXEMPTIONS

SEC. 16. *Small orders.* The provisions of sections 6, 7, and 9 of this order shall not apply to small orders as defined in the applicable schedule, subject to the following conditions:

(a) All requirements of the applicable schedule relating to small orders shall be observed.

(b) No supplier shall deliver a quantity of any material in excess of the small order exemption to any one customer during the small order exemption period.

(c) The total quantity of any material delivered by a supplier to all purchasers under this exemption during any small order exemption period shall not exceed an amount equal to the total of the following: (1) The amount which NPA has specifically authorized him on forms NPAF–46 or NPAF–47 to deliver on small orders; (2) the amount which he has received pursuant to specific authorization on form NPAF–45 or to a certified statement of proposed use; (3) the amount which he himself has acquired on small orders without specific NPA authorization and has not used; and (4) the amount which he had on hand on the initial allocation date, if he sells exclusively on small orders.

(d) The total quantity of any material received under this exemption by any person from all suppliers during the small order exemption period shall not exceed in the aggregate one small order exemption quantity.

(e) If additional quantities of material acquired under this exemption are received during the same allocation period pursuant to NPA allocation authorization, the material acquired under this exemption shall be used for experimental purposes only, or be held in inventory subject to further direction from NPA.

(f) Material allocated for a particular purpose (other than inventory) shall be used for that purpose and not under this exemption unless changing circumstances or expiration of the authorization to use make it impracticable or impossible to use the material for the original purpose.

(g) If, prior to the effective date of this order, an operating unit of a single enterprise normally purchased separately, such unit may disregard the purchases or allocations of other operating units of that enterprise for purposes of this exemption.

SEC. 17. *Existing stocks on initial allocation date.* The provisions of sections 6, 7, and 9 of this order shall not apply to:

(a) Any material which a person other than a supplier had in stock on the initial allocation date or which was in transit consigned to such person prior to that date.

(b) Any material which a supplier had in stock on the initial allocation date which he customarily maintains for his own use, segregated physically and as a matter of record from his inventory of material for sale: *Provided, however,* That prior to the allocation date no supplier shall transfer to his separate consumer's inventory more material than would be permissible under NPA Reg. 1.

SEC. 18. *Stockpile items and imports.* The provisions of sections 6, 7, and 8 of this order shall not apply to:

(a) Deliveries of Appendix A, B, or C material to the General Services Administration for the sole purpose of stockpiling.

(b) Acceptance of deliveries of Appendix A, B, or C material directly from a foreign source.

SPECIAL PROVISIONS

SEC. 19. *Release of material from allocation control.* (a) The provisions of sections 6, 7, and 9 of this order shall not apply to any quantities of Appendix A, B, or C material specifically released by NPA from allocation control. Such release of an aggregate quantity of material will be accomplished on forms NPAF–46 or NPAF–47 and will be for general or limited purposes.

(b) Whenever such released material is delivered or redelivered the seller shall notify the purchaser in writing that the material is delivered under this exemption. If such material has been released for unlimited purposes the seller shall include in such notice to the purchaser the statement that there is no restriction on use or redelivery of such material. If, however, release is for a limited purpose no person shall deliver and no person shall accept delivery thereof unless the purchaser has filed with the seller a statement in the form set forth in section 7 to the effect that such material will be used or redelivered only for the purpose or purposes set forth in such statement. Material acquired on the basis of this representation shall not be used except in accordance therewith.

(c) The requirements of paragraph (b) of this section shall not apply to any delivery by a seller to a purchaser during a small order exemption period of a total amount which does not exceed one small order exemption quantity as defined in the applicable schedule, including quantities delivered pursuant to release, exemption and allocation.

(d) Quantities released under this section may be used or delivered without any limitation as to time. Such material may not be delivered or used, however, by any person to an extent which would delay his delivery or use of the same kind of material pursuant to an allocation authorization issued under this order.

SEC. 20. *Toll agreements.* (a) Any person who converts raw materials into any Appendix A, B, or C material for the owner of the raw materials under a toll agreement may deliver such Appendix A, B, or C material without restriction to the owner, or to any third person designated by the owner unless the toll processor knows or has reason to believe that the owner has no right pursuant to specific authorization or exemption under this order to direct delivery to such person.

(b) The owner of any Appendix A, B, or C material may deliver it for processing for him by any other person under a toll agreement only to the extent that the owner is authorized to process or use the material himself pursuant to specific authorization or exemption under this order. The processor may receive and process the material and return it to the owner without restriction unless he knows or has reason to believe that the owner is causing the material to be processed in violation of the provisions of this order. Unless advised to the contrary in writing by the owner, the processor shall assume that material delivered in small order quantities is tendered for processing under the owner's small order exemption. The total quantity which any person may process under the small order exemption on toll for owners and for his own account must not exceed one small order exemption quantity during each small order exemption period.

SEC. 21. *Brokers and sales agents.* Application and specific authorization shall not be required for the participation by a broker or sales agent when (a) material is ordered through a broker or sales agent and is to be delivered by the supplier direct to the purchaser, or (b) material is sold by a supplier through an agent who submits the buyer's purchase orders to the supplier for approval. In such cases the purchaser shall furnish the broker or sales agent with the necessary application form or certificate and the broker or sales agent shall transmit the form or certificate or the necessary information to the supplier. Application for authorization to deliver shall be made by the supplier as if the order had been placed directly with him. Similarly exempt small orders may be transmitted to the supplier and filled in accordance with section 16 as if placed directly with the supplier.

SEC. 22. *Full container adjustments.* A delivery authorized by NPA under this order (not including a delivery under the small order exemption) may be increased to the extent necessary to avoid shipping partly filled containers, if a container in the nearest practicable size is used. The person accepting such overshipment shall hold the excess material as an advance shipment on subsequent allocations and shall (a) use it only for the purpose authorized for the subsequent allocation against which it is charged, or (b) hold it in inventory subject to further directions from NPA.

RECORDS AND REPORTS

SEC. 23. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 24. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 25. *Reports.* Persons subject to this order shall make such records and submit such other reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

GENERAL PROVISIONS

SEC. 26. *Adjustments and exceptions.* Any person affected by any provision of this order or by any action taken under this order may file a request for adjustment or exception upon the ground that such provision or action works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interests of the national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought and the justification therefor.

SEC. 27. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–45.

SEC. 28. *Violations.* Any person who wilfully violates any provision of this order, or furnishes false information or wilfully conceals a material fact or furnishes false information in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment, or

both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on March 16, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

APPENDICES A, B, AND C

Lists of materials subject to this order with outline of allocation requirements. These appendices are issued and printed separately.

APPENDIX D—GENERAL INSTRUCTIONS FOR PREPARATION OF CERTIFIED STATEMENTS AND FORMS

CERTIFIED STATEMENT OF PROPOSED USE

1. *Two or more end uses.* In the event two or more end uses are involved in a single purchase order with which a certified statement of proposed use must be filed under this order or the applicable schedule, the amount of the material required for each such use shall be listed as a separate item. Each item shall bear an identifying number so that the supplier may advise the purchaser by purchase order number and item number as to the action taken by NPA on the supplier's application for authorization to make delivery.

2. *Notarization.* A certified statement of proposed use need not be notarized.

FORMS NPAF-45, 46, AND 47—GENERALLY

3. *Where to obtain copies.* Copies of forms NPAF–45, 46, 47 may be obtained at local field offices of the Department of Commerce.

4. *Special instructions in schedules.* The applicable schedule may contain special instructions which supplement or modify the following general instructions.

5. *Notarization.* The certification at the bottom of page 2 of each form need not be notarized.

6. *Time of filing.* These forms should be filed or mailed in time to reach NPA on or before the date specified in the applicable schedule.

7. *Allocation period.* Specify, in the space provided in the heading, the allocation period for which authorization is sought. If the allocation period is not one month strike out "month" and substitute the appropriate period throughout the form.

FORM NPAF–45

8. *Form NPAF–45* is for use in requesting authorization to use or to accept delivery from a supplier. Suppliers who desire to consume from their own production, should consult paragraph 18 of these instructions.

9. *Number of copies and where to file.* Prepare five copies (a continuation sheet for Table I is available). Leave page 2 (Tables II–V inclusive) blank on the copy mailed to the supplier and on one copy mailed to NPA. Fill in Tables II, III, IV, and, if required by the applicable schedule, V on the other copies mailed to NPA. Sign the certification (bottom of page 2) on the original copy only. Send original and two copies (one with page 2 blank) to National Production Authority, Chemical Division, Washington 25, D. C., Reference M–45 Schedule ____. Retain one complete copy and send one to the supplier, if any (page 2 blank).

10. *Two or more suppliers or chemicals.* File separate sets of applications for each supplier, and for each chemical or allied product.

11. *Use from Inventory.* Specify "Inventory" as supplier in heading. A combined application may be made for authority to accept material from a supplier and to use an additional quantity of the material from inventory. In such cases, insert in the heading both the name of the supplier and the words, "and from Inventory", make a separate entry in Column (2) (Quantity Requested) of the amount requested from inventory, and insert in Column (6) (Remarks) the words, "from Inventory."

12. *Columns (1) through (4).* Consult the applicable schedule for special instructions. Each primary product to be made from the material and product end use must be listed separately in Columns (3) and (4). For classification of primary products, product end uses, and grades consult the applicable schedule. Quantities requested for each end use should be those required for actual operation during the allocation period.

In the case of material listed as "inventory" in Column (3) write into Column (4), "subject to further authorization."

In the case of material listed for "resale" in Column (3), write in Column (4) "upon further authorization" or "for exempt small orders." Suppliers who resell in both large and small quantities should insert in Column (4) "upon further authorization" for the total quantity ordered, and may apply on forms NPAF–46 or 47 for authorization to deliver an aggregate quantity for small orders.

In the case of material for export, write "export" in Column (3) and specify in Column (4), the name of the person to whom, or for whose account, the material will be exported, the country of destination, and the export license number, if any.

In Column (4), in addition to end use, show DO rating and government contract number, if any.

13. *Column (5).* Leave blank.

14. *Tables II, III, and IV.* Fill in as indicated except as otherwise provided in the applicable schedule. In Columns (10) and (14), report entire physical inventory, whether or not subject to unexpired authorization or exemption on the dates specified.

15. *Table V.* Fill in only when and as required by the applicable schedule.

FORMS NPAF–46 AND 47

16. *Form NPAF–46* is for use by suppliers in applying for authorization to deliver any Appendix A material.

17. *Form NPAF–47* is for use by suppliers in applying for authorization to deliver any Appendix B or C material.

18. *Suppliers who consume.* With respect to material which he produces and which he desires to use himself, a supplier should list his own name as a customer on the appropriate form (Form NPAF–46 for authorization to use any Appendix A material and form NPAF–47 for authorization to use any Appendix B or C material) and, when required by the applicable schedule, should also make application on form NPAF–45 for authorization to use any Appendix A or B material. In such cases where a report of inventory is required by the form, the supplier should list only his consumption inventory as distinguished from sales inventory.

19. *Number of Copies and where to file.* Unless otherwise provided in the applicable schedule, prepare four copies. Sign the certification (bottom of page 2) on the original copy only. Send the original and two copies to the National Production Authority, Chemical Division, Washington 25, D. C., Ref: NPA Order M–45 Schedule _____, and retain one copy.

20. *Number of sets.* File a separate set of forms for each separately located plant or distributing point unless otherwise expressly provided by the applicable schedule.

21. *Columns (7) of NPAF–46 and (6) of NPAF–47.* Leave blank.

22. *Table I.* Fill in as indicated on form NPAF–46 listing customers alphabetically as far as practicable. On form NPAF–47 group customers according to end use and list alphabetically within each group, as far as practicable. List each person who has furnished the applicant supplier with either a copy of that person's form NPAF–45 or a certified purchase order calling for delivery in the requested allocation period.

In Column (8) of form NPAF–46 and in Column (2) of form NPAF–47 show DO rating and government contract number, if any.

An aggregate quantity may be requested for exempt small orders without listing individual customer's names. In the case of Appendix C materials specify "NPAF–45" without further use description in Column (2) of Form NPAF–47 opposite the names of customers who have filed copies of form NPAF–45 with the applicant supplier.

23. *Table II.* Fill in as indicated. In Columns (11) and (14) of NPAF–46 and in Columns (10) and (13) of NPAF–47 report entire physical inventory whether or not subject to unexpired authorization or exemption on the dates specified. In Column (17) of NPAF–46 and (16) of NPAF–47, specify a quantity no greater than what is estimated will be available for allocation during the requested allocation period, taking into account undelivered balances on unexpired prior authorizations.

24. *Table III.* Fill in only when and as required by the applicable schedule.

[F. R. Doc. 51–3613; Filed, Mar. 19, 1951, 4:45 p. m.]

[NPA Order M–4, as Amended Mar. 20, 1951]

M–4—CONSTRUCTION

This order as amended is found necessary and appropriate to promote the national defense, and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, in the issuance of this amendment, consultation with industry representatives has been rendered impracticable due to the necessity of immediate action.

This amendment affects sections 3, 5, 6, and 11 of this order.

As amended, NPA Order M–4 reads as follows:

Sec.
1. What this order does.
2. Policy of the National Production Authority.
3. Definitions.
4. Prohibited construction.
5. Exemptions.
6. Authorization for certain construction.
7. Multiple use of buildings, structures or projects.
8. Scope of this order.
9. Prohibited deliveries.
10. Defense against claims for damages.
11. Applications for adjustment or exception.
12. Communications.
13. Reports.
14. Violations.
15. List A—Prohibited construction.
16. List B—Construction where NPA authorization is required.

AUTHORITY: Section 1 to 16 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* In order to further the purposes of the Defense Production Act of 1950 by conserving critical materials and services needed for the defense program, this order prohibits the commencement of construction of certain types of buildings, structures and projects unless specific exception is made, or authorization issued, by the National Production Authority. The construction prohibited generally does not further the defense effort, either directly or indirectly, and does not increase the Nation's production capacity for defense. The order allows, within specified limits, small construction jobs, and necessary maintenance and repair of buildings, structures or projects, and also permits, under specified circumstances, the restoration of buildings, structures, or projects in the event of a disaster, act of God, or an act of war.

SEC. 2. *Policy of the National Production Authority.* In the event that increasing shortages clearly indicate the necessity for such action, in the national interest, the National Production Authority may further limit the commencement of construction of additional types of buildings, structures or projects which do not support the defense effort, or increase the Nation's production capacity for defense.

SEC. 3. *Definitions.* For the purpose of this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Construction" means the erection of any building, structure, or project, or addition or extension thereto, or alteration thereof, through the incorporation-in-place on the site of materials which are to be an integral and permanent part of the building, structure or project.

(c) (1) "Commence construction" means to incorporate into a building, structure or project, a substantial quantity of materials which are to be an integral and permanent part of such building, structure, or project (for example, the pouring or placing of footings or other foundations).

(2) The following activities do not constitute commencing construction: Demolition of buildings; tearing out partitions; site preparation; erecting temporary fences or construction barricades, work sheds, and shanties; bringing utilities to the site; fabrication or processing of building materials, building equipment, or personal property to be installed.

(d) "Construction cost" means the total expense for demolition of existing structures in connection with a new construction, for site preparation, and for building materials, building equipment, labor and services used in the construction of the particular building, structure, or project, by whomever spent. It does not include the cost of personal property, or the expense for land acquisition, attorneys, architects, and financing.

(e) "Consumer goods" means articles or commodities that directly satisfy human wants or desires, and which are capable of use without further processing (for example, clothing, food, furniture, floor covering, household appliances, motor vehicles, etc.). They are distinguished from capital goods (for example, dynamos, industrial ovens, generators, etc.). They are distinguished also from production goods that satisfy wants only indirectly as factors in the production of other articles or commodities (for example, machine tools, heavy duty presses, etc.).

(f) "Damage restoration" means restoring to substantially the same size and condition on the same site, any building, structure or project which has been damaged by storm, fire, flood, or other disaster, or by act of God, or act of war.

(g) "Maintenance and repair" means such work as is necessary to keep a building, structure, or project in sound working condition or to rehabilitate a building, structure, or project or any portion thereof, when the same has been rendered unsafe or unfit for service by wear and tear, or other similar causes. The term does not include any building operation or job where substantial structural alterations or changes in design are made.

(h) "Personal property" means property used in connection with, but which does not become a part of, the building, structure, or project in the sense of its becoming a permanent part of the real property upon which it is located or in which it is installed.

(i) "Office building" means any building the principal use of which is to provide office space or office facilities, regardless of whether it is designed for the exclusive or partial use of its owner or is to be used commercially and rented to prospective tenants, including buildings for use by government agencies. The size of the building is not a determinative factor in deciding whether a building is an office building as the term includes both one-story and multistoried structures; but the term does not include a private residence with incidental office space located therein for the use of the occupant.

(j) "Hotel" means either or both an establishment furnishing sleeping accommodations for transient guests, or an establishment classified as a hotel under applicable State, municipal, or other local law.

SEC. 4. *Prohibited construction.* (a) (1) Except as permitted in section 5, or pursuant to an adjustment or exception granted under section 11, after midnight October 26, 1950, no person shall commence construction of any building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 15.

(2) Since October 26, 1950, the National Production Authority has issued exceptions to permit the commencement of construction of specific buildings, structures, or projects of the type prohibited by section 15. All such exceptions granted prior to January 13, 1951, will cease to be effective 120 days after the date of issuance, unless construction has been commenced within that time; and construction of any such building, structure, or project may not be commenced thereafter without a further authorization from the National Production Authority.

(b) (1) After midnight, January 13, 1951, no person shall commence construction of any building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 16, until a specific authorization therefor has been issued by the National Production Authority. As a general rule, no authorization will be issued prior to February 15, 1951. However, in emergency situations, an authorization may be issued by the National Production Authority prior to that date. (The conditions which must exist before an authorization will be issued are set forth in section 6.)

(2) Further, in matters involving unreasonable hardship, or when required in the interest of the national defense, the National Production Authority may grant an exception from this order at any time, pursuant to section 11, with respect to types of construction specified in section 16.

SEC. 5. *Exemptions.* The following construction in connection with the buildings, structures, or projects to be used in connection with any of the purposes specified in sections 15 and 16 is exempted from this order:

(a) Maintenance and repair on any building, structure, or project.

(b) Small jobs of new construction or in connection with any such building, structure, or project including, but not limited to, alterations, additions, improvement, and modernization, provided the work does not require the use of partitions made in whole or part of metal, where the cost of all such work shall not exceed:

(1) In the case of alterations, additions, improvement, or modernization of hotels, store-space of department stores, office buildings, and loft buildings, 25 cents per square foot of occupied space for any consecutive 12-month period. (In computing this cost, both construction cost and all other expenses or charges incident to the work shall be taken into consideration.)

(2) In the case of any type of construction of all other buildings, structures, or projects specified in section 15 (List A) and section 16 (List B), $5,000 for any consecutive twelve-month period. (In computing this cost, only construction cost shall be considered.)

(c) Reconstruction of any such building, structure, or project following a fire, flood, storm, disaster, act of God, or act of war, which occurred on or after July 29, 1950.

(d) Construction by, or for the account of, the Department of Defense, the Atomic Energy Commission, or the National Advisory Committee for Aeronautics.

(e) Buildings, structures or projects for radio broadcasting and television broadcasting.

(f) Printing establishments where the primary use of the building is the publication of a newspaper; or printing es-

tablishments which are operated by a publishing company primarily for the publication of books and periodicals.

(g) Terminal warehouses which are an integral part of a common carrier system.

SEC. 6. *Authorization for certain construction.* (a) Any person desiring to erect a building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 16, may apply for a National Production Authority authorization to commence such construction. The application shall be made on NPA Form NPAF–24, copies of which are available at all field offices of the Department of Commerce, and should be addressed to the field office of the Department of Commerce in the region of the site of the proposed construction.

(b) Authorization under this section will be granted if the National Production Authority is satisfied that the desired construction conforms to the following requirements:

(1) It furthers the defense effort by providing facilities of the type specified in section 16 in areas adjacent to military establishments or defense plants and projects, which construction the National Production Authority considers necessary to furnish or to supplement facilities in connection with the activities of the Defense Production Administration, the Department of Defense or the Atomic Energy Commission, including their programs for increasing production capacity; or

(2) It is essential to maintenance of public health, safety or welfare.

(c) Further, with respect to an application for authorization to construct a facility not directly related to the defense effort, the NPA will consider the type and quantity of materials on hand, and needed, for the facility; and the effect on the community at large if the authorization were denied.

SEC. 7. *Multiple use buildings, structures, or projects.* Where a building, structure, or project to be constructed is designed for a number of different uses and occupants, no portion thereof shall be constructed for use or occupancy in connection with any of the purposes specified in sections 15 or 16 where the construction cost apportionable to such use or occupancy will exceed the small job exemption provided for in section 5 (b).

SEC. 8. *Scope of this order.* This order shall apply to construction in the 48 States, the District of Columbia, and in the territories and insular possessions of the United States.

SEC. 9. *Prohibited deliveries.* No person shall accept an order for, sell, deliver, or cause to be delivered, material, equipment, or supplies which he knows, or has reason to believe, will be used in violation of the provisions of this order.

SEC. 10. *Defense against claims for damages.* No person shall be held liable for damages or penalties for any default under contract or order which shall result directly or indirectly from compliance with any regulation or order of the National Production Authority (including any direction, directive or other instruction), notwithstanding that any such regulation or order shall thereafter be declared by a judicial or other competent authority to be invalid.

SEC. 11. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that:

(a) Such provision works an unreasonable hardship upon him not suffered generally by others in the same trade, industry, or other relative position; or that enforcement of such provision against him would not be in the interest of the national defense. In determining whether unreasonable hardship exists, the National Production Authority will consider, among other things:

(1) The extent of the work done by the applicant incident to the proposed construction.

(2) Whether the building, structure, or project requires reconstruction as a result of a fire, flood, storm, disaster, act of God, or act of war.

(3) Whether a building, structure, or project of the applicant has been seized by legal action under eminent domain, or condemned by responsible governmental authorities; and the applicant requests permission to replace such facility.

(b) Each request shall be made on NPA Form NPAF–24, copies of which are available at all field offices of the Department of Commerce, and should be addressed to the field office of the Department of Commerce in the region of the site of the proposed construction.

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the Field Offices of the Department of Commerce, Ref: NPA, M–4.

SEC. 13. *Reports.* Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 14. *Violations.* Any person who wilfully violates any provisions of this order, or any other order or regulation of the National Production Authority, or wilfully conceals a material fact, or furnishes false information in the course of operation under this order, is guilty of a crime, and upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend any authority to commence or complete construction or such other assistance as may be rendered pursuant to this order.

SEC. 15. *List A—Prohibited contruction.* All buildings, structures, or projects to be used for, or in connection with, any recreational, amusement, or entertainment purpose, whether public or private (unless authorized pursuant to section 6), including, but not limited to:

Amphitheater.
Amusement arcade.
Amusement device built into place on the site such as a roller coaster, merry-go-round, or similar device or kind. This shall not include demountable or portable equipment.
Amusement park.
Arena.
Assembly hall used primarily for recreation or amusement.
Athletic field house.
Band stand.
Bars and buildings or structures where the predominant business carried out therein or in connection therewith shall be the sale for consumption on the premises of alcoholic liquors.
Baseball park.
Bath house.
Billiard or pool parlor.
Bleachers and similar seating arrangements when they are built in place as a permanent part of the building, structure or project.
Boardwalk used primarily for recreation or amusement.
Boat or canoe club.
Bowling alley establishment.
Cabana.
Camp (except for public or social welfare).
Carnival.
Club building except for social welfare purposes.
Country club.
Dance hall.
Dance studio.
Dude ranch used primarily for recreation or amusement.
Exposition or exhibition building or structure for recreational, amusement or entertainment displays or purposes.
Flood lighting (including piers, poles, towers, framework or foundation with fixed equipment) in connection with any recreational, amusement, or entertainment purpose.
Gambling establishment.
Golf course.
Golf club.
Golf driving range.
Grandstand.
Gymnasium (except where it is a part of an educational institution and is to be used primarily for instructional purposes in physical education and training).
Lodge hall.
Music shell.
Night club.
Pier used primarily for recreation or amusement.
Race track, any kind.
Riding academy.
Rodeo.
Shooting gallery.
Skating rink.
Ski lodge.
Slot machine establishment.
Stadium.
Swimming pool (except where it is a part of an educational institution and is to be used primarily for instructional purposes in physical education and training).
Theater, any kind (including drive-in theater).
Yacht basin or marine railway primarily for the use of pleasure craft.

SEC. 16. *List B—Construction where NPA authorization is required.* Any building, structure or project to be used for, or in connection with, any of the following specified purposes:

Bank, credit institution, or brokerage establishment.
Community or neighborhood building
Furnishing of personal services (e. g., barber shop, beauty shop, undertaking and mortuary establishment, cemetery building, mausoleum, crematory, garage, service station, shoe repair shop, laundry, dry cleaning establishment, tailor shop).
Hotel, motel, motor court, tourist camp, trailer camp.
Loft building.
Office building.
Outdoor advertising sign.
Printing or duplicating establishment.
Restaurant.
Storage, distribution, display or sale of consumer goods (for example, retail store, shopping center, wholesale establishment, gasoline filling station, drugstore, soda fountain, florist shop, greenhouse), except wholesale food establishment, wholesale supply facility for fuel oil, gasoline or coal, gas distribution system, pipeline.
Storage warehouse for personal effects.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect March 20, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–3637; Filed, Mar. 20, 1951; 12:17 p. m.]

[NPA Order M–25 as Amended Mar. 16, 1951]

M–25—CANS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order prior to amendment there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected by the issuance of the amendments to this order has been rendered impracticable by the fact that the amendments to this order affect a very substantial number of different trades and industries.

This order has been amended by substituting a new paragraph (e) in section 6. It has also been amended by changing the restrictions on the use of cans and the plate specifications in Schedules I and II for certain orders having a DO rating. As amended this order reads as follows:

SEC.
1. What this order does.
2. Definitions.
3. Restrictions on use of cans.
4. Other restrictions.
5. Restrictions on amount that may be packed.
6. Exceptions.
7. Certification of delivery of cans.
8. Application for adjustment or exception.
9. Records and reports.
10. Communications.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order places restrictions upon cans made of tin plate and terneplate. Schedules I and II set out plate specifications for cans which vary according to the product packed. This order also limits the use of cans made of tin plate and terneplate. Cans made wholly of black plate are not restricted by this order. NPA Order M–24 permits the use of tin plate and terneplate for cans in accordance with the terms of this order. NPA Order M–8 sets forth the specifications for solder that may be used in the manufacture of cans.

SEC. 2. *Definitions.* As used in this order:

(a) "Can" means any unused container made in whole or in part of tin plate, terneplate or black plate, which is suitable for packing any product. The term includes any container which has a closure or fitting, made in whole or in part of tin plate, terneplate or black plate, but does not include a glass container having such a closure or fitting. The term does not include fluid milk shipping containers.

(b) "Tin plate" means steel sheet coated with tin, and includes "primes", "seconds", and all other forms of tin plate, except waste and waste-waste.

(c) "Terneplate" means steel sheets coated with terne metal and includes "primes" and "seconds". The term does not include terneplate waste-waste, or terneplate waste. "Terne metal" means the lead-tin alloy used as the coating for terneplate, but does not include lead recovered from secondary sources which contains less than 1½ percent residual tin.

(d) "SCMT" means special coated manufacturers' terneplate.

(e) "Waste" means scrap tin plate and terneplate (including strips and circles) produced in the ordinary course of manufacturing cans, and tin plate and terneplate strips produced in the ordinary course of manufacturing tin plate and terneplate. The term also includes tin plate and terneplate parts recovered from used cans.

(f) "Waste-waste" means hot dipped or electrolytic tin-coated steel sheets or steel sheets coated with terne metal which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(g) "Black plate" means steel sheets (other than tin plate or terneplate 29 gauge (128 pounds) or lighter. The term includes can manufacturing quality black plate (CMQ), "black plate rejects", chemically treated black plate (CTB), waste-waste, and waste.

(h) "Packer" means any person who uses cans for commercially packing any product.

(i) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

SEC. 3. *Restrictions on use of cans.* No packer shall purchase, accept delivery of, or use a can made in whole or in part of tin plate or terneplate for any purpose other than for packing products listed in Schedules I and II, and in accordance with the specifications set out in said Schedules I and II. The restrictions contained in this section and said Schedules I and II are subject to the exceptions of section 6. Schedules I and II are set out at the end of this order.

SEC. 4. *Other restrictions.* No person shall manufacture, sell or deliver any cans which he knows or has reason to believe will be accepted or used in violation of the terms of this order or any other order or regulation of the NPA.

SEC. 5. *Restrictions on amount that may be packed.* (a) The restrictions of this section do not apply to the packing of those products which are listed in Schedules I and II and preceded by a single asterisk. However, the restrictions of paragraph (b) of this section do apply to products preceded by a single asterisk if such products are repacked from other containers.

(b) During the first quarter of the calendar year 1951 and each quarter thereafter, until otherwise ordered by NPA, no packer may accept delivery of or use for packing any particular product which is listed in Schedules I and II and preceded by a double asterisk any cans, made in whole or in part of tin plate or terneplate, requiring more than 100 percent of the quantity by area of measurement of tin plate, terneplate and black plate which he used for packing that particular product during the corresponding quarter of 1949 or 1950. The amounts packed during each quarter shall be spread as equally as possible over each of the three months of such quarter, but no packer shall be required to take delivery of cans in less than carload lots to meet this provision.

(c) During the first quarter of the calendar year 1951 and each quarter thereafter, until otherwise ordered by NPA, no packer may accept delivery of or use for packing any other product which is listed in Schedules I and II any cans, made in whole or in part of tin plate or terneplate, by area of measurement requiring more than 90 percent of the quantity by area of measurement of tin plate, terneplate and black plate which he used for packing such product during the corresponding quarter of 1949 or 1950. The amounts packed during each quarter shall be spread as equally as possible over each of the three months of such quarter, but no packer shall be required to take delivery of cans in less than carload lots to meet this provision.

SEC. 6. *Exceptions.* (a) The plate specifications set out in Schedules I and II do not apply to the use of any cans which are in the inventory of a packer or in the inventory of a can manufacturer or in process of manufacture, or to tin plate or terneplate which was either in process at a tin mill, in the inventory of a tin mill for the account of a can manufacturer or in the inventory of a can manufacturer on the effective date of this order. It is the intent of this section that any tin plate or terneplate intended for use in the manufacture of cans in inventory or process as aforesaid shall be used notwithstanding the plate specifications of this order. However, the restrictions of section 5 are not excepted by this paragraph (a).

(b) Until March 31, 1951, 0.25 pound electrolytic tin plate or SCMT plate may

be used in place of black plate for soldered parts on cans where facilities for soldering black plate are not available. This exception is provided to enable manufacturers to equip themselves to solder black plate.

(c) Any person whose total use of cans for packing any product in any calendar year requires less than 250 base boxes of tin plate and terneplate shall be exempt from the use limitations of section 5 but not from the plate specifications of Schedules I and II.

(d) Cans may be used to pack any product provided such product is not to be sold in the same or different form, but this does not permit the use of cans contrary to the provisions of this order for the purpose of aiding or promoting the sale of a product.

(e) (1) Orders having a DO rating are exempt from the restrictions in section 5 of this order on the amount that may be packed in cans.

(2) The restrictions in section 3 on the use of cans for packing products and the plate specifications set out in Schedules I and II for cans for packing products listed in these schedules shall not apply to orders having a DO rating for packing products in accordance with military specifications of the Department of Defense for use by the Armed Forces of the United States, including the United States Coast Guard, outside the 48 States of the United States and the District of Columbia. The restrictions in section 3 on the use of cans for packing products and the plate specifications set out in those schedules for cans for packing products listed in those schedules shall apply, however, to all other orders having a DO rating.

(3) The restrictions of this order shall not apply to military requirements for cans of a special design or style not normally produced or used commercially nor to cans for emergency rations and supplies for lifeboats.

SEC. 7. *Certification of delivery of cans.* No manufacturer shall sell or deliver cans unless he has received from the purchaser a certificate signed manually. This certificate shall be by letter in substantially the following form and, once filed by a purchaser with a manufacturer, covers all future deliveries of cans from the manufacturer to that purchaser:

To ----------, manufacturer:

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Order M-25 of the National Production Authority, and that all purchases from you of items regulated by that order, and the acceptance of the same by the undersigned, will be in compliance with said order, and any amendments thereto.

SEC. 8. *Application for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 10. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C. Ref.: M-25.

SEC. 11. *Violations.* Any person who willfully violates any provisions of this order or any other order or regulation of the National Production Authority or willfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with said Federal Reports Act.

This order as amended shall take effect on March 16, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

SCHEDULE I—CAN SPECIFICATIONS

Columns 2 and 3 specify the weights of tin coating per base box of tin plate and terneplate which may be used for the parts of cans for the products listed in column 1. Any packer may also use for packing a listed product black plate cans or cans with a tin coating lighter than that specified for that product. Wherever 0.25 lb. electrolytic tin plate is specified SCMT may be used. Tin plate menders arising in the production of electrolytic tin plate may be used without regard to the weight of coating for any purpose where 0.50 lb. electrolytic tin plate is permitted under this schedule. Where menders arising cannot be used to replace 0.50 lb. electrolytic tin plate, they may be used to replace any electrolytic tin plate. When only a figure is given in columns 2 or 3 this means that tin plate may be used for the part and the figures given indicate the maximum weight of tin coating on each base box of plate. Wherever CMQ is specified 0.25 lb. electrolytic tin plate may be used in that part of a can which is closed by soldering. Reference is made to section 5 for restrictions on amount that may be packed and meaning of the asterisks preceding certain products.

CAN MATERIALS

Product	Soldered or welded parts	Nonsoldered parts
(1)	(2)	(3)
Fruit and Fruit Products		
1. **Apples, baked, processed	1.50	1
2. *Apple, quartered and sliced, processed	1.25	
3. **Apple butter	1.50	1
4. *Apple juice, single strength, processed:		
Enameled cans	1.50	1
Plain bodies	1.25	
5. *Apple sauce, processed	1.25	
6. *Apricots, whole or halves, processed	1.25	
7. **Apricots, concentrate, processed	1.50	
8. **Apricots, spiced, processed	1.50	
9. *Apricot nectar, processed	1.25	
10. **Bananas and pulp, processed	1.25	
11. *Berries, processed:	1.50	
Includes the following:		
Blackberries.		
Blueberries.		
Boysenberries.		
Cranberries, whole or sauce.		
Dewberries.		
Elderberries.		
Huckleberries.		
Loganberries.		
Raspberries.		
Youngberries.		
12. *Cherries, deep red, processed	1.50	1
13. *Cherries, Maraschino	1.50	1
14. *Cherries, red sour, processed	1.50	1
15. *Cherries, light sweet, processed	1.25	
16. **Citrus	Same as non-citrus fruits	
17. **Crabapple and juice	Same as apples and juices	
18. **Crabapple, spiced, processed:		
Enamel lined cans	1.50	
Plain bodies	1.25	
19. **Currants, processed:		
Enamel lined cans	1.50	
Plain bodies	1.25	
20. *Figs, processed	1.25	
21. **Fruit cocktail, mixed or other fruit combinations:		
5 gallon square can	.50	
Other cans	.25	
22. *Fruits, fresh—all varieties	.25	
23. *Fruit mixed, not fresh, packed in natural fruit juices, processed	1.25	
24. *Fruit salad, processed	.25	
25. *Fruit juice, single strength, processed	1.50	1
Includes the following:		
Apple.		
Cherry.		
Cherry-apple blend.		
Cranberry.		
Grape.		
Raspberry.		
Raspberry-apple blend.		
Loganberry.		

CAN MATERIALS—Continued

Product	Soldered or welded parts	Nonsoldered parts
(1)	(2)	(3)
Fruit and Fruit Products—Continued		
26. *Fruit pulp and puree (except baby food)	Same as nonjuiced fruits	
27. **Grapeberries, processed	1.25	0.50
28. **Grapeade, ready to drink, processed	1.25	1.25
29. **Grapeade base, processed	1.50	1.50
30. **Grapes, processed (Thompson seedless)	1.25	.50
31. **Grapes, processed, colored	1.50	1.50
32. **Grapes, spiced (Thompson seedless)	1.50	1.50
33. *Grape juice, concentrate, processed	1.50	1.50
34. *Grape juice, single strength, processed	1.25	1.25
35. *Grapefruit (segments) processed	1.25	1.25
36. *Grapefruit juice concentrate, processed	.25	.25
37. *Grapefruit juice concentrate, processed	1.25	1.25
38. *Grapefruit juice, single strength, processed	1.25	1.25
39. *Grapefruit and orange segments, processed	1.25	1.25
40. *Grapefruit-orange and other citrus juice blends concentrate, frozen	.25	.25
41. *Grapefruit-orange and other citrus juice blends concentrate, processed	1.25	1.25
42. *Grapefruit-orange and other citrus juice blends single strength, processed	1.25	1.25
43. **Fruit juice, jellies, preserves and butters:		
From red fruits	1.50	1.50
From all other fruits	1.25	.50
44. *Lemon juice, single strength, frozen	.25	.25
45. *Lemon juice, single strength, processed	1.25	1.25
46. *Lemon juice concentrate, frozen	.25	.25
47. *Lemon juice concentrate, processed	1.50	1.50
48. **Lemonade, ready to drink, processed	1.25	1.25
49. **Lemonade base concentrate, frozen	.25	.25
50. **Lemonade base concentrate, processed	1.50	1.50
51. *Lime juice, frozen	.25	.25
52. *Lime juice, processed	1.25	1.25
53. **Marmalades	Same as jams	
54. **Nectarines	Same as peaches	
55. *Olives, whole and chopped, green and green ripe	1.25	1.25
56. *Olives, whole and chopped, ripe	1.50	1.50
57. **Orangeade, ready to drink, processed	1.25	1.25
58. *Orange segments, processed	1.25	1.25
59. *Orange juice, single strength, frozen	.25	.25
60. *Orange juice, single strength, processed	1.25	1.25
61. *Orange juice concentrate, frozen	.25	.25
62. *Orange juice, concentrate, processed	1.50	1.50
63. **Papayas and papaya products, processed	1.25	1.25
64. *Peaches, whole, halves, quarters, sliced and sliced, processed	1.25	.50
65. **Peaches, spiced, processed	1.50	.50
66. *Peach concentrate, processed	1.25	.50
67. **Peach nectar, processed	1.25	.50
68. *Pears, baked	1.50	1.50
69. *Pears, whole, halves, quarters, sliced and sliced, processed	1.25	.50
70. **Pears, spiced, processed	1.50	.50
71. *Pear concentrate, processed	1.25	.50
72. **Pear nectar, processed	1.25	.50
73. *Pecans, liquid	1.50	1.50
74. *Pineapple and pineapple juice, processed	1.25	1.25
75. *Pineapple-grapefruit juice, processed	1.25	1.25
76. *Plums, processed:		
Light colored	1.25	.50
Dark colored	1.50	1.50
77. **Plum Butter	1.50	1.50
78. **Plum nectar, processed:		
Light colored	1.25	.50
Dark colored	1.50	1.50
79. *Prunes, dehydrated or dried	1.25	.50
80. **Prunes, dried, in syrup	1.50	1.50
81. *Prunes, fresh, in syrup, processed	1.50	1.50
82. **Prune nectar, processed	1.50	1.50
83. **Prune juice, from dried prunes	1.50	1.50
84. **Quinces, processed	1.25	.50
85. *Quince juice, single strength and concentrate	Same as orange	

CAN MATERIALS—Continued

Product	Soldered or welded parts	Nonsoldered parts
(1)	(2)	(3)
Vegetable and Vegetable Products		
86. **Artichokes, acidified, processed	1.25	0.50
87. *Asparagus, processed	1.25	1.25
88. **Bamboo sprouts, processed	1.25	.25
89. **Beans, dry, soaked, processed:		
All varieties	.25	.25
With sweetened sauce (Boston style)	.25	.25
With chili sauce	.50	.50
With plain sauce or brine	.25	.25
With tomato sauce	1.25	.25
90. *Beans, fresh shelled, processed all varieties	.25	.25
91. *Beans, green and wax, processed	1.25	.25
92. **Bean sprouts, processed	1.25	.25
93. *Beets, processed	1.25	1.25
94. **Beets, pickled	1.50	1.50
95. **Broccoli, processed	1.25	.25
96. **Brussel sprouts, processed	1.25	.25
97. **Cabbage, processed	1.25	.25
98. **Cabbage, red, acidified, processed	1.50	1.50
99. *Carrots, processed	1.25	.25
100. *Carrot juice, processed	1.25	.25
101. *Carrots and peas, processed	1.25	.25
102. **Cauliflower, processed	1.25	.25
103. **Celery, processed	1.25	.25
104. **Celery juice, processed	1.25	1.25
105. **Chick peas, dry, soaked, processed	.25	.25
106. *Corn, cream style and whole grain, processed	.25	.25
107. **Corn-on-cob, processed	.25	.25
108. *Green Leafy Vegetables, Processed:		
Plain	1.25	.25
Chopped and pureed	1.25	1.25
Including the following:		
Beet greens.		
Chard.		
Collard greens.		
Dandelion greens.		
Kale.		
Spinach.		
Turnip greens.		
109. **Lentils, dry, soaked, processed	.25	.25
110. *Mushrooms, processed:		
Whole, sliced, stems and pieces	1.25	.25
Broiled in butter	.25	.25
111. *Okra, with and without tomatoes, processed	1.25	.25
112. **Onions, acidified, processed	1.25	1.25
113. **Parsnips, processed	1.25	.25
114. *Peas, all varieties, fresh, processed	.25	.25
115. *Peas, green, frozen, processed	.25	.25
116. **Peas, dry, soaked, processed	.25	.25
117. *Peppers and pimientos, processed	1.25	.25
118. **Pickles and pickled relishes	1.50	1.50
119. *Potatoes, sweet, processed	1.25	.25
120. **Potatoes, white, processed	1.25	.25
121. *Pumpkin and squash, processed	1.25	.25
122. **Rhubarb, processed	1.50	1.50
123. **Rutabagas, processed	1.25	.25
124. *Sauerkraut, (excluding juice)	1.50	1.50
125. *Sauerkraut & tomato juice blend	1.50	1.50
126. *Succotash, processed	.25	.25
127. *Tomatoes, processed	1.25	.25
128. *Tomato juice, processed	1.25	.25
129. *Tomato juice cocktail (spices only added), processed	1.25	.25
130. *Tomato juice concentrate, frozen	.25	.25
131. *Tomato paste, processed	1.25	.25
132. *Tomato sauce, processed	1.25	.25
133. *Tomato puree, processed	1.25	.25
134. *Tomato catsup, chili sauce and cocktail sauce:		
Enameled cans	1.25	1.25
Plain bodies	1.25	.25
135. *Tomato juice with other vegetable juices	1.25	1.25
136. **Turnips, processed	1.25	.25
137. *Vegetables, dehydrated:		
Round double seamed cans	.25	CMQ
5 gallon square cans	.50	CMQ
138. *Vegetables, frozen	.25	.25
139. *Vegetables, mixed, processed	1.25	.25
Fish and Shell Fish		
140. *Abalone	.25	.25
141. *Alewives	.25	.25
142. *Anchovies	.25	.25
143. **Caviar	.25	.25
144. **Chowder, all varieties:		
Inside enameled cans	.25	.25
Plain body cans	1.25	.25
145. *Clams, processed	.25	.25
146. *Clam juice	.25	.25

CAN MATERIALS—Continued

Product	Soldered or welded parts	Nonsoldered parts
(1)	(2)	(3)
Fish and Shell Fish—Continued		
147. **Codfish, salted, dry	0.25	0.25
148. **Crab, deviled	.25	.25
149. *Crabmeat, processed	.25	.25
150. *Crawfish	.25	.25
151. *Eels	.25	.25
152. *Finnan haddie:		
In round cans	.25	.25
In oval cans	1.25	1.25
153. **Fish balls and cakes	.25	.25
154. **Fish frankfurters	.25	.25
155. *Fish and seafood, frozen or refrigerated	.25	.25
156. *Fish flakes and ground fish for human consumption only	.25	.25
157. *Fish livers:		
In reusable 5 gallon square cans	1.25	1.25
In non-reusable 5 gallon square cans	.50	.50
158. *Fish oil in 5 gallon square cans	.50	.50
159. *Fish paste	.25	.25
160. **Fish, pickled	1.50	1.50
161. *Fish roe:		
In round double seamed cans	.25	.25
In oval drawn cans	.50	.50
162. *Halibut	.25	.25
163. *Herring, in oil or brine (including sardines, pilchards and mackerel):		
Round cans	.25	.25
¼ drawn cans	.25	.25
3-4 piece cans	.50	.50
Oval, drawn or oblong (other than ¼ drawn)	.50	.50
1.25 may be used for scored covers		
164. *Herring, in tomato or mustard sauce (including sardines, pilchards and mackerel):		
In oval drawn or oblong cans	.50	.50
1.25 may be used for scored covers		
165. Lobster:		
*Processed	.25	.25
**Newburg	.25	.25
166. *Menhaden	.25	.25
167. *Mullet	.25	.25
168. *Mussels:		
Fresh Shucked	.25	.25
Processed	.25	.25
169. *Oysters, processed	.25	.25
170. *Salmon:		
In round double seam cans	1.25	.25
In oval or drawn cans	.50	.50
171. *Scallops, processed	.25	.25
172. *Shad:		
In round double seam cans	.25	.25
In oval or drawn cans	.50	.50
173. *Shrimp, Processed	.25	.25
174. *Squid:		
In inside enameled cans	.25	.25
Plain body cans	1.25	.25
175. *Tuna	.25	.25
176. *Turtle	.25	.25
Dairy Products		
177. **Butter and Butter Substitutes	.25	.25
178. **Butter oil:		
Seal square cans	.50	.50
Other cans	.25	.25
179. **Buttermilk, dry	CMQ	CMQ
180. **Cheese:		
Reusable containers	1.25	1.25
Cottage, grated or processed	.25	.25
181. **Malted and other milk formulations, dry	CMQ	CMQ
182. **Chocolate and other flavored milk, liquid	.25	.25
183. *Cream:		
Fluid or frozen	.50	.50
Sterilized	.25	.25
184. *Goat milk	.25	.25
185. **Ice cream	.25	.25
186. **Ice cream mix:		
Dry	CMQ	CMQ
Wet	.25	.25
187. **Milk, dry, whole or skimmed:		
5/8 and 5 gallon square cans	.50	.50
All other cans	CMQ	CMQ
188. *Milk, fresh, frozen or refrigerated:		
5 gallon square cans	.50	.50
Other sizes	.25	.25
189. *Milk, liquid, condensed, sweetened	.75	.75
190. *Milk, liquid, evaporated and modifications of evaporated milk:		
Hermetic or larger:		
Body	1.25	
Ends	.75	.75
Under 1½ ounces	.75	.75

CAN MATERIALS—Continued

Product	Soldered or welded parts	Non-soldered parts
(1)	(2)	(3)
Meat		
191. **Bacon:		
All seams soldered	1.25	1.25
Side seam only soldered	.25	.25
192. **Barbecued meat:		
Beef, belly	1.25	1.25
Pork, cooked	.50	.50
193. **Beef, mutton or pork (tallow, boiled, boned, corned, potted):		
All seams soldered	1.25	1.25
Side seam only soldered	.25	.25
194. **Beef, dried	.25	.25
195. **Beef, cooked	.25	.25
196. **Beef, roast	.50	.50
197. **Beef, spiced, in brine	.25	.25
198. **Beef, stewed with tomatoes and gravy	1.25	.25
199. **Beef, stewed with tomatoes and gravy, with sauerkraut	1.25	1.25
200. **Beef, stewed with sauerkraut	1.50	1.50
201. **Beef, stewed	.25	.25
202. **Beef, with gravy	1.25	1.25
203. **Beef, with vegetables or cereal or both	.25	.25
204. **Beef, with vegetables with or without gravy	.25	.25
205. **Beef, with vegetables with or without gravy (including corned beef hash)	.25	.25
206. **Beef, with vegetables with or without gravy (including corned beef hash)	.25	.25
207. **Beef, with vegetables with or without gravy (including corned beef hash)	1.25	.25
208. **Beef, with vegetables with or without gravy (including corned beef hash)	.25	.25
209. **Beef, with vegetables with or without gravy (including corned beef hash)	1.50	1.50
210. **Beef, with vegetables with or without gravy (including corned beef hash)	.50	.50
211. **Beef, with vegetables with or without gravy (including corned beef hash)	.25	.25
212. **Beef, with vegetables with or without gravy (including corned beef hash)	.25	.25
213. **Beef, with vegetables with or without gravy (including corned beef hash)	.25	.25

ministrative Procedure Act (60 Stat. 237) except as to the requirements of section 3 thereof.

Special circumstances have rendered impracticable consultation with industry representatives, including trade association representatives, in the formulation of the above amendments; and, therefore, as authorized by the aforesaid section 709, the amendments have been issued without such consultation.

(Sec. 704, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp. Interprets or applies sec. 602, Pub. Law 774, 81st Cong.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-3618; Filed, Mar. 19, 1951; 5:12 p. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

APPLICATION OF THIS PART

NOTE: The headnote of the part is amended to read as set forth above.

The Securities and Exchange Commission acting pursuant to the Securities Exchange Act of 1934, particularly section 23 (a) thereof, and the Public Utility Holding Company Act of 1935, particularly section 20 thereof, and deeming such action necessary to carry out the provisions of those acts and necessary and appropriate in the public interest and for the protection of investors and consumers hereby amends Part 210 (Regulation S-X) as follows:

Section 210.1-01 (Rule 1-01) is hereby amended to read as follows:

§ 210.1-01 *Application of this part.* (a) This part (together with the Accounting Series Releases) states the form and content of all financial statements required to be filed as part of:

(1) Registration statements under the Securities Act of 1933, filed on Form S-1, S-2, S-3, S-4, S-5, S-6 or S-11 (§§ 239.11, 239.12, 239.13, 239.14, 239.15, 239.16, 239.18 of this chapter), except as otherwise specifically provided in such forms;

(2) Applications for registration of securities under the Securities Exchange Act of 1934, filed on Form 8-A, 8-B, 10 or 14 (§§ 249.208a, 249.208b, 249.210, 249.214 of this chapter);

(3) Supplemental or periodic reports under section 13 of the Securities Exchange Act of 1934 filed on Forms 8-K, 9-K, 10-K, 14-K, 16-K or U5S; (§§ 249.308, 249.309, 249.310, 249.314, 249.316, 259.5s of this chapter);

(4) Supplemental or periodic reports under section 15 (d) of the Securities Exchange Act of 1934 filed on Forms 10-K, 2-MD, 4-MD or U5S (§§ 249.310, 249.402, 249.404, 259.5s of this chapter);

(5) Registration statements and annual reports filed under the Public Utility Holding Company Act of 1935 by public utility holding companies registered under such act; and

(6) Registration statements and annual reports under the Investment Company Act of 1940.

(b) The term "financial statements" as used in this part shall be deemed to include all supporting schedules.

(Secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 20, 49 Stat. 833, secs. 38, 54 Stat. 841; 15 U. S. C. 77s, 78w, 79t, 80-37. Interprets or applies secs. 7, 12, 13, 15, 48 Stat. 78, 892, 895, as amended, secs. 9, 39, 54 Stat. 805, 842; 15 U. S. C. 77g, 78l, 78m, 78o, 80a-8, 80a-38)

The foregoing action shall be effective March 12, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 9, 1951.

[F. R. Doc. 51-3494; Filed, Mar. 20, 1951; 8:48 a. m.]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

QUARTERLY REPORTS

The Securities and Exchange Commission acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly section 23 (a) thereof, and deeming such action necessary to carry out the provisions of such act and necessary and appropriate in the public interest and for the protection of investors, hereby takes the following action:

1. Paragraph (a) of § 240.13a-13 (Rule X-13A-13) is hereby amended to read as follows:

§ 240.13a-13 *Quarterly reports of other companies.* (a) Every issuer which has securities listed and registered on a national securities exchange and which is required to file annual reports on Form 10-K (§ 249.310 of this chapter) or U5S (§ 259.5s of this chapter) or to file a report on one of such forms as part II of Form 16-K (§ 249.316 of this chapter) shall file a quarterly report on Form 9-K (§ 249.309 of this chapter) for each fiscal quarter ending after the close of the latest fiscal year for which financial statements were filed in the issuer's application for registration.

(Interprets or applies secs. 13, 15, 48 Stat. 894, 895; 15 U. S. C. 78m, 78o)

2. Paragraph (a) of § 240.15d-13 (Rule X-15D-13) is hereby amended to read as follows:

§ 240.15d-13 *Quarterly reports of other companies.* (a) Every issuer which is required to file annual reports on Form 10-K (§ 249.310 of this chapter) or U5S (§ 259.53 of this chapter) shall file a quarterly report on Form 9-K (§ 249.309 of this chapter) for each fiscal quarter ending after the close of the latest fiscal year for which financial statements were included in the issuer's registration statement.

(Interprets or applies sec. 15, 48 Stat. 895; 15 U. S. C. 78o)

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w)

The foregoing action shall be effective March 12, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 9, 1951.

[F. R. Doc. 51-3493; Filed, Mar. 20, 1951; 8:48 a. m.]

PART 249—FORMS PRESCRIBED UNDER THE SECURITIES EXCHANGE ACT OF 1934

FORMS FOR ANNUAL REPORTS

The Securities and Exchange Commission acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly section 23 (a) thereof, and deeming such action necessary to carry out the provisions of such act and necessary and appropriate in the public interest and for the protection of investors hereby takes the following action:

Forms U5-K, § 249.350, and U5-MD, § 249.450, are hereby rescinded. Form U5S, § 259.5s of this chapter, as revised March 12, 1951, is hereby adopted as an optional form which may be used by public utility holding companies registered under the Public Utility Holding Company Act of 1935 for annual reports pursuant to section 13 or 15 (d) of the Securities Exchange Act of 1934).[1]

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w)

The foregoing action shall be effective March 12, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 9, 1951.

[F. R. Doc. 51-3492; Filed, Mar. 20, 1951; 8:48 a. m.]

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

REGISTRATION

The Securities and Exchange Commission acting pursuant to the Public Utility Holding Company Act of 1935, particularly section 20 thereof, and deeming such action necessary to carry out the provisions of the act and necessary and appropriate in the public interest and for the protection of investors and consumers hereby takes the following action:

1. Paragraph (c) of § 250.1 (Rule U-1) is hereby amended to read as follows:

§ 250.1 *Registration.* * * *

(c) *Annual report.* Every registered holding company shall file, on or before the first of May in the year following that in which it filed its registration statement, and in every succeeding year, an annual report on Form U5S (§ 259.5s of this chapter): *Provided, however,*

[1] See F. R. Doc. 51-3490, *infra.*

That where any holding company system includes more than one registered holding company, the annual report shall be filed by the top registered holding company in such system and shall be signed on behalf of each registered holding company in such system by the authorized officer of each such registered holding company.

2. Paragraph (d) of § 250.26 (Rule U-26) is hereby deleted from the rule.

(Sec. 20, 49 Stat. 833; 15 U. S. C. 79t)

The foregoing action shall be effective March 12, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 9, 1951.

[F. R. Doc. 51-3491; Filed, Mar. 20, 1951; 8:48 a. m.]

PART 259—FORMS PRESCRIBED UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

FORMS FOR REGISTRATION AND ANNUAL SUPPLEMENTS

The Securities and Exchange Commission today adopted substantial revisions in the annual reporting requirements applicable to public utility holding companies registered under the Public Utility Holding Company Act of 1935 (registered holding companies).

The object of these changes is to reduce the over-all reporting requirements for registered holding companies under both the 1935 act and the Securities Exchange Act of 1934. A new Form U5S[1] (§ 259.5s) has been promulgated as the annual report form for registered holding companies. The Commission has abolished Form U-14-3 (§ 259.314), heretofore required to be filed annually by registered holding companies, and Forms U5-K and U5-MD (§§ 249.350 and 249.450 of this chapter) which registered holding companies formerly had the option of filing in lieu of Form 10-K (§ 249.310 of this chapter) under section 13 or 15 (d) of the 1934 act. Whereas each registered holding company in a system has heretofore been required to file separate annual reports on Form U5S, the revised requirements provide that only one annual report shall be filed by the top registered holding company for all registered holding companies in the system. Registered holding companies required to file annual reports under section 13 or 15 (d) of the 1934 act (formerly on Form 10-K) may now satisfy these requirements in full by filing copies of their annual reports prepared on the new Form U5S.[2]

[1] Filed as a part of the original document.

[2] Any such company which wishes to do so may continue to use Form 10-K for its annual report under the 1934 act. The copies of the new Form U5S filed in satisfaction of the annual reporting requirements under section 13 or 15 (d) of the 1934 act need not include copies of certain exhibits required solely for administration of the 1935 act.

A draft of proposed revisions was sent for comment to 68 registered holding companies and to approximately 600 other persons on January 5, 1951. Comments were received from several registered holding companies and other persons. Many of these suggestions are reflected in the amended annual reporting requirements adopted by the Commission.

In connection with the adoption of the revised form, certain related changes were made in the rules and regulations under the 1934 and 1935 acts and in Regulation S-X (Part 210 of this chapter), the Commission's general accounting regulation.

The Securities and Exchange Commission acting pursuant to the Public Utility Holding Company Act of 1935, particularly section 20 thereof, and deeming such action necessary to carry out the provisions of the act and necessary and appropriate in the public interest and for the protection of investors and consumers hereby takes the following action:

1. Form U5S (§ 259.5s) is hereby revised to read as set forth in copies thereof marked "Revised March 12, 1951" and as so revised is hereby prescribed as the form for annual reports of registered holding companies pursuant to the Public Utility Holding Company Act of 1935.

2. Form U-14-3 (§ 259.314) is hereby rescinded.

3. The instructions to Exhibit D to Form U5B (§ 259.5b) are amended by adding thereto the following:

The consolidating balance sheet and consolidating statements of income and surplus of the registrant and its subsidiaries shall be prepared and certified in accordance with the requirements of Regulation S-X (Part 210 of this chapter) which governs the certification, form and content of such statements, including the basis of consolidation, and prescribes the statements of surplus and the schedules and notes to be filed in support of the balance sheets and statements of income. These consolidating statements shall set forth the individual statements of the parent company and of each subsidiary and the consolidated statements of such parent and subsidiary companies included in the consolidation. The schedules and notes required by Regulation S-X (Part 210) shall be filed in support of the consolidated statements and the corporate statements of the parent company included in such consolidating statements, but separate schedules and notes need not be filed in support of individual statements of subsidiaries included in such consolidating statements. Only the consolidated statements and the corporate statements of the parent company included in the consolidating statements, and the schedules and notes in support of such consolidated and corporate statements, need be certified.

(Sec. 20, 49 Stat. 833; 15 U. S. C. 79t)

The foregoing action shall be effective March 12, 1951.

In annual reports on the revised Form U5S for the year 1950, where the answers to Items 8 (a) and 8 (d) thereof have been prepared prior to the effective date of the new form, the information required by such items may be given as of any date subsequent to September 30, 1950.

The annual reports to be filed by registered holding companies for the year 1950 pursuant to requirements of the 1935 act shall be filed on the revised Form U5S and the time within which annual reports may be filed on such form for 1950 pursuant to the requirements of the 1935 act and of section 13 or 15 (d) of the 1934 act is hereby extended to May 31, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 9, 1951.

[F. R. Doc. 51-3490; Filed, Mar. 20, 1951; 8:47 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

PACIFIC OCEAN NORTHWEST OF FARALLON ISLANDS

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 204.218 is hereby prescribed to govern the use of a naval aircraft bombing target area in the Pacific Ocean northwest of the Farallon Islands, as follows:

§ 204.218 *Pacific Ocean off Point Reyes, Calif., northwest of Farallon Islands; bombing target area Naval Air Station, Alameda, Calif.*—(a) *The danger zone.* The waters of the Pacific Ocean included within a circle having a radius of 2.5 nautical miles with its center on Fanny Shoal at latitude 37°49'15", longitude 123°12'45", approximately 2.9 nautical miles northwesterly of Noonday Rock, 12.4 nautical miles northwesterly of Farallon Light, and 13.9 nautical miles southwesterly of Point Reyes Light.

(b) *The regulations.* (1) No vessel other than vessels owned or operated by the United States Government shall enter or remain in the danger zone.

(2) The regulations in this section shall be enforced by the Commandant, Twelfth Naval District, and such agencies as he may designate.

(Regs. Feb. 26, 1951, 600.2121 (Pacific Ocean)—ENGWO) (40 Stat. 266; 33 U. S. C. 1)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. A.,
The Adjutant General.

[F. R. Doc. 51-3522; Filed, Mar. 20, 1951; 8:56 a. m.]

PART 207—NAVIGATION REGULATIONS

NEUSE RIVER AND TRIBUTARIES AT MARINE CORPS AIR STATION, CHERRY POINT, NORTH CAROLINA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1),

§ 207.164 is hereby prescribed to govern the use of a restricted area in Neuse River and its tributaries at the Marine Corps Air Station, Cherry Point, North Carolina, as follows:

§ 207.164 *Neuse River and tributaries at Marine Corps Air Station, Cherry Point, N. C.; restricted area*—(a) *The area.* That portion of Neuse River within 500 feet of the shore along the reservation of the Marine Corps Air Station, Cherry Point, North Carolina, extending from the mouth of Hancock Creek to a point approximately 6,800 feet west of the mouth of Slocum Creek, and all waters of Hancock and Slocum Creeks and their tributaries within the boundaries of the reservation.

(b) *The regulations.* (1) Except in cases of extreme emergency, all vessels other than those operated by the United States Navy or Coast Guard are prohibited from entering this area without prior permission of the enforcing agency.

(2) The regulations in this section shall be enforced by the Commanding General, United States Marine Corps Air Station, Cherry Point, North Carolina, and such agencies as he may designate.

[Regs. Feb. 26, 1951, 800.212 (NEUSE River, N. C.)—ENGWO] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. A.,
The Adjutant General.

[F. R. Doc. 51-3527; Filed, Mar. 20, 1951; 8:56 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 706]

CALIFORNIA

RESERVING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE NAVY IN CONNECTION WITH A NAVAL SUPPLY DEPOT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights and to existing withdrawals for power purposes, the following-described public lands in California are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Navy in connection with a Naval Supply Depot:

SAN BERNARDINO MERIDIAN

T. 9 N., R. 1 W.,
Sec. 15, W½NE¼NE¼, W½NE¼, SE¼NE¼, W½, and SE¼.

The areas described contain 620 acres.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

OSCAR L. CHAPMAN,
Secretary of the Interior.

MARCH 15, 1951.

[F. R. Doc. 51-3485; Filed, Mar. 20, 1951; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 51-12]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are prescribed and shall be effective for a period of five years from date of publication in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority, and the following changes in addresses of manufacturers of approved equipment shall be made:

BUOYANT CUSHIONS, KAPOK, STANDARD

NOTE: Cushions are for use on motorboats of classes A, 1, or 2, not carrying passengers for hire.

Approval No. 160.007/100/0, standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Northwyn Sailmaking Co., Inc., 120 Lakeside Avenue, Seattle 22, Wash.

Approval No. 160.007/101/0, standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by The Safegard Corp., Cincinnati, Ohio, for Adolph Kiefer & Co., 765 West Lexington Street, Chicago, Ill.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4-1, 160.007)

BUOYANT CUSHIONS, NON-STANDARD

NOTE: Cushions are for use on motorboats of classes A, 1, or 2, not carrying passengers for hire.

Approval No. 160.008/440/0, 14" x 17" x 2" rectangular buoyant cushion, 21-oz. kapok, Safegard Corp. dwg. No. LP-1, dated September 26, 1949, manufactured by The Safegard Corp., Cincinnati, Ohio, for Adolph Kiefer & Co., 765 West Lexington Street, Chicago, Ill.

Approval No. 160.008/441/0, 14" x 20" x 2" rectangular buoyant cushion, 25-oz. kapok, Safegard Corp. dwg. No. LP-2, dated May 26, 1950, manufactured by The Safegard Corp., Cincinnati, Ohio, for Adolph Kiefer & Co., 765 West Lexington Street, Chicago, Ill.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4-1, 160.008)

BUOYS, LIFE, RING, CORK OR BALSA WOOD

Approval No. 160.009/33/0, 30-inch cork ring life buoy, dwg. No. CRB-2, dated November 24, 1950, manufactured by Seaway Manufacturing Co., Inc., 511 North Solomon Street, New Orleans 19, La.

(R. S. 4405, 4417a, 4426, 4482, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 475, 481, 489, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.4-1, 33.7-1, 59.56, 60.49, 76.53, 94.53, 113.46, 160.009)

LAMPS, SAFETY, FLAME

Approval No. 160.016/2/1, Koehler type, naphtha burning, key lock, flame safety lamp, dwg. dated January 8, 1951, manufactured by Koehler Manufacturing Co., Inc., Marlboro, Mass. (Supersedes Approval No. 160.016/2/0 published in the FEDERAL REGISTER dated July 31, 1947.)

(R. S. 4405, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 489, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 160.016)

LINE-THROWING APPLIANCES, SHOULDER-GUN TYPE

Approval No. 160.031/4/0, Bridger 45-70 Model N shoulder-gun type line-throwing appliance, assembly dwg. No. A-604, dated Oct. 28, 1950, manufactured by Naval Co., Old Easton Highway, Doylestown, Pa.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346 and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 475, 481, 489, 1333, 50 U. S. C. 1275)

DAVITS, LIFEBOAT

Approval No. 160.032/109/0, telescopic gravity davit, Type TG-9.5, approved for maximum working load of 1,900 pounds per set (950 pounds per arm), using 1-part falls, identified by arrangement dwg. No. 3237 dated May 26, 1950, and revised December 29, 1950, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Approval No. 160.032/119/0, Mechanical davit, Crescent, sheath screw, Type C58A, approved for maximum working load of 10,000 pounds per set (5,000 pounds per arm), using 2-part falls, identified by arrangement dwg. No. 3327 dated April 14, 1950, and detail dwg. No. 3327-1 dated April 10, 1950, and revised May 9, 1950, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 49 Stat. 1544, 54 Stat. 316, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 474, 481, 489, 1333, 50 U. S. C. 1275, 46 CFR 160.032)

LIFEBOATS

Approval No. 160.035/211/1, 22.0' x 7.5' x 3.17' steel, oar-propelled lifeboat, 31-person capacity, identified by construction and arrangement dwg. No. 22-2, dated April 17, 1946, revised January 15, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.035/211/0 published in the FEDERAL REGISTER Feb. 12, 1948.)

Approval No. 160.035/221/1, 24.0' x 7.63' x 3.21' steel, oar-propelled lifeboat, 35-person capacity, identified by construction and arrangement dwgs. Nos. 24-4 dated April 19, 1948, and revised January 17, 1951, and 24-4B dated June 14, 1948, and revised January 17, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.035/221/0 published in the FEDERAL REGISTER Dec. 2, 1948.)

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 481, 489, 490, 1333, 50 U. S. C. 1275; 46 CFR 37.1-1, 59.13, 76.16, 94.15, 113.10, 160.035)

BOILERS, HEATING

Approval No. 162.003/61/2, Size 3824-8C vertical fire tube hot water heating boiler, welded steel plate construction, oil fired, 30 pounds per square inch maximum pressure, dwg. No. H-110-5, Rev. 3 dated January 3, 1951, manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 38, N. Y. (Supersedes Approval No. 162.003/61/1 published in the FEDERAL REGISTER Oct. 29, 1948.)

Approval No. 162.003/65/1, Size 1920-8C vertical fire tube hot water heating boiler, welded steel plate construction, oil fired, 30 pounds per square inch maximum pressure, dwg. No. H-110-5, Rev. 3 dated January 3, 1951, manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 38, N. Y. (Supersedes Approval No. 162.003/65/0 published in the FEDERAL REGISTER dated Oct. 29, 1948.)

Approval No. 162.003/85/0, Size 3830-10E vertical fire tube steam or hot water heating boiler, welded steel plate construction, oil fired, 30 pounds per square inch maximum pressure, dwg. No. H-110-2, Rev. 4, dated January 3, 1951, manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 38, N. Y.

Approval No. 162.003/86/0, Size 4536-12E vertical fire tube steam or hot water heating boiler, welded steel plate construction, oil fired, 30 pounds per square inch maximum pressure, dwg. No. H-110-2, Rev. 4, dated January 3, 1951, manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 38, N. Y.

Approval No. 162.003/87/0, Size 6642-14E vertical fire tube steam or hot water heating boiler, welded steel plate construction, oil fired, 30 pounds per square inch maximum pressure, dwg. No. H-110-2, Rev. 4, dated January 3, 1951, manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 38, N. Y.

(R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. 1275; 46 CFR Part 52)

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY CHEMICAL TYPE

Approval No. 162.010/3/0, Ansul M4 dry chemical type hand portable fire extinguisher, assembly dwg. No. DS-1785 dated September 27, 1950, name plate dwg. No. DS-1780 dated September 26, 1950, manufactured by Ansul Chemical Co., Marinette, Wis.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. 1275, 46 CFR 25.5-1, 26.3-1, 27.3-1, 28.3-5, 34.5-1, 61.13, 77.13, 95.13, 114.15)

VALVES, SAFETY RELIEF, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/5/3, Type MS-8, pop safety relief valve, flanged inlet, flat synthetic rubber gasket type, for liquefied petroleum gas and anhydrous ammonia service; dwg. No. 31-11669-G, revised August 28, 1950, net flow area 3.26 square inches, approved for a maximum set pressure of 250 pounds per square inch; flow rated at 105 percent of the following set pressures (discharge in cubic feet per minute measured at 60° F. and 14.7 pounds per square inch absolute); manufactured by American Car & Foundry Co., 30 Church Street, New York 8, N. Y.:

	Pounds per square inch			
	100	125	200	250
Air	5,880	7,210	10,280	13,060
Liquefied petroleum gas	4,950	6,170	9,190	12,740
Anhydrous ammonia	7,450	9,130	12,780	16,980

(Supersedes Approval No. 162.018/5/2, published in the FEDERAL REGISTER Mar. 25, 1950.)

Approval No. 162.018/25/1, Type 1203, pop safety relief valve, flanged inlet "O" ring synthetic rubber gasket type, for liquefied petroleum gas and anhydrous ammonia service; dwg. No. 31-21697-B, revised August 28, 1950, net flow area 3.44 square inches, approved for a maximum set pressure of 250 pounds per square inch; flow rated at 105 percent of the following set pressures (discharge in cubic feet per minute measured at 60° F. and 14.7 pounds per square inch absolute); manufactured by American Car & Foundry Co., 30 Church Street, New York 8, N. Y.:

	Pounds per square inch			
	100	125	200	250
Air	5,970	7,120	10,650	13,360
Liquefied petroleum gas	5,040	6,070	9,460	12,480
Anhydrous ammonia	7,550	8,960	13,210	16,520

(Supersedes Approval No. 162.018/25/0, published in the FEDERAL REGISTER Mar. 25, 1950.)

Approval No. 162.018/26/1, Type 1208, pop safety relief valve, flanged inlet "O" ring synthetic rubber gasket type, for liquefied petroleum gas and anhydrous ammonia service; dwg. No. 31-35367-A, dated August 28, 1950, net flow area 1.54 square inches, approved for a maximum set pressure of 250 pounds per square inch; flow rated at 105 percent of the following set pressures (discharge in cubic feet per minute measured at 60° F. and 14.7 pounds per square inch absolute); manufactured by American Car & Foundry Co., 30 Church Street, New York 8, N. Y.:

	Pounds per square inch	
	100	125
Air	2,140	2,650
Liquefied petroleum gas	1,800	2,170
Anhydrous ammonia	2,720	3,410

(Supersedes Approval No. 162.018/26/0 published in the FEDERAL REGISTER Mar. 25, 1950.)

Approval No. 162.018/27/1, Type 1204, pop safety relief valve, 2½" screwed inlet, "O" ring synthetic rubber gasket type, for liquefied petroleum gas and anhydrous ammonia service; dwg. No. 31-33684-B, revised January 8, 1951, net flow area 1.54 square inches, approved for a maximum set pressure of 125 pounds per square inch; flow rated at 105 percent of the following set pressures (discharge in cubic feet per minute measured at 60° F. and 14.7 pounds per square inch absolute; manufactured by American Car & Foundry Co., 30 Church Street, New York 8, N. Y.:

	Pounds per square inch	
	100	125
Air	2,140	2,650
Liquefied petroleum gas	1,800	2,170
Anhydrous ammonia	2,720	3,410

(Supersedes Approval No. 162.018/27/0 published in the FEDERAL REGISTER Mar. 25, 1950.)

Approval No. 162.018/28/1, Type 1209, pop safety relief valve, 3" screwed inlet, "O" ring synthetic rubber gasket type, for liquefied petroleum gas and anhydrous ammonia service; dwg. No. 31-36684-B, revised January 8, 1951, net flow area 1.54 square inches, approved for a maximum set pressure of 125 pounds per square inch; flow rated at 105 percent of the following set pressures (discharge in cubic feet per minute measured at 60° F. and 14.7 pounds per square inch absolute); manufactured by American Car & Foundry Co., 30 Church Street, New York 8, N. Y.:

	Pounds per square inch	
	100	125
Air	2,140	2,650
Liquefied petroleum gas	1,800	2,170
Anhydrous ammonia	2,720	3,410

(Supersedes Approval No. 162.018/28/0 published in the FEDERAL REGISTER Mar. 25, 1950.)

Approval No. 162.018/29/1, Type 1206, pop safety relief valve, 4" screwed inlet, "O" ring synthetic rubber gasket type, for liquefied petroleum gas and anhydrous ammonia service; dwg. No. 31-36666-B, revised January 8, 1951, net flow

area 3.44 square inches, approved for a maximum set pressure of 125 pounds per square inch; flow rated at 105 percent of the following set pressures (discharge in cubic feet per minute measured at 60° F. and 14.7 pounds per square inch absolute); manufactured by American Car & Foundry Co., 30 Church Street, New York 8, N. Y.:

	Pounds per square inch	
	100	125
Air	5,070	7,120
Liquefied petroleum gas	5,050	6,750
Anhydrous ammonia	7,350	8,900

(Supersedes Approval No. 162.018 29 0 published in the FEDERAL REGISTER Mar. 25, 1950.)

Approval No. 162.018 30 1, Type 1207, pop safety relief valve, 3½" screwed inlet, "O" ring synthetic rubber gasket type, for liquefied petroleum gas and anhydrous ammonia service; dwg. No. 31–26566–B, revised January 8, 1951, net flow area 3.44 square inches, approved for a maximum set pressure of 125 pounds per square inch; flow rated at 105 percent of the following set pressures (discharge in cubic feet per minute measured at 60° F. and 14.7 pounds per square inch absolute); manufactured by American Car & Foundry Co., 30 Church Street, New York 8, N. Y.:

	Pounds per square inch	
	100	125
Air	5,070	7,120
Liquefied petroleum gas	5,050	6,750
Anhydrous ammonia	7,350	8,900

(Supersedes Approval No. 162.018 30 0 published in the FEDERAL REGISTER Mar. 25, 1950.)

(R. S. 4405, 4417a, 4491, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 489, 50 U. S. C. 1275, 46 CFR Part 38)

FIRE EXTINGUISHING SYSTEM, FIXED

Fixed mechanical foam bilge fire extinguishing system, National Aer-O-Foam Marine Foam Fire Extinguishing System, arrangements and parts list dwg. No. C–559 dated January 15, 1951, manufactured by National Foam System, Inc., West Chester, Pa.

(R. S. 4405, 4417a, 4426, 4491, 4492, 49 Stat. 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463, 489, 490, 1333, 50 U. S. C. 1275, 46 CFR 34[illegible].2, 61.14, 77.14, 95.14)

CHANGES IN ADDRESSES

The address of Pittsburgh Corning Corp., 632 Duquesne Way, Pittsburgh 22, Pa., has been changed to 307 Fourth Avenue, Pittsburgh 22, Pa., for Approval No. 164.007 25 0 published in the FEDERAL REGISTER of October 29, 1948.

The address of the Lane Lifeboat & Davit Corp., foot of Fortieth Road and Flushing River, Flushing, N. Y., has been changed to 8920 Twenty-sixth Avenue, corner of Cropsey Avenue, Brooklyn 14, N. Y., for all approvals issued to that company under the general headings, "Winches, Lifeboat", "Life Rafts", "Davits, Lifeboat", "Mechanical Disengaging Apparatus, Lifeboats", "Hand-Propelling Gear, Lifeboat", and "Lifeboats".

Dated: March 15, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 51–3540; Filed, Mar. 20, 1951; 9:00 a. m.]

[CGFR 51–13]

TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are terminated because the items of equipment covered are no longer being manufactured:

BOILERS, HEATING

Termination of Approval No. 162.033/32 0, Way-Wolff "Blue Jacket" hot water heating boiler, welded steel plate construction, vertical Scotch type, oil fired; dwg. No. H–107 revised October 24, 1941; approved for sizes 4824, 4830, 7220, and 7236; maximum working pressure 30 pounds per square inch; manufactured by Way-Wolff Associates, 53 Park Place, New York 7, N. Y. (Approved FEDERAL REGISTER July 31, 1947.)

Termination of Approval No. 162.033/74 0, Size 4830–10C Way-Wolff hot water heating boiler, welded steel plate construction, vertical fire tube, oil fired, dwgs. No. H–110–1 and No. H–110–G, Rev. 1, maximum working pressure 30 pounds per square inch, manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 7, N. Y. (Approved FEDERAL REGISTER Oct. 29, 1948.)

Termination of Approval No. 162.003/75 0, Size 4836–10C Way-Wolff hot water heating boiler, welded steel plate construction, vertical fire tube, oil fired, dwgs. No. H–110–1 and No. H–110–G, Rev. 1, maximum working pressure 30 pounds per square inch, manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 7, N. Y. (Approved FEDERAL REGISTER Oct. 29, 1948.)

(R. S. 4405, 4417a, 4418, 4423, 4433, 4434, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. 1275; 46 CFR Part 52)

CONDITIONS OF TERMINATION OF APPROVALS

The termination of approvals of equipment made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval on any item of equipment, such equipment manufactured before the effective date of termination of approval may be used on merchant vessels so long as it is in good and serviceable condition.

Dated: March 15, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 51–3539; Filed, Mar. 20, 1951; 9:00 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[1720623]

UTAH

NOTICE OF FILING OF PLAT OF SURVEY AND DEPENDENT RESURVEY

MARCH 13, 1951.

Notice is given that the plat accepted September 27, 1948, of (1) resurvey comprising sec. 5, delineating a retracement and reestablishment of a portion of the original survey as shown upon the plat approved April 17, 1872, and (2) extension survey of lands hereinafter described will be officially filed in the Land and Survey Office, Salt Lake City, Utah, effective 10:00 a. m. on the 35th day after the date of this notice.

The lands affected by this notice are described as follows:

SALT LAKE MERIDIAN

T. 10 S., R. 8 W.,
Sec. 6, all;
Sec. 7, lots 1 to 6 inclusive, E½SW¼, SE¼;
Sec. 8, lots 1 to 4 inclusive, S½;
All of secs. 17, 18, 19, 20, 29, 30, 31, 32.

The area described aggregates 6,111.64 acres.

Available information indicates that the lands described are rolling foothill and benchland adjacent to a high mountain range.

The S½ sec. 20 and all of sec. 32, was construed to be in Public Water Reserve No. 107, by Interpretation No. 2-2, of March 26, 1934.

According to the field notes and as shown on the plat, there are springs of water in the N½SE¼ and SW¼SE¼ sec. 5, in the unsurveyed SW¼SW¼ sec. 21, and unsurveyed NW¼SW¼, sec. 28.

No application for any of the described lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public land law unless the land has already been classified as valuable or suitable for such application or shall be so classified upon consideration of an application.

The legal subdivision containing springs and the lands within a quarter of a mile of such springs may be affected by the general withdrawal made by Executive Order of April 17, 1926 (43 CFR 292.1), creating Public Water Reserve No. 107, but the question of whether these springs are of such size or value so needed by the public as to bring the lands within the scope of the withdrawal is left for future determination.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows.

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Salt Lake City, Utah.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51–3499; Filed, Mar. 20, 1951; 8:50 a. m.]

[1996959–2046058]

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY

MARCH 13, 1951.

Notice is given that the plat of original survey of the following described lands, accepted July 7, 1948, will be officially filed in the Land Office, Anchorage, Alaska, effective at 10:00 a. m. on the 35th day after the date of this notice:

COPPER RIVER MERIDIAN

T. 60 S., R. 82 E.,
Sec. 23, Lots 4, 5, 6, 7, 8, NW¼NE¼, NW¼, NW¼SW¼.
T. 16 N., R. 2 E.,
Sec. 1, Lots 1, 2, 3;
Sec. 2, Lots 1 to 8, inclusive;
Sec. 3, Lots 1 to 8, inclusive.

The areas described aggregate 910.29 acres.

No applications for the lands described may be allowed under the homestead, desert-land, small tract, or any other non-mineral public land law unless the land has already been classified as valuable or suitable for such application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Anchorage, Alaska.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51–3500; Filed, Mar. 20, 1951; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 3168]

NORTH CAROLINA

LOAN ANNOUNCEMENT

FEBRUARY 26, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the

following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: North Carolina 23AE Caldwell — Amount $885,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3544; Filed, Mar. 20, 1951; 8:45 a. m.]

[Administrative Order 3169]

VIRGINIA

LOAN ANNOUNCEMENT

FEBRUARY 27, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Virginia 38N Madison — Amount $600,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3545; Filed, Mar. 20, 1951; 8:45 a. m.]

[Administrative Order 3170]

NORTH CAROLINA

LOAN ANNOUNCEMENT

FEBRUARY 28, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: North Carolina 21U Sampson — Amount $2,185,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3546; Filed, Mar. 20, 1951; 8:46 a. m.]

[Administrative Order 3171]

MISSOURI

LOAN ANNOUNCEMENT

FEBRUARY 28, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Missouri 58E Ste. Genevieve — Amount $1,360,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3547; Filed, Mar. 20, 1951; 8:46 a. m.]

[Administrative Order 3172]

MICHIGAN

LOAN ANNOUNCEMENT

MARCH 2, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Michigan 43H Chippewa — Amount $300,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3548; Filed, Mar. 20, 1951; 8:46 a. m.]

[Administrative Order 3173]

WISCONSIN

LOAN ANNOUNCEMENT

MARCH 2, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Wisconsin 29P Clark — Amount $203,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3549; Filed, Mar. 20, 1951; 8:46 a. m.]

[Administrative Order 3174]

NEW MEXICO

LOAN ANNOUNCEMENT

MARCH 2, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: New Mexico 17E Sierra — Amount $188,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3550; Filed, Mar. 20, 1951; 8:46 a. m.]

[Administrative Order 3175]

FLORIDA

LOAN ANNOUNCEMENT

MARCH 2, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Florida 24K Monroe — Amount $75,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3551; Filed, Mar. 20, 1951; 8:47 a. m.]

[Administrative Order 3176]

KANSAS

LOAN ANNOUNCEMENT

MARCH 2, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Kansas 13S Brown — Amount $87,000

[SEAL] CLAUDE R. WICKARD *Administrator.*

[F. R. Doc. 51-3552; Filed, Mar. 20, 1951; 8:47 a. m.]

[Administrative Order 3177]

ALLOCATION OF FUNDS FOR LOANS

MARCH 2, 1951.

Inasmuch as Inter-County Rural Electric Cooperative, Inc. and Union Rural Electric Cooperative, Inc. have each transferred certain of their properties and assets to Ohio-Midland Light and Power Company, and Ohio-Midland Light and Power Company has assumed in part the indebtedness to United States of America of Inter-County Rural Electric Cooperative, Inc. and Union Rural Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 570, dated August 18, 1938, by changing the project designation appearing therein as "Ohio R9050B1 Union" in the amount of $61,100 to read "Ohio R9050B1 Union" in the amount of $24,145.73 and "Ohio 95 Franklin (Ohio R9050B1 Union)" in the amount of $36,954.27;

(b) Administrative Order No. 802, dated January 20, 1944, by changing the project designation appearing therein as "Ohio 4050D1 Union" in the amount of $306,000 to read "Ohio 4050D1 Union" in the amount of $137,717.78 and "Ohio 95 Franklin (Ohio 4050D1 Union)" in the amount of $168,282.22; and

(c) Administrative Order No. 802, dated January 20, 1944, by changing the project designation appearing therein as "Ohio 4029F1 Pike" in the amount of $527,000 to read "Ohio 4029F1 Pike" in the amount of $308,312.89 and "Ohio 95 Franklin (Ohio 4029F1 Pike)" in the amount of $218,687.11.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3553; Filed, Mar. 20, 1951; 8:47 a. m.]

[Administrative Order 3178]

ARKANSAS

LOAN ANNOUNCEMENT

MARCH 8, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Arkansas 11M Jackson — Amount $160,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3554; Filed, Mar. 20, 1951; 8:47 a. m.]

[Administrative Order 3179]

TEXAS

LOAN ANNOUNCEMENT

MARCH 8, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Texas 89P Houston — Amount $240,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3555; Filed, Mar. 20, 1951; 8:47 a. m.]

[Administrative Order 3180]

INDIANA

LOAN ANNOUNCEMENT

MARCH 8, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Indiana 14H Shelby — Amount $70,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3556; Filed, Mar. 20, 1951; 8:47 a. m.]

[Administrative Order 3181]

TEXAS

LOAN ANNOUNCEMENT

MARCH 8, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Texas 61P Coleman — Amount $180,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3557; Filed, Mar. 20, 1951; 8:48 a. m.]

[Administrative Order 3182]

KANSAS

LOAN ANNOUNCEMENT

MARCH 9, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Kansas 7U. V Jewell — Amount $60,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3558; Filed, Mar. 20, 1951; 8:48 a. m.]

[Administrative Order 3183]

NEW MEXICO

LOAN ANNOUNCEMENT

MARCH 9, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: New Mexico 9T Curry — Amount $300,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3559; Filed, Mar. 20, 1951; 8:48 a. m.]

[Administrative Order 3184]

MISSOURI

LOAN ANNOUNCEMENT

MARCH 12, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Missouri 37T Bates — Amount $645,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3560; Filed, Mar. 20, 1951; 8:48 a. m.]

[Administrative Order T-21]

LOUISIANA

LOAN ANNOUNCEMENT

MARCH 1, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Ringgold Telephone Co., Inc., Louisiana 502-A — Amount $119,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3561; Filed, Mar. 20, 1951; 8:48 a. m.]

[Administrative Order T-22]

TEXAS

LOAN ANNOUNCEMENT

MARCH 7, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: South Plains Telephone Cooperative, Inc., Texas 517-A — Amount $1,227,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3562; Filed, Mar. 20, 1951; 8:48 a. m.]

[Administrative Order T-23]

UTAH

LOAN ANNOUNCEMENT

MARCH 7, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Emery County Farmers Union Telephone Association, Inc., Utah 501-A — Amount $222,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3563; Filed, Mar. 20, 1951; 8:49 a. m.]

[Administrative Order T-24]

TENNESSEE

LOAN ANNOUNCEMENT

MARCH 7, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Cities Telephone Co., Tennessee 503-A — Amount $209,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3564; Filed, Mar. 20, 1951; 8:49 a. m.]

[Administrative Order T-25]

GEORGIA

LOAN ANNOUNCEMENT

MARCH 9, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wilkes Telephone & Electric Co., Georgia 503-A	$184,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3565; Filed, Mar. 20, 1951; 8:49 a. m.]

[General Memorandum 65]

ALLOCATION OF FUNDS FOR LOANS

MARCH 2, 1951.

The allocation designated as "Ohio 29 Pike" was made to Inter-County Rural Electric Cooperative, Inc. by Executive Order under the Emergency Relief Appropriation Act of 1935. Inasmuch as Ohio-Midland Light and Power Company has assumed in part the indebtedness of this loan it is now desired to change the allocation designation. However, inasmuch as Executive Orders cannot be amended by Administrative Order, such allocation designation should for the purposes of our records only be deemed to be changed as follows:

(a) Executive Order dated December 11, 1936, by changing the allocation designation appearing therein as "Ohio 29 Pike" in the amount of $125,000 to read "Ohio 6029A2 Pike" in the amount of $113,888.24 and "Ohio 95 Franklin (Ohio 29 Pike)" in the amount of $11,111.76.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-3566; Filed, Mar. 20, 1951; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.165, as amended September 25, 1950; 15 F. R. 5701; 6226).

A. J. Manufacturing Co., Coopersburg, Pa., effective 3-5-51 to 3-4-52; five learners normal labor turnover (blouses and dresses).

Alma Garment Co., Alma, Ga., effective 3-5-51 to 9-4-51; 15 additional learners for expansion purposes (ladies' sportswear; boys' pants and jackets).

Apparel, Inc., 421 Eighth Street North, Seattle, Wash., effective 3-5-51 to 3-4-52; 10 learners normal labor turnover (sport jackets).

Barson and Bishop, Franklin Street, Weissport, Pa., and Annex—Railroad Street, Lehighton, Pa., effective 3-5-51 to 3-4-52; 10 percent normal labor turnover (blouses).

Berle Manufacturing Co., Dorchester Road, Charleston, S. C., effective 2-27-51 to 2-26-52; five learners normal labor turnover (men's trousers).

Berne Overall Co., Inc., Berne, Ind., effective 2-27-51 to 2-26-52; five learners normal labor turnover (men's coveralls; men's and boys' dungarees).

Berwick Shirt Co., Tenth and Pine Streets, Berwick, Pa., effective 3-2-51 to 3-1-52; 10 percent normal labor turnover (men's sport shirts).

Blakely Manufacturing Co., 310 South Blakely Street, Dunmore, Pa., effective 3-6-51 to 3-5-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (women's slips).

Bonnie Briar Manufacturing Co., Inc., 396 Academy Street, Archbald, Pa., effective 3-5-51 to 3-4-52; 10 learners normal labor turnover (ladies' slips).

Sidney Brandes Sportswear, 201 Bridge Street, Jessup, Pa., effective 3-5-51 to 3-4-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's and boys' sportswear).

Buff-Made Togs, Inc., 52 Pearl Street, Buffalo, N. Y., effective 3-5-51 to 3-4-52; five learners normal labor turnover (junior boys' longies).

Daint; Made Undergarment Co., Inc., 77 Bedford Street, Boston, Mass., effective 3-7-51 to 3-6-52; three learners normal labor turnover (women's and misses' slips).

Dallmeyers' Sewing Factory, 241 Water Street, Spring Grove, Pa., effective 3-5-51 to 3-4-52; five learners normal labor turnover (children's cotton outerwear).

Dotty Dan, Inc., 217 North College, Lubbock, Tex., effective 3-6-51 to 3-5-52; 10 learners normal labor turnover (small boys' clothing).

Fairchild Manufacturing Co., Inc., 110 North Fifth Street, Minneapolis, Minn., effective 2-28-51 to 2-27-52; five learners normal labor turnover (ladies' dresses).

Gelwal Corp., 7 Canal Street, Middletown, N. Y., effective 2-27-51 to 2-26-52; 10 percent normal labor turnover (ladies' underwear).

Gelwal Corp., 16 Livingston Street, Saugerties, N. Y., effective 2-27-51 to 2-26-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (ladies' underwear).

Gilbert Sportswear, 1346 Centre Avenue, Reading, Pa., effective 3-1-51 to 2-29-52; 10 learners normal labor turnover (dresses) (replacement certificate).

Gilda Blouse Co., Box 546, Pen Argyl, Pa., effective 3-6-51 to 3-5-52; four learners normal labor turnover (blouses).

Glen of Michigan, Inc., 77 Hancock Street, Manistee, Mich., effective 2-28-51 to 2-27-52; 10 learners normal labor turnover (women's apparel; misses' and juniors' dresses and blouses; juniors' and children's sportswear and other odd outerwear).

Glenridge Trouser Corp., Tipton, Mo., effective 3-5-51 to 3-4-52; 10 percent normal labor turnover (men's dress pants).

Granda Sportswear Co., 42 River Street, Carbondale, Pa., effective 3-5-51 to 3-4-52; five learners normal labor turnover (ski pants).

Hanold Outfitting Co., Standish, Maine, effective 2-27-51 to 2-26-52; three learners normal labor turnover (girls' athletic clothing).

Fern Hill Manufacturing Co., Inc., 801 East Scott Street, Olyphant, Pa., effective 3-6-51 to 3-5-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (dresses).

Hurlock Garment Co., Inc., Hurlock, Md., effective 3-5-51 to 3-4-52; 10 learners normal labor turnover (ladies' dresses).

Hyde Park Frocks, 1002 Hampton Street, Scranton, Pa., effective 3-8-51 to 3-7-52; five learners normal labor turnover (women's dresses and blouses).

Isaacson-Carrico Manufacturing Co., 210 East 1st, El Campo, Tex., effective 3-1-51 to 2-29-52; five learners normal labor turnover (girls' cotton slips and panties).

M. Janowitch and Sons, Mahanoy City, Pa., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (dresses and blouses).

Charles Kaufman Co., 320 Convent Street, Laredo, Tex., effective 3-6-51 to 3-5-52; five learners normal labor turnover (children's dresses).

Kehr-Edelman Co., 5811 Park Avenue West New York, N. Y., effective 3-1-51 to 2-29-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (brassieres and girdles).

L. J. Kral Manufacturing Co., Seventh and Stevenson Boulevard, New Kensington, Pa., effective 3-8-51 to 9-7-51; 14 learners for expansion purposes (women's cotton and rayon blouses).

Lackawanna Pants Manufacturing Co., Brook and Cedar Streets, Scranton, Pa., effective 3-8-51 to 9-7-51; 120 learners for expansion purposes (work pants).

Lansford Manufacturing Co., 343 West Patterson Street, Lansford, Pa., effective 2-27-51 to 2-26-52; five learners normal labor turnover (ladies' blouses).

La Resista Corset Co., 101 Western Avenue, Fond du Lac, Wis., effective 3-1-51 to 2-29-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (foundation garments).

Lillie Mae Dress Co., 1304 Arch Street, Philadelphia, Pa., effective 3-6-51 to 3-5-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (dresses).

Main Dress Co., 348 Main Street, Luzerne, Pa., effective 2-28-51 to 2-27-52; five learners normal labor turnover (ladies' dresses).

Mary Lou Frocks, 415 Lackawanna Avenue, Olyphant, Pa., effective 3-2-51 to 3-1-52; 10 learners normal labor turnover (ladies' and misses' dresses).

Maidrite Manufacturing Co., 147-149 Chestnut Street, Dunmore, Pa., effective 2-27-51 to 2-26-52; 10 learners normal labor turnover (women's dresses and blouses).

Newport Manufacturing Co., Inc., Newport, Vt., effective 3-5-51 to 3-4-52; four learners normal labor turnover (dresses).

Oberman & Co., Jefferson City, Mo., effective 3-1-51 to 8-31-51; 44 additional learners for expansion purposes (men's and boys' single pants).

Opotowsky Bros., 512 Canal Street, New Orleans, La., effective 3-1-51 to 2-29-52; five learners normal labor turnover (ladies' undies and foundation garments).

Par Manufacturing Corp., 216 Front Street, Catasauqua, Pa., effective 3-2-51 to 3-1-52; 10 learners normal labor turnover (women's and misses' dresses and blouses).

Planet Shirt Manufacturing Co., Inc., 449 Chapel Street, New Haven, Conn., effective 2-26-51 to 2-27-52; 10 percent normal labor turnover (men's shirts).

The George W. Prior Co., 1735 Lawrence Street, Denver, Colo., effective 3-5-51 to 3-4-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (western sport shirts; western and frontier jeans).

The Puritan Knitting Mills, Inc., Army Jacket Plant, 813 Twenty-fifth Street, Altoona, Pa., effective 3-5-51 to 8-4-51; 26 learners for expansion purposes (field jackets).

Ravena Lingerie, Inc., Ravena, N. Y., effective 3-1-51 to 2-29-52; 10 learners normal labor turnover (ladies' rayon woven slips).

Rough Rider, Inc., Napa, Calif., effective 2-27-51 to 2-26-52; 10 percent normal labor turnover (men's and boys' trousers).

Seamore Manufacturing Co., Shirt Division, Weaver Street, Fall River, Mass., effective 3-1-51 to 2-29-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's dress and sport shirts).

Seamore Manufacturing Co., Shirt Division, Weaver Street, Fall River, Mass., effective 3-1-51 to 8-31-51; 10 learners for expansion purposes (men's dress and sport shirts).

The Salley Manufacturing Co., Salley (Aiken County), S. C., effective 3-1-51 to 2-29-52; five learners for normal labor turnover (women's and girls' sportswear, blue jeans and dungarees; boys' dungarees).

Selinsgrove Manufacturing Co., Inc., 103 South High School, Selinsgrove, Pa., effective 3-5-51 to 3-4-52; 10 learners normal labor turnover (ladies' pajamas).

Shari Manufacturing Co., 19 New Bennett Street, Wilkes-Barre, Pa., effective 3-1-51 to 2-29-52; 10 learners for normal labor turnover (ladies' dresses) (replacement certificate).

Souderton Manufacturing Co., Front Street, Souderton, Pa., effective 3-2-51 to 3-1-52; 15 learners normal labor turnover (boys' shirts).

H. B. Spocar Co., 12-18 East Coal Street, Shenandoah, Pa., effective 3-1-51 to 2-29-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (shirts and blouses).

Tex-Son, Inc., 419 South St. Mary's Street, San Antonio, Tex., effective 2-27-51 to 2-26-52; 10 percent normal labor turnover (boys' outer garments).

Tipkis Bros. Co., Corbin, Ky., effective 3-5-51 to 9-4-51; 20 learners for expansion purposes (sport jackets, shirts, etc.).

Tru-Fit Trousers, Woodmere Avenue, Traverse City, Mich., effective 3-1-51 to 2-29-52; five learners normal labor turnover (single pants).

Tru-Fit Trousers Woodmere Avenue, Traverse City, Mich., effective 3-1-51 to 8-31-52; 15 learners for expansion purposes only (single pants).

Wagener Manufacturing Co., Inc., Wagener, S. C., effective 2-28-51 to 8-27-51; 50 additional learners for expansion purposes (sport shirts).

Weldon Manufacturing Co., Dushore, Pa., effective 3-7-51 to 3-6-52; 10 learners normal labor turnover (men's cotton pajamas).

Weldon Manufacturing Co., Dushore, Pa., effective 3-7-51 to 9-6-51; 15 additional learners for expansion purposes only (men's cotton pajamas).

Wellington Manufacturing Co., Okolona, Miss., effective 3-5-51 to 3-4-52; 10 percent normal labor turnover (single pants).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1951; 15 F. R. 6888).

Lambert Manufacturing Co., 1123 North Osteopathy Street, Kirksville, Mo., effective 3-7-51 to 3-6-52; 10 learners normal labor turnover.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Clementon Hosiery Mill, 152 Ohio Avenue, Clementon, N. J., effective 3-27-51 to 3-26-52; two learners normal labor turnover.

Crescent Hosiery Mills, Niota, Tenn., effective 3-5-51 to 3-4-52; 5 percent normal labor turnover.

Diamond Full Fashioned Hosiery Co., Inc., High Point, N. C., effective 3-21-51 to 3-20-52; 5 percent normal labor turnover.

Industrial Hosiery Mills, Inc., Mohnton, Pa., effective 3-2-51 to 3-1-52; five learners normal labor turnover.

Rabbit Hollow Knitting Co., Northfield, Vt., effective 3-2-51 to 3-1-52; four learners normal labor turnover.

Whisenant Hosiery Mills, Inc., Fourth St., Hickory, N. C., effective 3-2-51 to 3-1-52; five percent normal labor turnover.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

The Cass County Telephone Co., Pleasant Hill, Mo., effective 3-2-51 to 3-1-52.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79; as amended January 25, 1950; 15 F. R. 398).

Saluda Shirt Co., Inc., Saluda, N. C., effective 3-2-51 to 3-1-52; five percent normal labor turnover (men's and boys' shorts).

Strutwear, Inc., Glencoe, Minn., effective 3-2-51 to 3-1-52; for normal labor turnover, five learners to be employed on women's underwear and nightwear from knitted purchased fabric only (ladies' woven underwear and nightwear).

School-operated Industries. The following special learner certificates were issued to the school-operated industries listed below;

Madison College (Rural Educational Association), Madison College, Tenn., effective 2-1-51 to 9-15-51. Industry, manufacturing of food; occupations, fireman and repairman; five learners; 100 hours @ 50 cents, 100 hours @ 55 cents, and 100 hours @ 65 cents per hour. Industry, printing; occupations, skilled and semiskilled operations only; four learners; 360 hours @ 50 cents, 325 hours @ 55 cents, and 325 hours @ 65 cents per hour.

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260; 15 F. R. 6546).

Welco Shoe Corp., Georgia Avenue and U. S. Highway 19-23, Hazelwood, N. C., effective 3-5-51 to 9-5-51; 60 learners for expansion purposes (expansion certificate for the California Process Department).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Wm. E. Asplin Basket Co., Hartsville, Ohio, effective 3-8-51 to 9-7-51; 10 learners normal labor turnover. Braiders, banders, basket making and handle making, each 160 hours; 60 cents per hour (fruit and vegetable baskets).

Backall Bros., Philadelphia, Pa., effective 2-28-51 to 2-27-52; three learners normal labor turnover. Machine operators (except cutting), handsewers and pressers, each 480 hours; at least 60 cents per hour for first 240 hours and not less than 65 cents per hour for remaining 240 hours (boys' coats, legging sets, etc).

Beau Brummel Ties, Inc., Cincinnati, Ohio, effective 3-2-51 to 3-1-52; 5 percent normal labor turnover. Machine operating (except cutting), pressers and handsewers, each 320 hours; 60 cents per hour (men's neckties).

California Artificial Flower Co., Providence, R. I., effective 3-2-51 to 9-1-51; 10 percent normal labor turnover. Flower maker including only the operations of slipping-up, heading, tying, pasting, rosemaking, branch making and stemming; 160 hours; 60 cents per hour (artificial flowers).

Colonial Products Co., Inc., Geneva, Ala., effective 3-2-51 to 9-1-51; 10 percent normal labor turnover. Machine operators (except cutting), 320 hours; 55 cents per hour for first 160 hours and 65 cents per hour for remaining 160 hours. Punchwork operators 640 hours; 55 cents per hour for first 320 hours and 65 cents per hour for remaining 320 hours (bedspreads, rugs, etc).

Decorah Journal, Decorah, Iowa, effective 3-1-51 to 9-1-51; one learner normal labor turnover, printer and engraver helper; 480 hours, 320 hours at 60 cents per hour and 160 hours at 65 cents per hour (printing and publishing).

Fine Pants Co., Philadelphia, Pa., effective 2-28-51 to 2-27-52; five learners normal labor turnover. Machine operating (except cutting), 480 hours; at least 60 cents per hour for first 240 hours and not less than 65 cents per hour for remaining 240 hours (boys' clothing).

The Glove Slide & Film Co., Albion, Mich., effective 3-5-51 to 9-4-51; one learner normal labor turnover. Developer, printer, enlarger and cutter; 320 hours; 60 cents per hour (stereopticon slides and commercial photo finishing).

International Hat Co., Oran, Mo., effective 2-28-51 to 2-27-52; five learners normal labor turnover; machine operators and trimmers; 240 hours; 65 cents per hour (cloth sport hats, sewed straw hats).

SC and WC Manufacturing Co., Victory Insignia, Union City, N. J., effective 2-28-51 to 2-27-52; four learners normal labor turnover; sewing machine operators; 320 hours; 60 cents per hour (embroidery finishing military insignia).

The H. A. Seinsheimer Co., New Albany, Ind., effective 3-6-51 to 3-5-52; 7 percent normal labor turnover; machine operating (except cutting), pressers and handsewers, each 480 hours; not less than 60 cents per hour for first 240 hours and at least 65 cents per hour for remaining 240 hours (men's suits and overcoats).

Wilkes-Barre Can Manufacturing Co., Wilkes-Barre, Pa., effective 3-2-51 to 3-1-52, two learners normal labor turnover; sewing machine operators, 240 hours; 65 cents per hour (miners' caps).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 7th day of March 1951.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 51-3586; Filed, Mar. 20, 1951; 8:46 a. m.]

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended 63 Stat. 910) and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Pennsylvania Branch, Shut in Society, 511 North Broad Street, Philadelphia, Pa.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher, and a rate of not less than 5 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective March 1, 1951 and expires February 29, 1952.

Pittsburgh Branch Pennsylvania Association for the Blind, 308 South Craig Street, Pittsburgh, Pa.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 30 cents per hour, whichever is higher, and a rate of not less than 15 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 19, 1951 and expires January 31, 1952.

United Vocational & Employment Service, 931 Penn Avenue, Pittsburgh, Pa.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 25 cents per hour, whichever is higher, and a rate of not less than 15 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective March 1, 1951 and expires February 29, 1952.

The Lott Day School, Inc., 255 Heffner at Kelsey, Toledo 5, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 5 cents per hour, whichever is higher, and a rate of not less than 2 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective March 7, 1951, and expires June 30, 1951.

The Volunteers of America, 1915 East Fiftieth Street, Cleveland 3, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 25 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective March 9, 1951, and expires June 30, 1951.

Toledo Society for the Blind, 718 Michigan Street, Toledo, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective March 7, 1951, and expires February 29, 1952.

Milwaukee Goodwill Industries, 2102 West Pierce Street, Milwaukee, Wis.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 45 cents per hour, whichever is higher; certificate is effective March 1, 1951, and expires February 29, 1952.

Wabash Valley Goodwill Industries, Inc., 122 North Fifth Street, Terre Haute, Ind.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 60 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective March 1, 1951, and expires February 29, 1952.

The Rehabilitation Institute, 3101 Gillham Plaza, Kansas City, Mo.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher, and a rate of not less than .05 for each new client during his initial 4-week evaluation period in the workshop; certificate is effective March 1, 1951, and expires February 29, 1952.

Inland Empire Goodwill Industries, 130 East Third, Spokane, Wash.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 62½ cents an hour, whichever is higher, and a rate of not less than 43 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 12, 1951, and expires February 11, 1952.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 8th day of March 1951.

JACOB I. BELLOW
Assistant Chief of Field Operations.

[F. R. Doc. 51-3487; Filed, Mar. 20 1951; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1448]

SHENANDOAH GAS CO.

ORDER FIXING DATE OF HEARING

MARCH 15, 1951

On July 26, 1950, Shenandoah Gas Company (Applicant), a Virginia corporation having its principal place of business at Lynchburg, Virginia, filed an application pursuant to section 7 of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural-gas transmission pipeline facilities and for an order pursuant to section 7 (a) of the Natural Gas Act directing Virginia Gas Transmission Corporation to establish physical connection of its transportation facilities with the proposed facilities of Applicant and to supply natural gas for ultimate distribution in certain Virginia communities, including Front Royal and Winchester, Virginia, and in Martinsburg, West Virginia.

Due notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on August 9, 1950 (15 F. R. 5145).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held commencing on April 16, 1951, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3501; Filed, Mar. 20, 1951; 8:50 a. m.]

[Docket Nos. G-1476, G-1479, G-1480, G-1481, G-1501, G-1514]

WARWICK GAS CORP. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

MARCH 15, 1951.

In the matters of Warwick Gas Corporation, Docket No. G-1476, Bangor Gas Company, Docket No. G-1479, Citizens Gas Company, Docket No. G-1480, Pen Argyl Gas Company, Docket No. G-1481, Crystal City Gas Company, Docket No. G-1501, New River Gas Company, Docket No. G-1514.

On October 18, 1950, New River Gas Company (New River), a Virginia corporation having its principal place of business at Radford, Virginia, filed in Docket No. G-1514 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing construction and operation of certain natural gas facilities, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection. Due notice of the filing of such application has been given, including publication in the FEDERAL REGISTER on October 31, 1950 (15 F. R. 7304).

On December 20, 1950, the applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act of Warwick Gas Corporation, Bangor Gas Corporation, Citizens Gas Company, Pen Argyl Gas Company and Crystal City Gas Company in Docket Nos. G-1476, G-1479, G-1480, G-1481 and G-1501, respectively, were consolidated for hearing and on January 19, 1951, such hearing was set to commence on April 2, 1951. These applicants and New River propose to obtain their gas supply from subsidiary companies of the Columbia Gas System, Inc.

The Commission finds: The application in Docket No. G-1514 should be consolidated for hearing with the applications now set for hearing in Docket Nos. G-1476, G-1479, G-1480, G-1481 and G-1501.

The Commission orders:

(A) The proceedings in Docket Nos. G-1476, G-1479, G-1480, G-1481, G-1501 and Docket No. G-1514 be and the same hereby are consolidated for purposes of hearing.

(B) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing be held in the consolidated proceedings, commencing on April 2, 1951, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and issues presented by the applications referred to in paragraph (A) hereof.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3502; Filed, Mar. 20, 1951; 8:51 a. m.]

[Docket Nos. G-1549, G-1550, G-1562]

ARKANSAS LOUISIANA GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

MARCH 16, 1951.

In the matters of Arkansas Louisiana Gas Company, Docket No. G-1549, Texas Eastern Transmission Corporation, Docket No. G-1550, Arkansas Louisiana Gas Company, Docket No. G-1562.

Notice is hereby given that, on March 15, 1951, the Federal Power Commission issued its findings and orders entered March 15, 1951, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3524; Filed, Mar. 20, 1951; 8:55 a. m.]

[Docket No. G-1628]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

MARCH 15, 1951.

Take notice that United Gas Pipe Line Company (Applicant), a Delaware corporation with its principal office at 1525 Fairfield Avenue, Shreveport, Louisiana, filed on March 6, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas pipeline facilities as hereinafter described and as more fully described in the application.

Applicant proposes to:

(1) Construct 39.4 miles of 16-inch loop line beginning at the 14-inch to 12-inch pipe change near M. P. No. 17 on the Pensacola Lateral in Baldwin County, Alabama, and extending in a South-easterly direction along or parallel to the present 12-inch Pensacola Line to end at the 8-inch tap line serving the St. Regis Paper Company near M. P. No. 56 in Escambia County, Florida.

(2) Construct 5.8 miles of 8-inch loop line beginning on the 12-inch Pensacola Lateral near M. P. No. 59 in Escambia County, Florida, and extending in an Easterly direction along or parallel to the present 8-inch Gulf Power Company Lateral to end at the existing 8-inch by 10-inch swage in Escambia County, Florida.

(3) Construct approximately 5.0 miles of 4-inch pipeline beginning at Applicant's 12-inch Pensacola Line near M. P. No. 66, and extending in a Westerly direction to the U. S. Naval Air Station, Saufley Field, all near Pensacola in Escambia County, Florida.

(4) Install tap and sales meter station to serve the Florida Towns of Fort Walton, Niceville, Valparaiso, Crestview and De Funiak Springs, and U. S. A. Eglin Air Force Base. The location of this tap will be near M. P. No. 56 in Escambia County, Florida.

The estimated over-all capital cost of the proposed facilities is approximately $1,945,000.

Protests or petitions to intervene should be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 4th day of April, 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3523; Filed, Mar. 20, 1951; 8:54 a. m.]

[Docket Nos. G-1543, G-1545, G-1596, G-1597]

LYNCHBURG GAS CO. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

MARCH 14, 1951.

In the matters of Lynchburg Gas Company, Docket No. G-1543; Lynchburg Pipe Line Company, Docket No. G-1545; Philadelphia Electric Company, Docket No. G-1596; Transcontinental Gas Pipe Line Corporation, Docket No. G-1597.

On December 4, 1950, Lynchburg Gas Company (Lynchburg Gas), a Virginia corporation having its principal place of business at Lynchburg, Virginia, filed an application in Docket No. G-1543 for an order pursuant to section 7 (a) of the Natural Gas Act, as amended, directing Transcontinental Gas Pipe Line Corporation (Transcontinental), a Delaware corporation having its principal place of business at Houston, Texas, to establish physical connection of its transportation facilities with the proposed facilities of Lynchburg Pipe Line Company (Lynchburg Pipe), a subsidiary of Lynchburg Gas, and to sell and deliver natural gas to Lynchburg Gas for local distribution, as fully described in the application on file with the Commission and open to public inspection.

On December 4, 1950, Lynchburg Pipe, a Virginia corporation having its principal place of business at Lynchburg,

Virginia, filed an application in Docket No. G–1545 for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission pipe line facilities, subject to the jurisdiction of the Commission, as fully described in the application on file with the Commission and open to public inspection.

On January 24, 1951, Philadelphia Electric filed an application in Docket No. G–1596 for an order pursuant to section 7 (b) of the Natural Gas Act, as amended, authorizing and approving the abandonment of certain natural-gas transmission pipeline facilities, subject to the jurisdiction of the Commission, to the extent that such facilities are devoted and operated for the transportation and sale of natural gas to Delaware Power & Light Company, as fully described in the application on file with the Commission and open to public inspection.

On January 24, 1951, Transcontinental filed an application in Docket No. G–1597 for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission pipeline facilities, subject to the jurisdiction of the Commission, as fully described in the application on file with the Commission and open to public inspection.

The authorizations sought in all of the above-named proceedings involve matters with respect to the facilities of Transcontinental and the capacities thereof, and the public interest would be served by the consolidation of the above dockets for purpose of hearing because of the common issues involved.

Lynchburg Gas and Lynchburg Pipe, in their applications, allege that a critical need for additional gas supplies exists in the system of Lynchburg Gas, resulting in serious impairment of service to its firm customers. Lynchburg Gas further alleges that its present supplies are inadequate to meet the public demand for gas service; and unless it can secure a supplemental supply of gas, it will be required to limit service to certain customers engaged in the defense program during the next 12 months.

The Commission finds:

(1) Orderly procedure requires that the proceedings in Docket Nos. G–1543, G–1545, G–1596, and G–1597 be consolidated for purpose of hearing and disposition, as hereinafter ordered.

(2) It is reasonable and in the public interest and good cause exists for fixing the date of hearing in the consolidated proceedings less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) The proceedings in Docket Nos. G–1543, G–1545, G–1596, and G–1597 be and the same hereby are consolidated for purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing be held in the consolidated proceedings, commencing 10:00 a. m., on March 26, 1951, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the applications referred to in paragraph (A) hereof.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of said rules of practice and procedure.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–3488; Filed, Mar. 20, 1951; 8:46 a. m.]

[Project No. 2017]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF ORDER AMENDING LICENSE (MAJOR)

MARCH 16, 1951.

Notice is hereby given that, on January 11, 1951, the Federal Power Commission issued its order entered January 9, 1951, amending license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–3526; Filed, Mar. 20, 1951; 8:55 a. m.]

[Project No. 2055]

IDAHO POWER CO.

NOTICE OF ORDER DISMISSING APPLICATION FOR PRELIMINARY PERMIT, AND ISSUING LICENSE (MAJOR)

MARCH 16, 1951.

Notice is hereby given that, on February 7, 1951, the Federal Power Commission issued its order entered February 6, 1951, dismissing application for preliminary permit and issuing license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–3525; Filed, Mar. 20, 1951; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4855]

"AREA" AEROVIAS ECUATORIANAS, C. A. SERVICE TO MIAMI

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of "Area" Aerovias Ecuatorianas, C. A., for a foreign air carrier permit authorizing the transportation of persons, property, and mail between the terminal point Quito or Guayaquil, Ecuador, the intermediate point Panama (Tocumen) and the terminal point Miami, Florida.

Notice is hereby given that hearing in the above-entitled proceeding now assigned for March 27, 1951, is postponed to April 30, 1951, at 10:00 a. m., e. s. t., in Room 5040, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., March 15, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51–3530; Filed, Mar. 20, 1951; 8:57 a. m.]

[Docket No. SA–228]

ACCIDENT AT TULSA, OKLA.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N–90664, which occurred at Tulsa, Oklahoma, on February 27, 1951.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, March 22, 1951, at 9:00 a. m. (local time) in the Tulsa Hotel, Tulsa, Oklahoma.

Dated at Washington, D. C., March 15, 1951.

[SEAL] FRANCIS H. MCADAMS, *Presiding Officer.*

[F. R. Doc. 51–3538; Filed, Mar. 20, 1951; 9:00 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25914]

CLASS RATES IN CALIFORNIA

APPLICATION FOR RELIEF

MARCH 16, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. P. Haynes, Agent, for carriers parties to his tariff I. C. C. No. 1513.

Commodities involved: Class and commodity rates.

Between: Points in California.

Grounds for relief: To meet intrastate rates.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–3510; Filed, Mar. 20, 1951; 8:52 a. m.]

[4th Sec. Application 25915]

PIG IRON FROM TEXAS TO POINTS IN ILLINOIS AND INDIANA

APPLICATION FOR RELIEF

MARCH 16, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3599.

Commodities involved: Pig iron, carloads.

From: Daingerfield, Lone Star and McCrossin, Tex.

To: Points in Illinois and Indiana taking Chicago, Ill., rates.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3599, Supp. 75.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–3511; Filed, Mar. 20, 1951; 8:52 a. m.]

[4th Sec. Application 25916]

PETROLEUM PRODUCTS FROM STANOCOLA, ARK., TO STATIONS IN ARKANSAS ON THE ARKANSAS AND OZARKS RAILWAY

APPLICATION FOR RELIEF

MARCH 16, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent for the Missouri Pacific Railroad Company, St. Louis-San Francisco Railway Company and Arkansas & Ozarks Railway Corporation.

Commodities involved: Petroleum products, carloads.

From: Stanocola, Ark.

To: Stations in Arkansas on the Arkansas & Ozarks Railway.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3793, Supp. 40.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–3512; Filed, Mar. 20, 1951; 8:52 a. m.]

[4th Sec. Application 25917]

WATER-RAIL RATES ON ALCOHOLIC LIQUORS BETWEEN BALTIMORE AND BORDER TERRITORY

APPLICATION FOR RELIEF

MARCH 16, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spanninger's tariff I. C. C. No. 668.

Commodities involved: Alcoholic liquors, including wine, carloads.

Between: Baltimore, Md., and points in North Carolina, southern Virginia, Kentucky and northeastern Tennessee, over water-rail or rail-water routes.

Grounds for relief: Competition with rail carriers and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 668, Supp. 188.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–3513; Filed, Mar. 20, 1951; 8:52 a. m.]

[4th Sec. Application 25918]

PULPBOARD FROM GEORGETOWN, S. C., AND PANAMA CITY, FLA., TO LOWELL, MASS.

APPLICATION FOR RELIEF

MARCH 16, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1201.

Commodities involved: Pulpboard or fibreboard, carloads.

From: Georgetown, S. C., and Panama City, Fla.

To: Lowell, Mass.

Grounds for relief: Competition with motor-water carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1201, Supp. 25.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–3514; Filed, Mar. 20, 1951; 8:52 a. m.]

[4th Sec. Application 25919]

BLACKSTRAP MOLASSES FROM CERTAIN STATES TO CHICAGO, ILL.

APPLICATION FOR RELIEF

MARCH 16, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 395.

Commodities involved: Blackstrap molasses and distillery molasses residuum, carloads.

From: New Orleans, La., Mobile, Ala., Gulfport, Miss., and certain points in Louisiana.

To: Chicago, Ill.

Grounds for relief: Competition with water carriers, market competition, and to maintain port relations.

Schedules filed containing proposed rates: W. P. Emerson, Jr.'s tariff I. C. C. No. 395, Supp. 34.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3515; Filed, Mar. 20, 1951; 8:53 a. m.]

[4th Sec. Application 25920]

PULPBOARD, FIBREBOARD AND PAPER BOXES FROM POINTS IN SOUTHERN TERRITORY TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

MARCH 16, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for the Gulf, Mobile and Ohio Railroad Company and St. Louis-San Francisco Railway Company, pursuant to fourth-section order No. 16101.

Commodities involved: Boxes, fibreboard, pulpboard or strawboard, also pulpboard or fibreboard, carloads.

From: Points in southern territory.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Circuitous routes and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3516; Filed, Mar. 20, 1951; 8:53 a. m.]

[4th Sec. Application 25921]

GLYCERINE FROM KANSAS CITY TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MARCH 16, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3589, pursuant to fourth-section order No. 9800.

Commodities involved: Glycerine, other than crude, carloads.

From: Kansas City, Mo.-Kans.

To: Specified points in southern territory.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3517; Filed, Mar. 20, 1951; 8:53 a. m.]

[4th Sec. Application 25922]

SAND AND GRAVEL FROM LA GRANGE, MO., TO MACOMB, ILL.

APPLICATION FOR RELIEF

MARCH 16, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for the Chicago, Burlington & Quincy Railroad Company.

Commodities involved: Sand and gravel, carloads.

From: La Grange, Mo.

To: Macomb, Ill.

Grounds for relief: Competition with motor carriers and wayside pit competition.

Schedules filed containing proposed rates: CB&Q RR. tariff I. C. C. No. 20095, 33d revised page 32.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3518; Filed, Mar. 20, 1951; 8:54 a. m.]

[4th Sec. Application 25923]

LIME AND CEMENT FROM DES MOINES, IOWA TO POINTS IN NORTH DAKOTA AND SOUTH DAKOTA

APPLICATION FOR RELIEF

MARCH 16, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariffs I. C. C. Nos. A-3815 and A-3850.

Commodities involved: Lime, mortar mix, plaster, and stucco in mixed carloads with cement.

From: Des Moines, Iowa.

To: Points in North Dakota and South Dakota.

Grounds for relief: Circuitous routes, to maintain grouping and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3850, Supp. 8. L. E. Kipp's tariff I. C. C. No. A-3315, Supp. 13.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3519; Filed, Mar. 20, 1951; 8:54 a. m.]

[Order 30772]

NEW YORK CENTRAL RAILROAD CO.

CHICAGO PASSENGER FARES; HEARING

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 15th day of March A. D. 1951.

Upon consideration of a petition filed March 12, 1951, by The New York Central Railroad Company for authority to increase present commutation and multiple-ride rates, fares, and charges applicable to the intrastate transportation of passengers within the Chicago suburban area, and for modification of outstanding orders of the Commission to the extent necessary to permit such increase:

It is ordered, That the petition be, and it is hereby, assigned for hearing on April 10, 1951, at 10:00 o'clock a. m., U. S. standard time, at the office of the Illinois Commerce Commission, Chicago, Ill., before Examiner Burton Fuller;

It is further ordered, That a copy of this order be served upon the appropriate authorities of the State of Illinois, also upon petitioner; and that notice hereof be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3520; Filed, Mar. 20, 1951; 8:54 a. m.]

[S. O. 874, Gen. Per. 4]

REQUIREMENTS FOR LOADING OF GRAIN, GRAIN PRODUCTS AND BY-PRODUCTS

WHEAT GERM

MARCH 15, 1951.

Pursuant to the authority vested in me in paragraph (d) of Service Order No. 874 (16 F. R. 2040), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act, to disregard the provisions of Service Order No. 874 insofar as it applies to any car loaded with wheat germ because of the nature of the commodity.

The waybills shall show reference to this General Permit and the Consignor shall furnish the Permit Agent dates forwarded, the car numbers, initials, and destination of the cars shipped under this Permit.

This General Permit shall become effective at 12:01 a. m., March 16, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this General Permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this Permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of March 1951.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 51-3521; Filed, Mar. 20, 1951; 8:54 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 41, Amdt. 3]

CERTAIN RAILROADS IN UNITED STATES

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of King's I. C. C. Order No. 41 and good cause appearing therefor: It is ordered, That:

King's I. C. C. Order No. 41 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., April 15, 1951, unless otherwise modified, changed, suspended or annulled.

It is further ordered, that this amendment shall become effective at 11:59 p. m., March 15, 1951, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., March 15, 1951.

INTERSTATE COMMERCE COMMISSION, HOMER C. KING, *Agent.*

[F. R. Doc. 51-3522; Filed, Mar. 20, 1951; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-720]

GRAHAM-PAIGE CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of March A. D. 1951.

Notice is hereby given that Graham-Paige Corporation (G-P) a registered, management investment company under the Investment Company Act of 1940, has filed an application pursuant to section 18 (i) of the act for an order by the Commission permitting the applicant to issue a maximum of 477,567 shares of common stock, in accordance with the terms of an exchange offer to be made to all holders of 5 Percent Cumulative Preferred Stock A, and 5 Percent Convertible Preferred Stock, Cumulative. The following equity securities of the issuer are presently outstanding:

1,007 shares of Preferred Stock A, par value $50 a share, redemption premium $2.50 a share, 50 votes a share, accrued dividends $11,458 a share to February 1, 1951; 51,049 shares of Convertible Preferred, par value $25 a share, redemption premium $2.50 a share, one vote a share, accrued dividends $5.625 a share to February 1, 1951; and 5,302,786 shares of Common Stock, without par value, one vote a share.

It is proposed to invite tenders or a series of tenders for the exchange of from 10 to 18 shares of additional common stock (the number of common shares depending upon the closing market price for the common stock on the New York Stock Exchange on the day prior to the initial offering date) in exchange for each share of Preferred Stock A, and from 5 to 9 shares of additional common stock (determined as aforesaid) in exchange for each share of Convertible preferred, without adjustment in either case for accrued dividends. No commission or other remuneration will be paid or given, directly or indirectly, to any person soliciting the exchange. Each such invitation for tenders will be open from three to four weeks and no offer under this application will commence after April 1, 1952.

The common stock is listed on the New York Stock Exchange and the Convertible Preferred Stock is listed on the New York Curb Exchange; no market quotations are available for the Preferred Stock A. At December 31, 1950, the Common Stock had a book value of $0.47 a share, computing the preferred stocks at liquidating values plus accrued dividends.

Section 18 (i), as it relates to this application, requires that stock issued after the effective date of the act by a registered management investment company be a voting stock having equal voting rights with every other outstanding voting stock, provided that this provision shall not apply to shares issued in accordance with any orders which the Commission may make permitting such

issue. The common stock proposed to be issued, which has one vote a share, will not have equal voting rights with unexchanged Preferred Stock A which has 50 votes a share.

All interested persons are referred to said application which is on file at the Washington, D. C., offices of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application in whole or in part and upon such conditions as the Commission may see fit to impose may be issued by the Commission at any time after March 30, 1951, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than March 28, 1951, at 5:30 p. m., e. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3406; Filed, Mar. 20, 1951; 8:49 a. m.]

[File No. 70-2580, 70-2581]

UNITED GAS IMPROVEMENT CO. ET AL.

ORDER PERMITTING JOINT DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of March A. D. 1951.

In the matter of the United Gas Improvement Company and Lancaster Gas Company; File No. 70-2580.

In the matter of the United Gas Improvement Company, Consumers Gas Company; File No. 70-2581.

The United Gas Improvement Company ("UGI"), a registered holding company, and two of its public utility subsidiaries, Lancaster Gas Company ("Lancaster") and Consumers Gas Company ("Consumers"), have filed joint declarations pursuant to section 12 of the Public Utility Holding Company Act of 1935 with respect to the following:

UGI proposes to advance to Lancaster and to Consumers, on open book account from time to time on or before December 31, 1951, as Lancaster and Consumers may need funds, amounts not exceeding $250,000 and $900,000 respectively, bearing interest at the rate of 3¼ percent per annum.

The funds advanced to Lancaster will be used in part to finance its 1951 construction budget, to repay a $100,000 bank loan at maturity, and to repay an emergency loan owed to UGI in the amount of $50,000.

The funds advanced to Consumers will be used to meet a portion of the cost of its 1949-1950-1951 construction program, and to finance the cost of the conversion of customers' appliances to utilize a higher BTU gas.

Declarants state that a program for the permanent financing of both companies is being delayed until they can establish a satisfactory period of earnings under operations utilizing natural gas, in order to complete the successful marketing of securities at a more favorable cost.

Said joint declarations having been filed on February 27, 1951, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for hearing with respect to said joint declarations within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint declarations that the requirements of the applicable provision of the act and the rules and regulations promulgated thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint declarations be permitted to become effective forthwith;

It is ordered, pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935, that said joint declarations be, and the same hereby are, permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3498; Filed, Mar. 20, 1951; 8:50 a. m.]

[File 70-2582]

MONTAUP ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of March A. D. 1951.

Notice is hereby given that Montaup Electric Company ("Montaup"), an indirect public-utility subsidiary company of Eastern Utilities Associates ("EUA"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935. Montaup has designated section 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than March 26, 1951, request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration, as filed or as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 26, 1951, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

Montaup proposes to issue, from time to time but not later than December 31, 1951, unsecured promissory notes in the aggregate amount not in excess of $12,000,000. The notes, bearing an interest rate of 2½ percent per annum and maturing not later than nine months after the date of issue of the first of said notes and in no event later than December 31, 1951, will be issued to The First National Bank of Boston, which bank may grant participations in the proposed loans to another bank or banks. The notes will be issued under a bank loan agreement and may be prepaid at any time without premium.

The declaration indicates that the proceeds of the notes will be used by Montaup to pay its unsecured 2 percent promissory notes due March 30, 1951, and outstanding on that date in the estimated face amount of $7,600,000 and to finance Montaup's construction requirements through 1951. The declaration states that Montaup is carrying out a construction program involving the installation of a 60,000 kilowatt steam-electric generating unit estimated to cost $12,215,476 through the year 1951.

The declaration indicates that with respect to the proposed transactions, it is not necessary to secure the approval of any State commission or Federal commission, other than this Commission. The expenses in connection with the proposed transactions are estimated in the declaration at $1,500, of which $1,400 represents estimated fees and expenses for legal services.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3497; Filed, Mar. 20, 1951; 8:49 a. m.]

[File No. 70-2587, 70-2588]

OKLAHOMA GAS AND ELECTRIC CO. AND STANDARD GAS AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of March 1951.

Notice is hereby given that applications-declarations and an amendment thereto have been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Standard Gas and Electric Company ("Standard"), a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company, and by Standard's public utility subsidiary, Oklahoma Gas and Electric Company ("Oklahoma"). Oklahoma designates section 6 (b) of the act and Rule U-43, and Standard designates sections 9 (a) and 9 (c) as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than March 30, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said applications-declarations, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 30, 1951, either or both of the applications-declarations, as amended or as further amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said applications-declarations, as amended, which are on file at the office of the Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

Oklahoma proposes to issue and sell for cash 215,380 shares of its authorized and unissued Common Stock, par value $10 per share. It proposes to issue to the holders of its outstanding Common Stock, including Standard, full share transferable Subscription Warrants carrying the right to subscribe for shares of such Common Stock on the basis of one share for each ten shares of Common Stock held of record.

In addition, each shareholder entitled to receive full share Subscription Warrants will be given the privilege of subscribing at the same subscription price per share for any additional number of shares not subscribed for through the exercise of the aforesaid Subscription Warrants, subject to pro rata allotment of such additionally subscribed shares. The over-subscription privilege will not be extended to Standard but any shares which remain unsubscribed for upon the expiration of the subscription and over-subscription privileges may be subscribed for by Standard at the same subscription price.

In lieu of the issuance of Subscription Warrants for fractional shares, Oklahoma will mail, as soon as practicable, to each shareholder whose record ownership of Common Stock on the record date is not divisible by ten, a check in an amount equal to one tenth of the difference between the subscription price and the average of the closing prices on the New York Stock Exchange of the Common Stock during the subscription period for each share of Common Stock owned of record on the record date by such shareholder which was not part of a ten share unit for which a Subscription Warrant was issued.

The duration of the offer (which will be approximately 19 days), the record date and the subscription price are to be supplied by Oklahoma by amendment herein.

It is tentatively Oklahoma's intention to fix as the record date, April 5, 1951, or the day after its Registration Statement under the Securities Act of 1933 becomes effective, whichever is the later. The shares of the Common Stock being offered will not be entitled to the dividend on Common Stock which the Board of Directors of Oklahoma is expected to declare payable April 30, 1951, to holders of record at the close of business April 5, 1951.

Oklahoma proposes to pay 12½¢ per share to any security dealer, who is a member of the National Association of Security Dealers, Inc., who assists a stockholder in exercising his Subscription Warrant. However, no compensation will be paid for obtaining the exercise of the privilege to subscribe for additional shares and the amount payable on account of the subscription of any one stockholder is to be limited to $25 irrespective of the number of shares subscribed. The maximum amount of fees payable to dealers is $10,100.

Oklahoma estimates that the total fees and expenses to be incurred by it in connection with the proposed transactions will not exceed $27,500 (exclusive of any fees paid to security dealers), including counsel fees in the amount of $9,000.

Of the 2,153,800 outstanding shares of Common Stock of Oklahoma, Standard owns 1,210,090 shares, which represent 34.54 percent of the voting control of Oklahoma. Under the terms of the proposed offering, Standard will receive and proposes to exercise Subscription Warrants for 121,009 shares of additional Common Stock of Oklahoma. Standard further proposes to subscribe for those shares, if any, of the proposed offering which remain unsubscribed for upon the expiration of the aforesaid Subscription Warrants and over-subscription privileges. Standard estimates that its fees and expenses in connection with the proposed transaction will not exceed $1,250.

Standard, in connection with the proposed transactions, agrees that the shares of Common Stock of Oklahoma to be acquired will be held subject to the provisions of the Commission's order of August 8, 1941, issued pursuant to section 11 (b) (1) of the act directing, among other things, that Standard divest itself of its holdings in Oklahoma, as if such shares were specifically included in such order.

Oklahoma requests that the Commission's order herein be issued by April 4, 1951, and that it be effective forthwith upon issuance. Standard requests that the Commission's order herein authorizing the proposed acquisition by Standard be issued and become effective on or before the date of issuance of the order authorizing the proposed offering by Oklahoma.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3495; Filed, Mar. 20, 1951; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9193, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17102, Amdt.]

HAMA KONDO ET AL.

In re: Bonds and bank account owned by Hama Kondo and others. F-39-2761-A-1; E-2.

Vesting Order 17102, dated January 17, 1951, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are as follows:

Hama Kondo, Japan; Hanako Kondo, Japan; Yukiko Kondo, Japan; Yoshiko Kondo, Japan; Mariko Kondo, Japan; Isaac Kondo, Japan,

are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. An undivided eight-ninths (8/9ths) of that certain debt or other obligation of the Valley National Bank, Phoenix, Arizona, arising out of a checking account, entitled "I. Kondo of J. H. Kondo", maintained at the Nogales, Arizona, branch of the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. An undivided eight-ninths (8/9ths) interest in and to twenty (20) Tokyo Electric Light Company 6 percent First Mortgage Gold (bearer) Bonds due June 15, 1953, U. S. Dollar series, of $1000 face value each, presently in the custody of the California Bank, City Market Office, 863 S. San Pedro Street, Los Angeles 14, California, in an account entitled "Isuke Kondo" together with any and all rights thereunder and thereto, and

c. An undivided eight-eighteenths (8/18ths) interest in and to eighty (80) Tokyo Electric Light Company 6 percent First Mortgage Gold (bearer) Bonds due June 15, 1953, U. S. Dollar Series, of $1,000 face value each, presently in the custody of the California Bank, City Market Office, 863 S. San Pedro Street, Los Angeles 14, California, in an account entitled "Isuke and Hama Kondo", together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Hama Kondo, Yukiko Kondo, Yoshiko Kondo, Marico Kondo and Isaec Kondo, the aforesaid nationals of a designated enemy country (Japan);

3. That the property described as follows: An undivided nine-eighteenths (9/18ths) interest in and to eighty (80) Tokyo Electric Light Company 6 percent First Mortgage Gold (bearer) Bonds, due June 15, 1953, U. S. Dollar series, of $1,000 face value each, presently in the custody of the California Bank, City Market Office, 863 S. San Pedro Street, Los Angeles 14, California, in an account entitled "Isuke and Hama Kondo, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Hama Kondo, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3536; Filed, Mar. 20, 1951; 8:58 a. m.]

[Return Order 881]

HERTHA HENRIETTE BECHER ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Hertha Henriette Becher, Belmont, Massachusetts, $594.87 in the Treasury of the United States; Martha Remicke, Brussels, Belgium, $594.87 in the Treasury of the United States; Gertrud Joachim, Belmont, Massachusetts, $594.87 in the Treasury of the United States; Claim No. 10221.

Notice of Intention To Return Vested Property published October 20, 1950 (15 F. R. 7042).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 14, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-3537; Filed, Mar. 20, 1951; 8:58 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 56

Washington, Thursday, March 22, 1951

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 110—PRIMARY INSPECTION AND DETENTION

DESIGNATION OF LOS EBANOS, TEXAS, AS CLASS A PORT OF ENTRY FOR ALIENS

JANUARY 30, 1951.

Effective as of December 1, 1950, § 110.1, *Designated ports of entry except by aircraft*, of Chapter I, Title 8 of the Code of Federal Regulations, is amended by inserting "Los Ebanos, Tex." between "Laredo, Tex." and "Port Arthur, Tex." in the list of Class A ports of entry under District No. 14—San Antonio, Texas.

Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary because the rule prescribed by the order relieves restrictions and is clearly advantageous to persons affected thereby.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, as amended by sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458)

A. R. MACKEY,
Acting Commissioner,
Immigration and Naturalization.

Approved: March 16, 1951.

PHILIP B. PERLMAN,
Acting Attorney General.

[F. R. Doc. 51-3600; Filed, Mar. 21, 1951; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 4808]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GLOBE CARDBOARD NOVELTY CO., INC., ET AL.

Subpart—*Using or selling lottery devices:* § 3.2475 *Devices for lottery selling.* Selling or distributing in commerce, push cards, punch boards, or other lottery devices which are to be used, or may be used, in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme: prohibited.

(Sec. 6, 38 Stat. 722, 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Globe Cardboard Novelty Co., Inc., et al., Docket 4808, Dec. 29, 1950]

In the Matter of Globe Cardboard Novelty Co., Inc., a Corporation; Morris Aron, Individually and as an Officer of Globe Cardboard Novelty Co., Inc., and as a Copartner in a Firm Trading as Globe Printing Co.; and Louis Broudo, Individually and as an Officer of Globe Cardboard Novelty Co., Inc., and as a Copartner in a Firm Trading as Globe Printing Co.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, substitute answer thereto, in which answer the respondents admitted all of the material allegations of fact set forth in the complaint, and briefs and oral argument of counsel, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent Globe Cardboard Novelty Co., Inc., a corporation, its officers, agents, representatives, and employees, and the respondents Morris Aron and Louis Broudo, individually and as officers of respondent corporation and as copartners trading as Globe Printing Co. or trading under any other name, their agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from: Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, push cards, punchboards, or other lottery devices which are to be used, or may be used, in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

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It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: December 29, 1950.

By the Commission.

NOTE: Commissioner Mason concurring in the findings as to the facts and conclusion, but not concurring in the form of order to cease and desist, for the reasons stated in his opinion concurring in part and dissenting in part in Docket 5203—Worthmore Sales Company.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-3603; Filed, Mar. 21, 1951; 8:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 561—OFFICER'S RESERVE CORPS

APPOINTMENT IN ARMY MEDICAL SERVICE SECTIONS

In § 561.18, paragraphs (a) (3) and (e) (9) are amended, and a new paragraph (e) (12) added, as follows:

§ 561.18 *Appointment in Army Medical Service Sections*—(a) *General.* * * *

(3) *Eligibility requirements.* Applicants for appointment under this section must meet the following requirements and the requirements outlined in §§ 561.2 through 561.10, except that applicants for the Army Nurse Corps and Women's Medical Specialist Corps Sections are exempt from the provisions of § 561.8 (d), which requires each applicant to have obtained a score of 110 or higher in the Army General Classification Test (AGCT), the General Classification Test (GCT), or Aptitude Area I, or have evidence of satisfactory completion of 120 credit hours at an accredited college or university.

* * * * *

(e) *Medical Service Corps.* * * *

(9) *Psychiatric social worker.* (i) For appointment in the grade of second lieutenant in the Medical Service Corps section as a psychiatric social worker, applicants must possess a master's degree in social work from a school or university acceptable to the Department of the Army.

(ii) For appointment in grades of first lieutenant through colonel for service in the Medical Service Corps section as a psychiatric social worker, applicants must meet the requirement for second lieutenant, and must have had additional qualifying education and/or experience to meet the criteria for the respective grade specified in paragraph (a) (1) (ii) (*d*) of this section.

Appointment in grades of major and above will not be made except in cases of highly qualified men of recognized ability, such as individuals with professorial rank, those having outstanding professional consultive status, or those having had exceptional supervisory experience.

* * * * *

(12) *Pharmacy specialists.* (i) For appointment in the grade of second lieutenant in the Medical Service Corps section as a pharmacist, applicant must be a graduate of a school of pharmacy giving a full 4-year course acceptable to the Department of the Army and meet the following requirements:

(*a*) Be currently licensed to practice pharmacy in a State, Territory, or in the District of Columbia.

(*b*) Be actually engaged in the ethical practice of pharmacy, except that waiver of license and actual engagement in practice may be made for graduates of schools of pharmacy, acceptable to the Department of the Army, if commissioned at time of graduation.

(ii) For appointment in the grades of first lieutenant and captain for service in the Medical Service Corps section, applicants must meet the requirement for second lieutenant and must have additional qualifying education and or appropriate progressive experience to meet the criteria for the respective grades specified in paragraph (a) (1) (ii) (*d*) of this section.

* * * * *

[C2, SR 140-105-6, Feb. 27, 1951] (R. S. 161; 5 U. S. C. 22. Interprets or applies Sec. 37, 39 Stat. 189, as amended; 10 U. S. C. 351-353)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-3580; Filed, Mar. 21, 1951; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 14]

GCPR, SR 14—SALES BY COMMODITY CREDIT CORPORATION

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 14 to the General Ceiling Price Regulation (16 F. R. 809) is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation is issued to enable the Commodity Credit Corporation to sell its stocks of agricultural commodities in accordance with the provisions of section 407 of the Agricultural Act of 1949.

The Commodity Credit Corporation acquires commodities when required by law to do so to maintain producer prices for agricultural commodities at support levels, and under section 407 of the Agricultural Act of 1949 is generally prohibited from selling these commodities at less than 105 percent of the current support price plus reasonable carrying charges. Thus, it does not operate in the market in the day-to-day manner normal to commercial purchasers and sellers.

The effect of the General Ceiling Price Regulation was to freeze the Commodity Credit Corporation's sales prices at their base period levels, and thereby prevented that Corporation from adding to its ceilings those carrying charges which accrued after the base period. In so doing, the General Ceiling Price Regulation ran counter to the provisions of section 407 of the Agricultural Act of 1949 which generally require the Corporation to add reasonable carrying charges in computing the sales prices of its commodities.

This supplementary regulation is issued to provide that ceiling prices for sales by the Corporation may be the higher of (1) the ceiling price applicable to sales of the commodity to the class of purchaser involved, or (2) the minimum sales price authorized by section 407 of the Agricultural Act of 1949.

REGULATORY PROVISIONS

Sec.
1. Applicability of this supplementary regulation.
2. Ceiling prices.

AUTHORITY: Sections 1 and 2 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Applicability of this supplementary regulation.* This regulation applies to sales of commodities by the Commodity Credit Corporation.

SEC. 2. *Ceiling prices.* The ceiling price for the Commodity Credit Corporation, in selling an agricultural commodity acquired in connection with the operation of its price support program, shall be the higher of (a) the ceiling price, determined under the General Ceiling Price Regulation, as amended and supplemented, applicable to sales of the commodity to the class of purchaser involved, or (b) the minimum sales price authorized by section 407 of the Agricultural Act of 1949 (7 U. S. C. 1427). The ceiling price for the Commodity Credit Corporation in selling a commodity, acquired in connection with its price support program, processed from an agricultural commodity shall be the higher of (1) the ceiling price, determined under the General Ceiling Price Regulation, as amended and supplemented, applicable to sales of

the processed commodity to the class of purchaser involved, or (2) a price for such processed commodity which will reflect a price for the agricultural commodity equal to the minimum sales price required by section 407 of such act.

Effective date. This supplementary regulation to the General Ceiling Price Regulation shall become effective March 21, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

MARCH 20, 1951.

[F. R. Doc. 51-3660; Filed, Mar. 21, 1951; 10:49 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-36, as Amended Mar. 21, 1951]

M-36—GOVERNMENT ORDERS FOR PAPER

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-36 as follows: It adds a new item 14 to List A; deletes List B as formerly constituted; and substitutes a new List B in its stead. As so amended, NPA Order M-36 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Reserve production.
4. Directives.
5. Release of reserve production.
6. Report of Government orders.
7. Rated orders.
8. Adjustment.
9. Communications.
10. Records.
11. Audit and inspection.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies to paper manufacturers and provides rules for placing, accepting, and scheduling Government orders for paper. Its purpose is to make possible maximum production of paper and reduce to a minimum any disruption of normal distribution by providing for the equitable sharing of Government orders among paper manufacturers. It supplements NPA Reg. 2, but only those provisions of Reg. 2 which are contradictory to this order are superseded, and all other provisions of Reg. 2 continue to apply to the paper industry.

SEC. 2. *Definitions.* As used in this order:

(a) "Grade" means any kind of paper as listed in Form M-14-A, as revised February 24, 1951 (U. S. Department of Commerce, Bureau of the Census), or any particular type of paper of such a kind even though not specifically mentioned in such form.

(b) "Produce" and "manufacture" mean and include all making and finishing operations necessary to the production of primary paper prior to packing or packaging.

(c) "Schedule" means the completion of all steps ordinarily taken by the manufacturer preliminary to actual manufacture, including acknowledgment to buyer, establishment of detailed specifications, and determination of the time when the order will be manufactured and shipment made.

(d) "Government order" means (1) any DO rated order and (2) any order, whether rated or not, for direct or indirect delivery to any activity on List A except those orders for paper intended for resale at retail, such as supplies for post exchanges, etc.

SEC. 3 *Reserve production.* (a) Each manufacturer shall reserve for the month of February 1951, and for each calendar month thereafter, machine time, material, and supplies sufficient to produce and deliver within such month a total amount of paper to be calculated by applying the percentage specified for each grade in List B of this order to his average monthly production of such grade during the most recent calendar quarter, as originally reported on Form M-14-A as revised. Each manufacturer shall furnish the NPA with a record of his paper production for the fourth quarter 1950 and January 1951, on the basis of instructions to be issued by NPA pursuant thereto.

(b) The National Production Authority may from time to time increase or decrease manufacturers' reserve production by changing the percentages in List B of this order or applying the same or different percentages to other types, grades, or combinations of grades. Each such increase or decrease will be effected by notice in writing to each manufacturer or by notice published in the FEDERAL REGISTER at least 10 days prior to the first day of the month to which it applies.

SEC. 4. *Directives.* On or before the tenth day of any month, the National Production Authority may direct any manufacturer to produce during such month any grade of paper which such manufacturer is qualified to produce, in total tonnage not exceeding the amount of his reserve production for such month less the Government orders he has already scheduled for that month. The National Production Authority may direct a manufacturer to sell and deliver such tonnage to fill any Government order or orders that it may designate.

SEC. 5. *Release of reserve production.* If on or before the tenth day of any month a manufacturer has not received from the National Production Authority directives as to the disposition of all production reserved for such month, in excess of the Government orders he has already scheduled for such month, he may apply that production for which no directives have been received as he may desire, subject to the provisions of this order and other orders and regulations of National Production Authority.

SEC. 6. *Report of Government orders.* (a) Each manufacturer shall report at the close of each month on Form M-14-A, as provided therein, such Government orders, including directed tonnage, as are qualified under this order which he has produced in such month and those Government orders, excluding directed tonnage, which he has scheduled for production in the second and third subsequent months. For example, the February 1951 report will show the actual total of Government orders produced in February and the Government orders, excluding directed tonnage, for April and May production. Having once reported a qualified order as scheduled in a given forward month, the manufacturer shall produce such orders as scheduled and so reported, and shall report the same order as scheduled for a different month only if requested by the buyer to so reschedule.

(b) If in any month a manufacturer's total scheduled Government orders for a subsequent month shall change materially (25 percent of his reserve production or 10 tons, whichever is greater) from his previous report, he may file Form NPAF-27 showing his revised schedule of Government orders, excluding directed tonnage.

(c) He shall initially file Form NPAF-27 by February 20, 1951, to show his Government order schedule for the month of March 1951.

(d) The manufacturer's reserve tonnage position as shown in the monthly Form M-14-A, in the interim reports, NPAF-27, if any, and directives will be taken into consideration by the National Production Authority in issuing such directives as may be found necessary under this order.

SEC. 7. *Rated orders.* (a) No manufacturer shall be required to accept DO rated orders for paper for shipment in any one month in excess of his reserve production for that month less his tonnage of Government orders already scheduled for that month.

(b) Unless specifically directed by the National Production Authority, no manufacturer need accept a DO rated order which is received less than 40 days prior to the first day of the month in which shipment is requested.

SEC. 8. *Adjustment.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 9. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M-36.

SEC. 10. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 11. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

SEC. 12. *Violations.* Any person who wilfully violates any provisions of this order or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on March 21, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

LIST A

1. United States Department of Defense, including all groups and subgroups.
2. Atomic Energy Commission.
3. United States Coast Guard.
4. National Advisory Committee for Aeronautics.
5. Civil Aeronautics Administration.
6. Tennessee Valley Authority.
7. U. S. Department of Justice, Bureau of Prisons.
8. United States Government Printing Office.
9. United States Bureau of Engraving and Printing.
10. General Services Administration.
11. United States Post Office.
12. Reconstruction Finance Corporation, Office of Rubber Reserve.
13. Producers of products or parts thereof for any of the activities listed above to the extent that the primary paper is to be used exclusively as a component part of the product to be delivered on a contract or purchase order issued by such activity.
14. Any activity of the United States Government not listed above normally required to obtain paper and printed matter through or from the United States Government Printing Office if and when the GPO grants a waiver of such requirement, and manufacturers of products using paper for any such activity, to the extent that the primary paper is to be used exclusively as a component part of the product to be delivered, on a contract or purchase order issued by such activity if and when such a waiver is granted. Any such waiver must have been granted for the specific contract or purchase order concerned and an adequate identification of the waiver number and date of issuance thereof must be endorsed upon the contract or purchase order.

LIST B

Grade	M-14-A code numbers	Percent
Newsprint and groundwood papers.	1100-1199	5
Printing and converting papers, paper-machine-coated.	1200-1220	5
Book and fine papers	1300-1499	15
Course papers (unbleached kraft grades only).	1511, 1521, 1530, 1561	10
Course papers (other than unbleached kraft grades).	1512, 1519, 1522, 1529, 1562, 1569.	5
Special industrial papers	1600	15
Sanitary tissue stock	1700	5
Crepe wadding for packing	1870	25
Tissue papers (except sanitary and crepe wadding for packing).	1890	5
Absorbent papers	1900	5

[F. R. Doc. 51-3665; Filed, Mar. 21, 1951; 11:29 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

MISCELLANEOUS AMENDMENTS

1. In § 36.4343, a new paragraph (h) is added as follows:

§ 36.4343 *Loans which may not be processed automatically.* * * *

(h) The requirements of paragraph (g) of this section shall not obtain with respect to loans affected by special conditions for which proper authority, pursuant to Executive Order No. 10161, dated September 9, 1950, prescribes modifications or exceptions to the requirements which otherwise would obtain under this section.

2. In § 36.4356, paragraph (c) is amended and a new subparagraph (7) is added to paragraph (e) to read as follows:

§ 36.4356 *Credit restrictions.* * * *

(c) Except as otherwise provided in this paragraph, the maturity of a loan for the purchase, construction, repair, alteration, or improvement of residential property shall not exceed 25 years and 32 days: *Provided*, That if the purchase price or cost of construction is in excess of $7,000 the maturity of the loan shall not exceed 20 years and 32 days. In the event the Administrator determines that the income and expenses of the veteran at the time of his application for the loan are such that he would be unable to maintain the required schedule of amortized payments for a loan which matures in 25 years and 32 days or 20 years and 32 days, as the case may be, but that taking into consideration the veteran's current and prospective income and expense he would be able to make the payments on the loan if amortized over a longer period of time, the loan may be made, with the prior approval of the Administrator, with a maturity for such longer period of time but not in excess of 30 years: *Provided*, That in no event will the maturity exceed the estimate economic life of the property securing the loan: *And provided further*, That nothing herein shall preclude the extension of the loan pursuant to the provisions of § 36.4314.

* * * * * * *

(e) * * *

(7) Loans affected by special conditions for which proper authority, pursuant to Executive Order No. 10161, dated September 9, 1950, prescribes modifications or exceptions to the requirements which otherwise would obtain under this section.

3. In § 36.4504, a new paragraph (g) is added as follows:

§ 36.4504 *Loan closing expenses.*
* * *

(g) The requirements of paragraph (e) of this section shall not obtain with respect to loans affected by special conditions for which proper authority, pursuant to Executive Order No. 10161, dated September 9, 1950, prescribes modifications or exceptions.

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

This regulation is effective March 22, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

CREDIT RESTRICTIONS PURSUANT TO THE DEFENSE PRODUCTION ACT OF 1950 ON LOANS MADE OR ASSISTED BY THE ADMINISTRATOR OF VETERANS' AFFAIRS

I hereby find that the regulations contained in Title 38, Chapter I, §§ 36.4343 (h), 36.4356 (c) and (e) (7), and 36.4504 (g), Regulations of the Administrator of Veterans' Affairs, supra, effective concurrently herewith, are issued in accordance with Title VI of the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), and Part V of Executive Order 10161 (15 F. R. 6105). In the formulation of the foregoing, there has been consultation with industry representatives concerned, and consideration has been given to the recommendations of such representatives.

(Reorg. Plan No 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp.; 5 U. S. C. Sup. 133y-16

note. Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Effective as of the 22d day of March, 1951.

[SEAL] B. T. FITZPATRICK,
Acting Housing and Home Finance Administrator.

[F. R. Doc. 51-3579; Filed, Mar 21, 1951; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 64—DOMESTIC INSURANCE AND COLLECT-ON-DELIVERY SERVICES: INDEMNITY

MISCELLANEOUS AMENDMENTS

Pursuant to authority contained in sections 244 and 246c of Title 39, United States Code, the Postmaster General has prescribed regulations under which insured or collect-on-delivery parcels may be returned to the sender, and it having been found that the effect of these regulations is to relieve certain restrictions hitherto placed on the handling of insured and collect-on-delivery parcels, and it having been further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable for the reason that such compliance would impede the due and timely execution of the functions of this Department, it is, therefore, ordered that, effective at once, Part 64 be amended as follows:

a. In § 64.9 *Undelivered matter* (39 CFR 64.9) make the following changes:

1. Amend paragraph (b) by striking out "20" and substituting in lieu thereof "15."

2. Add new paragraphs (e) and (f) to read as follows:

(e) C. o. d. parcels which do not bear the special instructions set forth in §§ 64.57 and 64.58, or requests for notification on Form 3849-D, may be returned to the senders immediately if: (1) Delivery cannot be effected because the addressees are unknown or cannot be found at the places of address; (2) the parcels are addressed to street addresses or localities that do not exist at the offices of address; (3) the parcels are addressed to deceased addressees and delivery cannot be made to one legally entitled to act for the deceased addressee.

(f) (1) Senders may request the return of undelivered insured or c. o. d. parcels prior to the expiration of the time limit specified thereon, or the holding of the parcels for an additional period not exceeding a total of 30 days.

(2) When insured and c. o. d. parcels are forwarded, they shall be held at the offices to which forwarded for the same periods as prescribed for the offices of original address.

b. In § 64.43 *Remittance of c. o. d. charges or forwarding of undelivered c. o. d. parcels to other than actual mailer* (39 CFR 64.43) amend paragraph (c) (4) by striking out "20" and substituting in lieu thereof "15."

c. In § 64.44 *Notification of and conditions under which local or nearby senders' representatives may accept undelivered c. o. d. parcels* (39 CFR 64.44) amend paragraph (a) (6) by striking out "20" wherever it appears therein and substituting in lieu thereof "15."

d. In § 64.56 *Nursery stock* (39 CFR 64.56) amend paragraphs (b) and (c) by striking out "20" as it appears therein and substituting in lieu thereof "15."

e. In § 64.58 *Abandonment of insured or c. o. d. mail* (39 CFR 64.58) amend the note by striking out "20" and substituting in lieu thereof "15."

(R. S. 161, 396, sec. 8, 37 Stat. 558, as amended, secs. 304, 309, 42 Stat. 24, 25, sec. 211, 43 Stat. 1069, 46 Stat. 377, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 244, 246c)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 51-3570; Filed, Mar. 21, 1951; 8:46 a. m.]

PART 95—SERVICE BY PNEUMATIC TUBES OR SIMILAR DEVICES

In Part 95, Service by Pneumatic Tubes or Similar Devices (39 CFR, Part 95), rescind § 95.1.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 51-3569; Filed, Mar. 21, 1951; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9857]

PART 34—UNIFORM SYSTEM OF ACCOUNTS FOR RADIOTELEGRAPH CARRIERS

RETIREMENT UNITS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of March 1951:

The Commission having under consideration the matter of amendment of Part 34 (Uniform System of Accounts for Radiotelegraph Carriers) of its rules and regulations;

It appearing, that on December 22, 1950, the Commission published a notice of proposed rule making, in accordance with section 4 (a) of the Administrative Procedure Act, which notice set forth a revision of § 34.1-6, and that the period in which interested persons were afforded an opportunity to submit comments expired on January 15, 1951; and that only The Western Union Telegraph Company submitted comments during that period, the substance of the comments consisting of proposals for the elimination, substitution or addition of certain retirement units because of circumstances peculiar to Western Union's low power microwave plant, and suggesting that a conference be arranged with members of the Federal Communications Commission staff in order to resolve the differences; and

It further appearing, that no comments or briefs were filed in reply to Western Union's original comments; that an informal conference among members of the staff and representatives of Western Union was held in Washington, D. C., on February 27, 1951, at which conference it was mutually agreed that the low power microwave plant of Western Union does not constitute a radiotelegraph system subject to the provisions of Part 34 and is not analogous in all respects to the plant used in international radiotelegraph service; that the property included by Western Union in account 1530, "Telephone and radiotelegraph plant," is subject to the accounting procedures provided in Part 35 of the Commission's rules; and that it is desirable and proper to make final the adoption of the amendment as originally proposed in the aforementioned notice of proposed rule making; and

It further appearing, that authority for the promulgation of this amendment is contained in sections 4 (i) and 220 of the Communications Act of 1934 as amended; and

It further appearing, that under section 220 (g) of the Communications Act of 1934, as amended, notice of alterations by the Commission in the required manner or form of keeping accounts shall be given by the Commission at least six months before the same are to take effect;

It is ordered, That effective October 1, 1951, Part 34 of the Commission's rules and regulations is amended as set forth below:

Provided, however, That any carrier may adopt the modified accounting procedure set forth in such amendment at any earlier date.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 220, 48 Stat. 1078; 47 U. S. C. 220)

Released: March 15, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Delete § 34.1-6-1 and substitute the following:

§ 34.1-6-1 *Retirement units.* (a) The list of retirement units in this section shall be used in connection with plant retirements for the purpose of distinguishing between amounts chargeable to account 1515, "Allowance for depreciation—Radiotelegraph plant," under the provisions of § 34.1-6 (b) (1) and replacement costs chargeable to the maintenance accounts, as provided in § 34.41-5 (a) (2). These retirement units should not be confused with property units used in continuous property records (see § 34.1-3) and shall not be considered as affecting the classification of plant (see § 34.03-12).

(b) Elimination of or substitution for retirement units listed in this section may not be performed without specific authority by the Commission except that items which are not combinations of the listed retirement units may be added without such authority and carriers may account for any listed units as maintenance when they are of small cost and are not complete units of operated plant.

(c) This list shall be expanded by the carrier to include complete units of operated plant not shown in this section.

(d) The carrier shall report to the Commission, within 90 days after June 30 of each year, and as at that date, all additions which have been made to the list under this authority, all items included in the list which have become obsolete, either as to technical titles or use in communication service, and the items which the experience of the carrier has shown to involve a small cost only. This report should include such other information concerning the list as the carrier may desire to place before the Commission with a request for appropriate action by the Commission in the matters described.

(e) The article "a," "an," or "the," as appropriate, should be read in connection with each retirement unit listed in this section.

LAND IMPROVEMENTS (ACCOUNT 12)

Barrier, road or snow—not part of fence or wall.
Bench—permanently attached.
Billboard or sign.
Branch or spur—extending from a main roadway or sidewalk—complete.
Bridge or trestle—foot or road.
Cattle-guard.
Fence, wall or hedge—continuous length of 5 feet or more.
Fountain or pond—ornamental.
Gate, ornamental—not associated with fence or wall.
Incinerator—stone, brick, or concrete.
Lawn or other landscaped area—complete—1,000 square feet or more in area.
Pavilion, rest.
Platform loading—not part of building.
Pole, post, standard or fixture—yard lighting or other, with or without appurtenances.
Power line or cable—yard lighting.
Railroad spur or siding.
Road, walk, yard, or parking area—improved surface—complete system, 300 square feet or more in area.
Shed or pit, car washing or greasing.
Swimming pool, tennis court or similar recreation unit—complete.
Trough, water.

DRAINAGE, SEWERAGE, GAS AND WATER SYSTEMS (ACCOUNT 13)

Basin.
Dike or levee—section of.
Drain, sewer, dam or spillway—branch or main—continuous length of 20 feet or more.
Foundation or engine foundation.
Filtration plant.
Gas supply or distribution system.
Hydrant.
Hydraulic ram—complete installation.
Manhole or handhole.
Motor, electric (1 or more hp.).
Pole, power supply line.
Power supply cable or line—complete or section of 300 feet or more.
Pump, water.
Reservoir, cistern or well.
Shelter or housing for machinery.
Sprinkler system, lawn.
Surface drain bed.
Tank or cesspool—septic, settling or water—with or without tower or other support.
Water conducting system—piping or other medium—complete, or continuous length of 100 feet or more.
Windmill or windmill tower.

BUILDINGS (ACCOUNT 14)

Air-conditioning or ventilating system.
Automatic stoker.
Boiler.
Building.
Chimney or stack.
Conveying system, coal or ash.
Crane or hoist—other than mobile.
Door or window—metal or wood—complete, with box, frame and sash.
Elevator—complete with or without operating mechanism.
Fire escape.
Flooring for one room.
Fountain, drinking.
Furnace, heater or heating system.
Ground bus structure—permanent ground system.
Ground system, electrical—buried part of ground bus structure.
Heater, hot-water.
House-lighting or power board.
Motor (1 or more h. p.), generator, engine, turbine, pump, compressor, ventilating fan, air washer, elevator drum or other—with or without associated wiring, control equipment, etc.
Penthouse.
Platform, loading.
Roof—with or without supporting structures. (A building of irregular shape having more than one roof level may have several isolated roofs, each of which shall be considered an entire roof. In the case of buildings to which lateral extensions have been made, even though having but one roof level, that part of the roof covering an entire section built at one time shall be considered an entire roof.)
Tank—oil or water.

Other costs to be treated as retirement units. (In addition to the foregoing retirement units, portions of buildings, equipment, fixtures, etc., installed and retired, and the labor and incidental costs involved in connection with work of the following character, shall be handled through the plant and depreciation-allowance accounts):

Changes in the type of operation of elevator systems, e. g., a change from manual to automatic control of cars, from manual to power operation of doors, from low speed to high speed, from direct to alternating current, from hydraulic to electric operation, from one type of signaling or dispatching system to another.
Relocation of toilet rooms, battery rooms, kitchens, terminal rooms, transformer vaults, etc.
Structural changes, such as: Reinforcements of floors, roofs, bearing walls, footings and foundations; additions or relocations of elevator shafts, stairways, fire exits, and vaults, but excluding switchboard cable holes and slots; and building alterations required for fire protection and other safety measures.
Changes in the type of electric current supply, or of ventilating, air-conditioning or similar systems.
Building enlargements.
Replacements of plumbing or heating pipes—with or without associated valves, except when necessitated by minor repairs or minor relocations of fixtures.
Replacements of all or substantially all the lighting fixtures—with or without associated wiring and conduit—in one operating or equipment room or, in the case of office space, on one floor of a building.
General replacements (throughout a building or throughout an entire portion erected at one time) of items such as supply, return or air valves in heating systems; hot or cold water valves or faucets; and plumbing, heating, or drainage traps.

TOWERS AND MASTS (ACCOUNT 21)

Beacon-light—flashing or other warning, complete.
Fixture, crossarm or bridge.
Guy or anchor—complete.
Halyard—permanent.
Ladder or stairway—access.
Mast—pole-type or A-frame structure.
Time switch—airway beacon.
Topmast.
Tower.
Towerhouse.
Tower-lighting system.
Triatic system.
Winch—with or without foundation.

ANTENNA SYSTEMS (ACCOUNT 22)

Antenna—complete.
Cable—wave change, control or metering.
Conductor system, buried.
Counterpoise system.
Discrimination network.
Down leads—all associated with one antenna.
Filter assembly.
Frequency matching trap.
Ground system.
Lightning arrestor assembly.
Pole—20 feet or more in height.
Power board.
Shelter, housing or platform.
Single or multiple antenna wire (with or without associated spacers, supporting insulators and catenary wires, if integral parts of span)—continuous span.
Single "panel" of antenna wire—with supporting wire and insulators.
Sleet-melting system.
Terminal or switching structure—with or without foundation.
Transmission line—2 or more continuous spans or a section of 300 feet or more.
Tuning or uncoupling coil (includes VLF and LF).

CONTROL LINES (ACCOUNT 26) AND POWER-SUPPLY LINES (ACCOUNT 27)

Cable, aerial—with or without associated suspension strand, clamps or rings—one or more spans.
Cable—buried or underground—a section of 300 feet or more, or a section between manholes, splicing boxes or pedestals.
Cable entrance or stub—building.
Case of equipment, such as loading coils, building-out condensers, carrier line filters, or auto-transformers.
Gas-pressure fault-indicating system.
Manhole or handhole.
Pole (line, brace, guy or pole forming part of an A or H frame)—with or without associated anchors, guys, steps or other appurtenances.
Pothead, high tension.
Special fixture (bridge, tower or other special river-crossing or long-span fixture)—with or without associated anchors, guys or other appurtenances.
Telephone or complete telephone system—field.
Tone conversion unit.
Tone source unit.
Transformer, pole mounted
Underground conduit or dip—a section between a manhole, handhole, or service box and a pole or building; or between two manholes, handholes, service boxes or buildings.
Wire—with or without associated insulators or other hardware—two or more continuous spans.

ELECTRON-TUBE TRANSMITTER EQUIPMENT (ACCOUNT 31)

Air-duct system.
Amplifier unit.
Antenna coupling device.
Blower.
Control panel.
Cooling unit—oil or water.
Driver or exciter unit.

Generator.
Harmonic filter unit.
Keyer unit—tone signal, frequency shift, etc.
Modulator unit.
Motor, electric (1 or more hp.).
Oscillator unit.
Power supply unit, crystal.
Pump
Radiator.
Rectifier unit.
Transformer.
Transmitter—complete, with or without associated wiring or conduit.

OTHER TRANSMITTER EQUIPMENT (ACCOUNT 32)

Air-duct system.
Alternator armature quarter-section.
Alternator, radio frequency.
Alternator substation.
Ammeter, graphic recording.
Amplifier, magnetic.
Armature (associated with main machine of 25 or more hp.).
Circuit breaker, oil.
Compressor.
Condensers, battery of.
Foundation.
Gears, reduction—with or without gear boxes or housing (alternator).
Keyer unit.
Motor, electric (1 or more hp.).
Motor-generator.
Panel or switchboard.
Pump.
Rheostat, liquid.
Rotor
Tank.
Transformer.
Variometer.

COOLING APPARATUS (ACCOUNT 33)

Air duct.
Blower.
Cooling pond.
Cooling pond louvre or wind break.
Cooling tank structure.
Cooling or spray tower.
Fan, exhaust.
Heat exchanger.
Machine foundation.
Motor, electric (1 or more hp.).
Pipe lines and valves in connection with cooling devices—complete or continuous length of 20 feet or more.
Pump.
Radiator.
Refrigerating unit.
Sump.
Tank—brine or fresh water.
Water still.

RECEIVER EQUIPMENT (ACCOUNT 34)

Amplifier unit.
Antenna combining or coupling unit.
Coil box.
Converter unit.
Current-limiter or limiter-adapter.
Demodulator or detector unit.
Frequency indicator or adapter.
Frequency shift keying unit.
Monitor unit.
Oscillator unit.
Panel—antenna distribution, receiver relay, signal control or power supply.
Power-supply unit.
Rack, table, desk, or other structure used as mounting.
Receiving set—complete.
Rectifier unit.
Rejector coupling unit.
Tone keyer unit.
Tuner unit.
Voltage regulator unit.

POWER SUPPLY AND DISTRIBUTION EQUIPMENT (ACCOUNT 36)

Alternator.
Ash or coal conveyor.
Battery charging installation.
Battery, storage.
Battery rack, cabinet, or counter—storage or dry.
Boiler.
Bus bars, cable or wiring—with or without conduit (such as between: battery and fuse panel or power switchboard and equipment).
Bus and switching structure—substation.
Circuit breaker.
Compensator.
Compressor, air.
Condenser, power factor correction or synchronous motor.
Disconnect switch, high tension.
Feed water condenser.
Filter assembly, battery charging.
Filter condensers.
Fuse cabinet or box.
Generator.
Housing or shelter for pump.
Lighting system, substation.
Lightning arrester assembly.
Machine foundation.
Meter, demand or watt hour.
Metering transformer, high tension.
Mercury tank.
Motor generator.
Motor, electric (1 or more hp.).
Oil burner.
Power plant or substation—complete.
Prime mover.
Pump.
Rack or frame—rectifier, filter.
Reactor.
Rectifier.
Starter.
Stoker, automatic.
Substation enclosure, structure, vault or house.
Switchboard or control panel.
Tank—fuel oil, feed water, or compressed air.
Tanks or jars—complete set for storage batteries.
Transformer.
Trolley hoist or crane.
Voltage regulator.

CONTROL APPARATUS (ACCOUNT 40)

Air conditioning system—associated with a frequency-measuring room—not part of building.
Amplifier or amplifier-rectifier unit.
Annunciator system.
Audio-frequency carrier telegraph equipment.
Automatic transmitter unit or base.
Base, printer or reperforator.
Blower.
Board printer-control, relay, amplifier, line-test, or keyer.
Bus truck.
Cabinet—with or without equipment.
Call register.
Carriage, printer.
Chute.
Clock—synchronous, master, or control board.
Comparator.
Compressor.
Concentrator for radiotelegraph or wire-telegraph circuits, printer circuits or telephones.
Console, teletypewriter—package set—reperforator or perforator.
Control or switching box.
Control booth, desk, or console.
Converter unit.
Conveyer belt installation.
Correction unit—multiplex.
Cover—printer, reperforator or perforator.
Demodulation limiter unit.
Duplex terminal regenerator set or unit.
Duplicating machine, message.
Error detector unit.
Facsimile machine—transmitting, receiving or combination.
File or rack—message handling.
Filter-rack installation.
Filter unit.
Fork unit.
Frequency meter.
Frequency standard.
Frequency standard check equipment unit.
Fuse panel—with or without associated wiring.
Harmonic generator or distortion amplifier unit.
Heat-control unit, fork.
Hybrid coil panel.
Ink recorder or undulator.
Intercommunicating system.
Inverter unit.
Jack panel.
Keyboard—printer or reperforator.
Keyer unit.
Lamp panel—with or without associated wiring.
Limiter.
Line-equalizing unit.
Microphone—complete with mounting, connecting cord, etc.
Microphone control panel.
Mixer panel.
Modulator unit.
Monitor loudspeaker—portable.
Monitor receiver—portable.
Monitor recorder—portable.
Motor starter or compensator.
Motor, electric (1 or more hp.).
Multi-conductor patching panel.
Multiple pen recorder.
Multiplex machine.
Multiplex terminal.
Multi-vibrator unit.
Numbering machine, message.
Oscillator unit.
Oscilloscope or oscillograph.
Perforator or reperforator.
Phonographic turntable.
Photoradio or facsimile terminal.
Photoradio operating table—complete with wiring, outlets, compressor, etc.
Photoradio receiving recorder.
Photoradio universal transmitting and receiving machine.
Pneumatic tubing—with or without protective covering—section of.
Power control unit—multiplex.
Power supply unit.
Printer control unit.
Printer, keyboard—page or tape.
Public-address system.
Rack, table, stand, desk, panel, shelf, console, cabinet or other supporting structure—with or without equipment.
Radio field-intensity measuring installation.
Radio receiver or unit.
Radio transmitter frequency-control installation.
Reactor, modulation.
Receiving terminal—tape tube.
Recorder, time-signal.
Rectifier.
Regulator unit.
Relay-control drawer—with or without relays—teletypewriter package set.
Relay test panel—with or without associated wiring.
Relay tray.
Scanner unit—radiophoto.
Signal indicator, teletypewriter—package set.
Storage distributor.
Switchboard, call circuit.
Tape puller.
Tape puller foot control assembly—integral with operating table.
Tape rewind—motor driven.
Tape stop.
Teleautograph installation.
Telegraph repeater.
Telephone head-set, hand-set, breast-set receiver, or transmitter.
Telephone modulator.
Teletypewriter.
Temperature-control box.
Test board—telegraph.
Time delay unit for automatic transmitters.
Time stamp or time-stamp installation.
Tone-generator unit or installation.
Transformer, power or modulation.
Translator (converter).
Transmitter-distributor.
Transmitter frequency monitor.
Twin signal regenerator—multiplex.
Typewriter, traffic.
Typing unit, printer or reperforator.
Volume-indicator unit.
Water copy wringer or press.
Wiring base, cabinet rack.

EQUIPMENT ON CUSTOMERS' PREMISES (ACCOUNT 41)

In addition to the item "Call Boxes" which is peculiar to equipment on customers' premises, the retirement units for this account shall correspond to those designated for comparable equipment in carriers' offices.

FURNITURE AND OFFICE EQUIPMENT (ACCOUNT 51)

Air-conditioning unit—portable.
Bed, cot, couch, davenport or lounge.
Cabinet.
Cafeteria and hotel equipment.
Cash register.
Chair.
Costumer.
Counter.
Desk or table.
Fan, electric—portable.
Fire extinguisher—portable, hand-refillable.
Floor coverings.
Heater, electric—portable.
Locker.
Machines—Accounting, adding, addressing, billing, blueprinting, calculating, listing, dictaphone and duplicating.
Piano or phonograph.
Receiver—radio or television.
Refrigerator.
Safe.
Shotgun, rifle or revolver.
Sign—portable.
Time clock or other.
Typewriter.
Vacuum cleaner.
Venetian blinds.
Washing machine.
Water cooler.

SHIP STATION EQUIPMENT (ACCOUNT 61) AND OTHER MOBILE STATION EQUIPMENT (ACCOUNT 69)

Automatic alarm.
Direction finder.
Radar.
Ringer.
Sperry repeater.

Also, each applicable item of equipment as listed under the other accounts.

VEHICLES AND DRAFT ANIMALS (ACCOUNT 71)

Air compressor, mobile.
Airplane.
Amphibious vehicle.
Automobile.
Bicycle.
Boat or barge.
Cart.
Draft animal.
Harness, set of.
Motorcycle.
Motor truck—with or without body.
Motor truck body.
Mounted kitchen.
Pole dolly or dinkey.
Scooter-bike.
Sled.
Tractor or trailer.
Wagon.

SHOP EQUIPMENT, TOOLS AND IMPLEMENTS (ACCOUNT 72) AND STORE AND WAREHOUSE EQUIPMENT (ACCOUNT 73)

Acetylene torch outfit.
Air compressor.
Analyzer, spectrum.
Back-filling machine.
Bending brake.
Blower, power.
Boring mill.
Bridge—capacity, resistance, inductance, or combination thereof.
Cabinet, chest, counter, bin, barrel or shelving.
Circuit tester or analyzer.
Compressed air tool.
Concrete mixer.
Counter—movable.
Crane, derrick, chain hoist or winch.
Crystal testing installation.
Decade resistance box.
Decremeter.
Diaphragm pump—with or without engine—portable.
Dummy antenna or dummy load.
Earth-boring machine—not part of a truck or tractor.
Engine.
Farm implement—costing over $10.00.
Field intensity measuring installation.
Forge or furnace.
Hand tool—any costing over $10.00.
Harmonic generator or distortion amplifier unit.
Hi-low control temperature cabinet.
Ladder.
Lathe.
Lineman's test set.
Magneto test set.
Meter—any costing over $10.00.
Milling machine.
Motor, electric (1 or more hp.).
Oil filter press—with associated equipment.
Oil testing set.
Oscillator.
Oscillograph or oscilloscope.
Paint-spray outfit.
Pole-treating installation.
Power planer, drill press, grinder, hammer or saw.
Pump—gasoline or oil.
Pyrometer—portable.
Radio frequency assembly.
Relay test-panel—with or without associated wiring.
Rock crusher and screening plant.
Scales, platform.
Signal-distortion test set.
Signal generator.
Stroboscope.
Synchroscope.
System of pulleys, shafting or belting for transmission of shop power.
Tank—fuel, gasoline, oil, storage or water.
Telephone outfit—portable.
Temperature controlled oven.
Test amplifier unit.
Test table.
Thermistor bridge.
Thermocouple.
Tool rack or tool case.
Tower erection cage.
Transit, surveyor's.
Trenching machine.
Truck or cart.
Vacuum-tube gas detector.
Vacuum-tube tester.
Volume or power-level indicator—portable.
Water purifier or still—not part of water cooling system.
Welding outfit.
White print machine.
Wire-measuring machine.
Work bench or work table.

[F. R. Doc. 51-3604; Filed, Mar. 21, 1951; 8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR, Part 130]

BLACKFEET INDIAN IRRIGATION PROJECT, MONTANA

OPERATION AND MAINTENANCE CHARGES

MARCH 16, 1951.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Pub. Law 404, 79th Cong., 60 Stat. 238), and authority contained in the Acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 39 Stat. 142; and 45 Stat. 210, 25 U. S. C. 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs August 28, 1946, and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Regional Director September 14, 1946, which title was changed to Area Director September 13, 1949, by Order No. 2535, notice is hereby given of the intent to modify § 130.130 *Basic agreement*, § 130.131 *Excess water assessment*, § 130.132 *Payment*, paragraphs (a), (b) and (c) of Title 25, Code of Federal Regulations, dealing with irrigable lands on the Blackfeet Indian Irrigation Project, to read as follows:

§ 130.130 *Basic assessment.* Pursuant to the Acts of Congress approved August 1, 1914, May 18, 1916 and March 7, 1928 (38 Stat. 583; 39 Stat. 142; 45 Stat. 210; 25 U. S. C. 385, 387), the basic rate of assessment of operation and maintenance charges against the irrigable lands under the Blackfeet Indian Irrigation Project, Montana, for the season of 1951 and until further notice, is hereby fixed at $1.80 per acre per annum for the delivery of water, on an application basis, of not to exceed 1½ acre-feet per acre during each irrigation season.

§ 130.131 *Excess water assessment.* Additional water may be delivered in excess of 1½ acre-feet per acre per annum at the rate of $1.00 per acre-foot, or fraction thereof.

§ 130.132 *Payment.* The assessments fixed in §§ 130.130 and 130.131 shall be due and payable at the time of the filing of the application for water. Payments must be made to the proper offices at Browning, Montana, before water is delivered.

Section 130.132 (b) and 130.132 (c) are hereby rescinded.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments in writing to the Area Director, Bureau of Indian Affairs, Billings, Mont., within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

PAUL L. FICKINGER,
Area Director.

[F. R. Doc. 51-3616, Filed, Mar. 21, 1951; 8:57 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR, Part 82]

[File No. 21-429]

UPHOLSTERY AND DRAPERY FABRICS INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, organizations, or other parties, including farm, labor and consumer groups, affected by or having an interest in the proposed trade practice rules for the Upholstery and Drapery Fabrics Industry (constituting a proposed revision and extension of the rules for the Upholstery Textile Industry as promulgated November 16, 1932), to present to the Commission their views concerning said revision of rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than May 2, 1951.

The opportunity to be heard orally will be afforded to any such persons, partnerships, corporations, organizations, or other parties, who desire to appear and be heard at the following times and places:

Hearing beginning at 10:00 a. m., April 11, 1951, in the Hotel Biltmore, Madison Avenue at Forty-third Street, New York City; and

Hearing beginning at 10:00 a. m., May 2, 1951, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C.

After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed revision of rules.

The industry for which these rules are proposed is comprised of those persons, firms, corporations and organizations engaged in the production (including the dyeing and finishing or refinishing of goods of foreign origin), sale or distribution of upholstery and drapery fabrics composed of various materials and combinations thereof, including, but not limited to, wool, cotton, silk, and artificial fibers.

Issued: March 19, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-3529; Filed, Mar. 21, 1951, 8:45 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Alby Sportswear Co., 414 Pine Street, Scranton, Pa., effective 3-8-51 to 3-7-52; 10 percent normal labor turnover (dresses and blouses).

Atlanta Knitting Mills, Inc., Main Street, Catskill, N. Y., effective 3-13-51 to 3-12-52; 10 percent normal labor turnover (ladies' undergarments).

Bernco, Fifth and Walnut Streets, Mount Carmel, Pa., effective 3-7-51 to 3-6-52; 10 percent normal labor turnover, 10 percent or 10 learners, whichever is greater (women's blouses and dresses).

Blain Associates, Blain, Perry County, Pa., effective 3-7-51 to 3-6-52; five learners normal labor turnover (women's woven rayon underwear).

Blue Bell Dress Co., Inc., 33 East Northampton Street, Wilkes Barre, Pa., effective 3-9-51 to 3-8-52; for normal labor turnover, 10 learners except for work on ladies' suits, cloaks, and separate skirts (ladies' apparel).

Briarcliff Mills, 84 Prior Street, NW., Atlanta, Ga., effective 3-9-51 to 3-8-52; for normal labor turnover, five learners to be employed on ladies' woven cotton underwear only.

The Butler Shirt Co., 165 Brugh Avenue, Butler, Pa., effective 3-14-51 to 9-13-51; five learners for expansion purposes (Army flannel shirts).

The Butler Shirt Co., 165 Brugh Avenue, Butler, Pa., effective 3-14-51 to 3-13-52; 10 percent normal labor turnover (Army flannel shirts).

Chaffee Manufacturing Co., Inc., Chaffee, Mo., effective 3-12-51 to 3-11-52; 10 percent normal labor turnover (men's dress trousers).

D & D Sewing Co., 1360 North George Street, York, Pa., effective 3-8-51 to 3-7-52; 10 learners normal labor turnover (children's cotton outerwear).

D & D Sewing Co., 1360 North George Street, York, Pa., effective 3-8-51 to 9-7-51; five learners for expansion purposes only. (children's cotton outerwear).

Embassy Manufacturing Co., 1021 Washington Avenue, St. Louis, Mo., effective 3-9-51 to 3-8-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's single dress pants).

Farwest Garments, Inc., 419 First Avenue South, Seattle, Wash., effective 3-7-51 to 3-6-52; 10 learners normal labor turnover (men's and boys' jackets).

Leslie Fay Fashions, Inc., 110 Downing Street, Plymouth, Pa., effective 3-12-51 to 3-11-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (ladies' rayon and cotton dresses).

Fay Sportswear Co., 349 High Street, Burlington, N. J., effective 3-12-51 to 3-11-52; 5 learners normal labor turnover (ladies' and children's sportswear).

General Knitwear Corporation, 1356 Locust Street, Terre Haute, Ind., effective 3-14-51 to 3-13-52; five learners normal labor turnover (cotton knitted and woven polo shirts, all from purchased cloth).

Gibson City Garment Co., Gibson City, Ill., effective 3-8-51 to 3-7-52; five learners normal labor turnover (women's sportswear and loungewear).

Glen Lyon Garments, Inc., 212 East Main Street, Glen Lyon, Pa., effective 3-7-51 to 3-6-52; 10 learners normal labor turnover (ladies' dresses).

Glen of Michigan, Inc., 77 Hancock Street, Manistee, Mich., effective 3-10-51 to 9-9-51, eight additional learners for expansion purposes only (women's, misses' and juniors' dresses and blouses, sportswear and outerwear; juniors' and children's sportswear).

Glove Pants Manufacturing Co., 300 Plymouth Avenue, Fall River, Mass., effective 3-8-51 to 3-7-52; five learners normal labor turnover (men's and boys' single pants).

Gort Girls' Frocks, Inc., 75 Stark Street NE., Wilkes Barre, Pa., effective 3-8-51 to 3-7-52; 10 percent normal labor turnover (children's dresses).

Hazelton-McAdee Sportswear Co., 315 West Twentieth Street, Hazelton, Pa., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (ladies' and children's sportswear).

Holiday Wear Incorporated, Ridgeland, S. C., effective 3-12-51 to 9-11-51; 105 learners for expansion purposes (children's sportswear).

Kabro of Houston, 520 Preston, Houston, Tex., effective 3-9-51 to 3-8-52, for normal labor turnover, 10 learners, except for work on ladies' suits, cloaks and separate skirts (ladies' dresses and blouses).

Kahn Manufacturing Co., Inc., Royal and St. Louis Streets, Mobile, Ala., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (men's and boys' trousers).

Kenney Dress Co., 802 Main Street, Dickson City, Pa., effective 3-8-51 to 3-7-52; 8 learners normal labor turnover (children's dresses).

W. Kotkes & Son, Inc., Lynchburg, Va., effective 3-9-51 to 3-8-52; 10 percent normal labor turnover (nurses and maid's uniforms).

Lakeland Manufacturing Co., Sheboygan, Wis., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (snow suits; coats; jackets; wool and leather jackets).

Lechmere Sportswear Manufacturing Co., 169 Bridge Street, Cambridge, Mass., effective 3-8-51 to 3-7-52; 10 learners normal labor turnover (ski wear and ladies' sportswear).

Leslie Fashions, Inc., 132 Maffett Street, Hopkins, Pa., effective 3-8-51 to 3-7-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (ladies' rayon and cotton dresses).

Linsk of Philadelphia, Clayton, N. J., effective 3-13-51 to 3-12-52; 10 percent normal labor turnover (junior-miss dresses).

Linsk of Philadelphia, McKee City, N. J., effective 3-13-51 to 3-12-52; 10 percent normal labor turnover (junior-miss dresses).

Linsk of Philadelphia, Penns Grove, N. J., effective 3-13-51 to 3-12-52; 10 percent normal labor turnover (junior-miss dresses).

Linsk of Philadelphia, Westville, N. J., effective 3-13-51 to 3-12-52; 10 percent normal labor turnover (junior-miss dresses).

Linsk of Philadelphia, Woodbury, N. J., effective 3-13-51 to 3-12-52; 10 percent normal labor turnover (junior-miss dresses).

Main Manufacturing Co., Inc., 1421 Wallace St., Philadelphia, Pa., effective 3-7-51 to 3-6-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (children's cotton dresses).

Maryland Pants Contractors, 322 West Baltimore Street, Baltimore, Md., effective 3-8-51 to 3-7-52; five learners normal labor turnover (men's pants).

McNeer Dillon Co., Statesville, N. C., effective 3-8-51 to 3-7-52; 10 percent normal labor turnover (shirts).

McNeer Dillon Co., Statesville, N. C., effective 3-8-51 to 9-7-51; 10 additional learners for expansion purposes (shirts).

Myco Manufacturing Co., Inc., Wilburton, Pa., effective 3-12-51 to 3-11-52; 10 learners normal labor turnover (ladies' housecoats).

Olan Dress Corp., 808 Chestnut Street, Kulpmont, Pa., effective 3-7-51 to 3-6-52; 10 learners normal labor turnover (ladies' dresses).

J. Olsher & Co., 445 North Ninth Street, Clinton, Ind., effective 3-15-51 to 3-14-52; 10 learners normal labor turnover (boys' single pants and shirts).

The Par-Ex Shirt Co., 20 Wooster Street, New Haven, Conn., effective 3-7-51 to 3-6-52; 10 percent or 10 learners, whichever is greater, for normal labor turnover (men's shirts).

Peerless Shirt & Overall Manufacturing Co., 253 South Main Street, Wilkes-Barre, Pa., effective 3-9-51 to 9-8-51; 10 additional learners for expansion purposes only (dungarees, pants, longies).

Philcraft Sportswear Co., 1024 Filbert Street, Philadelphia, Pa., effective 3-14-51 to 3-13-52; five learners normal labor turnover (ladies' sportswear).

Quaker City Uniform Co., Inc., 418 Cherry Street, Philadelphia, Pa., effective 3-8-51 to 3-7-52; 10 learners normal labor turnover (men's trousers, uniforms).

Rose Marie, Inc., Hillsboro, Tex., effective 3-13-51 to 3-12-52; five learners normal labor turnover (women's sportswear).

Jules Segal & Co., 350 North Sixteenth Street, Philadelphia, Pa., effective 3-8-51 to 3-7-52; 10 percent normal labor turnover (field jackets).

Shamokin Manufacturing Co., Inc., 100 North Rock Street, Shamokin, Pa., effective 3-8-51 to 3-7-52; 10 percent normal labor turnover (women's cotton and rayon dresses and blouses).

Sheila Coats, Inc., 221-223 East Fourth Street, St. Paul, Minn., effective 3-9-51 to 3-8-52; five learners normal labor turnover (men's sport jackets; children's stormcoats).

Southern Manufacturing Co., Plant No. 1, 313 Fifth Avenue North, Nashville, Tenn., effective 3-8-51 to 3-7-52; 10 percent normal labor turnover (men's and boys' work shirts).

I. Spiewak & Sons, Inc., 346 Bergen Avenue, Jersey City, N. J., effective 3-14-51 to 3-13-52, for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's and boys' outerwear jackets).

Sylvania Sportswear Co., 1766 Main Street (Rear), Northampton, Pa., effective 4-1-51 to 3-31-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's and boys' sport shirts).

I. Taitel & Son, 12 South Prettyman Street, Knox, Ind., effective 3-12-51 to 3-11-52; 10 percent normal labor turnover (men's work pants).

Tatamy Shirt Mill, Tatamy, Pa., effective 3-9-51 to 3-8-52, for normal labor turnover, 10 percent or 10 learners, whichever is greater (ladies' blouses).

Terre Co., Terre Hill, Pa., effective 3-7-51 to 3-6-52; 10 learners normal labor turnover (boys' sport shirts).

Tex Manufacturing Co., Inc., 222 West Overland Street, El Paso, Tex., effective 3-12-51 to 3-11-52; five learners normal labor turnover (men's and boys' denim and khaki work pants).

United Pants Co., Inc., Plymouth Branch, 222-228 Beade Street, Plymouth, Pa., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (pants).

United Pants Co., Inc., Shoemaker Street, Swoyerville, Pa., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (pants and jackets).

The Warner Bros. Co., Malone, N. Y., effective 3-8-51 to 3-7-52; 10 percent normal labor turnover (corsets and brassieres).

The Warner Bros. Co., Malone, N. Y., effective 3-8-51 to 9-7-51; 20 additional learners for expansion purposes only (corsets and brassieres).

Wayne Garment Co., Main and Center Streets, Forest City, Pa., effective 3-9-51 to 9-8-51; 10 learners for expansion purposes (children's snow suits and jackets).

E. Weinshel & Bro. Co., 1319 North Third Street, Milwaukee, Wis., effective 3-12-51 to 3-11-52; 7 percent normal labor turnover (men's and boys' dress trousers and jackets).

Whitehaven Dress Co., Inc., Main Street, White Haven, Pa., effective 3-15-51 to 3-14-52; 10 learners normal labor turnover (ladies' better dresses).

York Maid Dress Co., 131 North George Street, York, Pa., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (children's cotton and rayon dresses).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

The Boss Manufacturing Co., 811 West Fourth Street, Grand Island, Nebr., effective 3-10-51 to 9-9-51; 10 learners for expansion purposes.

Marso & Rodenborn Manufacturing Co., 700 First Avenue, North, Fort Dodge, Iowa, effective 3-6-51 to 7-7-51; five learners for normal labor turnover (supplemental certificate).

Morris Manufacturing Co., Dyersburg, Tenn., effective 3-6-51 to 9-5-51; 40 learners for expansion purposes only.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Bear Brand Hosiery Co., Fayetteville, Ark., effective 3-7-51 to 11-6-51; 55 additional learners for expansion purposes.

Bear Brand Hosiery Co., Siloam Springs, Ark., effective 3-7-51 to 11-6-51; 55 additional learners for expansion purposes.

Blackstone Hosiery Mills, Inc., Thomasville, N. C., effective 3-7-51 to 3-6-52; 5 percent normal labor turnover.

James Hosiery Mills, Inc., Greenville, Tenn., effective 3-7-51 to 11-6-51; 16 additional learners for expansion purposes.

Piedmont Knitting Co., Inc., Gordonsville, Va., effective 3-9-51 to 11-8-51; 10 additional learners for expansion purposes.

Union Manufacturing Co., Union Point, Ga., effective 3-21-51 to 3-20-52; 5 percent normal labor turnover.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

J. Freezer & Son, Inc., Redford, Va., effective 3-12-51 to 9-11-51; 50 learners for expansion purposes, to be employed on men's shorts only.

Puerto Rico. The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiring dates, the number of learners the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Puerto Rico Fabrics, Inc., Naguabo, P. R., effective 2-26-51 to 11-23-51. Total of 25 learners—12 knitters, 6 loopers, and 3 machine fixers; wage rates for each occupation: First 174 hours at 25 cents an hour, second 174 hours at 30 cents an hour, and third 174 hours at 35 cents an hour; 4 examiners, menders, and transferers, wage rates first 80 hours at 25 cents an hour, second 80 hours at 30 cents an hour, and third 80 hours at 35 cents an hour (infants' hosiery).

Manati Pearl Werks, Inc., Manati, P. R., effective 3-2-51 to 9-1-51. Total of 25 learners in occupation of cutting; 640 hours; 75 percent of the minimum hourly rate applicable by Wage Order of the Administrator (pearl buttons).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260; 15 F. R. 6546).

Maine Shoes, Spring Street Extended, Auburn, Maine, effective 3-5-51 to 12-31-51; 10 percent normal labor turnover.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Art Neckwear Co., Sixth and Columbia Avenue, Philadelphia, Pa., effective 3-8-51 to 3-7-52; five learners normal labor turnover (neckwear, mufflers, etc.).

Clifton Manufacturing Co., Waco, Tex., effective 3-12-51 to 9-11-51; five learners normal labor turnover (automobile seat covers).

Fit Rite Sports Headwear, 313 North Capitol, Indianapolis, Ind., effective 3-8-51 to 3-7-52; five learners normal labor turnover; machine operators (except cutting), 240 hours; 65 cents per hour (men's and boys' dress caps and cloth hats).

Flower Products Co., Inc., Chicago, Ill., effective 3-13-51 to 9-12-51; five learners normal labor turnover; flower maker, including only the operations of slipping-up, heading, tying, pasting, rosemaking, branching and stemming; 160 hours; 60 cents per hour (artificial flowers, leaves, etc.).

Greenwood Embroidery & Trimming Co., Inc., Greenwood, S. C., effective 3-12-51 to 3-11-52; five learners normal labor turnover; machine operators (except cutters), 320 hours; 60 cents per hour (embroidery and trimming for dresses, etc.).

M & G Clothes, Inc., Northeast corner Twenty-second and Market Streets, Philadelphia, Pa., effective 3-8-51 to 3-7-52; 7 percent normal labor turnover; machine operating (except cutting), pressers, and handsewers; each 480 hours; at least 60 cents per hour for first 240 hours and not less than 65 cents per hour for remaining 240 hours (men's and boys' clothing).

Pacific Embroidery Co., 2472-74 Frankford Avenue, Philadelphia, Pa., effective 3-8-51 to 3-7-52; two learners normal labor turnover; machine operators (except cutting), 320 hours; 60 cents per hour (embroideries).

Paperlynen Co., Columbus, Ohio, effective 3-10-51 to 9-9-51; five learners normal labor turnover; folding, 160 hours; 60 cents per hour (paper hats).

Reed Coat Front Pad Corp., 1421 Wallace St., Philadelphia, Pa., effective 3-8-51 to 3-7-52; two learners normal labor turnover; machine operating (except cutting), 480 hours; at least 60 cents per hour for first 240 hours and not less than 65 cents per hour for remaining 240 hours (canvas coat fronts).

Wolverine Hat & Cap Mfg. Co., Inc., Reform, Ala., effective 3-9-51 to 3-8-52; 10 percent normal labor turnover; machine operators (except cutters), pressers, and handsewers, each 240 hours; 65 cents per hour (caps).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 14th day of March 1951.

ISABEL FERGUSON,
Authorized representative of the Administrator.

[F. R. Doc. 51-3567; Filed, Mar. 21, 1951; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration and Commodity Credit Corporation

WAREHOUSE-STORAGE LOANS MADE UNDER 1950 PRICE SUPPORT PROGRAMS

NOTICE OF FINAL DATE OF REDEMPTION OF GRAINS AND RELATED COMMODITIES

Unless earlier demand is made by CCC, warehouse-storage loans under 1950 Price Support Programs on the agricultural commodities designated in the table below mature and are due and payable on the dates indicated. Unless such loans are repaid on or before the final date for repayment specified below, or the producer notifies in writing either the PMA county committee or the PMA commodity office serving the area that the funds have been placed in the mail, CCC will purchase the commodities pursuant to the provisions of the note and loan agreement at the higher of (1) the loan value plus interest and charges or (2) the market value as determined by the appropriate PMA commodity office as of the close of the market on the final date for repayment. In the event such market value is in excess of the loan value plus interest and charges, the excess amount will be paid to the producer by the appropriate PMA commodity office. The locations of the PMA commodity offices and the area served by each of such offices are set out in § 601.21 of the 1950 CCC Grain Price Support Bulletin 1 (15 F. R. 3147).

	Maturity date	Final date for repayment
Grain sorghums	Mar. 31, 1951	Mar. 31, 1951
Kobe lespedeza seed	do	Do.
Wheat	Apr. 30, 1951	Apr. 30, 1951
Oats	do	Do.
Barley	do	Do.
Rye	do	Do.
Flaxseed (except in Texas, California, and Arizona)	do	Do.
Dry edible beans	do	Do.
Rice	do	Do.
Hay, pasture, and range grass seed (except buffalo grass)	do	Do.
Soybeans	May 31, 1951	May 31, 1951
Corn	July 31, 1951	July 31, 1951
Buffalo grass seed	Sept. 30, 1951	Oct. 1, 1951

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup. 1441, 1447, 1421.)

Done at Washington, D. C., this 19th day of March 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

ELMER F. KRUSE,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-3617; Filed, Mar. 21, 1951; 8:57 a. m.]

CIVIL AERONAUTICS BOARD

[Public Notice PN-1, Amdt. 1]

AMENDMENTS TO ORGANIZATION STRUCTURE

The Civil Aeronautics Board hereby amends Public Notice PN-1, dated July 1, 1950, in order to conform with the current organization structure, as follows:

1. Section 2.1 (b) is amended to read as follows:

(b) The Chairman of the Board is responsible for the executive and administrative functions of the Board, including functions with respect to the appointment and supervision of personnel employed under the Board; the distribution of business among such persons and among administrative units of the Board; and the use and expenditure of funds. The Executive Director, acting on behalf of the Chairman, directs the development of operational plans, schedules the flow of work, and coordinates the activities of the several bureaus and offices in order to achieve an effective and economical organization.

2. Section 4 is repealed in its entirety and superseded by the following:

BUREAU OF AIR OPERATIONS

SEC. 4.1 *Director.* The Director of the Bureau of Air Operations is directly responsible to the Board for interpretation of economic data and advice involving policy, and to the Chairman for advice regarding procedure to be followed in the economic regulation of domestic, overseas, and international air transportation. In the Bureau of Air Operations there are the following organizational units:

(a) Accounting and Statistics Division.
(b) Foreign Air Division.
(c) Carrier Relationships Division.
(d) Rates Division.
(e) Routes Division.
(f) Alaska Office.

SEC. 4.2 *Accounting and Statistics Division.* The Accounting and Statistics Division initiates and administers an operational, financial, and accounting reporting program. This includes the receipt and analysis of periodic reports of financial and operating statistics and the preparation of regular and special reports based upon such data; the administration of, and recommendation of changes in, the uniform system of accounts and the uniform system of periodic reports of financial and operating statistics; the issuance of letters of interpretation of such systems; and the auditing of accounts of certificated air carriers. The Accounting and Statistics Division also prepares analysis of economic problems in air transportation currently requiring Board action; prepares exhibits for use in formal proceedings before the Board and provides expert testimony concerning such exhibits; analyzes exhibits prepared by parties to formal proceedings; and prepares, as directed, comprehensive surveys and studies relating to the development and regulation of air transportation.

SEC. 4.3 *Foreign Air Division.* The Foreign Air Division advises the Director, Bureau of Air Operations, on the formulation of positions to be taken by the United States on international civil aviation matters involving economic foreign policy; serves as liaison between the Board and the Department of State; provides representation, when so designated, in connection with international conferences and bilateral or multilateral relations with foreign countries. In the discharge of these duties the Foreign Air Division analyzes economic data bearing on the problems to be dealt with.

SEC. 4.4 *Carrier Relationships Division.* The Carrier Relationships Division is concerned with economic and legal aspects of air transportation regarding the consolidation, merger, acquisition of control, interlocking directorates, and contracts between carriers and other persons affecting air transportation. The Carrier Relationships Division prepares for consideration of, and adoption by, the Board statements of policy and of program objectives and makes recommendations or, where authority has been delegated, takes action to dispose of cases pending before the Board.

SEC. 4.5 *Rates Division.* The Rates Division is responsible for all economic and legal aspects of matters relating to regulation of mail rates and subsidy payments pursuant to section 406 of the Act, regulation of commercial rates pursuant to sections 403, 404, and 1002 of the act and the commercial rate aspects of IATA resolutions. With respect to these matters, the Rates Division prepares for consideration of, and adoption by the Board statements of policy and of program objectives and recommends or takes action where authority has been delegated with respect to specific cases pending before the Board.

SEC. 4.6 *Routes Division.* The Routes Division is responsible for all economic and legal aspects relating to the authorization of routes and other services required to meet the objectives of the Act, whether by certificate of public convenience and necessity, foreign air carrier permit or exemption order, and the route patterns and carriers to provide such services. The Routes Division develops for consideration by the Board statements of policy and program objectives, and recommends or takes action, where authority has been delegated, with respect to the specific cases concerned with routes and related services pending before the Board.

SEC. 4.7 *Alaska Office.* The Director of the Alaska Office, under the general supervision of the Director, Bureau of Air Operations, is responsible for the receipt and investigation of all matters pertaining to the regulation of air transportation in Alaska; the conduct of proceedings incident thereto; the preparation of recommendations and reports to the Board respecting the regulation of Alaskan Air Carriers and enforcement thereof; the audit and inspection of records, memoranda, accounts and property of Alaskan Air Carriers; and otherwise serving as the Board's representative in Alaska.

3. Section 10.2 is amended to read as follows:

SEC. 10.2 *Accounting and Statistics Division.* An office of the Accounting and Statistics Division of the Bureau of Air Operations is maintained at 2 Park Avenue, New York, New York.

Effective: February 19, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-3599; Filed, Mar. 21, 1951; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9822]

TROPICAL RADIO TELEGRAPH CO. AND WESTERN UNION TELEGRAPH CO.

ORDER SCHEDULING CONSOLIDATED HEARING

In the matter of Tropical Radio Telegraph Company, complainant, vs. The Western Union Telegraph Company, defendant, Docket No. 9822.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of March 1951;

The Commission having under consideration a complaint filed on October 20, 1950, by Tropical Radio Telegraph Company against The Western Union Telegraph Company as defendant, alleging that said defendant, since January 1, 1946, has applied and continues to apply to marine telegraph traffic interchanged with complainant a schedule of "Landline Charges on Marine Traffic" ("Schedule") which is unreasonably and unjustly discriminatory against complainant and in favor of other marine telegraph carriers in violation of the provisions of section 222 (e) of the Communications Act of 1934, as amended, and of Appendix 2, section 7 of the "Formula, Pursuant to Section 222 (e) (1) of the Communications Act, for the Distribution of Outbound International Traffic Handled by The Western Union Telegraph Company following Merger with Postal Telegraph, Inc." ("Formula"); that complainant has sustained "serious financial damages" as a result of the application of the above "Schedule" to such traffic; and requesting that the Commission (a) order The Western Union Telegraph Company to cease and desist from the collection of the landline or pickup charges for marine traffic (ship-shore and shore-ship) which The Western Union Telegraph Company now demands, (b) prescribe under the provisions of the "Formula" (section 7 of Appendix 2) a formula for the division of landline and pickup charges for marine telegraph traffic which will be just, reasonable, equitable and in the public interest, and (c) order The Western Union Telegraph Company to make restitution to Tropical Radio Telegraph Company for the latter's loss caused since January 1, 1946, by the "discriminatory and anomalous division of landline and pickup charges" complained of; and also having under consideration the answer to the above complaint filed on November 30, 1950, by the defendant herein in which it alleges on information and belief that the Commission has under consideration a general investigation into the current revenue requirements of the various marine radiotelegraph carriers, and submits that the question of the division of the charges between The Western Union Telegraph Company and the marine carriers may more appropriately be considered in connection with such investigation; and requests that the complaint of Tropical Radio Telegraph Company be dismissed; and having also under consideration the opposition to defendant's answer filed by the complainant on December 11, 1950, in which complainant states that it does not object if the Commission should see fit to include a determination of a just and reasonable formula for the future division of landline and pickup charges for marine telegraph traffic as one of the issues of a general investigation into marine radiotelegraph communications, but that it does object to having the other requests set forth in the complaint considered in such general investigation;

The Commission also having under consideration its order dated 1951, In the Matter of Charges, Practices, Classifications and Regulations for and in connection with Marine Radiotelegraph Services, Docket No. 9915;

It appearing, that from an examination of the above complaint, answer and opposition, issues are present which should be determined upon the basis of a public hearing;

It further appearing, that the determination of just and reasonable divisions of charges for marine telegraph traffic handled jointly by The Western Union Telegraph Company and the various marine radiotelegraph carriers, including the complainant herein, is one of the issues included in the general investigation into marine telegraph services and rates which the Commission has instituted by its above order in Docket No. 9915, and that much of the evidence to be adduced therein with respect to such issue will be relevant and material to a determination of the issues involved herein;

It is ordered, That pursuant to the provisions of sections 208 and 222 of the Communications Act of 1934, as amended, a public hearing on the issues presented by the pleadings herein be held at the offices of the Commission in Washington, D. C. on the 11th day of June 1951;

It is further ordered, That the hearing herein shall be consolidated with the hearing In the Matter of Charges, Practices, Classifications and Regulations for and in connection with Marine Radiotelegraph Services, Docket No. 9915.

It is further ordered, That Leo Resnick is assigned to preside at such hearings; and that the presiding officer shall certify the record to the Commission for decision without preparing either a recommended or initial decision herein.

It is further ordered, That copies of this order shall be served upon the complainant and the defendant herein.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3607; Filed, Mar. 21, 1951; 8:55 a. m.]

[Docket No. 9915]

CHARGES FOR AND IN CONNECTION WITH MARINE TELEGRAPH SERVICES

ORDER INSTITUTING INVESTIGATION AND SCHEDULING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of March 1951;

The Commission, having under consideration:

(a) Informal requests from Globe Wireless Ltd., (filed on July 17, 1948, and October 26, 1949), Mackay Radio and Telegraph Company, Inc., (filed on July 17, 1948, and October 7, 1949), Radiomarine Corporation of America (filed on August 11, 1950), and Tropical Radio Telegraph Company (filed on July 20, 1948, and October 10, 1949), that the Commission, on its own motion, enter into an investigation with respect to the earnings and rates of all carriers operating in the public marine radiotelegraph service which are under its jurisdiction;

(b) Earnings reports pertaining to marine radiotelegraph traffic handled by the above-named carriers;

(c) The tariffs filed by the various marine radiotelegraph carriers subject to the Commission's jurisdiction and The Western Union Telegraph Company (Western Union), which contain rates, regulations and other provisions with respect to marine telegraph service;

(d) The contracts and arrangements between Western Union and the operators of marine coast stations engaged in providing marine radiotelegraph service with respect to the divisions of tolls for the domestic handling of marine telegraph traffic;

(e) Appendix 2 to the "Formula, pursuant to section 222 (e) (1) of the Communications Act, for the Distribution of Outbound International Traffic handled by The Western Union Telegraph Company following Merger with Postal Telegraph, Inc." (Formula);

(f) The contracts between the marine carriers named in subparagraph (a) above and various ship operators providing for the maintenance and operation of radiotelegraph stations aboard ship as well as for the division of the ship station message tolls;

It appearing, that the net earnings of such marine carriers attributable to marine radiotelegraph service have declined, and that various carriers may be operating such service at a loss;

It further appearing, that a question is presented as to whether the aforementioned contracts and arrangements between Western Union and the various marine carriers comply with the provisions of Appendix 2 to the aforementioned Formula requiring Western Union to furnish "uniform and nondiscriminatory" services to marine carriers;

It is ordered, That pursuant to sections 201, 202, 205, 222, and 403 of the Communications Act of 1934, as amended, an investigation is instituted on the Commission's own motion into the earnings and the rates and charges, division of charges, and the related practices, classifications, regulations, and services of all carriers subject to the jurisdiction of this Commission, for and in connection with public marine telegraph service between points in the United States (including its territories and possessions) and mobile stations on ships at sea or in the air, and between such mobile stations through coast stations located in the United States (including its territories and possessions), except the level of charges for the service rendered by mobile stations;

It is further ordered, That the following marine carriers are made parties respondent in this proceeding: Globe Wireless Ltd.; Mackay Radio and Telegraph Company, Inc.; Radiomarine Corporation of America; RCA Communications, Inc.; Tropical Radio Telegraph Company; M. D. Strickland, and E. W. Stephens, d/b a Caribbean Radio; Central Radio Telegraph Company; City of Baltimore, Maryland; Clara Lee Wood, d b a Gulf Radio Service; J. L. Dezauche, Jr., and R. A. Gartman, d/b a Mobile Marine Radio; E. M. Tellefson, d b a Mackinac Radio Service; Olympic Radio Company; Clair C. Fetterly, d b a Seattle Harbor Radio; and South Porto Rico Sugar Company; that Western Union is also made a party respondent in the proceeding; and that a copy of this order shall be served upon each of the above-named carriers;

It is further ordered, That, without limiting the scope of the investigation herein, it shall include inquiry into the following matters:

(a) The lawfulness under sections 201 and 202 of the Communications Act of 1934, as amended, of the charges of the respondent marine carriers for and in connection with all classes of public marine telegraph service;

(b) The areas served by each of the coast stations of the respondent marine carriers;

(c) The volume of marine radiotelegraph traffic originated and terminated at each of the coast stations operated by each of the respondent marine carriers and the volume of such traffic exchanged with Western Union; the revenues derived therefrom; the relationship between such traffic volumes and the costs of handling thereof; and whether, and to what extent, each of the coast stations operated by each of respondent marine carriers can profitably handle any additional traffic;

(d) The gross and net earnings of each of the respondent marine carriers from marine radiotelegraph service furnished by such carriers through their respective coast stations, including the current level of these earnings, the trends thereof (past, present and anticipated in the future), and the factors presently affecting such earnings;

(e) The operating expenses which each of the respondent marine carriers claim should be deducted from gross operating revenues in order to arrive at net operating income to be considered in a determination of charges to the users for the marine radiotelegraph services furnished by said carriers, the trends of such expenses, and the reasonableness of such expenses;

(f) The amount of the gross and net book cost of plant and equipment, and the working capital requirement, of each of the respondent marine carriers properly applicable to the rendition of marine radiotelegraph service;

(g) The amount of return which is fair and reasonable for each of the respondent marine carriers; whether it is necessary, or appropriate, under the Communications Act that charges for marine radiotelegraph services should be determined or prescribed on the basis of revenue requirements of the marine carrier or carriers having the highest level of net earnings from such services, or on some other basis, and if so, on what basis;

(h) The extent to which, if any, the revenues accruing to the respondent marine carriers from services performed in the maintenance and operation of ship stations and from ship station tolls should be included in the communication revenues of such respondents and the effect thereof on the earnings of such carriers;

(i) The extent to which, if any, the expenses attributable to the maintenance and operation of ship stations should be included in the allowable operating revenue deductions for or in connection with marine communications services of the respondent marine carriers and the effect thereof on the earnings of such carriers;

(j) Whether the Commission should authorize or prescribe any changes in the charges applicable to the coast station handling of marine radiotelegraph traffic; and if so, the nature of such changes;

(k) The lawfulness under sections 201, 202 and 222 (e) (1) of the Communications Act and under the aforementioned Appendix 2 to the Formula, of the charges for the landline handling of marine telegraph traffic;

(l) The volume of marine telegraph traffic handled by Western Union between each coast station and points in the United States, the revenues resulting therefrom and the need, if any, to change the charges applicable thereto;

(m) The lawfulness under sections 201, 202 and 222 (e) (1) of the Communications Act and under the aforementioned Appendix 2 of the Formula of the present arrangements for the division of tolls under which marine telegraph traffic is exchanged between Western Union and the other respondent carriers;

(n) Whether the Commission should authorize or prescribe any changes in the division agreements between Western Union and the respondent marine carriers, and if so, the nature of such changes, and the effect thereof upon the respective revenues of Western Union and such marine carriers;

(o) Whether the Commission should authorize or prescribe any changes in the composition of the zones or in the rates applicable to the landline handling of marine telegraph traffic within the United States, and if so, the nature of such changes and the effects thereof on the volume of traffic and on the revenues of the marine carriers and Western Union:

It is further ordered, That hearings shall be held in this proceeding in the offices of the Commission at Washington, D. C., to begin at 10:00 o'clock on the 11th day of June 1951, that Leo Resnick is assigned to preside at such hearings; and that the Presiding Officer shall certify the record to the Commission for decision without preparing either a recommended or initial decision herein.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3608; Filed, Mar. 21, 1951; 8:56 a. m.]

[Docket No. 9917]

MENDOCINO COAST BROADCASTERS AND STATION KDAC

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Tony R. Amarante, John A. Brush, Edward Merle and Mathew Thompson, d b as Mendocino Coast Broadcasters, permittee of Station KDAC, Fort Bragg, California, File No. BL-3190, Docket No. 9917; for license to cover construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of March 1951;

The Commission having under consideration the above-entitled application for license to cover construction permit for Station KDAC, Fort Bragg, California; and

It appearing, that upon the basis of the above application and other information presently before the Commission that the Commission is not satisfied that it is in possession of full information as is required by the Communications Act of 1934, as amended, and more particularly section 309 (a) thereof;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application be designated for hearing at Fort Bragg, California, on May 7, 1951, upon the following issues:

1. To obtain full information with respect to the affairs of the permittee partnership and more particularly:

(a) To determine the method and sources of financing of the construction and operation of Station KDAC from the grant of initial construction permit therefor to date and whether such method and sources of financing constituted a departure from the representations made with respect thereto in the application (BP-6233) for construction permit for Station KDAC.

(b) To obtain full information relative to the resignation from the permittee partnership, on or about August 27, 1948, of partner John A. Brush.

(c) To obtain full information relating to the events and circumstances surrounding the alleged exclusion from the permittee partnership of partner Mathew S. Thompson.

(d) To obtain full information relating to the resignation from the permittee partnership, on or about September 29, 1949, of partner Tony R. Amarante.

2. To determine in whom, since the grant of initial construction permit for Station KDAC, the authority over its operation and control has resided and in whom such authority presently resides.

3. To determine whether all contracts, agreements, and understandings relating to the ownership, management, and control of the permittee, Mendocino Coast Broadcasters, have been reported to the Commission in accordance with §§ 1.341, 1.342, and 1.343 of the Commission's rules and regulations.

4. To determine whether the construction permit for Station KDAC, or the rights and responsibilities incident thereto, have been transferred or assigned, directly or indirectly, in contravention of section 319 (b) of the Communications Act and whether, in the event of such unauthorized assignment or transfer, the station has been operated by an unlicensed person or persons in violation of section 301 of the Communications Act of 1934, as amended.

5. To determine whether, in the light of the evidence adduced under the foregoing issues, a grant of the above application would be in the public interest.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3606; Filed, Mar. 21, 1951; 8:55 a. m.]

[Docket No. 9918]

STATION KTXC

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of renewal of license of Station KTXC, Big Spring, Texas, Docket No. 9918, File No. BR-2332.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of March 1951;

The Commission having under consideration the above application for renewal of license of Station KTXC, together with a letter and enclosures to the Commission, dated November 16, 1950, from Leonard R. Lyon, the former individual licensee of Station KTXC and presently Secretary, Treasurer and a one-third stockholder in Big State Broadcasting Corporation, licensee of Station KTXC, Big Spring, Texas, which letter states:

Copy to FCC and Mr. J. W. Wallace Radio Station KBST, Big Spring, Texas

LEONARD R. LYON
Box 744, Chickasha, Okla.

NOVEMBER 16, 1950.

Mr. T. J. SLOWIE *Secretary,*
Federal Communications Commission,
Washington 25, D. C.

DEAR MR. SLOWIE: Please find enclosed two contracts pretaining (sic) to Radio Station KTXC, Big Spring, Texas 1400 kc unlimited. Also pretaining (sic) to Leonard R. Lyon, V. T. Anderson and E. W. Anderson.

While the enclosed contracts were not lived up to fully, they have been held over my head for too long.

The original application for the station BP-6971 was filed by me in all sincerety (sic) and in good faith; however, Contract 1 was signed by me to prevent a second application for the same facilities by the Andersons and to prevent the loss of everything due to their political pull.

On signing the first contract I lost all voice in the proposed station, but had no choice other than to carry out orders. Many more descrepincys (sic) will be found in the books.

Even though this will cost me several thousand dollars, I will consider it worthwhile if I may be given the opportunity to at least partially clear myself in an open hearing.

Dated this 16th day of November 1950.

(S) LEONARD R. LYON.

Subscribed and sworn to (sic) before me this 16th day of November 1950.

(S) MYRTLE DILLINGHAM,
Notary Public.

My commission expires June 1, 1951.

It appearing, that, on May 5, 1949, the Commission granted a construction permit (BP-6971) to Leonard R. Lyon for the construction and operation of Station KTXC and, on February 8, 1950, granted its consent to the assignment of license (BAL-945) of Station KTXC from Leonard R. Lyon to Big State Broadcasting Corporation in which corporation Lyon held a one-third stock interest, E. W. and V. T. Anderson, each, a 25-5 6 percent stock interest and Clyde E. and George T. Thomas, each, a 7½ percent stock interest; and

It further appearing, that, on the basis of the above letter and enclosures from Lyon, serious questions of concealments from and misrepresentations to the Commission by Lyon exist, and that therefore the Commission is at this time unable to conclude that a grant of the above application for renewal of license for Station KTXC would be in the public interest, convenience and necessity;

It further appearing, that the Commission made available to Big State Broadcasting Corporation, for comment, the aforesaid letter and enclosures of November 16, 1950, from Lyon and that, by letter of February 19, 1951, to the Commission, the aforesaid Andersons generally denied all allegations of Lyon, but were completely unresponsive insofar as the contracts of April and July, 1949 were concerned;

It is ordered, That the application for renewal of license of Station KTXC be designated for hearing, pursuant to section 309 (a) of the Communications Act, to be held at Big Spring, Texas, on May 14, 1951, on the following issues:

1. To obtain full information as to all contracts, agreements, or understandings past or present between Leonard R. Lyon and E. W. and V. T. Anderson, Clyde E. and George T. Thomas, collectively or individually, relating to a sale, assignment, or transfer of Lyon's interest in the physical properties of Station KTXC and the construction permit or license therefor with particular reference to the following:

a. A certain agreement dated April, 1949 between Leonard R. Lyon and E. W. and V. T. Anderson, by virtue of which those individuals entered into a limited partnership for the purpose of "building and operating a 100 watt broadcast radio station in Big Spring, Texas, for which station Leonard R. Lyon now has pending an application before the Federal Communications Commission in Washington, D. C., File No. BP-6971 * * *."

b. A certain agreement dated July, 1949 by virtue of which Lyon agreed to assign to E. W. and V. T. Anderson, each, an undivided ⅓ interest in the construction permit for Station KTXC, Big Spring, Texas, and which provided, among other things, that in the event KTXC should begin broadcasting prior to the approval by the Commission of the transfer to the Andersons, the Andersons should "have the controlling voice in the operation of such station in the same manner as if they owned the respective interests which he (Lyon) agrees to convey to them * * *."

c. The payment, loan, or advance of funds by E. W. and V. T. Anderson, Clyde E. and George T. Thomas, or other persons, collectively or individually, to Leonard R. Lyon, pursuant to the agreements referred to in (a) and (b) above,

or pursuant to any other agreements which the said parties may have concluded among themselves, and to determine the nature and purpose of such payments, advances, or loans.

2. To determine whether the execution of any of the contracts, agreements, or understandings referred to in Issue No. 1, above, the terms thereof, or any acts performed pursuant thereto, were in violation of sections 310 (b) and 319 (b) of the Communications Act of 1934, as amended, or in violation of the rules and regulations of the Commission, with particular reference to §§ 1.321, 1.342 and 1.343 of said rules and regulations.

3. To determine whether Leonard R. Lyon, E. W. and V. T. Anderson and Clyde E. and George T. Thomas, or any of them, have concealed information from the Commission regarding the ownership and operation of Station KTXC or have misrepresented the facts concerning such ownership in applications, reports or letters which they have filed with the Commission, with particular reference to the following:

a. Application for construction permit (BP–6971); application for modification of construction permit (BMP–4666); application for license (BL–3802); application for consent to assignment of license (BAL–945); application for renewal of license (BR–2332); Annual Financial Report for the period September 12, 1949–December 31, 1949; Annual Financial Report for the period January 1, 1950–February 28, 1950.

b. Whether Leonard R. Lyon so concealed or misrepresented these facts in letters to the Commission dated August 17, 1949 and June 16, 1950 or in any other letters or statements furnished by him to the Commission.

4. To determine the authority and control exercised by Leonard R. Lyon over the policy and operation of Station KTXC from the date of grant of construction permit for that station to the present.

5. To determine the disposition, since the date of commencement of operation of Station KTXC, of income received from that operation and the manner of and authority for such disposition.

6. To determine the method or methods of financing of the operation of Station KTXC from its inception to the present.

7. To determine whether Big State Broadcasting Corporation, E. W. and V. T. Anderson, or Clyde E. and George T. Thomas, or other persons unknown to the Commission, have at any time since the inception of radio station KTXC operated or controlled that station without a license or construction permit therefor, and in violation of section 301 of the Communications Act.

8. To determine whether the public interest, convenience or necessity would be served by a grant of the above-entitled application.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3605; Filed, Mar. 21, 1951; 8:55 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

SPECIAL REPRESENTATIVES OF HOUSING AND HOME FINANCE ADMINISTRATOR

DELEGATION OF AUTHORITY TO PERFORM FUNCTIONS IN CONNECTION WITH RELAXATION OF HOUSING CREDIT CONTROLS IN AREAS AFFECTED BY SAVANNAH RIVER (S. C. AND GA.) AND PADUCAH (KY.) INSTALLATIONS OF ATOMIC ENERGY COMMISSION

Paul E. Ferrero, Jr. (Savannah River office, Aiken, S. C.) and Joseph Tufts (Paducah, Ky.), Special Representatives of the Housing and Home Finance Administrator, Office of the Administrator, Housing and Home Finance Agency each is hereby authorized, in his respective assigned area, to take any action (including the making of any determination and the approval of any application) which it is necessary or appropriate for the Housing and Home Finance Administrator to take in the administration of Housing and Home Finance Agency Regulation CR 2, effective March 10, 1951, 16 F. R. 2232, which regulation pertains to the processing and approval, for the areas affected by the Savannah River (S. C. and Ga.) and Paducah (Ky.) installations of the Atomic Energy Commission, of exceptions from residential credit restrictions otherwise applicable and to the terms and conditions attached to such approval.

Any action taken by either of the aforementioned delegatees in this connection is hereby ratified, confirmed and adopted.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1268, 1263–85 (1948), 12 U. S. C. 1701c (Supp. 1949), as amended, Pub. Law 475, 81st Cong., 2d Sess., sec. 503 (1) (Apr. 20, 1950); Titles VI and VII, Pub. Law 774, 81st Cong., 64 Stat. 812–822; secs. 501, 502 and 902, E. O. 10161, Sept. 9, 1950, 15 F. R. 6106; sec. 6 (p), Reg. X, as amended, 15 F. R. 6817, 7831 (1950), 16 F. R. 308, 1586, 2078 (1951); HHFA CR 1, Mar. 6, 1951, 16 F. R. 2231; HHFA CR 2, Mar. 10, 1951, 16 F. R. 2232)

Effective as of the 10th day of March, 1951.

B. T. FITZPATRICK,
Acting Housing and Home Finance Administrator.

[F. R. Doc. 51-3619; Filed, Mar. 21, 1951; 8:58 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25924]

SAND AND GRAVEL FROM LA GRANGE, MO., TO COLCHESTER, ILL.

APPLICATION FOR RELIEF

MARCH 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for the Chicago, Burlington & Quincy Railroad Company.

Commodities involved: Sand and gravel, carloads.

From: La Grange, Mo.

To: Colchester, Ill.

Grounds for relief: Competition with motor carriers and wayside pit competition.

Schedules filed containing proposed rates: CB & Q RR. tariff I. C. C. No. 20095, 33d revised page 32.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3586; Filed, Mar. 21, 1951; 8:49 a. m.]

[4th Sec. Application 25925]

GRAIN FROM PRESTON, MD., TO THE SOUTH

APPLICATION FOR RELIEF

MARCH 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A–879.

Commodities involved: Grain and grain products, in carloads and less-than-carloads.

From: Preston, Md.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A–879, Supp. 16.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3587; Filed, Mar. 21, 1951; 8:50 a. m.]

[4th Sec. Application 25926]

LUMBER FROM MICHIGAN, MINNESOTA, AND WISCONSIN TO THE SOUTH

APPLICATION FOR RELIEF

MARCH 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A–3879.

Commodities involved: Lumber and related articles, carloads.

From: Points in Michigan, Minnesota and Wisconsin.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers and to maintain grouping.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A–3879.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3588; Filed, Mar. 21, 1951; 8:50 a. m.]

[4th Sec. Application 25927]

CORN FROM ILLINOIS TO NEW ORLEANS, LA., AND MOBILE, ALA.

APPLICATION FOR RELIEF

MARCH 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Chicago & Illinois Midland Railway Company and Gulf, Mobile and Ohio Railroad Company for carriers parties to C&IM Ry. tariff I. C. C. No. B–335 and GM&O RR. tariff I. C. C. No. 222.

Commodities involved: Corn, in carloads.

From: Peoria and Pekin, Ill., and adjacent points in Illinois.

To: New Orleans, La., and Mobile, Ala., for export.

Grounds for relief: Competition with rail and water carriers.

Schedules filed containing proposed rates: C&IM Ry. tariff I. C. C. No. B–335, Supp. 2. GM&O RR. tariff I. C. C. No. 222, Supp. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R Doc. 51-3589; Filed, Mar. 21, 1951; 8:51 a. m.]

[4th Sec. Application 25928]

AUTOMOBILE PARTS FROM CINCINNATI, OHIO, TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

MARCH 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4237, pursuant to fourth-section order No. 9800.

Commodities involved: Automobile engine driving gear or steering gear parts, also transmissions and parts, carloads.

From: Cincinnati, Ohio.

To: St. Louis, Mo.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3590; Filed, Mar. 21, 1951; 8:51 a. m.]

[4th Sec. Application 25929]

AUTOMOBILE PARTS FROM CINCINNATI, OHIO, TO LOUISVILLE, KY.

APPLICATION FOR RELIEF

MARCH 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4234, pursuant to fourth-section order No. 9800.

Commodities involved: Automobile engine driving gear or steering gear parts, also transmissions and parts, carloads.

From: Cincinnati, Ohio.

To: Louisville, Ky.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3591; Filed, Mar. 21, 1951; 8:51 a. m.]

[4th Sec. Application 25930]

ROOFING AND SHINGLES FROM CHICAGO TO BIRMINGHAM

APPLICATION FOR RELIEF

MARCH 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to Agent R. G. Raasch's

tariff I. C. C. No. 620, pursuant to fourth-section order No. 16101.

Commodities involved: Roofing, prepared or composition, asphalt shingles and siding, and joints, carloads.

From: Chicago, Ill., and points grouped therewith

To: Birmingham, Ala, and points grouped therewith.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3592; Filed, Mar. 21, 1951; 8:51 a. m.]

[4th Sec. Application 25931]

CEMENT FROM BIRMINGHAM, ALA., DISTRICT TO NASHVILLE, TENN.

APPLICATION FOR RELIEF

MARCH 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Alabama Great Southern Railroad Company and other carriers named in the application.

Commodities involved: Cement and related articles, carloads.

From: Birmingham, Ala., and points grouped therewith.

To: Nashville, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1066, Supp. 56.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3593; Filed, Mar. 21, 1951; 8:51 a. m.]

[4th Sec. Application 25932]

CANNED GOODS BETWEEN BORDER TERRITORY AND WASHINGTON, D. C.

APPLICATION FOR RELIEF

MARCH 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-726.

Commodities involved: Canned or preserved foodstuffs, in carloads.

Between: Ivy City Team Track, Union Market Yard, Washington, D. C., and Rosslyn, Va., on the one hand, and points in North Carolina, southern Virginia, Kentucky and northeastern Tennessee, on the other.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-726, Supp. 223.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3594; Filed, Mar. 21, 1951; 8:52 a. m.]

[4th Sec. Application 25933]

PAPER BOXES FROM CONOVER, N. C., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

MARCH 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1201.

Commodities involved: Boxes, fibreboard, pulpboard or strawboard, carloads.

From: Conover, N. C.

To: Points in official territory.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1201, Supp. 28.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3595; Filed, Mar. 21, 1951; 8:53 a. m.]

[S. O. 874, General Permit 5]

WABASH RAILROAD CO. AND CENTRAL SOYA CO., INC.

LOADING REQUIREMENTS

MARCH 15, 1951.

Pursuant to the authority vested in me in paragraph (d) of Service Order No. 874 (16 F. R. 2040), permission is granted the Wabash Railroad Company at Gibson City, Illinois, serving Central Soya Company, Inc., to disregard the provisions of Service Order No. 874 insofar as it applies to any car loaded by the Central Soya Company, Inc., when the Central Soya Company, Inc., advises that (1) such car is loaded with bulk mixed feed, or with mixed feed in sacks together with bulk mixed feed, and that the total weight of such shipments shall be or exceed 60,000 pounds; (2) that all such shipments are destined to the DeKalb Agricultural Association, Illiopolis, Illinois, because of inability to unload.

The waybills shall show reference to this general permit and the Central Soya Company, Inc., shall furnish the Permit Agent dates forwarded, the car numbers, and initials of the cars shipped under this permit.

This general permit shall become effective at 12:01 a. m., March 16, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of March 1951.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 51-3596; Filed, Mar. 21, 1951; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

GALLAGHER AND CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of March 1951.

In the matter of Gallagher & Company, 17 Court St., Buffalo, New York.

I. The Commission's public official files disclose that Gallagher & Company, a partnership, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, 1949 or 1950 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 23d day of April 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before April 16, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to April 23d, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3571; Filed, Mar. 21, 1951; 8:46 a. m.]

PAUL KAYE

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th of March 1951.

In the matter of Paul Kaye, 60 East Forty-second Street, New York City, N. Y.

I. The Commission's public official files disclose that Paul Kaye, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1946, 1947, 1948, 1949 or 1950 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 23d day of April 1951, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before April 16, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the Rules of Practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to April 23d, 1951.

In the absence of an appropriate waiver, no officer or employee of the

[1] Filed as part of the original document.

Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3572; Filed, Mar. 21, 1951; 8:47 a. m.]

D. W. HAMPTON

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of March 1951.

In the matter of D. W. Hampton, 524 W. 8th Street, Oklahoma City, Oklahoma.

I. The Commission's public official files disclose that D. W. Hampton, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1949 and 1950, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

[1] Filed as part of the original document.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 23d day of April 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before April 16, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to April 23d, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3573; Filed, Mar. 21, 1951; 8:47 a. m.]

[File No. 43-195]

PUBLIC SERVICE CO. OF COLORADO

ORDER REVOKING CONDITION IMPOSED IN PREVIOUS ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of March A. D., 1951.

On August 24, 1939, the Commission issued its findings, opinion and order in this matter permitting a declaration to become effective regarding the issuance and sale by Public Service Company of Colorado of certain securities. Said order imposed a condition (Numbered (4) in the order) upon declarant that, until further order by this Commission, all corporate and consolidated balance sheets made public by the declarant should contain appropriate reference to inter-company appreciation charged to declarant's net assets.

Public Service Company of Colorado has now requested the Commission to revoke such condition and in support thereof has stated that an original cost study which was being made when the earlier proceeding was pending has now been completed and that the Public Utilities Commission of Colorado has required that the excess over original cost in the amount of $19,373,918 be written out of the company's utility plant account. It is also stated that all but $818,949 of such amount has been so written out and that the balance is being amortized in accordance with the order of the Public Utilities Commission of Colorado. Public Service Company of Colorado further states that its principal subsidiaries have restated or are in the process of restating their utility plant accounts at original cost.

It appearing to the Commission that under the circumstances stated the condition in our order dated August 24, 1939, described above is no longer required in the public interest or the interest of investors or consumers.

It is ordered, That the condition No (4) in our order herein dated August 24, 1939 be, and hereby is, revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3574; Filed, Mar. 21, 1951; 8:47 a. m.]

[File No. 70-2338]

DUQUESNE LIGHT CO.

ORDER EXTENDING TIME

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 15th day of March 1951.

Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia Company and Standard Gas and Electric Company, both registered holding companies, having filed an application-declaration and a post-effective amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("act") with respect to numerous proposed transactions designed to enlarge Duquesne's chartered territory so as to permit practical and economical interconnection between Duquesne's new electric generating station now under construction and its present electric transmission and distribution system; and

The Commission having entered its order herein on March 17, 1950, granting and permitting to become effective said application-declaration and providing that the time within which the proposed transactions were to be completed should extend for six months from March 17, 1950; and the Commission by order dated September 19, 1950, having extended such time until March 19, 1951; and

Duquesne having filed post-effective Amendment No. 2 wherein it is stated that certain authorizations necessary under Pennsylvania State law have not been obtained and that therefore certain of the proposed transactions could not be carried out within the prescribed extended period; and

Duquesne having further stated that it believes an additional period of four months will be required to complete all of the proposed transactions and having requested that this Commission extend accordingly the period within which the transactions proposed in the application-declaration shall be carried out; and

It appearing to the Commission in the light of the circumstances set forth that it is appropriate to grant said request for an additional extension of time:

It is ordered, That the period within which the transactions proposed in the aforesaid application-declaration shall be carried out, be, and hereby is, extended to July 19, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3576; Filed, Mar. 21, 1951; 8:48 a. m.]

[File No. 70-2365]

AMERICAN GAS AND ELECTRIC CO.

ORDER RELEASING JURISDICTION OVER COUNSEL FEES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of March A. D. 1951.

The Commission by orders dated April 24, 1950, and May 2, 1950, having permitted to become effective a declaration, as amended, filed by American Gas and Electric Company ("American Gas"), a registered holding company, regarding the issuance and sale by American Gas of $27,000,000 aggregate principal amount of its Serial Notes due 1952 to 1956, inclusive, pursuant to the competitive bidding requirements of Rule U-50; and

Said order of May 2, 1950, having contained a reservation of jurisdiction with respect to the proposed payment of fees of counsel for the company and counsel for the underwriters; and

The record having been completed with respect to said fees in the following amounts:

Simpson, Thacher & Bartlett (counsel for the company)	$15,000
Winthrop, Stimson, Putman & Roberts (counsel for the underwriter) (fee to be paid by the purchaser)	6,500

The Commission, on the basis of its examination of the record, finding that the payment of the fees as set forth above is not unreasonable, and finding it appropriate to release jurisdiction over the payment of such fees:

It is ordered, That jurisdiction heretofore reserved over the fees and expenses of counsel for the company and counsel for the underwriters be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3577; Filed, Mar. 21, 1951; 8:48 a. m.]

[File No. 70-2585]

MIDDLE SOUTH UTILITIES, INC., AND ARKANSAS POWER & LIGHT CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of March A. D. 1951.

Middle South Utilities, Inc. ("Middle South"), a registered holding company, and its electric utility subsidiary, Arkansas Power & Light Company ("Arkansas"), having filed an application-declaration and amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 7, and 12 (f) thereof, with respect to the following proposed transactions:

Arkansas has outstanding 2,420,000 shares of common stock of the par value of $12.50 per share, all of which are owned by Middle South. Arkansas proposes to issue and sell to Middle South, and Middle South proposes to acquire from time to time prior to June 1, 1951, an aggregate amount of 640,000 additional shares of the common stock of Arkansas at the par value thereof, or for an aggregate cash consideration of $8,000,000.

Arkansas proposes to amend its charter as promptly as practicable so as to increase its authorized shares of common stock from 3,000,000 shares to 5,000,000 shares. The adoption of this amendment will enable Arkansas to issue the full amount of shares proposed to be purchased by Middle South and will allow for the issuance of additional common stock subsequently without further authorization from the stockholders.

The funds proposed to be invested by Middle South will be derived from the proceeds of its proposed sale of common stock. The proceeds of the sale of common stock by Arkansas will be used in connection with its construction program.

Said application-declaration having been filed on March 1, 1951, an amendment thereto having been filed on March 13, 1951, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed issuance and sale of common stock by Arkansas have been specifically approved by the Arkansas Public Service Commission, the State Commission of the State in which Arkansas was organized and is doing business, the Commission further finding that in other respects the proposed transactions are in accordance with the applicable standards of the act, and that no adverse findings need be made thereunder, and the Commission deeming it appropriate to grant said application and permit said declaration to become effective without the imposition of terms and conditions:

It is ordered, That said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective, forthwith, subject to the terms and conditions contained in Rule-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3579; Filed, Mar. 21, 1951; 8:48 a. m.]

[File No. 70-2586]

KINGSPORT UTILITIES, INC.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of March A. D. 1951.

Notice is hereby given that Kingsport Utilities, Incorporated ("Kingsport"), a wholly owned electric utility subsidiary of American Gas and Electric Company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 6 (a) and 7 thereof as applicable to the proposed transactions, which are summarized as follows:

Kingsport proposes to establish a line of credit with The Guaranty Trust Company of New York whereby Kingsport may borrow from time to time prior to December 31, 1953, amounts not to exceed in the aggregate $750,000. Said borrowings will be evidenced by promissory notes dated as of the date of each such borrowing, maturing not more than nine months after the issuance thereof, and bearing interest from the date of issuance at the then current prime credit rate. The initial borrowing is proposed to be made on or about April 1, 1951, in the amount of $100,000, at the then current prime credit rate, which Kingsport expects will be 2½ percent per annum.

At least ten days before each borrowing subsequent to the initial borrowing, or ten days prior to the proposed renewal of any note outstanding hereunder, Kingsport will file an amendment herein setting forth the amount of such borrowing, or proposed renewal, and the annual interest rate thereon, such amendment to become effective ten days after the filing thereof, if no action is taken by the Commission within such ten-day period.

Proceeds from the proposed borrowing will be used to finance, in part, the construction program of Kingsport which, it is estimated, will require the expenditure of approximately $1,450,000 during the years 1951 to 1953, inclusive.

Notice is further given that any interested person may, not later than March 28, 1951, at 11:30 a. m., e. s. t.,

request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 28, 1951, at 11:30 a. m., e. s. t., said declaration as filed, or as amended, may be permitted to become effective as provided by Rule U–23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said declaration which is on file with the Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51–3575; Filed, Mar. 21, 1951; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR. 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17387]

SCINTILLA A. G.

In re: Trademarks and registrations thereof owned by Scintilla A. G. of Solothurn, Switzerland.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert Bosch, G. m. b. H., whose last known address is Stuttgart, Germany, is a corporation organized under the laws of Germany, which has its principal place of business in Germany and is a national of a foreign country (Germany);

2. That Scintilla A. G., whose last known address is Solothurn, Switzerland, is a corporation organized under the laws of Switzerland, which is or on or since the effective date of Executive Order 8389, as amended, has been controlled by Robert Bosch, G. m. b. H., and is a national of a foreign country (Germany);

3. That all right, title, interest and claim of whatsoever kind or nature of the persons referred to in paragraphs 1 and 2 hereof and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations) who are residents of, or which are organized under the laws of or have their principal places of business in, Germany, and are nationals of such foreign country, in, to, and under the property described as follows: The trademark "Scintilla" and the trademark "Vertex" registered in the United States Patent Office identified as follows:

Reg. No.	Date	Character of goods
132,240	6–15–20	Magnetos, etc.
307,565	10–24–33	Do.

together with

(i) The respective goodwill of the business in the United States and all its possessions to which said trade-marks are appurtenant.

(ii) Any and all indicia of such goodwill (including but not limited to formulae whether secret or not, secret processes, methods of manufacture and procedure, customers lists, labels, machines and other equipment),

(iii) Any interests of any nature whatsoever in and any rights and claims of every character and description to said business, goodwill and trade-marks and registrations thereof, and

(iv) All accrued royalties payable or held with respect to such trade-marks, and all damages and profits recoverable at law or in equity from any person, firm, corporation, or government for past infringement thereof,

is property of, or is property payable or held with respect to trade-marks or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States all interests, rights and title of Scintilla A. G. and Robert Bosch G. m. b. H., the aforesaid nationals of a foreign country (Germany) and of all nationals of Germany, in and to the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 15, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–3609; Filed, Mar. 21, 1951; 8:56 a. m.]

[Vesting Order 17533]

FRIEDA MANGELS AND HENRY RECHTEN

In re: Bank accounts owned by Frieda Mangels, also known as Frieda Rechten and Henry Rechten. F–28–13267–E–2; E–3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Mangels, also known as Frieda Rechten on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of a designated enemy country (Germany);

2. That Henry Rechten whose last known address is Germany is a resident of Germany and a national of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation owing to Frieda Mangels, also known as Frieda Rechten, by Fulton Savings Bank of Kings County, 375 Fulton Street, Brooklyn 1, New York, arising out of a savings account, account number 158884, entitled Frieda Mangels, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Fulton Savings Bank of Kings County, 375 Fulton Street, Brooklyn 1, New York, arising out of a savings account, account number 161580, entitled "Frieda Mangels in Trust for Anneke Wilkens", maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Frieda Mangels, also known as Frieda Rechten, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows:

a. That certain debt or other obligation owing to Henry Rechten by the Fulton Savings Bank, Kings County, 375 Fulton Street, Brooklyn 1, New York, arising out of a savings account, account number 135969, entitled "Henry Rechten", maintained at the aforesaid bank and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Henry Rechten by the Williamsburgh Savings Bank, 1 Hanson Place, Brooklyn, New York, arising out of a savings account entitled Henry Rechten, maintained with the aforesaid bank and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–3610; Filed, Mar. 21, 1951; 8:56 a. m.]

[Vesting Order 16985, Amdt.]

M. TADEMOTO

In re: Safe Deposit box lease and contents owned by personal representatives, heirs, next of kin, legatees and distributees of M. Tademoto, deceased.

Vesting Order 16985, dated January 8, 1951, is hereby amended as follows and not otherwise:

By deleting subparagraph 2 (b) of the aforesaid Vesting Order 16985 and substituting therefor the following subparagraph 2 (b):

(b) All property of any nature whatsoever in the safe deposit box referred to in subparagraph 2 (a) hereof and any and all rights evidenced or represented thereby including particularly the following: Three (3) City of Tokyo 5 percent loan of 1912 Bonds, said bonds numbered 48541, 48542 and 48544, each of 200 £ Sterling face value, together with any and all rights thereunder and thereto.

All other provisions of said Vesting Order 16985 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–3612; Filed, Mar. 21, 1951; 8:57 a. m.]

[Vesting Order 17535]

HANS WEISS

In re: Debts owing to Hans Weiss, D–66–2490.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Weiss, who, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of the Marine Midland Trust Company, 17 Battery Place, New York, New York, arising out of an account, entitled Hans Weiss, maintained by the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of the Marine Midland Trust Company, 17 Battery Place, New York, New York, in the amount of $312.50, as of December 26, 1950, representing a portion of funds on deposit in a blocked account, entitled Estoduras Steamship Co., Inc., maintained by the Marine Midland Trust Company, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hans Weiss, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–3611; Filed, Mar. 21, 1951; 8:56 a. m.]

MAR 27 '51

FEDERAL REGISTER

VOLUME 16 NUMBER 57

Washington, Friday, March 23, 1951

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5748]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL OZONE CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.195 *Safety;* § 3.205 *Scientific or other relevant facts.* Subpart—*Neglecting, unfairly or deceptively to make material disclosure:* § 3.1890 *Safety.* In connection with the offering for sale, sale or distribution in commerce of respondent's device designated the Atmoray Ozone Generator, or of any other device of the same or similar purpose or effect, representing, directly or by implication, (1) that ozone is a natural substitute for sunlight; (2) that ozone is as effective as sunlight in eliminating or alleviating contamination; (3) that ozone will eliminate and destroy all odors; (4) that in concentrations tolerable to humans ozone destroys airborne bacteria, or that it eliminates carbon monoxide or excessive carbon dioxide from the air under all conditions; (5) that ozone purifies the air under all conditions; or, (6) that said device is safe for use anywhere, unless it be stated in connection with said representation and in an equally forceful manner that concentrations of ozone in excess of one part per million parts of air for prolonged periods of time may result in respiratory irritation upon inhalation and that proximity to the device should be avoided; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C., 45) [Cease and desist order, National Ozone Corporation and Mrs. Margaret Ryan, etc., Docket 5748, Dec. 29, 1950]

In the Matter of National Ozone Corporation, a Corporation, and Mrs. Margaret Ryan, Individually and as an Officer of National Ozone Corporation, and Trading Also as Charles N. Ryan, Atmoray, Inc., and National Ozone Corporation

Decision of the Commission and order to file report of compliance. Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on March 9, 1950, issued and subsequently served its complaint in this proceeding upon the respondent, Mrs. Margaret Ryan, charging her and the National Ozone Corporation with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the filing of Mrs. Margaret Ryan's answer to the complaint a trial examiner of the Commission was designated by it to take testimony and receive evidence in support of and in opposition to the allegations of said complaint, and at the initial hearing held for such purpose stipulations of all of the facts in the case were entered on the record. The filing of proposed findings as to the facts and conclusions having been specifically waived, the trial examiner on August 17, 1950, filed his initial decision.

The Commission, having reason to believe that the initial decision was deficient in certain material respects, on October 24, 1950, issued and thereafter served upon the respondent, Margaret Ryan, its order placing this case on the Commission's own docket for review and affording the respondent an opportunity to show cause why said initial decision should not be altered in the manner and to the extent shown by the tentative decision attached to said order. The respondent not having appeared in response to the leave to show cause, this proceeding regularly came on for final consideration by the Commission on review; and the Commission, having duly considered the matter and being now fully advised in the premises, finds that said proceeding is in the interest of the public and makes the following findings as to the facts, conclusion drawn therefrom, and order, the same to be in lieu of the initial decision of the trial examiner:

Findings as to the Facts

PARAGRAPH 1. Respondent National Ozone Corporation was a corporation organized and doing business under the laws of the State of Oregon, with its principal office and place of business located at 408 N. E. Thompson Street, in

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FEDERAL REGISTER

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the City of Portland, State of Oregon. Said corporation was dissolved in 1947.

PAR. 2. Respondent Mrs. Margaret Ryan is an individual trading as Charles N. Ryan and as Atmoray from her principal place of business located at 3922 North Williams Avenue in the City of Portland, State of Oregon. She is the widow of Charles N. Ryan and used as a trade name, National Ozone Corporation, only for the purpose of maintaining a telephone listing.

PAR. 3. Respondent Mrs. Margaret Ryan is now, and for more than two years last past she has been, engaged in the business of selling and distributing a device designated as "Atmoray Ozone Generator", and causes said device, when sold, to be transported from her place of business in Portland, Oregon, to purchasers thereof, including distributing agents, located in various other states of the United States. Respondent Margaret Ryan maintains, and at all times mentioned herein she has maintained, a substantial course of trade in said device in commerce between and among the various states of the United States.

PAR. 4. In the course and conduct of her business and for the purpose of inducing and furthering the sale of the aforesaid device, respondent Margaret Ryan has made certain statements as to the effectiveness, usefulness and safety of said device in circulars designated "Atmoray Ozone Generators" and in other advertising media, of which the following are typical excerpts:

Ozone Natural Substitute for Sunlight.

Successive tests have shown that Ozone in very dilute concentrations is just as effective in the elimination and alleviation of contamination as the introduction of sunlight itself.

Ozone) is likewise highly effective in the elimination and destruction of all odors of organic origin.

Atmoray produces no harmful rays and is safe to use anywhere.

Ozone destroys airborne bacteria, odors, and monoxide gas and prevents the growth of mold.

Ozone is the enemy of carbon monoxide gas. Excessive carbon dioxide gas is also eliminated • • •.

Complete air purification in one compact unit for food locker plants, warehouses, theaters, rest rooms, garages, hospitals, zoos, pounds, pet shops, schools, meat markets, factories, etc.

PAR. 5. Through the use of such statements, and others of similar import, respondent Margaret Ryan has represented directly and by implication that the ozone produced by her device is a natural substitute for sunlight and as effective as sunlight in the elimination and alleviation of contamination; that said device is safe for use under all conditions, places and circumstances; that its use destroys all odors, and eliminates airborne bacteria, carbon monoxide gas and excessive carbon dioxide gas, and purifies the air in food locker plants, schools, warehouses, theaters and other buildings.

PAR. 6. The foregoing statements are exaggerated, false in their implication and misleading and deceptive in their breadth and lack of qualification. In fact, ozone is not a substitute for sunlight in many respects. It is not as effective as sunlight in eliminating or alleviating contamination under many conditions. The Atmoray Ozone Generator is not safe to use when persons are subjected to the ozone produced by it for prolonged periods of time when the concentration of ozone is more than one part per million parts of air. Its use will not eliminate or destroy all odors. Ozone will not purify the air under all conditions; and in concentrations tolerable to humans, it will not destroy all bacteria in the air. Ozone will not eliminate all carbon monoxide gas or excessive carbon dioxide gas under all conditions.

PAR. 7. Safety in the use of respondent's device depends upon the amount of ozone produced by it, the size of the room in which the device is operated, the ventilation, the nature of other materials in the room, and the length of time the device is operated. Inhalation of excessive amounts of ozone may result in severe irritations of the respiratory organs. In order to avoid injury, the concentration of ozone should not exceed one part per million parts of air where exposure is for prolonged periods of time, and proximity of the device should be avoided. Respondent's advertisements fail to reveal these material facts.

PAR. 8. The use by respondent Margaret Ryan of the above-quoted statements and representations have, and have had, the capacity and tendency to mislead and deceive a substantial portion of the purchasing public, actual and potential, into the erroneous and mistaken belief that all of such statements and representations were and are true in all of their breadth and implications and the capacity and tendency to induce the purchase of substantial quantities of respondent's said device.

Conclusion. The acts and practices of the respondent Margaret Ryan, as hereinabove set out and described, are to the actual and potential prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

It is ordered, That the respondent, Margaret Ryan, an individual trading under the names of Charles N. Ryan, Atmoray, and National Ozone Corporation, or trading under any other name or trade designation, and her agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of her device now designated the Atmoray Ozone Generator, or of any other device of the same or similar purpose or effect, do forthwith cease and desist from representing, directly or by implication:

1. That ozone is a natural substitute for sunlight.

2. That ozone is as effective as sunlight in eliminating or alleviating contamination.

3. That ozone will eliminate and destroy all odors.

4. That in concentrations tolerable to humans ozone destroys airborne bacteria, or that it eliminates carbon monoxide or excessive carbon dioxide from the air under all conditions.

5. That ozone purifies the air under all conditions.

6. That said device is safe for use anywhere, unless it be stated in connection with said representation and in an equally forceful manner that concentrations of ozone in excess of one part per million parts of air for prolonged periods of time may result in respiratory irritation upon inhalation and that proximity to the device should be avoided.

It is further ordered, That the complaint in this proceeding be, and the same hereby is, dismissed as to National Ozone Corporation.

It is further ordered, That Margaret Ryan shall, within sixty (60) days after service upon her of this order, file with the Commission a report in writing setting forth in detail the manner and form in which she has complied with this order.

Issued: December 29, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-3638; Filed, Mar. 22, 1951; 8.50 a. m.]

[Docket 5727]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BELL DIATHERMY CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service:* § 3.195 *Safety.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1890 *Safety.* In connection with the sale, offering for sale, or distribution in commerce, of a device or apparatus designated as "Bell Diathermy" or "Bell Short Wave Diathermy", or any other device or apparatus of substantially similar character, whether sold under the same name or under any other name, directly or indirectly disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said device, which advertisements represent, directly or by implication, (1) that said device when used by the unskilled lay public in the treatment of self-diagnosed conditions, is a competent treatment for, or cure of, arthritis, asthma, neuritis, lumbago, sciatica, bursitis, or neuralgia, or similar disorders, or which fail to conspicuously reveal that said device is not safe for use for any condition unless and until a competent medical authority has determined, as a result of diagnosis, that the use of diathermy is indicated and has prescribed the frequency and rate of application of such diathermy treatments and the user has been adequately instructed by a trained technician in the use of such device; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15

U. S. C. 45) [Cease and desist order, Bell Diathermy Company, Inc., et al., Docket 5727, Dec. 29, 1950]

In the Matter of Bell Diathermy Company, Inc., a Corporation, and George Edelstein and Etta Edelstein, Individually and as Officers of Said Corporation

Pursuant to the provisions of the Federal Trade Commission Act the Federal Trade Commission, on December 21, 1949, issued and subsequently served its complaint in this proceeding upon the respondents, Bell Diathermy Company, Inc., a corporation, and George Edelstein and Etta Edelstein, individually and as officers of said corporation, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said Act. After the issuance of said complaint and the filing of respondents' answer thereto, hearings were held at which testimony and other evidence in support of and in opposition to the allegations of the complaint were introduced before a trial examiner of the Commission theretofore duly designated by it, and such testimony and other evidence were duly recorded and filed in the office of the Commission. On August 4, 1950, the trial examiner filed his initial decision.

This matter thereafter came on to be heard by the Commission upon an appeal from said initial decision filed by counsel supporting the complaint, which appeal was not opposed by the respondents and on which oral argument was not requested; and the Commission, having duly considered said appeal and the record herein and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts, conclusion drawn therefrom, and order, the same to be in lieu of the initial decision of the trial examiner.

Findings as to the Facts

PARAGRAPH 1. Respondent Bell Diathermy Company, Inc., is a corporation organized under the laws of the State of New York. Its principal place of business is located at 545 Fifth Avenue, New York, New York. Respondent George Edelstein is the president and treasurer and respondent Etta Edelstein is the secretary of the corporate respondent and as such officers formulate, direct, and control the acts and practices of said corporation. The post office address of all of said respondents is 545 Fifth Avenue, New York, New York.

PAR. 2. The respondents are now, and have been for more than one year last past, engaged in the sale and distribution of a device, as "device" is defined in the Federal Trade Commission Act, designated as "Bell Diathermy Apparatus."

In the course and conduct of their business respondents cause, and have caused, said device, when sold, to be transported from their place of business in the State of New York to purchasers thereof located in various other States of the United States. Respondents maintain, and at all times mentioned herein have maintained, a course of trade in said device in commerce between and among the various States of the United States.

PAR. 3. Respondents' device or apparatus is essentially a portable cabinet housing a transformer, a short-wave generator, two radio tubes, and two coils, which is designed and used for the generation of electrical short waves and the application thereof to parts of the human body by means of insulated electrodes. The electrical energy necessary for the operation of this device is secured by attaching it to domestic electrical current in the user's home. It operates upon a frequency of 27,300 kilocycles with a power output of 200 watts. Said device has a control for modulating the power output and a time switch which will automatically limit its period of operation to a predetermined time, both of which may be regulated by the operator. When the two electrodes are applied to the user's body and the device or apparatus is put into operation, the passage of the electrical short waves between the electrodes creates heat within the body tissues of the user because of their resistance to the passage of such electrical currents. The device is offered for sale and sold to members of the public for use in giving self-administered applications of diathermy in their homes.

PAR. 4. In the course and conduct of their business respondents, during 1948, disseminated and caused the dissemination of certain advertisements concerning their said device, by the United States mails and by various means in commerce as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing, and which were likely to induce, the purchase of their said device. Respondents disseminated, and also caused the dissemination of, advertisements concerning their said device by various means, for the purpose of inducing and which were likely to induce, directly or indirectly, the purchase of their said device in commerce as "commerce" is defined in the Federal Trade Commission Act.

Among the statements and representations contained in the said advertisements disseminated as aforesaid are the following:

ARTHRITIS
RHEUMATISM
ASTHMA SCIATICA
NEURITIS BURSITIS
LUMBAGO NEURALGIA

Are you tortured and still suffering from any of the above ailments, after taking the usual remedies? Learn what thousands of others have discovered about

SHORT WAVE DIATHERMY

a new, modern, non-surgical treatment method. If you Are a Sufferer Write for FREE HOME TRIAL OFFER.

MAIL COUPON
BELL DIATHERMY CO., INC.
545 5th Avenue, New York 17, N. Y.

FREE HOME TRIAL OFFER
To Sufferers from
ARTHRITIS
RHEUMATISM
ASTHMA SCIATICA
NEURITIS BURSITIS
LUMBAGO NEURALGIA

SHORT WAVE
DIATHERMY

A modern, accepted method of treatment for these ailments has brought blessed help and relief to thousands of sufferers. To show what diathermy can do for you, we will gladly give you a *FREE trial in your home, at your convenience, without cost or obligation. It will pay you well to take advantage of this offer.

Why continue in pain and agony when help is ready to come to your own doorstep? Don't delay—act now! Simply send your name and address on a postcard to:

BELL DIATHERMY CO. INC.
545 Fifth Avenue, New York 17, N. Y.

*Offer limited to U. S. A. and Canada.

DON'T SUFFER NEEDLESSLY! ! — — — THANKFUL THOUSANDS who formerly carried the agonizing burdens of

ARTHRITIS
SCIATICA — — — NEURITIS
RHEUMATISM
NEURALGIA—LUMBAGO
ASTHMA BURSITIS

have gathered comfort and life is a pleasure again thanks to the analgesic effect of Bell Diathermy Short Wave.

If you are a sufferer, you too can try this almost miraculous discovery in the privacy of your own home . . . at no cost. Just write to us asking for a FREE trial—a postcard will do, act now.

BELL DIATHERMY CO., INC.
545—5th Avenue, N. Y. 17, N. Y.

PAR. 5. Through the use of advertisements containing the statements and representations set forth in Paragraph Four, respondents have represented, directly and by implication, that their said device provides a competent self-administered treatment for, and will cure, arthritis, rheumatism, asthma, neuritis, lumbago, sciatica, bursitis, and neuralgia, and that its use will be effective in the alleviation and relief of pain associated with said ailments.

PAR. 6. The aforesaid advertisements are misleading in material respects and constitute "false advertisements" as that term is defined in the Federal Trade Commission Act.

There are many different varieties of arthritis. An agent such as respondents' device which can develop heat in and about the region of a joint may have some adjunctive value when used in conjunction with other procedures in the treatment of some forms of arthritis, but there are many forms of arthritis where respondents' device has no value, and its use can do harm.

Rheumatism is a generic term which has not exact medical connotation. It is a term apt to be used by the layman to refer to the existence of aches and pains in various parts of the body. Respondents' device when used in conjunction with other forms of treatment may have some adjunctive value in the treatment of some of the aches and pains referred to by the layman as rheumatism, but said device is not a competent cure or treatment for all such aches and pains, and its use can do harm.

Respondents' device when used in conjunction with other methods may afford some relief to a sufferer from asthma. However, said device is not a competent treatment or cure for asthma.

There are many conditions which could produce neuritis. The application of heat by the use of respondents' device may in some cases cause a diminution of pain, but said device cannot relieve the condition which causes neuritis and it is not a competent treatment or cure for neuritis.

Lumbago is a term used by the layman to indicate the existence of pain in the back, particularly the lower back. There are many causes which produce pain in the lower back. Respondents' device provides neither a treatment nor a cure for lumbago.

The causes of the pain referred to as sciatica are many, and in order to alleviate or cure such pain, it would be necessary to alleviate or cure the condition which is responsible for the irritation or the inflammation of the sciatic nerve. No one thing or instrument can possibly relieve or cure all cases of sciatica. Respondents' device is not a competent treatment or cure for sciatica.

Bursitis refers to an inflammation of the bursa. The treatment of bursitis differs in various stages. Heat is of little value in the treatment of the bursae. When the bursa is acutely inflamed, the worst thing one can do is to apply heat in any fashion. Respondents' device is not a competent treatment or cure for bursitis.

Neuralgia is a term used to indicate the existance of pain along the course of a nerve. The causes of pain are multitudinous. Respondents' device is not a competent treatment or cure for neuralgia.

PAR. 7. The aforesaid representations constitute false advertisements for the further reason that they fail to reveal facts material in the light of such representations, and facts material with respect to the consequences which may result from the use of respondents' said device under the conditions prescribed or under such conditions as are customary or usual.

Diathermy differs from other commonly used methods of applying heat in that through its use heat can be produced in the tissues lying beneath the surface of the body. It is not recognized that diathermy exerts any effect on the human body other than through the production of heat. When heat is applied to the human body many physiological changes occur, both in the local area in which it is applied and in other areas. If heat is applied too rapidly or in too great a quantity, it will produce burns. In certain diseases, such as Buerger's disease, the danger of producing burns is considerably increased. There is an ever present danger which an expert must keep in mind continuously in the treatment of a patient. In the hands of a layman that danger is much greater. Diathermy can produce harm in ways other than by the production of burns. It can increase the gravity of a medical condition. It is, for example, contraindicated in the presence of malignant growths. It is contraindicated when there is danger of bleeding. Its use is dangerous when applied to an extremity the circulation of which is damaged. The safe use of a diathermy device such as respondents' requires an exact diagnosis by a competent physician before administering the treatment, and the application under his instructions.

PAR. 8. The use by the respondents of the aforesaid false advertisements with respect to their said device has had the capacity and tendency to mislead a substantial portion of the purchasing public into the erroneous and mistaken belief that such statements and representations are true, and has induced a portion of the purchasing public because of such erroneous and mistaken belief to purchase respondents' said device.

Conclusion. The acts and practices of the respondents, as herein found, are all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

It is ordered, That the respondents, Bell Diathermy Company, Inc., a corporation, its officers, and George Edelstein and Etta Edelstein, individually and as officers of respondent corporation, said respondents' respective agents, representatives, and employees, directly or through any corporate or other device, in connection with the sale, offering for sale, or distribution of a device or apparatus designated as "Bell Diathermy" or "Bell Short Wave Diathermy," or any other device or apparatus of substantially similar character, whether sold under the same name or under any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said device, when used by the unskilled lay public in the treatment of self-diagnosed conditions, is a competent treatment for, or cure of, arthritis, asthma, neuritis, lumbago, sciatica, bursitis, or neuralgia, or similar disorders, or which advertisement fails to conspicuously reveal that said device is not safe for use for any condition unless and until a competent medical authority has determined, as a result of diagnosis, that the use of diathermy is indicated and has prescribed the frequency and rate of application of such diathermy treatments and the user has been adequately instructed by a trained technician in the use of such device.

2. Disseminating or causing to be disseminated, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said device, any advertisement which contains any of the representations prohibited in paragraph "1" of this order, or which fails to comply with the affirmative requirements set forth in paragraph "1" of this order.

It is further ordered, That the respondents shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: December 29, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-3639; Filed, Mar. 22, 1951; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter F—Regulations Governing the Exercise of Certain Contractual Authority in Connection With Emergency Powers

PART 438—STANDARDS GOVERNING AMENDMENTS, CORRECTIONS, AND FORMALIZATION OF INFORMAL COMMITMENTS

Sec.
438.1 General considerations.
438.2 Standards governing exercise of authority.
438.3 Contractual provisions and record requirements.
438.4 Exercise of authority.
438.5 Reports.

AUTHORITY: §§ 438.1 to 438.5 issued under 55 Stat. 839, as amended; 50 U. S. C. App., 611; E. O. 10210, Feb. 6, 1951, 16 F. R. 1049.

§ 438.1 *General considerations.* (a) By Title II of the First War Powers Act, 1941, 50 U. S. C. App., 611, as amended by Public Law 921, 81st Congress (herein referred to as the "Act") and Executive Order No. 10210, dated February 2, 1951, the Secretaries of Defense, Army, Navy and Air Force have authority, under such regulations as may be prescribed or approved by the Secretary of Defense, to enter into contracts and into amendments or modifications of contracts, heretofore or hereafter made, and to make advance, progress, and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts.

(b) The regulations in this part set forth the standards governing the exercise of certain of the authority made available by said act and Executive order. The regulations in this part do not purport to cover all the authority conferred by the act and Executive order, but are confined to (1) amendments of contracts without consideration, (2) correction of mistakes in contracts, and (3) formalization of informal commitments. The exercise of other authority conferred by the act and Executive order will await the issuance of supplemental regulations.

(c) The authority granted by the act and this Executive order as described herein is an extraordinary one and its exercise must be carefully administered. Carelessness and laxity on the part of contractors should not be encouraged by the practice of granting relief to such contractors even though denial of relief in a particular case may result in some lack of cooperation on the part of a contractor.

§ 438.2 *Standards governing exercise of authority.* (a) Any action taken un-

of heat by the use of respondents' device may in some cases cause a diminution of pain, but said device cannot relieve the condition which causes neuritis and it is not a competent treatment or cure for neuritis.

Lumbago is a term used by the layman to indicate the existence of pain in the back, particularly the lower back. There are many causes which produce pain in the lower back. Respondents' device provides neither a treatment nor a cure for lumbago.

The causes of the pain referred to as sciatica are many, and in order to alleviate or cure such pain, it would be necessary to alleviate or cure the condition which is responsible for the irritation or the inflammation of the sciatic nerve. No one thing or instrument can possibly relieve or cure all cases of sciatica. Respondents' device is not a competent treatment or cure for sciatica.

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PAR. 8. The use by the respondents of the aforesaid false advertisements with respect to their said device has had the capacity and tendency to mislead a substantial portion of the purchasing public into the erroneous and mistaken belief that such statements and representations are true, and has induced a portion of the purchasing public because of such erroneous and mistaken belief to purchase respondents' said device.

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2. Disseminating or causing to be disseminated, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said device, any advertisement which contains any of the representations prohibited in paragraph "1" of this order.

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Issued: December 29, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-3639; Filed, Mar. 22, 1951; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

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(b) The regulations in this part set forth the standards governing the exercise of certain of the authority made available by said act and Executive order. The regulations in this part do not purport to cover all the authority conferred by the act and Executive order, but are confined to (1) amendments of contracts without consideration, (2) correction of mistakes in contracts, and (3) formalization of informal commitments. The exercise of other authority conferred by the act and Executive order will await the issuance of supplemental regulations.

(c) The authority granted by the act and the Executive order as described herein is an extraordinary one and its exercise must be carefully administered.

der this section must be based on a finding that the national defense will be facilitated thereby.

(b) The determination of whether in a particular case a contract amendment to be entered into without consideration, or the correction of a mistake or ambiguity in a contract, or the formalization of an informal commitment will facilitate the national defense is a matter of sound judgment to be made on the basis of all of the facts of such case. Although it is obviously impossible to predict or enumerate all the types of cases with respect to which relief may appropriately be granted, examples of certain cases or types of cases where relief may be proper are set forth in this paragraph. Such enumeration is not intended to exclude other cases where the circumstances are such as to warrant the granting of relief, and even in the enumerated cases other factors may result in a denial of relief.

EXAMPLES

(a) *Amendments without consideration.* (1) Where an actual or threatened loss on a defense contract, however caused, will impair the productive ability of a contractor whose continued operation as a source of supply is found to be essential to the national defense, the contract will generally be equitably adjusted to the extent necessary to avoid such impairment of the contractor's productive ability.

(2) Where a contractor suffers a loss (not merely diminution of anticipated profits) on a defense contract as a result of Government action, the character of the Government action will generally determine whether any adjustment in the contract will be made and its extent.

(i) Where the Government action is directed primarily at the contractor and is taken by the Government in its capacity as the other contracting party, the contract may be equitably adjusted if fairness so requires. Thus, where such Government action, although not creating any liability on its part, increases the cost of performance, considerations of fairness may make appropriate some equitable adjustment in the contract.

(ii) When the action is not taken by the Government in its capacity as the other contracting party, but in its sovereign capacity, relief will generally not be granted. However, exceptional cases, depending on the nature of the action, the circumstances, and the effect on the contractor, may require an equitable adjustment in the contract when necessary to insure maximum cooperation and production in the national defense effort.

(b) *Correction of mistakes.* (1) Effecting amendments of contracts with the least possible delay to correct mutual mistakes and ambiguities will facilitate the national defense by expediting the procurement program and by giving contractors proper assurance that such mistakes and ambiguities, unavoidable in an expanded defense program, will be corrected expeditiously and fairly. As used herein the term "mutual mistakes" shall include:

(i) A mistake which consists of the failure to express in a written contract the agreement as both parties understood it;

(ii) A mistake on the part of the contractor which is so obvious that it was or should have been apparent to the contracting officer; and

(iii) A mutual mistake as to a material fact.

(c) *Formalization of commitments.* (1) Where any person has arranged to furnish or has furnished, on or after June 25, 1950, to a contracting agency or the Department of Defense or to a defense contractor any materials, services or facilities relating to the national defense, without a formal contract, relying in good faith upon the apparent authority of an officer or agent of such contracting agency, written or oral instructions, or any other request to proceed from a contracting agency, such contracting agency may enter into an appropriate contract providing fair compensation therefor. Formalization of such commitments under such circumstances will facilitate the national defense by assuring contractors, who have taken action to expedite performance or delivery without a formal contract, that they will be treated fairly and paid expeditiously.

§ 438.3 *Contractual provisions and record requirements.* (a) All contracts and amendments to contracts made under the authority of the regulations in this part shall:

(1) Make reference to the act and the Executive order;

(2) Contain a statement of the facts and circumstances which justify action;

(3) Include a finding that the national defense is facilitated thereby; and

(4) Include the following clause:

EXAMINATION OF RECORDS.

(a) The Contractor (which term as used in this clause means the party contracting to furnish the supplies or perform the work required by this contract) agrees that the Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any pertinent books, documents, papers, and records of the Contractor involving transactions related to such contract.

(b) The Contractor agrees to insert the provisions of this clause, including this paragraph (b), in all sub-contracts hereafter made.

(b) Complete data shall be maintained by each Department as to all contracts and amendments to contracts made pursuant to the act, Executive order, and the regulations in this part.

§ 438.4 *Exercise of authority.* (a) The authority to approve requests for amendments of contracts without consideration, as referred to in § 438.2, will not be delegated below the level of a contract adjustment board to be established in each department. Each such board may be delegated the power of final determination.

(b) The authority to approve requests for correction of mistakes and ambiguities in contracts and for formalization of informal commitments, as referred to in § 438.2, will not be delegated below the level of the head of a procuring activity, as defined in § 400.201–4 of this chapter (paragraph 1–201.4 of the Armed Services Procurement Regulations), without specific approval of the Under or Assistant Secretary for procurement.

(c) The exercise of authority under the regulations in this part will be in accordance with detailed instructions or directives, which shall be uniform to the extent practicable, issued by each Department concerned.

§ 438.5 *Reports.* The Secretary of each Department shall submit quarterly a report of activities under the regulations in this part in the form to be prescribed by the Chairman of the Munitions Board.

ROBERT A. LOVETT,
Acting Secretary of Defense.

FEBRUARY 21, 1951.

[F. R. Doc. 51-3621; Filed, Mar. 22, 1951; 8:46 a. m.]

Chapter VII—Department of the Air Force

Subchapter J—Procurement Procedures

PART 1011—LABOR

Part 1011 is added to Subchapter J as follows:

SUBPART A—GENERAL

Sec.
1011.101 Labor relations.
1011.102 Wage and salary compensation.
1011.103 Federal and state labor requirements.
1011.104 Requests for relaxation of state labor legislation.

SUBPART B—CONVICT LABOR

1011.201 Applicability.

SUBPART C—EIGHT-HOUR LAW OF 1912

1011.301 Applicability.

SUBPART D—DAVIS-BACON ACT

1011.401 Applicability.
1011.402 Regulations of the Secretary of Labor.
1011.403 Predetermination of prevailing wage rates.
1011.404 Ineligible contractors and disqualified bidders.

SUBPART E—COPELAND ACT

1011.501 Applicability.
1011.502 Department of Labor regulations.

SUBPART F—WALSH-HEALEY PUBLIC CONTRACTS ACT

1011.601 Applicability.
1011.603 Responsibilities of contracting officers.
1011.607 Procedure for obtaining exemptions to stipulations required by the act.
1011.608 Ineligible contractors and disqualified bidders.

SUBPART G—FAIR LABOR STANDARDS ACT OF 1938 AS AMENDED

1011.701 Reimbursement of cost-plus-fixed-fee contractors.
1011.702 Investigations and inspections.
1011.703 Suits against government contractors.

SUBPART H—NONDISCRIMINATION IN EMPLOYMENT

1011.801 Introductory statement.
1011.802 Applicability.
1011.803 Interpretations of Executive Order 9346 by the Committee on Fair Employment Practice.

SUBPART I—EMPLOYMENT RESTRICTIONS FOR SECURITY PURPOSES

1011.901 Restrictions on hiring of aliens and other individuals.

AUTHORITY: §§ 1011.101 to 1011.901 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22 and Sup., 171a. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161.

DERIVATION: Sec. XII, AFM 70-6; AFP Cir. 3, 1951.

SUBPART A—GENERAL

§ 1011.101 *Labor relations.* (a) In the handling of all problems arising out of the labor relations of contractors, Air Force representatives will maintain strict impartiality.

(b) The Commanding General, Air Matériel Command, is authorized to remove necessary Air Force matériel from strike-bound plants when such action is mutually agreed to by both management and labor representatives concerned.

(c) The Commanding General, Air Matériel Command, is authorized to communicate with local labor organizations and local offices of Federal agencies as required. All communications with National labor organizations and Federal agencies outside of the local offices shall be had only after consultation with Headquarters United States Air Force.

(d) All special problems arising out of the labor relations of contractors shall be handled in consultation with Headquarters United States Air Force.

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see § 411.101 of this title.

§ 1011.102 *Wage and salary compensation*—(a) *Cost reimbursement-type contracts.* No attempt will be made to include a wage and salary approval clause in cost reimbursement-type contracts. Primary operational decisions as to allowable wage costs rest with the contracting officer. Contracting officers will determine that wages and salaries are fair and reasonable before certifying reimbursement vouchers therefor.

(b) *Where information may be obtained.* Questions regarding the subject of wages and salaries, which cannot be resolved by the command concerned, and requests for required area or comparable rates should be referred to Headquarters United States Air Force, Director of Industrial Resources, Washington 25, D. C.

(c) *Availability of information.* Without placing additional requirements upon contractors, a copy of such information concerning approved wage and salary rates that is made available to commands by contracting officers should be furnished to Headquarters United States Air Force, Director of Industrial Resources, Washington 25, D. C.

(d) *Premium wage compensation.* Premium rates (including overtime) will not be paid without the express approval of the Commanding General, Air Matériel Command, Wright-Patterson Air Force Base, Dayton, Ohio, or such person as he may designate. Suitable provisions will be included in all cost reimbursement-type contracts and fixed price contracts containing price redetermination provisions to give effect to this paragraph.

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see § 411.102 of this title.

§ 1011.103 *Federal and State labor requirements.* This requirement applies even though a contractor, by reason of operating a Government-owned facility located on territory owned by the United States, might otherwise be exempt.

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see § 411.103 of this title.

§ 1011.104 *Requests for relaxation of State labor legislation.* There may be cases in which manufacturers engaged in the production of vital military supplies find State labor statutes or administrative orders unduly restrictive of such production. In such cases the following procedure will govern:

(a) The interested contractor will submit the initial request for relaxation of the laws or orders involved to the State Labor Commissioner or other State officials charged with the enforcement of labor legislation in the State or region where the plant of the manufacturer involved is located.

(b) If the contractor's request for relaxation is denied, the procuring activity concerned, if it considers the contractor's request valid, may refer the matter with recommendations in respect thereto, to Headquarters United States Air Force, Director of Industrial Resources, for action. Such referrals should contain the following information:

(1) Provision or provisions of law, the relaxation of which is required.

(2) Extent of relaxation required.

(3) Critical nature or relative scarcity of the material.

(4) Circumstances necessitating the relaxation (for example, a shortage in the local supply of skilled labor).

(5) Remedial action being taken by the manufacturer (for example, training).

(6) Efforts previously made to obtain the relaxation.

(c) Requests for assistance in obtaining a relaxation will be refused in cases in which:

(1) The contractor has not already requested the proper State authorities for such relaxation.

(2) Such relaxation is clearly unnecessary to maintain essential production.

(3) The granting thereof would result in a clearly excessive increase in hours of work, in an unreasonable curtailment of rest and lunch periods, or in an undesirable impairment of working conditions.

SUBPART B—CONVICT LABOR

§ 1011.201 *Applicability.* The contracting officer is responsible for making the determination as to the applicability of the Convict Labor Law (Sec. 1, 62 Stat. 703; 18 U. S. C. 436) to a contemplated procurement. In cases of doubt, the matter will be referred to the head of the procuring activity concerned for advice and decision.

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see § 411.202 of this title.

SUBPART C—EIGHT-HOUR LAW 1912

§ 1011.301 *Applicability.* The contracting officer is responsible for making the determination as to the applicability of the Eight-Hour Law of 1912 (37 Stat. 137; 40 U. S. C. 324–326) to a contemplated procurement. In cases of doubt, the matter will be referred to the head of the procuring activity concerned for advice and decision.

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see § 411.302 of this title.

SUBPART D—DAVIS-BACON ACT

§ 1011.401 *Applicability.* The contracting officer is responsible for making the determination as to the applicability of the Davis-Bacon Act (46 Stat. 1494, 40 U. S. C. 276a) to a contemplated contract. In cases of doubt the question will be referred to the head of the procuring activity concerned for advice and decision.

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see § 411.402 of this title.

§ 1011.402 *Regulations of the Secretary of Labor.* The regulations of the Secretary of Labor described in § 1011.502 where pertinent, are applicable to all contracts subject to the act. Regulation 503 issued by Secretary of Labor, September 30, 1935, as amended, prescribes the procedures to be followed in predetermining prevailing rates of wages.

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see § 411.403 of this title.

§ 1011.403 *Predetermination of prevailing wage rates.* The Secretary of Labor now permits a certain number of wage rate predeterminations to be issued to the Department of the Air Force that are different from the individual contract predeterminations described in Regulation 503. This type of predetermination is applicable to "a contract or contracts" for specific types of construction at a specified installation, and the appropriate rates contained therein may be used for all contracts to be let at the specified installation that are subject to the Davis-Bacon Act, as amended (46 Stat. 1494, as amended; 40 U. S. C. 276a). Rates contained in this type of predetermination may be considered prevailing for 90 days from the date of the decision unless the decision is modified prior to the expiration date. Modifications extend the expiration date of the entire predetermination 90 days from the date of the modification. For identification purposes, the predetermination described above will be referred to as an "area" predetermination. In general, "area" type predeterminations are limited to those establishments where considerable activity may be expected. The provisions of paragraph (a) of this section so far as they apply to requesting wage rate predeterminations for each contract subject to the act, do not apply to those installations having "area" type wage rate predeterminations on July 1, 1950. All installations that were not provided with the "area" type predeterminations on July 1, 1950 will conform to the procedure outlined in paragraph (a) of this section.

(a) *Responsibility for requesting and obtaining individual contract predeterminations.* The office responsible for the preparation of specifications for projects in excess of $2,000 (normally the base commander), is responsible for requesting the appropriate predetermination of wage rates to be included in the contract or invitation for bids. The preparing office will forward such re-

quest direct to Headquarters United States Air Force, Director of Industrial Resources. After the director has obtained the predetermination of wage rates from the Secretary of Labor, the predetermination will be forwarded direct to the requesting office. When the contract specifications are prepared for submission with the purchase request, they will include the approved predetermination of wage rates. Contracting officers will not accept purchase requests covering projects subject to the provisions of the Davis-Bacon Act until the required predetermination of wage rates has been incorporated in the specifications. Direct communication with the Department of Labor by field installations on any matter pertaining to wage rate predeterminations is not authorized.

(b) *Responsibility for obtaining "area" wage rate predeterminations.* The Director of Industrial Resources, Headquarters United States Air Force, will obtain from the Secretary of Labor all predeterminations applicable to a contract or contracts for Air Force installations. The decision as to whether this type of predetermination can be made rests with the Secretary of Labor.

(c) *Review of "area" predeterminations.* The Director of Industrial Resources will initiate all requests for review of "area" type predeterminations in time to provide, in effect, a continuous wage rate predetermination for all installations for which this type predetermination is available.

(d) *Modification for "area" type predeterminations.* Modifications to existing "area" predeterminations will be forwarded to installations concerned or to major air commands concerned by the most expeditious means when received from the Secretary of Labor. The responsibility of the commanding officer (commanding general) of the installation (or major air command) concerned is to insure that all modifications so received are incorporated into the original predetermination. If received after bids have been advertised, prior to date specified for opening of bids, such modifications will be included in the invitation for bids by appropriate amendment.

(e) *Supply of Department of Labor Form DB–11.* Department of Labor Form DB–11 may be obtained from the appropriate Air Matériel area. The Commanding General, Air Matériel Command, is responsible for obtaining future stocks of Form DB–11 from the Department of Labor for the Air Matériel areas.

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see § 411.404 (a) of this title.

§ 1011.404 *Ineligible contractors and disqualified bidders.*

CROSS REFERENCE: For Department of the Air Force policies and procedures with respect to ineligible and disqualified bidders see § 1000.303 of this chapter (15 F. R. 8971).

SUBPART E—COPELAND ACT

§ 1011.501 *Applicability.* The contracting officer is responsible for making the determination as to the applicability of the Copeland Act (48 Stat. 948; 10 U. S. C. 276b–c) to a contemplated procurement. In case of doubt, the matter will be referred to the head of the procuring activity concerned for advice and recommendation.

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see § 411.502 of this title.

§ 1011.502 *Department of Labor regulations.*

CROSS REFERENCE: For Department of Labor regulations with respect to enforcement of the Copeland Act (48 Stat. 948; 40 U. S. C. 276c), the Davis-Bacon Act (49 Stat. 1011, as amended; 40 U. S. C. 276a) and certain other statutes concerning rates of pay for labor, see 29 CFR 3.1–3.7.

SUBPART F—WALSH-HEALEY PUBLIC CONTRACTS ACT

§ 1011.601 *Applicability.* The contracting officer is responsible for making the determination as to the applicability of the Walsh-Healey Act (49 Stat. 2036, as amended; 41 U. S. C. 35–45) to a contemplated procurement. In cases of doubt, the matter will be referred to the head of the procuring activity concerned for advice and recommendation.

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see § 411.602 of this title.

§ 1011.603 *Responsibilities of contracting officers.* The contracting officer is responsible for the following:

(a) *Possible applicable minimum wage determinations.* Advising prospective contractors of possible applicable minimum wage determinations by including reference thereto in invitations for bids, in the case of formally advertised procurements and giving written or verbal information thereof in advance of or coincident with the negotiation of non-advertised procurements.

(b) *Form Letter and Poster.* Furnishing the contractor a Form Letter (Form PC–12), together with Poster (Form PC–13), which informs him of his responsibilities under the Walsh-Healey Act, and putting him on notice that he may be liable for work done by other companies assisting him in the performance of the contract.

(c) *Notice of award of contracts.* Reporting direct to the Department of Labor each contract, except those classified confidential or higher, subject to the Walsh-Healey Public Contracts Act within a few days following the award.

(d) *Report of violations of the act.* Submitting report of any violations of representations or stipulations required by the Walsh-Healey Act to Headquarters United States Air Force, Director of Procurement and Engineering, through the Judge Advocate, Air Matériel Command, for transmittal to the Department of Labor.

(e) *Information concerning classified contracts subject to the act.* Since contracts subject to the Walsh-Healey Public Contracts Act which are classified confidential or higher are not reported to the Department of Labor, properly authorized representatives of the Wage and Hour and Public Contracts Divisions will be given access to information concerning the award of such contracts, where those divisions believe that a contractor may be violating the provisions of the act. Representatives of the Department of Labor must obtain the proper security clearance prior to being given access to information concerning contracts classified confidential or higher.

CROSS REFERENCE: For Armed Service Procurement Regulation which this section implements see § 411.603 of this title.

§ 1011.607 *Procedure for obtaining exemptions to stipulations required by the act.* Section 6 of the Walsh-Healey Act (sec. 6, 49 Stat. 2038; 41 U. S. C. 40) permits the Secretary of Labor to make exemptions to the requirement that the representations and stipulations of section 1 of the act be included in department proposals or contracts which are subject to the act.

(a) *Requests for exemptions and review thereof.* All requests of present or prospective contractors for exemptions under section 6 of the act will be addressed to the head of the procuring activity concerned. Such requests will be in writing, and will be transmitted through the appropriate contracting officer, and will set forth all pertinent information, including the nature of the requested exemption, the need therefor, and any action already taken by the contractor to avoid the necessity for the exemption. The contracting officer will review each request received from a contractor for:

(1) The urgency of the particular procurement.

(2) The relation of existing production schedules to Air Force requirements.

(3) The relation of present and past deliveries to production schedules.

(4) The extent to which labor supply is a limiting factor in production and the reasons therefor.

(5) The steps, if any, which have been taken either by the contractor or by any Government agency to resolve the labor supply problem.

(6) The extent to which factors inherent in the production processes involved necessitate the requested exemption.

(7) The extent to which the productive capacity of the facility or facilities in question is being utilized for Air Force procurement.

(8) Any other pertinent data.

(b) *Consultation with regional directors, Department of Labor, and forwarding requests to heads of procuring activities.* (1) If the contracting officer believes that the requested exemption is appropriate under the circumstances and necessary to meet vital procurement schedules;

(i) He may inform the appropriate regional director of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, of the request for exemption and the necessity therefor.

(ii) After joint consideration with such regional director, the contracting officer, if still of the opinion that the requested exemption is appropriate, will transmit the request together with his written recommendation relative thereto, a statement of all the information upon which the recommendation is based, and a recital of the steps taken in compliance with the procedure set forth in paragraph (a) of this section and this subparagraph, to the Commanding General, Air Matériel Command, Attention: Chief of Procurement Division, Wright-Patterson Air Force Base, Dayton, Ohio.

(2) The procedure set forth in subparagraphs (1) (i) and (ii) of this paragraph with respect to such regional director will be complied with unless such compliance would result in undue delay. The contracting officer, in consulting with appropriate regional director, will furnish the director any pertinent information in his possession which the director may require for rendering a report in connection with the need for the exemption to the Administrator of the Wage and Hour and Public Contracts Divisions.

(c) *Review and processing of requests by head of procuring activity.* If the head of the interested procuring activity concurs in the recommendation of the contracting officer, after review of the request and consideration as to whether the need for an exemption can be avoided by utilization of alternative facilities, he will forward the request to Headquarters, United States Air Force, Director of Procurement and Engineering, Washington 25, D. C., together with

(1) A statement of all pertinent data.

(2) His recommendation.

(3) A letter stating the need for the exception.

(4) Findings of fact as required by section 6 of the act.

§ 1011.608 *Ineligible contractors and disqualified bidders:*

CROSS REFERENCE: For regulations with respect to ineligible contractors and disqualified bidders see § 1000.303 of this chapter (15 F. R. 8971).

SUBPART G—FAIR LABOR STANDARDS ACT OF 1938 AS AMENDED

§ 1011.701 *Reimbursement of cost-plus-fixed-fee contractors.* Determinations of the liability of the Government to reimburse contractors for any amounts paid in settlement of claims under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. and Sup., 201–219) will be made by the Commanding General, Air Matériel Command. Attention is called to the Comptroller General's decision of December 15, 1943 (B–38642, 23 Comp. Gen. 439) to the effect that amounts paid in settlements of such claim may be reimbursed even though the settlements necessitated a compromise of disputed questions of law or fact: *Provided*, That such settlements are in amounts less than the total amounts (including liquidated damages, court costs, and attorneys' fees) which would be required to be paid in the event the employee sued and obtained judgment and that it is administratively determined that the settlement in each instance was fully warranted as being in the best interest of the Government. Vouchers covering such payments should be supported by evidence setting forth the basis for such administrative determination and any questions of law with respect to the application of the act should be determined only after thorough consideration has been given the matter by competent Government attorneys and a showing to that effect should also be made a part of the evidence submitted with the vouchers.

§ 1011.702 *Investigations and inspections—(a) Investigations and inspections of records by the Administrator.* Each employer subject to the act or any order issued thereunder must make and preserve such records of the persons employed by him and of the wages, hours, and other conditions and practices of employment maintained by him, and make such reports therefrom, as the Administrator, Wage and Hour and Public Contracts Divisions shall prescribe by regulation or order as necessary or appropriate for the enforcement of the provisions of the act or his regulations or orders thereunder. The act provides that the Administrator or his designated representatives may investigate and gather data regarding the wages, hours, and other conditions and practices of employment in any industry subject to the act and may enter and inspect such places and such records, question such employees and investigate such facts, conditions, practices, or matters as he may deem necessary or appropriate to determine whether any person has violated any provision of the act, or which may aid in the enforcement of the provisions of the act.

(b) *Investigations of cost-plus-fixed-fee contractors.* (1) The Secretary of the Air Force has directed, with respect to investigations of cost-plus-fixed-fee contractors of the Air Force, that: To the extent consistent with security and other regulations governing admission of visitors to plants and projects, representatives of the Administrator should be accorded access to the facilities and records of Air Force contractors for the purpose of making investigations to determine applicability of and compliance with the act. Investigations will be conducted at such time and in a manner to interrupt or interfere least with operations. They should be confined wherever possible to the inspection of records in the office of the contractor. Inspections of the areas in the facility where construction or production is in progress will be held to a minimum. Necessary interviewing of employees should, wherever possible, be conducted outside work hours or at such other times as will interfere least with construction or production operations.

(2) The Administrator has stated that his investigators will advise cost-plus-fixed-fee contractors approximately 1 week before they plan to arrive at the project to make an investigation under the act. The Air Force representative at the plant will insure that the investigation is conducted in accordance with such directive of the Secretary.

(3) If the Administrator is of the opinion that any such investigation discloses violation of section 6 or 7 of the act (Secs. 6, 7, 52 Stat. 1062, 1063; 29 U. S. C. and Sup., 206, 207), he will transmit a report of the investigation to Headquarters United States Air Force, Director of Procurement and Engineering, Washington 25, D. C., who will transmit it to the appropriate procuring activity. The procuring activity will cause the matter to be examined and, if such examination confirms such violation, will advise the contractor to take appropriate steps to comply with the law.

§ 1011.703 *Suits against Government contractors.* Cost-plus-a-fixed-fee contractors and subcontractors should be advised that immediately upon receipt of process in any legal action filed against them, they must furnish a copy of all papers to the contracting officer.

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see § 411.702 of this title.

SUBPART H—NONDISCRIMINATION IN EMPLOYMENT

§ 1011.801 *Introductory statement.* The granting of full employment opportunities to all loyal and qualified workers irrespective of national origin or citizenship is urged upon and expected of all contractors and subcontractors of the Department of the Air Force.

§ 1011.802 *Applicability.* (a) The nondiscrimination clause is intended to apply equally to citizens and noncitizens. For contractors or subcontractors of the Air Force to require American citizenship as an essential condition for employment is considered a breach of the clause in the contract and is contrary to the National policy as expressed in Executive Order 9346 (8 F. R. 7183; 3 CFR, Cum. Supp.).

(b) Even on aeronautical and classified contracts, if a qualified applicant whose services the contractor needs is an alien whose loyalty to the United States the contractor has no reason to doubt, the contractor is obligated to cooperate with the applicant in applying for consent to his employment. Failure to request consent for the employment of, or to employ such an alien upon securing consent, if except for his alien status he would have been employed, constitutes a breach of the antidiscrimination clause of the contract and is contrary to National policy as expressed in Executive Order 9346. If a contractor refuses employment to a qualified and authorized alien worker, he should be prepared to present specific and sufficient reasons to avoid a charge of discrimination.

(c) A contractor is never justified in informing an applicant that he is being refused employment because of Government regulations, except when an individual alien is denied employment by the specific action of the Army-Navy-Air Force Personnel Security Board or higher authority for security purposes. The same considerations apply to removal from employment.

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see § 411.802 of this title.

§ 1011.803 *Interpretations of Executive Order 9346 by the Committee on Fair Employment Practice.* Pursuant to the authority vested in it by Executive Order 9346 (8 F. R. 7183; 3 CFR Cum. Supp.), the Committee on Fair Employment Practice has issued the following interpretations (9 F. R. 1592, 7126, 12716; 29 CFR, 1944 Supp., 1202.1):

(a) The words "all contracts hereafter negotiated or renegotiated" include

all contracts made, amended or modified.

(b) A nondiscrimination provision is required in leases, grants or easements, right-of-way, etc., to the same extent that it is required in other contracts.

(c) The obligation to include the nondiscrimination clause exists even though the contract involves nonwar activity.

(d) The obligation to include the nondiscrimination clause exists even though the contract is required to be awarded to the lowest bidder.

(e) The obligation to include the nondiscrimination clause exists even though the contract is between a Federal Government agency and a State agency or subdivision of a State.

(f) The obligation to include the nondiscrimination clause does not depend on the amount of money or other consideration involved in the performance of the contract.

(g) The nondiscrimination provision required does not refer to, extend to or cover the activities or business of the contractor which are not related to or involved in the performance of the contract entered into.

(h) Inclusion of a nondiscrimination provision is not required in contracts the performance of which does not involve the employment of persons.

(i) Inclusion of a nondiscrimination provision is not required in contracts with foreign contractors for work to be performed outside the continental or territorial limits of the United States where no recruitment of workers within the said limits of the United States is involved.

(j) The nondiscrimination clause is not required in contracts renewed pursuant to an option to renew, in accordance with the terms, conditions, and provisions contained in the original contract.

(k) The requirement that parties to contracts with the Government of the United States (or agencies of said Government) include a nondiscrimination clause "in all subcontracts" is not applicable to lessors of space in buildings except in cases where the Government of the United States (or any agency thereof) is the only tenant involved, or unless a subcontract is entered into solely for the purpose of performing an obligation (or obligations) imposed by the Government lease.

(l) The requirement that parties to contracts with the Government of the United States (or agencies of said Government) include a nondiscrimination clause "in all subcontracts" is applicable only in those cases in which the subcontract is entered into solely for the purpose of enabling the prime contractor to fulfill an obligation (or obligations) imposed by the Government contract.

SUBPART I—EMPLOYMENT RESTRICTIONS FOR SECURITY PURPOSES

§ 1011.901 *Restrictions on hiring of aliens and other individuals.*

CROSS REFERENCE: For Air Force Regulations with respect to restrictions on hiring of aliens and other individuals for security purposes, see §§ 805.51 to 805.60 of this chapter (15 F. R. 4944, 16 F. R. 2026). For Armed Services Procurement Regulation which this section implements see § 411.901 of this title.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 51-3620; Filed, Mar. 22, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 13]

CPR 13—RETAIL CEILINGS ON PETROLEUM PRODUCTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 13 is hereby issued.

STATEMENT OF CONSIDERATIONS

The rapidity with which the inflationary pressures incident to the outbreak in Korea and the announced stepped up rearmament program were being reflected in price increases throughout the economy during the latter part of 1950 required immediate action in the field of direct controls. Accordingly, a General Ceiling Price Regulation was issued on January 26, 1951. However, it was realized at the time that a single regulation covering a multitude of prices and the diverse practices of many sellers and industries should be replaced as rapidly as possible by specific regulations tailored to the needs of different industries. This regulation is one of several designed to cover all marketing segments and products of the petroleum industry. It provides for the establishment of ceiling prices for certain petroleum products at service stations and other retail establishments.

Petroleum products are distributed at the retail level mainly through service stations of which there are an estimated 400,000 throughout the United States. Generally speaking, these service stations are relatively small establishments, and it is therefore essential that any regulation attempting to control the prices of products distributed through these channels be as clear and concise as possible and readily understandable. It is believed that the subject regulation accomplishes this purpose.

The salient features of this regulation are concerned principally with the pricing methods. The individual seller determines his own ceiling price which is the highest price charged for a product during the base period of December 19, 1950, to January 25, 1951, inclusive. This will result essentially in margins which have existed since before the beginning of the Korean war. In the event the seller had no base period sales, alternative methods of determining ceiling prices are provided. The regulation also provides for establishing ceiling prices for new products, as well as in cases where a new retail outlet has been established or where a change of ownership takes place.

The administrative procedure for resolving problems that may arise has been greatly simplified in that it contains provisions for automatic partial relief of hardship cases and permits the solution of other problems at the regional level with the exception of those arising out of local shortages and depressed price areas. Sellers whose ceiling price results in a margin less than they enjoyed during the base period or four cents are permitted to adjust their ceiling prices to reflect either their base period margins or four cents per gallon. This provision has been included to give immediate partial relief to dealers in certain areas where depressed prices exist causing considerable hardship on dealers involved. According to figures furnished by the American Petroleum Institute of dealer margins in fifty representative cities, this four cent margin is the lowest margin existing during the selected base period at any of these points. Except for cities in which price wars exist the margins are no greater than those in the period immediately before the beginning of the Korean war. The adoption of this margin provision is tentative pending a more complete survey of area margins by the Office of Price Stabilization. The regulation treats all marketers equally, and tends to preserve the customary marketing practices insofar as they are consonant with the provisions of the Defense Production Act. The regulation attempts to keep to a minimum the work of record keeping.

Prior to the formulation of this regulation the Director of Price Stabilization advised with a large number of persons representing a substantial part of the industry and the regulation has been reviewed by the National Petroleum Advisory Committee established by the Director of the Office of Price Stabilization.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

REGULATORY PROVISIONS

SCOPE OF REGULATION

Sec.
1. What this regulation does.
2. Geographical coverage.
3. Compliance with this regulation required.

PRICING METHOD

4. Specific prices.
5. Base period sales.
6. No base period sales.
7. Group pricing.
8. Special pricing methods for automotive gasoline for tank wagon purchasers.
9. Special pricing methods for automotive gasoline not purchased at the tank wagon price-level.
10. Increases and reductions in ceiling prices.

GENERAL PROVISIONS

11. Federal and State taxes.
12. Records, receipts, statement and posting of ceiling prices.
13. Transfer of business or stock in trade.
14. Definitions.
15. Petitions for amendment.
16. Adjustments because of Fair Trade Acts.
17. Applications for adjustment.

CEILING PRICES ESTABLISHED BY APPLICATION

18. Sellers who cannot determine ceiling prices under other sections.

AUTHORITY: Sections 1 to 18 issued under sec 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SCOPE OF REGULATION

SECTION 1. *What this regulation does.* It establishes ceiling prices for all sales and deliveries at service stations and other retail establishments including transactions through stationary retail facilities which are in conjunction with bulk plants, terminals or refineries, of the following products:

(a) Motor Fuel.

(b) Motor Lubricating Oil, including automotive, aviation and marine.

(c) Greases.

(d) Gear Oils and Transmission Lubricants.

(e) Kerosene, Range Oil, Stove Oil or Heater Oils; all other distillate burning, heating and fuel oils.

(f) Stove and Lamp Gasoline and Pressure Appliance Fuel.

(g) Petroleum Naphthas and Solvents.

(h) Liquefied Petroleum Gas (L. P. G.).

SEC. 2. *Geographical coverage.* This regulation is applicable to the forty-eight States of the United States, the District of Columbia, and the territories and possessions of the United States, except the Panama Canal Zone.

SEC. 3. *Compliance with this regulation required—(a) Prohibition against selling or delivery of petroleum products at prices above the ceiling.* On and after the effective date of this regulation, regardless of any contract or other obligation, no person shall sell or deliver and no person shall buy or receive in the course of trade or business any petroleum product covered by this regulation at prices higher than the ceiling prices fixed by this regulation, and no person shall agree, offer, solicit, or attempt to do anything prohibited in this section. Prices lower than the ceiling prices may be charged, demanded, paid or offered.

(b) *Evasion.* The ceiling prices established by this regulation shall not be evaded either by direct or indirect methods in connection with the purchase, sale, delivery or transfer of petroleum products alone or in conjunction with any other materials, or by way of any commission, service, transportation, or any other charge, or discount, premium or other privilege, or by tie in agreement or other trade understanding, or by a change in the quality of the product or otherwise, except when such change in quality takes place in compliance with a regulation issued by an agency of the United States Government.

(c) *Enforcement.* Any person who violates any provision of this regulation is subject to the criminal penalties, civil enforcement actions, and suits for damage provided for by the Defense Production Act of 1950.

PRICING METHODS

SEC. 4. *Specific prices.* If the Office of Price Stabilization establishes specific ceiling prices for a particular grade of product for the area or community in which you are located, then those prices so spelled out in this regulation or other regulations or orders issued pursuant thereto are your ceiling prices for the particular grade (or grades) of product.

SEC. 5. *Base period sales.* If no specific ceiling prices are established by the Office of Price Stabilization, then your ceiling price is the highest price you charged for each grade of product to a purchaser of the same class at each of the service stations or retail establishments you operated during the period from December 19, 1950, to January 25, 1951, inclusive.

SEC. 6. *No base period sales.* If you cannot determine your ceiling prices under section 4 or section 5 of this regulation, you are required to adopt the ceiling price for the grade of product involved of any seller of your class located within a radius of one mile.

SEC. 7. *Group pricing.* If you operated several service stations or retail establishments and had an established practice of centrally determining uniform prices by areas during the base period for some or all of your products, you may treat all retail establishments in each such customary separate price area as one seller for the purpose of (a) computing ceiling prices for the grades of products for which this practice existed and (b) complying with the record keeping, reporting and filing provisions of this regulation. The ceiling prices shall be the uniform-centrally determined prices for each separate price area. Records shall be centrally kept, listing the names and addresses of the retail establishments of each group. If you determine ceiling prices under this section, each retail outlet included in the group must continue to abide by the ceiling prices determined under this section. The permission granted by this section may be withdrawn by the Director of Price Stabilization from any sellers upon consideration of the price records maintained by such sellers and such reports as he may require.

SEC. 8. *Special pricing methods for automotive gasoline for tank wagon purchasers.* (a) A seller of automotive gasoline at a retail establishment may, if he chooses, fix a ceiling price for each grade of automotive gasoline by either of the following methods:

(1) By adding to the tank wagon ceiling price for regular grade gasoline of your supplier 4 cents per gallon plus or minus your customary retail differential for premium or third grade gasoline; or

(2) By adding to the tank wagon ceiling price for regular grade gasoline of your supplier the margin you had in the base period. This method of pricing can be used only if 50 percent of your sales during the base period reflected that margin. Furthermore, you must continue to use this ceiling unless a change in ceiling price is subsequently ordered by the Office of Price Stabilization and you must file this price with the District office of the Office of Price Stabilization for the District in which each retail establishment is located. Your filing should be as follows:

I have on _____ (date) determined my ceiling price under section 8 (a) (2) of the Retail Ceiling Price Regulation of Petroleum Products to be the following:

Ceiling Price Established:

Regular Grade _____	_____ (Brand)	_____¢ per gal.
Premium Grade _____	_____ (Brand)	_____¢ per gal.
_____ Grade _____	_____ (Brand)	_____¢ per gal.

Computation of ceiling prices:	*Premium*	*Regular*	*(Brand)*
My purchase price[1] on _____ (date) _____	_____$	_____$	_____$
My retail price on same date _____	_____$	_____$	_____$
My margins on _____ (date) _____	_____$	_____$	_____$
My present supplier's tank wagon ceiling price _____	_____$	_____$	_____$
My margins as above _____	_____$	_____$	_____$
My ceiling price _____	_____$	_____$	_____$

Signature: _____

[1] Purchase price means the net price you pay for a product after giving effect to allowances or discounts you receive, except cash discounts.

(b) For purpose of computing margins, the tank wagon ceiling price of the supplying company shall be considered the purchase price with respect to company operated retail establishments determining ceilings under this section.

SEC. 9. *Special pricing methods for automotive gasoline not purchased at the tank wagon price level.* If you are not a tank wagon purchaser of automotive gasoline at the retail establishment involved, and therefore, cannot use the margins permitted certain tank wagon purchasers under the preceding section, you may fix a ceiling price for each grade of automotive gasoline by either of the following methods:

(a) By adding to your current laid down cost 4 cents per gallon for regular grade gasoline, plus or minus your cus-

tomary retail differentials for premium or third grade gasoline; or

(b) By adding to your current laid down cost the margin you had in the base period. This method of pricing can be used only if 50 percent of your sales during the base period reflected that margin. Furthermore, you must continue to use this ceiling price unless a change in ceiling price is subsequently ordered by the Office of Price Stabilization, and you must file this price with the District office of the Office of Price Stabilization in which each retail establishment is located. Your filing should be as follows:

I have on _____ (date) determined my ceiling price under section 9 (b) of the Retail Ceiling Price Regulation of Petroleum Products to be the following:

Ceiling Price Established:

Regular Grade _____ _____ (Brand) _____¢ per gal.
Premium Grade _____ _____ (Brand) _____¢ per gal.
_____ Grade _____ _____ (Brand) _____¢ per gal.

Computation of ceiling prices:	*Premium*	*Regular*	*(Brand)*
My laid down cost[1] on _____ (date)	$	$	$
My retail price on same date	$	$	$
My margins on _____ (date)	$	$	$
My laid down cost	$	$	$
My margins as above	$	$	$
My ceiling price	$	$	$

[1] "Laid down cost" means the cost of the product in your storage tanks. It includes only the cost of the product (including taxes) and transportation expense. For example: If you purchase on a "delivered at destination" basis the delivered price of your supplier is your "laid down cost". If you purchase on an f. o. b. shipping point basis your laid down cost is your f. o. b. shipping point price plus transportation expense incurred. The transportation expense incurred is the amount you pay to the commercial carrier or if a commercial carrier is not utilized the amount you customarily considered as transportation expense, provided, however, such latter amount shall be no higher than the established commercial rate for the shipment involved.

SEC. 10. *Increases and reduction in ceiling prices.* You may add to your ceiling price the amount of any increase authorized by the Office of Price Stabilization in the ceiling price of your supplier.

GENERAL PROVISIONS

SEC. 11. *Federal and State taxes*—(a) *Taxes in effect during base period.* If during the base period you included a tax (either directly or by separate statement and collection) as a part of your price for a petroleum product, you may include such tax (either directly or by separate statement and collection in the same manner you included such tax in your price during the base period) as a part of any ceiling price established under this regulation for that product or for a new product you are now selling which is subject to the same tax.

(b) *Taxes or increases in taxes effective after January 25, 1951.* Any tax increase or new tax imposed after January 25, 1951, upon or incident to the sale, delivery or use of any petroleum product covered by this regulation may be collected by you in addition to the ceiling prices established under this regulation, if you are by law required to collect or pay such tax.

SEC. 12. *Records, receipts, statement and posting of ceiling prices*—(a) *Records.* Every person selling petroleum products subject to this regulation shall:

(1) Preserve for examination by the Office of Price Stabilization all your existing records relating to the prices which you charged for such petroleum products as you sold during the base period. In addition, you must prepare within 30 days after the effective date of this regulation and preserve a statement of any of your customary allowances, discounts and other price differentials.

(2) Keep for a period of two years and make available for examination by the Office of Price Stabilization records of the same kind as you customarily kept, relating to the prices which you charged for such petroleum products as you sold, after January 25, 1951, and the records of the same kind relating to products sold hereafter.

(b) *Sales slips and receipts.* If you have customarily given a purchaser a sales slip, receipt or similar evidence of purchase, you shall continue to do so. Upon request from a purchaser, you shall give the purchaser a receipt showing the date, your name and address, the kind, grade, and quantity of the petroleum product or products sold and the price received for each product.

(c) *Statement of ceiling prices.* Prepare within 30 days after the effective date of this regulation on the basis of all available information and records and thereafter keep for examination by the Office of Price Stabilization during ordinary business hours, a statement showing your ceiling prices on each grade of product and the basis on which you determined such ceiling prices.

(d) *Posting of ceiling prices.* You shall post the ceiling price for each grade of motor fuel and each motor lubricating oil in a manner plainly visible to and understandable by each purchaser. Such postings shall be marked "ceiling prices" or "our ceiling", beneath which shall be marked each grade of the product offered for sale and opposite each grade shall be stated the ceiling price for that grade. Every person whose ceiling prices are subsequently increased under sections 4, 10, 11 (b), 16 or 17 pursuant to authorization by the Office of Price Stabilization shall indicate separately in such postings either for 60 days after such authorization or for so long as the increase remains effective, whichever period is shorter, the amount by which the ceiling price of each product was increased and the fact that such increase was authorized by the Office of Price Stabilization. The postings shall use the following language: "_____ cents increase per gallon—approved by the Office of Price Stabilization effective _____ date" or any other statement supplying the same information.

(e) *General Ceiling Price Regulation records.* Compliance with the record-keeping provisions of this section shall be deemed compliance with the record-keeping requirements of the General Ceiling Price Regulation during the period when petroleum products were covered by that regulation.

SEC. 13. *Transfer of business or stock in trade.* This section applies to you if:

(a) After January 26, 1951 you purchase or otherwise acquire all or a substantial part of the business assets or stock in trade of any business which sells or sold any articles covered by this regulation at retail; and

(b) You carry on the business or continue to sell at retail the same type of product as sold by your predecessor; and

(c) You carry on the business in a retail establishment separate from any other retail establishment previously owned or operated by you; and

(d) Your predecessor was a seller of your class.

If this section applies to you, your ceiling prices are the same as your predecessor and your obligation to keep records sufficient to verify such prices shall be the same as those of your predecessor. Your predecessor must either preserve and make available to you or turn over to you all records of transactions before the transfer which you need to comply with this regulation.

If either or both paragraphs (a) and (b) of this section apply to you but not paragraphs (c) or (d) of this section you shall adopt the ceiling price for each grade of product of a seller of your class in your same general area. Ceiling prices determinded in this way shall be filed with the Petroleum Branch of the Office of Price Stabilization, Washington 25, D. C., and shall be your ceiling prices until disapproved or revised by the Director of Price Stabilization of the Office of Price Stabilization.

SEC. 14. *Definitions.* (a) "Motor fuel" means liquid fuel used for the propulsion of motor vehicles or motor boats or aircraft, including Diesel fuel and liquefied petroleum gas, and including any liquid fuel to which Federal gasoline taxes apply.

(b) "Retail establishment" means a store, shop, garage, service station (land or marine) or other stationary place of business at which the major portion of the sales of petroleum products are sold in customary small quantities to consumers. Any facility making deliveries of fuel into fuel tanks of aircraft at an airport (or other landing area), shall be considered a retail establishment for the purpose of this regulation.

(c) "Service Station" means any place of business or part thereof where motor fuel is delivered into the fuel supply tanks of motor vehicles or motor boats.

(d) "You." The pronoun "you" as used in this regulation indicates the person subject to the regulation.

(e) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successors and representatives of any of the foregoing, and includes the United States, any agency thereof, any other government or any of its political subdivisions and any agency of any of the foregoing.

(f) "Seller of your class" means a seller whose operations in all respects customarily compare with your operations in all of the following respects:

(1) You both sell comparable products.

(2) You both sell in the same manner through similar facilities.

(3) You both sell at comparable price levels.

(g) "Purchaser of the same class" refers to your practice in setting different prices for a product for sales to purchasers located in different areas or buying in different quantities or grades or under different conditions of sale.

(h) "Base period" means the period from December 19, 1950, to January 25, 1951, inclusive.

(i) "Tank wagon purchaser" means a person purchasing at the tank wagon price.

(j) "Tank wagon price" means a particular price level customarily established by a seller regardless of the type or size of equipment that may be used for making deliveries, as distinguished from the "tank car" price, or other large lot quantity price levels. The tank wagon price is a delivered-at-destination price.

SEC. 15. *Petitions for amendment.* Any person seeking an amendment of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1.

SEC. 16. *Adjustments because of Fair Trade Acts.* Ceiling prices established under this regulation may be adjusted by order of the Office of Price Stabilization in the case of any seller at retail who shows:

(a) Either that his ceiling price for any product established under this regulation is less than the minimum price at which he was lawfully required to sell the product during the base period pursuant to the provisions of a State Fair Trade Act; or that he had been permanently enjoined by a court from selling the product at less than such minimum price; and also

(b) That the product was generally sold at retail during the base period at prices no lower than such minimum price within the locality in which his selling establishment is located. In such cases, the ceiling price of the seller will be increased to such minimum price. Applications for adjustment shall be filed in accordance with Price Procedural Regulation No. 1.

Each Regional Director of the Office of Price Stabilization and such District Directors of the Office of Price Stabilization as may be designated by the appropriate Regional Director are hereby authorized to make adjustments or act upon applications for adjustment under this section.

SEC. 17. *Applications for adjustment.* Applications for adjustment for local shortage and depressed price areas shall be filed in Washington, D. C., in accordance with Price Procedural Regulation No. 1. The Office of Price Stabilization may adjust by order any ceiling price established under this regulation for any seller or group of sellers when it appears:

(a) *Local shortages.* (1) That there exists or threatens to exist in a particular locality a shortage in the supply of a petroleum product which aids directly in the present defense program or is essential to a standard of living consistent with the maintenance of the defense program; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the ceiling prices of such seller and of like sellers for such product; and

(3) That such adjustment will not create or tend to create a shortage or a need for increase in prices, in another locality, and will effectuate the purposes of the Defense Production Act of 1950.

(b) *Depressed price areas and price inequities.* (1) That due to temporary conditions, a seller has a ceiling price which is lower than a price that would maintain such seller's customary price relationship with other sellers in the same marketing area or

(2) That prices charged for petroleum products in a particular area have customarily followed the pattern of prices in nearby or surrounding areas but due to temporary conditions ceiling prices have been established by this regulation which are below the level of prices which would have prevailed had the area been free to adjust itself to normal conditions.

The seller in applying under subparagraph (1) or subparagraph (2) of this paragraph shall present to the satisfaction of the Office of Price Stabilization:

(i) The basis upon which it is concluded that the ceiling prices are below normal.

(ii) The ceiling prices proposed.

(iii) Information showing why the proposed ceiling prices would be normal.

(iv) A statement that the proposed ceiling prices will not be above the level of ceiling prices otherwise established by the regulation.

CEILING PRICES ESTABLISHED BY APPLICATION

SEC. 18. *Sellers who cannot determine ceiling prices under other sections.* (a) Your ceiling price for a petroleum product sold at a retail establishment which cannot be priced under the other provisions of this regulation shall be a price in line with the level of ceiling prices established by this regulation and shall be determined in the following manner:

You or a person authorized by you shall, prior to making a sale, file with the District Office of the Office of Price Stabilization for the district in which your retail establishment is located an application for the establishment of a ceiling price, containing the following information:

(1) An explanation of the reasons why the product cannot be priced under the other provisions of this regulation.

(2) The method by which the proposed ceiling price was calculated.

(3) The reasons why such proposed ceiling price is believed to be in line with the level of ceiling prices otherwise established by this regulation. For this purpose information shall be included in the application showing:

(i) Ceiling prices for similar products having the same end-use and serviceability which are currently sold by you, together with a statement of the cost of each;

(ii) Ceiling prices for the same product, or similar products having the same end-use and serviceability, which are sold by others of your same class of seller in the same or surrounding area.

(b) You shall also furnish such additional information as the Office of Price Stabilization may require.

(c) Upon filing, the proposed price shall be your ceiling price until it is revised or disapproved by the Office of Price Stabilization.

(d) The Office of Price Stabilization may, at any time by notice in writing approve or disapprove or revise ceiling prices filed, proposed, or established under this section so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

Effective date. This Ceiling Price Regulation shall become effective on March 26, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

MARCH 21, 1951.

[F. R. Doc. 51-3721; Filed, Mar. 22, 1951; 11:21 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 3.1, paragraphs (c) and (l) (1) (ii) are amended to read as follows:

§ 3.1 *Persons included in the acts in addition to commissioned officers and enlisted men.* * * *

(c) *Philippine Scouts and others.* Philippine Scouts, the Insular Force of the Navy, Samoan Native Guard, and Samoan Native Band of the Navy are within the terms of the acts, except that neither the Philippine Scouts nor the Insular Force of the Navy were, or are, included in Article II of the War Risk Insurance Act. However, Philippine Scouts enlisted under section 14 of Public Law 190, 79th Congress, approved October 6, 1945, are subject to the limitations contained in Public Law 391, 79th Congress. Benefits are accordingly limited to compensation payable for service-connected disability or death. Members of the organized military forces of the

Government of the Commonwealth of the Philippines are included for purposes of the laws administered by the Veterans' Administration providing for the payment of compensation on account of service-connected disability or death from and after the dates and hours, respectively, that they were called into service of the Armed Forces of the United States by orders issued from time to time by the General Officer, United States Army, designated by the Secretary of War (section 2 (a) (12), Public No. 127, 73d Congress, and Public Law 301, 79th Congress). This includes a person who became a member of a unit so called or ordered into the Armed Forces of the United States upon its reorganization and return to military control prior to July 1, 1946. It does not include the service of such a person during the period subsequent to his release following the capitulation or after parole by the Japanese as a prisoner of war, when he was in an inactive status, and prior to the time he joined a recognized guerrilla force or returned to military control as certified by the United States Armed Forces. Persons who served as guerrillas under a commissioned officer of the United States Army, Navy, or Marine Corps, or under a commissioned officer of the Commonwealth Army recognized by and cooperating with the United States forces are also included: *Provided*, That service as a guerrilla by a person who also was a Philippine Scout or a member of the Armed Forces of the United States, other than a member of the Commonwealth Army, will be considered as service in his regular status of Philippine Scout or member of the Armed Forces of the United States. However, unless the record shows examination at time of entrance into the Armed Forces of the United States, such persons are not entitled to the presumption of soundness. This will also apply upon reentering the Armed Forces after a period of inactive service. Service of such Commonwealth forces in the United States Armed Forces was terminated as of June 30, 1946, by the military order of the President dated July 1, 1946. (Therefore, such Philippine Army service rendered on or after July 1, 1946, is not service in the United States Armed Forces within the purview of the laws administered by the Veterans' Administration.) Compensation payable to members of the organized military forces of the Government of the Commonwealth of the Philippines, under the conditions set forth above, and to Philippine Scouts who enlisted or reenlisted under section 14, Public Law 190, 79th Congress, shall be paid at the rate of one Philippine peso for each dollar authorized to be paid under the laws providing for such compensation. The foregoing restriction is not applicable to officers who were commissioned in connection with the administration of Public Law 190, 79th Congress. All enlistments and reenlistments in the Regular Army between October 6, 1945, and June 30, 1947, inclusive, were made under the provisions of the cited law, as it constituted the sole authority for enlistments in the Regular Army during that time. Accordingly, all Philippine Scouts who enlisted or reenlisted between the cited dates should be paid at the rate of one Philippine peso for each dollar authorized for disability incurred or aggravated during such enlistment or reenlistment. Where a veteran, who had Commonwealth Army or guerrilla service and also had other service, wartime or peacetime, in the Armed Forces of the United States, has compensable disabilities due to the service entitling to compensation on a peso basis and due to service entitling to compensation on a dollar basis, the disabilities will be combined as usual, applying the provisions of Part IV, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), where there is disability due to wartime and peacetime service. In computing the amount due, the evaluation for which dollars are payable will be first considered and the difference between this evaluation and the combined evaluation will be the basis for computing the amount due in pesos.

* * * * *

(1) *Reserve Officers and members of the Enlisted Reserves; members of the National Guard of the United States and the federally recognized National Guard of the several States, Territories and the District of Columbia*—(i) *Public No. 159, 75th Congress (act of June 23, 1937); Army and Air Force.* * * *

(ii) *Public No. 159, 75th Congress, as modified by Public No. 732, 75th Congress (act of June 25, 1938); Navy, Marine Corps, and Coast Guard.* For periods on and after June 15, 1933, in time of peace, members of the Naval (organized and volunteer) and Marine Corps Reserves are considered as performing active service while performing active duty with or without pay, training duty with or without pay, drills, equivalent instruction or duty, appropriate duty, or other prescribed duty, or while performing authorized travel to or from such duties. By virtue of section 211, Public Law 8, 77th Congress, the provisions of this subdivision are applicable to Reserve officers and enlisted members of the Coast Guard Reserve (except temporary members thereof) who rendered such service on or after February 19, 1941, in time of peace. Compensation may be payable for disease or injury connected with such service, regardless of the period for which the reservist was called to duty, where the liberalizing definition of service contained in Public No. 732, 75th Congress (act of June 25, 1938), is not invoked; however, where such liberalizing definition is invoked, compensation is payable only for injury (sickness or disease being excluded).

* * * * *

(Interprets or applies sec. 1, 46 Stat. 847, sec. 4, 48 Stat. 9, 50 Stat. 305, sec. 304, 52 Stat. 1181, as amended, sec. 4, 54 Stat. 864, as amended, sec. 1, 211, 55 Stat. 598, 12, 56 Stat. 730, as amended, 1072, sec. 2, 56 Stat. 1038, sec. 3, 10, 57 Stat. 371, 556, sec. 1, 2, 58 Stat. 324, sec. 2, 3, 212, 58 Stat. 599, 689, 60 Stat. 223; 10 U. S. C. 336, 81 note, 14 U. S. C. 311, 33 U. S. C. 855a, 34 U. S. C. 855c, 855c–1, 857a, 38 U. S. C. and Sup. 238, 238c–e, 704, 730, ch. 12 note, 42 U. S. C. 213, 50 U. S. C. App. 1553, 1591, 1592)

2. In § 3.61, the title and paragraph (a) are amended to read as follows:

§ 3.61 *Validity of enlistment a prerequisite to entitlement*—(a) *Fraudulent enlistments involving other than concealment of minority.* With the exception of illegal enlistments, that is, those in which the enlisted men lack legal capacity to contract, contracts of enlistment fraudulently procured by enlisted persons are generally voidable rather than void. For example, a veteran in desertion who reenlisted and served honorably is not barred from pension, if otherwise entitled by reason of his honorable service, unless the reenlistment was affirmatively voided by the service department. Therefore, a contract of enlistment is valid for Veterans' Administration purposes unless affirmatively declared void ab initio by the service department.

* * * * *

3. In § 3.67, the title and paragraph (c) are amended to read as follows:

§ 3.67 *Disability of veteran (1) as a direct result of armed conflict, or (2) while engaged in extra hazardous service, including such service under conditions simulating war, or (3) while the United States is engaged in war (Public Laws 359, 77th Congress, 868, 80th Congress).* * * *

(c) "Extra hazardous service, including such service under conditions simulating war," comprehends service in peacetime which is more hazardous than normal peacetime service. This contemplates only service of which the extra hazard is an inherent part of the military duty.

(1) Participation in the Korean hostilities meets the provision "while engaged in extra hazardous service" in section 2, Public Law 868, 80th Congress, for the members of all forces so committed. Therefore, for disability or death incurred in line of duty as a result of participation in the Korean hostilities, compensation at wartime rates will be paid where entitlement is established in accordance with criteria for service-connection established under Part II, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12). In consideration of questions of service-connection, the provisions of Public Law 361, 77th Congress, will be applied, whenever in order, with resolution of the reasonable doubt. The principle of participation will be extended to all Armed Forces, Air Forces, and Naval Forces in the zones of patrol, blockade, and action or embarking or enplaning thereto from any point.

(2) Service under conditions simulating war is extra hazardous, and other service will be considered extra hazardous if (i) performed under conditions recognized as exceptionally dangerous or (ii) involving risks beyond those ordinarily encountered in routine peacetime duties. Examples of service recognized as falling within the first category, as being exceptionally dangerous, include the following: While actually engaged in performance of service duty in aircraft, submarine, or diving operations; or dangerous testing operations of instrumentalities of war in differentiation from service involving their routine peacetime use. Every injury or disease resulting directly from or aggravated by these operations, from preparation for flight to the final landing, as of an airplane, or from the casting off to the final berthing, as of a submarine, is considered as incurred in extra hazardous service. Servicing the aircraft while the propeller revolves or loading or unloading explosives from aircraft is considered extra hazardous. During a postwar period pending approval of treaty of peace or other final termination of a technical state of war, service passengers on service airplanes are considered as performing extra hazardous service where their presence on an airplane was required by service orders. Testing or demonstrating explosives and demolition work with explosives are considered extra hazardous. Other examples are duty on convoy or patrol vessels and while manning guns on merchant vessels. Service falling within the second category, as involving risks beyond those ordinarily encountered in routine peacetime duties, includes among others the following: Under climatic or other conditions which subject the person to excessively high or low temperatures and predispose to disease, or upon exposure to any conditions which he would not customarily or ordinarily be called upon to endure in ordinary peacetime service. Individual actions incident to performance of service duties of exceptional risk or danger, as extinguishing a serious fire or conflagration, serving where explosives are stored in quantity, rescues at sea, from drowning, or from burning buildings, may be considered extra hazardous, if the element of risk or danger above and beyond the routine of the service is clearly apparent. It is particularly to be noted that accidents with firearms or other instrumentalities of war on land or sea, unless directly traceable to the performance of duties incident to extra hazardous service as above outlined, are considered as involving only the routine risk or danger of the soldier or sailor.

(3) Campaigns, expeditions, and occupations are one type of service which may involve armed conflict and usually contain extra hazardous service. A person engaged in such service and injured at drill, target practice, practice march, work in the barracks, tents, or shops would not generally be considered as injured incident to extra hazardous service. But, if such functions were performed under extra hazardous conditions, due to the locality, nearness of the enemy, without the usual and ordinary safeguards, etc., the conditions of the law may be met. Endemic diseases and diseases arising out of exposure on campaigns or expeditions may likewise be a basis of entitlement under Public Law 359. The diseases recognized as endemic to tropical service are amebic and bacillary dysentery, malaria, blackwater fever, cholera, dracontiasis, filariasis, leishmaniasis, including kala-azar, leprosy, loiasis, onchocerciasis, Oroya fever, pinta, plague, schistosomiasis, trypanosomiasis, yaws, and yellow fever. The general test with regard to campaigns or expeditions is: Did the injury or disease arise directly out of the performance, under orders, of military or naval duty peculiar to or advancing the purpose thereof and under circumstances more dangerous than in normal peacetime service? If so, the circumstances are, as a rule, extra hazardous. Attention is invited to R & P A–36–54 inclusive, relating to campaigns and expeditions, etc.[1]

(4) The act specifies "extra hazardous service, including such service under conditions simulating war." The expanding Army and Navy in 1940–41, from the standpoint of their training and operations, are to be regarded as under emergency conditions in relation to national defense in the face of threatened war. In the hearings on the bill, the representative of the War Department stated that men on maneuvers take practically the same risks they take during time of war. The representative of the Navy Department stated that every man at sea today (in 1941) is engaged in service under conditions simulating war. The haste of this organization and training, the introduction of new methods of combat training, the inclusion of large numbers of men who would not expect to serve their country under arms except in time of war are intended to be given special recognition in the act.

(5) Maneuvers such as those of 1940–41 and the operations of ships at sea during the same period are considered as having been performed under conditions simulating war and were extra hazardous.

(6) Any injury, disease, or death resulting therefrom, incurred while engaged in extra hazardous service, if in line of duty and not the result of some cause independent of the extra hazardous service, will be held within the contemplation of the law.

(7) It will be seen that the innumerable combinations of circumstances which may exist in connection with the incurrence of death, injury, or disease clearly preclude a line of definite demarcation between service which is extra hazardous and that which is attended by what might be considered the ordinary hazards of peacetime service in the Armed Forces. Each claim will be adjudicated on the facts adduced therein, and determinations will be reached through an adequate understanding of the purpose to be achieved and the exercise of sound judgment.

(Interprets or applies 55 Stat. 844; 38 U. S. C. ch. 12 note)

4. In § 3.80, paragraph (a) is amended to read as follows:

§ 3.80 *Service connection for chronic or tropical diseases.* (a) Under paragraph I (c), Part I, Veterans Regulation 1 (a) as amended (38 U. S. C. ch. 12), a chronic or tropical disease becoming manifest to a degree of 10 percent or more within 1 year (within 3 years as to pulmonary tuberculosis) from the date of separation from active wartime service or within 1 year (3 years as to pulmonary tuberculosis) after the date prior to which a disability must have been incurred as provided in Veterans Regulation 1 (a), as amended, whichever is the earlier, will be considered as having been incurred in service when the conditions specified in paragraph I (c), Part I, Veterans Regulation 1 (a), as amended, are met. Service incurrence will be established under paragraph I (a), Part I, Veterans Regulation 1 (a), as amended, for any of the tropical diseases listed in § 3.86 (b), when shown to exist at a time when standard and accepted treatises indicate that the incubation period of the disease commenced during active service. Under paragraph I (d), Part II, Veterans Regulation 1 (a), as amended, a tropical disease becoming manifest to a degree of 10 percent or more within 1 year from date of separation from service or at a time when standard accepted treatises indicate that the incubation period thereof commenced during active service will be considered as having been incurred in service when the conditions specified in paragraph I (d), Part II, Veterans Regulation 1 (a), as amended, are met. The factual basis may be established by medical evidence, competent lay evidence, or both. Medical evidence should set forth the physical findings and symptomatology elicited by examination within the 1-year (3-year as to pulmonary tuberculosis) period; and lay evidence should not merely contain conclusions based upon opinion but describe the material and relevant facts as to the veteran's disability observed during such period. Where there is affirmative evidence to show that a chronic disorder is due to an intercurrent disease or injury suffered between the date of separation from active service and the onset of the chronic disorder, service-connection under this section will not be accorded. When service-connection is established, subsequent manifestations of the same chronic disease, unless clearly attributable to intercurrent causes, at no matter how remote a date, are service-connected. This rule does not mean that any manifestation of joint pain, any abnormality of heart action or heart sounds, any urinary findings of casts, or any cough, in service, will permit service-connection of arthritis, disease of the heart, nephritis, or pulmonary disease, first shown as a clear-cut clinical entity at some later date. For the showing of chronic disease in service, there is required a combination of manifestations sufficient to identify the disease entity and sufficient observation to establish chronicity at the time, not merely isolated findings or diagnosis including the word "chronic". When the etiological identity is perfect, as leprosy, tuberculosis, syphilis, etc., there is no requirement of evidentiary showing of continuity. Continuity of symptomatology is required only where the condition noted during service is not in fact shown to be chronic or where the diagnosis of chronicity may be legitimately questioned. When the fact of chronicity during service is not, in the opinion of the adjudicating agency, adequately supported, then there may be reason to require some showing of continuity after discharge to support the claim. Hospital confirmation of such diagnoses made after discharge from service is not routinely required. How-

[1] Not filed with the Division of the Federal Register.

ever, the veteran may well be held at the regional office, hospital, or center for recheck on the following day, particularly for recheck of blood pressure, urinalysis, and further laboratory procedures, if in order. When hospitalization is required, it should not be longer than absolutely necessary for confirmation of the diagnosis.

(Interprets or applies sec. 1, 48 Stat. 8, as amended; 38 U. S. C. 701, ch. 12 note)

5. In § 3.86, paragraphs (c), (f), and (h) are amended to read as follows:

§ 3.86 *Chronic and tropical diseases under Public No. 2, 73d Congress, as amended.* • • •

(c) No conditions other than those listed in paragraph (a) of this section will be considered chronic diseases except upon approval by the Administrator of Veterans' Affairs. For the purposes of determining the existence of a compensable degree of active tuberculosis within 3 years of discharge or the date prior to which a disability must have been incurred as provided in Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), whichever is the earlier, active pulmonary tuberculosis diagnosticated by approved methods during the fourth year will be held to have preexisted the diagnosis 6 months in minimal (incipient) cases; 9 months in moderately advanced cases; and 12 months in far advanced cases.

• • • • •

(f) Where service-connection is granted under paragraph 1 (c), Part I, Veterans Regulation 1 (a), as amended, the effective date of evaluation of disability will be in accordance with § 3.148 (a), and when claim is filed more than 1 year after date of separation from active wartime service or after 1 year prior to which a disability must have been incurred (or 3 years as to pulmonary tuberculosis), as provided in Veterans Regulation 1 (a), as amended, whichever is the earlier, notation will be made of the items of evidence showing the existence of the disease within the 1-year period (or 3 years as to pulmonary tuberculosis): *Provided*, That as to bronchiectasis, calculi of the kidney, bladder, or gall bladder, cirrhosis of the liver, coccidioidomycosis, osteomalacia, Raynaud's disease, scleroderma, malignant tumor of the peripheral nerves, peptic ulcers (gastric or duodenal), and the tropical diseases, resultant disorders or diseases originating because of therapy administered in connection with such diseases or as a preventative thereof, listed in paragraph (b) of this section, service connected under paragraph 1 (c), Part I, Veterans Regulation 1 (a), as amended, the evaluation will not be prior to June 24, 1948: *Provided further*, That as to active pulmonary tuberculosis service connected under paragraph 1 (c), Part I, Veterans Regulation 1 (a), as amended by Public Law 573, 81st Congress, the evaluation will not be prior to June 23, 1950.

• • • • •

(h) The effective date of an award based upon the foregoing provisions will be in accordance with § 3.212: *Provided*, That no award for bronchiectasis, calculi of the kidney, bladder or gall bladder, cirrhosis of the liver, coccidioidomycosis, osteomalacia, Raynaud's disease, scleroderma, malignant tumors of the peripheral nerves, peptic ulcers (gastric or duodenal), service connected under paragraph 1 (c), Part I, Veterans Regulation 1 (a), as amended, or the tropical diseases and resultant disorders or diseases originating because of therapy administered in connection with such diseases or as a preventative thereof, listed in paragraph (b) of this section, service connected under paragraph I (c), Part I, or paragraph I (d), Part II, Veterans Regulation 1 (a), as amended, shall be effective prior to June 24, 1948: *Provided further*, That no award for active pulmonary tuberculosis service connected under paragraph I (c), Part I, Veterans Regulation 1 (a), as amended by Public Law 573, 81st Congress, shall be made effective prior to June 23, 1950.

(Interprets or applies sec. 1, 48 Stat. 8, as amended; 38 U. S. C. 701, ch. 12 note)

6. In § 3.148, paragraph (d) is amended to read as follows:

§ 3.148 *Effective dates of evaluations, 1945 Schedule, in original ratings.* • • •

(d) When service-connection, World War II, is granted under paragraph I (c), Part I, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note), the effective date of evaluation of disability will be determined as above outlined. When claim is filed more than a year from date of discharge or (where service began prior to January 1, 1947, and extended thereafter) July 25, 1947, or 3 years as to pulmonary tuberculosis, whichever is the earlier, notation will be made of the items of evidence showing the existence of the disease within the 1-year or 3-year periods or showing minimal, moderately advanced, or far advanced, active pulmonary tuberculosis within the 42-month, 45-month, or 48-month periods, respectively.

• • • • •

(Interprets or applies sec. 17, 57 Stat. 560, 69 Stat. 319; 38 U. S. C. 732, 736-738)

7. In § 3.216, paragraphs (a) and (c) are amended to read as follows:

§ 3.216 *Application for increase based upon changed physical condition.* A formal application for increased disability compensation or pension will not be required, and an informal application or request when accompanied by evidence of a changed physical condition will suffice.

(a) *Increase based upon report of physical examination.* Where an increase in disability is shown by an official report of physical examination made by a full-time, part-time, or designated (or fee basis) physician of the Veterans' Administration in connection with compensation, pension, or treatment pursuant to proper authority issued either prior or subsequent to treatment, the report of physical examination will be accepted as a claim, and payment of the increase may be made effective as of the date of examination. This principle likewise is for application to claims under paragraph I (a), Part III, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12).

• • • • •

(c) *Physical examination reports, clinical records, and transcripts of records received from State, county, municipal, and recognized private institutions and contract hospitals.* Generally, physical examination reports, clinical records, and transcripts of records from State, county, municipal, and recognized private institutions and contract hospitals relative to veterans will be accorded the same consideration for the purpose of rating claims for compensation or pension as though the records were received from a Veterans' Administration field station. These records, however, must present the essentials upon which ratings are to be founded, that is, the disabling conditions must be adequately identified; sufficient findings must be reported to permit proper evaluation of the condition, and they must be certified by chief medical officers or their physician designates. As to private institutions, the hospitals listed in the hospital number of "The Journal" of the American Medical Association (usually published in April of each year) and followed by the symbol consisting of a shaded triangle are recognized. This symbol indicates that the hospital has been approved by the American College of Surgeons as meeting unconditionally its minimum requirements for general standardization. If the name of the private hospital at which the veteran was examined or treated does not appear on the approved list, the chief medical officer or his physician designate will be requested to advise whether the hospital meets the minimum requirements for the care and treatment of Veterans' Administration patients and for hospital facilities as prescribed in current directives of the department of medicine and surgery. Depending upon the advice of the chief medical officer or his physician designate, the report will be accepted or corroborative examination by the Veterans' Administration requested. It is to be understood that such records, in those instances where maintenance is not at the expense of the Veterans' Administration, should not be accepted as claims for increase if they are routinely submitted, but only where there is an indication that they are being submitted for the purpose of claiming increased benefits.

8. Sections 3.236 and 3.237 are amended to read as follows:

§ 3.236 *Special monthly compensation specified by or fixed pursuant to paragraph II, Parts I and II, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), as amended by Public Laws 182, 659, and 662, 79th Congress—(a) Special monthly compensation provided by paragraph II (k), Part I, or the corresponding peacetime rate provided by paragraph II, Part II.* The special monthly compensation provided by paragraph II (k), Part I or the corresponding peacetime rate is applicable but once in any one case, when payable in addition to the compensation provided in paragraph II (a) to (j), Part I, or the corresponding peacetime rate. In other words, if the veteran has suffered the anatomical loss of one eye and one hand, his monthly compensation under Public No. 2, 73d Congress, as amended, will be increased by $42 and not by $84 or by $33.60 and not by $67.20, if the disabilities were incurred in wartime service or peacetime service, respectively. The additional allowance may be based upon an anatomical loss or loss of use included in the requirements for the basic rate. The additional allowances under paragraph II (k), Part I, or the corresponding peacetime rate are now payable in addition to compensation payable under paragraph II (l) to (n), Part I, or the corresponding peacetime rate, and such additional allowance is payable for each anatomical loss, loss of use, or blindness of one eye having only light perception, when existing in addition to the requirements for these basic rates, provided the total does not exceed $360 in part I cases, independent of additional compensation for dependents provided by section 1, Public Law 877, 80th Congress, as amended, or $288 in part II cases, independent of additional compensation for dependents provided by section 2, Public Law 877, 80th Congress, as amended. For example, a war veteran who has suffered the loss of use of both hands, one foot, and one eye (light perception only) will be compensated at $240 plus two allowances of $42 each or $324 under the second part of paragraph II (k), Part I.

(b) *Helplessness.* (1) The maximum rate, as a result of including helplessness as one of the entitling multiple disabilities, is intended to cover, in addition to obvious losses and blindness, conditions such as transverse myelitis with loss of use of both legs and loss of anal and bladder sphincter control; also the loss of use of two extremities with absolute deafness and nearly total blindness or with severe multiple injuries producing total disability outside the useless extremities, these conditions being construed as loss of use of two extremities and helplessness.

(2) The rate of $282 provided under paragraph II (m), Part I on account of helplessness requiring regular aid and attendance applies only in cases entitled on account of blindness of both eyes. A veteran having suffered the loss, or loss of use, of both hands, feet, or one hand and one foot, and having no other compensable disability will be rated according to the level of amputation or loss of use. Entitlement to a higher rate on account of helplessness requiring regular aid and attendance must be based on such need resulting from pathology other than the anatomical loss or loss of use of two extremities. When so based, i. e., upon pathology other than the anatomical loss or loss of use of two extremities, the rate will uniformly be $360 (or $288) monthly.

(c) *Intermediate rates fixed pursuant to law.* The authority contained in paragraph II (p), Part I, or the corresponding peacetime rate to allow the next higher rate or an intermediate rate will be administered as follows:

(1) With the anatomical loss, or loss of use, of one hand or one foot, and anatomical loss, or loss of use, of another extremity at a level or with complications preventing natural elbow or knee action with prosthesis in place, the rate will be $261 (or $208.80).

(2) With the anatomical loss, or loss of use, of one extremity at a level or with complications preventing natural elbow or knee action with prosthesis in place, and the anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance, the rate will be $300 (or $240).

(3) With the anatomical loss, or loss of use, of one hand or one foot, and the anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance the rate will be $282 (or $225.60).

(4) With the requirements for any of the rates provided in paragraph II (l) to (n), inclusive, Part I, or the corresponding peacetime rate, and additional disability (single permanent disabilities or combinations of permanent disabilities with the usual prohibition against pyramiding) independently ratable at 50 percent or more, the rate will be intermediate, i. e., halfway, between the rate authorized for the subparagraph whose requirements are met and the next higher rate authorized in paragraph II (m) to (o), Part I, or the corresponding peacetime rate.

(5) With the requirements for any of the rates provided in paragraph II (l) to (n), inclusive, Part I, or the corresponding peacetime rate, and additional disability (single disabilities of permanent nature) independently ratable apart from any consideration of individual unemployability, at 100 percent, the rate will be the next higher rate authorized in paragraph II (m) to (o), Part I, or the corresponding peacetime rate.

(6) Other cases in which any of the rates are deemed inadequate will be handled in accordance with § 3.142.

(d) *Ratings for specific conditions—(1) Rating of binocular blindness of different degrees.* (i) With blindness of one eye with 5/200 visual acuity or less and blindness of the other eye having only light perception, the rate will be $261 (or $208.80).

(ii) With blindness of one eye having only light perception and anatomical loss, or blindness, having no light perception accompanied by phthisis bulbi, evisceration, or other obvious deformity or disfigurement, of the other eye, the rate will be $300 (or $240).

(iii) With blindness of one eye having 5/200 visual acuity or less and anatomical loss, or blindness, having no light perception accompanied by phthisis bulbi, evisceration, or other obvious deformity or disfigurement, of the other eye, the rate will be $282 (or $225.60).

(2) *Rating of blindness of both eyes having no light perception.* The rate under paragraph II (n), Part I, or the corresponding peacetime rate, $318 (or $254.40) per month, will be assigned when there is a total blindness of both eyes having no light perception accompanied by phthisis bulbi, evisceration or other obvious deformity or disfigurement.

(3) *Entitlement under paragraph II (o), Part I, or the corresponding peacetime rate.* Entitlement to the maximum rate of $360 (or $288) per month on account of entitlement to two of the rates provided in one or more of subparagraphs (l) to (n), inclusive, paragraph II, Part I, or the corresponding peacetime rate must be based upon separate and distinct disabilities so entitling.

If the loss, or loss of use, of two extremities or being permanently bedridden renders the person helpless, increase to $360 (or $288) per month is not in order on account of this helplessness. Under no circumstances will the combination of "being permanently bedridden" and "being so helpless as to require regular aid and attendance" without separate and distinct anatomical loss, or loss of use of two extremities; or blindness, be taken as entitling to $360 (or $288) per month. The fact, however, that two separate and distinct entitling disabilities, such as anatomical loss, or loss of use, of both hands and of both feet, result from a common etiological agent, for example, one injury or rheumatoid arthritis, will not preclude entitlement to the maximum rate.

(Interprets or applies sec. 1, 48 Stat. 8, as amended, sec. 6, 53 Stat. 1070, 59 Stat. 533, sec. 2, 60 Stat. 904, 910; 38 U. S. C. 471a-3, 701, ch. 12 note)

§ 3.237 *Additional allowance for nurse and attendant and adjustment of awards during institutionalization.* (a) If and while a veteran is so helpless on account of a service-connected compensable condition as to be in need of a nurse or attendant (see §§ 3.176, 3.177, and 3.178), there will be allowed in addition to the compensation payable under Title III, Public No. 141, 73d Congress, the sum of $50 per month on and after March 28, 1934, or $60 per month on or after September 1, 1946, or an increased statutory rate under Public No. 2, 73d Congress, as amended.

(b) *Reductions during hospitalization.* Where a veteran in receipt of additional or increased compensation based upon the need for a nurse or attendant, regular aid or attendance, or frequent and periodical aid or attendance, other than on account of transverse myelitis or paraplegia involving paralysis of both lower extremities together with loss of anal and bladder sphincter control, as a result of severe traumatic lesions of the spinal cord (including the cauda equina) and of the brain, is being furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration and is being furnished with nursing or attendant's service, the award of compensation will be the amount authorized by the rating decision exclusive of any additional or increased amount on account of the need for a nurse or attendant, regular aid and attendance, or frequent and periodical aid and attendance. In the excepted case a uniform rate of $360 (or $288) per month will be maintained, without deduction on account of being furnished aid and attendance in kind. Due to the different additional amount to which veterans may be entitled under Public Law 182, 79th Congress, as

amended, on account of helplessness requiring regular aid and attendance, and consequent different amounts of reductions when being furnished regular aid and attendance in kind, when institutionalized by the Veterans' Administration, married, and having dependents, it is necessary to give careful attention to the exact basis of entitlement:

(1) The general rule as to reductions of special monthly compensation of $240 (or $192) per month or more based upon the need for regular aid and attendance when the veteran, married or having dependents, is being furnished nursing or attendant's service while receiving hospital treatment, institutional or domiciliary care by the Veterans' Administration is that reduction will be in the additional amount based upon the need for regular aid or attendance.

(2) In determining the rate of special monthly compensation, first consideration will be given to anatomical loss or losses of use of extremities, blindness, having 5/200 visual acuity or less, anatomical loss of both eyes, or being permanently bedridden and if, based on these considerations, there is entitlement to one of the rates under paragraph II (l), (m), or (n), Part I, or the corresponding peacetime rate provided by paragraph II, Part II, Veterans Regulation No. 1 (a), as amended, (38 U. S. C. ch. 12) or to two of these rates entitling under paragraph II (o), Part I, or the corresponding peacetime rate, no reduction is in order on account of being furnished nursing or attendant's service. If there is such entitlement based on these enumerated conditions, it is immaterial whether the veteran is also so helpless as to be in need of regular aid and attendance, and no reduction is in order on this account.

(3) It is only when entitlement to the rate under paragraph II (l), Part I, or the corresponding peacetime rate, singly or with another entitlement to the rate under paragraph II (l), (m), or (n), Part I, or the corresponding peacetime rate, so as to qualify under paragraph II (o), Part I, or the corresponding peacetime rate, is based solely upon being so helpless as to be in need of regular aid and attendance, i. e., in the absence of other entitling conditions, that reduction on this account is in order.

(4) The reduction in the case of a veteran entitled only under paragraph II (l), Part I, or the corresponding peacetime rate on account of helplessness will be in the amount of $90 (or $72).

(5) When any veteran is entitled to one of the rates under paragraph II (l), (m), or (n), Part I, or the corresponding peacetime rate by reason of anatomical losses or losses of use of extremities, blindness, having 5/200 visual acuity or less, or anatomical loss of both eyes, and is also entitled to another rate under paragraph II (l), Part I, or the corresponding peacetime rate on account of being so helpless as to be in need of regular aid and attendance, no condition being considered twice in the determination, the rate of pension while not being maintained and furnished aid and attendance in kind will be $360 (or $288) per month. This amount is subject to reduction to $282 (or $225.60) or $318 (or $254.40) per month according to which the veteran is entitled apart from helplessness. No case will arise in which reduction from $360 to $240 will be in order, for the reason that the condition entitling to the second rate on account of rendering the person helpless will necessarily be totally disabling, thus entitling, if the basic entitlement is under paragraph II (l) or (m), Part I, or the corresponding peacetime rate, to one of the rates specified in the preceding sentence. Note that if the basic entitlement is under paragraph II (n), Part I, or the corresponding peacetime rate, the additional disability rendering the person helpless is necessarily ratable at 100 percent; consequently, the rate of pension will be $360 (or $288) per month whether or not being furnished aid and attendance in kind.

(6) In the special case of entitlement under paragraph II (m), Part I, or the corresponding peacetime rate, only on account of blindness of both eyes, rendering him so helpless as to be in need of regular aid and attendance, the reduction will be $42 (or $33.60) per month.

(7) Additional pension of $42 (or $33.60) per month under paragraph II (k), Part I, or the corresponding peacetime rate, or on account of 50 percent disability or 100 percent disability in excess of the conditions entitling under paragraph II (l), (m), or (n), Part I, or the corresponding peacetime rate is not subject to reduction on account of being furnished nursing or attendant's service.

The reduced rate of compensation in such instances will be effective as of the beginning of the maintenance of the disabled veteran in an institution by the Veterans' Administration. The compensation in all cases contemplated herein is subject to the limitations contained in § 3.255.

(c) *Resumption of full rate.* In every case where a beneficiary who is receiving an allowance or increased compensation for a nurse or attendant is admitted to a hospital for treatment as a beneficiary of the Veterans' Administration, a report will be forwarded to the rating board, field office, or the central disability board, claims division, veterans claims service, showing the inclusive date of hospital treatment. Where the additional allowance or increased compensation for a nurse or attendant has been properly authorized to patients with amputations, or in those cases wherein the basic condition requiring a nurse or attendant is essentially permanent as defined in current Veterans' Administration claims procedures, or in terminal cases, a redetermination by the rating board following dehospitalization is not required for reinstatement of this benefit. Upon receipt of the necessary notice that such veteran is no longer being maintained in an institution by the Veterans' Administration, appropriate awards action for the purpose stated above will be accomplished at once, and in such instances it will not be necessary to await receipt of the hospital report prior to resuming the additional allowance or increased compensation. In other cases not involving amputations or conditions essentially permanent, the additional allowance or increased compensation for a nurse or attendant may be reawarded only upon a determination by the rating board that the veteran concerned is in further need of such services. The additional allowance or increased compensation for nurse or attendant is not to be reinstated for the purpose of applying the provisions of § 3.9 (e), which are applicable only to the proper running award. Where the veteran is not hospitalized and evidence is received indicating there is no further need for nurse or attendant, the provisions of § 3.9 (e) are for application.

(Interprets or applies secs. 20, 27, 48 Stat. 304, as amended, 524, 59 Stat. 533; sec. 2, 60 Stat. 910; 38 U. S. C. 471a, 471-3, 722, ch. 12 note)

9. In § 3.312, paragraph (g) is amended to read as follows:

§ 3.312 *Apportionment, not authorized.* No apportionment will be authorized:

* * * * * *

(g) Of the additional amount authorized by the last paragraph of section 202 (3) or section 202 (5), World War Veterans' Act, 1924, as amended, or the additional amount payable under paragraph II (k), Part I, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note), or the corresponding peacetime rate; or in those cases where an amount in excess of that provided for total disability is payable, or any amount in excess of the rate prescribed for total disability prior to the enactment of Public Law 359, 81st Congress ($138 or $110.40) except where the excess over the total disability rate ($150 or $120) is the amount payable under paragraph II (k), Part I, Veterans Regulation 1 (a), as amended, in which event the current rate ($150 or $120) is subject to apportionment, or the corresponding peacetime rate ($42.00 or $33.60). Where pension is being paid under Public No. 323, 71st Congress (act of June 9, 1930), as amended, no amount in excess of $90 monthly will be subject to apportionment, and where pension is being paid under Public No. 299, 71st Congress (act of June 2, 1930), as amended, or under Public No. 541, 75th Congress, as amended, no amount in excess of $90 monthly will be subject to apportionment.

* * * * *

(Interprets or applies sec. 4, 43 Stat. 9, sec. 3, 54 Stat. 1195, sec. 1, 60 Stat. 908, as amended; 38 U. S. C. 49a note, 704, 739, ch. 12 note)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 4 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. Sup. 11a, 426, 707)

This regulation is effective March 23, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-2601; Filed, Mar. 22, 1951; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 707]

ARKANSAS

MODIFYING THE BOUNDARIES OF THE OUACHITA NATIONAL FOREST

By virtue of the authority vested in the President by section 24 of the act of March 3, 1891 (26 Stat. 1103; 16 U. S. C. 471), and section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 475), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

The boundaries of the Ouachita National Forest, Arkansas, are hereby extended to include all lands within the following-described areas; and all public lands within such areas are hereby added to and reserved as parts of the said national forest and shall hereafter be subject to all laws and regulations applicable thereto:

FIFTH PRINCIPAL MERIDIAN

T. 5 N., R. 26 W.,
Sec. 32, SE¼SE¼.
T. 3 N., R. 28 W.,
Sec. 30, E½SW¼ and NW¼SE¼.
T. 4 N., R. 29 W.,
Sec. 19, S½;
Sec. 20, S½;
Sec. 21, S½;
Secs. 28, 29, 30, 31, 32, and 33.

The areas described, including both public and non-public lands, aggregate 4,866.30 acres.

The boundaries of the Ouachita National Forest are hereby modified so as to exclude therefrom the following-described privately-owned lands:

FIFTH PRINCIPAL MERIDIAN

T. 3 N., R. 28 W.,
Sec. 6, W½;
Secs. 8, 17, and 20.
T. 3 N., R. 29 W.,
Secs. 1, 2, and 3.

The areas described aggregate 4,171.10 acres of non-public lands.

OSCAR L. CHAPMAN,
Secretary of the Interior.

MARCH 16, 1951.

[F. R. Doc. 51-3623; Filed, Mar. 22, 1951; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[S. O. 872, Amdt. 2]

PART 95—CAR SERVICE

MOVEMENT OF GRAIN TO TERMINAL ELEVATORS BY PERMIT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of March A. D. 1951.

Upon further consideration of the provisions of Service Order No. 872 (15 F. R. 9242, 16 F. R. 1549), and good cause appearing therefor; it is ordered, that:

Section 95.872 Service Order No. 872, *Movement of grain to terminal elevators by permit* be, and it is hereby, amended by substituting the following paragraph (e) hereof for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 7:00 a. m., June 15, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 7:00 a. m., March 22, 1951, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended, 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3642; Filed, Mar. 22, 1951; 8:51 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 31—PACIFIC REGION

PART 33—CENTRAL REGION

EXPIRATION OF CODIFIED MATERIAL

Notice is hereby given that the regulations in the following documents expired of their own limitation on or before December 31, 1950:

PART 31—PACIFIC REGION

SUBPART—CHARLES SHELDON ANTELOPE RANGE, NEVADA

§ 31.46 *Deer hunting permitted.* (15 F. R. 5156.)

PART 33—CENTRAL REGION

SUBPART—ARROWWOOD NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

§ 33.9 *Deer hunting permitted.* (15 F. R. 5474.)
§ 33.10 *Entry.* (15 F. R. 5474.)
§ 33.11 *State hunting laws.* (15 F. R. 5474.)

SUBPART—DES LACS NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

§ 33.78 *Deer hunting permitted.* (15 F. R. 5474.)
§ 33.79 *Entry.* (15 F. R. 5475.)
§ 33.80 *State hunting laws.* (15 F. R. 5475.)

SUBPART—LOSTWOOD NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

§ 33.95 *Deer hunting permitted.* (15 F. R. 5475.)
§ 33.96 *Entry.* (15 F. R. 5475.)
§ 33.97 *State hunting laws.* (15 F. R. 5475.)

SUBPART—LOWER SOURIS NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

§ 33.108 *Deer hunting permitted.* (15 F. R. 5475.)
§ 33.109 *Entry.* (15 F. R. 5475.)
§ 33.110 *State hunting laws.* (15 F. R. 5475.)

SUBPART—SLADE NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

§ 33.201 *Deer hunting permitted.* (15 F. R. 5475.)
§ 33.202 *Entry.* (15 F. R. 5475.)
§ 33.203 *State hunting laws.* (15 F. R. 5475.)

SUBPART—UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE, ILLINOIS, IOWA, MINNESOTA AND WISCONSIN

§ 33.307 *Deer hunting permitted.* (15 F. R. 8053.)
§ 33.308 *Entry.* (15 F. R. 8053.)
§ 33.309 *State hunting laws.* (15 F. R. 8053.)

SUBPART—UPPER SOURIS NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

§ 33.331 *Deer hunting permitted.* (15 F. R. 5475.)
§ 33.332 *Entry.* (15 F. R. 5475.)
§ 33.333 *State hunting laws.* (15 F. R. 5475.)

Dated: March 19, 1951.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 51-3622; Filed, Mar. 22, 1951; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 704]

LEATHER, LEATHER GOODS, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

MINIMUM WAGE RATES

On June 15, 1950, pursuant to section 5 (a) of the Fair Labor Standards Act of 1938, as amended, hereinafter called the act, I appointed by Administrative Order No. 399, Special Industry Committee No. 8 for Puerto Rico, hereinafter called the Committee, and directed the Committee to investigate conditions in a number of industries in Puerto Rico specified and defined in the order, including the Leather, Leather Goods, and Related Products Industry, and to recommend minimum wage rates for employees engaged in commerce, or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wage rates for the Leather, Leather

Goods, and Related Products Industry in Puerto Rico, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the Leather, Leather Goods, and Related Products Industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico.

After investigating economic and competitive conditions in the Leather, Leather Goods, and Related Products Industry in Puerto Rico, the Committee filed with me a report containing (a) its recommendation that the industry be divided into separable divisions for the purpose of fixing minimum wage rates; (b) the titles and definitions recommended by the Committee for such separable divisions of the industry; and (c) its recommendations for minimum wage rates to be paid employees engaged in commerce or in the production of goods for commerce in such divisions of the industry.

Pursuant to notice published in the FEDERAL REGISTER on October 20, 1950, and circulated to all interested persons, a public hearing upon the Committee's recommendations was held before Hearing Examiner E. West Parkinson, as presiding officer, in Washington, D. C., on November 13, 1950, at which all interested parties were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to me by the presiding officer.

Upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I, as Administrator, have concluded that the recommendations of the Committee for minimum wage rates in the Leather, Leather Goods, and Related Products Industry in Puerto Rico and its Divisions, as defined, were made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and Opinion of the Administrator in the Matter of Recommendations of Special Industry Committee No. 8 for Puerto Rico for Minimum Wage Rates in the Leather, Leather Goods, and Related Products Industry in Puerto Rico," a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding (15 F. R. 7029), that I propose to approve the recommendations of the Committee for the industry, and to issue a wage order to read as set forth below to carry such recommendations into effect.

Within 15 days from publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should include supporting reasons for any exceptions.

Sec.
704.1 Approval of recommendations of industry committee.
704.2 Wage rates.
704.3 Notices of order.
704.4 Definitions of the leather, leather goods, and related products industry in Puerto Rico and its Divisions.

AUTHORITY: §§ 704.1 to 704.4 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 704.1 *Approval of recommendations of industry committee.* The Committee's recommendations are hereby approved.

§ 704.2 *Wage rates.* (a) Wages at a rate of not less than 50 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the hide curing division of the leather, leather goods, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 27 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the leather tanning and processing division of the leather, leather goods, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(c) (1) Wages at a rate of not less than 23 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the baseball and softball division of the leather, leather goods, and related products industry in Puerto Rico who is engaged in hand-sewing operations, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 32 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the baseball and softball division of the leather, leather goods, and related products industry in Puerto Rico who is engaged in operations other than hand-sewing operations, and who is engaged in commerce or in the production of goods for commerce.

(d) (1) Wages at a rate of not less than 23 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the small leather goods division of the leather, leather goods, and related products industry in Puerto Rico who is engaged in hand-sewing or hand-lacing operations, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 32 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the small leather goods division of the leather, leather goods, and related products industry in Puerto Rico who is engaged in operations other than hand-sewing or hand-lacing operations, and who is engaged in commerce or in the production of goods for commerce.

(e) (1) Wages at a rate of not less than 23 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the general division of the leather, leather goods, and related products industry in Puerto Rico who is engaged in hand-sewing or hand-lacing operations, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the general division of the leather, leather goods, and related products industry in Puerto Rico who is engaged in operations other than hand-sewing or hand-lacing operations, and who is engaged in commerce or in the production of goods for commerce.

§ 704.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the leather, leather goods, and related products industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 704.4 *Definitions of the leather, leather goods, and related products industry in Puerto Rico and its divisions.* (a) The leather, leather goods, and related products industry in Puerto Rico, to which this order shall apply, is hereby defined as follows:

(1) The curing, tanning or other processing of hides, skins, leather or furs and the manufacture of products therefrom; the manufacture from artificial leather, fabric, or similar materials of suitcases, brief cases, wallets, billfolds, coin purses, card cases, key cases, cigarette cases, watch straps, pouches, tie cases, toilet kits, checkbook covers, and like articles; and the manufacture of baseballs and softballs covered with leather, artificial leather, fabric or similar materials: *Provided, however,* That this definition shall not include any product or activity included in the shoe manufacturing and allied industries in Puerto Rico or the button, buckle, and jewelry industry in Puerto Rico, as defined in the wage orders for these industries or in the needlework and fabricated textile products industry or the men's and boys' clothing and related products industry, as those industries in Puerto Rico are defined in Administrative Order No. 399, appointing Special Industry Committee No. 8 for Puerto Rico (15 F. R. 3970).

(2) This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

(b) The separable divisions of the industry, as defined in paragraph (a) of this section, to which this order and its several provisions shall apply, are hereby defined as follows:

(1) *Hide curing division.* This division consists of the salting and other curing of hides and skins and operations incidental thereto.

(2) *Leather tanning and processing division.* This division consists of the tanning or other processing of hides, skins, leather, or furs, except the activities included in the hide curing division, as defined in subparagraph (1) of this paragraph, and except the processing of such materials in the course of the fabrication of products therefrom.

(3) *Baseball and softball division.* This division consists of the manufacture of baseballs and softballs covered with leather, artificial leather, fabric or similar materials.

(4) *Small leather goods division.* This division consists of the manufacture from leather, artificial leather, fabric or similar materials, of wallets, billfolds, coin purses, card cases, key cases, cigarette cases, watch straps, belts, pouches, tie cases, toilet kits, checkbook covers, and like articles.

(5) *General division.* This division consists of all products and activities included in the leather, leather goods, and related products industry, as defined in this section, except those included in the hide curing division, the leather tanning and processing division, the baseball and softball division, and the small leather goods division, as defined in this paragraph.

Signed at Washington, D. C., this 19th day of March, 1951.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division,
United States Department of Labor.

[F. R. Doc. 51-3640; Filed, Mar. 22, 1951; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 445]

MARKET AGENCIES AT FORT WORTH UNION STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION OF TEMPORARY RATE ORDER

On December 15, 1949, the Judicial Officer issued an order (8 A. D. 1341) authorizing respondents to file new schedules of charges conforming to a joint Tariff No. 8 attached to the request previously filed by respondents. The provisions of this order were continued in effect to and including December 31, 1951, by an order dated October 31, 1950 (9 A. D. 1219).

On March 9, 1951, respondents filed a letter with the Hearing Clerk requesting authority to file a new tariff (Tariff No. 9) and put into effect the charges set out below:

ARTICLE II

SCHEDULE FOR SELLING OR FOR BUYING ON ORDER

	Proposed charges (per head)
Bulls:	
1 head or more	$1.75
Calves:	
Consignments of 1 head and 1 head only	.70
Consignments of more than 1 head:	
First 5 head in each consignment	.65
Next 10 head in each consignment	.55
Each head over 15 in each consignment	.45
Cattle:	
Consignments of 1 head and 1 head only	1.25
Consignments of more than 1 head:	
First 5 head in each consignment	1.15
Next 10 head in each consignment	1.05
Each head over 15 in each consignment	.95
Hogs:	
Consignments of 1 head and 1 head only	.55
Consignments of more than 1 head:	
First 10 head in each consignment	.45
Next 15 head in each consignment	.40
Each head over 25 in each consignment	.35
Sheep:	
Consignments of 1 head and 1 head only	.45
Consignments of more than 1 head:	
First 10 head in each 250 head in each consignment	.30
Next 50 head in each 250 head in each consignment	.20
Next 60 head in each 250 head in each consignment	.15
Next 130 head in each 250 head in each consignment	.10

EXTRA SERVICE CHARGES

The following extra service charges are applicable: On all account sales (but not on purchases) where more than three (3) drafts are shown and are necessary or are requested, a charge of 25 cents per draft in excess of three (3) shall be made: 25 cents.

Purchase order, when it is necessary to pick up a purchase order from more than three market agencies and or dealers a charge of 50 cents shall be made for each market agency and or dealer over three from which purchase order is picked up: 50 cents.

For each additional check, each additional account sale, each proceeds deposit, or bank credit over 1 per owner: 5 cents.

ARTICLE IV

(a) Breeding animals sold on the market, other than those commonly known as stockers, wherein registration papers are furnished, 5 percent of each gross sale price, not to exceed $5.00 per head:

(b) At exhibitions: Food animals, stockers, feeders, other than sorts sold in open market, per head:

Cattle and or calves	$1.25
Swine: Hogs-pigs	.75
Sheep and or goats	.50

ARTICLE V

For clearing out of stockyards livestock not consigned to or sold by clearing agency to party for whom cleared, the charges in article 2 will apply.

For the resale of any livestock purchases on the market and remaining in the stockyards, rates provided in article II will be assessed.

On livestock sold or purchased in the country to be weighed on the Fort Worth Stock Yards through market agency, the same commission charges will apply as though sold or purchased by the market agency on the Fort Worth Stock Yards.

If authorized, the modifications will produce additional revenues for the respondents and increase the cost of marketing to the shippers. Accordingly, it appears that this public notice should be given of the filing of the petition in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 19th day of March 1951.

[SEAL] KATHERINE L. MASON,
Hearing Clerk.

[F. R. Doc. 51-3628; Filed, Mar. 22, 1951; 8:48 a. m.]

[7 CFR, Part 960]

HANDLING OF IRISH POTATOES GROWN IN MICHIGAN, WISCONSIN, MINNESOTA, NORTH DAKOTA AND CERTAIN COUNTIES OF IOWA AND OF INDIANA

NOTICE OF PROPOSED RULE MAKING TO REESTABLISH DISTRICTS WITHIN WISCONSIN AND MICHIGAN

Notice is hereby given, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), that the Secretary of Agriculture is considering a proposed rule to reestablish, pursuant to § 960.27 of Order No. 60, as amended, Wisconsin and Michigan districts initially described and established in and by § 960.25 of said order, which order regulates the handling of Irish potatoes grown in the States of Michigan, Wisconsin, Minnesota, North Dakota, and certain counties of Iowa and Indiana. Such order was issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31 as amended; 7 U. S. C. 601 et seq.), and the proposed reestablishment has been recommended by the North Central Potato Committee, established pursuant to said order, because such reestablished districts (1) will give more equal committee representation with respect to acreage and number of growers, (2) will standardize districts with respect to growing conditions, varieties of potatoes produced, planting and harvesting practices, storage, and marketing practices, better than at present, and (3) will tend to unite existing production areas within Wisconsin and within Michigan.

The proposed reestablished districts are as follows:

Wisconsin District No. 1. The counties of Oconto, Langlade, Lincoln, Taylor, Eau Claire, Pepin and all counties lying north thereof in Wisconsin.

Wisconsin District No. 2. The counties of Kewaunee, Brown, Outagamie, Green Lake, Marquette, Adams, Juneau, Monroe, La Crosse, and all counties lying north to Wisconsin District No. 1 in Wisconsin.

Wisconsin District No. 3. The remaining counties in Wisconsin not included in Wisconsin District No. 1 and Wisconsin District No. 2.

Michigan District No. 1. All the counties in the Upper Peninsula of Michigan.

Michigan District No. 2. The counties of Mason, Lake, Osceola, Clare, Gladwin, Arenac, and all counties lying north thereof in Michigan, but not including the Upper Peninsula.

Michigan District No. 3. The remaining counties in Michigan not included in Michigan District No. 1, and Michigan District No. 2.

Consideration will be given to any data, views, or arguments pertaining to such reestablishment of districts, which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the 15th day after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 19th day of March 1951.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch.

[F. R. Doc. 51-3629; Filed, Mar. 22, 1951; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

[1951 Dept. Circ. 883]

2¾ PERCENT TREASURY BONDS, INVESTMENT SERIES B–1975–80

EXCHANGE OFFERING OF BONDS

MARCH 26, 1951.

I. *Exchange offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for bonds of the United States, designated 2¾ percent Treasury Bonds, Investment Series B–1975–80, in exchange for 2½ percent Treasury Bonds of 1967–72, dated June 1, 1945, due June 15, 1972, or 2½ percent Treasury Bonds of 1967–72, dated November 15, 1945, due December 15, 1972, in aggregate amounts of $1,000, or multiples thereof. The amount of the offering under this circular will be limited to the amount of Treasury Bonds of 1967–72 of either or both of the specified series tendered and accepted.

2. Commercial banks will be permitted to exchange the 2½ percent Treasury Bonds of December 15, 1967–72, acquired by them on original issue and bonds of either series held in trading accounts pursuant to Treasury Department Circular No. 787, dated May 17, 1946.

II. *Description and Terms of Bonds.* 1. The bonds will be dated April 1, 1951, and will bear interest from that date at the rate of 2¾ percent per annum, payable semiannually by check on October 1, 1951, and thereafter on April 1 and October 1 in each year until the principal amount becomes payable. They will mature April 1, 1980, and will not be redeemable prior thereto except as follows:

(a) They may be redeemed at the option of the United States on and after April 1, 1975, in whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

(b) They may be redeemed at the option of the duly constituted representatives of a deceased owner's estate, at par and accrued interest to the date of payment[1] if at the time of death they constitute part of the decedent's estate and the Secretary of the Treasury is authorized by the representatives to apply the entire proceeds of redemption to the payment of Federal estate taxes. Bonds submitted for redemption hereunder must be duly assigned to "The Secretary of the Treasury for redemption, the proceeds to be paid to the Collector of Internal Revenue at ---------- for credit on Federal estate taxes due from estate of ----------." The bonds must be accompanied by Form PD 1782[2] properly completed, signed and sworn to, and by a certificate of the appointment of the personal representatives, under seal of the court, dated not more than six months prior to the submission of the bonds, which shall show that at the date thereof the appointment was still in force and effect. Upon payment of the bonds appropriate memorandum receipt will be forwarded to the representatives, which will be followed in due course by formal receipt from the Collector of Internal Revenue.

2. Although the bonds are payable only at maturity except as provided in the preceding paragraph, they may, at the owner's option, as provided in Department Circular No. 884, be exchanged for 1½ percent five-year marketable Treasury Notes to be dated April 1 and October 1 of each year during the life of the bond. If the bonds surrendered are in order for exchange, the new notes will ordinarily be issued within ten calendar days from the date of surrender to the Treasury Department or to a Federal Reserve Bank or Branch. The notes to be issued will bear the April 1 or October 1 date next preceding the date of the exchange. Interest will be adjusted to the date on which the exchange is made. Partial exchange of the bonds in multiples of $1,000, and reissue of the remainder, will be permitted.

3. The bonds will not be acceptable to secure deposits of public moneys, but they may be used as collateral for loans and may be pledged as security for the performance of an obligation or for any other purpose. In the event of a default on the loan or in the performance of the obligation, the pledgee will have the right only to exchange the bonds for 1½ percent five-year marketable Treasury notes. The bonds may not be sold or discounted, and are not transferable in ordinary course, but they may be transferred (by way of reissue) (1) to successors in title, (2) (in the event of the death of the owner) to legatees, next of kin, and other persons entitled, in accordance with the provisions of Department Circular No. 300, and (3) to State supervisory authorities in pursuance of any pledge required under State law. A bond which has been registered in the title of a State supervisory authority may be reissued in the name of the original owner upon assignment by such authority for that purpose. The term "successors" as used in this paragraph includes but is not limited to succeeding organizations, succeeding trustees, and persons entitled upon the termination of a trust or the dissolution of a fund or organization. Judgment creditors, trustees in bankruptcy, and receivers of insolvents' estates will be entitled only to exchange the bonds for 1½ percent five-year marketable Treasury notes. Persons entitled to reissue under the provisions of this paragraph will succeed to all the rights and privileges of the registered owners.

4. The income derived from the bonds shall be subject to all taxes now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

5. The bonds will be issued only in registered form, and in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000 and $10,000,000.

[1] An exact half-year's interest is computed for each full half-year period irrespective of the actual number of days in the half year. For a fractional part of any half year, computation is on the basis of the actual number of days in such half year.

[2] Copies of Form PD 1782 may be obtained from any Federal Reserve Bank or from the Treasury Department, Washington, D. C.

6. Except as otherwise specifically provided in this circular, Treasury Bonds of Investment Series B–1975–80 issued hereunder will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds. The regulations in Department Circular No. 815 (which govern 2½ percent Treasury Bonds of Investment Series A–1965), will not govern Treasury Bonds of Investment Series B–1975–80. All questions concerning bonds issued hereunder and transactions pertaining thereto should be submitted to a Federal Reserve Bank or Branch or to the Treasury Department, Division of Loans and Currency, Washington 25, D. C.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for bonds alloted hereunder must be made on or before April 1, 1951, or on later allotment, and may be made only in Treasury Bonds of 1967–72, due June 15, 1972, or Treasury Bonds of 1967–72, due December 15, 1972, which will be accepted at par and should accompany the subscription. Coupons dated June 15, 1951, and all subsequent coupons, must be attached to bearer bonds of either series when surrendered. If any such coupons are missing, the subscription must be accompanied by cash payment equal to the face amount of the missing coupons. Accrued interest from December 15, 1950, to April 1, 1951 ($7.3489 per $1,000) will be paid to subscribers tendering coupon bonds following acceptance of the bonds. In the case of registered bonds of either series tendered in payment, checks in payment of accrued interest from December 15, 1950, to April 1, 1951, will be drawn in accordance with the assignments on the bonds surrendered.

V. *Assignment of registered bonds.* 1. Treasury Bonds of 1967–72, due June 15, 1972, or Treasury Bonds of 1967–72, due December 15, 1972, in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Treasury Department, Division of Loans and Currency, Washington, D. C. If the new bonds are desired registered in the same name as the bonds surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 2¾ percent Treasury Bonds, Investment Series B–1975–80". If the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 2¾ percent Treasury Bonds, Investment Series B–1975–80, in the name of ----------"

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-3654; Filed, Mar. 22, 1951; 8:55 a. m.]

[1951 Dept. Circ. 884]

1½ PERCENT FIVE-YEAR TREASURY NOTES

OFFERING OF NOTES

MARCH 26, 1951.

I. *Offering of Notes.* 1. Treasury notes described herein are issued pursuant to the Second Liberty Bond Act, as amended, and are offered by the Secretary of the Treasury only to owners of 2¾ percent Treasury Bonds, Investment Series B–1975–80, and other persons entitled thereto, in accordance with the provisions of Department Circular No. 883, dated March 26, 1951.

2. The first issue of these notes will be dated April 1, 1951. The last issue will be dated October 1, 1979, or the April 1 or October 1 next preceding the date on which the 2¾ percent Treasury Bonds, Investment Series B–1975–80, cease to bear interest if called for redemption prior to maturity.

II. *Description of notes.* 1. The notes will be issued each six months during the life of the 2¾ percent Treasury Bonds, Investment Series B–1975–80, in two series, to be dated April 1 and October 1 in each year. The notes to be dated April 1 will bear the series designation EA followed by the year of maturity and the notes to be dated October 1 will bear the series designation EO followed by the year of maturity. The notes will bear interest from their respective issue dates at the rate of 1½ percent per annum, payable semiannually on April 1 and October 1 in each year until the principal amount becomes payable. They will mature five years from their respective issue dates, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes shall be subject to all taxes, now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The notes shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Issue of notes.* 1. The notes offered hereunder will be issued in exchange for 2¾ percent Treasury Bonds, Investment Series B–1975–80, following presentation and surrender of the bonds duly assigned for exchange. The new notes will ordinarily be issued within ten calendar days from the date of surrender of the bonds to a Federal Reserve Bank or Branch or to the Treasury Department. The notes will bear the April 1 or October 1 date next preceding the date of the exchange and interest will be adjusted to the date on which the notes are issued by the Federal Reserve Bank or Branch or the Treasury Department. Interest accrued at 2¾ percent on the bonds surrendered from the next preceding April 1 or October 1 to the date of exchange will be credited and interest at 1½ percent for the same period will be charged to the owner making the exchange and the difference will be paid to the owner at the time the exchange is made.

IV. *Assignment of bonds.* 1. Treasury Bonds, Investment Series B–1975–80, tendered in exchange for notes offered hereunder should be assigned to "The Secretary of the Treasury for exchange for the current series of EA or EO Treasury notes to be delivered to ----------", in accordance with the general regulations of the Treasury Department governing assignments for exchange, and thereafter should be presented and surrendered with appropriate instructions to a Federal Reserve Bank or Branch or to the Treasury Department, Division of Loans and Currency, Washington 25, D. C. The bonds must be delivered at the expense and risk of the owners.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to accept applications for the exchange of Treasury Bonds, Investment Series B–1975–80, for 1½ percent five-year Treasury notes, and following discharge of registration to issue the new notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the exchange offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-3655; Filed, Mar. 22, 1951; 8:55 a. m.]

DEPARTMENT OF DEFENSE

Department of the Navy

NOTICE OF PUBLIC SALE OF CRUDE OIL

(1) Pursuant to the act of Congress approved June 4, 1920, relating to the conservation, care, custody, protection, and operation of the Naval Petroleum Reserves (41 Stat. 813), as amended by the act of Congress approved June 30, 1938 (52 Stat. 1252), and as further amended by the act of Congress approved June 17, 1944 (58 Stat. 280), the United States of America (hereinafter referred to as "Navy"), hereby invites bids for the purchase of such quantities of crude oil as may be allocated to and available for sale by Navy from the Stevens Oil Zone under provisions of Unit Plan Contract Nod-4219 dated June 19, 1944, as supplemented and amended, and relating to Naval Petroleum Reserve Numbered 1 (Elk Hills), Kern County, California, during the term of the contract specified in the paragraph next succeeding.

(2) The term of the contract for the sale and purchase of the above-described crude oil will be the three (3) year period commencing at 7:00 a. m., (P. s. t.) on the tenth day following approval of such contract by the President of the United States: *Provided, however*, That the contract shall expire prior to the end of said three (3) year period whenever Congress by legislation or Joint Resolution authorizes or directs the President or the Secretary of the Navy to use and operate said Stevens Oil Zone for production of petroleum rather than for the protection, conservation, maintenance and testing of Naval Petroleum Reserve Numbered 1.

(3) The public sale will take place in Room 229, U. S. Post Office and Courthouse Building, Los Angeles, California, at 10:00 a. m. (P. s. t.) on April 16, 1951. The Secretary of the Navy will receive sealed bids and statements describing the bidders' qualifications, addressed to him at that address, until said time. All bids must conform to the terms and conditions of the Invitation for Bids and the above-cited acts. The bids and statements will be publicly opened and read aloud at said time and place; any interested parties may be present and will be heard with respect to the subject matter. A bidder who has complied with the provisions of the Invitation for Bids may forthwith, after all bids have been read, increase the bid price or prices, and such increase or increases shall be immediately incorporated in his bid by written amendment thereto signed by the bidder. No change will be permitted which will have the effect of lowering any price bid. If a contract is awarded on any bid, the bid price or prices shall be the contract price or prices notwithstanding any ceiling price or prices established by the Economic Stabilization Agency, or other Government agency. However, if at the time of delivery of any crude oil hereunder such contract price or prices exceed the applicable ceiling price or prices then in effect, purchaser shall pay the applicable ceiling price or prices in effect at such time for such crude oil. After all bidders present have been heard, the bids will be taken under advisement by Navy and an acceptance by the Secretary of the Navy will be made within sixty (60) days thereafter; subject, however, to approval of the contract by the President of the United States. Navy reserves the right in the public interest to reject all bids and order a new public sale.

(4) The crude oil offered for sale is all such oil available for sale by Navy from said Stevens Oil Zone during the term, described in paragraph 2 above, of the said contract for such crude oil. The quantities of crude oil which will be available for sale are necessarily indefinite and depend upon, among other things, (1) practical considerations in field operations, (2) the rate and continuance of the production of petroleum from the Stevens Oil Zone for Navy's account under the provisions of said Unit Plan Contract, and (3) the quantities which the Operating Committee, created under the provisions of said Unit Plan Contract, may reserve for use in connection with operations under the said Unit Plan Contract. While the quantity of such oil is indefinite, it is anticipated that accruals will amount to approximately sixty thousand (60,000) barrels monthly. Deliveries of said crude oil will be made at the Unit Operation's shipping tanks where said crude oil is collected and stored for such purpose by the operator under the said Unit Plan Contract. Navy reserves the right to reduce or stop production of such crude oil or to terminate the contract under certain conditions described in the Invitation for Bids and Exhibit A attached thereto.

(5) The Invitation for Bids which contains complete information concerning form of bids, bond requirements, payment, deliveries, volume measurements, quality of oil, provisions respecting price, form of contract, information to be supplied by bidders, etc., may be obtained by the prospective bidders from the Director, Naval Petroleum and Oil Shale Reserves, Executive Office of the Secretary, Navy Department, Washington 25, D. C., or the Inspector, Naval Petroleum Reserves in California, P. O. Box 77, Tupman, California, or the District Supply Officer, Eleventh Naval District, San Diego, California.

Dated: March 15, 1951.

JOHN T. KOEHLER,
Acting Secretary of the Navy.

[F. R. Doc. 51-3625; Filed, Mar. 22, 1951; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARKANSAS

NOTICE FOR FILING OBJECTIONS TO ORDER MODIFYING THE BOUNDARIES OF THE OUACHITA NATIONAL FOREST [1]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

[SEAL] OSCAR L. CHAPMAN,
Secretary of the Interior.

MARCH 16, 1951.

[F. R. Doc. 51-3624; Filed, Mar. 22, 1951; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board and Maritime Administration

ORGANIZATION AND FUNCTIONS

The statement of organization and functions of the Federal Maritime Board and the Maritime Administration issued in 16 F. R. 44 is amended by the addition of the following:

Establishment of the National Shipping Authority. There is established in the Maritime Administration a National Shipping Authority, headed by a Director responsible to the Maritime Administrator.

The National Shipping Authority shall perform such functions in connection with the formulation and execution of plans and programs for the operation, acquisition, and allocation of merchant vessels and such other duties as the Maritime Administrator, within the scope of his authority, may from time to time direct.

Functions of the Maritime Administrator. In addition to the functions contained in paragraph 5 of 16 F. R. 44, the Maritime Administrator shall perform the following functions:

(a) The functions conferred upon the Secretary of Commerce by Public Law 591, 81st Congress, 2d Session;

(b) The functions conferred upon the Secretary of Commerce by Public Law 763, 81st Congress, 2d Session, except that the authority "to find that insurance adequate to the needs of the waterborne commerce of the United States cannot be obtained on reasonable terms and conditions in companies authorized to do an insurance business in a State of the United States" is reserved to the Secretary;

(c) The functions conferred upon the Secretary by Public Law 911, 81st Congress, 2d Session;

(d) The functions conferred upon the Secretary by Reorganization Plan No. 21 of 1950 to take action with respect to the determination of essential trade routes and services or subsequent modifications;

(e) The functions conferred upon the Secretary by Reorganization Plan No. 21 of 1950 to establish policies of general application for the purchase, acquisition, construction, charter, and sale of vessels and for the administration of programs concerning operating subsidies, reserve funds and transfers to foreign ownership or registry, and charters to foreigners.

The Maritime Administrator may redelegate to officers and employees of the Maritime Administration the performance of particular functions herein assigned to the Maritime Administrator.

Effect on other notices. All orders, regulations, rulings, certificates, directives, and other actions heretofore issued or taken under the notices appearing at 15 F. R. 8739 and 16 F. R. 1130 and in effect immediately prior to the effective date of this notice shall remain in full force and effect until hereafter suspended, amended, or revoked under appropriate authority.

This notice amends the notice issued in 15 F. R. 3195, "Temporary Delegations of Authority under Reorganization Plan No. 21 of 1950."

Effective date. This notice is effective March 13, 1951.

(R. S. 161; 5 U. S. C. 22; Reorg. Plan No. 21 of 1950, Executive Orders 10161, 10200 (and Defense Production Administration Delegation No. 1) and 10219)

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 51-3641; Filed, Mar. 22, 1951; 8:50 a. m.]

[1] See F. R. Doc. 51-3623, Title 43, Chapter I, Appendix, *supra*.

FEDERAL POWER COMMISSION

[Docket No. G-1065]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF PETITION FOR FURTHER AMENDMENT OF CERTIFICATE ORDER

MARCH 19, 1951.

Take notice that East Tennessee Natural Gas Company (Petitioner), a Tennessee corporation with offices in the Hamilton National Bank, Chattanooga, Tennessee, filed on August 17, 1950, in the above-entitled proceeding, pursuant to section 16 of the Natural Gas Act, as amended, a petition further to amend the Commission's order dated May 3, 1949, issuing a certificate of public convenience and necessity (amended by the Commission's order dated November 15, 1949), authorizing the construction and operation of the approximately 172-mile Greenbrier-Oak Ridge 22-inch diameter natural gas pipe line for the transportation and sale of not to exceed 60,000 Mcf of natural gas per day to the Atomic Energy Commission at Oak Ridge, Tennessee, and for use, in connection with the natural gas pipe line facilities authorized by the certificates issued to East Tennessee National Gas Company in Docket Nos. G-889 and G-1272, for transporting natural gas necessary to render the service authorized in said Docket Nos. G-889 and G-1272.[1]

By the petition for further amendment of the G-1065 certificate order, Petitioner seeks authorization to transport and sell to the Atomic Energy Commission at Oak Ridge, in addition to the 60,000 Mcf per day previously authorized, additional volumes of natural gas not to exceed 16,900 Mcf per day for a period extending to June 30, 1952, and subsequent to that date, additional volumes of natural gas on an interruptible basis in such volumes as the Atomic Energy Commission may require and Petitioner is willing and able to deliver.

Petitioner states that the additional volumes of gas proposed to be delivered to the Atomic Energy Commission are to be made available from the gas supply which the Commission has previously certificated Tennessee Gas Transmission Company to deliver and sell to Petitioner for rendering the service authorized by means of the facilities covered by the certificates issued in Docket Nos. G-889, G-1065, and G-1272. Petitioner states that the additional volumes of gas proposed to be delivered and sold by it to the Atomic Energy Commission at Oak Ridge can be delivered without increasing the capacity of the facilities of either that Commission or Petitioner, and therefore, without the expenditure of any funds by either for additional facilities.

Copies of the petition filed on August 17, 1950, have been served upon all parties of record in the above-entitled proceeding. Protests or petitions to intervene with respect to the petition for further amendment may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the fourth day of April 1951. The petition is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3630; Filed, Mar. 22, 1951; 8:48 a. m.]

[1] Notice of the Commission orders entered May 3 and November 15, 1949, in Docket No. G-1065 was published in the FEDERAL REGISTER on May 7 and November 23, 1949 (14 F. R. 2385, 7114).

[Docket No. G-1633]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION

MARCH 16, 1951.

Take notice that The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation, address, Pittsburgh, Pennsylvania, filed on March 9, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation on a permanent basis of a connection and gate valve on Applicant's 14-inch Coatesville-Port Jervis gas transmission pipe line at a point in East Brandywine Township, Chester County, Pennsylvania, and the delivery of natural gas by means of said facilities to Transcontinental Gas Pipe Line Corporation (Transcontinental) under an exchange agreement.

Applicant states that the facilities were installed in October 1950 in order to supply Transcontinental with gas for purging its new pipe line. From October 7, 1950 through November 12, 1950, 92,042 Mcf of natural gas was delivered to Transcontinental for that purpose and from November 28, 1950 through November 30, 1950, 36,533 Mcf of natural gas was returned to Applicant through said facilities. Subsequently 118,282 Mcf of natural gas was delivered by Applicant to Transcontinental by means of said facilities pursuant to an exchange agreement dated January 2, 1950.

Applicant proposes to continue the use of the facilities, and the two companies are now negotiating a permanent arrangement for the exchange of gas. Applicant represents that the retention of the connection is desirable to safeguard the continuity of deliveries and service to the customers of both companies.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the fifth day of April 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3626; Filed, Mar. 22, 1951; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO PURCHASES AND CONTRACTS, EXPENDITURE OF FUNDS ALLOTTED BY OTHER AGENCIES

1. Pursuant to the authority vested in me by provisions of the Federal Property and Administrative Services Act of 1949, as amended (Public Laws 152 and 754, 81st Congress), authority is hereby delegated to the Secretary of the Interior to make purchases and contracts for supplies or services under Title III of that act, and in so doing to dispense with advertising under circumstances authorized by section 302 (c), subparagraphs (1), (2), (3), (4), (5), (9), (10), (11), (12), (13), and (14) thereof, in carrying out projects with working funds transferred to the Bureau of Mines from the Departments of the Air Force, Army, and Navy, the Coast Guard, or the National Advisory Committee for Aeronautics.

2. The authority delegated herein may be re-delegated to any officer or employee of the Department of the Interior within the limitations of section 307 (b) of the Federal Property and Administrative Services Act of 1949, as amended.

3. This authority shall be exercised strictly in accord with other provisions of said act, and particularly section 307, requiring written findings in certain instances, preservation of data, and reports to the General Accounting Office.

This delegation is effective March 9, 1951.

Dated: March 17, 1951.

JESS LARSON,
Administrator.

[F. R. Doc. 51-3646; Filed, Mar. 22, 1951; 8:52 a. m.]

FEDERAL TRADE COMMISSION

[File No. 1-22653]

CASKET MANUFACTURERS ASSOCIATION OF AMERICA ET AL.

RESOLUTION INITIATING AN INVESTIGATION

The Commission on February 21, 1950, approved, adopted, entered of record, and ordered served and published in the FEDERAL REGISTER the following resolution:

Whereas pursuant to section 5 of the Federal Trade Commission Act (38 Stat. 717; 15 U. S. C., sec. 45), the Federal Trade Commission is empowered and directed to prevent persons, partnerships and corporations from using unfair methods of competition in commerce; and

Whereas the above-named trade association is a corporation within the meaning of "corporation" as used in the Federal Trade Commission Act (15 U. S. C., sec. 44, et seq.); and

Whereas the members and the associate members of the said trade association are corporations engaged in the business of selling burial caskets or products used in the manufacture thereof, in interstate commerce; and

Whereas the Federal Trade Commission has the power under section 6 (a) of the Federal Trade Commission Act to investigate the organization, business, conduct, practices and management of any corporation engaged in interstate commerce and their relation to other corporations and to individuals, associations, and partnerships; and,

Whereas, pursuant to section 9 of the Federal Trade Commission Act and for the purposes of said act, the Federal Trade Commission or its duly authorized agent and agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any corporation being investigated; and,

Whereas it appears to the Federal Trade Commission that it is in the public interest to investigate the activities of said trade association, its members and associate members, for the purpose of determining whether they or any two or more of them, in violation of section 5 of the Federal Trade Commission Act, have entered into agreements, understandings, combinations or conspiracies to fix the prices at which the said burial caskets and/or the said products used in the manufacture thereof, or casket hardware, burial vaults, burial garments or embalming chemicals are sold in interstate comerce, or have adopted in concert and employed practices in restraint of trade with respect to the sale or distribution of any of said products in interstate commerce:

Now, therefore, be it resolved, that the Federal Trade Commission, with the aid of any and all powers conferred upon it by law, and with any or all compulsory processes available to it, shall forthwith investigate, for the purpose herein set forth, the organization, business, conduct, practices and management of said trade association, its members and associate members, and their relation to other corporations and to individuals, associations and partnerships; and,

Be it further resolved, that, in pursuance of its powers to investigate the said trade association, its members and associate members, as aforesaid, the Federal Trade Commission or its duly authorized agent or agents shall be afforded and granted access to, for the purpose of examination, and the right to copy any documentary evidence of or pertaining to the trade association, its members and associate members, or others being investigated pursuant hereto.

By direction of the Commission.

Issued: March 16, 1951.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-3535; Filed, Mar. 22, 1951; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 874, Rev. General Permit 2]

A. E. STALEY MFG. CO. AND PACKING SERVICE CORP.

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Service Order No. 874 (16 F. R. 2040), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act, serving A. E. Staley Manufacturing Company, Decatur, Illinois, and Packing Service Corporation, Scranton, Pennsylvania, to disregard the provisions of Service Order No. 874 insofar as it applies to any car loaded with Liquid Starch in bottles, by A. E. Staley Manufacturing Company or Packing Service Corporation when The A. E. Staley Manufacturing Company or Packing Service Corporation advise that service would be denied because of its inability to meet the minimum requirements because meeting such minimum requirements would constitute hazardous loading.

The waybills shall show reference to this General Permit and the A. E. Staley Manufacturing Company or Packing Service Corporation shall furnish the Permit Agent the car numbers, initials, and destinations of the cars shipped under this Permit.

This General Permit shall become effective at 12:01 a. m., March 20, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this General Permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this Permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of March 1951.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 51-3643; Filed, Mar. 22, 1951; 8:51 a. m.]

[S. O. 874, General Permit 6]

COOPERATIVE G. L. F. EXCHANGE, INC., MILLS DIVISION

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Service Order No. 874 (16 F. R. 2040), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act, serving Cooperative G. L. F. Exchange, Inc., Mills Division, at Albany, N. Y., Buffalo, N. Y., and Bordentown, N. J., to disregard the provisions of Service Order No. 874 insofar as it applies to any car loaded by the Cooperative G. L. F. Exchange, Inc., when the Cooperative G. L. F. Exchange, Inc., advise that such car is loaded with mixed livestock, dairy and poultry feeds in bulk, or with bulk mixed livestock, dairy and poultry feed together with sacked mixed livestock, dairy and poultry feed, and that the total weight of such shipments shall be or exceed 60,000 pounds because of inability of loading device to load to within 24 inches of the roof of cars, except at ends of car.

The waybills shall show reference to this General Permit and the Cooperative G. L. F. Exchange, Inc., shall furnish the Permit Agent dates forwarded, the car numbers and initials and destinations of the cars shipped under this permit.

This General Permit shall become effective at 12:01 a. m., March 20, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this General Permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., on the 19th day of March 1951.

HOWARD S KLINE,
Permit Agent.

[F. R. Doc. 51-3644; Filed, Mar. 22, 1951; 8:51 a. m.]

[S. O. 874, General Permit 7]

HUBINGER CO.

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Service Order No. 874 (16 F. R. 2040), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act, serving The Hubinger Company, Keokuk, Iowa, to disregard the provisions of Service Order No. 874 insofar as it applies to any car loaded with Corn Syrup in Metal Drums, by The Hubinger Company when the Hubinger Company advise that service would be denied because of its inability to meet the minimum requirements because meeting such minimum requirements would constitute hazardous loading.

The waybills shall show reference to this General Permit and The Hubinger Company shall furnish the Permit Agent the car numbers, initials, and destinations of the cars shipped under this Permit.

This General Permit shall become effective at 12:01 a. m., March 20, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this General Permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this Permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of March 1951.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 51-3645; Filed, Mar. 22, 1951; 8:51 a. m.]

[4th Sec. Application 25934]

PIG IRON FROM TEXAS TO POINTS IN ILLINOIS AND INDIANA

APPLICATION FOR RELIEF

MARCH 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3599.

Commodities involved: Pig Iron, carloads.

From: Daingerfield, Lone Star and McCrossin, Tex.

To: Points in Illinois and Indiana taking Chicago, Ill., rates.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3599, Supps. Nos. 75 and 76.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3631; Filed, Mar. 22, 1951; 8:49 a. m.]

[4th Sec. Application 25935]

SAND FROM GARY AND MICHIGAN CITY, IND., GROUP TO THE SOUTH

APPLICATION FOR RELIEF

MARCH 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4300 and Agent R. G. Raasch's tariffs I. C. C. Nos. 620 and 699.

Commodities involved: Sand, in carloads.

From: Gary and Michigan City, Ind., and points in Indiana and Michigan grouped therewith.

To: Specified points in southern territory.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: L. C. Schuldt's tariff I. C. C. No. 4300, Supp. 17. R. G. Raasch's tariff I C. C. No. 699, Supp. 14. R. G. Raasch's tariff I. C. C. No. 620, Supp. 87.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3632; Filed, Mar. 22, 1951; 8:49 a. m.]

[4th Sec. Application 25936]

COAL FROM CHECOTAH, OKLA., GROUP

APPLICATION FOR RELIEF

MARCH 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3920.

Commodities involved: Coal, briquets and coalettes, carloads.

From: Checotah, Meyer, Oktaha and Rentiesville, Okla.

To: Points in western trunk-line and Illinois territories.

Grounds for relief: Circuitous routes and market competition.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3920, Supp. 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3633; Filed, Mar. 22, 1951; 8:49 a. m.]

[4th Sec. Application 25937]

SUGAR FROM LOUISIANA TO MICHIGAN, INDIANA, AND OHIO

APPLICATION FOR RELIEF

MARCH 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. P. Emerson, Jr., Agent, for carriers parties to his tariff I. C. C. No. 392.

Commodities involved: Sugar, carloads.

From: Points in Louisiana west of the Mississippi River.

To: Points in Indiana, Michigan, and Ohio.

Grounds for relief: Circuitous routes and market competition.

Schedules filed containing proposed rates: W. P. Emerson, Jr.'s tariff I. C. C. No. 392, Supp. 10.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3634; Filed, Mar. 22, 1951; 8:49 a. m.]

[4th Sec. Application 25038]

LUMBER FROM GENTILLY AND MICHOUD, LA., TO W. T. L. TERRITORY

APPLICATION FOR RELIEF

MARCH 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1101.

Commodities involved: Lumber and related articles, carloads.

From: Gentilly and Michoud, La.

To: Destinations in western trunkline territory.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1101, Supp. 38.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3635; Filed, Mar. 22, 1951; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2583]

AMERICAN GAS AND ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 19th day of March A. D. 1951.

American Gas and Electric Company ("American Gas"), a registered holding company, having filed a declaration and amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7 and 12 (c) thereof and Rule U-50 of the rules and regulations promulgated thereunder with respect to the following proposed transactions:

American Gas proposes to issue and sell not in excess of 339,852 shares of its presently authorized but unissued $10 par value common stock, the precise number of shares to be issued to be determined on the record date. The stock will be offered to the common stockholders of American Gas of record as of the close of business March 30, 1951, or such later date as the registration statement shall become effective. Stockholders will be given the opportunity to subscribe for one share of common stock for each fifteen shares held and the further conditional privilege to subscribe for shares of additional common stock not required to satisfy subscriptions pursuant to rights. If there are insufficient shares to satisfy all subscriptions pursuant to the conditional privilege, the available shares will be allotted pro rata among those exercising the conditional privilege proportionately to the rights they have exercised.

Subscription rights and conditional purchase privileges will be evidenced by transferable warrants. No fractional shares of additional common stock will be issued. American Gas will, through its subscription agent, provide facilities for the purchase of such additional rights as are necessary for subscription to one full share of stock or for the sale of subscription rights in excess of those necessary for full shares of stock.

American Gas proposes publicly to invite competitive bids pursuant to Rule U-50 for the purchase at the subscription price of such shares as are not subscribed for, such invitation to request the prospective underwriters to name the amount of compensation to be paid by American Gas for such services. The price per share at which American Gas proposes to offer the common stock to its common stockholders and to underwriters will be determined by American Gas. Prospective underwriters who have qualified will be notified of the subscription price per share as determined by American Gas at least 42 hours prior to the receipt of bids.

The declaration states that American Gas may effect transactions on the New York Stock Exchange, in the open market, or otherwise, for the purpose of stabilizing the price of its common stock during the period commencing with the first business day prior to the date when the price per share is determined up to the time of acceptance of a bid for the common stock. In connection with such stabilizing activities American Gas will at no time acquire a net long position in shares of the common stock in excess of 10 percent of the shares proposed to be issued. Any shares so acquired by American Gas pursuant to stabilizing activities will be included in the amount to be offered to underwriters at competitive bidding.

The declaration states that the proceeds from the sale of common stock will be used to purchase from time to time additional amounts of the equity securities of the company's subsidiaries and for other corporate purposes. Investments in the subsidiaries will enable those companies, in part, to meet their construction programs.

Said declaration having been filed on February 28, 1951, an amendment thereto having been filed on March 16, 1951, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in accordance with the applicable standards of the act, and that no adverse findings are necessary thereunder; the Commission deeming it appropriate to permit the declaration, as amended, to become effective, subject to the conditions and reservations stated below, and the Commission also deeming it appropriate to grant declarant's request that the 10-day period for publicly inviting bids as provided in Rule U-50 be shortened so that bids for the common stock may be received on March 29, 1951:

It is ordered, Pursuant to the applicable provisions of the act that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions stated in Rule U-24, and subject to the following further conditions:

(1) That the proposed sale of common stock shall not be consummated until the results of competitive bidding held with respect thereto shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission on the basis of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate;

(2) That jurisdiction be and is hereby reserved with respect to the payment of all fees and expenses to be incurred in connection with the proposed transactions;

It is further ordered, That for the purposes of this proceeding, the ten-day solicitation period required by Rule U-50 be shortened so that bids may be received on March 29, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3627; Filed, Mar. 22, 1951; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17523]

CONVERSION OFFICE FOR GERMAN FOREIGN DEBTS

In re: Bank accounts and scrip owned by Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden. F-28-1781-E-3; A-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the last known address of which is Berlin C111, Germany, is a public corporation organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations of Central Hanover Bank and Trust Company, 70 Broadway, New York 15, New York, arising out of coupon payment accounts entitled "Protestant Church in Germany Welfare Institutions 7 percent Secured Sinking Fund Gold Bonds due October 1, 1946", maintained at the office of the aforesaid Central Hanover Bank and Trust Company, and any and all rights to demand, enforce and collect the same,

b. Those certain debts or other obligations of Central Hanover Bank and Trust Company, 70 Broadway, New York 15, New York, arising out of coupon payment accounts entitled "Roman Catholic Church in Bavaria 6½ percent 20 year Sinking Fund Gold Bonds Series A due 1946", maintained at the office of the aforesaid Central Hanover Bank and Trust Company, and any and all rights to demand, enforce and collect the same,

c. Those certain debts or other obligations of Central Hanover Bank and Trust Company, 70 Broadway, New York 15, New York, arising out of coupon payment accounts entitled "Roman Catholic Church Welfare Institutions in Germany 7 percent 20 year Secured Sinking Fund Gold Bonds due 1946", maintained at office of the aforesaid Central Hanover Bank and Trust Company, and any and all rights to demand, enforce and collect the same, and

d. Those certain Reichsmarks certificates of indebtedness of Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, in the aggregate amount of approximately RM 82,310, presently in the custody of Central Hanover Bank and Trust Company, 70 Broadway, New York 15, New York, said certificates of indebtedness having been offered by the said Conversion Office in partial payment of coupons appurtenant to the bonds described in subparagraph 1 hereof, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-3647; Filed, Mar. 22, 1951; 8:52 a. m.]

[Vesting Order 17529]

HAMBURG ELECTRIC CO. AND CONVERSION OFFICE FOR GERMAN FOREIGN DEBTS.

In re: Bank accounts owned by Hamburg Electric Company, also known as Hamburgische Elektricitaets-Werke A. G., and Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden. F-28-8199-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the last known address of which is Berlin C111, Germany is a public corporation organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, arising out of a coupon deposit account entitled "Hamburg Electric Company 7 percent Debentures due 1935", maintained at the office of the said Bank of the Manhattan Company, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the aforesaid national of a designated enemy country (Germany);

3. That Hamburg Electric Company, also known as Hamburgische Elektricitaets-Werke A. G., the last known address of which is Pferdemarkt 48, Hamburg 1, Germany is a corporation, partnership, association or other business organization organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

4. That the property described as follows: Those certain debts or other obligations of the Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, arising out of a coupon deposit account entitled "Hamburg Electric Company, 2 percent debentures due 1943, as extended," maintained at the office of the aforesaid Bank of the Manhattan Company, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hamburg Electric Company, also known as Hamburgische Elektricitaets-Werke A. G., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1 and 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3648; Filed, Mar. 22, 1951; 8:52 a. m.]

[Return Order 869]

JACQUES EMILE JULES LANGUEPIN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Jacques Emile Jules Languepin, 20 rue Toulouse Lautrec, Paris, France; Claim No. 6857; December 16, 1950 (15 F. R. 9028); property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1943), relating to United States Patent Application Serial Nos. 269,301 (now United States Letters Patent No. 2,315,092); 333,242 and 333,867. This return shall not be deemed to include the rights of any licensees under the above patent applications or patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3649; Filed, Mar. 22, 1951; 8:52 a. m.]

[Return Order 902]

FRANCIS S. SAKAMAKI

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Francis S. Sakamaki, 2950 Bush Street, San Francisco 15, Calif.; Claim No. 8631; June 24, 1950 (15 F. R. 4098), $21,057.63 in the Treasury of the United States. A stock certificate presently held in safekeeping by the Federal Reserve Bank of New York and identified as follows: Certificate No. 150 for 335 shares of Ivanhoe Mining Company, Inc. (Nevada) $10.00 par value capital stock, registered in the name of Attorney General of the United States, Account No. 39-4357, Washington 25, D. C.

Stock certificates presently held in safekeeping by the Comptroller's Branch of the Office of Alien Property and identified as follows: Certificate No. 9 for 100 shares of Balboa Fishing Company, Inc. (Calif.) $10.00 par value capital stock, registered in the name of Francis S. Sakamaki. Certificate No. 7 for 200 shares of Balboa Fishing Company, Inc. (Calif.) $10.00 par value capital stock, registered in the name of Francis Sakamaki. Certificate No. 420 for 20 shares of Marchetti Motor Patents (Nevada) $10.00 par value capital stock, registered in the name of Francis S. Sakamaki. Certificate Nos. 144, 145, and 146, each for 500 shares of San Francisco Mining Company, S. A. $1.00 par value capital stock in bearer form. Certificate No. 3 for 400 shares of Superior Net and Import Company, Ltd. (Calif.) $10.00 par value capital stock, registered in the name of F. S. Sakamaki.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3650; Filed, Mar. 22, 1951; 8:52 a. m.]

[Return Order 907]

ANTJELINA HEIENBROCK

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Antjelina Heienbrock, Taylor, N. Dak.; Claim No. 5550; January 19, 1951 (16 F. R. 527); $9,288.37 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3651; Filed, Mar. 22, 1951; 8:53 a. m.]

[Return Order 909]

MRS. MARGOT NOAFELDT SERVOS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Mrs. Margot Noafeldt Servos, East Vineland, N. J.; Claim No. 12416, January 31, 1951 (16 F. R. 920), $1,000 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on MARCH 19, 1951

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3652; Filed, Mar. 22, 1951; 8:54 a. m.]

[Return Order 910]

ANNA MARIA METZNER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Anna Maria Metzner, Summit, N. J., Claims Nos. 6551 and 6552; January 6, 1951 (16 F. R. 219); $4,222.24 in the Treasury of the United States. Fifty (50) shares of Hormann, Schutte & Co. of New York, 6 percent preferred stock, par value $100 each, Certificate No. 20 for 50 shares, registered in the name of the Attorney General of the United States, presently in the custody of the Federal Reserve Bank of New York, New York, N. Y. Sixty-four (64) shares of Hormann, Schutte & Co. of New York, Common Stock, par value $100 each, Certificate No. 27 for 64 shares, registered in the name of the Attorney General of the United States, presently in custody of the Federal Reserve Bank of New York, New York, N. Y. Five (5) shares of Hormann, Schutte & Co. of New York, Common Stock, par value $100 each, Certificate No. 28 for 5 shares, registered in the name of the Attorney General of the United States, presently in custody of the Federal Reserve Bank of New York, New York, N. Y.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3653; Filed, Mar. 22, 1951; 8:54 a. m.]

MAR 27

FEDERAL REGISTER

VOLUME 16 NUMBER 58

Washington, Saturday, March 24, 1951

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

GALLINGER MUNICIPAL HOSPITAL

1. Effective March 1, 1951, the list of positions excluded from the provisions of the Federal Employees Pay Act and the Classification Act in § 27.1 is amended by the insertion of the following after student medical interns, U. S. Public Health Service and St. Elizabeths Hospital:

Student medical interns, Gallinger Municipal Hospital, approved training during fourth year of medical school.

2. Effective March 1, 1951, the list of positions for which maximum stipends have been prescribed in § 27.2 is amended by the insertion of the following after student medical interns, U. S. Public Health Service and St. Elizabeths Hospital:

Student medical interns — Gallinger Municipal Hospital: Full-time approved training during fourth year of medical school, per year	$300

(61 Stat. 727; 5 U. S. C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-3675; Filed, Mar. 23, 1951; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

RYE

On December 13, 1950, there was published in the FEDERAL REGISTER (15 F. R. 8826) a notice of proposed changes in the official grain standards of the United States for rye (7 CFR 26.401 et seq.) under the United States Grain Standards Act, as amended (39 Stat. 482-485; 54 Stat. 765; 7 U. S. C. 71 et seq.). An opportunity was extended to all interested parties to participate in the proposed rule making by submitting written data, views, or arguments, or by presenting their views and opinions orally at hearings held in Minneapolis, Minnesota; Omaha, Nebraska; and Chicago, Illinois.

After due consideration of all relevant material presented pursuant to the notice and all other information now available to the United States Department of Agriculture, and by virtue of the authority vested in the Secretary of Agriculture by section 2 of said act, § 26.402 of the official grain standards of the United States for rye (7 CFR 26.402) is hereby amended by deleting the present footnote 1 at the end of the grade requirements table in said section and inserting in lieu thereof the following:

[1] The rye in grade No. 1 may contain not more than 10.0 percent, in grade No. 2 not more than 15.0 percent, and in grade No. 3 not more than 25.0 percent of "thin" rye, which "thin" rye shall consist of rye and other matter that will pass readily through a sieve 0.032-inch thick with perforations 0.064 x 0.375 inch

(Sec. 8, 39 Stat. 485; 7 U. S. C. 84. Interprets or applies sec. 2, 39 Stat. 482, as amended; 7 U. S. C. 74)

This revision shall become effective July 1, 1951.

Done at Washington, D. C., this 21st day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-3696; Filed, Mar. 23, 1951; 8:56 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreement and Orders), Department of Agriculture

[Lemon Reg. 375]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.482 *Lemon Regulation 375*—(a) *Findings.* (1) Pursuant to the market-

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FEDERAL REGISTER

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Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on March 21, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 25, 1951, and ending at 12:01 a. m., P. s. t., April 1, 1951, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 350 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 22d day of March 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 2

[Storage date: Mar. 18, 1951]

[12:01 a. m. Mar. 25, 1951, to 12:01 a. m. Apr. 8, 1951]

Handler	*Prorate base (percent)*
Total	100.000
American Fruit Growers, Inc., Corona	.723
American Fruit Growers, Inc., Fullerton	.939
American Fruit Gowers, Inc., Upland	.453
Eadington Fruit Co.	.832
Hazeltine Packing Co.	1.407
Ventura Coastal Lemon Co.	1.389
Ventura Pacific Co.	1.348
Glendora Lemon Growers Association	1.883
La Verne Lemon Association	.850
La Habra Citrus Association	1.986
Yorba Linda Citrus Association	.648
Escondido Lemon Association	5.427
Alta Loma Heights Citrus Association	.929
Etiwanda Citrus Fruit Association	.466
Mountain View Fruit Association	.593
Old Baldy Citrus Association	1.256
San Dimas Lemon Association	1.902
Upland Lemon Growers Association	5.890
Central Lemon Association	1.035
Irvine Citrus Association	1.224
Placentia Mutual Orange Association	1.638
Corona Citrus Association	1.378
Corona Foothill Lemon Co.	3.885
Jameson Co.	1.866
Arlington Heights Citrus Co.	2.331
College Heights Orange & Lemon Association	2.297
Chula Vista Citrus Association	1.168
El Cajon Valley Citrus Association	.219
Escondido Cooperative Citrus Association	.358
Fallbrook Citrus Association	3.089
Lemon Grove Citrus Association	.517
Carpinteria Lemon Association	1.614
Carpinteria Mutual Citrus Association	1.802
Goleta Lemon Association	2.547
Johnston Fruit Co.	3.791
North Whittier Heights Citrus Association	.784
San Fernando Heights Lemon Association	3.090
Sierra Madre-Lamanda Citrus Association	1.958
Briggs Lemon Association	1.343
Culbertson Lemon Association	.935
Fillmore Lemon Association	1.553
Oxnard Citrus Association	4.505
Rancho Sespe	1.009
Santa Clara Lemon Association	2.419
Santa Paula Citrus Fruit Association	2.578
Saticoy Lemon Association	1.425
Seaboard Lemon Association	2.960
Somis Lemon Association	2.252
Ventura Citrus Association	.546
Ventura County Citrus Association	.008
Limoneira Co.	1.679
Teague-McKevett Association	.698
East Whittier Citrus Association	.925
Leffingwell Rancho Lemon Association	.777
Murphy Ranch Co.	1.177

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	*Prorate base (percent)*
Chula Vista Mutual Lemon Association	0.544
Index Mutual Association	.673
La Verne Cooperative Citrus Association	3.006
Orange Belt Fruit Distributors	.986
Ventura County Orange & Lemon Association	1.476
Whittier Mutual Orange & Lemon Association	.173
Ayoob, Fred	.006
Evans Brothers Packing Co.	.048
John C. Knapp Packing Co.	.207
Latimer, Harold	.089
Lorbeer, Carroll W. C.	.000
MacDonald Fruit Co.	.017
Paramount Citrus Association, Inc.	.227
San Antonio Orchard Co.	.089
Uyeji, Kikuo	.013

[F. R. Doc. 51–3753; Filed, Mar. 23, 1951; 8:52 a. m.]

[Orange Reg. 364]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.510 *Orange Regulation 364*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on March 22, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an

opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., March 25, 1951, and ending at 12:01 a. m., P. s. t., April 1, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: No movement;

(*c*) Prorate District No. 3: 90 carloads;

(*d*) Prorate District No. 4: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 1,350 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 23d day of March 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Mar. 25, 1951, to 12:01 a. m., P. s. t., Apr. 1, 1951]

VALENCIA ORANGES

Prorate District No. 3

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Vernon	.1496
Allen & Allen Citrus Packing Co.	1.2631
Consolidated Citrus Growers	11.6729
McKellips Citrus Co., Inc.	8.8383
Phoenix Citrus Co., Inc.	1.4123
Arizona Citrus Growers	12.6457
Chandler Heights Citrus Growers	2.4486
Desert Citrus Growers Co.	5.3553
Mesa Citrus Growers	13.6068
Tempe Citrus Co.	2.1785
Imperial Valley Grapefruit Growers Association	.8150
Redlands Heights Groves	.0413
Southern Citrus Association	1.7465
United Citrus Growers	1.2056
Yuma Mesa Fruit Growers Association	5.6784
Leppla-Henry Produce Co.	9.8013
Maricopa Citrus Co.	1.1934
Pioneer Fruit Co.	5.9322
Clark & Sons Produce Co., J. H.	.3907
Commercial Citrus Packing Co.	1.2772
Hi Jolly Citrus Packing House	.4658
Hill Packing House, Fred A.	.1787
Ishikawa, Paul	.0623
Macchiaroli Fruit Co., James	.7929
Mattingly, Charles A.	.3417
Orange Belt Fruit Distributors	1.9281
Panno Fruit Co., Carlo	.4157
Paramount Citrus Association, Inc.	.0332
Potato House, The	.2730
Russo Bros.	1.6236
Sharp Co., K. K.	.2830
Sunny Valley Citrus Packing Co.	2.6657
Terracciano Fruit Co.	.3091
Valley Citrus Packing Co.	2.9725

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.2540
A. F. G. Corona	.1792
A. F. G. Fullerton	.0000
A. F. G. Orange	.0000
A. F. G. Riverside	.6378
A. F. G. Santa Paula	.0458
Eadington Fruit Co., Inc.	.2234
Hazeltin Packing Co.	.1251
Krinard Packing Co.	1.6347
Placentia Cooperative Orange Association	.6987
Placentia Pioneer Valencia Growers Association	.0697
Signal Fruit Association	.7031
Azusa Citrus Association	1.8622
Covina Citrus Association	2.4639
Covina Orange Growers Association	.7679
Damerel-Allison Co.	1.4227
Glendora Citrus Association	1.5808
Glendora Mutual Citrus Association	.7320
Puente Mutual Citrus Association	.0600
Valencia Heights Orchard Association	.2679
Gold Buckle Association	3.1481
La Verne Orange Association	4.7806
Anaheim Valencia Orange Association	.0000
Fullerton Mutual Orange Association	.0000
La Habra Citrus Association	.0000
Yorba Linda Citrus Association, The	.0000
Escondido Orange Association	.0541
Alta Loma Heights Citrus Association	.3569
Citrus Fruit Growers	.9057
Etiwanda Citrus Fruit Association	.1722
Mountain View Fruit Association	.1305
Old Baldy Citrus Association	.4573
Rialto Heights Orange Growers	.3109
Upland Citrus Association	2.7419
Upland Heights Orange Association	1.5196
Consolidated Orange Growers	.0000
Garden Grove Citrus Association	.6303
Goldenwest Citrus Association, The	0.0000
Olive Heights Citrus Association	.0000
Santiago Orange Growers Association	.0000
Villa Park Orchards Association, The	.0000
Bradford Bros., Inc.	.0000
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.0000
Yorba Orange Growers Association	.0000
Call Ranch	.7122
Corona Citrus Association	.4951
Jameson Co.	.5118
Orange Heights Orange Association	2.1312
Crafton Orange Growers Association	1.1063
East Highlands Citrus Association	.3020
Redlands Heights Groves	.5428
Redlands Orangedale Association	.4211
Rialto-Fontana Citrus Association	.4836
Break & Son, Allen	.1840
Bryn Mawr Fruit Growers Association	.7822
Mission Citrus Association	.8850
Redlands Cooperative Fruit Association	1.5556
Redlands Orange Growers Association	1.0469
Redlands Select Groves	.4135
Rialto Orange Co.	.4610
Southern Citrus Association	.5830
United Citrus Growers	.6364
Zilen Citrus Co.	.2215
Arlington Heights Citrus Co.	.7431
Brown Estate, L. V. W.	1.9205
Gavilan Citrus Association	2.0209
Highgrove Fruit Association	.5243
McDermont Fruit Co.	1.4586
Monte Vista Citrus Association	1.4503
National Orange Company	1.1309
Riverside Heights Orange Growers Association	.7785
Sierra Vista Packing Association	.7410
Victoria Avenue Citrus Association	3.0652
Claremont Citrus Association	1.1105
College Heights Orange & Lemon Association	1.9425
Indian Hill Citrus Association	1.3268
Pomona Fruit Growers Exchange	1.9310
Walnut Fruit Growers Association	.7387
West Ontario Citrus Association	1.1973
El Cajon Valley Citrus Association	.0000
Escondido Cooperative Citrus Association	.0000
San Dimas Orange Growers Association	1.5800
Canoga Citrus Association	.4136
North Whittier Heights Citrus Association	.2126
San Fernando Heights Orange Association	.3101
Sierra Madre-Lamanda Citrus Association	.1425
Camarillo Citrus Association	.0111
Fillmore Citrus Association	1.2977
Ojai Orange Association	.0004
Piru Citrus Association	1.0060
Rancho Sespe	.0013
Tapo Citrus Association	.0081
Ventura County Citrus Association	.1708
East Whittier Citrus Association	.0007
Murphy Ranch Co.	.0000
Anaheim Cooperative Orange Association	.0000
Bryn Mawr Mutual Orange Association	.0073
Chula Vista Mutual Lemon Association	.0439

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Euclid Avenue Orange Association	3.0322
Foothill Citrus Union, Inc.	.5464
Garden Grove Orange Cooperative, Inc.	.0000
Golden Orange Groves, Inc.	.3136
Highland Mutual Groves	.1754
Index Mutual Association	.0000
La Verne Cooperative Citrus Association	4.7818
Mentone Heights Association	.4535
Olive Hillside Groves, Inc.	.0041
Orange Cooperative Citrus Association	.0000
Redlands Foothill Groves	2.1154
Redlands Mutual Orange & Lemon Association	.9816
Ventura County Orange & Lemon Association	.5601
Whittier Mutual Orange & Lemon Association	.0000
Allec Bros.	.0044
Babijuice Corp. of California	.3442
Banks, L. M.	.0150
Becker, Samuel Eugene	.0196
Bennett Fruit Co., Inc.	.4067
Beck, Maynard C.	.0003
Borden Fruit Co.	.0000
Cherokee Citrus Association	.7158
Chess Co., Meyer W.	.3771
Dozier, Paul M.	.0041
Dunning Ranch	.2136
Evans Bros. Packing Co.	1.2170
Gold Banner Association	1.3644
Granada Hills Packing Co.	.0075
Granada Packing House	.2067
Hill Packing Co., Fred A.	.6967
Holland, M. J.	.0228
Knapp Packing Co., John C.	.3321
Orange Belt Fruit Distributors	2.0341
Orange Hill Groves	.0195
Panno Fruit Co., Carlo	.0873
Paramount Citrus Association, The	.2269
Placentia Orchard Co.	.0000
Prescott, John A.	.0000
Pules, James J.	.0260
Redlands Fruit Association, Inc.	.0163
Riverside Citrus Association	.1436
Ronald, P. W.	.0453
San Antonio Orchard Co.	1.6558
Stephens, T. F.	.1553
Summit Citrus Packers	.0607
Wall, E. T., Grower-Shipper	2.0031
Western Fruit Growers, Inc.	2.5142

[F. R. Doc. 51-3775; Filed, Mar. 23, 1951; 11:13 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter E—Viruses, Serums, Toxins, and Analogous Products; Organisms and Vectors

PART 114—MISCELLANEOUS REQUIREMENTS FOR LICENSED ESTABLISHMENTS

PART 118—HOG-CHOLERA VIRUS

PART 119—ANTI-HOG-CHOLERA SERUM

MISCELLANEOUS AMENDMENTS

On February 16, 1951, there was published in the FEDERAL REGISTER (16 F. R. 1640) a notice of intention to amend the regulations relating to viruses, serums, toxins, and analogous products and certain organisms and vectors (9 CFR and Supp. 101.1 et seq.). After consideration of all relevant material presented pursuant to the notice, it is hereby ordered, under the authority of the virus-serum-toxin provisions of the act of March 4, 1913 (21 U. S. C. 151–158) and section 2 of the act of February 2, 1903 (21 U. S. C. 111), that the said regulations are amended as follows:

1. The first paragraph of § 114.7 is amended to read as follows:

§ 114.7 *Rabies vaccine.* Licensees producing killed rabies vaccine shall adhere to the following requirements pertaining to the preparation and testing of this product for safety and potency:

2. Section 118.31 is amended to read as follows:

§ 118.31 *Sickness and records thereof.* Simultaneous virus shall not be collected at licensed establishments from pigs which become visibly sick on or before the third day, or subsequent to the seventh day after the time of inoculation. The physical condition of all pigs from which simultaneous virus is to be collected shall be recorded daily on and after the third day subsequent to inoculation. The observations required by the regulations in this part to be made on the third day may be made on the fourth day if the third day falls on Sunday or a holiday.

3. Section 118.35 is amended to read as follows:

§ 118.35 *Holding of simultaneous virus.* Simultaneous virus which has been mixed and phenolized at licensed establishments as provided in Parts 101 to 122 of this chapter, together with the virus-stock sample, shall be held under Bureau lock as provided under § 102.77 (c) of this chapter until the tests required by Parts 101 to 122 of this chapter have been completed and have shown the virus to be free from contamination: *Provided, however,* That simultaneous virus which will not reach its destination before the tests are concluded or which is exported to a foreign country may be released prior to the conclusion of said tests. If the test respecting simultaneous virus so released is declared unsatisfactory, the manufacturer shall immediately recall all of such product in order that it may be placed under Bureau lock.

4. Section 118.41 is amended to read as follows:

§ 118.41 *Swine erysipelas.* Representative samples of each batch or serial of simultaneous virus shall be tested at licensed establishments in the following manner to determine its freedom from swine erysipelas (Erysipelothrix rhusiopathiae):

(a) Within 1 day after the first virus in a batch is collected, at least 1 cc. of test sample A shall be injected intramuscularly into each of three or more young pigeons or 0.2 cc. of such sample shall be injected subcutaneously into each of three or more suitable mice susceptible to swine erysipelas. These test animals and birds shall be held under the observation of an inspector for 10 or more days after being injected with the virus under test.

(b) Three or more days after phenolization of the batch of virus, at least 1 cc. of test sample B shall be injected intra-muscularly into each of three or more young pigeons or 0.2 cc. of such sample shall be injected subcutaneously into each of three or more suitable mice susceptible to swine erysipelas. These test animals and birds shall be held under the observation of an inspector for 7 or more days after being injected with the virus under test.

(c) If all test animals or birds injected with test sample A survive for 10 days or more, and all test animals or birds injected with test sample B survive for 7 days or more, after injection, the batch or serial represented by the samples may be marketed if it otherwise conforms to the requirements of Parts 101 to 122 of this chapter.

(d) Should any of the inoculated animals or birds die during the test, the product shall not be released for marketing and the reserve 30-cc. sample shall be forwarded to the Bureau.

(e) All animals or birds, after being once used in the tests provided in this section, shall be killed and their carcasses destroyed by incineration or tanking as provided in § 108.16 of this chapter. Also all virus blood and simultaneous virus which are contaminated with Erysipelothrix rhusiopathiae shall be destroyed in like manner.

5. Section 119.51 is amended to read as follows:

§ 119.51 *Test pigs.* Licensees shall furnish all pigs used in testing anti-hog-cholera serum. Eight healthy pigs, susceptible to hog cholera and weighing not less than 40 pounds nor more than 115 pounds each, shall be used for testing each batch of serum consisting of 300,000 cc. or less. Batches consisting of more than 300,000 cc. shall be tested on 11 such pigs instead of 8. The inspector supervising the test shall indicate the pigs which shall receive anti-hog-cholera serum with hog cholera virus and those which shall receive the virus only.

6. Section 119.63 is amended to read as follows:

§ 119.63 *Minimum dosage.* When anti-hog-cholera serum produced at licensed establishments, upon testing as provided in Parts 101 to 122 of this chapter, is found "satisfactory for potency" and "satisfactory for purity," the product may be marketed if it is recommended for use in doses not less than those appearing in the following table:

Weight:	Minimum dose (cc)
Suckling pigs	20
Pigs 20 to 40 pounds	30
Pigs 40 to 90 pounds	35
Pigs 90 to 120 pounds	45
Hogs 120 to 150 pounds	55
Hogs 150 to 180 pounds	65
Hogs 180 pounds and over	75

The foregoing amendments shall become effective on April 15, 1951.

The foregoing amendments have been discussed with all affected members of the virus serum industry over a period of several weeks and such members have been informed that the amendments will be made effective by April 15, 1951. They have already modified the labels of their products and their methods of operation to conform with the requirements of the amendments in the expectation that the amendments will be made effective by that date. Therefore good cause is found under section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) for making the amendments effective less than 30 days after their publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended. 37 Stat. 832; 21 U. S. C. 111, 154)

Done at Washington, D. C., this 20th day of March, 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-3666; Filed, Mar. 23, 1951; 8:49 a. m.]

Subchapter F—Animal Breeds

[BAI Order 379, Amdt. 14]

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

CATTLE

On February 3, 1951, a notice of rule making was published in the FEDERAL REGISTER (16 F. R. 1019) regarding the proposed recognition by the Secretary of Agriculture of the book of record of purebred cattle entitled "The Dun and Belted Galloway Herd Book."

After due consideration of all relevant material presented in connection with the notice, the Secretary of Agriculture, pursuant to the authority vested in him by section 201, paragraph 1606 of the Tariff Act of 1930, as amended (19 U. S. C. and Supp. III, sec. 1201, par. 1606), hereby recognizes the said book of record, and hereby amends § 151.10, Chapter I, Title 9, Code of Federal Regulations, 1949 Supplement, as amended (15 F. R. 2619, 6540, 8856; 16 F. R. 4, 1006, 1180), as indicated below:

1. The following book of record is added to the subdivision of paragraph (a) of said section relating to cattle:

CATTLE

Name of breed	Book of record	By whom published
Dun and Belted Galloway	The Dun and Belted Galloway Herd Book	The Dun and Belted Galloway Cattle Breeders' Association, John Kincaid, Secretary, Meadow View, Moss End Farm, Warfield, Berks, England.

2. The proviso in paragraph (a) of said § 151.10 is amended to read as follows: "*Provided*, That no Norman or Dun and Belted Galloway cattle or Criolla or Westland horse or dog or cat registered in any of the books named or Thoroughbred horse registered in the Stud Book Peruano shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved, issued by the appropriate association listed below, is submitted for such animal."

(Par. 1606, 46 Stat. 673 as amended; 19 U. S. C. 1201, par. 1606)

The foregoing amendment shall become effective on the 26th day of April 1951.

Done at Washington, D. C., this 20th day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-3667; Filed, Mar. 23, 1951; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 44]

PART 600—DESIGNATION OF CIVIL AIRWAYS

MISCELLANEOUS AMENDMENTS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 600 is amended as follows:

1. Section 600.102 *Amber civil airway No. 2 (Long Beach, Calif., to Point Barrow, Alaska)* is amended by changing the last sentence to read: "From the intersection of the west course of the Fairbanks, Alaska, radio range and the northwest course of the Nenana, Alaska, radio range via the Bettles, Alaska, radio range station; Umiat, Alaska, nondirectional radio beacon to the Point Barrow, Alaska, radio range station."

2. Section 600.217 *Red civil airway No. 17 (St. Louis, Mo., to Baltimore, Md.)* is amended by changing the last sentence to read: "From the Martinsburg, W. Va., radio range station via the intersection of the northeast course of the Arcola, Va., radio range and the west course of the Baltimore, Md., radio range to the Baltimore, Md., radio range station."

3. Section 600.299 is added to read:

§ 600.299 *Red civil airway No. 99 (Iliamna, Alaska, to Homer, Alaska).* From the intersection of the northeast course of the King Salmon, Alaska, radio range and the southwest course of the Iliamna, Alaska, radio range via the Iliamna, Alaska, radio range station to the intersection of the southeast course of the Iliamna, Alaska, radio range the west course of the Homer, Alaska, radio range.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. April 3, 1951.

[SEAL] J. S. MARRIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-3658; Filed, Mar. 23, 1951; 8:45 a. m.]

[Amdt. 47]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

MISCELLANEOUS AMENDMENTS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required. Part 601 is amended as follows:

1. Section 601.283 is amended to read:

§ 601.283 *Red civil airway No. 83 control areas (Gila Bend, Ariz., to Rodeo, N. Mex.).* All of Red civil airway No 83 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Gila Bend, Ariz., omnirange station to the Tucson, Ariz., omnirange station via the direct en route and 15° south altitude change radials; from the Tucson, Ariz., omnirange station to the Douglas, Ariz., omnirange station via the intersection of the Tucson 92° True and the Douglas 300° True en route radials; from the Douglas, Ariz., omnirange station to the intersection of the Douglas 63° True en route radial with the Columbus, N. Mex., omnirange 276° True en route radial via the Douglas 63° True en route radial.

2. Section 601.299 is added to read:

§ 601.299 *Red civil airway No. 99 control areas (Iliamna, Alaska, to Homer, Alaska).* All of Red civil airway No. 99.

3. Section 601.1108 is amended to read:

§ 601.1108 *Control area extension (Salina, Kans.).* From the Salina, Kans., omnirange station extending 5 miles either side of the 322° True radial to a point 20 miles northwest of the omnirange station, and extending 5 miles either side of the 10° True radial to a point 20 miles north-northeast of the omnirange station.

4. Section 601.1984 *5 mile control zones*, is amended by adding the following airport:

Iliamna, Alaska: Iliamna Airport

5. Section 601.2213 is amended to read:

§ 601.2213 *Salina, Kans., control zone.* Within a 5 mile radius of the Smoky Hill AFB and within a 5 mile radius of the Salina Municipal Airport extending 2 miles either side of the 142° True and 322° True radials of the Salina, Kans., omnirange from the Salina Municipal Airport to a point 10 miles northwest of the omnirange station, and extending 2 miles either side of the 10° True and 190° True radials of the Salina, Kans., omnirange from the Smoky Hill AFB to a point 10 miles north-northeast of the omnirange station.

6. Section 601.2227 *Salina, Kans., control zone* is revoked.

7. Section 601.4299 is added to read:

§ 601.4299 *Red civil airway No. 99 (Iliamna, Alaska, to Homer, Alaska).* No reporting point designation.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., April 3, 1951.

[SEAL] J. S. MARRIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-3659; Filed, Mar. 23, 1951; 8:46 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

ERRATA; MISCELLANEOUS AMENDMENTS

The following changes should be made in Part 210 (Regulation S-X) as amended by Accounting Series Releases Nos. 66, 70, 71 and 72:

1. The headnote immediately preceding § 210.12-19 which reads "For Investment Companies" (Article 12B) should read "For Management Investment Companies".

2. The headnote immediately preceding § 210.12-33 which reads "For Unit Investment Trusts" (Article 12E) should read "For Unit Investment Trusts, and for Those Unincorporated Management Investment Companies Which Are Issuers of Periodic Payment Plan Certificates".

3. In § 210.1-01 (a) (4) (Rule 1-01 (a) (4)), insert "8-K," and "9-K," between "form" and "10-K".

§ 210.1-01 *Application of this part.* (a) • • •

(4) Supplemental or periodic reports under Section 15 (d) of the Securities Exchange Act of 1934 filed on Forms 8-K, 9-K, 10-K, 2-MD, 4-MD or U5S;

• • • • • •

4. In § 210.1-02 (Rule 1-02), the definition of "Majority-owned subsidiary" should follow the definition of "Fifty-percent owned person." The definition of "Material" will precede the definition of "Parent".

5. Section 210.2-02 (b) (ii) (Rule 2-02) should be changed to read:

§ 210.2-02 *Accountants' certificates.* (a) • • •

(b) • • • (ii) shall designate any auditing procedures generally recognized as normal, or deemed necessary by the accountant under the circumstances of the particular case, which have been omitted, and the reasons for their omission.

• • • • • •

6. In § 210.5-01 (a) (Rule 5-01 (a)), after "(3) Unit investment trusts (see §§ 210.6-10a to 210.6-13)" insert a new subparagraph (4) to read as follows:

(4) Face-amount certificate investment companies (see §§ 210.6-20 to 210.6-24).

The remaining subparagraphs in § 210.5-01 (a) should be renumbered as follows: Subparagraph (4) will become subparagraph (5); subparagraph (5) will become subparagraph (6); subparagraph (6) will become subparagraph (7); and subparagraph (7) will become subparagraph (8).

7. Section 210.5-02 (Rule 5-02), paragraph 6 (a) should be changed to read:

§ 210.5-02 *Balance sheets.* • • •

6. *Inventories.* (a) State separately here, or in a footnote referred to herein, if practicable, the major classes of inventory such as (1) finished goods; (2) work in process; (3) raw materials; and (4) supplies.

8. In § 210.5-02 (Rule 5-02), paragraph 13 (a) *Property, plant and equipment*, should be changed to read:

§ 210.5-02 *Balance sheets.* • • •

13. *Property, plant and equipment.* (a) State separately here, or in a footnote referred to herein, if practicable, each major class, such as land, buildings, machinery and equipment, leaseholds or functional grouping, and the basis of determining the amounts.

9. In § 210.5-03 (c) paragraph 15 (Rule 5-03 (15)) *Provision for income and excess-profits taxes*, should be changed to read:

§ 210.5-03 *Profit and loss or income statements.* • • •

15. *Provision for income and excess-profits taxes.* State separately (a) Federal normal income tax and surtax; (b) Federal excess-profits tax; and (c) other income taxes.

10. Section 210.12-01 (Rule 12-01) should be changed to read:

§ 210.12-01 *Application of §§ 210.12-01 to 210.12-34.* Sections 210.12-01 to 210.12-34 prescribe the form and content of the schedules required by §§ 210.5-04, 210.5a-07, 210.6-10, 210.6-13, 210.6-24, 210.7-06, and 210.9-04 (Rules 5-04, 5A-07, 6-10, 6-13, 6-24, 7-06, and 9-04).

11. Section 210.12-37 *Mortgage loans on real estate and interest earned on mortgages* (Rule 12-37) is amended as follows:

a. Column A reference to notes should read (Notes 2, 3, and 7)

b. Column C should contain a reference to (Notes 8, 9, 10, and 11)

c. Column A "Total" should read "Total [12]".

13. Section 210.12-38 *Real estate owned and rental income* (Rule 12-38), is amended as follows:

a. Column E reference to notes should read (Notes 4, 5, 6 and 7)

b. Column A "Total" should read "Total [13]".

(Secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 38, 54 Stat. 841; 15 U. S. C. 77s, 78w, 80a-37)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 19, 1951.

[F. R. Doc. 51-3657; Filed, Mar. 23, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-17, as Amended Mar. 23, 1951]

M-17—COMPONENTS OR PARTS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order as amended there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-17 as follows: It redesignates §§ 72.1 through 72.12 as sections 1 through 12, and it adds a new item (f) to the table in section 12. As so amended, NPA Order M-17 reads as follows:

Sec.
1. What this order does.
2. Types of components or parts to which this order applies.
3. Required shipment dates.
4. Limitations for acceptance of rated orders.
5. NPA assistance in placing rated orders.
6. Application for adjustments or exceptions.
7. Communications.
8. Reports.
9. Records.
10. Audit and inspection.
11. Violations.
12. Types of components or parts; product limitation.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to manufacturers of components or parts referred to in section 2 and listed in Column A of section 12. It makes provision for and sets forth ceiling limitations for required acceptance of rated orders based on the percentage of previous shipments for the listed products. Its purpose is to provide equitable distribution of rated orders

among the manufacturers of the specified components or parts in order to achieve maximum production and to reduce to a minimum any disruption of normal distribution. It supplements NPA Reg. 2, but only those provisions of Reg. 2 which are contradictory to this order are superseded and all other provisions of that regulation continue to apply to manufacturers of components or parts.

SEC. 2. *Types of components or parts to which this order applies.* This order applies to the components or parts as are set forth in Column A of section 12.

SEC. 3. *Required shipment dates.* A rated order for components or parts listed in Column A of section 12 must specify shipment on a particular date or during a particular month, which, in no case, may be earlier than that required by the person placing the order. The manufacturer of such components or parts must schedule the order for shipment within the requested month as close to the requested shipment date as is practicable considering the need for maximum production.

SEC. 4. *Limitations for acceptance of rated orders.* Unless specifically directed by NPA, no manufacturer of components or parts shall be required to accept rated orders for shipment from any one of his producing units regardless of location in any one month in excess of the percentages set forth in Column B of section 12 of his average monthly shipments of the components or parts listed in Column A of section 12 as made by him during the period from January 1, 1950, through August 31, 1950.

SEC. 5. *NPA assistance in placing rated orders.* Any person who is unable to place a rated order due to the limitations imposed by section 4 should apply to the National Production Authority, Washington 25, D. C., Ref: M-17, specifying the manufacturers who refused to accept the order. The National Production Authority will arrange to assist him in locating sources of supply.

SEC. 6. *Application for adjustments or exceptions.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 7. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref.: M-17.

SEC. 8. *Reports.* Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139-139F).

SEC. 9. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 10. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

SEC. 11. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

SEC. 12. *Types of components or parts; product limitation.* The types of components or parts to which this order shall apply pursuant to section 2 of this order and the limitation percentage for acceptance of rated orders pursuant to section 4 of this order are as follows:

Column A	*Column B*
Types of components or parts to which this order applies	*Product limitation percentage*
(a) Pressed steatite electrical ceramic products	15
(b) Extruded steatite electrical ceramic products	20
(c) Machined steatite electrical ceramic products	20
(d) Electron tubes (except power tubes): If produced by only one company	50
If produced by more than one company	25
(e) Fixed composition resistors	25
(f) Rigid electrical conduit—electrical metallic tubing	25

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on March 23, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-3773; Filed, Mar. 23, 1951; 10:28 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. In Part 3, § 3.45 (b) (3) (iii) is amended to read as follows:

§ 3.45 *Evidence to establish relationship of child, for compensation, pension, and subsistence allowance purposes.* • • •

(b) *Illegitimate child.* • • •

(3) • • •

(iii) In central office cases, the chief, claims division, a section chief, adjudicating division, or the director, registration and research service.

(Interprets or applies sec. 7, 57 Stat. 556; 38 U. S. C. ch. 12 note)

2. In § 3.55, paragraph (g) is amended to read as follows:

§ 3.55 *Proof of death.* Where a claim is filed on account of the death of a person, the proof of death shall be established as follows: • • •

(g) In cases wherein proof of death, as defined in paragraphs (a) to (f) inclusive, of this section, cannot be furnished, the director, claims service, in district office cases, or the chief, adjudicating division, in central office cases, may make a finding of fact of death where death is otherwise shown by competent evidence. Where it is indicated that the veteran died under circumstances which precluded recovery or identification of the body, the fact of death should be established by the best evidence, which from the nature of the case must be supposed to exist.

(Interprets or applies sec. 12, 57 Stat. 557, 38 U. S. C. ch. 12 note)

3. In § 3.57, paragraph (b) (1) is amended to read as follows:

§ 3.57 *Conditions which determine dependency.* • • •

(b) (1) In determining the amount of income, consideration will be given to (i) net income from property owned, or business operated, by the mother or father; (ii) earnings of the mother or father and other members of their family under legal age; (iii) actual contributions of any character to the family expenses by the adult members; (iv) so-called social security benefits, i. e., old age assistance and old age and survivors' insurance; (v) family allowances

received pursuant to Public Law 351, 81st Congress, as amended.

(Interprets or applies sec. 3, 50 Stat. 660, as amended, 55 Stat. 665; 38 U. S. C. 357b, 472b)

• • • • • •

(Sec. 5, 43 Stat. 608, as amended; sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

4. In Part 4, § 4.17 (a) (1) is amended to read as follows:

§ 4.17 *Determination of domestic relations questions.*—(a) *Jurisdiction over determinations.* (1) Determinations of domestic relations questions other than those indicated in § 14.502 of this chapter may be made by the adjudicating office in district office and central office cases where, as contemplated by the last sentence of § 3.6 of this chapter, the circumstances involved are on all-fours with those in a case in which a formal opinion has been rendered by the solicitor or by a chief attorney. Except as provided in paragraph (d) (2) of this section, determinations made by the adjudicating offices will be approved in cases under the jurisdiction of a district office, by the director, claims service; in cases under the jurisdiction of central office, by a section chief, adjudicating division.

• • • • • •

(Interprets or applies sec. 3, 52 Stat. 353, as amended; 38 U. S. C. 505a)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707)

This regulation is effective March 24, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-3602; Filed, Mar. 23, 1951; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

EXPORT LICENSES REQUIRED FOR ARTICLES AND PARCELS ADDRESSED TO CERTAIN FOREIGN COUNTRIES

The following regulations are interpretative of the regulations issued by the Office of International Trade, Department of Commerce (16 F. R. 2023, 2469), as applied to the Postal Service.

1. In Part 127 (39 CFR Part 127) insert a new § 127.85b *Export licenses required for articles and parcels addressed to certain foreign countries* to read as follows:

§ 127.85b *Export licenses required for articles and parcels addressed to certain foreign countries.*—(a) *Countries.*

(1) *List I.* China, except Taiwan (Formosa), (including Manchuria).

Classes of mail acceptable without export license. (i) Letters (merchandise prohibited in letter mails).
(ii) Post cards.
(iii) Commercial papers.

Classes of mail requiring presentation of export license. (i) Printed matter of all kinds.
(ii) Samples of merchandise.
(iii) Small packets.
(iv) Parcel post.

(2) *List II.* Tibet (see under country item "India").

Classes of mail acceptable without export license. (i) Letters and letter packages, except those containing merchandise.
(ii) Post cards.
(iii) Commercial papers.

Classes of mail requiring presentation of export license. (i) Letter packages containing merchandise.
(ii) Printed matter of all kinds.
(iii) Samples of merchandise.
(iv) Parcel post.

(3) *List III.* (See below for special regulation regarding gift shipments.)

Albania.
Bulgaria.
Czechoslovakia.
Estonia.
Germany (Soviet Zone including Soviet Sector of Berlin).
Hong Kong.
Hungary.
Latvia.
Lithuania.
Macao.
Poland.
Rumania.
Union of Soviet Socialist Republics.

Classes of mail acceptable without export license. (i) Letters and letter packages except those containing merchandise.
(ii) Post cards.
(iii) Printed matter.
(iv) Commercial papers.

Classes of mail requiring presentation of export license. (i) Letter packages containing merchandise.
(ii) Samples of merchandise.
(iii) Small packets.
(iv) Parcel post.

NOTE: Some of the countries in List III do not admit merchandise in letter packages or accept "small packets". See §§ 127.3 and 127.10.

(b) *Gift shipments.* (Not applicable to countries in Lists I and II in paragraph (a) of this section.) Gift shipments not exceeding $25 in value mailed by an individual sender to an individual addressee for the personal use of the addressee or his immediate family, and limited to the items normally sent as gifts, such as food, clothing, medicines, etc., do not require the presentation of export licenses. Senders must place the words "Gift—Export License Not Required" on the address side of such packages; in the case of parcel post the word "Gift" must also be shown on the customs declaration tag.

(c) *General instructions.* (Applicable to countries in all three lists in paragraph (a) of this section.)

(1) When the mailer presents a validated export license authorizing the exportation of commodities to any of the above-mentioned countries, the accepting clerk shall compare the contents, as shown on the customs declaration tag or as stated by the sender (in the case of regular mail articles), with the commodities indicated on the license. If the contents appear to be inconsistent with the commodities on the license the package will not be accepted for mailing until the mailer presents satisfactory evidence that it contains only the licensed commodities. If no inconsistency is noted, the accepting clerk shall mark on the address side of the package the words "Export License No. __" and accept the package for mailing, provided it is mailable to the country concerned. The license number appears in the upper right-hand corner of an approved license. The license shall be disposed of as prescribed in § 127.85 (h).

(2) Matter defined by the Office of International Trade as "technical data" may not be exported in any classification of mail unless a validated export license is presented or such matter is otherwise authorized by the Office of International Trade. However, it is the responsibility of the mailer to determine from the Office of International Trade, Department of Commerce, Washington 25, D. C., or a field office of that Department, what is classed as "technical data" and to comply with the regulations governing the exportation of such material. Statement on the part of the mailer that no technical data is included may be accepted by the post office.

(3) The above instructions reflect the regulations of the Office of International Trade insofar as they can be applied in the international postal service. It is the responsibility of the mailers to comply with any regulations of the Office of International Trade not contained herein. In this connection, see § 127.85 (i). Patrons inquiring as to the procedure for applying for export licenses may be referred to the Office of International Trade, Department of Commerce, Washington 25, D. C., or to any field office of that Department.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 51-3656; Filed, Mar. 23, 1951; 8:45 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

Subchapter C—Real Property Management

PART 102—LEASED BUILDING SPACE

Sec.
102.1 General Services Administration to acquire, assign and manage.
102.2 Exceptions.
102.3 Definitions.

AUTHORITY: §§ 102.1 to 102.3 issued under sec. 3, Reorg. Plan 18 of 1950, July 1, 1950, 15 F. R. 3177.

DERIVATION: Real Prop. Mgt. Reg. 1; Del. of Auth. 52, 59, 60, 61, 15 F. R. 8174, 9113, 9114, 9115.

§ 102.1 *General Services Administration to acquire, assign and manage.* The General Services Administration shall perform for executive agencies, including wholly owned Government corporations, all functions with respect to acquiring general-purpose space in buildings by lease, including the execution of all leases and related contracts, the assignment and reassignment of such leased space, and the operation, maintenance and custody of office buildings or parts thereof acquired by lease, except as provided in § 102.2.

§ 102.2 *Exceptions.* The requirements of § 102.1 do not apply to:

(a) Space devoted to post-office purposes;

(b) Special-purpose space;

(c) Space located outside the 48 States and the District of Columbia;

(d) Space required for use incidental to and in conjunction with special-purpose space;

(e) Leases involving no rental or a nominal consideration of One Dollar ($1.00) per annum;

(f) The Departments of Agriculture, Commerce, Defense, and the Treasury with respect to space situated outside the metropolitan area of the following urban centers:

State and City

Connecticut: Bridgeport, Hartford, New Haven.
Massachusetts: Boston, Lowell, Lynn, New Bedford, Springfield, Worcester.
New Hampshire: Manchester.
Rhode Island: Providence.
Delaware: Wilmington.
New Jersey: Camden, Newark, Trenton.
New York: Albany, Buffalo, New York City, Rochester, Syracuse.
Pennsylvania: Allentown, Harrisburg, Philadelphia, Pittsburgh, Reading, Scranton, Wilkes-Barre.
District of Columbia: Washington.
Maryland: Baltimore.
Virginia: Alexandria, Arlington, Lynchburg, Norfolk, Richmond, Roanoke.
West Virginia: Huntington.
Alabama: Birmingham, Montgomery, Tuscaloosa.
Florida: Jacksonville, Miami.
Georgia: Atlanta, Columbus, Macon, Savannah.
Mississippi: Jackson.
North Carolina: Charlotte, Greensboro, Raleigh, Winston-Salem.
South Carolina: Columbia, Greenville, Spartanburg.
Tennessee: Chattanooga, Knoxville, Nashville, Memphis.
Illinois: Aurora, Chicago, Springfield, Waukegan.
Indiana: Indianapolis, South Bend.
Kentucky: Lexington, Louisville.
Michigan: Detroit, Grand Rapids, Lansing.
Ohio: Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo, Youngstown.
Wisconsin: Madison, Milwaukee.
Iowa: Council Bluffs, Des Moines, Sioux City.
Kansas: Kansas City, Topeka, Wichita.
Minnesota: Minneapolis, St. Paul.
Missouri: Kansas City, St. Joseph, St. Louis, Springfield.
Nebraska: Lincoln, Omaha.
North Dakota: Fargo.
Arkansas: Little Rock.
Louisiana: New Orleans, Shreveport.
Oklahoma: Oklahoma City.
Texas: Austin, Beaumont, Corpus Christi, Dallas, El Paso, Fort Worth, Galveston, Houston, San Antonio, Waco.
Colorado: Denver.
New Mexico: Albuquerque.
Utah: Salt Lake City.
Arizona: Phoenix.
California: Fresno, Los Angeles, Oakland, Sacramento, San Diego, San Francisco, Santa Barbara.
Idaho: Boise.
Montana: Billings, Butte, Great Falls.
Oregon: Portland.
Washington: Everett, Seattle, Spokane, Tacoma, Yakima.

§ 102.3 *Definitions.* As used in this part:

(a) "General-purpose space" means space in buildings, which space is suitable for the use of agencies generally.

(b) "Metropolitan area" includes the geographical boundary lines of the named urban centers; the geographical boundary lines of cities, towns or villages adjoining the named urban centers; and the geographical boundary lines of cities, towns or villages adjoining the named urban centers.

(c) "Special-purpose space" means space in buildings, which space is wholly or predominantly utilized for the special purposes of an agency and not generally suitable for the use of other agencies.

Dated: March 21, 1951.

JESS LARSON,
Administrator.

[F. R. Doc. 51-3674; Filed, Mar. 23, 1951; 8:50 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

LIST, FOR INFORMATION ONLY, OF TREATIES, AGREEMENTS AND ARRANGEMENTS BETWEEN UNITED STATES AND LIBERIA

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of March, 1951;

The Commission having under consideration the appendix to Part 2 of its rules and regulations; and

It appearing, that the proposed change is not substantive and does not in any way affect the requirements of any of the Commission's rules and regulations; that said change consists of the addition of information with reference to an agreement between the United States and Liberia on the subject of the international exchange of messages between the two countries on behalf of third parties by operators of amateur radio stations; and

It further appearing that because of the informational nature of the proposed changes, notice and public procedure thereon as prescribed by section 4 (a) of the Administrative Procedure Act is unnecessary, and that this order may be made effective immediately for the same reasons.

It is ordered, That, effective immediately, the appendix to Part 2 of the Commission's rules and regulations is amended as set forth below:

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154)

Released: March 19, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Amend the first sentence of paragraph 1 of Appendix A to Part 2, Frequency Allocation and Treaty Matters; General Rules and Regulations, Federal Communications Commission, so that the date "February 28, 1951" is substituted for the date "March 31, 1950".

2. The following addition should be made at the end of paragraph 1 of Appendix A to Part 2, Frequency Allocation and Treaty Matters; General Rules and Regulations, Federal Communications Commission:

Date	Series	Title
1951	.....	Radio communications between ... [illegible] ... on behalf of third ... Agreement between U. S. ... and Liberia effective January 15, 1951. (Not yet available but to be published by Government Printing Office as a TIAS document.)

[F. R. Doc. 51-3681; Filed, Mar. 23, 1951; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Parts 904, 934, 947, 996, 999]

[Docket Nos. AO-14-A19; AO-83-A15; AO-203-A1; AO-204-A1; AO-113-A12]

HANDLING OF MILK IN GREATER BOSTON, LOWELL-LAWRENCE, SPRINGFIELD, WORCESTER, AND FALL RIVER, MASSACHUSETTS, MARKETING AREAS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTION THERETO WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND PROPOSED ORDERS AMENDING ORDERS, AS NOW IN EFFECT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed marketing agreements and proposed amendments to the orders, as now in effect, regulating the handling of milk in the Greater Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River, Massachusetts, marketing areas.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 3d day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, on the record of which the proposed marketing agreements and the proposed orders were formulated, was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of petitions filed on behalf of the majority of producers and by several handlers in the five markets. The public hearing was held in Boston, Massachusetts, on March 12, 1951 pursuant to a notice duly published in the FEDERAL REGISTER (16 F. R. 2160).

The material issues considered at the hearing were concerned with the following:

(1) The present classification provisions of the respective orders, as now in effect, should be amended to provide for the classification of fresh concentrated milk as Class I.

(2) Emergency conditions relating to the need for immediate effectuation of the proposed amendments.

Findings and conclusions. Upon the basis of evidence introduced at the hearing and on the record thereof with respect to the aforementioned issue it is hereby found and concluded that:

(1) The present classification provisions of the respective orders, as now in effect, should be amended to provide for the classification of milk used to produce fresh concentrated milk for fluid consumption as Class I.

The orders presently list certain fluid milk products such as milk, skim milk, flavored milk, and buttermilk which are designated as Class I milk. The list does not include milk used to produce concentrated milk and accordingly under the present order provisions of all five Massachusetts orders such utilization would be classified as Class II.

Concentrated milk for fluid consumption is a new product which has in recent months appeared in several Eastern fluid milk markets and which on March 1 was introduced in the Boston market. The product is still in an experimental stage of development and to date there is no quantitative information to indicate the extent of consumer acceptance and the extent to which it is replacing regular fluid milk sales. However, there can be no question but that promoters of the product foresee it as a direct and acceptable substitute for fresh whole milk. Promotional advertising emphasizes that it is pure, fresh milk with nothing but water removed. Further, it is contended that when water is added the resulting product has all of the properties of fresh whole milk and is indistinguishable from regular fluid milk.

The health officer for the city of Boston emphasized the necessity of making concentrated milk for fluid use from quality milk, indicating that it is a non-sterile fluid product which must for proper health protection be handled with the same care and through the same facilities as regular fluid milk. The record indicates that concentrated milk for fluid distribution in the Massachusetts Federal order markets is currently being produced from Boston approved milk or milk of equivalent quality. Accordingly, concentrated milk competes directly with items presently classified as Class I for available supplies of local producer milk. It is, therefore, concluded that milk used to produce concentrated milk for fluid consumption should be classified and priced at the same level as milk used for other fluid products presently classified as Class I in each of the five Massachusetts orders.

Under the present provisions of the several orders the inclusion of all concentrated milk as a Class I item would result in such a classification for all condensed milk disposed of to bakeries, candy makers, etc., for manufacturing uses. These orders presently provide for a Class II classification of skim milk disposed of to such outlets. Since condensed milk is an alternative to fluid skim milk and other manufactured dairy products for uses in bread making, candy making, etc., condensed milk going into such manufacturing uses should continue to be Class II. Accordingly, it is concluded that concentrated milk classified as Class I should be limited to the volume of such milk which is disposed of for fluid consumption.

In order to facilitate the administration of the order and to make the other order provisions consistent with the amended classification herein proposed, the definition of fluid milk products as set forth in the respective orders should be revised to include concentrated milk and a definition of concentrated milk should be provided. Concentrated milk should be defined as the unsterilized liquid milk product obtained by the evaporation of water from milk and milk to which any other milk product may be added in the process of manufacture. The products known as evaporated milk and sweetened condensed milk should be excluded specifically in the definition. For accounting purposes under the orders the weight of the fluid milk product used to produce the concentrated milk should be used rather than the weight of the concentrated milk. In the absence of proof as to the weight of fluid milk products used to produce concentrated milk, such weight should be determined by multiplying by 6.45 the number of quarts of concentrated milk. The 6.45 is three times 2.15, the presently accepted weight of a quart of unconcentrated whole milk.

The hearing record did not establish sufficient urgency for immediate action with reference to the proposed amendments to warrant the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exceptions thereto.

Concentrated milk is a new product which was introduced in the Boston market on March 1, 1951. The product is being promoted as a substitute for regular fluid milk and as such may represent a potential serious threat as a substitute for products presently classified as Class I in the several Massachusetts order markets. Each hundredweight of milk used to produce concentrated milk which is disposed of in lieu of regular fluid milk reduces the value of producer milk in Class I by an amount equal to the difference in the hundredweight price of Class I and Class II milk which at the present time is approximately $1.75.

At the time of the hearing insufficient time had elapsed to permit any quantitative appraisal of the extent of acceptance of the product by consumers. Proponents were unable to present any statistics as to the volume of production or sales. Further, no information was presented to indicate the extent to which the product was replacing present Class I items in the consumers diet. Accordingly, there is no basis for establishing cause for emergency action at this time.

General findings. (a) The proposed marketing agreements and the orders, now in effect, and as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, respectively, and the minimum prices specified in the proposed marketing agreements and in the orders, now in effect, and as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk in each of said marketing areas, respectively, and be in the public interest; and

(c) The proposed marketing agreements and the orders, now in effect, and as hereby proposed to be amended, regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in marketing agreements upon which a hearing has been held.

Rulings on proposed findings and conclusions. A brief was filed on behalf of one handler who is concerned with the proposed marketing agreements and proposed orders amending the orders now in effect. The brief contained suggested findings of fact, conclusions, and arguments with respect to the proposals considered at the hearing. Every point covered in the brief was carefuly examined along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the brief are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this decision.

Recommended marketing agreements and orders. The following amendments to the respective orders are recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as amended, and as proposed here to be further amended.

ORDER NO. 4

1. Amend § 904.1 (d) (4) by deleting the present language and substituting therefor the following:

(4) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

2. Amend § 904.1 (d) by adding a new subparagraph (8) as follows:

(8) "Concentrated milk" means any unsterilized liquid milk product, other than those products commonly known as evaporated milk or sweetened condensed milk, which is obtained by the evaporation of water from milk and milk to which any other milk product may be added in the process of manufacture. For purposes of this part the weight of the fluid milk products used to produce the concentrated milk shall be used rather than the actual weight of the concentrated milk.

3. Amend § 904.3 (a) (2) (i) by deleting the present language and substituting therefor the following:

(i) As being sold, distributed, or disposed of other than as or in milk, and other than as or in concentrated milk for fluid consumption, flavored milk or flavored skim milk, buttermilk, or cultured skim milk, for human consumption; and

4. Amend § 904.3 (c) by deleting the introductory language "Milk, flavored milk, skim milk, cultured or flavored skim milk or buttermilk" and substituting therefor the following: "Any fluid milk product, except cream."

ORDER NO. 34

1. Amend § 934.4 (d) by deleting the present language and substituting therefor the following:

(d) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

2. Amend § 934.4 by adding a new subparagraph (h) as follows:

(h) "Concentrated milk" means any unsterilized liquid milk product, other than those products commonly known as evaporated milk or sweetened condensed milk, which is obtained by the evaporation of water from milk and milk to which any other milk product may be added in the process of manufacture. For purposes of this part the weight of the fluid milk products used to produce the concentrated milk shall be used rather than the actual weight of the concentrated milk.

3. Amend § 934.15 (b) (1) by deleting the present language and substituting therefor the following:

(1) As being sold, distributed, or disposed of other than as or in milk, and other than as or in concentrated milk for fluid consumption, flavored milk or flavored skim milk, buttermilk, or cultured skim milk, for human consumption; and

ORDER NO. 47

1. Amend § 947.1 (r) by deleting the present language and substituting therefor the following:

(r) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

2. Amend § 947.1 by adding a new subparagraph (s) as follows:

(s) "Concentrated milk" means any unsterilized liquid milk product, other than those products commonly known as evaporated milk or sweetened condensed milk, which is obtained by the evaporation of water from milk and milk to which any other milk product may be added in the process of manufacture. For purposes of this part the weight of the fluid milk products used to produce the concentrated milk shall be used rather than the actual weight of the concentrated milk.

3. Amend § 947.5 (b) (2) (i) by deleting the present language and substituting therefor the following:

(i) Sold, distributed, or disposed of other than as milk which contains one-half of 1 percent or more but less than 16 percent of butterfat, and other than as concentrated milk for fluid consumption, chocolate or flavored whole or skim milk, buttermilk, or cultured skim milk, for human consumption; and

ORDER NO. 96

1. Amend § 996.1 (d) (4) by deleting the present language and substituting therefor the following:

(4) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

2. Amend § 996.1 (d) by adding a new subparagraph (7) as follows:

(7) "Concentrated milk" means any unsterilized liquid milk product, other than those products commonly known as evaporated milk or sweetened condensed milk, which is obtained by the evaporation of water from milk and milk to which any other milk product may be added in the process of manufacture. For purposes of this part the weight of the fluid milk products used to produce the concentrated milk shall be used rather than the actual weight of the concentrated milk.

3. Amend § 996.3 (a) (2) (i) by deleting the present language and substituting therefor the following:

(i) As being sold, distributed, or disposed of other than as or in milk, and other than as or in concentrated milk for fluid consumption, flavored milk or flavored skim milk, buttermilk, or cultured skim milk, for human consumption; and

ORDER NO. 99

1. Amend § 999.1 (d) (4) by deleting the present language and substituting therefor the following:

(4) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

2. Amend § 999.1 (d) by adding a new subparagraph (7) as follows:

(7) "Concentrated milk" means any unsterilized liquid milk product, other than those products commonly known as evaporated milk or sweetened condensed milk, which is obtained by the evaporation of water from milk and milk to which any other milk product may be added in the process of manufacture. For purposes of this part the weight of the fluid milk products used to produce the concentrated milk shall be used rather than the actual weight of the concentrated milk.

3. Amend § 999.3 (a) (2) (i) by deleting the present language and substituting therefor the following:

(i) As being sold, distributed, or disposed of other than as or in milk, and other than as or in concentrated milk for fluid consumption, flavored milk or flavored skim milk, butter milk, or cultured skim milk, for human consumption; and

Issued at Washington, D. C., this 22d day of March 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 51-3723; Filed, Mar. 23, 1951, 8:59 a. m.]

[7 CFR, Part 927]

[Docket No. 71-A-20R01]

HANDLING OF MILK IN THE NEW YORK METROPOLITAN MILK MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Mark Twain Hotel, Elmira, New York beginning at 10 a. m., e. s. t., April 10, 1951, for the purpose of reopening the public hearing held at Elmira, New York, during the period January 24–February 11, 1950 pursuant to notice issued on December 28, 1949 (14 F. R. 7940) and for the further purpose of receiving evidence with respect to additional proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. The proposed amendments on which evidence may be submitted at this public hearing include those, or appropriate modifications thereof, (1) contained in the notice of hearing issued on December 28, 1949 (14 F. R. 7940), (2) contained in the recommended decision issued on May 16, 1950 (15 F. R. 3064), and (3) hereinafter set forth. These proposed amendments have not received the approval of the Secretary of Agriculture.

1. Proposed by Eastern Milk Producers Cooperative Association, Inc., Mutual Cooperative of Independent Producers, Inc., and Tri-State Milk Producers Cooperative, Inc.:

a. Amend § 927.4 (c) by providing a separate classification for milk utilized for ice cream, and amend § 927.5 (a) by establishing a price for such milk on a basis similar to the present Class III price adjusted for the same yield and handling allowance factors with an additional 2 cent premium over the wholesale price of 92-score butter.

b. Amend § 927.5 (a) (5) by:

1. Increasing the nonfat dry milk solids yield factor from 7.5 to 8.2;

2. Adjusting the handling allowance to the current year by applying the changes that have occurred in the United States wholesale price level with the year 1948 as a base and the relative Class III utilization of milk since then; and

3. Establishing the midwest condensery pay price as a floor price for Class III milk.

2. Proposed by Metropolitan Cooperative Milk Producers Bargaining Agency, Inc.:

Amend the Class III milk pricing provisions of the order by:

1. Adjusting the manufacturing allowance to a figure which will be compensatory of reasonable cost of efficient manufacturing and that an additional allowance be provided which will be reasonably compensatory for the handling and movement of milk from fluid plants to manufacturing plants with suitable safeguards on the latter provisions as will be proposed by the Agency at the hearing.

2. Providing that the differential of 2 cents per pound over the price of butter contained in the present formula be raised to such higher figure as the evidence adduced at the hearing may justify.

3. Providing that the butter-cheese adjustment, in case of milk made into cheese, be subject to a further adjustment to be provided in the order to reflect any departure of the price of cheese on the Plymouth Exchange from its normal historical relationship to the price of butter at Chicago, which will be shown by evidence at the hearing to be about 2.2 to 1.

3. Proposed by New York State Cheese Manufacturers Association: Amend § 927.5 (a) (5) to provide for Class III milk manufactured into American Cheddar cheese a price during each month computed by the Market Administrator as follows: From the average of weekly quotations at the Wisconsin Cheese Exchange, Plymouth, Wisconsin, for Cheddars, or in the absence of such quotations for Cheddars the weekly quotation at the Wisconsin Cheese Exchange for Twins, subtract 4 cents (net figure representing making allowance in excess of whey, whey fat, transportation, and paraffine allowances), and multiply the results by 9.

4. Proposed by Milk Dealers Association of Metropolitan New York, Inc.: Amend § 927.5 (a) (5) so as to provide that the present handling allowance of 70 cents be increased to an adequate amount in accordance with testimony adduced at the hearing, and also provide that a part of the handling allowance be apportioned as a relocation differential for milk shipped from receiving stations to manufacturing plants.

5. Proposed by Independent Milk Marketers, Inc.: Amend § 927.5 (a) (5) to provide a handling allowance of 60 cents instead of the present allowance of 70 cents per hundredweight of Class III milk.

6. Proposed by Roland Milk Producers Cooperative Association, Inc.: Increase the allowance for making Cheddar cheese to cover added costs of manufacturing in the past year.

7. Proposed by Adlers Creamery, Inc.:

a. Amend § 927.4 (c) (2) by changing the period at the end thereof to a comma and adding "except as provided in subparagraph (5) of this paragraph"; and

b. Amend § 927.4 (c) (5) by renumbering (iii) as (iv) and by adding a new subdivision (iii) to read:

(iii) During the months of March, April, May, June, and July in each year all milk the butterfat from which leaves or is on hand at the plant in the form of milk or cream and which is delivered in bulk to a purchaser outside the marketing area and is there utilized in the manufacture of food products so processed as not to require refrigeration and packed in hermetically sealed containers.

8. Proposed by Pollio Dairy Products Corporation: Amend § 927.4 (a) (3) to provide for a Class III classification of milk which moves from one nonpool plant to another nonpool plant if neither of such plants holds health authority approval to sell milk in the forms covered by Classes I–A, I–B, and I–C and no milk moves in such forms from the second nonpool plant.

9. Proposed by Milk Dealers Association of Metropolitan New York, Inc.: Eliminate § 927.5 (e) fluid skim differential.

10. Proposed by Metropolitan Cooperative Milk Producers Bargaining Agency, Inc., Eastern Milk Producers Cooperative Association, Inc., Mutual Cooperative of Independent Producers, Inc., and Tri-State Milk Producers Cooperative, Inc.: Amend the order to provide that "concentrated milk" shall be classified in Class I.

11. Proposed by Holland Farms, Inc., Reddi-Wip Manufacturing Company, Inc., of New York, and Aerated Products Company: Amend § 927.4 (a) (3) (iii) by adding the term "whipped topping mixture" after the term "frozen desserts" wherever such latter term appears therein.

12. Proposed by the Dairymen's League Cooperative Association, Inc.: Amend § 927.9 (b) (1) by changing subdivision (ii) thereof to read:

(ii) It was received at a plant in, or delivered to a purchaser in the marketing area either for distribution within or without the marketing area or consumption either within or without the marketing area or was received at a pool plant outside the marketing area and assigned either to shipments to the marketing area of milk, fluid milk products, cultured or flavored milk drinks, cream, fluid cream products, or skim milk, or to plant loss; and;

Since this proposal (No. 12) was submitted for the stated purpose of clarifying the language of the order with respect to the classification and pricing of milk which, either in fluid or frozen form, enters the marketing area and is delivered to such purchasers as Army or Naval bases, steamship lines or other carriers for ultimate consumption or utilization outside of the marketing area, notice is hereby given that evidence will be received with respect to the amendment of such other provisions of the order as may be shown to be applicable or pertinent in connection with the purpose for which the proposal was submitted.

13. Proposed by Orbaek Farms, Inc., White Plains Dairy, Van Cortlandt Dairy, L. H. Brooks Dairy, Foley's Dairy Company, and Rock Gate Farm Corporation: Amend § 927.7 by changing the first two sentences thereof to read:

§ 927.7 *Determination of uniform price.* The uniform price shall be computed in accordance with the provisions set forth in this section. Milk received from farms in Nassau or Suffolk Counties, New York, which farms are not approved for sale of milk in New York City, or received by direct delivery from farms, not approved for the sale of milk in New York City, to plants located within the marketing area, or received from the handler's own farm shall not be included in this computation, and such milk shall be deemed to be excluded by the phrase, "milk received from producers" as such phrase is used in paragraphs (a) and (b) of this section, in § 927.5 (d) in § 927.9 (d), (f) and (g), and in § 927.10.

14. Proposed by Evans Amityville Dairy, Inc., Fred Beers, Inc., Sweet Clover Dairy, Piping Rock Dairy, Inc., Babylon Milk and Cream Company, and Oak Tree Farm:

a. Amend § 927.5 (c) by eliminating the first sentence of the proviso and inserting in its place the following: "*Provided*, That the transportation differentials on any tank raw milk delivered directly from a plant outside the marketing area to a Nassau or Suffolk County processing plant, and which does not reenter New York City or Westchester County, shall be minus 5 cents per hundredweight for milk delivered in Nassau County, and minus 8 cents per hundredweight for milk delivered in Suffolk County, in addition to the differentials set forth in Column "B" of the schedule herein;"

b. Amend § 927.7 (a) by renumbering present (7) as (8) and by adding a new subparagraph (7) as follows:

(7) With respect to tank raw milk delivered directly from a plant outside the marketing area to a Nassau or Suffolk County processing plant, and which

milk does not reenter New York City or Westchester County, deduct 5 cents per hundredweight for milk delivered in Nassau County, and deduct 8 cents per hundredweight for milk delivered in Suffolk County.

15. Proposed by Milk Dealers Association of Metropolitan New York, Inc.:

Amend § 927.5 (c) as follows:

a. Insert in such section a schedule showing locations at which pool plants are now located, together with the freight zone determined for such plant as of January 1951. For each new plant the Market Administrator shall determine the freight zone equitably on the basis of its distance from New York City and its proximity to other plants for which a freight zone is set forth in such schedule. No changes shall thereafter be made by the Market Administrator in established freight zones.

b. The Market Administrator shall appoint a committee to study such schedule and to propose revisions where inequities exist.

16. Proposed by Handlers and Processors Association, Inc.: Amend § 927.6 by renumbering paragraphs (e) and (f) as (f) and (g) and by adding a new paragraph (e) to provide that all reports shall have attached receipt forms which shall be identically numbered, and that it shall be the duty of the Market Administrator to acknowledge, within 48 hours, the receipt of each and every report mailed to or filed with him.

17. Proposed by Mifflin Creamery Co., Inc., Lancaster Milk Company, W. M. Evans Dairy Co., Chenango Farm Products Co., Inc., and Grover Farms, Inc.: Amend § 927.4 (a) (3) to include a new subdivision (v) as set forth in the recommended decision of May 16, 1950, except that West Virginia should be added to the list of states enumerated therein.

18. Proposed by Leonard D. Stewart, Miami, Florida: Amend § 927.4 (c) (5) by adding a new subdivision (iv) as follows:

(iv) All milk packed in hermetically sealed cans which is exported to foreign countries or delivered to any branch of the United States Department of Defense.

Copies of this notice of hearing, the notice of hearing issued on December 29, 1949, the recommended decision issued on May 16, 1950, the said order, as amended, and the said tentative marketing agreement may be procured from the Market Administrator, 205 East 42d Street, New York, New York, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: March 20, 1951.

[SEAL] F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 51-3668; Filed, Mar. 23, 1951; 8:49 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Navy

CRUDE OIL

NOTICE OF PUBLIC SALE

(1) Pursuant to the act of Congress approved June 4, 1920, relating to the conservation, care, custody, protection, and operation of the Naval Petroleum Reserves (41 Stat. 813), as amended by the act of Congress approved June 30, 1938 (52 Stat. 1252), and as further amended by the act of Congress approved June 17, 1944 (58 Stat. 280), the United States of America (hereinafter referred to as "Navy"), hereby invites bids for the purchase of such quantities of crude oil as may be allocated to and available for sale by Navy from the Shallow Oil Zone under provisions of Unit Plan Contract NOd-4219 dated June 19, 1944, as supplemented and amended, and relating to Naval Petroleum Reserve Numbered 1 (Elk Hills), Kern County, California, during the term of the contract specified in the paragraph next succeeding.

(2) The term of the contract for the sale and purchase of the above-described crude oil will be the three (3) year period commencing at 7:00 a. m. (Pacific standard time) on the tenth day following approval of such contract by the President of the United States: *Provided, however*, That the contract shall expire prior to the end of said three (3) year period whenever Congress by legislation or Joint Resolution authorizes or directs the President or the Secretary of the Navy to use and operate said Shallow Oil Zone for production of petroleum rather than for the protection, conservation, maintenance and testing of Naval Petroleum Reserve Numbered 1.

(3) The public sale will take place in Room 229, U. S. Post Office and Court House Building, Los Angeles, California, at 10:00 a. m. (Pacific standard time) on April 16, 1951. The Secretary of the Navy will receive sealed bids and statements describing the bidders' qualification, addressed to him at that address, until said time. All bids must conform to the terms and conditions of the Invitation for Bids and the above-cited acts. The bids and statements will be publicly opened and read aloud at said time and place; any interested parties may be present and will be heard with respect to the subject matter. A bidder who has complied with the provisions of the Invitation for Bids may forthwith, after all bids have been read, increase the bid price or prices, and such increase or increases shall be immediately incorporated in his bid by written amendment thereto signed by the bidder. No change will be permitted which will have the effect of lowering any price bid. If a contract is awarded on any bid, the bid price or prices shall be the contract price or prices notwithstanding any ceiling price or prices established by the Economic Stabilization Agency, or other Government agency. However, if at the time of delivery of any crude oil hereunder such contract price or prices exceed the applicable ceiling price or prices then in effect, purchaser shall pay the applicable ceiling price or prices in effect at such time for such crude oil. After all bidders present have been heard, the bids will be taken under advisement by Navy and an acceptance by the Secretary of the Navy will be made within sixty (60) days thereafter; subject, however, to approval of the contract by the President of the United States. Navy reserves the right in the public interest to reject all bids and order a new public sale.

(4) The crude oil offered for sale is all such oil available for sale by Navy from said Shallow Oil Zone during the term, described in paragraph 2 above, of the said contract for such crude oil. The quantities of crude oil which will be available for sale are necessarily indefinite and depend upon, among other things, (1) practical considerations in field operations, (2) the rate and continuance of the production of petroleum from the Shallow Oil Zone for Navy's account under the provisions of said Unit Plan Contract, and (3) the quantities which the Operating Committee, created under the provisions of said Unit Plan Contract, may reserve for use in connection with operations under the said Unit Plan Contract. While the quantity of such oil is indefinite, it is anticipated that accruals will amount to approximately one hundred fifty thousand (150,000) barrels monthly. Deliveries of said crude oil will be made at the Unit Operation's shipping tanks where said crude oil is collected and stored for such purpose by the Operator under the said Unit Plan Contract. Navy reserves the right to reduce or stop production of such crude oil or to terminate the contract under certain conditions described in the Invitation for Bids and Exhibit A attached thereto.

(5) The Invitation for Bids which contains complete information concerning form of bids, bond requirements, payment, deliveries, volume measurements, quality of oil, provisions respecting price, form of contract, information to be supplied by bidders, etc., may be obtained by the prospective bidders from the Director, Naval Petroleum and Oil Shale Reserves, Executive Office of the Secretary, Navy Department, Washington 25, D. C., or the Inspector, Naval Petroleum Reserves in California, P. O. Box 77, Tupman, California, or the District Supply Officer, Eleventh Naval District, San Diego, California.

Dated: March 15, 1951.

JOHN T. KOEHLER,
Acting Secretary of the Navy.

[F. R. Doc. 51-3680; Filed, Mar. 23, 1951; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Doc. 1, Region II]

CALIFORNIA

SALE OF TOWN LOTS; TOWNSITE OF FORD AND FIRST ADDITION THERETO

MARCH 12, 1951.

1. *Authority.* Pursuant to the reservation made by Executive Order 10075 of August 18, 1949 (14 F. R. 5213), certain lots in the Townsite of Ford, California, and the first addition thereto, will be disposed of under section 2381, U. S. Revised Statutes (43 U. S. C. 712). The Regional Administrator is authorized by § 2.78 of Bureau of Land Management Order No. 427 (15 F. R. 5639, 5642) to take all actions required to accomplish the disposal of said lots under the applicable provisions of Title 43, Code of Federal Regulations, Part 255. The lots to be disposed of by sale are designated on official plats of supplemental survey of the Townsite of Ford and the First Addition to Townsite of Ford, each of which plats was accepted June 19, 1950.

2. *Lots, areas, and minimum prices.* The lots which will be offered for sale, and the areas and minimum prices thereof, are shown in the attached schedule. The lands here involved, prior to the date of the reservation above cited, were included within Naval Petroleum Reserve No. 2, California, and were not subject to any type of settlement or occupancy which could from the basis of private entry or preemption claim.

3. *Public sale.* The lots designated for sale will be offered for sale by the Regional Administrator or his representative at public outcry to the highest bidder at Ford City, Kern County, California, on April 18, 1951, beginning at 10:00 a. m., P. s. t. The sale will be continued from day to day as long as may be necessary until all the lots to be sold have been offered.

4. *Payment.* No lot will be sold for less than the appraised price. Payment for lots sold for not more than $300.00 may be paid for in cash on the date of sale, or in two equal installments, the first installment to be paid on the date of sale, and the second installment within one year from the date of sale, with interest at the rate of four percent per annum to the date of payment.

Those lots which are sold for more than $300.00 may be paid for in cash on the date of sale, or one-third of the purchase price may be paid in cash at that time and the balance in not to exceed two equal annual installments, with interest at the rate of four percent per annum to the date of payment.

Payment on the date of sale must be made to the officer conducting the sale. The deferred installments, with the interest, must be paid to the Manager, Sacramento Land Office, Post Office Building, Sacramento, California. Failure to make full payment of installments, with interest, within the time allowed will cause an automatic forfeiture of all payments made and of all interests under the sale, and the memorandum certificate of sale will be thereupon held for cancellation.

5. *Citizenship requirements.* Every individual purchasing a lot will be required to furnish evidence that he is a citizen of the United States or that he has declared his intention to become a citizen, and every corporation purchasing a lot will be required to furnish evidence, including a certified copy of its articles of incorporation, showing that it was organized under the laws of the United States or of some State, Territory, or possession thereof, and that it is authorized to acquire and hold real estate in California.

6. *Manner of sale.* Bids and payments may be made in person or by agent, but may not be made by mail nor at any time or place other than that fixed by this notice. Any qualified person will be permitted to purchase not more than two lots for which he is the successful bidder.

7. *Authority of officer conducting the sale.* The officer conducting the sale is hereby authorized to reject any and all bids for any lot, and to suspend, adjourn or postpone the sale of any lot or lots. After all the lots to be sold have been offered, the sale will be adjourned or closed as the officer conducting the sale may deem proper; and if the sale is closed, said officer shall reappraise any unsold lots as a basis for private entry whenever he shall find that the amounts bid or the appraised prices are inadequate.

8. *Disposal of lots after sale has been closed.* Lots remaining unsold at the close of the sale shall be subject to private entry for cash at the price fixed by any reappraisal pursuant to paragraph 7 hereof, or if not reappraised, then at their appraised price, and said lots may be purchased from the Manager, Sacramento Land Office, Post Office Building, Sacramento, California.

9. *Reservations.* Patents for lots, when issued, will contain a reservation of fissionable source materials and conditions and limitations as provided by the act of August 1, 1946 (60 Stat. 755), and a reservation of rights-of-way for ditches and canals in accordance with the act of August 30, 1890 (26 Stat. 391).

Lots will be sold subject to any rights which may have been acquired by the Ford City, Sanitation District and the Western Water Company, in connection with construction of sewer or pipe lines across any portion of the townsite, and subject to any valid easement or right-of-way existing at the date of survey in the field.

The oil and gas deposits in the lands subject to this sale have been retained as a part of Naval Petroleum Reserve No. 2, California, and patents for the lots, when issued, will contain a reservation of such deposits.

10. *Warning.* All persons are warned against bargaining in a manner, forming any combination, or ordering any agreements, which will prevent any lot from selling advantageously or which will, in any way, hinder or prevent the sale. Any person so offending will be subject to prosecution under 18 U. S. C. 1860.

L. T. HOFFMAN,
Regional Administrator.

SCHEDULE OF LOT AND BLOCK NUMBERS, AREAS, AND APPRAISED VALUES AND MINIMUM PRICES OF LOTS WHICH WILL BE OFFERED FOR SALE AT PUBLIC OUTCRY IN ACCORDANCE WITH NOTICE ISSUED BY REGION II, BUREAU OF LAND MANAGEMENT

FORD TOWNSITE

Block	Lot	Area in square feet	Appraised value and minimum price
2	1	4,926	$270
	2	7,000	300
	3	7,000	300
	4	7,000	300
	5	7,000	300
	6	7,000	300
	7	7,000	325
	8	7,000	325
	9	7,000	300
	10	7,000	300
	11	7,000	300
	12	7,000	300
	13	7,000	300
	14	4,200	250
4	1	4,[illegible]	250
	2	7,000	325
	3	7,000	325
	4	7,000	350
	5	7,000	375
	6	7,000	400
	7	7,000	425
	8	7,008	1,100
	9	7,671	1,000
	10	7,075	450
	11	7,077	1000
	12	7,080	350
	13	7,[illegible]	250
	14	4,[illegible]	300
9	1	9,178	400
	2	7,000	325
	3	7,000	325
	4	7,000	325
	5	7,000	325
	6	7,000	400
	7	7,000	375
	8	7,000	375
	9	7,000	375
	10	7,000	400
	11	7,000	375
	12	9,000	400
20	1	7,000	400
	2	7,000	400
	3	7,000	400
	4	7,000	400
	5	7,000	400
	6	7,000	400
	7	7,000	400
	8	7,000	400
	9	7,000	400
	10	7,000	400
	11	7,000	400
	12	7,000	400
	13	7,000	400
	14	7,000	400
34	1	7,000	300
	2	7,000	300
	3	7,000	300
	4	7,000	300
	5	7,000	300
	6	7,000	300
	7	7,000	300
	8	7,000	300
	9	7,000	300
	10	7,000	300
	11	7,000	300
	12	7,000	300
	13	7,000	300
	14	7,000	300
35	1	7,000	300
	2	7,000	300
	3	7,000	300
	4	7,000	300
	5	7,000	300
	6	7,000	300
	7	7,000	300
	8	7,000	300
	9	7,000	300
	10	7,000	300
	11	7,000	300
	12	7,000	300
	13	7,000	300
	14	7,000	300
39	1	7,000	300
	2	7,000	300
	3	7,000	300
	4	7,000	300
	5	7,000	300
	6	7,000	300
	7	7,000	300
	8	7,000	300
	9	7,000	300
	10	7,000	300
	11	7,000	300
	12	7,000	300
	13	7,000	300
	14	7,000	300
41	1	7,000	300
	2	7,000	300
	3	7,000	300
	4	7,000	300
	5	7,000	300
	6	7,000	300
	7	7,000	300
	8	7,000	300
	9	7,000	300
	10	7,000	300
	11	7,000	300
	12	7,000	300
	13	7,000	300
	14	7,000	300
43	1	7,000	300
	2	7,000	300
	3	7,000	300
	4	7,000	300
	5	7,000	300
	6	7,000	300
	7	7,000	300
	8	7,000	300
	9	7,000	300
	10	7,000	300
	11	7,000	300
	12	7,000	300
	13	7,000	300
	14	7,000	300
44	1	7,000	300
	2	7,000	300
	3	7,000	300
	4	7,000	300
	5	7,000	300
	6	7,000	300
	7	7,000	300
	8	7,000	300
	9	7,000	300
	10	7,000	300
	11	7,000	300
	12	7,000	300
	13	7,000	300
	14	7,000	300
45	1	7,000	300
	2	7,000	300
	3	7,000	300
	4	7,000	300
	5	7,000	300
	6	7,000	300
	7	7,000	300
	8	7,000	300
	9	7,000	300
	10	7,000	300
	11	7,000	300
	12	7,000	300
	13	7,000	300
	14	7,000	300
46	1	7,000	300
	2	7,000	300
	3	7,000	300
	4	7,000	300
	5	7,000	300
	6	7,000	300
	7	7,000	300
	8	7,000	300
	9	7,000	300
	10	7,000	300
	11	7,000	300
	12	7,000	300
	13	7,000	300
	14	7,000	300

SCHEDULE OF LOT AND BLOCK NUMBERS, AREAS, AND APPRAISED VALUES AND MINIMUM PRICES OF LOTS WHICH WILL BE OFFERED FOR SALE AT PUBLIC OUTCRY IN ACCORDANCE WITH NOTICE ISSUED BY REGION II, BUREAU OF LAND MANAGEMENT—Continued

FORD TOWNSITE—continued

Block	Lot	Area in square feet	Appraised value and minimum price
46	5	7,000	$350
	6	7,000	350
	15	7,000	350
	16	7,000	350
	17	7,000	350
	18	7,000	350
	19	7,000	350
	20	7,000	350
48	1	7,140	375
	2	7,000	350
	3	7,000	350
	4	7,000	350
	5	7,000	350
	6	7,000	350
	7	7,000	350
	8	7,000	350
	13	7,000	350
	14	7,000	350
	15	7,000	350
	16	7,000	350
	17	7,000	350
	18	7,000	350
63	3	7,000	350
	4	7,000	350
	5	7,000	350
	6	7,000	350
	7	7,000	350
	8	7,000	350
	13	7,000	350
	14	7,000	350
	15	7,000	350
	16	7,000	350
	17	7,000	350
	18	7,000	350
67	3	7,000	375
	4	7,000	375
	5	7,000	375
	6	7,000	375
	7	7,000	375
	8	7,000	375
	13	6,942	700
	14	6,945	700
	15	6,948	750
	16	6,951	750
	17	6,954	800
	18	6,957	800
60	3	7,000	350
	4	7,000	350
	5	7,000	350
	6	7,000	350
	7	7,000	350
	8	7,000	350
	13	7,000	350
	14	7,000	350
	15	7,000	350
	16	7,000	350
	17	7,000	350
	18	7,000	350
64	3	7,000	375
	4	7,000	375
	5	7,000	375
	6	7,000	375
	7	7,000	375
	8	7,000	375
	11	7,000	400
	14	7,000	400
	15	7,000	400
	16	7,000	400
	17	7,000	400
	18	7,000	400

THE FIRST ADDITION TO FORD TOWNSITE

1	1	5,013	$225
	2	6,197	250
	3	6,138	250
	4	6,138	250
	5	6,138	250
	6	8,381	275
2	1	3,186	200
	2	4,303	225
	3	4,303	225
	4	4,303	225
	5	4,303	225
	6	5,420	225
4	1	4,942	225
	2	7,000	325
	3	7,000	325
	4	7,000	350
	5	7,000	350
	6	9,079	350
	11	9,101	400
	12	7,000	400
	13	7,000	400
	14	7,000	400
	15	7,000	400
	16	4,894	400

SCHEDULE OF LOT AND BLOCK NUMBERS, AREAS, AND APPRAISED VALUES AND MINIMUM PRICES OF LOTS WHICH WILL BE OFFERED FOR SALE AT PUBLIC OUTCRY IN ACCORDANCE WITH NOTICE ISSUED BY REGION II, BUREAU OF LAND MANAGEMENT—Continued

THE FIRST ADDITION TO FORD TOWNSITE—con.

Block	Lot	Area in square feet	Appraised value and minimum price
7	4	7,000	$375
	5	7,000	375
	6	7,000	375
	7	7,000	375
	8	7,000	375
	9	7,000	375
	18	7,000	375
	19	7,000	375
	20	7,000	375
	21	7,000	375
	22	7,000	375
	23	7,000	375
9	1	8,268	390
	2	7,000	390
	3	7,000	390
	4	7,000	390
	5	7,000	390
	6	5,733	390
	13	5,703	375
	14	7,000	375
	15	7,000	375
	16	7,000	375
	17	7,000	375
	18	8,295	375
11	1	7,722	325
	2	6,453	325
	3	6,447	350
	4	6,450	350
	5	6,452	375
	6	5,132	375
	13	5,614	390
	14	7,000	390
	15	7,000	350
	16	7,000	350
	17	7,000	325
	18	8,325	325
12	1	6,450	500
	2	6,453	450
	3	6,456	450
	4	6,459	450
	5	6,462	450
	6	6,464	450
	15	7,000	375
	16	7,000	375
	17	7,000	375
	18	7,000	375
	19	7,000	375
	20	7,000	400
14	1	7,000	400
	2	7,000	375
	3	7,000	375
	4	7,000	375
	5	7,000	375
	6	7,000	375
	15	7,000	375
	16	7,000	375
	17	7,000	375
	18	7,000	375
	19	7,000	375
	20	7,000	400
18	1	7,000	400
	2	7,000	375
	3	7,000	375
	4	7,000	375
	5	7,000	375
	6	7,000	375
	15	7,000	400
	16	7,000	400
	17	7,000	400
	18	7,000	400
	19	7,000	400
	20	7,000	425

[F. R. Doc. 51-3661; Filed, Mar. 23, 1951; 8:47 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

MARCH 9, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Sacramento, California, land district, embracing approximately 180 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION No. 265

For lease and sale for homesites only:

T. 20 N., R. 7 E., S. B. M.,
Sec. 10, SE¼ and E½SE¼SW¼.

The land is located in Inyo County, California, in what is known as the Amargosa River Valley. The nearest town is Tecopa, California. At Shoshone, about 9 miles distant, there is an elementary school and the community services ordinarily available in small towns. The land can be reached over State Highway No. 127. The climate is arid, being very hot in the summer and with mild winters. The land is close to active mines and within a short distance of Tecopa Hot Springs.

2. As to applications regularly filed prior to 9:00 a. m., January 29, 1951, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., May 11, 1951. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., May 11, 1951, to close of business on August 9, 1951.

(b) Advance period for veterans' simultaneous filings from 9:00 a. m., January 29, 1951, to 10:00 a. m., May 11, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., August 10, 1951.

(a) Advance period for simultaneous non-preference filings from 9:00 a. m., January 29, 1951, to 10:00 a. m., August 10, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend east and west.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $50.00 per tract, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, of the State, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Land Office, Sacramento, California.

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 51-3662; Filed, Mar. 23, 1951; 8:47 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

MARCH 2, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing approximately 800 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION No. 261

For lease and sale for homesites only:

T. 5 N., R. 1 E., M. D. M.,
Section 9, SE¼;
Section 15, W½;
Section 21, NE¼;
Section 23, NW¼.

The lands are situated in the northeastern part of Lucerne Valley, in San Bernardino County, California. The elevation is approximately 3,000 feet. The climate is arid with hot summers and mild winters. The area is one that

is used extensively for health and recreational purposes.

The lands may be reached over U. S. Highway 66 to Victorville, California, and thence over State Highway 18 to Lucerne Valley, and thence by country roads. The nearest town that has all of the usual community services is Victorville, about 30 miles distant from the lands.

2. As to applications regularly filed prior to 9:00 a. m., February 16, 1951, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., May 4, 1951. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., May 4, 1951, to close of business on August 2, 1951.

(b) Advance period for veterans' simultaneous filings from 9:00 a. m., February 16, 1951, to 10:00 a. m., May 4, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., August 3, 1951.

(a) Advance period for simultaneous non-preference filings from 9:00 a. m., February 16, 1951, to 10:00 a. m., August 3, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south in sections 9 and 15; east and west in sections 21 and 23.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $20.00 per acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to all existing rights-of-way and to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the state, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 51-3663; Filed, Mar. 23, 1951; 8:48 a. m.]

NEVADA

CLASSIFICATION ORDER

MARCH 2, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427, dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Nevada land district, embracing approximately 10 acres:

NEVADA SMALL TRACT CLASSIFICATION No. 68

For lease and sale for homesites only:

T. 21 S., R. 61 E., M. D. M.,
Sec. 35, S½S½SW¼SW¼.

This land is situated along a county highway 2 miles from the main highway leading from Las Vegas, Nevada, to Los Angeles, California, and is within approximately 6 miles from the center of the town of Las Vegas.

2. As to applications regularly filed prior to 8:30 a. m., March 18, 1946, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., May 4, 1951. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from

10:00 a. m., May 4, 1951, to close of business on August 2, 1951.

(b) Advance period for veterans' simultaneous filings from 8:30 a. m., March 18, 1946, to 10:00 a. m., May 4, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., August 3, 1951.

(a) Advance period from simultaneous nonpreference filings from 8:30 a. m., March 18, 1946, to 10:00 a. m., August 3, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 2½ acres, each being approximately 330 by 330 feet.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $100.00 per acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

9. Tracts will be subject to all existing rights-of-way. They will also be subject to rights-of-way for road purposes and public utilities as follows:

33 feet along the east and west sides of the tract;

16½ feet along the east side of the $SE\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$;

16½ feet along the west side of $SW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$.

10. Such rights-of-way may be utilized by the Federal Government, or the state, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Nevada Land and Survey Office, Reno, Nevada.

L. T. Hoffman,
Regional Administrator.

[F. R. Doc. 51-3664; Filed, Mar. 23, 1951; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1435]

Southern Natural Gas Co.

NOTICE OF FINDINGS AND ORDER

March 21, 1951.

Notice is hereby given that, on March 16, 1951, the Federal Power Commission issued its findings and order entered March 15, 1951, affirming the Presiding Examiner's Initial Decision issuing certificate of public convenience and necessity, in the above-designated matter.

[SEAL] Leon M. Fuquay,
Secretary.

[F. R. Doc. 51-3671; Filed, Mar. 23, 1951; 8:50 a. m.]

[Docket No. G-1629]

El Paso Natural Gas Co.

NOTICE OF APPLICATION

March 19, 1951.

Take notice that on March 6, 1951, El Paso Natural Gas Company (Applicant), a Delaware corporation, address 1010 Bassett Tower, El Paso, Texas filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to transport an additional 100,000 Mcf per day of natural gas from the San Juan Basin in northern New Mexico and southern Colorado to a point near Topock, Arizona, for delivery and sale to Pacific Gas and Electric Company. In order to transport this additional volume of natural gas, Applicant proposes to construct and operate 25,050 hp. of additional compressor facilities along its San Juan 24-inch main transmission line in Colorado, New Mexico and Arizona. It also proposes to construct additional pipelines, compressor station, purification and dehydration plant capacity, gasoline plant capacity and miscellaneous facilities in its field and gathering systems.

The estimated cost of the proposed undertaking, including facilities, financing and additional working capital requirements, is $16,970,000. Applicant proposes to obtain the funds required by the sale of $11,500,000 of 15-year, first mortgage bonds and $5,470,000 from bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 5th day of April 1951. The application is on file with the Commission for public inspection.

[SEAL] Leon M. Fuquay,
Secretary.

[F. R. Doc. 51-3677; Filed, Mar. 23, 1951 8:50 a. m.]

[Docket No. G-1631]

El Paso Natural Gas Co.

NOTICE OF APPLICATION

March 19, 1951.

Take notice that on March 6, 1951, El Paso Natural Gas Company (Applicant), a Delaware corporation, address 1010 Bassett Tower, El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to transport an additional 200,000,000 cubic feet of natural gas from southeast New Mexico and west Texas through its main transmission pipeline system to points on the Arizona-California border, for delivery and sale to Southern California Gas Company, Southern Counties Gas Company of California and Pacific Gas and Electric Company. In order to transport this volume of natural gas, Applicant proposes to construct approximately 112.9 miles of 30" main transmission line loops; 98,200 hp. in additional main line compressor capacity, and miscellaneous facilities along its main transmission line in Texas, New Mexico and Arizona. It also proposes to construct additional pipelines, compressor capacity, purification and dehydration plant capacity, gasoline absorption plant capacity, amine recovery plants, and miscellaneous facilities in its field and gathering systems.

The estimated cost of the proposed undertaking including facilities, financing and additional working capital requirements, is $51,720,000. Applicant proposes to obtain the funds required by the sale of $46,720,000 of 15 year first mortgage bonds and $5,000,000 of preferred stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 5th day of April 1951. The application is on file with the Commission for public inspection.

[SEAL] Leon M. Fuquay,
Secretary.

[F. R. Doc. 51-3678; Filed, Mar. 23, 1951; 8:51 a. m.]

[Docket No. G-1635]

Hope Natural Gas Co.

NOTICE OF APPLICATION

March 19, 1951.

Take notice that on March 13, 1951, Hope Natural Gas Company (Applicant), a West Virginia corporation, of Clarksburg, West Virginia, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 32 miles of pipeline between Fairmont, West Virginia and a point near Terra Alta, West Virginia.

Applicant proposes to transport natural gas from its Terra Alta production area to its distribution plant in Fairmont, West Virginia, in order to meet increased requirements of its customers in the Fairmont area, and to deliver gas in excess of such requirements into the general pipeline system.

The estimated cost of the proposed facilities is $831,000 which will be financed with general funds of Applicant.

Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 5th day of April 1951. The application is on file with the Commission for public inspection.

[SEAL] Leon M. Fuquay,
Secretary.

[F. R. Doc. 51-3679; Filed, Mar. 23, 1951; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

Third Party Messages Between Amateur Stations of United States and Republic of Liberia

March 14, 1951.

In accordance with an official notice received from the Department of State, the Commission is today announcing that a bilateral agreement between the United States and the Republic of Liberia directly affecting licensed amateurs of the two countries has been concluded by an exchange of notes.[1] Under the terms of this agreement, amateur radio stations of the Republic of Liberia and of the United States may exchange, internationally, messages or other communications from or to third parties: *Provided:*

1. No compensation may be directly or indirectly paid on such messages or communications.

2. Such communications shall be limited to conversations or messages of a technical or personal nature for which, by reason of their unimportance, recourse to the public telecommunications service is not justified. To the extent that in the event of disaster, the public telecommunications service is not readily available for expeditious handling of communications relating directly to safety of life or property, such communications may be handled by amateur stations of the respective countries.

3. This arrangement shall apply to all the continental and insular territory of Liberia and to the United States and its territories and possessions, including Alaska, the Hawaiian Islands, Puerto Rico and the Virgin Islands and to the Panama Canal Zone. It shall also be applicable to the case of amateur stations licensed by the United States authorities to United States citizens in other areas of the world in which the United States exercises licensing authority.

4. This arrangement shall be subject to termination by either government on sixty days notice to the other government, by further arrangement between the two governments dealing with the same subject, or by the enactment of legislation in either country inconsistent therewith.

As a matter of related interest, amateur stations licensed by the Federal Communications Commission heretofore have been able, under and in accordance with the terms of previously effected arrangements, to exchange, internationally, messages or other communications from or to third parties with amateur stations of Canada, Chile, Peru, and Ecuador.

[1] See F. R. Doc. 51-3681, Title 47, Chapter I, Part 2, *supra.*

Federal Communications Commission,
[SEAL] T. J. Slowie,
Secretary.

[F. R. Doc. 51-3682; Filed, Mar. 23, 1951; 8:52 a. m.]

[Docket No. 9692]

St. Joseph Valley Broadcasting Corp. (WJVA)

ORDER SCHEDULING HEARING

In re application of St. Joseph Valley Broadcasting Corporation (WJVA), South Bend, Indiana, Docket No. 9692, File No. BR-1877; for renewal of license.

The Commission having under consideration the above-entitled application designated for hearing on May 23, 1950; and

It appearing, that on June 21, 1950, the Commission scheduled the hearing in the above-entitled proceeding for August 7, 1950, at South Bend, Indiana; that, on July 21, 1950, the hearing in the said proceeding was continued indefinitely, pending action on a petition for reconsideration and grant without hearing; and that, on November 13, 1950, the Commission denied the said petition for reconsideration and grant without hearing;

It is ordered, This 14th day of March 1951, that the hearing in the above-entitled proceeding is scheduled for 10:00 a. m., Thursday, April 12, 1951, at South Bend, Indiana.

Federal Communications Commission,
[SEAL] T. J. Slowie,
Secretary.

[F. R. Doc. 51-3684; Filed, Mar. 23, 1951; 8:53 a. m.]

[Docket No. 9916]

Centerville Broadcasting Co. (KCOG)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Centerville Broadcasting Company (KCOG), Centerville, Iowa, Docket No. 9916, File No. BML-1439; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of March 1951;

The Commission having under consideration the above-entitled application to increase power from 160 watts, unlimited time to 250 watts, unlimited time at Station KCOG, Centerville, Iowa;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station KCOG as proposed, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on May 4, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KCOG as proposed, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of Station KCOG as proposed would involve objectionable interference with Station WGIL, Galesburg, Illinois; KVFD, Fort Dodge, Iowa; and KFRU, Columbia, Missouri, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of Station KCOG as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Galesburg Broadcasting Company, licensee of Station WGIL, Galesburg, Illinois; Northwest Broadcasting Company, licensee of Station KVFD, Ford Dodge, Iowa; and KFRU, Inc., licensee of Station KFRU, Columbia, Missouri, are made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3683; Filed, Mar. 23, 1951; 8:52 a. m.]

[Docket No. 9900]

RADIO CALIFORNIA

ORDER CONTINUING HEARING

In re application of Knox LaRue and Arnold C. Werner, d/b as Radio California, Sacramento, California, Docket No. 9900, File No. BP-7736; for construction permit.

The Commission having under consideration a petition filed March 9, 1951, by Turlock Broadcasting Corporation, licensee of Station KTUR, Turlock, California, and respondent in the above-entitled proceeding, requesting continuance for 30 days of the hearing on said proceeding presently scheduled for April 4, 1951; and

It appearing, that an application conflicting with that of Radio California has recently been filed with the Commission by Capitol Radio Enterprises and it will be necessary to designate the two applications for consolidated and comparative hearing; and

It further appearing, that there are matters which make a pre-trial conference desirable; and

It further appearing, that counsel for respondent, Turlock Broadcasting Corporation, is also counsel for an applicant in another proceeding before the Commission which is scheduled for hearing on April 3, 1951, and which will undoubtedly require considerably more than one day to take testimony; and

It further appearing, that no opposition has been filed to the petition for continuance;

It is ordered, this 16th day of March 1951, that the petition be, and it is hereby, granted; and the hearing herein presently scheduled for April 4, 1951, be, and it is hereby, continued to May 2, 1951, at Washington, D. C., 10 o'clock a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3685; Filed, Mar. 23, 1951; 8:53 a. m.]

[Mexican Change List 125]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

FEBRUARY 17, 1951.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican broadcast stations modifying appendix containing assignments of Mexican broadcast stations (Mimeograph 47214-6) attached to the recommendations of the North American Regional Broadcasting Engineering Meeting, January 30, 1941.

MEXICO

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
XEDF	Nuevo Laredo, Tamaulipas	790 kilocycles, 500 w-N/5 kw-D increase in daytime power.	U	III-B	May 1, 1951
XEE	Durango, Durango	1260 kilocycles, 250 w-N/1 kw-D	U	IV	Apr. 1, 1951
XEE	do	1280 kilocycles (delete—see assignment on 1260 kc).			
XEMG	Gomez Palacio, Durango	1310 kilocycles (delete)			

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3686; Filed, Mar. 23, 1951; 8:53 a. m.]

[Mexican Change List 126]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

FEBRUARY 26, 1951.

Notification under the provisions of Part III, section 2, of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican broadcast stations modifying appendix containing assignments of Mexican broadcast stations (Mimeograph 47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

Call letters	Location	Power	Time designation	Class	Probable date of commencement (Last Date)
XEFH	Cordoba, Veracruz	680 kilocycles, 1 kw	D	II	Aug. 1, 1951
XETX	Nuevo Casas Grandes, Chihuahua	1010 kilocycles, 250 w-N/1 kw-D (delete assignment).	U	II	Do.
XEBN	Agua Prieta, Sonora				
XEAG	Cordoba, Veracruz	1280 kilocycles, 1 kw (increase in power).	U	III-B	July 1, 1951
XETX	Nuevo Casas Grandes, Chihuahua.	1400 kilocycles (delete—see assignment on 1010 kc).			

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3687; Filed, Mar. 23, 1951; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25939]

ALUMINUM, PLATE OR SHEET, FROM CHICAGO, ILL., TO NORTH CAROLINA AND SOUTH CAROLINA

APPLICATION FOR RELIEF

MARCH 21, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 620, pursuant to fourth-section order No. 9800.

Commodities involved: Aluminum, plate or sheet, including roofing shingles and siding, carloads.

From: Chicago, Ill.

To: Durham and Gastonia, N. C., Greenville, Greenwood and Spartanburg, S. C.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3669; Filed, Mar. 23, 1951; 8:49 a. m.]

[4th Sec. Application 25940]

PAPER BOXES FROM LOUISIANA, TEXAS, ARKANSAS AND OKLAHOMA TO ST. LOUIS, MO., AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

MARCH 21, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3945.

Commodities involved: Boxes, fibreboard, pulpboard or strawboard, carloads.

From: Bastrop, La., Dallas and Ft. Worth, Tex., Little Rock, Ark., Sand Springs, Okla., Spring Hill and West Monroe, La.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Market competition.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3945, Supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3670; Filed, Mar. 23, 1951; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17487]

NATIONALS OF GERMANY

In re: Rights in motion pictures owned by Nationals of Germany.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the producers of the motion pictures listed in Exhibit A attached hereto and made a part hereof, who, if individuals, there is reasonable cause to believe are residents of Germany and who, if partnerships, associations, corporations or other business organizations, there is reasonable cause to believe are organized under the laws of, or have or on or since the effective date of Executive Order 8939, as amended, have had their principal places of business in Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

(a) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law, of the United States and of the several States thereof, in, to and under the following:

(1) The motion pictures listed in said Exhibit A including, but not limited to, the exclusive right to exhibit same in whole or in part by any means within the United States, all rights to arrange, adapt, revise, translate, and duplicate said motion pictures in whole or in part, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said motion pictures

(2) The screen plays, scenarios, and shooting scripts upon which said motion pictures are based, including, but not limited to, all motion picture and television rights therein, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said screen plays, scenarios, and shooting scripts

(3) The rights to dramatize, perform, represent, and reproduce on motion picture film those portions of the published and unpublished works subject to copyright, other than the above mentioned screen plays, scenarios, and shooting scripts, which underlie or are embodied in said motion pictures and to exhibit such film by any means in the United States

(b) All right, title, interest, and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in subparagraph 1 hereof, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named in this order, who are citizens and resident of, or which are organized under the laws of or have their principal places of business in, Germany, and are nationals of such designated enemy country, in, to and under the following:

(1) All prints in the United States of the motion pictures listed in said Exhibit A

(2) All arrangements, adaptations, revisions, dramatizations, translations, and versions of the motion pictures listed in said Exhibit A

(3) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the property described in subparagraph 2 (a), 2 (b) (1) and 2 (b) (2) of this vesting order

(c) All monies and amounts, and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 2 (a) and 2 (b), of this vesting order, and

(d) All causes of action accrued or to accrue at law or in equity with respect to the property described in subparagraphs 2 (a), 2 (b), and 2 (c) hereof, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraphs 1, and 2 (b) hereof, the aforesaid nationals of a designated enemy country (Germany) and is property of, or is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests therein held by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Eine Anglergeschichte.
Bambus.
Beruehmte Schlossgaerten.
Boecke und Geisen.
Burgenland.
Dichterklaenge aus dem Boehmerwald.
Donau Abwaerts von Wien bis zum Schwarzen Meer.
Eislauf.
Forellenzucht.
Grosser Tag in Ruhleben.
Die Haflinger.
Hansestadt Luebeck.
Historie der puppe.
Im Lande Peer Gynt's.
Im Schatten des Mont Blanc.
Kathedrale.
Krabben Fischer in Ost-Friesland.
Das Kunstwerk.
Kurenfischer.
Ein Lied vom Stahl.
Meister auf dem Eis.
Programmwechsel in der Scala.
Schoepferische Wissenschaft.
Tiere als Akrobaten.
Tiere als Architekten.
Tierkinder auf dem Bauernhof.
Was der Inn erzaehlt.
Weidenwechsel ueber hohe Paesse.
Wild im Winter.
Das Wunder im Berg.

[F. R. Doc. 51-3688; Filed, Mar. 23, 1951; 8:54 a. m.]

[Vesting Order 17530]

MAIDA DELBRUECK GROTTIAN

In re: Bank account and securities owned by and debt owing to Maida Delbrueck Grottian. F-28-9919.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maida Delbrueck Grottian, whose last known address is Kaiser Wilhelm Strasse 25, Wuppertal-Elberfeld, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Bank of California National Association, 8085 South East 13th Avenue, Portland, Oregon, arising out of a savings account, account number 33666, entitled Prescott W. Cookingham and William L. Brewster, maintained at the aforesaid association, and any and all rights to demand, enforce and collect the same,

b. Fifty (50) shares of $100.00 par value 7 percent preferred capital stock of Portland Gas & Coke Company, Public Service Building, Portland, Oregon, a corporation organized under the laws of the State of Oregon, evidenced by a certificate numbered PO21055, dated December 7, 1933, registered in the name of Maida Delbrueck, and presently in the custody of The First National Bank of Portland, Trust Department, Portland 8, Oregon, together with all declared and unpaid dividends thereon,

c. Three (3) United States Savings Bonds, Series G, each of $100.00 face value, bearing the numbers C3448597G, C3448598G and C3448596G, respectively, registered in the name of William L. Brewster or Prescott W. Cookingham, presently in the custody of Cookingham and Hanley, 604 Mead Building, Portland 4, Oregon, in an account entitled Maida Delbrueck Grottian Agency Account, together with any and all rights thereunder and thereto,

d. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit A, presently in the custody of Cookingham and Hanley, 604 Mead Building, Portland 4, Oregon, in an account entitled Maida Delbrueck Grottian Agency Account, together with all declared and unpaid dividends thereon, and

e. That certain debt or other obligation owing to Maida Delbrueck Grottian, by Kurt H. Koehler and Prescott W. Cookingham, as Agents, 604 Mead Building, Portland 4, Oregon, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of issuer	Type of stock	Par value	Certificate Nos.	Number of shares	Registered owner
The Texas Co., 135 East 42d St., New York, N. Y.	Common..	$25.00	T054629...	10	William L. Brewster and Prescott W. Cookingham.
Anaconda Copper Mining Co., 25 Broadway, New York, N. Y.	....do....	50.00	E316673...	10	Do.
Keystone Custodian Funds, 50 Congress St., Boston, Mass.	Series S-2..	1.00	16399.....	54	Prescott W. Cookingham and William L. Brewster.
	Series S-3..	1.00	11524.....	50	William L. Brewster and Prescott W. Cookingham.

[F. R. Doc. 51-3690; Filed, Mar. 23, 1951; 8:54 a. m.]

[Vesting Order 17515]

ANNA C. LOTTERHOFER

In re: Estate of Anna C. Lotterhofer, deceased. File No. D-28-12391; E. T. sec. 16614.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Josef Wenger, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of Anna C. Lotterhofer, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Albert S. Herskowitz, as Administrator, acting under the judicial supervision of the Orphans' Court, County of Philadelphia, Pennsylvania;

and it is hereby determined:

4. That the national interest of the United States requires that the said Josef Wenger be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3689; Filed, Mar. 23, 1951; 8:54 a. m.]

[Vesting Order 17532]

TOMEZO HORI

In re: Bank account owned by Tomezo Hori. D-39-1438-E-1; E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tomezo Hori, whose last known address is Katsuura-Cho, Highshimuro-Gun, Wakayama-Ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation of The United States National Bank, San Diego, California, arising out of a savings account, account number 11189, entitled Tomezo Hori, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. Cash in the sum of $46.64, presently in the possession of the Treasury Department of the United States in Trust Fund Account, No. 158881 entitled "Funds of Individuals Whose Whereabouts Are Unknown" in the name of Tomezo Hori, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Tomezo Hori, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3691; Filed, Mar. 23, 1951; 8:55 a. m.]

[Vesting Order 17538]

HELEN SCHULTE

In re: Interests in real property, property insurance policies and a claim owned by Helen Schulte. D-28-11132.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helen Schulte, whose last known address is Raiffeisenstrasse No. 30, Oldenburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-third (1/3) interest in real property situated in the City of Louisville, County of Jefferson, State of Kentucky, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. The remainder interest of the person named in subparagraph 1 hereof, in and to an undivided one-sixth (1/6) interest as provided in the Last Will and Testament of Thekla Tellman, deceased, probated on April 3, 1928, in the County Court for Jefferson County, Missouri, in and to the real property described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

c. All right, title and interest of the person named in subparagraph 1 hereof, in and to all insurance policies covering the premises described in subparagraph 2-a hereof and any and all extensions or renewals thereof, and

d. That certain debt or other obligation owing to the person named in subparagraph 1 hereof, by Liberty National Bank & Trust Company of Louisville, Louisville 1, Kentucky, arising out of her share of the net income by reason of the collection of rents from the real property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-a and 2-b hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-c and 2-d hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

That certain tract of land situated in the City of Louisville, County of Jefferson, State of Kentucky, particularly described as follows:

Beginning at the Northeast corner of Broadway and Thirteenth Street; running thence eastwardly along the North side of Broadway Fifty (50) feet, and extending Northwardly of the same width, the west line bounding on the East line of Thirteenth Street, Two-hundred and Ten (210) feet more or less to the North line of the One (1) acre conveyed by deed recorded in Deed Book 59, Page 286 in the Office of the Clerk of the County Court of Jefferson County, Kentucky, being the same property conveyed to Thekla Tellman (alias Tillie Schewee) widow, by deed dated July 28, 1910 and recorded in Deed Book 725, Page 147 of the Office of the Clerk of the Jefferson County Court, Kentucky.

[F. R. Doc. 51-3692; Filed, Mar. 23, 1951; 8:55 a. m.]

[Vesting Order CE 489]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN A NEW YORK COURT

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Exec-

utive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses were incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

4. That each amount stated in Column 4 of said Exhibit A has been paid from the property which each of said persons obtained or was determined to have as a result of the action or proceeding identified in Column 3 of said Exhibit A opposite such person's name and all of said amounts are presently in the possession of the Attorney General of the United States.

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, the amounts stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6.

Executed at Washington, D. C., on March 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Salvator Franses	Belgium	Estate of Marie A. Mackintosh, deceased, Surrogate's Court, of New York County, New York, N. Y.	$19.16

[F. R. Doc. 51-3693; Filed, Mar. 23, 1951; 8:55 a. m.]

[Vesting Order 13064, Amdt.]

EMMA KNOEDEL ET AL.

In re: Real property owned by Emma Knoedel, also known as Emma Knodel, and others. D-28-12101; F-28-29272-B-1.

Vesting Order 13064, dated March 30, 1949, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Knoedel, also known as Emma Knodel, whose last known address is Stuttgart-hofn, Hartswaldstrasse 51, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of William Knoedel, also known as Christian William Knoedel, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: Real property, situated in the Township of Salford, County of Montgomery, State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 and referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All those two certain tracts of land situate in the Township of Salford, in the County of Montgomery and State of Pennsylvania, bounded and described as follows, to wit:—

Tract No. 1, beginning at a stone a corner in a line of Zeno F. Barndt's land, thence by the same south forty nine and three quarters degrees west sixteen and five tenths perches to a stone a corner in a line of the hereinafter described tract No. 2, thence by the same North forty six degrees west fifty seven and fifteen hundredths perches to a corner in a public road and land of late John Berndt; thence along said road and said land North forty four degrees east sixteen and five tenths perches to a stone a corner in Henry S. Leister's land; thence by the same south forty six degrees east fifty nine and five tenths perches to the place of beginning.

Containing six acres and nineteen perches of land, more or less.

Tract No. 2 beginning at a stone set for a corner in the line of Zeno F. Barndt's land, thence by the same south forty nine and three quarter degrees west eleven perches to a stone a corner of above described Tract No. 1; thence by the same North forty six degrees west fifty seven and fifteen hundredths perches to a corner in a public road and in the line of land of late Peter Guzman; thence by the same and by land of late John Berndt North forty four degrees east eleven perches to a corner of late Amos Barndt's land; thence by the same south forty six degrees east fifty eight and ninety five hundredths perches to the first mentioned point and place of beginning.

Containing four acres and two perches of land, be the same more or less.

Being the same two tracts of land which Gustav Muller, by deed dated the tenth day of February A. D. 1923 and recorded in the Recorder's office in and for the County of Montgomery at Norristown, in Deed Book No. 882 page 89, for the consideration therein mentioned, did grant and confirm unto the said Edith E. Spurr, in fee.

[F. R. Doc. 51-3694; Filed, Mar. 23, 1951; 8:56 a. m.]

FEDERAL REGISTER

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10226

REGULATIONS RELATING TO THE SAFEGUARDING OF VESSELS, HARBORS, PORTS, AND WATERFRONT FACILITIES IN THE CANAL ZONE

By virtue of the authority vested in me by Public Law 679, 81st Congress, 2d Session, approved August 9, 1950, which amended section 1, Title II of the act of June 15, 1917, 40 Stat. 220 (50 U. S. C. 191), and as President of the United States, I hereby find that the security of the United States is endangered by reason of subversive activity, and I hereby prescribe the following regulations relating to the safeguarding against destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of similar nature, of vessels, harbors, ports, and waterfront facilities in the Canal Zone, and all territory and water in the Canal Zone, and the said regulations shall constitute Part 19, Title 35 of the Code of Federal Regulations; and all agencies and authorities of the Government of the United States shall, and all persons are urged to, support, conform to, and assist in the enforcement of these regulations and all supplemental regulations issued pursuant thereto.

DEFINITIONS

§ 19.1 *Governor.* "Governor" as used in this part, means the Governor of The Panama Canal.

§ 19.2 *Waterfront facility.* "Waterfront facility" as used in this part, means all piers, wharves, docks, Canal locks, and similar structures to which vessels may be secured, buildings on such structures or contiguous to them, and equipment and materials on such structures or in such buildings.

GENERAL PROVISIONS

§ 19.5 *Enforcement.* The rules and regulations in this part shall be enforced by the Governor through such officers, employees, or agencies as he may designate.

§ 19.10 *Preventing access of persons, articles or things to vessels or waterfront facilities.* The Governor may prevent any person, article or thing from boarding or being taken on board any vessel or entering or being taken into any waterfront facilty when he deems that the presence of such person, article or thing would be inimical to the purposes set forth in § 19.13.

§ 19.12 *Visitation and search.* The Governor may cause to be inspected and searched at any time any vessel or waterfront facility or any person, article or thing thereon, within the Canal Zone, may place guards upon any such vessel and waterfront facility and may remove therefrom any or all persons, articles or things not specifically authorized by him to go or to remain thereon.

§ 19.13 *Possession and control of vessels.* The Governor may supervise and control the movement of any vessel and shall take full or partial possession or control of any vessel or any part thereof, within the Canal Zone whenever it appears to him that such action is necessary in order to secure such vessel from damage or injury, or to prevent damage or injury to any vessel or waterfront facility or waters of the Canal Zone, or to secure the observance of rights and obligations of the United States.

§ 19.16 *Assistance of other agencies.* The Governor may enlist the aid and cooperation of Federal and private agencies to assist in the enforcement of regulations issued pursuant to this part.

IDENTIFICATION AND EXCLUSION OF PERSONS FROM VESSELS AND WATERFRONT FACILITIES

§ 19.20 *Access to vessels and waterfront facilties.* Any person on board any vessel or any person seeking access to any vessel or any waterfront facility within the Canal Zone may be required to carry identification credentials issued by or otherwise satisfactory to the Governor. The Governor may define and designate those categories of vessels and areas of the waterfront wherein such credentials are required.

§ 19.22 *Identification credentials.* The identification credential to be used by the Governor shall be known as the

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FEDERAL REGISTER

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Canal Zone Port Security Card, and the form of such credential, and the conditions and the manner of its issuance shall be as prescribed by the Governor. The Governor shall not issue a Canal Zone Port Security Card if he is satisfied that the character and habits of life of the applicant therefor are such as to authorize the belief that the presence of such individual on board a vessel or within a waterfront facility would be inimical to the security of the United States. The Governor shall revoke and require the surrender of a Canal Zone Port Security Card when he is no longer satisfied that the holder is entitled thereto. The Governor may recognize for the same purpose such other credentials as he may designate in lieu of the Canal Zone Port Security Card.

§ 19.24 *Appeals.* Persons who are refused employment or who are refused the issuance of documents or who are required to surrender such documents, under this part, shall have the right of appeal, and the Governor shall appoint a Board for acting on such appeals. Such Board shall, so far as practicable, include one member drawn from management, and one member drawn from labor. The Board shall consider each appeal brought before it and, in recommending final action to the Governor, shall insure the appellant all fairness consistent with the safeguarding of the national security.

SUPERVISION AND CONTROL OF EXPLOSIVES OR OTHER DANGEROUS CARGO

§ 19.26 *General supervision and control.* The Governor may supervise and control the transportation, handling, loading, discharging, stowage, or storage of explosives, inflammable or combustible liquids in bulk, or other dangerous articles or cargo covered by the regulation entitled "Regulations for the Transportation of Hazardous Cargoes in Canal Zone Waters" (35 CFR 4.106–4.127).

§ 19.28 *Approval of facility for dangerous cargo.* The Governor may designate waterfront facilities for the handling and storage of, and for vessel loading and discharging, explosives, inflammable or combustible liquids in bulk, or other dangerous articles or cargo covered by the regulations referred to in § 19.26, and may require the owners, operators, masters, and others concerned to secure permits for handling, storage, loading, and unloading from the Governor, conditioned upon the fulfillment of such requirements for the safeguarding of such waterfront facilities and vessels as the Governor may prescribe.

SABOTAGE AND SUBVERSIVE ACTIVITY

§ 19.32 *Reporting of sabotage and subversive activity.* Evidence of sabotage or subversive activity involving or endangering any vessel, harbor, port, or waterfront facility shall be reported immediately to the Governor or his representatives.

§ 19.34 *Precautions against sabotage.* The master, owner, agent, or operator of a vessel or waterfront facility shall take all necessary precautions to protect the vessel, waterfront facility, and cargo from sabotage.

PENALTIES

§ 19.36 *Violations.* Section 2, Title II of the act of June 15, 1917, as amended, 50 U. S. C. 192, provides as follows:

If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than $10,000.

(a) If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than $10,000.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 23, 1951.

[F. R. Doc. 51-3794; Filed, Mar. 23, 1951; 5:08 p. m.]

EXECUTIVE ORDER 10227

EXTENSION OF THE PROVISIONS OF PART I OF EXECUTIVE ORDER NO. 10210 [1] OF FEBRUARY 2, 1951, TO THE GENERAL SERVICES ADMINISTRATION

By virtue of the authority vested in me by the First War Powers Act, 1941, as amended by the act of January 12, 1951, entitled "An Act to amend and extend title II of the First War Powers Act, 1941" (Public Law 921, 81st Congress), and as President of the United States and Commander in Chief of the armed forces of the United States, and deeming such action will facilitate the national defense, it is hereby ordered as follows:

The provisions of Part I of Executive Order No. 10210 of February 2, 1951, entitled "Authorizing the Department of Defense and the Department of Commerce to Exercise the Functions and Powers Set Forth in Title II of the First War Powers Act, 1941, as Amended by the Act of January 12, 1951, and Prescribing Regulations for the Exercise of Such Functions and Powers" are hereby extended to the General Services Administration; and, subject to the limitations and regulations contained in such part, and under such regulations as he may prescribe, the Administrator of General Services is authorized to perform and exercise, as to the General Services Administration, all the functions and authority vested in and granted by the said Part I to the Secretaries named therein: *Provided*, That the regulations of the Administrator of General Services need not be approved by the Secretary of Defense: *And provided further*, That nothing contained herein shall prejudice any other authority which the General Services Administration or the Administrator of General Services may have with respect to procurement.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 24, 1951.

[F. R. Doc. 51-3809; Filed, Mar. 26, 1951; 10:05 a. m.]

[1] 16 F. R. 1049.

EXECUTIVE ORDER 10228

DESIGNATING THE INTER-AMERICAN DEFENSE BOARD AS A PUBLIC INTERNATIONAL ORGANIZATION ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

By virtue of the authority vested in me by section 1 of the International Organizations Immunities Act, approved December 29, 1945 (59 Stat. 669), and having found that the United States participates in the Inter-American Defense Board under the authority of acts of Congress making appropriations therefor, I hereby designate such Board as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the said International Organizations Immunities Act.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 26, 1951.

[F. R. Doc. 51-3783; Filed, Mar. 26, 1951; 12:14 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Departmental Reg. 108.121]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11, *Designation of differential posts*, is amended as follows, effective on the date indicated:

1. Effective as of the beginning of the first pay period following March 3, 1951, paragraph (a) is amended by the addition of the following posts:

Belgian Congo, all posts except Elisabethville and Leopoldville.
Italian Somaliland, all posts.
Mandalay, Burma.
Ruanda-Urundi, all posts.

2. Effective as of the beginning of the first pay period following March 3, 1951, paragraph (b) is amended by the addition of the following post:

Tehran, Iran.

3. Effective as of the beginning of the first pay period following March 3, 1951, paragraph (c) is amended by the deletion of the following post:

Tehran, Iran.

(Sec. 102, Part I, E. O. 10000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

W. K. SCOTT,
Deputy Assistant Secretary.

MARCH 20, 1951.

[F. R. Doc. 51-3755; Filed, Mar. 26, 1951; 8:58 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-171]

PART 198—MILK BOTTLE CAP AND CLOSURE INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1941, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of March 27, 1951.

Statement by the Commission. Trade practice rules for the Milk Bottle Cap and Closure Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure. Such rules constitute a revision and extension of the trade practice rules for the Paper Bottle Cap Industry as promulgated by the Commission on November 5, 1931.

The industry is composed of the persons, firms, corporations, and organizations engaged in the manufacture, sale, or distribution of any of the various types of milk bottle caps, hoods, or closures made of paper, paperboard, cellophane, aluminum, aluminum foil, tin plate, or other material, or a combination thereof. Aggregate annual sales of industry products approximate $18,000,000.

The primary objective of the rules is the maintenance of free and fair competition in the industry and the elimination and prevention of unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses. The rules are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Proceedings to revise and extend the trade practice rules for the Paper Bottle Cap Industry were instituted by the Commission. A draft of proposed revised and extended rules, prepared in cooperation with industry representatives, was published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, amendments, or objections as they desired to offer, and to be heard in the premises. Pursuant to such notice, a public hearing was held in Washington, D. C., and all matters presented, or otherwise received in the proceeding, were duly considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved and received, respectively, the Group I and Group II rules as hereinafter set forth.

Such rules become operative thirty (30) days from the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition, that the rules are to be applied.

Sec.
198.0 Definition; industry products.

GROUP I

198.1 Misrepresentation (general).
198.2 Misrepresentation as to character of business.
198.3 Deceptive use of trade or corporate names, trade-marks, etc.
198.4 Misrepresentation as to installment sales contracts, their terms, conditions, etc.
198.5 Limitation of trade-marks, trade names, etc.
198.6 Unlawful coercion or combinations in restraint of trade.
198.7 Defamation of competitors or false disparagement of their products.
198.8 Substitution of products.
198.9 False invoicing.
198.10 Inducing breach of contract.
198.11 Commercial bribery.
198.12 Enticing away employees of competitors.
198.13 Procurement of competitors' confidential information by unfair means and wrongful use thereof.
198.14 Unfair threats of infringement suits.
198.15 Unlawful interference.
198.16 Selling below cost.
198.17 Prohibited discrimination.
198.18 Discriminatory returns.

GROUP II

198.101 Price lists.
198.102 Repudiation of contracts.
198.103 Maintenance of accurate records.
198.104 Disputes.
198.105 Coercion in sales.

AUTHORITY: §§ 198.0 to 198.105 issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 198.0 *Definition; industry products.* As used in these rules the term "industry products" shall be understood as embracing all kinds and types of milk bottle caps, and hoods or closures, whether made of paper, paperboard, cellophane, aluminum, aluminum foil, tin plate, or other material, or any combination thereof.

GROUP I

General statement. The unfair trade practices embraced in §§ 198.1 to 198.18 are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 198.1 *Misrepresentation (general).* It is an unfair trade practice to use, or cause or promote the use of, any advertising by radio, newspapers, magazines, or other media, or any trade promotional literature, label, brand, mark, or other designation or representation (whether in the form of a guarantee, warranty, or otherwise), however disseminated or published:

(a) Which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to the quality, grade, size, capacity, properties, durability, serviceability, life, conformity with sanitary regulations, or performance of any product of the industry, or with respect to the construction, constituent materials, manufacture, distribution, or terms or conditions of sale, of such product; or

(b) Which is false, misleading, or deceptive in any other respect. [Rule 1]

§ 198.2 *Misrepresentation as to character of business.* It is an unfair trade practice for any concern, in the course of, or in connection with, the distribution of industry products, to represent, directly or indirectly, that it is a manufacturer of industry products, or that it owns or controls a factory making such products, when such is not the fact, or in any other manner to misrepresent the character, extent, or type of its business. [Rule 2]

§ 198.3 *Deceptive use of trade or corporate names, trade-marks, etc.* The use of any trade name, corporate name, trade-mark, or other trade designation which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the character, name, nature, or origin of any product of the industry, or any material used therein, or which is false or misleading in any other respect, is an unfair trade practice. [Rule 3]

§ 198.4 *Misrepresentation as to installment sales contracts, their terms, conditions, etc.* It is an unfair trade practice to make or publish, or cause to be made or published, directly or indirectly, any false, misleading, or deceptive statement or representation, through advertising or otherwise, concerning installment sales contracts used or their terms and conditions, including down payments, interest, carrying charges, etc., or respecting any other matters relative to such contracts or their terms and conditions. [Rule 4]

§ 198.5 *Imitation of trade-marks, trade names, etc.* The imitation or simulation of the trade-marks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers, is an unfair trade practice. [Rule 5]

§ 198.6 *Unlawful coercion or combination in restraint of trade.* It is an unfair trade practice for a member of the industry:

(a) To use, directly or indirectly, any form of threat, intimidation, or coercion against any member of the industry or other person to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade; or

(b) To enter into or take part in, directly or indirectly, any agreement, understanding, combination, conspiracy, or concerted action with one or more members of the industry, or with one or more other persons, to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade. [Rule 6]

§ 198.7 *Defamation of competitors or false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of competitors' products in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 7]

§ 198.8 *Substitution of products.* The practice of shipping or delivering industry products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without the consent of the purchasers to such substitution, and with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers, is an unfair trade practice. [Rule 8]

§ 198.9 *False invoicing.* It is an unfair trade practice to withhold from or insert in invoices any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoice, with the capacity and tendency or effect of thereby misleading or deceiving purchasers or prospective purchasers. [Rule 9]

§ 198.10 *Inducing breach of contract.* It is an unfair trade practice to induce or attempt to induce the breach of existing lawful contracts between competitors and their customers, or their suppliers, by any false or deceptive means whatsoever, or to interfere with or obstruct the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their business. [Rule 10]

§ 198.11 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase, or contract to purchase, products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 11]

§ 198.12 *Enticing away employees of competitors.* It is an unfair trade practice for any member of the industry wilfully to entice away employees of competitors with the intent and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition: *Provided*, That nothing in this section shall be construed as prohibiting employees or agents from seeking or obtaining more favorable employment. [Rule 12]

§ 198.13 *Procurement of competitors' confidential information by unfair means and wrongful use thereof.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained in such manner as to injure said competitor in his business or to suppress competition or unreasonably restrain trade. [Rule 13]

§ 198.14 *Unfair threats of infringement suits.* The circulation of threats of suit for infringement of patents or trade-marks among customers or prospective customers of competitors, not made in good faith but for the purpose or with the effect of thereby harassing or intimidating such customers or prospective customers, or of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 14]

§ 198.15 *Unlawful interference.* It is an unfair trade practice for any member of the industry, by means of any monopolistic practices, or through combination, conspiracy, coercion, boycott, threats, or any other unlawful means, directly or indirectly, to interfere with a competitor's right to purchase his materials and supplies from whomsoever he chooses, or to sell to whomsoever he chooses. [Rule 15]

§ 198.16 *Selling below cost.* The practice of selling industry products at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect may be, to injure, suppress, or stifle competition or tend to create a monopoly in the production or sale of such products, is an unfair trade practice. As used in this section, the term "cost" means the total cost to the seller, including the costs of acquisition, processing, preparation for marketing, sale, and delivery. [Rule 16]

§ 198.17 *Prohibited discrimination—(a) Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in

commerce,[1] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,[1] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,[1] or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefits of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing contained in this section shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce[1] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this section shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

[1] As here used, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurdisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

NOTE: In complaint proceedings charging discrimination in price or services or facilities furnished, and upon proof having been made of such discrimination, the burden of rebutting the prima-facie case thus made by showing justification shall be upon the person charged; and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing contained in this section shall prevent a seller rebutting the prima-facie case thus made by showing that his lower price, or the furnishing of services or facilities to any purchaser or purchasers, was made in good faith to meet an equally low price of a competitor or the services or facilities furnished by a competitor.

[Rule 17]

§ 198.18 *Discriminatory returns.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to discriminate in favor of one customer-purchaser against another customer-purchaser of industry products, bought from such member of the industry for resale, by contracting to furnish, or furnishing in connection therewith, upon terms not accorded to all competing customer-purchasers on proportionally equal terms, the service or facility whereby such favored purchaser is accorded the privilege of returning products so purchased and receiving therefor credit or refund of purchase price: *Provided, however,* That nothing in any of the sections in this part shall prohibit or be used to prevent the return of merchandise by purchaser, for credit or refund of purchase price, when and because such merchandise has been falsely or deceptively represented, or when and because such merchandise is defective in material, workmanship, or in any other respect is contrary to warranty or purchase contract. [Rule 18]

GROUP II

General statement. Compliance with trade practice provisions embraced in §§ 198.101 to 198.105 is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such rules does not per se constitute violation of law. Where, however, the practice of not complying with §§ 198.101 to 198.105 is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of violation of §§ 198.1 to 198.18.

§ 198.101 *Price lists.* (a) The industry approves the practice of each individual member of the industry independently publishing and circulating to the purchasing trade his own price lists.

(b) The industry approves the practice of making the terms of sale a part of all published price schedules. [Rule A]

§ 198.102 *Repudiation of contracts.* Lawful contracts are business obligations which should be performed in letter and in spirit. The repudiation of contracts by sellers on a rising market, or by buyers on a declining market, is condemned by the industry. [Rule B]

§ 198.103 *Maintenance of accurate records.* It is the judgment of the industry that each member should independently keep proper and accurate records for determining his costs. [Rule C]

§ 198.104 *Disputes.* The industry approves the practice of handling business disputes between members of the industry and their customers in a fair and reasonable manner, coupled with a spirit of moderation and good will, and every effort should be made by the disputants themselves to compose their differences. If unable to do so they should, if possible, submit these disputes to arbitration. [Rule D]

§ 198.105 *Coercion in sales.* The use of buying power to force uneconomic or unjust terms of sale upon sellers, and the use of selling power to force uneconomic or unjust terms of sale upon buyers, are condemned by the industry. [Rule E]

Promulgated by the Federal Trade Commission March 27, 1951.

Issued: March 22, 1951.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-3725; Filed, Mar. 26, 1951; 8:52 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

DISCLOSURE DETRIMENTAL TO THE NATIONAL SECURITY

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly section 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, hereby adopts the following rule:

§ 230.171 *Disclosure detrimental to the national security.* (a) The Commission may, upon its own initiative or upon application, authorize or direct the omission or the filing under separate confidential cover of specific information from any registration statement, prospectus or other document filed with the Commission or used in connection with the offering or sale of any securities, if publication of the information would, in the opinion of the Commission acting in consultation where necessary with any executive department or agency of the United States concerned therewith, be detrimental to the national security.

(b) Any issuer, underwriter or other distributor of securities may apply to the Commission for an opinion pursuant to paragraph (a) of this section. Applications may be made by informal letter and need contain only so much of the information in question as may be necessary in the particular case to enable the Commission to pass upon the application in regard thereto.

(c) Any requirement to the contrary notwithstanding, no registration statement, prospectus or other document filed with the Commission or used in connection with the offering or sale of any securities shall contain any information which the Commission shall have authorized or directed to be omitted or filed under separate confidential cover pursuant to this section.

The Commission finds, with respect to the above rule, that notice and public procedure pursuant to section 4 (a) and (b) of the Administrative Procedure Act are impractical and unnecessary, for the reason that the rules should be declared effective forthwith in order to be immediately operative as to information the publication of which may be detrimental to the national security. For the same reason, the Commission finds that the rule may be made effective immediately pursuant to section 4 (c) of that act.

Accordingly, the foregoing action shall be effective March 19, 1951.

(Sec. 19, 48 Stat. 85; 15 U. S. C. 77s)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 19, 1951.

[F. R. Doc. 51-3708; Filed, Mar. 26, 1951; 8:48 a. m.]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

DISCLOSURE DETRIMENTAL TO THE NATIONAL SECURITY

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly section 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, hereby adopts the following rule:

§ 240.6 *Disclosure detrimental to the national security.* (a) The Commission may, upon its own initiative, or upon application, authorize or direct the omission or the filing under separate confidential cover of specific information from any application for registration, report, proxy statement or other document filed with the Commission or any securities exchange, if publication of the information would, in the opinion of the Commission, acting in consultation where necessary with any executive department or agency of the United States concerned therewith, be detrimental to the national security.

(b) Any issuer or other person who is about to file any such document with the Commission or an exchange may apply to the Commission for an opinion pursuant to paragraph (a) of this section. Applications may be made by informal letter and need contain only so much of the information in question as may be necessary in the particular case to enable the Commission to pass upon the application in regard thereto.

(c) Any requirement to the contrary notwithstanding, no application for registration, report, proxy statement, or other document filed with the Commission or any securities exchange shall contain any information which the Commission shall have authorized or directed to be filed under separate confidential cover pursuant to this section. [Rule X-6]

The Commission finds, with respect to the above rule, that notice and public procedure pursuant to section 4 (a) and (b) of the Administrative Procedure Act are impractical and unnecessary, for the reason that the rules should be declared effective forthwith in order to be immediately operative as to information the publication of which may be detrimental to the national security. For the same reason, the Commission finds that the rules may be made effective immediately pursuant to section 4 (c) of that act.

Accordingly, the foregoing action shall be effective March 19, 1951.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 19, 1951.

[F. R. Doc. 51-3709; Filed, Mar. 26, 1951; 8:49 a. m.]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

EXEMPTION OF CERTAIN ACQUISITIONS OF SECURITIES UNDER STOCK BONUS OR SIMILAR PLANS

On January 19, 1951, the Securities and Exchange Commission published a proposal for the amendment of § 240.16b-3 (Rule X-16B-3) under the Securities Exchange Act of 1934. The amended rule would provide an exemption from section 16 (b) of the act with respect to the acquisition of certain equity securities by directors and officers who are subject to the provisions of that section.

The Commission has duly considered all comments and suggestions received in connection with the proposed amendment and finds that the transactions which would be exempted by the amended rule are not comprehended within the purpose of said section 16 (b). Accordingly, the Commission, acting pursuant to said section and section 23 (a) of the act, hereby amends § 240.16b-3 to read as follows:

§ 240.16b-3 *Exemption from section 16 (b) of certain acquisitions of securities under stock bonus or similar plans.* Any acquisition of shares of stock (other than convertible stock or stock acquired pursuant to an option, warrant or right) by a director or officer of the issuer of such stock shall be exempt from the operation of section 16 (b) of the act if the stock was acquired pursuant to a bonus, profit-sharing, retirement or similar plan meeting all of the following conditions:

(a) The plan has been approved specifically, or through the approval of a charter amendment authorizing stock for issuance pursuant to the plan, by the security holders of the issuer at a meeting for which proxies were solicited in accordance with such rules and regulations, if any, as were then in effect under section 14 (a) of the act.

(b) If the selection of the persons who may receive funds or securities pursuant to the plan, or the determination of the amount of funds or securities which may be so received by any such person is subject to the discretion of any person, such discretion shall be exercised by (1) a committee of three or more persons having full and final authority in the matter, or (2) the board of directors of the issuer, provided the members of such committee, or a majority of the directors acting in the matter, are not entitled to participate in such plan or in any other similar plan provided by the issuer or any of its affiliates.

(c) The plan effectively limits the aggregate amount of funds or securities which may be allocated with respect to each fiscal year pursuant to the plan, either by limiting the maximum amount which may be allocated to each participant in the plan or by limiting the maximum amount which may be so allocated to all such participants.

(d) The acquisition of the securities pursuant to the plan does not involve the payment of any cash (other than the application of funds currently received pur-

suant to the plan) directly or indirectly, to the issuer or any of its affiliates.

The Commission finds that the above-mentioned rule, as amended, grants or recognizes an exemption and may, therefore, be made effective immediately upon publication. Accordingly, the foregoing action shall be effective March 19, 1951.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 19, 1951.

[F. R. Doc. 51-3707; Filed, Mar. 26, 1951; 8:48 a. m.]

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

DISCLOSURE DETRIMENTAL TO THE NATIONAL SECURITY

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly section 20 (a) thereof, and deeming such action necessary and appropriate to carry out the provisions of the act, hereby adopts the following rule:

§ 250.105 *Disclosure detrimental to the national security.* (a) The Commission may, upon its own initiative or upon application, authorize or direct that specific information be omitted from any notification, statement, application, declaration, report or other document filed with the Commission pursuant to the act or to rules, regulations, or orders thereunder and available to the public pursuant to § 250.104, and that such information be filed under separate confidential cover, if publication of the information would, in the opinion of the Commission acting in consultation where necessary with any executive department or agency of the United States concerned therewith, be detrimental to the national security.

(b) Any person who is about to file any such document with the Commission may apply to the Commission for an opinion pursuant to paragraph (a) of this section. Application may be made by informal letter and need contain only so much of the information in question as may be necessary in the particular case to enable the Commission to pass upon the application in regard thereto.

(c) Any requirement to the contrary notwithstanding, no notification, statement, application, declaration, report or other document filed with the Commission pursuant to the act or the rules, regulations, or orders thereunder, and available to the public pursuant to § 250.104, shall contain any information which the Commission shall have authorized or directed to be filed under separate confidential cover pursuant to this section. [Rule U-105]

The Commission finds, with respect to the above rule that notice and public procedure pursuant to section 4 (a) and (b) of the Administrative Procedure Act are impractical and unnecessary, for the reason that the rules should be declared effective forthwith in order to be immediately operative as to information the publication of which may be detrimental to the national security. For the same reason, the Commission finds that the rules may be made effective immediately pursuant to section 4 (c) of that act.

Accordingly, the foregoing action shall be effective March 19, 1951.

(Sec. 20, 49 Stat. 833; 15 U. S. C. 79t)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 19, 1951.

[F. R. Doc. 51-3710; Filed, Mar. 26, 1951; 8:49 a. m.]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

APPLICATIONS REGARDING BONUS, PROFIT-SHARING AND PENSION PLANS

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Investment Company Act of 1940, particularly sections 17 (d) and 38 (a) thereof, hereby amends § 270.17d-1 (Rule N-17D-1) to read as set forth below. The purpose of such amendment is to render unnecessary the filing of applications under the rule with respect to certain types of bonus, profit-sharing and pension plans and to clarify the rule by including a definition of the term "plan".

§ 270.17d-1 *Applications regarding bonus, profit-sharing and pension plans.* (a) No affiliated person of any registered investment company or of any company controlled by any such registered company, shall participate in, or effect any transaction in connection with, any bonus, profit-sharing or pension plan in which any such registered or controlled company is a participant unless an application regarding such plan has been filed with the Commission and has been granted by an order entered prior to the submission of such plan to security holders for approval, or prior to the adoption thereof if not so submitted.

(b) In passing upon such applications, the Commission will consider whether the provisions of the plan are consistent with the provisions, policies and purposes of the act.

(c) Notwithstanding the foregoing, no application need be filed pursuant to this section with respect to any of the following plans:

(1) Any bonus, profit-sharing or pension plan provided by any controlled company which is not an investment company for its officers or employees, provided no affiliated person of any investment company which is an affiliated person of such controlled company participates therein.

(2) Any bonus plan provided by any management investment company or any controlled company for its officers or employees if (i) the payment of such bonuses and the determination of the amount thereof to be paid to each person are wholly discretionary with the company and (ii) the total amount paid pursuant to the plan does not exceed 5 percent of the net income plus net realized gain (or minus net realized loss) on investments of such company for the fiscal or calendar year with respect to which the bonus is paid; provided that any net unrealized depreciation on investments during such year shall be deducted from any such net realized gain in making the computation.

(3) Any pension plan provided by any management investment company or any controlled company for its officers or employees if (i) the amount set aside annually pursuant to such plan is computed upon the basis of a percentage of the company's payroll and (ii) such plan has been qualified as non-discriminatory under section 165 of the Internal Revenue Code.

(d) The term "Plan" as used in this section means any written or oral plan, contract, authorization, or arrangement, or any practice or understanding, pursuant to which any payment is made, whether such payment is obligatory upon or discretionary with the company making it.

The foregoing action shall become effective March 20, 1951.

(Sec. 38, 54 Stat. 841; 15 U. S. C. 80a-37. Interprets or applies sec. 40, 54 Stat. 842; 15 U. S. C. 80a-39)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 20, 1951.

[F. R. Doc. 51-3714; Filed, Mar. 26, 1951; 8:50 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 361]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 356]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MICHIGAN, NEW JERSEY, OHIO AND PENNSYLVANIA

Amendment 361 to the Controlled Housing Rent Regulation (§§ 825.1–825.12) and Amendment 356 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81–825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 149, is amended to describe the counties in the Defense-Rental Area as follows:

Oakland County, except (i) the Townships of Addison, Brandon, Groveland, Highland, Holly, Independenece, Milford, Oakland, Orion, Oxford, Rose and Springfield, (ii) the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford, Rochester and that portion of Northville located in Oakland County, and (iii) the Cities of Birmingham, Bloomfield Hills, Farmington, Hazel Park, Pontiac, Royal Oak, and South Lyon; Wayne County, except (i) the Cities of Grosse Point and Plymouth, (ii) the Village of Wayne, and (iii) that portion of the Village of Northville located in Wayne County; and Macomb County, except the City of Mount Clemens, and the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

In Washtenaw County, the Township of Ann Arbor and the City of Ann Arbor.

This decontrols the Cities of Farmington and Hazel Park in Oakland County, Michigan, portions of the Detroit, Michigan, Defense-Rental Area.

2. Schedule A, Item 191, is amended to describe the counties in the Defense-Rental Area as follows:

Warren County, except the Borough of Washington, the Town of Belvidere, and the Townships of Franklin, Oxford, Pahaquarry, Hardwick and Frelinghausen.

The Counties of Hunterdon and Mercer.

This decontrols the Township of Franklin in Warren County, New Jersey, a portion of the Trenton, New Jersey, Defense-Rental Area.

3. Schedule A, Item 233, is amended to describe the counties in the Defense-Rental Area as follows:

Lorain County, except the Townships of Brighton, Huntington, Penfield, Rochester and Wellington, and the Villages of Amherst, Avon Lake, Oberlin, Wellington and Rochester.

This decontrols the Village of Amherst in Lorain County, Ohio, a portion of the Lorain-Elyria, Ohio, Defense-Rental Area.

4. Schedule A, Item 266, is amended to describe the counties in the Defense-Rental Area as follows:

Bucks County; Chester County; Delaware County, except the Boroughs of Rose Valley and Swarthmore; Montgomery County, except the Borough of North Wales; and Philadelphia County.

This decontrols the Borough of Rose Valley in Delaware County, Pennsylvania, a portion of the Philadelphia Defense-Rental Area.

All decontrols effected by this amendment are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup., 1894.)

This amendment shall become effective March 22, 1951.

Issued this 22nd day of March 1951.

TIGHE E. WOODS, *Housing Expediter.*

[F. R. Doc. 51-3752; Filed, Mar. 26, 1951; 8:57 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 6, Amdt. 3]

CPR 6—FATS AND OILS

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Amendment 3 to Ceiling Price Regulation 6 (16 F. R. 1501, 2147, 2225) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes one small change in the ceiling price of crude cottonseed oil, provides an alternative method of pricing bleachable prime summer yellow cottonseed oil, and names several brands of shortening and salad oil in the categories in which they fall.

(1) Crude cottonseed oil originating at Texarkana, Texas, normally sells at one quarter cent (¼¢) over Texas crude, or at the same price as oil originating in Texarkana, Arkansas. Therefore Bowie County, Texas, is added to those areas which have a ceiling of 23½¢ f. o. b. mill and removed from areas calling for a ceiling of 23¼¢ f. o. b. mill.

(2) The existing short supply of cottonseed oil has encouraged sellers of bleachable prime summer yellow to sell only to certain buyers, who are even slightly more advantageously located than others in respect to freight costs. In a normal market those minor differences are unimportant. For instance, the fixed delivered price is encouraging the flow of oil from Texas points to the West Coast and away from normal destinations, including the Midwest and East.

This amendment will permit a seller of refined oil to charge a ceiling price which will be the sum of the ceiling price for crude oil, a two-cent refining charge, and the freight from the point of origin of the crude oil to the refinery. This permits the buyer to pay the freight from the refinery to destination. The effect of this amendment will be to permit the flow of oil in any direction without favoring those destinations which offer the lowest freight cost with relation to delivered ceiling prices.

(3) The ceiling prices on shortening and salad oils are clarified by naming the well-known brands of Capital City Products Company of Columbus, Ohio. No changes in the ceilings are involved.

AMENDATORY PROVISIONS

(1) Section 3 (a) of Ceiling Price Regulation 6 is amended by adding Bowie County, Texas, to the areas where 23½¢ per pound is the applicable f. o. b. mill price for crude cottonseed oil.

(2) Section 3 (b) of Ceiling Price Regulation 6 is amended by the addition of the following:

(5) *Alternative method of pricing bleachable prime summer yellow.* Any refiner shall have the alternative privilege of selling bleachable prime summer yellow f. o. b. his refinery, and his ceiling price shall be determined by adding two cents per pound to the ceiling price of crude cottonseed oil, as determined by section 3 (a) of this regulation, plus the amount of freight paid on the crude oil in bringing such oil to the refinery, such amount of freight to be supported by inbound freight bill on the crude oil, surrendered for the purpose of determining the balance of outbound freight to final destination for the refined oil.

(3) Section 11 (a) of Amendment 1 to Ceiling Price Regulation 6 is amended by including Capital City Products Co.'s "Famous" in the Standard Shortenings for which ceiling prices listed in section 11 (a) are applicable.

(4) Section 11 (b) of Amendment 1 to Ceiling Price Regulation 6 is amended by including Capital City Products Co.'s "B. B. S." in the hydrogenated shortenings (without mono- and diglycerides) for which ceiling prices listed in section 11 (b) are applicable.

(5) Section 11 (c) of Amendment 1 to Ceiling Price Regulation 6 is amended by including Capital City Products Co.'s "Hymo" in the hydrogenated shortenings (with mono- and diglycerides) for which ceiling prices listed in section 11 (c) are applicable.

(6) Section 11 (e) of Amendment 1 to Ceiling Price Regulation 6 is amended by including Capital City Products Co.'s "Winco" and "Corn-O-May" in the salad and cooking oils (made from cottonseed or corn oil) for which ceiling prices listed in section 11 (e) are applicable.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall be effective March 26, 1951.

EDWARD F. PHELPS, Jr., *Acting Director of Price Stabilization.*

MARCH 23, 1951.

[F. R. Doc. 51-3791; Filed, Mar. 23, 1951; 5:15 p. m.]

[General Ceiling Price Regulation, Amendment 8]

GENERAL CEILING PRICE REGULATION

FLORAL PRODUCTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this amendment 8 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATION

This amendment exempts from the General Ceiling Price Regulation cut greens when used for decorative purposes, nursery stock, natural flowers, and floral products. These products have many characteristics which make the application of ceiling prices frozen at base period levels either inequitable or impractical. Many of them are normally subject to sharp price fluctuations due to their seasonal or perishable characteristics. The administrative difficulties of fixing prices are intensified by the high perishability of the product and by the lack of standard grades. Such grades as are available are regional and local in their application due to the fact that quality varies substantially under varying geographic and climatic conditions. Finally, these commodities do not enter significantly into the cost of living, and their exemption from price control will not substantially divert materials, facilities, or manpower from the defense effort. For these reasons the Director of Price Stabilization finds that

exemptions of these commodities from price control at this time is necessary to prevent hardships and inequities and is not inconsistent with the objectives of the Defense Production Act of 1950.

AMENDATORY PROVISIONS

Section 14 (s) of the General Ceiling Price Regulation is amended by the addition of the following:

(17) Cut greens when used for decorative purposes, such as ferns and the boughs and leaves of trees and shrubs; nursery stock; and natural flowers and floral products, such as cut flowers, flowering plants, foliage plants, and bulbs for planting purposes.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall be effective March 27, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

MARCH 23, 1951.

[F. R. Doc. 51-3813; Filed, Mar. 26, 1951; 11:00 a. m.]

Chapter VIII—Defense Transport Administration

STORAGE AND HANDLING OF BULK GRAIN FOR DOMESTIC SALE OR USE

LIMITED TEMPORARY GRAIN PORT HANDLING PERMIT; GRAIN ON HAND OR LOADED FOR MOVEMENT ON OR BEFORE APRIL 7, 1951

Pursuant to authority vested in me by DTA Delegation 3 (16 F. R. 2104) under General Order DTA 2 (16 F. R. 2046):

This limited temporary grain port handling permit is hereby issued authorizing the operator of any port terminal warehouse to store and handle at such warehouse grain intended for domestic sale or use, but not in excess of the quantity of such grain normally stored or handled thereat during 1950: *Provided, however,* That this permit shall be applicable only to grain intended for domestic sale or use received at, or loaded for movement to, such warehouse on or before April 7, 1951.

Grain intended for domestic sale or use not so received or loaded for movement on or before such date may not, under said General Order DTA 2, be stored or handled under this permit at any port terminal warehouse without a permit therefor issued to each operator upon his application.

This limited temporary permit shall become effective immediately.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title I, Pub. Law 774, 81st Cong; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp., E. O. 10200, Jan. 3, 1951, 16 F. R. 61, E. O. 10219, Feb. 28, 1951, 16 F. R. 1983)

Issued at Washington, D. C., this 23d day of March 1951.

H. K. OSGOOD,
Director, Warehousing and Storage Division, Defense Transport Administration.

[F. R. Doc. 51-3785; Filed, Mar. 23, 1951; 3:22 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 8747]

PART 3—RADIO BROADCAST SERVICES

ORDER CONCERNING THE ORIGINATION POINT OF PROGRAMS OF STANDARD AND FM BROADCAST STATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on March 21st, 1951;

The Commission having under consideration its report and order of December 4, 1950, in this proceeding;

It appearing, that the December 4, 1950, order repealed certain sections of the rules that were superseded by the new rules adopted in that order; and

It further appearing, that § 3.203 (c) also superseded by the new § 3.205 was not repealed;

It is ordered, That, effective immediately, § 3.203 (c) is repealed.

(Sec. 4, 48 Stat. 1066, as amended, 47 U. S. C. 154)

Released: March 22, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3748; Filed, Mar. 26, 1951; 8:56 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 19—SAFEGUARDING OF VESSELS, HARBORS, PORTS, AND WATERFRONT FACILITIES IN THE CANAL ZONE

CROSS REFERENCE: For regulations relating to the safeguarding of vessels, harbors, ports, and waterfront facilities in the Canal Zone, which regulations are to be codified as Title 35, Part 19, see Executive Order 10226, *supra.*

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

The Post Office Department has been advised by authorities in the Ryukyu Islands that air parcel service, and insurance service, to the United States will begin on April 1, 1951, and since it is desirable to inaugurate the air parcel service, and insurance service, from the United States to the Ryukyu Islands, on the same date, and it having been found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable for the reason that such compliance would impede the due and timely execution of the functions of this Department, it is, therefore, ordered, that, effective April 1, 1951, Part 127 be amended as follows:

a. In § 127.71 *Sealing* amend paragraph (a) by inserting "Ryukyu Islands (insured)" between "Reunion (Bourbon) Island" and "Salvador, El" in the list of countries shown therein.

b. In § 127.76 *Group shipments* (16 F. R. 688) make the following changes:

1. Amend paragraph (b) by inserting "Ryukyu Islands (ordinary)" between "Rumania (limited to 3 parcels)" and "St. Pierre and Miquelon" in the list of countries shown therein.

2. Amend paragraph (c) by inserting "Ryukyu Islands", between "New Zealand," and "Western Samoa (British)".

c. In § 127.93 *Storage (demurrage)* amend paragraph (c) by inserting "Ryukyu Islands" between "Rumania" and "Somalia".

d. In § 127.102 *Special provisions applicable to international insurance service* (16 F. R. 688) amend paragraph (a) by inserting "Ryukyu Islands" between "Portuguese West Africa" and "Surinam" in the list of countries shown therein.

e. In § 127.342 *Ryukyu Islands* amend paragraph (b) to read as follows:

(b) *Parcel post* (Ryukyu Islands).

(1) *Table of rates* (i) Surface parcels.

[Rates include transit charges]

Pounds:	Rate	Pounds:	Rate
1	$0.19	12	$2.28
2	.38	13	2.47
3	.57	14	2.66
4	.76	15	2.85
5	.95	16	3.04
6	1.14	17	3.23
7	1.33	18	3.42
8	1.52	19	3.61
9	1.71	20	3.80
10	1.90	21	3.99
11	2.09	22	4.18

(ii) Air parcels.

[Rates $1.27 first 4 oz.; $0.91 each additional 4 oz.]

Lb.	Oz.	Rate	Lb.	Oz.	Rate
0	4	$1.27	11	4	$41.31
0	8	2.18	11	8	42.22
0	12	3.09	11	12	43.14
1	0	4.00	12	0	44.04
1	4	4.91	12	4	44.95
1	8	5.82	12	8	45.86
1	12	6.73	12	12	46.77
2	0	7.64	13	0	47.68
2	4	8.55	13	4	48.59
2	8	9.46	13	8	49.50
2	12	10.37	13	12	50.41
3	0	11.28	14	0	51.32
3	4	12.19	14	4	52.23
3	8	13.10	14	8	53.14
3	12	14.01	14	12	54.05
4	0	14.92	15	0	54.96
4	4	15.83	15	4	55.87
4	8	16.74	15	8	56.78
4	12	17.65	15	12	57.69
5	0	18.56	16	0	58.60
5	4	19.47	16	4	59.51
5	8	20.38	16	0	60.42
5	12	21.29	16	12	61.33
6	0	22.20	17	0	62.24
6	4	23.11	17	4	63.15
6	8	24.02	17	8	64.06
6	12	24.93	17	12	64.97
7	0	25.84	18	0	65.88
7	4	26.75	18	4	66.79
7	8	27.66	18	8	67.70
7	12	28.57	18	12	68.61
8	0	29.48	19	0	69.52
8	4	30.39	19	4	70.43
8	8	31.30	19	8	71.34
8	12	32.21	19	12	72.25
9	0	33.12	20	0	73.16
9	4	34.03	20	4	74.07
9	8	34.94	20	8	74.98
9	12	35.85	20	12	75.89
10	0	36.76	21	0	76.80
10	4	37.67	21	4	77.71
10	8	38.58	21	8	78.62
10	12	39.49	21	12	79.53
11	0	40.40	22	0	80.44

Each air parcel must have affixed the blue Par Avion Label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Limited to ordinary parcels. (See § 127.76.)
Registration: No.
Insurance: Yes.
C. o. d.: No.

(2) *Indemnity.* See subcaption "Insurance".

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.93 relative to storage charges on returned parcels.

(5) *Insurance.* (i) Parcel-post packages may be insured subject to the following limits of indemnity when prepaid at the appropriate postage rates in addition to the insurance fees mentioned hereunder.

Limit of indemnity:	Fee (cents)
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55
From $10.01 to $165	60

(ii) Insurance return receipt: Requested at time of mailing, 5 cents; after mailing, 10 cents. (See § 127.102 (d).)

(iii) Parcels containing coin, bullion, valuable jewelry or any other precious article must be insured. (See "Observations" for special packing requirement.) If a parcel containing such articles is mailed uninsured, it shall be placed under insurance by the office which first observes the fact of its having been mailed uninsured, and treated accordingly.

(iv) Each insured parcel must have shown thereon (both in arabic figures and in roman letters spelled out in full), in United States currency and in gold francs, the amount for which the parcel is insured. (See § 127.102 (b) (5).) The amount of insurance must also be shown on the customs declaration.

(v) For further information concerning insurance service, see §§ 127.102 and 127.108.

(6) *Observations.* (i) When the contents of parcels consist of precious metals, articles of metal, or heavy goods, they must be packed in stout metal boxes or in wooden cases constructed of lumber at least a half inch thick or plywood of at least three plies.

(ii) Gift parcels: These are limited at present to "U. S. A. Gift Parcels". (See paragraph (c).)

(7) *Prohibitions.* Any books, pamphlets, paper, writing, advertisement, circular, print, picture, drawing or motion picture film, containing any matter advocating or urging treason or insurrection.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, 5 U. S. C. 22, 369; and the terms of postal conventions and agreements entered into pursuant to R. S. 398, 48 Stat. 943; 5 U. S. C. 372)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 51-3706; Filed, Mar. 26, 1951; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 33—CENTRAL REGION

SUBPART—SWAN LAKE NATIONAL WILDLIFE REFUGE, MISSOURI

FISHING

Basis and purpose. On the basis of observation and reports of field representatives of the Fish and Wildlife Service, it has been determined that additional fishing privileges can be allowed on the Swan Lake National Wildlife Refuge without detriment to the primary purpose for which the Refuge was established.

Inasmuch as the following regulations are relaxations of the present regulations governing fishing on the Refuge, publication prior to the effective date thereof is not required. (60 Stat. 237, 5 U. S. C. 1001 et seq.)

Effective immediately upon publication in the FEDERAL REGISTER, § 33.221 is revised to read as follows:

§ 33.221 *Fishing permitted.* Noncommercial fishing is permitted in the waters of the Swan Lake National Wildlife Refuge, Missouri, specified in § 33.222 hereof, during the daylight hours of the period May 1 to September 15, inclusive, of each year, in accordance with the provisions of Parts 18 and 21 of this chapter and under the restrictions contained in §§ 33.222 to 33.225, inclusive.

(Sec. 10, 45 Stat. 1224, 16 U. S. C. 715i)

Dated: March 21, 1951.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 51-3698; Filed, Mar. 26, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Ch. V]

SPECIAL INDUSTRY COMMITTEE NO. 9 FOR PUERTO RICO

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATIONS FOR ALCOHOLIC BEVERAGE AND INDUSTRIAL ALCOHOL INDUSTRY; BANKING, INSURANCE AND FINANCE INDUSTRIES; WHOLESALING, WAREHOUSEING AND OTHER DISTRIBUTION INDUSTRIES; AND DECORATIONS AND PARTY FAVORS INDUSTRY

The Administrator of the Wage and Hour Division of the United States Department of Labor, acting under the Fair Labor Standards Act, as amended (52 Stat. 1060; 63 Stat. 910; 29 U. S. C. 201) by Administrative Order No. 403, as amended by Administrative Orders 404 and 406, appointed Special Industry Committee No. 9 for Puerto Rico, composed of residents of Puerto Rico and of the United States outside of Puerto Rico, to investigate conditions in and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in a number of industries in Puerto Rico specified in the orders, including the Alcoholic Beverage and Industrial Alcohol Industry; the Banking, Insurance and Finance Industries; the Wholesaling, Warehousing, and Other Distribution Industries; and the Decorations and Party Favors Industry.

The Committee included disinterested persons representing the public, a like number of persons representing employees in these industries, and a like number representing employers in these industries.

Special Industry Committee No. 9 for Puerto Rico has made separate minimum wage recommendations and has duly filed with the Administrator reports containing such recommendations, pursuant to section 8 (d) of the act and § 511.19 of the regulations issued under the act, for each of the aforementioned industries.

The Administrator is required under section 8 (d) of the act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order each of the recommendations of Special Industry Committee No. 9 for Puerto Rico if he finds that the recommendations are made in accordance with law, are supported by the evidence adduced at the hearings and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the act; and, if he finds otherwise, to disapprove such recomendations.

Now, therefore, notice is hereby given that:

A. The separate minimum wage recommendations of Special Industry Committee No. 9 for employees engaged in commerce or in the production of goods for commerce in the above-named industries in Puerto Rico are as follows:

Industry	Recommended minimum (cents an hour)
Alcoholic beverage and industrial alcohol industry:	
General division	60
Beer division	57
Banking, insurance and finance industries	58
Wholesaling, warehousing, and other distribution industries	65
Decorations and party favors industry	30

B. The definitions of the above-named industries in Puerto Rico for which Special Industry Committee No. 9 for Puerto Rico has made the foregoing separate minimum wage recommendations are as follows:

The Alcoholic Beverage and Industrial Alcohol Industry in Puerto Rico. The manufacture, including, but not by way of limitation, the distilling, rectifying, blending, or bottling, of rum, gin, whisky, brandy, cordials, liqueurs, wines, ale, beer, and other alcoholic beverages, and industrial alcohol, such as ethyl alcohol, butyl alcohol, and acetone, anti-freeze, and any related byproduct resulting from the manufacture of any of the foregoing products.

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include activities covered by the definition of this industry.

The Banking, Insurance and Finance Industries in Puerto Rico. The business, whether or not for profit, carried on by any banking, insurance or other financial institution or enterprise.

The Wholesaling, Warehousing and Other Distribution Industries in Puerto Rico. The wholesaling, warehousing, and other distribution of commodities including, but without limitation, the wholesaling, warehousing, and other distribution activities of jobbers, importers and exporters, manufacturers' sales branches and offices engaged in distributing products manufactured outside of Puerto Rico, industrial distributors, mail order and retail selling establishments, brokers and agents, and public warehouses: *Provided, however,* That the definition shall not include the activities of employees who are engaged in wholesaling, warehousing, or other distribution of products manufactured by their employer in Puerto Rico, or any activities covered by a wage order which has been issued for any other industry in Puerto Rico.

Decorations and Party Favors Industry. The manufacture of ornaments and decorations for Christmas and other holidays, party favors and souvenirs, and similar items primarily ornamental or decorative in character.

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

C. The full texts of the reports and recommendations of Special Industry Committee No. 9 for Puerto Rico for each of the above industries will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour and Public Contracts Divisions:

Old South Building, 294 Washington Street, Boston 8, Mass.

1216 Widener Building, Chestnut and Juniper Streets, Philadelphia 7, Pa.

4237 Main Post Office, West Third and Prospect Avenue, Cleveland 13, Ohio.

Fidelity Building, 911 Walnut Street, Kansas City 6, Mo.

144 Federal Office Building, Fulton and Leavenworth Streets, San Francisco 2, Calif.

Fourteenth Street and Constitution Avenue NW., Washington 25, D. C.

Old Parcel Post Building, 341 Ninth Avenue, New York 1, N. Y.

1007 Comer Building, 2026 Second Avenue North, Birmingham 3, Ala.

1200 Merchandise Mart Building, 222 West North Bank Drive, Chicago 54, Ill.

Room 222, 1114 Commerce Street, Dallas 2, Tex.

Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, P. R.

Copies of the Committee's reports and recommendations may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., or the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½ Ponce de Leon Avenue, Santurce, Puerto Rico.

D. Public hearings will be held in Room 5406, Department of Labor Building, Washington 25, D. C., commencing at 10:00 a. m., on the dates set forth below before the Administrator of the Wage and Hour Division, or a representative designated to preside in his place, for the purpose of taking evidence on the question of whether the separate recommendations of Special Industry Committee No. 9 for Puerto Rico set forth above shall be approved or disapproved.

Banking, insurance, and finance industries	Apr. 24, 1951
Wholesaling, warehousing, and other distribution industries	Do.
Decorations and party favors industry	Do.
Alcoholic beverage and industrial alcohol industry	Apr. 25, 1951

E. Any interested person supporting or opposing any of the recommendations of Special Industry Committee No. 9 for Puerto Rico which are set forth above may appear at any of the aforesaid hearings to offer evidence, either on his own behalf or on behalf of any other person; *Provided,* That, not later than seven days preceding any hearing at which he intends to appear, such person shall file with the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., or at the office of the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½ Ponce de Leon Avenue, Santurce, Puerto Rico, notice of his intention to appear, which shall contain the following information:

1. The name and address of the person appearing;

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing;

3. The recommendation or recommendations of Special Industry Committee No. 9 for Puerto Rico in which he is interested and whether he proposes to appear for or against such recommendation or recommendations;

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, or to the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, Puerto Rico, and shall be deemed filed upon receipt.

F. Any person interested in supporting or opposing any of the above recommendations of Special Industry Committee No. 9 for Puerto Rico may secure further information concerning the aforesaid hearings by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, or to the Territorial Representative, Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, Puerto Rico, or by consulting with attorneys representing the Administrator who will be available at the Office of the Solicitor, United States Department of Labor, Washington, D. C.

G. The records made at the public hearings on conditions in the above-named industries in Puerto Rico held before Special Industry Committee No. 9 in Santurce, Puerto Rico, on November 29 and 30 and December 1, 4, 5, 6, 7, and 8, 1950, may be examined by any interested person at the office of the Wage and Hour Division, United States Department of Labor, at 14th and Constitution Avenue, Washington 25, D. C., and Room 412, New York Department Store Building, Stop 16½ Ponce de Leon Avenue, Santurce, Puerto Rico. The records of the public hearing before the Industry Committee with respect to each of the above-named industries in Puerto Rico will be offered in evidence at the appropriate public hearing before the Administrator or his representative on such industry.

H. The hearings will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Presiding Officer (the Administrator or his authorized representative, as the case may be) as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, Fourteenth and Constitution Avenue NW., Washington 25, D. C.

2. At the discretion of the Presiding Officer, the hearing may be continued from day to day or adjourned to a later date, or to a different place by announcement thereof at the hearing or by other appropriate notice.

3. At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the hearing has been closed, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

4. All evidence must be presented under oath or affirmation.

5. Except as otherwise permitted by the Presiding Officer, written documents or exhibits submitted personally at the hearing must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof. Written, sworn statements may be filed any time prior to the date of the hearing by persons who cannot appear personally.

6. Written documents and exhibits shall be tendered in quadruplicate. When evidence is embraced in a document containing matter not intended to be offered in evidence, such a document will not be received, but the person offering the same may present to the Presiding Officer the original document together with two copies of those portions of the document intended to be offered in evidence.

7. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing shall be issued by the Administrator upon request and upon a timely showing, in writing, of the general relevance and reasonable scope of the evidence sought. Any person appearing in the proceeding may apply for the issuance by the Administrator of the subpoena. Such application shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

8. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear and the Administrator, before issuing a subpoena, may require a deposit of an amount adequate to cover the fees and mileage involved.

9. The rules of evidence prevailing in courts of law or equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial, or unduly repetitious evidence.

10. The Presiding Officer shall, upon request, permit any person appearing in the proceeding to conduct such cross-examination of any witness offered by another person as may be required for a full and true disclosure of the facts, and to object to the admission or exclusion of evidence. Objections to the admission or exclusion of evidence shall be stated briefly with the reasons relied on. Such objections shall become a part of the record, but the record shall not include argument thereon except as ordered by the Presiding Officer.

11. Before the close of the hearing, written request shall be received from persons appearing in the proceeding for permission to make oral argument before the Administrator upon the matters in issue. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceeding and shall designate the time and place at which oral argument shall be heard. If such requests are allowed, all persons appearing at the hearing shall be given opportunity to present oral argument.

12. Briefs (4 copies) on particular questions may be submitted to the Administrator following the close of the hearing, by any persons appearing thereat. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

13. (a) Where the hearing is held before the Administrator, within fifteen (15) days after the close of the hearing, any interested person appearing at the hearing may submit, for the consideration of the Administrator, an original and four copies of a statement in writing containing proposed findings and conclusions, together with supporting reasons therefor.

(b) Where the hearing is held before a representative of the Administrator designated to preside in his place, a complete record of the proceedings shall be certified to the Administrator upon the close of the hearing. The Administrator shall thereupon issue a tentative decision in the matter, which shall become a part of the record and include a statement of his findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and the appropriate order. Notice of the Administrator's tentative decision shall be published in the FEDERAL REGISTER.

(c) Within fifteen (15) days after such notice of the Administrator's tentative decision is published in the FEDERAL REGISTER, any interested person appearing at the hearing may file with the Administrator a statement in writing (original and four copies) setting forth any exceptions he may have to such decision, together with supporting reasons for such exceptions.

(d) After the expiration of the fifteen day periods referred to in paragraphs 13 (a) and (c) above, and after consideration of all relevant matter presented as provided in such paragraphs, the Administrator shall make his final decision in the matter, and shall issue an order approving or disapproving the recommendations of the Industry Committee. Such order shall be published in the FEDERAL REGISTER.

14. Any wage order issued as a result of hearings held hereunder shall take effect 30 days after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER, or at such time prior thereto as may be provided therein upon good cause found and published therewith.

Signed at Washington, D. C., this 22d day of March 1951.

WM. R. MCCOMB,
Administrator, Wage and Hour Division, United States Department of Labor.

[F. R. Doc. 51-3746; Filed, Mar. 26, 1951; 8:56 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 44]

UNITED STATES STANDARDS FOR SUGARCANE SIRUP

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO EXTENSION OF TIME

Notice is hereby given of a further extension, until May 24, 1951, of the period of time within which written data, views, and arguments may be submitted by interested parties for consideration in connection with proposed United States Standards for Sugarcane Sirup. Previous notices of extension of such period of time appeared in the FEDERAL REGISTER of October 28, 1950 (15 F. R. 7271) and in the FEDERAL REGISTER of January 24, 1951 (16 F. R. 729).

The proposed standards are set forth in the notice which was published in the FEDERAL REGISTER on September 26, 1950. (15 F. R. 6476)

Done at Washington, D. C., this 22d day of March 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-3754; Filed, Mar. 26, 1951; 8:58 a. m.]

[7 CFR, Part 900]

[Docket No. AO-225]

HANDLING OF MILK IN DETROIT, MICH., MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to a proposed marketing agreement and a proposed order regulating the handling of milk in the Detroit, Michigan, marketing area, which was issued February

28, 1951 (16 F. R. 2084) is hereby extended to April 2, 1951.

Dated March 22, 1951, at Washington, D. C.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 51-3724; Filed, Mar. 26, 1951; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 12]

[Docket No. 9920]

AMATEUR RADIO SERVICE

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. It is proposed to delete § 12.24 and to amend §§ 12.27 (a), 12.47, 12.62, 12.63 (b) and 12.65 of Part 12, "Rules Governing Amateur Radio Service" to clarify requirements for renewal of amateur operator licenses; to modernize procedure incidental to examinations for amateur operator licenses; to prescribe the grade of license required in order for an applicant to qualify as Trustee of an amateur radio organization or society; to provide for submission of applications for station licenses, when not also accompanied by an application for a change in privileges under an operator license, direct to the Commission's Washington, D. C., office and to correct a typographical error in the rule relating to the term of an amateur license. The proposed amendments appear below.

3. The proposed amendments are issued under the authority of sections 4 (i) and 303 (l) and (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth, may file with the Commission on or before April 23, 1951, a written statement or brief setting forth his comments. At the same time any person who favors the amendments as set forth may file a statement in support thereof. Comments or briefs in reply to the original comments or briefs may be filed within fifteen days from the last day for filing the said original comments or briefs. The Commission will consider all such comments, briefs, and statements before taking final action. If any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given such interested parties.

5. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments shall be furnished the Commission.

Released: March 21, 1951.

Adopted: March 21, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Part 12, Rules governing amateur radio service, is proposed to be amended in the following particulars:

1. Section 12.24 is proposed to be deleted.

2. Section 12.27 is proposed to be amended by transferring the reference to footnote 6 from paragraph (a) to the last word of the title sentence of the section, and amending paragraph (a) to read as follows:

(a) An amateur operator license, except the Novice Class, may be renewed upon proper application in which it is stated that the applicant has lawfully accumulated, at an amateur station licensed by the Commission, a minimum total of either 2 hours operating time during the last three months or 5 hours operating time during the last 12 months of the license term. Such operating time, for the purpose of renewal, shall be counted as the total of all that time between the entries in the station log showing the beginning and end of transmissions as required in § 12.136 (a), both during single transmissions and during a sequence of transmissions. The application shall, in addition to the foregoing, include a statement that the applicant can send by hand key, i. e., straight key or any other type of hand operated key such as a semi-automatic or electronic key, and receive by ear, in plain language, messages in the International Morse Code at a speed of not less than that which is required in qualifying for an original license of the class being renewed.

3. Section 12.47 is proposed to be amended to read as follows:

§ 12.47 *Examination procedure.* All written portions of the examinations for amateur operator privileges shall be completed by the applicant in legible handwriting or hand printing, and diagrams shall be drawn by hand, by means of either pen and ink or pencil. Whenever the applicant's signature is required, his normal signature shall be used. Applicants unable to comply with these requirements, because of physical disability, may dictate their answers to the examination questions and the receiving code test, and if unable to draw required diagrams, may dictate a detailed description essentially equivalent. If the examination or any part thereof is dictated, the examiner shall certify the nature of the applicant's disability and the name and address of the person(s) taking and transcribing the applicant's dictation.

4. Section 12.62 is proposed to be amended to read as follows:

§ 12.62 *Eligibility of corporations or organizations to hold license.* An amateur station license will not be issued to a school, company, corporation, association, or other organization, nor for its use, except that in the case of a bonafide amateur radio organization or society, a station license may be issued to a licensed amateur operator, other than the holder of a Novice Class license, as trustee for such society.

5. Section 12.63 (b) is proposed to be amended to read as follows:

(b) One application and all papers incorporated therein and made a part thereof shall be submitted for each amateur station license. If the application is for station license only, it shall be filed directly with the Commission at its Washington 25, D. C. office. If the application also contains application for any class of amateur operator license, it shall be filed in accordance with the provisions of § 12.22.

6. Section 12.65 is proposed to be amended to read as follows:

§ 12.65 *License period.* The license for an amateur station is normally valid for a period of 5 years from the date of issuance of a new or renewed license, except that an amateur station license issued to the holder of a Novice Class amateur operator license is normally valid for a period of 1 year from the date of issuance. Any modified or duplicate license shall bear the same expiration date as the license for which it is a modification or duplicate.

[F. R. Doc. 51-3749; Filed, Mar. 26, 1951; 8:57 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 4787]

AEROVIAS GUEST, S. A.; SERVICE TO BERMUDA

NOTICE OF HEARING

In the matter of the application of Aerovias Guest, S. A., for amendment of its foreign air carrier permit so as to include Hamilton, Bermuda, as an additional intermediate point on its route between Mexico City, Mexico, and Madrid, Spain.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on April 9, 1951, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue, NW., Washington, D. C., before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed air transportation will be in the public interest as defined in section 2 of the Civil Aeronautics Act of 1938, as amended.

2. Whether the applicant is fit, willing, and able to perform such transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention or agreement in force between the United States of America and the Republic of Mexico.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before April 9, 1951, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., March 21, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-3726; Filed, Mar. 26, 1951; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[District 2, Amdt. 1]

NEVADA

MODIFICATION OF GRAZING DISTRICT

MARCH 20, 1951.

Under and pursuant to the provisions of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. sec. 315, et seq.), and subject to the limitations and conditions therein contained, and the authority delegated to me by the Secretary of the Interior (Order No. 2583, August 16, 1950, § 2.22, 15 F. R. 5645), Nevada Grazing District No. 2 is hereby modified by eliminating therefrom the following-described lands:

NEVADA

MOUNT DIABLO MERIDIAN

T. 41 N., R. 37 E.,
Sec. 26, SE¼SW¼;
Sec. 35, NW¼NE¼, N½NW¼.

The area described aggregates 160 acres.

[SEAL] WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 51-3697; Filed, Mar. 26, 1951; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket Nos. M-16, M-17]

PACIFIC-ATLANTIC STEAMSHIP CO. AND POPE & TALBOT, INC.

NOTICE OF FURTHER HEARING ON APPLICATIONS TO BAREBOAT CHARTER GOVERNMENT-OWNED, WAR-BUILT, DRY-CARGO VESSELS

Pacific-Atlantic Steamship Company, Docket No. M-16; Pope & Talbot, Inc., Docket No. M-17.

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that a further hearing in the above-entitled proceedings will be held at Washington, D. C., on April 3, 1951, at 10 o'clock a. m., in Room 4821, Department of Commerce Building, before an examiner of the Hearing Examiners' Office, upon the applications of Pacific-Atlantic Steamship Co. and Pope & Talbot, Inc., to bareboat charter Government-owned, war-built, dry-cargo vessels for use in the intercoastal trade beyond April 15, 1951, the expiration date of applicants' existing charters.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessels are proposed to be chartered is required in the public interest and would not be adequately served without the use therein of such vessels, and with respect to the availability of privately-owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service.

All persons having an interest in such applications will be given an opportunity to be heard if present.

The parties may have oral argument before the examiner immediately following the close of the hearing, in lieu of briefs, and the examiner will issue a recommended decision. Parties may have two (2) days within which to file exceptions to or memoranda in support of the examiner's recommended decision, but the Board reserves the right to determine whether oral argument on exceptions will be granted or whether briefs in connection therewith will be received.

Dated: March 21, 1951.

By order of the Federal Maritime Board.

[SEAL] R. L. MCDONALD,
Assistant Secretary.

[F. R. Doc. 51-3700; Filed, Mar. 26, 1951; 8:46 a. m.]

[Docket No. M-23]

ISBRANDTSEN CO., INC.

NOTICE OF POSTPONEMENT OF HEARING ON APPLICATION TO BAREBOAT CHARTER A GOVERNMENT-OWNED, WAR-BUILT, DRY-CARGO VESSEL

Hearing in this proceeding originally scheduled to be held at Washington, D. C., on March 20, 1951, at 10 o'clock a. m., in Room 4823, Department of Commerce Building, before Examiner C. W. Robinson, upon the application of Isbrandtsen Company, Inc., to bareboat charter the S. S. "Pass Christian Victory" for use as an animal carrier from ports in the United States to European ports, has been postponed until March 30, 1951, at the same hour and place.

Dated: March 21, 1951.

By order of the Federal Maritime Board.

[SEAL] R. L. MCDONALD,
Assistant Secretary.

[F. R. Doc. 51-3699; Filed, Mar. 26, 1951; 8:45 a. m.]

[Docket No. M-26]

PACIFIC FAR EAST LINE, INC.

NOTICE OF HEARING ON APPLICATION TO BAREBOAT CHARTER DRY-CARGO VESSELS

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held in Washington, D. C., on April 2, 1951, at 10 o'clock a. m., in Room 4823 Department of Commerce Building before an examiner of the Hearing Examiners' Office, upon the application of Pacific Far East Line, Inc., to bareboat charter four (4) Victory or Liberty type vessels for operation in its service between ports on the Pacific Coast of the United States and ports in the Mediterranean area (including without limitation ports in Italy, Greece, Turkey, Yugoslavia, Israeli, and North Africa).

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessels are proposed to be chartered is required in the public interest and would not be adequately served without the use therein of such vessels, and with respect to the availability of privately owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service.

All persons having an interest in such application will be given an opportunity to be heard if present.

The parties may have oral argument before the examiner immediately following the close of the hearing, in lieu of briefs, and the examiner will issue a recommended decision. Parties may have two (2) days within which to file exceptions to or memoranda in support of the examiner's recommended decision, but the Board reserves the right to determine whether oral argument on exceptions will be granted or whether briefs in connection therewith will be received.

Dated: March 21, 1951.

By order of the Federal Maritime Board.

[SEAL] R. L. MCDONALD,
Assistant Secretary.

[F. R. Doc. 51-3702; Filed, Mar. 26, 1951; 8:47 a. m.]

[Docket No. M-27]

AMERICAN PRESIDENT LINES, LTD., AND PACIFIC FAR EAST LINE, INC.

NOTICE OF HEARING ON APPLICATIONS TO BAREBOAT CHARTER GOVERNMENT-OWNED, WAR-BUILT, DRY-CARGO REFRIGERATED VESSELS

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held at Washington, D. C., on April 2, 1951, at 2 o'clock p. m., in Room 4823, Department of Commerce Building, before Examiner A. L. Jordan, upon the applications of American President Lines, Ltd., and Pacific Far East Line, Inc., to bareboat charter Government-owned, war-built, dry-cargo refrigerated vessels for use in applicants' trans-Pacific services, including calls at Adak, Alaska, by Pacific Far East Line, Inc.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessels are proposed to be chartered is required in the public interest and would not be adequately served without the use therein of such vessels, and with respect to the availability of privately-owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service.

All persons having an interest in such applications will be given an opportunity to be heard if present.

The parties may have oral argument before the examiner immediately following the close of the hearing, in lieu of briefs, and the examiner will issue a recommended decision. Parties may have two (2) days within which to file exceptions to or memoranda in support of the examiner's recommended decision, but the Board reserves the right to determine whether oral argument on exceptions will be granted and whether briefs in connection therewith will be received.

Dated: March 21, 1951.

By order of the Federal Maritime Board.

[SEAL] R. L. McDONALD,
Assistant Secretary.

[F. R. Doc. 51-3701; Filed, Mar. 26, 1951; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

SECRETARY OF COMMISSION

DELEGATION OF AUTHORITY WITH RESPECT TO FIXED PUBLIC AND FIXED PUBLIC PRESS SERVICE

In the matter of amending section 0.145 (d) (1) of the Commission's Delegations of Authority.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of March 1951;

The Commission, having under consideration the numerous applications filed with it by licensees in the fixed public and fixed public press service for authority to transmit addressed program material, other than in connection with special news events, to various overseas and foreign points under the provisions of § 6.51 of the Commission's rules and regulations; the provisions of section 0.145 (d) of the Statement of Delegations of Authority pursuant to which authority is delegated to the Secretary, upon securing the approval of the Bureaus of Law, Engineering and Accounting to act upon certain applications in the fixed public and fixed public press service; and its Order of September 6, 1950, delegating authority to the Chief, Common Carrier Bureau or his nominee to act upon the matters set forth in the aforementioned section 0.145 (d);

It appearing, that paragraph (1) of section 0.145 (d) provides for staff action, as described above, with respect to applications involving the transmission of addressed program material, as set forth in § 6.51 of the rules, in connection with special news events only, and with respect to applications involving the control and reception of addressed program and facsimile material in connection with special news events only;

It further appearing, that the type of applications under consideration seldom present or involve any special questions of policy;

It further appearing, that it would expedite the handling of the Commission's business and be in the public interest to provide for a procedure for action by the staff on all applications relating to the transmission of addressed program material or relating to the control of the transmission and reception of addressed program and facsimile material;

It further appearing, that the amendments to the Commission's Statement of Delegations of Authority contemplated by this order concern agency management, organization and procedure, and that, therefore, compliance with the public notice and procedure provided for in section 4 of the Administrative Procedures Act is unnecessary; and

It further appearing, that authority for the amendment herein ordered is contained in section 4 (i), section 5 (e), and section 303 (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, section 0.145 (d) (1) of the Statement of Delegations of Authority be amended by deleting "in connection with special news events" which appears twice therein, so that, as amended, the subparagraph will read as follows:

(1) New points of communication, not already authorized to a station of the licensee at some other location or not already authorized by an outstanding construction permit; unless the application for a new point of communication is for (i) transmission of addressed program material, as set forth in § 6.51, or (ii) control of the transmission and reception of addressed program and facsimile material;

Released: March 22, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3747; Filed, Mar. 26, 1951; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1115]

CANADIAN RIVER GAS CO. AND COLORADO INTERSTATE GAS CO.

ORDER FIXING DATE OF HEARING

MARCH 16, 1951.

By order issued September 3, 1948, the Commission, on its own motion, instituted an investigation of Canadian River Gas Company and Colorado Interstate Gas Company for the purpose of enabling the Commission to determine whether, in connection with any transportation or sale of natural gas subject to the jurisdiction of the Commission, any rates, charges, or classifications demanded, observed, charged or collected, or any rules, regulations, practices, or contracts affecting such rates, charges or classifications, are unjust, unreasonable, unduly discriminatory or preferential.

The order issued September 3, 1948, provided further that if the Commission, after hearing, shall find that any such rates, charges, services, classifications, rules, regulations, practices or contracts are unjust, unreasonable, unduly discriminatory or preferential, the Commission will determine and fix by order or orders the just and reasonable charges, classifications, rules, regulations, practices or contracts, to be thereafter observed and in force.

The Commission finds: That it is appropriate to carry out the provisions of the Natural Gas Act that a hearing be held as hereinafter provided.

The Commission orders:

(A) Public hearing be held commencing August 1, 1951, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented in this proceeding.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: March 20, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3703; Filed, Mar. 26, 1951; 8:47 a. m.]

[Docket Nos. G-1602, G-1603, G-1604]

KINGS COUNTY LIGHTING CO. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

MARCH 19, 1951.

In the matters of Kings County Lighting Company, Docket No. G-1602; The Brooklyn Union Gas Company, Docket No. G-1603; Consolidated Edison Company of New York, Inc., Docket No. G-1604.

Kings County Lighting Company,[1] The Brooklyn Union Gas Company,[1] and Consolidated Edison Company of New York, Inc.,[2] (Applicants), all New York corporations, filed on February 1, 2, and 5, 1951, respectively, applications for certificates of public convenience and necessity, pursuant to the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, should it ultimately be determined that such facilities are subject to the jurisdiction of the Commission under the act, all as more fully described in said applications on file with the Commission and open to public inspection.

The Commission finds: (1) Applicants have requested that their several applications be heard under the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for non-contested proceedings, and it appears to be a proper one for disposition under the aforesaid rule, no request to be heard, protest or petition raising an issue of substance having been filed subsequent to the giving of due notice of the filing of the applications including publications in the FEDERAL REGISTER on March 1, 1951 (Docket Nos. G-1602, G-1603), (16 F. R. 1967 and 1968, respectively), and March 6, 1951 (Docket No. G-1604), (16 F. R. 2107-2108).

(2) Orderly procedure requires and the public interest would be served by the consolidation of the above-entitled proceedings because of the common issues and the interrelated projects involved, as hereinafter ordered.

(3) It is in the public interest and good cause exists for fixing date of hearing in these matters less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) The proceedings in Docket Nos. G-1602, G-1603 and G-1604 be and they are hereby consolidated for the purpose of hearing and disposition.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on March 30, 1951, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such applications, provided, however, that the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 of the Commission's rules of practice and procedure.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 20, 1951.

By the Commission.

[SEAL] Leon M. Fuquay,
Secretary.

[F. R. Doc. 51-3704; Filed, Mar. 26, 1951; 8:47 a. m.]

[1] Principal place of business in Brooklyn, New York.

[2] Principal place of business in New York City, N. Y.

[Project No. 2076]

MONTANA POWER CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

MARCH 20, 1951.

Public notice is hereby given that The Montana Power Company, of Butte, Montana, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for preliminary permit for proposed water-power Project No. 2076 (Trout Creek) to be located on the Clark Fork River in Sanders County, Montana, and consisting of a concrete dam at the mouth of Trout Creek about 25 miles downstream from Thompson Falls, creating a reservoir about 24 miles long with normal pool at elevation 2,330 feet; a powerhouse with installed capacity of 175,500 horsepower and provision for additional capacity; a 230-kilovolt transmission line connecting the plant with the transmission system of the Applicant; and appurtenant facilities. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before May 2, 1951, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3705; Filed, Mar. 26, 1951; 8:47 a. m.]

[Docket No. G-1486]

CONSUMERS GAS CO. AND WABASH NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

MARCH 20, 1951.

Notice is hereby given that, on March 16, 1951, the Federal Power Commission issued its findings and order entered March 15, 1951, in the above-designated matter, issuing a certificate of public convenience and necessity to Wabash Natural Gas Company, and requiring emergency service.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3715; Filed, Mar. 26, 1951; 8:50 a. m.]

[Docket Nos. G-1522, G-1546, G-1583]

NORTHERN INDIANA PUBLIC SERVICE CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

MARCH 20, 1951.

In the matters of Northern Indiana Public Service Company, Docket No. G-1522; Michigan Consolidated Gas Company and Austin Field Pipe Line Company, Docket No. G-1546; New York State Natural Gas Corporation, Docket No. G-1583.

Notice is hereby given that, on March 16, 1951, the Federal Power Commission issued its findings and orders entered March 15, 1951, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3716; Filed, Mar. 26, 1951; 8:50 a. m.]

[Docket No. G-1586]

PITTSBURGH AND WEST VIRGINIA GAS CO AND EQUITABLE GAS CO.

NOTICE OF FINDINGS AND ORDER

MARCH 20, 1951.

Notice is hereby given that, on March 16, 1951, the Federal Power Commission issued its findings and order entered March 15, 1951, issuing certificate of public convenience and necessity to Equitable Gas Company, and approving abandonment of facilities and termination of service to Pittsburgh and West Virginia Gas Company.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3717; Filed, Mar. 26, 1951; 8:51 a. m.]

[Docket Nos. ID-495, ID-1106, ID-1147]

ERNEST G. KELLETT ET AL.

NOTICE OF AUTHORIZATIONS

MARCH 20, 1951.

In the matters of Ernest G. Kellett, Docket No. ID-495; Daniel T. Montgomery, Docket No. ID-1106; Alfred S. Walker, Docket No. ID-1147.

Notice is hereby given that, on March 16, 1951, the Federal Power Commission issued its orders entered March 15, 1951, in the above-designated matters, authorizing Applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3718; Filed, Mar. 26, 1951; 8:51 a. m.]

[Docket No. IT-5905]

OTTER TAIL POWER CO.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY TO CANADA

MARCH 20, 1951.

Notice is hereby given that, on March 16, 1951, the Federal Power Commission issued its order entered March 15, 1951, in the above-designated matter, authorizing transmission of electric energy to Canada and superseding previous authorization.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3719; Filed, Mar. 26, 1951; 8:51 a. m.]

IOWA PUBLIC SERVICE CO.

NOTICE OF ORDER DIRECTING DISPOSITION OF AMOUNTS

MARCH 20, 1951.

Notice is hereby given that, on March 16, 1951, the Federal Power Commission issued its order entered March 15, 1951, approving and directing disposition of

amounts classified in Electric Plant and Gas Plant Adjustment Accounts in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3720; Filed, Mar. 26, 1951; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a Application 30]

TOBACCO TRANSPORTERS FREIGHT TRAFFIC AGREEMENT

APPLICATION FOR APPROVAL OF AGREEMENT

MARCH 22, 1951.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed March 20, 1951, by: J. Raymond Crowder, Attorney-in-Fact, Tobacco Transporters Freight Traffic Committee, Blackstone, Va.

Agreement involved: An agreement between and among motor common carriers relating to rates, rules, and regulations governing shipments of tobacco, containers, and supplies used in marketing, processing, storing and transporting tobacco, between points in North Carolina, South Carolina, and Virginia, and procedures for the joint initiation, consideration, and establishment thereof.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3750; Filed, Mar. 26, 1951; 8:57 a. m.]

[4th Sec. Application 25941]

RANGE BOILERS, TANKS AND CYLINDERS BETWEEN POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

MARCH 22, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Agents C. W. Boin, I. N. Doe and L. C. Schuldt, jointly, for carriers parties to C. W. Boin's tariff I. C. C. No. A-848.

Commodities involved: Range boilers, steel tanks and cylinders, carloads.

Between: Points in official territory including extended Zone "C" in Wisconsin.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates:

Agent	Tariff I. C. C. No.	Supp. No.
C. W. Boin	A-848	197
	A-[illegible]	118
	A-[illegible]	120
	A-[illegible]	127
	A-[illegible]	87
	A-[illegible]	218
	A-[illegible]	207
	A-[illegible]	208
	A-[illegible]	215
	A-[illegible]	207
	A-[illegible]	210
	A-[illegible]	220
	A-[illegible]	233
	A-[illegible]	225
L. C. Schuldt	[illegible]	108
	[illegible]	288
	[illegible]	298
	[illegible]	291
	[illegible]	285
	[illegible]	119
	[illegible]	124
	[illegible]	293
	[illegible]	134
	[illegible]	180
	3042	169
I. N. Doe	521	53
R. G. Raasch	543	82

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3722; Filed, Mar. 26, 1951; 8:51 a. m.]

[S. O. 874, General Permit 8]

CLINTON FOODS, INC.

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Service Order No. 874 (16 F. R. 2040), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act, serving Clinton Foods, Inc., Clinton, Iowa, to disregard the provisions of Service Order No. 874 insofar as it applies to any car loaded with livestock feed with high molasses content, known by the trade name Dex-Mo-Las Feed when Clinton Foods, Inc., advise that service would be denied because of its inability to meet the minimum requirements because the hygroscopic properties of the commodity make it unsalable when exposed.

The waybills shall show reference to this general permit and the Clinton Foods, Inc., shall furnish the Permit Agent the car numbers, initials, and destinations of the cars shipped under this permit.

This general permit shall become effective at 12:01 a. m., March 21, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of March 1951.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 51-3751; Filed, Mar. 26, 1951; 8:57 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1298]

PANCOASTAL OIL CO., CA

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of March A. D. 1951.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Voting Trust Certificates for Common Stock, Par Value 1 Bolivar, of Pancoastal Oil Company, CA, a security listed and registered on the New York Curb Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to March 30, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of

the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3711; Filed, Mar. 26, 1951; 8:49 a. m.]

[File No. 70-2577]

MIDDLE SOUTH UTILITIES, INC.

SUPPLEMENTAL ORDER RELEASING JURISDICTION, AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of March A. D. 1951.

Middle South Utilities, Inc. ("Middle South"), a registered holding company, having filed a declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof, and Rule U-50 of the rules and regulations promulgated thereunder, with respect to the issuance and sale, pursuant to the competitive bidding requirements of Rule U-50, of 450,000 shares of common stock, without nominal or par value, to underwriters or investment bankers who shall agree promptly to make public offering thereof; and

The Commission by order dated March 12, 1951, having permitted said declaration, as then amended, to become effective subject to the condition that the proposed issuance and sale of common stock should not be consummated until the results of competitive bidding pursuant to Rule U-50 should be made a matter of record in this proceeding and a further order entered by the Commission in the light of the record as so completed, and subject to a reservation of jurisdiction with respect to the payment of all fees and expenses incurred or to be incurred in connection with the proposed transactions; and

Middle South having filed a further amendment to its declaration setting forth that in response to its public invitations for proposals to purchase the said stock the following bids were received:

Underwriters	Price to company (per share)
Blyth & Co., Inc.	$17.545
Kidder, Peabody & Co., Merrill Lynch, Pierce, Fenner & Beane	17.4959
The First Boston Corp.	17.436
Lehman Bros.	17.385
Union Securities Corp., Equitable Securities Corp.	17.315

Said amendment further setting forth that Middle South has accepted the bid of the underwriting group headed by Blyth & Co., Inc., as set forth above, and that said shares of common stock are to be reoffered to the public at a price of $18.125 per share, resulting in underwriter's compensation of $.58 per share, and an aggregate underwriting spread of $261,000; and

The record having also been completed with respect to fees and expenses in connection with the proposed transactions which fees and expenses are estimated in the aggregate amount of $60,000 including legal fees in the amount of $5,500 for Cahill, Gordon, Zachry & Reindel, counsel for the company, and said amendments also setting forth the fee of Beekman & Bogue, counsel for the underwriters, in the amount of $4,500, which fee is to be paid by the successful purchasers; and

The Commission having examined said amendment and having considered the record herein, the Commission finding that the fees proposed to be paid are not unreasonable, and the Commission observing no basis for adverse findings or the imposition of terms and conditions with respect to the matters set forth in said amendment:

It is ordered, That jurisdiction heretofore reserved with respect to the matters to be determined as the result of competitive bidding under Rule U-50, and with respect to fees and expenses in connection with the issuance and sale of the said common stock be, and the same hereby is, released and that said declaration, as amended be, and the same hereby is permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3712; Filed, Mar. 26, 1951; 8:50 a. m.]

[File No. 70-2573]

UTAH POWER & LIGHT CO. AND WESTERN COLORADO POWER CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of March A. D. 1951.

Utah Power & Light Company ("Utah"), a registered holding company, and its electric utility subsidiary, The Western Colorado Power Company ("Colorado"), having filed a joint application-declaration and amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6, 7, 9, 10, and 12 (f) thereof and Rule U-45 of the rules and regulations promulgated thereunder, with respect to the following proposed transactions:

Colorado proposes to borrow from Utah from time to time during the year 1951 up to an aggregate amount of $600,000, such borrowings to be evidenced by promissory notes maturing eleven months after date of issuance, and bearing interest at the rate of 3½ percent per annum. Proceeds from the borrowings will be used in connection with Colorado's construction program.

Colorado also requests authority to refinance $1,000,000 principal amount of 3½ percent eleven month notes issued to Utah during the year 1950, through the issuance of Colorado's 4 percent note maturing July 1, 1963.

Utah owns all of the outstanding securities of Colorado consisting of 125,000 shares of $20 par value common stock, $3,375,000 principal amount of 4 percent notes maturing July 1, 1963, and $1,000,000 principal amount of 3½ percent eleven-month notes.

Said application-declaration having been filed on February 19, 1951, an amendment thereto having been filed on March 12, 1951, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the issuance and delivery of the notes by Colorado to Utah have been specifically authorized by the Public Utilities Commission of the State of Colorado, the State Commission of the state in which Colorado was organized and is doing business, the Commission further finding that in other respects the transaction is in accordance with the applicable standards of the act and that no adverse findings need be made thereunder, and the Commission deeming it appropriate to grant said application and permit said declaration to become effective without the imposition of terms and conditions:

It is ordered, That said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3713; Filed, Mar. 26, 1951; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 16742, Amdt.]

FRIEDA RECHTEN

In re: Safe deposit box lease and contents owned by Frieda Rechten.

Vesting Order 16742, dated December 26, 1950 is hereby amended as follows and not otherwise:

By deleting subparagraph 2 (b) of the aforesaid Vesting Order 16742 and substituting therefor the following subparagraph 2 (b):

(b) All property of any nature whatsoever owned by Frieda Rechten in the safe deposit box referred to in subparagraph 2 (a) hereof and any and all rights of said person evidenced or represented thereby, including particularly but not limited to the following:

1. One (1) U. S. $10.00 gold piece—1926

2. One (1) brown box containing six (6) demitasse spoons German 800 silver

3. One (1) gentlemen's open face Waltham watch, 21 jewels, No. 16072766, in gold filled case No. 8235424 with gold filled chain.

All other provisions of said Vesting Order 16742 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3695; Filed, Mar. 23, 1951; 8:56 a. m.]

[Vesting Order 17499]

BERNARD BUSHMANN ET AL.

In re: Rights of Bernard Bushmann et al. under insurance contracts. Files Nos. F-28-31143-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bernard Bushmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Bernard Bushmann, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. 94356260 and 94417352, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Bernard Bushmann, together with the rights to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Bernard Bushmann or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Bernard Bushmann, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Bernard Bushmann, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3727; Filed, Mar. 26, 1951; 8:52 a. m.]

[Vesting Order 17502]

EMMA GLASS

In re: Rights of Emma Glass under insurance contract. File No. F-28-30440-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Glass, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. GR 5142—Certificate No. 4337, issued by the Aetna Life Insurance Company, Hartford, Connecticut, to Paul W. Glass, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3728; Filed, Mar. 26, 1951; 8:52 a. m.]

[Vesting Order 17505]

SUSUMU HASUIKE ET AL.

In re: Rights of Susumu Hasuike et al. under insurance contracts. Files Nos. D-39-3962-H-8, 9.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Susumu Hasuike and Mitsuye Hasuike, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Susumu Hasuike and Mitsuye Hasuike under contracts of insurance evidenced by policies Nos. P-37706 and P-37707, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Susumu Hasuike, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid The Prudential Insurance Company of America, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Susumu Hasuike or Mitsuye Hasuike, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3729; Filed, Mar. 26, 1951; 8:52 a. m.]

[Vesting Order 17519]

KIYOJI ONO ET AL.

In re: Rights of Kiyoji Ono et al., under contract of insurance. File No. D-39-9723-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiyoji Ono and Hideo Ono, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Kiyoji Ono, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,475,996 issued by the Sun Life Assurance Company of Canada, Dominion Square, Montreal, Quebec, Canada, to Kiyoji Ono, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Kiyoji Ono or Hideo Ono or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Kiyoji Ono, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Kiyoji Ono, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3735; Filed, Mar. 26, 1951; 8:54 a. m.]

[Vesting Order 17507]

ANNA A. HEISSING

In re: Rights of Anna A. Heissing under insurance contract. File No. F-28-31269-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna A. Heissing, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Anna A. Heissing, under a contract of insurance evidenced by policy No. 60993193, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Anna A. Heissing, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Magdalena A. Muller, a resident of the United States and of the aforesaid The Prudential Insurance Company of America, together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3730; Filed, Mar. 26, 1951; 8:52 a. m.]

[Vesting Order 17509]

CARL HEINRICH KNIERIM ET AL.

In re: Rights of Carl Heinrich Knierim et al. under contract of insurance. File No. F-28-24622-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Heinrich Knierim and Mushiu Olive Knierim, who on or since the effective date of Executive Order No. 8389, as amended, and on or since December 11, 1941, have been residents of Germany, are nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 203671 issued by the West Coast Life Insurance Company, San Francisco, California, to Carl Heinrich Knierim, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid West Coast Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Carl Heinrich Knierim or Mushiu Olive Knierim, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Carl Heinrich Knierim and Mushiu Olive Knierim be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3731; Filed, Mar. 26, 1951; 8:53 a. m.]

[Vesting Order 17511]

MRS. RIYU IKUTA ET AL.

In re: Rights of Mrs. Riyu Ikuta et al., under contract of insurance. File No. F-39-6377-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Riyu Ikuta and Toyotara Ikuta, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,233,533, issued by the Sun Life Assurance Company of Canada, Dominion Square, Montreal, Quebec, Canada, to Mrs. Riyu Ikuta, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Mrs. Riyu Ikuta or Toyotara Ikuta, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3732; Filed, Mar. 26, 1951; 8:53 a. m.]

[Vesting Order 17512]

KUNIHEI KAWASAKI ET AL.

In re: Rights of Kunihei Kawasaki et al., under contract of insurance. File No. F-39-5979-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kunihei Kawasaki and Rihei Kawasaki, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 13,079,579 issued by the New York Life Insurance Company, New York, New York, to Kunihei Kawasaki, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Kunihei Kawasaki or Rihei Kawasaki, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3733; Filed Mar. 26, 1951; 8:53 a. m.]

[Vesting Order 17513]

KAZUTO KUWABARA

In re: Rights of Kazuto Kuwabara under contract of insurance. File No. F-39-76-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kazuto Kuwabara, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 8,817,361 issued by the New York Life Insurance Company, New York, New York, to Kazuto Kuwabara, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Kazuto Kuwabara, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3734; Filed, Mar. 26, 1951; 8:54 a. m.]

[Vesting Order 17520]

HENRIETTA SCHNEITHORST

In re: Rights of Henrietta Schneithorst under insurance contract. File No. F-28-31339-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henrietta Schneithorst, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Henrietta Schneithorst under a contract of insurance evidenced by policy No. 14 157 670, issued by the Metropolitan Life Insurance Company, New York, New York, to Henrietta Schneithorst and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Mary Meyer, a resident of the United States and of the aforesaid Metropolitan Life Insurance Company, together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3736; Filed, Mar. 26, 1951; 8:54 a. m.]

[Vesting Order 17525]

YUKIO TOMITA

In re: Rights of Yukio Tomita under contract of insurance. File No. F-39-5967-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yukio Tomita, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 930,864 issued by the New England Mutual Life Insurance Company, Boston, Massachusetts, to Toichi Fujimoto, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New England Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Yukio Tomita, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3737; Filed, Mar. 26, 1951; 8:54 a. m.]

[Vesting Order 17527]

ELIZABETH WEISSER ET AL.

In re: Rights of Elizabeth Weisser et al. under contract of insurance. File No. F-28-26825-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Weisser, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Elizabeth Weisser, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. PU 164319, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Elizabeth Weisser, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Prudential Insurance Company of America together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Elizabeth Weisser or the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Elizabeth Weisser, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown of Elizabeth Weisser are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3738; Filed, Mar. 26, 1951; 8:54 a. m.]

[Vesting Order 15667, Amdt.]

MARY SPRANG ET AL.

In re: Rights of the domiciliary personal representatives, et al., of Mary Sprang, deceased. File No. F-28-24353-H-1.

Vesting Order 15667, dated November 14, 1950, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Gjertsen and Hildegard Schneider who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, have been residents of Germany, are nationals of a designated enemy country (Germany);

2. That Dora Zinn, Elisabeth Schalk, and Gertrud Sprang, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

3. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Mary Sprang, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

4. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 6,353,252 C issued by the Metropolitan Life Insurance Company, New York, New York, to Fritz Sprang, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That the national interest of the United States requires that the persons named in subparagraph 1 hereof be treated as nationals of a designated enemy country (Germany);

6. That to the extent that the persons named in subparagraph 2 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Mary Sprang, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3741; Filed, Mar. 26, 1951; 8:55 a. m.]

[Return Order 889]

EMILIA CAVALIEU ET AL.

Having considered the claims set forth below and having issued a determination allowing the claims, which is incorporated by reference herein and filed herewith.

It is ordered, That the claimed property, consisting of shares of the common and third preferred capital stock of the De Nobili Cigar Company, Long Island City, New York, together with the cash dividends accrued thereon be returned, subject to any increase or decrease resulting from the administration thereof prior to return and after adequate provision for taxes and conservatory expenses. The claimants, the number of shares claimed, the stock certificate numbers and the amount of the dividends are identified below:

Claim No.	Claimant	Shares		Certificate Nos.	Amount
		Common	Preferred		
39612	Emilia Cavalieri, Nives Cavalieri, Renato Cavalieri, Irma Cavalieri, Egle Cavalieri, Sergio Cavalieri, Bruno Cavalieri, and Edgardo Cavalieri, Varese, Italy		40	118	$222.70
39621	Laura Coen vcd. Bingen Paris, France	10	20	71 126	111.07
39648	Eugenia Gargiolli, Maria Gargiolli fu Ettore, and Maria Gargiolli, Masa Carrara, Italy	25	22	97 152	144.10
39567	Edgardo Lazzaroni and Giulia Carmen Lazzaroni, Rome, Italy	30	94	106 159	618.87
39759	Alice Bertolini and Massimiliano Bertolini, Genoa, Italy	5		207	9.04
39776	Anna Maria Gras Carutti, Genoa, Italy	6	5	221 266	30.18

Notice of intention to return vested property published November 9, 1950 (15 F. R. 7543).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3745; Filed, Mar. 26, 1951; 8:56 a. m.]

[Return Order 897]

INTERNATIONALT FORBUND TIL BESKYTTELSE AF KOMPONISTRETTIGHEDER I. DANMARK (KODA)

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Internationalt Forbund Til Beskyttelse Af Komponistrettigheder I. Danmark (KODA), Kronprinsessegade 26, Copenhagen, Denmark; Claim No. 39985; November 14, 1950 (15 F. R. 7741); $20,626.15 in the Treasury of the United States. All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, share of profits or other emolument and all causes of action accrued or to accrue relating to the non-dramatic performance for profit of all musical compositions held by Internationalt Forbund Til Beskyttelse Af Komponistrettigheder I. Danmark (KODA) and/or each and every member thereof immediately prior to vesting thereof by Vesting Orders Nos. 2097 (8 F. R. 16463, December 7, 1943), and 4010 (9 F. R. 13171, November 4, 1944).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3742; Filed, Mar. 26, 1951; 8:55 a. m.]

[Return Order 908]

HUGO AND EMIL ALTSCHUL

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Hugo Altschul, Long Island City, New York, and Emil Altschul, New York, N. Y., Claim No. 4992; January 23, 1951 (16 F. R. 636); $416.66 in the Treasury of the United States in equal shares to the claimants. A one-half share of the all right, title, interest and claim of any kind or character whatsoever of Karl Altschul in and to a trust established under an indenture of trust executed by Josephine Zimmerman as settlor and Maryan H. Hauser and Samuel B. Newman as trustees on December 15, 1931, to each of the claimants.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3744; Filed, Mar. 26, 1951; 8:55 a. m.]

MAR 29 ?

FEDERAL REGISTER

VOLUME 16 NUMBER 60

Washington, Wednesday, March 28, 1951

TITLE 3—THE PRESIDENT

PROCLAMATION 2920

PAN AMERICAN DAY, 1951

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS April 14, 1951, will mark the sixty-first anniversary of the founding of the Pan American Union, which now serves as the General Secretariat of the Organization of American States; and

WHEREAS the Organization of American States has demonstrated its effectiveness in the maintenance of peace in the Western Hemisphere; and

WHEREAS the inter-American system may serve as an example of progress in the achievement of peace, security, and cooperation; and

WHEREAS the Fourth Meeting of Consultation of the Ministers of Foreign Affairs of American States will convene at Washington on March 26, 1951, to consider action to be taken in the common defense of these republics and of the free world:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim Saturday, April 14, 1951, as Pan American Day, and I direct the appropriate officials of the Government to arrange for the display of the flag of the United States on all public buildings on that day.

I also invite the Governors of the States, Territories, and possessions of the United States to issue similar proclamations for the observance of Pan American Day. And I urge all interested organizations, and the people generally, to unite in suitable ceremonies commemorative of the founding of the Pan American Union, thereby testifying to the close bonds of friendship existing between the people of the United States and those of the other American republics.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 23d day of March in the year of our Lord nineteen hundred and [SEAL] fifty-one, and of the Independence of the United States of America the one hundred and seventy-fifth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 51-3842; Filed, Mar. 26, 1951; 3:59 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

OFFICE OF PRICE STABILIZATION

Effective upon publication in the FEDERAL REGISTER, a new subparagraph (2) is added to § 6.218 (a).

§ 6.218 *Economic Stabilization Agency*—(a) *Office of Price Stabilization.* • • •

(2) The initial appointment to positions of Regional Director, Deputy Regional Director, District Director, and Deputy District Director.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-3787; Filed, Mar. 27, 1951; 8:50 a. m.]

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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1949 Edition

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PART 920—HANDLING OF IRISH POTATOES GROWN IN MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW HAMPSHIRE, AND VERMONT

EXEMPTION CERTIFICATES AND SAFEGUARDS

A notice of proposed rule making regarding rules and regulations for the issuance of exemption certificates and the establishment of safeguards, to be made effective under Order No. 20 (15 F. R. 7349) regulating the handling of Irish potatoes grown in Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont was published in the FEDERAL REGISTER (16 F. R. 907). The regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the New England Potato Committee, established pursuant to said order, the following rules and regulations are hereby approved.

It is hereby found that it is impracticable and contrary to the public interest to give 30-day notice of the effective date of this order in that (i) shipments of potatoes from the production area are now being made; (ii) more orderly marketing in the public interest than would otherwise prevail will be promoted by effectuating the rules and regulations hereinafter set forth on and after the effective date of this section; (iii) compliance with the rules and regulations will require no preparation on the part of producers and handlers which cannot be completed by the effective date of this order; (iv) notice has been given of the proposed rules and regulations by publication thereof, as required by law (16 F. R. 907); and (v) the rules and regulations should be approved upon publication hereof in order to effectuate the declared policy of the act.

Sec.
920.101 Definitions.
920.102 Area determinations.
920.103 Exemption certificates.
920.104 Safeguards for special purpose shipments.

AUTHORITY: §§ 920.101 to 920.104 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 920.101 *Definitions.* For the purposes of §§ 920.101 to 920.104, inclusive, order means Order No. 20 (§§ 920.1 to 920.92; 15 F. R. 7349) regulating the handling of Irish potatoes grown in the States of Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont, and the terms used in such sections shall have the meanings set forth in §§ 920.1 to 920.92.

§ 920.102 *Area determinations.* (a) "Immediate area of production" is synonymous with "districts"; and (b) "immediate shipping area" means the "district" wherein the potatoes to be covered by a handler exemption will be first handled under such exemption.

§ 920.103 *Exemption certificates*—(a) *Application.* Each producer and handler applying for exemption from regulations issued pursuant to § 920.53 shall file such application with the committee, or its duly authorized agent for such purpose, on forms to be furnished by the committee. Each application shall state the name and address of the applicant; the grade, size, and quality regulations from which exemption is requested, and facts demonstrating that the potatoes, for which exemption is requested, were adversely affected by acts beyond his control or by acts beyond the applicant's reasonable expectation. Each application for an exemption certificate must be accompanied by a Federal-State Inspection Certificate or Certificates covering the lot or lots of potatoes for which exemption is requested: *Provided*, That the committee may authorize the submission of such Federal-State Inspection Certificates subsequent to the filing of the applications for exemption and prior to consideration of such applications. In addition, applications shall set forth such additional information as the committee may find necessary in making determinations with respect thereto, including, without limitation thereto, the information required on producer applications by subparagraphs (1) and (2) of this paragraph, and the information required on handler applications by subparagraphs (3) and (4) of this paragraph:

(1) The location of the farm or farms on which potatoes for which exemption is requested were produced, or, if such potatoes are stored, the location of the storage where such potatoes are held, the location where such potatoes are to be processed, and the loading point from which such potatoes are to be shipped if exemption is granted;

(2) Acreage and quantity (by grade, size, quality, and variety) of potatoes harvested prior to the date of application and to be harvested, subsequent to such date, during the remainder of the season or specific portion thereof (as may be determined pursuant to the order); the quantity (by grade, size, quality, and variety) of potatoes disposed of prior to the date of application and to be disposed of subsequent to such date; the location of the potatoes to be disposed of, together with the place where such potatoes will be first handled; an estimate of the portion of such potatoes which can be handled under regulations issued pursuant to § 920.53, during the remainder of the season or specific portion thereof (as may be determined pursuant to the order); and the reasons why all of such potatoes cannot be handled under such regulations;

(3) The quantity (by grade, size, quality, and variety) of potatoes acquired by the applicant and stored during and immediately following the digging season, with appropriate identification of the location of individual storage bins, and a statement as to the reasons why the specified quantity of such potatoes remaining in storage cannot be handled under regulations in effect on and subsequent to the date of the application;

(4) The quantity (by grade, size, quality, and variety) of potatoes acquired by the applicant and stored during and immediately following the digging season, which were handled prior to the date of the application;

(5) Any applicant who is a producer of potatoes and a handler of potatoes produced by others may be required by the committee to distinguish between his producer and handler operations in submitting reports and data with respect to his applications for exemption.

(b) *Investigation of applications.* The committee may authorize investigations of applications by its employees, Federal-State inspectors, and such other persons as may be necessary to procure adequate information to pass upon the merits of such applications.

(c) *Issuance.* (1) The committee, or its duly authorized agents, shall give prompt consideration to all statements and facts relating to each application for exemption, and, pursuant to applicable provisions of the order, a determination shall be made as to whether or not the application is approved. The determination, if approving the application, shall be evidenced by the issuance of a certificate of exemption pursuant to § 920.71: *Provided*, That more than one certificate may be issued, at the request of an applicant, where the applicant ships or causes to be shipped the total quantity of exempted potatoes in more than one lot, in which case each certificate so issued shall be limited to the quantity of exempted potatoes to be contained in the respective lots shipped and the total quantity of exempted potatoes covered by such certificates shall not exceed the total quantity of such potatoes which would be authorized if only one certificate were issued to such applicant.

(2) The applicant shall be notified in writing if his request for exemption is denied.

(3) Each exemption certificate issued pursuant to this subpart shall be on a form duly approved by the committee and signed by an authorized representative of the committee. At least one copy of each exemption certificate issued shall be retained in the committee records. Each such certificate shall contain the name and address of the recipient, the location of all potatoes authorized to be shipped thereunder, the quantity (by varieties, grade, size, and quality) of potatoes which will be permitted in the exempted shipments, and such other information as may be deemed necessary by the committee to provide the committee, the recipient, or both, with adequate and specific information regarding such exempted potatoes.

(d) *Disposition of certificates and reports.* (1) Each lot of potatoes handled under an exemption certificate shall be accompanied by such certificate or by such appropriate identifying information with respect to such certificate as the committee may require to facilitate the administration of regulatory provisions applicable thereto.

(2) Handlers of potatoes exempted from regulation under exemption certificates shall, at such time as may be specified in such certificates, report thereon to the committee the names and addresses of persons to whom such potatoes were shipped, the quantity shipped, the grades, sizes, and qualities (by varieties) of potatoes so shipped, the inspection certificates issued with respect thereto, the dates of such shipments, and such other information as may be requested by the committee in order to administer the regulatory provisions applicable thereto.

(e) *Appeals.* If any applicant is dissatisfied with the determination of the committee regarding an application for an exemption certificate, or any duly issued exemption certificate, an appeal by such applicant may be taken to the committee in accordance with § 920.72.

§ 920.104 *Safeguards for special purpose shipments*—(a) *Application for Certificates of Privilege.* (1) All handlers desiring to make shipments of potatoes for the following purposes shall, prior thereto, apply to the committee for and obtain a Certificate or Certificates of Privilege permitting such shipments:

(i) Seed;

(ii) Export;

(iii) Livestock feed, except dyed potatoes distributed for livestock feed by the Federal Government; and

(iv) Manufacture or conversion into potato chips or potato salad.

(2) Applications for Certificates of Privilege shall be made on forms furnished by the committee. Each application shall contain the name and address of the handler, and such other information as the committee may require, such as, but not limited to, the

quantities and varieties of potatoes to be shipped, the grades, sizes, and quality to be shipped, the mode of transportation, name of consignee, destination, and other appropriate information or documents necessary to safeguard against the entry of such potatoes into trade channels other than those for which the Certificate or Certificates are granted.

(b) *Issuance.* The committee, or its duly authorized agents, shall give prompt consideration to each application for a Certificate of Privilege and, pursuant to applicable provisions of the order, shall determine whether the application is approved. Approval of an application shall be evidenced by the issuance of a Certificate of Privilege authorizing the applicant named therein to ship potatoes for a specified purpose for a specific period of time.

(c) *Reports.* Each handler shipping potatoes under and pursuant to a Certificate of Privilege shall, 24 hours after each such shipment is made, supply the committee with a report thereon (except shipments of less than 10,000 pounds which shall be reported within 7 days after such shipment), showing the name and address of the shipper, car or truck license number, Federal-State Inspection Certificate number, loading point, destination, and consignee.

(d) *Denial and appeals.* The committee may rescind a Certificate or Certificates of Privilege, issued to a handler pursuant to this section, or deny Certificates of Privilege to a handler, upon proof, satisfactory to the committee, that such handler has shipped potatoes contrary to the provisions of this section. Such committee action denying a Certificate or Certificates of Privilege shall apply to and not exceed a reasonable period of time as determined by the committee. Any handler who has been denied a Certificate of Privilege, or who has had a Certificate of Privilege rescinded, may appeal to the committee for reconsideration. Such appeal shall be in writing.

Done at Washington, D. C., this 23d day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-3792; Filed, Mar. 27, 1951; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Regs., Serial No. ER-160]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 16th day of March 1951.

Section 401 (f) of the Civil Aeronautics Act authorizes the Board to regulate the performance of charter trips or other special services by certificated air carriers. Up to the present time we have issued no regulation covering the performance of charter trips and special services by certificated air carriers except in the case of Alaskan air carriers and except, during the period of the war, for a regulation prohibiting such services without the permission of the appropriate military authorities. Developments during the past three years, particularly in the field of foreign and overseas air transportation, have made it increasingly apparent that some measure of control should be exercised in this field. Accordingly, the Board is establishing herein the general framework under which charter trips and special services may be encouraged and wasteful competitive practices therein curtailed, so as to fulfill the basic policy of the act as set forth in section 2 thereof.

Since this new part relates only to charter trips and special services in air transportation performed by certificated air carriers, it will not apply to the activities of the noncertificated irregular carriers, to bona fide non-common carrier operations, nor to other services not in air transportation, such as local sightseeing flights wholly within the boundaries of a single state, territory or possession.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends the Economic Regulations (14 CFR Chapter I) effective May 1, 1951.

(1) By adding thereto a new part 207, to read as follows:

Sec.

207.1 Definitions.
207.2 Applicability of part.
207.3 Scope of authorization.
207.4 Tariffs to be filed for charter trips and special services.
207.5 Limitation on amount of charter and other special services which may be performed.
207.6 Charter trips and other special services within the Territory of Alaska.
207.7 Charter trips and other special services to or from points served by another carrier.
207.8 Charter trips and other special services in overseas and foreign air transportation over routes of another carrier.
207.9 Notice of proposed special services.
207.10 Part-way carriage of through traffic subject to § 207.7.
207.11 Temporary authorization for National Defense transportation.

AUTHORITY: §§ 207.1 to 207.11 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 401, 403, 52 Stat. 987, 992; 49 U. S. C. 481, 483.

§ 207.1 *Definitions.* As used in this part, unless the context otherwise requires:

(a) "Charter trip" means air transportation performed by an air carrier holding a certificate of public convenience and necessity where the entire capacity of one or more aircraft has been engaged for the movement of persons and their baggage or for the movement of property, on a time, mileage or trip basis

(1) By a person for his own use,

(2) By a person (no part of whose business is the formation of groups for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons as agent or representative of such group,

(3) By two or more persons acting jointly for the transportation of such group of persons, or their property,

(4) By an air freight forwarder holding a currently effective letter of registration issued under Part 296 or Part 297 of this subchapter for the carriage of property in air transportation.

Within the meaning of this part, a charter trip shall not be deemed to include transportation services offered by an air carrier to individual members of the general public or performed by an air carrier under an arrangement with a person (other than an air freight forwarder defined in subparagraph (4) of this paragraph who provides or offers to provide transportation to the general public or transportation services engaged by persons paying for such services an amount aggregating in excess of the transporting carrier's duly published charter rate or fare.

(b) "Point" means any airport or place where an aircraft may be landed or taken off, including the area within a 50-mile radius of such airport or place.

(c) "Special services" are all services rendered in air transportation which are authorized by section 401 (f) of the act by an air carrier holding a certificate of public convenience and necessity other than (1) services rendered in air transportation over the route or routes designated in its certificate(s), (2) charter services as defined in this section, and (3) services authorized by special exemption under section 416 (b) of the act.

§ 207.2 *Applicability of part.* This part shall apply to all air carriers (other than Alaskan air carriers) who hold currently effective certificates of public convenience and necessity issued by the Board pursuant to section 401 of the act.

§ 207.3 *Scope of authorization.* Charter trips and other special services may be performed by air carriers, subject, however, to the limitations and regulations set forth in the part. Apart from such trips and services, an air carrier shall not perform any air transportation except in conformity with its certificate of public convenience and necessity or with a special or general exemption issued by the Board.

§ 207.4 *Tariffs to be filed for charter trips and special services.* No air carrier shall perform any charter trips or other special services unless such air carrier shall have on file with the Board a currently effective tariff showing all rates, fares, and charges for such charter trips and other special services, and showing the rules, regulations, practices, and services in connection with such transportation.

§ 207.5 *Limitation on amount of charter and other special services which may be performed.* An air carrier shall not during any calendar quarter perform charter trips or other special services (not counting charter trips or other special services performed between points designated to receive service by such carrier in its certificate of public convenience and necessity) which in the aggregate, on a revenue plane-mile basis, exceeds 2½ percent of the revenue plane-miles flown by it in scheduled air transportation during the preceding 12-month period.

§ 207.6 *Charter trips and other special services within the Territory of Alaska.* An air carrier shall not perform any charter trip or other special service in interstate air commerce within the Territory of Alaska.

§ 207.7 *Charter trips and other special services to or from points served by another carrier.* (a) No air carrier may perform charter trips or other special services between any pair of points (except where the carrier is authorized, or could be authorized, pursuant to the terms of its certificate of public convenience and necessity, to serve such points on a nonstop basis) which another carrier is authorized, or could be authorized, pursuant to the terms of its certificate of public convenience and necessity, to serve on a nonstop basis:

(1) In excess of a total of eight (8) flights in the same direction during any period of four successive calendar weeks,

(2) In the same direction on the same day of two or more successive calendar weeks,

(3) In excess of a total of three (3) flights between such points in the same direction during any period of two successive calendar weeks unless such period is followed by a break of at least one calendar week during which no flights are operated between such points,

(4) Which are so arranged as to result in the observance of breaks required by subparagraph (3) of this paragraph at regularly recurring intervals, or

(5) Which are so arranged as to result in any uniform pattern or normal consistency of operations between such points.

(b) The holder of a certificate of public convenience and necessity for local feeder service shall in addition be subject to the limitations set forth in paragraph (a) of this section with respect to charter trips and other special services between the terminal points of any segment of such carrier's route.

§ 207.8 *Charter trips and other special services in overseas and foreign air transportation over routes of another carrier.* An air carrier shall not perform any charter trip or other special service in overseas or foreign air transportation between points or areas between which another air carrier has been authorized to engage in air transportation by the Board through one or more certificates of public convenience and necessity (i) unless such carrier could be authorized, pursuant to the terms of its certificate of public convenience and necessity, to serve such points or areas on a nonstop basis, or (ii) pursuant to the provisions of either paragraphs (a) or (b) of this section.

(a) Such charter trip or other special service may be performed if the consent in writing thereto of such other carrier or carriers designated to offer service between the points involved has been obtained and such consent has been filed with or mailed to the Board in a properly addressed envelope with postage thereon prepaid, or

(b) Where specific authority to conduct the charter trip or special service has been granted by the Board upon a finding that the public interest so requires.

§ 207.9 *Notice of proposed special services.* No air carrier shall perform any special service in interstate, overseas or foreign air transportation unless at the time of filing of a tariff applicable to such special service or at the time of filing of an application for a special tariff permission, such air carrier shall have submitted to the Board a statement setting forth a full description of the proposed service and shall have mailed copies thereof to the air carriers authorized by certificates of public convenience and necessity to render service to any point designated to receive the proposed special service. The proposed special service shall not be inaugurated if prior to the effective date of the tariff applicable to such special service, or at the time of action on the application for special tariff permission, the Board shall have notified such air carrier that the performance of such special service does not appear to be consistent with the public interest.

§ 207.10 *Part-way carriage of through traffic subject to § 207.7.* With the exception of carriage performed wholly within the United States, a charter trip or special service shall be governed by the provisions of § 207.8, if either the place of origin or destination of the journey of the persons or property carried is a point or area outside the United States designated to receive service in a certificate of public convenience and necessity issued to another air carrier.

§ 207.11 *Temporary authorization for National Defense transportation.* For a period not to exceed six months after the effective date of this part, unless extended by order or orders of the Board, the limitations of §§ 207.5 to 207.10, inclusive, shall not apply to or in respect of charter trips performed pursuant to contracts with any department of the Military Establishment.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-3782; Filed, Mar. 27, 1951; 8:49 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 2]

PART 570—WASHINGTON NATIONAL AIRPORT

GAMBLING AND DRUGS

Under section 2 of an act to provide for the administration of Washington National Airport, the Administrator of Civil Aeronautics Administration has control over, and responsibility for, the care, operation, maintenance, and protection of the Airport, together with the power to make and amend such rules and regulations as he may deem necessary to the proper exercise thereof.

Acting pursuant to the foregoing authority, rules of Washington National Airport were prescribed. Those rules are amended as follows:

1. Section 570.72 is revised to read:

§ 570.72 *Gambling.* (a) It shall be unlawful for any person or association of persons to play, participate in, engage in, conduct, promote, operate, manage, or draw on the Airport a lottery, raffle, numbers game, policy lottery, policy shop, any kind of gaming table, or gambling device adapted, devised, or designed for the purpose of playing any game of chance for money or property.

(b) No person shall buy, sell, or transfer, or aid in selling, exchanging, negotiating, or transferring on the Airport a chance, ticket, certificate, writing, bill, or token, or other device purporting or intended to assure any person of an interest in any lottery, raffle, numbers game, or game of chance.

(c) The possession of any chance ticket, certificate, writing, bill, token, or other device purporting or intended to assure any person of an interest in any lottery, raffle, numbers game, or other game of chance shall be prima facie evidence of operating, promoting, aiding in the promotion of, or playing such lottery, raffle, numbers game, or other game of chance.

2. Section 570.92 is added to read:

§ 570.92 *Drugs.* No person other than a physician or pharmacist licensed to practice his profession in one of the states of the United States or a territory, or a possession of the United States, or the District of Columbia, shall within the boundaries of the Airport prescribe, dispense, sell, give away, offer to sell, or administer any dangerous drugs, or have such drugs in his possession, with intent to sell, give away, or administer them. The words "dangerous drugs" as used herein shall mean opium, coca leaves, cocaine, isonipecaine, opiate, or any compound, manufacture, salt, derivative, or preparation thereof; diethyl barbituric acid (barbital), or any compound, preparation, mixture, or solution thereof; sulfanilamide or its derivatives, sulfathiozole, sulfapyridine, sulfadiazine, or sulfaguanidine.

(Sec. 2, 54 Stat. 688; 2 D. C. Code 1602)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-3756; Filed, Mar. 27, 1951; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 51 [1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 374—PROJECT LICENSES

PART 384—GENERAL ORDERS

MISCELLANEOUS AMENDMENTS

1. Part 373 is amended by adding thereto a new § 373.20 to read as follows:

§ 373.20 *Special provisions for military wearing apparel*—(a) *Application requirements.* (1) All applications for licenses to export military wearing apparel, new and used, Schedule B No. 999930, must contain a statement fully describing the apparel covered by the application, including the type of apparel, color, and material.

(2) If the wearing apparel has been dyed, the statement must so indicate and specify the color in which the apparel has been dyed. If otherwise altered, the exact nature of the alterations also must be described.

(b) *End use.* In general, applications covering U. S. Army and Marine Corps outer wearing apparel, for males, (excluding boots and shoes) which has not been dyed or otherwise altered will be considered only where exportation is to be made to a foreign government for use by or under the direction of an agency thereof. Applications covering other types of U. S. military wearing apparel will be considered even though not limited to such use.

2. Part 373 is amended by adding thereto a new § 373.21 to read as follows:

§ 373.21 *Special provisions for commodities containing cobalt.* All applications for licenses to export the following cobalt-containing products shall include (in addition to the total net weight of the commodity) the weight in pounds of the cobalt contained in the commodity. This information shall be entered under Item 9 (b) of Form IT-419.

Commodity:	Schedule B No.
Cobalt reagents	814500
Cobalt compounds, all	839900
Cobalt-containing pigments	842900
Cobalt-containing paint and varnish driers	843600

3. Section 374.51 *Supplement 1: list of restricted commodities* is amended by adding thereto the following commodities:

Positive List Commodities	Effective date
Coke, except petroleum coke, Schedule B No. 500400	Apr. 1, 1951

[1] This amendment was published in Current Export Bulletin No. 613 dated March 22, 1951.

4. Section 384.5 *Order revoking certain general licenses to mainland of China (including Manchuria), Hong Kong and Macao* is amended in the following particulars:

The last paragraph is amended to read as follows:

Shipments of perishable food products, not including frozen food products, ultimately destined to Hong Kong and Macao may continue to be made under General License GRO up to 12:01 a. m., eastern standard time, January 2, 1951, except that such general license shipments of fresh fruits and vegetables may be made through May 31, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of March 22, 1951.

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-3780; Filed, Mar. 27, 1951; 8:50 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. P. L. 42 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	CLV dollar value limits	Validated license required
	Cotton manufactures, n. e. s.:		TEXT	250	RO
319500	Used cotton		TEXT	100	RO
319600	Used or reclaimed linters		TEXT	50	RO
322402	Jute bags or sacks, new	Lb. / No.			
322403	Jute bags or sacks, used or reclaimed	Lb. / No.	TEXT	50	RO
322407					
322408	Jute burlaps, except when used as a covering for other merchandise or as a component part of other products	Lb.	TEXT	50	RO
322905	Fabrics wholly or chiefly of wool:				
	Wool cloth or dress goods:				
364210	Weighing not over 10 ounces per square yard	Lb. / Sq. yd.	TEXT	250	RO
364220					
364250	Weighing over 10 ounces per square yard	Lb. / Sq. yd.	TEXT	250	RO
364260					
364900	Other wool fabrics (report mohair cloth in 364310 and 364320)	Lb.	TEXT	250	RO
366300	Wool felts, except woven	Lb.	TEXT	250	RO
366400	Wool felts, woven, for machines	Lb.	TEXT	250	RO
366600	Wool blankets	No.			
366601					
	Wool wearing apparel:				
367500	Knit bathing suits	Doz.	TEXT	250	RO
367600	Knit sweaters for men, women, and children	Doz.	TEXT	250	RO
367700	Wool knit goods, n. e. s. (men's, women's and children's included) (specify by name)		TEXT	250	RO
368005	Men's overcoats, suits, and pants	No.	TEXT	250	RO
368006	Boy's overcoats, suits, and pants	No.	TEXT	250	RO
368200	Women's and children's dresses and ensembles, except knit		TEXT	250	RO
368300	Women's and children's apparel, except knit, n. e. s. (specify by name)		TEXT	250	RO
368950	Men's and boy's apparel, except knit, n. e. s. (specify by name)		TEXT	250	RO
368998	Wool or mohair manufactures, n. e. s. (specify by name)		TEXT	100	RO
369000	Horsehair, bleached; horsehair haircloth; horsehair ribbons				
400505	Logs, bolts, and hewn timber: Teak	M bd. ft.	LUMB	100	RO
460000	Rags for paper stock: New cotton cuttings, valued $100 or over per ton	S. ton	TEXT	100	RO
775098	Industrial machinery and parts, n. e. s.: Vacuum coating units for optical lenses		GIEQ	None	RO

2. The entries on the Positive List for sisal fiber, Schedule B No. 320519; sisal twine, cord, and cordage (including baler twine), Schedule B No. 341909; and manila and sisal yarns, Schedule B No. 349909, are revised to read as shown below. These revisions include changes in validated license control.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	CLV dollar value limits	Validated license required
	Vegetable fibers, unmanufactured:				
320519	Sisal or henequen [1]	S. ton	TEXT 1	25	RO
	Cordage, except of cotton or jute:				
341909	Sisal, henequen, or other hard-fiber cordage and twine (except binder twine) and cord (report binder twine in 341100) [2]	Lb.	TEXT 1	25	RO
349909	Sisal, henequen, or other hard-fiber yarns [3]	Lb.	TEXT	100	RO

[1] The effect of this amendment is to add to the Positive List, subject to RO control, henequen fiber, unmanufactured.
[2] The effect of this amendment is to add to the Positive List, subject to RO control, henequen and other hard-fiber yarns except sisal yarn. Sisal yarn is already on the Positive List as an RO commodity.
[3] The above revised entry is substituted for the two present entries on the Positive List for Schedule B No. 349909. The effect of this amendment is (1) to broaden the coverage to include all commodities classified under this Schedule B number and (2) to reduce the CLV dollar value limit for sisal yarns from $250 to $100.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in Parts 1 and 2 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., March 27, 1951, may be exported under the previous general license provisions up to and including April 21, 1951. Any such shipment not laden aboard the exporting carrier on or before April 21, 1951, requires a validated license for export. This saving clause is not applicable to any such shipments to Subgroup A destinations.

3. The Positive List contains, under Schedule B No. 709998, separate entries covering parts and accessories for "automatic" and for "manual" welding machines and sets.[1] The separate entries are combined as shown below, to eliminate therefrom the specific reference to automatic and manual without making substantive change.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	CLV dollar value limits	Validated license required
709998	Arc welding set parts		ELME 1	100	R
709998	Butt welding set parts		ELME 1	100	R
709998	Welding machine contacts		ELME 1	100	R
709998	Welding set brushes		ELME 1	100	R
709998	Welding set hoods		ELME 1	100	R
709998	Welding set rheostats		ELME 1	100	R

4. The entries on the Positive List for meter parts, indicating; milliammeter parts; and ohmmeter parts, Schedule B No. 709998, validated license control R, are deleted from the Positive List. These entries were retained through inadvertence, and their deletion does not change the licensing control.[2]

(Sec. 3, 63 Stat. 7, 50 U. S. C. App. Sup. 2023, E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

Parts 1 and 2 of this amendment shall become effective as of March 27, 1951, 12:01 a. m., and Parts 3 and 4 thereof as of March 22, 1951.

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-3781; Filed, Mar. 27, 1951; 8:50 a. m.]

[1] For example, the Positive List contains two entries under this Schedule B number as follows: Arc welding set parts, automatic; arc welding set parts, manual.

[2] Since March 13, 1951 (see Current Export Bulletin No. 611), these commodities have been covered by the Positive List entry for indicating instrument parts, Schedule B No. 709998, validated license control RO, and prior thereto were covered by the entry for electrical indicating instruments and parts, Schedule B No. 703620, validated license control RO.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 1 (AGE–1)]

NSA 1 (AGE–1)—GENERAL AGENTS, AGENTS AND BERTH AGENTS

Whereas, by Department Order No. 117 (Amended), Amendment 1, effective date March 13, 1951, the Secretary of Commerce established the National Shipping Authority of the Maritime Administration, Department of Commerce, to assure the most effective utilization of the shipping of the United States; and

Whereas, the United States of America, acting by and through the Director, National Shipping Authority of the Maritime Administration, Department of Commerce, will from time to time appoint certain Agents, General and Berth Agents to manage and/or conduct the business of vessels assigned to such agents under forms of Service Agreements (TCA, GAA and BA), approved by the Director March 19, 1951, and

Whereas, the Director deems it appropriate to issue the following order concerning the handling of vessels assigned to Agents, General Agents and Berth Agents under Service Agreements; *Now, therefore, it is hereby ordered*, That:

Sec.
1. Definitions.
2. Service agreements.

AUTHORITY: Sections 1 and 2 issued under 49 Stat. 1987, as amended: 46 U. S. C. 1114. Interpret or apply 49 Stat. 2015, as amended, 60 Stat. 49; 46 U. S. C. 1242, 50 U. S. C. App. 1744.

SECTION 1. *Definitions*—(a) *General Agent.* A General Agent is any person, firm or corporation designated as such under a standard form of Service Agreement to manage and conduct the business of vessels of which the United States is owner or owner pro hac vice.

(b) *Agent.* An Agent is any person, firm or corporation designated as such under a standard form of Service Agreement to conduct the business of vessels of which the United States is time charterer.

(c) *Berth Agent.* A Berth Agent is any person, firm or corporation designated as such under a standard form of Service Agreement to conduct the business of vessels (which have been assigned to an Agent or General Agent) in a specific service or trade.

(d) *Sub-Agent.* A Sub-Agent is any person, firm or corporation who is appointed by a General Agent, Agent or Berth Agent to perform any of the functions of a General Agent, Agent or Berth Agent.

SEC. 2. *Service agreements.* (a) The standard forms of Service Agreements to be entered into by the United States of America, acting by and through the Director, National Shipping Authority of the Maritime Administration, Department of Commerce, with shipping companies, appointing them as Agents and Berth Agents, will be issued at a later date with a supplement to this order.

(b) Service Agreements entered into between the United States of America, acting by and through the Director, National Shipping Authority of the Maritime Administration, Department of Commerce, with shipping companies, appointing them as General Agents to manage and conduct the business of vessels of which the United States is owner or owner pro hac vice and assigned to the General Agent by the United States from time to time, shall be as follows:

SERVICE AGREEMENT FOR VESSELS OF WHICH THE UNITED STATES, REPRESENTED BY THE MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE, IS OWNER OR OWNER PRO HAC VICE

This agreement, made as of ---------, 1951, between the United States of America (herein called the "United States") acting by and through the Director, National Shipping Authority of the Maritime Administration, Department of Commerce, and ---------, a corporation organized and existing under the laws of -------- (herein called the "General Agent");

Witnesseth:

That in consideration of the reciprocal undertakings and promises of the parties herein expressed:

ARTICLE 1. *Appointment of general agent.* The United States appoints the General Agent as its agent and not as an independent contractor, to manage and conduct the business of vessels assigned to it by the United States from time to time and accepted by the General Agent.

ARTICLE 2. *Acceptance of appointment.* The General Agent accepts the appointment and undertakes and promises so to manage and conduct the business for the United States, in accordance with such directions, orders or regulations not inconsistent with this Agreement as the United States has prescribed, or from time to time may prescribe, and upon the terms and conditions herein provided, of such vessels as have been or may be by the United States assigned to and accepted by the General Agent for that purpose.

ARTICLE 3. *Duties of the General Agent.* For the account of the United States, in accordance with such directions, orders, regulations, forms and methods of supervision and inspection as the United States may from time to time prescribe (or in the absence of such directions, orders, regulations, forms and methods of supervision and inspection, in accordance with reasonable commercial practices and/or the use of customary commercial forms), in an economical and efficient manner, and exercising due diligence to protect and safeguard the interests of the United States in connection with the duties prescribed in this Agreement and without prejudice to its rights under Article 6 hereof, the General Agent (solely as agent of the United States and not in any other capacity) shall:

(a) Conduct the business of the vessels including, but not limited to all matters with respect to voyages, cargoes, mail, passengers, persons to be carried, charters, rates of freight and charges; and procure or provide all services incident thereto including, but not limited to, stevedoring and other cargo handling, port activities, wharfage and dockage, pilotages, canal transits and services of sub-agents, brokers and consulates.

(b) Collect, deposit, remit, disburse and account for all monies due the United States arising in connection with activities under or pursuant to this Agreement, and to the

extent disbursements made by the General Agent pursuant to this Agreement are recoverable from insurance, the General Agent shall take such steps as may be appropriate to effect such recovery for the account of the United States.

(c) Equip, victual, supply and arrange for the repair of the vessels covering hull, machinery, boilers, tackle, apparel, furniture, equipment and spare parts, and including maintenance and voyage repairs and replacements, as may be necessary to maintain the vessels in an efficient state of repair and condition; and cooperate with representatives of the United States in making any inspections or investigations that the United States may deem desirable.

(d) Procure the Master of the vessels operated hereunder, subject to the approval of the United States. The Master shall be an agent and employee of the United States, and shall have and exercise full control, responsibility and authority with respect to the manning, navigation and management of the vessel. The General Agent shall procure and make available to the Master for engagement by him the officers and men required by him to fill the complement of the vessel. Such officers and men shall be procured by the General Agent through the usual channels and in accordance with the customary practices of commercial operators and upon the terms and conditions of the General Agent's collective bargaining agreements, if any. The officers and members of the crew shall be subject only to the orders of the Master. All such persons shall be paid in the customary manner with funds provided by the United States hereunder.

(e) Issue or cause to be issued to passengers customary passenger tickets and to shippers customary shipping documents, freight contracts and bills of lading. All bills of lading shall be issued by the General Agent or its agents as agent for the Master and the signature clause may provide substantially that the General Agent makes no warranty or representation as to the authority of the United States or the Master to enter into the agreement, and that the General Agent assumes no liability with respect to the goods described therein or the transportation thereof.

(f) Furnish and maintain during the period that any vessel is assigned and accepted by the General Agent under this Agreement, at its own expense, a bond with sufficient surety in such amount as the United States shall determine such bond to be approved by the United States as to both sufficiency of surety or sureties and form, and to be conditioned upon the due and faithful performance of all and singular the covenants and agreements of the General Agent contained in this Agreement, including without limitation of the foregoing the condition faithfully to account to the United States for all funds collected and disbursed and funds and property received by the General Agent or its sub-agent. The General agent may, in lieu of furnishing such bond, pledge direct or fully guaranteed obligations of the United States of the cash value of the penalty of the bond under an agreement satisfactory in form to the United States.

No monies or slop chest property of the United States shall be advanced or entrusted by the General Agent to a Master, purser or any other member of the ship's personnel unless such person is under a bond indemnifying the United States against loss of such monies or property caused solely or in part by the dishonesty or lack of care of any such person in the performance of the duties of any position covered by the bond.

(g) (1) Keep books, records, and accounts (which shall be the property of the United States) relating to the activities, maintenance and business of the vessels covered by this agreement in such form and under such regulations as may be prescribed by the United States; and (2) file, upon notice from the United States, balance sheets, profit and loss statements, and such other statements of activities, special reports, memoranda of any facts and transactions, which, in the opinion of the United States, affects the results, or the performance of transactions or activities, under this Agreement, and, whenever the General Agent employs any related, affiliated or holding company of the General Agent to render any services or to furnish any stores, supplies, equipment, provisions, materials or facilities which are for the account of the United States under the terms of this Agreement, the General Agent shall also, as a condition to such employment, obtain from such related or affiliated or holding company its agreement to comply with the requirements aforesaid and to make available to the United States for examination and audit its books, records and accounts, to the extent that such services affect the results, or the performance of transactions or activities, under this Agreement.

(h) Select its sub-agents, but any sub-agency agreement shall be terminated by the General Agent whenever the United States shall so direct.

In the event that any vessel assigned to the General Agent under this Agreement is allocated by the United States for use

(1) In a service in which another operator (a United States citizen) maintained a berth operation with privately owned United States flag vessels on June 25, 1950, and is recognized by the United States as a regular berth operator in such service, or

(2) In a trade, not served with privately owned United States flag vessels on June 25, 1950, or not served on the date of such allocation by a United States citizen who is deemed by the United States qualified to conduct an efficient berth operation, where the United States deems another operator to be qualified as an operator in such trade,

such regular or other operator, as the case may be, may be designated by the United States as the Berth Agent of the United States to conduct such of the business of the vessel in such service or trade as the United States may require.

During any period while any such vessel is assigned to a Berth Agent, the General Agent shall be under no obligation to perform with respect to such vessel duties which are imposed upon the Berth Agent under the terms of the Berth Agency Agreement prescribed by the United States.

(i) Upon termination of this Agreement, turn over to the United States at times and places to be fixed by the United States, all vessels and other property of whatsoever kind then in the custody of the General Agent pursuant to this Agreement, and upon such action the United States may collect directly, or by such agent or agents as it may appoint, all freight monies or other debts remaining unpaid, provided that the General Agent shall, if required by the United States, adjust, settle and liquidate the business of the vessels assigned hereunder.

ARTICLE 4. *Compensation.* At least once a month the United States shall pay to the General Agent compensation for the General Agent's services hereunder, and, after redelivery of the vessels assigned hereunder, shall also pay to the General Agent compensation for services required thereafter. All such compensation shall be in such fair and reasonable amount as the United States shall from time to time determine by General Order. Such compensation shall be deemed to cover, but without limitation, the General Agent's administrative and general expense (as presently itemized in General Order No. 22 of the Maritime Administration), advertising expense, taxes (other than taxes for which the General Agent is credited under Article 5 hereof), and any other expenses which are not directly applicable to the activities, maintenance and business of the vessels assigned hereunder.

ARTICLE 5. *Disbursements.* The United States shall advance funds to the General Agent to provide for, and the General Agent shall receive credit for, all expenditures of every kind made by it in performing, procuring or supplying the services, facilities, stores, supplies or equipment as required hereunder, excepting general and administrative expenses (as presently itemized in General Order No. 22 of the Maritime Administration) advertising expense, taxes and any other expenses which are not directly applicable to the activities, maintenance and business of the vessels assigned hereunder, provided that the General Agent shall receive credit for sales and similar taxes or foreign taxes of any kind to the extent classifiable as voyage expense under said General Order 22, if the General Agent shall have used due diligence to secure immunity from such taxation. The United States shall also advance funds to the General Agent to provide for, and the General Agent shall receive credit for, all crew expenditures accruing during the term hereof in connection with the vessels assigned hereunder, including, without limitation, expenditures on account of wages, extra compensation, overtime bonuses, penalties, subsistence, repatriation, internment, travel, loss of personal effects, maintenance and cure, vacation allowances, damages or compensation for death or personal injury or illness, insurance premiums, Social Security taxes, State unemployment insurance taxes and contributions made by the General Agent to a pension or welfare fund with respect to the period of this Agreement and in accordance with a pension or welfare plan in effect on the effective date of this Agreement or which, pursuant to collective bargaining agreements, may become effective during the period of this Agreement with respect to the officers and members of the crew of said vessels who are or may become entitled to benefits under such plan, or any other payment required by law.

The United States may deny credit to the General Agent in whole or in part, as the United States may deem appropriate, for payment of expenses which are found to have been made in wilful contravention of any outstanding instructions or which are found to have been clearly improvident or excessive.

Any monies or slop chest property of the United States advanced or entrusted to bonded persons by the General Agent which are lost by reason of a casualty to the vessel on which the money so advanced or slop chest property so entrusted is carried shall in the event of such loss be considered an expenditure of the General Agent and credit shall be allowed to the General Agent in accordance with this Article 5.

ARTICLE 6. *Insurance and indemnification.* (a) The United States shall, without cost or expense to the General Agent, procure or provide insurance without deductibles, franchises or average warranties against all insurable risks of whatsoever nature or kind relating to the vessels assigned hereunder including, but without limitation, marine, war and P & I risks, sabotage and all other risks or liabilities for breach of statute and for damage caused to other vessels, persons or property.

The General Agent shall furnish reports and information and comply fully with all instructions that may be issued with regard to all salvage claims, damages, losses or other claims. Marine and war risk insurance with respect to each vessel assigned hereunder against protection and indemnity, general average, salvage and collision liabilities shall be without limit, as between the United States and the General Agent, as to the amount of any claim or the aggregate of any claims thereunder. The United States at its election may assume all or any of the foregoing risks or may write all or any such insurance in its own fund, pursuant to a duly executed policy or policies.

Neither the United States nor the insurance underwriters shall have any right of subrogation against the General Agent with respect to any of the foregoing risks. All insurance hereunder shall cover both the United States and the General Agent, when acting hereunder or as sub-agent of another General Agent of the United States with respect to vessels assigned by the United States to such other General Agent.

(b) To the extent not covered by insurance or assumed by the United States, as required by this Article 6, the United States shall indemnify, and hold harmless and defend the General Agent against any and all claims and demands (including costs and reasonable attorneys' fees in defending such claim or demand, whether or not the claim or demand be found to be valid) of whatsoever kind or nature whether or not such claim or damage is caused by the negligence of the General Agent or the vessel, and by whomsoever asserted, for injury to persons or property arising out of or in any way connected with the activities, maintenance or business of said vessels or the performance by the General Agent of any of its obligations hereunder, including, but not limited to, any and all claims and demands by passengers, troops, gun crews, crew members, shippers, third persons, or other vessels and including but not limited to claims for damages for injury to or loss of property, cargo or personal effects, claims for damages for personal injury or loss of life, and claims for maintenance and cure.

(c) In view of the extraordinary wartime or emergency conditions under which vessels will be operated hereunder, the General Agent shall be under no responsibility or liability to the United States for loss or damage to the vessels assigned hereunder arising out of any error of judgment or any negligence on the part of any of the General Agent's officers, agents, employees, or otherwise. If, however, such loss or damage is directly and primarily caused by wilful misconduct of principal supervisory shoreside personnel or by gross negligence of the General Agent in the procurement of licensed officers or in the selection of principal supervisory shoreside personnel, the General Agent shall be held liable for such loss or damage unless it is required by this Article 6 to be covered by insurance or assumed by the United States. The liability of the General Agent under this paragraph (c) for any such loss or damage shall in no event exceed the sum of $500,000 in respect of any one vessel.

(d) The General Agent shall be under no liability to the United States of any kind or nature whatsoever in the event that the General Agent should fail to obtain officers or crews for the vessels assigned hereunder, or fail to arrange for the fitting out, refitting, maintenance or repair of said vessels, or fail to perform any other service hereunder by reason of any labor shortage, dispute or difficulty, or any strike or lockout or any shortage of material or any act of God or peril of the sea or any other cause beyond the control of the General Agent whether or not of the same or similar nature, or should do or fail to do any act in reliance upon instructions of military or naval authorities.

(e) Whenever the General Agent is performing any services of the nature set forth in this Agreement as sub-Agent for another General Agent of the United States with respect to vessels assigned by the United States to such other General Agent, the provision of this Article 6 shall cover such sub-agency services.

ARTICLE 7. *General average.* In the event of general average involving vessels assigned to the General Agent under this Agreement, the General Agent shall comply fully with all instructions issued by the United States in that connection including instructions as to the appointment of adjuster, obtaining general average security and asserting liens for that purpose unless otherwise instructed, and supplying the adjuster with all disbursements, accounts, documents and data required in the adjustment, statement and settlement of the general average. Reasonable compensation for and general average allowances to the General Agent in such cases shall be fixed by the adjuster, subject to approval by the United States and paid to and retained by the General Agent.

ARTICLE 8. *Salvage.* Salvage claim for services rendered to vessels other than vessels owned or controlled by the United States shall be handled by, and be under the control of, the United States. Salvage awards for services rendered to other vessels owned or controlled by the United States including the vessels hereunder shall be made by the United States. The General Agent shall furnish the United States with full reports and information on all salvage services rendered.

ARTICLE 9. *Related services.* (a) Agreements or arrangements with any interested or related company to render any service or to furnish any stores, supplies, equipment, materials, repairs, or facilities hereunder shall be submitted to the United States for approval. Unless and until such agreements or arrangements have been approved by the United States, compensation paid to any interested or related company shall be subject to review and readjustment by the United States. In connection with such review and readjustment, the United States may deny credit hereunder of any portion of such compensation which it deems to be in excess of fair and reasonable compensation. The United States may also deny credit, in whole or in part, of compensation under any arrangement or agreement with an interested or related company which it deems to be exorbitant, extortionate or fraudulent. The term "interested company" shall mean any person, firm or corporation in which the General Agent, or any related company of the General Agent, or any officer or director of the General Agent or any employee of the General Agent who is charged with executive or supervisory duties, or any member of the immediate family of any such officer, director or employee, or any officer or director of any related company of the General Agent or any member of the immediate family of an officer or director of any related company of the General Agent, owns any substantial pecuniary interest directly or indirectly. The term "related company", used to indicate a relationship with the General Agent for the purposes of this Article only, shall include any person or concern that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the General Agent. The term "control" (including the terms "controlled by" and "under common control with") as used herein means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of the General Agent (or related company), whether through ownership of voting securities, by contract or otherwise.

(b) The United States shall, when it may legally do so, have the advantage of any existing or future contracts of the General Agent for the purchase or rental of materials, fuel, supplies, facilities, services or equipment, if this may be done without unreasonably interfering with the requirements of other vessels owned or operated by the General Agent provided that any financial loss or disadvantage to the General Agent shall be compensated for in such amount as may be determined by the United States.

(c) Notwithstanding any other provision of this Agreement, the United States, by separate agreement, may contract with the General Agent to perform stevedoring, terminal, ship repair or similar services for the vessels assigned hereunder, in which event the General Agent shall have the rights, benefits and the obligations and reponsibilities provided in such agreement.

ARTICLE 10. *Delegation of authority.* Wherever and whenever herein any right, power or authority is granted or given to the United States, such right, power or authority may be exercised in all cases by the National Shipping Authority or such agent or agents as the United States may appoint, and the act or acts of such agent or agents when taken, shall constitute the act of the United States hereunder. In performing its services hereunder, the General Agent may rely upon the instructions and directions of the Director, National Shipping Authority, his officers and responsible employees, or any person or agency authorized by him. Wherever practicable, instructions and directions to the General Agent shall be in writing and oral instructions or directions given shall be confirmed promptly in writing. No directions, orders or regulations shall have retroactive effect without the written consent of the General Agent.

ARTICLE 11. *Warranty against contingent fees.* The General Agent warrants that it has not employed any person to solicit or secure this Agreement upon any agreement for a commission, percentage, brokerage or contingent fee. Breach of this warranty shall give the United States the right to annul this Agreement or in its discretion to deduct from any amount payable hereunder the amount of such commission, percentage, brokerage or contingent fee.

ARTICLE 12. *Nondiscrimination.* Neither the General Agent nor any subcontractor of the General Agent, in performing any act under this Agreement or any subcontract made hereunder, shall discriminate against any person on the ground of race, creed, color or national origin.

ARTICLE 13. *Members or delegates of Congress.* No person elected or appointed a member of or delegate to Congress or a Resident Commissioner, directly or indirectly, himself or by any other person in trust for him, or for his use or benefit, or on his account shall hold or enjoy this Agreement in whole or in part, except as provided in section 206, Title 18, U. S. C. The General Agent shall not employ any member of Congress, either with or without compensation, as an attorney, agent, officer or director.

ARTICLE 14. *Right of Comptroller General to examine books and records.* The Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any pertinent books, documents, papers and records of the General Agent or any of its subcontractors engaged in the performance of and involving transactions related to this Agreement or any subcontracts thereunder.

ARTICLE 15. *Termination.* (a) The United States shall have the right to terminate this Agreement at any time as to any or all vessels assigned to the General Agent and to assume control forthwith of any or all said vessels upon fifteen (15) days' written or telegraphic notice unless action is required at an earlier date to protect the interest of the United States.

(b) Upon giving to the United States thirty (30) days' written or telegraphic notice, the General Agent shall have the right to terminate this Agreement as to any or all vessels assigned to the General Agent, but unless otherwise agreed, termination by the General Agent shall not become effective as to any vessel until her arrival and discharge at a continental United States port.

(c) No such termination of this Agreement shall relieve either party of liability to the other in respect of matters arising prior to the date of such termination or of any obligation hereunder to indemnify the other party in respect of any claim or demand

thereafter asserted, arising out of any matter done or omitted prior to the date of such termination.

(d) This Agreement may be terminated, modified or amended at any time by mutual consent.

ARTICLE 16. *Duration of agreement.* This Agreement is effective as of the day and year of the first acceptance by the General Agent of any vessel assigned hereunder and shall extend until terminated as herein elsewhere provided.

ARTICLE 17. *Assignment or transfer.* Without the consent of the United States, the General Agent shall not sell, assign or transfer, either directly or indirectly, or through any reorganization, merger or consolidation, this Agreement or any interest therein, nor make any agreement or arrangement whereby the service to be performed hereunder is to be performed by any other person, whether an agent or otherwise, except as provided in Article 3 hereof.

ARTICLE 18. *Additional or substitute compensation and reimbursement.* The General Agent shall also be entitled to payment or credit for any service, loss, cost or expense, whether or not specifically provided for, or excepted herein, if, and to the extent that such payment or credit is found by the Director, National Shipping Authority, in his sole discretion, to be fair and equitable and in accordance with the basic principles or intent of this General Agency Agreement.

ARTICLE 19. *Headnotes.* The use of headnotes at the beginning of the articles of this Agreement is for the purpose of description only and shall not be construed as limiting or in any other manner affecting the substance of the articles themselves.

In witness whereof, the parties hereto have executed this Agreement in quadruplicate as of the day and year first above written.

UNITED STATES OF AMERICA,

By ----------

Director, National Shipping Authority, Maritime Administration, Department of Commerce.

By ----------

[CORPORATE SEAL]

Attest:

----------,

Secretary.

Approved as to form:

----------,

General Counsel, Maritime Administration, Department of Commerce.

CHARLES H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-3808; Filed, Mar. 27, 1951; 8:20 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

Subchapter E—Fellowships, Internships, Training

PART 61—FELLOWSHIPS

PART 63—NATIONAL HEART INSTITUTE TRAINEESHIPS

MISCELLANEOUS AMENDMENTS

1. Section 61.12 is amended to read as follows:

§ 61.12 *Duration of fellowships.* Appointments to fellowships may be for varying periods, such as for a school year, but shall not exceed sixteen months. Upon the recommendations of a Fellowship Board, the Surgeon General may extend or renew an appointment.

2. Part 61 is amended by adding at the end thereof the following new section:

§ 61.13 *Termination of fellowships.* Upon the recommendation of a Fellowship Board, the Surgeon General may terminate an appointment before its expiration date on the request of the fellow, or because of unsatisfactory performance, unfitness, or inability to carry out the purposes of the fellowship. The Surgeon General may also terminate an appointment upon the recommendation of the Federal Security Agency Board of Inquiry on Employee Loyalty and upon its finding, made in accordance with the Agency's procedures adopted pursuant to Executive Order 9835, that reasonable grounds exist for the belief that the fellow, where a citizen of the United States, is disloyal to the Government of the United States or, where not such a citizen, has furnished a false statement or has failed to comply with any required assurances regarding his non-advocacy of, or his non-membership in any organization that advocates, the overthrow of such Government by force or violence. Such procedure shall include those for summary suspension pending a hearing and, with respect to regular fellows, a right of appeal to the Surgeon General in lieu of the appeal to the Federal Security Administrator but not the right of appeal to the Loyalty Review Board.

(Sec 215, 58 Stat. 690; 42 U. S. C. 216. Interpret or apply secs. 208, 301, 402, 58 Stat. 685, as amended, 691, as amended, 707, sec. 412, 62 Stat. 464; 42 U. S. C. 209, 241, 282, 287a)

3. Section 63.6 is amended to read as follows:

§ 63.6 *Duration of traineeship.* Traineeships shall extend for a period of one year unless otherwise specified by the Surgeon General in making the award. The Surgeon General may also extend or renew an award for a specific period upon application.

4. Part 63 is amended by adding at the end thereof the following new section:

§ 63.7 *Termination of traineeship.* The Surgeon General may terminate any traineeship prior to the date it would otherwise expire either on request of the trainee or because of unsatisfactory performance, unfitness or inability to carry out the purposes of the traineeship. The Surgeon General may also terminate a traineeship upon the recommendation of the Federal Security Agency Board of Inquiry on Employee Loyalty and upon its finding, made in accordance with the Agency's procedures adopted pursuant to Executive Order 9835, that reasonable grounds exist for the belief that the trainee, where a citizen of the United States, is disloyal to the Government of the United States or, where not such a citizen, has furnished a false statement or has failed to comply with any required assurances regarding his non-advocacy of, or his non-membership in any organization that advocates, the overthrow of such Government by force or violence. Such procedures shall include those for summary suspension pending a hearing and a right of appeal to the Surgeon General in lieu of the appeal to the Federal Security Administrator but shall not include the right of appeal to the Loyalty Review Board.

Effective date. The foregoing amendments shall be effective upon date of publication in the FEDERAL REGISTER.

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interpret or apply secs. 208, 301, 402, 58 Stat. 685, as amended, 691, as amended, 707, sec. 412, 62 Stat. 464; 42 U. S. C. 209, 241, 282, 287a)

Dated: March 20, 1951.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: March 23, 1951.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 51-3784; Filed, Mar 27, 1951; 8:50 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Federal Security Agency

PART 103—SURVEYS AND STATE PLANS FOR SCHOOL CONSTRUCTION

DEFINITIONS

Sec.
103.1 Meaning of terms.
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PURPOSES OF FEDERAL ASSISTANCE TO STATES

103.11 Purposes of Title I grants.

STATE APPLICATIONS

103.21 Application as condition of payments; form of application.
103.22 State educational agency as sole agency.
103.23 Fund custodian.
103.24 Certificate of law officer.
103.25 State inventory, survey, study and plan.
103.26 Reports and verification.
103.27 State estimates and expenditures.
103.28 Approval of applications.

STATE REPORTS

103.31 Reports on State inventory, resources, plan and survey.
103.32 Fiscal reports.
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SERVICES OF THE OFFICE OF EDUCATION

103.41 Services of the Office of Education.

PAYMENTS TO STATES AND FUND ACCOUNTING

103.51 Payments and amounts of payments.
103.52 Period determined for estimates of payments.
103.53 State funds available.
103.54 Fund accounting.

DENIAL OF APPLICATION, WITHHOLDING OF CERTIFICATION AND HEARINGS

103.61 Denial of application only after hearing.
103.62 Withholding of certification.
103.63 Hearings.

AUTHORITY: §§ 103.1 to 103.63 issued under sec. 208, 64 Stat. 975; 20 U. S. C. 278. Interpret or apply secs. 101–105, 64 Stat. 967; 20 U. S. C. 251–255.

DEFINITIONS

§ 103.1 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in §§ 103.2 to 103.6.

§ 103.2 *Act.* "Act" means Pub. Law 815, 81st Cong. (secs. 101–210, 64 Stat. 967; 20 U. S. C. 251–255, 271–280).

§ 103.3 *Commissioner of Education and Commissioner.* The terms "Commissioner of Education" and "Commissioner" mean the United States Commissioner of Education.

§ 103.4 *School.* The term "school" means any elementary or secondary school which is tax-supported and publicly administered.

§ 103.5 *State.* The term "State" means a State, Alaska, Hawaii, Puerto Rico, the Virgin Islands, or the District of Columbia.

§ 103.6 *State educational agency.* The term "State educational agency" means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

PURPOSES OF FEDERAL ASSISTANCE TO STATES

§ 103.11 *Purposes of Title I grants.* Payments pursuant to Title I of the act are made in order to assist the several States to inventory existing school facilities, to survey the need for the construction of additional facilities in relation to the distribution of school population, to develop State plans for school construction programs, and to study the adequacy of State and local resources available to meet school facilities requirements.

STATE APPLICATIONS

§ 103.21 *Application as condition of payments; form of application.* No State shall be entitled to any part of its allotment pursuant to Title I of the act except upon application therefor filed with the Commissioner, upon forms prescribed by him and containing the information therein requested.

§ 103.22 *State educational agency as sole agency.* The application by a State shall designate the State educational agency as the sole agency for carrying out the purposes set forth in § 103.11. As sole agency, the State educational agency must be vested with complete and exclusive responsibility for organizing and conducting the inventory, survey and study, and for developing the plan referred to in § 103.11, as well as for certifying the results, conclusions, and recommendations concerning the same to the Commissioner.

§ 103.23 *Fund custodian.* The application by a State shall designate the State agency or official which will be custodian of Federal funds paid under Title I of the act and which will receive and provide for the proper custody of such funds subject to requisition or disbursement thereof by the State educational agency for carrying out the purposes set forth in § 103.11.

§ 103.24 *Certificate of law officer.* The application by a State shall contain the certificate of the chief State law officer which shall identify the State educational agency, indicate the legal basis for its authority to make and file application in behalf of the State for Federal funds under Title I of the act and to carry out the purposes of section 101 of the act, and indicate the legal basis for its designation as the sole agency for carrying out such purposes in accordance with the requirement of § 103.22. The said certificate also shall indicate the legal basis for the authority of the State agency or official designated pursuant to § 103.23 as custodian of Federal funds to receive and provide for the proper custody of such funds and the legal availability of such funds to the State educational agency as required by § 103.23.

§ 103.25 *State inventory, survey, study and plan.* The application by a State shall provide for making an inventory of existing school facilities, for surveying the need for the construction of additional facilities in relation to the distribution of school population, for making a study of the adequacy of State and local resources available to meet school facilities requirements, and for developing a State plan for a school construction program. The application also shall contain a plan in narrative or other form by the State prescribing the scope of and manner of conducting the inventory, survey and study, as well as proposals for the development of the State plan for a school construction program.

(a) *Inventory information.* The inventory of existing school facilities shall contain information as to such facilities by attendance centers and by local school administrative units, including (1) factual data on rooms, areas, capacity, and date and type of construction; (2) evaluation as to educational adequacy, safety, and permanency of each facility; and (3) factual data relative to pupil transportation.

(b) *Survey information.* The survey of the need for the construction of additional facilities shall contain information disclosing (1) the distribution of current and estimated future school population; (2) the extent to which no facilities or only partially complete facilities are available in relation to the distribution of current school population, the extent to which facilities are encumbered by overcrowding and half-day sessions or otherwise, and the extent to which additional facilities must be provided to accommodate estimated future school population; (3) the number of improvised, unsafe, and obsolete facilities in service and an estimate of the future useful lives of other existing facilities; (4) the number and nature of additional facilities required in connection with current and contemplated school district reorganization; and (5) such other factual data as may assist in determining the need for the construction of additional school facilities in order to house satisfactorily the current and estimated future school population of the State. The need for construction of additional facilities shall be determined only after the development and consideration of the factors relevant thereto extending over a future period of not less than ten years.

(c) *Information on available resources.* In order to carry out the purposes of § 103.11, the study to be made of the adequacy of State and local resources available to meet school facilities requirements shall contain information relating to (1) the extent to which local school administrative units have exercised their taxing and bonding authority for school construction; (2) State laws relative to financing capital outlay for schools; (3) the present patterns and amounts of State aid for school construction; and (4) the feasibility of making available increased resources for school construction through legislative or executive action, or both.

(d) *Development of State plan for construction.* A State plan for a school construction program shall be developed in accordance with the needs determined from the inventory and survey made by the State pursuant to Title I of the act, without regard to the adequacy of available resources to meet school facilities requirements, and shall show the relative need for each project included. The State shall indicate the extent to which the plan is expected to be accomplished, and the parts of such plan which may not be accomplished and the reasons therefor. The plan shall be specific with respect to the location, type, size, capacity and estimated cost of proposed individual construction projects, as well as with respect to their suitability as school centers for logical attendance areas.

§ 103.26 *Reports and verification.* The application by a State shall provide that the State educational agency will make such reports, in such form, and containing such information as the Commissioner may from time to time reasonably require, and, to assure verification of such reports, give the Commissioner, upon request, access to the records upon which such information is based.

§ 103.27 *State estimates and expenditures.* The application by a State shall include an estimate of the total expenditures in carrying out the purposes of § 103.11 in accordance with its application, as well as an estimate of the expenditures in carrying out the said purposes in accordance with its application during the period ending June 30 after the filing of such application.

§ 103.28 *Approval of applications.* The Commissioner shall approve any application for funds for carrying out the purposes set forth in § 103.11 if such application complies with the provisions of this part.

STATE REPORTS

§ 103.31 *Reports on State inventory, resources, plan and survey.* In addition to any reports required pursuant to § 103.26 in connection with the inventory of existing school facilities, the study of State and local resources avail-

able to meet school facilities requirements and the plan for a school construction program, the Commissioner from time to time will require reports, among others, in connection with the survey of the need for the construction of additional facilities, which shall relate the information under § 103.25 (b) to the future period of ten years.

§ 103.32 *Fiscal reports.* In addition to any other fiscal reports required to be made by it, the State educational agency of a State, upon request by the Commissioner, each year shall submit a fiscal report relating to its activities under Title I of the Act during the fiscal year ending June 30 of such year and detailing by items receipts and expenditures during such fiscal year.

§ 103.33 *Reports on estimated expenditures.* The State educational agency of a State, upon request by the Commissioner, each year shall submit an estimate of the expenditures in carrying out the purposes of § 103.11 in accordance with its application during the fiscal year commencing July 1 of such year.

SERVICES OF THE OFFICE OF EDUCATION

§ 103.41 *Services of the Office of Education.* The Office of Education may provide such technical, consultative or other services as may be of assistance to State educational agencies in carrying out the purposes set forth in § 103.11, and also may prescribe forms for required State summaries and reports.

PAYMENTS TO STATES AND FUND ACCOUNTING

§ 103.51 *Payments and amounts of payments.* Payments from sums allotted pursuant to Title I of the act shall be made to States whose applications for funds for carrying out the purposes set forth in § 103.11 have been approved. Each State shall be entitled to receive an amount equal to one-half of the total expenditures made by such State in carrying out the said purposes in accordance with its application up to the amount of the State's allotment.

(a) *Expenditures prior to approval of application.* Payments from sums allotted pursuant to Title I of the act shall be provided with respect to such expenditures only as are made by a State after the date of filing of a substantially approvable application pursuant to § 103.21.

(b) *Items of expenditures.* The expenditures in carrying out the said purposes may include, among other things, (1) salaries of full-time and part-time professional, statistical and clerical staff of the State educational agency utilized in carrying out the said purposes; (2) reasonable amounts for travel, communication, printing, equipment, and machine tabulation; and (3) a reasonable rental cost for additional non-public office space, provided such additional space is unavailable in public buildings and is necessary for effective operation by the State educational agency in carrying out the said purposes. No part of the cost of prior school facilities surveys or surveys presently being conducted under other than the provisions of Title I of the act shall be charged as expenditures under Title I of the act, but currently valid data and findings resulting from such other surveys may and should be utilized by State educational agencies in carrying out the purposes set forth in § 103.11 in accordance with their applications.

§ 103.52 *Period determined for estimates of payments.* For the purposes of section 103 of the act, the Commissioner initially will estimate the sum to which each State will be entitled during the period ending June 30 after the date of filing of an approved application, and thereafter will estimate the sum to which each State will be entitled during each succeeding fiscal year ending June 30.

§ 103.53 *State funds available.* In making advance payments for an ensuing period to a State, the Commissioner will require assurances acceptable to him that the State has or will have available to match the advance of Federal funds adequate State funds for expenditure during such ensuing period in carrying out the purposes set forth in § 103.11 in accordance with its application.

§ 103.54 *Fund accounting.* The State educational agency shall establish such fund accounting procedures as may be necessary to assure proper accounting for Federal funds under Title I of the act and for non-Federal funds used in connection therewith. Such procedures also shall serve to permit an expeditious determination to be made at any time of the status of such Federal and non-Federal funds.

DENIAL OF APPLICATION, WITHHOLDING OF CERTIFICATION AND HEARINGS

§ 103.61 *Denial of application only after hearing.* The Commissioner shall not finally refuse to approve in whole or in part any application made under Title I of the act until the State educational agency has been afforded reasonable notice and opportunity for hearing.

§ 103.62 *Withholding of certification.* Whenever the Commissioner, after reasonable notice and opportunity for hearing to a State educational agency, finds (1) that such State educational agency is not complying substantially with the provisions of Title I of the act or the terms and conditions of its application approved under that Title, or (2) that any funds paid to such State educational agency under Title I of the act have been diverted from the purposes for which they had been allotted or paid, the Commissioner may forthwith notify the Secretary of the Treasury and such State educational agency that no further certification will be made under Title I of the act with respect to such agency until there is no longer any failure to comply or the diversion has been corrected or, if compliance or correction is impossible, until such State educational agency repays or arranges for the repayment of Federal moneys which have been diverted or improperly expended.

§ 103.63 *Hearings.* Hearings held as required under §§ 103.61 and 103.62 shall be conducted in accordance with sections 5, 7, and 8 of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237, as amended; 5 U. S. C. and Sup. 1001–1011).

[SEAL] EARL J. MCGRATH,
United States Commissioner of Education.

Approved March 21, 1951.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 51-3774; Filed, Mar. 27, 1951, 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 101—RAIL AND WATER CARRIER PASSES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 7th day of March A. D. 1951.

The matter of free transportation being under consideration pursuant to provisions of the Interstate Commerce Act, as amended, and the modifications of the "Regulations to Govern the Forms and Recording of Passes, Issue of 1917," as set forth below, being deemed necessary for proper administration of Parts I and III of the Act (34 Stat. 584, 35 Stat. 60, 36 Stat. 544, 41 Stat. 475, 49 U. S. C. 1 (7) 22, and 306 (c)): It is ordered, that:

(1) *Objections.* Any interested party may on or before April 20, 1951, file with the Commission a written statement of reasons why the said modifications should not become effective as hereinafter ordered and may request oral argument thereon.

(2) *Effective date.* Unless otherwise ordered after consideration of such objections, the said modifications shall become effective May 1, 1951.

(3) *Notice.* A copy of this order with the attached modifications shall be served upon every carrier by railroad subject to the act, including electric lines and sleeping car companies, and every carrier by water subject to the act, and upon every lessor, trustee, receiver, executor, administrator, or assignee of any such carrier by railroad or by water, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the FEDERAL REGISTER.

(Sec. 12, 24 Stat 383, as amended; 49 U. S. C 12)

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

1. In paragraph (a) of § 101.2 *General classes of passes*, cancel the definition of "term passes" and substitute for it the following: "Term passes are those good for a specified period of time other than a calendar year and without restrictions as to the number of trips."

2. Cancel paragraph (b) in § 101.4 *Signatures of issuing officers*, and substitute for it the following:

(b) Each pass on which a facsimile signature is printed must be countersigned by an officer or responsible subordinate, who must be designated on the pass.

3. In paragraph (h) of § 101.8 *Preparation of passes*, append the following additional example: "During lifetime."

4. Cancel the last sentence in paragraph (b) of § 101.10 *Signatures on requests for passes*, and substitute for it the following: "In case the facsimile signature is used, the request must be countersigned by an officer or responsible subordinate who must be designated thereon."

5. Cancel § 101.14 *Record of free tickets issued*, and substitute for it the following:

§ 101.14 *Record of free and reduced fare tickets issued.* A complete record of all tickets issued in lieu of passes, including tickets for which the fares have been refunded in whole or in part as well as those issued free or at reduced rates, must be maintained by carriers and filed in the office of the officer authorizing such issue or refund. This record must show the date; form and number of ticket; stations from and to; name and address or other designation of person to whom issued; account of issuance (in accordance with § 101.8 (e)); amount of fare, amount of reduction, and the amount of refund if that is less than the fare; and name of officer authorizing the refund or issuance of the ticket.

6. In § 101.101 *List of forms*, change the title of Form 13 to read: "Record of free and reduced fare tickets issued."

[F. R. Doc. 51-3779; Filed, Mar. 27, 1951; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 944, 970]

HANDLING OF MILK IN QUAD CITIES AND CLINTON, IOWA, MARKETING AREAS

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Rock Island, Illinois on January 3 and 4, 1951, pusuant to notice thereof which was issued on December 26, 1950 (15 F. R. 9529), upon proposed amendments to the tentative marketing agreements and to the orders, as amended, regulating the handling of milk in the Quad Cities and Clinton, Iowa, marketing areas.

Upon the basis of the evidence introduced at such hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on February 16, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision and the opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on February 21, 1951 (16 F. R. 1740).

The only issue of record was whether the Class I and Class II differentials provided in the Quad Cities order and the Class I differential provided in the Clinton, Iowa, order should be increased 25 cents per hundredweight as an emergency basis for all delivery periods to and including June 1951.

No exceptions to the recommended decision were filed on behalf of interested parties.

Findings and conclusions. The findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 51-2547; 16 F. R. 1740), with respect to the issues set forth above are approved and adopted as the findings and conclusions of this decision as if set forth in full herein.

It is hereby ordered, That this decision be published in the FEDERAL REGISTER.

This decision filed at Washington, D. C., this 23 day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-3793; Filed, Mar 27, 1951; 8:51 a. m.]

NOTICES

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25942]

FERTILIZER BETWEEN CARTHAGE, N. C. AND POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

MARCH 23, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 975.

Commodities involved: Fertilizer and fertilizer materials, in carloads and less-than-carloads.

Between: Carthage, N. C., and points in southern territory, and from Carthage to points in official territory.

Grounds for relief: Circuitous routes, short or weak line carrier, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 975, Supp. 160.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3776; Filed, Mar. 27, 1951; 8:49 a. m.]

[4th Sec. Application 25943]

ETHYLENE GLYCOL FROM PORT NECHES, TEX., TO BUFFALO, N. Y., AND OTHER POINTS

APPLICATION FOR RELIEF

MARCH 23, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3721.

Commodities involved: Ethylene glycol, carloads.

From: Port Neches, Tex.

To: Buffalo, North Tonawanda, Niagara Falls and Suspension Bridge, N. Y., Bridgeville and Coverts, Pa.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3721, Supp. 175.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3777; Filed, Mar. 27, 1951; 8:49 a. m.]

[4th Sec. Application 25944]

TEA FROM TEXAS PORTS TO LOUISIANA AND TEXAS

APPLICATION FOR RELIEF

MARCH 23, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. N. Roberts, Alternate Agent, for carriers parties to his tariff I. C. C. No. 743.

Commodities involved: Tea and tea dust, less-than-carloads.

From: Corpus Christi, Galveston, Houston and Texas City, Tex.

To: Points in Louisiana and Texas.

Grounds for relief: Competition with rail and motor carriers.

Schedules filed containing proposed rates: H. N. Roberts' tariff I. C. C. No. 743, Supp. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3778; Filed, Mar. 27, 1951; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1193]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF FINDINGS AND ORDER

MARCH 22, 1951.

Notice is hereby given that, on March 21, 1951, the Federal Power Commission issued its order entered March 20, 1951, modifying order issued September 15, 1949, published in the FEDERAL REGISTER on September 22, 1949 (14 F. R. 5786), in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3764; Filed, Mar. 27, 1951; 8:46 a. m.]

[Docket No. G-1267]

NORTHEASTERN GAS TRANSMISSION CO.

NOTICE OF OPINION AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 22, 1951.

Notice is hereby given that, on March 21, 1951, the Federal Power Commission issued its Opinion No. 210 and order entered March 21, 1951, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3761; Filed, Mar. 27, 1951; 8:45 a. m.]

[Docket No. G-1326]

COLORADO INTERSTATE GAS CO. AND CANADIAN RIVER GAS CO.

NOTICE OF OPINION

MARCH 22, 1951.

Notice is hereby given that on March 20, 1951, the Federal Power Commission issued its Opinion No. 209 dated March 16, 1951, in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3762; Filed, Mar. 27, 1951; 8:46 a. m.]

[Docket No. G-1557]

NORTH PENN GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDER

MARCH 22, 1951.

In the matter of North Penn Gas Company, Allegany Gas Company, Alum Rock Gas Company and Dempseytown Gas Company; Docket No. G-1557.

Notice is hereby given that, on March 20, 1951, the Federal Power Commission issued its findings and order entered March 20, 1951, issuing a certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3759; Filed, Mar. 27, 1951; 8:45 a. m.]

[Docket Nos. G-1569, G-1591]

PENN-YORK NATURAL GAS CORP. AND TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF FINDINGS AND ORDER

MARCH 22, 1951.

In the matters of Penn-York Natural Gas Corporation, Docket No. G-1569; and Texas Eastern Transmission Corporation, Docket No. G-1591.

Notice is hereby given that on March 21, 1951, the Federal Power Commission issued its orders entered March 20, 1951, issuing certificate of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3763; Filed, Mar. 27, 1951; 8:46 a. m.]

[Docket No. E-6341]

MINNESOTA POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING ACQUISITION OF COMMON STOCK

MARCH 22, 1951.

Notice is hereby given that, on March 20, 1951, the Federal Power Commission issued its order entered March 19, 1951, authorizing acquisition of common stock in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3758; Filed, Mar. 27, 1951; 8:45 a. m.]

[Project No. 2002]

CITIZENS POWER CO.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

MARCH 22, 1951.

Public notice is hereby given that Citizens Power Company of Lincoln, Nebraska, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for license for proposed major Project No. 2002, to be located on the Platte River, in Sarpy, Cass, and Saunders Counties, Nebraska. The project would consist of a dam forming a reservoir with a total storage capacity at elevation 1,062.0 feet above mean sea level of about 97,000 acre-feet; a powerhouse containing 3 units each having a normal rating of 9,000 kw.; a substation, switchyard, and appurtenant facilities.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before April 26, 1951, to the Federal Power Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3760; Filed, Mar. 27, 1951; 8:45 a. m.]

[Docket Nos. IT-5605, IT-5620, IT-5623, IT-5632, IT-5573-IT-5576]

BROOKVILLE ELECTRIC CO. ET AL.

NOTICE OF ORDERS TERMINATING ORDERS TO SHOW CAUSE

MARCH 22, 1951.

In the matters of Brookville Electric Company, Docket No. IT-5605; Central States Power & Light Corporation, Docket No. IT-5620; Interstate Power Company of Wisconsin, Docket No. IT-5623; South Carolina Electric & Gas Company, Docket No. IT-5632; Iowa Electric Company, Docket No. IT-5573; Pittsfield Electric Company, Docket No. IT-5574; United Electric Light Company, Docket No. IT-5575; Ozark Utilities Company, Docket No. IT-5576 .

Notice is hereby given that, on March 21, 1951, the Federal Power Commission issued its orders entered March 20, 1951, terminating orders to show cause in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3757; Filed, Mar. 27, 1951; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-141]

PEOPLES GAS LIGHT AND COKE CO.

ORDER GRANTING APPLICATION FOR PERMISSION TO WITHDRAW APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 20th day of March A. D. 1951.

The Peoples Gas Light and Coke Company having, on November 30, 1935, filed an application pursuant to the provisions of section 3 (a) (2) of the Public Utility Holding Company Act of 1935 ("act") for exemption from all the provisions of the act; applicant having thereafter filed four amendments to said application setting forth certain information regarding the disposition and changes occurring since the filing of said application with respect to the ownership and holding of securities by applicant in certain of its subsidiary companies.

Applicant having, on September 26, 1950, filed a fifth amendment to its application for exemption setting forth information regarding further changes in its ownership and holdings of securities of certain of its subsidiary companies, representing that applicant is no longer a holding company under the provisions of section 2 (a) (7) of the act, and requesting that the Commission issue an order permitting applicant to withdraw said application for exemption;

The Commission having examined said amendment and it appearing therefrom that applicant is a public utility company, engaged in the busines of distributing gas at retail within the limits of the City of Chicago, Illinois; that it presently has five direct subsidiary companies, viz, Chicago By-Products Corporation, Chicago District Pipeline Company, Natural Gas Pipeline Company of America, Texoma Natural Gas Company and Texas Illinois Natural Gas Pipeline Company and one indirect subsidiary company, Chicago & Illinois Western Railroad; that said direct and indirect subsidiary companies are not public utility companies within the meaning of section 2 (a) (5) of the act; and it further appearing that applicant does not directly or indirectly own, control or hold with power to vote, 10 percent or more of the outstanding voting securities of a public utility company or of a company which is a holding company and is therefore not a holding company under the provisions of section 2 (a) (7) of the act; and the Commission deeming it appropriate and in the public interest and in the interest of investors and consumers that applicant's request to withdraw its application for exemption be granted:

It is hereby ordered, That the application of the Peoples Gas Light and Coke Company for permission to withdraw its application filed pursuant to section 3 (a) (2) of the act for exemption from all the provisions of the act be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3769; Filed, Mar. 27, 1951; 8:48 a. m.]

[File No. 31-349]

PEOPLES GAS LIGHT AND COKE CO.

ORDER GRANTING APPLICATION TO WITHDRAW APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 20th day of March A. D. 1951.

The Peoples Gas Light and Coke Company, an Illinois corporation, having on December 31, 1935, filed with the Commission an application pursuant to the provisions of section 2 (a) (8) of the Public Utility Holding Company Act of 1935 ("act") for an order of the Commission declaring Midland United Company, a Delaware corporation, now named Midland Realization Company, not to be a subsidiary company of applicant; applicant having thereafter filed four amendments to said application setting forth certain information regarding the disposition and changes occurring since the filing of said application with respect to applicant's ownership, control and holding of securities issued and properties owned, controlled or operated by said Midland United Company, a holding company;

Applicant having on September 26, 1950, filed a fifth amendment to said application for exemption setting forth further information with respect to the severance by applicant of all relationships between applicant and Midland United Company, now Midland Realization Company, or its subsidiary Midland Utilities Company, representing that neither Midland United Company, nor its successor corporation, are any longer subsidiary companies of applicant under the provisions of section 2 (a) (8) of the act, and requesting that the Commission issue an order permitting applicant to withdraw said application for exemption;

The Commission having examined said amendment and it appearing therefrom that applicant is a public utility company, engaged in the business of distributing gas at retail within the limits of the city of Chicago, Illinois; that applicant does not own, control or hold, directly or indirectly, any securities issued or properties owned, controlled or operated by Midland United Company, or Midland Realization Company, its successor corporation, or any of their subsidiary companies, including Midland Utilities Company; that applicant executed a Settlement Agreement dated December 7, 1944, between Midland United Company, Midland Utilities Company, and the Trustees of the estates of said Midland companies in reorganization providing for the settlement of all claims of applicant against said Midland companies, which agreement had been approved on November 29, 1944, by order of the District Court of the United States for the District of Delaware in proceedings approving a Plan of Reorganization of Midland United Company and Midland Utilities Company; and it further appearing from said fifth amendment that applicant on August 26, 1946, received in cash the balance, together with interest thereon, due applicant, in full satisfaction of all amounts due and owing applicant from Midland Realization Company, formerly Midland United Company and Midland Utilities Company, in accordance with the terms of the aforesaid Settlement Agreement dated December 7, 1944; and

The Commission deeming it appropriate and in the public interest and in the interest of consumers and investors that applicant's request to withdraw its application for exemption be granted:

It is hereby ordered, That the application of The Peoples Gas Light and Coke Company to withdraw its application for an order pursuant to section 2 (a) (8) of the act declaring Midland United Company, now Midland Realization Company, not to be a subsidiary of applicant, be, and the same hereby is granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3271; Filed, Mar. 27, 1951; 8:48 a. m.]

[File No. 70-2456]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

ORDER GRANTING AMENDED APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 22d day of March A. D. 1951.

Public Service Company of New Hampshire ("New Hampshire"), an operating utility company and a direct subsidiary of New England Public Service Company, a registered holding company which in turn is a subsidiary of Northern New England Company, also a registered holding company, having filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 a further amendment to its application under the first sentence of section 6 (b) of said act which, as previously amended, was granted by order of this Commission dated December 20, 1950, Holding Company Act Releases Nos. 10065 and 10301;

The amendment proposing that the authorization granted New Hampshire by said order of December 20, 1950 with respect to the issuance or renewal of short-term notes, i. e., notes having a maturity of nine months or less, up to a maximum aggregate amount of $6,500,000 of short-term notes at any time outstanding, which expires on March 31, 1951, be extended to June 30, 1951; New Hampshire having stated that it has outstanding short-term notes in the amount of $4,950,000, that it anticipates additional short-term borrowings of $500,000 in April and $1,250,000 in June 1951, and that it plans to issue and sell $3,000,000 principal amount of its First Mortgage Bonds in May 1951, the proceeds of which will be applied on the short-term notes then outstanding;

Notice of said filing having been duly given in the form and manner prescribed by Rule U-23 under said act; the Commission not having received a request for hearing with respect to said amendment within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application, as amended, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted, and further deeming it appropriate to grant the request of the applicant that the order herein become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that said application, as amended, be, and hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3768; Filed, Mar. 27, 1951; 8:47 a. m.]

[File No. 70-2564]

OHIO EDISON CO. AND PENNSYLVANIA POWER CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 21st day of March A. D. 1951.

Ohio Edison Company ("Ohio"), a registered holding company and a public utility company, and its direct subsidiary, Pennsylvania Power Company ("Pennsylvania"), a public utility company, having filed with this Commission a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 (the "act") and certain rules and regulations promulgated thereunder, proposing, among other things, the issuance and sale by Pennsylvania, pursuant to the competitive bidding requirements of Rule U-50, of 40,000 shares of $100 par value preferred stock of a new series or class ranking equally with the shares of Pennsylvania's outstanding 4.25% Preferred Stock; and

The Commission by order dated March 7, 1951, having granted the application and permitted the declaration to become effective subject to the condition, among others, that the proposed issuance and sale of preferred stock by Pennsylvania should not be consummated until the results of the competitive bidding, pursuant to Rule U-50, had been made a matter of record in this proceeding and a further order entered with respect thereto, and jurisdiction having been reserved therein over the payment of fees and expenses to be incurred in connection with the proposed transactions; and

Pennsylvania having on March 21, 1951, filed an amendment to said joint application-declaration in which it is stated that Pennsylvania, pursuant to the competitive bidding requirements of Rule U-50, has received the following bids with respect to the proposed issue of its new preferred stock:

Group headed by—	Dividend rate (percent)	Price to company	Cost to company (percent of price)
The First Boston Corp., Blyth & Co., Inc.	4.24	$100.279	4.2282
Lehman Bros.	4.24	100.96	4.2200
Smith, Barney & Co.	4.28	100.13	4.2744
Merrill, Lynch, Pierce, Fenner & Beane	4.36	100.6199	4.3374
Glore, Forgan & Co., W. C. Langley & Co.	4.48	100.539	4.4560

The amendment having further indicated that Pennsylvania has accepted the bid of The First Boston Corporation and Blyth & Co., Inc., as set out above, and that such preferred stock will be offered for sale to the public at a price of $102.125 per share plus accrued dividends from March 1, 1951, to the date of delivery, resulting in an underwriting spread of $1.846 per share of said preferred stock; and

Said application-declaration, as amended, further stating that the estimated fees and expenses to be incurred and paid by the applicant-declarant in connection with the proposed transactions amount to about $60,000, including a payment of fees of not more than $13,000 to Commonwealth Services, Inc., an independent service company which is a former affiliate of Pennsylvania, accountants' fees of $1,800 payable to Arthur Andersen & Co., legal fees in the amount of $5,500 payable to Winthrop, Stimson, Putnam & Roberts, counsel for the company; and said application-declaration, as amended, also stating that a fee of $3,500 is to be paid by the purchasers of the preferred stock to Simpson, Thacher & Bartlett, their counsel; and it appearing that such fees and expenses are not unreasonable; and

The Commission having examined said amendment and having considered the record herein and observing no basis for imposing terms and conditions with respect to the price to be paid for the said preferred stock, the dividend rate and the proposed underwriter's spread in connection therewith;

It is ordered, That the jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding in connection with the sale of the new preferred stock under Rule U-50 and with respect to fees and expenses be, and the same hereby is, released, and that the said application-declaration of Pennsylvania, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3765; Filed, Mar. 27, 1951, 8:47 a. m.]

[File No. 70-2574]

SOUTHERN CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 21st day of March A. D. 1951.

In the matter of The Southern Company, Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company; File No. 70-2574.

The Southern Company ("Southern"), a registered holding company and its four public utility subsidiaries, Alabama Power Company ("Alabama"), Georgia Power Company ("Georgia"), Gulf Power Company ("Gulf"), and Mississippi Power Company ("Mississippi"), having filed with this Commission a joint application-declaration, and amendments thereto, pursuant to sections 6, 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 (the "act") and Rules U-43 and U-50 promulgated thereunder, relating to the following proposed transactions:

Southern proposes to issue and sell 1,000,000 additional shares of its $5.00 par value common stock at competitive bidding pursuant to Rule U-50. The proceeds from the sale of this common stock, together with treasury funds to the extent required, are to be invested in the purchase of additional shares of the common stock of subsidiary operating companies in order to assist them in financing their construction programs. Southern proposes to acquire, and the respective subsidiaries propose to issue and sell to Southern, no par value common stock as follows: 50,000 shares of additional common stock of Alabama for $5,000,000; 292,400 shares of additional common stock of Georgia for $5,000,000; 40,000 shares of additional common stock of Gulf for $2,000,000; and 75,000 shares of additional common stock of Mississippi for $2,000,000.

Said joint application-declaration and amendments thereto having been duly filed, and notice of such filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for hearing within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The joint application-declaration having requested that the Commission's order become effective forthwith upon issuance; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the following additional conditions:

(1) That the proposed sale of common stock of Southern shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 shall have been made a matter of record herein and a further order shall have been entered with respect thereto in the light of the record so completed, which order shall contain such further terms and conditions as may then be deemed appropriate.

(2) That jurisdiction be reserved with respect to all fees and expenses to be paid in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3767; Filed, Mar. 27, 1951; 8:47 a. m.]

[File No. 70-2584]

OHIO EDISON CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 22d day of March A. D. 1951.

Ohio Edison Company ("Ohio"), a registered holding company and a public utility company, having filed a declaration pursuant to sections 6, 7 and 12 of the Public Utility Holding Company Act of 1935 (the "act"), and Rule U-62 promulgated thereunder with respect to the following transactions:

Ohio proposes to solicit the holders of its common stock for proxies to be voted at the annual meeting to be held on April 26, 1951, in favor of certain proposed amendments to its Articles of Incorporation. These amendments are being proposed at this time in contemplation of the subsequent issuance by Ohio of additional preferred stock and common stock, which security issuances are not embraced in the instant filing. The amendments to the Articles of Incorporation, generally speaking, relate to, among other things, certain limitations on the payment of common stock dividends and limitations on the issuance of unsecured indebtedness and additional preferred stock. Ohio requests that the Commission's order provide that upon the taking effect of these proposed amendments, the conditions limiting common stock dividends contained in the Commission's orders of September 14, 1944, September 26, 1944, March 31, 1945, September 9, 1948, March 29, 1950, and May 4, 1950, cease to be in effect.

The filing indicates that no authorization has been sought for the payment of fees and expenses by Ohio in connection with the transactions proposed in the filing other than for soliciting proxies. Such solicitation may be made by officials and employees of the company, and, if deemed advisable, by about six employees of Commonwealth Services Inc., an independent service company which was formerly an affiliate of Ohio, at a cost not to exceed $1,500. The company states that it may also, if it should be found necessary or advisable, retain some organization, as yet not determined, of professional proxy solicitors. It is anticipated that the total additional cost of such professional solicitation will not exceed $10,000.

Notice of the filing of this declaration having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing and not having ordered a hearing thereon; and

The Commission finding with respect to this declaration that all of the applicable standards are satisfied and that there is no basis for any adverse findings and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective except with respect to the proposal to hire an organization of professional proxy solicitors;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, that said declaration be and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the following terms and conditions:

(1) That jurisdiction be reserved with respect to all aspects of the proposal to hire an organization of professional proxy solicitors, including, among other things, the need therefor, their selection and compensation;

(2) That the conditions in the Commission's orders dated September 14, 1944, September 26, 1944, March 31, 1945, September 9, 1948, March 29, 1950, and May 4, 1950, restricting the payment of common dividends by Ohio shall cease to be effective upon the taking effect of the proposed amendments to Ohio's Articles of Incorporation.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3770; Filed, Mar. 27, 1951; 8:48 a. m.]

[File No. 70-2593]

CENTRAL AND SOUTH WEST CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 22d day of March A. D. 1951.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Central and South West Corporation ("Central"), a registered holding company. Declarant has designated sections 6 (a), 7 and 12 (e) of the act and Rules U-62 and U-100 promulgated thereunder as being applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 2, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 2, 1951, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Central proposes to amend its Articles of Incorporation so as to (1) increase it's

authorized capital stock from 8,000,000 shares of $5 par value common stock to 10,000,000 shares of $5 par value common stock and (2) limit the present preemptive rights of its common stockholders so as to permit the sale for cash of shares of common stock, or any securities convertible into common stock, either by means of a public offering, or to or through underwriters or investment bankers who shall have agreed promptly to make a public offering of such shares or securities.

The declaration states that, under the laws of Delaware, the affirmative vote of the holders of a majority of the outstanding common stock is required for the adoption of each of said amendments.

Central proposes to solicit the holders of its common stock for proxies to be voted at the annual meeting to be held on May 15, 1951, in favor of the proposed amendments to its Articles of Incorporation. The declaration states that Central may retain the services of Dudley King, a professional solicitor, to assist in the solicitation of proxies from a specified group of stockholders, consisting primarily of dealers, commercial banks, trust companies and other institutional investors, and, if so retained, the charges and expenses of the solicitor, not to exceed $2,000, will be paid by Central. Other fees and expenses to be incurred by Central in connection with the proposed transactions are estimated at $4,500.

The declaration further states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Declarant requests that the Commission accelerate the entry of its order herein, that such order be issued not later than April 5, 1951, and that it become effective upon the issuance thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3772; Filed, Mar. 27, 1951; 8:48 a. m.]

MOORE & CO.

MEMORANDUM OPINION AND ORDER WITH RESPECT TO REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of March A. D. 1951.

In the matter of Moore & Company (a partnership), 113 Hudson Street, Jersey City 2, New Jersey, and Anna F. Ross doing business as Moore & Company (a sole proprietorship), 113 Hudson Street, Jersey City 2, New Jersey.

These are consolidated proceedings to determine whether it is in the public interest, pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("the Exchange Act"), to revoke the broker and dealer registration of Moore & Company, a partnership, and of Anna F. Ross, doing business as Moore & Company, a sole proprietorship, and whether it is necessary or appropriate in the public interest or for the protection of investors, pursuant to section 15A (*l*) (2) of the Exchange Act, to suspend or expel Moore & Company from membership in National Association of Securities Dealers, Inc. ("NASD"), a national securities association registered under the Exchange Act.

On January 10, 1951, we issued our Findings and Opinion in which we found that one Walter G. Furlong, an unregistered broker-dealer, had willfully violated the anti-fraud provisions of section 17 (a) of the Securities Act of 1933 and sections 10 (b) and 15 (c) (1) of the Exchange Act and Rules X-10B-5 and X-15C1-2 (a) and (b) thereunder, by reason of certain transactions effected by him, under power of attorney, with certain of his customers for whom Furlong had opened accounts with Moore & Company. We found also that Mrs. Ross was guilty with Furlong of violations of the anti-fraud provisions here involved, even though she may have entertained an erroneous understanding of the permissible scope of Furlong's authority.[1]

While we stated in our Opinion that section 15 (b) of the Exchange Act would authorize the revocation of Moore & Company's registration, we concluded that a less severe sanction in the form of a 60-day suspension from the NASD would be in the public interest in this case: *Provided*, That Mrs. Ross would submit satisfactory evidence that she would use methods adequate to safeguard the interests of public customers in the event she effected security transactions with them in the future. We then stated:

Accordingly, we shall hold this record open for a period of thirty days to give Mrs. Ross an opportunity to submit to us complete data showing that the procedures to be followed by her hereafter, which procedures should include the securing of appropriate legal and technical advice in the course of her dealings with public customers, will adequately safeguard the interests of such customers.

Upon compliance with this condition, we shall issue an order canceling the registration of Moore & Company, the partnership, and suspending Moore & Company as presently constituted from the NASD for a period of sixty days. In the event that Mrs. Ross should fail to meet this condition, we shall issue an order revoking her registration as a broker-dealer.

Mrs. Ross has advised us that her future practices will comply with our requirements as set forth under the Commission's rules, regulations and opinions. To this end she has engaged, on a permanent basis, an attorney and a firm of accountants to keep her constantly advised as to proper brokerage practices and procedures. In addition, she has submitted some data outlining various procedures she intends to follow with public customers as a means of guarding against a repetition of past offenses.

Mrs. Ross has also filed a request that we reconsider our decision to impose a sanction of a 60-day suspension of Moore & Company from the NASD, in the event we find that the conditions outlined by us have been met.

[1] — S. E. C. —, Securities Exchange Act Release No. 4545. Our findings and opinion contain a detailed exposition of the fraudulent acts and practices referred to, which will not be repeated herein.

We conclude that registrant has substantially fulfilled the conditions set forth by us and that it is appropriate to dismiss the revocation proceedings under section 15 (b) of the Exchange Act. However, the reasons advanced do not persuade us that we should not suspend Moore & Company, as now constituted, from the NASD for sixty days.

It is ordered, therefore, That the registration of Moore & Company, the partnership, be, and it hereby is, cancelled;

It is further ordered, That the proceedings for the revocation of registration pursuant to section 15 (b) of the Securities Exchange Act of 1934 instituted against Anna F. Ross, doing business as Moore & Company, be, and they hereby are, dismissed, and that Moore & Company, as now constituted, be, and it hereby is, suspended from National Association of Securities Dealers, Inc., for a period of sixty days from the date of this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3766; Filed, Mar. 27, 1951; 8:47 a. m.]

[File No. 70-2596]

NEW ENGLAND GAS AND ELECTRIC ASSN.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of March A. D. 1951

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by New England Gas and Electric Association ("Negea"), a registered holding company. It appears from the filing that sections 6 (a), 7 and 12 (e) of the act and Rule U-62 promulgated thereunder are applicable to the proposed transactions.

Notice is further given that any interested person may, not later than March 29, 1951, at 5:30 p. m., e. s. t. request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 29, 1951, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

In connection with its annual meeting of shareholders on May 1, 1951 Negea proposes to solicit proxies from its shareholders with respect to nominees for Trustees and for the purpose of amending section 22 of the Declaration of Trust so as to enlarge its scope to permit the Trustees to issue all of the presently authorized but unissued common shares (1,405,125 shares) to provide funds to acquire under preemptive right additional stock of any natural gas pipeline company operating in Massachusetts, or to acquire 51 percent or more of the outstanding common stock of a Massachusetts gas or electric company. The declaration states that the Trustees of Negea deem it advisable that they be given authority to issue the authorized stock of Negea if such be necessary to provide funds for, or to retire temporary indebtedness incurred in connection with, the acquisition of additional stock of Algonquin Gas Transmission Company ("Algonquin"), in which pipeline company Negea has an existing 36.2 percent stock interest. The declaration further states that there is no intention at the present time to acquire a majority of the common stock of any Massachusetts gas or electric company, but the Trustees deem it advisable to amend section 22 of the Declaration of Trust at the annual meeting of stockholders to avoid the expense of a special meeting of stockholders in the event of an opportunity to purchase stock of a Massachusetts gas or electric company to the benefit of Negea and its shareholders.

In order to amend the Declaration of Trust, Negea states that it is necessary to obtain the consent of the holders of a majority of the outstanding common shares and of the holders of a majority of the preferred shares. Negea has filed with the Commission as an exhibit to its declaration herein, a copy of the solicitation material it proposes to send to its shareholders.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3795; Filed, Mar. 27, 1951; 8:51 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation No. 4]

WATCHES AND PARTS

NOTICE OF INVESTIGATION AND PUBLIC HEARING

The United States Tariff Commission on this 23d day of March 1951, under the authority of Paragraph 13 of Part III of Executive Order 10082 of October 5, 1949, and pursuant to the Commission's rules of practice and procedure, hereby announces an investigation, including a public hearing, for the purpose of determining whether, as a result of unforeseen developments and of the concession granted by the United States in the trade agreement with Switzerland, as amended, the following articles are being imported in such increased quantities and under such conditions as to cause or threaten serious injury to the domestic industry producing like or directly competitive articles:

Watches, watch movements, watch cases and all other articles and parts of articles classified under paragraph 367, Tariff Act of 1930, as amended.

On February 13, 1951, the Tariff Commission received an application for an investigation, under the escape clause of the Trade Agreement with Switzerland, with respect to jewelled watches and watch movements containing seven jewels or more but not more than seventeen jewels and parts therefor. This application was filed on behalf of the Elgin National Watch Company of Elgin, Illinois, and the Hamilton Watch Company of Lancaster, Pennsylvania. The application was subsequently endorsed in a communication received March 5, 1951, from the Trustees in Reorganization of the Waltham Watch Company. The Tariff Commission after preliminary study of this matter decided to institute a formal investigation, but on its own motion extended the scope of the investigation, as indicated above, to cover all watches, watch movements, watch cases and all other articles and parts of articles classified under paragraph 367, Tariff Act of 1930, as amended.

Hearing. All parties interested will be given opportunity to be present, to produce evidence, and to be heard at a public hearing to be held in the Tariff Commission Building, Seventh and E Streets NW., Washington, D. C., at 10 a. m. on the 15th day of May 1951.

Request to appear. Parties desiring to appear at the public hearing should notify the Secretary of the Commission in writing at its offices in Washington, D. C., in advance of the hearing.

Rules. Copies of the Commission's rules of practice and procedure, which set forth in § 207.6 the type of information pertinent to the hearing are available upon request from the United States Tariff Commission, Washington 25, D. C.

I certify that this investigation was ordered by the Tariff Commission on the 22d day of March 1951.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 51-3786; Filed, Mar. 27, 1951; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 15500]

THEKLA MARIE DÄEHNE

In re: Estate of Thekla Marie Dächne, deceased. File No. D-28-12956.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Richard Alfred Dächne, Elisabeth Kuhnert, Kurt Liebers, Dora Däehne and Albert Däehne, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to the Estate of Thekla Marie Däehne, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by John C. Glenn, Administrator, acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3788; Filed, Mar. 27, 1951; 8:50 a. m.]

[Vesting Order 15508, Amdt.]

MARY SPRANG ET AL.

In re: Rights of the Domiciliary personal representatives, et al., of Mary Sprang, deceased. File No. F-28-24353-H-2.

Vesting Order 15508 dated November 3, 1950 is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Gjertsen and Hildegard Schneider who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941 have been residents of Germany are nationals of a designated enemy country (Germany);

2. That Dora Zinn, Elisabeth Schalk, and Gertrud Sprang, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

3. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of

Mary Sprang, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

4. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 8116 GLH Serial 990 issued by the Metropolitan Life Insurance Company, New York, New York, to Fritz Sprang, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That the national interest of the United States requires that the persons named in subparagraph 1 hereof be treated as nationals of a designated enemy country (Germany);

6. That to the extent that the persons named in subparagraph 2 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Mary Sprang, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3740; Filed, Mar. 26, 1951; 8:54 a. m.]

[Vesting Order 17534]

MUNCHENER RUCKVERSICHERUNGS-GESELLSCHAFT

In re: Bonds owned by Munchener Ruckversicherungs-Gesellschaft. F-28-1490

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Munchener Ruckversicherungs-Gesellschaft, the last known address of which is Koniginstrasse 107, Munich, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Munich, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation, matured or unmatured, evidenced by one (1) The Baltimore and Ohio Railroad Company First Mortgage Gold 5 percent (4 percent Bond, due 1948/1975, of $1,000.00 face value, bearing the number 127287, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and all rights in, to and under the aforesaid bond, including particularly but not limited to any and all rights under an Adjustment Plan of September 20, 1944,

b. Those certain debts or other obligations, matured or unmatured, evidenced by thirty-eight (38) Chicago, Rock Island and Pacific Railway Company First and Refunding Mortgage Gold 4 percent Bonds, due 1934, each of $1,000.00 face value, bearing the numbers 1868, 16612, 16613, 18252, 18253, 18254, 19701, 19702, 19703, 19704, 19705, 25980, 26550, 26551, 26552, 27844, 29784, 30053, 30054, 30071, 31213, 31334, 31335, 31336, 31337, 31338, 40419, 40420, 40421, 40626, 41226, 41227, 42059, 42060, 42735, 42738, 42739 and 42740, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and all rights in, to and under the aforesaid bonds, including particularly, but not limited to any and all rights under an ICC Modified Reorganization Plan of January 3, 1944.

c. That certain debt or other obligation, matured or unmatured, evidenced by one (1) substitute certificate, numbered 1, for two (2) Denver and Rio Grande Railroad Company First Consolidated Mortgage Gold 4½ percent Bonds, due 1936, each of $1,000.00 face value, bearing the numbers 35292 and 35293, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and all rights in, to and under the aforesaid certificate, including particularly but not limited to any and all rights under an ICC Reorganization Plan as modified June 25, 1943,

d. Those certain debts or other obligations, matured or unmatured, evidenced by thirteen (13) Denver and Rio Grande Western Railroad Company General Mortgage Gold 5 Percent Bonds, due 1955, of $11,600.00 aggregate face value, bearing the numbers 2962, 1242, 19363, 19364, 19365, 19366, 19367, 19368, 19369, 19370, 19371, 19372 and 19373, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and all rights in, to and under the aforesaid bond, including particularly but not limited to any and all rights under an ICC Reorganization Plan as modified June 25, 1943, and

e. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) Illinois Central Railroad Company Collateral Trust Gold 4 percent Bonds, due 1952, each of $1,000.00 face value, bearing the numbers 1650, 5266 and 5526, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and all rights in, to and under the aforesaid bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3739; Filed, Mar. 26, 1951; 8:54 a. m.]

[Return Order 905]

GERARD BARDET

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses.

Claimant, Claim No., Notice of Intention To Return Published, and Property

Gerard Bardet, Paris, France; Claim No. 18396; February 2, 1951 (16 F. R. 1000); property described in Vesting Order No. 1187 (8 F. R. 7036—May 27, 1943) relating to United States Patent Application Serial No. 470,616 (now United States Letters Patent No. 2,376,651). This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON.
Assistant Attorney General
Director, Office of Alien Property.

[F. R. Doc. 51-3743; Filed, Mar. 26 1951; 8:55 a. m.]

APR 2 '51

FEDERAL REGISTER

VOLUME 16 NUMBER 61

Washington, Thursday, March 29, 1951

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter II—The Loyalty Review Board

PART 220—DIRECTIVES TO DEPARTMENTS AND AGENCIES; CASES OF INCUMBENT AND EXCEPTED EMPLOYEES AND EXCEPTED APPLICANTS

PART 230—DIRECTIVES TO REGIONAL LOYALTY BOARDS; CASES OF APPLICANTS AND APPOINTEES IN THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

1. Paragraph (d) of § 220.1 is revoked.

2. Paragraphs (f) and (g) of § 220.2 are amended to read as follows:

§ 220.2 *Directive II; initial consideration of loyalty cases.* * * *

(f) *Action in cases of incumbent and excepted employees where initial consideration indicates that a finding of removal may be warranted.* In all cases in which the evidence indicates that removal action may be warranted, the board shall serve the incumbent or excepted employee with a notice in writing stating the charges against him in factual detail, setting forth with particularity the facts and circumstances relating to the charges so far as security considerations will permit, in order to enable the employee to submit his answer, defense or explanation, and of the proposed removal action. This notice shall be given to the employee at least thirty full calendar days in advance of the effective date of the proposed removal action, except as provided in § 22.2 (a) (2) of Civil Service Commission regulations (Chapter I of this title). In computing the notice period, the day on which the notice is received by the employee is not counted. The notice shall give the employee the information set forth in paragraph (g) of this section.

(g) *Contents of notice of proposed removal action.* The notice of proposed removal action required in paragraph (f) of this section shall state to the employee:

(1) The charges against him in factual detail, setting forth with particularity the facts and circumstances relating to the charges so far as security considerations will permit, in order to enable the employee to submit his answer, defense or explanation.

(2) His right to answer the charges in writing, under oath or affirmation, within a specified reasonable period of time, not less than ten (10) calendar days from the date of the receipt by the employee of the notice.

(3) His right to have an administrative hearing on the charges before a loyalty board in the agency, upon his request.

(4) His right to appear before such board personally, to be represented by counsel or representative of his own choosing, and to present evidence in his behalf.

(5) The work and pay status in which he will be carried during the period of the notice or until the determination of the agency loyalty board.

(6) The fact that the proposed removal action will not become effective in less than thirty (30) full calendar days (excluding the day of receipt of notice) from the date of receipt by the employee of the notice.

(7) The authority or authorities (Executive Order 9835 and any applicable statutes, such as section 9A of the Hatch Act and/or section 14 of the Veterans' Preference Act of 1944) under which the notice is being sent.

3. Paragraph (e) of § 230.1 is revoked.

4. Paragraph (b) of § 230.6 is amended to read as follows:

§ 230.6 *Directive VI; records, files and reports.* * * *

(b) *Procedure in cases of separation, withdrawal and furlough*—(1) *Separation.* Adjudication shall be discontinued in any case in which the individual is separated from the service prior to decision by a loyalty board, except in cases in which the individual has an eligibility from which he may receive another appointment and from which eligibility he is interested in obtaining further Federal employment.

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FEDERAL REGISTER

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(2) *Withdrawal.* Adjudication shall be discontinued in any case in which an applicant states that he is no longer interested in obtaining Federal employment, and his known applications and eligibilities shall be cancelled.

(3) *Furlough.* When an individual is in a furlough or leave-without-pay status, including furlough in a reduction of force, or is on a reinstatement reserve list, the board shall proceed with adjudication, except when the circumstances are such that adjudicative action cannot be taken, and except in cases of military furlough in which it is necessary or desirable to issue interrogatories. In such exceptional cases, the board shall request the employing agency to inform Central Office Investigations Division if the individual returns to duty in order that arrangements may be made to complete adjudication, and shall take any necessary additional precautionary action to insure completion of adjudication.

(Part III, E. O. 9835, Mar. 21, 1947, 12 F. R. 1935; 3 CFR 1947 Supp.)

Approved February 13–14, 1951.

LOYALTY REVIEW BOARD,
UNITED STATES CIVIL SERVICE COMMISSION,
HIRAM BINGHAM,
Chairman.

[F. R. Doc. 51-3843; Filed, Mar. 28, 1951; 8:57 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

PART 610—DAIRY PRODUCTS

SUBPART—MILK AND BUTTERFAT PRICE SUPPORT PROGRAM

The U. S. Department of Agriculture will support the general levels of prices to producers for milk and butterfat, from April 1, 1951, through March 31, 1952, through purchases of manufactured dairy products by Commodity Credit Corporation (hereinafter called CCC) as provided herein. These purchases will support national average prices to producers at approximately $3.60 per hundredweight for manufacturing milk of 3.95 percent butterfat (yearly average test) and 67.6 cents per pound for butterfat.

§ 610.130 *Price support program for milk and butterfat.* (a) CCC will purchase, during the period April 1, 1951 through March 31, 1952, butter, nonfat dry milk solids and Cheddar cheese at the following prices:

Commodity	Description	Unit	Price
Butter	(U. S. Grade A or higher	Pound	$0.66
	(U. S. Grade B	do	.64
Nonfat dry milk solids	(Spray process, U. S. Extra Grade	do	.15
	(Roller process, U. S. Extra Grade	do	.13
Cheddar cheese	U. S. Grade A or higher, standard moisture basis	do	.36

(b) The butter shall be salted creamery butter of U. S. Grade B or higher, solid-packed in commercial containers. The nonfat dry milk solids shall be U. S. Extra Grade, packed in export containers. The Cheddar Cheese shall be U. S. Grade A or higher, packed in commercial domestic containers.

(c) The products purchased shall be produced and located in the continental United States. Purchases will be made in units of not less than tariff minimum carlots for the area where the product is located. Grades and weights shall be evidenced by inspection certificates issued by the U. S. Department of Agriculture.

(d) Purchases will be made by CCC subject to the terms and conditions of purchase announcements issued by the Dairy Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interprets or applies secs. 5, 1, 62 Stat. 1072, 1247; 15 U. S. C. Sup., 714c, 7 U. S. C. and Sup., 1282)

Issued this 23d day of March 1951.

[SEAL] ELMER K. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

Frank K. Woolley,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-3814; Filed, Mar. 28, 1951; 8:49 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. A]

PART 201—DISCOUNTS FOR AND ADVANCES TO MEMBER BANKS BY FEDERAL RESERVE BANKS

DISCOUNT OF NOTES, DRAFTS, AND BILLS FOR MEMBER BANKS

1. Effective March 21, 1951, paragraph (h) of § 201.1 is amended to read as follows:

(h) *Determination of eligibility.* A Federal Reserve Bank shall take such steps as may be necessary to satisfy itself as to the eligibility of any paper offered for discount. Compliance of paper with the provisions of paragraph (a) (2) of this section may be evidenced by a statement which adequately reflects the borrower's financial worth and evidences a reasonable excess of quick assets over current liabilities, or such compliance may be evidenced in any other manner satisfactory to the Federal Reserve Bank. The requirement of this section that a note be negotiable shall not be applicable with respect to any note evidencing a loan which is made pursuant to a commodity loan program of the Commodity Credit Corporation and which is subject to a commitment to purchase by the Commodity Credit Corporation or with respect to any note evidencing a loan which is in whole or in part the subject of a guarantee or commitment made pursuant to section 301 of the Defense Production Act of 1950.

2. (a) The purpose of this amendment is to facilitate the program of guaranteed loans authorized by section 301 of the Defense Production Act of 1950, by exempting notes evidencing guaranteed loans from the requirements of this part that a note be negotiable in order to be eligible for discount or as security for advances by Federal Reserve Banks to member banks.

(b) The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found as stated in § 262.2 (e) of the Board's rules of procedure, and especially because in connection with this amendment which relieves certain restrictions such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interpret or apply R. S. 5200, as amended, secs. 4, 9, 13, 19, 24, 38 Stat. 254, 259, 263, 270, 273, as amended, 39 Stat. 753, 754, as amended sec. 3, 40 Stat. 232, as amended, secs. 402 404, 42 Stat. 1479, 1480, as amended, sec. 2, 47 Stat.

56, as amended, secs. 11, 505, 48 Stat. 181, 1263, as amended; 12 U. S. C. 84, 301, 330, 343–347, 347b, 348, 349, 351, 352, 361, 371–373, 374a)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-3807; Filed, Mar. 28, 1951; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 2, Amdt. 12]

PART 60—AIR TRAFFIC RULES

MINIMUM EN ROUTE INSTRUMENT ALTITUDES

The minimum en route instrument altitude alterations appearing hereinafter are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 60 is amended as follows:

1. Section 60.17-15 *Green Civil Airway No. 5*, is amended to read in part:

From—	To—	Minimum altitude
Midland (INT), Tex. or Midland, Tex. (VOR), via LFR or VOR radial 55.	Big Spring, Tex. (LFR) (VOR) via LFR or VOR radial 230.	4,300

2. Section 60.17-104 *Amber Civil Airway No. 4* is amended to eliminate:

From—	To—	Minimum altitude
Carlsbad, N. Mex. (LFR) (VOR), via LFR or VOR radials 50 or 55.	Hobbs, N. Mex. (LFR) (VOR), via LFR or VOR radials 230 or 215.	5,000

3. Section 60.17-107 *Amber Civil Airway No. 7* is amended to read in part:

From—	To—	Minimum altitude
Charleston, S. C. (LFR) (VOR).	Florence, S.C. (LFR) (VOR).	1,300

4. Section 60.17-108 *Amber Civil Airway No. 8* is amended to read in part:

From—	To—	Minimum altitude
Santa Barbara, Calif. (LFR) (VAR) (northbound).	Paso Robles, Calif. (VAR).	7,000

[1] 6,[illegible]—minimum crossing altitude at Santa Barbara, [illegible].

5. Section 60.17-227 *Red Civil Airway No. 27* is amended to read in part:

From—	To—	Minimum altitude
Findlay, Ohio (RBN).	Bowling Green, Ohio (FM).	2,100
Bowling Green, Ohio (FM) [1].	Toledo, Ohio (LFR).	1,900

[1] 1,[illegible]—minimum crossing altitude at Bowling Green (FM), south-bound.

6. Section 60.17-231 *Red Civil Airway No. 31* is amended to read in part:

From—	To—	Minimum altitude
Rapid City, S. Dak. (LFR).	Philip, S. Dak. (BIl) (VOR).	4,100
Philip, S. Dak. (BIl) (VOR).	Pierre, S. Dak. (LFR) (VOR).	3,500

7. Section 60.17-254 *Red Civil Airway No. 54* is amended to read in part:

From—	To—	Minimum altitude
Burley, Idaho (LFR).	Promontory Point, Idaho (HW).	12,500
Promontory Point, Idaho (HW).	Stansbury (INT), Idaho.	12,000

8. Section 60.17-268 *Red Civil Airway No. 68* is amended to eliminate:

From—	To—	Minimum altitude
Hobbs, N. Mex. (LFR).	Int. E crs. Hobbs, N. Mex. (LFR) and S crs. Lubbock, Tex. (LFR).	5,000

9. Section 60.17-288 *Red Civil Airway No. 88* is amended by adding:

From—	To—	Minimum altitude
Hobbs, N. Mex. (LFR).	Int. E crs. Hobbs, N. Mex. (LFR) and S crs. Lubbock, Tex. (LFR).	5,000

10. Section 60.17-291 *Red Civil Airway No. 91* is amended to read in part:

From—	To—	Minimum altitude
Salt Flat, Tex. (LFR) [1].	Carlsbad, N. Mex. (LFR) [2].	10,800
Carlsbad, N. Mex. (LFR) (VOR), Via LFR or VOR radials 50 or 65.	Hobbs, N. Mex. (LFR) (VOR), Via LFR or VOR radials 230 or 215.	5,000

[1] 10,800'—minimum crossing altitude at Salt Flat, northeast-bound.
[2] 8,500'—minimum crossing altitude at Carlsbad, southwest-bound.

11. Section 60.17-296 *Red Civil Airway No. 96* is amended to read in part:

From—	To—	Minimum altitude
Big Spring, Tex. (VOR), via radial 43.	Int. N crs. Abilene, Tex. (LFR) and Wichita Falls, Tex. (VOR) radial 253.	[1] 4,000

[1] 7,000'—minimum continuous VOR reception altitude.

12. Section 60.17-638 *Blue Civil Airway No. 38* is amended to read in part:

From—	To—	Minimum altitude
Banks (INT), Canada	Annette Island, Alaska (LFR)	[illegible]
Annette Island, Alaska (LFR) [1]	Petersburg, Alaska (LFR)	[illegible]

[1] 5,000'—minimum crossing altitude at Annette Island, northwest-bound.

13. Section 60.17-1003 *Direct routes; Southwest United States* is amended by adding:

From—	To—	Minimum altitude
Camarillo, Calif. (LFR)	Oxnard (INT), Calif. (northwest-bound).	[illegible]
Oxnard (INT), Calif. (northwest-bound).	Ventura (INT), Calif. (northwest-bound).	[illegible]
Ventura (INT), Calif. (northwest-bound).	Santa Barbara, Calif. (VAR) (northwest-bound).	[illegible]
Santa Barbara, Calif. (VAR).	Ventura (INT), Calif. (southeast-bound).	[illegible]
Ventura (INT), Calif. (southeast-bound).	Oxnard (INT), Calif. (southeast-bound).	[illegible]
Oxnard (INT), Calif. (southeast-bound).	Camarillo, Calif. (LFR) (southeast-bound).	[illegible]

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective April 5, 1951.

[SEAL] J. S. MARRIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-3797; Filed, Mar. 28, 1951; 8:45 a. m.]

[Supp. 7, Amdt. 67]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13-1 is amended as follows:

1. The Sahuarita, Arizona, area, published on April 21, 1949, in 14 F. R. 1913, is amended by changing the "Description by Geographical Coordinates" column to read: "N boundary: lat. 31°59' 30" N; E boundary: long. 110°51'00" W; S boundary: lat. 31°54'00" N; W boundary: long. 110°57'00" W."

2. The Miami, Florida, area, published on April 21, 1949, in 14 F. R. 1913, and amended on June 23, 1949, in 14 F. R. 3393, is further amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at lat. 26°15'00" N, long. 80°16'30" W; SSW to lat. 26°00'00" N, long. 80°18'05" W; W to the edge of Blue Civil Airway No. 19 at long. 80°23'30" W; NNW along the E edge of Blue Civil Airway No. 19 to lat. 26°15'00" N, long. 80°25'45" W; E to lat. 26°15'00" N, long. 80°16'30" W, point of beginning."

3. The Tonopah, Nevada, area, published on April 21, 1949, in 14 F. R. 1913, and amended on June 23, 1949, in 14 F. R. 3393, is further amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at lat. 37°53'00" N, long. 116°11'00" W; S to lat. 37°42'00" N; E to long. 115°53'00" W; S to lat. 37°33'00" N; E to long. 115°48'00" W; S to lat. 37°17'00" N; E to long. 115°18'00" W; S to lat. 36°41'00" N; W to long. 115°35'30" W; S to lat. 36°35'00" N; W to long. 115°42'00" W; N to lat. 36°41'00" N; W to long. 115°56'00" W; N to lat. 37°16'00" N; W to long. 116°13'00" W; S to lat. 36°41'00" N; W to long. 116°26'30" W; N to lat. 36°51'00" N; W to long. 116°33'30" W; N to lat. 37°33'00" N; W to long. 117°02'00" W; northerly to lat. 37°53'00" N, long. 117°01'00" W; E to lat. 37°53'00" N, long. 116°11'00" W, point of beginning".

4. The Fort Sill and Lawton, Oklahoma, areas, published on April 21, 1949, in 14 F. R. 1913, have been combined into one area and revised to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
FORT SILL Oklahoma (Key Chart).	Beginning at lat. 34°47'00" N, long. 98°17'00" W; S to lat. 34°28'00" N; W to long. 98°39'00" W; N to lat. 34°39'00" N; W to long. 98°46'00" W; N to lat. 34°47'00" N; E to long. 98°38'00" W; S to lat. 34°44'00" N; E to long. 98°36'00" W; S to lat. 34°43'00" N; E to long. 98°22'00" W; NE to lat. 34°44'00" N, long. 98°21'00" W; N to lat. 34°47'00" N; E to lat. 34°47'00" N, long. 98°17'00" W, point of beginning.	Surface to 45,000 feet.	Continuous.	Fort Sill Artillery School, Fort Sill, Okla.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on April 6, 1951.

[SEAL] J. S. MARRIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-3796; Filed, Mar. 28, 1951; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5379]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

H. D. FINE CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages or connections—Producer status of dealer—Manufacturer;* § 3.20 *Comparative data or merits;* § 3.90 *History of product or offering;* § 3.135 *Nature—Product or service;* § 3.170 *Qualities or properties of product or service.* In connection with the offering for sale, sale and distribution in commerce, of respondents' paint and varnish products designated Plasti-Kote, Plasti-Kote Transparent, Plastic Floor Finish, Plasti-Kote Tile Floor Finish, Plasti-Kote Perma-Seal, Plasti-Kote Semi-Lustre, Plasti-Kote Tile Finish, Plasti-Kote Exterior, Plasti-Kote Texture Finish and Plasti-Kote No Prime Flat, or any products of substantially similar composition, whether sold under the same names or under any other names, representing, directly or by implication (1) that respondents' products are radically new laboratory products or that they are wholly different from other products used for similar purposes; (2) that said products create a permanent glossy finish; (3) that said products renew leaky roofs; (4) that said products fireproof surfaces to which they are applied; (5) that said products will withstand heat up to 800° F., or otherwise misrepresenting the ability of said products to withstand heat; (6) that said products will outwear wax surfaces 200 to 1, or otherwise misrepresenting the superiority of said products over wax; (7) that said products are modern finishes for all types of floors; (8) that said product, Plasti-Kote Texture Finish, will not wear out; (9) that said product, Plasti-Kote Perma-Seal, hardens surfaces to which it is applied, or that it is an effective waterproofer under all conditions of use; (10) that said product, Plasti-Kote Exterior, is superior to old type house paints; (11) that said product, Plasti-Kote Tile Finish, will last for years under constant use; that it resists all damage from boiling water; or that it is alcohol proof; or, (12) that respondents manufacture any of the products sold by them; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Herbert D. Fine trading as H. D. Fine Company, Plasti-Kote Company, etc., et al., Docket 5379, Jan. 3, 1951]

In the Matter of Herbert D. Fine, Individually and Trading as H. D. Fine Company, Plasti-Kote Company, and Plastic Coating Company, and H. D. Fine Company, a Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer thereto, a stipulation entered into by counsel, testimony and other evidence introduced before a trial examiner of the Commission, recommended decision of the trial examiner and exceptions thereto, and briefs in support of and in opposition to the complaint (oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Herbert D. Fine, individually and trading under the names H. D. Fine Company, Plasti-Kote Company and Plastic Coating Company, or trading under any other name, and H. D. Fine Company, a corporation, trading under its corporate name and also under the name Plasti-Kote Company, or trading under any other name, and its officers, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' paint and varnish products designated Plasti-Kote, Plasti-Kote Transparent, Plastic Floor Finish, Plasti-Kote Tile Floor Finish, Plasti-Kote Perma-Seal, Plasti-Kote Semi-Lustre, Plasti-Kote Tile Finish, Plasti-Kote Exterior, Plasti-Kote Texture Finish and Plasti-Kote No Prime Flat, or any products of substantially similar composition, whether sold under the same names or under any other names, do forthwith cease and desist from representing, directly or by implication:

1. That respondents' products are radically new laboratory products or that they are wholly different from other products used for similar purposes.

2. That said products create a permanent glossy finish.

3. That said products renew leaky roofs.

4. That said products fireproof surfaces to which they are applied.

5. That said products will withstand heat up to 800° F., or otherwise misrepresenting the ability of said products to withstand heat.

6. That said products will outwear wax surfaces 200 to 1, or otherwise misrepresenting the superiority of said products over wax.

7. That said products are modern finishes for all types of floors.

8. That said product, Plasti-Kote Texture Finish, will not wear out.

9. That said product, Plasti-Kote Perma-Seal, hardens surfaces to which it is applied, or that it is an effective waterproofer under all conditions of use.

10. That said product, Plasti-Kote Exterior, is superior to old type house paints.

11. That said product, Plasti-Kote Tile Finish, will last for years under constant use; that it resists all damage from boiling water; or that it is alcohol proof.

12. That respondents manufacture any of the products sold by them.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 3, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-3827; Filed, Mar. 28, 1951; 8:52 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

USE OF SKIM MILK CHEESE FOR MANUFACTURING IN PASTEURIZED PROCESS CHEESE FOOD AND PASTEURIZED PROCESS CHEESE SPREAD

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238; 5 U. S. S. 1002), the following statement of policy is issued:

§ 3.21 *Notice to manufacturers of pasteurized process cheese food and pasteurized process cheese spread.* Regulations establishing definitions and standards of identity for pastuerized process cheese food, § 19.765, and pasteurized process cheese spread, § 19.775, were published in the FEDERAL REGISTER on August 24, 1950, 15 F. R. 5686-5687. These regulations became effective on February 24, 1951.

An application has been received from a substantial portion of the interested industry proposing to amend these regulations to permit skim milk cheese for manufacturing as an optional ingredient in these foods. Alternative ways of amending the regulations are suggested: (1) To permit skim milk cheese for manufacturing as an optional cheese ingredient under paragraph (c) of each of the sections; or (2) To permit skim milk cheese for manufacturing as an optional dairy ingredient under paragraph (d) of each of the sections.

A hearing to take evidence on these proposals will be called as soon as practicable. Pending such a hearing and the issuance of an order resulting therefrom, the Federal Security Agency will not recommend action against pasteurized process cheese foods or pasteurized process cheese spreads solely because they include skim milk cheese for manufacturing as part of the optional cheese or dairy ingredients. Such foods must comply with other requirements of the existing regulations as well as the general provisions of the law.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: March 23, 1951.

[SEAL] OSCAR R. EWING, *Administrator.*

[F. R. Doc. 51-3810; Filed, Mar. 28, 1951; 8:48 a. m.]

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

SUPRARENAL GLANDS FROM HOG CARCASSES NOT FINALLY INSPECTED

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238; 5 U. S. C. 1002), the following statement of policy is issued:

§ 3.22 *Suprarenal glands from hog carcasses prior to final inspection.* The Meat Inspection Division, Bureau of Animal Industry, of the U. S. Department of Agriculture has informed the Food and Drug Administration of the Federal Security Agency that, under appropriate conditions, it will permit the removal of suprarenal glands from hogs that have not been finally inspected by Federal inspectors. The glands to be so obtained are intended for use in manufacturing extracts containing one or more of the therapeutically useful constituents of suprarenal glands.

Under the conditions hereinafter specified, the Federal Security Administrator has determined that the public health will be adequately protected from any danger from the use of drugs, made in whole or in part from suprarenal glands of hogs that may be condemned by Federal inspectors of the Department of Agriculture after removal of such glands from the carcasses, arising from any abnormality of such carcasses if such glands are subjected to the following prescribed treatment, which will destroy or eliminate any microorganisms or toxins that might be present in the glands:

The glands are subjected to quick freezing promptly upon removal from the carcasses and maintained in a frozen state until they are ground and immersed in 95 percent to 100 percent acetone. The ground tissues remain in the acetone for a period of not less than 6 days, the mixture is filtered, and the residue is burned.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: March 21, 1951.

[SEAL] JOHN L. THURSTON, *Acting Administrator.*

[F. R. Doc. 51-3841; Filed, Mar. 28, 1951; 8:57 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

GULF OF MEXICO BETWEEN ST. JOSEPH BAY AND PENSACOLA BAY, FLA.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), and Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), §§ 204.115 to 204.140, inclusive, are hereby revoked and superseded by §§ 204.115 to 204.140, inclusive, as follows:

§ 204.115 *Gulf of Mexico and St. Joseph Bay, in vicinity of St. Joseph Peninsula; air-to-ground target range, Tyndall Air Force Base, Fla.*—(a) *The danger zone.* The waters of the Gulf of Mexico west of St. Joseph Peninsula and of St. Joseph Bay east of St. Joseph Peninsula, Florida, within an area described as follows: Beginning at St. Joseph Point, latitude 29°52'24", longitude 85°23'24"; thence southeasterly to latitude 29°50'30", longitude 85°23'12", thence 90° true to longitude 85°22'30"; thence southeasterly to latitude 29°42'00", longitude 85°20'30", thence southwesterly to latitude 29°41'48", longitude 85°21'48"; thence southeasterly to Cape San Blas, latitude 29°40'00", longitude 85°21'36"; thence southwesterly to latitude 29°38'54", longitude 85°30'42"; thence northwesterly to latitude 29°48'36", longitude 85°32'12"; thence northeasterly to the point of beginning. Firing will be in a southwesterly direction from St. Joseph Bay toward the Gulf of Mexico and across St. Joseph Peninsula.

(b) *The regulations.* (1) Firing will be conducted daily between sunrise and sunset, weather and ceiling permitting, and no vessel or other craft shall enter or remain within the area during such operations.

(2) The fact that aerial target practice is to take place over the area will be advertised to the public through the usual media for the dissemination of information. Inasmuch as such practice is to be conducted throughout the year, without regard to season, such advertising will be repeated at frequent intervals not exceeding three months, and at more frequent intervals when, in the opinion of the enforcing agency, such frequent repetition is advisable in the interests of public safety.

(3) Prior to conducting each target practice the area will be patrolled by aircraft to insure that no watercraft are within the area, and any watercraft in the area will be warned by means of signals that target practice is about to take place. The patrol aircraft will employ the method of warning known as "buzzing" which consists of low flight by the aircraft and repeated opening and closing of the throttle. Any such watercraft shall, upon being so warned, immediately leave the area and shall remain outside the area until the conclusion of target practice.

(4) No marking of the area is proposed, and watercraft shall be presumed to know their location by distance and direction from landmarks or other topographical features along the shore.

(5) The regulations in this section shall be enforced by the Commanding Officer, Tyndall Air Force Base, Florida, and such agencies as he may designate.

§ 204.120 *Gulf of Mexico, southeast of St. Andrew Bay East Entrance; small-arms firing range, Tyndall Air Force Base, Fla.*—(a) *The danger zone.* The waters of the Gulf of Mexico southeast of St. Andrew Bay East Entrance within a rectangular area one statute mile wide, the longitudinal center line of which extends from a point on shore at latitude 30°04'30", longitude 85°36'48", 206° true, a distance of four and one-half statute miles.

(b) *The regulations.* (1) Firing practice will ordinarily take place between 8:00 a. m. and 5:00 p. m. daily. No vessel or other craft shall enter or remain within the area during periods of firing. The area will be open to vessels at all other times.

(2) Prior to conducting firing practice a red flag will be displayed from the Fire Control Tower on the range and watercraft in the vicinity will be warned by patrol boats. Any watercraft within the area shall, upon being so warned, immediately leave the area and shall remain outside the area until the conclusion of firing practice.

(3) The regulations in this section shall be enforced by the Commanding Office, Tyndall Air Force Base, Florida, and such agencies as he may designate.

§ 204.125 *Gulf of Mexico, west of St. Andrew Bay West Entrance; test operations area, Navy Mine Countermeasures Station, Panama City, Fla.*—(a) *The danger zone.* The waters of the Gulf of Mexico west of St. Andrew Bay West Entrance within an irregular area approximately three-fourths nautical mile offshore, one and three-fourths nautical miles wide, and three nautical miles long, whose four corners are located as follows: North corner, latitude 30°09'05", longitude 85°47'45"; east corner, latitude 30°07'25", longitude 85°45'00"; south corner, latitude 30°06'00", longitude 85°46'06"; west corner, latitude 30°08'01", longitude 85°49'00".

(b) *The regulations.* (1) Whenever the flag "Baker" or the standard minesweep signal is displayed from any vessel or barge operating in the danger zone, navigation in the danger zone is prohibited. The area will be open to navigation at all other times.

(2) A security patrol maintained by the operating agency will exercise full control in the interest of safety to navigation.

(3) The regulations in this section shall be enforced by the Commanding Officer, U. S. Navy Mine Countermeasures Station, Panama City, Florida, and such agencies as he may designate.

§ 204.130 *Gulf of Mexico from St. Andrew Bay to Choctawhatchee Bay, and Choctawhatchee Bay; aerial gunnery and bombing ranges, Air Force Proving Ground Command, Eglin Field, Fla.*—(a) *The danger zones*—(1) *Aerial gunnery range in Gulf of Mexico between St. Andrew Bay West Entrance of Choctawhatchee Bay Entrance.* South boundary, a line parallel to and 10 statute miles offshore; west boundary, longitude 86°20'00"; north boundary, a line parallel to and one statute mile offshore; east boundary, a straight line extending from the intersection of the north boundary and latitude 30°07'00" to the intersection of the south boundary and latitude 30°00'45".

(2) *Aerial gunnery range in Gulf of Mexico west of Choctawatchee Bay Entrance.* South boundary, a line parallel to and 10 statute miles offshore; west boundary, longitude 86°41'00"; north boundary, a line parallel to and one statute mile offshore; east boundary, longitude 86°32'00".

(3) *Aerial gunnery range in west part of Choctawatchee Bay.* The waters of Choctawatchee Bay within an area described as follows: Beginning at a point on the west shore at latitude 30°28'30", longitude 86°30'00"; thence southeasterly to latitude 30°25'30", longitude 86°21'30"; thence southwesterly to a point on the south shore at latitude 30°23'30", longitude 86°23'00"; thence northwesterly to a point on the south shore at latitude 30°24'00", longitude 86°25'00"; and thence northwesterly to the point of beginning; excluding that part of the area included within the aerial gunnery range along the north shore of Choctawatchee Bay (described in subparagraph (4) of this paragraph).

(4) *Aerial gunnery range along north shore of Choctawhatchee Bay.* West boundary, longitude 86°25'30"; north boundary, the shore; east boundary, longitude 86°17'20"; south boundary, a straight line extending from the intersection of the east boundary and latitude 30°27'30" to the intersection of the west boundary and latitude 30°26'00".

(5) *Aerial bombing range in Choctawhatchee Bay southwest of Alaqua Point.* Beginning at latitude 30°28'20", longitude 86°16'11"; thence to latitude 30°28'12", longitude 86°14'14"; thence 180° true to latitude 30°28'06"; thence to latitude 30°27'32", longitude 86°16'03"; and thence to the point of beginning.

(6) *Aerial bombing range in Choctawhatchee Bay southwest of Motes Point.* Beginning at latitude 30°27'22", longitude 86°13'10"; thence to latitude 30°27'00", longitude 86°11'14"; thence 180° true to latitude 30°26'46"; thence to latitude 30°26'25", longitude 86°13'08"; and thence to the point of beginning.

(b) *The regulations*—(1) *Aerial gunnery ranges.* (i) The aerial gunnery ranges in the Gulf of Mexico and in the west part of Choctawhatchee Bay (described in paragraphs (a) (1) to (3), inclusive, of this section) may be used by watercraft except during periods when firing is conducted. During these periods, firing will be controlled by observation posts, and watercraft will be warned by patrol boats. During periods of firing, traverse of these areas shall not be denied to regular cargo-carrying or passenger-carrying vessels or tows proceeding on established routes. In case any such vessel is within one of the areas, the officer in charge of gunnery operations will cause the cessation or postponement of fire until the vessel has cleared that part of the area within the range of the weapons being used. The vessel shall proceed on its normal course and shall not delay its progress.

(ii) No vessel or other craft shall enter or remain within the aerial gunnery range along the north shore of Choctawhatchee Bay (described in paragraph (a) (4) of this section) at any time.

(2) *Aerial bombing ranges.* (i) The areas described in paragraphs (a) (5) and (6) of this section will be in continuous use between 6:00 a. m. and 6:00 p. m. daily, and all watercraft are prohibited from using the areas during bombing operations.

(ii) The fact that aerial bombing practice is to take place over the areas will be advertised to the public through the usual media for the dissemination of information. Inasmuch as such practice is to be engaged in throughout the year without regard to season, such advertising will be repeated at frequent intervals not exceeding three months and at more frequent intervals when, in the opinion of the enforcing agency, such frequent repetition is advisable in the interests of public safety.

(iii) Prior to conducting each bombing practice the areas will be patrolled by aircraft to insure that no watercraft are within the areas, and any watercraft in the areas will be warned by means of signals that bombing practice is about to take place. The patrol aircraft will employ the method of warning known as "buzzing" which consists of low flight by the aircraft and repeated opening and closing of the throttle. Any such watercraft shall, upon being so warned, immediately leave the danger zone and shall, until the conclusion of practice, remain at such distance that it will be safe from falling projectiles.

(iv) No marking of the areas is proposed, and watercraft shall be presumed to know their location by distance and direction from landmarks or other topographical features along the shore.

(3) *Enforcing agency.* The regulations in this section shall be enforced by the Commanding Officer, Air Force Proving Ground Command, Eglin Field, Florida, and such agencies as he may designate.

§ 204.135 *Gulf of Mexico, south from Choctawhatchee Bay; guided missiles test operations area, Air Force Proving Ground Command, Eglin Field, Fla.*—(a) *The danger zone.* The waters of the Gulf of Mexico south from Choctawhatchee Bay within an area described as follows: Beginning at a point on the south shore of Santa Rosa Island at longitude 86°47'20"; thence easterly along the south shore of Santa Rosa Island, across the mouth of Choctawhatchee Bay Entrance, and along the south shore of Moreno Point and the Peninsula south of Choctawhatchee Bay to longitude 86°05'10"; thence southeasterly to latitude 28°10'00", longitude 84°30'00"; thence 270° true to longitude 86°47'20"; and thence due north to the point of beginning.

(b) *The regulations.* (1) the area will be used intermittently during daylight hours for a week or 10 days at a time. Firing will take place once or twice a day for periods ordinarily of not more than one hour. Advance notice of such firings will be published in local newspapers and in such other manner as the District Engineer, Corps of Engineers, Mobile, Alabama, may direct.

(2) During periods of firing, passage through the area will not be denied to cargo-carrying or passenger-carrying vessels or tows proceeding on established routes. In case any such vessel is within the danger area, the officer in charge of firing operations will cause the cessation or postponement of fire until the vessel shall have cleared the portion of the danger area involved. The entire area involved will be under constant observation of both surface patrol vessels and air patrol planes prior to and during periods of firing and notice will be given to vessels and tows of intention to fire by buzzing low over the vessel, upon which signal vessels and tows shall proceed on their established course promptly and clear the area as soon as possible.

(3) Other vessels will be warned to leave the immediate danger area during firing periods by surface patrol craft. Upon being so warned such vessels shall clear the area immediately. Such periods normally will not exceed two hours.

(4) The regulations in this section shall be enforced by the Commanding Officer, Air Force Proving Ground Command, Eglin Field, Florida, and such agencies as he may designate.

§ 204.140 *Gulf of Mexico, south of Pensacola Bay; firing range, Fort Pickens and Fort McRee Military Reservations*—(a) *The danger zone*—(1) *East sector.* The waters of the Gulf of Mexico within a sector the easterly limit of which bears 135° true from a point on Santa Rosa Island 2,500 yards east of the Coast Guard Station, and the westerly limit of which bears 225° true from the west end of Santa Rosa Island, the outer limits of the sector describing an arc of a circle 33,000 yards from the intersection of the center line of the sector and the south shore of Santa Rosa Island.

(2) *West sector.* The waters of the Gulf of Mexico within an adjacent sector the easterly limit of which bears 225° true, and the westerly limit of which bears 245° true, from the west end of Santa Rosa Island, the outer limits of the sector describing an arc of a circle of 17,000 yards radius.

(b) *The regulations.* (1) Any vessel capable of being propelled by mechanical power at a speed greater than five miles per hour may enter and proceed directly through the danger zone without hindrance, except for reasonable delays when notified by a patrol boat that firing for a brief period is about to commence or is in progress.

(2) Except under unusual circumstances, the danger zone is open throughout the year to the public for fishing and traffic without restriction from 12:00 m. Saturday to 7:30 a. m. Monday, and on National (but not State) holidays from 6:00 p. m. of the day preceding to 7:30 a. m. of the day following the holiday. The danger zone is also open to the public for fishing and traffic without restriction on other days when firing is not conducted.

(3) On days when firing is to be conducted which will require restrictions on the use of all or part of the danger zone, a large red flag will be displayed from a mast on or in the vicinity of the lookout tower of the Coast Guard Station on Santa Rosa Island, and from a mast on or in the vicinity of the parapet of Old Fort Pickens, Santa Rosa Island. These flags will be displayed prior to 7:30 a. m. of the day on which firing is to be conducted, and will be removed when firing ceases for the day.

(4) When night firing is scheduled, large white flags will be displayed from the same towers prior to 4:00 p. m. of that day, and will remain displayed until the termination of firing.

(5) On days and nights when firing is in progress and flags are displayed as provided in subparagraphs (3) and (4) of this paragraph, no boat or vessel shall, except as provided in subparagraph (1) of this paragraph, enter or remain in the danger zone, except under the written authority of the enforcing agency: *Provided*, That the enforcing agency may designate by suitable public notices a small part of the danger zone as the restricted area for certain firings, in which case any boat or vessel may enter or remain in other waters of the danger zone outside of the designated restricted area.

(6) The regulations in this section shall be enforced by the Commanding Officer, Fort Barrancas, Florida, and such agencies as he may designate.

[Regs., Mar. 5, 1951, 800.2121–ENGWO] (Sec. 4, 28 Stat. 362, as amended; 33 U. S. C. 1. Interpret or apply 40 Stat. 892; 33 U. S. C. 3)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51–3823; Filed, Mar. 28, 1951; 8:51 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

SERVICE-CONNECTION, SOUND CONDITION AT TIME OF ENTRANCE INTO SERVICE, AGGRAVATION, AND NATURAL PROGRESS

In § 3.63, paragraphs (f), (g), and (h) are amended to read as follows:

§ 3.63 *Service-connection, sound condition at the time of entrance into service, aggravation, and natural progress under Public No. 2, 73d Congress, as amended, Veterans Regulation 1 (a), Part I and Part II (38 U. S. C. ch. 12).*

* * *

(f) There are certain medical principles so well and universally recognized as definitely to constitute fact, and when, in accordance with these principles, existence prior to entrance into service is established, no further additional or confirmatory facts are necessary. For example, with notation or discovery, during service, of residual conditions, such as scars, healed fractures, absent or resected parts of organs, supernumerary parts, congenital malformations, with no evidence of the pertinent antecedent active injury or disease during service, the established facts are so convincing as to impel the conclusion that the residual condition existed prior to entrance into active service, without further proof of this fact. Similarly, manifestation of lesions or symptoms of chronic disease from date of enlistment, or so close to that date that the disease could not have originated in so short a period, will be accepted as clear and unmistakable proof that the disease existed prior to entrance into active service. Likewise, manifestation of disease within less than the minimum incubation period after enlistment will be accepted as showing inception prior to service. In neuropsychiatric conditions, situational reactions, characteristic of a life pattern indicating psychopathic personality, chronic psychoneurosis of long standing, or other neuropsychiatric symptoms shown to have existed prior to service with the same manifestations during service, which were the basis of the diagnosis in service, will be accepted as manifesting preexistent neuropsychiatric condition and not merely as neurotic traits or predisposition. These principles, in relation to type, length, and circumstances of service, are to be considered in the question of service-connection.

(g) The application of the foregoing instructions carrying into effect the principles and intent of paragraph I (b), Part I, Veterans Regulation 1 (a), as amended, will be in full accord with the principles involving clear and unmistakable evidence and burden of proof enunciated in Public No. 141, 73d Congress, as amended.

(h) The development of evidence in connection with claims heretofore or hereafter adjudicated under the provisions of paragraph I (a) and (b), Part I, Veterans Regulation 1 (a), as amended, will be accomplished when deemed necessary. Development should not be undertaken when the evidence present is sufficient for a proper determination of the question of service-connection. In initially rating disability of record at the time of discharge, the records of the service department, including the reports of examination at enlistment and the clinical records during service, will ordinarily suffice. Rating of combat injuries or other conditions which obviously had their inception in service may be accomplished without awaiting copy of the examination at enlistment.

* * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2 48 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply Par. I, Part I, Par. I, Part II, Vet. Reg. 1 (a), as amended; 38 U. S. C. ch. 12 note)

This regulation effective March 23, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51–3828; Filed, Mar. 28, 1951; 8:53 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 21—COMMISSIONED OFFICERS

SUBPART Q—TRAVEL AND TRANSPORTATION ALLOWANCES

Subpart Q of Part 21, together with Appendix A thereof, is amended to read as follows:

SUBPART Q—TRAVEL AND TRANSPORTATION ALLOWANCES

Sec.
21.351 Controlling regulations.
21.352 Instructions by the Surgeon General.

AUTHORITY: §§ 21.351 and 21.352 issued under sec. 303, 63 Stat. 813; 37 U. S. C. 253.

§ 21.351 *Controlling regulations.* Regulations governing the allowances for travel and transportation and the conditions under which such travel and transportation may be performed by commissioned officers of the Public Health Service shall consist of those portions of the document entitled "Joint Travel Regulations", approved by the Federal Security Administrator on January 31, 1951, and approved by the Secretaries having jurisdiction over the other uniformed services, as are applicable to such officers of the Service, together with any revisions or additions to such document, so applicable, as may be approved by the Administrator.

§ 21.352 *Instructions by the Surgeon General.* The Surgeon General is authorized to adopt, and from time to time revise or add, administrative instructions relating to methods or procedures appropriate to implementing and enforcing the regulations governing travel and transportation allowances of the commissioned officers of the Service.

These amendments shall be effective April 1, 1951.

Dated: March 20, 1951.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: March 22, 1951.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 51–3840; Filed, Mar. 28, 1951; 8:57 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 5, Amdt. 1]

CPR 5—IRON AND STEEL SCRAP

AMDT. 1—DETROIT BASING POINT PRICES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 5 (16 F. R. 1061) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment increases the basing point prices for No. 1 heavy melting steel scrap at Detroit by $1.15 per gross ton.

Under Ceiling Price Regulation 5 as originally written, the basing point prices for No. 1 heavy melting steel at Detroit were $3.00 per gross ton below the basing point prices at Cleveland for the same material. As a consequence, the ceiling shipping point prices for dealers located in the Detroit basing point, determined under Section 4 (a) of the regulation by deducting switching charges from the Detroit basing point prices, were $1.15 per gross ton below what such prices would have been if determined by deducting water transportation and dock charges from the prices at the most favorable basing point, i. e., Cleveland.

Under the principles embodied in the pricing structure set forth in the regulation the basing point in which a shipper is located should be his "most favorable basing point", and the discrepancy with respect to sellers at Detroit, unnoticed at the time the regulation was issued, jeopardized the movement of scrap from that city, the largest iron and steel scrap producing area in the country. The price changes made by the amendment are designed to establish Detroit shipping point prices at their proper level and to remove the threat to the flow of vitally needed scrap materials.

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in the furtherance of the objectives of the Defense Production Act of 1950, and to relevant factors of general applicability.

Although special circumstances have rendered impracticable consultation with formal industry advisory committees, including trade association representatives, the provisions of this amendment have been presented to persons representing substantial segments of the various segments of the industry affected, and their recommendations have been considered.

AMENDATORY PROVISIONS

Ceiling Price Regulation 5 is amended in the following respects:

1. Section 3 (a) (1) is amended by substituting $41.15 for $40.00 as the basing point price for Detroit, Michigan.

2. Section 7 (a) (1) is amended by substituting $43.15 for $42.00 as the basing point price for Detroit, Michigan.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Effective Date. This amendment is effective March 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

[F. R. Doc. 51–3869; Filed, Mar. 27, 1951; 4:46 p. m.]

[Ceiling Price Regulations 14]

CPR 14—CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This statement of considerations covers CPR 14, CPR 15, and CPR 16.

The General Ceiling Price Regulation was issued essentially as a "stop gap" measure in order to bring under immediate control the prices of most goods and services. It was the only technique that could be applied quickly and comprehensively. At the time of issuance it was recognized that the regulation was not well adapted to the long range control of prices in many parts of the economy. This is true in the wholesaling and retailing of food. Between the outbreak of the Korean war and the freeze period, some food distributors had placed in effect substantial price increases beyond those necessitated by the increased cost of food. Others had not so advanced their prices. Thus the freeze technique rewarded those who had increased their prices most. The distortions in the cost-price relationships and the chance abnormalities that existed in the base period were frozen into the price structure. Moreover, the freeze technique is particularly difficult to apply to new sellers who have no base period ceiling price. In an industry such as food distribution with thousands of sellers, there are bound to be large numbers of new sellers. The effort to fix ceiling prices for these new sellers creates serious problems of administration and fairness. Fixing ceiling prices for new items presents similar problems. Moreover, the effort to enforce ceiling prices based on a general freeze for more than 500,000 sellers presents an extremely difficult enforcement problem.

These regulations establish a different method of fixing ceiling prices for sales by wholesalers and retailers of most dry and some perishable grocery products by providing specific percentage markups for different food categories. They govern approximately 60 percent of food purchases made by consumers in retail stores. Though the grocery business customarily computes margins as a percentage of sales, for practical purposes and easy calculation, the margins here are translated to a markup on cost. The markup technique employed provides a simple, enforceable, equitable and effective method of price control. It was the technique employed by the Office of Price Administration in issuing MPR's 421, 422, and 423 which regulated dry grocery prices during World War II. These regulations were the result of careful classification of wholesalers and retailers and a comprehensive survey of appropriate margins within each class of seller. Their validity was upheld by the Emergency Court of Appeals. During the period when they were effective, food costs were stabilized. At the same time earnings per dollars of sales of food distributors exceeded those experienced prior to 1942.

The contrast between the inadequacies of a "freeze" regulation such as the General Ceiling Price Regulation, in control-

ling prices for food distributors, and the success of the margin type regulation used by the OPA makes it imperative that distributors' ceiling prices of dry groceries be fixed on a markup basis at the earliest possible date. At the present time, the best markups available are those which were used by the OPA in issuing MPR's 421, 422, and 423, and which were in effect from 1943–45. In order to act now, the Director of Price Stabilization has generally employed these markups for most food categories for most distributors. The Office of Price Stabilization is now organizing a study of margin and earning figures for food distributors in order to obtain more recent comprehensive data. If the study should indicate that the ceiling prices established under this regulation are either too low or too high, the regulation will be promptly revised to reflect the results of the survey.

Consultation with the wholesalers and retailers of dry groceries has indicated that wholesalers and the independent retailers generally believe that the OPA markups applicable to them will return adequate gross margins. The chain stores and supermarkets, however, have insisted that the OPA markups would be inadequate and have presented calculations to show that their application to pre-Korea operations would reduce by approximately three percent on sales the grocery department gross margins experienced at that time. They urge that their operations are conducted on a low net margin of profit to sales, and fear that these ceilings will mean loss operations. This position has been given very careful consideration by the Director of Price Stabilization. An examination of the data submitted by the chains and supermarkets indicates that there is a substantial basis for these figures. In most food categories the OPA markups conform generally with normal pricing practices. In some categories, however, it has been indicated that markups have changed substantially since the war. In issuing these regulations, therefore, the Director has made some adjustments in these food categories for these sellers. These adjustments will be carefully checked against the results of the survey.

On the whole the markups used for chains and supermarkets should increase by a little more than 1 percent the margin on sales yielded by the OPA markups. While the chains and supermarkets indicate that an adjustment of approximately three percent is required, their calculations overlook certain important considerations which indicate that these adjusted markups will provide generally fair and equitable prices. Since the markups are computed as a percentage of cost, any increase in food cost is reflected in higher dollar margins. All retailers consulted by the OPS conceded that food costs have gone up at least 10 percent and evidence available to the Director of Price Stabilization indicates that the increase may be more. Assuming the minimum increase in food costs, the percentage markup could be reduced and still return as many or more dollars as were earned in a pre-Korea period. If a food retailer prior to Korea had food costs of $1,000,000, and sales of $1,200,000, he would have a percentage markup of 20 percent and a dollar margin of $200,000. Today, however, if he sold the same quantity of food the cost of food to him would have increased to at least $1,100,000. A percentage markup of 18.3 percent would produce a dollar margin of $201,300, or more than he earned prior to the increase in the cost of food. Thus, even if the markups in this regulation result in a lower percentage markup than that experienced in a pre-Korea period, the increase in the cost of food has been so substantial that these regulations should not prevent food distributors from realizing adequate overall dollar margins.

It is true, of course, that the overhead costs which are to be covered by the markups may have increased since Korea. However, food stores have also experienced a marked and rapid increase in physical volume. This means that fixed overhead costs can be spread over more units of merchandise and the cost per unit reduced. Moreover, in a period of accelerated inflation, food costs and food prices rise much faster than overhead expenses and in a seller's market, sales and promotion costs can be better controlled. These factors are reflected in higher net earnings. Percentage markups can be reduced and the distributor will still be able to cover dollar increases in these overhead expenses and realize net earnings comparable to those realized prior to the inflationary period.

The experience since Korea indicated the effect of all of these factors on earnings. In 1950 the sales of leading chain stores increased over 1949 by approximately six percent mainly during the last half of the year. However, dollar earnings for the same chains increased by 18 percent. Thus, dollar earnings increased substantially more percentagewise than dollar sales. Apparently, therefore, overhead expenses have not risen as sharply as food costs and food prices and this has been reflected in the higher earnings. On the basis of these considerations, the Director of Price Stabilization finds that the markups set forth in these regulations will produce generally fair and equitable prices.

SPECIFIC PROVISIONS OF THE REGULATIONS

Ceiling Price Regulation No. 14 applies to sales by wholesalers of certain food products called "dry groceries," which are listed in Table A of the Regulation. Ceiling Price Regulation No. 16 (Group 1 and 2 stores), and Ceiling Price Regulation No. 15 (Group 3 and 4 stores) apply to sales by retailers of the same list of dry groceries as are covered by the wholesale regulation and additional list in Table B called perishables. Sales of perishable items at wholesale will continue to be controlled by the General Ceiling Price Regulation. Likewise, since Table B, for the time being, includes only butter and packaged cheese, sales of other perishable items at retail will continue to be controlled by the General Ceiling Price Regulation.

For the most part the provisions of these regulations are similar to those used by OPA in MPR's 421, 422, and 423, which regulated dry grocery prices during World War II. In general the dry grocery commodity categories are the same except where a limited number of slow-moving high-margin items have been taken out of the category used by OPA and placed under "miscellaneous foods". Also "flour mixes" have been taken out of the "flour" category and included in the corn meal, hominy category. Such adjustments were recommended by representative members of the industry and it is believed by the Director of Price Stabilization that the facts available clearly justified the change in category.

(a) *Classification of Wholesalers and Retailers.* The classification of wholesalers in Ceiling Price Regulation No. 14 is the same as that used in MPR 421 by OPA. The classification of retailers in Ceiling Price Regulation No. 16 (Group 1 and 2 stores), and in Ceiling Price Regulation No. 15 (Group 3 and 4 stores) is also the same as that used in MPR's 422 and 423 by OPA, except that the volume definitions have been changed. Ceiling Price Regulations Nos. 15 and 16 provide as follows:

Group 1—Independent retail stores with annual sales volume of less than $75,000 in 1950.

Group 2—Independent retail stores with annual sales volume between $75,000 and $375,000 in 1950.

Group 3—Retail stores (other than independent stores) with annual sales volume of less than $375,000 in 1950.

Group 4—Retail stores (independent or otherwise) with annual sales volume of $375,000 or more in 1950.

Under the OPA regulations $50,000 annual sales volume was the dividing line between Group 1 and 2 stores, and $250,000 annual sales volume was the dividing line between Group 2 stores (independent stores) and independent Group 4 stores. The same figure was used to determine whether a chain store was a Group 3 or Group 4 store. At the time price controls expired in 1946, the Group of a retail store was determined by its sales volume in 1945. There was no objection from the industry to these particular volume definitions. However, some adjustment in this volume classification is necessary now by reason of the increased price of food to reach results similar to those employed in 1946.

The Director of Price Stabilization has determined that the changes in the Bureau of Labor Statistics Consumers Food Price Index provides the best point of departure for this adjustment. For the year 1945, this Index stood at 139 percent, and by 1950 it had risen to 204 percent. This is an increase of approximately 47 percent. Therefore, it has been concluded to use $75,000 annual sales volume as the dividing line between Group 1 and 2 stores and $375,000 as the dividing line between Group 2 and Group 4 independent stores. The latter figure is also used to separate the chain stores into Groups 3 and 4.

(b) *Method for figuring ceiling prices.* For wholesalers and retailers the pricing technique for the dry groceries (Tables A) is the same. They are required by section 3 of each regulation to apply the markup given in Table A to the most recent delivered cost before the effective date of the regulations. The resulting amount will be the ceiling price. However, section 3 (c) of each regulation provides that with respect to each item of the 1950 pack of food commodity groups 8, 10, 11, 12, 13, 32, and 33 under Tables A both wholesalers and retailers may continue to use the legal ceiling price for each item under the General Ceiling Price Regulation if their last purchase of the particular item was made prior to January 26, 1951, until they receive

delivery of a purchase made after that date. Of course, the ceiling price for any item that falls within food commodity groups 8, 10, 11, 12, 13, 32, and 33 which is purchased after January 26, 1951, must be figured by applying the provisions of these regulations.

In the case of those sellers who purchased items of the 1950 pack several months ago, the application of the markups to costs of those purchases would result in ceiling prices that do not reflect current condition. Consequently, the volume purchaser's prices would be vastly different from those of the smaller purchaser, since the cost price for the items has increased considerably since the 1950 pack came in. Likewise, by applying the markup provisions to the items of the 1950 pack purchased prior to January 26, 1951, a sharp increase in the prices of the items will naturally result when the new pack comes in. For these reasons, the exception with respect to each item of the 1950 pack of food commodity groups 8, 10, 11, 12, 13, 32, and 33 is necessary in order to keep prices as stable as possible.

(c) *Effective date of the regulations.* The new ceiling prices established by applying the provisions of these regulations must be put into effect on all items not later than April 30, 1951. Between April 5, 1951, and April 30, 1951, the new ceiling price on any item may be put into effect as soon as it is figured. If the new ceiling price is not put into effect for an item prior to April 30, 1951, the existing ceiling price under General Ceiling Price Regulation for that item must remain in effect until April 30, 1951. In the event any item is delivered between April 5, 1951, and April 30, 1951, for which there is no ceiling price, the ceiling price must be figured according to the rules of these regulations.

(d) *Recalculation of ceiling prices.* These regulations permit a weekly recalculation of prices which was not permitted under the regulations of OPA. Before making a sale of an item of "dry groceries" on each Monday after April 30, 1951, the ceiling price for any item must be refigured if the net cost of the item is different from the net cost on which the existing ceiling price is based. Recalculation is necessary until such time as the processors' ceilings are stabilized by the Office of Price Stabilization. Because of the parity provisions of the Defense Production Act of 1950 this cannot be accomplished with respect to a substantial number of the food commodities controlled by these regulations at this time. At such time as the items at the processor level are stabilized the recalculation provisions of the regulations will be revoked. However, the perishable commodities in Tables B of the retail regulations will still be subject to recalculation. These commodities because of their seasonal and perishable characteristics are subject to sharp and unforeseeable price fluctuations.

(e) *Posting.* All retailers must at all times post their current selling price for each item of food covered by these regulations. Such displayed price must never exceed the ceiling price. All retailers must post the Group their store is in.

(f) *Packaging and assembling allowances.* It has been the practice of many wholesalers and retailers to purchase certain food commodities in bulk and then to package and resell them in cardboard containers, transparent, cotton or interlined coffee bags, or kraft bags or similar type bags. The markups provided in the regulations do not include the entire factor necessary to cover the extra cost of packaging incurred by such bulk purchasers. Therefore, whenever such expense is incurred, certain set amounts may be included in figuring ceiling prices. The allowances are set forth in sections 18 of the retailer regulations and section 13 of the wholesale regulation. The figures contained therein are slightly higher than the packaging allowances previously granted under the OPA regulations in order to reflect the increased cost of such packaging material. This allowance does not apply to the packaging of items at the time of sale.

(g) *Retail delivery and assembly allowance.* The retail regulations establish an allowance for delivery by retail stores to customers' homes or places of business. In arriving at the markups for all retail stores a proper allowance for such delivery was not included since all retail sales are not delivered. With such a small amount of service included in the given markups, it was decided that an extra allowance was necessary to compensate those who incurred this expense. In addition, the Group 3 and 4 regulation establishes an allowance for assembly of orders taken by telephone. A similar provision was not included in the Group 1 and 2 regulation since assembly of orders by telephone is a normal practice in Group 1 and 2 stores and the markups applicable to those stores reflect an appropriate allowance for such service. This was not true in case of Group 3 and 4 stores and hence a special pricing provision is proper. A fee of 25 cents is allowed to all retail stores for deliveries of food orders to customers' homes or places of business, as a separate charge, where the total value of the delivery is $3.00 or more, and an additional fee of 15 cents is allowed to Group 3 and 4 stores, who generally offer the service of taking telephone orders and assembling them, for assembly of orders taken by telephone.

(h) *Transportation allowances for delivery from warehouses to retail stores*—(1) *Wholesalers.* Many wholesalers deliver to stores a great distance away and in the past have taken care of this expense in various ways, which makes it impossible to determine any standard delivery for deliveries outside of a free zone. Therefore, wholesalers are permitted to use the same differentials as they have used in January 1951. These differentials must be included as part of the wholesalers' ceiling prices so that retailers will not have to allocate this cost among the various items purchased. Wholesalers who did not use a zone system during January 1951 but instead an average price are allowed to add certain percentages for deliveries over 125 miles. Likewise, the regulations contain specific provisions for additions by wholesalers making f. o. b. sales.

(2) *Retailers.* The markup provisions of these regulations reflect the cost of delivery from the retailers' warehouses to their stores located within a normal delivery zone. However, some retailers deliver much greater distances and in order to compensate for this expense, varying additions to net cost are allowed, depending on the distance beyond the normal delivery area.

(i) *Pyramiding of markups.* Special provisions are included in the regulations to prevent pyramiding of markups. Wholesalers buying from other wholesalers must use the "net cost" to the first wholesaler on such purchases where they have not previously established ceiling prices under the regulation as a basis for figuring their ceiling prices, provided the "net cost" does not exceed the "net cost" had the purchases been made from the manufacturer or processor. Retailers are not allowed to use any purchase from another retailer to figure a ceiling price if it results in a net cost higher than the retailer would have if the purchase was made from a regular supplier or any other normally available source.

(j) *Other special pricing provisions.* In addition to the aforementioned provisions the Group 3 and 4 regulation contains certain special methods of figuring net cost for certain commodities purchased in a particular way. All of Article II—Special Pricing Provisions, in this regulation is not fully printed in the regulation for Group 1 and 2 stores but these provisions are applicable by cross references. Such provisions seldom apply to smaller stores and it was felt that simplification would be added if they were omitted from the Group 1 and 2 regulation and if these stores were referred to the Group 3 and 4 regulation where such provisions were applicable.

ADJUSTMENT PROVISIONS OF THE REGULATIONS

(a) *Classification adjustments.* Any rigid classification such as is necessary in a standard markup regulation will work hardship on certain distributors who by accident of definition fall into one classification whereas their horizontal operation and margin pattern is actually that of another classification. Therefore, in both wholesale and retail regulations, provision has been made whereby a distributor performing the same service as one in another class, having a margin as high as that of the other class, and having a price structure similar to that of the class, may be transferred to the other class. These provisions are contained in sections 26, 27, and 28 of the wholesale regulation and section 26 of the retail Group 3 and 4 regulation. These adjustment provisions are not intended for distributors who do not meet these criteria, and adjustments will not be granted unless it can be demonstrated that such reclassification is justified.

With regard to section 26 (a) (4) of the Group 3 and 4 regulation, under the OPA regulation the criteria for adjustment was based on the total gross margin being more than 25 percent on all sales in the food departments and also, if the store was not an independent store, more than 25 percent on the combined sale of the food departments in all stores of the organization. The percentage figure of more than 25 percent contained in the OPA regulation has been reduced to 23 percent or more in this regulation because the available facts clearly indicated that there had been a lowering of the gross margins for this type of operation. The substantial difference existing between a 23 percent markup and the standard markup of Group 3 and 4 stores should assure that the stores, in fact, have been conducting a different type of operation and that reclassification is justified. In order to eliminate the need for examining the individual adjustment applications under this section immediately, the regulation provides that all those stores which qual-

ified for such adjustment under the OPA regulation will automatically qualify under this regulation upon the filing of an adjustment application, provided they meet the test that their total gross margin in the fiscal year 1950 was 23 percent or more on all sales in their food department and also, if not independent stores, 23 percent or more on the combined sales of the food departments in all the stores, for which adjustment is sought, of their organization. These applications will be reviewed later and if an applicant is found not to have qualified with the specific provisions of this regulation, the adjustment will be revoked. For the same reasons, it has been determined with respect to similar provisions of the wholesale regulation to reduce the criteria for adjustment used under the OPA wholesale regulation from at least 20 percent to at least 18 percent.

(b) *Local shortage adjustments.* Price control may possibly result in some areas being deprived of a food supply. To avoid such a local shortage, which might occur if all the retailers in a remote area withdraw from business, an adjustment may be granted when the retailers furnish adequate proof that they are necessary to assure an adequate supply of food in a certain locality, and of the existence of necessary higher operating costs. It is also necessary for them to establish that any adjustment granted will not create a shortage or a need for increase in prices in another locality.

DOLLARS-AND-CENTS CEILING PRICES

The fixed markup technique is a sound and effective method of price control for food distributors. However, as food costs become stabilized it will be possible to translate margin calculations into specific dollars-and-cents ceiling prices. These dollars-and-cents ceilings provide an even simpler and more effective type of price control. When such dollars-and-cents prices are fixed, no item may be sold thereafter at higher prices and the orders issued to that end may provide that such prices take the place of the ceiling prices fixed under these regulations. If such orders do not provide that they replace the ceiling price under these regulations, then the ceiling price may be figured under these regulations.

CONCLUSION

In formulating these regulations the Director of Price Stabilization has consulted extensively with industry representatives and has given full consideration to their recommendations. In his judgment the provisions of these regulations are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

REGULATORY PROVISIONS

ARTICLE I—GENERAL PROVISIONS

Sec
1. What this regulation does.
2. How you determine to which class your business belongs.
3. How and when you figure ceiling prices.
4. Directions for applying the rule.
5. How you figure your ceiling price for "new items."
6. New wholesalers.
7. How you figure your ceiling prices each week, starting Monday, April 30, 1951.
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ARTICLE II—SPECIAL PRICING PROVISIONS

13. Additions to "net cost" for packaging.
14. Gift and holiday packages assembled by you.
15. Purchases and sales between wholesalers.
16. Items which you import.
17. How you figure your ceiling prices for foods you "manufacture or otherwise process."
18. How a retailer-owned cooperative wholesaler figures ceiling prices for sales to non-members.
19. How a service wholesaler figures ceiling prices for cash-and-carry sales.
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22. Addition allowed for deliveries by Class 1 and Class 2.
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24. How you figure your "net cost" in certain cases.
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26. How retailer-owned cooperative wholesalers may, under certain conditions, apply for permission to use the mark-up figures designated for other wholesalers.
27. How certain wholesalers may, under certain conditions, apply for permission to use the mark-up figures designated for service wholesalers.
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ARTICLE IV—MISCELLANEOUS PROVISIONS

29. Transfer of business and stock in trade.
30. Taxes.
31. Export sales.
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33. Definitions.
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ARTICLE V—TABLE AND COMMODITY DEFINITIONS

35. Table of mark-up figures.

AUTHORITY: Sections 1 to 35 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this regulation does.* This regulation fixes new ceiling prices for the foods listed in Table A for wholesalers selling these food products. These new ceiling prices are to be used on and after April 30, 1951, instead of the ceiling prices figures under any other price regulation or order issued by the Office of Price Stabilization (hereinafter called OPS), and regardless of any contract or any other law.

SEC. 2. *How you determine to which class your business belongs*—(a) *What wholesalers are covered.* Your business is classified under this regulation, if, prior to the effective date of the regulation you were and still are a wholesaler, the larger part of whose food sales are of food products which you purchase for resale and distribute from your warehouse without materially changing their form, to independent retail stores, or to commercial, industrial or institutional users. This regulation does not apply, however, to "wagon wholesalers," "flour jobbers," Great Lakes marine suppliers, or to sales of "cookies, crackers, toast and crumbs" by "cookie and cracker wholesalers."

(b) *Classes of wholesalers.* Wholesalers covered by this regulation are defined as follows:

(1) *Class 1: retailer-owned cooperative wholesaler.* You are a retailer-owned cooperative wholesaler if you are either a non-profit organization or a corporation 51 percent of the stock of which is owned by your independent retailer customers.

(2) *Class 2: cash-and-carry wholesaler.* You are a cash-and-carry wholesaler if you are not in Class 1 and the larger part of your food sales were, prior to the effective date of this regulation, made without delivery, to independent retail stores, or if they were made with delivery you made a charge for delivery to all customers.

(3) *Class 3: service wholesaler.* You are a service wholesaler if you are not in Class 1 and the larger part of your food sales were, prior to the effective date of this regulation, and still are made, to independent retail stores, with delivery to all customers in a base zone without charge.

(4) *Class 4: institutional wholesaler.* You are an institutional wholesaler if you are not in Class 1 and the larger part of your food sales were, prior to the effective date of this regulation, and still are made to commercial, industrial or institutional users. For the purposes of this regulation "marine provisioners" shall be considered institutional wholesalers. (If you do business in more than one of the ways outlined above, see sections 18, 19, 20, and 21.)

(c) *When you must notify OPS of the class in which you operate.* Within 30 days after the issuance of this regulation, you must notify, the OPS District office for your area, of your class of wholesaler, using OPS Public Form No. 4 which you may obtain from the OPS District office for your area.

SEC. 3. *How and when you figure ceiling prices*—(a) *General Rule.* Your ceiling price for each item (that is, for each kind, brand, grade, variety, container type and container size) of food listed in Table A shall be the result of (1) the "net cost" you had to pay for the most recent delivery of the item to you before April 30, 1951, multiplied by (2) the mark-up figure given you for it in Table A.

(b) *When you must figure your ceiling prices.* By the opening of business on April 30, 1951, you must have figured your ceiling price for each item of food covered by this regulation which you have in stock at that time. Between April 5, 1951 and April 30, 1951, you may put into effect the new ceiling price on any item as soon as you figure it; you must put the new ceiling prices into effect on all items not later than April 30, 1951. If you do not put the new price for an item into effect before April 30, 1951, you must continue to use your existing ceiling for that item until April 30, 1951. If you receive delivery of any item between April 5, 1951, and April 30, 1951, for which you have no ceiling price, you must, before selling it, figure your ceiling price according to the rules of this regulation.

(c) *Special rule for certain items of the 1950 pack.* If, in the case of any item of the 1950 pack of food commodity groups 8, 10, 11, 12, 13, 32, and 33 in Table A, your last purchase of the particular item was made prior to January 26, 1951, you may continue to use your legal ceiling price for such item under the General Ceiling Price Regulation until you receive delivery of a purchase made after that date. When you receive delivery of such a purchase, you must figure your ceiling price for the item in accordance with the provisions of this regulation.

SEC. 4. *Directions for applying the rule*—(a) *Net cost.* To figure your ceiling price, first find the "net cost" of the item, based on its most recent delivery to you before April 30, 1951. Your "net cost" will be the amount you paid your supplier less all discounts except the discount for prompt payment and swell and label allowances, plus all transportation charges you paid except local trucking and local unloading. Treat as a separate item each kind, brand, grade, variety, container size and container type.

(1) Your net cost must be figured on purchases of a customary quantity from a customary type of supplier delivered to your usual receiving point by a customary means of delivery. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost of the unit in which you receive delivery (i. e., per dozen, per case, per bag, etc.) to the nearest cent.

(3) For items you "manufacture or otherwise process" use the special rules in section 17.

(b) *Mark-up.* Turn to Table A to find the mark-up figure for the item given your class of wholesaler. Table A lists all the items covered by this regulation by commodity groups.

(c) *Ceiling price.* Next multiply your "net cost" by the mark-up figure in Table A for your class of wholsaler for the item being priced. The resulting amount will be your ceiling price. You must not change this ceiling price except in accordance with section 7.

(d) *Fractions.* All calculations of ceiling prices resulting in a fraction of a cent shall be reduced to the nearest lower cent if the fraction is less than one-half cent, and shall be increased to the nearest higher cent if the fraction is one-half cent or more.

If you sell an amount less than the unit in which you receive delivery, you must reduce your ceiling price proportionately, rounding any fraction to the next higher cent.

(e) *Invoices.* You must write your net cost per unit of the purchase on which you have figured your ceiling price either on your invoice or other record of the price you paid for the item or on a separate slip of paper and attached to that invoice or other record.

You must keep separate, or mark or tag plainly, all invoices or records showing the "net cost" of the unit in which you received delivery and which you used in figuring your ceiling prices. The invoices and records you used in figuring your ceiling prices are your means of proving that your ceiling prices are right.

SEC. 5. *How you figure your ceiling price for "new items".* (a) A "new item" is any item which you did not have in stock at the opening of business on April 30, 1951. You must figure your ceiling price for a "new item" before selling it, following the rules in Section 4, basing your "net cost," however, on the first delivery of the item to you on or after April 30, 1951.

In pricing new items it is a violation to use the "net cost" of a first purchase made in a non-customary manner (that is, from a non-customary supplier or in a non-customary manner) when you know that you will be making future purchases in a customary manner. If your first purchase is of this type you must find out and use, in figuring your ceiling price, what the "net cost" would be of a purchase from a type of supplier usually used for a similar item and of an amount in which a similar item is usually purchased.

SEC. 6. *New wholesalers.* If, on or after April 30, 1951, you begin to operate as a wholesaler as defined in section 2, you are subject to this regulation, and as such a new wholesaler you must figure all your ceiling prices for all sales of food items covered by this regulation in accordance with the following provisions.

(a) If you are a retailer-owned cooperative wholesaler, you must figure all of your ceiling prices for sales to members as a retailer-owned cooperative (Class 1) wholesaler and are subject to all of the provisions applicable to such a wholesaler.

(b) If you are not a retailer-owned cooperative wholesaler you must figure your ceiling prices in the following way:

(1) For sales to independent retail stores made without delivery, you shall use the markups applicable to a cash-and-carry (Class 2) wholesaler.

(2) For sales to independent retail stores made with delivery, you shall use the markups applicable to a service (Class 3) wholesaler.

(3) For sales to commercial, industrial or institutional users, you shall use the markups applicable to an institutional (Class 4) wholesaler.

(c) You must figure your ceiling price for an item before selling it, in accordance with section 4, basing your "net cost", however, on the first delivery of an item to you on or after the date you open your place of business subject to all of the provisions covering the sales of "new items" in section 5.

(6) For sales to retail stores which are not independent retail stores, and for sales to other wholesalers and all other sellers, your ceiling price for any item shall be your supplier's ceiling price for such item plus transportation charges to your usual receiving point.

(e) Within 10 days after you become a new wholesaler under this section, you must notify the OPS District office for your area that you are operating under the provisions of this section.

(f) The provisions of this section may not be used by any person who, at the opening of business on April 30, 1951, was subject to this regulation, or by any person owned or controlled by any wholesaler who at the opening of business on April 30 was subject to this regulation.

SEC. 7. *How you figure your ceiling prices each week, starting Monday, April 30, 1951.* Before making any sale of an item of "dry groceries" on each Monday after April 30, 1951, you must refigure your ceiling price for any item if your "next cost" of that item is different from the "net cost" on which your existing ceiling price is based. You must follow the rule in section 4 basing your "net cost," however, on the largest single delivery of a customary quantity received by you from your customary type of supplier during the seven days preceding Monday. If you cannot determine your "largest single delivery" because you have received more than one delivery of the same quantity, use the most recent of these deliveries.

SEC. 8. *Indirect price increases prohibited.* You must not evade any of the provisions of this regulation or any order issued pursuant to it, by any scheme or device. You must not, as a condition of selling any particular food item, require a customer to buy anything else. Any such evasion is punishable as a violation of this regulation.

You may not use an unnecessarily high "net cost" in figuring a ceiling price under this regulation. If you make such a high cost purchase, you must find out what your net cost, as used in Section 4, would be and use that net cost to figure your ceiling price.

SEC. 9. *Invoices and receipts.* You must give each of your customers an invoice receipt or other evidence of purchase in connection with every sale, retaining a copy for your files. Each such record you prepare and give your customer must show the date of sale, the name and address of your customer, your name and address, each food item sold, and the price you charged for it. Be sure that your description of each item shows the kind, brand, variety, container-size and container-type.

SEC. 10. *Records.* After April 5, 1951, you must keep for so long as the Defense Production Act of 1950, as amended, remains in effect, all your invoices, freight bills, and other records showing the price you paid for each item and the date you received delivery of each item covered by this regulation. You are required to show all your invoices and records on request of any OPS representative. You are also required to keep available for inspection by any OPS representative the records you used in determining your class. In addition, you are required, on request of any OPS representative, to furnish a written record of your ceiling price for any or all of the items covered by this regulation.

SEC. 11. *Prohibitions.* On and after April 30, 1951, if you sell or deliver or offer to sell or deliver at a price higher than your ceiling price fixed by this regulation, or any order issued pursuant to it, or if you otherwise violate any provision of this regulation, or any order issued pursuant to it, you are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950, as amended. Also, any person, who, in the course of trade or business, buys from you at a price higher than your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that act.

SEC. 12. *Further provisions supplementing or explaining this regulation.* From time to time, the Price Director may, by amendment, issue further provisions which will supplement the pro-

visions of this regulation or explain the rights and duties of buyers and sellers under it. These further provisions will become part of this regulation and may be added as paragraphs to this section.

(a) Whenever an amendment adds any food product to the list of items covered in Table A, you must figure your ceiling price for that food product in accordance with sections 3, 4, and 5. However, in doing so, you shall substitute the effective date of such amendment for the date, April 30, 1951, whenever it appears in sections 3, 4, and 5.

(b) Whenever an amendment changes either a commodity definition in Table A by transferring a food product from one commodity group to another or the markup for your class of wholesalers, you must, by the opening of business on the effective date of such amendment refigure your ceiling prices for the items affected by such amendment. In doing so you must use your "net cost" the same "net cost" you used in figuring the ceiling prices you had on the effective date of the amendment.

ARTICLE II—SPECIAL PRICING PROVISIONS

SEC. 13. *Additions to "net cost" for packaging.* If you buy in bulk any item covered by this regulation except spices, tea and gelatin, and then package and sell it in cardboard containers, cotton bags, transparent bags, interlined coffee bags, or kraft bags or similar type bags on which the name, weight, and ingredient of the commodity and your name are stamped or printed and which are packed and sealed at a place and time other than the point and time of sale, you may add to your "net cost" whichever of the following allowances applies:

(a) 2 cents for every such bag or container with a net weight of less than 2 pounds.

(b) 2½ cents for every such bag or container with a net weight of 2 pounds or more, but less than 5 pounds.

(c) 1 cent per pound for every such bag or container with a net weight of 5 pounds or more, but not to exceed a total of 5 cents.

SEC. 14. *Gift and holiday packages assembled by you.* If you assemble, into gift or holiday packages, any food items covered by this regulation, with or without any items not covered by this regulation, your ceiling price for each such package will be the sum of the following multiplied by 1.05.

(a) Your ceiling price for each item (or article) being packed, figured under this regulation or any other applicable ceiling price regulation. If your have no ceiling price for any item (or article), use your current selling price for that item.

(b) Your direct cost of the packaging materials used for the package, including the container.

SEC. 15. *Purchases and sales between wholesalers.* (a) If you purchase from another wholesaler covered by this regulation, an item for which you have not previously been required to establish a ceiling price under this regulation, you must secure a written record of that wholesaler's "net cost." To get your "net cost" for the item, you will add to that wholesaler's "net cost" the transportation charges you paid (not including local trucking or local unloading) to your usual receiving point. You will multiply the resulting figure by the mark-up figure for your class of wholesaler to get your ceiling price. However, your "net cost" for an item under this section may not exceed the net cost for that item had you purchased it from the manufacturer or processor. When you sell to another wholesaler an item covered by this regulation, you must furnish him with a written record of your "net cost" for the item.

(b) This section shall not apply to any imported food item which you purchase from a wholesaler who has imported that item.

(c) This section shall not apply with respect to ceiling prices figured for your sales to boat and steamship companies and ship operators for the provisioning of boats and ships, if you are a marine provisioner, the larger part of whose purchases of "dry groceries" were, prior to January 1951 and still are, made from other wholesalers: *Provided*, That before this exemption shall apply to you, you must receive a written order from the Regional Office of the OPS that covers the area in which you are located. You must file with such Office a written request, which shall include a statement showing the total amount of "dry groceries" you purchased from all sources during 1948, 1949, 1950, and 1951, and the total amount you purchased from wholesalers during each of those years. If such permission is granted, you shall figure your ceiling prices for such sales of items purchased from other wholesalers in accordance with the provisions of Sections 3, 4 and 5. For each item for which you have figured a ceiling price before such permission is granted, you must refigure your "net cost," basing it, however, on the same purchase you used in figuring your existing ceiling price for the item.

Each Regional Director of the OPS may, by order, act on all requests for exemption filed under the provisions of this paragraph (c) by sellers located in his region.

SEC. 16. *Items which you import.* This regulation shall not apply to you for sales of any item purchased by you directly from a foreign seller or his agent for importation into the continental United States. Your ceiling price for such items shall be determined by you in accordance with the General Ceiling Price Regulation or any other applicable ceiling price regulation covering the sale of the item by importers.

SEC. 17. *How you figure your ceiling prices for foods you "manufacture or otherwise process."* If you "manufacture or otherwise process" and sell at wholesale any item covered by this regulation you will determine your "net cost" or ceiling price for such an item under whichever of the following provisions applies:

(a) If the item is one for which OPS has issued, or later issues, a regulation naming dollars-and-cents ceiling prices for sales by manufacturers, but the regulation makes no provision for manufacturers selling to retailers, the lowest ceiling price under that regulation for sales delivered to your usual receiving point shall be your "net cost."

(b) If the item is one for which OPS has issued, or later issues, a regulation naming dollars-and-cents ceiling prices for sales by manufacturers and makes a provision for manufacturers selling to retailers, you shall figure your ceiling price for such item as a manufacturer under that regulation. You will not attempt to figure a "net cost" and apply a mark-up figure under this regulation.

(c) If the item is one for which OPS has not issued, or does not later issue, a regulation establishing dollars-and-cents ceiling prices for sales by manufacturers, you shall figure your ceiling price for such item as a manufacturer under the appropriate regulation covering sales of such item by manufacturers. You will not attempt to figure a "net cost" and apply a mark-up figure under this regulation.

(d) If, after you have established a ceiling price for an item which you "manufacture or otherwise process," the manufacturing regulation which you used in figuring your ceiling price under paragraph (a), (b), or (c) of this section is amended so that either (1) the manufacturer's regulation is no longer the type described in the applicable paragraph of this section or (2) the type of regulation is not changed but the prices set forth therein are changed, you must, within 5 days after the effective date of such amendment, refigure your ceiling price for the item under the applicable paragraph of this section based on the manufacturer's regulation as amended.

(e) For the purposes of this regulation you shall be considered a manufacturer of any item which you "manufacture or otherwise process" directly, or which is manufactured for you by a person to whom you supply the raw material.

SEC. 18. *How a retailer-owned cooperative wholesaler figures ceiling prices for sales to nonmembers.* If you are a retailer-owned cooperative wholesaler and you sell to nonmembers (those retailers who have no share or interest in your ownership) your ceiling prices for your sales to nonmembers without delivery may be figured as a Class 2 wholesaler. If you sell and deliver to nonmembers, your ceiling prices for such sales may be figured as a Class 3 wholesaler, in which event you may not add to such ceiling prices the additions for delivery allowed in section 22 of this regulation.

SEC. 19. *How a service wholesaler figures ceiling prices for cash-and-carry sales.* If you are a service wholesaler but you also make cash-and-carry sales, you must use for such sales the mark-up figures of a cash-and-carry wholesaler if, during January 1951:

(a) You had a separate department for such sales, or

(b) You had a price list for such sales different from the price list which you used in making other sales.

SEC. 20. *How a service wholesaler figures ceiling prices for sales to commercial, industrial or institutional users.* If you are a service wholesaler and you make sales to commercial, industrial or institutional users, you may use for such sales the mark-up figures of an institutional wholesaler.

SEC. 21. *How an institutional wholesaler figures ceiling prices for sales to retailers.* If you are an institutional wholesaler, but you also make sales to retail stores, your ceiling prices for such sales made without delivery must be figured as a Class 2 (cash-and-carry) wholesaler and your ceiling prices for such sales made with delivery must be figured as a Class 3 (service) wholesaler.

SEC. 22. *Addition allowed for deliveries by Class 1 and Class 2 wholesalers.* (a) If you are a retailer-owned cooperative wholesaler, or a cash-and-carry wholesaler, and you have customarily added a set amount or percentage to your sales price for delivering to retailers, you may, in figuring your ceiling price for each item you deliver to retailers, add to your ceiling price such set amount or percentage. The resulting figure will be your ceiling price for the item when delivered by you.

(b) If you are a retailer-owned cooperative wholesaler or a cash-and-carry wholesaler and you have not customarily added a set amount or percentage to your sales price for delivering to retailers, you may, in figuring your ceiling price for each item you deliver to retailers, add .01 to your markup figure (example: If your markup figure is 1.06, you change it to 1.07).

SEC. 23. *Addition allowed for deliveries outside of a base zone.*—(a) *Addition allowed to retailer-owned cooperative wholesalers, service wholesalers and institutional wholesalers.* (1) If you are a retailer-owned cooperative wholesaler, a service wholesaler or an institutional wholesaler, who, during January 1951 customarily sold goods on a delivered basis in different zones at established price differentials between zones, you may, in figuring your ceiling prices for items delivered by you to such other zones, add to your "base zone" ceiling prices the same zone differentials which you added in January 1951. The resulting figures will be your ceiling prices for items delivered by you to such other zones. (Your base zone shall be the zone surrounding your warehouse in which you customarily made free deliveries.)

(2) If you are a retailer-owned cooperative wholesaler, you may not, in figuring your ceiling prices under this section, include any addition allowed in section 22.

(3) Before using different delivered prices for different zones under this section, you must report, in writing, to the Distribution Branch, Food and Restaurant Division, OPS, Washington, D. C., the amount of such differential and a description of your base zone and delivery zones.

(b) *Additions by certain wholesalers making f. o. b. sales.* If you are a service wholesaler or an institutional wholesaler who, during January 1951 customarily sold f. o. b. your warehouse for delivery to zones or delivery points outside of your base zones, and

(1) If you added a freight charge when making such sales or included a freight charge in figuring your selling price, you may add to your ceiling price for each item the same charge or the same freight rate, apportioning the charge or freight rate to each item, in which case the resulting figure will be your ceiling price for the item when sold to such other zones or delivery points, or

(2) If your customer paid the freight bill, you may make such sales at your ceiling prices, the freight bill to be paid by the purchaser.

(c) *Additions by certain wholesalers who did not use a zone delivery system or make f. o. b. sales.* If you are a service wholesaler or an institutional wholesaler, who, during January 1951 customarily sold all customers on a delivered basis at the same price regardless of distance from your warehouse, you may, in figuring your ceiling price for an item delivered by you to a customer located at a distance of 125 miles or more from your warehouse, add to your mark-up figure whichever of the following amounts applies:

(1) If your customer is located at a distance of from 125 through 199 miles from your warehouse, you may add .01 to your markup figure (example: If your markup on mayonnaise in Table A is 1.16, you change it to 1.17).

(2) If your customer is located at a distance of from 200 miles through 299 miles from your warehouse, you may add .02 to your markup figure.

(3) If your customer is located at a distance of from 300 miles through 399 miles from your warehouse, you may add .03 to your markup figure.

(4) If your customer is located at a distance of 400 miles or more from your warehouse, you may add .04 to your markup figure.

(5) If your method of figuring ceiling prices for items delivered to zones outside of a base zone falls within either paragraph (a) or paragraph (b) of this section, you may not use this paragraph (c) in figuring your ceiling prices for items delivered to such other zones.

SEC. 24. *How you figure your "net cost" in certain cases.*—(a) *Frozen fruits, berries, and vegetables.* If, after you have figured a ceiling price for an item of frozen fruits, berries, fruit or berry juices, vegetables or vegetable juices, you do not receive additional deliveries of such an item from a supplier but you have had such item in storage from which you supply your customers, for a period of at least four weeks since you last figured your ceiling price for the item, you may on the fourth Monday after you last figured your ceiling price for the item, add to the "net cost" (before the rounding of fractions) on which your existing ceiling price is based, your actual costs, per unit, incident to storage for the period since you last figured your ceiling price.

SEC. 25. *Special pricing provisions for manufacturers selling some commodities at wholesale.* Any person the larger part of whose business consists of the manufacturing or processing of foods but (a) his entire business in connection with a particular commodity consists of the purchase and resale of such commodity without materially changing its form and (b) the larger part of his sales of such commodity are made to independent retail stores or to commercial, industrial or institutional users (c) may figure his ceiling price under this regulation for sales of such commodity to retailers and commercial, industrial or institutional users, if the particular goods sold have been warehoused and are being sold in less-than-carload lots.

ARTICLE III—ADJUSTMENT PROVISIONS

SEC. 26. *How retailer-owned cooperative wholesalers may, under certain conditions, apply for permission to use the mark-up figures designated for other wholesalers.* If you are a retailer-owned cooperative wholesaler, you may file an application for permission to use the mark-up figures designated for another class of wholesaler if you can establish:

(a) That you have customarily operated in the same manner as the other class of wholesaler, and

(b) That in 1950 you had an overall gross margin at least as high as the overall gross margin you would realize by using the mark-up figures specified in this regulation for such other class of wholesaler.

(c) Your application must set forth the following:

(1) A statement as to whether your members received dividends or other proceeds from your organization; the basis for determining the amount of such payments; the amount of such payments for the years 1950 and, if available, so far in 1951.

(2) The amount and conditions of fees, if any, paid by your members in addition to the invoice price of commodities:

(3) Your profit and loss statement for your fiscal years 1950 and so much of 1951 as is available, and balance sheets as of the end of each such accounting period:

(4) Your percentage mark-up over invoice cost for sales during 1950 to your members for each commodity group listed in this regulation, and if sales were made to non-members, the same information with respect to such sales;

(5) Any evidence you may be able to furnish showing the difference between your operations and functions and those of the usual retailer-owned cooperative wholesaler, including a statement of any special service performed by you, any additional compensation received for such special services, and a reasonable basis for distinction or classification, if any, between you and other retailer-owned cooperative wholesalers.

(d) Such application must be filed in duplicate with the Distribution Branch, Food and Restaurant Division, OPS, Washington 25, D. C. You may not use these requested mark-up figures until you have received specific authorization from such OPS office. Applications for adjustment are governed by Price Procedural Regulation 1.

SEC. 27. *How certain wholesalers may, under certain conditions, apply for permission to use the mark-up figures designated for service wholesalers.* (a) If, prior to April 5, 1951, the larger part of your dollar food sales were made, with delivery to independent retail stores, but you are a Class 2 wholesaler because you did not deliver to all customers in a base zone without charge, you may file an application for permission to use the mark-up figures designated for service wholesalers, if you can establish that:

(1) Most of your sales prior to April 5, 1951, were, and still are made with delivery;

(2) Most of your sales prior to April 5, 1951, were, and still are made, through the services of outside salesmen or fieldmen;

(3) Most of your sales prior to April 5, 1951, were, and still are made, with credit; and that

(4) Your total gross margin was at least twelve percent on gross sales in your fiscal year 1950.

(b) Your application must set forth the following for the calendar or fiscal year 1950:

(1) Total dollar amount of sales;

(2) Cost of goods sold;

(3) Total dollar amount of sales made with delivery and delivery charges, if any;

(4) Total dollar amount of sales made through outside salesmen or fieldmen;

(5) Total dollar amount of credit sales; and

(6) Profit and loss statement.

(c) Such application must be filed in duplicate with the Distribution Branch, Food & Restaurant Division, OPS, Washington 25, D. C. If your application is approved, you will be authorized to figure your ceiling prices as a service wholesaler, subject to all of the provisions applicable to such wholesalers and you will be authorized to make charges for delivery only in accordance with the provisions of Section 23 (c). You may not use these requested mark-up figures until you have received specific authorization from such OPS office. Applications are governed by Price Procedural Regulation 1.

SEC. 28. *How service wholesalers may, under certain conditions, apply for permission to use the mark-up figures designated for institutional wholesalers.* If you are a service wholesaler (you must consider each warehouse as a separate wholesaler), you may file an application for permission to use the mark-up figures designated for institutional wholesalers if you can establish:

(a) The total gross margin on all sales made by you in your fiscal year 1950 was at least 13 percent; and

(b) During the year 1950 your operations and functions differed substantially from those of the usual service wholesaler; for example, you regularly distributed grocery products over a much wider area and you offered for sale a substantially greater number of items of food than the usual service wholesaler.

(c) Your application must set forth the following for each warehouse for which the application for adjustment is filed:

(1) Profit and loss statements for the fiscal years 1949, 1950, and so much of 1951 as is available, and balance sheets as of the end of each such accounting period;

(2) Any evidence you may be able to furnish concerning the difference between your operations and functions and those of the usual service wholesaler, and a reasonable basis for distinction or classification between you and other service wholesalers;

(3) A list of the states to which you regularly distributed grocery products in 1949 and 1950 and an approximation of the volume of sales made by you in each of the states during 1949 and 1950 and

(4) The number of food items that you offered for sale in 1950.

(d) Such application must be filed in duplicate with the Distribution Branch, Food & Restaurant Division, OPS, Washington, D. C. You may not use these requested mark-up figures until you have received specific authorization from such OPS office. Applications for adjustment are governed by Price Procedural Regulation 1.

ARTICLE IV—MISCELLANEOUS PROVISIONS

SEC. 29. *Transfer of business and stock in trade.* If, after April 30, 1951, you acquire in any way the business, assets and stock in trade of any wholesaler covered by this regulation and you carry on the business, or continue to deal in the same type of food products in the same establishment, and you render the same service and sell to the same class of purchaser, your ceiling prices shall be the same as those of the former owner as if no transfer had taken place. You must keep all the records needed to verify your ceiling prices. The former owner must either preserve and make available to you or give you all the records of his transactions before you need to comply with the record provisions of this regulation.

If, after the transfer, you fall into a class of wholesaler different from the former owner's, your ceiling prices shall be those for the class of wholesaler in which you fall. (For example: If you acquire the business, assets, and stock in trade of a service wholesaler and you decide to discontinue making deliveries, your ceiling prices must be figured as a cash-and-carry wholesaler, using as your "net cost" the same "net cost" the former owner used in fixing ceiling prices.)

SEC. 30. *Taxes.* You may collect, in addition to your ceiling price, any tax upon or incident to a sale at wholesale of food covered by this regulation, if you state the tax separately, and if the tax statute or ordinance does not prohibit sellers from stating and collecting the tax separately from the price.

SEC. 31. *Export sales.* The ceiling prices at which a person may export any product covered by this regulation shall be determined in accordance with the applicable price regulation covering export sales, issued by the OPS.

SEC. 32. *Relation to other regulations.* The provisions of this Ceiling Price Regulation No. 14, except as otherwise provided in this regulation, shall, on and after April 30, 1951, supersede the provisions of the General Ceiling Price Regulation and any other price regulation or order issued by the OPS with respect to sales and deliveries for which ceiling prices are established by this regulation.

SEC. 33. *Definitions*—(a) *Delivery.* Delivery to you of any item covered by this regulation shall be considered to have occurred when the item has been received by you at your usual receiving point.

(b) *Usual receiving point.* Your usual receiving point will be the warehouse at which you generally receive the particular item you are pricing under this regulation and from which you generally supply your customers.

(c) *Manufacture or otherwise process.* "Manufacture or otherwise process" shall mean blending, freezing, canning, preserving, milling, bottling, crushing, straining, roasting, centrifuging, cooking, distilling, purifying with heat, and other similar operations, and packaging of spices, tea and gelatin. Packaging as used in section 13 except spices, tea and gelatin shall not be considered manufacturing or processing under this regulation.

(d) *Independent retail store.* Independent retail store shall mean one that is not one of four or more stores under one ownership whose combined "annual gross sales" are $750,000 or more.

(e) *Wagon wholesaler.* A "wagon wholesaler" is a wholesaler who distributes food products to retail stores or to commercial, industrial, or institutional users from an inventory stocked in trucks or other conveyances under the supervision of driver-salesmen who make deliveries at the time and point of sale. A wholesaler is a wagon wholesaler only of the food products he sells in this way.

(f) *Marine provisioners.* A "marine provisioner" is a person, the larger part of whose food sales are of food products which he purchases for resale and distributes from a warehouse, without materially changing their form, to boat and steamship companies and ship operators for the provisioning of boats and ships, with delivery from shore locations by the use of truck or launch facilities.

(g) *Flour jobber.* "Flour jobber" shall mean a person the larger part of whose business is the purchase and resale of flour made from wheat, semolina and farina without additional processing and in the original containers, to bakers and commercial, institutional or Government users. For sales to retail stores, "flour jobbers' must figure their ceiling prices for flour under this regulation.

(h) *Cookie and cracker wholesaler.* A "cookie and cracker wholesaler" is a wholesaler the larger part of whose food sales were, prior to the effective date of the regulation, and still are of "cookies, crackers, toast and crumbs" which he purchases for resale and distributes from a warehouse, to independent retail stores, or to commercial, industrial or institutional users.

SEC. 34. *Geographical applicability.* The provisions of this regulation shall apply to the 48 States of the United States and the District of Columbia.

ARTICLE V—TABLE AND COMMODITY DEFINITIONS

SEC. 35. *Table of markup figures (Table A)*—(a) *Instructions.* Table A (printed below) lists the commodities and the markup figures for the four classes of wholesalers covered by this regulation. For a detailed list of the items included in each category of commodities, see "Commodity definitions," printed immediately after Table A. This regulation must not be used to determine ceiling prices for the commodities listed in paragraph (c) of this section.

The commodities covered by this regulation are listed in the column at the extreme left of Table A and the four classes of wholesalers are listed across the top of Table A. To find your proper markup figure for any item, first determine the class of wholesaler to which you belong; then find the commodity listed at the left of Table A which includes the item you are pricing. Directly opposite, in the column for your class of wholesaler, you will find the proper markup figure for the item. This is the figure by which you should multiply your "net cost" in order to determine your ceiling price. Drop any fraction of a cent which is less than ½ cent; take the next higher cent if the fraction is ½ cent or more.

For example, you are a Service (Class 3) Wholesaler, and you want to figure your ceiling price for a case of 24 9-ounce packages of X Brand Spaghetti which you had in stock at the opening of business on April 30, 1951.

The amount you paid your customary type of supplier for your last purchase of a customary quantity of this item prior to April 30, 1951, was $2.11 per case after deducting all discounts except the discount for prompt payment and swell and label allowances. In addition, you paid incoming freight, excluding local trucking charges, amounting to 13 cents per case. Your net cost is therefore $2.24 per case. Now refer to Table A. Check

TABLE A

[Mark-up figures to be used by wholesalers in figuring ceiling prices for items covered by this regulation by commodities]

	Figures to be multiplied by net cost			
	Class 1 Retailer-owned cooperatives	Class 2 Cash and carry	Class 3 Service and delivery	Class 4 Institutional
Food commodities				
1. Baby foods	1.06	1.085	1.125	1.185
2. Cereals, breakfast	1.085	1.10	1.08	1.13
3. Cocoa, chocolate, and cereal drink preparations	1.07	1.085	1.125	1.175
4. Coffee	1.055	1.065	1.09	1.14
5. Cookies, crackers, toast and crumbs	1.11	1.15	1.20	1.25
6. Corn meal, hominy and flour mixes	1.055	1.085	1.12	1.165
7. Dog and cat foods	1.06	1.09	1.105	1.15
8. Fish, processed	1.085	1.13	1.19	1.24
9. Flour	1.07	1.075	1.10	1.15
10. Frozen foods	1.24	1.24	1.24	1.29
11. Fruits, berries and fruit juices (canned) except fruit cocktail, pineapple, peaches and pears	1.105	1.155	1.18	1.23
12. Fruit cocktail, pineapple, peaches and pears (canned) except juices	1.06	1.085	1.135	1.185
13. Fruits, dried and dehydrated	1.095	1.125	1.165	1.215
14. Gelatin and pudding mixtures	1.05	1.07	1.105	1.155
15. Jams, jellies, preserves, honey and peanut butter	1.115	1.14	1.19	1.24
16. Lard, pure	1.085	1.095	1.125	1.175
17. Macaroni and spaghetti products	1.09	1.115	1.15	1.20
18. Mayonnaise and salad dressing	1.08	1.12	1.16	1.21
19. Meat, canned	1.055	1.08	1.14	1.15
20. Milk, canned	1.035	1.035	1.045	1.095
21. Oil, cooking and salad	1.07	1.075	1.10	1.15
22. Olives, canned	1.085	1.085	1.14	1.19
23. Pickles and relishes	1.115	1.14	1.19	1.24
24. Rice	1.057	1.095	1.13	1.18
25. Shortening, hydrogenated	1.045	1.045	1.095	1.095
26. Shortening, other	1.045	1.045	1.05	1.05
27. Soups, canned	1.047	1.07	1.09	1.14
28. Soups, dehydrated	1.09	1.105	1.14	1.18
29. Spices	1.10	1.27	1.28	1.33
30. Syrups	1.07	1.10	1.115	1.165
31. Tea	1.06	1.095	1.115	1.165
32. Vegetables and vegetable juices (canned) except corn, cream beans, tomatoes and tomato juice	1.07	1.14	1.20	1.25
33. Corn, cream beans, peas, tomatoes and tomato juice (canned	1.06	1.085	1.135	1.185
34. Vegetables, dried and dehydrated	1.08	1.09	1.12	1.17
35. Vinegar	1.12	1.16	1.23	1.28
36. Miscellaneous foods	1.11	1.15	1.20	1.25

the list of commodities and you will find "Macaroni and spaghetti products." This category includes the item you are pricing. Directly opposite "Macaroni and spaghetti products", in the column headed "Class 3 Wholesaler," you will find the figure 1.15. Multiply your net cost by this mark-up figure; the resulting amount is $2.576. By rounding up the fraction of a cent, which is more than ½ cent, you will get your ceiling price of $2.58 per case.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items.

(1) Baby foods means "baby" or "junior" cereals, fruits, vegetables, meats, pudding, soups, and mixtures thereof packed in hermetically sealed containers. Excluded are dry baby cereals.

(2) "Cereals, breakfast" means bulk or packaged cereal items of any size commonly used as breakfast foods, both uncooked and ready-to-eat types including but not limited to, bran flakes, farina, popped rice, and rolled oats. Excluded are barley, corn meal, corn grits, hominy grits and flakes, rice, wheat bran flour, wheat germ and dry baby cereal. Also excluded are cereals mixed or coated with a confection, in the proportion of two thirds or more confection to one third cereal by weight.

(3) "Cocoa, chocolate, and cereal-drink preparations" includes, but is not limited to, coffee substitutes or extenders, chicory, malted milk preparations containing less than 35 percent malted milk, chocolate syrup packed in consumer sizes, chocolate bits, and cooking chocolate and packaged powdered skim milk (spray process). Excluded are chocolate confections, bittersweet bars, milk chocolate, chocolate syrup packed in No. 10 tins or larger or one gallon containers or larger, powdered whole milks, powdered skim milk packaged in tin in inert gas, malted milk and any preparation containing 35 percent or more malted milk.

(4) "Coffee" means roasted coffee, whole or ground, decaffeinated coffee, coffee concentrates, and any mixtures of coffee with other products for beverage purposes. Excluded is frozen coffee concentrate.

(5) "Cookies, crackers, toast, and crumbs" includes, but is not limited to biscuits, Christmas cookies, fig crackers, graham crackers, pretzels, rye crackers, zwieback, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal, and related matzo products. Excluded are bread, pies, cakes, doughnuts, coffee cakes, rolls, candies, Passover matzo, Passover matzo meal, related Passover products, and any bakery products which you manufacture. Also excluded are any items which are bought by you in bulk and sold loose.

(6) "Corn meal, hominy and flour mixes" means bulk or packaged corn meal, corn grits, hominy, hominy grits, hominy flakes, prepared hominy and bulk or packaged flour mixes milled from wheat, seminola, farina, buckwheat, corn, rice, and potatoes, including, but not limited to, prepared pancake, biscuit, pie crust and gingerbread mix. Excluded is canned hominy which is in "Vegetables and vegetable juices, canned."

(7) "Dog and cat food" shall not include any item prepared by you for pet food, or any frozen dog or cat food.

(8) "Fish, processed" includes canned fish, canned seafood, and salted, pickled, smoked, dried or otherwise processed fish, such as fish cakes. Excluded are fresh or frozen fish, fresh or frozen seafood, frozen food products in which fish or seafood are combined with other ingredients, anchovies, anchovy paste, caviar, clams, crab meat, clam juice, kippered herring, lobster, lobster bisque, oysters, oyster puree and fish roe.

(9) "Flour" means bulk or packaged (in any size) flour milled from wheat, seminola, farina, buckwheat, corn, rice, and potatoes, including, but not limited to, all-purpose family flour, cake flour, enriched flour, but excluding all flour mixes.

(10) "Frozen foods" means packaged quick-frozen or cold-packed foods sold from refrigerated cabinets or lockers, including, but not limited to all fruits, berries, fruit or berry juices, and mixtures (except any of the foregoing in containers of a capacity of more than 50 pounds), vegetables, vegetable juices, and mixtures, including mushrooms, dog and cat foods not prepared by you for pet foods, applesauce, macaroni and spaghetti products, chop suey, chow mein, gravies, pork-and-beans, soups, food products in which meat, chicken, turkey, fish or seafood are combined with other ingredients, meat stews, and corned beef hash, frozen instant coffee, concentrated frozen fresh milk, and frozen meat pies. Excluded are frozen pies and pastries, frozen meat, poultry, fish and seafood, ice cream, sherbet and frozen confections.

(11) "Fruits, berries, and fruit juices, canned" includes, but is not limited to, apple sauce, apple cider, berry juices, concentrated fruit juices, citrus fruits and juices, cranberry jelly and sauce, fountain fruits, maraschino cherries, fruit nectars, bulk apple cider, fruits for salad, pineapple juice and non-carbonated liquid fruit beverages such as grapeade, lemonade, and orangeade. Excluded are apple butter, fruit butters, jam, jellies, fruit preserves, cocoanut, olives, baby foods, dried fruits, dehydrated fruits, fruit cocktail, pineapple (except pineapple juice), peaches, pears and frozen fruits.

(12) "Fruit cocktail, pineapple, peaches and pears (canned) except juices." Excluded are fruits for salad and frozen fruits. "Canned" means processed and packaged in any container, whether or not hermetically sealed.

(13) "Fruits dried and dehydrated" (packaged or bulk) includes, but is not limited to, stuffed dried fruits, dried dates and figs, pitted dates and maccerated dates. Excluded are fruit confections, candied or glaceed fruits, and peels, fresh dates and date products.

(14) "Gelatin and pudding mixtures" includes, but is not limited to, gelatin, gelatin desserts, tapioca, arrowroot, consumer ice cream mixes, and rennet.

(15) "Jams, jellies, preserves, honey, and peanut butter" includes, but is not limited to, tomato preserves, marmalade, fruit preserves, fruit butters, smooth or crunch type nut butters, honey butter and all extracted honey (including combinations of extracted and comb honey) packaged in containers of a capacity of 15 pounds or less. Excluded are cranberry jelly or sauce.

(16) "Lard, pure" (packaged or bulk) includes, but is not limited to, rendered pork fat. Excluded are lard compounds

which are classed as "shortenings, other."

(17) "Macaroni and spaghetti products" includes, but is not limited to, bows, egg alphabets, macaroni, spaghetti, vermicelli, "sea shells," noodles, macaroni dinners, spaghetti dinners, canned macaroni and canned spaghetti. Excluded are meat ravioli, tamales, dry noodle soup mixtures, spaghetti-and-meatballs, chicken-and-noodles, Chinese-style noodles, and frozen macaroni and spaghetti products.

(18) "Mayonnaise and salad dressing" includes, but is not limited to, tartar sauce, relish spreads, other mayonnaise spreads, and French dressing. Excluded are olive oil and meat spreads.

(19) "Meat canned" includes, but is not limited to, canned or glass chicken products, canned or glass turkey products, chicken and noodles, meat gravy, meat ravioli, pickled meats, luncheon meats, chili con carne, meat spreads and spaghetti and meat balls. Excluded are chicken-a-la-king, lamb tongue, pigs feet, scrapple, stews, tamales, tripe, veal loaf, mincemeat, liver spread, deviled tongue, lunch tongue, and any canned meat which is removed from the can by the retailer and sold sliced in smaller amounts, frozen food products in which meat, chicken, and turkey are combined with other ingredients, frozen meat gravies and frozen meat stews and pies.

(20) "Milk, canned" means evaporated or condensed cow milk, including, but not limited to, filled evaporated milk products. Excluded are fresh milk, cream, powdered milks, and goat milk.

(21) "Oils, cooking and salad" means all vegetables, fruit leaf plant oils, cooking fats other than lard and shortening. Excluded are olive oil, prepared dressings, and spice oils.

(22) "Oleomargarine" means any product labeled "Oleomargarine."

(23) "Pickles and relishes" (packaged or bulk) includes, but is not limited to, chow chow, pickled fruits, pickled onions, pickled peppers, pickled relishes, pickled rind, and pickled vegetables. Excluded are mayonnaise relish spreads, tartar sauce.

(24) "Rice" packaged or bulk means all rice (including second heads) of the grades defined by the Department of Agriculture bulletin of Standards for Milled Rice (effective September 4, 1946). Excluded are rice flour, rice flakes, popped rice, wild rice, canned Spanish rice, and screenings and brewers' rice graded as Class XIII and Class XIV, respectively, by the above-mentioned bulletin.

(25) "Shortening, hydrogenated" means all fully hydrogenated shortenings.

(26) "Shortening, other" means shortenings other than fully hydrogenated shortening. Excluded are butter, lard, oleomargarine, and suet.

(27) "Soups, canned" includes all soups, broths and chowder. Excluded are meat stews, "baby" or "junior" soups, dehydrated soups, and frozen soups.

(28) "Soups, dehydrated" means dry mixtures sold for soup making, including, but not limited to, bouillon concentrates, and dry noodle soup mixtures. Excluded are other macaroni or noodle products, lentils, and dried peas.

(29) "Spices" includes, but is not limited to, bay leaves, caraway seed, dried peppers, dry chili, celery seed, celery salt, celery flakes, chili powder, garlic, garlic salt, dry mustard, onion salt, onion flakes, poultry seasoning, poppy seed, seasoned salt, sesame seed, thyme, and cream of tartar. Excluded are table salt, spice oils, candied ginger, raw spices and spice seeds in containers of the customary unit and weight in which they are imported into the United States, and wooden or other type trays designed as permanent kitchen furniture consisting of sets of assorted spices.

(30) "Syrups" means all malt, molasses, cane, maple, and corn syrups, and imitations or blends. Excluded are chocolate and ice cream sundae syrups, fruit syrups for making beverages, molasses sold for feed purposes, sorghum syrup and unmixed corn syrup.

(31) "Tea" includes all bulk or packaged tea, tea bags, and matte. Excluded are sales of tea in containers of the customary unit and weight in which they are imported into the United States.

(32) "Vegetables and vegetable juices, canned" includes, but is not limited to, blackeye, crowder, cream and field peas, baked beans, wax beans, sauerkraut, rhubarb, chili sauce, cocktail sauce, canned hominy, mushrooms, mushroom sauce, tomato catsup, tomato paste, tomato puree, pimientos, and Chinese-style foods, including soy sauce, and brown sauce. "Canned" means processed and packaged in any container, whether or not hermetically sealed. Excluded are vegetable soups, "baby" or "junior" foods, pickles, corn, green beans, peas (except canned blackeye, crowder, cream and field peas), tomatoes, tomato juice and frozen vegetables.

(33) "Corn, green beans, peas, tomatoes, and tomato juice (canned)." Excluded are frozen vegetables and canned blackeye, crowder, cream and field peas, and wax beans. "Canned" means processed and packaged in any container whether or not hermetically sealed.

(34) "Vegetables, dried and dehydrated" (packaged or bulk) includes, but is not limited to, dried beans, blackeye peas, dried mushrooms, dried peas, and lentils. Excluded are dry soup mixes, hominy, garlic, celery flakes, onion flakes, dried chili, and dried peppers.

(35) "Vinegar" (bottled or bulk), includes, but is not limited to, pure cider vinegar, distilled vinegar, malt vinegar, wine vinegar and tarragon vinegar.

(36) "Miscellaneous foods" shall include all other dry grocery items except those specifically excluded in paragraph (c) of this section. Among the items included under this heading are the following:

Anchovies (canned).
Anchovy paste (canned).
Baking powder.
Baking soda.
Barley (pearl).
Brown bread, and date and nut bread canned.
Brewers yeast in consumer size package not to exceed 2 pounds.
Caviar (canned).
Cherry juice (canned).
Chicken-a-la-king (canned).
Clams (canned).
Clam juice (canned).
Cocoanut, shredded, desiccated, or moist.
"Cookies, crackers, toast and crumbs" bought by you in bulk and sold loose.
Corn starch, edible or gloss packaged in containers of 10 pounds or less (excluded are powdered prepared laundry starching compounds).
Crab meat (canned).
Cranberry juice (canned).
Date products.
Deviled tongue (canned).
Eggnog (nonalcoholic) bottled.
Extracts.
Fish roe (canned).
Flavorings.
Food colorings.
French fried onions (canned).
Fruit pectins.
Fruit syrups for making beverages. (Excluded are fruit syrups used by rectifiers, blenders, restaurants and bars for mixing alcoholic mixed drinks).
Gift or holiday packages bought assembled and containing one or more items covered by this regulation.
Glazed or candied fruits and peels.
Ice cream sundae syrups, including chocolate syrup packed in No. 10 tins or larger or 1-gallon containers or larger.
Kippered herring (canned).
Liver spread (canned).
Lobster (canned).
Lobster bisque (canned).
Loganberry juice (canned).
Lunch tongue (canned).
Macaroni salad (canned).
Meat flavorings.
Meat sauces, except catsup, cocktail sauce and chili sauce.
Mincemeat.
Mustard, prepared.
Olives.
Olive oil, pure (packaged in containers of less than ½ gallon).
Oysters (canned).
Oyster puree (canned).
Pie filling.
Pigs feet (canned).
Popcorn, not popped.
Potato salad (canned).
Potatoes, julienne (canned).
Potatoes, shoestring (canned).
Pudding, date.
Pudding, fig.
Pudding, plum.
Scrapple (canned).
Spanish rice (canned).
Stews (canned).
Table salt packaged in cartons, bags or packets containing 100 pounds or less. Kosher salt in cartons and salt packaged in containers of 10 pounds or less and labeled by the manufacturer as ice cream salt (excluded are onion, celery or garlic salt and meat-curing or smoked salt).
Spice oils.
Tamales (canned).
Tomato aspic (canned).
Tom and Jerry batter (bottled).
Tripe (canned).
Yeast.
Veal loaf (canned).

(c) *Commodities not included in this regulation.* Excluded from this regulation are:

Baked goods, fresh (except cookies, crackers, toast and crumbs).
Beer.
Bird seed and gravel.
Bread.
Butter (except peanut butter, fruit butters, and smooth or crunch type nut butters).
Buttermilk, fresh.
Candied ginger.
Candy.
Capers.
Cereals mixed or coated with a confection in the proportion of two-thirds or more confection to one-third cereal by weight.
Cheese, cheese spreads and cheese foods
Comb honey.
Cornstarch, edible or gloss (packaged in containers of more than 10 pounds).
Corn syrup, unmixed.
Corn sugar.
Cream.
Dry baby cereals.
Eggs.
Feed, animal or poultry (other than pet food).
Fresh fruits and vegetables.
Frozen fish and seafood.
Frozen fruits, berries, fruit or berry juices and mixtures, in containers of a capacity of 50 pounds or more.
Fruit cake.
Fruit and vegetable powders for making beverages.
Goat milk (canned).
Green coffee in containers of the customary unit and weight in which they are imported into the United States.
Ice cream cones.
Ice cream, sherbets, and frozen confections.
Laundry starching compounds, powdered prepared.
Liquors.
Malted milk and any preparation containing 35 per cent or more malted milk.
Maple sugar.
Meat and fish (except "fish, processed," and "meat, canned").
Milk, fresh.
Whole milk, powdered, and powdered skim milk packaged in tin in an inert gas.
Mineral oil.
Molasses sold for feeding purposes.
Nuts.
Olive oil, pure (packaged in containers of a capacity of 1 gallon or more).
Passover matzo, Passover matzo meal, and related Passover matzo products.
Pate de fois gras.
Peanuts.
Pet foods (except cat and dog foods or any frozen cat or dog foods).
Pheasant pate.
Popcorn, popped.
Potato chips.
Poultry other than canned or bottled.
Powdered skim milk, bulk.
Rattlesnake meat.
Raw spices and spice seeds in containers of the customary unit and weight in which they are imported into the United States.
Rendered poultry fat.
Salt not covered by section 35 (b) (36).
Soft drinks.
Sorghum syrup.
Snails (canned).
Spices in assorted sets contained in wooden or other type trays designed as permanent kitchen furniture.
Sugar, cane or beet.
Tamales, bulk.
Tea in containers of the customary unit and weight in which they are imported into the United States.
Tortillas.
Truffles.
Vitamin concentrates.
Wheat germ.
Wild rice and screenings and brewers' rice.
Wine.

Effective date: This regulation shall become effective on the 5th day of April 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MARCH 28, 1951.

[F. R. Doc. 51-3922; Filed, Mar. 28, 1951; 5:14 p. m.]

[Ceiling Price Regulation 15]

CPR 15—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 15 is hereby issued.

STATEMENT OF CONSIDERATIONS

This statement of considerations covers CPR 14, CPR 15, and CPR 16.

The General Ceiling Price Regulation was issued essentially as a "stop gap" measure in order to bring under immediate control the prices of most goods and services. It was the only technique that could be applied quickly and comprehensively. At the time of issuance it was recognized that the regulation was not well adapted to the long range control of prices in many parts of the economy. This is true in the wholesaling and retailing of food. Between the outbreak of the Korean war and the freeze period, some food distributors had placed in effect substantial price increases beyond those necessitated by the increased cost of food. Others had not so advanced their prices. Thus the freeze technique rewarded those who had increased their prices most. The distortions in the cost-price relationships and the chance abnormalities that existed in the base period were frozen into the price structure. Moreover, the freeze technique is particularly difficult to apply to new sellers who have no base period ceiling price. In an industry such as food distribution with thousands of sellers, there are bound to be large numbers of new sellers. The effort to fix ceiling prices for these new sellers creates serious problems of administration and fairness. Fixing ceiling prices for new items presents similar problems. Moreover, the effort to enforce ceiling prices based on a general freeze for more than 500,000 sellers presents an extremely difficult enforcement problem.

These regulations establish a different method of fixing ceiling prices for sales by wholesalers and retailers of most dry and some perishable grocery products by providing specific percentage markups for different food categories. They govern approximately 60 percent of food purchases made by consumers in retail stores. Though the grocery business customarily computes margins as a percentage of sales for practical purposes and easy calculation, the margins here are translated to a markup on cost. The markup technique employed provides a simple, enforceable, equitable and effective method of price control. It was the technique employed by the Office of Price Administration in issuing MPR's 421, 422, and 423 which regulated dry grocery prices during World War II. These regulations were the result of careful classification of wholesalers and retailers and a comprehensive survey of appropriate margins within each class of seller. Their validity was upheld by the Emergency Court of Appeals. During the period when they were effective, food costs were stabilized. At the same time earnings per dollars of sales of food distributors exceeded those experienced prior to 1942.

The contrast between the inadequacies of a "freeze" regulation such as the General Ceiling Price Regulation, in controlling prices for food distributors, and the success of the margin type regulation used by the OPA makes it imperative that distributors' ceiling prices of dry groceries be fixed on a markup basis at the earliest possible date. At the present time, the best markups available are those which were used by the OPA in issuing MPR's 421, 422, and 423, and which were in effect from 1943–46. In order to act now, the Director of Price Stabilization has generally employed these markups for most food categories for most distributors. The Office of Price Stabilization is now organizing a study of margin and earning figures for food distributors in order to obtain more recent comprehensive data. If the study should indicate that the ceiling prices established under this regulation are either too low or too high, the regulation will be promptly revised to reflect the results of the survey.

Consultation with the wholesalers and retailers of dry groceries has indicated that wholesalers and the independent retailers generally believe that the OPA markups applicable to them will return adequate gross margins. The chain stores and supermarkets, however, have insisted that the OPA markups would be inadequate and have presented calculations to show that their application to pre-Korea operations would reduce by approximately three percent on sales the grocery department gross margins experienced at that time. They urge that their operations are conducted on a low net margin of profit to sales, and fear that these ceilings will mean loss operations. This position has been given very careful consideration by the Director of Price Stabilization. An examination of the data submitted by the chains and supermarkets indicates that there is a substantial basis for these figures. In most food categories the OPA markups conform generally with normal pricing practices. In some categories, however, it has been indicated that markups have changed substantially since the war. In issuing these regulations, therefore, the Director has made some adjustments in these food categories for these sellers. These adjustments will be carefully checked against the results of the survey.

On the whole the markups used for chains and supermarkets should increase by a little more than 1 percent the margin on sales yielded by the OPA markups. While the chains and supermarkets indicate that an adjustment of approximately 3 percent is required, their calculations overlook certain important considerations which indicate that these adjusted markups will provide generally fair and equitable prices. Since the markups are computed as a percentage of cost, any increase in food cost is reflected in higher dollar margins. All retailers consulted by the OPS conceded that food costs have gone up at least 10 percent and evidence available to the Director of Price Stabilization indicates that the increase may be more. Assuming the minimum increase in food costs, the percentage markup could be reduced and still return as many or more dollars as were earned in a pre-Korea period. If a food retailer prior to Korea had food costs of $1,000,000, and sales of $1,200,000, he would have a percentage markup of 20 percent and a dollar margin of $200,000. Today, however, if he sold the same quantity of food the cost of food to him would have increased to at least $1,100,000. A percentage markup of 18.3 percent would produce a dollar margin of $201,300, or more than he earned prior to the increase in the cost of food. Thus, even if the markups in this regulation result in a lower percentage markup than that experienced in a pre-Korea period, the increase in the cost of food has been so substantial that these regulations should not prevent food distributors from realizing adequate overall dollar margins.

It is true, of course, that the overhead costs which are to be covered by the markups may have increased since Korea. However, food stores have also

experienced a marked and rapid increase in physical volume. This means that fixed overhead costs can be spread over more units of merchandise and the cost per unit reduced. Moreover, in a period of accelerated inflation, food costs and food prices rise much faster than overhead expenses and in a seller's market, sales and promotion costs can be better controlled. These factors are reflected in higher net earnings. Percentage markups can be reduced and the distributor will still be able to cover dollar increases in these overhead expenses and realize net earnings comparable to those realized prior to the inflationary period.

The experience since Korea indicated the effect of all of these factors on earnings. In 1950 the sales of leading chain stores increased over 1949 by approximately six percent mainly during the last half of the year. However, dollar earnings for the same chains increased by 18 percent. Thus, dollar earnings increased substantially more percentagewise than dollar sales. Apparently, therefore, overhead expenses have not risen as sharply as food costs and food prices and this has been reflected in the higher earnings. On the basis of these considerations, the Director of Price Stabilization finds that the markups set forth in these regulations will produce generally fair and equitable prices.

SPECIFIC PROVISIONS OF THE REGULATIONS

Ceiling Price Regulation No. 14 applies to sales by wholesalers of certain food products called "dry groceries," which are listed in Table A of the Regulation. Ceiling Price Regulation No. 16 (Group 1 and 2 stores), and Ceiling Price Regulation No. 15 (Group 3 and 4 stores) apply to sales by retailers of the same list of dry groceries as are covered by the wholesale regulation and additional list in Table B called perishables. Sales of perishable items at wholesale will continue to be controlled by the General Ceiling Price Regulation. Likewise, since Table B, for the time being, includes only butter and packaged cheese, sales of other perishable items at retail will continue to be controlled by the General Ceiling Price Regulation.

For the most part the provisions of these regulations are similar to those used by OPA in MPR's 421, 422, and 423, which regulated dry grocery prices during World War II. In general the dry grocery commodity categories are the same except where a limited number of slow-moving high-margin items have been taken out of the category used by OPA and placed under "miscellaneous foods". Also "flour mixes" have been taken out of the "flour" category and included in the corn meal, hominy category. Such adjustments were recommended by representative members of the industry and it is believed by the Director of Price Stabilization that the facts available clearly justified the change in category.

(a) *Classification of Wholesalers and Retailers.* The classification of wholesalers in Ceiling Price Regulation No. 14 is the same as that used in MPR 421 by OPA. The classification of retailers in Ceiling Price Regulation No. 16 (Group 1 and 2 stores), and in Ceiling Price Regulation No. 15 (Group 3 and 4 stores) is also the same as that used in MPR's 422 and 423 by OPA, except that the volume definitions have been changed. Ceiling Price Regulations Nos. 15 and 16 provide as follows:

Group 1—Independent retail stores with annual sales volume of less than $75,000 in 1950.

Group 2—Independent retail stores with annual sales volume between $75,000 and $375,000 in 1950.

Group 3—Retail stores (other than independent stores) with annual sales volume of less than $375,000 in 1950.

Group 4—Retail stores (independent or otherwise) with annual sales volume of $375,000 or more in 1950.

Under the OPA regulations $50,000 annual sales volume was the dividing line between Group 1 and 2 stores, and $250,000 annual sales volume was the dividing line between Group 2 stores (independent stores) and independent Group 4 stores. The same figure was used to determine whether a chain store was a Group 3 or Group 4 store. At the time price controls expired in 1946, the Group of a retail store was determined by its sales volume in 1945. There was no objection from the industry to these particular volume definitions. However, some adjustment in this volume classification is necessary now by reason of the increased price of food to reach results similar to those employed in 1946.

The Director of Price Stabilization has determined that the changes in the Bureau of Labor Statistics Consumers Food Price Index provides the best point of departure for this adjustment. For the year 1945, this Index stood at 139 percent and by 1950 it had risen to 204 percent. This is an increase of approximately 47 percent. Therefore, it has been concluded to use $75,000 annual sales volume as the dividing line between Group 1 and 2 stores and $375,000 as the dividing line between Group 2 and Group 4 independent stores. The latter figure is also used to separate the chain stores into Groups 3 and 4.

(b) *Method for figuring ceiling prices.* For wholesalers and retailers the pricing technique for the dry groceries (Tables A) is the same. They are required by section 3 of each regulation to apply the markup given in Table A to the most recent delivered cost before the effective date of the regulations. The resulting amount will be the ceiling price. However, section 3 (c) of each regulation provides that with respect to each item of the 1950 pack of food commodity Groups 8, 10, 11, 12, 13, 32, and 33 under Tables A both wholesalers and retailers may continue to use the legal ceiling price for each item under the General Ceiling Price Regulation if their last purchase of the particular item was made prior to January 26, 1951, until they receive delivery of a purchase made after that date. Of course, the ceiling price for any item that falls within food commodity Groups 8, 10, 11, 12, 13, 32, and 33 which is purchased after January 26, 1951, must be figured by applying the provisions of these regulations.

In the case of those sellers who purchased items of the 1950 pack several months ago, the application of the markups to costs of those purchases would result in ceiling prices that do not reflect current condition. Consequently, the volume purchaser's prices would be vastly different from those of the smaller purchaser, since the cost price for the items has increased considerably since the 1950 pack came in. Likewise, by applying the markup provisions to the items of the 1950 pack purchased prior to January 26, 1951, a sharp increase in the prices of the items will naturally result when the new pack comes in. For these reasons, the exception with respect to each item of the 1950 pack of food commodity Groups 8, 10, 11, 12, 13, 32, and 33 is necessary in order to keep prices as stable as possible.

(c) *Effective date of the regulations.* The new ceiling prices established by applying the provisions of these regulations must be put into effect on all items not later than April 30, 1951. Between April 5, 1951, and April 30, 1951, the new ceiling price on any item may be put into effect as soon as it is figured. If the new ceiling price is not put into effect for an item prior to April 30, 1951, the existing ceiling price under General Ceiling Price Regulation for that item must remain in effect until April 30, 1951. In the event any item is delivered between April 5, 1951, and April 30, 1951, for which there is no ceiling price, the ceiling price must be figured according to the rules of these regulations.

(d) *Recalculation of ceiling prices.* These regulations permit a weekly recalculation of prices which was not permitted under the regulations of OPA. Before making a sale of an item of "dry groceries" on each Monday after April 30, 1951, the ceiling price for any item must be refigured if the net cost of the item is different from the net cost on which the existing ceiling price is based. Recalculation is necessary until such time as the processors' ceilings are stabilized by the Office of Price Stabilization. Because of the parity provisions of the Defense Production Act of 1950 this cannot be accomplished with respect to a substantial number of the food commodities controlled by these regulations at this time. At such time as the items at the processor level are stabilized the recalculation provisions of the regulations will be revoked. However, the perishable commodities in Tables B of the retail regulations will still be subject to recalculation. These commodities because of their seasonal and perishable characteristics are subject to sharp and unforseeable price fluctuations.

(e) *Posting.* All retailers must at all times post their current selling price for each item of food covered by these regulations. Such displayed price must never exceed the ceiling price. All retailers must post the Group their store is in.

(f) *Packaging and assembling allowances.* It has been the practice of many wholesalers and retailers to purchase certain food commodities in bulk and then to package and resell them in cardboard containers, transparent, cotton or interlined coffee bags, or Kraft bags or similar type bags. The markups provided in the regulations do not include the entire factor necessary to cover the extra cost of packaging incurred by such bulk purchasers. Therefore, whenever such expense is incurred, certain set amounts may be included in figuring ceiling prices. The allowances are set forth in sections 18 of the retailer regulations and section 13 of the wholesale regulation. The figures contained therein are slightly higher than the packaging allowances previously granted under the OPA regulations in order to reflect the increased cost of such packaging material. This allowance does not apply to the packaging of items at the time of sale.

(g) *Retail delivery and assembly allowance.* The retail regulations establish an allowance for delivery by retail stores to customers' homes or places of business. In arriving at the markups for all retail stores a proper allowance for such delivery was not included since all retail sales are not delivered. With such a small amount of service included in the given markups, it was decided that an extra allowance was necessary to compensate those who incurred this expense. In addition, the Group 3 and 4 regulation establishes an allowance for assembly of orders taken by telephone. A similar provision was not included in the Group 1 and 2 regulation since assembly of orders by telephone is a normal practice in Group 1 and 2 stores and the markups applicable to those stores reflect an appropriate allowance for such service. This was not true in case of Group 3 and 4 stores and hence a special pricing provision is proper. A fee of 25 cents is allowed to all retail stores for deliveries of food orders to customers' homes or places of business, as a separate charge, where the total value of the delivery is $3.00 or more, and an additional fee of 15 cents is allowed to Group 3 and 4 stores, who generally offer the service of taking telephone orders and assembling them, for assembly of orders taken by telephone.

(h) *Transportation allowances for delivery from warehouses to retail stores—*(1) *Wholesalers.* Many wholesalers deliver to stores a great distance away and in the past have taken care of this expense in various ways, which makes it impossible to determine any standard delivery for deliveries outside of a free zone. Therefore, wholesalers are permitted to use the same differentials as they have used in January 1951. These differentials must be included as part of the wholesalers' ceiling prices so that retailers will not have to allocate this cost among the various items purchased. Wholesalers who did not use a zone system during January 1951 but instead an average price are allowed to add certain percentages for deliveries over 125 miles. Likewise, the regulations contain specific provisions for additions by wholesalers making f. o. b. sales.

(2) *Retailers.* The markup provisions of these regulations reflect the cost of delivery from the retailers' warehouses to their stores located within a normal delivery zone. However, some retailers deliver much greater distances and in order to compensate for this expense, varying additions to net cost are allowed, depending on the distance beyond the normal delivery area.

(i) *Pyramiding of markups.* Special provisions are included in the regulations to prevent pyramiding of markups. Wholesalers buying from other wholesalers must use the "net cost" to the first wholesaler on such purchases where they have not previously established ceiling prices under the regulation as a basis for figuring their ceiling prices provided the "net cost" does not exceed the "net cost" had the purchases been made from the manufacturer or processor. Retailers are not allowed to use any purchase from another retailer to figure a ceiling price if it results in a "net cost" higher than the retailer would have if the purchase was made from a regular supplier or any other normally available source.

(j) *Other special pricing provisions.* In addition to the aforementioned provisions the Group 3 and 4 regulation contains certain special methods of figuring net cost for certain commodities purchased in a particular way. All of Article II—Special Pricing Provisions, in this regulation is not fully printed in the regulation for Group 1 and 2 stores but these provisions are applicable by cross references. Such provisions seldom apply to smaller stores and it was felt that simplification would be added if they were omitted from the Group 1 and 2 regulation and if these stores were referred to the Group 3 and 4 regulation where such provisions were applicable.

ADJUSTMENT PROVISIONS OF THE REGULATION

(a) *Classification adjustments.* Any rigid classification such as is necessary in a standard markup regulation will work hardship on certain distributors who by accident of definition fall into one classification whereas their horizontal operation and margin pattern is actually that of another classification. Therefore, in both wholesale and retail regulations, provision has been made whereby a distributor performing the same service as one in another class, having a margin as high as that of the other class, and having a price structure similar to that of the class, may be transferred to the other class. These provisions are contained in sections 26, 27 and 28 of the wholesale regulation and section 26 of the retail Group 3 and 4 regulation. These adjustment provisions are not intended for distributors who do not meet these criteria, and adjustments will not be granted unless it can be demonstrated that such reclassification is justified.

With regard to section 26 (a) (4) of the Group 3 and 4 regulation, under the OPA regulation the criteria for adjustment was based on the total gross margin being more than 25 percent on all sales in the food departments and also, if the store was not an independent store, more than 25 per cent on the combined sales of the food departments in all stores of the organization. The percentage figure of more than 25 percent contained in the OPA regulation has been reduced to 23 percent or more in this regulation because the available facts clearly indicated that there had been a lowering of the gross margins for this type of operation. The substantial difference existing between a 23 percent markup and the standard markup of Group 3 and 4 stores should assure that the stores, in fact, have been conducting a different type of operation and that reclassification is justified. In order to eliminate the need for examining the individual adjustment applications under this section immediately, the regulation provides that all those stores which qualified for such adjustment under the OPA regulation will automatically qualify under this regulation upon the filing of an adjustment application, provided they meet the test that their total gross margin in the fiscal year 1950 was 23 percent or more on all sales in their food department and also, if not independent stores, 23 percent or more on the combined sales of the food departments in all the stores, for which adjustment is sought, of their organization. These applications will be reviewed later and if an applicant is found not to have qualified with the specific provisions of this regulation, the adjustment will be revoked. For the same reasons, it has been determined with respect to similar provisions of the wholesale regulation to reduce the criteria for adjustment used under the OPA wholesale regulation from at least 20 percent to at least 18 percent.

(b) *Local shortage adjustments.* Price control may possibly result in some areas being deprived of a food supply. To avoid such a local shortage, which might occur if all the retailers in a remote area withdraw from business, an adjustment may be granted when the retailers furnish adequate proof that they are necessary to assure an adequate supply of food in a certain locality, and of the existence of necessary higher operating costs. It is also necessary for them to establish that any adjustment granted will not create a shortage or a need for increase in prices in another locality.

DOLLARS-AND-CENTS CEILING PRICES

The fixed markup technique is a sound and effective method of price control for food distributors. However, as food costs become stabilized it will be possible to translate margin calculations into specific dollars-and-cents ceiling prices. These dollars-and-cents ceilings provide an even simpler and more effective type of price control. When such dollars-and-cents prices are fixed, no item may be sold thereafter at higher prices and the orders issued to that end may provide that such prices take the place of the ceiling prices fixed under these regulations. If such orders do not provide that they replace the ceiling price under these regulations, then the ceiling price may be figured under these regulations.

CONCLUSION

In formulating these regulations the Director of Price Stabilization has consulted extensively with industry representatives and has given full consideration to their recommendations. In his judgment the provisions of these regulations are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

REGULATORY PROVISIONS

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Sec.

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Sec.
13. Records.
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37. Table of mark-ups for "dry groceries" (Table A).
38. Table of mark-ups for "perishables" (Table B).
39. Table of ceiling prices based on any given "net cost" and mark-up (Table C).

AUTHORITY: Sections 1 to 39 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this regulation does.* This regulation fixes new ceiling prices for the "dry groceries" listed in Table A and the "perishables" listed in Table B for all retail stores, other than "independent" retail stores, doing an annual business of less than $375,000 and for all retail stores, whether "independent" or not, doing an annual business of $375,000 or more. These new ceiling prices are to be used instead of the ceiling prices figured under any other price regulation or order issued by the Office of Price Stabilization (hereinafter called OPS), and regardless of any contract or any other law. All other retail stores (Group 1 and Group 2 stores) selling these food products are covered by Ceiling Price Regulation No. 16.

SEC. 2. *How you find out whether your store is covered by this regulation and what group it is in—(a) What stores are covered.* Your store is covered by this regulation if it is a Group 3 or 4 store as defined below and if you are a retailer who buys and resells food products, generally without materially changing their form, for the most part to ultimate consumers who are not commercial, industrial or institutional users. For the purposes of this regulation, "Great Lakes Marine Suppliers" shall be considered as retailers. The provisions of this regulation apply to "retail route sellers" only with respect to "frozen foods". However, this regulation does not apply to sales of "specially prepared dietetic foods" by "health food stores" or "health food departments", or to automatic vending machines or farmers selling produce grown on their own farms.

(b) *What are Group 3 and 4 stores.* For the purpose of this regulation, Group 3 and 4 stores are defined as follows:

(1) *Group 3.* Your store is in Group 3 if its "annual gross sales" are less than $375,000 and if it is not an "independent" store. Your store is an "independent" store if it is not one of 4 or more stores under one ownership whose combined "annual gross sales" are $750,000 or more.

(2) *Group 4.* Your store is in Group 4 if its "annual gross sales" are $375,000 or more.

(If you are not sure what group your store is in, use the directions in Section 29 for figuring its "annual gross sales." See section 35 for definitions of Group 1 and 2 stores.)

(c) *How to display a sign of the group your store is in.* At all times, you must have the group your store is in under this regulation displayed on a sign reading "OPS–3" or "OPS–4", whichever it is, or on a sign which the OPS may furnish to you. The sign must be displayed so that it can be clearly seen by your customers.

(d) *When you may choose to treat your store as a Group 4 store.* If your store is a Group 3 store, you may choose to treat it as a Group 4 store and display a sign in your store as a member of that group if you:

(1) Figure your ceiling prices for all the items listed in Tables A and B of this regulation as a Group 4 store; and

(2) Notify the OPS district office for your area of this fact.

(e) *When you must notify OPS of the Group in which your store falls.* Within 30 days after the issuance of this regulation, you must notify the OPS District office for your area, of the Group of each of your stores, using OPS Public Form No. 5 which you may obtain from the OPS District office for your area. If you open a new retail store after April 30, 1951 you must notify, within 15 days, the OPS District office for your area of the Group of the store, using OPS Public Form No. 5 which you may obtain from the OPS District office for your area.

Dry Groceries

SEC. 3. *How and when you figure your ceiling prices for "dry groceries"—(a) General rule.* Your ceiling price for each item (that is, for each kind, brand, grade, variety, container-type and container-size) of "dry groceries" listed in Table A shall be the total of (1) the "net cost" you had to pay for the most recent delivery of the item to you before April 30, 1951, plus (2) the mark-up given you for it in Table A.

(b) *When you must figure your ceiling prices.* By the opening of business on April 30, 1951, you must have figured your ceiling price for each item of "dry groceries" listed as Table A which you have in stock at that time. Between April 5, 1951 and April 30, 1951, you may put into effect the new ceiling price on any item as soon as you figure it; you must put the new ceiling prices into effect on all items not later than April 30, 1951. If you do not put the new price for an item into effect before April 30, 1951, you must continue to use your existing ceiling for that item until April 30. If you receive delivery of any item between April 5, 1951 and April 30, 1951, for which you have no ceiling price, you must, before selling it, figure your ceiling price according to the rules of this regulation.

(c) *Special rule for certain items of the 1950 pack.* If, in the case of any item of the 1950 pack of food commodity groups 8, 10, 11, 12, 13, 32 and 33 in Table A, your last purchase of the particular item was made prior to January 26, 1951, you may continue to use your legal ceiling price for such item under the General Ceiling Price Regulation, until you receive delivery of a purchase made after that date. When you receive delivery of such a purchase, you must figure your ceiling price for the item in accordance with the provisions of this regulation.

SEC. 4. *Directions for applying the rule for "dry groceries"—(a) "Net Cost".* To figure your ceiling price, first find the "net cost" of the item based on its most recent delivery to you before April 30, 1951. Your net cost will be the amount you paid your supplier less all discounts except the discount for prompt payment and swell and label allowances, plus all transportation charges you paid except local trucking and local unloading. Treat as a separate item each kind, brand, grade, variety, container-size and container-type of "dry groceries".

(1) Your net cost must be figured on purchases of a customary quantity from a customary type of supplier delivered to your "usual receiving point" by a customary means of delivery. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost on a single unit basis (that is, per can, per pound, per package, per jar, etc.), to the nearest half-cent. (Fractions of exactly one-quarter cent are rounded up to one-half cent and fractions of exactly three quarters of a cent are rounded up to the next cent.) Your invoice cost may be the cost of a carton, case or barrel for instance, and not the cost of the package, can or other unit you sell. You must get the net cost of the single unit you sell by dividing the cost for the carton, case or barrel by the number of units in the carton, case or barrel.

(3) For items you "manufacture or otherwise process" use the special rules in section 23.

(b) *Mark-up.* Turn to Table A to find the mark-up for the item given your group of store. Table A lists all the "dry groceries" covered by this regulation by commodity groups.

(c) *Ceiling price.* Next turn to Table C. Using the directions given there, you will get your ceiling price for the item. You must not change this ceiling price except in accordance with Section 6.

(d) *Invoices.* You must write your "net cost" per unit of the purchase on which you have figured your ceiling price either on your invoice or other record of the price you paid for the item or on a separate slip of paper and attach to that invoice or other record. You must keep separate, or mark or tag plainly, all invoices or records showing the net cost per unit which you used in figuring your ceiling prices. These invoices and records you used in figuring your ceiling prices are your means of proving that your ceiling prices are right.

SEC. 5. *How you figure your ceiling prices for "new items" of "dry groceries."* A "new item" of "dry groceries" is an item of "dry groceries" which you did not have in stock at the opening of business on April 30, 1951. You must figure the ceiling price for a new item before selling it, following the rules in section 4, but basing your "net cost" on the first delivery of the item to you on or after April 30, 1951.

In pricing new items it is a violation to use the net cost of a first purchase made in a non-customary manner (that is, from a non-customary supplier or in a non-customary quantity) when you know that you will be making future purchases in a customary manner. If your first purchase is of this type you must find out and use in figuring your ceiling price, what the net cost would be of a purchase from a type of supplier usually used for a similar item and of a quantity in which a similar item is usually purchased.

SEC. 6. *How you figure your ceiling prices each week, starting Monday, April 30, 1951.* Before making any sale of an item of "dry groceries" on each Monday after April 30, 1951 (or on Tuesday if Monday is a holiday and your store is closed) you must refigure your ceiling price for any item if your "net cost" of that item is different from the "net cost" on which your existing ceiling price is based. You must follow the rules in section 4 basing your "net cost," however, on the largest single delivery of a customary quantity received by you from your customary type of supplier during the seven days preceding Monday. If you cannot determine your "largest single delivery" because you have received more than one delivery of the same quantity, use the most recent of these deliveries.

Any group of stores under one ownership pricing from a central point may refigure ceiling prices for items so priced, based on the "net cost" of deliveries received during the seven days preceding the previous Friday. These prices must not be put into effect until the following Monday.

SEC. 7. *Dry groceries which you import.* This regulation shall not apply to you for sales of any dry grocery item purchased by you directly from a foreign seller or his agent for importation into the continental United States. Your ceiling price for such items shall be determined by you in accordance with the General Ceiling Price Regulation or any other applicable ceiling price regulation covering the sale of the item by importers.

Perishables

SEC. 8. *How and when you figure your ceiling prices for "perishables"—(a) General rule.* Your ceiling price for each item (that is, for each kind, brand, variety, and grade) of "perishables" listed in Table B shall be the total of (1) the "net cost" of the largest delivery of the item to you during the seven days preceding Monday of each week, plus (2) the mark-up given you for it in Table B.

(b) *When you must figure your ceiling prices.* By the opening of business on April 30, 1951, you must have figured your ceiling price for each item of "perishables" listed in Table B which you have in stock at that time. These ceiling prices must be checked each week after April 30, 1951, and changed on Monday of each week for any item if your "net cost" of that item has changed in the preceding seven days. Never change your ceiling price on any day but Monday.

For items which you receive for the first time or which you have not had in stock for 7 days, you must figure and use a ceiling price at once using the net cost of that first delivery. On each Monday after that, you must treat the item as you would any other item of perishables covered under this regulation.

Stores under one ownership pricing from a central point may refigure ceiling prices for items so priced based on the net cost of deliveries received during the seven days preceding Friday of each week. These prices must not be put into effect until the following Monday.

SEC. 9. *Directions for applying the rule for "perishables"—(a) Net cost.* To figure your ceiling price, first find the "net cost" of the largest delivery to you of the item during the seven-day period before the Monday for which you are figuring your price. If you have received more than one delivery of the same largest quantity, use the most recent of these deliveries. Your net cost will be the amount you paid your supplier less all discounts except the discount for prompt payment, plus all transportation charges you paid, which may include costs for icing, refrigeration, and ventilation, but which may not include costs for local trucking and local unloading.

(1) Your net cost must be based on purchases from a customary type of supplier delivered to your usual receiving point by a customary means of delivery. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost on the basis of the "selling unit", (for example, 1 pound) listed in Table B for the commodity group which includes the item you are pricing. Always figure net cost to the nearest half cent. (Fractions of exactly one-quarter cent are rounded up to one-half cent and fractions of exactly three-quarters of a cent are rounded up to the next cent.)

(3) If you have an item in stock at the opening of business on April 30, 1951, but you did not receive delivery of the item during the week before, you shall, in figuring your first ceiling price for the item on April 30, 1951, base your net cost on its most recent delivery to you.

(b) *Mark-up.* Turn to Table B to find the mark-up for the item given for your group of store. Table B lists all the "perishables" covered by this regulation by commodity groups.

(c) *Ceiling price.* (1) Next turn to Table C. Using the directions given there, you will get your ceiling price for the item.

(2) *Sales in other quantities.* You may sell an item in a quantity other than the "selling unit" given in Table B. If you sell an item in a quantity other than the "selling unit" given in Table B, you must reduce or increase your ceiling price proportionately. If figuring a price for a quantity different from the "selling unit" results in a fraction of a cent, you may charge the next higher cent.

SEC. 10. *Price which you must display.* At all times, you must have your current selling price for each item of food covered by this regulation clearly shown on the item or at or near the place in your store where the item is offered for sale. Of course, this displayed price must never exceed your ceiling price.

SEC. 11. *Indirect price increases prohibited.* You must not evade any of the provisions of this regulation or any order issued pursuant to it by any scheme, or device. You must not, as a condition of selling any particular food, require a customer to buy anything else. Any such evasion is punishable as a violation of this regulation.

You may not use an unnecessarily high "net cost" in figuring a ceiling price under this regulation. If you make such a high cost purchase, you must find out what your net cost as used in section 4 or 9 would be and use that net cost to figure your ceiling price. You may never use the net cost of a purchase from another retailer to figure a ceiling price if it results in a net cost higher than you would have if you purchased the item from your regular supplier or any other source normally available to you.

SEC. 12. *Sales slips and receipts.* If you have customarily given a purchaser a sales slip, receipt or similar evidence of purchase, you must continue to do so. Furthermore, regardless of your custom, you must give any customer who asks for it a receipt showing the date, your name and address, and quantity and name of each food item sold, and the price you charged for it.

SEC. 13. *Records.* After April 5, 1951, you must keep for one year after you receive them all your invoices, freight bills, and other records showing the price you paid and the date you received delivery of each item covered by this regulation.

You are required to show all your invoices on request of any OPS representative and to furnish on request of any OPS representative a written record of your ceiling price in effect at any particular time or times for any or all of the items covered by this regulation. You must also keep available for inspection by an OPS representative the records you used in deciding what group your store is in.

Stores under one ownership pricing from a central point must also keep available at all times in each store a list showing the current selling price, as set at the central point, of each item so priced. These price lists must also be kept for one year in the warehouse from which the food items are delivered to the store or the office which covers the territory in which the warehouse is located. On request, such price lists must be shown to any OPS representative.

SEC. 14. *Prohibitions.* On and after April 30, 1951, if you sell or deliver or offer to sell or deliver at a price higher than your ceiling price fixed by this regulation or any order issued pursuant to it, or if you otherwise violate any provisions of this regulation or any order issued pursuant to it, you are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950, as amended. Also, any person, who, in the course of trade or business, buys from you at a price higher than your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that act.

SEC. 15. *Notice of dollars-and-cents ceiling prices.* From time to time the OPS may, by order, fix in your area or community, dollars-and-cents ceiling prices for some or all of the "dry groceries" or "perishables" under this regulation. When these dollars-and-cents prices are fixed, you may not thereafter sell at higher prices, and those orders may provide that such prices take the place of the ceiling prices which you have under this regulation. If such orders do not provide that they replace your prices under this regulation, you must continue to figure your prices under this regulation.

SEC. 16. *Further provisions supplementing or explaining this regulation.* From time to time, the Price Director may, by amendment, issue further provisions which will supplement the provisions of this regulation or explain the rights and duties of buyers and sellers under it. These further provisions will become part of this regulation and may be added as paragraphs to this section.

(a) Whenever an amendment adds any food product to the list of items covered in Table A, you must figure your ceiling price for that food product in accordance with sections 3, 4, and 5. However, in doing so, you shall substitute the effective date of such amendment for the date April 30, 1951, whenever it appears in sections 3, 4, and 5.

(b) Whenever an amendment changes either a commodity definition in Table A by transferring a food product from one commodity group to another or the mark-up for your group of retailers, you must, by the opening of business on the effective date of such amendment refigure your ceiling prices for the items affected by such amendment. However, in doing so, you must use as your "net cost" the same "net cost" you used in figuring the ceiling prices you had on the effective date of the amendment.

(c) Unless otherwise specifically provided, if your "net cost" of any item covered by this regulation is based upon a delivery from a person owned or controlled by (or owning or controlling) you, who is not subject to this regulation, and the item is not "manufactured or otherwise processed" by such person or by you, your "net cost" may not exceed the "net cost" which would result if such person had been subject to this regulation, plus transportation (not including local trucking or local unloading) to your usual receiving point.

ARTICLE II—SPECIAL PRICING PROVISIONS

SEC. 17. *Additions allowed for certain extra services rendered by you—(a) Addition allowed for delivery by you to your customers.* If you deliver to your customers' homes or places of business any of the items covered by this regulation you may add to the total value of the delivery, as a separate charge, 25 cents for such delivery if the total value thereof is $3.00 or more.

(b) *Addition allowed for accepting and filling telephone orders.* If you generally offer to all your customers the service of taking orders by telephone, and assembling orders as "will call" or for later delivery, you may add as a separate charge to the total value of any order taken by telephone and assembled, a fee of 15 cents. A copy of all telephone orders to which you have added this additional fee must be retained by you for a period of one year.

SEC. 18. *Additions for packaging.* (a) If you buy in bulk any item covered by this regulation (except spices, tea and gelatin) and then package and sell it in cardboard containers, cotton bags, transparent bags, interlined coffee bags, or Kraft bags or similar type bags, on which the name, weight and ingredients of the commodity and your name are stamped or printed and which are packed and sealed at a place and time other than the point and time of sale, you may add to your "net cost" whichever of the following allowances applies:

(1) 2 cents for every such bag or container with a net weight of less than 2 pounds.

(2) 2½ cents for every such bag or container with a net weight of 2 pounds or more, but less than 5 pounds.

(3) 1 cent per pound for every such bag or container with a net weight of 5 pounds or more but not to exceed a total of 5 cents.

SEC. 19. *Gift and holiday packages assembled by you.* If you assemble, into gift or holiday packages, any food items covered by this regulation, with or without any items not covered by this regulation, you must figure your ceiling price for such package under whichever of the following paragraphs applies:

(a) For packages assembled in cardboard, wooden, or other plain containers (for example, "overseas" or "servicemen's" packages), your ceiling prices will be the sum of the following, multiplied by 1.05:

(1) Your ceiling price for each item (or article) being packed, figured under this regulation or any other applicable ceiling price regulation. If you have no ceiling price for any item (or article), use your current selling price for that item.

(2) Your direct cost of the packaging materials used for the particular package, including the container.

(b) For packages assembled in permanent containers designed and constructed for re-use (including but not limited to trays, cedar boxes, hampers, teakwood chests, fancy baskets), your ceiling price will be the sum of the following, multiplied by 1.15:

(1) Your ceiling price for each item (or article) being packed, figured under this regulation or any other applicable ceiling price regulation. If you have no ceiling price for any item (or article), use your current selling price for that item.

(2) Your ceiling price for the container figured under the applicable ceiling price regulation. If you have no ceiling price for the container, use your direct cost for the container.

(3) Your direct cost of the packaging materials used for the particular package.

SEC. 20. *Special allowance for forwarding gift package to a donee in a foreign country.* If you deliver a food package directly, upon order of the purchaser to a donee (other than a member of the armed forces of the United States) in a foreign country outside of the North American continent, you may add to you ceiling price an amount not to exceed 50 cents for forwarding such package, plus the actual mailing and insurance charges.

This allowance may be applied only to the shipment and delivery of individual food gift packages and not of wholesale lots.

SEC. 21. *How you figure your "net cost" in certain cases—(a) Frozen fruits, berries, and vegetables.* If, after you have figured a ceiling price for an item of frozen fruits, berries, fruit or berry juices, vegetables or vegetable juices, you do not receive additional deliveries of such an item from a supplier but you have had such item in storage from which you supply your store, for a period of at least four weeks since you last figured your ceiling price for the item, you may on the fourth Monday after you last figured your ceiling price for the item, add to the "net cost" (before the rounding of fractions) on which your existing ceiling price is based, your actual costs, per unit, incident to storage for the period since you last figured your ceiling price.

(b) *Smoked fish which you process.* (1) If you buy smoked fish in the form of slabs (gutted, headed and halved) and sell it in slices, you shall multiply your "net cost" per pound for the item by 1.20. To get your ceiling price per pound for such slices, apply the mark-up for your group of retailer to the resulting figure.

(2) If, prior to offering for sale, you change the form of an item of smoked fish bought drawn (gutted) to dressed (headed, with fins off), and sell it whole, in chunks or in slices, you shall multiply your "net cost" per pound for the item by 1.10. To get your ceiling price per pound, apply the mark-up for your group of retailer to the resulting figure.

SEC. 22. *Additions for delivery from your warehouse to your store.* If your store is located at a distance of 125 miles or more from your warehouse which is your usual receiving point, you may in determining your ceiling price for an item delivered from the warehouse to your store, use whichever of the following is applicable:

(1) If the store is located at a distance of from 125 through 199 miles from such warehouse, you may add 1 to your mark-up figure. (Example: If your mark-up figure on breakfast cereals in Table A is 16 percent, you change it to 17 percent.)

(2) If the store is located at a distance of from 200 through 299 miles from such warehouse, you may add 2 to your mark-up figure.

(3) If the store is located at a distance of from 300 through 399 miles from such warehouse, you may add 3 to your mark-up figure.

(4) If the store is located at a distance of 400 miles or more from such warehouse, you may add 4 to your mark-up figure.

SEC. 23. *How you figure your ceiling prices for foods you "manufacture or otherwise process".* If you "manufacture or otherwise process" and sell at retail any item covered by this regulation, you will figure your "net cost" or ceiling price for such item under whichever of the following provisions applies:

(a) If the item is one for which the OPS has issued, or later issues, a regulation naming dollars-and-cents ceiling prices for sales by manufacturers, but the regulation makes no provision for manufacturers selling at retail the lowest ceiling price under that regulation for sales delivered to your usual receiving point shall be your "net cost."

(b) If the item is one for which the OPS has issued, or later issues, a regulation naming dollars-and-cents ceiling prices for sales by manufacturers and makes a provision for manufacturers selling at retail, you shall figure your ceiling price for such item as a manufacturer under that regulation. You will not attempt to figure a "net cost" and apply a mark-up under this regulation.

(c) If the item is one for which the OPS has not issued, or does not later issue, a regulation establishing dollars-and-cents ceiling prices for sales by manufacturers, you shall figure your ceiling price for such item as a manufacturer under the appropriate regulation covering the sales of such item by manufacturers. You will not attempt to figure a "net cost" and apply a mark-up under this regulation.

(d) If, after you have established a ceiling price for an item which you "manufacture or otherwise process", the manufacturer's regulation which you used in figuring your ceiling price under paragraph (a), (b), or (c) of this section is amended so that either (1) the manufacturer's regulation is no longer the type described in the applicable paragraph of this section or (2) the type of regulation is not changed but the prices set forth therein are changed; you must, within 5 days after the effective date of such amendment, refigure your ceiling price for the item under the applicable paragraph of this section based on the manufacturer's regulation as amended.

(e) For the purpose of this regulation you shall be considered a manufacturer of any item which you manufacture or otherwise process directly, or which is manufactured for you by a person to whom you supply the raw material.

SEC. 24. *Special pricing provisions for manufacturers selling some commodities at retail.* Any person, the larger part of whose business is the manufacturing or processing of foods, but

(a) His entire business in connection with a particular commodity consists of the purchase and resale of such commodity without materially changing its form, and

(b) The larger part of his sales of such commodity are made to ultimate consumers other than commercial, industrial or institutional users,

(c) Shall figure his ceiling prices for sales of such commodity to ultimate consumers other than commercial, industrial or institutional users in accordance with the provisions of this regulation, and shall, for such purposes, be considered a retailer covered by this regulation.

SEC. 25. *Mail order sales.* When you make mail order sales, you may add to your ceiling prices determined under this regulation your actual express or mailing expense to the buyer's address.

ARTICLE III—ADJUSTMENT PROVISIONS

SEC. 26. *How you may, under certain conditions, apply to use Group 1 mark-ups.* (a) If your store meets the gross margin requirements specified in this section and does business in the manner outlined below, you may apply under paragraph (b) of this section to use the mark-ups provided in Ceiling Price Regulation No. 16 for Group 1 stores:

(1) Most of your sales in your grocery department are made by sales clerks who assist customers in selecting, collecting, and wrapping merchandise;

(2) Your store generally offers to all its customers the services of taking orders by telephone, carrying monthly charge accounts, and providing delivery service;

(3) The general level of your prices for grocery products was during January 1951 at least as high as the level maintained by Group 1 stores, and was generally higher than that maintained by Group 3 and 4 stores, for such products in your community; and

(4) The total gross margin in your fiscal year 1950 was at least 23 percent on all sales in your food departments and also, if you are not an "independent" store, at least 23 percent on the combined sales of the food departments in all the stores for which you seek adjustment in your organization. Do not count a restaurant as a food department. If not in business during all of 1950 use your most recent fiscal period.

(b) Your application must be filed in duplicate with the OPS district office for your area on a form which you may get from that office. You may combine on one form the applications of more than one of your stores. If your application is finally approved, OPS will tell you when to begin using the Group 1 mark-ups, and from such time on you shall display a sign in your store designating it as a "Group 1" store, and it shall be considered a Group 1 store for the purpose of all "special pricing provisions" contained in Ceiling Price Regulation No. 16.

(c) If, however, under Maximum Price Regulation No. 422 issued in 1943 by the Office of Price Administration (1) you were either a Group 3 or Group 4 store on the basis of sales volume, and (2) you can establish that you were authorized by the Office of Price Administration to use Group 1 mark-ups, and (3) such authority was never revoked, and (4) you meet the gross margin requirements specified above, and (5) you certify that your method of doing business has not changed in any material respect since the time you were authorized to use Group 1 mark-ups, you may consider yourself a Group 1 store under Ceiling Price Regulation No. 16 as soon as you have filed your application in accordance with this section. This authority may be withdrawn if it is determined that your store does not qualify for adjustment under this section.

SEC. 27. *How certain stores, where necessary to assure an adequate supply of food in a locality, may apply for mark-up adjustments.* If your store is necessary to provide an adequate supply of food products in a locality; and by reason of remote location, long-term credit, short selling season, or other such unusual operating conditions, you find it impossible to operate under the mark-ups fixed by this regulation, you may apply for an adjustment of such mark-ups by filing with the OPS district office for your area two copies of a signed statement giving for your store: (1) its name and address; (2) its group under this regulation; (3) its type (for example, cash-and-carry; service, delicatessen); (4) the approximate number of its food customers; (5) the total number of stores selling food in its community; (6) its distance from the nearest store selling food and the name and address of that store; and (7) the reasons why you are unable to operate under the mark-ups fixed by this regulation.

If you have more than one store you may file one application for all your stores which meet the conditions stated above. Your application must state separately for each store the specific information this section calls for.

SEC. 28. *Applications for adjustment.* Any Regional Office of the OPS, or such offices as may be authorized by order issued by the appropriate Regional Office, may act on all applications for adjustment under the provisions of this regulation. Applications for adjustment are governed by Price Procedural Regulation 1.

ARTICLE IV—MISCELLANEOUS PROVISIONS

SEC. 29. *How you find the "annual gross sales" of your store.* (a) To find your "annual gross sales," take your total sales for the calendar year 1950. Include all sales as shown on your books, except sales made by a restaurant operated in conjunction with your store. You can use your Federal Income Tax Return to get your gross sales for all or part of the calendar year 1950 which is covered by such return. If you own more than one store, figure the sales for each store separately, treating each as a separate retailer.

(b) If you were not in business during the entire year 1950 you must divide your total sales from the time you began operation up to April 30, 1951, by the number of weeks you were in business. This will give you your weekly average sales. Multiply this figure by 52, and the result is your "annual gross sales."

SEC. 30. *How you determine your group in certain special cases—(a) Department stores.* If you operate a department store, that is, a store in which the greater volume of sales is general merchandise and not foods, and you sell foods in a separate department or departments, you must determine your group by using only the "annual gross sales" of your food department or departments.

(b) *Stores in which more than one retailer operates.* (1) If you sell food in a retail store in which there are other food retailers, none of whom sells a complete line of the same general class of food, you must find your group by taking the combined "annual gross sales" of all the food retailers in that store. If the total "annual gross sales" of all the food retailers in that store is not readily available, you shall apply, in writing, within thirty days after the issuance of this regulation, to the OPS district office for your area for a determination of your group, stating your own "annual gross sales" figure for the applicable year.

Each District Director is authorized to act on requests covering stores located within his district, and action taken shall be by order.

(2) If you sell foods in a retail store in which more than one retailer sells a complete line of the same general class of food, you will be considered as operating a separate retail store of your own, and you must determine your group by using only your own sales.

(c) *New stores.* If you open a retail store after April 30, 1951, you may consider yourself a Group 1 or Group 3 retailer, depending upon whether or not at that date your store is an "independent" store, and you must figure your ceiling prices accordingly. (If you are a Group 1 store, you must figure your ceiling prices under Ceiling Price Regulation No. 16.) However, after you have been in business for 3 months you must determine again what group your store is in. To do this, take your total sales for the 3-month period and multiply by 4. Use the result as your "annual gross sales" in determining the group in which your store belongs.

If you find that your store should now be in another group, you may continue to use the Group 1 or 3 markups until the second Monday following the end of the 3-month period, by which time you must have refigured all your ceiling prices using the markups for your new group. You shall use as your "net cost" the same "net cost" which you would have used in refiguring your ceiling prices on that Monday. If, under that section, you would not have been required to refigure your ceiling price for any item on that Monday, you must use as your "net cost" for that item the same "net cost" on which your existing ceiling price at that time is based.

(d) *Discontinuance of stores.* (1) If you are not an "independent" store and you close one or more of your stores so that you now have less than 4 stores under one ownership, you may find your group for each of the remaining stores by determining the "annual gross sales" under section 29 (a), treating each store as an "independent" store.

(2) If you are not an "independent" store and you close one or more of your stores, but 4 or more stores continue under one ownership, you may refigure the combined "annual gross sales" under section 29 (a) for those remaining in operation. If the combined "annual gross sales" are not $750,000 or more, you may then determine your group for each store, treating each as an "independent" store.

(3) If you find that any store is now in another group, you may refigure all of your ceiling prices for that store before the opening of business on any Monday. You must use as your "net cost" the same "net cost" which you would have used in refiguring under sections 4 and 9 your ceiling prices on that Monday of this regulation if a Group 4 store (or under sections 4 and 9 of Ceiling Price Regulation No. 16 if a Group 1 or Group 2 store). If, under that section, you would not have been required to refigure your ceiling price for any item on that Monday, you must use as your "net cost" for that item the same "net cost" on which your existing ceiling price is based. Further, if any store is now in Group 1 or Group 2, it is subject to all other provisions of Ceiling Price Regulation No. 16.

SEC. 31. *Taxes.* You may collect, in addition to your ceiling price, any tax upon or incident to a sale at retail of food covered by this regulation if you state the tax separately, and if the statute or ordinance does not prohibit sellers from stating and collecting the tax separately from the price.

SEC. 32. *Transfer of business and stock in trade.* If, after April 30, 1951, you acquire in any way the business, assets, and stock in trade of any retail store covered by this regulation and you carry on the business, or continue to deal in the same type of food products in that same store, your ceiling prices shall be the same as those of the former owner as if no transfer had taken place. You must keep all the records needed to verify your ceiling prices. The former owner must either preserve and make available to you, or give you, all the records of his transactions before you acquired the store which you need to comply with the record provisions of this regulation.

If the transfer changes the business from one group of retail stores to another, your ceiling prices shall be those for the group of retailer to which you belong under this regulation.

SEC. 33. *Export sales.* The ceiling prices at which a person may export any product covered by this regulation shall be determined in accordance with the applicable price regulation covering export sales issued by the OPS.

SEC. 34. *Relation to other regulations.* The provisions of this Ceiling Price Regulation No. 15 except as otherwise provided in this regulation, shall, on and after April 30, 1951, supersede the provisions of the General Ceiling Price Regulation, and any other price regulation or order issued by the OPS with respect to sales and deliveries for which ceiling prices are established by this regulation.

SEC. 35. *Definitions*—(a) *"Retail route seller."* A "retail route seller" is a retailer who distributes food products to ultimate consumers who are not commercial, industrial or institutional users, either on a future delivery basis or otherwise, from an inventory stocked in trucks or other conveyances operated by driver-salesmen over regular routes. A retailer, most of whose business is the personal solicitation of orders by salesmen calling at the homes or places of business of ultimate consumers, who are not commercial, industrial or institutional users, shall also be considered a retail route seller. A retailer is a "retail route seller" only of the food products he sells in this way.

(b) *Health food stores.* A "health food store" or "health food department" is one whose sales to consumers consist principally of "specially prepared dietetic foods." For the purpose of this regulation a "health food department" is a separate and distinct department operated by separate and specially trained personnel and for which separate records and accounts are maintained. "Specially prepared dietetic foods" are foods manufactured and sold for restricted diets and for special dietetic purposes, including but not limited to specially prepared foods for diabetic or arthritic conditions, or high blood pressure; specially prepared weight building or tonic foods; and vitamin or mineral supplements.

(c) *Delivery.* Delivery to you of an item covered by this regulation shall be considered to have occurred when the item has been received by you at your usual receiving point.

(d) *Usual receiving point.* Your usual receiving point will be either your retail store or your warehouse from which you supply your retail stores, depending upon where you normally receive the particular item you are pricing under this regulation.

(e) *Item.* You must determine a separate ceiling price for each item; that is, for each kind, brand, size, variety, grade, container-type and container-size.

(f) *Manufacture or otherwise process.* "Manufacture or otherwise process" shall mean blending, freezing, canning, preserving, bottling, milling, crushing, straining, roasting, centrifuging, cooking, distilling, purifying with heat, printing of butter, and other similar operations, and packaging of spices, tea, and gelatin.

Packaging as used in section 18 shall not be considered manufacturing or processing under this regulation.

(g) *Group 1 retailer.* A retailer is in Group 1 if he is an "independent" retailer with an "annual gross sales" of less than $75,000.

(h) *Group 2 retailer.* A retailer is in Group 2 if he is an "independent" retailer with an "annual gross sales" of $75,000 or more, but less than $375,000.

(i) *Great Lakes marine supplier.* A "Great Lakes marine supplier" means a person operating a selling establishment which buys and resells food products for the most part to "operators of a lake vessel or vessels," for consumption aboard such vessel or vessels, with delivery from shore locations by use of truck or launch facilities. "Operator of a lake vessel or vessels" means any person who owns or operates a lake vessel or vessels, other than passenger boats engaged in shipping upon the Great Lakes, and who in operating such vessels purchases or receives food products covered by this regulation from a Great Lakes marine supplier for consumption aboard such vessels.

SEC. 36. *Geographical applicability.* The provisions of this regulation shall apply to the 48 States of the United States and to the District of Columbia.

ARTICLE V—TABLES

SEC. 37. *Table of mark-ups for "dry groceries" (Table A)*—(a) *Table A—Mark-ups over "net cost" allowed to Group 3 and Group 4 retailers for dry groceries covered by this regulation by commodities.*

TABLE A

[Mark-ups over "net cost" allowed to Group 3 and Group 4 retailers for dry groceries covered by this regulation by commodities]

Food Commodities	Allowed mark-ups over net cost: Group 3—Retailer other than independent with annual volume under $375,000	Group 4—Any retailer with annual volume of $375,000 or more
	Per-cent	Per-cent
1. Baby foods	18	16
2. Cereals, breakfast	18	16
3. Cocoa, chocolate and cereal drink preparations	22	21
4. Coffee	12	11
5. Cookies, crackers, toast, and crumbs	26	25
6. Corn meal, hominy and flour mixes	23	21
7. Dog and cat foods	24	24
8. Fish, processed	21	21
9. Flour	20	14
10. Frozen foods	27	27
11. Fruits, berries and fruit juices (canned) except fruit cocktail, pineapple, peaches and pears	25	25
12. Fruit cocktail, pineapple, peaches and pears (canned) except juices	23	21
13. Fruits, dried and dehydrated	25	25
14. Gelatin and pudding mixtures	25	18
15. Jams, jellies, preserves, honey and peanut butter	31	31
16. Lard, pure	17	15
17. Macaroni and spaghetti products	27	26
18. Mayonnaise and salad dressing	22	22
19. Meat, canned	19	18
20. Milk, canned	10	9
21. Oils, cooking and salad	24	16
22. Oleomargarine	14	14
23. Pickles and relishes	31	31
24. Rice	24	20
25. Shortening, hydrogenated	9	9
26. Shortening, other	17	13
27. Soups, canned	19	19
28. Soups, dehydrated	31	27
29. Spices	46	46
30. Syrups	24	21
31. Tea	25	25
32. Vegetables and vegetable juices (canned) except corn, green beans, peas, tomatoes and tomato juice	29	27
33. Corn, green beans, peas, tomatoes and tomato juice (canned)	23	21
34. Vegetables, dried and dehydrated	34	29
35. Vinegar	27	26
36. Miscellaneous foods	35	35

(b) *Commodity definitions.* These definitions apply to both domestic and imported items.

(1) Baby foods means "baby" or "junior" cereals, fruits, vegetables, meats, puddings, soups, and mixtures thereof packed in hermetically sealed containers. Excluded are dry baby cereals.

(2) "Cereals, breakfast" means bulk or packaged cereal items of any size commonly used as breakfast foods, both uncooked and ready-to-eat types including but not limited to, bran flakes, farina, popped rice, and rolled oats. Excluded are barley, corn meal, corn grits, hominy grits and flakes, rice, wheat bran flour, wheat germ and dry baby cereal. Also excluded are cereals mixed or coated with a confection, in the proportion of two-thirds or more confection to one-third cereal by weight.

(3) "Cocoa, chocolate, and cereal-drink preparations" includes, but is not limited to, coffee substitutes or extenders, chicory, malted milk preparations containing less than 35 percent malted milk, chocolate syrup packed in consumer sizes, chocolate bits, and cooking chocolate and packaged powdered skim milk (spray process). Excluded are chocolate confections, bittersweet bars, milk chocolate, chocolate syrup packed in No. 10 tins or larger or one gallon containers or larger, powdered whole milks, powdered skim milk packaged in tin in inert gas, malted milk and any preparation containing 35 percent or more malted milk.

(4) "Coffee" means roasted coffee, whole or ground, decaffeinated coffee, coffee concentrates, and any mixtures of coffee with other products for beverage purposes. Excluded is frozen coffee concentrate.

(5) "Cookies, crackers, toast, and crumbs" includes, but is not limited to biscuits, Christmas cookies, fig crackers, graham crackers, pretzels, rye crackers, zwieback, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal, and related matzo products. Excluded are bread, pies, cakes, doughnuts, coffee cakes, rolls, candies, Passover matzo, Passover matzo meal, related Passover products, and any bakery products which you manufacture. Also excluded are any items which are bought by you in bulk and sold loose.

(6) "Corn meal, hominy and flour mixes" means bulk or packaged corn meal, corn grits, hominy, hominy grits, hominy flakes, prepared hominy and bulk or packaged flour mixes milled from wheat, seminola, farina, buckwheat, corn, rice, and potatoes, including, but not limited to, prepared pancake, biscuit, pie crust and gingerbread mix. Excluded is canned hominy which is in "Vegetables and vegetable juices, canned."

(7) "Dog and cat food" shall not include any item prepared by you for pet food, or any frozen dog or cat food.

(8) "Fish, processed" includes canned fish, canned seafood, and salted, pickled, smoked, dried or otherwise processed fish, such as fish cakes. Excluded are fresh or frozen fish, fresh or frozen seafood, frozen food products in which fish or seafood are combined with other ingredients, anchovies, anchovy paste, caviar, clams, crab meat, clam juice, kippered herring, lobster, lobster bisque, oysters, oyster puree and fish roe.

(9) "Flour" means bulk or packaged (in any size) flour milled from wheat, seminola, farina, buckwheat, corn, rice, and potatoes, including, but not limited to, all-purpose family flour, cake flour, enriched flour, but excluding all flour mixes.

(10) "Frozen foods" means packaged quick-frozen or cold-packed foods sold from refrigerated cabinets or lockers, including, but not limited to all fruits, berries, fruit or berry juices, and mixtures (except any of the foregoing in containers of a capacity of more than 50 pounds), vegetables, vegetable juices, and mixtures, including mushrooms, dog and cat food not prepared by you for pet food, applesauce, macaroni and spaghetti products, chop suey, chow mein, gravies, pork-and-beans, soups, food products in which meat, chicken, turkey, fish or seafood are combined with other ingredients, meat stews, and corned beef hash, frozen instant coffee, concentrated frozen fresh milk, and frozen meat pies. Excluded are frozen pies and pastries, frozen meat, poultry, fish and seafood, ice cream, sherbet, and frozen confections.

(11) "Fruits, berries and fruit juices, canned" includes, but is not limited to, apple sauce, apple cider, berry juices, concentrated fruit juices, citrus fruits and juices, cranberry jelly and sauce, fountain fruits, maraschino cherries, fruit nectars, bulk apple cider, fruits for salad, pineapple juice and non-carbonated liquid fruit beverages such as grapeade, lemonade, and orangeade. Excluded are apple butter, fruit butters, jams, jellies, fruit preserves, cocoanut, olives, baby foods, dried fruits, dehydrated fruits, fruit cocktail, pineapple (except pineapple juice), peaches, pears and frozen fruits.

(12) "Fruit cocktail, pineapple, peaches and pears (canned) except juices." Excluded are fruits for salad and frozen fruits. "Canned" means processed and packaged in any container, whether or not hermetically sealed.

(13) "Fruits dried and dehydrated" (packaged or bulk) includes, but is not limited to, stuffed dried fruits, dried dates and figs, pitted dates, and macerated dates. Excluded are fruit confections, candied or glaceed fruits, and peels, fresh dates and date products.

(14) "Gelatin and pudding mixtures" includes, but is not limited to, gelatin, gelatin desserts, tapioca, arrowroot, consumer ice cream mixes, and rennet.

(15) "Jams, jellies, preserves, honey, and peanut butter" includes, but is not limited to, tomato preserves, marmalade, fruit preserves, fruit butters, smooth or crunch-type nut butters, honey butter and all extracted honey (including combinations of extracted and comb honey) packaged in containers of a capacity of 15 pounds or less. Excluded are cranberry jelly or sauce.

(16) "Lard, pure" (packaged or bulk) includes, but is not limited to, rendered pork fat. Excluded are lard compounds which are classed as "Shortenings, other".

(17) "Macaroni and spaghetti products" includes, but is not limited to, bows, egg alphabets, macaroni, spaghetti, vermicelli, "sea shells", noodles, macaroni dinners, spaghetti dinners, canned macaroni and canned spaghetti. Excluded are meat ravioli, tamales, dry noodle soup mixtures, spaghetti-and-meat balls, chicken-and-noodles, Chinese-style noodles, and frozen macaroni and spaghetti products.

(18) "Mayonnaise and salad dressing" includes, but is not limited to, tartar sauce, relish spreads, other mayonnaise spreads, and French dressing. Excluded are olive oil and meat spreads.

(19) "Meat canned" includes, but is not limited to, canned or glass chicken products, canned or glass turkey products, chicken and noodles, meat gravy, meat ravioli, pickled meats, luncheon meats, chili con carne, meat spreads and spaghetti and meat balls. Excluded are chicken-a-la-king, lamb tongue, pigs feet, scrapple, stews, tamales, tripe, veal loaf, mincemeat, liver spread, deviled

tongue, lunch tongue, and any canned meat which is removed from the can by the retailer and sold sliced in smaller amounts, frozen food products in which meat, chicken, and turkey, are combined with other ingredients, frozen meat gravies and frozen meat stews and pies.

(20) "Milk, canned" means evaporated or condensed cow milk, including, but not limited to, filled evaporated milk products. Excluded are fresh milk, cream, powdered milks, and goat milk.

(21) "Oils, cooking and salad" means all vegetable, fruit leaf plant oils, cooking fats other than lard and shortening. Excluded are olive oil, prepared dressings and spice oils.

(22) "Oleomargarine" means any product labeled "Oleomargarine."

(23) "Pickles and relishes" (packaged) includes, but is not limited to chow chow, pickled fruits, pickled onions, pickled peppers, pickled relishes, pickled rind and pickled vegetables. Excluded are mayonnaise, relish spreads, tartar sauce and bulk pickles.

(24) "Rice" packaged or bulk, means all rice (including second heads) of the grades defined by the Department of Agriculture bulletin of Standards for Milled Rice (effective Sept. 4, 1946). Excluded are rice flour, rice flakes, popped rice, wild rice, canned Spanish rice, and screenings and brewers' rice graded as Class XIII and Class XIV, respectively, by the above mentioned bulletin.

(25) "Shortening, hydrogenated" means all fully hydrogenated shortenings.

(26) "Shortening, other" means shortenings other than fully hydrogenated shortening. Excluded are butter, lard, oleomargarine and suet.

(27) "Soups, canned" includes all soups, broths and chowder. Excluded are meat stews, "baby" or "junior" soups, dehydrated soups, and frozen soups.

(28) "Soups, dehydrated" means dry mixtures sold for soup-making, including, but not limited to, bouillon concentrates, and dry noodle soup mixtures. Excluded are other macaroni or noodle products, lentils and dried peas.

(29) "Spices" includes, but is not limited to, bay leaves, caraway seed, dried peppers, dry chili, celery seed, celery salt, celery flakes, chili powder, garlic, garlic salt, dry mustard, onion salt, onion flakes, poultry seasoning, poppy seed, seasoned salt, sesame seed, thyme, and cream of tartar. Excluded are table salt, spice oils, candied ginger, raw spices and spice seeds in containers of the customary unit and weight in which they are imported into the United States, and wooden or other type trays designed as permanent kitchen furniture consisting of sets of assorted spices.

(30) "Syrups" means all malt, molasses, cane, maple, and corn syrups, and imitations or blends. Excluded are chocolate and ice cream sundae syrups, fruit syrups for making beverages, molasses sold for feed purposes, sorghum syrup and unmixed corn syrup.

(31) "Tea" includes all bulk or packaged tea, tea bags, and matte. Excluded are sales of tea in containers of the customary unit and weight in which they are imported into the United States.

(32) "Vegetables and vegetable juices, canned" includes, but is not limited to, blackeye, crowder, cream and field peas, baked beans, wax beans, sauerkraut, rhubarb, chili sauce, cocktail sauce, canned hominy, mushrooms, mushroom sauce, tomato catsup, tomato paste, tomato puree, pimentos, and Chinese-style foods, including soy sauce and brown sauce. "Canned" means processed and packaged in any container, whether or not hermetically sealed. Excluded are vegetable soups, "baby" or "junior" foods, pickles, corn, green beans, peas (except canned black-eye, crowder, cream and field peas), tomatoes, tomato juice and frozen vegetables.

(33) "Corn, green beans, peas, tomatoes, and tomato juice (canned)." Excluded are frozen vegetables and canned blackeye, crowder, cream and field peas, and wax beans. "Canned" means processed and packaged in any container whether or not hermetically sealed.

(34) "Vegetables, dried and dehydrated" (packaged or bulk) includes, but is not limited to, dried beans, blackeye peas, dried mushrooms, dried peas, and lentils. Excluded are dry soup mixes, hominy, garlic, celery flakes, onion flakes, dried chili, and dried peppers.

(35) "Vinegar" (bottled or bulk), includes, but is not limited to, pure cider vinegar, distilled vinegar, malt vinegar, wine vinegar and tarragon vinegar.

(36) "Miscellaneous foods" shall include all other dry grocery items except those specifically excluded in paragraph (c) of this section. Among the items included under this heading are the following:

Anchovies (canned).
Anchovy paste (canned).
Baking powder.
Baking soda.
Barley (pearl).
Brown bread and date and nut bread (canned).
Brewers yeast in consumer size package not to exceed 2 lbs.
Caviar (canned).
Cherry juice (canned).
Chicken-a-la-king (canned).
Clams (canned).
Clam juice (canned).
Cocoanut, shredded, desiccated, or moist.
"Cookies, crackers, toast and crumbs" bought by you in bulk and sold loose.
Corn starch, edible or gloss packaged in containers of ten pounds or less (excluded are powdered prepared laundry starching compounds).
Crab meat (canned).
Cranberry juice (canned).
Date products.
Deviled tongue (canned).
Egg nog (non-alcoholic), bottled.
Extracts.
Fish roe (canned).
Flavorings.
Food colorings.
French fried onions (canned).
Fruit pectins.
Fruit syrups for making beverages (excluded are fruit syrups used by rectifiers, blenders, restaurants and bars for mixing alcoholic mixed drinks).
Gift or holiday packages bought assembled, and containing one or more items covered by this regulation.
Glazed or candied fruits and peels.
Ice cream sundae syrups, including chocolate syrup packed in No. 10 tins or larger or one-gallon containers or larger.
Kippered herring (canned).
Liver spread (canned).
Lobster (canned).
Lobster bisque (canned).
Loganberry juice (canned).
Lunch tongue (canned).
Macaroni salad (canned).
Meat flavorings.
Meat sauces, except catsup, cocktail sauce, and chili sauce.
Mincemeat.
Mustard, prepared.
Olives.
Olive oil, pure (packaged in containers of less than ½ gallon).
Oysters (canned).
Oyster puree (canned).
Pickles, bulk.
Pie filling.
Pigs feet (canned).
Popcorn, not popped.
Potato salad (canned).
Potatoes, julienne (canned).
Potatoes, shoestring (canned).
Pudding, date.
Pudding, fig.
Pudding, plum.
Scrapple (canned).
Spanish rice, (canned).
Stews, (canned).
Table salt packaged in cartons, bags or packets containing 100 pounds or less, Kosher salt in cartons and salt packaged in containers of 10 pounds or less and labeled by the manufacturer as ice cream salt (excluded are onion, celery or garlic salt and meat-curing or smoked salt).
Spice oils.
Tamales (canned).
Tomato aspic (canned).
Tom and Jerry batter, bottled.
Tripe (canned).
Yeast.
Veal loaf (canned).

(c) *Commodities not included in this regulation.* Excluded from this regulation are:

Baked beans, prepared by the retailer.
Baked goods, fresh (except cookies, crackers, toast and crumbs).
Beer.
Bird seed and gravel.
Bread.
Buttermilk, fresh.
Candied ginger.
Candy.
Capers.
Cereals mixed or coated with a confection in the proportion of ⅔ or more confection to ⅓ cereal by weight.
Cheese, bulk, all types.
Comb honey.
Corn starch, edible or gloss (packaged in containers of more than 10 pounds).
Corn syrup, unmixed.
Corn sugar.
Cream.
Dry baby cereals.
Eggs.
Feed, animal or poultry (other than pet food).
Fresh fruits and vegetables.
Goat milk, canned.
Green coffee in containers of the customary unit and weight in which they are imported into the United States.
Frozen fish and seafood.
Frozen fruits, berries, fruit or berry juices and mixtures in containers of a capacity of more than 50 pounds.
Fruit cake.
Fruit and vegetable powderr for making beverages.
Ice cream cones.
Ice cream, sherbets, and frozen confections.
Laundry starching compounds, powdered prepared.
Liquors.
Malted milk and any preparation containing 35 percent or more malted milk.
Maple sugar.
Meat and fish (except "Fish, processed," and "Meat, canned").
Milk, fresh.
Whole milk, powdered, and powdered skim milk packaged in tin in an inert gas.
Mineral oil.
Molasses sold for feeding purposes.
Nuts.
Olive oil, pure (packaged in containers of a capacity of one gallon or more).
Passover matzo, Passover matzo meal, and related Passover matzo products.
Pate de fois gras, (canned).
Peanuts.
Pet foods (except cat and dog foods or any frozen cat or dog foods).
Pheasant pate, (canned).
Popcorn, popped.
Potato chips.
Poultry, other than canned or bottled.
Powdered skim milk, bulk.
Rattlesnake meat (canned).
Raw spices and spice seeds in containers of the customary unit and weight in which they are imported into the United States.
Salads and relishes prepared by the retailer.
Salt not covered by section 37 (b) (36).
Soft drinks.
Sorghum syrup.
Snails (canned).
Spices in assorted sets contained in wooden or other type trays designed as permanent kitchen furniture.
Sugar, cane or beet.
Tamales, bulk.
Tea in containers of the customary unit and weight in which they are imported into the United States.
Tortillas.
Truffles.
Vitamin concentrates.
Wheat germ.
Wild rice and screenings and brewers' rice.
Wine.

SEC. 38. *Table of mark-ups for "perishables" (Table B)—(a) Table B: Mark-ups over "net cost" allowed to Group 3 and Group 4 retailers for "perishables" covered by this regulation by commodities.*

TABLE B

[Mark-ups over "net cost" allowed to Group 3 and Group 4 retailers for perishables covered by this regulation by commodities]

	Allowed mark-ups over net cost		
	Group 3 Retailer (other than independent with annual volume under $375,000	Group 4 Any retailer with annual volume of $375,000 or more	Selling unit in which ceiling price must be calculated
Food commodities			
(i) Dairy products:	*Percent*	*Percent*	
Butter	10	10	1 pound.
Cheese	24	22	1 pound or 1 package.

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST

ITEMS WITH A "NET COST" OF FROM 3½¢ TO 10¢ PER UNIT

Net cost (per unit)	3½¢	4¢	4½¢	5¢	5½¢	6¢	6½¢	7¢	7½¢	8¢	8½¢	9¢	9½¢	10¢
Mark-up (percent)	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
7	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
8	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
9	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
10	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
11	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	11
12	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
13	2	3	3	4	4	5	5	6	6	7	7	8	8	9	10	10	11	11
14	2	3	3	4	4	5	5	6	6	7	7	8	9	9	10	10	11	11
15	2	3	3	4	4	5	5	6	6	7	7	8	9	9	10	10	11	12
16	2	3	3	4	4	5	5	6	6	7	7	8	9	9	10	10	11	12
17	2	3	3	4	4	5	5	6	6	7	7	8	9	9	10	11	11	12
18	2	3	3	4	4	5	5	6	6	7	7	8	9	9	10	11	11	12
19	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	11	12
20	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	11	12
21	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	11	12
22	2	3	3	4	4	5	5	6	7	7	8	9	9	10	10	11	12	12
23	2	3	3	4	4	5	5	6	7	7	8	9	9	10	10	11	12	12
24	2	3	3	4	4	5	6	6	7	7	8	9	9	10	11	11	12	12
25	2	3	3	4	4	5	6	6	7	7	8	9	9	10	11	11	12	13
26	2	3	3	4	4	5	6	6	7	7	8	8	9	9	10	11	11	12	13
27	2	3	3	4	4	5	6	6	7	7	8	8	9	9	10	10	11	11	12	13
28	2	3	3	4	4	5	6	6	7	7	8	8	9	9	10	10	11	12	12	13
29	2	3	3	4	5	5	6	6	7	7	8	8	9	9	10	10	11	12	12	13
30	2	3	3	4	5	5	6	6	7	7	8	8	9	9	10	10	11	12	12	13
31	2	3	3	4	5	5	6	6	7	7	8	9	9	9	10	10	11	12	12	13
32	2	3	3	4	5	5	6	6	7	7	8	9	9	9	10	11	11	12	13	13
33	2	3	3	4	5	5	6	6	7	7	8	9	9	9	10	11	11	12	13	13
34	2	3	3	4	5	5	6	6	7	7	8	9	9	9	10	11	11	12	13	13
35	2	3	3	4	5	5	6	6	7	7	8	9	9	9	10	11	11	12	13	14
36	2	3	3	4	5	5	6	6	7	7	8	9	9	10	10	11	12	12	13	14
37	2	3	3	4	5	5	6	6	7	8	8	9	10	10	10	11	12	12	13	14
38	2	3	3	4	5	6	6	6	7	8	8	9	10	10	10	11	12	12	13	14
39	2	3	3	4	5	6	6	6	7	8	8	9	10	10	10	11	12	13	13	14
40	2	3	3	4	5	6	6	7	7	8	8	9	10	10	11	11	12	13	13	14
41	2	3	3	4	5	6	6	7	7	8	8	9	10	11	11	12	13	13	13	14
42	2	3	3	4	5	6	6	7	7	8	9	9	10	11	11	12	13	13	14	14
43	2	3	3	4	5	6	6	7	7	8	9	9	10	11	11	12	13	14	14	14
44	2	3	3	4	5	6	6	7	8	8	9	9	10	11	12	12	13	14	14	14
45	2	3	3	4	5	6	7	7	8	8	9	9	10	11	12	12	13	14	14	15
46	2	3	3	4	5	6	7	7	8	8	9	9	10	11	12	12	13	14	14	15
47	2	3	3	4	5	6	7	7	8	9	10	10	11	12	12	13	14	14	15	15
48	2	3	3	4	5	6	7	7	8	9	10	10	11	12	13	13	14	14	15	15
49	2	3	3	4	5	6	7	7	8	9	10	10	11	12	13	13	14	14	15	15
50	2	3	3	4	5	6	7	8	8	9	10	11	11	12	13	14	14	15	15	16

(b) *Commodity definitions.* These definitions apply to both domestic and imported items.

(1) *Dairy products.* "Butter" (packaged or bulk) means only butter from milk, including but not limited to, processed, salted, unsalted, and whipped butter. Excluded are peanut, nut, fruit or honey butters.

"Cheese" shall include all packaged cheese, cheese spreads, and cheese foods purchased packaged. Excluded are all types of bulk cheeses.

SEC. 39. *Table of ceiling prices based on any given "net cost" and mark-up (Table C)—(a) Table C: Retail ceiling prices obtained by applying any given percentage mark-up to any given net cost.*

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 10½¢ TO 18¢ PER UNIT

Net cost (per unit)	10½¢	11¢	11½¢	12¢	12½¢	13¢	13½¢	14¢	14½¢	15¢	15½¢	16¢	16½¢	17¢	17½¢	18¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	11	12	12	13	13	14	14	15	15	16	16	17	17	18	19	19
7	11	12	12	13	13	14	14	15	16	16	17	17	18	18	19	19
8	11	12	12	13	14	14	15	15	16	16	17	17	18	19	19	20
9	11	12	13	13	14	14	15	15	16	16	17	17	18	19	19	20
10	12	12	13	13	14	14	15	15	16	17	17	18	18	19	19	20
11	12	12	13	13	14	14	15	16	16	17	17	18	18	19	19	20
12	12	12	13	13	14	15	15	16	16	17	17	18	18	19	20	20
13	12	12	13	14	14	15	15	16	16	17	17	18	18	19	20	20
14	12	13	13	14	14	15	15	16	17	17	18	18	19	20	20	21
15	12	13	13	14	14	15	16	16	17	17	18	18	19	20	20	21
16	12	13	13	14	15	15	16	16	17	17	18	19	19	20	20	21
17	12	13	13	14	15	15	16	16	17	18	18	19	19	20	21	21
18	12	13	14	14	15	15	16	17	17	18	18	19	20	20	21	21
19	12	13	14	14	15	15	16	17	17	18	18	19	20	20	21	22
20	13	13	14	14	15	16	16	17	17	18	19	19	20	21	21	22
21	13	13	14	15	15	16	16	17	18	18	19	19	20	21	21	22
22	13	13	14	15	15	16	16	17	18	18	19	20	20	21	22	22
23	13	13	14	15	15	16	16	17	18	19	19	20	21	21	22	23
24	13	14	14	15	15	16	17	17	18	18	19	20	20	21	22	23
25	13	14	14	15	16	16	17	17	18	19	19	20	21	21	22	23
26	13	14	14	15	16	16	17	18	18	19	19	20	21	21	22	23
27	13	14	15	15	16	17	17	18	18	19	20	20	21	22	22	23
28	13	14	15	15	16	17	17	18	19	19	20	20	21	22	22	23
29	14	14	15	15	16	17	17	18	19	19	20	21	21	22	23	24
30	14	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24
31	14	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24
32	14	15	15	16	17	17	18	18	19	19	20	21	21	22	23	24
33	14	15	15	16	17	17	18	19	19	20	21	21	22	23	23	24
34	14	15	15	16	17	17	18	19	19	20	21	21	22	23	24	25
35	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24	25
36	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24	25
37	14	15	16	16	17	18	18	19	20	21	21	22	23	23	24	25
38	14	15	16	17	17	18	19	19	20	21	21	22	23	23	24	25
39	15	15	16	17	17	18	19	19	20	21	22	22	23	24	24	25
40	15	15	16	17	18	18	19	20	20	21	22	22	23	24	25	25
41	15	16	16	17	18	18	19	20	20	21	22	23	23	24	25	26
42	15	16	16	17	18	18	19	20	21	21	22	23	23	24	25	26
43	15	16	16	17	18	19	19	20	21	21	22	23	24	24	25	26
44	15	16	17	17	18	19	19	20	21	22	22	23	24	24	25	26
45	15	16	17	17	18	19	20	20	21	22	22	23	24	25	25	26
46	15	16	17	18	18	19	20	20	21	22	23	23	24	25	26	26
47	15	16	17	18	18	19	20	21	21	22	23	24	24	25	26	27
48	16	16	17	18	19	19	20	21	21	22	23	24	24	25	26	27
49	16	16	17	18	19	19	20	21	22	22	23	24	25	25	26	27
50	16	17	17	18	19	20	20	21	22	23	23	24	25	26	26	27

ITEMS WITH A "NET COST" OF FROM 18½¢ TO 26¢ PER UNIT

Net cost (per unit)	18½¢	19¢	19½¢	20¢	20½¢	21¢	21½¢	22¢	22½¢	23¢	23½¢	24¢	24½¢	25¢	25½¢	26¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	20	20	21	21	22	22	23	23	24	24	25	25	26	26	27	27
7	20	20	21	21	22	22	23	24	24	25	25	26	26	27	27	28
8	20	21	21	21	22	23	23	24	24	25	25	26	26	27	28	28
9	20	21	21	22	22	23	23	24	25	25	26	26	27	27	28	28
10	20	21	21	22	23	23	24	24	25	25	26	26	27	28	28	29
11	21	21	22	22	23	23	24	24	25	26	26	27	27	28	28	29
12	21	21	22	22	23	24	24	25	25	26	26	27	27	28	29	29
13	21	21	22	23	23	24	24	25	25	26	27	27	28	28	29	30
14	21	22	22	23	23	24	24	25	25	26	26	27	28	28	29	30
15	21	22	23	23	24	24	25	26	26	27	27	28	28	29	30	30
16	22	22	23	23	24	25	25	26	26	27	27	28	29	29	30	31
17	22	22	23	24	24	25	25	26	27	27	28	28	29	30	30	31
18	22	23	23	24	24	25	26	26	27	27	28	29	29	30	31	31
19	22	23	24	24	25	25	26	27	27	28	28	29	30	30	31	32
20	23	23	24	24	25	26	26	27	27	28	29	29	30	31	31	32
21	23	24	24	25	25	26	27	27	28	28	29	30	30	31	32	32
22	23	24	24	25	26	26	27	28	28	29	29	30	31	31	32	33
23	24	24	25	25	26	27	27	28	29	29	30	30	31	32	32	33
24	24	25	25	26	26	27	28	28	29	30	30	31	32	32	33	34
25	24	25	25	26	27	27	28	29	29	30	31	31	32	33	33	34
26	24	25	26	26	27	28	28	29	30	30	31	32	32	33	34	35
27	25	25	26	27	27	28	29	29	30	31	31	32	33	33	34	35
28	25	26	26	27	28	28	29	30	30	31	32	32	33	34	34	35
29	25	26	27	27	28	29	29	30	31	32	32	33	34	34	35	36
30	26	26	27	28	28	29	30	31	31	32	33	33	34	35	36	36
31	26	27	27	28	29	29	30	31	32	32	33	34	35	35	36	37
32	26	27	28	28	29	30	30	31	32	33	33	34	35	36	36	37
33	26	27	28	29	29	30	31	31	32	33	34	34	35	36	37	38
34	27	28	28	29	30	30	31	32	33	33	34	35	36	37	37	38
35	27	28	29	29	30	31	32	32	33	34	34	35	36	37	38	39
36	27	28	29	30	30	31	32	33	33	34	35	36	36	37	38	39
37	27	28	29	30	31	32	32	33	34	34	35	36	37	38	38	39
38	28	29	29	30	31	32	33	33	34	35	36	36	37	38	39	40
39	28	29	30	30	31	32	33	34	34	35	36	37	38	38	39	40
40	28	29	30	31	31	32	33	34	35	35	36	37	38	39	40	41
41	28	29	30	31	32	33	33	34	35	36	37	37	38	39	40	41
42	28	29	30	31	32	33	34	35	35	36	37	38	39	40	41	42
43	29	29	30	31	32	33	34	35	36	37	37	38	39	40	41	42
44	29	30	30	31	32	33	34	35	36	37	38	38	39	40	41	42
45	29	30	31	31	32	33	34	35	36	37	38	39	40	41	42	43
46	29	30	31	32	32	33	34	35	36	37	38	39	40	41	42	43
47	29	30	31	32	33	34	34	35	36	37	38	39	40	41	42	43
48	30	30	31	32	33	34	35	35	36	37	38	39	40	41	42	43
49	30	31	31	32	33	34	35	36	37	37	38	39	40	41	42	43
50	30	31	32	32	33	34	35	36	37	38	38	39	40	41	42	43

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 26½¢ TO 34¢ PER UNIT

Net cost (per unit)	26½¢	27¢	27½¢	28¢	28½¢	29¢	29½¢	30¢	30½¢	31¢	31½¢	32¢	32½¢	33¢	33½¢	34¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	28	29	29	30	30	31	31	32	32	33	33	34	34	35	36	36
7	28	29	29	30	30	31	32	32	33	33	34	34	35	35	36	36
8	29	29	30	30	31	31	32	32	33	33	34	35	35	36	37	37
9	29	29	30	31	31	32	32	33	33	34	34	35	35	36	37	37
10	29	30	30	31	31	32	32	33	34	34	35	35	36	36	37	38
11	29	30	31	31	32	32	33	33	34	34	35	36	36	37	38	38
12	30	30	31	31	32	32	33	33	34	34	35	36	36	37	38	38
13	30	31	31	32	32	33	33	34	34	35	35	36	36	37	38	39
14	30	31	31	32	32	33	34	34	35	35	36	36	37	37	38	39
15	30	31	32	32	33	33	34	35	35	36	36	37	37	38	39	39
16	31	31	32	32	33	34	34	35	35	36	36	37	37	38	39	40
17	31	32	32	33	33	34	35	35	36	36	37	37	38	38	39	40
18	31	32	32	33	34	34	35	35	36	37	37	38	38	39	40	41
19	32	32	33	34	34	35	35	36	36	37	37	38	39	39	40	41
20	32	32	33	34	34	35	35	36	37	37	38	38	39	40	41	41
21	32	33	33	34	34	35	36	36	37	38	38	39	39	40	41	42
22	32	33	34	34	35	35	36	37	37	38	38	39	39	40	41	42
23	33	33	34	34	35	36	36	37	37	38	38	39	40	40	41	42
24	33	33	34	35	35	36	37	37	38	38	39	39	40	41	41	42
25	33	34	34	35	36	36	37	38	38	39	39	40	41	41	42	43
26	33	34	35	35	36	37	37	38	38	39	40	40	41	42	43	43
27	34	34	35	36	36	37	37	38	39	39	40	41	42	42	43	44
28	34	35	35	36	36	37	38	38	39	40	40	41	42	43	43	44
29	34	35	36	36	37	37	38	39	39	40	41	41	42	43	44	44
30	34	35	36	36	37	38	38	39	40	40	41	42	42	43	44	45
31	35	35	36	37	37	38	39	39	40	41	41	42	43	43	44	45
32	35	36	36	37	38	38	39	40	40	41	42	42	43	44	45	45
33	35	36	37	37	38	39	39	40	41	41	42	43	43	44	45	46
34	36	36	37	38	38	39	40	40	41	42	42	43	44	44	45	46
35	36	36	37	38	38	39	40	41	41	42	43	43	44	45	46	46
36	36	37	37	38	39	39	40	41	42	42	43	44	44	45	46	47
37	36	37	38	38	39	40	40	41	42	43	43	44	45	46	46	47
38	37	37	38	39	39	40	41	41	42	43	44	44	45	46	47	47
39	37	38	38	39	40	40	41	42	42	43	44	45	46	46	47	48
40	37	38	39	39	40	41	41	42	43	43	44	45	46	47	47	48
41	37	38	39	40	40	41	42	42	43	44	44	45	46	47	48	48
42	38	38	39	40	41	41	42	43	43	44	45	45	46	47	48	49
43	38	39	39	40	41	42	42	43	44	44	45	46	46	47	48	49
44	38	39	40	40	41	42	42	43	44	45	45	46	47	47	48	49
45	38	39	40	41	41	42	43	43	44	45	46	46	47	48	49	50
46	39	39	40	41	42	42	43	44	45	45	46	47	47	48	49	50
47	39	40	40	41	42	43	43	44	45	46	46	47	48	48	49	50
48	39	40	41	41	42	43	44	44	45	46	47	47	48	49	50	51
49	39	40	41	42	42	43	44	45	45	46	47	48	48	49	50	51
50	40	41	41	42	43	44	44	45	46	47	47	48	49	50	50	51

ITEMS WITH A "NET COST" OF FROM 34½¢ TO 42¢ PER UNIT

Net cost (per unit)	34½¢	35¢	35½¢	36¢	36½¢	37¢	37½¢	38¢	38½¢	39¢	39½¢	40¢	40½¢	41¢	41½¢	42¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	37	37	38	38	39	39	40	40	41	41	42	42	43	43	44	45
7	37	37	38	39	39	40	40	41	41	42	42	43	43	44	45	45
8	37	38	38	39	39	40	41	41	42	42	43	43	44	45	45	46
9	38	38	39	39	40	40	41	41	42	42	43	43	44	45	46	46
10	38	39	39	40	40	41	41	42	42	43	43	44	44	45	46	47
11	38	39	39	40	41	41	42	42	43	43	44	44	45	46	46	47
12	39	39	40	40	41	41	42	43	43	44	44	45	45	46	47	47
13	39	40	40	41	41	42	42	43	44	44	45	45	46	46	47	48
14	39	40	40	41	42	42	43	43	44	45	45	46	46	47	48	48
15	40	40	41	41	42	43	43	44	44	45	46	46	47	47	48	49
16	40	41	41	42	42	43	43	44	45	46	46	47	47	48	49	49
17	40	41	42	42	43	43	44	44	45	45	46	47	47	48	49	50
18	41	41	42	42	43	44	44	45	45	46	46	47	48	48	49	50
19	41	42	42	43	43	44	45	45	46	46	47	47	48	49	50	50
20	41	42	43	43	44	44	45	46	46	47	47	48	48	49	50	51
21	42	42	43	44	44	45	45	46	46	47	48	48	49	49	50	51
22	42	43	43	44	45	45	46	46	47	47	48	49	49	50	51	52
23	42	43	44	44	45	46	46	47	47	48	48	49	50	50	51	52
24	43	43	44	45	45	46	47	47	48	48	49	50	50	51	52	53
25	43	44	44	45	46	46	47	48	48	49	49	50	51	51	52	53
26	43	44	45	45	46	47	47	48	49	49	50	50	51	52	53	53
27	44	44	45	46	46	47	48	48	49	50	50	51	52	52	53	54
28	44	45	45	46	47	47	48	49	49	50	51	51	52	53	54	54
29	45	45	46	46	47	48	48	49	50	50	51	52	52	53	54	55
30	45	46	46	47	47	48	49	49	50	51	51	52	53	53	54	55
31	45	46	47	47	48	48	49	50	50	51	52	52	53	54	54	55
32	46	46	47	48	48	49	50	50	51	51	52	53	53	54	55	56
33	46	47	47	48	49	49	50	51	51	52	53	53	54	55	56	56
34	46	47	48	48	49	50	50	51	52	52	53	54	54	55	56	57
35	47	47	48	49	49	50	51	51	52	53	53	54	55	55	56	57
36	47	48	48	49	50	50	51	52	52	53	54	54	55	56	57	58
37	47	48	49	49	50	51	51	52	53	53	54	55	55	56	57	58
38	48	48	49	50	50	51	52	52	53	54	54	55	56	56	57	58
39	48	49	49	50	51	51	52	53	53	54	55	55	56	57	58	59
40	48	49	50	50	51	52	53	53	54	55	55	56	57	57	58	59
41	49	49	50	51	51	52	53	54	54	55	56	56	57	58	58	59
42	49	50	50	51	52	53	53	54	55	55	56	57	57	58	59	60
43	49	50	51	51	52	53	54	54	55	56	56	57	58	58	59	60
44	50	50	51	52	53	53	54	55	55	56	57	57	58	59	60	61
45	50	51	51	52	53	54	54	55	56	56	57	58	58	59	60	61
46	50	51	52	53	53	54	55	56	56	57	58	58	59	60	60	61
47	51	51	52	53	54	54	55	56	57	57	58	59	59	60	61	62
48	51	52	53	53	54	55	56	56	57	58	58	59	60	60	61	62
49	51	52	53	54	54	55	56	57	57	58	59	59	60	61	62	63
50	52	53	53	54	55	56	56	57	58	59	59	60	61	62	62	63

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 10½¢ TO 18¢ PER UNIT

Net cost (per unit)	10½¢	11¢	11½¢	12¢	12½¢	13¢	13½¢	14¢	14½¢	15¢	15½¢	16¢	16½¢	17¢	17½¢	18¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	11	12	12	13	13	14	14	15	15	16	16	17	17	18	19	19
7	11	12	12	13	13	14	14	15	16	16	17	17	18	18	19	19
8	11	12	12	13	14	14	15	15	16	16	17	17	18	18	19	19
9	11	12	13	13	14	14	15	15	16	16	17	17	18	19	19	20
10	12	12	13	13	14	14	15	15	16	17	17	18	18	19	19	20
11	12	12	13	13	14	14	15	16	16	17	17	18	18	19	20	20
12	12	12	13	13	14	15	15	16	16	17	17	18	18	19	20	20
13	12	12	13	14	14	15	15	16	16	17	18	18	19	19	20	21
14	12	13	13	14	14	15	15	16	17	17	18	18	19	19	20	21
15	12	13	13	14	14	15	16	16	17	17	18	18	19	20	20	21
16	12	13	13	14	15	15	16	16	17	17	18	19	19	20	20	21
17	12	13	13	14	15	15	16	16	17	18	18	19	19	20	20	21
18	12	13	14	14	15	15	16	17	17	18	18	19	19	20	21	21
19	12	13	14	14	15	15	16	17	17	18	18	19	20	20	21	22
20	13	13	14	14	15	16	16	17	17	18	18	19	19	20	21	22
21	13	13	14	15	15	16	16	17	18	18	19	19	20	21	21	22
22	13	13	14	15	15	16	16	17	18	18	19	20	20	21	22	23
23	13	14	14	15	15	16	17	17	18	18	19	20	20	21	22	23
24	13	14	14	15	16	16	17	17	18	19	19	20	20	21	22	23
25	13	14	14	15	16	16	17	18	18	19	19	20	21	21	22	23
26	13	14	15	15	16	16	17	18	18	19	20	20	21	22	22	23
27	13	14	15	15	16	17	17	18	19	19	20	20	21	22	22	24
28	13	14	15	15	16	17	17	18	19	19	20	21	21	22	23	24
29	14	14	15	15	16	17	17	18	19	19	20	21	21	22	23	24
30	14	14	15	16	16	17	18	18	19	20	20	21	21	22	23	24
31	14	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24
32	14	14	15	15	16	17	17	18	18	19	20	20	21	22	23	24
33	14	15	15	16	16	17	17	18	19	19	20	21	21	22	23	24
34	14	15	15	16	16	17	17	18	19	19	20	21	21	22	23	24
35	14	15	16	16	17	17	18	18	19	20	20	21	22	22	23	24
36	14	15	16	16	17	17	18	18	19	20	20	21	22	22	23	24
37	14	15	16	16	17	18	18	19	19	20	21	21	22	23	24	25
38	14	15	16	17	17	18	18	19	19	20	21	21	22	23	24	25
39	15	15	16	17	17	18	18	19	19	20	21	22	22	23	24	25
40	15	15	16	17	18	18	19	19	20	20	21	22	23	23	24	25
41	15	16	16	17	18	18	19	20	20	21	22	22	23	24	25	26
42	15	16	16	17	18	18	19	20	21	21	22	23	23	24	25	26
43	15	16	16	17	18	19	19	20	21	22	22	23	24	24	25	26
44	15	16	17	17	18	19	19	20	21	22	22	23	24	25	25	26
45	15	16	17	17	18	19	20	20	21	22	23	23	24	25	26	26
46	15	16	17	18	18	19	20	20	21	22	23	24	24	25	26	27
47	15	16	17	18	18	19	20	21	21	22	23	24	24	25	26	27
48	16	16	17	18	19	19	20	21	21	22	23	24	25	25	26	27
49	16	16	17	18	19	19	20	21	22	22	23	24	25	26	26	27
50	16	17	17	18	19	20	20	21	22	23	23	24	25	26	26	27

ITEMS WITH A "NET COST" OF FROM 18½¢ TO 26¢ PER UNIT

Net cost (per unit)	18½¢	19¢	19½¢	20¢	20½¢	21¢	21½¢	22¢	22½¢	23¢	23½¢	24¢	24½¢	25¢	25½¢	26¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	20	20	21	21	22	22	23	23	24	24	25	25	26	26	27	27
7	20	20	21	21	22	22	23	24	24	25	25	26	26	27	28	28
8	20	21	21	22	22	23	23	24	24	25	25	26	27	27	28	28
9	21	21	21	22	22	23	23	24	24	25	25	26	26	27	28	28
10	21	21	22	22	23	23	24	24	25	25	26	26	27	27	28	29
11	21	21	22	22	23	24	24	25	25	26	26	27	27	28	29	29
12	21	21	22	23	23	24	24	25	25	26	26	27	28	28	29	29
13	21	21	22	23	23	24	24	25	25	26	27	27	28	28	29	30
14	21	22	22	23	23	24	24	25	25	26	27	28	28	29	29	30
15	21	22	22	23	24	24	25	25	26	26	27	28	28	29	30	30
16	21	22	23	23	24	24	25	26	26	27	27	28	29	29	30	31
17	22	22	23	23	24	25	25	26	26	27	27	28	29	29	30	31
18	22	22	23	24	24	25	25	26	27	27	28	28	29	30	30	31
19	22	23	23	24	24	25	26	26	27	27	28	29	29	30	31	31
20	22	23	23	24	25	25	26	26	27	28	28	29	30	30	31	32
21	23	23	24	24	25	25	26	27	27	28	28	29	30	31	31	32
22	23	23	24	24	25	26	26	27	27	28	29	29	30	31	31	32
23	23	24	24	25	25	26	26	27	28	28	29	30	30	31	32	32
24	23	24	24	25	25	26	27	27	28	28	29	29	30	31	32	32
25	23	24	24	25	26	26	27	28	28	29	29	30	31	31	32	33
26	23	24	25	25	26	26	27	28	28	29	30	30	31	32	32	33
27	23	24	25	25	26	27	27	28	29	29	30	30	31	32	32	33
28	24	24	25	26	26	27	28	28	29	29	30	31	31	32	33	34
29	24	25	25	26	26	27	28	28	29	30	30	31	32	32	33	34
30	24	25	25	26	27	27	28	29	29	30	31	31	32	33	33	34
31	24	25	26	26	27	28	28	29	29	30	30	31	32	33	34	34
32	24	25	26	26	27	28	28	29	30	30	31	32	32	33	34	35
33	25	25	26	27	27	28	29	29	30	31	31	32	33	33	34	35
34	25	25	26	27	27	28	29	29	30	31	31	32	33	34	34	35
35	25	26	26	27	28	28	29	30	30	31	32	32	33	34	35	36
36	25	26	27	27	28	29	29	30	31	31	32	33	33	34	35	36
37	25	26	27	27	28	29	29	30	31	32	32	33	34	34	35	36
38	26	26	27	28	28	29	30	30	31	32	32	33	34	35	35	36
39	26	26	27	28	28	29	30	31	31	32	33	33	34	35	35	36
40	26	27	27	28	29	29	30	31	32	32	33	34	34	35	36	36
41	26	27	27	28	29	30	30	31	32	32	33	34	35	35	36	37
42	26	27	28	28	29	30	31	31	32	33	34	34	35	36	36	37
43	27	27	28	29	29	30	31	31	32	33	34	34	35	36	37	37
44	27	27	28	29	30	30	31	32	33	33	34	35	36	36	37	38
45	27	28	28	29	30	31	31	32	33	34	34	35	36	37	37	38
46	27	28	29	29	30	31	32	32	33	34	35	35	36	37	37	38
47	27	28	29	30	30	31	32	33	33	34	35	36	36	37	38	38
48	28	28	29	30	31	31	32	33	34	34	35	36	37	37	38	39
49	28	29	29	30	31	32	32	33	34	35	35	36	37	38	38	39
50	28	29	30	30	31	32	33	34	34	35	36	37	37	38	39	40

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 26½¢ TO 34¢ PER UNIT

Net cost (per unit)	26½¢	27¢	27½¢	28¢	28½¢	29¢	29½¢	30¢	30½¢	31¢	31½¢	32¢	32½¢	33¢	33½¢	34¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	28	29	29	30	30	31	31	32	32	33	33	34	34	35	36	36
7	28	29	29	30	30	31	32	32	33	33	34	34	35	35	36	37
8	29	29	30	30	31	31	32	32	33	33	34	34	35	35	36	37
9	29	29	30	31	31	32	32	33	33	34	34	35	35	36	37	37
10	29	30	30	31	31	32	32	33	34	34	35	35	36	36	37	38
11	29	30	31	31	32	32	33	33	34	34	35	36	36	37	38	38
12	30	30	31	31	32	32	33	33	34	34	35	36	36	37	38	38
13	30	31	31	32	32	33	33	34	34	35	35	36	36	37	38	39
14	30	31	31	32	32	33	34	34	35	35	36	36	37	37	38	39
15	30	31	32	32	33	33	34	35	35	36	36	37	37	38	39	40
16	31	31	32	32	33	34	34	35	35	36	36	37	37	38	39	40
17	31	32	32	33	33	34	35	35	36	37	37	38	38	39	40	40
18	31	32	32	33	34	34	35	35	36	37	37	38	39	39	40	41
19	32	32	33	34	34	35	35	36	37	37	38	38	39	40	41	41
20	32	33	33	34	34	35	36	36	37	38	38	39	40	40	41	41
21	32	33	34	34	35	35	36	37	37	38	38	39	39	40	41	42
22	33	33	34	34	35	36	36	37	38	38	39	39	40	41	42	42
23	33	33	34	35	35	36	37	37	38	38	39	40	40	41	42	43
24	33	34	34	35	36	36	37	38	38	39	39	40	41	41	42	43
25	33	34	35	35	36	37	37	38	38	39	40	40	41	42	42	43
26	34	34	35	36	36	37	37	38	39	39	40	41	41	42	43	44
27	34	35	35	36	37	37	38	38	39	40	40	41	42	42	43	44
28	34	35	36	36	37	38	38	39	40	40	41	42	42	43	44	45
29	35	35	36	37	37	38	39	39	40	41	41	42	43	43	44	45
30	35	36	36	37	38	38	39	40	40	41	42	42	43	44	45	46
31	35	36	37	37	38	39	39	40	41	41	42	43	43	44	45	46
32	36	36	37	38	38	39	40	40	41	42	42	43	44	44	45	46
33	36	37	37	38	39	39	40	41	41	42	43	43	44	45	46	47
34	36	37	38	38	39	40	40	41	42	42	43	44	44	45	46	47
35	37	37	38	39	39	40	41	41	42	43	43	44	45	46	47	48
36	37	38	38	39	40	40	41	42	42	43	44	44	45	46	47	48
37	37	38	39	39	40	41	41	42	43	43	44	45	45	46	47	48
38	38	38	39	40	40	41	42	42	43	44	44	45	46	46	47	48
39	38	39	39	40	41	41	42	43	43	44	45	45	46	47	48	49
40	38	39	40	40	41	42	42	43	44	44	45	46	46	47	48	49
41	38	39	40	41	41	42	43	43	44	45	45	46	47	47	48	49
42	38	39	40	41	42	42	43	44	44	45	46	46	47	48	49	50
43	39	39	40	41	42	43	43	44	45	45	46	47	47	48	49	50
44	39	40	40	41	42	43	44	44	45	46	46	47	48	48	49	50
45	39	40	41	41	42	43	44	45	45	46	47	47	48	49	50	51
46	39	40	41	42	42	43	44	45	46	46	47	48	48	49	50	51
47	39	40	41	42	43	43	44	45	46	47	47	48	49	49	50	51
48	40	40	41	42	43	44	44	45	46	47	48	48	49	50	51	52
49	40	41	41	42	43	44	45	45	46	47	48	49	50	50	51	52
50	40	41	42	42	43	44	45	46	46	47	48	49	50	51	52	53

ITEMS WITH A "NET COST" OF FROM 34½¢ TO 42¢ PER UNIT

Net cost (per unit)	34½¢	35¢	35½¢	36¢	36½¢	37¢	37½¢	38¢	38½¢	39¢	39½¢	40¢	40½¢	41¢	41½¢	42¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	37	37	38	38	39	39	40	40	41	41	42	42	43	43	44	45
7	37	37	38	39	39	40	40	41	41	42	42	43	43	44	45	45
8	37	38	38	39	39	40	41	41	42	42	43	43	44	44	45	46
9	38	38	39	39	40	40	41	42	42	43	43	44	45	45	46	46
10	38	39	39	40	40	41	41	42	43	43	44	44	45	46	46	47
11	38	39	39	40	41	41	42	42	43	43	44	45	45	46	47	47
12	39	39	40	40	41	41	42	43	43	44	44	45	46	46	47	48
13	39	40	40	41	41	42	42	43	44	44	45	45	46	47	48	48
14	40	40	41	41	42	42	43	43	44	45	45	46	47	47	48	49
15	40	41	41	42	42	43	43	44	45	45	46	46	47	48	49	49
16	40	41	42	42	43	43	44	44	45	46	46	47	47	48	49	50
17	40	41	42	42	43	44	44	45	45	46	47	47	48	48	49	50
18	41	41	42	42	43	44	44	45	46	46	47	48	48	49	50	50
19	41	42	42	43	43	44	45	45	46	46	47	48	49	49	50	51
20	41	42	43	43	44	44	45	46	46	47	48	48	49	50	51	51
21	42	42	43	44	44	45	45	46	46	47	48	49	49	50	51	52
22	42	43	43	44	45	45	46	46	47	47	48	49	50	50	51	52
23	42	43	44	44	45	46	46	47	47	48	48	49	50	51	52	53
24	43	43	44	45	45	46	47	47	48	48	49	50	50	51	52	53
25	43	44	44	45	46	46	47	48	48	49	49	50	51	52	52	53
26	43	44	45	45	46	47	47	48	49	49	50	50	51	52	53	54
27	44	44	45	46	46	47	48	48	49	50	50	51	51	52	53	54
28	44	45	45	46	47	47	48	49	49	50	51	51	52	53	54	55
29	45	45	46	46	47	48	48	49	50	50	51	52	52	53	54	55
30	45	46	46	47	47	48	49	49	50	51	51	52	53	53	54	55
31	45	46	47	47	48	48	49	50	50	51	52	52	53	54	55	56
32	46	46	47	48	48	49	49	50	51	51	52	53	53	54	55	56
33	46	47	47	48	49	49	50	50	51	52	52	53	54	54	55	56
34	46	47	48	48	49	50	50	51	51	52	53	53	54	55	56	57
35	47	47	48	49	49	50	51	51	52	52	53	54	54	55	56	57
36	47	48	48	49	50	50	51	52	52	53	54	54	55	56	57	58
37	47	48	49	49	50	51	51	52	53	53	54	55	55	56	57	58
38	48	48	49	50	50	51	52	52	53	54	54	55	56	56	57	58
39	48	49	49	50	51	51	52	53	53	54	55	55	56	57	58	59
40	48	49	50	50	51	52	53	53	54	55	55	56	57	57	58	59
41	49	49	50	51	51	52	53	54	54	55	56	56	57	58	59	60
42	49	50	50	51	52	53	53	54	55	55	56	57	57	58	59	60
43	49	50	51	51	52	53	54	54	55	56	56	57	58	58	59	60
44	50	50	51	52	53	53	54	55	55	56	57	57	58	59	60	61
45	50	51	51	52	53	54	54	55	56	56	57	58	58	59	60	61
46	50	51	52	53	53	54	55	56	56	57	58	58	59	60	61	62
47	51	51	52	53	54	54	55	56	57	57	58	59	59	60	61	62
48	51	52	53	53	54	55	56	56	57	58	58	59	60	60	61	62
49	51	52	53	54	54	55	56	57	57	58	59	59	60	61	62	63
50	52	53	53	54	55	56	56	57	58	59	59	60	61	62	62	63

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 42½¢ TO 50¢ PER UNIT

Net cost (per unit)	42½¢	43¢	43½¢	44¢	44½¢	45¢	45½¢	46¢	46½¢	47¢	47½¢	48¢	48½¢	49¢	49½¢	50¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	45	46	46	47	47	48	48	49	49	50	50	51	51	52	52	53
7	45	46	47	47	48	48	49	49	50	50	51	51	52	52	53	54
8	46	46	47	47	48	49	49	50	50	51	51	52	52	53	53	54
9	46	47	47	48	49	49	50	50	51	51	52	52	53	53	54	55
10	47	47	48	48	49	50	50	51	51	52	52	53	53	54	55	55
11	47	48	48	49	49	50	51	51	52	52	53	53	54	54	55	56
12	48	48	49	49	50	50	51	52	52	53	53	54	54	55	55	56
13	48	49	49	50	50	51	51	52	53	53	54	54	55	55	56	57
14	48	49	50	50	51	51	52	52	53	54	54	55	55	56	56	57
15	49	49	50	51	51	52	52	53	53	54	55	55	56	56	57	58
16	49	50	50	51	52	52	53	53	54	55	55	56	56	57	57	58
17	50	50	51	51	52	53	53	54	54	55	56	56	57	57	58	59
18	50	51	51	52	53	53	54	54	55	55	56	57	57	58	58	59
19	51	51	52	52	53	54	54	55	55	56	57	57	58	58	59	60
20	51	52	52	53	53	54	55	55	56	56	57	58	58	59	59	60
21	51	52	53	53	54	54	55	56	56	57	57	58	59	59	60	61
22	52	52	53	54	54	55	56	56	57	57	58	59	59	60	60	61
23	52	53	54	54	55	55	56	57	57	58	58	59	60	60	61	62
24	53	53	54	55	55	56	56	57	58	58	59	59	60	61	61	62
25	53	54	54	55	56	56	57	58	58	59	59	60	61	61	62	63
26	54	54	55	55	56	57	57	58	59	59	60	60	61	62	62	63
27	54	55	55	56	57	57	58	58	59	60	60	61	62	62	63	64
28	54	55	56	56	57	58	58	59	60	60	61	62	62	63	63	64
29	55	55	56	57	57	58	59	59	60	61	61	62	63	63	64	65
30	55	56	57	57	58	59	59	60	60	61	62	62	63	64	64	65
31	56	56	57	58	58	59	60	60	61	62	62	63	64	64	65	66
32	56	57	57	58	59	59	60	61	61	62	63	63	64	65	65	66
33	57	57	58	59	59	60	61	61	62	63	63	64	65	65	66	67
34	57	58	58	59	60	60	61	62	62	63	64	64	65	66	66	67
35	57	58	59	59	60	61	61	62	63	63	64	65	65	66	67	68
36	58	58	59	60	61	61	62	63	63	64	65	65	66	67	67	68
37	58	59	60	60	61	62	63	63	64	65	66	66	67	68	68	69
38	59	59	60	61	61	62	63	63	64	65	66	66	67	68	69	70
39	59	60	60	61	62	63	63	64	65	65	66	67	67	68	69	70
40	60	60	61	62	62	63	64	64	65	66	67	67	68	69	69	71
41	60	61	61	62	63	63	64	65	66	66	67	68	68	69	70	71
42	60	61	62	62	63	64	65	65	66	67	68	68	69	70	71	72
43	61	61	62	63	64	64	65	66	66	67	68	69	69	70	71	72
44	61	62	63	63	64	65	65	66	67	68	68	69	70	71	72	73
45	62	62	63	64	65	65	66	67	67	68	69	70	70	71	72	73
46	62	63	64	64	65	66	66	67	68	69	69	70	71	72	72	73
47	62	63	64	65	65	66	67	68	68	69	70	71	71	72	73	74
48	63	64	64	65	66	67	67	68	69	70	70	71	72	73	73	74
49	63	64	65	66	66	67	68	69	69	70	71	72	72	73	74	75
50	64	65	65	66	67	68	68	69	70	71	71	72	73	74	74	75

ITEMS WITH A "NET COST" OF FROM 50½¢ TO 85¢

Net cost (per unit)	50½¢	51¢	51½¢	52¢	52½¢	53¢	53½¢	54¢	54½¢	55¢	55½¢	56¢	56½¢	57¢	57½¢	58¢
Mark-up (percent)	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	54	54	55	55	56	56	57	57	58	58	59	59	60	60	61	61
7	54	55	55	56	56	57	57	58	58	59	59	60	60	61	62	62
8	55	55	56	56	57	57	58	58	59	59	60	60	61	62	62	63
9	55	56	56	57	57	58	58	59	59	60	60	61	62	62	63	63
10	56	56	57	57	58	58	59	59	60	61	61	62	62	63	64	64
11	56	57	57	58	58	59	59	60	60	61	62	62	63	64	64	65
12	57	57	58	58	59	59	60	60	61	62	62	63	63	64	65	65
13	57	58	58	59	59	60	60	61	62	62	63	63	64	64	65	66
14	58	58	59	59	60	60	61	62	62	63	63	64	64	65	66	67
15	58	59	59	60	60	61	62	62	63	63	64	64	65	66	66	67
16	59	59	60	60	61	61	62	63	63	64	64	65	66	66	67	68
17	59	60	60	61	61	62	63	63	64	64	65	66	66	67	68	68
18	60	60	61	61	62	63	63	64	64	65	66	66	67	68	68	69
19	60	61	61	62	62	63	64	64	65	65	66	67	67	68	69	70
20	61	61	62	62	63	64	64	65	65	66	67	67	68	69	69	70
21	61	62	62	63	64	64	65	65	66	67	67	68	68	69	70	71
22	62	62	63	63	64	65	65	66	67	67	68	68	69	70	71	71
23	62	63	63	64	65	65	66	67	67	68	68	69	70	70	71	72
24	63	63	64	64	65	66	66	67	68	68	69	69	70	71	71	72
25	63	64	64	65	66	66	67	68	68	69	69	70	71	71	72	73
26	64	64	65	66	66	67	67	68	69	69	70	71	71	72	72	73
27	64	65	65	66	67	67	68	69	69	70	71	71	72	72	73	74
28	65	65	66	67	67	68	68	69	70	70	71	72	72	73	74	74
29	65	66	66	67	68	68	69	70	70	71	72	72	73	74	74	75
30	66	66	67	68	68	69	70	70	71	72	72	73	74	74	75	76
31	66	67	67	68	69	69	70	71	71	72	73	73	74	75	75	76
32	67	67	68	69	69	70	71	71	72	73	73	74	75	75	76	77
33	67	68	68	69	70	71	71	72	73	73	74	75	75	76	77	77
34	68	68	69	70	70	71	72	72	73	74	74	75	76	76	77	78
35	68	69	70	70	71	72	72	73	74	74	75	76	76	77	78	79
36	69	69	70	71	71	72	73	73	74	75	75	76	77	77	78	79
37	69	70	71	71	72	73	73	74	75	75	76	77	77	78	79	80
38	70	70	71	72	72	73	74	74	75	76	76	77	78	78	79	80
39	70	71	72	72	73	74	74	75	76	76	77	78	78	79	80	81
40	71	71	72	73	74	74	75	76	76	77	78	78	79	80	81	82
41	71	72	73	73	74	75	75	76	77	78	78	79	80	81	81	82
42	72	72	73	74	75	75	76	77	77	78	79	80	80	81	82	83
43	72	73	74	74	75	76	77	77	78	79	79	80	81	82	82	83
44	73	73	74	75	76	76	77	78	78	79	80	81	81	82	83	84
45	73	74	75	75	76	77	77	78	79	80	80	81	82	83	84	84
46	74	75	75	76	77	77	78	79	80	80	81	82	82	83	84	85
47	74	75	76	76	77	78	79	79	80	81	82	82	83	84	85	85
48	75	75	76	77	78	78	79	80	81	81	82	83	84	84	85	86
49	75	76	77	77	78	79	80	80	81	82	83	83	84	85	86	86
50	76	77	77	78	79	80	80	81	82	83	83	84	85	86	86	87

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 58½¢ TO 66½¢

Net cost (per unit)	58½¢	59¢	59½¢	60¢	60½¢	61¢	61½¢	62¢	62½¢	63¢	63½¢	64¢	64½¢	65¢	65½¢	66¢	66½¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	62	63	63	64	64	65	65	66	66	67	67	68	68	69	69	70	70
7	63	64	64	64	65	65	66	66	67	67	68	68	69	69	70	71	71
8	63	64	64	65	65	66	66	67	67	68	68	69	69	70	71	71	72
9	64	64	65	65	66	66	67	67	68	68	69	69	70	70	71	72	72
10	64	65	65	66	67	67	68	68	69	69	70	70	71	72	72	73	73
11	65	65	66	67	67	68	68	69	69	70	70	71	72	72	73	74	74
12	66	66	67	67	68	68	69	69	70	71	71	72	72	73	74	74	75
13	66	67	67	68	68	69	69	70	71	71	72	72	73	74	74	75	76
14	67	67	68	68	69	70	70	71	71	72	72	73	74	74	75	76	76
15	67	68	68	69	70	70	71	71	72	72	73	74	74	75	76	76	77
16	68	68	69	70	70	71	71	72	73	73	74	74	75	76	76	77	78
17	68	69	70	70	71	71	72	73	73	74	74	75	76	76	77	78	78
18	69	70	70	71	71	72	73	73	74	74	75	76	76	77	78	78	79
19	70	70	71	71	72	73	73	74	74	75	76	76	77	78	78	79	80
20	70	71	71	72	73	73	74	74	75	76	76	77	78	78	79	80	80
21	71	71	72	73	73	74	74	75	76	76	77	78	78	79	80	80	81
22	71	72	73	73	74	74	75	76	76	77	78	78	79	80	80	81	82
23	72	73	73	74	74	75	76	76	77	78	78	79	80	80	81	82	82
24	73	73	74	74	75	76	76	77	78	78	79	80	80	81	82	83	83
25	73	74	74	75	76	76	77	78	78	79	80	80	81	82	83	83	84
26	74	74	75	76	76	77	78	78	79	80	80	81	82	83	83	84	85
27	74	75	76	76	77	78	78	79	80	80	81	82	82	83	84	85	85
28	75	76	76	77	78	78	79	80	80	81	82	82	83	84	85	85	86
29	76	76	77	78	78	79	80	80	81	82	82	83	84	85	85	86	87
30	76	77	78	78	79	80	80	81	82	82	83	84	85	85	86	87	87
31	77	78	78	79	80	80	81	82	82	83	84	84	85	86	86	87	88
32	78	78	79	80	80	81	82	82	83	84	84	85	86	86	87	88	88
33	78	79	80	80	81	82	82	83	84	84	85	86	86	87	88	88	89
34	79	80	80	81	82	82	83	84	84	85	86	86	87	88	88	89	90
35	80	80	81	82	82	83	84	84	85	86	86	87	88	88	89	90	90
36	80	81	82	82	83	84	84	85	86	86	87	88	88	89	90	90	91
37	81	81	82	83	83	84	85	86	86	87	88	88	89	90	90	91	92
38	81	82	83	83	84	85	85	86	87	88	88	89	90	90	91	92	92
39	82	83	83	84	85	85	86	87	87	88	89	90	90	91	92	92	93
40	82	83	84	85	85	86	87	87	88	89	90	90	91	92	92	93	94
41	83	84	84	85	86	87	87	88	89	90	90	91	92	92	93	94	94
42	84	84	85	86	87	87	88	89	90	90	91	92	92	93	94	94	95
43	84	85	86	86	87	88	89	90	90	91	92	92	93	94	94	95	96
44	85	86	86	87	88	89	90	90	91	92	92	93	94	94	95	96	96
45	86	86	87	88	88	89	90	91	91	92	93	94	94	95	96	96	97
46	86	87	88	88	89	90	91	91	92	93	94	94	95	96	96	97	98
47	87	87	88	89	90	90	91	92	93	93	94	95	96	96	97	98	98
48	87	88	89	90	90	91	92	92	93	94	95	96	96	97	98	98	99
49	88	89	89	90	91	92	92	93	94	95	96	96	97	98	98	99	100
50	89	89	90	91	92	92	93	94	95	96	96	97	98	98	99	100	100

ITEMS WITH A "NET COST" OF FROM 67¢ TO 75¢

Net cost (per unit)	67¢	67½¢	68¢	68½¢	69¢	69½¢	70¢	70½¢	71¢	71½¢	72¢	72½¢	73¢	73½¢	74¢	74½¢	75¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	71	72	72	73	73	74	74	75	75	76	76	77	77	78	78	79	80
7	72	72	73	73	74	74	75	75	76	77	77	78	78	79	80	80	81
8	72	73	73	74	75	75	76	76	77	77	78	78	79	80	80	81	82
9	73	74	74	75	75	76	76	77	77	78	78	79	80	80	81	82	83
10	74	74	75	75	76	76	77	78	78	79	79	80	80	81	82	83	83
11	74	75	76	76	77	77	78	78	79	80	80	81	82	82	83	84	84
12	75	76	76	77	77	78	78	79	80	80	81	82	82	83	84	84	85
13	76	76	77	77	78	79	79	80	80	81	82	82	83	84	84	85	86
14	76	77	78	78	79	79	80	80	81	82	82	83	84	84	85	86	86
15	77	78	78	79	79	80	81	81	82	82	83	84	84	85	86	86	87
16	78	78	79	79	80	81	81	82	82	83	84	84	85	86	86	87	88
17	78	79	80	80	81	81	82	83	83	84	84	85	86	86	87	88	88
18	79	80	80	81	81	82	83	83	84	84	85	86	86	87	88	88	89
19	80	80	81	82	82	83	83	84	84	85	86	86	87	88	88	89	90
20	80	81	82	82	83	83	84	85	85	86	86	87	88	88	89	90	90
21	81	82	82	83	83	84	85	85	86	87	87	88	88	89	90	90	91
22	82	82	83	84	84	85	85	86	87	87	88	88	89	90	90	91	92
23	82	83	84	84	85	86	86	87	87	88	89	89	90	91	91	92	92
24	83	84	84	85	86	86	87	88	88	89	89	90	91	91	92	93	93
25	84	84	85	86	86	87	88	88	89	90	90	91	91	92	93	93	94
26	84	85	86	86	87	88	88	89	90	90	91	91	92	93	93	94	95
27	85	86	86	87	88	88	89	90	90	91	91	92	93	93	94	95	95
28	86	86	87	88	88	89	90	90	91	92	92	93	93	94	95	95	96
29	86	87	88	88	89	90	90	91	92	92	93	93	94	95	95	96	97
30	87	88	88	89	90	90	91	92	92	93	94	94	95	96	96	97	98
31	88	88	89	90	90	91	92	92	93	94	94	95	96	96	97	98	99
32	88	89	90	90	91	92	92	93	94	94	95	96	96	97	98	98	99
33	89	90	90	91	92	92	93	94	94	95	96	96	97	98	98	99	100
34	90	90	91	92	92	93	94	94	95	96	96	97	98	98	99	100	101
35	90	91	92	92	93	94	95	95	96	96	97	98	98	99	100	101	101
36	91	92	92	93	94	95	95	96	97	97	98	99	99	100	101	101	102
37	92	92	93	94	95	95	96	97	97	98	99	99	100	101	101	102	103
38	92	93	94	95	95	96	97	97	98	99	99	100	101	101	102	103	104
39	93	94	95	95	96	97	97	98	99	99	100	101	102	102	103	104	105
40	94	95	95	96	97	97	98	99	99	100	101	102	102	103	104	105	105
41	94	95	96	97	97	98	99	99	100	101	102	102	103	104	104	105	106
42	95	96	97	97	98	99	99	100	101	102	102	103	104	104	105	106	107
43	96	97	97	98	99	99	100	101	102	102	103	104	104	105	106	107	107
44	96	97	98	99	99	100	101	102	102	103	104	104	105	106	107	107	108
45	97	98	99	99	100	101	102	102	103	104	104	105	106	107	107	108	109
46	98	99	99	100	101	102	102	103	104	104	105	106	107	107	108	109	110
47	98	99	100	101	101	102	103	104	104	105	106	107	107	108	109	110	110
48	99	100	101	101	102	103	104	104	105	106	107	107	108	109	110	110	111
49	100	101	101	102	103	104	104	105	106	107	107	108	109	110	110	111	112
50	101	101	102	103	104	104	105	106	107	107	108	109	110	110	111	112	113

(b) *Instructions for use of Table A, Table B, and Table C.* Tables A and B contain the mark-ups for all commodities in this regulation. Table C is included to assist you in determining ceiling prices without burdensome calculations.

Table A lists by commodity groups the "dry groceries" covered by this regulation and the mark-ups to be used by Group 3 and Group 4 retailers in figuring their ceiling prices. Table B gives the same information for "perishables." However, in addition, Table B also lists the selling units, on the basis of which retailers must figure their net costs and ceiling prices for "perishables." For a detailed list of the items in each commodity group, see "Commodity definitions of dry groceries" printed immediately after Table A, and "Commodity definitions of perishables" printed immediately after Table B. After you have determined your "net cost" for an item in accordance with the method set up in this regulation, find your proper mark-up in the commodity group which includes the item you are pricing. Commodity groups are listed at the left of Table A and Table B. Directly opposite each commodity group you will find a percentage mark-up for your group of retailers.

If a percentage mark-up is shown, you get your ceiling price for the item by turning to Table C, which shows the ceiling price for all items with per unit net costs ranging from ½¢ to 75¢. Percentage mark-ups over net cost are listed in the column at the extreme left of Table C, and "net cost" across the top of the table. "Net cost per unit" means, in the case of dry groceries, the "net cost" of a single unit (one can, one jar, etc.). For perishables, it means the "net cost" of the selling unit listed in the list column of Table B.

To determine your ceiling price from Table C, find your net cost at the top of the table. Go down that column until you come to the figure (in that column) on the same line as your mark-up. The figure at that point is your ceiling price for the item.

If your net cost per unit is more than 75 cents, you cannot use Table C to get your ceiling price. In those cases, you must (1) multiply your net cost by your percentage mark-up, (2) add the result to your net cost, and (3) round the sum to the nearest whole cent. For perishables, your net cost must be in terms of the selling unit specified in Table B.

Example (1). A Group 3 retailer wishes to figure a new ceiling price for "XX" Brand, 11 ounces canned tomato soup, which he must put into effect by April 30, 1951, in accordance with section 3. His most recent purchase of a customary quantity of this item from a customary type of supplier delivered to his usual receiving point was a carload purchased from a packer and delivered at a cost of $4.40 a case (48) on December 22, 1950. He must first figure to the nearest half-cent, his "net cost" on a single unit basis (sec. 4, (a) (2)), that is, for a single can. He therefore divides the cost for the case, $4.40, by the number of single units in the case, 48, and gets a result of $0.0916 before rounding. Rounding to the nearest half-cent, this becomes $0.09. (If the figure had been $0.0925 before rounding, he would have rounded to $0.095.) He then turns to Table A to find the mark-up to be applied to his net cost. Going down the column at the left of Table A he will find a listing of the commodity group which includes the item he is pricing. For canned tomato soup this group is "Soup (canned)." Going across the page on that line, he will find his mark-up for the item in the column for Group 3 retailers. In this case, his mark-up is 19 percent. Having his mark-up and net cost, Table C will give him his ceiling price without further computations. Checking across the top of Table C, he will find a column headed by his net cost $0.09. Going down this $0.09 column until he comes to the figure on the same line as his percentage mark-up of 19 percent listed in the column at the extreme left of Table C he will find his ceiling price for the item to be 11 cents per can.

Effective date. This regulation shall become effective on the 5th day of April 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MARCH 28, 1951.

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[Ceiling Price Regulation 16]

CPR-16—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 1 AND GROUP 2 STORES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 16 is hereby issued.

STATEMENT OF CONSIDERATIONS

This statement of considerations covers CPR 14, CPR 15 and CPR 16.

The General Ceiling Price Regulation was issued essentially as a "stop gap" measure in order to bring under immediate control the prices of most goods and services. It was the only technique that could be applied quickly and comprehensively. At the time of issuance it was recognized that the regulation was not well adapted to the long range control of prices in many parts of the economy. This is true in the wholesaling and retailing of food. Between the outbreak of the Korean war and the freeze period, some food distributors had placed in effect substantial price increases beyond those necessitated by the increased cost of food. Others had not so advanced their prices. Thus the freeze technique rewarded those who had increased their prices most. The distortions in the cost-price relationships and the chance abnormalities that existed in the base period were frozen into the price structure. Moreover, the freeze technique is particularly difficult to apply to new sellers who have no base period ceiling price. In an industry such as food distribution with thousands of sellers there are bound to be large numbers of new sellers. The effort to fix ceiling prices for these new sellers creates serious problems of administration and fairness. Fixing ceiling prices for new items presents similar problems. Moreover, the effort to enforce ceiling prices based on a general freeze for more than 500,000 sellers presents an extremely difficult enforcement problem.

These regulations establish a different method of fixing ceiling prices for sales by wholesalers and retailers of most dry and some perishable grocery products by providing specific percentage markups for different food categories. They govern approximately 60 percent of food purchases made by consumers in retail stores. Though the grocery business customarily computes margins as a percentage of sales, for practical purposes and easy calculation, the margins here are translated to a markup on cost. The markup technique employed provides a simple, enforceable, equitable and effective method of price control. It was the technique employed by the Office of Price Administration in issuing MPR's 421, 422, and 423 which regulated dry grocery prices during World War II. These regulations were the result of careful classification of wholesalers and retailers and a comprehensive survey of appropriate margins within each class of seller. Their validity was upheld by the Emergency Court of Appeals. During the period when they were effective, food costs were stabilized. At the same time earnings per dollars of sales of food distributors exceeded those experienced prior to 1942.

The contrast between the inadequacies of a "freeze" regulation such as the General Ceiling Price Regulation, in controlling prices for food distributors, and the success of the margin type regulation used by the OPA makes it imperative that distributors' ceiling prices of dry groceries be fixed on a markup basis at the earliest possible date. At the present time, the best markups available are those which were used by the OPA in issuing MPR's 421, 422, and 423, and which were in effect from 1943–1946. In order to act now, the Director of Price Stabilization has generally employed these markups for most food categories for most distributors. The Office of Price Stabilization is now organizing a study of margin and earning figures for food distributors in order to obtain more recent comprehensive data. If the study should indicate that the ceiling prices established under this regulation are either too low or too high, the regulation will be promptly revised to reflect the results of the survey.

Consultation with the wholesalers and retailers of dry groceries has indicated that wholesalers and the independent retailers generally believe that the OPA markups applicable to them will return adequate gross margins. The chain stores and supermarkets, however, have insisted that the OPA markups would be inadequate and have presented calculations to show that their application to pre-Korea operations would reduce by approximately 3 percent on sales the grocery department gross margins experienced at that time. They urge that their operations are conducted on a low net margin of profit to sales, and fear that these ceilings will mean loss operations. This position has been given very careful consideration by the Director of Price Stabilization. An examination of the data submitted by the chains and supermarkets indicates that there is a substantial basis for these figures. In most food categories the OPA markups

conform generally with normal pricing practices. In some categories, however, it has been indicated that markups have changed substantially since the war. In issuing these regulations, therefore, the Director has made some adjustments in these food categories for these sellers. These adjustments will be carefully checked against the results of the survey.

On the whole the markups used for chains and supermarkets should increase by a little more than 1 percent the margin on sales yielded by the OPA markups. While the chains and supermarkets indicate that an adjustment of approximately 3 percent is required, their calculations overlook certain important considerations which indicate that these adjusted markups will provide generally fair and equitable prices. Since the markups are computed as a percentage of cost, any increase in food cost is reflected in higher dollar margins. All retailers consulted by the OPS conceded that food costs have gone up at least 10 percent and evidence available to the Director of Price Stabilization indicates that the increase may be more. Assuming the minimum increase in food costs, the percentage markup could be reduced and still return as many or more dollars as were earned in a pre-Korea period. If a food retailer prior to Korea had food costs of $1,000,000, and sales of $1,200,000, he would have a percentage markup of 20 percent and a dollar margin of $200,000. Today, however, if he sold the same quantity of food the cost of food to him would have increased to at least $1,100,000. A percentage markup of 18.3 percent would produce a dollar margin of $201,300, or more than he earned prior to the increase in the cost of food. Thus, even if the markups in this regulation result in a lower percentage markup than that experienced in a pre-Korea period, the increase in the cost of food has been so substantial that these regulations should not prevent food distributors from realizing adequate over-all dollar margins.

It is true, of course, that the overhead costs which are to be covered by the markups may have increased since Korea. However, food stores have also experienced a marked and rapid increase in physical volume. This means that fixed overhead costs can be spread over more units of merchandise and the cost per unit reduced. Moreover, in a period of accelerated inflation, food costs and food prices rise much faster than overhead expenses and in a seller's market, sales and promotion costs can be better controlled. These factors are reflected in higher net earnings. Percentage markups can be reduced and the distributor will still be able to cover dollar increases in these overhead expenses and realize net earnings comparable to those realized prior to the inflationary period.

The experience since Korea indicated the effect of all of these factors on earnings. In 1950 the sales of leading chain stores increased over 1949 by approximately 6 percent mainly during the last half of the year. However, dollar earnings for the same chains increased by 18 percent. Thus, dollar earnings increased substantially more percentagewise than dollar sales. Apparently, therefore, overhead expenses have not risen as sharply as food costs and food prices and this has been reflected in the higher earnings. On the basis of these considerations, the Director of Price Stabilization finds that the markups set forth in these regulations will produce generally fair and equitable prices.

SPECIFIC PROVISIONS OF THE REGULATIONS

Ceiling Price Regulation No. 14 applies to sales by wholesalers of certain food products called "dry groceries," which are listed in Table A of the Regulation. Ceiling Price Regulation No. 16 (Group 1 and 2 stores), and Ceiling Price Regulation No. 15 (Group 3 and 4 stores) apply to sales by retailers of the same list of dry groceries as are covered by the wholesale regulation and additional list in Table B called perishables. Sales of perishable items at wholesale will continue to be controlled by the General Ceiling Price Regulation. Likewise, since Table B, for the time being, includes only butter and packaged cheese, sales of other perishable items at retail will continue to be controlled by the General Ceiling Price Regulation.

For the most part the provisions of these regulations are similar to those used by OPA in MPR's 421, 422 and 423, which regulated dry grocery prices during World War II. In general the dry grocery commodity categories are the same except where a limited number of slow-moving high-margin items have been taken out of the category used by OPA and placed under "miscellaneous foods". Also "flour mixes" have been taken out of the "flour" category and included in the corn meal, hominy category. Such adjustments were recommended by representative members of the industry and it is believed by the Director of Price Stabilization that the facts available clearly justified the change in category.

(a) *Classification of wholesalers and retailers.* The classification of wholesalers in Ceiling Price Regulation No. 14 is the same as that used in MPR 421 by OPA. The classification of retailers in Ceiling Price Regulation No. 16 (Group 1 and 2 stores), and in Ceiling Price Regulation No. 15 (Group 3 and 4 stores) is also the same as that used in MPR's 422 and 423 by OPA, except that the volume definitions have been changed. Ceiling Price Regulations Nos. 15 and 16 provide as follows:

Group 1—Independent retail stores with annual sales volume of less than $75,000 in 1950.

Group 2—Independent retail stores with annual sales volume between $75,000 and $375,000 in 1950.

Group 3—Retail stores (other than independent stores) with annual sales volume of less than $375,000 in 1950.

Group 4—Retail stores (independent or otherwise) with annual sales volume of $375,000 or more in 1950.

Under the OPA regulations $50,000 annual sales volume was the dividing line between Groups 1 and 2 stores, and $250,000 annual sales volume was the dividing line between Group 2 stores (independent stores) and independent Group 4 stores. The same figure was used to determine whether a chain store was a Group 3 or Group 4 store. At the time price controls expired in 1946, the group of a retail store was determined by its sales volume in 1945. There was no objection from the industry to these particular volume definitions. However, some adjustment in this volume classification is necessary now by reason of the increased price of food to reach results similar to those employed in 1946.

The Director of Price Stabilization has determined that the changes in the Bureau of Labor Statistics Consumers Food Price Index provides the best point of departure for this adjustment. For the year 1945, this Index stood at 139 percent, and by 1950 it had risen to 204 percent. This is an increase of approximately 47 percent. Therefore, it has been concluded to use $75,000 annual sales volume as the dividing line between Groups 1 and 2 stores and $375,000 as the dividing line between Group 2 and Group 4 independent stores. The latter figure is also used to separate the chain stores into Groups 3 and 4.

(b) *Method for figuring ceiling prices.* For wholesalers and retailers the pricing technique for the dry groceries (Tables A) is the same. They are required by section 3 of each regulation to apply the markup given in Table A to the most recent delivered cost before the effective date of the regulations. The resulting amount will be the ceiling price. However, section 3 (c) of each regulation provides that with respect to each item of the 1950 pack of food commodity Groups 8, 10, 11, 12, 13, 32, and 33 under Tables A both wholesalers and retailers may continue to use the legal ceiling price for each item under the General Ceiling Price Regulation if their last purchase of the particular item was made prior to January 26, 1951, until they receive delivery of a purchase made after that date. Of course, the ceiling price for any item that falls within food commodity Groups 8, 10, 11, 12, 13, 32, and 33 which is purchased after January 26, 1951, must be figured by applying the provisions of these regulations.

In the case of those sellers who purchased items of the 1950 pack several months ago, the application of the markups to costs of those purchases would result in ceiling prices that do not reflect current condition. Consequently, the volume purchaser's prices would be vastly different from those of the smaller purchaser, since the cost price for the items has increased considerably since the 1950 pack came in. Likewise, by applying the markup provisions to the items of the 1950 pack purchased prior to January 26, 1951, a sharp increase in the prices of the items will naturally result when the new pack comes in. For these reasons, the exception with respect to each item of the 1950 pack of food commodity groups 8, 10, 11, 12, 13, 32 and 33 is necessary in order to keep prices as stable as possible.

(c) *Effective date of the regulations.* The new ceiling prices established by applying the provisions of these regulations must be put into effect on all items not later than April 30, 1951. Between April 5, 1951, and April 30, 1951, the new ceiling price on any item may be put into effect as soon as it is figured. If the new ceiling price is not put into effect for an item prior to April 30, 1951, the existing ceiling price under General Ceiling Price Regulation for that item must remain in effect until April 30, 1951. In the event any item is delivered between April 5, 1951, and April 30, 1951, for which there is no ceiling price, the ceiling price must be figured according to the rules of these regulations.

(d) *Recalculation of ceiling prices.* These regulations permit a weekly recalculation of prices which was not per-

mitted under the regulations of OPA. Before making a sale of an item of "dry groceries" on each Monday after April 30, 1951, the ceiling price for any item must be refigured if the net cost of the item is different from the net cost on which the existing ceiling price is based. Recalculation is necessary until such time as the processors' ceilings are stabilized by the Office of Price Stabilization. Because of the parity provisions of the Defense Production Act of 1950 this cannot be accomplished with respect to a substantial number of the food commodities controlled by these regulations at this time. At such time as the items at the processor level are stabilized the recalculation provisions of the regulations will be revoked. However, the perishable commodities in Tables B of the retail regulations will still be subject to recalculation. These commodities because of their seasonal and perishable characteristics are subject to sharp and unforeseeable price fluctuations.

(e) *Posting.* All retailers must at all times post their current selling price for each item of food covered by these regulations. Such displayed price must never exceed the ceiling price. All retailers must post the group their store is in.

(f) *Packaging and assembling allowances.* It has been the practice of many wholesalers and retailers to purchase certain food commodities in bulk and then to package and resell them in cardboard containers, transparent, cotton or interlined coffee bags, or kraft bags or similar type bags. The markups provided in the regulations do not include the entire factor necessary to cover the extra cost of packaging incurred by such bulk purchasers. Therefore, whenever such expense is incurred, certain set amounts may be included in figuring ceiling prices. The allowances are set forth in sections 18 of the retailer regulations and section 13 of the wholesale regulation. The figures contained therein are slightly higher than the packaging allowances previously granted under the OPA regulations in order to reflect the increased cost of such packaging material. This allowance does not apply to the packaging of items at the time of sale.

(g) *Retail delivery and assembly allowance.* The retail regulations establish an allowance for delivery by retail stores to customers' homes or places of business. In arriving at the markups for all retail stores a proper allowance for such delivery was not included since all retail sales are not delivered. With such a small amount of service included in the given markups, it was decided that an extra allowance was necessary to compensate those who incurred this expense. In addition, the Group 3 and 4 regulation establishes an allowance for assembly of orders taken by telephone. A similar provision was not included in the Group 1 and 2 regulation since assembly of orders by telephone is a normal practice in Group 1 and 2 stores and the markups applicable to those stores reflect an appropriate allowance for such service. This was not true in case of Groups 3 and 4 stores and hence a special pricing provision is proper. A fee of 25 cents is allowed to all retail stores for deliveries of food orders to customers' homes or places of business, as a separate charge, where the total value of the delivery is $3.00 or more, and an additional fee of 15 cents is allowed to Groups 3 and 4 stores, who generally offer the service of taking telephone orders and assembling them, for assembly of orders taken by telephone.

(h) *Transportation allowances for delivery from warehouses to retail stores*—(1) *Wholesalers.* Many wholesalers deliver to stores a great distance away and in the past have taken care of this expense in various ways, which makes it impossible to determine any standard delivery for deliveries outside of a free zone. Therefore, wholesalers are permitted to use the same differentials as they have used in January 1951. These differentials must be included as part of the wholesalers' ceiling prices so that retailers will not have to allocate this cost among the various items purchased. Wholesalers who did not use a zone system during January 1951 but instead an average price are allowed to add certain percentages for deliveries over 125 miles. Likewise, the regulations contain specific provisions for additions by wholesalers making f. o. b. sales.

(2) *Retailers.* The markup provisions of these regulations reflect the cost of delivery from the retailers' warehouses to their stores located within a normal delivery zone. However, some retailers deliver much greater distances and in order to compensate for this expense, varying additions to net cost are allowed, depending on the distance beyond the normal delivery area.

(i) *Pyramiding of markups.* Special provisions are included in the regulations to prevent pyramiding of markups. Wholesalers buying from other wholesalers must use the "net cost" to the first wholesaler on such purchases where they have not previously established ceiling prices under the regulation as a basis for figuring their ceiling prices provided the "net cost" does not exceed the "net cost" had the purchases been made from the manufacturer or processor. Retailers are not allowed to use any purchase from another retailer to figure a ceiling price if it results in a net cost higher than the retailer would have if the purchase was made from a regular supplier or any other normally available source.

(j) *Other special pricing provisions.* In addition to the aforementioned provisions the Group 3 and 4 regulation contains certain special methods of figuring net cost for certain commodities purchased in a particular way. All of Article II—Special Pricing Provisions, in this regulation is not fully printed in the regulation for Groups 1 and 2 stores but these provisions are applicable by cross references. Such provisions seldom apply to smaller stores and it was felt that simplification would be added if they were omitted from the Group 1 and 2 regulation and if these stores were referred to the Group 3 and 4 regulation where such provisions were applicable.

ADJUSTMENT PROVISIONS OF THE REGULATIONS

(a) *Classification adjustments.* Any rigid classification such as is necessary in a standard markup regulation will work hardship on certain distributors who by accident of definition fall into one classification whereas their horizontal operation and margin pattern is actually that of another classification. Therefore, in both wholesale and retail regulations, provision has been made whereby a distributor performing the same service as one in another class, having a margin as high as that of the other class, and having a price structure similar to that of the class, may be transferred to the other class. These provisions are contained in sections 26, 27 and 28 of the wholesale regulation and section 26 of the retail Group 3 and 4 regulation. These adjustment provisions are not intended for distributors who do not meet these criteria, and adjustments will not be granted unless it can be demonstrated that such reclassification is justified.

With regard to section 26 (a) (4) of the Group 3 and 4 regulation, under the OPA regulation the criteria for adjustment was based on the total gross margin being more than 25 percent on all sales in the food departments and also, if the store was not an independent store, more than 25 percent on the combined sale of the food departments in all stores of the organization. The percentage figure of more than 25 percent contained in the OPA regulation has been reduced to 23 percent or more in this regulation because the available facts clearly indicated that there had been a lowering of the gross margins for this type of operation. The substantial difference existing between a 23 percent markup and the standard markup of Groups 3 and 4 stores should assure that the stores, in fact, have been conducting a different type of operation and that reclassification is justified. In order to eliminate the need for examining the individual adjustment applications under this section immediately, the regulation provides that all those stores which qualified for such adjustment under the OPA regulation will automatically qualify under this regulation upon the filing of an adjustment application, provided they meet the test that their total gross margin in the fiscal year 1950 was 23 percent or more on all sales in their food department and also, if not independent stores, 23 percent or more on the combined sales of the food departments in all the stores, for which adjustment is sought, of their organization. These applications will be reviewed later and if an applicant is found not to have qualified with the specific provisions of this regulation, the adjustment will be revoked. For the same reasons, it has been determined with respect to similar provisions of the wholesale regulation to reduce the criteria for adjustment used under the OPA wholesale regulation from at least 20 percent to at least 18 percent.

(b) *Local shortage adjustments.* Price control may possibly result in some areas being deprived of a food supply. To avoid such a local shortage, which might occur if all the retailers in a remote area withdraw from business, an adjustment may be granted when the retailers furnish adequate proof that they are necessary to assure an adequate supply of food in a certain locality, and of the existence of necessary higher operating costs. It is also necessary for them to establish that any adjustment granted will not create a shortage or a need for increase in prices in another locality.

DOLLARS-AND-CENTS CEILING PRICES

The fixed markup technique is a sound and effective method of price control for food distributors. However, as food costs become stabilized it will be possible to translate margin calculations into specific dollars-and-cents ceiling prices. These dollars-and-cents ceilings provide an even simpler and more effective type of price control. When such dollars-and-cents prices are fixed, no item may be sold thereafter at higher prices and the orders issued to that end may provide that such prices take the place of the ceiling prices fixed under these regulations. If such orders do not provide that they replace the ceiling price under these regulations, then the ceiling price may be figured under these regulations.

CONCLUSION

In formulating these regulations the Director of Price Stabilization has consulted extensively with industry representatives and has given full consideration to their recommendations. In his judgment the provisions of these regulations are generally fair and equitable and are necessary to effectuate the purposes of title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

REGULATORY PROVISIONS

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32. Table of mark-ups for "dry groceries" (Table A).
33. Table of mark-ups for "perishables" (Table B).
34. Table of ceiling prices based on any given "net cost" and mark-up (Table C).

AUTHORITY: Sections 1 to 34 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this regulation does.* This regulation fixes new ceiling prices for the "dry groceries" listed in Table A and the "perishables" listed in Table B for all "independent" retail stores doing an annual business of under $375,000. These new ceiling prices are to be used instead of the ceiling prices figured under any other price regulation issued by the Office of Price Stabilization (hereinafter called OPS, and regardless of any contract or any other law. All other retail stores (Group 3 and Group 4 stores) selling these food products are covered by Ceiling Price Regulation No. 15.

SEC. 2. *How you find out whether your store is covered by this regulation and what group it is in*—(a) *What stores are covered.* Your store is covered by this regulation if it is a Group 1 or 2 store as defined below and if you are a retailer who buys and resells food products, generally without materially changing their form, for the most part to ultimate consumers who are not commercial, industrial or institutional users. For the purposes of this regulation, "Great Lakes marine suppliers" shall be considered as retailers. The provisions of this regulation apply to "retail route sellers" only with respect to frozen foods. However, this regulation does not apply to sales of "specially prepared dietetic foods" by "health food stores" or "health food departments," or to automatic vending machines or to farmers selling produce grown on their own farms.

(b) *What are Groups 1 and 2 stores.* For the purpose of this regulation, Groups 1 and 2 stores are defined as follows:

(1) *Group 1.* Your store is in Group 1 if it is an "independent" store with "annual gross sales" of less than $75,000. Your store is an "independent" store if it is not one of four or more stores under one ownership whose combined "annual gross sales" are $750,000 or more.

(2) *Group 2.* Your store is in Group 2 if it is an "independent" store with "annual gross sales" of $75,000 or more, but less than $375,000.

(If you are not sure what group your store is in, use the directions in section 26 for figuring the "annual gross sales," of your store. See section 30 for definitions of Group 3 and Group 4 retailers.

(c) *How to display a sign of the group your store is in.* At all times, you must have the group your store is in under this regulation displayed on a sign reading "OPS–1" or "OPS–2," whichever it is, or on a sign which the OPS may furnish to you. The sign must be displayed so that it can be clearly seen by your customers.

(d) *When you may choose to treat your store as a Group 3 or 4 store.* You may choose to treat your store as either a Group 3 or Group 4 store under Ceiling Price Regulation No. 15 and display a sign in your store as a member of such other group if you:

(1) Figure your ceiling prices for all the items listed in Tables A and B of this regulation as a member of the group you choose; and

(2) Notify the OPS district office for your area of these facts.

(e) *When you must notify OPS of the group in which your store falls.* Within 30 days after the issuance of this regulation, you must notify the OPS district office for your area of the group of your store, using OPS Public Form No. 5 which you may obtain from the OPS district office for your area. If you open a new retail store after April 30, 1951, you must notify, within 15 days, the OPS district office for your area of the group of the store, using OPS Public Form No. 5 which you may obtain from the OPS district office for your area.

SEC. 3. *How and when you figure your ceiling prices for "dry groceries"*—(a) *General rule.* Your ceiling price for each item (that is, for each kind, brand, grade, variety, container-type and container-size) of "dry groceries" listed in Table A shall be the total of (1) the "net cost" you had to pay for the most recent delivery of the item to you before April 30, 1951, plus (2) the mark-up given you for it in Table A.

(b) *When you must figure your ceiling prices.* By the opening of business on April 30, 1951, you must have figured your ceiling price for each item of "dry groceries" listed in Table A which you have in stock at that time. Between April 5, 1951, and April 30, 1951, you may put into effect the new ceiling price on any item as soon as you figure it; you must put the new ceiling prices into effect on all items not later than April 30, 1951. If you do not put the new price for an item into effect before April 30, 1951, you must continue to use your existing ceiling for that item until April 30, 1951. If you receive delivery of any item between April 5, 1951, and April 30, 1951, for which you have no ceiling price, you must, before selling it, figure your ceiling price according to the rules of this regulation.

(c) *Special rule for certain items of the 1950 pack.* If, in the case of any item of the 1950 pack of food commodity groups 8, 10, 11, 12, 13, 32 and 33 in Table A, your last purchase of the particular item was made prior to January 26, 1951, you may continue to use your legal ceiling price for such item under the General Ceiling Price Regulation until you receive delivery of a purchase made after that date. When you receive delivery of such a purchase, you must figure your ceiling price for the item in accordance with the provisions of this regulation.

SEC. 4. *Directions for applying the rule for "dry groceries"*—(a) *"Net cost."* To figure your ceiling price, first find the "net cost" of the item based on its most recent delivery to you before April 30, 1951. Your net cost will be the amount you paid your supplier less all discounts except the discount for prompt payment plus all transportation charges you paid except local trucking and local

unloading. Treat as a separate item each kind, brand, grade, variety, container-size and container-type of "dry groceries."

(1) Your net cost must be figured on purchases of a customary quantity from a customary type of supplier delivered to your "usual receiving point" by a customary means of delivery. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost on a single unit basis (that is, per can, per pound, per package, per jar, etc.), to the nearest half cent. (Fractions of exactly one-quarter cent are rounded up to one-half cent and fractions of exactly three-quarters of a cent are rounded up to the next cent.) Your invoice cost may be the cost of a carton, case or barrel, for instance, and not the cost of the package, can or other unit you sell. You must get the net cost of the single unit you sell by dividing the cost of the carton, case or barrel by the number of units in the carton, case or barrel.

(b) *Markup.* Turn to Table A to find the markup for the item given your group of store. Table A lists all the "dry groceries" covered by this regulation by commodity groups.

(c) *Ceiling price.* Next turn to Table C. Using the directions given there, you will get your ceiling price for the item. You must not change this ceiling price except in accordance with section 6.

(d) *Invoices.* You must write your "net cost" per unit of the purchase on which you have figured your ceiling price either on your invoice or other record of the price you paid for the item or on a separate slip of paper and attached to that invoice or other record. You must keep separate or mark or tag plainly, all invoices or records showing the net cost per unit which you used in figuring your ceiling prices. These invoices and records you used in figuring your ceiling prices are your means of proving that your ceiling prices are right.

SEC. 5. *How you figure your ceiling prices for "new items" of "dry groceries".* A "new item" of "dry groceries" is any item of "dry groceries" which you did not have in stock at the opening of business on April 30, 1951. You must figure the ceiling price for a new item before selling it, following the rules in section 4, but basing your "net cost" on the first delivery of the item to you on or after April 30, 1951.

In pricing new items it is a violation to use the net cost of a first purchase made in a non-customary manner (that is, from a non-customary supplier or in a non-customary quantity) when you know that you will be making future purchases in a customary manner. If your first purchase is of this type you must find out and use in figuring your ceiling price, what the net cost would be of a purchase from a type of supplier usually used for a similar item and of a quantity in which a similar item is usually purchased.

SEC. 6. *How you figure your ceiling prices each week, starting Monday, April 30, 1951.* Before making any sale of an item of "dry groceries" on each Monday after April 30, 1951 (or on Tuesday if Monday is a holiday and your store is closed) you must refigure your ceiling price for any item if your "net cost" of that item is different from the "net cost" on which your existing ceiling price is based. You must follow the rules in section 4 basing your "net cost," however, on the largest single delivery of a customary quantity received by you from your customary type of supplier during the seven days preceding Monday. If you cannot determine your "largest single delivery" because you have received more than one delivery of the same quantity, use the most recent of these deliveries.

SEC. 7. *Dry groceries which you import.* This regulation shall not apply to you for sales of any dry grocery item purchased by you directly from a foreign seller or his agent for importation into the continental United States. Your ceiling price for such items shall be determined by you in accordance with General Ceiling Price Regulation or any other applicable ceiling price regulation covering the sale of the item by importers.

PERISHABLES

SEC. 8. *How and when you figure your ceiling prices for "perishables"—(a) General rule.* Your ceiling price for each item (that is for each kind, brand, variety, and grade) of "perishables" listed in Table B shall be the total of (1) the "net cost" of the largest delivery of the item to you during the seven days preceding Monday of each week plus (2) the markup given you for it in Table B.

(b) *When you must figure your ceiling prices.* By the opening of business on April 30, 1951, you must have figured you ceiling price for each item of "perishables" listed in Table B which you have in stock at that time. These ceiling prices must be checked each week after April 30, 1951, and changed on Monday of each week for any item if your "net cost" of that item has changed in the preceding 7 days. Never change your ceiling price on any day but Monday.

For items which you receive for the first time or which you have not had in stock for 7 days, you must figure and use a ceiling price at once using the net cost of that first delivery. On each Monday after that, you must treat the item as you would any other item of perishables covered under this regulation.

SEC. 9. *Directions for applying the rule for "perishables"—(a) Net cost.* To figure your ceiling price, first find the "net cost" of the largest delivery to you of the item during the 7-day period before the Monday for which you are figuring your price. If you have received more than one delivery of the same largest quantity, use the most recent of these deliveries. Your net cost will be the amount you paid your supplier less all discounts except the discount for prompt payment, plus all transportation charges you paid, which may include costs for icing, refrigeration, and ventilation, but which may not include costs for local trucking and local unloading.

(1) Your net cost must be based on purchases from a customary type of supplier delivered to your usual receiving point by a customary means of delivery. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost on the basis of the "selling unit" (for example, 1 pound), listed in Table B for the commodity group which includes the item you are pricing. Always figure net cost to the nearest half cent. (Fractions of exactly one-quarter cent are rounded up to one-half cent and fractions of exactly three-quarters of a cent are rounded up to the next cent.)

(3) If you have an item in stock at the opening of business on April 30, 1951 but you did not receive delivery of the item during the week before, you shall, in figuring your first ceiling price for the item on April 30, 1951, base your net cost on its most recent delivery to you.

(b) *Markup.* Turn to Table B to find the markup for the item given for your group of store. Table B lists all the "perishables" covered by this regulation by commodity groups.

(c) *Ceiling price.* Next turn to Table C. Using the directions given there, you will get your ceiling price for the item.

(1) *Sales in other quantities.* You may sell an item in a quantity other than the "selling unit" given in Table B. If you sell an item in a quantity other than the "selling unit" given in Table B, you must reduce or increase your ceiling price proportionately. If figuring a price for a quantity different from the "selling unit" results in a fraction of a cent, you may charge the next higher cent.

SEC. 10. *Price which you must display.* At all times, you must have your current selling price for each item of food covered by this regulation clearly shown on the item or at or near the place in your store where the item is offered for sale. Of course, this displayed price must never exceed your ceiling price.

SEC. 11. *Indirect price increases prohibited.* You must not evade any of the provisions of this regulation or any order issued pursuant to it by any scheme, or device. You must not, as a condition of selling any particular food, require a customer to buy anything else. Any such evasion is punishable as a violation of this regulation.

You may not use an unnecessarily high "net cost" in figuring a ceiling price under this regulation. If you make such a high cost purchase, you must find out what your net cost as used in section 4 or 9 would be and use that net cost to figure your ceiling price. You may never use the net cost of a purchase from another retailer to figure a ceiling price if it results in a net cost higher than you would have if you purchased the item from your regular supplier or any other source normally available to you.

SEC. 12. *Sales slips and receipts.* If you have customarily given a purchaser a sales slip, receipt or similar evidence of purchase, you must continue to do so. Furthermore, regardless of your custom, you must give any customer who asks for it a receipt showing the date, your name and address, and quantity and name of each food item sold, and the price you charged for it.

SEC. 13. *Records.* After April 5, 1951, you must keep for one year after you receive them all your invoices, freight bills, and other records showing the price you paid and the date you received delivery of each item covered by this regulation.

You are required to show all your invoices on request of any OPS representative and to furnish on request of any OPS representative a written record of your ceiling price in effect at any particular time or times for any or all of the items covered by this regulation. You must also keep available for inspection by an OPS representative the records you used in deciding what group your store is in.

SEC. 14. *Prohibitions.* On and after April 30, 1951, if you sell or deliver or offer to sell or deliver at a price higher than your ceiling price fixed by this regulation or any order issued pursuant to it, or if you otherwise violate any provisions of this regulation or any order issued pursuant to it, you are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950, as amended. Also, any person, who, in the course of trade or business, buys from you at a price higher than your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that Act.

SEC. 15. *Notice of dollars-and-cents ceiling prices.* From time to time the OPS may, by order, fix in your area or community, dollars-and-cents ceiling prices for some or all of the "dry groceries" or "perishables" under this regulation. When these dollars-and-cents prices are fixed, you may not thereafter sell at higher prices, and those orders may provide that such prices take the place of the ceiling prices which you have under this regulation. If such orders do not provide that they replace your prices under this regulation, you must continue to figure your prices under this regulation.

SEC. 16. *Further provisions supplementing or explaining this regulation.* From time to time, the Price Director may, by amendment, issue further provisions which will supplement the provisions of this regulation or explain the rights and duties of buyers and sellers under it. These further provisions will become part of this regulation and may be added as paragraphs to this section.

(a) Whenever an amendment adds any food product to the list of items covered in Table A, you must figure your ceiling price for that food product in accordance with sections 3, 4 and 5. However, in doing so, you shall substitute the effective date of such amendment for the date April 30, 1951, whenever it appears in sections 3, 4 and 5.

(b) Whenever an amendment changes either a commodity definition in Table A by transferring a food product from one commodity group to another or the markup for your group of retailers, you must by the opening of business on the effective date of such amendment refigure your ceiling prices for the items affected by such amendment. However in doing so, you must use as your "net cost" the same "net cost" you used in figuring the ceiling prices you had on the effective date of the amendment.

ARTICLE II—SPECIAL PRICING PROVISIONS

SEC. 17. *Addition allowed for deliveries made by you to your customers.* (a) If you deliver to your customers' homes or places of business any of the items covered by this regulation, you may add to the total value of the delivery, as a separate charge, 25 cents for such delivery, if the total value thereof is $3 or more.

SEC. 18. *Additions for packaging.* (a) If you buy in bulk any item covered by this regulation (except spices, tea and gelatin) and then package and sell it in cardboard containers, cotton bags, transparent bags, interlined coffee bags, or Kraft bags or similar type bags, on which the name, weight and ingredients of the commodity and your name are stamped or printed and which are packed and sealed at a place and time other than the point and time of sale, you may add to your "net cost" whichever of the following allowances applies:

(1) 2 cents for every such bag or container with a net weight of less than 2 pounds.

(2) 2½ cents for every such bag or container with a net weight of 2 pounds or more, but less than 5 pounds.

(3) 1 cent per pound for every such bag or container with a net weight of 5 pounds or more but not to exceed a total of 5 cents.

SEC. 19. *Gift and holiday packages assembled by you.* If you assemble, into gift or holiday packages, any food items covered by this regulation, with or without any items not covered by this regulation, you must figure your ceiling price for such package under whichever of the following paragraphs applies:

(a) For packages assembled in cardboard, wooden, or other plain containers (for example, "overseas" or "servicemen's" packages), your ceiling price will be the sum of the following, multiplied by 1.05:

(1) Your ceiling price for each item (or article) being packed, figured under this regulation or any other applicable ceiling price regulation. If you have no ceiling price for any item (or article), use your current selling price for that item.

(2) Your direct cost of the packaging materials used for the particular package, including the container.

(b) For packages assembled in permanent containers designed and constructed for re-use (including but not limited to trays, cedar boxes, hampers, teakwood chests, fancy baskets), your ceiling price will be the sum of the following, multiplied by 1.15:

(1) Your ceiling price for each item (or article) being packed, figured under this regulation or any other applicable ceiling price regulation. If you have no ceiling price for any item (or article), use your current selling price for that item.

(2) Your ceiling price for the container figured under the applicable ceiling price regulation. If you have no ceiling price for the container, use your direct cost for the container.

(3) Your direct cost of the packaging materials used for the particular package.

SEC. 20. *Special allowance for forwarding gift package to a donee in a foreign country.* If you deliver a food package directly upon order of the purchaser to a donee (other than a member of the armed forces of the United States) in a foreign country outside of the North American continent, you may add to your ceiling price an amount not to exceed 50 cents for forwarding such package, plus the actual mailing and insurance charges. This allowance may be applied only to the shipment and delivery of individual food gift packages and not of wholesale lots.

SEC. 21. *Sections in Ceiling Price Regulation No. 15 which you must use if they apply to your method of doing business.* Ceiling Price Regulation No. 15, which covers the same food items as this regulation, but for Groups 3 and 4 stores, contains a number of special pricing provisions which you are required to follow if you perform the operations they cover. (You may obtain a copy of Ceiling Price Regulation No. 15 from the OPS District Office for your area.) The sections of that regulation which you must follow if they apply to you are as follows:

(a) Section 21 *How you figure your "net cost" in certain cases* (applies to you if you have items of frozen fruits, berries, or vegetables in storage for a period of 4 weeks or more; if you process smoked fish prior to offering it for sale).

(b) Section 22 *Additions for delivery from your warehouse to your store* (applies to you if your usual receiving point is a warehouse over 125 miles from your store).

(c) Section 23 *How you figure your ceiling prices for foods you "manufacture or otherwise process"* (applies to you if you manufacture or process any of the foods covered by this regulation).

(d) Section 25 *Mail Order Sales* (applies to you if you make mail order sales).

(e) Section 33 *Export Sales* (applies to you if you make export sales).

SEC. 22. *How you figure ceiling prices for items if you are also a wholesaler and receive such items from a warehouse owned or controlled by you.* (a) If, prior to January 1951 you owned or controlled a warehouse physically separate and apart from your retail store, and you acted as a wholesaler distributing from such warehouse, food products to independent retail stores not owned or controlled by you, and you still own or control such a warehouse, you may, in figuring your ceiling price for each item customarily obtained by you from such warehouse and sold by you from your retail store to the ultimate consumer other than commercial, industrial or institutional users, use as the basis of your "net cost," the net cost you used in figuring your ceiling prices for your wholesale sales under Ceiling Price Regulation No. 14 plus the markup allowed in that regulation for a Class 1 (retailer-owned cooperative) wholesaler. To get your ceiling prices, reduce the resulting figure to the "net cost" of a single unit and apply the markup for your group of retailer as set forth in section 4.

(b) Within 10 days after you first figure your prices in accordance with the provisions of this section, you must notify the OPS district office for your area in writing that you have so figured your prices.

SEC. 23. *Special pricing provisions for manufacturers selling some commodities at retail.* Any person, the larger part of whose business is the manufacturing or processing of foods, but

(a) His entire business in connection with a particular commodity consists of the purchase and resale of such commodity without materially changing its form, and

(b) The larger part of his sales of such commodity are made to ultimate consumers other than commercial, industrial or institutional users,

(c) Shall figure his ceiling prices for sales of such commodity to ultimate consumers other than commercial, industrial or institutional users in accordance with the provisions of this regulation, and shall for such purposes be considered a retailer covered by this regulation.

ARTICLE III—ADJUSTMENT PROVISIONS

SEC. 24. *How certain stores, where necessary to assure an adequate supply of food in a locality, may apply for markup adjustments.* (a) If your store is necessary to provide an adequate supply of

food products in a locality; and by reason of remote location, long-term credit, short selling season, or other such unusual operating conditions, you find it impossible to operate under the mark-ups fixed by this regulation, you may apply for an adjustment of such mark-ups by filing with the OPS district office for your area two copies of a signed statement giving for your store: (1) its name and address; (2) its group under this regulation; (3) its type (for example, cash-and-carry; service, delicatessen); (4) the approximate number of its food customers; (5) the total number of stores selling food in its community; (6) its distance from the nearest store selling food and the name and address of that store; and (7) the reasons why you are unable to operate under the mark-ups fixed by this regulation.

If you have more than one store you may file one application for all your stores which meet the conditions stated above. Your application must state separately for each store the specific information this section calls for.

(3) Any Regional Office of the OPS, or such offices as may be authorized by order issued by the appropriate Regional Office, may act on all applications for adjustment under the provisions of this regulation. Applications for adjustment are governed by Price Procedural Regulation 1.

ARTICLE IV—MISCELLANEOUS PROVISIONS

SEC. 25. *How you find the "annual gross sales" of your store.* (a) To find your "annual gross sales", take your total sales for the calendar year 1950. Include all sales as shown on your books, except sales made by a restaurant operated in conjunction with your store. You can use your Federal Income Tax Return to get your gross sales for all or part of the calendar year 1950 which is covered by such return. If you own more than one store, figure the sales for each store separately, treating each as a separate retailer.

(b) If you were not in business during the entire year 1950 you must divide your total sales from the time you began operation up to April 30, 1951 by the number of weeks you were in business. This will get you your weekly average sales. Multiply this figure by 52, and the result is your "annual gross sales".

SEC. 26. *How you determine your group in certain special cases.*—(a) *Department stores.* If you operate a department store, that is, a store in which the greater volume of sales is general merchandise and not foods, and you sell foods in a separate department or departments, you must determine your group by using only the "annual gross sales" of your food department or departments.

(b) *Stores in which more than one retailer operates.* (1) If you sell food in a retail store in which there are other food retailers, none of whom sells a complete line of the same general class of food, you must find your group by taking the combined "annual gross sales" of all the food retailers in that store. If the total "annual gross sales" of all the food retailers in that store is not readily available, you shall apply, in writing, within 30 days after the issuance of the regulation to the OPS District Office for your area, for a determination of your group, stating your own "annual gross sales" figure for the applicable year. Each District Director is authorized to act on requests covering stores located within his district, and action taken shall be by order.

(2) If you sell foods in a retail store in which more than one retailer sells a complete line of the same general class of food, you will be considered as operating a separate retail store of your own, and you must determine your group by using only your own sales.

(c) *New stores.* If you open a retail store after April 30, 1951, you may consider yourself a Group 1 or Group 3 retailer, depending upon whether or not at that date your store is an "independent" store, and you must figure your ceiling prices accordingly. (If you are a Group 3 store, you must figure your ceiling prices under Ceiling Price Regulation No. 15.) However, after you have been in business for 3 months you must determine again what group your store is in. To do this, take your total sales for the 3-month period and multiply by 4. Use the result as your "annual gross sales" in determining the group in which your store belongs.

Furthermore, if by reason of the new store you are now one of four or more stores under one ownership, you must at the end of the three-month period refigure the combined "annual gross sales" for all your stores. If the comoined "annual gross sales" are $750,000 or more, all of your stores must then be considered as Group 3 or Group 4 stores. You may continue to use the existing ceiling prices in each store until the second Monday following the end of the 3 month period, by which time you must have refigured all of your ceiling prices in each store, using the markups for its proper group.

If you find that only the new store should now be in another group, you may continue to use the Group 1 mark-ups until the second Monday following the end of the 3-month period, by which time you must have refigured all your ceiling prices using the mark-ups for your new group in which this store falls. You shall use as your "net cost" the same "net cost" which you would have used in refiguring your ceiling prices on that Monday. If, under that section, you would not have been required to refigure your ceiling price for any item on that Monday, you shall use as your "net cost" for that item the same "net cost" on which your existing ceiling price at that time is based.

SEC. 27. *Taxes.* You may collect, in addition to your ceiling price, any tax upon or incident to a sale at retail of food covered by this regulation if you state the tax separately, and if the statute or ordinance does not prohibit sellers from stating and collecting the tax separately from the price.

SEC. 28. *Transfer of business and stock in trade.* If, after April 30, 1951, you acquire in any way the business assets, and stock in trade of any retail store covered by this regulation and you carry on the business, or continue to deal in the same type of food products in that same store, your ceiling prices shall be the same as those of the former owner as if no transfer had taken place. You must keep all the records needed to verify your ceiling prices. The former owner must either preserve and make available to you, or give you, all the records of his transactions before you acquire the store which you need to comply with the record provisions of this regulation.

If the transfer changes the business from one group of retail stores to another, your ceiling prices shall be those for the group of retailer to which you belong under this regulation.

SEC. 29. *Relation to other regulations.* The provisions of this Ceiling Price Regulation No. 16, except as otherwise provided in this regulation, shall, on and after April 30, 1951, supersede the provisions of the General Ceiling Price Regulation, and any other price regulation or order issued by the OPS with respect to sales and deliveries for which ceiling prices are established by this regulation.

SEC. 30. *Definitions.* (a) *Retail route seller.* A "retail route seller" is a retailer who distributes food products to ultimate consumers who are not commercial, industrial or institutional users, either on a future delivery basis or otherwise, from an inventory stocked in trucks or other conveyances operated by driver-salesmen over regular routes. A retailer, most of whose business is the personal solicitation of orders by salesmen calling at the homes or places of business of ultimate consumers, who are not commercial, industrial or institutional users, shall also be considered a retail route seller. A retailer is a "retail route seller" only of the food products he sells in this way.

(b) *Health food stores.* A "health food store" or "health food department" is one whose sales to consumers consists principally of "specially prepared dietectic foods." For the purpose of this regulation a "health food department" is a separate and distinct department operated by separate and specially trained personnel and for which separate records and accounts are maintained. "Specially prepared dietetic foods" are foods manufactured and sold for restricted diets and for special dietetic purposes, including but not limited to, specially prepared foods for diabetic or arthritic conditions, or high blood pressure; specially prepared weight building or tonic foods; and vitamin or mineral supplements.

(c) *Delivery.* Delivery to you of an item covered by this regulation shall be considered to have occurred when the item has been received by you at your usual receiving point.

(d) *Usual receiving point.* Your usual receiving point will be either your retail store or your warehouse from which you supply your retail stores, depending upon where you normally receive the particular item you are pricing under this regulation.

(e) *Item.* You must determine a separate ceiling price for each item: that is, for each kind, brand, size, variety, grade, container-type, and container-size.

(f) *Manufacture or otherwise process.* "Manufacture or otherwise process" shall mean blending, freezing, canning, preserving, bottling, milling, crushing, straining, roasting, centrifuging, cooking, distilling, purifying with heat, printing of butter, and other similar operations, and packaging of spices, tea and gelatin.

Packaging as used in section 18 shall not be considered manufacturing or processing under this regulation.

(g) *Group 3 retailer.* A retailer is in Group 3 if he has an "annual gross sales" of less than $375,000 and he is not an "independent" retailer.

(h) *Group 4 retailer.* A retailer is in Group 4 whether "independent" or not, if he has an "annual gross sales" of $375,000 or more.

(i) *Great Lakes marine supplier.* A "Great Lakes marine supplier" means a person operating a selling establishment which buys and resells food products for the most part to "operators of a lake vessel or vessels," for consumption aboard such vessel or vessels, with delivery from shore locations by use of truck or launch facilities. "Operator of a lake vessel or vessels" means any person who owns or operates a lake vessel or vessels, other than passenger boats, engaged in shipping upon the Great Lakes, and who in operating such vessels purchases or receives food products covered by this regulation from a Great Lakes marine supplier for consumption aboard such vessels.

SEC. 31. *Geographical applicability.* The provisions of this regulation shall apply to the 48 States of the United States and to the District of Columbia.

ARTICLE V—TABLES

SEC. 32. *Table of markups for "dry groceries" (Table A)*—(a) *Table A: Markups over "net cost" allowed to Group 1 and Group 2 retailers for dry groceries covered by this regulation by commodities.*

TABLE A—MARK-UPS OVER "NET COST" ALLOWED TO GROUP 1 AND GROUP 2 RETAILERS FOR DRY GROCERIES COVERED BY THIS REGULATION BY COMMODITIES

Food commodities	Allowed mark-ups over "net cost," independent retailers with annual volumes	
	Group 1	Group 2
	Under $75,000	$75,000 or more but less than $375,000
	Percent	Percent
1. Baby foods	23	23
2. Cereals, breakfast	21	20
3. Cocoa, chocolate, and cereal drink preparations	29	29
4. Coffee	17	17
5. Cookies, crackers, toast and crumbs	25	25
6. Corn meal, hominy, and flour mixes	29	29
7. Dog and cat foods	27	27
8. Fish, processed	27	27
9. Flour	25	25
10. Frozen foods	27	27
11. Fruits, berries and fruit juices (canned) except fruit cocktail, pineapple, peaches and pears	26	26
12. Fruit cocktail, pineapple, peaches and pears (canned) except juices	23	23
13. Fruits, dried and dehydrated	27	25
14. Gelatin and pudding mixtures	28	25
15. Jams, jellies, preserves, honey, and peanut butter	32	32
16. Lard, pure	20	18
17. Macaroni and spaghetti products	32	32
Mayonnaise and salad dressing	24	24
Meat, canned	21	20
Milk, canned	20	20
Oils, cooking and salad	28	28
Olives, canned	17	15
Pickles and relishes	32	32
Rice	28	28
Shortening, hydrogenated	9	9
Shortening, other	18	18
Soups, canned	27	26
Soups, dehydrated	34	34
Spices	46	46
Syrups	28	28
Tea	26	26
Vegetables and vegetable juices (canned) except corn, green beans, peas, tomatoes and tomato juice (canned)	31	31
Vegetables, green beans, peas, tomatoes and tomato juice (canned)	25	23
34. Vegetables, dried and dehydrated	36	36
35. Vinegar	39	34
36. Miscellaneous foods	40	40

(b) *Commodity definitions.* These definitions apply to both domestic and imported items.

(1) "Baby foods" means "baby" or "junior" cereals, fruits, vegetables, meats, puddings, soups, and mixtures thereof packed in hermetically sealed containers. Excluded are dry baby cereals.

(2) "Cereals, breakfast" means bulk or packaged cereal items of any size commonly used as breakfast foods, both uncooked and ready-to-eat types including but not limited to, bran flakes, farina, popped rice, and rolled oats. Excluded are barley, corn meal, corn grits, hominy grits and flakes, rice, wheat bran flour, wheat germ and dry baby cereal. Also excluded are cereals mixed or coated with a confection, in the proportion of two thirds or more confection to one third cereal by weight.

(3) "Cocoa, chocolate, and cereal-drink preparations" includes, but is not limited to, coffee substitutes or extenders, chicory, malted milk preparations containing less than 35 percent malted milk, chocolate syrup packed in consumer sizes, chocolate bits, and cooking chocolate and packaged powdered skim milk (spray process). Excluded are chocolate confections, bittersweet bars, milk chocolate, chocolate syrup packed in No. 10 tins or larger or one gallon containers or larger, powdered whole milks, powdered skim milk packaged in tin in inert gas, malted milk and any preparation containing 35 percent or more malted milk.

(4) "Coffee" means roasted coffee, whole or ground, decaffeinated coffee, coffee concentrates, and any mixtures of coffee with other products for beverage purposes. Excluded is frozen coffee concentrate.

(5) "Cookies, crackers, toast, and crumbs" includes, but is not limited to biscuits, Christmas cookies, fig crackers, graham crackers, pretzels, rye crackers, zwieback, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal, and related matzo products. Excluded are bread, pies, cakes, doughnuts, coffee cakes, rolls, candies, Passover matzo, Passover matzo meal, related Passover products, and any bakery products which you manufacture. Also excluded are any items which are bought by you in bulk and sold loose.

(6) "Corn meal, hominy and flour mixes" means bulk or packaged corn meal, corn grits, hominy, hominy grits, hominy flakes, prepared hominy and bulk or packaged flour mixes milled from wheat, seminola, farina, buckwheat, corn, rice, and potatoes, including, but not limited to, prepared pancake, biscuit, pie crust and gingerbread mix. Excluded is canned hominy which is in "vegetables and vegetable juices, canned."

(7) "Dog and cat food" shall not include any item prepared by you for pet food, or any frozen dog or cat food.

(8) "Fish, processed" includes canned fish, canned seafood, and salted, pickled, smoked, dried or otherwise processed fish, such as fish cakes. Excluded are fresh or frozen fish, fresh or frozen seafood, frozen food products in which fish or seafood are combined with other ingredients, anchovies, anchovy paste, caviar, clams, crab meat, clam juice, kippered herring, lobster, lobster bisque, oysters, oyster puree and fish roe.

(9) "Flour" means bulk or packaged (in any size) flour milled from wheat, seminola, farina, buckwheat, corn, rice, and potatoes, including, but not limited to, all-purpose family flour, cake flour, enriched flour, but excluding all flour mixes.

(10) "Frozen foods" means packaged quick-frozen or cold-packed foods sold from refrigerated cabinets or lockers, including but not limited to all fruits, berries, fruit or berry juices, and mixtures (except any of the foregoing in containers of a capacity of more than 50 pounds), vegetables, vegetable juices, and mixtures, including mushrooms, dog and cat food not prepared by you for pet food, applesauce, macaroni and spaghetti products, chop suey, chow mein, gravies, pork-and-beans, soups, food products in which meat, chicken, turkey, fish or seafood are combined with other ingredients, meat stews, and corned beef hash, frozen instant coffee, concentrated frozen fresh milk, and frozen meat pies. Excluded are frozen pies and pastries, frozen meat, poultry, fish and seafood, ice cream, sherbert, and frozen confections.

(11) "Fruits, berries and fruit juices, canned" includes, but is not limited to, apple sauce, apple cider, berry juices, concentrated fruit juices, citrus fruits and juices, cranberry jelly and sauce, fountain fruits, maraschino cherries, fruit nectars, bulk apple cider, fruits for salad, pineapple juice and non-carbonated liquid fruit beverages such as grapeade, lemonade, and orangeade. Excluded are apple butter, fruit butters, jams, jellies, fruit preserves, cocoanut, olives, baby foods, dried fruits, dehydrated fruits, fruit cocktail, pineapple (except pineapple juice), peaches, pears, and frozen fruits.

(12) "Fruit cocktail, pineapple, peaches and pears (canned) except juices." Excluded are fruits for salad and frozen fruits. "Canned" means processed and packaged in any container, whether or not hermetically sealed.

(13) "Fruits dried and dehydrated" (packaged or bulk) includes, but is not limited to, stuffed dried fruits, dried dates and figs, pitted dates and macerated dates. Excluded are fruit confections, candied or glaced fruits, and peels, fresh dates and date products.

(14) "Gelatin and pudding mixtures" includes, but is not limited to, gelatin, gelatin desserts, tapioca, arrowroot, consumer ice cream mixes, and rennet.

(15) "Jams, jellies, preserves, honey, and peanut butter" includes, but is not limited to, tomato preserves, marmalade, fruit preserves, fruit butters, smooth or crunch-type nut butters, honey butter and all extracted honey (including combinations of extracted and comb honey) packaged in containers of a capacity of 15 pounds or less. Excluded are cranberry jelly or sauce.

(16) "Lard, pure" (packaged or bulk) includes, but is not limited to, rendered pork fat. Excluded are lard compounds which are classed as "shortenings, other."

(17) "Macaroni and spaghetti products" includes, but is not limited to, bows, egg alphabets, macaroni, spaghetti, vermicelli, "sea shells," noodles, macaroni dinners, spaghetti dinners, canned macaroni and canned spaghetti. Excluded are meat ravioli, tamales, dry noodle soup mixtures, spaghetti-and-meat-balls, chicken-and-noodles, Chinese-style noodles, and frozen macaroni and spaghetti products.

(18) "Mayonnaise and salad dressing" includes, but is not limited to, tartar sauce, relish spreads, other mayonnaise spreads, and French dressing. Excluded are olive oil and meat spreads.

(19) "Meat canned" includes, but is not limited to, canned or glass chicken products, canned or glass turkey products, chicken and noodles, meat gravy, meat ravioli, pickled meats, luncheon meats, chili con carne, meat spreads and spaghetti and meat balls. Excluded are chicken-a-la-king, lamb tongue, pigs feet, scrapple, stews, tamales, tripe, veal loaf, mincemeat, liver spread, deviled tongue, lunch tongue, and any canned meat which is removed from the can by the retailer and sold sliced in smaller amounts, frozen food products in which meat, chicken and turkey, are combined with other ingredients, frozen meat gravies and frozen meat stews and pies.

(20) "Milk, canned" means evaporated or condensed cow milk, including, but not limited to, filled evaporated milk products. Excluded are fresh milk, cream, powdered milks, and goat milk.

(21) "Oils, cooking and salad" means all vegetable, fruit leaf plant oils, cooking fats other than lard and shortening. Excluded are olive oil, prepared dressings and spice oils.

(22) "Oleomargarine" means any product labeled "Oleomargarine."

(23) "Pickles and relishes" (packaged) includes, but is not limited to chow chow, pickled fruits, pickled onions, pickled peppers, pickled relishes, pickled rind and pickled vegetables. Excluded are mayonnaise relish spreads, tartar sauce and bulk pickles.

(24) "Rice" packaged or bulk, means all rice (including second heads) of the grades defined by the Department of Agriculture bulletin of Standards for Milled Rice (effective Sept. 4, 1946). Excluded are rice flour, rice flakes, popped rice, wild rice, canned Spanish rice, and screenings and brewers' rice graded as Class XIII and Class XIV, respectively, by the above mentioned bulletin.

(25) "Shortening, hydrogenated" means all fully hydrogenated shortenings.

(26) "Shortening, other" means shortenings other than fully hydrogenated shortening. Excluded are butter, lard, oleomargarine and suet.

(27) "Soups, canned" includes all soups, broths and chowder. Excluded are meat stews, "baby" or "junior" soups, dehydrated soups, and frozen soups.

(28) "Soups, dehydrated" means dry mixtures sold for soup-making, including, but not limited to, bouillon concentrates, and dry noodle soup mixtures. Excluded are other macaroni or noodle products, lentils, and dried peas.

(29) "Spices" includes, but is not limited to, bay leaves, caraway seed, dried peppers, dry chili, celery seed, celery salt, celery flakes, chili powder, garlic, garlic salt, dry mustard, onion salt, onion flakes, poultry seasoning, poppy seed, seasoned salt, sesame seed, thyme, and cream of tartar. Excluded are table salt, spice oils, candied ginger, raw spices and spice seeds in containers of the customary unit and weight in which they are imported into the United States, and wooden or other type trays designed as permanent kitchen furniture consisting of sets of assorted spices.

(30) "Syrups" means all malt, molasses, cane, maple, and corn syrups, and imitations or blends. Excluded are chocolate and ice cream sundae syrups, fruit syrups for making beverages, molasses sold for feed purposes, sorghum syrup and unmixed corn syrup.

(31) "Tea" includes all bulk or packaged tea, tea bags, and matte. Excluded are sales of tea in containers of the customary unit and weight in which they are imported into the United States.

(32) "Vegetables and vegetable juices, canned" includes, but is not limited to, blackeye, crowder, cream and field peas, baked beans, wax beans, sauerkraut, rhubarb, chili sauce, cocktail sauce, canned hominy, mushrooms, mushroom sauce, tomato catsup, tomato paste, tomato puree, pimentos, and Chinese-style foods, including soy sauce and brown sauce. "Canned" means processed and packaged in any container, whether or not hermetically sealed. Excluded are vegetable soups, "baby" or "junior" foods, pickles, corn, green beans, peas (except canned blackeye, crowder, cream and field peas), tomatoes, tomato juice, and frozen vegetables.

(33) "Corn, green beans, peas, tomatoes, and tomato juice (canned)." Excluded are frozen vegetables and canned blackeye, crowder, cream and field peas, and wax beans. "Canned" means processed and packaged in any container whether or not hermetically sealed.

(34) "Vegetables, dried and dehydrated" (packaged or bulk) includes, but is not limited to, dried beans, blackeye peas, dried mushrooms, dried peas, and lentils. Excluded are dry soup mixes, hominy, garlic, celery flakes, onion flakes, dried chili, and dried peppers.

(35) "Vinegar" (bottled or bulk), includes, but is not limited to, pure cider vinegar, distilled vinegar, malt vinegar, wine vinegar, and tarragon vinegar.

(36) "Miscellaneous foods" shall include all other dry grocery items except those specifically excluded in paragraph (c) of this section. Among the items included under this heading are the following:

Anchovies (canned).
Anchovy paste (canned).
Baking powder.
Baking soda.
Barley (pearl).
Brown bread and date and nut bread (canned).
Brewers yeast in consumer size package not to exceed 2 pounds.
Caviar (canned).
Cherry juice (canned).
Chicken-a-la-king (canned).
Clams (canned).
Clam juice (canned).
Cocoanut, shredded, desiccated, or moist.
"Cookies, crackers, toast and crumbs" bought by you in bulk and sold loose.
Corn starch, edible or gloss packaged in containers of 10 pounds or less (excluded are powdered prepared laundry starching compounds).
Crab meat (canned).
Cranberry juice (canned).
Date products.
Deviled tongue (canned).
Egg nog (nonalcoholic) bottled.
Extracts.
Fish roe (canned).
Flavorings.
Food colorings.
French fried onions (canned).
Fruit pectins.
Fruit syrups for making beverages (excluded are fruit syrups used by rectifiers, blenders, restaurants and bars for mixing alcoholic mixed drinks).
Gift or holiday packages bought assembled, and containing one or more items covered by this regulation.
Glazed or candied fruits and peels.
Ice cream sundae syrups, including chocolate syrup packed in No. 10 tins or larger or 1-gallon containers or larger.
Kippered herring (canned).
Liver spread (canned).
Lobster (canned).
Lobster bisque (canned).
Loganberry juice (canned).
Lunch tongue (canned).
Macaroni salad (canned).
Meat flavorings.
Meat sauces, except catsup, cocktail sauce, and chili sauce.
Mincemeat.
Mustard, prepared.
Olives.
Olive oil, pure (packaged in containers of less than ½ gallon).
Oysters (canned).
Oyster puree (canned).
Pickles, bulk.
Pie filling.
Pigs feet (canned).
Popcorn, not popped.
Potato salad (canned).
Potatoes, julienne (canned).
Potatoes, shoestring (canned).
Pudding, date.
Pudding, fig.
Pudding, plum.
Scrapple (canned).
Spanish rice (canned).
Stews (canned).
Table salt packaged in cartons, bags or packets containing 100 pounds or less, Kosher salt in cartons and salt packaged in container of 10 pounds or less and labeled by the manufacturer as ice cream salt (excluded are onion, celery or garlic salt and meat-curing or smoked salt).
Spice oils.
Tamales (canned).
Tomato aspic (canned).
Tom and Jerry batter, bottled.
Tripe (canned).
Veal loaf (canned).
Yeast.

(c) *Commodities not included in this regulation.* Excluded from this regulation are:

Baked beans, prepared by the retailer.
Baked goods, fresh (except cookies, crackers, toast and crumbs).
Beer.
Bird seed and gravel.
Bread.
Buttermilk, fresh.
Candied ginger.
Candy.
Capers.
Cereals mixed or coated with a confection in the proportion of ⅔ or more confection to ⅓ cereal by weight.
Cheese, bulk, all types.
Comb honey.
Corn starch, edible or gloss (packaged in containers of more than 10 pounds).
Corn syrup, unmixed.
Corn sugar.
Cream.
Dry baby cereals.
Eggs.
Feed, animal or poultry (other than pet food).
Fresh fruits and vegetables.
Goat milk (canned).
Green coffee in containers of the customary unit and weight in which they are imported into the United States.
Frozen fish and seafood.
Frozen fruits, berries, fruit or berry juices and mixtures in containers of a capacity of more than 50 pounds.
Fruit cake.
Fruit and vegetable powders for making beverages.
Ice cream cones.
Ice cream, sherbets, and frozen confections.
Laundry starching compounds, powdered prepared.
Liquors.
Malted milk and any preparation containing 35 percent or more malted milk.
Maple sugar.
Meat and fish (except "fish, processed," and "meat, canned").
Milk, fresh.
Whole milk, powdered, and powdered skim milk packaged in tin in an inert gas.
Mineral oil.
Molasses sold for feeding purposes.
Nuts.
Olive oil, pure (packaged in containers of a capacity of 1 gallon or more).
Passover matzo, Passover matzo meal, and related Passover matzo products.
Pate de fois gras (canned).
Peanuts.
Pet foods (except cat and dog foods or any frozen cat or dog foods).
Pheasant pate (canned).
Popcorn, popped.
Potato chips.
Poultry, other than canned or bottled.
Powdered skim milk, bulk.
Rattlesnake meat (canned).
Raw spices and spice seeds in containers of the customary unit and weight in which they are imported into the United States.
Salads and relishes prepared by the retailer.
Salt not covered by section 32 (b) (36).
Soft drinks.
Sorghum syrup.
Snails (canned).
Spices in assorted sets contained in wooden or other type trays designed as permanent kitchen furniture.
Sugar, cane or beet.
Tamales, bulk.
Tea in containers of the customary unit and weight in which they are imported into the United States.
Tortillas.
Truffles.
Vitamin concentrates.
Wheat germ.
Wild rice and screenings and brewers' rice.
Wine.

SEC. 33. *Table of mark-ups for "perishables" (Table B)*—(a) *Table B: Mark-ups over "net costs" allowed to Group 1 and Group 2 retailers for "perishables" covered by this regulation by commodities.*

TABLE B

[Mark-ups over "net costs" allowed to Group 1 and Group 2 retailers for perishables covered by this regulation by commodities]

Food commodities	Allowed mark-ups over "net cost"		"Selling unit" in which ceiling price must be calculated
	Independent retailers with annual volumes		
	Group 1	Group 2	
	Under $750,000	$750,000 but less than $3,000,000	
(1) Dairy products:	*Percent*	*Percent*	
Butter	10	10	1 pound.
Cheese	27	27	1 pound or 1 package.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items.

(1) *Dairy products.* "Butter" (packaged or bulk) means only butter from milk, including but not limited to, processed, salted, unsalted, and whipped butter. Excluded are peanut, nut, fruit, or honey butters.

"Cheese" shall include all packaged cheese, cheese spreads and cheese foods purchased packaged. Excluded are all types of bulk cheese.

SEC. 34. *Table of ceiling prices based on any given "net cost" and mark-up (Table C)*—(a) *Table C: Retail ceiling prices obtained by applying any given percentage mark-up to any given net cost.*

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST

ITEMS WITH A "NET COST" OF FROM ½¢ TO 10¢ PER UNIT

Net cost (per unit)	½¢	1¢	1½¢	2¢	2½¢	3¢	3½¢	4¢	4½¢	5¢	5½¢	6¢	6½¢	7¢	7½¢	8¢	8½¢	9¢	9½¢	10¢
Mark-up (percent)	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
6	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
7	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
8	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
9	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
10	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
11	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	11
12	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	10	10	11	11
13	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	10	10	11	11
14	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	10	10	11	11
15	1	2	2	3	3	4	4	5	5	6	6	7	7	8	9	9	10	10	11	12
16	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	9	10	10	11	12
17	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	9	10	11	11	12
18	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	9	10	11	11	12
19	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	9	10	11	11	12
20	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	10	10	11	11	12
21	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	10	10	11	11	12
22	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	10	10	11	12	12
23	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	10	10	11	12	12
24	1	2	2	3	3	4	4	5	5	6	6	7	8	9	9	10	11	11	12	12
25	1	2	2	3	3	4	4	5	5	6	6	7	8	9	9	10	11	11	12	13
26	1	2	2	3	3	4	4	5	5	6	6	7	8	9	9	10	11	11	12	13
27	1	2	2	3	3	4	4	5	5	6	6	7	8	9	9	10	11	11	12	13
28	1	2	2	3	3	4	4	5	5	6	6	7	8	9	9	10	11	11	12	13
29	1	2	2	3	3	4	4	5	5	6	6	7	8	9	9	10	11	11	12	13
30	1	2	2	3	3	4	4	5	5	6	6	7	8	9	9	10	11	11	12	13
31	1	2	2	3	3	4	4	5	5	6	6	7	8	9	9	10	11	11	12	13
32	1	2	2	3	3	4	4	5	5	6	6	7	8	9	9	10	11	11	12	13
33	1	2	2	3	3	4	4	5	5	6	6	7	8	9	9	10	11	11	12	13
34	1	2	2	3	3	4	4	5	5	6	6	7	8	9	9	10	11	11	12	13
35	1	2	2	3	3	4	4	5	5	6	6	7	8	9	9	10	11	11	12	13
36	1	2	2	3	3	4	4	5	5	6	6	7	8	9	9	10	11	11	12	13
37	1	2	2	3	3	4	4	5	5	6	6	7	8	9	9	10	11	12	12	13
38	1	2	2	3	3	4	4	5	5	6	6	7	8	9	9	10	11	12	12	13
39	1	2	2	3	3	4	4	5	5	6	6	7	8	9	9	10	11	12	12	13
40	1	2	2	3	4	4	4	5	6	6	6	7	8	9	9	10	11	12	12	13
41	1	2	2	3	4	4	4	5	6	6	6	7	8	9	9	10	11	12	12	13
42	1	2	2	3	4	4	4	5	6	6	6	7	8	9	9	10	11	12	12	13
43	1	2	2	3	4	4	5	6	6	6	7	8	9	9	10	11	11	12	13	14
44	1	2	2	3	4	4	5	6	6	7	7	8	9	9	10	11	12	12	13	14
45	1	2	2	3	4	4	5	6	6	7	7	8	9	9	10	11	12	12	13	14
46	1	2	2	3	4	4	5	6	7	7	7	8	9	9	10	11	12	12	13	14
47	1	2	2	3	4	4	5	6	7	7	8	9	9	10	10	11	12	12	13	14
48	1	2	2	3	4	4	5	6	7	7	8	9	10	10	11	12	13	13	14	15
49	1	2	2	3	4	4	5	6	7	7	8	9	10	10	11	12	13	13	14	15
50	1	2	2	3	4	4	5	6	7	8	8	9	10	11	11	12	13	14	14	15

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 10½¢ TO 18¢ PER UNIT

Net cost (per unit)	10½¢	11¢	11½¢	12¢	12½¢	13¢	13½¢	14¢	14½¢	15¢	15½¢	16¢	16½¢	17¢	17½¢	18¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	11	12	12	13	13	14	14	15	15	16	16	17	17	18	19	19
7	11	12	12	13	13	14	14	15	16	16	17	17	18	18	19	19
8	11	12	12	13	14	14	15	15	16	16	17	17	18	18	19	20
9	11	12	13	13	14	14	15	15	16	16	17	17	18	19	19	20
10	12	12	13	13	14	14	15	15	16	17	17	18	18	19	19	20
11	12	12	13	13	14	14	15	16	16	17	17	18	18	19	19	20
12	12	12	13	13	14	15	15	16	16	17	17	18	18	19	20	20
13	12	13	13	14	14	15	15	16	16	17	18	18	19	19	20	21
14	12	13	13	14	14	15	15	16	17	17	18	18	19	20	20	21
15	12	13	13	14	14	15	16	16	17	17	18	18	19	20	20	21
16	12	13	13	14	15	15	16	16	17	17	18	19	19	20	21	21
17	12	13	13	14	15	15	16	16	17	17	18	18	19	19	20	21
18	12	13	14	14	15	15	16	17	17	18	18	19	19	20	21	22
19	12	13	14	14	15	15	16	17	17	18	18	19	20	20	21	22
20	13	13	14	14	15	16	16	17	17	18	19	19	20	20	21	22
21	13	13	14	15	15	16	16	17	18	18	19	19	20	21	21	22
22	13	14	14	15	15	16	16	17	18	18	19	20	20	21	22	23
23	13	14	14	15	15	16	17	17	18	19	19	20	21	21	22	23
24	13	14	14	15	16	16	17	17	18	19	19	20	20	21	22	23
25	13	14	14	15	16	16	17	18	18	19	19	20	21	21	22	23
26	13	14	14	15	16	16	17	18	18	19	20	20	21	22	22	23
27	13	14	15	15	16	17	17	18	18	19	20	20	21	22	23	24
28	13	14	15	15	16	17	17	18	19	19	20	20	21	22	23	24
29	14	14	15	15	16	17	17	18	19	19	20	21	21	22	23	24
30	14	14	15	15	16	17	17	18	19	20	20	21	21	22	23	24
31	14	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24
32	14	15	15	16	17	17	18	18	19	20	20	21	22	22	23	24
33	14	15	15	16	17	17	18	19	19	20	21	21	22	23	23	24
34	14	15	15	16	17	17	18	19	19	20	21	21	22	23	24	25
35	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24	25
36	14	15	16	16	17	18	18	19	20	20	21	22	23	23	24	25
37	14	15	16	16	17	18	18	19	20	21	21	22	23	24	24	25
38	14	15	16	17	17	18	19	19	20	21	21	22	23	24	25	26
39	15	15	16	17	17	18	19	19	20	21	22	22	23	24	25	26
40	15	15	16	17	18	18	19	20	20	21	22	23	23	24	25	26
41	15	16	16	17	18	18	19	20	21	21	22	23	24	24	25	26
42	15	16	16	17	18	18	19	20	21	22	22	23	24	25	25	26
43	15	16	16	17	18	19	19	20	21	22	23	23	24	25	26	27
44	15	16	17	17	18	19	19	20	21	22	23	24	24	25	26	27
45	15	16	17	17	18	19	20	20	21	22	23	24	25	25	26	27
46	15	16	17	18	18	19	20	20	21	22	23	24	25	26	26	27
47	15	16	17	18	18	19	20	21	21	22	23	24	24	25	26	27
48	16	16	17	18	19	19	20	21	21	22	23	24	25	25	26	27
49	16	16	17	18	19	19	20	21	22	22	23	24	25	26	26	27
50	16	17	17	18	19	20	20	21	22	23	23	24	25	26	26	27

ITEMS WITH A "NET COST" OF FROM 18½¢ TO 26¢ PER UNIT

Net cost (per unit)	18½¢	19¢	19½¢	20¢	20½¢	21¢	21½¢	22¢	22½¢	23¢	23½¢	24¢	24½¢	25¢	25½¢	26¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	20	20	21	21	22	22	23	23	24	24	25	25	26	26	27	27
7	20	20	21	21	22	22	23	24	24	25	25	26	26	27	27	28
8	20	21	21	22	22	23	23	24	24	25	25	26	26	27	28	28
9	20	21	21	22	22	23	23	24	25	25	26	26	27	27	28	29
10	20	21	21	22	23	23	24	24	25	25	26	26	27	28	28	29
11	21	21	22	22	23	23	24	24	25	25	26	27	27	28	29	29
12	21	21	22	22	23	24	24	25	25	26	26	27	28	28	29	30
13	21	21	22	23	23	24	24	25	25	26	27	27	28	29	29	30
14	21	22	22	23	23	24	25	25	26	26	27	28	28	29	29	30
15	21	22	22	23	24	24	25	26	26	27	27	28	29	29	30	31
16	21	22	23	23	24	24	25	26	26	27	28	28	29	30	30	31
17	22	22	23	23	24	25	25	26	27	27	28	28	29	30	31	31
18	22	22	23	24	24	25	26	26	27	28	28	29	29	30	31	32
19	22	23	23	24	24	25	26	26	27	28	28	29	30	30	31	32
20	22	23	23	24	25	25	26	26	27	28	29	29	30	31	31	32
21	22	23	24	24	25	25	26	27	27	28	29	30	30	31	32	32
22	23	23	24	24	25	26	26	27	28	28	29	30	31	31	32	33
23	23	24	24	25	25	26	27	27	28	29	29	30	31	32	32	33
24	23	24	24	25	26	26	27	28	28	29	29	30	31	31	32	33
25	23	24	25	25	26	26	27	28	28	29	30	30	31	32	33	34
26	23	24	25	25	26	27	27	28	29	29	30	30	31	32	33	34
27	23	24	25	26	26	27	28	28	29	29	30	31	31	32	33	34
28	24	24	25	26	26	27	28	28	29	30	30	31	32	33	33	34
29	24	25	25	26	26	27	28	28	29	30	30	31	32	33	34	35
30	24	25	25	26	27	27	28	29	29	30	31	31	32	33	34	35
31	24	25	26	26	27	28	28	29	29	30	31	31	32	33	34	35
32	24	25	26	26	27	28	28	29	30	30	31	31	32	33	34	35
33	25	25	26	27	27	28	28	29	30	31	31	32	33	33	34	35
34	25	25	26	27	27	28	28	29	30	30	31	32	32	33	34	35
35	25	25	26	27	27	28	29	29	30	31	31	32	33	33	34	35
36	25	25	26	27	27	28	29	29	30	31	32	32	33	34	34	35
37	25	26	26	27	27	28	29	29	30	31	32	33	33	34	35	36
38	26	26	27	27	28	28	29	30	30	31	32	33	34	34	35	36
39	26	26	27	27	28	28	29	30	31	31	32	33	33	34	35	36
40	26	27	27	28	28	29	29	30	31	32	32	33	34	34	35	36
41	26	27	27	28	29	29	30	30	31	32	32	33	34	35	35	36
42	26	27	28	28	29	30	30	31	32	32	33	33	34	35	36	36
43	26	27	28	29	29	30	30	31	32	33	33	34	34	35	36	36
44	27	27	28	29	29	30	31	32	32	33	34	34	35	36	36	37
45	27	28	28	29	30	30	31	32	33	33	34	35	35	36	37	37
46	27	28	28	29	30	31	31	32	33	34	34	35	36	36	37	38
47	27	28	29	29	30	31	32	32	33	34	35	35	36	37	37	38
48	27	28	29	30	30	31	32	33	33	34	35	36	36	37	38	38
49	28	28	29	30	31	31	32	33	34	34	35	36	37	37	38	39
50	28	29	29	30	31	32	32	33	34	35	35	36	37	38	38	39

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 26½¢ TO 34¢ PER UNIT

Net cost (per unit)	26½¢	27¢	27½¢	28¢	28½¢	29¢	29½¢	30¢	30½¢	31¢	31½¢	32¢	32½¢	33¢	33½¢	34¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	28	29	29	30	30	31	31	32	32	33	33	34	34	35	36	36
7	28	29	29	30	30	31	32	32	33	33	34	34	35	36	36	36
8	29	29	30	30	31	31	32	32	33	33	34	35	35	36	36	37
9	29	29	30	31	31	32	32	33	33	34	34	35	36	36	37	37
10	29	30	30	31	31	32	32	33	34	34	35	35	36	36	37	37
11	29	30	31	31	32	32	33	34	34	35	35	36	36	37	38	38
12	30	30	31	31	32	32	33	34	34	35	35	36	36	37	38	38
13	30	31	31	32	32	33	33	34	34	35	36	36	37	37	38	39
14	30	31	31	32	32	33	34	34	35	35	36	37	37	38	39	39
15	30	31	32	32	33	33	34	35	35	36	36	37	38	38	39	40
16	31	31	32	32	33	34	34	35	36	36	37	37	38	39	40	41
17	31	32	32	33	33	34	35	35	36	37	37	38	39	39	40	41
18	31	32	32	33	34	34	35	36	36	37	38	38	39	40	41	42
19	32	32	33	33	34	35	35	36	37	37	38	39	39	40	41	42
20	32	32	33	34	34	35	35	36	37	38	38	39	40	41	42	43
21	32	33	33	34	34	35	36	36	37	38	38	39	40	41	42	43
22	32	33	34	34	35	35	36	37	37	38	39	39	40	41	42	43
23	33	33	34	34	35	36	36	37	38	38	39	40	41	41	42	43
24	33	33	34	35	35	36	37	37	38	38	39	40	41	42	43	44
25	33	34	34	35	36	36	37	38	38	39	39	40	41	42	43	44
26	33	34	35	35	36	37	37	38	39	39	40	41	42	42	43	44
27	34	34	35	36	36	37	37	38	39	40	40	41	42	43	44	45
28	34	35	35	36	36	37	38	38	39	40	41	42	42	43	44	45
29	34	35	36	36	37	37	38	39	39	40	41	42	43	43	44	45
30	34	35	36	36	37	38	38	39	40	40	41	42	43	44	45	46
31	35	35	36	37	37	38	39	39	40	41	41	42	43	44	45	46
32	35	36	36	37	38	38	39	40	40	41	42	42	43	44	45	46
33	35	36	37	37	38	39	39	40	41	41	42	43	43	44	45	46
34	36	36	37	38	38	39	40	40	41	42	42	43	44	45	46	47
35	36	36	37	37	38	38	39	40	41	41	42	43	44	45	46	47
36	36	37	37	38	38	39	39	40	41	41	42	43	44	45	46	47
37	36	37	38	38	39	40	40	41	42	42	43	44	45	46	47	48
38	37	37	38	39	39	40	41	41	42	43	43	44	45	46	47	48
39	37	38	38	39	40	40	41	42	42	43	44	44	45	46	47	48
40	37	38	39	39	40	41	41	42	43	43	44	45	46	47	48	49
41	38	38	39	40	40	41	42	42	43	44	44	45	46	47	48	49
42	38	38	39	40	40	41	42	43	43	44	45	45	46	47	48	49
43	38	39	39	40	41	41	42	43	44	44	45	46	46	47	48	49
44	38	39	40	40	41	42	42	43	44	45	45	46	47	48	48	49
45	39	39	40	41	41	42	43	43	44	45	46	46	47	48	49	50
46	39	39	40	41	42	42	43	44	44	45	46	47	47	48	49	50
47	39	40	40	41	42	43	43	44	45	46	46	47	48	49	49	50
48	39	40	41	41	42	43	44	44	45	46	47	47	48	49	50	51
49	39	40	41	42	42	43	44	45	45	46	47	48	48	49	50	51
50	40	41	41	42	43	44	44	45	46	47	47	48	49	50	50	51

ITEMS WITH A "NET COST" OF FROM 34½¢ TO 42¢ PER UNIT

Net cost (per unit)	34½¢	35¢	35½¢	36¢	36½¢	37¢	37½¢	38¢	38½¢	39¢	39½¢	40¢	40½¢	41¢	41½¢	42¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	37	37	38	38	39	39	40	40	41	41	42	42	43	43	44	45
7	37	37	38	39	39	40	40	41	41	42	42	43	43	44	45	45
8	37	38	38	39	39	40	41	41	42	42	43	43	44	44	45	46
9	38	38	39	39	40	40	41	41	42	43	43	44	44	45	46	46
10	38	39	39	40	40	41	41	42	42	43	44	44	45	46	46	47
11	38	39	39	40	41	41	42	42	43	43	44	45	45	46	47	47
12	39	39	40	40	41	42	42	43	43	44	44	45	46	46	47	48
13	39	40	40	41	41	42	42	43	44	44	45	45	46	47	47	48
14	39	40	40	41	42	42	43	43	44	45	45	46	47	47	48	49
15	40	40	41	41	42	43	43	44	44	45	46	46	47	48	48	49
16	40	41	41	42	42	43	44	44	45	45	46	47	47	48	49	50
17	40	41	42	42	43	43	44	44	45	46	46	47	48	48	49	50
18	41	41	42	42	43	44	44	45	45	46	47	47	48	49	49	50
19	41	42	42	43	43	44	45	45	46	46	47	48	48	49	50	51
20	41	42	43	43	44	44	45	46	46	47	47	48	49	49	50	51
21	42	42	43	44	44	45	45	46	47	47	48	49	49	50	51	52
22	42	43	43	44	45	45	46	46	47	48	48	49	50	50	51	52
23	42	43	44	44	45	46	46	47	47	48	49	49	50	51	52	53
24	43	43	44	45	45	46	47	47	48	48	49	50	50	51	52	53
25	43	44	44	45	46	46	47	48	48	49	49	50	51	51	52	53
26	43	44	45	45	46	47	47	48	49	49	50	50	51	52	53	54
27	44	44	45	46	46	47	48	48	49	50	50	51	52	52	53	54
28	44	45	45	46	47	47	48	49	49	50	51	51	52	53	54	54
29	45	45	46	46	47	48	48	49	50	50	51	52	52	53	54	55
30	45	46	46	47	47	48	49	49	50	51	51	52	53	54	54	55
31	46	46	47	47	48	48	49	50	50	51	52	52	53	54	55	56
32	46	47	47	48	48	49	50	50	51	52	52	53	54	55	55	56
33	46	47	48	48	49	50	50	51	52	52	53	54	54	55	56	57
34	47	47	48	49	49	50	51	51	52	53	53	54	55	56	56	57
35	47	48	48	49	50	50	51	52	52	53	54	54	55	56	57	58
36	47	48	49	49	50	51	51	52	53	53	54	55	55	56	57	58
37	48	48	49	50	50	51	52	52	53	54	54	55	56	57	57	58
38	48	49	49	50	51	51	52	53	53	54	55	55	56	57	58	59
39	48	49	50	50	51	52	53	53	54	55	55	56	57	57	58	59
40	49	49	50	51	51	52	53	54	54	55	56	56	57	58	59	60
41	49	50	50	51	52	53	53	54	55	55	56	57	58	58	59	60
42	49	50	51	51	52	53	54	54	55	56	56	57	58	59	60	61
43	50	50	51	52	53	53	54	55	55	56	57	57	58	59	60	61
44	50	51	51	52	53	54	54	55	56	57	57	58	59	59	60	61
45	50	51	52	53	53	54	55	55	56	57	58	58	59	60	61	62
46	51	51	52	53	54	54	55	56	57	57	58	59	60	60	61	62
47	51	52	53	53	54	55	56	56	57	58	58	59	60	61	62	63
48	51	52	53	54	54	55	56	57	57	58	59	60	60	61	62	63
49	52	53	53	54	55	56	56	57	58	59	59	60	61	62	62	63

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 42½¢ TO 50¢ PER UNIT

Net cost (per unit)	42½¢	43¢	43½¢	44¢	44½¢	45¢	45½¢	46¢	46½¢	47¢	47½¢	48¢	48½¢	49¢	49½¢	50¢
Mark-up (percent)	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	C
6	45	46	46	47	47	48	48	49	49	50	50	51	51	52	52	
7	45	46	47	47	48	48	49	49	50	50	51	51	52	52	53	
8	46	46	47	48	48	49	49	50	50	51	51	52	52	53	54	
9	46	47	47	48	49	49	50	50	51	51	52	52	53	53	54	
10	47	47	48	48	49	50	50	51	51	52	52	53	53	54	54	
11	47	48	48	49	49	50	51	51	52	52	53	53	54	54	55	
12	48	48	49	49	50	50	51	52	52	53	53	54	54	55	55	
13	48	49	49	50	50	51	51	52	53	53	54	54	55	55	56	
14	48	49	50	50	51	51	52	52	53	54	54	55	55	56	56	
15	49	49	50	51	51	52	52	53	53	54	55	55	56	56	57	
16	49	50	50	51	52	52	53	53	54	54	55	56	56	57	57	
17	50	50	51	51	52	53	53	54	54	55	56	56	57	57	58	
18	50	51	51	52	53	53	54	54	55	56	56	57	57	58	58	
19	51	51	52	52	53	54	54	55	55	56	57	57	58	58	59	
20	51	52	52	53	53	54	55	55	56	56	57	58	58	59	59	
21	51	52	53	53	54	54	55	56	56	57	57	58	59	59	60	
22	52	52	53	54	54	55	56	56	57	57	58	59	59	60	60	
23	52	53	54	54	55	55	56	57	57	58	58	59	60	60	61	
24	53	53	54	55	55	56	56	57	58	58	59	59	60	61	61	
25	53	54	54	55	56	56	57	57	58	59	59	60	60	61	62	
26	54	54	55	55	56	57	57	58	58	59	60	60	61	62	62	
27	54	55	55	56	57	57	58	58	59	60	60	61	62	62	63	
28	55	55	56	56	57	58	58	59	60	60	61	62	62	63	64	
29	55	56	56	57	57	58	59	59	60	61	61	62	63	63	64	
30	56	56	57	57	58	59	59	60	60	61	62	62	63	64	64	
31	56	57	57	58	58	59	60	60	61	62	62	63	64	64	65	
32	57	57	58	58	59	60	60	61	61	62	63	63	64	65	65	
33	57	57	58	59	59	60	61	61	62	63	63	64	65	65	66	
34	57	58	58	59	60	60	61	62	62	63	64	64	65	66	66	
35	57	58	59	59	60	61	61	62	63	63	64	65	65	66	67	
36	58	58	59	60	60	61	62	62	63	64	64	65	66	66	67	
37	58	59	60	60	61	62	62	63	64	64	65	66	66	67	68	
38	59	59	60	61	61	62	63	63	64	65	65	66	67	67	68	
39	59	60	60	61	62	62	63	64	64	65	66	66	67	68	68	
40	60	60	61	62	62	63	63	64	65	65	66	67	67	68	69	
41	60	61	61	62	63	63	64	65	65	66	67	67	68	69	70	
42	60	61	62	62	63	64	64	65	66	66	67	68	68	69	70	
43	61	61	62	63	63	64	65	65	66	67	67	68	69	69	70	
44	61	62	62	63	64	64	65	66	66	67	68	68	69	70	71	
45	62	62	63	64	64	65	65	66	67	67	68	69	70	70	71	
46	62	63	64	64	65	65	66	66	67	68	68	69	70	71	72	
47	62	63	64	65	65	66	66	67	68	68	69	70	71	71	72	
48	63	64	64	65	66	66	67	67	68	69	69	70	71	72	72	
49	63	64	65	66	66	67	67	68	69	69	70	71	71	72	73	
50	64	65	65	66	67	67	68	68	69	70	71	71	72	73	73	

ITEMS WITH A "NET COST" OF FROM 50½¢ TO 58¢

Net cost (per unit)	50½¢	51¢	51½¢	52¢	52½¢	53¢	53½¢	54¢	54½¢	55¢	55½¢	56¢	56½¢	57¢	57½¢	58¢
Mark-up (percent)	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	C
6	54	54	55	55	56	56	57	57	58	58	59	59	60	60	61	
7	54	55	55	56	56	57	57	58	58	59	59	60	60	61	62	
8	55	55	56	56	57	57	58	58	59	59	60	60	61	62	62	
9	55	56	56	57	57	58	58	59	59	60	60	61	62	62	63	
10	56	56	57	57	58	58	59	59	60	61	61	62	62	63	63	
11	56	57	57	58	58	59	59	60	60	61	62	62	63	63	64	
12	57	57	58	58	59	59	60	60	61	62	62	63	63	64	64	
13	57	58	58	59	59	60	60	61	62	62	63	63	64	64	65	
14	58	58	59	59	60	60	61	62	62	63	63	64	64	65	66	
15	58	59	59	60	60	61	62	62	63	63	64	64	65	66	66	
16	59	59	60	60	61	61	62	63	63	64	64	65	66	66	67	
17	59	60	60	61	61	62	62	63	64	64	65	66	66	67	68	
18	60	60	61	61	62	62	63	64	64	65	65	66	67	67	68	
19	60	61	61	62	62	63	64	64	65	65	66	67	67	68	69	
20	61	61	62	62	63	64	64	65	65	66	67	67	68	69	69	
21	61	62	62	63	64	64	65	65	66	67	67	68	68	69	70	
22	62	62	63	63	64	65	65	66	66	67	68	68	69	70	70	
23	62	63	63	64	65	65	66	66	67	68	68	69	69	70	71	
24	63	63	64	64	65	66	66	67	68	68	69	69	70	71	72	
25	63	64	64	65	66	66	67	67	68	69	69	70	71	71	72	
26	64	64	65	66	66	67	67	68	69	69	70	71	72	72	73	
27	64	65	65	66	67	67	68	69	69	70	70	71	72	73	74	
28	65	65	66	67	67	68	69	69	70	70	71	72	72	73	74	
29	65	66	66	67	68	68	69	70	70	71	72	72	73	74	75	
30	66	66	67	67	68	69	69	70	71	71	72	73	73	74	75	
31	66	67	67	68	69	69	70	71	71	72	73	73	74	75	76	
32	67	67	68	69	69	70	71	71	72	73	73	74	75	75	76	
33	67	68	68	69	70	70	71	72	72	73	74	74	75	76	77	
34	68	68	69	70	70	71	72	72	73	74	74	75	76	77	78	
35	68	69	70	70	71	72	72	73	74	74	75	76	76	77	78	
36	69	69	70	71	71	72	73	73	74	75	76	76	77	78	79	
37	69	70	71	71	72	73	73	74	75	75	76	77	77	78	79	
38	70	70	71	72	72	73	74	74	75	76	77	77	78	79	80	
39	70	71	72	72	73	74	74	75	76	76	77	78	79	79	80	
40	71	71	72	73	74	74	75	76	76	77	78	78	79	80	81	
41	71	72	73	73	74	75	75	76	77	77	78	79	79	80	81	
42	72	72	73	74	74	75	76	76	77	78	78	79	80	81	82	
43	72	73	74	74	75	76	76	77	78	78	79	80	80	81	82	
44	73	73	74	75	76	76	77	78	78	79	80	80	81	82	83	
45	73	74	74	75	76	77	77	78	79	80	80	81	82	83	84	
46	74	74	75	76	76	77	78	78	79	80	81	81	82	83	84	
47	74	75	76	76	77	78	78	79	80	81	81	82	83	84	85	
48	75	75	76	77	77	78	79	80	80	81	82	83	83	84	85	
49	75	76	77	77	78	79	80	80	81	82	83	83	84	85	86	
50	76	77	77	78	79	80	80	81	82	83	83	84	85	86	86	

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 58½¢ TO 66½¢

Net cost (per unit)	58½¢	59¢	59½¢	60¢	60½¢	61¢	61½¢	62¢	62½¢	63¢	63½¢	64¢	64½¢	65¢	65½¢	66¢	66½¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	62	63	63	64	64	65	65	66	66	67	67	68	68	69	69	70	70
7	63	63	64	64	65	65	66	66	67	67	68	68	69	70	70	71	71
8	63	64	64	65	65	66	66	67	68	68	69	70	70	71	71	72	72
9	64	64	65	65	66	66	67	68	68	69	69	70	71	71	72	72	73
10	64	65	65	66	67	67	68	68	69	69	70	71	71	72	72	73	73
11	65	65	66	67	67	68	68	69	69	70	71	71	72	72	73	73	74
12	66	66	67	67	68	68	69	69	70	71	71	72	72	73	73	74	74
13	66	67	67	68	68	69	69	70	71	71	72	72	73	73	74	75	75
14	67	67	68	68	69	70	70	71	71	72	72	73	74	74	75	75	76
15	67	68	68	69	70	70	71	71	72	73	73	74	74	75	75	76	76
16	68	68	69	70	70	71	71	72	73	73	74	74	75	75	76	76	77
17	68	69	70	70	71	71	72	73	73	74	74	75	75	76	77	77	78
18	69	70	70	71	71	72	73	73	74	74	75	76	76	77	77	78	78
19	70	70	71	71	72	73	73	74	74	75	76	76	77	77	78	79	79
20	70	71	71	72	73	73	74	74	75	76	76	77	77	78	79	79	80
21	71	71	72	73	73	74	74	75	76	76	77	77	78	79	79	80	80
22	71	72	73	73	74	74	75	76	76	77	77	78	79	79	80	81	81
23	72	73	73	74	74	75	76	76	77	77	78	78	79	80	81	81	82
24	73	73	74	74	75	76	76	77	77	78	79	79	80	81	81	82	82
25	73	74	74	75	76	76	77	77	78	79	79	80	81	81	82	83	83
26	74	74	75	76	76	77	77	78	79	79	80	81	81	82	83	83	84
27	74	75	76	76	77	77	78	79	79	80	81	81	82	83	83	84	84
28	75	76	76	77	77	78	79	79	80	81	81	82	83	83	84	84	85
29	75	76	77	77	78	79	79	80	81	81	82	83	83	84	85	85	86
30	76	77	77	78	79	79	80	81	81	82	83	83	84	85	85	86	86
31	77	77	78	78	79	80	81	81	82	83	83	84	84	85	86	86	87
32	77	78	78	79	80	81	81	82	82	83	84	84	85	86	86	87	88
33	78	78	79	80	80	81	82	82	83	84	84	85	86	86	87	88	88
34	78	79	80	80	81	82	82	83	84	84	85	86	86	87	88	88	89
35	79	80	80	81	82	82	83	84	84	85	86	86	87	88	88	89	90
36	80	80	81	82	82	83	84	84	85	86	86	87	88	88	89	90	90
37	80	81	82	82	83	84	84	85	86	86	87	88	88	89	90	90	91
38	81	81	82	83	83	84	85	86	86	87	88	88	89	90	90	91	92
39	81	82	83	83	84	85	86	86	87	88	88	89	90	90	91	92	92
40	82	83	83	84	85	86	86	87	88	88	89	90	90	91	92	92	93
41	82	83	84	85	85	86	87	87	88	89	90	90	91	92	92	93	94
42	83	84	84	85	86	87	87	88	89	89	90	91	92	92	93	94	94
43	84	84	85	86	87	87	88	89	89	90	91	92	92	93	94	94	95
44	84	85	86	86	87	88	89	89	90	91	91	92	93	94	94	95	96
45	85	86	86	87	88	88	89	90	91	91	92	93	94	94	95	96	96
46	85	86	87	88	88	89	90	91	91	92	93	94	94	95	96	96	97
47	86	87	87	88	89	90	90	91	92	93	93	94	95	96	96	97	98
48	87	87	88	89	90	90	91	92	93	93	94	95	96	96	97	98	98
49	87	88	89	90	90	91	92	92	93	94	95	96	96	97	98	98	99
50	88	89	89	90	91	92	92	93	94	95	96	96	97	98	98	99	100

ITEMS WITH A "NET COST" OF FROM 67¢ TO 75¢

Net cost (per unit)	67¢	67½¢	68¢	68½¢	69¢	69½¢	70¢	70½¢	71¢	71½¢	72¢	72½¢	73¢	73½¢	74¢	74½¢	75¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	71	72	72	73	73	74	74	75	75	76	76	77	77	78	78	79	80
7	72	72	73	73	74	74	75	75	76	76	77	77	78	78	79	80	80
8	72	73	73	74	74	75	75	76	76	77	77	78	78	79	80	80	81
9	73	73	74	74	75	75	76	76	77	77	78	78	79	80	80	81	82
10	73	74	74	75	75	76	76	77	77	78	78	79	79	80	81	81	82
11	74	74	75	75	76	76	77	77	78	78	79	79	80	81	81	82	83
12	74	75	75	76	76	77	77	78	78	79	79	80	81	81	82	83	83
13	75	75	76	76	77	77	78	78	79	79	80	81	81	82	82	83	84
14	75	76	76	77	77	78	78	79	79	80	81	81	82	82	83	84	84
15	76	76	77	77	78	78	79	79	80	81	81	82	82	83	84	84	85
16	77	77	78	78	79	79	80	81	81	82	82	83	83	84	85	85	86
17	77	78	78	79	79	80	81	81	82	82	83	84	84	85	85	86	87
18	78	78	79	79	80	81	81	82	82	83	84	84	85	85	86	87	87
19	78	79	80	80	81	81	82	82	83	84	84	85	86	86	87	87	88
20	79	80	80	81	81	82	83	83	84	84	85	86	86	87	87	88	89
21	80	80	81	82	82	83	83	84	84	85	86	86	87	87	88	89	89
22	80	81	82	82	83	84	84	85	85	86	87	87	88	88	89	90	90
23	81	82	82	83	84	84	85	86	86	87	87	88	89	89	90	91	91
24	82	82	83	84	84	85	86	86	87	87	88	89	89	90	91	91	92
25	82	83	84	84	85	86	86	87	87	88	89	89	90	91	91	92	93
26	83	84	84	85	86	86	87	87	88	89	89	90	91	91	92	93	93
27	84	84	85	86	86	87	88	88	89	89	90	91	91	92	93	94	95
28	84	85	86	86	87	88	88	89	90	90	91	91	92	93	94	95	95
29	85	86	86	87	88	88	89	90	90	91	91	92	93	93	94	95	96
30	86	86	87	88	88	89	90	90	91	92	92	93	94	94	95	96	96
31	86	87	88	88	89	90	90	91	92	92	93	94	94	95	96	96	97
32	87	88	88	89	90	90	91	92	92	93	94	94	95	96	96	97	98
33	88	88	89	90	90	91	92	92	93	94	94	95	96	96	97	98	98
34	88	89	90	90	91	92	92	93	94	94	95	96	96	97	98	98	99
35	89	90	90	91	92	92	93	94	94	95	96	96	97	98	98	99	100
36	90	90	91	92	92	93	94	94	95	96	96	97	98	98	99	100	101
37	90	91	92	92	93	94	95	95	96	97	97	98	99	99	100	101	102
38	91	92	92	93	94	95	95	96	97	97	98	99	99	100	101	102	103
39	92	92	93	94	95	95	96	97	97	98	99	99	100	101	102	103	104
40	92	93	94	95	95	96	97	97	98	99	99	100	101	102	103	104	105
41	93	94	95	95	96	97	97	98	99	99	100	101	102	103	104	105	106
42	94	95	95	96	97	97	98	99	99	100	101	102	103	104	105	106	107
43	94	95	96	97	97	98	99	99	100	101	102	102	103	104	105	106	107
44	95	96	97	97	98	99	99	100	101	102	102	103	104	105	106	107	108
45	96	97	97	98	99	99	100	101	102	102	103	104	105	106	107	108	109
46	96	97	98	98	99	100	101	102	102	103	104	104	105	106	107	108	109
47	97	98	98	99	100	101	102	102	103	104	104	105	106	107	108	109	110
48	98	98	99	100	101	101	102	103	104	104	105	106	107	107	108	109	110
49	98	99	100	101	101	102	103	104	104	105	106	107	107	108	109	110	111
50	99	100	101	101	102	103	104	104	105	106	107	107	108	109	110	111	112
51	100	101	101	102	103	104	104	105	106	107	107	108	109	110	111	112	113
52	101	101	102	103	104	104	105	106	107	107	108	109	110	111	112	113	114

(b) *Instructions for use of Table A, Table B, and Table C.* Tables A and B contain the mark-ups for all commodities in this regulation. Table C is included to assist you in determining ceiling prices without burdensome calculations.

Table A lists by commodity groups the "dry groceries" covered by this regulation and the mark-ups to be used by Group 1 and Group 2 retailers in figuring their ceiling prices. Table B gives the same information for "perishables." However, in addition, Table B also lists the selling units, on the basis of which retailers must figure their net costs and ceiling prices for "perishables." For a detailed list of the items in each commodity group, see "Commodity definitions of dry groceries" printed immediately after Table A, and the "Commodity definitions of perishables" printed immediately after Table B. After you have determined your "net cost" for an item in accordance with the method set up in this regulation, find your proper mark-up in the commodity group which includes the item you are pricing. Commodity groups are listed at the left of Table A and Table B. Directly opposite each commodity group you will find a percentage mark-up for your group of retailers.

If a percentage mark-up is shown, you get your ceiling price for the item by turning to Table C, which shows the ceiling price for all items with per unit net costs ranging from ½ to 75 cents. Percentage mark-ups over net cost are listed in the column at the extreme left of Table C, and "net cost" across the top of the table. "Net cost per unit" means, in the case of dry groceries, the "net cost" of a single unit (one can, one jar, etc.). For perishables, it means the "net cost" of the selling unit listed in the last column of Table B.

To determine your ceiling price from Table C, find your net cost at the top of the table. Go down that column until you come to the figure (in that column) on the same line as your mark-up. The figure at that point is your ceiling price for the item.

If your net cost per unit is more than 75 cents, you cannot use Table C to get your ceiling price. In those cases, you must (1) multiply your net cost by your percentage mark-up, (2) add the result to your net cost, and (3) round the sum to the nearest whole cent. For perishables, your net cost must be in terms of the selling unit specified in Table B.

Example. A Group 1 retailer wishes to figure a new ceiling price for "XX Brand," 11 oz. canned tomato soup, which he must put into effect by April 30, 1951, in accordance with section 3. In figuring his ceiling price, his "net cost" must be based on a purchase of a customary quantity from a customary type of supplier delivered to his "usual receiving point" by a customary means of delivery. Therefore, if prior to April 30, 1951, a Group 1 retailer's most recent purchase was five cases of XX Brand, 11 oz. canned tomato soup which he has purchased from a wholesaler (his customary type of supplier), at a delivered cost of $4.60 a case (48 cans), he must under sections 3 and 4 figure and put into effect a new ceiling price for the item by April 30, 1951. This is the most recent delivery of a customary quantity of the item he has received prior to April 30th (from his customary type of supplier delivered to his usual receiving point by a customary means of delivery). He must first figure, to the nearest half cent, his "net cost" on a single unit basis (section 4 (a) (2)), that is, for a single can. He therefore divides the cost for the case, $4.60, by the number of single units in the case, 48, and gets a result of $0.0958, before rounding. Rounding to the nearest half cent, this becomes $0.095 (if the figure had been $0.0924 before rounding, he would have rounded to $0.09). He then turns to Table A to find the markup to be applied to his net cost. Going down the column at the left of Table A he will find a listing of the commodity group which includes the item he is pricing. For canned tomato soup, this group is "soups, (canned)." Going across the page on that line, he will find his markup for the item in the column for Group 1 retailers. In this case his markup is 27 percent. Having his mark-up and net cost, Table C will give him his ceiling price without computations. Checking across the top of Table C, he finds a column headed by his net cost, $0.095. Going down this $0.095 column until he comes to the figure on the same line as the 27 percent markup listed in the column at the extreme left of Table C, he will find a ceiling price for the item to be $0.12 per can.

(c) *Effective date.* This regulation shall become effective on the 5th day of April 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MARCH 28, 1951.

[F. R. Doc. 51-3924; Filed, Mar. 28, 1951; 5:14 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-5, as Amended, Mar. 26, 1951]

M-5—RATED ORDERS FOR ALUMINUM

This amendment to NPA Order M-5, dated March 7, 1951, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. In the formulation of this amendment, however, such consultation has been rendered impracticable due to the necessity for immediate action.

This amendment affects NPA Order M-5 by increasing each of the percentages included in section 5 (b) and in section 6 (a) and 6 (b) by 15 percent, and the percentage in section 7 by 20 percent.

As amended, this order now reads as follows:

Sec.
1. What this order does.
2. Aluminum forms and products to which this order applies.
3. Required delivery dates.
4. Rejection of rated orders.
5. Limitations for acceptance of rated orders.
6. Total tonnage limitation for acceptance of rated orders.
7. Distributors and jobbers.
8. Scheduled programs.
9. NPA assistance in placing rated orders.
10. Adjustments and exceptions.
11. Communications.
12. Reports.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to primary and secondary producers, fabricators, distributors and jobbers of aluminum and provides rules for placing, accepting, and scheduling rated orders for aluminum. Its purpose is to make possible maximum production of aluminum by reducing to a minimum disruption of normal distribution and by providing equitable distribution of rated orders among all aluminum producers and fabricators and all distributors and jobbers of aluminum. It supplements NPA Reg. 2, but only those provisions of Reg. 2 which are contradictory to this order are superseded, and all other provisions of that regulation continue to apply to the aluminum industry.

SEC. 2. *Aluminum forms and products to which this order applies.* This order applies to the following forms and products of aluminum.

Rod and bar.
Wire (under ⅜").
Cable (electrical transmission only).
Rivets.
Forgings and pressings (before machining).
Impact extrusions.
Castings.
Rolled structural shapes (angles, channels, zees, tees, etc.).
Extruded shapes.
Sheet, strip and plate.
Slugs.
Foil.
Tubing.
Tube blooms.
Powder (including atomized, granular, flake, paste and pigment).
Ingot, pig, billets, slabs.

SEC. 3. *Required delivery dates.* A rated order for aluminum in the forms listed in section 2 must specify shipment on a particular date or during a particular month, which in no case may be earlier than required by the person placing the order. The producer of aluminum must schedule the order for shipment within the requested month as close to the requested shipment date as is practicable considering the need for maximum production.

SEC. 4. *Rejection of rated orders.* Producers and fabricators of aluminum in the forms listed in section 2 need not accept a rated order which is received less than 60 days prior to the first day of the month in which shipment is requested, unless specifically directed to accept the order by the National Production Authority.

SEC. 5. *Limitations for acceptance of rated orders.* Subject to the tonnage limitation stated in section 6 and unless specifically directed by the National Production Authority:

(a) In order to make provision for a supply of metal to independent fabricators of aluminum, producers of primary aluminum shall accept rated orders from such fabricators up to 11½ percent of their scheduled production each month of primary pig and ingot;

(b) No aluminum producer or fabricator shall be required to accept rated orders for the products listed below for shipment in any one month in excess of the following percentages of his average monthly shipments of such products during the first eight months of 1950:

	Percent
Sheet (coiled and flat), plate, circles, and blanks	55
Extrusions and tubing	60
Rolled shapes	45
Rod, bar, wire, and cable	50
Forgings and pressings	75
Castings	55
Secondary ingots	60
All other mill products, each	55

SEC. 6. *Total tonnage limitation for acceptance of rated orders.* Unless specifically directed by the National Production Authority:

(a) No producer of primary aluminum shall be required to accept rated orders for shipment in any one month of a total tonnage of aluminum products, including pig and ingot, in excess of 60 percent of his scheduled production in terms of total primary pig tonnage for that month; no producer of secondary aluminum shall be required to accept rated orders for shipment in any one month of a total tonnage of aluminum products, including ingots, in excess of 60 percent of his scheduled production in terms of total ingot tonnage for that month;

(b) No fabricator of aluminum shall be required to accept rated orders for shipment in any one month of a total tonnage of aluminum products in excess of 60 percent of his average monthly shipments during the first 8 months of 1950.

SEC. 7. *Distributors and jobbers.* Unless specifically directed by the National Production Authority, no distributor or jobber of aluminum products shall be required to accept rated orders for shipment in any one month of a total tonnage of aluminum products in excess of 45 percent of the products available to him during such month.

SEC. 8. *Scheduled programs.* The National Production Authority will from time to time approve scheduled programs calling for the production and delivery of aluminum products for stated purposes over specified periods of time. Upon approval of major programs of this type, supplements to this order will be issued describing such programs and specifying the manner in which they are to be carried out by the Aluminum Industry. Thereafter, directives will be issued to individual concerns establishing schedules for their participation in such programs. Such directives shall be complied with by the recipients in accordance with the terms thereof, unless otherwise directed by the National Production Authority.

SEC. 9. *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for aluminum due to the limitations imposed by sections 5, 6 or 7 should apply to the National Production Authority, Light Metals Division, Washington 25, D. C., Ref. M-5, specifying the producers, fabricators, distributors or jobbers who refused to accept the order. The National Production Authority will arrange to assist him in locating sources of supply.

SEC. 10. *Adjustments and exceptions.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an unreasonable hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of national defense. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the reasons why denial of the request could result in undue and exceptional hardship.

SEC. 11. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M-5.

SEC. 12. *Reports.* Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order, as amended, shall take effect on April 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-3861; Filed, Mar. 27, 1951; 2:22 p. m.]

[NPA Order M-12, as Amended, Mar. 9, 1951, Direction 2]

M-12—USE OF COPPER AND COPPER-BASE ALLOYS

DIR. 2—BASE PERIOD; APPLICATIONS FOR ADJUSTMENT; USE DURING THE SECOND CALENDAR QUARTER OF 1951

The following direction is issued under NPA Order M-12 as amended March 9, 1951. This direction relates to the permitted use of the forms and products of copper which are specified in section 3 of the order during the second calendar quarter of 1951.

SECTION 1. (a) (1) Paragraph (c) of section 6 of the order states that no person shall use in manufacture, installation, or construction "During the calendar quarter commencing on April 1, 1951, a total quantity by weight of the forms and products of copper defined in paragraphs (a), (b), (c), and (d) of section 3 (including copper forms and products produced under toll and conversion agreements or other similar arrangements) in excess of 75 percent of his average quarterly use of such copper during the base period: *Provided, however,* That such use in any one month shall not exceed 40 percent of the permitted use."

(2) Paragraph (d) of section 6 states that no person shall manufacture or use in installation or construction "During each of the calendar quarters commencing on January 1, 1951, and April 1, 1951, a total quantity by weight of foundry products in excess of 100 percent of his average quarterly use of such products during the base period."

(b) Section 8 of the order states: "Unless specifically directed by the National Production Authority, during the calendar quarter commencing on January 1, 1951, and each calendar quarter thereafter, no person shall use for maintenance, repair, and operating supplies a quantity by weight of the forms and products of copper defined in paragraphs (a), (b), (c), (d), and (e) of section 3 in excess of 100 percent of his average quarterly use for such purposes during the base period."

(c) "Base period" is defined by section 2 (b) as the 6-month period ending June 30, 1950.

(d) Section 12 states, in part, that "any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry. • • •"

(e) A number of requests for adjustment have been filed with the National Production Authority upon the ground that the application of the base period to the applicants' business operations caused undue hardship upon the applicants by reason of the fact that their business operations were substantially interrupted during the base period. This direction will constitute a determination of adjustment with respect to the limitations stated in section 6 (c) and (d) and section 8 of the order in such cases, whether or not applications for adjustment have been filed with the National Production Authority under section 12 thereof. This determination is subject, however, to the conditions hereinafter stated.

Direction. In any case in which production or manufacturing operations or construction was shut down or suspended for more than 15 consecutive calendar days, the applicant in determining its average quarterly use during the base period may exclude from the base period specified in the order the month or months in which the shut-down or suspension existed and may calculate the

same to be three times its average monthly use during the base period as above determined.

Illustration 1: The A company was shut down from March 16 through April 5, 1950. Its base period will comprise the months of January, February, May, and June 1950. Its average monthly use will be one-fourth of its total use during these months, and its average quarterly use will be three times this average monthly use.

SEC. 2. (a) The above determination of adjustment is subject to the following conditions: (1) That every person relying on this determination will, promptly after the date of the issuance of this direction, prepare a detailed written record of the facts relating to the application of the determination to his operations which will be signed by such person or by an authorized officer or representative; and (2) that such record shall be retained for at least 2 years and will be made available at his usual place of business for inspection and audit by duly authorized representatives of the National Production Authority.

(b) The National Production Authority reserves the right to modify or revoke adjustments made pursuant to this Direction No. 2. Any person affected by such a modification or revocation will be notified in writing of the nature of the action taken and the reasons therefor. Such actions will be effective upon such date or dates subsequent to the date of the notification as are specified therein.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

NOTE: All reporting and record-keeping requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This direction shall take effect on March 27, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-3862; Filed, Mar. 27, 1951; 2:22 p. m.]

[NPA Order M-33, as Amended Mar. 27, 1951]

M-33—MOLYBDENUM—DISTRIBUTION AND USE

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order as amended there has been consultation with industry representatives, and consideration has been given to their recommendations. Consultation with trade association representatives was impossible because there is no trade association. Consultation with representatives of all trades and industries affected in advance of the issuance of this order was impracticable because the order affects a large number of different trades and industries.

This order as amended constitutes a completely new order and as of its effective date rescinds all sections of NPA Order M-33 as issued January 27, 1951, but all provisions of NPA Order M-33 as issued January 27, 1951, shall be and remain in full force and effect as to transactions preceding the effective date of this order as amended.

NPA Order M-33, as amended, reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Relation to other regulations and orders.
4. Substitution required.
5. Allocation authorization required.
6. Exceptions to allocation requirements.
7. Conservation of scrap.
8. Limitations on inventory.
9. Records to be kept.
10. Audit and inspection.
11. Reports.
12. Adjustments and exceptions.
13. Communications.
14. Violations.

AUTHORITY: Sections 1 to 14 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Con.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to conserve and to provide for the distribution and use of molybdenum, as hereinafter defined, so as best to serve the interests of the national defense program and of defense supporting activities. It makes molybdenum subject to allocation. It prohibits, subject to certain exceptions, deliveries of molybdenum, except by authorizations to be issued monthly by the National Production Authority (hereinafter called "NPA").

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Molybdenum" means and includes molybdenum metal powder, wire, rod, or sheet; ferro-molybdenum; molybdenum oxide; all primary molybdates; all primary molybdenum compounds used as a source of molybdenum in any manufacturing process; all scrap molybdenum metal; and all other scrap, waste materials, and residues containing commercially recoverable molybdenum.

SEC. 3. *Relation to other regulations and orders.* The provisions of this order supersede all NPA regulations and orders to the extent that they are in conflict herewith, but in all other respects such regulations and orders continue in full force and effect. NPA may, from time to time, issue directives as to deliveries or use of molybdenum and, unless otherwise provided therein, such directives will prevail over the provisions of this order.

SEC. 4. *Substitution required.* No person, whether pursuant to a DO rated order or otherwise, shall incorporate any molybdenum into any product or material in any case in which the incorporation of a substitute or substitutes will meet the requirements for use to be made of any such product or material.

SEC. 5. *Allocation authorization required.* (a) After May 1, 1951, no person shall deliver or accept delivery of or use molybdeum (except scrap molybdenum metal or other scrap, waste materials, and residues containing molybdenum) in any month except in accordance with the terms of an allocation authorization issued for such month by NPA in accordance with this section. In the case of a person who keeps separate inventory records for any separate operating or producing units, each such separate operating or producing unit shall be deemed a person for purposes of this section.

(b) NPA may, from time to time, allocate the supply of molybdenum and specifically direct the manner and quantities in which deliveries to particular persons or for particular uses may be made or withheld. Any person seeking to place a purchase order for molybdenum may be required to place the same with one or more specified suppliers.

(c) An application for an allocation must be filed with NPA by the applicant on Form NPAF-15 and Form NPAF-48, not later than 45 days preceding the first day of the month in which delivery is sought. An application for an allocation for delivery in May 1951 must be filed not later than April 15, 1951. Each application must furnish all information required by said forms, including information concerning scrap, waste materials, and residues.

(d) The authorization allocation (Form NPAF-48) issued will be sent by NPA to the appropriate supplier or suppliers and a copy furnished to the purchaser. The authorization will require a supplier to make delivery to the extent of the purchaser's orders within the limits of the authorization.

SEC. 6. *Exceptions to allocation requirements.* The provisions of section 5 of this order shall not apply to:

(a) Deliveries to the General Services Administration, or any other duly authorized governmental agency, for the purposes of stockpiling.

(b) Deliveries to any person whose total receipts from all sources during the calendar month in which such deliveries are received are not thereby made to exceed 200 pounds of contained molybdenum, and who delivers a signed certification to his supplier as follows:

Certified under M-33

Such certification constitutes a representation to the supplier and to NPA that the purchaser is authorized under the provisions of this order to accept delivery of molybdenum as permitted in this order, and that his receipt of the shipment in the amount requested, during the month of specified delivery, will not bring his total receipts of molybdenum during that month above 200 pounds of contained molybdenum. The exception afforded by this paragraph (b) to the requirements of section 5 of this order shall not extend to deliveries of molybdenum metal powder, wire, rod, or sheet every delivery, receipt or use of which or of any of which shall, except as provided in paragraph (a) of this section, be subject to the requirements of section 5 of this order.

(c) Deliveries of molybdenum-bearing ores and concentrates.

(d) Deliveries of scrap molybdenum metal.

(e) Deliveries of other molybdenum-bearing scrap.

SEC. 7. *Conservation of scrap.* No person shall dispose of any scrap, waste material, or residue (other than scrap molybdenum metal) containing commercially recoverable molybdenum which is fit for remelting except for use in the production of molybdenum-bearing steel.

SEC. 8. *Limitations on inventory.* No person shall place an order for or shall accept delivery of molybdenum metal powder, wire, rod, or sheet at a time when his inventory exceeds, or by acceptance of such delivery would be made to exceed, 60 days' requirements at his then scheduled rate and method of operation. No person shall place an order for or shall accept delivery of any other form of molybdenum at a time when his inventory exceeds, or by acceptance of such delivery would be made to exceed, 45 days' requirements at his then scheduled rate and method of operation. Any person who, on the effective date of this order or at any other time, has outstanding orders for molybdenum for delivery in quantities greater than he would be permitted to receive under this section shall forthwith notify his supplier of the extent to which delivery cannot be accepted as scheduled, and such orders shall be adjusted accordingly. Imported as well as domestic molybdenum, except when such imported molybdenum has been purchased for resale, is subject to this section and is therefore to be included in computing inventory. Molybdenum which has been subjected to minor processing, but has not yet been actually incorporated into a finished or partially finished product, is likewise to be included in computing inventory. This section is applicable irrespective of whether or not any such orders or deliveries are made in accordance with an allocation authorization. In the case of a person who keeps separate inventory records for any separate operating or producing units, each such separate operating or producing unit shall be deemed a person for purposes of this section.

SEC. 9. *Records to be kept.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 10. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 11. *Reports.* (a) Every person who at any time in a calendar month had in his possession or under his control or who during a calendar month consumed more than 200 pounds of molybdenum (i. e., molybdenum content) shall report to NPA on Form NPAF-15 on or before the 15th day of the following month. However, if he applies on such form for an allocation of molybdenum for delivery during a succeeding month, his application serves also as the required report.

(b) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act (5 U. S. C. 139-139F).

SEC. 12. *Adjustments and exceptions.* Any person affected by any provision of this order may file a request for an adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 13. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref. M-33.

SEC. 14. *Violations.* Any person who wilfully violates any provision of this order, or furnishes false information or conceals any material fact in the course of operation under it, is guilty of a crime and upon conviction may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on March 27, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-3863; Filed, Mar. 27, 1951; 2:23 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR, Part 130]

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

ORDER FIXING OPERATION AND MAINTENANCE CHARGES

MARCH 21, 1951.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Pub. Law 404, 79th Cong., 60 Stat. 238), and authority contained in the acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 39 Stat. 142; and 45 Stat. 210, 25 U. S. C. 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs August 28, 1946, and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Regional Director September 14, 1946, which title was changed to Area Director September 13, 1949, by Order No. 2535, notice is hereby given of the intent to modify §§ 130.24, 130.26 and 130.28 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Flathead Indian Irrigation Project, Montana, that are subject to the jurisdiction of the several irrigation districts.

Charges applicable to all irrigable lands of the Flathead Indian Irrigation Project that are included in the Irrigation District Organization and are subject to the jurisdiction of the three irrigation districts.

§ 130.24 *Charges.* Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Montana, on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929; March 28, 1934; August 26, 1936, and April 5, 1950, notice is hereby given of intention to fix an assessment of $165,400 for the season of 1952 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 67,924 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 130.26 *Charges.* Pursuant to a contract executed by the Mission Irriga-

tion District, Flathead Indian Irrigation Project, Montana, on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented by later contracts June 2, 1934, and August 26, 1936, notice is hereby given of intention to fix an assessment of $31,500 for the season of 1952 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 12,736 acres; does not include any land held in trust for Indians, and covers all proper general charges and project overhead.

§ 130.28 *Charges.* Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Montana, on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, and April 18, 1950, notice is hereby given of an intention to fix an assessment of $14,200 for the season of 1952 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 5,579 acres; does not include any land held in trust for Indians, and covers all proper general charges and project overhead.

The foregoing proposed amendments are to become effective for the irrigation season of 1952 and continue in effect thereafter until further notice.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views, data or arguments in writing to Paul L. Fickinger, Area Director, Bureau of Indian Affairs, 806 North 29th Street, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

PAUL L. FICKINGER,
Area Director.

[F. R. Doc. 51-3798; Filed, Mar. 28, 1951; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR, Part 179]

REVISION OF TRANSFER RULES AND REGULATIONS

NOTICE OF PROPOSED RULE MAKING

MARCH 26, 1951.

Pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) notice is hereby given of the proposed revision of the transfer rules and regulations (49 CFR 179.0–179.6) to include the matter of transfers involving duplicative operating rights. It is proposed to amend § 179.1 by adding thereto paragraph (c), to read as follows:

(c) (1) The Commission will not approve a transfer of operating rights to a person who controls, or who is controlled by, or who is under common control with another person who is the holder of operating rights which duplicate, in whole or in part, except to an immaterial extent, those proposed to be transferred.

(2) The Commission will not approve a transfer of operating rights for a limited period, whether by lease, operating contract, or otherwise, to a person who is the holder of operating rights which duplicate, in whole or in part, except to an immaterial extent, those proposed to be transferred.

(3) Operating rights which authorize the transportation of passengers or of the same commodities from and to, or between, the same points shall be regarded as duplicating.

(4) Where reference is made to control in this section, such reference shall be construed to have the same meaning as that contained in section 1 (3) (b) of the Interstate Commerce Act (49 U. S. C. 1 (3) (b)).

(5) The term "holder" as used in this section means the record holder of the operating rights, including a lessor.

(6) The term "person" as used in this section means a person as defined in section 203 (a) (1) of the Interstate Commerce Act (49 U. S. C. 303 (a) (1)).

(7) This section may be suspended, in the discretion of the Commission, with respect to transfers which are proposed because of conditions resulting from national emergency.

No oral hearing is contemplated, but anyone wishing to make representations in favor of or against the proposed rule may do so through the submission of written data, views or arguments. The original and five copies of such submission shall be filed with the Commission on or before May 15, 1951.

Notice to the general public shall be given by depositing a copy in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Division of the Federal Register.

By the Commission, Division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3821; Filed, Mar. 28, 1951; 8:51 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Project No. 2062]

PUBLIC UTILITY DISTRICT NO. 1 OF OKANOGAN COUNTY

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

MARCH 23, 1951.

Public notice is hereby given that Public Utility District No. 1 of Okanogan County, Okanogan, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for license for constructed major Project No. 2062, located on Similkameen River in Okanogan County, Washington, affecting public lands of the United States. The project consists of a concrete dam forming a reservoir with useful storage capacity of 212 acre-feet, two pipelines, a powerhouse containing two 2,500-horsepower turbines and two 1,600-kilowatt generators, switching equipment, a 33-kilovolt transmission line from the power plant to Oroville, Washington, and appurtenant facilities.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before May 3, 1951, to the Federal Power Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3802; Filed, Mar. 28, 1951; 8:47 a. m.]

[Project No. 2072]

WISCONSIN MICHIGAN POWER CO.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

MARCH 23, 1951.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791a–825r) that Wisconsin Michigan Power Company, of Appleton, Wisconsin, has made application for license for proposed Project No. 2072 (Lower Paint Dam) to be located on Paint River in Iron County, Michigan. The proposed project would consist of a concrete gravity diversion dam about 740 feet long creating a reservoir with normal head-water at elevation 1,287 feet; a canal about 7,640 feet long with a maximum capacity of 1,700 cubic feet per second for diversion of water from the reservoir to the applicant's Peavy Falls reservoir of Project No. 1759 for use through plants on the Michigamme River; a power house at the foot of the dam containing a 155-horsepower turbine connected to a 100-kilowatt induction generator operating under a head of 22 feet; a substation; and a 6,900-volt transmission line extending from substation to applicant's Brule plant.

Any protest against approval of this application or request for hearing thereon, with the reasons for such protest or request, and address of the party or parties so protesting or requesting should be submitted on or before the 4th day of May 1951, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3799; Filed, Mar. 28, 1951; 8:46 a. m.]

[Project No. 2073]

WISCONSIN MICHIGAN POWER CO.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

MARCH 23, 1951.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791a–825r) that Wisconsin Michigan Power Company, of Appleton, Wisconsin, has made application for license for proposed Project No. 2073 (Michigamme Falls Plant) to be located on the Michigamme River in Iron County, Michigan. The proposed project would consist of a dam about 1,390 feet long just above the mouth of Brule River; a reservoir covering about 565 acres at normal water surface elevation 1,190 feet and a gross storage capacity of about 9,100 acre-feet; a powerhouse integral with the dam containing two units each consisting of a 6,500-horsepower turbine and a 4,800-kilowatt generator; a substation; a 66-kilovolt transmission line to connect with the Applicant's existing Brule plant substation; and appurtenant facilities. The static head would be about 60 feet.

Any protest against approval of this application or request for hearing thereon, with the reasons for such protest or request, and the address of the party or parties so protesting or requesting should be submitted on or before the 4th day of May 1951, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3800; Filed, Mar. 28, 1951; 8:46 a. m.]

[Project No. 2074]

WISCONSIN MICHIGAN POWER CO.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

MARCH 23, 1951.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791a–825r) that Wisconsin Michigan Power Company of Appleton, Wisconsin, has made application for license for proposed project No. 2074 (Hemlock Falls Plant) to be located on Michigamme River, Iron County, Michigan. The proposed project would consist of a dam about 360 feet long creating a reservoir with normal pool elevation at 1,336 feet extending upstream about 3.3 miles to the Way Dam; a powerhouse integral with the dam containing a 3,800-horsepower turbine connected to a 2,800-kilowatt capacity generator; a substation; a 69-kilovolt transmission line to connect with the applicant's Way Dam Plant-Crystal Falls line; and appurtenant facilities. The net static head will be 34 feet.

Any protest against approval of this application or request for hearing thereon, with the reasons for such protest or request, and address of the party or parties so protesting or requesting should be submitted on or before the 4th day of May 1951, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3801; Filed, Mar. 28, 1951; 8:46 a. m.]

[Project No. 2075]

WASHINGTON WATER POWER CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

MARCH 23, 1951.

Public notice is hereby given that The Washington Water Power Company, of Spokane, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for preliminary permit for proposed water power Project No. 2075 (Noxon Rapids) to be located on Clark Fork River in Sanders County, Montana, and consisting of a concrete dam at the Noxon Rapids site creating a reservoir about 17 miles long with normal water surface at elevation 2,249 feet; a powerhouse with installed capacity of 197,000 horsepower and provision for additional capacity; a 230-kv. transmission line connecting the plant with the transmission system of the Applicant; and appurtenant facilities. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before May 10, 1951, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3803; Filed, Mar. 28, 1951; 8:47 a. m.]

[Docket No. G-1632]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

MARCH 23, 1951.

Take notice that Southern Natural Gas Company (Applicant), a Delaware corporation of Birmingham, Alabama, filed on March 9, 1951, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a line tap and meter and regulating station on Applicant's main transmission pipe line, just west of Applicant's Onward compressor station, Sharkey County, Mississippi.

Applicant proposes by means of these facilities to sell and deliver natural gas to Mississippi Power & Light Company for transportation and distribution in the Towns of Cary, Rolling Fork and Anguilla, Mississippi. These communities are part of the Deer Creek Natural Gas District (a political subdivision of the state of Mississippi) which will construct the transmission lines and distribution systems, and lease such facilities to Mississippi Power & Light Company.

The peak day requirements of these three communities are estimated at 578 Mcf for the first year and 807 Mcf for the fifth year.

The estimated cost of the proposed facilities is $15,000 to be financed from Applicant's current funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 11th day of April 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3804; Filed, Mar. 28, 1951; 8:47 a. m.]

[Docket No. G-1634]

LOUISVILLE GAS AND ELECTRIC CO.

NOTICE OF APPLICATION

MARCH 23, 1951.

Take notice that Louisville Gas and Electric Company (Applicant), a Kentucky corporation, of Louisville, Kentucky, filed on March 12, 1951, an application pursuant to section 7 of the Natural Gas Act authorizing Applicant to make available natural gas to Pittsburgh and West Virginia Gas Company (Pittsburgh) by, when possible, reducing its purchases of natural gas from Kentucky West Virginia Gas Company (Kentucky) in order to enable Kentucky to have additional gas available for delivery to its affiliate, Pittsburgh.

The application recites that Applicant, Pittsburgh and Kentucky, entered into an agreement on March 2, 1951, to carry out the proposed arrangement, the purpose being to aid Pittsburgh and its parent company, Equitable Gas Company (Equitable), to overcome their deficiencies in supply of natural gas. The agreement provides that Applicant shall be reimbursed for the difference between the rates of Kentucky and Texas Gas Transmission Corporation to the extent Applicant may reduce its monthly purchases from Kentucky below scheduled quantities.

The proposed arrangement does not involve the construction or enlargement of any facilities since deliveries are to be made through existing facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the

11th day of April 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3805; Filed, Mar. 28, 1951; 8:47 a. m.]

[Docket No. E-6347]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

MARCH 23, 1951.

Take notice that on March 21, 1951, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Montana-Dakota Utilities Co., a corporation organized under the laws of the State of Delaware, and doing business in the States of Minnesota, Montana, North Dakota, South Dakota, and Wyoming, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the issuance of 230,000 shares of Common Stock, par value $5 per share, $3,000,000 of First Mortgage Bonds, __Percent Series due April 1, 1976, and $2,000,000 of First Mortgage __Percent Serial Bonds, due serially $100,000 on April 1 in each of the years 1952 to 1971, inclusive. Applicant requests an exemption from the competitive bidding requirements covering the issue and sale of the Common Stock, but proposes to issue the Bonds at competitive bidding; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 12th day of April 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3806; Filed, Mar. 28, 1951; 8:48 a. m.]

[Docket No. G-1638]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION

MARCH 23, 1951.

Take notice that The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation, of Pittsburgh, Pennsylvania, filed on March 21, 1951, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 172 miles of 16-inch, 20-inch, and 24-inch gas transmission pipeline, together with measuring stations, and river crossings, beginning at a point of connection with the 6-inch gas pipeline of Trans-Penn Transit Corporation in Gallagher Township, Clinton County, Pennsylvania, extending through Clinton, Centre, Clearfield, Indiana, Westmoreland and Allegheny Counties in as direct a line as possible to a point in Allegheny County on the west side of the Monongahela River within the northern limits of the City of Clairton, and thence to a junction of certain existing pipelines of Applicant on the Tannehill farm northwest of Cannonsburg in Chartiers, Township, Washington County, Pennsylvania.

Applicant states that the purpose of the proposed facilities is for delivering gas from the producing fields in Clinton County, Pennsylvania, and vicinity, into the Pittsburgh, Pennsylvania, area where a shortage of gas existed during the peak periods of the past winter, and, in addition, gas from the proposed facilities will decrease the estimated 1951-52 deficiency of gas supply within the Columbia Gas System. Applicant estimates that the theoretical maximum capacity of the proposed line will be approximately 105,000 Mcf per day at an inlet pressure of 1,000 pounds and an outlet pressure of 300 pounds, and believes that this will be ample capacity to take care of the production which it may reasonably expect to secure through purchase or drilling in the Leidy and other Northern Pennsylvania fields.

No new markets will be served by the gas obtained, but Applicant will use such gas to help meet the requirements of its existing customers in the Pittsburgh, Pennsylvania area where a shortage of gas existed during the peak periods of the past winter.

The estimated cost of the proposed facilities is $9,613,000, to be financed with funds obtained by Applicant from its parent company, The Columbia Gas System, Inc.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 13th day of April 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3815; Filed, Mar. 28, 1951; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. M-25]

ISTHMIAN STEAMSHIP CO.

NOTICE OF POSTPONEMENT OF HEARING ON APPLICATION TO BAREBOAT CHARTER GOVERNMENT-OWNED, WAR-BUILT, DRY-CARGO VESSELS FOR USE IN THE GULF INTERCOASTAL SERVICE

Hearing in this proceeding originally scheduled to be held at Washington, D. C., on March 29, 1951, at 10 o'clock a. m., in Room 4821, Department of Commerce Building, before Examiner A. L. Jordan, upon the application of Isthmian Steamship Company to bareboat charter Government-owned, war-built, dry-cargo vessels for use in the Gulf intercoastal service, has been postponed until April 5, 1951, at the same hour and place.

Dated: March 23, 1951.

By order of the Federal Maritime Board.

[SEAL] R. L. McDONALD,
Assistant Secretary.

[F. R. Doc. 51-3826; Filed, Mar. 28, 1951; 8:52 a. m.]

MEMBER LINES OF THE ATLANTIC CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 7840-18, between the member lines of the Atlantic Conference, modifies the basic agreement of said Conference (No. 7840) to extend the period of the year during which party organizers may be given free passages. Agreement No. 7840, as amended, covers passenger traffic between all ports of European, Mediterranean, and Black Sea countries, also ports of Morocco, Madeira and the Azores Islands—and all ports on the east coast of North America (United States, Canada and Newfoundland), also United States Gulf ports.

Agreement No. 7840-15, between the member lines of the Atlantic Conference, modifies the basic agreement of said Conference (No. 7840) to include a more complete provision governing admission of other carriers to Conference membership.

Agreement No. 7813, between Mississippi Shipping Co., Inc., and Grace Line, Inc., is a cooperative working arrangement covering booking and transportation of passengers on Around South America tours. Agreement No. 7813 will replace Agreement No. 7518 between said parties.

Agreement No. 7723-1, between Aktieselskapet Hav, Aktieselskapet Havtank and Aktieselskapet Inger, modifies the joint service agreement between the parties (No. 7723) to provide that the joint service will be under the general agency of United States Navigation Co., Inc., instead of A. L. Burbank & Co., Ltd. as presently recorded in approved agreement 7723.

Agreement No. 7688-1, between Compagnie Maritime Belge, S. A. and Compagnie Maritime Congolaise, S. C. R. L. modifies the approved joint service agreement of the parties (No. 7688) by extending the geographical scope thereof to include East Africa. Agreement 7688 as presently worded covers the trade between East Coast ports of North America (but not including transportation within the purview of the Coastwise laws of the United States) and ports in Belgium, Holland, the Mediterranean, India, Pakistan and Belgian Congo, and in seas and waters adjacent thereto and connected therewith.

Agreement No. 7350-3, between the member lines of the Spain-Portugal North Atlantic Range Conference, modifies the basic agreement of said Conference (No. 7350, as amended) to provide that any party thereto may withdraw therefrom by giving 90 days' notice. As presently worded Agreement 7350, as amended, provides that any party may withdraw at the end of any calendar year by giving three months' notice.

Agreement No. 6400-5, between the member lines of the Pacific Coast River Plate Brazil Conference, modifies the basic agreement of said Conference (No. 6400, as amended), (a) to include a clause covering the procedure to apply in the event members desire to absorb or equalize insurance differentials as between vessels of members or other carriers; (b) to include a clause governing notices of meetings and subjects to be considered; (c) to include provisions with respect to meetings with other conferences and to participation of members in agreements entered into by the Conference; (d) to clarify the language of certain provisions of the Conference agreement; and (e) to rearrange the order in which certain provisions shall appear in the conference agreement.

Agreement No. 4188-17, between the member lines of the Gulf and South Atlantic Havana Steamship Conference, modifies the basic agreement of said Conference (No. 4188, as amended) to provide that decisions with respect to rates, charges, classifications and practices for and in connection with the transportation of cargo covered by the agreement shall be by a two-thirds vote, instead of by unanimous vote as presently in effect, of the members present at a meeting.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated March 26, 1951.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-3825; Filed, Mar. 28, 1951; 8:51 a. m.]

Office of the Secretary

APPEALS IN TRADE MARK CASES

DELEGATION OF AUTHORITY UNDER REORGANIZATION PLAN NO. 5 OF 1950

The order issued September 25, 1950, published September 28, 1950 (15 F. R. 6554) and amended by order issued January 30, 1951, published February 6, 1951 (16 F. R. 1094) is further amended (including the heading) by striking out the word "temporary" in the heading and in the last sentence, and by striking out the second sentence, so that the heading reads as set forth above and text of said order reads as follows:

Acting under the provisions of section 2 of Reorganization Plan No. 5 of 1950, I hereby authorize the several members of the Board of Appeals of the United States Patent Office who have been appointed by the President by and with the advice and consent of the Senate (35 U. S. C. 2, 7), to hear and decide appeals from decisions of the examiner in charge of interferences or of the registration of marks in trade-mark cases, either individually or in panels as may be assigned by the Commissioner of Patents. This authorization does not supersede or limit the delegation under Reorganization Plan No. 5 of 1950, filed May 24, 1950, 15 F. R. 3195.

(R. S. 161; 5 U. S. C. 22. Reorg. Plan 5 of 1950, 15 F. R. 3174)

Issued March 23, 1951.

[SEAL] THOMAS W. S. DAVIS,
Acting Secretary of Commerce.

[F. R. Doc. 51-3824; Filed, Mar. 28, 1951; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25945]

BENZENE HEXACHLORIDE FROM TERRE HAUTE, IND., TO MISSISSIPPI AND TENNESSEE

APPLICATION FOR RELIEF

MARCH 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4367, pursuant to fourth-section order No. 9800.

Commodities involved: Benzene hexachloride, carloads.

From: Terre Haute, Ind.

To: Clarksdale and Fisher, Miss., and Memphis, Tenn.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3816; Filed, Mar. 28, 1951; 8:49 a. m.]

[4th Sec. Application 25946]

BENZINE HEXACHLORIDE FROM TERRE HAUTE, IND., TO THE SOUTH

APPLICATION FOR RELIEF

MARCH 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4300, pursuant to fourth-section order No. 9800.

Commodities involved: Benzine hexachloride, carloads.

From: Terre Haute, Ind.

To: Specified points in the South.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3817; Filed, Mar. 28, 1951; 8:50 a. m.]

[4th Sec. Application 25947]

IRON OR STEEL SCRAP (OLD LOCOMOTIVE AXLES) IN SOUTH

APPLICATION FOR RELIEF

MARCH 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 950.

Commodities involved: Old locomotive axles, having value for remelting purposes, carloads.

Between: Points in southern territory.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 950, Supp. 142.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3818; Filed, Mar. 28, 1951; 8:50 a. m.]

[4th Sec. Application 25948]

CANNED GOODS FROM HAGERSTOWN, MD., GROUP TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MARCH 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariffs I. C. C. Nos. A-726 and A-800.

Commodities involved: Canned or preserved foodstuffs, carloads.

From: Hagerstown, Md., and points in Maryland and West Virginia taking same rates.

To: Points in southern territory and adjacent points.

Grounds for relief: Circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-726, Supp. 224. C. W. Boin's tariff I. C. C. No. A-800, Supp. 155.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3819; Filed, Mar. 28, 1951; 8:50 a. m.]

[4th Sec. Application 25949]

SOYBEANS FROM PENSACOLA, FLA., TO NEW ORLEANS AND OTHER GULF PORTS

APPLICATION FOR RELIEF

MARCH 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. G. Kerr, Agent, for the Alabama Great Southern Railroad Company and other carriers named in the application.

Commodities involved: Soybeans, carloads.

From: Pensacola, Fla.

To: New Orleans, La., Gulfport and Pascagoula, Miss., and Mobile, Ala., for export.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1129, Supp. 32.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3820; Filed, Mar. 28, 1951; 8:50 a. m.]

[Sec. 5a Application 31]

CHICAGO SUBURBAN MOTOR CARRIERS ASSN., INC.

APPLICATION FOR APPROVAL OF AGREEMENT

MARCH 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed March 23, 1951 by: Earl Girard, Attorney-in-Fact, 10 North Clark Street Chicago 2, Ill.

Agreement involved: An agreement between and among common carriers by motor vehicle providing procedures for the initiation, consideration and establishment of rates, charges, rules and regulations governing the transportation of property in interstate or foreign commerce to, from, or between points in Illinois, Indiana, and Wisconsin, within an area extending approximately 75 miles from Chicago, Illinois.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary*

[F. R. Doc. 51-3844; Filed, Mar. 28, 1951; 8:57 a. m.]

[Sec. 5a Application 32]

COLUMBIA RIVER TARIFF BUREAU

APPLICATION FOR APPROVAL OF AGREEMENT

MARCH 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed March 23, 1951 by: Thomas J. White, Attorney-in-Fact, 1100 Jackson Tower, Portland 5, Oreg.

Agreement involved: An agreement between and among common carriers by water providing procedures for the joint consideration, initiation or establishment of rates classifications, divisions, allowances or charges (including charges between carriers and compensation paid or received for the use of facilities and equipment), or rules and regulations pertaining thereto, applicable to the transportation of property between points in Oregon, Washington and California by way of coastwise routes and on the Columbia and Willamette Rivers and their tributaries.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3845; Filed, Mar. 28, 1951; 8:57 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2591]

UNITED GAS CORP. AND UNITED GAS PIPE LINE CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of March A. D. 1951.

United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, and United's wholly owned subsidiary, United Gas Pipe Line Company ("Pipe Line"), having filed a joint application-declaration and amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7, 9 (a) (1), 10, 12 (c) and 12 (f) thereof with respect to the following proposed transactions:

United proposes to borrow from time to time within a period of sixty days from the date hereof, the aggregate amount of $25,000,000 from certain banks. Said loans will be evidenced by promissory notes, dated as of the date of the borrowing payable on or before December 31, 1951, and bearing interest at the rate of 2½ percent per annum. proceeds from the proposed loans will be used to purchase during the next twelve months, an aggregate of $25,000,000 principal amount of Pipe Line's First Mortgage Bonds, 4 percent series due 1971, for cash at par. The bonds to be so acquired by United will be pledged under its existing Mortgage and Deed of Trust.

Pipe Line proposes the issuance of the $25,000,000 principal amount of its bonds to United under Pipe Line's existing Mortgage and Deed of Trust as supplemented and to be supplemented. Proceeds from the sale of the bonds by Pipe Line will be used in connection with its construction program and for general corporate purposes.

The application-declaration states that United and Pipe Line are engaged in a construction program estimated to require the expenditure of approximately $165,000,000 during the years 1951 and 1952 for improvements to existing facilities and construction of new facilities. This program, it is stated, will require the issuance and sale of securities by United to the public, in the 12-month period ending in March, 1952, in the aggregate amount of approximately $145,000,000, the nature and precise amounts of such securities to be the subject of further application to this Commission. The loans herein proposed will be repaid by United out of the issuance of such securities.

Said application-declaration having been filed on March 12, 1951, an amendment thereto having been filed on March 19, 1951, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission observing that the proposed borrowings constitute an appropriate method of temporary financing on the part of United and Pipe Line prior to the submission by those companies of a program for permanently financing their construction program; the Commission finding that the proposed transactions are in accordance with the applicable standards of the act, and that no adverse findings are necessary thereunder; and the Commission deeming it appropriate to grant the application herein and permit the declaration to become effective:

It is ordered, That said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective, forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3811; Filed, Mar. 28, 1951; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17521]

ROBERT SEGELKEN

In re: Trust under will of Robert Segelken, deceased. File No. D-28-12422; E. T. sec. 16635.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erina Buss Wilcke, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the trust established under the will of Robert Segelken, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by The Trust Company of New Jersey, as trustee, acting under the judicial supervision of the New Jersey Superior Court, Chancery Division;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-3789; Filed, Mar. 27, 1951; 8:50 a. m.]

[Vesting Order 17531]

WILHELMINA HOELLER

In re: Bank accounts and securities owned by and debts owing to the personal representatives, heirs, next of kin, legatees and distributees of Wilhelmina Hoeller, deceased. F-28-14714-A-1, 2; C-1, 2; D-1, 2; F-28-14714-E-1; D-66-2246-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Wilhelmina Hoeller, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of First National Bank, Hays, Kansas, arising out of a checking account entitled Rev. Peter Hoeller, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of the First National Bank, Hays, Kansas, arising out of a checking account entitled Rev. Peter Hoeller or Mrs. Wilhelmina Hoeller, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

c. Five (5) shares of no par value common capital stock of the New Marquette Chateau Building Corporation, Room

2227, 33 North La Salle Street, Chicago, Illinois, in liquidation, evidenced by a certificate of interest numbered 151, registered in the name of Rev. Peter Hoeller covering certificate numbered 37 for 5 shares of no par common capital stock of the aforesaid corporation, said certificate of interest presently in the custody of the First National Bank, Hays, Kansas, together with all declared and unpaid dividends on the aforesaid stock, and any and all rights to receive the proceeds of liquidation due or to become due thereon, including particularly, but not limited to the distributive share of the proceeds from the sale of the sole asset of the New Marquette Chateau Building Corporation, allocable to the aforesaid shares of stock presently on deposit with Merchandise National Bank, 222 W. North Bank, Chicago, Illinois, in an account held for the New Marquette Chateau Building Corporation,

d. Eighty-five (85) shares of no par value common stock of Savings Bond & Mortgage Company, Topeka, Kansas, evidenced by certificate numbered 29, registered in the name of Peter Hoeller, and presently in the custody of the First National Bank, Hays, Kansas, together with all declared and unpaid dividends thereon,

e. Eight (8) shares of capital stock of the Schoenchen Farmers Union Co-operative Association, evidenced by a certificate numbered 73, registered in the name of Rev. P. Hoeller, and presently in the custody of the First National Bank, Hays, Kansas, together with all declared and unpaid dividends thereon,

f. Two (2) shares of capital stock of Premier Tire & Rubber Company, evidenced by a certificate numbered 988, registered in the name of Peter Hoeller, and presently in the custody of the First National Bank, Hays, Kansas, together with all declared and unpaid dividends thereon,

g. Twenty (20) shares of preferred stock of Calmin Mortgage Corporation, evidenced by two certificates of 10 shares each, numbered 839 and 926, registered in the name of Rev. Peter Hoeller, and presently in the custody of the First National Bank, Hays, Kansas, together with all declared and unpaid dividends thereon,

h. One (1) certificate of deposit for 2 shares of 8 percent cumulative preferred stock of G. L. Miller & Company, said certificate numbered 597, registered in the name of Rev. Peter Hoeller, and presently in the custody of the First National Bank, Hays, Kansas, together with any and all rights thereunder and thereto,

i. Two (2) Terrill Bond & Mortgage Company 7 percent ten year coupon gold notes, of $500 face value each, bearing the numbers A514 and A515, registered in the name of Rev. Peter Hoeller, and presently in the custody of the First National Bank, Hays, Kansas, together with any and all rights thereunder and thereto,

j. That certain debt or other obligation evidenced by a note of Genevieve A. Weiland, dated November 2, 1929, in the amount of $500, payable to bearer with interest at the rate of 7 percent per annum, said note presently in the custody of the First National Bank, Hays, Kansas, together with any and all accruals to the aforesaid debt or other obligation and any and all rights in, to and under the aforesaid note,

k. Two (2) shares of capital stock of the Gorham State Bank, Gorham, Kansas, evidenced by a certificate numbered 82, registered in the name of Rev. Peter Hoeller, together with all declared and unpaid dividends thereon, including particularly but not limited to those certain dividend checks on the aforesaid stock in the possession of the Gorham State Bank, Gorham, Kansas, and all rights in, to and under said checks, and

l. Two (2) shares of $10 par value common capital stock of the New World Life Insurance Company, 618 Second Avenue, Seattle 4, Washington, a corporation organized under the laws of the State of Washington, evidenced by a certificate numbered 8450, registered in the name of the Estate of Rev. Peter Hoeller, together with all declared and unpaid dividends thereon, including particularly but not limited to those certain dividend checks on the aforesaid stock in the possession of the New World Life Insurance Company, 618 Second Avenue, Seattle 4, Washington, and all rights in, to and under said checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Wilhelmina Hoeller, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Wilhelmina Hoeller, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3790; Filed, Mar. 27, 1951; 8:50 a. m.]

[Vesting Order 17497]

MICHAEL BERGMAN

In re: Trust under the Will of Michael Bergman, deceased. File No. D-28-12964.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eda A. Lange, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the issue, names unknown, of Eda A. Lange, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to the trust created under the will of Michael Bergman, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Chase National Bank of the City of New York, as Trustee, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the issue, names unknown, of Eda A. Lange, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3829; Filed, Mar. 28, 1951; 8:53 a. m.]

[Vesting Order 17498]

LILLY BUSCH AND ANNABELLA ANHEUSER

In re: Trust under the Will of Lilly Busch, deceased, for the benefit of Annabella Anheuser. File No. D-28-3899-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Annabella Anheuser, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the trust created under the will of Lilly Busch, deceased, for the benefit of Annabella Anheuser, presently being administered by St. Louis Trust Company, 323 North Broadway, St. Louis, Missouri, as Trustee, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3830; Filed, Mar. 28, 1951; 8:54 a. m.]

[Vesting Order 17504]

WILLIAM GREWE

In re Estate of William Grewe, deceased. File No. D-28-12967.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friederich W. A. Grewe, Margarethe Neckerman and Ursula Sieger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees, and distributees of Alexandrine Grewe, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to the Estate of William Grewe, deceased, is property payable or deliverable to, or claim by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Hyman Wank, as Administrator, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees, and distributees of Alexandrine Grewe, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3831; Filed, Mar. 28, 1951; 8:54 a. m.]

[Vesting Order 17514]

PAUL LOBE ET AL.

In re: Rights of Paul Lobe et al. under Annuity Contract. File No. D-28-8813-H-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Lobe, Elsa Schmidt, nee Lobe, Hedwig Jungmann, nee Lobe, Clara Kirchbach, nee Lobe, Wanda Schierig, nee Lobe, Max Lobe, Richard Lobe, and Albert Lobe, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Linna B. Lobe, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Annuity Policy No. 11626, issued by the Northwestern Mutual Life Insurance Company, Milwaukee, Wisconsin, to Minnie Koenig, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Linna B. Lobe, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consulation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3833; Filed, Mar. 28, 1951; 8:54 a. m.]

[Vesting Order 17516]

KATHARINA MATTERN

In re: Estate of Katharina Mattern, deceased. File No. D-28-12959.

Under the authority of the Trading with the Enemy Act, as amended Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christina Sahler, Eva Mattern and Heinrich Mattern, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to the Estate of Katharina Mattern, deceased, is property payable or deliverable to, or claimed

by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Frederick F. Umlauff, as Executor, acting under the judicial supervision of the Surrogate's Court of the County of New York, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3834; Filed, Mar. 28, 1951; 8:54 a. m.]

[Vesting Order 17517]

MRS. KIMIYO NAKANO

In re: Rights of Mrs. Kimiyo Nakano under Insurance Contract. File No. F-39-1332-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Kimiyo Nakano, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,545,068, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Kyoichi Nakano, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3835; Filed, Mar. 28, 1951; 8:55 a. m.]

[Vesting Order 17518]

ANNA AMELIA NOLTE WOESTMANN

In re: Rights of Anna Amelia Nolte Woestmann under Insurance Contract. File No. 29051-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Amelia Nolte Woestmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Anna Amelia Nolte Woestmann under a contract of insurance evidenced by policy No. 6 232 050, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Anne Nolte, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3836; Filed, Mar. 28, 1951; 8:55 a. m.]

[Return Order 892]

RENE DE CHAMBRUN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the Determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Rene de Chambrun, 52 Avenue des Champs-Elysees, Paris, France; Claim No. 41206; December 23, 1950 (15 F. R. 9270); $1,844.61 in the Treasury of the United States. Property to the extent owned by the claimant immediately prior to the vesting thereof by Vesting Order No. 3552 (9 F. R. 3524, April 1, 1944) relating to the work entitled "I Saw France Fall, Will She Rise Again".

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property

[F. R. Doc. 51-3838; Filed, Mar. 28, 1951; 8:55 a. m.]

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FEDERAL REGISTER

VOLUME 16 NUMBER 62

Washington, Friday, March 30, 1951

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Wheat]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1951-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1951 crop of wheat. The 1951 C. C. C. Grain Price Support Bulletin 1 (16 F. R. 1987), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1951, is supplemented as follows:

Sec.
601.1211 Purpose.
601.1212 Availability of price support.
601.1213 Eligible wheat.
601.1214 Warehouse receipts.
601.1215 Determination of quantity.
601.1216 Determination of quality.
601.1217 Maturity of loans.
601.1218 Determination of support rates.
601.1219 Warehouse charges.
601.1220 Settlement.

AUTHORITY: §§ 601.1211 to 601.1220 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1441, 1421.

§ 601.1211 *Purpose.* Sections 601.1211 to 601.1220 state additional specific requirements which, together with the general requirements contained in the 1951 C. C. C. Grain Price Support Bulletin 1 (16 F. R. 1987) apply to loans and purchase agreements under the 1951-Crop Wheat Price Support Program.

§ 601.1212 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever wheat is grown in the continental United States except that farm-storage loans will not be available in areas where the PMA State committee determines that wheat cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1952, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing wheat in 1951 as landowner, landlord, tenant or sharecropper.

§ 601.1213 *Eligible wheat.* At the time the wheat is placed under loan or delivered under a purchase agreement, it must meet the following requirements:

(a) The wheat must have been produced in the continental United States in 1951 by an eligible producer.

(b) The beneficial interest in the wheat must be in the person tendering the wheat for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the wheat was harvested.

(c) Such wheat must be:

(1) Wheat of any class grading No. 3 or better; or

(2) Wheat of any class grading No. 4 or 5 on the factor of "test weight" and/or because of containing "Durum" and/or "Red Durum" but otherwise grading No. 3 or better. (If the wheat

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FEDERAL REGISTER

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is warehouse stored, the quality of the wheat must be evidenced by a statement on the warehouse receipt, the inspection certificate, the supplemental certificate, or supplemental certificate and delivery order in the case of warehouses operated by eastern common carriers, substantially as follows: "This wheat grades No. _____ because of _____"); or

(3) Wheat of the class Mixed Wheat, consisting of mixtures of grades of eligible wheat as stated in subparagraphs (1) or (2) of this paragraph provided such mixtures are the natural products of the field.

(d) Wheat grading Tough, Weevily, or Ergoty, shall not be eligible, except that wheat represented by warehouse receipts grading tough or weevily will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt "That wheat grading "tough" or weevily" has been processed at the request of the eligible producer, and that delivery will be made of the same country-run quality, quantity, grade and protein (if any), not tough or weevily, and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt."

(e) Except as provided in paragraph (d) of this section wheat of the class hard red spring, durum, or red durum, shall not contain more than 14½ percent moisture, and wheat of any other class shall not contain more than 14 percent moisture.

(f) If offered as security for a farm-storage loan, the wheat must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the PMA State committee.

§ 601.1214 *Warehouse receipts.* Warehouse receipts, representing wheat in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements of this section:

(a) Warehouse receipts must indicate that the wheat is insured, must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder and must be issued by a warehouse approved by CCC under the Uniform Grain Storage Agreement (Insured in accordance with the terms of the Uniform Grain Storage Agreement), or warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt must show: (1) Gross weight or bushels, (2) class and subclass, (3) grade (including special grades), (4) test weight, (5) dockage, (6) protein content (where determined by protein analysis or station average), and (7) any other grading factor(s) when such factor(s), and not test weight, determine the grade.

Also, the warehouse receipt or the warehouseman's supplemental certificate must show whether the wheat arrived by rail, truck, or barge. In the case of warehouse receipts issued for wheat delivered by rail or barge, the grading factors, classes and subclasses, protein content (where determined by protein analysis) on the warehouse receipt must agree with the inbound inspection and protein certificates for the car or barge when such certificates are issued.

(c) In the case of warehouse receipts issued for wheat delivered by rail or barge, the protein content, as determined by a recognized protein testing laboratory, must be shown on each warehouse receipt (or supplemental certificate accompanying the warehouse receipt) representing wheat of the subclasses of hard red spring and hard red winter and the varieties of Early Baart and Bluestem of the subclass hard white wheat, except that protein content need not be shown for the subclasses hard winter, and yellow hard winter produced in States or areas tributary to markets where a showing of protein content is not customarily required.

(d) A separate warehouse receipt must be submitted for each grade and subclass of wheat.

(e) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.1219.

(f) Warehouse receipts representing wheat which has been shipped by rail or water from a country shipping point to a designated terminal point or shipped by rail or water from a country shipping point to a storage point and stored in transit to a designated terminal point, must be accompanied by registered freight bills, or by (1) a statement as indicated below signed by the warehouseman, (2) a certificate of the warehouseman containing such information or (3) such form of certificates as may be approved by CCC.

FREIGHT CERTIFICATE

The wheat represented by attached warehouse receipt No. _____ issued by _____ on warehouse located at _____ was received by rail freight from _____ (Station) _____ point of _____ (County) (State) origin as evidenced by freight bill described as follows:

Way-bill, date _____
No. _____
Car initials and No. _____
Freight bill, date _____
No. _____
Origin carrier _____
Full inbound route and junction points _____
Transit weight _____
Freight rate in _____
Amount collected _____
Guaranteed transit balance, if any, of through freight to _____ of _____ per 100 pounds _____
Number unused transit stops _____
Penalty, if any, to guarantee minimum proportional rate on outbound billing of _____ cents per 100 pounds _____
Where paid-in freight is based on other than domestic interstate freight rate basis, the difference in rates between the freight paid (plus tax), and the domestic interstate freight rate (plus tax), is _____

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the applicable provisions of the Uniform Grain Storage Agreement.

_____
(Warehouseman's Signature)
_____
(Address)
_____
(Date of Signature)

§ 601.1215 *Determination of quantity.* The quantity of wheat placed under farm-storage loan may be determined either by weight or by measurement. The quantity of wheat placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

When a quantity is determined by weight, a bushel shall be 60 pounds of wheat free of dockage. In determining the quantity of sacked wheat by weight, a deduction of ¾ of a pound for each sack shall be made.

When the quantity of wheat is determined by measurement, a bushel shall be 1.25 cubic feet of wheat testing 60 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 60 pound wheat:

For wheat testing:	*Percent*
65 pounds or over	108
64 pounds or over, but less than 65 pounds	107
63 pounds or over, but less than 64 pounds	105
62 pounds or over, but less than 63 pounds	103
61 pounds or over, but less than 62 pounds	102
60 pounds or over, but less than 61 pounds	100
59 pounds or over, but less than 60 pounds	98
58 pounds or over, but less than 59 pounds	97
57 pounds or over, but less than 58 pounds	95
56 pounds or over, but less than 57 pounds	93
55 pounds or over, but less than 56 pounds	92
54 pounds or over, but less than 55 pounds	90
53 pounds or over, but less than 54 pounds	88
52 pounds or over, but less than 53 pounds	87
51 pounds or over, but less than 52 pounds	85
50 pounds or over, but less than 51 pounds	83

The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the wheat in determining the net quantity available for loan or purchase.

§ 601.1216 *Determination of quality.* The class, subclass, grade, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Wheat, whether or not such determinations are made on the basis of an official inspection.

In the States of California, Idaho, New Mexico, Nevada, Oregon, Utah, and Washington, the quantity of smut shall be stated in terms of half percent, whole percent, or whole and half percent, and the quantity of smut so determined in pounds shall be deducted from the weight of the wheat after deduction of dockage. Elsewhere the smut condition of the wheat shall be determined on a degree basis. Where applicable, the words "light smutty" or "smutty" shall be added to, and made a part of, the grade designation.

The garlic condition of the wheat shall be made a part of the grade designation by addition of the words "light garlicky" or the word "garlicky".

§ 601.1217 *Maturity of loans.* Loans mature on demand but not later than April 30, 1952.

§ 601.1218 *Determination of support rates.* Basic support rates for wheat will be set forth in 1951 CCC Grain Price Support Bulletin 1, Supplement 2, Wheat, and will be established for No. 1 dark hard winter, No. 1 hard winter, No. 1 yellow hard winter, No. 1 red winter, No. 1 western red, No. 1 soft white, No. 1 white club, No. 1 western white, No. 1 hard white, No. 1 heavy dark northern spring, No. 1 heavy northern spring, No. 1 hard amber durum, No. 1 amber durum, and No. 1 durum. These support rates will be established for wheat stored in approved warehouse

storage at designated terminal markets, and for wheat stored in approved country warehouses and in approved farm storage. The support rate for the quality of wheat placed under a loan or delivered under a purchase agreement shall be the applicable basic support rate adjusted in accordance with the provisions of this section.

(a) *Support rates at designated terminal markets.* Wheat eligible for loan or purchase at the support rate established for designated terminal markets must have been shipped on a domestic interstate freight rate basis. On any wheat shipped at other than the domestic interstate freight rate the support rate at the designated terminal market shall be reduced by the difference between the freight paid (plus tax) and the domestic interstate freight rate (plus tax).

The support rates established for designated terminal markets apply to wheat which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

When shipped by rail or water and stored at any designated terminal market, wheat for which neither registered freight bills nor such freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the terminal rate minus 8 cents per bushel.

For wheat received by truck and stored at any designated terminal market, the support rate shall be determined by making a deduction from the terminal rate as follows:

Terminal located in:	Amount of deduction (cents per bushel)
Area I: Arizona, California, Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, South Dakota, Washington, Utah	12½
Area II: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin	13
Area III: Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia	14
Area IV: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas	14

(b) *Support rates for wheat in approved warehouse storage at other than designated terminal markets.* (1) Except for the States designated in subparagraph (2) of this paragraph, the support rate for wheat stored in approved warehouses (other than those situated in the designated terminal markets) which is shipped by rail or water shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax) of the through-freight rate from point of origin for such wheat to such terminal market: *Provided*, That in the case of wheat stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing wheat in such position.

(2) In the States of Delaware, Kentucky, Maryland, New Jersey, North Carolina, Tennessee, Virginia and West Virginia, the PMA commodity office shall, upon request of the county committee, determine the support rate for wheat stored in approved warehouses (except those situated at designated terminal markets) which was shipped by rail in the movement of natural market direction as approved by CCC, by adding to the county rate for the county from which the wheat was shipped an amount per bushel equal to the receiving and loading-out charges computed in accordance with the applicable rates of the Uniform Grain Storage Agreement for the 1951 crop and an amount equal to the transit value of the freight paid (plus tax) from points of origin to markets designated by CCC. The warehouse receipts must be accompanied by the original paid freight bills or certificates of the warehouseman and other required documents as set forth in § 601.1214 (f). If the wheat is stored in approved warehouses located at transit points, taking a penalty by reason of backhaul, or out-of-line of natural market movements, such penalty or other costs by reason of such movement, as determined by CCC, shall be deducted from the support rates as determined in this paragraph.

(c) *Discounts and premiums.* The basic support rates shall be adjusted by the premiums and discounts listed in subparagraph (1) of this paragraph, to determine the support rate for wheat of different classification and quality.

(1) *Classification discounts.*

	Cents per bushel
No. 1 mixed wheat	2
No. 1 red durum	15
No. 1 mixed wheat (containing less than 5 percent of wheats of the classes durum and/or red durum)	2
No. 1 mixed wheat (containing 5 percent or more but less than 10 percent of wheats of the classes durum and/or red durum)	6
No. 1 mixed wheat (containing in excess of 10 percent of wheats of the classes durum and/or red durum)	15
No. 1 mixed wheat grading amber mixed durum	5
No. 1 mixed wheat grading mixed durum	10
Wheat otherwise eligible but grading No. 4 or 5 because it contains wheat of the classes durum and/or red durum	6

(2) *Grade discounts.*

	No. 1 heavy dark northern spring, No. 1 heavy northern spring, No. 1 heavy red spring	No. 1 dark hard winter, No. 1 hard winter, No. 1 yellow hard winter, No. 1 red winter, No. 1 western red, No. 1 hard white, No. 1 soft white, No. 1 white club, No. 1 western white, No. 1 hard amber durum, No. 1 amber durum, No. 1 durum, No. 1 amber mixed durum, No. 1 mixed durum, No. 1 red durum, No. 1 mixed wheat
	Cents per bushel	Cents per bushel
No. 1 (not heavy)	1	
No. 2	2	
No. 3	4	
No. 4 (on test weight only; otherwise No. 3 or better)	6	
No. 5 (on test weight only; otherwise No. 3 or better)	9	
Smut-degree basis		
Light smutty	2	
Smutty	6	
Smut-percentage basis		
½ of 1 percent	1	
1 percent or over	3	
Garlic-degree basis		
Light garlicky	6	
Garlicky	15	

(3) *Protein premiums.*

Protein content (percent)	Wheat stored in the States of Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and designated counties in Montana based on Portland—hard red spring; hard red winter; hard white wheat of the varieties Early Baart and Bluestem	All other States and counties in Montana based on Minneapolis	
		Hard red spring	Hard red winter
	Cents per bushel	Cents per bushel	Cents per bushel
10.0–10.9	1	0	0
11.0–11.9	2	0	0
12.0–12.9	3	0	0
13.0–13.9	4	1	1
14.0–14.4	4½	2	1½
14.5–14.9	5	3	2
15.0–15.4	6	4	2½
15.5–15.9	7	5	3
16.0–16.4	8	6	3½
16.5–16.9	9	7	4
17.0–17.4	10	8	4½
Over 17.4	(1)	(1)	(2)

[1] 1 cent for each ½ percent of protein over 17.4 percent.
[2] ½ cent for each ½ percent of protein over 17.4 percent.

§ 601.1219 *Warehouse charges.* Warehouse receipts and the wheat represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges not to exceed the Uniform Grain Storage Agreement rates from the date the grain is deposited in the warehouse for storage.

Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing wheat stored in warehouses operating under the Uniform Grain Storage Agreement is on or before April 30, 1952, the storage charges shown in the following table shall be deducted in computing the amount of the loan or purchase price.

Date of deposit	Area I—Arizona, California, Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, South Dakota, Washington, Utah	Area II—Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin	Area III—Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia	Area IV—Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas
	Cents per bushel	Cents per bushel	Cents per bushel	Cents per bushel
Prior to Sept. 3, 1951	10	10½	11	11½
Sept. 3–Sept. 22, inclusive	10	10½	11	11
Sept. 23–Oct. 12, inclusive	10	10	10	10
Oct. 13–Nov. 1, inclusive	9	9	9	9
Nov. 2–Nov. 21, inclusive	8	8	8	8
Nov. 22–Dec. 11, inclusive	7	7	7	7
Dec. 12–Dec. 31, inclusive	6	6	6	6
Jan. 1–Jan. 20, inclusive, 1952	5	5	5	5
Jan. 21–Feb. 9, inclusive	4	4	4	4
Feb. 10–Mar. 1, inclusive	3	3	3	3
Mar. 2–Mar. 21, inclusive	2	2	2	2
Mar. 22–Apr. 10, inclusive	1	1	1	1
Apr. 11–Apr. 30, inclusive	0	0	0	0

Warehouse receipts and the wheat represented thereby stored in approved warehouses operated by eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission.

For wheat stored in approved warehouses operated by eastern common carriers there shall be deducted in computing the loan or purchase price the amount of the approved tariff rates for storage (not including elevation), which will accumulate from the date of deposit to the program maturity date. The county committee shall request the PMA commodity office to determine the amount of such charges. Where the producer presents evidence showing that the elevation has been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charge prepaid by the producer.

§ 601.1220 *Settlement*—(a) *Farm-storage loans.* In the case of wheat delivered to CCC from farm-storage under the loan program, settlement shall be made at the applicable support rate for the approved point of delivery. The support rate shall be for the grade and quality of the total quantity of wheat delivered.

If the wheat under farm-storage loan is, upon delivery, of a grade and/or quality for which no support rate has been established, the settlement value shall be the support rate established for the grade and/or quality of the wheat placed under loan less the difference, if any, at the time of delivery, between the market price for the grade and/or quality placed under loan and the market price of the wheat delivered, as determined by CCC.

If farm stored wheat is delivered to CCC prior to April 30, 1952, upon request of the producer and with the approval of CCC, the loan settlement shall be reduced as set forth in the table in § 601.1219.

(b) *Purchase agreement.* Wheat delivered to CCC under a purchase agreement must meet the requirements of wheat eligible for loan. The purchase rate per bushel of eligible wheat shall be the support rate established for the approved point of delivery, subject to deduction of warehouse charges in accordance with § 601.1219.

(c) *Track-loading.* A track-loading payment of 2 cents per bushel shall be made to the producer on wheat delivered to CCC on track at a country point.

Issued this 27th day of March, 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

FRANK K. WOOLLEY,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-3879; Filed, Mar. 29, 1951; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART B—UNITED STATES STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

UNITED STATES STANDARDS FOR BROCCOLI FOR PROCESSING

On February 15, 1951 a notice of rule making was published in the FEDERAL REGISTER (F. R. Doc. 51-2259; 16 F. R. 1595) regarding proposed United States Standards for Broccoli for Processing. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Broccoli for Processing are hereby promulgated under the authority contained in the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950).

§ 51.147 *Standards for broccoli for processing*—(a) *General.* (1) The accompanying grades for broccoli are intended to facilitate transactions between growers and processors who may wish to use a purchasing system based upon the quality of broccoli delivered. These grades are an outgrowth of the widely accepted principle that price should be directly proportional to quality. The grower who delivers high quality deserves a premium price, because such broccoli enables the processor to pack a better quality finished product.

(2) In the application of these standards, it is assumed that sellers will not sort their broccoli into separate lots of

U. S. No. 1 and U. S. No. 2 grades before delivery to the buyer, and that the buyer will pay a certain price for the percentage of each grade in the lot as determined by inspection. Upon delivery, the inspector will simply sort representative samples taken from each lot and determine the percentage of each grade. Final settlement would then be made by applying the percentage of each grade to the total weight of the lot, and then applying the contract prices established for each grade. Under such a procedure, there is no need for tolerances.

(b) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 consists of stalks of broccoli which are fresh, tender, and have good characteristic color, and compact heads; which are free from decay and cull material, and are free from damage caused by discoloration, freezing, hollow stem or pithiness, scars, dirt or other foreign material, disease, insects, and mechanical or other means. (See Trimming Requirements.)

(i) Unless otherwise specified, the length shall be not more than 6 inches nor less than 4 inches, and the diameter of the stem shall be not less than three-eighths inch. (See Cull Material.)

(2) *U. S. No. 2.* U. S. No. 2 consists of stalks of broccoli which are fresh, tender, and have good characteristic color, and fairly compact heads; which are free from decay and cull material, and are free from damage caused by scars, dirt or other foreign material, disease, insects; and are free from serious damage caused by discoloration, freezing, hollow stem or pithiness, and mechanical or other means. (See Trimming Requirements.)

(i) Unless otherwise specified, the length shall be not more than 6 inches nor less than 3 inches, and the diameter of the stem shall be not less than one-fourth inch. (See Cull Material.)

(c) *Culls.* Culls are stalks of broccoli which fail to meet the requirements of either of the foregoing grades.

(d) *Cull material.* (See definition No. 6.)

(e) *Trimming requirements.* Unless otherwise specified, all coarse, damaged, and discolored leaves and leaves extending more than one and one-half inches above the top of the head shall be removed. In making grade determinations, all coarse, damaged and discolored leaves, and leaves extending more than one and one-half inches above the top of the head shall be removed and scored as cull material.

(f) *Definitions.* (1) "Stalk" means a portion of the broccoli plant including the stem, bud cluster and leaves.

(2) "Fresh" means that the broccoli is not badly wilted or excessively flabby.

(3) "Tender" means that the broccoli is succulent, and reasonably free from fibrous material and is not tough, or stringy.

(4) "Good characteristic color" means that the stem and external portion of the head has a light green or darker shade of green color, except that purplish color shall also be allowed on the external portion of the head.

(5) "Compact head" means that the individual head is closely formed, not open or spread to the extent that it has a loose appearance, and that the individual florets are fairly tightly formed and not more than moderately elongated.

(6) "Cull material" means all foreign material, any portion of the stem in excess of the maximum length specified, all stalks under the minimum length specified for the U. S. No. 2 grade, and all coarse, damaged and discolored leaves, and leaves extending more than one and one-half inches above the top of the head.

(7) "Damage" means any defect which more than slightly affects the appearance, or the processing or edible quality of the head, or any portion of the stem within 5 inches from the top of the head. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Discoloration, when more than very slight, or which will not change to light green or darker shade of green color in the ordinary process of blanching.

(ii) Freezing, when causing more than slight discoloration of the individual unit.

(iii) Hollow stem or pithiness, when discolored, or when more than slightly affecting the appearance of the individual unit.

(iv) Scars, when discolored, or when more than slight or superficial.

(v) Dirt or other foreign material, when more than slight, or which cannot be removed in the ordinary washing process.

(vi) Disease, when showing discoloration, or when more than slightly affecting the appearance, or the processing or edible quality.

(vii) Insects, when worms or worm frass are present, or when there is more than slight infestation by other insects.

(8) "Diameter" means the greatest thickness of the stem measured at a point 6 inches from the top of the head, except that stems which are less than 6 inches in length shall be measured at the base of the stem.

(9) "Fairly compact head" means that the individual head is fairly closely formed and not excessively spread and that the florets are not on the verge of opening and will not open in the ordinary process of blanching.

(10) "Serious damage" means any defect which materially affects the appearance, or the processing or edible quality of the head, or any portion of the stem within 5 inches from the top of the head. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Discoloration, when the appearance of the individual unit is materially affected.

(ii) Freezing, when causing discoloration which materially affects the appearance of the individual unit.

(iii) Hollow stem or pithiness, when discolored, or when materially affecting the appearance of the individual unit. Units which show a ragged appearance or deep holes shall be considered as serious damage.

(g) *Effective time.* The United States Standards for Broccoli for Processing contained in this section shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER.

(Pub. Law 759, 81st Cong.)

Done at Washington, D. C., this 27th day of March 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator,
Production and Marketing
Administration.

[F. R. Doc. 51-3880; Filed, Mar. 29, 1951; 8:55 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 905—MILK IN OKLAHOMA CITY, OKLA., MARKETING AREA

ORDER AMENDING ORDER, REGULATING HANDLING

§ 905.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that;

(1) The said order, as hereby amended, and all of the terms and conditions hereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for milk in the marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order, amending the order, effective not later than April 1, 1951, so as to reflect current market conditions. Any further delay beyond this time, in the effective date of this order, amending the order, will seriously impair the orderly marketing of milk in the Oklahoma City, Oklahoma, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held December 11 and 12, 1950, and the decision of the Secretary having been issued on March 13, 1951. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, effective April 1, 1951, and that it would be impracticable, unnecessary and contrary to the public interest to delay the effective date of this order 30 days after its publication in the FEDERAL REGISTER (Sec. 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237; 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the said order which is marketed within the Oklahoma City, Oklahoma, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, is the only practical means, pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, amending the order, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of its approval and issuance, and who during the representative period (December 1950), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Oklahoma City, Oklahoma, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Add the following as § 905.14:

§ 905.14 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of April through June which is not in excess of such producer's daily average base computed pursuant to § 905.65 multiplied by the number of days in such month for which such producer delivered milk to such handler.

2. Add the following as § 905.15:

§ 905.15 *Excess milk.* "Excess milk" means producer milk received by a handler during any of the months of April through June which is in excess of base milk received from such producer during such month, and shall include all milk received from a producer for whom no daily average base can be computed pursuant to § 905.65.

3. Delete § 905.22 (j) (2) and substitute therefor the following:

(2) On or before the 12th day of each month the uniform price(s) computed pursuant to § 905.71 or § 905.72, as applicable and the butterfat differential computed pursuant to § 905.81, both for the previous month; and

4. Delete § 905.30 (a) and substitute therefor the following:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and, for the months of April through June, the aggregate quantities of base milk and excess milk;

(5) Delete § 905.31 (a) and substitute therefor the following: "(a) the total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producer, including for the months of April through June such producer's deliveries of base milk and excess milk;"

6. Delete § 905.51 (a) and (b) and substitute therefor the following:

(a) *Class I milk.* The basic formula price plus $1.45 during the months of April, May, and June and plus $1.85 during all other months: *Provided,* That for each of the months of September, October, November, and December, such price shall be not less than that for the preceding month, and that for each of the months of April, May, and June such price shall be not more than that for the preceding month.

(b) *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Fairmont Foods Co., Guthrie, Okla.
Wilson & Company, Blackwell, Okla.
Kraft Cheese Co., Sulphur, Okla.
Hawk Dairy, Tulsa, Okla.

Provided, That such price shall be not less than the average of the basic or field prices paid or to be paid for such milk by the Gilt Edge Dairy, Norman, Oklahoma.

7. Add the following as a center heading and §§ 905.65 and 905.66:

DETERMINATION OF BASE

§ 905.65 *Computation of daily average base for each producer.* For the months of April through June of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 905.66:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through December immediately preceding by the number of days, not to be less than ninety, of such producer's delivery in such period: *Provided,* That for the months of April through June 1951, the total pounds of milk received by handlers from a producer in December 1950 and January 1951 shall be divided by 62 in order to determine such producer's daily average base.

§ 905.66 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred only during the period of April through June by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person named in such notice only as follows:

(i) In the event of the death, retirement, or entry into military service of a producer, the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(ii) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days shall forfeit his base.

8. Amend § 905.71 by deleting from the first sentence thereof the words: "For each month" and substituting therefor the words "For each of the months of July through March."

9. Add the following as § 905.72:

§ 905.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through June the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 905.70 for all handlers who made the reports prescribed in § 905.30 and who made the payments pursuant to §§ 905.80 and 905.83 for the preceding month;

(b) Add not less than one-half of the cash balance in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 905.85;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 905.81 and mul-

tiplying the resulting figure by the total hundredweight of such milk;

(d) Compute the total value on a 4.0 percent butterfat basis of the excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content received from producers.

(f) Subtract the value of excess milk obtained in paragraph (d) of this section from the value of all milk obtained in paragraph (c) of this section and adjust by any amount involved in adjusting the uniform price for excess milk to the nearest cent;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations;

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

10. Delete § 905.80 (a) and substitute therefor the following:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer (1) at not less than the uniform price computed pursuant to § 905.71 for all milk received from such producer, if such preceding month was any of the months of July through March, or (2) at not less than the uniform price for base milk computed pursuant to § 905.72, with respect to base milk received from such producer, and at not less than the uniform price for excess milk computed pursuant to § 905.72 with respect to excess milk received from such producer, if such preceding month was any of the months of April through June, in each case adjusted by the butterfat differential computed pursuant to § 905.81, and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association, on or before the 13th day after the end of the month, an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

11. In §§ 905.83 and 905.84 delete "§ 905.80 (a)" wherever it appears and substitute therefor "§ 905.80."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Issued at Washington, D. C., this 27th day of March 1951, to be effective on and after the 1st day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-3683; Filed, Mar. 29, 1951; 8:56 a. m.]

PART 906—MILK IN THE TULSA, OKLA., MARKETING AREA

ORDER AMENDING THE ORDER REGULATING HANDLING

§ 906.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tulsa, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for milk in the marketing area, and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order, amending the order, effective not later than April 1, 1951, so as to reflect current marketing conditions. Any further delay beyond this time in the effective date of this order, amending the order, will seriously impair orderly marketing of milk in the Tulsa, Oklahoma, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held December 13 and 14, 1950, and the decision of the Secretary having been issued on March 13, 1951. Therefore, reasonable time, under the circumstances has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, effective April 1, 1951, and that it would be impracticable, unnecessary and contrary to the public interest to delay the effective date of this order 30 days after its publication in the FEDERAL REGISTER (sec. 4 (c) Administrative Procedure Act, Public Law 404, 79th Cong., 60 Stat. 237; 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the said order which is marketed within the Tulsa, Oklahoma, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, is the only practical means, pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, amending the order, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of its approval and issuance, and who during the representative period (December 1950), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Tulsa, Oklahoma, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 906.10 and substitute therefor the following:

§ 906.10 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk which is received at an approved plant: *Provided*, That such milk is produced under a dairy farm permit, permit authorization or rating issued by any health authority having jurisdiction in the marketing area for the production of milk to be disposed of for consumption as Grade A milk. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. This definition shall not include a person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this order pursuant to § 906.61.

2. Add the following as § 906.14:

§ 906.14 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of April through June which is not in excess of each producer's daily average base computed pursuant to § 906.65 multiplied by the number of days in such month for which such producer delivered milk to such handler.

3. Add the following as § 906.15:

§ 906.15 *Excess milk.* "Excess milk" means producer milk received by a handler during any of the months of April through June which is in excess of base milk received from each producer during such month, and shall include all milk received from producers for whom no daily average base can be computed pursuant to § 906.65.

4. Delete § 906.22 (j) (2) and substitute therefor the following:

(2) On or before the 12th day of each month the uniform price(s) computed pursuant to § 906.71 or § 906.72, as applicable, and the butterfat differential computed pursuant to § 906.82, both for the previous month; and

5. Delete § 906.30 (a) and substitute therefor the following:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and, for the months of April through June, the aggregate quantities of base milk and excess milk;

6. Delete § 906.31 (a) and substitute therefor the following: "(a) the total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producer including for the months of April through June such producer's deliveries of base milk and excess milk;"

7. Delete § 906.51 (a) and substitute therefor the following:

(a) *Class I milk.* The basic formula price plus $1.45 during the months of April, May, and June and plus $1.85 during all other months: *Provided*, That for each of the months of September, October, November, and December, such price shall be not less than that for the preceding month, and that for each of the months of April, May, and June such price shall be not more than that for the preceding month.

8. Add the following as a center heading and §§ 906.65 and 906.66:

DETERMINATION OF BASE

§ 906.65 *Computation of daily average base for each producer.* For the months of April through June of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 906.66:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through December immediately preceding by the number of days, not to be less than ninety, of such producer's delivery in such period: *Provided*, That for the months of April through June 1951, the total pounds of milk received by handlers from a producer in December 1950 and January 1951 shall be divided by 62 in order to determine such producer's daily average base.

§ 906.66 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred only during the period of April through June by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person named in such notice only as follows:

(i) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(ii) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days shall forfeit his base.

9. Amend § 906.71 by deleting from the first sentence thereof the words: "For each month" and substituting therefor the words "For each of the months of July through March."

10. Add the following as § 906.72:

§ 906.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through June the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 906.70 for all handlers who made the reports prescribed in § 906.30 and who made the payments pursuant to §§ 906.80 and 906.84 for the preceding month;

(b) Add the aggregate of the values of all allowable location adjustments to producers pursuant to § 906.81;

(c) Add not less than one-half of the cash balance in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 906.85;

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 906.82 and multiplying the resulting figure by the total hundredweight of such milk;

(e) Compute the total value on a 4.0 percent butterfat basis of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(f) Divide the total value of excess milk obtained in paragraph (e) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers.

(g) Subtract the value of excess milk obtained in paragraph (e) of this section from the value of all milk obtained in paragraph (d) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(h) Divide the amount obtained in paragraph (g) of this section by the total hundredweight of base milk included in these computations;

(i) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (h) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

11. Delete § 906.80 (a) and substitute therefor the following:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer (1) at not less than the uniform price computed pursuant to § 906.71 for all milk received from such producer if such preceding month was any of the months of July through March, or (2) at not less than the uniform price for base milk computed pursuant to § 906.72, with respect to base milk received from such producer, and at not less than the uniform price for excess milk computed pursuant to § 906.72 with respect to excess milk received from such producer, if such preceding month was any of the months of April through June, in each case adjusted by the butterfat differential computed pursuant to § 906.82, subject to location adjustments to producers pursuant to § 906.81, less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association, on or before the 13th day after the end of the month, an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

12. In §§ 906.84 and 906.85 delete "§ 906.80 (a)" wherever it appears and substitute therefor "§ 906.80."

13. Amend § 906.87 (b) by deleting the period at the end thereof, substituting therefor a comma, and adding thereto the following: "identified by a statement showing for each such producer the information required to be reported to the market administrator pursuant to § 906.31. In lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to § 906.31."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Issued at Washington, D. C., this 27th day of March 1951, to be effective on and after the 1st day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-3884; Filed, Mar. 29, 1951; 8:57 a. m.]

PART 965—MILK IN THE CINCINNATI, OHIO, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 965.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order amending the order, as amended, effective not later than April 1, 1951. Certain provisions hereof affect prices to be paid to producers for milk delivered in April 1951, and such provisions have been found to be necessary in order to insure a sufficient supply of pure and wholesome milk for the marketing area. The provisions hereof are well known to interested persons, a recommended decision proposing provisions identical with those contained herein, having been issued on February 21, 1951 (16 F. R. 1832) and a decision having been issued on March 12, 1951 (16 F. R. 2443). The changes effected by this order amending the order, as amended, do not require extensive preparation by persons affected prior to its effective date. The time intervening between the date of issuance and the effective date of this order amending the order, as amended, affords persons affected a reasonable time to prepare for its effective date. It is therefore found and determined that good cause exists for making this order amending the order, as amended, effective April 1, 1951, and that to delay the effective date 30 days after publication in the FEDERAL REGISTER would be impracticable, unnecessary, and contrary to the public interest.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Cincinnati, Ohio, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance and who, during the determined representative period (January 1951), were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 965.51 (a) by adding thereto the following: *"Provided,* That from the effective date of this proviso through April 1951 the Class I price for any month shall not be lower than in the immediately preceding month."

2. Amend § 965.51 (b) by adding thereto the following: *"Provided,* That from the effective date of this proviso through April 1951 the Class II price for any month shall not be lower than in the immediately preceding month."

3. Amend that portion of § 965.51 (c) which precedes subparagraph (1) thereof to read as follows:

(c) The price for Class III milk during each of the months of March through September shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph; and the price for Class III milk during each of the months of October through February, shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph, plus 30 cents.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 27th day of March 1951, to be effective on and after the 1st day of April 1951.

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Secretary of Agriculture.

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PART 968—MILK IN THE WICHITA, KANSAS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

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AUTHORITY: §§ 968.0 to 968.110 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 968.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Wichita, Kansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order amending the order, as amended, effective not later than April 1, 1951, so as to reflect current marketing conditions. Any delay beyond April 1, 1951, in the effective date of this order amending the order, as amended, will seriously impair the orderly marketing of milk in the Wichita, Kansas, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held October 24, 1950, and the decisions of the Secretary having been issued on March 14, 1951. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective April 1, 1951, and that it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order 30 days after its publication in the FEDERAL REGISTER (sec. 4 (c) Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237; 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order amending the order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended, and as hereby further amended, which is marketed within the Wichita, Kansas, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the representative period (January 1951), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Wichita, Kansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended to read as follows:

DEFINITIONS

§ 968.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 968.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 968.3 *Wichita, Kansas, marketing area.* "Wichita, Kansas, marketing area" means all the territory within the corporate limits of the city of Wichita, Kansas, and the territory within Delano, Kechi, Minneha, Riverside, Waco, and Wichita Townships and the city of Eastborough, all in Sedgwick County, Kansas.

§ 968.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 968.5 *Approved dairy farmer.* "Approved dairy farmer" means any person who holds a currently valid permit issued by the Health Department of the City of Wichita for the production of milk to be disposed of as Grade "A" milk.

§ 968.6 *Producer.* "Producer" means any approved dairy farmer, other than a producer-handler, whose milk is received at a pool plant or is diverted from a pool plant by the handler who operates such pool plant, or by a cooperative association, to a plant which is not a pool plant for the account of such handler or cooperative association.

§ 968.7 *Approved plant.* "Approved plant" means any plant approved by the health authorities of the city of Wichita, Kansas, for the handling of milk to be disposed of for fluid consumption as milk in the marketing area and currently used for any or all the functions of receiving, weighing (or measuring), sampling, cooling, pasteurizing or other preparation of milk for sale or disposition as milk or cream for fluid consumption in the marketing area.

§ 968.8 *Pool plant.* "Pool plant" means any approved plant other than that of a producer-handler, (a) during any delivery period of January, February, July, August, September, October, November, or December within which such plant disposes of as Class I or Class II milk in the marketing area, an amount of milk equal to 15 percent or more of such plant's receipts of milk from approved dairy farmers, and (b) during each of the delivery periods of March, April, May, and June, if during the preceding delivery periods of August, September, October, and November such plant (1) was a pool plant during each such delivery period, and (2) disposed of as Class I and Class II milk in the marketing area a total amount of milk equal to 50 percent or more of such plant's total receipts of milk from approved dairy farmers during such delivery periods: *Provided,* That an approved plant which was not an approved plant during each of the preceding delivery periods of August, September, October, and November shall be a pool plant during any of the delivery periods of March, April, May, and June within which such plant disposes of as Class I and Class II milk in the marketing area an amount of milk equal to 40 percent or more of such plant's receipts of milk from approved dairy farmers.

For the purposes of this definition, the following shall apply:

(1) Milk diverted from an approved plant for the account of the handler operating such approved plant shall be considered a receipt at the approved plant from which it was diverted; and

(2) Milk diverted from an approved plant to an unapproved plant for the account of a cooperative association which does not operate a plant shall be deemed to have been received by such cooperative association at a pool plant.

§ 968.9 *Handler.* "Handler" means any person who, on his own behalf or on behalf of others, disposes of as Class I or Class II milk in the marketing area all or a portion of the milk purchased or received by him at an approved plant from (a) approved dairy farmers, (b) his own production, and (c) other handlers. This definition shall include a cooperative association with respect to milk which it causes to be delivered from a producer to a plant from which no milk is disposed of as Class I milk or as Class II milk in the marketing area.

§ 968.10 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines (a) to have its entire activities under the control of its members, and (b) to have and to be exercising full authority in the sale of milk of its members.

§ 968.11 *Producer-handler.* "Producer-handler" means any approved dairy farmer who operates an approved plant, but who receives no milk from other approved dairy farmers.

§ 968.12 *Delivery period.* "Delivery period" means the then current marketing period from the first to, and including, the last day of each month.

§ 968.13 *Milk product.* "Milk product" means any product manufactured from milk or milk ingredients except products which fall within the definition of Class III milk pursuant to paragraph (c) of § 968.41 and which are disposed of in the form in which received without further processing or packaging by the handler.

§ 968.14 *Market administrator.* "Market administrator" means the person designated pursuant to § 968.20 as the agency for the administration of this part.

MARKET ADMINISTRATOR

§ 968.20 *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at, the discretion of the Secretary.

§ 968.21 *Powers.* The market administrator shall:

(a) Administer the terms and provisions of this part, and

(b) Report to the Secretary complaints of violations of the provisions of this part.

§ 968.22 *Duties.* The market administrator shall:

(a) Within 45 days following the date upon which he enters upon his duties execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in the amount and with surety thereon satisfactory to the Secretary;

(b) Pay out of the funds provided by § 968.88 the cost of his bond, his own compensation, and all other expenses necessarily incurred by him in the maintenance and functioning of his office;

(c) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who within 10 days after the date upon which he is required to perform such acts, has not (1) made reports pursuant to §§ 968.30 through 968.32 or (2) made payments pursuant to §§ 968.80 through 968.86; and

(e) Promptly verify the information contained in the reports submitted by handlers.

REPORTS, RECORDS AND FACILITIES

§ 968.30 *Periodic reports.* On or before the 7th day after the end of each delivery period each handler, except a producer-handler, shall, with respect to milk or milk products which were purchased, received, or produced by such handler during such delivery period, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts at each plant of milk from each producer or approved dairy farmer, the butterfat content, and the number of days on which milk was received from each producer;

(b) The receipts of milk, cream, and milk products from handlers who purchase or receive milk from producers or approved dairy farmers and the butterfat content;

(c) The receipts of milk, cream, and milk products from any other source and the butterfat content;

(d) The respective quantities of milk and milk products and the butterfat content which were sold, distributed or used, including sales to other handlers for the purpose of classification pursuant to § 968.40; and

(e) Such other information with respect to the use of the milk as the market administrator may request, including a separate statement of Class I and Class II milk disposed of within the marketing area.

§ 968.31 *Reports of payments.* On or before the 20th day after the end of each delivery period, upon the request of the market administrator, each handler who purchased or received milk from producers or approved dairy farmers shall submit to the market administrator his producer payroll for such delivery period which shall show for each producer and each approved dairy farmer: (a) His total deliveries of base milk and total deliveries of milk in excess of base milk, (b) the average butterfat content of his milk, and (c) the net amount of such handler's payments to such producer or approved dairy farmer with the prices, deductions, and charges involved.

§ 968.32 *Reports of producer-handlers.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall require.

§ 968.33 *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose disposition of milk the classification depends. Each handler shall keep adequate records of receipts and utilization of milk and milk products and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to:

(a) Verify the receipts and disposition of all milk and milk products, and in case of errors or omissions, ascertain the correct figures;

(b) Weigh, sample, and test for butterfat content the milk purchased or received from producers and any product of milk upon which classification depends; and

(c) Verify the payments to producers prescribed in § 968.80.

§ 968.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year periods, the market administrator notifies the handler in writing that the retention of such books and records, or specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 968.40 *Basis of classification.* All milk and milk products purchased, received or produced by each handler, including milk of a producer which a cooperative association causes to be delivered to a plant from which no milk is disposed of in the marketing area, shall be reported by the handler in the classes set forth in § 968.41 subject to the following conditions:

(a) Except as provided in paragraph (c) of this section, milk, skim milk, or cream moved in fluid form from an approved plant to an unapproved plant located more than 100 miles from the approved plant, shall be Class I if moved in the form of milk or skim milk, and Class II if moved in the form of cream.

(b) Except as provided in paragraph (c) of this section, milk, skim milk, or cream moved in fluid form from an approved plant to an unapproved plant located not more than 100 miles from the approved plant and from which fluid milk and cream are distributed, shall be Class I if moved in the form of milk or skim milk and Class II if moved in the form of cream, unless the purchaser certifies that the market administrator may verify his records. If the market administrator is permitted to verify the necessary records such milk, skim milk, or cream, shall be classified as follows: (1) Determine the classification of all milk received in the unapproved plant, and (2) allocate the milk, skim milk, or cream received from the approved plant to the highest use classification remaining after subtracting in series beginning with the highest use classification, the receipts of milk at such unapproved plant directly from dairy farmers who the market administrator determines constitute its regular source of milk for Class I and Class II use.

(c) Milk, skim milk, or cream, which is moved to an unapproved plant from an approved plant which regularly receives type C milk, and which is sold as "type C milk for manufacturing only" and is so tagged or labeled, may be classified as Class III milk up to the extent of the receipt of type C milk at the approved plant.

(d) Except as provided in paragraph (a) of this section, milk, skim milk, or cream, moved from an approved plant to an unapproved plant which does not distribute fluid milk or cream shall be classified as Class III milk.

(e) Milk or skim milk sold or disposed of by a handler who purchases or receives milk from producers to another handler shall be classified as Class I milk: *Provided,* That if such milk or skim milk, except milk or skim milk sold or disposed of by such handler to a producer-handler, is reported by the receiving handler or by the disposing handler as having been utilized as Class II milk or Class III milk, it shall be classified accordingly but in no event shall the amount classified in any class exceed the total use in such class by the receiving handler.

(f) Cream sold or disposed of as fluid cream by a handler who purchases or receives milk from producers to another handler shall be classified as Class II milk: *Provided,* That if such cream, except cream sold or disposed of by such handler to a producer-handler, is reported by the receiving handler or by the disposing handler as having been utilized as Class III milk, such cream shall be classified accordingly but in no event shall the amount classified in any class exceed the total use in such class by the receiving handler.

(g) Milk, skim milk, or cream sold or disposed of by a producer-handler to another handler who receives milk from producers shall be classified in the lowest use classification of the purchasing handler.

§ 968.41 *Classes of utilization.* Subject to the conditions set forth in § 968.40 the classes of utilization shall be as follows:

(a) Class I milk shall be all milk and skim milk disposed of for consumption as milk, skim milk, buttermilk, flavored milk and milk drinks, and all milk not classified as Class II milk or Class III pursuant to paragraphs (b) and (c) of this section.

(b) Class II milk shall be all milk used to produce cream which is disposed of in the form of cream (other than for use in products specified in paragraph (c) of this section), cottage cheese, products sold or disposed of in the form of cream testing less than 18 percent butterfat, aerated cream, and eggnog.

(c) Class III milk shall be all milk, used to produce butter, cheese (other than cottage cheese), evaporated milk, ice cream, ice cream mix and powdered milk; disposed of as livestock feed; used for starter churning, wholesale baking and candy making purposes; the milk equivalent of butterfat accounted for as loss in products where the salvage of fat is impossible; and the milk equivalent of unaccounted for butterfat not in excess of 3 percent of the total receipts of butterfat other than receipts from other handlers: *Provided,* That for the purpose of establishing such total receipts of butterfat, butterfat in milk diverted directly from producer's farms to another handler shall be included as receipts of the handler to whom such milk was diverted, and excluded from receipts of the diverting handler.

§ 968.42 *Responsibility of handlers in establishing the classification of milk.* In establishing the classification as required in § 968.41 of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

§ 968.43 *Computation of milk in each class.* For each delivery period each handler shall compute, in the manner and on forms prescribed by the market administrator, the amount of milk in each class as defined in § 968.41 as follows:

(a) Determine the total pounds of milk received as follows: Add together total pounds of milk received at approved plants from (1) producers, (2) other handlers, and (3) other sources.

(b) Determine the total pounds of butterfat received as follows: (1) Multiply by its average butterfat test the weight of the milk received at approved plants from (i) producers, (ii) other handlers, and (iii) other sources, and (2) add together the resulting amounts.

(c) Determine the total pounds of milk in Class I as follows: (1) Convert to pounds the quantity of Class I milk on the basis of 2.15 pounds per quart, and subtract the weight of any flavoring materials included, (2) multiply the result by the average butterfat test of such milk, and (3) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk, computed pursuant to paragraphs (d) (2) and (e) (4) of this section is less than the total pounds of butterfat received computed in accordance with paragraph (b) of this section, an amount equal to the difference shall be divided by 3.8 percent and added to the quantity of milk determined pursuant to subparagraph (1) of this paragraph.

(d) Determine the total pounds of milk in Class II as follows: (1) Multiply the actual weight of each of the several products of Class II milk by its average butterfat test, (2) add together the resulting amounts, and (3) divide the result obtained in subparagraph (2) of this paragraph by 3.8 percent.

(e) Determine the total pounds of milk in Class III as follows: (1) Multiply the actual weight of each of the several products of Class III by its average butterfat test, (2) add together the resulting amounts, (3) subtract from the total pounds of butterfat computed pursuant to paragraph (b) of this section the total pounds of butterfat in Class I milk, computed pursuant to paragraph (c) (2) of this section, the total pounds of butterfat in Class II milk, computed pursuant to paragraph (d) (2) of this section and the total pounds of butterfat computed pursuant to subparagraph (2) of this paragraph which resulting quantity shall be allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 3 percent of the total receipts as specified in § 968.41 (c) of butterfat other than receipts from other handlers, (4) add together the results obtained in subparagraphs (2) and (3) of this paragraph, and (5) divide the results obtained in subparagraph (4) of this paragraph by 3.8 percent.

§ 968.44 *Allocation of milk classified.* Determine the classification of milk received from producers as follows:

(a) Subtract from the total pounds of milk in each class the pounds of milk which were received from other handlers and used in each class.

(b) Subtract from the remaining pounds of milk in each class the pounds of milk which were received from sources other than producers, and other handlers in series beginning with the lowest class.

§ 968.45 *Reconciliation of utilization of milk by classes with receipts of milk from producers.* In the event of a difference between the total quantity of milk used in the several classes as computed pursuant to § 968.44 and the quantity of milk received from producers, except for excess milk or milk equivalent of butterfat pursuant to § 968.62, such difference shall be reconciled as follows:

(a) If the total utilization of milk in the various classes for any handler, as computed pursuant to § 968.44, is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

(b) If the total utilization of milk in the various classes for any handler, as computed pursuant to § 968.44, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts from producers and the total utilization of milk by classes for such handler.

MINIMUM PRICES

§ 968.50 *Class prices.* Each handler shall pay at the time and in the manner set forth in this part not less than the following prices per hundredweight of milk received during each delivery period from producers:

(a) *Class I milk.* The price per hundredweight shall be the price determined pursuant to § 968.51 plus $1.00 during the months of April, May, and June of each year, and plus $1.45 during the remaining months of each year.

(b) *Class II milk.* The price per hundredweight shall be the price determined pursuant to § 968.51 plus 75 cents during the months of April, May, and June of each year and plus $1.20 during the remaining months of each year.

(c) *Class III milk.* The price per hundredweight shall be the average of the prices paid during each delivery period for ungraded milk containing 3.8 percent butterfat at the following plants now operated by the listed companies: at Wichita, Kansas, by the DeCoursey Cream Company; at Blackwell, Oklahoma, by Wilson and Company; and at Arkansas City, Kansas, by the Arkansas City Cooperative Milk Association, but in no event shall the price be less than that paid at the plant at Wichita, Kansas, operated by the DeCoursey Cream Company.

§ 968.51 *Basic formula price to be used in determining Class I and Class II prices.* The basic formula price to be used in determining the Class I and Class II prices set forth in § 968.50 shall be the average of the basic or field prices ascertained to have been paid for milk of 3.5 percent butterfat content received during the immediately preceding delivery period at the following places for which prices are reported to the market administrator by the listed companies or by the United States Department of Agriculture (or by such other Federal agency as may be authorized to perform this price reporting function):

Companies and Locations
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
Borden Co., New London, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

divided by 3.5 and mutiplied by 3.8 but in no event shall such basic price be less than the following: multiply by 3.8 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture (or such other Federal agency as may be authorized to perform this price reporting function) for the immediately preceding delivery period, and add 20 percent: *Provided*, That such price shall be subject to the following adjustments: (a) add 3½ cents per hundredweight for each full one-half cent that the price of nonfat dry milk solids for human consumption is above 5½ cents per pound or (b) subtract 3½ cents per hundredweight for each full one-half cent that the price of such nonfat dry milk solids is below 5½ cents per pound. For purposes of determining this adjustment, the price of nonfat dry milk solids to be used shall be the average of carlot prices for nonfat dry milk solids for human consumption, f. o. b. manufacturing plant, as published by the United States Department of Agriculture (or such other Federal agency as may be authorized to perform this price reporting function) for the Chicago area during the immediately preceding delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such nonfat dry milk solids for the previous delivery period. In the event the United States Department of Agriculture (or such other Federal agency as may be authorized to perform this price reporting function) does not publish carlot prices for nonfat dry milk solids for human consumption, f. o. b. manufacturing plants, the average of the carlot prices for nonfat dry milk solids for human consumption, delivered at Chicago, shall be used. In the latter event, such price shall be subject to the following adjustments: (1) Add 3½ cents per hundredweight for each full one-half cent that the price of nonfat dry milk solids for human consumption, delivered at Chicago, is above 7½ cents per pound, or (2) subtract 3½ per cents per hundredweight for each full one-half cent that such price of nonfat dry milk solids is below 7½ cents per pound.

§ 968.52 *Emergency provisions.* (a) Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payments being made in connection with the milk or product associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

(b) Whenever the Secretary finds and announces that the Class I and Class II prices computed for any delivery period pursuant to § 968.50 are not in the public interest, the Class I and Class II prices for such delivery period shall be the same as the Class I and Class II prices for the previous delivery period.

APPLICATION OF PROVISIONS

§ 968.60 *Producer-handlers.* Sections 968.40 through 968.45, 968.50 through 968.52, 968.61 through 968.63, 968.70, 968.71, 968.80 through 968.88, shall not apply to a producer-handler.

§ 968.61 *Other source milk.* If a handler has purchased or received milk or butterfat from a producer-handler, or from sources other than from producers or other handlers, and has sold or disposed of such milk for other than Class III purposes, the market administrator, in determining the net pool obligation of the handler pursuant to § 968.70, shall add an amount equal to the difference between (a) the value of such milk or the milk equivalent of such butterfat according to its utilization by the handler and (b) the value at the Class III price. The provisions of this section shall not apply if the handler can prove to the market administrator that such milk or butterfat was used only to the extent that milk of producers was not available, either directly from producers or at the plant of another handler at the class prices provided pursuant to § 968.50 (a) and (b).

§ 968.62 *Excess milk.* If a handler, after subtracting receipts from other handlers, and receipts from sources determined as other than producers, or other handlers, has disposed of milk or butterfat in excess of the milk or butterfat which, on the basis of his reports, has been credited to his producers as having been delivered by them, the market administrator, in determining the net pool obligation of the handler, pursuant to § 968.70, shall add an amount equal to the value of such milk or butterfat according to its utilization by the handler.

§ 968.63 *Handler operating an approved plant which is not a pool plant.* Each handler who operates an approved plant which is not a pool plant during a delivery period, shall in lieu of the payments required pursuant to §§ 968.80 through 968.85, pay to the market administrator, for the producer-settlement fund, on or before the 25th day after the end of such delivery period, the amount resulting from the computations of either paragraph (a) or paragraph (b) of this section, whichever is less.

(a) The sum of (1) the product of the quantity of milk received by such handler which was disposed of in the marketing area as Class I milk during the delivery period multiplied by the difference between the price for Class I milk pursuant to § 968.50 (c), and (2) the product of the quantity of milk received by such handler which was disposed of in the marketing area as Class II milk during the delivery period multiplied by the difference between the price for Class II milk pursuant to § 968.50 (b) and the price for Class III milk pursuant to § 968.50 (c).

(b) Any plus amount resulting from the following computation:

(1) To an amount equal to the net pool obligation which would be computed pursuant to § 968.70 for such handler for such delivery period if such handler operated a pool plant, add for each one-tenth by which the average butterfat content of milk received from approved dairy farmers by such handler is greater than 3.8 percent, or subtract for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 968.82 by the total hundredweight of such milk; and

(2) Deduct the gross payments made by such handler to approved dairy farmers for milk received during such delivery period.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 968.70 *Net pool obligations of handlers.* The net pool obligation of each handler for milk received from producers during each delivery period shall be a sum of money computed for such delivery period by the market administrator as follows: Multiply the pounds of milk in each class computed pursuant to § 968.44 by the class price pursuant to § 968.50, add together the resulting values, and add the value of any payments required to be made pursuant to §§ 968.61 and 968.62.

§ 968.71 *Computation and announcement of uniform prices.* For each delivery period the market administrator shall compute and announce the uniform prices per hundredweight for base milk and excess milk as follows:

(a) Combine into one total the net pool obligations of all handlers computed pursuant to § 968.70 who made the reports prescribed by § 968.30 for such delivery period and who made the payments prescribed by §§ 968.80 and 968.84 for the preceding delivery period;

(b) Add an amount equal to one-half of the cash balance in the producer-settlement fund less the amount due handlers pursuant to § 968.86;

(c) Compute the total value of the milk included in these computations which is in excess of the delivered base of producers by assigning such milk first to Class III milk and then to each succeeding higher classification until all such milk has been classified, and then multiplying the total pounds of excess milk assigned to each class by the appropriate class price and adding together the resulting amounts;

(d) Divide the total value of excess milk obtained in paragraph (c) of this section by the total hundredweight of such milk and round to the nearest cent. This result shall be known as the uniform price for excess milk of 3.8 percent butterfat;

(e) Subtract the value of excess milk obtained in paragraph (c) of this section from the value of all milk obtained in paragraph (b) of this section and adjust by any amount involved in rounding the uniform price for excess milk to the nearest cent;

(f) Divide the result obtained in paragraph (e) of this section by the total hundredweight of milk represented by the delivered bases of producers;

(g) Subtract not less than 4 cents nor more than 5 cents; the result shall be known as the uniform price per hundredweight for such delivery period for base milk of producers containing 3.8 percent butterfat.

PAYMENTS

§ 968.80 *Time and method of payment.* On or before the 12th day after the end of each delivery period each handler shall make payment, after deducting the amount of the payment made pursuant to § 968.81, subject to the butterfat differential set forth in § 968.82 for milk purchased or received from producers by such handler during each delivery period as follows:

(a) To each producer, except as set forth in paragraph (c) of this section, not less than the uniform price per hundredweight computed pursuant to § 963.71 (g) for that quantity of milk received from such producer not in excess of such producer's base;

(b) To each producer, except as set forth in paragraph (c) of this section, not less than the excess price, computed pursuant to § 968.71 (d), for that quantity of milk received from such producer in excess of such producer's base; and

(c) To a cooperative association for milk which it caused to be delivered to a handler from producers and for which such cooperative association collects payments, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers under paragraphs (a) and (b) of this section.

§ 968.81 *Half delivery period payments.* On or before the 27th day of each delivery period, each handler shall make payment to each producer for the approximate value of the milk of such producer which, during the first 15 days of such delivery period, was received by such handler.

§ 968.82 *Butterfat differential.* If, during the delivery period, any handler has purchased or received from any producer milk having an average butterfat content other than 3.8 percent, such handler in making the payments prescribed in § 968.80 shall add to the prices per hundredweight for such producers for each one-tenth of 1 percent of average butterfat content in milk above 3.8 percent not less than, or shall subtract from such prices for such producer for each one-tenth of 1 percent of average butterfat content in milk below 3.8 percent not more than, an amount computed as follows: to the average price of 92-score butter at wholesale in the Chicago market as reported by the United States Department of Agriculture (or such other Federal agency as may hereinafter be authorized to perform this price reporting function) for the delivery period during which such milk was received, add 20 percent and divide the resulting sum by 10.

§ 968.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 968.84, 968.86 and 968.63, and out of which he shall make all payments to handlers pursuant to §§ 968.85 and 968.86: *Provided*, That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform price for each delivery period, the market administrator shall compute the amount by which each handler's net pool obligation, including the payments to producers which are required to be made pursuant to §§ 968.61 and 968.62, is greater or less than the sum obtained by multiplying the hundredweight of milk of producers by the appropriate prices required to be paid producers by handlers pursuant to § 968.80 and adding together the resulting amounts, and shall enter such amount on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

§ 968.84 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator for payment to producers through the producer-settlement fund, the amount by which the net pool obligation of such handler including the payments required to be made pursuant to §§ 968.61 and 968.62 is greater than the sum required to be paid producers by such handler pursuant to §§ 963.80 and 968.81.

§ 968.85 *Payments out of the producer-settlement fund.* (a) On or be-

fore the 12th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to §§ 968.80 and 968.81 is greater than the net pool obligation of such handler, including the payments required to be made pursuant to §§ 968.61 and 968.62.

(b) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 12th day after the end of the delivery period, has not received the balance of such reduced payment from the market administrator, shall be deemed to be in violation of § 968.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 968.86 *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to the producer-settlement fund made pursuant to § 968.84, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 968.85, the market administrator shall, within 5 days make payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following the disclosure.

§ 968.87 *Marketing services.*—(a) *Deductions from marketing services.* Except as set forth in paragraph (b) of this section, each handler shall deduct 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, from the payments made to each producer other than himself pursuant to § 968.80 (a) and (b) with respect to all milk of such producer purchased or received by such handler during the delivery period and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples and tests of milk received from, and to provide market information to such producers. The market administrator may contract with a cooperative association or cooperative associations for the furnishing of the whole or any part of such services.

(b) *Deductions with respect to members of a cooperative association.* In the case of producers for whom a cooperative association which the Secretary determines to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make the deductions from the payments to be made directly to producers pursuant to § 968.80 (a) and (b) which are authorized by such producers, and, on or before the 12th day after the end of each delivery period, pay over such deductions to the association of which such producers are members.

§ 968.88 *Expense of administration.* As his pro rata share of the expense of the administration of this part, each handler who purchased or received milk from producers, with respect to all milk received from approved dairy farmers during the delivery period, shall pay to the market administrator, on or before the 10th day after the end of such delivery period, an amount not exceeding 4 cents per hundredweight, which amount shall be determined by the market administrator subject to review by the Secretary.

§ 968.89 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money

BASE RATING

§ 968.90 *Determination of period base.* For each delivery period the base of each producer shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the applicable figure computed pursuant to § 968.91 by the number of days during such delivery period on which milk was received from such producer.

§ 968.91 *Determination of daily base.* (a) Effective January 1, 1948, and for each subsequent year thereafter the daily base of each producer, who regularly delivered milk to a handler during the next previous delivery periods of August, September, October, and November shall be computed by the market administrator in the following manner: Determine for each such producer his average daily delivery of milk to a handler for the time he delivered during the period from the next previous August 1 to November 30.

(b) The daily base of each producer who did not regularly deliver milk to a handler during the next previous delivery periods of August, September, October, and November but who began deliveries of milk to a handler subsequent to August 31 shall be computed by the market administrator in the following manner: For each delivery period from the date upon which the producer first delivers milk to a handler until January 1 after he shall have established a base pursuant to paragraph (a) of this section, the market administrator shall multiply such producer's daily average deliveries of milk during such period by the percentage that total base deliveries are to total deliveries of all producers.

(c) In case of a producer-handler who disposes of all of his delivery routes to another handler who is not a producer, the market administrator shall determine the daily average of the total sales of Class I milk and Class II milk by such producer during the preceding three months. The figures so determined shall be such producer's base until his base may be established pursuant to paragraph (a) of this section.

§ 968.92 *Base rules.* (a) Any producer who ceases to deliver milk to a handler for a period of more than 30 consecutive days shall forfeit his base. In the event such producer thereafter commences to deliver milk to a handler he shall be allotted a daily base computed in the manner provided in § 968.91.

(b) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle when such share basis is terminated.

(c) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided*, That at the beginning of a tenant and landlord relationship the base of each landlord and tenant may be combined and may be divided when such relationship is terminated.

(d) Base may be transferred only under the following conditions: (1) In case of the death of a producer, his base may be transferred to a surviving member or members of his family who carry on the dairy operations, and (2) on the retirement of a producer, his base may be transferred to an immediate member of his family who carries on the dairy operations.

(e) The base of two producers may be combined in the case of forming a partnership, or may be divided in the case of the dissolution of a partnership.

(f) For the purposes of this section only, the term "producer" shall include any person who has been a producer as defined in § 968.6 but whom the Wichita Board of Health has suspended temporarily for failure to produce milk in conformity with the applicable health regulations of the city of Wichita, Kansas.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 968.100 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to § 968.101.

§ 968.101 *Suspension or termination.* Any or all of the provisions of this part, or any amendment to this part, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

§ 968.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all provisions of this part there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until removed, (2) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 968.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

AGENTS

§ 968.110 *Agents.* The Secretary may, by designation in writing name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Issued at Washington, D. C., this 27th day of March, 1951, to be effective on and after the 1st day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-3887; Filed, Mar. 29, 1951; 8:57 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5787]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN CANDLE CO., INC.

Subpart—*Advertising falsely or misleadingly:* § 3.30 *Composition of goods.* In connection with the offering for sale, sale and distribution of candles in commerce, representing, directly or by implication, that respondent's candles are composed entirely of pure beeswax, when such is not the fact; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 15 U. S. C. 45) [Cease and desist order, American Candle Company, Inc., Docket 5787, January 2, 1951]

This proceeding was heard by William L. Pack, trial examiner, upon the complaint of the Commission, the answer of the respondent, and a stipulation whereby it was stipulated and agreed that the facts set forth therein might be taken as the facts in the proceeding and in lieu of testimony in support of and in opposition to the charges stated in the complaint, and might serve as the basis for findings as to the facts and conclusion based thereon and order disposing of the proceeding, without presentation of proposed findings and conclusions or oral argument, it being also provided that upon appeal to or review by the Commission said stipulation might be set aside by the Commission and the matter remanded for further proceedings under the complaint.

Thereafter the proceedings regularly came on for final consideration by the trial examiner upon the complaint, answer and stipulation, and said trial examiner, having duly considered the record in said cause, found that said proceeding was in the interest of the public and made his initial decision, comprising certain findings as to the facts, conclusion drawn therefrom and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII, became the decision of the Commission January 2, 1951.

The said order to cease and desist is as follows:

It is ordered, That the respondent, American Candle Company, Inc., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candles in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Representing, directly or by implication, that respondent's candles are composed entirely of pure beeswax, when such is not the fact.

By "Decision of the Commission and Order to File Report of Compliance", Docket 5787, January 2, 1951, which announced fruition of said initial decision on said date, report of compliance with the order was required as follows:

It is ordered, That the respondent, American Candle Company, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: January 2, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-3850; Filed, Mar. 29, 1951; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter J—Procurement Procedures

PART 1000—GENERAL PROVISIONS

PART 1001—PROCUREMENT BY FORMAL ADVERTISING

PART 1002—PROCUREMENT BY NEGOTIATION

MISCELLANEOUS AMENDMENTS

1. Paragraphs (a) and (b) of § 1000.201 are amended to read as follows:

§ 1000.201 *Definitions*—(a) *Procuring activity.* The term "procuring activity" as used in §§ 400.201–3 and other sections of Subchapter A, Chapter IV of this title and this subchapter means the Air Matériel Command. The Air Matériel Command has been designated as the sole "procuring activity" within the Department of the Air Force.

(b) *Head of a procuring activity.* The term "head of a procuring activity" as used in §§ 400.201–4 and other sections of Subchapter A, Chapter IV of this title and this subchapter means the Commanding General, Air Matériel Command, who has been designated as the sole "head of a procuring activity" within the Department of the Air Force.

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2. Section 1000.300 is added as follows:

§ 1000.300 *Methods of procurement.* Notwithstanding the provisions of § 400.301 of this title, during the period of the National Emergency declared by the President on December 16, 1950, the Assistant Secretary of the Air Force has authorized the negotiation of all purchases and contracts under section 2 (c) (1) of the Armed Services Procurement Act of 1947 (sec. 2 (c) (1), 62 Stat. 21; 41 U. S. C., Sup., 151). Procurement may continue to be effected by formal advertising only when time permits and delivery requirements are not jeopardized by such action. (See §§ 1001.102 and 1002.201.)

3. Section 1000.309 is added as follows:

§ 1000.309 *Classified procurements: check list.* Department of Defense Form 254, "Security Requirements Check List" will be used in precontract negotiations when applicable for procurements by formal advertising and by negotiation, when contractors and subcontractors must have access to classified matter. This form will be prepared in accordance with the instructions thereon and will accompany all contracts and subcontracts classified top secret, secret, confidential, or restricted, and all contracts and subcontracts involving access to classified matter by a contractor or subcontractor. In addition to the initial completion of the form, necessary changes in security classification will be made as appropriate and will be reflected on the form when down-grading action is taken in compliance with applicable regulations. This form shall not be considered a part of the contract but shall be used to implement the "Military Security Requirements Clause" and any secrecy agreement which may be existent.

4. Section 1000.310 is added as follows:

§ 1000.310 *Unauthorized release of procurement information.* All personnel of the Air Force, both military and civilian, are responsible for refraining from releasing to individual business concerns or their representatives any preknowledge such personnel may possess or have acquired in any way concerning procurements or purchases of supplies by any procuring activity of the Air Force. Such information will be released to all potential contractors at the same time, as far as possible, and only through duly designated agencies, so that one potential contractor may not be given an unfair advantage over another.

5. Section 1000.312 is added as follows:

§ 1000.312 *FOB point.* Unless there are valid reasons to the contrary (such as, but not restricted to industry practice, or destination unknown) all supply contracts shall provide for delivery as follows:

(a) When it is estimated that no shipment to a single destination will equal a minimum carload lot (a minimum carload lot shall be deemed to weigh approximately 20,000 pounds) delivery shall be made on the basis of all transportation charges paid to destination (within the Continental United States).

(b) When it is estimated that any single contract will require a shipment of minimum carload lot, delivery and acceptance may be either on the basis of f. o. b. plant or on the basis of all transportation charges paid to destination (within the Continental United States), whichever is more advantageous to the Government.

6. Section 1000.313 is added as follows:

§ 1000.313 *Broadening the industrial base of procurement programs.* The following memorandum from the Secretary of Defense, December 18, 1950, is quoted for information and guidance:

Memorandum for
The Secretary of the Army.
The Secretary of the Navy.
The Secretary of the Air Force.

Subject: Broadening the Industrial Base of Procurement Programs.

The President has declared a National Emergency. The issuance of this declaration permits the Secretaries of the Military Departments to authorize the negotiation of purchases and contracts pursuant to the authority contained in section 2 (c) (1) of the Armed Services Procurement Act of 1947. The Munitions Board has recommended, and I have approved, the following statement of policy:

The Military Departments have already received instructions to accelerate procurement actions in connection with 2d Supplemental 1951 Funds. It is essential, in complying with those instructions, that contracts be spread across industry as widely as possible in order to broaden the industrial base of our procurement program. Broadening the base will require wider use of negotiation. Formal advertising will continue to be used in appropriate cases, but not when such use will adversely affect the acceleration of procurement or the broadening of the industrial base contemplated by this directive.

The Military Departments should pay particular attention to:

(a) The greatest possible integration of current procurement contracts with the industrial mobilization program and the accepted schedules of production.

(b) The equitable distribution of procurement contracts among the maximum number of competent suppliers. The concentration of contracts with a few leader suppliers is to be avoided unless the necessity therefor is clear.

(c) The utilization of existing open industrial capacity to the maximum. Expansion of facilities should not be authorized when open capacity can be found. Whenever time permits, and in order to broaden the mobilization base, additional contractors should be utilized in lieu of multi-shift or overtime operation.

(d) The fullest possible use of small business concerns.

(e) The utilization in negotiation of competition and multiple awards, whenever possible.

(f) The aggressive encouragement or requirement of subcontracting by prime contractors.

(g) the provision of maximum incentive of the producer for the reduction of his costs.

(h) The placement of contracts with a view to economies in the use of transportation facilities.

(i) The availability of manpower in distressed employment areas or in areas of manpower shortages.

(j) The reservation of special skills and abilities for the more difficult production tasks.

To the extent necessary, Departmental procurement procedures and practices should be modified to conform to the foregoing. Particular attention should be paid to the caliber of personnel engaged in the negotiation of contracts.

(Signed) G. C. MARSHALL.

7. Section 1000.400 is added as follows:

§ 1000.400 *Secretary.* The Secretary establishes policies for, directs and supervises the Department's activities with respect to procurement and related matters. The General Counsel, as his legal advisor, is the final authority on all legal questions relating thereto. By delegation of authority from the Secretary, policies established by him are implemented and other appropriate instructions are issued to lower echelons by the Chief of Staff, United States Air Force, through the Deputy Chief of Staff, Matériel.

8. Paragraphs (a) and (b) of § 1000.401 are amended to read as follows:

§ 1000.401 *Responsibility of procuring activity*—(a) *Commanding General, Air Matériel Command.* The Commanding General, Air Matériel Command, as sole "head of a procuring activity," is responsible for the procurement of supplies and services assigned to the procurement cognizance of the Department of the Air Force except for the supplies and services assigned to the procurement cognizance of a jointly-staffed and financed procuring activity established under the provision of Part 403 of this title. This responsibility includes the authority to issue appropriate delegations of authority, to impose limitations upon the authority to enter into contracts, and to require such business clearance and approval as he may prescribe in procuring activity instructions (Air Force Procurement Instructions). This responsibility and authority extends over all activities of the Air Force, including oversea commands, air attachés, and foreign missions.

(b) *Appointment of contracting officers.* The Commanding General, Air Materiel Command, is authorized to designate, or to direct the designation of, in writing, any qualified officer or civilian official of the Department of the Air Force a contracting officer within the meaning of that term as used throughout Subchapter A, Chapter IV of this title, and this subchapter.

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9. Sections 1000.707 to 1000.709 inclusive are rescinded.

[AFP Cir. 1, 1950; AFP Cir's. 1, 2, 3, 1951] (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22 and Sup., 171a. Interpret or apply 62 Stat. 21; 41 U. S. C., Sup., 151–161)

10. Section 1001.102 is amended to read as follows:

§ 1001.102 *Policy.* (a) During the period of the National Emergency declared by the President on December 16, 1950, subject to such instructions as may be issued by the heads of procuring activities, procurement may be effected by formal advertising only when time permits and delivery requirements are not jeopardized by such action.

(b) The policy of the Department of Defense is to make available to both large and small business, the public, the press, and others having a legitimate interest, information concerning invitations for bids, and results of bidding on military procurement entered into after formal advertising. (See §§ 1001.203 and 204.)

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements, see § 401.102 of this title.

11. Paragraphs (b) (11) and (c) are added to § 1001.201 as follows:

§ 1001.201 *Preparation of forms.* • • •

(b) *Schedule.* • • •

(11) *FOB point.* In furtherance of the policy set forth in § 1000.312 of this subchapter, bids for supplies will be invited as follows:

(i) When it is estimated that no shipment to a single destination will equal a minimum carload lot, bids shall be invited on the basis of delivery by the contractor, all transportation charges paid to destination (within the Continental United States).

(ii) When it is estimated that a single contract (to be awarded) will provide for a shipment to a single destination of a carload lot or more, bids shall be invited as follows:

(a) Bid A—all transportation charges paid to destination (within the Continental United States) and

(b) Bid B—FOB carriers' equipment, wharf or freight station at a specified city or shipping point.

The invitation for bids will provide that bidders may bid on either or both bases A and B.

(c) *Price revision.* When procurement is effected by formal advertising, price revision articles (as distinguished from escalation articles) will not be inserted in the invitation for bids or in any contract resulting therefrom.

12. Paragraph (d) of § 1001.405 is redesignated paragraph (e), and a new paragraph (d) is substituted as follows:

§ 1001.405 *Awards.* • • •

(d) *Transportation costs.* In connection with bids or proposals submitted on an FOB origin basis, transportation costs between the source of supply and the designated destination point or points will be considered in determining the lowest estimated cost to the Government. To facilitate the evaluation of bids and preposals and to assure accurate analyses, contracting officers will request the advisory services of local transportation officers to assist in determining the lowest possible transportation costs to a given point.

(e) *Authority and procedures for making awards.* (1) When a contracting officer has invited and received bids he will, subject to such further approval as may be required, make the award and execute the necessary papers, unless all bids are rejected.

(2) When bids are received by a contracting officer not authorized to make the award, the bids and the abstract of bids will be forwarded to the officer authorized to make the award (approving officer), with the recommendations of the contracting officer receiving the bids and of intermediate authorities as to the bidder to whom the award should be made.

[AFP Cir. 1, 1950; AFP Cir. 2, 1951] (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22 and Sup., 171a. Interpret or apply 62 Stat. 21; 41 U. S. C., Sup., 151–161)

13. Section 1002.101 is amended to read as follows:

§ 1002.101 *General requirements for negotiation.* During the period of the National Emergency, contracts and purchases may be negotiated pursuant to section 2 (c) (1), 62 Stat. 21; 41 U. S. C., Sup., 151, provided that business clearance or approval as prescribed in these procedures and applicable procuring activity instructions has been obtained. The Assistant Secretary of the Air Force executed a determination dated December 18, 1950 (see § 1002.201) and no further written findings and determinations are neecssary to authorize negotiation.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 402.102 of this title.

14. Section 1002.201 is amended to read as follows:

§ 1002.201 *National emergency.* (a) On December 18, 1950, the Assistant Secretary of the Air Force executed the following determination under section 2 (c) (1) of the Armed Services Procurement Act 1947 (sec. 2 (c) (1), 62 Stat. 21; 41 U. S. C., Sup., 151):

DETERMINATION

Authority to negotiate purchases and contracts under section 2 (c) (1) of the Armed Services Procurement Act of 1947.

1. A National Emergency having been declared by the President of the United States on December 16, 1950, I hereby determine, in accordance with section 2 (c) (1) of the Armed Services Procurement Act of 1947, that it is necessary in the public interest that authority exist to make all purchases and contracts under said Act by negotiation without formal advertising during the period of said National Emergency.

2. Accordingly, I hereby authorize the negotiation of all purchases and contracts by the Department of the Air Force under section 2 (c) (1) of the Armed Services Procurement Act of 1947 during the period of said National Emergency.

(Signed) Eugene M. Zuckert,
EUGENE M. ZUCKERT,
Assistant Secretary of the Air Force.

(b) All negotiated procurements initiated during the period of the National Emergency will be accomplished under section 2 (c) (1) of the Armed Services Procurement Act of 1947, rather than any other section of the act. Each such contract will cite section 2 (c) (1) on its face or on the cover sheet.

(c) The requirement of § 1002.203 (d) in connection with the approval of contracts for personal and professional services remains in effect notwithstanding the fact that the contracts involved are negotiated under section 2 (c) (1) rather than section 2 (c) (4) of the act.

15. Paragraphs (b) (2) and (d) of § 1002.203 are amended to read as follows:

§ 1002.203 *Personal or professional services.* • • •

(b) *Specific authorization; statutory authorities.* • • •

(2) *Defense Appropriation Act, 1951 (Pub. Law 759, 81st Cong.).*

SEC. 601. During the current fiscal year, the Secretary of Defense and the Secretaries of the Air Force, Army and Navy, respectively, if they should deem it advantageous to the National Defense, and if, in their opinions, the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates for individuals not in excess of $50 per day, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized by law: *Provided*, that such contracts may be renewed annually.

• • • • • •

(d) *Approval required.* Substantive authority for each contract of the type described in paragraph (c) of this section, regardless of amount, and each supplemental agreement or change order making a material change therein, must be obtained from the Secretary. Accordingly, each such contract, supplemental agreement, or change order will contain the "Approval of Contract" clause set forth in § 406.105–2 of this title. To obtain such authority, heads of procuring activities shall forward to the Secretary, through the Director of Procurement and Engineering, Headquarters United States Air Force, requests for findings and determinations, referring specifically to the applicable statutes and supported by a full statement of pertinent facts. Such requests for findings and determinations shall be accompanied by the contract, supplemental agreement, or change order for which approval is requested: *Provided, however*, That with respect to

individual contracts or classes of contracts, the Secretary may waive the requirement of submission of the contract, supplemental agreement, or change order.

• • • • •

16. Paragraph (c) is added to § 1002.305 as follows:

§ 1002.305 *Distribution of copies of determinations and findings.* • • •

(c) *Determination under section 2 (c) (1) of the Armed Services Procurement Act of 1947.* A copy of the determination made by the Assistant Secretary of the Air Force pursuant to section 2 (c) (1) (sec. 2 (c) (1), 62 Stat. 21; 41 U. S. C., Sup., 151) has been forwarded to the General Accounting Office. It will not be necessary to attach a copy of such determination to each contract negotiated under authority of section 2 (c) (1) of the act. (See § 1002.101.)

[AFP Cir. 1, 1950; AFP Cir. 2, 1951] (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22 and Sup., 171a. Interpret or apply 62 Stat. 21; 41 U. S. C., Sup., 151–161)

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 51-3612; Filed, Mar. 29, 1951; 8:45 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

Subchapter B—Personal Property Management

PART 53—DIRECTED PROCUREMENT

MISCELLANEOUS AMENDMENTS

The regulations in this part (formerly 41 CFR Part 53, 13 F. R 8762, 15 F. R. 1346) are revised as follows:

1. Section 53.5 *Special supplies*, paragraph (i) *Refrigerators*, is revised to read as follows:

(i) *Refrigerators.* Portable commercial and household refrigerators and low temperature storage cabinets, with self-contained electric or gas units, in conformance with GSA Specification No. 811, April 28, 1950, or applicable specifications developed by the requisitioning agency. This paragraph also applies in Alaska and to wholly owned Government corporations, but does not apply to the Department of Defense, the Housing and Home Finance Agency, the Maritime Administration, the Panama Canal and the Public Health Service.

2. Section 53.5 *Special supplies*, paragraph (j) *Water coolers* (15 F. R. 6573), is revised to read as follows:

(j) *Water coolers.* Electric water coolers for land use of the following type and sizes listed in Federal Specification OO–C–566B, July 31, 1947: bubbler style (type I, air-colled condenser; type II water-cooled condenser), sizes 5, 10, and 20; cafeteria style (type III, air-cooled condenser; type IV, water-cooled condenser), sizes 20 and 30; remote style (type V, water-cooled condenser), sizes 10 and 20; and bottle style (type VI, air-cooled condenser), size 3. This paragraph also applies in Alaska and to wholly owned Government corporations, but does not apply to the Department of Defense.

3. Sections 53.6 and 53.7 are added, reading as follows:

§ 53.6 *Public utility services.* (a) Executive agencies, including wholly owned Government corporations and except as provided in paragraph (c) of this section, shall procure needed public utility services within the United States and its territories and possessions under applicable area-wide contracts therefor made by the General Services Administration from time to time. (Further information concerning such contracts may be obtained from the General Services Administration, Public Utilities Branch, Washington, D. C.)

(b) Contracts for public utility services within the United States and its territories and possessions entered into, in the absence of area-wide contracts as provided in paragraph (a) of this section, by executive agencies, including wholly owned Government corporations and except as provided in paragraph (c) of this section, shall be subject to such review as may be determined by the General Services Administration.

(c) This section does not apply to: (1) the Federal Bureau of Investigation, the Atomic Energy Commission, the Tennessee Valley Authority and the Central Intelligence Agency, except to the extent these agencies find compliance therewith will not interfere with their programs; and (2) the production, distribution and sale of public utility services by an executive agency.

(d) As used in this section, the term "public utility services" includes, without limitation, all public utility services procurable from a public utility company; such as, light, heat and power by electricity; gas, water and steam; communications by telephone, telegraph, teletypewriter, cable and radio, and facilities for such services.

§ 53.7 *Changes in communications service.* (a) Executive agencies, including wholly owned Government corporations and except as provided in paragraph (b) of this section, shall make no commitment concerning a proposed major change or installation of communications service in the United States and its territories and possessions until the General Services Administration has reviewed the proposed action.

(b) This section does not apply to:

(1) The Federal Bureau of Investigation, the Atomic Energy Commission, the Tennessee Valley Authority and the Central Intelligence Agency, except to the extent these agencies find compliance therewith will not interfere with their programs; and

(2) The Coast Guard; the Department of Defense; the Field Engineering and Monitoring Network of the Federal Communications Commission; the cryptographic circuits and equipment of the Department of State, the communications facilities used exclusively by its Security Division, and facilities used directly in the broadcasting operations of the Department of State; the communications facilities used exclusively in the enforcement activities of the Department of the Treasury; the Post Office Inspection Service; and the Fish and Wildlife Service of the Department of the Interior; the Weather Bureau's Operational Leased Lines; and the Civil Aeronautics Administration's Aeronautical Fixed Telecommunications Services.

(c) As used in this section, the term "major change or installation of communications service" means:

(1) Telephone service:

(i) Installation or removal of one or more private branch exchange switchboard positions;

(ii) Changes from manual to dial private branch exchange service, or vice versa;

(iii) Installation or removal of tie lines between private branch exchange switchboards; and

(iv) Installation or removal of intercity private line full period or foreign exchange services.

(2) Telegraph service:

(i) Installation or removal of Morse telegraph, teletypewriter (including TWX), facsimile or other type of telegraph terminal equipment;

(ii) Installation or removal of local or inter-city private line services; and

(iii) Installation or removal of Morse telegraph, teletypewriter or facsimile tie lines to domestic or international telegraph carriers.

(Sec. 205, 63 Stat. 389; 41 U. S. C. Sup. 255. Interpret or apply sec. 201, 63 Stat. 383, 41 U. S. C. Sup., 231.)

DERIVATION: Pers. Prop. Mgt. Regs. 13 and 14 and Gen. Reg. 7.

Dated: March 27, 1951.

RUSSELL FORBES,
Acting Administrator.

[F. R. Doc. 51-3868; Filed, Mar. 29, 1951; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 51]

CRANGES (CALIFORNIA AND ARIZONA)

U. S. STANDARDS

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Oranges (California and Arizona) under the authority contained in the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950) to supersede United States Standards for Oranges (California and Arizona) issued November 26, 1949. The standards are proposed to become effective during June 1951.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards shall file the same with M. W. Baker, Deputy Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t. on the 30th day after the publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.301 *Standards for oranges (California and Arizona)*—(a) *Grades*—(1) *U. S. Fancy.* U. S. Fancy consists of oranges of similar varietal characteristics which are mature, well colored, firm, well formed, of smooth texture for the variety; free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, bruises (except those incident to proper handling and packing), dryness or mushy condition, and from injury caused by split, rough, wide or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. (See *Tolerances* in paragraph (c) of this section.)

(2) *U. S. No. 1.* U. S. No. 1 consists of oranges of similar varietal characteristics which are mature, firm, well formed, of fairly smooth texture for the variety; free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, bruises (except those incident to proper handling and packing), and from damage caused by dryness or mushy condition, split, rough, excessively wide or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects, or mechanical or other means. Each fruit shall be well colored except Valencia oranges which shall be at least fairly well colored: *Provided*, That navel oranges in any lot which is destined for export and which is certified as meeting the standards for export need be only fairly well colored. (See *Tolerances* in paragraph (c) of this section.)

(3) *U. S. No. 2.* U. S. No. 2 consists of oranges of similar varietal characteristics which are mature, fairly well colored, fairly firm, and which may be slightly misshapen but not excessively rough; which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, and from serious damage caused by bruises, dryness or mushy condition, split or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. (See *Tolerances* in paragraph (c) of this section.)

(4) *U. S. Combination grade.* Any lot of oranges may be designated "U. S. Combination" when not less than 40 percent, by count, of the oranges in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade. (See *Tolerances* in paragraph (c) of this section.)

(5) *U. S. No. 3.* U. S. No. 3 consists of oranges of similar varietal characteristics which are mature, which may be slightly spongy, misshapen, rough but not seriously lumpy; which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, and from serious damage caused by growth cracks, bruises, dryness or mushy condition, and from very serious damage caused by split navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. (See *Tolerances* in paragraph (c) of this section.)

(b) *Unclassified.* Unclassified consists of oranges which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(1) *U. S. Fancy, U. S. No. 1, U. S. No. 2 and U. S. No. 3 grades.* Not more than 10 percent, by count, of the fruit in any lot may be below the requirements of the specified grade, other than for color, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination. In addition, not more than 10 percent, by count, of the fruit in any lot may not meet the requirements relating to color.

(2) *U. S. Combination grade.* Not more than 10 percent, by count, of the fruit in any lot may be below the requirements of this grade, other than for color, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination. This 3 percent tolerance may be used to reduce the percentage of U. S. No. 1 grade required in the combination, provided the affected fruits meet the requirements of U. S. No. 1 grade in other respects. In addition, not more than 10 percent, by count, of the fruit in any lot may not meet the requirements of the U. S. No. 2 grade for color. No part of any tolerance, other than that for decay, shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 specified: *Provided*, That the entire lot averages within the percentage specified.

(d) *Application of tolerances to individual packages.* (1) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(2) For packages which contain more than 25 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 25 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(3) For packages which contain 25 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than one organge which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package and, in addition, enroute or at destination not more than 10 percent of the packages may have more than one decayed fruit.

(e) *Standard pack.* (1) Oranges shall be uniform in size and, when packed in boxes, shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well wrapped.

(2) All packages shall be well filled, but the contents shall not show excessive or unnecessary bruising because of overfilled packages. The fruit shall be tightly packed.

(3) When oranges are packed in standard nailed boxes, each box shall show a minimum bulge of 1¼ inches.

(4) "Uniform in size" means that not more than 10 percent, by count, of the oranges in any container may be one standard size larger or smaller than the standard size orange for the count packed.

(5) *Example of standard size orange.* The standard size orange for a 200 count

is that size orange which will pack tightly 200 oranges of uniform size when packed according to the approved and recognized method.

(6) In order to allow for variations incident to proper packing, not more than 5 percent of the containers in any lot may not meet the requirements for the standard pack.

(f) *Standards for export.* (1) Not more than a total of 10 percent, by count, of the oranges in any container may be soft, affected by decay, have broken skins which are not healed, growth cracks, or be damaged by creasing or skin breakdown, or seriously damaged by split or protuding navels, or by dryness or mushy condition, except that:

(i) Not more than one-half of 1 percent shall be allowed for oranges affected by decay.

(ii) Not more than 3 percent shall have broken skins which are not healed.

(iii) Not more than 3 percent shall have growth cracks.

(iv) Not more than 5 percent shall be soft.

(v) Not more than 5 percent shall be damaged by creasing.

(vi) Not more than 5 percent shall be seriously damaged by split or protuding navels.

(vii) Not more than 5 percent shall be seriously damaged by dryness or mushy condition.

(viii) Not more than 5 percent shall be damaged by skin breakdown.

(2) Any lot of oranges shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided*, That no sample from the containers in any lot shall have more than double the percentage specified for any one defect, and that not more than a total of 10 percent, by count, of the oranges in any container has any of the defects enumerated in the standards for export.

(g) *Definitions.* (1) "Similar varietal characteristics" means that the fruits in any container are similar in color and type.

(2) "Well colored" means that the fruit is at least light orange in color, with not more than a trace of green at the stem end, and not more than 15 percent of the remainder of the surface of the fruit shows green color.

(3) "Firm" means that the fruit is not soft or noticeably wilted or flabby.

(4) "Well formed" means that the fruit shows the normal shape characteristic of the variety.

(5) "Smooth" means that the skin is of fairly fine grain, the "pebbling" is not pronounced, and any furrows radiating from the stem end are shallow.

(6) "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(i) Split, rough, wide or protruding navels, when a split is unhealed or is more than one-eighth inch in length; or when the navel protrudes beyond the general contour of the fruit; or when flush with the contour but with the opening so wide, considering the size of the fruit, or the navel growth so folded and ridged, that it detracts noticeably from the appearance of the fruit.

(ii) Slight creasing which is more than barely visible, or which extends over more than 20 percent of the fruit surface.

(iii) Scarring (including sprayburn and fumigation injury) which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type:

(*a*) Scars which are very dark and which have an aggregate area exceeding that of a circle one-eighth inch in diameter.

(*b*) Scars which are dark, or rough, or deep and which have an aggregate area exceeding that of a circle one-fourth inch in diameter.

(*c*) Scars which are fairly light in color, slightly rough, or with slight depth and which have an aggregate area exceeding that of a circle one-half inch in diameter.

(*d*) Scars which are light in color, fairly smooth, with no depth and which have an aggregate area of more than 5 percent of the fruit surface.

(iv) Oil spots (oleocellosis or similar injuries) which are depressed or soft, or which have an aggregate area of more than 2½ percent of the fruit surface, or which are green and more than 4 in number.

(v) Scale, if more than 5 are present.

(vi) Sunburn which appreciably changes the normal color or shape of the fruit, or affects more than 10 percent of the fruit surface.

(7) "Fairly smooth" means that the skin does not feel noticeably rough or coarse. The size of the fruit should be considered in judging texture, as large fruit is not usually as smooth as smaller fruit. It is common for the fruit to show larger and coarser "pebbling" on the stem end portion than on the blossom end. The presence of furrows or grooves on the stem end portion of the fruit is a common condition in certain varieties, and the fruit shall not be considered as slightly rough unless the furrows or grooves are of sufficient depth, length, and number as to materially affect the appearance and smoothness of the orange.

(8) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Dryness or mushy condition when affecting all segments more than one-fourth inch at the stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.

(ii) Split, rough, excessively wide or protruding navels, when more than 3 splits, or when any split is unhealed or is more than one-fourth inch in length; or navels which flare, bulge, or protrude materially beyond the general contour of the fruit; or when the navel opening is so wide, considering the size of the fruit, or the navel growth is so folded and ridged, that it detracts materially from the appearance of the fruit.

(iii) Creasing which materially weakens the skin, or which extends over more than one-third of the fruit surface.

(iv) Scarring (including sprayburn and fumigation injury) which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type:

(*a*) Scars which are very dark and with slight depth and which have an aggregate area exceeding that of a circle one-fourth inch in diameter.

(*b*) Scars which are very dark, with no depth, and which have an aggregate area exceeding that of a circle one-half inch in diameter.

(*c*) Scars which are dark and rough or deep and which have an aggregate area exceeding that of a circle one-half inch in diameter.

(*d*) Scars which are dark and slightly rough, or with slight depth, and which have an aggregate area exceeding that of a circle three-fourths inch in diameter.

(*e*) Scars which are fairly light in color, slightly rough, or with slight depth and which have an aggregate area of more than 5 percent of the fruit surface.

(*f*) Scars which are light in color, fairly smooth, with no depth and which have an aggregate area of more than 10 percent of the fruit surface.

(v) Oil spots (oleocellosis or similar injuries) which are depressed or soft, or which have an aggregate area of more than 5 percent of the fruit surface, or which are green and more than 7 in number.

(vi) Scale, if more than 3 scales are present in each of three circular areas 1 inch in diameter, selected as the worst infested areas, or if more than 7 scales are present in one of these areas.

(vii) Sunburn which causes appreciable flattening of the fruit, drying or darkening of the skin, or affects more than 25 percent of the fruit surface.

(9) "Fairly well colored" means that the yellow or orange color predominates on the fruit.

(10) "Fairly firm" means that the fruit may be slightly soft but is not decidedly flabby.

(11) "Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not decidedly flattened, pointed, extremely elongated, or otherwise badly deformed.

(12) "Excessively rough" means that the skin is decidedly rough, badly folded, badly ridged, or decidedly lumpy. Heavily "pebbled" skin shall not be considered as excessively rough.

(13) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Dryness or mushy condition, when affecting all segments more than one-half inch at the stem end, or the equivalent of this amount by volume, when occurring in other portions of the fruit.

(ii) Split or protuding navels, when any split is unhealed or is more than one-half inch in length, or when two or more splits aggregate more than 1 inch in length; or navels which protude seriously beyond the general contour of the fruit; or when the navel opening is so wide, considering the size of the fruit, or the navel growth so badly folded and ridged, that it detracts seriously from the appearance of the fruit.

(iii) Creasing which seriously weakens the skin, or which is distributed over practically the entire fruit surface.

(iv) Scarring (including sprayburn and fumigation injury) which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type:

(*a*) Scars which are very dark, or very rough, or very deep, and which have an aggregate area of more than 5 percent of the fruit surface.

(*b*) Scars which are dark, or rough, or deep and which have an aggregate area of more than 10 percent of the fruit surface.

(*c*) Scars which are fairly light in color, slightly rough or with slight depth and which have an aggregate area of more than 15 percent of the fruit surface.

(*d*) Scars which are light in color, fairly smooth, and with no depth and which have an aggregate area of more than 25 percent of the fruit surface.

(v) Oil Spots (oleocellosis or similar injuries) which are depressed or soft, or which have an aggregate area of more than 10 percent of the fruit surface.

(vi) Scale, if more than 9 scales are present in each of three circular areas 1 inch in diameter, selected as the worst infested areas, or if more than 19 scales are present in one of these areas.

(vii) Sunburn which causes decided flattening of the fruit, drying or dark discoloration of the skin, or affects more than one-third of the fruit surface.

(viii) Growth cracks that are leaking, gummy, or not well healed.

(14) "Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

(15) "Misshapen" means that the fruit is decidedly flattened, pointed, extremely elongated or otherwise deformed.

(16) "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(i) Split navels which are leaking, gummy, or not well healed.

(ii) Creasing which is so deep or extensive that the skin is very seriously weakened.

(iii) Scarring (including sprayburn and fumigation injury) which exceeds the following aggregate areas of different types of scars, or a combination of both types of scars, the seriousness of which exceeds the maximum allowed for one type:

(*a*) Scars which are very dark, or very rough, or very deep and which have an aggregate area of more than 10 percent of the fruit surface.

(*b*) Scars which are dark, or rough, or deep and which have an aggregate area of more than 25 percent of the fruit surface.

(iv) Oil spots which are badly sunken, or soft.

(v) Scale which are so numerous or large that the appearance of the fruit is very seriously affected.

(vi) Sunburn which seriously affects more than one-third of the fruit surface, or causes dark discoloration aggregating more than 5 percent of the fruit surface.

(Pub. Law 759, 81st Cong.)

Done at Washington, D. C., this 27th day of March 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-3882; Filed, Mar. 29, 1951; 8:56 a. m.]

[7 CFR, Part 52]

U. S. STANDARDS FOR GRADES OF ORANGE MARMALADE

EXTENSION OF TIME

Notice is hereby given of an extension, until April 13, 1951, of the period of time within which written data, views, and arguments may be submitted by interested parties for consideration in connection with the proposed issuance of United States Standards for Grades of Orange Marmalade. The proposed standards are set forth in the notice which was published in the FEDERAL REGISTER on February 14, 1951 (16 F. R. 1550).

Done at Washington, D. C., this 27th day of March 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-3881; Filed, Mar. 29, 1951; 8:56 a. m.]

[7 CFR, Part 729]

DISTRIBUTION OF PROCEEDS RECEIVED BY COMMODITY CREDIT CORPORATION FROM SALE OF EXCESS VIRGINIA AND VALENCIA TYPES OF PEANUTS FOR CLEANING AND SHELLING

NOTICE OF PROPOSED RULE MAKING

Pursuant to the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1376), the Secretary of Agriculture is preparing to formulate regulations governing the distribution of proceeds realized from the sale of Virginia and Valencia types of excess peanuts of the 1950 crop which were delivered to or marketed through agencies designated by the Secretary. Payments are proposed to be made to producers who delivered such types of excess peanuts to designated agencies, in accordance with the following pertinent provisions of section 359 (g) of the act.

If the total acreage of peanuts picked or threshed on the farm does not exceed the total acreage of peanuts picked or threshed on the farm in 1947, payment of the marketing penalty as provided in subsection (a) will not be required on any excess peanuts which are delivered to or marketed through an agency or agencies designated each year by the Secretary. • • • For all peanuts so delivered to a designated agency under this subsection, producers shall be paid for the portion of the lot constituting excess peanuts, the prevailing market value thereof for crushing for oil (but not more than the price received by such agency from the sale of such peanuts), less the estimated cost of storing, handling, and selling such peanuts: *Provided*, That for the 1950 crop if the Secretary determines that the supply of any type of peanuts is insufficient to meet the demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell peanuts owned or controlled by it for such purposes, the Secretary shall permit the sale, for cleaning and shelling, of the excess peanuts of such type so delivered. Such sales shall be in quantities necessary to meet such demand and at prices not less than those at which the Commodity Credit Corporation may sell peanuts owned or controlled by it for cleaning and shelling. The proceeds received from the sale of such peanuts of such type for cleaning and shelling shall, after deduction of the price paid to producers and other costs incurred in connection therewith, including estimated cost of proration, be prorated proportionately among all of the producers delivering excess peanuts of such type to designated agencies under this section • • •

Virginia and Valencia types of peanuts of the 1950 crop were declared to be in short supply on October 6, 1950 (15 F. R. 6833).

Commodity Credit Corporation was designated by the Secretary of Agriculture as the agency to which excess peanuts could be delivered pursuant to section 359 (g) of the act, with authority to utilize shellers, crushers, warehousemen, and other persons as its agents to receive, handle, and dispose of such excess peanuts (15 F. R. 4739).

It is proposed that the regulations governing the distribution of proceeds from the sale for cleaning and shelling of excess peanuts of the Virginia and Valencia types will include the following principal points:

1. The final dates for deliveries by producers of excess peanuts to Commodity Credit Corporation, in order for such producers to share in the distribution of sales proceeds on the basis of such deliveries, will be approximately May 1, 1951, in the case of Valencia type peanuts and June 15, 1951, in the case of Virginia type peanuts.

2. The total quantity of excess peanuts of each type delivered to Commodity Credit Corporation, and the quantity delivered from each farm, will be deter-

mined from memoranda of sale issued from excess oil marketing cards pursuant to the Marketing Quota Regulations for the 1950 crop of peanuts (15 F. R. 4729), and such quantities will not include any peanuts acquired by seed shellers in connection with shelling producers' peanuts for seed.

3. The total amount of money to be prorated among producers for each type of peanuts will be determined by deducting from the total proceeds received by Commodity Credit Corporation from the sale of excess peanuts of such type for cleaning and shelling, the estimated costs of proration and the total of the amounts paid to producers with respect to peanuts of such type delivered to Commodity Credit Corporation (which amounts reflect deductions made in determining prevailing oil prices to cover the estimated costs of storing, handling, and selling excess peanuts).

4. The rate of payment to be made to producers for each type of peanuts will be determined by dividing the total amount to be prorated for each type by the total pounds of excess peanuts of such type delivered to Commodity Credit Corporation without regard to grade or quality of the peanuts so delivered.

5. Where more than one producer is interested in the Virginia or Valencia type of excess peanuts produced on a farm and delivered to Commodity Credit Corporation, each producer's poundage share with respect to each type will be determined by multiplying the producer's percentage share for such type (determined from the 1950 Performance Report Form PMA–578 for the farm), by the total pounds of excess peanuts of such type produced on the farm and delivered to Commodity Credit Corporation, unless such poundage share is redetermined by the PMA county committee on the basis of evidence submitted by producers on the farm.

6. Each producer will be required to sign an application for payment certifying to the correctness of his percentage share and poundage share. The amount due any producer who cannot be located to sign an application for payment will be held in abeyance pending location of such producer.

7. Any amount payable to a producer will be subject to set-off for any indebtedness of the producer to the United States or any agency thereof.

Prior to issuance of the regulations, consideration will be given to any data, views, and recommendations relating thereto which are submitted in writing to the Director, Fats and Oils Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 26th day of March 1951.

[SEAL] F. K. WOOLLEY,
Acting Administrator.

[F. R. Doc. 51-3859; Filed, Mar. 29, 1951; 8:49 a. m.]

[7 CFR, Part 929]

[Docket No. AO 228]

HANDLING OF MILK IN MUSKOGEE, OKLA., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and to a proposed order, regulating the handling of milk in the Muskogee, Oklahoma, marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close on the 20th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed marketing agreement and the proposed order were formulated, was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of a petition filed by the Muskogee Dairy Farmers Association, Muskogee, Oklahoma, and was held at Muskogee, Oklahoma, November 6 through 10, 1950, pursuant to notice thereof which was issued on October 19, 1950, (15 F. R. 7050). The period from November 10, 1950 through January 2, 1951, was reserved for interested parties to file briefs on the record.

The material issues of record related to:

1. Whether the handling of milk produced for the Muskogee, Oklahoma, fluid milk market is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk or its products;
2. The need for regulation;
3. The extent of the marketing area;
4. What milk should be priced under an order;
5. The classification of milk;
6. The level of class prices to be paid and means of determining such prices;
7. The type of pool and base rating method of distributing returns to producers; and
8. Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues decided herein are hereby made upon the basis of the record of the hearing:

1. The handling of milk in the Muskogee, Oklahoma, marketing area is in the current of interstate commerce, and directly burdens, obstructs, or affects interstate commerce in milk and its products.

The record shows that milk producers located in Arkansas hold permits for the production of milk for the Muskogee market and that such production is being received by Muskogee handlers as a part of their regular supply. Also during 1949 and the early part of 1950, milk was received by a Muskogee handler from producers located in Missouri.

Milk of the regular approved supply for the Muskogee market also moves to points outside of the State of Oklahoma. Milk and milk products are distributed regularly by a Muskogee handler in communities of northwestern Arkansas and southeastern Kansas. This handler also packages milk in his Muskogee plant for distribution in Fort Smith, Arkansas. Substantial shipments of bulk milk for fluid use have been made to the State of Texas.

Substantial interstate commerce occurs with respect to milk produced for the Muskogee market and with respect to dairy products manufactured from such milk. During the months of seasonally high production surplus milk is normally disposed of to manufacturing plants located in Arkansas and Oklahoma. The products made from such surplus milk include butter, cheese, and condensed milk which are sold on the national market.

It is evident, therefore, that the handling of milk produced for the Muskogee, Oklahoma, marketing area is in the current of interstate commerce, and directly burdens, obstructs, or affects interstate commerce in milk and its products.

2. Marketing conditions in the Muskogee, Oklahoma, marketing area justify the issuance of a marketing agreement and order. A cooperative bargaining association representing a substantial number of producers has for some years negotiated with the two major handlers serving the Muskogee market. For 1950 a verbal agreement was negotiated whereby these handlers were to pay for their milk on the basis of its use in two classes. The higher priced class would include milk sold for fluid consumption as milk or milk products required by the local health ordinance to be made from Grade A milk, and the lower priced class would include milk used for the production of other milk products. Under the agreed scheme, the class use value of milk was to be returned to producers by a "base" plan under which each producer was to receive the higher or "base" price for an amount of milk equal to the same percentage of his established base as the percentage of fluid milk and milk product sales of the handler was of the total of established bases of all producers of the handler.

Muskogee handlers, however, do not confine their buying activities to milk received at their Muskogee plants and the producers' association represents only a few producers who deliver to other receiving stations. The agreement under which milk was to be bought in 1950 was interpreted differently by the association and by one handler with respect to what receipts and sales should be included in determining percentages of base milk for which producers were to be paid. Milk received at all points by this handler is moved to his Muskogee plant where all bottling operations are conducted, after which some milk is transferred to distribution points, which in some instances are at the same locations as the handler's receiving stations. The association believed the agreement provided for the inclusion of all receipts from producers who had established bases and for all sales. The handler insisted that receipts at certain receiving points and sales in certain areas should not be included. He also believed that bases should be included for some producers who had not established bases during the regular base-setting period, and he computed and made payments on this basis. Since receipts at certain points and sales in certain areas were not disclosed, the association had no means of knowing to what extent the returns of its members and other producers paid on the same basis truly reflected the use of their milk. Since July 1, 1950, this handler has made no records available to the association from which the utilization of any of his receipts can be determined.

Producers delivering to outlying receiving stations were shown to have been paid different prices for different percentages of established bases than those delivering to Muskogee. The record does not reveal that at any time producers delivering to receiving stations were paid less than the base price for established base deliveries, while producers delivering to Muskogee plants were for many pay periods paid less than the base price for a portion of their established bases. The differences in prices paid were not shown to be related to location or hauling adjustments. The differentials used in adjusting producer prices for the butterfat content of milk also varied without relation to the value of such butterfat. Handlers have also had differing costs of milk used for fluid use.

The agreed plan failed to recognize that individual producers do not at all times deliver milk equal to their established bases or the percentage of such bases determined under the plan. As a result the aggregate quantity of milk paid for at the higher price did not equal the volume of sales used in the computation of the base ratios. While some attempts at correction were made after this fact was discovered, handlers had for several months prior to the hearing disregarded these discrepancies entirely in computing their payments. The testimony of one handler witness indicates that this was done in lieu of a downward adjustment of prices which handlers proposed but failed to negotiate with the association.

As a result of these factors the marketing plan negotiated for 1950 has not worked and it does not appear that producers and handlers are able by negotiation to work out a plan whereby the difficulties can be adjusted so that equity to all producers and equal costs to handlers will result. The fact that at the hearing handlers offered to waive the necessity of testimony concerning need for regulation strongly supports these conclusions.

A marketing agreement or order is needed to establish uniform prices to handlers for milk in accordance with its use and to provide for equitable distribution of returns among producers. The auditing of the utilization of all milk received by handlers and the checking of butterfat tests and weights of producer milk will aid in establishing and maintaining stable marketing conditions by assuring producers that they will receive a proper accounting for their milk.

3. The marketing area should include all the territory within the boundaries of the cities of Muskogee, McAlester, and Tahlequah, Oklahoma.

Two proposals for defining the marketing area were made prior to the hearing. The Muskogee Dairy Farmers Association proposed the territory within the city limits of Muskogee, and the townships of Harris and Darling in Muskogee County, Oklahoma. Two major handlers with milk bottling plants located within the city of Muskogee proposed that the area include all of territory within the countries of Muskogee, Wagoner, Cherokee, Adair, Sequoyah, Haskell, Le Flore, Latimer, Pushmataha, McCurtin, Choctan, Atoka, Pittsburg, McIntosh, Hughes and Seminole.

The two principal handlers with plants in Muskogee distribute milk over a wide area. Much of this area, however, is rural territory and small towns with no effective health requirements of their own. In such areas milk distribution, except for an occasional small producer-handler, is entirely by Muskogee handlers or by handlers from other cities outside the areas proposed by either proponents or handlers. In the hearing handlers conceded that it would not be feasible to extend regulation to an area as extensive as that they had proposed. They contended, however, that the marketing area should include the cities of Muskogee, Tahlequah, McAlester, Westville, Stillwell, Sallisaw and Poteau. The townships of Harris and Darling in Muskogee county have no substantial urban population to distinguish them from other rural territory.

Muskogee handlers distribute a substantial portion of the milk sold in the cities of McAlester and Tahlequah. Health requirements for production and processing of milk sold for fluid consumption in the cities of Muskogee, McAlester, and Tahlequah are similar. There is a local handler in each of the cities of McAlester and Tahlequah who competes with Muskogee handlers for sales of fluid milk in these cities. Such handlers also compete with Muskogee handlers in purchasing their supplies of milk. The major volume of their sales are in the area proposed and their principal competition for sales beyond the limits of the proposed area is with Muskogee handlers. The definition of the marketing area herein provided for will result in the regulation of substantially all of the Grade A milk distributed in the outlying rural areas without at the same time making milk which is not produced in conformity with Grade A regulations subject to the pricing, pooling and other regulatory terms of the order.

While these cities do not represent the entire area of distribution of Muskogee handlers, they appear to be the principal centers of population in which a substantial portion of the total milk distribution is made by Muskogee handlers. In the four other cities proposed by the handlers, it appears that distribution by Muskogee handlers represents somewhat less of the total distribution in such cities and there was no indication that the health requirements of such cities are comparable to the three cities recommended for inclusion in the area. In some of these cities and towns milk is also distributed by some milk dealers from Fort Smith, Arkansas, a market somewhat comparable in size to Muskogee and in which some milk is also distributed from Muskogee. Since Fort Smith is not included in the marketing area, however, the marketing area should be so defined that no Fort Smith milk dealer would be regulated merely because of his sales in these outlying cities and towns.

4. The milk to be priced under the order should be that which is produced under the inspection of the appropriate health authority of the marketing area for consumption as Grade A milk, and which is regularly delivered to a plant distributing such milk on routes in the marketing area or to a receiving plant supplying such milk to a distributing plant. The milk distributed in the marketing area is inspected by the health authorities of the cities of Muskogee, McAlester, and Tahlequah, which require fluid milk, cream and certain other products to be of Grade A quality.

The milk to be priced and pooled under the order should be that which constitutes the regular source of supply for the marketing area. The regular source of supply may be delineated by providing appropriate definitions of the following terms: "approved plant," "handler," and "producer."

"Approved plant" should be defined as a milk plant approved by any health authority having jurisdiction in the marketing area from which milk, skim milk, buttermilk, flavored milk, flavored milk drinks, or cream are disposed of for fluid consumption in the marketing area on wholesale or retail routes, including plant stores. The definition should also include a plant which serves as a receiving station for producer milk by receiving, weighing, and commingling such milk for shipment to a plant described above. The approved plant definition should exclude, however, plants which are not regularly supplying milk to the market, but furnish such supplies only during temporary periods of shortages. The inclusion of such plants would result in pricing milk not produced primarily for the market and would, therefore, be beyond the intended scope of the order.

"Handler" to whom the regulatory provisions of the order are applicable, should be defined as an operator of an "approved plant" in his capacity as such, and a cooperative association with respect to milk which it causes to be diverted from an approved plant to an unapproved plant for its account. Proprietary handlers

may not always be in a position during periods of high production to accept milk from all regular producers or arrange for temporary diversion of milk, even though the production from all producers may be needed to supply the market during lower production periods. The provision that a cooperative association may be a handler even though it does not operate a plant will make it possible for the association to maintain any milk which it causes to be diverted under the pricing and pooling provisions of the order. This will permit all regular producers to receive the regulated price and should facilitate the marketing of surplus milk.

"Producer" should be defined to include those persons, other than producer-handlers, who produce milk under a dairy permit or rating issued by any health authority having jurisdiction in the marketing area for the production of milk to be disposed of for consumption as Grade A milk, and which is received at an approved plant, or diverted from an approved plant to an unapproved plant. This definition would include all producers who regularly supply the marketing area with milk of Grade A quality. A producer regularly supplying the market should not lose his status as such during temporary periods when a handler diverts his milk from an approved plant for the handler's account. Producer-handlers (those who distribute only milk of their own production) should not be included in this definition since such persons normally disposed of to handlers only that milk which is in excess of their own sales to retail customers. Therefore, they should not share the returns from Class I sales with producers who regularly supply the handlers with milk. In order to prevent duplication in the regulation of prices, persons whose milk is priced under another Federal order are not to be included as producers under this order.

5. The order should provide for two classes of milk.

Class I milk should include all skim milk and butterfat disposed of in the form of milk, skim milk and buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream, and any other product required by the appropriate health authority of the city of Muskogee to be made from Grade A milk. It should also include all skim milk and butterfat not specifically accounted for as Class II milk.

Class II milk should include all skim and butterfat (1) used to produce any product other than those defined as Class I milk, (2) disposed of for livestock feed, (3) shrinkage up to 2 percent of receipts from producers, (4) shrinkage of other source milk, and (5) inventory variations of Class I milk.

The proposal of the handlers to provide for a Class III classification for surplus butterfat utilized in the manufacture of butter should not be adopted. The classification of all manufactured products which are not required to be made from Grade A milk as Class II milk gives due consideration to the general average level of prices of milk for diversified manufacturing uses. The adoption of this proposal would classify and price such butterfat from milk of Grade A quality below the general average level of the prices paid for milk for manufacturing purposes and such a lower priced class was not shown to be necessary in order to dispose of the probable amounts of surplus milk.

The producers proposed classification into two classes approximately as set forth above. They first proposed that cottage cheese and aerated products be included in Class I milk, but later proposed that cottage cheese or any other products not required to be made from Grade A milk be classified as Class II milk.

The products included in Class I milk are those required by the appropriate health authorities to be processed from Grade A milk. Furthermore the products are those which have been included under the accounting between handlers and the cooperative association supplying them. None of the products included in Class II are required to be made from Grade A milk. Such products as butter, cheese, condensed and evaporated milk, and other manufactured dairy products, which are not required by the health authorities to be made from Grade A milk are normally processed from Nongrade A milk but may contain Grade A milk at times when handlers' supplies of Grade A milk are in excess of Class I sales. It is considered necessary, at such times, when producer receipts of Grade A milk are in excess of sales to move excess milk into manufacturing channels.

A shrinkage allowance is included also in Class II milk. Producers proposed that shrinkage up to 1 percent of receipts from producers be classified as Class II milk and shrinkage in excess of this amount be classified as Class I milk. Handlers offered testimony to indicate shrinkage experience over a period of time ranged from less than 1 percent to more than 5 percent. It is concluded that the maximum shrinkage allowance on unaccounted for producer milk to be included in Class II milk should be 2 percent. It appears that a 2 percent shrinkage allowance is reasonable for milk plant operations and such allowance is comparable to other markets under regulation. Any shrinkage of producer milk in excess of that allowed to be classified as Class II milk should be accounted for as Class I milk. No limit is placed on the amount of shrinkage in other source milk allowed as Class II milk since such milk would be deducted from the lowest available use classification under the allocation provisions of the order.

Provisions are included herein for the classification of milk when it is transferred or diverted in the form of milk, skim milk, or cream from an approved plant, to an approved plant of another handler, to producer-handlers, and to unapproved plants. Transfers or diversions to an approved plant of another handler may be classified as agreed upon between the parties to the transaction, subject to the requirement that producer milk shall have priority over other source milk for Class I use. Transfers or diversions to producer-handlers should be Class I milk since such persons' operations are primarily confined to Class I milk. Transfers or diversions to unapproved plants within 185 miles of an approved plant should be Class I milk, unless the market administrator is permitted to audit the records of receipts and utilization at the unapproved plant to determine the classification of all of the receipts of milk at such plant which would thereby subject the milk to reclassification or to the allocation provisions that insure producers the higher use classification available to them on a monthly use basis. Transfers or diversions to unapproved plants beyond 185 miles from an approved plant should be classified as Class I milk. The record shows ample manufacturing facilities within the 185-mile limit to handle all surplus producer milk and no reason was shown for the necessity to move milk for manufacturing purposes to more distant points. Testimony disclosed shipments of milk for fluid use, under certificate as Grade A, to points beyond the 185-mile limitation.

The order further provides that skim milk and butterfat received by handlers from sources other than producers shall be allocated to the lowest use in the handler's plant. This is necessary to prevent other source milk from displacing the milk of producers who constitute the regular source of supply of the market.

6. *Class prices.* Class I milk prices in this area should be based on prices paid for milk used for manufacturing purposes. Prices paid for milk used for fluid purposes in this area have been closely related to prices paid for milk for manufacturing purposes. Production and marketing of milk for each type of outlet are subject to many of the same economic factors. Since the market for most manufactured products is country-wide, prices of manufactured dairy products reflect many of the changes in the general economic conditions affecting the supply and demand for milk. Moreover, butter, powder, and cheese prices, or the prices paid by condensaries with differentials over these basic or manufacturing prices are frequently used to establish fluid milk prices in those areas where the production of manufacturing quality milk is a significant factor in the total potential supply of milk for the market. The production of manufacturing quality milk in the supply area of the Muskogee area is a significant factor in the availability of milk for this market indicating the feasibility of a Class I pricing formula based on the prices of milk for manufacturing uses. Differentials over the basic formula are needed to cover the cost of meeting quality requirements in the production of market milk and to furnish the necessary incentive to get such milk produced.

The basic formula price to be used in establishing the current delivery period price for Class I milk of 4.0 percent butterfat content should be the highest of the following for the preceding month: the prices paid to farmers at 18 milk manufacturing plants in Wisconsin and Michigan for milk of 3.5 percent butterfat content adjusted to a 4.0 percent basis; a formula price based upon the market price of butter and powder; or the average price paid to farmers for milk of 4.0 percent butterfat content by specified local manufacturing plants.

Pricing of producer milk on a 4.0 percent butterfat basis follows the usual custom of the market and no objection was made to the proposal. The components of the basic formula price herein decided upon are the same as those in effect in the Tulsa market. A correlation of the movement of prices in the two markets is necessary since certain of the Muskogee handlers compete with Tulsa handlers for supplies and sales. The use of the previous month's manufacturing values in determining the basic formula price for the current delivery period permits handlers to know their milk costs at the time of purchase and is consistent with the practice in the surrounding Federal order markets.

The differentials over the basic formula price for Class I milk under this order should be $1.45 per hundredweight during the months of April through June of each year, and $1.85 per hundredweight for the months of July through March.

These differentials are those which are now included in the Tulsa order. The supply areas for this market and for the Tulsa market overlap. Production conditions for the two markets are therefore similar. The quality of milk required by the local health ordinances in the two markets and demand conditions for milk are also similar. These similarities require that pricing arrangements for Class I milk in the two markets be identical. For this reason also, the same provision for preventing contra-seasonal movements in Class I prices is provided in this order as is contained in the Tulsa order.

For the 12-month period (December 1949–November 1950) ending with the month of the hearing the average class price which these differentials and basic formula prices would have produced would have been $5.06 per hundredweight. During the entire period the negotiated price of the Muskogee Market was $5.00 per hundredweight. Hence, had the Class I pricing method herein adopted been in effect in a recent period it would have resulted in prices at approximately the same annual level as those that were negotiated; there would, however, have been some seasonal variation in this level.

The price for Class II milk should be established on the average price paid for ungraded milk by a group of relatively large manufacturing plants in or near the milkshed. This method of arriving at the Class II price was proposed by the producers. Handlers offered no material objection to the method but did, however, propose alternatives to certain manufacturing plants selected by the proponents. The group of plants selected should be representative of the prices being paid for milk by manufacturing plants in the Muskogee milkshed. Since Muskogee handlers have limited manufacturing facilities and milk which is in excess of the needs of the market for Class I use is at times sold to such outlets. The plants to be named as a basis for establishing the Class II price are those of the American Foods Company, Miami, Oklahoma, the Hawk Dairies, Tulsa, Oklahoma, the Muskogee Dairy Products Company, Muskogee, Oklahoma, and the Pet Milk Company, Siloam Springs, Arkansas.

The class prices determined for milk of 4.0 percent butterfat content should be adjusted by butterfat differentials to determine the value of milk of the actual butterfat content used by a handler in each class. The Class I butterfat differential should be based on 1.25 times the price of 92-score butter in the Chicago market and the Class II butterfat differential should be based on 1.15 times the price of 92-score butter in such market. These are the same butterfat differentials as are provided for in the Tulsa order and they will tend to maintain prices between the two markets in close relationship.

Provisions for making location adjustments in the prices paid producers for milk delivered to certain receiving plants and location allowances to handlers on milk moved to the marketing area from these plants should be provided.

There are four receiving stations which are operated by a Muskogee handler. They are located at Hugo, Miami, and Poteau, Oklahoma, and Fort Smith, Arkansas. At all of these plants Grade A milk is received, weighed, commingled and moved to the handler's Muskogee distributing plant or processed into manufactured products. In addition to the receiving operations the plants at Hugo, Miami and Fort Smith are distributing points for certain outlying markets served by the Muskogee handler.

With minor exceptions, this handler has not paid the same price for milk delivered to receiving stations as for milk delivered to his Muskogee plant. In some instances the prices paid producers delivering to the outlying plants have been aligned with prices paid by other purchases of milk in the locality and they have not, therefore, always been correlated with the price of milk for the primary market.

The purchases of milk at Hugo and Fort Smith are entirely incidental to the distribution activities of the handler in these areas and the level of prices that must be paid producers delivering to these points may be expected to be equal to or in excess of that for milk delivered to Muskogee. To provide location adjustments for milk received at Hugo and Fort Smith would apparently require the handler to pay premiums to meet the competitive prices for milk in these areas. It is probable that at Hugo premiums will be required in any event, as prices in that area are apparently usually substantially higher than at Muskogee.

The receipts of milk at Miami and Poteau appear to be more closely identified as a part of this handler's supply for general distribution. Location adjustments are provided with respect to these points. The adjustments provided at Miami will align Muskogee prices at that point with those of the Tulsa order. A Tulsa handler also receives milk at Miami and the distances from Miami to Tulsa and to Muskogee are comparable. The adjustment at Poteau is slightly less on the basis that Poteau is somewhat nearer Muskogee, so that less transportation costs are involved.

The adjustment credit to the handler should apply only to that milk received at these points which is moved to an approved plant in the marketing area in the form of milk, skim milk, or cream, so that it will be available for Class I use. The location adjustment to producers who deliver milk to the specified receiving stations should be at the same rate per hundredweight as the credit to handlers and should apply to all milk delivered by such producers.

7. It is concluded that a market-wide pool should be adopted.

Under the market-wide type of pool all producers would be entitled to receive a uniform price computed on the basis of the combined classification value of producer milk of all handlers. This type of pool contributes to the stability of the market in that it does not induce producers to shift between handlers; it does, however, facilitate shifting of producers in the event it becomes necessary to adjust supplies between handlers; and it will require all producers to share the burden of seasonal surpluses.

There was no opposition to the proposal for a market-wide pool and no evidence was offered that any different kind of pool should be adapted.

A base plan of distributing among producers the market returns for milk should be used in connection with the market-wide pool.

There is considerable seasonal variation in the production of milk for the Muskogee market, with production in the fall and winter months considerably less than that in the spring and summer months. The demand for fluid milk has much less seasonal variation but it is usually at the highest during the period of the year when production is at a low level. This situation results in seasonal shortages and burdenseme surpluses of milk. Producers should, therefore, be encouraged to adjust their production pattern to conform more nearly to the demand for fluid milk.

Producers propose and handlers agree that a "base" plan which provides returns to each producer related directly to his delivery of milk during the normally low production months will encourage a more level production pattern for the market. A large seasonal increase in production is burdensome to the market because handlers have very limited manufacturing facilities and therefore dispose of a large portion of their surplus milk to manufacturing plants; also that producers supplying milk to handlers in Muskogee have operated under a similar plan for several years.

The plans proposed by producers would establish for each producer a daily base quantity of milk equal to his average daily deliveries of milk during October, November, December, January, and February of each year. During these months of establishing bases all producers would be paid the "pool" or uniform price for all deliveries. For all other months separate uniform prices for base milk and excess milk would be computed so that Class I sales would be first allocated to base milk. They also

proposed some modification of this plan to provide temporary bases for producers who begin deliveries to the market after the close of the period for establishing bases.

A base plan is designed to apportion the total value of the milk purchased by all handlers among producers on the basis of their marketing of milk during a representative period of production. The application of the base plan is intended to provide an incentive to alter production plans in accordance with the market demand for milk for fluid uses. For these purposes the plan to be adopted may logically be designed not only to influence the seasonal production patterns of regular producers but also to influence other producers to enter the market at the time of the year when new production is most needed to meet the demand for fluid uses.

A large degree of flexibility should be incorporated in the base plan without destroying the desired effectiveness. This may be accomplished in part by limiting the effective period of the bases to the months of highest production, the establishment of new bases by each producer each year during the months of lowest production and by providing for the payment of the uniform market-wide pool price to all producers during all months except those when bases are applicable. The months of October, November, December, and January appear to be those during which the lowest production has occurred, and should be the period for establishing bases. It does not appear that payments on the base plan need to be made during all the other months in order for the plan to operate effectively. Restricting payments on the base plan to the months of highest production (April, May and June) will provide more flexibility than the proposed plan and will allow the individual producer more time to make the necessary adjustments in his production program. Also payments on a uniform price for deliveries during the months of July through March will provide ample opportunity for new producers to enter the market and proportionately share in the returns before the period when payments are made on the base plan. Any new producers entering the market during the base paying period will share with all other producers any Class I milk utilization in excess of base milk.

Producers delivering milk to handlers in Muskogee proper have operated under a base plan for several years. The sentiment in the market in favor of a base plan is such that payments to producers should continue on such a plan without interruptions. Producers have been advised that their deliveries of milk to handlers beginning with the normally short production months of the fall of 1950 through January 1951 would be used for establishing bases in 1951. It is desirable to continue the operation of a base plan without interruptions. Therefore, it will be necessary to make an administrative determination of each producer's deliveries to handlers during the months of October, November, December 1950 and January 1951 in order to establish bases for producers during the first year of the order.

It is necessary to set forth certain rules in connection with the establishment and transfer of bases to provide reasonable administrative workability of the plan. To accomplish this purpose and to preserve the effectiveness of the base plan, transfers of bases should be limited to the entire bases of producers who may retire from farming, die or enter military service and to joint production arrangements such as a landlord-tenant relationship. Since the base plan is effective in determining producer payments in only three of the months of a year, and all producers must establish a new base each year, it does not appear necessary to include provisions other than those contained herein with respect to the establishment and transfer of bases.

8. Certain other provisions should be adopted in order to carry out administratively the purpose of the regulations.

(a) *Administrative assessments.* Each handler should be required to pay to the market administrator, as his pro rata share of the costs of administration of the order 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may from time to time prescribe, on receipts of (1) producer milk, and (2) other source milk classified as Class I milk.

The market administrator is required to verify the disposition of all milk received in order to properly determine the classification of producer milk. Therefore, a charge on receipts of other source used as Class I milk, as well as producer milk, will appropriately apportion the administrative expense among handlers. Application of the assessment to all other source milk received by a handler, regardless of use, could place some handlers at a disadvantage in utilizing for manufacture milk not regulated by the order.

The market administrator must have the necessary funds to enable him to administer properly the terms of the order. In view of the anticipated volume of milk on which the rate would apply, a maximum rate of 4 cents per hundredweight should be adopted to guarantee sufficient administrative income. In the event a lesser amount proves later to be sufficient for proper administration, provision is made to enable the Secretary to decrease the assessment without the necessity of amending the order. The act provides that such assessments shall be the means of financing the cost of administration.

(b) *Deductions for marketing services.* Provisions should be included for furnishing marketing services to producers who do not belong to a cooperative association which performs such services, and appropriate deductions should be made to cover the cost therefor. These services include sampling, testing, and checking the weights of producer milk and furnishing of market information by the market administrator. The proponents of the order proposed that 5 cents per hundredweight should be deducted from the payments to producers who are not members of a cooperative association to cover expenses in connection with the services to be rendered by the market administrator to such producers. The cost of performing the services will vary in accordance with the number of such producers, concentration of deliveries and the volume of milk involved. In view of the rate of assessments to cover such costs under other federal orders, a deduction for these services from payments to producers at the rate of 5 cents per hundredweight seems reasonably necessary to defray the cost of the services to be performed under this order. In the event that any qualified cooperative association of producers performs such services for its members, handlers will be required to make such deductions and to pay them to the cooperative association as are authorized by its members. Handlers should also be required to furnish each such cooperative association a statement showing the amount of deductions, and the amount and average butterfat content of milk for which deductions were computed for each member producer. This is necessary in order for the cooperative to know whether it is receiving the correct amounts as required by this provision.

(c) *Reports and records.* All accounting, reports, price computations and payments, are to be made on a monthly basis. The term "month" is used throughout the order in its ordinary and usual meaning as one of the twelve divisions of the calendar year. However, the use of this term within the text of the order shall not be construed to prevent the issuance by the Secretary of amendments to the orders to be effective on any day of a month.

Provisions are contained in the order to require handlers to maintain adequate records and to make reports with respect to receipts, utilization, and payments for milk. Such reports are necessary for the purpose of determining proper classification and payment for milk of producers.

Reports of receipts and utilization of milk should be filed not later than the 7th day after the end of the month to assure the announcement of a uniform price by the 12th day after the end of the month.

(d) *Audits.* The order should provide for the auditing of each handler's reports and records as one means of assuring that handlers are properly complying with the terms of the order. It is necessary during audit that the handler provide whatever facilities are necessary to verify reports or to ascertain the correct information regarding his receipts and utilization of milk and payments to producers.

(e) *Payments to producers.* Although it is provided that a uniform price should be computed only once a month, provision should be made for payment to producers semimonthly. Producers proposed an "advance" payment with respect to milk delivered during the first 15 days of the month to be made on or before the last of the month. Producers customarily have been paid twice a month and this practice should continue. Handlers offered no opposition to this method of making payment. Such advance payment should be made at not less than the rate of the Class II price for the preceding month. The final payment for each month should be made on or before the 15th day after the end of the month. Handlers are permitted to deduct advance payments from the money due producers on the 15th day after the end of the month. Dates for the filing of handler reports and for the computation and announcement of the uniform price have been scheduled in a manner which will permit handlers to make required payments both to producers, and the producer-settlement fund within the respective dates prescribed. Thus, a reasonably adequate time is allowed handlers for making final payments to producers.

(f) *Other Administrative provisions.* The other provisions of the order which are of a general administrative nature are found in all orders and are necessary for proper and efficient administration of the order. They provide for the selection of a market administrator, define his powers and duties, prescribe the information to be reported by handlers each month, set forth the rules to be followed by the market administrator in making computations required by the order. They also prescribe the length of time that records are to be retained and provide a plan for liquidation of the order in the event of its suspension or termination.

The proponents proposed that handlers be required to post with the market administrator a surety bond in the amount not exceeding twice the estimated amount of payments to be made to producers for any delivery period. They indicated that such a provision was desirable to insure payments to producers for milk priced under the order. Producers have, in the past, received payments for milk within the scheduled time without this protection. Milk price orders have not generally required the posting of a bond by regulated handlers and yet they have succeeded in giving reasonable assurance of payment to producers. There was no showing here that a special need existed for protecting producers beyond that afforded generally by a price order. Moreover, the determination of the adequacy of such a bond to cover all possible contingencies would place undue responsibility upon the market administrator. Therefore it is concluded that this proposed provision should not be adopted.

A "producer-handler" should be exempt from all the regulatory provisions of the order except that requiring the filing of reports as requested by the market administrator. The producer-handler is a person who operates a milk plant and handles only milk from his own production, and does not buy any milk from producers. In these respects his situation is different from that of other handlers. Because such persons frequently change their status, it is necessary for the market administrator to receive reports from such persons in order to verify their status and to supplement other market information.

The order should provide that a handler who, the Secretary determines to be disposing of the greater portion of his milk in another area subject to another Federal marketing order be partially exempt from provisions of this order. It would be impractical to regulate the same person under two different orders with respect to the same milk. It appears reasonable that the effective regulation should be that of the area in which such a person makes the greater portion of his sales. In order to insure equity between handlers, such a person should not be permitted to purchase milk for sale as Class I in either area at less than the price paid by regulated handlers of the area. Therefore it should be provided that if the price such handler is required to pay for Class I milk under the other order to which he is subject is less than the price provided in the proposed order, he should pay to the producer-settlement fund an amount equal to the difference between the two prices on all Class I milk disposed of within the area. Such persons should also be required to report to the market administrator regularly so that he may ascertain the amount of milk disposed of by such persons within the area.

The order should also provide for the retention of necessary records and the ultimate termination of obligations. The provisions with respect to these items are those which experience under other marketing orders has shown to be appropriate.

It was proposed that if a handler fails to make the required reports or payments, his name may be publicly announced by the market administrator, unless otherwise directed by the Secretary. This provision should be adopted since it will facilitate the enforcement of the terms of the order.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Muskogee Dairy Farmers Association, the Carnation Company of Oklahoma and the Roselawn Dairy.

The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed order. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the proposed findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with conclusions in this recommended decision.

Recommended marketing agreement and order. The following order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the recommended order.

DEFINITIONS

§ 929.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 929.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 929.3 *Department.* "Department" means the United States Department of Agriculture or other Federal agency authorized to perform the price reporting functions specified in this part.

§ 929.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 929.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines (a) to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," (b) to have full authority in the sale of milk of its members, and (c) to be engaged in making collective sales or marketing milk or its products for its members.

§ 929.6 *Muskogee, Oklahoma, marketing area.* "Muskogee, Oklahoma, marketing area," hereinafter called the marketing area, means all the territory lying within the boundaries of the cities of Muskogee, McAlester, and Tahlequah, Oklahoma.

§ 929.7 *Approved plant.* "Approved plant" means (a) any milk plant approved by any health authority having jurisdiction in the marketing area from which milk, skim milk, buttermilk, flavored milk, flavored milk drinks, or cream are disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores), or (b) any milk plant approved by any health authority having jurisdiction in the marketing area which serves as a receiving station by receiving, weighing, and commingling producer milk and from which such milk is normally transferred to a plant specified in paragraph (a) of this section.

§ 929.8 *Unapproved plant.* "Unapproved plant" means any milk manufacturing, processing, bottling, or distributing plant other than an approved plant.

§ 929.9 *Handler.* "Handler" means (a) any person in his capacity as the operator of an approved plant; or (b) any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 929.10 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk which is received at an approved plant: *Provided,* That such milk is produced under a dairy farm inspection permit or inspection rating issued by any health authority having jurisdiction in the marketing area for the production of milk to be disposed of for consumption as Grade A milk. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. This definition shall not include a person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this part pursuant to § 929.61.

§ 929.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer which is received by a handler either directly from producers or from other handlers.

§ 929.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 929.13 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

§ 929.14 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of April through June which is not in excess of each producer's daily average base computed pursuant to § 929.90 multiplied by the number of days in such month for which the handler received milk from the producer.

§ 929.15 *Excess milk.* "Excess milk" means producer milk received by a handler during any of the months of April through June which is in excess of base milk received from each producer during such month, and shall include all milk received from producers for whom no daily average base can be computed pursuant to § 929.90.

MARKET ADMINISTRATOR

§ 929.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 929.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 929.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 929.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 929.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 929.30 through 929.32;

(2) Maintained adequate records and facilities pursuant to § 929.33; or

(3) Made payments pursuant to §§ 929.80 through 929.88;

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk received shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum prices for Class I milk pursuant to § 929.51 (a) and the Class I butterfat differential pursuant to § 929.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 929.51 (b) and the Class II butterfat differential pursuant to § 929.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform price(s) computed pursuant to § 929.71 or § 929.72, as applicable, and the butterfat differential computed pursuant to § 929.82, both applicable to milk delivered during the preceding month; and

(k) Prepare and disseminate to the public such statistics and other information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 929.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and, for the months of April through June, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on routes wholly outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 929.31 *Reports of payments to producers.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producers, including for the months of April through June such producer's deliveries of base and excess milk;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 929.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, of his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

(c) Upon request of the market administrator, each handler shall report the information described in paragraph (a) of § 929.31, together with such other information as the market administrator may prescribe for prior calendar months included in the period beginning with October 1950 to the effective date of this part.

§ 929.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 929.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 929.40 *Basis of classification.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 929.30 shall be classified by the market administrator pursuant to the provisions of §§ 929.41 through 929.46.

§ 929.41 *Classes of utilization.* Subject to the conditions set forth in §§ 929.43 and 929.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream, and any other product required by the appropriate health authority of the City of Muskogee, Oklahoma, to be made from Grade A milk, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section; (2) disposed of for livestock feed; (3) in shrinkage allocated to receipts of milk from producers, but not in excess of 2 percent of such receipts of skim milk and butterfat, (4) in shrinkage allocated to receipts of other source milk; and (5) in inventory variations of milk, skim milk, cream, or any Class I product.

§ 929.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk.

§ 929.43 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 929.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream, to the approved plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred: *Provided,* That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 929.46 and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk or skim milk to an unapproved plant located more than 185 miles from the approved plant by the shortest highway distance as determined by the market administrator.

(d) As Class I milk if transferred in the form of cream under Grade A certification to an unapproved plant located more than 185 miles from an approved plant by the shortest highway distance as determined by the market administrator, and as Class II milk if so transferred without Grade A certification.

(e) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located less than 185 miles from the approved plant by the shortest highway distance as determined by the market administrator from which transferred or diverted, unless the market administrator is permitted to audit the records of receipts and utilization at such unapproved plant, in which case the classification of all skim milk and butterfat received at such unapproved plant shall be determined and the skim milk and butterfat transferred or diverted from the approved plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk, receipts of skim milk and butterfat at such unapproved plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such unapproved plant in markets supplied by such plant.

§ 929.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 929.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 929.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 929.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided,* That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers according to its classification as determined pursuant to § 929.44 (a);

(4) Add to the remaining pounds of skim milk in Class II the pounds of skim

milk subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 929.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 929.51 (b) for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

§ 929.51 *Class prices.* Subject to the provisions of §§ 929.52 and 929.53, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The price for Class I shall be the basic formula price plus $1.45 for the months of April, May, and June, and plus $1.85 for all other months: *Provided,* That for each of the months of September, October, November, and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May, and June, such price shall not be more than that for the preceding month.

(b) *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

American Foods Co., Miami, Okla.
Hawk Dairies, Tulsa, Okla.
Muskogee Dairy Products Co., Muskogee, Okla.
Pet Milk Co., Siloam Springs, Ark.

§ 929.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 929.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 929.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the appropriate month by the applicable factor listed below and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25;

(b) *Class II milk.* Multiply such price for the current month by 1.15.

§ 929.53 *Location adjustment credit to handlers.* For that portion of milk which (a) is received directly from producers at an approved plant described in § 929.7 (b) which is located at Poteau, or Miami, Oklahoma; and (b) is moved to an approved plant in the marketing area in the form of milk, skim milk, or cream, the prices specified in § 929.51 shall be subject to a location adjustment credit to the handler, computed as follows:

Location of plant:	*Cents per hundredweight*
Poteau, Okla	21
Miami, Okla	23

APPLICATION OF PROVISIONS

§ 929.60 *Producer-handlers.* Sections 929.40 through 929.46, 929.50 through 929.53, 929.70 through 929.72, 929.80 through 929.88, 929.90 and 929.91, shall not apply to a producer-handler.

§ 929.61 *Milk priced under other Federal orders.* In case skim milk or butterfat which is priced under another Federal milk marketing agreement or order issued pursuant to the act is disposed of as Class I milk in the marketing area on a route operated by or for a person subject to regulation as a handler as defined in such other agreement or order, the provisions of this part shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject for skim milk and butterfat which would be classified as Class I milk under this part is less than the price provided by this part, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this part and its value as determined pursuant to the other order to which he is subject.

DETERMINATION OF UNIFORM PRICE

§ 929.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices, adding together the resulting amounts and deducting therefrom the values of all location adjustments computed at the applicable rates set forth in § 929.53: *Provided,* That if the handler had overage of either skim milk or butterfat, there shall be added to the above values an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 929.46 by the applicable class prices.

§ 929.71 *Computation of uniform prices.* For each of the months of July through March the market administrator shall compute the uniform prices per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 929.70 for all handlers who made the reports prescribed in § 929.30 and who made the payments pursuant to §§ 929.80 and 929.84 for the preceding month;

(b) Add the aggregate of the values of all allowable location adjustments to producers pursuant to § 929.81;

(c) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 929.85;

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 929.82 and multiplying the resulting figure by the total hundredweight of such milk;

(e) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for milk of 4.0 percent butterfat content received from producers.

§ 929.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through June the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 929.70 for all handlers who made the reports prescribed in § 929.30 and who made the payments pursuant to §§ 929.80 and 929.84 for the preceding month;

(b) Add the aggregate of the values of all allowable location adjustments to producers pursuant to § 929.81;

(c) Add not less than one-half of the cash balance in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 929.85:

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 929.82 and multiplying the resulting figure by the total hundredweight of such milk;

(e) Compute the total value on a 4.0 percent butterfat basis of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(f) Divide the total value of excess milk obtained in paragraph (e) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers.

(g) Subtract the value of excess milk obtained in paragraph (e) of this section from the value of all milk obtained in paragraph (d) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(h) Divide the amount obtained in paragraph (g) of this section by the total hundredweight of base milk included in these computations; and

(i) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (h) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

PAYMENTS

§ 929.80 *Time and method of payment.* Each handler shall make payment to producers as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer (1) at not less than the uniform price computed pursuant to § 929.71 for all milk received from such producer if such preceding month was any of the months of July through March, or (2) at not less than the uniform price for base milk computed pursuant to § 929.72, with respect to base milk received from such producer, and at not less than the uniform price for excess milk computed pursuant to § 929.72 with respect to excess milk received from such producer, if such preceding month was any of the months of April through June, in each case adjusted by the butterfat differential computed pursuant to § 929.82, subject to location adjustments to producers pursuant to § 929.81, less the amount of the payment made pursuant to paragraph (b) of this section: *Provided,* That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association, on or before the 13th day after the end of the month, an amount equal to the sum of the individual payments payable to such producers in accordance with this paragraph: *And provided further,* That if such handler has not received full payment for such month pursuant to § 929.85, he may reduce his total payments to all producers uniformly by not more than the amount of the reduction in payments from the market administrator; and the handler shall after receipt of such payment from the market administrator complete the payments to those producers not later than the date for making payments pursuant to this paragraph next following after receipt of the balance from the market administrator.

(b) On or before the last day of each month, each handler shall make payment for milk received from producers during the first 15 days of the month to each producer at not less than the Class II price for the preceding month: *Provided,* That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association, which is authorized to collect payments for such milk, if the cooperative association so requests, the handler shall pay such cooperative association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

§ 929.81 *Location adjustments to producers.* In making payments to producers pursuant to § 929.80, a handler may deduct per hundredweight of milk received from producers at an approved plant described in § 929.7 (b) which is located at Poteau, or Miami, Oklahoma, the applicable amounts set forth below:

Location of plant:	*Cents per hundredweight*
Poteau, Okla	21
Miami, Okla	23

§ 929.82 *Producer-butterfat differential.* In making payments pursuant to § 929.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average as computed by the market administrator of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 929.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 929.61 (b), 929.84 and 929.86, and out of which he shall make all payments to handlers pursuant to §§ 929.85 and 929.86.

§ 929.84 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 929.70 is greater than the amount required to be paid producers by such handler pursuant to § 929.80, or any amount required pursuant to § 929.61 (b).

§ 929.85 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 929.70 is less than the amount required to be paid producers by such handler pursuant to § 929.80: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who has not received the balance of such

payment from the market administrator shall be considered in violation of § 929.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund. The handler shall complete such payments to producers not later than the date for making such payments next following after the receipt of the balance from the market administrator.

§ 929.86 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler; (b) such handler from the market administrator; or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which error occurred.

§ 929.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 929.80, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month pay such deduction to the cooperative association of which such producers are members accompanied by a statement showing the amount of any such deductions and the amount and average butterfat test of milk for which such deduction was computed for each producer. In lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to § 929.31.

§ 929.88 *Expenses of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) milk from producers including such handler's own production.

§ 929.89 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation:

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and,

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records, pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 929.90 *Computation of daily average base for each producer.* For the months of April through June of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 929.91:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of October through January immediately preceding by the number of days not to be less than ninety, of such producer's delivery in such period.

§ 929.91 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred by notifying the market administrator in writing on or before the last day of any applicable base paying month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy herd operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days shall forfeit his base.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 929.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 929.101.

§ 929.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provison of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 929.102 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 929.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 929.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 929.111 *Separability of provisions.* If any provision of this part or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this part, to other persons or circumstances, shall not be affected thereby.

Filed at Washington, D. C., this 27th day of March 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 51-2885; Filed, Mar. 29, 1951; 8:57 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

MARCH 16, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing approximately 380 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 267

For lease and sale for homesites only:
T. 9 N., R. 2 W., S. B. M.,
Sec. 7, S½NE¼SE¼ and Lots 2, 3 and 4.

Leases for tracts in Lots 2, 3 and 4 will be issued to conform with the supplemental plat that has been prepared dividing the irregular areas into numbered tracts.

The lands are situated adjacent to the Town of Barstow, California, a rapidly growing desert town with a present population of about 7,000. There is a strong demand in the area for small homesites, and the nearness of this land to a thriving town makes the land very desirable for homesite leases. In the Town of Barstow can be found all of the usual community services.

2. As to applications regularly filed prior to 9:00 a. m., September 14, 1950, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., May 18, 1951. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., May 18, 1951, to close of business on August 16, 1951.

(b) Advance period for veterans' simultaneous filings from 9:00 a. m., September 14, 1950, to 10:00 a. m., May 18, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., August 17, 1951.

(a) Advance period for simultaneous nonpreference filings from 9:00 a. m., September 14, 1950, to 10:00 a. m., August 17, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. The tracts in the S½NE¼, N½SE¼ and Lots 2 and 3 contain approximately 1¼ acres and are 165 by 330 feet, the longer dimension to extend east and west. The tracts in Lot 4 and the S½SE¼ contain approximately 2½ acres and are 330 by 330 feet.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised values listed below, and applications to purchase may be filed at or after the expiration of one year from date the lease is issued:

Lot 2 and S½NE¼—Appraised at $90 per acre.

Lot 3 and N½SE¼—Appraised at $75 per acre.

Lot 4 and S½SE¼—Appraised at $50 per acre.

9. Leases will be subject to all existing rights-of-way and to the new location of a road to extend north and south about 330 feet east of the center line of the section. They will also be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

Leases for tracts in Lot 2 of Section 7 will also be subject to the existing right-of-way of the Southern California Water Company for a water distribution plant and pipelines.

10. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 51-3851; Filed, Mar. 29, 1951; 8:47 a. m.]

CALIFORNIA

SMALL TRACT CLASSIFICATION ORDER NO. 262

MARCH 15, 1951.

California Small Tract Classification Order No. 262, dated March 2, 1951 (16 F. R. 2194), is hereby corrected by deleting therefrom the lands described below for the reason that these lands are embraced in pending applications that prevent their classification at this time:

T. 6 N., R. 8 W., S. B. M., Sec. 2, NW¼SE¼.
T. 8 N., R. 10 W., S. B. M., Sec. 23, W½SW¼.
T. 7 N., R. 11 W., S. B. M., Sec. 35, E½SE¼.

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 51-3852; Filed, Mar. 29, 1951; 8:47 a. m.]

NEVADA

CLASSIFICATION ORDER

MARCH 9, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as herein-

after indicated, the following described land in the Nevada land district, embracing approximately 40 acres,

NEVADA SMALL TRACT CLASSIFICATION NO. 69

For lease and sale for home sites only:

T. 20 N., R. 19 E., M. D. M.,
Sec. 27, SW¼NW¼.

The land is located 2 miles northwest of the City of Reno, Nevada, and can be reached over U. S. Highway 395. Climate is semi-arid, with temperatures mild in summer and moderately severe in winter. The City of Reno possesses all of the usual community services.

2. As to applications regularly filed prior to 9:30 a. m., February 12, 1951, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., May 11, 1951. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., May 11, 1951, to close of business on August 9, 1951.

(b) Advance period for veterans' simultaneous filings from 9:30 a. m., February 12, 1951, to 10:00 a. m., May 11, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., August 10, 1951.

(a) Advance period for simultaneous nonpreference filings from 9:30 a. m., February 12, 1951, to 10:00 a. m., August 10, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend east and west.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $15.00 per acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to all existing rights-of-way and to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Nevada Land and Survey Office, Reno, Nevada.

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 51-3853; Filed, Mar 29, 1951; 8:48 a. m.]

ALASKA

SHORE SPACE RESTORATION NO. 456

MARCH 22, 1951.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and in accordance with 43 CFR 4.275 (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), and Order No. 319 of July 19, 1948 (43 CFR 50.451, 13 F. R. 4278), it is hereby determined that the lands described below are not necessary for harborage uses and purposes and that no shorespace reserve in such lands shall now or hereafter be created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371) by the initiation of claims under the public land laws:

SEWARD MERIDIAN

T. 12 N., R. 3 W.,
Sec. 30: SE¼SW¼, Lots 3, 4.
Sec. 31: NE¼NE¼, Lots 1, 2, 3.
T. 12 N., R. 4 W.,
Sec. 25: SW¼NE¼, NE¼NW¼, Lots 1, 2, 3, 4.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 51-3854; Filed, Mar. 29, 1951; 8:48 a. m.]

ALASKA

SHORE SPACE RESTORATION NO. 457

MARCH 22, 1951.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and in accordance with 43 CFR 4.275 (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), and Order No. 319 of July 19, 1948 (43 CFR 50.451, 13 F. R. 4278), it is hereby determined that the lands described below are not necessary for harborage uses and purposes and that no shorespace reserve in such lands shall now or hereafter be created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371) by the initiation of claims under the public land laws:

SEWARD MERIDIAN

T. 12 N., R. 3 W.,
Sec. 32: NE¼NW¼, SW¼NE¼, Lot 2 (embracing the original and additional homestead entries of W. H. Hancock, Anchorage 011585 012402 012799), containing approximately 159.51 acres.
T. 12 N., R. 4 W.,
Sec. 15: E½SE¼ (embracing the homestead entry of Milton W. Wyatt, Anchorage 012876), containing 80 acres.
Sec. 23: SW¼NE¼, Lots 1, 3 (embracing the homestead entry of Junior I. Johnson, Anchorage 018113), containing approximately 149.61 acres.

A tract of land located on Zimovia Straits identified as Lot Y, U. S. Survey 2321 containing approximately 4.72 acres (Home site Application of Wilhelm Jordan Anchorage 015108).

The above described lands aggregate approximately 373.84 acres.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc 51-3855; Filed, Mar. 29, 1951; 8:48 a. m.]

ALASKA

SHORE SPACE RESTORATION NO. 458

MARCH 22, 1951.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and in accordance with 43 CFR 4.275 (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), and Order No. 319 of July 19, 1948 (43 CFR 50.451, 13 F. R. 4278), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands;

SEWARD MERIDIAN

T. 12 N., R. 3 W.,
Sec. 32: Lots 1, 3, 4, containing approximately 132.56 acres.
T. 12 N., R. 4 W.,
Sec. 15: Lot 5,
Sec. 22: Lot 1,
Sec. 23: Lots 2, 4,
Sec. 26: Lot 1,
Containing approximately 112.40 acres.

The above described lands aggregate approximately 244.96 acres.

No application for these lands may be allowed under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At 10:00 a. m. on April 11, 1951 the lands shall, subject to valid existing rights and the provisions of existing withdrawals become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 11, 1951, to July 9, 1951, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or homesite laws, or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from March 22, 1951, to April 10, 1951, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 11, 1951, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on July 10, 1951, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from June 20, 1951, to July 9, 1951, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 10, 1951, shall be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 66, of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that Title.

Inquiries concerning these lands shall be addressed to the Land Office at Anchorage, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 51-3856; Filed, Mar 29, 1951; 8:48 a. m.]

Office of the Secretary

[Order 2623]

COMMISSIONER OF BUREAU OF RECLAMATION

DELEGATION OF AUTHORITY WITH RESPECT TO CONTRACTS FOR REHABILITATION AND BETTERMENT WORK BY WATER USERS' ORGANIZATIONS

SECTION 1. The Commissioner of Reclamation may execute contracts for the performance of rehabilitation and betterment work by water users' organizations as provided in the act of October 7, 1949 (43 U. S. C., Supp. III sec. 504), as amended, substantially in accordance with the terms and conditions established by the Secretary of the Interior and subject to the availability of appropriations.

SEC. 2. *Redelegation.* The Commissioner may in writing redelegate, within appropriate limitations, to an Assistant Commissioner, the Chief Engineer, or the official in charge of any region, district, division, or project of the Bureau of Reclamation, the authority granted in section 1 of this order.

(5 U. S. C., 1946 ed., sec. 22; 16 U. S. C., 1946 ed., sec. 590z–11; Reorg. Plan No. 3 of 1950)

WILLIAM E. WARNE,
Acting Secretary of the Interior.

MARCH 21, 1951.

[F. R. Doc. 51-3846; Filed Mar. 29, 1951; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. M-28]

LUCKENBACH STEAMSHIP CO., INC.

NOTICE OF HEARING ON APPLICATION TO BAREBOAT CHARTER GOVERNMENT-OWNED, WAR-BUILT, DRY-CARGO VESSELS FOR USE IN INTERCOASTAL TRADE

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held at Washington, D. C., on April 3, 1951, at 10 o'clock a. m., in Room 4821, Department of Commerce Building, before Examiner Robert Furness, upon the application of Luckenbach Steamship Company, Inc., to bareboat charter Government-owned, war-built, dry-cargo vessels for use in the intercoastal trade. This application will be heard jointly with those of Pacific-Atlantic Steamship Co. (Docket No. M–16) and Pope & Talbot, Inc. (Docket No. M–17) now scheduled for further hearing at the same time and place.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessels are proposed to be chartered is required in the public interest and would not be adequately served without the use therein of such vessels, and with respect to the availability of privately-owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service.

All persons having an interest in such application will be given an opportunity to be heard if present.

The parties may have oral argument before the examiner immediately following the close of the hearing, in lieu of briefs, and the examiner will issue a recommended decision. Parties may have two (2) days within which to file exceptions to or memoranda in support of the examiner's recommended decision, but the Board reserves the right to determine whether oral argument on exceptions will be granted or whether briefs in connection therewith will be received.

Dated: March 27, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-3864; Filed, Mar. 29, 1951; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

All American Dress Co., 40 North Sixth Street, Lebanon, Pa., effective 4-1-51 to 3-31-52; 10 learners, normal labor turnover (children's dresses, blouses and sportswear).

Walter E. Allen, N. W. Forty-second and Santa Fe, Oklahoma City, Okla., effective 3-16-51 to 9-15-51; 50 learners for expansion purposes (work clothes for Army).

Anthracite Shirt Co., 1 South Franklin Street, Shamokin, Pa., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (men's dress and sport shirts).

Bedford Manufacturing Corp., 381 Pleasant Street, Fall River, Mass., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (ladies' house dresses).

Blue Bell, Inc., Elkton, Va., effective 4-1-51 to 3-31-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (dungarees).

Blue Bell, Inc., Luray, Va., effective 4-1-51 to 3-31-52; 10 learners for normal labor turnover (dungarees).

Blue Bell, Inc., Madison, Va., effective 4-1-51 to 3-31-52; five learners for normal labor turnover (dungarees).

Blue Bell, Inc., Mount Jackson, Va., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (dungarees).

Blue Bell, Inc., Shenandoah, Va., effective 4-1-51 to 3-31-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (dungarees).

Cowden Manufacturing Co., East Main Street, Stanford, Ky., effective 3-15-51 to 9-14-51; 150 learners for expansion purposes (denim bib overalls).

Crown Chenille, Inc., 110 Chace Street, Fall River, Mass., effective 3-15-51 to 9-14-51; 150 learners for expansion purposes (chenille robes).

Dillsburg Dress Co., York Street, Dillsburg, Pa., effective 4-1-51 to 3-31-52; five learners for normal labor turnover (ladies' cotton dresses).

M. K. Dress Co., 105 Corner Street, Dunmore 12, Pa., effective 3-22-51 to 3-21-52; five learners for normal labor turnover (children's dresses).

Mildred Dress Co., 701 Washington Avenue, Jermyn, Pa., effective 3-19-51 to 3-18-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (ladies' dresses).

Economy Blouse Co., 94 Sawyer Street, New Bedford, Mass., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (boys' shirts; ladies' blouses).

Gordon Edwards, Inc., 1305 Pecan Street, Commerce, Tex., effective 3-19-51 to 3-18-52; 10 learners for normal labor turnover. (women's and misses' dresses and sportswear).

Ely & Walker Dry Goods Co., Illmo, Mo., effective 3-15-51 to 9-15-51; 75 learners for expansion purposes (overalls, dungarees, etc).

Hickory Flat Manufacturing Co., Hickory Flat, Miss., effective 4-1-51 to 3-31-52; 10 learners for normal labor turnover (men's and boys' cotton work shirts).

Industrial Garment Manufacturing Co., 201 East Oak Street, Palestine, Tex., effective 4-1-51 to 3-31-52; 10 learners for normal labor turnover (bakers' and cooks' white pants; cotton khaki pants).

Industrial Garment Manufacturing Co., 201 East Oak Street, Palestine, Tex., effective 4-1-51 to 10-1-51; five learners for expansion purposes (bakers' and cooks' white pants; cotton khaki pants).

Insler Bros. Dress Co., 511 Chapel Street, New Haven, Conn., effective 3-19-51 to 3-18-52; 10 percent normal labor turnover (ladies' dresses).

Johnson & Co., 100 South Minnesota Avenue, St. Peter, Minn., effective 4-1-51 to 3-31-52; 10 learners for normal labor turnover (men's and boys' work clothing; aprons for industrial use; blanket-lined coats).

Phillips Jones Factory, Geneva, Ala., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (men's dress shirts).

Karen Sportswear, R. D. 2, Shickshinny, Pa., effective 4-1-51 to 3-31-52; five learners for normal labor turnover (women's dresses).

Julius Kayser & Co., Moscow, Pa., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (women's underwear).

Keystone Mills, Inc., 325 South Lancaster Street, Annville, Pa., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (cotton polo shirts; ladies' cotton underwear).

Korach Bros. Co., 437 Perry Street, Marseilles, Ill., effective 3-16-51 to 3-15-52; 10 learners for normal labor turnover (women's and misses' dresses).

Linda-Lou Lingerie, Inc., Rexmont, Pa., effective 3-16-51 to 3-15-52; five learners for normal labor turnover (ladies' slips).

M & S Co., Inc., 2607 Desiard Street, Monroe, La., effective 4-1-51 to 3-31-52; 10 learners for normal labor turnover (men's and boys' slacks and dress pants).

MacLaren Sportswear Corp., Florence and Lumber Streets, Buckhannon, W. Va., effective 4-1-51 to 3-31-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's slacks).

George Manufacturing Corp., 161 North Main Street, Pittston, Pa., effective 3-16-51 to 3-15-52; 10 learners for normal labor turnover (women's blouses).

Massachusetts Shirt Manufacturing Corp., 274 Belleville Ave., New Bedford, Mass., effective 3-19-51 to 3-18-52; 10 learners for normal labor turnover (men's sport shirts).

Mauch Chunk Kiddy Kloes, 437 South Street, Mauch Chunk, Pa., effective 3-19-51 to 3-18-52; 10 learners for normal labor turnover (children's dresses).

Miami Guild Embroideries, 19 North West Eighth Street, Miami, Fla., effective 3-16-51 to 3-15-52; five learners for normal labor turnover (ladies' and children's sportswear).

Miller Bros., 1619 Preston Avenue, Houston, Tex., effective 4-1-51 to 3-31-52; 10 percent for normal labor turnover (cotton work pants and shirts; denim overalls, jeans and jackets).

Mode O'Day Corp., Fourth and Main, Ottawa, Kans., effective 4-1-51 to 3-31-52; 10 percent for normal labor turnover (ladies' cotton and rayon dresses).

November Co., Inc., 116 South Street, Glens Falls, N. Y., effective 3-19-51 to 9-18-51; 10 learners for expansion purposes only (Government field jackets without liners).

R & G Sportswear Corp., 1216 Main Street, Northampton, Pa., effective 3-16-51 to 3-15-52; seven learners for normal labor turnover (women's blouses and pajamas).

Reegon, Inc., Jonesville, N. C., effective 3-13-51 to 9-12-51; 13 learners for expansion purposes (women's play clothes and children's pajamas).

Rexmont Mills, Inc., Rexmont, Pa., effective 3-19-51 to 9-15-51; 10 learners for expansion purposes (shoulder straps; ladies' slips).

Salisbury Undergarment Co., Inc., Salisbury, Pa., effective 3-14-51 to 9-13-51; five additional learners for expansion purposes (ladies' panties).

Salisbury Undergarment Co., Inc., Salisbury, Pa., effective 3-14-51 to 3-13-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (ladies' panties).

Sally Blouse Co., Inc., 648 South Main Street, Old Force, Pa., effective 3-15-51 to 3-14-52; 10 percent normal labor turnover (blouses).

Sportstyle Apparel, 6405 Park Avenue, West New York, N. J., effective 3-22-51 to 3-21-52; five learners for normal labor turnover (dresses).

Stafford-Hayes, Inc., 402 South State Street, Clark's Summit, Pa., effective 3-19-51 to 9-15-51; 15 learners for expansion purposes (ladies' dresses, blouses and sportswear).

Steingut Dress Co., 228 Everhart Street, Dupont, Pa., effective 4-1-51 to 3-31-52; 10 learners for normal labor turnover (street dresses).

Sturgis Clothing, Inc., Sixth and Main Streets, Sturgis, Ky., effective 4-1-51 to 3-31-52; 10 learners for normal labor turnover (single pants).

Troutman Shirt Co., Inc., Troutman, N. C., effective 4-1-51 to 3-31-52; 10 percent for normal labor turnover (work shirts).

Vernon Manufacturing Co., Inc., Vernon, Tex., effective 4-1-51 to 3-31-52; 10 percent for normal labor turnover (men's and boys' cotton trousers).

The C. E. Ward Co., New London, Ohio, effective 4-1-51 to 3-31-52; 10 learners for normal labor turnover (lodge regalia; school graduation gowns; church vestments; band uniforms; nurses capes, etc.)

Warrior Run Dress Co., Inc., 36 Academy Street, Wilkes-Barre, Pa., effective 3-16-51 to 3-15-52; 10 learners for normal labor turnover (ladies' better dresses).

Whittemore Manufacturing Co., Wolfe City, Tex., effective 3-16-51 to 3-15-52; five learners for normal labor turnover (ladies' and children's dresses).

J. M. Wood Manufacturing Co., Inc., 224-26 South Sixth Street, Waco, Tex., effective 3-30-51 to 3-29-52; 10 percent for normal labor turnover (Government OD coveralls and khaki trousers; men's work pants and denim jackets).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended January 25, 1950; 15 F. R. 400).

I. Lewis Cigar Manufacturing Co., Salem, Ala., effective 4-1-51 to 3-31-52; for normal labor turnover, 10 percent of the productive factory workers engaged in each of the authorized occupations; cigar machine operating, and packing (cigars retailing for more than 6 cents), each 320 hours; packing (cigars retailing for 6 cents or less), machine stripping, and hand stripping, each 160 hours; 60 cents per hour.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Duke Hosiery Corp., Hickory, N. C., effective 3-15-51 to 3-14-52; five learners for normal labor turnover.

Holt Hosiery Mills, Inc., Glen Raven, N. C., effective 3-16-51 to 11-15-51; 10 learners for expansion purposes.

Silver Knit Hosiery Mills, Inc., High Point, N. C., effective 3-16-51 to 3-15-52; 5 percent for normal labor turnover.

Tenn-Rock Hosiery Co., McMinnville, Tenn., effective 3-20-51 to 11-19-51; 10 learners for expansion purposes.

Van Raalte Co., Inc., Bryson City, N. C., effective 3-13-51 to 11-12-51; for expansion purposes, 10 additional learners in hosiery occupations only.

Van Raalte Co., Inc., Bryson City, N. C., effective 3-13-51 to 3-12-52; for normal labor turnover, 5 percent of total productive factory workers, in hosiery occupations only.

Mrs. E. T. Williams, route 3, box 850, Hickory, N. C., effective 3-15-51 to 3-14-52, three learners for normal labor turnover.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Burlington Manufacturing Co., Inc., Waymart, Pa., effective 4-1-51 to 3-31-52; 5 percent for normal labor turnover.

Devon Knitting Mills, Eshbach, Pa. effective 4-1-51 to 3-31-52; five learners for normal labor turnover.

Ellwood Knitting Mills, Inc., 911 Lawrence Avenue, Ellwood City, Pa., effective 3-27-51 to 9-26-51; 35 learners for expansion purposes only.

Joseph B. Haber, Inc., Philadelphia, Pa., effective 4-1-51 to 3-31-52; four learners for normal labor turnover.

Hamburg Knitting Mills, Inc., Hamburg, Pa., effective 4-1-51 to 3-31-52; 5 percent for normal labor turnover.

Julius Kayser & Co., Allentown, Pa., effective 4-1-51 to 3-31-52; five learners for normal labor turnover.

Julius Kayser & Co., Bangor, Pa., effective 4-1-51 to 3-31-52; five learners for normal labor turnover.

J. J. Miller Knitting Mills, 213-215 North White Street, Shenandoah, Pa., effective 4-1-51 to 3-31-52; three learners for normal labor turnover.

J. E. Morgan Manufacturing Co., Tamaqua, Pa., effective 4-1-51 to 3-31-52; 5 percent for normal labor turnover.

Van Raalte Co., Inc., Bristol, Vt., effective 4-1-51 to 3-31-52; five learners for normal labor turnover.

Van Raalte Co., Inc., Middlebury, Vt., effective 4-1-51 to 3-31-52; 5 percent for normal labor turnover.

Wonderknit Corp., Lindenhurst, N. Y., effective 3-16-51 to 3-15-52; five learners for normal labor turnover.

Worcester Knitting Co., Worcester, Mass., effective 4-1-51 to 3-31-52; 5 percent normal labor turnover.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Cooney Sail Co., Inc., Gloucester, Mass., effective 3-19-51 to 9-18-51; three learners for normal labor turnover; machine operators, 240 hours, 60 cents per hour (duffel bags).

Crest Manufacturing Co., Edgefield, S. C., effective 3-15-51 to 9-14-51; 12 learners for expansion purposes; sewing machine operators, 240 hours, 60 cents per hour (auto seat covers).

Marston Broom Works, Marston, N. C., effective 3-19-51 to 9-18-51; five learners for normal labor turnover; broom stitchers and broom winders, each 320 hours; 60 cents per hour (brooms and mops).

Nord-Buffam Pearl Button Co., Louisiana, Mo., effective 3-18-51 to 9-17-51; three learners for normal labor turnover; blank button cutting, and finished button sorting, each 480 hours; 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours (fresh water pearl buttons).

Scranton Belt Co., Dunmore, Pa., effective 4-1-51 to 9-30-51; three learners for normal labor turnover; machine operating (except cutting), 320 hours; 60 cents per hour (belts for women's dresses).

Winsor Manufacturing Co., 44 Hazel Street, Woonsocket, R. I., effective 4-1-51 to 3-31-52; three learners for normal labor turnover; sewing machine operators, 320 hours; 60 cents per hour (handkerchiefs).

The Howard Zink Corp., Charleston, Miss., effective 3-19-51 to 9-18-51; four learners for normal labor turnover; sewing machine operators, 240 hours; 65 cents per hour (auto seat covers).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 22d day of March 1951.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 51-3857; Filed, Mar. 29, 1951; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 9778, 9930]

KINSTON BROADCASTING CO. (WFTC) AND FARMERS BROADCASTING SERVICE, INC. (WELS)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Kinston Broadcasting Company (WFTC), Kinston, North Carolina, Docket No. 9778, File No. BP-7752; Farmers Broadcasting Service, Inc. (WELS), Kinston, North Carolina, Docket No. 9930, File No. BP-7979; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of March 1951;

The Commission having under consideration the above-entitled applications of Kinston Broadcasting Company requesting a construction permit to change the facilities of Station WFTC, Kinston, North Carolina, from frequency 1230 kilocycles, 250 watts power, unlimited time to frequency 960 kilocycles, 1 kilowatt power, unlimited time, to install directional antenna for night use only and to change transmitter location and of Farmers Broadcasting Service, Inc. to change the facilities of Station WELS, Kinston, North Carolina, from frequency 1010 kilocycles, 1 kilowatt power, daytime only to frequency 960 kilocycles, 1 kilowatt, 5 kilowatts—LS power, unlimited time, to install directional antenna for night use only and to install new transmitter;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on May 23, 1951, at Washington, D. C., upon the following issues:

1. To determine the technical, financial and other qualifications of the corporate applicants, their officers, directors and stockholders to construct and operate stations WFTC and WELS as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Stations WFTC and WELS, as proposed, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Stations WFTC and WELS, as proposed, would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Stations WFTC and WELS, as proposed, would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Stations WFTC and WELS, as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of Station WFTC operating as proposed and of Stations WRRF, Washington, North Carolina and WRRZ, Clinton, North Carolina, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.25 of the Commission's rules.

8. To determine whether the installation and operation of Station WFTC, as proposed, would constitute a hazard to air navigation.

9. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3866; Filed, Mar. 29, 1951; 8:50 a. m.]

[Docket No. 9926]

WAYNE M. NELSON (WHIP)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Wayne M. Nelson (WHIP), Mooresville, North Carolina, Docket No. 9926, File No. BP-7835; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of March 1951;

The Commission having under consideration the above-entitled application of Wayne M. Nelson, licensee of Station WHIP presently operating on the frequency 1350 kilocycles, 1 kilowatt, daytime only at Mooresville, North Carolina, for an increase in power from one

kilowatt to five kilowatts and install a new transmitter;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station WHIP, as proposed, but that the application may not comply with the standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on May 11, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WHIP, as proposed, and the character of other broadcast service available to such areas and populations.

2. To determine whether the installation and operation of Station WHIP, as proposed, would be in compliance with the Commission's rules and standards of good engineering practice concerning standard broadcast stations, with particular reference to the percentage of population residing within 250 mv/m blanket contour.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-3865; Filed, Mar. 29, 1951; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6264]

NIAGARA MOHAWK POWER CORP.

ORDER POSTPONING DATE OF RESUMPTION OF HEARING

MARCH 23, 1951.

In the matter of Niagara Mohawk Power Corporation (successor licensee to The Niagara Falls Power Company, Docket No. E-6264.

By petition filed March 21, 1951, Niagara Mohawk Power Corporation has requested a further postponement of the date of resumption of the hearing in the above-entitled matter from March 28, 1951, to one of the several dates in the month of April 1951 suggested in the petition.

The Applicant requests that the witness which it wishes to produce at the resumed hearing, now set pursuant to direction of the Presiding Examiner for March 28, 1951, cannot be produced conveniently before April 4, 1951.

It appears that the public interest will not be adversely affected by the granting of a further postponement.

The Commission orders: The hearing in the above-entitled matter now set for resumption on March 28, 1951, shall be resumed on April 4, 1951, in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: March 26, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-3847; Filed, Mar. 29, 1951; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO PROCUREMENT OF SUPPLIES AND SERVICES FOR PRODUCTION OF HELIUM GAS

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, (Pub. Laws 152 and 754, 81st Cong.), herein called the act, authority is hereby delegated to the Secretary of the Interior, to the extent necessary to carry out his responsibilities for the production and distribution of helium gas:

a. To make purchases and contracts for supplies and services under Title III of the act, and without advertising in accord with the provisions and requirements of section 302 (c) (1), (2), (3), (4), (9), (10), (12), (13), and (14).

2. This authority shall be exercised strictly in accord with other provisions of the act, and particularly section 307 requiring written findings in certain instances, preservation of data, and reports to the General Accounting Office.

3. The authority delegated herein may be redelegated to any officer or employee of the Department of the Interior, within the limitations of section 307 (b) of the act.

This delegation of authority shall be effective as of the date hereof.

Dated: March 27, 1951.

RUSSELL FORBES,
Acting Administrator.

[F. R. Doc. 51-3867; Filed, Mar. 29, 1951; 8:50 a. m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

2¾ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES D

NOTICE OF CALL FOR PARTIAL REDEMPTION

MARCH 16, 1951.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; 12 U. S. C., sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Housing Insurance Fund Debentures, Series D, of the denomination and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1951, on which date interest on such debentures shall cease:

2¾ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES D

Denomination:	*Serial Nos. (all numbers inclusive)*
$10,000	1,437 to 1,588

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1951. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1951, and provision will be made for the payment of final interest due on July 1, 1951, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1951 to June 30, 1951, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1951, or for purchase prior to that date will be given by the Secretary of the Treasury.

FRANKLIN D. RICHARDS,
Commissioner.

Approved: March 20, 1951.

E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 51-3672; Filed, Mar. 29, 1951; 8:45 a. m.]

2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES E

NOTICE OF CALL FOR PARTIAL REDEMPTION

MARCH 16, 1951.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; 12 U. S. C., sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Mutual Mortgage Insurance Fund Debentures, Series E, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1951, on which date interest on such debentures shall cease:

2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES E

Denomination:	*Serial Nos. (all numbers inclusive)*
$50	43 to 70
$100	142 to 224
$500	61 to 97
$1,000	211 to 302
$5,000	15 to 49
$10,000	303 to 325

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1951. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1951, and provision will be made for the payment of final interest due on July 1, 1951, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1951 to June 30, 1951, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1951, or for purchase prior to that date will be given by the Secretary of the Treasury.

FRANKLIN D. RICHARDS,
Commissioner.

Approved: March 20, 1951.

E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 51-3673; Filed, Mar. 29, 1951; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 874, General Permit 9]

MERCHANTS DISTILLING CORP.

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Service Order No. 874 (16 F. R. 2040), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act, serving Merchants Distilling Corporation, Terre Haute, Indiana, to disregard the provisions of Service Order No. 874 insofar as it applies to any car loaded with Distillers Dried Feed and/or Distillers Solubles by Merchants Distilling Corporation when Merchants Distilling Corporation advise that service would be denied because of its inability to meet the minimum weight requirements because of the tendency of said commodities to heat, cake, and possible burning during summer months.

The waybills shall show reference to this general permit and the Merchants Distilling Corporation shall furnish the Permit Agent the dates forwarded, car numbers, initials, and destinations of the cars shipped under this permit.

This general permit shall become effective at 12:01 a. m., April 1, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of March 1951.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 51-3822; Filed, Mar. 29, 1951; 8:45 a. m.]

[4th Sec. Application 25950]

PETROLEUM PRODUCTS FROM BRAND, TEX. TO ARKANSAS, KANSAS, LOUISIANA, OKLAHOMA, AND MISSOURI

APPLICATION FOR RELIEF

MARCH 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3585.

Commodities involved: Petroleum products, carloads.

From: Brand, Tex.

To: Points in Arkansas, Kansas, Louisiana, Oklahoma and southern Missouri.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3585, Supp. 454.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3859; Filed, Mar. 29, 1951; 8:49 a. m.]

[4th Sec. Application 25951]

POTASH FROM CARLSBAD AND LOVING, N. MEX., TO POINTS IN ARKANSAS AND LOUISIANA

APPLICATION FOR RELIEF

MARCH 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Atchison, Topeka and Santa Fe Railway Company for carriers parties to its tariff I. C. C. No. 14478.

Commodities involved: Potassium (potash), carloads.

From: Carlsbad and Loving, N. Mex.

To: Eudora, Ark., Delhi and Oak Grove, La.

Grounds for relief: Competition with rail carriers, market competition and to maintain grouping.

Schedules filed containing proposed rates: AT&SF Ry. tariff I. C. C. No. 14478, Supp. 46.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3860; Filed, Mar. 29, 1951; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-136, 59-83]

LONG ISLAND LIGHTING CO. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING ON APPLICATIONS FOR ALLOWANCE OF FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of March A. D. 1951.

In the matter of Long Island Lighting Company, Queens Borough Gas and Electric Company, Nassau & Suffolk Lighting Company, and Long Beach Gas Company, Inc.; File Nos. 54-136, 59-83.

The Commission having held combined proceedings, pursuant to section 11 (b) (2) and section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), with respect to Long Island Lighting Company ("Long Island"), a registered holding company, its subsidiary, Queens Borough Gas and Electric Company ("Queens"), and the latter's subsidiaries, Nassau & Suffolk Lighting Company ("Nassau"), and Long Beach Gas Company, Inc. ("Long Beach"), and by order dated August 25, 1948, promulgated pursuant to section 11 (b) (2) of the Act, having required the recapitalization of said companies so as to eliminate the inequitable distribution of voting power which existed in said companies, and by order dated November 17, 1949, having approved a section 11 (e) plan, as modified, proposing the consolidation of Long Island, Queens, and Nassau and the recapitalization of the resultant consolidated corporation, the name of which is Long Island Lighting Company ("Consolidated Corporation"), and said plan having become effective on October 24, 1950, and;

The plan having provided for payment by the Consolidated Corporation of all expenses, fees and remuneration in connection therewith, or proceedings with respect thereto, and the Commission in its said order of November 17, 1949, having reserved jurisdiction over all fees and expenses incurred and to be incurred in connection with said plan;

Notice is hereby given that applications for the payment of fees and reimbursement for expenses have been filed by the following persons and in the following amounts:

	Fees	Expenses	Total
Preferred stockholders committee of Long Island Lighting Co.:			
Benjamin F. Gray, chairman; Albert Ulmann, deceased, member; Albert E. Olson, member	$65,000.00	$4,034.94	$69,034.94
Unger & Pollack, and Milton Pollack, counsel; and Jeffrey S. Granger, financial adviser	350,000.00	1,566.31	351,566.31
Long Island Lighting Co. 7 percent and 5 percent preferred stockholders group:			
William C. Langley, Lawrence M. Marks, and Lee P. Stack, committee members		16,986.98	16,986.98
Everett E. Jackson, counsel	70,000.00		70,000.00
Edward de Rivera, secretary	10,000.00		10,000.00
Carl C. Brown, statistical adviser	3,500.00		3,500.00
Townsend, Elliott & Munson, counsel for individual holders of preferred stock of Long Island Lighting Co.	10,000.00	102.84	10,102.84
Protective committee for holders of the common stock of Long Island Lighting Co.		7,037.45	7,037.45
J. Donald Halstead, chairman	7,000.00	470.68	7,470.68
E. M. Nichols, member	5,500.00	32.27	5,532.27
H. F. Grizzle, member	1,500.00	206.00	1,706.00
Robert G. Knott, treasurer	3,000.00	286.22	3,286.22
Harold G. Aron, counsel	150,000.00	250.00	150,250.00
Warren & McGroddy, counsel	85,000.00	2,794.08	87,794.08
Blumenthal & Blumenthal and John D. Sullivan, counsel	20,000.00		20,000.00
Franklin C. Salisbury, counsel	880.00		880.00
Raymond A. Ranson, consulting engineer	1,806.25	300.00	2,106.25
Gilbert Associates, Inc., engineering consultants	5,491.79	172.05	5,663.84
Melvin W. Pettit, financial consultant	1,500.00		1,500.00
Charlotte J. Pettit, creditor of committee		650.67	650.67
Queens Borough Gas & Electric Co. preferred stockholders committee:			
John M. Chapman, chairman	3,500.00		3,500.00
Ivan Wright, member	3,500.00		3,500.00
William A. Cluff, member	2,750.00	277.22	3,027.22
Bernard D. Fischman, counsel	100,000.00	4,169.20	104,169.20
C. Ross Holmes, consulting engineer	3,500.00		3,500.00
Paul F. Moore, consulting engineer	3,250.00		3,250.00
McLaughlin & Stern, counsel for individual holders of the 7-percent preferred stock of Nassau & Suffolk Lighting Co.	100,000.00	4,896.16	104,896.16
Bowie & Robertson, counsel for Irving Trust Co., trustee under Long Island Lighting Co. first mortgage	1,750.00		1,750.00
New York Trust Co., trustee under Long Island Lighting Co. debentures agreement	100.00		100.00
Parmes, Smith & Andrews, counsel for New York Trust Co., as trustee	175.00	2.96	177.96
Guaranty Trust Co. of New York, trustee under Queens Borough Gas & Electric Co. first mortgage	6,000.00		6,000.00
Davis, Polk, Wardwell, Sunderland & Kiendl, counsel for Guaranty Trust Co. of New York, as trustee	3,000.00		3,000.00
Aggregate	1,027,703.04	44,776.43	1,072,479.47

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said applications:

It is ordered, Pursuant to sections 11 (e) and 18 of the act, that the hearing herein be reconvened for the purpose of taking evidence on said applications, said hearing to commence on April 17, 1951, at 10:00 a. m., e. s. t., at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 193 will advise as to the room in which such hearing will be held. Any person, other than applicants named herein and the Long Island Lighting Company, desiring to be heard or otherwise wishing to participate in the proceeding shall file with the Secretary of the Commission, on or before April 13, 1951 a request or application relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for the purpose, shall preside at the hearing on such matters. The officer so designated to preside at such hearing is hereby empowered to exercise all such powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of said applications and that, upon the basis thereof, the following matters and questions are presented for consideration by the Commission, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the services and disbursements for which remuneration has been paid or is sought are compensable, and whether it is lawful or appropriate to grant any allowances for fees and expenses to the persons making such claims.

2. Whether the amounts are fair and reasonable and, if not, what amounts should be fixed by the Commission.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That a copy of this notice shall be mailed by registered mail to Long Island Lighting Company and the applicants herein, that notice shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases under the Act, and that further notice shall be given to all persons by publication of this notice in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3849; Filed, Mar. 29, 1951; 8:46 a. m.]

[File No. 70-2595]

UTAH POWER & LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of March A. D. 1951.

Notice is hereby given that Utah Power & Light Company ("Utah"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 and has designated section 9 (a) thereof as applicable to the proposed transaction, which is summarized as follows:

Utah proposes to purchase from the Village of Arco, Idaho ("Arco"), a municipal corporation existing under the laws of the State of Idaho, the electrical distribution lines and facilities owned by Arco for a cash consideration of $70,000 and also proposes to purchase from Arco for a cash consideration of $30,000 a transmission line owned by Arco. In addition Utah will pay Arco the actual net cost of additions to the property made between January 31, 1950, and the date of the transfer.

Arco owns no generating facilities but purchases all of its energy from Utah. The application states further that the transmission line of Arco connects with the interconnected system of Utah.

Notice is further given that any interested person may, not later than April 10, 1951 at 11:30 a. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 10, 1951 at 11:30 a. m., e. s. t., said application as filed, or as amended, may be granted and permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application, which is on file with the Commission, for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3848; Filed, Mar. 29, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

Vesting Order 17522

MRS. MARIE SOBCZAK ET AL.

In re: Rights of Mrs. Marie Sobczak et al. under annuity contract. File No. F-28-24347-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Marie Sobczak, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Robert Sobczak, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under an annuity contract evidenced by policy No. 3025 AB, issued by the Metropolitan Life Insurance Company, New York, New York, to Robert Sobczak, together with the right to demand, receive and collect said net proceeds, is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Robert Sobczak, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C. on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-3870; Filed, Mar. 29, 1951; 8:51 a. m.]

[Vesting Order 17524]

ELIZABETH SUESSMUTH (SUSSMUTH)

In re: Rights of Elizabeth Suessmuth (Sussmuth) under insurance contracts. File No. F-28-14259-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Suessmuth (Sussmuth), whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. 99980 and 784650, issued by the Kansas City Life Insurance Company, Kansas City, Missouri, to Elizabeth Suessmuth (Sussmuth), together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-3871; Filed, Mar. 29, 1951; 8:52 a. m.]

[Vesting Order 17526]

EMI (VON ANDREAE) VOS

In re: Rights of Emi (von Andreae) Vos under insurance contracts. File No. F-28-1323-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emi (von Andreae) Vos, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Emi (von Andreae) Vos under supplemental annuity contracts No. SN 17691B and SN 17692B, issued by The Mutual Life Insurance Company of New York, New York, New York, to Emi von Andreae, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-3872; Filed, Mar. 29, 1951; 8:52 a. m.]

[Vesting Order 17537]

FREDERICK C. WEBER

In re: Estate of Frederick C. Weber. File No. 017-26841.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Bernhard Weber, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of Carl Bernhard Weber in and to the sum of $6,056.39, deposited with the Treasurer of the Territory of Alaska pursuant to an order of the Probate Court, Anchorage Precinct, Third Division, Anchorage, Alaska dated May 29, 1946 in the matter of the Estate of Frederick C. Weber, deceased, Probate Cause No. 759, including but not limited to all rights, claims, demands and causes of action of said Carl Bernhard Weber to sue for and demand delivery of the share in said sum so deposited to which he is entitled, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States

requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3873; Filed, Mar. 29, 1951; 8:52 a. m.]

[Vesting Order 17573]

KENJIRO NOMIYAMA

In re: Real property owned by Kenjiro Nomiyama. F-39-6983.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kenjiro Nomiyama, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Real property situated in the City of Richmond, County of Contra Costa, State of California, particularly described as Lot Twelve (12), Block Five (5), Nystrom's Addition to part of Richmond, as per map recorded in Book 13 of Maps at page 30 of Contra Costa County Records, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3874; Filed, Mar. 29, 1951; 8:52 a. m.]

[Return Order 915]

JOHANN HABERPOINTNER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Johann Haberpointner, Oberalm bei Salzburg, Austria, Claim No 38397; February 17, 1951 (16 F. R. 1702); $1,243.65 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3877, Filed, Mar. 29, 1951; 8:54 a. m.]

[Return Order 904]

RAFFAELA AND LUIGI NUNZIATO

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Raffaela Nunziato, Ustica, Palermo, Italy, Claim No. 31258; Luigi Nunziato, Ustica, Palermo, Italy, Claim No. 30641; December 21, 1950 (15 F. R. 9176); $3,794.27 in the Treasury of the United States. $8,303.08 in the Treasury of the United States.

One (1) $500 The Wacker-Wabash Corporation, an Illinois corporation, 5% Mortgage Income Bond, dated January 1, 1935, due January 1, 1965, numbered D-665, registered in the name of the Alien Property Custodian of the United States and presently held in safekeeping by the Federal Reserve Bank of New York, New York.

Twenty (20) shares of $1.00 par value The Wacker-Wabash Corporation, an Illinois corporation, voting trust certificate for capital stock, Certificate No. VT-5146 for twenty shares issued in the name of the Alien Property Custodian of the United States and presently held in safekeeping by the Federal Reserve Bank of New York, New York.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General
Director, Office of Alien Property.

[F. R. Doc. 51-3875; Filed, Mar. 29, 1951; 8:52 a. m.]

[Return Order 911]

RECHA ROTHSCHILD ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Recha Rothschild, Brooklyn, New York; Kathinka Lassman, Detroit, Michigan; Jacob Buehler, Detroit, Michigan; Irma Lowenfels, New York, New York; Claim No. 4256; January 16, 1951 (16 F. R. 416); $699.80 in the Treasury of the United States, one-fourth thereof to each claimant.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3876; Filed, Mar. 29, 1951; 8:53 a. m.]

FENCE APR 2 '51

FEDERAL REGISTER

VOLUME 16 NUMBER 63

Washington, Saturday, March 31, 1951

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—Farm Housing Loans and Grants

PART 301—BASIC REGULATIONS

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

TEMPORARY CREDIT RESTRICTIONS

1. Section 301.3 (a), Title 6, Code of Federal Regulations (15 F. R. 8148), is amended to extend to all territories and possessions the exemption from credit restrictions formerly applicable only to Alaska, so that the paragraph as amended reads as follows:

§ 301.3 *Temporary credit restrictions*—(a) *General.* Requirements issued pursuant to the Defense Production Act of 1950 necessitate establishment of new Farm Housing credit restrictions. Farm Housing loans approved on or after October 18, 1950, or for which applications were received on or after October 12, 1950, must comply with the applicable requirements of this section. The credit restrictions established by this section apply only to Farm Housing funds advanced for dwelling construction, do not apply to any case in which the amount of Farm Housing funds to be used for dwelling construction is $2,500 or less. The credit restrictions established by this section apply to Farm Housing loans made in the continental United States (not including Alaska).

(Sec. 510, 63 Stat. 438; 42 U. S. C. 1480; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105. Interprets or applies sec. 605, Pub. Law 774, 81st Cong.)

2. Section 311.8 (a), Title 6, Code of Federal Regulations (15 F. R. 8148), is amended to extend to all territories and possessions the exemption from credit restrictions formerly applicable only to Alaska, so that the paragraph as amended reads as follows:

§ 311.8 *Temporary credit restrictions*—(a) *General.* Requirements issued pursuant to the Defense Production Act of 1950 necessitate establishment of new Farm Ownership credit restrictions. Farm Ownership loans, direct or insured, for which applications were received on or after October 12, 1950, must comply with the applicable requirements of this section. The credit restrictions established by this section apply only to Farm Ownership funds advanced for dwelling construction, do not apply, except as provided in paragraph (d) of this section, to amounts loaned for other purposes, and do not apply to any case in which the amount of Farm Ownership funds to be used for dwelling construction is $2,500 or less. The credit restrictions established by this section apply to Farm Ownership loans made in the continental United States (not including Alaska).

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105. Interprets or applies sec. 605, Pub. Law 774, 81st Cong.)

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-3896; Filed, Mar. 30, 1951; 8:47 a. m.]

Subchapter A—Farm Housing Loans and Grants

PART 302—APPLICANTS

SUBPART B—APPLICATIONS

FARM OWNERSHIP LOANS TO FARM HOUSING APPLICANTS

Section 302.23 (a) in Title 6, Code of Federal Regulations (14 F. R. 6547), is amended to read as follows:

§ 302.23 *Reaching proper understanding with applicants.* * * *

(a) *Advising applicants regarding the types of assistance available.* In many cases, it will be evident whether the applicant is eligible for a section 502 loan, a section 503 loan, or section 504 assistance. In such cases, it will not be necessary to discuss with him the various types of assistance that are available. In other cases, there may be some question in regard to the type of assistance for which the applicant may be eligible.

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In those cases, the County Supervisor should discuss with him the types of assistance that are available, as outlined in § 301.22 of this subchapter, and for which he may be qualified. Whenever the credit needs of an applicant for a Farm Housing loan can be met more adequately with a Farm Development or Farm Enlargement loan under the Farm Ownership program, such a loan should be discussed with the applicant, and, if practicable, should be made in lieu of a Farm Housing loan.

(Sec. 510, 63 Stat. 438; 42 U. S. C. 1480. Interprets or applies secs. 501, 502, 503, 504, 63 Stat. 433, 434, 435; 42 U. S. C. 1471, 1472, 1473, 1474)

DERIVATION: § 302.23 contained in FHA Instruction 411.12.

MARCH 14, 1951.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: March 27, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–3898; Filed, Mar. 30, 1951; 8:47 a. m.]

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; ILLINOIS

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

ILLINOIS

County	Average value	Investment limit
Adams	$20,000	$12,000
Alexander	15,000	12,000
Bond	13,000	12,000
Boone	24,000	12,000
Brown	18,000	12,000
Bureau	22,000	12,000
Calhoun	$12,000	$12,000
Carroll	24,000	12,000
Cass	20,000	12,000
Champaign	28,000	12,000
Christian	25,000	12,000
Clark	18,000	12,000
Clay	12,000	12,000
Clinton	18,000	12,000
Coles	25,000	12,000
Cook	22,000	12,000
Crawford	14,000	12,000
Cumberland	15,000	12,000
De Kalb	30,000	12,000
De Witt	28,000	12,000
Douglas	26,000	12,000
Du Page	25,000	12,000
Edgar	25,000	12,000
Edwards	12,000	12,000
Effingham	15,000	12,000
Fayette	13,000	12,000
Ford	26,000	12,000
Franklin	16,000	12,000
Fulton	20,000	12,000
Gallatin	20,000	12,000
Greene	18,000	12,000
Grundy	30,000	12,000
Hamilton	16,000	12,000
Hancock	22,000	12,000
Hardin	10,000	10,000
Henderson	25,000	12,000
Henry	22,500	12,000
Iroquois	30,000	12,000
Jackson	13,000	12,000
Jasper	12,000	12,000
Jefferson	13,500	12,000
Jersey	14,500	12,000
Jo Daviess	16,500	12,000
Johnson	11,000	11,000
Kane	25,000	12,000
Kankakee	30,000	12,000
Kendall	28,000	12,000
Knox	28,000	12,000
Lake	25,000	12,000
La Salle	30,000	12,000
Lawrence	14,000	12,000
Lee	25,000	12,000
Livingston	35,000	12,000
Logan	42,000	12,000
McDonough	24,000	12,000
McHenry	28,000	12,000
McLean	30,000	12,000
Macon	26,000	12,000
Macoupin	26,000	12,000
Madison	30,000	12,000
Marion	12,000	12,000
Marshall	19,000	12,000
Mason	27,500	12,000
Massac	10,000	10,000
Menard	30,000	12,000
Mercer	25,000	12,000
Monroe	18,000	12,000
Montgomery	20,000	12,000
Morgan	22,000	12,000
Moultrie	28,000	12,000
Ogle	28,500	12,000
Peoria	28,500	12,000
Perry	12,500	12,000
Piatt	26,000	12,000
Pike	17,500	12,000
Pope	10,000	10,000
Pulaski	15,000	12,000
Putnam	19,000	12,000
Randolph	15,000	12,000
Richland	12,000	12,000
Rock Island	24,000	12,000
Saint Clair	20,000	12,000
Saline	18,000	12,000
Sangamon	29,000	12,000
Schuyler	20,000	12,000
Scott	20,000	12,000
Shelby	19,000	12,000
Stark	24,000	12,000
Stephenson	20,000	12,000
Tazewell	32,000	12,000
Union	12,000	12,000
Vermilion	25,000	12,000
Wabash	14,000	12,000
Warren	21,000	12,000
Washington	15,000	12,000
Wayne	13,500	12,000
White	15,000	12,000
Whiteside	25,000	12,000
Will	30,000	12,000
Williamson	16,000	12,000
Winnebago	18,000	12,000
Woodford	40,000	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C., 1015. Applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C., 1003, 1018)

Issued this 27th day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–3894; Filed, Mar. 30, 1951; 8:47 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; FLORIDA

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9331), are hereby superseded by the average values and investment limits set forth below for said counties.

FLORIDA

County	Average value	Investment limit
Hardee	$12,000	$12,000
Hernando	12,000	12,000
Lafayette	9,000	9,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 27th day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–3897; Filed, Mar. 30, 1951; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS

U. S. STANDARDS FOR GRADES OF CANNED BLUEBERRIES

Correction

In F. R. Document 51–2386 appearing in the issue for Saturday, February 17, 1951, at page 1663, delete the phrase "(in water)" which is part of the heading in the last column of Table I, § 52.187 (e).

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 53—MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

REVISION OF OFFICIAL U. S. STANDARDS FOR GRADES OF LAMB AND MUTTON CARCASSES AND ESTABLISHMENT OF OFFICIAL U. S. STANDARDS FOR GRADES OF SLAUGHTER LAMBS, YEARLINGS, AND SHEEP

On February 21, 1951, a notice of rule making was published in the FEDERAL

REGISTER (16 F. R. 1736) regarding the proposed revision of the official U. S. standards for grades of lamb and mutton carcasses (7 CFR 53.114 et seq.) and the proposed establishment of official U. S. standards for grades of slaughter lambs, yearlings, and sheep under the Agricultural Marketing Act of 1946 (60 Stat. 1087, 7 U. S. C. 1621 et seq.) and the item for Market Inspection of Farm Products recurring in the annual appropriation acts for the Department of Agriculture and currently found in the Department of Agriculture Appropriation Act, 1951 (Chap. VI, Public Law 759—81st Cong.; 7 U. S. C. Supp. 414).

After due consideration of all relevant material furnished pursuant to the notice and under the statutory authorities cited above, the official U. S. standards for grades of lamb and mutton carcasses are hereby revised and official U. S. standards for grades of slaughter lambs, yearlings, and sheep are hereby established, to appear in 7 CFR, Part 53, respectively, as follows:

LAMB, YEARLING MUTTON, AND MUTTON CARCASSES

Sec.

53.114 Differentiation between lamb, yearling mutton, and mutton carcasses.
53.115 Applications of standards.
53.116 Specifications for official United States standards for grades of lamb carcasses.
53.117 Specifications for official United States standards for grades of yearling mutton carcasses.
53.118 Specifications for official United States standards for grades of mutton standards.

SLAUGHTER LAMBS, YEARLINGS, AND SHEEP

53.130 Market sheep.
53.131 Slaughter classes and market groups.
53.132 Slaughter lamb and sheep grades.
53.133 Specifications for official United States standards for grades of slaughter lambs.
53.134 Specifications for official United States standards for grades of slaughter yearlings and sheep.

AUTHORITY: §§ 53.114 to 53.134 issued under sec. 205, 60 Stat. 1090, Ch. VI, Pub. Law 759, 81st Cong.; 7 U. S. C. 1624. Interpret or apply sec. 203, 60 Stat. 1087.

LAMB, YEARLING MUTTON, AND MUTTON CARCASSES

§ 53.114 *Differentiation between lamb, yearling mutton, and mutton carcasses.* (a) Ovine carcasses are classified as lamb, yearling mutton, or mutton on the basis of characteristics of the bones, general conformation, and characteristics of the flesh.

(b) Lamb carcasses always have break joints on their front shanks and generally have narrow rib bones, a rather regular contour, and a light red color and fine texture of lean. They also have a considerable amount of red in the ribs and a somewhat smaller amount in the shanks.

(c) Yearling mutton carcasses may have either break joints or "spool" joints on their front shanks and generally have moderately wide rib bones, a slightly irregular contour, and a slightly dark red color and slightly coarse texture of lean. They have only traces of red in the ribs and shanks.

(d) Mutton carcasses always have "spool" joints on their front shanks and generally have wide rib bones, a rather irregular contour, and a dark red color and coarse texture of lean. Ribs and shanks are devoid of red color.

§ 53.115 *Applications of standards.* (a) Lamb, yearling mutton, and mutton carcasses are graded on a composite evaluation of three general grade factors—conformation, finish, and quality. These factors are concerned with the proportions of the various wholesale cuts in the carcass, the proportions of fat, lean and bone, and the quality of the flesh. Carcasses qualifying for any particular grade may vary with respect to their relative development of the three grade factors, and there will be carcasses which qualify for a particular grade, some of whose characteristics may be more nearly typical of another grade. Because it is impractical to describe the nearly limitless numbers of such recognizable combinations of characteristics, the standards for each grade describe only carcasses that have a relatively similar development of conformation, finish, and quality and that are also representative of the lower limits of each grade. Examples of the extent to which superiority in quality and finish may compensate for deficiencies in conformation, and vice versa, are indicated for each grade.

(b) The standards are intended to apply to all ovine carcasses without regard to the apparent sex condition of the animal at time of slaughter. However, carcasses which have thick, heavy necks and shoulders typical of uncastrated males are discounted in grade in accord with the extent to which these characteristics are developed. Such discounts may vary from less than a half-grade in carcasses from young lambs in which such characteristics are barely noticeable to as much as two full grades in carcasses from mature rams in which such characteristics are very pronounced.

(c) The standards provide for grading lamb, yearling mutton, and mutton carcasses on separate standards. Although these appear to be rather narrow age groups, each of them actually represents a rather wide range in degree of maturity because of the rapidity with which ovines mature. Recognition of this variation is made in the standards for grades of lamb carcasses by specifying two different requirements for quality and finish, depending upon the degree of maturity. Although only one requirement for quality and finish is specified in the standards for yearling mutton and mutton carcasses, it should be understood that in these groups, as well as lambs, carcasses which have indications of approaching the minimum or maximum maturity limits for their group will have somewhat less or greater evidences of quality and finish, respectively, than that specified.

§ 53.116 *Specifications for official United States standards for grades of lamb carcasses*—(a) *Prime.* (1) Carcasses possessing the minimum qualifications for the Prime grade tend to be compact and blocky and tend to have plump, full legs; wide, thick backs; thick, full, smooth shoulders; and short, thick necks.

(2) Evidences of quality and finish vary markedly with changes in maturity. Carcasses from young lambs that have red, narrow rib bones and red, moist porous break joints have only moderately abundant kidney and crotch fat but kidneys are completely covered. They have a moderate amount of feathering between the ribs, a small amount of overflow fat over the inside of the ribs adjacent to the backbone, a few fat streakings in the inside flank muscles and a light pink color of lean. The exterior finish is firm and completely obscures the muscles of the back, however, muscles over the tops of the shoulders and outside of the legs may be visible through a thin covering of fat. Flanks are full and firm.

(3) Carcasses from more mature lambs that have slightly wide, moderately red rib bones, and moderately red, rather dry and hard break joints, have abundant kidney and crotch fat, extensive and abundant feathering, moderately abundant overflow fat over inside of ribs adjacent to the backbone, numerous streakings of fat in the inside flank muscles, and a dark pink color of lean. The exterior finish is very firm, extends over the entire exterior surface except the lower parts of the legs, obscuring the muscles of the back, tops of the shoulders, and outside of legs. The flanks are very full and firm.

(4) To qualify for the Prime grade a carcass must possess the minimum requirements for quality and finish regardless of the extent that its conformation may exceed the minimum requirements for Prime. However, if a carcass has quality and finish equivalent to at least the average of the Prime grade, its conformation may be equivalent to average Choice and remain eligible for Prime.

(b) *Choice.* (1) Carcasses possessing the minimum qualifications for the Choice grade are slightly compact with slightly plump, full legs; slightly wide, thick backs; slightly wide, full shouders; and slighty short, thick necks.

(2) Evidences of quality and finish vary considerably with changes in maturity. Carcasses from young lambs that have red, narrow rib bones and red, moist, porous break joints, have slightly abundant kidney and crotch fat but kidneys are slightly exposed, there is a small amount of feathering between the ribs, a few streakings of fat in the inside flank muscles, and only very small quantities of overflow fat over the inside of the ribs adjacent to the backbone. The color of lean is slightly dark pink. The exterior finish is moderately firm. However, the muscles of the back are very slightly visible through a slightly thin fat covering and those over the tops of the shoulders and outside of the legs have only a very thin covering of fat. Flanks are slightly full and firm.

(3) Carcasses from more mature lambs that have slightly wide, moderately red rib bones with moderately red, rather dry and hard break joints, have moderately abundant kidney and crotch fat, slightly abundant feathering, a small amount of overflow fat over the inside of the ribs adjacent to the backbone, a small quantity of fat streakings in the inside flank muscles, and light red color of lean. The external finish is firm and completely obscures the muscles of the back. However, muscles over the top of the shoulders and the outside of the legs are visible through the fat. The flanks are moderately full and firm.

(4) To qualify for the Choice grade a carcass must have the minimum requirements for quality and finish regardless of the extent that conformation may exceed the minimum requirements for Choice. However, if a carcass has quality and finish equivalent to at least the average of the Choice grade, its conformation may be equivalent to average Good and remain eligible for Choice.

(c) *Good.* (1) Carcasses possessing the minimum qualifications for the Good grade are moderately rangy and slightly angular with slightly thin, tapering legs; slightly narrow, thin backs and shoulders; and moderately long, thin necks.

(2) Evidences of quality and finish very moderately with changes in maturity. Carcasses from young lambs that have red, narrow rib bones and red, porous break joints, have a small amount of kidney and crotch fat and kidneys are only partially covered. There is no feathering between the ribs, no overflow fat over the inside of the ribs and no fat streakings in the inside flank muscles; however, the lean is dark pink in color. The exterior finish is slightly soft and the muscles of the back are plainly visible through a very thin fat covering, and those over the tops of the shoulders and outside of the legs are practically devoid of fat. Flanks are moderately thin and soft.

(3) Carcasses from more mature lambs that have slightly wide, moderately red rib bones and moderately red, rather dry and hard break joints, have slightly abundant kidney and crotch fat with kidneys slightly exposed. There is a slight amount of feathering between the ribs, but no overflow fat over the inside of the ribs adjacent to the backbone, practically no streakings of fat in the inside flank muscles, and a slightly dark red color of lean. The exterior finish is moderately firm. However, the muscles of the back are visible through a thin fat covering, and those over the tops of the shoulders and outside of the legs have only a very thin fat covering. Flanks are slightly thin and soft.

(4) A carcass that has conformation equivalent to at least the average of the Good grade may have quality and finish equivalent to high Utility and remain eligible for the Good grade. Also, a carcass that has quality and finish equivalent to at least the average of the Good grade may have conformation equivalent to high Utility and remain eligible for the Good grade.

(d) *Utility.* (1) Carcasses possessing the minimum qualifications for the Utility grade are very rangy and angular with thin, slightly concave legs; very narrow, sunken backs; narrow, sharp shoulders; and long, thin necks. Hips and shoulder joints are plainly visible.

(2) Although evidences of quality and finish vary slightly with changes in maturity, the differences are so small as to make their separate descriptions impractical. Carcasses have only a small amount of kidney and crotch fat, and the kidneys are nearly entirely exposed. There is practically no other interior fat, and the lean in the inside flank muscles and between the ribs is dark red in color. External finish is soft and is limited to small deposits over the rump and outside of the shoulders and to thin patches over the back. Flanks are soft and slightly watery.

(3) A carcass that has conformation equivalent to at least the average of the Utility grade may have quality and finish equivalent to high Cull and remain eligible for the Utility grade. Also, a carcass that has quality and finish equivalent to the average of the Utility grade may have conformation equivalent to high Cull and remain eligible for the Utility grade.

(e) *Cull.* (1) Typical Cull grade carcasses are extremely rangy and angular and extremely thin fleshed throughout. Legs are extremely thin and concave, backs are extremely sunken and thin, shoulders are very thin and sharp, and necks are extremely thin. Hip and shoulder joints, as well as ribs and bones of the spinal column, are clearly outlined. There are practically no interior or exterior fats, and the flesh is soft and watery and very dark red in color.

§ 53.117 *Specifications for official United States standards for grades of yearling mutton carcasses*—(a) *Prime.* (1) Carcasses possessing the minimum qualifications for the Prime grade are compact and blocky, and have plump, full legs; wide, thick backs; wide, full, smooth shoulders; and short, thick necks. They have abundant but not excessive kidney and crotch fat, extensive and abundant feathering, moderately abundant overflow fat over the inside of ribs adjacent to the backbone, numerous streakings of fat in the inside flank muscles, and a light red color of lean. The exterior finish is very firm and uniform and extends over the entire exterior surface except the lower parts of the legs obscuring the muscles of the back, tops of the shoulders, and outside of the legs. The flanks are very full and firm.

(2) To qualify for the Prime grade a carcass must possess the minimum qualifications for quality and finish regardless of the extent that conformation may exceed the minimum requirements for Prime. However, if a carcass has quality and finish equivalent to at least the average of the Prime grade, its conformation may be equivalent to average Choice and remain eligible for the Prime grade.

(b) *Choice.* (1) Carcasses possessing the minimum requirements for the Choice grade are moderately compact with rather short, plump, full legs; moderately wide, thick backs; moderately wide, full shoulders; and rather short, thick necks. They have moderately abundant kidney and crotch fat, slightly abundant feathering, slightly abundant overflow fat over the inside of the ribs adjacent to the backbone, a small quantity of fat streakings in the inside flank muscles, and a slightly dark red color of lean. The exterior finish is firm and completely obscures the muscles of the back; however, muscles on the top of the shoulders and the outside of the legs are visible through the fat. The flanks are moderately full and firm.

(2) Carcasses which are not eligible for the Prime grade because they have bunchy or irregular distribution of exterior finish or excessive quantities of interior fat are also included in the Choice grade.

(3) To qualify for the Choice grade a carcass must have the minimum requirements for quality and finish regardless of the extent that conformation may exceed the minimum requirements for Choice. However, if a carcass has quality and finish equivalent to at least the average of the Choice grade, its conformation may be equivalent to average Good and remain eligible for Choice.

(c) *Good.* (1) Carcasses possessing the minimum qualifications for the Good grade are slightly rangy and angular, with slightly thin, tapering legs; slightly narrow, thin backs and shoulders; and slightly long, thin necks. They have slightly abundant kidney and crotch fat, with kidneys slightly exposed. There is a slight amount of feathering between the ribs, only very small quantities of overflow fat over the inside of the ribs adjacent to the backbone, a few streakings of fat in the inside muscles of the flank, and a rather dark red color of lean. The exterior finish is moderately firm; however, the muscles of the back are visible through a thin covering of fat and the tops of the shoulders and outside of the legs have only a very thin fat covering. Flanks are slightly thin and soft.

(2) A carcass which has conformation equivalent to at least the average of the Good grade may have quality and finish equivalent to high Utility and remain eligible for the Good grade. Also, a carcass which has quality and finish equivalent to at least the average of the Good grade may have conformation equivalent to high Utility and remain eligible for the Good grade.

(d) *Utility.* (1) Carcasses possessing the minimum qualifications for the Utility grade are very rangy and angular with thin, slightly concave legs; very narrow, sunken backs; narrow, sharp shoulders; and long, thin necks. Hips and shoulder joints are plainly visible. They have only a small amount of kidney and crotch fat, and the kidneys are nearly entirely exposed. There is practically no other interior fat and the lean in the flanks and between the ribs is dark red in color. External finish is soft and is limited to small deposits over the rump and outside of the shoulders and to thin patches over the back. Flanks are soft and slightly watery.

(2) A carcass which has conformation equivalent to at least the average of the Utility grade may have quality and finish equivalent to high Cull and remain eligible for the Utility grade. Also, a carcass which has quality and finish equivalent to the average of the Utility grade may have conformation equivalent to high Cull and remain eligible for the Utility grade.

(e) *Cull.* (1) Typical Cull grade carcasses are extremely rangy and angular and extremely thin fleshed throughout,

Legs are extremely thin and concave, backs are extremely sunken and thin, shoulders are very thin and sharp, and necks are extremely thin. Hip and shoulder joints, as well as ribs and bones of the spinal column, are clearly outlined. There are practically no interior or exterior fats and the flesh is soft and watery and very dark red in color.

§ 53.118 *Specifications for official United States standards for grades of mutton carcasses*—(a) *Choice.* (1) Carcasses possessing the minimum qualifications for the Choice grade are moderately compact, with slightly plump, full legs; wide, thick backs; wide, full shoulders; and slightly short, thick necks. They have abundant kidney and crotch fat, moderately abundant feathering between the ribs, moderately abundant overflow fat over the inside of the ribs adjacent to the backbone, numerous fat streakings in the inside flank muscles, and a dark red color of lean. The external finish is firm and moderately uniform and completely obscures the muscles of back and tops of the shoulders; however, the outsides of the legs are visible through a thin covering of fat. Flanks are moderately full and firm.

(2) To qualify for the Choice grade a carcass must have the minimum requirements for quality and finish regardless of the extent that conformation may exceed the minimum requirements for Choice. However, if a carcass has quality and finish equivalent to at least the average of the Choice grade, its conformation may be equivalent to average Good and remain eligible for Choice.

(b) *Good.* (1) Carcasses possessing the minimum qualifications for the Good grade are slightly rangy and angular, with slightly thin, tapering legs; have slightly wide but slightly thin-fleshed backs and shoulders; and slightly long, thin necks. Hip and shoulder joints are visible. They have a moderate amount of kidney and crotch fat but kidneys are completely covered. There is a small amount of feathering between the ribs and a slight amount of overflow fat over the inside of the ribs adjacent to the backbone, a few streakings of fat in the inside flank muscles, and a dark red color of lean. The external finish is moderately firm; however, the muscles of the back are slightly visible through a thin fat covering and the tops of the shoulders and outside of the legs have a very thin fat covering. Flanks are slightly thin and soft.

(2) Carcasses which are not eligible for the Choice grade because they have bunchy or irregular distribution of exterior fat or excessive quantities of interior fat are also included in the Good grade.

(3) A carcass which has conformation equivalent to at least the average of the Good grade may have quality and finish equivalent to high Utility and remain eligible for the Good grade. Also, a carcass which has quality and finish equivalent to at least the average of the Good grade may have conformation equivalent to high Utility and remain eligible for the Good grade.

(c) *Utility.* (1) Carcasses possessing the minimum qualifications for the Utility grade are very rangy and angular, with thin, slightly concave legs, very narrow, sunken backs; narrow, sharp shoulders; and very long, thin necks. Hips and shoulder joints are prominent. Such carcasses have only a small amount of kidney and crotch fat and kidneys are nearly entirely exposed. There are practically no other interior fats, and the lean in the inside flank muscles and between the ribs is very dark red in color. External finish is soft and is limited to small deposits over the rump and outside of the shoulders and to thin patches over the back. Flanks are soft and slightly watery.

(2) A carcass which has conformation equivalent to at least the average of the Utility grade may have quality and finish equivalent to high Cull and remain eligible for the Utility grade. Also, a carcass which has quality and finish equivalent to the average of the Utility grade may have conformation equivalent to high Cull and remain eligible for the Utility grade.

(d) *Cull.* (1) Typical Cull grade carcasses are extremely rangy and angular and extremely thin fleshed throughout. Legs are extremely thin and concave, backs are extremely sunken and thin, shoulders are very thin and sharp, and necks are extremely thin. Hip and shoulder joints, as well as ribs and bones of the spinal column, are clearly outlined. There are practically no interior or exterior fats, and the flesh is soft and watery and very dark red in color.

SLAUGHTER LAMBS, YEARLINGS, AND SHEEP

§ 53.130 *Market sheep.* The official standards for market sheep, developed by the United States Department of Agriculture, provide for segregation according to (a) use as slaughter animals or feeders, (b) class or sex condition, (c) age group, and (d) grade, which is determined by the apparent relative excellence and desirability of the individual animal for a particular use.

§ 53.131 *Slaughter classes and market groups.* The classes of slaughter sheep are ram, ewe, and wether; the market or age groups are lamb, yearling, and sheep. Definitions of the respective classes and age groups are as follows:

(a) *Ram.* A ram is an uncastrated male ovine.

(b) *Ewe.* A ewe is a female ovine.

(c) *Wether.* A male ovine castrated when young and prior to developing the secondary physical characteristics of a ram.

(d) *Lamb.* A lamb is an immature ovine, usually under 14 months of age, and has not cut its first pair of permanent teeth.

(e) *Yearling.* A yearling is an ovine between 1 and 2 years of age that has cut its first pair of permanent teeth but has not cut the second pair.

(f) *Sheep.* The term sheep refers to ovines over 24 months of age that have cut their second pair of permanent teeth.

§ 53.132 *Slaughter lamb and sheep grades*—(a) *Grade factors.* The specific grade of slaughter lambs and sheep is determined by an evaluation in terms of factors which influence carcass excellence—conformation, finish, and quality.

(1) Conformation refers to the general body proportions of the animal and to the ratio of meat to bone. While primarily determined by the inherent muscular and skeletal system, it is also influenced by degree of fatness. Excellent conformation in slaughter lambs and sheep is denoted by a compact, wide topped, straight lined, thickly fleshed individual that is deep and full in the twist. Fullness and thickness should be especially evident in the portions of the body producing the more desirable cuts of meat—loin, rack, and legs.

(2) Finish refers to the fatness of the animal. The type, quantity, and distribution of finish of the slaughter animal are very closely associated with the palatability and quality of the meat which it will produce. Thus finish becomes the most important single factor affecting the grade of slaughter lambs and sheep. External finish is evidenced by fullness and the apparent thickness of the fat covering over the back, loin, rump, ribs, and legs. A high degree of desirable finish is evidenced by a thick, firm, smooth layer of fat which is uniformly distributed over the body.

(3) Quality in slaughter lambs and sheep refers largely to the refinement of bone and to the smoothness and symmetry of the body. Quality is also closely associated with carcass yield and the proportion of meat to bone. A high degree of quality in slaughter lambs and sheep is denoted by relatively small bones, neat joints, neatly laid in shoulders and hips, smoothness of fleshing, refined, clean cut features about the head, and fine hair on face and legs.

(b) *General principles.* (1) The determination of the carcass grade that the slaughter animal will produce requires the exercising of well regulated judgment. Each animal presents a different combination of the grade determining factors. Animals frequently have characteristics associated with two or more grades. Therefore, a composite evaluation of all the inherent physical characteristics is essential for accuracy in determining grade.

(2) The accurate determination of the grade of a slaughter lamb or sheep requires handling in addition to the visual observations. While the length and density of the fleece varies greatly with individuals, the thickness and firmness of the flesh covering of wooled lamb and sheep can only be roughly estimated without handling. The technique used in handling usually varies with the degree of precision in mind as well as the experience of the grader. Experienced graders may find one quick handling satisfactory. This usually consists of placing one open hand over the back and ribs in a simultaneous motion. The thumb extends just over the backbone while the fingers, which are held close together, cover the rib section and pressure is applied very lightly with a slight lateral and forward and backward motion. The generally accepted technique of handling sheep where time permits and especially when noting slight differences between individuals, is to handle forward from the dock to the neck with the open hand, fingers together, laid flat and with a slight lateral motion. Both hands may then be used on each side in a similar manner to determine the fleshing over the shoulders, ribs, and hips. Regardless of the method, considerable experience is necessary in handling lambs or sheep to accurately determine the grade.

(3) The market designation of slaughter lambs and sheep is usually made by classes. However, the standards are intended to apply to all classes. The grade descriptions are considered typical of ewes and wethers while it is recognized that rams, which numerically constitute a minor market class, will have somewhat thicker necks, shoulders, and legs than specified for a given grade.

(4) The descriptions of the physical characteristics of the grades of slaughter lambs and sheep represent the lower limit of each grade. No attempt is made to describe the numerous combinations of grade factors which may meet the minimum requirements for a particular grade. Descriptions are limited largely to animals considered as typical of the lower limits of the grade.

§ 53.133 *Specifications for official United States standards for grades of slaughter lambs*—(a) *Prime.* Lambs possessing the minimum requirements for Prime grade tend to be lowest, compact, thickly fleshed, and short of neck. They tend to be wide over the back, loin, and rump. Shoulders and hips are moderately neat and smoothly laid in. The twist is deep and full, and the legs are large and plump. There is a slight fullness or plumpness evident over the crops, loin, and rump which contributes to a well rounded appearance. Relatively young lambs, under 7 months of age tend to have a slightly thick fat covering over the back, ribs, loin, and rump. In handling, the backbone and ribs are slightly discernible. Older, more mature lambs have a moderately thick fat covering over the back, loin, and rump. In handling, the backbone and ribs are not readily discernible. Prime lambs exhibit evidences of high quality. The bones tend to be proportionately small, joins smooth, the finish evenly distributed, and the body trim, smooth, and symmetrical.

(b) *Choice.* Lambs possessing the minimum requirements for Choice grade are slightly compact, thick fleshed, and slightly short of neck. They are slightly wide over the back, loin, and rump. The shoulders and hips are usually moderately neat and smoothly laid in but may exhibit a slight tendency toward prominence. The twist is slightly deep and full, and the legs slightly thick and plump. Relatively young lambs, under 7 months of age, have a moderately thin fat covering over the back, ribs, loin, and rump. In handling, the backbone and ribs are slightly prominent. Older, more mature lambs tend to have a slightly thick fat covering over the back, ribs, loin, and rump. In handling, the backbone and ribs are slightly discernible. Choice lambs usually present a moderately refined appearance.

(c) *Good.* Lambs possessing the minimum requirements for Good grade are moderately rangy, upstanding, long and thin of neck, and moderately thin fleshed. They are slightly narrow over the back, loin, and rump. Hips and shoulders are moderately prominent. The twist is slightly shallow and the legs slightly small and thin. Relatively young lambs, under 7 months of age, have a very thin, uneven fat covering over the back, loin, and upper ribs. In handling, the shoulders, backbone, hips, and ribs are prominent. Older, more mature lambs have a thin fat covering over the back, ribs, and loin. In handling, the bones of the shoulders, backbone, hips, and ribs are rather prominent. Lambs of this grade may present evidences of slightly low quality. The bones and joints are usually moderately large, and the body somewhat lacking in symmetry and smoothness.

(d) *Utility.* Lambs meeting the minimum requirements for Utility grade are very rangy, angular, and long and thin of neck. They are very thinly fleshed, narrow over the back, loin, and rump and shallow in the twist. The hips are very prominent and the shoulders are usually open, rough, and prominent. The legs are very small and thin, and present a slightly concave appearance. Regardless of age, Utility lambs show no visible evidence of fat covering. In handling, bones of the shoulders, backbone, hips, and ribs are very prominent. Utility grade lambs are of rather low quality. The bones and joints are proportionately large and the body is very rough and unsymmetrical.

(e) *Cull.* Typical Cull grade lambs are extremely rangy, angular, long and thin of neck, thin fleshed, and extremely narrow and shallow bodied. Shoulders and hips are very prominent. The legs are extremely small and thin, and present a very concave appearance. In handling, the bones of the shoulders, backbone, hips, and ribs are extremely prominent and the entire bony framework is very evident. The general appearance is that of low quality. The relative proportion of meat to bone is quite low, joints appear large, and the body is very unsymmetrical.

§ 53.134 *Specifications for official United States standards for grades of slaughter yearlings and sheep*—(a) *Prime.* (1) Slaughter sheep beyond the yearling stage are not eligible for the Prime grade.

(2) Yearling sheep possessing the minimum requirements for Prime grade are low set, compact, thickly fleshed, and short of neck. They are wide over the back, loin, and rump. Shoulders and hips are moderately neat and smoothly laid in. The twist is deep and full, and the legs are large and plump. There is a distinct fullness or plumpness evident over the crops, loins, and rump which contributes to a well rounded appearance. There is a thick but very smooth fat covering over the back, ribs, loin, and rump, and in handling the backbone and ribs are not discernible. Prime slaughter sheep exhibit evidences of high quality. The bones tend to be proportionately small, joints smooth, the finish evenly distributed, and the body trim, smooth, and symmetrical.

(b) *Choice.* Slaughter sheep possessing the minimum requirements for Choice grade are moderately compact, thickly fleshed, and short of neck. They are moderately wide over the back, loin, and rump. The shoulders and hips are usually moderately neat and smoothly laid in but may show a slight tendency toward prominence. The twist is moderately deep and full, and the legs rather thick and plump. Yearling sheep have a slightly thick fat covering over the back, ribs, loin, and rump and in handling, the backbone and ribs are only slightly discernible. Mature sheep have a moderately thick but very smooth fat covering over the back, ribs, bones, and rump and in handling, the backbone and ribs are hardly discernible. Choice slaughter sheep usually present a moderately refined appearance.

(c) *Good.* Slaughter sheep possessing the minimum requirements for Good grade are slightly rangy, upstanding, long and thin of neck, and slightly thin fleshed. They are slightly narrow over the back, loin, and rump. Hips and shoulders are moderately prominent. The twist is slightly shallow and the legs slightly small and thin. Yearling sheep tend to have a thin fat covering over the back, loin, and upper ribs. In handling, the shoulder, backbone, hips, and ribs are rather prominent. Mature sheep have a moderately thin fat covering over the back, ribs, and loin. In handling, the bones of the shoulders, backbone, hips, and ribs are slightly prominent. Sheep of this grade may present evidences of slightly low quality. The bones and joints are usually moderately large, and the body somewhat lacking in symmetry and smoothness.

(d) *Utility.* Slaughter sheep meeting the minimum requirements for Utility grade are very rangy, angular, and long and thin of neck. They are very thinly fleshed, narrow over the back, loin, and rump and shallow in the twist. The hips are very prominent and the shoulders are usually open, rough, and prominent. The legs are very small, thin, and present a slightly concave appearance. Regardless of age, Utility grade slaughter sheep show no visible evidences of fat covering. In handling, the bones of the shoulders, backbone, hips, and ribs are so thinly covered that they are very prominent. Utility grade slaughter sheep are of rather low quality. The bones and joints are proportionately large and the body is very rough and unsymmetrical.

(e) *Cull.* Typical Cull grade sheep are extremely rangy, angular, long and thin of neck, thin fleshed, and extremely narrow and shallow bodied. Shoulders and hips are very prominent. The legs are extremely small and thin, and present a very concave appearance. In handling, the bones of the shoulders, backbone, hips, and ribs are extremely prominent and the entire bony framework is very evident. The general appearance is that of low quality. The relative proportion of meat to bone is quite low, joints appear large, and the body is very unsymmetrical.

The definitions for lamb, yearling mutton, and mutton carcasses appearing in 7 CFR 53.101 (c), (d), and (e), respectively, are hereby deleted.

The foregoing revision combines the existing carcass grades of Prime and Choice into one grade designated as Prime, redesignates as Choice the existing Good grade, which shall constitute the highest grade for which mutton carcasses beyond the yearling stage are eligible, designates as Good the top two-thirds of the existing Commercial grade, combines the lower one-third of the existing Commercial grade with the top two-thirds of the existing U. S. Utility grade into one grade designated as Utility, and combines the remaining lower one-third of the existing Utility grade with the existing Cull grade into one grade designated as Cull.

Relevant changes in the specifications are made to reflect the minimum requirements for the respective grades and to clarify the different grade requirements for varying degrees of maturity.

Grade standards for slaughter lambs, yearlings, and sheep are established to conform fully with the respective carcass standards.

Other changes of a minor nature are made for the purpose of facilitating interpretation of the standards.

This order shall become effective on April 30, 1951, and on said date the foregoing revision of the standards for lamb and mutton carcasses shall supersede the standards now appearing in 7 CFR 53.114–53.117.

Done at Washington, D. C., this 29th day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-3941; Filed, Mar. 30, 1951; 8:54 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter H—Determination of Wage Rates

[Sugar Determination 862.3]

PART 862—SUGAR BEETS; REGIONS OTHER THAN STATE OF CALIFORNIA, SOUTHWESTERN ARIZONA, AND SOUTHERN OREGON

1951 CROP

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948 (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in several cities in the sugar beet area during January 1951, the following determination is hereby issued:

§ 862.3 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1951 crop of sugar beets in regions other than the State of California, southwestern Arizona, and southern Oregon*—(a) *Requirements.* The requirements of section 301 (c) (1) of the act shall be deemed to have been met with respect to the production, cultivation, or harvesting of the 1951 crop of sugar beets in regions other than the State of California, southwestern Arizona, and southern Oregon if the producer complies with the following:

(1) *Wage rates.* All persons employed on the farm, or part of the farm covered by a separate labor agreement, shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the laborer but, after the beginning of work on the 1951 crop or the date of issuance of this determination whichever is later, not less than the following:

(i) *For work performed on a time basis.* (*a*) Thinning, hoeing, or weeding: 60 cents per hour.

(*b*) Pulling, topping, or loading: 65 cents per hour.

(*c*) For workers between 14 and 16 years of age the rates in (*a*) and (*b*) of this subdivision may be reduced by not more than one-third. Maximum employment for such workers, without deduction from payments under the act to the producer, is 8 hours per day.

(ii) *For work performed on a piecework basis.* (*a*) 1951 basic piecework rates per acre for thinning, hoeing, and weeding by wage districts:

Operations	I	II		III	IV		V	VI
	Michigan, Ohio, Indiana, Illinois, Wisconsin	(A) Northwestern Minnesota, eastern North Dakota	(B) Southern Minnesota, Iowa	Nebraska, Colorado, Kansas, South Dakota, southeastern and eastern Wyoming, northeastern Utah, New Mexico, Texas	(A) Northern Wyoming, western North Dakota, Montana except western	(B) Western Montana	Southern and eastern Idaho, Utah (except northern)	Western Idaho, Oregon (except southern), Washington
Thinning								
Hoe and finger thinning fields planted with segmented seed:								
Without machine blocking	$13.00	$13.00	$14.00	$13.50	$14.50	$13.50	$13.00	$13.00
With machine blocking	11.00	10.00	11.00	10.50	11.50	10.50	10.00	10.00
Hoe-thinning, no finger thinning (any type seed)	9.00	8.00	9.00	8.50	9.50	8.50	8.00	8.00
Hoeing and weeding (any type seed)								
First hoeing following hoe and finger thinning	4.50	5.00	5.00	5.50	6.00	6.00	5.00	7.00
First hoeing following hoe-thinning, no finger thinning	5.50	6.00	6.00	6.50	7.00	7.00	6.00	8.00
Second and each subsequent hoeing or weeding	3.00	3.50	4.00	4.00	4.50	5.50	4.00	6.00

Thinning fields planted with natural whole seed. The basic piecework rate for hoe and finger thinning fields planted with natural whole seed shall be $2.00 more per acre than the rates specified for hoe and finger thinning fields planted with segmented seed.

Wide row planting. The above thinning, hoeing and weeding rates may be reduced by not more than the indicated percentages for the following row spacings: 28 inches or more but less than 31 inches, 20 percent; 31 inches or more but less than 34 inches, 25 percent; 34 inches or more, 30 percent.

Cross cultivation. In an instance where cross cultivation is performed prior to hoeing or weeding, the specified first hoeing rate may be reduced not in excess of $1.00 per acre, and the specified subsequent hoeing or weeding rate may be reduced not in excess of 60 cents per acre.

Combined operations. Where a written agreement provides for a combined rate for "summer work", the rate for such work regardless of the number of hoeings or weedings required, shall be the sum of the applicable thinning, hoeing, and weeding rates specified above.

EXPLANATIONS

Hoe and finger thinning. Consists of removing excess beet plants from rows by use of a hoe in combination with finger work.

Segmented seed. Includes seed which has been sheared or which has been graded to pass through a 12/64 inch screen, with size variations not in excess of 3/64 inch.

Machine blocking. The rate for hoe and finger thinning machine blocked fields is applicable where the beets have been machine blocked before the plants have passed the 8-leaf stage; where the blocks have not been covered with dirt; and where the blocks are not larger than 4" by 6"; otherwise the "without machine blocking" rate applies.

Hoe-thinning, no finger thinning. Applicable where the producer does not require the worker to finger thin because of machine blocking; machine thinning, low rate of seeding or other labor saving practice.

(*b*) 1951 basic piecework rates per ton for pulling, topping, and loading by wage districts:

Average tons per acre for the farm, or part of the farm covered by a separate labor agreement (to determine applicable rate, round average tonnage to nearest 1/4 ton in Wage District I and to nearest full ton in other wage districts)	I	II		III	IV		V	VI
	Michigan, Ohio, Indiana, Illinois, Wisconsin	(A) Northwestern Minnesota, eastern North Dakota	(B) Southern Minnesota, Iowa	Nebraska, Colorado, Kansas, South Dakota, southeastern and eastern Wyoming, northeastern Utah, New Mexico, Texas	Montana, northern Wyoming, western North Dakota		Southern and eastern Idaho, Utah (except east-central), northern Nevada	Western Idaho, Oregon (except southern), Washington
	Pull and top	Pull and top		Pull and top	Pull and top	Pull, top and load	Pull, top and load	Pull, top and load
4	$2.30	$1.80	$1.80	$2.05	$2.05	$2.45	$2.30	$2.15
5	2.15	1.75	1.75	1.95	1.95	2.32	2.20	2.05
6	2.00	1.70	1.70	1.85	1.85	2.20	2.10	2.00
7	1.90	1.65	1.65	1.80	1.80	2.14	2.05	1.95
8	1.80	1.65	1.60	1.75	1.75	2.08	2.00	1.90
9	1.75	1.65	1.55	1.70	1.70	2.02	1.95	1.85
10	1.71	1.65	1.50	1.65	1.65	1.96	1.90	1.80
11	1.67	1.65	1.45	1.60	1.60	1.90	1.85	1.75
12	1.64	1.65	1.40	1.55	1.55	1.84	1.80	1.72
13	1.61	1.65	1.40	1.52	1.52	1.80	1.75	1.69
14	1.59	1.65	1.40	1.49	1.49	1.77	1.72	1.67
15	1.57	1.65	1.40	1.46	1.46	1.73	1.70	1.65
16	1.55	1.65	1.40	1.43	1.43	1.70	1.69	1.63
17	1.55	1.65	1.40	1.41	1.41	1.67	1.68	1.61
18	1.55	1.65	1.40	1.39	1.39	1.65	1.67	1.59
19	1.55	1.65	1.40	1.37	1.37	1.62	1.66	1.57
20 and over	1.55	1.65	1.40	1.35	1.35	1.60	1.65	1.55
	Minimum wage per acre							
	$9.20	$7.20	$7.20	$8.20	$8.20	$9.80	$9.20	$8.60

Breakdown of pulling and topping rate. In instances in which the operations of pulling and topping are performed by different workers, the above applicable pulling and topping rate shall be divided 35 percent for pulling and 65 percent for topping.

Breakdown of topping and loading rate. Where loading is not required of the worker who does the pulling and topping, the rate for pulling and topping shall be 70 percent of the applicable combined rate for pulling, topping and loading; except, that if the beets are to be loaded mechanically and the topper is not required to pull beets to provide a place for a windrow, the rate for pulling and topping shall be as agreed upon, but not less than 60 percent of the applicable combined rate for pulling, topping and loading.

Combined rate for pulling, topping and loading. In the east-central Utah region of Wage District III if the worker who performs the pulling and topping is also required to perform hand loading the applicable combined rate for pulling, topping, and loading shall be 30 percent more than the rate specified for pulling and topping only.

(iii) *Work not covered by specific rates.* For any work in the production, cultivation, or harvesting of sugar beets for which a time or piecework rate is not specified in this paragraph, such as fertilizing, plowing, preparing seedbed, irrigating, or work in connection with mechanical harvesting, the rate shall be as agreed upon between the producer and laborer.

(2) *Perquisites.* In addition to the foregoing, the producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as housing, garden plot, and similar items.

(b) *Subterfuge.* The prdoucer shall not reduce the wage rates to laborers below those determined in this section through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the local County Production and Marketing Administration Committee against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the office of the local County Production and Marketing Administration Committee. Upon receipt of a wage claim the County Production and Marketing Administration Committee shall thereupon notify the producer against whom the claim is made concerning the representation made by the laborer, and, after making such investigation as it deems necessary, notify the producer and laborer in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Production and Marketing Administration Committee of the State in which is located the farm where the work was performed. The address of the State Committee will be furnished by the office of the local County Committee. Upon receipt of the appeal the State Production and Marketing Administration Committee shall likewise consider the facts and notify the producer and laborer in writing of its recommendation for settlement of the claim. If the recommendation of the State Committee is not acceptable, either party may file an appeal with the Director of the Sugar Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement of the respective committee, otherwise such recommended settlements will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Branch, his decision shall be binding on all parties insofar as payments under the Act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates to be paid by producers to persons employed in the production, cultivation, or harvesting of the 1951 crop of sugar beets in regions other than the State of California, southwestern Arizona, and southern Oregon. It prescribes the minimum requirements with respect to wages which must be met as one of the conditions for payment under the act. In this statement the foregoing determination, as well as determinations for prior years, will be referred to as "wage determination", identified by the crop year for which effective.

(b) *Requirements of the act and standards employed.* In determining fair and reasonable wage rates, the act requires that a public hearing be held, that investigations be made, and that consideration be given to (1) the standards formerly established by the Secretary of Agriculture under the Agricultural Adjustment Act, as amended, and (2) the differences in conditions among various sugar producing areas.

A public hearing was held in Detroit, Michigan; Billings, Montana; St. Paul, Minnesota; Salt Lake City, Utah; and Greeley, Colorado, during the period January 3 through January 12, 1951, at which interested persons presented testimony with respect to fair and reasonable wage rates for work on the 1951 crop of sugar beets in regions other than the State of California, southwestern Arizona and southern Oregon. In addition, investigations have been made of the conditions affecting such wage rates. In this determination consideration has been given to testimony presented at the hearings and to the information resulting from investigations. The primary factors which have been considered are (1) prices of sugar and byproducts; (2) income from sugar beets; (3) cost of production; (4) cost of living; and (5) relationship of labor cost to total cost. Other economic influences also have been considered.

(c) *Background.* The first determination of fair and reasonable wage rates for sugar beet work was applicable to the harvest of the 1937 crop. Wage determinations have been issued for persons employed in the production, cultivation and harvesting of each subsequent crop. In the wage determinations specific rates have not been provided for work other than hand labor operations of blocking and thinning, hoeing, weeding, pulling, topping and loading. The rates approved for other work on the farm have been those agreed to by the producer and the worker.

In the early determinations the levels of wage rates were based primarily on the relationship of wages per acre for contract labor to the gross income from sugar beets per acre with appropriate adjustment for increased producer income and changes in production and living costs. In conformity with the general practice in the industry piece-

work rates were established on a per acre basis for blocking and thinning, hoeing, and weeding, and on a per ton basis for harvesting. Since 1940 this basic wage structure has been continued in the wage determination and in addition, there have been provided alternative hourly rates and additional piecework rates as required by changed methods of production, particularly changes arising from the mechanization of various operations.

In the 1950 wage determination the supplemental wage payment for the completion of harvesting work, theretofore a part of the 1948 and 1949 wage determinations, was eliminated and the amount of the payment distributed among the preharvest operations. Minor adjustments also were made in the 1950 wage determination which affected the application of certain rates.

(d) *1951 wage determination.* The 1951 wage determination changes the 1950 wage determination in the following respects: (1) The total piecework wage per acre for cultivation and harvesting operations is increased about 4.5 percent although this percentage increase is not applied uniformly to all operations; (2) separate piecework rates are provided for the area of northwestern Minnesota and eastern North Dakota; and (3) provision is made for a combined rate for topping and loading in the east central Utah region of Wage District III. Basic time wage rates remain the same as in the 1950 wage determination.

The wage increases provided in the 1951 wage determination are made in an effort to raise the earnings level of workers employed on a piecework basis for certain operations where the earnings of workers have been relatively low. In making the wage changes the Department had available studies of worker performance pertaining to the most recent sugar beet crops. These studies indicate that man-hour requirements for particular operations in some areas have been such that workers of average ability, working under average crop and field conditions, did not come within the anticipated earnings range of 70 to 80 cents per hour for nonharvest work and 80 to 90 cents per hour for harvest work to which the piecework rates of recent wage determinations have been geared.

An examination has been made of the factors customarily considered in wage determinations. This examination indicates that increases in prices paid for food and clothing and for commodities used in production have affected workers and producers in about equal proportion. The income level of producers for the 1951 crop is expected to equal or exceed returns for the 1950 crop. In making this determination the Department also had available data on the costs, returns, and profits of producing sugar beets. These data were restated in terms of conditions which are known or likely to prevail for the 1951 crop. The analysis shows that the wage increases made in this determination are within the producers' ability to pay.

The division of Wage District II into two regions was based on the recommendations of producer representatives at the hearings. These representatives contended that conditions between the two regions were sufficiently different to justify a redistribution of the total wage per acre. In addition to providing different rates for the several cultivation operations, a flat rate per ton for harvesting at yield levels of 7 or more tons per acre has been provided for the northwestern Minnesota and eastern North Dakota region.

A provision has been inserted in the determination which specifies a combined rate for the operations of topping and loading in the east central Utah region of Wage District III. Harvesting practices in this region are similar to practices followed in Wage District V where a combined topping and loading rate has been provided.

At the public hearing producers, generally, recommended no increase in wage rates for 1951 but did recommend certain adjustments among the several rates provided. Representatives of labor recommended rate increases in varying amounts. The wage increases provided in this determination follow, insofar as is consistent with the applicable standards, the patterns of recommendations made at the public hearings. Producer representatives in certain districts recommended the adoption of a quality-of-work scale applicable to the thinning of sugar beets. This recommendation has not been adopted in this wage determination since it is believed that control over the quality of work performed by a worker is primarily a function of the producer-worker relationship.

After full consideration of all information available, the rates provided in this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 28th day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-3899; Filed, Mar. 30, 1951; 8:48 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreement and Orders), Department of Agriculture

[Lemon Reg. 376]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.483 *Lemon Regulation 376*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on March 28, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 1, 1951, and ending at 12:01 a. m., P. s. t., April 8, 1951, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 300 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 375 (16 F. R. 2649), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 29th day of March 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-3973; Filed, Mar. 30, 1951; 9:06 a. m.]

PART 988—MILK IN KNOXVILLE, TENN., MARKETING AREA

MINIMUM PRICES

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, (7 CFR Part 988) regulating the handling of milk in the Knoxville, Tennessee, marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

(a) The following provisions of § 988.5 (b) (1) of the order no longer tend to effectuate the declared policy of the act: "through March; $1.10 for the delivery periods of April."

(b) Notice of proposed rule making, public procedure thereon, and 30 days' prior notice of the effective date hereof are found to be impracticable, unnecessary, and contrary to the public interest in that (1) it is necessary to issue immediately and make effective not later than April 1, 1951, this suspension order to reflect current marketing conditions and to facilitate, promote, and maintain the orderly marketing of milk produced for the Knoxville, Tennessee, marketing area; (2) a decline in the Class I price differential of 20 cents per hundredweight April 1 threatens to cause market dislocations and lead to increased and acute shortages of producer milk; (3) recent statistics for this market indicate a continued upward trend in Class I sales and a decreasing annual level of milk production; (4) this suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and (5) the time intervening between the date of issuance of this suspension and its effective date affords persons affected a reasonable time to prepare for its effective date.

It is therefore ordered, That the following provisions of § 988.5 (b) (1) be and hereby are suspended effective at 12:01 a. m., e. s. t., April 1, 1951: "through March; $1.10 for the delivery periods of April."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 28th day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-3905; Filed, Mar. 30, 1951; 8:50 a. m.]

[Orange Reg. 365]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.511 *Orange Regulation 365*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on March 29, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., April 1, 1951, and ending at 12:01 a. m., P. s. t., April 8, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: No movement;

(*c*) Prorate District No. 3: 90 carloads;

(*d*) Prorate District No. 4: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 1,300 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 30th day of March 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Apr. 1, 1951, to 12:01 a. m., P. s. t., Apr. 8, 1951]

VALENCIA ORANGES

Prorate District No. 3

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Vernon	.1495
Allen & Allen Citrus Packing Co.	1.2645
Consolidated Citrus Growers	11.6680
McKellips Citrus Co., Inc.	8.8346
Phoenix Citrus Co., Inc.	1.6293
Arizona Citrus Growers	12.6403
Chandler Heights Citrus Growers	2.4476
Desert Citrus Growers Co.	5.5229
Mesa Citrus Growers	13.6010
Tempe Citrus Co.	2.3708
Imperial Valley Grapefruit Growers Association	.8146
Redlands Heights Groves	.0414
Southern Citrus Association	1.7457
United Citrus Growers	1.2051
Yuma Mesa Fruit Growers Association	5.6760
Leppla-Henry Produce Co.	9.2588
Maricopa Citrus Co.	1.1930
Pioneer Fruit Co.	5.9296
Clark & Sons Produce Co., J. H.	.3905
Commercial Citrus Packing Co.	1.2767
Hi Jolly Citrus Packing House	.4653
Hill Packing House, Fred A.	.1783
Ishikawa, Paul	.0923
Macchiaroli Fruit Co., James	.7925
Mattingly, Charles A.	.3416
Orange Belt Fruit Distributors	1.9273
Panno Fruit Co., Carlo	.4155
Paramount Citrus Association, Inc.	.0332

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 3—Continued

Handler	Prorate base (percent)
Potato House, The	0.2729
Russo Bros	1.6229
Sharp Co., K. K	.2829
Sunny Valley Citrus Packing Co	2.6645
Terracciano Fruit Co	.3090
Valley Citrus Packing Co	2.9713

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.2540
A. F. G. Corona	.2250
A. F. G. Fullerton	.0000
A. F. G. Orange	.0000
A. F. G. Riverside	.6290
A. F. G. Santa Paula	.0446
Badington Fruit Co., Inc	.1724
Hazeltine Packing Co	.1219
Krinard Packing Co	1.6227
Placentia Cooperative Orange Association	.7032
Placentia Pioneer Valencia Growers Association	.0591
Signal Fruit Association	.6349
Azusa Citrus Association	1.8025
Covina Citrus Association	2.3645
Covina Orange Growers Association	.7332
Damerel-Allison Co	1.4653
Glendora Citrus Association	1.7986
Glendora Mutual Citrus Association	.8047
Puente Mutual Citrus Association	.0557
Valencia Heights Orchard Association	.2589
Gold Buckle Association	2.8935
La Verne Orange Association	4.4783
Anaheim Valencia Orange Association	.0000
Fullerton Mutual Orange Association	.0000
La Habra Citrus Association	.0000
Yorba Linda Citrus Association, The	.0000
Escondido Orange Association	.0000
Alta Loma Heights Citrus Association	.3477
Citrus Fruit Growers	.8699
Etiwanda Citrus Fruit Association	.1679
Mountain View Fruit Association	.1271
Old Baldy Citrus Association	.4454
Rialto Heights Orange Growers	.3020
Upland Citrus Association	2.6761
Upland Heights Orange Association	1.4803
Consolidated Orange Growers	.0000
Garden Grove Citrus Association	.0206
Goldenwest Citrus Association, The	.0000
Olive Heights Citrus Association	.0000
Santiago Orange Growers, Association	.0000
Villa Park Orchards Association, The	.0000
Bradford Bros., Inc	.0000
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.0000
Yorba Orange Growers Association	.0000
Call Ranch	.7934
Corona Citrus Association	.9694
Jameson Co	.5405
Orange Heights Orange Association	2.5107
Crafton Orange Growers Association	1.0633
East Highlands Citrus Association	.3213
Redlands Heights Groves	.7054
Redlands Orangedale Association	.8973
Rialto-Fontana Citrus Association	.4711
Break & Son, Allen	.1793
Bryn Mawr Fruit Growers Association	.6832
Mission Citrus Association	.7539
Redlands Cooperative Fruit Association	1.3533

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Redlands Orange Growers Association	1.0198
Redlands Select Groves	.4029
Rialto Orange Co	.4539
Southern Citrus Association	.5679
United Citrus Growers	.5839
Zilen Citrus Co	.1564
Arlington Heights Citrus Co	.7240
Brown Estate, L. V. W	1.7296
Gavilan Citrus Association	2.3519
Highgrove Fruit Association	.5389
McDermont Fruit Co	2.1597
Monte Vista Citrus Association	1.4134
National Orange Co	1.1017
Riverside Heights Orange Growers Association	1.0635
Sierra Vista Packing Association	.7424
Victoria Avenue Citrus Association	3.0236
Claremont Citrus Association	.9983
College Heights Orange and Lemon Association	1.8993
Indian Hill Citrus Association	1.6523
Pomona Fruit Growers Exchange	1.8322
Walnut Fruit Growers Association	.7900
West Ontario Citrus Association	1.1665
El Cajon Valley Citrus Association	.0000
Escondido Cooperative Citrus Association	.0000
San Dimas Orange Growers Association	1.3594
Canoga Citrus Association	.4077
North Whittier Heights Citrus Association	.2071
San Fernando Heights Orange Association	.3078
Sierra Madre-Lamanda Citrus Association	.1389
Camarillo Citrus Association	.0114
Fillmore Citrus Association	1.2642
Ojai Orange Association	.8859
Piru Citrus Association	1.3503
Rancho Sespe	.0009
Tapo Citrus Association	.0093
Ventura County Citrus Association	.1693
East Whittier Citrus Association	.0086
Murphy Ranch Co	.0000
Anaheim Cooperation Orange Association	.0000
Bryn Mawr Mutual Orange Association	.5612
Chula Vista Mutual Lemon Association	.0403
Euclid Avenue Orange Association	2.9655
Foothill Citrus Union, Inc	.4656
Garden Grove Orange Cooperative Inc	.0045
Golden Orange Groves, Inc	.2783
Highland Mutual Groves	.1798
Index Mutual Association	.0000
La Verne Cooperative Citrus Association	4.4874
Mentone Heights Association	.6380
Olive Hillside Groves, Inc	.0040
Orange Cooperative Citrus Association	.0000
Redlands Foothill Groves	2.0587
Redlands Mutual Orange and Lemon Association	.9664
Ventura County Orange and Lemon Association	.4872
Whittier Mutual Orange and Lemon Association	.0000
Allec Bros	.0048
Babijuice Corp. of California	.3453
Banks, L. M	.0146
Becker, Samuel Eugene	.0205
Bennett Fruit Co., Inc	.3962
Book, Maynard C	.0002
Borden Fruit Co	.0000
Cherokee Citrus Association	.6973
Chess Co., Meyer W	.5670
Christian, Guy	.0025
Dozier, Paul M	.0040
Dunning Ranch	.2081

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Evans Bros. Packing Co	1.1944
Gold Banner Association	1.3292
Granada Hills Packing Co	.0009
Granada Packing House	.2077
Hill Packing Co., Fred A	.6787
Holland, M. J	.0222
Knapp Packing Co., John C	.1570
Orange Belt Fruit Distributors	2.7110
Orange Hill Groves	.0130
Panno Fruit Co., Carlo	.0370
Paramount Citrus Association, The	.0651
Placentia Orchard Co	.0020
Prescott, John A	.0000
Pulos, James J	.0330
Redlands Fruit Association, Inc	.0158
Riverside Citrus Association	.1346
Ronald, P. W	.0442
San Antonio Orchard Co	1.0240
Stephens, T. F	.2001
Summit Citrus Packers	.0591
Wall, E. T., Grower-Shipper	1.0360
Western Fruit Growers, Inc	2.4600

[F. R. Doc. 51-3998; Filed, Mar. 30, 1951; 11:57 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. F]

PART 206—TRUST POWERS OF NATIONAL BANKS

VALUATION OF NONMARKETABLE DIRECT OBLIGATIONS OF U. S. IN COMMON TRUST FUNDS

§ 206.107 *Valuation of nonmarketable direct obligations of the United States in Common Trust Funds.* The recent Treasury Department announcement regarding a new investment series of 2¾ percent Treasury Bonds which were offered March 26, 1951, in exchange for outstanding 2½ percent Treasury Bonds of June 15 and December 15, 1967–72, has given cause to inquiries concerning the question whether, in the periodic valuation of assets in a Common Trust Fund operated in accordance with the provisions of § 206.17 (c), it would be permissible to value the new nonmarketable 2¾ percent Treasury Bonds at par value or whether such bonds should be valued at the market value of the 5 year 1½ percent Treasury Notes for which they will be exchangeable.

In § 206.103, regarding a similar inquiry relating to the valuation of Series G United States Savings Bonds, reference was made to the fact that this part does not undertake to prescribe any precise basis or method of valuation and that the only provision of the part which is pertinent to this matter is the requirement, contained in § 206.17 (c) (1), that the written Plan for the operation of a Common Trust Fund shall include, among other things, provisions relating to the basis and method of valuing the assets in the Fund.

Accordingly, this part does not prohibit the valuing of Series G United States Savings Bonds, or other nonmarketable direct obligations of the United States, at par value in the periodic valuation of assets in a Common Trust Fund, and such action is permissible if it is consistent with the terms of the written Plan governing the Common Trust Fund and with applicable State law.

(Sec. 11 (i), 38 Stat. 262; 12 U. S. C. 248 (i). Interpret or apply secs. 2–4, 24 Stat. 18, 19, sec. 1, 40 Stat. 1043, as amended, sec. 1, 44 Stat. 1225, as amended, sec. 11 (k), 38 Stat. 261, as amended, 53 Stat. 68, as amended; 12 U. S. C. 30–33, 34 (a), 248 (k), 26 U. S. C. 169)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-8888; Filed, Mar. 30, 1951; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5487]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HAYES HI-GRADE HATCHERY

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages or connections—Government connection—Government endorsement—Organization and operation—Stock, product or service;* § 3.85 *Government approval, connection or standards;* § 3.90 *History of product or offering.* Subpart—*Claiming indorsements or testimonials falsely or misleadingly* § 3.330 *Claiming indorsements or testimonials falsely or misleadingly.* In connection with the offering for sale, sale or distribution of baby chicks in commerce, (1) using the expression "U. S. R. O. P. sired" or "R. O. P. sired" to designate, describe or refer to respondent's chicks, or otherwise representing, directly or by implication, that respondent's chicks are sired by United States Record of Performance males; or, (2) representing by any means or in any manner that respondent is a participant in the United States Poultry Improvement Plan; prohibited, subject to the qualification, however, that the order shall not be construed as prohibiting representations that respondent's baby chicks are R. O. P. sired when such chicks have actually been sired by males which have been officially banded with U. S. R. O. P. sealed and numbered official leg-bands and duly registered as such, or representations that the flocks supplying the eggs from which the baby chicks are hatched are headed by R. O. P. males when the flocks concerning which such representations are made are segregated and headed by such officially banded R. O. P. males; provided such representations are not made in such a manner as to represent, directly or by implication, that the baby chicks so offered for sale are U. S. R. O. P. chicks, or that respondent is a participant in the National Poultry Improvement Plan.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Hayes Hi-Grade Hatchery, Docket 5487, Jan. 12, 1951]

In the Matter of Herman G. Hayes, Individually and Trading as Hayes Hi-Grade Hatchery

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner and brief of counsel supporting the complaint (no brief having been filed on behalf of respondent and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Herman G. Hayes, individually and trading as Hayes Hi-Grade Hatchery, or trading under any other name, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of baby chicks in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the expression "U. S. R. O. P. sired" or "R. O. P. sired" to designate, describe or refer to respondent's chicks, or otherwise representing, directly or by implication, that respondent's chicks are sired by United States Record of Performance males.

2. Representing by any means or in any manner that respondent is a participant in the United States Poultry Improvement Plan.

This order shall not be construed as prohibiting representations that respondent's baby chicks are R. O. P. sired when such chicks have actually been sired by males which have been officially banded with U. S. R. O. P. sealed and numbered official leg-bands and duly registered as such, or representations that the flocks supplying the eggs from which the baby chicks are hatched are headed by R. O. P. males when the flocks concerning which such representations are made are segregated and headed by such officially banded R. O. P. males: *Provided, however*, That such representations are not made in such a manner as to represent, directly or by implication, that the baby chicks so offered for sale are U. S. R. O. P. chicks, or that respondent is a participant in the National Poultry Improvement Plan.

It is further ordered, That respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: January 12, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-3903; Filed, Mar. 30, 1951; 8:49 a. m.]

[Docket 5696]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CENTRAL SOYA COMPANY, INC., ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act as amended—Price discrimination under 2 (a):* § 3.725 *Cumulative quantity discounts and schedules;* § 3.730 *Customer classification.* In the sale of animal feed products, including both concentrate and complete feeds, whether sold under the name of "Master Mix" or any other name or designation, in commerce, directly or indirectly discriminating in price between different purchasers of animal feed products, including both concentrate and complete feeds of like grade and quality, where the aforesaid products are sold for use, consumption or resale within the United States or in the District of Columbia, (a) by employing in any manner, or by any means, any arrangement or plan, regardless of designation, whereby allowances, discounts, rebates, refunds, compensation or consideration of any nature or description are granted or paid in any manner to dealer purchasers of such products when such allowances, discounts, rebates, refunds, compensation or consideration are compiled or computed at varied or different rates or percentages dependent upon the quantity or amount of the products purchased; or, (b) by classifying, designating or defining, by any means or method, dealer purchasers of such products for the purpose or with the intent or effect of granting or paying in any manner allowances, discounts, rebates, refunds, compensation or consideration of any nature or description at varied or different rates or percentages which are dependent in any way upon such classifications, designations or definitions; prohibited, subject to the provision, however, that nothing contained in the order, shall prevent any respondent from showing that any differentials alleged to be in violation of the provisions of the order are differentials which in fact make only due allowance for differences in cost of manufacture, sale or delivery resulting from the differing methods or quantities in which such animal feed products are to such purchasers sold or delivered, and when differentials are thus shown by any respondent to be so justified, they are not to be construed as in violation of the order.

(Sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Central Soya Company, Inc., et al., Docket 5696, January 11, 1951]

In the Matter of Central Soya Company, Inc., a Corporation, and its Subsidiaries, McMillen Feed Mills, Inc., of Tennessee, and McMillen Feed Mills, Inc., of Ohio

This proceeding was heard by James A. Purcell, trial examiner, upon the complaint of the Commission, the answer of the respondents, and certain hearings at the last of which a stipulation was received and all of which were duly recorded and filed in the office of the Commission.

Thereafter the proceeding regularly came on for final consideration by said trial examiner on the complaint, answer thereto, stipulation as to certain facts at variance with the provable charges of the complaint (which facts were necessary of record to support the findings and conclusion), and proposed findings as to the facts and conclusion jointly agreed to and submitted by counsel, oral argument thereon not having been requested; and said trial examiner, having duly considered the record in said cause, made his initial decision, comprising certain findings as to the facts, conclusion drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII, became the decision of the Commission January 11, 1951.

The said order to cease and desist is as follows:

It is ordered, That respondents, Central Soya Company, Inc., a corporation, and its subsidiaries, McMillen Feed Mills, Inc., of Tennessee, a corporation, and McMillen Feed Mills, Inc., of Ohio, a corporation, their, and each of their, respective officers, representatives, agents and employees, directly or through any corporate or other device, in the sale of animal feed products, including both concentrate and complete feeds, whether sold under the name of "Master Mix" or any other name or designation, in commerce as "commerce" is defined in the aforesaid Clayton Act, between and among the several States of the United States and in the District of Columbia, do forthwith cease and desist from:

1. Directly or indirectly discriminating in price between different purchasers of animal feed products, including both concentrate and complete feeds of like grade and quality, where the aforesaid products are sold for use, consumption or resale within the United States or in the District of Columbia:

(a) By employing in any manner, or by any means, any arrangement or plan, regardless of designation, whereby allowances, discounts, rebates, refunds, compensation or consideration of any nature or description are granted or paid in any manner to dealer purchasers of such products when such allowances, discounts, rebates, refunds, compensation or consideration are compiled or computed at varied or different rates or percentages dependent upon the quantity or amount of the products purchased;

(b) By classifying, designating or defining, by any means or method, dealer purchasers of such products for the purpose or with the intent or effect of granting or paying in any manner allowances, discounts, rebates, refunds, compensation or consideration of any nature or description at varied or different rates or percentages which are dependent in any way upon such classifications, designations or definitions.

Provided, That nothing herein contained shall prevent any respondent from showing that any differentials alleged to be in violation of the provisions of this order are differentials which in fact make only due allowance for differences in cost of manufacture, sale or delivery resulting from the differing methods or quantities in which such animal feed products are to such purchasers sold or delivered, and when differentials are thus shown by any respondent to be so justified, they are not to be construed as in violation of this order.

By "Decision of the Commission and order to File Report of Compliance", Docket 5696, January 11, 1951, which announced fruition of said initial decision, report of compliance with the order was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 11, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-3902; Filed, Mar. 30, 1951; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter A—Armed Services Procurement Regulations

PART 400—GENERAL PROVISIONS

MISCELLANEOUS REVISIONS AND AMENDMENTS

Correction

In F. R. Document 50-10031, appearing in the issue for Thursday, November 23, 1950, at page 8025 the final paragraph in § 400.201-9 was inadvertently omitted. It should read as follows:

The above definitions shall not apply to contracts which are performed outside the geographic limits of the United States, its territories, and the District of Columbia, except where such performance requires a shipment from within such geographic limits.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Overriding Regulation 1]

GOR 1—SALES OF BLIND-MADE GOODS BY NONPROFIT MAKING AGENCIES FOR THE BLIND

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this General Overriding Regulation No. 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

This General Overriding Regulation is the first of a series of across-the-board regulations. These will create exemptions from or set forth special provisions applicable to some or all of the price regulations issued by the Director of Price Stabilization, including the General Ceiling Price Regulation, and its supplementary regulations as well as numbered Ceiling Price Regulations with their Supplementary Regulations.

This General Overriding Regulation exempts sales of blind-made products by nonprofit making agencies for the blind.

There are approximately 100 sheltered workshops for the blind in the United States which provide needed employment for blind people. The agencies for the blind which operate these workshops are supported and financed by public contributions or are instrumentalities of state governments receiving funds under state appropriations. These workshops manufacture goods such as covers, mats, mattresses, pads, pillowcases, rugs, towels, brooms, mops, mop handles, swabs, mailing bags, aprons and hospital supplies, such as operating room aprons, surgical drapes, and glove and pack wrappers. Their total dollar volume of sales amounted to approximately $8,000,000 in 1950. It is contemplated that this year the volume will be about $10,000,000 of which approximately 80 percent will be sales to the United States Government in which 52 of the blind agencies participate. The remaining sales will be to wholesalers, industrial and commercial users, and private consumers who purchase from door-to-door venders or from retail establishments run by the workshops.

Sales of blind-made goods to the United States Government are covered by the Wagner-O'Day Act (Act of June 25, 1929, 52 Stat. 1196, 41 U. S. C. 46-48), under which Federal procurement agencies are required to purchase brooms and mops and other suitable commodities from nonprofit making agencies for the blind to the extent that such articles are available and at prices which are determined by the Committee on Purchases of Blind-Made Products. This committee was established by the Wagner-O'Day Act. The committee is required by the Act to establish prices on the basis of the "fair market price" of the article to be purchased.

Sales by the agencies for the blind are the only sales exempted by this regulation and hence any resale by a wholesaler of these blind-made products are subject to price control.

Direct sales to industrial, commercial and private consumers are normally made at prices in excess of those charged by other sellers of comparable quality, the difference in price amounting in fact to charitable donations made by the purchasers.

The definitions of the exempted agencies, blind-made goods, and blind persons are substantially the same as those in the regulations relating to the Wagner-O'Day Act.

This regulation applying as it does to a very limited number of commodities, produced under very special circumstances, will not have any material effect on the general level of prices.

REGULATORY PROVISIONS

Sec.
1. Applicability of General Overriding Regulation.
2. No ceiling prices on sales of blind-made goods by nonprofit making agencies for the blind.
3. Definitions.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *Applicability of General Overriding Regulation.* This General Overriding Regulation authorizes nonprofit making agencies for the blind to sell blind-made goods free from any ceiling price restrictions imposed by the Office of Price Stabilization. Office of Price Stabilization regulations do apply to such blind-made goods when resold by others.

SEC. 2. *No ceiling prices on sales of blind-made goods by nonprofit making agencies for the blind.* No price regulation issued by the Office of Price Stabilization applies to sales of blind-made goods by nonprofit making agencies for the blind. No price regulation which may be issued in the future shall apply to such sales unless they are specifically mentioned in the regulation.

SEC. 3. *Definitions.* (a) "Nonprofit making agency for the blind" means any institution operating in the interest of blind persons, the net income of which does not inure in whole or in part to the benefit of individuals or shareholders;

(b) "Blind persons" means persons whose visual acuity does not exceed 20/200 in the better eye with correcting lenses; or whose visual acuity is greater than 20/200, but who have a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees;

(c) "Blind-made goods" means any commodity on which 75 percent of the direct labor in man-hours has been performed by blind persons.

Effective date. This General Overriding Regulation shall become effective on April 4, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MARCH 30, 1951.

[F. R. Doc. 51—3906; Filed, Mar. 30, 1951; 11:53 a. m.]

[Distribution Regulation 1, Amdt. 2]

DR 1—FAIR DISTRIBUTION OF LIVESTOCK AND MEAT

CLASS 3 SLAUGHTERER REDEFINED

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), this Amendment 2 to Distribution Regulation 1[1] (16 F. R. 1273) is hereby issued.

Preamble. A Class 3 slaughterer is defined in section 5 of Distribution Regulation 1 as a resident operator of a farm who transferred in 1950 no more than 6,000 pounds of meat resulting from the slaughter of livestock on his farm. The resident operator of a farm who had his livestock slaughtered for him off the farm and transferred meat is presently defined as a Class 1A or Class 2A slaughterer. Thus the difference between resident operators of farms was predicated on their mode of slaughter in 1950 and not on the amount of meat they transferred. This was not the original intent of the regulation. It was intended that all resident operators of farms would be treated in the same manner and that their operations would be characterized by the number of pounds of meat they transferred during 1950. If they transferred no more than 6,000 pounds during 1950, it was intended that they be termed Class 3 slaughterers, and if they transferred more than 6,000 pounds during 1950, then they were to be termed Class 2 or Class 1A or Class 2A slaughterers, depending on where and by whom the slaughtering was done. The amendment will now permit any Class 3 slaughterer to have his livestock custom slaughtered for him by a Class 1 or Class 2 slaughterer, provided he complies with certain requirements set forth in the amendment. The information required must be set forth in a signed statement which the Class 1 or Class 2 slaughterer must retain for his records. By operation of the amendment all resident operators of farms who had their livestock slaughtered for them and who transferred no more than 6,000 pounds of meat during 1950 are no longer considered Class 1A or Class 2A slaughterers.

Distribution Regulation 1 is amended in the following respects:

1. Section 5 (a) is amended to read as follows:

(a) If you are a resident operator of a farm on which you reside at least 6 months a year, and if, during the calendar year 1950, you transferred no more than 6,000 pounds of meat resulting from your slaughter of livestock or the slaughter of livestock for you, you are a Class 3 slaughterer. The transfer of meat includes the selling, giving, exchanging, lending, delivering or consigning of meat and also the placing or storing of meat in warehouses or locker plants.

2. Paragraphs (c) and (d) of section 5 are redesignated as paragraphs (d) and (e), respectively, and the following new paragraph (c) is added:

(c) No Class 1 or Class 2 slaughterer may slaughter livestock for you under this section unless your furnish to him a signed statement setting forth (1) the address of your farm; (2) that you are a resident operator of a farm on which you reside at least 6 months a year; (3) that during the calendar year 1950 you transferred no more than 6,000 pounds of meat resulting from your slaughter of livestock or the slaughter of livestock for you; (4) a description of the livestock by species, number of head, and live weight; (5) that the transfer of all or any part of the meat will not make your total transfer of meat in the current six-month period, commencing with March 1 or September 1, exceed either 3,000 pounds or the amount you transferred during the corresponding six month period of 1949-50, whichever amount is lower. Furthermore, if any of the meat is to be transferred to persons acquiring it for resale, you must set forth in the statement the names and addresses of such persons and that you transferred meat to such persons in 1950.

3. The last sentence of paragraph (d) of section 12 is amended to read as follows: "He must also keep the statements given to him as required by section 5 (c) and section 6 (b)."

Effective date. This amendment is effective March 31, 1951.

NOTE: The record keeping and reporting requirements contained in this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MARCH 30, 1951.

[F. R. Doc. 51-3907; Filed, Mar. 30, 1951; 11:53 a. m.]

[1] Formerly designated Distribution Order 1.

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-18, as amended March 30, 1951]

M-18—PIGS' AND HOGS' BRISTLES AND BRISTLE PRODUCTS

This order as amended is found necessary and appropriate to promote the national defense, and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment to NPA Order M-18, as last amended January 12, 1951, amends and restates the order to read as follows:

Sec.
1. What this order does.
2. Definitions.
3. Inventories.
4. Limitations on the manufacture of painters' brushes.
5. Restrictions on the use of bristles.
6. Required mixture of other materials.
7. Restriction on the sale and delivery of painters' brushes.
8. Restriction on the bleaching and cutting of bristles.
9. Restriction on the sale of bristles.
10. Prohibited deliveries.
11. Reports.
12. Records.
13. Communications.
14. Application for adjustment or exception.
15. Audit and inspection.
16. Violations.

AUTHORITY: Sections 1 to 16 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order sets forth limitations on inventories of bristles. It calls for reports and explains the conditions under which reports are required in connection with the distribution, use, and inventories of bristles. It imposes limitations on the processing, mixing, or preparation for manufacture of bristles and on the manufacture and distribution of brushes and other products containing bristles. Provisions are made requiring the simplification and standardization of brushes manufactured from bristles.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Bristles" means pigs' or hogs' bristles, including riflings, whether new, reclaimed, raw, dressed, imported, or domestic, but does not include engined shoemakers' bristles.

(c) "Dealer" means a person who regularly purchases and sells bristles without processing or changing their condition.

(d) "Dresser" means a person who grades, sorts, prepares, reclaims, or in any way processes bristles.

(e) "Process" means to boil, sterilize, comb, wash, drag, or mix bristles.

(f) "Import" means to transport in any manner into the continental United States from areas outside the continental United States, including territories and possessions. It includes shipments into foreign-trade zones, customs bonded warehouses, and customs custody, except when such shipments are merely in transit through the continental United States, to destinations outside the continental United States, as shown by the bills of lading or other shipping documents. However, if any such material in transit is halted or diverted to a destination in the continental United States or subjected to processing or manufacture in the continental United States, it becomes an "import" for the purposes of this order, and requires the reports specified in section 11 of this order.

(g) "Painters' brush" means any paint and varnish type of brush which is used in the painting, varnishing, or decorating trade, including all types of brushes specified in the brush schedule annexed to this order, and all other brushes of similar construction and use.

(h) "Ferrule" means the band by which the stock or filling material of a painters' brush is attached to the handle.

SEC. 3. *Inventories.* (a) At no time after March 30, 1951, shall any manufacturer utilizing bristles in the manufacture of brushes or other products containing bristles, order, purchase, contract to purchase, or enter into any other arrangements whatsoever, formal or informal, for the acquisition of bristles, if his inventory is, or by receipt of such bristles would become, more than a practicable minimum working inventory of bristles required for his scheduled production of brushes and other products containing bristles for a period of 120 days. Where such contracts or other arrangements to acquire do not specify a delivery date, or if they specify a delivery date subsequent to such 120-day period, the bristles provided for therein shall be considered received or delivered, and deemed in inventory, for purposes of computing the permissible amount of his inventory for that period.

(b) A "practicable minimum working inventory," as defined in NPA Reg. 1, may be computed for purposes of this order on the basis of the total quantity of bristles reported in section 1, parts A and B, of Form NPAF-14, as compared with the monthly consumption of such bristles as reported in section 2 of that form: *Provided*, That such computation results in the smallest quantity from which a manufacturer can reasonably meet deliveries on the basis of his scheduled method and rate of operation during the aforementioned 120-day period.

SEC. 4. *Limitations on the manufacture of painters' brushes.* No person shall manufacture any painters' brushes of a type other than those specified in the painters' brush schedule attached to this order. Ferrules for the brushes so specified shall be of the dimensions set forth for each type of brush in the schedule, except that such limitations shall not apply:

(a) To finished ferrules on hand as of March 30, 1951, regardless of who has possession thereof.

(b) To semifinished ferrules on hand as of March 30, 1951, where such ferrules have entered the cutting or slitting process of manufacture.

SEC. 5. *Restrictions on the use of bristles.* No person shall use any bristles longer than $2\frac{5}{8}$ inches for any purpose, except:

(a) To manufacture painters' brushes of the types identified in the painters' brush schedule annexed hereto, excluding the following: No. 12, mucilage and paste; No. 13, painters' duster flat; No. 14, painters' duster round; No. 15, plasterers', and No. 37, whitewash.

(b) To manufacture brushes or other products from bristles not longer than 4 inches, where such brushes or other products are required and used as integral or fixed parts of production equipment in the production operations of any industry.

SEC. 6. *Required mixture of other materials.* No person shall manufacture brushes or other products from bristles longer than $2\frac{5}{8}$ inches unless such brushes or products contain at least 30 percent by weight of filling material other than bristles as defined in this order: *Provided, however*, That this restriction shall not apply:

(a) To the brushes or products containing bristles referred to in paragraph (b) of section 5 of this order where the use of such brushes or products containing the aforesaid mixture would substantially curtail the normal production operations of any industry.

(b) To brushes or products containing bristles where the applicable Federal specifications require the use of bristles exclusively, provided that such brushes or products containing bristles will be delivered to or for the account of an agency of the United States within 45 days after March 30, 1951.

SEC. 7. *Restriction on the sale and delivery of painters' brushes.* After May 14, 1951, no manufacturer of brushes shall sell or deliver painters' brushes containing bristles longer than $2\frac{5}{8}$ inches, except in pursuance of DO rated orders.

SEC. 8. *Restriction on the bleaching and cutting of bristles.* No manufacturer, dealer, dresser, or other person may bleach or make cuts from any bristles longer than $2\frac{5}{8}$ inches.

SEC. 9. *Restriction on the sale of bristles.* No person may sell bristles except to a dealer, dresser, or manufacturer of brushes or products containing bristles.

SEC. 10. *Prohibited deliveries.* No person shall accept an order for, sell, deliver, or cause to be delivered bristles which he knows, or has reason to believe will be accepted, held, or used in violation of the provisions of this order.

SEC. 11. *Reports.* (a) Any person who imports, distributes, or has in his possession bristles for the purpose of manufacture of brushes or other products containing bristles or who otherwise may have bristles in his possession, must report each month his entries, receipts, deliveries, inventories, balance of entries, and all other transactions in bristles, by completing and filing report Form NPAF-14 on or before the 10th day of each month, with respect to all such operations and transactions.

(b) Other persons having any interest in or taking any action with respect to the importation of bristles or having control over bristles while they are physically in the continental United States, even though in bond or in transit, except common carriers, whether as owner, agent, consignee, or otherwise having bristles in his possession or under his control shall file the report called for in paragraph (a) of this section, and such other reports as may be required from time to time by the National Production Authority, subject to the terms of the Federal Reports Act (P. L. 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 12. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 13. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref.: M-18.

SEC. 14. *Application for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state justification therefor.

SEC. 15. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

SEC. 16. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both. In addition administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended and restated shall take effect on March 30, 1951.

[SEAL]

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

No. 63——3

PAINTERS' BRUSH SCHEDULE

These are the only types of painters' brushes which may be manufactured. Ferrule dimensions are in inches. A maximum variation of $\frac{1}{64}$ of an inch is allowed in width and thickness, both of which are referred to by inside dimensions. In case of any inconsistency, the ferrule dimensions shall prevail over those in the Federal Specifications.

Type of brush	Identification No.	Width of ferrule	Thickness of ferrule	Maximum depth of ferrule
		Inches	*Inches*	*Inches*
Color—single thickness	1	$\frac{1}{2}$	$\frac{1}{4}$	$1\frac{1}{4}$
		$\frac{5}{8}$	$\frac{5}{16}$	$1\frac{1}{4}$
		$1\frac{1}{2}$	$\frac{5}{16}$	$1\frac{1}{4}$
		2	$\frac{5}{16}$	$1\frac{1}{4}$
		3	$\frac{5}{16}$	$1\frac{1}{4}$
Fitch	2	$\frac{5}{8}$	$\frac{1}{4}$	$1\frac{1}{4}$
		$\frac{7}{8}$	$\frac{5}{16}$	$1\frac{5}{16}$
		1	$\frac{5}{16}$	$1\frac{5}{16}$
		$1\frac{1}{4}$	$\frac{5}{16}$	$1\frac{5}{16}$
		$1\frac{1}{2}$	$\frac{5}{16}$	$1\frac{5}{16}$
		2	$\frac{5}{16}$	$2\frac{1}{16}$
Flatting—wall master	3	$\frac{3}{4}$	1	$1\frac{1}{4}$
		1	1	$1\frac{1}{4}$
		$1\frac{1}{2}$	1	$1\frac{1}{4}$
		2	1	$1\frac{1}{4}$
Flatting—wall utility	4	$\frac{5}{8}$	1	$1\frac{1}{4}$
		$1\frac{1}{2}$	1	$1\frac{1}{4}$
Flowing fitch—single thickness	5	1	$\frac{5}{16}$	$1\frac{1}{4}$
		$1\frac{1}{2}$	$\frac{5}{16}$	$1\frac{1}{4}$
		2	$\frac{5}{16}$	$1\frac{1}{4}$
		3	$\frac{5}{16}$	$1\frac{1}{4}$
Ox hair and civet hair flowing	6	1	$\frac{5}{16}$	$1\frac{1}{4}$
		$1\frac{1}{2}$	$\frac{5}{16}$	$1\frac{1}{4}$
		2	$\frac{5}{16}$	$1\frac{1}{4}$
		3	$\frac{5}{16}$	$1\frac{1}{4}$
Glue—flat	7	1	$\frac{5}{16}$	$1\frac{1}{4}$
		2	$\frac{5}{16}$	$1\frac{1}{4}$
		3	$\frac{5}{16}$	$1\frac{1}{4}$
Glue—round	8	$\frac{13}{16}$	$\frac{13}{16}$	$1\frac{1}{2}$
		1	1	$1\frac{1}{2}$
		$1\frac{1}{16}$	$1\frac{1}{16}$	$1\frac{1}{2}$
		$1\frac{1}{2}$	$1\frac{1}{2}$	$1\frac{1}{2}$
		2	2	$1\frac{1}{2}$
		$2\frac{1}{2}$	$2\frac{1}{2}$	$1\frac{1}{2}$
Kalsomine—dutch and semidutch	9	$\frac{7}{16}$	$\frac{7}{16}$	1
Kalsomine—flat	10	$\frac{7}{16}$	$\frac{7}{16}$	1
Mottling	11	$\frac{5}{8}$	$\frac{5}{16}$	$1\frac{1}{4}$
		1	$\frac{5}{16}$	$1\frac{1}{4}$
		$1\frac{1}{2}$	$\frac{5}{16}$	$1\frac{1}{4}$
		2	$\frac{5}{16}$	$1\frac{1}{4}$
Mucilage and paste	12	1	$\frac{5}{16}$	1
		2	$\frac{5}{16}$	1
		3	$\frac{5}{16}$	1
Painters' duster flat	13	4	$1\frac{1}{4}$	1
Painters' duster round	14	$2\frac{1}{2}$	$2\frac{1}{2}$	1
Plasterers'	15	$7\frac{1}{2}$	$1\frac{1}{2}$	$1\frac{1}{4}$
Radiator	16	1	1	$1\frac{1}{4}$
		$1\frac{1}{2}$	$1\frac{1}{4}$	$1\frac{1}{4}$
		2	$1\frac{1}{4}$	$1\frac{1}{4}$
Sashtool—flat	17	1	$\frac{5}{16}$	$1\frac{1}{4}$
		$1\frac{1}{2}$	$\frac{5}{16}$	$1\frac{1}{4}$
		2	$\frac{5}{16}$	$1\frac{1}{4}$
		$2\frac{1}{2}$	$\frac{5}{16}$	$1\frac{1}{4}$
Sashtool—angular	18	1	$\frac{5}{16}$	$1\frac{5}{16}$
		$1\frac{1}{2}$	$\frac{5}{16}$	$1\frac{5}{16}$
		2	$\frac{5}{16}$	$1\frac{5}{16}$
Sashtool—oval (seamless)	19	$\frac{7}{16}$	$\frac{7}{16}$	$1\frac{1}{4}$
		$\frac{11}{16}$	$\frac{11}{16}$	$1\frac{1}{4}$
		1	$\frac{5}{16}$	$1\frac{1}{2}$
		$1\frac{1}{16}$	$\frac{5}{16}$	$1\frac{1}{2}$
		$1\frac{1}{4}$	$\frac{5}{16}$	$1\frac{1}{2}$
Sashtool—oval (flocked seam)	20	$\frac{11}{16}$	$\frac{11}{16}$	$1\frac{1}{4}$
		1	$\frac{5}{16}$	$1\frac{1}{2}$
		$1\frac{1}{16}$	$\frac{5}{16}$	$1\frac{1}{2}$
		$1\frac{1}{4}$	$\frac{5}{16}$	$1\frac{1}{2}$
Shiptottom (seamless or soldered wire ferrule)	21	$2\frac{3}{16}$	$1\frac{1}{16}$	1
Signwriters'	22	$2\frac{3}{4}$	$2\frac{3}{16}$	1
		$\frac{5}{8}$	$\frac{5}{16}$	$1\frac{1}{4}$
		$\frac{7}{8}$	$\frac{5}{16}$	$1\frac{1}{4}$
		1	$\frac{5}{16}$	$1\frac{1}{4}$
		$1\frac{1}{4}$	$\frac{5}{16}$	$1\frac{1}{4}$
Smoothing paper hanger (2 rows)	23	12	$\frac{1}{2}$	1
Smoothing paper hanger (3 rows)	24	12	$\frac{5}{8}$	1

PAINTERS' BRUSH SCHEDULE—Continued

Type of brush	Identification No.	Width of ferrule	Thickness of ferrule	Maximum depth of ferrule
		Inches	*Inches*	*Inches*
Stencil (seamless ferrule)	25	$\frac{5}{8}$	$\frac{5}{16}$	$1\frac{1}{4}$
		$1\frac{1}{16}$	$\frac{5}{16}$	$1\frac{1}{4}$
		$1\frac{1}{4}$	$\frac{5}{16}$	$1\frac{1}{4}$
		$1\frac{5}{8}$	$\frac{5}{16}$	$1\frac{1}{4}$
		$1\frac{1}{2}$	$\frac{5}{16}$	$1\frac{1}{4}$
Stucco—open or solid center	26	2	$\frac{5}{16}$	$1\frac{1}{4}$
		3	$1\frac{1}{4}$	$1\frac{5}{16}$
		$3\frac{1}{2}$	$1\frac{1}{4}$	$1\frac{5}{16}$
		4	$1\frac{1}{4}$	$1\frac{5}{16}$
		$4\frac{1}{2}$	$1\frac{1}{4}$	$1\frac{5}{16}$
		5	$1\frac{1}{4}$	$1\frac{5}{16}$
Varnish—flat double	27	1	$\frac{5}{16}$	$1\frac{1}{4}$
		$1\frac{1}{2}$	$\frac{5}{16}$	$1\frac{1}{4}$
		2	$\frac{5}{16}$	$1\frac{1}{4}$
		$2\frac{1}{2}$	$\frac{5}{16}$	$1\frac{1}{4}$
		3	$\frac{5}{16}$	$1\frac{1}{4}$
Varnish—oval (seamless ferrules) round dimensions may be ovaled to any size	28	$\frac{17}{32}$	$\frac{17}{32}$	$1\frac{1}{4}$
		$1\frac{11}{16}$	$1\frac{11}{16}$	$1\frac{1}{4}$
		$1\frac{1}{4}$	$1\frac{5}{16}$	$1\frac{1}{4}$
		$1\frac{5}{8}$	$1\frac{5}{16}$	$1\frac{1}{4}$
		2	$1\frac{5}{16}$	$1\frac{1}{4}$
Varnish-flat single	29	$\frac{5}{8}$	$\frac{5}{16}$	1
		1	$\frac{5}{16}$	$1\frac{1}{4}$
		$1\frac{1}{2}$	$\frac{5}{16}$	$1\frac{1}{4}$
		2	$\frac{5}{16}$	$1\frac{1}{4}$
		3	$\frac{5}{16}$	$1\frac{1}{4}$
Varnish-flat single X	30	1	$\frac{5}{16}$	$1\frac{1}{4}$
		$1\frac{1}{2}$	$\frac{5}{16}$	$1\frac{1}{4}$
		2	$\frac{5}{16}$	$1\frac{1}{4}$
		3	$\frac{5}{16}$	$1\frac{1}{4}$
Varnish—flat triple	31	1	$\frac{5}{16}$	$1\frac{1}{4}$
		$1\frac{1}{2}$	$\frac{5}{16}$	$1\frac{1}{4}$
		2	$\frac{5}{16}$	$1\frac{1}{4}$
		$2\frac{1}{2}$	$\frac{5}{16}$	$1\frac{1}{4}$
		3	$\frac{5}{16}$	$1\frac{1}{4}$
Wall—master AA	32	$\frac{3}{4}$	1	$1\frac{1}{4}$
		$\frac{31}{32}$	1	$1\frac{1}{4}$
		4	1	$1\frac{1}{4}$
		4	$1\frac{1}{8}$	$1\frac{1}{2}$
		$4\frac{1}{2}$	1	$1\frac{1}{4}$
Wall—master A	33	$\frac{3}{4}$	$1\frac{1}{16}$	$1\frac{1}{2}$
		$\frac{31}{32}$	1	$1\frac{1}{4}$
		4	1	$1\frac{1}{4}$
		$4\frac{1}{2}$	1	$1\frac{1}{4}$
Wall—medium B	34	3	$\frac{5}{8}$	$1\frac{1}{4}$
		$3\frac{1}{2}$	$\frac{5}{8}$	$1\frac{1}{4}$
		4	$\frac{5}{8}$	$1\frac{1}{4}$
Wall—syndicate	35	3	$\frac{5}{8}$	$1\frac{1}{4}$
		$3\frac{1}{2}$	$\frac{5}{8}$	$1\frac{1}{4}$
Wall—utility C	36	3	$\frac{5}{8}$	$1\frac{1}{4}$
		$3\frac{1}{2}$	$\frac{5}{8}$	$1\frac{1}{4}$
Whitewash	37	7	$1\frac{1}{8}$	1
		8	$1\frac{1}{8}$	1
		9	$1\frac{1}{8}$	1

[F. R. Doc. 51-3983; Filed, Mar. 30, 1951; 11:26 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

PART 43—TREATMENT OF DOMESTIC MAIL MATTER

PART 155—FORMS OF POST OFFICE DEPARTMENT

MISCELLANEOUS AMENDMENTS

Pursuant to authority contained in Public Law 536, approved June 8, 1950 (64 Stat. 210), the Postmaster General has prescribed regulations under which

undeliverable second-, third-, and fourth-class mail matter may be forwarded to addressees or returned to the senders, which rules and regulations (1) constitute an adoption of experimental procedures instituted in 1949 for the handling of unclaimed or otherwise undeliverable publications transmitted by second-class mail, and (2) constitute a relaxation of certain restrictive regulations with respect to the forwarding or return of other second-, third-, and fourth-class mail, and it having been found that compliance with the notice and public rule making requirements of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable for the reason that such compliance would impede the due and timely execution of the functions of this Department, it is therefore ordered that effective May 1, 1951, title 39 of the Code of Federal Regulations be amended as follows:

a. Section 34.63 *Undeliverable second-class matter* is amended to read as follows:

§ 34.63 *Undeliverable second-class matter—(a) Forwarding and return.* Under such regulations as the Postmaster General may prescribe, second-, * * * class matter which is undeliverable as addressed may be forwarded to the addressee or returned to the sender and the postage for such service may be prepaid or collected on delivery of the matter in accordance with the instructions and pledge of the addressee or sender, as the case may be, to pay the forwarding or return postage, and such matter * * * for which payment of forwarding or return postage is not pledged, may be forwarded or returned under such conditions as the Postmaster General shall prescribe, but when the addressee or sender refuses to pay the required postage, the forwarding or return of further matter may be discontinued. (Sec. 1, Public Law 536, approved June 8, 1950)

(b) *Notification of addressee or sender; postage charge.* (1) Under such regulations as the Postmaster General may prescribe, the addressee or sender of second-, * * * class matter which is undeliverable as addressed may be so notified, and there shall be a charge for each such notice of not to exceed 5 cents.

(2) When copies of any publication of the second class mailed by a publisher or news agent at the pound rate or free-in-county of publication are undeliverable as addressed, such publisher or agent shall be notified of that fact in such manner and at such time as the Postmaster General may prescribe, for which service there shall be a charge of not to exceed 5 cents, and copies of the publication received subsequent to such notification shall be treated as provided by this Act or as may otherwise be directed by the Postmaster General. (Sec. 2, Public Law 536, approved June 8, 1950)

NOTE: See § 43.11 as to use of postage-due stamps.

(c) *When there has been a local change of address.* When the address on copies of a publication is incorrect because of a local change of address on a city, village, or rural letter-carrier route, or because of some other local change of address, the copies shall be delivered to the new local address without charge for 5 weeks, or until two successive issues have been published, whichever period is longer. Form 22–S shall be furnished to the subscriber at his new local address and he shall be requested to use it promptly to notify the publication of his change of address. If copies bearing the old address continue to be received after the period prescribed has elapsed, the carrier servicing the subscriber's old address shall write the new address near the original address or address label on the copies and then deliver them to the inquiry section or clerk designated by the postmaster. The inquiry section or designated clerk shall fill out Form 3579, by typewriter when possible, to show the subscriber's new address, and the complete name and address of the publication, including street and delivery zone numbers. The form shall then be attached to the copy near the old address, but not over it, and the copy shall be returned to the publication charged with 2 cents postage due. Copies bearing the old address shall be returned to the publication in this manner until the address is changed, but, if the change is not made within a reasonable time, the postmaster at the office of mailing may be requested by letter to call the publisher's attention to his failure to correct his mailing list.

(d) *Publication undeliverable for reason other than local change of address.* When copies of a publication are undeliverable as addressed for a reason other than a local change of address, the first undeliverable copy shall be endorsed to show the reason together with the words "first copy" by the carrier or clerk who determines the fact that the copies cannot be delivered to the addressee, after which the copies shall be delivered to the inquiry section or designated clerk for preparation and affixing of Form 3579 and return to the publication as directed in paragraph (c) of this section. Copies bearing the same address received during the period of 5 weeks or until two subsequent issues shall have been published following the return of the first undeliverable copy shall be disposed of as waste (see §§ 6.22 and 43.46 of this chapter) unless the copies bear the pledge of the sender to pay return postage in which case the copies shall be returned to the sender charged with postage due at the transient second-class rate (see § 34.42). Copies received after the expiration of the prescribed period shall be returned to the publication under Form 3579.

(e) *Pledge of forwarding postage filed by addressee or publisher.* When the addressee's change of address is other than local and he has filed a written guarantee on Form 22 or otherwise to pay forwarding postage or when the copies bear the publisher's pledge to pay forwarding postage, copies undeliverable as addressed shall be forwarded to the new address for a period of 5 weeks or until at least two successive issues have been published, rated with postage due at the transient second-class rate (see § 34.42). Form 22–S shall be furnished to the addressee by the postmaster at the new post office of address with the first copy which is forwarded. Additional copies of Form 22–S may be furnished to the addressee with subsequent copies if the address is not changed during the prescribed period. After 5 weeks, but not until at least two successive issues have been published, the copies received at the old address shall be returned to the publication under Form 3579. If the addressee refuses to pay the postage due, the postmaster at the forwarding post office shall be requested by letter to discontinue forwarding copies and to return them to the publication.

(f) *Manner in which sender's pledge shall be shown.* The sender's pledge to pay the forwarding or return postage, or both, on copies of second-class publications which are undeliverable at the original office of address shall be placed immediately under the sender's return card when the copies are enclosed in envelopes (see § 34.62 (b)), or on the wrappers, or on one of the outside covers, of unwrapped copies. (See § 34.56 (b).)

(g) *Manner in which two or more copies bearing different addresses may be returned together.* Two or more undeliverable copies of the same publication bearing different addresses may be returned to the publication at one time under Form 3579. The copies must be securely tied together, and a facing slip showing the name of the office to which they are being sent and the number of copies must be placed on the package.

(h) *Treatment of two or more copies bearing the same address.* If two or more undeliverable copies of a publication bearing the same address accumulate in a post office box or elsewhere before the fact that they are undeliverable is ascertained, only one of the copies, preferably the copy of the latest issue, shall be returned to the publication under Form 3579.

(i) *When publisher refuses to pay postage due.* If the publisher refuses to pay the postage due on undeliverable copies of his publication returned to him under Form 3579, the postmaster shall immediately obtain the publisher's statement of his reasons for such refusal and make a full report of the matter to the Bureau of Finance.

(j) *Canadian matter.* Undeliverable Canadian second-class matter shall be given the same treatment as domestic matter of that class.

NOTE: See also § 43.12 (e), (h), (i), and (j), as to forwarding second-class matter under certain conditions stated therein.

b. In § 43.12 *Forwarding of mail* amend paragraphs (b) to (i), inclusive, to read as follows:

(b) *Second-, third- and fourth-class matter.* Under such regulations as the Postmaster General may prescribe, second-, third-, and fourth-class matter which is undeliverable as addressed may be forwarded to the addressee * * * and the postage for such service may be prepaid or collected on delivery of the matter in accordance with the instructions and pledge of the addressee or sender, as the case may be, to pay the forwarding * * * postage, and such matter, including that of a perishable or urgent nature, for which payment of forwarding * * * postage is not pledged, may be forwarded * * * under such conditions as the Postmaster General shall prescribe, but when the addressee or sender refuses to pay the required postage, the forwarding * * * of further matter may be discontinued. (Sec. 1, Public Law 536, approved June 8, 1950.)

(c) *Notice to sender.* Under such regulations as the Postmaster General may prescribe, the addressee or sender of second-, third-, or fourth-class matter which is undeliverable as addressed may be so notified, and there shall be a charge for each such notice of not to exceed 5 cents. (Sec. 2 (a), Public Law 536, approved June 8, 1950)

NOTE: See § 34.63 as to forwarding of second-class matter.

(d) *Matter which may be forwarded without additional postage charge.* Additional postage is not chargeable for forwarding of matter fully prepaid at the first-class rate, postal cards, post cards, and official matter.

(e) *Matter on which additional postage is charged for forwarding.* Additional postage shall be charged on mail of the second, third, and fourth classes every time it is forwarded. Such postage shall be charged on each individually addressed piece, and shall not be computed on the bulk weight of a number of pieces for the same addressee. Mail of these classes for which the addressee has guaranteed forwarding postage or which bears the pledge of the sender that postage for its forwarding will be paid (See § 43.48 as to pledge) shall be forwarded, without notice, to the addressee or such other person as the sender may direct in connection with his pledge, at another post office, charged with the amount of the forwarding postage. Third- and fourth-class matter of obvious value shall be forwarded to the addressee, without notice, charged with the amount of forwarding postage, regardless of whether it bears the sender's pledge or forwarding postage has been guaranteed by the addressee (See § 43.48 (i)). When mail charged with the forwarding postage is forwarded as provided in this section, such postage shall be collected on delivery by means of postage-due stamps. In each case the postage for forwarding mail of the third or fourth class shall be computed at the same rate as would be chargeable if the matter were originally mailed at the forwarding office. Matter of the second class when forwarded shall be charged with postage at the transient second-class rate. (See § 34.42 of this chapter.) Before matter is forwarded as herein provided, the postmaster shall make the necessary change in the address thereon, including the name of the new addressee when the sender requests in connection with his pledge to pay the forwarding postage that the matter be sent to some person other than the original addressee.

(f) *Pledge to pay forwarding postage.* A patron who submits an order to change address may, in connection therewith, guarantee payment of forwarding postage on third- or fourth-class matter forwarded to the new address. (See § 43.48 with respect to sender's pledge to pay forwarding postage.) When an addressee refuses to pay forwarding postage in accordance with his guarantee, the postmaster at the office to which the matter is forwarded shall notify the postmaster at the office of original address who shall discontinue forwarding further matter under the addressee's pledge. (See § 34.63 of this chapter as to pledge to pay forwarding postage on second-class matter).

(g) *Card notice of forwarding.* When the sender of ordinary mail of the third and fourth classes desires to be notified in cases where the matter is incorrectly addressed because of removal of the addressee, he may indicate that fact on the matter itself in such manner as may be prescribed by the Bureau of Finance, in which case the postmaster at the office of address shall furnish the desired information, including the new address of the addressee, if known, on card Form 3547, for which a postage charge of 2 cents shall be collected upon delivery of the card notice to the sender of such mail.

NOTE: This regulation applies only to third and fourth class matter sent out in the regular course of business for purposes other than obtaining the address of the person to whom the matter is sent.

(h) *Mail addressed to discontinued post office.* Mail of the second, third, and fourth classes addressed to a discontinued post office may, when the office to which such mail is ordered sent by the Department is not convenient for the addressees, be transmitted to such office as they may designate, without additional charge.

(i) *Change of address because of change in postal service.* Patrons of any office who, on account of the establishment of or a change in rural-delivery service, receive their mail from the rural carrier of another office may have their mail of the second, third, and fourth classes sent to the latter office for delivery by the rural carrier without a new prepayment of postage, provided they first file with the postmaster at the former office a written request to that effect. This is not construed as "forwarding" within the meaning of the law.

c. In § 43.48 *Return of second-, third-, and fourth-class matter* make the following changes:

1. Amend the section caption to read as follows: *"Return of third- and fourth-class matter."*

2. Delete paragraphs (c) and (h).

3. Amend paragraphs (a) (b), (c), (d) and (i) to read as follows:

(a) *Return postage.* Under such regulations as the Postmaster General may prescribe, * * *, third-, and fourth-class matter which is undeliverable as addressed may be * * * returned to the sender and the postage for such service may be prepaid or collected on delivery of the matter in accordance with the instructions and pledge of the * * * sender * * * to pay the * * * return postage, and such matter, including that of a perishable or urgent nature, for which payment of * * * return postage is not pledged, may be * * * returned under such conditions as the Postmaster General shall prescribe, but when the addressee or sender refuses to pay the required postage, the * * * return of further matter may be discontinued. (Sec. 1, Public Law 536, approved June 8, 1950)

NOTE: See § 43.12 as to the forwarding of second-, third-, and fourth-class matter; § 34.63 of this chapter as to the forwarding and return of second-class matter.

(b) *Matter returned to sender.* Undeliverable matter of the third and fourth classes which bears the pledge of the sender that postage for its return will be paid, and undeliverable third- and fourth-class matter of obvious value (See paragraph (i) of this section), which does not bear the pledge, shall be returned to the sender, without notice, rated with the postage chargeable for its return, such postage to be collected by means of postage-due stamps on delivery of the matter to the sender (See §§ 45.3 and 45.15 of this chapter relative to the handling of other undeliverable third- and fourth-class matter). Such matter as has first been forwarded from the office of the original address under the provisions of § 43.12 (e), without prepayment of the forwarding postage, is chargeable, when returned to the sender, with the postage for such forwarding, in addition to that required for its return, both to be collected on delivery of the matter as herein provided.

(c) *Manner in which sender's pledge should be indicated.* When the sender of matter of the third, or fourth class desires, in case it is undeliverable as originally addressed, that it be forwarded to the addressee or to some other designated person at another post office or that it be returned to the sender and the forwarding or return postage, or both, collected on delivery, he shall place on the matter an appropriate pledge that such postage will be paid. The pledge shall be placed immediately under the sender's return card, which the matter shall bear in every case, in the upper left corner of the address side. When the sender refuses to pay the forwarding or return postage in accordance with his pledge, report of all the facts shall be made to the Bureau of Finance, but acceptance of further matter bearing such pledge shall not be refused until specific instructions to do so are received.

(d) *Rates of postage for return.* The rates of postage for the return of matter of the third class are 2 cents for the first 2 ounces or fraction thereof and 1 cent for each additional ounce or fraction thereof, except that the rate on books, catalogs, seeds, cuttings, bulbs, roots, scions, and plants is $1\frac{1}{2}$ cents for each 2 ounces or fraction thereof, up to and including 8 ounces; and of the fourth class, the rates prescribed in §§ 34.75 to 34.84, inclusive, of this chapter. In every case postage shall be computed on each separately addressed piece.

(i) *Definition of "obvious value".* Matter of obvious value within the meaning of this section is such as the postmaster may so regard, all registered, insured, and c. o. d. matter, and such as bears the pledge of the sender that postage for its forwarding and return will be furnished.

d. In Part 155 Forms of the Post Office Department make the following changes:

1. Amend § 155.704 *Form 22; order to change address* to read as follows:

§ 155.704 *Form 22; order to change address.* This is a card form providing space which must be completed by persons moving from one address to another to show the name of the person or firm changing address, the old address, and the new address. Space is also provided to check guarantee of forwarding postage for magazines, newspapers, circular matter and parcel post, and whether change of address is for entire family or firm, or for individual signer only.

2. Insert a new § 155.704a between §§ 155.704 and 155.705 to read as follows:

§ 155.704a *Form 22–S; notice to publisher of change of address.* This is a mailing card form providing, on one side, space for old address, new address, signature and date. On the reverse side is space for the name and address of the publisher of the magazine or newspaper to be notified of the change of address.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, Pub. Law 536, 81st Cong.; 5 U. S. C. 22, 369)

V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 51-3993; Filed, Mar. 30, 1951; 11:42 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MEXICO

The Post Office Department has been informed by the Mexican Postal Administration concerning new import restrictions, now in effect, which apply to parcel post packages mailed in the United States for delivery in Mexico, and since compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable for the reason that such compliance would impede the due and timely execution of the functions of this Department, *It is, therefore, ordered*, That, effective at once, Part 127 be amended as follows:

In § 127.304 *Mexico* (16 F. R. 2349) amend subdivision (i) of paragraph (b) (9) to read as follows:

(i) *Import permits.* (*a*) A large variety of items require import permits to be obtained by the addressees in Mexico, when the value of the shipment is 100 Mexican pesos or over. Information as to what articles require import licenses, and as to rates of Mexican customs duty, may be obtained from the American Republics Division, Office of International Trade, Department of Commerce, Washington 25, D. C., or from any regional or district office of that Department.

(*b*) Each parcel whose contents exceed 400 pesos in value must have a copy of the relative invoice enclosed, and another copy must be sent directly to the addressee for use in connection with the Mexican customs procedure.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 51-3890; Filed, Mar. 30, 1951; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Federal Security Agency

PART 104—CONSTRUCTION OF SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

EXTENSION OF DEAD LINE AND ALTERATIONS IN ORDER OF CERTIFICATIONS

1. Section 104.3 (16 F. R. 769) is amended by striking the date, February 28, 1951, and substituting therefor the date, April 6, 1951, as follows:

§ 104.3 *Dead line for applications for payments from funds available for fiscal year 1951.* By reason of the foregoing April 6, 1951, is hereby fixed as the date before which all applications for payments out of funds available for the fiscal year 1951 shall be filed.

2. Section 104.4 is amended by striking the date, February 28, 1951, and substituting therefor the date, April 6, 1951. Subparagraph (2) of paragraph (a) of § 104.4 (16 F. R. 769) is amended by limiting the percentage of the school membership without school facilities which can be considered in a priority determination so that it may not exceed the percentage of school attendance with respect to which the local agency is eligible and the application is made. Proviso (*b*) to the said subparagraph (2) is amended by changing its coverage from Federal or other housing projects programmed for substantial completion by the beginning of the ensuing school year to Federal or other housing or housing units programmed for completion on or before January 1, 1952, and by allowing not only the school membership, as heretofore, but also the average daily attendance anticipated therefrom to be included in computing the priority-percentages. A third proviso, (*c*) added to the said subparagraph (2), provides that certain school facilities which are scheduled for completion during the ensuing school year shall be deemed available facilities for purposes of the percentage described in subdivision (ii) of the said subparagraph (2). Section 104.4, as amended, reads as follows:

§ 104.4 *Order of making certifications from available funds.* Subject to the condition of readiness hereinafter stated, the order in which certifications required by subsections (a) and (b) of section 206, Public Law 815, 81st Congress, from funds appropriated and available therefor on April 6, 1951, will be made is as follows:

(a) *Preference to projects for school facilities where none are presently available.* Projects designed to provide school facilities for those for whom no facilities are presently available, as indicated in subparagraph (1) of this paragraph will be preferred.

(1) *When children deemed to be without school facilities.* For the purposes of this section, children will be deemed to be without school facilities who (i) are in excess of the normal one-session-per-day capacity of available school facilities above the kindergarten level or (ii) are presently dependent upon a building or space which is unsafe, or the use of which for school purposes in view of its character, inaccessibility, or other equally cogent reason seriously prejudices or would seriously prejudice the educational objective. Mere obsolescence in terms of existing State standards or the use of temporary but otherwise adequate facilities will not in themselves constitute preference factors.

(2) *Determination of order of priority for payments.* The order of priority hereunder will be determined by adding (i) the percentage of the average daily attendance with respect to which the local agency is eligible and the application is made, to (ii) the percentage of the school membership within the same jurisdictional area who are without school facilities under the definition in subparagraph (1) of this paragraph, not counting so much of the combined percentages as exceed twice the amount of the percentage arrived at under subdivision (i) of this subparagraph. Subject to the foregoing, those projects with the highest combined percentages will be first certified for payment:

Provided however, (*a*) That where the jurisdictional area of the applicant with respect to which the application is made comprises an extensive territory and the Federal activity is localized within the area served by one or more attendance centers, and the other attendance centers within the District are substantially unavailable to meet the needs of such attendance centers affected by Federal activities, then, in such case, the percentages described in subdivision (i) and (ii) of this subparagraph will be determined with respect to the Federally affected attendance areas, and not with respect to the entire school district or jurisdiction: *And provided,* (*b*) That where Federal or other housing or housing units, undertaken primarily to house those with respect to whose children the applicant may claim Federal funds, have been provided for and scheduled for completion on or before January 1, 1952, then the average daily attendance and school membership anticipated from such construction shall be included in computing the percentages described in said subdivisions (i) and (ii) of this subparagraph: *And provided,* (*c*) That all school facilities for the construction of which contracts were let prior to February 28, 1951, and which are scheduled for completion during the ensuing school year, shall be considered as available facilities in determining the percentage described in subdivision (ii) of this subparagraph.

(3) *Responsibility of applicant and Regional Representative in priority determinations.* The applicant must submit as a part of its application all facts and circumstances in each case which are pertinent to an accurate determination of priority status as above, and the Regional Representative will assume primary responsibility for designating and determining differentiated attendance centers under (*a*) of the proviso to subparagraph (2) of this paragraph and determining the school membership anticipated under (*b*) of the proviso to subparagraph (2) of this paragraph.

(b) *Certification of remaining funds and priority of construction applications over reimbursement applications.* Federal funds not certified under paragraph (a) of this section may be drawn upon to replace or improve obsolescent, substandard, or temporary facilities, or for projects requiring amounts of Federal funds in excess of those necessary to provide minimum facilities as described in § 104.5. All applications under section 205 (b), Public Law 815, 81st Congress, will have as set forth in the statute priority over applications under section 205 (c), Public Law 815, 81st Congress.

(Sec. 208, 64 Stat. 975; 20 U. S. C. 278. Interprets or applies sec. 206, 64 Stat. 973, 20 U. S. C. 276)

Dated: March 15, 1951.

[SEAL] EARL J. MCGRATH,
U. S. Commissioner of Education.

Approved:

JOHN L. THURSTON,
Acting Administrator, Federal Security Agency.

[F. R. Doc. 51-3889; Filed, Mar. 30, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 928]

[Docket No. AO-227]

HANDLING OF MILK IN NEOSHO VALLEY (KANSAS-MISSOURI) MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order regulating the handling of milk in the Neosho Valley (Kansas-Missouri) Marketing area.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 20th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, on the record of which the proposed marketing agreement and the proposed order were formulated, was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of a petition filed by the Southeast Kansas Grade A Milk Producers Association, Chanute, Kansas (now known as the K. M. O. Milk Producers Association). The public hearing was held in Chanute, Kansas, on November 13 to 17, 1950, inclusive, pursuant to a notice duly published in the FEDERAL REGISTER (15 F. R. 7186).

The material issues considered at the hearing were concerned with the following:

A. Whether the handling of milk in the Neosho Valley marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk or its products:

B. Whether marketing conditions justify the issuance of a marketing agreement or order regulating the handling of milk in the Neosho Valley marketing area; and

C. If issuance of such an agreement or order is justified, what its provisions should be.

The evidence on this last issue involved the following:

(1) The extent of the marketing area;

(2) The definition of "producer," "handler," "approved plant," "other source milk," and other terms;

(3) The classification and allocation of milk;

(4) The determination and level of class prices;

(5) Payments to producers;

(6) Administrative provisions necessary to carry out the foregoing provisions.

Findings and conclusions. Upon the basis of the evidence adduced at the hearing, it is hereby found and concluded that:

(A) The handling of milk produced for the Neosho Valley marketing area is in the current of interstate commerce and directly burdens, obstructs, or affects interstate commerce in milk and its products.

The marketing area as hereinafter proposed would include certain specified towns and cities in the States of Kansas and Missouri. Handlers located in the Missouri towns within the proposed area purchase milk in competition with handlers located in the State of Kansas. Such milk, so purchased and bottled in the State of Missouri, is sold on routes and through stores in both Missouri and Kansas. Handlers located in the Kansas portion of the proposed area purchase milk in the States of Oklahoma, Kansas, and Missouri. Milk so purchased is bottled in handlers' plants located in the State of Kansas and is disposed of on routes and through stores in the States of Kansas, Oklahoma, and Missouri. Milk purchased in the State of Oklahoma and in the extreme southern portion of the State of Kansas is purchased in competition with milk purchased for the Tulsa and Muskogee, Oklahoma, fluid markets.

The Neosho Valley Cooperative Association, an operating cooperative which would be a handler under the proposed order, purchases Grade A milk in competition with other handlers and disposes of a substantial portion of such milk in areas outside of the States of Missouri and Kansas particularly during the short months of production. In addition, this cooperative association, as well as several other handlers in the market, operate manufacturing facilities and purchase substantial quantities of ungraded milk and cream which is disposed of as butter, condensed products, and nonfat dry milk solids competitively out of state on the open market. Ice cream, manufactured locally from ingredients purchased on the open market and from locally produced milk is sold in surrounding areas in the States of Oklahoma, Kansas, and Missouri. Butter manufactured in the State of Oklahoma is purchased by local handlers and disposed of to customers on routes in the States of Kansas and Missouri. Reddiwip manufactured in St. Louis, Missouri, is disposed of through stores and by local handlers on routes in the States of Missouri, Kansas, and Oklahoma.

From the foregoing it is clear that a substantial volume of the milk in the Neosho Valley market is moved physically in interstate commerce in the form of milk, ice cream, butter, and other manufactured dairy products and that the handling of milk in the market directly burdens, obstructs, and affects interstate commerce in milk and its products.

(B) Milk marketing conditions in the Neosho Valley market justify the issuance of a marketing agreement and order.

Producers delivering milk to handlers in the Neosho Valley market are not being paid for their milk on a use basis and there is no uniform pricing plan as among the several handlers with the result that producer prices for milk of similar quality and use vary substantially. While much of the market apparently operates on a base and surplus plan there is a wide difference in the application of such a plan as between handlers and accordingly a wide variation in the net returns to producers.

There is much dissatisfaction among producers in regard to the butterfat

testing of their milk. The record shows a number of instances where producers were paid on the same test for a number of pay periods which is an unusual occurrence when samples are properly taken and properly tested. Producers delivering part of their milk to each of two plants have been paid on substantially different tests at the two plants. In addition the record shows wide variations between plant tests and D. H. I. A. tests. Even when due consideration is given to the purpose and methods of D. H. I. A. testing these extreme variations appear unreasonable and strongly support the producers in their contention that they are presently paid on inaccurate tests.

At the present time producers do not have access to the necessary market information to enable them to market their milk efficiently. They have no voice in the sales of their milk or in the testing and weighing thereof. Many of the handlers in the market have refused to recognize the existence of a cooperative association which was formed by a large group of the producers on the market as an agency to represent them in the sales of their milk. The adverse attitude which certain handlers have taken toward the association has so disrupted the market that the cooperative association is reluctant to reveal the identity of its membership and in many instances new members specifically request that their identity not be revealed for fear of reprisals on the part of handlers to whom they dispose of their milk. As a result, the cooperative association has been unable to bargain effectively with handlers in the sale of milk for its members.

The issuance of an order would provide producers with the market information necessary for efficient marketing of their milk. Furthermore, the pricing of producer milk in accordance with its use, auditing of handlers' utilization of milk, and checking of weights and tests by an impartial agency under an order will aid in establishing and maintaining the orderly marketing of milk and its products in the Neosho Valley market.

(C) From the evidence, it is concluded that the proposed marketing agreement and order which are hereinafter set forth and all of the terms and conditions thereof, meet the needs of the Neosho Valley marketing area and will tend to effectuate the declared policy of the act. The following findings and conclusions are made with respect to the several provisions of the proposed marketing agreement and order.

(1) *Extent of the marketing area.* The marketing area should be defined to include all of the territory within the corporate limits of the municipalities of Pittsburg, Parsons, Independence, Coffeyville, Fort Scott, Iola, and Chanute, all in the State of Kansas, and the municipalities of Joplin, Carthage, and Neosho, all in the State of Missouri.

Each of these cities has a Grade A milk ordinance patterned after the standard U. S. Public Health Code and only milk of producers holding permits issued by the local health officer administering such ordinance, or milk accepted as Grade A on a reciprocity basis, is permitted to be bottled and sold in the area.

The cities herein proposed to constitute the marketing area are contained in an over-all area approximately 85 miles square (roughly 7,225 square miles). They represent the concentration of population and the principal area of Grade A milk competition for handlers who would be regulated. Certain handlers contended that the inclusion of these cities without the inclusion of additional towns, particularly in the surrounding Missouri area, would force them to operate at a competitive disadvantage with distributors who would not be regulated as to minimum paying prices to producers for milk. While the evidence does indicate that some of the handlers doing business in one or more of the cities in the proposed area, and who would be regulated under this proposed order, actually do a substantial part of their fluid business outside of the area, it appears that their primary competition in the outside area is either with distributors of Nongrade A milk or with other handlers who would be regulated under this proposed order. The record clearly indicates the interrelationship of the operations of affected handlers and while it is not apparent that any single handler distributes in each of the 10 proposed cities, the distribution routes of all handlers are so intermixed that it would be impractical to exclude any of the area as herein proposed. Since it is necessary to establish a boundary line for the marketing area at a logical point which will give due consideration to the problems as shown by the record, it is not possible to include additional territory on the evidence presented.

(2) *Definitions.* In order to designate clearly exactly what milk is to be subject to the pricing provisions of the order, which processors and distributors are to be subject to regulation and which dairy farmers will participate in the market pool it is necessary to define the terms "approved plant," "handler," "producer," and "other source milk."

It is intended that any producer holding a permit or rating issued by the appropriate health authority having jurisdiction in the marketing area and who delivered milk to a plant which disposes of at least 10 percent of its receipts of milk qualified for distribution as Grade A milk in the marketing area as Class I milk on wholesale or retail routes in the marketing area during the delivery period should be included in the market pool. Accordingly, an "approved plant" is designated as any milk processing plant, except that of a producer-handler, which is approved by the appropriate health authority having jurisdiction in the marketing area and from which 10 percent or more of the receipts during the delivery period of milk qualified for distribution as Grade A milk in the marketing area is disposed of during the delivery period on wholesale or retail routes (including plant stores) as Class I milk in the marketing area. The exemption of a distributing plant from which less than 10 percent of its approved receipts are disposed of as Class I milk on routes in the marketing area is necessary in this market to eliminate the influence on returns to producers caused by the operations of distributors who are not primarily associated with the marketing area and to prevent possible hardship upon such distributors which might result from applying the provisions of the proposed order to the total operations of such distributors when they actually are more closely associated with other markets. In order to prevent these distributors from having a price advantage with respect to sales of Class I milk in the marketing area they should be required to pay into the producer-settlement fund the difference between the Class I and the Class II price on such milk disposed of in the marketing area. In addition, such distributors should be required to pay to the market administrator, as their share of the administrative cost of operating this order, the administrative assessment on the quantity of Class I milk disposed of in the marketing area, and they should also be required to make reports to the market administrator and to keep the necessary books and records of receipts and utilization and permit verification thereof.

The term "producer" should be defined as any person, other than a producer-handler, who produces milk under a dairy farm inspection permit or rating issued by the appropriate health authority which milk is received at an approved plant or is diverted from an approved plant to any milk distributing or milk manufacturing plant. In order to eliminate possible conflict between this order and other orders regulating the handling of milk in adjacent areas it is provided that the term "producer" shall not include a person with respect to milk produced by him which is received by a handler who does a greater percentage of his Class I business under another Federal marketing order.

The term "handler" should include any person in his capacity as the operator of an approved plant, a producer-handler, any person in his capacity as the operator of an unapproved plant from which milk is disposed of as Class I milk in the marketing area and a cooperative association with respect to milk of producers which it causes to be diverted to an unapproved plant. Milk diverted from an approved plant to an unapproved plant for the account of the approved plant operator should be considered as having been received at the approved plant since producers of such milk would ordinarily be regular suppliers of the market and as such should be assured the market blend price for their milk. The inclusion in the definition of a cooperative association, even though it might not operate a plant, will enable such a cooperative association to participate in the market pool with respect to milk of its members which it may have to divert to an unapproved plant.

"Other source milk" should be defined to include all skim milk and butterfat from a producer-handler or from a source other than producers or other handlers operating approved plants except any nonfluid milk product received and disposed of in the same form.

Other source milk is not normally available for the market either because it does not meet the normal quality requirements or because its availability is restricted by the people handling it.

Such milk should not share in the market pool. It is not priced under the terms of the order and to prevent its displacing the milk of producers which constitutes the regular supply of the market it is allocated to the lowest use in the handlers plant.

Since producer-handlers normally dispose of their milk during most of the year in Class I products, and since sales of Class I milk by these handlers would not be pooled, the pooling of any surplus milk purchased by handlers from producer-handlers would result in a preferential market for producer-handlers as compared with regular producers. Milk purchased from producer-handlers should be treated therefore as other source milk and would be unpriced under this proposed order. The inclusion, as other source milk, of all receipts from handlers as operators of unapproved plants assures the treatment of such milk in the same manner as is proposed for other nonproducer milk. Nonfluid milk products received and disposed of in the same form are not included as other source milk because they would not affect the classification of producer milk.

The terms "act," "person," "Secretary," "Department," "cooperative association," "producer milk," and "delivery period" are common to Federal milk marketing orders issued pursuant to the act and are defined to facilitate the drafting of the other provisions of the order.

(3) *Classification and allocation of milk.* The classification of milk should be as follows: Class I milk should include all skim milk and butterfat disposed of in fluid form (except as livestock feed) as milk, skim milk, buttermilk, milk drinks, cream, cultured sour cream, any mixture of cream and milk or skim milk (except bulk ice cream mix, eggnog, and aerated cream), all skim milk and butterfat in inventory at the end of the delivery period in the form of Class I items, and all skim milk and butterfat not specifically accounted for as Class II milk. Class II milk should include all skim milk and butterfat used to produce any product other than those specified in Class I, disposed of as livestock feed, as actual plant shrinkage of skim milk and butterfat in producer milk but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively, except that during the delivery periods of April, May, and June actual shrinkage on skim milk in producer milk shall be limited to 5 percent of such receipts, and in actual plant shrinkage of skim milk and butterfat, respectively, in other source milk received.

The products to be classified as Class I are those which, under the several health ordinances in effect in the marketing area, are required to be made from approved milk. They are all derived from milk which is subject to the same transportation costs in moving from farm to market. These Class I items are all normally associated with a fluid milk business, and are all disposed of in the marketing area in fluid form through the same retail and wholesale channels as bottled fluid milk. Their physical characteristics, purposes, values, and uses are more nearly similar to those of fluid milk than to the products to be classified as Class II. The inclusion as Class I of all inventory of skim milk and butterfat in fluid items does not affect either producer returns or handlers' costs for milk over a period of time. It does, however, minimize the work of the market administrator in the reclassification and resulting audit adjustments which otherwise result when fluid items in inventory are later disposed of as Class I milk.

Skim milk and butterfat contained in cream and cream mixtures are subject to the same production costs as milk for other fluid uses. Furthermore, milk so utilized is the same quality of milk as is disposed of in other Class I products and is subject to the same transportation costs in moving from the farm to the handler's plant. In addition, the separate accounting of skim milk and butterfat herein proposed and the pricing thereof results in handlers being charged only for the exact volume of skim milk or butterfat actually disposed of in any particular use.

The products to be classified in Class II are not required under the local health ordinances to be made from approved milk. Producer milk in excess of the needs of local handlers for milk for Class I use must compete with ungraded milk over which it commands no premium for manufacturing uses. Accordingly, such excess milk must be classified in a lower class than that utilized for fluid products. In this manner a lower pricing is provided for such milk which lower pricing is necessary to assure the free movement of such excess supplies into manufacturing channels without burdensome competitive disadvantages to affected handlers.

Producers proposed a 1 percent maximum shrinkage allowance in the lowest use class while handlers proposed a minimum 3 percent allowance and in addition proposed that dumped milk be classified as Class II. Dumping results in complete disappearance of the skim milk and butterfat involved and it would be necessary in order to adequately protect producer interests that a representative of the market administrator's office be in a position to witness the actual dumping. The geographical characteristics of this particular marketing area, consisting as it does of 10 separate municipalities, and the fact that most of the handlers deal in relatively small volumes of milk make it impractical to allow dumped milk to be classified as Class II. Any excess butterfat which cannot be disposed of for fluid uses or in other higher valued products can be utilized locally in the manufacture of butter. Hence under no circumstances should it be necessary to dispose of whole milk or butterfat by dumping. There are ample manufacturing facilities in the area to handle any prospective local surpluses and these manufacturing plants at times import milk from substantial distances to supplement their local supplies. Moreover, most of the handlers are short of producer milk during the fall and winter months. A Class II classification for producer skim milk which is dumped at the same time that other source milk is being received for fluid use cannot be justified. This narrows the consideration to one of a lower classification for skim milk dumped during the peak production months when supplies of local producer milk exceed the demand for fluid uses. In this connection it is proposed that for purposes of this order any milk, skim milk, or cream which is dumped be considered unaccounted for milk which, except in the case of skim milk during the months of April through June should be included as allowable shrinkage within the limits of 2 percent of producer receipts. An allowable shrinkage on skim milk of 5 percent during the months of April through June should serve to alleviate any hardship to individual handlers resulting from excess volumes in amounts too small to justify transporting to manufacturing plants or otherwise disposing of as Class II products. Unaccounted for producer milk in excess of allowable shrinkage should be classified as Class I. No limit is proposed for shrinkage of other source milk allowed in Class II since such milk is deducted from the lowest use class under the allocation provisions.

It is not administratively feasible to segregate the actual plant shrinkage on producer milk from shrinkage on other source milk in the same plant. Accordingly, in such case, the shrinkage of skim milk and butterfat, respectively, allocated to producer milk and to other source milk should be computed pro rata in proportion to the volumes of skim milk and butterfat, respectively, received from such sources.

The allocation provisions should provide that other source milk, which is unpriced, be allocated to the lowest use in the handler's plant. This is done to prevent other source milk from displacing the milk of producers which constitutes the regular supply of the market.

In establishing the classification of milk the responsibility should be placed upon the handler who first receives milk from producers to account for all skim milk and butterfat received at his approved plant and to prove to the market administrator that such skim milk and butterfat should be classified as other than Class I. The handler who first receives milk from producers is responsible for reporting the proper utilization of such milk and making full payment for it. He must, therefore, maintain records to furnish adequate proof of utilization to the market administrator.

Provision should be made in the order to cover the classification of skim milk and butterfat transferred from an approved plant to another approved plant or to an unapproved plant. In the case of transfers between approved plants classification should be on the basis of written agreement between the affected handlers to the extent of utilization in the agreed use in the transferee plant. This provision affords suitable flexibility in the pricing, classification, and accounting for of milk transferred. It does not affect producer returns because all of the milk is accounted for in the pool computation in any event. In order to assure adequate protection of producers

in the classification of their milk it should be provided that in case other source milk is received in either or both plants the classification of milk in each plant shall be made in such a manner as will return the higher class utilization to producer milk.

Transfers to a producer-handler should be classified as Class I milk. Producer-handlers ordinarily carry on only fluid operations and any milk which they purchase from a handler would normally be for fluid uses. Accordingly, it is unnecessary to provide for the classification of such a transfer in a lower use class.

Transfers to an unapproved plant located not more than 250 miles from the square at Chanute, Kansas, and from which Class I milk is disposed of should be classified on the basis of written agreement in the same manner as is proposed for transfers between approved plants, except that the individual dairy farmers delivering milk direct to such plant should be assured of the highest available use in such plant. This would facilitate the movement of skim milk and butterfat in excess of Class I needs and at the same time protect producers in the classification of their milk by requiring records to prove to the market administrator that an equivalent amount of skim milk and butterfat was actually used in the claimed class.

Transfers of milk, skim milk, or cream to an unapproved plant within the 250 mile limit and from which no Class I milk is disposed of should be Class II, since that necessarily would be the highest use in such plant.

Transfers of skim milk and butterfat in the form of milk or skim milk to an unapproved plant located in excess of 250 miles from the square of Chanute, Kansas, should be classified as Class I. Milk and skim milk ordinarily does not move long distances for other than fluid uses. The record shows that there are ample manufacturing outlets within the proposed 250 mile radius to dispose of any prospective surplus of producer milk. Accordingly, it is unnecessary to provide for such transfer of skim milk and butterfat in the form of milk or skim milk as other than Class I and it would be administratively impractical to do so because the market administrator would have to verify any claimed utilization in Class II.

Transfers in the form of cream to an unapproved plant beyond the 250 mile limit should be classified as Class II. Cream is less bulky than milk or skim milk and ordinarily can be moved much greater distances for other than fluid uses. Proponents proposed that skim milk and butterfat in the form of cream should be Class I if so moved under a Grade A certification. However, they offered no evidence in support of such a provision. While this provision is contained in the Federal marketing orders of several nearby areas it would be impossible to adopt such a provision without specific evidence indicating that the conditions which prompted the adoption of this proposal in those markets also prevail in the Neosho Valley area.

4. *Class prices.* Class I milk prices in this area should be based on prices paid for milk used for manufacturing purposes. Prices paid for milk used for fluid purposes in this area have been closely related to prices paid for milk for manufacturing purposes. Production and marketing of milk for each type of outlet are subject to many of the same economic factors. Since the market for most manufactured products is country-wide, prices of manufactured dairy products reflect many of the changes in the general economic conditions affecting the supply and demand for milk. Moreover, butter, powder, and cheese prices, or the prices paid by condenseries with differentials over these basic or manufacturing prices are frequently used to establish fluid milk prices in those areas where the production of manufacturing quality milk is a significant factor in the total potential supply of milk for the market. The production of manufacturing quality milk in the supply area of the Neosho Valley area is a significant factor in the availability of milk for this market indicating the feasibility of a Class I pricing formula based on the prices of milk for manufacturing uses. Differentials over the basic formula are needed to cover the cost of meeting quality requirements in the production of market milk and to furnish the necessary incentive to get such milk produced.

The basic formula price to be used in establishing the current delivery period price for Class I milk of 4.0 percent butterfat content should be the highest of the following for the preceding month: the prices paid to farmers at 18 milk manufacturing plants in Wisconsin and Michigan for milk of 3.5 percent butterfat content adjusted to a 4.0 percent basis; a formula price based upon the market price of butter and powder; or the average price paid to farmers for milk of 4.0 percent butterfat content by specified local manufacturing plants.

Pricing of producer milk on a 4.0 percent butterfat basis follows the usual custom of the market and no objection was made to the proposal. The components of the basic formula price herein decided upon are the same as those in effect in the Tulsa market. A correlation of the movement of prices in the two markets is necessary since certain of the Neosho Valley handlers compete with Tulsa handlers for supplies and sales. In addition the components are sufficiently similar to those in effect in the Kansas City and Wichita markets to assure a reasonable alignment of the movement of prices with these markets with which other Neosho Valley handlers compete for supplies and sales. The use of the previous month's manufacturing values in determining the basic formula price for the current delivery period permits handlers to know their milk costs at the time of purchase and is consistent with the practice in the surrounding federal order markets.

The Class I differential should be fixed at $1.00 per hundredweight over the basic formula price during the delivery periods of April through June and at $1.45 per hundredweight over the basic formula price during the delivery periods of July through March. Such a pricing serves to maintain the Class I price in the area at approximately the same level as is presently paid for milk by handlers in the Wichita and Kansas City markets and slightly below prices paid by handlers in the Tulsa market. This pricing is somewhat higher than the average currently paid by handlers in the Neosho Valley market. During the month of September 1950, the Class I price would have been $4.83 whereas actual prices paid by dealers varied from $4.05 to $4.618 per hundredweight for all milk which was primarily disposed of in uses which would be Class I under the order. The existing pricing structure has not been satisfactory, however, for it has not brought in an adequate year-round supply of milk. Handlers in the market at the time of the hearing were importing other source milk to meet local fluid requirements and several of the larger handlers had little or no surplus milk even in the flush production months, notwithstanding the fact that the evidence indicates a considerable seasonal swing in production. Production during the short months of September, October, and November 1949, was approximately 70 percent of the production during the flush months of April, May, and June 1950.

Producers proposed that the Class I differential be a flat $1.65 the year round, contending that handlers did not reflect changes in producer prices in their resale price and consequently the adjustment to a desirable seasonal production pattern should be left to the operation of a base-rating plan. In this connection, however, the question of handler resale prices is not relevant.

The use of seasonal differentials in the pricing of Class I milk follows the pricing scheme in effect in the Tulsa, Kansas City, and Wichita markets with which Neosho area prices must be aligned.

Because of the wide variation in producer receipts between the spring and fall months it is concluded that no changes should be permitted in the proposed pricing for Class I milk which would tend to discourage a desired leveling of production throughout the year. This can best be prevented by providing for a contraseasonal provision. Such a provision would prevent any decrease in the Class I price during the months of September through December when production costs are highest and any increase in such price during the months of April through June when production costs are lowest.

Certain handlers proposed a lower pricing for milk sold (in bulk) as Class I, outside of the marketing area, contending that without such a pricing they could not compete for outside sales and that as a result local producers would receive less total money for their milk. A lower pricing for fluid milk sold outside the marketing area is not justified. Milk disposed of by local handlers to outside areas is the same quality as that disposed of within the marketing area and is subject to the same transportation costs in moving from the farm to the handler's plant. Furthermore, such bulk sales by local handlers have no aspects of an outlet for seasonal surplus of producer milk but in fact occur primarily during the short production months when other handlers in the market are importing supplemental supplies to meet local fluid requirements.

The level of pricing herein proposed is established with a view to providing an adequate supply of milk to meet the normal needs of local handlers. Bulk sales to outside areas during the short production season when local supplies are inadequate cannot be construed as a normal requirement of local handlers. Rather the consummation of such sales offers strong support to producers' claims of an inadequate return for their milk. A lower pricing for milk sold outside of the marketing area would require a higher pricing for locally consumed milk which would result in local consumers subsidizing consumers in other markets to which such sales were made.

The price for Class II milk should be based on the average of the prices paid for milk during the current delivery period by four nearby milk manufacturing plants. The use of local manufacturing plants was supported by both producers and handlers and the price paid at the plants herein proposed should be representative of the value of manufacturing milk in the Neosho Valley area. Since handlers compete with these plants in the sale of products included in Class II milk and from time to time dispose of some of their surplus milk to one or another of these plants, it is necessary that producer milk going into such products be priced at a level comparable to the prices paid for milk by such plants in order to insure a market for producer milk in excess of fluid requirements. Such a pricing would have resulted in an average Class II price in the Neosho marketing area during the year 1950 of $3.18 as compared to a price of $2.97 for such milk under the Wichita order and a price of $3.00 under the Kansas City order prior to the recent amendment or $3.26 under the present order provisions. For the eight month period of May through December 1950 the Neosho price would have averaged $3.22 as compared to $3.14 under the Tulsa order, $2.97 under the Oklahoma City order, $2.97 under the Wichita order and $3.02 under the Kansas City order prior to the recent amendment or $3.28 under the present order provisions.

The class prices computed and publicly announced by the market administrator under the terms of the order would be those for milk containing 4.0 percent butterfat. The class prices for each handler should be adjusted by a butterfat differential to reflect the average test of producer milk classified in each class. Such differential for Class II milk shall be computed on the basis of the price of Grade A (92-score) bulk creamery butter at Chicago for the delivery period plus 15 percent. This differential is in line with the general level of the price of butterfat in the area for manufacturing uses. With regard to Class I milk, such differential should be computed at the basis of the price of Grade A (92-score) bulk creamery butter at Chicago for the preceding delivery period plus 25 percent, reflecting the higher valued use of butterfat for fluid uses. These differentials are the same as those currently in effect in the Tulsa market.

5. *Payments to producers.* The "market-wide" type of pool with base-rating plan should be established in this order for the purpose of distributing among producers returns from the sale of their milk. Under this plan all producers receive the same uniform price for their milk (or when bases are applicable a uniform price for base milk and a uniform price for milk in excess of base) irrespective of the utilization made of such milk by individual handlers.

The alternative to the market-wide pool is the individual-handler pool. Under this latter system producers delivering to each handler receive a uniform price based on each handler's utilization of milk. Because different handlers utilize different proportions of their milk as Class I and Class II, the uniform prices of individual handlers would vary one from the other. A cooperative association representing a large segment of the producers in the market has proposed that the order be so written as to enable it to become a handler when necessary to market the surplus milk of its members. Under these circumstances an individual-handler pool would result in an unequal sharing of the market among producers and would not be conducive to orderly marketing. The order has been written to permit a cooperative association to become a handler and it is therefore concluded that a market-wide pool is necessary to distribute the returns from the sale of milk equally among producers and to create orderly marketing of producer milk. In addition the use of a market-wide type of pooling will facilitate the distribution among producers of compensatory payments required from nonpool handlers under certain conditions.

In the computation of the value of producer milk, provision should be made for the inclusion of the value of milk classified in excess of reported receipts from producers, other handlers, and other sources. This provision is found in other milk orders and is necessary to account for differences between the reported and actual weights and tests of milk received from producers.

The butterfat differential to be used in making payments to producers should be fixed at one-tenth of the price of Grade A (92-score) butter on the Chicago market multiplied by 1.2. This differential is the same as that established under the Tulsa and Oklahoma City marketing orders. The producer butterfat differential merely affects the proration of returns among producers, and it in no way affects handlers' costs for milk.

The distribution among producers of the returns from the sales of milk should be made through the medium of a base-rating plan. There is a wide variation in producer receipts from season to season which both producers and handlers recognize as an undesirable situation in the market. The proposal for a base-rating plan is supported by both the producers association and handlers in the market. While many of the handlers have developed some modification of a base-rating plan for paying their producers the actual operations of these plans have been very limited and consequently ineffective in accomplishing the objective of an evening out of the seasonal variations in milk deliveries. Under the plan as hereinafter provided new bases would be established each year on the basis of total deliveries made by each producer during the short production months of September through December. The market administrator would compute the base of each producer from whom each handler received milk during the base period and notify each producer of his established base on or before the 15th day of February of each year. The bases so established would be used in making payments to producers during the months of greatest production, i. e., April through June.

A uniform price for base milk during these months would be computed which would reflect the residual value of milk for the market as a whole after the prior assignment of deliveries of milk in excess of base to the lowest available use class. The price of base milk would thus be enhanced above the average for the market and the uniform price for excess milk would be below the average. The lower price applicable to milk in excess of base deliveries tends to limit the deliveries of such milk during the months of surplus production. Conversely, the value of a large base gives impetus to the delivery of milk in the season of short production. The influences of these two forces tends to cause a more even seasonal pattern of milk deliveries than if payments were made during all months of the year on a straight uniform price basis.

It is necessary to provide certain rules in connection with the establishment and transfer of bases to provide reasonable administrative workability of the plan. In order to accomplish this purpose and preserve the effectiveness of the plan no provisions should be made for the transfer of partial bases. However, transfer of the entire base of an individual producer to members of his family in case of death, retirement or entry into military service is permitted. Provision is also made for transfer of the entire base in the case of the termination of joint landlord-tenant relationships. In case a producer discontinues milk shipments for more than 45 consecutive days he shall forfeit his entire base. These rules should assure the workability of the plan and at the same time place no undue hardship upon any producer since the established bases are effective in determining producer payments in only three of the twelve months of each year.

Although uniform prices are computed once a month, provision should be made to pay producers on a semimonthly basis. The majority of producers on the market have customarily been paid twice a month and it is concluded that this practice should be continued. The advance payment to be made on or before the last day of the delivery period and covering receipts of producer milk during the first 15 days of the delivery period should be at not less than the Class II price for the preceding delivery period. Payment at this rate will largely eliminate the possibility of handlers making overpayments to producers who may leave the market before the end of the delivery

period. Final payment for milk received during each delivery period should be made on or before the 16th day after the end of the delivery period.

In the case of a qualified cooperative association, who so requests, the handler should make the advance and final payments sufficiently in advance of the date for payment to other producers to enable the cooperative association to pay its members at that date. The dates which have been provided for these various payments are so spaced that ample time is provided the handlers and the market administrator for the filing of reports, the computation of the various prices and the writing and mailing of checks.

6. Certain other provisions should be adopted to enable proper and efficient administration of the order.

(a) *Administrative assessment.* Each handler should be required to pay to the market administrator, as his pro rata share of the cost of administration of the order, 5 cents per hundredweight, or such lesser sum as the Secretary may from time to time prescribe, on all receipts at his pool plant within the delivery period of (1) milk from producers (including such handler's own production) and (2) other source milk which is classified as Class I.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order and the act provides that the administration of the order be financed through assessment against handlers. In view of the anticipated volume of milk on which the rate would apply it is concluded that a maximum rate of 5 cents per hundredweight is necessary at this time to guarantee sufficient administrative funds. In the event at a later date a lesser amount proves to be sufficient for proper administration, provision is made to enable the Secretary to reduce the assessment accordingly.

(b) *Deductions for marketing services.* Provision should be made for the dissemination of market information to producers and for the verification of weights and for the sampling and testing of milk received from producers for whom such services are not being rendered by a qualified cooperative association. This provision, including the assessing of producers in payment thereof, is specifically authorized by the act. Five cents per hundredweight or such lesser rate as the Secretary may determine should be deducted by handlers from the payment to producers and turned over to the market administrator to finance such services. This rate was proposed by producer groups who have had experience with check sampling, weighing, and testing programs in the marketing area. In the event any qualified cooperative association is determined to be performing such services for any producer, handlers should pay to the cooperative association such deductions as are authorized by such producer in lieu of the payment to the market administrator.

(c) *Other administrative provisions.* The other provisions of the order are of a general administrative nature, are incidental to the other provisions of the order, and are necessary for the proper and efficient administration of the order. They provide for the selection of the market administrator, define his powers and duties, prescribe the information to be reported by handlers each month and the length of time that records must be retained. A plan for liquidation of the order in the event of its suspension or termination should also be provided.

Producer-handlers should be exempt from the regulatory provisions of the order except that they should be required to file reports as requested by the market administrator. Since a producer-handler may change his status from time to time it is necessary that the market administrator have authority to require such reports as will enable him to verify the current status of a producer-handler and to supplement other market information.

A pool plant which is subject to the regulatory provisions of another milk marketing agreement or order issued pursuant to the act and which the Secretary determines disposes of a greater volume of its Class I milk in such other marketing area than in this marketing area should be partially exempt from the provisions of this order. It would be impractical to attempt to regulate a handler under two separate orders with respect to the same milk. Accordingly, it should be provided that if a pool plant disposes of a greater volume of its Class I milk in a marketing area, regulated by another Federal milk marketing order, than is disposed of in this marketing area such plant shall be exempt from the pricing, payment, administrative assessment, and marketing service provisions of this order. Such a handler, however, should make reports with respect to receipts and utilization as the market administrator may require.

The order should provide limitations on the period of time handlers shall retain books and records which are required to be made available to the market administrator, and on the period of time in which obligations under the order shall terminate. The provision made in this regard is identical in principle with the general amendment made to all orders in operation on July 30, 1947, effective February 22, 1949, and the Secretary's decision of January 26, 1949 (14 F. R. 444), covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of this decision.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Proposed findings and conclusions. Briefs were filed on behalf of the K. M. O. Milk Producers Association (formerly the Southeast Kansas Grade A Milk Producers Association) and the majority of the handlers who would be regulated. The briefs contained proposed findings of facts, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinafter set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and order. The following order is recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order.

DEFINITIONS

§ 928.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.)

§ 928.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 928.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 928.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 928.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and,

(b) Is authorized by its members to make collective sales or to market milk or its products for its members.

§ 928.6 *Neosho Valley marking area.* "Neosho Valley marketing area," hereinafter called the "marketing area" means all of the territory within the corporate limits of the municipalities of Pittsburg, Parsons, Independence, Coffeyville, Fort Scott, Iola, and Chanute, all in the State of Kansas, and of the municipalities of Joplin, Carthage, and Neosho, all in the State of Missouri.

§ 928.7 *Approved plant.* "Approved plant" means any milk processing plant, except that of a producer-handler, which is approved by the appropriate health authority having jurisdiction in the marketing area and from which 10 percent or more of the receipts during the delivery period of milk qualified for distribution as Grade A milk in the marketing area is disposed of during the delivery period on wholesale or retail routes (including plant stores) as Class I milk in the marketing area.

§ 928.8 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of an approved plant, (b) a producer-handler, (c) any person, except a producer-handler, in his capacity as the operator of an unapproved plant from which milk is disposed of during the delivery period on wholesale or retail routes (including plant stores) as Class I milk in the marketing area, and (d) any cooperative association with respect to the milk of producers which it causes to be diverted to an unapproved plant for the account of such association.

§ 928.9 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk under a dairy farm permit or rating issued by the appropriate health authority having jurisdiction in the marketing area over the production of milk disposed of for consumption as Grade A milk which milk is (a) received at an approved plant, or (b) diverted from an approved plant to any milk distributing or milk manufacturing plant: *Provided,* That such milk so diverted shall be deemed to have been received by the handler for whose account it was diverted: *And provided further,* That this definition shall not include a person with respect to milk produced by him which is received by a handler who is partially exempted from the provisions of this part pursuant to §§ 928.61 and 928.62.

§ 928.10 *Producer-handler.* "Producer-handler" means any person who processes milk from his own farm production, all or a portion of which is disposed of as Class I milk, within the marketing area, and who receives no milk from producers.

§ 928.11 *Other source milk.* "Other source milk" means all skim milk and butterfat received in any form from a producer-handler or from a source other than producers or another handler in his capacity as the operator of an approved plant except any nonfluid milk product received and disposed of in the same form.

§ 928.12 *Delivery period.* "Delivery period" means a calendar month, or any portion thereof during which this part is in effect.

MARKET ADMINISTRATOR

§ 928.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by and shall be subject to removal at the discretion of, the Secretary.

§ 928.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 928.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 928.97 the cost of his bond and those of his employees, his own compensation, and all other expenses, except those incurred under § 928.96, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and of the records of any other handler or person upon whose utilization the classificaton of skim milk or butterfat for such handler depends;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office or by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 928.30 through 928.32, or (2) payments pursuant to §§ 928.90 through 928.97;

(i) On or before the 11th day after the end of each delivery period, report to each cooperative association which so requests, the amount and class utilization of the milk caused to be delivered to each handler by such cooperative association, either directly or from producers who are members of such cooperative association. For purposes of this report, the milk so delivered by a cooperative association shall be prorated to each class in the proportion that the total quantity of producer milk received by such handler was to the quantity of milk in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 5th day of each delivery period the minimum price for Class I milk computed pursuant to § § 928.51 (a) and the Class I butterfat differential computed pursuant to § 928.52 both for the current delivery period; and the minimum price for Class II milk computed pursuant to § 928.51 (b) and the Class II butterfat differential computed pursuant to § 928.52, both for the previous delivery period, and

(2) On or before the 11th day of each delivery period the uniform prices computed pursuant to §§ 928.71 and 928.72 and the butterfat differential computed pursuant to § 928.91, both for the previous delivery period; and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 928.30 *Delivery period reports of receipts and utilization.* On or before the 7th day after the end of each delivery period each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in (1) all receipts at his approved plant(s) within such delivery period of:

(i) Milk received from producers,

(ii) Skim milk and butterfat in any form from other pool handlers, and

(iii) Other source milk.

(2) Milk diverted pursuant to § 928.9 (b).

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section; and

(c) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 928.31 *Payroll reports.* On or before the 20th day of each delivery period each handler shall submit to the market administrator his producer payroll for the preceding delivery period which shall show (a) the total pounds of milk received from each producer or cooperative association, and the total pounds of butterfat contained in such milk; (b) the net amount of such handler's payment to each producer or cooperative association; and (c) the nature and amount of any deductions or charges involved in such payments.

§ 928.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted shall prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 928.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat contained in producer milk and other source milk;

(b) The weights of butterfat and skim milk in all milk, skim milk, cream and milk products handled; and

(c) Payments to producers and cooperative associations.

§ 928.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 928.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the delivery period by a handler and which is required to be reported pursuant to § 928.30 shall be classified by the market administrator pursuant to the provisions of §§ 928.41 through 928.46.

§ 928.41 *Classes of utilization.* Subject to the conditions set forth in §§ 928.43 and 928.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form (except as livestock feed) as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream, any mixture of cream and milk or skim milk (except bulk ice cream mix, eggnog and aerated cream), all skim milk and buttermilk in inventory at the end of the delivery period in the form of Class I items, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section;

(b) Class II milk shall be all skim milk and butterfat accounted for (1) as having been used to produce any products other than those specified in paragraph (a) of this section, (2) as disposed of for livestock feed, (3) in actual plant shrinkage of skim milk and butterfat in producer milk, but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively: *Provided*, That during the months of April, May, and June such maximum shrinkage allowance on skim milk shall be not in excess of 5 percent, and (4) in actual plant shrinkage of skim milk and butterfat in other source milk: *Provided*, That if producer milk and other source milk are both received at a handler's approved plant during the same delivery period the shrinkage of skim milk and butterfat, respectively, allocated to each source shall be computed pro rata according to the proportions of the volumes of skim milk and butterfat, respectively, received from such sources to their totals.

§ 928.43 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified as Class II milk.

§ 928.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream, to the approved plant of another handler unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the delivery period within which such transaction occurred: *Provided*, That in no event shall the amount of the skim milk or butterfat so assigned to Class II exceed the total utilization of skim milk or butterfat, respectively, in the plant of the transferee-handler: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants to give priority to producer milk in the allocation of Class I utilization.

(b) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk or skim milk and as Class II milk if so transferred in the form of cream to an unapproved plant located more than 250 miles from the square of Chanute, Kansas, by the shortest highway distance as determined by the market administrator.

(d) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 250 miles from the square at Chanute, Kansas (by shortest highway distance as determined by the market administrator), and from which Class I milk is disposed of unless:

(1) The handler claims Class II on the basis of a utilization mutually indicated in writing to the market administrator by both the operator of the unapproved plant and the handler on or before the 7th day after the end of the delivery period within which such transfer occurred; and

(2) The operator of the unapproved plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification: *Provided*, That the amount of skim milk and butterfat so classified in Class II shall be limited to the volume of skim milk and butterfat, respectively, in excess of the Class I utilization remaining in such plant after the subtraction of its receipt of skim milk and butterfat in milk direct from dairy farmers.

(e) As Class II milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 250 miles from the square at Chanute, Kansas, and from which no Class I milk is disposed of.

§ 928.45 *Computation of the skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 928.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 928.45, the market administrator shall determine the classification of producer milk as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 928.41 (b) (3);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk contained in the Class I items in inventory at the beginning of the delivery period;

(3) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the remaining pounds of skim milk in Class I;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers and assigned to such class pursuant to § 928.44 (a);

(5) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; or if the remaining pounds of skim milk remaining in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, respectively, as computed pursuant to paragraphs (a) and (b) of this section and determine the percent of butterfat content in such milk in each class.

MINIMUM PRICES

§ 928.50 *Basic formula price to be used in determining Class I price.* The basic formula price to be used in determining the price per hundredweight of Class I milk for the delivery period shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 928.51 (b), all for the preceding delivery period.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

divided by 3.5 and multiplied by 4.0.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

§ 928.51 *Class prices.* Subject to the provisions of § 928.52, each handler shall pay producers at the time and in the manner set forth in §§ 928.90 through 928.95 not less than the following prices per hundredweight for milk received from such producers during the delivery period:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amounts per hundredweight: $1.00 during the delivery periods April through June, and $1.45 during the delivery periods of July through March: *Provided*, That for each of the delivery periods of September through December, such price shall be not less than that for the preceding delivery period, and that for each of the delivery periods of April through June such price shall be not more than that for the preceding delivery period.

(b) *Class II milk.* The price for Class II milk shall be the arithmetic average of the basic, or field, prices reported to have been paid or to be paid per hundredweight for ungraded milk of 4.0 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department on or before the 6th day after the end of the delivery period by the companies indicated below:

Company and Location
Pet Milk Co., Neosho, Mo.
Borden Co., Fort Scott, Kans.
Carnation Co., Mount Vernon, Mo.
Pet Milk Co., Iola, Kans.

§ 928.52 *Butterfat differentials to handlers.* If the weighted average butterfat test of that portion of producer milk which is classified, respectively, in any class utilization for a handler pursuant to § 928.46 (c) is more or less than 4.0 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of 1 percent that such weighted average butterfat test is above, or below, respectively, 4.0 percent, a butterfat differential (computed to the nearest tenth of a cent) calculated as follows:

(a) *Class I milk.* Multiply by 1.25 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the preceding delivery period, and divide the result by 10.

(b) *Class II milk.* Multiply by 1.15 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period and divide the result by 10.

APPLICATION OF PROVISIONS

§ 928.60 *Producer-handlers.* Sections 928.40 through 928.46, 928.50 through 928.52, 928.70 through 928.72, 928.80 through 928.83 and 928.90 through 928.97 shall not apply to a producer-handler.

§ 928.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this part shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and shall allow verification of such reports by the market administrator pursuant to § 928.33.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject for skim milk and butterfat, which would be classified as Class I milk under this order, is less than the price provided by this part, such handler shall pay to the market administrator for deposit into the producer-settlement fund, with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area, an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this part and its value as determined pursuant to the other order to which he is subject.

§ 928.62 *Handlers doing less than 10 percent of their business in the marketing area.* In the case of any handler (except a handler who would be covered under § 928.61) who the Secretary determines disposes of less than 10 percent of his milk, qualified for distribution as Grade A milk in the marketing area, as Class I milk in the marketing area, the provisions of this part shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator shall require and shall allow verification of such reports by the market administrator pursuant to § 928.33;

(b) Pay to the market administrator for deposit into the producer-settlement fund, with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area, an amount equal to the difference between the Class I and Class II value of such skim milk or butterfat as computed pursuant to this part;

(c) As his pro rata share of the expense of administration of this part, such handler shall pay to the market administrator on each hundredweight of milk disposed of as Class I in the marketing area the amount per hundredweight in the manner specified in § 928.97.

DETERMINATION OF UNIFORM PRICES

§ 928.70 *Computation of value of milk.* The value of milk received during each delivery period by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices adjusted by the butterfat differential to handlers specified in § 928.52 and adding together the resulting amounts: *Provided*, That if the handler had an overage of either skim milk or butterfat there shall be added to the above values an amount computed by multiplying the

pounds of overage deducted from each class pursuant to § 928.46 (a) (5) or (b) by the applicable class prices.

§ 928.71 *Computation of uniform price.* For each delivery period of July through March the market administrator shall compute the uniform price per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total of the values computed pursuant to § 928.70 for all handlers who made the reports prescribed in § 928.30 and who made the payments required pursuant to § 928.93 for the preceding delivery period.

(b) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 928.95;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 928.91 and multiply the resulting figure by the total hundredweight of such milk;

(d) Divide the resulting amount by the total hundredweight of milk included in this computation, and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount per hundredweight computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for milk of 4.0 percent butterfat content received from producers.

§ 928.72 *Computation of the uniform prices for base milk and for excess milk.* For each of the delivery periods of April through June, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 928.70 for all handlers who make the reports prescribed in § 928.30 and who made the required payments pursuant to § 928.93 for the preceding delivery period.

(b) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 928.95;

(c) Subtract if the average butterfat content of producer milk represented if the values in paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 928.91 and multiply the resulting figure by the total hundredweight of such milk.

(d) Compute the total pounds of milk delivered by producers which are not in excess of their respective bases;

(e) Compute the total value of producer milk in excess of the delivered bases of all producers as follows: (1) Allocate in series beginning with Class II the total pounds of producer milk in excess of the total pounds of delivered base milk computed pursuant to paragraph (d) of this section; (2) multiply the total pounds of excess milk allocated to each class by the appropriate class prices computed pursuant to § 928.51 and add the resulting totals;

(f) Subtract from the value computed pursuant to paragraph (c) of this section the value of excess milk computed pursuant to paragraph (e) (2) of this section and divide the resulting total by the total hundredweight of base milk as computed in paragraph (d) of this section.

(g) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (f) of this section. The resulting price shall be the uniform price per hundredweight for base milk containing 4.0 percent butterfat.

(h) Divide the value obtained pursuant to paragraph (e) (2) of this section by the total hundredweight of excess milk and round to the nearest full cent. The resulting price shall be the uniform price per hundredweight of excess milk containing 4.0 percent butterfat content.

BASE RATING

§ 928.80 *Determination of daily base of each producer.* For the delivery periods of April through June of each year, the daily base of each producer shall be an amount of milk computed by the market administrator by dividing the total pounds of milk received from such producer by handlers during the preceding delivery periods of September through December by the total number of days in such period during which such producer made deliveries or by 90, whichever is greater.

§ 928.81 *Determination of the delivery period base of each producer.* For each of the delivery periods of April through June of each year the base of each producer shall be an amount of milk computed by the market administrator by multiplying the daily base of such producer by the number of days on which milk was received during such delivery period from such producer by a handler.

§ 928.82 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred by notifying the market administrator in writing before the last day of any month in which such base applies that such base is to be transferred to the person named in such notice only as follows:

(i) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operation.

(ii) If a base is held jointly and such joint holding is terminated, the entire base only may be transferred to one of the joint holders.

§ 928.83 *Announcement of daily bases.* On or before February 15, of each year, the market administrator shall notify each producer of his daily base.

PAYMENTS

§ 928.90 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the last day of each delivery period to each producer for milk received from him during the first 15 days of such delivery period at not less than the Class II price for the preceding delivery period: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payments for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association at least 2 days before the end of the delivery period, an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this subparagraph.

(b) On or before the 16th day after the end of each delivery period, for all milk received during such delivery period from such producer at not less than the applicable uniform prices for such delivery period computed pursuant to §§ 928.71 and 928.72, subject to the following adjustments:

(1) The butterfat differential pursuant to § 928.91; (2) payment made pursuant to paragraph (a) of this section; (3) marketing service deduction pursuant to § 928.96; (4) deductions authorized by the producer; and (5) any error in payments to such producer for past delivery periods: *Provided*, That if by such date such handler has not received full payment for milk for such delivery period pursuant to § 928.94, he may reduce uniformly per hundredweight, for all producers his payments pursuant to this paragraph, by an amount not in excess of the per hundredweight reduction in payments from the market administrator: *Provided further*, That the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments, pursuant to this paragraph, next following that on which such balance of payment is received from the market administrator: *And provided further*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association, on or before the 14th day after the end of each delivery period an amount equal to the sum of the individual payments otherwise payable to such producer in accordance with this paragraph.

§ 928.91 *Producer butterfat differential.* In making payments pursuant to § 928.90 (b), there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 928.92 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit payments made by handlers pursuant to §§ 928.61 (b), 928.62 (b), 928.93, and 928.95, and out of which he shall make payments to handlers pursuant to §§ 928.94 and 928.95: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 928.93 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator any amount by which the total value of the milk received by such handler from producers as determined pursuant to § 928.70 for such delivery period is greater than an amount computed by multiplying the total hundredweight of milk, or during the delivery period of April, May, and June the total hundredweight of base milk and excess milk, respectively, received from producers during the delivery period by the applicable uniform price(s), adding together the respective totals and adjusting for the butterfat differential provided for in § 928.91.

§ 928.94 *Payment out of the producer-settlement fund.* On or before the 13th day after the end of each delivery period the market administrator shall pay to each handler for payment to producers, or a cooperative association, any amount by which the value of the milk received by such handler from producers as determined pursuant to § 928.70 for the delivery period is less than an amount computed by multiplying the total hundredweight of milk, or during the delivery periods of April, May, and June the total hundredweight of base milk and excess milk, respectively, received from producers during the delivery period by the applicable uniform price(s), adding together the respective totals and adjusting for the butterfat differential provided for in § 928.91: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 928.95 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 928.96 *Marketing services.*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 928.90 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers during the delivery period, and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received from producers and to provide producers with market information.

(b) *Deductions with respect to members of a cooperative association.* In the case of producers who are members of a cooperative association, or who have given written authorization for the rendering of marketing services and the taking of deductions therefor by a cooperative association, and for whom the Secretary determines such a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by such producers and on or before the 15th day after the end of such delivery period pay over such deduction to the cooperative association rendering such services.

§ 928.97 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all receipts within the delivery period of: (1) Milk from producers including such handler's own production, and (2) other source milk which is classified as Class 1.

§ 928.98 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and;

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8 (c) (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 928.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 928.101.

§ 928.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 928.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 928.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secre-

tary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 928.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 928.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C., this 28th day of March 1951.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

[SEAL] F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 51-3904; Filed, Mar. 30, 1951; 8:50 a. m.]

[7 CFR, Part 988]

[Docket No. AO-195-A3]

HANDLING OF MILK IN KNOXVILLE, TENN., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Knoxville, Tennessee, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at Knoxville, Tennessee, on January 16–20, 1951, pursuant to notice thereof which was issued December 29, 1950 (15 F. R. 9396).

The material issues of record relate to:

(1) An increase in the Class I price differentials, the inclusion of a supply-demand Class I pricing arrangement and a decrease in the Class I butterfat differential;

(2) A revision in the list of plants used for determining Class II prices (manufacturing uses); a reduction in Class II price and in the Class II butterfat differential during the months of March through August; an increase in the Class II price during September through February; and a revision of the transfer and classification provisions applicable to milk for manufacturing uses;

(3) An extension of the marketing area to include certain surrounding towns and places;

(4) A change in the allocation provisions to provide for the classification of a limited quantity of producer milk as Class II milk before assigning other source milk to Class II utilization.

(5) A revision of the payment provisions of the order to incorporate a base-rating plan; and

(6) The inclusion of standard provisions pertaining to retention of records and termination of obligations.

Findings and conclusions. The following findings and conclusions on issues No. 1 and No. 2 are based upon the evidence introduced at the hearing and the record thereof. Findings and conclusions with respect to issues No. 3 through No. 6 are being temporarily deferred for further consideration and study.

1. The differential which is added to basic formula prices to determine the price for Class I milk should be increased approximately 20 cents per hundredweight. This differential should be decreased 2.5 cents per hundredweight for each full percentage point at any time that producer receipts increase to more than 110 percent of total Class I utilization during the previous 12 months. The present Class I butterfat differential of 1.4 times the average wholesale price of 92-score butter on the Chicago market should be reduced to 1.3 times the butter price.

The prices for Class I milk (fluid milk, cream, buttermilk, flavored milk drinks, etc.) are determined under the Knoxville order by adding specific differentials to a basic formula price representing manufacturing milk values. The differentials reflect mainly the additional costs of producing high quality milk and transporting it in fluid form in sufficient quantity to fill market demands. These differentials are presently $1.30 for the delivery period of December through March; $1.10 for April through July, and $1.50 for August through November. During the period August through December 1949 the order, as amended, provided for floor prices of $5.40 and during January through March 1950 for floor prices of $5.00 per hundredweight. These floor prices actually provided average differentials of $1.94 in the first period and $1.60 in the second. An indirect modification of prices occurred in September through November 1950 when producers negotiated premiums over the order prices for Class I milk.

Producers proposed that the order be amended to incorporate a Class I differential of $1.75 which would be subject to adjustments based on the relationship between receipts of producer milk and total Class I sales. Receipts and Class I sales during 1950 were such that the producers' proposal would have resulted in an average annual differential of more than $2.00 per hundredweight. Producers contended that a substantial increase in the level of prices is necessary to prevent the loss of present producers and to insure supplies in accord with the requirements of milk for fluid uses.

The number of producers supplying the Knoxville market increased from 536 in August 1949, the effective date of Order No. 88, to 604 in April 1950, at which time the upward trend ceased and the number ranged between 603 and 608 during the remaining months of 1950. Average daily production per farm during December 1950 was slightly lower than the previous year. Although receipts of producer milk during the period September through December 1950 were 11 percent greater than during the same period of the preceding year such receipts were equivalent to only 86.6 percent of total Class I utilization. It appears that under the present price differentials production has leveled off at a point short of an adequate supply of locally approved milk.

Total Class I sales during September-December 1950 were about 6 percent greater than during the corresponding period of 1949. Other source milk, principally in the form of condensed and dried skim milk, has been imported for use in Class I products in each month since the order has been in effect. During the last four months of 1950, approximately 16 percent of total Class I sales were derived from outside sources. Prospective industrial and defense activities in the Knoxville area indicate an increasing demand for fluid milk in this market.

Class I prices under Order No. 88 were shown to be substantially less than the cost of milk imported from outside approved sources and prices being offered for milk f. o. b. Knoxville in tank truck quantities by other southern fluid milk markets. Several nearby Tennessee and North Carolina markets have been paying higher Class I prices than those prevailing in the Knoxville market.

During the calendar year 1950, receipts of producer milk were equal to 99.7 percent of total Class I sales. For the months of March through July 1950, which included the months of seasonally highest production, producer receipts were equal to 112 percent of Class I uses and even then some "other source" milk was used to fulfill the requirements for Class I milk. The production of milk tends to be highest in the summer as the result of natural factors, whereas sales are comparatively uniform throughout the year. Thus, production by producers must be greater than annual sales of fluid milk. The testimony of both producers and handlers indicated that with the present production pattern and the available facilities for handling excess milk it is not desirable to develop a local supply of milk immediately which is adequate to fulfill the entire needs of the market during the months of shortest production. The development of sufficient year-around supplies may more properly be accomplished through a gradual increase in the level of production coupled with a more uniform production throughout the year. Under these conditions producer receipts of milk equivalent to 110 percent on an annual average of Class I utilization would appear to be a reasonable level of production to achieve in the near future.

The evidence shows that an increase in the prices received by Knoxville producers is necessary to prevent the loss of producers and offer stimulus for increased production. An increase in the average annual Class I differential from $1.30 to $1.50 per hundredweight will increase returns to producers and should tend to encourage within a reasonable time an annual supply of approved milk equal to about 110 percent of Class I sales. However, in view of uncertainty about future changes in the level of receipts of milk as well as Class I utilization, provision should be made for decreasing the Class I differential if receipts exceed 110 percent of Class I utilization.

The supply-demand adjustment proposed by producers would have provided for a two-cent adjustment in the Class I differential for each unit of percentage change in the relationship between total producer receipts and total Class I sales within a specified range and for larger adjustments outside this range. This supply-demand adjustment would have applied to a 6-month period and would have been computed on the basis of producer receipts and Class I sales during a preceding 5-month period. Thus, the percentage that receipts were of Class I sales during the 5 months March through July would determine the supply-demand adjustment applicable to the following fall and winter months of September through February. Similarly, the percentage during September through January would determine the adjustment for the following March through August. In each case a 5-month base period was included in the producer proposal to permit the determination of the supply-demand relationship one month in advance of its effective date.

Although it is desirable to base adjustments on as recent a period as possible, unusual production conditions during either 5-month base period might influence prices unduly during the succeeding six months. Production data over a longer period of time than are now available are needed to appraise the proposed plan. It is concluded, therefore, that the supply-demand relationship should be determined on the basis of a 12-month moving average. The influence of any short-time abnormal production or utilization changes will be reduced to a minimum. If more experience demonstrates the desirability of further modification of the plan, appropriate amendments to the order can be considered.

It would appear reasonable to provide for an annual average differential of $1.50 to apply unless the ratio of the supply of milk to demand reaches 110 percent during the preceding twelve months. At this point a 2.5-cent per hundredweight downward adjustment is provided for each full percentage point that this ratio exceeds 110 percent. At such time that a more appropriate relationship of receipts to Class I sales has been achieved consideration should be given to a supply-demand adjustment which will also bring about an automatic increase in the price when additional milk is needed.

Until conclusions have been reached concerning proposals for a base and excess plan, a seasonal difference in Class I differentials should be preserved. This may be accomplished by providing a $1.30 differential until August 1, 1951.

The butterfat differential applicable to the price for Class I milk should be equal to 1.3 times the average price of 92-score butter on the Chicago market. Producers proposed that the present Class I butterfat differential of 1.4 times the average wholesale price of 92-score butter on the Chicago market be reduced to 1.25 times the butter price. Class I milk is priced on the basis of 4.0 percent butterfat content, and the differential applies to any variation from 4.0 percent in the average butterfat test of all the butterfat and skim milk content of Class I products derived from producer milk. The monthly average test of all milk received from producers during the year ranges from 4.0 to 4.4 percent. However, the butterfat test of all Class I products is relatively constant at about 3.5 percent and the monthly test of producer milk utilized as Class I milk during 1950 varied between 3.5 and 4.2 percent. In each month since Order No. 88 has been in effect, with the exception of November 1949, the volume of butterfat contained in producer milk has exceeded the total utilization of butterfat as Class I milk. The skim milk contained in producer milk has been less than total Class I utilization of skim milk in 11 of the 17 months for which data are available under the order. A decrease in the butterfat differential and in the consequent cost of butterfat utilized in cream and other Class I products testing more than 4.0 percent butterfat will tend to encourage utilization of more butterfat in these uses.

Handlers opposed any reduction in the differential on the basis that it would increase their cost of Class I milk as a result of the fact that Class I utilization of producer milk averages below 4.0 percent. The fact is, however, that the market tends to be short of the nonfat component of milk and there is at times an excess of butterfat. The problem, therefore, is to find a method of facilitating the disposal of butterfat while at the same time increasing returns to producers. This reduction in butterfat prices will encourage the utilization of the comparatively large butterfat content of producer milk in high-fat Class I products such as fluid cream and cereal mixes. At the same time the increased Class I price of milk will, in effect, raise the value of the skim milk component. The net result will be to encourage a Class I utilization of skim and fat more nearly in line with the average test of producer milk. The average test of producer milk utilized in Class I products in 1950 was somewhat below 4.0 and the recommended reduction in butterfat differentials would have increased the handlers' cost slightly over one cent per hundredweight.

2. The provisions pertaining to pricing, transfer and classification of milk used for manufacturing uses should be revised.

Under the current order skim milk and butterfat utilized for manufacturing products such as evaporated and condensed milk, ice cream, butter, and other products which may be made from unapproved milk are classified as Class II milk. The Class II price is the average price reported by 10 manufacturing plants located in Tennessee and nearby states. Producers proposed that the Scott Cheese Company, Sweetwater, Tennessee, one of the ten plants, be eliminated from this list. The monthly prices reported by this company for 4.0 percent butterfat content of milk during 1950 were from 21 to 58 cents less per hundredweight than the corresponding average price for the other nine plants. The plants designated for use in determining the price of Class II milk are intended to reflect prices representative of the value of milk for manufacturing purposes in the Knoxville market. Changes in prices at the Sweetwater plant are not well correlated with changes in product values and are not reliable indicators of the value of milk for manufacturing uses in the Knoxville market. A comparison of the prices paid by this company for various butterfat tests of milk in a given month as well as prices for a given test of milk from month to month show unusual variances and irregularities. For these reasons this company should be deleted from the list of plants for which prices are averaged to determine Class II prices.

The exclusion of this plant would have increased the Class II price from 2.4 to 5.4 cents during the 12 months of 1950. Handlers contended that if this company is eliminated, 5 cents should be deducted from the average price reported for the remaining 9 plants. The evidence indicates that the 9-plant average price is representative of the value of manufacturing milk in the Knoxville area and no adjustment should be made in this average.

Handlers also proposed that a provision be incorporated in the order for the pricing of manufacturing milk during the months of March through August at 47 cents per hundredweight less than the regular Class II formula price. Provision was made in an amendment to the order issued March 27, 1950, for handling and transportation allowances on excess milk during April through August

of that year. Handlers in their brief submitted following the January 1951 hearing requested that these same provisions, which provided a somewhat lower allowance than proposed at the hearing, be incorporated in the order. Producers proposed that the factor 1.2 used in determining the Class I butterfat differential be reduced to 1.12 during the months of March through August and 10 cents per hundredweight added to the Class II price during other months of the year.

In the past, facilities for utilization of excess milk in the Knoxville market have been limited chiefly to the production of cream for disposal to butter and ice cream manufacturers. The nearest condensory to which whole milk could have been diverted was located approximately 75 miles from the marketing area.

Handlers testified that allowances for handling excess milk are necessary to operate on a break-even basis and that during 1950 losses were incurred. No data was presented to show the extent of such losses. Although requested on the record, handlers neglected to submit prices paid for manufacturing milk during the flush production season of 1950 at the principal condensery outlets.

During the period April through August of 1950, handlers disposed of approximately 70,000 pounds of skim milk daily as Class II milk and at the same time imported about 10,000 pounds of other source skim milk daily, more than half of which was utilized as Class I milk. In other months of the year receipts of skim milk from producers were less than the utilization of skim milk in Class I uses. Recently one of the Knoxville handlers has installed condensing equipment and these facilities, which were not available to the market during 1950, will now be devoted to handling excess milk. The testimony also indicates that an outlet not previously available is interested in purchasing excess milk from the Knoxville market. Under prospective production and demand conditions for fluid milk in the Knoxville market there is no indication that the market will be faced with a serious problem in the disposal of excess milk during the flush production season.

It was previously shown herein that milk produced in the Knoxville area is relatively high in butterfat content. This is true of milk produced for the fluid market as well as unapproved milk produced for manufacturing uses in the area. Local supplies of cream from unapproved sources are available to handlers who engage in ice cream production. The testimony indicated that under the handling allowances provided during 1950 some handlers actually disposed of Grade A cream for butter production and purchased ungraded cream for ice cream manufacture.

The record shows that under normal operations of some fluid milk plants in this area additional handling and transportation may be involved if excess milk must be disposed of for manufacturing uses. A manufacturing class price which will permit some element of profit, however, could very well necessitate relatively high Class I prices and result in the development of an uneconomical level of supply as well as improper allocation of milk among handlers.

Additional costs which may be incurred in handling excess milk by fluid milk handlers are comparable with other costs involved in the fluid milk business. The testimony of a milk distributor, not subject to Order No. 88, indicated that such costs are thus allocated to the costs of conducting his fluid milk operations. It should be noted also that producers during the short production season could divert milk to other markets at considerably higher prices than they have received locally and such opportunity costs to producers are in much the same category as added costs which may be incurred by handlers in disposing of excess milk. If handlers had assumed handling and transportation costs as great as 47 cents per hundredweight on the total amount of producer milk utilized as Class II milk in 1950, such costs would have been equivalent to less than 1 mill per quart on the total volume of producer milk disposed of in Class I uses. Handlers desire producers' entire output during the short production season and if so supplied they have a reponsibility for handling excess milk at reasonable competitive prices during the flush production months. Producers are endeavoring to promote more even production through education, seasonal pricing and a proposed base and excess plan.

Although Grade A cream is considered more desirable than ungraded cream for ice cream manufacture, greater use of Grade A excess fat in ice cream may be promoted by pricing it more nearly in accord with ungraded cream in this market. This may be accomplished by reducing the handler butterfat differential on Class II milk. The present differential is 1.2 times the average wholesale price of 92-score butter in the Chicago market. During 1950 a local creamery—primarily a purchaser of unapproved cream and one of the outlets for excess butterfat—paid an average price per pound of butterfat of 1.1 times the 92-score butter price. The average butterfat differential paid by the 9 plants on which the Class II price is determined was 1.1.

Each month's Class II prices for 4.0 percent milk adjusted by the corresponding butterfat differential provided in the order result in a price for skim milk ranging from minus 4 cents to plus 18 cents per hundredweight. In 15 of the 17 months the order has been in effect the price was less than 8 cents per hundredweight. During the period of April through August of 1950 skim milk was priced at less than 5 cents per hundredweight. A reduction in the butterfat differential would tend to bring about a more reasonable relation between the value assigned to skim milk and butterfat in Class II milk. For these reasons the Class II butterfat differential factor of 1.2 should be reduced to 1.15. This will not change the cost of class II milk containing 4.0 percent butterfat but excess Grade A butterfat will be priced more nearly in accordance with the local price for unapproved butterfat. During 1950 this reduction in the butterfat differential would have lowered the cost to handlers of producer milk classified as Class II milk (which contained an average of 8.2 percent butterfat) by an amount equivalent to 14 cents per hundredweight below the regular Class II price. The cost of the skim milk and butterfat contained in a can of 40 percent cream would have been reduced approximately 90 cents. No additional allowance should be provided for disposal of excess milk.

Under the present provisions of the order a nonfluid milk plant to which producer milk is transferred or diverted must have an equivalent amount of skim milk and butterfat utilized in Class II uses or such transfers are classified as Class I milk. This provision seriously impairs the orderly disposal of excess milk, particularly butterfat, in the Knoxville market. Manufacturing facilities located in handlers' plants are limited and in the past most excess whole milk has moved through nonfluid milk plants located some distance from the marketing area and excess butterfat disposed of as cream to a local creamery and ice-cream manufacturers. Additional equipment has recently been installed to handle excess whole milk in a nonfluid milk plant operated by a handler and located in the marketing area. This milk will be made into condensed skim milk and cream for disposal in ice cream manufactured in this plant and to other manufacturers of dairy products.

Under the provisions of the current order, skim milk and butterfat transferred to such nonfluid milk plant and then disposed of in the form of fluid cream must be classified as Class I milk. The disposal of excess milk, particularly skim milk and butterfat converted to cream, will be facilitated in this market at this time by providing for the classification of such skim milk and butterfat on the basis of its utilization in the plant where the final product is made.

The transfer provisions of the order should be changed accordingly. Disposal of excess skim milk and butterfat on this market by nonfluid milk plants and to which the change in the classification procedure will apply usually will be made by plants operated by handlers and in the form of cream to other nonfluid milk plants located in or near the marketing area. There is no need to extend this classification procedure to skim milk and butterfat disposed of in forms other than cream or beyond the second nonfluid milk plant handling such cream.

The requirements relative to reporting, maintenance of records, and inspection of such records by the market administrator which apply to such transfers from a fluid milk plant to a nonfluid milk plant should pertain to such transfers made by the first receiving nonfluid milk plant to another plant.

3. The other proposals considered at the hearing, issues Nos. 3 through No. 6, providing for an enlargement of the Knoxville marketing area to include several nearby densely populated areas and other cities and towns, the incorporation in the order of a base and excess payment plan and other revisions and additions to the order are being deferred at this time. Examination of the record indicates that these issues cannot be adequately treated without unduly delaying the decision with respect to the pricing of Class I and Class II milk in this market. The decision on these issues should not delay action on the price issues considered at the hearing and upon which proponents urged that the earliest possible action be taken.

4. General: (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act; (b) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, regulates the handling of milk in the same manner and is applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing agreement upon which a hearing has been held; and

(c) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers in the Knoxville market. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals considered at the hearing. Every point covered in the briefs was carefully examined along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this recommended decision.

Recommended amendment to the order. The following amendment to the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The amendments to a proposed marketing agreement are not repeated because they would be identical to the following:

1. In § 988.5 (b) delete subparagraph (1) and substitute the following:

(1) *Class I milk.* The price for Class I milk prior to August 1, 1951 shall be the basis formula price plus $1.30 per hundredweight. Effective August 1, 1951, the price for Class I milk shall be the basic formula price plus $1.50 per hundredweight: *Provided*, That, if during the 12 months prior to the month immediately preceding each delivery period, the total volume of milk received from producers by all handlers was more than 110 percent of the total Class I utilization of all handlers during such 12-month period, the Class I price shall be decreased 2.5 cents per hundredweight for each full percentage point that such percentage is more than 110 percent.

2. In § 988.5 (b) delete from subparagraph (2) "Scott Cheese Co., Sweetwater, Tenn."

3. In § 988.5 (c) delete from subparagraph (1) "1.4" and substitute "1.3" therefor.

4. In § 988.5 (c) delete from subparagraph (2) "1.2" and substitute "1.15" therefor.

5. In § 988.4 (d) add the following proviso at the end of subparagraph (3): "*Provided further*, That if such plant disposes of fluid cream to another nonfluid milk plant which plant conforms with the requirements of subdivisions (i), (ii), and (iii) of this subparagraph, such cream shall be classified as Class II milk."

Issued at Washington, D. C., this 28th day of March 1951.

[SEAL] F. R. BURKE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-3906; Filed, Mar. 30, 1951; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 13]

[Docket No. 9634]

COMMERCIAL RADIO OPERATOR

TEMPORARY LIMITED RADIOTELEGRAPH SECOND CLASS OPERATOR LICENSE

In the matter of amendment of Part 13 of the Commission's rules to establish and provide for a class of operator license designated "Temporary Limited Radiotelegraph Second Class Operator License".

1. Notice is hereby given of proposed rule-making in the above-entitled matter.

2. Proposed amendments to §§ 13.2 (a) (1), 13.3, 13.5, 13.22, 13.25, 13.61 and 13.62 (a) of Part 13 of the Commission's rules are set forth below. In view of information which has come to the Commission's attention recently concerning an alleged shortage of available licensed commercial radio operators to operate licensed radiotelegraph equipment aboard ships, it is proposed to establish on a temporary basis, for the duration of the emergency proclaimed by the President on December 16, 1950, or until further order of the Commission, a class of operator license designated "Temporary Limited Radiotelegraph Second-Class Operator License" in addition to those specified in § 13.2 of the Commission's rules which would authorize the holder thereof to operate licensed radiotelegraph equipment aboard ships only. This Temporary Limited Radiotelegraph Second-Class Operator License would be issued, upon written application, to any eligible person who has since January 1, 1940 held, but does not now hold, a radiotelegraph first-class, radiotelegraph second-class, or temporary limited radiotelegraph second-class (obtained after examination), operator license, which was valid and outstanding on its date of expiration, and who, upon examination pursuant to his application, shows his ability to transmit and receive spoken messages in English and successfully passes the Commission's code test at a speed of not less than sixteen (16) code groups per minute.

3. This proposed rule is issued under the authority of sections 4 (i), 303 (l) and (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendments should not be adopted, as well as any person who favors this proposal, may file with the Commission on or before April 16, 1951, a written statement or brief setting forth his comments. The Commission will consider all comments, briefs and statements presented before taking final action in the matter.

5. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: March 21, 1951.

Released: March 26, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Section 13.2 (a) (1) of the Commission's rules is amended by adding the following new subdivision and footnote:

(iii) Temporary limited radiotelegraph second-class operator license.[*]

[*] For limitation as to persons eligible to apply for this class of license, see § 13.5 (d).

2. Section 13.3 of the Commission's rules is amended to include at the end thereof the following new proviso: "*Provided, however*, That a person may at the same time hold both a temporary limited radiotelegraph second-class operator license and a radiotelegraph third-class operator permit."

3. Section 13.5 of the Commission's rules is amended by adding at the end thereof the following new paragraph:

(d) Even though otherwise eligible to apply for an operator license, no person shall be eligible to apply for a temporary limited radiotelegraph second-class operator license except a person who, since January 1, 1940, held, but at the time of filing application does not hold, a radiotelegraph first-class, radiotelegraph second-class, or temporary limited radiotelegraph second-class (issued after examination), operator license which was valid and outstanding on its date of expiration.

4. Section 13.22 of the Commission's rules is amended by renumbering paragraphs (d) through (g) as (e) through (h), respectively, and by adding the following new paragraph (d):

(d) Temporary limited radiotelegraph second-class operator license:

(1) Ability to transmit and receive spoken messages in English.

(2) Transmitting and receiving code test of sixteen (16) code groups per minute.

5. Section 13.25 of the Commission's rules is amended to include the following new sentence at the end thereof: "In addition, no person holding a temporary limited radiotelegraph second-class operator license will be relieved of qualifying by examination when applying for any other class of license for which examination on any subject matter is required."

6. Section 13.61 of the Commission's rules is amended by renumbering paragraphs (c) through (g) as (d) through (h), respectively, and by adding the following new paragraph (c):

(c) *Temporary limited radiotelegraph second-class operator license.* Any ship station or ship radar station, subject to the following conditions and limitations:

(1) On a passenger vessel required by treaty or statute to maintain a continuous radio watch by operators or on a vessel having continuous hours of service for public correspondence, the holder of this class of license may not act as chief operator.

(2) On a vessel (other than a vessel operated exclusively on the Great Lakes) required by treaty or statute to be equipped with a radiotelegraph installation, the holder of this class of license may not act as chief or sole operator until he has had at least 6 months' satisfactory service in the aggregate as a qualified radiotelegraph operator in a station on board a ship or ships of the United States.

(3) At a ship radar station licensed in the Ship Service, the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy unless he has satisfactorily completed a supplementary examination (with the passing grade normally required) qualifying him for that duty and received a ship radar endorsement on his license certifying to that fact: *Provided*, That nothing in this subparagraph shall be construed to prevent persons holding licenses not so endorsed from making replacements of fuses or of receiving-type tubes. The supplementary examination shall consist of:

(i) Written examination element: 8.

7. Section 13.62 (a) of the Commission's rules is amended to read as follows:

(a) The holder of any class of commercial radio operator license except temporary limited radiotelegraph second-class operator license may operate any station in the experimental service while using frequencies solely above 300 megacycles.

[F. R. Doc. 51-3956; Filed, Mar. 30, 1951; 9:31 a. m.]

[47 CFR, Part 13]

[Docket No. 9935]

COMMERCIAL RADIO OPERATORS

WAIVER OF CERTAIN REQUIREMENTS FOR RENEWAL OF LICENSES

In the matter of amendment of § 13.28 of the Commission's rules and waiver of the existing renewal requirements to permit renewal of commercial radio operator licenses without prior service and written examination.

1. Notice is hereby given of proposed rule-making in the above-entitled matter.

2. Section 13.28 of the Commission's rules governing Commercial Radio Operators requires, in part, prior service as a radio operator and in some instances also a limited examination for renewal of radio operator licenses of certain classes. Many commercial radio operators are not able to comply with such requirements because they either are actively serving or entering into active service in various branches of the Armed Services of the United States, or are serving temporarily in various civilian activities in connection with the present emergency other than as radio operators. It is therefore proposed to waive the normal requirement of prior service as a radio operator or of examination for renewal of commercial radio operator licenses which expired beginning January 1, 1951 and to amend §13.28 by the addition of a footnote in which the conditions of such waiver would be stated as follows:

[1a] By order dated and effective _____, 1951, the Commission temporarily waived the requirement of prior service as a radio operator or examination for renewal in the case of any applicant for renewal of his commercial radio operator license. This order is applicable to commercial radio operator licenses which expired beginning January 1, 1951 until further order of the Commission.

3. This proposed rule is issued under the authority of sections 4 (i) and 303 (l) and (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendment and waiver should not be adopted, as well as any person who favors this proposal, may file with the Commission on or before April 16, 1951, a written statement or brief setting forth his comments. The Commission will consider all comments, briefs and statements presented before taking final action in the matter.

5. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: March 21, 1951.

Released: March 26, 1951.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 51-3957; Filed, Mar. 30, 1951; 9:31 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

AGRICULTURAL RESEARCH ADMINISTRATION

DELEGATION OF AUTHORITY TO ADMINISTRATOR WITH RESPECT TO FACILITATION OF NATIONAL DEFENSE

1. Pursuant to the authority contained in Executive Order 10216, dated February 23, 1951, the Administrator of the Agricultural Research Administration is authorized to utilize the authority set forth in Title II of the First War Powers Act, 1941, as amended and extended by the act of January 12, 1951 (Public Law 921, 81st Congress), in connection with programs now or hereafter assigned to the Agricultural Research Administration related to the facilitation of the national defense. The Administrator shall designate in writing any program to which he determines this authority shall apply.

2. The authority hereby delegated does not include the authority to amend or modify contracts without consideration, or to settle claims or release accrued obligations.

3. The Administrator of Agricultural Research Administration may make provision for the use by the Agricultural Research Administration of the authority hereby delegated. These provisions shall include regulations showing the uses to which the authority will be put and the methods by which control will be exercised.

4. In the exercise of the authority hereby delegated all of the applicable terms and conditions of Executive Order 10216, dated February 23, 1951 (16 F. R. 1815), and of Part I of Executive Order 10210, dated February 2, 1951 (16 F. R. 1049), shall be followed.

Done at Washington, D. C., this 27th day of March 1951.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51-3895; Filed, Mar. 30, 1951; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 874, General Permit 10]

NEW YORK, ONTARIO AND WESTERN RAILWAY CO. AND MOSES BROTHERS CO.

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Service Order No. 874 (16 F. R. 2040), permission is granted for The New York, Ontario and Western Railway Company (Raymond L. Gebhardt and Ferdinand J. Seighardt, Trustees) serving Moses Brothers Company, Eaton, N. Y., to disregard the provisions of Service Order No. 874 insofar as it applies to any car loaded with Dairy, Animal and Poultry Feed when Moses Brothers Company advise that service would be denied because of its inability to meet the minimum requirements because of inadequate facilities of company owned stores, located on the New York, Ontario and Western Railway.

The waybills shall show reference to this general permit and the Moses Brothers Company shall furnish the Permit Agent the dates forwarded, car numbers, initials, and destinations of the cars shipped under this permit.

This general permit shall become effective at 12:01 a. m., March 26, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of March 1951.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 51-3900; Filed, Mar. 30, 1951; 8:48 a. m.]

[S. O. 874, General Permit No. 11]

RALSTON PURINA CO.

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Service Order No. 874 (16 F. R. 2040), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act, serving Ralston Purina Company, Buffalo, New York, to disregard the provisions of Service Order No. 874 insofar as it applies to any car loaded by the Ralston Purina Company when the Ralston Purina Company advise that such car is loaded with mixed livestock, dairy, and poultry feeds in bulk, or with bulk mixed livestock, dairy and poultry feed together with sacked mixed livestock, dairy, and poultry feed, and that the total weight of such shipments shall be or exceed 60,000 pounds because of inability of loading device to load to within 24 inches of the roof of cars, except at ends of car.

The waybills shall show reference to this general permit and the Ralston Purina Company shall furnish the Permit Agent dates forwarded, the car numbers and initials and destinations of the cars shipped under this permit.

This general permit shall become effective at 12:01 a. m., March 26, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, division of the Federal Register.

Issued at Washington, D. C., this 23d day of March 1951.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 51-3901; Filed, Mar. 30, 1951; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2576]

WEST PENN ELECTRIC CO. AND POTOMAC EDISON CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 26th day of March A. D. 1951.

The West Penn Electric Company ("West Penn Electric"), a registered holding company, and its subsidiary, The Potomac Edison Company ("Potomac"), a registered holding company and a public utility company, having filed a joint application-declaration pursuant to sections 6, 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 (the "act") and Rules U-43, U-44, and U-50 promulgated thereunder with respect to the following transactions:

Potomac proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $10,000,000 principal amount of its First Mortgage and Collateral Trust Bonds, ____ percent series due 1981. The bonds are to be issued under and secured by Potomac's present indenture dated as of October 1, 1944, as supplemented by an indenture to be dated as of April 1, 1951. Representatives of Potomac have requested that in connection with the offering of these bonds, the 10 day period for the solicitation of bids, required by the provisions of Rule U-50, be shortened to not less than six days.

Potomac also proposes to issue and sell 200,000 shares of common stock, without par value, to West Penn Electric and West Penn Electric proposes to acquire such shares for a total cash consideration of $4,000,000. West Penn Electric will pledge the new shares of common stock to be acquired by it from Potomac as additional collateral security for West Penn's Electric 3½% Sinking Fund Collateral Trust Bonds. West Penn Electric now owns all of the 450,000 shares of outstanding common stock of Potomac. It is represented in the filing that the proceeds from the sale of these securities will be used to assist Potomac and its subsidiaries with contemplated construction programs for the years 1951 and 1952.

Notice of the filing of this joint application-declaration having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act and the Commission not having received a request for hearing and not having ordered a hearing thereon; and

The Commission finding with respect to this joint application-declaration, as amended, that all of the applicable statutory standards are satisfied and that there is no basis for any adverse findings and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective forthwith;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, that said joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the following terms and conditions:

(1) That the proposed issuance and sale of the $10,000,000 principal amount of First Mortgage and Collateral Trust Bonds, ____ percent series due 1981, by Potomac shall not be consummated until the results of competitive bidding, held with respect thereto, have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate;

(2) That jurisdiction be reserved with respect to the payment of any and all fees and expenses incurred or to be incurred in connection with the consummation of the proposed transactions.

It is further ordered, That the period for solicitation of bids, with respect to the above described bonds, be shortened, from the period of 10 days prescribed in paragraph (b) of Rule U-50, to a period of not less than 6 days.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3891; Filed, Mar. 30, 1951; 8:45 a. m.]

[File No. 54-192]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

NOTICE OF FILING OF APPLICATION RELATING TO PREFERRED STOCK

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 26th day of March A. D. 1951.

Notice is hereby given that an application has been filed with this Commission pursuant to section 11 (d) of the Public Utility Holding Company Act of 1935 ("the act") by Bartholomew A. Brickley, Trustee of International Hydro-Electric System ("IHES"), a registered holding company, relating to quarterly payments of 87½ cents per share to the holders of the Convertible $3.50 Series of Preferred Stock of IHES

beginning on or about April 15, 1951, pending the determination of plans and proposals now before the Commission for compliance with the Commission's order of July 21, 1942, entered under section 11 (b) (2) of the act, for the liquidation and dissolution of IHES.

All interested parties are referred to said application on file in the office of the Commission for a statement of the transactions therein proposed. Briefly, the application indicates:

(1) That on April 19, 1949, the Trustee filed with the Commission, pursuant to section 11 (d) of the act, his Second Plan for the liquidation and dissolution of IHES; that Parts I and II of said plan, relating to the retirement of the debentures of IHES, have now been consummated; that hearings have been held and the record closed on Part III of said plan, which proposes to allocate eight Trustee's Certificates for each preferred share, including dividend arrears, and one Trustee Certificate for each Class A share.

(2) That 142,799 shares of preferred stock of IHES are outstanding, with a par value of $50 per share; that regular dividends, if declared, are payable quarterly on January 15, April 15, July 15, and October 15 each year; that the last payment of preferred dividends was on July 15, 1934; that as of January 15, 1951, preferred dividend arrears amounted to $57.75 per share.

(3) That the income of IHES now appears adequate to pay its current operating expenses; also to pay the installments required under the loan agreement with The Chase National Bank of the City of New York (under which IHES must pay interest at the rate of 2¼% per annum and must apply 60% of its net income in reduction of the principal amount of the bank loan, now $8,500,000); also to pay to its preferred stockholders 87½ cents per share quarterly, being an amount equivalent to the quarterly dividend on the preferred stock.

The Trustee therefore prays that he be authorized to pay on or about April 15, 1951, or as soon thereafter as may be practicable after approval by this Commission and by the United States District Court for the District of Massachusetts, 87½ cents per share to the holders of the outstanding preferred stock of IHES, and to make similar payments thereafter on July 15, October 15, January 15, and April 15 in each year pending the further order of the Commission or the Court; that he be further authorized to fix the date as of which the record holders of the preferred stock of IHES shall be entitled to any such payment, which date shall not be more than 30 days prior to the date fixed for such payment; that such payments shall be made only from funds available after complying with the terms of said loan agreement, and after providing for all operating expenses and taxes of IHES, and after setting aside such reserves as the Trustee may deem advisable.

Notice is further given that any interested person may, not later than April 9, 1951 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said application which he proposes to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., At any time after April 9, 1951, said application, as filed or as amended, may be granted without public hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3892; Filed, Mar. 30, 1951; 8:46 a. m.]

[File No. 70-2578]

WORCESTER COUNTY ELECTRIC CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 26th day of March A. D. 1951.

Worcester County Electric Company ("Worcester County"), a subsidiary of New England Electric System ("NEES"), a registered holding company, having filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 an application pursuant to the third sentence of section 6 (b) of said act and Rule U-50 thereunder with respect to the following transactions:

Worcester County proposes to issue and sell $12,000,000 principal amount of First Mortgage Bonds, Series B, to be dated March 1, 1951, and to mature March 1, 1981. The interest rate (which shall be a multiple of ⅛ of 1 percent) and the price to be paid to Worcester County (which, excluding accrued interest, shall not be less than 100 percent nor more than 102.75 percent of the principal amount) are to be determined at competitive bidding pursuant to Rule U-50. Worcester County proposes to issue the bonds under its First Mortgage Indenture and Deed of Trust dated July 1, 1949, as amended by a supplemental indenture dated March 1, 1951, which, it is stated, will secure the bonds to be issued by a direct first mortgage lien on substantially all the properties then owned by the company, with certain limited exceptions.

The application states that the proceeds from the sale of the bonds (exclusive of accrued interest and of expenses of issuance estimated by Worcester County at $90,400) will be applied by Worcester County to the payment of notes due May 31, 1951, issued to evidence bank borrowings aggregating $11,370,000; to the payment of notes and advances due NEES aggregating $505,000 and to the cost of additions to the plant and property of Worcester County.

The issue and sale of said bonds having been expressly authorized by the Department of Public Utilities of the Commonwealth of Massachusetts, the State commission of the State in which Worcester County is organized and doing business;

Applicant having requested that the period for the invitation of bids as prescribed by Rule U-50 under the act be shortened to not less than six days and that the Commission's order herein become effective upon issuance; and

The Commission finding that said application, as amended, satisfies the requirements of the applicable provisions of the act and the rules thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted effective forthwith, subject to the terms and conditions specified below:

It is ordered, Pursuant to the applicable provisions of the act and the rules thereunder, that said application, as amended, be, and hereby is, granted, effective forthwith, and that for the purposes of this proceeding the ten-day period for the invitation of bids as prescribed by Rule U-50 be, and it hereby is, shortened to a period of not less than six days, all subject, however, to the provisions of Rule U-24 and to the following terms and conditions:

(1) That the proposed issue and sale of said bonds shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding and a further order entered by this Commission on the basis of the record so supplemented, which order may contain such terms and conditions, if any, as may then be deemed appropriate, jurisdiction being reserved for this purpose; and

(2) That jurisdiction be reserved with respect to the payment of all legal, accounting and auditing fees and expenses in connection with the proposed transactions, including fees and expenses of counsel for the successful bidders.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3893; Filed, Mar. 30, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17523]

C. LOUISE SOEKER AND MERCANTILE-COMMERCE BANK AND TRUST CO.

In re: Trust Agreement dated October 12, 1934, between C. Louise Soeker, Donor and Mercantile-Commerce Bank and Trust Company and C. Louise Soeker, trustees. File No. D-28-8129-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Soeker, Willy Windau, Frieda Windau, Johanna Thias and Anna Hollmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Willy Windau, of Frieda Windau, of Johanna Thias and of Anna Hollmann, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. All right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof not heretofore vested by Vesting Order No. 13171 in and to and arising out of or under that certain trust agreement dated October 12, 1934, between C. Louise Soeker, Donor and Mercantile-Commerce Bank and Trust Company and C. Louise Soeker, Trustees, presently being administered by Mercantile-Commerce Bank and Trust Company, Locust-Eighth-St. Charles Streets, St. Louis 1, Missouri, as trustee, and

b. All property of any kind or character in the possession, custody or control of the Mercantile-Commerce Bank and Trust Company, St. Louis, Missouri, as trustee under that certain trust agreement dated October 12, 1934, between C. Louise Soeker, donor and Mercantile-Commerce Bank and Trust Company and C. Louise Soeker, trustees, including particularly but not limited to:

(1) The following described bonds, together with any and all rights thereunder and thereto:

Description of issue	Certificate Nos.	Face value
United States Savings Bonds, Series "F".	[illegible]	$100
	[illegible]	100
	[illegible]	500
	M5088[illegible]F	1,000
	M5088[illegible]F	1,000
United States Savings Defense Bonds, Series "G".	[illegible]	100
	[illegible]	100
	[illegible]	100
	[illegible]	500
	M[illegible]G	1,000
	M[illegible]G	1,000
	M[illegible]G	1,000
	M[illegible]G	1,000
	V[illegible]G	5,000
United States Savings Bonds, Series "G".	M[illegible]G	1,000
	M[illegible]G	1,000
	M2-[illegible]-G	1,000
U. S. Treasury Bonds, 1962-67.	[illegible]	1,000
	[illegible]	1,000
U. S. Treasury Bonds, 1959-62	[illegible]	1,000
	[illegible]	1,000
	[illegible]	1,000

(2) The sum of $273.01 as of February 1, 1951, together with any and all accruals thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Willy Windau, of Frieda Windau, of Johanna Thias and of Anna Hollmann, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above subject to all lawful fees and disbursements of the Mercantile-Commerce Bank and Trust Company, St. Louis, Missouri, as trustee under that certain trust agreement dated October 12, 1934, between C. Louise Soeker, donor, and Mercantile-Commerce Bank and Trust Company and C. Louise Soeker, trustees, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-3837; Filed, Mar. 23, 1951; 8:55 a. m.]

[Vesting Order 17503]

OLGA I. HOPPE

In re: Estate of Olga I. Hoppe, deceased. File No. D-28-6618; E. T. sec. 4868.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lillie Ickert, also known as Lilly Ikert, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of Olga I. Hoppe, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Boris Hoppe, as executor, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

4. That the property described as follows: An undivided five twenty-fourth (5/24) interest in that certain lot or parcel of land, with the buildings and improvements thereon, in the Borough and County of Queens, City and State of New York, as laid down on a certain map entitled "Map of Richmond Hill and Kew Gardens, L. I., showing property of the Estate of A. P. Man," and filed in the Office of the Clerk of the County of Queens as Map No. 616, November 29th, 1911, made by A. P. Man, C. E., which said lot with reference to said map is particularly bounded and described as follows:

Beginning at a point in the westerly line of Grenfell Avenue distant one hundred and eighty (180) feet northerly from the corner formed by the intersection of the said westerly line of Grenfell Avenue with the northly line of Quentin Street; running thence westerly and at right angles to Grenfell Avenue one hundred fifteen (115) feet; thence northerly and parallel with Grenfell Avenue seventy-two (72) feet; thence easterly at right angles to Grenfell Avenue one hundred fifteen (115) feet to the westerly line of Grenfell Avenue; thence southerly along said westerly line of Grenfell Avenue seventy-two (72) feet to the point of beginning, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 4 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-3862; Filed, Mar. 28, 1951; 8:54 a. m.]

[Return Order 781]

I. RZEPECKA

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith.

It is ordered, That the claimed property, described below and in the determinatio 1, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published, and Property

Mrs. Maria Rzepecka, d/b/a I. Rzepecki, Marszalkowski 91, Warsaw, Poland; Claim No. 37362; September 6, 1950 (15 F. R. 6010); property to the extent owned by the claimant immediately prior to the vesting thereof, described in Vesting Order No. 4033 (9 F. R. 13269, November 8, 1944) relating to certain copyrights identified by assignments in the United States Copyright Office (listed in Exhibit A of said Vesting Order).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3839; Filed, Mar. 28, 1951; 8:56 a. m.]

[Vesting Order 17539]

ROBERT H. BEST

In re: Bank account owned by Robert H. Best, also known as Robert Best. F-28-1143-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert H. Best, also known as Robert Best, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, arising out of an unclaimed deposit account, entitled Countess N. V. De Roye and or Robert Best, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Robert H. Best, also known as Robert Best, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3907; Filed, Mar. 30, 1951; 8:51 a. m.]

[Vesting Order 17540]

ALFRED HERBERT

In re: Debt owing to Alfred Herbert, limited. F-39-3072-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred Herbert, Limited, the last known address of which is Kitaku, Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Osaka, Japan and is a national of a designated enemy country (Japan).

2. That the property described as follows: That certain debt or other obligation owing to Alfred Herbert, Limited, by The Fellows Gear Shaper Company, 78 River Street, Springfield, Vermont, arising out of purchases and commissions, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan).

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3908; Filed, Mar. 30, 1951; 8:57 a. m.]

[Vesting Order 17542]

TOMOYA KAWAKITA

In re: Bank accounts owned by Tomoya Kawakita also known as Tom Kawakita. F-39-4626-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tomoya Kawakita, also known as Tom Kawakita, on or since the effective date of Executive Order 8389, as amended, and on or since December 8, 1941, has been a resident of Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. An undivided one half (½) interest in that certain debt or other obligation of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco 20, California, arising out of a checking account entitled Hiroko and Tomoya Kawakita, maintained at the branch office of the aforesaid bank, located at 303 Second Street, Calexico, California, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco 20, California, arising out of a savings account, account number 1229, entitled Tom Kawakita, maintained at the branch office of the aforesaid bank, located at 303 Second Street, Calexico, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by, Tomoya Kawakita also known as Tom Kawakita, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3909; Filed, Mar. 30, 1951; 8:51 a. m.]

[Vesting Order 17545]

TOKUO ODA

In re: Bank account and bonds owned by Tokuo Oda, also known as T. Oda. D-39-2009-E-1/2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tokuo Oda, also known as T. Oda, whose last known address is 123 3-Chome Yagashinmachi, Hiroshima City, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation of Security-First National Bank of Los Angeles, Sixth and Spring Streets, Los Angeles, California, arising out of a Savings Account, account No. 4010, entitled T. Oda, maintained at the Guadalupe Branch Office of the aforesaid bank located at Guadalupe, California, and any and all rights to demand, enforce and collect the same,

b. Two (2) United States Savings Bonds, Series E, of $100 face value each, bearing the numbers C6786209E and C6786210E, registered in the name of Tokuo Oda and presently in the custody of the Federal Reserve Bank of San Francisco, San Francisco, California, together with any and all rights thereunder and thereto, and

c. Cash in the sum of $19.24 presently in the possession of the Treasury Department of the United States in Trust Fund Account No. 158881 entitled "Unclaimed Monies of Individuals Whose Whereabouts are Unknown" in the name of Tokuo Oda, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Tokuo Oda, also known as T. Oda, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3910; Filed, Mar. 30, 1951; 8:52 a. m.]

[Vesting Order 17548]

VERKAUFSVEREINIGUNG FUR TEERERZEUGNISSE, G. M. B. H.

In re: Debt owing to Verkaufsvereinigung Fur Teererzeugnisse, G. m. b. H. F-28-13810.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Verkaufsvereinigung Fur Teererzeugnisse, G. m. b. H., the last known address of which is 45 II Hagenstrasse Essen-Ruhr, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Bernuth, Lembcke Co., Inc., 420 Lexington Avenue, New York, New York, arising out of an account payable, maintained on the books of the aforesaid Bernuth, Lembcke Co., Inc., in the name of N. V. Crediten Handelsmaatschappij and representing the purchase of creosote oil from Verkaufsvereinigung Fur Teererzeugnisse, G. m. b. H., together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3911; Filed, Mar. 30, 1951; 8:52 a. m.]

[Vesting Order 17549]

CARL J. AND CORA ISABEL DUNCKER

In re: Cash owned by Carl J. Duncker and Cora Isabel Duncker. D-28-664-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl J. Duncker and Cora Isabel Duncker, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Cash in the amount of $11,000.00 in a special deposit account, numbered 19F5875, maintained with the Treasurer of the United States, Treasury Department, Washington 25, D. C., and entitled "Special Deposits, Suspense, Department of State," together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Carl

J. Duncker and Cora Isabel Duncker, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3912; Filed, Mar. 30, 1951; 8:52 a. m.]

[Vesting Order 17550]

ELLA FICK

In re: Stock owned by Ella Fick, also known as Ella Maria Fick, Ella Ammann, Ella Emann, Ella Amman, and as Ella M. Emmann. F-28-31284.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ella Fick, also known as Ella Maria Fick, Ella Ammann, Ella Emann, Ella Amman, and as Ella M. Emmann, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: One hundred-five (105) shares of $1.00 par value capital stock of Continental Motors Corporation, 205 Market Street, Muskegon, Michigan, a corporation organized under the laws of the State of Virginia, evidenced by two (2) certificates numbered NYE 85657 for five (5) shares, registered in the name of Ella Amann, and NYF 94987 for 100 shares, registered in the name of Ella Amman, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3913; Filed, Mar. 30, 1951; 8:52 a. m.]

[Vesting Order 17551]

A. ICHIHARA

In re: Debts owing to A. Ichihara. F-39-6978.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That A. Ichihara, whose last known address is 26 Ichinokura-Cho, Omori-Ku, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Those certain debts or other obligations of The National City Bank of New York, 55 Wall Street, New York 15, New York, evidenced by those checks drawn on the aforesaid bank, payable to A. Ichihara, numbered and in the face amounts as set forth below:

Number:	*Face amount*
A-6-688-186	$10.00
A-6-688-187	10.00
C1-168-147	50.00
C1-168-149	50.00
C1-168-150	50.00
D-470-121	100.00
D-470-122	100.00
D-470-113	100.00
D-470-114	100.00
D-470-115	100.00
D-470-116	100.00
D-470-117	100.00
D-470-118	100.00
D-470-119	100.00

said checks presently in the custody of The National City Bank of New York, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under, including particularly the right to possession and presentation for payment of the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, A. Ichihara, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3914; Filed, Mar. 30, 1951; 8:52 a. m.]

[Vesting Order 15696, Amdt.]

TOKUMON AOKI AND HISAKO KURIYAMA AOKI

In re: Stock and safe deposit lease and contents owned by Tokumon Aoki and Hisako Kuriyama Aoki, also known as Hisa Aoki and as Mrs. Hisako Aoki.

Vesting Order 15696, dated November 15, 1950, is hereby amended as follows and not otherwise: By deleting from subparagraph 2 (c) of the aforesaid Vesting Order 15696 the number "NC 2093" relating to a certificate for 50 shares of common stock of Southern Pacific Company and substituting therefor the number "NC 20923".

All other provisions of said Vesting Order 15696 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3916; Filed, Mar. 30, 1951, 8:53 a. m.]

[Vesting Order 17552]

MARY JUNGWIRTH

In re: Claim owned by Mary Jungwirth, also known as Mary Jungwirth Kage, Maria Jungwirth and as Maria Kage. F-28-31382.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Jungwirth, also known as Mary Jungwirth Kage, Maria Jungwirth and as Maria Kage, whose last known address is 77 Johannes-strasse, Stuttgart, W. Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain claim for redemption against the Michigan State Board of Escheats and the State of Michigan, arising by reason of the collection or receipt by said Board of Escheats pursuant to orders of the Circuit Court in Chancery of the County of Oakland (Files numbered 24,009 and 16,720) in accordance with the provisions of Michigan Statutes, Title 26, Chapter 263 (escheated estates) of the following: Those sums of money previously on deposit in dormant accounts maintained with the First State Bank of Royal Oak, Michigan, in the name of Mary Jungwirth; and any and all rights to file with said Michigan State Board of Escheats, demand, enforce and collect the aforesaid claim for redemption,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mary Jungwirth, also known as Mary Jungwirth Kage, Maria Jungwirth and as Maria Kage, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3915; Filed, Mar. 30, 1951; 8:53 a. m.]

[Return Order 912]

MAURICE HENRI LEMAIRE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Maurice Henri Lamaire, Paris, France; Claim No. 41772; February 9, 1951 (16 F. R. 1292); property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 1,899,874; 1,922,895; 1,927,178; 2,004,051 and 2,057,400. This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3917; Filed, Mar. 30, 1951; 8:53 a. m.]

[Return Order 919]

EMMA ZIMLICK EBELER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Emma Zimlick Ebeler, Philadelphia 19, Pa.; Claim No. 7749; February 16, 1951 (16 F. R. 1662); $596.62 in the Treasury of the United States. A gold bracelet set with precious stones. All right, title, and interest of Emma Zimlick Ebeler in and to the trust created under the will of Arthur J. Zimlick, a/k/a Arthur John Zimlick, deceased. All right, title, and interest of Emma Zimlick Ebeler in and to the Estate of Arthur J. Zimlick, a/k/a Arthur John Zimlick, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3919; Filed, Mar. 30, 1951; 8:53 a. m.]

[Return Order 920]

EMILE CHARLES ROBERT DIEDERICHS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Emile Charles Robert Diederichs, Isere, France; Claim No. 29555; February 16, 1951 (16 F. R. 1661); property described in Vesting Order No. 667 (8 F. R. 4936, April 17, 1943) relating to United States Letters Patent No. 2,281,561. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3920; Filed, Mar. 30, 1951; 8:54 a. m.]

[Return Order 921]

MERRITT J. MITCHELL ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Merritt J. Mitchell and Beatrice Irene Mitchell as executor and executrix, respectively, of the estate of Clara Bell Mitchell, deceased, New Castle, Pa.; Claim No. 1788; December 21, 1950 (15 F. R. 9176); $2,153.22 in the Treasury of the United States. A four fifty-sevenths (4/57) portion of the all right, title, interest and claim of any kind whatsoever of August Rohrer and Hercular Rohrer, and each of them, in and to the Estate of Leopold Rohrer, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3921; Filed, Mar. 30, 1951; 8:54 a. m.]

[Return Order 916]

LELIO SANTOMENNA

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Lelio Santomenna, San Fele, Potenza, Italy; Claim No. 46777; February 17, 1951 (16 F. R. 1702); $12,082.16 in the Treasury of the United States. A promissory note from Alphonsus A. Brufoli to Dominick Santomenna, in the sum of $700, dated August 9, 1926, with interest at 6%, payable on demand; this note is in custody of Deposit and Clearance Section, New York, New York. All right, title and interest of Lelio Santomenna in and to the Estate of Domenick Santomenna, also known as Domenick A. Santomenna, Domenico Santomenna, Dominick A. Santomenna and Dominick Santomenna, Deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3918; Filed, Mar. 30, 1951; 8:53 a. m.]

[Return Order 924]

MARIA TERESA FERRISE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Maria Teresa Ferrise, Cosenza, Italy, Claim No. 35273; July 29, 1950 (15 F. R. 4910); $64.56 in the Treasury of the United States.

One (1) Life Insurance Certificate No. A449, dated May 1, 1940, issued by the Travelers Insurance Company of Hartford, Connecticut, in the face amount of $1,000.00 on the life of Giovanni Ferrise, named beneficiary, Maria Teresa Ferrise, in custody of the Deposit and Clearance Section, Comptroller's Branch, Office of Alien Property, 120 Broadway, New York, New York.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3878; Filed, Mar. 29, 1951; 8:54 a. m.]

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FEDERAL REGISTER

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Washington, Tuesday, April 3, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10229

EXEMPTION OF HUGH H. BENNETT FROM COMPULSORY RETIREMENT FOR AGE

WHEREAS Hugh H. Bennett, Chief of the Soil Conservation Service of the U. S. Department of Agriculture, will, during the month of April 1951 become subject to compulsory retirement for age under the provisions of the Civil Service Retirement Act of May 29, 1930, as amended, unless exempted therefrom by Executive order; and

WHEREAS, in my judgment, the public interest requires that the said person be exempted from such compulsory retirement as provided below;

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 204 of the act of June 30, 1932, 47 Stat. 404 (5 U. S. C. 715a), I hereby exempt the said Hugh H. Bennett from compulsory retirement for age for a period of one year ending April 30, 1952.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 30, 1951.

[F. R. Doc. 51-4006; Filed, Mar. 30, 1951; 3:18 p. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 2]

PART 5—DETERMINATION OF PARITY PRICES

CIGAR-FILLER AND CIGAR-BINDER TYPES OF TOBACCO

Part 5, Determination of Parity Prices (15 F. R. 837) as amended (15 F. R. 8374) is amended as follows:

1. Section 5.4 is amended by deleting the following under the paragraph headed "Basic Commodities, Tobacco"—"and cigar filler and binder, types 42–46 and 51–56." The calendar year price for type 46 shall be combined with season average prices for the other types in arriving at the average price for cigar filler and binder types 42–46 and 51–56." and adding "and cigar filler and binder, types 42–44 and 51–55."

2. Section 5.5 is amended by adding "For Puerto Rican filler tobacco, type 46, the price data for each calendar year shall be the season average price of type 46 for the previous year's crop."

3. Section 5.7 is amended by deleting from the paragraph headed "Basic Commodities" the following "and cigar filler and binder, types 42–46 and 51–56. The calendar year price for type 46 shall be combined with season average prices for the other types in arriving at the average price for cigar filler and binder types 42–46 and 51–56," and adding "cigar filler and binder, types 42–44 and 51–55; and Puerto Rican filler, type 46."

(Sec. 301, 52 Stat. 38, as amended; 7 U. S. C. 1301)

Done at Washington, D. C., this 29th day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-3942; Filed, Apr. 2, 1951; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7, Amdt. 68]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13–1 is amended as follows:

1. The Carrizzo Valley, California, area, published on April 21, 1949, in 14 F. R. 1913, amended on June 23, 1949, in 14 F. R. 3393, and on November 30, 1949, in 14 F. R. 7198, is further amended by changing the "Designated Altitude" column to read: "Surface to unlimited".

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2. A Great Salt Lake, Utah, temporary area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
GREAT SALT LAKE (Salt Lake City Chart).	Beginning at lat. 41°16'00" N, long. 112°33'00" W; SE to lat. 41°06'30" N, long. 112°26'00" W; SSE to lat. 40°57'00" N, long. 112°26'45" W; due W to long. 112°36'00" W; due N to lat. 41°10'00" N; due E to lat. 41°16'00" N, long. 112°35'00" W, point of beginning.	Surface to unlimited.	Continuous, Apr. 1 through Apr. 30, 1951.	17th Air Force Hqtrs.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on April 1, 1951.

[SEAL] J. S. MARRIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-3926; Filed, Apr. 2, 1951; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5686]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DON N. CARNERIE ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages or connections; Government connection—Unique or special status or advantages;* § 3.115 *Jobs and employment service:* § 3.205 *Scientific or other relevant facts.* Subpart—*Misrepresenting oneself and goods; Business status, advantages or connections:* § 3.1425 *Government connection;* § 3.1520 *Personnel or staff;* § 3.1570 *Unique status or advantages—Goods;* § 3.1670 *Jobs and employment;* § 3.1740 *Scientific or other relevant facts;* § 3.1770 *Unique nature or advantages.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1995 *Job guarantee and employment.* Subpart—*Securing signatures wrongfully:* § 3.2175 *Securing signatures wrongfully.* Subpart—*Using misleading name—Vendor:* § 3.2380 *Government connection.* In connection with the offering for sale, sale and distribution in commerce, of courses of study and instruction intended for preparing students thereof for examination for civil service positions under the United States Government, or any similar courses of study (1) representing, directly or by implication, that respondent has any connection with the United States Government, or any branch or agency thereof, through the use of the term Civil Preparation Service, or any other term of similar import or meaning, as a trade name, or as a part thereof; (2) representing through the use of official publications of the United States Government, or other books or publications resembling or simulating them, that respondent or his agents are connected with the United States Government, or any branch thereof; (3) representing in any manner, directly or by implication, that respondent has any connection with the Government of the United States, or any branch thereof; (4) representing, directly or by implication, that the number of positions available or vacant in the United States Civil Service, or any branch thereof, is greater than is actually the fact; (5) representing, directly or by implication, that positions in the United States Civil Service can be obtained through respondent or by completing respondent's courses of study, or that it is necessary to take such courses in order to qualify for such positions, or that respondent can guarantee a position if such courses are completed; (6) representing, directly or by implication, that students who complete respondent's courses of study can or will be placed by respondent in whatever position or location such student may select; (7) representing, directly or by implication, that respondent has advance information, or information not generally available to the public, with respect to positions available in the United States Civil Service; (8) representing, directly or by implication, that persons employed in United States Civil Service positions are pensioned after twenty years of service, or that such persons may retire in any given number of years or at any designated pension, when such is not the fact; or, (9) soliciting, procuring or accepting executed applications or contracts for respondent's courses without permitting prospect to read same over fully and thoroughly without interruption; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 46) [Cease and desist order, Don N. Carnerie trading as Civil Preparation Service, etc., Docket 5686, January 13, 1951]

In the Matter of Don N. Carnerie, Individually and Doing Business Under the Names and Styles of Civil Preparation Service, and American Extension Service

This proceeding was heard by Frank Hier, trial examiner, theretofore duly designated by the Commission, upon the complaint of the Commission, the answer of the respondent, and certain hearings at which testimony and other evidence in support of the complaint were introduced, which testimony and other evidence were duly recorded and filed in the office of the Commission, and the case was subsequently formally closed, following the failure of respondent—who attended only one hearing, to which he was subpenaed as a witness, and retained no counsel—to advise the trial examiner of an intention or desire to offer evidence by way of defense to the complaint, after indicating he would not do so.

Thereafter the proceeding regularly came on for final consideration by said trial examiner on the complaint, the answer thereto, and other evidence, and said trial examiner, having duly considered the record in the instant matter, found said proceeding in the interest of the public, and made his initial decision, comprising certain findings as to the facts, conclusion drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII, became the decision of the Commission January 13, 1951.

The said order to cease and desist is as follows:

It is ordered, That respondent Don N. Carnerie, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of courses of study and instruction intended for preparing students thereof for examination for civil service positions under the United States Government, or any similar courses of study, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondent has any connection with the United States Government, or any branch or agency thereof, through the use of the term Civil Preparation Service, or any other term of similar import or meaning, as a trade name, or as a part thereof.

2. Representing through the use of official publications of the United States Government, or other books or publications resembling or simulating them, that respondent or his agents are connected with the United States Government, or any branch thereof.

3. Representing in any manner, directly or by implication, that respondent

has any connection with the Government of the United States, or any branch thereof.

4. Representing, directly or by implication, that the number of positions available or vacant in the United States Civil Service, or any branch thereof, is greater than is actually the fact.

5. Representing, directly or by implication, that positions in the United States Civil Service can be obtained through respondent or by completing respondent's courses of study, or that it is necessary to take such courses in order to qualify for such positions, or that respondent can guarantee a position if such courses are completed.

6. Representing, directly or by implication, that students who complete respondent's courses of study can or will be placed by respondent in whatever position or location such students may select.

7. Representing, directly or by implication, that respondent has advance information, or information not generally available to the public, with respect to positions available in the United States Civil Service.

8. Representing, directly or by implication, that persons employed in United States Civil Service positions are pensioned after twenty years of service, or that such persons may retire in any given number of years or at any designated pension, when such is not the fact.

9. Soliciting, procuring or accepting executed applications or contracts for respondent's courses without permitting prospect to read same over fully and thoroughly without interruption.

By "Decision of the Commission and order to File Report of Compliance", Docket 5686, January 13, 1951, which announced fruition of said initial decision, report of compliance with the order was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: January 12, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-3955; Filed, Apr. 2, 1951; 8:50 a. m.]

[Docket 5812]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

LARRY QUINN FASHIONS, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act.* § 3.1325 *Source or origin: Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition: Wool Products Labeling Act:* § 3.1900 *Source or origin: Wool Products Labeling Act.* In connection with the introduction or manufacture for introduction, into commerce, or the sale, transportation or distribution of ladies' suits or other wool products, as defined in and subject to the Wool Products Labeling Act of 1939, misbranding such products which contain, purport to contain or in any way are represented as containing "wool", "reprocessed wool" or "reused wool", as those terms are defined in said act, by failing to securely affix to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling or adulterating matter; (c) the percentages in words and figures plainly legible by weight of the wool contents of such wool product where said wool product contains a fiber other than wool; and, (d) the name of the manufacturer of the wool product or the name of one or more persons subject to section 3 of the Wool Products Labeling Act of 1939 with respect to such wool product, or the registered identification number of such person or persons, as provided for in Rule 4 of the regulations to such act, as amended; prohibited, subject to the provision, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 45, 68d. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Larry Quinn Fashions, Inc., et al., Docket 5812, January 12, 1951]

In the Matter of Larry Quinn Fashions, Inc., et al.

This proceeding was heard by Frank Hier, trial examiner, upon the complaint of the Commission, the answer of the respondents, and an initial hearing at which respondents' motion to withdraw said original answer and to substitute an answer accompanying said motion was granted by said trial examiner.

Thereafter the proceeding regularly came on for final consideration by said trial examiner, theretofore duly designated by the Commission, upon said complaint and said substitute answer thereto, in which respondents admitted all of the material allegations of fact set forth in said complaint and waived all intervening procedure and further hearing as to the said facts, and said trial examiner, having duly considered the record, found said proceeding in the interest of the public, and made his initial decision, comprising certain findings as to the facts, conclusion drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII, became the decision of the Commission January 12, 1951.

The said order to cease and desist is as follows:

It is ordered, That the respondents, Larry Quinn Fashions, Inc., a corporation, and its officers, and Lawrence I. Cohen, individually and as an officer of said corporation, their agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation or distribution of such products in commerce, as "commerce" is defined in the aforesaid acts, do forthwith cease and desist from misbranding ladies' suits or other "wool products," as defined in and subject to the Wool Products Labeling Act of 1939, which contain, purport to contain or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as those terms are defined in said act, by failing to securely affix to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling or adulterating matter;

(c) The percentages in words and figures plainly legible by weight of the wool contents of such wool product where said wool product contains a fiber other than wool;

(d) The name of the manufacturer of the wool product or the name of one or more persons subject to section 3 of the Wool Products Labeling Act of 1939 with respect to such wool product, or the registered identification number of such person or persons, as provided for in Rule 4 of the regulations to such act, as amended;

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

By "Decision of the Commission and Order to File Report of Compliance", Docket 5812, January 12, 1951, which announced fruition of said initial decision, report of compliance with the order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 12, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-3954; Filed, Apr. 2, 1951; 8:50 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 362]

[Controlled Rooms in Rooming Houses and Other Establishments, Rent Reg., Amdt. 357]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CALIFORNIA, ILLINOIS, MICHIGAN, MINNESOTA AND NEW JERSEY

Amendment 362 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 357 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 33a, is amended to describe the counties in the Defense-Rental Area as follows:

Monterey County, except the City of Salinas; and in Santa Cruz County, the Township of Watsonville.

This decontrols the City of Salinas in Monterey County, California, a portion of the Monterey Bay, California, Defense-Rental Area.

2. Schedule A, Item 83, is amended to describe the counties in the Defense-Rental Area as follows:

Cook County, except the City of Des Plaines; Du Page, Kane, and Lake Counties.

This decontrols the City of Des Plaines in Cook County, Illinois, a portion of the Chicago, Illinois, Defense-Rental Area.

3. In Schedule A, all of Item 150, which pertains to Kent County, Michigan, is deleted.

This decontrols that portion of Kent County, Michigan, not heretofore decontrolled, said County being a portion of the Grand Rapids-Muskegon, Michigan, Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

4. Schedule A, Item 160c, is amended to read as follows:

(160c) [Revoked and decontrolled.]

This decontrols (1) the City of Winona in Winona County, Minnesota, a portion of the Winona, Minnesota, Defense-Rental Area, and all unincorporated localities in said Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, said City of Winona being the major portion of said Defense-Rental Area, and (2) the remainder of said Defense-Rental Area, consisting of the remainder of Winona County, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

5. Schedule A, Item 188a, is amended to describe the counties in the Defense-Rental Area as follows:

Camden County, except the Boroughs of Audubon, Haddonfield and Merchantville; Gloucester County; and Burlington County, except the Townships of Bass River, Tabernacle, Shamong, Woodland and Washington, and the Borough of Medford Lakes in Medford Township.

In Cape May County, the Borough of Woodbine; and in Cumberland County, the City of Millville.

This decontrols the Borough of Audubon in Camden County, New Jersey, a portion of the Southern New Jersey Defense-Rental Area.

All decontrols effected by this amendment, except Items 3 and 4 thereof, are based entirely on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective March 30, 1951.

Issued this 29th day of March 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-3972; Filed, Apr. 2, 1951; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments are issued to this chapter:

Subchapter A—Aid of Civil Authorities and Public Relations

PART 805—SAFEGUARDING MILITARY INFORMATION

DISSEMINATION; FOREIGN NATIONALS

Paragraph (c) of § 805.7 is changed as follows:

§ 805.7 *Dissemination.* • • •

(c) *Foreign nationals*—(1) *General.* Exchanges of classified or unclassified military information with foreign nationals or governments will be made only through or with the express permission of the Chief of Staff, United States Air Force. Except as otherwise authorized in specific instructions furnished to interested commands or offices, requests received from foreign nationals or governments for military information, and all proposals originating within the Department of the Air Force to disclose military information to them, will be forwarded for necessary action through military channels to the Director of Intelligence, Headquarters United States Air Force. Requests so forwarded will include specific comments and recommendations by each commander as to whether the information should be disclosed.

(2) *Attachment and official visits.* Only the Chief of Staff, United States Air Force is authorized to make commitments to receive foreign nationals at Air Force installations, facilities, or other activities as visitors for official purposes, as observers or students, or for training or liaison purposes. The Chief of Staff, United States Air Force, will issue the necessary letter orders or other instructions in writing to the commander concerned attaching foreign nationals' to specific courses or units or authorizing officials visits as may be appropriate. Personnel attached to an installation may visit another installation whenever necessary in the authorized course of instruction or performance of assigned duty upon approval of the commander of the installation to be visited.

(3) *Disclosure of information by commanders.* Authority to disclose military information to accomplish the purpose of the attachment or visit of each foreign national will be included in detail in the orders or other written instructions to commanders concerned. Such instructions will be as specific as possible concerning security classification category and subject matter. Commanders will take positive measures to restrict access to military information by foreign nationals to that specifically authorized.

(4) *Release of documents to students.* Commandants of Air Force schools may permit foreign nationals attached to their commands for instructional purpose to retain permanently unclassified matter and documents classified Restricted which are used by them as a part of the course of instruction.

[AFR 205-1C] (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22 and Sup., 171a)

Subchapter B—Aircraft

PART 822—USE OF CONTINENTAL AIR FORCE BASES BY OTHER THAN AIR FORCE AIRCRAFT

POLICY; LANDING AND PARKING FEES; INSURANCE

1. Section 822.1 is amended by changing the fourth sentence as follows:

§ 822.1 *Policy.* • • • Commanding officers are authorized to permit the landing at active airfields under their jurisdiction of aircraft which are exempt from the payment of landing fees specified in § 822.12 without reference to Headquarters United States Air Force, provided such aircraft are not housed or based at the installation for a protracted period (one week or longer). • • •

2. Paragraphs (c) (4) and (5) of § 822.12 are changed as follows:

§ 822.12 *Landing and parking fees.*

• • • • •

(c) *Fees not to be charged.* Landing fees will not be charged for the following aircraft:

• • • • •

(4) Private aircraft owned and operated by military and auxiliary (Civil Air Patrol, United States Air Force Auxiliary, Reserve Forces, National Guard, Reserve Officers' Training Corps) personnel on active duty and not for any business or air commerce purpose.

(5) Private or executive aircraft operated by contractors to the Government or by persons or firms having legitimate official business with Government activities in the immediate vicinity of the installation, including but not limited to charter flights to transport military traffic by contract or on transportation requests.

3. Paragraph (c) (1) of § 822.14 is changed as follows:

§ 822.14 *Insurance.* Aircraft owners or operators, except those exempted from landing fees as outlined in § 822.12, making frequent use (more than one landing a month) of Air Force aviation facilities will be required to keep in force at their own cost and expense aircraft liability insurance as follows:

• • • • •

(c) All policies will provide specifically, by indorsement or otherwise:

(1) Waiver of any right of subrogation the insurance company may have against the United States by reason of any payment under this policy on account of damage or injury in connection with the insured's use of any Air Force base or facility or the insured's purchase of services or supplies from the Air Force.

• • • • •

[AFR 87-7B] (R. S. 161. Sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22 and Sup., 171a. Interpret or apply sec. 5, 44 Stat. 570, as amended; 49 U. S. C. 175)

Subchapter G—Personnel

PART 885—APPOINTMENT OF SECOND LIEUTENANTS FROM DISTINGUISHED MILITARY GRADUATES, AIR FORCE RESERVE OFFICERS TRAINING CORPS

APPLICATION; FIELD PROCESSING; PROCESSING BY HEADQUARTERS UNITED STATES AIR FORCE; SELECTION AND NONSELECTION

1. Paragraph (b) of § 885.6 is changed as follows:

§ 885.6 *Application.* • • •

(b) *Completion of application.* Each distinguished military student desiring appointment in the Regular Air Force will submit to the professor of air science and tactics a formal application on Air Force Form 17, "Application for Commission in the USAF," in duplicate, with a photograph of himself, not less than three by five inches in size with his and the institution's name on back. He also will submit a loyalty statement in accordance with the provisions of Part 886 of this chapter (14 F. R. 6979-80; 32 CFR, 1949 Supp., 886; 15 F. R. 6357-63) and attach to the application a copy of the letter designating him a distinguished military student and a transcript of college credits earned prior to submission of application. In instances where the policy of the institution is not to give a transcript of credits to the student, he will take the necessary action to have the transcript forwarded direct to Headquarters United States Air Force, Director of Training, Attention: Officer Initial Procurement Branch, Personnel Procurement Division, Washington 25, D. C., to arrive not later than 15 days after the close of the application period. Each applicant will indicate under "Remarks" (item 17 of Air Force Form 17), the career training option being pursued. (Example: Administration and Logistics). Applicants may select as second choice, service in the Department of the Army. Applicants desiring to make a second choice will indicate this fact and will show, under "Remarks" (item 17 of Air Force Form 17), the arm or service in which they desire to serve.

• • • • •

2. Section 885.7 is changed as follows:

§ 885.7 *Field processing—(a) Biographical test and evaluation reports.* Prior to the processing of applicants by the interview board, the professor of air science and tactics will supervise the execution of the biographical test by each applicant, and obtain three completed forms WD AGO PRT 708, "ROTC Evaluation Report, Answer Sheet," for each applicant. Two of the evaluation reports will be accomplished by members of the Air Force Reserve Officers' Training Corps detachment and will clearly indicate in item D, Section V, the specific accomplishments of the cadet which warrant the designation "Distinguished" as cited in paragraph (a) (3) and (4) of § 885.3. The other evaluation report will be accomplished by the Air Force Reserve Officers' Training Corps summer camp commander or his representative. If the student is designated subsequent to his attendance at summer camp, or does not attend summer camp until after completing the second year of the advanced course, Air Force Reserve Officers' Training Corps, the third copy of the evaluation report will be submitted by a member of the Air Force Reserve Officers' Training Corps detachment. If practicable, the professor of air science and tactics will submit one of the evaluation reports; however, all rating personnel must have had an adequate opportunity to observe the applicant.

(b) *Appointment and composition of the interview board.* The appropriate Air Force commander will appoint boards of officers to interview the applicants. Each board will be composed of a minimum of three Air Force field grade officers, a majority of whom will be commissioned in the Regular component. The professor of air science and tactics and members of the military staff of a particular institution will not be utilized as members of the board appointed to interview candidates from that institution.

(c) *Forwarding of screening materials.* Upon completion of the processing of applicants by the interview board, the professor of air science and tactics will forward, for each applicant processed, the applications and allied papers direct to the Headquarters United States Air Force, Director of Training, Attention: Officer Initial Procurement Branch, Personnel Procurement Division, Washington 25, D. C. The material will be forwarded by letter of transmittal listing each applicant in order of professor of air science and tactics preference, to reach the Director of Training not later than November 15 for applications submitted during the period of 1 to 15 October and not later than 30 April for applications submitted during the period of 15 to 30 March.

(d) *Forwarding of disqualifying information.* Prior to the execution of the Oath of Office by an approved applicant, the professor of air science and tactics will transmit to the Director of Training, Headquarters United States Air Force, by the most expeditious means, any information which might disqualify the applicant for appointment in the Regular Air Force.

(e) *Physical examination.* Each approved applicant will be notified of his selection and of the time and place to report for physical examination. Determination of physical qualification or disqualification will be made by Headquarters United States Air Force.

3. Section 885.8 is changed as follows:

§ 885.8 *Processing by Headquarters United States Air Force.* Upon receipt of applications and screening materials, the Director of Training will compute a composite score for each applicant and transmit the documents to the Air Force Personnel Board for final selection as follows:

(a) Not later than December 15 for applications submitted during the period of October 1 to 15.

(b) Not later than May 30 for applications submitted during the period of March 15 to 30.

4. Section 885.9 and the heading thereof is changed to read as follows:

§ 885.9 *Selection and nonselection—(a) General.* The distinguished military students selected for appointment will be those applicants considered best qualified to meet the needs of the Air Force. The most pressing requirement at this time, is for persons trained in the following academic fields:

(1) Engineering.

(2) Basic sciences, such as mathematics, physics and chemistry.

(3) Management and its related fields.

(b) *Notification of selection.* The Director of Training will transmit the names of those applicants selected for Regular appointment by the Air Force Personnel Board to the appropriate Air Force commander, as follows:

(1) On or about January 30 for applications submitted during the period of October 1 to 15.

(2) On or about June 30 for applications submitted during the period of March 15 to 30.

If for any reason an application does not reach the Director of Training, Headquarters United States Air Force, by the established deadline (§ 885.7 (c)) or if an application is incomplete upon arrival at Headquarters United States Air Force, such application will be processed after the complete applications submitted prior to the deadline have been processed. Notification of selection of these applicants will be made as early as possible but will be later than the dates shown in subparagraphs (1) and (2) of this paragraph.

(c) *Notification of nonselection.* Candidates who have not been selected for appointment will be notified through the appropriate Air Force commander and the professor of air science and tactics.

[AFR's 36-15; 36-15A; 36-15B] (R. S. 161, Sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22 and Sup., 171a. Interpret or apply Secs. 502, 506, 61 Stat. 883, 890; 10 U. S. C. Sup., 506, 506C)

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 51-3925; Filed, Apr. 2, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 9, Amdt. 1]

CPR 9—TERRITORIES AND POSSESSIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6165), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

Since the issuance of Ceiling Price Regulation 9, it has become apparent that certain features of the regulation need to be modified in order to clarify its intent, to close certain gaps, and to extend the time limits of certain of its recording requirements.

The revision of section 3 is in the nature of a clarification. It more definitely ties in the delivery or offer, on which the markup to be used in arriving at your ceiling price for a commodity is determined, with the most recent direct cost on which a delivery or offer of that commodity was made during the base period. This was the intent and purpose of section 3 as originally issued.

The revision of section 4 follows the pattern of revised section 3 and more definitely ties in the delivery on which the markup to be used in arriving at your ceiling price is determined with the most recent direct cost on which a delivery was made during the calendar year 1950, and prior to December 19, 1950. This was the intent and purpose of section 4 as originally issued.

The amendment to section 5 tightens up the method by which a seller selects the comparison commodity from a category. Under section 5 of CPR 9 the requirement that the comparison commodity must be the commodity "customarily bearing the same markup" has proved to be loose and not sufficiently definite. This amendment provides that the comparison commodity must be the "one which has a direct cost most nearly approximating that of the commodity being priced."

This amendment extends the deadline on certain reporting requirements in section 9 from April 1, 1951, to April 30, 1951. This extension became necessary because of the difficulty in staffing the Territorial Offices and the resulting inability of those offices to make the proper distribution to sellers of the regulation and to publicize its record keeping requirements.

In section 15, the definitions "average dollar-and-cents markup" and "dollar-and-cents markup" have been deleted. These definitions are no longer necessary in view of the revision of sections 3 and 4.

AMENDATORY PROVISIONS

Ceiling Price Regulation 9 is amended in the following respects:

1. Section 3 is amended to read as follows:

SEC. 3. *Ceiling prices for commodities sold in the base period.* Your ceiling price for the sale of a commodity is your direct cost of the commodity plus a dollar-and-cents markup, which is equivalent to the difference between your latest direct cost prior to January 26, 1951, as reflected in a base period delivery price to purchasers of the same class and that delivery price. If you reflected the latest direct cost prior to January 26, 1951, in base period deliveries of the commodity to purchasers of the same class at more than one price, your dollar-and-cents markup is the average of the dollar-and-cents markups received by you on such deliveries.

If you did not deliver the commodity during the base period but did offer it for delivery during that period, your ceiling price is your direct cost of the commodity plus a dollar-and-cents markup equivalent to the difference between your most recent direct cost prior to January 26, 1951 as reflected in a base period offer to purchasers of the same class and that offer. If you reflected the latest direct cost prior to January 26, 1951 in base period offers of delivery of the commodity to purchasers of the same class at more than one price, your dollar-and-cents markup is the average of the dollar-and-cents markups included in such offers.

2. Section 4 is amended to read as follows:

SEC. 4. *Ceiling prices for commodities customarily handled by sellers but not sold in the base period.* If you wish to determine a ceiling price for a commodity which you customarily handle in the course of your business, but which you did not deliver or offer for delivery during the base period, you may determine your ceiling price by adding to your direct cost of a commodity a dollar-and-cents markup which is equivalent to the difference between your latest direct cost prior to December 19, 1950 as reflected in the price at which the commodity was delivered during the calendar year 1950 and that delivery price. If you reflected the latest direct cost prior to December 19, 1950 in deliveries of the commodity made in the calendar year 1950, to purchasers of the same class, at more than one price your dollar-and-cents markup is the average of the dollar-and-cents markups received by you on such deliveries.

3. Section 5 is amended to read as follows:

SEC. 5. *Ceiling prices for new commodities falling within categories dealt in during the base period.* Your ceiling price for a commodity you did not deliver or offer for delivery in the base period, and for which you do not choose to determine your ceiling price under section 4 of this regulation, which falls within a "category" in which you dealt during the base period, is determined by adding to your direct cost the dollar-and-cents markup you are currently receiving on a "comparison commodity."

The comparison commodity must be in the same category as the commodity being priced; must be a commodity for which your ceiling price was determined under section 3 of this regulation; and must be, of the commodities in that category, the one which has a direct cost most nearly approximating that of the commodity being priced.

4. Section 9 is amended as follows:

a. In section 9 (a) (2), strike out the date April 1, 1951 and substitute therefor April 30, 1951.

b. In section 9 (a) (3), strike out the date April 1, 1951 and substitute therefor April 30, 1951.

5. In section 15, delete the definitions of "average dollar-and-cents markup" and "dollar-and-cents markup".

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp.)

Effective date: This amendment, except as otherwise herein stated, shall become effective on the 1st day of April 1951.

Dated: March 31, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

[F. R. Doc. 51-4063; Filed, Apr. 2, 1951; 11:57 a. m.]

[Distribution Regulation 1, Amdt. 3]

DR 1—FAIR DISTRIBUTION OF LIVESTOCK AND MEAT

QUOTAS ON CATTLE AND MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), this Amendment 3 to Distribution Regulation 1[1] (16 F. R. 1273) is hereby issued.

Preamble. At the time Distribution Regulation 1 was issued it was intended that quotas on all livestock covered by

[1] Formerly designated Distribution Order 1.

the regulation would be effective April 1, 1951. Because of the shortage of personnel in the Office of Price Stabilization all of the data necessary to establish quotas on all species of livestock could not be gathered. However, sufficient data was collected to establish quotas on cattle. The amendment establishes quotas on cattle and postpones to April 29, 1951, the establishment of quotas on calves, sheep and lambs, and swine. The quota on cattle for each Class 1 and Class 2 slaughterer is set at 100 percent of the amount of cattle he slaughtered during the corresponding period in 1950. Class 1A and 2A slaughterers are permitted to have cattle slaughtered for them on the same basis. Slaughterers who began business after April 1, 1950, and before February 9, 1951, are given a quota based on their average monthly slaughter of cattle during that period.

As a result of the shortage of personnel and the delay in distribution of some of the registration forms the date of issuance of registration numbers by OPS is postponed to April 15, 1951. This postponement will leave some Class 2 slaughterers without a registration number with which to mark their meats. To remedy this situation the Class 2 slaughterers marking requirements are amended to require marking of all meats on and after April 1, 1951, or as soon thereafter as the Class 2 slaughterers receive their registration numbers. On and after April 15, 1951, the marking requirement will be in effect for all Class 2 slaughterers. Beginning on that date Class 1 and Class 2 slaughterers may not slaughter livestock unless they have received their registration numbers.

The amendment also continues to April 29, 1951, the provisions pertaining to "Club" livestock, limits the applicability of the regulation to the forty-eight States and the District of Columbia, and makes minor technical changes in the regulation.

Distribution Regulation 1 is amended in the following respects.

1. Section 1 is amended by adding the following paragraph to the end thereof:

This regulation applies to the forty-eight states of the United States and the District of Columbia.

2. Section 2 is amended to read as follows:

SEC. 2. *Prohibitions against slaughtering.* (a) Between February 9, 1951, and April 29, 1951, you may not slaughter cattle, calves, sheep and lambs, or swine unless you were engaged in the business of slaughtering that species of livestock during the period from January 1, 1950, to February 9, 1951, or unless you are a resident operator of a farm who comes within the definition of a Class 3 slaughterer contained in section 5 of this regulation, or a livestock raiser as defined in section 6 of this regulation.

(b) On and after February 9, 1951, you may not have cattle, calves, sheep and lambs, or swine slaughtered for you unless you had that species of livestock slaughtered for you during the period from January 1, 1950, to January 1, 1951, or unless you are a resident operator of a farm or a livestock raiser mentioned in paragraph (a) of this section.

(c) After April 15, 1951 unless you have been registered by the Office of Price Stabilization, or unless you are a resident operator of a farm or a livestock raiser as defined, you may not slaughter cattle, calves, sheep and lambs, or swine.

(d) After April 1, 1951, if you are a Class 1 or Class 2 slaughterer you may not slaughter cattle in excess of your quota.

(e) After April 29, 1951, if you are a Class 1 or Class 2 slaughterer, you may not slaughter cattle, calves, sheep and lambs, or swine in excess of your quota.

(f) Violation of the regulation will subject you to the penalties of the Defense Production Act of 1950, including a fine of $10,000 and imprisonment up to one year.

3. Section 3 (b) is amended by substituting the date April 15, 1951, for the date April 1, 1951, wherever it appears.

4. Section 3 (c) is amended by substituting the date April 29, 1951, for the date April 1, 1951, appearing in the first sentence and adding before the first sentence the following sentences: "For the period beginning April 1, 1951, and ending April 28, 1951, you will have a quota on cattle. The quota will be the same number of pounds live weight of cattle you slaughtered during the period from April 3, 1950, to April 29, 1950, inclusive. If you received an adjustment on your slaughter of cattle for the quarter beginning April 3, 1950, and ended July 1, 1950, you may use 31 percent of the adjusted amount as the number of pounds live weight of cattle you may slaughter during the period beginning April 1, 1951, and ending April 28, 1951. If you began slaughtering cattle after April 1, 1950, you may determine the amount of cattle you may slaughter during the period beginning April 1, 1951, and ending April 28, 1951, by dividing the total live weight of cattle slaughtered between April 1, 1950, and February 9, 1951, by the number of months in which you slaughtered cattle."

5. Section 3 (d) is amended by substituting the numeral "5" for the numeral "6" and the numeral "15" for the numeral "14".

6. Section 4 (b) is amended by substituting the date April 15, 1951, for the date April 1, 1951, wherever it appears.

7. Section 4 (c) is amended by substituting the date April 29, 1951, for the date April 1, 1951, appearing in the first sentence and adding before the first sentence the following sentences: "For the period beginning April 1, 1951, and ending April 28, 1951, you will have a quota on cattle. The quota will be the same number of pounds live weight of cattle you slaughtered during the period from April 3, 1950, to April 29, 1950, inclusive. If you received an adjustment on your slaughter of cattle for that period you may use the adjusted amount as your slaughter of cattle for the 1950 period. If you began slaughtering cattle after April 1, 1950, you may determine the amount of cattle you may slaughter during the period beginning April 1, 1951, and ending April 28, 1951, by dividing the total live weight of cattle slaughtered between April 1, 1950, and February 9, 1951, by the number of months in which you slaughtered cattle."

8. Section 4 (f) is amended by substituting the word "number" for the word "name" appearing in the last sentence and by deleting the first sentence and substituting therefor the following sentence: "On and after April 1, 1951, or as soon thereafter as you receive your registration number from the Office of Price Stabilization, you are required to stamp or mark your registration number on each carcass so that it appears on every accessible wholesale cut."

9. Section 4 (i) is amended by substituting the numeral "5" for the numeral "6" and the numeral "15" for the numeral "14".

10. Section 7 (a) is amended by substituting the date April 29, 1951 for the date April 1, 1951, wherever it appears.

11. Section 8 (a) is amended by substituting the date April 29, 1951 for the date April 1, 1951, appearing in the last sentence.

12. Section 8 (b) is amended by deleting the third sentence and substituting therefor the following: "There will be a quota on the amount of cattle he may slaughter for you for the period beginning April 1, 1951, and ending April 28, 1951. The quota will be the same number of pounds live weight of cattle he slaughtered for you during the period from April 3, 1950 to April 29, 1950, inclusive. Beginning April 29, 1951 there will be a quota on the different species of livestock he may slaughter for you."

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Effective date. This amendment is effective March 31, 1951.

MARCH 30, 1951.

[SEAL] MICHAEL V. DISALLE,
Director of Price Stabilization.

[F. R. Doc. 51-4062; Filed, Apr. 2, 1951; 11:54 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-8, as Amended Apr. 2, 1951]

M-8—TIN

This order which amends and supersedes NPA Order M-8, dated March 12, 1951, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with industry representatives in advance of the issuance of this order as amended has been rendered impracticable due to the necessity for immediate action and the fact that the amendment affects a large number of different trades and industries.

NPA Order M-8 is amended by effecting a change in the punctuation of section 4 (b); by making additions in section 8 (a) and in the footnote to section 8 (a); by adding a new phrase (8) at the end of section 8 (b); by inserting a new provision in column 2 of item 8 of Schedule IV; by adding a new sentence to the second column of item 4 of Schedule VII; and by making certain substitutions in item 14 of Schedule VII. As so amended NPA Order M-8 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Application of order.
4. Restrictions on use of pig tin and alloys and other materials containing tin.
5. Limitations on use of pig tin.
6. Maintenance, repair, and operating supplies.
7. Allocation of pig tin.
8. Certification.
9. Defense orders for items containing tin.
10. Exemption.
11. Inventories.
12. Export certificates.
13. Importation of pig tin.
14. Reports and records.
15. Application for adjustments.
16. Communications.
17. Violations.

AUTHORITY: Sections 1 to 17 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order amends and supersedes NPA Order M-8. The purpose of this order is to describe how tin remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy. It restricts the use of pig tin in manufacture, processing and construction. It prohibits all uses of pig tin, secondary tin and certain tin-bearing products not expressly set forth in the attached Schedules I through VII. In addition, many of the permissible uses included in the Schedules I through VII are prohibited in connection with the manufacture of the items or for the purposes set forth in List A. The order also sets forth limitations on inventories or pig tin and alloys and other materials containing tin and explains the conditions under which reports are required in connection with the production, distribution, importation, use, and inventories of pig tin. In addition, it covers the conditions under which reporting is required in connection with the customs entry of tin importation. It is the intent of this order that other materials which are not in short supply will be substituted for tin and alloys and other materials containing tin wherever possible. It prohibits the private importation of pig tin after a specified date and places pig tin under allocation by prohibiting, subject to limited exceptions, any deliveries not covered by allocation authorizations to be issued monthly by the National Production Authority.

SEC. 2 *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the 6-month period ending June 30, 1950.

(c) "Manufacture" means to melt, put into process, machine, fabricate, cast, roll, turn, spin, coat, extrude, or otherwise alter pig tin, alloys containing tin, or other materials containing tin, by physical or chemical means and includes the use of tin and alloys and other materials containing tin in plating, and in chemical compounding and processing. It does not include the use of tin contained in any "in process" materials or any other materials not actually to be incorporated into the items to be manufactured, such "in process" materials and other materials being included under paragraphs (d) and (e) of this section.

(d) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment, or facility in sound working condition, and "repair" means the restoration of a building, piece of equipment, or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like: *Provided, however,* Neither maintenance nor repair includes the improvement of any such item with material of a better kind, quality or design.

(e) "Operating supplies" means any tin or alloy or other material containing tin normally carried by a person as operating supplies according to established accounting practice and not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies.

(f) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States. It includes shipments into a U. S. foreign trade zone, or bonded custody of any United States Collector of Customs (bonded warehouse) in the continental United States and shipments into the continental United States for processing or manufacture in bond for exportation. "Import" does not include shipments in transit in bond through the continental United States without processing or manufacture to Canada, Mexico, or any other foreign country, or shipments through U. S. foreign trade zones to a foreign country without processing or manufacture. However, if any material in such shipments in transit in bond is, because of a change in plans, to be sold or used in the continental United States, or subjected to processing or manufacture in the continental United States, it becomes an "import" for the purposes of this order and requires the reports specified in section 14 of this order.

(g) "Pig tin" means metal containing 95 percent or more by weight of the element tin, in shapes current in the trade, including anodes, small bars, and ingots, but excluding the products specifically listed in Section IV of report Form NPAF-7.

(h) "Secondary tin" means any alloy, produced from scrap, which contains less than 95 percent but not less than 1.5 percent by weight of the element tin.

(i) For the purpose of the reporting requirements relating to imports stated in section 14 (b): "Tin" means pig tin and tin in any raw, semi-finished, or scrap form, and any alloys, compounds, or other materials containing tin (where tin is of chief value) in any raw, semi-finished or scrap form. This includes, but is not limited to, the following:

Babbitt metal and solder	6506.100
Alloys and combinations of lead, not in chief value lead (including lead, antimony, and white metal)	6506.900
Type metal	6507.000
Tin bars, blocks, pigs, grained or granulated	6551.300
Tin metallic scrap (except alloyed scrap)	6551.500
Tin alloys, chief value tin n. s. p. f. (including alloyed scrap)	6551.900
Tin dross, skimmings and residues	6740.170
Tin foil less than 0.006 inch thick	6790.710
Tin powder, flitters and metallics	6790.720
Tin bichloride, tin tetrachloride and other chemical compounds, mixtures, and salts, tin chief value (including tin oxide)	8380.920

NOTE: The numbers listed in the second column are commodity numbers taken from Schedule A, Statistical Classification of Imports into the United States, issued by the U. S. Department of Commerce (August 1, 1950 edition).

(j) "Copper-base alloy" for the purpose of this order means any alloy containing tin in the composition of which the percentage of copper metal by weight equals or exceeds 40 percent of the total weight of the alloy.

(k) "Scrap" means all materials or objects which are the waste or by-products of industrial fabrication or which have been discarded for obsolescence, failure, or other reason, and which contain tin or alloys or other materials containing tin in a form making such scrap suitable for industrial use.

(l) "Soldering" means joining with solder. This term does not include dipping or solder-coating in which the joining operation is not performed simultaneously with such dipping or coating. (For dipping or coating see Schedule IV and Schedule VII, item 13).

(m) "Low grade" secondary tin-bearing drosses, residues and scrap metal means such material having a tin content not over 10 percent and an impurity content too high for use in the production of other items for which secondary low grade tin-bearing materials are permitted in the attached schedules.

(n) "Implements of war" means combat end products, complete for tactical operations (including, but not limited to aircraft, ammunition, armaments, weapons, ships, tanks, military vehicles, and radio and radar equipment), and any parts, assemblies, or materials to be incorporated in any of these items. This term does not include facilities or equipment used to manufacture the items described above nor does it include any "in process" or any other materials not actually to be incorporated into the items described above.

SEC. 3. *Application of order.* Subject to the exemptions stated in section 10, this order applies to all persons who produce tin or alloys or other materials containing tin, or who use tin or alloys or other materials containing tin, in manufacture, processing, or construction, or for maintenance, repair, or operating supplies. In addition, the reporting provisions stated in section 14 of this order apply to persons who produce, distribute, or hold in their possession pig tin, or who import tin.

SEC. 4. *Restrictions on use of pig tin and alloys and other materials containing tin.* Subject to the exemption in section 10 of this order, or unless specifically directed by the National Production Authority:

(a) No person shall use pig tin for any purpose where secondary tin can be used.

(b) Commencing on March 1, 1951, no person shall use any pig tin, secondary tin, solder, babbitt, copper-base alloy or other alloy containing 1.5 percent or more tin, or other materials containing 1.5 percent or more tin in the manufacture, treatment, installation, construction of any item or product, or in any process, or for any purpose, except those set forth in the attached schedules and to the extent permitted thereby. Uses not expressly authorized by said schedules are prohibited.

(c) During February 1951, no person shall use in the manufacture of any item or in any process set forth in the attached List A a total quantity by weight of tin in any form specified in paragraph (b) in excess of 80 percent of his average monthly use of such materials for said purposes during the base period. Commencing on March 1, 1951, no person shall use tin in any form specified in paragraph (b) in the manufacture of any item or in any process set forth in List A, even though such use might otherwise be permissible under paragraph (b): *Provided, however,* That this prohibition will not apply to the use of solder for joining purposes to the extent permitted in attached Schedule II.

(d) In addition to the restrictions set forth in the attached schedules, commencing on March 1, 1951, no person shall use: (1) In the manufacture of any product or for any purpose as to which the attached schedules limit tin content, any alloys or other materials having a tin content greater than that being used by such person in such manufacture or for such purpose on January 27, 1951; (2) in the coating of any item, a heavier coating in terms of tin content than that being used by such person for such purpose on January 27, 1951; or (3) any metal to which pig tin has been added to produce any product or perform any process for which the use of pig tin is not permitted in the schedules.

(e) Paragraphs (b) and (c) of this section do not apply to the use of tin in any form specified in paragraph (b) of this section prior to May 1, 1951, in the completion of any item that was in the process of manufacture or production on March 1, 1951.

SEC. 5. *Limitations on use of pig tin.* Subject to the restrictions of section 4 and to the exemption in section 10, or unless specifically directed by the National Production Authority:

(a) No person shall put into process or otherwise use in the manufacturing, treating, installation, or construction during the following months, a total quantity by weight of pig tin in excess of the percentages specified with respect to each month of his average monthly use of such forms of tin during the base period:

	Percent
January 1951	100
February 1951	80
March 1951	80

(b) No person shall put into process or otherwise use in manufacturing tin plate or terneplate during each of the months of April, May, and June, 1951 a total quantity by weight of pig tin in excess of 95 percent of his average monthly use of pig tin for this purpose during the base period; and no person shall put into process or otherwise use in manufacturing, treating, installation, or construction during each of these months for any other purpose or purposes, a total quantity by weight of pig tin in excess of 90 percent of his average monthly use of pig tin for such other purposes during the base period.

SEC. 6. *Maintenance, repair, and operating supplies.* Unless specifically directed by the National Production Authority during the calendar quarter commencing January 1, 1951, no person shall use for maintenance, repair, and operating supplies a quantity by weight of pig tin in excess of 100 percent of his average quarterly use of pig tin for such purposes during the base period: *Provided, however,* That such use is permissible only in connection with items, products, or processes included in the attached schedules and to the extent permitted thereby. No pig tin shall be used for such purposes where secondary tin can be used.

SEC. 7. *Allocation of pig tin.* (a) Commencing on May 1, 1951, no person shall deliver pig tin or accept delivery of pig tin for any purpose in any month except in accordance with the terms of an allocation authorization issued for such month by the National Production Authority. An allocation authorization will be sent by the National Production Authority to the appropriate supplier and the purchaser will be notified of the issuance thereof. The authorization will permit the supplier to make delivery pursuant to the purchaser's order within the limits of the authorization. The National Production Authority may specifically direct the purposes for which a person may process pig tin or otherwise use it in manufacturing, treating, installation, or construction, whether or not directly allocated to him.

(b) An application for an allocation authorization must be filed with the National Production Authority by the proposed purchaser on Form NPAF-7 not later than the 20th day of the month preceding the month in which delivery is sought.

(c) No person shall deliver any pig tin if he knows, or has reason to believe, that the person requesting delivery is not permitted to receive it under this order or will use it for purposes not permitted by this order.

(d) The provisions of paragraph (a) of this section shall not apply to any: (1) Delivery of pig tin to the Reconstruction Finance Corporation or the General Services Administration for the stockpile of strategic materials; (2) delivery of pig tin pursuant to specific directives of the National Production Authority; (3) delivery of pig tin to any person whose total receipts during the month in which such delivery occurs are and by such delivery will remain less than 5 long tons, and who has not received an allocation authorization for pig tin for that month, and who furnishes to the supplier a signed certification in substantially the following form:

> The undersigned hereby certifies, subject to statutory penalties, that receipt of this shipment of pig tin in the month requested is permitted by NPA Order M-8, that no allocation authorization for pig tin for that month has been issued to the undersigned by the National Production Authority and that the pig tin received pursuant to this order will be used only for resale as permitted by NPA Order M-8 or for (*specify end use*) in accordance with that order.
>
> (Schedule --------, item --------)

Any person who furnishes the foregoing certification shall not be required to furnish, with respect to pig tin, the certification required by section 8 of this order.

SEC. 8. *Certification.* (a) No person shall sell or deliver and no person shall purchase or accept delivery of any pig tin, secondary tin, solder, babbitt containing more than 10 percent of tin, copper-base alloys containing 3.5 percent or more tin, or other alloys containing 1.5 percent or more tin, or other materials containing 1.5 percent or more tin unless the purchaser furnishes a signed certification as follows:

> The undersigned certifies, subject to the penalties of Title 18, U. S. Code (Crimes), section 1001, that the tin or tin product herein ordered will be used only for the purposes permitted by NPA Order M-8 (Schedule----, item----) as follows: [1]
>
> ----------
> (Specify end use)

This certification constitutes a representation by the purchaser to the seller and to the National Production Authority that the tin or tin-bearing products or materials delivered will be used either for the purpose or purposes set forth in the attached schedules or for "implements of war," or for resale without change in form (other than packaging), and that such use is not prohibited by other applicable orders or regulations of the National Production Authority.

(b) This certification shall not be required in connection with the delivery of: (1) Tin to the General Services Administration for the stockpile of strategic materials; (2) tin or tin-bearing items or products pursuant to a specific author-

[1] In cases coming within the exemption stated in section 10, substitute the phrase "implements of war" for the reference to Schedule and item. Where the tin or tin products are purchased for resale without change in form (other than packaging), substitute the phrase "for resale upon proper certification."

ization of the National Production Authority; (3) solder in lots not exceeding 2 pounds, if in wire form, solid or cored, not over 5/32 inch in diameter, and containing no more than 40 percent tin by weight; (4) solder in lots not exceeding 5 pounds, if in any other form and containing not more than 35 percent tin by weight; (5) babbitt in lots not exceeding 5 pounds; (6) printing plates and type metal containing tin for use by the printing, publishing and related services industries; (7) liquor-finished wire; or (8) scrap containing not more than 6 percent tin by weight, when delivered to a scrap dealer or smelter.

(c) No person giving a certification under this section may receive, use or dispose of the materials obtained upon such certification contrary to its terms.

SEC. 9. *Defense orders for items containing tin.* Notwithstanding the provisions of NPA Reg. 2 which establishes a priorities system, rated orders calling for items containing tin are subject to the provisions of sections 4, 5, 6, and 8 of this order, unless within the exemption provided in section 10 or unless otherwise directed by the National Production Authority.

SEC. 10. *Exemption.* The restrictions of sections 4 and 5 of this order shall not apply to the manufacture of "implements of war" produced for the Department of Defense, Atomic Energy Commission, United States Coast Guard, and the National Advisory Committee for Aeronautics, provided that the use of tin contrary to these restrictions is required either by the latest applicable specifications or drawings, or by letter or contract issued by any such government agency for which the "implements of war" are being produced.

SEC. 11. *Inventories.* In addition to the inventory provisions of NPA Reg. 1, it is considered that a more exact requirement applying to users of pig tin or alloys or other materials containing tin (excluding ores and concentrates) is necessary.

(a) No person obtaining any such materials for use in manufacture, processing, or construction, or for maintenance, repair, or operating supplies, shall receive or accept delivery of a quantity of the materials listed in Column A below from domestic sources, if his inventory of such materials is, or by such receipt would become, more than the smallest quantity which will be required by his scheduled method and rate of operation to be put into use for such purposes during the next succeeding period specified in the corresponding section of Column B below, or (except for pig tin) in excess of a "practicable minimum working inventory" as defined in NPA Reg. 1, whichever is less:

Column A	*Column B*
1. Pig tin.	1. 120 days (for manufacture of tin plate); 60 days (for any other use).
2. Copper-base alloys (containing 1.5 percent or more tin).	2. 60 days.
3. Solder, babbitt, and other alloys containing 1.5 percent or more tin (except copper-base alloys).	3. 60 days.
4. All other materials containing tin.	4. 60 days.

For the purpose of this section, any such materials in which only minor changes or alterations have been effected shall be included in inventory.

(b) Section 10.11 of NPA Reg. 1, entitled "Imported materials" will continue to apply. The other provisions of this regulation will continue to apply except as modified by this section.

(c) No scrap dealer shall accept delivery of any form of scrap defined in section 2 of this order, unless, during the 60 days immediately preceding the date of such acceptance, he shall have made delivery or otherwise disposed of scrap to an amount at least equal in weight to his scrap inventory on the date of such acceptance, exclusive of the delivery to be accepted.

SEC. 12. *Export certificates.* Any purchaser of an item included in the attached schedules who intends to export such item from the United States, its territories or possessions, or from Canada, shall include in the certification required under section 8 of this order the words "for export" as well as the number of the export license applicable to such item. No item may be produced for export unless its manufacture is permitted under the provisions of section 4 of this order.

SEC. 13. *Importation of pig tin.* Commencing on the effective date of this order, no person other than the Reconstruction Finance Corporation, acting for and in behalf of the General Services Administration, shall import into the United States, its territories or possessions any quantity of pig tin in bars, blocks, pigs, grain or granulated (Item 6551.300 Statistical Classification of Imports into the United States, dated August 1, 1950) except as specifically authorized in writing by the National Production Authority: *Provided, however,* That this prohibition shall not apply to any private importation pursuant to a contract executed prior to the effective date of this order, which is reported to and approved by the National Production Authority on or before March 23, 1951. The report of such contracts shall be by letter in duplicate addressed to the National Production Authority, Washington 25, D. C. (Ref: M-8), stating the date of execution of the contract, the parties thereto, the approximate date or dates of arrival, the quantity and brand or brands of the material to be imported.

SEC. 14. *Reports and records.* (a) Reports on pig tin:

(1) Any person using 1,000 pounds or more of pig tin in any calendar month must complete and file report Form NPAF-7 with the National Production Authority on or before the 20th day of November 1950, and on or before the 20th day of each succeeding month with respect to such use during the preceding month.

(2) Any person who on any day of any calendar month has in his possession or under his control 1,000 pounds or more of pig tin must complete and file report Form NPAF-7 with the National Production Authority on or before the 20th day of November 1950, and on or before the 20th day of each succeeding month with respect to such possession or control on the last day of the preceding month.

(3) Any person who produces, imports, or distributes any pig tin must report his production, entries, receipts, deliveries, inventories, balance of entries, and all other transactions in pig tin either by completing and filing report Form NPAF-7, or by letter in triplicate with the National Production Authority, on or before the 20th day of November 1950, with respect to all such operations and transactions during October 1950, and on or before the 10th of December and on or before the 10th day of each succeeding month with respect to all such operations and transactions during the preceding month.

(b) Reports on Customs Entry: No tin including, without limitation, tin imported by or for the account of the Reconstruction Finance Corporation, U. S. Commercial Company, or any other United States governmental department, agency, or corporation, shall be entered through the United States Collectors of Customs unless the person making the entry shall complete and file with the Collector of Customs Form NPAF-8. The filing of such form a second time shall not be required upon any subsequent entry of the same material through the United States Collectors of Customs; nor shall the filing of such form a second time be required upon the withdrawal of such material from bonded custody of the United States Collectors of Customs, regardless of the date when such material was first transported into the continental United States. Form NPAF-8 will be transmitted by the Collectors of Customs to the National Production Authority.

(c) Records: (1) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(2) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(3) Persons subject to this order shall make such records and submit such other reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

(d) All reports required by this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–8, together with such number of copies as may be specified in the report form.

SEC. 15. *Application for adjustments.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 16. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–8.

SEC. 17. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of the National Production Authority, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by a fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

This order, as amended, shall take effect, except as otherwise specifically stated, on April 2, 1951.

Dated: March 29, 1951.

[SEAL] NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

LIST A

(See Section 4)

1. Advertising specialties.
2. Art objects.
3. Britannia metal, pewter metal, or other similar tin bearing alloys.
4. Buckles.
5. Buttons.
6. Chimes and bells.
7. Coated paper.
8. Emblems and insignia.
9. Fasteners as follows: book match clips and staples, paper clips, spiral binders, office staples, and paper fasteners.
10. Jewelry.
11. Novelty souvenirs and trophies.
12. Ornaments and ornamental fittings.
13. Hollowware.
14. Plating and coating for decorative purposes.
15. Powder for decorative purposes.
16. Refrigerator trays or shelves (all types).
17. Seals and labels.
18. Slot, game and vending machines.
19. Tin oxide (except for the purposes and to the extent set forth in Schedule VI).
20. Toys and games.
21. Zinc galvanizing.
22. All other ornamental or decorative purposes.

SCHEDULES

(See section 4)

SCHEDULE I—BRASS AND BRONZE

A. CAST COPPER-BASE ALLOYS

Alloys containing 3.5 percent or more by weight of tin may be cast for the following purposes only	*Maximum permissible tin content of alloys (percent by weight)*
(1) Piston rings for locomotives and for airbrake equipment.	(1) 20.
(2) Bridge trunnion bearings, bridge bearing plates, railroad and bridge turntable bearing discs, mill stand screw down nuts	(2) 18.
(3) High ratio worm gears, fire engine pump gears, jack nuts, feed nuts, elevating nuts, thrust washers or discs, machine tool spindle bearings	(3) 12.
(4) Hydraulic pump bodies and ends for gear pumps, grinder spindle sleeve bearings, step bearings, internal parts of industrial centrifugal pumps and injectors, collector rings, bearings and bushings	(4) 10.
(5) Bearings produced by the process of powder metallurgy	(5) 10.
(6) Steam industrial and aircraft valves, fittings and specialties	(6) 9.
(7) Tablets, markers, and memorials	(7) 3.5.
(8) All other castings	(8) 6.

B. WROUGHT ALLOYS

Pig or secondary tin may be used to make wrought alloys, but the tin content of such alloys must be limited to the amount essential for the particular purpose.

C. COPPER NICKEL ALLOYS

(1) Seats, discs, and bearing surfaces of steam and industrial valves	(1) 12.

SCHEDULE II—SOLDERS

Pig or secondary tin may be used to make solder to be used for the following purposes only: (See definition of "soldering" in section 2. Solder coating is covered by Schedule IV, and item 13, Schedule VII.)	*Maximum permissible tin content of solder (percent by weight)*
(1) For soldering side seams in the manufacture of cans made with either lock or lap side seams with a combination of lock or lap seams.	(1) 5.
(2) For soldering end seams of all solder seam cans	(2) 26.
(3) For the sealing of milk cans	(3) 21.
Pig or secondary tin may be used to make solder to be used for the following purposes only. (See definition of "soldering" in section 2. Solder coating is covered by Schedule IV, and item 13, Schedule VII.)	*Maximum permissible tin content of solder (percent by weight)*
(4) For a filler or smoother for automobile or truck bodies or fenders or for similar purposes.	(4) 20.
(5) Radiators	(5)
(i) All cellular type radiators (average per radiator)	(i) 21.
(ii) All fin and tube type radiators for military and civilian use (average per radiator).	(ii) 30.
(6) For all soldering on the following: railroad car and truck refrigeration; refrigeration equipment inside refrigeration compartments; aluminum refrigeration condensers; aircraft motors; diesel and electric generators; electric-traction motors; generators for railroads, street cars, mine locomotives, railway locomotives and busses (including the dipping of commutator segments); electrical precision instruments; meters, recording and indicating; dairy equipment; food processing equipment; and hospital and sterilizing equipment.	(6) Unlimited.
(7) For other hand soldering operations done either with a soldering iron or with a torch and wiping.	(7) 40.
(8) For any other soldering operations	(8) 35.

SCHEDULE III—BABBITT

Pig or secondary tin may be used to make babbit metal or alloys used as babbit for the following purposes only	*Maximum permissible tin content of babbit (percent by weight)*
(1) For manufacture, repair, maintenance or replacement of multibank crosshead linings in locomotives or for lining aluminum crossheads and for bonding of precision bearings and all bearings included under items (2) and (3) below.	(1) Unlimited.
(2) For manufacture, repair, maintenance or replacement of connecting rods or main engine bearings for trucks, tractors, bulldozers or busses.	(2) 90.
(3) For manufacture, repair, maintenance or replacement of Diesel engines; turbines; locomotive connecting rod or coupling rod bearings; irrigation water pumping engines and equipment; industrial engines, generators, and motors; compressors; pumps; vessels or other ship facilities; electric locomotives; electric traction motor and generator bearings; stone crusher bearings; saw mill, planing mill, and paper mill machinery.	(3) 90.
(4) For any other bearing purpose	(4) 10.

SCHEDULE IV—PLATING AND COATING

Pig tin or alloys containing tin may be used to plate or coat solely for protective or functional purposes in the following items only	*Permitted use of pig tin or alloys containing tin*
(1) Dairy equipment, including fluid milk shipping containers, ice cream cans, strainers, pails, and other dairy equipment.	(1) Plate, coat or retin.
(2) Equipment for preparing and handling food, including kitchen utensils, galley and mess equipment.	(2) Coat or retin only such parts as are designed to come in actual contact with food.
(3) Cutlery and flatware.	(3) Plate or coat.
(4) Copper or brass pipe and fittings:	(4)
(i) Tubing or fittings to dispense beverages or distilled water.	(i) Coat.
(ii) Tubing or fittings used as refrigeration tubing or in contact with beverages or drinking water in beverage or drinking water equipment.	(ii) Electro tin or chemically tin.
(5) Snap fasteners and hooks and eyes	(5) Tin or tin chemicals may be used for barrel plating or chemical plating.
(6) Copper and copper-base alloy wire and strip:	(6)
(i) Wire 0.032" nominal diameter or finer.	(i) Coat.
(ii) Wire—larger than 0.032" nominal diameter.	(ii) Coat with alloy containing not more than 12 percent tin by weight.
(iii) Strip 0.0250" thick or thinner where solderable coating is required for electrical conductivity.	(iii) Coat. Coating limited to .0004" in thickness.
(iv) Strip otherwise solderable coating is required for toasters and heat exchangers.	(iv) Coat with an alloy containing not more than 15 percent tin by weight.
(7) Wire, for following purposes:	(7) Coat for purposes indicated.
(i) Liquor finishing process of fine steel bright wire.	
(ii) Armature binder wire and wire for all electrical equipment and aircraft parts including aircraft wire and cable.	
(iii) Wire having ultimate tensile strength of 100,000 lbs. per sq. in. for the manufacture of stranded cable (not including picture wire, cabling beaders and like items) but including musical instrument strings.	
(iv) Steel wire, for following purposes—Continued	
(iv) Spring steel wire for use as springs where prime function of the wire is a spring and alternative coatings cannot be used (this does not include wire for spiral binding and like applications).	
(v) Wire for use in manufacture of equipment for the production of textiles.	
(vi) Wire for manufacture of pin tickets and tag wire in direct contact with garments and other textiles and including dry cleaning and laundry tag use, for pin type card holders and brake strand.	
(vii) Beekeepers' wire for comb construction.	
(viii) Wire for packaging or marking food where wire comes into actual contact with edible portions of the food.	
(ix) Bookbinders wire or preformed staple wire to be used in foot or power operated stitching machines using wire in coils or spools or preformed staples for the following:	
(a) Stitching of magazines, books, booklets and pamphlets, other than those used solely for advertising purposes.	
(b) Preformed containers for dairy products and other foods and for pull-up tabs for bottles and tubs only where the wire comes into direct contact with the food.	
(x) Stitching wire and wire for staples to be used in hand, foot or power operated stitching machines using wire in coils or spools or preformed staples for the following:	
(a) Attaching tabs and tickets to garments, other textiles, leather and imitation leather, and sheet plastics, and for attaching these items to other items or materials;	
(b) Stitching and stapling in industrial manufacturing operations where tinned stitching wire or staples are required for penetration and alternative coatings cannot be used (this does not include wire for office staples, staples for tea bags, book matches or box and carton construction).	
(8) Tin plate and terneplate	(8) Pig or secondary tin may be used to coat tin plate. Only secondary tin may be used to produce terne metal for coating terneplate. Terne metal containing not more than 15 percent tin may be used for coating terneplate. Terne metal containing not more than 10 percent tin may be used for coating all other long ternes. All uses of tin plate and terneplate shall be in accordance with the provisions stated in NPA Order M–24.

SCHEDULE VII—MISCELLANEOUS—Continued

Items	Permitted use
Pig tin or alloy containing tin may be used to plate or coat solely for protective or functional purposes in the following item only	Permitted use of pig tin or alloys containing tin is limited to the extent that manufacture is specifically authorized in writing by NPA.
(2) Tin pipe, sheet tin and fittings to repair or maintain beverage dispensing units and their parts, including soda fountain carbon dioxide tanks.	(2) May be made from pig or secondary tin provided the purchaser returns to the supplier a quantity of scrap tin with the same tin content as that supplied.
(3) Tin pipe or tubes	(3) Where required, for conducting chemically pure distilled water.
(4) Bolster metal	(4) In the manufacture of surgical instruments if the tin content of the bolster metal does not exceed 35 percent of tin by weight. For all other cutlery, if the tin content of the bolster metal does not exceed 10 percent of tin by weight and provided such bolster metal is produced from secondary tin only.
(5) Pipe organs for religious and educational institutions.	(5) May be manufactured, rebuilt or repaired with secondary tin taken from the inventories of organ builders or acquired from old organs.
(6) Dental amalgam alloys	(6) No restriction on tin content.
(7) Detonators and blasting caps (including electric blasting caps).	(7) Pig or secondary tin may be used to make the detonators and blasting caps and all necessary parts and accessories.
(8) Collapsible tubes	(8) Pig or secondary tin may be used in accordance with the specification limits stated in NPA Order M-27.
(9) Printing plates and type metal containing tin	(9) May be made for use by the printing, publishing and related services industries without certification.
(10) Terne metal	(10) Terne metal containing not more than 15 percent of tin may be produced if made from secondary tin only.
(11) Fusible alloys for safety purposes only	(11) —
(i) Dry pipe seat rings	(i) Pig or secondary tin may be used to the extent required to meet performance specifications.
(ii) Fusible alloys for safety purposes only	(ii) Pig or secondary tin may be used to the extent required to meet minimum code requirements with respect to the operation of the product in which the alloy is to be contained.
(12) Linings for chromium plating tanks and lead anodes for chromium plating.	(12) Lead base alloys containing not more than 4 percent tin may be used if the alloys are derived from secondary tin only.
(13) Secondary tin bearing dresses, residues, and scrap metal containing not more than 10 percent tin.	(13) May be used for any purpose except to make items included in List "A."
(14) Bismuth alloys. Pig or secondary tin may be used for the production of bismuth alloys.	(14) (a) For items permitted by both order M-49 and the schedules attached to order M-8, the tin content is limited to that set forth in the schedules for the particular item and use. (b) For all other items permitted by order M-49 and not included in the schedules attached to order M-8, the tin content is limited to the minimum required for the particular use under order M-49.
(15) Clutch and brake facings when produced by the process of powder metallurgy wholly from metals.	(15) Not more than 10 percent by weight of tin powder.

[F. R. Doc. 51-4027; Filed, Mar. 30, 1951; 4:36 p. m.]

SCHEDULE IV—PLATING AND COATING—Continued

Pig tin or alloys containing tin may be used to plate or coat solely for protective or functional purposes in the following item only	Permitted use of pig tin or alloys containing tin
(4) Sheet copper with tin plate, trimmings of tin plate, bell plate, tubing, wire, laundry chaplets, etc.	(4) Pig or secondary tin may be used to the extent that manufacture is specifically authorized in writing by NPA.
(5) Steel bearing shells	(5) Pig or secondary tin may be used to electro-plate, electrotype shells only where such installations were operating on or before January 27, 1951.
(6) Electrotype shells	(6) Pig or secondary tin may be used to electro-plate, electrotype shells only where such installations were operating on or before January 27, 1951.

SCHEDULE V—FOIL

Pig or secondary tin may be used to make foil for the following purposes only	Maximum permissible tin content of foil (percent by weight)
(1) Electrolytic foil	(1) 30.
(2) Soft babbitt for the preparation of industrial metallic packing	(2) 1 2.
(3) Condenser foil of dimensions .00035" by 1 inch or less	(3) 70.
(4) Condenser foil for all other condensers	(4) 15.
(5) Foil for aircraft magnetos	(5) 50.
(6) Cap liner foil for packing medicinal, pharmaceutical, and biological preparations containing chloroform or other highly volatile chemicals; and preparations containing an equivalent alcohol content in excess of 50%, and for which other types of liners cannot be used.	(6) Unlimited.
(7) Dental foil	(7) Unlimited
(8) Lead-base foil for burglar alarm systems	(8) 4½.

SCHEDULE VI—TIN CHEMICALS AND TIN OXIDE

A. TIN CHEMICALS

Types of tin chemicals	Permitted use
(1) Pig tin or tin chemicals (excluding tin oxide).	(1) May be used only as or for: Laboratory reagents, medicinals, or plating (to the extent permitted in other schedules).
(2) Tin chemicals (excluding tin oxide) produced from "low-grade" secondary tin-bearing dresses, residues, or scrap metal (See definition in Section 2).	(2) May be used for any purpose except to make items included in List A.

B. TIN OXIDE

Production	Permitted use
Pig tin cannot be used to make tin oxide except when and to the extent that manufacture is specifically authorized in writing by NPA.	(1) Commencing on March 1, 1951, for the production of green, pink, yellow and red colors in amounts in any one month not in excess of 50 percent of the average monthly use for such purposes during the base period. (2) For the production of earthenware plumbing fixtures. (3) Laboratory agents and medicinals.

SCHEDULE VII—MISCELLANEOUS

Items	Permitted use
(1) Aluminum alloys containing tin where tin content does not exceed 7 percent by weight.	(1) For any purpose except to make items included in List A.

[NPA Order M-23 as amended Mar. 31, 1951]

M-23—CARDED COTTON SALES YARN

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-23 (January 12, 1951) as follows: It redesignates §§ 75.1 through 75.6 thereof, as sections 1 through 6, respectively, and redesignates §§ 75.7 through 75.11 thereof, as sections 8 through 12, respectively. It amends the renumbered sections 1, 5, 6, and 9 thereof, as hereinafter set forth, and adds a new section 7. The word "part" is changed to "order" wherever it appears therein. As so amended, NPA Order M-23 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Forms of carded cotton sales yarn to which this order applies.
4. Required delivery dates.
5. Rejection of rated orders.
6. Limitation for acceptance of rated orders.
7. Restrictions on spinning spindles.
8. NPA assistance in placing rated orders.
9. Adjustments or exceptions.
10. Communications.
11. Records, audit, inspection, and reports.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to producers of carded cotton sales yarn, and provides rules for placing, accepting, and scheduling rated orders therefor. Its purpose is to provide equitable distribution of rated orders among all carded cotton sales yarn producers of the particular types mentioned in section 3 of this order in order to make possible maximum production of such yarn and to reduce to a minimum disruption of its normal distribution. This order also places restrictions on the operation of spinning spindles. It supplements NPA Reg. 2, but only those provisions of Reg. 2 which are inconsistent with this order are superseded, and all other provisions of Reg. 2 continue to apply to the carded cotton sales yarn industry.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes agencies of the United States or any other government.

(b) "Producer" means any person engaged in the business of spinning carded cotton yarn produced for sale as such.

(c) "NPA" means National Production Authority in the Department of Commerce.

SEC. 3. *Forms of carded cotton sales yarn to which this order applies.* This order applies to carded cotton yarn produced for sale as such, regardless of count or ply or put-up and whether undyed, dyed, tinted, or otherwise treated, including all second quality yarns, and waste or waste content yarns.

SEC. 4. *Required delivery dates.* A rated order for carded cotton sales yarn must specify delivery on a particular date or in a particular month, which in no case may be earlier than required by the person placing the order. The producer of carded cotton sales yarn must schedule the order for delivery within the requested month as close to the requested delivery date as is practicable considering the need for maximum production.

SEC. 5. *Rejection of rated orders.* Unless specifically directed otherwise by NPA, a producer of carded cotton sales yarn need not accept a rated order that is (a) received less than 15 days prior to the first day of the month in which shipment is requested, or (b) for a yarn of a specification or put-up not normally made by such producer and of a type that would cause lack of balance in mill production.

SEC. 6. *Limitation for acceptance of rated orders.* Unless otherwise directed by NPA no producer shall be required to accept rated orders for the types of carded cotton sales yarn listed in this section for shipment in any month in excess of the following respective percentages by weight of his average monthly shipment of such types made by him during the period from July 1, 1950, through December 31, 1950:

Types of yarn:	Percentage by weight
Group 1—Coarser yarns than sixes in the single, and in any ply	20
Group 2—Yarns from sixes to twenty-twos inclusive in the single, and in any ply	30
Group 3—Finer yarns than twenty-twos in the single, and in any ply	20

SEC. 7. *Restrictions on spinning spindles.* No producer shall operate any spinning spindle which on March 12, 1951, he used for the manufacture of carded cotton sales yarn (or had in place and in operating condition for such use) in any of the three groups specified in section 6 of this order, except for the manufacture of carded cotton sales yarn in such group.

SEC. 8. *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for carded cotton sales yarn due to the limitation imposed by section 6 of this order should apply to NPA, Ref: M-23, specifying the producers who refused to accept the order. NPA will arrange to assist him in locating other sources of supply.

SEC. 9. *Adjustments or exceptions.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue and exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interests of national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 10. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M-23.

SEC. 11. *Records, audit, inspection, and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocaton control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect as amended March 31, 1951.

Dated: March 29, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-4028; Filed, Mar. 30, 1951; 4:36 p. m.]

[NPA Order M-45, Schedule 1]

M-45—NAPHTHENIC ACID

This schedule is found necessary and appropriate to promote the national defense and is issued under NPA Order M-45 pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this schedule there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

SECTION 1. *Definition.* "Naphthenic acid" means crude, processed, distilled, or refined acid (monobasic carboxylic acid of the general formula RCOOH, where R is a napthenic radical) having an acid value of 180 or higher on an oil included basis and containing not more than 20 percent of unsaponifiable matter by weight.

SEC. 2. *General provisions.* Naphthenic acid is hereby made subject to NPA Order M-45 as an Appendix B material. The initial allocation date is April 1, 1951. The allocation period is the calendar month. The small order exemption without use certificate is one drum of not in excess of 55 gallon capacity (approx. 440 pounds) per person per month.

SEC. 3. *Filing date and unit of measure.* The filing date is the 15th day of the month before the proposed delivery month. Applications relating to the allocation period commencing April 1, 1951, should be filed as soon as possible. The unit of measure is the pound.

SEC. 4. *Termination of NPA authorization to use.* An authorization by NPA to any person to use naphthenic acid shall terminate at the close of the calendar month immediately following the allocation period for which such use was authorized.

SEC. 5. *Limitation on inventory.* The provisions of NPA Reg. 1 shall apply to naphthenic acid.

SEC. 6. *Certified statement of proposed use.* Every person who purchases naphthenic acid from a supplier is required to enter on or attach to each purchase order a certified statement of proposed use as provided in section 7 of NPA Order M-45, and where more than one end-use is listed for a particular product, to specify a separate quantity for each such end-use. Such statement should specify:

(a) The following products:

Aluminum naphthenate.	Mineral concentrates.
Cobalt naphthenate.	Pigments.
Copper naphthenate.	Rubber compounding composition.
Crude oil demulsifier.	Sodium naphthenate.
Esters.	Zinc naphthenate.
Iron naphthenate.	Other.
Lead naphthenate.	
Manganese naphthenate.	

(b) The following end-uses:

Cutting oils and emulsifying agents.	Plasticizers.
Lubricants.	Resale.
Napalm.	Textile impregnants.
Paint driers.	Export.
	Other.

SEC. 7. *Supplier's application on Form NPAF-47.* Every supplier of naphthenic acid is required to apply on Form NPAF-47, for authorization to deliver, or to use, any quantity of naphthenic acid in excess of the small order exemption. General instructions on the preparation of Form NPAF-47 are set forth in Appendix D of NPA Order M-45. Fill out a separate Form NPAF-47 for each grade, i. e., crude, processed, distilled, or refined. The supplier is not required to list individual purchasers, but should show in column (2) of such form the total quantity ordered (and covered by end-use certificates) for each of the products and each of the end-uses set forth in section 6 of this schedule. Where more than one end-use is listed for a particular product, a separate quantity should be specified for each such end-use. A supplier who wishes to use any naphthenic acid which he has produced himself should list his own name as a customer on Form NPAF-47.

SEC. 8. *Communications.* All communications concerning this schedule shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-45, Schedule 1.

NOTE: All reporting requirements of this schedule have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This schedule shall take effect, except as otherwise provided herein, on March 31, 1951.

Dated: March 29, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-4029; Filed, Mar. 30, 1951; 4:36 p. m.]

[NPA Order M-50]

M-50—ELECTRIC UTILITIES

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

ARTICLE I—GENERAL PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Applications for adjustment.
4. Records and reports.
5. Communications.
6. Violations.

ARTICLE II—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

21. Modification of NPA Reg. 4 (MRO).
22. Quarterly MRO quotas.
23. Quantity restrictions.
24. Applications for increased MRO quotas.

ARTICLE III—PROGRAM MATERIALS

31. Procurement of program materials generally.
32. Major plant additions.
33. Minor requirements.
34. Form of certification.
35. Quarterly program material quotas for minor requirements.
36. Inventory restrictions.
37. Filing of forms.
38. Applications for increased program material quotas.

AUTHORITY: Sections 1 to 38 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this order does.* (a) This order provides rules of special application to the procurement and use of materials by electric utilities.

(b) Article II modifies the application of NPA Reg. 4 to electric utilities and supersedes any conflicting provisions in NPA Reg. 4. All the provisions of NPA Reg. 4 apply to electric utilities except as modified by this order.

(c) Article III authorizes electric utilities to apply DO-43 ratings to orders for program materials to be used in major plant additions upon DEPA approval. In addition, it provides that electric utilities may not use any program materials in major plant additions after May 1, 1951, unless authorized by DEPA. The procurement of program materials for minor requirements, that is, requirements for all purposes except use in major plant additions, is governed by a self-rating procedure. Subject to certain inventory controls and quota limitations, each electric utility is authorized to apply DO-43 (Minor) ratings to certain orders for program materials for minor requirements.

SEC. 2. *Definitions.* (a) "Electric utility" means any individual, partnership, association, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, located in the United States, its territories or possessions, supplying, or having facilities built for supplying electric power, directly or indirectly, for general use by the public or for use by its members. In the case of an electric utility engaged in the supply of electric power and in other activities, this order shall apply only to the procurement and use of materials required directly or indirectly for the supply of electric power.

(b) "DEPA" means the Defense Electric Power Administration.

(c) "Maintenance" means maintenance as defined in NPA Reg. 4 and "repair" means repair as defined in NPA Reg. 4. However, "maintenance" and "repair" include the replacement of any equipment regardless of its accounting classification, but neither "maintenance" nor "repair" includes the improvement of any plant, facility, or equipment or the replacement of material which is in sound working condition with material of a better kind, quality, design, or greater capacity.

(d) "Operating supplies" means material, other than fuel, which is consumed in the course of an electric utility's operations, except in maintenance, repair, and plant additions.

(e) "Plant addition" means the construction or installation of new facilities or the replacement of existing facilities with facilities of greater capacity. Single plant additions may not be combined or subdivided for purposes of affecting their classification as "major plant additions," as defined in this section. To assist in determining whether particular construction constitutes one, or more than one, plant addition, it shall be considered that a single plant addition consists of:

(1) Any construction of related facilities, excluding maintenance and repair work, which is completed during a continuous period of construction, not interrupted by periods of time such as months or years, except where such interruption is caused by uncontrollable forces, such as adverse weather conditions.

(2) In the case of line construction, a single continuous integrated system of lines, with necessary connected substations. (Thus, several sections of line emanating from different points on a utility's system would be several plant additions, not one plant addition.)

(f) "Major plant addition" means any plant addition constructed by an electric utility which involves one or more of the following:

(1) Line construction designed for operation at more than 15 kv where the plant addition requires more than 10,000 pounds gross weight of conductor, or

(2) Line construction designed for operation at 15 kv or less where the plant addition has a net material cost exceeding $50,000, or

(3) Non-line construction, including but not limited to construction or of additions to generating plant, sub-stations, or buildings, where the plant addition has a net material cost over $50,000, except that non-line construction shall not include construction for which specific NPA authorization is required under NPA Order M-4.

(g) "Minor requirements" means electric utility requirements of program materials for all purposes (including MRO) except use in major plant additions, and except use in construction for which specific NPA authorization is required under NPA Order M-4.

(h) "Gross weight of conductor" means, in the case of overhead lines, the weight of conductor as installed, including steel content in the case of conductor containing steel, without deduction for material salvaged; and in the case of underground lines the copper and aluminum content only, without deduction for material salvaged.

(i) "Line construction" means construction of both overhead and underground lines.

(j) "Net material cost" means the cost of all material, including any commodity, equipment, accessory, part, assembly, or product of any kind, incorporated in plant, less the cost of all material removed from plant, priced in accordance with the electric utility's regular accounting practice.

(k) "Inventory of program material" means all new or salvaged program material in the possession of an electric utility, unless physically incorporated in plant, without regard to its accounting classification, excluding, however:

(1) Program material specifically set aside on the effective date of this order for use in time of emergency and replacement thereof, and

(2) Program material set aside for use in any major plant addition. Program material set aside for use in such major plant addition which will not be used in such major plant addition shall be included in inventory.

(l) "Program material" means any material which is the subject of an appendix to this order.

SEC. 3. *Applications for adjustment.* (a) Any electric utility affected by any provision of this order may file a request for adjustment or exception on the ground that such provision works an undue or exceptional hardship upon such utility not suffered generally by other electric utilities, or that its enforcement against such utility would not be in the interest of national defense or in the public interest. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

(b) Each such request shall be addressed to DEPA and, if approved, DEPA will grant an appropriate adjustment or exception.

SEC. 4. *Records and reports.* (a) Each electric utility participating in any transaction covered by this order shall retain in its possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met, including the amounts of quarterly quotas, the method of computation, factual justification, methods of figuring quotas and charges against them. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) Each electric utility shall make such further records and submit such further reports to DEPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (Pub. Law 831, 77th Cong., 5 U. S. C. 139-139F).

SEC. 5. *Communications.* All communications concerning this order and NPA Reg. 4, as modified by this order, and all requests for forms shall be addressed to the Defense Electric Power Administration, Department of the Interior, Washington 25, D. C.

SEC. 6. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

ARTICLE II—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

SEC. 21. *Modification of NPA Reg. 4 (MRO).* This article modifies the application of NPA Reg. 4 (MR) to electric utilities and supersedes any conflicting provisions in NPA Reg. 4. All the provisions of NPA Reg. 4 and all other applicable orders and regulations of NPA apply to electric utilities except as modified by this order.

SEC. 22. *Quarterly MRO quotas*—(a) *Computation of quota.* Subject to the exclusions provided in paragraph (b) of this section, an electric utility, in computing its quarterly MRO quotas, may include all expenditures for operating supplies and for materials used for maintenance and repair, as those terms are defined in this order.

(b) *Exclusions from quota.* In computing its quarterly MRO quota, no electric utility shall include any expenditure for:

(1) Any electric utility program material subject to Article III of this order.

(2) Any item included in Schedule A of NPA Order N-44.

(3) Any other item costing more than $10,000.

SEC. 23. *Quantity restrictions*—(a) *Charges against quota.* No electric utility shall obtain by use of the DO-97 rating any material herein excluded from its quarterly MRO quota, nor shall any utility charge against its quarterly MRO quota any order or receipt of such material.

(b) *Emergency excess of quota.* Subject to the restrictions of paragraph (a) of this section, if an electric utility has so far exhausted its MRO quota that an insufficient quota remains in any quarter to procure necessary material for maintenance or repair of its equipment or property, other than buildings, which is damaged or destroyed by extraordinary cause such as explosion, fire, sabotage, act of the public enemy, flood, storm or similar catastrophe, the utility may exceed its quota for that quarter to the extent necessary to procure such emergency materials: *Provided however*, That any such excess of quota must be immediately reported, together with the reasons therefor, to DEPA.

SEC. 24. *Applications for increased MRO quotas.* An electric utility's application for an increased MRO quota, to be submitted as provided in section 3 of this order, shall show such utility's existing MRO quota, any prior adjustments thereof, the amount of increase requested, the necessity for such increase, such utility's output per quarter in kilowatt hours commencing with the first quarter of 1950, and any other information pertinent to proper evaluation of such application.

ARTICLE III—PROGRAM MATERIALS

SEC. 31. *Procurement of program materials generally.* Subject to the quantity restrictions provided by this article,

the ratings authorized by this article shall be applied to all orders for any program material including outstanding unrated orders, scheduled for delivery in or prior to a quarter for which a program material quota or authorization is effective, and no utility shall place unrated orders for any program material scheduled for delivery in such a quarter. Accordingly, all outstanding orders for any program material, except those calling for delivery in a subsequent quarter, shall be either rated or canceled within 15 days after such material becomes subject to the provisions of this order.

SEC. 32. *Major plant additions.* No electric utility may order any program material for use in any major plant addition unless specifically authorized by DEPA. For each program material approved by DEPA for use in a major plant addition, an electric utility is hereby authorized to apply the DO-48 rating to orders for the quantity of such program material specified by DEPA. After May 1, 1951, no electric utility may use any program material in a major plant addition unless such use is authorized by DEPA.

SEC. 33. *Minor requirements.* Subject to the restrictions contained in sections 36 and 37 of this order, each electric utility is hereby authorized to apply DO-48 (Minor) ratings to order any program material for its minor requirements: *Provided,* That no electric utility may exceed its quota for such program material.

SEC. 34. *Form of certificate.* The DO-48 or DO-48 (Minor) rating shall be applied by placing on the orders for any program material, or on a separate piece of paper attached thereto, the symbol "DO-48"[6] or "DO-48 (Minor)" together with the words "Certified under NPA Order M-50". Such certification shall be signed as prescribed in section 8 of NPA Reg. 2.

SEC. 35. *Quarterly program material quotas for minor requirements.* An electric utility may elect to use either a standard quota or an alternative quota but may not thereafter change from one quota to the other without the express approval of DEPA.

(a) *Standard quota.* An electric utility's standard quota for any program material for any calendar quarter is the percentage specified in the applicable appendix to this order of the quantity of such material which it used for minor requirements in the calendar year 1950 (or, if it operated on a fiscal year basis, in its fiscal year ending nearest to December 31, 1950).

(b) *Alternative quota.* An electric utility's alternative quota for any program material for any calendar quarter is the percentage specified in the applicable appendix to this order of the quantity of such material which it used in the corresponding calendar quarter of 1950 (or, if it operated on a fiscal year basis, in the corresponding quarter of its fiscal year ending nearest to December 31, 1950).

(c) *Quota where 1950 base inapplicable.* An electric utility not in operation throughout the year 1950 (calendar or fiscal) shall establish its standard or alternative program material quota in accordance with this section by adjusting, in direct proportion, its actual use of such program material for part of the year to an annual basis. To determine an alternative quota in such cases, the adjusted annual use may be unequally distributed among 4 quarters to reflect seasonal variations. An electric utility not in operation throughout 1950 shall report to DEPA the program material quota which it establishes in accordance with this section. If an electric utility was not in operation during any part of the year 1950 (calendar or fiscal) it may apply to DEPA for a program material quota, supplying in detail information pertinent to a proper evaluation of its application.

SEC. 36. *Inventory restrictions.* No electric utility shall order any program material if, after the receipt of such program material, its inventory of such program material would be or become in excess of 25 percent of the gross weight of such program material which it used for its minor requirements during the year 1950 (calendar or fiscal), except that an electric utility may order for delivery in any quarter a quantity of any particular item of such program material equal to the amount by which its required use of such item in such quarter exceeds the quantity of such items which it has or will have on hand at the beginning of such quarter. This provision shall not authorize any electric utility to exceed its quota for minor requirements.

SEC. 37. *Filing of forms.* Prior to its first application of the DO-48 (Minor) rating to an order for delivery of any program material in the second quarter of 1951 for use for minor requirements, each electric utility must file with DEPA the applicable form in the DEPA-4 series. Forms in the DEPA-4 series shall be deemed to be filed when addressed to DEPA and deposited for mailing in any United States post office.

SEC. 38. *Applications for increased program material quotas.* Each application for an increased program material quota shall contain the following information:

(a) Statement of the amount of any special authorization which the utility has received.

(b) Statement of the total amount of each program material requested to be authorized for use in minor requirements during each quarter, including the base period quota permitted by the applicable appendix to this order.

(c) Detailed statement of necessity for larger quota.

(d) Any additional information which may be pertinent to proper evaluation of the application.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on April 1, 1951.

Dated: March 29, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

APPENDIX A—ALUMINUM CONDUCTOR

1. *Definition.* "Aluminum conductor" means any wire, cable, or bus bar which contains aluminum.

2. *Standard aluminum conductor quota for minor requirements:* 20 percent.

3. *Alternative aluminum conductor quota for minor requirements:* 80 percent.

4. *Exemption from quantity restrictions.* The quantity restrictions applicable to aluminum conductor shall not apply to any electric utility which orders for delivery in any calendar quarter a gross weight of aluminum conductor which does not exceed 5,000 pounds.

5. *Applicable forms.* The form which an electric utility is required to file prior to its first application of the DO-48 (Minor) rating to an order for aluminum conductor as provided in section 37 of this order is Form DEPA-4A.

6. *Effect on NPA Order M-7.* The provisions of this order supersede NPA M-7 with respect to the procurement and use of aluminum conductor by electric utilities. The use by electric utilities of forms and shapes of aluminum listed in section 3 of NPA Order M-7, other than aluminum conductor and aluminum conductor accessories, remains subject to the restrictions of NPA Order M-7.

APPENDIX B—ALUMINUM CONDUCTOR ACCESSORIES

1. *Definition.* "Aluminum conductor accessories" means any accessories containing aluminum or steel, such as clamps, twisting sleeves, and armor rods, which are used for the installation of aluminum conductor.

2. *Aluminum conductor accessories quota.* There are no quotas applicable to the procurement of aluminum conductor accessories.

3. *Quantity restrictions.* No electric utility may order for delivery in any quarter a larger quantity of aluminum conductor accessories than necessary for use in connection with aluminum conductor which such utility is authorized to use or order for delivery in such quarter, and for such additional quantity of aluminum conductor accessories which it requires for use in such quarter in maintenance and repair.

4. *Effect on NPA Order M-7.* The provisions of this order supersede NPA Order M-7 with respect to the procurement and use of aluminum conductor accessories by electric utilities. The use by electric utilities of forms and shapes of aluminum listed in section 3 of NPA Order M-7, other than aluminum conductor and aluminum conductor accessories, remains subject to the restrictions of NPA Order M-7.

5. *Filing of forms not required.* No forms are required to be filed prior to application of the DO-48 (Minor) rating to orders for aluminum conductor accessories.

[F. R. Doc. 51-4030; Filed, Mar. 30, 1951; 4:37 p. m.]

[NPA Order M-51]

M-51—GLASS CONTAINERS; SIMPLIFICATION AND USE

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable by the fact that the order affects a very substantial number of different trades and industries.

Sec.
1. What this order does.
2. Definitions.
3. Permitted manufacture of glass containers.
4. Establishment and use of simplified designs.
5. Time allowed for conversion to simplified designs.
6. Force and effect of schedules.
7. Exceptions.
8. Interchange of finishes.
9. Export.
10. Application for adjustment or exception.
11. Records and reports.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to increase the supply of glass containers for packaging. To accomplish this purpose, the creation of new designs of glass containers is prohibited by limiting the manufacture and use of glass containers to designs in existence or to simplified designs of glass containers which are from time to time included in a schedule to be issued under this order. As a further means of accomplishing this purpose, the order provides that the National Production Authority (hereinafter called "NPA") may from time to time require the use of glass containers of simplified designs for the packaging of specified products.

SEC. 2. *Definitions.* For the purposes of this order and of any schedule issued hereunder: (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Glass Container" means any new machine-made bottle, jar, or tumbler which is made of glass and which is intended for packaging any product.

(c) "Closure" means any sealing or covering device affixed or to be affixed to a glass container for the purpose of retaining the contents within the container.

(d) "Finish" of a glass container means the configuration of the neck or opening which serves to engage specific parts of the closure in order to affix it to the glass container.

(e) The term "design" with respect to a glass container means the particular shape, weight, size, capacity, and contour of the body of such container (other than the finish), and includes any lettering or decoration molded thereon, except the identification marks of the container manufacturer.

(f) The term "design in existence" with respect to a glass container means a design which has been produced in one or more production runs on or before March 31, 1951.

(g) The term "simplified design" means the design of a glass container shown in any drawing and by the particular specifications set forth opposite a design number in the table of specifications accompanying such drawing in a schedule which will be issued under this order and designated as Schedule 1. Any applicable footnotes relating to individual drawings and tables of specifications are a part of such specifications.

(h) The letters "GCMI", when used in connection with any specification included in a schedule of this order, mean a specification issued by Glass Container Manufacturers Institute, Inc.

SEC. 3. *Permitted manufacture of glass containers.* Effective on and after March 31, 1951, no person shall manufacture for sale a glass container except:

(a) Where the glass container is of a design in existence, or

(b) Where the glass container is of a simplified design incorporated in Schedule 1 of this order.

SEC. 4. *Establishment and use of simplified designs.* (a) NPA may from time to time establish simplified designs for glass containers by incorporating in Schedule 1 of this order drawings illustrating such containers and providing specifications for each such simplified design opposite a design number in the table of specifications accompanying such drawings.

(b) Both glass containers of these simplified designs and glass containers of designs in existence may be manufactured and used for packaging any product unless and until, through other schedules of this order, the use of designated glass containers of simplified designs is required for the packaging of specified products.

SEC. 5. *Time allowed for conversion to simplified designs.* Whenever a schedule is added to this order requiring that designated glass containers of simplified designs be used for packaging specified products, time, to the extent indicated in the schedule, will be allowed for conversion to the simplified designs. After the expiration of the allowed conversion period, only glass containers of the simplified designs designated for a specified product shall be manufactured or used for packaging that product, but during the interval between the date of the issuance of the schedule and the expiration of the conversion period provided for the specified product, glass containers of a design in existence may be manufactured and used for packaging such product.

SEC. 6. *Force and effect of schedules.* A schedule of this order may require that, in the packaging of specified products, designated glass containers of simplified designs be used, and may establish a quota limiting the number of such designated containers to be used in the packaging of any specified product. Schedules issued under this order shall be dated, and numbered consecutively from 1 upwards and shall be designated according to number as "Schedule — of NPA Order M 51," but may be issued without any amendment to or change in the text of this order and without any republication of this order or of any provision of this order. All provisions of any such schedule shall be deemed to be incorporated in and made a part of this order. In the event of inconsistency or conflict between a schedule and this order, the provisions of the schedule shall govern. Schedules may be issued or amended at any time and from time to time and shall remain in full force and effect until individually amended or revoked.

SEC. 7. *Exceptions.* Nothing in this order or any schedule of this order shall:

(a) Prevent variations in the design or finish of a glass container within the limits of normal operating tolerances;

(b) Prohibit the usual differences in glass container design due to manufacture with glass container machinery of different types;

(c) Prevent the manufacture of glass containers for fluid milk and other dairy products which differ from a design in existence or a simplified design solely by reason of the addition of lettering or identification marks as follows:

(1) Name of dairy.
(2) Address of dairy.
(3) Neck identification for use in sorting.
(4) The word "store" or "deposit".
(5) The amount of deposit.
(6) Single identification letter or symbol on bottom plate.
(7) Specific lettering required by law or local ordinance.

SEC. 8. *Interchange of finishes.* Unless specifically provided to the contrary, nothing in this order or any schedule of this order shall prevent the interchange of finishes on glass containers of a design in existence or of a simplified design: *Provided:*

(a) Such interchange can be effected without alteration of the body mold required to produce such design, and

(b) The interchanged finish is no greater in diameter than that used or specified for such design, or, if another type of finish is used, no larger than the corresponding size of that type of finish, and

(c) The capacity resulting from such interchange is no less than the capacity used or specified for such design, and

(d) The weight and height are not modified, and the capacity is not increased, to an extent greater than the minimum required by such interchange.

SEC. 9. *Export.* No person shall manufacture a glass container for shipment empty outside of the continental United States except a glass container of a design in existence or of a simplified design incorporated in Schedule 1 of this order, but glass containers so exported shall not be subject to the restrictions on use imposed by this order or any schedule of this order.

SEC. 10. *Application for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after a base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of the

national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 11. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C. Ref.: M–51.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order shall take effect on March 31, 1951.

Dated: March 29, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-4031; Filed, Mar. 30, 1951; 4:38 p. m.]

[NPA Order M-52]

M–52—MOLYBDENUM-BEARING STEELS; PRODUCTION

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable by the fact that the order affects a very substantial number of different trades and industries.

Sec.
1. What this order does.
2. Definition.
3. Limitation on molybdenum content.
4. Exceptions.
5. Application for adjustment or exception.
6. Communications.
7. Records and reports.
8. Violations.

AUTHORITY: Sections 1 to 8 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to conserve molybdenum, which is in short supply, by reducing and limiting the molybdenum content of stainless steels to 2.5 percent maximum by weight.

SEC. 2. *Definition.* As used in this order, "person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

SEC. 3. *Limitation on molybdenum content.* Except as otherwise directed by the National Production Authority, no person shall produce any molybdenum-bearing stainless steel the material specifications for which provide for a molybdenum content greater than 2.5 percent by weight.

SEC. 4. *Exceptions.* This order shall not prohibit the completion of the production of any stainless steel with a molybdenum content greater than 2.5 percent by weight which was in process of production at the effective date of this order.

SEC. 5. *Application for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that any provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 6. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C. Ref: M–52.

SEC. 7. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 8. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order shall take effect on March 31, 1951.

Dated: March 29, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-4032; Filed, Mar. 30, 1951; 4:38 p. m.]

[NPA Order M-53]

M–53—COTTON DUCK

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. What this order does.
2. Definitions.
3. Required shipment dates.
4. Limitation for acceptance of rated orders.
5. Restrictions on operation of looms.
6. NPA assistance in placing rated orders.
7. Reports.
8. Records.
9. Audit and inspection.
10. Adjustments and exceptions.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law. 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to producers of cotton duck and provides rules for placing, accepting, and scheduling rated orders for cotton duck. Its purpose is to provide equitable distribution of rated orders among all producers of cotton duck in order to make possible maximum production of cotton duck and to reduce to a minimum disruption of its normal distribution. It also places restrictions upon the operation of looms. This order supplements NPA Reg. 2, as amended, but only those provisions of that regulation which are inconsistent with this order are superseded and all other provisions of NPA Reg. 2 continue to apply to the cotton duck industry.

SEC. 2. *Definitions.* As used in this order: (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes agencies of the United States or any other government.

(b) "Producer" means any person engaged in the business of producing cotton duck for sale.

(c) "Cotton duck" means any cotton fabric commonly known by that name, in any weight, 15 inches or wider (whether gray, bleached, dyed, printed, or otherwise treated and regardless of grade, quality, or length, except in lengths not exceeding 10 yards produced in the ordinary course of manufacture), including but not limited to the following types:

(1) Shelter tent duck.
(2) Numbered (wide or sail) duck.
(3) Narrow or naught duck.
(4) Hose or belting duck.
(5) Harvester duck.
(6) Filter duck or twills, plied yarn.
(7) Chafer duck (chafer fabric), single or plied yarn.
(8) Army duck (including woven awning stripe).
(9) Single or double filling flat duck.
(10) Shoe duck.
(11) Gem duck.
(12) Bootleg duck.
(13) Ounce duck.
(14) Enameling duck.
(15) Cover duck.
(16) Apron duck.

(d) "NPA" means National Production Authority.

SEC. 3. *Required shipment dates.* Every rated order for cotton duck must specify delivery on a particular date or dates, or in a particular month, which in no case may be earlier than required by the person placing the order. The producer of cotton duck must schedule the order for delivery within the requested month as close to the requested delivery date as is practicable considering the need for maximum production.

SEC. 4. *Limitation for acceptance of rated orders.* Unless otherwise directed by NPA, no producer shall be required to accept DO rated orders for cotton duck for shipment in the calendar quarter commencing April 1, 1951, or in any calendar quarter thereafter, in excess of 80 percent by weight of his scheduled production of cotton duck for such quarter.

SEC. 5. *Restrictions on operation of looms.* Commencing April 8, 1951, no producer shall use any loom except in the manufacture of cotton duck if he used such loom in such manufacture during the week commencing January 14, 1951, nor shall he operate such looms during any calendar week for fewer hours in the aggregate than during the week commencing January 14, 1951, unless otherwise directed by NPA.

SEC. 6. *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for cotton duck due to the limitation imposed by section 4 of this order should apply to NPA, Ref: M–53, specifying the producers who refused to accept the order. NPA will arrange to assist him in locating sources of supply.

SEC. 7. *Reports.* (a) Every producer shall file with the Bureau of the Census on or before April 15, 1951, on Form NPAF–43, a report of his operations in the fourth calendar quarter of 1950, and in the calendar week beginning January 14, 1951, and such other information as may be required by such form.

(b) Every producer shall file with the Bureau of the Census within 20 days after the end of the calendar quarter ending March 31, 1951, and 20 days after the end of each calendar quarter thereafter, on the Bureau of the Census Form M 15A–1, a report of his operations during such quarter, and such other information as may be required by such form.

(c) Persons subject to this order shall make such records and submit such other reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 8. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 9. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 10. *Adjustments and exceptions.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue and exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interests of national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought and the justification therefor.

SEC. 11. *Communications.* Except as otherwise specified in this order, all communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref.: Order M–53.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect, except as otherwise provided herein, on March 31, 1951.

Dated: March 29, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-4033; Filed, Mar. 30, 1951; 4:39 p. m.]

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order No. 2 (FIS–1)]

NSA 2 (FIS–1)—PROCEDURAL RULES FOR FINANCIAL TRANSACTIONS UNDER AGENCY AGREEMENTS

The following procedural rules will be observed by the agent with respect to financial transactions under agency agreements entered into with the National Shipping Authority (herein re-

ferred to as the owner), it being understood that such instructions may be modified or supplemented from time to time as experience in operations under such agreements may dictate.

ACCOUNTS

Sec.
1. Books of accounts.
2. Bank account.

ACCOUNTING FOR REVENUES

3. Accounting for revenues.

FUNDING OF OPERATIONS

4. Funding of operations.

DISBURSEMENTS

5. Disbursements at principal office of agent.
6. Disbursements at other domestic ports.
7. Disbursements at foreign ports.

DOCUMENTS

8. Disbursement documents.
9. Maintenance of documents.
10. Lost documents.

REPORTS AND AUDIT

11. Reports to the owner.
12. Audit.

AUTHORITY: Sections 1 to 12 issued under 49 Stat. 1987, as amended; 46 U. S. C. 1114.

ACCOUNTS

SECTION 1. *Books of account.* A separate set of books of account shall be opened for the purpose of recording the various transactions in connection with the said agency agreement. The books of original entry and ledgers may be similar in design to those heretofore employed by the agent unless it develops that they are inadequate, in which event the deficiency shall be remedied promptly. The accounts required in operations under this agency agreement, however, shall conform to the chart in the uniform system prescribed by the Maritime Administration in General Order No. 22, Revised, as published in 15 F. R. 7935–7951, and recordings in the accounts shall be in accordance with the descriptions thereof contained in the said uniform system.

SEC. 2. *Bank account.* A separate joint bank account will be maintained in a depository or depositories designated by the agent and approved by the National Shipping Authority (referred to in this order as the owner), into which all collections under the agency agreement will be deposited and from which disbursements in connection with the activities, maintenance and business of the vessels thereunder will be made. Upon designation by the agent and approval by the owner of the depository or depositories, the owner will issue an order for the establishment of the joint bank account. The order will set forth the conditions governing the establishment and maintenance of the account and the making of deposits therein and withdrawals therefrom. A signed copy of the order of the owner will be furnished the agent and the agent promptly shall adopt, through its Board of Directors, a resolution satisfactory in form and substance to the owner, authorizing the establishment and maintenance of the account in conformity with the action of the owner. A signed copy of the order of the owner and a certified copy of the resolution of the agent will be furnished by the owner to the depository for its guidance in maintaining the fund and honoring instruments of withdrawal. The order will provide, among other things, that (a) withdrawals from this bank account may be made by the agent without the countersignature of the owner for disbursements in connection with the activities, maintenance and business of the vessels assigned under agency agreements, except disbursements involving payments to the agent directly, or to any other persons specifically designated by the Director, National Shipping Authority, in which instances the countersignature of a designated representative of the owner will be required, (b) withdrawals may be made from the account by the owner without the countersignature of the agent whenever and to the extent the owner shall determine that the balance in the account in excess of current operating requirements warrants such action, (c) the bank shall have no rights against the joint account on account of indebtedness of the agent either by way of set-off or otherwise, (d) the bank may receive for deposit in the joint account any funds tendered to it by any person with instructions that the same be deposited in the said account, and the bank shall have no responsibility to inquire as to the source of such funds, and (e) the bank shall disburse funds from the joint account in accordance with checks, drafts, or other orders for the payment of money, drawn as provided in the order, without making any inquiry as to the purpose or use to which such withdrawals are to be put.

ACCOUNTING FOR REVENUES

SEC. 3. *Accounting for revenues*—(a) *General.* (1) The agent shall be responsible for the prompt collection of all vessel operating revenue, shall issue such instructions as may be necessary to its branch houses or sub-agents, and shall take such other steps as may be necessary to insure prompt remittance to it of vessel operating revenue collected outside its principal office.

(2) Freight revenue collected, less refunds made therefrom, shall be remitted to the owner promptly subsequent to the close of each month. Disbursements except for refunds shall not be made from freight revenue collections unless specifically authorized by the owner.

(3) Passenger revenue collections shall be accounted for in accordance with procedures to be prescribed.

(4) The agent shall in all cases perform his audit and review functions promptly and shall be in a position to supply complete documentation for a current audit by representatives of the owner.

(b) *Revenue documents*—(1) *Freight revenue.* The agent shall require its domestic and foreign branch houses, subagents, or other representatives, to prepare and submit revenue documents (manifests, bills of lading, lout turn weight certificates, correction notices, etc.) to it. The manifest, in addition to showing the name of shipper, consignee, weight or measurement, freight rate and basis (whether the freight rate applies on measurement or weight basis), and amount of freight, shall show also advance charges, prepaid beyond charges, etc. A recapitulation sheet shall be made of the totals shown on the individual manifest sheets for each port. The aggregate totals of weight and measurement freight shall be converted to freight payable tons of bulk, general, heavy lifts, and commodities subject to special stevedoring rates if freight carried is subject to an over-all stevedoring agreement.

(2) *Passenger revenue.* Agents to whom combination passenger and freight vessels have been assigned under agency agreements and who heretofore have established a passenger accounting procedure, may continue to follow such procedure under the agency operations, unless such procedure is found to be inadequate by the owner.

(3) *Certifications of revenue documents.* The following certifications will be signed by branch houses or subagents:

(i) *Freight manifests.* Certified to be a true and correct reflection of cargo loaded and rates charged.

_____
Branch house or sub-agent
By: _____
Name *Title*

(ii) *Passenger manifests.* Certified to be a true and correct reflection of passengers carried and rates charged.

_____
Branch house or sub-agent
By: _____
Name *Title*

(4) *Definition of manifest.* The term "manifest," as used in this order, shall be interpreted to include appropriate equivalent documents as customarily used.

FUNDING OF OPERATIONS

SEC. 4. *Funding of operations.* Cash advances will be made by the owner in such amounts and at such times as are required to adequately fund the activities, maintenance and business of the vessels assigned under agency agreements.

DISBURSEMENTS

SEC. 5. *Disbursements at principal office of agent.* All expenses directly applicable to the activities, maintenance and business of the vessels assigned under agency agreements shall be paid from funds advanced by the owner unless otherwise specifically provided. When paid by check, invoices shall reflect the numbers of the checks by which the invoices were paid; when paid other than by check of the agent at his principal office, invoices must bear evidence of payment.

SEC. 6. *Disbursements at other domestic ports.* Disbursements at domestic ports other than the principal office of the agent for expenses as referred to in section 5 shall be made by one of the three following methods:

(a) After proper certification by the branch house or subagent, invoices shall be forwarded to the agent for payment, or

(b) The branch house or subagent shall pay invoices and thereafter apply to the agent for reimbursement, supporting its voucher with invoices bearing evidence of payment covering individual disbursement, or

(c) The agent may advance from time to time from the joint bank account the funds necessary to meet the requirements of such branch houses or subagents in connection with the activities, maintenance and business of the vessels assigned under the agency agreement. In such cases the branch house or subagent shall pay invoices from such advances and make proper accounting to the agent for each advance, supported by invoices bearing evidence of payment and accompanied by remittance covering any unexpended balance of the advance, promptly after the departure of each vessel for which such advance was made.

SEC. 7. *Disbursements at foreign ports.* Disbursement procedures at foreign ports may differ in the case of individual agents and in view of existing conditions. Disbursements at foreign ports shall be made by one of the following methods or by any other method outlined to and approved by the owner in advance of its use:

(a) The agent may advance from time to time from the joint bank account the funds necessary to meet the requirements of the business of the vessels assigned under the agency agreement. In such cases the foreign branch house or sub-agent shall pay invoices from such advances and shall make proper accounting to the agent for all advances supported by invoices bearing satisfactory evidence of payment. Any gains or losses in exchange on such advances or disbursements shall be for the account of the owner.

(b) The foreign branch house or subagent may pay all invoices from his own funds and thereafter draw on the agent for reimbursement, at the same time forwarding the disbursements account by air mail.

(c) The agent may establish Letters of Credit making funds available to the foreign branch house or sub-agent against which funds may be drawn by the sub-agent or branch house for payment of properly approved documents.

DOCUMENTS

SEC. 8. *Disbursement documents*—(a) *Preparation of invoices by contractors and/or vendors.* (1) Invoices from contractors or vendors shall be supported by evidence of delivery of supplies (delivery receipts), performance of services, or use of facilities furnished the vessels, and shall include the following:

(i) Name of vessel.

(ii) Name of port at which the services, supplies, or facilities were furnished.

(iii) Date of delivery or service.

(iv) Necessary details as to the nature of services, supplies, or facilities furnished, including quantity, rate, price and total amount.

(2) (i) In addition to the foregoing, contractors or vendors shall certify each invoice or voucher (original only) in the following manner:

I certify that the above bill is correct and just and that payment therefor has not been received.

_____
Name of contractor or vendor
By: _____
Name *Title*

(ii) The agent shall advise its domestic and foreign branch houses, subagents, or other representatives to the effect that the foregoing information and certifications must be shown on all invoices or vouchers when received from contractors or vendors.

(iii) In instances where the foregoing certification is unobtainable for foreign purchases only, it may be waived: *Provided*, That, in lieu of such certification, the agent certifies the invoice as follows:

We certify that the prescribed certification of the payee was unobtainable.

_____
General agent or berth agent
By: _____
Name *Title*

(3) In instances where it is not possible or practicable to obtain invoices bearing evidence of payment covering disbursements at foreign ports, that requirement will be waived, provided the agent certifies as follows:

We certify that, to the best of our knowledge and belief, this invoice has been paid.

_____
General agent or berth agent
By: _____
Name *Title*

(4) Invoices rendered to the agent by its branch houses or sub-agents shall be only those of the contractors or vendors who actually rendered the services or furnished the supplies or facilities.

(5) If the laws of any country require the foreign sub-agent or branch house to retain the original invoice with stamps affixed, or if such laws require the original receipt as prima facie evidence of payment, the corresponding duplicate copy of the invoice, in proper form, must be forwarded to the agent with notation to that effect made thereon by the foreign sub-agent or branch house.

(b) *Certification of master, ship's officers, branch houses, sub-agents, or duly authorized representatives.* (1) Evidence of delivery of supplies, performance of services, or use of facilities, as normally provided by delivery receipts, or an equivalent form, comprises an essential part of proper documentation for disbursing purposes.

(i) Where supplies are delivered or services or facilities are furnished directly to a vessel, evidence of delivery or performance normally should be signed by a ship's officer.

(ii) Where such evidence is not signed by a ship's officer, any duly authorized representative of the agent may sign as "Duly Authorized Representative," provided the agent shall be responsible for the designation of proper and qualified representatives and provided the agent shall furnish, when so required by the owner, adequate evidence that the signing representative was duly authorized by him. In instances in which the agent may not be able to identify in advance the representative who may sign, the agent shall have the responsibility for determining that the person signing was qualified to execute evidence of delivery of supplies, performance of services, or use of facilities involved.

(2) For charges for watching cargo, stevedoring, wharfage, receiving and delivering cargo, clerking and checking, or other services or facilities not rendered directly to the vessel, for which normally delivery receipts or any equivalent form are not furnished, the following certification on the face of the original invoice by a duly authorized representative of the agent is required.

I certify that the services or facilities as specified have been furnished.

_____
Name
_____
Duly authorized representative

(3) Ships' payrolls shall be certified by the master (or his authorized representative) as follows:

I certify that this payroll is true and correct, and that the persons named hereon have performed the services for the period stated.

_____
Master (or his authorized representative)

(4) In instances where vessels are under foreign articles the payroll shall bear proper evidence of having been paid off before a United States Shipping Commissioner or an American Consul.

(5) The slop chest account shall be certified by the master as follows:

I hereby certify that the above is a true statement of all Slop Chest transactions on this vessel and voyage.

_____
Master (or his authorized representative)

(6) A similar certification shall be made by the Chief Steward (or his authorized representative) covering bar transactions (if any).

(c) *Certification by branch house or sub-agent where agent does not handle transactions directly.* The certification of the branch house or sub-agent must be shown on the original invoice (if rendered singly) or on the summary disbursement statement (if rendered in groups) in the following manner:

(1) *On single invoices.*

I certify that the prices charged are reasonable and correct.

_____
Branch house or sub-agent
By: _____
Name *Title*

(2) *On the summary statement.*

I certify that the prices charged per invoices detailed above are reasonable and correct.

_____
Branch house or sub-agent
By: _____
Name *Title*

SEC. 9. *Maintenance of documents.* The agent shall maintain the originals of all documents at his principal office. All documents originating at other domestic ports and at foreign ports shall be transmitted as currently as possible to the principal office of the agent. The agent shall in all cases perform his

audit and review functions promptly and shall be in a position to supply complete documentation for a current audit by representatives of the owner. The agent shall maintain to the maximum extent possible a complete and orderly file of all authorizations for facilities, services and supplies, and complete tariffs and port schedules covering charges at domestic and foreign ports incident to the operation of the vessels assigned under the agency agreement.

SEC. 10. *Lost documents.* In the event of the loss of documents, photostat, carbon, or other suitable copies may be substituted therefor, in which event the following certification shall be placed on such copies:

I certify that, to the best of my knowledge and belief, this is a true copy of an original that has been lost.

Branch house or sub-agent

By: ---
Name *Title*

REPORTS AND AUDIT

SEC. 11. *Reports to the owner.* The agent shall submit to the local District Comptroller of the owner, in triplicate, not later than 20 days after the end of each month, its general ledger trial balance and such schedules and support thereof as may be required. The agent shall also submit to the owner, in original and four copies, not later than 10 days after the end of each month a statement in the form and content to be prescribed reflecting cash receipts and cash disbursements for the preceding month and cumulative totals for the year to date; the original and one copy will be transmitted to the local District Comptroller and three copies will be transmitted to the Comptroller, Maritime Administration, Washington.

SEC. 12. *Audit.* (a) The owner will audit as currently as possible subsequent to audit by the agent, all documents relating to the activities, maintenance and business of the vessels assigned under agency agreements.

(b) The agent shall maintain all documents in his principal office, for the time being in accordance with his customary practice of filing.

(c) Subsequent to audit by the owner, at such intervals as may be determined, the owner will authorize entries to be made to revenue and expense accounts and to accounts reflecting relations between the owner and the agent.

C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-4023; Filed, Apr. 2, 1951; 8:56 a. m.]

[NSA Order No. 3 (AGE 2)]

PART 3—(AGE-2)—GENERAL AGENTS, AGENT, AND BERTH AGENTS

APPLICATIONS FOR SERVICE AGREEMENTS

Whereas, the United States acting by and through the Director, National Shipping Authority, Maritime Administration, Department of Commerce (hereinafter called "Director"), will from time to time authorize the execution of Service Agreements with certain general agents, agents, and berth agents to manage and/or conduct the business of vessels of which the United States is owner or owner pro hac vice and

Whereas, the Director has determined that applicants for such service agreements should meet certain qualifications to assure the most effective utilization of the vessels and performance of the duties by the general agent, agent, or berth under said agreements: *It is therefore ordered,* That:

Sec.
1. Acceptance of applications.
2. General considerations.
3. Financial qualifications.
4. Surety bond.
5. Execution of application.
6. Form of application.

AUTHORITY: Sections 1 to 6 issued under 49 Stat. 1967, as amended; 46 U. S. C. 1114.

SECTION 1. *Acceptance of applications.* The Director will accept applications for the appointment of general agents, agents and berth agents for the performance of the duties contained therein.

SEC. 2. *General considerations.* In determining whether to approve the application, the Director will take into consideration the applicant's financial resources, credit standing, ownership of vessels, practical experience in the operation of vessels, and any other factors that would be considered by a prudent businessman in entering into a transaction involving the responsibilities of an agent as contained in said agreement; and the Director will not enter into such agreements with any applicant applying who lacks sufficient capital, credit, and experience to fulfill the terms of said agreement. If the application is rejected by the Director, the applicant will be so advised.

SEC. 3. *Financial qualifications.* (a) For the purposes of the financial qualifications it will be necessary for a general agent or a berth agent to have a minimum working capital of $50,000 and a minimum net worth of $200,000.

(b) The financial requirements of an agent will be covered in a supplement to this order.

SEC. 4. *Surety bond.* Each general agent and berth agent shall be required to furnish surety bond pursuant to Article 3 (f) of the general agency agreement in an amount deemed by the Director to be adequate to protect the interests of the owner but in no event less than $50,000.

SEC. 5. *Execution of application.* (a) Any citizen of the United States as defined in section 2 of the Shipping Act, 1916, as amended, and section 905 (c) of the Merchant Marine Act of 1936, as amended, may apply to the Director to act as general agent, agent or berth agent. The application to receive consideration should be substantially in the form indicated in this order (section 6). One (1) executed copy and five (5) conformed copies of the application should be filed with the Director, National Shipping Authority, Maritime Administration, Department of Commerce, Washington 25, D. C.

(b) Each application should contain sufficient information to enable the Director to make all necessary determinations as to the qualifications of the applicant, including those as to citizenship, ability, experience, and financial resources.

(c) If any information called for by the application is not furnished, an explanation of the omission should be given. Detailed descriptions of exhibits need not be given. The applicant may furnish such relevant information as it may desire in addition to that specified in the form.

SEC. 6. *Form of application.* The form of application should be substantially as follows:

APPLICATION
FOR APPOINTMENT AS GENERAL AGENT, AGENT AND/OR BERTH AGENT OF THE
NATIONAL SHIPPING AUTHORITY
MARITIME ADMINISTRATION
DEPARTMENT OF COMMERCE

Filed by

A citizen of

The undersigned hereby applies for appointment as:

*(1) General Agent ☐
*(2) Agent ☐
*(3) Berth Agent ☐

of the National Shipping Authority, in accordance with the provisions of NSA Order No. 1 (AGE-1) (herein called the "regulations"), which the applicant agrees shall be binding in all transactions in connection with this application. Applicant also agrees that any amendment or modification of the rules and regulations (approved by the Director), after the date of publication of such amendment or modification shall be binding in all transactions.

In order to induce the Director to act favorably upon this application, the applicant submits in support thereof the following information:

A. As to the applicant: its citizenship and affiliations.

1. Exact name.
2. Form or type of organization.
3. State or other soverign power under the laws of which organized.
4. Address of principal executive offices.
5. A brief description of (a) the shipping business of the applicant; and (b) any other business activities of the applicant during the preceding ten years. If within such period the applicant has acquired the business of any other person or has been reorganized, there should be included a brief description of such acquisition or reorganization.
6. A list of (a) all subsidiaries, (b) parent company, and (c) all other affiliated interests of the applicant, together with an indication of the nature of the business transacted during the past ten years by each. This information may be furnished in the form of a chart, indicating clearly the relationships between the persons named, and the nature and extent of control.
7. The following information with respect to each officer and director of the applicant:

Name and address.
Office.
Nationality.
Capital shares owned.

*Indicate service or services for which application is made.

A brief description should be submitted of the principal business activities during the past ten years of each officer and director, name and title of each other principal supervisory shoreside official with statement of the responsibility and experience, and number of employees in each department including but not limited to operating manager, port captain, port engineer, port steward, traffic manager, purchasing agent, principal accountant, and treasurer. If applicant has more than one class of stock, the information requested should be furnished for each class of stock.

8. Applicant represents that it is a citizen of ---. If applicant claims United States citizenship, submit three affidavits of United States citizenship in form prescribed by the Maritime Administration, Department of Commerce, as follows:

AFFIDAVIT OF CITIZENSHIP

State of ---
County of ---, ss:

I, ---, being duly sworn, depose and say that I am the ---, of ---, (Title of officer) (Exact name of applicant) and that said corporation is a citizen of the United States within the meaning of the Shipping Act, 1916, as amended (U. S. C. Title 46, Sec. 802), and Section 905 (c) of the Merchant Marine Act, 1936, as amended.

Subscribed and sworn to before me, a Notory Public in and for the State and County above named, this ------ day of ----------, 19----.

---------- (Notary seal)

My commission expires ---

In all cases the Director reserves the right to require such additional information with regard to citizenship as may be deemed necessary to determine the eligibility of applicant.

B. As to the management of the applicant.

9. The name and address of each other organization engaged in shipping activities with which any person named in answer to item 7 has any present substantial business connection, the name of such person, and, briefly, the nature of such connection.

10. The name and address of any person, firm or corporation, who is now acting or within the past five years has acted as managing or operating agent of the applicant or in any similar capacity and, briefly, the general terms of any agreement with reference thereto.

C. As to the vessels.

11. Applicant offers to act as General Agent, Agent, or Berth Agent of vessels of the type and number indicated herein:

Type	*Number*
(1) Dry Cargo	
(2) Passenger type	
(3) Tanker	
(4) *Other	

*Specify.

D. As to Berth Agency qualifications.

12. Full details concerning the services, routes, or lines, on which United States flag vessels owned or chartered by the applicant were operated on June 25, 1950, including ports of call, volume and kind of cargo, terminal and dock facilities at all such ports, frequency of sailings per year, period of such berth operations, description of services and voyages, and names of vessels segregated according to services, routes, or lines.

E. Terms and conditions of agreement.

13. If the application is approved by the Director, the applicant agrees to execute a Service Agreement in such form as the Director may prescribe.

F. Supplemental information.

14. A brief description of the general character and location of the principal property of the applicant, other than vessels, employed in its business.

15. A list of vessels owned by the applicant, including (a) name; (b) gross tonnage; (c) net tonnage; (d) deadweight tonnage; (e) bale capacity; (f) year built; (g) type; (h) speed; (i) draft; (j) registry; and (k) identification of route or service on which operated.

16. Information similar to that specified in item 15 as to any vessels owned by others which are chartered to or operated by the applicant.

17. Briefly, the general terms of each charter for operation (a) of vessels owned by the applicant and chartered by it to other persons, and (b) of vessels chartered by the applicant from other persons.

18. List branch office and agents in foreign and domestic ports (who would act as sub-agents under the Service Agreements).

G. As to exhibits furnished.

19. A list of exhibits, properly identified, which should include at the time of original filing, the following:

Exhibit I—Two copies of the certificate of incorporation of the applicant or other organization papers, including all amendments thereto presently in effect.

Exhibit II—Two copies of the by-laws or other governing instruments of the applicant, including all amendments thereto presently in effect

Exhibit III—Two copies of (1) a balance sheet as of a date within six months of the date of filing the application with the Director, (2) a brief statement in duplicate of the nature of any substantial changes in the financial condition of the applicant, or the results of its operations since the date of the balance sheet required hereunder, and (3) profit and loss statements in duplicate for the three fiscal years preceding the date of such balance sheet. If during the period covered by such profit and loss statements, the applicant succeeded to the business and assets of another person, the statements furnished should reflect the operations of such predecessor or predecessors for that part of such period preceding the date of acquisition.

(Name of applicant)

By: ---
[Corporate seal]

Attest:

(Secretary)

(Date)

C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-4022; Filed, Apr. 2, 1951; 8:56 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1788]

PART 193—COAL LEASES, PERMITS, AND LICENSES

This part is hereby completely revised as follows, effective 60 days after date of issuance hereof by the Secretary of the Interior:

GENERAL

Sec.
193.1 Statutory authority.
193.2 Area and limitations on holdings.
193.3 Qualifications of applicants.
193.4 Equitable rights; holders of leases or permits affecting certain lands or coal deposits in Oklahoma.
193.5 Permits, leases and licenses for lands disposed of with reservation of coal.
193.6 Requirements when lands are within a withdrawal.

COAL LEASES

193.7 Leasing units.
193.8 Form of lease.
193.9 Minimum expenditure and lease bond.
193.10 Minimum production.
193.11 Application for lease.
193.12 Offer of lands or deposits for lease by competitive bidding.
193.13 Notice of lease offer.
193.14 Sale; bidding requirement; action by successful bidder.
193.15 Modification and leasing of additional land or coal deposits.
193.16 Readjustment of terms and conditions at end of twenty-year periods.
193.17 Relinquishment of lease.
193.18 Cancellation of lease.

COAL PROSPECTING PERMITS

193.19 Character of lands.
193.20 Rights conferred.
193.21 Application for permit.
193.22 Permit bond.
193.23 Extension of permits.
193.24 Reward for discovery.

TRANSFERS OF PERMITS AND LEASES; OVERRIDING ROYALTIES

193.25 Transfers, including subleases.
193.26 Limitation on overriding royalties.

LIMITED COAL LICENSES

193.27 Purpose of license.
193.28 Area and duration.
193.29 Application for license.
193.30 Licenses to relief agencies.

AUTHORITY: §§ 193.1 to 193.29 issued under sec. 32, 41 Stat. 450, sec. 1, 44 Stat. 301; 30 U. S. C. 189, 271. Interpret or apply sec. 5, 44 Stat. 1058, as amended; 30 U. S. C. 285.

CROSS REFERENCE: For coal permits and leases in Alaska see Part 70 of this chapter.

GENERAL

§ 193.1 *Statutory authority.* Sections 2 to 8, inclusive, of the act of February 25, 1920 (41 Stat. 438 et seq., 30 U. S. C. 201, 202–208), as amended, authorize the Secretary of the Interior to:

(a) Divide into leasing units and award leases of coal lands and coal deposits owned by the United States, outside of Alaska:

(b) Issue permits to prospect unclaimed and undeveloped areas of coal lands and coal deposits; and

(c) Issue limited licenses or permits to prospect for, mine and take for use coal from public lands.

§ 193.2 *Area and limitation on holdings.* A single lease or permit may embrace not exceeding 2,560 acres except where the rule of approximation applies. A permit will comprise contiguous tracts, or tracts in reasonably compact form, if good reasons appear for not including a contiguous area. A lease will comprise contiguous tracts, except in cases where it appears that noncontiguous tracts can be practically worked as a single mine or unit. No person, association or corporation, except as in the act provided, may hold at any one time more than 5,120 acres in any one State, whether

directly through the ownership of coal leases and permits or interests in such leases and permits, or indirectly as a member of an association or associations, or as a stockholder of a corporation, or corporations, holding such leases and permits or interests therein or both.

§ 193.3 *Qualifications of applicants.* (a) Leases and prospecting permits may be issued to citizens of the United States, associations of citizens, and corporations organized under the laws of the United States or any State or Territory thereof, including a company or corporation operating a common-carrier railroad, and to municipalities. Limited licenses or permits for the mining of coal may be issued to citizens, associations of citizens and municipalities.

(b) Every applicant for coal permit or lease, other than a company or corporation operating a common-carrier railroad, must show that, with the area applied for, his or its interest or interests in such permits, leases and applications therefor, directly or indirectly, do not exceed in the aggregate 5,120 acres in any one State.

(c) Every company or corporation operating a common-carrier railroad must make a statement that it needs the coal for which it seeks a permit or lease for its own use for railroad purposes; that it operates main or branch lines in the State in which the lands involved are located; that the aggregate acreage in the permits, leases and applications therefor in which it is interested directly or indirectly does not exceed 10,240 acres; and that it does not hold more than one permit or lease for each 200 miles of its railroad lines served or to be served from such coal deposits exclusive of spurs or switches and exclusive of branch lines built to connect the leased coal with the railroad, and also exclusive of parts of the railroad operated mainly by power produced otherwise than by steam.

(d) Every applicant for lease or permit must also furnish a showing as to the need for additional coal production which cannot otherwise be reasonably met, or, if such a showing of need cannot be made, a statement of the reasons why a lease or permit is desired.

§ 193.4 *Equitable rights; holders of leases or permits affecting certain lands or coal deposits in Oklahoma.* (a) Equitable rights of persons who, prior to February 25, 1920, occupied and improved or claimed coal lands in good faith may be recognized in awarding leases of such lands. In the case of an award of a lease to such a person the rents and royalties will be established at rates not less than the minimum provided for leases under the act.

(b) A holder of a lease or permit, including a lease under temporary extensions, outstanding on May 24, 1949, covering certain coal lands or coal deposits in Oklahoma which the Choctaw and Chickasaw Nations agreed to convey to the United States in a contract ratified by the act of June 24, 1948 (62 Stat. 596), who has maintained or acted diligently to maintain the lease or permit in good standing, may obtain a lease for the same lands or deposits without competitive bidding, provided that he files an application for a lease under this part prior to the expiration date of the current lease.

§ 193.5 *Permits, leases and licenses for lands disposed of with reservation of coal.* Where lands included in a permit, lease or license have been or may be disposed of with reservation of the coal deposits, a permittee, lessee or licensee must make full compliance with the law under which such reservation was made. See the acts of March 3, 1909 (35 Stat. 844; 30 U. S. C. 81); June 22, 1910 (36 Stat. 383; 30 U. S. C. 83–85); December 29, 1916 (39 Stat. 862; 43 U. S. C. 291–301); June 17, 1949 (63 Stat. 200); June 21, 1949 (63 Stat. 214; 30 U. S. C. Sup. III, 54), and other laws authorizing such reservations.

§ 193.6 *Requirements when lands are within a withdrawal.* Where any part of the lands embraced in an application for coal lease, permit or license is within a withdrawal which does not preclude disposition of the coal deposits, the head of the Government agency having control will be called upon for a report as to whether there is any objection to the granting of a coal lease, permit or license. In cases where such agency recommends that a special stipulation be furnished by the applicant to protect the interest of the United States, an appropriate stipulation will be included in the lease, permit or license.

COAL LEASES

§ 193.7 *Leasing units.* (a) No coal land or deposits may be leased until after division into suitable leasing units or tracts. Such leasing units may be established either upon application or when it is deemed advisable that additional coal units be established.

(b) All material factors, such as character and depth of the coal deposits, topography of the land, situation with respect to adjacent private holdings of coal lands, the proximity of rail or water transportation and outlet for other lands in the immediate vicinity, as well as the investment reasonably required to provide the requisite development and operating facilities, will be given consideration in the establishment of leasing units.

(c) Leasing units may include, in whole or in part, unsurveyed land, but a survey of the land will be made and the leasing unit conformed to such survey prior to the execution of a lease thereof.

§ 193.8 *Form of lease.* Leases shall be issued on Form 4–696.

§ 193.9 *Minimum expenditure and lease bond.* (a) An actual bona fide expenditure for mine operation, development, or improvement purposes, on or for the benefit of the leased land, of the amount that may be determined will be a condition in each lease as the minimum basis on which it will be granted, with the requirement that not less than one-third of such expenditure shall be made during the first year, and a like amount each year for the two succeeding years, the investment during any one year over such proportionate amount for that year to be credited on the expenditure required for the ensuing year or years.

(b) Prior to the issuance of a lease, the lessee shall furnish a bond executed by the lessee with approved corporate surety on Form 4–1113, or the lessee's personal bond on Form 4–1114, in such sum as may be required but in no event less than $1,000, and conditioned upon compliance with all of the terms and provisions of the lease. Personal bonds must be accompanied by a deposit of securities such as specified in § 193.22. If the amount of the bond is fixed at $1,000, the lessee may, instead, furnish a bond on Form 4–1113 with two qualified individual sureties, as provided in § 191.14 of this chapter. The right is reserved at any time before or after issuance of the lease to require an increase of the amount of the bond, whether a corporate, personal or individual surety bond, in any case where the Director, Bureau of Land Management, deems it proper to do so.

§ 193.10 *Minimum production.* Leases shall be conditioned upon the payment of a royalty on a minimum annual production beginning with the fourth year of the lease, except when operation is interrupted by strikes, the elements, or casualties not attributable to the lessee, unless, on application and showing made, operations shall be suspended when market conditions are such that the lease cannot be operated except at a loss or for the other reasons specified in section 39 of the act.[1] Operations under the lease shall be continuous except in the circumstances described or unless the lessee shall pay a royalty, less rent, on the minimum production for one year in advance, in which case operations may be suspended for that year.

§ 193.11 *Application for lease.* (a) An application for a lease must be filed in duplicate in the proper land office or, for lands or deposits in States in which there is no land office, in the Bureau of Land Management, Washington 25, D. C. No specific form is required, but the application should cover the following points:

(1) The applicant's name and address.

(2) A statement as to citizenship: In case of an individual, whether native born or naturalized and, if naturalized, date of naturalization, court in which naturalized, and number of certificate, if known; if a woman, whether she is married or single; if married, the facts as to the citizenship of her husband, and the date of her marriage if both are not native born citizens. Associations are required to file a certified copy of their articles of association and the same showing as to the citizenship and holdings of their members as required of an individual and specified herein. A corporation is required to file a certified copy of its articles of incorporation, and it must furnish a statement showing the percentage of each class of its stock, and the percentage of all of its stock which is owned or controlled by or on behalf of persons whom the corporation knows to be or who the corporation has reason to believe are aliens, or who have addresses outside of the United States, indicating which classes of stock have voting rights. If more than 10 per cent of the voting stock, or of all of the stock, is owned or controlled by or on behalf of such persons, the corporation must give their names and addresses, the amount and class of stock held by each, and, to the extent known to the corporation or which can be reasonably ascertained by it, the facts as to the citizenship of each such person. If any appreciable percentage of the stock of the corporation is held by aliens of the excepted class, its application will be denied. If 20 per cent or more of the stock of any class is owned or controlled by or on behalf of any one stockholder, a separate showing of his citizenship and holdings must be furnished. A municipality must submit evidence of: (i) The law, charter and procedure taken by which it became and exists as a legal body corporate; (ii) that the taking of a permit or lease is authorized under such law or charter; and (iii) that the action proposed has been duly authorized by the governing body of such municipality.

(3) A statement of the interests, direct or indirect, in other coal leases, permits or applications therefor on public lands in the State in which the lease is desired, identifying same by land office and serial number, and that such interests, when added to the acreage covered by the application, do not exceed in the aggregate 5,120 acres in the State. A railroad company or corporation operating a common carrier must state that its interests, together with the acreage covered by the application, do not exceed in the aggregate 10,240 acres.

(4) Description of the lands for which a lease is desired by legal subdivisions or, if unsurveyed, by metes and bounds connected with a corner of the public surveys by course and distance and where possible, description of the lands by the approximate subdivisions of the future survey.

(5) The showing specified in § 193.3 (d).

(6) A statement of the general situation of the land with respect to other mines, its topography, outlet to market, and transportation facilities and the character and extent of the coal deposits so far as known.

(7) The contemplated investment for the development and equipment of a producing mine of a stated average daily output.

(b) The application must be signed by the applicant or his attorney-in-fact, and if executed by an attorney-in-fact must be accompanied by the power of attorney and the applicant's own statement as to citizenship and acreage holdings. Applications on behalf of a corporation must be accompanied by proof of the signing officer's authority to execute the instrument and must have the corporate seal affixed thereto.

§ 193.12 *Offer of lands or deposits for lease by competitive bidding.* If the lands or deposits are found to constitute an acceptable leasing unit and subject to coal lease, they will be offered for such lease on the terms and conditions to be specified in the notice of sale to the qualified person who offers the highest bonus by competitive bidding as provided in the notice of sale. If it be found that the area covered by an application does not constitute an acceptable leasing unit, the area may be adjusted, by appropriate additions and eliminations, to constitute an acceptable leasing unit which may be offered for lease.

§ 193.13 *Notice of lease offer.* Notice under the preceding section of the offer of the lands or deposits for lease will be given by publication once a week for four consecutive weeks, or for such other period as may be deemed advisable, in a newspaper of general circulation in the county in which the lands or deposits are situated. The notice will be published at the expense of the Government. A copy of the notice will be posted in the proper land office during the period of publication. Such notice will show the day, hour, and place of sale, whether the sale will be at public auction or by sealed bids, the method of submitting sealed bids, the rental and rate of royalty to be charged, the minimum investment and the minimum production requirement, and the description of the land. If the sale is by public auction, the offer will be made at the land office for the district in which the lands are situated, or at such other place as may be fixed in the notice. In such case the notice will also specify that sealed bids may be submitted which will be opened and read at the time and place specified for the auction. The right is reserved by the Director, Bureau of Land Management, in the public interest, to reject any and all bids, and should a bid be rejected, the deposit made by the bidder will be returned. All bidders at any public sale of leases are warned against committing any act of intimidation, combination or unfair management to hinder or prevent bidding thereon, in violation of 18 U. S. C. 1860.

§ 193.14 *Sale; bidding requirements; action by successful bidder.* Before bidding is commenced by those persons present, the manager or other officer conducting the sale will open and read to those persons the sealed bids received on or before the time set in the notice of sale. The successful bidder must on the day of sale deposit with the manager of the land office or other officer conducting the sale and each sealed bid must be accompanied by the following: Certified check, money order, or cash, for one-fifth of the amount bid and evidence of qualifications of the bidder as prescribed in § 193.11 (a) (2) and (3) and (b), if a current showing in that regard has not been filed in connection with the application for lease of the lands or deposits. If the land is surveyed, the successful bidder will be allowed 30 days from receipt of lease forms within which (a) to file in the proper land office a lease, duly executed by him in quintuplicate, on form 4–696, and the bond required by § 193.9, and (b) to pay the remainder of the bonus bid by him and the annual rental for the first year of the lease. The lease will be dated as of the first day of the month following its issuance unless the successful bidder requests that it be dated as of the first day of the month of issuance. If the land is unsurveyed, the successful bidder will not be required to comply with requirements of paragraphs (a) and (b) in this section until the land has been surveyed and the plat of such survey accepted and officially filed. Such survey will be at the expense of the Government. If the bidder fails to comply after due service of notice, that portion of his deposit representing the minimum required to be deposited with the bid shall be held as liquidated damages and disposed of as other receipts under the Mineral Leasing Act.

§ 193.15 *Modifications and leasing of additional land or coal deposits.* (a) Under section 3 of the act (30 U. S. C. 203), a lessee may obtain a modification of his lease to include coal lands on coal deposits contiguous to those embraced in his lease if the Director determines that it will be to the advantage of the lessee and the United States, but in no event shall the area embraced in such modified lease exceed in the aggregate 2560 acres, except where the rule of approximation applies. The lessee shall file his application for modification in duplicate in the proper land office describing the additional lands desired, the needs and reasons for and the advantage to the lessee of such modification. No filing fee is required. Upon determination by the Director that the modification is justified and the interest of the United States is protected, the lease will be modified without competitive bidding to include such part of the land or deposits as he shall prescribe. If, however, it is determined that the additional lands or deposits can be developed as part of an independent operation or that there is a competitive interest in them, they may be offered as provided in § 193.13.

(b) Under section 4 of the act (30 U. S. C. 204), upon satisfactory showing by the lessee that all of the workable deposits of coal within a tract covered by the lease will be exhausted, worked out or removed within three years thereafter, an additional tract of land or coal deposit may be leased. Application shall be filed in duplicate in the proper land office and shall contain a description of the lands requested, estimated recoverable reserves, future plan of operation for such reserve and for any lands requested and the proposed method of entry into such lands. If the lands or coal deposits or any part thereof are found to constitute an acceptable leasing unit they will be offered for leasing as provided in § 193.13. If the applicant be the successful bidder and the additional lands can be practicably operated with the applicant's leasehold as a single mine or unit, the additional lands may be included in a modified lease which must not exceed 2560 acres; otherwise, a separate lease may be issued.

[1] See showing required under § 191.26 of this chapter.

[1] 18 U. S. C. 1001 makes it a crime for any person knowingly and willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

(c) Before a lease is modified under paragraph (a) or (b) of this section, the lessee shall file the consent of surety and the acceptance by the lessee of the applicable regulations.

§ 193.16 *Readjustment of terms and conditions at end of twenty-year periods.* The terms and conditions of a lease are subject to readjustment at the end of each twenty-year period succeeding the date of the lease unless otherwise provided by law at the time of the expiration of such periods. The lessee will be notified of the proposed readjustment of terms or notified that no readjustment is to be made. Unless the lessee files objection to the proposed terms or a relinquishment of the lease within 30 days after receipt of the notice, he will be deemed to have agreed to such terms. Notice of the proposed readjustments will be given, whenever feasible, before the expiration of each such twenty-year period.

§ 193.17 *Relinquishment of lease.* Upon payment of all rentals, royalties and other debts due and payable to the lessor and upon payment of all wages or money due and payable to the workmen employed by the lessee, and upon a satisfactory showing that the public interest will not be impaired, the lessee may surrender the entire lease. The lessee may also surrender any legal subdivision of the area included within the lease, but in no case shall such lease be so terminated in whole or in part until and unless the lessee shall have made provision for the preservation of any mines or productive works or permanent improvements on the lands covered thereby in accordance with the regulations and terms of the lease. A surrender must be by a relinquishment filed in triplicate in the proper land office. A relinquishment upon its acceptance shall take effect as of the date it is filed.

§ 193.18 *Cancellation of lease.* If the lessee shall fail to comply with the provisions of the act, or of the general regulations promulgated and in force at the date of the lease, or at the effective date of any readjustment of the terms and conditions thereof under § 193.16, or make default in the performance or observance of any of the terms, covenants, and stipulations of the lease and such failure or default shall continue for 30 days after service of written notice thereof by the lessor, than the lessor may institute appropriate proceedings in a court of competent jurisdiction for the forfeiture and cancellation of the lease as provided in section 31 of the act. A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of the lease for any other cause of forfeiture, or for the same cause occurring at any other time.

COAL PROSPECTING PERMITS

§ 193.19 *Character of lands.* Permits shall be issued on Form 4–694 for a period of two years to qualified applicants to prospect unclaimed, undeveloped lands where prospecting or exploratory work is necessary to determine the existence or workability of the coal deposits.

§ 193.20 *Rights conferred.* A permit will entitle the permittee to the exclusive right to prospect for coal on the land described therein. In the exercise of this right, the permittee shall be authorized to remove from the premises only such coal as may be necessary in order to determine the workability and commercial value of the coal deposits in the land.

§ 193.21 *Application for permit.* An application for a permit must be filed in duplicate in the manner and in the office specified in § 193.11. Each application must be accompanied by a filing fee of $10.00 which will be retained as a service charge even though the application should be rejected or withdrawn either in whole or in part. No specific form of application is required, but in addition to the requirements of § 193.11 (a) (1), (2), (3), (4) and (5) and (b), it should cover the following points:

(a) Condition of coal occurrences, so far as determined; description of workings, and outcrops of coal beds, if any, and reason why the land is believed to offer a favorable field for prospecting for coal.

(b) Detailed plan and method of conducting prospecting or exploratory operations on the land, estimated cost of carrying out such proposed prospecting operations, and the diligence with which such operations will be prosecuted.

(c) Brief statement of applicant's experience in coal-mining operations, if any, together with one or more references as to his reputation and business standing.

§ 193.22 *Permit bond.* The applicant must furnish a corporate surety bond on Form 4–1130 or his personal bond on Form 4–1131 conditioned upon compliance with all the terms of the prospecting permit. The bond shall be in the sum of $500 except where the lands applied for have been entered or patented with the coal reserved to the United States pursuant to the act of June 22, 1910 (36 Stat. 583, 30 U. S. C. 83–85), in which event, a bond on the same form in the sum of $1,000 will be required. Personal bonds must be accompanied by a deposit of negotiable Federal securities equal at their par value to the amount of the bond. The bond may be filed with the application which will expedite action thereon, or within 30 days after receipt of notice by the applicant that the permit will be granted when the bond is filed. The permittee may, in place of a bond of the two types specified above, submit one on Form 4–1130 with two qualified sureties as provided in § 191.14 of this chapter.

§ 193.23 *Extension of permits.* (a) Coal permits may be extended for a period of two years if the permittee has been unable with the exercise of reasonable diligence to determine the existence or workability of the coal deposits, or for others reasons which may warrant an extension. An application for extension must be filed in duplicate only within the period beginning 90 days prior to the date to which the permit is limited. The application must be filed in the office specified in § 193.11 and must show what efforts, if any, the permittee has made to comply with the terms of his permit and the reasons for failure fully to comply therewith, such showing to be corroborated, if possible, by a statement of at least one disinterested person having actual knowledge of the facts. The application must also show how much additional time is considered necessary to complete prospecting work. Extension will be limited to such period, not exceeding the two years authorized, as may be determined to be allowable under the circumstances in each particular case. Upon failure of permittee to file such an application within the specified period, the permit will expire without notice to the permittee and upon notation of such expiration in the land office tract books, the lands will become subject to new applications for coal permits or leases.

(b) Until the cancellation or termination of a coal permit is noted on the records of the land office or on the records of the Bureau of Land Management if the lands involved are in a State in which there is no land office, no other person will be permitted to gain any right to the same class of deposits by the filing of an application therefor, and such application shall be rejected.

§ 193.24 *Reward for discovery.* A permittee who shows, that prior to the expiration of his permit, the land included in the permit contains coal in commercial quantities, is entitled to a preference right lease for all or part of the land, the area to be taken in a reasonably compact form. An application for preference right lease must be filed in duplicate in the office specified in § 193.11 promptly after commencement of commercial operations, but in no event later than the expiration of the period to which the permit is limited. The application must describe the land desired, set forth fully and in detail the extent and mode of occurrence of the coal deposits as disclosed by the prospecting work performed under the permit, show that coal was discovered in commercial quantities before the date of the expiration of the permit and show any change in the information contained in the application for permit. The application must be accompanied by the rental for the first year of the lease, which shall be 25 cents for each acre or fraction thereof. The lease, if issued, will be in accordance with the provisions of §§ 193.8 to 193.10, inclusive, and will be dated the first day of the month following the date the application is filed unless the applicant requests that it be dated the first day of the month within which it is filed. If the permit expires and the application for lease is finally rejected royalty for coal mined to the date of receipt of notice by the permittee of such rejection will be charged in accordance with the royalty terms of the permit and such mining of the coal will not constitute a trespass.

TRANSFERS OF PERMITS AND LEASES; OVERRIDING ROYALTIES

§ 193.25 *Transfers, including subleases.* (a) Permits and leases may be transferred, in whole or in part to any person, association, or corporation qualified to hold such leases and permits. The approval of a transfer of only part of the lands described in a permit or lease will create a new permit or lease which will be given a current serial number, but a discovery on lands under one permit will not inure to the benefit of the other. The approval of such a transfer will not extend the life of the permit or the readjustment periods of the lease. Transfers of permits and leases, whether by direct assignments, working agreements, transfer of royalty interests, subleases or otherwise, must be filed for approval at the office specified in § 193.11 within 90 days from final execution and must contain evidence of the qualifications of the assignee or transferee, consisting of the same showing required of a lease or permit applicant by § 193.11 (a) (2) and (3) and (b). If the instrument fails to describe the true consideration, a statement must be submitted showing the consideration in full. The statement will be treated as confidential and not for public inspection. If a bond is necessary it must be furnished. Transfers of record title interest must be filed in triplicate. A single executed copy of all other instruments of transfer is sufficient. A transfer will take effect the first day of the month following its final approval by the Director, Bureau of Land Management, or if the transferee requests, the first day of the month of the approval.

(b) The transferor of a permit or lease, including a sublease, and his surety will continue to be responsible for the performance of any obligation under the permit or lease until the effective date of the approval of the transfer. If the transfer is not approved, their obligation to the United States shall continue as though no such transfer had been filed for approval. After the effective date of approval the transferee, including sublessee, and his surety will be responsible for the performance of all permit or lease obligations notwithstanding any terms in the transfer to the contrary. The account under the permit or lease must be in good standing before approval of a transfer will be given.

§ 193.26 *Limitation on overriding royalties.* An overriding royalty interest shall not be created by assignment or otherwise exceeding 50 percent of the rate of royalty first payable to the United States under the lease or an overriding royalty interest which when added to any other overriding royalty interest exceeds that percentage, excepting that where an interest in the leasehold, permit, or operating agreement is assigned, the assignor may retain an overriding royalty interest in excess of the above limitation if he shows to the satisfaction of the Director, Bureau of Land Management, that he has made substantial investments for improvements on the land covered by the assignment.

LIMITED COAL LICENSES

§ 193.27 *Purpose of license.* Coal licenses may be issued for a period of two years to individuals and associations of individuals to mine and take coal for their own local domestic need for fuel, but in no case for barter or sale, without the payment of any rent or royalty. Licenses may be issued to municipalities to mine and dispose of coal without profit to their residents for household use. Under such a license a municipality may not mine coal either for its own use or for nonhousehold use such as for factories, stores, other business establishments and heating and lighting plants.

§ 193.28 *Area and duration.* (a) A license to an individual or association, in the absence of unusual conditions or necessity, will be limited as to area to a legal subdivision of 40 acres or less and may be revoked at any time. Such license will expire by limitation at the end of 2 years from date of issuance, unless timely renewed on application filed and proper showing made prior to expiration of the 2-year period.

(b) Licenses to municipalities are limited as to area by the act, as follows: Not to exceed 320 acres for a municipality of less than 100,000 population, not to exceed 1,280 acres for a municipality of not less than 100,000, and not more than 150,000 population, and not to exceed 2,560 acres for a municipality of 150,000 population or more. Licenses to municipalities will expire by limitation at the end of 4 years from date of issuance, unless renewed; but every such licensee must make to the Director, Bureau of Land Management, an annual report of all operations conducted under such license.

§ 93.29 *Application for license.* Application for a limited license to mine coal for domestic needs must be filed, in quadruplicate, on Form 4–694a, or its substantial equivalent in the office specified in § 193.11 and be accompanied by a $10 filing fee. A municipality must file with the application a showing of (a) the law or charter and procedure taken by which it became and exists a legal body corporate, (b) that the taking of a license is authorized under such law or charter and (c) that the proposed action has been duly authorized by the governing body of the municipality.

§ 193.30 *Licenses to relief agencies.* (a) The Director, Bureau of Land Management, may grant authority to a recognized established relief agency of any State, upon its request, to take government-owned coal deposits within the State in localities where needed to supply families on the rolls of such agency who require coal for fuel for their homes and who are unable to pay for same.

(b) Tracts shall be selected at points convenient to supply the families in the locality thereof, and each family shall be restricted to the amount of coal actually needed for its use, which in no case shall exceed 20 tons annually.

(c) Coal may be taken from such tracts only by those given written authority by the relief agency, and all mining shall be done pursuant to permission and all Federal and State laws and regulations for the safety of miners, prevention of fires and of waste, etc., shall be observed. The relief agency shall see that the premises are left in a safe condition for future mining operations.

(d) The local relief agency may take coal from available land prior to issuance of license but not earlier than 5 days after it has filed in the land office of the district wherein the land is situated an application for license. No filing fee will be required. In the absence of objections and if the application is otherwise regular, a license will be granted. Pending action on the application for license, the relief agency may continue to take the coal.

NOTE: The reporting requirement of this regulation has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[SEAL] OSCAR L. CHAPMAN,
Secretary of the Interior.

MARCH 27, 1951.

[F. R. Doc. 51-3927; Filed, Apr. 2, 1951; 8:46 a.m.]

Appendix—Public Land Orders

[Public Land Order 708]

ALASKA

PARTIAL REVOCATION OF EXECUTIVE ORDER 6050 OF FEBRUARY 27, 1933, RESERVING LANDS FOR USE AS A SITE FOR AN ARMY RADIO RECEIVING STATION

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 11, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 6050 of February 27, 1933, reserving two parcels of land for use as a site for the Army radio receiving station at Juneau, Alaska, is hereby revoked so far as it affects the parcel of land described in such order as follows:

PARCEL TWO

Beginning at corner No. 4 of lot B, Mile 7 Group Homesites, in the northerly right-of-way line of Glacier Highway (66 feet wide), said corner being marked by a hemlock post 5 feet long and 4½ inches in diameter, squared to 3½ inches, set 2 feet in ground and marked "HS–4A" on east face and "B" on west face, and referenced by a hemlock tree 7 inches in diameter marked "WHS 4", and a hemlock tree 16 inches in diameter marked "WHS 4", bearing N. 35° W., 20 links, and N. 63½° E., 30 links, respectively, from initial corner post;

Thence from said initial point by metes and bounds,

N. 89° 50' W., 250 feet, along said northerly right-of-way line of Glacier Highway, to a point;

Due north, 150.0 feet, through lot "B" to a point;

S. 89° 50', E., 250.0 feet, through lot "B" to a point in the dividing line between lots "A" and "B" of said Mile 7 Group Homesites;

Due south, 150.0 feet, along said dividing line to place of beginning.

The parcel as described contains an area of 0.86 acres, more or less.

The land above described shall revert to its previous status as a part of the Tongass National Forest but shall not be subject to disposition of any kind prior to 10:00 a. m., on the 35th day after the date of this order. At that time it shall become subject to such disposition as

may by law be made of national forest lands.

OSCAR L. CHAPMAN,
Secretary of the Interior.

MARCH 27, 1951.

[F. R. Doc. 51-3928; Filed, Apr. 2, 1951; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Rev. S. O. 856, Amdt. 3]

PART 95—CAR SERVICE

INCLUSION OF SATURDAYS AND SUNDAYS COMPUTING DEMURRAGE ON ALL FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of March A. D. 1951.

Upon further consideration of Service Order No. 856 (15 F. R. 5049, 5050, 4916), and good cause appearing therefor: It is ordered, that:

Section 95.856 *Saturdays and Sundays to be included in computing demurrage on all freight cars* of Service Order 856 be and it is hereby suspended until 7:00 a. m., May 1, 1951, only to the extent it applies to the free time on cars loaded with import, coastwise or intercoastal traffic at ports, and to the free time on unloading box cars containing export, coastwise or intercoastal traffic at ports.

It is further ordered, that this amendment shall become effective at 7:00 a. m., April 1, 1951, and a copy be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383 as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3945; Filed, Apr. 2, 1951; 8:48 a. m.]

[S. O. 865, Amdt. 7]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of March A. D. 1951.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 7800, 16 F. R. 320, 819, 1131, 2040), and good cause appearing therefor: It is ordered, that:

Section 95.865 *Demurrage on freight cars*, of Service Order No. 865 be, and it is hereby further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., July 15, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., March 31, 1951.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383 as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3946; Filed, Apr. 2, 1951; 8:49 a. m.]

[Rev. S. O. 866]

PART 95—CAR SERVICE

RAILROAD OPERATING REGULATIONS FOR FREIGHT CAR MOVEMENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of March A. D. 1951.

It appearing, that an acute shortage of freight cars exists in all sections of the country; that such shortage is further aggravated by the needs of National Defense; that cars loaded and empty are unduly delayed in terminals and in placement at, or removal from industries; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars are insufficient and to promote the most efficient utilization of cars; in the opinion of the Commission an emergency requiring immediate action exists in all sections of the country to promote car service in the interest of the public and the commerce of the people: It is ordered, that:

§ 95.866 *Railroad operating regulations for freight car movement.* (a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce and obey the following rules, regulations and practices with respect to its car service:

(1) *Placing loaded cars at final destination for unloading.* Loaded cars, which after placement will be governed by demurrage tariff rules applicable to detention of cars awaiting unloading, shall be placed on carrier's or consignee's unloading tracks within twenty-four hours after the first 7:00 a. m. following arrival at the destination station or serving yard.

(2) *Placing loaded cars held for terminal services.* Loaded cars held at billed destination for accessorial terminal services described in the applicable demurrage tariff, such as holding for orders or inspection, shall be placed on carrier's or consignee's unloading tracks within twenty-four hours after disposition orders to place cars for unloading are actually received by the railroad. Carrier records shall show date and time such orders to place cars for unloading are received.

(3) *Constructive placement of loaded cars.* When delivery of a car for unloading cannot be made because of any condition attributable to the consignee, written notice that car is held and that the railroad is unable to deliver shall be sent or given consignees within twenty-four hours after arrival of car at hold point.

(4) *Removal of cars after unloading.* Where switching service is performed more than four days a week, remove empty cars from point of unloading or interchange tracks of industrial plants within twenty-four hours after the first 7:00 a. m. following unloading or release by consignee, unless such cars are ordered or appropriated by the shipper for reloading within such twenty-four hour period.

(5) *Transporting loaded cars.* Where switching service is performed more than four days a week, all outbound loaded freight cars shall be pulled from loading place or interchange tracks of industrial plants within twenty-four hours after the first 7:00 a. m. following acceptance by the carrier of the shipping order. Such cars shall be forwarded in line haul service within twenty-four hours after the first 7:00 a. m. following their receipt in outbound makeup or classification yards.

(6) *Restriction on holding cars for prospective loading.* Except cars assembled for peak or seasonal movements and special types of cars for specific types of loading, hold no more cars for prospective loading at any time, for any industry which it serves, than those needed to protect current outbound loading.

(7) *Repair tracks.* Repair any cars taken out of service for repairs, or carded for repairs, at the earliest time consistent with efficient railroad operating practices.

(8) *Special car orders.* Observe, obey and comply with special car orders now outstanding, issued by W. C. Kendall, former Chairman, or Arthur H. Gass, Chairman, Car Service Division, Association of American Railroads, and said Chairman, Arthur H. Gass, is hereby appointed Agent of the Commission with directions and authority to issue such orders as he may find necessary with respect to the location, relocation and distribution of freight cars as between sections of the country, or carriers by railroads or on such carriers, throughout the United States.

(9) *Yard checks, supervision, and records.* Make the necessary yard and track checks and maintain sufficient supervision and records to enable carriers to comply with subparagraphs (1) to (8) of this paragraph.

(b) Application: (1) The provisions of this section shall apply to intrastate and interstate commerce.

(2) The provisions of this section shall not apply to freight cars containing property held at or short of ports awaiting transfer of the property from the cars to vessels for movement beyond by water, nor to empty cars held at ports for transfer of property from vessels to such cars.

(3) When computing the periods of time provided in this section, exclude Sundays and such holidays as are listed in Item No. 7, Agent L. C. Schuldt's Demurrage Tariff I. C. C. 4257 or reissues thereof, only when they occur within the said periods of time, but not after.

(c) Regulations suspended; announcement required: The operation of all rules and regulations, insofar as they conflict with the provisions of this section, is hereby suspended and each railroad subject to this section, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

(d) Effective date: This section shall become effective at 7:00 a. m., April 1, 1951.

(e) Expiration date: This section shall expire at 7:00 a. m., December 31, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this order vacates and supersedes Service Order No. 866, and that a copy of this order and direction shall be served upon the railroad regulatory body of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and all other carriers by railroad; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3947; Filed, Apr. 2, 1951; 8:49 a. m.]

[Rev. S. O. 867, Amdt. 2]

PART 95—CAR SERVICE

RESTRICTIONS ON TRAP AND FERRY CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of March A. D. 1951.

Upon further consideration of Revised Service Order No. 867 (15 F. R. 6199, 6313, 6573), and good cause appearing therefor: It is ordered, that:

Section 95.867 *Restrictions on trap and ferry cars*, of Service Order No. 867 be, and it is hereby further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., June 30, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., March 31, 1951.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3948; Filed, Apr. 2, 1951; 8:49 a. m.]

[S. O. 868, Amdt. 1]

PART 95—CAR SERVICE

SUSPENSION OF FOLLOW-LOT RULE AND TWO-FOR-ONE RULE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of March A. D. 1951.

Upon further consideration of Service Order No. 868 (15 F. R. 6314, 6452, 6671), and good cause appearing therefor: It is ordered, that:

Section 95.868 *Suspension of follow-lot rule and two-for-one rule*, of Service Order No. 868 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., June 30, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., March 31, 1951.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3949; Filed, Apr. 2, 1951; 8:49 a. m.]

[Corrected S. O. 870, Amdt. 1]

PART 95—CAR SERVICE

FREE TIME ON FREIGHT CARS LOADED AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of March, A. D. 1951.

Upon further consideration of Service Order No. 870 (15 F. R. 8994, 9065), and good cause appearing therefor: It is ordered, that:

Section 95.870 *Free time on freight cars loaded at ports*, of Service Order No. 870 be, and it is hereby further amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 11:59 p. m., July 15, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., March 31, 1951.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3950; Filed, Apr. 2, 1951; 8:49 a. m.]

[Corrected S. O. 871, Amdt. 1]

PART 95—CAR SERVICE

FREE TIME ON UNLOADING BOX CARS AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of March A. D. 1951.

Upon further consideration of Service Order No. 871 (15 F. R. 8995, 9066), and good cause appearing therefor: It is ordered, that:

Section 95.871 *Free time on unloading box cars at ports*, of Service Order No. 871 be, and it is hereby further amended

by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., July 15, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., March 31, 1951.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383 as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3951; Filed, Apr. 2, 1951; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order No. 2591, Amdt. 3]

PETROLEUM ADMINISTRATION FOR DEFENSE

ORGANIZATION AND FUNCTIONS

MARCH 27, 1951.

1. Section 1 of Order No. 2591 as amended is hereby further amended to read as follows:

SECTION 1. *Purpose.* The purpose of this order is to establish the Petroleum Administration for Defense and the organization necessary to carry out the functions with respect to petroleum and gas delegated to or vested in the Secretary of the Interior by Executive Order No. 10161 as amended, by such delegations or redelegations as may have been made or may hereafter be made by the Defense Production Administrator pursuant to Executive Order No. 10200, and by such delegations or redelegations as may have been made or may hereafter be made by any other officer of the Government having functions under the Defense Production Act of 1950.

2. The first sentence of section 3 of Order No. 2591 as amended is hereby further amended to read as follows:

SEC. 3. *Delegation of authority.* Except as provided in section 4 of this order, all of the functions and powers delegated to the Secretary of the Interior by Executive Order No. 10161 as amended, by delegations or redelegations heretofore or hereafter made by the Defense Production Administrator pursuant to Executive Order No. 10200, and by such delegations or redelegations as may have been made or may hereafter be made by any other officer of the Government having functions under the Defense Production Act of 1950 are hereby delegated to and may be performed by the Deputy Administrator insofar as these functions and powers relate to petroleum and gas. • • •

3. Paragraph (n) of section 3 of Order No. 2591 as amended is hereby further amended to read as follows:

SEC. 3. *Delegation of authority.* • • •

(n) The power to redelegate to any official of the Petroleum Administration for Defense or any other appropriate Government official any of the powers or authority delegated to him by this order.

• • • • •

[SEAL] OSCAR L. CHAPMAN, *Secretary of the Interior.*

[F. R. Doc. 51-3929; Filed, Apr. 2, 1951; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-231]

ACCIDENT OCCURRING AT PHOENIX, ARIZONA

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N-91202, which occurred at Phoenix, Arizona, on March 19, 1951.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, April 4, 1951, at 9:00 a. m. (local time) in Room 4, Post Office Building, 1248 Fifth Street, Santa Monica, California.

Dated at Washington, D. C., March 28, 1951.

[SEAL] ROBERT W. CHRISP, *Presiding Officer.*

[F. R. Doc. 51-3953; Filed, Apr. 2, 1951; 8:51 a. m.]

[Docket No. SA-230]

ACCIDENT OCCURRING AT ST. PAUL-MINNEAPOLIS INTERNATIONAL AIRPORT, MINNEAPOLIS, MINN.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N-95426, which occurred at St. Paul-Minneapolis International Airport, Minneapolis, Minnesota, on March 18, 1951.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, April 4, at 9:00 a. m. (local time), in Room 125, City Hall, Fifth Street between Third and Fourth Avenue, Minneapolis, Minnesota.

Dated at Washington, D. C., March 29, 1951.

[SEAL] VAN R. O'BRIEN, *Presiding Officer.*

[F. R. Doc. 51-4001; Filed, Apr. 2, 1951; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1065, G-1517]

EAST TENNESSEE NATURAL GAS CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

MARCH 27, 1951.

On August 17, 1950, East Tennessee Natural Gas Company (Petitioner or Applicant), a Tennessee corporation with offices in the Hamilton National Bank Building, Chattanooga, Tennessee, filed in Docket No. G-1065 a petition further to amend the Commission's order dated May 3, 1949, issuing a certificate of public convenience and necessity (amended by the Commission's order dated November 15, 1949) authorizing the construction and operation of the approximately 172-mile Greenbrier-Oak Ridge 22-inch diameter natural gas pipeline for the transportation and sale of not to exceed 60,000 Mcf of natural gas per day to the Atomic Energy Commission at Oak Ridge, Tennessee, and for use, in conjunction with the natural gas pipeline facilities authorized by the certificates issued to East Tennessee Natural Gas Company in Docket Nos. G-830 and G-1272, for transporting the natural gas necessary to render the service authorized in the said Docket Nos. G-830 and G-1272.

By the petition for further amendment of the G-1065 certificate order, Petitioner seeks authorization to transport and sell to the Atomic Energy Commission at Oak Ridge, in addition to the 60,000 Mcf per day previously authorized, additional volumes of natural gas not to exceed 16,900 Mcf per day for a period extending to June 30, 1952, and subsequent to that date, additional volumes of natural gas, on an interruptible basis, in such volumes as the Atomic Energy Commission may require and Petitioner is willing and able to deliver.

Copies of the petition filed on August 17, 1950, were served on September 5, 1950, on all parties of record in the proceeding in Docket No. G-1065, affording all such parties an opportunity for filing

answers to the petition. Answers were filed by Tennessee Gas Transmission Company, Watauga Valley Gas Company, Kingsport (Tennessee) Chamber of Commerce, Railway Labor Executives Association, National Coal Association and United Mine Workers of America.

On October 20, 1950, East Tennessee Natural Gas Company filed in Docket No. G-1517 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas transmission pipeline facilities, subject to the jurisdiction of the Commission, for the delivery and sale of natural gas to the Cities of Cooksville, Gallatin and Harriman, Tennessee, for resale and service in those Cities.

Due notice has been given of the filing of the aforesaid petition and application, including publication in the FEDERAL REGISTER.

The Commission finds: Good cause exists and it is appropriate and necessary for carrying out the provisions of the Natural Gas Act, as amended, to consolidate the above-entitled proceedings for purposes of hearing and to hold public hearings as hereinafter provided and ordered.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15 and 16 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (18 CFR Part 1):

(i) Petition of East Tennessee Natural Gas Company filed on August 17, 1950, in Docket No. G-1065 and application filed by that Company on October 20, 1950, in Docket No. G-1517, be and the same are hereby consolidated for the purposes of hearing.

(ii) A public hearing be held commencing on April 9, 1951, at 10:00 o'clock a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the aforesaid petition and application of East Tennessee Natural Gas Company in Docket Nos. G-1065 and G-1517.

(B) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: March 28, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3932; Filed, Apr. 2, 1951; 8:46 a. m.]

[Docket Nos. G-1246, G-1477]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

ORDER REOPENING PROCEEDINGS FOR LIMITED PURPOSES AND FIXING DATE OF HEARING

MARCH 27, 1951.

On June 13, 1950, the Commission entered in Docket No. G-1246 its Opinion No. 195 and order, and on December 1, 1950, in Docket No. G-1477 entered its findings and order (amended by an order entered February 27, 1951), issuing to Texas Illinois Natural Gas Pipeline Company (Applicant) certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas pipeline facilities, for the transportation and sale of natural gas in interstate commerce, all as therein more fully described, subject to the conditions contained in the said orders.

The following interveners sought from Applicant the volumes of natural gas specified below to meet their gas requirements in the communities named:

	Mcf
Allied Gas Co. (Paxton, Rantoul, Gibson City, and Ludlow, Ill.)	588
Illinois Power Co. (Mount Vernon and Centralia, Ill.)	3,514
Monarch Gas Co. (St. Elmo and Brownstown, Ill.)	500
Southeastern Illinois Gas Co. (Vandalia, Ill.)	1,800
Union Gas & Electric Co. (Bloomington and Normal, Ill.)	2,524
Total	8,926

In its opinion in Docket No. G-1246 the Commission found that the natural gas service to these communities would be in the public interest and that the volumes specified for each intervener were reasonably required to provide adequate service in the communities named. It found, however, that the record did not show with sufficient definiteness what facilities and what expenditures will be required to provide necessary pipeline connections between distribution facilities and the facilities of Applicant. And accordingly, the Commission in the opinion and order provided, as a condition to granting authority to Applicant to render the specified service, that each intervener, within six months from the date of the issuance of the opinion and order, make application for a certificate of public convenience and necessity "to the extent that authorization is required" for the construction and operation of such connecting pipeline facilities as are required to transport the volumes of natural gas to be made available, or "establish that such certificate is not required".

In the findings and order entered December 1, 1950, in Docket No. G-1477, the Commission amended the authorization granted in Docket No. G-1246 so as to authorize Applicant to deliver, under the same condition, additional volumes of natural gas to some of the same five companies, as follows:

	Docket No. G-1246	Docket No. G-1477
	Mcf	Mcf
Allied Gas Co.	588	711
Illinois Power Co.	3,514	3,514
Monarch Gas Co.	500	668
Southeastern Illinois Gas Co.	1,800	1,800
Union Gas & Electric Co.	2,524	3,442
Total	8,926	10,075

On December 13, 1950, an extension of time to and including April 16, 1951, in which to comply with the above referred to condition of the order of June 13, 1950, was granted pursuant to the request of Southeastern Illinois Gas Company, Union Gas and Electric Company, Illinois Power Company and Allied Gas Company.

In purported compliance with such condition, Illinois Power Company filed on December 8, 1950, a copy of the order of the Illinois Commerce Commission in Case No. 38901, entered November 28, 1950, granting to that Company a certificate of convenience and necessity for (1) construction, operation and maintenance of approximately 13½ miles of 6-inch diameter natural gas transmission pipeline referred to in said order as "gas distribution extensions" and (2) the transaction of a gas public utility business along the routes of such so-called "gas distribution extensions".

In purported compliance with the above referred to condition, the Monarch Gas Company filed on December 11, 1950, a copy of the order of the Illinois Commerce Commission in Case No. 38938, entered December 6, 1950, granting to that Company a certificate of convenience and necessity for (1) the construction, operation and maintenance of approximately 2.7 miles of 6⅝-inch, and 3.4 miles of 3½-inch, diameter natural gas transmission pipeline referred to in the said order as "gas distribution extension" and (2) the transaction of gas public utility business along the route of the so-called "gas distribution extensions".

In purported compliance with the same condition, Union Gas and Electric Company on February 1, 1951, filed with the Commission a copy of an order of the Illinois Commerce Commission in Case No. 38964 entered January 3, 1951, issuing to that Company a certificate of convenience and necessity for (1) the construction, operation and maintenance of approximately 177,700 feet (33.7 miles) of either 6-inch or 8-inch diameter natural gas transmission pipeline and approximately 90,000 feet (17 miles) of 2-inch diameter pipeline, referred to in the said order as a "gas distribution system extension" and (2) the transaction of a gas public utility business along the route of the so-called "gas distribution extension".

In purported compliance with the same condition, Allied Gas Company on February 8, 1951, filed a copy of an order of the Illinois Commerce Commission in Case No. 38967, entered January 3, 1951, granting to that Company a certificate of convenience and necessity for (1) the construction, operation and maintenance of approximately 7½ miles of 4-inch diameter natural gas transmission pipeline referred to in the said order as a "gas distribution extension" and (2) the transaction of a gas public utility business in the area traversed by the said so-called "gas distribution extension".

The Commission by letters to Illinois Power Company under date of January 23, 1951, to Monarch Gas Company under date of January 24, 1951, to Union Gas and Electric Company under date of March 8, 1951, and Allied Gas Company under date of March 8, 1951, acknowl-

edged receipt of the above-mentioned submittals by these Companies and advised each that, in the absence of an appropriate record before it, this Commission could not accept the proffer of the orders of the Illinois Commerce Commission as establishing under the Natural Gas Act that the respective Companies do not require certificates of public convenience and necessity from this Commission. In these letters the Companies were requested to file applications for certificates of public convenience and necessity pursuant to section 7 of that Act authorizing the construction and operation of the facilities by which they propose to connect their systems with that of Texas Illinois Natural Gas Pipeline Company. The Companies were advised that in making such applications they might request, in the alternative, that this Commission find that the facilities in question are not subject to its jurisdiction.

No response has been received to the Commission's letters to Illinois Power Company and Monarch Gas Company. Counsel for Allied Gas Company and Union Gas and Electric Company on March 12, 1951, advised Commission staff representatives that these Companies do not propose to file applications for certificates for public convenience and necessity unless and until the Commission should find that such applications are required; counsel for such Companies have requested early action concerning these matters. Southeastern Illinois Gas Company to date has made no submittal in response to the above-referred to requirements of the Commission's orders entered June 13 and December 1, 1950.

Upon consideration of the foregoing and the matters of record herein, the Commission finds: Good cause exists and it is appropriate and necessary for carrying out the provisions of the Natural Gas Act, as amended, to reopen the above-entitled proceedings, consolidate the same for purposes of hearing, and to hold public hearings as hereinafter provided and ordered.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 1, 2, 7, 15, and 16 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (18 CFR Part 1), the above-entitled proceedings in Docket Nos. G-1246 and G-1477 be and the same are hereby reopened and consolidated, and a public hearing be held herein commencing on April 18, 1951, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the following matters and issues:

(i) Whether paragraph (A) (ii) of the Commission's order dated June 13, 1950, in Docket No. G-1246 or paragraph (C) of the Commission's order dated December 1, 1950, in Docket No. G-1477 should, in whole or in part, be amended so far as the said orders authorize and direct Texas Illinois Natural Gas Pipeline Company to transport and sell natural gas to Allied Gas Company (Paxton Division), Illinois Power Company, Monarch Gas Company, Southeastern Illinois Gas Company, and Union Gas and Electric Company (hereinafter referred to as the "Five Utility Customer Companies").

(ii) Description, location, and cost of facilities to be utilized and necessary for each of the Five Utility Customer Companies to provide necessary natural gas transmission pipeline connections between their existing gas facilities and the interstate natural gas transmission pipeline facilities of Texas Illinois Natural Gas Pipeline Company, for the receipt, transmission and distribution of natural gas to be purchased by each of the said Companies from Texas Illinois, including description, location, and estimated cost of new facilities, if any, to be constructed for such receipt, transportation, and distribution of such natural gas.

(iii) Whether any of the Five Utility Customer Companies in question will be engaged in the transportation of natural gas in interstate commerce, or the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use, and therefore be a "natural-gas company" within the meaning of the Natural Gas Act, as amended, by reason of the receipt of natural gas from Texas Illinois Natural Gas Pipeline Company under the Commission's aforesaid orders of June 13 and December 1, 1950; and, if so, what facilities, if any, are proposed by each of the said Five Utility Customer Companies to be utilized in such transportation or sale of natural gas subject to the jurisdiction of this Commission under that act.

(iv) Any other matters pertinent to Commission determination of the issues presented in these reopened proceedings.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: March 28, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3931; Filed, Apr. 2, 1951; 8:45 a. m.]

[Docket Nos. G-1540, G-1592, G-1593]

TRANSCONTINENTAL PIPE LINE CORP. ET AL.

NOTICE OF FINDINGS AND ORDERS

MARCH 29, 1951.

In the matters of Transcontintal Gas Pipe Line Corporation, Docket No. G-1540; Michigan-Wisconsin Pipe Line Company, Docket No. G-1592; Texas Gas Transmission Corporation, Docket No. G-1593.

Notice is hereby given that, on March 28, 1951, the Federal Power Commission issued its findings and orders entered March 27, 1951, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3953; Filed, Apr. 2, 1951; 8:50 a. m.]

[Docket No. G-1587]

DELAWARE POWER & LIGHT CO.

ORDER FIXING DATE OF HEARING

MARCH 27, 1951.

On January 12, 1951, Delaware Power & Light Company (Applicant), a Delaware corporation having its principal place of business at Wilmington, Delaware, filed an application for an order pursuant to section 7 (b) of the Natural Gas Act authorizing and approving the abandonment of certain natural-gas transportation facilities and the service rendered thereby, all as more fully described in such application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 26, 1951 (16 F. R. 739).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, a hearing be held on April 20, 1951, at 9:30 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 28, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3934; Filed, Apr. 2, 1951; 8:46 a. m.]

[Docket No. G-1588]

PHILADELPHIA ELECTRIC CO.

ORDER FIXING DATE OF HEARING

MARCH 27, 1951.

On January 12, 1951, Philadelphia Electric Company (Applicant), a Pennsylvania corporation having its principal place of business at Philadelphia, Pennsylvania, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission pipeline facilities, all as more fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on January 26, 1951 (16 F. R. 739).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, a hearing be held on April 20, 1951, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 28, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3933; Filed, Apr. 2, 1951; 8:46 a. m.]

[Docket No. G-1538]

ARKANSAS LOUISIANA GAS CO.

ORDER FIXING DATE OF HEARING

MARCH 27, 1951.

On January 29, 1951, Arkansas Louisiana Gas Company (Applicant), a Delaware corporation of Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as are fully described in the application on file with the Commission and subject to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 9, 1951 (16 F. R. 1257).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on April 24, 1951, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 28, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3933; Filed, Apr. 2, 1951; 8:46 a. m.]

[Docket No. G-1641]

MISSISSIPPI RIVER FUEL CORP.

ORDER SUSPENDING PROPOSED RATE SCHEDULE AND PROVIDING FOR HEARING

MARCH 27, 1951.

On February 28, 1951, Mississippi River Fuel Corporation (Mississippi River) filed with this Commission proposed First Revised Sheet No. 4 and First Revised Sheet No. 6 to its FPC Gas Tariff, Original Volume No. 1, pursuant to Part 154 of the Commission's general rules and regulations, setting forth therein its proposed Rate Schedules F-1 and I-1, respectively, to take effect as of April 1, 1951.

The proposed rate schedule F-1 set out in proposed First Revised Sheet No. 4 would increase the presently effective rates and charges to Mississippi River's eight interstate wholesale customers served under said schedule.

The proposed rate schedule I-1 set out in proposed First Revised Sheet No. 6 would increase the presently effective rates and charges for natural gas sold by Mississippi River for resale for industrial use only.

Copies of the proposed rate schedules, together with copies of material submitted by Mississippi River to this Commission pursuant to § 154.63 of the Commission's general rules and regulations (18 CFR 154.63), were transmitted by Mississippi River to the eight interstate wholesale customers served by it.

It appears from the proposed filings that, on the basis of sales for the twelve months following the proposed effective date April 1, 1951, the proposed changes in rates will result in increased charges by Mississippi River to its eight interstate wholesale customers of $3,093,757, averaging 6.4 cents per Mcf, as shown in the following table:

Name of purchaser	Mcf	Revenues		Increase
		Present	Proposed	
Arkansas-Louisiana Gas Co	1,875,700	$362,791	$461,831	$99,040
Fort Smith Gas Corp	76,500	20,393	30,610	10,217
Illinois Power Co	4,655,000	1,176,077	1,508,844	332,767
Laclede Gas Co	31,663,600	8,130,284	11,200,503	2,999,979
MidSouth Gas Co	3,501,500	821,284	1,063,857	242,573
Missouri Natural Gas Co	2,641,400	663,892	777,281	171,179
Public Utilities Co	145,400	41,849	54,442	12,593
Union Electric Power Co	980,200	287,746	368,615	68,869
Total	47,985,600	11,394,326	14,488,083	3,093,757

In support of the proposed increase, Mississippi River states that the present interstate rates were established on the basis of 1943 operations. It alleges that its costs have increased materially since that time, and that the proposed increased charges are necessary to compensate for the increasing costs.

To justify the proposed increases in rates and charges, Mississippi River has submitted a statement for the year ended December 31, 1950, which purports to show the cost of service for the entire system and also the cost allocated to the service covered by the proposed rates, including 6 percent return. Upon the basis of such cost study, Mississippi River estimates that a revenue deficiency of $3,829,513 for the 12 months ended December 31, 1950, is attributable to the interstate business, although such cost study shows an over-all excess in revenue over costs including a 6 percent rate of return of $1,996,106 for the same period.

Requests for suspension and hearing on the proposal of Mississippi River have been filed with the Commission by the State regulatory commissions of the States of Arkansas, Missouri and Illinois, by the City of St. Louis, Missouri, and by Laclede Gas Company, Union Electric Power Company, MidSouth Gas Company, and Public Utilities Company of Crossett, Arkansas.

The rates, charges, and classifications set forth in First Revised Sheet No. 4 and First Revised Sheet No. 6 to Mississippi River's FPC Gas Tariff, Original Volume No. 1, comprising the proposed new Rate

Schedules F–1 and I–1, respectively, may be unjust, unreasonable, unduly discriminatory and preferential, and may place an undue burden upon ultimate consumers of natural gas.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to section 4 of the Natural Gas Act, concerning the lawfulness of the rates, charges, and classifications set forth in Mississippi River Fuel Corporation's First Revised Sheet No. 4 and First Revised Sheet No. 6 to its FPC Gas Tariff, Original Volume No. 1, and that said Revised Sheet No. 4 be suspended pending hearing and decision thereon.

The Commission orders:

(A) A public hearing be held commencing on May 14, 1951, at 10:00 a. m. e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of rates, charges, and classifications, subject to the jurisdiction of the Commission, as set forth in First Revised Sheet No. 4 and First Revised Sheet No. 6 to FPC Gas Tariff, Original Volume No. 1 filed by Mississippi River Fuel Corporation.

(B) Pending such hearing and decision thereon, said First Revised Sheet No. 4 filed by Mississippi River Fuel Corporation on February 28, 1951, be and it hereby is suspended and the use thereof is deferred until September 1, 1951, and until such further time thereafter as such First Revised Sheet No. 4 may be made effective in the manner prescribed by the Natural Gas Act.

Date of issuance: March 28, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3930; Filed, Apr. 2, 1951; 8:45 a. m.]

[Project No. 2069]

ARIZONA POWER CO.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

MARCH 28, 1951.

Public notice is hereby given that The Arizona Power Company of Prescott, Arizona, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for license for constructed major Project No. 2069, located on Fossil Creek, a tributary of Verde River in Yavapai and Gila Counties, Arizona, affecting lands of the United States within the Coconino and Tonto National Forests. The project consists of: (1) The Irving Development comprising a dam, a conduit, a surge tank, a powerhouse containing a 2,100-horsepower turbine connected to a 1,600-kilowatt generator, a tailrace, a step-up substation, and a 69-kilovolt transmission line; and (2) the Childs Development comprising a dam, a forebay, a conduit, a regulating reservoir, a pressure tunnel, a concrete pipe, a concrete surge tank, a penstock, a powerhouse containing three 3,000-horsepower waterwheels each connected to an 1,800-kilowatt generator, a tailrace a step-up substation, and two 69-kilovolt transmission lines.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before May 3, 1951, to the Federal Power Commission.

[SEAL] LEON M. FAQUAY, *Secretary.*

[F. R. Doc 51-3952; Filed, Apr. 2, 1951; 8:50 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section III, *Field organization and final delegations of authority*, paragraph b 5, 15 F. R. 1313 dated March 10, 1950, is amended to read as follows:

5. To accept, on behalf of the Commissioner, service of process properly issued pursuant to attachment or garnishment proceedings served upon them by a court of competent jurisdiction with respect to any debtor-employee of the Public Housing Administration employed in their respective field offices, to appear and testify for the PHA when so ordered by a court of competent jurisdiction and upon proper legal notice, and to execute all necessary and proper documents in connection therewith.

Date approved: March 26, 1951.

[SEAL] JOHN TAYLOR EGAN, *Commissioner.*

[F. R. Doc. 51-3936; Filed, Apr. 2, 1951; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25952]

GRAIN FROM TWIN CITIES AND KANSAS CITY, MO., AREA TO ILLINOIS, IOWA, MISSOURI AND ADJACENT POINTS

APPLICATION FOR RELIEF

MARCH 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for Chicago, Burlington & Quincy Railroad Company and other carriers named in the application.

Commodities involved: Grain, grain products, and seeds, carloads.

From: Minneapolis, Minnesota Transfer, St. Paul and South St. Paul, Minn., Kansas City, Mo.-Kans., St. Joseph, Mo., and Leavenworth, Kans.

To: Points in Illinois, Iowa, Missouri and certain adjacent points.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3866, Supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3943; Filed, Apr. 2, 1951; 8:48 a. m.]

[4th Sec. Application 25953]

PULPBOARD FROM GEORGETOWN, S. C., TO MASSACHUSETTS

APPLICATION FOR RELIEF

MARCH 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1201.

Commodities involved: Pulpboard and fibreboard, carloads.

From: Georgetown, S. C.

To: Natick, New Bedford, Newton Upper Falls and North Somerville, Mass.

Grounds for relief: Competition with water-rail carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1201, Supp. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3944; Filed, Apr. 2, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2575]

NIAGARA MOHAWK POWER CORP.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of March A. D. 1951.

Niagara Mohawk Power Corporation ("Niagara Mohawk"), a subsidiary of The United Corporation, a registered holding company, having filed an application pursuant to the provisions of sections 9 (a) and 10 of the Public Utility Holding Company Act of 1935 with respect to the acquisition by it of all of the electric plant in service and franchises of Oswegatchie Light and Power Company ("Oswegatchie"), a non-affiliate, for the cash sum of $515,000, plus adjustments from August 31, 1950, to the closing date; and the Public Service Commission of the State of New York having, by order dated February 27, 1951, approved the transfer of such property by Oswegatchie to Niagara Mohawk; and

Said application having been filed on February 21, 1951, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application be granted:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said application be, and hereby is granted forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3937; Filed, Apr. 2, 1951; 8:47 a. m.]

[File No. 812-721]

BLUE RIDGE CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23th day of March A. D. 1951.

Notice is hereby given that Blue Ridge Corporation ("Applicant"), a registered investment company, has filed an application pursuant to sections 6 (c) and 23 (c) (3) of the Investment Company Act of 1940 for an order of the Commission permitting Applicant to purchase for an aggregate price of $268,000 from Atlas Corporation ("Atlas") 67,000 shares of common stock of Applicant and a warrant issued and dated May 18, 1937, entitling Atlas Corporation to purchase from Applicant 228,301 shares of common stock of Applicant at $20 per share.[1]

Applicant is a closed-end, diversified, management investment company. It was organized under the laws of the State of Delaware and has its principal place of business at 60 Broadway, in the City of New York.

Applicant has outstanding 7,489,483 shares of common stock. Carl J. Austrian and Robert G. Butcher, as Trustees of Central States Electric Corporation ("Central States"), own 4,900,788 shares or approximately 65.43 percent of Applicant's outstanding stock. Central States is now in process of reorganization under Chapter X of the Bankruptcy Act in the United States District Court for the Eastern District of Virginia. The said Trustees have proposed a plan of reorganization of Central States which contemplates the transfer to a new Delaware corporation of the cash and securities of Central States held by the Trustees, followed by the merger of Applicant into such new corporation. The new corporation is to be an open-end investment company, the shares of which will be redeemable at the holder's option, subject to certain restrictions on redemption during an initial period after the effective date of consummation of the plan. The plan has been approved and confirmed by the reorganization court. The order of approval of the plan was affirmed by the United States Court of Appeals for the Fourth Circuit and a petition for a writ of certiorari was denied by the United States Supreme Court. An appeal from the order of confirmation was recently dismissed by the aforesaid Court of Appeals. It is expected that the plan of reorganization will be consummated in the reasonably near future.

Atlas, a registered investment company incorporated in Delaware and having an office at 33 Pine Street in the City of New York, is the owner of 67,000 shares of Applicant and a warrant issued by Applicant on May 18, 1937, entitling Atlas to purchase 228,301 shares of Applicant at $20 per share. The warrant is unlimited as to time and is divisible and transferable. Provision is also made in the warrant for the continuation of the contract rights of the holder upon any merger of Applicant with any other corporation. Atlas, as a minority public holder of Applicant, would be entitled under the plan to receive stock of the new corporation on the basis of relative net asset values as of the effective date of the merger and pursuant to the terms of the said warrant to receive a new warrant from the new corporation to purchase a proportionate amount of its stock at a comparable price.

Applicant asserts that although its sole outstanding warrant is now valueless and will continue to be so under any reasonably foreseeable future conditions, it would be desirable to acquire the warrant on reasonable terms for the following reasons: The speculative nature of the warrant; the necessity for preserving the warrant on the proposed merger; the mechanical difficulties involved in setting forth the terms of the warrant in connection with any registration and sale of stock of the new corporation under applicable Federal and State statutes; the divisibility of the warrant, and the possibility of its being subdivided and publicly distributed.

Applicant accordingly entered into a memorandum of agreement on March 14, 1951, with Atlas for the acquisition of its holdings of 67,000 shares of Applicant and of the warrant for an aggregate price of $268,000, subject to an exemptive order of the Commission under section 23 (c) (3) of the act. Under said agreement, David G. Baird would be paid by Applicant a commission of $3,350, which is equal to one-half the normal commission payable on a sale of such shares on the New York Curb Exchange, on which Exchange Applicant's shares are listed.

The application states that if the warrant held by Atlas, which is the only outstanding warrant, be considered worthless, the purchase price to be paid by Applicant for the 67,000 shares is $4 per share. The closing and only market price for shares of Applicant sold on March 14, 1951, was $4 per share. The market range from January 2, 1951, through March 14, 1951, has been $3\frac{3}{4}$ low and $4\frac{1}{4}$ high. At the close of business on March 14, 1951, the asset value per share was $4.08.

Applicant further asserts that at least 90 per cent of its net income for the last fiscal year, not including profits or losses realized from the sale of securities or other properties, was distributed to its stockholders during that year; neither Atlas nor Baird is to its knowledge an affiliated person of Applicant; the purchase was made at a price not above the market value or the asset value, whichever is lower, at the time of purchase; disclosure was made of the approximate

[1] Rule N-23C-1, which was promulgated pursuant to section 23 (c) (3) of the act, permits a registered closed-end investment company to purchase its outstanding securities, provided certain conditions with respect to the securities are met. Among other things, the rule, in effect, prohibits the purchase of a stock unless the issuer has within the preceding six months informed stockholders of its intention to purchase stock of such class by letter or report to all stockholders of such class. Subdivision (c) of the rule provides that a company may file an application with the Commission for an order under section 23 (c) (3) of the act permitting the purchase of any security of which it is the issuer which does not meet the conditions of the rule and which is not to be made pursuant to section 23 (c) (1) or (2) of the act. Since Applicant has not given its stockholders the required six months' notice of its intention to purchase its stock, the instant application was filed for an exemptive order from this requirement of Rule N-23C-1. The application indicates that Applicant has complied with the other requirements of the rule.

or estimated asset coverage of the stock at the time of purchase; no brokerage commission was paid by Applicant to any affiliated person; the purchase was not made in a manner or on a basis which discriminates unfairly against any holder of the class of securities purchased.

All interested persons are referred to said application which is on file in the offices of the Commission for a detailed statement of the proposed transactions and the matters of fact and law asserted.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission on or at any time after April 16, 1951, unless prior thereto a hearing upon the application is ordered by this Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than April 12, 1951, at 5:30 p. m., his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3940; Filed, Apr. 2, 1951; 8:48 a. m.]

[File No. 70-2579]

NORTHERN STATES POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 27th day of March A. D. 1951.

Northern States Power Company ("Northern States"), a Minnesota corporation, having filed with this Commission a declaration and amendment thereto under sections 6 (a) and 12 (e) of the Public Utility Holding Company Act of 1935 and Rules U-62 and U-65 thereunder;

All interested persons are referred to said declaration on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Northern States proposes that its Articles of Incorporation be amended:

(a) To change the shares of Preferred Stock from shares without par value to shares having a par value of $100 each; to decrease the authorized number of shares of Preferred Stock from 3,175,000 to 1,000,000; to fix the liquidation price of the Preferred Stock in involuntary liquidation at $100 per share, plus an amount equal to dividends accumulated and unpaid thereon; and to eliminate paragraphs 3 and 16 of Article V; and

(b) To change the shares of Common Stock from shares without par value to shares having a par value of $5 each; and to increase the authorized number of shares of Common Stock from 12,500,000 to 15,000,000;

The declaration stating that the excess of the present stated values of the stocks of the company over the proposed par value will be transferred to Premium on Capital Stocks, increasing that account from $292,025 to $10,276,747;

The declaration further stating that the adoption of the proposed amendments requires the affirmative vote of the holders of a majority of the voting power of all shareholders, preferred and common, assuming the absence of the negative vote of the holders of one-fourth of such voting power, otherwise the affirmative vote of two-thirds of the voting power; that to obtain the required vote, Northern States proposes to submit the proposals to its shareholders at the annual meeting scheduled to be held on May 2, 1951, and to solicit proxies by means of a letter and statement in the form filed as part of the declaration; that expenses in connection with the proposed amendments are estimated by Northern States as $14,000; and that if it later appears necessary to employ an expert in the solicitation of proxies together with special employees, Northern States will file an amendment to its declaration;

Notice of such filing having duly been given in the form and manner prescribed by Rule U-23 under the act and the Commission not having received a request for hearing with respect thereto within the period specified in said notice, or otherwise, and not having ordered a hearing thereon;

The Commission finding, with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective, and further deeming it appropriate to grant the request of declarant that the order herein become effective forthwith:

It is ordered, Pursuant to the applicable provisions of the act and the rules thereunder, and subject to the terms and conditions of Rule U-24, that said declaration, as amended, be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3939; Filed, Apr. 2, 1951; 8:47 a. m.]

DENVER BROKERAGE CO. ET AL.

MEMORANDUM OPINION AND ORDER REVOKING REGISTRATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of March A. D. 1951.

In the matter of Denver Brokerage Company, 1721 Stout Street, Denver, Colorado; Malcolm L. Eno, 1510 S. Cascade Avenue, Colorado Springs, Colorado; Stanley H. Ingalls, Apartment 306, Haines Studio, Rapid City, South Dakota; Henry M. Marks, National State Bank Building, Boulder, Colorado; Ross-Wood Company, 90 State Street, Albany, New York; M. C. Rutherford & Company, 926 Exchange Street, Rochester, New York; Arthur Stewart, 504 Symes Bldg., Denver, Colorado; J. E. St. Clair Company, 70 Pine Street, New York, New York.

These are proceedings pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("the act") to determine whether the registrants named above, each of whom is registered as broker and dealer or as a dealer only, willfully violated section 17 (a) of the act and Rule X-17A-5 thereunder and, if so, whether it is in the public interest to revoke their registrations.[1]

The proceedings were instituted by separate notices and orders for hearing issued on November 15, 27 and 28, 1950 and amended on January 15, 1951, as to the hearing date which was postponed in all cases until February 15, 1951. On November 16 and 28, 1950, copies of the notices and orders were sent by registered mail to the addresses last furnished us by the registrants; and on January 16 1951, we forwarded by registered mail copies of the amended orders. These registered notices were returned to us by the Post Office Department with notations indicating that the registrants could not be found at the addresses given. None of the registrants appeared in person or through a representative on February 15, 1951, the date set for the hearings.[2]

On November 28, 1942, we promulgated Rule X-17A-5 under section 17 (a) of the act, which provides among other things, that every registered broker or dealer must file with this Commission a report of financial condition during each calendar year commencing with the year 1943. Promulgation of the rule was announced by publication in the FEDERAL REGISTER, by release to the press, and by distribution to persons on our mailing list.

The registrations of the registrants became effective prior to 1943, and have not been withdrawn, cancelled, revoked or suspended. Our records show that none of the registrants filed the required reports during any year from 1943 through 1949.

Upon review of the records in these proceedings we have concluded that each of the registrants violated section 17 (a) of the act and Rule X-17A-5 thereunder as a result of his failure to file such reports. We conclude also that such violations were willful within the meaning of section 15 (b).[3]

We conclude, on the basis of the foregoing, that it is necessary in the public interest to revoke the registration of each of the registrants. However, in view of the fact that our records do not show whether any of them actually received personal notice of the scheduled hearings, and to avoid any possible prejudice to them, our order will provide that the revocation of registrations be without prejudice to a motion on the part of any registrant to reopen the proceedings and to seek, upon a proper showing, to set aside the order of revocation applicable to said registrant.[4]

Accordingly, it is ordered, That the registrations of Roy O. Adams and Emily P. Adams, doing business as Denver Brokerage Company, a partnership, Malcolm L. Eno, Stanley H. Ingalls, Henry M. Marks, Thomas E. Wood, doing business as Ross-Wood Company, Martin C. Rutherford, Jr., doing business as M. C. Rutherford & Company, Arthur Stewart and James Edward St. Clair, doing business as J. E. St. Clair Company, be, and they hereby are, revoked without prejudice to a motion by any of the said registrants to reopen the record in the proceeding and, upon a proper showing, to set aside the order of revocation applicable to said registrant.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3938; Filed, Apr. 2, 1951; 8:47 a. m.]

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[1] Section 15 (b) provides in part: "The Commission shall, after appropriate notice and opportunity for hearing, by order * * * revoke the registration of any broker or dealer if it finds that such * * * revocation is in the public interest and that (1) such broker or dealer * * * (D) has willfully violated any provision * * * of this title, or of any rule or regulation thereunder."

[2] Our orders and notices, as amended, substituting these proceedings provided that the same be published in the FEDERAL REGISTER not later than 15 days prior to February 15, 1951, the date of hearing. Pursuant to this provision the orders and notices were published in the FEDERAL REGISTER of November 22 and December 2, 1950. 15 F. R. 7997, 7998, 8553-56; and the amendments were published in the FEDERAL REGISTER of January 20, 1951, 16 F. R. 558-9.

[3] Sidney Ascher, — S. E. C. — (1950), Securities Exchange Act Release No. 4474.

[4] Ibid.

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Return Order 906]

CARLO DEL FRATE AND SUSANNA SEGRE VASSALLO

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Carlo Del Frate and Susanna Segre Vassalo, Rome, Italy; Claim No. 45447, December 7, 1950 (15 F. R. 8707); $557.64 in the Treasury of the United States, one-half thereof to each claimant. All right, title and interest of Carlo Del Frate and Susanna Segre (born Del Frate) in and to the trust estate created under the Will of Sarah Ramsey Del Frate, deceased.

The following securities, presently in custody of the Safekeeping Department of the Federal Reserve Bank of New York, one-half thereof to each claimant: United States Treasury Bonds of 1951 53 due December 15, 1953, with interest at 2½% payable June 15 and December 15, Nos. 17389K and 17390L for $1,000 each. United States Treasury Bond of 1952 54 due March 15, 1954, with interest at 2½% payable March 15 and September 15, No. 5887H for $500. United States Treasury Bonds of 1967 72 due December 15, 1972, with interest at 2½% payable June 15 and December 15, Nos. 312333C and 312334D for $1,000 each. The Cleveland Electric Illuminating Company First Mortgage Bonds, 3% Series due July 1, 1970, interest payable January 1 and July 1, Nos. M-29396 and M-29397 for $1,000 each. Southern California Edison Company, Ltd., First and Refunding Mortgage Bond, Series of 3's, due September 1, 1965, interest payable March 1 and September 1, No. M-20496 for $1,000.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3963; Filed, Apr. 2, 1951; 8:52 a. m.]

[Return Order 918]

EDOARDO SCARPELLINI ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Edoardo Scarpellini, a/k/a Odoardo Scarpellini; Francesco Scarpellini, Both of Norcia, Italy; Maddalena Graziosi Cocchi, Augusta Graziosi Salvatori, Elena Graziosi Regoli, Luca Graziosi, all four of San Pellegrino Perugia, Italy; Claim No. 29616; February 16, 1951 (16 F. R. 1661); $456.96 in the Treasury of the United States, one-third to Edoardo Scarpellini, one-third to Francesco Scarpellini and one-twelfth each to Maddalena Graziosi Cocchi, Augusta Graziosi Salvatori, Elena Graziosi Regoli and Luca Graziosi. To Edoardo Scarpellini all right, title and interest of Edoardo Scarpellini; to Francesco Scarpellini all right, title and interest of Francesco Scarpellini; and to Maddalena Graziosi Cocchi, Augusta Graziosi Salvatori, Elena Graziosi Regoli and Luca Graziosi, in equal shares, all right, title and interest of Giulia Graziosi, in and to the Estate of Cesare Scalpellini, also known as Cesare Scarpellini, deceased, Ottavio Diotallevi, Box 176, Brewster, Ohio, Administrator.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3965; Filed, Apr. 2, 1951; 8:52 a. m.]

SOCIETE DES PROCEDES SERGE BEAUNE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe des Procedes Serge Beaune, Cretell (Seine) France; Claim No. 41695; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 2,143,617, 2,246,872 and 2,043,694.

Executed at Washington, D. C., on March 27, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3966; Filed, Apr. 2, 1951; 8:54 a. m.]

SOCIETE AME "L'ATOMIC"

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Ame "L'Atomic", Paris, France; Claim No. 26797; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to United States Patent Application Serial No. 147,610 (now United States Letters Patent No. 2,361,758). All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe Anonyme L'Atomic by virtue of an agreement dated April 11, 1941 (including all modifications

thereof and amendments thereto, if any) by and between Societe Anonyme L'Atomic and Imperial Chemical Industries, Ltd., which relates among other things, to patent number 2,276,761, issued March 17, 1942, inventor W. Carey, for Apparatus for the Classification of Material, to the extent owned by Societe Anonyme L'Atomic immediately prior to the vesting thereof by Vesting Order No. 1633 (8 F. R. 12361) September 7, 1943), as amended (9 F. R. 8269, July 21, 1944.)

Executed at Washington, D. C., on March 27, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3967; Filed, Apr. 2, 1951; 8:54 a. m.]

TELEFON FABRIK AUTOMATIC AKTIESELSKAB

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Telefon Fabrik Automatic Aktieselskab, Copenhagen, Denmark; Claim Nos. 10828 and 11040; Property described in Vesting Order No. 664 (8 F. R. 4989, April 17, 1943) relating to United States Letters Patent Nos. 2,135,615; 2,146,228 and 2,253,136.

Executed at Washington, D. C., on March 27, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3968; Filed, Apr. 2, 1951; 8:54 a. m.]

[Return Order 914]

CARL GEHRMANS MUSIKFORLAG

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Carl Gehrmans Musikforlag, Stockholm, Sweden; December 23, 1950 (15 F. R. 9270); property to the extent owned by claimant immediately prior to the vesting thereof, by Vesting Order No. 4033 (9 F. R. 13269, November 8, 1944) relating to certain copyrights identified by assignments in the United States Copyright Office from Alfred Thorsings Musikforlag to the Society of European Stage Authors and Composers dated November 5, 1936 and December 2, 1938 (specified in Exhibit A of said vesting order), including royalties pertaining thereto in the amount of $438.57.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3964; Filed, Apr. 2, 1951; 8:52 a. m.]

MARIE PFEFFERKORN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Maria Pfefferkorn, Alfons a/k a Alfonso Pfefferkorn, Jakob Pfefferkorn, Vorarlberg, Austria; Claim No. 42163; $14,402.51 in the Treasury of the United States, 1/3 to each claimant. All right, title and interest of claimants, and each of them, in and to the Estate of Thomas Pfefferkron, a/k a Anthony Thomas Pfefferkron, a/k a Thomas Anthony Korn, a/k a Anthony Thomas Fuetscher, a/k a Anthony Korn, a/k a Thomas A. Korn, a/k a Rev. Anthony Korn, a/k a Rev. Thomas Fuetscher, deceased; estate administered by Potter Title and Trust Company, Pittsburgh, Pennsylvania, under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania.

Executed at Washington, D. C., on March 27, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3969; Filed, Apr. 2, 1951; 8:54 a. m.]

HEDVIG E. S. MADDAUS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hedvig E. S. Maddaus, Valatia, N. Y.; Claim No. 31416; $137.17 in the Treasury of the United States.

Executed at Washington, D. C., on March 27, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3970; Filed, Apr. 2, 1951; 8:54 a. m.]

[Vesting Order 17541]

OHASHI HIDE

In re: Claims of Ohashi Hide. F-39-6849-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ohashi Hide, whose last known address is 80-2 Arata-Cho Chome, Hyogo-Ku, Kobe, Japan is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Any and all rights and claims to benefits under the United States Civil Service Retirement Act, as amended, approved May 22, 1920 (Pub. Law 215; 66 Cong. 2nd Sess., 41 Stat. 614) due or to become due to Ohashi Hide, named beneficiary of Carey J. Scott, deceased, (CSF-188 796-Z), including particularly but not limited to a lump sum settlement in the amount of $484.84 as of December 5, 1950, together with any and all rights to demand, enforce and collect said claim,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3959; Filed, Apr. 2, 1951; 8:51 a. m.]

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THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 16 NUMBER 65

Washington, Wednesday, April 4, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10230

AMENDING THE SELECTIVE SERVICE REGULATIONS

By virtue of the authority vested in me by Title I of the Selective Service Act of 1948 (62 Stat. 604), as amended, I hereby prescribe the following amendments of the Selective Service Regulations prescribed by Executive Order No. 9988 of August 20, 1948, and constituting portions of Chapter XVI of Title 32 of the Code of Federal Regulations:

1. Section 1622.10 of Part 1622, Classification Rules and Principles, is amended to read as follows:

§ 1622.10 *Necessary employment defined.* (a) A registrant's employment in industry or other occupation, service in office, or activity in research, or medical, scientific, or other endeavors, shall be considered to be necessary to the maintenance of the national health, safety, or interest only when all of the following conditions exist:

(1) The registrant is, or but for a seasonal or temporary interruption would be, engaged in such activity,

(2) The registrant cannot be replaced because of a shortage of persons with his qualifications or skill in such activity.

(3) The removal of the registrant would cause a material loss of effectiveness in such activity.

(b) A registrant's activity in study may be considered to be necessary to the maintenance of the national health, safety, or interest when any of the following conditions exist:

(1) The registrant has been accepted for admission to or is a student in a professional school of medicine, dentistry, veterinary medicine, osteopathy, or optometry and the school in which he is enrolled has certified that he is satisfactorily pursuing a full-time course of instruction leading to his graduation.

(2) The registrant is a full-time graduate student seeking a graduate degree and the graduate school at which he is in attendance has certified that he currently is meeting degree requirements and is expected to attain his degree.

(3) The registrant has been accepted for admission to a graduate school for the class next commencing as a candidate for a graduate degree, or has been accepted for admission to a college, university, or similar institution of learning for the class next commencing for a full-time course of instruction or has entered upon and is satisfactorily pursuing such course, and, within such categories as the Director of Selective Service, with the approval of the President, may prescribe, either has maintained a required scholastic standing, or has attained on a qualification test a score, or both such standing and score, to be prescribed by the Director of Selective Service with the approval of the President.

(c) The Director of Selective Service is authorized to prescribe such qualification test or tests as he may deem necessary for carrying out the provisions of paragraph (b) of this section and to prescribe the procedures for the administration of such test or tests, for the certification of the results thereof, and for the certification of any other information required in carrying out the provisions of paragraph (b) of this section.

(d) The President may, from time to time (1) designate special categories of occupation, employment, or activity essential to the national health, safety, or interest; and (2) prescribe regulations governing the deferment of individual registrants engaged in such occupations, employments, or activities.

2. Paragraph (a) of § 1622.13 is amended to read as follows:

§ 1622.13 *Class II–C: Registrant deferred because of agricultural occupation.* (a) In Class II–C shall be placed any registrant who is employed in the production for market of a substantial quantity of those agricultural commodities which are necessary to the maintenance of the national health, safety, or interest, but only when all of the conditions described in paragraph (a) of § 1622.10 are found to exist.

3. The table of contents of Part 1622 is amended by inserting immediately after "1622.28 Identification of Class I–C registrant transferred to a reserve component of the armed forces." the

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following: "1622.29 Identification of Class II–A registrants who are students."

4. The following new section is added to Part 1622 immediately following § 1622.28:

§ 1622.29 *Identification of Class II–A registrants who are students.* Whenever a registrant is classified in Class II–A by reason of his activity in study his classification shall be followed with the identification "(S)" whenever it appears on any record of such registrant.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 31, 1951.

[F. R. Doc. 51-4065; Filed, Apr. 2, 1951; 12:56 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE AIR FORCE

Effective upon publication in the FEDERAL REGISTER, § 6.107 is amended as set out below.

§ 6.107 *Department of the Air Force*—(a) *Office of the Secretary.* • • •

(4) Until June 30, 1952, the position of Deputy for Contract Financing, Office of Assistant Secretary (Management).

• • • • •

(f) *Headquarters, U. S. Air Force.* • • •

(2) Until June 30, 1952, the positions of Civilian Director of Logistics Plan and Civilian Director of Industrial Resources, Deputy Chief of Staff, Matériel.

(g) *Air Matériel Command.* • • •

(2) Until June 30, 1952, the positions of Special Assistant (Purchasing), Special Assistant (Industrial Finance), and Special Assistant (Industrial Mobilization), Directorate of Procurement and Industrial Planning.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-4003; Filed, Apr. 3, 1951; 8:52 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 174—CONTROL PURSUANT TO THE SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950 OF PERSONS ENTERING THE UNITED STATES

DEFINITION OF CERTAIN TERMS

MARCH 29, 1951.

Paragraph (i) is hereby added to § 174.1, *Definitions*, of Chapter I, Title 8 of the Code of Federal Regulations, so that when taken with the introductory sentence to that section it will read as follows:

§ 174.1 *Definitions.* For the purposes of this part:

• • • • •

(i) The terms "members of" and "affiliated with" where used in the act of October 16, 1918, as amended, shall include only membership or affiliation which is or was voluntary, and shall not include membership or affiliation which is or was solely (1) when under sixteen years of age, (2) by operation of law, or (3) for purposes of obtaining employment, food rations, or other essentials of living, and where necessary for such purposes.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. The regulation prescribed by the order is necessary to carry out the purpose of Public Law 14, 82d Congress, which became effective on March 25, 1951. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date is impracticable and contrary to the public interest in this instance, since such compliance would unduly delay and impede the administration and enforcement of the immigration laws.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458. Interprets or applies secs. 1-3, 40 Stat. 1012, as amended, sec. 22, Pub. Law 831, 81st Cong., Pub. Law 14, 82d Cong.; 8 U. S. C. 137)

[SEAL] A. R. MACKEY,
Acting Commissioner of Immigration and Naturalization.

Approved: March 30, 1951.

PEYTON FORD,
Acting Attorney General.

[F. R. Doc. 51-4026; Filed, Apr. 3, 1951; 8:56 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Amdt. 9]

GENERAL CEILING PRICE REGULATION

EXEMPTION OF EXTRA LONG STAPLE COTTON GROWN OUTSIDE THE UNITED STATES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 9 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to the General Ceiling Price Regulation extends the exemption in section 14 (s) (5) to extra long staple cotton grown outside the United States.

American-Egyptian cotton was exempted under section 14 (s) (5) of the General Ceiling Price Regulation. This exemption was based upon the judgment of the Department of Agriculture that the imposition of a ceiling price at the base period level prescribed in the General Ceiling Price Regulation would deter necessary increases in production of American-Egyptian cotton essential to the defense effort. On February 11, 1951, Amendment 1 to the General Ceil-

ing Price Regulation was issued. That amendment extended the exemption of the specified agricultural commodities in section 14 (s) (including American-Egyptian cotton) to " • • • any that may be imported • • •." It was intended by this amendment that Egyptian cotton grown outside the United States would thereby be exempt. Literally, however, section 14 (s), as amended, does not properly effectuate this objective, and, therefore, the accompanying amendment is designed to express the intention more accurately.

A high proportion of extra long staple cotton which is imported is used for purposes for which American upland cotton cannot be substituted satisfactorily. The price of this imported cotton in world markets has virtually doubled since September, 1950. The Commodity Credit Corporation must continue to purchase this type of cotton for the national stockpile at the request of the Munitions Board. Unless it is exempt under the General Ceiling Price Regulation, its supply to domestic purchasers and the Commodity Credit Corporation will be cut off.

Only one percent, approximately, of total consumption of cotton in the United States consists of imported extra long staple cotton. The import quota for this cotton for the year beginning February 1, 1951, which has been filled, was 45,656,420 pounds, according to the Bureau of Customs.

The Department of Agriculture, as well as representative groups in the industry and trade, have urged this exemption. In the judgment of the Director of Price Stabilization, this exemption will not impede accomplishment of the purposes of the Defense Production Act of 1950.

AMENDATORY PROVISIONS

The General Ceiling Price Regulation is hereby amended in the following respects:

1. Section 14 (s) (5) is amended to read as follows:

(5) American-Egyptian cotton and extra long staple cotton grown outside the United States.

2. Contracts for the sale of extra long staple cotton grown outside the United States executed on or after February 11, 1951 shall not be deemed in violation of the General Ceiling Price Regulation.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title III, Pub. Law 774, 81st Cong. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Effective date. This amendment shall become effective April 9, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 3, 1951.

[F. R. Doc. 51-4114; Filed, Apr. 3, 1951; 11:39 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 15]

GCPR, SR 15—EXCEPTIONS FOR CERTAIN SERVICES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Supplementary Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation suspends the rates, fees, charges and compensation charged for, or excepts certain services from the provisions of the General Ceiling Price Regulation.

Information received by the Director of the Office of Price Stabilization shows that about 90 percent of the hospitals are of a governmental, charitable, or eleemosynary and non-profit character and that increases in the rates, fees, charges and compensation made by such institutions ordinarily do not benefit individuals, associations or corporations, and, generally may be necessary to maintain adequate care and treatment for the sick and injured.

In view of the unique and complex character of the services furnished by hospitals, the number of and differences in hospitals, and the administrative difficulties in instituting controls, it has been determined that such rates, fees, charges, and compensation shall be suspended from the provisions of the General Ceiling Price Regulation for a period of six (6) months from the effective date of this Supplementary Regulation, and thereafter and until this suspension shall be withdrawn, during which period or periods continuing studies of such services will be made: *Provided nevertheless*, That such hospitals shall maintain, during such period or periods, customary records justifying increases put into effect during the period or periods of this suspension.

With respect to the services rendered by educational institutions, as such, with the exception of institutions of higher learning, public school systems generally are able to provide adequate and necessary educational services, in consequence of which the rates, fees, charges, and compensation charged by private schools have less direct effect upon the cost of living.

In view of the non-profit character of the educational facilities of many such educational institutions, and the administrative difficulties involved in attempting to impose controls on the rates, fees, charges, and compensation of institutions providing a systematic and supervised course of instructions in a branch of useful knowledge, and the adequacy, generally, of public school facilities at levels below those of institutions of higher learning, the Director of Price Stabilization has determined to except the rates, fees, charges, and compensation of all such educational institutions from the provisions of the General Ceiling Price Regulation.

The Public Printer, under the printing law, is required to perform all Government printing and binding at the Government Printing Office. In certain instances, however, when he is unable or not equipped to provide the necessary work for the Government he may contract with commercial firms for that work, subject to the approval of the Joint Committee on Printing. During the past few months, as a result of the tremendous expansion in Governmental defense activities, the volume of printing and binding work has become so pressing and delivery schedules so tight, that the Public Printer has had to contract with commercial concerns for a large volume of orders in order to meet the printing and binding needs of Governmental agencies. To expedite the purchase of the printing and binding requirements of the Government, the Government Printing Office proposes to re-establish what is termed, "Standard Rate Contracts," for certain specific types or classes of printing and binding orders, a type of contract used extensively in the fulfillment of the printing and binding requirements of the Government during World War II. A list of standard rates for each labor and machine operation will be established for use in this type of contract pursuant to which the contractor will agree to perform orders of the specific type or class of work indicated at the predetermined rates established. The rates proposed for each item in each contract will be based on Government Printing Office prices and industry averages. The Government Printing Office has heretofore had contracts with approximately 5,000 printing and binding firms located throughout the nation, 3,000 of these firms now being on their active list. By reason of having contracts with these firms, cost and production data available from binding and printing trade associations, and the rates it has established and had in effect, it is in a position to establish standard rates that will be fair to the contractor, and protect the Government from excessive charges.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of the Office of Price Stabilization, the exceptions and suspensions contained in this Supplementary Regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national defense effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950.

In formulating this Supplementary Regulation the Director has consulted with representatives of the industries, so far as practicable under the circumstances, and has given consideration to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Exceptions and suspensions for certain services.
3. Applicability.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* The purpose of this regulation is to suspend the rates, fees, charges and compensation charged for or to except certain services from the provisions of the General Ceiling Price Regulation.

SEC. 2. *Exceptions and suspensions for certain services.*—(a) *Suspension*—(1) *Hospitals.* The provisions of the General Ceiling Price Regulation shall not apply to the rates, fees, charges and compensation for services rendered or performed by hospitals for a period of six (6) months from the effective date of this supplementary regulation. *Provided, however,* That the period of suspension shall continue thereafter and until such time as the Director of Price Stabilization shall withdraw such suspension, *And provided further,* That the records of such hospitals shall, irrespective of the original or extended period of suspension, be maintained pursuant to section 16 of the General Ceiling Price Regulation during the period of such original or extended suspension.

(b) *Exceptions.* The provisions of the General Ceiling Price Regulation shall not apply to the rates, fees, charges and compensation for the following services:

(1) Services rendered in the educational facilities of schools and educational institutions which are providing a systematic and supervised course of instruction in a useful branch of knowledge, art, craft or skill.

(2) Printing and binding services rendered by printers and binders pursuant to "Standard Rate Contracts" entered into with the United States Government Printing Office.

SEC. 3. *Applicability.* The provisions of this supplementary regulation are applicable to the United States, its Territories and possessions, and the District of Columbia.

Effective date: This supplementary regulation shall become effective April 9, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 3, 1951.

[F. R. Doc. 51-4115; Filed, Apr. 3, 1951; 11:40 a. m.]

[General Overriding Regulation 2]

GOR 2—SALES TO THE UNITED STATES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this General Overriding Regulation 2 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes an alternative method by which a manufacturer, wholesaler, or retailer may determine his ceiling price for sales of a commodity or service to the United States or its agencies.

The need for this regulation arises out of the practice of many manufacturers, wholesalers, and, to a lesser extent, retailers, of entering into long term contracts with the Government approximately three months prior to the date when deliveries are to commence, and under which deliveries are scheduled over a period of twelve months.

Thus deliveries under contracts executed as far back as November 1949 were frequently scheduled through January 1951, late 1949 prices became ceiling prices under the General Ceiling Price Regulation, and new contracts calling for deliveries through June 1952 could not specify prices higher than the ceiling price under the General Ceiling Price Regulation.

This regulation is considered necessary in order to permit manufacturers, wholesalers, and retailers to sell to the United States Government and its agencies at prices in line with current ceiling prices for the same commodities when sold to other purchasers, but adjusted to reflect the seller's customary discounts, allowances, and differentials applicable to sales to the United States and its agencies.

Where the seller's ceiling price for sales to the United States and its agencies is not based on long-term contracts, his ceiling price for such sales, as determined under this regulation, should not differ from his ceiling price as determined under other applicable regulations.

The following is an example of the way in which this regulation is intended to operate: Suppose you manufacture a commodity which at some time between December 19, 1950 and January 25, 1951, you delivered to the United States or one of its agencies at a price of $3.60, pursuant to a contract entered into with the Government some months, or even a year previously. Your prices to wholesalers not being tied down by a long-term contract, had increased during 1950, with the result that your ceiling price for sales to wholesalers was $5.00. During the period January 1, 1950 through June 30, 1950, it was your custom, with respect to sales to the United States and its agencies, to give a 15 percent discount from the wholesale price. Upon these facts, your ceiling price as determined under this regulation, for the sale of this commodity to the United States or one of its agencies, would be $4.25 (instead of $3.60) which figure is obtained by deducting the customary discount (15%) from the ceiling price of the commodity when sold to a wholesaler ($5.00).

REGULATORY PROVISIONS

Sec.
1. Alternative ceiling prices for sales to the United States.
2. Definitions.

AUTHORITY: Sections 1 and 2 issued under sec. 704, Pub. Law 774 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Alternative ceiling prices for sales to the United States.* Notwithstanding the provisions of any other price regulation, you may determine your ceiling price for the sale of a commodity or service to the United States or any agency thereof by using as a base the ceiling price of the commodity or service, when sold to a different class of purchaser, and by adjusting such price so as to reflect your customary discounts, allowances, and differentials between such class of purchaser and the United States and its agencies.

SEC. 2. *Definitions.* (a) "You" means a seller of any commodity or service and includes a manufacturer, wholesaler, and retailer.

(b) "Price regulation" means a ceiling price regulation heretofore or hereafter issued by the Office of Price Stabilization, and any amendment or supplement thereto or order issued thereunder.

(c) "Customary discounts, allowances, and differentials" means discounts, allowances, and differentials in effect between January 1, 1950, and June 30, 1950.

Effective date. This General Overriding Regulation 2 shall become effective April 9, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 3, 1951.

[F. R. Doc. 51-4116; Filed, Apr. 3, 1951; 11:40 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-2 as Amended April 1, 1951]

M-2—RUBBER

This order, as amended, is found necessary and appropriate to promote the national defense. It is issued pursuant to both the Defense Production Act of 1950 and the Rubber Act of 1948. In the formulation of this order, as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment to NPA Order M-2, as last amended March 1, 1951, amends the order in its entirety to read as follows:

EXPLANATORY PROVISIONS

Sec.
1. Purpose and effect.
2. Definitions.

RESTRICTIONS ON IMPORTATION AND CONSUMPTION

3. Private importation of natural rubber prohibited.
4. Limit on total new rubber consumption (except natural rubber latex).
5. Limit on natural rubber latex consumption.
6. Rubber to fill rated orders (other than "DO-97").
7. Orders rated "DO-97".

ALLOCATION OF SYNTHETIC RUBBER

8. Limitation on acquisition of synthetic rubber.
9. Allocation procedure.
10. Basis of allocation.

RUBBER PRODUCT REQUIREMENTS AND LIMITATIONS

11. Camelback production required.
12. Tires or tubes for new passenger automobiles.
13. Required production of certain tires or tubes.
14. Rubber product simplification and manufacturing specifications.

GENERAL PROVISIONS

15. Monthly reports of rubber consumption and stocks.
16. Reports by tire, tube, and camelback manufacturers.
17. Reports by latex importers.
18. Records and reports.
19. Inventory limitations.
20. Adjustments and exceptions.

Sec.
21. Communications.
22. Violations.

AUTHORITY: Sections 1 to 22 issued under sec. 10, 62 Stat. 105, sec. 704, Pub. Law 774, 81st Cong., Pub. Law 575, 81st Cong.; 50 U. S. C. App., Sup., 1929. Interpret or apply sec. 3, 62 Stat. 102, sec. 101, Pub. Law 774, 81st Cong.; 50 U. S. C. App., Sup., 1922. E. O. 9942, Apr. 1, 1948, 13 F. R. 1823, 3 CFR, 1948 Supp., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

EXPLANATORY PROVISIONS

SECTION 1. *Purpose and effect.* The purpose of this order is to conserve the supply of rubber for the needs of national defense and to provide for its equitable distribution. It places over-all limits on the consumption of new rubber (including both natural and synthetic). It prohibits private importation of natural rubber and provides for allocation of Government-produced synthetic rubber. Provisions are also made for increasing production of camelback, for directing production of rubber products into standard lines, and for restricting the use of natural rubber in certain listed products, for limiting inventories of tires and tubes and for restricting their delivery for installation on new passenger automobiles.

SEC. 2. *Definitions.* As used in this order:

(a) "Natural rubber" means all new RHC (rubber hydrocarbon) forms and types of tree, vine, or shrub rubber, both dry and latex, including the following grades of wild rubber (cut, uncut, washed or dried): upriver fine, acre fine, Bolivian fine, beni fine, island fine, and all other types of fine pará, which are of equivalent quality regardless of name or origin; but excluding all other South or Central American grades of wild rubber and all rubber from guayule, balata or gutta percha, as well as reclaimed natural rubber.

(b) "Dry natural rubber" means all natural rubber in solid form.

(c) "Natural rubber latex" means the dry latex solids contained in natural rubber liquid latex.

(d) "Synthetic rubber" means all new RHC products of chemical synthesis similar in general properties and applications to natural rubber and specifically capable of vulcanization, including synthetic rubber latex but excluding reclaimed synthetic rubber.

(e) "GR–S" means a general-purpose synthetic rubber of the butadiene styrene type produced in the United States generally suitable for use in the manufacture of transportation items such as tires or camelback, as well as any other type of synthetic rubber equally or better suited for use in the manufacture of transportation items such as tires or camelback, as determined from time to time by the NPA, but excluding reclaimed general-purpose synthetic rubber.

(f) "Butyl" or "GR–I" means a special-purpose synthetic rubber produced in the United States, suitable for use in the manufacture of transportation items such as pneumatic inner tubes, but excluding reclaimed special-purpose synthetic rubber.

(g) "New RHC" means total new rubber hydrocarbon. This is the total RHC content of dry natural rubber, natural rubber latex, synthetic rubber, uncured scrap rubber, and uncured in-process materials.

(h) "Consume" means, in the case of dry natural rubber, natural rubber latex or synthetic rubber, to compound, expend, formulate, or in any manner make any substantial change in the form, shape, or chemical composition.

(i) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(j) "Reclaimed rubber" means any rubber derived from the processing or treatment of vulcanized rubber or cured scrap rubber.

(k) "NPA" means the National Production Authority in the Department of Commerce.

RESTRICTIONS ON IMPORTATION AND CONSUMPTION

SEC. 3. *Private importation of natural rubber prohibited.* (a) On and after December 29, 1950, no person other than the Administrator of General Services shall import into the United States (including its territories and possessions) any natural rubber as defined in section 2 (a) of this order, except as specifically authorized in writing by the Administrator of General Services; *Provided, however*, That this prohibition shall not apply to any private importation required by a contract which was made prior to December 29, 1950, and which is registered with the General Services Administration on or before January 5, 1951, except as any such private importation may be disapproved by said Administrator. For purposes of this section, the term "import" includes any physical movement of rubber into the United States, whether placed in general order or in a foreign-trade zone, or whether entered for consumption, bonded customs custody or otherwise, except where the rubber moves through the United States in transit, under bond, from a consignor in one foreign country to a consignee in another foreign country.

(b) The prohibition in paragraph (a) of this section does not apply to the types and grades of natural rubber excluded from the definition in section 2 (a) but all such excluded types and grades shall be inspected by, and a certificate of import secured from, the Administrator of General Services prior to their importation.

SEC. 4. *Limit on total new rubber consumption (except natural rubber latex).* (a) No person shall (except on prior written authorization of the NPA) consume in any calendar month a total amount of new rubber (including all synthetic both dry and latex and all natural except latex) in excess of 90 percent of his base monthly new rubber consumption as computed under paragraph (b) of this section.

(b) Each person's base monthly new rubber consumption shall be one-twelfth of his actual new rubber consumption (including all synthetic both dry and latex and all natural except latex) during the year ending June 30, 1950, as adjusted by the NPA.

(c) The limitation provided in this section shall not apply to any person during any calendar quarter in which his total consumption of new rubber (including all synthetic both dry and latex and all natural except latex) does not exceed 25,000 pounds.

SEC. 5. *Limit on natural rubber latex consumption.* (a) No person shall (except on prior written authorization of the NPA) consume during any calendar quarter, a total quantity of natural rubber latex in excess of one-fourth of his consumption during the year ending June 30, 1950, as adjusted by the NPA.

(b) Any person who imports any natural rubber latex into the United States after October 1, 1950, shall offer at least 10 percent of his imports to the General Services Administration at his regularly established price.

(c) In the event that imports of natural rubber latex are of such volume that an excess remains available for consumption (including any amounts not accepted by General Services Administration), after deducting from total imports (1) the base-period consumption allowed by paragraph (a) of this section, (2) the stockpile requirements of the Government, and (3) a reasonable reserve for adjustments under section 19 of this order. Such excess will be allocated quarterly to consumers by the NPA on the basis of their pro rata allocation of natural rubber latex during the fourth calendar quarter of 1950. Any allocations made under this paragraph may be consumed in addition to the amounts permitted by paragraph (a) of this section.

SEC. 6. *Rubber to fill rated orders (other than "DO–97").* (a) Such quantities of new rubber as are used in making products to fill DO rated orders (other than those rated "DO–97") are hereby exempted from the limitations on consumption contained in sections 4 and 5 of this order. All such quantities shall accordingly be excluded in computing consumption under those sections. Allocations of synthetic rubber will be made for such purposes, upon application in writing to the NPA, in addition to the allocations for which provision is made in sections 8, 9, and 10 of this order.

(b) Any person filing an application for an allocation of rubber to fill DO rated orders (other than those rated "DO–97") must show (1) the DO rating number or symbol applied to the order, (2) the Government contract and purchase numbers, (3) the identity and quantity of the product ordered, (4) the Government specifications for the product insofar as concerns the rubber content, (5) the name and address of the customer and the shipping destination, and (6) the types and quantities of rubber required, by month, to fill the order.

SEC. 7. *Orders rated "DO–97."* (a) Notwithstanding the provisions of NPA Reg. 4, no person shall apply or extend the rating "DO–97" to any order for any pneumatic or solid tires or tire tubes or other transportation products as listed under codes 1 through 8 in appendix A, and no such rating applied or extended to such orders shall be deemed a valid rating.

(b) Insofar as necessary and practicable, new rubber will be made available once a month, in addition to the quantities otherwise permitted by this order, to manufacturers of those products listed under Codes 9–24 in appendix A, to replace rubber used to fill orders for such products rated "DO–97." No additional rubber will be authorized for such purpose, however, except to the extent that the applicant demonstrates that he has filled "DO–97" rated orders for the product in the previous month requiring a greater proportion of his then permitted new rubber consumption than he devoted to the manufacture of that product out of his total new rubber consumption in the year ending June 30, 1950 (exclusive of such units as were manufactured and sold as parts of new equipment or for incorporation in new equipment). Application for such additional new rubber shall be made before the 10th day of each month. The quantities approved under this section will be authorized and allocated for use during the remainder of that month. (For example: If a company used rubber in March for orders rated "DO–97" in excess of the above-described proportion, it may report such excess use before the 10th of April, and additional rubber will be authorized or allocated in April). The applicant must state (if he has not previously submitted the same information) his consumption of new rubber during the year ending June 30, 1950, in making the product involved (broken down to show what proportion went into new equipment), the volume of orders filled for the product during the previous month (broken down to show those rated "DO–97"), the types and quantities of rubber used or required therefor, the new rubber authorization requested, and any other data necessary to demonstrate that the applicant has satisfied the above requirements entitling him to additional rubber.

ALLOCATION OF SYNTHETIC RUBBER

SEC. 8. *Limitation on acquisition of synthetic rubber.* No person shall acquire more Government-produced GR–S or butyl (GR–I) than is allocated to him by the NPA. No person shall sell or transfer any synthetic rubber acquired from the Government to any person other than the Office of Rubber Reserve, Reconstruction Finance Corporation.

SEC. 9. *Allocation procedure.* The NPA will allocate quarterly, to each consumer of GR–S or butyl, the amounts of Government-produced GR–S and butyl that he may purchase during a specified calendar quarter. The NPA will notify the Office of Rubber Reserve, Reconstruction Finance Corporation, of such allocations and the Office of Rubber Reserve will not issue purchase permits to anyone for more GR–S or butyl than is allocated to him. Persons desiring to purchase GR–S or butyl will submit purchase requests to the Office of Rubber Reserve in accordance with its established procedure.

SEC. 10. *Basis of allocation.* GR–S and butyl for non-defense purposes will be separately allocated by the NPA for each calendar quarter on the following basis:

(a) *GR–S.* Subject to the provisions of paragraphs (d) and (e) of this section, each consumer of GR–S will be allocated a fair and proportionate share of the total available Government-produced GR–S (after a reasonable amount has been reserved for DO rated orders, for such other programs as may be approved by the NPA, and for adjustments under section 19 of this order). The share of GR–S so allocated to each consumer will be calculated so that such share, when added to the quantities of other new rubber which are permitted or allocated to him and which enter into the computation of total new rubber under section 4 of this order, will equal his total new rubber consumption as permitted by section 4.

(b) *Butyl for tire tubes.* Subject to the provisions of paragraphs (d) and (e) of this section, each manufacturer of tire tubes will be allocated his pro rata share of total available Government-produced butyl (after a reasonable amount has been reserved for DO rated orders, for such other programs as may be approved by the NPA, and for adjustments under section 19 of this order), based on the proportion which his total new rubber consumption for tire tubes during the year ending June 30, 1950, bears to the total new rubber consumption of the industry for tire tubes during that period as determined by the NPA.

(c) *Butyl for other uses.* Subject to the provisions of paragraphs (d) and (e) of this section, each consumer of butyl for purposes other than the manufacture of tire tubes will be allocated for each calendar quarter, his average quarterly consumption of butyl for such other purposes during the year ending June 30, 1950, as determined by the NPA.

(d) *Imports to be considered.* In making allocations described in paragraphs (a), (b), and (c) of this section, the NPA will ascertain the quantities of imported GR–S and butyl acquired by each consumer, and will reduce by the amounts of such imported rubber the allocations which would otherwise be made.

(e) *Inventories to be considered.* In making the allocations described in paragraphs (a), (b), and (c) of this section, the NPA will ascertain and take into account each consumer's inventory of GR–S and butyl, and will adjust the allocations insofar as practicable so that inventories (including rubber in warehouse and in transit) will not be increased beyond a 20-working-day supply.

RUBBER PRODUCT REQUIREMENTS AND LIMITATIONS

SEC. 11. *Camelback production required.* Every person who produced camelback during the year ending June 30, 1950, shall produce in each month of 1951, an amount of camelback which by RHC weight is at least one and a half times as great in proportion to his total new rubber consumption in the manufacture of transportation products during such months, respectively, as the proportion which his production of camelback during the year ending June 30, 1950, bore by weight on RHC basis to his total new rubber consumption in transportation products during that year. For example, if a person's production of camelback on RHC basis accounted for 5 percent of his new rubber RHC consumption in transportation products during the year specified, his production of camelback in each month must account for at least 7.5 percent of his new rubber RHC consumption in transportation products during each month of 1951. This means that consumers who produce transportation products other than camelback must sacrifice sufficient RHC from other transportation products to achieve the above result, since no extra allocation of RHC will be made to compensate for increased camelback production. Those who produce camelback only are not subject to this section.

SEC. 12. *Tires or tubes for new passenger automobiles.* No person shall deliver any tires or tubes to any manufacturer of new passenger automobiles unless such manufacturer furnishes to him a signed certificate reading substantially as follows:

I hereby certify, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, that after April 1, 1951, I will not install on or use for any new passenger automobile more than four tires or tubes and that no more than four tires and tubes will be delivered by me with any new passenger automobile.

(Date) (Signed)

SEC. 13. *Required production of certain tires or tubes.* (a) No person, who, during the first calendar quarter of 1951, manufactured any tires or tubes for use on trucks, buses, and truck trailers, in sizes 8.25 and up, or on tractors or farm equipment, shall, during any month, devote less than the same proportion of his total new rubber consumption as limited by section 4 of this order to the manufacture of these items than he did in the first calendar quarter of 1951.

(b) In addition, the saving in new RHC resulting from the reduction in original passenger car tire and tube deliveries in April 1951, as compared with such deliveries in March 1951, shall be used by each tire manufacturer in the production of truck and bus tires and tubes, in sizes 8.25 and up, and for farm tires and tubes. Insofar as natural rubber may be used in producing such tires and tubes in accordance with the specifications in appendix A, such use in lieu of synthetic rubber is permitted, subject to the limitation on total new rubber consumption in section 4 of this order.

SEC. 14. *Rubber product simplification and manufacturing specifications—(a) Manufacture except in accordance with appendix A prohibited.* No person shall manufacture any rubber product except in accordance with the specifications and other terms and conditions prescribed in the attached appendix A. More specifically, (1) no person shall consume any natural rubber (dry or latex) in the manufacture of any product not listed in column II of appendix A; (2) no person shall consume more natural rubber (dry or latex) in the manufacture of any listed product than prescribed in column III (as qualified by column IV) of appendix A, and (3) no person shall consume any new RHC (natural or synthetic) in the manufacture of any listed product in more or different lines, types, qualities, styles or colors than those prescribed in column IV of appendix A.

(b) *Exceptions to limitations of appendix A*—(1) *Defense orders.* Notwithstanding the provisions of appendix A, any product manufactured to fill a DO rated order (other than one rated "DO-97") may be manufactured to the specifications of the order if and to the extent that such specifications are required by the Government. Efforts will be made, however, to obtain maximum standardization of rubber products for Government defense requirements as well as between defense and non-defense requirements.

(2) *Tire experimentation.* Notwithstanding the provisions of appendix A, any person may use up to a total of 2,000 pounds of dry natural rubber during any calendar quarter for experimentation in the manufacture of those sizes and types of tires for which specifications are provided in appendix A.

(3) *Use of natural rubber instead of synthetic rubber.* Notwithstanding the provisions of appendix A, any person who has received an allocation of synthetic rubber, for a given period, which is of a lesser proportion of his total new rubber consumption, as limited by section 4 of this order, than he is required by the specifications contained in appendix A to use in the manufacture of his usual line of products, may (within the limits of section 4) use such additional natural rubber as is necessary to make up the difference: *Provided however*, That any person who uses additional natural rubber in accordance with this section shall prepare a statement setting forth all of the facts and statistics upon which such additional use was based. This statement, signed by an officer of the company, shall be retained in the files of the company and made available to the NPA upon request.

(c) *Import restrictions*—(1) *Certification required.* No product for which specifications are established in Appendix A may be entered for consumption in the United States or its territories or possessions unless the entry thereof is accompanied by a certificate from the exporter or other qualified person to the appropriate Collector of Customs reading substantially as follows:

The undersigned hereby certifies, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, that the products covered by the invoice to which this certificate is attached contain no more natural rubber (of any type and wherever produced) than permitted by NPA Order M-2 for similar products.

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(Date) (Signature)

(2) *Exceptions.* No such certificate shall, however, be required for the importation (i) of any products by a diplomatic representative of a foreign government for his personal use or for the use of members of his staff or by a commercial representative of a foreign government for use in his official business and not for sale or, (ii) of any products for experimental and testing purposes and not for sale.

GENERAL PROVISIONS

SEC. 15. *Monthly reports of rubber consumption and stocks.* Every person who consumes or owns, at any time during any month, any type of rubber listed below shall file a monthly report on Form NPAF-3 with the NPA in accordance with the instructions accompanying the form. This report form covers consumption, stocks, receipts, production, and shipments.

Types to be reported

Dry natural rubber.
Natural rubber latex.
Reclaimed rubber.
GR-S Types, excluding latex.[1]
GR-S Type latex.[1]
Butyl types.[1]
Neoprene, including latex.
Butadiene-Acrylonitrile types (N-Type).[1]
Other special-purpose synthetic types.[1]
Scrap rubber, uncured.

SEC. 16. *Reports by tire, tube, and camelback manufacturers*—(a) *Monthly reports.* Each manufacturer of tires, tubes, and camelback shall file a report of his production, shipments, and inventory for each calendar month on Form NPAF-5 with the NPA in accordance with the instructions accompanying the form. Such report shall be filed by the 10th of the month following the month to which it relates.

(b) *Weekly reports of cured tires.* Each manufacturer of tires shall file a report of his production of cured tires for each week on Form NPAF-6 with the NPA in accordance with the instructions accompanying the form.

SEC. 17. *Reports by latex importer.* Every importer of natural rubber latex shall report by letter to the NPA by the 15th of each month in long tons of dry latex solids (a) his imports for the current month (actual receipts plus material due to arrive), (b) his scheduled imports for the next succeeding month, and (c) his estimate of his imports for the second and third succeeding months.

SEC. 18. *Records and reports.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries and inventories, production, and use, in sufficient detail to permit an audit that determines that the provisions of this order have been met. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who have or who may maintain such microfilm or other photographic records in the regular and usual course of business. All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority. All persons subject to this order shall keep such records and file such other reports as may be required subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 19. *Inventory limitations.* (a) No person shall in the course of trade or business receive delivery of any new tires or tubes if his inventory of such items exceeds, or by such receipt would be made to exceed, his minimum requirements for the operation of his business during the succeeding 30 days (or, in the case of passenger car manufacturers, 15 days). No person shall deliver tires or tubes (1) if he has reason to believe that his customer is not permitted to receive delivery under this section, nor (2) unless his customer furnishes to him a signed certificate reading substantially as follows:

I hereby certify, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, that after receipt of the tires or tubes covered by this order my inventory will not exceed the quantity permitted by NPA Order M-2.

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(Date) (Signature)

(b) All of the materials subject to this order are also subject to NPA Reg. 1 which prohibits the accumulation of materials in excess of a practicable minimum working inventory.

SEC. 20. *Adjustments and exceptions.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, in duplicate, and shall set forth all pertinent facts, the nature of relief sought, and the justification therefor.

SEC. 21. *Communications.* All applications, reports, and other communications relating to this order should be addressed to the National Production Authority, Washington 25, D. C., Ref: Order M-2.

SEC. 22. *Violations.* Any person who wilfully violates any provision of this order, or furnishes false information or conceals any material fact in the course of operation under it, is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to compel necessary adjustment of his inventories or consumption or to suspend his privilege of making or receiving further deliveries of, or from processing or using, materials subject to this order.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on April 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[1] Includes all types whether obtained from Government or other sources, including imports.

APPENDIX A—RUBBER PRODUCTS SUBJECT TO SIMPLIFICATION AND MANUFACTURING SPECIFICATIONS AS PROVIDED IN SECTION 13 OF NPA ORDER M-2

EXPLANATION OF COLUMNS AND SYMBOLS

Column 1: The code number indicated in Column 1 is the numerical identification of a similar class of products.

Column 2: The product or product class to which the restrictions apply is described in Column 2.

Column 3: The figures and symbols in Column 3 specify the amount of natural rubber, if any, that may be used in the listed products.

For product codes 1 through 8 and 14, 15, 16, 17, 23 and 24, the figures in Column 3 represent maximum percent of dry natural rubber and/or natural rubber latex to the total weight of new RHC. For product codes 9 through 13 and 18 through 22, such figures represent maximum percent of dry natural rubber and/or natural rubber latex to the total volume of the compound *except* where provided in Column 4 that the percent is expressed in terms of total weight of new RHC.

The figure "0" in Column 3 means that the use of dry natural rubber or natural rubber latex is prohibited except as may be provided in Column 4.

The symbol "X" in Column 3 means that dry natural rubber or natural rubber latex may be used in the minimum amount required except as may be provided in Column 4.

Column 4: The provisions in Column 4 are in some instances qualifications on the use of dry natural rubber or natural rubber latex as otherwise permitted by Column 3. These qualifications take precedence over Column 3 where there is any apparent inconsistency. Column 4 also contains the simplification and standardization provisions governing the manufacture of the product or product class. *These latter provisions do not relate merely to the use of natural rubber but limit the lines, types, qualities, styles and colors in which the listed products may be manufactured with the use of any kind of rubber.* There are no such limitations on the manufacture of listed products except as indicated in Column 4.

Code No. (1)	Product (2)	Percent natural rubber to total new RHC (3)	Special restrictions or provisions (4)
1	Pneumatic tires	(1)	The group average of any product in Code 1 may be exceeded, provided the aggregate natural rubber consumed in all products in this code does not exceed the total amount of natural rubber which would have been consumed if calculated on the maximum group averages for Code 1.
	Airplane tires	100	Max. individual tire—100%.
	Bicycle tires	13	Black side-wall construction only. Maximum individual tire—60%.
	Motorcycle tires	15	Black side-wall construction only. Maximum individual tire—60%.
	Passenger, Highway, rain-snow, taxi		Passenger car tire production is restricted as follows: All types—black side-walls only. Standard tread depth highway tires—one line and one quality only. Extra tread depth highway tires—one line only; and no greater quantity may be produced by any manufacturer in any calendar quarter, in proportion to his total production of passenger car tires in that quarter, than the proportion of his extra depth highway passenger car tire production to his total passenger car tire production in the last 6 months of 1950. Special purpose tires—no more or different lines may be produced by any manufacturer than he was producing on Feb. 19, 1951.
	Thru 7.10 and 6.70	15	Max. individual tire—95%.
	Over 7.10 and 6.70	22	Max. individual tire—95%.
	Industrial pneumatic	13	Max. individual tire—95%.
	Tractor implement	13	Max. individual tire—95%.
	Truck: Highway, heavy highway, traction, off-the-road trailer, flotation type, trailer type.		Truck tire production is restricted as follows: Standard tread depth highway tires—one line only. Extra tread depth highway tires—one line only. Special purpose tires—no more or different lines may be produced by any manufacturer than he was producing on Feb. 19, 1951.
	7.50 and under	28	Max. individual tire—95%.
	8.25 thru 9.00	75	Max. individual tire—90%.
	10.00 thru 12.00	90	Max. individual tire—90%.
	Over 12.00	92	Max. individual tire—90%.
2	Solid tires		
	Airplane tires	X	
	Bogie, filler and support rollers	XX	
	Pressed on		
	Cured on, 4 x 1½ and up	50	
3	Tire tubes:	50	
	Airplane		Any color, but one color only, except that every tube containing latex must be marked with one or more circumferential light blue stripes, applied on the base section of the tubes, any one of which stripes must be 3/16" minimum width. No other tube shall be so marked.
	Bicycle	100	
	Industrial pneumatic	5	
	Passenger	50	
	Puncture seal	0	
	Safety tubes	XX	
	Tractor implement		
	Truck, 8.25 cross-section and under	0	
	Above 8.25 and up to 14.00	0	
	14.00 cross-section and over	5	
4	Tire tube valves and curing bags:	80	Including valves.
	Tire tube valves (including repair valves)		
	Tire tube valve inside washers	XX	
	Curing bags	X	
5	Tire flaps		
	10.00 and up	50	May be averaged with groups in Code 1.
	All others	100	May be averaged with groups in Code 1.
6	Tire retreading materials:	50	
	Air bags, full circle for retreading		
	Camelback for airplane tires	X	
	Camelback for 9.00 cross-sections and larger, in die sizes 6½" crown width and 1/32" ga. and up	X 100	
	Camelback, die sizes under 6½" crown width and under 1/32" ga.		
	Camelback cushion gum	0	
	Peddling stock	100	3/32" ga. max. for synthetic camelback.
	Stripping stock	XX	
	Filler stock	XX	
	Cushion repair gum		
	Tread repair gum	100	
	Tire vulcanizing cement	XX	
7	Tire and tube repair materials:		
	Air bags, sectional	XX	
	Bulk tire repair materials		
	Tire patches	XXXXX	
	Tube patches		
	Patching cement		
8	Tank blocks, treads and band tracks	XX	

[1] Maximum group average.

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
9	Belting: Belting must be manufactured in accordance with the following regulations: Rubber belting utilizing a solid woven carcass is permitted, provided such construction uses no more natural rubber than is permitted in laminated belting of equivalent size and thickness. Constructions using combinations of fabric and other reinforcing materials such as cord or wire are permitted provided total natural rubber does not exceed that which is used in an equivalent grade, cotton fabric ply construction belt.		Color black throughout, except where otherwise specified. No manufacturer shall produce by any single manufacturing process more than one line, type, quality or style for any one purpose. For interpretation of purpose in this Order the commonly accepted service classifications used by industry shall apply.
9-A	Conveyor and elevator belting:		
	For severe service only	25	
	For moderate service	15	
	For hot material	X	Operating temp. 200° F. and over.
	For conveying unpackaged food materials and materials that would be discolored with black belts.	25	Black friction, amber or tan cover.
9-B	Misc. belt and related products:		
	Hay baler	X	
	Other agricultural implement	15	
	Belt splicing and repair material	X	
	Chute lining	25	
	Conveyor skirting or skirt board	25	
	Cigar machine aprons		Same restrictions as first grade flat transmission belt (Code 9-C).
	Concentrator belts	25	
	Escalator hand rails	30	
	Flatter belts	X	
	Hog beater belts	40	
	Last puller	20	
	Package	25	
	Paper machine aprons	25	
	Paper making screen diaphragms	15	
	Postal meter and letter opening feed belts	X	
	Powder explosives	15	
	Pulley lagging	25	
	Rubber scrapers for conveyor belts	25	
	Safety belts, linemen's	0	Color optional.
	Sling or lifting	25	
	Special molded conveyor belts	X	
	Street sweeper belts	X	Tan or amber.
	Tube winding	X	Natural rubber color permitted.
	Tobacco stemmer belts	25	
	Molded discs for conveyor belt idlers	X	Color optional.
	Ozalid seals		Natural rubber lb. maximum per 1,200 sq. in. per ply. Color of seaming strip optional.
9-C	Flat transmission belting		
	For severe service, or high speed or to operate over small pulleys		0.65 lbs.
	For moderate service		0.30 lbs.
	Hammermill belt		0.65 lbs.
	Axle generator belt		0.65 lbs.
	Rubber covers for above, maximum thickness 3/4"	10	Color optional, one color only.
	Sheeting type, slab belting		0.65 lbs.
	Using fabric weighing between 10 and 16.50 oz. per sq. yd		0.30 lbs.
	Using fabric weighing less than 10 oz. per sq. yd		Percent based on total volume of belt. In determining belt volume, the published nominal cross-sectional dimensions shall be used where these exist and mold cross-sectional dimensions shall be used in all other cases. All belts black, except as otherwise specified. Buff color permitted for non-marking and food handling.
9-D	"V" Belts		
	Fractional H. P.	20	
	Household equipment	20	
	Automotive:		
	Passenger cars for pulley groove top width more than .500"	20	
	Trucks under 1½ ton for pulley groove top width more than .500"	20	
	Passenger and truck for pulley groove top width .500" or less	25	
	Trucks 1½ tons and over	25	
	Busses	25	
	Police cars and taxis	25	
	Airplane	25	
	Stationery gas and diesel engines	25	
	Industrial, including agricultural:		
	Heavy duty	30	
	Standard	30	
	Speed changers	35	
	Double "V"	15	
	Open end	20	
	Round belts	25	
	Railroad axle-drive	50	
10	Hose		All hose to be black throughout, except where specified. Color permitted in frictions, liners and cements to identify and differentiate between oil resisting and non-oil resisting rubbers. No manufacturer shall produce by any single manufacturing process more than one line, type, quality or style for any one purpose. For interpretation of purpose the commonly accepted service classifications used by industry shall apply.
10-A	Aircraft hose:		
	Crash truck AAF 20611 (−65° F.)	X	
	Ducts	X	Govt. or commercial plane use only.
	Oxygen hose	X	Govt. or commercial plane use only.
	Airbrake (20-147) (a)	5	Govt. or commercial plane use only.
	Aircraft hose not elsewhere listed	0	
10-B	Automotive hose:		
	Air brake	5	
	Air cleaner	5	
	Hydraulic actuating boot	X	
	Car heater	0	
	Coolant (radiator):		
	Curved	15	
	All other radiator	5	
	Defroster	15	
	Hydraulic brake, S. A. E. R-4	0	
	Windshield wiper	5	
	Vacuum brake	5	
	Automotive hose not elsewhere listed	0	
10-C	General industrial hose		All hose to be black throughout, except where specified.
	Acid	X	
	Air and air tool: Air drill for mining and quarrying and heavy duty industrial	30	
	Gas mask air hose	40	
	All other air hose not elsewhere listed	5	Red and green cover permitted on 3/4" and under for identification purposes.
	Alcohol, beverage, brewers, wine, vinegar, food and milk conveying	40	Buff colored tube and cover permitted.
	Ammonia	20	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
10-C	General industrial hose—Continued		
	Arbor pipe framing	25	
	Bonded and skived engine	10	
	Bridled cover tubing	0	
	Cattle covering, electric	20	
	Cloth inserted tubing	5	
	Coupling, flexible	5	
	Creamery	20	Buff color cover permitted.
	Dozers:		
	Floating	X	Natural rubber color permitted.
	Sinking		
	Dredging sleeves	40	
	Expansion joints	40	
	Fire:		
	Cotton rubber lined and R. C	25	
	Wrapped duck	25	
	Fire engine suction:		
	Hard	10	
	Soft	25	
	Fire extinguisher tubing	5	
	Flanged flexible pipe	20	
	Garden and lawn	0	Red and green cover permitted.
	Jetting	10	
	Marine exhaust	0	
	Material handling—including grain	40	
	Cement and concrete	40	
	Phosphate flexible	40	
	Rock dusting	40	
	Insulation blowing	5	
	Paint spray, fluid line	0	50% natural rubber by volume permitted when Thiokol is used.
	Paper mill fuse	10	
	Petroleum products:		
	Gasoline service station	0	
	Oil suction and discharge	15	Both rough and smooth bore permitted.
	Butane and propane	5	
	Tank wagon	5	
	All other not elsewhere listed	0	
	Pinch valve	X	
	Rotary drilling:		
	Vibrator	15	Color stripe or band permitted.
	Mud suction	15	
	Sand blast	X	
	Sand placing and sand suction	40	20" and over I. D. X. natural rubber permitted.
	Shaft covering, flexible	5	
	Spray, horticultural and car washing		For car washing service where pressure exceeds 250 P. S. I.
	Over 400 lbs. working pressure	5	
	Under 400 lbs. working pressure	5	
	Steam:		
	Over 50 lbs. working pressure	X	
	50 lbs. and under working pressure	20	
	Steam ironing	X	
	Suction, water:		
	Hard rubber and rough bore	5	
	Smooth bore up to 6"	10	
	Smooth bore 6" and over	20	
	Vacuum:		
	Household, including hotels, office buildings, etc	25	
	Industrial dust collector and blower exhaust	X	
	Washing machine	0	
	Water:		
	Radiator filling	0	
	Industrial:		
	Severe service	10	
	Moderate service	5	
	Welding	5	Hose may be black, red, and/or green as required for safety identification.
	Hose not elsewhere listed	0	
10-D	Railroad hose:		
	Air brake and signal, M-601	20	
	Air pneumatic tool, M-608	5	
	Paint spray, M-610	5	
	Pantograph	10	
	Sand, M-605 and M-606	X	
	Sand pipe nozzles	X	
	Steam, hot water and car heat, M-605	X	
	Tender tank, M-606	10	
	Water, cold, M-604	5	
	Welding, M-607	5	Hose cover may be black, red, and/or green as required for safety identification.
	Railroad hose not elsewhere listed	0	
11	Packing and gaskets not elsewhere listed		Color optional. Restriction on one line, type, quality, and style do not apply.
11-A	Packings without fabric or high percent of fiber, including sheet and also strips, discs, gaskets, rings, cups, U packings, V rings, O rings, non-fabric diaphragms, etc., made by extruding, cutting, or molding:		
	Below 45 durometer	0	
	45 durometer and above	0	
	Pipe coupling gaskets	0	
	Molded and extruded gaskets sliced endless after initial vulcanization	0	
	Electrical transformer sheet rubber for packing seals	40	
	O rings for sliding contact against steam and chemicals	X	
	Air brake gaskets	X	
	Vulcanizer door gaskets	X	
	All others not elsewhere listed	0	
11-B	Packings with high fiber content sheet (generally known as "compressed gaskets sheet") and gaskets cut from same.	1	By weight.
	Molded gaskets, discs, rings, etc	1	By weight.
	Rod packing coil, spiral ring form (generally known as "rubber-bonded plastic packing").	1	By weight.
11-C	Packings with fabric or wire insertion sheet gasketing (generally known as "C. I. or R. W. I. Sheet") and gaskets cut from same:		
	Cotton insert	5	
	Wire insert	10	
	Asbestos insert	20	
	Rolled or molded gaskets:		
	Cotton insert	25	
	Asbestos insert	25	
	Diaphragm sheet including diaphragms cut from same or molded:		
	Superpressitive gas regulation	X	
	Molded or cut sheet above	25	
	Cut other than above	15	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
11-C	Rectangular piston packing	50	
	Rod packing including molded cups, U packings, and V rings:		
	Cotton insert	25	
	Asbestos insert	25	
11-D	Valve and valve parts:		
	Valve and valve discs—45 durometer and under	X	
	Loaded ball valves	X	
	All other valves and valve parts	0	
11-E	Sealing compounds for food containers:		
	Beverage container gaskets (molded, extruded or lathe-cut)	0	15% natural rubber by weight of compound permitted.
	Food container gaskets (extruded and lathe-cut)		5% natural rubber by weight of compound permitted.
	Gasket-lined home canning lids		
	Jar rings, cut rings	25	
	Molded stoppers for food and beverage containers	0	
	Food closure gasket		30% natural rubber by weight of compound permitted for food gaskets formed and vulcanized in the closure.
	Sealing compounds, food closures and can ends ("flowed-in" type for glass and metal containers).	X	Natural rubber latex permitted.
12	Other mechanicals		All products in Code 12, color optional, unless otherwise specified. Restrictions on line, type, quality, and style do not apply.
12-A	Aircraft equipment:		
	Boots, deicer and integral parts including hose	X	
	Bumpers	0	
	Cords, alighting gear	X	
	Conductive rubber parts	X	
	Flexible couplings, functional	X	
	Engine instrument mountings and vibration insulators	X	
	Oxygen mask, pilot	X	
	All parts 45 durometer or less	0	
	All other parts not elsewhere listed	0	
12-B	Automotive equipment:		
	Windshield wiper blade	X	
	Bumper—retaining and check (molded)	25	
	Bumpers—functional:		
	Suspension	15	
	Crash	10	
	Bushing:		
	Suspension	X	
	Torque rod	X	
	Coupling—flexible	0	
	Weatherstrips and body seals, extruded, under 50 durometer	X	
	Weatherstrip, injection compound for splicing and forming	25	
	Molded ventilator strips	10	
	Glass run	X	
	Crankshaft torsion dampers	40	
	Transmission and engine mountings:		
	50 durometer and over	X	
	Under 50 durometer	0	
	Body and chassis mountings:	0	
	50 durometer and over	X	
	Under 50 durometer	X	
	Tail pipe insulator—under 50 durometer	15	
	Torsion springs	25	
	Grommet, core-molded-retaining, for dashboard insulation	25	
	Fuel tank—filler neck seal		
	Mats:	10	A color spray containing no natural rubber may be applied to one side.
	Contour, rear compartment only	15	New rubber other than natural may be used in the spray.
	Sill with retaining buttons	0	
	All other automotive mats	0	A color spray containing no natural rubber may be applied to one side.
	Cowl and dash liners		New rubber other than natural may be used in the spray.
	Seal beam headlights	X	
	Parts—N. I. with retaining buttons	15	
	Fender flaps or splash guards	0	
	Silencers—coil spring	0	
	Rear spring seat insulator	X	
	Tubing:		
	Drain	X	
	Windshield wiper, non-reinforced	X	
	Spring tying suspension seat cord	25	
	Molded diaphragms	X	
	Hydraulic, air brake, and vacuum brake cups, diaphragms, valves and seals.		
	Seals:	X	
	Valve stem—tire	25	
	Valve stem—motor	0	
	All other parts not elsewhere listed		
12-C	Railroad and streetcar equipment:	X	
	Car spring snubbers	0	
	Refrigerator friction drive wheel	0	
	Refrigerator car door seal	X	
	Molded seal for double-glazed windows		Same as automotive.
	Bumpers	X	
	Streetcar wheel	X	
	Windshield wiper blades		
	Door shoes	X	
	Draft gears	X	
	Vibrational insulators—functional	0	
	All other parts not elsewhere listed		
12-D	Farm equipment:	X	
	Flax roll (50 durometer or under)	5	For adhesion.
	Corn husking roll	5	For adhesion.
	Feed conveyor	5	For adhesion.
	Corn snapper roll	5	For adhesion.
	Draper apron roll	5	For adhesion.
	Cotton rubber roll	5	For adhesion.
	Hay baler roll	0	
	Rubber covered canvas	0	
	Cotton picker doffer	X	
	Press wheel tires	X	
	Gauge wheel tires	X	
	Shoe pitman arm torque bushing and torsion bushings		
	Bearing cushion cups, non-oil-resisting	0	
	Cotton drier flaps	0	
	Pneumatic seats	10	
	Steering wheels	X	
	Rubber covered beater bars	0	
	All other parts not elsewhere listed		

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
12-L	Electrical products and industrial equipment:		
	Telephone and telegraph insulators	X	0
	Lineman protective devices		
	Friction tape		5 lbs. of natural rubber for 100 sq. yds.
	Splicing compound	X	35
	Underground cable connectors	25	
	Flexible connections for vacuum and exhaust equipment	X	
	Mandrels for surgical tubing	X	
	Molds	X	
	Sand and shot blast equipment	X	
	Press die pads, draw sheets and embossing beds	X	
	Bushing rubbers		
12-F	Household and appliance products:		
	Refrigerator and freezer parts:	X	
	Gasket, door	X	
	Gasket, liner opening		40
	Collars, throat		40
	Glass and panel seals		40
	Tubing, beverage dispensing		25
	Tubing, drain—molded	X	
	Terminal seal bushings for con pressors		0
	Rollers, tray		0
	Freezer lid assembly		1
	All other parts not elsewhere listed		
	Vacuum cleaner and sweeper parts:	X	
	Flat-style drive belt		1
	Bag seal		40
	Flexible bellows and diaphragms		40
	Brush guards, collars, and holders		1
	Sweeper tires and wheels	X	
	Hose and conducting parts		0
	Grips		25
	Functional bumper guard with undercuts and retaining lips		1
	All other parts not elsewhere listed		
	Clothes-washing, dish-washing, drying, and ironing machine parts:		0
	Wringer rolls		25
	Agitators		25
	Tub and lid gaskets	X	
	Extensible belts—drive	X	
	Drive cables	X	
	Collapsible tubs	X	
	Flexing hoses and diaphragms	X	
	Extruded drain hose or tubing		0
	Formed pressure tubing		50
	Couplings and nozzles		15
	Tub-to-cabinet lip door gasket	X	
	Water seals		0
	Flexible pump impellers		40
	Pump valves—flexible	X	
	All other parts not elsewhere listed		1
	Miscellaneous housewares accessories:		
	Steam irons, fingertip grips—electric irons, etc		40
	Light colored molded parts		1
	Cover tips		1
	Strainers, sink and drain		0
	Hoses, duct		0
	Water aerator		0
	Sewing machine drive pulley and belts	X	
	All other parts not elsewhere listed		0
	Plumbing accessories:		
	Ball cock washers		10
	Faucet seats		
	Gaskets and valves designed for back flow prevention	X	
	Tank balls designed for flush valves core molded:		
	With base opening 2" and less		45
	With base opening over 2"		25
	Floor flange gaskets		0
	All other plumbing specialties		0
12-G	Milk and Dairy Barn equipment:		
	Milk and milking equipment:		1
	Hoods, filter rubbers		25
	Head rings		
	Parlor milking gasket	X	
	Gaskets, washers, and couplings:		35
	45 durometer or under		0
	Over 45 durometer		
	Milking inflations and cup cars	X	
	Teats for calf feeder pails	X	
	Tubing including duplex, milk, vacuum, air, and stanchion:		
	45 durometer or under	X	0
	Over 45 durometer		0
	Straps, strainers		0
	Milk—pasteurizer plate gaskets	X	
	Food and beverage processing and dispensing equipment:		
	Chicken pickers		35
	Cherry pitters	X	
	Corn husking roll—(canning) under 45 durometer	X	
	Can testers	X	
	Molded bitmes for beverage bottling	X	
	Stops for ice cream cone dispenser	X	
	Rice polishing blocks	X	
	All other parts not elsewhere listed		0
12-H	Mining equipment:		
	Air chambers for concentrators	X	
	Flotation parts, including liners for cells, impellers, and shafts	X	
	Stator & rotor tubes	X	
	Ore car liners		25
	All other parts not elsewhere listed		0
12-I	Oil field specialties:		
	Drill pipe protectors		45
	Packers—production and test without fabric		25
	With fabric		20
	Packers, open hole	X	
	Packers, cement retaining	X	
	Packers, casing	X	
	Blowout preventers	X	
	Gland packings	X	
	Slush pump, pistons and liners for fluid packed pumps	X	
	Stuffing box rings—polished rod	X	0

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
12-I	Oil field specialties—Continued		
	Slip jerks	X	
	Strippers (pressure pack off)	X	
	Pipe and wire line wipers	75	
	Swab rubbers and lining bumpers	10	
	Testing and cementing equipment	25	
	Valves, cups and discs	X	
	Valve inserts	0	
	All other parts not elsewhere listed	0	
12-J	Miscellaneous mechanical goods and textile industry equipment:		
	Parts for manufacture of rayon:		
	Parts that come in contact with rayon filament	X	
	All other parts	0	
	Parts for Cellophane	0	
	Textile equipment:		
	Pickers, all types	X	
	Lug straps	45	
	Tie-strap	0	
	Card clothing	X	
	Draw rolls—30 durometer	X	
	Rollers, fabric shrinking	X	
	Take-up roll covering	X	
	Hold ups, and sweep sticks	12	
	All other parts not elsewhere listed	0	
	Laboratory supplies:		
	Tubing:		
	45 durometer and under	X	
	Over 45 durometer	0	
	All other parts not elsewhere listed	0	
	Industrial tubing:	0	
	45 durometer and under	X	
	Over 45 durometer	0	
	Traffic counter tubing	X	
	Soft rubber alkaline storage batteries and parts	X	
	Billiard and pool table cushions	X	
	Brake and hydrant expander tubing	X	
	Brush setting compounds	X	
	Building strips	10	Natural rubber latex only permitted.
	Cast rubber products	0	
	Casters and molded wheels:		
	Under 4" dia	5	By weight.
	4" and over	X	
	Conductive caster wheels	25	
	Core molded parts not elsewhere listed	0	
	Cutting rubbers not elsewhere listed	X	
	Dam and lock-gate seals	X	
	Flexible bags and parts for forming operations in manufacturing plants	X	
	Flexible couplings—torque	0	
	Flexible sanding and buffing pads	X	
	Gas main bags	25	
	Goggles and parts	X	For vibration screens and ball mills.
	Industrial balls:		
	45 durometer and under	X	For use in manufacturing operations only.
	Over 45 durometer	X	Cork or fiber loaded.
	Industrial vacuum or suction cups	25	
	Insulation tubing	X	
	Labels	X	Black only.
	Mine safety lamp parts	0	
	Molded annular tires	40	
	Light and medium duty	0	
	Heavy duty	X	
	Molded boots and dust seals	25	
	Rebound discs for well drilling		
	Molded parts attached to adjacent parts by integral undercut buttons, and grommets. Not elsewhere listed	X	
	Mountings, shock absorbers, dampers and vibration insulators:		
	Under 50 durometer	40	
	50 durometer and over	10	
	Pressure sensitive signal controls	25	
	Sandblast stencil sheet for monument work	X	
	Seals for electrolyte condensers	0	
	Tubular rings, including cork or fiber loaded	X	
	Windshield wiper blades, squeegee rubber and wiper dies	X	
	X-ray sheets	0	
	Belt idler channel	0	
	Parts for ladders	0	
	Mallets	0	
	Traffic cones and markers	0	
	All other parts not elsewhere listed	0	Black only
	Tires, parts for bicycles, toy vehicles, and lawn mowers	0	Same as automotive, Code 1.-B.
	Handle grips	0	
	Fender flaps or splash guards	25	
	Pedal pads	0	
	Dodgem bumpers		
	All other parts not elsewhere listed		
12-K	Printing rubber products:		
	Printing rollers:		
	Newspaper rollers:	X	
	Form	X	
	Ductor	X	
	Letter press rollers	X	
	Gravure & impression	20	
	Printing rolls to be coated with composition having durometer less than 20	0	
	All other printing rollers not elsewhere listed		
	Printing rubbers:	X	
	Cutting rubbers	X	
	Battery dies	15	
	Engraving rubbers	15	
	Plate backing friction and filler	X	
	Stiff plate backing	X	
	Etching plates	X	
	Molded stencil sheet for sand or grit blasting	X	
	Adhesive fabric, including brass adhesive	X	
	Bond dater fabric	X	
	Printing blankets for offset, newspaper and lithograph	X	
	Rubber solution for wet plate negative	X	
	Paper pick-up suction cups	0	For printing press only.
	All other printing rubbers not elsewhere listed		

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
12-L	Rolls and roll coverings:		
	Suction press roll covering	X	
	Paper mill roll covering	X	
	Textile	X	
	Other industrial roll covering	X	
	All other roll coverings not elsewhere listed	0	25% of the total new rubber used in any month may be natural rubber.
12-M	Rubber protected or lined equipment:		
	Tank cars, barges and trucks	X	
	All other	X	
12-N	Mats and matting:		
	Switchboard—not less than ¼" thick for 3,000 volts and over	20	Black only.
	Roll matting and stair treads	0	
	Perforated mat	0	
	Link and molded door mats	0	
	Bath mats	0	
	All other mats not elsewhere listed	0	
12-O	Safety respiratory equipment: Breathing apparatus, safety masks and respirators, including parts	X	
12-P	Hard rubber products		Restrictions on line, type, quality or style do not apply.
	Boll coupes and molded tie rods	50	
	Baskets (electric), beakers, buckets, dippers, frames, funnels, pressures, pails, packs, and trays	15	
	Bleaching rods	X	
	Blown work	X	
	Combs	20	
	Component hard rubber parts for the manufacture and handling of rayon, explosives, and corrosive chemicals	20	
	Knife handles	35	
	Dye sticks	X	
	Bowling balls	50	
	Industrial flashlight parts	15	
	Insulated tools	20	
	Jack straps	20	
	Microporous battery separators	X	
	Mouthpieces for musical instruments	X	
	Parts not elsewhere listed for storing, conveying, and processing corrosive chemicals	20	
	Pipe and fittings	10	
	Pipe lats	15	
	Plating barrels and parts	30	
	Pocket meter cards	X	
	Refrigerator parts	X	
	Rod and tubing for fountain pen parts	X	
	Rods up to .040" diam	X	
	Rods .040" diam. incl	25	
	Rods over ½" diam	20	
	Sheets 1/64" thick or less	X	
	Sheets over 1/64" to ¼" thick incl	50	
	Sheets over ¼" thick	30	
	Tubing up to and incl. 1/32" wall	X	
	Tubing over 1/32" to ⅛" wall incl	50	
	Tubing over ⅛" wall	30	
	Cafeteria trays	50	
	Steering wheels	10	
	Hard rubber parts for alkaline storage batteries	35	
	Heavy duty battery cases over 15#	50	
	Hand wrapped battery cases	20	
	Submarine battery jars	50	
	Storage battery cases where product of tensile and elongation is 10,000 pounds or more	50	
	Ventilating parts for submarines—hand wrapped	X	
	Ventilating parts for submarines—molded	50	
	Parts for submarines not elsewhere listed	50	
	Telephone commutator inserts	50	
	Tubular retainers	40	
	Parts for water meters	X	
	X-ray and photo tanks	20	
	Forming tanks	50	
	Connecter stocks	20	
	Parts not elsewhere listed	0	
12-Q	Industrial equipment: Industrial abrasive implements		The over-all monthly consumption of natural rubber shall not exceed [illegible] of the total new RHC consumed. Restrictions on line, type, quality, style, and color do not apply.
12-R	Brake linings, brake blocks and clutch facings		The over-all monthly consumption of natural rubber shall not exceed [illegible] of the total new RHC consumed. Restrictions on line, type, quality, style, or color do not apply.
13	Wire and cable		Except where required for circuit identification, rubber compounds used in cable shall be furnished as: Insulation compounds in natural or black color only; jacket compounds black color only. Restrictions on line, type, quality, and style do not apply.
13-A	Insulation compounds:		
	Insulation for power and control cable or for building wire rated at 600 V (phase to phase) or less and which has insulation wall thickness of more than 25 mils	0	
	Insulation compounds having thickness of 25 mils or less	X	
	For all types of insulated wire and cable in excess of 2000 V (phase to phase)	70	
13-B	Sheaths and jackets:		
	Sheaths and jackets for operation at temperature of −40° C or higher	0	
	Sheaths and jackets for operation at temperatures lower than −40° C	X	
13-C	Cements and nonreinforced tapes incidental to manufacture, repair, or installation of cables	70	

Code No. (1)	Product (2)	Percent natural rubber to total new RHC (3)	Special restrictions or provisions (4)
14	Rubber footwear	70	Group average percent. No type rubber footwear shall contain more than 85% natural rubber. Line, type, quality, style, or color optional.
15	Shoe products		Line, type, quality, style, or color optional.
15-A	Heels and soles:		
	Heels, soles and other specialized materials, manufactured by rubber heel and sole manufacturers used in the manufacture and repair of shoes and excluding those items covered by other subsections of this code.	1	

Code No. (1)	Product (2)	Percent natural rubber to total new RHC (3)	Special restrictions or provisions (4)
15–A	Soles	X	DO orders for black, full length, cleated soles for "Tropical Army Combat Boots" and "Ski-Mountain Army Boots."
	Heels	60	DO orders for tan, neutral, white, and nonmarking black heels, except white heels. For the Armed Forces, Fed. Spec. ZZ-H-11A.
	Soling	85	DO orders for Arctic boot soling for the Armed Forces (U. S. Army Spec. Mil-H-2280).
	Crepe soles, heels, welting and wrappers	0	The consumption, production or sale (other than to G. S. A., unless specifically authorized by G. S. A.) of natural RHC for crepe soles, heels, welting and wrappers is prohibited. Only exception: Existing inventories as of March 15, 1951, in the actual possession of shoe manufacturers and shoe repairmen may be consumed.
15–H	Inner shoe cushions and pads	X	
15–C	Orthopedic appliances	X	
15–D	Impregnated insoles, impregnated box toes, impregnated midsoles		
15–E	Materials used in the manufacture of shoes and incorporated therein for the operations of combining, coating, finishing, laminating, impregnating, and proofing		The over-all monthly consumption of natural rubber shall not exceed 75% of the total new RHC.
15–F	Shoe tapes	X	
15–G	Cements for the manufacture and repair of shoes and component parts		Natural rubber latex only.
15–H	Cements for manufacturing welting for shoes		Color options.
16	Cements		The over-all monthly consumption of natural rubber shall not exceed 67% of the total new RHC.
16–A	Cements for all purposes	X	
16–B	Miscellaneous uses: For manufacture of products covered by all code numbers in this Appendix A.		In products where natural rubber is permitted, no product shall contain a higher percent of natural rubber than a comparable product produced during the base period. Color optional. Restrictions on one line, type, quality and style do not apply.
17	Proofing, combining or coating of fabric		
	Covering material for transportation equipment	0	
	Film and coated materials for medical, health, and safety products	40	
	Anchor coats: spread, frictioned, or impregnated directly on fabric, or other material to be later calendered or spread	100	
	Seaming tapes and strapping	100	
	Cements used in assembly of other products here listed	100	
	Diving and life-saving equipment	40	
	Industrial and protective apparel	50	
	Industrial specialty products	100	
	Except low temperature diaphragm material	0	
	Flocked and imitation suede materials	100	
	Except adhesive coating for anchoring the flock	40	
	Aprons or liners for handling in-process stock	0	
	Civilian utility products		

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
18	Drug sundries, medical, surgical, dental, veterinary and mortuary		Line, type, quality, style, or color optional.
18–A	Adhesive products:		
	Bunion pads and plasters	50	
	Corn plasters	50	
	Medicated foot pads and plasters	50	
	Surgical adhesive tape	X	
	Self-adhering tape and gauze bandage	60	
18–B	Bulbs—including parts	65	
	Medicine dropper bulbs	45	
	Household bulbs		
18–C	Dental products:		
	Dental dam	X	
	Dental polishing tips	X	
	Denture rubber	X	65
	Orthodontic bands		60
	Denture suction and model formers		
18–D	Flat goods:		
	Fountain syringe bags, molded, and tubing		45
	Fountain syringe bags, hand-made, and tubing		75
	Ice bags—molded		45
	Ice bags—hand-made		60
	Invalid cushions—molded		45
	Invalid cushions—hand-made		60
	Operating cushions		45
	Water bottles and combinations, molded and tubing		60
	Water bottles—hand-made		0
	Latex fountain syringe bags and tubing, ice bags and bulbs		
18–E	Gloves and cots:		
	Finger cots—including industrial and agricultural	X	
	Surgeons gloves	X	75
	Net-lined hand-made gloves	X	
	Electricians' gloves, sleeves and climber guards	X	
	Industrial and general purpose gloves		
18–F	Infant goods:		
	Infant feeding nipples	X	
	Nurser bottle caps	X	
	Pacifiers	X	
	Breast shields	X	35
	Teethers and teething rings	X	45
	Baby pants		
	Unsupported rubber sheeting		
18–G	Miscellaneous sundries:		
	Bath caps	60	40% of base period monthly average of natural rubber (dry or latex) consumed in bath caps permitted monthly.
	Blood pressure bags	X	65
	Catheters, glass molded	X	
	Catheters, latex		45
	Castrator rings		60% natural rubber of the total RHC permitted.
	Garter buttons		30
	Hard rubber pipes, connections and accessories	X	
	Penrose tubing	X	
	Colostomy outfits	X	
	Crutch tips		60
	Crutch tops, sponge	X	
	Diapers	X	
	Inhalator bags and face pieces	X	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
18–G	Miscellaneous sundries—Continued		
	Miscellaneous medical instrument parts	X	
	Prostatic bags	X	
	Prosthetic devices	X	60
	Orthopedic parts, sponge	X	
	Respirator seal for iron lungs, sponge	X	
	Rubber bands and cushions for artificial limbs	X	
	Medical stoppers	X	
	Tourniquets	X	
	Truss pads	X	
	Urinals	X	
	Vaccine caps	X	
	Veterinary sleeves	X	
	Bath sprays and parts		18 Average.
	Toilet and bath sponges		25
	Bath socks	X	
	Tension tape		75
	Rubber sheets for mortuary garments	X	
18–H	Pessaries and prophylactics	X	
18–I	Sheet goods:		
	Bandage gum	X	
	Oxygen tent canopies	X	
18–J	Tubing: surgical tubes and tubing	X	
18–K	Ladies personal sanitary items:		
	Dress shields	X	
	Bloomer protective plates	X	
	Sanitary aprons	X	
	Unsupported girdles	X	
	Supported girdles	X	
	All items not elsewhere listed		0
19	Flotation equipment: Pontoons, rafts, boats, buoys, etc		Government orders only. Natural rubber permitted as required
20	Life-saving equipment: Suits, jackets, vests, belts, etc		Government orders only. Natural rubber permitted as required
21	Bullet sealing fuel cells	X	
22	Miscellaneous		
22–A	Athletic goods		Line, type, quality, style or color optional.
	Golf balls		85
	Golf club grips		25
	Tennis balls		81
	Inflatable athletic balls		53
	Inflatable playground balls		53 Maximum diameter 10 inches.
	Squash balls		60
	Hand balls		60
	Lacrosse balls		60
	Rubber-covered baseballs		60
	Baseball centers		10
	Rubber-covered softballs		60
	Ear and nose protective plugs	X	
	Cement for repair kits	X	
	Boxers' teeth protectors		60
	Athletic bladders		10 Maximum monthly average.
	Athletic bladder valves		85
	Gun pads		10
	Lead tennis racquet weights		40
	Swim fins		35
	Nose clips		
	All items not elsewhere listed		0 Natural rubber latex permitted.
22–B	Balloons		0 Line, type, quality, style, or color optional. Natural rubber latex only permitted.
22–C	Sponge rubber		Line, type, quality, style, or color optional.
	Nitrogen blown		60% natural rubber to total RHC permitted. Maximum monthly average. Gas chamber method only.
	Chemically blown		45% natural rubber to total RHC permitted. Maximum monthly average.
	Kneeling pads		0
	Church kneelers		0
	Wallpaper cleaners		0
	Floor mops		0
	Seat cushions		0
	Firemen's landing pads		0
	Typewriter pads		0
	Breast pads		0
	Sponge balls		0
	Sponge toys		0
	Sponge novelties		0
22–E	Miscellaneous products:		
	Radio, radar and fire control instruments	X	
	Parachute bands and ventilating rings	X	
	Chlorinated and cyclized rubber	X	
	Flavored masticating gum	X	
22–F	Pressure sensitive tapes		Line, type, quality, style, or color optional.
	Color decorative tapes		0 For household use sold in lengths less than 1,292 inches.
	General purpose cloth-backed tapes		20
	Double-faced cloth-backed tapes		20 Adhesive only.
	Nonfibrous film-backed tapes		20 Adhesive only.
	Sand blast stencil tapes		40 Adhesive plus backing.
	Cloth-backed photographic tapes		30
	Paper-backed tapes, as follows		50 Combined adhesive and impregnating compositions.
	General purpose masking tapes		
	Frozen food packaging tapes		
	Photographic tapes		
	Double-faced tapes		
	Drafting tapes		
	Shoe tapes		
	Extra-strength tapes		
	Super-strength tapes		
	Printed utility tapes and sheets		
	Tapes with backings of nonfibrous film laminated to paper		60 Combined adhesive laminating and impregnating compositions.
	Electrical tapes	X	Not elsewhere listed.
	High-temperature tapes	X	
	Non-staining tapes	X	
	High-strength tapes	X	Tensile strength more than 100 lbs. per inch width.
	Protective paper tapes	X	
	Other tapes	X	
22–G	Stationer's supplies:		Purchased by Government to Federal specifications.
	Erasers		10 Line, type, quality, style, or color optional. Percent of natural rubber to total new rubber hydro-carbon.
	Pen sacs	X	Natural rubber latex only permitted.
	Rubber bands	X	
	Finger tips		75
	Mucilage spreaders		85

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
[illegible]-H	Thread and related products: Rubber thread	X	Natural rubber latex permitted. 6 colors and 11 sizes permitted.
[illegible]-K	Toys		Line, type, quality, style, or color optional.
	Latex toys	X	Natural rubber latex only permitted.
	Doll skins	70	
	Dipped beach balls	50	
	Slush-molded toys	X	
	Crib toys		
	Molded (dry rubber) toys		40% base period monthly average of rubber consumed in molded (dry rubber) toys permitted monthly.
	Core-molded dolls and parts	45	
	Inflated dolls	45	
	Inflated balls	45	
	Hand made water toys	45	
	All items not elsewhere listed	0	
[illegible]-L	Rubber flooring, floor covering, wall covering		Line, type, quality, style, or color optional.
	Rubber tile flooring	0	
	Coating for fiber floor covering	0	Natural rubber latex permitted.
	Wall covering	0	
[illegible]-M	Rubberized fiber and hair cushioning	0	Color optional. Natural rubber latex only permitted.

Code No. (1)	Product (2)	Percent natural rubber to total RHC (3)	Special restrictions or provisions (4)
[illegible]-[illegible]	Latex foam products		Line, type, quality, style or color optional.
	Bedding:		
	Mattresses	X	
	Mattress toppers	X	
	Pillows	X	
	Automotive toppers		55
	Furniture—transportation seating		75
	Uncaged slab		60
	Miscellaneous molded parts		75
[illegible]-[illegible]	Any product other than products listed in codes 1 to 23 inclusive		(

[F. R. Doc. 51-4076; Filed, Apr. 2, 1951; 5:06 p. m.]

[NPA Order M-7, as Amended March 9, 1951, Amendment]

M-7—USE OF ALUMINUM

MISCELLANEOUS AMENDMENTS

This amendment to NPA Order M-7, as amended March 9, 1951, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of users in different trades and industries.

This amendment affects NPA Order M-7, as amended March 9, 1951, as follows:

1. Paragraph (c) of section 2 is deleted and a new paragraph (c) is substituted therefor:

(c) "Manufacture" means to put into process, machine, fabricate, or otherwise alter materials by physical or chemical means: *Provided, however*, That as applied to "castings (foundry products as shipped by the producer)" specified in section 3 of this order the word "manufacture" also means the assembly of said items into components or end products, and that as applied to "powder (including atomized, flake, paste, and pigments)," the word "manufacture" also means segregating, weighing, or packaging for sale or resale by persons other than producers.

2. Section 3 is amended to add following the word "products" and before the colon in line 5, the words "obtained from either domestic or foreign sources".

3. Paragraph (c) of section 5 is amended by substituting a period for the colon in line 5, and by deleting the proviso clause and inserting the following sentences at the end of the paragraph:

"Any person who was authorized by the National Production Authority to use an adjusted monthly base to determine permitted use of aluminum during January, February, or March 1951, shall not use during the second calendar quarter of 1951 a quantity by weight of aluminum in excess of 65 percent of three times such adjusted monthly base. The National Production Authority reserves the right to review and modify or revoke any such adjustment. An authorization by the National Production Authority to use a specific quantity of aluminum in any specified month or months or in the first quarter of 1951 shall not be considered an adjusted base for the purposes of this paragraph (c)".

4. Section 6 is amended by deleting the word "April" and substituting the word "May" in lieu thereof in lines 1 and 17 of paragraph (a) and in line 11 and the last line of paragraph (b); by inserting a comma in place of the word "and" in line 39 of paragraph (a) and inserting in the same line following the word "April" the words "and May"; and by inserting the words "and April" in line 1 of paragraph (b) following the word "March".

5. Paragraph (c) of section 6 is deleted and the following paragraph (c) is substituted therefor:

(c) Commencing on April 30, 1951, no person shall use aluminum in the manufacture or assembly of any item on the attached List B: *Provided, however*, That ducts and windows of the residential type may be completed if they were in process of manufacture or assembly on or before April 30, 1951, and such completion is effected not later than June 30, 1951: *And provided further*, That windows of the nonresidential type may be manufactured to fill orders received by the manufacturer prior to February 20, 1951, if such completion is effected not later than June 30, 1951, and the use of aluminum for this purpose shall not be subject to the provisions of section 5 of this order. During each of the months of March, April, May, and June 1951, no person may use in the manufacture or assembly of ducts and of windows of residential type a total quantity by weight of aluminum in excess of 65 percent of his average monthly use of aluminum in the manufacture or assembly of such items during the base period.

6. Paragraph (e) of section 6 is deleted and the following paragraph is substituted therefor:

(e) The prohibitions of this section apply notwithstanding the provisions of NPA Reg. 2 with respect to the filling of rated orders, and are not affected by any of the exemptions stated in section 8 of this order: *Provided, however*, That the provisions of NPA Reg. 2 and paragraph (a) of section 8 of this order apply as to those items in the attached Lists A and B which are specifically designated by means of an asterisk as being permitted to be manufactured from aluminum for the use of the Armed Forces of the United States, including the United States Coast Guard, in the construction, fitting, or furnishing of ships (other than pleasure craft), aircraft, and hospitals, or to supply military specification organizational equipment items.

7. Paragraph (b) of section 8 is deleted and the following paragraph is substituted therefor:

(b) The procurement and use by electric utilities of aluminum conductor and aluminum conductor accessories as those terms are defined in NPA Order M-50, is subject to order M-50 and is accordingly exempt from this order. The use by electric utilities of forms and shapes of aluminum listed in section 3 of this order, other than aluminum conductor and aluminum conductor accessories, remains subject to the restrictions of this order, and in computing permitted use of such other forms and shapes of aluminum, use of aluminum conductor and conductor accessories during the base period shall be excluded.

8. *List A* is amended by clarifying certain of the items listed thereon, and by marking certain items with an asterisk to denote that such items may be manufactured for use by the Armed Forces of the United States for certain purposes.

LIST A

(See section 6)

The use of the forms and products of aluminum defined in section 3 of this order and any component parts made therefrom (excluding repair parts) in the items listed below is subject to the prohibitions stated in this order, except as otherwise stated in the order or List A: *Provided, however*, That those items in List A which are specifically designated by an asterisk are permitted to be manufactured from aluminum for the use of the Armed Forces of the United States, including the United States Coast Guard, in the construction, fitting, or furnishing of ships (other than pleasure craft), aircraft, and hospitals, or to supply military specification organizational equipment items:

Airfoil (tubing) for windmills.
Aluminum wool.
Andirons, screens, and fireplace fixtures.
Animal cages.
Animal training equipment.
Animal traps.
Applicators for moistening envelopes.
Arbors and trellises.
Architectural and other building ornamentation.
Ash trays.
Automobile hardware and trim (except functional parts).
Awnings.
Badges.
Balloon molds.
Bar rails, fixtures and equipment.
Barber chairs.
Batons.
Bathtubs.
Beauty parlor equipment.
Beer equipment: all items.
Bells (except parts where nonmagnetic gong material is required for electrically operated signaling devices used as adjuncts to communication systems).
Beverage mixing and serving equipment, such as bottle coolers, cocktail shakers, ice buckets and palls, ice chippers and shavers.
Bicycles and accessories.
Bird and pet cages, houses, aquariums, accessories and equipment.
Blackboard frames and chalk troughs.
Boards: shampoo, tanning.
Book covers.
Book stacks.
*Boxes, including match, cigarette, typewriter ribbon (except instrument cases that require nonmagnetic properties).
*Brackets: light, shelf and wall.
Brooms and brushes (except tooth brushes and industrial).
*Buckles, all types.
Buckets, household.
*Burglar alarms and protective systems (except where essential to the proper servicing or functioning of the parts).
Burial vaults and urns.
*Buttons (except for work clothing where necessary to resist corrosion).
*Cabinets: kitchen, medicine.
Calendars, calendar pads and parts.
Cameras, amateur box type still picture, fixed focus (except reflex).
Candle molds.
Canes.
Canopies.
*Cans, including ignition coil and motion picture humidor.
Caps: chimney and vent flue (except for industrial).
Card tables.
Cards, greeting.
Carriages: baby, luggage, strollers, scooters (except functional parts).
Cases:
  Cigar.
  Film.
  Radio, home type.
  Soft drink.
  Spectacle.
  Vanity.
Caskets, and accessory devices.
Caster cups, wheel casters and glides (except for industrial and materials handling equipment).
Chicken crates.
*Chutes: coal, package and waste.
Cigarette lighters.
Cleaning accessories, such as carpet sweepers, dustpans and scrubbing sets.
Clothespins.
Coasters.
Combs.
*Containers, foil lined.
Coops, brooder, chicken, quail, etc.
*Copings.
*Cornices.
Crayon molds.
*Cups.
Curtain, drapery, and carpet hardware.
Cutlery handles.
Cuspidors.
Desk pads.
Dispensers, fixed or portable, for soap, lotion, papers, straws, etc. (except where necessary to resist corrosion for hospital, scientific laboratory and industrial use).
Dolls.
Door chimes.
*Doors, including, but not limited to:
  Coal.
  Door frames.
  Dumbwaiter.
  Incinerator.
  Screen.
  Storm.
Draperies.
Dresser sets.
Emblems, medals (except religious), crestings and plates.
Fences, wire.
Flag poles, stanchions and sockets.
Flower boxes, stands and pot holders.
Forms, concrete vault casting, wax.
Fountains.
Frames:
  Electric sign.
  Picture.
*Frames, Window Screen (including top and bottom bars for tension screens).
Frozen fruit sticks.
*Furniture (except medical, dental and hospital).
*Furniture, hardware (except functional parts).
Games.
Garden tools and equipment.
Garment hooks, brackets, racks, rods, trees, and hangers.
Giftware.
Gutters, leaders and downspouts.
Hair curlers.
Hand-tool handles (except portable electric tools).
Hedge clipping machine.
Highway markers, signals and signs (except electrically operated traffic control signals).
Holders:
  Brush.
  Pen.
  Soda fountain cup.
*Hollow ware.
Horse shoes.
Ice cream freezers for home use.
Jewelry, all types (except religious goods).
Ladders and step stools (except industrial, fire and marine).
Laundry accessories, domestic, such as tubs and boilers, washboards, drain board, and tub covers, clothes hampers, ironing boards and tables, garment stretchers and dryers, clothes drying frames, and clothes line hardware.
Lawn and garden hose accessories, such as sprinklers, nozzles, couplings, clamps, menders and reels.
Lawn mowers, seeders, rollers and tampers.
Ledger openers.
Letter openers.
Lightning rods.
Luggage, fittings, trim and hardware.
Machines: rowing, voting.
Mail boxes.
Maps and globes (world).
Marine construction: Pleasure crafts and fittings of all kinds, including but not limited to:
  Boats.
  Canoes.
  Rowboats.
  Sailboats.
Markers:
  Grave.
  License plates.
  Price.
  Tee.
  Traffic.
  Tree.
Memorials and tablets.
Mesh bags.
Metal Lath, and accessories.
*Metal letters and numbers (except for industrial or public utility control identification).
Mops.
*Mouldings and trim (except functional retaining mouldings, shapes or forms).
Mud scrapers.
Nursing bottles.
Oil cloth, foil-covered.
Ornaments, Christmas tree.
Packaging:
  Containers for:
    Bath salts.
    Cosmetic, except collapsible tubes.
    Gift.
    Powder.
    Shoe polish.
    Tube, for cigar.
  Jars, beauty cream.
  Shakers, talcum powder.
  Foil for:
    Capsules (except therapeutical).
    Cartons, liquor.
    Florist.
    Household.
    Labels.
    Over wraps (except food).
    Wraps: gift, cosmetic, liquor.
    Wine bottle.

Paper clips.
•Plates: name, scuff, push, kick (except instruction and identification plates on equipment).
Playground equipment.
Pleasure boat fastenings, fittings and hardware.
Portable bleachers.
Roofing and accessories, residential type (including shingles).
•Rulers (except technical rulers such as slide rules and others used in engineering).
Saddlery, and harness hardware.
•Screening (except insect and that used in technical and scientific equipment).
Shoe heels (except orthopedic).
Shovels, scoops, scrapers and pushers (except as required for handling food, chemical products and grain in processing and distribution).
Siding and accessories (except industrial).
•Signs, including advertising.
Smokers' accessories.
•Soap dishes and bathroom accessories.
Souvenirs and novelties, advertising specialities.
Spandrels.
Spools, such as wire (except magnet), adhesive tape, solder.
Sporting goods, all kinds (except commercial fishery goods, life raft equipment, fishing rod offset handles, and firearms components).
Spray guns (except paint spraying equipment and agricultural sprays).
Spurs, climbing.
Statuary (except religious and artists originals).
Stencils.
Store fronts (except glass holding members).
Stove pipe and other flue connections.
•Tent poles, frames and pegs.
•Thermostatic containers (except shoulders and cups on vacuum bottles of one quart and under size, and special laboratory and hospital equipment).
Toilet seats and covers.
Tokens (except where necessary for electrical operation).
Tombstones.
•Tooth brush and tumbler holders.
•Towel bars.
Toys.
Tricycles and other children's vehicles.
Umbrellas and parasols.
Venetian blinds, fittings and accessories.
Vending machines (except functional parts).
Waste baskets.
Wheel barrows (except as required for handling chemicals).
•Whistles (except safety devices, air raid and fire alarms).
Windows, storm (except sash slides).

9. The introductory paragraph to List B is amended to read as follows:

LIST B

(See section 6)

The use of the forms and products of aluminum defined in section 3 and any component parts made therefrom (excluding repair parts) in the items listed below is subject to the prohibitions stated in this order, except as otherwise stated in the order or List B: *Provided, however*, That those items in List B which are specifically designated by an asterisk are permitted to be manufactured from aluminum for the use of the Armed Forces of the United States, including the United States Coast Guard, in the construction, fitting, or furnishing of ships (other than pleasure craft), aircraft, and hospitals, or to supply military specification organizational equipment items:

•Ducts, air conditioning, warm air, ventilating.
•Windows, residential type.
•Windows, nonresidential type.

This order as amended shall take effect on March 31, 1951.

Dated: March 31, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-4077; Filed, Apr. 2, 1951; 5:06 p. m.]

[NPA Order M-24 as Amended April 3, 1951]

M-24—TIN PLATE AND TERNE PLATE

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order as amended there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected by the issuance of this order as amended has been rendered impracticable by the fact that the order as amended affects a very substantial number of different trades and industries.

This amendment to NPA Order M-24 affects the order as follows:

It amends the definition of terne plate, deletes the provisions relating to idle and excess inventories, amends the provisions relating to the use of menders, inserts provisions relating to export shipments to except them from the restrictions of the order and to provide that such shipments shall only be made in compliance with a validated export license, and amends Schedule A to permit the use of special coated manufacturing ternes and manufacturing ternes.

The foregoing changes affect §§ 23.2, 23.4, 23.5, 23.7, 23.8 and 23.9 and Schedule A.

It renumbers §§ 23.1 to 23.13 so that they are numbered sections 1 to 13, respectively.

As so amended, NPA Order M-24 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Permitted uses.
4. Additional permitted uses.
5. Optional uses.
6. Manufacture.
7. Other restrictions.
8. Certification of delivery of plate.
9. Exceptions.
10. Application for adjustments.
11. Communications.
12. Records and reports.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong. Sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp. Sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to set forth the permitted uses of tin plate and terne plate, the permitted materials in those uses, and the maximum permitted coating of tin or of terne metal per single base box. This order also sets forth certain additional permitted uses, optional uses, restrictions on manufacturers, and permitted substitutions. NPA Order M-8, as amended, contains certain limitations on the use of pig tin in the manufacture of tin plate and terne plate, but permits the use of tin for tin plate and terne plate in accordance with the provisions of this order insofar as tin plate and terne plate specifications are concerned.

SEC. 2. *Definitions.* As used in this order:

(a) "Tin plate" means steel sheet coated with tin and includes electrolytic tin plate, hot dipped tin plate, primes, seconds, unassorted, and waste-waste.

(b) "Terne plate" means steel sheets coated with terne metal and includes special coated manufacturing ternes, manufacturing ternes, and roofing ternes generally coated in tin mill coating machines, and long ternes which are steel sheets coated in sheet mill coating machines.

(c) "Reconditioned tin plate or terne plate" means damaged tin plate or terne plate which has been put into usable condition by recoating.

(d) "Terne metal" means a tin-bearing lead alloy used as a coating for terne plate, but does not include lead recovered from secondary sources which contains less than 1½ percent residual tin.

(e) "Waste-waste" means hot dipped or electrolytic tin coated steel sheets or steel sheets coated with terne metal which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes, seconds, or unassorted.

(f) "Menders" means tin plate arising in the production of electrolytic tin plate which has been rejected by the producer by reason of defects which disqualify such tin plate from sale as "primes", "seconds", or "unassorted" and which tin plate has been (1) mended into coke tin plate primes, seconds or unassorted by hot dipping in tin, or (2) mended into terne plate by hot dipping in terne metal.

(g) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

SEC. 3. *Permitted uses.* Tin plate, terne plate and reconditioned tin plate and terne plate may be used only for the purposes set forth in Schedule A of this order, subject to the limitations, restrictions, and conditions specified in the said Schedule A with respect to the various items and purposes.

SEC. 4. *Additional permitted uses.* (a) Any person may use waste-waste from electrolytic tin plate, from hot dipped tin plate, or from terne plate for any purpose which is not prohibited in List A of NPA Order M-8, as amended March 12, 1951, or as subsequently amended. In addition, any person may use tin plate or terne plate for any purpose which is not prohibited in List A of NPA Order M-8, if his total annual consumption of tin plate and terne plate does not exceed 100 base boxes.

(b) Tin plate menders arising in the production of electrolytic tin plate may be used only for purposes where hot-dipped tin plate is permitted under Schedule A.

SEC. 5. *Optional uses*—(a) *Substitution of material with lower tin content.* Wherever Schedule A permits use of tin plate or terne plate in any grade, tin plate or terne plate coated with less tin per base box may be used; or if tin mill black plate is adaptable it may be used as a substitute.

(b) *Optional use of 0.25 tin plate for terne plate.* Where terne plate is permitted to be used in the manufacture of an item listed in Schedule A of this order, a manufacturer may substitute electrolytic tin plate with a maximum permitted tin coating of 0.25 pound per base box for that item.

(c) *Optional use of electrolytic tin plate.* Where hot dipped tin plate is permitted to be used in the manufacture of an item listed in Schedule A of this order, the manufacturer may substitute electrolytic tin plate.

SEC. 6. *Manufacture*—(a) *Manufacture of tin plate and terne plate.* Tin plate and terne plate may be manufactured and tested as in this section provided and for the purposes set forth in Schedule A. Coating shall be determined on the basis of average spot coating tests, in the case of electrolytic tin plate, and on the basis of pot yield, in the case of hot dipped tin plate. No person may use terne metal containing more than 15 percent tin in tin mill coating machines, and for coating roofing ternes. No person may use terne metal containing more than 10 percent tin in sheet mill coating machines.

(b) *Manufacture of terne metal.* Secondary tin only may be used to make terne metal.

SEC. 7. *Other restrictions.* No person shall sell or deliver any tin plate, terne plate or reconditioned tin plate or terne plate which he knows or has reason to believe will be accepted or used in violation of the terms of this order, or any other order or regulation of the National Production Authority. No person shall sell or deliver any tin plate, terne plate or reconditioned tin plate or terne plate which he knows or has reason to believe will be exported outside of the continental limits of the United States, its territories and possessions, and Canada, except as permitted under section 9 (c) of this order.

SEC. 8. *Certification of delivery of plate.* Except as otherwise permitted by section 9 (c) of this order, no person shall sell or deliver any tin plate or terne plate unless he has received from the purchaser a certificate signed manually. This certificate shall be by letter in substantially the following form and, once filed by a purchaser with a seller, covers all future deliveries of tin plate or terne plate from the seller to that purchaser:

To_____, Seller:
The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Order M-24 of the National Production Authority, and that all purchases from you of items regulated by that order, and the acceptance and use of the same by the undersigned, will be in compliance with said order, and any amendments thereto.

SEC. 9. *Exceptions.* (a) The restrictions in this order shall not apply to military requirements for tin plate or terne plate intended for manufacture of items of a special design or style not normally produced or used commercially, nor to tin plate or terne plate intended for manufacture of items for emergency rations nad supplies for lifeboats.

(b) The provisions of this order do not apply to use of tin plate or terne plate which is in process of manufacture or in the inventory of a consumer, or in the inventory of a manufacturer for the account of a consumer, on the effective date of this order.

(c) The restrictions of this order shall not apply to the sale or delivery for export of tin plate, terne plate or reconditioned tin plate or terne plate where the person selling or delivering the same has received a validated export license therefor from the Office of International Trade, or has received from another person a certificate signed manually. This certificate shall be by letter in substantially the following form, striking therefrom the inapplicable words, and shall be filed with each purchase order with the person selling or delivering to such other person tin plate, terne plate or reconditioned tin plate for export:

To_____, Seller:
The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that (he has received a certification from another person that) the Office of International Trade has issued to (him) (such other person) validated export license No. ____ for export shipment of all of the items included in the attached purchase order, and that all purchases from you of items included in the said purchase order and the acceptance of the same by the undersigned will be in compliance with the said validated export license.

SEC. 10. *Application of adjustments.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 11. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref.: M-24.

SEC. 12. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this part have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139-139F).

SEC. 13. *Violations.* Any person who wilfully violates any provisions of this order or any other order or regulation of the National Production Authority or who willfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on April 3, 1951.

Issued: March 30, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

SCHEDULE A—Continued

Permitted use (1)	Permitted material (2)	Maximum permitted coating of tin or terne metal (per single base box) (3)
18. Gas meters	Hot dipped tin plate	0.25 pound per base box.
	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate, special coated manufacturing terne	See note 1.
	Long terne	4 pounds per base box.
	Reconditioned terne plate, special coated manufacturing terne	See note 1.
19. Heat exchangers	Long terne	4 pounds per base box.
	Reconditioned terne plate	4 pounds per base box.
20. Integral parts of signal cells—but only for current collectors and baskets.	Hot dipped tin plate	1.25 pounds per base box.
	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate	0.50 pound per base box.
21. Lining of drying chambers for milk and sugar solidification.	Electrolytic tin plate	11 pounds per base box.
	Reconditioned tin plate	11 pounds per base box.
22. Maple syrup evaporators	Hot dipped tin plate	11 pounds per base box.
23. Oilers (excluding cans as defined by Order M-25).	Reconditioned tin plate, special coated manufacturing terne	See note 1.
	Long terne	4 pounds per base box.
	Reconditioned terne plate	4 pounds per base box.
24. Oil lanterns and non-electric lamps	Special coated manufacturing terne	See note 1.
	Long terne	4 pounds per base box.
	Reconditioned terne plate	4 pounds per base box.
25. Repair parts for domestic laundry equipment.	Hot dipped tin plate	1.25 pounds per base box.
	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate	0.50 pound per base box.
26. Safety cans for inflammable liquids	Special coated manufacturing terne	See note 1.
	Long terne	4 pounds per base box.
27. Textile spinning cylinders, card screens, spools, bobbins, loom reeds, warper and flasher combs and brushing machines for reed cleaning.	Reconditioned terne plate	4 pounds per base box.
	Hot dipped tin plate	1.25 pounds per base box.
	Electrolytic tin plate	0.50 pound per base box.
	Special coated manufacturing terne	See note 1.
	Long terne	4 pounds per base box.
28. Torpedoes for oil and gas well shooting	Reconditioned terne plate, special coated manufacturing terne	See note 1.
	Long terne	4 pounds per base box.
29. Vaporizing liquid fire extinguishers	Reconditioned terne plate, hot dipped tin plate, special coated manufacturing terne	1.25 pounds per base box. See note 1.
	Long terne	4 pounds per base box.
30. Wick holders for oil stoves	Reconditioned terne plate, special coated manufacturing terne	See note 1.
	Long terne	4 pounds per base box.
31. Smoke pipe elbows and fittings	Reconditioned terne plate	10 pounds per base box.
32. Hot water heater tube jacket liners and other parts exposed to flame or hot flue gases.	Long terne	6 pounds per base box.
33. Roofing; fire doors, gutters, downspouts, and fittings for same; roof flashings; exterior louvres and exterior shutters; where such flashings, louvres and shutters are to be soldered and painted.	Roofing terne	10 pounds per base box.

NOTE 1. Special coated manufacturing ternes may be used in all games up to and including 107 pounds. In base weights heavier than 107 pounds per base box, special coated manufacturing ternes, or manufacturing ternes may be used a coating not in excess of 3 pounds per base box, may be used.
(Also see section 4 of this order for additional permitted uses and section 5 for optional uses.)

[F. R. Doc. 51-4106; Filed, Apr. 3, 1951; 10:54 a. m.]

SCHEDULE A

Permitted use (1)	Permitted material (2)	Maximum permitted coating of tin or terne metal (per single base box) (3)
1. All kitchen equipment	Electrolytic tin plate	0.25 pound per base box.
2. Food preparation and cooking equipment:		
(a) Baking pans for institutions and commercial bakers.	Hot dipped tin plate	1.25 pounds per base box.
	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate	
(b) All other food preparation and cooking equipment.	Electrolytic tin plate	0.50 pound per base box.
3. Battery cans for electrical contact	Special coated manufacturing terne	0.50 pound per base box.
4. Brushes, power driven		See note 1.
	Long terne	4 pounds per base box.
	Reconditioned terne plate	
5. Cans as defined in Order M-25	Hot dipped tin plate	As permitted by Order M-25.
6. Closures as defined in Order M-26:	As permitted by Order M-26.	
(a) Closures for milk cans	Hot dipped tin plate	1.25 pounds per base box.
(b) Closures for steel drums	Electrolytic tin plate	0.50 pound per base box.
	Special coated manufacturing terne	See note 1.
	Long terne	4 pounds per base box.
7. Carbide nonexplosive emergency lights	Special coated manufacturing terne	See note 1.
	Long terne	4 pounds per base box.
	Reconditioned terne plate	
8. Chaplets, skingates, and tin forms for foundry use	Hot dipped tin plate	1.25 pounds per base box.
	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate	
	Special coated manufacturing terne	See note 1.
	Long terne	4 pounds per base box.
9. Cheese vats	Reconditioned terne plate	11 pounds per base box.
10. Component parts for Internal Combustion engines including air cleaners, cooling systems, fuel systems, and lubricating systems, but only when less essential metals is immediately because of corrosion or solderability.	Hot dipped tin plate	See note 1.
	Reconditioned tin plate	
	Special coated manufacturing terne	4 pounds per base box.
	Long terne	
	Reconditioned terne plate	3 pounds per base box.
	Manufacturing terne	1.25 pounds per base box.
11. Cylinder liners for hard and fruit presses	Hot dipped tin plate	3.50 pounds per base box (2A chargeoval).
12. Dairy ware and equipment including	Hot dipped tin plate	
Bucket pails, strainers, milk kettles, setter or cream cans, weigh cans, measures and test ware, bottle conveyors, ice cream freezers, milk filters, receiving tanks, separators, storage tanks, pasteurizers, vats and covers for surface type heaters and coolers, and testing equipment.	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate	
13. Diamond cutting wheels	Special coated manufacturing terne	See note 1.
	Long terne	4 pounds per base box.
14. Dusters and sprayers, hand, for disinfectant and pest control; parts requiring solderable coatings.	Reconditioned terne plate	0.50 pound per base box.
	Electrolytic tin plate	
	Reconditioned tin plate	See note 1.
	Special coated manufacturing terne	4 pounds per base box.
15. Equipment or appliance parts requiring solderable coatings.	Long terne	0.25 pound per base box.
	Reconditioned terne plate	See note 1.
	Hot dipped tin plate	4 pounds per base box.
16. (a) Fuel tanks, except for automotive equipment.	Special coated manufacturing terne	
	Long terne	See note 1.
	Reconditioned terne plate	
(b) Fuel tanks for automotive equipment.	Special coated manufacturing terne	6 pounds per base box.
	Long terne	
	Reconditioned terne plate	See note 1.
17. Gas mask canisters	Special coated manufacturing terne	4 pounds per base box.
	Long terne	
	Reconditioned terne plate	

[NPA Order M-38, as Amended April 3, 1951]

M-38—LEAD

This order as amended is found necessary and appropriate to promote the national defense, and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable due to the necessity for immediate action, and because the order affects a large number of different trades and industries.

This amendment to NPA Order M-38, dated February 16, 1951, amends and restates the order to read as follows:

Sec.
1. What this order does.
2. Definitions.
3. Lead forms and materials to which this order applies.
4. Limitations on acceptance of rated orders.
5. Limitations on use of lead.
6. Restrictions on toll agreements.
7. Assistance in placing rated orders.
8. Inventories.
9. Records and reports.
10. Applications for adjustments.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Public Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order sets forth certain limitations on the acceptance of rated orders so as to provide for the equitable distribution of such orders, and establishes limitations on the use of lead and lead products. It places limitations on lead scrap toll agreements and on inventories of pig lead, lead alloys, and lead products. It explains the conditions under which reports are required in connection with production, receipt, shipment, use, and inventories of lead and materials containing lead.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government;

(b) "Primary refiner" means any person who produces lead in refinery shapes mainly from lead ores and concentrates, or who has such lead produced for him on toll agreement;

(c) "Secondary refiner" means any person who produces lead in refinery shapes mainly from lead scrap;

(d) "Dealer" means any person who receives physical deliveries of pig lead, lead-base alloy, lead scrap, or lead products, and sells or holds same for resale without change in form.

(e) "Import" means to transport in any manner into the continental United States from areas outside the continental United States, including territories and possessions. It includes shipments into foreign-trade zones, customs bonded warehouses, and customs custody, except when such shipments are merely in transit through the continental United States, to destinations outside the continental United States, as shown by the bills of lading or other shipping documents. However, if any such material in transit is halted or diverted to a destination in the continental United States or subjected to processing or manufacture in the continental United States, it becomes an "import" for the purposes of this order.

(f) "Base period" means the 6 months' period ending June 30, 1950.

SEC. 3. *Lead forms and materials to which this order applies.* This order applies to the following lead forms and materials: Pig lead, lead-base alloys, lead scrap, and lead products. For the purpose of this order these items are defined as follows:

(a) "Pig lead" means and includes soft lead and antimonial lead in refinery shapes current in the trade.

(b) "Lead-base alloy" means any alloy containing 50 percent or more of lead metal by weight.

(c) "Lead scrap" means all materials or objects which are the waste or by-product of industrial fabrications or processes, or which have been discarded for obsolescence, failure, or other reason, and which contain lead commercially recoverable.

(d) "Lead products" means semi-processed materials, finished parts or sub-assemblies which have been produced from pig lead or lead-base alloys.

SEC. 4. *Limitations on acceptance of rated orders.* Unless specifically directed by the National Production Authority, commencing on May 1, 1951:

(a) No primary refiner or secondary refiner (as defined in section 2 of this order), and no producer of lead products (as defined in section 3 of this order) shall be required to accept rated orders for any of the lead forms and materials defined in section 3 for shipment in any one month in excess of 20 percent of his scheduled production of such materials during that month.

(b) No dealer (as defined in section 2) shall be required to accept rated orders for such lead forms and materials for shipment in any one month in excess of 20 percent of the quantity of such materials available to him during that month.

(c) No person shall be required to accept rated orders for such lead forms and materials which are not received at least 15 days prior to the first day of the month in which shipment is requested.

SEC. 5. *Limitations on use of lead.* (a) Commencing on May 1, 1951, or unless specifically authorized by the National Production Authority, no person shall put into process or otherwise use in manufacturing, treating, installation, or construction, or for maintenance, repair, and operating supplies during any one month, a total quantity by weight of pig lead, lead-base alloy, and lead products in excess of 100 percent of his average monthly use of such forms of lead during the base period; and no person shall use any of such forms of lead for any purpose or purposes other than the purpose or purposes for which such forms of lead were used by him during the base period.

(b) Pig lead, lead-base alloy, or lead products acquired by a rated order or to meet a scheduled program of the National Production Authority, may be used in addition to the quantities permitted by the provisions of paragraph (a) of this section.

(c) The use of pig lead, lead-base alloy, or lead products to fill an order rated under the priorities system established by NPA Reg. 2, or to meet any mandatory order of the National Production Authority, is permitted in addition to the use of such materials authorized by the provisions of paragraph (a) of this section.

(d) The provisions of paragraph (a) do not apply to any person who uses less than 5 short tons of pig lead, lead-base alloy, and lead products in any month.

SEC. 6. *Restrictions on toll agreements.* (a) Except with the written approval of the National Production Authority, no person shall deliver or accept delivery of lead scrap for converting, remelting, or other processing under any existing or future toll agreement or other arrangement by which title to the scrap remains vested in any person other than the processor, or pursuant to which any of the forms of lead defined in section 3 of this order in any quantities, equivalent or otherwise, is to be returned to the person delivering or owning the scrap. Application for such approval may be made by the person delivering or owning the lead scrap, or the person for whose benefit the conversion, remelting, or other processing will be effected. The provisions of this paragraph apply with equal effect to any agency or other relationship which results in a toll arrangement similar to that above-described.

(b) No person shall sell or deliver any lead forms or materials defined in section 3 to any person subject to either an express or implied condition of sale, that the lead scrap remaining after the use of the delivered material will be resold or returned to the person originally supplying such material.

(c) Persons requesting approval of toll agreements shall file with the National Production Authority a letter setting forth: the names and addresses of the parties to any existing or proposed toll or conversion agreement; the kind, grade, and form of the scrap involved; the tonnage of the scrap and the estimated tonnage of the lead forms and materials resulting; the estimated rate and the dates of delivery of such materials; the length of time such agreement or other similar agreement between the same parties has been in force; the duration of the agreement; the purpose for which such materials are to be used; and such other information as may seem pertinent and necessary.

(d) The provisions of paragraphs (a) and (b) of this section shall not apply to any agreement covering lead scrap or other lead forms or materials delivered by the General Services Administration or the Armed Forces of the United States, including the United States Coast Guard, to any person for converting, remelting, or other processing.

SEC. 7. *Assistance in placing rated orders.* Any person who is unable to place a rated order for pig lead, lead-base alloy, or lead products due to the limitations imposed by section 4 of this order, should apply to the National Production Authority, Washington 25, D. C., Ref: M–38, specifying the persons who refuse to accept the order. The National Production Authority will arrange to assist him in locating sources of supply.

SEC. 8. *Inventories.* (a) No person shall receive or accept delivery of a quantity of pig lead, lead-base alloy, or lead products, if his inventory of all such material is, or by such receipt would become, more than the smallest quantity of such material which he reasonably requires to meet his deliveries or maintain his currently scheduled rate of operations during the next succeeding 30-day period, or in excess of a "practicable minimum working inventory" as defined in NPA Reg. 1., whichever is less.

(b) No dealer shall receive or accept delivery of any quantity of lead scrap, unless during the 60 days immediately preceding the date of such acceptance he shall have made delivery or otherwise disposed of such scrap to an amount at least equal in weight to his inventory of scrap on the date of such acceptance, exclusive of the delivery to be accepted.

(c) A person may import any materials to which paragraphs (a) and (b) of this section apply acquired prior to landing without regard to the inventory restrictions of this section. However, if his inventory of such material thereby becomes in excess of the amount permitted, he may not receive further deliveries of it from domestic sources until his inventory is reduced to permitted levels. The inventory restrictions of this section do apply to any deliveries of the imported materials he makes, and to the amount of it that any person accepting delivery from him is permitted to receive.

SEC. 9. *Records and reports.* (a) Any primary refiner who produces or ships 10 short tons or more of pig lead during any month, or who has 10 short tons or more of pig lead in his possession or under his control on any day of any month, shall complete and file Bureau of Mines report form 6–1075–M, in duplicate, on or before the 25th day of February, 1951, with respect to January, 1951, and on or before the 20th day of each month thereafter with respect to such transaction or possession during the preceding month.

(b) Any secondary refiner who produces or ships 10 short tons or more of pig lead during any month, or who has 10 short tons or more of pig lead in his possession or under his control on any day of any month shall complete and file Bureau of Mines report form 6–1116–M, in duplicate, on or before the 25th day of February, 1951, with respect to January, 1951, and on or before the 20th day of each month thereafter with respect to such transaction or possession during the preceding month.

(c) Any dealer who receives or ships 5 short tons or more of pig lead during any month, or who has 10 short tons or more of pig lead in his possession or under his control on any day of any month shall complete and file Bureau of Mines report form 6–1078–M, in duplicate, on or before the 25th day of February, 1951, with respect to January, 1951, and on or before the 20th day of each month thereafter with respect to such transactions or possession during the preceding month.

(d) Any person using pig lead to produce lead products who puts into process 5 short tons or more of pig lead in any month, or who on any day of any month has in his possession or under his control 10 short tons or more of pig lead, shall complete and file Bureau of Mines report forms 6–1078–M, in duplicate, on or before the 25th day of February, 1951, with respect to January, 1951, and on or before the 20th day of each month thereafter with respect to such transactions or possession during the preceding month.

(e) All reports required by this order shall be addressed to the Bureau of Mines, Washington 25, D. C., ref: M–38, together with such number of copies as may be specified on the report form.

(f) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit an audit that determines for each transaction whether the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(g) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

SEC. 10. *Applications for adjustments.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 11. *Communications.* All communications concerning this order other than reports, shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–38.

SEC. 12. *Violations.* Any person who wilfully violates any provisions of this order or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act (P. L. 831, 77th Cong., 5 U. S. C. 139–139F).

This order as amended shall take effect on April 3, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–4080; Filed, Apr. 2, 1951; 5:07 p. m.]

[NPA Order M–54]

M–54—PLATINUM

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable due to the necessity for immediate action.

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on sale, purchase, delivery receipt, and manufacture.
4. Restrictions on sale or accumulation of scrap.
5. Restrictions on inventory accumulations.
6. Records and reports.
7. Application for adjustment or exception.
8. Communications.
9. Violations.

AUTHORITY: Sections 1 to 9 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp. Sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order restricts platinum deliveries to dealers, refiners, distributors, processors and consumers, prohibits the use of platinum and platinum alloys in jewelry and other items, places restrictions on the sale and delivery of scrap, prohibits delivery of platinum to processors having more than a specified amount of scrap, and limits processors' and consumers' inventories of platinum.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes agencies of the United States or any other government.

(b) "Platinum" means the metal platinum, and platinum salts, compounds, alloys, solutions, or mixtures, containing more than 0.25 percent platinum by weight, in any form, including but not limited to matte, residues, sponge, bar, sheet, wire, semifabricated forms, and partially fabricated products, but excluding ores and concentrates. It also includes scrap and secondary materials, the platinum content of which is more than 0.25 percent by weight. It does not include finished parts, articles, or equipment regardless of platinum content.

(c) "Consumer" means a person who purchases, accepts delivery of, or owns finished parts, articles, or equipment containing platinum, other than jewelry, for use for any purpose other than resale or investment.

(d) "Processor" means a person who uses platinum by incorporating it in the parts, articles, or products which he manufactures, and includes a person who produces dental restorations.

(e) "Dealer" means a person who makes a regular business of buying and selling platinum at an established address in the continental United States.

(f) "Distributor" means a person who makes a regular business of acting as buying or selling agent for dealers or processors at an established address in the continental United States.

(g) "Refiner" means a person regularly engaged in the business of refining platinum.

(h) "Process" means cut, draw, machine, stamp, melt, alloy, cast, forge, roll, turn, spin, or otherwise alter by physical or chemical means. The term does not include buffing or polishing an assembled article.

(i) "Put into process" means the first change by the processor in the form of material from that form in which it is received by him.

(j) The term "assemble" shall mean the normal putting together of components or parts but shall not be deemed to include the putting together of an article after delivery to a sales outlet or consumer in knockdown form pursuant to an established custom. The term "assemble" shall also not be deemed to include adding stones or finished parts to an otherwise finished article when the placing of one or more stones or finished parts, or the size or type of one or more stones or finished parts, is determined by the choice of the ultimate consumer or the use to which the ultimate consumer is to put the article.

(k) The terms "deliver" and "receive" shall be deemed to include deliveries and receipts under toll agreements.

(l) "Finished parts, articles, or equipment" means products which are finished to the extent that they are ready for their final end-use without further processing or are ready for attachment to equipment or parts of equipment which are not platinum.

(m) "Scrap" means all platinum materials or objects which are the waste or by-product of processing, or which have been discarded on account of wear, failure, obsolescence, or other reason.

SEC. 3. *Restrictions on sale, purchase, delivery, receipt, and manufacture.* (a) Commencing on April 1, 1951, no person shall: (1) Sell, transfer, or otherwise deliver platinum except to a person known by the seller or transferror to be a refiner, dealer, distributor, processor, or consumer of platinum; or purchase or accept delivery of platinum unless he is a refiner, dealer, distributor, processor, or consumer of platinum; (2) sell, transfer, or otherwise deliver platinum to any person for use in the manufacture of any item included in List A annexed to this order, or purchase or accept delivery of platinum for use in the manufacture of any item included in such List A.

(b) Commencing on April 1, 1951, no person shall put into process any platinum in the manufacture of any item included in List A annexed to this order. However, this prohibition shall not apply to such use of any platinum which was in such person's inventory on April 1, 1951, or to the platinum content of any completed jewelry or parts thereof. Every person who relies on the provisions of the preceding sentence shall prepare a detailed record showing the quantities of platinum in his inventory on the first days of January, February, March, and April 1951, and the platinum content of any completed jewelry or parts thereof delivered to him after March 31, 1951. Such record shall be maintained for at least 2 years and shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) The restrictions of paragraphs (a) and (b) of this section shall not prohibit the sale, delivery, purchase, or receipt of jewelry or parts thereof which are finished and complete except for the addition of stones or other finished parts or which are finished and complete except for buffing or polishing.

(d) Commencing on April 1, 1951, and except as permitted by paragraph (b) of this section, no person may use in the manufacture of any article, or any component part thereof, a greater quantity of platinum, or an alloy containing a greater percentage of platinum, than is necessary for functional or operational purposes.

(e) The prohibitions of this section apply notwithstanding the provisions of NPA Reg. 2 with respect to the filling of rated orders.

(f) The provisions of paragraph (a) of this section shall not apply to any delivery of platinum to the General Services Administration for the stockpile of strategic materials.

SEC. 4. *Restrictions on sale or accumulation of scrap.* (a) No processor shall purchase or accept delivery of any platinum if he owns or has in his possession more than a 30-day accumulation of scrap, exclusive of sweepings, unless such accumulation aggregates less than 25 ounces, platinum content, or unless it is in the process of being refined: *Provided, however,* That a processor who refines his own scrap may purchase or accept delivery of platinum if he owns or has in his possession not more than a 60-day accumulation of scrap.

(b) No person shall sell or deliver scrap except to a distributor, a dealer, or a refiner: *Provided, however,* That dental scrap may be sold to a person who produces or sells dental alloys.

SEC. 5. *Restrictions on inventory accumulations.* (a) No processor or consumer shall purchase or accept delivery of platinum in the form of raw materials, semiprocessed materials, subassemblies, finished parts, or finished products if the total platinum content of his inventory in all forms, including finished parts and products but excluding scrap in the process of being refined, is, or by such receipt would become, in excess of the quantity of platinum contained in the final products required to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation during the succeeding 60-day period, or in excess of a "practicable minimum working inventory" as defined in NPA Reg. 1, whichever is less.

(b) Except as otherwise provided by this section, NPA Reg. 1, and particularly § 10.11 thereof entitled "Imported Materials," will apply to platinum.

(c) This order does not require the disposal of excess inventory already on hand, but such excess inventory may be subject to requisition as provided by section 201 (a) of Title II of the Defense Production Act of 1950.

SEC. 6. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by the order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942. (Pub. Law. 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 7. *Application for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an

undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 8. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C. Ref: M-54.

SEC. 9. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or wilfully conceals a material factor or furnishes false information in the course of operation under this order is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on March 31, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

LIST A

(See section 3)

Jewelry, including but not limited to:
- Badges.
- Bracelets.
- Brooches.
- Buckles.
- Buttons.
- Chains.
- Combs.
- Cuff links.
- Earrings.
- Hair and head ornaments.
- Insignia.
- Medallions and other objects of personal adornment.
- Pendants.
- Rings.
- Studs.
- Watch cases.

Miscellaneous:
- Bookbinding.
- Candlesticks.
- Cigarette cases.
- Electroplating (except for functional purposes).
- Flatware.
- Hardware.
- Leather goods.
- Lettering.
- Lighters.

Miscellaneous—Continued
- Medals, trophies and objects of art.
- Metalized glass and ceramic ware.
- Musical instruments.
- Optical frames.
- Pencils.
- Pens (except pen point tips).
- Picture frames.
- Sign painting.
- Tableware.
- Toilet sets.
- Decorative and ornamental uses, not elsewhere specified.

[F. R. Doc. 51-4081; Filed, Apr. 2, 1951; 5:07 p. m.]

[NPA Order M-55]

M-55—FARM EQUIPMENT

This order is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order consultation with industry representatives was impracticable due to the necessity for immediate action and because the order affects a large number of users in different segments of the industry.

Sec.
1. What this order does.
2. Definitions.
3. Authorization of ratings.
4. Application of ratings.
5. Certification of ratings.
6. Inventory.
7. Application for adjustment or exception.
8. Records and reports.
9. Communications.
10. Violations.

AUTHORITY: Sections 1 to 10 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong. Sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp. Sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order authorizes producers of farm equipment to apply a rating to obtain delivery of materials for June 1951 from their regular suppliers. The amount of such DO rated orders that may be placed is limited as herein provided.

SEC. 2. *Definitions.* As used in this order:

(a) "Farm equipment" means any item of farm machinery, equipment, or repair parts listed in Schedule I of this order.

(b) "Producer" means any person engaged in the manufacture or production of farm equipment.

(c) "Production material" means aluminum, copper, steel, zinc, or textiles.

(d) "Component part" means a component part required to be physically incorporated into or attached to any piece of farm equipment.

(e) "Base period" means the period commencing January 1, 1950, and ending June 30, 1950.

(f) "June 1951 requirements" of a production material means the tonnage or yardage required by a producer for his June 1951 consumption of such production material, limited, however, to one-sixth of the tonnage or yardage of such production material received by such producer during the base period for the manufacture of farm equipment.

(g) "June 1951 requirements" of a component part means the quantity required by a producer for his June 1951 use of such component part, limited, however, to one-sixth of the quantity (measured by units) of such component part received by such producer during the base period.

SEC. 3. *Authorization of ratings.* Each producer of farm equipment is hereby authorized to apply a DO-87 rating to obtain delivery of his June 1951 requirements of each production material and of each component part: *Provided*, That the orders placed by him to cover his said June 1951 requirements of aluminum, copper, and zinc, whether rated or otherwise, shall be limited as to each production material to the respective tonnages of his said June 1951 requirements. This order applies only to June 1951 requirements. DO-87 rated orders for June 1951 requirements must be placed in accordance with lead time requirements of applicable NPA orders. In no event may such orders be placed subsequent to May 31, 1951. No producer shall apply a DO-87 rating, and no other person shall extend a DO-87 rating to secure production materials or component parts except to a person who during the 2 years preceding the effective date of this order has been a regular supplier of the producer so applying or other person so extending: *Provided*, That the restrictions of this sentence shall not apply to DO-87 orders which have been rejected solely because of the set-aside provisions of some other applicable NPA order.

SEC. 4. *Application of ratings.* When a DO-87 rating is applied by a producer to a supplier, it may be extended in accordance with NPA Reg. 2 (except in those cases mentioned in the last sentence of this section). No person shall apply or extend a DO-87 rating except in accordance with the provisions of this order and said Reg. 2. Certain provisions of this order (a) require a change in the certification required by NPA Reg. 2, (b) limit the application of the rating DO-87 to the procurement of June 1951 requirements of a production material or of a component part, and (c) limit the class of suppliers among whom the rating DO-87 may be applied. The provisions of this order shall prevail over the conflicting provisions of NPA Reg. 2, but all other provisions of NPA Reg. 2 shall continue in full force and effect. The authorization in this order to apply DO-87 ratings shall supersede the use limitations contained in other applicable NPA orders, except where such uses are specifically prohibited. Any producer of component parts who has received special authorization from NPA to adjust his base quota to permit use of additional copper for component parts for farm equipment shall reduce any such additional amount to the extent that he extends DO-87 rated orders for copper.

SEC. 5. *Certification of ratings.* When a person applies or extends such a rating, the certification shall read as follows:

"Certified under NPA Order M-55 and NPA Reg. 2."

Such certification constitutes a representation to the recipient and to NPA that the person applying or extending the rating is authorized under the provisions of this order to so apply or extend a DO-87 rating.

SEC. 6. *Inventory.* The provisions of Reg. 1 requiring inventories to be limited to practicable minium working inventories shall continue in full force and effect. Accordingly, DO-87 ratings shall not be applied if such application would increase inventories beyond such practicable minimum.

SEC. 7. *Application for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 8. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139-139F).

SEC. 9. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C. Ref.: M-55.

SEC. 10. *Violations.* Any person who wilfully violates any provisions of this order or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with said Federal Reports Act.

This order shall take effect on March 31, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

SCHEDULE I

Planting, seeding, and fertilizing machinery:
- Planters, corn and cotton.
- Potato planters (horse and tractor drawn).
- Transplanters.
- Beet and bean drills or planters.
- Grain drills.
- Broadcast seeders.
- Garden planters.
- Fertilizer distributors.
- Lime spreaders.
- Manure spreaders and loaders.
- Other planting, seeding, and fertilizing machines.

Farm plows and listers:
- Moldboard plows.
- Disc plows.
- Disc tillers.
- Listers and middlebusters.
- Sub-soil plows.
- Plow stocks.
- Other plows.

Harrows, rollers, pulverizers, and stalk cutters:
- Harrows.
- Rollers.
- Soil pulverizers and packers.
- Stalk cutters.
- Ridge busters.

Cultivators and weeders:
- Cultivators.
- Rotary hoes.
- Weeders, drawn or mounted.
- Other cultivators and weeders.
- Tool bar carriers.

Farm sprayers, dusters, and orchard heaters:
- Power sprayers.
- Hand sprayers with tank, barrel, knapsack, etc., with complete equipment (capacity 1 quart or over but less than 6 gallons).
- Hand pump sprayers (capacity 6 gallons or more).
- Spray pumps, power.
- Weed and pear burners.
- Dusters.
- Orchard heaters.

Harvesting machinery:
- Combines.
- Grain and rice binders.
- Corn binders.
- Corn pickers.
- Field forage harvesters.
- Potato diggers and pickers.
- Bean cutters or pullers.
- Sugar beet and cane harvesting equipment.
- Other harvesting equipment.

Farm haying machinery:
- Mowers.
- Rakes.
- Hay loaders.
- Stackers.
- Pick-up hay balers and bale loaders.
- Other haying machinery.

Machines for preparing crops for market or use:
- Stationary threshers.
- Peanut pickers.
- Ensilage cutters.
- Feed cutters—hand and power.
- Corn shellers.
- Corn huskers and shredders.
- Stationary hay and straw balers.
- Feed grinders and crushers (farm).
- Grain cleaners and graders.
- Sorters and graders.
- Maple syrup evaporators.
- Cane syrup evaporators.
- Cane mills—farm size.
- Cider mills and fruit presses.
- Other machines for preparing crops for market or use.

Farm elevators and blowers:
- Elevators—portable.
- Elevators—stationary.
- Blowers—grain and forage.

Tractors:
- Farm tractors, wheel type.
- Garden tractors (for vegetable gardens).

Farm wagons, gears, and trucks (not motor):
- Wagons and trucks.
- Wagon bodies.
- Trailers—farm.
- Other transporting equipment (not motor trucks).

Domestic water systems (farm type):
- Deep and shallow well systems.
- Power pumps.
- Water well casing.

Farm pumps and windmills:
- Pumps, water.
- Windmills.
- Pump jacks.

Irrigation equipment:
- Irrigation pumps.
- Distribution equipment.
- Other farm irrigation equipment.

Dairy farm machines and equipment:
- Milking machines.
- Farm cream separators.
- Farm milk coolers.
- Farm butter making equipment.
- Other dairy farm equipment.

Barn and barnyard equipment:
- Feed carriers, litter carriers, and feed trucks.
- Hay unloading equipment.
- Cattle stalls, pen equipment, and stanchions.
- Livestock drinking cups and watering bowls.
- Barnyard stock tanks.
- Feeders, feed cookers, and tank heaters.
- Barn cleaners.
- Other barn and barnyard equipment.

Farm poultry equipment:
- Incubators.
- Floor brooders.
- Battery brooders (heated).
- Growing and laying batteries.
- Poultry feeders.
- Poultry waterers and water heaters.
- Laying nests and grit boxes.
- Other farm poultry equipment.

Miscellaneous farm equipment:
- Beekeepers' supplies.
- Silo fittings.
- Horse shoes—including mule and oxen shoes.
- Harness hardware.
- Power sheep-shearing machines.
- Electric fence controllers.
- Farm electric plants.

Attachments and repair parts:
- Attachments and repair parts specifically designed for the above-listed equipment.

[F. R. Doc. 51-4082; Filed, Apr. 2, 1951; 5:08 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter C—Procedural Regulations

[Regs., Serial No. PR-10]

PART 300—PRINCIPLES OF PRACTICE OF THE CIVIL AERONAUTICS BOARD

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of March 1951.

Although the standards and principles which usually govern the proceedings of judicial bodies have always been applicable to the Board in the conduct of its quasi-judicial functions, the Board has not previously reduced to written form those principles of practice by which the Board and the persons appearing before it should be governed. In December of 1950 the Board requested a representative committee of industry counsel established as the Civil Aeronautics Board Advisory Committee on Practices and Procedures to assist and to advise it in formulating procedures and practices with respect to proceedings before the Board. As an initial phase in its activity, a statement of rules of conduct which will serve as a guide for all parties and the Board and its staff in relation to proceedings before the Board has been recommended by the Committee and as modified is being adopted and promulgated by the Board as a guide to all parties in relation to matters pending before the Board.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates a new Part 300 to the Board's Procedural Regulations to read as follows, effective March 30, 1951:

Sec.
300.0 Applicability of part.
300.1 Judicial standards of practice.
300.2 Hearing cases; improper influence.
300.3 Conciseness of presentation.
300.4 Unusual hospitality.
300.5 Attorney-client relationship.
300.6 Violations.

AUTHORITY: §§ 300.0 to 300.6 issued under sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply sec. 1001, 52 Stat. 1017; 49 U. S. C. 641.

§ 300.0 *Applicability of part.* The principles of practice set out in this part to the extent applicable shall govern the relationships between the Board, its staff, and all other persons.

§ 300.1 *Judicial standards of practice.* In many respects the functions of the Board are similar to those of a court and parties to cases before it and those who represent such parties are expected to conduct themselves with honor and dignity. By the same token, the members of the Board, and those of its employees who participate with the Board Members in the determination of cases upon a record, are expected to conduct themselves with the same fidelity to standards of propriety that characterize a court and its staff. The standing and effectiveness of the Board are in direct relation to its observance, that of its staff, and the parties and attorneys appearing before it, of the highest standards of judicial and professional ethics.

§ 300.2 *Hearing cases; improper influence.* It is essential in cases to be determined after notice and hearing and upon a record that the Board's judicial character be recognized and protected. In such cases:

(a) It is improper that there be any private communication on the merits of the case to a member of the Board or its staff or to the examiner in the case by any person, either in private or public life, unless provided for by law.

(b) It is likewise improper that there be any private communication on the merits of the case to a member of the Board or to the examiner in the case by any members of the Board's staff who participate in the hearing as witnesses or as counsel.

(c) It is improper that there be any effort by any person interested in the case to sway the judgment of the Board by attempting to bring pressure or influence to bear upon the members of the Board or its staff, or that such person or any member of the Board's staff, directly or indirectly, give statements to the press or radio, by paid advertisements or otherwise, designed to influence the Board's judgment in the case.

§ 300.3 *Conciseness of presentation.* Persons practicing before the Board should endeavor to present their cases in concise form avoiding cumulative and repetitious evidence, since the members of the Board participating in the decision of a case, after notice and hearing and upon a record, must familiarize themselves with the evidence in the record and with the arguments made on behalf of the parties orally and in written briefs, and must base their decision solely on the record.

§ 300.4 *Unusual hospitality.* It is particularly improper that persons interested in the business of the Board should provide unusual hospitality to the Board or its staff; nor should such hospitality be accepted.

§ 300.5 *Attorney-client relationship.* Persons practicing or appearing before the Board, whether or not members of the bar, should have due regard for the standards of professional conduct applicable to the lawyer-client relationship and to the relationship between a lawyer and a judicial tribunal.

(a) The nontechnical nature of the Board's procedure calls for special adherence, by practitioners, to scrupulous standards of fairness, candor, and consideration for the rights of others in the pleadings filed, evidence submitted, conduct of the hearing, and briefs and arguments made. In appearing for a client, the practitioner thereby vouches on his honor that in his opinion the client's cause is one proper for determination, and in presenting pleadings and offering evidence he represents that the same are not offered for unwarranted delay and that in his opinion the content thereof is not misleading. Nor should he indulge in offensive personalities, unseemly wrangling, or intemperate accusations or characterizations.

(b) A practitioner, moreover, should advise his client to observe the law according to his conscientious belief as to its permissible meaning and should use his best efforts to restrain his client from improprieties in dealing with the Board or its staff. If a client persists in such improprieties, the practitioner should terminate their relationship.

§ 300.6 *Violations.* The Board may disqualify and deny temporarily or permanently, the privilege of appearing or practicing before it in any way to any person who is found after hearing by the Board to have engaged in unethical or improper professional conduct. Violation of any of the foregoing principles shall be deemed to be such conduct.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-4007; Filed, Apr. 3, 1951; 8:52 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Department of Labor

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments are issued to Title 20, Chapter I:

Subchapter A—Procedures

PART 01—STATEMENT OF PROCEDURES

Part 01 of Subchapter A of this chapter is hereby amended by adding a new subpart G as follows:

SUBPART G—COMPENSATION FOR INJURY, DISABILITY OR DEATH OF CIVILIAN AMERICAN CITIZENS INCURRED WHILE DETAINED BY OR IN HIDING FROM THE IMPERIAL JAPANESE GOVERNMENT

Sec.
01.61 General procedures.
01.62 Forms.

AUTHORITY: §§ 01.61 to 01.62 issued under sec. 32, 39 Stat. 749; 5 U. S. C. 783.

§ 01.61 *General procedures.* The procedure in respect to the administration of the benefit provisions of section 5 (f) of the War Claims Act of 1948 (Act of July 3, 1948, Public Law 896, 80th Congress, 62 Stat. 1240) is set forth in detail by regulations in Subchapter G of this chapter and, by reference therein, to pertinent regulations in Subchapter F of this chapter. Under such regulations claims must be filed directly with the Bureau, except claims originating in the Philippine Islands which may however be filed with the field representative of the Bureau in Manila, P. I. All claims are processed directly by the Bureau through its Claims Branch with supplementary actions by other Branches of the Bureau as a particular case may require, including final audit by the Audit and Accounting Branch. The final authority in the Bureau in the approval or rejection of claims is the Director or Acting Director thereof. Hearings are not authorized by the applicable statute, and the adjudication of cases is upon written evidence as in other cases under the Federal Employees' Compensation Act of September 7, 1916.

§ 01.62 *Forms.* Forms used in connection with the administration of benefits provided by section 5 (f) of the said War Claims Act of 1948 are as follows:

WC-3—Claim for Injury or Disability Benefits by Civilian American Citizen.
WC-3A—Medical Report of Attending Physician.
WC-3B—Claim for Continuance of Disability Benefits by Civilian American Citizen.
WC-4—Claim for Death Benefits by Survivors of Deceased Civilian American Citizens.
CA-12—Same as under the Federal Employees' Compensation Act.
CA-13—Same as under the Federal Employees' Compensaton Act.
CA-13A—Same as under the Federal Employees' Compensation Act.
CA-14—Same as under the Federal Employees' Compensation Act.
CA-42—Same as under the Federal Employees' Compensation Act.
CA-43—Same as under the Federal Employees' Compensation Act.
Std. 69—Same as under the Federal Employees' Compensation Act.
Std. 1012—Same as under the Federal Employees' Compensaton Act.
Std. 1034—Same as under the Federal Employees' Compensation Act.

Subchapter F—Compensation for Injury, Disability, Death, or Enemy Detention of Employees of Contractors With the United States

PART 61—GENERAL ADMINISTRATIVE PROVISIONS

1. Paragraph (a) of § 61.1, Subchapter F of this chapter is hereby amended by deleting the next to the last sentence thereof and by substituting therefor the following: "Total compensation payable for injury or death may not exceed the limitations specified in section 14 (m) of the Longshoremen's Act as such section may be amended from time to time except as hereinafter set forth in this paragraph. Any amendment to the Longshoremen's Act, the effect of which is to increase the amount of benefits payable for injury or death, shall be applied in the administration of benefits payable under this subchapter as if the amendment had been in effect at the time of occurrence of the particular injury or death, and the compensation (except funeral and burial expenses) in any case determined prior to such amendment shall be adjusted accordingly in respect to the beneficiaries entitled thereto under this subchapter. Any amendment to the Longshoremen's Act, the effect of which is to decrease the amount of benefits payable for injury or death shall not be applied in the administration of benefits payable under this subchapter if such amendment should reduce the aggregate amount of compensation payable to less than $7,500 in case of disability or less than $7,500 in case of death. Any such maximum limitation of compensation payable shall be exclusive of medical costs and funeral and burial expenses."

2. Paragraph (b) of § 61.1, Subchapter F of this chapter is hereby amended by adding the following unnumbered paragraph:

Under the provisions of the act of December 23, 1943 (Public Law 216, 78th Congress, 57 Stat. 626, 42 U. S. C. 1701 (b)) the amount of benefits credited to the account of a person who falls within subparagraphs (1) or (2) of this paragraph, for purposes of this paragraph only, shall be one hundred per cent of the average weekly wages of such person subject, however, to other limitations specified in such act; seventy per cent of the average weekly wages of such person shall be paid to his dependent or dependents irrespective of the limitations in sections 9 of the Longshoremen's and Harbor Workers' Compensation Act, but subject to other limitations in the act of December 23, 1943, concerning distribution and disbursement to dependents. In all cases falling within subparagraphs (1) and (2) of this paragraph, benefits for detention shall accrue from January 1, 1942, unless the beginning of the absence occurred upon a later date, in which event benefits accrue from such later date.

3. Section 61.2, Subchapter F of this chapter is amended by adding the following paragraph:

(g) Compensation for disability under this subchapter, except under allowances for scheduled losses of members or functions of the body, shall not be paid in any case in respect to any period of time during which benefits for detention may accrue under this subchapter in the same case.

(Sec. 32, 39 Stat. 749, sec. 106, 56 Stat. 1033; 5 U. S. C. 783, 42 U. S. C. 1706)

Subchapter G—Compensation for Injury, Disability or Death of Civilian American Citizens Incurred While Detained by or in Hiding From the Imperial Japanese Government

This chapter is hereby amended by adding a new Subchapter G as follows:

PART 71—GENERAL PROVISIONS

Sec.
71.1 General administrative provisions.
71.2 Computation of benefits.
71.3 Deductions from benefits.
71.4 Limitation upon benefits.
71.5 Payment of benefits.
71.6 Notice of injury or death.
71.7 Claim filing, processing, adjudication and time limits.

AUTHORITY: §§ 71.1 to 71.7 issued under sec. 32, 39 Stat. 749, sec. 106, 56 Stat. 1033; 5 U. S. C. 783, 42 U. S. C. 1706. Interpret or apply sec. 5, 62 Stat. 1243; 50 U. S. C. Sup., 2004.

§ 71.1 *General administrative provisions.* (a) Section 5 (f) of the War Claims Act of 1948 (act of July 3, 1948; Public Law 896, 80th Cong., 62 Stat. 1240) makes provision for the payment of benefits with respect to the injury, disability or death resulting from injury of any civilian American citizen occurring while he was held by or in hiding from the Imperial Japanese Government to the same extent as if such civilian American citizen were an employee within the purview of the act of December 2, 1942 (Public Law 784, 77th Cong., 56 Stat. 1028, 42 U. S. C. 1701, et seq.). Under section 5 (f) of the said War Claims Act of 1948, the rights of individuals to benefits payable under this subchapter shall accrue from and after December 7, 1941, subject, however, to all of the provisions of said act and the regulations in this subchapter.

(b) The regulations in Part 61 of Subchapter F of this chapter governing the administration of the benefits provided under Titles I and II of the said act of December 2, 1942, as amended, shall, insofar as they are applicable and are not inconsistent with any of the provisions of this subchapter, govern the administration of the benefits payable under this subchapter. Provisions of such regulations relating to benefits for detention by the enemy, reimbursement to an employer or insurance carrier, and limitations on benefits in cases where workmen's compensation is payable are not applicable to the benefits provided in this subchapter nor are they within the purview of this subchapter. The provisions of sections 101 (b), 104 and 105 of such act of December 2, 1942, and the various provisions of Part 61 of this chapter relating to such provisions, accordingly, are not applicable to the payment of benefits under this subchapter.

(c) All rights or benefits under this subchapter which are determinable with reference to other provisions of law other than the said War Claims Act of 1948, shall be determined with reference to such provisions as they existed and were in force on January 3, 1948.

(d) As used in this subchapter:

(1) The term "Bureau" means the Bureau of Employees' Compensation, United States Department of Labor.

(2) The term "civilian American citizen" means any person who, being then a citizen of the United States, was captured by the Imperial Japanese Government on or after December 7, 1941, at Midway, Guam, Wake Island, the Philippine Islands, or any Territory or possession of the United States attacked or invaded by such government or while in transit to or from any such place, or who went into hiding at any such place in order to avoid capture or internment by such government; except (i) a person who at any time voluntarily gave aid to, collaborated with, or in any manner served such government, or (ii) a person who at the time of his capture or entrance into hiding was within the purview of the Federal Employees' Compensation Act of September 7, 1916, as amended and extended, or the said act of December 2, 1942, as amended, or the Missing Persons Act of March 7, 1942 (56 Stat. 143), as amended, or who was a regularly appointed, enrolled, enlisted, or inducted member of any military or naval force.

(3) The terms "held by the Imperial Japanese Government" or "captured by the Imperial Japanese Government" mean a holding of such person as a prisoner, internee, hostage or in any other capacity.

(4) The terms "compensation", "physician" and "medical, surgical and hospital services and supplies" shall be construed and applied as defined in the Federal Employees' Compensation Act of September 7, 1916, as amended.

(5) The term "benefit" is construed as synonymous with the term "compensation".

(6) The terms "disability", "wages", "child", "grandchild", "brother", "sister", "parent", "widow", "widower", "adoption" or "adopted" shall be construed and applied as defined in the Longshoremen's and Harbor Workers' Compensation Act, as amended.

§ 71.2 *Computation of benefits.* (a) For the purpose of determining the benefits under this subchapter, the average weekly wage of any such civilian American citizen, whether employed, self-employed, or not employed, shall be deemed to have been $37.50. The provisions of this subchapter are applicable and benefits are payable whether or not such civilian American citizen was employed. Monthly compensation in cases involving partial disability shall be determined by the percentage which the degree of partial disability bears to total disability, and shall not be determined with respect to the extent of loss of wage-earning capacity.

(b) Notwithstanding any of the provisions of Part 61 of this chapter, total maximum aggregate compensation for disability payable under this subchapter is limited to $7,500 in case of injury and $7,500 in case of death, such sum being exclusive of medical costs and funeral and burial expenses.

§ 71.3 *Deductions from benefits.* If a civilian American citizen or his dependent receives or has received from the United States any payments on account of the same injury or death, or from his employer in the form of wages or payments in lieu of wages, or in any form of support or compensation (including workmen's compensation) in respect to the same objects, the benefits under this subchapter shall be diminished in the case of an injured person by the amount of payments such injured person received on account of the same injury or disability, or in the case of dependents, by the amount of payments such dependents of the deceased civilian American citizen received on account of the same death, as the case may be.

§ 71.4 *Limitation upon benefits.* No person, except a widow or a child, shall be entitled to benefits under this subchapter for disability with respect to himself and to death benefits on account of the death of another.

§ 71.5 *Payment of benefits.* (a) Benefits under this subchapter payable for disability or death shall be paid only to the person entitled thereto, or to his legal or natural guardian if he has one, and shall not upon death of the person so entitled survive for the benefit of his estate or any other person.

(b) The benefit of a minor or an incompetent person who has no natural or legal guardian may, in the discretion of the Bureau be paid in whole or in such part as the Bureau may determine, for and on behalf of such minor or incompetent directly to the person or institution caring for, supporting or having custody of such minor or incompetent.

(c) In any case in which benefits are payable under this subchapter to any person who is prevented from accepting such benefits by the rules, regulations or customs of the church or the religious order or organization of which he is a member, such benefits will be paid, upon the request of such person, to such church or to such religious order or organization.

§ 71.6 *Notice of injury or death.* Notwithstanding any of the provisions in Part 61 of this chapter, no notice or report of injury or death shall be required for claims filed under this subchapter.

§ 71.7 *Claim filing, processing, adjudication and time limits.* (a) Claims for injury, disability or death benefits payable under section 5 (f) of the said War Claims Act of 1948, originating in the United States or in its Territories or possessions, shall be filed by mailing to the Bureau of Employees' Compensation, United States Department of Labor, Washington 25, D. C. All claims originating in the Philippine Islands may be filed by mailing to the Bureau of Employees' Compensation, United States Department of Labor, Manila, P. I. All claims will be finally processed and adjudicated by the Bureau at its principal office in Washington, D. C.

(b) The limitation provisions for the filing of claims for disability or death benefits, as prescribed by applicable provisions of statute, shall not begin to run earlier than July 3, 1948.

Signed at Washington, D. C., this 27th day of March 1951.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 51-3944; Filed, Apr. 3, 1951; 8:47 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Atlantic County Defense-Rental Area, Amdt. 32]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ATLANTIC COUNTY DEFENSE-RENTAL AREA

Amendment 32 to the Controlled Housing Rent Regulation for the Atlantic County Defense-Rental Area (§§ 825.61 to 825.72). Said rent regulation is hereby amended in the following respect:

Section 825.61 (a) is amended to read as follows:

(a) *Housing and defense-rental area to which §§ 825.61 to 825.72, inclusive, apply.* Sections 825.61 to 825.72, inclusive, apply to all housing accommodations in the Atlantic County Defense-Rental Area, consisting of the County of Atlantic, New Jersey, except as provided in paragraph (b) of this section. The Atlantic County Defense-Rental Area is referred to hereinafter in §§ 825.61 to 825.72, inclusive, as the "defense-rental area."

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp., 1894)

This amendment shall become effective March 30, 1951.

Issued this 30th day of March 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-4037; Filed, Apr. 3, 1951; 8:56 a. m.]

[Controlled Housing Rent Reg., Amdt. 363]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 358]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MISCELLANEOUS AMENDMENTS

Amendment 363 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 358 to the rent regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule C, including the heading thereof, of §§ 825.1 to 825.12, inclusive, and §§ 825.81 to 825.92, inclusive, is hereby revoked and deleted.

2. Paragraph (a) of § 825.1 is amended to read as follows:

(a) *Housing and defense-rental areas to which §§ 825.1 to 825.12, inclusive, apply.* (1) Sections 825.1 to 825.12, inclusive (except the provisions contained in Schedule B) apply to all housing accommodations within each of the defense-rental areas and each of the portions of a defense-rental area (each of which is referred to hereinafter in §§ 825.1 to 825.12 as the "defense-rental area"), which are listed in Schedule A except as provided in paragraph (b) of this section.

(2) In Schedule A, the "maximum rent date" and the "effective date of regulation," as established under the rent regulation, issued pursuant to the Emergency Price Control Act of 1942, as amended, are given for each defense-rental area listed. More than one effective date is given for different portions of a defense-rental area where the same effective date is not applicable to the entire defense-rental area.

(3) In Schedule B are set forth provisions which modify or supplement §§ 825.1 to 825.12 insofar as they are applicable to certain individual defense-rental areas, or portions thereof.

3. Paragraph (a) of § 825.81 is amended to read as follows:

(a) *Rooms in rooming houses, hotels and other establishments and defense-rental areas to which §§ 825.81 to 825.92, inclusive, apply.* (1) Sections 825.81 to 825.92, inclusive (except the provisions contained in Schedule B), apply to all rooms in hotels, rooming houses, and other establishments and to all accommodations brought under §§ 825.81 to 825.92, inclusive, by consent of the Area Rent Director pursuant to paragraph (e) of this section and to all accommodations brought under the "Hotel Regulation" by consent of the Area Rent Director pursuant to section 1 (e) of that regulation, within each of the defense-rental areas and each of the portions of a defense-rental area (each of which is referred to hereinafter in §§ 825.81 to 825.92, inclusive, as the "defense-rental area"), which are listed in Schedule A, except as provided in paragraph (b) of this section.

(2) In Schedule A of §§ 825.81 to 825.92, inclusive, the "maximum rent date" and the "effective date of regulation" as established under the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended, is given for each defense-rental area listed. More than one effective date is given for different portions of a defense-rental area where the same effective date is not applicable to the entire defense-rental area.

(3) In Schedule B are set forth provisions which modify or supplement §§ 825.81 to 825.92, inclusive, insofar as they are applicable to certain individual defense-rental areas or portions thereof.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup., 1894)

This amendment shall be effective March 30, 1951.

Issued this 30th day of March 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-4028; Filed, Apr. 3, 1951; 8:56 a. m.]

[Controlled Housing Rent Reg., Amdt. 364]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 359]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

NEW JERSEY

Amendment 364 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 359 to the rent regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 138a, is amended to read as follows:

Camden County, except the Boroughs of Audubon, Haddonfield and Merchantville; Gloucester County; and Burlington County, except the Townships of Bass River, Tabernacle, Shamong, Woodland and Washington, and the Borough of Medford Lakes in Medford Township.

In Cape May County, the Borough of Woodbine; and in Cumberland County, the City of Millville, the Borough of Vineland and the Township of Landis.

This recontrols the Borough of Vineland and the Township of Landis in Cumberland County, portions of the Southern New Jersey Defense-Rental Area. Cumberland County in which the Borough of Vineland and the Township of Landis are located, was heretofore decontrolled as of December 8, 1949. The City of Millville in said County was recontrolled as of March 1, 1951.

2. A new item is hereby incorporated in Schedule B to read as follows:

83. Provisions relating to the Borough of Vineland and the Township of Landis in Cumberland County, New Jersey, portions of the Southern New Jersey Defense-Rental Area.

Recontrol of the Borough of Vineland and the Township of Landis in Cumberland County, New Jersey, portions of the Southern New Jersey Defense-Rental Area. Effective March 31, 1951, the provisions of §§ 825.1 to 825.12 and 825.81 to 825.92 shall apply to housing accommodations in the Borough of Vineland and the Township of Landis in Cumberland County, New Jersey, portions of the Southern New Jersey Defense-Rental Area (said Cumberland County having been heretofore decontrolled as of December 8, 1949 and the City of Millville in said county having been recontrolled as of March 1, 1951), except as modified by the following provisions:

a. All orders in effect on December 7, 1949, in accordance with §§ 825.1 to 825.12 or 825.81 to 825.92, shall be in full force and effect.

b. If, on March 31, 1951, there was a ground for adjustment under § 825.5 (a) or § 825.85 (a) for which no order had previously been issued, and a petition for adjustment is filed on or before April 30, 1951, the adjustment shall be effective as of March 31, 1951.

c. If, on March 31, 1951, the services provided with any housing accommodations are less than the minimum required by § 825.3 or § 825.83, the landlord shall either restore and maintain such minimum services or file a petition on or before April 30, 1951 requesting approval of the decreased services. If, on March 31, 1951, the furniture, furnishings or equipment provided with any housing accommodations are less than the minimum required by § 825.3 or § 825.83, the landlord shall file, on or before April 30, 1951, a written report showing the decrease in furniture, furnishings or equipment. Except as modified by this paragraph "c", the provisions of §§ 825.5 (b) and 825.85 (b) shall be applicable to all such cases.

d. In the case of any action which, on March 31, 1951, was required or authorized by §§ 825.1 to 825.12 or 825.81 to 825.92 to be taken within a specified period of time, the same time period shall be applicable but such time period shall be counted from March 31, 1951.

e. The provisions of §§ 825.6 and 825.86 shall not apply to any case in which judgment was entered prior to March 31, 1951 by a court of competent jurisdiction for the eviction or removal of a tenant from housing accommodations.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup., 1894)

This amendment shall become effective March 31, 1951.

Issued this 30th day of March 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-4039; Filed, Apr. 3, 1951; 8:56 a. m.]

[Controlled Housing Rent Reg. Amdt. 365]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 360]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

SOUTH DAKOTA

Amendment 365 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 360 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 284, is amended to read as follows:

In Meade County, Township 5 North, Range 5 East of the Black Hills Meridian, including the City of Sturgis; in Pennington County, Rapid Valley Township and that portion of Pennington County west of a line running north and south of the western border of Rapid Valley Township.

This recontrols in Meade County, South Dakota, the following portion of the Rapid City-Sturgis, South Dakota, Defense-Rental Area: Township 5 North, Range 5 East of the Black Hills Meridian, including the City of Sturgis. Meade County, except the City of Sturgis, was decontrolled as of April 8, 1949. The City of Sturgis was decontrolled as of October 5, 1949.

2. A new Item is hereby incorporated in Schedule B to read as follows:

84. Provisions relating to Township 5 North, Range 5 East of the Black Hills Meridian, including the City of Sturgis, in Meade County, South Dakota, a portion of the Rapid City-Sturgis, South Dakota, Defense-Rental Area.

Recontrol of Township 5 North, Range 5 East of the Black Hills Meridian, including the City of Sturgis, in Meade County, South Dakota, a portion of the Rapid City-Sturgis, South Dakota, Defense-Rental Area. Effective March 31, 1951, the provisions of §§ 825.1 to 825.12 and 825.81 to 825.92 shall apply to housing accommodations in Township 5 North, Range 5 East of the Black Hills Meridian, including the City of Sturgis, in Meade County, South Dakota, a portion of the Rapid City-Sturgis, South Dakota, Defense-Rental Area (said Meade County, other than the City of Sturgis, having been heretofore decontrolled as of April 8, 1949, and the said city of Sturgis, having been heretofore decontrolled as of October 5, 1949), except as modified by the following provisions:

a. As to housing accommodations in the City of Sturgis in Meade County, South Dakota, all orders in effect on October 4, 1949, in accordance with § 825.1 to 825.12 or § 825.81 to 825.92 shall be in full force and effect.

b. As to housing accommodations in that portion of Meade County, South Dakota, other than the City of Sturgis, described as Township 5 North, Range 5 East of the Black Hills Meridian, all orders in effect on April 7, 1949, in accordance with § 825.1 to 825.12 or § 825.81 to 825.92 shall be in full force and effect.

c. If, on March 31, 1951, there was a ground for adjustment under § 825.5 (a) or § 825.85 (a) for which no order had previously been issued, and a petition for adjustment is filed on or before April 30, 1951, the adjustment shall be effective as of March 31, 1951.

d. If, on March 31, 1951, the services provided with any housing accommodations are less than the minimum required by § 825.3 or § 825.83, the landlord shall either restore and maintain such minimum services or file a petition on or before April 30, 1951 requesting approval of the decreased services. If, on March 31, 1951, the furniture, furnishings or equipment provided with any housing accommodations are less than the minimum required by § 825.3 or § 825.83, the landlord shall file, on or before April 30, 1951, a written report showing the decrease in furniture, furnishings or equipment. Except as modified by this paragraph "d," the provisions of §§ 825.5 (b) and 825.85 (b) shall be applicable to all such cases.

e. In the case of any action which, on March 31, 1951, was required or authorized by § 825.1 to 825.12 or § 825.81 to 825.92 to be taken within a specified period of time, the same time period shall be applicable but such time period shall be counted from March 31, 1951.

f. The provisions of §§ 825.6 and 825.86 shall not apply to any case in which judgment was entered prior to March 31, 1951 by a court of competent jurisdiction for the eviction or removal of a tenant from housing accommodations.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup., 1894)

This amendment shall become effective March 31, 1951.

Issued this 30th day of March 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-4040; Filed, Apr. 3, 1951; 8:57 a. m.]

[Controlled Housing Rent Reg., Amdt. 366]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 361]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

FLORIDA

Amendment 366 to the Controlled Housing Rent Regulations (§§ 825.1 to 825.12) and Amendment 361 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respect:

A new item is hereby incorporated in Schedule B to read as follows:

85. Provisions relating to the Key West, Florida, Defense-Rental Area.

Recontrol of certain housing accommodations located in trailers and trailer spaces in the Key West, Florida, Defense-Rental Area on the Housing Expediter's Initiative. Effective March 31, 1951, in the Key West, Florida, Defense-Rental Area, the provisions of §§ 825.1 to 825.12 and 825.81 to 825.92 shall apply to housing accommodations located in trailers and ground space rented for trailers, other than those which on April 1, 1949 were used exclusively for transient occupancy, i. e., other than those which, on April 1, 1949, were rented on a daily basis to tenants who had not continuously resided therein on and since March 1, 1949, except as modified by the following provisions:

a. All orders pertaining to said accommodations in effect on September 20, 1949, in accordance with §§ 825.1 to 825.12 or 825.81 to 825.92 shall be in full force and effect.

b. If on March 31, 1951, there was a ground for adjustment under § 825.5 (a) or § 825.85 (a) for which no order had previously been issued, and a petition for adjustment is filed on or before April 30, 1951, the adjustment shall be effective as of March 31, 1951.

c. If, on March 31, 1951, the services provided with any of said accommodations are less than the minimum required by § 825.3 or § 825.83, the landlord shall either restore and maintain such minimum services or file a petition on or before April 30, 1951, requesting approval of the decreased services. If, on March 31, 1951, the furniture, furnishings or equipment provided with any of said accommodations are less than the minimum required by § 825.3 or § 825.83, the landlord shall file, on or before April 30, 1951, a written report showing the decrease in furniture, furnishings or equipment. Except as modified by this paragraph "c", the provisions of §§ 825.5 (b) and 825.85 (b) shall be applicable to all such cases.

d. In the case of any action which on March 31, 1951, was required or authorized by §§ 825.1 to 825.12 or 825.81 to 825.92 to be taken within a specified period of time, the same time period shall be applicable but such time period shall be counted from March 31, 1951.

e. The provisions of §§ 825.6 and 825.86 shall not apply to any case in which judgment was entered prior to March 31, 1951, by a court of competent jurisdiction for the eviction or removal of a tenant from any of said accommodations.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective March 31, 1951.

Issued this 30th day of March 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-4041; Filed, Apr. 3, 1951; 8:57 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 561—OFFICERS' RESERVE CORPS

APPOINTMENT OF PROFESSIONAL AND TECHNICAL PERSONNEL

In § 561.20, paragraphs (a), (b) and (d) are amended, and a new paragraph (f) add as follows:

§ 561.20 *Appointment of professional and technical personnel*—(a) *General.* (1) This section governs the appointment as commissioned officers in the Active Reserve, Officers' Reserve Corps, of qualified professional and technical experts or specialists, of the categories indicated below, whose services are desired to fill authorized position vacancies in regularly constituted units listed in the ORC troop program and to meet the need for officers for active military service.

* * * * *

(xxix) Postal specialists.

* * * * *

(b) *Grade.* Initial appointments up to and including the grade of captain are authorized under this section in recognition of advanced professional or technical experience and training. In no case will appointment be made in a higher grade than that authorized for the vacancy to which the applicant will be assigned.

* * * * *

(d) *Special requirements.* (1) The applicant must possess professional or technical ability as required to perform the duties appropriate to the position vacancy or appropriate to the assignment for those desired for active military service.

(2) For those applying for appointment to fill authorized position vacancies in ORC troop program units, the services of the applicant must be required for a particular vacancy, and there must be no qualified commissioned officer of the appropriate grade or lower grade available to fill the position vacancy. In this connection, qualified officers of the unit and other available officers must be considered for assignment.

(3) For those applying for appointment and concurrent active military service, the services of the applicant must be required for active military service when qualified officers of the Active or Inactive Reserve are not available.

(4) For appointment, applicant must have graduated from a recognized college or university, preferably with major field of study closely related to the position vacancy to be filled and have had minimum qualifying experience in the field of specialization as follows:

Grade:	*Years of experience*
Second lieutenant	3
First lieutenant	6
Captain	10

Each year of graduate education, in the field for which the applicant is being considered, may be counted as a year of qualifying experience. Applicants for appointment for service in Military Railway Service and Harbor Craft units, and in the Adjutant General's Corps Section as postal specialists for service with the Army-Air Force Postal Service, may substitute 4 years of qualifying experience in lieu of graduation from a recognized college or university, or a United States Power Squadron Certificate as a navigator in the case of applicants for appointment in Harbor Craft units. Experience in an administrative, executive, or supervisory capacity in the United States Post Office Department or in the military postal service in one of the first three noncommissioned officer grades or as a warrant officer is required for appointment in the Adjutant General's Corps Section as postal specialists, a minimum of 1 year of such experience being required for the grade of second lieutenant, 3 years for the grade of first lieutenant, and 5 years for the grade of captain. This experience is to be included within the required "years of experience" shown in the table above.

* * * * *

(f) *Organized Reserve Corps unit vacancies and active duty quotas.* Individuals interested in appointments may secure information as to vacancies in ORC troop program units from unit commanders. Information relative to quotas for active military service may be secured from the appropriate area commander.

[C 1, SR 140-105-8, Mar. 9, 1951] (R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 37, 39 Stat. 189, as amended; 10 U. S. C. 351-353)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army.
The Adjutant General.

[F. R. Doc. 51-4000; Filed, Apr. 3, 1951; 8:51 a. m.]

Chapter XVI—Selective Service System

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

CROSS REFERENCE: For amendments affecting the regulations in this part, see Title 3, Executive Order 10230, *supra.*

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[1951 Dept. Circ. 1]

PART 129—VALUES OF FOREIGN MONEYS

QUARTER BEGINNING APRIL 1, 1951

APRIL 1, 1951.

§ 129.14 *Calendar year 1951.* * * *

(b) *Quarter beginning April 1, 1951.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning April 1, 1951, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

The value of foreign monetary units, as shown below in terms of United States money, is the ratio between the legal gold content of the foreign unit and the legal gold content of the United States dollar. It should be noted that this value, with respect to most countries, varies widely from the present exchange rates. Countries not having a legally defined gold monetary unit, or those for which current information is not available, are omitted.

Country	Monetary unit	Value in terms of U. S. money	Remarks
Canada	Dollar	$1.0061	Redemption of notes into gold suspended. Export of gold prohibited except under license.
Colombia	Peso	.5128	Monetary Law No. 80 of Dec. 16, 1948, effective Dec. 18, 1948, content of peso 0.59037 gram of gold 9/10 fine. Obligation to sell gold suspended Sept. 21, 1931.
Costa Rica	Colon	.1781	Parity of 0.185267 fine gram gold established by decree law effective Mar. 25, 1947.
Denmark	Krone	.4737	Conversion of notes into gold suspended Sept. 29, 1931.
Dominican Republic	Peso	1.0000	By Monetary Law No. 1528 effective Oct. 9, 1947, gold content of peso equal to 0.888671 gram fine.
Ethiopia	Dollar	.4025	New unit established by Proclamation of the Emperor on May 25, 1945, effective July 23, 1945.
Finland	Markka	.0126	Conversion of notes into gold suspended Oct. 12, 1931.
Guatemala	Quetzal	1.0000	Decree No. 203 of Dec. 10, 1945, defined the monetary unit as 1.50 21 grams gold 9/10 fine. Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Hungary	Forint	.0822	New unit based on 13,210 forint per kilogram fine gold, effective July 1946.
Ireland	Pound	4.0336	Conversion of notes into gold suspended Sept. 21, 1931.
Peru	Sol	.4710	Conversion of notes into gold suspended May 18, 1932; exchange control established Jan. 23, 1942.
Philippines	Peso	.5000	International value according to the Central Bank Act approved June 15, 1948. Exchange control established.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Union of Soviet Socialist Republics	Ruble	.2500	By decree of Council of Ministers ruble equal to 0.222168 fine gram gold, effective Mar. 1, 1950.
Uruguay	Peso	.6583	Present gold content of 0.456018 grams fine established by law of Jan. 18, 1935. Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.

(Sec. 522, 46 Stat. 739, 31 U. S. C. 371)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 51-4024; Filed, Apr. 3, 1951; 8:56 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 526]

INDUSTRIES OF A SEASONAL NATURE

NOTICE OF HEARING WITH RESPECT TO PROCESSING OF CITRUS PULP AND WASTE INDUSTRY IN FLORIDA AND TEXAS

On March 25, 1943, the Administrator of the Wage and Hour Division issued a determination (8 F. R. 3811) that the dehydration of citrus pulp and waste in the States of Florida and Texas is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 (sec. 7 (b) (3), 52 Stat. 1063; 29 U. S. C. 207 (b) (3)) and the regulations contained in this part.

On January 25, 1951, notice was published in the FEDERAL REGISTER (16 F. R. 692) that the Administrator, upon consideration of applications filed by the Citrus Processors Association, Inc., and the Luban Company, Inc., of Florida, made a preliminary determination, pursuant to section 7 (b) (3) of the Fair Labor Standards Act and Part 526, as amended, of the regulations issued thereunder, that a prima facie case had been shown for amending the aforesaid determination of March 23, 1943 (8 F. R. 3811) to include the manufacture of citrus molasses and the chemical processing of citrus peel and for changing the name of the industry from the "dehydration of citrus pulp and waste industry in Florida and Texas" to the "processing of citrus pulp and waste industry in Florida and Texas."

Within fifteen days following the publication of said preliminary determination, the Administrator received objection and request for hearing.

Notice is hereby given pursuant to §§ 526.5 and 526.6 of the regulations, of a public hearing to be held in the Orange Court Hotel, 650 North Orange Avenue, Orlando, Florida, on May 2, 1951, at 10:00 a. m. before Nathan Rubinstein, an authorized representative of the Administrator, for the purpose of receiving evidence and arguments on the question:

Whether the aforesaid determination of March 25, 1943, (8 F. R. 3811) should be amended to include the manufacture of citrus molasses and the chemical processing of citrus peel, and if so, subject to what conditions and limitations.

Any interested person may appear at the hearing to offer evidence provided that not later than April 24, 1951, such person shall file with the Administrator of the Wage and Hour Division, United States Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D. C., a notice of intention to appear which should contain the following information:

1. The name and address of the person appearing.

2. If he is appearing in a representative capacity, the names and addresses of the persons or organizations which he is representing.

3. Whether he is appearing in support of or in opposition to the application for exemption.

Such notice may be mailed to the Administrator and shall be considered filed upon receipt. Written statements in lieu of personal appearance may be mailed to the Administrator at any time prior to the date of hearing or may be filed with the presiding officer at the hearing.

Signed at Washington, D. C., this 29th day of March 1951.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 51-4005; Filed, Apr. 8, 1951; 8:45 a. m.]

[29 CFR, Part 526]

INDUSTRIES OF A SEASONAL NATURE

NOTICE OF HEARING WITH RESPECT TO THE CANE SUGAR INDUSTRY IN FLORIDA

An application has been filed by the Fellsmere Sugar Producers Association of Florida for a determination that that portion of the cane sugar processing and milling branch of the cane sugar industry which is located in Florida is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 (sec. 7 (b) (3), 52 Stat. 1063; 29 U. S. C. 207 (b) (3)) and the regulations contained in this part.

Notice is hereby given pursuant to §§ 526.5 and 526.6 of the regulations, of a public hearing to be held in the Orange Court Hotel, 650 North Orange Avenue, Orlando, Florida, on May 1, 1951, at 10:00 a. m. before Nathan Rubinstein, an authorized representative of the Administrator, for the purpose of receiving evidence and arguments on the questions:

1. Whether that portion of the cane sugar processing and milling branch of the cane sugar industry which is located in Florida is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and Part 526, as amended, of the regulations issued thereunder.

2. What is the scope of the industry?

Any interested person may appear at the hearing to offer evidence provided that not later than April 24, 1951, such person shall file with the Administrator of the Wage and Hour Division, United States Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D. C., a notice of intention to appear which should contain the following information:

1. The name and address of the person appearing.

2. If he is appearing in a representative capacity, the names and addresses of the persons or organizations which he is representing.

3. Whether he is appearing in support of or in opposition to the application for exemption.

Such notice may be mailed to the Administrator and shall be considered filed upon receipt. Written statements in lieu of personal appearance may be mailed to the Administrator at any time prior to the date of hearing or may be filed with the presiding officer at the hearing.

Signed at Washington, D. C., this 29th day of March 1951.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 51-4004; Filed, Apr. 3, 1951; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 31]

[Docket No. 9921]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend Part 31 of the Commission's rules and regulations as set forth below to become effective six months after the adoption of the final order herein, with the provision, however, if the order is adopted, that any carrier may follow the new classifications of companies prescribed thereby as of January 1, 1951.

3. The proposed amendment revises upward the revenue classifications of telephone companies as follows:

Company	Revenue classification	
	Present	Proposed
Class A	Exceeding $100,000	Exceeding $250,000.
Class B	$50,000 to $100,000	$100,000 to $250,000.
Class C	$25,000 to $50,000	$50,000 to $100,000.
Class D	Less than $25,000	Less than $50,000.

These reclassifications appear desirable in view of the substantial increase in gross operating revenues without any material changes in the nature of operations. There is also included in the proposed amendment an editorial correction with reference to the Commission's rules for preservation of records of telephone companies which were revised on August 16, 1950.

4. The proposed amendment is issued under authority of sections 4 (i) and 220 of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the manner proposed herein, may file with the Commission on or before April 16, 1951, a statement or brief setting forth his comments. At the same time persons favoring the amendment as proposed may file statements in support thereof. Comments or briefs in reply to the original comments or briefs may be filed on or before April 30, 1951. The Commission will consider all such comments that are presented before taking action in the matter and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished to the Commission.

Adopted: March 21, 1951.

Released: March 21, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary

1. Amend § 31.01-1 as follows:

a. Delete paragraph (a) and substitute the following:

§ 31.01-1 *Classification of companies.* (a) For accounting purposes, telephone companies are divided into four classes as follows:

Class A. Companies having annual operating revenues exceeding $250,000.

Class B. Companies having annual operating revenues exceeding $100,000 but not more than $250,000.

Class C. Companies having annual operating revenues exceeding $50,000 but not more than $100,000.

Class D. Companies having annual operating revenues not exceeding $50,000.

b. Delete the note and add the following paragraphs:

(d) Class C companies shall keep all the accounts prescribed by Part 33 of this chapter which are applicable to their affairs.

(e) It is recommended but not required that Class D companies keep the accounts prescribed in Part 33 of this chapter.

(f) Companies that desire more detailed accounting may adopt the accounts prescribed for a higher classification of telephone companies: *Provided*, That the Commission is notified promptly of such action. Such companies are not required to comply with the more detailed reporting requirements contained in the rules respecting such higher classification.

(g) The classification of a company shall be determined by its lowest annual operating revenues for the three immediately preceding years. Subsequent changes in classification shall be made when the annual operating revenues show a greater or lesser classification for three consecutive years. Companies becoming subject to the jurisdiction of the Commission subsequent to the year 1950 shall estimate the amount of their annual revenues and adopt the scheme of accounts appropriate for the amount of such estimated revenues.

2. In the cross reference following paragraph (b) of § 31.01-2, change "Part 42" to read "Part 45."

[F. R. Doc. 51-3982; Filed, Apr. 3, 1951; 8:47 a. m.]

[47 CFR, Part 33]

[Docket No. 9922]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C TELEPHONE COMPANIES

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend Part 33 of the Commission's rules and regulations as set forth below to become effective six months after the adoption of the final order herein, with the provision, however, if the order is adopted, that any carrier may follow the new classifications of companies prescribed thereby as of January 1, 1951.

3. The proposed amendment revises upward the revenue classifications of telephone companies as follows:

Company	Revenue classification	
	Present	Proposed
Class A	Exceeding $100,000	Exceeding $250,000.
Class B	$50,000 to $100,000	$100,000 to $250,000.
Class C	$25,000 to $50,000	$50,000 to $100,000.
Class D	Less than $25,000	Less than $50,000.

These reclassifications appear desirable in view of the substantial increase in gross operating revenues without any material changes in the nature of operations. There is also included in the proposed amendment a revised paragraph with reference to the Commission's rules for preservation of records of telephone companies since new regulations in this respect were promulgated August 16, 1950, and an editorial rearrangement of the provision relating to subdividing accounts in the manner ordered by a State commission.

4. The proposed amendment is issued under authority of sections 4 (i) and 220 of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the manner proposed herein, may file with the Commission on or before April 16, 1951, a statement or brief setting forth his comments. At the same time persons favoring the amendment as proposed may file statements in support thereof. Comments or briefs in reply to the original comments or briefs may be filed on or before April 30, 1951. The Commission will consider all such comments that are presented before taking action in the matter and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished to the Commission.

Adopted: March 21, 1951.

Released: March 21, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Delete § 33.1, including the note; redesignate § 33.11 as § 33.1 and revise to read as follows:

§ 33.1 *Classification of companies.* (a) For accounting purposes, telephone companies are divided into four classes as follows:

Class A. Companies having annual operating revenues exceeding $250,000.

Class B. Companies having annual operating revenues exceeding $100,000 but not more than $250,000.

Class C. Companies having annual operating revenues exceeding $50,000 but not more than $100,000.

Class D. Companies having annual operating revenues not exceeding $50,000.

CROSS REFERENCE: For regulations governing the accounting for Class A and Class B telephone companies, see Part 31 of this chapter.

(b) Class C companies shall keep all of the accounts prescribed in this system of accounts that are applicable to their affairs. Companies that desire more detailed accounting may adopt the accounts prescribed for a higher classification of telephone companies: *Provided*, That the Commission is notified promptly of such action. Such companies are not required to comply with the more detailed reporting requirements contained in the rules respecting such higher classification.

(c) It is recommended but not required that Class D companies keep all of the accounts prescribed in this system of accounts or the accounts listed in § 33.94.

(d) The classification of a company shall be determined by its lowest annual operating revenues for the three immediately preceding years. Subsequent changes in classification shall be made when the annual operating revenues show a greater or lesser classification for three consecutive years. Companies becoming subject to the jurisdiction of the Commission subsequent to the year 1950 shall estimate the amount of their annual revenues and adopt the scheme of accounts appropriate for the amount of such estimated revenues.

2. Amend § 33.12 as follows:

a. Delete paragraph (c) and substitute the following:

(c) The periods for which records are to be retained are set forth in Part 45 Preservation of Records of Telephone Carriers of the Commission's rules and regulations.

b. Add the following sentence to paragraph (d): "Nothing contained in this part shall prohibit or excuse any company from subdividing the accounts hereby prescribed in the manner ordered by any State commission having jurisdiction or to the extent necessary to secure the information required in the prescribed reports to such commission."

3. Delete § 33.91 and substitute the following:

§ 33.91 *Definition.* Class D telephone companies are defined in § 33.1 as "Companies having annual operating revenues not exceeding $50,000." "Operating revenues" as there used consist of revenues includible in accounts 3010 to 3090, inclusive. The classification of a company shall be determined by its lowest annual operating revenues for the three immediately preceding years.

[F. R. Doc. 51-3981; Filed, Apr. 3, 1951; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Order 551]

DELEGATIONS OF AUTHORITY

Sec.
1. Appeals.
2. Authority of the Associate Commissioner, Assistant Commissioners and the Executive Officer.
3. Authority of area directors.
4. Fee patents and competency certificates.
5. Sales and conveyances.
6. Removal of restrictions (other than Five Civilized Tribes).
7. Land exchanges.
8. Land acquisitions.
9. Sale of pledged land.
10. Allotment adjustments.
11. Tax exemption certificates.
12. Leases and permits.
13. Land partitions.
14. Tribal fees.
15. Allotment applications.
16. Mineral leases and permits.
17. Deferred payment sales, Five Civilized Tribes.
18. Release of mortgages.
19. Rights of way.
20. Lead and zinc leases.
21. Leases and other instruments for oil, gas and other mining purposes, Five Civilized Tribes.
22. Leases and other instruments for oil, gas and other mining purposes, Anadarko area, other than Osage oil leases.
23. Assignment Osage oil leases and rights of appeal.

SECTION 1. *Appeals.* (a) Any action taken by Area Directors pursuant to this order shall be subject to the right of appeal. An appeal may be taken from the decision of the Area Director to the Commissioner of Indian Affairs. All appeals must be filed in writing with the Area Director. An appeal filed with the Area Director shall be promptly transmitted by him with the record in the case to the Commissioner of Indian Affairs. Any action taken by the Commissioner of Indian Affairs pursuant to this order shall be subject to the right of appeal to the Secretary of the Interior, pursuant to section 1 of Order 2508, as amended, of the Secretary of the Interior.

(b) The Associate Commissioner, Assistant Commissioners and Executive Officer of the Bureau of Indian Affairs are severally authorized on behalf of the Commissioner to dispose finally of any appeal taken pursuant to paragraph (a) of this section.

SEC. 2. *Authority of the Associate Commissioner, Assistant Commissioners and Executive Officer.* The Associate Commissioner, Assistant Commissioners and Executive Officer of the Bureau of Indian Affairs may severally exercise any and all of the authority conferred

upon the Commissioner of Indian Affairs by the Secretary of the Interior by his Order 2508, as amended, published in 14 F. R. 258, January 18, 1949, and 16 F. R. 473–475, January 18, 1951, and by section 50 (d) of his Order 2509 and the general regulations of the Bureau appearing in Title 25 of the Code of Federal Regulations.

SEC. 3. *Authority of area directors.* The area directors may exercise the authority of the Commissioner of Indian Affairs in the following classes of matters:

FUNCTIONS RELATING TO INDIAN LANDS AND MINERALS

SEC. 4. *Fee patents and competency certificates.* The approval of applications for patents in fee or certificates of competency, pursuant to the provisions of 25 CFR, Part 241.

SEC. 5. *Sales and conveyances.* The approval of sales and conveyances of original allotments and inherited lands pursuant to the provisions of 25 CFR 241. The authority conferred by this paragraph extends to and includes the sale of inherited lands without the consent of the Indian owners, the approval of deeds or other instruments of conveyance, the issuance of certificates or memoranda of purchase to purchasers on deferred payment sales, the reduction or waiver of sales fees, the granting of extensions of time to purchasers to make payment, and the cancellation of deferred payment sales in case of default.

SEC. 6. *Removal of restrictions (other than Five Civilized Tribes).* The removal of restrictions against alienation of Indian lands, other than allotted lands of the Five Civilized Tribes, pursuant to the provisions of 25 CFR Part 241.

SEC. 7. *Land exchanges.* The approval of exchenges of lands between individual Indians, between individual Indians and Indian tribes, between individual Indians and non-Indians, and between Indian tribes and non-Indians.

SEC. 8. *Land acquisitions.* The approval of the purchase of lands for individual Indians and Indian tribes. This authority extends to and includes the acceptance of options for the acquisition of lands and the authorization to disburse restricted individual Indian money to complete the acquisition of lands for individual Indians.

SEC. 9. *Sale of pledged land.* The approval of authorizations for the sale of restricted Indian lands pledged as security for the repayment of tribal loans to individuals, and the approval or acceptance of conveyances of such lands in accordance with the terms of the pledge in the event of default.

SEC. 10. *Allotment adjustments.* The approval and certification of allotment exchanges, correction of patent descriptions and cancellation of multiple allotments, as authorized by the act of April 23, 1904 (33 Stat. 297; 25 U. S. C. 343).

SEC. 11. *Tax exemption certificates.* The issuance of tax exemption certificates covering lands designated as tax exempt under the provisions of the act of June 20, 1936 (49 Stat. 1542) as amended May 19, 1937 (50 Stat. 188; 25 U. S. C. 412a) and the act of May 10, 1928 (45 Stat. 495) as amended May 24, 1928 (45 Stat. 733) and August 4, 1947 (61 Stat. 731).

SEC. 12. *Leases and permits.* The approval of leases and permits of tribal and allotted lands for farming, farm pasture, or business purposes, pursuant to the provisions of 25 CFR Part 171. This authority extends to and includes the waiver of requirements for advertising of leases or permits and the waiver of acreage limitations on farm and farm pasture lands.

SEC. 13. *Land partitions.* The approval of partitions of land held in trust or subject to restrictions against alienation, pursuant to the provisions of 25 CFR Part 241.

SEC. 14. *Tribal fees.* The approval of fees fixed by tribes when performing clerical and ministerial work in connection with the grants of leases and permits pursuant to 25 CFR Part 171.

SEC. 15. *Allotment applications.* The approval and certification of applications for allotments on the public domain under authority of section 4 of the act of February 8, 1887 (24 Stat. 388; 25 U. S. C. 334).

SEC. 16. *Mineral leases and permits.* The approval of sand, gravel, pumice and building stone leases and permits of tribal and allotted lands, pursuant to the provisions of 25 CFR 183, 189, 195 and 204.

SEC. 17. *Deferred payment sales, Five Civilized Tribes.* The approval of the negotiation of notes given in connection with deferred payment sales of restricted lands of the Five Civilized Tribes, pursuant to the provisions of 25 CFR 241.41.

SEC. 18. *Release of mortgages.* The approval of releases of mortgages given as security for loans made from the restricted funds of individual Indians, upon proof of payment of the loan.

SEC. 19. *Rights of way.* The approval of rights of way for oil and gas pipelines, telephone and telegraph lines, and public highways, pursuant to the provisions of 25 CFR Part 256. This authority extends to and includes the issuance of advance authority for preliminary surveys and permission for beginning construction prior to the official approval of the right of way.

SEC. 20. *Lead and zinc leases.* The approval of leases for lead and zinc mining purposes, Quapaw jurisdiction, pursuant to the provisions of 25 CFR Part 201. The authority conferred by this section extends to and includes the approval required or other appropriate administrative action on all subleases or assignments of leases now or hereafter in force and bonds and other instruments required in connection therewith.

SEC. 21. *Leases and other instruments for oil, gas and other mining purposes, Five Civilized Tribes.* The approval of leases for oil, gas or other mining purposes, Five Civilized Tribes, pursuant to the provisions of 25 CFR Part 183. The authority conferred by this section extends to and includes the approval or other appropriate administrative action required on all assignments of mineral leases now or hereafter in force on restricted alloted lands, bonds and other instrumnets required in connection with such leases or assignments thereof, unit and communitization agreements, well-spacing orders of the Oklahoma Corporation Commission submitted for approval under authority of section 11 of the act of August 4, 1947 (61 Stat. 751), the acceptance of voluntary surrender of such leases by lessees, cancellation of leases for violation of terms thereof, and approval of agreements for settlement of claims for damages to Indian lands resulting from oil and gas or other mineral operations.

SEC. 22. *Leases and other instruments for oil, gas and other mining purposes, Anadarko Area, other than Osage oil leases.* The approval of leases for oil, gas or other mining purposes, pursuant to the provisions of 25 CFR Parts 186 and 189. The authority conferred by this section extends to and includes the approval or other appropriate administrative action required on all assignments of mineral leases now or hereafter in force on restricted tribal or allotted lands, bonds and other instruments required in connection with such leases or assignments thereof, unit and communitization agreements, the acceptance of voluntary surrender of such leases by lessees, cancellation of leases for violation of terms thereof, and approval of agreements for settlement of claims for damages to Indian lands resulting from oil and gas or other mineral operations.

SEC. 23. *Assignment Osage oil leases and rights of appeal.* Approval of assignments of Osage oil leases now or hereafter in force and bonds and other instruments required for leases or assignments thereof, and the acceptance of the voluntary surrender of leases. Any person aggrieved by a decision or order approving, disapproving, or rejecting any lease, assignment, bond, or voluntary surrender of a lease, may appeal to the Commissioner of Indian Affairs within 20 days from the date of such decision or order.

D. S. MYER,
Commissioner.

MARCH 29, 1951.

[F. R. Doc. 51-3974; Filed, Apr. 3, 1951; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. M-23]

ISBRANDTSEN CO., INC.

NOTICE OF FURTHER POSTPONEMENT OF HEARING ON APPLICATION TO BAREBOAT CHARTER A GOVERNMENT-OWNED, WAR-BUILT, DRY-CARGO VESSEL

Hearing in this proceeding originally scheduled to be held at Washington, D. C., on March 20, 1951, at 10 o'clock a. m., in Room 4823, Department of Commerce Building, upon the application of Isbrandtsen Company, Inc., to bareboat charter the S. S. "Pass Christian Victory" for use as an animal carrier from ports in the United States to European ports, which was postponed to March 30, 1951, is hereby further postponed until April 23, 1951, at the same hour and place.

Dated: March 30, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-4002; Filed, Apr. 3, 1951; 8:51 a. m.]

National Production Authority

[NPA Del. 7 as amended Apr. 3, 1951]

DEL. 7—DELEGATION OF AUTHORITY TO ADMINISTER NPA ORDER M-4

NPA Del. 7 is amended by adding a new district office to List A.

Del. 7 as amended reads as follows:

Pursuant to the authority of section 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; Defense Production Administration Delegation 1, January 24, 1951; and U. S. Department of Commerce Order 123 as amended, the following administrative functions to be performed pursuant to NPA Order M-4 are delegated to the Directors of the Regional Offices of the U. S. Department of Commerce, and the Managers of the District Offices of the U. S. Department of Commerce, specified in List A:

1. To receive, consider, pass upon, and take action for and in the name of the National Production Authority upon, applications for an authorization to commence construction pursuant to section 6 of NPA Order M-4.

2. To receive, consider, pass upon, and take action for and in the name of the National Production Authority upon, applications for adjustment and exception based upon unreasonable hardship pursuant to section 11 of NPA Order M-4.

3. To receive, consider, pass upon, and take action for and in the name of the National Production Authority upon, applications for exemption where the prohibition of such construction would not be in the interest of the national defense pursuant to section 11 of NPA Order M-4.

Actions taken by a Regional Director or District Manager pursuant to this delegation shall be signed as follows:

National Production Authority
By ----------
(Name and Title)

This delegation as amended shall take effect on April 3, 1951.

Issued: March 31, 1951.

Dated: March 31, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

LIST A

REGIONAL OFFICES TO WHOSE DIRECTORS THIS DELEGATION EXTENDS

Region I—1800 Customhouse, Boston 9, Mass.
Region II—42 Broadway, New York 4, N. Y.
Region III—Jefferson Building, 1015 Chestnut Street, Philadelphia 6, Pa.
Region IV—Room 2, Mezzanine, 801 East Broad Street, Richmond 19, Va.
Region V—418 Atlanta National Building, 50 Whitehall Street SW., Atlanta 3, Ga.
Region VI—410 Union Commerce Building, 925 Euclid Avenue, Cleveland 14, Ohio.
Region VII—1150 McCormick Building, 332 South Michigan Avenue, Chicago 4, Ill.
Region VIII—338 Midland Bank Building, 401 Second Avenue South, Minneapolis 1, Minn.
Region IX—2400 Fidelity Building, 911 Walnut Street, Kansas City 6, Mo.
Region X—Room 1114, 1114 Commerce Street, Dallas 2, Tex.
Region XI—142 New Customhouse, Nineteenth and Stout Street, Denver 2, Colo.
Region XII—306 Customhouse, 555 Battery Street, San Francisco 11, Calif.
Region XIII—809 Federal Office Building, 909 First Avenue, Seattle 4, Wash.

DISTRICT OFFICES TO WHOSE MANAGERS THIS DELEGATION EXTENDS

314 United States Appraisers' Stores Building, 103 South Gay Street, Baltimore 2, Md.
1038 Federal Building, 230 West Fort Street, Detroit 26, Mich.
Chamber of Commerce Building, 310 San Francisco Street, El Paso, Tex.
224 Post Office Building, 135 High Street, Hartford 1, Conn.
602 Federal Office Building, Houston 14, Tex.
425 Federal Building, 311 West Monroe Street, Jacksonville 1, Fla.
1546 United States Post Office and Court House, 312 North Spring Street, Los Angeles 12, Calif.
229 Federal Building, Memphis 3, Tenn.
947 Seybold Building, 36 Northeast First Street, Miami 32, Fla.
1508 Masonic Temple Building, 333 St. Charles Avenue, New Orleans, La.
1013 New Federal Building, 700 Grant Street, Pittsburgh 19, Pa.
217 Old United States Court House, 520 Southwest Morrison Street, Portland 4, Oreg.
327 Post Office Annex, Providence 3, R. I.
910 New Federal Building, 1114 Market Street, St. Louis 1, Mo.
508 Post Office Building, 350 South Main Street, Salt Lake City 1, Utah.
518 Bedell Building, 118 Broadway, San Antonio, Tex.
631 Federal Building, Louisville 2, Ky.

[F. R. Doc. 51-4104; Filed, Apr. 3, 1951; 10:54 a. m.]

[Supp. 1 to NPA Del. 1, as amended Apr. 3, 1951]

DEL. 1—DELEGATION OF AUTHORITY TO THE SECRETARY OF DEFENSE

SUPP. 1—DELEGATION OF FURTHER AUTHORITY AS TO CERTAIN PROGRAMS

NPA Supp. 1 to Del. 1 is amended by adding a new item to the table in List A. As so amended Supp. 1 to Del. 1 reads as follows:

This amended supplement to NPA Del. 1 is issued pursuant to the Defense Production Act of 1950. The Secretary of Defense has been delegated certain authority to apply and assign ratings by NPA Del. 1. In addition to such authority, there is hereby delegated to the Secretary of Defense the following authority:

1. To reschedule deliveries of the materials specified in Column I of attached List A which are required in support of the authorized programs appearing in the corresponding section of Column II of the List: *Provided, however,* That such authority (a) shall be applicable only to deliveries to fill orders rated by or under the authority of the Secretary of Defense; and (b) shall be applicable only to the extent that such rescheduling of deliveries requires no change in production schedules.

2. To redelegate the authority hereby delegated to appropriate agencies of the Department of Defense or its authorized agents.

The exercise of this authority shall conform to the terms of the regulations and orders of the National Production Authority and also to priorities and allocations policy directives issued by the Munitions Board and subject to approval by the National Production Authority.

This supplement as amended shall take effect on April 3, 1951.

Issued: March 29, 1951.

Dated: March 31, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

LIST A

The authority hereby delegated shall be exercised only with respect to the following materials to be used in connection with the authorized programs of the Department of Defense specified below:

Column I	Column II
(1) Aluminum forms and products listed in section 2 of NPA Order M-5.	(1) DO-01 Aircraft. DO-02 Guided missiles.
(2) Magnesium bar, sheet strip, tubing, extrusions, forgings, and castings.	(2) DO-01 Aircraft.

[F. R. Doc. 51-4105; Filed, Apr. 3, 1951; 10:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1575]

MICHIGAN GAS STORAGE CO.

ORDER FIXING DATE OF HEARING

MARCH 29, 1951.

On January 2, 1951, Michigan Gas Storage Company (Applicant), a Michigan corporation with its principal place of business in Jackson, Michigan, filed an application for a certificate of public convenience and necessity pursuant to the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission facilities, subject to the jurisdiction of the Commission, all as more fully described in such application on file with the Commission and open to the public.

The Commission finds: Applicant has requested that this application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for noncontested proceedings, and it appears to be a proper one for disposition under the aforesaid rule, no request to be heard, protest or petition raising an issue of substance having been filed subsequent to the giving of due

notice of the filing of the application including publication in the FEDERAL REGISTER on January 16, 1951 (16 F. R. 397).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held on April 9, 1951, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application; *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 29, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3976; Filed, Apr. 3, 1951; 8:45 a. m.]

[Docket No. G-1636]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

MARCH 29, 1951.

Take notice that on March 19, 1951, El Paso Natural Gas Company (Applicant), a Delaware corporation of El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the construction of approximately 2.25 miles of 4½-inch O. D. pipeline near Joseph City, Arizona, and the construction and operation of a metering station thereon. Applicant proposes by these facilities to sell and deliver natural gas to Southern Union Gas Company for resale and distribution in the town of Joseph City, Arizona.

Through the proposed facilities, Applicant expects to deliver in the third year of operation about 10,000 Mcf of natural gas with a daily maximum of about 121 Mcf. The cost of these facilities is estimated to be $25,850, which will be paid from general funds of Applicant.

Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of April 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3975; Filed, Apr. 3, 1951; 8:45 a. m.]

[Docket No. G-1637]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

MARCH 29, 1951.

Take notice that on March 19, 1951, El Paso Natural Gas Company (Applicant), a Delaware corporation of El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of approximately 5.3 miles of loop line from Gulf Oil Corporation's Eunice plant to Applicant's Eunice plant in Lea County, New Mexico. Applicant proposes by these facilities to take additional volumes of gas from the Gulf Oil Corporation's plant to Applicant's Eunice plant. The cost of these facilities is estimated to be $98,000, which will be paid from general funds of Applicant.

Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of April 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3999; Filed, Apr. 3, 1951; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25954]

STRIP STEEL FROM ILLINOIS, INDIANA AND WESTERN TRUNK LINE TERRITORIES TO COLORADO AND WYOMING

APPLICATION FOR RELIEF

MARCH 30, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariffs I. C. C. Nos. A-3600 and A-3614.

Commodities involved: Strip steel, carloads.

From: Points in Illinois, Indiana and western trunk-line territories.

To: Points in Colorado and Wyoming.

Grounds for relief: To apply over short tariff routes rates constructed on the basis of the short line distance formula and to maintain grouping.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3600, Supp. 115; L. E. Kipp's tariff I. C. C. No. A-3614, Supp. 111.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3986; Filed, Apr. 3, 1951; 8:48 a. m.]

[4th Sec. Application 25956]

LATEX AND OTHER ARTICLES FROM NEW ENGLAND TERRITORIES TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MARCH 30, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to C. W. Boin's tariff I. C. C. No. A-911, and other tariffs, pursuant to fourth-section order No. 9800.

Commodities involved: Latex and various other commodities, carloads.

From: Points in trunk-line and New England territories.

To: Points in southern territory.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3985; Filed, Apr. 3, 1951; 8:47 a. m.]

[4th Sec. Application 25955]

METHANOL AND ANTI-FREEZE PREPARATIONS FROM MILITARY, KANS., TO MACON, MO.

APPLICATION FOR RELIEF

MARCH 30, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for Chicago, Burlington & Quincy Railroad Company and other carriers named in the application.

Commodities involved: Methanol and anti-freeze preparations, carloads.

From: Military, Kans.

To: Macon, Mo.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3614, Supp. 111.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3987; Filed, Apr. 3, 1951; 8:48 a. m.]

[4th Sec. Application 25957]

AUTOMOBILE HUBS AND OTHER COMMODITIES FROM NEW ENGLAND TERRITORIES TO CENTRAL TERRITORY

APPLICATION FOR RELIEF

MARCH 30, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to C. W. Boin's tariff I. C. C. No. A-823 and other tariffs, pursuant to fourth-section order No. 9800.

Commodities involved: Automobile hubs and other commodities, carloads.

From: Points in trunk-line and New England territories.

To: Points in central territory.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3988; Filed, Apr. 3, 1951; 8:48 a. m.]

[4th Sec. Application 25958]

CRUDE SULPHUR FROM TEXAS TO FLORIDA

APPLICATION FOR RELIEF

MARCH 30, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3862.

Commodities involved: Crude sulphur (brimstone), carloads.

From: Newgulf, Tex., and other Texas producing points.

To: Bartow, Tampa and Orlando, Fla., and certain other points in Florida.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3862, Supp. 79.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3989; Filed, Apr. 3, 1951; 8:49 a. m.]

[4th Sec. Application 25959]

LIQUEFIED PETROLEUM GAS FROM BATON ROUGE-NEW ORLEANS GROUP TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

MARCH 30, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1065.

Commodities involved: Liquefied petroleum gas, in tank-car loads.

From: Baton Rouge-New Orleans, La., group.

To: Points in central, trunk-line, and New England territories.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1065, Supp. 208.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3990; Filed, Apr. 3, 1951; 8:49 a. m.]

[4th Sec. Application 25960]

FUEL OIL FROM BATON ROUGE-NEW ORLEANS, LA., DISTRICT TO COOSA PINES, ALA.

APPLICATION FOR RELIEF

MARCH 30, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1065.

Commodities involved: Petroleum residual fuel oil, in tank-car loads.

From: Baton Rouge-New Orleans, La., district.

To: Coosa Pines, Ala.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1065, Supp. 209.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without

further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3991; Filed, Apr. 3, 1951; 8:49 a. m.]

[S. O. 874, General Permit 12]

BLATCHFORD CALF MEAL CO.

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Service Order No. 874 (16 F. R. 2040), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act, serving Blatchford Calf Meal Co., at Waukegan, Ill., Des Moines, Iowa, and Nampa, Idaho, to disregard the provisions of Service Order No. 874 insofar as it applies to any car loaded with Animal Feed Concentrate by Blatchford Calf Meal Co. when Blatchford Calf Meal Co. advise that service would be denied because of its inability to meet the minimum requirements because of deterioration.

The waybills shall show reference to this general permit and the Blatchford Calf Meal Co. shall furnish the Permit Agent the car numbers, initials, and destinations of the cars shipped under this permit.

This general permit shall become effective at 12:01 a. m., March 29th, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of March 1951.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 51-3992; Filed, Apr. 3, 1951; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9173, 9492, 9622, 9625, 9683, 9693]

WOOSTER REPUBLICAN PRINTING CO. (WWST) ET AL.

NOTICE OF ORAL ARGUMENT

Beginning at 10:00 o'clock a. m. on Friday, April 27, 1951, the Commission will hear oral argument in Room 6121, on the following matters in the order indicated:

ARGUMENT NO. 1

Docket No.				
9173 BML-1307	WWST	The Wooster Republican Printing Co., Wooster, Ohio.	Modification of license....	990 kc 1 kw day, daytime only.

ARGUMENT NO. 2

9622 BR-1879	KSET	Sunland Broadcasting Co., El Paso, Tex.	Renewal of License.	
9623 BAL-946	KSET	Sunland Broadcasting Co. (assignor) Rio Grande Broadcasting Co. (assignee), El Paso, Tex.	Voluntary assignment of license.	

ARGUMENT NO. 3

9683	.....	In the matter of revocation of license of Station KFTM, Fort Morgan, Colo.		

ARGUMENT NO. 4

9492 BML-1367	KFGT	Walker Newspapers, Inc., Fremont, Nebr.	Modification of license....	1310 kc 250 w night, 250 w day unlimited.

ARGUMENT NO. 5

9693 BML-1407	KCLO	The Leavenworth Broadcasting Co., Inc., Leavenworth, Kans.	Modification of license....	1410 kc 1 kw day, daytime.

Dated: March 26, 1951.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 51-4008; Filed, Apr. 3, 1951; 8:52 a. m.]

[Docket Nos. 8208, 8636, 8881, 9360, 9500, 9568]

HARRY KATZ ET AL.

NOTICE OF ORAL ARGUMENT

Beginning at 10:00 o'clock a. m. on Friday, May 4, 1951, the Commission will hear oral argument in Room 6121, on the following matters in the order indicated:

ARGUMENT NO. 1

Docket No.	
9500	In the matter of Harry Katz and Bertha B. Katz, complainants, vs. American Telephone & Telegraph Company and The Chesapeake & Potomac Telephone Company, defendants.

ARGUMENT NO. 2

9360 BP-6447	WKNX	Lake Huron Broadcasting Corp., Saginaw, Mich.	CP to change frequency, hours of operation, increase power, etc.	970 kc 1 kw DA night, 1 kw day unlimited.
9568 BP-7477	New	WKMH, Inc., Jackson, Mich.....	C. P.....	970 kc 1 kw night, 1 kw day DA-2 unlimited.

ARGUMENT NO. 3

8636 BP-6350	KGBS	Harbenito Broadcasting Co., Harlingen, Tex.	CP to change frequency, increase power, install new transmitter, etc.	850 kc 5 kw night, 5 kw day DA unlimited.

ARGUMENT NO. 4

8208 BP-5877	New	Lakeland Broadcasting Corp., Wausau, Wis.	C. P.....	1230 kc 250 w night, 250 w day unlimited.
8881 BP-6911	New	John R. Tomek, Wausau, Wis....	C. P.....	1230 kc 250 w night, 250 w day unlimited.

Dated: March 26, 1951.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 51-4009; Filed, Apr. 3, 1951; 8:52 a. m.]

[Docket No. 9667]

NEWS-JOURNAL CORP. (WNDB)

ORDER CONTINUING HEARING

In re application of News-Journal Corporation (WNDB), Daytona Beach, Florida, for construction permit; Docket No. 9667, File No. BP-6983.

The Commission having under consideration a petition filed March 21, 1951, by the News-Journal Corporation, Daytona Beach, Florida, requesting that the hearing in the above-entitled matter, presently scheduled in Washington, D. C., on April 9, 1951, be continued for a period of not less than sixty days to give the corporation an opportunity to study an engineering survey conducted by their consulting radio engineer, and requesting a waiver of the Commission's four-day rule and immediate action on this petition; and

It appearing that petitioner states that Station WQAM, party respondent herein, has consented to immediate action on this petition, that Commission Counsel has also consented to immediate action thereon, that, therefore, the requirements of § 1.745 of the Commission's rules have been met, and that good cause has been shown for a grant thereof;

It is therefore ordered, This 23d day of March 1951, that the petition of the News-Journal Corporation be and it is hereby granted and the hearing herein is hereby continued to June 25, 1951, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION, [SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 51-4010; Filed, Apr. 3, 1951; 8:52 a. m.]

[Docket No. 9710]

MARSHALL FORMBY

ORDER CONTINUING HEARING

In re application of Marshall Formby, Spur, Texas, for construction permit; Docket No. 9710, File No. BP-7577.

The Commission having under consideration a petition filed on March 19, 1951, by Marshall Formby, Spur, Texas, requesting that the hearing now scheduled to be heard on March 28, 1951, on the above-entitled application, be continued for a period of sixty days; and

It appearing, that no opposition has been filed to the above petition by any of the parties to this proceeding.

It is ordered, This 26th day of March 1951, that the petition be, and it is hereby, granted, and that the hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Thursday, May 31, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION, [SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 51-4011; Filed, Apr. 3, 1951; 8:52 a. m.]

[Docket No. 9923]

AURORA BROADCASTERS, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Aurora Broadcasters, Inc., Ketchikan, Alaska, for construction permit; Docket No. 9923, File No. BP-7532.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of March 1951;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on the frequency 580 kilocycles, with a power of 500 watts night and one kilowatt day, unlimited time at Ketchikan, Alaska;

It appearing that Aurora Broadcasters, Inc. is financially qualified to construct and operate the proposed station; that the construction and operation of the proposed station would not result in objectionable interference with any existing station or pending application for broadcast facilities and would provide adequate service to the City of Ketchikan, Alaska; and that a grant of the above-entitled application would be in conformance with the Commission's rules relating to engineering matters and with the Commission's Standards of Good Engineering Practice provided that the said grant was subject to the following conditions: (1) That the applicant satisfy legitimate complaints of blanket interference occurring within the 250 mv/m contour; and (2) that obstruction marking be in accordance with FCC Form B6-1; and

It further appearing, that the Estate of A. E. Lathrop, deceased, holds approximately 44.87 percent of the capital stock of Aurora Broadcasters, Inc.; that one Harry J. Hill is one of four executors of the Estate of A. E. Lathrop, deceased; that said Harry J. Hill is presently under an indictment charging him and others with conspiracy in violation of the Sherman Anti-Trust Act; and that for this reason, among others, the Commission is unable to conclude that a grant of the above-entitled application would serve public interest, convenience, and necessity;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing to commence at 10:00 a. m. on May 8, 1951, at Washington, D. C., upon the following issue:

1. To determine the technical and other qualifications of the corporate applicant, its officers, directors, and stockholders, to construct and operate the proposed station, with particular reference to the participation in the control of said corporate applicant of Harry J. Hill in the light of the matters in issue in the case now pending in the U. S. District Court for the District of Alaska, Fourth Division, No. 2376, entitled The United States of America vs. Healy River Coal Corporation, Harry J. Hill, et al.

FEDERAL COMMUNICATIONS COMMISSION, [SEAL] T. J. SLOWIE, *Secretary*

[F. R. Doc. 51-4012; Filed, Apr. 3, 1951; 8:53 a. m.]

[Docket No. 9924]

ENTERPRISE PUBLISHING CO. (WBET) ET AL.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Enterprise Publishing Company (WBET), Brockton, Massachusetts, for construction permit; Docket No. 9924, File No. BP-7743.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of March 1951;

The Commission having under consideration the above-entitled application for construction permit to change the facilities of Station WBET, Brockton, Massachusetts from frequency 990 kilocycles, 1 kilowatt power, daytime only to frequency 1460 kilocycles, 1 kilowatt power, unlimited time and install directional antenna for night use only;

It appearing that the applicant is legally, technically, financially and otherwise qualified to operate Station WBET as proposed, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice; particularly with reference to population residing within the 250 mv/m blanket contours and to nighttime service to the city of Brockton, Massachusetts and to the Brockton metropolitan district; and

It further appearing that, in the event of a grant of either the application of Harrisburg Broadcasting Company (File Number BP-7331, Docket Number 9477) or of Rossmoyne Corporation (File Number BP-7296, Docket Number 9476) on which hearing in a consolidated proceeding was concluded January 27, 1950, nighttime service to the city of Brockton, Massachusetts and the Brockton metropolitan district may be further degraded;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on May 9, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of station WBET, as proposed, would involve objectionable interference with station WSAR, Fall River, Massachusetts, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of station WBET, as proposed, would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other

broadcast service to such areas and populations.

4. To determine whether the installation and operation of Station WBET, as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to population residing within the 250 mv/m blanket contours and to nighttime service to the city of Brockton, Massachusetts and to the Brockton metropolitan District.

It is further ordered, That Fall River Broadcasting Company, Incorporated, licensee of Station WSAR, Fall River, Massachusetts, is made a party to the proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4013; Filed, Apr. 3, 1951; 8:53 a. m.]

[Docket No. 9925]

JOSEPH F. BIDDLE PUBLISHING CO. (WHUN)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of The Joseph F. Biddle Publishing Co. (WHUN), Huntingdon, Pennsylvania, for construction permit; Docket No. 9925, File No. BP-7788.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of March 1951;

The Commission having under consideration the above-entitled application for a construction permit to change facilities from 1400 kilocycles, with 250 watts of power, unlimited time to 1010 kilocycles, with 1 kilowatt of power, daytime only, and to install a new transmitter, at Station WHUN, Huntingdon, Pennsylvania.

It appearing that the applicant is legally, technically, financially and otherwise qualified to operate Station WHUN as proposed, that no interference would be caused to any existing or proposed station but that the proposed station may not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on May 10, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WHUN as proposed, and the character of other broadcast service available to such areas and populations.

2. To determine whether the installation and operation of Station WHUN as proposed would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference (1) to a signal intensity in excess of 25 microvolts per meter delivered at the nearest point on the Canadian border in violation of § 3.25 (c) of the rules, (2) to the antenna height not meeting the minimum requirements of the Standards for a Class II Station, and (3) to the percentage of population residing within the 250 mv/m blanket contour.

3. To determine whether a grant of this application would be in accordance with section 307 (b) of the Communications Act of 1934, as amended.

4. To determine the overlap, if any, that will exist between the service areas of Station WHUN, as proposed, and of Station WCPA, Clearfield, Pennsylvania, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4014; Filed, Apr. 3, 1951; 8:54 a. m.]

[Docket Nos. 9626, 9871]

GOOD NEIGHBOR BROADCASTING CO. (KIWW) AND COMMUNITY BROADCASTING CO. (KUNO)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of The Good Neighbor Broadcasting Company (KIWW), San Antonio, Texas, Docket No. 9871, File No. BP-7880, for construction permit; Leslie C. Smith, B. G. Moffett and J. H. Mayberry d/b as Community Broadcasting Company (KUNO), Corpus Christi, Texas, Docket No. 9626, File No. BMP-5034, for a modification of a construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of March 1951;

The Commission having under consideration (1) the above-entitled application of The Good Neighbor Broadcasting Company, Inc. (KIWW), San Antonio, Texas (1540 kc., 250 w., D) for a change in frequency from 1540 kilocycles to 1400 kilocycles; (2) the above-entitled application of Leslie C. Smith, B. G. Moffett and J. H. Mayberry d/b as Community Broadcasting Company (KUNO), Corpus Christi, Texas (1400 kc., 100 w., U) for an increase in power from 100 watts to 250 watts; and the petition of the Community Broadcasting Company for reconsideration of the Commission's action of October 23, 1950 designating the petitioner's application for hearing and for a grant of said application without hearing;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on May 17, 1951, at Washington, D. C., upon the following issues:

1. To determine the technical, financial and other qualifications of the applicant partnership and its partners, and the corporate applicant, its officers, directors and stockholders to operate Stations KIWW and KUNO, as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station KIWW, as proposed, would involve objectionable interference with Station KBOP, Pleasanton, Texas, and to determine whether the operation of Station KUNO, as proposed, would involve objectionable interference with Station KNAL, Victoria, Texas, or whether Stations KIWW and KUNO, as proposed, would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the stations, as proposed, would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the overlap of the 25 mv/m contour of Station KIWW, as proposed, and the 2 mv/m of Station KBOP, Pleasanton, Texas.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Marguerite N. Drain and Ben L. Parker d/b as Atoscosa Broadcasting Company, Pleasanton, Texas (KBOP), and the Victoria Broadcasting Company, Inc., Victoria, Texas (KNAL), be made parties to this proceeding, and

It is further ordered, That the Community Broadcasting Company's (KUNO) petition for reconsideration and grant be denied.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4015; Filed, Apr. 3, 1951; 8:54 a. m.]

[Docket Nos. 9927-9929]

FLORAL CITY BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Boyd Phelps tr as Floral City Broadcast Company, Monroe, Michigan, Docket No. 9927, File No. BP-7877; Kenneth Neubrecht and Monroe MacPherson d/b as Ionia Broadcasting Co., Ionia, Michigan, Docket No. 9928, File No. BP-7912; Seneca Radio Corporation, Fostoria, Ohio, Docket No. 9929, File No. BP-7939; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of March 1951;

The Commission having under consideration the above-entitled applications of Boyd Phelps tr/as Floral City Broadcast Company for a new standard broadcast station to be operated on the frequency 1430 kilocycles, with 500 watts of power, daytime only, using a directional antenna at Monroe, Michigan; of Kenneth Neubrecht and Monroe MacPherson d/b as Ionia Broadcasting Co. for a new standard broadcast station to be operated on the frequency 1430 kilocycles, with 500 watts power, daytime only at Ionia, Michigan; and of Seneca Radio Corporation for a new standard broadcast station to be operated on the frequency 1430 kilocycles, with 1 kilowatt of power, unlimited time, employing different directional antennas for day and night use at Fostoria, Ohio;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on May 21, 1951, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the individual applicant and of the applicant partnership and its partners, and to determine the technicl, financial and other qualifications of the corporate applicant, its officers, directors and stockholders to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station at Ionia, Michigan would involve objectionable interference with Station WGRD, Grand Rapids, Michigan, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the three proposed stations would involve objectionable interference, each with the other two, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the population within the 250 mv/m blanket contour of the Monroe, Michigan proposal; and with particular reference to the ratio of the population within the normally protected and actual nighttime interference-free contours to the population which would receive satisfactory service, with respect to the Fostoria, Ohio application only.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Music Broadcasting Company, licensee of Station WGRD, Grand Rapids, Michigan, is made a party to this proceeding, with respect to the Ionia, Michigan, application only.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4016; Filed, Apr. 3, 1951; 8:54 a. m.]

[Docket No. 9446]

RADIO READING

ORDER ENLARGING ISSUES

In re application of John J. Keel and Lloyd W. Dennis, Jr., tr as Radio Reading, Reading, Pennsylvania, for construction permit; Docket No. 9446, File No. BP-7589.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of March 1951;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on frequency 1510 kilocycles, with 1 kilowatt power, unlimited time employing a directional antenna (DA-1), at Reading, Pennsylvania;

It appearing that the said application was designated for hearing by Commission order of September 6, 1950, on engineering issues specified therein and that said hearing is presently scheduled to commence on April 16, 1951; and

It further appearing that the transmitter site and antenna system specified in the said application requires an aeronautical study by the Air Space Subcommittee under Part 17 of the Commission's rules and regulations and accordingly the Commission is unable at the present time to determine whether or not the said proposed transmitter site and antenna system would constitute a hazard to air navigation;

It is ordered, That the order of September 6, 1950, designating the above-entitled application for hearing is amended to include the following as issue 4 therein:

4. To determine whether the installation and operation of the proposed station would constitute a hazard to air navigation.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4017; Filed, Apr. 3, 1951; 8:54 a. m.]

[Docket No. 9705]

PRAIRIE BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re application of Prairie Broadcasting Company, Inc., Beaver Dam, Wisconsin, for construction permit; Docket No. 9705, File No. BP-7554.

The Commission having under consideration the petition of the applicant herein, filed March 19, 1951, which requests that the hearing upon its application, presently scheduled for April 2, 1951, be continued for a period of approximately thirty days;

It appearing that petitioner is contemplating the abandonment of its original plan to establish a standard broadcast station in Beaver Dam, Wisconsin, on 1350 kilocycles, 500 watts, daytime hours, and is considering the advisability of making an amended application for authority to construct such a station in another community wherein there is no radio outlet for local expression at the present time;

It appearing further that petitioner has recently retained the services of engineering counsel to advise with respect to its new proposal, and it is expected that an amendment to its application will be filed within the thirty-day continuance period herein requested;

It appearing further that all interested parties have been notified of the instant petition and have not interposed objection thereto;

It is ordered, This 27th day of March 1951, that the petition under consideration be, and it is hereby, granted; and the hearing upon the above-entitled application is continued to May 3, 1951, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4019; Filed, Apr. 3, 1951; 8:55 a. m.]

[Designation Order No. 56]

DESIGNATION OF MOTIONS COMMISSIONER FOR APRIL

In re designation of Motions Commissioner for the month of April 1951.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of March 1951;

It is ordered, Pursuant to § 0.111 of the Statement of Delegations of Authority, that Frieda B. Hennock, Commissioner, is hereby designated as Motions Commissioner for the month of April 1951.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4020; Filed, Apr. 3, 1951; 8:55 a. m.]

[Docket Nos. 9931, 9932]

CLARKSVILLE BROADCASTING CO. AND TEXO BROADCASTING CO.

CORRECTED ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Winston O. Ward, d/b as Clarksville Broadcasting Company, Clarksville, Texas, Docket No. 9931, File No. BP-7976; B. B. Black, June Brewer and Reagan Hurt, d/b as Texo Broadcasting Company, Clarksville, Texas, Docket No. 9932, File No. BP-7977; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of March 1951;

The Commission having under consideration the above-entitled applications of Winston O. Ward, d/b as The Clarksville Broadcasting Company, B. B. Black, June Brewer and Reagan Hurt, d/b as Texo Broadcasting Company, both requesting construction permits for new standard broadcast stations to operate on 1350 kc., with 500 w. power, daytime only, at Clarksville, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on May 24, 1951, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant Winston O. Ward and the applicant partnership and its partners to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the station proposed by Winston O. Ward and of Station KIMP, Mt. Pleasant, Texas, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if either of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4018; Filed, Apr. 3, 1951; 8:55 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5677]

B. F. GOODRICH CO.

ORDER APPOINTING TRIAL EXAMINER

In the matter of B. F. Goodrich Company, a corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission;

It is ordered, That Webster Ballinger a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin at a time and place to be later designated by the Trial Examiner.

Issued: March 22, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-3995; Filed, Apr. 3, 1951; 8:50 a. m.]

[Docket No. 5758]

AMERICAN TACK CO., INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

In the matter of American Tack Company, Inc., a corporation, and Michael Markman, Edward H. Weinberg, Molly Markman and James L. Weinberg, individually, and as officers and directors of American Tack Company, Inc.; Markwin Industries, Inc., a corporation, and Harold M. Weinberg, Michael Markman, Anna Weinberg, and Molly Markman, individually, and as officers and directors of Markwin Industries, Inc.; Anna Weinberg, James L. Weinberg, Edward H. Weinberg and Molly Markman, copartners trading as Tackamail Company.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission;

It is ordered, That Frank Hier, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Wednesday, April 18, 1951, at ten o'clock in the forenoon of that day, e. s. t., in Room 500, 45 Broadway, New York, New York.

Issued: March 21, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-3994; Filed, Apr. 3, 1951; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2382]

MONTAUP ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held in its office in the city of Washington, D. C. on the 28th day of March A. D. 1951.

Montaup Electric Company ("Montaup"), an indirect public-utility subsidiary company of Eastern Utilities Associates ("EUA"), a registered holding company, having filed a declaration and amendments thereto, pursuant to section 7 of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, with respect to the following proposed transactions:

Montaup proposes to issue, from time to time but not later than December 31, 1951, unsecured promissory notes in an aggregate amount not in excess of $12,000,000. The notes, bearing an interest rate of 2½ percent per annum and maturing not later than nine months after the date of issue of the first of said notes and in no event later than December 31, 1951, will be issued to The First National Bank of Boston, which bank may grant participation in the proposed loans to another bank or banks. The notes will be issued under a bank loan agreement and may be prepaid at any time without premium.

The declaration indicates that the proceeds of the notes will be used by Montaup to pay its unsecured 2 percent promissory notes, due March 30, 1951, and outstanding on that date in the estimated face amount of $7,600,000, and to finance Montaup's construction requirements through 1951. The declaration states that Montaup is carrying out a construction program involving the installation of a 60,000 kilowatt steam-electric generating unit estimated to cost $12,215,476 through the year 1951.

The declaration indicates that with respect to the proposed transactions, it is not necessary to secure the approval of any State or Federal commission, other than this Commission. The expenses in connection with the proposed transactions are estimated in the declaration at $1,500, of which $1,400 represents estimated fees and expenses for legal services.

The said declaration having been filed on February 27, 1951, and amendments thereto having been subsequently filed, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission having received no request for a hearing with respect to said declaration, as amended, within the period specified in said notice, and not having ordered a hearing thereon; and

The Commission finding with respect to the proposed transactions that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective, subject to the terms and conditions prescribed by Rule U-23; and the Commission further deeming it appropriate that the order herein become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R Doc 51-3977; Filed, Apr. 3, 1951; 8 45 a. m.]

[File No. 70-2586]

KINGSPORT UTILITIES, INC.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of March A. D. 1951.

Kingsport Utilities, Incorporated ("Kingsport"), a wholly owned electric utility subsidiary of American Gas and Electric Company, having filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof, with respect to the following proposed transactions:

Kingsport proposes to establish a line of credit with The Guaranty Trust Company of New York whereby Kingsport may borrow from time to time prior to December 31, 1953, amounts not to exceed in the aggregate $750,000. Said borrowings will be evidenced by promissory notes dated as of the date of each such borrowing, maturing not more than 9 months after the issuance thereof, and bearing interest from the date of issuance at the then current prime credit rate. The initial borrowing is proposed to be made on or about April 1, 1951, in the amount of $100,000, at the then current prime credit rate, which Kingsport expects will be 2½ percent per annum.

At least 10 days before each borrowing subsequent to the initial borrowing, or 10 days prior to the proposed renewal of any note outstanding hereunder, Kingsport will file an amendment herein setting forth the amount of such borrowing, or proposed renewal, and the annual interest rate thereon, such amendment to become effective 10 days after the filing thereof, if no action is taken by the Commission within such 10-day period.

Proceeds from the proposed borrowing will be used to finance, in part, the construction program of Kingsport which, it is estimated, will require the expenditure of approximately $1,450,000 during the years 1951 to 1953, inclusive.

Said declaration having been filed on March 5, 1951, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice or otherwise and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in accordance with the applicable standards of the act and that no adverse findings are necessary thereunder and the Commission deeming it appropriate that said declaration be permitted to become effective forthwith, without the imposition of terms or conditions:

It is ordered, Pursuant to the applicable provisions of the act that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F R. Doc. 51-3979; Filed, Apr. 3, 1951; 8:46 a m.]

[File No. 70-2594]

OHIO EDISON CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 29th day of March A. D. 1951.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "act") by Ohio Edison Company ("Ohio"), a registered holding company and a public utility company. The filing has designated sections 6, 7, and 12 of the act and Rules U-42 and U-50 promulgated thereunder as being applicable to the transactions described therein.

Notice is further given that any interested person may, not later than April 16, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. At any time after said date, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 and U-100 thereof. Any such request should be addressed to: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

Ohio proposes to issue and sell 150,000 shares of a new series of $100 par value preferred stock at competitive bidding pursuant to Rule U-50. The dividend rate and the price per share to be paid the company are to be determined by the competitive bidding. The price to be paid shall not be less than $100 nor more than $102.75 per share. Ohio proposes to accept the bid resulting in the lowest actual cost of money, which, by the terms of the proposal, shall not be more than 4.50 percent.

By the terms of the filing, Ohio also proposes to issue 436,224 shares of additional common stock, par value $8 per share, pursuant to a subscription rights offering to its common stockholders of record at the close of business on May 2, 1951, at the rate of one share of new common stock for each 10 shares of common stock held, at a price to be determined by the company. The holders of warrants evidencing subscription rights will also be entitled to subscribe, subject to allotment, at the same price for the shares covered by outstanding unexercised warrants. No fractional shares are to be issued in exchange for warrants. The warrants provide that persons subscribing for stock may direct the subscription agent to purchase additional rights required to complete the subscription for a full share or to sell rights in excess of full share subscriptions. In each case, the purchase or sale may not exceed 9 rights for any single stockholder.

The offer of shares of common stock will be underwritten. Such shares as are not subscribed for by the stockholders and such shares, if any, as are acquired by Ohio in connection with stabilizing the price of the common stock, as described more fully below, are to be offered to prospective bidders pursuant to the competitive bidding requirements of Rule U-50 at the same price per share as the price at which stockholders may subscribe for additional common stock. Prospective bidders will be notified of the price per share as determined by the company at least 42 hours prior to the time for the receipt of the bids. Invitations for

bids will request that the prospective bidders name the amount of compensation, if any, to be paid by the company to such bidders for their services. The proposed purchase contract provides that the bidders are to agree that, in case any shares of any new common stock purchased by them shall be sold prior to the expiration of 30 days following the close of the subscription period, for a price in excess of $1.50 more than the subscription price, the bidders shall pay to Ohio, in addition to the purchase price, a sum equal to one-half of such excess.

In connection with stabilizing the price of the common stock Ohio may, during the period commencing with the first business day when the price per share is determined by the company and ending at the time of the acceptance of a bid for the stock, purchase up to 43,622 shares of its common stock on the New York Stock Exchange, on the Midwest Stock Exchange, or otherwise, such purchases to be made through brokers with the payment of regular stock exchange commissions.

It is stated in the filing that during the years 1951 and 1952 the company contemplates expenditures for the construction of property additions aggregating approximately $57,000,000 and that the proceeds from the sale of the securities embraced in the instant filing will assist in providing needed funds for the construction program.

The declaration requests that the order of the Commission with respect thereto become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3978; Filed, Apr. 3, 1951; 8:46 a. m.]

[File No. 70-2598]

NEW ENGLAND GAS AND ELECTRIC ASSN. AND ALGONQUIN GAS TRANSMISSION CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of March A. D. 1951.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by New England Gas and Electric Association ("Negea"), a registered holding company, and its subsidiary, Algonquin Gas Transmission Company ("Algonquin"). Applicants-declarants have designated sections 6 (b), 7, 9 (a), 10, and 12 of the act and Rule U-43 promulgated thereunder.

Notice is further given that any interested person may, not later than April 11, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 11, 1951, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Algonquin, a natural gas pipe line company, has presently authorized 100,000 shares of common stock, par value $100 per share, of which 2,265.62 shares are presently outstanding and owned as follows: Negea, 820.31 shares or 32$^{13}/_{16}$ percent; Eastern Gas & Fuel Associates, 820.31 shares or 32$^{13}/_{16}$ percent; and Texas Eastern Transmission Corporation, 625 shares or 25 percent. In addition to the above outstanding shares, Algonquin has reserved for issuance to Providence Gas Company 234.35 shares of common stock. In the event that the stock thus reserved is not taken up by Providence, it will be issued pro rata to the existing stockholders, or if Texas Eastern Transmission Corporation does not take up its pro rata share then equally to Negea and to Eastern Gas and Fuel Associates.

In order to provide approximately $8,000,000 necessary to furnish equity capital required by Algonquin in connection with the financing of essential construction of pipeline facilities to carry on its business as a natural gas transmission company, Algonquin proposes to issue and sell to its present stockholders pursuant to preemptive rights, not in excess of 77,500 shares of common stock having a par value of $100 per share, such stock to be offered to its stockholders at a price of $100 per share, or such funds will be secured by temporary non-interest bearing advances from stockholders on open account, to be subsequently converted into such common stock.

Negea proposes to purchase from Algonquin additional capital stock up to but not in excess of an amount to bring its stock holdings in Algonquin to a maximum of $3,000,000, part of which may initially be in the form of advances from time to time, such advances to be converted subsequently into common stock. In no event will the total participation of New England in the common stock of Algonquin presently authorized be in excess of 37½ percent.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3980; Filed, Apr. 3, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17544]

DIETER LENZ ET AL.

In re: Securities owned by Dieter Lenz and others. F-28-31130.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are listed below:

Dieter Lenz, Wehr, Germany.
Johanna Lenz, Wehr, Germany.
Gerda Obermaier, Wehr, Germany.
Erich Sutter, Wehr, Germany.
Rolf Sutter, Wehr, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by four (4) 1st Mortgage Leasehold Sinking Fund Gold Bonds, extended to 1933, 4½ percent–5 percent of 1 West 42d Street, Inc., said bonds having an aggregate face value of $4,000 and bearing the numbers 3889, 5159, 5160 and 5269, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds,

b. Six hundred seventy-five (675) shares of preferred stock of the American Electric Securities Corporation, 20 Pine Street, New York 5, New York, evidenced by the certificates numbered and in the amounts listed below:

Certificate No.:	Number of shares
NP 050	[illegible]
NP 246	[illegible]
NP 481 5	[illegible]

[1] Each.

said certificates registered in the name of Hermann Sutter-Herlan, together with all declared and unpaid dividends thereon, and

c. Two thousand (2,000) shares of $1.00 par value common capital stock of Basin Montana Tunnel Company, Inc., 2 Park Avenue, Room 703, New York 16, New York evidenced by the certificates numbered, registered and in the amounts listed below:

Certificate No.	Number of shares	Registered owner
17[illegible]	1[illegible]	M. F. Rothe[illegible]
1[illegible]	12[illegible]	Hermann Sut[illegible]
13[illegible]	5[illegible]	[illegible]

[1] Each.

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Dieter Lenz, Johanna Lenz, Gerda Obermaier, Erich Sutter and Rolf Sutter, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4025; Filed, Apr. 3, 1951; 8:56 a. m.]

[Vesting Order 17501]

WALDEMAR GIESE

In re: Estate of Waldemar Giese, deceased. File No. D-28-12957.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ulrich Giese and Ferdinand Fuhde, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to the Estate of Waldemar Giese, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Max Strassenberger, as Executor, acting under the judicial supervision of the Surrogate's Court, Kings County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General.
Director, Office of Alien Property.

[F. R. Doc. 51-3962; Filed, Apr. 2, 1951; 8:51 a. m.]

[Vesting Order 17503]

MARIE WITT GRELL

In re: Estate of Marie Witt Grell, deceased. File No. D-28-5164.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Anny Bockelman Heidorn and Hans Joachim Heidorn, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest, and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to the Estate of Marie Witt Grell, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Mrs. Rosamond T. Kane, as Executrix, acting under the judicial supervision of Kings County Surrogate's Court, Hall of Records, Brooklyn, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4034; Filed, Apr. 3, 1951; 8:56 a. m.]

[Vesting Order 17546]

ANNA RACKE

In re: Stock owned by and debt owing to Anna Racke. File No. D-28-12936.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Racke, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Sixty-nine (69) shares of $1.00 par value capital stock of Mutual Investment Fund, Inc., 15 Exchange Place, Jersey City, New Jersey, a corporation organized under the laws of the State of Maryland, evidenced by a certificate numbered D2130, registered in the name of Anna Racke, and presently in the custody of said Mutual Investment Fund, Inc., together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation of Mutual Investment Fund, Inc., 15 Exchange Place, Jersey City, New Jersey, representing accumulated dividends on sixty-nine (69) shares of Mutual Investment Fund, stock, formerly registered in the name of Katharina Racke, now deceased, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anna Racke, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the prop-

erty described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3960; Filed, Apr. 2, 1951; 8:51 a. m.]

[Vesting Order 17547]

MARTHA SCHLOSSER

In re: Stock owned by Martha Schlosser. F-28-31374.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Schlosser, whose last known address is Fellbach-Stuttgart, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Four (4) shares of $10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered LE 26827, registered in the name of Martha Schlosser, and presently in the custody of Cities Service Company, 60 Wall Street, New York 5, New York, together with all declared and unpaid dividends thereon, and

b. Four (4) shares of $5.00 par value common capital stock of Toledo Edison Company, Toledo, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by a certificate numbered TNCO 45365, registered in the name of Martha Schlosser, and presently in the custody of Cities Service Company, 60 Wall Street, New York 5, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3961; Filed, Apr. 2, 1951; 8:51 a. m.]

BERTHOLD WEISBECKER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No.

Berthold Weisbecker, New York, N. Y., Claim No. 42212; Mrs. Rose Stern, Brooklyn, N. Y., Claim No. 42213; Bernard Kahn, New York, N. Y., Claim No. 42530; Sydney Kahn, Queens, N. Y., Claim No. 42531; Lena Klebe, Strasbourg, France, Claim No. 41442; Hedwig Gottlieb, Brooklyn, N. Y., Claim No. 42204; Mrs. Toni Sauerbach, New York, N. Y., Claim No. 42206; Ernest Nussbaum, New York, N. Y., Claims Nos. 11338 and 42205; Max Nussbaum, Rio de Janeiro, Brazil, Claim No. 11340; Martin W. Miller, New York, N. Y., Claim No. 42560; Ida Jacob, Brooklyn, N. Y., Claim No. 42207; Mrs. Julia N. Schiff, Los Angeles, Calif., Claim No. 41441; Bruno Nussbaum, Brooklyn, N. Y., Claims Nos. 42210 and 11339; Clara Hecht, Brooklyn, N. Y., Claim No. 42208; Berthold Gottlieb, Brooklyn, N. Y., Claim No. 42209; Ella Strauss, New York, N. Y., Claim No. 42211; Mrs. Henry Laufer, Brooklyn, N. Y., Claim No. 42532.

Property and Location

A 1/28th share of the all right, title, interest and claim of any kind or character whatsoever of Fanny Loewenstein in and to the Estate of Ernest Spitz, deceased, to each of the following: Berthold Weisbecker, Toni Sauerbach, Martin W. Miller, Ida Jacob, Clara Hecht, Ella Strauss, Rose Stern.

A 1/21st share of the all right, title, interest and claim of any kind or character whatsoever of Fanny Loewenstein in and to the Estate of Ernest Spitz, deceased, to each of the following: Hedwig Gottlieb, Ernest Nussbaum, Max Nussbaum, Bruno Nussbaum, Berthold Gottlieb, Henry Laufer.

A 1/7th share of the all right, title, interest and claim of any kind or character whatsoever of Fanny Loewenstein in and to the Estate of Ernest Spitz, deceased, to each of the following: Lena Klebe, Julia N. Schiff.

A 1/14th share of the all right, title, interest and claim of any kind or character whatsoever of Fanny Loewenstein in and to the Estate of Ernest Spitz, deceased, to each of the following: Bernard Kahn, Sydney Kahn.

A 1/4th share of the all right, title, interest and claim of any kind or character whatsoever of Emma Grunebaum in and to the Estate of Ernest Spitz, deceased, to each of the following: Martin W. Miller, Ella Strauss, Berthold Weisbecker.

A 1/3d share of the all right, title, interest and claims of any kind or character whatsoever of Fritz Nussbaum, Hugo Nussbaum, Ilia Nussbaum and Bela Nussbaum, and each of them, in and to the Estate of Ernest Spitz, deceased, to each of the following: Ernest Nussbaum, Max Nussbaum, Bruno Nussbaum.

$2,245.50 in the Treasury of the United States to each of the following: Lena Klebe, Julia N. Schiff.

$561.375 in the Treasury of the United States to each of the following: Berthold Weisbecker, Toni Sauerbach, Martin W. Miller, Ida Jacob, Clara Hecht, Ella Strauss, Rose Stern.

$1,122.75 in the Treasury of the United States to each of the following: Bernard Kahn, Sydney Kahn.

$748.50 in the Treasury of the United States to each of the following: Hedwig Gottlieb, Ernest Nussbaum, Max Nussbaum, Bruno Nussbaum, Berthold Gottlieb, Henry Laufer.

$2,994.00 in the Treasury of the United States to each of the following: Ernest Nussbaum, Max Nussbaum, Bruno Nussbaum.

$785.925 in the Treasury of the United States to each of the following: Martin W. Miller, Ella Strauss, Berthold Weisbecker.

Executed at Washington, D. C., on March 27, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3971; Filed, Apr. 2, 1951; 8:55 a. m.]

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FEDERAL REGISTER

VOLUME 16 NUMBER 66

Washington, Thursday, April 5, 1951

TITLE 3—THE PRESIDENT

PROCLAMATION 2921

ARMED FORCES DAY, 1951

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the armed forces of the United States, having dedicated themselves unselfishly to the service of their country, are now fighting and dying on foreign soil in defense of the principles of freedom which this Nation has cherished since its birth; and

WHEREAS it is appropriate that we dedicate one day each year to paying tribute to the armed forces and to rendering homage to them as the defenders of our people, our Nation, and our democratic way of life:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim Saturday, May 19, 1951, as Armed Forces Day; and I invite the Governors of the States, Territories, and possessions of the United States to provide for the celebration of that day in such manner as to honor the members of our armed forces.

As Commander in Chief of the armed forces of the United States, I direct the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force to mark the designated day with appropriate ceremonies, and to cooperate with civil authorities in suitable observances of the day.

I also request my fellow citizens to display the flag of the United States on Armed Forces Day, and by fitting exercises to demonstrate their recognition of the gallantry, sacrifice, and devotion to duty of the men and women of the armed forces.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this second day of April in the year of our Lord nineteen hundred and [SEAL] fifty-one, and of the Independence of the United States of America the one hundred and seventy-fifth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 51-4138; Filed, Apr. 4, 1951; 8:57 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; MICHIGAN

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth. The average value and the investment limit heretofore established for said county, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations 13 F. R. 9381) are hereby superseded by the average value and the investment limit set forth below for said county.

MICHIGAN

County	Average value	Investment limit
Gogebic	$10,000	$10,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C., 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C., 1003, 1018)

Issued this 30th day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4053; Filed, Apr. 4, 1951; 8:49 a. m.]

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FEDERAL REGISTER

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PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; PUERTO RICO

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth. The average value and the investment limit heretofore established for said county, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average value and the investment limit set forth below for said county.

PUERTO RICO

County	Average value	Investment limit
Arroyo	$14,000	$12,000

(Sec. 41, 50 Stat. 1066; 7 U. S. C., 1015. Interprets or applies secs. 3, 44, 50 Stat. 1074, 1069; 7 U. S. C., 1003, 1018)

Issued this 30th day of March 1951.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51–4054; Filed, Apr. 4, 1951; 8:49 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

[B. A. I. Order 373, Amdt. 3]

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), AND NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS): PROHIBITED AND RESTRICTED IMPORTATIONS

FOREIGN CURED OR COOKED MEATS FROM COUNTRIES WHERE RINDERPEST OR FOOT-AND-MOUTH DISEASE EXISTS

Pursuant to the authority conferred by section 306 of the Tariff Act of 1930 (46 Stat. 689, 19 U. S. C. 1306) and by section 2 of the act of February 2, 1903, as amended (32 Stat. 792, 45 Stat. 59; 21 U. S. C. 111), § 94.4 of the regulations relating to prohibitions and restrictions upon importations of certain animals and products because of rinderpest, foot-and-mouth disease, fowl pest (fowl plague), and Newcastle disease (avian pneumoencephalitis) (15 F. R. 6907) is hereby amended to read as follows:

§ 94.4 *Foreign cured or cooked meats[1] from countries where rinderpest or foot-and-mouth disease exists.* (a) The importation of cured meats derived from ruminants or swine, originating in any country designated in § 94.1 is prohibited unless the following conditions have been fulfilled:

(1) All bones shall have been completely removed in the country of origin.

(2) The meat shall have been held in an unfrozen, fresh condition for at least 7 days immediately following the slaughter of the animals from which it was derived.

(3) The meat shall have been thoroughly cured by the application of dry salt or by soaking in a solution of salt.

(4) When so directed by the Chief of the Bureau of Animal Industry, such meat shall be consigned directly from the port of entry to a meat-processing establishment operating under Federal meat inspection that has been approved by him for the further processing of such meat. Such meat shall be shipped from the port of entry to the approved establishment under Customs seals or seals of the Bureau and shall be otherwise handled as the said Chief of Bureau may direct. Seals applied under authority of this section shall not be broken except by persons authorized to do so by the said Chief of Bureau.

(b) The importation of cooked meats derived from ruminants or swine originating in any country designated in § 94.1 is prohibited unless the following conditions shall have been fulfilled:

(1) All bones shall have been completely removed in the country of origin.

(2) The meat shall have been heated to such an extent that, upon inspection, the meat will have a thoroughly cooked appearance throughout.

(3) When so directed by the Chief of the Bureau of Animal Industry such meat shall be dealt with as provided in paragraph (a) (4) of this section.

The primary effect of the amendment is to give additional protection to the livestock industry of the United States by providing added safeguards in the handling of certain cured and cooked meats imported from countries where foot-and-mouth disease or rinderpest exists. Rapidly developing new demands for such importations require that this amendment be made effective at the earliest possible moment. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and public procedure on this amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER. Such notice and procedure are not required by any other statute.

This amendment shall become effective immediately.

(Sec. 2, 32 Stat. 792, as amended, sec. 307, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 111)

Done at Washington, D. C., this 30th day of March 1951.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51–4051; Filed, Apr. 4, 1951; 8:49 a. m.]

[1] This does not include any meat that has been sterilized by heat in hermetically sealed containers.

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

PART 202—DEPOSIT OF PUBLIC MONEYS AND PAYMENT OF GOVERNMENT CHECKS

MISCELLANEOUS AMENDMENTS

Part 202, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America (appearing also as Treasury Department Circular No. 176 (Revised) dated December 21, 1945, as amended) is hereby amended in the follwing respects:

1. By revising § 202.8 (a) to read as follows:

§ 202.8 *Indorsement and transmission of checks for collection*—(a) *Form of indorsement.* The depositor should stamp on the face of each check deposited for credit to the account of the Treasurer of the United States the words "This check is in payment of an obligation to the United States and must be paid at par. N. P. Do not wire nonpayment," followed by the name of his Department or agency. The Federal Reserve Bank or general depositary will make an effort to collect every check on these terms. If the bank on which a check is drawn for any reason does not pay it at par, it will be returned to the depositor in the same manner as a bad check. A check is not paid by the bank on which it is drawn until the proceeds thereof have been received in actually and finally collected funds. All checks should be indorsed: "Pay to the order of any Federal Reserve Bank or Branch or general depositary for credit to the Treasurer of the United States,

_____,
(Date)

_____
(Stamp signature or title of depositor)

2. By revising the undesignated paragraph immediately following paragraph (f) of § 202.20 *Collateral security for deposits,* to read as follows:

All securities to be pledged as collateral security for such deposits must be deposited with (1) the Federal Reserve Bank or Branch of the district in which the depositary is located or, by the direction and subject to the order of the Federal Reserve Bank or Branch, with a custodian or custodians within the United States, designated by such Federal Reserve Bank or Branch, and

under such terms and conditions as it may prescribe, or (2) the Treasurer of the United States, Division of Securities, and should be accompanied by a letter stating distinctly the purpose for which deposited. When registered bonds are to be deposited as collateral security hereunder, such bonds must be assigned to the Treasurer of the United States in trust for the bank by an officer of the bank, duly authorized by resolution of its board of directors to make such assignment, and the assignment must be duly acknowledged pursuant to the regulations of the Secretary of the Treasury governing assignments of registered bonds. A certified copy of the resolution of the board of directors must accompany the registered bonds when forwarded for deposit.

(Sec. 10, 56 Stat. 358; 12 U. S. C. 265)

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

MARCH 29, 1951.

[F. R. Doc. 51-4075; Filed, Apr. 4, 1951; 8:54 a. m.]

Subchapter B—Bureau of the Public Debt

PART 315—UNITED STATES SAVINGS BONDS

PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

PART 318—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES F & G

CROSS REFERENCE: See Part 329 of this chapter, *infra*, for provisions amendatory of and supplementary to Parts 315, 316, and 318.

[1951 Dept. Circ. 885]

PART 329—OPTIONS OPEN TO OWNERS OF MATURING UNITED STATES SAVINGS BONDS OF SERIES E

MARCH 26, 1951.

Sec.
329.1 Offering to owners of Series E savings bonds heretofore or hereafter issued.
329.2 Further interest after maturity.
329.3 Exchange for Series G bonds bearing special par redemption privilege.
329.4 Federal income tax.
329.5 Definition of terms.
329.6 Right to purchase bonds of Series E and G currently.
329.7 Modification of other circulars.
329.8 Other circulars generally applicable.
329.9 Supplements and amendments.

AUTHORITY: §§ 329.1 to 329.9 issued under sec. 22, 40 Stat. 21, as amended, sec. 1, Pub. Law 12, 82d Cong.; 31 U. S. C. 757c.

§ 329.1 *Offering to owners of Series E Savings Bonds heretofore or hereafter issued.* (a) Pursuant to section 22 (b) (2) of the Second Liberty Bond Act, as amended (31 U. S. C. 757c (b) (2)[1]), the Secretary of the Treasury offers to owners of United States Savings Bonds of Series E (hereinafter referred to as Bonds of Series E) who wish to continue their investment beyond maturity, the options hereinafter set forth. Bonds of Series E were first issued on May 1, 1941 and will mature beginning on May 1, 1951. Such options are hereby granted for the benefit of owners of Bonds of Series E heretofore or hereafter issued and are as binding on the United States as if expressly set forth in the text of the bonds. The term "owners" as used in these regulations in this part is defined in § 329.5 (b).

(b) The provisions of § 329.2 do not in any way restrict the right of owners of Bonds of Series E to cash their bonds at any time in accordance with the terms of such bonds.

§ 329.2 *Further interest after maturity.* (a) Owners of Bonds of Series E, which mature on and after May 1, 1951, have the option of retaining the matured bonds for a further 10-year period and earning interest upon the maturity values thereof to accrue at the rate of 2½ percent simple interest per annum for the first 7½ years and at a higher rate thereafter so that the aggregate return for the 10-year extension period will be about 2.9 percent compounded semi-annually. No action is required of owners desiring to take advantage of the extension. Merely by continuing to hold their bonds after maturity, owners will earn further interest in accordance with the schedule set forth in the table at the end of this part.

(b) Interest hereunder accrues at the end of the first half-year period following maturity and each successive half-year period thereafter. If the bonds are redeemed before the end of the first half-year period following maturity, the owner is entitled to payment only at the face value thereof.

§ 329.3 *Exchange for Series G bonds bearing special par redemption privilege.* (a) Owners of Bonds of Series E which mature on and after May 1, 1951, who prefer to have an investment paying current income rather than to exercise their right to request cash, or to retain the bonds under § 329.2, have the option of presenting their matured bonds in amounts of $500 (maturity value) or multiples thereof in exchange for Series G bonds which will bear the special privilege of redemption at par at any time at the owner's option as set forth in paragraph (b) of this section. The exchange will be governed by the rules set forth in paragraph (c) of this section. Except as set forth in this section, the Series G bonds issued upon exchange will in all other respects be the same as the Series G bonds currently on sale which mature 12 years from issue date and bear interest at the rate of 2½ percent per annum payable semiannually by check drawn to the order of the registered owner.

(b) The Series G bonds issued upon exchange will be specially stamped to indicate that they are unconditionally redeemable by the owner at par at any time after 6 months from the issue date upon one calendar month's notice to a Federal Reserve Bank or Branch or to the Treasury Department. The Series G bonds currently on sale for cash subscription may not be redeemed at par prior to maturity except in the event of death as set forth in the regulations governing United States Savings Bonds (Part 315 of this chapter).

(c) The following rules govern the exchange under this section: (1) The Series G bonds will be registered in the names of the owners of the matured Bonds of Series E in any authorized form of registration; (2) Series G bonds will be issued upon exchange only in denominations of $500, $1,000, $5,000 and $10,000 (maturity value); (3) the Bonds of Series E used in the exchange must be presented to a Federal Reserve Bank or Branch or to the Treasury Department, Washington 25, D. C., not later than two calendar months after the month of maturity and the bonds of Series G issued upon exchange will be dated as of the first day of the month in which the Bonds of Series E matured; but (4) if an owner desires to accumulate a number of Bonds of Series E for exchange to bonds of Series G in any authorized denomination set forth in subparagraph (2) of this paragraph he may accumulate such bonds during any twelve consecutive calendar months and present them for exchange not later than two calendar months after the month of maturity of the last bond in the group to be exchanged and the Series G bonds issued upon such exchange will be dated on a weighted average dating basis which will afford an adequate interest adjustment for the period during which the owner has accumulated the Bonds of Series E for the exchange; and (5) cash subscriptions in whole or in part will not be accepted for the Series G bonds offered under this section.

§ 329.4 *Federal income tax.* (a) A taxpayer who has been reporting the increase in redemption value of his Bonds of Series E, for Federal income tax purposes, each year as it accrues, must continue to do so if he retains the bonds under § 329.2, unless in accordance with income tax regulations (Regulations 111, § 29.42-6 of Title 26) the taxpayer secures permission from the Commissioner of Internal Revenue to change to a different method of reporting income from such obligations. A taxpayer who has not been reporting the increase in redemption value of such bonds currently for tax purposes may in any year prior to final maturity, and subject to the provisions of section 42 (b) of the Internal Revenue Code and of the regulations prescribed thereunder, elect for such year and subsequent years to report such income annually. Holders of Bonds of Series E who have not reported the increase in redemption value currently are required to include such amount in gross income for the taxable year of actual redemption or for the taxable year in which the period of extension ends, whichever is earlier.

(b) Taxpayers who exchange their matured Bonds of Series E for Series G bonds under the provisions of § 329.3 must report the difference between the purchase price of their Series E bonds and the maturity value thereof in their returns for the year in which the bonds mature to the extent to which such difference has not been reported in previous returns. The interest payable on the Series G bonds issued upon exchange must be reported as income for the taxable year in which received or accrued.

(c) If further information concerning the income tax is desired, inquiry should be addressed to the Collector of Internal Revenue of the taxpayer's district or to the Bureau of Internal Revenue, Washington 25, D. C.

§ 329.5 *Definition of terms.* (a) The term "Bonds of Series E" as used in the regulations in this part includes all Bonds of Series E issued as United States Defense Savings Bonds, United States War Savings Bonds and all those issued as Series E savings bonds without special designation; (b) the term "owners" as used in the regulations in this part includes registered owners, coowners, surviving beneficiaries, next of kin and legatees of a deceased owner, and persons who have acquired bonds pursuant to judicial proceedings against the owner, except that judgment creditors, trustees in bankruptcy and receivers of insolvents' estates will have the right only to payment of Bonds of Series E in accordance with the regulations governing United States Savings Bonds (Part 315 of this chapter).

§ 329.6 *Right to purchase bonds of Series E and G currently.* The amount of matured Bonds of Series E retained after maturity and the amount of bonds of Series G issued upon exchange in accordance with the regulations in this part will not be included in the limitation on holdings applicable to the amount of bonds of such series which may be purchased by an investor each calendar year; except that nothing contained in this part shall be construed to permit the current purchase of savings bonds of Series E for the account of organizations and fiduciaries or the purchase of savings bonds of either series for the account of persons who are not entitled to have them on original issue, contrary to the provisions of the regulations governing United States Savings Bonds (Part 315 of this chapter).

§ 329.7 *Modification of other circulars.* The provisions of these regulations in this part shall be considered as amendatory of and supplementary to the offering circular for saving bonds of Series E (Department Circular No. 653 and its revisions (Part 316 of this chapter)), the offering circular for savings bonds of Series G (Department Circular No. 654 and its revisions (Part 318 of this chapter)) and the circular containing the regulations governing United States Savings Bonds[2] (Part 315 of this chapter), which circulars are hereby modified to accord with the provisions of this part.

§ 329.8 *Other circulars generally applicable.* Except as provided in the regulations in this part, the circulars referred to in § 329.7 will continue to be generally applicable.

§ 329.9 *Supplements and amendments.* The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of the regulations in this part, or of any amendment or supplement thereto.

[1] Act of March 26, 1951, Pub. Law 12, 82d Cong.

[2] The regulations currently in force governing United States Savings Bonds are set forth in Department Circular No. 530, Sixth Revision, as amended.

OPTIONAL EXTENSION OF UNITED STATES SAVINGS BONDS, SERIES E—TABLE OF REDEMPTION VALUES AND INVESTMENT YIELDS RELATING TO EXTENDED BONDS

Table for the 10 year extension period showing: (1) How bonds of Series E, by denominations, increase in redemption value during successive half-year periods following date of original maturity; (2) the approximate investment yield on the purchase price from issue date to the beginning of each half-year period; and (3) the approximate investment yield on the current redemption value from the beginning of each half-year period to extended maturity. Yields are expressed in terms of rate percent per annum, compounded semiannually.

Extended maturity value	$33.33	$33.33	$66.67	$133.33	$266.67	$666.67	$1,333.33	Approximate investment yield	
Original maturity (or face) value	10.00	25.00	50.00	100.00	200.00	500.00	1,000.00		
Issue price	7.50	18.75	37.50	75.00	150.00	375.00	750.00	(2) On purchase price from original issue date to beginning of each half year period	(3) On current redemption value from beginning of each half year period to extended maturity
Period after issue date	(1) Redemption values during each half-year period								
10 to 10½ years	$10.00	$25.00	$50.00	$100.00	$200.00	$500.00	$1,000.00	*Percent* 2.90	*Percent*
10½ to 11 years	10.12	25.31	50.62	101.25	202.50	506.25	1,012.50	2.88	2.90
11 to 11½ years	10.25	25.62	51.25	102.50	205.00	512.50	1,025.00	2.86	2.92
11½ to 12 years	10.37	25.94	51.87	103.75	207.50	518.75	1,037.50	2.84	2.91
12 to 12½ years	10.50	26.25	52.50	105.00	210.00	525.00	1,050.00	2.83	2.93
12½ to 13 years	10.62	25.56	53.12	106.25	212.50	531.25	1,062.50	2.87	2.95
13 to 13½ years	10.75	26.87	53.75	107.50	215.00	537.50	1,075.00	2.90	3.00
13½ to 14 years	10.87	27.19	54.37	108.75	217.50	543.75	1,087.50	2.92	3.10
14 to 14½ years	11.00	27.50	55.00	110.00	220.00	550.00	1,100.00	2.93	3.21
14½ to 15 years	11.12	27.81	55.62	111.25	222.50	556.25	1,112.50	2.94	3.32
15 to 15½ years	11.25	28.12	56.25	112.50	225.00	562.50	1,125.00	2.72	3.33
15½ to 16 years	11.37	28.41	56.87	113.75	227.50	568.75	1,137.50	2.71	3.33
16 to 16½ years	11.50	28.75	57.50	115.00	230.00	575.00	1,150.00	2.69	3.33
16½ to 17 years	11.62	29.06	58.12	116.25	232.50	581.25	1,162.50	2.68	3.33
17 to 17½ years	11.75	29.37	58.75	117.50	235.00	587.50	1,175.00	2.67	3.33
17½ to 18 years	12.40	30.00	60.00	120.00	240.00	600.00	1,200.00	2.70	4.36
18 to 18½ years	12.37	30.37	61.23	122.47	245.33	613.33	1,226.67	2.78	4.33
18½ to 19 years	12.58	31.33	62.67	125.33	250.67	626.67	1,253.33	2.79	4.37
19 to 19½ years	12.80	32.00	64.00	128.00	256.00	640.00	1,280.00	2.81	4.42
19½ to 20 years	13.67	32.67	65.33	130.67	261.33	653.33	1,306.67	2.87	4.48
Extended maturity value (20 years from issue date)	13.33	33.33	66.67	133.33	266.67	666.67	1,333.33	2.90	

[1] Calculated on basis of $1,000 bond (face value).

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is found to be impracticable and unnecessary with respect to these regulations which enlarge the rights of owners of Bonds of Series E.

JOHN W. SNYDER,
Secretary of the Treasury.

Approved: March 26, 1951.

HARRY S. TRUMAN

[F. R. Doc. 51-4025; Filed, Apr. 3, 1951; 8:56 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 578—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

MISCELLANEOUS AMENDMENTS

Sections 578.16 (b) and 578.19 (b) are amended to read as follows:

§ 578.16 *Distinguished-flying cross.*

* * *

(b) *Standards.* The performance of the act of heroism must be evidenced by voluntary action in the face of great danger above and beyond the line of duty while participating in aerial flight. The extraordinary achievement while participating in aerial flight must have resulted in an accomplishment so exceptional and outstanding as to clearly set the individual apart from his comrades, none of whom have been recognized for the identical achievement. Awards will be made only to recognize single acts of heroism or extraordinary achievement and will not be made in recognition of sustained operational activities against an armed enemy.

§ 578.19 *Air medal.* * * *

(b) *Standards.* Awards may be made to recognize single acts of merit or sustained operational activities against an armed enemy. The required achievement, while of lesser degree than that required for the award of the Distinguished Flying Cross, must nevertheless have been accomplished with distinction above and beyond that normally expected. The term "sustained operational activities" will be defined to include only activities over enemy-held territory wherein definite opposition has been encountered.

[C2, AR 600-45, Mar. 14, 1951] (R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-4068; Filed, Apr. 4, 1951; 8:53 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-12 as amended April 1, 1951]

M-12—USE OF COPPER AND COPPER-BASE ALLOYS

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

However, consultation with representatives of all trades and industries affected in advance of the issuance of this order, as amended, has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

This amendment affects NPA Order M–12 as follows: A new paragragh (h) is added to section 7; section 11 (c) is amended, and the item "Fins" is deleted from Building Materials in List B, as so amended, NPA Order M–12 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Copper forms and products to which this order applies.
4. Application of order.
5. Production of brass mill products, copper wire mill products and foundry products.
6. Use of copper forms and products.
7. Prohibited uses of copper.
8. Maintenance, repair and operating supplies.
9. Exemptions.
10. Inventories.
11. Restrictions on delivery.
12. Applications for adjustment.
13. Records and reports.
14. Communications.
15. Violations.

AUTHORITY: Sections 1 to 15 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to describe how the copper remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy. It is the policy of the National Production Authority that copper and articles made of copper, not required to fill rated orders, shall be distributed equitably through normal channels of distribution, and that due regard shall be given by suppliers to the needs of new and small business. It is the intent of this order that other materials which are not in short supply shall be substituted for copper and copper-base alloy wherever possible.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the six-months period ending June 30, 1950.

(c) "Manufacture" means to put into process, machine, incorporate into products, fabricate or otherwise alter the forms and products of copper defined in section 3 by physical or chemical means, and includes the use of copper in plating.

(d) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment or facility in sound working condition, and "repair" means the restoration of a building, machine, piece of equipment or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like: *Provided, however,* Neither maintenance nor repair includes the improvement of any such item with materials of a better kind, quality or design.

(e) "Operating supplies" means any copper or copper-base alloy forms or products listed in section 3 of this order which are normally carried by a person as operating supplies according to established accounting practice and are not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies.

SEC. 3. *Copper forms and products to which this order applies.* This order applies to the following forms and products of copper: Copper, copper-base alloy, brass mill products, copper wire mill products, and foundry copper products and copper-base alloy products. For the purpose of this order, these items are defined as follows:

(a) "Copper" means unalloyed copper. (It includes electrolytic copper, fire refined copper and all unalloyed copper in any form including scrap.)

(b) "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal by weight equals or exceeds 40 percent of the total weight of the alloy. (It shall include fired and demilitarized cartridge and artillery cases, and all copper-base alloy, as specified above, in any form including scrap.) It does not include alloyed gold produced in accordance with U. S. Commercial standard CS67–38.

(c) "Brass mill product" means sheet, including strip and plate; rod, including bars, forgings (rough as forged), and extruded shapes; wire; or tube, including pipe; made from copper or copper-base alloy. This does not include copper wire mill products.

(d) "Copper wire mill product" means bare wire, insulated wire and cable whatever the outer protective coverings may be, and uninsulated wire and cables, where the conductors are made from copper, copper-base alloy, or copper clad steel containing over 20 percent copper by weight. All copper wire mill products should be measured in terms of pounds of copper content.

(e) "Foundry products" means cast copper and copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding or forging. (Includes the removal of gates, risers and sprues, and sandblasting, tumbling, or dipping, but excludes any further machining or processing.)

SEC. 4. *Application of order.* Subject to the exemptions stated in section 9, this order applies to all persons who produce brass mill products, copper wire mill products or foundry products as listed in section 3 of this order, or who use any of the forms and products of copper defined in paragraphs (a), (b), (c), (d) and (e) of section 3 for the purpose of manufacture, use in installation or construction, or for maintenance, repair or operating supplies. This order also contains limitations on the use of such copper forms and products in the manufacture or assembly of certain items. This order does not apply to persons who use copper or copper-base alloy in the production of other metals or metal alloys.

SEC. 5. *Production of brass mill products, copper wire mill products and foundry products.* Subject to the exemptions stated in section 9 of this order or unless specifically directed by the National Production Authority:

(a) No person shall produce during the following months a total quantity by weight of brass mill products and copper wire mill products in excess of the percentages specified with respect to each month of his average monthly production of such products during the base period:

	Percent
January, 1951	85
February, 1951	85
March, 1951	80

During the calendar quarter commencing on April 1, 1951, no person shall produce a total quantity by weight of brass mill products and copper wire mill products in excess of 80 percent of his average quarterly production of such products during the base period: *Provided however,* That such production in any one month shall not exceed 40 percent of the permitted quarterly production. The production of brass mill products and copper wire mill products, pursuant to a valid toll or conversion agreement or other arrangement whereby title to the material to be processed remains vested in the person who delivers it, is permitted in addition to the production permitted by this paragraph. In determining average monthly production during the base period, the brass mill products and copper wire mill products so produced shall not be included in the base period production of the brass mill or wire mill. Nothing contained in this paragraph shall affect the restrictions on toll and other similar agreements contained in NPA Order M–16.

(b) During each of the calendar quarters commencing on January 1, 1951, and April 1, 1951, no person shall produce a total quantity by weight of foundry products in excess of 100 percent of his average quarterly production of foundry products during the base period.

SEC. 6. *Use of copper forms and products.* Subject to the exemptions stated in section 9 of this order, or unless specifically directed by the National Production Authority, no person shall use in manufacture, installation or construction:

(a) During December 1950, a total quantity by weight of the forms and products of copper defined in paragraphs (a), (b), (c), (d) and (e) of section 3 of this order in excess of 100 percent of his average monthly use of such material in October and November 1950.

(b) During the following months a total quantity by weight of the forms and products of copper defined in paragraphs (a), (b), (c), and (d) of section 3 (including copper forms and products produced under toll and conversion agreements or other similar arrangements) in excess of the percentages specified with respect to each month of his average monthly use of such material during the base period:

	Percent
January, 1951	85
February, 1951	85
March, 1951	80

(c) During the calendar quarter commencing on April 1, 1951, a total quantity by weight of the forms and products of copper defined in paragraphs (a), (b), (c), and (d) of section 3 (including copper forms and products produced under toll and conversion agreements or other similar arrangements) in excess of 75 percent of his average quarterly use of such copper during the base period: *Provided, however,* That such use in any one month shall not exceed 40 percent of the permitted use.

(d) During each of the calendar quarters commencing on January 1, 1951, and April 1, 1951, a total quantity by weight of foundry products in excess of 100 percent of his average quarterly use of such products during the base period: *Provided, however,* That in cases where a foundry product in the form of a casting is owned by one person and machined pursuant to a contractual agreement by another person, it shall be considered that the owner used the casting in manufacture.

SEC. 7. *Prohibited uses of copper.* (a) Commencing on March 1, 1951, no person shall use copper in the forms and products defined in section 3 of this order, or any component part made therefrom, in the manufacture or assembly of any item included in attached List A, except as permitted therein; and no person shall use in the manufacture or assembly of any item, whether or not included in List A, a greater quantity or better grade of such materials than is necessary for functional or operational purposes, or use such materials solely for decorative or ornamental purposes. However, these prohibitions shall not apply to such use of: (1) Any such copper forms and products, or component parts made therefrom, on or after March 1, 1951, if such materials were contained in such person's inventory on said date and are wholly unsuitable for use in the manufacture or assembly by such person of any item not included in List A; or (2) any such materials covered by an order placed with a producer and included in the producer's schedule for February 1951, which are delivered to such person at his plant prior to April 1, 1951, to the extent that such materials are wholly unsuitable for use in manufacture or assembly by such person of any item not included in List A. Every person who relies on the provisions of the next preceding sentence shall prepare a detailed record showing: (A) The quantities of such copper forms and products, and component parts made therefrom, which were contained in his inventory on the first days of December 1950, and of January, February and March 1951, and which were wholly unsuitable for use in his manufacture or assembly of any item not included in List A; and (B) the quantities of such materials wholly unsuitable for such use which were delivered to him on or after March 1, 1951, the names and addresses of the suppliers thereof, and the dates of the orders and acceptances covering such materials together with the applicable mill schedule. Such record shall be retained for at least two years and shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(b) Commencing on April 1, 1951, no person shall use copper in the forms and products defined in section 3, or any component part made therefrom, in the manufacture or assembly of any item included in attached List B, except as permitted therein. However, this prohibition shall not apply to such use of: (1) Any such copper forms and products, or component parts made therefrom, on or after April 1, 1951, if such materials were contained in such person's inventory on said date and are wholly unsuitable for use in the manufacture or assembly by such person of any item not included in List A or List B; or (2) any such materials that have been covered by any order placed with a producer which were included in the producer's schedule for March 1951, and are delivered to such person at his plant prior to May 1, 1951, to the extent that such materials are wholly unsuitable for use in manufacture or assembly by such person of any item not included in List A or List B. Every person who relies on the provisions of the next preceding sentence shall prepare a detailed record showing: (A) The quantities of such copper forms and products, and component parts made therefrom, which were contained in his inventory on the first days of January, February, March and April 1951, and which were wholly unsuitable for use in his manufacture or assembly of any item not included in List B; and (B) the quantities of such materials wholly unsuitable for such use which were delivered to him on or after April 1, 1951, the names and addresses of the suppliers thereof, and the dates of the orders and acceptances covering such materials, together with the applicable mill schedule. Such record shall be retained for at least two years and shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, copper or copper-base alloy may be used: (1) For plating any item included in List A or List B, or any component part thereof, where such plating is an undercoat for chromium, nickel, gold or silver; or (2) for brazing any item, or component part thereof, included in List A or List B.

(d) During February 1951, no person shall use in the manufacture or assembly of the items included in attached List A a total quantity by weight of the copper forms or products defined in paragraphs (a), (b), (c) and (d) of section 3, or any component part made therefrom, in excess of 85 percent, or of the foundry products defined in paragraph (e) of said section, or any component part made therefrom, in excess of 100 percent, of his average monthly use of such materials for such purposes during the base period. During March 1951, the same limitations shall apply to the manufacture or assembly of the items included in attached List B, except that the percentage limitation as to the copper forms and products defined in paragraphs (a), (b), (c) and (d) of section 3 shall be 80 percent instead of 85 percent. To the extent that manufacture or assembly of the items on attached List A or List B is permitted under paragraphs (a) or (b) of this section, the limitations of section 6 of this order, shall also apply during March 1951 and each succeeding month.

(e) Commencing on April 1, 1951, no person shall use in construction any brass mill product as such for any item included in List A or List B except as permitted therein.

(f) The following items included in List A or List B shall be exempt from the application of this section if they are used on vessels other than pleasure craft: (1) Furnishings, fittings, and fixtures when located within the sphere of the magnetic compasses; and (2) builders' hardware, building materials and snap hooks where the properties supplied by copper are essential and satisfactory substitutes not available.

(g) The prohibitions of this section apply notwithstanding the provisions of NPA Reg. 2 with respect to the filling of rated orders and are not affected by any of the exemptions stated in section 9 of this order: *Provided, however,* That such provisions of NPA Reg. 2 and paragraphs (a) and (b) of section 9 apply to such items included in attached List A or List B as are specifically designated as being permitted for the use of the Armed Forces of the United States, including the United States Coast Guard.

(h) Any component parts of items included in List A or List B which are manufactured or assembled within the limitations of paragraphs (a) or (b) of this section may be sold at any time and the purchaser thereof may assemble these component parts into items included in List A or List B at any time provided these component parts are wholly unsuitable for use in the production, manufacture, or assembly of any item not prohibited by this section.

SEC. 8. *Maintenance, repair and operating supplies.* Unless specifically directed by the National Production Authority, during the calendar quarter commencing on January 1, 1951, and each calendar quarter thereafter, no person shall use for maintenance, repair and operating supplies a quantity by weight of the forms and products of copper defined in paragraphs (a), (b), (c), (d), and (e) of section 3 of this order, in excess of 100 percent of his average quarterly use for such purposes during the base period.

SEC. 9. *Exemptions.* (a) The production of brass mill, copper wire mill and foundry products and the use of such products is permitted to fill rated orders, or to meet any mandatory order of the National Production Authority, in addition to the production and use permitted

by the provisions of sections 5, 6, and 8 of this order.

(b) Copper forms and products defined in section 3 acquired with ratings, or to meet a National Production Authority scheduled program may be used in addition to the quantities permitted by the provisions of sections 6 and 8.

(c) The provisions of sections 6 and 8 do not apply to persons who use less than 1,000 lbs. of the copper forms and products defined in section 3 during any calendar quarter; *Provided, however,* That persons who by reason of the provisions of sections 6 and 8 would be permitted to use less than 1,000 lbs. during any calendar quarter, may use during such period a quantity up to 1,000 lbs.

SEC. 10. *Inventories.* In addition to the provisions of NPA Reg. 1 relating to Inventory Controls, it is considered that a more exact requirement applying to producers of brass mill products, copper wire mill products and foundry products, and to users of the copper forms and products defined in section 3 of this order is necessary.

(a) No person producing brass mill products, copper wire mill products or foundry products may receive or accept delivery of copper or copper-base alloy if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 45-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg 1, whichever is less.

(b) No person obtaining copper forms or products defined in section 3 for use in manufacture, installation or construction, or for maintenance, repair or operating supplies, may receive or accept delivery of a quantity of such forms and products if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 60-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less.

(c) For the purpose of this section, any copper forms and products defined in section 3, in which minor changes or alterations have been effected, shall be included in inventory. NPA Reg. 1 will apply to all such forms and products except as modified by this section.

SEC. 11. *Restrictions on delivery.* (a) No person shall deliver any of the forms and products of copper defined in section 3 of this order, if he knows or has reason to believe that his customer may not accept delivery of such materials under this order or will use such materials in violation of this order.

(b) No person shall deliver any copper forms or products defined in section 3 unless the purchaser shall have furnished to the seller a signed certification as follows:

> The undersigned, subject to statutory penalties, certifies that acceptance of delivery and use by the undersigned of the copper forms or products herein ordered will not be in violation of NPA Order M–12.

This certification constitutes a representation by the purchaser to the seller and to the National Production Authority that delivery of such copper forms or products may be accepted by the purchaser under this order, and that such materials will not be used by the purchaser in violation of this order.

(c) The certification required by paragraph (b) of this section shall not be required in connection with the delivery of copper forms and products (1) to the General Services Administration for the stockpile of strategic materials, (2) to purchasers where delivery is made prior to April 1, 1951, pursuant to an order received prior to February 19, 1951, (3) to purchasers of quantities weighing 25 pounds or less, (4) to purchasers in foreign countries; or (5) in connection with the delivery of scrap.

SEC. 12. *Applications for adjustment.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Producers shall make such application on Form NPAF–11, "Copper and Copper-Base Alloys: Producer's application for Adjustment or Exception." Users shall make application on Form NPAF–12, "Copper Forms and Products: User's Application for Adjustment or Exception." Copies of these forms may be obtained from the nearest Department of Commerce Field Office.

SEC. 13. *Records and reports.* (a) Persons subject to this order shall preserve the records which they have maintained of production, inventories, receipts, deliveries and uses of copper forms and products defined in section 3 of this order commencing with January 1, 1950.

(b) Persons subject to this order shall make records and submit such reports to the National Production Authority as it shall require subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 14. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C. Ref: M–12.

SEC. 15. *Violations.* Any person who wilfully violates any provisions of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order, as amended, (includes Lists A and B hereto attached. The order as amended including Lists A and B shall take effect, except as otherwise specifically stated, on April 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

LIST A

(See section 7)

The use of the forms and products of copper defined in section 3 and of any component parts made therefrom in the items listed below (excluding repair parts) is prohibited except to the extent permitted in the order or the list: *Provided, however,* That such material may be used in such items included in the list as are marked with an asterisk in cases where such items are to be used by the Armed Forces of the United States, including the United States Coast Guard.

BUILDERS' HARDWARE

Protective brass plating of all listed items of builders' hardware is permitted where other types of finishes are not practicable.
Butts, hinges and related items.
Checking floor closers, overhead concealed, semi-concealed and surface door closers (except gland nuts, regulating screw assemblies, and fusible links).
Closers, hanging brackets for.
Closers, screen door.
Cabinet hardware, including cabinet hinges.
Hangers, track and related items including:
Sliding door hardware.
Folding door hardware.
Sliding-folding door hardware.
Folding partition hardware.
Upward acting door hardware.
Fire door hardware (except bearings and fusible links).
Hardware for sash, screen, transom and casement and other shelf hardware items.
Locks, lock trim (except for cylinder assemblies and keys, for essential working parts of locks and latches, for faces of locks and latches and for trim of cylinder lock sets).
Spring hinges.
Sash balances.
Door holding devices.
Kick plates.
Push plates.
Door pulls.
Push bars.
House numbers.
Door knockers.
Letter boxes.
Nameplates.

BUILDING MATERIALS

Anchors and dowels (except window cleaner's safety anchors).
Bands on pipe insulation.
Bathtub enclosures and shower enclosures.
Blinds, including fixtures and fittings (except where essential for operating parts).
Caulking anchors.
Cement flooring and composition flooring (except that crude arsenical copper precipitate may be used for flooring in hospital operating and anesthesia rooms, for places where explosives are handled or stored and for places where explosive vapors may be present).
Chimneys and flues.
Conduits (except instrument assemblies).
Cornices.
Door sills.
Door frames.
Doors.
Downspouts and accessories thereto.
Drains (except strainer grids for showers and urinals).
Drip pans.
Elevators and escalators (except for worm gears and parts for conducting electricity).
Escutcheons and plates for floor, ceiling and wall use.
Fences and gates.
Food waste disposal units (except current-carrying parts, bearings, controls, impellers and sink strainers).
Gratings.
Grids (except for flooring in hospital operating rooms and anesthesia rooms, and for places where explosives are handled or stored and for places where explosive vapors may be present).
Grilles and shields, including fresh air inlet boxes and radiator and convector enclosures.
Gutters and accessories thereto.
Holdback hooks for curtains.
I. P. S. waste nipples.
Lavatory legs (except for hospital use).
Leaders and accessories thereto.
Linoleum stripping.
Louvres.
Marquees.
Metal siding.
Mouldings for joining cabinet sinks.
Ornamental metal work; including grille work, railings, and fittings.
Pipe, iron pipe sizes and fittings (except for industrial process piping and chemical and gas equipment and except for solder nipples, solder bushing and ferrules).
Radiator covers and shields.
Railings and fittings.
Reglets, moulding and trim.
Rim protectors for fixtures.
Robe hooks.
Roofing.
Roofing nails (except staples, clips and similar devices designed for the purpose of protecting shingles, flashings and siding against wind damage).
Shower curtain rods and bars (except for hospitals).
Shower door frames.
Shower goosenecks.
Skylights.
Stair and threshold treads, nosing and edgings.
Store fronts.
Straps and hangers for pipe supports.
Supply pipes, iron pipe sizes.
Switch plates.
Tanks for automatic storage water heaters.
Traps (except tube traps in 20 gauge without cleanouts and except traps cast from secondary metal).
Thresholds and saddles.
Towel bars and brackets.
Tube, tubing and fittings for piping systems in construction (except for Type K for underground water service connections; Types B, L, and M for domestic hot and cold water supply pipes, tank to oil burner hook-ups, and oxygen lines; Types B, K, L, and M for industrial process, food, chemical and gas equipment piping; and seamless tube for air temperature control apparatus).
Unit heaters, unit ventilators, unit ventilator inlet wall boxes and convectors, and blast heating coils, or any apparatus using such coils as part of its construction (except for valves, controls, fins, bearings or parts necessary for conducting electricity, and for water or steam courses and headers).
Ventilators.
Vents.
Weatherstripping.
Window frames.
Window sills.
Windows.

BURIAL EQUIPMENT

Burial urns.
Burial vaults.
Caskets and casket hardware (except copper or brass flash plate treatment necessary to prevent corrosion during period of manufacture and warehousing).
Memorial tablets.

CLOTHING AND DRESS ACCESSORIES, NOT INCLUDING SAFETY EQUIPMENT

Artificial flowers.
*Buckles and shoe buckles (except for foundation garments where strength, launderability and non-corrosiveness are essential).
*Buttons (except front shells of uniform buttons for police, firemen, guards, railroad and other transportation employees and similar uniforms, the backs to be made of steel with rust resistant plating; and work clothing and other utility (closure) purposes where launderability and non-corrosiveness are essential, provided that all strictly decorative and out-size buttons are eliminated).
Dress ornaments and trimmings.
*Fittings: belt, corset, garter, glove, hand bag, purse, suspender, luggage and supporter (except for foundation garments and sanitary belts where launderability and non-corrosiveness are essential).
*Insignia and decorations (awards).
*Metal clothes, laces, tassels, braids, embroidery, ribbons.
Millinery accessories and frames.
*Snaps, snap buttons, and hooks and eyes (except (1) irrespective of weight, in industrial safety clothing, work clothing and foundation garments; (2) for complete fasteners weighing 5 pounds or less per thousand units, on other wearing apparel exclusive of belts, suspenders, gloves, footwear, and other dress accessories, and billfolds, luggage, wallets and key cases; and (3) except for wire springs contained in snaps and snap buttons weighing in excess of 5 pounds per thousand complete units).

FURNISHINGS AND EQUIPMENT

Andirons, fireplace screens and fittings.
Candlesticks.
Curtain fasteners, rods and rings.
Cuspidors.
Gas heater and stove installation connections (except for high pressure LPG connections from tank to fixture).
Lamp shades.
Mops.
Mud scrapers.
Scrubbing boards.
Space heaters, flue connected and non-flue connected (except valves, controls and parts necessary for proper operation or for conducting electricity).
Stoves and ranges of all fuels for household cooking use (except valves, compression fittings, controls including timers, thermostats and parts for conducting electricity or necessary for safe operation).
Trays.
Upholsterers' supplies, including nails and tacks.
Vases, pitchers, bowls, and artcraft (except scientific laboratory).
Washing tubs and washing boilers.
Waste baskets, humidors and similar items.

FURNITURE AND FIXTURES

Barber shop and beauty parlor furniture.
Household furniture.
Mattresses and bedsprings (except hospital).
Partitions and shelving (except hospital and laboratory).
Public building and office furniture.
Reed and rattan furniture.
Restaurant furniture.
Venetian blinds (except where essential for operating parts).

HARDWARE, MISCELLANEOUS

Collars and other harness for pets.
Cutlery, table, kitchen, butcher and meat packing (except rivets and knife assemblies in matching silver-plated flatwear sets).
Fireplace fixtures and equipment.
Furniture (except in cylinder assemblies and keys and for essential working parts of locks).
Hand saw screws, nuts and washers for attaching saw blades to the handles.
Hand service tools, including hammers, pliers, wrenches, screw drivers, etc. (except essential parts of spiral ratchet and ratchet screw drivers and drills; hand and breast drills and bit braces; soldering irons; and blow-torches; except nonsparking tools necessary to prevent explosion hazards; and except portable spot welders).
Passenger transportation equipment, decorative hardware and ornamental metal work and trim and general hardware (except for locks).
Pleasure boat decorative hardware.
Pocket knives (except rivets and lining assemblies).
Puttying and scraping knives (except rivets).
*Saddlery and harness hardware (except for brass protective plating).
Scissors, shears, hedge and other trimmers, tinners and other snips.
Stairs and threshold treads and edgings.
Trunk and luggage hardware (except for brass protective plating and except in cylinder assemblies and keys and for essential working parts of locks).

HOUSEHOLD ELECTRICAL APPLIANCES

(Except for operational parts where the properties supplied by the copper are essential or where necessary for electrical conductivity)

Household electrical appliances including but not limited to:

Laundry equipment.
Vacuum cleaners.
Refrigerators.
Floor and furniture polishers.
Food mixers.
Electric irons.
Hair driers.
Toasters.

JEWELRY, GIFTS, AND NOVELTIES

All jewelry (except operational attachments such as screw and snap posts; cam assemblies; wire pegs; screws and or rivets; spring pins for wrist watches; catches and pin stems; and copper seal interlinings to prevent "bleeding" of silver through gold); gifts and novelties, including but not limited to:

Book ends.
Jewelry and instrument cases, including cosmetic.
Lighters (except necessary operational parts).
*Medals and emblems, including decorations (except religious goods).
Mirror and picture frames.
Napkin rings.
Smokers' accessories, including ash trays and humidors.
Souvenirs.

CIVILIAN TYPE MOTOR VEHICLE: PASSENGER AUTOMOBILES INCLUDING TAXICABS, STATION WAGONS, AMBULANCES, HEARSES, TRUCKS, TRUCK TRACTORS, TRUCK TRAILERS, MOTORCYCLES AND BUSSES

Decorative mouldings, both internal and external (except for glass run channels, window-glass frames, external windshield and rear window external mouldings where such mouldings are produced from strip 6 inches or narrower).
Defrosters and heaters (except (1) for conducting electricity and (2) radiators (heat exchangers) and supply and return hot water lines and (3) parts used in the operating controls of the heating and defrosting systems).
Gas tank caps (except valves and springs).
Horns (except parts for diaphragms, vibrators and conducting electricity).
Lighters (except parts for conducting electricity).
Lights, lamps, headlamps, and lighting accessories (except for doors, bezels, adjusting and attaching screws, retaining rings, copper flash plating on reflectors and parts for conducting electricity including light bulbs).
Motor vehicle hardware (except door handles, ventilator and regulator handles for windows and doors, working parts for locks, ventilator window latches, external lock cylinder caps and covers, external windshield wiper arm and blade assemblies and screw).
Rear-view mirrors and brackets (except copper flash plating on mirrors).
Smokers' accessories, including ash trays.
Wheel discs and wheel trim rings.

PASSENGER TRANSPORTATION EQUIPMENT

(Including railroad cars, street and interurban cars, busses, and trailers, but excluding locomotives)

All items under the heading "Furnishings and Equipment".
Bands on pipe coverings.
Door knockers, checks, pulls and stops.
Doors and windows, door and window frames and window sills.
Drinking water reservoirs.
Shower rods and pans.
Sinks and drainboards.
Towel and luggage racks.
Water containers for humidification.
Weatherstripping and insulation.

MISCELLANEOUS

Alarm and protective systems (except parts for conducting electricity or where essential to the proper service or functioning of the parts).
Antique reproductions.
Arch supports.
Atomizers (except for medicinal purposes and for use in the preparation of dried milk and dried eggs).
Barrels, boxes, cans, jars, and other containers.
*Badges (except for use by personnel where badges are required for protection and security by Government agencies or by industrial plants).
Bar and counter equipment and fittings.
Barber shop equipment and supplies (except for current-carrying parts).
Barrel hooks.
Bathroom accessories (including grab bars, tumbler holders, tooth brush holders, paper holders, and shelf brackets).
Beauty parlor equipment and supplies (except for replacement parts of commercial permanent wave equipment and commercial hair driers and for current-carrying parts).
Bicycles, and similar vehicles and equipment therefor (except valves for bicycle tires and tubes and except plating of operational parts).
Binoculars (except precision types) and opera glasses.
Bird and pet cages and stands.
Branding, marking, and labeling devices and stock for same (except engraved burning branding dies, and except where the devices and the stock are for affixing governmental, notarial and corporate seals).
Bronze ink (except use in the graphic arts industry where bronze ink and powder are an integral part of product identification and whose normal replating is less frequent than one year).
Brushes (except for the types used in electric motors and generators; and except for industrial brushes and tooth brushes).
Carpet rods.
Chimes and bells (except parts for conducting electricity or where non-magnetic gong material is required for electrically operated signaling devices used as adjuncts to communication systems and except bells for use on board ship where essential to the proper functioning of the parts).
Clips, paper.
Cleaning and polishing accessories, such as brooms, carpet sweepers, crumbing sets, dust pans, mops, pot scourers, whisk brooms and floor and furniture polishers.
Clock cases (except for marine use).
Clothes line pulleys and reels.
Cocktail shakers.
Coin-operated game and gambling machines (except tumblers for locks and current-carrying parts).
Coin-operated vending machines (except necessary operational parts and current-carrying parts).
Cooking utensils (except gauges and protective devices and plating of bottoms).
Daubers for shoe polish.
Dispensers, hand, for hand lotions, paper products, soap and straws (except for hospitals).
Flower pots, boxes and holders for same.
Fountain pens (except necessary operational parts).
Furniture grommets.
Garden tools and equipment (except for functional parts).
Hair curlers, hair brushes and combs (except for heat-carrying parts and for electrical conductivity).
Ice cream freezers for use in the home (except electric).
Juke boxes (except for current-carrying parts).
Kitchen utensils, devices and machines (except electrical appliances).
Lace tips.
Lamps, portable electric (except for current-carrying parts).
Lamps and lanterns, other than electric (except for generators, valves, controls, burners, wicks and founts).
Letter boxes and mail chutes.
Lighting fixtures (except (1) current-carrying parts, plating, rivets, eyelets, screws, small fasteners; (2) the threaded parts, clamping, sealing or attachment devices of exterior, explosion-proof, dust-tight and vapor-tight fixtures; (3) Marine and airport).
Loose-leaf binders.
Manicure implements.
Match and pattern plates, matrices, and flasks.
Mattress buttons and furniture glides.
Name plates (except instruction and data plates and identification plates for use on machinery or equipment without display or ornamentation).
Nonoperating or decorative uses of copper or copper-base alloy, or the use of the same in such parts of installations and equipment (mechanical or otherwise) as bases, frames, guards, standards and supports.
Package handles and holders.
Pari-mutuel gambling and gaming machines, devices and accessories.
Pencils, mechanical (except functional parts and plating).
Pins (except safety pins, common pins, laundry net and laundry identification pins, or safety catches on products otherwise permitted under this order).
Pleasure boat fastenings and fittings.
Razors operated by electricity (except functional parts and parts for conducting electricity).
Razors not operated by electricity (except (1) in making safety razors: heads, functional parts for heads, and plating; and (2) in making straight razors: rivets, pins and washers).
Razor blade magazines.
Reflectors (except photographic and except as an undercoating or an overcoating in electroplating with silver or chromium).
Signs and advertising displays (except current-carrying parts).
Sporting goods and equipment (except fishing equipment and supplies for commercial fishing use, firearms, ammunition, and except reel gears, bearings and spools, swivels and snaps, rod mountings and copper for plating of baits and lures for sport fishing use).
Staplers and stapler machines (not including foot-operated or power-driven stitching machines).
Stationery supplies including but not limited to:
Desk accessories.
Office supplies.
Pencils (except for ferrules).
Pens and penholders.
Statues and statuettes (except religious and artists' originals).
Sundials.
*Tent poles and parts.
Tobacco pipes.
Toys (except in motors and essential operating parts).
Unions and union fittings (except seats, and except for other parts of unions and union fittings (1) where and to the extent that the physical and chemical properties of the liquid or gas passing through the union or union fittings make the use of any other material dangerous or impractical, or (2) where the valve is of a type designed for use in an air conditioning or refrigeration "system", or (3) where use of copper and tubing and/or brass pipe is permitted).
Umbrellas and parasols.
Vacuum bottles and jugs.
Valve handles (except plumbing fixture trim).
Walking sticks and canes.
Weather vanes.
Weight reducing and exercising machines (except for current-carrying parts).
Wool (except metal sponges intended for use in dairy products processing plants and by the canning industry and for filtering purposes).

LIST B

(See section 7)

The use of the forms and products of copper defined in section 3 and of any component parts made therefrom in the items listed below (excluding repair parts) is prohibited except to the extent permitted in the order or the list: *Provided, however,* That such material may be used in such items included in the list as are marked with an asterisk in cases where such items are to be used by the armed forces of the United States, including the United States Coast Guard.

BUILDERS' HARDWARE

Protective brass plating of all listed items of builders' hardware is permitted where other types of finishes are not practicable.
Door knobs.
Letter slots.

BUILDING MATERIALS

Facias: Fittings for underfloor raceway systems.
Flashings (except (1) cap and base flashing for built-up roofing, (2) through-wall flashing in parapet walls, (3) flashing for chimneys, vent stacks and all other vertical surfaces rising through roof levels, (4) roof-to-side wall flashing, (5) valley flashing for slate, tile and cement shingle roofs, (6) door and window head flashing, (7) expansion joint flashing).
Gravel stops.
Shower pans.
Terrazzo strips.

CIVILIAN-TYPE MOTOR VEHICLE: PASSENGER AUTOMOBILES INCLUDING TAXICABS, STATION WAGONS, AMBULANCES, HEARSES, TRUCKS, TRUCK TRACTORS, TRUCK TRAILERS, MOTORCYCLES AND BUSSES.

Hubcaps (except for plating).
Radio antennae for vehicles.
Sidewalk or curbstone warning devices for automobiles.

CLOTHING AND DRESS ACCESSORIES, NOT INCLUDING SAFETY EQUIPMENT

*Slide fasteners (zippers) (except (1) for the following functional components: slider bodies, separating end-components and top and bottom stops; and (2) except for applications in safety garments, work clothing, rubber footwear, foundation and surgical garments were necessary for reasons of strength, launderability and anticorrosion).

FURNISHINGS AND EQUIPMENT

Refrigerator and water heater installation connections (except for high pressure LPG connections from tank to fixture).

FURNITURE AND FIXTURES

Fittings (except hospital and laboratory).

HARDWARE, MISCELLANEOUS

Tags for pets.

HOUSEHOLD ELECTRICAL APPLIANCES

(Except for operational parts where the properties supplied by the copper are essential or where necessary for electrical conductivity)

Coffee makers.
Home and farm freezers.
Ice cream freezers.
Waffle irons.

REFRIGERATION AND AIR CONDITIONING MACHINERY AND EQUIPMENT

(Commercial and Industrial)

(Except where copper products or copper-base alloy products are essential for the following: carbonators, complete condensing units less condensers, dehydrators, draft arms for soda fountain equipment, electrical controls and wiring, fittings, protective coatings, refrigerant circuits, refrigerant connections between compressor and cooling coils, refrigerant flow control valves, sight glasses, soldering and brazing materials, strainers, suction line heat exchangers, tube sheets, valves, water cooler low sides and pre-coolers, water flow control valves and water spray nozzles for evaporative condensers, evaporative coicers, and air washers)

Commercial and industrial refrigeration and air conditioning machinery and equipment including but not limited to:

Air conditioning systems, self-contained or remote.
Air washers.
Blast coolers.
Blast freezers.
Bottled beverage coolers.
Carbonated beverage dispensing systems (except coin operated).
Compressor stop valves (except valve seats, gaskets, bonnets, discs, disc screens, and protective coverings for valve stems).
Evaporative condensers.
Evaporative coolers (desert type).
Finned air-cooled condensers except those used for hermetic systems where the condenser is exposed to the outside air or for transportation systems.
Finned coils or evaporators.
Florist refrigerators.
Fountainettes.
Frozen food cabinets.
Ice cream cabinets.
Ice cube makers.
Malt beverage dispensing systems.
Mortuary refrigerators.
Non-carbonated beverage dispensing systems (except coin operated).
Packaged air conditioners (room, window, and store coolers).
Reach-in refrigerators.
Refrigerated display cases.
Refrigeration systems, self-contained or remote.
Reverse cycle heating and air conditioning systems (heat pumps).
Sandwich units.
Shell and tube or shell and coil condensers (except water courses, either straight or finned tube, where the refrigerant is in contact with the tube).
Shell and tube or shell and coil water chillers (except water courses, either straight or finned tube, where the refrigerant is in contact with the tube).
Soda fountains.
Space coolers.
Unit coolers.
Walk-in refrigerators.
Water coolers (except bubblers, bubbler connections, faucets and faucet connections).

MISCELLANEOUS

Ball point pens (except necessary operational parts).
Dehumidifiers for home and office use (except operational parts where the properties supplied by the copper are essential or where necessary for electrical conductivity).
Flashlight cases (except contact points for carrying current).
Garment hangers.
Hollow ware (except for hotels, restaurants, institutions and ecclesiastical use).
Identification and directional signs (except current-carrying parts).
Key chains and catches and fasteners therefor.
Lawn sprinklers (except working parts and propellers).
Outboard motors (except for operational parts).
Portable electric lanterns, such as railroad, miners' and industrial (except parts for conducting electricity and for plating).
*Shells and caps for sockets.
Ties (except for explosives and other products where the properties supplied by copper are essential).

[F. R. Doc. 51-4078; Filed, Apr. 2, 1951; 5:06 p. m.]

[NPA Order M-14 as Amended Mar. 31, 1951]

M-14—NICKEL

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

This amendment affects NPA Order M-14 as amended Feb. 28, 1951, as follows:

It amends sections 5 and 6; renumbers sections 10, 11, 12, 13, and 14 to be sections 11, 12, 13, 14, and 15 respectively; amends section 15, and adds new sections 10 and 16. As amended this order reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Nickel forms and products to which this order applies.
4. Application of order.
5. Use of nickel.
6. Prohibited uses of nickel.
7. Maintenance, repair, and operating supplies.
8. Exemptions.
9. Inventories.
10. Restrictions on delivery.
11. Application for adjustments.
12. Records and reports.
13. Communications.
14. Violations.
15. List A.
16. List B.

AUTHORITY: Sections 1 to 16 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to describe how the primary nickel remaining after allowing for the requirements of national defense may be distributed to the civilian economy. It is the policy of the National Production Authority that primary nickel, not required to fill rated orders, shall be distributed equitably through normal channels of distribution, and that due regard shall be given by suppliers to the needs of new and small business. It is the intent of this order that other materials which are not in short supply will be substituted for nickel wherever possible.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the 6 months period ending June 30, 1950.

(c) "Consume" means to melt, alloy, mix, electrodeposit, process, or otherwise alter nickel as defined by this order by physical or chemical means.

(d) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment, or facility in sound working condition, and "repair" means the restoration of a building, machine, piece of equipment, or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like: *Provided, however,* Neither maintenance nor repair includes the improvement of any

such item with material of a better kind, quality, or design.

(e) "Operating supplies" means any forms of nickel listed in paragraph (a) of section 3 of this order which are normally carried by a person as operating supplies according to established accounting practice and are not included in his finished product.

(f) "Manufacture" means to put into process, machine, fabricate, electroplate, clad, or otherwise alter materials by physical or chemical means.

SEC. 3. *Nickel forms and products to which this order applies.* (a) The word "nickel" as used in this order means only the following forms of primary nickel: electrolytic nickel, ingots, pigs, rondelles, cubes, pellets and powder, rolled and cast anodes, shot, oxides, salts, chemicals and residues derived directly from new nickel, including residues containing nickel derived as a by-product from copper refinery operations.

(b) "Stainless steel," as used in this order, means chromium-nickel iron-base alloys, wrought or cast, containing 6 percent to 22 percent inclusive of nickel, commonly referred to as "austenitic chromium-nickel stainless steel."

(c) "High nickel alloy," as used in this order, means ferrous and non-ferrous alloys, wrought or cast, containing more than 22 percent nickel.

(d) "Nickel silver," as used in this order, means non-ferrous alloys, wrought or cast, containing 8 percent or more nickel.

(e) "Nickel plating," as used in this order, means all plating regardless of plating procedure.

SEC. 4. *Application of order.* Subject to the exemptions stated in section 8 of this order, this order applies to all persons who consume nickel in manufacture, processing, or construction, or who use nickel for maintenance, repair, or operating supplies. This order does not apply to the suppliers of nickel in the forms listed in paragraph (a) of section 3 of this order.

SEC. 5. *Use of Nickel.* Subject to the exemptions stated in section 8 of this order, or unless specifically directed in writing by the National Production Authority, no person shall consume in production or processing during the first or second calendar quarter of 1951 a quantity of nickel (as defined in paragraph (a) of section 3 of this order) by weight in excess of 65 percent of his average quarterly consumption of nickel for such purposes during the base period: *Provided, however,* That his consumption in any one month shall not exceed 40 percent of the permitted use during the quarter.

SEC. 6. *Prohibited uses of nickel.* (a) Commencing on March 1, 1951, no person shall consume nickel (as defined in paragraph (a) of section 3 of this order), secondary nickel or nickel-bearing scrap containing 6 percent or more of nickel in the production of, or use any such forms of nickel or any alloys containing nickel (as defined in paragraphs (b), (c) and (d) of section 3), or any component parts made therefrom, in the manufacture or assembly of any stainless steel, high nickel alloy, nickel plating, or nickel silver items included in List A, except as indicated therein; and no person shall consume or use in the manufacture or assembly of any item, whether or not included in List A, including components or parts thereof, a greater quantity of nickel or an alloy containing a greater percentage of nickel than is necessary for functional or operational purposes, or use such material for decorative or ornamental purposes. However, these prohibitions shall not apply to such use of (1) nickel, nickel alloys above mentioned, or component parts made therefrom on and after March 1, 1951, if such materials were contained in such person's inventory on said date and are wholly unsuitable for use in the production, manufacture, or assembly by such person of any item not prohibited by this section; or (2) any such materials covered by an order placed with a producer and included in the producer's schedule for February 1951, which are delivered to such person at his plant prior to June 1, 1951, to the extent that such materials are wholly unsuitable for use in production, manufacture, or assembly by such person of any item not prohibited by this section. Every person who relies on the provisions of the next preceding sentence shall prepare a detailed record showing: (1) The quantities of such nickel, nickel alloys, or component parts made therefrom, which were in his inventory on the first days of December 1950, and of January, February and March 1951 which were wholly unsuitable for use by him in the production, manufacture, or assembly of any item not prohibited by this section; and (2) the quantities of such materials wholly unsuitable for such use by him which were delivered to him on or after March 1, 1951, the names and addresses of the suppliers thereof, and the dates of the orders and acceptances covering such materials together with the applicable mill schedule. Such record shall be retained for at least 2 years, and shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(b) Commencing on April 15, 1951, no person shall consume nickel (as defined in paragraph (a) of section 3 of this order), secondary nickel or nickel-bearing scrap containing 6 percent or more of nickel in the production of, or use any such forms of nickel or any alloys containing nickel (as defined in paragraphs (b), (c), and (d) of section 3), or any component parts made therefrom, in the manufacture or assembly of any stainless steel, high nickel alloy, nickel plating, or nickel silver items included in List A, except as indicated therein; and no person shall consume or use in the manufacture or assembly of any item, whether or not included in List A, including components or parts thereof, a greater quantity of nickel or an alloy containing a greater percentage of nickel than is necessary for functional or operational purposes, or use such material for decorative or ornamental purposes. However, these prohibitions shall not apply to such use of (1) nickel, nickel alloys above mentioned, or component parts made therefrom on and after March 1, 1951, if such materials were contained in such person's inventory on said date and are wholly unsuitable for use in the production, manufacture, or assembly by such person of any item not prohibited by this section; or (2) any such materials covered by an order placed with a producer and included in the producer's schedule for February 1951, which are delivered to such person at his plant prior to June 1, 1951, to the extent that such materials are wholly unsuitable for use in production, manufacture, or assembly by such person of any item not prohibited by this section. Every person who relies on the provisions of the next preceding sentence shall prepare a detailed record showing: (1) The quantities of such nickel, nickel alloys, or component parts made therefrom, which were in his inventory on the first days of December 1950, and of January, February and March 1951 which were wholly unsuitable for use by him in the production, manufacture, or assembly of any item not prohibited by this section; and (2) the quantities of such materials wholly unsuitable for such use by him which were delivered to him on or after March 1, 1951, the names and addresses of the suppliers thereof, and the dates of the orders and acceptances covering such materials together with the applicable mill schedule. Such record shall be retained for at least 2 years, and shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Paragraph (a) of this section shall not apply to the use of nickel anodes in nickel plating if such nickel anodes were in the inventory of the person doing the nickel plating on March 1, 1951. Paragraph (b) of this section shall not apply to the use of nickel anodes in nickel plating if such nickel anodes were in the inventory of the person doing the nickel plating on April 15, 1951.

(d) No person shall use in building construction any stainless steel, high nickel alloy, nickel plating, or nickel silver for any item included in List A or List B after May 31, 1951: *Provided, however,* That this prohibition shall not apply to the use of such forms of nickel for any such item if its manufacture, processing, or assembly is permitted by this section.

(e) Any component parts of items included in List A or List B which are produced, manufactured, or assembled within the limitations of paragraphs (a) or (b) of this section may be sold at any time and the purchaser thereof may assemble those component parts into items included in List A or List B at any time provided those component parts are wholly unsuitable for use in the production, manufacture, or assembly of any item not prohibited by this section.

(f) The prohibitions of this section apply notwithstanding the provisions of NPA Reg. 2 with respect to the filling of rated orders, and are not affected by any of the exemptions stated in section 8 of this order: *Provided, however,* That such provisions of NPA Reg. 2 and paragraphs (a) and (b) of section 8 of this order apply to such items included in attached List A or List B under the heading "Stainless Steel—Nickel Bearing," as are manufactured for use on board vessels operated by the Armed Forces of the United States, including the United States Coast Guard.

SEC. 7. *Maintenance, repair, and operating supplies.* Unless specifically directed by the National Production Authority, no person shall consume for maintenance, repair, or operating supplies during the calendar quarter commencing on January 1, 1951, and each calendar quarter thereafter, a quantity by weight in excess of his average quarterly consumption of nickel for such purposes during the base period.

SEC. 8. *Exemptions.* (a) The consumption of nickel to fill an order that is rated under the priorities system established by NPA Reg. 2, or to meet any mandatory order of the National Production Authority, is permitted in addition to the consumption of nickel authorized by the provisions of sections 5 and 7 of this order.

(b) Nickel acquired by a rated order, or to meet a scheduled program of the National Production Authority, may be used in addition to the quantities permitted by the provisions of sections 5 and 7.

(c) The provisions of sections 5 and 7 do not apply to persons who use less than 250 pounds of nickel during any calendar quarter: *Provided, however,* That persons who by reason of the provisions of section 5 would be permitted to use less than 250 pounds during any calendar quarter may use during such period a quantity up to 250 pounds.

SEC. 9. *Inventories.* (a) In addition to the provisions of NPA Reg. 1, relating to Inventory Control, it is considered that a more exact requirement applying to consumers of nickel is necessary. No person obtaining nickel for use in manufacture, processing, or building construction, or for maintenance, repair, or operating supplies may receive or accept delivery of a quantity of nickel if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 30-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less. For the purpose of this section, the forms of nickel listed in paragraph (a) of section 3 of this order in which only minor changes or alterations have been effected shall be included in inventory. NPA Reg. 1 will apply to nickel except as modified by this section.

(b) *Inventories; exception to Reg. 2.* No person may extend a rating pursuant to paragraph (b) of section 5 of NPA Reg. 2 to replace nickel in his inventory, which nickel has been used by him in the manufacture of stainless steel, high nickel alloy, nickel silver, or any other nickel-bearing alloy or material prior to January 1, 1951, except with respect to shipments made by warehouses subsequent to December 31, 1950. This order does not supersede Reg. 2 in any respect except as set forth in the preceding sentence. However, any person may extend a rating to replace stainless steel, high nickel alloy, nickel silver, or any other nickel-bearing alloy in his inventory pursuant to paragraph (b) of section 5 of Reg. 2.

SEC. 10. *Restrictions on delivery.* No person shall deliver any nickel or nickel alloys (as defined in paragraphs (a), (b), (c), and (d) of section 3 of this order), secondary nickel, or nickel-bearing scrap containing 6 percent or more of nickel if he knows or has reason to believe that his customer may not accept delivery of such materials under this order or will use such materials in violation of this order.

SEC. 11. *Application for adjustments.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 12. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act. (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F.)

SEC. 13. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–14.

SEC. 14. *Violations.* Any person who wilfully violates any provisions of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

SEC. 15. *List A (see section 6).* The use of the forms and products of nickel defined in section 3 of this order, and of any component parts made therefrom in the items in attached List A of this order, is prohibited except to the extent permitted in the order or List A.

SEC. 16. *List B (see section 6).* The use of the forms and products of nickel defined in section 3 of this order, and of any component parts made therefrom in the items in attached List B of this order, is prohibited except to the extent permitted in the order or the List B.

This order as amended shall take effect, except as otherwise specifically stated, on March 31, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

LIST A

(See section 6)

STAINLESS STEEL—NICKEL BEARING

(except where manufactured for use on board vessels operated by the Armed Forces of the United States, including the United States Coast Guard)

Agriculture farm equipment, etc.:
- Barn cleaners.
- Ensilage cutters.
- Feeding troughs.
- Fertilizer spreading equipment.
- Grain bins and cribs.
- Implements, hand tools, etc.
- Silos.
- Spreaders.

Automotive:
- Bumpers, clad.
- Clad panels for buses.
- Grills.
- Hardware.
- Horn rings.
- Hubcaps.
- Mufflers (except on heavy duty equipment).
- Steering wheel spoke wire.
- Trim.
- Wheel rings and wheel covers.

Construction:
- Curtain walls.
- Decorative trim.
- Doors.
- Down spouts.
- Elevator and escalator kick plates and panels.
- Flashings.
- Gutters.
- Mouldings.
- Roofing.
- Screens (except in extra active or manufacturing industries where no other substitute is available).
- Sheathing.
- Spandrels.
- Storefronts.
- Window frames.

Electrical machinery and equipment:
- Pole line hardware.
- Pole line guy wires.
- Radio towers.
- Transmission tower baskets.

General:
- Automatic vending machines (except for parts of food vending machines where public health specifications make such use mandatory).
- Bar equipment.
- Beer barrels.
- Coal bins and coal hoppers (except in coal preparation plants).
- Diesel grills.
- Jewelry (except watch cases and except functional springs).
- Pens and pencils including caps and barrels (except fountain pen nibs, separate fountain pen inner caps and other functional parts).
- Radio antennae (except military).
- Railings.
- Soda fountains (except parts as permitted under List B—"Refrigeration").
- Sporting goods, all applications.
- Toys.
- Water coolers (except parts as permitted under List B—"Refrigeration").
- Water softener tanks.

Household appliances, electric, gas, and other fuel (except where used for functional parts where the properties supplied by stainless steel are essential and no satisfactory substitute is practicable): Home and farm freezers, sheathing.
- Range tops.
- Refrigerator shelves and trim.
- Toasters.

Other household appliances and utensils (except cooking ware):
- Ash trays.
- Cabinets.
- Cake and pie dishes.
- Cake servers.
- Canisters.
- Cooling racks.
- Counter tops.
- Drainboards.
- Egg beaters.
- Flatware.
- Garbage cans.
- Hardware.
- Ironing boards.
- Irons.
- Ladles.
- Mixing bowls.
- Mixing spoons.
- Picnic coolers.
- Potato mashers.
- Refrigerator dishes.
- Sinks.
- Spatulas.
- Table tops.
- Utility cans.
- Washing machine tubs.

Railroad:
- Trim and decorative parts in passenger cars.

Shipbuilding:
- Pleasure craft galleys.
- Pleasure craft decorative trim.
- Pleasure craft rigging.
- Pleasure craft stack and ventilating shafts.

Miscellaneous:
- Band instrument valves.
- Binders (index books).
- Button parts.
- Cheese slicers.
- Cocktail shakers and accessories.
- Cup holders.
- Dairy equipment (except functional uses).
- Deodorizers.
- Diaper pins (except where launderability and non-corrosiveness are essential).
- Dog leashes.
- Fly screens.
- Furniture.
- Garden accessories.
- Hardware parts, including builders' finishing hardware.
- Humidifiers.
- Lightning rods.
- Mirror clips.
- Musical instrument strings.

Miscellaneous—Continued
- Organ springs.
- Paint brush ferrules and rivets.
- Permanent wave equipment.
- Phonograph needles.
- Pot cleaners.
- Refuse cans.
- Rulers.
- Shovels (except food and chemical).
- Teabag staples.
- Tooth brushes.
- Water reservoirs (gum tape machine).
- Weather stripping.

HIGH NICKEL ALLOY

Building materials:
- All sheet metal building applications including but not limited to:
  - Air ducts.
  - Downspouts.
  - Elevator cabs.
  - Flashings.
  - Garbage grinder parts.
  - Cutters.
  - Leaders.
  - Louvers.
  - Roofing.
  - Siding.
  - Sinks.
  - Sink bowls.
  - Skylight framing.
  - Brick anchors.
  - Hanger wire for suspended ceiling construction.
  - Ornamental and decorative applications.
  - Tie-wire for suspended ceiling construction.

Dry cleaning (except for corrosion or abrasion resistance where no satisfactory substitute is practicable):
- Condenser tubing.
- Irons.
- Lint traps.
- Pads for dry cleaning presses and tailors' presses.
- Piping, valves and fittings.
- Solvent pressure filters, including filter cloth.
- Spotting boards.
- Sump tanks.
- Truck tubs.
- Utensils.
- Water separators.

Food servicing and kitchen equipment:
- All food service applications including but not limited to:
  - Bar equipment.
  - Beverage tubing.
  - Cafeteria counters.
  - Dishwashing machines.
  - Electric food warming cups.
  - Home and farm freezers.
  - Mobile food trucks.
  - Scullery and dishwashing sinks.
  - Soap dispensers.
  - Steam tables.
  - Work tables.

Hospital equipment:
- Counter tops.
- Furniture.
- Instrument cabinets.
- Instrument tables.
- Kick and push plates.
- Linen cabinets.
- Medicine cabinets.
- Operating tables.
- Paneling and wainscoting, decorative.
- Work tables.

Household appliances:
- Element name plates.
- Element pans on electric ranges.
- Oven linings.
- Radiant broilers on gas ranges.
- Range crumb trays.
- Range tops.
- Range vents.
- Refrigerator light shields.
- Refrigerator shelf parts.
- Steam iron casings.
- Washing machine tubs.

Jewelry:
- Ash trays.
- Badges.
- Cigarette lighters.
- Collar buttons.
- Comb trim.
- Costume jewelry.
- Cuff buttons.
- Emblems.
- Finger nail files.
- Jewelry.
- Key chains.
- Knives (except blades).
- Necklaces.
- Novelties.
- Pill containers.
- Perfume flacons.
- Watch bracelet.
- Watch cases.
- Watch chains.
- Watch crowns.
- Watch movement holders.
- Watch strap pinions.

Laundry equipment:
- Laundry chutes.
- Net racks.
- Plant truck tubs.
- Rug pole pins.
- Soap storage tanks.
- Sorting tables.
- Special washers for blankets and silks.
- Starch cookers (except for hospital or institutional use).
- Ironer, rug cleaning machines, trim on flatwork.
- Utensils.
- Ventilating hoods and fans.
- Water storage tanks.

Motor vehicles:
- Antennae.
- Battery cables.
- Hubcaps.
- Exhaust gaskets (except for military vehicles).
- Exhaust manifolds.
- Windshield wiper blades.

Refrigeration and air conditioning machinery and equipment (commercial and industrial), (except the mechanical refrigeration cycle) including but not limited to:
- Bottled beverage coolers.
- Ice cream cabinets.
- Refrigerated food display cases.
- Soda fountains.
- Water coolers.

Miscellaneous:
- Barbecue grills.
- Bits and spurs.
- Ferrules.
- Outdoor stoves.
- Pen and pencil parts.
- Portable refrigerators.
- Sporting goods, all applications.

NICKEL PLATING

Communications:
- Escutcheon plates.
- Knobs.
- Name plates.
- Radio and television, decorative trim.
- Speaker grilles.

Hardware:
- Bells.
- Boat trim and accessories.
- Builders' finishing hardware (except half trim for bathroom and toilet side of door).
- Casket hardware.
- Chimes.
- Curtain hooks.
- Door catches.
- Door knobs.
- Door knockers.
- Drawer pulls.
- Harnesses.
- Hinges.
- Kick plates.
- Leashes.
- Letter boxes.
- Locks.
- Luggage hardware.
- Nails.

Hardware—Continued
- Picture frames.
- Picture hangers.
- Push plates.
- Screen door and window hardware exclusive of screen.
- Screws.
- Switch plates.
- Tacks.
- Valve handles (except for bathroom and kitchen fixtures).

Household appliances (except parts subject to abrasion or heat and except the strike prior to silver plating or vitreous enameling):
- Including but not limited to:
  - Food mixers.
  - Heaters.
  - Polishers.
  - Refrigerators (except shelving and door handles).
  - Washing machines.
  - Waxers.
  - Vacuum cleaners (except runners).

Jewelry—Clocks:
- Alarm clocks (except for internal parts).
- Clocks (except for internal parts).
- Costume jewelry (except for 0.0001 inch thickness or less as an undercoating for gold, silver or platinum-group metals).
- Trim and optical glasses (except frames).

Metal furniture and fixtures:
- Commercial furniture, all decorative parts.
- Electrical fixtures.
- Home furniture, all decorative parts.
- Napkin dispensers.
- Store display cases.
- Store fixtures.
- Straw dispensers.

Motor Vehicles:
- Accessories.
- Dash panels (including instruments, controls and appearance items mounted in or on dash panels).
- Escutcheon plates.
- Gas caps.
- Gravel guards.
- Grilles.
- Horns.
- Interior trim.
- Lamp housing.
- License frames.
- Name plates.
- Ornamental trim around windows.
- Radiator trim.
- Trim rings.
- Wheel discs.
- All other parts (except for window frames and slide channels, external and internal door handles, ventilator and regulator handles for windows and doors, the bumpers, bumper guards, bumper bolts, rear deck handles, windshield wiper assemblies, hub caps and exposed screws where no satisfactory substitutes are practicable. The nickel employed for protection of bumper guards and bumpers should not exceed that amount equivalent to an average thickness of .001" on outside surfaces)

Novelties:
- Ash trays.
- Coasters.
- Cocktail shakers and accessories.
- Clothing ornamentation.
- Cosmetic containers.
- Hair curlers.
- Handbag trim.
- Humidors.
- Ornamental buttons.
- Smoking stands.

Plumbing:
- Basin supports.
- Cabinet trim.
- Soap dishes.
- Shower curtain rods and rings.
- Shower doors and trim.
- Tooth brush holders.
- Towel racks.
- Tumbler holders.

Sheet, strip and wire products:
- All decorative parts fabricated from plated sheets, strips or wire.
- Bird cages.
- Clothes hangers.
- Display stands.
- Lamp shades.
- Shopping carts.

Tools:
- Drills.
- Flexible metal tapes (except measuring tape).
- Hammers.
- Office machines and business machines, decorative trim.
- Planes.
- Pliers.
- Power tools (except for functional parts).
- Punches.
- Rules.
- Saws.
- Screw drivers.
- Wrenches.

Toys:
- Mechanical toys.
- Pistols.
- Toys.
- Trains.
- Tricycles.
- Wagons.

Utensils (except the strike necessary prior to silver plating or vitreous enameling):
- Flatware.
- Hollow ware (except for hotels, restaurants, institutions, or ecclesiastical use).
- Serving dishes.
- Serving utensils.
- Racks.
- Trays.

Miscellaneous:
- Bicycles (except handlebars, sprockets, spokes and hubs).
- Electric fans.
- Gambling equipment.
- Lighters.
- Ornamentation on musical instruments.
- Pin ball machines.
- Slot machines.
- Sporting goods.
- Tonsorial equipment (except tools).
- Vending machines.

NICKEL SILVER

The use of nickel is prohibited except in the following permitted items:
- Clock movements.
- Communications equipment, functional parts.
- Cutlery, including pocket knives (for rivets and lining assemblies), not over 10 percent nickel.
- Dairy equipment.
- Drafting instruments.
- Electrical equipment, functional parts.
- Engineering instruments.
- Eyelets and rivets.
- Flat and hollow ware, not over 15 percent nickel.
- Fountain pen separate inner caps.
- Hospital equipment.
- Keys, not over 10 percent nickel.
- Meters and regulators for fluids or gas, where substitute materials are not suitable.
- Optical goods including camera shutters.
- Orthopedic appliances.
- Pins, catches, joints and posts.
- Religious medallions and chains, not over 10 percent nickel.
- Slide fasteners.
- Springs, where required for functional purposes.
- Tonsorial tools.
- Valves for chemicals, where substitute materials are not suitable.
- Watch cases, not over 10 percent nickel.
- Watch movements.

LIST B

(See section 6)

STAINLESS STEEL—NICKEL BEARING

(Except where manufactured for use on board vessels operated by the Armed Forces of the United States, including the United States Coast Guard)

Automotive:
- Bumpers.
- Panels for buses.

Household appliances, electric, gas and other fuel (except where used for functional parts where the properties supplied by stainless steel are essential and no satisfactory substitute is practicable) including but not limited to:
- Cooking stoves and ranges.
- Electric housewares including:
  - Heating and cooking appliances.
  - Motor driven appliances.
  - Personal appliances.
- Fans.
- Floor waxers and polishers.
- Home and farm freezers.
- Lamps, portable electric.
- Laundry equipment including:
  - Clothes driers.
  - Ironing machines.
  - Washing machines.
- Refrigerators.
- Sewing machines.
- Vacuum cleaners.

Other household appliances and utensils:
- Food serving trays, including compartment mess trays.
- Ice refrigerators.
- Salt shakers.

Refrigeration and air conditioning machinery and equipment (commercial and industrial) (except the mechanical refrigeration cycle) including but not limited to:
- Air conditioning systems, self-contained or remote.
- Bottled beverage coolers.
- Carbonated water and carbonated beverage dispensing systems including connecting and interconnecting lines (except for carbonators, carbonated water cooling units, fittings and operational parts for carbonated water or combination syrup and water flow control valves where no substitute material is practicable).
- Dough retarders.
- Florist refrigerators.
- Fountainettes.
- Frozen food cabinets.
- Ice cube makers.
- Malt beverage dispensing systems.
- Mortuary refrigerators.
- Non-carbonated beverage dispensing systems (except for parts where public health specifications make such use mandatory).
- Reach-in refrigerators.
- Refrigeration systems, self-contained or remote.
- Sandwich units.
- Walk-in refrigerators.

Miscellaneous:
- Boats.
- Buttons and button parts (except where launderability, non-corrosiveness and strength are essential, as in uniforms for police, firemen, guards, and similar uniforms, and work clothing and safety clothing).
- Cleaning and scouring sponges.
- Collars, leashes, harness and tags for pets.

HIGH NICKEL ALLOY

Food servicing and kitchen equipment:
- Food serving trays, including compartment mess trays.
- Salt shakers.

Household appliances:
- Home and farm freezers.
- Irons (except heating elements and controls).

Jewelry:
- Knives.

Motor vehicles:
- Windshield wipers.

Refrigeration and air conditioning machinery and equipment (commercial and industrial) (except the mechanical refrigeration cycle) including but limited to:
- Air conditioning systems, self-contained or remote.
- Carbonated beverage dispensing systems.
- Dough retarders.
- Florist refrigerators.
- Fountainettes.
- Frozen food cabinets.
- Ice cube makers.
- Malt beverage dispensing systems.
- Mortuary refrigerators.
- Non-carbonated beverage dispensing systems.
- Reach-in refrigerators.
- Refrigeration systems, self-contained or remote.
- Sandwich units.
- Walk-in refrigerators.

Shipbuilding:
- Pleasure craft galleys.
- Pleasure craft decorative trim.
- Pleasure craft propeller shafts.
- Pleasure craft rigging.
- Pleasure craft stack and ventilating shafts.

Miscellaneous:
- Boats.
- Buttons and button parts (except where launderability, non-corrosiveness, and strength are essential as in uniforms for police, firemen, guards, and similar uniforms, and in work clothing and safety clothing).
- Cleaning and scouring sponges.
- Diaper pins (except where launderability and non-corrosiveness are essential).
- Fountain pens, ball point pens and mechanical pencils.

NICKEL PLATING

Hardware:
- Collars and tags for pets.
- Bolts, washers and similar fastening devices.

Household appliances (except parts subject to abrasion or heat and except the strike prior to silver plating or vitreous enameling) including but not limited to:
- Cooking stoves and ranges (except door and drawer handles).
- Electric housewares including:
  - Heating and cooking appliances.
  - Motor driven appliances.
  - Personal appliances.
- Home and farm freezers.
- Laundry equipment including:
  - Clothes driers.
  - Ironing machines.
- Sewing machines.

Metal furniture and fixtures:
- Commercial furniture.
- Home furniture.

Motor vehicles:
- Hubcaps.

Miscellaneous:
- Bicycle handle bars, sprockets and hubs.
- Juke boxes.
- Insignia, buttons, buckles, decorations, awards and badges (except military).

NICKEL SILVER

The use of nickel silver is prohibited in the following items:
- Flatware, over 10 percent nickel.
- Hollow ware for hotels, restaurants, institutions or ecclesiastical use, over 10 percent nickel.

[F. R. Doc. 51 4079: Filed, Apr. 2, 1951; 5.07 p. m.]

[NPA Order M-47, as amended April 4, 1951]

M-47—Use of Iron and Steel

This amendment to NPA Order M-47 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of users in different trades and industries.

This amendment affects NPA Order M-47 as follows:

Section 3 shall be deleted and the following substituted therefor:

SEC. 3. *Iron and steel products to which this order applies.* This order applies to the iron and steel products listed in Table I of NPA Order M-1, as amended.

The first sentence of section 4 shall be deleted and the following substituted therefor: "This order applies to persons who use iron and steel products or parts or components made wholly or partly therefrom, for purposes of manufacture or assembly, and limits the use of such materials and parts in the manufacture or assembly of certain items."

Section 5 shall be deleted and the following substituted therefor:

SEC. 5. *Use of iron and steel products in consumer durable goods.* (a) Subject to the exemptions stated in section 6 of this order, and unless specifically authorized in writing by the National Production Authority, no person shall use during the calendar quarter commencing on April 1, 1951, in the manufacture of any item included in List A at the end of this order, a total quantity by weight of iron and steel products in excess of 80 percent of his average quarterly use of such materials in the manufactured item during the base period: *Provided, however,* That such use in any one month shall not exceed 40 percent of the permitted quarterly use. However, if such person manufactured one or more units of a part made wholly or partly from iron or steel products during the base period, and uses one or more purchased units of that part during said calendar quarter in any item in List A, he shall include the weight of the iron and steel products used in the manufacture of each such part, whether by himself or another, in computing his use of iron and steel products during the base period and during said calendar quarter. During the calendar quarter commencing on April 1, 1951, any person who does not use any iron and steel product in the manufacture of an item in List A, but who assembles parts made wholly or partly from such material into such item, shall not assemble a total number of units of such item in excess of 40 percent of the number of such units which he assembled during the base period.

(b) Any person who during the 6-month period ending December 31, 1950, used conversion steel in the manufacture of any items included in List A at the end of this order shall, during the calendar quarter commencing on April 1, 1951, use conversion steel in the manufacture of such items to the extent stated in this paragraph. The ratio between nonconversion steel used and the total permitted use of steel shall not exceed the ratio between nonconversion steel and total steel received by him during the 6-month period ending December 31, 1950: *Provided, however,* That in the alternative and in the event it is not practicable to determine the quantity of conversion steel used in the manufacture of items in List A, the ratio between nonconversion steel and total steel used in his total production, including all items in List A, shall not exceed the ratio between nonconversion steel and total steel received by him during said period. Any person who selects and applies either of the alternatives above stated may not subsequently apply the other alternative without the written approval of the National Production Authority.

Paragraph (b) of section 6 shall be deleted and the following substituted therefor:

(b) Section 5 shall not apply to any person whose total output of manufactured and assembled items included in List A during the calendar quarter commencing April 1, 1951, has an iron and steel content (including the estimated iron and steel content of parts and semifabricated materials purchased from others) of less than 100 short tons: *Provided, however,* (1) That no such person shall during said quarter use iron and steel products (not including the estimated iron and steel content of parts and semifabricated materials purchased from others) in the manufacture of items in List A a total quantity by weight of such material in excess of his average quarterly use thereof for such purposes during the base period; and (2) that any such person who does not use any iron and steel product in the manufacture of an item in List A, but who assembles parts made wholly or partly from such material into such item, shall not assemble a total number of units of such item in excess of 50 percent of the number of such units which he assembled during the base period.

List A attached to the order as an appendix shall be deleted and the following substituted therefor:

LIST A

The items on this List A, made in whole or in part from iron and steel products or containing parts made wholly or partly from iron and steel products, are subject to the provisions of this order. (Joining hardware is not considered "parts" within the meaning of List A.) The listing following each Arabic numeral shall be considered a separate item hereunder.

I. HOUSEHOLD FURNITURE

1. Household furniture: living room, dining room, kitchen, breakfast room, and bedroom furniture (excluding bed springs, mattresses, and dual purpose sleeping equipment).
2. Other household furniture, including but not limited to beach, sunroom, garden, porch, lawn furniture, and steamer chairs.
3. Household cabinets such as kitchen, wardrobe, broom, and medicine cabinets.

II. OFFICE, PUBLIC BUILDING, PROFESSIONAL, BUSINESS, AND STORE FURNITURE AND FIXTURES

1. Furniture and fixtures such as desks, bookcases, shelving, tables, stands, booths, filing cabinets, and transfer cases, including card and document cases.
2. Furniture and fixtures such as chairs, stools, benches, sofas, couches, settees, clothing racks, and costumers.
3. Restaurant furniture and fixtures, including tray stands and serving tables.
4. Theater, auditorium, stadium, and grandstand chairs and seats, ganged and single, indoor or outdoor types.
5. Barber shop and beauty shop furniture especially designed for such use, including but not limited to manicure tables, dresserettes, hydraulic and reclining chairs, and couch units.
6. Soda fountain creamers.
7. Beer dispensing equipment and fixtures.

III. OFFICE, PUBLIC BUILDING, PROFESSIONAL, BUSINESS, AND STORE PARTITIONS, SHELVING, LOCKERS, AND FIXTURES

1. Lockers (except especially designed and made for the armed services), partitions, and shelving.
2. Tables, show and display cases (including wall types), cabinets (floor and wall types), and counters.
3. Store and office decorative and ornamental fixtures.
4. Telephone booths.

IV. HOUSEHOLD APPLIANCES, HOUSEHOLD MACHINES, AND HOUSEHOLD EQUIPMENT

1. Cooking stoves and ranges.
2. Small electric appliances, including but not limited to: broilers; coffee percolators and urns; heating units for coffee makers; hot plates and disc stoves; roasters; toasters; waffle irons; sandwich grills; cookers; casseroles; food mixers; juice extractors; drink mixers and whippers; hand and hair dryers; vibrators; portable electric air space heaters; electric steam radiators; flat irons, including steam irons; and immersion heaters.
3. Electric fans, 16 inches and under.
4. Floor waxing and polishing machines.
5. Portable electric lamps, including office types, such as, floor, bridge, desk, torch, table, pin-up lamps, and lamp shades.
6. Home laundry equipment, including but not limited to: clothes dryers, gas and electric; mechanical ironers and mangles; and washing machines, electric and gasoline types.
7. Refrigerators, mechanical and ice, and cabinets for household refrigerators sold separately.
8. Home and farm freezers under 13 cubic foot capacity, and cabinets for same sold separately.
9. Dish-washing machines.
10. Water softeners.
11. Automatic food and garbage disposal units.
12. Vacuum cleaners.
13. Carpet sweepers.
14. Packaged air conditioning units (window and console types) ¾ horsepower and under.

V. UTENSIL AND CUTLERY

1. Pocket knives.
2. Silverware, including but not limited to: flatware, hollow ware, novelties, toilet ware, and trophies.
3. Plated ware, including but not limited to: flatware, hollow ware, novelties, toilet ware, and trophies.
4. Table and kitchen cutlery, such as all types of knives, forks, spoons, and carving sets.

VI. RADIO, TELEVISION, AND PHONOGRAPHS

1. Radio receivers, home, portable, and broadcast band automobile receivers.
2. Radio-phonograph combinations.
3. Television receivers.
4. Radio-television receivers, television-phonograph combinations, and radio-television-phonograph combinations.
5. Phonographs and record players.

VII. TRANSPORTATION EQUIPMENT

1. Passenger automobiles and station wagons.
2. Motorcycles, motor scooters, motor bikes.
3. Bicycles.
4. Ships and boats, except military and commercial.
5. Aircraft, except military and commercial.

VIII. MISCELLANEOUS ITEMS

1. Cameras, amateur box type still picture, fixed focus (except reflex), and 8-mm. motion picture cameras and projectors.
2. Coin operated scales and automatic merchandising machines.
3. Games, toys, and children's vehicles.
4. Jewelry, novelties, ornaments, and jewelry cases.
5. Lawn mowers, rollers, seeders, and tampers.
6. Musical instruments.
7. Pianos and organs.
8. Paper weights, desk and document trays, and letter openers.
9. Pens and mechanical pencils.
10. Smokers' articles such as ash trays; cigar, cigarette, and match cases; and holders, lighters, pipe cleaners, and smoking stands.
11. Table tops for kitchen, dinette, and breakfast tables.
12. Venetian blinds, shades, and awnings.
13. Fireplace fixtures and equipment such as dampers, irons, and fire screens.
14. Ornamental lawn fence and railing.
15. Sporting and athletic goods.
16. Morticians' goods and equipment such as caskets, coffins, vaults, liners, but excluding wooden coffin hardware, instruments, and supplies.
17. Coin or slug operated gambling, amusement, or musical devices or machines.
18. Signs and advertising displays.
19. Mirror and picture frames.
20. Miscellaneous items such as shoe trees and wire garment hangers.

IX. ACCESSORIES

Accessories for any single item in this List A shall constitute a separate item for the purposes of this order, and shall also be an item separate from the item to which it is an accessory.

An "Accessory" shall mean any product used with or attachable to an item described in this List A and which is generally known in the trade as an "accessory."

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

This amendment shall take effect on April 4, 1951.

Issued April 3, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-4156; Filed, Apr. 4, 1951; 11:44 a. m.]

Chapter XV—Federal Reserve System

[Regulation X]

REG. X—REAL ESTATE CREDIT

STATE AND MUNICIPAL PROGRAMS

1. Effective April 4, 1951, paragraph (g) of section 6 of Regulation X is amended to read as follows:

(g) *State and municipal programs.* Nothing in this regulation shall prohibit extensions of credit to public corporations created pursuant to a public housing program of a State or municipality where such credit is extended, insured, or guaranteed by the State or municipality or the State or municipality has made commitments to furnish funds to assure repayment. Nothing in this regulation shall apply to extensions of credit by any State or political subdivision of a State or agencies of either with respect to any nonresidential property.

2. (a) The above amendment is issued by the Board of Governors of the Federal Reserve System under authority of the "Defense Production Act of 1950", approved September 8, 1950, and Executive Order No. 10161, dated September 9, 1950.

The purpose of this amendment is to exempt from the regulation extensions of credit by States and municipalities in connection with the financing of nonresidential construction.

(b) Section 709 of the Defense Production Act of 1950 provides that the functions exercised under such act shall be excluded from the operations of the Administrative Procedure Act except as to the requirements of section 3 thereof.

Special circumstances have rendered impracticable consultation with industry representatives, including trade association representatives, in the formulation of the above amendments; and, therefore, as authorized by the aforesaid section 709, the amendments have been issued without such consultation.

(Sec. 704, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp. Interprets or applies sec. 602, Pub. Law 774, 81st Cong.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-4046; Filed, Apr. 4, 1951; 8:47 a. m.]

[Regulation X, Interpretation 30]

REG. X—REAL ESTATE CREDIT

INT. 30—PARTICIPATING SHARE IN COOPERATIVE DEVELOPMENT

Participating share in cooperative development. An inquiry has been received asking whether borrowing by a prospective tenant in a cooperative development is subject to Regulation X if the loan is for the purpose of purchasing a participating share in the cooperative development which will entitle the owner thereof to acquire or use a

family unit in the cooperative development.

Cooperative developments ordinarily are built and operated by a nonprofit corporation organized for that specific purpose. Credit secured by a blanket mortgage covering the development is extended to the corporation. The corporation's equity or capital investment is raised by the sale of shares of capital stock to the individual cooperators. Ownership of a share carries with it the right to acquire a long term lease upon a family unit in the cooperative development.

It is the opinion of the Board that borrowing is subject to Regulation X when it is for the purpose of purchasing a share in a cooperative development. The total amounts borrowed by the corporation and the individual shareholders may not exceed the maximum loan value of the cooperative development.

(Sec. 704, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp. Interprets or applies sec. 602, Pub. Law 774, 81st Cong.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary,

[F. R. Doc. 51-4045; Filed, Apr. 4, 1951; 8:47 a. m.]

Chapter XVI—Production and Marketing Administration, Department of Agriculture

[Defense Food Order No. 1]

DFO-1—CASTOR OIL

RESTRICTIONS

It is hereby found and determined that the provisions of this order are necessary and appropriate to promote the national defense; and this order is, therefore, made effective pursuant to the Defense Production Act of 1950 (Pub. Law 774—81st Cong., approved September 8, 1950), Executive Order No. 10161 (15 F. R. 6105), Executive Order No. 10200 (16 F. R. 61), Defense Production Administration Delegation No. 1 (16 F. R. 738), and Secretary's Memorandum No. 1270, as amended (15 F. R. 6424; 16 F. R. 2446). In the formulation of this order there has been consultation with industry representatives, and consideration has been given to their recommendations. Consultation with representatives of trade associations in the formulation of this order has been rendered impracticable inasmuch as there is no trade association, as such, with respect to the castor oil industry, and this order applies to numerous trades.

This order is designed to insure, insofar as possible, that the available supply of castor oil will be used in such manner as to meet military and essential civilian requirements. It limits inventories of castor oil, restricts the quantities that may be used by class use, and contains reporting requirements. The restrictions on use do not apply to users of 60 pounds, or less, of castor oil, during any calendar quarter. No provision is made for set asides and no restrictions are placed on the use of castor oil in the production of sebacic acid.

Sec.
1. Definitions.
2. Restrictions on inventory and use of castor oil.
3. Exemptions.
4. Records and reports.
5. Audits and inspections.
6. Contracts and other obligations.
7. Violations.
8. Petition for relief from hardship.
9. Delegation of authority.
10. Territorial scope.
11. Communications.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *Definitions.* (a) "Castor oil" means that oil, commonly known as castor oil, produced from the castor bean, whether crude, raw, filtered, refined, blown, dehydrated, saponified, sulfonated, or otherwise processed as oil. Such term does not include tank bottoms or residue from storage tanks in which castor oil was stored.

(b) "Person" includes any individual, corporation, partnership, association, or other organized group of persons, or legal successor or representative of the foregoing. It also includes the United States or any agency thereof or any other government, or any of its political subdivisions, or any agency of any of the foregoing with the exception of the Commodity Credit Corporation and any agency of the United States Government engaged in stockpiling castor oil for purposes of national defense.

(c) "Producer" means any person engaged in the production of castor oil. Such term also means any person for whose account castor oil is produced.

(d) "Distributor" means any person who acquires, by purchase or otherwise, castor oil for resale, or for use by persons other than himself.

(e) "Import" means to bring castor oil into the continental United States.

(f) "Administrator" means the Administrator, Production and Marketing Administration, United States Department of Agriculture, and any other officer or employee of the United States Department of Agriculture authorized to act in his stead.

(g) "Director" means the Director of the Fats and Oils Branch, Production and Marketing Administration, United States Department of Agriculture, and any other officer or employee of the United States Department of Agriculture authorized to act in his stead.

(h) "Calendar quarter" means the several three-month periods, beginning January 1, April 1, July 1, and October 1, of any calendar year.

(i) "Base period" means the last three months of the calendar year 1950.

(j) "Appendix A" means Appendix A to this order as from time to time amended.

SEC. 2. *Restrictions on inventory and use of castor oil.* No person shall receive, accept delivery of, or use castor oil except as provided herein.

(a) Beginning April 5, 1951, no person other than a producer, importer, public warehouseman, or distributor shall, during any day, receive or accept delivery of any quantity of castor oil if such receipt or delivery when added to the total quantity of castor oil owned by such person during such day would exceed an amount equal to one-third of his permitted usage of castor oil during the then current calendar quarter: *Provided,* That when such person customarily purchases castor oil in tank car quantities he may continue to do so and may exceed the limitation provided above by an amount less than the total capacity of a tank car.

(b) Commencing with the calendar quarter beginning on April 1, 1951, no person shall use, during any calendar quarter, in any class use listed in Appendix A an aggregate quantity of castor oil in excess of the quantity obtained by multiplying the quantity of castor oil he used in the same class use during the base period by the percent specified in Appendix A for such class use. However, any person who used castor oil in the form of castor resins which he acquired from another person for any class use listed in Appendix A may include as a part of his base period castor oil use 40 percent of the weight of such castor resins used during the base period. The use of castor resins acquired from another person shall, for the purpose of this order, be deemed as a use of castor oil to the extent of 40 percent by weight of such resins used. The restrictions of this paragraph shall not be applicable to the use of castor oil in the production of sebacic acid.

(c) The Director is authorized to amend Appendix A, from time to time, whenever he determines it to be necessary or appropriate to promote the national defense.

SEC. 3. *Exemptions.* (a) This order shall not apply to any person with respect to any quantity of his castor oil, whether or not in transit, while such oil is in the bonded custody of the United States Bureau of Customs.

(b) Except as to the requirements of sections 2 (a) and 4 (b), this order shall not apply to any person during any calendar quarter if the aggregate quantity of castor oil used by him during such calendar quarter does not exceed the smaller of (1) 1,260 pounds, or (2) the quantity used by him during the base period or 60 pounds, which ever is the greater.

SEC. 4. *Records and reports.* (a) Each person who produced or used 30,000, or more, pounds of castor oil between October 1, 1949, and December 31, 1950, shall, not later than April 30, 1951, submit to the Director, Bureau of the Census, Washington 25, D. C., either of the following forms:

(1) DFO Form-1, for transmittal to the Production and Marketing Administration, showing his receipts, production, use, shipments and stocks of castor oil by calendar quarters from October 1949 through December 1950, or

(2) If complete reports covering the entire period were filed, DFO Form-2 authorizing the Director, Bureau of the Census, to furnish the Administrator with any data previously reported by such person, from October 1, 1949, through December 31, 1950, on Census Form M17A (Animal and Vegetable Fats and Oils, Monthly Report of Producers and Consumers), or any data previously reported by such person for the years 1949 and 1950 on Census Form MA17A (Report of Selected Producers and Consumers of Animal and Vegetable Fats and Oils).

(b) Each person who, during any calendar quarter, receives or accepts delivery of an aggregate quantity of castor oil greater than 60 pounds but less than 30,000 pounds shall submit in duplicate to each of his suppliers a certificate in substantially the following form with respect to the castor oil delivered to such person by the respective supplier during such calendar quarter.

The undersigned hereby certifies to the United States Department of Agriculture, Production and Marketing Administration, and to ---------- that he is familiar with and understands the provisions of Defense Food Order No. 1, that the amount of castor oil used by him during the base period was ---------- pounds, that the amount of castor oil covered by this certificate is ---------- pounds, and the acceptance of such quantity will not result in the holding or ownership by him of an amount of castor oil in violation of section 2 (a) of the order. He further certifies that the oil covered by this certificate is to be used ----------, and such use will not be in violation of section 2 (b) or section 3 (b) of the order.

(Name of supplier)
(State purpose)

(Date)

(Name of firm)
By ---
(Authorized official)

(c) Each person who receives, or accepts delivery of, castor oil, pursuant to specific relief granted with respect to a petition therefor, in accordance with section 8 of this order, shall submit in duplicate to each of his suppliers a certificate in substantially the following form:

The undersigned hereby certifies to the United States Department of Agriculture, Production and Marketing Administration, and to ---------- that he is familiar with and understands the provisions of Defense Food Order No. 1, and that the amount of castor oil covered by this certificate is ---------- pounds; and such quantity, taken with all other castor oil received pursuant to the relief granted in a letter dated ----------, from ----------

(Name of supplier)
(Director or Administrator)

(Date)

(Name of firm)
By ---
(Authorized official)

will not exceed the quantity specified in such letter. He further certifies that the oil covered by this certificate will be used in accordance with the aforesaid letter.

(d) Each person whose production of castor oil, or permitted use of castor oil in accordance with Appendix A, exceeds 30,000 pounds per calendar quarter and who does not submit to the Director, Bureau of the Census. Census Form M17A, in duplicate, shall, not later than the 10th of May 1951, and the 10th of each succeeding month, submit to the Director, Bureau of the Census, Washington 25, D. C., for transmittal to the Production and Marketing Administration, a duplicate copy of Census Form M17A, or a copy of such other form or forms as may be prescribed by the Administrator, showing his receipts, production, use or consumption, shipments, and stocks of castor oil during the preceding month.

(e) Each person who is furnished certificates in accordance with the provisions of section 4 (b) or (c) shall submit to the Director, on or before the 10th of the following calendar month, a copy of each certificate received by such person covering the castor oil so delivered.

(f) Each public warehouseman receiving, storing, or shipping castor oil at a rate in excess of 30,000 pounds per calendar quarter shall not later than the 10th day of each calendar month submit to the Director, Bureau of the Census, Washington 25, D. C., for transmittal to the Production and Marketing Administration, a duplicate copy of Census Form M17B, or a copy of such other form or forms as may be prescribed by the Administrator, showing total stocks of castor oil held at the end of the preceding month.

(g) The Director shall be entitled to obtain such information from and to require such reports and the keeping of such records by any person as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(h) Every person subject to this order shall, for at least two years (or such other period of time as the Director may prescribe), maintain accurate records of his transactions in, and use of, castor oil.

SEC. 5. *Audits and inspections.* The Director shall be entitled to make such audit and inspection of the books, records, and other writings, premises, and stocks of castor oil of any person, and to make such investigations, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

SEC. 6. *Contracts and other obligations.* The limitations and requirements of this order shall be observed without regard to contracts or obligations heretofore or hereafter entered into, or any rights accrued or payments made thereunder.

SEC. 7. *Violations.* Any person who violates any provision of this order, or requirement pursuant hereto, may be prohibited from receiving, making deliveries of, maintaining inventories of, and using castor oil. In addition, any person who wilfully violates any provision of this order, or requirement pursuant hereto, is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil actions may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order, or requirement pursuant hereto.

SEC. 8. *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Director. Petitions shall be in writing and set forth all pertinent facts, the nature of the relief sought, and justification therefor. The Director may take such action with reference to the petition as he deems appropriate. If the petitioner is dissatisfied with the action taken by the Director on the petition, he shall obtain, by requesting the Director therefor, a review of such action by the Administrator. The Administrator, after the review, shall take such action as he deems appropriate and such action shall be final.

SEC. 9. *Delegation of authority.* The administration of this order and the powers vested in the Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate any or all of the authority vested in him by this order to any officer or employee of the United States Department of Agriculture.

SEC. 10. *Territorial scope.* The provisions of this order shall be applicable within the 48 States and the District of Columbia.

SEC. 11. *Communications.* All reports hereunder and all communications concerning this order shall, unless otherwise provided herein or in instructions issued by the Director, be addressed to the Director, Fats and Oils Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., Ref. DFO 1.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 2d day of April 1951, to become effective on April 5, 1951.

[SEAL] HAROLD K. HILL,
Deputy Administrator, Production and Marketing Administration.

APPENDIX A TO DEFENSE FOOD ORDER NO. 1

Class Use

	Percent
Medicinal and pharmaceutical preparations	100
Synthetic, foam, and natural rubber	100
Hydraulic fluid	100
Electrical insulation	100
Food products and protective coatings in food containers	100
Demulsification of petroleum products	60
Hydrogenated, saponified, fractionated, and chemically dehydrated castor oil	60
Sulfonated oil	60
Leather, imitation leather, and coated fabrics	60
Textiles	60
Brake lining	60
Resins and plastics	60
Paint, varnish, lacquer, and other protective coatings (excluding protective coatings in food containers)	50
Cosmetics and toilet articles	30
Rubber factice	30
Insoluble metallic soaps	30
All others	20

[F. R. Doc. 51-4119; Filed, Apr. 3, 1951; 12:03 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Document 51–3579, appearing in the issue for Thursday, March 22, 1951, on page 2599, make the following changes:

1. In column 3, line 15, the word "expense" should read "expenses".

2. In column 2, line 23, the word "estimated" should read "estimated".

TITLE 45—PUBLIC WELFARE

Chapter V—War Claims Commission

Subchapter C—Appeals and Hearings

PART 515—APPEALS

SUBPART B—HEARING PROCEDURES

The reference to "§ 516.32" contained in § 515.22 (d) (16 F. R. 1476) is hereby corrected to read "§ 515.32."

(Sec. 2, 62 Stat. 1240; 50 U. S. C. App. Sup., 2001)

DANIEL F. CLEARY,
Chairman,
War Claims Commission.

[F. R. Doc. 51–4069; Filed, Apr. 4, 1951; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR, Part 301]

WHITE-FRINGED BEETLES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Department of Agriculture, pursuant to section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), is considering amending §§ 301.72–2, 301.72–3 (b), and 301.72–8 of the regulations supplemental to the quarantine relating to white-fringed beetles (7 CFR, Supp., 301.72 et seq., as amended, 15 F. R. 3716), and the administrative instructions (15 F. R. 2871) exempting certain regulated articles from the certification requirements of the said quarantine in accordance with the second proviso thereof. The proposed amendments are as follows:

1. Section 301.72–2 would be amended to include the following described counties, cities, and towns, or parts thereof:

Alabama: Baldwin County: All of T. 7 S., R. 6 E.; $S\frac{1}{2}$ T. 7 S., Rs. 4 and 5 E., including all of the town of Foley; secs. 6 and 7, T. 8 S., R. 4 E.; secs. 1, 2, 11, and 12, T. 8 S., R. 3 E.; secs. 35 and 36, T. 7 S., R. 3 E.; and secs. 28, 29, 30, 31, 32, and 33, T. 5 S., R. 4 E.

Clarke County: N½ T. 8 N., R. 3 E., and $S\frac{1}{2}$ T. 9 N., R. 3 E., including all of the town of Grove Hill; and all that area lying within the corporate limits of the town of Jackson.

Coffee County: $S\frac{1}{2}$ T. 4 N., R. 20 E.; that part of T. 3 N., R. 20 E., lying in Coffee County, and secs. 25, 26, 27, 28, 29, and 30, T. 3 N., R. 19 E.

Covington County: That part of the county lying south of the township line between Tps. 5 and 6 N., and east of the Conecuh River; secs. 11, 12, 13, 14, 23, and 24, T. 5 N., R. 14 E.; and secs. 7, 8, 17, 18, 19, and 20, T. 5 N., R. 15 E.

Geneva County: W½ T. 1 N., R. 19 E., and all area south thereof to the Alabama-Florida State line, including all of secs. 21 and 28, T. 6 N., R. 19 W.; $S\frac{1}{2}$ T. 3 N., Rs. 19 and 20 E.; $N\frac{1}{2}$ T. 2 N., R. 19 E.; and secs. 8, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, and 23, T. 1 N., R. 20 E.

Mobile County: That area included within a boundary beginning at the intersection of the Mobile-Baldwin County line (Mobile River) and the north boundary of $S\frac{1}{2}$ T. 3 S., R. 1 W., thence west along said north boundary to Eight Mile Creek, thence southwesterly along Eight Mile Creek to the point of intersection with the range line between Rs. 1 and 2 W., thence south along said range line to the SW. corner sec. 19, T. 4 S., R. 1 W., thence west along the section line to its intersection with Dawes-Dees Road, thence south along said road to the Alabama-Mississippi State line, thence south to the south line of sec. 17, T. 7 S., R. 4 W., thence east along the section line to Mobile Bay, thence north along Mobile Bay to the Mobile-Baldwin County line, and thence north along said county line to the point of beginning, including all that area lying within the corporate limits of the city of Mobile and Blakely, Pinto, and Sand Islands; secs. 29, 30, 31, and 32, T. 3 S., R. 2 W.; secs. 5, 6, 7, and 8, T. 4 S., R. 2 W.; secs. 1, 2, 11, and 12, T. 4 S., R. 3 W.; and secs. 25, 26, 35, and 36, T. 3 S., R. 3 W.

Florida: Holmes County: $S\frac{1}{2}$ T. 6 N., R. 15 W., except secs. 18, 19, 30, and 31; NE¼ and secs. 22, 23, and 24, T. 5 N., R. 15 W., including all of the town of Smyrna; secs. 5, 6, 7, 8, 17, 18, 19, and 20, T. 5 N., R. 14 W.; secs. 29, 30, 31, and 32, T. 6 N., R. 14 W.; and $SE\frac{1}{4}$ T. 5 N., R. 18 W.

Georgia: Ben Hill County: That area included within a circle having a 2-mile radius and center at the Ben Hill County Courthouse in Fitzgerald, including all of the city of Fitzgerald.

Coffee County: That area included within the corporate limits of the city of Douglas; an area 2 miles wide beginning at the north corporate limits of the city of Douglas and extending northward along U. S. Highway No. 441 with said highway as a center line to and bounded on the north by Seventeen Mile Creek; that area included within a circle having a 2-mile radius and center at the Atlanta, Birmingham and Coast Railroad depot in Ambrose, including all of the town of Ambrose; and an area 3 miles wide beginning at a line projected due east and due west from a point on the Georgia and Florida Railroad 1 mile northwest of the railroad depot in Broxton, and extending northwesterly with said railroad as a center line to and bounded on the north by Georgia State Highway 107.

Fulton County: That area included within the corporate limits of the city of East Point.

Mississippi: George County: Secs. 27, 28, 29, 32, 33, 34, 35, and 36, T. 1 S., R. 6 W., including all of the town of Lucedale; N½ T. 2 S., R. 6 W., except secs. 6, 7, and 18; secs. 5, 6, 7, 8, 17, and 18, T. 2 S., R. 5 W.; and that part of secs. 31 and 32, T. 1 S., R. 5 W., lying south of Mississippi State Highway 15.

Pearl River County: Those parts of Tps. 1 N., Rs. 14, 15, and 16 W., lying in Pearl River County; all of Tps. 1 S., Rs. 14 and 15 W.; $E\frac{1}{2}$ T. 2 S., R. 16 W., and W½ T. 2 S., R. 15 W., including all of the town of Poplarville; all of Tps. 3 and 4 S., R. 15 W.; W½ T. 4 S., R. 14 W.; N½ T. 3 S., R. 16 W.; N½ Tps. 3 S., Rs. 17 and 18 W.; all of T. 5 S., and NE¼ T. 6 S., R. 16 W.; and E½ T. 5 S., and $SE\frac{1}{4}$ T. 4 S., R. 17 W.

Stone County: W½ Tps. 2 and 3 S., and secs. 6, 7, 18, and 19, T. 4 S., R. 10 W.; all of Tps. 2 and 3 S., and N½ T. 4 S., R. 11 W.; secs. 1, 2, 11, 12, 13, 14, 23 and 24, T. 4 S., R. 12 W.; E½ Tps. 2 and 3 S., R. 12 W.; and secs. 3, 4, 5, 8, 9, and 10, T. 2 S., R. 12 W.

Warren County: All that area lying within the corporate limits of the city of Vicksburg, and that area included within a boundary beginning at a point where Halls Ferry Road intersects the corporate limits of the city of Vicksburg, thence southeast along said road to the point of its intersection with the range line between Rs. 3 and 4 E., thence south along the range line to the SE. corner sec. 42, T. 15 N., R. 3 E., thence west along the section line to the Mississippi River, thence north along the east bank of the Mississippi River to said corporate limits, and thence along the south corporate limits to the point of beginning.

North Carolina: Harnett County: An area 4 miles wide bounded on the north by the Harnett-Wake County line and extending along U. S. Highway No. 15–A with said highway as a center line for a distance of 5 miles.

Onslow County: That area included within a circle having a 4-mile radius and center at the Onslow County Courthouse in Jacksonville, including all of the city of Jacksonville; and an area 3½ miles wide beginning at a line projected at right angles to and for a distance of 1¾ miles on each side of U. S. Highway No. 17 from the point where said highway crosses Stanky Creek and extending southwesterly along U. S. Highway No. 17 with said highway as a center line to the northeast boundary of the above-described circular area.

Wake County: An area 4 miles wide bounded on the east by a line projected due north and due south for 2 miles on each side of the point of intersection of U. S. Highway No. 15–A and the Norfolk Southern Railway, approximately 1½ miles east of the Norfolk Southern Railway depot in Fuquay Springs, and extending westerly and southwesterly along U. S. Highway No. 15–A with said highway as a center line to the Wake-Harnett County line, including all of the town of Fuquay Springs.

2. Section 301.72–3 (b) would be amended to read as follows:

§ 301.72–3 *Regulated articles.* * * *

(b) *Articles the movement of which is regulated.* Except as provided in administrative instructions, the movement of the following articles from any regulated area is regulated throughout the year:

(1) Soil, compost, manure, peat, muck, clay, sand, or gravel, whether moved independently of or in connection with or attached to nursery stock, plants, products, articles, or things, except that the movement of processed clay and washed or processed sand and gravel is not regulated.

(2) Nursery stock.

(3) Grass sod.

(4) Plant crowns or roots for propagation.

(5) Uncleaned grass, grain, and legume seed.

(6) Potatoes (Irish), when freshly harvested.

(7) True bulbs, corms, tubers, and rhizomes of ornamental plants, when freshly harvested or uncured.

(8) Hay and straw.

(9) Peanut shells and peanuts in shells.

(10) Seed cotton and cottonseed.

(11) Scrap metal and junk.

(12) Forest products, such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and cross ties.

(13) Brick, tile, stone, concrete slabs, pipe, building blocks, and cinders.

(14) Other articles, products, or things, the movement of which may involve a hazard of spread of white-fringed beetles.

3. Section 301.72–8 would be amended to read as follows:

§ 301.72–8 *Disinfesting vehicles, machinery, and other articles.* When in the judgment of the inspector a hazard of spread of white-fringed beetles is involved, thorough cleaning, disinfestation, or other sanitary treatments of railway cars, trucks, other vehicles, machinery, implements, and other articles will be required by the inspector before they may be moved to points outside the regulated areas.

4. Section 301.72a would be amended to read as follows:

§ 301.72a *Administrative instructions exempting articles from certification.* (a) The following articles are hereby exempted from the certification requirements of §§ 301.72–4 and 301.72–5 when they are free from soil, when they have not been exposed to infestation, and when sanitation practices are maintained as prescribed by or to the satisfaction of the inspector:

(1) Hay and straw, except that peanut hay is not exempt.

(2) Uncleaned grass, grain, and legume seed.

(3) Seed cotton and cottonseed.

(4) Forest products, such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and crossties.

(5) Brick, tile, stone, concrete slabs, pipe, building blocks, and cinders.

(b) Certification will be required for the following articles and materials:

(1) Soil, compost, manure, peat, muck, clay, sand or gravel, whether moved independently of or in connection with or attached to nursery stock, plants, products, articles, or things (processed clay and washed or processed sand and gravel are not regulated).

(2) Nursery stock.

(3) Grass sod.

(4) Plant crowns or roots for propagation.

(5) Potatoes (Irish), when freshly harvested.

(6) True bulbs, corms, tubers, and rhizomes of ornamental plants, when freshly harvested or uncured.

(7) Peanut shells and peanuts in shells.

(8) Peanut hay.

(9) Scrap metal and junk.

During the surveys over a 3-year period no white-fringed beetles have been found in Clayton County, Georgia, or in Robeson County, North Carolina. It is proposed in this amendment of the regulations and administrative instructions supplemental to the Federal quarantine on account of white-fringed beetles to remove these counties from regulation. In 1950 additional infestations of white-fringed beetles were found in the previously regulated counties of Baldwin, Clarke, Coffee, Covington, Geneva, and Mobile, Alabama; in Holmes County, Florida; in the counties of Ben Hill and Coffee, Georgia; in the counties of George, Pearl River, and Stone, Mississippi; and in Onslow County, North Carolina. Infestations were found for the first time in Fulton County, Georgia, in Warren County, Mississippi, and in Harnett and Wake Counties, North Carolina. It is proposed to place these infested areas under regulation.

Section 301.72–3 (b) of the said regulations regulates the interstate movement from the quarantined area of certain articles throughout the year and § 301.72–8 regulates such movement of certain other articles including seed cotton and cottonseed, forest products, building materials and containers, when in the judgment of an inspector a hazard of spread of white-fringed beetles is involved. Circumstances relating to practical and effective quarantine enforcement make it advisable to add seed cotton and cottonseed, forest products, building materials, and containers to the list of articles continuously under regulation, and to make a corresponding reduction in the list of articles subject to regulation in the discretion of the inspector. The proposed amendments of §§ 301.72–3 (b) and 301.72–8 would accomplish that purpose. Simultaneously, it is proposed to revise the administrative instructions contained in § 301.72a so as to exempt seed cotton and cottonseed, forest products, building materials, and containers from the certification requirements of § 301.72–4 when they are handled and maintained under conditions of sanitation which, to the satisfaction of the inspector, would preclude dissemination of white-fringed beetles.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within 15 days after the date of publication of this notice in the FEDERAL REGISTER.

(Sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 30th day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–4052; Filed, Apr. 4, 1951; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 1, 3]

[Docket No. 9873]

TIME OF FILING OF APPLICATIONS FOR RENEWAL OF BROADCAST STATION LICENSES AND LICENSE PERIODS OF STANDARD BROADCAST, FM BROADCAST, AND TELEVISION BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of March 1951;

It appearing, that on December 20, 1950, the Commission adopted a public notice proposing to amend §§ 1.320 (a), 3.220 (a), and 3.620 (a) of the Commission's rules relating to the time of filing of applications for renewal of broadcast station licenses and §§ 3.34 (a), 3.218 (a) and 3.618 of the Commission's rules relating to the license periods of standard broadcast, FM broadcast and television broadcast stations; and

It further appearing, that interested parties were given opportunity to file on or before February 15, 1951, written statements or briefs setting forth comments with respect to the proposed amendments and were given opportunity until March 1, 1951, to file responses to these original comments; and

It further appearing, that the periods for the filing of comments and responses thereto having expired; and

It further appearing, that certain interested parties have filed comments regarding the proposed amendments and have requested oral argument thereon;

It is ordered, That oral argument in the subject proceeding be held before the Commission en banc on the 27th day of April 1951;

It is further ordered, That any person or party desiring to participate in said oral argument file notice of intention to do so on or before the 20th day of April 1951.

Adopted: March 28, 1951.

Released: March 29, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–4070; Filed, Apr. 4, 1951; 8:54 a. m.]

NOTICES

DEPARTMENT OF STATE

Bureau of German Affairs

[Public Notice 92]

TRANSFER BETWEEN FOREIGNERS OF BLOCKED DM BALANCES LOCATED IN AREA OF FEDERAL TERRITORY

MARCH 29, 1951.

The following general license issued by the Allied High Commission for Germany is deemed to be of interest to certain United States citizens as having legal effect upon them or their property:

GENERAL LICENSE No. 49/51

TRANSFER BETWEEN FOREIGNERS OF BLOCKED DM BALANCES LOCATED IN THE AREA OF THE FEDERAL TERRITORY

1. A General license waiving the prohibitions of Article I of Military Government Law No. 53 (Revised) and French Military Government Ordinance No. 235, and of Article II of Military Government Law No. 52 (to the extent that the prohibitions of Article II of Law No. 52 apply solely by reason of Article I, paragraph 1 (f) of that Law) is hereby issued permitting blocked DM balances with financial institutions in the Federal Territory owned by natural or juridical persons having their ordinary residence, chief place of business or seat outside Germany, to be transferred to other natural or juridical persons having their ordinary residence, chief place of business or seat outside Germany, subject to the proviso that any DM balances thus transferred shall be credited to an "Acquired Blocked DM Account" maintained or to be opened with a financial institution in the area of the Federal Territory or the Western Sectors of Berlin in the name of the person to whom such DM amounts accrue.

2. Unless specifically stated, the General Licenses under Military Government Laws No. 52 and No. 53 (Revised) will not apply to "Acquired Blocked DM Accounts".

3. Subject to the proviso, where applicable, that all revenues (e. g. interest, dividends, rents, capital repayments) shall be credited to an "Acquired Blocked DM Account" with a financial institution in the Federal Territory or the Western Sectors of Berlin in the name of the purchaser, the following General Licenses under Military Government Laws No. 52 and No. 53 (Revised) are hereby declared applicable to "Acquired Blocked DM Accounts":

a. No. 30/50 "Regularization of the Securities System".

b. No. 32/50 "Servicing of German Securities". (Except for paragraph 1 c.)

c. No. 36/50 "Transfer of Blocked DM Balances to Landeszentralbanken".

Provided, That all accounts so transferred remain "Acquired Blocked DM Accounts".

d. No. 45/50 "Transfer of Deutsche Mark Balances and Deposits of Securities from one Financial Institution to another".

Provided, That all DM balances so transferred remain "Acquired Blocked DM Accounts" and that all securities will remain identifiable as having been purchased with funds debited to an "Acquired Blocked DM Account".

4. The payment out of "Acquired Blocked DM Accounts" of bank charges, taxes, fees, and other expenses arising from the acquisition, administration and sale of property acquired for "Acquired Blocked DM Accounts" is herewith permitted. The provisions of General Licenses 15/49 "Payment of Bank Charges", 32/50 "Servicing of German Securities" paragraph 1 c, and 34/50 "Payment of Taxes, Costs, and Fees" apply mutatis mutandis.

5. The transfer of "Acquired Blocked DM Accounts" from persons having their ordinary residence outside Germany to persons having their ordinary residence outside Germany is permitted.

6. The utilization for purposes other than investments of "Acquired Blocked DM Accounts" by account holders transferring their ordinary residence or main place of business to the Federal Republic or the Western Sectors of Berlin is subject to Special Licenses by the Bank Deutscher Laender.

7. This General License is issued with reference to General License No. 8 of United States and British Military Governments under Military Government Law No. 53—also known as General License No. 14 under Military Government Law No. 52 and of General License No. 1 of French Military Government under Military Government Law No. 53 (Ordinance No. 127 dated June 4, 1949 of the Commandant en Chef Francais en Allemagne).

8. This General License shall become effective on March 2, 1951.

Publication of this notice is not intended to and does not in any way add to or detract from the presently existing legal force and effect of the matter quoted above.

For the Secretary of State.

GEOFFREY W. LEWIS,
Deputy Director,
Bureau of German Affairs.

[F. R. Doc. 51-4021; Filed, Apr. 4, 1951; 8:45 a. m.]

[Public Notice 93]

PURCHASE AND SALE OF SECURITIES

MARCH 29, 1951.

The following General License issued by the Allied High Commission for Germany is deemed to be of interest to certain United States citizens as having legal effect upon them or their property:

GENERAL LICENSE No. 50/51

PURCHASE AND SALE OF SECURITIES

1. A General License waiving the prohibitions of Article I of Military Government Law No. 53 (Revised) and French Military Government Ordinance No. 235, and of Article II of Military Government Law No. 52 (to the extent that the prohibitions of Article II of Law No. 52 apply solely by reason of Article I, Paragraph 1 (f) of that law) is hereby issued permitting

(A) Natural or juridical persons whose ordinary residence, principal place of business or seat is outside of Germany, to mark withdrawals from "Acquired Blocked DM Accounts" standing in their name with financial institutions in the Federal Territory in order to:

(i) Purchase from persons, whose ordinary residence is in the Federal Territory or the Western Sectors of Berlin, securities issued by public bodies in the Federal Territories or the Western Sectors of Berlin and their agencies, and securities publicly dealt in at the stock exchanges in the Federal Territory or the Western Sectors of Berlin;

(ii) To purchase or subscribe to such securities as are released by the Bank Deutscher Laender for acquisition out of "Investment Accounts",

Provided, That:

(a) These securities are purchased through a financial institution in the Federal Territory at the official stock exchange or subscription prices and are deposited for the purchaser's account with a financial institution in the Federal Territory or the Western Sectors of Berlin marked as "Acquired Blocked Security Deposit Account";

(b) The purchase price is debited to, and covered by a corresponding credit balance on the purchaser's "Acquired Blocked DM Account" maintained with a financial institution in the Federal Territory.

(B) Natural or juridical persons, whose ordinary residence is outside Germany, to sell securities which have been acquired pursuant to this general license: *Provided*, That:

(i) The sale is effected through the intermediary of a financial institution in the Federal Territory or the Western Sectors of Berlin, at the official Stock Exchange prices, and

(ii) The proceeds are credited to an "Acquired Blocked DM Account" of the seller with a financial institution in the Federal Territory or the Western Sectors of Berlin.

2. This general license does not authorize any further transaction involving securities acquired pursuant to the terms of Paragraph 1 (A) above except the sale of such securities under the conditions specified in Paragraph 1 (B) above, nor does it constitute an exemption from the requirements of full compliance with decartelization and decentralization legislation in force in the Federal Territory.

3. Securities bought pursuant to this General License remain deposited in the purchaser's "Acquired Blocked Security Deposit Account", and the proceeds of securities sold pursuant to this general license continue to be credited to the seller's "Acquired Blocked DM Account" even after the purchaser or seller has transferred his ordinary residence or main place of business to the Federal Republic or the Western Sectors of Berlin.

4. This general license shall become effective on March 2, 1951.

Publication of this notice is not intended to and does not in any way add to or detract from the presently existing legal force and effect of the matter quoted above.

For the Secretary of State.

GEOFFREY W. LEWIS,
Deputy Director,
Bureau of German Affairs.

[F. R. Doc. 51-4083; Filed, Apr. 4, 1951; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Office of Territories

NOTICE OF EXECUTIVE ORDER OF THE GOVERNOR OF GUAM RELATING TO QUARANTINE REGULATIONS

Notice is hereby given that pursuant to Executive Order No. 3-1951[1] of the Governor of Guam, dated and effective February 20, 1951:

Persons entering Guam directly from the United States or from any of its territories or possessions or from any islands of the Trust Territory of the Pacific Islands without having entered en route any foreign port, and persons entering Guam by aircraft or surface vessels of the Armed Forces (whether or not they entered a foreign port en route), shall not be required by the Government of Guam to take inoculations for immunization against any disease nor to obtain a medical certificate that they are free from vermin and communicable diseases.

Commercial aircraft and surface vessels arriving at Guam from the United States, or from any of its territories or possessions, or from any islands of the Trust Territory of the Pacific Islands without having entered en route any foreign port, and public vessels and aircraft operated by any of the Armed Forces of the United States arriving in Guam (whether or not such vessel or aircraft entered a foreign port en route) shall not be required to request pratiques or medical quarantine clearances, on or before arrival in Guam.

The vessels and aircraft described above shall be permitted to enter and discharge passengers and cargo in Guam without the inspection and clearance of any port quarantine officer of the Government of Guam: *Provided*, That the senior port quarantine officer of the Government of Guam whenever he deems it necessary or proper in the public interest, shall order such inspection of any such vessel or aircraft and of its cargo, passengers or crew and may issue such quarantine or other orders as the interest of public health or sanitation may warrant.

The order provides that nothing contained therein shall in any way be deemed to abrogate or waive any authority of the Government of Guam over the protection of Guam against the importation and spread of disease, including the authority to isolate, quarantine or restrict the movement, activities or entry in Guam of persons or animals who suffer from or who have been exposed to any contagious or infectious disease, or to remove or restrict any of the powers otherwise vested by law in the Senior Port Quarantine officer in Guam.

DAN H. WHEELER,
Acting Director,
Office of Territories,
Department of the Interior.

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[1] Filed as part of the original document.

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

ORGANIZATION AND FUNCTIONS

In accordance with the public information requirements of the Administrative Procedure Act, the description of the organization and functions of the Civil Aeronautics Administration is revised in its entirety to read:

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1. Creation and authority.
2. Addresses.
3. Inquiries.

SUBPART B—OFFICE OF THE ADMINISTRATOR

Sec.
11. Functions.
12. Principal officials.

SUBPART C—SPECIAL STAFF OFFICES

21. Aviation Information Office.
22. General Counsel's Office.
23. Budget Office.
24. Organization and Methods Office.
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32. Office of Aviation Development.
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36. Office of Aviation Defense Requirements.

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SUBPART A—INTRODUCTION

SECTION 1. *Creation and authority.* (a) The "Civil Aeronautics Administration" is the name administratively assigned in Order No. 52 of the Secretary of Commerce dated August 29, 1940, to the Office of the Administrator of Civil Aeronautics, as a result of Reorganization Plans III and IV of the Reorganization Act of 1939.

(b) The authority of the Civil Aeronautics Administration is derived primarily from the Air Commerce Act of 1926, as amended; Civil Aeronautics Act of 1938, as amended; Reorganization Plan No. III of 1940; Reorganization Plan No. IV of 1940; Federal Airport Act, as amended; Government Surplus Airports and Equipment Act; International Aviation Facilities Act; Administration of Washington National Airport Act, as amended; Alaska Airports Act, as amended; 64 Stat. 770, authorizing the construction and operation of a public airport in the vicinity of the District of Columbia; and 64 Stat. 1090, authorizing action to promote the development of improved transport aircraft.

All functions of the Civil Aeronautics Administration were transferred to, and could be redelegated by, the Secretary of Commerce under Reorganization Plan No. V of 1950. These functions were revested by the Secretary in the Administration under Department Order No. 115 dated May 24, 1950.

SEC. 2. *Addresses.* Headquarters offices of the Civil Aeronautics Administration are located in Tempo Buildings T-4 and T-5, 17th and Constitution Avenue NW., Washington, D. C. The locations of the various field activities of the Civil Aeronautics Administration are listed in Subparts E and F with the functional descriptions of those activities.

SEC. 3. *Inquiries.* Further information regarding the organization and functions of the Civil Aeronautics Administration may be secured from the Aviation Information Office, Civil Aeronautics Administration, Washington 25, D. C. Functional organization charts containing the descriptive text of this regulation are also available from that Office.

SUBPART B—OFFICE OF THE ADMINISTRATOR

SEC. 11. *Functions.* The functional responsibilities of the Office of the Administrator are as follows:

(a) Directs the planning of, approves, and promulgates basic programs and policies, public rules, and the organization structure and assignment of responsibilities within the Civil Aeronautics Administration which are necessary to accomplish the functions authorized by statute or by delegation of statutory authority from the President, Secretary of Commerce, Civil Aeronautics Board, or other Federal agencies.

(b) Directs, evaluates and controls the execution of such programs within the Civil Aeronautics Administration in accordance with management directives established by Congress, the President, the Office of the Secretary of Commerce, and agencies concerned with Federal Government administration as a whole.

(c) Supervises and coordinates the activities of the heads of Washington Offices, Regional Offices, and other field organizations under the immediate control of the Administrator.

(d) Maintains liaison with other agencies of the Government, the Congress, state aviation officials, the aviation industry, and the flying public in general in accordance with policies established by the Secretary of Commerce.

SEC. 12. *Principal officials.* The duties and responsibilities of the principal officials in the Office of the Administrator are as follows:

(a) *The Administrator.* (1) Administers, and is accountable for the conduct and execution of, all functions and duties assigned to the Civil Aeronautics Administration.

(2) Performs those acts and executes those documents which, by statute or delegation of statutory authority, require the exercise of the personal discretion of the Administrator.

(b) *Deputy Administrator for Operations.* (1) Acts for the Administrator in directing and controlling the execution of operating programs of the Civil Aeronautics Administration, and in doing so, serves as the principal deputy to the Administrator in supervising all Washington offices and major field operating organizations.

(2) Acts as Administrator during the absence of the Administrator from duty at his official headquarters in Washington, D. C.

(c) *Deputy Administrator for Program Planning.* (1) Serves as the Administrator's Deputy in the total area of top level planning and evaluating of Civil Aeronautics Administration programs.

(2) Plans, directs, and coordinates the program planning and evaluating activities of the Office of the Administrator.

(3) Acts as Administrator during the simultaneous absence of the Administrator and Deputy Administrator for Operations from duty at their official headquarters in Washington, D. C.

(d) *Executive Assistant.* (1) Acts as the responsible alternate and executive assistant to the Deputy Administrator for Operations in directing the execution of operating programs of the Civil Aeronautics Administration.

(2) Acts as Deputy Administrator for Operations during the absence of the Deputy Administrator for Operations from duty at his official headquarters in Washington, D. C.

(3) Acts as Administrator during the simultaneous absence of the Administrator and his two Deputies from duty at their official headquarters in Washington, D. C.

SUBPART C—SPECIAL STAFF OFFICES

SEC. 21. *Aviation Information Office*—(a) *Functions.* (1) Directs and coordinates the collection and dissemination of information on civil aviation to the public.

(2) Advises the Administrator and other CAA officials on public information policies and procedures.

(3) Produces, provides for, or advises on the development and dissemination of materials such as CAA publications, speeches, training and operational manuals, and audio-visual materials to meet the public information requirements of the various CAA programs.

(4) Provides informational services such as an aeronautical reference library, handling of general inquiry correspondence, translation of foreign language aviation materials, and an aeronautical legislative reference service.

(b) *Subordinate offices.*

Audio-Visual Services Division.
Current Information Division.
Library Division.
Publications Division.

SEC. 22. *General Counsel's Office*—(a) *Functions.* Renders all legal services, including general opinions, the preparation and interpretation of legislation, regulations, and international commitments, and the enforcement of applicable laws and regulations, required by the CAA and by its officers serving in connection with other bodies such as the Air Coordinating Committee and the International Civil Aviation Organization.

(b) *Subordinate offices.*

Legislation and Regulations Division.
General Opinions Division.
Enforcement and Litigation Division.
Airports Division.

SEC. 23. *Budget Office*—(a) *Functions.* Represents and provides special staff assistance to the Office of the Administrator in the development, application, and execution of budgetary policies and in the submission of original and supplemental budget estimates and congressional justifications; provides for the securing and control of funds necessary for authorized CAA operations, and assists in the formulation and revision of fiscal programs.

(b) *Subordinate offices.*

Fiscal Management Division.
Estimates Division.

SEC. 24. *Organization and methods office*—(a) *Functions.* (1) Provides special staff assistance to the Office of the Administrator on all organization and management methods matters of concern at this level of management in the CAA, and in connection therewith surveys and makes recommendations for the improvement of organization, administrative techniques, practices, and management methods in all offices of the CAA.

(2) Provides staff assistance to all other offices of CAA both in Washington and in the field on major organization and management methods matters.

(3) Provides direction to the records, correspondence, and forms management control programs of the CAA.

(4) Coordinates and provides for the release of internal management instructional material applicable to all CAA employees.

SEC. 25. *Personnel Office*—(a) *Functions.* Represents and provides special staff assistance to the Office of the Administrator in the development, application, and execution of personnel policies, and, within policy decisions made by the Administrator, plans, develops, and provides direction to, and evaluates the execution of, the personnel program of the Administrator, which includes recruitment and placement of employees, classification of positions, employee training, and employee-management relations.

(b) *Subordinate offices.*

Placement Division.
Classification Division.
Employee Relations Division.
Training Division.
Procedures and Reports Division.

SUBPART D—PROGRAM STAFF OFFICES

SEC. 31. *Office of Airports*—(a) *Functions.* (1) Plans and coordinates CAA activities for fostering the establishment and development of a national system of airports suitable or adaptable to the future needs of civil aviation and national security.

(2) Prepares and annually revises the National Airport Plan for a national system of airports in the United States and its territories; provides for the granting of federal funds to sponsors in conformity with approved programs and regulations, and furnishes airport advisory service on construction and management problems of other airports.

(3) Determines the necessity for the use of federal land for public airport purposes and requests conveyance of such to sponsors; reviews requests for reimbursement to public agencie for the necessary rehabilitation or repair of public airports damaged by any federal agency, ascertains validity and amount of such requests, and prepares certification of these requests to Congress.

(4) Develops regulations and instructions governing standards of airport location, design, construction, operation, and management.

(5) Provides for liaison within and without the CAA concerning agreements for military use of civil airports. Provides for the disposal of surplus property for public airport purposes, including determination and enforcement of compliance with provisions of the Surplus Property Act.

(6) Consults and advises with federal, state, and local officials, or other interested groups, on legislation, policies, and programs affecting the development, utilization, and protection of airports.

(b) *Subordinate offices.*

Executive Staff Division.
Airport Engineering Division.
Airport Planning Division.
Airport Operations Division.

SEC. 32. *Office of aviation development*—(a) *Functions.* (1) Encourages the development and adoption of improved aircraft, equipment, and related products, especially for personal and agricultural uses.

(2) Encourages the expansion and improvement of air flight facilities, and the elimination of unnecessary restrictions and regulations hampering aviation.

(3) Sponsors or conducts programs for the establishment of a system of "Skyways" and uniform methods of marking ground objects as visual aids to navigation.

(4) Develops and sponsors programs designed to advance civil aviation through educational means.

(5) Sponsors or conducts programs for the collection and dissemination of flight facility information and data in the interest of safe itinerant flight.

(6) In the execution of its programs, this Office, to the greatest possible extent, secures the utilization of the personnel and facilities of other CAA offices; stimulates action by other public or private agencies to accomplish its program objectives; and serves as a primary point of liaison with industry, industry associations, or other governmental agencies.

(b) *Subordinate offices.*

Aviation Extension Division.
Aviation Education Division.
Flight Information Division.

SEC. 33. *Office of Aviation Safety*—(a) *Functions.* (1) Plans and coordinates the development and application of rules, standards, and informative material for the guidance of the public; issues national programs and policies governing CAA Aviation Safety activities as listed below and evaluates their effectiveness, maintaining liaison with or providing information and assistance to other public or private groups with respect thereto:

Design, manufacture, certification, inspection, and maintenance of aircraft and components to assure airworthiness.

Examination and certification of airmen to assure physical fitness and professional competency.

Examination, certification, and inspection of air carriers and other operators of U. S. aircraft engaged in domestic and international operations as well as the development of standards governing foreign air carriers engaged in flight operations within the U. S. to assure safety in operation.

Inspection and certification of air agencies.

Registration of U. S. aircraft and recordation of ownership of U. S. aircraft and components.

Investigation of accidents, as required, to determine if competency of any airmen or operators, airworthiness of aircraft, or violations of the Civil Air Regulations or any certificate issued by the CAA are involved which require initiation of appropriate enforcement or remedial action.

Provision for such operations, testing, and modifications as are required to promote the development of improved transport aircraft pursuant to the terms of Public Law 867, 81st Congress.

(b) *Subordinate offices.*

Technical Staff Division.
Administrative Staff Division.
Performance Standards Staff Division.
Flight Operations Division.
Aircraft Division.
Medical Division.
Airman Division.

SEC. 34. *Office of Federal Airways*—(a) *Functions.* (1) Plans and coordinates the establishment, maintenance, and operation of aids to navigation and traffic control comprising the Common System of the Federal Airways. Formulates programs and prescribes policies, standards, and procedures governing the installation, utilization, operation, and maintenance of facilities for the navigation of aircraft, the control and safety of air traffic, and the provision of an integrated flight assistance and air-to-ground communications service.

(2) Plans, directs, coordinates, and establishes requirements and standards for construction, improvement, maintenance, and operation of landing areas and airports as assigned by the Administrator, utilizing engineering standards for the design of airports approved by the Office of Airports.

(3) Collaborates with military and other government and foreign agencies, and with private and non-government users of the airspace in the adoption of domestic and international airways systems and services, the provision and utilization of necessary facilities, and the collection and dissemination of information on aids and hazards to navigation. Participates in the work of the International Civil Aviation Organization, and the Air Coordinating Committee and other coordinating organizations.

(4) Collaborates with the Department of Defense on planning for military use of the Common System of Federal Airways, the coordination of defense plans and operations and for the military use of CAA facilities.

(5) Is responsible for the planned utilization and allocation of aeronautical radio frequencies for the Department of Commerce.

(6) Plans, coordinates, and directs the development and execution of CAA programs for the security control of aircraft flights within the United States, its territories, possessions, and areas of land or water administered by the United States under international agreement.

(b) *Subordinate offices.*

Planning Staff Division.
Flight Inspection Division.
Administrative Staff Division.
Establishment Engineering Division.
Maintenance Engineering Division.
Communications Division.
Air Traffic Control Division.

SEC. 35. *Office of General Services*—(a) *Functions.* (1) Plans and coordinates the development and application of policies and procedures governing the procurement, management, and maintenance of properties and materials required for CAA operations.

(2) Establishes policies and procedures governing the procurement, utilization, operation, repair and maintenance, modification and overhaul, and disposal of CAA aircraft and equipment.

(3) Provides office services, including the operation of mail, file, and machine tabulating systems, and the procurement and distribution of printed and reproduced material.

(4) Develops, establishes, and maintains a complete set of accounts, fiscal records, and financial reports covering the fiscal operations of the CAA.

(5) Audits and approves for payment all types of public vouchers payable from CAA funds; audits sponsors' accounts and related documents and makes final recommendation as to the Administration's financial obligations in connection with construction for the Federal Aid Airport Program.

(b) *Subordinate offices.*

Accounting Division.
Supply Division.
Special Services Division.
Aircraft Control Division.

SEC. 36. *Office of Aviation Defense Requirements*—(a) *Functions.* Collects and processes all civil aviation defense production requirements so as to present to agencies of higher authority in the defense production program, for appropriate action, consolidated requirements for such defense production, both U. S. and foreign. In carrying out these responsibilities this Office:

(1) Serves as a central point of coordination of all CAA activities with respect to the defense production program.

(2) Provides basic policies, standards and procedures for use by CAA Offices in carrying out their responsibilities in the defense production program.

(3) Develops standard instructions and procedures to be used by CAB, OIT, and ECA in submitting their requirements to CAA for processing and transmission to agencies of higher authority for appropriate action.

(4) Reviews and evaluates, in the light of available materials and facilities, and by utilizing the knowledge and skills of existing CAA Offices, all civil aviation requirements which are filed with CAA as a claimant agency. Sees to it that these requirements are consolidated, insofar as possible, into periodic programs, and submits them to agencies of higher authority for appropriate action.

(5) Maintains such basic records and prepares such reports as the Administrator may require to satisfy the needs of agencies of higher authority with respect to the defense production program.

(b) *Subordinate offices.*

Aircraft Requirements Division.
Airports Requirements Division.
Electronics Requirements Division.
Administrative Staff Division.

SUBPART E—REGIONAL OFFICES

SEC. 41. *General.* The field organization of the Civil Aeronautics Administration consists primarily of ten Regional Offices, each composed of various specialized operating units grouped into an integrated organization structure to serve the regional area. Within each region these field operating units are under the direction of, and accountable to, the Regional Administrator for executing the various operations required to carry out programs and policies established by the Washington Offices.

Nine Regional Offices cover prescribed areas of the United States, its Territories and possessions. The tenth, or International Region, administers Civil Aeronautics Administration activities in the other areas of the world not assigned to the United States Regional Offices. Section 43 contains a description of the organization and functions of a typical Regional Office. Deviations from this description for Regions 8 and 9 are indicated by special subsections. The International Regional Office is described separately in section 44.

SEC. 42. *Locations and areas served.* The designation of the Regional Offices, their locations, and the areas over which they have jurisdiction are as follows:

(a) *Region 1.*

(1) Federal Office Building, New York International Airport, Jamaica, Long Island, N. Y.

(2) Maine, New Hampshire, Vermont, Massachusetts, New York, Connecticut, Rhode Island, Pennsylvania, New Jersey, West Virginia, Maryland, Delaware, Virginia.

(b) *Region 2.*

(1) 50 Seventh Street NE., Atlanta 5, Ga.

(2) Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, Florida, Puerto Rico, Virgin Islands.

(c) *Region 3.*

(1) Chicago-International Airport, Park Ridge, Ill.

(2) North Dakota, Minnesota, Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky.

(d) *Region 4.*

(1) CAA Reservation, Haslet Road, Fort Worth, Tex.

(2) New Mexico, Oklahoma, Arkansas, Texas, Louisiana.

(e) *Region 5.*

(1) City Hall Building, Kansas City, Mo.

(2) Wyoming, South Dakota, Iowa, Nebraska, Colorado, Kansas, Missouri.

(f) *Region 6.*

(1) 5651 West Manchester Avenue, Los Angeles, Calif.

(2) California, Nevada, Utah, Arizona.

(g) *Region 7.*

(1) Exchange Building, Seattle, Wash.

(2) Washington, Oregon, Idaho, Montana.

(h) *Region 8.*

(1) Post Office Building, Anchorage, Alaska.

(2) Territory of Alaska, including the Aleutian Islands.

(i) *Region 9.*

(1) Alexander Young Hotel Building, Honolulu, T. H.

(2) Central and Western Pacific Islands under United States jurisdiction, including

the Territory of Hawaii, and the islands of Canton, Wake, and Guam.

(j) *International region.*

(1) Tempo Building T-4, Seventeenth and Constitution Avenue NW., Washington, D. C.

(2) All other areas of the world not specifically assigned to other Regional Offices.

SEC. 43. *Regions 1–9*—(a) *Office of the Regional Administrator*—(1) *Functions.* Has administrative and technical responsibility for meeting the program objectives for the Region established by Washington Offices.

Has responsibility for the development of regional programs designed to implement Washington program objectives.

Directs and coordinates all regional activities.

Maintains necessary top regional relations with the aviation industry, local government units, and the flying public, to provide that the Civil Aeronautics Administration, through the Region, offers progressive leadership in the field of civil aviation.

Fosters and promotes civil aviation in general through aviation education, informational, and public relations activities.

(b) *Planning and Evaluation Division*—(1) *Functions.* In a staff capacity, advises and assists the Office of the Regional Administrator in the initiation, review, correlation and evaluation of regional plans and planning activities in the Airports, Federal Airways, Aviation Safety, and other program areas devoted to aeronautical service and development in the region.

Advises and assists the Office of the Regional Administrator in the evaluation of program operations in terms of the achievement of basic program goals, the consequences to the region and the aviation public of the efforts to meet such goals, the need for reconsideration of the goals, and the adjustment of program activities in the light of factors and problems developing after program operations have entered the execution stage.

Performs all coordinating and secretarial activities with respect to the use of navigable air space.

Investigates and recommends action on proposed construction of ground structures which might be potential air navigation hazards, and of privately-owned aids to air navigation.

(c) *Legal Division*—(1) *Functions.* Provides counsel to the region on all legal matters.

Represents the Administration in regional legal actions, including actions resulting from violations of Civil Air Regulations and other pertinent regulations.

Provides advisory assistance to State and local law enforcement agencies.

(2) *Regions 8 and 9.* In Regions 8 and 9, these functions are performed in the Office of the Regional Administrator.

(d) *Business Administration Division*—(1) *Functions.* Provides staff assistance to the Office of the Regional Administrator in budget, personnel, fiscal, procurement, and property management administration, and in organization and management methods problems. Conducts the necessary analytical surveys requisite to providing such staff assistance.

NOTE: It should be recognized that for the purpose of carrying out this responsibility, the Business Administration Division acts in a staff capacity for the Office of the Regional Administrator.

Provides the general service functions of the Region in connection with fiscal personnel, property management, procurement, and maintenance of aircraft activities.

(2) *Subordinate offices.*

Budget and Management Branch.
Accounting Branch.
Personnel Branch.
Procurement Branch.
Aircraft Service Branch.
Project Audit Branch.
Property Management Branch.

(3) *Regions 8 and 9.* There is no Project Audit Branch in Regions 8 and 9. In Region 8, there is also a Transportation Branch and an Alaska Supply Branch (located in Seattle, Wash.).

(e) *Airways Operations Division*—(1) *Functions.* Provides staff assistance to the Office of the Regional Administrator on matters pertaining to the operation of air traffic control and communications systems, and the utilization of air navigation facilities.

Executes the regional program relating to the operation of air traffic control and communications systems.

Develops and recommends improved technological procedures relating to assigned activities.

Coordinates assigned operating activities with agencies and/or individuals outside the Civil Aeronautics Administration.

Initiates recommendations for technological improvements of equipment used in the operating activity and for relocation, modification, or additions to the aids to air navigation systems.

Directs the training of traffic control and communications personnel.

Directs the inspection of centers, stations, and towers.

Participates with the Facilities Division in a staff and advisory capacity to the Office of the Regional Administrator in developing over-all policies and programs relating to Federal Airways matters.

(2) *Subordinate offices.*

(i) Air Traffic Control Branch.
Air Route Traffic Control Centers.
Airport Traffic Control Towers.

(ii) Communications Operations Branch.
Interstate Airway Communications Stations.
Overseas Foreign Aeronautical Communications Stations.

(3) *Air Route Traffic Control Centers*—(i) *Functions.* Air Route Traffic Control Centers are responsible for exercising control over air traffic along designated air routes and in designated control zones and control areas within their assigned geographical jurisdiction. All aircraft flying in these designated airspace areas under conditions which require compliance with Instrument Flight Rules are subject to control by these Centers. For a description of these designated airspace areas see 14 CFR Parts 600 and 601.

The geographical jurisdiction of a particular Center coincides with the Flight Advisory Area and Oceanic Control Area boundaries shown on the Civil Airways and Mileage Chart published by the U. S. Coast and Geodetic Survey. Changes in these geographical areas between chart editions are carried in the Airman's Guide published biweekly by the Civil Aeronautics Administration.

These Centers are manned by Air Route Traffic Controllers. These Controllers are responsible for the safe and orderly flow of air traffic being navigated under instrument flight conditions on the air routes within the control areas assigned to the center. Their principal functions are:

To issue instructions to pilots regarding altitudes to be flown, routes to be followed, speeds to be maintained, and holding procedures over specified locations.

To advise pilots of hazardous conditions and other factors which may affect the safety of the flight, and to suggest a change of flight plan.

To maintain a progressive check of aircraft and initiate search and rescue action to locate overdue aircraft.

(ii) *Locations—Region 1.*

Boston Air Route Traffic Control Center, Logan Airport, Boston, Mass.
New York Air Route Traffic Control Center, LaGuardia Field, New York, N. Y.
Pittsburgh Air Route Traffic Control Center, Allegheny County Airport, Pittsburgh, Pa.
Washington Air Route Traffic Control Center, Washington National Airport, Washington, D. C.

Region 2.

Atlanta Air Route Traffic Control Center, Municipal Airport, Atlanta, Ga.
Jacksonville Air Route Traffic Control Center, Municipal Airport, Jacksonville, Fla.
Memphis Air Route Traffic Control Center, 1503 Union Ave., Room 203, Memphis, Tenn.
Miami Air Route Traffic Control Center, Miami International Airport, Miami Springs, Fla.
San Juan Air Route Traffic Control Center, Isla Grande Airport, Sanpurce, P. R.

Region 3.

Chicago Air Route Traffic Control Center, 6013 South Central Avenue, Chicago 38, Ill.
Cincinnati Air Route Traffic Control Center, Citizens Bank Building, 211 East Fourth Street, Cincinnati 2, Ohio.
Cleveland Air Route Traffic Control Center, Second Floor, Bomber Plant Administration Building, Cleveland Municipal Airport, Cleveland 11, Ohio.
Detroit Air Route Traffic Control Center, Detroit Wayne Major Airport, Inkster, Mich.
Minneapolis Air Route Traffic Control Center, Minneapolis-St. Paul International Airport, Minneapolis 19, Minn.

Region 4.

Albuquerque Air Route Traffic Control Center, Kirtland AFB Airport, Albuquerque, N. Mex.
Fort Worth Air Route Traffic Control Center, Majestic Building, 1101–1107 Commerce Street, Fort Worth, Tex.
San Antonio Air Route Traffic Control Center, 409 Bedell Building, San Antonio, Tex.
New Orleans Air Route Traffic Control Center, Federal Land Bank Building, 860 St. Charles Avenue, New Orleans 7, La.
El Paso Air Route Traffic Control Center, El Paso International Airport, El Paso, Tex.

Region 5.

Denver Air Route Traffic Control Center, Municipal Airport, Denver, Colo.
Kansas City Air Route Traffic Control Center, Municipal Airport, 102 Richards Road, Kansas City, Mo.
St. Louis Air Route Traffic Control Center, Wing "C", Building No. 31, Naval Air Station, Lambert Field, St. Louis, Mo.

Region 6.

Los Angeles Air Route Traffic Control Center, 5651 West Manchester Avenue, Los Angeles 45, Calif.
Oakland Air Route Traffic Control Center, Municipal Airport, Oakland 14, Calif.
Salt Lake City Air Route Traffic Control Center, Municipal Airport, Salt Lake City 3, Utah.

Region 7.

Great Falls Air Route Traffic Control Center, Municipal Airport, Great Falls, Mont.
Seattle Air Route Traffic Control Center, King County Airport, Seattle, Wash.

Region 8.

Anchorage Air Route Traffic Control Center, Merrill Field, Anchorage, Alaska.
Fairbanks Air Route Traffic Control Center, Weeks Field, Fairbanks, Alaska.

Region 9.

Guam Island Air Route Traffic Control Center, Agana Airport, Guam Island (Marianas Islands).
Honolulu Air Route Traffic Control Center, Honolulu Airport, Honolulu 12, T. H.
Midway Island Air Route Traffic Control Center, Sand Island Airport, Midway Island.
Wake Island Air Route Traffic Control Center, CAA Intermediate Field, Wake Island.

(4) *Airport traffic control towers*—(i) *Functions.* Airport traffic control towers are operated by the Civil Aeronautics Administration at certain designated airports listed below. They are responsible for the safe, orderly and expeditious flow of air traffic in the vicinity of an airport, and movement of aircraft and vehicles on the airport.

The functions of a majority of these towers have been expanded to include the responsibility for controlling and providing separation between aircraft in the terminal area which are holding or arriving and departing under instrument flight rules. This is termed "Approach Control Service." At such locations, the responsibility for controlling instrument Flight Rule Traffic has been delegated to the tower by an Air Route Traffic Control Center. The purpose of this delegation is to expedite arrivals and departures by means of direct voice communications between the pilot and the approach controller, and by use of special holding, approach, and departure procedures.

These towers are manned by Airport Traffic Controllers, who are responsible for the safe and orderly flow of air traffic in the vicinity of the airport. Their principal functions are:

To issue instructions to pilots for taxiing, take-off, approach for landing, and landing of aircraft.

To inform pilots regarding field and weather conditions, air navigational facilities, emergency landing areas, restrictions to flight, regulations, and other matters which may be of assistance to the pilot.

To relay messages between pilots, airline operations offices, Air Route Traffic Control Centers, Weather Bureau offices, communications stations and other appropriate agencies concerning the operation, dispatch, and control of aircraft.

To invoke emergency procedures when any emergency occurs or appears likely to occur to aircraft under tower control.

When equipped with surveillance and precision beam radar, to monitor aircraft arriving and departing from an airport on instruments, and, in an emergency or upon request, issuing ground controlled approach instructions (GCA) for a let-down.

(ii) *Locations.*

NOTE: Asterisk (*) indicates tower is authorized to exercise approach control.

Region 1.

*Albany, N. Y., Municipal Airport.
Allentown, Pa., Allentown-Bethlehem-Easton Airport.
Baltimore, Md., Harbor Airport.
*Baltimore, Md., International Airport.
*Bedford, Mass., Boston Bedford Airport.
*Boston, Mass., Logan International Airport.
Bridgeport, Conn., Municipal Airport.
*Buffalo, N. Y., Municipal Airport.
*Burlington, Vt., Municipal Airport.
*Charleston, W. Va., Kanawha Airport.
Elmira, N. Y., Chemung County Airport.
*Harrisburg, Pa., State Airport.
*Hartford, Conn., Brainard Field.
Lynchburg, Va., Preston Glenn Airport.
*Newark, N. J., Municipal Airport.
*Wilmington, Del., New Castle County Airport.
*New York, N. Y., International Airport.
*New York, N. Y., LaGuardia Field.
Niagara Falls, N. Y., Municipal Airport.
*Norfolk, Va., Municipal Airport.
*Philadelphia, Pa., International Airport.
*Pittsburgh, Pa., Allegheny County Airport.
Portland, Maine, Municipal Airport.
Presque Isle, Maine, Presque Isle Municipal Airport.
*Providence, R. I., T. F. Greene Airport.
*Reading, Pa., Municipal Airport.
*Richmond, Va., Byrd Field.
*Roanoke, Va., Woodrum Field.
*Rochester, N. Y., Municipal Airport.
*Syracuse, N. Y., Hancock Field.
Teterboro, N. J., Teterboro Airport.
*Washington, D. C., Washington National Airport.
Westfield, Mass., Barnes Airport.
*White Plains, N. Y., Westchester County Airport.
*Windsor Locks, Conn., Bradley Field.

Region 2.

Asheville, N. C., Asheville-Hendersonville Airport.
*Atlanta, Ga., Municipal Airport.
*Augusta, Ga., Bush Field.
*Birmingham, Ala., Municipal Airport.
*Bristol, Tenn., Tri-City Airport.
*Charleston, S. C., Municipal Airport.
*Charlotte, N. C., Douglas Airport.
*Chattanooga, Tenn., Lovell Field.
Columbia, S. C., Capital Airport.
*Daytona Beach, Fla., Municipal Airport.
*Greensboro, N. C., Greensboro-High Point Airport.
*Greenville, S. C., Municipal Airport.
*Jackson, Miss., Hawkins Field.
*Jacksonville, Fla., Imeson Airport.
*Knoxville, Tenn., McGhee-Tyson Airport.
*Memphis, Tenn., Municipal Airport.
*Miami, Fla., International Airport.
*Mobile, Ala., Bates Field.
*Montgomery, Ala., Dannelly Field.
*Nashville, Tenn., Berry Field.
*Orlando, Fla., Municipal No. 1 Airport.
*Raleigh, N. C., Raleigh-Durham Airport.
*San Juan, P. R., Isla Grande Airport.
*Savannah, Ga., Travis Field.
*Spartanburg, S. C., Municipal Airport.
*Tallahassee, Fla., Dale Mabry Airport.
*Tampa, Fla., International Airport.
*Pensacola, Fla., Municipal Airport.
*West Palm Beach, Fla., Palm Beach International Airport.
Wilmington, N. C., New Hanover County Airport.
*Winston-Salem, N. C., Smith Reynolds Airport.

Region 3.

*Akron, Ohio, Akron-Canton Airport.
Akron, Ohio, Municipal Airport.
*Battle Creek, Mich., Kellogg Airport.
*Chicago, Ill., O'Hare International Airport
*Chicago, Ill., Midway Airport.
*Cincinnati, Ohio, Lunken Field.
*Cincinnati, Ky., Greater Cincinnati Airport.
*Cleveland, Ohio, Municipal Airport.
*Columbus, Ohio, Port Columbus Airport.
*Dayton, Ohio, Municipal Airport.
*Detroit, Mich., Detroit City Airport.
*Detroit, Mich., Willow Run Airport.
Detroit, Mich., Wayne County Airport.
*Evansville, Ind., Municipal Airport.
*Fargo, N. Dak., Municipal Airport.
*Flint, Mich., Bishop Field.
*Fort Wayne, Ind., Baer Field.
*Grand Rapids, Mich., Kent County Airport.
*Indianapolis, Ind., Weir-Cook Airport.
*Lansing, Mich., Capital City Airport.
*Lexington, Ky., Blue Grass Airport.
Louisville, Ky., Bowman Field.
*Louisville, Ky., Standiford Field.
*Madison, Wis., Municipal Airport.
*Milwaukee, Wis., General Mitchell Field.
*Minneapolis, Minn., Minneapolis-St. Paul International Airport.
*Muskegon, Mich., Muskegon County Airport.
Peoria, Ill., Greater Peoria Airport.
*Rochester, Minn., Municipal Airport.
*South Bend, Ind., Bendix Field.
*Toledo, Ohio, Municipal Airport.
*Youngstown, Ohio, Municipal Airport.

Region 4.

*Abilene, Tex., Abilene Municipal No. 2 Airport.
*Albuquerque, N. Mex., Kirtland Air Force Base.
*Amarillo, Tex., Amarillo Air Terminal.
*Austin, Tex., Robert Mueller Airport.
*Big Spring, Tex., Municipal Airport.
*Brownsville, Tex., Rio Grande International Airport.
*Corpus Christi, Tex., Cliff Maus Field.
*Dallas, Tex., Love Field.
*El Paso, Tex., El Paso International Airport.
*Fort Worth, Tex., Meacham Field.
*Houston, Tex., Municipal Airport.
*Little Rock, Ark., Adams Field.
Lubbock, Tex., Municipal Airport.
*New Orleans, La., Moisant Field.
New Orleans, La., Municipal Airport.
*Oklahoma City, Okla., Will Rogers Field.
*San Antonio, Tex., Municipal Airport.
San Antonio, Tex., Stinson Field.
*Shreveport, La., Municipal Airport.
*Tulsa, Okla., Municipal Airport.
*Wichita Falls, Tex., Sheppard Air Force Base.

Region 5.

*Cheyenne, Wyo., Municipal Airport.
*Colorado Springs, Colo., Peterson Field.
*Denver, Colo., Stapleton Field.
*Des Moines, Iowa, Municipal Airport.
Kansas City, Kans., Fairfax Airport.
*Kansas City, Mo., Municipal Airport.
Lincoln, Nebr., Municipal Airport.
*Omaha, Nebr., Municipal Airport.
Pueblo, Colo., Municipal Airport.
St. Joseph, Mo., Rosecrans Field.
*St. Louis, Mo., Lambert-St. Louis Airport.
*Sioux City, Iowa, Municipal Airport.
*Topeka, Kans., Phillip Billard Field.
*Wichita, Kans., Municipal Airport.

Region 6.

Bakersfield, Calif., Kern County Airport.
•Burbank, Calif., Lockheed Air Terminal.
Fresno, Calif., Fresno Air Terminal.
Las Vegas, Nev., McCarran Field.
•Long Beach, Calif., Municipal Airport.
•Los Angeles, Calif., Los Angeles International Airport.
•Oakland, Calif., Municipal Airport.
Ogden, Utah, Municipal Airport.
•Phoenix, Ariz., Sky-Harbor Airport.
Reno, Nev., United Airlines Airport.
•Sacramento, Calif., Municipal Airport.
•Salt Lake City, Utah, Municipal #1 Airport.
•San Diego, Calif., Lindberg Field.
•San Francisco, Calif., Municipal Airport.
•Santa Barbara, Calif., Municipal Airport.
Santa Monica, Calif., Santa Monica Municipal Airport.
Tucson, Ariz., Municipal Airport.
Los Angeles, Calif., San Fernando Valley Airport.

Region 7.

•Billings, Mont., Municipal Airport.
•Boise, Idaho, Boise Air Terminal.
•Great Falls, Mont., Municipal Airport.
Helena, Mont., Municipal Airport.
•Medford, Oreg., Municipal Airport.
•Pendleton, Oreg., Pendleton Airport.
Pocatello, Idaho, Phillips Field.
•Portland, Oreg., Municipal Airport.
Salem, Oreg., McNary Field.
Seattle, Wash., Boeing Field.
•Seattle, Wash., Seattle-Tacoma Airport.
•Spokane, Wash., Geiger Field.
Yakima, Wash., Municipal Airport.

Region 8.

•Anchorage, Alaska, Merrill Field.
•Annette, Alaska, CAA International Field.
Fairbanks, Alaska, Weeks Field.
•Juneau, Alaska, CAA Intermediate Field.
•King Salmon, Alaska, King Salmon Airport.

Region 9.

•Hilo, Hawaii, T. H., General Lyman Field.
•Honolulu, Oahu, T. H., Honolulu Airport.
•Midway Island, Sand Island Field.
•Wake Island, Wake Airport.

(5) *Interstate Airway Communications Stations*—(i) *Functions.* The primary purpose of an Interstate Airway Communications Station (INSAC) is to provide aeronautical communications services required to maintain control over and facilitate the flight of aircraft in the United States and Territories. These stations are usually located at airports along the civil airways and are associated with electronic air navigation aids. Communications, flight advisory, and emergency services are generally available within a radius of 100 to 150 miles of the station location. These stations are staffed by Aircraft Communicators whose principal functions are as follows:

Maintains continuous multiple listening watches on designated aeronautical radio frequencies for the purpose of maintaining communications with en route aircraft. Acts as a communications link between aircraft in flight and federal air traffic control facilities during instrument flight rule (IFR) operation. Accepts and transmits flight plans and associated progress and arrival reports, and alerts appropriate Search and Rescue organizations when flights are not successfully concluded.

Observes, reports, and disseminates aeronautical weather data, such as surface weather reports, forecasts, upper air soundings and pilots' weather reports, in cooperation with the U. S. Weather Bureau. Broadcasts pertinent information relative to condition of landing areas, air navigation facilities, and aeronautical weather on scheduled and unscheduled basis as required.

Advises pilots, prior to takeoff, regarding the weather and other hazards along proposed route of flight. Furnishes advisory assistance to pilots landing and taking off from airports not served by an airport traffic control tower. Furnishes emergency navigation assistance to pilots unable to establish their position because of restricted visibility or malfunctioning of airborne electronic equipment.

Monitors federally operated electronic and visual air navigation aids, receives reports of irregularities of non-federal aids, and publicizes operating irregularities when, in his opinion, safety is impaired.

(ii) *Locations—Region 1.*

Albany, N. Y., Municipal Airport.
Allentown, Pa., Bethlehem-Easton Airport.
Altoona, Pa., Martinsburg Blair County Airport.
Augusta, Maine, State Airport.
Baltimore, Md., Harbor Airport.
Blackstone, Va., U. S. Air Forces Base.
Boston, Mass., Immigration and Naturalization Building.
Brookville, Pa., CAA Intermediate Field.
Buffalo, N. Y., Municipal Airport.
Burlington, Vt., Municipal Airport.
Charleston, W. Va., Kanawha County Airport.
Concord, N. H., Municipal Airport.
Dansville, N. Y., Municipal Airport.
Danville, Va., Municipal Airport.
Dunkirk, N. Y., Municipal Airport.
Elkins, W. Va., Municipal Airport.
Elmira, N. Y., Chemung County Airport.
Erie, Pa., Port Erie Airport.
Front Royal, Va., CAA Radio Range Site.
Glens Falls, N. Y., Warren County Airport.
Gordonsville, Va., CAA Intermediate Field.
Harrisburg, Pa., State Airport.
Hartford, Conn., Bradley Airport.
Houlton, Maine, Municipal Airport.
Lebanon, N. H., Municipal Airport.
Lynchburg, Va., Preston Glenn Airport.
Martinsburg, W. Va., Blair County Airport.
Massena, N. Y., Richards Airport.
Millinocket, Maine, Municipal Airport.
Millville, N. J., Municipal Airport.
Montpelier, Vt., Barre Airport.
Morgantown, W. Va., Municipal Airport.
Nantucket, Mass., Municipal Airport.
Newark, N. J., Municipal Airport.
New York, N. Y., LaGuardia Airport.
Norfolk, Va., Municipal Airport.
Old Town, Maine, Municipal Airport.
Parkersburg, W. Va., Wood County Airport.
Philadelphia, Pa., No. Philadelphia Airport.
Phillipsburg, Pa., Philipsburg Airport.
Pittsburgh, Pa., Allegheny County Airport.
Portland, Maine, Municipal Airport.
Poughkeepsie, N. Y., Duchess County Airport.
Providence, R. I., T. F. Greene Airport.
Pulaski, Va., Loving Airport.
Richmond, Va., Byrd Airport.
Roanoke, Va., Woodrum Field.
Rochester, N. Y., Municipal Airport.
Salisbury, Md., Municipal Airport.
Selinsgrove, Pa., Susquehanna Valley Airport.
Syracuse, N. Y., Hancock Airport.
Utica, N. Y., Oneida County Airport.
Washington, D. C., Washington National Airport.
Watertown, N. Y., Municipal Airport.
Westfield, Mass., Barnes Airport.
Wheeling, W. Va., Ohio County Airport.
Wilkes-Barre, Pa., Scranton Airport.
Williamsport, Pa., Municipal Airport.
Worcester, Mass., Municipal Airport.

Region 2.

Albany, Ga., Municipal Airport.
Alma, Ga., CAA Intermediate Field.
Anderson, S. C., Municipal Airport.
Anniston, Ala., Municipal Airport.
Asheville, N. C., Hendersonville Airport.
Atlanta, Ga., Municipal Airport.
Augusta, Ga., Bush Airport.
Birmingham, Ala., Municipal Airport.
Bristol, Tenn., Tri-City Airport.
Brunswick, Ga., Malcom-McKinnon Airport.
Charleston, S. C., Municipal Airport.
Charlotte, N. C., Douglas Airport.
Chattanooga, Tenn., Lovell Airport.
Columbia, S. C., Municipal Airport.
Crestview, Fla., Municipal Airport.
Cross City, Fla., Municipal Airport.
Daytona Beach, Fla., Municipal Airport.
Dothan, Ala., Municipal Airport.
Dyersburg, Tenn., Municipal Airport.
Elizabeth City, N. C., Coast Guard Air Station.
Evergreen, Ala., Middleton Airport.
Florence, S. C., Municipal Airport.
Fort Myers, Fla., Page Airport.
Graham, Tenn., CAA Intermediate Field.
Greensboro, N. C., High Point Airport.
Greenville, S. C., Municipal Airport.
Greenwood, Miss., Municipal Airport.
Hickory, N. C., Municipal Airport.
Jackson, Miss., Hawkins Airport.
Jackson, Tenn., McKellar Airport.
Jacksonville, Fla., Imeson Airport.
Key West, Fla., Naval Air Station.
Knoxville, Tenn., McGhee-Tyson Airport.
La Grange, Ga., Colloway Airport.
Lumberton, N. C., Municipal Airport.
Macon, Ga., Municipal Airport.
Marianna, Fla., Municipal Airport.
McComb, Miss., Pike County Airport.
Melbourne, Fla., Municipal Airport.
Memphis, Tenn., Municipal Airport.
Meridian, Miss., Key Airport.
Miami, Fla., International Airport.
Mobile, Ala., Bates Airport.
Montgomery, Ala., Dannelly Airport.
Muscle Shoals, Ala., Municipal Airport.
Myrtle Beach, S. C., Municipal Airport.
Nashville, Tenn., Berry Airport.
New Bern, N. C., Simons Airport.
Orlando, Fla., Municipal No. 1 Airport.
Pensacola, Fla., Municipal Airport.
Raleigh, N. C., Raleigh-Durham Airport.
Rocky Mount, N. C., Municipal Airport.
St. Croix, V. I., Alexander-Hamilton Field.
St. Thomas, V. I., Harry S. Truman Airport.
San Juan, P. R., Isla Grande Airport.
Savannah, Ga., Travis Field.
Smithville, Tenn., CAA Intermediate Field.
Spartanburg, S. C., Municipal Airport.
Tallahassee, Fla., Dale Mabry Airport.
Tampa, Fla., International Airport.
Tuscaloosa, Ala., Van de Gross Airport.
Valdosta, Ga., Municipal Airport.
Vero Beach, Fla., Municipal Airport.
West Palm Beach, Fla., International Airport.
Wilmington, N. C., New Hanover Airport.

Region 3.

Akron, Ohio, Municipal Airport.
Alexandria, Minn., Municipal Airport.
Battle Creek, Mich., Kellogg Airport.
Bismarck, N. Dak., Municipal Airport.
Bowling Green, Ky., Warren County Airport.
Bradford, Ill., CAA Intermediate Field.
Cadillac, Mich., Municipal Airport.
Chicago, Ill., Midway Airport.
Cincinnati, Ohio, Greater Cincinnati Airport.
Cleveland, Ohio, Municipal Airport.
Columbus, Ohio, Port Columbus Airport.
Corbin, Ky., London-Corbin Airport.
Dayton, Ohio, Municipal Airport.
Detroit, Mich., Wayne-Major Airport.
Dickinson, N. Dak., Municipal Airport.
Duluth, Minn., Municipal Airport.
Eau Claire, Wis., Municipal Airport.
Effingham, Ill., CAA Intermediate Field.
Evansville, Ind., Municipal Airport.
Fargo, N. Dak., Municipal Airport.
Findlay, Ohio, Findlay Airport.

Flint, Mich., Bishop Airport.
Fort Wayne, Ind., Baer Airport.
Gladwin, Mich., Municipal Airport.
Goshen, Ind., Municipal Airport.
Grand Forks, N. Dak., Municipal Airport.
Grand Marais, Mich., Municipal Airport.
Grand Rapids, Mich., Kent County Airport.
Grantsburg, Wis., CAA Intermediate Field.
Green Bay, Wis., Austin-Straubel Airport.
Houghton, Mich., Houghton County Airport.
Huntington, W. Va., Chesapeake Airport.
Indianapolis, Ind., Weir-Cook Airport.
Jackson, Mich., Reynolds Airport.
Jamestown, N. Dak., Municipal Airport.
Joliet, Ill., Municipal Airport.
LaCrosse, Wis., Municipal Airport.
Lafayette, Ind., Purdue University Airport.
Lansing, Mich., Capital City Airport.
Lexington, Ky., Blue Grass Airport.
Lone Rock, Wis., CAA Intermediate Field.
Louisville, Ky., Bowman Airport.
Madison, Wis., Municipal Airport.
Mansfield, Ohio, Municipal Airport.
Milwaukee, Wis., General Mitchell Airport.
Minneapolis, Minn., Minneapolis-St. Paul International Airport.
Minot, N. Dak., Port-O-Minot Airport.
Moline, Ill., Quad City Airport.
Muskegon, Mich., Muskegon County Airport.
Paducah, Ky., Barkley Airport.
Pellston, Mich., Emmet County Airport.
Peoria, Ill., Municipal Airport.
Redwood Falls, Minn., Municipal Airport.
Rochester, Minn., Municipal Airport.
Rockford, Ill., Machesney Airport.
Saginaw, Mich., Tri-City Airport.
Sault Ste. Marie, Mich., Municipal Airport.
South Bend, Ind., Bendix Airport.
Springfield, Ill., Capitol Airport.
Terre Haute, Ind., Hulman Field.
Toledo, Ohio, Municipal Airport.
Traverse City, Mich., Municipal Airport.
Wausau, Wis., Alexander Airport.
Youngstown, Ohio, Municipal Airport.
Zanesville, Ohio, Municipal Airport.

Region 4.

Abilene, Tex., Municipal No. 2 Airport.
Acomita, N. Mex., CAA Intermediate Field.
Albuquerque, N. Mex., Kirtland Air Force Base.
Alexandria, La., Municipal Airport.
Alice, Tex., Municipal Airport.
Amarillo, Tex., Air Terminal.
Ardmore, Okla., Municipal Airport.
Austin, Tex., Robert Mueller Airport.
Baton Rouge, La., Harding Airport.
Beaumont, Tex., Jefferson County Airport.
Big Spring, Tex., Municipal Airport.
Brownsville, Tex., International Airport.
Bryan, Tex., Bryan Air Force Base.
Carlsbad, N. Mex., Municipal Airport.
Childress, Tex., Municipal Airport.
Columbus, N. Mex., CAA Intermediate Field.
Corpus Christi, Tex., Cliff Maus Airport.
Cotulla, Tex., CAA Intermediate Field.
Dalhart, Tex., Municipal Airport.
Dallas, Tex., Love Airport.
El Dorado, Ark., Goodwin Airport.
El Paso, Tex., International Airport.
Fayetteville, Ark., Municipal Airport.
Fort Smith, Ark., Municipal Airport.
Fort Worth, Tex., Meacham Airport.
Gage, Okla., CAA Intermediate Field.
Galveston, Tex., Municipal Airport.
Hobart, Okla., Municipal Airport.
Hobbs, N. Mex., Lea County Airport.
Hot Springs, N. Mex., Municipal Airport.
Houston, Tex., Municipal Airport.
Junction, Tex., Kimball County Airport.
Lafayette, La., Municipal Airport.
Lake Charles, La., Municipal Airport.
Laredo, Tex., Municipal Airport.
Las Vegas, N. Mex., Municipal Airport.
Little Rock, Ark., Adams Airport.
Longview, Tex., Gregg County Airport.
Lubbock, Tex., Municipal Airport.
Lufkin, Tex., Angelina County Airport.
Marfa, Tex., Alpine County Airport.
Midland, Tex., Air Terminal.
Mineral Wells, Tex., Municipal Airport.
Monroe, La., Selman Airport.
New Orleans, La., Municipal Airport.
Oklahoma City, Okla., Will Rogers Airport.
Otto, N. Mex., International Field.
Palacios, Tex., Municipal Airport.
Pine Bluff, Ark., Grider Airport.
Ponca City, Okla., Municipal Airport.
Rodeo, N. Mex., CAA Intermediate Field.
Roswell, N. Mex., Municipal Airport.
Salt Flat, Tex., CAA Intermediate Field.
San Angelo, Tex., Mathis Airport.
San Antonio, Tex., Municipal Airport.
Sante Fe, N. Mex., New Municipal Airport.
Shreveport, La., Municipal Airport.
Texarkana, Ark., Municipal Airport.
Tucumcari, N. Mex., Municipal Airport.
Tulsa, Okla., Municipal Airport.
Tyler, Tex., Pounds Airport.
Waco, Tex., Municipal Airport.
Walnut Ridge, Ark., Municipal Airport.
Wichita Falls, Tex., Sheppard Air Forces Base.
Wink, Tex., CAA Intermediate Field.
Zuni, N. Mex., Black Rock Airport.

Region 5.

Aberdeen, S. Dak., Municipal Airport.
Akron, Colo., CAA Intermediate Field.
Anthony, Kans., Municipal Airport.
Atlantic Iowa, Municipal Airport.
Burlington, Iowa, Municipal Airport.
Butler, Mo., Butler Airport.
Casper, Wyo., Natrona County Airport.
Chadron, Nebr., Municipal Airport.
Chanute, Kans., Municipal Airport.
Cheyenne, Wyo., Municipal Airport.
Chillicothe, Mo., Municipal Airport.
Colorado Springs, Colo., Peterson Field.
Columbia, Mo., Municipal Airport.
Denver, Colo., Stapleton Airport.
Des Moines, Iowa, Municipal Airport.
Dodge City, Kans., Municipal Airport.
Douglas, Wyo., Municipal Airport.
Eagle, Colo., CAA Intermediate Field.
Emporia, Kans., Municipal Airport.
Farmington, Mo., Farmington Airport.
Ft. Bridger, Wyo., CAA Intermediate Field.
Garden City, Kans., Municipal Airport.
Grand Island, Nebr., Municipal Airport.
Grand Junction, Colo., Walker Airport.
Goodland, Kans., Municipal Airport.
Hill City, Kans., Municipal Airport.
Huron, S. Dak., Municipal Airport.
Hutchinson, Kans., Municipal Airport.
Imperial, Nebr., Municipal Airport.
Iowa City, Iowa, Municipal Airport.
Joplin, Mo., Municipal Airport.
Kansas City, Mo., Municipal Airport.
Kirksville, Mo., Municipal Airport.
La Junta, Colo., Municipal Airport.
Lamoni, Iowa, CAA Intermediate Field.
Laramie, Wyo., Brees Airport.
Lexington, Nebr., Municipal Airport.
Lincoln, Nebr., Municipal Airport.
Malden, Mo., Municipal Airport.
Mason City, Iowa, Municipal Airport.
Moorcroft, Wyo.
North Platte, Nebr., Lee-Bird Airport.
Omaha, Nebr., Municipal Airport.
Ottumwa, Iowa, Municipal Airport.
Philip, S. Dak., Municipal Airport.
Pierre, S. Dak., Municipal Airport.
Pueblo, Colo., Municipal Airport.
Quincy, Ill., Baldwin Quincy Airport.
Rapid City, S. Dak., U. S. Air Force Base.
Rock Springs, Wyo., Municipal Airport.
Russell, Kans., Municipal Airport.
St. Joseph, Mo., Rosecrans Airport.
St. Louis, Mo., Lambert Airport.
Salina, Kans., Smokey Hill Air Force Base.
Scottsbluff, Nebr., Municipal Airport.
Sheridan, Wyo., County Airport.
Sidney, Nebr., Municipal Airport.
Sinclair, Wyo., CAA Intermediate Field.
Sioux City, Iowa, Municipal Airport.
Sioux Falls, S. Dak., Municipal Airport.
Springfield, Mo., Municipal Airport.
Tarkio, Mo., Peterson Airport.
Topeka, Kans., Phillip-Billard Airport.
Trinidad, Colo., Municipal Airport.
Vichy, Mo., CAA Intermediate Field.
Watertown, S. Dak., Municipal Airport.
Wichita, Kans., Municipal Airport.

Region 6.

Arcata, Calif., Humboldt County Airport.
Bakersfield, Calif., Kern County Airport.
Battle Mountain, Nev., Municipal Airport.
Blythe, Calif., Municipal Airport.
Bryce Canyon, Utah, CAA Intermediate Field.
Burbank, Calif., Lockheed Air Terminal.
Cedar City, Utah, Municipal Airport.
Crescent City, Calif., Del Norte County Airport.
Daggett, Calif., CAA Intermediate Field.
Delta, Utah, Municipal Airport.
Donner Summit, Calif., Donner Summit Mountain.
Douglas, Ariz., Bisbee-Douglas International Airport.
Elko, Nev., Municipal Airport.
El Centro, Calif., Naval Air Station.
Fallon, Nev., Municipal Airport.
Fresno, Calif., Air Terminal.
Gila Bend, Ariz., Air Force Auxiliary Field.
Hanksville, Utah, CAA Intermediate Field.
Las Vegas, Nev., McCarran Airport.
Long Beach, Calif., Municipal Airport.
Los Angeles, Calif., International Airport.
Lovelock, Nev., CAA Intermediate Field.
Milford, Utah, Municipal Airport.
Montague, Calif., Siskiyou County Airport.
Needles, Calif., Municipal Airport.
Oakland, Calif., Municipal Airport.
Oceanside, Calif., Oceanside Airport.
Ogden, Utah, Municipal Airport.
Ontario, Calif., International Airport.
Palmdale, Calif., Los Angeles County Airport.
Paso Robles, Calif., Sherwood Airport.
Phoenix, Ariz., Sky Harbor Airport.
Prescott, Ariz., Municipal Airport.
Red Bluff, Calif., Bidwell Airport.
Reno, Nev., United Air Lines Airport.
Sacramento, Calif., Municipal Airport.
San Francisco, Calif., International Airport.
St. George, Utah, CAA Intermediate Field.
Salinas, Calif., Municipal Airport.
Salt Lake City, Utah, Municipal No. 1 Airport.
San Diego, Calif., Lindbergh Airport.
Santa Barbara, Calif., Municipal Airport.
Stockton, Calif., Municipal Airport.
Thermal, Calif., Municipal Airport.
Tucson, Ariz., Municipal Airport.
Uklah, Calif., Municipal Airport.
Wendover, Utah, Air Force Base.
Williams, Calif., CAA Intermediate Field.
Winnemucca, Nev., Municipal Airport.
Winslow, Ariz., Municipal Airport.
Yuma, Ariz., County Airport.

Region 7.

Baker, Oreg., Municipal Airport.
Bellingham, Wash., Municipal Airport.
Billings, Mont., Municipal Airport.
Boise, Idaho, Air Terminal.
Bozeman, Mont., Gallatin Airport.
Burley, Idaho, Municipal Airport.
Butte, Mont., Municipal Airport.
Couer D'Alene, Idaho, Municipal Airport.
Cutbank, Mont., Municipal Airport.
Dillon, Mont., Municipal Airport.
Drummond, Mont., CAA Intermediate Field.
Dubois, Idaho, Municipal Airport.
Ellensburg, Wash., Bowers Airport.
Ephrata, Wash., Municipal Airport.
Eugene, Oreg., Mahlon Sweet Airport.
Everett, Wash., Paine Airport.
Gooding, Idaho, Municipal Airport.
Great Falls, Mont., Municipal Airport.
Helena, Mont., Municipal Airport.
Idaho Falls, Idaho, Municipal Airport.
Kalispell, Mont., Flathead County Airport.
Klamath Falls, Oreg., Municipal Airport.
LaGrande, Oreg., Municipal Airport.
Lewiston, Mont., Municipal Airport.
Livingston, Mont., Municipal Airport.
Malad City, Idaho, CAA Intermediate Field.
Medford, Oreg., Municipal Airport.
Miles City, Mont., Municipal Airport.
Missoula, Mont., County Airport.
Mullan Pass,, Mont., Lookout Mountain.
North Bend, Oreg., Municipal Airport.
Ontario, Oreg., Municipal Airport.
Pendleton, Oreg., Municipal Airport.

Pocatello, Idaho, Phillips Airport.
Portland, Oreg., Municipal Airport.
Redmond, Oreg., Roberts Airport.
Seattle, Wash., Seattle-Tacoma Airport.
Spokane, Wash., Geiger Airport.
Strevell, Idaho, CAA Intermediate Field.
Superior, Mont., Municipal Airport.
The Dalles, Oreg., Municipal Airport.
Toledo, Wash., CAA Intermediate Field.
Walla Walla, Wash., City-County Airport.
Whitehall, Mont., CAA Intermediate Field.
Yakima, Wash., Municipal Airport.

Region 8.

Anchorage, Alaska, Merrill Field.
Annette, Alaska, CAA Intermediate Field.
Aniak, Alaska, CAA Intermediate Field.
Bethel, Alaska, CAA Intermediate Field.
Bettles, Alaska, Village of Bettles.
Big Delta, Alaska, CAA Intermediate Field.
Cordova, Alaska, CAA Intermediate Field.
Fairbanks, Alaska, Weeks Field.
Farewell, Alaska, CAA Intermediate Field.
Fort Yukon, Alaska, Fort Yukon Airport.
Galena, Alaska, CAA Intermediate Field.
Gulkana, Alaska, CAA Intermediate Field.
Gustavus, Alaska, CAA Intermediate Field.
Haines, Alaska, Haines City Airport.
Homer, Alaska, CAA Intermediate Field.
Iliamna, Alaska, CAA Intermediate Field.
Juneau, Alaska, CAA Intermediate Field.
Kenai, Alaska, CAA Intermediate Field.
King Salmon, Alaska, CAA Intermediate Field.
Kodiak, Alaska, Woody Island.
Kotzebue, Alaska, CAA Intermediate Field.
McGrath, Alaska, CAA Intermediate Field.
Middleton Island, Alaska.
Minchumina, Alaska, CAA Intermediate Field.
Moses Point, Alaska, CAA Intermediate Field.
Nenana, Alaska, CAA Intermediate Field.
Nome, Alaska, Nome City Airport.
North Dutch Island, Alaska.
Northway, Alaska, CAA Intermediate Field.
Petersburg, Alaska, City of Petersburg.
Port Heiden, Alaska, CAA Intermediate Field.
Sitka, Alaska, Japanski Island.
Skwentna, Alaska, CAA Intermediate Field.
Summit, Alaska, CAA Intermediate Field.
Talkeetna, Alaska, CAA Intermediate Field.
Tanana, Alaska, CAA Intermediate Field.
Unalakleet, Alaska, CAA Intermediate Field.
Yakataga, Alaska, CAA Intermediate Field.
Yakutat, Alaska, CAA Intermediate Field.

Region 9.

Hilo, Hawaii, T. H., General Lyman Field.
Honolulu, Oahu, T. H., Honolulu Airport.
Port Allen, T. H., Port Allen Airport.
Puunene, Maui, T. H., Maui Airport.

(6) *Overseas Foreign Aeronautical Communications Stations*—(i) *Functions.* Overseas Foreign Aeronautical Communications Stations (OFACS) provides air-ground communication services required to maintain control over and facilitate the long-range flight of aircraft overseas and in foreign countries. Essentially, these communication services are similar to those which are provided by INSACS though greater in scope due to the larger areas of activity. They also provide fixed communications services for the large scale exchange of meteorological and airway information with foreign countries.

(ii) *Locations—Region 1.*

New York, N. Y., LaGuardia Airport.

Region 2.

Miami, Fla., International Airport.
Isla Grande Airport, San Juan, P. R.

Region 4.

Balboa, C. Z., Albrook Field.
New Orleans, La., Municipal Airport.
Swan Island, West Indies.

Region 6.

San Francisco, Calif., San Francisco International Airport.

Region 7.

Seattle, Wash., Seattle-Tacoma Airport.

Region 8.

Anchorage, Alaska.
Annette Island, Alaska.

Region 9.

Canton Island, Pacific Ocean.
Guam Island, Pacific Ocean.
Honolulu, Oahu, Territory of Hawaii.
Wake Island, Pacific Ocean.
Midway Island, Sand Island Field.

(f) *Facilities Division*—(1 *Functions.* Provides staff assistance to the Office of the Regional Administrator on matters pertaining to the establishment and maintenance of Federal Airways facilities.

Develops Regional plans and programs to expand, modernize, or modify Federally-owned or operated air navigation facilities.

Executes the approved programs for the establishment and maintenance of airways facilities within the Region.

Directs the training of maintenance and other personnel, as required.

Directs the inspection of construction projects and maintenance programs.

Participates with the Airways Operations Division in a staff and advisory capacity to the Office of the Regional Administrator in developing over-all Regional policies and programs relating to Federal Airways matters.

Analyzes cost reports furnished by Business Administration Division for purpose of controlling expenditures and adjusting physical programs as required to bring into agreement with approved fiscal programs.

(2) *Subordinate offices.*

Facilities Engineering Branch.
Facilities Construction Branch.
Facilities Maintenance Branch.
Field Maintenance Technicians.
Facilities Flight Inspection Branch.

(3) *Regions 8 and 9.* In Regions 8 and 9 the functions of this division are performed by a Plant and Structures Division, an Electronics Division, and an Airways Flight Inspection Division.

(g) *Airports Division*—(1) *Functions.* Provides staff assistance to the Office of the Regional Administrator in the development and administration of the regional airports programs.

Directs the activities of the district airport offices concerned with the administration of the Federal Airport Act and other Federal statutes relating to the establishment and improvement of civil airports by means of Federal aid.

Advises civic and other public agencies and private enterprises on airport location, planning, design, development, management, maintenance, and approach protection.

Recommends disposal of surplus airports and airport facilities; recommends public land transfers; reviews and recommends for certification, requests for repair and rehabilitation of civil airports for damage caused by Federal agencies.

Directs all administrative action necessary to effect compliance by public agencies with airport agreements, and Federal laws and regulations relating thereto, arising out of Federal aid statutes, surplus property disposal statutes and airport repair and rehabilitation activities.

Furnishes technical data and advice with respect to airport considerations involved in other regional programs, and collaborates with other Divisions in coordinating airport planning and development programs with other regional policies and programs.

(2) *Subordinate offices.*

Airport Engineering Branch.
Airport Planning Branch.
Airport Operations Branch.
Airport District Offices.

(3) *Airport District Offices*—(i) *Functions.* Encourages the establishment and maintenance of airports. Collects and disseminates information on existing airports.

Carries out policies governing standards of location, zoning, design, construction, operation, and management of airports.

Consults and advises with State and local officials or interested parties on airport legislation, location, design, engineering, management, and operation of airports, and all related matters.

Recommends and participates in disposal of surplus airports.

Processes claims for damages under section 17 of the Federal Airport Act.

Checks compliance by local agencies on Federal aid and surplus airports with reference to exclusive rights, maintenance, operation, etc.

Processes requests for Federal aid for airport construction, grant offers, sponsors assurance agreements, letting of contracts, construction payments and all details of Federal-Aid Airport Programs.

Recommends use of Federal lands for airports.

Formulates annual revision of the National Airport Plan at State level.

Administers the Federal-Aid Airport Program under the Federal Airport Act of 1946 and the program for fostering, encouraging, and developing aviation under the Civil Aeronautics Act of 1938 under the general supervision of the Regional Office.

(ii) *Locations and Areas Served—Region 1.*

Augusta, Maine, Augusta State Airport—Maine, New Hampshire, Vermont.
Boston, Mass., 2200 U. S. Customhouse—Massachusetts, Connecticut, Rhode Island.
Albany, N. Y., 112 State Street—New York.
New Cumberland, Pa., Harrisburg State Airport—Pennsylvania.
Wilmington, Del., New Castle County Airport—Delaware, Maryland, New Jersey.
Richmond, Va., Richard E. Byrd Field—Virginia.
Charleston, W. Va., Kanawha County Court House—West Virginia.

Region 2.

Montgomery, Ala., Old Post Office Building—Alabama.
Jacksonville, Fla., 430 Lynch Building—Florida.
Atlanta, Ga., A. G. Rhodes Building—Georgia.
Jackson, Miss., Building 334, Jackson Army Air Base—Mississippi.
Wilmington, N. C., 124 U. S. Customhouse—North Carolina.

Suboffice, Columbia, S. C., Capital Airport—South Carolina.
Nashville, Tenn., Berry Field—Tennessee.
San Juan, P. R., Hangar 20, Isla Grande Airport—Puerto Rico.

Region 3.

Minot, N. Dak., 303 Federal Building—North Dakota.
St. Paul, Minn., 420 Commerce Building—Minnesota.
Madison, Wis., 638 State Street—Wisconsin.
Springfield, Ill., 301 Elks Building—Illinois.
Indianapolis, Ind., 360 Massachusetts Avenue—Indiana.
Louisville, Ky., 334 East Broadway—Kentucky.
Columbus, Ohio, 409 Trautman Building—Ohio.
Lansing, Mich., 407-411 North Washington Avenue—Michigan.

Region 4.

Little Rock, Ark., Adams Field—Arkansas.
Baton Rouge, La., 444 Florida Street—Louisiana.
Santa Fe, N. Mex., 208 East March Street—New Mexico.
Oklahoma City, Okla., 406 Municipal Building—Oklahoma.
Austin, Tex., 1310 Congress Avenue—East Texas.
Big Spring, Tex., Municipal Airport—West Texas.

Region 5.

Kansas City, Mo., 2705 City Hall—Kansas.
Kansas City, Mo., 2705 City Hall—Missouri.
Des Moines, Iowa, 215 Jewett Building—Iowa.
Lincoln, Nebr., 411 Trust Building—Nebraska.
Denver, Colo., Stapleton Airfield—Colorado.

Region 6.

Los Angeles, Calif., 5651 West Manchester Avenue—Southern California.
San Francisco, Calif., 630 Sansome Street—Northern California.
Phoenix, Ariz., 707½ West Thomas Road—Arizona.
Salt Lake City, Utah, Salt Lake City Municipal Airport No. 1—Utah.
Carson City, Nev., 319 North Carson Street—Nevada.

Region 7.

Seattle, Wash., CAA Building, Boeing Field—Washington.
Helena, Mont., Montana Building—Montana.
Salem, Oreg., 460 North High Street—Oregon.
Boise, Idaho, 1412 West Idaho Street—Idaho.

(4) *Regions 8 and 9.* There are no subordinate offices in Regions 8 and 9.

(h) *Aircraft Division*—(1) *Functions.* Provides staff assistance to the Office of the Regional Administrator on all aircraft airworthiness matters.

Directs, or makes engineering and flight test investigations of, newly developed aircraft and components or modification projects, to insure compliance with prescribed airworthiness standards.

Directs the inspection of newly manufactured or modified aircraft and aircraft components and related manufacturing processes to insure compliance with approved technical data and or specifications.

Provides such airworthiness and maintenance information, and performance data, as may be required by the Safety Operations Division.

Provides for the issuance of type, production, and airworthiness certificates.

Prepares airworthiness directives for issuance, and issues specifications for aircraft and components.

Administers the Type Certification Board Program.

Recommends new or modified airworthiness regulations.

Directs the appointment and supervision of CAA-designated factory inspection and engineering representatives.

Provides, as required, technical assistance in the investigation of aircraft accidents.

Participates with the Safety Operations Division in a staff and advisory capacity to the Office of the Regional Administrator in developing over-all policies and programs relating to Aviation Safety.

(2) *Subordinate offices.*

Aircraft Engineering Branch.
Engineering Flight Test Branch.
Manufacturing Inspection Branch.
Aviation Safety District Offices (Factory).

(3) *Aviation Safety District Offices (Factory)*—(i) *Functions.* These Aviation Safety District Offices, located at factories or other locations convenient to the aviation manufacturing industry, specialize in matters concerning the airworthiness of aircraft and components. They are manned by Aviation Safety Agents. These agents are primarily responsible for serving as contact points with designated industry representatives and the general public in the handling of all matters pertaining to the type, production, and original airworthiness certification of new or modified aircraft and components. These agents are also generally familiar with and can furnish information and advice on other aviation safety matters.

(ii) *Locations—Region 1.*

CAA Aviation Safety Factory District Office 1-22, c/o Sikorsky Aircraft Corp, Bridgeport, Conn.

CAA Aviation Safety Factory District Office 1-23, c o Bell Aircraft Corp., Niagara Frontier Division, Buffalo, N. Y.

CAA Aviation Safety Factory District Office 1-24, c o Piper Aircraft Corp., P. O. Box 429, Lock Haven, Pa.

CAA Aviation Safety Factory District Office 1-25, c o Glenn Martin Co. (19), "B" Building Balcony, Middle River, Md.

CAA Aviation Safety Factory District Office 1-26, c o Bellanca Aircraft Corp., New Castle, Del.

CAA Aviation Safety Factory District Office 1-28, Room 102, Federal Building, International Airport, Jamaica, Long Island, N. Y.

Region 3.

CAA Aviation Safety Factory District Office, Akron Municipal Airport, 1800 Triplett Boulevard, Akron 6, Ohio.

CAA Aviation Safety Factory District Office, c o Aeronca Aircraft Corp., Middletown, Ohio.

CAA Aviation Safety Factory District Office, P. O. Box 538, Muskegon, Mich.

CAA Aviation Safety Factory District Office, Detroit-Wayne Major Airport, Romulus Rural Route No. 1, Mich.

Region 4.

CAA Aviation Safety Factory District Office, 241 Terminal Building, Love Field, Dallas, Tex.

CAA Aviation Safety Factory District Office, c/o Tex Engineering & Manufacturing Co., P. O. Box 6191, Dallas 2, Tex.

CAA Aviation Safety Factory District Office, P. O. Box 1689, Meacham Field, Fort Worth, Tex.

Region 5.

CAA Aviation Safety Factory District Office 5-21, c/o Beech Aircraft Corp., Wichita, Kans.

CAA Aviation Safety Factory District Office 5-22, Municipal Airport, Box 370, Wichita, Kans.

Region 6.

CAA Aviation Safety Factory District Office 6-21, c o Consolidated-Vultee Aircraft Corp., Building 4, Mezzanine, San Diego, Calif.

CAA Aviation Safety Factory District Office 6-22, c o Douglas Aircraft Co., Inc., 3000 Ocean Park Boulevard, Santa Monica, Calif.

CAA Aviation Safety Factory District Office 6-23, c o Lockheed Aircraft Corp., Plant A-1, Building 62, Room 326, Burbank, Calif.

CAA Aviation Safety Factory District Office 6-24, c o Northrop Aircraft Inc., Plant 1, Hawthorne, Calif.

CAA Aviation Safety Factory District Office 6-25, c o United Helicopter, Inc., 1350 Willow Road, P. O. Box 1280, Palo Alto, Calif.

Region 7.

CAA Aviation Safety Factory District Office 7-10, P. O. Box 3107, Seattle 14, Wash.

(4) *Regions 8 and 9.* The functions of this division are performed by an Aviation Safety Division in Regions 8 and 9.

(i) *Safety Operations Division*—(1) *Functions.* Provides staff assistance to the Office of the Regional Administrator on Safety Operations matters.

Directs all aviation safety activities relating to airmen, aircraft in service, air agencies, fixed base operators, and air carriers and other operations as are specifically assigned to the Region.

Directs the medical examination and evaluation activities of the Region.

Disseminates essential information to field operators to encourage effective utilization of all available aviation facilities and developments, coordinating such action with all Divisions of the Region.

Advises and assists State and local law enforcement agencies on Aviation Safety matters.

Recommends new and modified regulations affecting safety operations.

Furnishes information to the Aircraft Division, based on maintenance and operations experience.

Supervises and coordinates the activities of Aviation Safety District Offices (other than at factories), and plans and administers regional programs for Safety Operations training and proficiency flying.

Directs or conducts accident and regulation violation investigations.

Participates with the Assistant to the Regional Administrator in the planning of field programs for the fostering of aviation and personal flying.

Appoints and supervises CAA-designated airman, maintenance, and medical representatives.

Participates with the Aircraft Division in a staff and advisory capacity to the Office of the Regional Administrator in developing over-all policies and programs relating to Aviation Safety.

(2) *Subordinate offices.*

Flight Operations Branch.
Airman Standards Branch.
Maintenance Inspection Branch.
Aviation Safety District Offices.

(3) *Aviation Safety District Offices*—(i) *Functions.* Primary operational contact with the public in the conduct of aviation safety activities is the responsibility of Aviation Safety Agents. Aviation Safety District Offices, each under the supervision of a Supervising Agent, serve as headquarters for these agents. These agents are responsible for the initial handling of all matters dealing with the aeronautical competency of airmen, air agencies, and air carriers; maintenance of aircraft airworthiness; and compliance with rules and standards governing flight operations.

The Aviation Safety District Office is also the headquarters and contact point for the several thousand CAA designated industry representatives who receive instructions and materials for carrying out of their special duties asociated with the examination of airmen and the inspection of aircraft.

Promotion of safe flying is also a responsibility of the agents in the district office. This phase involves counseling and participation in all kinds of aeronautical activities. It also includes the investigation of accidents and violations for the purpose of ascertaining complete factual data leading towards the determination of necessary corrective action in the case of accident investigation. In the case of violations and complaints, it involves close liaison with State and local enforcement agencies as well as the ascertaining of factual data leading towards the determination of the appropriate corrective action ranging from no action to revocation of a certificate in the case of the most flagrant and persistent violator.

(ii) *Locations.*

NOTE: Locations of CAA Aviation Safety Factory District Offices are to be found in paragraph (b) (3) (ii) of this section.

Region 1.

CAA Aviation Safety District Office 1-1, Roosevelt Field, Mineola, N. Y.

CAA Aviation Safety District Office 1-2, Beacon Field, 2013 Richmond Highway, Alexandria, Va.

CAA Aviation Safety District Office 1-3, P. O. Box 266, Sandston, Va.

CAA Aviation Safety District Office 1-4, Woodrum Field, Roanoke, Va.

CAA Aviation Safety District Office 1-5, Allentown-Bethlehem-Easton Airport, Allentown, Pa.

CAA Aviation Safety District Office 1-6, Harrisburg State Airport, New Cumberland, Pa.

CAA Aviation Safety District Office 1-7, P. O. Box 1448, Benedum Airport, Clarksburg, W. Va.

CAA Aviation Safety District Office 1-8, Allegheny County Airport, Pittsburgh, Pa.

CAA Aviation Safety District Office 1-9, Municipal Airport, Buffalo, N. Y.

CAA Aviation Safety District Office 1-10, Municipal Airport, Rochester, N. Y.

CAA Aviation Safety District Office 1-11, Hancock Field, Syracuse, N. Y.

CAA Aviation Safety District Office 1-12, Albany Airport, Watervliet, N. Y.

CAA Aviation Safety District Office 1-13, P. O. Box 215, Barnes Westfield Airport Westfield, Mass.

CAA Aviation Safety District Office 1-14, Municipal Airport, Concord, N. H.

CAA Aviation Safety District Office 1-15, Municipal Airport, Norwood, Mass.

CAA Aviation Safety District Office 1-16, Central Airport, Camden 11, N. J.

CAA Aviation Safety District Office 1-17, Teterboro Air Terminal, Teterboro, N. J.

CAA Aviation Safety District Office 1-18, La Guardia Field, Box 575, Jackson Heights, Long Island, N. Y.

CAA Aviation Safety District Office 1-19, North Concourse, Terminal Building, Washington National Airport, Washington 25, D. C.

CAA Aviation Safety District Office 1-20, 287 Marginal Street, East Boston 28, Mass.

CAA Aviation Safety District Office 1-27, Room 202, Administration Building, Municipal Airport, Newark, N. J.

CAA Aviation Safety District Office 1-29, Terminal Building, Municipal Airport, Baltimore 22, Md.

CAA Aviation Safety District Office 1-30, Municipal Airport, Portland, Maine.

CAA Aviation Safety District Office 1-31, Room 103, Federal Building, International Airport, Jamaica, Long Island, N. Y.

Region 2.

CAA Aviation Safety District Office 2-1, P. O. Box 738, Municipal Airport, Atlanta, Ga.

CAA Aviation Safety District Office 2-2, Municipal Airport, Birmingham, Ala.

CAA Aviation Safety District Office 2-3, 1315 Independence Building, Charlotte, N. C.

CAA Aviation Safety District Office 2-4, P. O. Box 1085, Capital Airport, Columbia, S. C.

CAA Aviation Safety District Office 2-5, P. O. Box 1727, Jackson 5, Miss.

CAA Aviation Safety District Office 2-6, 430 Lynch Building, Jacksonville, Fla.

CAA Aviation Safety District Office 2-7, Rural Free Delivery 1, Box 668, Municipal Airport, Memphis, Tenn.

CAA Aviation Safety District Office 2-8, P. O. Box 56 or P. O. Box 1133, Miami Springs, Fla.

CAA Aviation Safety District Office 2-9, Berry Field, Nashville 4, Tenn.

CAA Aviation Safety District Office 2-10, Box 73, Route 1, Springhill, Ala. (Mobile).

CAA Aviation Safety District Office 2-11, P. O. Box 1858, Raleigh, N. C.

CAA Aviation Safety District Office 2-12, P. O. Box 2112, Tampa, Fla.

CAA Aviation Safety District Office 2-13, P. O. Box 839, Municipal Airport, Tallahassee, Fla.

CAA Aviation Safety District Office 2-14, P. O. Box 2511, Municipal Airport, Orlando, Fla.

CAA Aviation Safety District Office 2-15, P. O. Box 2996, Winston-Salem, N. C.

CAA Aviation Safety District Office 2-16, P. O. Box 4764, San Juan, P. R.

Region 3.

CAA Aviation Safety District Office 3-1, 6013 South Central Avenue, Chicago Midway Airport, Chicago 38, Ill.

CAA Aviation Safety District Office 3-2, Wold-Chamberlain Field, Minneapolis, Minn.

CAA Aviation Safety District Office 3-3, Wayne County Airport, Romulus, Mich.

CAA Aviation Safety District Office 3-4, 6200 Rock River Drive, Cleveland, Ohio.

CAA Aviation Safety District Office 3-5, Weir-Cook Airport, Indianapolis, Ind.

CAA Aviation Safety District Office 3-6, Lunken Airport, Cincinnati, Ohio.

CAA Aviation Safety District Office 3-7, Capital Airport, Springfield, Ill.

CAA Aviation Safety District Office 3-8, General Mitchell Field, Milwaukee, Wis.

CAA Aviation Safety District Office 3-9, Bowman Field, Louisville, Ky.

CAA Aviation Safety District Office 3-10, Kent County Airport, Grand Rapids, Mich.

CAA Aviation Safety District Office 3-11, Chicago International Airport, O'Hare Field, Park Ridge, Ill.

CAA Aviation Safety District Office 3-12, Port Columbus Airport, Columbus, Ohio.

CAA Aviation Safety District Office 3-13, Toledo Municipal Airport, Box 37, Toledo, Ohio.

CAA Aviation Safety District Office 3-14, Municipal Airport, Bismarck, N. Dak.

CAA Aviation Safety District Office 3-15, 621 First Avenue, Walker Building, Fargo, N. Dak.

CAA Aviation Safety District Office 3-16, Rochester Airport, Rochester, Minn.

CAA Aviation Safety District Office 3-17, Monsanto Branch, Monsanto, Ill.

CAA Aviation Safety District Office 3-18, St. Joseph County Airport, Bendix Field, South Bend, Ind.

CAA Aviation Safety District Office 3-19, Old City Hall Building, Wausau, Wis.

CAA Aviation Safety District Office 3-20, 6013 South Central Avenue, Chicago Midway Airport, Chicago 38, Ill.

CAA Aviation Safety District Office 3-21, Wold-Chamberlain Field, Minneapolis, Minn.

Region 4.

CAA Aviation Safety District Office 4-1, P. O. Box 1689, Fort Worth, Tex.

CAA Aviation Safety District Office 4-2, 2910 East Central Avenue, Albuquerque, N. Mex.

CAA Aviation Safety District Office 4-3, P. O. Box 2306, Amarillo, Tex.

CAA Aviation Safety District Office 4-4, 241 Terminal Building, Love Field, Dallas, Tex.

CAA Aviation Safety District Office 4-5, 8242 Travelair, Municipal Airport, Houston, Tex.

CAA Aviation Safety District Office 4-6, P. O. Box 426, Little Rock, Ark.

CAA Aviation Safety District Office 4-7, P. O. Box 5158, Farley Station, Oklahoma City 2, Okla.

CAA Aviation Safety District Office 4-8, Route 10, Box 289, San Antonio Airport, San Antonio, Tex.

CAA Aviation Safety District Office 4-9, P. O. Box 86, Shreveport, La.

CAA Aviation Safety District Office 4-10, P. O. Box 2527, Tulsa, Okla.

CAA Aviation Safety District Office 4-11, Municipal Airport, El Paso, Tex.

CAA Aviation Safety District Office 4-12, Airport Branch Post Office, Brownsville, Tex.

CAA Aviation Safety District Office 4-13, Box 8147, Centilly Station, New Orleans 19, La.

CAA Aviation Safety District Office 4-14, P. O. Box 1592, Big Spring, Tex.

CAA Aviation Safety District Office 4-15, P. O. Box 1689, Fort Worth, Tex.

CAA Aviation Safety District Office 4-16, 244 Terminal Building, Love Field, Dallas, Tex.

CAA Aviation Safety District Office 4-17, 8242 Travelair, Municipal Airport, Houston, Tex.

Region 5.

CAA Aviation Safety District Office 5-1, Administration Building, Fairfax Airport, Kansas City 15, Kans.

CAA Aviation Safety District Office 5-2, Administration Building, Lambert-St. Louis Airport, Box 127, St. Louis 21, Mo.

CAA Aviation Safety District Office 5-3, 211 Old Federal Building, Des Moines, Iowa.

CAA Aviation Safety District Office 5-4, Municipal Airport, 3801 Evans Avenue, Cheyenne, Wyo.

CAA Aviation Safety District Office 5-5, P. O. Box 1748, Lincoln, Nebr.

CAA Aviation Safety District Office 5-6, Municipal Airport, 320 Administration Building, Wichita, Kans.

CAA Aviation Safety District Office 5-7, CAA District Office Building, Stapleton Airfield, Denver 7, Colo.

CAA Aviation Safety District Office 5-8, P. O. Box 96, Huron, S. Dak.

CAA Aviation Safety District Office 5-9, Sunderland Building, 403 Fifteenth Street, Omaha, Nebr.

CAA Aviation Safety District Office 5-10, P. O. Box 486, Springfield, Mo.

CAA Aviation Safety District Office 5-11, P. O. Box 550, Dodge City, Kans.

CAA Aviation Safety District Office 5-12, P. O. Box 1907, Cedar Rapids, Iowa.

CAA Aviation Safety District Office 5-13, P. O. Box 581, North Platte, Nebr.

CAA Aviation Safety District Office 5-14, P. O. Box 1046, Grand Junction, Colo.

CAA Aviation Safety District Office 5-15, P. O. Box 27, Rushmore Airport, Rapid City, S. Dak.

Region 6.

CAA Aviation Safety District Office 6-1, 5651 West Manchester Avenue, Los Angeles 45, Calif.

CAA Aviation Safety District Office 6-2, Municipal Airport, Oakland 14, Calif.

CAA Aviation Safety District Office 6-3, Hangar No. 4, Lockheed Air Terminal, Burbank, Calif.

CAA Aviation Safety District Office 6-4, Municipal Airport, Sacramento, Calif.

CAA Aviation Safety District Office 6-5, Fresno Air Terminal, P. O. Box 591, Fresno, Calif.

CAA Aviation Safety District Office 6-6, Municipal Airport, P. O. Box 71, Ontario, Calif.

CAA Aviation Safety District Office 6-7, Municipal Airport No. 1, Salt Lake City 3, Utah.

CAA Aviation Safety District Office 6-8, Administration Building, Municipal Airport, Long Beach, Calif.

CAA Aviation Safety District Office 6-9, P. O. Box 1240, Municipal Airport, Palo Alto, Calif.

CAA Aviation Safety District Office 6-10, Administration Building, Lindbergh Field, San Diego, Calif.

CAA Aviation Safety District Office 6-11, Sky Harbor Airport, P. O. Box 992, Phoenix, Ariz.

CAA Aviation Safety District Office 6-12, 328 Gazette Building, P. O. Box 499, Reno, Nev.

CAA Aviation Safety District Office 6-14, Hancock Field, Santa Maria, Calif.

CAA Aviation Safety District Office 6-15, Administration Building, McCarran Field, P. O. Box 1752, Las Vegas, Nev.

CAA Aviation Safety District Office 6-16, 5651 West Manchester Avenue, Los Angeles 45, Calif.

CAA Aviation Safety District Office 6-17, International Terminal Building, San Francisco Municipal Airport, South San Francisco, Calif.

Region 7.

CAA Aviation Safety District Office 7-1, P. O. Box 534, Georgetown Station, Seattle 8, Wash.

CAA Aviation Safety District Office 7-2, Service Office Building, 5410 Northeast Marine Drive, Portland 13, Oreg.

CAA Aviation Safety District Office 7-3, City Hall, Eugene, Oreg.

CAA Aviation Safety District Office 7-4, 2300 West Washington Avenue, Yakima, Wash.

CAA Aviation Safety District Office 7-5, Felts Field, P. O. Box 26, Parkwater, Wash.

CAA Aviation Safety District Office 7-6, 1412 Idaho Street, Boise, Idaho.

CAA Aviation Safety District Office 7-7, P. O. Box 1167, Municipal Airport, Helena, Mont.

CAA Aviation Safety District Office 7-8, 2191 North Broadway, Billings, Mont.

CAA Aviation Safety District Office 7-9, P. O. Box 17, Boeing Field, Seattle 8, Wash.

Region 8.

CAA Aviation Safety District Office 8-1, Merrill Field, P. O. Box 440, Anchorage, Alaska.

CAA Aviation Safety District Office 8-2, Wien Hangar, Weeks Field, P. O. Box 790, Fairbanks, Alaska.

CAA Aviation Safety District Office 8-3, McKinley Bldg., P. O. Box 2449, Juneau, Alaska.

(4) *Regions 8 and 9.* The functions of this division are performed by an Aviation Safety Division in Region 8 and 9. This division has no subordinate offices in Region 9.

SEC. 44. *International Region*—(a) *Functions.* (1) Provides for the execution on a world-wide basis, of directives, policies, and programs issued by the Washington Office of CAA with respect to:

The inspection and certification of U. S. air carriers as to the adequacy of operating methods, the suitability of facilities and equipment, and the operational competency of carrier personnel for the conduct of international and under permits granted to such carriers and

The inspection and certification of foreign air carriers with respect to their operations to and within U. S. territory under permits granted to such carirers by the CAB.

(2) Analyzes and evaluates the operational problems and the service and facility requirements of U. S. air carriers in their international and overseas operations from the standpoint of intergovernmental agreements and relationships at the operating level and U. S. national interest considerations; advising and assisting such carriers in connection with such problems.

(3) Develops and recommends, to the CAA Washington Headquarters Office, programs or projects or the adoption of new or modified Federal policies to meet the problems and requirements of such carriers as related to public policy and the national interest.

(4) Advises foreign governments, and other agencies whose activities concern U. S. civil aviation, on

(i) Airport site selection, planning, acquisition, development, management, and approach protection;

(ii) Installation, operation, and maintenance of communication and air traffic control systems and aids to air navigation;

(iii) Adoption of regulation, techniques and equipment concerning safety of airmen, aircraft, and air operations; and

(iv) Training requirements for proficieney in the various phases of civil aviation activity.

(5) Activates and supervises technical missions to foreign countries for the execution of approved programs of technical assistance with regard to civil aviation matters.

(b) *Organization.*

Office of the Regional Administrator.
Administrative Staff Division.
Plans and Performance Standards Division.
ICAO Division.
Technical Assistance Division.
Airways and Airports Division.
Safety Division.

(c) *Field establishments.*—Field activities of the International Region are carried out primarily by CAA International District Offices located within the continental United States and CAA International Field Offices located outside the continental United States.

(1) *Functions.* Inspects operations and equipment of U. S. flag air carriers engaged in international air transportation to determine compliance with, and the enforcement of, the applicable safety rules, regulations, and orders issued pursuant to the Civil Aeronautics Act of 1938, as amended.

Directs the investigation of alleged violations of such safety requirements, including accidents when such violations or accidents involve civil aircraft of the United States.

Reviews requests for, and issues amendments to, operating certificates of such carriers.

Issues airworthiness and other aircraft certificates.

Issues certificates and examines applicants for pilot, mechanic, parachute rigger, dispatcher, and other airman certificates.

Assists United States flag international carriers and foreign governments in steps to acquire and provide adequate aeronautical communications facilities and aids to air navigation based on international standards and the requirements of such U. S. carriers.

Promotes United States civil aviation interests through familiarization of foreign officials with United States standards, procedures, and techniques as set forth in the International Civil Aviation Convention or other international agreements to which the United States is a party.

(2) *Locations*—(i) *CAA International District Offices.*

Fort Worth CAA International District Office, CAA Reservation, Haslet Road, Fort Worth, Tex. (P. O. Box 1689).

Kansas City CAA International District Office, Administration Building, Fairfax Airport, Kansas City, Kans.

Miami CAA International District Office, 656 East Drive, Miami Springs, Fla. (P. O. Box 521).

Minneapolis CAA International District Office, Administration Building, Wold-Chamberlain Field, Minneapolis, Minn.

New York CAA International District Office, Federal Building-New York International Airport, Jamaica, Long Island, N. Y.

San Francisco CAA International District Office, Room 203 International Terminal Building, San Francisco Municipal Airport (P. O. Box 299), San Francisco, Calif.

(ii *CAA International Field Offices.*

Balboa CAA International Field Office, Room 301, Building No. 0610, Civil Air Terminal Ancon (P. O. Box "J"), Balboa Heights, C. Z.

Bangkok CAA International Field Office, c/o United States Embassy, 125 Sathorn Road, Bangkok, Thailand.

Buenos Aires CAA International Field Office, c/o United States Embassy, Buenos Aires, Argentina.

Cairo CAA International Field Office, c/o United States Embassy, Cairo, Egypt.

Lima CAA International Field Office, Corpac Terminal Building-Limatambo Airport, c/o United States Embassy, Lima, Peru.

London CAA International Field Office, c/o United States Embassy, No. 1 Grosvenor Square, London, England.

Manila CAA International Field Office, Office Quonset Hut No. 1, U. S. Chancery Compound, Dewey Boulevard, Manila, P. I., APO 928, c/o Postmaster, San Francisco, Calif.

Paris CAA International Field Office, Room 506, Building "D", 58 Rue La Boetie, c/o United States Embassy, Paris, France.

Rio de Janeiro CAA International Field Office, Avenue Presidente Roosevelt, 194/400, c/o United States Embassy, Rio de Janeiro, Brazil.

Tokyo CAA International Field Office, Room 845, Meiji Building, APO 500, c/o Postmaster, San Francisco, Calif.

SUBPART F—OTHER MAJOR FIELD FACILITIES

SEC. 51. *Aeronautical Center*—(a) *Functions.* Plans and conducts such standardization and training courses for CAA employees and other individuals as are required to establish or maintain personnel proficiency for the various programs of the CAA; conducts research and development projects in aviation medicine; modifies, assembles, and distributes equipment and materials for installation or erection of CAA facilities or aids to air navigation.

(b) *Organization.*

Office of the Director.
Technical Assistance Division.
Business Administration Division.
Aviation Safety Standardization Division.
Federal Airways Standardization Division.
Federal Airways Project Materials Division.

(c) *Address.*

CAA Aeronautical Center, (West side of Will Rogers Airport), P. O. Box 1082, Oklahoma City 10, Okla.

SEC. 52. *Technical Development and Evaluation Center*—(a) *Functions.* Conducts applied research and performs service testing and evaluation directed toward eliminating hazards in and improving the safety and efficiency of the operation of aircraft, systems of aids to air navigation and air traffic control, and landing facilities.

(b) *Organization.*

Office of the Director.
Business Administration Division.
Aircraft Division.
Airport Division.
Engineering Shops Division.
Flight Operations Division.
Electronics Division.
Navigation Aids Evaluation Division.

(c) *Address.*

CAA Technical Development and Evaluation Center (new section of Municipal Airport), P. O. Box 5767, Indianapolis, Ind.

SEC. 53. *Washington National Airport*—(a) *Functions.* Operates and maintains the Washington National Airport, including the conduct of negotiations with air carriers and others for use of the airport and its facilities and with concessionaires to provide proper services required by air carriers and others using the airport.

(b) *Organization.*

(Office of the Director
Engineering and Maintenance Division
Operations Division
Administration Division)

(c) *Address.*

struction, protection, operation, and maintenance of a public airport in or in the vicinity of the District of Columbia.

(b) *Functions.* (1) Surveys, and prepares evaluations of possible sites for an additional major public airport in the vicinity of Washington, D. C.

(2) Conducts arrangements and negotiations for the acquisition of the selected site and appurtenant properties and rights.

(3) Develops proposed basic traffic patterns for the airport and proposed general plans for the system of Federal Airways navigational aids for the airport and its approaches.

(4) Develops proposed basic layout plans for the airport and its principal physical facilities, and necessary engineering plans and specifications for construction of the airport.

(5) Supervises and inspects the construction of the airport.

(c) *Address.*

Office of the Director, Washington Airport Project, Room 1506, Temporary Building T-4, Seventeenth Street and Constitution Avenue NW., Washington 25, D. C.

SUBPART G—AIR NAVIGATION DEVELOPMENT BOARD

SEC. 61. *Establishment.* The Air Navigation Development Board (hereafter called the "Board") has been established within the Civil Aeronautics Administration by virtue of a charter of agreement cosigned by the Secretary of Defense on October 29, 1948, and the Secretary of Commerce on November 2, 1948. The action to establish the Board was taken pursuant to authority contained in the Civil Aeronautics Act of 1938 and section 161 of the Revised Statutes of the United States, and in accordance with recommendations of the Research and Development Board of the National Military Establishment for the development of a nation-wide air navigation system to serve the needs of civilian and non-tactical military aviation and capable of useful integration with any air defense system established by the National Military Establishment.

SEC. 62. *Powers and duties of the Board.* (a) The Board shall formulate, and from time to time modify as it may deem necessary, a unified program for research on and development of aids for a common national system of air navigation and air traffic control (hereinafter called "the common system") to serve the needs of civilian and non-tactical military aviation but being capable of useful integration with any air defense system established by the National Military Establishment. In so doing, the Board shall have regard to the operational requirements of non-military flying as well as of military, private flying and other civil users, of the air transport, as transmitted by or through the Air Coordinating Committee, and shall evolve a system embracing or related projects to all such types

transmitted by or through the Air Coordinating Committee. Where such classes of requirements are inconsistent, the Board shall determine the relative weight to be accorded to each class and inform the Research and Development Board and the Air Coordinating Committee thereof. No action shall be taken by the Board on the basis of such determinations until a reasonable time has been given to the Research and Development Board and the Air Coordinating Committee for comment.

(c) The Board shall supervise the conduct of all common system research and development projects. Utilizing the contractual and legal facilities of the Administrator of Civil Aeronautics, the Board shall allocate and, with due regard to existing commitments, may reallocate all common system research, development and test projects and funds therefor by contract or other arrangements with government agencies, universities, commercial organizations, or other organizations. The Board shall not itself operate any laboratories or pilot plants.

(d) The Board shall prepare a single comprehensive budget for all research and development on the common system. Funds appropriated for the common system shall be expended only in furtherance of that system pursuant to programs formulated by the Board. No agency or group of the National Military Establishment or the Department of Commerce shall initiate or maintain any research or development projects on the common system or any part thereof without the express authorization of the Board.

(e) The Board shall be guided by the advice of the Research and Development Board with respect to: (i) The economic soundness of such budgetary planning for research and development in connection with the common system as may be within the field of interest of the Research and Development Board; (ii) planning policies from the standpoint of national security; (iii) the balance of emphasis to be placed on the various phases of the common system program; (iv) coordination of the common system program with programs of marine, land, and tactical air navigation and air defense; (v) the maximum amount of research and development effort and facilities which may be made available for the common system by the National Military Establishment; and (vi) which projects shall be classed as common system projects as differentiated from tactical projects.

SEC. 63. *Organization.* (a) In accordance with the terms of the charter, the Board shall consist of four (4)—one representative, one each from the Army, the Navy, the Air Force, and the Civil Aeronautics Administration. Each appointment to the Board shall be subject to the prior concurrence of the heads of the other three constituent departments, and the action shall be [illegible]

man shall be appointed by the Secretary of Commerce with the concurrence of the Secretary of Defense.

(c) The Board shall have a Director of Development selected by the Secretary of Defense after receiving the recommendation of the Board. The Director of Development shall supervise and direct the common system program in accordance with policies and requirements of the Board.

(d) The Administrator of Civil Aeronautics shall, within the limits of available Board appropriations, provide adequate staff for the effective conduct of the work of the Board. In making staff appointments, the Administrator shall consider the recommendations of the Director of Development made with the approval of the Board.

SEC. 64. *Administration.* The Board may establish such rules of administration and procedure as it may need which are not inconsistent with the provisions of its charter; however, except as set forth in (1) through (3) below, the Board is responsible to the Administrator of Civil Aeronautics, and it shall be subject to all administrative policies and procedures to the same extent as any other unit of the Administration, except where specifically exempted therefrom in writing by the Administrator. Exceptions shall exist with respect to: (1) The powers and duties of the Board described in section 62 (e) above; (2) reports to be made by the Chairman to the Secretaries of Commerce and Defense from time to time on the general progress of the Board's work with such recommendations for amendment to the charter as he may deem necessary; and (3) final determinations on substantive matters on which the Board cannot reach agreement, and on which the Administrator's determination is not acceptable to all members of the Board exclusive of the Chairman. Such matters may, at the request of any member of the Board, be referred to the Secretaries of Commerce and Defense jointly for final determination.

SEC. 65. *Public relations.* The public may secure information or make submittals or requests by communicating with the Executive Secretary, Air Navigation Development Board, Civil Aeronautics Administration, W-9, Room 1416, Temporary Building T-4, Washington 25, D. C.

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

Approved: March 26, 1951.

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 51-4441, Filed, Apr. 4, 1951; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

ards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14), are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Alabama Textile Products Co., River Falls Street, Andalusia, Ala., effective 3-23-51 to 3-22-52; 10 learners for normal labor turnover (dress shirts; work pants).

Alabama Textile Products Co., Brantley, Ala., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (work shirts).

The Andala Co., Coffee Street, Andalusia, Ala., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (work shirts; pants; sport shirts).

Angelica Uniform Co., Marquand, Mo., effective 4-1-51 to 10-1-51; 50 learners for expansion purposes (women's washable service apparel).

Associated Garment Co., 120-122 East State Street, Nokomis, Ill., effective 3-26-51 to 9-25-51; 20 learners for expansion purposes (ladies' and juniors' dresses).

Associated Garment Co., 19 South Popla Street, Pana, Ill., effective 3-26-51 to 9-25-51; 20 learners for expansion purposes (women's and juniors' dresses).

Bell Dress Co., 600 Artisan Street, Trenton, N. J., effective 3-27-51 to 3-26-52; five learners for normal labor turnover (ladies' dresses).

Bell Dress Co., 600 Artisan Street, Trenton, N. J., effective 3-27-51 to 9-26-51; five additional learners for expansion purposes only (ladies' dresses).

Bellak Bros., 1416 South Mole Street, Philadelphia, Pa., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (men's sportswear and jackets).

Better-Maid Apparel Co., 707 River Street, Peekskill, Pa., effective 3-27-51 to 9-26-51; 10 learners for normal labor turnover (men's and children's outerwear).

Bonox Manufacturing Co., Inc., Pine and Main Streets, Old Forge, Pa., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (men's dress pants).

Boyd Coal Co., Inc., 131 East Kentucky Street, Corbin, Ky., effective 3-26-51 to 3-25-52; 10 percent normal labor turnover (miners).

Brown Shoe Co., Inc., 211 Cherry Street, Centralia, Ill., effective 3-26-51 to 3-25-52; 10 percent normal labor turnover (shoes

Paris CAA International Field Office, Room 506, Building "D", 58 Rue La Boetie, c/o United States Embassy, Paris, France.

Rio de Janeiro CAA International Field Office, Avenue Presidente Roosevelt, 194/400, c/o United States Embassy, Rio de Janeiro, Brazil.

Tokyo CAA International Field Office, Room 845, Meiji Building, APO 500, c/o Postmaster, San Francisco, Calif.

SUBPART F—OTHER MAJOR FIELD FACILITIES

SEC. 51. *Aeronautical Center*—(a) *Functions.* Plans and conducts such standardization and training courses for CAA employees and other individuals as are required to establish or maintain personnel proficiency for the various programs of the CAA; conducts research and development projects in aviation medicine; modifies, assembles, and distributes equipment and materials for installation or erection of CAA facilities or aids to air navigation.

(b) *Organization.*

Office of the Director.
Technical Assistance Division.
Business Administration Division.
Aviation Safety Standardization Division.
Federal Airways Standardization Division.
Federal Airways Project Materials Division.

(c) *Address.*

CAA Aeronautical Center, (West side of Will Rogers Airport), P. O. Box 1082, Oklahoma City 10, Okla.

SEC. 52. *Technical Development and Evaluation Center*—(a) *Functions.* Conducts applied research and performs service testing and evaluation directed toward eliminating hazards in and improving the safety and efficiency of the operation of aircraft, systems of aids to air navigation and air traffic control, and landing facilities.

(b) *Organization.*

Office of the Director.
Business Administration Division.
Aircraft Division.
Airport Division.
Engineering Shops Division.
Flight Operations Division.
Electronics Division.
Navigation Aids Evaluation Division.

(c) *Address.*

CAA Technical Development and Evaluation Center (new section of Municipal Airport), P. O. Box 5767, Indianapolis, Ind.

SEC. 53. *Washington National Airport*—(a) *Functions.* Operates and maintains the Washington National Airport, including the conduct of negotiations with air carriers and others for use of the airport and its facilities and with concessionaires to provide proper services required by air carriers and others using the airport.

(b) *Organization.*

Office of the Director.
Engineering and Maintenance Division.
Protection Division.
Business Administration Division.

(c) *Address.*

Washington National Airport, Gravelly Point, Va.

SEC. 54. *Office of the Director, Washington Airport Project*—(a) *Purpose.* This Office has been established to provide for the implementation of 64 Stat. 770, a law which authorizes the construction, protection, operation, and maintenance of a public airport in or in the vicinity of the District of Columbia.

(b) *Functions.* (1) Surveys, and prepares evaluations of possible sites for an additional major public airport in the vicinity of Washington, D. C.

(2) Conducts arrangements and negotiations for the acquisition of the selected site and appurtenant properties and rights.

(3) Develops proposed basic traffic patterns for the airport and proposed general plans for the system of Federal Airways navigational aids for the airport and its approaches.

(4) Develops proposed basic layout plans for the airport and its principal physical facilities, and necessary engineering plans and specifications for construction of the airport.

(5) Supervises and inspects the construction of the airport.

(c) *Address.*

Office of the Director, Washington Airport Project, Room 1506, Temporary Building T-4, Seventeenth Street and Constitution Avenue NW., Washington 25, D. C.

SUBPART G—AIR NAVIGATION DEVELOPMENT BOARD

SEC. 61. *Establishment.* The Air Navigation Development Board (hereafter called the "Board") has been established within the Civil Aeronautics Administration by virtue of a charter of agreement cosigned by the Secretary of Defense on October 29, 1948, and the Secretary of Commerce on November 2, 1948. The action to establish the Board was taken pursuant to authority contained in the Civil Aeronautics Act of 1938 and section 161 of the Revised Statutes of the United States, and in accordance with recommendations of the Research and Development Board of the National Military Establishment for the development of a nation-wide air navigation system to serve the needs of civilian and non-tactical military aviation and capable of useful integration with any air defense system established by the National Military Establishment.

SEC. 62. *Powers and duties of the Board.* (a) The Board shall formulate, and from time to time modify as it may deem necessary, a unified program for research on and development of aids for a common national system of air navigation and air traffic control (hereinafter called "the common system") to serve the needs of civilian and non-tactical military aviation but being capable of useful integration with any air defense system established by the National Military Establishment. In so doing, the Board shall be guided by the operational requirements of non-tactical military aviation as well as of air carriers, private pilots and other civil users of the air space, as transmitted by or through the Air Coordinating Committee, and shall evolve a system combining the greatest possible utility to all such users.

(b) The Board shall integrate to the maximum extent possible the national security requirements for the common system as transmitted by or through the Research and Development Board and the non-tactical operational requirements of the users of the system as transmitted by or through the Air Coordinating Committee. Where such classes of requirements are inconsistent, the Board shall determine the relative weight to be accorded to each class and inform the Research and Development Board and the Air Coordinating Committee thereof. No action shall be taken by the Board on the basis of such determinations until a reasonable time has been given to the Research and Development Board and the Air Coordinating Committee for comment.

(c) The Board shall supervise the conduct of all common system research and development projects. Utilizing the contractual and legal facilities of the Administrator of Civil Aeronautics, the Board shall allocate and, with due regard to existing commitments, may reallocate all common system research, development and test projects and funds therefor by contract or other arrangements with government agencies, universities, commercial organizations, or other organizations. The Board shall not itself operate any laboratories or pilot plants.

(d) The Board shall prepare a single comprehensive budget for all research and development on the common system. Funds appropriated for the common system shall be expended only in furtherance of that system pursuant to programs formulated by the Board. No agency or group of the National Military Establishment or the Department of Commerce shall initiate or maintain any research or development projects on the common system or any part thereof without the express authorization of the Board.

(e) The Board shall be guided by the advice of the Research and Development Board with respect to: (i) The economic soundness of such budgetary planning for research and development in connection with the common system as may be within the field of interest of the Research and Development Board; (ii) planning policies from the standpoint of national security; (iii) the balance of emphasis to be placed on the various phases of the common system program; (iv) coordination of the common system program with programs of marine, land, and tactical air navigation and air defense; (v) the maximum amount of research and development effort and facilities which may be made available for the common system by the National Military Establishment; and (vi) which projects shall be classed as common system projects as differentiated from tactical projects.

SEC. 63. *Organization.* (a) In accordance with the terms of the charter, the Board shall consist of four full-time representatives, one each from the Army, the Navy, the Air Force, and the Civil Aeronautics Administration. Each appointment to the Board shall be subject to the prior concurrence of the heads of the other three agencies concerned. No action may be put into effect on any matter before the Board without the concurrence of all members, exclusive of the Chairman.

(b) The Board shall have a Chairman who shall not otherwise be employed by the Government and who may serve on a part-time basis. The Chairman shall be appointed by the Secretary of Commerce with the concurrence of the Secretary of Defense.

(c) The Board shall have a Director of Development selected by the Secretary of Defense after receiving the recommendation of the Board. The Director of Development shall supervise and direct the common system program in accordance with policies and requirements of the Board.

(d) The Administrator of Civil Aeronautics shall, within the limits of available Board appropriations, provide adequate staff for the effective conduct of the work of the Board. In making staff appointments, the Administrator shall consider the recommendations of the Director of Development made with the approval of the Board.

SEC. 64. *Administration.* The Board may establish such rules of administration and procedure as it may need which are not inconsistent with the provisions of its charter; however, except as set forth in (1) through (3) below, the Board is responsible to the Administrator of Civil Aeronautics, and it shall be subject to all administrative policies and procedures to the same extent as any other unit of the Administration, except where specifically exempted therefrom in writing by the Administrator. Exceptions shall exist with respect to: (1) The powers and duties of the Board described in section 62 (e) above; (2) reports to be made by the Chairman to the Secretaries of Commerce and Defense from time to time on the general progress of the Board's work with such recommendations for amendment to the charter as he may deem necessary; and (3) final determinations on substantive matters on which the Board cannot reach agreement, and on which the Administrator's determination is not acceptable to all members of the Board exclusive of the Chairman. Such matters may, at the request of any member of the Board, be referred to the Secretaries of Commerce and Defense jointly for final determination.

SEC. 65. *Public relations.* The public may secure information or make submittals or requests by communicating with the Executive Secretary, Air Navigation Development Board, Civil Aeronautics Administration, W-9, Room 1416, Temporary Building T-4, Washington 25, D. C.

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

Approved: March 26, 1951.

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 51-4042; Filed, Apr. 4, 1951; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14), are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Alabama Textile Products Co., River Falls Street, Andalusia, Ala., effective 3-23-51 to 3-22-52; 10 learners for normal labor turnover (dress shirts; work pants).

Alabama Textile Products Co., Brantley, Ala., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (work shirts).

The Anadala Co., Coffee Street, Andalusia, Ala., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (work shirts; pants; sport shirts).

Angelica Uniform Co., Marquand, Mo., effective 4-1-51 to 10-1-51; 50 learners for expansion purposes (women's washable service apparel).

Associated Garment Co., 120-122 East State Street, Nokomis, Ill., effective 3-26-51 to 9-25-51; 20 learners for expansion purposes (ladies' and juniors' dresses).

Associated Garment Co., 19 South Popla Street, Pana, Ill., effective 3-26-51 to 9-25-51; 20 learners for expansion purposes (women's and juniors' dresses).

Bell Dress Co., 600 Artisan Street, Trenton, N. J., effective 3-27-51 to 3-26-52; five learners for normal labor turnover (ladies' dresses).

Bell Dress Co., 600 Artisan Street, Trenton, N. J., effective 3-27-51 to 9-26-51; five additional learners for expansion purposes only (ladies' dresses).

Bellak Bros., 1416 South Mole Street, Philadelphia, Pa., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (men's sportswear and jackets).

Better-Maid Apparel Co., 707 River Street, Peekville, Pa., effective 3-27-51 to 9-26-51; 10 learners for normal labor turnover (ladies' and children's dresses).

Brook Manufacturing Co., Inc., First and Miles Streets, Old Forge, Pa., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (men's trousers).

Bruce Co., Inc., 120 East Fifteenth Street, Ottawa, Kans., effective 3-25-51 to 3-24-52; 10 percent normal labor turnover (men's work clothing).

Bryant Manufacturing Co., Villa Rica, Ga., effective 3-26-51 to 9-25-51; six learners for expansion purposes (men's and boys' sport shirts).

John Colleti, 1436 Belfield Avenue, Philadelphia, Pa., effective 3-26-51 to 9-25-51; five learners for expansion purposes (men's and boys' sportswear).

Dickson-Jenkins Manufacturing Co., 202 St. Louis Avenue, Fort Worth, Tex., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (pants, shirts, shorts, and denims).

Dupont Dress Co., 203 Grant Street, Dupont, Pa., effective 3-29-51 to 3-28-52; five learners for normal labor turnover (women's dresses).

Duti-Duds, Inc., 1117 Clay Street, Lynchburg, Va., effective 4-1-51 to 3-31-52; 10 learners for normal labor turnover (industrial uniforms).

Ely & Walker Factory, Paragould, Ark., effective 3-26-51 to 9-25-51; 40 learners for expansion purposes only (boys' sport shirts; Army shirts).

Enterprise Manufacturing Co., Inc., Enterprise, Ala., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (dress shirts).

Foster Bros. Manufacturing Co., Inc., Luverne, Ala., effective 3-26-51 to 3-25-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's dress slacks).

Quaker-Shirt Division, Freedman-Roadelheim Co., Apple Street, Quakertown, Pa., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (men's dress shirts).

Wm. F. Fratz & Son, Bedminster, Pa., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (single pants).

General Garment Manufacturing Co., Inc., 308 Canal Street, Petersburg, Va., effective 3-20-51 to 9-19-51; 32 additional learners for expansion purposes only (cotton flannel sport shirts; Army khaki shirts).

General Sportswear Co., Inc., 23 Market Street, Ellenville, N. Y., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (infants' and children's outerwear).

Glaser Bros., Inc., Elden, Mo., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (men's dress and sport trousers).

Glenbrook Manufacturing Co., Inc., 900 Sunset Avenue, Asbury Park, N. J., effective 3-22-51 to 3-21-52; 10 learners for normal labor turnover (ladies' dresses).

The H & A Pants Manufacturing Co., 625 Washington Boulevard, Baltimore, Md., effective 4-1-51 to 3-31-52; five learners for normal labor turnover (men's and boys' single pants).

Hagerstown Manufacturing Co., 607 West Washington, Hagerstown, Md., effective 4-1-51 to 3-31-52; two learners for normal labor turnover (pressing children's dresses).

B. W. Harris Manufacturing Co., Sixth and Sibley Streets, St. Paul, Minn., effective 3-26-51 to 3-25-52; 10 percent normal labor turnover (sportswear, etc.).

The Hercules Trouser Co., Hillsboro, Ohio, effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (men's and boys' single pants).

The Hercules Trouser Co., Manchester, Ohio, effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (men's and boys' single pants).

Hoosier Factories, Inc., 211 West Michigan Street, Michigan City, Ind., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (men's and boys' pants).

Hopkinsville Clothing Manufacturing Co., Eleventh and Main Streets, Hopkinsville, Ky., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (dungarees and cotton khaki trousers).

Howe Dress Co., Inc., 22 Union Street, Cobleskill, N. Y., effective 3-23-51 to 3-22-52; five learners for normal labor turnover (ladies' wearing apparel).

Hughesville Manufacturing Co., R. D. No. 1, Hughesville, Pa., effective 4-1-51 to 3-31-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's and boys' sport shirts).

Irwin Manufacturing Co., New Albany, Miss., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (men's and boys' cotton sport shirts).

Johnnye Manufacturing Co., Fourth and Walnut Streets, Albion, Ill., effective 3-28-51 to 3-27-52; 10 percent normal labor turnover (dresses).

T. S. Lankford & Sons, P. O. Box 1360, Abilene, Tex., effective 3-30-51 to 9-29-51; 84 learners for expansion purposes (industrial uniforms).

Laurino & Goodman, Inc., 939 West Harbor Drive, San Diego, Calif., effective 3-26-51 to 3-25-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's slacks).

Lu Rae Fashions, 124 South Third Street, Lehighton, Pa., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (dresses).

Luzerne Sportswear, Inc., 421 North Pennsylvania Avenue, Wilkes-Barre, Pa., effective 3-28-51 to 9-27-51; 35 learners for expansion purposes only (cotton shirts for U. S. Army).

Madison Manufacturing Co., Inc., Route 29, Lynchburg, Va., effective 3-23-51 to 9-22-51; 15 learners for expansion purposes (industrial uniforms).

Madison Manufacturing Co., Inc., Route 29, Lynchburg, Va., effective 3-23-51 to 3-22-52; 10 learners for normal labor turnover (industrial uniforms).

Medaryville Garment Factory, Medaryville, Ind., effective 3-20-51 to 3-19-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (boys' overalls and jackets; girls' blue jeans).

Miniature Fashions, Inc., 11026 West Washington Boulevard, Culver City, Calif., effective 3-20-51 to 3-19-52; five learners for normal labor turnover (children's cotton dresses).

Modern Togs, Inc., 30 Bank Street, Elizabeth, N. J., effective 3-22-51 to 3-21-52; five learners for normal labor turnover (infants' and children's outerwear).

Moyer Manufacturing Co., 18 North Walnut Street, Youngstown, Ohio, effective 3-23-51 to 3-22-52; 10 percent normal labor turnover (single pants).

Nevada Manufacturing Co., Box 715, Highway 65 and Reinhart Road, Pine Bluff, Ark., effective 3-28-51 to 3-27-52; 10 learners for normal labor turnover (cotton work garments).

New England Shirt Co., Inc., 7 Montgomery St., Danbury, Conn., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (men's dress and sport shirts).

Nurenberg Dress Co., Nurenberg, Pa., effective 3-20-51 to 3-19-52; 10 percent normal labor turnover (ladies' dresses).

Park Avenue Shirt Co., 422 Park Avenue, Perth Amboy, N. J., effective 3-27-51 to 3-26-52; 10 percent normal labor turnover (men's dress and sport shirts).

Parsons Fashions, Inc., 102 George Avenue, Wilkes-Barre, Pa., effective 3-23-51 to 3-22-52; 10 learners for normal labor turnover (ladies' dresses).

Pella Manufacturing Corp., 707 East Third Street, Pella, Iowa, effective 3-26-51 to 3-25-52; 10 learners for normal labor turnover (pants, overalls, coveralls, and work shirts).

Perfect Maid Apparel Co., 513 Maple Street, Old Forge, Pa., effective 4-1-51 to 3-31-52; five learners for normal labor turnover (ladies' dresses).

Phillips-Jones Corp., Barnesboro, Pa., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (men's sport shirts).

Phillips-Jones Corp. (Factory), Patton, Pa., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (men's dress shirts).

Phillips-Jones Factory, 323 East Mauch Chunk Street, Pottsville, Pa., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (men's dress and sport shirts).

Primo Pants Co., Versailles, Mo., effective 4-1-51 to 3-31-52; 10 learners for normal labor turnover (pants, overalls and coveralls).

Scranton Garment Manufacturing Co., Inc., 2100 Clay Avenue, Scranton, Pa., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (mackinaws; pea coats, and zipper jackets).

Shelby Manufacturing Co., 660 East Jackson Street, Shelbyville, Ind., effective 4-6-51 to 4-5-52; 10 percent normal labor turnover (ladies' cotton dresses).

Shelby Manufacturing Co., 660 East Jackson Street, Shelbyville, Ind., effective 4-6-51 to 10-5-51; 25 learners for expansion purposes (ladies' cotton dresses).

Slack Corp. of America, Wrightsville, Ga., effective 3-22-51 to 9-21-51; 150 learners for expansion purposes (men's sportswear slacks).

Southern Garment Manufacturing Co., Culpeper, Va., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (work pants).

Standard Garments, Inc., Chase City, Va., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (men's and boys' sport shirts, work shirts and dungarees).

Standard Garments, Inc., Chase City, Va., effective 4-1-51 to 10-1-51; 10 learners for expansion purposes (men's and boys' sport shirts, work shirts and dungarees).

Stylecraft Foundations, Inc., 1043 East Genesee Avenue, Seginaw, Mich., effective 4-1-51 to 3-31-52; five learners for normal labor turnover (corsets and allied garments).

Surrey Manufacturing Co., 122 High Street, Wilkes-Barre, Pa., effective 3-26-51 to 9-26-51; 16 learners for expansion purposes (women's dresses).

Taunton Garment Corp., 42 Adams Street, Taunton, Pa., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (ladies' and misses streetwear dresses).

Twin City Manufacturing Co., Graymont, Ga., effective 3-23-51 to 9-22-51; 19 additional learners for expansion purposes (men's dress and sport shirts).

Valley Garment Co., Inc., Sybertsville, Pa., effective 3-26-51 to 3-25-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (children's overalls and jodhpurs).

Wallen of California, 26 Sebastopol Avenue, Santa Rosa, Calif., effective 3-22-51 to 3-21-52; 10 percent normal labor turnover (children's denim jeans).

The Watson-Scott Co., Thomasville, Ga., effective 4-1-51 to 3-31-52; 10 learners for normal labor turnover (industrial uniforms).

Wildwood Clothing Co., Inc., 112 East Schellenger Avenue, Wildwood, N. J., effective 3-22-51 to 3-21-52; 10 percent normal labor turnover (men's trousers).

Zero King Sportswear, Lake City, Minn., effective 3-28-51 to 3-27-52; 10 learners for normal labor turnover (men's, boys' and women's outerwear).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended January 25, 1950; 15 F. R. 400).

General Cigar Co., Inc., Division and Brook Streets, Kingston, Pa., effective 3-23-51 to 3-22-52; 10 percent of the productive factory workers engaged in each of the authorized occupations; cigar machine operating, and packing (cigars retailing for more than 6 cents each), each 320 hours; machine stripping 160 hours; 60 cents per hour; normal labor turnover.

Parodi Cigar Co. of New York, 1015 North Main Street, Scranton, Pa., effective 4-1-51 to 3-31-52; for normal labor turnover, 10 percent of the number of workers engaged in each of the authorized occupations; making Italian Stogies 640 hours; 60 cents per hour for first 320 hours and 65 cents per hour for remaining 320 hours; hand stripping, and packing (cigars retailing at 6 cents each or less), each 160 hours; 60 cents per hour.

J. C. Winter & Co., Inc., Red Lion, Pa., effective 4-1-51 to 3-31-52; 10 percent of the total number of workers engaged in authorized occupation; cigar machine operating 320 hours; 60 cents per hour.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950, 15 F. R. 6888).

Killington Manufacturing Co., Inc., 90 Merchants Row, Rutland, Vt., effective 3-19-51 to 3-18-52; six learners for normal labor turnover.

Lambert Manufacturing Co., Plant No. 1, 501 Jackson Street, Chillicothe, Mo., effective 3-26-51 to 9-26-51; 10 learners for expansion purposes only.

Lambert Manufacturing Co., Plant No. 3, 1006 Washington Street, Chillicothe, Mo., effective 3-26-51 to 9-26-51; 10 learners for normal labor turnover.

Morris Manufacturing Co., Dyersburg, Tenn., effective 3-22-51 to 9-21-51; 40 learners for expansion purposes only.

Van Raalte Co., Inc., Bryson City, N. C., effective 3-21-51 to 3-20-52; five learners for normal labor turnover.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 263).

B & K Hosiery Mill, Hickory, N. C., effective 3-21-51 to 3-20-52; three learners for normal labor turnover.

Davisville Hosiery Mill, Inc., Davisville, Pa., effective 3-27-51 to 3-26-52; for normal labor turnover, 5 percent of productive factory force.

Dixie Hosiery Mill, 110 Church Street, Fountain City, Knoxville, Tenn., effective 3-22-51 to 3-21-52; five learners for normal labor turnover.

Mayo Knitting Mill, Inc., Tarboro, N. C., effective 3-27-51 to 3-26-52; for normal labor turnover, 5 percent of productive factory workers.

Montgomery Knitting Mill, Summerville, Ga., effective 3-27-51 to 11-26-51; 15 additional learners for expansion purposes.

Montgomery Knitting Mill, Summerville, Ga., effective 3-27-51 to 3-26-52; for normal labor turnover, 5 percent of productive factory workers.

Sanford Hosiery Mills, Inc., Sanford, N. C., effective 3-20-51 to 3-19-52; five learners for normal labor turnover.

Unique Knitting Co., Acworth, Ga., effective 3-23-51 to 3-22-52; for normal labor turnover, 5 percent of productive factory workers.

Unity Knitting Co., Inc., Union, S. C., effective 3-23-51 to 3-22-52; three learners for normal labor turnover.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Mount Pulaski Telephone & Electric Co., Mount Pulaski, Ill., effective 3-22-51 to 3-21-52.

Ontario Telephone Co., Inc., Clifton Springs, N. Y., effective 3-22-51 to 3-21-52.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Athco, Inc., Athens, Ala., effective 4-1-51 to 9-30-51; 25 learners for expansion purposes only.

Bormaster Bros. Manufacturing Co., Houston, Tex., effective 3-23-51 to 9-22-51; 15 learners for expansion purposes.

Knickerbocker Manufacturing Co., Inc., West Point, Miss., effective 4-1-51 to 3-31-52; 5 percent for normal labor turnover.

Walker-Airtowne Knitting Mills, Inc., Wyoming, N. Y., effective 4-1-51 to 3-31-52; five learners for normal labor turnover.

Wolverine Knitting Mills, Bay City, Mich., effective 4-1-51 to 3-31-52; 5 percent normal labor turnover.

Womelsdorf Manufacturing Co., Womelsdorf, Pa., effective 4-1-51 to 3-31-52; five learners for normal labor turnover.

Puerto Rico: The following special learner certificates were issued in Puerto Rico to the company hereinafter named.

The effective and expiring dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Atlas Products Corp., Toa Alta, P. R., effective 3-14-51 to 7-31-51. Total number of learners 125; machine stitching of fabric gloves 65 learners, 240 hours at 25 cents per hour and 240 hours at 29 cents per hour; machine stitching of leather gloves 60 learners, 160 hours at 25 cents per hour, 160 hours at 30 cents per hour, and 160 hours at 35 cents per hour (machine sewn fabric and leather gloves).

Atlas Products Corp., Toa Alta, P. R., effective 3-14-51 to 7-31-51; 30 learners; cutting leather gloves; 160 hours at 25 cents, 160 hours at 30 cents and 160 hours at 35 cents per hour (machine sewn fabric and leather gloves).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260; 15 F. R. 6546).

Holly Shoe Co., Off Beacon Street, Littleton, N. H., effective 3-26-51 to 12-31-51; 10 percent normal labor turnover.

Milford Shoe Co., 177 West Central Street, Milford, Mass., effective 3-26-51 to 12-31-51; 10 percent normal labor turnover.

Winston Shoe Co., Inc., Franklin, N. H., effective 3-26-51 to 12-31-51; 35 learners for normal labor turnover.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Fashion Embroidery Co., 1307 Washington Avenue, St. Louis, Mo., effective 3-26-51 to 3-25-52; two learners for normal labor turnover; embroidery machine operators, 320 hours; 60 cents per hour (embroidery).

Glen L. Evans, Inc., Caldwell, Idaho, effective 3-22-51 to 9-21-51; 10 learners for normal labor turnover; fly tiers, 480 hours; 60 cents per hour for first 320 hours and 65 cents per hour for remaining 160 hours (fishing tackle).

Gordon & Ferguson, Inc., St. Paul, Minn., effective 3-23-51 to 3-22-52; 10 percent normal labor turnover; machine operating (except cutting) 480 hours, pressing 480 hours, hand sewing 480 hours, finishing operations involving hand sewing 480 hours, and final inspection of assembled garments 160 hours; 65 cents per hour (men's and boys' sportswear and outerwear).

Hygiene Shower Curtain Manufacturing Co. of California, 4202 South Avalon Boulevard, Los Angeles 11, Calif., effective 4-3-51 to 10-2-51; 10 percent normal labor turnover; sewing machine operators, 130 hours; 60 cents per hour (plastic shower curtains and table cloths).

Penn State Cap Co., 614 Washington Trust Building, Pittsburgh, Pa., effective 3-21-51 to 3-20-52; two learners for normal labor turnover; 240 hours machine operating (except cutting); 65 cents per hour (cloth caps).

Reidsville Distributing Co., Reidsville, N. C., effective 3-21-51 to 9-20-51; four learners for normal labor turnover; tufting machine operators, 240 hours; 60 cents per hour (chenille and tufted bedspreads).

Textile Hardwood Manufacturing Co., Inc., Huntsville, Ala., effective 3-23-51 to 9-22-51; three learners for normal labor turnover; woodworking machine operators, 160 hours; 60 cents per hour (wooden parts for textile machinery).

A. J. Weinstein Co., 308 Third Street, Carnegie, Pa., effective 3-22-51 to 9-21-51; two learners for normal labor turnover (vacuum cleaner bags and ironer covers).

Wilson Bros., LaGrange, Ind., effective 4-1-51 to 3-31-52; four learners for normal labor turnover (men's neckties).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificate. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 29th day of March 1951.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 51-4067; Filed, Apr. 4, 1951; 8:53 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 1]

NORTH STAR WOOLEN MILL CO., CEILING PRICES AT RETAIL

STATEMENT OF CONSIDERATIONS

In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, North Star Woolen Mill Company, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

It has been the applicant's custom in the past, borne out by printed lists, to permit retailers in the States of Washington, Oregon, and California to have retail prices on two lines of blankets which were fifty-five ($0.55) cents higher than in the remaining States. This differential applies to two low cost lines in the adult blanket size for which West Coast freight was an appreciable factor. The applicant has requested that this differential now be granted on its lowest price line in the adult blanket size only. This request conforms with the provisions of section 43, Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during that period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

SPECIAL PROVISIONS

For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this Special Order 1 is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of all wool blankets manufactured by North Star Woolen Mill Company, 40 West Fortieth Street, New York 18, N. Y., having the brand name "North Star" and described in the manufacturer's application dated February 28, 1951, and supplemented and amended in the manufacturer's application dated March 2, 1951. The manufacturer's prices listed below are subject to a discount of 3/10 EOM.

ALL WOOL BLANKETS

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
$4.20	$6.95
4.75	7.95
6.00	9.95
6.60	10.95
7.80	12.95
9.00	14.95
12.90	19.95
13.25	21.95
13.50	22.50
14.75	24.50
15.00	25.00
16.50	27.50
17.00	28.50
22.00	37.50
23.50	39.50
24.25	41.50
32.50	55.00

[1] Ceiling price at retail—$20.50 in the States of California, Oregon, and Washington only.

2. The manufacturer's all-wool blanket bearing the style name "Nocturne," size 72 x 90, so long as it has a manufacturer's selling price of $12.00 per unit shall have a ceiling price at retail of $19.95 per unit.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after May 5, 1951, North Star Woolen Mill Company must mark each article listed in paragraphs 1 and 2 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after June 4, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1 and 2 of this special order or changes the retail ceiling price of a listed article, North Star Woolen Mill Company must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraphs 1 and 2 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective April 5, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

APRIL 4, 1951.

[F. R. Doc. 51-4117; Filed, Apr. 4, 1951; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1214]

COLORADO INTERSTATE GAS CO.

NOTICE OF ORDER MAKING RATE SCHEDULES EFFECTIVE AND TERMINATING PROCEEDINGS

MARCH 30, 1951.

Notice is hereby given that, on March 28, 1951, the Federal Power Commission issued its order entered March 27, 1951, making rate schedules effective and terminating proceedings in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4044; Filed, Apr. 4, 1951; 8:47 a. m.]

[Docket No. G-1565]

EQUITABLE GAS CO.

NOTICE OF FINDINGS AND ORDER

MARCH 30, 1951.

Notice is hereby given that, on March 28, 1951, the Federal Power Commission issued its findings and order entered March 27, 1951, issuing a certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4043; Filed, Apr. 4, 1951; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF POWER LINES

1. Pursuant to authority vested in me by provisions of the Federal Property and Administrative Service Act of 1949, as amended (Public Laws 152 and 754, 81st Congress), authority is hereby delegated to the Secretary of the Interior to exercise the following authority without regard to regulations and circulars of the General Services Administration in connection with excess transmission facilities of the Department of the Interior no longer needed by that Department, including land, together with buildings, fixtures, facilities, utilities and equipment located on such property or adapted to use in connection therewith:

a. To determine such property surplus: *Provided, however,* That such determination shall in no event be made without prior screening by the Department of Defense, Munitions Board.

b. To dispose of such surplus property by negotiated sale, or otherwise.

2. The authority delegated herein may be redelegated to any officer or employee of the Department of the Interior.

3. This delegation of authority shall be effective as of January 16, 1951. The prior delegation of authority on the same subject to the Secretary of the Interior, dated January 16, 1951 (16 F. R. 557), is hereby superseded.

Dated: March 30, 1951.

RUSSELL FORBES,
Acting Administrator.

[F. R. Doc. 51-4066; Filed, Apr. 4, 1951; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25961]

CONDUIT OR PIPE FROM NEW ORLEANS, LA., TO PENSACOLA, FLA.

APPLICATION FOR RELIEF

APRIL 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Alabama Great Southern Railroad Company and other carriers named in the application.

Commodities involved: Conduit or pipe, cement, containing asbestos fibre, and fittings, carloads.

From: New Orleans, La.

To: Pensacola, Fla.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1167, Supp. 27.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4055; Filed, Apr. 4, 1951; 8:50 a. m.]

[4th Sec. Application 25962]

SCRAP IRON OR STEEL FROM MILWAUKEE, WIS., TO HAMILTON, ONTARIO

APPLICATION FOR RELIEF

APRIL 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for The Chesapeake and Ohio Railway Company and other carriers named in the application.

Commodities involved: Scrap iron or steel, carloads.

From: Milwaukee, Wis.

To: Hamilton, Ontario.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: C&O Ry (PMD) tariff I. C. C. No. 13099, Supp. 21; GTW RR. tariff I. C. C. No. A-2909, Supp. 96.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4056; Filed, Apr. 4, 1951; 8:51 a. m.]

[4th Sec. Application 25963]

ALL FREIGHT FROM CHICAGO AND ST. LOUIS GROUPS TO POINTS IN TEXAS

APPLICATION FOR RELIEF

APRIL 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3912.

Commodities involved: Freight, all kinds, carloads.

From: St. Louis, Mo., East St. Louis and Chicago, Ill., and points taking same rates.

To: Dallas, Ft. Worth and Wichita Falls, Tex.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3912, Supp. 43.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4057; Filed, Apr. 4, 1951; 8:51 a. m.]

[4th Sec. Application 25964]

SOUP MIX FROM TEXAS PORTS TO POINTS IN TEXAS

APPLICATION FOR RELIEF

APRIL 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. N. Roberts, Alternate Agent, for carriers parties to his tariff I. C. C. No. 743.

Commodities involved: Soup ingredients (soup mix), consisting of dry vegetables and other ingredients, mixed; any quantity.

From: Beaumont, Corpus Christi, Galveston, Houston and Texas City, Tex.

To: Points in Texas.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: H. N. Roberts' tariff I. C. C. No. 743, Supp. 16.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4058; Filed, Apr. 4, 1951; 8:51 a. m.]

[4th Sec. Application 25965]

OLD IRON CANS FROM NEW ORLEANS, LA., TO CHATTANOOGA, TENN.

APPLICATION FOR RELIEF

APRIL 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 950.

Commodities involved: Old iron cans, refuse from garbage dumps, having value for remelting purposes only, carloads.

From: New Orleans, La.

To: Chattanooga and North Chattanooga, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 950, Supp. 143.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4059; Filed, Apr. 4, 1951; 8:51 a. m.]

[4th Sec. Application 25966]

FLAVORING SYRUP FROM BALTIMORE, MD., TO CANTON, OHIO

APPLICATION FOR RELIEF

APRIL 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-823.

Commodities involved: Syrup, flavoring or fruit, carloads.

From: Baltimore, Md.

To: Canton, Ohio.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-823, Supp. 237.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or

formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4060; Filed, Apr. 4, 1951; 8:51 a. m.]

[4th Sec. Application 25967]

MALT LIQUORS FROM TERRE HAUTE, IND., TO POINTS IN TENNESSEE

APPLICATION FOR RELIEF

APRIL 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 3636.

Commodities involved: Malt liquors, carloads.

From: Terre Haute, Ind.

To: Chattanooga, Jackson, Knoxville, Memphis, and Nashville, Tenn.

Grounds for relief: Competition with rail and motor carriers and market competition.

Schedules filed containing proposed rates: L. C. Schuldt's tariff I. C. C. No. 3636, Supp. 245.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4061; Filed, Apr. 4, 1951; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 50-39]

NEW ENGLAND ELECTRIC SYSTEM

NOTICE OF FILING AND ORDER GIVING OPPORTUNITY FOR HEARING ON APPLICATION FOR EXEMPTION FROM COMPETITIVE BIDDING REQUIREMENTS

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 29th day of March A. D. 1951.

New England Electric System ("NEES"), a registered holding company, has filed an application, pursuant to Rule U-50 (a) (5) promulgated under the Public Utility Holding Company Act of 1935, for an exemption from the competitive bidding requirements of said Rule U-50 with respect to the disposition of its interest in the gas businesses in its holding company system. All interested persons are referred to said application which is on file in the office of this Commission and which is summarized below:

The application indicates that the gas properties are presently owned and operated by the following subsidiary companies: Malden and Melrose Gas Light Company, Arlington Gas Light Company, Salem Gas Light Company, Northampton Gas Light Company, Gloucester Gas Light Company, Norwood Gas Company, Athol Gas Company, Blackstone Gas Company, Central Massachusetts Gas Company, Wachusett Gas Company, Beverly Gas and Electric Company, Lawrence Gas and Electric Company, Northern Berkshire Gas Company, Suburban Gas and Electric Company, The Narragansett Electric Company, and The Mystic Power Company. All of the above companies are organized and doing business in Massachusetts except the Narragansett Electric Company and The Mystic Power Company, which are organized and doing business in Rhode Island and Connecticut, respectively.

The application states that the net gas plant investment of the above named companies as at December 31, 1950, aggregated $23,121,936 and that the aggregate net income of the gas properties for the year ending December 31, 1950, amounted to $413,283. The application further states that it is expected that natural gas will be available to all or nearly all of these companies by the fall of 1951.

The application states that, in the event this application for an exemption from the competitive bidding requirements of Rule U-50 under the act is granted by the Commission, NEES will invite interested persons or groups to submit proposals to purchase the gas properties, such proposals to specify the properties to be purchased, the price and other details. NEES will reserve the right to reject any and all proposals. If any proposal is accepted, NEES and such of its operating subsidiaries as may be appropriate will file a declaration seeking this Commission's authorization of the sale of the gas properties.

It is ordered, That any interested person may, not later than April 16, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on NEES' application for an exemption from the competitive bidding requirements of Rule U-50 under the act with respect to the contemplated sale of the gas properties of its subsidiary companies, stating therein the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted or submitted for consideration at any such hearing. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 16, 1951, the Commission may grant the application.

It is further ordered, That notice of said filing of NEES' application and of said opportunity for hearing be given to NEES by registered mail and to all other persons by publication in the FEDERAL REGISTER and by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4049; Filed, Apr. 4, 1951; 8:48 a. m.]

[File No. 70-2583]

AMERICAN GAS AND ELECTRIC CO.

SUPPLEMENTAL ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of March A. D. 1951.

American Gas and Electric Company ("American Gas"), a registered holding company, having filed a declaration, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7 and 12 (c) thereof, and Rules U-42 and U-50 of the rules and regulations promulgated thereunder, regarding the issuance and sale of not in excess of 339,832 shares of its $10 par value common stock, subject to a rights offering to its present stockholders on the basis of one share of additional stock for each 15 shares of common stock of American Gas presently held, such issuance and sale to have been subject to the competitive bidding requirements of Rule U-50 with respect to the compensation proposed to be paid to underwriters, the price at which such stock was to be offered having been fixed by American Gas prior to the time set for receiving bids at $52.25 per share; and

The Commission by order dated March 19, 1951, having permitted said declaration, as amended, to become effective subject to the condition that the proposed issuance and sale of common stock should not be consummated until the results of competitive bidding pursuant to Rule U-50 should be made a matter of record in these proceedings and a further order entered by the Commission in the light of the record as so completed, and subject to a reservation of jurisdiction with respect to the payment of all fees and expenses incurred or to be incurred in connection with the proposed transactions; and

American Gas having filed a further amendment to its declaration setting forth that as a result of its requests for bids for the purchase of said common stock to be offered at a price of $52.25 per share, two bids were received for said stock, proposing aggregate compensation in the respective amounts of $247,962.02 and $244,565; and

Said amendment to the declaration setting forth that American Gas, having rejected both the above bids, proposes to issue and sell the additional common stock on the rights basis heretofore described at the price of $52.25 per share without any underwriting of the transaction; and

Said declaration also stating that American Gas proposes, if considered necessary or desirable, to stabilize the price of its common stock, for the purpose of facilitating the offering and distribution of the additional common stock to its stockholders, such stabilization transactions, if any, to be effected by the purchase and/or sale of common stock and the purchase of rights on the respective exchanges on which such common stock or rights are traded, and such stabilization activities to result in American Gas' not acquiring a net long position of shares of common stock (including for this purpose the equivalent shares represented by rights acquired) in excess of 10 percent of the additional common stock; and

Said amendment setting forth that in the event all shares of the additional common stock are not subscribed for American Gas may issue and sell such unsubscribed for shares, together with such shares as may be acquired pursuant to stabilization activities, in such manner, upon such terms and conditions, and at such price as the company shall then determine to be in its best interests, and that American Gas will notify this Commission of its intentions in this respect at least 24 hours before any such sale or distribution; and

It appearing to the Commission that the transactions proposed in said amendment are in accordance with the applicable standards of the act, and that no adverse findings are necessary thereunder and it appearing appropriate to permit said declaration, as amended, to become effective subject to the terms and conditions hereinafter stated:

It is ordered, Pursuant to the applicable provisions of the act that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24 and subject to a reservation of jurisdiction with respect to the payment of all legal fees and expenses incurred or to be incurred in connection with the proposed transactions, and with respect to the entry by the Commission of such further orders as may be appropriate herein.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4047; Filed, Apr. 4, 1951; 8:48 a. m.]

[File No. 702590]

PUBLIC SERVICE COMPANY OF OKLAHOMA

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of March A. D. 1951.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Public Service Company of Oklahoma ("Public Service"), a public utility subsidiary of Central and South West Corporation, a registered holding company. Applicant has designated section 6 (b) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 13, 1951 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 13, 1951, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Public Service proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $10,000,000 principal amount of First Mortgage Bonds, Series C, -- percent, due 1981. The interest rate on said bonds (to be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be received by the company (to be not less than 97.25 percent nor more than 102.75 percent of the principal amount of said bonds) are to be determined by competitive bidding. The bonds are to be issued under and secured by the company's Indenture of Mortgage dated July 1, 1945, as modified by a Supplemental Indenture dated February 1, 1948, and by a proposed Supplemental Indenture to be dated April 1, 1951. The aggregate principal amount of all bonds of all series that may be outstanding at any one time under the Indenture, as supplemented, would be increased from $35,000,000 to $75,000,000.

The application states that the net proceeds, exclusive of accrued interest, to be received by the company from the sale of the bonds will be used to pay or reimburse the company, in part, for the cost of additions, extensions and improvements made or to be made to the company's facilities.

Total fees and expenses to be paid by Public Service in connection with the proposed transactions are estimated at $44,000, including service company charges of $6,000, Trustee's fees of $8,250 and accountants' fees of $1,500. The fee of independent counsel for underwriters, to be paid by the successful bidders, is stated to be $6,500.

It is represented that the Corporation Commission of the State of Oklahoma has jurisdiction over the proposed transactions and that a copy of the order of that Commission approving the transactions will be supplied by amendment.

Public Service requests that the ten-day publication period for inviting bids for the bonds, as provided in Rule U-50, be shortened to a period of not less than six days. Applicant further requests that the Commission's order herein be issued as soon as practicable and that it become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4050; Filed, Apr. 4, 1951; 8:49 a. m.]

J. J. LEDONE CO.

MEMORANDUM OPINION AND ORDER DISMISSING PROCEEDING AND PERMITTING REGISTRATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of March A. D. 1951.

In the matter of Joseph J. LeDone doing business as J. J. LeDone Co., 280 Madison Avenue, New York, New York.

This is a proceeding pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("the Exchange Act") to determine whether the application for registration as a broker-dealer of Joseph J. LeDone, doing business as J. J. LeDone Co., should be denied or permitted to become effective.

Applicant by stipulation has agreed that the record herein should include certain affidavits and a report of investigation. He has waived a hearing, a trial examiner's report and oral argument.[1] On the basis of the record we make the following findings.

Applicant was previously registered with this Commission as a broker-dealer. Following the institution of proceedings to determine whether his registration should be revoked, we issued our findings and opinion on January 6, 1950, stating that, by reason of certain specific admitted misrepresentations made to customers, applicant had willfully violated the antifraud provisions of the Securities Act of 1933 and the Exchange Act and rules thereunder. We concluded, however, that the public interest and protection of investors would be adequately served by the withdrawal of the applicant's registration on the condition, inter alia, that he would not file an application for registration as a broker-dealer within 12 months from the date of our Order; and that he would accompany any such application with a statement as to the methods he would use in selling securities to his

[1] On March 1, 1951, with applicant's consent, we ordered that the effective date of his registration be postponed pending a final determination on the question whether registration should be denied.

customers. Such an application was filed on February 5, 1951.

It appears from the record that applicant has not engaged in the securities business since the date of our Order permitting his withdrawal from registration. The affidavit accompanying his application states that he intends to engage in the primary and secondary distribution of securities registered with this Commission under the Securities Act of 1933, or exempt from registration by reason of Regulation A or some other exemption provided by that act. He states, in substance, that when engaged in the distribution of securities, whether registered or exempt from registration, he will furnish to customers only such information as is contained in the prospectuses, offering sheets, or written communications prepared in connection with such offerings; and, further, that he intends to join National Association of Securities Dealers, Inc. ("NASD"), and that any transactions he effects in the "secondary market" will be governed by the equitable principles of trade promulgated by the NASD as they bear upon his relations to customers and the mark-ups he may charge in such transactions.

More particularly, applicant states that it is his intention to engage in the sale of oil royalties. In our revocation proceeding against him, the notice and order for hearing alleged, among other things, that applicant had solicited and induced customers to purchase oil royalties by means of implied representations that the royalties would return sums in excess of the prices paid, when in fact applicant knew or should have known and failed to disclose that there was no reasonable probability, on the basis of reasonable estimates of the value of recoverable oil underlying the tracts covered by the royalties, that the royalties would return such sums. Applicant admitted for purposes of that proceeding, while disclaiming any fraudulent intent, that certain of the oil royalties whose purchase he induced were sold at prices which at the time of sale exceeded the estimated value of the recoverable oil underlying them. Applicant now states in his affidavit that he will obtain estimated recoverables on each oil royalty interest sold by him. We take this to mean that the estimated recoverables will be taken into consideration by him in fixing the prices at which oil royalties will be offered to customers. In this connection we note that applicant has been permanently enjoined by the United States District Court for the Southern District of New York from soliciting or recommending the purchase of oil royalties at a price higher than reasonable estimates of the value of the recoverable oil without disclosing that fact and the amount by which the purchase price exceeds such estimate.[2]

Applicant states generally that in all his dealings he will make no misrepresentations, directly or indirectly, and will conduct himself according to just and equitable principles of trade and the rules of this Commission, and that, before forwarding any literature to his customers, he will submit it to expert counsel and receive an opinion concerning it.

Under all the circumstances we find that it is not necessary in the public interest to deny registration to applicant.

Accordingly, it is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that this proceeding be, and it hereby is, dismissed and that the registration of Joseph J. LeDone, doing business as J. J. LeDone Co., as a broker and dealer be, and it hereby is, permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-4048; Filed, Apr. 4, 1951; 8:48 a. m.]

[2] The injunction was based on a stipulation between counsel for this Commission and applicant which provides that it should not be used as the basis for any disciplinary or other administrative proceeding under the Exchange Act.

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13141, Amdt.]

WILLIAM WILKENS AND BARBARA MARIE LEONTINE WILKENS

In re: Real property, property insurance policies and a claim owned by William Wilkens and another. F-28-7954-B-1.

Vesting Order 13141, dated April 13, 1949, is hereby amended as follows and not otherwise:

a. By deleting subparagraph 1 from said Vesting Order 13141 and substituting therefor the following:

1. That William Wilkens and Barbara Marie Leontine Wilkens nee Freiin von dem Bussche-Ippenburg, each of whose last known address is 7 Caspar-David-Friedrich Str., Dresden, Germany, are the sole heirs of Christian Wilkens, deceased, and are residents of Germany and nationals of a designated enemy country (Germany);

b. By deleting the name "Christian Wilkens" from said Vesting Order 13141 wherever it appears and substituting therefor the names "William Wilkens" and "Barbara Marie Leontine Wilkens nee Freiin von dem Bussche-Ippenburg";

c. By deleting the word "national" from subparagraph 2 of said Vesting Order 13141 and substituting therefor the word "nationals";

d. By deleting subparagraph 3 from said Vesting Order 13141 and substituting therefor the following:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany),

All other provisions of said Vesting Order 13141 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4036; Filed, Apr. 3, 1951; 8:57 a. m.]

[Vesting Order 17577]

RICHARD KRAUTHEIM

In re: Bank accounts owned by Richard Krautheim, also known as Richard Hermann Guenther Krautheim. F-28-31408.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Richard Krautheim, also known as Richard Hermann Guenther Krautheim, whose last known address is 15 Christoph Krautheimstrasse, Selb, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Richard Krautheim, also known as Richard Hermann Guenther Krautheim, by Union Square Savings Bank, 20 Union Square East, New York 3, New York, arising out of a Savings Account, account number 193796, entitled Richard Krautheim, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Union Square Savings Bank, 20 Union Square East, New York 3, New York, arising out of a Savings Account, account number 184019, entitled Richard Krautheim in trust for Christoph Krautheim, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Richard Krautheim, also known as Richard Hermann Guenther Krautheim, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4071; Filed, Apr. 4, 1951; 8:54 a. m.]

sultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4073; Filed, Apr. 4, 1951; 8:54 a. m.]

[Vesting Order 17575]

MRS. LILLY IKERT

In re: Bank account owned by Mrs. Lilly Ikert. F-28-4981-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Lilly Ikert, whose last known address is Cunostrasse 51, Berlin, Grunewald, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Mrs. Lilly Ikert, by Bankers Trust Company, 16 Wall Street, New York, New York, arising out of a checking account, entitled "Mrs. Lilly Ikert", maintained with the aforesaid trust company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4072; Filed, Apr. 4, 1951; 8:54 a. m.]

[Vesting Order 17580]

YASUMASA YOSHIZUMI

In re: Bank account owned by Yasumasa Yoshizumi. D-39-12816 E-1; E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yasumasa Yoshizumi, whose last known address is 484 Torii, Yagamura, Hiara-gun, Hyogo-ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Yasumasa Yoshizumi, by Security-First National Bank, Sixth & Spring Streets, Los Angeles, California, arising out of a Savings Account, account number 7115, entitled Yasumasa Yoshizumi, maintained at the branch office of the aforesaid bank located at Pice & Normandie Streets, Los Angeles, California, and any and all rights to demand, enforce and collect the same, and

b. Cash in the amount of $8.00, presently in the custody of the Federal Reserve Bank of New York, New York, New York, owned by Yasumasa Yoshizumi, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4074; Filed, Apr. 4, 1951; 8:54 a. m.]

[Vesting Order 17576]

ERNEST J. KETELSEN

In re: Bank account owned by Ernest J. Ketelsen. D-28-12986-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernest J. Ketelsen, whose last known address is Alkersum Fohr Island Schleswig Holstein, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Richmond Hill Savings Bank, 115-20 Jamaica Avenue, Richmond Hill 18, New York, arising out of a savings account, entitled Ernest J. Ketelsen, maintained at the aforesaid bank, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4075; Filed, Apr. 4, 1951; 8:54 a. m.]

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FEDERAL REGISTER

VOLUME 16 NUMBER 67

Washington, Friday, April 6, 1951

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

SOCIAL WORKER (PSYCHIATRIC AND MEDICAL)

1. Section 24.16 *Social Worker (Psychiatric and Medical), GS–185–7–11,* is hereby revoked.

2. The headnote and paragraph (b) of § 24.109 are amended. As amended, § 24.109 reads as follows:

§ 24.109 *Social Worker (Psychiatric and Medical), GS–185–7–13 and GS–102–11–13* — (a) *Educational requirement.* Applicants must have completed 2 years of study in an accredited school of social work, including courses in case work, psychiatric information, medical information, and supervised field work in case work.

(b) *Duties.* With duties varying in responsibility in accordance with the grade, Social Workers (Psychiatric and Medical) are responsible for rendering psychiatric and medical social services or for directing operating medical and psychiatric social work programs in hospitals and clinics, including those of a demonstration nature in which new techniques for treatment and preventive services are tested; or are responsible for the development of program standards in the field of medical or psychiatric social work and for working with State agencies in the development and improvement of psychiatric and medical social services.

(c) *Knowledge and training requisite for performance of duties.* The duties require a knowledge of the field of social case work and psychiatric or medical social work. Knowledge and understanding of the emotional aspects of illness and social components in medical care, facilities and organizations established to provide services of a medical or psychiatric nature, community organization and skill in the application of case work methods and techniques are required. This knowledge can be acquired only through study in an accredited school of social work in which the student concurrently receives competent classroom instruction in the technical principles and practices of social work and supervised practices in the application of these principles and practices, reading is directed, and the student's progress is carefuly evaluated.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860. Interprets or applies sec. 5, 58 Stat. 388; 5 U. S. C. 854)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51–4103; Filed, Apr. 5, 1951; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5632]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL SURVEYS ET AL.

Subpart—*Misrepresenting oneself and goods—Business status, advantages or connections:* § 3.1385 *Concealed interest;* § 3.1450 *Individual or private business as educational, religious or research institution;* § 3.1515 *Organization and operation; goods;* § 3.1625 *Free goods or service;* § 3.1735 *Sample, offer, or order conformance; prices;* § 3.1780 *Combination sales;* § 3.1825 *Usual as reduced or to be increased.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal;* § 3.1955 *Free goods;* § 3.1985 *Individual's special selection or situation;* § 3.2000 *Limited offers or supply;* § 3.2060 *Sample, offer or order conformance.* In connection with the offering for sale, sale or distribution in commerce, of encyclopedias, periodical supplements thereto, research service memberships, or any other book or books or publications, representing, directly or by implication, (1) that respondent is engaged in making or conducting national educational or other surveys; (2) that the prices at which respondent's books, supplements, research services, or other publications are customarily or regularly offered for sale or sold, either singly or in combination with others in the regular course of business, are reduced or introductory prices or are available

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FEDERAL REGISTER

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only to chosen or selected persons in a community or to purchasers submitting letters commending respondent's publications; (3) that encyclopedias or any other publications the cost of which is regularly included in the purchase price of respondent's research services, loose-leaf supplements, or other books sold in combination with such encyclopedias or publications, are offered "free" or as a gratuity; (4) that only a limited number of encyclopedias, works of reference or books are being offered for any reason or in any way in the community or otherwise; (5) that the regular or prevailing selling price for the encyclopedias, works of reference or other books or publications is or will be, when the books are offered for sale to the general public, greater than the price of the combination offer; (6) that the paper and bindings of the encyclopedias, reference works and other books or publications are of different quality in any respect than those which respondent has for sale and delivery or sells and delivers; (7) that he is a publisher except in connection with the sale of books which he has actually published; (8) that United Acceptance Company or any other collection agency conducted and used by him as a means of collecting sums due or alleged to be due to him is an independent collection agency or that any agency or activity used by him for the purpose of collecting money from purchasers is a bona fide purchaser for value without notice and before maturity of purchasers' conditional sales contracts and notes; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Charles U. Branch doing business as National Surveys, etc., Docket 5632, Jan. 16, 1951]

In the Matter of Charles U. Branch, an Individual

Decision of the Commission and order to file report of compliance. Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on January 13, 1949, issued and subsequently served its complaint in this proceeding upon the respondent, Charles U. Branch, an individual, charging him with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of that act. After the issuance of said complaint and the filing of respondent's answer thereto, a hearing was held before a trial examiner of the Commission theretofore designated by it, at which a stipulation was received into the record whereunder it was stipulated and agreed between respondent and Daniel J. Murphy, Chief of the Division of Litigation of the Federal Trade Commission, that the statement of facts therein contained might be taken as the facts of this proceeding in lieu of evidence in support of the charges stated in the complaint or in opposition thereto. On September 12, 1950, the trial examiner filed his initial decision.

The Commission, having reason to believe that the initial decision did not constitute an adequate disposition of this matter, on October 24, 1950, issued and thereafter served upon the parties its order placing this case on the Commission's own docket for review and affording the respondent an opportunity to show cause why said initial decision should not be altered in the manner and to the extent shown in the tentative decision of the Commission attached to said order. Respondent not having appeared in response to the leave to show cause, this proceeding regularly came on for final consideration by the Commission upon the record herein on review; and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts, conclusion drawn therefrom, and order, the same to be in lieu of the initial decision of the trial examiner:

Findings as to the Facts

PARAGRAPH 1. Respondent Charles U. Branch is an individual doing business under the trade names National Surveys and Educational Development Company. During the operation of his business as hereinafter described, and until the latter part of 1946, said respondent also used the trade name United Acceptance Company. Respondent's principal office and place of business is located at 416 West Eighth Street, Los Angeles, California, and he maintains branch offices in Seattle, Washington, Portland, Oregon, and San Diego, California.

PAR. 2. Respondent is now and for several years last past has been engaged in selling books and certain research and other services connected therewith by direct mail advertising and through salesmen or house-to-house canvassers.

PAR. 3. Respondent sells approximately fifty-nine different book items, including different sets of reference books or encyclopedias, and other works of reference in combination with research membership certificates, coupon bonds for quarterly loose-leaf extension service, loose-leaf binders, and various other books such as dictionaries, atlases, medical books, cook books, and books of fiction.

PAR. 4. Under the trade name National Surveys, the respondent sells and distributes in connection with the foregoing reference books: (1) Membership in General Research, Inc., for research service for ten years, in accordance with the terms stated in registered certificates; (2) 10-year Quarterly Supplements, including loose-leaf binders to match the encyclopedia set; and (3) other books in the combination offer selected.

The respondent also sells and distributes (1) the Home University Encyclopedia in twelve volumes; (2) membership in General Research for research service for ten years; (3) the Current International Year Book by Funk and Wagnalls; and (4) other books selected in the combination offer. This combination ranges in price from $99.50 to $139.50, depending upon the particular combination selected.

PAR. 5. In the course and conduct of his business as hereinbefore described, respondent utilizes the services of salesmen and solicitors who canvass individual prospective purchasers located in the State of California and also in two or three of the neighboring Pacific Coast States. When signed orders or contracts are received by such solicitors the orders or contracts are forwarded to the Los Angeles office of respondent and the books called for therein are usually shipped from Los Angeles, California, directly to the purchasers thereof located in the aforesaid States. In some instances the books sold as aforesaid are delivered to said purchasers by the respondent or his representatives.

PAR. 6. Respondent's salesmen or solicitors have used and are now using the following methods and practices, and have made and are now making the following representations in soliciting the sale of and in selling respondent's books:

(1) That the respondent is engaged in making or conducting national educational or other surveys, when such is not the fact.

(2) That purchasers or prospective purchasers, because of their prominence or standing in the community, profession or trade, have been selected to receive or be given "free" or at reduced introductory or low prices, the aforesaid reference books or encyclopedia sets, or other books or services, for the purpose of advertising and promoting the sales thereof, on condition that purchasers or prospective purchasers subscribe to a combination offer and furnish respondent with commendatory letters after receipt and examination of the encyclopedias, works of reference or books when, in fact, such purchasers or prospective purchasers are not especially selected or chosen. The encyclopedias, works of reference or books are not given "free" or at reduced introductory or low prices, and no testimonial or commendatory letters are required.

(3) That the price of certain combination offers covers merely the cost or price of the 10-year research service, 10-year quarterly supplements with binders to match the set, or other book or books included in such offers, and that the aforesaid reference sets or encyclopedias are given "free" to the subscriber, when such is not the fact.

(4) That only a limited number of encyclopedias, works of reference, or books are being offered, for any reason or in any way, in the community or otherwise when, in fact, there is no limitation to the offers.

(5) That the regular or prevailing selling price for the encyclopedias, works

of reference or books, is or will be, when the books are offered for sale to the general public, considerably in excess of the price of the combination offer when, in truth and in fact, such is not the case.

(6) That the paper and bindings composing the encyclopedia, works of reference and books are of the finest quality when, in fact, such is not the case.

(7) The respondent has represented by statements in his stationery and otherwise that he is the publisher of the books which are being offered for sale. Although he has published some books and pamphlets, nevertheless, the principal stock of books sold by him has been works that neither he nor any of his companies publish.

PAR. 7. In the conduct of his financial transactions for the purpose of collecting on the notes executed by purchasers of his books, the respondent has represented and now represents that United Acceptance Company is an independent collection agency and the bona fide purchaser for value without notice and before maturity of subscribers' conditional sales contracts and notes from the National Surveys and the Educational Development Company, when such is not the fact. Use of this name and company was abandoned in the latter part of 1946.

PAR. 8. The use by the respondent of the aforesaid means, methods and practices in offering for sale, sale and distribution of said books and services, in commerce as aforesaid, has had and now has a capacity and tendency to mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that said representations are true, and to induce a substantial number of the purchasing public, because of such erroneous and mistaken belief, to purchase respondent's said books and services.

PAR. 9. The complaint which issued in this proceeding charges also that respondent has used other representations and practices in connection with the distribution of his books which are alleged to be misleading. Such statements and representations pertain, among other things, to the time within which the publications are to be delivered and to the merits of certain of respondent's books in comparison with reference works available to the public from other sources. The stipulation as to the facts contained in the record does not constitute a sufficient basis for a determination of the issues presented by these additional charges and such charges accordingly are dismissed without prejudice to the right of the Commission to institute a new proceeding or to take such further or other action in the future as may be warranted by the then existing circumstances.

Conclusion. The aforesaid acts and practices of the respondent, as herein found, are all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

It is ordered, That the respondent Charles U. Branch, doing business under the trade names National Surveys, Educational Development Company, or any other name, his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of encyclopedias, periodic supplements thereto, research service memberships, or any other book or books or publications, do forthwith cease and desist from representing, directly or by implication:

(1) That respondent is engaged in making or conducting national educational or other surveys.

(2) That the prices at which respondent's books, supplements, research services, or other publications are customarily or regularly offered for sale or sold, either singly or in combination with others in the regular course of business, are reduced or introductory prices or are available only to chosen or selected persons in a community or to purchasers submitting letters commending respondent's publications.

(3) That encyclopedias or any other publications the cost of which is regularly included in the purchase price of respondent's research services, loose-leaf supplements, or other books sold in combination with such encylclopedias or publications, are offered "free" or as a gratuity.

(4) That only a limited number of encyclopedias, works of reference or books are being offered for any reason or in any way in the community or otherwise.

(5) That the regular or prevailing selling price for the encylopedias, works of reference or other books or publications is or will be, when the books are offered for sale to the general public, greater than the price of the combination offer.

(6) That the paper and bindings of the encyclopedias, reference works and other books or publications are of different quality in any respect than those which respondent has for sale and delivery or sells and delivers.

(7) That he is a publisher except in connection with the sale of books which he has actually published.

(8) That United Acceptance Company or any other collection agency conducted and used by him as a means of collecting sums due or alleged to be due to him is an independent collection agency or that any agency or activity used by him for the purpose of collecting money from purchasers is a bona fide purchaser for value without notice and before maturity of purchasers' conditional sales contracts and notes.

It is further ordered, That the respondent shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: January 16, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-4122; Filed, Apr. 5, 1951; 8:52 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter L—Irrigation Projects; Operation and Maintenance

PART 97—FLATHEAD IRRIGATION PROJECT, MONTANA

DELIVERY POINT

MARCH 30, 1951.

On February 28, 1951, there was published in the daily issue of the FEDERAL REGISTER, notice of intention to modify § 97.5 *Delivery point,* of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Montana. Interested persons were thereby given opportunity to participate in preparing the modification by submitting data or written arguments within 30 days from date of publication of the notice. No objections were submitted. Accordingly § 97.5 is modified as follows, to be effective for the season of 1951 and thereafter until further notice.

Pursuant to section 4 (a) of the Administrative Procedure Act approved June 11, 1946 (Public Law 404—79th Congress); the acts of Congress approved August 1, 1914; June 4, 1920; May 26, 1926; March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 41 Stat. 751; 44 Stat. 658; 45 Stat. 210, 25 U. S. C. 387) the general regulation dealing with the delivery of water on the Flathead Indian Irrigation Project, Montana, is hereby effective for the calendar year 1951 and thereafter until further notice:

§ 97.5 *Delivery point.* The general rules of the project shall be one delivery point at the upper boundary of the farm unit or allotment, and the project shall maintain the lateral system to that extent. In special cases where, from a cost or topographic standpoint, it is impracticable for the landowner or lessee to irrigate the entire irrigable area of his tract from one delivery point, the project engineer is authorized to establish additional delivery points but in no instance shall more than one delivery point be established and maintained when the landowner or the lessee can at a reasonable expense provide for delivery by the construction of suitable head ditches. Delivery points at and through established structures controlled, operated and maintained by the Project, shall be used by the farm unit operators as the points at which they shall take the water they have ordered irrespective of the irrigation method used. Pumping direct from Project canals and laterals will not be permitted.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

F. M. HAVERLAND,
Acting Area Director.

[F. R. Doc. 51-4086; Filed, Apr. 5, 1951; 8:45 a. m.]

PART 130—OPERATION AND MAINTENANCE CHARGES

CROW INDIAN IRRIGATION PROJECT, MONTANA

MARCH 30, 1951.

On February 28, 1951, there was published in the daily issue of the FEDERAL REGISTER, notice of intention to modify § 130.12 *Charges,* of Title 25, Code of of Federal Regulations, dealing with irrigable lands within the Crow Indian Reservation, Montana, not subject to the jurisdiction of the several irrigation districts.

Interested persons were thereby given opportunity to participate in preparing the modification by submitting data or written arguments within 30 days from date of publication of the notice. No objections were submitted. Accordingly § 130.12 is modified as follows, to be effective for the season of 1951 and thereafter until further notice.

Pursuant to section 4 (a) of the Administrative Procedure Act approved June 11, 1946, Public Law 404—79th Congress; the acts of Congress approved August 1, 1914; June 4, 1920; May 26, 1926; March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 41 Stat. 751; 44 Stat. 658; 45 Stat. 210, 25 U. S. C. 387) the charges for operation and maintenance on irrigable lands, not subject to the jurisdiction of the several irrigation districts, and to which water can be delivered either from government constructed and operated irrigation systems or from systems constructed or operated by non-government organizations, are hereby fixed on the several units within the Crow Reservation, for the calendar year 1951 and thereafter until further order, as follows:

§ 130.12 *Charges.* For the assessable area of all lands not subject to the jurisdiction of the several irrigation districts, private ditch companies or water-users association:

Under constructed works on all Government operated units excepting Coburn Ditch, per acre	$2.00
Under constructed works on the Two Leggins Unit, per acre	2.21
Under the Bozeman Trail Unit, per acre	.90
For Indian lands only, under the Lodge Grass Units 1 and 2, Reno and Agency Units, for Willow Creek Storage Works Operation and Maintenance, per acre	.10
For certain tracts of irrigable Trust Patent Indian lands within and benefited by the Two Leggins Drainage District (Contract dated June 29, 1932), per acre	.75

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

F. M. HAVERLAND,
Acting Area Director.

[F. R. Doc. 51-4088; Filed, Apr. 5, 1951; 8:46 a. m.]

PART 130—OPERATION AND MAINTENANCE CHARGES

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

MARCH 31, 1951.

On March 1, 1951 there was published in the daily issue of the FEDERAL REGISTER notice of intention to amend §§ 130.16 and 130.17 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Flathead Indian Irrigation Project not subject to the jurisdiction of the several irrigation districts. Interested persons were thereby given opportunity to participate in preparing the amendments by submitting data or written arguments within 30 days from date of publication of the notice. No objections were submitted. Accordingly §§ 130.16 and 130.17, are amended as follows, to be effective for the season of 1951 and thereafter until further order.

§ 130.16 *Charges, Jocko Division.* An annual minimum charge of $2.19 per acre shall be made against all assessable irrigable lands, not included in the Jocko Valley Irrigation District within the Jocko Division, to which water can be delivered regardless of whether water is used.

The minimum charge when paid shall be credited on the delivery of water at the following acre-foot rates:

(a) For assessable irrigable land receiving water from the Lower Jocko and Revais Creek laterals, water will be delivered in amounts equal to one acre-foot per acre for the entire assessable area of the farm unit, allotment or tract, at the rate of one dollar ($1.00) per acre-foot, and additional water will be delivered at the rate of fifty cents ($0.50) per acre-foot.

(b) For assessable irrigable lands in the Upper Jocko area, receiving water from Finley, East Finley, Agency and Big Knife Creeks, water will be delivered at the rate of seventy-five cents ($0.75) per acre-foot at any time during the irrigation season.

(c) For assessable irrigable lands in the Upper Jocko area receiving water from the Jocko River through the Jocko K lateral system, water will be delivered at the rate of fifty cents ($0.50) per acre-foot at any time during the irrigation season.

§ 130.17 *Charges, Mission Valley and Camas Divisions.* (a) A minimum charge of $2.09 per acre will be made against all assessable irrigable lands, not included in any irrigation district within the Mission Valley Division, to which water can be delivered, regardless of whether water is used.

(b) A minimum charge of $2.27 per acre shall be made against all assessable irrigable lands, not included in any irrigation district within the Camas Division, to which water can be delivered, regardless of whether water is used.

(c) The payment of the minimum charges in paragraphs (a) and (b) of this section shall entitle the farm unit, allotment or tract of land to receive one and one-half (1½) acre-feet of water per assessable irrigable acre or, in cases of shortage, the proportionate per acre share of the available water supply. For water delivered in excess of one and one-half (1½) acre-feet per assessable irrigable acre there shall be an additional charge of one dollar ($1.00) per acre-foot.

The foregoing amendments of §§ 130.16 and 130.17 of the non-district operation assessment rate order for the season of 1950 are to become effective for the season of 1951 and continue in effect until further notice.

(Secs. 1, 3, 36 Stat. 270, 272; as amended; 25 U. S. C. 385)

F. M. HAVERLAND,
Acting Area Director.

[F. R. Doc. 51-4087; Filed, Apr. 5, 1951; 8:45 a. m.]

Subchapter Y—Trading With Indians

PART 277—TRADERS ON NAVAJO, ZUNI, AND HOPI RESERVATIONS

LICENSES AND LICENSEES

Sections 277.8, 277.10, and 277.21 are amended to read as follows:

§ 277.8 *Licensee; owner of trading post.* A licensee of a trading post shall be the owner of the business. He shall be responsible to the Commissioner of Indian Affairs for the entire operation of the trading post, including acts of commission or omission of his employees, and for reports required by the Commissioner of Indian Affairs.

§ 277.10 *License period.* Licenses to trade shall not be issued unless the proposed licensee has a right to the use of the land on which the business is to be conducted. The license period shall correspond to the period of the permit or lease held by the licensee on restricted Indian land. The license period in no event shall exceed 25 years. Licenses for periods not to exceed 10 years may be issued by the area director.

§ 277.21 *License fee.* (a) An annual license fee of $50.00 shall be paid in advance by all licensed traders who are not members of the Navajo, Zuni, or Hopi Tribes. The area director shall determine the amount of such license fee to be paid by licensees who are members of the Navajo, Zuni, or Hopi Tribes. No such annual license fee shall exceed $50.00. All fees shall be deposited to the credit of the account "Indian Moneys, Proceeds of Labor, Navajo Agency (or Hopi or United Pueblos Agency)" and may be expended by the administrative official in the enforcement of the regulations in this part.

(b) On the Navajo Reservation, this license fee shall be paid on the basis of a calendar year regardless of any change in ownership of the business covered by the license unless the license be canceled for cause. When a license is issued following the cancellation of a license for cause or when a new business is established after the beginning of a calendar year, the license fee shall be determined on a quarterly basis, but the quarterly fee of $12.50 shall be charged also for a fraction of any quarter of a year. A transfer fee of $5.00 shall be collected whenever an unexpired license is transferred or assigned during a calendar year to a new owner of a trader's business.

(c) Deposits made by a temporary licensee under this part as provided by § 277.12 shall be refunded in the event a license is not issued unless the temporary licensee conducts a trading business during the period of temporary operation in which event the temporary licensee shall be charged a fee on a quarterly basis for the period during which the business was conducted and the balance of the deposit shall be refunded.

(Sec. 5, 19 Stat. 200, sec. 1, 31 Stat. 1066, as amended; 25 U. S. C. 261, 262)

OSCAR L. CHAPMAN,
Secretary of the Interior.

MARCH 30, 1951.

[F. R. Doc. 51-4089; Filed, Apr. 5, 1951; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 3, Amdt. 11]

PART 60—AIR TRAFFIC RULES

STANDARD INSTRUMENT APPROACH PROCEDURES

Under sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board is empowered to delegate to the Administrator of Civil Aeronautics the authority to prescribe rules, regulations, and standards which promote safety of flight in air commerce, and the Administrator of Civil Aeronautics is empowered to make and amend such general or special rules, regulations, and procedures as he deems necessary to exercise and perform his powers and duties under the act. Under § 60.46 of the Civil Air Regulations the Civil Aeronautics Board has authorized the Administrator of Civil Aeronautics to prescribe standard instrument approach procedures.

Acting pursuant to the foregoing statutes and regulations, standard instrument approach procedures were prescribed. Those procedures are hereby amended. This amendment is made effective without delay, in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

1. The low frequency range procedures prescribed in § 60.46–4 are amended to read in part:

LOW FREQUENCY RANGE PROCEDURES

Station; frequency; identification; class	Minimum initial approach altitude from the direction and radio fix indicated	Final approximate range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range—final approximation (ft.)	Station to airport: Magnetic bearing (deg.)	Station to airport: Distance (mi.)	Field elevation (ft.)		Ceiling and visibility minimum: Day Ceiling (ft.)	Day Visibility (mi.)	Night Ceiling (ft.)	Night Visibility (mi.)	If visual contact not established over airport at authorized landing minimums, or if landing not accomplished; remarks
PENSACOLA, FLA. Pensacola Airport 326 kc; PNS; SBRAZ-DTV	NE—1,300′ (Crestview Range) S—Minimum en route altitude SW—Minimum en route altitude N—1,300′ (W crs Crestview)	S	10 mi.—1,100′ E side S crs 15 mi.—1,100′ E side S crs 20 mi.—1,100′ E side S crs 25 mi.—1,100′ E side S crs	700	340	2.1	121	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Turn right, climb to 1,300′ and return to S crs. *Runway 35.
PITTSBURGH, PA. Allegheny Co. Airport 254 kc; PIT; SBRAZ-DTV	E—4,500′ (N crs Altoona) E—2,600′ (New Alexandria FM) SE—4,500′ (S crs Altoona) SE—2,500′ (Mount Pleasant FM) W—2,500′ (SE crs Cleveland) W—2,000′ (Cecil FM or Rbn) (final) NW—2,600′ (S crs Youngstown)	W	10 mi.—2,500′ S side W crs 15 mi.—2,700′ S side W crs 20 mi.—2,700′ S side W crs 25 mi.—2,700′ S side W crs	2,000	85	2.3	1,252	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,600′ on E crs within 25 mi, or alternate procedure (when directed by ATC), climb to 4,000′ on SE crs and hold NW of Mount Pleasant FM on SW side of SE crs. *Runway 9.
PORTLAND, MAINE Portland Airport 215 kc; PWM; BMRLZ-DTV	NE—1,800′ (Augusta Range) SE—Minimum en route altitude SW—1,700′ (Boston Range) NW—Minimum en route altitude	NW	10 mi.—1,500′ W side NW crs 15 mi.—2,000′ W side NW crs 20 mi.—2,000′ W side NW crs 25 mi.—2,500′ W side NW crs	1,000	149	2.2	60	R (R) S* A T	600 500 500 800 300	1.5 1.0 1.0 2.0 1.0	600 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,500′ on SE crs. *Runway 15.
SAVANNAH, GA. Travis Field 263 kc; SAV; SBMRLZ-DTV Hunter AFB	NE—1,400′ (Charleston Range) SE—Minimum en route altitude SW—Minimum en route altitude NW—1,300′ (NE crs Alma)	SE	10 mi.—1,100′ W side SE crs 15 mi.—1,100′ W side SE crs 20 mi.—NA. 25 mi.—NA	1,000	349	8.5	50	R A T	500 800 300	2.0 2.0 1.0	500 800 300	2.0 2.0 1.0	Climb to 1,300′ on NW crs.
	NE—1,400′ (Charleston Range) SE—Minimum en route altitude SW—Minimum en route altitude SW—600′ (Richmond Hill FM) (final). NW—1,300′ (NE crs Alma)	SW	10 mi.—1,100′ S side SW crs 15 mi.—1,100′ S side SW crs 20 mi.—1,100′ S side SW crs 25 mi.—1,100′ S side SW crs	600	51	1.8	40	R A T	500 800 300	2.0 2.0 1.0	500 800 300	3.0 2.0 2.0	Climb to 1,400′ on NE crs, or alternate procedure (when directed by ATC), turn left, climb to 1,300′ on NW crs.
SPRAGUEVILLE, MAINE Presque Isle AFB 363 kc; SPR; SMLZ-DT	N—2,500′ (Presque Isle Range) E—3,000′ (E crs Presque Isle) S—2,700′ (W crs Houlton) W—2,500′ (S crs Presque Isle)	S	10 mi.—2,700′ E side S crs 15 mi.—2,700′ E side S crs 20 mi.—2,700′ E side S crs 25 mi.—2,700′ E side S crs	2,000	9	3.6	534	R (R) S* A T	600 500 500 800 300	1.5 1.0 1.0 2.0 1.0	600 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,500′ on N crs. *Runway 1.
STUTTGART, ARK. Stuttgart Airport 269 kc; SGT; MRLWZ	N—1,500′ (NE crs Little Rock) E—1,500′ (SW crs Memphis) S—1,500′ (SE crs Little Rock) W—1,500′ (Little Rock Range)	N	10 mi.—1,500′ W side N crs 15 mi.—1,500′ W side N crs 20 mi.—1,500′ W side N crs 25 mi.—1,500′ W side N crs	1,300	173	4.5	223	R (R) S A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	NA NA NA NA NA		Climb to 1,500′ on S crs within 25 miles.
TULSA, OKLA. Tulsa Airport 245 kc; TUL; SBRAZ-DTV	NE—2,200′ (S crs Joplin) NE—1,300′ (Verdigris River FM) (final) SE—2,600′ (Van Buren Rbn) SW—2,200′ (E crs Okla. City) NW—2,300′ (S crs Wichita) NW—2,000′ (Skiatook FM)	NE	10 mi.—1,800′ N side NE crs 15 mi.—2,000′ N side NE crs 20 mi.—2,000′ N side NE crs 25 mi.—2,000′ N side NE crs	1,300	220	1.0	674	R (R) A T	500 500 800 300	1.5 1.0 2.0 1.0	500 500 800 300	1.5 1.0 2.0 1.0	Climb to 2,200′ on SW crs, or alternate procedure (when directed by ATC), turn right climb to 2,300′ on NW crs.

2. The automatic direction finding procedures prescribed in § 60.46–7 are amended to read in part:

AUTOMATIC DIRECTION FINDING PROCEDURES

Station; frequency; identification; class	Initial approach to station: From—	To—	Magnetic course (deg.)	Distance (mi.)	Minimum altitude (ft.)	Final approach track; degrees inbound; outbound	Procedure turn minimum at distances from station	Minimum altitude over station on final approach (ft.)	Distance from station to approach end of runway (mi.)	Field elevation (ft.)		Minimums: Ceiling (ft.)	Minimums: Visibility (mi.)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
ATLANTA, GA. Atlanta Airport 219 kc; AT; LOM	Campbellton Range	LOM	94	8.8	2,500	88 268	10 mi.—2,450′ S side track 15 mi.—2,450′ S side track 20 mi.—2,450′ S side track 25 mi.—2,450′ S side track	2,450	4.7	1,024	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Turn right, climb to 2,000′ on SE crs of Atlanta and proceed to Walnut Int. Alternate procedure (when directed by ATC), climb to 3,000′ on track of 90°, proceed to Walnut Int. *Runway 9R.
	Atlanta NAS Range	LOM	208	18.0	2,600									
	Atlanta Range	LOM	284	6.9	2,500									
	Int. E crs ILS & NE crs Atlanta	LOM	268	9.5	2,500									
	Int. SE crs Atlanta & S crs Atlanta VAR	LOM	311	20.3	2,600									
	Madras FM	LOM	33	19.0	2,500									
	Smyrna FM	LOM	171	18.0	2,500									
AUGUSTA, GA. Bush Field (Procedure No. 1) 385 kc; AGS; SBRAZ-DTV	Columbia Range	Range	241	73	1,600	96 276	10 mi.—1,600′ S side track 15 mi.—1,600′ S side track 20 mi.—1,600′ S side track 25 mi.—1,600′ S side track	1,140	127°, 7.3	140	R A T	600 800 300	2.0 2.0 1.0	Climb to 2,000′ on track of 107° within 25 mi. of Augusta Range.
	Charleston Range	Range	287	110	1,500									
	Atlanta Range	Range	96	136	2,200									
BEDFORD, MASS. Hanscom Field 260 kc; BE; LOM	Int. W crs Boston & NE crs Westover	LOM	116	33	3,000	112 292	10 mi.—1,600′ N side track 15 mi.—1,600′ N side track 20 mi.—2,000′ N side track 25 mi.—3,000′ N side track	1,200	4.5	135	R (R) S* A T	500 500 500 1,000 (BCOB) 300	1.5 1.0 1.0 2.0 1.0	Turn left and climb to 1,600′ returning to LOM. *Runway 11 only.
	Int. N crs Providence & SW crs Boston	LOM	12	27	1,800									
	Boston Range	LOM	302	21.5	1,700									
CHICAGO, ILL. Chicago-Midway Airport (Procedure No. 2) 219 kc; CH; LOM	Chicago Range	LOM	301	3.8	2,300	132 312	10 mi.—2,300′ W side track 15 mi.—2,300′ W side track 20 mi.—2,300′ W side track 25 mi.—2,300′ W side track	1,800	5.8	618	R (R) S*‡ A T	500 500 500 500 800 300	1.5 1.0 1.5 1.0 2.0 1.0	Climb to 2,500′ on N & S courses of Harvey, proceeding S to Momence Int., or as directed by ATC. *Night minimums. ‡Runways 13R and 13L.
	Int. SE crs Chicago & 312° bearing on LOM	LOM	312	5.8	2,300									
	Int. NE crs Joliet & 165° bearing on LOM	LOM	165	8.8	2,300									
	Int. NE crs Joliet & 68° bearing on LOM	LOM	68	10.2	2,300									
	Int. SW crs Glenview & 132° bearing on LOM	LOM	132	18.5	2,500									
CLEVELAND, OHIO Cleveland Airport 201 kc; CL; LOM	Cleveland Range	LOM	224	4.3	2,000	54 234	10 mi.—2,200′ S side track 15 mi.—2,200′ S side track 20 mi.—2,200′ S side track 25 mi.—2,200′ S side track	1,660	4.5	789	R (R) S‡ A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,600′ on track of 100° within 25 mi. CAUTION: Monitor LOM during approach. ‡Runway 5L.
	Elyria FM	LOM	123	9.1	2,000									
	Int. NW crs Akron & 54° bearing on LOM	LOM	54	8.0	2,200									
	Avon Lake FM & 171° bearing on LOM	LOM	171	9.7	2,000									
	N. Royalton FM & 303° bearing on LOM	LOM	303	10.9	2,500									
DALLAS, TEX. Love Field 371 kc; DA; LOM	Dallas Range	LOM	327	6.8	1,700	126 306	10 mi.—1,700′ N side track 15 mi.—1,700′ N side track 20 mi.—1,700′ N side track 25 mi.—1,700′ N side track	1,700	4.35	483	R (R) S‡ A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,000′ on track of 126° and proceed out E crs of Dallas or alternate procedure (when directed by ATC), turn left, climb to 2,000′ on track of 45°, intercept and proceed E on E crs Ft. Worth. ‡Runway 13. CAUTION: 1,220′ msl radio tower located 6.5 mi. W of LOM.
	Int. E crs Fort Worth & N crs Dallas	LOM	193	3.1	1,700									
	Int. E crs Dallas & 306° bearing on LOM	LOM	306	9.3	1,700									
	Int. E crs Fort Worth & 126° bearing on LOM	LOM	126	3.1	1,700									

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 3, Amdt. 11]

PART 60—AIR TRAFFIC RULES

STANDARD INSTRUMENT APPROACH PROCEDURES

Under sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board is empowered to delegate to the Administrator of Civil Aeronautics the authority to prescribe rules, regulations, and standards which promote safety of flight in air commerce, and the Administrator of Civil Aeronautics is empowered to make and amend such general or special rules, regulations, and procedures as he deems necessary to exercise and perform his powers and duties under the act. Under § 60.46 of the Civil Air Regulations the Civil Aeronautics Board has authorized the Administrator of Civil Aeronautics to prescribe standard instrument approach procedures.

Acting pursuant to the foregoing statutes and regulations, standard instrument approach procedures were prescribed. Those procedures are hereby amended. This amendment is made effective without delay, in order to promote safety of the flying public. Co pliance with the notice, procedures, a effective date provisions of section 4 the Adminis rative Procedure Act wo be impracticable and contrary to public interest, and therefore is required.

1. The low frequency range procedu prescribed in § 60.46–4 are amended read in part:

LOW FREQUENCY RANGE PROCEDURES

Station; frequency; identification; class	Minimum initial approach altitude from the direction and radio fix indicated	Final approximate range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range—final approximation (ft.)	Station to airport: Magnetic bearing (deg.)	Station to airport: Distance (mi.)	Field elevation (ft.)	Ceiling and visibility minimum	Day: Ceiling (ft.)	Day: Visibility (mi.)	Night: Ceiling (ft.)	Night: Visibility (mi.)	If visual contact not establis over airport at authori landing minimums, or if la ing not accomplished; rema
PENSACOLA, FLA. Pensacola Airport 326 kc; PNS; SBRAZ-DTV	NE—1,300′ (Crestview Range) S—Minimum en route altitude SW—Minimum en route altitude N—1,300′ (W crs Crestview)	S	10 mi.—1,100′ E side S crs 15 mi.—1,100′ E side S crs 20 mi.—1,100′ E side S crs 25 mi.—1,100′ E side S crs	700	340	2.1	121	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Turn right, climb to 1,300′ return to S crs. *Runway 35.
PITTSBURGH, PA. Allegheny Co. Airport 254 kc; PIT; SBRAZ-DTV	E—1,500′ (N crs Altoona) E—2,600′ (New Alexandria FM) SE—4,500′ (S crs Altoona) SE—2,500′ (Mount Pleasant FM) W—2,400′ (SE crs Cleveland) W—2,000′ (Ceeil FM or Rbn) (final) NW—2,600′ (S crs Youngstown)	W	10 mi.—2,500′ S side W crs 15 mi.—2,700′ S side W crs 20 mi.—2,700′ S side W crs 25 mi.—2,700′ S side W crs	2,000	85	2.3	1,252	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,600′ on E crs withi mi, or alternate proce (when directed by AT climb to 4,000′ on SE crs hold NW of Mount Plea FM on SW side of SE crs. *Runway 9.
PORTLAND, MAINE Portland Airport 215 kc; PWM; BMRLZ-DTV	NE—1,800′ (Augusta Range) SE—Minimum en route altitude SW—1,700′ (Boston Range) NW—Minimum en route altitude	NW	10 mi.—1,500′ W side NW crs 15 mi.—2,000′ W side NW crs 20 mi.—2,000′ W side NW crs 25 mi.—2,500′ W side NW crs	1,000	149	2.2	60	R (R) S* A T	600 500 500 800 300	1.5 1.0 1.0 2.0 1.0	600 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,500′ on SE crs. *Runway 15.
SAVANNAH, GA. Travis Field 263 kc; SAV; SBMRLZ-DTV	NE—1,400′ (Charleston Range) SE—Minimum en route altitude SW—Minimum en route altitude NW—1,300′ (NE crs Alma)	SE	10 mi.—1,100′ W side SE crs 15 mi.—1,100′ W side SE crs 20 mi.—NA 25 mi.—NA	1,000	319	8.5	50	R A T	500 800 300	2.0 2.0 1.0	500 800 300	2.0 2.0 1.0	Climb to 1,300′ on NW crs.
Hunter AFB	NE—1,400′ (Charleston Range) SE—Minimum en route altitude SW—Minimum en route altitude SW—600′ (Richmond Hill FM) (final) NW—1,300′ (NE crs Alma)	SW	10 mi.—1,100′ S side SW crs 15 mi.—1,100′ S side SW crs 20 mi.—1,100′ S side SW crs 25 mi.—1,100′ S side SW crs	600	54	1.8	40	R A T	500 800 300	2.0 2.0 1.0	500 800 300	3.0 2.0 2.0	Climb to 1,100′ on NE crs alternate procedure (whe rected by ATC), turn climb to 1,300′ on NW crs.
SPRAGUEVILLE, MAINE Presque Isle AFB 365 kc; SPR; SMLZ–DT	N—2,500′ (Presque Isle Range) E—3,000′ (E crs Presque Isle) S—2,700′ (W crs Houlton) W—2,500′ (S crs Presque Isle)	S	10 mi.—2,700′ E side S crs 15 mi.—2,700′ E side S crs 20 mi.—2,700′ E side S crs 25 mi.—2,700′ E side S crs	2,000	9	3.6	534	R (R) S* A T	600 500 500 800 300	1.5 1.0 1.0 2.0 1.0	600 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,700′ on N crs. *Runway 1.
STUTTGART, ARK. Stuttgart Airport 269 kc; SGT; MRLWZ	N—1,500′ (NE crs Little Rock) E—1,500′ (SW crs Memphis) S—1,500′ (SE crs Little Rock) W—1,500′ (Little Rock Range)	N	10 mi.—1,500′ W side N crs 15 mi.—1,500′ W side N crs 20 mi.—1,500′ W side N crs 25 mi.—1,500′ W side N crs	1,300	173	4.5	223	R (R) S A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	NA NA NA NA NA		Climb to 1,500′ on S crs with miles.
TULSA, OKLA. Tulsa Airport 245 kc; TUL; SBRAZ-DTV	NE—2,200′ (S crs Joplin) NE—1,300′ (Verdigris River FM) (final) SE—2,600′ (Van Buren Rbn) SW—2,200′ (E crs Okla. City) NW—2,300′ (S crs Wichita) NW—2,000′ (Skiatook FM)	NE	10 mi.—1,800′ N side NE crs 15 mi.—2,000′ N side NE crs 20 mi.—2,000′ N side NE crs 25 mi.—2,000′ N side NE crs	1,300	220	1.0	674	R (R) A T	500 500 800 300	1.5 1.0 2.0 1.0	500 500 800 300	1.5 1.0 2.0 1.0	Climb to 2,200′ on SW crs, ternate procedure (when rected by ATC), turn climb to 2,300 on NW crs

2. The automatic direction finding procedures prescribed in § 60.46–7 are am ended to read in part:

AUTOMATIC DIRECTION FINDING PROCEDURES

Station; frequency; identification; class	Initial approach to station: From—	To—	Magnetic course (deg.)	Distance (mi.)	Minimum altitude (ft.)	Final approach track; degrees inbound; outbound	Procedure turn minimum at distances from station	Minimum altitude over station on final approach (ft.)	Distance from station to approach end of runway (mi.)	Field elevation (ft.)	Minimums	Ceiling (ft.)	Visibility (mi.)	If visual contact not e lished at authorized la minimums, or if landin accomplished; remarks
ATLANTA, GA. Atlanta Airport 219 kc; AT, LOM	Campbellton Range	LOM	94	8.8	2,500	88 268	10 mi.—2,450′ S side track 15 mi.—2,450′ S side track 20 mi.—2,450′ S side track 25 mi.—2,450′ S side track	2,450	4.7	1,024	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Turn right, climb to 2,0 SE crs of Atlanta and pr to Walnut Int. Alternate cedure (when directed ATC), climb to 3,000 track of 90°, proceed to nant Int. *Runway 9R.
	Atlanta NAS Range	LOM	268	18.0	2,600									
	Atlanta Range	LOM	284	6.9	2,500									
	Int. E crs ILS & NE crs Atlanta	LOM	268	9.5	2,500									
	Int. SE crs Atlanta & S crs Atlanta VAR	LOM	311	20.3	2,500									
	Madras FM	LOM	33	19.0	2,500									
	Smyrna FM	LOM	171	18.0	2,500									
AUGUSTA, GA. Bush Field (Procedure No. 1) 385 kc; AGS; SBRAZ-DTV	Columbia Range	Range	241	73	1,600	96 276	10 mi.—1,600′ S side track 15 mi.—1,600′ S side track 20 mi.—1,600′ S side track 25 mi.—1,600′ S side track	1,110	127, 7.3	110	R A T	600 800 300	2.0 2.0 1.0	Climb to 2,000′ on track of within 25 mi. of Atla Range.
	Charleston Range	Range	287	110	1,500									
	Atlanta Range	Range	96	136	2,300									
BEDFORD, MASS. Hanscom Field 250 kc; BE, LOM	Int. W crs Boston & NE crs Westover	LOM	116	33	3,000	112 292	10 mi.—1,600′ N side track 15 mi.—1,600′ N side track 20 mi.—2,000′ N side track 25 mi.—3,000′ N side track	1,200	4.5	135	R (R) S* A T	500 500 500 1,600 (HCOB) 300	1.5 1.0 1.0 2.0 1.0	Turn left and climb to returning to LOM. *Runway 11 only.
	Int. N crs Providence & SW crs Boston	LOM	12	27	1,800									
	Boston Range	LOM	302	21.5	1,700									
CHICAGO, ILL. Chicago-Midway Airport (Procedure No. 2) 219 kc; CH; LOM	Chicago Range	LOM	301	3.8	2,300	132 312	10 mi.—2,300′ W side track 15 mi.—2,300′ W side track 20 mi.—2,300′ W side track 25 mi.—2,300′ W side track	1,800	5.8	618	R (R) * # A T	500 500 500 500 800 300	1.5 1.0 1.5 1.0 2.0 1.0	Climb to 2,500′ on N courses of Harvey, proc ing S to Momence Int., directed by ATC. *Night minimums. #Runways 13R and 13L.
	Int. SE crs Chicago & 312° bearing on LOM	LOM	312	5.8	2,300									
	Int. NE crs Joliet & 165° bearing on LOM	LOM	165	8.8	2,300									
	Int. NE crs Joliet & 68° bearing on LOM	LOM	68	10.2	2,300									
	Int. SW crs Glenview & 132° bearing on LOM	LOM	132	18.5	2,500									
CLEVELAND, OHIO Cleveland Airport 201 kc; CL, LOM	Cleveland Range	LOM	224	4.3	2,000	54 234	10 mi.—2,200′ S side track 15 mi.—2,200′ S side track 20 mi.—2,200′ S side track 25 mi.—2,200′ S side track	1,660	4.5	789	R (R) S# A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,600′ on track of within 25 mi. CAUTION: Monitor LOM ing approach. #Runway 5L.
	Elyria FM	LOM	123	9.1	2,000									
	Int. NW crs Akron & 54° bearing on LOM	LOM	54	8.0	2,200									
	Avon Lake FM & 171° bearing on LOM	LOM	171	9.7	2,000									
	N. Royalton FM & 303° bearing on LOM	LOM	303	10.9	2,600									
DALLAS, TEX. Love Field 371 kc; DA; LOM	Dallas Range	LOM	327	6.8	1,700	126 306	10 mi.—1,700′ N side track 15 mi.—1,700′ N side track 20 mi.—1,700′ N side track 25 mi.—1,700′ N side track	1,700	4.35	483	R (R) S# A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,000′ on track of and proceed out E cr Dallas or alternate proce (when directed by AT turn left, climb to 2,000′ track of 45°, intercept proceed E on E crs Worth. #Runway 13. CAUTION: 1,220′ msl tower located 6.5 mi. W LOM.
	Int. E crs Fort Worth & N crs Dallas	LOM	193	3.1	1,700									
	Int. E crs Dallas & 306° bearing on LOM	LOM	306	0.3	1,700									
	Int. E crs Fort Worth & 126° bearing on LOM	LOM	126	3.1	1,700									

AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

Station; frequency; identification; class	Initial approach to station: From—	To—	Magnetic course (deg.)	Distance (mi.)	Minimum altitude (ft.)	Final approach track; degrees inbound; outbound	Procedure turn minimum at distances from station	Minimum altitude over station on final approach (ft.)	Distance from station to approach end of runway (mi.)	Field elevation (ft.)	Minimums:	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
DEMING, N. MEX. Deming Airport 299 kc; DMN; HW	Columbus Range	Rbn	325	33	9,400	77 257	10 mi.—6,500' S side track 15 mi.—6,500' S side track 20 mi.—6,500' S side track 25 mi.—6,500' S side track	5,920	4.1	4,314	R (R) S# • A T	500 500 500 500 1,000 (BCOB) 300	1.5 1.0 1.0 1.5 2.0 1.0	Climb to 9,400 'on track of 77° within 25 mi. and return to sta. SHUTTLE: To 6,500' on track of 257° outbound, 77° inbound within 25 mi of Rbn. •Night minimums. #Runway 8L.
DUNKIRK, N. Y. Dunkirk Airport 266 kc; DKK; BH-TV	Int. E ers Clear Creek & SW ers Buffalo	Rbn	228	19	2,000	185 5	10 mi.—1,800' W side track 15 mi.—1,800' W side track 20 mi.—1,800' W side track 25 mi.—1,800' W side track	1,300	0.0	692	R A T	600 1,000 (BCOB) 300	1.0 2.0 1.0	Immediately make standard rate climbing turn to the right and climb to 2,500' on track of 244° within 10 mi. NOTE: Buffalo range and Dunkirk Rbn shall be monitored continuously during approach. Procedure not approved for acft. having stall speeds greater than 75 mph.
	Erie Range	Rbn	66	56	2,500									
JACKSON, MICH. Reynolds Field 281 kc; JXN; BMH-TV	Battle Creek Range	Rbn	92	40	2,300	135 315	10 mi.—2,200' W side track 15 mi.—2,200' W side track 20 mi.—2,200' W side track 25 mi.—2,200' W side track	1,500	0.0	1,000	R (R) A T	500 500 1,000 (BCOB) 300	1.5 1.0 2.0 1.0	Climb to 2,300' on track of 135° within 5 mi of Rbn. CAUTION: Rbn must be monitored at all times while making an ADF approach. 1,330' msl radio tower located approx 4.5 mi SE of Rbn.
	Int. SE ers Lansing & W ers Detroit	Rbn	298	21	2,300									
	Int. SE ers Lansing & 210° bearing on Rbn	Rbn	210	15	2,300									
	Int. W ers Detroit & 30° bearing on Rbn	Rbn	30	18	2,300									
LEXINGTON, KY. Blue Grass Airport 239 kc; LEX; BH-DTV	Louisville Range	Rbn	106	56	2,400	42 222	10 mi.—2,100' S side track 15 mi.—2,100' S side track 20 mi.—2,100' S side track 25 mi.—2,100' S side track	1,600	42°, 2.1	978	R (R) A T	500 500 1,000 (BCOB) 300	1.5 1.0 2.0 1.0	Climb to 2,300' on track of 42° within 15 mi of Rbn. NOTE: Rbn must be monitored continuously during approach.
	Lexington VAR	Rbn	289	9.5	2,100									
	Int. S ers Louisville & E ers Godman	Rbn	89	54	2,100									
	Int. E ers Louisville & N ers Lexington VAR	Rbn	191	18	2,300									
LONGVIEW, TEX. Gregg Co. Airport 257 kc; LLV; BHTV	Paris Rbn*	Rbn	141	102	2,000	360 180	10 mi.—1,400' E side track 15 mi.—NA 20 mi.—NA 25 mi.—NA	860	0.0	365	R (R) A T	500 500 1,000 (BCOB) 300	1.5 1.0 2.0 1.0	Turn left and climb to 2,000' on track of 180° within 25 mi of Rbn. •Paris Rbn available only by prior arrangement with Mid-Continent Airlines.
	Shreveport Range	Rbn	250	57	1,700									
	Houston Range	Rbn	360	195	2,000									
	Tyler Range	Rbn	80	42	1,900									
LOUISVILLE, KY. Standiford Field 224 kc; SD; LOM	Int. N ers Godman & W ers Louisville	LOM	113	16.0	2,100	9 189	5 mi.—2,100' W side track 15 mi.—NA 20 mi.—NA 25 mi.—NA	1,620	4.22	497	R • (R) • S# A T	600 600 500 500 500 500 300	1.5 2.0 1.0 2.0 1.0 2.0 1.0	Climb to 2,100' on track of 9° until intersecting W ers Louisville, then turn left and proceed out W ers of Louisville, or as directed by ATC. •Night minimums. #Runway 1. CAUTION: Danger Area 10 mi. S of LOM—complete procedure turn within 5 mi of LOM. Monitor LOM during ADF approach.
	Int. W ers Louisville & 189° bearing on LOM	LOM	189	7.7	2,100									
	Int. E ers Godman & S ers Louisville	LOM	322	10.9	2,100									
	Louisville Range	LOM	218	10.2	2,100									
	Louisville VOR	LOM	272	9.4	2,100									
LUBBOCK, TEX. Lubbock Airport 219 kc; LB; LOM	Lubbock Range	LOM	51	13.3	4,500	168 348	10 mi.—4,500' E side track 15 mi.—4,500' E side track 20 mi.—NA 25 mi.—NA	4,000	4.76	3,256	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 4,500' on track of 168° within 25 mi of LOM. •Runway 17.
	Int. E ers Lubbock & 348° bearing on LOM	LOM	348	6.0	4,500									

AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

Station; frequency; identification; class	Initial approach to station: From—	To—	Magnetic course (deg.)	Distance (mi.)	Minimum altitude (ft.)	Final approach track; degrees inbound; outbound	Procedure turn minimum at distances from station	Minimum altitude over station on final approach (ft.)	Distance from station to approach end of runway (mi.)	Field elevation (ft.)	Minimums:	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
MANSFIELD, OHIO Mansfield Airport 329 kc; MFD; BMHTV	Dayton Range	Rbn	59	113	2,500	130 310	10 mi.—2,500' W side track 15 mi.—2,500' W side track 20 mi.—2,500' W side track 25 mi.—2,500' W side track	2,000	0.0	1,296	R (R) A T	700 700 1,000 (BCOB) 300	1.5 1.0 2.0 1.0	Climb to 2,500' on track of 130° within 25 mi. CAUTION: Rbn must be monitored at all times while making an ADF approach.
	Elyria FM	Rbn	210	47	2,000									
	Columbus Range	Rbn	23	61	2,500									
	Int. NE ers Columbus & 310° track to Rbn	Rbn	310	3.4	2,500									
	Findlay Rbn	Rbn	105	61	2,500									
	Int. SW ers Akron & 285° bearing on Rbn	Rbn	285	35	2,500									
MINERAL WELLS, TEX. Mineral Wells Airport 284 kc; MWL; BMH-TV	Abilene Range	Rbn	67	96.5	3,000	300 120	10 mi.—2,000' *S side track 15 mi.—2,000' *S side track 20 mi.—2,000' *S side track 25 mi.—2,000' *S side track	1560	0.0	961	R A T	600 1,000 (BCOB) 300	1.0 2.0 1.0	Climb to 3,000' on track of 250° within 25 mi of Rbn. *Nonstandard account traffic control purposes. Authorized only for acft with stall speeds of 75 mph or less.
	Fort Worth Range	Rbn	253	41.5	2,500									
NEWARK, N. J. Newark Airport (using Elizabeth Rbn) 400 kc; ENJ; MHW	Int. NW ers La Guardia & 238° bearing on Rbn	Rbn	238	20	2,500	58 238	10 mi.—1,500' S side track 15 mi.—1,500' S side track 20 mi.—1,500' S side track 25 mi.—1,500' S side track	800*	2.6	18	R (R) S A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,000' within 10 mi on track of 58°, then turn left, climbing to 2,700' on heading of 290° before proceeding out W ers Newark; or alternate procedure (when directed by ATC), climb to 1,000' on track of 58°, turn left and proceed to Paterson Rbn, climbing to 2,000'. *Maintain 900' until after passing Linden Rbn or ILS LOM. #Runway 6.
	Int. SW ers La Guardia & 319° bearing on Rbn	Rbn	319	11	2,000									
	Int. E ers Allentown & 58° bearing on Rbn	Rbn	58	21	1,500									
	Metuchen FM (Final)	Rbn	58	10.5	900									
	Linden Rbn	Rbn	58	3.5	800									
	Newark Range	Rbn	238	1.5	1,500									
NEW BEDFORD, MASS. New Bedford Airport 201 kc; WB; LMM	Providence Range	LMM	107	25.8	1,500	53 233	10 mi.—1,400' S side track 15 mi.—1,400' S side track 20 mi.—NA 25 mi.—NA	700	0.66	79	R (R) A T	600 500 1,000 (BCOB) 300	1.5 1.0 2.0 1.0	Make a standard rate climbing turn to the right, return to LMM and hold at 1,400' on S side of 233° track within 10 mi of LMM.
	Int. E ers Providence & 336° bearing on LMM	LMM	336	2.7	1,400									

These procedures shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] J. S. MARRIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-4085; Filed, Apr. 5, 1951; 8:45 a. m.]

Subchapter B—Economic Regulations

[Regs., Serial No. ER-161]

PART 291—CLASSIFICATION AND EXEMPTION OF IRREGULAR AIR CARRIERS

OPERATIONAL LIMITATIONS ON EXERCISE OF TEMPORARY EXEMPTION BY LARGE IRREGULAR CARRIERS; EXTENSION OF EFFECTIVE DATE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 2d day of April 1951.

By amendment No. 1 to Part 291, adopted March 2, 1951, and effective on April 6, 1951, the Board modified the operational limitations on the exercise of the temporary exemption to engage in air transportation granted to the Large Irregular Carriers pursuant to Part 291 and section 416 (b) of the Civil Aeronautics Act. These operational limitations relate to the number, frequency and regularity of flights conducted by such Large Irregular Carriers.

Since the adoption of Amendment No. 1 to Part 291 on March 2, 1951, the Senate Small Business Committee has requested that the effective date of Amendment No. 1 be postponed in order that it may study the effect and impact of such amendment on the Large Irregular Carriers. In view of this request the Board has concluded that it should postpone the effective date of Amendment No. 1 until May 6, 1951.

For the reasons stated above notice and public procedures hereon are impracticable. Since no additional bur-

den is imposed on any person, the postponement may be made effective without prior notice.

The Civil Aeronautics Board hereby changes the effective date of Amendment No. 1 to Part 291 from April 6, 1951, to May 6, 1951.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 401, 416, 52 Stat. 987, 1004; 49 U. S. C. 481, 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-4124; Filed, Apr. 5, 1951; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

CLAIMS COGNIZABLE UNDER FEDERAL TORT CLAIMS ACT

In § 536.29, the section heading and paragraphs (c) (2), (e), and (1) (3) and (4) are amended to read as follows:

§ 536.29 *Claims cognizable under Federal Tort Claims Act.* • • •

(c) *Acts or omissions.* • • •

(2) *Scope of employment.* Acts of omissions of military personnel and civilian employees may give rise to claims payable under these regulations only if such acts or omissions occur while such military personnel or civilian employees are acting within the scope of their employment. The question whether activities of military personnel and civilian employees in the course of which such acts or omissions may occur are within the scope of employment must be determined in accordance with the law of the place where the acts or omissions occurred. These activities of military personnel and civilian employees ordinarily are within the scope of employment if the performance thereof is directed, or if of a kind the performance of which is expressly or impliedly authorized, or if the purpose is, at least in part, to serve the Government. In determining whether conduct, although not expressly authorized, is nevertheless within the scope of employment, consideration may be given to all the attendant facts and circumstances, including the time, place, and purpose of the activity; whether the activity was for the furtherance of the general interests of the Government; whether the activity is usual for personnel of the grade and classification involved or reasonably to be expected of such personnel, and whether the instrumentality from which the damage or injury resulted was owned or furnished by the Government.

A slight deviation as to time or place ordinarily will not constitute a departure from scope of employment; such a deviation, to have legal effect, usually must be a material deviation.

• • • • •

(e) *Claims of subrogors, subrogees, and insureds.* (1) Settlement of claims not exceeding $1,000 will be made solely with the subrogated insurer in cases of damage, loss, destruction, injury, or death wholly compensated for by the insurance. Where only partial subrogation exists and the combined claims of the insured and insurer do not exceed $1,000, settlement will be made with the insured, the insurer, or with both the insured and insurer. When one claim has been filed in the names of both the insured and insurer and has been signed by both, the settlement will be joint. Payment of the entire amount approved will be made by one check drawn payable to both and transmitted to the insurer. When either party files individually, separate settlement will be made with that party, whether insured or insurer, to the extent of its respective interest. In support of all claims of insured's, there should be submitted, in triplicate, a written statement, signed by the insured and bearing the same date as the claim, showing the name, address, and policy number of the insurer, whether a claim for the same damage, loss, destruction, injury, or death also has been filed or will be filed with the insurer, the amount thereof, the type and amount of insurance carried by the insured, and whether the insurer has paid or is expected to pay the claim in whole or in specified part. In support of all claims of insurers, there should be submited, in triplicate, an affidavit or other appropriate documentary evidence that payment in the same or a larger amount than that claimed has been made to the insured or on his behalf.

(2) For jurisdictional amount purposes, the claims of the insured and insurer represent merely separable interests in a single claim which interests in the aggregate must not exceed $1,000. See paragraph (b) of this section.

(3) The general principles set forth in subparagraphs (1) and (2) above, with respect to subrogation arising from insurance contracts, are applicable to all cases of subrogation. Information comparable to that indicated in subparagraph (1) above should be submitted in connection with subrogation cases which do not involve insurance.

• • • • •

(1) *Conditions of payment.* • • •

(3) Employees of the Government must have been found, in accordance with the law of the place where the act or omission occurred, to have been acting within the scope of his office or employment.

(4) Claim must be presented within 2 years after the occurrence of the accident or incident out of which the claim arises.

• • • • •

[AR 25-70, 2 Mar. 1951] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 982, as amended; 28 U. S. C. Sup., 2671-2680)

[SEAL] EDWARD F. WITSELL, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 51-4121; Filed, Apr. 5, 1951; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Amdt. 2]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

ADDITIONAL CATEGORIES, LIST DATE, FILING OF CHARTS, AND PERMITTED INCREASES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Amendment 2 to Ceiling Price Regulation 7 (16 F. R. 1872) is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation 7 adds various categories of articles to the coverage of that Regulation. The categories cover musical instruments, radio and television sets, phonographs and records; housewares, notions, luggage, sporting goods; and silverware, chinaware, glassware, jewelry, watches and clocks. The economic considerations leading to the promulgation of the regulation are equally applicable to the regulation with this extended coverage; those considerations are set forth in the statement of considerations accompanying Ceiling Price Regulation 7 issued February 27, 1951.

Not only will many retailers be required to file supplemental charts, but in addition, some retailers who formerly were not covered by the regulation or who had an option to remain under the General Ceiling Price Regulation because their volume of sales would have been, without the new categories, less than $20,000, will now be required to file "list" date pricing charts under the regulation. The "list" date for the new categories is March 31, 1951.

The new categories added to Ceiling Price Regulation 7 by this amendment bring under its coverage an estimated additional 76,000 retail stores; the extended coverage adds approximately 7 billion dollars to the annual dollar volume of retail sales governed by the regulation.

Under various OPS regulations increases in ceiling prices may be provided for manufacturers and wholesalers, all or part of which retailers may be permitted to pass on to their purchasers. This amendment adds to the regulation a provision which requires the retailer to determine his ceiling price on the basis of the basic price and permits him to add to his price so determined the portion of the increase granted his supplier which the regulation granting the increase designates as a "permitted increase."

AMENDATORY PROVISIONS

Ceiling Price Regulation 7 is hereby amended in the following respects:

1. In the Introduction, the sentence "The list date under this regulation is February 24, 1951." is amended to read:

"The list date under this regulation is February 24, 1951, except where another list date is specified in section 13 (b)."

2. Section 5 (a) is amended to read as follows:

(a) You may begin to use the applicable pricing rules after you file your chart, but you must begin to use the rules not later than April 30, 1951 (unless you are a mail order establishment subject to paragraph (b) of this section). Where under the provisions of section 11 you file a part of your chart separately, you may begin using the rules for pricing the categories in any such part after you have filed it.

3. Section 11 is amended by inserting after the heading "Filing of charts" the letter "(a)" and by adding new paragraphs (b) and (c) to read as follows:

(b) You may at your option prepare a separate list date chart for Categories 860-895; 901-924 and 940-985, and file that as a supplemental chart instead of including those categories as part of the initial list date chart prepared in accordance with this regulation. If you file a supplemental chart, you must prepare it in accordance with this regulation, numbering the pages as if they followed the last page of your original chart. One copy of this supplemental chart must be kept with your original list date chart for your use and for inspection by the OPS, and the other must be filed with your OPS office [2] or on before April 30, 1951.

(c) If, by the addition to this regulation of Categories 860-895; 901-924; and 940-985 you are a seller subject to this regulation, you must prepare two copies of a list date pricing chart in accordance with this regulation. One copy of the chart must be kept for your use and for inspection by the OPS and the other must be filed with your OPS office [1] on or before April 30, 1951.

4. Footnote 2 is amended to read as follows:

Your OPS office is the District Office having jurisdiction over the area in which your store is located. If, however, you are a mail order establishment or the type of chain which under this regulation is a separate seller, your OPS office is the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C.

5. Section 13 (b) is amended to read as follows:

(b) Your list date or list dates. Your list date is February 24, 1951, except:

(1) it is March 31, 1951, for Categories 860 to 895; 901 to 924; and 940 to 985;

(2) it is March 31, 1951, for all categories if after April 10, 1951, you first become subject to or first elect to become subject to the regulation.

In the event you were not open for business on the appropriate list date, your list date is the most recent date before that day on which you were open for business and offered for sale any article covered by the regulation.

6. Section 16 (a) is amended by substituting the phrase "the list date" for "February 24, 1951."

7. A new section, Section 30a, is added as follows:

SEC. 30a. *"Permitted increase."* Various OPS regulations may provide for increases in your supplier's ceiling prices. Some of these regulations may require your supplier to break down his price to you into two parts, the first part being the basic price and the second part a "permitted increase" (that is, the portion of the increase granted your supplier which the regulation allows you to pass on to the consumer). You must use the basic price (without adding the "permitted increase") to find your net cost for determining your ceiling price under this regulation. Then you may add the amount designated as a "permitted increase" to your ceiling price as otherwise determined under this regulation.

8. Appendix B is amended as follows:

(a) In paragraph (C) amend the title to read "Categories of Consumer Durable Goods and Related Articles."

(b) In paragraph (C) following the text for category 854, add the following categories:

(5) Categories of Musical Instruments

Category 860—Pianos, Electric Organs and Electronic Attachments for Pianos or Organs

This is a "specific" category.

Category 861—Other Musical Instruments

This category includes all musical instruments other than those in Category 860. Including but not limited to the following:

Strings
- Violins
- Violas
- 'Cellos
- Double Basses
- Mandolin
- Guitar

Wood Winds
- Clarinets
- Saxophones
- Oboes
- Bassoons
- English Horns
- Flutes
- Piccolos

Brasses
- Trumpets
- Cornets
- Trombones
- Baritones
- Basses
- Sousaphones
- French Horns

Percussion
- Drums (kettle, bass, and snare)
- Drummers' accessories such as gourds, cymbals, and maracas

Miscellaneous
- Harps
- Marimbas
- Xylophones

(6) Radios

Category 871—Table Radios
Category 872—Portable Radios
Category 873—Table Radio-Phonograph Combinations
Category 874—Amateur or Communications Type Short-Wave Table Radios
Category 875—Console and Consolette Radios
Category 876—Console Radio-Phonograph Combinations, with a net cost of less than $225
Category 877—All types of radios and radio-phonograph combinations (custom cabinet, etc.) with a net cost of $225 or more
Category 878—Radio Replacement Parts

(7) Television Sets and Television Accessories

Category 880—Table Television Sets
Category 881—Console Television Sets up to and Including 16" Picture Tube
Category 882—Console Television Sets, 17" Picture Tube and Larger
Category 883—All Television Combinations
Examples: Television-Radio Combinations
Television-Radio-Phonograph Combinations
Category 884—Television Antennae, Boosters, Accessories, Replacement Parts

(8) Phonographs and Recorders

Combinations are covered by categories 873, 876, 877, and 883.

Category 890—Record Player Attachments with a net cost of less than $17
Category 891—Record Player Attachments with a net cost of $17 and over
Category 892—Portable Phonographs and Separate Phonographs
Category 893—Magnetic Recorders, Tape or Wire (not including office equipment for recording correspondence)
Category 894—Phonograph Records (all types)
Category 895—Tape and Wire for Magnetic Recording

(9) Housewares

Categories 901 to 908 include certain housewares categories similar to those found in the housewares department of a department store or the housewares section of a hardware store. Kitchen furniture which is covered by categories 706 and 706A is not included in these categories. Category 908, a single category, covers 20 classifications of housewares.

Category 901—Household Cleaning Brushes

This category includes all types of household cleaning brushes. Excluded are personal brushes such as toilet brushes, hair brushes, etc. Examples of the articles included are:

Scrubbing brushes	Bathtub brushes
Vegetable brushes	Pastry brushes
Sink brushes	Tumbler brushes
Radiator brushes	

Category 902—Fireplace Equipment

Examples of the articles included are:

Mantels	Fireplace shovels
Screens	Artificial fireplaces
Andirons	Electric logs, etc.
Pokers	

Category 903—Household Thermometers

This category includes all types of household thermometers. Excluded from this category are clinical thermometers. Examples of the articles included are:

Oven thermometers
Outdoor thermometers
Room thermometers
Meat thermometers
Candy thermometers
Deep fat thermometers, etc.

Category 904—Kitchen Cutlery

This category includes all types of kitchen cutlery. Excluded from this category is silver cutlery which is covered by category 940. Examples of the articles included are:

Kitchen forks	Steak sets
Kitchen knives	Kitchen shears
Slicers	Kitchen saws
Carving sets and carving aids	Food choppers
Knife and fork sets	Poultry shears
	Boning shears

Category 905—Power Lawn Mowers

This is a "specific category." Hand lawn mowers (not power driven) are covered by category 908.

Category 906—Small Electrical (Houseware) Appliances

This category includes all types of small electrical houseware appliances. Excluded are large major appliances, such as refrigerators.

Examples of the articles included are:

Electric toasters	Electric roasters
Electric mixers	Electric portable heaters
Electric grills	
Electric waffle irons	Electric bottle warmers
Electric irons (including steam iron and travel irons)	Electric curling irons
	Electric hair dryers
Electric heating pads	Electric casseroles
Electric coffeemakers	Electric chafing dishes
Electric fans	
Electric ventilators	Electric corn poppers
Electric juicers	Electric egg cookers
Electric sun lamps	Electric teakettles, etc.
Electric broilers	
Electric hot plates	

Category 907—Utility Cabinets (Movable)

This category covers movable utility cabinets. Excluded are composition wardrobes which are covered by category 919. Examples of the articles included are:

Steel wardrobes and chests
Steel shelf cabinets
Broom cabinets
Wall cabinets
Base cabinets, etc.

Category 908—General Housewares

The following 20 classifications of housewares are all covered by this one category. Items not to be included in this category are noted following each classification.

1. Bathroom Accessories

Not included in Bathroom Accessories are: shower curtains and matching draperies covered by category 506B; bathroom rugs, toilet lid covers and lid cover sets covered by categories 803A and 503; and bathroom stools and chairs covered by category 716.

Examples of the articles included in Bathroom Accessories are:

Shelves	Glass rods
Towel bars	Bathroom tumblers
Soap dishes	Bathroom scales
Racks	Hampers, etc.

2. Door Chimes

3. Cleansing Equipment

Not included in Cleansing Equipment are: dish cloths covered by category 503; and household brushes covered by category 901.

Examples of the articles included in Cleansing Equipment are:

Brooms	Sponges
Mops	Carpet sweepers
Dust pans	Dusters, etc.

4. Cleaning Supplies

Examples of the articles included are:

Waxes	Deodorizers
Polishes	Powders
Cleaners	Steel wool
Cleansers	Cleansing cloth, etc.

5. Cooking Utensils (pots and pans)

Examples of the articles included are:
Aluminum ware cooking utensils
Cast iron ware cooking utensils
Tin ware cooking utensils
Copper ware cooking utensils
Glass ware cooking utensils
Enamel ware cooking utensils
Stainless steel cooking utensils
Plastic cooking utensils, etc.

6. Food Bags and Covers

Examples of the articles included are:

Bowl covers	Food bags
Bowl cover sets	Appliance covers, etc.

7. Food Preparation Devices

8. Kitchen Aids and Gadgets and Kitchen Tools

Examples of the articles included are:

Cookie cutters	Cheese knife
Corks	Ice picks
Moulds	Ice crushers
Cake turner	Beaters
Can opener	Bottle openers
Strainers	Shredders
Spatulas	Salt and pepper shakers
Measuring cup	
Basters	Tea balls
Peelers	Nut crackers
Mashers	Peppermills
Cork screws	Knife sharpeners
Ladles	Kitchen scales
Sifters	Ice-cream dippers
Slicers	Butter churns
Choppers	Food mills
Juicers	Kitchen tools, etc.
Grapefruit knife	

9. Galvanized Ware

Examples of the articles included are:

Ash cans	Water pails
Garbage cans	Wash boilers, etc.
Washtubs	

10. Garden Equipment

Not included in Garden Equipment are power lawn mowers which are covered by category 905.

Examples of the articles included in Garden Equipment are:

Weeders	Pruning shears
Rakes	Hand lawn mowers
Spades	Garden hose
Garden shovels	Sprinklers, etc.
Garden hoes	

11. Grocery Carts

12. Miscellaneous Household Equipment, Window Ventilators, Radiator Shields

Examples of the articles included are:

Humidifiers	Ventilators
Air Moistener pans	Trays
Radiators shields	Waste baskets, etc.

13. Kitchen Glassware and Pottery (including plastics)

Examples of the articles included are:

Waterbottles	Bowls and Bowl sets
Butterdishes	
Cocktail shakers	Coffeemakers (not electric)
Range sets	
Servers	Refrigerator sets, etc.
Casseroles	

14. Miscellaneous Kitchen Utensils

Examples of the articles included are:

Basins	Percolators
Double boilers	Pitchers
Colanders	Ovens
Teakettles and teapots	Canning accessories, etc.

15. Kitchen Wooden Ware (plain)

Examples of the articles included are:

Rolling pins	Spoons
Knife and fork boxes	Potato mashers
	Cutting or bread boards, etc.
Knife racks	
Pastry boards	

16. Laundry Equipment

Examples of the articles included are:

Outdoor dryers	Washboards
Indoor dryers	Wringers
Clothes baskets	Laundry bags
Clothes props	Ironing boards
Clothes pins	Sleeve boards
Clothes pin bags	Pads and covers
Curtain stretchers	Ladders, etc.

17. Oilcloth and Paper Household Needs

Examples of the articles included are:

Oil cloth	Paper bags
Chair pads	Paper doilies
Paper napkins	Paper drapes, etc.

18. Pantry Ware

Examples of the articles included are:

Cake box	Cookie jars
Canister sets	Vegetable bins
Bread boxes	Dust pans
Step-on cans	Stove mats, etc.
Floor cans	

19. Picnic Supplies

Examples of the articles included are:

Picnic jugs	Paper plates
Picnic grills	Paper cups
Picnic baskets	Vacuum bottles
Fitted picnic suit cases	

20. Rubber Kitchen Ware and Rubber Covered Wire Goods

All kinds of rubber mats and rubber implements for sink and kitchen.
Rubber covered wire goods.

(10) Categories of Notions

Category 915—Sanitary Napkins, Tampons, and Facial Tissue

Category 916—Threads and Similar Items

Examples of articles included are:

Mercerized threads	Mending and Darning Cottons
Sewing Silks	
Cottons	Buttonhole Twists
Basting	Carpet Threads

Category 917—Hair Goods

Examples of articles included are:

Make-up capes	Slumber caps
Shower caps	Hair nets
Curlers and clips	Comb cleaners
Curling irons	Bobbie Pins
Barrettes	Metallic Braids
Wire and bone hair pins	Wigs—Toupees
	Hair Rats and Switches
Combs of all types	Hair Braids
Wave caps	

Category 918—Staple and Novelty Buttons and Buckles

This category includes all buttons and buckles.

Category 919—General Notions

The following 14 classifications of notions are covered by this one category. Items not to be included in this category are noted following each classification.

1. Bathing Accessories

Examples of the articles included are:

Bathing belts
Rubber flowers
Rubber and wooden beach sandals
Cosmetic cases

2. Closet Shop Accessories

Examples of the articles included are:

Garment bags	Glove boxes
Shoe bags	Jewelry boxes
Laundry bags	Handkerchief boxes
Hat boxes	Shelf edging
Blanket boxes	Shoe, mittens, hat stands
Blanket bags	
Paper or plastic covered utility shoe chests	Pants, coat, suit, dress, skirt and blouse hangers
Composition wardrobes	Shoe racks
Hose boxes	Tie racks

3. Elastics and garters

Examples of the articles included are:

Elastic by yard (all widths)
Round garters
Girdle supporters
Hank elastic

4. Household Notions

Examples of the articles included are:

Rubber gloves
Mending cement and glue
Pressure adhesive tapes
Moth preventatives

5. Identification Tapes

This category includes all identification tapes, such as embroidered or printed name tape, tape with initials, etc.

6. Notion Novelties

Examples of articles included are:

Powder puffs	Carry-alls
Sachets	Card table covers
Wooden novelties	Plastic table covers

7. Sanitary Goods

This category does not include the following items covered by Category 204: girdles, brassieres, garter belts, sanitary aprons, and sanitary belts and supports; nor the following items covered by Category 915: sanitary napkins, tampons, facial tissue.

Examples of articles included are:

Dress shields	Rubber bloomers
Back shields	Sanitary petticoats
Chafe guards	Sanitary step-ins

8. Sewing Boxes and Stands

Examples of articles included are:

Spool holders
Knitting boxes and bags
Sewing kits

9. Sewing and gift cutlery sets

This category does not include poultry, boning and other shears which are included in Category 904.

Examples of articles included are:

All scissors, shears
Manicure scissors
Pedicure scissors
Baby scissors
Scissor sets for sewing uses
Scissor sets for manicure uses

10. Replacement Sewing Needs

Examples of articles included are:

Collars	Leather patches
Cuffs	Knitted cuffs
Neck bands	Press on mending tapes
Pockets	

11. Sewing Supplies

Examples of articles included are:

Snaps	Pins
Fasteners by cards or yard; hook and eye tape	Darners
	Tape measures
	Press weights
Carpet Binding	Collar supports
Blanket Binding	Shoulder pads
Belting	Pin cushions
Bias tape	Brassiere straps & replacement parts
Skirt markers	
Featherboning	Other small sewing needs
Seam binding	
Thimbles	
Needles	

12. Shoe Findings and Accessories

Examples of articles included are:

Shoelaces
Polishes
Dyes
Suede Brushes
Shoe trees (Men's and Women's)
Shoe polishing brushes and cloths
Shoe horns
Boot calks

13. Dryer forms

This category includes all sweater, glove and hose dryers.

14. Zippers and other slide fasteners

(11) Luggage and Sporting Goods

Category 920—Luggage and Related Items

Included are men's and women's hard-side and soft-side luggage and other related articles made of plastic, canvas, leather, fiber, nylon, etc. Not included are golf bags included in category 921.

Examples of the articles included are:

Animal carriers	Kit bags
Attache cases	Laundry cases
Binocular and Camera cases	Lockers
	Nurses bags
Boston bags	One suiters
Bottle cases	Overnight and weekend bags and cases
Brief bags and cases	
Club bags	Physicians' bags
Companion bags	Pullman cases
Duffle bags and cases	Sample cases
	Tourists' cases
Fitted cases	Traincases
Fiber cases	Trunks
Fishing rod cases	Two-suiters
Gladstone bags	Wardrobe bags and cases
Gun cases	
Hat and shoe bags	Zipper envelopes
Jackknife cases	

Category 921—Sporting Goods

This sporting goods category does not include the following: golf and tennis balls, which are included in category 922; bicycles which are included in category 923; all athletic clothing, shoes, and accessories which are included in categories 351 and 409.

Examples of articles included are:

Archery equipment
Badminton equipment
Bags (caddy, golf, punching, etc.)
Baseball equipment (bats, balls, masks, etc.)
Basket balls
Boxing, wrestling and striking bag equipment
Croquet sets and equipment
Fishing tackle
Fishing rods
Other fishing accessories
Football equipment
Golf clubs
Handball equipment
Helmets (athletic)
Hockey equipment
LaCross equipment
Shuffle board equipment
Shuttle cock
Skates (ice and roller)
Ski equipment (skis, poles, binding, etc.)
Snowshoes
Soccer balls
Softball equipment (balls, bats and masks)
Squash equipment
Surf boards
Table tennis equipment
Tennis rackets
Toboggans, bob-sleds and equipment
Volley ball equipment

Category 922—Golf and Tennis Balls

This is a "specific" category.

Category 923—Bicycles

This is a "specific" category.

Category 924—Bicycle Accessories

Examples of articles included are:

Horns
Bells
Lights, etc.

(12) Silverware, China and Glassware

Category 940—Sterling Flatware

Examples of articles included are:

Cutlery (sets and separate pieces)
Flatware (sets and individual pieces)
Serving pieces

Category 941—Plated Flatware

Examples of articles included are:

Flatware (individual pieces or sets)
Serving pieces
Cutlery with plated blades or handles (sets or separate pieces)

Category 942—Sterling or Plated Hollowware

This category includes articles of hollowware which are sterling silver, silver-plated, chromium plated, or plated with other materials.

Examples of articles included are:

Butter dishes
Vegetable dishes
Water pitchers
Cheese and cracker dishes
Casseroles
Ice buckets
Cocktail shakers
Salad sets
Salt and pepper shakers
Bowls
Candle holders
Candelabras
Trays and platters
Sugar and creamers

Category 943—Silverware Accessory Items

Examples of articles included are:

Silverware chests
Covered bags for silverware
Silverware Polishing Cloths

Category 944—Chinaware, Earthenware and Plastic Sets

Examples of articles included are:

China and earthenware and plastic sets for table use.

Category 945—Chinaware, Earthenware and Plastic, Open Stock or Individual Pieces

This category includes open stock and individual pieces of china, earthenware and plastic for table use.

Category 946—China and Earthernware Giftware

This category includes individual decorative items made of china and earthenware.

Examples of articles included are:

Vases	Ash trays
Figurines	Artificial fruit
Cigarette sets	Plaques
Bowls	

Category 950—Machine-made Glassware Sets and Individual Glass Pieces

This category does not include glass cooking ware which is covered by category 908.

Examples of articles included are:

Tumblers
Drinkware sets or separate pieces
Salt and pepper sets
Dinner, bridge and luncheon sets
Console sets and individual pieces of these sets.

Category 951—Handmade Glassware Sets and Individual Glass Pieces

This category includes hand-pressed, hand-blown and hand-molded glassware sets and individual glass pieces; and hand-cut, hand-etched, hand-painted and engraved stemware, drinkware items and individual pieces.

(13) Jewelry, Watches, and Clocks

NOTE: Categories 970–985 do not include articles described here as "precious jewelry".

"Precious jewelry" for this purpose means (1) any jewelry a component part of which is a "precious stone"; or (2) a mounting into which a "precious stone" is set when the value of such precious stone exceeds the value of the total of the other component parts of the finished article.

A "precious stone" for this purpose means a natural or cultured pearl, diamond, ruby, sapphire, or emerald. Any other genuine stone, including semi-precious stones, shall be deemed a "precious stone" when the selling price for the stone by the cutter, wholesale dealer, or importer is $25.00 or more.

Category 970—Precious Metal Jewelry (Gold, platinum, etc.)

This precious metal jewelry category does not include sterling silver jewelry which is included in Category 971.

Examples of articles included are:

Rings	Brooches
Bracelets	Lavalieres
Necklaces	Men's jewelry
Earrings	Charms
Lockets	Emblem Pins
Pendants	

Category 971—Costume Jewelry

This category includes articles which are gold filled or gold or silver plated, or are made of base metals.

Examples of articles which are included are:

Rings	Lavalieres
Bracelets	Charms
Necklaces	Emblem Pins
Earrings	Simulated pearl
Lockets	jewelry
Pendants	Bead jewelry
Brooches	Plastic jewelry

Category 972—Ring Mountings and Mountings for Other Jewelry Items

This category includes all mountings for jewelry made from gold, platinum, silver, or any other metal. (Note the exception in the headnote preceding section 970.)

Category 973—Wedding Rings

This category includes all wedding rings made of gold, platinum, silver, or any other metal.

Category 974—Religious Jewelry

Category 975—Watch attachments (Precious Metal)

This category includes articles made of gold, platinum and sterling silver.

Examples of articles included are:

Watch Bands
Watch Fobs
Watch Charms

Category 976—Watch Attachments (Other Than Precious Metal)

This category includes gold-filled, gold-plated, silver-plated, base metal, leather, plastic and any other watch attachments. Not included are watch attachments made of precious metals which are included in Category 975.

Examples of articles included are:

Watch Fobs
Watch Charms
Watch Bands

Category 977—Precious Metal Unfitted Compacts, Cigarette Cases and Miscellaneous Cases

This category includes unfitted compacts, cigarette cases and miscellaneous cases made of gold, sterling silver, platinum and other precious metals.

Examples of articles included are:

Compacts (unfitted)	Match cases
Cigarette cases	Pill boxes
Cigar cases	Snuff boxes

Category 978—Unfitted Compacts, Cigarette Cases and Miscellaneous Cases (Other Than Precious Metal)

This category includes gold-filled, gold-plated, silver-plated unfitted compacts, cigarette cases, and miscellaneous cases, and all such cases made of any base metal, plastic, wood or any other material. Excluded from this category are such cases made of precious metal which are included in Category 977.

Examples of articles included are:

Compacts (unfitted)	Snuff boxes
Cigarette cases	Match cases
	Pill boxes

Category 979—Dresser Sets and Military Sets (Precious Metal)

This category includes dresser sets and military sets made of gold, sterling silver and platinum. Excluded are infants' sets which are covered by Category 310.

Category 980—Dresser Sets and Military Sets (Other Than Precious Metal)

This category includes dresser sets and military sets made of any material other than precious metals. Excluded are the articles covered by Category 979; also excluded are infants' sets, which are covered by Category 310.

Category 981—Watches

This category includes all watches.

Category 982—Men's Jewelry (Precious Metal)

This category includes articles made of gold, sterling silver, platinum, or other precious metal.

Examples of articles included are:

Cuff links	Tie ornaments
Tie clips	Pins
Tie holders	Collar buttons

Category 983—Men's Jewelry (Other Than Precious Metal)

This category includes articles made of any material other than precious metals. Excluded are the articles made of precious metals which are included in Category 982.

Examples of articles included are:

Cuff links	Tie ornaments
Tie clips	Pins
Tie holders	Collar buttons

Category 984—Clocks (Electric)

This category includes all electric clocks.

Examples of articles included are:

Desk and table clocks	Novelty clocks
Kitchen clocks	"Grandfather" clocks
Alarm clocks	

Category 985—Clocks (Non-Electric)

This category includes all non-electric clocks.

Examples of articles included are:

Desk and table clocks	Novelty clocks
Kitchen clocks	"Grandfather" clocks
Alarm clocks	

9. Appendix E is amended by inserting after category 854 therein the following:

Category you are pricing	*Percentage markup on cost*	Category you are pricing	*Percentage markup on cost*
860	58	883	42
861	81	884	58
871	54	890	25
873	56	891	49
873	56	892	51
874	58	893	81
875	51	894	66
876	58	895	81
877	75	901	72
878	58	902	75
880	39	903	72
881	39	904	66
882	39	905	47
906	50	946	78
907	88	950	58
908	61	951	81
915	22	970	75
916	22	971	75
917	66	972	85
918	81	973	78
919	63	974	81
920	66	975	81
921	61	976	92
922	49	977	72
923	49	978	81
924	61	979	81
940	63	980	81
941	75	981	72
942	63	982	72
943	72	983	72
944	78	984	58
945	92	985	58

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Effective date: This Amendment 2 shall become effective on the 10th day of April, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 5, 1951.

[F. R. Doc. 51-4180; Filed, Apr. 5, 1951; 10:51 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 5, Amendment 2, Correction]

GCPR, SR 5—RETAIL PRICES FOR NEW AND USED AUTOMOBILES

AMENDMENT 2. ADDITIONAL GUIDE BOOKS FOR USED CARS

Correction

Due to a clerical error, several words were omitted in the list of authorized used car guide books in the General Ceiling Price Regulation, Supplementary Regulation 5, Amendment 2, effective March 19, 1951 (16 F. R. 2548). Accordingly, the list of authorized used car guide books contained in section 4 (g) is corrected as follows:

1. In the column under "Name of guide and publisher," the words "Official Used Car Survey, published by Motor Vehicle Dealers Administration, Nebraska." is corrected to read: "Official Used Car Survey, published by Motor Vehicle Dealers Administration, State of Nebraska."

2. In the column under "Territory for which guide is designated," insert the word "Nebraska" on the same line as "Official Used Car Survey, published by Motor Vehicle Dealers Administration, State of Nebraska."

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 5, 1951.

[F. R. Doc. 51-4182; Filed, Apr. 5, 1951; 10:52 a. m.]

[General Ceiling Price Regulation Supp. Reg. 16]

GCPR, SR16—ADJUSTMENT OF CEILING PRICES FOR FLUID MILK AND CREAM IN AREAS UNDER JURISDICTION OF STATE MILK CONTROL AGENCIES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stablization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 16 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 16 to the General Ceiling Price Regulation is issued for the purpose of establishing a procedure whereby a state milk control agency may petition the Office of Price Stabilization for adjustment of the ceiling prices in its marketing areas with respect to sales of milk, cream and milk products for fluid consumption. This action is taken because the General Ceiling Price Regulation contains no provision setting forth the procedure and standards for the issuance of adjustment orders applicable to cases involving the pricing of fluid milk and cream in areas subject to the jurisdiction of state milk control agencies.

The laws of several states require that state milk control agencies shall establish minimum prices to be paid to milk producers and minimum resale prices, principally for fluid milk and cream, to be charged consumers. Generally these state laws provide that the prices paid to the milk producers and the prices charged the consumers shall be such as to insure an adequate supply of pure and wholesome milk at fair and reasonable prices.

In order to coordinate the purpose of these state laws with that of the Defense Production Act of 1950, provision is made in this Supplementary Regulation for the submission by a state milk control agency of a petition showing the price adjustments which the agency believes necessary for its area, and for the approval by the Director of Price Stabilization of those price adjustments which are found to be necessary under the Defense Production Act of 1950. This regulation provides that the prices so established shall be in proper relationship with prices in other areas so as to prevent disruption of supply between milk consuming areas.

This Supplementary Regulation further provides that the state milk control agency shall submit with its petition full and complete information and data in support of the price adjustments it proposes for the marketing area involved.

Each petition for adjustment submitted by a state milk control agency will be considered for approval on the basis of the factors applicable to that particular marketing area. Therefore, this regulation does not constitute an over-all exemption of the price orders of state milk control agencies from the provisions of the General Ceiling Price Regulation, as amended.

In the judgment of the Director of Price Stabilization the provisions of this Supplementary Regulation 16 to the General Ceiling Price Regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.
1. Adjustment of ceiling prices.
2. Applicability.
3. Definitions.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *Adjustments of ceiling prices for fluid milk, cream and milk products for fluid consumption in marketing areas subject to state milk control agencies.*

(a) The Director of Price Stabilization, or any officer to whom he delegates the authority, may upon petition filed by a state milk control agency adjust the ceiling prices established under the General Ceiling Price Regulation for sales and purchases of milk, cream and milk products for fluid consumption in any marketing area under the jurisdiction of such milk control agency where he finds:

(1) That the adjustment is necessary to effectuate the purposes of the Defense Production Act of 1950; and

(2) That the adjustment is necessary to insure a sufficient quantitity of milk in the area involved, and to prevent a disruption of orderly marketing; and

(3) That the adjustment will not tend to disrupt marketing of milk, cream and milk products for fluid consumption in adjacent marketing areas; and

(4) That the adjustment is necessary to effectuate the purposes of the applicable state statutes under which the milk control agency operates.

(b) Where a state milk control agency petitions the Office of Price Stabilization for an adjustment in the ceiling prices for sales and purchases of milk, cream and milk products for fluid consumption in the area under its jurisdiction it shall submit with its petition the following information:

(1) A certified copy of the law, statute or authorization under which it operates and establishes minimum resale prices;

(2) A schedule of the minimum prices in effect during the base period in the area under its jurisdiction;

(3) The cost data substantiating the proposed minimum resale prices. These data shall include information on material costs, labor including sales commissions, services and containers used in the processing, packaging and distribution of the products for which minimum prices are established;

(4) Findings upon which the proposed changes in prices are based, and a copy of the proposed minimum price orders.

SEC. 2. *Applicability of this Supplementary Regulation.* This regulation shall apply only to ceiling prices for sales and purchases of milk, cream and milk products for fluid consumption in a marketing area under the jurisdiction of a state milk control agency where the agency is required by state law or statute to fix minimum prices for the resale of these products to consumers and others.

SEC. 3. *Definitions.* When used in this regulation the term:

(a) State milk control agency means a governmental body established pursuant to state law or statute and authorized to fix or regulate minimum prices for the sales of milk, cream and milk products for fluid consumption to consumers and other users.

(b) Marketing area means that geographical part of a state to which specific price regulations of a state milk control agency are applicable.

Effective date. This Supplementary Regulation 16 to the General Ceiling Price Regulation is effective April 6, 1951.

NOTE: The record keeping and reporting requirements contained in this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 5, 1951.

[F. R. Doc. 51-4181; Filed, Apr. 5, 1951; 10:51 a. m.]

Chapter VIII—Defense Transport Administration

[Limited Temporary Grain Port Handling Permit]

STORAGE AND HANDLING OF BULK GRAIN FOR DOMESTIC SALE OR USE

GRAIN ON HAND OR LOADED FOR MOVEMENT ON OR BEFORE APRIL 16, 1951

Pursuant to authority vested in me by DTA Delegation 3 (16 F. R. 2104) under General Order DTA 2 (16 F. R. 2035):

This limited temporary grain port handling permit is hereby issued authorizing the operator of any port terminal warehouse to store and handle at such warehouse grain intended for domestic sale or use, but not in excess of the quantity of such grain normally stored or handled thereat during 1950: *Provided, however,* That this permit shall be applicable only to grain intended for domestic sale or use received at, or loaded for movement to, such warehouse on or before April 16, 1951.

Grain intended for domestic sale or use not so received or loaded for movement on or before such date may not, under said General Order DTA 2, be stored or handled under this permit at any port terminal warehouse without a permit therefor issued to each operator upon his application.

This limited temporary permit shall become effective immediately.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title I, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp., E. O. 10200, Jan. 3, 1951,

16 F. R. 61, E. O. 10219, Feb. 28, 1951, 16 F. R. 1983)

Issued at Washington, D. C., this 5th day of April 1951.

H. K. OSGOOD,
Director, Warehousing and Storage Division, Defense Transport Administration.

APRIL 5, 1951.

[F. R. Doc. 51-4198; Filed, Apr. 5, 1951; 11:49 a. m.]

Chapter XII—Defense Minerals Administration, Department of the Interior

[MO-6]

MO-6—TUNGSTEN ORE

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. What this order does.
2. Definitions.
3. Allocation authorizations required.
4. Exemptions from allocation requirements.
5. Records and audit.
6. Reports.
7. Adjustments and exceptions.
8. Directives.
9. Communications.
10. Violations.
11. Revocation of MO-4.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to conserve and provide for an equitable distribution of the limited supply of tungsten ore and concentrates so as best to serve the interests of the national defense program and essential civilian production. It prohibits, subject to limited exceptions, deliveries of tungsten ore and concentrates not covered by allocation authorizations to be issued monthly by the Defense Minerals Administration, and requires the filing of reports monthly on inventory and anticipated supplies.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, or division thereof, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Tungsten ore" means and includes:

(1) All natural tungsten ore containing 20 percent or more of tungsten trioxide;

(2) All tungsten concentrates containing 20 percent or more of tungsten trioxide; and

(3) Synthetic scheelite, containing 20 percent or more of tungsten trioxide, produced by chemical treatment of natural tungsten ore and/or concentrates.

(c) "Producer" means any person who mines or otherwise produces natural materials containing recoverable quantities of tungsten.

(d) "Processor" means any person who beneficiates, up-grades or purifies tungsten ores.

(e) "Dealer" means any person who procures tungsten ore either by importing or from domestic sources for sale or resale without change in form, whether or not any such person received title to or physical delivery of the material.

(f) "Use" means the conversion of tungsten ore into any tungsten product except synthetic scheelite. It does not mean beneficiating, up-grading or purifying.

SEC. 3. *Allocation authorizations required.* (a) After April 30, 1951, no person shall deliver tungsten ore or accept delivery of tungsten ore in any month except in accordance with the terms of an allocation authorization issued for that month by the Defense Minerals Administration on Form MF-4.

(b) An application for an allocation authorization must be filed with the Defense Minerals Administration on Form MF-4 by the person seeking an allocation of tungsten ore. The first request shall cover requirements for the months of May and June 1951 and must be filed not later than April 15, 1951. For the following months the application must be filed not later than 45 days preceding the first day of the month in which delivery is sought. From time to time changes in the dates of filing may be made. In case of such change applicants will be notified.

(c) The allocation authorization (Form MF-4) issued will be sent by the Defense Minerals Administration to the appropriate supplier or suppliers and a copy furnished to the applicant. The supplier is required to make delivery to the extent of the applicant's purchase order within the limit of the authorization. In placing his order the applicant shall specify the date and serial number of the applicable allocation authorization. An applicant for an allocation authorization shall furnish such information with respect to the intended use of the tungsten ore as the Defense Minerals Administration may request.

(d) To prevent unauthorized consumption or use of tungsten ore in any month, after April 30, 1951, no producer, processor, or dealer shall use or consume tungsten ore except in accordance with the terms of an allocation authorization issued for that month by the Defense Minerals Administration on Form MF-4.

SEC. 4. *Exemptions from allocation requirements.* The provisions of section 3 of this order shall not apply to:

(a) Deliveries of tungsten ore to the General Services Administration for the sole purpose of stockpiling;

(b) Deliveries of tungsten ore for the purpose of resale only; and

(c) Deliveries of tungsten ore by a producer, processor, or dealer to any processor for the sole purpose of being concentrated, up-graded, or purified by the processor receiving such deliveries; however, the concentrated, purified, or up-graded ore shall be subject to allocation.

SEC. 5. *Records and audits.* Each person participating in any transaction covered by this order shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit inspection and audit by representatives of the Defense Minerals Administration to determine that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 6. *Reports.* (a) Every person who at any time during the month of April 1951 or in any subsequent calendar month, consumed, or had in his possession for consumption, tungsten ore having 50 pounds or more of contained tungsten, and every dealer who at any time during the month of April 1951, or in any subsequent calendar month, had in his possession, or under his control tungsten ore having 50 pounds or more of contained tungsten, for the purposes of sale, shall report to the Defense Minerals Administration on Form MF-5 on or before the 15th day of the following month.

(b) Every producer and every processor, who at any time during the month of April 1951 or in any subsequent calendar month, had in his possession, or under his control tungsten ore having 50 pounds or more of contained tungsten, shall report to the Defense Minerals Administration on Form MF-6 on or before the 15th day of the following month.

SEC. 7. *Adjustments and exceptions.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 8. *Directives.* The Defense Minerals Administration may from time to time issue special directives as to deliveries of tungsten ore, and unless otherwise provided therein, such directives will prevail over the provisions of this order.

SEC. 9. *Communications.* All communications concerning this order shall be addressed to the Defense Minerals Administration, Department of the Interior, Washington 25, D. C.

SEC. 10. *Violations.* Any person who wilfully violates any provision of this order, or furnishes false information or conceals any material fact in the course of operation under it, is guilty of a crime and upon conviction may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control, and to deprive him of further priorities assistance.

SEC. 11. *Revocation of Mineral Order MO-4.* Mineral Order MO-4 (Tungsten Concentrates) issued February 15, 1951, 16 F. R. 1585, is hereby revoked.

NOTE: All record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

This order shall take effect upon publication in the FEDERAL REGISTER.

JAMES BOYD,
Administrator,
Defense Minerals Administration.

[F. R. Doc. 51-4199; Filed, Apr. 5, 1951; 11:56 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 74—INTERNATIONAL MONEY-ORDER SERVICE

DIRECT EXCHANGE; LIST OF UNITED STATES EXCHANGE OFFICES

Negotiations for the exchange of money orders between the United States and the Republic of the Philippines on the international basis have been completed, and it having been agreed that the service will be put into operation on April 1, 1951, in both directions, and since compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable for the reason that such compliance would impede the due and timely execution of the functions of this Department, it is therefore ordered, that, effective April 1, 1951, Part 74 be amended as follows:

a. Amend paragraph (b) of § 74.4 *Direct Exchange* by inserting "Philippines (Republic of)" between "Peru" and "Poland" in the list of countries shown therein.

b. Amend § 74.6 *List of United States exchange offices* to read as follows:

§ 74.6 *List of United States exchange offices.* The following offices are authorized to certify money orders of United States issue: (a) New York for all countries in Africa, Europe, and South America; also for Cape Verde Islands, Lebanon, Malaya, Netherlands Indies, Palestine, Siam and Syria.

(b) New Orleans for the countries of Central America.

(c) El Paso and Laredo, for Mexico.

(d) San Francisco for Philippines (orders issued in continental United States, Alaska, Puerto Rico and the United States Virgin Islands), China, Japan (except as noted in paragraph (e) of this section); the British Crown colony of Hong Kong, New Zealand, and the Commonwealth of Australia, consisting of New South Wales, Queensland, South Australia, Tasmania, Victoria, and Western Australia.

(e) Seattle for Japan only, for all offices in Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, and Washington.

(f) Honolulu for trans-Pacific countries for offices in Hawaii only.

(g) The postmaster at Pago Pago, Tutuila, Samoa, is authorized to certify orders issued in American Samoa.

(h) Guam for orders issued in Guam payable in China, Japan, Hong Kong and Philippines.

(R. S. 161, 396, 4028, sec. 1, 25 Stat. 654, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 712)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 51-4100; Filed, Apr. 5, 1951; 8:48 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

[CGFR 51-16]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OF SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

CONTAINERS FOR DANGEROUS CARGO; AUTHORITY TO WAIVE OR RELAX REGULATIONS

The purpose for the amendments to 46 CFR 146.05-4 is to authorize the Commandant to permit the use of certain containers that are not presently authorized for the shipment of hazardous materials, upon a determination by him that the interests of national defense would be served or the interests of safety would not be impaired by such use as well as to permit the Commandant to authorize the use of certain containers in the transportation of explosives or other dangerous articles or substances which have already been authorized for use in land transportation by the Interstate Commerce Commission. Because of the national emergency declared by the President I find an emergency exists and this amendment to the regulations governing explosives or other dangerous articles on board vessels shall be made effective on the date of publication of this document in the FEDERAL REGISTER in accordance with the provisions in R. S. 4472, as amended (46 U. S. C. 170). The cancellation of 46 CFR 146.28-4, regarding authority to waive or relax regulations by the Captain of the Port is necessary since it is in conflict with the policies established under the act of December 27, 1950, Public Law 891, 81st Congress, and the order of the Acting Secretary of the Treasury, dated January 23, 1951, and identified as CGFR 51-1 (16 F. R. 731). These amendments to the regulations governing transportation of explosives or other dangerous articles on board vessels are published without prior general notice of their proposed issuance for the reason that notice, public rule making procedure, and effective date requirements in connection therewith are hereby found to be contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Order CGFR 51-1, dated January 23, 1951 (16 F. R. 731), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective on the date of publication of this document in the FEDERAL REGISTER:

SUBPART—SHIPPER'S REQUIREMENTS RE: PACKING, MARKING, LABELING, AND SHIPPING PAPERS

1. Section 146.05-4 is amended to read as follows:

§ 146.05-4 *Prescribed containers.* (a) The regulations in this subchapter prescribe four groups of outside containers for use in shipping permitted explosives or other dangerous articles or substances as follows:

(1) I. C. C. specification containers.
(2) M. I. N. specification containers. (See § 146.05-6.)
(3) C. F. C. specification containers (See § 146.05-7.)
(4) Non-specification containers.

(b) In the interest of national defense or at such times at it shall be determined that the interest of safety would not be impaired, the use of containers other than those specified in this part, for the transportation of permitted explosives and other dangerous articles or substances may be authorized in the discretion of and upon special permit to be issued by the Commandant of the Coast Guard.

SUBPART—TEMPORARY AMENDMENTS TO REGULATIONS

2. Section 146.28-4, *Authority to waive or relax regulations,* is canceled.

(R. S. 4405, as amended; 46 U. S. C. 375. Interprets or applies R. S. 4472, as amended; 46 U. S. C. 170)

Dated: March 30, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 51-4123; Filed, Apr. 5, 1951; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P & S Docket No. 143]

MARKET AGENCIES AT OMAHA UNION STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended, (7 U. S. C. 181 et seq.) an order was issued on February 20, 1951, authorizing the respondents to file and put into effect new tariffs providing for the rates currently in effect.

On March 28, 1951, respondents filed a petition requesting "the issuance of a supplemental order under which it will be possible to make certain clarifications and modifications * * * in petitioners' Tariff No. 12 * * *." The petition requests authority to make the following modifications in Tariff No. 12:

1. That section A be amended so as to authorize a charge of $1.05 per head instead of $1 per head in the "next 10 head in each consignment" bracket on cattle.

2. That the paragraph numbered 1 in connection with buying charges for cattle and calves (section F) be stricken and the following substituted in lieu thereof:

1. The minimum charge on a purchase order of cattle and/or calves shipped out by rail shall be $22 × the number of cars in which the animals are shipped out and the maximum charge shall be $28 × the number of cars in which the animals are shipped out.

3. That the paragraphs numbered 1 and 2 in connection with the buying rates for hogs (section F) be stricken and the following substituted in lieu thereof:

1. The minimum charge on hogs for immediate slaughter shipped out by rail shall be $20 per single deck car and the maximum $25 per single deck. The maximum on double deck cars shall be $32 per car.

4. That the paragraphs numbered 2 and 3 of section G be stricken and the following substituted in lieu thereof:

2. When a purchaser of livestock buys and pays for it himself, but has a market agency render any one of the following services, namely, bill it out, drive it directly to the loading-out pens, or indirectly to them by way of the facilities for spraying, vaccinating, testing, branding, castrating, etc., the charge for rendering any one or any of these services combined shall be 30 cents per head for cattle, 20 cents per head for calves, 10 cents per head for hogs, and 6 cents per head for sheep.

5. That the inspection charge of 2 cents per head provided for in section G be amended to read, "2½ cents per head (with a maximum of 50 cents up to each 25 head)."

If authorized, the modifications will produce additional revenues for the respondents and increase the cost of marketing to the shippers. Accordingly, it appears that this public notice should be given of the filing of the petition and its contents in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 2d day of April 1951.

[SEAL] KATHERINE L. MASON, *Hearing Clerk.*

[F. R. Doc. 51-4136; Filed, Apr. 5, 1951; 8:55 a. m.]

[7 CFR, Part 975]

[Docket No. AO-179-A7]

HANDLING OF MILK IN CLEVELAND, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, 900.1 et seq.), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 12th day after its publication in the FEDERAL REGISTER.

Preliminary statement. A public hearing was called by the Production and Marketing Administration, United States Department of Agriculture, on the request of the Milk Producers Federation of Cleveland, and was held on December 27-29, 1950. Proposed amendments were submitted by the Milk Producers Federation of Cleveland, the Milk Market Survey Committee, the United Milk Products Company, the Akron Milk Producers, Inc., and the Central Ohio Cooperative Milk Producers, Inc.

The material issues presented on the record of the hearing were whether the order should be amended to provide for:

(1) An increase in the Class I price differentials;

(2) A change in the classification of fluid cream with appropriate price changes;

(3) The elimination of certain transfer provisions applicable to transfers of milk between plants during delivery periods in which other source milk is received and a change in the method of allocating other source milk;

(4) A revision of the delivery performance requirements relating to the qualification of milk plants as "pool plants" and the elimination from the order of a listing of pool plants;

(5) A revision of the location adjustments applicable to producer milk received at country plants and on milk moved by handlers from country plants to the marketing area;

(6) The inclusion of a special provision for the classification and pricing of milk disposed of in other marketing areas covered by a Federal order; and

(7) A change in the pool value computation provisions.

The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

(1) The average annual minimum Class I price differential should be increased approximately 21 cents per hundredweight.

The present Class I price differentials, which are added to manufacturing milk prices to reflect supply and demand conditions affecting the market for approved fluid milk, average $1.05 per hundredweight. Different amounts are added in the different seasons of the year, primarily to provide seasonal prices to producers as an incentive for more even production throughout the year. These differentials are 85 cents in May and June, $1.00 in March, April, July and August, and $1.15 September through February.

These differentials have not been sufficient to maintain an adequate supply of milk for the Cleveland market. Dairy farmers supplying other fluid markets in Pennsylvania and Ohio and whose farms are located in the same areas as producers who supply the Cleveland market, have received higher prices for milk than the minimum prices provided by Order 75. Handlers subject to Order 75 testified that because of these differences in prices and in order to prevent producers from shifting to these other markets, it has been necessary to pay premiums over order prices. The record shows that premiums have been paid in every month since the order became effective in September 1946.

Because of the large size of the city and its location on Lake Erie, it is necessary to secure about half of the milk supply of the City of Cleveland from production areas so far distant that direct shipment from the farms to marketing area plants is not economical. Milk from these distant areas is received at country stations, minimum prices to the producers who deliver it are subject to location adjustment deductions, and handlers are allowed a location credit

on such milk moved to the marketing area. Most of the country stations receiving this milk are located within the milksheds of smaller cities and receive milk from dairy farms located among farms from which milk is shipped directly to bottling plants in the smaller cities. The price paid for such milk is not subject to location adjustments. A comparison of Class I prices in the areas where the various milksheds overlap (city prices less transportation costs) for the period from August 1949 through July 1950 show that minimum Class I prices under Order 75 were below the other markets by the following amounts: Akron, 24 cents; Columbus, 20 cents; Dayton, 34 cents; Springfield (Grade B), 9 cents; Lima, 24 cents; Toledo, 11 cents. The Cleveland Class I price adjusted to the Fort Wayne production area was six cents higher than for the latter market. In several markets the Class I prices have increased relative to Cleveland prices since the period for which these comparisons were made. Obviously, Class I minimum order prices in the Cleveland market must be increased or substantial premium payments must be continued to keep a large number of producers from shifting to these other Ohio markets. Handlers have been meeting this competitive situation by premium payments. The testimony shows, however, that even with the payment of premiums some producers have already been lost to other markets. The proposed adjustment in the minimum Class I differentials will to a large extent incorporate in the Class I price an amount no greater than that previously returned to producers in the form of premium payments. Handlers' costs, therefore, on the average, will not be increased.

Effective January 1, 1951, all milk used for fluid consumption in the form of milk, skim milk, flavored milk, buttermilk and cream in Cleveland must meet Grade A standards. It was testified that changes in equipment or methods would be required on approximately 10 percent of the farms supplying the market to meet these new requirements. The more strict health regulations will increase the difficulty of holding producers for the Cleveland market in competitive areas.

The amount of milk which is required to supply fluid consumption in the Cleveland area increased each month in 1950 over the corresponding month of 1949. Although total producer milk receipts increased in the early part of 1950 over 1949, the ratio of producer receipts to fluid sales by the fall months of 1950 was less than the corresponding period of a year ago. By November 1950 producer receipts were actually less than November 1949 while Class I utilization increased more than a million pounds. The testimony indicates that during 1951 the demand will be greater and the supply not any more or perhaps less than it was in 1950 and if the present pricing arrangements are not adjusted the market will be confronted with a serious shortage of producer milk. While the basic formula prices to which the Class I price differentials are added have increased in recent months, this increase will be reflected in the prices paid in the other competing markets which have similar pricing arrangements.

Upon the basis of these facts, it is concluded that a twenty-one cent adjustment in the average annual Class I minimum price differential coupled with the other changes provided in this decision is necessary to bring minimum prices under Order 75 in the appropriate relationship with prices in the major competing markets, reflect the prevailing supply and demand conditions and provide the Cleveland market with an adequate supply of milk.

In the interest of promoting a greater inducement for more uniform production throughout the year and to provide relatively higher prices during the seasons of the year when handlers have found it necessary to pay substantial premiums, the increase in the Class I differential should obtain chiefly in the fall and winter months. During March and April and July and August the Class I differential should be increased 10 cents per hundredweight and during the period September through February the increase should be 35 cents per hundredweight. This seasonal arrangement of Class I differentials also will be consistent with the pattern of seasonal pricing followed in most of the other major competing markets.

(2) Cream for fluid consumption should be included in Class I.

Producers proposed that cream for fluid consumption be included in Class I, but at a 45-cent per hundredweight lower price than other Class I milk and that the Class II butterfat price be lowered to the level of the Class III butterfat price. It was contended that since cream must be made from the same quality of milk as that used for fluid consumption, cream should be a Class I product and the prices for skim milk and butterfat so used should be related directly to the regular Class I price.

Milk used for cream was classified as Class I milk in the order initially issued. The order was revised so as to classify this use as Class II milk after a showing that inspection requirements were less rigid for milk used to make cream. A representative of the Cleveland Health Department testified that after the effective date of the new Grade A regulations milk used for cream for fluid consumption must meet the same standards as milk for fluid consumption. A classification and pricing of skim milk and butterfat used for cream identical to that contained in milk for fluid consumption is therefore necessary. The proposal for a lower price on part of the Class I milk which was supported solely on the basis of encouraging cream consumption, is not consistent with the showing of the need for a higher Class I price to secure sufficient approved milk to supply the market. A price for one approved milk use set below the level necessary to secure enough approved milk for all required uses must be offset in the long run by a higher price for the other uses. The long run effects of this proposal would necessitate a slightly higher cost to fluid milk consumers and a lower cost to cream consumers. A pricing arrangement which results in lower prices for one group of consumers at the expense of another group when this is not made necessary by economic or other conditions in the market is not justifiable under the act. It is concluded, therefore, that the Class I and Class II definitions should be revised to include skim milk and butterfat for fluid cream in Class I milk and the regular Class I price should apply to such use.

(3) The provisions pertaining to the allocation of other source milk (§ 975.56) and the transfer of such milk (§ 975.53) should be revised in the manner set forth below.

Under the current provisions of the order other source milk is allocated to the lowest price classification available, except during the months of October through January when each handler who receives less producer milk than 110 percent of his Class I sales is permitted to allocate other source milk received to Class I milk. This exception is permitted to the extent of the difference between 110 percent of Class I sales and producer milk receipts. Milk, the handling of which the Secretary determines to be subject to the pricing and payment provisions of another Federal order is termed exempt milk and allocated as other source milk.

Handlers proposed that other-order milk be allocated to the class in which the handler reported its use. Handlers also proposed that the pool plant qualification provisions of the order be changed to permit a plant to qualify as a pool plant in any month in which 50 percent of the dairy farm receipts are furnished to the market. In conjunction with this proposal, it was suggested that some of the objections to the current pool plant provisions also could be overcome by the proration of the receipts of other source milk, thus classifying other source milk in the same manner as producer milk. The testimony indicated that such a provision is necessary primarily during the months of lowest milk production and its application could very well be limited to that period.

Under the Cleveland health regulations, other source milk and cream which is approved for transfer from a non-pool plant to a pool plant must be produced and handled in accordance with the same health regulations as are applicable to milk designated as producer milk under Order 75. However, to be considered as producer milk under the order, this approved milk must be received at a plant designated as a pool plant. There are some plants which hold Cleveland permits as approved sources of milk and cream but are not qualified as pool plants under the order. The market has not received sufficient milk from designated pool plants to fulfill the requirements at all times of the year, and approved milk has been acquired from these non-pool plants.

There are several problems involved in ascertaining promptly pool plants status on the basis of a single month's performance, particularly of plants which may furnish relatively widely fluctuating quantities of milk or of plants which are not regular sources of supply. Producers opposed the proposal for a single month pool plant status on the

basis that plants which do not conform with the present pool plant qualification provisions of the order demonstrate that their primary interest is in other markets and their receipts should not be included in the market-wide pool. Some assurances should be given regular producers that their milk is not displaced in the higher valued uses by other source milk. Such protection, however, should not place an unreasonable restriction on the use of approved milk which is first received at a non-pool plant and transferred to a pool plant which does not have an adequate supply of producer milk. It is concluded, therefore, that during the months of October through January other source milk and cream which is approved under the applicable health regulations for fluid uses should be prorated in accordance with the total utilization of milk in the receiving handler's plant provided that the handler receives less than 110 percent of his Class I utilization as producer milk. This will replace the present provision for the allocation of other source milk under similar circumstances. During these months when additional milk may be needed it will be allocated to various classifications the same as a regular producer's milk. During the months when other source milk is not needed in the market, regular producers will be assured of securing an appropriate share of the market since the proration provision will apply only in the short supply months. Other source milk will not be allocated to the higher value uses in any month unless the handler receiving such milk does not have an adequate supply of producer milk.

The method of classifying milk transferred from a pool plant to the pool plant of another handler is set out in § 975.53 (a) of the order. Specific provisos are applicable for this classification procedure in plants receiving both producer and other source milk. Handlers proposed that these provisos be deleted from the order.

The first proviso to which objection was made requires the market administrator to classify these transfers so as to return the highest-valued class utilization to producer milk. The second proviso, which applies to transfers of producer and other source milk among several plants, provides for the allocation of the other source milk transferred to each plant on the basis of the percentage which such other source milk bears to the total quantity of the milk transferred to the receiving plant. In case other source milk is involved in transfers of milk to a bottling plant, and interhandler milk may be transferred in any class agreed upon between seller and receiver, it is necessary to prevent the replacement of producer milk in the higher valued uses by other source milk. The testimony indicates that the present provisions are reasonable in accomplishing this intent. Handlers objections go primarily to the method of allocating other source milk. In view of the proposed changes in the method of allocating other source milk during October through January, it is concluded that the transfer provisions should not be changed.

(4) The performance requirements of country plants in order to establish pool plant status should not be changed.

It is now provided that a nonpool plant which does not operate a route in the marketing area may become a pool plant only by delivering to a pool bottling plant 50 percent or more of the milk received from dairy farms during each of 6 consecutive months. It was proposed to also permit a plant to qualify as a pool plant in any single month when such an amount of milk was delivered to a bottling plant. A pool plant qualified under present order provisions remains a pool plant so long as at least 50 percent of its milk receipts from dairy farms is delivered to pool bottling plants in three of the four months of October through January and at least 10 percent in all months except April through July. Revision of the provision was proposed so as to qualify a plant as a pool plant any month in which at least 50 percent of its dairy farm milk receipts were delivered to a pool bottling plant.

A representative of the health department testified that the amount of milk available to the market, other than from country plants, is decreasing and that more country plant milk will be needed to meet increasing requirements. The lowest supply of milk in relation to sales occurs in November and December. The six months qualifying period provided in the current order must include one of the months of January, February, or March and the preceding 5 months. Since a country plant must begin to make the 50 percent shipment not later than October to qualify as a pool plant, it was claimed that present requirements make it extremely difficult to develop new sources of pool milk in the months when additional milk is needed. It was also pointed out that the use of other source milk resulted in a prohibitive cost to handlers because other source milk is allocated to the lowest value uses in the receiver's plant, except for the allocation of a limited amount to Class I milk under certain conditions.

Statistical data indicate that in October 1950 nearly 1.5 million pounds more of country pool plant milk was transferred to bottling plants than in October 1949. Receipts of producer milk at country pool plants for the two periods were about the same but for the two preceding months were over 1.5 million pounds lower in 1950. In October 1949 transfers to city plants were 67.66 percent of country pool plant receipts and 72.58 percent in October 1950.

The need for a more readily available source of approved milk in the short supply season is indicated. However, it has been concluded in connection with other issues decided upon herein that the proration of other source milk to all uses in bottling plants having an inadequate supply of producer milk in October through January should be provided. This would in effect give milk shipments from a nonpool country plant the same status as producer milk in any plant in need of such milk for Class I and Class II uses. This change will accomplish substantially the same purpose that proponents desired to accomplish by amending the pool plant provisions. It is concluded therefore that no further change in pool plant qualification provisions is required at this time.

Handlers proposed that the listing of certain plants in the order and the requirement for the publication of a list of qualified pool plants by the market administrator each month be eliminated. They pointed out that 8 of the 18 plants listed in the order are no longer pool plants. The continuation of an obsolete list is confusing to persons not familiar with the details of the pool plant qualifications provisions of the order. The list which the market administrator is required to publish each month must be determined on the basis of handlers' reports for prior months and such determinations may be changed upon audit of handlers' records. Therefore, handlers who may be interested in the status of individual plants cannot rely solely on the list published by the market administrator. For these reasons it appears that the listing of pool plants in the order and the monthly publication of a list of such plants performs no useful purpose and should be discontinued.

Handlers also proposed elimination of the proviso which exempts from the pool plants disqualification provisions of § 975.32 (b) a plant located within the marketing area owned by the Milk Producers Federation of Cleveland. Certain handlers testified that the association had refused to handle excess milk which they offered to the association during the flush production months in 1950. This plant has not been in operation during the past year. The plant has been qualified in order to permit the Association, in an emergency, to handle milk of member producers and to pay these producers the market blend price. Pool plant status of the association plant may be necessary for this purpose, and the pool plant disqualification provisions should not be made applicable to this plant.

(5) The provisions for making location adjustments in the blend prices paid producers for milk received at country pool plants and location allowances to handlers on such milk moved to the marketing area should be revised.

Under the current provisions of the order pool plants located more than thirty miles from the Public Square in Cleveland may deduct from payments to producers 15 cents per hundredweight for plants located more than 30 but less than 45 miles distant. For each additional 15 miles up to 90 miles the rate of permissible deductions is increased by 2 cents per hundredweight. For each 15 mile zone beyond 90 miles the rate is increased by one cent per hundredweight.

Producers and handlers contend that these rates are not adapted to the needs of the market, since premiums have been paid to country stations shippers at a rate per hundredweight higher than has been paid direct shippers. The higher premium payments at country stations tends to indicate that there is not a proper relationship between minimum prices provided in the order for milk delivered directly to the marketing area and to country stations.

The Cleveland market not only competes with manufacturing plants for milk but, as previously shown, increased requirements of milk in several other fluid markets have caused their milksheds to be extended into areas which formerly were exclusive suppliers for the Cleveland market. In most cases these areas are located nearer to the competing market than to Cleveland. Because of the factor of location the competing markets, even with a somewhat lower level of prices f. o. b. the market, have been able to provide higher prices at the farm than the minimum prices under Order 75.

These differences in prices may be equalized in part by increasing the class prices f. o. b. Cleveland and to a limited extent by reducing the location deductions. It is evident from the record and from the facts previously stated that any significant changes in prices at country points must be accomplished by increasing the Class I price differentials.

Producers proposed that no location deductions be made from the prices paid to producers at plants located not more than 60 miles from the marketing area and no allowance be given to handlers on milk moved from such plants. A major portion of the milk which is received at plants which are located not more than 60 miles from the marketing area is produced in areas from which milk may be safely and economically shipped directly to the marketing area.

A detailed study of hauling rates for the month of March 1949 shows that the average hauling rate on milk which is moved from the farm directly to handlers plants located in the Cleveland marketing area is 33.6 cents per hundredweight. Some direct shipped milk originates as far as 100 miles from the marketing area.

Because the average distance traveled by about three-fourths of the truck routes on which more than 60 percent of the direct shipped milk is moved is less than 70 miles, it is apparent that a major portion of the direct shipped milk originates at farms within a 60-mile radius of the market. The weighted average hauling rate applicable to this milk is 31.6 cents per hundredweight.

The weighted average hauling rate from farms to country pool plants located within 60 miles of the city is 25.3 cents per hundredweight. The present location adjustments in this zone are 15 and 17 cents. Thus, under the provisions of the order and on the average, direct shippers located within 60 miles of the city realize at the farm between 9 and 10 cents per hundredweight more for their milk than shippers to country stations. Under these conditions it would be expected that many of the country station shippers would become direct shippers. The testimony indicated, however, that producers continue to sell their milk to these country stations for several reasons. At times larger premiums have been paid country station shippers than to direct shippers. Farmers have sold their milk through these local plants for a number of years and are reluctant to change their method of sale. Approximately 20 of the bottling plants located within the marketing area have not installed equipment to handle milk received directly from producers and prefer to secure their supplies in tank truck from nearby country plants. Under these circumstances, it would appear that either the handlers who do not maintain receiving facilities should pay the extra cost of acquiring milk through these country plants or producers who are in a position to ship direct to the marketing area and prefer to sell their milk through country stations should bear part of this additional cost. These objectives can be accomplished by eliminating a fixed location adjustment to handlers on milk moved to the marketing area from these nearby plants and permitting the operators of such plants to deduct from the price paid producers, if competitive conditions permit, a location adjustment on such milk. Such a deduction would replace the present handler location allowance. Additional costs of acquiring milk through these nearby country stations would then be contributed by either the individual handlers or the producers involved, rather than by all producers as under the present pooled handler allowances. Such a provision for permissive adjustments in the prices paid to producers should promote costs of milk to bottling plants supplied by the nearby country plants more comparable with costs of milk of competing handlers who receive their supplies either directly from producers or from their own country plants. Producers supplying these nearby country plants may also realize a hundredweight return more nearly in accord with the return of producers who ship their milk directly to the marketing area. It is concluded that a maximum allowable deduction at plants located in the 30- to 60-mile zone should be 13 cents per hundredweight. This rate is the equivalent of the rates recommended for the more distant zones.

Handlers proposed that the location adjustments to producers be reduced to 10 cents on milk received at plants located more than 30 and not more than 75 miles from Cleveland and an additional one cent allowed for each 15-mile zone thereafter. They proposed no change in the location allowance rate to handlers.

The adjustment of prices to be paid producers who may deliver milk to country plants is intended to result in prices which reflect the economic value of this milk to the principal market for which it is produced. The location adjustments to handlers are also intended to equalize the cost of milk among handlers who may procure their supplies at different locations in the production area. The value of milk at the various locations in the milkshed is influenced primarily by differences in transportation costs. This principle was followed in establishing the adjustments which were provided in Order 75 at the time it was issued in 1946.

If, as contended by handlers, location adjustments to producers must be reduced to meet competitive prices for milk of other markets at any particular point in the supply area, it follows that the cost to handlers of milk moved to the marketing area from the same point (f. o. b. price less the location allowance to handlers) should also reflect this competitive situation.

Obviously, any reduction in the producer location adjustment at country points will tend to increase the returns of producers delivering to such points but the effects of such a proposal have several serious long run economic consequences. Under the pooling arrangements of Order 75, any reduction in the producer location adjustment at country plants without a corresponding reduction in the handler location allowance reduces returns to producers who ship milk directly to the marketing area. Slightly more than 50 percent of the total receipts from producers is shipped directly from the farm to pool plants located in the marketing area. In order to encourage and maintain the production of milk in the nearby areas, only minor reductions in prices received by Cleveland producers in these areas relative to the prices received by more distant producers, therefore, should be made. Without other safeguards this would permit the development of more distant sources of fluid milk supplies and increase the costs of acquiring an adequate supply for the market.

The decisions by handlers as to whether or not sources of supply will be developed at country points depends also on the allowances given to handlers on milk moved to the marketing area. If these allowance rates are reduced to correspond with the reduction in location adjustments to producers, to something less than the actual cost of moving milk to the marketing area, some of the advantages of building up supplies at more distant points are removed. The reduction in the prices received by direct shippers relative to country station shippers is maintained at a minimum.

It appears that some adjustment may be made in the relative prices which country station producers receive for milk without encouraging uneconomic developments in securing the milk supply. It appears that a reasonable adjustment may be accomplished by applying in the 60 to 75 mile zone the present 15 cent rate which now applies in the 30 to 45 mile zone and allowing an additional one cent increase in the rate for each additional 15 mile zone. This change will increase the returns of producers who ship milk to the more distant country stations by 4 cents per hundredweight relative to direct shippers. Any increase in handlers' costs from the change in the location adjustments will be limited primarily to the amount of milk and cream moved to the marketing area from country stations while producers delivering milk to these plants will receive a relatively higher return on their total deliveries. This change should assist in eliminating the necessity for the payment of premiums to producers at country plants and promote a more equitable price structure than has prevailed under the present order.

It has been concluded that a 20 cent increase should be made in the Class I price differential. This increase in conjunction with the above mentioned change in location adjustments will result in an increase in the minimum blend

order prices to producers of approximately 15 cents for direct shippers, 17 to 19 cents for producers shipping to country stations within 60 miles of the marketing area and approximately 19 cents for other country station shippers.

(6) No special provision should be made for milk disposed of in other areas covered by a Federal order.

It was proposed that the order provide for pricing milk disposed of in the marketing area of another Federal order at the price for the use of such milk under that order if higher than such price under the Cleveland order. The specific problem presented was the disposition of butterfat and skim milk in the Columbus, Ohio, area by a Cleveland handler for use in ice cream.

In opposition to the proposal it was pointed out that dairy products, particularly cream, are sold by Cleveland handlers in many distant markets and in areas where the conditions determining the use values of milk are greatly different from conditions in the Cleveland area. Prices in these distant areas are not to be appropriately applied to producer milk at Cleveland. Ice cream manufactured and sold in Columbus by a person who does not operate a milk distributing plant is not subject to the order in that market. The proposal, however, would apply certain pricing provisions of the Columbus order to such a person who happened to be a handler under the Cleveland order. It appears that any problems of inequitable pricing may better be handled under the provisions of the order regulating the area where the milk is finally utilized.

(7) No change should be made in the pool value computation provisions.

The order provides that the value of milk of handlers who are in default in payments required to be made to the producer-settlement fund for the preceding period be excluded in computing the uniform price. Handlers proposed that this provision be eliminated. It was shown that under extreme conditions of almost universal default in payments, unwarranted variations in the uniform price might occur. However, such a situation is highly improbable. This same change was proposed at a previous hearing and it was concluded at that time that the provision objected to was intended to insure the solvency of the producer-settlement fund and should not be deleted. No evidence was submitted to indicate that this conclusion should be changed.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers. The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendment. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions herein before set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendments to the order. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed to be further amended:

1. Delete § 975.30 (b) and substitute therefor the following:

(b) A plant which either was a pool plant on December 31, 1950, or has become a pool plant pursuant to paragraph (c) of this section.

2. Delete § 975.51 (a) (1) and substitute therefor the following:

(1) Disposed of in fluid form as milk, skim milk or buttermilk (except for livestock feed); flavored milk or flavored milk drinks; sweet or sour cream; or eggnog;

3. Delete § 975.51 (b) and substitute therefor the following:

(b) Class II milk shall be all skim milk and butterfat used to produce any milk product not specified in Class I milk or Class III milk and containing 8 percent or more of butterfat; ice cream, imitation ice cream, and other frozen desserts and mixes for such products (liquid or powdered); frozen cream; or cottage cheese.

4. Redesignate paragraphs (e) and (f) of § 975.56 as paragraphs (d) and (e) respectively, and delete paragraphs (b), (c) and (d) and substitute therefor the following:

(b) For the delivery periods of October, November, December and January, if the total pounds of butterfat received from producers and pool plants is less than 110 percent of the total pounds of butterfat classified as Class I milk, not including reconstituted skim milk or Class I milk transferred to pool plants or non-pool plants, subtract pro rata from the pounds of butterfat remaining in each class the pounds of butterfat received in other source milk.

(c) Except as provided in paragraph (b) of this section, subtract from the pounds of butterfat remaining in each class in series beginning with the lowest priced utilization the pounds of butterfat received in other source milk.

5. Delete § 975.61 (a) and (b) and substitute therefor the following:

(a) Add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	*Amount*
May and June	$0.85
March, April, July, and August	1.10
All others	1.50

(b) The price of butterfat shall be the amount obtained in paragraph (a) of this section multiplied by 20.

6. Insert "(b)" following the figure "975.81" in paragraph (c) of § 975.73.

7. Delete § 975.71 and substitute therefor the following:

§ 975.71 *Location adjustments to handlers.* With respect to the actual weight of any product named in Class I and Class II which is (a) moved directly to the marketing area from a pool plant located outside the marketing area; and (b) disposed of outside the marketing area as Class I or Class II milk from a pool plant so located there shall be deducted in the computation of the handler's pool value with respect to such amounts moved or disposed of from plants located more than 60 miles but not more than 75 miles by shortest highway distance from the Public Square, Cleveland, Ohio, as determined by the market administrator, 15 cents per hundredweight, from plants located as so determined more than 75 miles but not more than 90 miles, 17 cents per hundredweight and an additional 1 cent for each additional 15 mile zone: *Provided*, That such adjustment shall be limited to an amount of the specified items so moved which could be derived from the milk received from producers at such plants.

8. Delete § 975.81 and substitute therefor the following:

§ 975.81 *Location adjustments to producers.* In making payments pursuant to paragraphs (a) and (b) of § 975.80, a handler may deduct, with respect to all milk received from producers at a plant outside the marketing area and located, as determined by the market administrator, by shortest highway distance from the Public Square in Cleveland, Ohio.

(a) More than 30 miles but not more than 60 miles, an amount not to exceed 13 cents; and

(b) More than 60 miles but not more than 75 miles, an amount not to exceed 15 cents, more than 75 miles but not more than 90 miles, an amount not to exceed 17 cents, and an additional 1 cent for each additional 15 mile zone.

9. Insert following the figure "975.80" in paragraph (a) of § 975.84 the following: "before subtracting any location adjustment pursuant to § 975.81 (a)."

10. Insert following the figure "975.80" in § 975.85 the following: "before subtracting any location adjustment pursuant to § 975.81 (a)."

Filed at Washington, D. C., this 2d day of April 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 51-4137; Filed, Apr. 5, 1951; 8:56 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order No. 438]

DIVISION OF ADMINISTRATION

DELEGATION OF AUTHORITY TO CHIEF TO FURNISH COPIES OF RECORDS

SECTION 1. *Copies of records.* The Chief, Division of Administration, or such qualified employee of that Division as he may designate, may furnish in accordance with the applicable regulations and procedures copies and exemplifications of patents, plats and other records of the Bureau.

SEC. 2. *Revocation.* This order supersedes section 9 of Order No. 428 of August 16, 1950 (15 F. R. 5643), which section is hereby revoked.

ROSCOE E. BELL,
Associate Director.

Approved: March 29, 1951.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-4090; Filed, Apr. 5, 1951; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

A/S J. LUDWIG MOWINCKELS REDERI ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 7815, between A/S J. Ludwig Mowinckels Rederi and Bull Insular Line, Inc., covers transportation of general cargo under through bills of lading from ports in the French North Atlantic Range—Bordeaux to Dunkirk—to Puerto Rico, with transshipment at New York, Baltimore or Philadelphia.

Agreement No. 7547-2, between Frank C. Strick & Co., Ltd., and the carriers comprising the Ellerman and Bucknall Associated Lines Joint Service, modifies the approved Strick-Ellerman Joint Service Agreement (No. 7547-1) by substituting therein the carriers comprising said Ellerman and Bucknall Associated Lines (Ellerman Lines, Limited, Ellerman & Bucknall Steamship Co. Ltd., Hall Line, Limited, and The City Line, Limited) for Ellerman & Bucknall Steamship Co., Ltd. Agreement 7547-1 covers the trade from U. S. Atlantic and Gulf ports to ports in the Mediterranean, Adriatic and Black Seas, the Red Sea and the Persian Gulf, and connecting tributary and adjacent waters.

Agreement No. 6010-8, between the member lines of the Straits/New York Conference, corrects certain inconsistent terms and obsolete designations in the basic agreement of said Conference (No. 6010, as amended) which covers the trade from the Colony of Singapore and Federation of Malaya to U. S. Atlantic and Gulf ports.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification together with request for hearing should such hearing be desired.

Dated: April 3, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-4118; Filed, Apr. 5, 1951; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6329]

NEW ENGLAND POWER CO.

NOTICE OF ORDER CONSENTING TO WITHDRAWAL OF SUSPENDED RATE SCHEDULE

APRIL 2, 1951.

Notice is hereby given that, on March 29, 1951, the Federal Power Commission issued its order entered March 28, 1951, consenting to withdrawal of suspended rate schedule, terminating proceedings and allowing revised rate schedule to take effect in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4097; Filed, Apr. 5, 1951; 8:48 a. m.]

[Docket No. E-6342]

BLACK HILLS POWER AND LIGHT CO. AND RUSHMORE G. & T. ELECTRIC COOPERATIVE, INC.

NOTICE OF ORDER AUTHORIZING AND APPROVING LEASE AND MERGER OF FACILITIES

APRIL 2, 1951.

Notice is hereby given that, on March 29, 1951, the Federal Power Commission issued its order entered March 28, 1951, authorizing and approving lease and merger of facilities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4098; Filed, Apr. 5, 1951; 8:48 a. m.]

[Docket No. E-6344]

MOUNTAIN STATES POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

APRIL 2, 1951.

Notice is hereby given that, on March 29, 1951, the Federal Power Commission issued its order entered March 28, 1951, authorizing issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4096; Filed, Apr. 5, 1951; 8:48 a. m.]

[Docket No. G-1308]

SOUTHERN NATURAL GAS CO.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 2, 1951.

Notice is hereby given that, on March 29, 1951, the Federal Power Commission issued its order entered March 27, 1951, supplementing order issued May 18, 1950, published in the FEDERAL REGISTER on May 27, 1950 (15 F. R. 3296), in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4091; Filed, Apr. 5, 1951; 8:46 a. m.]

[Docket No. G-1515]

PEOPLES NATURAL GAS CO.

NOTICE OF ORDER DISMISSING APPLICATION IN PART

APRIL 2, 1951.

Notice is hereby given that, on March 27, 1951, the Federal Power Commission issued its order entered March 27, 1951, dismissing application, in part, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4092; Filed, Apr. 5, 1951; 8:46 a. m.]

[Project No. 1521]

PELICAN COLD STORAGE CO. AND PELICAN UTILITY CO.

NOTICE OF ORDER APPROVING TRANSFER OF LICENSE (MAJOR)

APRIL 2, 1951.

Notice is hereby given that, on March 28, 1951, the Federal Power Commission issued its order entered March 27, 1951, approving transfer of license (Major) in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-4094; Filed, Apr. 5, 1951; 8:47 a.m.]

[Docket No. G-1516]

STATE LINE GAS CO.

NOTICE OF ORDER DISMISSING APPLICATION

APRIL 2, 1951.

Notice is hereby given that, on March 27, 1951, the Federal Power Commission issued its order entered March 27, 1951, dismissing application in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-4093; Filed, Apr. 5, 1951; 8:46 a. m.]

[Docket No. G-1640]

PUBLIC SERVICE CORP. OF TEXAS

NOTICE OF APPLICATION

APRIL 3, 1951.

Take notice that Public Service Corporation of Texas (Applicant), a Delaware corporation, address, Fort Worth, Texas, filed on March 26, 1951, an application for an order pursuant to section 7 (a) of the Natural Gas Act, as amended, directing Northern Natural Gas Company (Northern Natural) a Delaware corporation, address, Omaha, Nebraska, and Cities Service Gas Company (Cities Service) a Delaware corporation, address, Oklahoma City, Oklahoma, or either of them, to establish physical connection of their transportation facilities with the facilities of Applicant, and to sell and deliver to Applicant natural gas for delivery to Applicant's consumers.

Applicant states that its presently available supply of natural gas is limited by its contract with Warren Petroleum Company, and that such supply is inadequate during peak load periods and in times of emergency. Applicant proposes the establishment of a tie-in between its facilities and the lines of Northern Natural or Cities Service at the point where their facilities cross those of Applicant. Applicant states that it has no supply of gas available to it other than that now obtained from Warren Petroleum Company. Applicant proposes to utilize the additional supply of gas requested in its application to continue its present service. A total volume of not in excess of 2,000 Mcf per day of natural gas during peak loads and gas necessary for emergencies on Applicant's system is requested in the application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 20th day of April 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-4120; Filed, Apr. 5, 1951; 8:52 a. m.]

[Docket No. G-1643]

CHICAGO DISTRICT PIPELINE CO.

NOTICE OF APPLICATION

APRIL 2, 1951.

Take notice that Chicago District Pipeline Company (Applicant) an Illinois corporation, address, Joliet, Illinois, filed on March 28, 1951, an application for an order pursuant to section 7 (b) of the Natural Gas Act authorizing and approving the abandonment of its gas sales service now being rendered by means of Applicant's natural-gas pipeline system.

Applicant presently purchases natural gas from Natural Gas Pipeline Company of America (Natural Gas) which gas is transported and resold by Applicant to Public Service Company of Northern Illinois (Public Service). The Peoples Gas Light and Coke Company (Peoples Gas) and Northern Indiana Public Service Company (NIPSCO). Applicant takes delivery of such gas at six locations, one each in La Salle County, Lake County, and Will County, Illinois, and three in McHenry County, Illinois. Applicant's customers have each entered into service agreements whereby they will purchase natural gas from Natural Gas and Texas Illinois Natural Gas Pipeline Company (Texas Illinois) and delivery of all or portions thereof into Applicant's pipeline system is proposed to be made at a point near Joliet, Will County, Illinois. Applicant proposes to abandon the service now being rendered to Public Service from the points in La Salle County, Lake County and McHenry County, Illinois. Effective upon abandonment of its gas sales service, Applicant proposes to render transportation service only to its three customers at rates set forth in its proposed F. P. C. Gas Tariff.

No new facilities are proposed to be constructed by Applicant under the new arrangement.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 20th day of April 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-4095; Filed, Apr. 5, 1951; 8:47 a. m.]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF ORDER DIRECTING DISPOSITION OF AMOUNTS

APRIL 2, 1951.

Notice is hereby given that, on March 28, 1951, the Federal Power Commission issued its order entered March 27, 1951, directing and approving disposition of amounts classified in Accounts 100.5 and 107 and modifying orders of August 31, 1945, and July 3, 1947, in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-4099; Filed, Apr. 5, 1951; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, King's I. C. C. Order 44]

NASHVILLE, CHATTANOOGA AND ST. LOUIS RAILWAY

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Homer C. King, Agent, the Nashville, Chattanooga and St. Louis Railway because of high water, is unable to transport traffic routed over its lines between Hobbs Island and Guntersville. *It is ordered*, That:

(a) Rerouting NC&StL traffic: The Nashville, Chattanooga and St. Louis Railway is hereby authorized and directed to reroute or divert traffic moving on its lines, routed via its car ferry, over any available route to expedite the movement; the billing covering all such cars rerouted shall carry a reference to this order as authorized for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those

hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 3:00 p. m., March 29, 1951.

(g) Expiration date: This order shall expire at 11:59 p. m., April 30, 1951, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement.

Issued at Washington, D. C., March 29, 1951.

INTERSTATE COMMERCE COMMISSION, HOMER C. KING, *Agent.*

[F. R. Doc. 51-4113; Filed, Apr. 5, 1951; 8:51 a. m.]

[Order No. 30783]

LOUISIANA INTRASTATE RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 28th day of March A. D. 1951.

It appearing, that in Ex Parte No. 168, Increased Freight Rates, 1948, 272 I. C. C. 695, and 276 I. C. C. 9, the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States, and that increases under such authorization have been made;

It further appearing, that a petition, dated February 28, 1951, has been filed on behalf of Arkansas & Louisiana, Missouri Railway Company and other common carriers by railroad operating to, from, and between points in the State of Louisiana, averring that the Louisiana Public Service Commission, by various orders, has refused to authorize or permit petitioners to establish for intrastate transportation upon their railroads in Louisiana, for application on certain commodities and as to certain services, increases in freight rates and charges corresponding to those authorized by this Commission and made by petitioners for application on interstate traffic in the proceedings above cited; such refusals being alleged in the manner and to the extent as stated in the said petition dated February 28, 1951, which petition so filed is referred to for greater certainty;

It further appearing, that petitioners allege that the refusal of the said Louisiana Public Service Commission to permit the increases on intrastate traffic referred to in the preceding paragraph causes and results in undue and unreasonable advantage, preference and prejudice as between persons and localities in intrastate commerce on the one hand and interstate commerce on the other hand, and undue or unreasonable and unjust discrimination against interstate commerce, in violation of sections 3, 13 (4), and 15a (2) of the Interstate Commerce Act;

It further appearing, that there have been brought in issue by said petition rates and charges made or imposed by authority of the State of Louisiana;

And it further appearing, that the investigation hereinafter instituted responsive to the requirements of section 13 is without prejudice to subsequent appropriate consideration on their merits of the arguments made by the Louisiana Public Service Commission in its answer to the petition:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested, to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Louisiana for the intrastate transportation of property, made or imposed by authority of the State of Louisiana, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic in the proceedings listed above, any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges, shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers operating within the State of Louisiana subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Louisiana be notified of this proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Louisiana Public Service Commission, at Baton Rouge, Louisiana;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be assigned for hearing at such times and places as the Commission may hereafter direct.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4112; Filed, Apr. 5, 1951; 8:51 a. m.]

[4th Sec. Application 25968]

POTATOES FROM MAINE TO WOODBURY, N. J.

APPLICATION FOR RELIEF

APRIL 3, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to Agent I. N. Doe's tariff I. C. C. No. 570.

Commodities involved: Potatoes, carloads.

From: Points in Maine.

To: Woodbury, N. J.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: I. N. Doe's tariff I. C. C. No. 570, Supp. 32.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4107; Filed, Apr. 5, 1951; 8:50 a. m.]

[4th Sec. Application 25969]

CEMENT FROM PENNSYLVANIA TO WESTERN POINTS

APPLICATION FOR RELIEF

APRIL 3, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-850.

Commodities involved: Cement, hydraulic, portland or natural, also mortar cement and masonry cement, carloads.

From: Navarro, Northampton and York, Pa.

To: Specified points in Iowa, Kansas, Minnesota, Nebraska, South Dakota and Wyoming.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-850, Supp. 87.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4108; Filed, Apr. 5, 1951; 8:50 a.m.]

[4th Sec. Application 25970]

ANHYDROUS AMMONIA FROM VELASCO, TEX., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

APRIL 3, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3746.

Commodities involved: Anhydrous ammonia, in tank-car loads.

From: Velasco, Tex.

To: Southern territory.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3746, Supp. 64.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4109; Filed, Apr. 5, 1951; 8:50 a. m.]

[4th Sec. Application 25971]

LIME FROM CERTAIN POINTS TO BATON ROUGE AND NEW ORLEANS, L.

APPLICATION FOR RELIEF

APRIL 3, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3572.

Commodities involved: Lime, common, hydrated, quick or slaked, carloads.

From: Specified points in Oklahoma, Texas, Missouri and Arkansas.

To: Baton Rouge and New Orleans, La.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3572, Supp. 71.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4110; Filed, Apr. 5, 1951; 8:50 a. m.]

[4th Sec. Application 25972]

RUBBER TIRES FROM CERTAIN POINTS TO SOUTHERN TERRITORY

APRIL 3, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, I. N. Doe, and C. W. Boin, Agents, for carriers parties to their tariffs shown on attached list.

Commodities involved: Tires, artificial, guayule, natural, neoprene, or synthetic rubber, pneumatic, and parts, carloads.

From: Points in Ohio, Indiana, Michigan, Massachusetts, and Connecticut.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates:

Agent	Tariff I. C. C. No.	Supp. No.
L. C. Schuldt	{ 1067 4020	10 19
I. N. Doe	1501	23
C. W. Boin	A-511	18

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4111; Filed, Apr. 5, 1951; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 70-2499, 70-2498, 70-2512]

CONSOLIDATED NATURAL GAS CO. ET AL.

SUPPLEMENTAL ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 30th day of March A. D. 1951.

In the matter of Consolidated Natural Gas Company and Hope Natural Gas Company, File No. 70-2499; West Penn Electric Company, File No. 70-2498; West Penn Electric Company and State Line Gas Company, File No. 70-2512.

The West Penn Electric Company ("West Penn Electric"), a registered holding company, and West Penn Electric and State Line Gas Company ("State Line"), a subsidiary of West Penn Electric, having filed declarations with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (the "act") and certain rules promulgated thereunder regarding the sale of certain gas utility properties; and

Said filings having been consolidated with a joint application filed by Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its utility subsidiary, Hope Natural Gas Company ("Hope") with respect to, among other things, the acquisition of the said gas utility properties; and

Notice with respect to the filing of the said applications and declarations having been duly issued on November 7, 1950, and the Commission having on November 29, 1950 issued an order granting the joint application and permitting the declarations to become effective except, at the request of applicants-declarants, with respect to the proposal in File No. 70-2512, as to which jurisdiction was expressly reserved, and which is summarized as follows:

State Line, all of whose capital stock is owned by Monongahela Power Company, an exempt holding company and a public utility subsidiary of West Penn Electric, proposes to sell all of its gas utility properties and related assets to The Peoples Natural Gas Company ("Peoples"), a subsidiary of Consolidated, for $137,919 in cash, subject to adjustments for inventory and supplies on hand at the date of transfer and with respect to additions to, retirements of, and depreciation of property from July 31, 1950 to the date of transfer. Upon the completion of this divestment by State Line, that company proposes, after making provisions for the payment of its debts, to distribute its remaining assets to Monongahela and to dissolve;

An amendment having been filed on March 27, 1951 indicating that The Pennsylvania Public Utility Commission, the state in which State Line and Peoples are organized and doing business, has expressly authorized the acquisition by Peoples, and the divestment by State Line, of said assets; and

The Commission finding with respect to the said declaration regarding the sale of the State Line properties and the liquidation and dissolution of State Line that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant the request of declarants that said declaration be permitted to become effective forthwith;

It is ordered, That the declaration in File No. 70-2512 be, and the same hereby is, permitted to become effective forthwith, and that the jurisdiction heretofore reserved with respect thereto be, and the same hereby is, released forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4101; Filed, Apr. 5, 1951; 8:49 a. m.]

[File No. 70-2589]

WEST PENN ELECTRIC CO. AND MONONGAHELA POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 30th day of March A. D. 1951.

Notice is hereby given that a joint application-declaration and an amendment thereto have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "act"), by the West Penn Electric Company ("West Penn Electric"), a registered holding company, and its direct subsidiary, Monongahela Power Company ("Monongahela"), a public utility company and an exempt holding company. The filing designates sections 6, 7, 9, 10, 12 (d) and 12 (f) of the act and Rules U-43, U-44 and U-50 promulgated thereunder as being applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 11, 1951 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. At any time after said date, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said joint amended application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Monongahela proposes to issue and sell $10,000,000 principal amount of its First Mortgage Bonds, __ percent Series, due 1981, to be issued under and secured by Monongahela's present indenture dated as of August 1, 1945, as heretofore supplemented, and to be supplemented by an indenture to be dated as of April 1, 1951. The bonds are to be sold pursuant to the competitive bidding requirements of Rule U-50 and for a price to the company of not less than 100 percent nor more than 102¾ percent of the principal amount thereof, plus accrued interest.

Monongahela also proposes to issue and sell, and West Penn Electric, the holder of all the issued and outstanding $6.50 par value common stock of Monongahela, proposes to acquire 615,400 additional shares of such common stock for a cash consideration of $4,000,100. West Penn Electric will pledge the additional shares of common stock to be acquired from Monongahela as additional collateral security for West Penn Electric's 3½ percent Sinking Fund Collateral Trust Bonds, pursuant to the terms of the indenture securing such bonds dated as of September 1, 1949.

The filing states that Monongahela and its subsidiaries anticipate making expenditures of approximately $30,000,000 during 1951 and 1952 for the construction of property additions. In order to finance such construction program Monongahela will utilize the net proceeds from the sale of the new bonds and the additional common stock together with treasury cash. Monongahela estimates that, based on the present level of earnings and current expectations as to the progress of the construction program, approximately $8,000,000 of additional cash will have to be provided before the end of 1952 through the sale of additional securities of a type not yet determined.

The filing requests that any order of the Commission authorizing the proposed transactions become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4102; Filed, Apr. 5, 1951; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Return Order 930]

FERNAND CHARLES SOUCHE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith.

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published, and Property

Fernand Charles Souche, Cullins (Rhone), France, Claim No. 15306, February 16, 1951 (16 F. R. 1661), Property described in Vesting Order No. 1028 (8 F. R. 4205—April 2, 1943) relating to United States Patent Application Serial No. 462,098 (now United States Letters Patent No. 2,392,558).

This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-4131; Filed, Apr. 5, 1951; 8:54 a. m.]

APR 9 '51

[Return Order 917]

RAYMOND DEWAS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Raymond Dewas, Amiens (Somme), France, Claim No. 41459, February 16, 1951 (16 F. R. 1661), Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 2,053,657; 2,059,726; 2,072,158; 2,072,159; 2,072,160; 2,072,161; 2,116,620; 2,119,573; 2,125,894; 2,151,085; 2,187,344 and 2,192,728.

This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4128; Filed, Apr. 5, 1951; 8:53 a. m.]

[Return Order 922]

ELSIE RINGS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Elsie Rings, Jersey City, New Jersey, Claim No. 34642, February 17, 1951 (16 F. R. 1702), $7,265.04 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4129; Filed, Apr. 5, 1951; 8:54 a. m.]

[Return Order 925]

LEONCE REYGAGNE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Leonce Reygagne, Decazeville (Aveyron), France, Claim No. 41466, February 17, 1951, (16 F. R. 1701), Property described in Vesting Order No. 1028 (8 F. R. 4205, April 2, 1943), relating to Patent Application Serial No. 416,756 (now United States Letters Patent No. 2,348,849).

This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4130; Filed, Apr. 5, 1951; 8:54 a. m.]

[Return Order 931]

GEORGES DECOMBE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Georges Decombe, Lyon (Rhone), France, Claim No. 15307, February 16, 1951 (16 F. R. 1661), Property described in Vesting Order No. 667 (8 F. R. 4996—April 17, 1943) relating to United States Letters Patent No. 2,243,624.

This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4132; Filed, Apr. 5, 1951; 8:54 a. m.]

JULIENNE MARIE DELAPLACE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Julienne Marie Delaplace, Raubaix, Nord, France, Claim No. 33230, Property described in Vesting Order No. 293 (7 F. R. 9336, November 26, 1942) relating to United States Patent Application Serial No. 151,142 (now United States Patent No. 2,441,111).

Executed at Washington, D. C., on April 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4133; Filed, Apr. 5, 1951; 8:55 a. m.]

MRS. HARRY STRAUSS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., Property and Location

Mrs. Harry Strauss, nee Marion Ellen Isenberg, San Francisco, California, Claims Nos. 4465 and 43157, $4,721.26 in the Treasury of the United States; all right, title, interest and claim of the issue of Mendel Rosenbaum and Bertha Rosenbaum and of Mrs. Harry Strauss, nee Marion Ellen Isenberg, formerly also known as Marion Isenburg, in and to the trust created under the will of Julius Oppenheimer, deceased.

Executed at Washington, D. C., on April 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4134; Filed, Apr. 5, 1951; 8:55 a. m.]

[Return Order 912]

MAURICE HENRI LEMAIRE

Correction

In Federal Register Document 51-3917, page 2863, of the issue for Saturday, March 31, 1951, Patent No. 2,057,400 appearing under the heading *Claimant, Claim No., Notice of Intention To Return Published, and Property* should read 2,007,400.

APR 9 '51

FEDERAL REGISTER

VOLUME 16 NUMBER 68

Washington, Saturday, April 7, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10231

EXTENSION OF THE PROVISIONS OF PART I OF EXECUTIVE ORDER NO. 10210 OF FEBRUARY 2, 1951,[1] TO THE TENNESSEE VALLEY AUTHORITY

By virtue of the authority vested in me by the First War Powers Act, 1941, as amended by the act of January 12, 1951, entitled "An Act to amend and extend title II of the First War Powers Act, 1941" (Public Law 921, 81st Congress), and as President of the United States and Commander in Chief of the armed forces of the United States, and deeming such action will facilitate the national defense, it is hereby ordered as follows:

The provisions of Part I of Executive Order No. 10210 of February 2, 1951, entitled "Authorizing the Department of Defense and the Department of Commerce to Exercise the Functions and Powers Set Forth in Title II of the First War Powers Act, 1941, as Amended by the Act of January 12, 1951, and Prescribing Regulations for the Exercise of Such Functions and Powers," are hereby extended to the Tennessee Valley Authority; and, subject to the limitations and regulations contained in such part, and under such regulations as it may prescribe, the Board of Directors of the Tennessee Valley Authority is authorized to perform and exercise, as to the Tennessee Valley Authority, all the functions and authority vested in and granted by the said Part I to the Secretaries named therein: *Provided*, that regulations so prescribed need not be approved by the Secretary of Defense: *And provided further*, that nothing contained herein shall prejudice any other authority which the said Tennessee Valley Authority or the Board of Directors thereof may have with respect to procurement.

HARRY S. TRUMAN

THE WHITE HOUSE,
April 5, 1951.

[F. R. Doc. 51-4215; Filed, Apr. 5, 1951; 1:50 p. m.]

[1] 16 F. R. 1049.

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1950 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Hay and Pasture Seed]

PART 601—GRAINS AND RELATED COMMODITIES

SCHEDULE OF BASIC SPECIFICATIONS AND RATES; ALFALFA, CERTIFIED INDIAN

1950-Crop Hay and Pasture Seed Price Support Program (15 F. R. 4613) is amended by adding to § 601.230, *Schedule of basic specifications and rates*, under hay and pasture seeds, "Alfalfa, Certified Indian." This seed shall be subject to the basic rates, specifications and discounts applicable to Alfalfa, Certified Hairy Peruvian, Chilean and Chilean 21-5, and African.

(Sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1051; 15 U. S. C. Sup., 714, 7 U. S. C. Sup., 1447, 1421)

Issued this 3d day of April 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-4145; Filed, Apr. 6, 1951; 8:46 a. m.]

[1950 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 3, Grain Sorghums]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

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FEDERAL REGISTER

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Now Available

HANDBOOK OF EMERGENCY DEFENSE ACTIVITIES

March 1951 Edition

Published by the Federal Register Division, the National Archives and Records Service, General Services Administration

92 PAGES—25 CENTS

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

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duction and Marketing Administration published in 15 F. R. 4617 and 16 F. R. 65 and 712 and containing the requirements for the 1950-Crop Grain Sorghums Price Support Program are hereby amended as follows:

Under § 601.258 *Support Rates*, paragraph (c) *County support rates*, the following support rate is added to the schedule of rates for South Dakota:

County:	*Rate per 100 pounds for U. S. No. 2 or better*
Lincoln	$2.01

(Sec. 4, 62 Stat. 1070, as amended, 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat., 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1447, 1421)

Issued this 3d day of April 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-4146; Filed, Apr. 6, 1951; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 196]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.321 *Orange Regulation 196*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than April 9, 1951. Shipments of oranges, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 11, 1950, and will so continue until April 9, 1951; the recommendation and supporting information for continued regulation subsequent to April 8 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 3; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., April 9, 1951, and ending at 12:01 a. m., e. s. t., May 7, 1951, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 or U. S. No. 2 Bright unless such oranges (*a*) are in the same container with oranges which grade at least U. S. No. 1 Russet and (*b*) are not in excess of 50 percent, by count, of the number of all oranges in such container;

(iv) Any oranges, except Temple oranges, grown in Regulation Area I or Regulation Area II which are of a size larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack in a standard nailed box; or

(v) Any Temple oranges, grown in Regulation Area I or Regulation Area II, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade.

(2) As used in this section, the terms "handler," "ship," "Regulation Area I," "Regulation Area II," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," "container" and "standard nailed box" shall each have the same meaning as when used in the revised United States Standards for Oranges (7 CFR 51.192).

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 5th day of April 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-4239; Filed, Apr. 6, 1951; 9:47 a. m.]

[Grapefruit Reg. 140]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.322 *Grapefruit Regulation 140*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than April 9, 1951. Shipments of grapefruit grown in the State

of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 11, 1950, and will so continue until April 9, 1951; the recommendation and supporting information for continued regulation subsequent to April 8 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 3; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., April 9, 1951, and ending at 12:01 a. m., e. s. t., May 7, 1951, no handler shall ship:

(i) Any grapefruit of any variety, grown in Florida which grade U. S. No. 3 or lower than U. S. No. 3 grade;

(ii) Any white seeded grapefruit, grown in Regulation Area I which grade U. S. No. 2 Russet;

(iii) Any white seeded grapefruit, grown in Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any pink seeded grapefruit, grown in Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(v) Any seedless grapefruit, grown in Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "Regulation Area I," "Handler," "variety," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Grapefruit (7 CFR 51.151).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 5th day of April 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-4212; Filed, Apr. 6, 1951; 9:47 a. m.]

[Tangerine Reg. 111]

PART 933—ORANGES, GRAPEFRUIT, AND TANNGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.523 *Tangerine Regulation 111*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than April 9, 1951. Shipments of tangerines, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 23, 1950, and will so continue until April 9, 1951; the recommendation and supporting information for continued regulation subsequent to April 8 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 3; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Tangerine Regulation 110 (7 CFR 933.520; 15 F. R. 2213) is hereby terminated as of the effective time of this regulation.

(2) During the period beginning at 12:01 a. m., e. s. t., April 9, 1951, and ending at 12:01 a. m., e. s. t., July 31, 1951, no handler shall ship:

(i) Any tangerines, grown in the State of Florida that do not grade at least U. S. No. 2 Russet; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 294 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(3) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2 Russet" and "standard pack" shall have the same meaning as when used in the United States Standards for Tangerines (7 CFR 51.416).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 5th day of April 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-4241; Filed, Apr. 6, 1951; 9:47 a. m.]

[Lemon Reg. 377]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.484 *Lemon Regulation 377*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on April 4, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 8, 1951, and ending at 12:01 a. m., P. s. t., April 15, 1951, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 275 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 5th day of April 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 2

[Storage date: Apr. 1, 1951]

[12:01 a. m. Apr. 8, 1951, to 12:01 a. m. Apr. 22, 1951]

Handler	*Prorate base (percent)*
Total	100.000
American Fruit Growers, Inc., Corona	.663
American Fruit Growers, Inc., Fullerton	1.452
American Fruit Growers, Inc., Upland	.883
Badlington Fruit Co	.724
Hazeltine Packing Co	1.059

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	*Prorate base (percent)*
Ventura Coastal Lemon Co	1.190
Ventura Pacific Co	1.591
Glendora Lemon Growers Association	1.862
La Verne Lemon Association	.804
La Habra Citrus Association	2.129
Yorba Linda Citrus Association	.791
Escondido Lemon Association	5.119
Alta Loma Heights Citrus Association	.786
Etiwanda Citrus Fruit Association	.377
Mountain View Fruit Association	.517
Old Baldy Citrus Association	1.076
San Dimas Lemon Association	1.807
Upland Lemon Growers Association	5.501
Central Lemon Association	1.308
Irvine Citrus Association	1.233
Placentia Mutual Orange Association	1.521
Corona Citrus Association	1.120
Corona Foothill Lemon Co	3.629
Jameson Company	1.674
Arlington Heights Citrus Co	1.980
College Heights Orange & Lemon Association	2.087
Chula Vista Citrus Association	1.107
El Cajon Valley Citrus Association	.214
Escondido Cooperative Citrus Association	.334
Fallbrook Citrus Association	2.598
Lemon Grove Citrus Association	.459
Carpinteria Lemon Association	1.643
Carpinteria Mutual Citrus Association	1.851
Goleta Lemon Association	2.634
Johnston Fruit Co	3.776
North Whittier Heights Citrus Association	.816
San Fernando Heights Lemon Association	2.223
Sierra Madre-Lamanda Citrus Association	1.697
Briggs Lemon Association	1.604
Culbertson Lemon Association	1.108
Fillmore Lemon Association	1.678
Oxnard Citrus Association	4.696
Rancho Sespe	1.250
Santa Clara Lemon Association	2.574
Santa Paula Citrus Fruit Association	3.218
Saticoy Lemon Association	1.743
Seaboard Lemon Association	3.170
Somis Lemon Association	2.433
Ventura Citrus Association	.634
Ventura County Citrus Association	.008
Limoneira Co	2.049
Teague-McKevett Association	.807
East Whittier Citrus Association	1.067
Leffingwell Rancho Lemon Association	1.045
Murphy Ranch Co	1.344
Chula Vista Mutual Lemon Association	.551
Index Mutual Association	1.027
La Verne Cooperative Citrus Association	2.658
Orange Belt Fruit Distributors	1.014
Ventura County Orange & Lemon Association	1.592
Whittier Mutual Orange & Lemon Association	.190
Ayoob, Fred	.004
Evans Brothers Packing Co	.026
Johnson, Fred	.020
Knapp, John C., Packing Co	.086
Latimer, Harold	.114
MacDonald Fruit Co	.005
Paramount Citrus Association, Inc.	.201
San Antonio Orchard Co	.069
Uyeji Kikuo	.008

[F. R. Doc. 51-4243; Filed, Apr. 6, 1951; 9:48 a. m.]

[Orange Reg. 366]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.512 *Orange Regulation 366*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on April 5, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., April 8, 1951, and ending at 12:01 a. m., P. s. t., April 15, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1: 2333 boxes;

(b) Prorate District No. 2: No movement;

(c) Prorate District No. 3: 80 carloads;

(d) Prorate District No. 4: No movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1: Unlimited movement;

(b) Prorate District No. 2: 1,200 carloads;

(c) Prorate District No. 3: Unlimited movement;

(d) Prorate District No. 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 6th day of April 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Apr. 8, 1951, to 12:01 a. m., P. s. t., Apr. 15, 1951]

VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	2.2004
A. F. G. Porterville	1.7801
Ivanhoe Cooperative Association	.5299
Sandilands Fruit Co	.6809
Dellemyer & Son, W. Todd	.4238
Earlibest Orange Association	1.5852
Elderwood Citrus Association	.9148
Exeter Citrus Association	2.2695
Exeter Orange Growers Association	.6366
Hillside Packing Association	2.4345
Ivanhoe Mutual Orange Association	1.0071
Klink Citrus Association	4.4332
Lemon Cove Association	1.5358
Lindsay Citrus Growers Association	3.2013
Lindsay Cooperative Citrus Association	1.6704
Lindsay Fruit Association	2.4156
Lindsay Orange Growers Association	1.0636
Orange Cove Citrus Association	3.0468
Orange Packing Co	.8561
Orosi Foothill Citrus Association	1.4640
Paloma Citrus Fruit Association	.5651
Rocky Hill Citrus Association	2.7725
Singer Citrus Association	2.0840
Sequoia Citrus Association	.8775
Stark Packing Corp	4.5852
Visalia Citrus Association	2.8475
Waddel & Son	2.4113
Baird-Neece Corp	2.0508
Beattie Association, D. A	.2280
Grand View Heights Citrus Association	4.6241
Magnolia Citrus Association	2.8747
Porterville Citrus Association, The	.9078
Richgrove-Jasmine Citrus Association	1.5495
Strathmore Cooperative Association	3.1646
Strathmore District Orange Association	1.1307
Strathmore Fruit Growers Association	1.2843
Strathmore Packing House Co	1.4011
Sunflower Packing Association	2.5490
Sunland Packing House Co	3.7320
Tule River Citrus Association	.8030
Lindsay Mutual Groves	1.9203
Martin Ranch	.9507
Orange Cove Orange Growers	1.9522
Webb Packing Co., Inc	.2655
Woodlake Packing House	1.2412
Anderson Packing Co., R. M	.8249
Baker Bros	.9121
California Citrus Growers, Inc., Ltd	2.3215
Campbell, Ralph D. & P. Agnes	.0350
Darby, Fred J	.1790
Far West Produce Distributors	.6557
Foran, Pat	.1238
Harding & Leggett	2.4377
Independent Growers, Inc	1.9228
Kim, Chas. N	.0047
Kroells Packing Co	2.1197
Lo Bue Bros	.8137
Maas, W. A	.0720
Marks, W. & M	.2153
Powell, John W	.0351
Randolph Marketing Co	2.4574
Reimers, Don H	.0970
Schilling, Joseph	.1405
Sky Acres Ranch	.1990
Smith, E. L	.0225
Woodlake Heights Packing Corp	.5545
Zaninovich Bros., Inc	.5089

Prorate District No. 3

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Vernon	.1593
Allen & Allen Citrus Packing Co	1.2106
Consolidated Citrus Growers	11.1701
McKellips Citrus Co., Inc	9.5428
Phoenix Citrus Packing Co	1.5599
Arizona Citrus Growers	12.1010
Chandler Heights Citrus Growers	2.3431
Desert Citrus Growers Co	7.3056
Mesa Citrus Growers	13.0207
Tempe Citrus Co	2.2690
Imperial Valley Grapefruit Growers Association	.7799
Redlands Heights Groves	.0395
Southern Citrus Association	1.6713
United Citrus Growers	1.1537
Yuma Mesa Fruit Growers Association	6.5714
Leppla-Henry Produce Co	8.8448
Maricopa Citrus Co	1.1420
Pioneer Fruit Co	5.6767
Clark & Sons Produce Co., J. H	.3738
Commercial Citrus Packing Co	1.2223
Hi Jolly Citrus Packing House	.4456
Hill Packing House, Fred A	.1711
Ishikawa, Paul	.0596
Macchiaroli Fruit Co., James	.7587
Mattingly, Charles A	.3270
Orange Belt Fruit Distributors	1.8451
Panno Fruit Co., Carlo	.3977
Paramount Citrus Association, Inc	.0390
Potato House, The	.2823
Russo Bros	1.5537
Sharp Co., K. K	.2707
Sunny Valley Citrus Packing Co	2.5509
Terracciano Fruit Co	.2958
Valley Citrus Packing Co	2.8445

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.2465
A. F. G. Corona	.2450
A. F. G. Fullerton	.0000
A. F. G. Orange	.0000
A. F. G. Riverside	.6156
A. F. G. Santa Paula	.0436
Eadington Fruit Co., Inc	.1708
Hazeltine Packing Co	.1192
Krinard Packing Co	1.5987
Placentia Cooperative Orange Association	.9985
Placentia Pioneer Valley Growers Association	.0578
Signal Fruit Association	.6703
Azusa Citrus Association	1.7549
Covina Citrus Association	2.5252
Covina Orange Growers Association	.6079
Damerel-Allison Co	1.3056
Glendora Citrus Association	1.6738
Glendora Mutual Citrus Association	.7339
Puente Mutual Citrus Association	.0545
Valencia Heights Orchard Association	.2411
Gold Buckle Association	2.8316
La Verne Orange Association	4.3824
Anaheim Valencia Orange Association	.0000
Fullerton Mutual Orange Association	.0000
La Habra Citrus Association	.0000
Yorba Linda Citrus Association, The	.0000
Escondido Orange Association	.0000
Alta Loma Heights Citrus Association	.3402
Citrus Fruit Growers	1.0702
Etiwanda Citrus Fruit Association	.1642
Mountain View Fruit Association	.1754
Old Baldy Citrus Association	.4359
Rialto Heights Orange Growers	.3013
Upland Citrus Association	3.0980
Upland Heights Orange Association	1.4487
Consolidated Orange Growers	.0000
Garden Grove Citrus Association	.0289
Goldenwest Citrus Association, The	.0000
Olive Heights Citrus Association	.0000
Santiago Orange Growers Association	.0000
Villa Park Orchards Association, The	.0000
Bradford Bros., Inc	.0000
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.0000
Yorba Orange Growers Association	.0000
Call Ranch	.7700
Corona Citrus Association	.9537
Jameson Co	.7018
Orange Heights Orange Association	2.4500
Crafton Orange Growers Association	.9433
East Highlands Citrus Association	.3119
Redlands Heights Groves	.6011
Redlands Orangedale Association	.8259
Rialto-Fontana Citrus Association	.4611
Break & Son, Allen	.1574
Bryn Mawr Fruit Growers Association	.0700
Mission Citrus Association	.7432
Redlands Cooperative Fruit Association	1.3243
Redlands Orange Growers Association	.9509

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Redlands Select Groves	0.8242
Rialto Orange Co	.4441
Southern Citrus Association	.5538
United Citrus Growers	.5737
Zilen Citrus Co	.1629
Arlington Heights Citrus Co	.8455
Brown Estate, L. V. W	1.7023
Gavilan Citrus Association	2.3079
Highgrove Fruit Association	.5273
McDermont Fruit Co	1.6274
Monte Vista Citrus Association	1.3832
National Orange Co	1.0781
Riverside Heights Orange Growers Association	.9587
Sierra Vista Packing Association	.7266
Victoria Avenue Citrus Association	2.9646
Claremont Citrus Association	1.1155
College Heights Orange & Lemon Association	2.1655
Indian Hill Citrus Association	1.6169
Pomona Fruit Growers Exchange	1.8420
Walnut Fruit Growers Association	.7769
West Ontario Citrus Association	1.1415
El Cajon Valley Citrus Association	.0000
Escondido Cooperative Citrus Association	.0000
San Dimas Orange Growers Association	1.3303
Canoga Citrus Association	.3990
N. Whittier Height Citrus Association	.1815
San Fernando Heights Orange Association	.8795
Sierra Madre-Lamanda Citrus Association	.1360
Camarillo Citrus Association	.0112
Fillmore Citrus Association	.9331
Ojai Orange Association	.8670
Piru Citrus Association	1.3214
Rancho Sespe	.0008
Tapo Citrus Association	.0092
Ventura County Citrus Association	.1657
East Whittier Citrus Association	.0083
Murphy Ranch Co	.0000
Anaheim Cooperative Orange Association	.0000
Bryn Mawr Mutual Orange Association	.5493
Chula Vista Mutual Lemon Association	.0399
Euclid Ave. Orange Association	2.8315
Foothill Citrus Union, Inc	.4557
Garden Grove Orange Cooperative, Inc	.0003
Golden Orange Groves, Inc	.2728
Highland Mutual Groves	.0711
Index Mutual Association	.0000
La Verne Cooperative Citrus Association	4.2340
Mentone Heights Association	.6309
Olive Hillside Groves, Inc	.0039
Orange Cooperative Citrus Association	.0600
Redlands Foothill Groves	1.9642
Redlands Mutual Orange Association	.8988
Ventura County Orange & Lemon Association	.4768
Whittier Mutual Orange & Lemon Association	.0000
Allec Bros	.0047
Babijuice Corp. of California	.3423
Banks, L. M	.0143
Becker, Samuel Eugene	.0200
Bennett Fruit Co., Inc	.3877
Book, Maynard C	.0003
Borden Fruit Co	.0000
Cherokee Citrus Association	.6703
Chess Co., Meyer W	.3725
Christian, Guy	.0025
Dozier, Paul M	.0038
Dunning Ranch	.1944
Evans Bros. Packing Co	1.1358
Gold Banner Association	1.6647
Granada Hills Packing Co	.0000
Granada Packing House	.0952
Hill Packing Co., Fred A	.6642
Holland, M. J	.0217
Knapp Packing Co., John C	.1536
Orange Belt Fruit Distributors	2.4747
Orange Hill Groves	.0185
Panno Fruit Co., Carlo	.0339
Paramount Citrus Association, The	.0517
Placentia Orchard Co	.0000
Prescott, John A	.0000
Pulos, James J	.0372
Redlands Fruit Association, Inc	.0155
Riverside Citrus Association	.1191
Ronald, P. W	.0432
San Antonio Orchard Co	2.4487
Stephens, T. F	.1958
Summit Citrus Packers	.0578
Wall, E. T., Grower-Shipper	2.3909
Western Fruit Growers, Inc	3.3192

[F. R. Doc. 51-4257; Filed, Apr. 6, 1951; 11:30 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter IV—Displaced Persons Commission

PART 702—SELECTION AND ELIGIBILITY

SUBVERSIVES AND UNDESIRABLES

Section 702.8 of Chapter IV, Title 8, is hereby amended to read as follows:

§ 702.8 *Subversives and undesirables.* No person shall be eligible to receive the benefits of the act, who

(a) Is or has ever been a member of the Communist, Nazi or Fascist parties, or of a political or subversive group of an ideological character similar to that of the aforementioned parties; or

(b) Adheres to, advocates, or follows or who has adhered to, advocated, or followed, the principles of any political or economic system or philosophy directed toward the destruction of free competitive enterprise and the revolutionary overthrow of representative government; or

(c) Is or has been a member of any organization which has been designated by the Attorney General of the United States as a Communist organization; or

(d) Is or has been a member of or participated in any movement which is or has been hostile to the United States or the form of government of the United States; such a movement includes but is not limited to the Communist, Nazi or Fascist parties or political or subversive groups of an ideological character similar to that of the aforementioned parties; or

(e) Advocated or assisted in the persecution of any person because of race, religion or national origin; or

(f) Has voluntarily borne arms in armed forces or auxiliary organizations against the United States or its Allies on the Western Front (including North Africa and Italy) during that period of World War II beginning on December 8, 1941; a person, other than a German national, shall not be deemed so to have served voluntarily if he establishes that he was compelled against his will to serve in armed forces or auxiliary organizations, against the United States or its Allies on the Western Front. A person, other than a German national, who establishes that he has been inducted into the armed forces (1) when under 16 years of age or (2) by operation of law, official act, proclamation, order or decree, may be deemed, prima facie, not to have served voluntarily in such armed forces during the period covered by such compulsory service. The term "borne arms" shall apply to persons who served in armed forces or auxiliary organizations.

(g) The terms "member of" or "participated in" where used in paragraphs (a) and (d) of this section shall include only membership or participation which is or was voluntary, and shall not include membership or participation which is or was solely (1) when under sixteen years of age, (2) by operation of law, or (3) for purposes of obtaining employment, food rations, or other essentials of living, and where necessary for such purposes: *Provided, however,* That nothing in this section shall affect the prohibition contained in section 13 of the act against the issuance of visas under the act to any person who is or has been a member of the Communist Party.

(h) The terms "adheres to", "adhered to", "advocates", "advocated", "follows", "followed", where used in paragraph (b) of this section shall include only adherence, advocacy, or following which is or was voluntary, and shall not include adherence, advocacy or following which is or was solely (1) when under sixteen years of age, (2) by operation of law, or (3) for purposes of obtaining employment, food rations, or other essentials of living, and where necessary for such purposes.

The foregoing amendment shall be effective upon the date of publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 (a) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making is found to be contrary to the public interest because Public Law 774, 80th Congress (62 Stat. 1009), as amended by the act of June 16, 1950, which was implemented by the regulations which became effective on June 17, 1950, and which is further implemented by the foregoing amendment, and the execution of functions of the Displaced Persons Commission under that statute would be unduly impeded by such notice. For the same reason it is found that the provisions of section 4 (c) of the Administrative Procedure Act providing for delayed effective date are inapplicable.

(Sec. 8, 62 Stat. 1012, as amended; 50 U. S. C. App., 1957. Interprets or applies Sec. 13, 62 Stat. 1014; 50 U. S. C. App., 1962)

JOHN W. GIBSON,
Chairman, Displaced Persons Commission.

[F. R. Doc. 51-4167; Filed, Apr. 6, 1951; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 571—RECRUITING AND ENLISTMENTS

REGULAR ARMY AND AIR FORCE

Section 571.2 (h) (8) is amended as follows:

§ 571.2 *Qualifications for enlistment.*

* * *

(h) *Classes ineligible for enlistment.*

* * *

(8) (i) *Conviction or imprisonment for other than a felony.* The Adjutant General may authorize enlistment in the Regular Army of especially desirable men who have been tried, convicted, and or imprisoned under the sentence of a civil court for other than a felony and men who have had frequent difficulty with law enforcement agencies or who have criminal tendencies, a history of antisocial behavior, or who are of questionable moral character, and who have been unconditionally released from civil control for a minimum period of 6 months. An investigation will be made and a report, including letters from at least three reputable citizens who are acquainted with the individual, will be submitted through channels to The Adjutant General, Washington 25, D. C., Attention: AGSE–W. The report of investigation will include information concerning the applicant's current character and habits; date unconditionally released from civil control; a statement that the offense for which convicted was not a felony; his reputation in the community in which he resides; and a record of his employment since his release from the control of civil authorities, as well as the recommendation of the investigating officer. If a waiver is granted, notation thereof will be made under item 40 of the enlistment record, and a copy of the report of investigation on which waiver is predicated will be attached to the original copy of the enlistment record. No waivers will be granted for Air Force enlistees.

(ii) *Juvenile delinquency and minor traffic violations.* Waivers also may be granted in meritorious cases of male applicants, in which juvenile delinquency or imprisonment for minor traffic violations are involved. Waivers of offenses involving juvenile delinquency or minor traffic violations may be granted by the commanding generals of major commands for Army applicants, and by the Chief of Staff, United States Air Force, for Air Force applicants, if as a result of investigation it is determined that the applicant will be an asset to the service. The investigation will include letters from at least three reputable citizens who are acquainted with the individual, information concerning the applicant's current character and habits, his reputation in the community in which he resides, and a record of his employment since his release from the control of civil authorities, as well as the recommendations of the investigating officer. Only those juvenile delinquents and minor traffic violators whose cases are individually determined to be especially meritorious and who have served the period of parole or probation decreed by the court plus a minimum period of 6 months as law-abiding members of a civil community will be accepted. If waiver is granted, notation thereof will be made under "Remarks" on the enlistment record and a copy of the report of investigation on which waiver is predicated will be attached to the original enlistment record. A record of adjudication of conduct by a juvenile court in the State of Ohio under Section 1639–30, Supplement to the General Code of Ohio, 1936, June 1938, or by a juvenile court of any other State having a similar law is not a bar to enlistment. Recruiting officers will scrutinize carefully the juvenile court record of an applicant for enlistment to determine whether he is of good character and otherwise eligible for enlistment and will submit to higher authority any case in which doubt arises as to the effect of a particular statute.

(iii) *Contracts.* Army commanders and oversea commanders will not enter into a contract, implied or otherwise, to effect the enlistment of an individual whose actions have brought him into the probative custody of a court and whose subsequent conduct has not been of such worthy caliber as to have caused the court having jurisdiction to release him from the unexpired period of probation prior to the time of application for enlistment.

* * * * *

[C1, SR 615–105–1, Mar. 22, 1951] (Sec. 6, 39 Stat. 169, as amended; 10 U. S. C. 42)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51–4158; Filed, Apr. 6, 1951; 8:49 a. m.]

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

PART 864—ENLISTED RESERVE

IDENTIFICATION CARDS

1. Section 861.12 is amended by changing paragraph (b), adding subparagraph (3) to paragraph (d), and changing subparagraph (2) of paragraph (e) as follows:

§ 861.12 *Identification cards.* * * *

(b) *Application.* Air Force Form 279, "Application for Identification Card," will be used by officers in applying for an identification card.

NOTE: The term "officer" used in this section refers to both commissioned and warrant officers.

* * * * *

(d) *To whom issued.* * * *

(3) *Personnel on the Temporary Disability Retired List.* DD (formerly NME) Form 2AF (Res) will be issued to retired officers of the Air Force of the United States (AFUS) whose names have been placed on the Temporary Disability Retired List. The words "Temporary AFUS Retired" will be stamped plainly across the Department of the Air Force seal on the right side of the front of the card. The date of expiration will be a date which is five years from the date the name was placed on the Temporary Disability Retired List. All personnel are enjoined to return the identification card to the Air Adjutant General when their names are removed from the list.

(e) *Issue and replacement procedures.*

* * *

(2) *Applications submitted to the Air Adjutant General.* Retired Air Force Reserve officers, retired Air Force of the United States officers, personnel on the Temporary Disability Retired List, and officers of the Honorary Air Reserve will submit Air Force Form 279, "Application for Identification Card," to Headquarters United States Air Force, Air Adjutant General, Attention: Personnel Records Service Division, Washington 25, D. C., who will issue the instructions, prescribe the action to be taken, and arrange for the issuance of the card.

* * * * *

[AFR 45–47B] (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interprets or applies secs. 4, 6, 62 Stat. 89, 91; 10 U. S. C., Sup., 422, 5 U. S. C., Sup., 626k)

2. Section 864.15 is added to Part 864 as follows:

§ 864.15 *Identification cards.* Recipients must carry their identification cards on their persons on all official occasions.

(a) *Authorized form.* DD (formerly NME) Form 2AF (Res) is authorized for issue to airmen of the Air Force Reserve and will replace all identification cards previously issued by military agencies.

(b) *Application.* AF Form 279, "Application for Identification Card," will be used by airmen in applying for an identification card.

(c) *Delegation of authority.* Authority to issue DD (formerly NME) Form 2AF (Res) to airmen of the Air Force Reserve not on extended active duty is delegated to the Commanding General, Continental Air Command, who may redelegate the authority to subordinate commanders as required.

(d) *To whom issued—*(1) *Airmen of the Air Force Reserve.* DD (formerly NME) Form 2AF (Res) will be issued to airmen of the Air Force Reserve as follows:

(i) Airmen not on extended active duty when located within the Continental limits of the United States, or within the limits of oversea bases and commands.

(ii) Retired airmen of the Air Force Reserve: The word "Retired" will be stamped plainly across the Department of the Air Force seal on the right side of the front of the card.

(2) *Retired Airmen of the Air Force of the United States.* DD (formerly NME) Form 2AF (Res) will be issued to retired airmen of the Air Force of the United States (AFUS). The words "AFUS Retired" will be stamped plainly across the Department of the Air Force seal on the right side of the front of the card.

(3) *Personnel on the Temporary Disability Retired List.* DD (formerly NME) Form 2AF (Res) will be issued to retired airmen of the Air Force of the United States (AFUS) whose names have been placed on the Temporary Disability Retired List. The words "Temporary AFU Retired" will be stamped plainly across the Department of the Air Force seal on the right side of the front of the card. The date of expiration will be a date which is five years from the date the name was placed on the Temporary Disability Retired List. All personnel are enjoined to return the identification card to the Air Adjutant General when their names are removed from the list.

(e) *Issue and replacement procedures—*(1) *Applications submitted to Regular organization.* Airmen not on extended active duty will submit Air Force Form 279, "Application for Identification Card," to the Regular Air Force organizations having custody of their field personnel files. (Application blanks may be obtained at any Air Force activity). Upon receipt of applications, issuing authorities will furnish appropriate instructions regarding specifications for photographs and identification information which must appear on the cards. Blank identification cards with appropriate instructions may be furnished applicants. Applicants will enter the necessary data; obtain fingerprints on the cards, from any civil or military authority with appropriate facilities; and one photographic print, size 1 x 1¼ inches; and will forward the cards and photographs to the issuing authorities for countersigning and processing. The completed cards will be returned to the applicants through the Regular Air Force organizations having custody of the applicants' field personnel files.

(2) *Applications submitted to the Air Adjutant General.* Retired airmen of the Air Force Reserve, retired airmen of the Air Force of the United States, and personnel on the Temporary Disability Retired List will submit Air Force Form 279, "Application for Identification Card," to Headquarters United States Air Force, Air Adjutant General, Attention: Personnel Records Service Division, Washington 25, D. C., who will issue the instructions, prescribe the action to be taken, and arrange the issuance of the card.

(3) *Obtaining photographs.* Airmen may obtain photographs without cost at any Army or Air Force installation having appropriate photographic facilities, otherwise photographs must be obtained at no cost to the Government.

(4) *Loss and replacement.* Airmen will report loss of identification cards promptly to the issuing authority, through channels, setting forth the circumstances. If the lost card is not recovered in 30 days, the airman may apply for a replacement. Procedures to be followed in applying for replacement are the same as in applying for the original card except reference will be made to the report of loss.

(f) *When issued.* Upon application:

(1) At time of initial enlistment.

(2) When reenlisted at expiration of enlistment.

(3) When retired.

(4) To replace a lost or multilated card.

(5) To correct an error.

(6) To change identification data other than change in grade or change in weight due to normal gains and losses.

(g) *Surrender—*(1) *When surrendered.* Airmen will surrender DD (formerly NME) Form 2AF (Res):

(i) Upon discharge.

(ii) Upon expiration of enlistment.

(iii) Upon retirement.

(2) *Cards previously issued.* Identification cards previously issued by military agencies will be surrendered by airmen upon receipt of DD (formerly NME) Form 2AF (Res).

(3) *Cards not to be surrendered.* Airmen will not be required to surrender DD (formerly NME) Form 2AF (Res) when called to extended active duty even though they subsequently are issued another type of card.

[AFR's 45–47; 45–47B] (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interprets or applies secs. 4, 6, 62 Stat. 89, 91; 10 U. S. C., Sup., 422, 5 U. S. C., Sup., 626k.)

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 51–4143; Filed, Apr. 6, 1951; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 17]

CPR 17—GASOLINES, NAPHTHAS, FUEL OILS AND LIQUEFIED PETROLEUM GASES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 17 is hereby issued.

STATEMENT OF CONSIDERATIONS

The rapidity with which the inflationary pressures incident to the outbreak in Korea and the announced stepped up rearmament program were being reflected in price increases throughout the economy during the latter part of 1950 required immediate action in the field of direct controls. Accordingly, a General Ceiling Price Regulation was issued on January 26, 1951 to stop the mounting inflation. However, it was realized at the time that a single, comprehensive regulation could hardly cope with the multitude of prices and the diverse practices of many sellers and industry. It was, therefore, the express intent of the Director of Price Stabilization to replace the General Ceiling Price Regulation as rapidly as possible with specific price regulations tailored to meet the needs of different industries.

Petroleum products are extensively used throughout the nation by the armed forces, and for many civilian purposes, including the carrying on of industrial processes essential to national defense. It is of the utmost importance that no obstruction be placed in the normal flow of these products through the industrial machine. The provisions of the General Ceiling Price Regulation are particularly unsuited for the pricing practices and problems of the petroleum industry and many requests have been received from members of the industry for immediate action to remove the products of the industry from the coverage of the General Ceiling Price Regulation. Accordingly, five regulations covering the products of the petroleum industry have been formulated, each of which corresponds, as consistently as administratively practicable, to the customary marketing structure of the industry. These regulations are as follows: (1) Crude Oil; (2) Gasolines, Naphthas, Fuel Oils, and Liquefied Petroleum Gases; (3) Asphalt and Asphalt Products; (4) Lubricating Oils, Waxes and certain related products; (5) Sales of Petroleum Products at retail establishments.

All of these proposed regulations, at the present time, are of the formula freeze type although it is the intention of the Director of Price Stabilization to establish specific area price ceilings for as many of these products as is feasible. Common to them all is a base period of December 19, 1950, to January 25, 1951. In general, the level of prices established by the adoption of this period are equal to or less than the level of prices prevailing for petroleum products during the year 1948 and part of 1949. Where prices are higher for certain products, the increases reflect for the most part higher labor costs which have been experienced since the aforementioned period.

This Ceiling Price Regulation No. 17 covers sales at all distribution levels, except service station sales at retail, for the principal products of the petroleum industry including automotive and aviation gasoline, residual and distillate fuel oils, naphthas, solvents and natural gasoline as previously indicated. It does not cover crude oil, asphalt and asphalt products, lubricating oils and related products which are covered by separate price regulations corresponding to the normal marketing practices of the petroleum industry which customarily segregate these products in the marketing structure. By removing these products from the coverage of the General Ceiling Price Regulation, the segment of the petroleum industry affected by this regulation is provided with pricing methods and techniques which conform, within the framework of general price controls, to customary practices in the industry.

Certain sales or exchanges are excluded from the coverage of the regulation. Sales between affiliated corporations and exchanges of petroleum products between refiners or other petroleum sellers are excluded. In addition, 100 octane aviation gasoline sales to defense agencies, certain specialized hydrocarbon fractions and inter-refinery sales of petroleum fractions when such sales are made at the direction of the Petroleum Administrator for Defense are excluded. These exclusions have been made to facilitate transfers of petroleum products in accordance with the customary practice of the industry in meeting varying market conditions, and to

stimulate the industry in the expansion of new facilities and modifications of existing facilities necessary to meet the intensified demand for special hydrocarbon fractions attendant upon the defense program. The regulation establishes a seller's ceiling price for a petroleum product at the highest price charged by him to a purchaser of the same class for a product during the period December 19, 1950, to January 25, 1951, inclusive. Where a seller has no price based upon an actual sale during the base period, his ceiling price is predicated upon his highest offering price during the base period to a purchaser of the same class.

Thus the basic provisions of this regulation are the same as the basic provisions of the General Ceiling Price Regulation. However, the General Ceiling Price Regulation has in a number of situations frozen into ceilings a set of badly distorted price relationships. Representative members of the industry have stated such ceiling price distortions will result in dislocations of supply vital to the defense program. The latter view has been supported by the Petroleum Administrator for Defense which is the government agency charged with the responsibility for assuring adequate supplies of petroleum products for the economy. Accordingly, the regulation makes provision for adjustment of individual seller's prices:

(1) Where a seller's ceiling price is inconsistent with his customary price practice or price relationship to other sellers, or his ceiling prices are not in their customary relationship to other prices in his market area due to temporary conditions;

(2) Where a seller demonstrates that an existing ceiling price threatens a local shortage in the supply of a petroleum product, and such shortage can be alleviated consistent with the purposes of the Defense Production Act of 1950; and

(3) In connection with government contracts, where a seller believes that his ceiling price impedes the defense program.

Prior to the formulation of this regulation the Director of Price Stabilization advised with a large number of persons representing a substantial part of the industry and the regulation has been reviewed by the National Petroleum Advisory Committee and the Petroleum Administration for Defense.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; to relevant factors of general applicability.

REGULATORY PROVISIONS

INTRODUCTION

ARTICLE I—GENERAL PROVISIONS

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1 Products covered.
2 Transactions and persons covered.
3 Geographical coverage.
4 Products and transactions excepted from the General Ceiling Price Regulation.
5 Exports.
6 Imports.
7 Secret contracts.
8 Transfers of business or stock in trade.
9 Adjustable pricing.
10 Petitions for amendment.
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15 Compliance with this regulation required.
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ARTICLE II—CEILING PRICES

17 Aviation Gasoline.
18 Automotive and Marine Gasoline.
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20 Kerosenes, Tractor Fuels, Distillates and Heating Oils.
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ARTICLE III—INCREASES PERMITTED OR REDUCTIONS REQUIRED

25 Transportation.
26 Taxes.
27 Sales in territories of the United States.

ARTICLE IV—FINAL PRICING METHOD

28 Seller unable to determine ceiling price.

AUTHORITY: Sections 1 to 28 issued under Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

ARTICLE I

SECTION 1. *Products covered.* This regulation covers the following products:

Any fraction of crude petroleum which is a source of or is used to produce any of the products listed below.

Any fraction of petroleum which is sold for the same end use as any of the products listed below.

Liquefied petroleum gases
Natural gasoline
Aviation gasoline
Automotive and marine gasoline
All petroleum naphthas and solvents
Benzine, toluenes and xylenes
Stove and lamp gasoline and pressure appliance fuel
Condensate or distillates extracted in natural gasoline or cycling plants or not moved as crude petroleum
Jet propulsion fuel
Tractor fuel
Kerosene
Range oil, stove oil or heater oil
All other distillate burning, heating or fuel oils
Diesel fuels
Gas oils
Gas enrichment oil
Residual fuel oils and blends thereof with distillate fuel oils

Crude petroleum when sold: (1) to a processor for use as gas enrichment oil, (2) to a tank wagon reseller by sellers other than crude oil producers for resale to a consumer for a purpose other than the production of more than one petroleum fraction therefrom, or (3) to a consumer for a purpose other than the production of more than one petroleum fraction therefrom; provided, however, this regulation shall not be applicable to sales of crude petroleum to a refiner or to a person using such crude petroleum in oil and gas field operations.

SEC. 2. *Transactions and persons covered.* This regulation covers all types of sales and deliveries of the products listed in Sec. 1 either by refiners, producers, processors, natural gasoline or cycling plant operators, blenders, resellers, or any other person, with the following exceptions:

(a) Retail sales at retail establishments, including transactions through stationary retail facilities which are in conjunction with bulk plants, terminals or refineries.

(b) Exchanges of petroleum products between refiners or other petroleum sellers, provided prices at which such sales are made do not affect the level of existing ceiling prices.

(c) Sales between corporations when one is a wholly owned subsidiary of the other, or when both are wholly owned subsidiaries of a third corporation, and sales between such other affiliated or controlled corporations as are especially excepted by order in writing of the Director of Price Stabilization or his duly authorized representative, provided prices at which such sales are made do not affect the level of existing ceiling prices.

(d) Sales of aviation gasoline of 100 octane ASTM or higher when made to a defense agency or to any person for use in connection with a defense contract or subcontract.

(e) All sales of benzine, toluene and xylenes.

(f) Interrefinery sales of petroleum fractions when such sales are made at the direction of the Petroleum Administration for Defense.

(g) Sales of special hydrocarbon fractions or liquefied petroleum gas when sold for use in manufacturing the following products or components of such products:

(1) Synthetic rubber.

(2) Aviation gasoline of 100 octane ASTM or higher, toluene, benzine or their components, when sold to a defense agency or to any person for use in connection with a defense contract or subcontract.

SEC. 3. *Geographical coverage.* The provisions of this regulation are applicable to the United States, its territories and possessions and the District of Columbia, except the Canal Zone.

SEC. 4. *Products and transactions excepted from the General Ceiling Price Regulation.* Any products or transactions excepted from the coverage of this regulation are also exempt from the provisions of the General Ceiling Price Regulation.

SEC. 5. *Exports.* The ceiling price at which a person may export any product covered by this regulation shall be determined by this regulation plus the additions permitted for export sales of the commodities covered by this regulation by any applicable export regulation which may hereafter be issued.

SEC. 6. *Imports.* Ceiling prices in this regulation shall apply even though the product involved originated outside of the area covered by the regulation and was imported into such area.

SEC. 7. *Secret contracts.* The provisions of this price regulation shall not apply to sales of any product pursuant to a contract which is officially classified as "secret" or above.

SEC. 8. *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after January 26, 1951, and the transferee carries on the business, or continues to deal in the same type of products, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation. If the prices for the establishment are not in line with prices which would be arrived at under the in-line ceiling price method of Article II, the transferee may nevertheless arrive at his ceiling prices by use of this "in-line method."

SEC. 9. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the ceiling price in effect at the time of delivery. Where a petition for adjustment or amendment is pending the buyer and seller may agree that prices for deliveries made during the pendency of the petition shall be determined in accordance with the disposition of the petition.

SEC. 10. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1.

SEC. 11. *Applications for adjustment.* (a) The Director of Price Stabilization may adjust by order any ceiling price established under this regulation for a seller or group of sellers or for a general area when it appears:

(1) *Local shortages.*

(i) That there exists or threatens to exist in a particular locality a shortage in the supply of a petroleum product which aids directly in the present defense program or is essential to a standard of living consistent with the maintenance of the defense program;

(ii) That such local shortage will be substantially reduced or eliminated by adjusting the ceiling prices of such seller and of like sellers for such product; and

(iii) That such adjustment will not create or tend to create a shortage, or a need for increase in prices, in another locality, and will effectuate the purposes of the Defense Production Act of 1950.

(iv) Applications for adjustment for local shortages shall be filed with the Petroleum Branch, Office of Price Stabilization, Washington 25, D. C.

(2) *Depressed price areas and price inequities.*

(i) That due to temporary conditions a seller has a ceiling price which is not in line with his customary pricing practice or with his customary price relationship with other sellers in the same marketing area, or

(ii) That prices charged for petroleum products in a particular area have customarily followed the pattern of prices in nearby or surrounding areas, but due to temporary conditions ceiling prices have been established by this regulation which are not in line with the level of prices which would have prevailed had the area been free to adjust itself to normal conditions.

(b) The seller in applying under (a) (2) (i) or (a) (2) (ii) above shall show to the satisfaction of the Director:

(1) The basis upon which it is concluded that the ceiling prices are below normal, with a statement of how long the inequity has been in existence.

(2) The ceiling prices proposed.

(3) Information supporting why the proposed ceiling prices would be normal.

(4) A statement that the proposed ceiling prices will be in line with the level of ceiling prices otherwise established by the regulation.

(5) Applications for adjustment for depressed price areas and price inequities shall be filed with the Petroleum Branch, Office of Price Stabilization, Washington 25, D. C.

(c) *Government contracts.* Any person who has entered into or proposes to enter into a contract with an agency of the United States Government who believes that a ceiling price contained in this regulation impedes or threatens to impede production, manufacture or distribution of a commodity essential to the defense program may file an application for adjustment with the Petroleum Branch, Office of Price Stabilization, Washington 25, D. C.

SEC. 12. *Price revisions incident to orders establishing specific prices.* Notwithstanding the provisions of this regulation, the Director of Price Stabilization may by written order provide specific ceiling prices to replace ceilings established by this regulation.

SEC. 13. *Shifts which must be reported.* Where a seller has established a ceiling price on a delivered-at-destination basis at a given point for a particular petroleum product to a purchaser and thereafter sells such purchaser on an f. o. b. shipping point price basis he shall report such shift to the Director of Price Stabilization within thirty days after the date such sale is made, if, but only if, the effect of selling on an f. o. b. shipping point price basis is to increase the laid-down cost to the purchaser above the seller's delivered-at-destination ceiling price to such purchaser.

SEC. 14. *Records.* (a) The following records must be preserved and kept available for examination by the Director of Price Stabilization:

(1) Records in the seller's possession showing the prices charged by him for the petroleum products which he sold or offered for sale in the base period. In addition, the seller must prepare within 90 days after the effective date of this regulation and preserve a statement of any of his customary allowances, discounts, and other price differentials.

(2) Records indicating clearly the basis upon which the seller determined the ceiling price for any petroleum product not sold or offered for sale by him during the base period.

(3) Records, for a period of two years, of the kind the seller customarily keeps, showing the prices which the seller charges on sales of products covered by this regulation.

(b) Compliance with these record keeping provisions shall be deemed compliance with the record keeping requirements of the General Ceiling Price Regulation during the period when petroleum products were covered by that regulation.

SEC. 15. *Compliance with this regulation required.* (a) *Prohibitions against selling or delivery of petroleum products at prices above the ceiling.* On and after the effective date of this regulation regardless of any contract or other obligation, no person shall sell or deliver and no person shall buy or receive in the course of trade or business any petroleum product covered by this regulation at prices higher than the ceiling prices fixed by this regulation, and no person shall agree, offer, solicit, or attempt to do anything prohibited by this section. Prices lower than the ceiling prices may be charged, demanded, paid, or offered.

(b) *Evasion.* The ceiling prices established by this regulation shall not be evaded either by direct or indirect methods in connection with the purchase, sale, delivery or transfer of petroleum products alone or in conjunction with any other materials, or by way of any commission, service, transportation, or any other charge, or discount, premium or other privilege, or by tie-in agreement or other trade understanding, or by a change in the quality of the product, or otherwise, except when such change in quality results from order of an agency of the United States Government.

(c) *Enforcement.* Any person who violates any provision of this regulation is subject to the criminal penalties, civil enforcement actions, and suits for damage provided for by the Defense Production Act of 1950.

SEC. 16. *Definitions.* (a) *"Person"* includes an individual, corporation, partnership, association, or any other organized group of persons or legal successors and representatives of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(b) *"Product of the same grade."* For a product of a particular seller to be regarded as of the same grade as the product of another seller it must cus-

tomarily have been so regarded in trade practice in the general area where such products are sold.

(c) *"Contract"* means an agreement, the existence of which is established by written evidence.

(d) *"Base Period"* means the period from December 19, 1950 to January 25, 1951, inclusive.

(e) *"Tank Wagon Price"* means a particular price level as customarily established by a seller, regardless of the type or size of equipment that may be used for making deliveries, as distingulshed from the retail service station price, or the "tank car" price, or other large lot quantity price levels. The tank wagon price is a delivered-at-destination price. However, if at a particular bulk plant or terminal the operator had a tank wagon price to consumers who picked up their supply at such bulk plant or terminal then the operator thereof may continue to charge or offer the tank wagon price to consumers at the particular bulk plant or terminal.

(f) *"Retail establishment"* means a store, shop, garage, service station (land or marine) or other stationary place of business at which the major portion of the sales of petroleum products is sold in customary small quantities to consumers. Any facility making deliveries of fuel into fuel tanks of aircraft at an airport (or other landing area) shall be considered a retail establishment for the purpose of this regulation.

(g) *"Defense Agency."* This term as used in this regulation means the Department of Defense (including the Department of the Army, the Department of the Navy, and the Department of the Air Force), the Maritime Administration of the Department of Commerce, the United States Coast Guard, and the Atomic Energy Commission.

(h) *"Defense contract"* means any purchase order or written agreement with a Defense Agency.

(i) *"Subcontract"* means any purchase order, or agreement to perform all or any part of the work required under a defense contract or to make or furnish any commodity needed for the performance of a defense contract.

(j) *"Delivery point"* for sales made at the tank wagon price level whenever referred to in this regulation means the customary tank wagon price area of the seller. If a seller customarily maintains different price areas within the area customarily supplied from a bulk or distributing plant, such prices areas being reflected by the seller on a stated price or differential basis, then each such price area shall be interpreted as a delivery point and the ceiling price of each seller in each such price area shall reflect his customary differentials or differences in prices.

(k) *"Offering price."* The price at which a product was offered means the price shown in the seller's price list, or if a particular price was not included therein, or if he had no price list, the price at which he offered products in any other written manner. Such prices shall be subject to seller's customary allowances, discounts, and price differentials.

(l) *"Sale."* This term for purposes of using the "ceiling price based on sales" method of Article II shall include:

(1) Sales in the base period pursuant to oral or written contracts, including spot sales, made during such period.

(2) Written contracts made during the base period whether or not any deliveries were made thereunder, and written contracts made during the period June 1, 1950, to December 19, 1950, inclusive, under which no deliveries were made in the base period but which provided for performance to begin during or after the base period.

(3) Deliveries made during the base period under a contract made between June 1, 1950, and December 19, 1950, if such contracts were adjustable to reflect market conditions during the base period, or in the case of tank wagon resellers if such contracts provided for varying the price to the reseller in accordance with a stipulated posted market price (or prices) at the point or points where such buyer resells.

Provided, however, that in all cases deliveries made in the base period under contracts entered into prior to June 1, 1950, shall not be considered as a "sale," unless the buyer and seller agree to continue such contracts, in which case the ceiling price may be established on the basis of such contracts.

(m) *"Purchaser of same class"* refers to the practice adopted by the seller in setting different prices for a product for sales to purchasers performing different functions (for example, refiner; jobber; distributor, commercial, industrial or private consumer; service station tank car dealer; divided or undivided tank wagon dealer; etc.), or for purchasers performing the same functions but located in different areas or buying in different quantities or grades or under different conditions of sale. Price is prima facie evidence but not conclusive evidence to be considered in determining if a purchaser belongs to a particular class; however, a lower price to a particular purchaser which was to meet competition and was otherwise inconsistent with the seller's practice in setting the same price to purchasers in the same functional class shall neither result in placing the particular purchaser in a lower price class nor be considered in determining a seller's ceiling price.

(n) *"Posted purchase price"* means a price schedule posted by a purchaser who, during the period December 19, 1950, to January 25, 1951, inclusive, actually purchased any of the products covered in Sec. 23 produced from any field, or delivered or tendered by a natural gasoline or cycling plant operator, refiner, blender, reseller or any other person and to which purchase the posted price was applicable.

ARTICLE II—CEILING PRICES

NOTE: In determining ceiling price the ceiling price shall reflect customary discounts, allowances and differentials based upon terms and conditions of sale or delivery.

SEC. 17. *Aviation gasoline.* (a) *Specific prices.* (Reserved.)

(b) *Formula prices:*

(1) *Ceiling price based on sales.* The ceiling price for each seller at each shipping or delivery point shall be the highest price charged at that point by him during the period December 19, 1950, to January 25, 1951, inclusive, for a sale of a particular grade of aviation gasoline to a purchaser of the same class.

(2) *Ceiling price based on offering price.* If a seller is unable to determine a ceiling price under (1), the ceiling price for such seller at each shipping or delivery point shall be the highest offering price at the shipping or delivery point during the period December 19, 1950, to January 25, 1951, for a sale of a particular grade of aviation gasoline to a purchaser of the same class.

(3) *Ceiling price based on competitive or in-line ceiling price.*

(i) *Ceiling price of another seller.* When a seller at a given shipping or delivery point is unable to determine a ceiling price for aviation gasoline under (1) or (2) above, his ceiling price at the particular shipping or delivery point shall be the highest ceiling price of any seller of the same class to a purchaser of the same class for the shipping or delivery point. This method of determining a ceiling price cannot be used unless the seller's records show that for the purpose of such sale he has adopted as his ceiling the ceiling price of such other seller.

(ii) *In-line ceiling price.* If under this method (i) of pricing a seller arrives at a ceiling price for aviation gasoline which is not in line with the price he would have arrived at by use of his customary pricing practices in the same general area during the base period December 19, 1950, to January 25, 1951, he may nevertheless sell at a price in line with his price for the product at other comparable points which reflects his customary pricing practices. The seller shall within 15 days after making a sale file this in-line price with the Petroleum Branch. Office of Price Stabilization, Washington 25, D. C., stating his proposed ceiling price and in what way the ceiling price determined according to the price of a competitive seller of the same class is inconsistent with the customary pricing practices of the seller. Such price shall be the seller's ceiling price for the particular product unless it is disapproved in writing or a substitute price is established by the Office of Price Stabilization. A ceiling price established under this section may be changed at any time by order of the Office of Price Stabilization.

(4) *Final pricing method.* See Section 28 of this regulation.

SEC. 18. *Automotive and marine gasoline.* (a) *Specific prices.* (Reserved.)

(b) *Formula prices:*

(1) *Ceiling price based on sales.* The ceiling price for each seller at each shipping or delivery point shall be the highest price charged at that point by him during the period December 19, 1950, to January 25, 1951, inclusive, for a sale of a particular grade of automotive or marine gasoline to a purchaser of the same class.

(2) *Ceiling price based on offering price.* If a seller is unable to determine a ceiling price under (1), the ceiling price for such seller at each shipping or delivery point shall be the highest offering price at the shipping or delivery point

during the period December 19, 1950, to January 25, 1951, for a sale of a particular grade of automotive or marine gasoline to a purchaser of the same class.

(3) *Ceiling price based on competitive or in-line ceiling price.*

(i) *Ceiling price of another seller.* When a seller at a given shipping or delivery point is unable to determine a ceiling price for automotive or marine gasoline under (1) or (2) above, his ceiling price at the particular shipping or delivery point shall be the highest ceiling price of any seller of the same class to a purchaser of the same class for the same shipping or delivery point. This method of determining a ceiling price cannot be used unless the seller's records show that for the purpose of such sale he has adopted as his ceiling the ceiling price of such other seller.

(ii) *In-line ceiling price.* If under this method (i) of pricing a seller arrives at a ceiling price for automotive or marine gasoline which is not in line with the price he would have arrived at by use of his customary pricing practices in the same general area during the base period December 19, 1950, to January 25, 1951, inclusive, he may nevertheless sell at a price in line with his price for the product at other comparable points which reflects his customary pricing practices. The seller shall within 15 days after making a sale file this in-line price with the Petroleum Branch, Office of Price Stabilization, Washington 25, D. C., stating his proposed ceiling price and in what way the ceiling price determined according to the price of a competitive seller of the same class is inconsistent with the customary pricing practices of the seller. Such price shall be the seller's ceiling price for the particular product unless it is disapproved in writing or a substitute price is established by the Office of Price Stabilization. A ceiling price established under this section may be changed at any time by order of the Office of Price Stabilization.

(4) *Final pricing method.* See Section 28 of this regulation.

SEC. 19. *Petroleum naphthas and solvents.* (a) *Specific prices.* (Reserved.)

(b) *Formula prices:*

(1) *Ceiling price based on sales.* The ceiling price for each seller at each shipping or delivery point shall be the highest price charged at that point by him during the period December 19, 1950, to January 25, 1951, inclusive, for a sale of a particular grade of petroleum naphthas or solvents to a purchaser of the same class.

(2) *Ceiling price based on offering price.* If a seller is unable to determine a ceiling price under (1) the ceiling price for such seller at each shipping or delivery point shall be the highest offering price at the shipping or delivery point during the period December 19, 1950, to January 25, 1951, for a sale of a particular grade of petroleum naphthas or solvents to a purchaser of the same class.

(3) *Ceiling price based on competitive or in-line ceiling price.*

(i) *Ceiling price of another seller.* When a seller at a given shipping or delivery point is unable to determine a ceiling price for petroleum naphthas or solvents under (1), or (2) above, his ceiling price at the particular shipping or delivery point shall be the highest ceiling price of any seller of the same class to a purchaser of the same class for the same shipping or delivery point. This method of determining a ceiling price cannot be used unless the seller's records show that for the purpose of such sale he has adopted as his ceiling the ceiling price of such other seller.

(ii) *In-line ceiling price.* If under this method (i) of pricing a seller arrives at a ceiling price for petroleum naphthas or solvents which is not in line with the price he would have arrived at by use of his customery pricing practices in the same general area during the base period December 19, 1950, to January 25, 1951, he may nevertheless sell at a price in line with his price for the product at other comparable points which reflects his customary pricing practices. The seller shall within 15 days after making a sale file this in-line price with the Petroleum Branch, Office of Price Stabilization, Washington 25, D. C., stating his proposed ceiling price and in what way the ceiling price determined according to the price of a competitive seller of the same class is inconsistent with the customary pricing practices of the seller. Such price shall be the seller's ceiling price for the particular product unless it is disapproved in writing or a substitute price is established by the Office of Price Stabilization. A ceiling price established under this section may be changed at any time by order of the Office of Price Stabilization.

(4) *Final pricing method.* See Section 28 of this regulation.

SEC. 20. *Kerosenes, Tractor Fuels, Distillates and Heating Oils.* (a) *Specific prices.* (Reserved.)

(b) *Formula prices:*

(1) *Ceiling price based on sales.* The ceiling price for each seller at each shipping or delivery point shall be the highest price charged at that point by him during the period December 19, 1950, to January 25, 1951, inclusive, for a sale of a particular grade of kerosene, tractor fuel, distillate or heating oil to a purchaser of the same class.

(2) *Ceiling price based on offering price.* If a seller is unable to determine a ceiling price under (1), the ceiling price for such seller at each shipping or delivery point shall be the highest offering price at the shipping or delivery point during the period December 19, 1950, to January 25, 1951, for a sale of a particular grade of kerosene, tractor fuel, distillate or heating oil to a purchaser of the same class.

(3) *Ceiling price based on competitive or in-line ceiling price.*

(i) *Ceiling price of another seller.* When a seller at a given shipping or delivery point is unable to determine a ceiling price for kerosene, tractor fuel, distillate or heating oil under (1) or (2) above, his ceiling price at the particular shipping or delivery point shall be the highest ceiling price of any seller of the same class to a purchaser of the same class for the same shipping or delivery point. This method of determining a ceiling price cannot be used unless the seller's records show that for the purpose of such sale he has adopted as his ceiling the ceiling price of such other seller.

(ii) *In-line ceiling price.* If under this method (i) of pricing a seller arrives at a ceiling price for kerosene, tractor fuel, distillate or heating oil which is not in line with the price he would have arrived at by use of his customary pricing practices in the same general area during the base period December 19, 1950, to January 25, 1951, he may nevertheless sell at a price in line with his price for the product at other comparable points which reflects his customary pricing practices. The seller shall within 15 days after making a sale file this in-line price with the Petroleum Branch, Office of Price Stabilization, Washington 25, D. C., stating his proposed ceiling price and in what way the ceiling price determined according to the price of a competitive seller of the same class is inconsistent with the customary pricing practices of the seller. Such price shall be the seller's ceiling price for the particular product unless it is disapproved in writing or a substitute price is established by the Office of Price Stabilization. A ceiling price established under this section may be changed at any time by order of the Office of Price Stabilization.

(4) *Final pricing method.* See Section 28 of this regulation.

SEC. 21. *Residual fuel oils and blends thereof with distillate fuel oils.* (a) *Specific prices.* (Reserved.)

(b) *Formula prices:*

(1) *Ceiling price based on sales.* The ceiling price for each seller at each shipping or delivery point shall be the highest price charged at that point by him during the period December 19, 1950, to January 25, 1951, inclusive, for a sale of a particular grade of residual fuel oil to a purchaser of the same class.

(2) *Ceiling price based on offering price.* If a seller is unable to determine a ceiling price under (1), the ceiling price for such seller at each shipping or delivery point shall be the highest offering price at the shipping or delivery point during the period December 19, 1950, to January 25, 1951, for a sale of a particular grade of residual fuel oil to a purchaser of the same class.

(3) *Ceiling price based on competitive or in-line ceiling price*

(i) *Ceiling price of another seller.* When a seller at a given shipping or delivery point is unable to determine a ceiling price for residual fuel oil under (1) or (2) above, his ceiling price at the particular shipping or delivery point shall be the highest ceiling price of any seller of the same class to a purchaser of the same class for the same shipping or delivery point. This method of determining a ceiling price cannot be used unless the seller's records show that for the purpose of such sale he has adopted as his ceiling the ceiling price of such other seller.

(ii) *In-line ceiling price.* If under this method (i) of pricing a seller arrives at a ceiling price for residual fuel oil which is not in line with the price he would have arrived at by use of his customary pricing practices in the same general area during the base period December 19, 1950, to January 25, 1951, he

may nevertheless sell at a price in line with his price for the product at other comparable points which reflects his customary pricing practices. The seller shall within 15 days after making a sale file this in-line price with the Petroleum Branch, Office of Price Stabilization, Washington 25, D. C., stating his proposed ceiling price and in what way the ceiling price determined according to the price of a competitive seller of the same class is inconsistent with the customary pricing practices of the seller. Such price shall be the seller's ceiling price for the particular product unless it is disapproved in writing or a substitute price is established by the Office of Price Stabilization. A ceiling price established under this section may be changed at any time by order of the Office of Price Stabilization.

(4) *Final pricing method.* (See Section 28 of this regulation.)

SEC. 22. *Liquefied petroleum gases.* (a) *Specific prices.* (Reserved.)

(b) *Formula prices:*

(1) *Ceiling price based on sales.* The ceiling price for each seller at each shipping or delivery point shall be the highest price charged at that point by him during the period December 19, 1950, to January 25, 1951, inclusive, for a sale of a particular grade of liquefied petroleum gas to a purchaser of the same class.

(2) *Ceiling price based on offering price.* If a seller is unable to determine a ceiling price under (1), the ceiling price for such seller at each shipping or delivery point shall be the highest offering price at the shipping or delivery point during the period December 19, 1950, to January 25, 1951, for a sale of a particular grade of liquefied petroleum gas to a purchaser of the same class.

(3) *Ceiling price based on competitive or in-line ceiling price.*

(i) *Ceiling price of another seller.* When a seller at a given shipping or delivery point is unable to determine a ceiling price for liquefied petroleum gas under (1) and (2) above, his ceiling price at the particular shipping or delivery point shall be the highest ceiling price of any seller of the same class to a purchaser of the same class for the same shipping or delivery point. This method of determining a ceiling price cannot be used unless the seller's records show that for the purpose of such sale he has adopted as his ceiling the ceiling price of such other seller.

(ii) *In-line ceiling prices.* If under this method (i) of pricing a seller arrives at a ceiling price for a liquefied petroleum gas which is not in line with the price he would have arrived at by use of his customary pricing practices in the same general area during the base period December 19, 1950, to January 25, 1951, he may nevertheless sell at a price in line with his price for the product at other comparable points which reflects his customary pricing practices. The seller shall within 15 days after making a sale file this in-line price with the Petroleum Branch, Office of Price Stabilization, Washington 25, D. C., stating his proposed ceiling price and in what way the ceiling price determined according to the price of a competitive seller of the same class is inconsistent with the customary pricing practices of the seller. Such price shall be the seller's ceiling price for the particular product unless it is disapproved in writing or a substitute price is established by the Office of Price Stabilization. A ceiling price established under this section may be changed at any time by order of the Office of Price Stabilization.

(4) *Final pricing method.* See Section 28 of this regulation.

SEC. 23. *Natural gasoline.* (a) *Specific prices.* (Reserved.)

(b) *Posted prices:*

(1) In areas where natural gasoline is customarily purchased and sold on the basis of posted purchase prices the ceiling price for natural gasoline so sold and purchased shall be:

(i) *Posted purchase price.* The ceiling price for natural gasoline from any given field shall be the posted purchase price as of January 25, 1951, for said field.

(ii) *Two or more posted purchase prices.* Where there was for any field more than one posted purchase price, the ceiling price for natural gasoline shall be the highest of the posted purchase prices.

(iii) *Contract in excess of posted purchase price.* Notwithstanding (i) and (ii), above where a contract was in effect on January 25, 1951, and was made prior to December 9, 1950, for the purchase of natural gasoline at the receiving tank at a price in excess of the highest posted purchase price for the given field and deliveries were made prior to January 25, 1951, in accordance with such contract, then the price actually charged on January 25, 1951, shall be the ceiling price for the natural gasoline covered by the contract. On termination of the contract establishing the ceiling price for the production involved, any purchaser may purchase the production involved at the price charged under the contract on January 25, 1951, regardless of any posted purchase price.

(c) *Formula prices:*

(1) *Ceiling price based on sales.* The ceiling price for each seller at each shipping or delivery point shall be the highest price charged at that point by him during the period December 19, 1950, to January 25, 1951, inclusive, for a sale of a particular grade of natural gasoline to a purchaser of the same class.

(2) *Ceiling price based on offering price.* If a seller is unable to determine a ceiling price under (1), the ceiling price for such seller at each shipping or delivery point shall be the highest offering price at the shipping or delivery point during the period December 19, 1950, to January 25, 1951, for a sale of a particular grade of natural gasoline to a purchaser of the same class.

(3) *Ceiling price based on competitive or in-line ceiling price.*

(i) *Ceiling price of another seller.* When a seller at a given shipping or delivery point is unable to determine a ceiling price for natural gasoline under (1) or (2) above, his ceiling price at the particular shipping or delivery point shall be the highest ceiling price of any seller of the same class to a purchaser of the same class for the same shipping or delivery point. This method of determining a ceiling price cannot be used unless the seller's records show that for the purpose of such sale he has adopted as his ceiling the ceiling price of such other seller.

(ii) *In-line ceiling price.* If under this method (i) of pricing a seller arrives at a ceiling price for natural gasoline which is not in line with the price he would have arrived at by use of his customary pricing practices in the same general area during the base period December 19, 1950, to January 25, 1951, he may nevertheless sell at a price in line with his price for the product at other comparable points which reflects his customary pricing practices. The seller shall within 15 days after making a sale file this in-line price with the Petroleum Branch, Office of Price Stabilization, Washington, D. C., stating his proposed ceiling price and in what way the ceiling price determined according to the price of a competitive seller of the same class is inconsistent with the customary pricing practices of the seller. Such price shall be the seller's ceiling price for the particular product unless it is disapproved in writing or a substitute price is established by the Office of Price Stabilization. A ceiling price established under this section may be changed at any time by order of the Office of Price Stabilization.

(4) *Final pricing method.* See Section 28 of this regulation.

SEC. 24. *All other petroleum products included under this Regulation.* (a) *Specific prices.* (Reserved.)

(b) *Formula prices:*

(1) *Ceiling price based on sales.* The ceiling price for each seller at each shipping or delivery point shall be the highest price charged at that point by him during the period December 19, 1950, to January 25, 1951, inclusive, for a sale of a particular grade of any other petroleum product included under this Regulation but not listed under one of the foregoing sections to a purchaser of the same class.

(2) *Ceiling price based on offering price.* If a seller is unable to determine a ceiling price under (1), the ceiling price for such seller at each shipping or delivery point shall be the highest offering price at the shipping or delivery point during the period December 19, 1950, to January 25, 1951, for a sale of a particular grade of any other petroleum product included under this Regulation but not listed under any of the foregoing sections to a purchaser of the same class.

(3) *Ceiling price based on competitive or in-line ceiling price.*

(i) *Ceiling price of another seller.* When a seller at a given shipping or delivery point is unable to determine under (1) or (2) above a ceiling price for any other petroleum product included under this Regulation but not listed under any of the foregoing sections, his ceiling price at the particular shipping or delivery point shall be the highest ceiling price of any seller of the same class to a purchaser of the same class for the same shipping or delivery point. This method of determining a ceiling price cannot be used unless the seller's records show that for the purpose of such sale he has adopted as his ceiling the ceiling price of such other seller.

(ii) *In-line ceiling prices.* If under this method (i) of pricing a seller arrives at a ceiling price for a petroleum product included under this Regulation but not listed under any of the foregoing sections which is not in line with the price he would have arrived at by use of his customary pricing practices in the same general area during the base period December 19, 1950, to January 25, 1951, he may nevertheless sell at a price in line with his price for the product at other comparable points which reflects his customary pricing practices. The seller shall within 15 days after making a sale file this in-line price with the Petroleum Branch, Office of Price Stabilization, Washington 25, D. C., stating his proposed ceiling price and in what way the ceiling price determined according to the price of a competitive seller of the same class is inconsistent with the customary pricing practices of the seller. Such price shall be the seller's ceiling price for the particular product unless it is disapproved in writing or a substitute price is established by the Office of Price Stabilization. A ceiling price established under this section may be changed at any time by order of the Office of Price Stabilization.

(4) *Final Pricing method.* See Section 28 of this regulation.

ARTICLE III—INCREASES PERMITTED OR REDUCTIONS REQUIRED

SEC. 25. *Transportation.* (a) There may be added to the applicable ceiling prices determined under other sections of this Regulation an amount not in excess of the following:

(1) The increased costs to the seller or his reseller customer resulting from transportation rate increases after January 25, 1951, permitted by Federal or State regulatory bodies or by the Office of Price Stabilization.

(2) Where transportation is in facilities owned or controlled by the seller the same increases as provided in (1) above where the movement involved is in lieu of transportation by such regulated carrier.

Provided, however, there may be added by the seller to the applicable ceiling price established herein an amount not in excess of the transportation tax imposed by Section 620 of the Revenue Act of 1942 if the seller incurred such tax.

SEC. 26. *Taxes.* Any tax increase, or new tax after January 25, 1951, imposed upon or incident to the sale, production, gathering, severance, transportation, delivery, processing or use of any petroleum product covered by this regulation, excepting import duties, may be collected by a seller in addition to the ceiling prices established under this regulation, if the seller is required by law to collect or pay such tax.

SEC. 27. *Sales in the territories of the United States.* There may be added to the ceiling prices determined under the provisions of this regulation the additions permitted for export sales of the commodities covered by this regulation by any applicable export regulation which may hereafter be issued.

ARTICLE IV—FINAL PRICING METHOD

SEC. 28. *Seller unable to determine ceiling price.* (a) If under other provisions of this regulation, a seller is unable to determine his ceiling price at a given shipping or delivery point for any product covered by this regulation, then the seller may nevertheless make a sale of such product at that point. If he wishes he may request a ceiling price before making a sale. Within 15 days of the making of the sale, the seller shall file with the Petroleum Branch of the Office of Price Stabilization, Washington 25, D. C., a written request for approval of a ceiling price including a statement setting forth:

(1) The sale price with careful details of the sale, or if no sale is made the ceiling price which is requested.

(2) An explanation as to why the seller is unable to establish a ceiling price under preceding articles of this regulation.

(3) Whenever applicable, that the ceiling price is in line with his own ceiling price for the same product at three other points nearest the point at which the sale is made.

(4) Whenever (3) is not applicable, an explanation, supplemented by specifications as to how the particular product differs from the two products having the most nearly similar specifications for which ceiling prices are established under preceding articles of this Regulation, the ceiling prices of such products and a statement showing the method of evaluating the product used by the seller.

(b) The price filed shall be the seller's ceiling price at the shipping point or delivery point for the particular product until the price is disapproved in writing by the Office of Price Stabilization or until the seller is notified in writing that a substitute ceiling price has been set by the Office of Price Stabilization. Either an approved ceiling price or a substituted ceiling price set by the Office of Price Stabilization may be replaced by another ceiling price upon written notice to the seller from the Office of Price Stabilization.

(c) If a seller shall fail to report a sale as required by this section, the Office of Price Stabilization may at any time upon written notice to the seller establish his ceiling price for the particular product at the particular point effective retroactively to a date 15 days after the making of the sale.

Effective date: This Ceiling Price Regulation shall become effective on April 10, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in according with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director,
Office of Price Stabilization.

APRIL 5, 1951.

[F. R. Doc. 51-4223; Filed, Apr. 5, 1951; 4:00 p. m.]

[Ceiling Price Regulation 18]

CPR 18—MANUFACTURERS' PRICES FOR WOOL YARNS AND FABRICS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6165), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 18 is hereby issued.

STATEMENT OF CONSIDERATIONS

During 1950 the price of wool moved up steadily on the world market. This movement has been severely intensified since the opening of the Australian auctions in early September. The general price trend since June 1950 is illustrated by the landed equivalent price in this country of fine Australian wool, Type 77, as follows:

June 30, 1950	$2.12
July 28	2.12
Aug. 25	2.13
Sept. 29	2.93
Oct. 27	2.93
Nov. 24	3.05
Dec. 29	3.23
Feb. 9, 1951	3.90
Mar. 9	4.18

The prices of other imported wools, and of domestic wools, up to January 25, 1951, have closely followed those of Australian wools.

At the present time wool constitutes approximately 60 to 75 percent of the total cost of wool yarns and from 55 to 65 percent of the cost of wool fabrics; 70 percent of the raw wool requirements of the Nation are imported, and are not subject, at their source, to the price regulations issued by the Office of Price Stabilization.

The General Ceiling Price Regulation fixed ceiling prices for manufacturers of wool yarn and woven and knitted wool fabrics at the highest prices at which they delivered their products between December 19, 1950, and January 25, 1951.

Since, in the absence of an international agreement, the prices of this Nation's largest suppliers of wool cannot be controlled at their source, manufacturers of wool yarns and woven and knitted fabrics have fixed ceiling prices on their products but at the same time have been confronted with rapidly rising raw material costs. Contracts of sale by these manufacturers normally call for delivery three to five months after the contract is made. Consequently the prices at which yarns and fabrics were delivered during the base period, and which have been fixed as ceiling prices, reflected wool purchase contracts made at a time when wool prices were 25 to 45 percent lower than those in existence at the end of the base period. Dealers and topmakers on the other hand generally have ceiling prices based on sales contracts which called for more immediate delivery. Their ceiling prices reflect more closely the price of wool reached in the last half of December 1950.

This regulation covers yarn and knit and woven fabrics containing 25 percent or more wool by fiber weight. As to woven fabrics, however, it covers only those woven on the woolen or worsted system. It allows manufacturers of

wool yarns and fabrics to add to their pre-Korean prices (based on their highest contract price during the three months ending June 24, 1950) dollars-and-cents increases in the cost of manufacturing materials up to December 31, 1950, and the dollars-and-cents increase in labor cost up to December 31, 1950. A method is also provided for establishing ceiling prices for yarns and fabrics not sold during the base period. If they are comparable to those which were sold during the base period, a markup over December 1950 costs is permitted in line with the December 1950 markup of the comparable yarn or fabric sold in the base period. It is believed that the first two methods will be adequate for pricing most yarns and fabrics. For the unusual case, however, a third method is provided which permits a dollars-and-cents markup over December costs in line with the December 1950 dollars-and-cents markup of the most nearly like yarn or fabric sold during the base period. Reports must be furnished in advance of delivery by all sellers who use any of these three methods. New sellers, whose ceiling prices are based upon those of their most closely competitive sellers, are required to submit reports to the Office of Price Stabilization at least 15 days in advance of any deliveries.

Since this regulation only allows increases of manufacturing material costs up to December 31, 1950, the new ceiling prices will not pass on to the consumer of wool yarns and fabrics the additional 25 percent to 30 percent increase in wool since that date. At the same time manufacturers who own wool at prices below the December 31, 1950, level may give purchasers the advantage of any lower priced wool on hand. While yarn and fabric prices under this regulation will reflect December 31, 1950, costs of wool, they will be substantially below prices based on current replacement costs. In addition, those mills which have sufficient raw material inventories will have new ceiling prices which may serve as a basis for making forward sales.

The provistons of this regulation and their effect upon business practices, cost practices, or methods, or means or aids to distribution in the industry have been carefully considered. Generally only such changes in such practices or methods have been effected as are necessary to prevent circumvention or evasion of the regulation and to effectuate the policies of the Defense Production Act of 1950.

In formulating this regulation the Director has consulted with representatives of the industry to the extent practicable under the circumstances and has given consideration to their recommendations.

He has also given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

In the judgment of the Director, based upon an analysis of the presently available data, the provisions of this regulation and the ceiling prices established are generally fair and equitable and will effectuate the purposes of Title IV of the Defense Production Act of 1950.

REGULATORY PROVISIONS

Sec.

1. What this regulation does.
2. Ceiling prices for yarns or fabrics sold or offered for sale between March 24 and June 24, 1950.
3. Ceiling prices for yarns or fabrics comparable to those sold or offered for sale between March 24 and June 24, 1950.
4. Ceiling prices for new yarns or fabrics.
5. Ceiling prices for new sellers.
6. Manufacturers who cannot price under other sections.
7. Prohibition against redetermination of ceiling prices.
8. Application for authorization to perform certain contracts.
9. Excise, sales, and other similar taxes.
10. Records.
11. Reports.
12. What acts are prohibited by this regulation.
13. Enforcement.
14. Petitions to amend this regulation.
15. Definitions.

AUTHORITY: Sections 1 to 15 issued under sec. 705, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation fixes ceiling prices for sales of wool yarn or fabric by manufacturers. It applies in the 48 States and the District of Columbia. During the period between April 9 and April 16, 1951, you may use either this regulation or the General Ceiling Price Regulation. On and after April 16, 1951, you must use this regulation. This regulation shall not apply to deliveries under a military contract or subcontract for yarn or fabric covered by Supplementary Regulation 1, as amended, to the General Ceiling Price Regulation.

SEC. 2. *Ceiling prices for yarns or fabrics sold or offered for sale between March 24 and June 24, 1950.* Your ceiling price for a yarn or fabric which you sold during the base period (March 24 to June 24, 1950, inclusive) shall be computed as follows:

(a) *Step 1.* Find the class of purchaser which, during the base period, contracted in writing to buy from you the largest dollar amount of that yarn or fabric. Then take all the written contracts you entered into during the base period with that class of purchaser (other than sample quantity contracts), and find the highest contract price for a unit of that yarn or fabric. If during the base period, you did not contract to sell that yarn or fabric, but you did make a written offer to sell it, find the highest unit price at which, during the base period, you made a written offer to sell it to the class of purchaser which during the base period contracted in writing to buy from you the largest dollar amount of all yarns or fabrics.

(b) *Step 2.* Find the physical amount of each manufacturing material (see definition, section 15 of this regulation) used in a unit (pound of yarn, yard of fabric) of that yarn or fabric and multiply that amount by your dollars-and-cents increase in unit cost of that material between June 24 and December 31, 1950. This increase is the difference between (1) the highest unit price at which you contracted to buy that material between May 24 and June 24, 1950, inclusive, and (2) the highest unit price at which you contracted to buy it during December 1950. (These prices should not be taken from sample quantity contracts.) In computing your increase in the cost of any manufacturing material, take waste credits according to your customary accounting procedure. If you did not contract to buy this material between May 24 and June 24 (or during December), 1950, use the highest unit price at which your customary source of supply contracted in writing to sell it during such period to the class of purchaser in which you fall, or if he made no written contract, use the highest price at which, during such period, he made a written offer to sell it to the class of purchaser in which you fall. Add together the increases you have calculated for each material. This gives you the total cost-of-materials increase per unit of that yarn or fabric.

Add to this amount the increase between June 24, 1950, and December 31, 1950, in your cost of labor (see definition section 15 of this regulation) per unit of that yarn or fabric. This gives you the total unit cost increase (material and labor).

(c) *Step 3.* Add this total unit cost increase to the base period price of a unit of that yarn or fabric found in paragraph (a) of this section. The result is your ceiling price for a unit of that yarn or fabric. This ceiling price must carry the same delivery terms, discounts, and other conditions of sale as your base period price. If you have classes of purchasers other than the class of purchaser you used in determining your base period price, your ceiling prices for sales to such other classes of purchasers are fixed by applying your customary price differentials to your ceiling price as found in this paragraph (c).

This section is applicable only when the yarn or fabric you are pricing now is the same as the yarn or fabric you sold during the base period. One yarn is the same as another, regardless of differences in color or put-up, if the first is the same size or count as the second and is manufactured from the same blends of raw material. One fabric is the same as another, regardless of differences in color or pattern, if the first has the same weave as the second, contains the same total number of ends and picks per finished inch, the same yarn sizes, weight per yard, width and finish, and is manufactured from the same blends of raw material.

EXAMPLE OF COMPUTATION USED IN THIS SECTION

(1)	Highest price per yard of 15-ounce wool filled, worsted warp, men's wear fabric taken from a written contract with member of the class of purchaser which purchased largest dollar amount, e. g. cutters	$3.85
(2)	Raw material per unit: (i) .45 pound 64's top per finished yard. (ii) .84 pound 60-58's wool per finished yard. (iii) .04 pound noils per finished yard.	
(3)	Highest cost of 64's top per pound, adjusted for waste credits: Dec. 1-Dec. 31, 1950 $3.80; May 24-June 24, 1950 2.35; Increase 1.45	
	Highest cost of 60-58's wool per pound, adjusted for waste credits: Dec. 1-Dec. 31, 1950 2.75; May 24-June 24, 1950 1.85; Increase .90	
	Highest cost of noils per pound, adjusted for waste credits: Dec. 1-Dec. 31, 1950 1.40; May 24-June 24, 1950 1.00; Increase .40	
(4)	Top cost increase per finished yard (.45 x $1.45)	.653
	Wool cost increase per finished yard (.84 x .90)	.756
	Noils cost increase per finished yard (.04 x .40)	.016
	Total cost-of-materials increase (assuming no increase in cost of other manufacturing materials)	1.201
(5)	Cost of labor per unit: Dec. 31, 1950 $0.708; June 24, 1950 .680; Cost of labor increase per unit .109	
(6)	Total unit cost increase	1.400
(7)	New ceiling price to class of purchaser specified in (1) above	5.250
(8)	Assume that you customarily sell to jobbers at $0.05 under your price to cutters	.050
	New ceiling price to jobbers per per yard of 15 ounce wool filled worsted warp, men's wear fabric	5.200

SEC. 3. *Ceiling prices for yarns or fabrics comparable to those sold or offered for sale between March 24 and June 24, 1950.* If you want to sell a yarn or fabric which, during the base period, you did not contract in writing to sell or make a written offer to sell, your ceiling price for such yarn or fabric shall be computed as follows:

(a) *Step 1.* Find the physical amount of each manufacturing material used in a unit (pound of yarn, yard of fabric) of that yarn or fabric and multiply that amount by the highest unit price at which you contracted to buy that material during December 1950 (exclude sample quantity contracts). If, during December 1950, you did not contract to buy the material, use the highest price at which your customary source of supply contracted in writing to sell it during that month to the class of purchaser in which you fall, or if he made no written contract, use the highest price at which, during that month, he made a written offer to sell it to the class of purchaser in which you fall. Add together the costs you have calculated for each manufacturing material. Add to the result your cost of labor for a unit of that yarn or fabric, calculated at your highest December 1950 wage rates. This gives you your "December cost" of a unit of the yarn or fabric.

(b) *Step 2.* Select a yarn or fabric from those which, during the base period, you made a written contract to sell or if you made no written contract, a written offer to sell, which is "comparable" to the yarn or fabric being priced. One yarn is comparable to another, regardless of differences in color or put-up, if the first does not vary from the second in respect of size or count by more than 10 percent, and is manufactured from substantially the same blends of raw material as the second, and does not vary from the second by more than 10 percent in respect of any of the following elements: the sum of ends and picks per finished inch; weight per finished yard; and yarn sizes.

Of this group of comparable yarns or fabrics, the yarn or fabric to be used in pricing under this section shall be the first of the following which is available to you:

(1) A yarn or fabric you are presently manufacturing whose December cost (see paragraph (a) of this section) is the same as or lower than the December cost of the yarn or fabric you are pricing;

(2) A yarn or fabric you are presently manufacturing whose December cost is next higher than the December cost of the yarn or fabric you are pricing.

(c) *Step 3.* Compute, in accordance with the method prescribed in section 2, the ceiling price of a unit of the comparable yarn or fabric selected in paragraph (b) of this section. Then divide its ceiling price by its December cost. This gives you the "multiplication factor."

(d) *Step 4.* Multiply the December cost (see paragraph (a) of this section) of a unit of the yarn or fabric you are pricing by the "multiplication factor." This gives you the ceiling price for a unit of that yarn or fabric. This ceiling price must carry the same delivery terms, discounts, and other conditions of sale as the base period price for the comparable yarn or fabric selected in paragraph (b) of this section. If you have classes of purchasers other than the class of purchaser you used in determining the base period price for the comparable yarn or fabric, your ceiling prices for sales to such other classes of purchasers are fixed by applying your customary price differentials to your ceiling price found in this paragraph (d).

SEC. 4. *Ceiling prices for new yarns or fabrics.* If you made written contracts or offers to sell yarns or fabrics during the base period but you cannot use sections 2 or 3 of this regulation to fix a ceiling price for a yarn or fabric you now want to sell, your ceiling price for the yarn or fabric you now want to sell shall be computed as follows:

(a) *Step 1.* Find your December cost of a unit (pound of yarn, yard of fabric) of that yarn or fabric, in accordance with the method prescribed in section 3 (a) of this regulation.

(b) *Step 2.* From the yarns or fabrics which during the base period you contracted in writing to sell, or made a written offer to sell, select the first of the following which is available to you:

(1) A yarn or fabric you are presently manufacturing which is most nearly like, and whose December cost (see section 3 (a) of this regulation) is the same as or lower than the December cost of, the yarn or fabric you are pricing.

(2) A yarn or fabric you are presently manufacturing which is most nearly like, and whose December cost is next higher than the December cost of, the yarn or fabric you are pricing.

(3) A yarn or fabric you are no longer manufacturing which is most nearly like, and whose December cost would be the same as or lower than the December cost of, the yarn or fabric you are pricing.

(4) A yarn or fabric you are no longer manufacturing which is most nearly like, and whose December cost would be next higher than the December cost of, the yarn or fabric you are pricing.

(c) *Step 3.* Compute in accordance with the method prescribed in section 2, the ceiling price of a unit of the yarn or fabric selected in paragraph (b) of this section. Then subtract from its ceiling price its December cost. This gives you the "dollars-and-cents difference."

(d) *Step 4.* Add this "dollars-and-cents difference" to the December cost (see paragraph (a) of this section) of a unit of the yarn or fabric you want to sell. This gives you the ceiling price for a unit of that yarn or fabric. This ceiling price must carry the same delivery terms, discounts, and other conditions of sale as the base period price for the yarn or fabric selected in paragraph (b) of this section. If you have classes of purchasers other than the class of purchaser you used in determining the base period price for that yarn or fabric, your ceiling prices for sales to such other classes of purchasers are fixed by applying your customary price differentials to your ceiling price as found in this paragraph (d).

SEC. 5. *Ceiling prices for new sellers.* (a) If you did not, during the base period, contract in writing to sell, or make a written offer to sell, yarn or fabric, your ceiling price for a particular yarn or fabric is the same as the ceiling price of your most closely competitive seller of the same class selling that particular yarn or fabric to the same class of purchaser. You cannot sell any yarn or fabric under this section, however, until 15 days after you have filed, by registered mail return receipt requested, the report required in paragraph (b) of this section, with the Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Thereafter you may sell at your proposed ceiling price unless and until notified by

the Director of Price Stabilization that your proposed price has been disapproved, or that more information is required. The Director may disapprove or revise ceiling prices reported under this section, at any time, even after the 15-day period, so as to bring them into line with the ceiling prices otherwise fixed by this regulation.

(b) Your report shall contain the following:

(1) The name and address of your company;

(2) A statement of whether you or the principal owner of your business is now or during the past twelve months has been engaged in any capacity in the same or a similar business at any other establishment, and if so, the trade name and address of each such establishment;

(3) Your proposed ceiling price and a description of the yarn or fabric you are pricing, the manufacturing processes involved, the December cost (see section 3 (a) of this regulation) for that yarn or fabric, the classes of purchasers to whom you will be selling, and the price differentials, if any, you propose to adopt;

(4) The name, address and type of business of your most closely competitive seller of the same class, and your reasons for selecting him as your most closely competitive seller.

SEC. 6. *Manufacturers who cannot price under other sections.* If you claim that you are unable to determine your ceiling price for a yarn or fabric under any of the foregoing provisions of this regulation, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C., for the establishment of a ceiling price. This application shall contain an explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all pertinent information describing the yarn or fabric and the nature of your business; your proposed ceiling price and the method used by you to determine it; and the reason you believe the proposed price is in line with the level of ceiling prices otherwise established by this regulation. You may not sell the yarn or fabric until the Director of Price Stabilization, in writing, notifies you of your ceiling price.

SEC. 7. *Prohibition against redetermination of ceiling prices.* Once you have determined your ceiling price for a yarn or fabric in accordance with this regulation you may not thereafter redetermine it.

SEC. 8. *Application for authorization to perform certain contracts.* (a) If, between January 26 and April 16, 1951, you entered into a written contract to sell yarn or fabric at a ceiling price fixed by sections 3 or 4 of the General Ceiling Price Regulation, as amended, which is higher than the ceiling price fixed by this regulation, you may file an application for authorization to carry out that contract after April 16, 1951, at the contract price. Your application shall contain the information required in paragraph (b) of this section, and shall be filed with the Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. You may not deliver under any such contract after April 16, 1951, at a price higher than the ceiling price fixed by this regulation until you are notified by the Director of Price Stabilization that you are authorized to do so.

(b) Your application shall include:

(1) A copy of each contract which you propose to carry out, a description of the yarn or fabric, and a statement showing that the contract price is at or below the ceiling price established in sections 3 or 4 of the General Ceiling Price Regulation, as amended. This statement shall include the date of delivery and delivery price (or the offering price) if you used section 3 of the General Ceiling Price Regulation, or a description of the comparison commodity and your method of computation, if you used section 4 of the General Ceiling Price Regulation;

(2) As to each yarn or fabric sold under each contract, the ceiling price fixed by this regulation, together with a reference to the section of this regulation under which you computed that ceiling price.

SEC. 9. *Excise, sales, and other similar taxes.* (a) If the price for a yarn or fabric you are to use under any of the sections of this regulation for the purpose of determining your ceiling price either for that yarn or fabric or another yarn or fabric includes any excise, sales or other similar tax which is not separately stated, you must first ascertain the amount of any such tax and exclude it from the price. The price, with any such tax so excluded, many then be used by you in connection with any appropriate computations under this regulation. After completing the computations involved in determining your ceiling price, you may then add on the appropriate amount of any such tax for inclusion as part of your ceiling price.

(b) In addition to your ceiling price determined under this regulation, you may collect the amount of any excise, sales or other similar taxes paid by you as such only if it has been your practice to state and collect such taxes separately from your selling price for the same or similar yarns or fabrics. In the case of such a tax imposed by law which is not effective until after the effective date of this regulation, you may collect the amount of the tax actually paid as such by you, if not prohibited by the tax law. You must in all such cases state separately the amount of the tax.

SEC. 10. *Records.* (a) You must keep and make available for examination by the Office of Price Stabilization for a period of two years the records you customarily maintain showing the prices you charge for yarn or fabric sold or delivered after the effective date of this regulation. You must also preserve until two years after the expiration of the Defense Production Act all of the data required to be reported by section 11 of this regulation, and in addition:

(1) All contracts of sale of yarn or fabric entered into during the base period (March 24 to June 24, 1950, inclusive). For yarns or fabrics for which you had no contracts of sale but have established a base period price through a written offer to sell, preserve a copy of each such written offer to sell.

(2) All contracts which you entered into between May 24, 1950, and June 24, 1950, inclusive, and between December 1, 1950, and December 31, 1950, inclusive, to buy manufacturing materials used in yarns or fabrics. If you are establishing, for the purpose of computations in sections 2, 3 or 4 of this regulation, a purchase price for such a material through a supplier's price, obtain and preserve a statement, signed by the principal owner, or an officer, of the supplying company, of the highest unit price at which your supplier contracted in writing, or made a written offer, to sell such a material between May 24, 1950, and June 24, 1950, inclusive (or between December 1, 1950, and December 31, 1950, inclusive), to a purchaser of the class in which you fall.

(b) You shall continue to preserve all records required to be preserved by section 16 (a) of the General Ceiling Price Regulation and, for the period specified in section 16 (b) of the General Ceiling Price Regulation, all records required by section 16 (b) of the General Ceiling Price Regulation relating to sales of yarn or fabric made between January 26, 1950, and April 16, 1951.

SEC. 11. *Reports.* Prior to making any deliveries of yarns or fabrics for which ceiling prices are established by sections 2, 3 or 4 of this regulation, you must file by registered mail return receipt requested, the report required by this section, with the Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. You may deliver, upon filing the required report, unless and until notified by the Director of Price Stabilization that your proposed price has been disapproved or that more information is required. The Director of Price Stabilization may at any time disapprove or revise ceiling prices reported under this section so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

Your report shall contain the following information:

(a) Your name and address;

(b) The ceiling price, under the General Ceiling Price Regulation, as amended, of the yarn or fabric for which you are computing a ceiling price under section 2 of this regulation. State which section of the General Ceiling Price Regulation you used to fix that ceiling price;

(c) With respect to each yarn or fabric for which you are computing a ceiling price under section 2 of this regulation, your report should include the following:

(1) A description of the class of purchaser which bought the largest amount of that yarn or fabric during the period of March 24, 1950, through June 24, 1950, inclusive, and your customary differentials, if any, between that class of purchaser and your other classes of purchasers;

(2) The highest price at which you contracted to sell the yarn or fabric to that class of purchaser, including the name and address of the purchaser and the date of the contract. For a yarn or fabric for which you had no contract of sale but have established a base period price through a written offer to sell, your report should include the offering price, the date of the offer and the name and address of the recipient of the offer;

(3) A computation sheet showing how you arrived at your ceiling price. This sheet shall be in the same form as that used in the example, set forth in section 2 of this regulation;

(d) With respect to each yarn or fabric which you are pricing under section 3 (or 4) of this regulation and with respect to the comparable (or most nearly like) yarn or fabric used in computing your ceiling prices, your report should include the following:

(1) A description of the yarn or fabric;

(2) A description of the types or grades and amounts of each manufacturing material used in the yarn or fabric, and the highest December 1950 purchase price for a unit of each such material.

(3) The cost of labor for a unit of that yarn or fabric calculated at your highest December 1950 wage rates;

(4) The ceiling price under section 2 of this regulation of the comparable yarn or fabric (or the most nearly like yarn or fabric);

(5) The "multiplication factor" as computed under section 3 of this regulation (or the "dollars-and-cents difference" as computed in section 4 of this regulation);

(6) The ceiling price for the yarn or fabric you are pricing;

(7) If the ceiling price is for a fabric which is being priced under section 3 of this regulation, supply the information called for in the following table:

	Fabric you are pricing	Comparable fabric found under section 3
Sum of ends and picks per finished inch		
Weight per finished yard		
Yarn sizes		

SEC. 12. *What acts are prohibited by this regulation.* On and after April 16, 1951, regardless of any contract or other obligation, the following practices are forbidden:

(a) *Charging more than ceiling prices.* Except as provided in sections 1 and 8 of this regulation, you are prohibited from selling or delivering yarn or fabric at a price higher than that permitted by this regulation. A lower price may, of course, be charged.

(b) *Buying for more than ceiling price.* All persons are prohibited from buying or receiving, in the course of trade or business, any yarn or fabric sold or delivered in violation of this regulation.

(c) *Evasion.* No person shall evade or circumvent this regulation by any direct or indirect methods in connection with the sale, purchase, delivery or tranfer of yarn or fabric alone or in conjunction with any other commodity or material, or by way of commission, transportation charge, or other charge, or discount, premium, or other privilege, or by upgrading, tying-agreement, trade understanding, or otherwise.

(d) *Attempts to violate.* All persons are prohibited from agreeing, offering, soliciting, or attempting to do any of the acts prohibited by this regulation.

SEC. 13. *Enforcement.* If you violate any provision of this regulation, you are subject to the criminal penalties, civil enforcement actions, and suits for damages provided for by the Defense Production Act of 1950.

SEC. 14. *Petitions to amend this regulation.* Any person seeking an amendment of this regulation may file a petition for amendment in accordance with Price Procedural Regulation 1.

SEC. 15. *Definitions.* (a) "Manufacturer" means a person who for his own account sells yarn or fabric he produces or has produced for him.

(b) "Wool" means the fibers from the fleece of the sheep or lamb, or the hair of the Angora or Cashmere goat or of the camel, alpaca, llama, or vicuna, and shall include wool noils, and re-processed and re-used wool and wool wastes.

(c) "Fabric" means knitted fabrics, woven fabrics woven on the woolen or worsted system, and blankets, if such fabric contains 25 percent or more wool by fiber weight. Soft surface floor coverings subject to Supplementary Regulation 11 of the General Ceiling Price Regulation and industrial felts are not included.

(d) "Yarn" means yarn containing 25 percent or more wool by fiber weight, other than carpet yarn.

(e) "Cost of labor" means the cost of labor that enters directly into the product and is paid at hourly or piece rates. In addition it includes the cost of labor for factory supervision, ordinary maintenance, repair of plant or equipment, materials control, and testing and inspection. It may include the equivalent, on an hourly or piece rate basis, of so-called fringe benefits (for example, pension plans, paid vacation and insurance programs). It does not include the cost of labor for general administration, sales, advertising, research, major repairs or replacement of plant or equipment and expansion of plant or equipment. In computing the cost of labor for a unit of yarn or fabric under this regulation, you shall allocate the permitted labor costs according to your customary accounting method. The same method must be used in all calculations of unit costs of labor.

(f) "Manufacturing material" means material entering directly into the yarn or fabric being priced or used in the manufacturing process from which the yarn or fabric results, together with purchased fuel, steam or electric power, packaging materials, and subcontracted industrial services which are directly related to the yarn or fabric. It does not include materials used in replacing, maintaining or expanding your plant and equipment, nor other materials or supplies the use of which is not directly dependent upon the rate at which you manufacture the yarn or fabric being priced. In computing the cost of manufacturing material for a unit of yarn or fabric under this regulation, you shall allocate the permitted manufacturing material costs according to your customary accounting method. The same method must be used in all calculations of unit costs of manufacturing material.

(g) "Class of purchaser" refers to the practice adopted by a seller in setting different prices for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution or individual consumer), or to purchasers located in different areas.

(h) "Most closely competitive seller of the same class" means the seller with whom you are in most direct competition, even though he may perform a different function with respect to the yarn or fabric (for example, as a manufacturer your most closely competitive seller might be a wholesaler). You are in direct competition with another seller who sells the same types of yarn or fabric to the same classes of purchasers in similar quantities, on similar terms, and you supply approximately the same amount of service.

(i) "Written offer to sell" means an offer in writing to a customer to sell yarn or fabric at a specified price. It does not include a price list which, although announced or distributed within the seller's own organization, is not communicated in writing to a substantial number of the seller's customers in the seller's ordinary manner.

(j) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representatives of any of the foregoing, and includes the United States or any other government and their political subdivisions or agencies.

(k) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase," and "purchaser" shall be construed accordingly.

(l) The pronoun you as used in this regulation indicates the person subject to the regulation.

(m) All other trade terms used in this regulation have the meanings generally accepted in the trade.

Effective date: This regulation shall become effective on April 9, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

APRIL 5, 1951.

[F. R. DOC. 51-4224; Filed, Apr. 5, 1951; 4:00 p. m.]

[Ceiling Price Regulation 19]

CPR 19—TUNGSTEN CONCENTRATES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), and Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R.

738), this Ceiling Price Regulation 19 is hereby issued.

STATEMENT OF CONSIDERATIONS

Tungsten concentrates, produced from the ore by physical or chemical processes which remove the gangue and associated rock, are the principal raw materials used in the production of ferrotungsten, tungsten metal powders, and various other tungsten compounds. These concentrates are the source of tungsten used in the manufacture of tool steels and other alloys (both ferrous and nonferrous), in electrical wire filament and contacts and in many other chemical and metallic products. Tungsten concentrates are a strategic material vitally needed for the production of the tools of war and many items important in our civilian economy.

Under ordinary circumstances, the United States does not produce enough tungsten to satisfy its needs and substantial quantities must be imported. Thus in the five year period from 1945 to 1949 current consumption and stockpiling required an average of 11 million pounds of contained tungsten a year, of which less than 5 million pounds a year, on the average, were produced domestically. In 1948 and 1949, the United States imported an average of 4,750,000 pounds of tungsten annually from China alone while substantial additional tonnages were obtained from Korea, Thailand, and other countries.

As a consequence of the substantially increased demand arising out of our defense program and the loss of our most important foreign sources, tungsten is in critically short supply, and it is imperative that domestic production be expanded to the fullest extent possible. Normally, the ores mined and milled in the United States contain 0.5 to 2.5 percent WO_3 (tungsten trioxide, the basic tungsten compound) although there are substantial deposits of lower grade ores, principally in the Rocky Mountain area. The needed increase in domestic supply will have to come from expansion in the output of currently operating mines (in part through the working of lower grade ore bodies), the reopening of mines now closed, and the mining of new deposits. Since a large part of the needed tonnage may have to be obtained from low grade ores, it is necessary to establish ceiling prices at a level which will compensate for the increase in costs and investment which this will entail.

Unfortunately, very little data is available to measure with any degree of precision the ceiling price level necessary to bring about the required expansion and the exigency of the situation does not permit of any extended study. In the pre-Korean period, prices fluctuated within a range of $20–$25 per unit, but they rose sharply thereafter, both in the United States and in foreign markets, with some sellers charging more than $65 per unit. Present ceiling prices, established by the General Ceiling Price Regulations, range between $28 per short ton unit for tungsten produced domestically from relatively high grade deposits and $70 per short ton unit for imported material and it has been determined after consultation with, and largely upon the advice of, the Defense Minerals Administration that a ceiling price of $65 per short ton unit will be adequate, in conjunction with other programs being adopted, to encourage a substantial increase in output from existing mines and the exploitation of deposits not now in production. It is believed that this price will also result in an increase in shipments of foreign produced tungsten to the United States.

In the judgment of the Director of Price Stabilization, the provisions of Ceiling Price Regulation 19 are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in the furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

In formulating Ceiling Price Regulation 19, the Director consulted with industry representatives, including trade association representatives, to the extent practicable under existing circumstances, and has given full consideration to their recommendations.

The provisions of Ceiling Price Regulation 19 and their effect upon business practices, cost practices, or means or aids to distribution in the industry have been considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of the regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and to effectuate the policies of the act.

REGULATORY PROVISIONS

Sec.
1. Coverage of the regulation.
2. Applicability and prohibitions.
3. Ceiling prices.
4. Definitions.
5. Record-keeping requirements.
6. Enforcement.
7. Petitions for amendment.

AUTHORITY: Sections 1 to 7, issued under sec. 704, Public Law 774, 81st Cong., interpret or apply Title IV Public Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Coverage of the regulation.* This regulation establishes ceiling prices for sales and deliveries of tungsten concentrates by any person, including importers and exporters.

SEC. 2. *Applicability and prohibitions*—(a) *Applicability.* This regulation applies in the 48 States of the United States, its Territories and Possessions, and the District of Columbia.

(b) *Prohibitions*—(1) *Against transactions above ceiling prices.* Regardless of any contract or other obligation, on and after the effective date of this regulation no person shall sell or deliver, and no person shall buy or receive in the regular course of trade or business, tungsten concentrates at a price in excess of the ceiling price established in this regulation. No person shall offer, solicit, attempt, or agree to do any of the foregoing.

Lower prices than those set forth in this regulation may be charged, demanded, paid, or offered.

(2) *Against evasion.* No person shall evade or circumvent the provisions of this regulation by direct or indirect methods in connection with the sale, purchase, delivery, or transfer of tungsten concentrates, alone or in conjunction with any other commodity, or by way of commission, service or transportation charge or discount, premium or other privilege, or by up-grading, tie-in agreements, trade understanding or otherwise.

SEC. 3. *Ceiling prices.* The ceiling price, f. o. b. shipping point, for tungsten concentrates is $65.00 per short ton unit. A short ton unit is 20 pounds of WO (tungsten trioxide).

SEC. 4. *Definitions.* When used in this regulation the term:

(a) "Exporter" means a person who sells tungsten concentrates which are transported from a place inside the United States, its Territories, or Possessions to a place outside thereof.

(b) "Importer" means a person who first sells tungsten concentrates which are transported from a place outside the United States, its Territories or Possessions to a place inside thereof.

(c) "Person" includes any individual, corporation, partnership, association or any other organized group of persons, or legal successor or representative of the foregoing, and the United States or any other Government or their political subdivisions or agencies.

(d) "Shipping point" means the point within the United States at which tungsten concentrates are first loaded on a conveyance for transportation directly to the buyer. In the case of tungsten concentrates sold by an importer and transported directly to the buyer from a location in Canada or Mexico, the shipping point shall be the freight station in the United States at or nearest the point at which the shipment enters the United States.

(e) "Tungsten concentrates" means wolframite, Hubnerite, ferberite, or natural or synthetic scheelite which has been separated from gangue or associated rocks by physical or chemical processes.

SEC. 5. *Record-keeping requirements.* Every person selling or purchasing tungsten concentrates shall keep for inspection by the Director of Price Stabilization, for a period of two years, complete and accurate records of each such sale and purchase showing: the date thereof; the name and address of the seller and buyer; the shipping point; the price paid; and the quantity and WO_3 content.

SEC. 6. *Enforcement.* Persons violating any of the provisions of this regulation shall be subject to the criminal penalties, civil enforcement actions, and suits for damages provided for by the Defense Production Act of 1950.

SEC. 7. *Petitions for amendment.* Any person seeking an amendment of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1.

NOTE: All record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This regulation is effective April 6, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 6, 1951.

[F. R. Doc. 51-4244; Filed, Apr. 6, 1951; 8:45 a. m.]

[Ceiling Price Regulation 20]

CPR 20—FUTURES TRADING ON WOOL EXCHANGE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Ceiling Price Regulation 20 is hereby issued.

STATEMENT OF CONSIDERATIONS

The Wool Associates of the New York Cotton Exchange is a commodity futures exchange upon which wool and wool top are traded. The exchange provides the only central market place upon which buyers and sellers of wool and wool top may hedge commercial purchases and sales of these commodities. This exchange has been closed since January 26, 1951, when the General Ceiling Price Regulation was issued. That regulation fixed the price at which each seller might trade on the Exchange at the highest price at which the seller delivered wool or wool top during the period December 19, 1950, to January 25, 1951. For a commodity which is bought and sold in an organized market, a freeze regulation is inapplicable because the wide variety of individual ceilings established do not provide a basis upon which normal trading may take place.

With the Exchange closed, individuals who customarily trade on this exchange have not been able to carry on a normal hedging business. Thus, many dealers, top makers, and mills supplying both military and civilian needs have been unable to protect themselves against changes in price of their wool and wool tops. Moreover, significant quantities of wool and wool tops have been barred from normal channels of trade since contracts under which they were committed could not be bought back through normal trading.

During the period in which the exchange has been closed, financial arrangements, which are usually available through banking channels and which are contingent upon hedging, have been curtailed.

This regulation, which establishes a uniform ceiling price for trading wool and wool top futures, is applicable to all transactions on the exchange. It will eliminate the disparity between the levels at which the ceilings of individuals had been fixed, and thus establish a basis for hedging operations. Wool and wool top, now covered by contracts which could not be bought back, will be available for use in trade channels. The reopening of the exchange will also permit the financing and building of inventories of many wool products and thereby help satisfy the large military and civilian needs within the country.

Sales of wool or wool top on a spot basis will continue to be governed by existing individual ceilings established under the General Ceiling Price Regulation.

The ceiling prices fixed by this regulation are the highest prices at which contracts for May delivery traded during December 19, 1950–January 26, 1951 on the Wool Associates of the New York Cotton Exchange. These prices are approximately 3 percent lower than the highest prices at which March futures were traded. They will nevertheless enable all currently open contracts to be liquidated, since contracts for months prior to May have already been settled. In addition these ceilings reflect prices 10 percent to 15 percent below current world levels for wool and wool tops.

In formulating this regulation the Director of Price Stabilization has consulted with representatives of industry to the extent practicable under the circumstances, and has given consideration to their recommendations.

In the judgment of the Director of Price Stabilization the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Wool and Wool Top Futures Contracts.
3. Deliveries of Wool and Wool Top on Futures Contracts.
4. Prohibitions.
5. Evasion.
6. Enforcement.
7. Petitions for Amendment.

AUTHORITY: Sections 1 to 7 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950.

SECTION 1. *What this regulation does.* This regulation fixes dollars-and-cents ceiling prices for Exchange Standard wool and wool top traded and delivered on the Wool Associates of the New York Cotton Exchange.

SEC. 2. *Wool and wool top futures contracts.* The ceiling price at which Exchange Standard wool and wool top covered by futures contracts may be traded on the Wool Associates of the New York Cotton Exchange is $3.535 per pound for wool futures, and $4.265 per pound for wool top futures.

SEC. 3. *Deliveries of wool and wool top on futures contracts.* If you deliver Exchange Standard wool or wool top pursuant to a futures contract on the Wool Associates of the New York Cotton Exchange, your ceiling price is $3.535 per pound for wool and $4.265 per pound for wool top. For computing the ceiling price for deliveries of other than Exchange Standard wool or wool top pursuant to futures contracts on the Exchange apply the differentials established under the by-laws and rules of the Wool Associates of the New York Cotton Exchange in effect on January 24, 1951.

SEC. 4. *Prohibitions.* On and after the effective date of this regulation you shall not buy or sell wool or wool top futures contracts, or deliver wool or wool top on a futures contract on the Wool Associates of the New York Cotton Exchange at a price exceeding the prices established by this regulation.

SEC. 5. *Evasion.* You shall not evade or circumvent the provisions of this regulation by direct or indirect methods in connection with the sale, purchase, delivery, or transfer of wool or wool top, alone or in conjunction with any other commodity or material, or by way of any commission, service, transportation charge, or discount, premium, or other privilege, or by up-grading, tying-in agreement, trade understanding or otherwise.

SEC. 6. *Enforcement.* If you violate any provision of this regulation you are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950.

SEC. 7. *Petitions for Amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1 (15 F. R. 9055).

Effective date: This regulation shall become effective April 6, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

APRIL 6, 1951.

[F. R. Doc. 51-4255; Filed, Apr. 6, 1951; 10:46 a. m.]

[General Ceiling Price Regulation, Amdt. 5 to Supplementary Regulation 1]

GCPR, SR 1—DEFENSE AGENCY PRICING

EXTENSION OF TEMPORARY EXEMPTION

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Order No. 2 (16 F. R. 738), this Amendment 5 to Supplementary Regulation 1 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment 5 to Supplementary Regulation 1 to the General Ceiling Price Regulation extends until May 1, 1951, the temporary exemption from the General Ceiling Price Regulation of certain wool products and of commodities and services normally produced and supplied only for military use.

When the General Ceiling Price Regulation was originally issued, it was recognized that there might be an adverse effect upon the military procurement program until specific ceiling price regulations were issued. As a result Supplementary Regulation 1, issued February 1, 1951, contained a temporary exemption of commodities and services nor-

mally produced and supplied only for military use. Amendment 1 issued February 7, 1951, extended the exemption to include certain wool products when sold to Defense Agencies and their suppliers.

A number of regulations have been issued since then establishing specific ceiling prices for certain commodities and transactions, but there remain certain areas in which military procurement is vital and for which ceiling price regulations have not as yet been issued. If the exemption is not extended, sales and deliveries of these commodities and services would immediately become subject to the General Ceiling Price Regulation with the result that the military procurement program would be adversely affected to a substantial degree.

Many of the commodities now covered by the exemption will shortly be placed under ceiling price regulations and it is felt that an extension of the present exemption is not only necessary to the defense program but will have no material effect on the cost of living or on the general level of prices.

AMENDATORY PROVISIONS

1. Section 2 of Supplementary Regulation 1 to the General Ceiling Price Regulation is amended by changing the dates "April 1, 1951", "May 1, 1951", and "July 1, 1951", to "May 1, 1951", "June 1, 1951", and "August 1, 1951", respectively.

2. Section 2 of Supplementary Regulation 1, as amended, reads as follows:

SEC. 2. *Temporary exemptions, commodities and services for military needs.* (a) The provisions of the General Ceiling Price Regulation shall not apply to sales or deliveries, under a defense contract entered into prior to May 1, 1951, or pursuant to a sub-contract entered into thereunder prior to June 1, 1951, of commodities and services normally produced and supplied only for military use.

(b) The provisions of the General Ceiling Price Regulation shall not apply to sales or deliveries of the following commodities under a defense contract entered into prior to May 1, 1951, or pursuant to a sub-contract entered into thereunder prior to August 1, 1951; (1) Woolen and worsted yarns and textiles; (2) raw, scoured, and pulled wool, wool top, noils, mohair, and wool waste; (3) articles which are made principally from woolen or worsted yarns and textiles (except those in which the woolen material is supplied by a Defense Agency).

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Effective date: This amendment is effective April 1, 1951.

MICHAEL V. DI SALLE,
Director of Price Stabilization.

APRIL 6, 1951.

[F. R. Doc. 51-4254; Filed, Apr. 6, 1951; 10:16 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 2, Revision 1]

GCPR, SR 2—RETAIL COAL DEALERS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation No. 2, Revision 1 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATION

This Supplementary Regulation 2, Revision 1, to the General Ceiling Price Regulation contains amendments and revisions to the original Supplementary Regulation No. 2. Because the amendments and revisions are substantial and extensive, it was deemed wise, from a practical standpoint, to reissue the amendments and revisions in the form of a revised supplementary regulation.

The statement of considerations accompanying Supplementary Regulation 2 to the GCPR discussed the need and justification for that regulation. The same reasons apply equally in justification of authority for retail coal dealers to increase their ceiling prices by the dollar-and-cents amount of increases in the prices they pay for other types of solid fuels which have been or will be authorized by the Director to the producers thereof. Supplementary Regulation 13 to the GCPR, Supplementary Regulation 1 to CPR 3 and Supplementary Regulation 1 to CPR 4 have been issued by the Director authorizing increases in ceiling prices to reflect increases in certain costs of coke, bituminous briquets produced at plants at or near the mines, and anthracite briquets produced at plants at the mines, respectively.

Several of the definitions contained in Supplementary Regulation 2 are herein revised to apply to their dealings in all solid fuels rather than bituminous and anthracite coal only.

The Interstate Commerce Commission, by its decision in Ex Parte 175, issued on March 13, 1951, has given authority to the bulk of common carriers to increase interstate rates on coal and coke effective upon 15 days' notice generally by 2 percent per net ton with a maximum of 6 cents per net ton. Such freight increases will become effective on April 4, 1951. This increase in transportation costs will in all cases be a direct charge upon the retail coal dealer which, if he is not permitted to add to his price, must be absorbed by him.

The provision in section 3 (c) of this regulation provides that rail and/or water transportation costs which have been increased by order of the Director, of the Interstate Commerce Commission, or of a regulatory agency of any State, Territory or possession, which have or may become effective since January 1, 1951, and on or before June 30, 1951, may be reflected in the dealer's prices.

The retail coal industry is a highly competitive one and has consistently been a low profit industry. Office of Price Administration surveys in the period of 1942–46 disclose that the industry operated at a loss on an over-all basis during the period of 1936–39, that the net profit margin of the industry in 1941 was 7 cents per net ton, and that the net profit position in 1945 was 18 cents per net ton. The Office of Price Administration found it necessary and provided in its Maximum Price Regulation 122, applying to the retail coal industry, to permit the retail coal industry to add to retail maximum prices all mine maximum price increases and freight rate increases made effective during the OPA period.

Information presently available indicates that the retail coal industry has continued in a depressed financial condition. The absorption of the 2 percent or 6 cents per net ton increase would have the effect of forcing a substantial number of retail coal dealers to operate at a loss and to reduce profit margins to the vanishing point for a further substantial group of retail coal merchants. It is clear that in every case the 2 percent or 6 cents per net ton freight rate increase is an amount which constitutes a very substantial percentage of the entire net profit per ton earned by the retail coal industry. The Director is convinced that in the case of this particular industry it would be inequitable to compel the retail coal industry to absorb the amount of these freight rate increases.

This revised supplementary regulation permits retail solid fuels ceiling price increases based entirely upon actual advances in solid fuel prices and freight charges paid by the retail coal dealer and it does not increase his retail margin.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the provisions of Supplementary Regulation 2, Revision 1 to the GCPR are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

In formulating this revised supplementary regulation the Director has consulted with representatives of the industry to the extent practicable under the circumstances and has given consideration to their recommendations.

REGULATORY PROVISIONS

Sec.
1. Applicability of revised supplementary regulation.
2. Definitions.
3. Authority to increase ceiling prices.
4. Miscellaneous.

AUTHORITY: Sections 1 to 4 issued under sec. 704, Public Law 774, 81st Cong. Interpret or apply Title IV, Public Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Applicability of revised supplementary regulation.* This revised supplementary regulation grants authority to retail coal dealers to increase the ceiling prices on certain sizes and kinds of solid fuel sold by them in the 48 States of the United States, the District of Columbia, and the territories and possessions of the United States.

SEC. 2. *Definitions.* When used in this part, the term: (a) "Retail coal dealer" means any person (including the retail outlet, branch or department, of one who is also a producer, wholesaler, lake coal dock operator or tidewater coal dock dealer) to the extent he sells, delivers, or disposes of solid fuel in a transaction involving the disposal of solid fuel physically handled in a truck, wagon or other less-than-carload facility, without regard to quantity or frequency of delivery.

(b) "Producer" means: (1) A person engaged in the business of mining solid fuel or preparing solid fuel at a mine or preparation plant operated as an adjunct of a mine, a coke oven, a briquet plant, a packaged fuel plant, a petroleum coke plant, a place or plant where wood or wood products which are used for fuel are cut or processed, and a place or facility (except a retail coal yard) where coal is rescreened, and (2) any person acting as an agent of a producer in the sale of solid fuel.

(c) "Solid fuel" or "solid fuels" means: (1) Bituminous coal, including all bituminous, semi-bituminous, sub-bituminous and cannel coal; (2) lignite coal; (3) Virginia anthracite; (4) Pennsylvania anthracite; (5) all coke, including beehive, oven, low temperature, semi-distilled coal and petroleum coke; (6) all briquets and packaged fuel made from coke or coal; (7) sea coal used for foundry facings; and (8) wood and wood products used for fuel.

(d) "Distributor" means a person who purchases solid fuel f. o. b. transportation facilities at a mine or preparation plant, a lake or tidewater dock, a coke oven or plant, a briquet or packaged fuel plant or other loading facility, and resells the same in not less-than-cargo or railroad carload lots, or the equivalent thereof, without physically handling such coal, and any person acting as an agent of a distributor.

(e) "F. o. b. mine" and "f. o. b. plant" mean free on board transportation facilities at a mine, a preparation plant, lake or tidewater dock, ovens, and other plant or loading facilities (not including ground storage facilities).

(f) "Ton" means a short or net ton of 2,000 pounds.

(g) "GCPR" means the General Ceiling Price Regulation issued by the Director of the Office of Price Stabilization on January 26, 1951 (16 F. R. 809), as amended.

All definitions used in the GCPR which are pertinent to this revised supplementary regulation are incorporated in this revised supplementary regulation by this reference, except those which are more particularly defined and used herein.

SEC. 3. *Authority to increase ceiling prices.* (a) On and after the third day of February, 1951, in respect of coal, and on and after April 11, 1951, in respect of all other solid fuels, each retail coal dealer may increase the ceiling prices of each size and kind of solid fuel he sells and delivers, determined under the provisions of the GCPR by the actual dollars-and-cents per ton amount of increase in the f. o. b. mine or f. o. b. plant price on each such size or grade of solid fuel charged by the retail coal dealer's supplier, whether producer, sales agent, distributor, tidewater coal dock operator, lake coal dock operator, or equipped dealer in the case of purchases by unequipped dealers, under the authority of any regulation, supplementary regulation, or order issued by the Director on or after February 1, 1951.

(b) The authority to increase base period ceiling prices of any size or kind of solid fuel shall be effective only upon receipt by the retail coal dealer of an acknowledgment of an order for any such size or grade of solid fuel, the shipping notice, and the written statement of the price increase on each such size or grade of solid fuel required of the producer or other supplier under any regulation, supplementary regulation or order of the Director, showing the exact dollars-and-cents amount of increase in price the producer or supplier has added to the price of such size or grade of solid fuel under such regulation, supplementary regulation or order issued by the Director on or after February 1, 1951.

(c) Each retail coal dealer may increase the ceiling price of each size and kind of solid fuel he sells and delivers under this revised supplementary regulation by the exact amount of increase in transportation costs, rail and/or water that have or may become effective since January 1, 1951, and on or before June 30, 1951: *Provided*, Such increase in transportation costs were authorized by the Director, an order of the Interstate Commerce Commission or any regulatory body of a state, territory or possession of the United States: *And provided further*, That the authority to increase the ceiling prices of each size or kind of solid fuel by the exact amount of increase in transportation costs shall be effective only upon receipt by the retail coal dealer of a carrier's invoice, freight bill or other statement of transportation charges, for each such size or grade of solid fuel, reflecting the increased freight charges and required to be paid by the retail coal dealer.

(d) Where purchases of solid fuels are made by a retail coal dealer from suppliers from which no purchases were made during the base period, the retail coal dealer's ceiling price on such solid fuels shall be determined by adding his base period dollars-and-cents margin on a sale of a comparable solid fuel customarily handled which is most nearly like the sale he will make of the new solid fuel.

(e) An unequipped dealer, who is a retail coal dealer without yard facilities or scales, may increase his base period ceiling prices for each size and kind of solid fuel by the exact dollar-and-cents amount of the increase in price charged to him by the equipped retail coal dealer. On sales to unequipped dealers the equipped retail coal dealer shall certify on the sales slip or invoice the exact amount of the increase in price he is allowed hereunder to charge on each such size or grade of solid fuel.

SEC. 4. *Miscellaneous.* The retail coal dealer subject to this revised supplementary regulation shall be subject to all other provisions of the GCPR which are not inconsistent with the provisions of this regulation, including, but not limited to the enforcement and penalty provisions thereof, and the requirement of keeping on file for inspection a statement of his ceiling prices.

Effective date: This revised supplementary regulation to the GCPR shall become effective on the 11th day of April 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

APRIL 6, 1951.

[F. R. Doc. 51-4256; Filed, Apr. 6, 1951; 10:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

BISCAYNE BAY, COCONUT GROVE, MIAMI, FLA.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.172 establishing and regulating the use of a seaplane restricted area in Biscayne Bay at Dinner Key, Miami, Florida, is hereby amended, as follows:

§ 207.172. *Biscayne Bay, Coconut Grove, Miami, Fla.; seaplane restricted area, Coast Guard Air Station*—(a) *The area.* The waters of Biscayne Bay in the vicinity of Dinner Key Channel within an irregular area described as follows: Beginning at the intersection of the easterly extension of the line of the north wall of the Coast Guard hangar and the sheet steel bulkhead; thence 13° 33', along the bulkhead, 160 feet; thence 51° 00', 128 feet; thence 141° 00', 390 feet; thence 74° 02', 257 feet; thence 136° 53', 186 feet; thence 74° 02', 945 feet; thence 151° 49', 1,041 feet; thence 214° 07', 250 feet; thence 124° 08', 2,680 feet; thence 214° 07', 600 feet; thence 304° 08', 2,660 feet; thence 214° 07', 290 feet; thence 304° 08', 1,615 feet, to the sheet steel bulkhead; thence 341° 48', along the bulkhead, 701 feet; and thence 13° 33', along the bulkhead, 165 feet, to the point of beginning. (All bearings are referred to true meridian.)

(b) *The regulations.* (1) Watercraft shall not anchor or moor within the restricted area. Fishing in the area is prohibited.

(2) Watercraft shall use the area to the minimum extent practicable, and only for the purpose of passing through as expeditiously as possible. No watercraft shall use the channel from one-half hour after sundown to one-half hour before sunrise except in case of an emergency involving danger to life or property.

(3) Watercraft in the area shall give seaplanes the right-of-way at all times. All watercraft shall promptly clear the area when seaplanes are observed approaching the area or when warned by the siren of a crash boat, and shall remain clear of the area while seaplanes are operating in the area.

(4) The enforcing agency will send out a crash boat or boats to warn watercraft in or near the area of impending operations within the area. Each crash boat will sound a siren to attract the attention of watercraft, and the crew will display a sign reading "Plane approaching: Clear channel at once."

(5) The enforcing agency will post at each end of the area a large sign reading "Danger! Coast Guard planes have right-of-way in this channel. Use channels to south if practicable. Clear channel promptly when planes are observed approaching or when warned by siren of crash boat." Notices covering the regulations in this section will also be posted at the nearby marina and wharves and at boat basins in Miami and adjoining towns.

(6) The regulations in this section shall be enforced by the Commanding Officer, United States Coast Guard Air Station, Miami, Florida, and such agencies as he may designate.

[Regs. 21 Mar. 1951, 800–2121–ENGWO] (Sec. 4, 28 Stat. 362, as amended; 33 U. S. C. 1)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51–4157; Filed, Apr. 6, 1951; 8:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

SUBPART B—EDUCATION AND TRAINING

MISCELLANEOUS AMENDMENTS

1. In § 21.5 of Subpart A, the title and paragraphs (a) and (b) are amended and paragraphs (c) and (d) are deleted so that § 21.5 reads as follows:

§ 21.5 *Jurisdiction and authority of the registration officer*—(a) *Regional office.* The registration officer in the regional office will be responsible for all determinative actions involving individual veterans, including veterans who are Veterans' Administration employees, in matters under the jurisdiction of the registration and research section and acts as the authorizing officer executing all original and amended authorizations over his signature.

(b) *Central Office.* The registration officer will be responsible for all determinative actions involving individual veterans in matters for which the foreign operations division of the registration and research service, central office, is the agency of original jurisdiction and acts as authorizing officer executing all original and amended authorizations over his signature.

2. In § 21.7, paragraph (a) (2) is amended to read as follows:

§ 21.7 *Application for a course of institutional on-farm training.* (a) • • •

(2) The receipt of VA Form 7–1921 in the Veterans' Administration is a prerequisite to the determination of eligibility and entitlement to institutional on-farm training, and in no instance will any action to authorize payment of subsistence allowance be completed prior to the filing of the formal application. The effective date of the veteran's entrance into training will be that date on the application certified to by the approved institution as the beginning date of his course. However, when change of course to institutional on-farm training is involved, the provisions of § 21.9 will govern the effective date.

• • • • •

3. Section 21.9 is amended to read as follows:

§ 21.9 *Application for change of course and/or change of institution.* (a) Any veteran who desires additional education or training, a change of institution or establishment, or a change of course is required to make application on VA Form 7–1905e and to submit it to the regional office in possession of his records. The date of receipt of the VA Form 7–1905e in the regional office holding the veteran's records will be considered the date of the veteran's request, where such request involves a second change to a different general field, for the purpose of determining the beginning day of the 45-day period in which the Veterans' Administration must make a decision and notify the veteran as provided in paragraph 9 C, Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note). (See § 21.61.)

(b) The effective date of a supplemental Certificate of Eligibility and Entitlement issued to authorize a change of course, additional training, or a change in place of training will not be prior to the date the veteran's application for such change (formal or informal) is received in any office of the Veterans' Administration, except that if the application is for a course which the veteran is required to justify as not being avocational or recreational in character, the effective date of the supplemental certificate will be the date such course is approved by the Veterans' Administration.

4. A new § 21.11 is added as follows:

§ 21.11 *Certificate of eligibility and entitlement.* As a condition precedent to the issuance of a Certificate of Eligibility and Entitlement to any veteran who desires education or training benefits under Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note), or who desires to make any change in a course or institution, the veteran will be required to show in his application (VA Form 7–1950) or his request for change of course, change of institution, or additional education or training (VA Form 7–1905e) the name of the course of education or training he desires to pursue and the institution where he wishes to pursue such course. When a veteran has requested educational and vocational guidance under the provisions of § 21.730 (b) by inserting "Counseling Requested" on the appropriate form (VA Form 7–1950 or 7–1905e), a statement on Certificate C (VA Form 7–1902d) of the name of the course and the name and address of the school or establishment selected, or the same information in a memorandum signed and submitted by the veteran, will fulfill this condition precedent to the issuance of the Certificate of Eligibility and Entitlement.

5. In § 21.51, new paragraphs (c) and (d) are added as follows:

§ 21.51 *Continuing entitlement.* • • •

(c) Where the evidence of record establishes that a veteran by reason of his unsatisfactory progress will no longer be retained or would not be permitted to reenroll in the course by the institution in accordance with its regularly prescribed standards and practices or where a veteran discontinues his course at a time when his progress was unsatisfactory in accordance with the regularly prescribed standards and practices of the institution, there will be no further entitlement to education or training under the law, unless:

(1) The veteran, upon application for additional education or training or for a change of course, is able to establish facts to show that his failure to progress was not due to his own misconduct, negligence, or lack of application; and

(2) It is determined by application of advisement and guidance procedures that the veteran has need of the desired course to complete his educational or job objective and that his aptitudes are such as to give reasonable assurance that he can successfully complete the requested course.

(d) No further consideration will be given to a veteran's request for an additional course of education or training under Part VIII if his record shows that there has been discontinuance of more than one course of study under either Part VII or Part VIII because of unsatisfactory progress, or where he has discontinued more than one course under either Part VII or Part VIII at a time when his progress was unsatisfactory in accordance with the regularly prescribed standards and practices of the institution.

6. A new center head is added immediately following § 21.56 to read as follows:

COURSES OF EDUCATION AND TRAINING UNDER PART VIII, VETERANS REGULATION 1 (A), AS AMENDED (38 U. S. C. CH. 12)

7. New §§ 21.57 through 21.61 are added as follows:

§ 21.57 *Definition of course of education or training.* The education or training to which a veteran is eligible and entitled under paragraphs 1 and 2, Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note), is defined in paragraph 3 of Part VIII as "such course of education or training, full-time or the equivalent thereof in part-time training" as the veteran may elect to pursue "at any approved educational or training institution at which he chooses to enroll."

(a) Based on the particular terms as used in Part VIII, only one course at one institution may be pursued at any one time, except as otherwise provided in §§ 21.57 to 21.61, inclusive. The one course may consist of such curriculum, program of study, or combination of unit courses or subjects as are prescribed or recommended by the institution as constituting the course or the one course may consist of a single unit course or subject. The course will be directed toward a predetermined objective not necessarily vocational in nature. In school courses such an objective may be educational, as obtaining a high school diploma or a college degree; or it may be vocational, as preparing for the occupation of teacher or other professional occupation, or as preparing for the occupation of plumber or other trade. In school courses, the educational or vocational objective also may be stated in terms such as "a 4-year course of study, the first 2 years of which are to be preparatory to specializing in a field of study which may be determined at the initiation of the course or which will be determined with the school at or before the completion of the preparatory portion of the course." In training on the job, based upon provisions of paragraph 11 (b) of Part VIII, the objective will be vocational. Very different unit courses or subjects may form a part of the elected course, provided they are prescribed or recommended by the institution as necessary or desirable functional parts of the course or as elected parts of the veteran's course for which credit is granted. This would permit a veteran to include as a part of his course not only the required major or minor unit courses and such elective courses as are necessary or desirable functional parts of his course, but also such other elective unit courses as are clearly established as available to other students enrolled for similar over-all courses. For example, a course of stenography or typing, although not usually functional as part of a course for the objective lawyer, where a veteran plans to practice law in such a way as to make the use of stenography or typing a practical benefit or even a necessity, such unit course or courses may well be a part of the veteran's one over-all course. Likewise, while a course of Spanish ordinarily would not be a functional part of a course in refrigeration, where the veteran planned to practice the occupation refrigeration mechanic in Latin America, if that fact and the facts of his plan were established, then the course in Spanish could well form a part of his over-all course, still subject to prescription or recommendation of the institution offering the refrigeration course. The one course often may consist of training on the job supplemented by related studies in a school or college. There is also the cooperative course involving alternate periods of work in school or college and in a business or industrial establishment. Such cases will require concurrent enrollment in two institutions. (See § 21.59.)

(b) A veteran having completed a course under Part VIII, Veterans Regulation 1 (a), as amended, according to the standards and practices of the institution and having subsequently failed to pass an examination to qualify for license to practice a profession or trade, is not entitled to enroll in and pursue again at the expense of the Government the course which he has already completed except as provided in subparagraph (1) of this paragraph. However, an eligible veteran who has completed a course of education or training under Part VIII may pursue a review course under that part provided the review course is a separate and distinct course specifically organized and established as a review course and, therefore, does not constitute a repetition of a course which the enrollee has already completed. Such a course to be recognized as a review course commonly may be identified by the common characteristics of such a course; namely, concentration of content, intensified application to the pursuit, and the short period required for the course compared to the time required for the primary course. Representative of courses in this category are bar review courses for preparing veterans who have already completed the prescribed course in law for taking the bar examination.

(1) Subject to the limitations set forth in subparagraph (2) of this paragraph, a Part VIII veteran may be authorized not only to pursue a review course for the purposes stated in this paragraph, but to repeat a review course when such repetition is necessary in order to accomplish the veteran's vocational or educational objective and there is good promise that such repetition will enable him to pass the examination and attain licensure. Otherwise, repeating the course should be denied.

(2) For purposes of the limitations of paragraph (3) (b) of Part VIII on payments when the principal course pursued under Part VIII is a short course of less than 30 weeks in length and the review course is a review in whole or in part of that short course of less than 30 weeks, the maximum amount which may be paid for the total course—the short course of less than 30 weeks plus the review course and any repetitions of the review course—cannot exceed $500. However, when the principal course pursued under Part VIII is 30 weeks or more in length and is followed by a review course of less than 30 weeks, the $500 limitation imposed by paragraph 3 (b) of Part VIII will apply only to the cost of the review course. In the latter case, however, the number of times a veteran may be authorized to pursue a review course under Part VIII, including the initial pursuit of the review course plus any approved repetitions, either in whole or in part, as provided for under subparagraph (1) of this paragraph will be limited to a total expenditure of $500.

(3) The provisions of this paragraph have no reference to and do not preclude the repetition of a unit course or unit subject where the veteran has failed the subject or course and the school or training establishment requires him to repeat the unit course or unit subject as a requisite for continuing in his elected course, or otherwise.

§ 21.58 *Types of courses of education and training.* For purposes of Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note), the types of courses of education and training are:

(a) *School course.* A course which is pursued at an institution or a part thereof devoted exclusively to educational or training purposes. The courses would include not only those offered by schools but would include also those offered by such parts of a business or industrial establishment as are operated within the plant as training situations devoted exclusively to educational or training purposes as distinguished from the regular production activities of the establishment.

(1) *Noncredit course.* A unit course or unit subject pursued without credit at an accredited collegiate institution, which various educational institutions refer to as an "audit" course, and "auditor" course, and "auditing" course, a "hearer" course, etc. Such unit courses or unit subjects may be prescribed or recommended by the institution as a part of an enrollee's course or may constitute the enrollee's entire course.

(b) *Training on-the-job course.* A course which is pursued at an establishment devoted primarily to productive agricultural, business, industrial, or professional activities rather than to giving courses of instruction. In such course, the training is pursued toward a specified occupational objective and the learning method is primarily by being told and shown and by observing and assisting, gradually increasing the participation in the productive activities and doing more and more of the productive work with increasing independence of instruction as the course progresses. For purposes of Part VIII, as amended, there are two categories of training on the job, as follows:

(i) *Apprentice training courses.* Apprentice training courses are those which are under the supervision of a State apprenticeship agency, a State apprenticeship council, or the Federal Apprentice Training Service and those which although not under the supervision of a State apprenticeship agency, a State apprenticeship council, or the Federal Appentice Training Service nevertheless are recognized and approved as apprentice training courses by the State approving agency or are approved by the Administrator as apprentice training courses, the approval being based upon the fact that the courses possess the following characteristics:

(a) The course leads to an occupation, the performance of the duties of which requires the use of skills which commonly are learned through training on the job and in which occupation the obtaining of an appointment to a job is based upon having been trained on the job rather than being based on such elements as length of service, normal turn-over, personality, and other personal characteristics.

(ii) The course is definitely identified as an apprentice training course by the establishment offering it.

(iii) The course meets the requirements and criteria of paragraph 11

(excepting paragraph 11 (b) 2e) of Part VIII.

(iv) The course provides for a well-defined, written agreement between the establishment and the trainee setting forth the terms and conditions of training.

Paragraphs 11 (b) 1 and 11 (b) 2 of Part VIII do not apply to apprentice training courses, but the course or program of the veteran will be judged on the basis of the requirements and criteria in paragraphs 11 (b) 1 and 11 (b) 2 of Part VIII, except that the criterion in paragraph 11 (b) 2e of Part VIII shall not apply. Where deficiencies are found, a reasonable opportunity will be given the establishment to make correction.

(2) *Other training on-the-job.* Courses of other training on the job are those courses which, in addition to meeting the definition indicated in this paragraph meet the conditions of paragraph 11 (b), (b) 1, and (b) 2 of Part VIII, as amended.

(c) *Combination course.* A course which is a combination of training on the job and training in school, including related instruction and/or instruction in additional skills, pursued concurrently. Three variations of combination courses are cited as follows:

(1) *Training on-the-job and in school.* A course which is primarily training on the job with supplemental related instruction, usually in school.

(2) *Cooperative course.* A course which is pursued primarily at a school; the objective commonly is attainable through school instruction alone, and the training on-the-job portion of the course is strictly supplemental to the school course. This arrangement is characteristic of cooperative courses on the collegiate level and junior college level and in some technical high schools. Commonly the division of time between the school portion of the program and the training on-the-job portion is such that the student devotes at least one-half of the total time to the school portion, and the periods in school and training on the job are relatively long, such as a full term in school and an alternate term on the job, although shorter periods are also in practice. In some localities there are arrangements where part of each day is spent in school and part on the job and other arrangements where a full day is spent on the job and part time is spent in school one or more times a week. These arrangements sometimes are referred to as cooperative courses. Although the institution offering such a course is quite free to call the course a cooperative course, this type of situation may not be considered as a cooperative course for purposes of Part VIII, but rather as a combination course, training on the job and in school, as in subparagraph (1) of this paragraph. Such a determination will be made despite the fact that the veteran is enrolled, at least nominally, with the school for the on-the-job training as well as the training in school.

(3) *Institutional on-farm course.* For purposes of Part VIII, a course which is specifically defined in paragraph 11 (c), Part VIII.

(d) *Correspondence course.* A course conducted by mail, consisting of one or more written lesson assignments furnished by a school and requiring submittal of written lessons by the trainee. Such lessons usually are corrected and graded by the school and returned to the trainee.

§ 21.59 *Concurrent enrollment in two institutions.* (a) Concurrent enrollment in two educational institutions may be allowed when:

(1) The one complete course as contemplated by Part VIII Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note) is not available at the principal training institution at which the veteran is enrolled.

(2) The principal institution prescribes or recommends the course of training and approves the enrollment in the second institution.

(3) The training furnished by the second institution is part of the veteran's one elected course and can be scheduled satisfactorily.

(4) Books, supplies, and equipment furnished the veteran in connection with his course of training at the principal institution and which may be used in the second institution are not duplicated.

(b) Concurrent enrollment in an approved training on-the-job establishment (principal institution) and an educational institution may be allowed when:

(1) The instruction to be given in the educational institution (including correspondence schools) is related to the training being provided in the training establishment in that it provides the veteran that theory and/or technical information which is directly related to and functional in the practice of the occupation for which the veteran is being trained.

(2) The training establishment in which the veteran is receiving his primary training prescribes or recommends the course of related instruction (i) as a part of the approved training program, and (ii) as necessary to attain the job objective of the individual veteran.

Where provision for related instruction is not included in the training program of the establishment as currently approved, the addition of related instruction to the training program must be approved by the State approving agency before concurrent enrollment is authorized by the Veterans' Administration.

(3) Books, supplies, and equipment furnished the veteran in connection with his training at the training establishment which may be used in the educational institution are not duplicated.

(c) Concurrent enrollment allowed under paragraphs (a) and (b) of this section will be authorized and effected in accordance with vocational rehabilitation and education procedures. (For effective beginning dates see § 21.100.)

§ 21.60 *Restrictions on the pursuit of courses avocational or recreational in character—(a) Courses avocational or recreational in character.* The pursuit of any course elected or commenced by a veteran under Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note), subsequent to July 1, 1948, which is determined to be avocational or recreational in character is prohibited. The following courses shall be presumed to be avocational or recreational in character: dancing courses; photography courses; glider courses; bartending courses; personality-development courses; entertainment courses; music courses, instrumental and vocal; public-speaking courses; and courses in sports and athletics such as horseback riding, swimming, fishing, skiing, golf, baseball, tennis, bowling, and sports officiating (except applied music, physical education, or public-speaking courses which are offered by institutions of higher learning for credit as an integral part of a course leading to an educational objective); but no such course shall be considered to be avocational or recreational in character if the veteran submits complete justification that such course will contribute to bona fide use in his present or contemplated business or occupation.

(b) *Other courses declared avocational or recreational in character by manager.* Managers are authorized to declare other courses to be avocational or recreational in character if they are well known to managers to be frequently pursued for avocational or recreational purposes within their regional office areas. But no such course will be considered to be avocational or recreational in character if a physically qualified veteran submits either (1) complete justification that such course will contribute to bona fide use in his present or contemplated business or occupation, or (2) a certificate in the form of an affidavit by the veteran supported by corroborating affidavits by two competent disinterested persons that such education or training will be useful to him in connection with earning a livelihood. No evidence of physical qualification will be required except in those occupations for which physical standards are prescribed. In such cases a physician's certificate that the veteran is not suffering from any disease or disability that would disqualify him for the job for which training is desired will be required.

(c) *Flight courses.* (1) An elementary flight or private pilot course or a commercial pilot course elected by a veteran in an approved school shall not be considered avocational or recreational in character if the veteran submits to the regional office a certificate showing that he is physically qualified in accordance with the standards of the Civil Aeronautics Administration to obtain the type of license which will enable him to attain his employment objective together with (i) complete justification that such course is in connection with his present or contemplated business or occupation, or (ii) a certificate in the form of an affidavit by the veteran supported by corroborating affidavits by two competent, disinterested persons that such flight training will be useful to him in connection with earning a livelihood, which affidavits, in the absence of substantial evidence to the contrary, will be accepted as constituting compliance with the law.

(2) An elementary flight, private pilot, or commercial pilot course or part thereof, which is provided by an institution of higher learning as a voluntary elective course for which academic credit is given as partial fulfillment of the institution's standard credit-hour requirement for the veteran's degree objective, shall be subject to the provisions contained in this paragraph and as heretofore held by the Veterans' Administration shall be considered as separate courses. Flight courses which are required by the institution as a part of the institution's standard credit-hour requirement for the veteran's degree objective shall not be considered avocational or recreational in character when the institution certifies to the Veterans' Administration that the veteran is required to pursue such course for credit in order to complete his degree requirement.

(3) A flight instructor course, an instrument rating course, a multiengine class-rating course, or an airline transport pilot course elected by a veteran in an approved school shall not be considered avocational or recreational in character for a veteran who satisfies the regional office that he possesses a valid commercial pilot's license and the medical certificate which he is required to possess in order to obtain the license or certificate for which the course is pursued.

(d) *Adjudications of evidence.* In all adjudications under this section the expression "substantial evidence to the contrary" means evidence of a nature ordinarily acceptable as competent to establish facts or circumstances contrary to the matter sought to be established by the claimant and may consist of matters of record in the Veterans' Administration or otherwise properly within the knowledge of those charged with the adjudication. The expression "competent, disinterested persons" means persons who are qualified by reason of their personal knowledge of facts and circumstances to testify concerning the use of the course of training by the veteran in connection with his earning a livelihood, and who, except as to present or prospective employers, have no interest whatsoever, either personal or by association, in the pursuit or nonpursuit by the veteran of the desired course. For the purpose of this definition, supporting affidavits by members of a veteran's family or by employees or owners of schools will not constitute evidence of disinterested persons. In any event, corroborating affidavits must establish clearly and definitely the identity of the affiant, the character of his relationship or association with the claimant, and the basis and source of his asserted knowledge of the matters to which he testifies.

(1) In any case wherein a veteran makes application to pursue any course comprehended by paragraphs (a), (b), or (c) of this section, the registration officer will determine whether the justification or affidavit evidence meets the requirement of this section. If the registration officer's determination is favorable, the course will not be considered avocational or recreational in character, but if the determination is unfavorable, the registration officer will disapprove pursuit of the course and will notify the veteran. In any case where the veteran has previously pursued a course of education or training, the provisions of §§ 21.51 and 21.61 will also be for application as appropriate, but an adjudication under the provisions of those sections will not be invoked in any case unless the registration officer has first determined that the justification or affidavit evidence submitted has met the requirements of this section.

(2) Complete justification and affidavit evidence required by this section must be submitted to the regional offices and approved by the registration officer prior to the veteran's entrance into training. No payments for subsistence allowance or tuition may be authorized for any period prior to the date of such approval.

§ 21.61 *Changes of course or additional education or training.* (a) With respect to the pursuit of courses on and after July 25, 1951, or the date 4 years after the veteran's separation from active service, whichever is the later, § 21.35 is for application.

(b) In accordance with paragraphs 3 (a) and 9 B and C, Part VIII, Veterans Regulation No. 1 (a), as amended (3 U. S. C. ch. 12 note), the Administrator may for reasons satisfactory to him disapprove a change of course of instruction except that a veteran who has completed or discontinued a course (for any reason other than unsatisfactory conduct or progress) may, prior to the statutory delimiting dates, change his course or secure an additional course in the same general field and may make one change from one general field to another general field provided he has not previously made one change from one general field to another.

(c) There are three situations in which veterans who have previously entered education or training may wish new or extended benefits. The three situations are:

(1) A veteran who is enrolled in or pursuing a course and wants to change to another course either in the same institution or in another approved institution;

(2) A veteran who has discontinued a course and desires to resume education or training;

(3) A veteran who has completed a course and wishes an additional course of education or training.

(d) In all three situations the veteran, otherwise eligible, and whose conduct and progress were satisfactory, will be permitted additional education or training within the period of his entitlement in accordance with the provisions of this section.

(e) There is no prohibition against additional education or training which is commonly recognized as being in the same general field as the veteran's original educational or job objective or a normally related progressive objective. The veteran's course under such circumstances fits naturally into general fields of related subjects in accordance with the following:

(1) The length of a veteran's course is its progressive continuation along a straight line. An illustration of this is a veteran who wishes to pursue a science course. He may progressively follow his course to his B. S. degree, then to his M. S. degree and then on to his Ph. D. degree insofar as his entitlement will permit.

(2) The breadth of a veteran's course is the specific course undertaken and such other related subjects or manipulative skills as are in the same general field. An illustration of this is a veteran, approved to pursue a course of automobile mechanics who would be permitted related courses of body and fender work, or similar subjects or skills required in the same general field of occupation.

It is intended that these illustrative and similar situations be covered by this paragraph.

(f) For the purposes of this section any change of course or additional education or training not encompassed by the provisions of paragraph (e) of this section will constitute a change from one general field to another.

(g) Course adjustment is a change of one or more unit subjects without a change to a veteran's vocational or educational objective, including the dropping of a unit subject without replacing it with another, or the adding of a unit subject, or a change in the sequence in which unit subjects are taken. These course adjustments may be effected by the institution at which the veteran is pursuing the course of education or training without the prior approval of the Veterans Administration, but the institution shall notify the Veterans Administration immediately of any such adjustments made, except that institutions of higher learning need report only those adjustments which affect the amount of subsistence allowance payable or the debits to be made against the veteran's entitlement.

(h) All requests for a change of course or for additional education or training will be referred to a registration officer for determination. If the veteran has not previously made a change of course and his conduct and progress have been satisfactory, the request will be approved without regard to whether the desired course is in the same or a different general field. If the desired course is in a different general field and the veteran has already made one change from one general field to another, the case will be immediately forwarded to the advisement and guidance section where, upon the basis of a counseling interview conducted in accordance with advisement and guidance procedures under Part VIII, a determination will be made as to whether the veteran has need of the desired course to complete his educational or job objective and whether his aptitudes are such as to give reasonable assurance that he can successfully complete the course. The decision of the vocational adviser will govern. If the veteran is not notified as to the decision within 45 calendar days from the date the VA Form 7–1905e is received in the Veterans' Administration office holding the veteran's records, the veteran's request for the second change of

general field shall be deemed to have been approved, provided he has not failed to appear at the time required for advisement and guidance or has not otherwise failed to cooperate in receiving the service.

(i) A request for a third change from one general field to another may be approved only upon the established need for a short, intensive course which will prepare the veteran for employment in a critical occupation for which there is a known shortage of trained workers. The burden of proof will be upon the veteran to establish these facts and the decision will be made by the registration officer on the basis of the evidence of record.

(j) If a veteran requests advisement and guidance for the purpose of assisting him in arriving at the most suitable course, a decision on the request for change cannot be made until advisement and guidance is completed since the veteran will not previously have designated the course to which he desires to change. The 45-day limitation will not apply in such cases.

(k) Advisement and guidance will not be required in cases of veterans who at the time of making application for a change of general field are located in any foreign country or other area not under the jurisdiction of a regional office. In such cases, the registration officer will, upon determination that a change in general field is involved, and that the veteran has previously had a change from one general field to another, inform the veteran that he will be required to submit complete justification to establish (1) that he has need of the desired course to complete his educational or job objective, and (2) that his educational qualifications are such as to give reasonable assurance that he can complete the course successfully. On the basis of the veteran's submission and the other evidence of record the registration officer will determine whether the requested course will be approved or disapproved and will notify the veteran.

(l) Under the provisions of this section, no benefits will be authorized for any period prior to the date of first receipt of the veteran's application, formal or informal, in any office of the Veterans Administration, or the date the veteran enters training, whichever is the later. While prior approval is not required, no payment will be made to either veteran or an institution in cases where the application is disapproved. These benefits may not be extended in any instance where their extension would be in conflict with the avocational or recreational provisions of the law and regulations thereunder.

8. In the Provisional Regulations of Subpart A, paragraphs (a) (1), (b), (c), and (d) of § 21.189 are canceled.

9. In Subpart B, §§ 21.300, 21.301, 21.302, 21.303, 21.304, 21.305, and 21.307 are canceled.

§ 21.300 *Definition of course of education or training.* [Canceled.]

§ 21.301 *Types of courses of education and training.* [Canceled.]

§ 21.302 *Full-time training for purposes of Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12).* [Canceled.]

§ 21.303 *Part-time training for purposes of Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. VB).* [Canceled.]

§ 21.304 *Measurement of noncredit courses for purposes of Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12).* [Canceled.]

§ 21.305 *Repetition of a course.* [Canceled.]

§ 21.307 *Changes within the course not considered to be changes of course.* [Canceled.]

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. and Sup. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. and Sup. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation is effective April 7, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-4139; Filed, Apr. 6, 1951; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 1—ESTABLISHMENT AND ORGANIZATION OF THE POST OFFICE DEPARTMENT

COMPTROLLER, BUREAU OF ACCOUNTS

In § 1.9, amend paragraph (j) (3), as amended (15 F. R. 4686), to read as follows:

§ 1.9 *Office of Postmaster General.*

* * *

(j) *Comptroller, Bureau of Accounts.*

* * *

(3) *Divisions of the Bureau of Accounts, and assignment of duties.* There shall be in the Bureau of Accounts a Division of Cost Ascertainment, a Division of Accounts, and twelve Regional Accounting Offices, each of which shall be comparable to a Division. A Regional Accounting Office shall be located at each of the following cities:

Atlanta, Ga.	Minneapolis, Minn.
Boston, Mass.	New York, N. Y.
Chicago, Ill.	Philadelphia, Pa.
Cleveland, Ohio.	Richmond, Va.
Dallas, Tex.	Saint Louis, Mo.
Kansas City, Mo.	San Francisco, Calif.

The Division of Cost Ascertainment, the Division of Accounts, and each of the twelve Regional Accounting Offices shall be under the supervision of a Director. The Director of the Division of Cost Ascertainment, the Director of the Division of Accounts, and the Director of each Regional Accounting Office, and the other personnel of the Bureau of Accounts, the various Divisions and the Regional Accounting Offices shall perform such duties as may be assigned by the Comptroller.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369. Interprets or applies Pub. Law 712, 81st Cong.)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-4144; Filed, Apr. 6, 1951; 8:46 a. m.]

PART 6—SUPPLY CONTRACTS; SERVICE PROPERTY; TELEGRAMS

WASTE PAPER AND TWINE

In § 6.22 *Waste paper and twine* (39 CFR 6.22) amend the third sentence of paragraph (a) to read as follows: "All proposals, except as provided for in paragraph (b) of this section, for the sale of such material accumulated in Federal buildings in which post offices are located and in classified stations and branches thereof, and also in post offices and classified stations and branches thereof located in leased quarters, shall be procured and handled by the custodians of the Federal buildings and by the postmasters of post offices located in leased quarters in accordance with instructions of the Assistant Postmaster General, Bureau of Facilities."

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, 5 U. S. C. 22, 369)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 51-4161; Filed, Apr. 6, 1951; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 925]

[Docket No. AO-226]

HANDLING OF MILK IN PUGET SOUND, WASHINGTON, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Seattle, Washington, during the period August 14–September 6, 1950, pursuant to notice thereof duly published in the FEDERAL REGISTER (15 F. R. 4508; Doc. 50-6161; 15 F. R. 4694; Doc. 50-6342) upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Puget Sound, Washington, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on January 29, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on February 1, 1951 (16 F. R. 935; Doc. 51-1587).

Within the period reserved for exceptions a number of producer organizations and handlers filed exceptions to certain of the findings, conclusions and actions recommended by the Assistant Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

The major issues developed at the hearing were concerned with the following matters:

1. Whether the handling of milk produced for the Puget Sound marketing area is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;

2. Whether the issuance of a milk marketing agreement or order will tend to effectuate the declared policy of the act; and

3. If an order is issued, what its provisions should be. With respect to this issue, several primary points were developed. These were concerned with:

(a) The proper size of the marketing area;

(b) The proper scope of regulation;

(c) The classification of milk;

(d) The level of class prices to be paid and the methods for determining such prices;

(e) The type of pool to be used in distributing returns to producers; and

(f) Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues decided herein are hereby made upon the basis of the record of the hearing:

Character of the commerce. (1) The handling of milk produced for the Puget Sound marketing area is in the current of interstate commerce and directly burdens, obstructs, or affects interstate commerce in milk and its products.

There are substantial interstate movements of milk produced for the Puget Sound marketing area and of milk products manufactured from such milk. Fresh fluid milk and frozen fluid milk processed in plants of handlers are transported by ship or van to the Territory of Alaska for use there by both Army and commercial establishments.

During 1949 the Seattle Quartermaster Market Center procured 2,892,068 quarts of Grade A milk from the area and in 1950, 1,115,366 quarts (to August 1). Such milk was processed from milk of the type (Grade A) proposed to be covered by the order and in plants of Seattle, Everett and Tacoma handlers. At least 90 percent of the volume of milk so purchased was frozen and exported in paper containers to Alaska for consumption there by the Army. Such purchases have been made by the Center regularly since July 1946.

A plant operated by a cooperative association of producers shipped by air and water 209,763 pounds of Grade A fresh and frozen fluid milk to commercial accounts in Alaska between January 1 and June 15, 1950. Occasional shipments of Grade A milk have been made also to the Portland, Oregon, market. Occasional shipments of Grade A milk to the Pullman and Spokane, Washington, markets have been combined with, and have entered into competition with, milk produced in Idaho. In addition, interstate rail and airlines, steamships and other ocean-going vessels are provisioned with locally produced Grade A milk.

When fluid milk plants located in the proposed marketing area have excesses of Grade A milk above their needs for fluid milk uses, which occur particularly during the months of seasonally high milk production, such excesses normally are disposed of to manufacturing milk plants in the form of milk where they are processed primarily into evaporated milk, nonfat dry milk solids, butter and cheese. Over 52 million pounds were so diverted to milk product uses by cooperatives in the area in 1949 while more than 92 million were diverted by such organizations up to June 15 in 1950. The products containing such milk are shipped in large part to other states and to foreign countries. Some additional Grade A milk is disposed of by proprietary handlers in similar channels. Such milk products (butter, cheese, evaporated milk and nonfat dry milk solids), produced in part from Grade A milk received by cooperatives and proprietary handlers in the Puget Sound area, compete for markets both locally and in other states with similar products produced in other states. Substantial amounts of both Grade A milk in fluid form and milk products are sold also to military authorities and commercial accounts on military reservations which have been ceded to the United States by the State of Washington.

Need for order. (2) The issuance of a marketing agreement or order will tend to effectuate the declared policy of the act.

The problems encountered by producers supplying the Puget Sound market in maintaining a satisfactory price level to all producers or groups of producers and in providing an adequate supply of milk are not uncommon in fluid milk markets. These problems have reached an acute state. They arise from the presence of factors of instability as described below and generally inherent in the fluid milk industry. Voluntary attempts of producers to maintain an orderly market have been disappointing and ineffective.

Milk produced for the Puget Sound market for consumption in fluid form as Grade A milk must be produced under rigid sanitation requirements. Producers must incur heavy operating expenses not only for extra labor and equipment to attain the required cleanliness and quality of milk but also for purchased feed to keep production at the necessary levels through the fall and winter and for transportation to assure prompt, sanitary and reliable delivery to the market. For the market as a whole the demand for milk for consumption as fluid milk is relatively stable. There are other uses of milk, such as butter, cheese, evaporated milk, ice cream, etc., however, which may be made from "factory" or manufacturing milk which is not required to meet such high sanitation standards as Grade A milk. The production of factory milk is less costly to the farmer.

Although consumer demand for milk for consumption as fluid milk is quite constant throughout the year, there is a wide seasonal variation in the production of milk eligible for such purposes. The breeding characteristics of dairy cattle and the varying availability of fresh pasturage seasonally causes production in the milkshed to follow a pronounced seasonal cycle. Vastly more milk is produced in the spring and summer than in the fall and winter. To meet the winter requirements for Grade A milk in fluid form, including a necessary "reserve," producers produce in the summer about twice as much milk as is needed for fluid consumption, causing extreme market surpluses of supply of a seasonal nature. The need for a "reserve" or "cushion" of supply which on a market-wide basis must approximate 10 to 15 percent of the amount of milk sold in fluid form is created by the variation

in fluid milk consumption from day to day depending upon such factors as the weather, 6-day milk delivery, and holidays, and by the existence of many distributors operating independently of each other, who attempt to carry the necessary daily reserves in their varying operations. Since there has been no practicable way of correlating supplies to fluid consumption more closely, there must be available to handlers at all times more milk than they expect to sell for fluid use.

The presence of market surplus above fluid milk and cream needs caused by these recurring conditions and from time to time by price maladjustment has produced difficult pricing and marketing problems. Significant also is the fact that milk is highly perishable and bulky. Because of the latter characteristics, farmers cannot retain milk on their farms to await favorable price conditions. The milk must be shipped every day irrespective of whether prices are favorable or unfavorable. Since the total supply of Grade A milk produced cannot find a ready market as fluid milk, particularly in flush periods, the surplus quantities, even though of Grade A standard, must find outlets in butter, cheese or other manufactured milk products in competition with similar products produced in other production areas or locally from factory grade milk, and, therefore, cannot command as high a price to producers as milk disposed of in fluid form. Because milk as a food beverage has a value higher than for most other uses, producers of Grade A milk for the Puget Sound area strive in competition for this outlet.

During and immediately following World War II there was a shortage of milk in this market. In such period the competition for milk supplies was keen. Handlers as a group competed among themselves and with the proponent cooperatives for the available supply of Grade A milk. Some handlers purchased milk from such cooperatives, some bought all or nearly all of their requirements from independent producers, and others purchased milk from both sources. The proponent cooperative associations, selling through a single marketing agency, offered milk for fluid use to handlers at a uniform price established by the agency. The proceeds of the sale of milk by such associations have been "pooled" and then apportioned among the individual associations in accordance with a "base and surplus" plan (additional discussion of base and surplus plans is set forth hereinafter). The final "settling price" with member producers by the individual association became the major factor in establishing the returns received by all producers of Grade A milk in the segment of the milkshed in which the association had membership whether the producer was a member or an independent shipping to a proprietary handler. The price paid for milk purchased by handlers from independent producers tended to follow the settling price of the association in the local area of the milkshed. Although variations in the associations' monthly settling prices occurred, such variations, except those caused by differences in cost of plant operation, were offset through the distribution to the members of (a) a thirteenth check, (b) an added increment in his share of ownership in the association or its assets, or (c) a certificate of debt payable at a later date. The tendency of handlers to follow the prices announced monthly by the associations in the different parts of the milkshed resulted in the payment to independent producers of various prices for milk. A substantial proportion of the supply was being utilized in fluid form even in the flush production season and little surplus remained to fall into lower-valued uses. Because the settling prices to producers were not widely different from the fluid milk price of the associations as the result of the short supply, the situation was not critical in this period.

However, there have been times since when the production of Grade A milk has exceeded greatly the area's requirements for fluid use. Volumewise this has been caused mainly by the wide seasonal increases in production during the spring and summer months. However, even in the short production seasons of 1948–1949 and 1949–1950 some surplus above the necessary daily reserve requirements existed. In this situation handlers buying from independent producers have tended to adjust supplies carried in their plants as close as practicable to actual short period needs while cooperatives, not restricting membership or refusing to accept Grade A milk offered by members, have been unable to avoid assuming an increasing proportion of the total surplus present. The larger handlers also have tended to favor buying from independent producers rather than from the proponent cooperatives wherever possible even to the extent of developing additional sources of supply instead of using the existing facilities of such cooperatives. Such developments in buying practices, as discussed more in detail hereafter, introduced and aggravated price variations and inequities between producers of the essential milk supply which, if not corrected, could lead ultimately in this market to the kind of extreme competitive conditions that cause the Congress to make available the type of regulatory program under consideration here.

In the fall of 1949 one of the largest companies cancelled a contract for 11,000 pounds of milk daily purchased from one of the cooperatives and another company cancelled its contract for 23,400 pounds daily purchased from another association. This had the effect of reducing the ability of the several associations selling through the marketing agency to pay members by 10 cents per hundredweight. This trend reached a peak in May 1950 when several handlers, including the two handlers referred to, and the marketing agency of the associations could not agree on a contract for the sale of milk of certain producers who in prior months had been independent shippers to such handlers but whose membership in a newly-formed cooperative association had just been activated. The surplus carried by such handlers in the flush season of 1950 was reduced to very small proportions as compared with those of the proponent cooperatives. The milk transferred to cooperative plants as a result of the failure to agree on contract terms of sale is estimated at 150,000 pounds daily. Lower-valued manufacturing milk products provided the only available outlet for this milk. Although one of the handlers resumed purchases through the cooperative marketing agency for a volume of milk to satisfy his needs in the short production months of 1950 (under a contract to expire June 30, 1951 in the middle of the coming flush production season), the proponent cooperatives as a group were relieved only in part of their disproportionate share of the surplus burden of the market.

It appears that the ability of the cooperatives to divert and utilize in the cooperatives' own plant facilities the member milk dropped by handlers was the major factor responsible for preventing a further decrease in the price charged for milk for fluid use in the spring and summer months of 1950. On the other hand, the settling prices of the cooperatives were lowered by the increase in supply in the cooperative pool to be disposed of in manufacturing uses, and this resulted in widening the differentials between the settling prices and the price charged by the cooperatives for milk for fluid use. It is recognized that handlers should not be expected to carry physically in their plants more milk than can be handled reasonably in terms of the plants' requirements. It is equally true, however, that the lower returns from either the necessary reserve or the seasonal surplus of fluid quality milk must be reflected in the price of all such milk irrespective of the plant in which it is received, if a stable market is to exist. Whenever surpluses have occurred, severe pressure has been felt by the cooperatives to lower their price to handlers for milk for fluid use, or in the alternative, to lose their market for fluid milk, since those handlers making payment for milk for fluid use at or near the cooperative blended price have, under the circumstances, a definite and substantial advantage in the purchase of milk for sale competitively on wholesale and retail routes. Either path leads to disorderly marketing and results in an unreasonable price situation for producers as a whole. Extreme competition for fluid milk outlets has developed among producers and, except in times of a real shortage of milk, organized producers have no apparent means to bring about reasonable uniformity in prices among all handlers at a satisfactory level or to prevent one group of handlers from obtaining milk for the same purposes at substantially lower costs than are paid by others, and thus to prevent recurrences of disorder in this market.

The prevailing buying practices have resulted also in wide variations in producer returns both within the ranks of independent producers and between the independent producers and cooperative members. Milk statements of producers submitted for recent months indicate that in many instances independent producers have been paid higher returns per hundred weight than cooperative members in comparable circumstances as to location and the butterfat test of milk.

A handler may well be in a position to pay a higher return to the independent producer and yet have a price advantage, in terms of his own utilization, over other handlers in the purchase of milk. Also, the large companies purchasing milk from independent producers in more than one county in the milkshed follow the practice of paying different returns to such producers depending on the county from which the milk is drawn, which variations are not related strictly to differences in transportation and handling costs. It appears that, even among handlers buying independent milk, the cost of acquiring milk varies with the location of the farms from which the particular handler draws his supply. The higher returns paid to independent producers as compared with payments made by the associations that are based on their smaller share of the fluid milk market have caused extreme dissatisfaction among the member producers who represent between 65 and 85 percent of the total number supplying the market.

Lack of uniformity among handlers in the cost of milk has made it impossible in recent months for handlers buying all or most all of their milk for fluid use from the proponent cooperatives to bid on equal cost terms for the large volume business of supplying military and other public establishments in the area. Because of substantial variations in the quantities of milk required by these establishments, supplying handlers need to maintain substantial reserve supplies. Many handlers in the area rely on the cooperative plant facilities to handle the backlog supplies. After paying for their milk the fluid milk price of the cooperatives, such handlers cannot compete effectively with handlers who have a price advantage buying independently. A similar situation has existed also in the wholesale market generally.

In the face of increasing costs with respect to certain important items in the production of milk, such as feed and farm labor, a restriction of the labor supply, and improve alternative opportunities, all resulting in a curtailment of production in the milkshed during the past summer, the proponent cooperatives indicated their intention to raise their selling price of milk for fluid use from $4.75 to $5.56 per hundredweight.[1] It may be possible in view of currently existing supply and demand conditions for producers to maintain the increased price level for a temporary period. However, an increased price at this time constitutes no complete or lasting remedy for recurring unstable market conditions. The market has no framework for orderly price making at such times as surpluses are the dominating factor in price determination. Past experience indicates that the inclination of handlers to carry on bargaining negotiations with the cooperatives which will assure cooperative members a proportionate share of the higher-valued market for milk for fluid consumption depends to a large extent on their inability to obtain adequate supplies elsewhere and on the existence of a shortage of total supply for the market. Under the conditions described, the restoration of an orderly market for all producers, including members of cooperatives, appears unlikely by voluntary means. From the experience of this market, as well as that of large urban markets generally, it is concluded that a fair division of the returns from fluid milk sales among all producers supplying the market and an equitable sharing of the lower returns from the necessary reserve and seasonal excesses is essential for the maintenance of stable market conditions. The adoption of the classified price plan based on the audited utilization of handlers and a market-wide pool will effectively accomplish this purpose. The record discloses also that producers lack detailed market information which is important to the efficient marketing of milk and in arriving at reasonable price levels. Prices are being established at present with limited milk production and consumption data. Under an order, more complete information would become available to all interested parties and would provide the background for price-making under public procedures which afford opportunity to consider complete and reliable marketing information and which encourage a full expression of views by all concerned.

It is concluded, therefore, that the issuance of a marketing agreement and order for the Puget Sound marketing area will tend to effectuate the declared policy of the act, namely, to establish and maintain, by means of the regulatory provisions expressly provided for in the act for such purposes, such orderly marketing conditions in such area as will tend to establish prices to the producers of milk for the marketing area at a level as will reflect the factors set forth in section 8c (18) of the act, insure a sufficient quantity of pure and wholesome milk for the marketing area, protect the interests of the consumer, and be in the public interest.

Marketing area. (3) (a) The marketing area should be defined to include all territory lying (a) west of range 8E in Whatcom, Skagit, Snohomish, and King Counties; (b) west of range 8E and north of township 18N, in Pierce County, except the islands of Anderson, McNeil and Fox and the peninsulas on which Gig Harbor and Lake Bay are located northward to the Kitsap County line; (c) within Thurston County; (d) west of range 5E in Lewis County; (e) east of range 10W and north of township 12N in Pacific County; and (f) south of township 19N in Grays Harbor County, all in the State of Washington. As used in the definition, "territory" would include all municipal corporations; Federal military reservations, facilities and installations, and State institutions lying wholly or partly within the above-described area.

The major fluid milk markets in the Puget Sound marketing area, as defined in the attached order, are the cities of Seattle and Tacoma. The smaller markets proposed for coverage in addition to Seattle and Tacoma, and the plants from which a substantial portion of their supplies of milk are drawn, however, are an integral part of the business of milk handling and distribution in the latter cities. Most of the Grade A milk for local distribution in communities of the marketing area other than Seattle and Tacoma comes from plant sources which also supply handlers operating in the latter two cities. Milk is furnished from country plants in Whatcom County to distribution plants in communities in such county and also to plants in Seattle. Similarly country plants in Skagit and Snohomish Counties supply milk to both local distributing plants and to Seattle plants. As increased supplies above "direct-shipped" quantities are needed in Seattle and Tacoma seasonally, the added milk comes for the most part from plants located in Whatcom and Skagit Counties. A plant in King County sends bulk milk regularly to Seattle and distributes bottled milk locally in Enumclaw. Tacoma, Olympia, and Puyallup plants are supplied throughout the year with milk from a receiving, or country, plant in Lewis County. The latter plant is also the primary source of supply for certain handlers distributing in markets in Lewis and Pacific Counties. A plant at Satsop in Grays Harbor County furnishes milk to buyers in Hoquiam, Aberdeen, Montesano, Fort Lewis, Tacoma, and other communities in the proposed area. Milk assembled at a loading platform at Elma is sometimes received at the Aberdeen plant of a handler for use in serving Grays Harbor County outlets for bottled milk and at other times is shipped to a plant of such handler at Seattle for bottling purposes. Milk qualified for sale in fluid form in one part of the marketing area is equally qualified for sale in other segments of the area with the exception that milk for sale in fluid form in Grays Harbor County must meet health requirements slightly at variance with those in other communities covered. Such difference in requirements, however, is not a barrier to the disposition of milk from plants located in Grays Harbor County to plants serving other counties.

The milk distribution routes, as well as the procurement areas, of handlers in the larger communities of the marketing area overlap to an appreciable extent. This is becoming increasingly so as population between the cities grows. Everett distributors sell in King County, even within the city limits of Seattle. Tacoma and Seattle handlers both serve a residential area between Seattle and Tacoma. A handler at Auburn distributes locally and in Seattle, and in other markets in the proposed area. One Seattle handler, selling through 83 store outlets in the marketing area, distributes in nearly all of the sizable communities, such as Tacoma, Seattle, Everett, Olympia, Burlington, and Bellingham, milk processed in a Seattle plant. Another large handler distributes out of its Bremerton and Tacoma plants milk which is processed at its Seattle plant. Handlers, both proprietary and cooperative, in Seattle, Tacoma and other parts

[1] Official notice is taken that the prevailing price of milk used for fluid milk in Seattle has been increased since the hearing to $5.56 per hundredweight.

of the marketing area compete for the bid business of the military reservations and other Federal procurement agencies in the Puget Sound area. In view of the above circumstances, it is concluded that the entire area described should be included in the defined marketing area.

The record contains proposals to include also in the marketing area the counties of Kitsap, Mason, Clallam and Jefferson, on the Olympic Peninsula and the eastern half of Whatcom County. The recommended decision recommended the exclusion of such areas.

In the exceptions filed objection was raised to the exclusion of the counties on the Olympic Peninsula. It is contended that the exclusion of Kitsap and Mason Counties would "result in the setting up of trade barriers within that territory for the benefit of the local cooperative at the expense of the public interest." The further contention is made that regulated handlers are left to face destructive competition at the hands of unregulated handlers in the excluded area. In this connection it was pointed out that the Navy Yard at Bremerton provides an outlet for substantial quantities of milk and milk products (presumably a possible outlet for milk to be regulated as well as for locally-produced milk). It is alleged also that milk is moved regularly into such counties from territory to be covered by the order and that for this reason such counties are a part of the whole Puget Sound territory and should be treated accordingly.

As heretofore indicated, the marketing problems to be dealt with are concerned primarily with the major markets of Seattle and Tacoma and their sources of milk. In contrast with plants to be regulated, plants located in Kitsap and Mason counties which supply milk for local distribution are not also sources of supply for such major cities. Milk produced in Kitsap and Mason Counties is distributed locally and the supply of such milk is not sufficient to meet local requirements in full. In 1949 the local dairy farm supply was approximately 40 percent short of meeting local needs.

The record indicates the regular import by a local handler in such counties of about 95 percent of his milk needs from a plant in Skagit County which will be under regulation as a supplement to production from his own farm. This milk has been purchased on a price basis equivalent to the highest prices paid for milk for fluid use in the area to be regulated, and such milk has been sold competitively with locally produced milk. There is indication also of the distribution in this area of a small volume of milk processed in plants in Seattle and the importation at times by the local cooperatives of raw milk from producers in the Grays Harbor County area. At least some of the latter milk distributed from Seattle plants on routes in such counties has been purchased on a price basis similar to that applicable to the imported Skagit County milk. Also, prices paid to local producers supplying Kitsap and Mason Counties and for the Grays Harbor imports have been generally higher than prices to producers supplying the principal markets east of Puget Sound.

A milk marketing order is a type of regulation requiring a specific determination of the boundaries of the area to be covered, and the question of the appropriate size of the Puget Sound marketing area was considered at length on the basis of the proposals made. Contrary to the handlers' position, the prevailing level of prices paid in such counties for Grade A milk received from farmers, the deficit supply situation, the dependency of such areas on sources to be regulated for supplemental milk supplies, particularly to serve Navy Yard requirements, the relatively small quantity of milk disposed of in such counties from Seattle plants, and the price basis on which most of the milk has been sold in these counties in the past from plants to be regulated leads to the conclusion that the omission of such counties from the marketing area at this time will not constitute a significant handicap to regulated handlers. It is concluded further from the record that dairy farmers supplying such counties do not require the benefits of an order at this time and the inclusion of the milk of such dairy farmers under the order would not alter appreciably its effects with respect to producers whose milk is to be priced or assist materially in the establishment and maintenance of orderly marketing conditions in Seattle, Tacoma and the other markets covered. Whether or not a different conclusion in this respect may be warranted in the future must rest upon market developments not indicated by the present record.

It was contended in the exceptions in regard to Clallam and Jefferson counties also that regulated handlers would be faced with destructive competition at the hands of unregulated handlers if such counties were excluded. Clallam and Jefferson Counties are only sparsely populated except for a few small port communities. Certain milk originating in these counties will be regulated because of direct shipment to a fluid milk plant in the marketing area or receipt at country plants serving the marketing area. The volume of milk in such counties left unregulated is negligible. The record does not justify a conclusion that such disposition of regulated milk as there is in such counties will be affected materially by the exclusion of the handling of such negligible quantity of milk from the regulation.

The area east of range 8E in Whatcom County is largely an unpopulated area and lacks important outlets for fluid milk.

In view of the evidence presented the specified counties on the Olympic Peninsula and the area east of range 8E in Whatcom County should not be included in the defined marketing area.

Scope of regulation. (b) The minimum class prices established should apply only to milk (exclusive of milk of producer-handlers as hereinafter indicated) which is qualified under applicable health authority regulations for consumption as fluid milk, fluid milk products, and cream in the marketing area, and only to that portion of the milk so qualified which is either actually so utilized in the marketing area or is produced primarily to satisfy the need for these products in the marketing area. Only those farmers producing milk meeting such conditions should be considered to be producers of milk to which the minimum class prices apply, and to the producers eligible to share, under the market-wide pool, in the returns from the sale of milk for fluid purposes by being given assurance of payment for their base milk at not less than the uniform price for base milk.

The establishment of minimum prices for milk which are required to be paid by handlers, and the distribution to producers of the returns from the sale of milk by means of a market-wide pool as herein provided, make it necessary to identify rather precisely (a) the milk to which such minimum prices apply, and (b) the farmers or producers who are to share in the returns from the sale of milk for which minimum prices are established. Primarily for this purpose an order should include definitions of "dairy farmer," "producer," "fluid milk plant," "country plant," "nonpool plant," "producer milk" and "other source milk."

It is also necessary, of course, to define the term "handler" essentially for the purpose of identifying those persons on whom obligations and requirements are, or may be, imposed by the order, including the obligation to pay the minimum prices established. It is provided, however, that a "producer-handler" shall be exempt from all the regulatory provisions of the order except that requiring the filing of reports as requested by the market administrator. The producer-handler maintains control of his milk until ultimate disposition and in this respect his situation is entirely different from the regular producer whose milk is marketed through a handler. On the other hand, such persons frequently change their status and it is necessary for the market administrator to have authority to require reports from the producer-handler in order to verify his continued status as such as well as to supplement other market information. The proponent cooperatives proposed the pooling and pricing of milk of producer-handlers (who do not receive milk from other producers) in the same manner as producer milk received by other handlers. The testimony of several witnesses indicates, however, that this would add to the administrative burden without assisting in a substantial measure to a solution of the market difficulties of which proponents complain. Exceptions were taken to such exemption on the grounds that it constitutes discrimination against other producers and handlers and that the burden of carrying surplus milk should be extended to producer-handlers. It was suggested that the number of persons to which the exemption applies might be reduced by revision of the "producer-handler" definition to exclude at least persons who receive milk from other handlers. After further consideration it is concluded that the exemption of producer-handlers will not discriminate against other producers or handlers and that the basic objectives of the regulation may be achieved

without the application of the order to producer-handlers on the same basis as other handlers.

The Washington State Uniform Fluid Milk Act, together with county and municipal milk ordinances and codes, requires that milk for consumption in the marketing area in the form of milk and the milk products defined herein (§ 925.41 (a)) as Class I milk be derived exclusively from Grade A milk. Such laws and regulations prescribe the conditions under which such milk may be produced and distributed. In general, however, any Grade A milk is eligible for distribution within the marketing area, insofar as health authority regulations are concerned, regardless of whether or not it was produced primarily for, and as a part of the regular supply for, markets within the marketing area.

Virtually all milk utilized as Class I milk in the marketing area during recent years, however, has come from farms and plants located within and immediately adjacent to the marketing area, or on the Olympic peninsula. With or without an order regulating the handling of milk in the Puget Sound area, there appears to be no immediate necessity for or prospect of expanding the area from which current requirements of Grade A milk are obtained because of relatively large potential supplies within the area. While it is not the purpose of the order to prescribe the area from which milk may be obtained for distribution in the marketing area, it must be recognized that a market-wide pooling arrangement is subject to certain abuses against which reasonable safeguards must be provided.

The institution of a market-wide pool could create incentive for producers and handlers who had not previously supplied milk for the marketing area to become eligible to share in the Class I sales of the market without actually supplying the market with fluid milk or assuming any responsibility for maintenance of the necessary reserve supply. Such a development would not only fail to contribute to the orderly marketing of milk in the area or to any of the purposes sought to be accomplished by the order but would tend to conflict with such objectives. On the other hand, all sources from which milk is obtained as a necessary part of the supply for the area during the season of lowest production should be entitled to participation in the pool on a year-round basis. Otherwise, milk from producers in outlying areas most distant from the centers of population within the area and needed during the season of shortest production would have to continue to be distributed in the area at times when the necessary supply could be obtained more economically and efficiently from nearby sources. It seems apparent, however, that no significant abuse will result from permitting, without restriction, participation in the pool on a year-round basis of all Grade A milk received at plants within the present, and historical, supply area.

Accordingly, "producer milk" (intended to identify the milk for which minimum prices are required to be paid) is defined as Grade A milk received at (or caused to be diverted from) either a "fluid milk plant" or a "country plant." The terms "fluid milk plant" and "country plant" in turn are defined in a manner designed to include all of those plant sources, and only those sources, of Grade A milk which in the past have been, or in the future may become, an integral part of the year-round supply for the marketing area. As these terms are defined, all Grade A milk received directly from producers at a plant located in the marketing area, duly approved by health authorities, and from which milk in the form of fluid milk, fluid milk products or cream is distributed within the marketing area would be milk to which the minimum class prices apply, and such producers would be eligible to receive the minimum payments established. The definition of this type of plant (fluid milk plant) is designed, by being applicable only to plants located in the marketing area, to include only those plants customarily and regularly engaged in the distribution of milk and cream in the usual manner within the marketing area. All of such plants currently known to exist are located within the marketing area. Furthermore, an out-of-the-area plant which might later engage in direct distribution in the area would be eligible for pool participation as a country plant on the same basis as a plant similarly located from which bulk shipments were made to a fluid milk plant in the marketing area.

Distribution, in this connection, is intended to include but not to be limited to delivery on wholesale or retail routes, or delivery at the plant or plant store, in customary consumer packages to various types of consumers such as homes, stores, hotels, restaurants, or miscellaneous other establishments which themselves are not primarily engaged in the handling and processing of milk or milk products.

It is apparent that the total volume of Grade A milk produced and received at plants in the territory from which the marketing area is currently, and historically has been, supplied (the marketing area and the Olympic peninsula) is an integral part of the supply for the marketing area. That being the case, it is concluded that all such milk received at plants approved for the receiving of milk qualified for consumption within the marketing area should be included in the pool on a year-round basis. It seems inevitable that the imposition of restrictions designed to exclude any of such milk from the pool would merely result in modification of the manner in which it is marketed and handled so as to comply with the restrictions imposed. Such modifications made merely for that purpose would be unlikely to be in the direction of more orderly marketing and efficient handling.

The limitations on pool participation embodied in the proviso of the definition of "country plant" should apply only to plants located outside of the area from which Grade A milk is currently, or historically has been, supplied to the marketing area. Since such plants have no record of having supplied the marketing area with Grade A milk, they should be included in the market-wide pool under the order only in those months in which they either actually supply a substantial quantity of milk to the area or may reasonably be considered to constitute an integral part of the market supply.

The definition of "country plant" as set forth in the recommended decision would include all plants in Clallam and Jefferson Counties approved by a health authority having jurisdiction within the marketing area for the receiving of milk qualified for consumption as fluid milk within the marketing area. This could result in the inclusion in the pool of plants handling milk entirely for local distribution within such counties, and although milk so handled may be acceptable for sale in the marketing area, it actually is not, and never has been, a part of the regular supply for the marketing area. Accordingly the country plant definition is changed herein to exempt from the shipping requirements specified in such definition only those two plants in Clallam County (at Dungeness and Sequim) known to constitute regular sources of supply for the marketing area.

Pursuant to the country plant definition, a plant not located in the current production area would be included in the pool in the months of October, November and December of any year (period of seasonally lowest production) if 50 percent or more of the milk received at the plant directly from producers was either distributed as Class I milk within the marketing area or shipped in the form of milk to a fluid milk plant. A plant supplying the marketing area with at least 50 percent of the milk received directly from dairy farmers for the entire period of October through December would be eligible for pool participation without additional requirements during the following months of January through September. A plant supplying the marketing area with less than 50 percent of its receipts in the season of shortest production is a source primarily for some other market. Such a plant could nevertheless participate in the pool during any of the following months of January through September if 20 percent or more of the milk received from producers at the plant was either distributed directly in the marketing area or shipped to a fluid milk plant in the area. Withdrawal from the market of the milk received at a particular plant during the relatively high production months of February through September would not be likely to seriously threaten the marketing area with an insufficient supply. There seems to be no justification, therefore, for not permitting voluntary withdrawal of any country plant from the pool during that period.

If milk other than producer milk as defined and to which minimum class prices apply is distributed within the marketing area, it is necessary to require payments to be made into the producer-settlement fund on such milk in order to maintain reasonable uniformity of cost of milk and equity among handlers, and to avoid undue displacement of producer milk in Class I by milk from other sources without offsetting compensation. Accordingly, there is included in § 925.70 of the order a provision for including in the

value of milk computed for each handler a payment at the difference between the Class I price and the Class II price per hundredweight of Class I milk which is either distributed within the marketing area or, in the case of a handler receiving milk from producers, which is "other source milk" received by him in excess of his total volume of Class II milk.

Classification of milk. (c) Two classes of milk should be established.

Class I milk should include skim milk and butterfat disposed of in fluid form as milk or skim milk, flavored milk and milk drinks, cream, and cream products. It should include also all skim milk and butterfat not specifically accounted for as Class II milk, except for a reasonable allowance for shrinkage associated with Class II milk operations. Class II milk should include skim milk and butterfat used in manufactured milk products such as cottage cheese, ice cream, evaporated milk, cheddar cheese, nonfat dry milk solids, aerated cream products, etc., and a reasonable shrinkage allowance.

Milk disposed of in fluid form and certain products of milk, including cream and cream products for consumption in fluid form, are required under the health regulations in effect in the marketing area to be made from Grade A milk. The extra expense necessary to produce milk for these purposes warrants their inclusion in Class I milk to be priced above the price level for milk for Class II uses. The products included in Class II milk are those which are not required under the applicable health regulations to be processed from Grade A milk. Such products, although they may contain Grade A milk, must be disposed of in the same competitive field as products made from factory or manufacturing milk. It is considered necessary to permit the free movement of any excess milk into manufacturing channels without burdensome competitive disadvantage to handlers when producer receipts are in excess of the market needs for Grade A milk for fluid uses.

Two proposals for classifying milk "shrinkage" were offered. One would classify all unaccounted-for milk, including operating shrinkage, in Class I milk; the other would classify in Class II milk unaccounted-for milk in an amount up to 3 percent of the total volume of producer milk and other source milk received by the handler, and any remaining quantity in Class I milk.

In paying for factory grade milk, local manufacturing plants pay a stated price per hundredweight of milk received from dairy farmers and thus the same price for the shrinkage associated with such milk as for that portion disposed of in products made. The inevitable shrinkage which results from the manufacture of milk products is reflected in the level of prices paid to dairy farmers for the milk received by these manufacturing plants. The bulk of Grade A milk disposed of in the uses covered by Class II milk is diverted to manufacturing plants where it is commingled with factory milk in the production of milk products such as butter, cheese, evaporated milk, and nonfat dry milk solids. The price paid for such milk is equivalent to the prevailing price to dairy farmers for factory milk. It must be presumed that a given volume of Grade A milk so processed results in a yield of product no less than that produced from factory milk of similar solids content. It is reasonable to presume that the normal shrinkage resulting from the manufacture of Class II milk products will not exceed 3 percent of the skim milk and butterfat so utilized. Handlers who purchase Grade A milk for Class II products, such as ice cream and cottage cheese, to be made in fluid milk plants customarily pay a price for such milk, f. o. b. the seller's plant, at least as high as the going price paid to dairy farmers at representative manufacturing plants in the milkshed. Further, the Class II price formula set forth in the order is designed to produce a price level for Class II milk products substantially equivalent to representative manufacturing milk prices in the production area. It is concluded that equity among handlers with respect to customary shrinkage on Class II operations will result from the application of the Class II price to skim milk and butterfat actually utilized in milk products covered by Class II milk as defined under the order in conjunction with an allowance in such class for actual shrinkage up to 3 percent of such skim milk and butterfat.

Some shrinkage, percentagewise ordinarily a lesser amount than results from the manufacture of the products covered by Class II milk, will result also from Class I operations. The record indicates that in the past handlers purchasing milk from producers at the Class I price established by the proponent cooperative associations have paid such price without discount, or special allowance, of any kind for the portion of such milk lost in shrinkage. Also, both of the order proposals submitted contemplate that abnormal losses of milk from any operation would be priced as Class I milk. In order to achieve equity among handlers with respect to the price of milk lost in shrinkage resulting directly from Class I operations and to avoid an excessively generous allowance (above that discussed above) in Class II milk for shrinkage which normally results from Class II operations, it is concluded that the above pricing practice followed by the associations in selling milk to certain handlers for fluid purposes should be extended to all handlers. Thus, all unaccounted-for milk other than actual shrinkage in Class II operations within the specified limits should be classified as Class I milk. Shrinkage on other source milk will be deducted, however, from the lowest available use classification under the allocation provisions since other source milk is deducted on the basis of receipts rather than on product use.

In the case of transfers or diversions of milk, it is provided that the responsibility for correct classification be placed on the handler who first receives the milk from producers. In the event milk is transferred without adequate proof of utilization, such milk will be classified as Class I milk. Administratively a method of classifying milk transferred between plants of different types is necessary since such transactions are frequent. In this connection the necessity for providing price differentials between districts within the marketing area by means of "location adjustments" (later discussed) creates a need for specific methods of classifying milk transferred between plants in the districts where the location adjustment applies and plants in the district having no such adjustment in order that the producers' uniform price will not be reduced by excessive allowances for the transportation of milk. The method adopted offers the simplest and most feasible solution to the matter of accounting correctly for such milk.

It is necessary further to fix some reasonable distance beyond which the market administrator is not required to send auditors to verify the utilization of milk. The record does not disclose shipments of milk, skim milk, or cream from Grade A milk for manufacturing to locations outside the defined marketing area or the counties of Clallam, Jefferson, Grays Harbor, Kitsap Island, or Mason in the State of Washington although shipments for emergency fluid use to such markets as Pullman, Spokane, and Portland have been made. There are adequate facilities within the marketing area and the above-named counties to absorb all the surplus associated with supplies of Grade A milk produced for the marketing area. Accordingly, skim milk or butterfat derived from producer milk and moved in the form of any of the products covered by the definition of Class I milk to locations more distant should be classified as Class I milk. In the case of products moved to nonpool plants within the marketing area or the above counties, it is concluded that they should be included in Class II milk if the receiving plant does not distribute milk for consumption as fluid milk. In the case of milk transferred to nonpool plants outside the marketing area but within the above-named counties and from which plant milk is distributed for consumption as fluid milk, classification of the milk transferred would depend on the verified use of milk in the transferee plant with the transferred producer milk first allocated to Class I milk uses, or, if verification were not permitted, all of the transferred producer milk would be classified as Class I milk.

Provision is made also for the reclassification of milk originally classified in one class but ultimately used or reused in other class. The general plan for the classification of milk is designed particularly to assure producers of the proper return for milk utilized in the products of each class and to place handlers on an equitable cost basis. The handler, being the person who receives and disposes of the producers' milk, should carry the responsibility of properly accounting for the use of such milk. It follows that he should be required to prove the use made of such milk. This will be facilitated by requiring that he show an actual Class II use of milk or as an alternative have such milk placed in Class I. Other source milk should be allocated first to Class II uses in the handler's fluid milk plant or country plant. This is to prevent other source milk from displacing in Class I milk the milk of producers on

which the market relies for a continuous milk supply.

Class prices. (d) (1) Class I price: The Class I price should be arrived at by adding $1.45 to a basic formula price per hundredweight.

Producer proponents submitted a proposal to price Class I milk by adding $1.45 to the highest of the following prices per hundredweight (to be known as a "basic formula price"): (a) The paying price of 18 Wisconsin and Michigan condenseries, (b) a price based on the market values of butter and cheese, and (c) a price based on the market values of butter and nonfat dry milk solids. Such proposal was supplemented by one to establish an alternate Class I price of $5.56.

The act provides that prices must be fixed at a level which will reflect the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, insure a sufficient supply of pure and wholesome milk, and be in the public interest. Prices of several of the major feeds for dairy animals have increased in recent months. The outlook is for higher feed prices in 1951. Farm stocks of principal feeds in the State of Washington are lower than in 1949. The supply of farm labor in the Puget Sound milkshed has tightened rapidly in recent months as the result of the Korean conflict, the expansion of defense industry, and military requirements. Airplane factories, lumber mills and logging operations in the Puget Sound area provide attractive alternative opportunities for farm labor. Farm wages have tended to rise in the past few months. Farm machinery prices are higher than in 1949. Official notice is taken that the index of prices paid by farmers for commodities bought (including interest, taxes, and wage rates) increased from 246 to 265 between December 1949 and December 1950 (1910–14=100). These developments have resulted in a more unfavorable cost position for the milk producer. Beef cattle and hog prices have been relatively high for some time and have attracted an unusually large number of dairy animals in the milkshed to slaughter. Large numbers of milk cows also are being shipped from farms in the supply area to other west coast areas. Milk prices have not kept pace with increased price levels for most other farm commodities offering competition for the milk producer's capital and labor. Grade A milk supplies declined following the flush production months of 1950 to a greater degree than might be expected from normal seasonal change.

The present volume of purchasing power among consumers is high. Population has expanded in and around the major communities of the marketing area and increased business activity has resulted from the Korean conflict. Employment is high as a result of defense activity. Expanded military operations in the marketing area require increased quantities of milk as compared with requirements in 1949. Fluid milk sales may reasonably be expected to remain at present or increased levels for an indefinite period.

It is recognized further that prices paid for inspected milk for fluid purposes are related in a high degree to prices paid for milk for manufacturing purposes. Such relationships are quite pronounced in areas where milk is produced in relatively large quantities and where manufacturing plants serve as alternative outlets for inspected milk produced. Such a relationship has existed in the Puget Sound milkshed. The production and marketing of milk for each type of outlet are subject to many of the same economic factors. Since the market for most manufactured products is nation-wide, the prices of such products reflect some of the changes in general economic conditions affecting the supply and demand for market milk. For these reasons fluid milk markets have long used butter, nonfat dry milk solids, and cheese prices, and the prices paid by condensery plants, as the foundation for establishing prices for inspected milk for fluid use. Differentials over these basic, or manufacturing, prices frequently have been employed to arrive at the price of milk for fluid use. Such differentials have as their purpose to reflect, over the long run, the costs of meeting quality requirements in the production of inspected milk and to furnish the necessary incentive to get such milk produced. Such underlying factors and price relationships must be taken into account as well as other conditions such as are outlined above, which are pertinent to the production of an adequate supply of inspected milk. Therefore, it is concluded that a differential over the price level for manufacturing milk should be adopted as the means of maintaining the price of inspected milk for fluid use in this market at all times reasonably above manufacturing milk prices and of providing the necessary incentive to the production of inspected milk, in the quantities required. In consideration of the relationship between market supplies and prices in recent years it is concluded that a differential of $1.45 over the price level to result from the basic price formula adopted will serve this purpose.

(2) Class II price: The Class II price formula should reflect the value of milk for manufacturing purposes in the supply area.

Producer milk in excess of the amount necessary to satisfy Class I milk needs is either moved from fluid milk plants to manufacturing plants for processing or competes for outlets with milk produced for manufacturing purposes (factory milk). In some instances, particularly during the flush production season, milk is diverted directly from producers' farms to manufacturing plants without being physically received in a country plant or fluid milk plant of a handler. As stated previously, large quantities of producer milk are commingled with factory milk to make butter, cheese, evaporated milk, and other milk products. Ice cream and cottage cheese for sale in any part of the marketing area may be made from factory milk. Thus, producer milk utilized in the products named competes directly with factory milk and since such products are the principal outlets for producer milk in excess of Class I milk requirements, it is concluded that Class II milk should be priced at a level equivalent to prices paid dairy farmers for factory milk by representative manufacturing plants in the area.

Proponents of the order proposed that the Class II milk price be computed on the basis of a formula employing central market prices of butter and nonfat dry milk solids with an allowance to reflect a reasonable operating margin for the manufacture of such products.

Butter, nonfat dry milk solids and cheese constitute the major outlets for surplus milk in the milkshed, although some of the products of Class II milk customarily result in higher returns to the plant operator than are afforded by the manufacture of such named products. Evidence concerning prices paid dairy farmers by representative cooperative associations operating milk manufacturing plants in the milkshed was offered. Such prices were compared with the gross returns which might have been realized in the same period from sale of butter and nonfat dry milk solids at the central market prices for butter (San Francisco) and nonfat dry milk solids (Chicago area) employed in the proposed formula. This testimony indicated an operating margin at manufacturing plants in the area of about 84.5 cents per hundredweight based on the twelve-month period preceding the hearing. It was testified also that a study of costs of plant operation showed a cost of about 82 cents per hundredweight of milk received.

The record indicates, however, that the plants represented were not engaged solely in the manufacture of milk products and that some of the net proceeds accruing to dairy farmers for the period covered resulted from other activities. The basis on which the cost figure of 82 cents was computed was not shown. Such cost figure therefore cannot be properly appraised in terms of the diversified activities of the plants, including the sale of milk from time to time for Class I uses. Similar difficulty is found with respect to the comparison between the monthly prices paid dairy farmers and the proceeds from the sale of butter and nonfat dry milk solids possible under the formula which resulted in the average difference of 84.5 cents per hundredweight. It is not possible to analyze such figure in relation to the activities of the plants during the period involved in the comparison, particularly in relation to the production of butter, nonfat dry milk solids, or other manufactured milk products as compared with their other activities.

On the other hand proponents of the formula indicated their willingness to handle milk in excess of Class I needs under a Class II price formula which includes an operating margin, or allowance, of 80 cents per hundredweight. Such an allowance should assure producers of a market for all milk not utilized as Class I milk. In view of this a higher allowance is not warranted. Further study of plant operations in the milkshed and of the formula factors suggested may be necessary, after a period of experience, to determine the

propriety of the formula as conditions change. It is quite possible that such factors as changing price relationships for butter and nonfat dry milk solids between the midwest and west coast areas over a period of time, for the need for encouraging milk to flow into uses providing higher returns to producers, will have a marked effect upon the operation of the formula and will require further appraisal of the Class II price situation. Actual monthly paying prices by local manufacturing plants are not considered an appropriate yardstick for Class II milk prices because the principal manufacturing plants in the milkshed are operated by proprietary companies and cooperatives which would be handlers under the order also.

Because of variations in the butterfat content of (a) fluid milk and milk products sold by different handlers, and (b) milk delivered by individual producers, it is necessary to provide "butterfat differentials" to provide equitable payment with respect to such variations in butterfat. The class prices and uniform prices are established with reference to a butterfat content of 4.0 percent. Thus, a butterfat differential should be employed to reflect differences in values based on the variations in butterfat content of milk and its products from 4.0 percent. It was originally proposed to employ for Class I milk a butterfat differential equivalent to .14 times the average price per pound of 92-score butter (San Francisco) in the preceding month. Exception was taken, however, to a Class I butterfat differential as high as such formula would produce. On the basis that there has been a trend toward reduced butterfat content in certain items included in Class I milk referred to in connection with the exception, it is deemed appropriate to lower the butterfat differential rate for Class I milk to .13 to the average price of San Francisco 92-score butter. The butterfat differential to be applied to the Class II price should be such butter price at San Francisco times .115. The use of butterfat differentials in this manner follows the standard practice of fluid milk markets in adjusting for butterfat variation, and the particular percentages assigned in relation to the market price of butter will reflect reasonable values for butterfat utilized in the individual classes of milk. One proposal made would provide the same butterfat differential (.115 times the price of butter) for both classes of milk. It is concluded, however, that a somewhat higher butterfat differential for Class I milk is necessary to provide an appropriate relationship between the values of skim milk and butterfat in such class.

Base milk is designed to provide the quantity of milk needed for Class I uses. It is appropriate then to adjust for variations of butterfat in base milk at the Class I butterfat differential and to employ the Class II differential in adjusting for butterfat variations in excess milk delivered by the individual producer. However, during that portion of the year when base milk of a producer is equivalent to his total deliveries the producer butterfat differential should reflect a value for butterfat based on the percentage uses of butterfat in each class.

The hearing developed some discussion as to the "basic test" to be used in establishing the class prices and uniform price. Proponents of the order proposed 4.0 percent as the butterfat test on which prices should be announced while a handler proposal suggested 3.5 percent. The average test of milk received from producers on a year-round basis approximates 4.0 percent. The weighted average test of all products covered by Class I milk appears to vary between 4.1 and 4.6 percent. Grade A milk is produced primarily to meet the needs for products covered by Class I milk. The customary practice in the area has been to announce prices on the basis of 4.0 percent butterfat. In view of these facts, it is concluded that a test basis of 4.0 percent is preferable to a 3.5 percent basis for this market.

The parity price of all milk sold at wholesale in the United States, which is the applicable parity price under present legislation, was $4.58 per hundredweight as of December 15, 1950. Such price does not reflect what the record shows to be the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk or its products in the marketing area, nor would it insure a sufficient quantity of pure and wholesome milk for the marketing area or be in the public interest.

(3) Location adjustments: Provision should be made in the order for location adjustment credits to handlers on Class I milk and for some variation in the amount of payment required to be made to producers for base milk, depending upon the location of the plant at which the milk is received from producers in relation to the principal consuming centers in the area. For the purpose of implementing this conclusion the marketing area is divided into three districts: District No. 1 including that part lying within the counties of Grays Harbor, King, Pierce, Snohomish and Thurston; district No. 2 including that part lying within the counties of Skagit and Whatcom; and district No. 3 including that part lying within the counties of Lewis and Pacific.

Exception was taken to the inclusion of Grays Harbor County in district No. 3 rather than in district No. 1. It was pointed out in the exception that (1) all milk produced in Grays Harbor County is received directly at fluid milk plants, (2) a high percentage of such milk is consumed within the county, and (3) historically the price paid at fluid milk plants in the county has been at least as high as in those counties included in district No. 1. The pattern of marketing in the remaining portion of district No. 3 is somewhat different in that fluid milk plants there rely in a large measure on country plant milk and a substantial proportion of the locally produced milk is shipped from a country plant to fluid milk plants in district No. 1. After review of the evidence incident to the consideration of the exception it is concluded that the application of a location adjustment in Grays Harbor County is inappropriate and consequently the county should be included as a part of district No. 1.

The cities of Seattle and Tacoma, located about midway between the northern and southern extremes of the production area, are the largest consuming centers of the marketing area. The quantity of Class I milk required at fluid milk plants in the principal consuming centers within the marketing area is in part received directly at such plants from farms and in part from other plants throughout the production area. The proportion from each source varies materially throughout the year depending upon the volume of direct-shipped milk in relation to total Class I requirements. Ordinarily, but with some exceptions, milk is brought in from country plants only when necessary to supplement the supply of direct-shipped milk.

Except for occasional brief periods, the total supply of milk produced in district No. 1 as a whole is insufficient to meet the entire requirements of the district for milk for fluid consumption. District No. 2 and, to some extent, district No. 3 and the Olympic peninsula produce, on the other hand, greater quantities than can be consumed in fluid form in local communities and constitute the principal reserve supply areas for markets in district No. 1.

Because of the necessity of drawing a portion of the district No. 1 supply from distant reserve supply areas the price of Class I milk at plants in the reserve supply areas should allow for the cost of transporting milk from such areas to fluid milk plants in the principal consuming centers when needed to supplement direct-shipped supplies. Much of the milk moved into fluid milk plants from country plants is hauled in tank trucks operated by cooperative and proprietary handlers. Substantial quantities of milk are moved, however, by contract haulers or common carriers at rates published by or on file with the State of Washington Public Service Commission. It appears on the basis of these contract rates that the prevailing charge for hauling milk by tank truck is 10 cents per hundredweight for hauls up to 20 miles and 25 cents for hauls of more than 20 miles, with an additional 10 cents applicable to milk moved by ferry into the marketing area from the Olympic peninsula. Since the distance to the principal consuming centers in district No. 1 from plants in areas from which the reserve supply is obtained is substantially more than 20 miles, it is concluded that 25 cents per hundredweight is the appropriate amount of the location adjustment credit to be allowed handlers per hundredweight of Class I milk in milk received at plants located outside of district No. 1 with an additional 10 cents at plants in Clallam and Jefferson counties. Sales in Kitsap and Mason counties of milk received from dairy farmers at plants in those counties are not included in the pool, and therefore, no location adjustment is provided for Class I milk at plants located in those counties.

If location adjustment credits were to be allowed on a greater volume of milk than is necessary to meet the Class I requirements of markets in district No. 1 the returns to producers (collectively) would be unnecessarily reduced. In order to avoid that result Class I milk at a district No. 1 fluid milk plant is assigned (pursuant to § 925.44) to sources outside of district No. 1 only to the extent to which the quantity of Class I milk at the transferee plant in district No. 1 exceeds the quantity of milk received at the plant from district No. 1 sources. A proposal was made to allow this credit on a quantity of milk greater than that indicated in view of relative fluctuations within a given month in the quantity of Class I milk sold and the amount of milk received directly from farms in the direct-ship area for district No. 1.

The inclusion of cream (a storable product) in Class I, and the ability to vary quantities of milk received at district No. 1 fluid milk plants from district No. 1 sources (both by direct delivery and from other plants) on a daily basis during a given month, afford handlers reasonable opportunities to closely adjust their receipts from sources outside district No. 1 to the quantity assigned to Class I milk from such sources on a monthly basis. Provision for location adjustments on a greater quantity of milk would have the effect of reducing the returns to producers in every month on some Class II milk moved to fluid milk plants below a level representing its minimum value at the plant of receipt from producers. No justification is found for reflecting in the returns to producers any part of the cost of transporting milk between plants for Class II uses. In view of these considerations it is concluded that the suggested provision for allowance of location adjustment credits on a larger volume of milk should not be adopted.

Associated with the fixing of location adjustment to handlers, by which process, together with the fixing of class prices, the amount of money to be paid by handlers to producers (collectively) is established, is the question of the manner in which that sum of money is to be distributed to producers. Elsewhere herein it is concluded that returns to producers should be distributed by means of a market-wide pool and "base and excess" plan. There is also the question of whether all producers should receive the same base price for milk of the same butterfat test without regard to the location of the plant at which the milk is first received.

Transportation rates for milk moved in tank trucks to Seattle are 25 cents per hundredweight from plants located in districts Nos. 2 and 3 or outside of the marketing area, plus an extra 10 cents ferry cost from points on the Olympia peninsula. Prevailing rates for hauling milk in cans for direct delivery from farms or loading platforms to Seattle are established by zones and appear to range from 18 cents per hundredweight in the nearby territory just south of Seattle to about 27 cents in other parts of the direct-ship territory in district No. 1. Substantially the same rates apply generally to farm to plant hauls in other segments of the production area.

In order to reflect the approximate transportation disadvantage associated with the location of such plants and their farm supplies as sources of supply for the principal consuming centers in the marketing area, it is concluded that the base price payable to producers for milk delivered to plants located in district No. 1 should be 35 cents per hundredweight higher than for milk delivered to plants located in Clallam and Jefferson Counties and 25 cents higher than for milk delivered to plants in districts Nos. 2 and 3 or outside of the marketing area at locations other than in the counties of Clallam, Jefferson, Kitsap, and Mason.

In connection with proposals considered at the hearing for an additional allowance on Class I milk in country plants, it was found in the recommended decision that the costs of services performed at country plants, such as for receiving, weighing, testing, cooling, and can washing, are incurred also at fluid milk plants with respect to milk received directly from farms of producers, but are avoided at fluid milk plants when milk is received in tanks from country plants. It was then concluded in the recommended decision that since the cost of such services is inherent in the receiving of milk from individual producers at any plant, there is no justification for a charge against the producers' price to cover the cost of such services when performed at a country plant.

Exceptions were taken to such recommended findings and conclusions on the grounds that the 25-cent location adjustment credit allowed handlers and the associated producer location adjustments (of 25 and 35 cents) do not, in fact, reflect all, but only a portion, of the location disadvantage of milk received at plants outside of district No. 1. It was contended in the exceptions that country plants outside district No. 1 constitute facilities absolutely essential in the procurement of adequate milk supplies, that otherwise certain producers delivering to such plants could not participate in the market, and that because most handlers maintain direct-delivery facilities at district plants and also at distant country plants, country plants tend to duplicate fluid milk plant facilities and therefore entail extra costs for which some additional allowance from producers should be provided.

The cost of handling milk at country plants was represented at the hearing to be 25 cents per hundredweight of milk moved although in the exceptions some difference of opinion on the amount necessary to cover such cost was indicated. It is apparent, however, that not all, but only a portion, of the receiving costs of direct-delivery milk may be incurred in connection with the receipt of milk when received in tanks from country plants. After consideration of the exceptions and a review of the evidence, it is concluded that in order that the plant operator may be afforded an opportunity for reimbursement for whatever additional costs are incurred for such plant handling, provision should be made permitting recovery from those producers whose milk is handled at plants not located in district No. 1 (or in Kitsap and Mason counties) of an amount of money not to exceed 15 cents per hundredweight of butterfat and skim milk shipped from such plants to a fluid milk plant in district No. 1 and classified as Class I milk.

It is concluded that no handler location adjustment credits or location adjustments in connection with payments to producers should be allowed for milk received at country plants located in district No. 1. Country plants in district No. 1 are located within the area from which milk is shipped directly from farms to fluid milk plants in the main consuming centers. Such plants do not appear to be essential to district No. 1 producers as a means of making their milk available for the principal consuming centers in the marketing area. The alternative of direct delivery to city plants is entirely feasible and practical for all or nearly all producers delivering to such nearby country plants. Country plants in district No. 1 exist primarily as alternative facilities for the procurement by handlers of milk originating in the district either for use in centrally located fluid milk plants or for distribution locally in the area surrounding the plants at which the milk is received from producers. If the marketing of the producers' milk by means of these plants is more expensive than by direct delivery to fluid milk plants such additional expense should not be charged to producers.

The assembly of milk at loading platforms is considered to be a part of the process of delivery from farms to a plant. Prices should apply at the plant of first receipt rather than at a loading platform. No location adjustment against the uniform price associated with loading platform assembly is necessary or appropriate since the delivery from his farm to the first plant, whether or not by way of a loading platform, is a responsibility of the producer.

Type of pool. (e) The "market-wide" type of pool should be established for the purpose of distributing among producers returns from the sale of their milk.

With only minor exception (milk entering Grays Harbor County), all Grade A milk produced for the marketing area as defined is eligible for sale in fluid form as milk and cream in all parts of such marketing area. However, much of the milk supply is concentrated in plants where it is held off the market and disposed of for manufacturing when not needed for fluid use. "Stand-by" plant facilities for receiving milk appear necessary as insurance against an inadequate market supply in view of inadequate supplies of "direct-shipped" milk during several months of the year and to provide an efficient method of handling seasonal surpluses. The use of the market-wide pool, under which the burden of surplus will be proportionately distributed among qualified producers, will permit such producers to receive a uniform price (with appropriate adjustments for location and differences in butterfat content of milk produced) and at the same time permit the efficient country handling of milk when it is not

needed for shipment to city distribution plants for sale in fluid form as milk or cream. A market-wide pool also will permit all interested handlers to bid on large blocks of bid business, such as that offered by military installations and other public institutions, and to obtain the necessary supplies for such outlets without upsetting the market at such time as the business might shift from one handler to another. The use of "individual-handler" pools, under which producers delivering to each handler receive a uniform price based on such handler's individual utilization of milk, would not facilitate orderly marketing under circumstances now prevailing in the milkshed.

A "base and excess" plan of distributing among producers the market returns for milk should be employed in connection with the market-wide pool. The record reveals a wide seasonal variation in the production of milk and a need for the production of more milk in the fall and winter months relative to spring and summer levels. Deliveries of milk are more nearly equated to fluid milk and cream sales in the fall and winter months than in spring and summer. Some handlers in the market have difficulty in utilizing efficiently all milk delivered to them in the months of seasonally high production. By providing returns related directly to a producer's ability to deliver additional milk in the fall and winter as compared with deliveries in the spring and summer, a production pattern more nearly fitted to the sales pattern of fluid milk and cream will be encouraged. Base and excess plans in one form or another are operating widely within the market at the present time although individual producer bases are not established in a uniform manner. Such a means of distributing milk returns was proposed by the order proponents and has wide support among producers.

Study of the particular plan submitted by proponents disclosed some features which would tend to prevent full achievement of the objectives sought. Such plan would not guarantee the opportunity for full return at the base price in the fall months to those producers who increase deliveries at that time (this is the time of the year when the market supply is lowest, and also the period when the producer is to make his base for the coming year). In comparison the plan adopted will provide an "open period" each year from October through February, inclusive, in which all producers will receive a uniform, or blended, price for all milk delivered. All milk of a producer who delivered on at least 90 days during the months of October through January, inclusive, will become the foundation for computing his daily base to be applicable in the following March-September period.

Such base will be equivalent to his deliveries in such four-month period divided by the number of days from the date of the first delivery to the close of the period and thus continued deliveries will be encouraged throughout the months when milk supplies are normally at their lowest level seasonally. By providing an open period each year producers will receive a similar price for all milk delivered during the months they are competing to establish bases for future months. New producers enter the market from time to time, and, therefore, a method of computing bases for such producers is necessary. Accordingly, it is provided that such a producer will receive as a temporary base for the current month (in the March-September period) a percentage of his production in such month equivalent to the market-wide percentage between deliveries for the preceding base-making period and for the current month, less 10 percentage points. Such producer will establish a base in the regular manner as soon as he has delivered at least 90 days in the base-making period of October through January and thus has demonstrated his ability to deliver when the market most needs his milk.

It would be preferable to provide some advance notice to producers regarding the original period to be used for establishing bases. However, both producer organizations and the major handlers urge that bases be employed under the order from the outset in order not to interrupt a method of payment which has been customary for both cooperative and independent producers over a long period. In order to adopt the plan immediately as requested it is necessary to require handlers to report delivery information concerning each producer's milk in the recent period October 1950 through January 1951, inclusive, and to place the burden of computation of bases for use in 1951 on the individual handler, subject to verification by the market administrator. It is necessary also to specify, for 1951, the percentages of deliveries in the current month to be used in the determination of bases for those producers who were not on the market for 90 days or more in the October 1950-January 1951 period, and for producers for whom information concerning such deliveries in the latter four-month period is not available.

Contingencies such as changes in the operation of a farm because of the death, retirement, or entry into military service of a producer, and changes in partnership or tenant-landlord arrangements, also should be provided for to give clarity and workability to the plan. Therefore, certain rules in connection with the establishment of bases have been included.

Administrative provisions. (f) Certain other provisions should be included in order to carry out administratively the purposes of the regulation.

Expense of administration. Each handler should be required to pay to the market administrator, as his prorata share in the costs of administration of the order, not more than 4 cents per hundredweight, or such amount not to exceed 4 cents per hundredweight as the Secretary may from time to time prescribe, on receipts of (a) producer milk and (b) other source milk classified as Class I milk.

The market administrator is required to verify the disposition of milk from all sources and therefore other source milk, as well as producer milk, should bear an appropriate share of the administrative cost. A charge on other source milk used as Class I milk will apportion appropriately the expenses among handlers.

Both handlers and producers recognize that the market administrator must have the necessary funds to enable him to administer properly the terms of the order. Proponents of the order suggested a rate of 4 cents per hundredweight. In view of the anticipated volume of milk on which the rate would apply, a maximum rate of 4 cents per hundredweight should be adopted to guarantee sufficient administrative income. In the event a lesser amount proves upon experience to be sufficient for proper administration, provision should be made to enable the Secretary to revise the assessment accordingly within the 4-cent maximum without the necessity of amending the order. The act provides that such assessments shall be the means of financing costs of administration.

Marketing services. Provision should be included for furnishing marketing services for producers who do not belong to a cooperative association performing such services, with appropriate deductions therefor. Orderly marketing will be promoted by assuring individual producers accurate payments based on the classification, price, and pooling provisions previously discussed. To accomplish this fully, it is necessary to determine that the butterfat tests and weights of their milk are accurate. In the case of producers who are members of cooperatives having plants, the matter of milk-testing and milk-weighing is under the complete control of such producers and is assessed against such producers either through an association check-off or as a plant operating cost. Bargaining associations in the area are performing check-weighing and check-testing services for their members under their association check-off. In order to place such services on a market-wide basis, the market administrator should provide them for producers not otherwise receiving services through a cooperative association. The additional service of providing market information to producers is carried on to some extent at present by the cooperatives although detailed information regarding market prices, supplies and the utilization of milk is not available to either the cooperative associations and their members or the independent producers. The record indicates that the furnishing to producers of additional data regarding prices, supplies, and utilization also would assist in orderly marketing.

Such a provision is specifically authorized by the act, and the proponents of the order proposed a rate of deduction of 5 cents per hundredweight with respect to the milk of producers who receive such services to cover expenses incurred. The cost of performing services will vary with the amount of milk involved at any given time and with the number and location of producers by plants. In view of the fact that independent producers are scattered among plants widely separated, it appears that the cost of such services will be relatively high and cannot be performed in the near future on less income than the proposed rate of deduction will afford. It is determined that the deductions for these services should be made from payments to producers and should be at the rate of 5 cents per hundredweight of milk until such time as it can be determined from experience that a lower rate will suffice. In the event any qualified cooperative association of producers is determined by the market administrator to be performing such services for its members, handlers would be required to pay to the cooperative association such deductions as are authorized by the members of the association.

Records and reports. Provisions should be included in the order for the purpose of requiring handlers to maintain adequate records and to make certain reports. Such records and reports are necessary for the purpose of determining proper classification, pricing and payment relative to the milk of producers. Producers proposed that such reports be filed with the market administrator on or before the 7th day after the end of the month. It is necessary to allow sufficient time following the month for the compiling and filing of reports by the handler but not to delay unduly the computation of the uniform price and payments to producers. It is concluded that the 6th day following the end of the month is the latest date on which such reports may be filed with the market administrator to permit a uniform price announcement by the 12th day after the end of the month.

The order should provide for the verification of each handler's reports to insure producers the proper returns for milk as provided for in the other sections of the order. It is necessary that the handler provide also whatever facilities are necessary to verify reports or to ascertain the correct information regarding the receipts and utilization of milk and payments to producers.

The proposal called for payment on or before the 15th day after the end of the month in the case of individual producers and on or before the 13th day after the end of the month when payment is made to a cooperative association authorized to collect for milk marketed through it. These dates, in view of the necessity of allowing adequate time for the filing of handler reports and for the necessary computation and announcement of producer prices, do not appear, however, to allow sufficient time for handlers to make the required payments to producers and cooperative associations. It is concluded, therefore, that handlers should be allowed until the 18th to make payment to individual producers and until the 16th to make payment to cooperative associations.

The prevailing practice in the market is for the major bargaining cooperatives to collect payment from operating handlers for milk delivered by their members to such handlers' plants and to distribute such payments to individual members through a pooling plan in which both bargaining and operating cooperatives participate. In order to preserve this appropriate function for cooperatives, it is concluded that the order should provide an opportunity for cooperatives to continue to distribute the returns from the sale of the milk of their members. Accordingly, the order requires a handler operating a fluid milk plant or a country plant to pay, upon request of a cooperative association, to the cooperative association the aggregate amount of the payments otherwise required to be made by the handler to individual producers who are members of the cooperative. A proposal made at the hearing to consider a bargaining cooperative to be a handler with respect to milk of its members received at fluid milk plants and country plants of proprietary operating handlers, thus requiring payment to the cooperative of the class utilization value of the milk and establishing the cooperative as the party primarily responsible for making a report of utilization to the market administrator and for payments to the producer-settlement and administrative assessment funds, should not be adopted. Its adoption would result in unnecessary administrative complications and duplication with respect to matters of reporting, classification, allocation, and payments by introducing a third party in transactions between the market administrator and those persons primarily to be regulated and who have first hand knowledge of the receipt and disposition of the milk to be priced. Moreover, it was not shown that the essential purposes of the order could not be effectuated without this complicating provision. The status of non-operating cooperatives and the opportunity for performance by them of appropriate bargaining functions is fully preserved without assignment to such cooperatives of certain unrealistic and cumbersome functions which would follow from their designation as handlers.

Exception was taken to that provision of the recommended order (§ 925.22 (l)) providing for the reporting by the market administrator to each cooperative association, upon request of the cooperative, of the classification of milk caused by the cooperative to be delivered directly from farms of its members to each handler to whom it sells milk. The exception was made on the grounds that such reports furnish cooperative handlers with valuable competitive information which is denied to proprietory handlers. The allegation that information on the utilization of the milk of its members constitutes information of particular value to the cooperative in connection with competitive relations of cooperative and proprietary handlers is not convincing. In this connection it may be noted that the cooperative associations to which the information in most instances will be furnished are not handlers and do not operate milk receiving or processing facilities. The inclusion of the provision is justified as a means of facilitating the performance by the producer (through his cooperative association) of the proper and desirable function of arranging for the efficient utilization of his milk and for furnishing all handlers with adequate supplies of milk for Class I utilization. The exception is denied.

Retention of records. The order provides also for the retention of necessary records by handlers and for the ultimate termination of obligations. It is necessary for handlers to retain records in order to prove the utilization of milk and the payments made to producers. It is necessary that these records be kept for a substantial period of time since some transactions with respect to the handling of the producers' milk are not completed and audited until several months after producers have delivered the milk to the handler's plant. Detailed records of this kind soon assume tremendous physical proportions and become burdensome for this reason. It is necessary that a definite time period be provided within which handlers must maintain their records and after which they will be relieved of so doing. The order should provide that handlers shall retain records for three years after the end of the month to which such records related. In terms of the volume of records which would be retained and the types of transactions involved in disposing of milk, the retention of records for three years is concluded to be a reasonable requirement. If litigation is in progress, it may be necessary to require records to be retained for a longer period and provision should be made for this contingency.

Termination of obligations. The order should provide for the termination of obligations to handlers after a reasonable period of time has elapsed. Without such a provision handlers may file claims which, because the period involved might extend back over many years, could be in substantial amounts. This creates uncertainties which would endanger the stability of the market and lead to serious inequities. The order should provide that any obligation to pay a handler shall terminate two years after the month in which the milk was received if an underpayment is claimed, or within two years after payment was made if a refund is claimed, unless within such period of time the handler files a petition, pursuant to section 8c (15) (A) of the act, claiming such money. Handlers also need the protection of provisions terminating their obligations to make payments. Since handlers cannot be forewarned always as to contingent liabilities, it is extremely difficult and burdensome for them to make adequate provisions therefor by setting up reserves or by taking other precautionary measures. The obligation of any handler to pay money should, except under certain extraordinary conditions, such as litigation, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. It is concluded that in general, a period of two years is a reasonable time within which a market administrator should complete his auditing and inspection work and render any billings for money due under the order. Provisions are necessary also, as contained in the order included herewith, to meet such contingencies as failure of the handler to submit required books and records and to deal with situations where fraud

or willful concealment of information may be involved.

It was proposed that if a handler fails to make the required reports or payments, his name shall be publicly announced at the discretion of the market administrator. Such announcement is provided for by the act, and it is concluded that its adoption will facilitate the enforcement of the terms of the order.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings. Exception was taken to some of the findings and conclusions and to certain provisions of the recommended order contained in the recommended decision in addition to those hereinbefore ruled upon. To the extent that the findings and conclusions or the order contained herein are at variance with any of the exceptions pertaining thereto, such exceptions are denied for the reasons set forth above and in the findings and conclusions relating to the issue to which the exception refers.

Rulings contained in the recommended decision upon proposed findings and conclusions submitted and upon motions filed by interested persons are confirmed except as modified by the findings, conclusions and rulings set forth herein. To the extent that findings and conclusions proposed by interested persons and not ruled upon in the recommended decision are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

A motion to reopen the hearing to permit the introduction of evidence showing the complete disappearance since July 1950 of any prior disproportion between cooperative and other handlers in the sharing of surplus Grade A milk, is denied on the grounds that (1) such evidence, if submitted, could not possibly insure against, or preclude, a reversion to the disproportion situation which previously prevailed, and therefore, would not alter the basic conclusions reached, and (2) there would unavoidably be involved an unanswerable question as to the extent to which changed conditions may have been induced by the pendancy of a proposed marketing order.

Motions were also filed to reopen the hearing to permit the introduction of evidence (1) with respect to a country plant handling allowance, and (2) to show that fresh and frozen milk is no longer transported to Alaska in relevant quantities. Evidence already in the record is adequate for the determination and use in the order at the outset of a country plant handling allowance. Experience in operation of the order will provide better evidence concerning the proper amount of the allowance than can possibly exist at this time. Jurisdiction to regulate the handling of milk produced for the Puget Sound marketing area by no means rests exclusively on evidence of shipments of milk to Alaska. The motions to reopen the hearing are denied for the reasons indicated.

The procedure followed in this proceeding, including the hearing, the filing of briefs, and the issuance of a recommended decision with opportunity for the filing of written exceptions thereto leaves no useful purpose to be served by reply briefs or oral argument on the recommended order and exceptions thereto. Full opportunity has been provided for interested parties to present their views and arguments. Accordingly, motions to file reply briefs and to have oral argument are denied.

Determination of representative period. The month of December 1950 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order regulating the handling of milk in the Puget Sound, Washington, marketing area in the manner set forth in the attached order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Puget Sound, Washington, Marketing Area," and "Order Regulating the Handling of Milk in the Puget Sound, Washington, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 5th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Regulating the Handling of Milk in the Puget Sound, Washington, Marketing Area

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925.0 Findings and determinations.

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

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925.102 Producer-handlers.

AUTHORITY: §§ 925.1 to 925.102 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 925.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Puget Sound, Washington, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Puget Sound, Washington, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 925.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 925.2 *Secretary.* "Secretary" means the Secretary of Agriculture, or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 925.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 925.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 925.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any state, which includes members who are producers as defined in § 925.12 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all of its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

§ 925.6 *Puget Sound, Washington, Marketing Area.* "Puget Sound, Washington, Marketing Area" (hereinafter called the "marketing area") means all territory lying west of range 8E in Whatcom, Skagit, Snohomish, and King Counties; all territory lying west of range 8E and north of township 18N in Pierce County, except Fox, McNeil, and Anderson Islands and the peninsulas on which Lake Bay and Gig Harbor are located northward to the Kitsap County line; all territory lying within Thurston County; all territory lying west of range 5E in Lewis County; all territory lying east of range 10W and north of township 12N in Pacific County; and all territory lying south of township 19N in Grays Harbor County; all in the State of Washington. As used in this section, "territory" shall include all municipal corporations, Federal military reservations, facilities and installations, and state institutions lying wholly or partly within the above-described area: "District No. 1" of the marketing area shall include that part of the marketing area lying within the counties of King, Pierce, Snohomish, Thurston, and Grays Harbor. "District No. 2" of the marketing area shall include that part of the marketing area lying within the counties of Skagit and Whatcom, and "District No. 3" of the marketing area shall include that part of the marketing area lying within the counties of Lewis and Pacific.

§ 925.7 *Plant.* "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained and operated primarily for the receiving, handling and processing of milk or milk products.

§ 925.8 *Fluid milk plant.* "Fluid milk plant" means any plant located in the marketing area which is approved by any health authority having jurisdiction in the marketing area as a plant from which milk may be distributed for consumption as fluid milk in the marketing area, and from which during the month Class I milk pursuant to § 925.41 (a) (1) is disposed of (including sales at such plant, plant store or eating place) within the marketing area.

§ 925.9 *Country plant.* "Country plant" means any plant, other than a fluid milk plant, which is approved by any health authority having jurisdiction within the marketing area for the receiving of milk qualified for consumption as fluid milk within the marketing area (but excluding that portion of any plant used to receive or process milk or milk products required by applicable health authority regulations to be kept physically separate from milk so qualified): *Provided,* That any such plant located outside of the marketing area other than the plant of Kristofferson, Inc., at Sequim and the plant of the Dungeness-Sequim Cooperative Creameries at Dungeness shall not be a country plant if the percentage of either butterfat or skim milk in milk so qualified which is received at the plant from dairy farmers and moved in fluid form as milk to a fluid milk plant, or disposed of within the marketing area as Class I milk pursuant to § 925.41 (a) (1), is less than:

(a) 50 percent in the current month during the period October through December;

(b) 20 percent in the current month during the period January through September, except that if the percentage was more than 50 percent for the entire period of October through December immediately preceding no percentage shall be required for such months of January through September;

And provided further, That any plant which otherwise meets the requirements of this section may withdraw from country plant status for any month in the February-September period if the operator of the plant files with the market administrator, prior to the first day of such month, a written request for such withdrawal.

§ 925.10 *Nonpool plant.* "Nonpool plant" means any plant other than a fluid milk plant or a country plant.

§ 925.11 *Dairy farmer.* "Dairy farmer" means any person who is engaged in the production of milk.

§ 925.12 *Producer.* "Producer" means any dairy farmer, other than a producer-handler, who produces milk qualified by any health authority having jurisdiction in the marketing area for consumption as fluid milk in the marketing area.

§ 925.13 *Producer milk.* "Producer milk" or "milk received from producers" means milk qualified as described in § 925.12 and either received directly from a farm at a fluid plant or country plant or caused to be diverted by a handler for his account from such a plant to a nonpool plant: *Provided,* That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted.

§ 925.14 *Other source milk.* "Other source milk" means all skim milk and butterfat other than in (a) producer milk, and (b) milk and milk products received from fluid milk plants and country plants,

§ 925.15 *Handler.* "Handler" means:

(a) Any person engaged in the handling of milk in his capacity as the operator of a fluid milk plant, a country plant, or any other plant from which milk in any of the forms specified in § 925.41 (a) is disposed of to any place or establishment within the marketing area other than a plant, and

(b) Any cooperative association, which is not a handler pursuant to paragraph (a) of this section, with respect to producer milk caused to be diverted for the account of such cooperative association from a fluid milk plant or a country plant to a nonpool plant.

§ 925.16 *Producer-handler.* "Producer-handler" means any person who is both a dairy farmer and a handler, but who receives no milk from producers: *Provided*, That (a) the maintenance, care and management of the dairy animals and other resources necessary to produce milk is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the processing, packaging, and distribution of the milk is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 925.17 *Base.* "Base" means a quantity of milk, expressed in pounds per day, computed pursuant to § 925.60.

§ 925.18 *Base milk.* "Base milk" means (a) milk delivered by a producer during the month in the period March through September, inclusive, of each year which is not in excess of his base multiplied by the number of days of delivery in such month: *Provided*, That with respect to any producer on "every-other-day" delivery to a fluid milk plant or country plant the days of nondelivery intervening days of delivery shall be considered as days of delivery for the purposes of this paragraph; and (b) all milk delivered by a producer in each of the months of October, November, December, January and February.

§ 925.19 *Excess milk.* "Excess milk" means milk delivered by a producer in excess of base milk.

MARKET ADMINISTRATOR

§ 925.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be designated by, and shall be subject to removal at the discretion of the Secretary.

§ 925.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 925.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 925.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 925.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 925.30 to 925.32, inclusive; or

(2) Made one or more of the payments pursuant to §§ 925.80 to 925.88, inclusive.

(i) On or before the 12th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization of milk caused to be delivered by such cooperative association directly from farms of producers who are members of such cooperative association to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by such a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) On or before the 12th day after the end of each month, notify:

(1) Each handler whose total value of milk is computed pursuant to § 925.70 (a) of:

(i) The amounts and values of his producer milk in each class and the totals of such amounts and values;

(ii) The amount of any charge made pursuant to § 925.70 (a) (5);

(iii) The uniform prices for base milk and excess milk;

(iv) The totals of the amounts computed in the manner provided by § 925.80 (a);

(v) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(vi) The totals of the amounts required to be paid by such handler pursuant to §§ 925.87 and 925.88.

(2) Each handler whose total value of milk is computed pursuant to § 925.70 (b) of the pounds of other source milk on which payment is required to be made and the amount due the producer-settlement fund from such handler.

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 925.51 (a) and the Class I butterfat differential pursuant to § 925.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 925.51 (b) and the Class II butterfat differential pursuant to § 925.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform price computed pursuant to § 925.71 and the butterfat differential computed pursuant to § 925.82, both applicable to producer milk received during the preceding month; and

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 925.30 *Monthly reports of receipts and utilization.* On or before the 6th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 925.15 (a), except a producer-handler, shall report for the preceding month to the market administrator with respect to milk and milk products received at each of such handler's fluid milk plants and country plants, and at each of his plants where milk or milk products subject to payments required under § 925.70 (b) were handled, and each cooperative association which is a handler pursuant to § 925.15 (b) shall report with respect to milk diverted on its account during the preceding month, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers and dairy farmers;

(b) The quantities of skim milk and butterfat contained in milk and milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk received (except Class II milk products disposed of in the form in which received without further processing by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including the pounds of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products;

(e) The aggregate quantities of base milk and excess milk received; and

(f) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 925.31 *Payroll reports.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of base milk and the total pounds of excess milk received from each producer, the pounds of butterfat contained in such milk, and the number of days on which milk was delivered by such producer in such month.

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 925.32 *Other reports.* At such times and in such manner as the market administrator may prescribe:

(a) Each handler shall report to the market administrator such information in addition to that required under § 925.30 as may be requested by the market administrator with respect to milk and milk products handled by him;

(b) Each producer-handler shall report to the market administrator relative to his receipts and utilization of milk and milk products.

(c) As requested by the market administrator, each handler operating a fluid milk plant or country plant shall report the total quantity of milk received from each producer and the number of days of such delivery for each of the months of October 1950 through January 1951, inclusive, together with such other information relating to the computation of bases to be in effect in the March–September 1951 period as the market administrator may prescribe.

§ 925.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to the information required to be reported pursuant to §§ 925.30, 925.31, and 925.32 and to payments required to be made pursuant to §§ 925.80 through 925.88.

§ 925.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That, if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 925.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 925.30 shall be classified by the market administrator pursuant to the provisions of §§ 925.41 to 925.45, inclusive.

§ 925.41 *Classes of utilization.* Subject to the conditions set forth in §§ 925.42, 925.43 and 925.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk (including milk frozen), skim milk, buttermilk, yogurt, flavored milk, flavored milk drinks, and cream (sweet or sour) except that disposed of pursuant to paragraph (b) (3) of this section, (2) disposed of as any fluid mixture containing cream and milk or skim milk (but not including ice cream or other frozen dessert mixes disposed of to a commercial processor, any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, or evaporated or condensed products), and (3) not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat (1) disposed of (or used to produce, in the case of ice cream and frozen desserts and mixes for such products (liquid or powdered), and aerated cream products) as any product other than those included under paragraph (a) (1) and (2) of this section, (2) disposed of for livestock feed, (3) disposed of in bulk in any of the forms specified in paragraph (a) (1) of this section to bakeries, soup companies, and candy manufacturing establishments in their capacity as such, (4) contained in monthly inventory variations, (5) in actual shrinkage of producer milk computed pursuant to § 925.42 but not in excess of 3 percent of the quantity of skim milk and butterfat, respectively, accounted for pursuant to subparagraph (1) of this paragraph (except that accounted for pursuant to the parenthetical provision in such subparagraph), and (6) in actual shrinkage of other source milk computed pursuant to § 925.42.

§ 925.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, between the pounds of producer milk and other source milk after deducting receipts from other handlers.

§ 925.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves that such skim milk and butterfat should be classified as Class II milk.

(b) The burden shall rest upon each handler to establish the sources of milk and milk products required to be reported by him pursuant to § 925.30.

(c) Except as provided in § 925.44 (a) (3) and (c) (1), any skim milk or butterfat classified in one class shall be reclassified if used or reused by any handler in another class.

§ 925.44 *Transfers.* Skim milk and butterfat moved in any of the forms specified in § 925.41 (a) (1) from one plant to another shall be assigned (separately) to each class in the following manner:

(a) From country plants to fluid milk plants and between fluid milk plants:

(1) As Class I milk to the extent Class I milk is available at the transferee plant if the transfer is (i) from a country plant or fluid milk plant located in District No. 1 to any fluid milk plant, (ii) from a country plant not located in district No. 1 to a fluid milk plant located in district No. 2 or district No. 3, or (iii) between fluid milk plants not located in district No. 1.

(2) As Class 1 milk to the extent Class I milk is available at the transferee plant if the transfer is from a country plant or fluid milk plant not located in district No. 1 to a fluid milk plant located in district No. 1: *Provided*, That the quantity of Class I milk at the transferee plant available for assignment to the transferor plant shall be limited to the amount remaining after Class I milk in the transferee plant has been assigned first to receipts from country plants located in district No. 1, and then to receipts directly from producers at the transferee fluid milk plant: *And provided further*, That if such transfers originate with more than one plant not located in district No. 1 the total quantity of Class I milk available for assignment to such plants shall be prorated among such plants in proportion to the respective quantities transferred.

(3) As Class I milk if the transfer is to the plant of a producer-handler.

(b) From a fluid milk plant or country plant to a country plant: As Class II milk: *Provided*, That (1) the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction, pursuant to § 925.45 (b) (2), of other source milk received at such plant, and (2) any additional amounts of such skim milk or butterfat shall be assigned to Class I milk.

(c) From a country plant or fluid milk plant to a nonpool plant:

(1) As Class I milk if the transfer is to a nonpool plant not located in the marketing area or in the counties of Clallam, Jefferson, Grays Harbor, Kitsap, Island, or Mason in the State of Washington.

(2) As Class I milk if the transfer is to a nonpool plant not located in the marketing area but within the counties named in subparagraph (1) of this paragraph which is engaged in the distribution of milk for consumption as fluid milk, unless the receipts and utilization of milk and milk products at the nonpool plant are reported to the market administrator and he is permitted to audit the records of such nonpool plant for the purpose of verification; and if such conditions are met, the milk transferred shall be classified as follows:

(i) The classification of all skim milk and butterfat at such nonpool plant shall be determined on the basis of the classes of utilization set forth in § 925.41; and

(ii) The skim milk and butterfat so transferred shall be allocated to Class I milk to the extent available at such plant and any remaining quantity to Class II milk.

(3) As Class II milk if the transfer is to a nonpool plant located in the marketing area or within any of the counties specified in subparagraph (1) of this paragraph which is not engaged in the distribution of milk for consumption as fluid milk: *Provided*, That if such plant disposes of skim milk or butterfat in any of the forms specified in § 925.41 (a) (1) to any other nonpool plant distributing milk in fluid form which is not located in the marketing area or in the counties specified in subparagraph (1) of this paragraph, such disposition up to the quantity of producer milk transferred to the first nonpool plant shall be classified as Class I milk.

§ 925.45 *Computation of the quantity of producer milk in each class.* For each handler the market administrator shall:

(a) Correct for mathematical and for other obvious errors the monthly report submitted by such handler and compute the total pounds of skim milk and butterfat in each class;

(b) Allocate skim milk in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk shrinkage allowed pursuant to § 925.41 (b) (5);

(2) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk in other source milk received: *Provided*, That if the receipts of skim milk in other source milk are greater than the pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the remaining pounds of skim milk in each class, respectively, the skim milk received from other fluid milk plants and country plants and assigned to such class pursuant to § 925.44;

(4) Add to the remaining pounds of Class II milk, the amount subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class beginning with Class II milk.

(c) Allocate butterfat in accordance with the procedure prescribed for skim milk in paragraph (b) with this section.

(d) Add together for each class the quantities of skim milk and butterfat in such class computed pursuant to paragraphs (b) and (c) of this section and compute the weighted average butterfat content of such class.

MINIMUM PRICES

§ 925.50 *Basic formula price to be used in determining Class I prices.* The basic formula to be used in computing the price per hundredweight of Class I milk for the current month shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section for the preceding month.

(a) Divide by 3.5 and then multiply by 4.0 the average of the basic, or field, prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from dairy farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarue, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, by 6;

(2) Add 2.4 times the simple average, as published by the Department, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(3) Divide by 7;

(4) Add 30 percent thereof; and

(5) Multiply by 4.

(c) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That, if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 925.51 *Class prices.* Subject to the differential provided in § 925.52, the following are the minimum prices per hundredweight to handlers for Class I milk and Class II milk:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus $1.45.

(b) *Class II milk.* The price for Class II milk shall be that computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at San Francisco, as reported by the Department during the month: *Provided*, That, if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 80 cents.

§ 925.52 *Butterfat differential to handlers.* If the average butterfat content of the producer milk of any handler allocated to any class pursuant to § 925.45 is more or less than 4.0 percent, there shall be added to the respective class prices computed pursuant to § 925.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at San Francisco as reported by the Department during the preceding month by the applicable factor listed below and dividing the result by 10:

(a) Class I milk: 1.30;

(b) Class II milk: 1.15.

§ 925.53 *Location adjustment credit to handlers.* In computing the value of each handler's milk there shall be credited with respect to skim milk and butterfat, respectively, in producer milk received at a plant not located in district No. 1 or in the counties of Kitsap and Mason and classified as Class I milk, 25 cents per hundredweight: *Provided*, That an additional 10 cents shall be credited with respect to skim milk and butterfat so received and classified at any plant located in Clallam or Jefferson Counties.

§ 925.60 *Computation of daily base.* Subject to the provisions of paragraph (c) of this section and to the rules set forth in § 925.61, the market administrator shall determine daily bases for producers in the manner provided in paragraphs (a) and (b) of this section:

(a) During each of the months of March through September, inclusive, of each year beginning with 1951, the daily base of each producer whose milk was received by a handler(s) on not less than 90 days during the immediately preceding months of October through January, inclusive, shall be a quantity computed by dividing such producer's total pounds of milk delivered in such four-month period by the number of days from the date of first delivery to the end of such four-month period: *Provided*, That with respect to any producer on "every-other-day" delivery the days of non-delivery intervening days of delivery shall be considered as days of delivery for the purpose of ascertaining whether delivery was made on 90 days or more pursuant to this paragraph.

(b) During the period from March through September, inclusive, of each year beginning with 1951, the daily base for the current month of any producer who is not eligible to receive a base computed pursuant to paragraph (a) of this section (including any producer for whom a base may not be computed pursuant to paragraph (a) of this section because of lack of available information regarding such producer's deliveries in the October 1950–January 1951 period) shall be a quantity computed by dividing such producer's total pounds of milk delivered to a handler(s) in the current month by the number of days from the date of first delivery to the end of such month, and multiplying the result by the percentage applicable for such month computed by the market administrator as follows: Divide the daily average deliveries of milk to handlers by all producers in the period from October of the preceding year through January of the current year, inclusive, by the daily average deliveries of all producers to handlers in the current month and subtract 10 from the figure so obtained: *Provided*, That for the period March through September 1951 the following percentages shall be used respectively:

Month:	Percentage
May	55
June	60
July	65
August	70
September	85

(c) For the period from the effective date of this part through September 1951 the computations provided by paragraphs (a) and (b) of this section shall be made by the handler, subject to verification by the market administrator. In the event more than one handler has received the milk of any producer during the month, the computations applicable for such month shall be the responsibility of the last handler to receive such milk during the month. Beginning with October 1951 all computations required pursuant to this section shall be made by the market administrator.

§ 925.61 *Base rules.* The following rules shall be observed in the determination of bases:

(a) A base may be transferred during the period of March through September upon written notice to the market administrator on or before the last day of the month of transfer, but only under the following circumstances:

(1) Upon the death, retirement or entry into military service of a producer, the entire base may be transferred to a member (or members) of his immediate family who continues to supply producer milk from the same farm.

(2) If a base is held jointly and such joint holding is terminated the entire base may be transferred as a unit to one of the joint holders or to another producer.

(b) A producer who ceases deliveries to a fluid milk plant or country plant for more than 45 days shall lose his base if computed pursuant to § 925.60 (a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 925.60 (b) until he can establish a new base under § 925.60 (a), to begin the next March 1.

(c) By notifying the market administrator prior to the last day of any month in the period March through September, inclusive, a producer having a base established pursuant to § 925.60 (a) may relinquish such base by cancellation, and effective from the first day of the month in which notice is received by the market administrator until the end of such seven-month period such producer's base shall be computed in the manner provided by § 925.60 (b).

(d) As soon as bases computed by the market administrator are allotted, notice of the amount of each producer's base shall be given by the market administrator to the handler receiving such producer's milk and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place at each of his plants a list or lists showing the base of each producer whose milk is received at such plant.

(e) If a producer operates more than one farm he shall establish a separate base with respect to producer milk delivered from each such farm.

DETERMINATION OF UNIFORM PRICE

§ 925.70 *Computation of value of milk.* (a) Except as provided in paragraph (b) of this section, the total value of milk received during any month by each handler, including a cooperative association, shall be a sum of money computed by the market administrator as follows:

(1) Multiply the pounds of producer milk in each class for such month by the class price (§ 925.51) and add together the resulting amounts;

(2) Deduct the total amount of all location adjustment credits computed in accordance with § 925.53;

(3) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of reports of such handler of his receipts and utilization of skim milk and butterfat in previous months for which payment has not been made;

(4) Add, if such handler had overage, an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 925.45 by the applicable class price; and

(5) Add, with respect to other source milk received at such handler's fluid milk plant(s) and country plant(s), respectively, in excess of the total volume of his Class II milk (except allowable shrinkage) at such plant an amount computed by multiplying the hundredweight of such other source milk by the difference between the Class I milk and Class II milk prices adjusted respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and in the case of a fluid milk plant or country plant not located in district No. 1 or in the counties of Kitsap or Mason, reduced by 25 cents per hundredweight.

(b) The value of milk of each handler at any plant where only other source milk was received and from which, during the month, some other source milk was disposed of within the marketing area as Class I milk pursuant to § 925.41 (a) (1) shall be a sum of money computed by the market administrator by multiplying the hundredweight of such other source milk so disposed of by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and, in the event disposition within the marketing area was only within districts Nos. 2 and 3, reduced by 25 cents per hundredweight.

§ 925.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 925.70 for all handlers who made the reports prescribed in § 925.30 and, after this order has been in effect for two months, who made the payments pursuant to § 925.84 for the preceding month;

(b) Add the aggregate of the values of the location adjustments on base milk allowable pursuant to § 925.81 (a).

(c) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(d) Subtract, if the average butterfat content of the milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 925.82 and multiplying the resulting figure by the total hundredweight of such milk;

(e) Multiply the hundredweight of excess milk by the Class II price for 4.0 percent milk;

(f) Compute the total value of base milk by subtracting the amount computed pursuant to paragraph (e) of this section from the net amount computed pursuant to paragraph (d) of this section: *Provided*, That if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I milk price (for 4.0 percent milk), such amount in excess thereof shall be subtracted from the result obtained prior to this proviso;

(g) Divide the net amount obtained in paragraph (f) of this section by the total hundredweight of base milk and subtract not less than 4 cents nor more than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 4.0 percent butterfat content; and

(h) Divide the amount obtained in paragraph (e) of this section plus any amount subtracted pursuant to the proviso of paragraph (f) of this section by the hundredweight of excess milk and subtract not less than 4 cents nor more than 5 cents. This result shall be known as the uniform price per hundredweight of excess milk of 4.0 percent butterfat content.

PAYMENTS

§ 925.80 *Time and method of payment to producers and to cooperative associations.* (a) On or before the 18th day after the end of each month, each handler, including a cooperative association which is a handler, shall make payment to each producer, for milk received at his plant from such producer during such month, pursuant to subparagraphs (1) and (2) of this paragraph: *Provided*, That such payment shall be made, upon request, to a cooperative association, or to its duly authorized agent, qualified under § 925.5 with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this proviso shall be made on or before the 16th day after the end of such month; *And provided further*, That if by such date such handler has not received full payment for such month pursuant to § 925.85, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator:

(1) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the butterfat differential computed pursuant to § 925.82 and by the applicable location adjustment provided in § 925.81; and

(2) At not less than the uniform price for excess milk for the quantity of excess milk received, adjusted by the butterfat differential computed pursuant to § 925.82.

(b) On or before the 16th day after the end of each month each handler shall pay to each cooperative association which operates a fluid milk plant or country plant, for skim milk and butterfat received from such cooperative association during such month, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class (pursuant to § 925.41) by the class price less the amount of the location adjustment credits pursuant to § 925.53.

(c) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c (5) (F) of the act from making payment for milk to its producers in accordance with such provision of the act.

§ 925.81 *Location adjustments to producers.* In making payments to producers pursuant to § 925.80 (a) (1), deductions may be made per hundredweight of base milk received from producers at the plants and at a rate not in excess of the sum of the rates specified in paragraphs (a) and (b) of this section.

(a) 35 cents at plants located in Clallam and Jefferson Counties, and 25 cents at other plants not located in district No. 1 or in the counties of Kitsap and Mason.

(b) A rate at plants not located in district No. 1 or in the counties of Kitsap and Mason computed by (1) multiplying by 15 cents the hundredweight of butterfat and skim milk shipped to a fluid milk plant in district No. 1 and classified as Class I milk, and (2) dividing the result by the hundredweight of base milk received from producers at the plant from which such shipment was made.

§ 925.82 *Producer butterfat differential.* In making payments pursuant to § 925.80 (a) for base milk and for excess milk, there shall be added to, or subtracted from, the uniform prices thereof for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, a butterfat differential computed by the market administrator as follows: Multiply the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at San Francisco, as reported by the Department during the month in which the milk was received, by 1.3 in the case of base milk, and by 1.15 in the case of excess milk, and, in each case, divide the resulting amount by 10, and round to the nearest tenth of a cent: *Provided*, That in the months of October through February, inclusive, the butterfat differential to be used pursuant to this section shall be computed by multiplying the butterfat differential for Class I milk by the percentage of butterfat in producer milk classified in such class and the butterfat differential for Class II milk by the percentage of butterfat in producer milk classified in such class, and adding together the resulting amounts.

§ 925.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to § 925.84 and out of which he shall make all payments to handlers pursuant to § 925.85.

§ 925.84 *Payments to the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total value of such handler's milk as determined pursuant to § 925.70 is greater than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 925.80 (a) prior to application of any location adjustment allowed pursuant to § 925.81 (b).

§ 925.85 *Payments out of the producer-settlement fund.* On or before the 16th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the total value of such handler's milk as determined pursuant to § 925.70 is less than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 925.80 (a) prior to application of any location adjustment allowed pursuant to § 925.81 (b), and less any unpaid obligations of such handler to the market administrator pursuant to §§ 925.84, 925.86, 925.87, and 925.88: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 925.86 *Adjustments of accounts.* Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

§ 925.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 925.80 (a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association.

Such deductions shall be paid by the handler to the market administrator on or before the 14th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling, and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor to, a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 925.80 (a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 13th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

§ 925.88 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 14th day after the end of each month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of (a) other source milk classified as Class I milk, and (b) milk received from producers, including such handler's own production.

§ 925.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler falls or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 925.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 925.91.

§ 925.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 925.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 925.93 *Liquidation.* Upon the suspension or termination of the provisions on this part, except this section, the market administrator, or such other liquidating agent as the Secretary may

designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 925.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 925.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 925.102 *Producer-handlers.* Sections 925.40 to 925.45, inclusive, 925.50 to 925.53, inclusive, 925.70 to 925.71, inclusive, and 925.80 to 925.89, inclusive, shall not apply to a producer-handler.

[F. R. Doc. 51-4184; Filed, Apr. 6, 1951; 8:51 a. m.]

[7 CFR, Part 925]

[Docket No. AO-226]

HANDLING OF MILK IN PUGET SOUND, WASHINGTON, MARKETING AREA

ORDER OF SECRETARY DIRECTING THAT REFERENDUM BE CONDUCTED AMONG PRODUCERS AND DESIGNATION OF AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order regulating the handling of milk in the Puget Sound, Washington, marketing area) who, during the month of December 1950 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.[1]

N. L. Keyock is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

Done at Washington, D. C., this 5th day of April 1951.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51-4183; Filed, Apr. 6, 1951; 8:51 a. m.]

[1] See F. R. Document 51-4184, *supra.*

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

[Docket Nos. 8736, 8975, 8976, 9175]

TELEVISION BROADCAST SERVICE

THIRD NOTICE OF FURTHER PROPOSED RULE MAKING

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and engineering standards concerning the television broadcast service, Docket No. 9175; utilization of frequencies in the band 470 to 890 Mcs. for television broadcasting, Docket No. 8976.

1. Notice is hereby given of further proposed rule making in the above-entitled matters. For purposes of identification the proceedings to be conducted pursuant to this notice shall be designated as "Part III". The proceedings heretofore conducted pursuant to the "Notice of Further Proposed Rule Making" (FCC 49-948) issued by the Commission on July 11, 1949, have been designated as "Part II." The proceedings heretofore conducted pursuant to the "Notice of Proposed Rule Making" (48-1569) issued by the Commission on May 6, 1948, have been designated as "Part I."

2. Appendix A of the Commission's notice of July 11, 1949 (FCC 49-948) is revised to the extent set forth in Appendix A set forth below. Appendix B of said notice is revised to the extent set forth in Appendix B set forth below.[1] Appendices C and D of said notice are withdrawn and new Appendices C and D are set forth below.

3. In view of the withdrawal of the proposals set forth in Appendices C and D of the Commission's notice of July 11, 1949 (FCC 49-948) all comments, counterproposals and oppositions filed by interested parties with respect to said proposals are rendered moot and will not be considered further in these proceedings. All petitions heretofore filed with the Commission requesting leave to file late appearances, comments and engineering statements with respect to the Commission's proposals in Appendices C and D of the Commission's notice of July 11, 1949 (FCC 49-948) are likewise rendered moot. Interested parties may hereafter participate in the proceedings initiated by this notice only by complying with the procedures set forth herein.

4. The Commission proposes to amend Parts 2 and 3 of its rules and regulations, and its "Standards of Good Engineering Practice Concerning Television Broadcast Stations" as set forth below in Appendices A, B, C, and D.

5. It is evident that an understanding must be reached between the United States of America and Canada and Mexico with respect to the assignment of television channels along their mutual borders. Such an understanding is necessary in order to prevent undue interference between television stations in the respective countries and in order to provide a fair, efficient and equitable assignment of television channels between the United States and the above countries. Accordingly, in Appendix D herein the Commission has included certain assignments for Canada and Mexico which might be allocated on the same basis as the over-all proposal if the borders between the countries did not exist.

6. As indicated above, the assignments set forth in Appendix D of the above notice were included in the proposal only for illustrative purposes and to show the effect on the above table of a reasonable number of assignments to Canada and Mexico. A series of conferences have been held with representatives of the Government of Mexico and the Dominion of Canada relating to the allocation of television channels along the United States-Mexican and the United States-Canadian borders. No formal agreements have been entered into but views are being exchanged with respect to these matters and it is expected that satisfactory understandings will be reached.

7. In preparing the table of television channel allocations set forth in Appendix C, the Commission proposes to alter existing television authorizations in 31 instances. The alterations with respect to Channel 9 in the city of Cleveland, Ohio, Channel 5 in the city of Syracuse, New York, and Channel 6 in the city of Rochester, New York, resulted from the Commission's efforts to arrive at an equitable distribution of television channels between the United States and the Dominion of Canada. The remaining 28 channel substitutions resulted from the Commission's efforts to reduce interference, make available a reasonable number of channels and to effect the maximum utilization of VHF television channels in the United States. The changes proposed by the Commission with respect to these 31 stations are set forth in the following paragraph.

8. The changes which the Commission proposes to make with respect to existing authorizations are set forth in the following table which contains the name of the licensee or permittee who presently holds a grant of television facilities, the city in which such facilities are located, the channel presently assigned to the licensee or permittee, and the channel which the Commission proposes to substitute for the existing channel:

[1] New Appendices A and B are self-contained documents and replace old Appendices A and B in their entirety.

Licensee or permittee	City affected	Present channel assignment	Proposed channel assignment
(a) Iowa State College of Agriculture and Mechanical Arts (WOI-TV)	Ames, Iowa	4	5
(b) Atlanta Newspapers, Inc. (WSB-TV)	Atlanta, Ga	8	11
(c) Birmingham Broadcasting Co., Inc. (WBRC-TV)	Birmingham, Ala	4	6
(d) Sarkes Tarzian, Inc. (WTTV)	Bloomington, Ind	10	4
(e) Balaban & Katz Corp. (WBKB)	Chicago, Ill	4	2
(f) Crosley Broadcasting Corp. (WLWT)	Cincinnati, Ohio	4	5
(g) Radio Cincinnati, Inc. (WKRC-TV)	do	11	12
(h) Scripps-Howard Radio, Inc. (WCPO-TV)	do	7	9
(i) Empire Coil Co., Inc. (WXEL)	Cleveland, Ohio	9	8
(j) National Broadcasting Co., Inc. (WNBK)	do	4	3
(k) Crosley Broadcasting Corp. (WLWC)	Columbus, Ohio	3	4
(l) Crosley Broadcasting Corp. (WLWD)	Dayton, Ohio	5	2
(m) Miami Valley Broadcasting Corp. (WHIO-TV)	do	13	7
(n) Central Broadcasting Co. (WOC-TV)	Davenport, Iowa	5	6
(o) Leonard A. Versluis (WLAV-TV)	Grand Rapids, Mich	7	8
(p) WSAZ, Inc. (WSAZ-TV)	Huntington, W. Va	5	8
(q) WJAC, Inc. (WJAC-TV)	Johnstown, Pa	13	6
(r) WGAL, Inc. (WGAL-TV)	Lancaster, Pa	4	8
(s) WAVE, Inc. (WAVE-TV)	Louisville, Ky	5	3
(t) WHAS, Inc. (WHAS-TV)	do	6	11
(u) Memphis Publishing Co. (WMCT)	Memphis, Tenn	4	5
(v) The Journal Co. (WTMJ-TV)	Milwaukee, Wis	3	4
(w) The Elm City Broadcasting Corp. (WNHC-TV)	New Haven, Conn	6	8
(x) WTAR Radio Corp. (WTAR-TV)	Norfolk, Va	4	10
(y) WKY Radiophone Co. (WKY-TV)	Oklahoma City, Okla	4	7
(z) Allen B. DuMont Laboratories, Inc. (WDTV)	Pittsburgh, Pa	3	2
(aa) The Outlet Co. (WJAR-TV)	Providence, R. I	11	10
(bb) Stromberg-Carlson Co. (WHAM-TV)	Rochester, N. Y	6	5
(cc) General Electric Co. (WRGB-TV)	Schenectady, N. Y	4	6
(dd) Central New York Broadcasting Corp. (WSYR-TV)	Syracuse, N. Y	5	3
(ee) WDEL Inc., (WDEL-TV)	Wilmington, Del	7	12

9. Should the proposals set forth in Appendix C be adopted by the Commission, in whole or in part, it is hereby proposed to modify the licenses and construction permits held by the licensees and permittees listed in paragraph 8 above so as to substitute in their respective authorizations the proposed channels in place of their present existing assignments as set forth in paragraph 8 above. In the light of the information set forth in paragraphs 5, 6 and 7 herein, it is the judgment of the Commission that its actions will result in a better utilization of television channels in the United States, Mexico and the Dominion of Canada by increasing the service area of the stations already on the channels in question and reducing the interference which would be caused to new stations that will be added to the channels in question; will promote the public interest, convenience and necessity; and will more fully and completely carry out the provisions of the Communications Act of 1934, as amended. Accordingly, pursuant to the provisions of sections 303 (f) and 312 (b) of the Communications Act of 1934, as amended, the licensees and permittees listed in paragraph 8 above are directed to show cause in these proceedings and in accordance with the procedures hereinafter set forth why their licenses and permits should not be modified as set forth in paragraph 8 above in the event the Commission deletes from their respective cities the channels listed under the heading "Present Channel Assignment" and substitutes therefor the channels listed under the heading "Proposed Channel Assignment."

10. The most important single factor which induced the issuance by the Commission of its "freeze" order of September 30, 1948, was the desire to ascertain whether sufficient mileage spacing had been provided between assignments set forth in its table. On the basis of the data contained in the record of this proceeding the Commission is proposing the separations specified in the attached Appendix A. In the light of these separations the Commission proposes to take the following actions upon the expiration of the time specified in paragraph 12 herein for the filing of comments and oppositions thereto:

(a) The Commission will determine whether any issue has been raised which would prevent the lifting of the "freeze" with respect to channel assignments in Alaska, Hawaiian Islands, Puerto Rico and Virgin Islands. These Territories are sufficiently removed from the continental United States so as not to be involved in the separations problems of continental United States and present no assignment problem with any neighboring countries. Separations have been maintained within the Territories which are in accordance with the Commission's proposals in Appendix A. Accordingly, in the absence of any issue with respect to these separations, the Commission proposes to lift the "freeze" with respect to the above Territories without waiting to reach a final determination on all the assignments proposed in Appendix C.

(b) The Commission will determine whether any issue has been raised with respect to the Commission's proposed assignments in the UHF band. In the absence of such issue, and where serious procedural or practical objections do not exist, the Commission will consider lifting the "freeze" on applications which specifically request a UHF channel.

(c) The Commission will determine whether any issue has been raised with respect to applications by existing television licensees and permittees to increase power in accordance with the proposals set forth in Appendix A. In the absence of such issue the Commission will consider lifting the "freeze" so far as existing stations are concerned on a case-to-case basis where it appears that a grant of increased power not in excess of the maximum specified in Appendix A will not affect channel assignment proposals offered by the Commission or by interested parties and will not unduly restrict the Commission's flexibility in reaching final determinations with respect to assignments still in issue.

(d) Should the Commission take action in accordance with the views expressed in subparagraphs (a), (b), and (c) above, a reasonable period will be provided for the filing of appropriate applications.

11. Based on the record compiled in these proceedings, Appendices A and B reflect changes in the Commission's proposals from those set forth in Appendices A and B of July 11, 1949. As indicated in paragraphs 12 and 13 which follow, the hearing scheduled herein will be limited to proposals relating to Appendices C and D. Accordingly, persons who are of the opinion that the record does not substantiate the proposals set forth in Appendices A and B may file statements setting forth their objections not later than April 23, 1951. Such objections shall state with particularity the specific proposal to which objection is made and the volume and page number of the transcript or exhibits containing the evidence on which their objection is based.

12. (a) On or before April 23, 1951, any interested person who is of the opinion that the proposals herein with respect to Appendices C and D should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission written comments (including data, views or arguments) concerning said proposals. Interested persons favoring the proposals herein may file such written comments in support thereof. All written comments must be clear and specific as to the proposals made therein and must be accompanied by supporting engineering statements. Comments not accompanied by engineering statements and engineering statements which are not accompanied by comments of the interested parties will not be accepted. No comments or statements will be accepted after April 23, 1951, unless a later date is provided by Commission order.

(b) On or before May 8, 1951, interested persons desiring to submit written comments (including data, views or arguments) in opposition to comments or counterproposals filed with respect to the Commission's proposals herein may file such opposing comments which must be accompanied by supporting engineering statements. Oppositions to counterproposals will not be accepted by the Commission, if they advance new proposals nor will they be accepted after May 8, 1951, unless a later date is provided by Commission order.

(c) Comments which merely support the comments, counterproposals or oppositions previously filed by other interested parties pursuant to this notice will not be accepted.

(d) Comments and statements directed toward specific assignments in the Commission's proposed Table in Appendix C herein shall show not only the effect which the proposals in said comments and statements will have on the service in the particular communities involved but also the overall effect thereof with specific reference to the priorities set forth in paragraph II of Appendix A herein.

(e) A copy of this notice will be mailed to counsel for each party who appeared in Part II of the proceedings in the above-entitled matters, or to the party directly if not represented by counsel. All future notices mailed herein by the Commission will be sent only to persons who have filed comments, statements or oppositions pursuant to this paragraph. The notices will be sent to the attorney, except where a party is not represented by counsel. In such event, notices will be sent to the party. The name and post office address of each party and his attorney shall be set forth clearly on each comment filed as provided above.

(f) An original and 14 copies of all written comments and statements shall be filed with the Commission, as required by § 1.764 of the Commission's rules and regulations.

13. (a) Notice is hereby given that a hearing will be held in the above-entitled matters before the Commission en banc commencing on May 23, 1951, at 10:00 a. m. in Washington, D. C. (at a place to be designated by subsequent notice of the Commission), for the purpose of hearing testimony and receiving evidence regarding the Commission's proposals in Appendices C and D herein, and such other proposals as are duly and timely filed by interested persons with respect to Appendices C and D. Any interested person who has filed written comments with respect to Appendices C and D in accordance with the provisions of paragraph 12 herein may participate in said hearing.

(b) Persons who have failed to file timely written comments or statements as required by paragraph 12 herein will not be permitted to adduce testimony or to offer any exhibits in evidence at the hearing, nor will such persons be permitted to cross-examine any of the witnesses appearing at the hearing.

(c) In view of the comprehensive nature of the proceedings herein and the desirability of concluding the hearing as soon as possible, it is requested that parties incorporate as much evidence as is practicable in the exhibits which they plan to submit. In this connection participants will be required to submit at the hearing at least 20 copies of each proposed exhibit to the Commission. In addition, participants should plan, if possible, to have available at the hearing, 100 additional copies of each exhibit for distribution to interested persons. Each exhibit should contain on the face thereof the docket numbers of the instant proceeding which may be abbreviated as follows: "Docket 8736 et al."

(d) In appropriate instances the Commission will permit participants at the hearing to incorporate by reference portions of the records of prior rule-making hearings provided that notice of intention to make such offer at the hearing is set forth in the written comments filed by the offering party and that the docket number and transcript pages are specifically identified in said written comments. Parties may not incorporate by reference any comments or statements heretofore filed pursuant to the Commission's "Notice of Proposed Rule Making" (FCC 48-1569) issued May 6, 1948, or to the Commission's "Notice of Further Proposed Rule Making" (FCC 49-948) issued July 11, 1949.

14. Following the closing of the record, the Commission upon consideration of all proposals, counterproposals, and evidence in this proceeding will adopt such rules, regulations and standards, as will best serve the public interest, convenience or necessity.

15. Except where other provisions are made by the Commission pursuant to paragraph 10 herein, persons who are contemplating filing applications for new television broadcast stations, or filing amendments to pending applications for new television broadcast stations, are requested to postpone the filing of such applications or amendments pending a final determination on the rules, standards and assignments proposed in this proceeding. Upon the issuance of final rules, standards and assignments in this proceeding, the Commission will issue an announcement providing a reasonable period of time during which new applications may be filed and pending applications may be amended, in conformity with the new rules, standards and assignments. Applicants are requested to comply with this paragraph in order to eliminate unnecessary administrative effort and to save themselves the possibly needless expense of preparing and filing applications and amendments which may not be in conformity with the rules, standards and assignments as finally adopted.

16. Authority to issue the proposals herein is vested in the Commission by sections 4 (i), 301, 303 (b), (c), (d), (e), (f), (g), (h), (r), and 307 (b) of the Communications Act of 1934, as amended.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] T. J. SLOWIE,
Secretary.

Adopted: March 21, 1951.

Released: March 22, 1951.

APPENDIX A

The Commission proposes to amend its rules and regulations, and Standards of Good Engineering Practice Concerning Television Broadcast Stations so as to effectuate the following proposals:

I. NUMBER OF CHANNELS

A. *Distribution.* In addition to the 12 VHF six-megacycle channels (numbered 2 through 13) presently assigned for television broadcasting, the Commission proposes to add 65 or 70 [1] UHF 6-megacycle channels:

Channels in group	Frequency range [1]	Channel Nos.	Assignment
12	54-216 mc	2 through 13	Commercial, or non-commercial educational television.
52	470-782 or 500-812 mc	14 through 65	
13 or 18	782 or 812-890 mc	66 through 78 or 83	Flexibility channels.[1]

[1] See pars. 11A (1), IV and V.

B. *Utilization of entire UHF band.* In its Notice of Further Proposed Rule Making issued on July 11, 1949, the Commission proposed to assign forty-two 6-megacycle channels (14 through 55) in the lower portion of the UHF band for commercial television broadcasting. The Commission proposed to assign 32 of the above UHF channels for use by metropolitan stations and the remaining 10 channels for use by community stations. During the hearings conducted by the Commission with respect to the General Issues in the pending television proceedings, testimony was presented which favored the allocation of the entire UHF band for commercial television broadcasting. Although some testimony was presented which favored the allocation of a portion of the UHF band at this time pending the acquisition of additional data, greater support was given to the proposal to assign television channels in the entire UHF band for immediate use. It was urged that a need existed for additional commercial television channels; that such an allocation would encourage developments in UHF equipment; and that due to problems not previously considered, i. e., oscillator radiation, intermodulation, image interference, etc., more channels were necessary to provide an adequate number of usable channels. Some testimony was presented to the effect that the allocation of the lower portion of the UHF band was preferable because better coverage and equipment performance could be expected there. On the other hand, there was testimony to the effect that differences would not be appreciable throughout the entire UHF band. In any event, the effect of such differences on the optimum utilization of the band are likely to be small. Accordingly, the Commission has concluded that allocation of the entire UHF band for television broadcasting on a regular basis would result in the maximum utilization of television channels in the United States and would be in the public interest.

C. *Intermixture of VHF and UHF channels.* The Commission's proposed table of July 11, 1949, was based to a considerable degree on the assignment of VHF and UHF channels in the same city.

[1] The Commission has not yet reached a determination concerning the proposal in these proceedings to allocate the band 470-500 mc. to multi-channel broad band common carrier mobile radio service in lieu of television broadcasting. A Report and Order with respect to this matter will be issued at a later date. If the Commission rejects the proposal, Channel 14 will begin at 470 mc. and there will be 18 flexibility channels beginning at 782 mc. If the Commission grants the proposal, Channel 14 will begin at 500 mc. and there will be 13 flexibility channels, beginning at 812 mc.

[2] Commissioner Walker not participating; statements of additional views of Commissioners Coy and Hennock and statements of dissent in part of Commissioners Webster, Jones and Sterling filed as part of original document.

During the hearing on the General Issues, it was urged by some witnesses that the elimination of intermixture would simplify receiver problems and would minimize the broadcasters' competitive problems. It was argued that intermixture would tend to deter the construction of UHF stations and that until a large number of VHF-UHF receivers were distributed, such UHF stations as were constructed would have difficulty in surviving. On the other hand, many witnesses favored intermixture on the ground that it was impracticable to avoid it; that UHF stations would be constructed in cities located within the service areas of VHF stations and television viewers would expect their sets to receive both signals; and that receiver manufacturers would be obliged to build combination VHF-UHF receivers for such areas.

It is reasonable to assume that economic problems will be faced by UHF broadcasters in areas where VHF broadcasting exists. Similar problems confronted the VHF broadcasters prior to increased receiver distribution in their respective areas. It is reasonable to assume that if the entire UHF band is allocated for regular television broadcasting, television receivers will be built to receive VHF and UHF signals. If intermixture were avoided, it would be necessary to limit many areas to one or two VHF stations even though UHF assignments were available for those areas and additional stations could be supported financially. Moreover, VHF stations are capable of providing a greater coverage than UHF stations. Hence, a more extensive television service is made available where some VHF assignments are made in as many communities as possible than where only VHF assignments are made in some communities and only UHF assignments are made in the other communities. The Commission has concluded that the adoption of an assignment table based on non-intermixture constitutes a short-term view of the problem and is inadvisable. Accordingly, the proposed table attached herein has been prepared on the basis of intermixture of VHF and UHF channels.

II. ASSIGNMENT PRINCIPLES

A. *Table of assignments.* (1) The television channels available for use in the various communities are set forth in the table in Appendix C.[1] In setting up this table, the Commission has endeavored to meet the twofold objective set forth in sections 1 and 307 (b) of the Communications Act of 1934, to provide television service, as far as possible, to all people of the United States and to provide a fair, efficient and equitable distribution of television broadcast stations to the several states and communities. The Commission has set forth below the principles, in terms of priority, which form the basis of the table of assignments. These priorities are as follows:

Priority No. 1: To provide at least one television service to all parts of the United States.

Priority No. 2: To provide each community with at least one television broadcast station.

Priority No. 3: To provide a choice of at least two television services to all parts of the United States.

Priority No. 4: To provide each community with at least two television broadcast stations.

Priority No. 5: Any channels which remain unassigned under the foregoing priorities will be assigned to the various communities depending on the size of the population of each community, the geographical location of such community, and the number of television services available to such community from television stations located in other communities.

B. *Changes in table.* (1) A channel assigned to a community in the Commission's Table of Television Assignments shall be available, without the necessity of rule making proceedings, to any other community located within 15 miles of the assigned community provided the minimum separations set forth in paragraphs E and G herein are maintained.[3]

(2) Upon adoption in the instant proceedings of the Table of Assignments, said table shall not be subject to amendment on petition for a period of one year from the effective date of the Commission's final order amending said table. Upon the expiration of said one year period the Commission will consider petitions filed during said period requesting changes in the table. Thereafter, where the Commission has conducted a rule making proceeding in which it amended or refused to amend said table, no petition concerning the amendment granted or denied may be filed within 1 year after the effective date of the Commission's final order amending or refusing to amend said table.[4]

(3) Except as provided for in paragraphs II A (1) and II B (1) above, no application for a television station in a community specified in the Commission's table will be accepted for filing if said application requests a channel which is not contained in the table. Persons desiring to apply for a channel not specified in the Table must first secure an amendment thereof through appropriate rule making proceedings. Petitions proposing changes in the table must show the extent to which changes conform to the priorities listed in subparagraph II A (1) above, based upon stations operating in accordance with the Table of Assignments and employing the maximum power specified in subparagraph D (2) herein.

C. *Grades of service.*[5] In its Notice of Further Proposed Rule Making issued on July 11, 1949, the Commission proposed to classify television broadcast service into three grades of service. In the Commission's opinion, there is no need for more than two grades of service. Grade A service is so specified that a quality acceptable to the median observer is expected to be available for at least 90 percent of the time at the best 70 percent of receiver locations at the outer limits of this service. In the case of Grade B service the figures are 90 percent of the time and 50 percent of the locations.[6] The field strengths and interference ratios are as follows:

1. Required median field strengths in db above 1 uv/m:

Grade of service	Channels 2-6	Channels 7-13	Channels 14-83
A	68 db	71 db	74 db
B	47 db	56 db	64 db

2. Permissible co-channel ratios in db of median desired field strength to 10 percent undesired field strength:

Grade of service	Channels 2-13		Channels 14-83	
	Non-offset	Offset	Non-offset	Offset
A	31 db	34 db	42 db	36 db
B	45 db	28 db	45 db	28 db

[1] The Commission proposes the use of iso-service contours which express service in terms of the ratio between desired and undesired signal in decibels, or the minimum required signal levels in decibels above one microvolt per meter. This has been done in order to facilitate computation of service and interference field strengths. Likewise, the same terms may be carried over to the output of the transmitter, transmission line loss and antenna gain. This has the advantage of using the same unit throughout the service whether in the transmitting equipment or in the field and has the additional advantage that a decibel of power added at the transmitter results in a decibel of increased field strength. In order to place these matters on a related basis, the decibels with respect to transmitter power and antenna gain as well as field strength must be expressed as decibels with reference to some given level. Field strength is expressed either in decibels above an undesired signal or decibels above a reference level which has been chosen as one microvolt per meter. A convenient reference level of transmitter power is 1 kilowatt. The propagation charts attached to Appendix B and identified as "Appendix V, figures 1-4" are based upon the radiation in the equatorial plane of a half wave dipole antenna having an effective radiated power of one kilowatt. Antenna gain is expressed as the ratio in db of the maximum radiation from the antenna to the radiation in the equatorial plane of a half wave dipole with equal power input.

[2] Persons desiring to file an application for a community which is not listed in the table and which is not eligible for assignment pursuant to "II B" below, may file an application for one of the flexibility channels or a petition for rule making pursuant to "II B" below. Flexibility channels may not be applied for in any community for which any channel is provided in the table of assignments or which is eligible for such an assignment pursuant to "II B" below.

[3] In determining separations between cities for the purpose of this provision, the city mileage separations set forth in the publication of the U. S. Department of Commerce entitled "Airline Distances Between Cities in the United States" shall be utilized. Where cities are not listed in the above publication, separations shall be computed on the basis of the distance between the main post offices in the respective cities.

[4] In applying this provision, each area specified in the table shall be considered separately so that the provision is applicable only if the Commission's action related to an assignment for the area in question. For example, if the Commission denies a petition for rule making requesting that television channel X be removed from City B to City A, no petition for rule making to move a channel from City B to City A will be eligible for filing for one year, even though the request may be to remove Channel Y or Channel Z from City B. However, a petition may be filed before the expiration of one year to remove a channel from City C to City A.

[5] For the specialized case that exists in the case of adjacent channel interference, see par. II E (2) below.

3. Permissible adjacent channel ratios in db of median desired and undesired field strengths:

Grade of service	Channels 2–83
A	0 db
B	0 db

(4) a. *Prediction of service areas and interference.* Methods for describing service areas and interference are set forth in Appendix B. The methods therein described include the propagation of radio waves through the lower atmosphere only. These propagation charts are based on an extensive number of measurements made at various locations over a long period of time. It is recognized that these charts may have to be revised from time to time as more measurements are made, and interested persons are encouraged to make as many measurements as possible and submit them to the Commission. The Commission is satisfied that on the basis of the data presently available to it the data underlying the propagation charts are sufficient to afford an adequate statistical basis for describing field intensities under average conditions, but it is expected that there may be substantial variations in individual areas.

b. *Long distance skywave interference.* It is also realized that propagation to distances of the order of 500 to 1,500 miles via the sporadic E layer and to distances beyond via the F2 layer may occur in certain of the channels. However, since such interference may occur over extremely large distances, it is not possible to protect stations against such interference unless operation on such channels is limited to one or at the best a few stations. In order to provide stations for the various communities, the Commission has determined that the over-all public interest is better served by not protecting television broadcast stations against this type of interference.

D. *Classes of stations.* The Commission's Notice of Further Proposed Rule Making issued July 11, 1949, provided for three classes of stations, i. e., community, metropolitan and rural stations. During the hearings on the General Issues relatively little comment was offered concerning the proposed classifications. In reviewing this proposal, the Commission has concluded that it is desirable to reduce station classifications to a minimum and that more than one class of station is unnecessary if provision is made for appropriate power ranges for the various sizes of cities and rural areas. Accordingly, only one class of television broadcast station is proposed, with provision for minimum and maximum effective radiated powers in accordance with the respective tables set forth below:

(1) *Minimum power:*

Population of city (excludes adjacent metropolitan areas):	*Minimum effective radiated power* [1] *(in db above 1 kw.)*
1,000,000 and above	17 db/500 ft. ant.
250,000–1,000,000	10 db/500 ft.
50,000–250,000	3 db/500 ft.
Under 50,000	0 db/300 ft.

[1] Or equivalent, based on the same grade A service radius as with these values of effective radiated power and antenna height above average terrain. A chart showing this relationship is attached to Appendix B and identified as "Appendix IV." No minimum antenna height is specified. However, wherever feasible, high antennas should be used to provide improved service.

(2) *Maximum power.* The maximum effective radiated power to be authorized on the respective channels is set forth in the following table:

Channels:	*Maximum effective radiated power (in db above 1 kw.)*
2–6	20 db/500 ft. ant.
7–13	23 db/500 ft. ant.
14–83	23 db/500 ft. ant.

(3) Any station may be authorized on appropriate application to increase its power to the maximum set forth above without the necessity of a hearing so far as interference to other stations is concerned. The use of antenna heights greater than 500 feet above average terrain is encouraged as a means for improving the quality of service. If an antenna height greater than 500 feet is used, the effective radiated power shall be limited to that value which will avoid interference within the Grade A service radius of any other station, either existing or provided for in the Table of Assignments, on the basis of operation of such station with the maximum power and antenna height of 500 feet as set forth above. Where antenna heights of less than 500 feet are utilized, the effective radiated power shall not exceed that listed above.

E. *Station separations*—(1) *Co-channel separation.* The Table of Assignments contained in the Commission's Notice of Further Proposed Rule Making, issued July 11, 1949, had as its objective co-channel separation of 220 miles in the VHF band and 200 miles in the UHF band. At the hearing on the general issues, testimony was offered that these separations could be reduced considerably by utilizing offset carrier operation. Evidence was also offered that more television service could be made available to the country if the separation objective were reduced to 150 miles for VHF channels.

The Commission has carefully considered the above evidence and has concluded that some reduction in co-channel separation is possible because of the improvements which result from offset carrier operation. It is not deemed advisable to effectuate a reduction to 150-mile VHF separation as suggested at the hearing. In the first place, the evidence upon which the 150-mile separation is based is the theoretical computations of what coverage can be achieved. On the basis of the evidence in the record, it is clear that considerations of terrain and other propagation factors will materially affect many of the theoretical computations. In the second place, much of the propagation data—although the best available—upon which the Commission relies is necessarily quite meager. Postponing a decision in these proceedings would not materially aid this problem since it has been the Commission's experience that substantial amounts of propagation data do not become available until stations are authorized on a regular basis. Hence, the Commission is faced with the practical problem that if it postpones assigning stations until sufficient propagation data are available, such data may never become available, while on the other hand if stations are assigned before sufficient propagation data are assembled, more interference may result in actual operation than was anticipated. In the Commission's view, the best method of handling this problem is to assign stations as soon as a reasonably sufficient amount of data is accumulated but in doing so assignments should not be made on the barest minimum separation which exact calculations would indicate. Instead, a safety factor should be included. In this way, if as a result of actual experience more interference results than was indicated by the earlier calculations, the safety factor will prevent extensive damage to over-all service. If actual experience shows that the amount of interference is approximately that predicted by the calculations, then the rules and standards can be amended to reflect the new data. In the Commission's experience, it is much easier as a practical matter to reduce station separations which are somewhat larger than were originally thought to be necessary than it is to increase separations which are smaller than were originally thought to be necessary.

With the foregoing in mind, the Commission has provided for a minimum co-channel separation between cities of 180 miles on Channels 2-13 and 165 miles on Channels 14-83. In order to provide for flexibility in the location of transmitters and in order to give communities within 15 miles of the city in question a reasonable opportunity to utilize channels as set forth in paragraph II B1 above, minimum separation between transmitters on the same channel is provided for at 170 miles for Channels 2-13 and 155 miles for Channels 14-83.[7] These separations are based on offset-carrier operation by the stations.

(2) *Adjacent channel separation.* Under the present television standards, objectionable adjacent channel interference results when the ratio of the desired to the undesired signal falls below 6 db. The Commission's proposals of July 11, 1949 did not recommend any change in this ratio. Considerable data presented to the Commission indicate that this ratio is too conservative and that it could be 0 db or −6 db. In general, adjacent channel interference has not been of a serious nature and such problems as do exist can be solved to a very considerable extent by improvements in receiver design which are neither difficult nor costly. Experience has shown that many receivers are giving satisfactory adjacent channel performance in areas where interference is predicted under the present standards.

The Commission's proposals of July 11, 1949, provided for a normal adjacent

[7] In each case, the above figures are minimum separations. Greater separations are utilized in the sparsely settled areas of the country in order to secure a maximum amount of service. In addition, greater separations are also utilized in Gulf coast areas and in other areas where high levels of tropospheric propagation may be expected. This should be kept in mind by persons desiring to suggest changes in the Table of Assignments.

channel separation of 110 miles in the VHF band and 100 miles in the UHF band—one-half the distance provided for the normal co-channel separations. Since adjacent channel interference is so readily subject to being controlled by adequate design and production methods by manufacturers, the Commission believes that adjacent channel separations should be reduced, thus making possible a greater number of assignments. The Commission is of the opinion that these separations should be based upon receiver performance which may reasonably be expected of manufacturers and not on the characteristics of the poorer receivers. Separations have been based on the assumption of receivers having an adjacent channel rejection ratio of −6 db. Thus, a median field strength ratio of 0 db should provide service from one station or the other at each receiver location for at least 90 percent of the time, irrespective of signal fading. The table of assignments has been based upon an adjacent channel separation between cities of 70 miles for Channels 2–13 and 65 miles for Channels 14–83. The separations between transmitters are 60 miles for Channels 2–13 and 55 miles for Channels 14–83.[8]

(3) *Summary of co-channel and adjacent channel separation requirements:*

	Channels 2–13		Channels 14–83	
	Co-channel station separation	Adjacent channel station separation	Co-channel station separation	Adjacent channel station separation
Minimum separation city to city.	*Miles* 180	*Miles* 70	*Miles* 165	*Miles* 65
Minimum separation transmitter to transmitter	170	60	155	55

F. *Transmitter locations.* Transmitter locations shall be so chosen that the following median field intensities as calculated in accordance with the methods and procedures described in Appendix B are provided over the entire principal city to be served:

Channels 2–6	Channels 7–13	Channels 14–83
74 db	77 db	80 db

G. *Limitations on UHF assignments* [9]—(1) *Oscillator radiation*—(a) *VHF.* The Commission's proposed table of television channel assignments set forth in its Notice of Further Proposed Rule Making, issued on July 11, 1949, did not take into account the effects of receiver oscillator radiation on assignments in the VHF or UHF band. Evidence has been presented to the Commission concerning interference caused to receivers as a result of the use of a 21 mc. I. F. by manufacturers of receiving sets. In order to avoid such interference, Radio-Television Manufacturers Association has adopted as standard an I. F. of 41.25 mc. in the VHF and UHF bands. No oscillator radiation problems are involved for these VHF receivers so far as television stations operating in the VHF is concerned. Because of the large number of television receivers now in use employing the 21 mc. I. F., efforts have been made to minimize such interference without reducing the number of VHF assignments in the proposed table.

(b) *UHF.* There was general agreement at the above hearings that oscillator radiation is likely to be more severe in the UHF band than in the VHF band, due to the difficulty in suppressing such radiation in the higher frequencies. Further, because of the wide span of the UHF band it is not possible to place the oscillator outside the band and still employ an I. F. which is practical in the present state of the art.

Evidence was offered concerning a method of dealing with the oscillator radiation problem based on the "fold in" principle. It was proposed to divide the UHF band into four equal parts; to employ the lower and upper quarters for most assignments; to confine all oscillator radiation within the two center quarters; and to employ an I. F. of 111 mc. The Commission believes that the use of an I. F. of 111 mc. in television receivers is not feasible at this time. Existing tubes and those available in the foreseeable future will not permit adequate amplification with a reasonable number of I. F. stages. The use of the proposed I. F. will reduce adjacent channel selectivity. Further, setting up one-half of the UHF band as a repository for oscillator radiation would provide little incentive for receiver manufacturers to reduce such radiation. Accordingly, the "fold in" principle has not been adopted in preparing the proposed Table.

Although the Commission expects that continued improvements may eliminate the problem of oscillator radiation in the future, it does not appear practicable to expect such receivers in the near future.[10] Hence, the UHF table has taken into account the standard I. F. of 41.25 mc. adopted by the RTMA. Thus stations in the UHF which are 7 channels apart are required to have their transmitters separated by a minimum of 60 miles. This separation affords substantially the same protection as does the co-channel separation provided for above.

(2) *Intermodulation.* The Commission's proposed table of July 11, 1949, did not take into consideration the effects of intermodulation. Although interference resulting from intermodulation has not been a problem in the VHF band, it is generally agreed that intermodulation is likely to be a more serious problem in the UHF band. Various arrangements have been proposed for reducing intermodulation such as a staggered arrangement of channels, or by wide frequency separation. Testimony in the record indicates that a three or four channel separation would serve an adequate protection against intermodulation. The Commission has concluded that the best method of avoiding problems of intermodulation is to use a normal minimum separation of six channels in a city, thus allowing for a desirable safety factor. There is general agreement that a distance separation of 15 to 20 miles is sufficient to provide protection against intermodulation since sufficiently high field intensities from two or more stations would not normally exist at any point between stations so separated. Accordingly, in preparing the UHF assignments in the attached Table, stations closer than 20 miles have not been assigned channels less than six channels apart.

(3) *Image interference (picture and sound).* Image interference has raised no problems in the VHF band since a signal from another television station removed from the desired channel by twice the I. F. does not normally fall in another television channel. In the UHF band, however, where there is a large number of contiguous channels, image interference is expected to present interference problems. No allowance was made for this factor in the Commission's proposed table of July 11, 1949. The record indicates that image rejection of 30 to 40 db can be provided by UHF receivers of reasonably good design which employ a 41.25 I. F. There was general agreement that image interference should be avoided in making channel assignments. Accordingly, a minimum separation of 75 miles is provided between transmitters where UHF stations are separated by 15 channels to provide against picture image interference, and a minimum separation of 60 miles between transmitters where UHF stations are separated by 14 channels to provide protection against sound image interference. This separation provides substantially the same protection to the picture of a desired station as does the co-channel separation provided for above. A slightly smaller separation is provided for in the case of the sound image than the picture image because of the lesser interfering effect of the former.

(4) *I. F. beat.* It is recognized that when two stations in a city are separated by an I. F. it is possible that the two signals will combine to provide a beat signal which will be picked up by the I. F. Amplifier. Where a 41.25 mc. I. F. is in use, such signals may exist in channels which are separated by seven or eight channels from the desired station. The effect is similar to that of intermodulation. As indicated above the seven channel separation is taken care

[8] It is recognized that some existing operations do not comply with the minimum separations for co-channel or adjacent channel operation that are set forth above. It has not been possible to remove all of these cases without extensive dislocation. The Commission will study each such operation on a case-to-case basis in the hope that eventually they may all be brought up to the minimum separations.

[9] Certain separations between UHF stations are provided herein in order to afford protection against interference resulting from oscillator radiation, intermodulation, images and I. F. beats. It should be pointed out, however, that these separations do not provide for protection against interference of the above character which is caused by radio services operating outside of the television band.

[10] This same observation is also applicable to intermodulation, image interference and I. F. beat problems discussed below.

of by the separation which is used to avoid oscillator interference. Accordingly, stations in the UHF band which are separated by eight channels are required to have a minimum separation of 20 miles between transmitters.

(5) *Summary of minimum transmitter separations in the UHF.*

Channel No.	Adjacent channel (55 miles)	Oscillator (60 miles)	I. F. beat (20 miles)	Intermodulation (20 miles)	Image picture (75 miles)	Image sound (60 miles)	Cochannel (155 miles)
14	15	21	22	16–19	29	28	14
15	14 16	22	23	17–20	30	29	15
16	15 17	23	24	14 18–21	31	30	16
17	16 18	24	25	14–15 19–22	32	31	17
18	17 19	25	26	14–16 20–23	33	32	18
19	18 20	26	27	14–17 21–24	34	33	19
20	19 21	27	28	15–18 22–25	35	34	20
21	20 22	28 11	29	16–19 23–26	36	35	21
22	21 23	29 15	30 11	17–20 24–27	37	36	22
23	22 24	30 16	31 15	18–21 25–28	38	37	23
24	23 25	31 17	32 16	19–22 26–29	39	38	24
25	24 26	32 18	33 17	20–23 27–30	40	39	25
26	25 27	33 19	34 18	21–24 28–31	41	40	26
27	26 28	34 20	35 19	22–25 29–32	42	41	27
28	27 29	35 21	36 20	23–26 30–33	43	42 13	28
29	28 30	36 22	37 21	24–27 31–34	44 14	43 15	29
30	29 31	37 23	38 22	25–28 32–35	45 15	44 16	30
31	30 32	38 24	39 23	26–29 33–36	46 16	45 17	31
32	31 33	39 25	40 24	27–30 34–37	47 17	46 18	32
33	32 34	40 26	41 25	28–31 35–38	48 18	47 19	33
34	33 35	41 27	42 26	29–32 36–39	49 19	48 20	34
35	34 36	42 28	43 27	30–33 37–40	50 20	49 21	35
36	35 37	43 29	44 28	31–34 38–41	51 21	50 22	36
37	36 38	44 30	45 29	32–35 39–42	52 22	51 23	37
38	37 39	45 31	46 30	33–36 40–43	53 23	52 24	38
39	38 40	46 32	47 31	34–37 41–44	54 24	53 25	39
40	39 41	47 34	48 32	37–38 42–45	55 25	54 26	40
41	40 42	48 34	49 33	36–39 43–46	56 26	55 27	41
42	41 43	49 35	50 34	37–40 44–47	57 27	56 28	42
43	42 44	50 36	51 35	38–41 45–48	58 28	57 29	43
44	43 45	51 37	52 36	39–42 46–49	59 29	58 30	44
45	44 46	52 38	53 37	40–43 47–50	60 30	59 31	45
46	45 47	53 39	54 38	41–44 48–51	61 31	60 32	46
47	46 48	54 40	55 39	42–45 49–52	62 32	61 33	47
48	47 49	55 41	56 40	43–46 50–53	63 33	62 34	48
49	48 50	56 42	57 41	44–47 51–54	64 34	63 35	49
50	49 51	57 43	58 42	45–48 52–55	65 35	64 36	50
51	50 52	58 44	59 43	46–49 53–56	66 36	65 37	51
52	51 53	59 45	60 44	47–50 54–57	67 37	66 38	52
53	52 54	60 46	61 45	48–51 55–58	68 38	67 39	53
54	53 55	61 47	62 46	49–52 56–59	69 39	68 40	54
55	54 56	62 48	63 47	50–53 57–60	70 40	69 41	55
56	55 57	63 49	64 48	51–54 58–61	71 41	70 42	56
57	56 58	64 50	65 49	52–55 59–62	72 42	71 43	57
58	57 59	65 51	66 50	53–56 60–63	73 43	72 44	58
59	58 60	66 52	67 51	54–57 61–64	74 44	73 45	59
60	59 61	67 53	68 52	55–58 62–65	75 45	74 46	60
61	60 62	68 54	69 53	56–59 63–66	76 46	75 47	61
62	61 63	69 55	70 54	57–60 64–67	77 47	76 48	62
63	62 64	70 56	71 55	58–61 65–68	78 48	77 49	63
64	63 65	71 57	72 56	59–62 66–69	79 49	78 50	64
65	64 66	72 58	73 57	60–63 67–70	80 50	79 51	65
66	65 67	73 59	74 58	61–64 68–71	81 51	80 52	66
67	66 68	74 60	75 59	62–65 69–72	82 52	81 53	67
68	67 69	75 61	76 60	63–66 70–73	83 53	82 54	68
69	68 70	76 62	77 61	64–67 71–74	54	83 55	69
70	69 71	77 63	78 62	65–68 72–75	55	56	70
71	70 72	78 64	79 63	66–69 73–76	56	57	71
72	71 73	79 65	80 64	67–70 74–77	57	58	72
73	72 74	80 66	81 65	68–71 75–78	58	59	73
74	73 75	81 67	82 66	69–72 76–79	59	60	74
75	74 76	82 68	83 67	70–73 77–80	60	61	75
76	75 77	83 69	68	71–74 78–81	61	62	76
77	76 78	70	69	72–75 79–82	62	63	77
78	77 79	71	70	73–76 80–83	63	64	78
79	78 80	72	71	74–77 81–83	64	65	79
80	79 81	73	72	75–78 82–83	65	66	80
81	80 82	74	73	76–79 83	66	67	81
82	81 83	75	74	77–80	67	68	82
83	82	76	75	78–81	68	69	83

H. *Multiple interference.* In preparing the Table of Assignments, a study was made of several cases of multiple interference involving relatively uniform co-channel station separations in congested areas. This study based on information and data presently available, indicates that the grade A service areas obtained with the maximum powers as specified above are not infringed by combined interference from more than one signal when non-directional receiving antennas are assumed to be used. Moreover, if receiving antennas are assumed to have 6 db rejection in the directions of the undesired stations, the multiple interference under these conditions is not expected to exceed the single station case where no receiving antenna directivity is assumed. Thus, it appears that interference from more than one station may be accounted for satisfactorily by plotting a composite interference-limited contour on the basis of the most severe limitation in each direction due to any single interfering station. This approximation appears to be sufficiently accurate for the purpose of determining station separations and power limitations. Accordingly, it is proposed that interference from each station will be determined on an individual basis and that calculation of the effects of multiple interference will not be required.

I. *Offset carrier operation.* The Commission's proposals of July 11, 1949, did not provide for the use of offset carrier operation either in the VHF or UHF band. Testimony presented at the hearing on the General Issues in the proceedings herein substantially favored offset operation and tests have indicated that such operation resulted in an improvement of approximately 17 db over non-offset carrier operation. A survey conducted by the Joint Technical Advisory Committee of stations engaged in offset carrier operations indicates practically unanimous support therefor. Although a question has been raised concerning possible frequency stability of transmitters used in these operations, it appears that this problem is not serious and that frequency stability can be provided which will insure adequate and proper offset carrier operations. Accordingly the Commission has concluded that separations should be based upon stations employing offset carrier operation. When these rules are adopted as final, the Commission will specify the exact frequency to be utilized by each station for offset carrier operation. In the VHF band, stations will be offset from each other by plus or minus 10 kc and 1 kc. tolerance will be specified. Similar requirements will be applied to UHF stations, but the specific values will be determined at a later date.

III. DIRECTIONAL ANTENNAS [11]

The are two aspects to the questions which have been raised concerning the use of directional antennas. In the first place the Commission's rules, regulations and standards do not prohibit the use of directional antennas as such. If a channel is available in any particular community in the Commission's table, a directional antenna may be authorized upon an appropriate showing. Such authorizations have been granted in the past. It should be pointed out, however, that at the time of such grant, a channel was available in the existing Assignment Table. The second aspect of the problem concerning directional antennas arises when a request is made that another channel be added in a community by means of a directional antenna. This situation differs from the first one because in this instance no channel assignment is possible unless a directional antenna is employed, that is, the use of a directional antenna is compulsory as a matter of channel assignment. This question was considered by the Commission in 1945 when the first Assignment Table was adopted. At that time the use of directional antennas as a basis for making assignments in the table was rejected by the Commission when a proposal to that effect was offered by the Television Broadcasters Association. In its report of November 21, 1945, the Commission stated, among other things:

> • • • An examination of the T. B. A. proposal reveals that there are several disadvantages in attempting to accomplish this objective by the use of directional antennas. In the first place, the Commission desires to avoid as much as possible the resort to directional antennas for television. With the great increase in civil aviation as a result of the war, it is going to be increasingly difficult to find suitable antenna sites that do not constitute a hazard to air navigation. If directional antennas are used, there is much less flexibility in choosing antenna sites, thus increasing the possibility of conflict with air navigation requirements.

[11] A directional antenna is defined as an antenna having 3 db or more difference in effective radiated power in the azimuthal directions of minimum and maximum radiation.

Moreover, directional antennas will have to be located away from cities with the result that problems of shadows and multi-path distortion in rendering service to cities will be much greater than where the antenna is located in the city itself—in most instances antennas can be located in the city itself where no directional antenna is required.

In the second place, the directional antenna patterns proposed by T. B. A. result in many instances in highly artificial service areas with a good part of the station's signal strength being directed out to sea. Moreover, the service area of the stations using directional antennas would be no larger than that of a community station but such stations would be as expensive to construct and operate as metropolitan stations.

The Commission's proposed table of July 11, 1949, made no provision for the use of directional antennas except with respect to two existing stations. It was pointed out, however, that directional transmitting antennas may be useful in certain situations in order that a particular site may be utilized or over-all service improved. It was then concluded that directional transmitting antennas would be permitted in appropriate cases for use on channels contained in the Assignment Table, provided that this did not excuse compliance with the service area requirements or permit reduction of basic service areas. It was also indicated that nulls greater than —10 db (compared to the maximum value of radiation) may not be practicable because of reflections. During the hearings on the general issues, limited testimony was presented generally favoring the use of directional antennas principally for the purpose of improving service rather than reducing station separations. Some testimony was offered in favor of the use of directional antennas with nulls greater than —15 db.

The Commission is not satisfied that in the present state of the art, directional antennas are practicable with nulls greater than —10 db; the policy set forth in the Notice of July 11, 1949, is adhered to. If future available data indicate that the performance of directional transmitting antennas can be properly predicted, particularly in areas where reflections occur, their use of interference protection can be given further consideration.

As indicated, directional antennas may be employed for improving service or for the purpose of using a particular site; they may not be used for the purpose of reducing the minimum station separations set forth in paragraphs II E and G. Where a directional antenna is proposed, the effective radiated power in any direction shall be contained in the range permitted in paragraphs II D (1) and (2), provided that the difference between maximum and minimum radiation shall not exceed 10 db.

IV. STRATOVISION

The Commission's proposed table of July 11, 1949, did not provide channels for stations operating in accordance with the stratovision method of television broadcasting utilizing air-borne transmitters. The Commission afforded interested persons an opportunity of presenting evidence on this point. Only one party presented evidence in support of stratovision. From the evidence offered, it appears that five UHF channels would supply about 81 percent of the area of the United States with one signal. Two of the five channels would be used as guard bands. Consequently, in order to supply all areas of the United States with 4 services about 20 channels would be required. This figure does not include the channels which would have to be added in order to provide proper protection between stratovision stations and ground stations in the light of the separations required to avoid oscillator radiation, image interference, or I. F. beats. The studies presented at the hearing did not include these factors.

The Commission appreciates that stratovision, if feasible, would be a most useful instrument in providing service to the sparsely settled areas of the country. Indeed, many areas of the country can undoubtedly receive service only from wide area coverage stations, such as stratovision would provide. The Commission, however, does not believe that channels should be assigned to stratovision at this time. As can be seen from an examination of Appendix C, it is not possible to assign television channels to many important communities and other communities have an inadequate number of assignments. This situation occurs when relatively close separations are utilized based upon ground-located transmitters. With the much wider separations that air-borne transmitters would require, the problem of providing a fair, efficient, and equitable allocation of television facilities to the various communities would be aggravated. The demands for television service require that all available channels be assigned for proven ground-station operations, particularly when no substantial demand was shown for air-borne transmitters. However, as indicated above, proposed Channels 66 through 83 have not been assigned to particular communities but are flexibility channels, which may be used for various purposes, including further stratovision experimentation. The door remains open for further consideration of this proposal by the Commission if it can be shown that stratovision can operate successfully within the above flexibility channels, without causing interference to ground-based stations operating on Channels 14 through 65.

V. POLYCASTING

Evidence in support of this proposal was presented by one witness who advocated the principle of using a number of low-power transmitters on one or more channels in the UHF band instead of attempting to cover a large area with a centrally located high-power transmitter. He expressed the belief that his proposed system would result in improved service at lower cost and was the only feasible method whereby stations in the UHF band could serve large areas. It was contemplated, for example, that four transmitters could be located in as many directions to give service to a large city with the north and south transmitters operating on one frequency and the east and west transmitters operating on another frequency; by using directional receiving antennas and taking advantage of the wide variations in signal intensity over a small area there would be adequate rejection of the undesired co-channel signal. The use of FM was favored for polycasting to improve the ability to reject the undesired signal.

No evidence was presented concerning previous or existing operations carried on in accordance with the above proposals, and the Commission has no information that such operations have been conducted. It appears that the proposed system has never been field tested and hence an adequate determination as to its feasibility cannot be reached at the present time. To devise an assignment table at this time which would provide for polycasting in many areas would be impractical and unwarranted since such an undertaking would require prior knowledge of the number, location and power of the various stations in a city. Further, it would involve consideration of possible interference such as oscillator radiation, image interference and intermodulation not only between stations in a city but between stations in adjacent areas. Accordingly, the attached proposed table does not contain assignments of channels for stations to operate under the polycasting system on a commercial basis. Further experimentation concerning polycasting can be carried on in the flexibility channels.

VI. NON-COMMERCIAL EDUCATIONAL TELEVISION

The existing television channel Assignment Table adopted by the Commission in 1945 did not contain any reserved channels for the exclusive use of noncommercial educational television stations, and no changes in this respect were proposed by the Commission in its proposed table of July 11, 1949. However, in the Notice of Further Proposed Rule Making issued on the latter date the Commission pointed out that it had "received informal suggestions concerning the possible provision for non-commercial educational broadcast stations in the 470–890 mc. band." Interested parties were afforded the opportunity to file comments in the proceeding concerning these suggestions.

Prior to the hearing on this issue, a number of the parties supporting the reservation of channels for noncommercial educational purposes joined together to form the Joint Committee on Educational Television. This committee offered testimony in support of a request for reservation of channels in both the VHF and UHF portion of the spectrum.

In general, the need for non-commercial educational television stations was based upon the important contributions which noncommercial educational television stations can make in educating the people both in school—at all levels—and also the adult public. The need for such stations was justified upon the high quality type of programming which would be available on such stations—programming of an entirely different character from that available on most commercial stations.

The need for a reservation was based upon the fact that educational institutions of necessity proceed more slowly

in applying for broadcast stations than commercial stations. Hence, if there is no reservation, the available channels are all assigned to commercial interests long before the educational institutions are ready to apply for them.

Some opposition to the reservation was presented at the hearing. In general, none of the witnesses opposed the idea of noncommercial educational stations. On the contrary, there was general agreement that such stations would be desirable. Objection was made to the idea of reservation because as stated by some witnesses, the experience of educational institutions in the use of AM and FM radio does not furnish sufficient assurance that the educational institutions would make use of the television channels. However, there was no objection even by these witnesses to a certain form of reservation provided it was for a reasonably short time.

In the Commission's view, the need for non-commercial educational television stations has been amply demonstrated on this record. The Commission further believes that educational institutions of necessity need a longer period of time to get prepared for television than do the commercial interests. The only way this can be done is by reserving certain channels for the exclusive use of non-commercial educational stations. Obviously, the period of time during which such reservation should exist is very important. The period must be long enough to give educational institutions a reasonable opportunity to do the preparatory work that is necessary to get authorizations for stations. The period must not be so long that frequencies remain unused for excessively long periods of time. The Commission will survey the general situation from time to time in order to insure that these objectives are not lost sight of.

Accordingly, the Commission in its Table of Assignments has indicated the specific assignments which are proposed to be reserved for non-commercial educational stations.[12] Rules concerning eligibility and use of the stations will be substantially the same as those set forth in subpart C of Part III of the Commission's rules and regulations. The reservation of the non-commercial educational stations is not in a single block as in the case of FM since the assignment problems discussed above would sharply curtail the usefulness of a block assignment.

The following method has been employed in making reservations. In all communities having three or more assignments (whether VHF or UHF) one channel has been reserved for a non-commercial educational station. Where a community has fewer than three assignments, no reservation has been made except in those communities which are primarily educational centers, where reservations have been made even where only one or two channels are assigned.[13] As between VHF and UHF, UHF channel has been reserved where there are fewer than three VHF assignments, except for those communities which are primarily educational centers where a VHF channel has been reserved. Where three or more VHF channels are assigned to a community, a VHF channel has been reserved except in those communities where all VHF assignments have been taken up. In those cases, a UHF channel has been reserved.

It is recognized that in many communities the number of educational institutions exceed the reservation which is made. In such instances the various institutions concerned must enter into cooperative arrangements so as to make sure that the facilities are available to all on an equitable basis.

Appendix B—Prediction of Areas of Service and of Interference [1]

I. GRADES OF SERVICE

Television broadcast service is classified into two grades of service which are defined in the tables below:

A. *Required median field strengths in db above 1 uv/m:*

Grade of service	Channels 2–6	Channels 7–13	Channels 14–83
A	68 db	71 db	74 db
B	47 db	56 db	64 db

B. *Permissible co-channel ratios in db of median desired field strengths to 10 percent undesired field strengths:*

Grade of Service	Channels 2–13		Channels 14–83	
	Non-offset	Offset	Non-offset	Offset
A	51 db	34 db	43 db	36 db
B	45 db	28 db	45 db	28 db

C. *Permissible adjacent channel ratios in db of median desired to undesired field strengths:*

Grade of service	Channels 2–83
A	0 db
B	0 db

II. SPECIFICATIONS OF REQUIRED FIELD STRENGTHS

The required field strengths specified in section IA were determined in accordance with the following assumptions and procedure:

A. *Grade A service: Required field strengths, in db above 1 microvolt per meter.* (a) To overcome receiver noise:

	Channels 2-6	Channels 7-13	Channels 14-83
(1) Thermal noise (db)[1]	7	7	7
(2) Receiver noise figure (db)	12	12	17
(3) Peak vis. car./RMS noise (db)	30	30	30
(4) Trans. line loss (db)[2]	1	2	3
(5) Antenna eff. length (db)[3]	−3	6	9
(6) Local field strength (db)	47	57	63
(7) 70 percent terrain factor (db)[4]	4	4	4
(8) 90 percent time fading factor (db)	3	3	3
(9) Median field strength (db)[5]	54	64	74

(b) To overcome local noise and interference under urban conditions:

Median field strength (db)	68	71	74

(c) Required field strengths to overcome (a) or (b) whichever is the greater:

Median field strength (db)[6]	68	71	74

[1] Reference level db above 1 uv across 300 ohms impedance.

[2] Transmission line is assumed to consist of 50 feet of 300 ohm twinlead cable.

[3] The antenna is assumed to consist of a half-wave dipole for channels 2–13 and an antenna with 8 db gain for channels 14–83.

[4] The terrain correction factor for channels 2–13 is taken from the curve R(L) and the factor for channels 14–83 is taken from the curve r(L) of Figure 5 of proposed Appendix V, attached hereto.

[5] The median field strength is equivalent to the field F(50, 50) specified in section V–A herein and will provide grade A service under suburban or rural conditions where receiver noise provides the service limitation.

[6] It is realized that it may not be desirable nor practical in some heavily built-up areas to meet the assumptions of an outside antenna, and that inside antennas will be used. If it is assumed that the inside antenna will have an effective length equal to that of a half-wave dipole and that the transmission line loss is negligible, the instantaneous local field strength required will be 46, 55 and 65 db above one microvolt per meter, respectively, for channel groups 2–6, 7–13, and 14–83. However, the median field strengths required under these conditions cannot be stated with assurance, because the average terrain distributions which have been calculated from available measurement supply only exterior conditions in suburban and rural areas. If the range of signal variation in building interiors is comparable to the exterior range, the median signal levels specified to overcome local noise and interference in (b) will be adequate. Until reliable data are available to indicate otherwise, the specified median field strengths are considered adequate for urban service, other than in the principal city.

B. *Grade B service: Rural field strengths, in db above 1 microvolt per meter, required to overcome receiver noise:*

	Channels 2-6	Channels 7-13	Channels 14-83
(1) Thermal noise (db)	7	7	7
(2) Receiver noise figure (db)	12	12	17
(3) Peak vis. car./RMS noise (db)	30	30	30
(4) Trans. line loss (db)	1	2	3
(5) Antenna effective length (db)[1]	−2	0	3
(6) Local field intensity (db)	41	51	57
(7) 50 percent terrain factor (db)	0	0	0
(8) 90 percent time fading factor (db)[2]	6	5	5
(9) Median field intensity (db)	47	56	62

[1] Antennas with a 6 db gain compared to a dipole are assumed for channels 2–13, and an antenna gain of 15 db for channels 14–83.

[2] The time fading factors decrease with increasing frequency because the grade B service radii decrease.

[1] There are attached hereto six figures which constitute proposed amendments to the Standards of Good Engineering Practice Concerning TV Broadcast Stations. Proposed Appendix IV thereto is a family of curves entitled, "Minimum Effective Radiated Power versus Antenna Height above Average Terrain." Proposed Appendix V consists of five figures relating to radio propagation effects, specific references to which are made herein.

[12] Forty-six communities were considered to be primarily educational centers in accordance with the testimony presented by the Joint Committee on Educational Television. However, this enumeration is not binding and consideration will be given to any proposal filed pursuant to paragraphs 12 and 13 of the notice providing for additions to or deletions from the enumeration.

[13] The procedure set forth in paragraphs 12 and 13 of the notice is applicable to any specific assignment proposed to be reserved or to any request that a channel not proposed for reservation should be reserved.

III. SPECIFICATION OF PERMISSIBLE CO-CHANNEL INTERFERENCE RATIOS

The permissible interference ratios specified in section IB were determined in accordance with the following assumptions and procedure:

A. *Grade A service:*

	Channels 2-13		Channels 14-83	
	Non-offset	Offset	Non-offset	Offset
(1) Local desired/undesired ratio (db)	45	28	45	28
(2) 70 percent terrain factor (db)[1]	6	6	8	8
(3) 50 percent location d/u ratio (db)	51	34	53	36

B. *Grade B service:*

50 percent location d/u ratio (db)	45	28	45	28

[1] The terrain factor for channels 2-13 was taken from the curve r(L) and for channels 14-83 from the curve x(L) of Figure 5 of proposed Appendix V for 70 percent of the receiver locations.

IV. SPECIFICATION OF PERMISSIBLE ADJACENT CHANNEL RATIOS

The permissible adjacent channel ratios specified in Section IC were determined in accordance with the following assumptions and procedure:

A. *Grades A and B service:*

	Channels 2–83
Local desired/undesired ratio (db)	−6
90 percent time fading factor (db)	6
Time median desired/undesired ratio (db) [1]	0

[1] The median field strength ratio of 0 db is based upon an assumed receiver terminal ratio of −6 db. With an acceptable terminal ratio of −6 db, at least one service or the other is available at any particular receiving location at any particular time, provided that the field strengths are otherwise satisfactory for service. By specifying a permissible time median field strength ratio of 0 db, a particular receiving location is expected to have service available for at least 90 percent of the time from one station despite fading. Although this does not assure 70 percent of locations to each station at the grade A contour, owing to the terrain distribution the areas of actual service will overlap. Each station will on the average recover from the other station as many locations beyond the indicated 0 db contour as it loses to the other station within the 0 db contour.

V. PROPAGATION OF TELEVISION SIGNALS

For the purpose of predicting the propagation of television signals for the estimation of service and interference areas under the rules proposed in Part III of these proceedings, the following procedures have been observed:

A. *Prediction of service field strengths.* The minimum field strengths of the service field which will be available at any percentage of receiving locations for any percentage of the time may be described by the following relation:

$$F'(L,T)=P'+F(50,50)+R(L)+R(T) \quad (1),$$

where $F'(L,T)$ is the minimum field strength to be expected at the poorest location of the best L percent of locations for T percent of the time, expressed in decibels above 1 microvolt per meter, P' is the effective radiated power in db above 1 kilowatt, $F(50,50)$ is the minimum field strength in decibels above 1 microvolt per meter expected at 50 percent of the locations and 50 percent of the time for a radiated power of one kilowatt, $R(L)$ is the terrain distribution factor for L percent of locations, and $R(T)$ is the time distribution factor.

The effective radiated power, P', is expressed in decibels above 1 kilowatt radiated from a half-wave dipole and may be calculated by means of the following formula:

$$P'=10 \log_{10} P-P''+G \quad (2)$$

In the above, P denotes the actual transmitter power delivered to the transmission line expressed in kilowatts, P'' denotes the transmission line and antenna power loss expressed in decibels, and G denotes the gain of the transmitting antenna array in the direction of the receiving location expressed in decibels relative to that of a half-wave dipole.

Appropriate values of $F(50,50)$ are shown in figures 1 and 2 of proposed Appendix V, and appropriate values of $F(50,10)$ are shown in figures 3 and 4 thereof. Figures 1 and 3 are to be used for channels 2 through 6. Figures 2 and 4 are to be used for channels 7 through 83. The charts show the field strengths in db above one microvolt per meter for 1 kilowatt of effective radiated power to be expected at 50 percent of the receiving locations for 10 percent and 50 percent of the time, for antenna heights from 100 feet to 10,000 feet. The field strengths are based on an effective power of 1 kilowatt radiated from a half-wave dipole in free space, which produces an unattenuated field strength at 1 mile of about 103 db above 1 microvolt per meter (137.6 millivolts per meter). The antenna height to be used with these charts in any particular case is the equivalent height of the center of the radiating element above the average height of the profile between 2 and 10 miles from the transmitter along the desired radial.

The time distribution factor $R(T)$ for fields exceeded for 10 percent of the time, $R(T=10)$, is found by subtracting the value exceeded for 50 percent of the time $F(50,50)$ from the value exceeded for 10 percent of the time $F(50,10)$.

$$R(T=10)=F(50,10)-F(50,50) \quad (3)$$

No charts are included to show the service fields for 90 percent of the time, but these fields lie below the 50 percent curve by the same amounts that the 10 percent curves lie above the 50 percent fields. Thus, the time distribution factor $R(T=90)$ is numerically equal but opposite in sign to $R(T=10)$, and

$$F(50,90)=F(50,50)+R(T=90)$$
$$=F(50,50-[F(50,10)-F(50,50)] \quad (4)$$

In order to determine the field strengths to be expected for other percentages of time, T, use may be made of the relation: $R(T)=R(T=10)k(T)$. The value of $k(T)$ for any percentage of time T is given in figure 5 of proposed Appendix V. In order to determine the field strengths which will be exceeded at some percentage of the receiving locations other than 50 percent, use is also made of figure 5. For channels 2 through 13, the curve labelled $R(L)$ is to be used; for channels 14 through 83, the curve labelled $r(L)$ is to be used. The departure from the 50 percent value in db, shown on the left scale, corresponding to the desired percentage of locations on the bottom scale, is to be added to the field intensity in db above 1 microvolt per meter existing at 50 percent of locations.

For channels 2–13,

$$F(L,50)=F(50,50)+R(L) \quad (5)$$

For channels 14–83,

$$F(L,50)=F(50,50)+r(L) \quad (6)$$

Thus as shown in figure 5, the terrain factor for 70 percent of locations corresponds to −4 db for channels 2–13 and −6 db for channels 14–83, as used in section II above.

B. *Prediction of interference from one undesired station.* The percentage of receiving locations, L, at any given distance from a desired station and one undesired station at which an acceptable ratio, A, of desired-to-undesired signals is exceeded for at least 90 percent of the time may be determined from the following equation:

$$r(L)=A+P_u'-P_d'+F_u(50,50)-F_d(50,50)$$
$$+\sqrt{R_d^2(T=90)+R_u^2(T=90)} \quad (7)$$

The subscript d denotes values applicable to the desired signal and the subscript u denotes values applicable to the undesired signal. As explained above, the effective radiated powers of the desired and undesired stations Pd' and P_u' are expressed in db above one kilowatt radiated from a half-wave dipole. $F_u(50,50)$ and $F_d(50,50)$ are taken from the appropriate curves of figures 1 or 2 of proposed Appendix V. $R_d(T=90)$ and $R_u(T=90)$ are the time distribution factors for 90 percent of the time for the desired and the undesired field strengths, respectively. These may be determined by subtracting the (50,10) field strength from the (50,50) field strength indicated for the proper distances on the appropriate curves of figures 1 through 4 of proposed Appendix V.

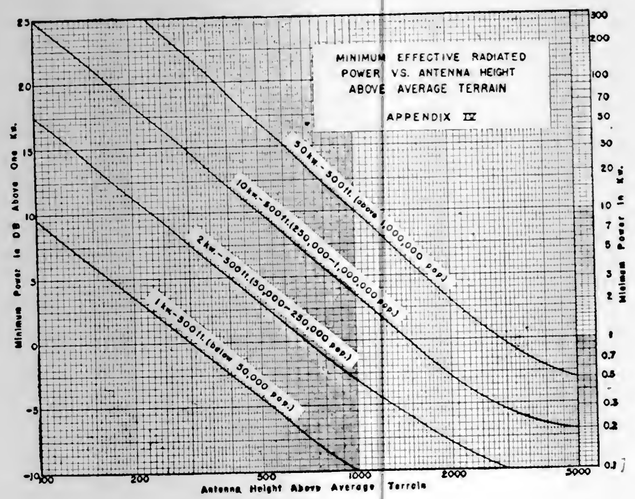
For channels 2 through 13, the percentage of locations at which the ratio A is exceeded may be read from the probability distribution, $r(L)$, as a function of L in figure 5 of proposed Appendix V. For channels 14–83, the function $x(L)$ is to be used.

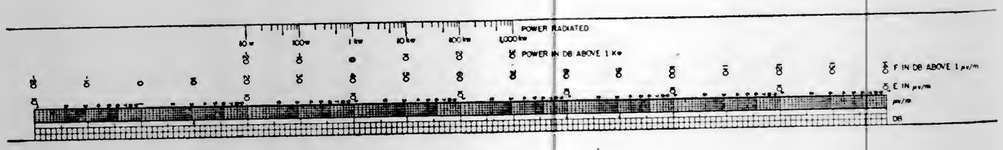
If the distance at which an acceptable ratio A is to be obtained at a given percentage of locations and for a given percentage of time T is to be determined rapidly, the solution using the above exact expression may be too laborious. A useful approximation is based on the fact that $R_d^2(T=10)+R_u^2(T=10)$ approaches $R_u(T=10)$ when $R_d(T=10)$ is much larger than $R_d(T=10)$. The approximation gives values which are low by less than 3 db when $R_u(T=10)=2.5\ R_d(T=10)$. This will always be the case in co-channel interference computations, and sometimes for adjacent channels, when considering service of the order of 90

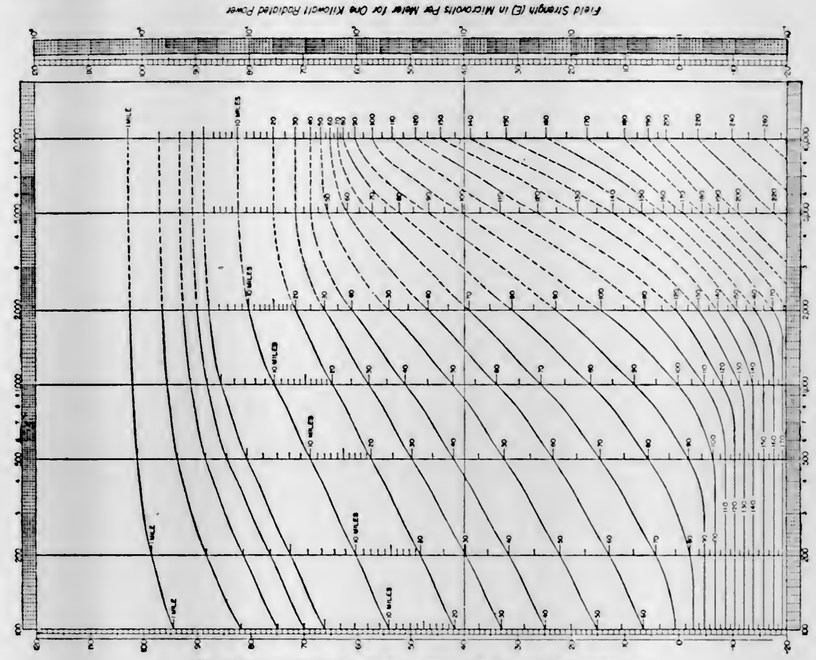
percent of the time or 70 percent of the locations. This is tantamount to assuming for the purposes of rapid calculation that the desired signal is steady and equal to its median value, and that the undesired signal alone is variable.

This makes possible simple graphical methods of computing iso-service contours completely around the desired station. For example, at a point where $F_d(50,50)$ is A decibels greater than $F_u(50,10)$, the ratio A will be exceeded at 50 percent of locations for at least 90 percent of time. Thus, the charts for the desired signal $F(50,50)$ and the tropospheric charts $F(50,10)$ of figures 1–4 can be used to determine directly the service contours for 90 percent of the time, and 50 percent of the locations.

This approximate method can also be applied to the case where it is desired to locate the contour at which an acceptable ratio is exceeded for a percentage of the locations other than 50 percent, by subtracting from the ratio A in db the value of $r(L)$ or $x(L)$ from figure 5 corresponding to the percentage of locations for which it is desired to determine the service contour. For example, if it is desired to determine the contour at which the ratio A=28 db (25:1) will be exceeded at 70 percent of the locations for at least 90 percent of the time for channels 2–13, the value (−6) db should be subtracted from the 28 db ratio, giving an adjusted ratio of 34 db. The desired contour is found to exist at the locus of points for which $F_d(50,50)$ exceeds $F_u(50,10)$ by the adjusted ratio of 34 db, as taken from the appropriate figures of proposed Appendix V. For channels 14–83 the proper value of $x(L)$ should be used, in conjunction with figures 2 and 4 of proposed Appendix V. This procedure may be used with the definitions of service set forth in section IB, for which the ratios, adjusted for the required percentages of locations, are tabulated.



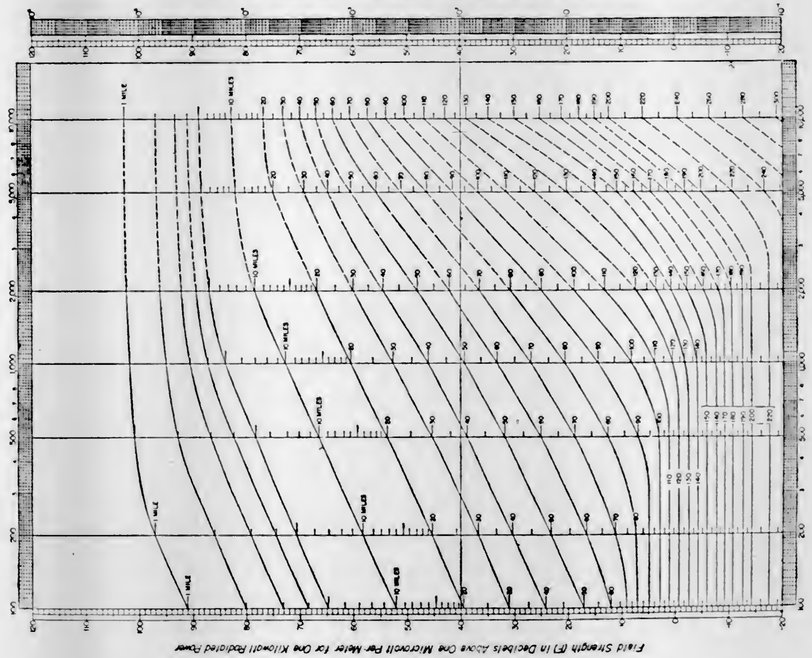




APPENDIX V

FIGURE 2 - TELEVISION CHANNELS 7 - 83

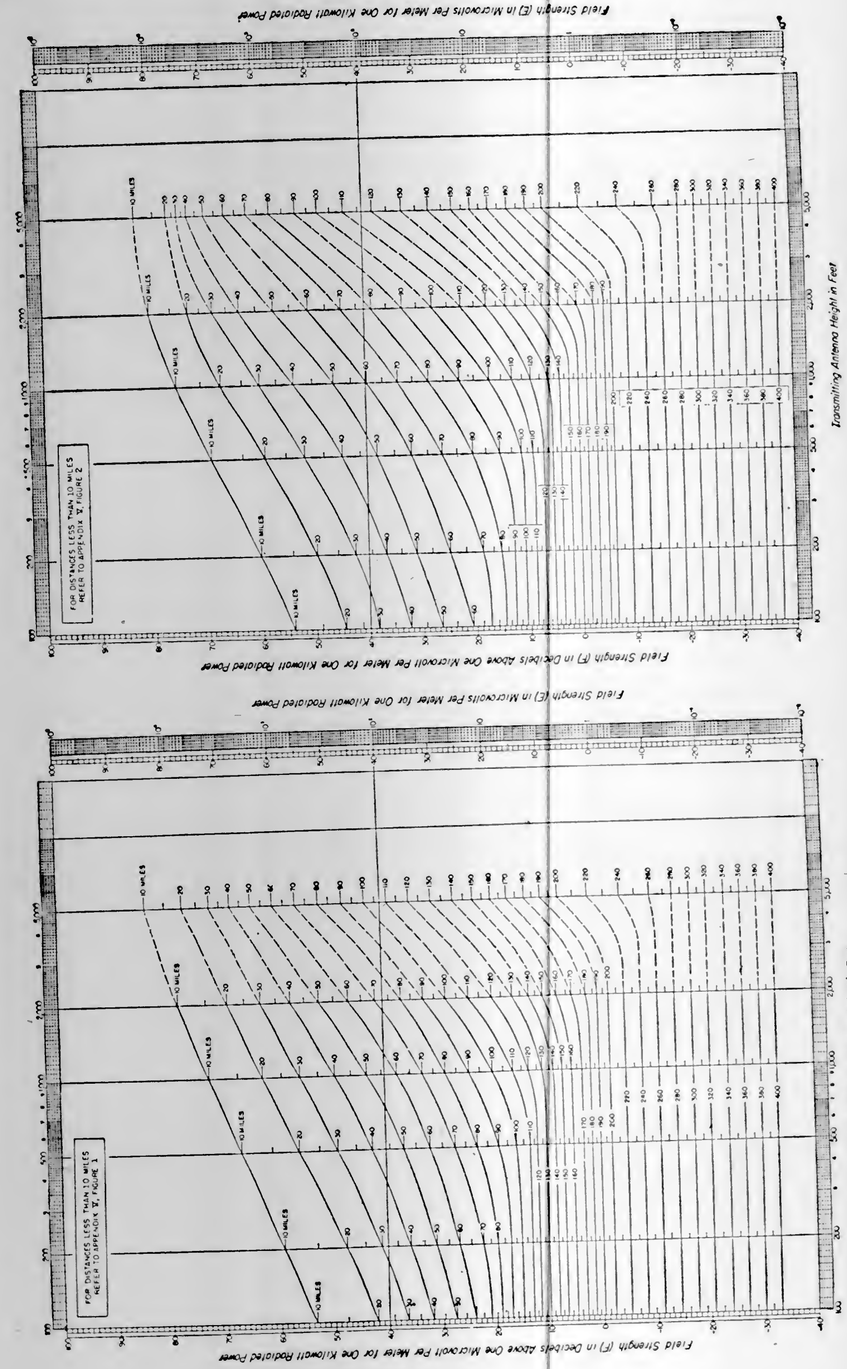
EXPECTED FIELD STRENGTH EXCEEDED AT 50 PERCENT OF THE POTENTIAL RECEIVER LOCATIONS FOR AT LEAST 50 PERCENT OF THE TIME AT A RECEIVING ANTENNA HEIGHT OF 30 FEET.



APPENDIX VI

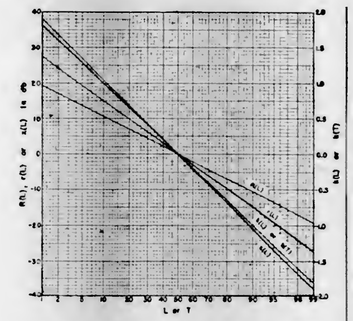
FIGURE 1 - TELEVISION CHANNELS 2 - 6

EXPECTED FIELD STRENGTH EXCEEDED AT 50 PERCENT OF THE POTENTIAL RECEIVER LOCATIONS FOR AT LEAST 50 PERCENT OF THE TIME AT A RECEIVING ANTENNA HEIGHT OF 30 FEET.



APPENDIX V
FIGURE 4 - TELEVISION CHANNELS 7 - 83
EXPECTED FIELD STRENGTH EXCEEDED AT 50 PERCENT OF THE POTENTIAL RECEIVER LOCATIONS FOR AT LEAST 10 PERCENT OF THE TIME AT A RECEIVING ANTENNA HEIGHT OF 30 FEET.

APPENDIX VI
FIGURE 3 - TELEVISION CHANNELS 2 - 6
EXPECTED FIELD STRENGTH EXCEEDED AT 50 PERCENT OF THE POTENTIAL RECEIVER LOCATIONS FOR AT LEAST 10 PERCENT OF THE TIME AT A RECEIVING ANTENNA HEIGHT OF 30 FEET.



APPENDIX V, FIGURE 6

Appendix C

Set forth below is the Commission's Table of Assignments containing the channels proposed for the various communities in the United States and its Territories:

NOTE: Channels identified with an (*) are reserved for non-commercial educational stations in accordance with paragraph VI of Appendix A.

Alabama

	VHF Channel No.	UHF Channel No.
Andalusia		29
Anniston		27
Auburn		*26
Bessemer		54
Birmingham	6, *10, 13	42, 48
Brewton		23
Clanton		14
Cullman		60
Decatur		23
Demopolis		18
Dothan	9	19
Enterprise		40
Eufaula		44
Florence		41
Fort Payne		19
Gadsden		15, 21
Greenville		49
Guntersville		40
Huntsville		31
Jasper		17
Mobile	5, 8	*42, 48
Montgomery	12	20, *26, 32
Opelika		22
Sheffield		47
Selma		58
Sylacauga		24
Talladega		64
Thomasville		27
Troy		38
Tuscaloosa		45, 51
Tuskegee		16
University	*7	

Arizona

Ajo		14
Bisbee		15
Casa Grande		18
Clifton		25
Coolidge		30
Douglas	8	
Eloy		24
Flagstaff	9, 11	
Globe		34
Holbrook		14
Kingman	6	
Mesa	12	
Miami		28
Morenci		31
Nogales		17
Phoenix	4, 5, *8, 10	
Prescott		15
Safford		21
Tucson	2, *6, 7	
Williams		25
Winslow		16
Yuma	11, 13	

Arkansas

	VHF Channel No.	UHF Channel No.
Arkadelphia		24
Batesville		30
Benton		40
Blytheville	8	64
Camden		50
Conway		49
El Dorado	10	26
Fayetteville	*13	41
Forrest City		22
Fort Smith	5	*16, 22
Harrison		24
Helena		54
Hope		15
Hot Springs	9	52
Jonesboro	8	39
Little Rock	*2, 4, 11	17, 23
Magnolia		28
Malvern		46
Morrilton		43
Newport		28
Paragould		44
Pine Bluff	7	36
Russellville		19
Searcy		33
Springdale		35
Stuttgart		14

California

Alturas	9	
Bakersfield	10	29
Brawley		25
Chico	12	
Corona		52
Delano		33
El Centro		16
Eureka	3, 13	
Fresno	12	*18, 24
Hanford		21
Los Angeles	2, 4, 5, 7, 9, 11, 13	22, *28, 34
Madera		30
Merced		34
Modesto		14
Monterey	8	
Napa		62
Oakland (see San Francisco).		
Oxnard		32
Petaluma		56
Red Bluff		16
Redding	7	
Riverside		40, 46
Sacramento	6, 10	*40, 46
Salinas		28
San Bernardino		18, *24, 30
San Buenaventura		38
San Diego	*3, 8, 10	21, 27, 33
San Francisco-Oakland	2, 4, 5, 7, *9	20, 26, 32, 38, 44
San Jose	11	48, *54, 60
San Luis Obispo	6	
Santa Barbara		26, 36
Santa Cruz		16
Santa Maria		44
Santa Paula		16
Santa Rosa		50
Stockton	13	36, *42
Tulare		27
Ukiah		18
Visalia	3	
Watsonville		22
Yreka	11	
Yuba City		52

Colorado

Alamosa		19
Boulder	*9	22
Canon City		26
Colorado Springs	10, 12	*17, 23
Craig		19
Delta		24
Denver	2, 4, *6, 7	20, 26
Durango		15
Fort Collins		44
Fort Morgan		15
Grand Junction		21
Greeley		50
La Junta		24
Lamar		18
Leadville		14
Longmont		52
Loveland		38
Montrose		18
Pueblo	3, 5, *8	28, 34
Salida		25
Sterling		25
Trinidad		21
Walsenburg		30

Connecticut

	VHF Channel No.	UHF Channel No.
Bridgeport		43, 49
Hartford		18, 24
Meriden		65
New Britain		30
New Haven	8	59
New London	3	63
Norwalk (see Stamford).		
Norwich		57
Stamford-Norwalk		27
Storrs		*26
Waterbury		53

Delaware

Dover		40
Wilmington	12	53, *59

District of Columbia

Washington	4, 5, 7, 9	20, *26

Florida

Belle Glade		25
Bradenton		28
Clearwater		52
Daytona Beach	2	
De Land		44
Fort Lauderdale		17, 23
Fort Myers	11	
Fort Pierce		19
Gainesville	*5	24
Jacksonville	4, *7, 12	30, 36
Key West		34, 20
Lake City		33
Lakeland		16, 22
Lake Wales		14
Leesburg		20
Marianna		17
Miami	*2, 4, 7, 10	
Ocala		15
Orlando	6, 9	18, *24
Palatka		17
Panama City	7	*30, 36
Pensacola	3, 10	15, *21
Quincy		54
St. Augustine		25
St. Petersburg (see Tampa).		
Sanford		35
Sarasota		24
Tallahassee	2, *11	
Tampa-St. Petersburg	*3, 8, 10, 13	24
West Palm Beach	5, 12	*15, 21

Georgia

Albany	10	25
Americus		31
Athens		60
Atlanta	2, 5, 11	*30, 36
Augusta	6, 12	
Bainbridge		35
Brunswick		28, 34
Cairo		45
Carrollton		33
Cartersville		63
Cedartown		53
Columbus	4	28, *34
Cordele		43
Dalton		25
Douglas		32
Dublin		15
Elberton		16
Fitzgerald		24
Fort Valley		18
Gainesville		52
Griffin		59
La Grange		60
Macon	13	*41, 47
Marietta		67
Milledgeville		21
Moultrie		48
Newnan		61
Rome	9	69
Savannah	3, *9, 11	
Statesboro		22
Swainsboro		20
Thomasville	6	17
Tifton		14
Toccoa		35
Valdosta	8	
Vidalia		26
Waycross		16

IDAHO

	VHF Channel No.	UHF Channel No.
Blackfoot		33
Boise	*4, 7, 9	
Burley		15
Caldwell	2	
Coeur d'Alene	12	
Emmett		24
Gooding		23
Idaho Falls	3, 8	
Jerome		17
Kellogg		33
Lewiston	3	
Moscow		*15
Nampa	6, 12	
Payette		14
Pocatello	6, 10	
Preston		41
Rexburg		27
Rupert		21
Sandpoint	6	
Twin Falls	11, 13	
Wallace		17
Weiser		20

ILLINOIS

	VHF Channel No.	UHF Channel No.
Alton		48
Aurora		16
Belleville		54
Bloomington		15
Cairo		24
Carbondale		33
Centralia	2	32
Champaign		21
Chicago	2, 5, 7, 9, *11	20, 26, 32, 38, 44
Danville		24
Decatur		17, 23
Dixon		47
Elgin		28
Freeport		23
Galesburg		40
Harrisburg		22
Jacksonville		29
Joliet		48
Kankakee		14
Kewanee		60
La Salle		35
Lincoln		53
Macomb		61
Marion		40
Mattoon		27
Moline (see Davenport, Iowa).		46
Mt. Vernon		38
Olney		16
Pekin		49
Peoria	8	*37, 43
Quincy	10	21
Rockford	13	39, *45
Rock Island (see Davenport, Iowa).		
Springfield	3	20, *26
Streator		65
Urbana	*12	27, 33
Vandalia		38
Waukegan		22

INDIANA

	VHF Channel No.	UHF Channel No.
Anderson		61
Angola		15
Bedford		30
Bloomington	4	*30, 36
Columbus		42
Connersville		38
Elkhart		52
Evansville	7	50, *56, 62
Fort Wayne		21, *27, 33
Gary		50
Indianapolis	6, 8, *13	20, 26
Hammond		56
Jasper		19
Kokomo		31
Lafayette		*47, 59
Lebanon		18
Logansport		51
Madison		35
Marion		29
Michigan City		62
Muncie		49, 55
Richmond		32
Shelbyville		58
South Bend		34, *40, 46
Tell City		31
Terre Haute	10	*57, 63
Vincennes		44
Washington		60

IOWA

	VHF Channel No.	UHF Channel No.
Algona		37
Ames	5	23
Atlantic		43
Boone		19
Burlington		32, 38
Carroll		30
Cedar Rapids	9	20, *26
Centerville		31
Charles City		18
Cherokee		11
Clinton		61
Creston		43
Davenport-Rock Island and Moline, Ill.	4, 6	*30, 36, 42
Decorah		44
Des Moines	8, *11, 13	17, 23
Dubuque		56, 62
Estherville		24
Fairfield		54
Fort Dodge		21
Fort Madison		50
Grinnell		45
Iowa City	*2	23
Keokuk		44
Knoxville		33
Marshalltown		49
Mason City	12	35
Muscatine		58
Newton		29
Oelwein		28
Oskaloosa		52
Ottumwa		15
Red Oak		32
Shenandoah		20
Sioux City	4, 9	*30, 36
Spencer		42
Storm Lake		34
Waterloo	7	10, *22
Webster City		27

KANSAS

	VHF Channel No.	UHF Channel No.
Abilene		31
Arkansas City		49
Atchison		40
Chanute		50
Colleyville		33
Colby		22
Concordia		47
Dodge City	6	23
El Dorado		55
Emporia		30
Fort Scott		27
Garden City	9, 11	
Goodland		31
Great Bend	2	28
Hays	7	20
Hutchinson	12	18
Independence		20
Iola		44
Junction City		29
Larned		15
Lawrence	*11	17
Leavenworth		54
Liberal		14
McPherson		26
Manhattan	*8	23
Newton		14
Olathe		52
Ottawa		21
Parsons		46
Pittsburg	7	38
Pratt		36
Salina		34
Topeka	13	42, *48
Wellington		24
Wichita	3, 10	16, *22
Winfield		43

KENTUCKY

	VHF Channel No.	UHF Channel No.
Ashland		59
Bowling Green	13	17
Campbellsville		40
Corbin		16
Danville		35
Elizabethtown		23
Frankfort		43
Glasgow		58
Harlan		36
Hazard		19
Hopkinsville		20
Lexington		27, 33
Louisville	3, 11	*15, 21
Madisonville		26
Mayfield		49
Maysville	7	24
Middlesborough		57
Murray		33
Owensboro		14
Paducah	6	43
Pikeville		14
Princeton		45
Richmond		60
Somerset		22
Winchester		57

LOUISIANA

	VHF Channel No.	UHF Channel No.
Abbeville		42
Alexandria	11, 13	
Bastrop		53
Baton Rouge	10	28, *34, 40
Bogalusa		39
Lafayette		21
Lake Charles		7
Monroe		8
New Iberia		51, 57
New Orleans	*2, 4, 6, 7	20, 26, 32
Opelousas		58
Ruston		29
Shreveport	3, 12	
Thibodaux		21
Winnfield		22

MAINE

	VHF Channel No.	UHF Channel No.
Auburn		23
Augusta	2	*16
Bangor		22
Bar Harbor		65
Bath		41
Belfast		59
Biddeford		29
Calais		18
Dover-Foxcroft		37
Fort Kent		24
Houlton		17
Lewiston	8	11
Millinocket		
Orono	*2	*47, 53
Portland	6, 13	19
Presque Isle	8	25
Rockland		25
Rumford		15
Van Buren		35
Waterville		

MARYLAND

	VHF Channel No.	UHF Channel No.
Annapolis		14
Baltimore	2, 11, 13	18, *24, 30
Cambridge		22
Cumberland		17
Frederick		62
Hagerstown		52
Salisbury		16

MASSACHUSETTS

	VHF Channel No.	UHF Channel No.
Barnstable		52
Boston	*2, 4, 5, 7	44, 50, 56
Brockton		62
Fall River		40, 46
Greenfield		42
Holyoke (see Springfield).		
Lawrence		38
Lowell		32
New Bedford		28, 34
Northampton		66
North Adams		13
Pittsfield		61
Springfield-Holyoke		55, 61
Worcester		14, 20

MICHIGAN

	VHF Channel No.	UHF Channel No.
Alma		41
Alpena	9	8
Ann Arbor		20, *26
Bad Axe		58, 64
Battle Creek		64
Bay City		57
Benton Harbor		42
Big Rapids		52
Cadillac		48
Cheboygan	4	
Detroit	2, 4, 7	50, *56, 62
East Lansing		28
East Tawas		34
Escanaba	13	
Flint	12	16, *22, 28
Gladstone	8	*17, 23
Grand Rapids	5	
Hancock		13
Houghton	9	27
Iron Mountain		

MICHIGAN—Continued

	VHF Channel No.	UHF Channel No.
Iron River	12	
Ironwood		31
Jackson		48
Kalamazoo	3	36
Lansing	6	54
Ludington		21
Manistee		15
Manistique		14
Marquette	3	17
Midland		19
Mount Pleasant		14
Muskegon		29, 35
Petoskey		31
Pontiac		44
Port Huron		34
Rogers City		24
Saginaw		36
Sault Ste. Marie	8, 10	28, *34
Traverse City	5	20, *26
West Branch		21

MINNESOTA

	VHF Channel No.	UHF Channel No.
Albert Lea		57
Alexandria		36
Austin	6	51
Bemidji		24
Brainerd	12	
Cloquet		44
Crookston		21
Detroit Lakes		18
Duluth-Superior, Wis	3, 6, *8	32, 38
Ely		16
Fairmont		40
Faribault		20
Fergus Falls		16
Grand Rapids		20
Hastings		29
Hibbing	10	
International Falls	11	
Little Falls		14
Mankato		15
Marshall		22
Minneapolis-St. Paul	*2, 4, 5, 9, 11	17, 23
Montevideo		19
New Ulm		43
Northfield		26
Owatonna		45
Red Wing		63
Rochester	10	55
St. Cloud	7	33
St. Paul (see Minneapolis).	*	
Stillwater		39
Thief River Falls		15
Virginia		26
Wadena		27
Willmar		31
Winona		61
Worthington		32

MISSISSIPPI

	VHF Channel No.	UHF Channel No.
Biloxi	13	*44, 50
Brookhaven		37
Canton		16
Clarksdale	6	32
Columbia		35
Columbus		28
Corinth		29
Greenville		21, 27
Greenwood		24
Grenada		15
Gulfport		56
Hattiesburg	9	17
Jackson	3, 12	*19, 25
Kosciusko		52
Laurel		33
Louisville		46
McComb		31
Meridian	11	30, *36
Natchez		29
Tuscaloosa		22
Tupelo		14
State College	*2	
Starkville		34
Tupelo		38
University		*20
Vicksburg		41
West Point	8	56
Yazoo City		49

MISSOURI

	VHF Channel No.	UHF Channel No.
Cape Girardeau	12	18
Carthage		56
Carutthersville		27
Chillicothe		14
Clinton		15
Columbia	*8	16, 22
Farmington		52
Festus		14
Fulton		24
Hannibal	7	27
Jefferson City	13	33
Joplin	12	30
Kansas City	4, 5, *9	19, 25
Kennett		21
Kirksville	12	18
Lebanon		23
Marshall		40
Maryville		26
Mexico		45
Moberly		55
Monett		14
Nevada		18
Poplar Bluff		15
Rolla		31
St. Joseph	2	30, *36
St. Louis	4, 5, *9, 11	20, 36, 42
Sedalia	6	28
Sikeston		27
Springfield	3, 10	*26, 32
West Plains		49

MONTANA

	VHF Channel No.	UHF Channel No.
Anaconda	2	
Billings	2, 8, *11	
Bozeman	*9	22
Butte	4, 6, *7	
Cut Bank		20
Deer Lodge		25
Dillon		20
Glasgow		16
Glendive		18
Great Falls	3, 5	*23
Hamilton		17
Hardin	4	
Havre	9, 11	
Helena	10, 12	
Kalispell	8	
Laurel		14
Lewistown	13	
Livingston		16
Miles City	3, *6, 10	
Missoula	*11, 13	21
Polson		18
Red Lodge		18
Shelby		14
Sidney		14
Whitefish		16
Wolf Point		20

NEBRASKA

	VHF Channel No.	UHF Channel No.
Alliance	12	21
Beatrice		40
Broken Bow		14
Columbus		49
Fairbury		35
Falls City		38
Fremont		52
Grand Island	11	21
Hastings	5	27
Kearney	13	19
Lexington		23
Lincoln	10, 12	*18, 24
McCook	8	17
Nebraska City		60
Norfolk		33
North Platte	2, 4	
Omaha	3, 6, *7	16, 22, 28
Scottsbluff	10	16
York		15

NEVADA

	VHF Channel No.	UHF Channel No.
Boulder City	4	
Carlin		14
Carson City		37
Elko	10	
Ely	3, 6	
Fallon		29
Goldfield	5	
Hawthorne		31
Henderson	2	
Las Vegas	8, *10, 13	
Lovelock		18
McGill	8	
Reno	3, 8	*21, 27
Tonopah	9	
Winnemucca	7	
Yerington		33

NEW HAMPSHIRE

	VHF Channel No.	UHF Channel No.
Berlin		26
Claremont		37
Concord		27
Durham	*11	
Keene		45
Laconia		43
Littleton		24
Manchester	9	48
Nashua		54
Portsmouth		19
Rochester		21

NEW JERSEY

	VHF Channel No.	UHF Channel No.
Asbury Park		58
Atlantic City		46, 52
Bridgeton		64
Newark	13	
New Brunswick		47
Paterson		37
Trenton		41
Wildwood		48

NEW MEXICO

	VHF Channel No.	UHF Channel No.
Alamogordo		17
Albuquerque	4, *5, 7, 13	
Artesia		21
Carlsbad-Five Points		18
Belen		24
Carlsbad	6	23
Clayton		27
Clovis	12	55
Deming		14
Farmington		17
Gallup	3, 10	
Hobbs		46
Hot Springs		19
Las Cruces		22
Las Vegas		14
Lordsburg		23
Los Alamos		20
Lovington		27
Pertales		22
Raton		46
Roswell	*3, 8, 10	
Santa Fe	2, *9, 11	
Silver City	12	
Socorro		15
Tucumcari		25

NEW YORK

	VHF Channel No.	UHF Channel No.
Albany-Schenectady-Troy	6	*17, 23
Amsterdam		52
Auburn		37
Batavia		33
Binghamton	12	40, *46
Buffalo	4, 7	17, *23
Cortland		56
Dunkirk		46
Elmira		18, 24
Glens Falls		39
Gloversville		29
Hornell		50
Ithaca		*14, 30
Jamestown		58
Malone		20
Massena		14
Middletown		60
New York	2, 4, 5, 7, 9, 11	19, *25, 31
Niagara Falls	2	
Ogdensburg		24
Olean		54
Oneonta		48
Oswego		31
Plattsburg		28
Poughkeepsie		21
Rochester	5, 10	15, *21, 27
Rome (see Utica).		
Saranac Lake		18
Schenectady (see Albany).		
Syracuse	3, 8	*43
Troy (see Albany).		
Utica-Rome	13	19, *25
Watertown		35

NORTH CAROLINA

	VHF Channel No.	UHF Channel No.
Aboskie		33
Albemarle		20
Asheville	13	*26, 62
Burlington		63
Chapel Hill	*4	
Charlotte	2, 9	36, *42
Durham	11	*40, 46
Elizabeth City		51
Fayetteville		18
Gastonia		48
Goldsboro		34
Greensboro	2	*51, 57
Greenville	9	
Henderson		52
Hendersonville		27
Hickory		30
High Point		15

NORTH CAROLINA—Continued

	VHF Channel No.	UHF Channel No.
Jacksonville		16
Kannapolis		36
Kinston		14
Lattimburg		21
Lumberton		55
Mount Airy		
New Bern	13	
Raleigh	5	*22, 28
Roenoke Rapids		30
Rocky Mount		59
Salisbury		58
Sanford		30
Shelby		40
Southern Pines		64
Statesville		
Washington	7	
Wilmington	6	26, *35
Wilson		56
Winston-Salem	12	26, *32

NORTH DAKOTA

Bismarck	5, 12	18, *24
Bottineau		16
Carrington		26
Devils Lake	8	14
Dickinson	2, 4	*17
Fargo	6, 13	*34, 40
Grafton		17
Grand Forks	*2, 10	
Harvey		22
Jamestown	7	42
Lisbon		23
Minot	*6, 10, 13	
New Rockford		20
Rugby		58
Valley City	4	32
Wahpeton		45
Williston	8, 11	*34

OHIO

Akron		49, *55, 61
Ashtabula		15
Athens		62
Bellefontaine		63
Cambridge		29
Canton		56
Chillicothe		
Cincinnati	5, 9, 12	*48, 54
Cleveland	3, 5, 8	19, *25
Columbus	4, 6, 10	*31, 40
Coshocton		30
Dayton	2, 7	*16, 22
Defiance		43
Findlay		53
Gallipolis		18
Hamilton-Middletown		65
Lancaster		58
Lima		35, 41
Lorain		31
Mansfield		36
Marion		17
Massillon		23
Middletown (see Hamilton).		
Mount Vernon		58
Newark		60
Oxford		*14
Piqua		44
Portsmouth		30
Sandusky		39
Springfield		46, 52
Steubenville		51
Tulin		47
Toledo		*30
Warren	11, 13	24
Youngstown		27, 33
Zanesville		50

OKLAHOMA

Ada		59
Altus		36
Alva		30
Anadarko		58
Ardmore		25
Bartlesville		12
Blackwell		53
Chickasha		64
Claremore		15
Clinton		22
Duncan		30
Durant		27
Elk City		15
El Reno	12	50
Enid	5	21, *27
Frederick		44
Guthrie		48
Guymon		20
Hobart		23
Holdenville		14
Hugo		21

OKLAHOMA—Continued

	VHF Channel No.	UHF Channel No.
Lawton	11	*28, 34
McAlester		47
Miami		58
Muskogee	8	39, *45
Norman		31, *37
Oklahoma City	7, 9, *13	19, 25
Okmulgee		26
Pauls Valley		61
Ponca City		40
Pryor Creek		64
Sapulpa		42
Seminole		59
Shawnee		53
Stillwater		20
Tulsa	2, *4, 6	17, 23
Vinita		28
Woodward	8	

OREGON

Albany		55
Ashland		14
Astoria		30
Baker		37
Bend		15
Burns		16
Corvallis		40
Eugene	*7	20, 26
Grants Pass	*9	30
Klamath Falls	2	
La Grande	13	
Lebanon		43
McMinnville		46
Medford	4, 5	
North Bend		16
Pendleton		28
Portland	6, 8, *10, 12	21, 27
Roseburg		38
Salem	3	*18, 24
Springfield		37
The Dalles		32

PENNSYLVANIA

Allentown		39, 45
Altoona		19, 25
Bethlehem		51
Bradford		48
Butler		43
Chambersburg		46
Du Bois		31
Easton		57
Emporium		42
Erie	12	35, *41
Harrisburg		27, 33
Hazleton		64
Johnstown	6	56
Lancaster	8	21
Lebanon		15
Lewistown		38
Meadville		35
New Castle		45
Oil City		64
Philadelphia	3, 6, 10	17, 23, 29, *35
Pittsburgh	2, 11, *13	47, 53
Reading		55, 61
Scranton		16, 22
Sharon		39
State College		*44
Sunbury		65
Uniontown		14
Washington		63
Wilkes-Barre		28, 34
Williamsport		36
York		43, 49

RHODE ISLAND

Providence	10, 12	16, *22

SOUTH CAROLINA

Aiken		54
Anderson		58
Camden		14
Charleston	2, 5, *13	
Columbia	7, 10	*19, 25
Conway		23
Florence	8	
Georgetown		27
Greenville	4	23, *29
Greenwood		21
Lake City		55
Lancaster		31
Laurens		45
Marion		43
Newberry		57
Orangeburg		41
Rock Hill		61
Spartanburg		17

SOUTH CAROLINA—Continued

	VHF Channel No.	UHF Channel No.
Sumter		47
Union		65

SOUTH DAKOTA

Aberdeen	9	17
Belle Fourche		24
Brookings	*4	23
Hot Springs		17
Huron	13	15
Lead	5	21
Madison		46
Mitchell	3	20
Mobridge		27
Pierre	6, 10	22
Rapid City	7	13
Sioux Falls	11, 13	38, *44
Sturgis	*2	20
Vermillion	8	41
Watertown	5	33
Winner		18
Yankton		17

TENNESSEE

Athens		11
Bristol	5	46
Chattanooga	3, 12	43, 49, *55
Clarksville		53
Cleveland		38
Columbia		29
Cookeville		24
Covington		10
Dyersburg		40
Elizabethton		40
Fayetteville		27
Gallatin		48
Harriman		4
Humboldt		37
Jackson	9	16
Johnson City	11	31
Kingsport		28
Knoxville	6, 10	*20, 26
Lawrenceburg		30
Lebanon		18
McMinnville		42
Maryville		42
Memphis	5, *10, 13	42, 48
Morristown		54
Murfreesboro		18
Nashville	*2, 4, 8	30, 36
Oak Ridge		32
Paris		24
Pulaski		44
Shelbyville		42
Springfield		42
Tullahoma		56
Union City		52

TEXAS

Abilene	9	32, 34
Alice		
Alpine	12	
Amarillo	*2, 4, 5, 7, 10	
Athens	7	18, 24, *30
Austin		36
Baltimore		42
Bay City		60
Beaumont-Port Arthur	4, 6	31, *37
Beeville		18
Big Spring	4	47
Bonham		52
Bonet		14
Brady		54
Breckenridge		19
Brenham		62
Brownfield		40
Brownsville	4, 5	
Brownwood		19, 54
Bryan		48
Childress		44
Cleburne		67
Coleman		18
College Station	*3	25
Conroe		61
Corpus Christi	6, 10	*16, 22
Corsicana		24
Crockett		19
Crystal City		63
Cuero		19
Dalhart		70
Dallas	4, 8, *13	23, 29
Del Rio		63
Denison	*2	55
Denton		74
Eagle Pass		10
Edinburg		60
El Campo		29, 34
El Paso	2, 4, 5, *7	40
Falfurrias		47
Floydada		28
Fort Stockton		26

TEXAS—Continued

	VHF Channel No.	UHF Channel No.
Fort Worth	5, 10	20, *26
Gainesville		49
Galveston	11	35, 41, *47
Gonzales		64
Greenville		62
Harlingen		23
Hebbronville		58
Henderson		42
Hereford		19
Hillsboro		63
Houston	2, *8, 13	23, 29
Huntsville		15
Jacksonville		36
Jasper		49
Kermit		14
Kilgore		59
Kingsville		40
Lamesa		28
Lampasas		40
Laredo	*13	
Levelland		38
Littlefield		32
Longview		32, 38
Lubbock	11, 13	*20, 26
Lufkin	9	46
McAllen		20
McKinney		65
Marfa		10
Marshall		16
Mercedes		32
Mexia		50
Midland	2	18
Mineral Wells		38
Mission		14
Monahans	5	
Mount Pleasant		35
Nacogdoches		40
New Braunfels		62
Odessa	7	24
Orange		44
Pampa		17
Paris		53
Pearsall		31
Pecos		16
Perryton		23
Plainview		29
Port Arthur (see Beaumont).		
Quanah		42
Raymondville		42
Rosenberg		17
San Angelo	6, 8	17, *21
San Antonio	4, 5, *9, 12	35, 41
San Benito		48
San Marcos		53
Seguin		14
Seymour		24
Sherman		46
Snyder		34
Stephenville		32
Sulphur Springs		41
Sweetwater	12	
Taylor		58
Temple		10, 22
Terrell		53
Texarkana	6	*18, 24
Tyler	7	19
Uvalde		20
Vernon		18
Victoria		19
Waco	11	*28, 34
Waxahachie		45
Weatherford		51
Wichita Falls	3, 6	*16, 22

UTAH

Brigham		36
Cedar City	5	
Logan	2	30
Ogden	12	*18, 24
Price	11	
Provo	9	22, *28
Richfield	13	
St. George		18
Salt Lake City	4, 5, *7	20, 26
Tooele		44

VERMONT

Bennington		33
Brattleboro		58
Burlington		*16, 22
Montpelier	3	20
Newport		46
Rutland		49
St. Albans		51
St. Johnsbury		30

VIRGINIA

Blacksburg		*20
Charlottesville		*45

VIRGINIA—Continued

	VHF Channel No.	UHF Channel No.
Covington		44
Danville		24
Emporia		26
Farmville		10
Fredericksburg		47
Front Royal		39
Harrisonburg		34
Lexington		58
Lynchburg	13	16
Marion		50
Martinsville		35
Newport News		33
Norfolk-Portsmouth	10, 12	15, *21, 27
Norton		52
Petersburg	8	41
Portsmouth (see Norfolk).		
Pulaski		37
Richmond	3, 6	*23, 29
Roanoke	7, 10	27, *33
South Boston		14
Staunton		39
Waynesboro		42
Williamsburg		17
Winchester		28

WASHINGTON

Aberdeen		58
Anacortes		34
Bellingham		18, 24
Bremerton		41, 49
Centralia		17
Ellensburg		47
Ephrata		44
Everett		22, 28
Grand Coulee		37
Hoquiam		52
Kelso		20
Kennewick		25
Longview		53
Olympia		45
Pasco		19
Port Angeles		16
Pullman	*10	24
Richland		31
Seattle	4, 5, 7, *9	20, 26
Spokane	2, 4, 6, *7	
Tacoma	11, 13	*56, 62
Walla Walla	5, 8	
Wenatchee		33
Yakima		23, 29

WEST VIRGINIA

Beckley		21
Bluefield		41
Charleston	3	*43, 49
Clarksburg	12	22
Elkins		40
Fairmont		35
Hinton		24
Huntington	8, 13	*33
Logan		23
Martinsburg		38
Morgantown		*24
Parkersburg		15
Welch		27
Weston		32
Wheeling	7, 9	*37
Williamson		17

WISCONSIN

Appleton		42
Ashland		15
Beaver Dam		57
Beloit		57
Eau Claire	13	*19, 25
Fond du Lac		54
Green Bay	6	
Janesville		63
Kenosha		61
La Crosse	8	*32, 38
Madison	3	*21, 27, 33
Manitowoc		45
Marinette	11	32, *38
Milwaukee	4, *10, 12	19, 25, 31
Oshkosh		48
Portage		17
Prairie du Chien		54
Racine		49, 55
Rhinelander		22
Rice Lake		21
Richland Center		15
Sheboygan		59
Sparta		50
Stevens Point		20, 26
Sturgeon Bay		44
Superior (see Duluth, Minn.).		
Wausau	7	16
Wisconsin Rapids		14

WYOMING

	VHF Channel No.	UHF Channel No.
Buffalo		29
Casper	2, 6	
Cheyenne	11, 13	
Cody		26
Douglas		14
Evanston		14
Green River		16
Greybull		49
Gillette		24
Lander		17
Laramie	*8	18
Lovell		38
Lusk		14
Newcastle		28
Powell		30
Rawlins	12	
Riverton	10	
Rock Springs	13	
Sheridan	9, 12	
Thermopolis		15
Torrington		27
Wheatland		24
Worland		34

U. S. TERRITORIES

PUERTO RICO

Arecibo	13	
Caguas	11	
Mayaguez	5, 5	
Ponce	7, 9	
San Juan	2, 4, *6	

ALASKA

Anchorage	2, *7, 11, 13	
Fairbanks	2, 4, 7, *9, 11, 13	
Juneau	*3, 8, 10	
Ketchikan	2, 4, *9	
Seward	4, 9	
Sitka	13	

HAWAIIAN ISLANDS

Lihue, Kauai	3, *8, 10, 12	
Honolulu, Oahu	*2, 4, 7, 9, 11, 13	
Wailuku, Maui	3, 8, *10, 12	
Hilo, Hawaii	2, *4, 7, 9, 11, 13	

VIRGIN ISLANDS

Christiansted	8	
Charlotte Amalie	10, 12	

APPENDIX D

CANADA

ALBERTA

	VHF Channel No	UHF Channel No.
Calgary	2, 4, 10, 12	17, 23, 29, 35
Edmonton	3, 5, 11, 13	
Grande Prairie	2	
Lacombe	8	
Lethbridge	7	23
Medicine Hat	6	15

BRITISH COLUMBIA

Chilliwack	12	42
Cranbrook		10
Fernie		24
Kamloops	4	16
Kelowna	14	24
Nanaimo		48
Nelson	8	17
New Westminster (see Vancouver).		
Penticton		15
Port Alberni		19
Prince Rupert	6, 7	
Trail	11	14
Vancouver-New Westminster	6, 8, 10	14, 30, 36
Vernon	2	27
Victoria	2	40, 46

CANADA—Continued

MANITOBA

	VHF Channel No.	UHF Channel No.
Brandon	5, 9, 11	21, 32
Flin Flon	3	
Dauphin	8	14
Portage la Prairie		34
St. Boniface (see Winnipeg).		
Winnipeg-St. Boniface	4, 6, 7, 13	18, 24, 30, 36, 42

NEW BRUNSWICK

Campbellton	12	20
Edmundston	10	27
Fredericton	9	28
Moncton		16
Newcastle		18
St. John	4, 6	17, 23
St. Stephen		26
Sackville	8	22
Woodstock		30

NOVA SCOTIA

Amherst		41
Antigonish	9	34
Lockhewater	10	43
Halifax	3, 5, 12	15, 21, 27, 37
Kentville		19
New Glasgow		18
Sydney	2, 4, 6	15, 21
Truro		31
Windsor		25
Yarmouth	13	14

ONTARIO

Barrie		14
Belleville		39
Brantford		16
Brockville		46
Chatham		14
Cornwall		36
Fort Frances	5	19
Fort William (see Port Arthur).		
Guelph		55
Hamilton	11	51, 57
Kenora	9	22
Kingston		26, 44
Kitchener		45
Kirkland Lake	9	18
London	10	29
Niagara Falls		15
North Bay	10	53
Oshawa		30
Orillia	3	

CANADA—Continued

ONTARIO—continued

	VHF Channel No.	UHF Channel No.
Ottawa-Hull	4, 9, 11	30, 40
Owen Sound	8	26
Pembroke	13	32
Peterborough		22
Port Arthur-Fort William	2, 4	14, 20, 30
St. Catherines		49
St. Thomas		24
Sarnia		40
Sault Ste. Marie	2, 12	22
Smiths Falls		42
Stratford		27
Sudbury	5, 7	17, 23
Timmins	6	
Toronto	6, 9, 11	19, 25
Windsor	9	32, 38
Wineham		36
Woodstock		47

PRINCE EDWARD ISLAND

Charlottetown	13	11
Summerside	11	20

QUEBEC

Chicoutimi	2, 12	14
Drummondville		29
Granby		23
Hull (see Ottawa, Ont.).		
Joliette		20
Matane		23
Montreal-Verdun	2, 6, 7, 10, 12	15, 44
New Carlisle	2	14
Quebec	4, 5, 9, 11	29, 30
Riviere du Loup	6	50
Rimouski	3	21
Roberval		17
St. Hyacinthe		50
Ste. Anne de la Pocatiere	13	33
Shawinigan Falls		27
Sherbrooke		42, 48
Sorel		17
Thetford Mines		31
Three Rivers		21
Valleyfield		38
Verdun (see Montreal).		
Victoriaville		37

SASKATCHEWAN

Gravelbourg		22
Moose Jaw	4, 7	18, 21
North Battleford	3	
Prince Albert	11	
Regina	2, 9, 12	21, 27

CANADA—Continued

SASKATCHEWAN—continued

	VHF Channel No.	UHF Channel No.
Saskatoon	8, 13	
Swift Current		14
Watrous	6	30
Yorkton	3	17

MEXICO

BAJA CALIFORNIA

	VHF Channel No.
Tijuana	6, 12
Mexicali	7, 9

SONORA

Nogales	9, 11, 13
Hermosillo	2, 4, 6
Ciudad Obregon	3, 7, 9
Navojoa	8, 11, 13

CHIHUAHUA

Chihuahua	2, 4, 7
Hidalgo del Parral	3
Ciudad Juarez	9, 11, 13

COAHUILA

Saltillo	4
Piedras Negras	2
Villa Acuna	10

NUEVO LEON

Monterrey	2, 6, 10, 12

TAMAULIPAS

Nuevo Laredo	11, 13
Matamoros	7
Reynosa	9

[F. R. Doc. 51-4240; Filed, Apr. 6, 1951; 8:59 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

STATEMENT OF ORGANIZATION AND FUNCTIONS

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE AND OFFICE OF THE DIRECTOR OF CIVILIAN MARKSMANSHIP

The statement of organization and functions which appeared at 15 F. R. 535, February 1, 1950, is amended by changing subparagraphs (2) and (4) (xii) of paragraph (a), section 2, to read as follows:

SEC. 2. *Organization and functions of agencies dealing with the public*—(a) *The National Board for the Promotion of Rifle Practice and Office of the Director of Civilian Marksmanship.* * * *

(2) *Location.* The Offices of Executive Officer, National Board for the Promotion of Rifle Practice and Director of Civilian Marksmanship, are located in Rooms 727-738, Old Post Office Building, 12th and Pennsylvania Ave., N. W., Washington, D. C.

The mailing address of each is as follows:

National Board for the Promotion of Rifle Practice
Department of the Army
Washington 25, D. C.

Director of Civilian Marksmanship
Department of the Army
Washington 25, D. C.

* * * * *

(4) *Functions of Director of Civilian Marksmanship.* * * *

(xii) It has been the practice since 1925 to appoint the same officer both as Executive Office of the National Board and the Director of Civilian Marksmanship. Colonel James F. Strain, Infantry, is presently assigned to those duties.

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-4159; Filed, Apr. 6, 1951; 8:49 a. m.]

STATEMENT OF ORGANIZATION AND FUNCTIONS

OFFICE OF THE SURGEON GENERAL

The statement of organization and functions which appeared at 15 F. R. 535, February 1, 1950, is amended by changing paragraph (g), section 2, covering the Office of the Surgeon General, to read as follows:

SEC. 2. *Organization and functions of agencies dealing with the public.* * * *

(g) *Office of the Surgeon General*—(1) *Mission.* Under the direction and control of Assistant Chief of Staff, G-4, to formulate medical and sanitary plans, policies, and procedures and provide and conduct programs to insure health of the Army.

(2) *Origin and development.* The first medical establishment in the United States Army was created by a resolution of Congress dated July 27, 1775. The Medical Department and the Office of The Surgeon General have had a continuous existence since 1818. Previous to that time Congress provided a medical organization for the Army only in time of war or emergency. The Medical Department was authorized and its organization initially prescribed by the act of July 28, 1866 (14 Stat. 334).

(i) *Military rank.* Medical officers received definite military rank in 1847. Shortly before the Mexican War The Surgeon General introduced a system of reporting cases and began a series of annual statistical reports. The Civil War produced field hospitals, a better managed medical supply, and a better method of evacuating casualties from the battlefield. The Spanish-American War was an object lesson in the importance of preventive medicine and in the utility of dentist and female nurses.

(ii) *World War I.* The unprecedented size of the Army, the remoteness of the battlefronts, injuries from gas warfare, and the necessity for exploiting new medical specialties combined to create new problems in World War I. To meet these problems, the Medical Department conducted mass training for officers and enlisted men, utilized motor transport in evacuating patients, appointed top-ranking experts in the various specialties as consultants, made extensive use of mental testing, and set aside certain hospitals for the treatment of particular diseases and injuries.

(iii) *World War II.* In World War II, many important changes in the organization and methods of the Medical Department were necessary to utilize the newer developments in medicine and to serve an army fighting a global war in every kind of natural environment. With a total strength of more than 600,000 (as compared to 340,000 in World War I), the Medical Department added to and broadened its services. Typical of this expansion were the vastly enlarged program of preventive medicine, the greater use of psychiatry to prevent as well as to cure mental disorders, and the new emphasis on reconditioning physical and mental casualties for military duty. For the first time, sulfa drugs, penicillin, and an extensive whole-blood and plasma treatment were employed in war medicine and surgery.

(iv) *Consultants.* Since VJ-day, two of the most important features of Medical Department policy have been the continuation of the use of distinguished civilian consultants on a part-time basis as advisers in professional care and medical instruction and the establishment of a program of postgraduate professional education in Army General hospitals and civilian institutions.

(3) *Legal basis.* (i) The authority for assignment of general powers and duties to The Surgeon General by this paragraph is section 206, Public Law 581, 81st Congress (Army Organization Act of 1950).

(ii) Section 307, Public Law 581, 81st Congress, changed the name of the Medical Department to the Army Medical Service, and prescribes its composition.

(4) *Dual responsibility.* The Surgeon General is the Chief of the Army Medical Service and the senior medical technical staff adviser of the Department of the Army. The Army Medical Service is comprised of the Medical Corps, the Dental Corps, the Veterinary Corps, the Army Nurse Corps, the Medical Service Corps, and the Women's Medical Specialist Corps.

(5) *Major functions*—(i) *Policy.* Formulates and recommends policies concerning physical, mental health, and psychological standards, including those for selection and induction of military personnel, and formulates policies for the health of the Army, care of the sick and wounded, evacuation, hospitalization, and reconditioning of military personnel, the veterinary service as it pertains to military animals, and the inspection of food of animal origin.

(ii) *Manpower.* Develops plans for the conservation of manpower through the prevention of disease and injury, including the pursuance of research and development in the field of prevention, diagnosis, treatment and rehabilitation of diseases, wounds, and injuries.

(iii) *Medical supplies.* Formulates policies, plans, and programs for research, development, design, and standardization of all items of medical equipment and supplies required by the Army; determines procurement policies and procedures; plans future requirements; and supervises storage, distribution, and maintenance of medical supplies and equipment in accordance with Department of the Army policies.

(iv) *Staff supervision.* Exercises technical staff supervision and performs such technical inspections as the Chief of Staff may prescribe to assure maximum efficiency and economy in utilization of the medical means available.

(v) *Command responsibility.* Commands and controls troop activities, including the training of Army Medical Service troops and the assignment of personnel and services in class II Army Medical Service installations and activities.

(vi) *Patients.* Controls the distribution of patients in class II Army Medical Service installations.

(vii) *Hospital funds.* Functions as custodian of the Central Hospital Funds, United States Army, and maintains technical supervision over the utilization of all hospital funds.

(viii) *Records and reports.* Administers an Army-wide system of individual medical records and medical statistical reporting.

(6) *Organization*—(i) *Medical Research and Development Board.* Plans, coordinates, administers, and supervises the Army Medical Service program of research and development and directs and supervises Army Medical Service research and development, both in governmental and civilian laboratories.

(ii) *Special Projects Office.* (a) Formulates applicable policies, plans, procedures, and coordinates the work of the various divisions concerned with medical problems associated with preventive and therapeutic measures in defense against atomic bombs, radiological defense and biological warfare, and special projects as they may arise.

(b) Maintains liaison with the Atomic Energy Commission, Armed Forces Special Weapons Project, and other Department of Defense agencies.

(iii) *Fiscal Office.* (a) Formulates and effectuates criteria for Army Medical Service budget preparation and performance.

(b) Prescribes and administers technical standards, fiscal methods, procedures, and operations to implement principles, concepts and plans relating to monetary, cost accounting, and property audit matters of the Army Medical Service.

(iv) *Administrative Office.* Supervises supply, equipment, and general office needs; supplies or procures drafting, duplicating, and printing services; reviews and processes publications; receives and distributes communications; and supervises record administration and the retirement of record in the office of The Surgeon General and at class II Army Medical Service installations and activities.

(v) *Technical Information Office.* Represents The Surgeon General in all matters of public information in accordance with Department of Army directives.

(vi) *Legal Office.* Serves as general counsel for The Surgeon General and the divisions of the Office of The Surgeon General.

(vii) *Management Improvement Office.* (a) Coordinates, reviews, and provides over-all planning of the management improvement program of The Surgeon General.

(b) Furnishes necessary coordination and guidance to the divisions of the Office of The Surgeon General on matters pertaining to management improvement.

(viii) *Personnel Division.* (a) Plans, initiates, develops, or implements action to secure procurement, classification, allotment, assignment, utilization, promotion, demotion, and separation of commissioned personnel of the Army Medical Service, including regular and Reserve components.

(b) Furnishes staff advice, makes recommendations, and initiates action for the establishment of policies on matters pertaining to classification and employment of warrant officers and enlisted personnel on duty with the Army Medical Service in all commands, including regular and Reserve components.

(c) Initiates action for the classification, assignment, replacement, and disposition of enlisted personnel and warrant officers on duty at class II Army Medical Service installations and table of organization units under the control of The Surgeon General, and determines policies to govern personnel of the Women's Army Corps on duty within the above-mentioned installations.

(d) Determines personnel requirements for the Office of The Surgeon General and for class II installations and activities, recommends authorizations for organizational elements and installations, and assures compliance with personnel authorization limitations.

(e) Formulates plans and policies for the execution of the Career Guidance Program.

(f) Plans and administers the civilian personnel program prescribed by the

Army, including recruitment and placement, classification and wage administration, personnel transactions, training, and personnel relations, and supervises the program in class II Army Medical Service installations and activities.

(ix) *Physical Standards Division.* (*a*) Formulates standards to be established by Army Regulations for admission into and continuance in the service of all Army personnel, including physical standards for cadets at the United States Military Academy.

(*b*) Reviews physical examinations, disposition boards' records forwarded to the Office of The Surgeon General, retiring boards' records, and other records and papers.

(*c*) Gives policy guidance and inspects the medical operations of enlisting installations, joint examining and induction stations, and separation points.

(x) *Education and Training Division.* (*a*) Provides programs and facilities to fulfill the Army Medical Service training missions, based upon current requirements for trained enlisted technicians and officer personnel during peace and in the event of mobilization.

(*b*) Plans and promulgates principles, doctrines, and programs for Army Medical Service training activities for regular and Reserve components.

(*c*) Insures preparation of training literature and audiovisual aids for which the Army Medical Service is responsible.

(*d*) Supervises the application and evaluates the progress of Army Medical Service training in civilian institutions and military installations under the command of The Surgeon General.

(*e*) Coordinates Army Medical Service training matter with military and civil agencies.

(*f*) Directs the Medical Affiliation Program.

(xi) *Resources Analysis Division.* (*a*) Assures that prospective programs and objectives of The Surgeon General are planned in the light of available resources in personnel and facilities and develops planning for the efficient use of resources so that optimum accomplishments of the mission of The Surgeon General will result.

(*b*) Estimates bed requirements and availabilities of major commands, develops plans for distribution of bed capacities in all hospitals in the continental United States, and recommends authorized patient capacities at individual installations.

(*c*) Estimates Army Medical Service personnel requirements and availabilities of major commands, develops plans for distribution of Army Medical Service personnel to major commands, and reviews requisitions for Army Medical Service personnel in light of planned distribution.

(*d*) Prepares basic estimates for and participates in planning pertaining to utilization of Army Medical Service resources in personnel and facilities.

(xii) *Preventive Medicine Division.* (*a*) Initiates and conducts epidemiological studies, analyzes and evaluates disease incidence data, investigates health hazards and sanitary defects in the Army, and initiates measures for their control or elimination.

(*b*) Furnishes information, material, and advice for the training and indoctrination of military personnel in disease prevention and environmental sanitation.

(*c*) Initiates and guides research in military preventive medicine in collaboration with the Medical Research and Development Board.

(*d*) Provides medical intelligence for the Army.

(*e*) Advises on nutritional problems as they effect the health of military personnel and civil populations under Army control.

(*f*) Advises on policies and plans for public health procedures, practices, and personnel in occupied territories.

(*g*) Plans and supervises the Army industrial medical program for all plants operated by the Army to assure elimination of industrial health hazards, improvement of working conditions in these plants, and development of improved industrial medical procedures, methods, and devices through the Army Industrial Hygiene Laboratory.

(xiii) *Medical Statistics Division.* (*a*) Devises and maintains a comprehensive program for the collection, compilation, and analysis of medical statistical data pertaining to the health of the Army and the operation of the Army Medical Service and to the physical examinations of registrants examined for induction into any of the Armed Forces.

(*b*) Prepares reports and analyses of Army health conditions and related matters and physical examination findings needed by the Army Medical Service and other officials and groups concerned with medical investigations and development.

(*c*) Advises The Surgeon General and the various elements of the Office of The Surgeon General on statistical matters.

(xiv) *Supply Division.* (*a*) Determines the medical supplies and equipment required for the planned troop strength and the medical programs of the Army, including prevention of disease among civilian population in theaters of operation, and for foreign military and civilian assistance programs.

(*b*) Supervises the procurement, storage, distribution, reconditioning, and disposition of medical supplies and equipment.

(*c*) In conjunction with the Surgeons General of the Navy and the Air Force, supervises the operations and the activities of the Armed Services Medical Procurement Agency, which are placed under the cognizance of the Army by the charter for the Armed Services Medical Procurement Agency.

(xv) *Medical Plans and Operations Division.* Performs primary staff and operating responsibility for the domestic and oversea medical service, for mobilization and related planning, and for other planning projects which do not fall within other divisions of The Surgeon General's Office. This includes:

(*a*) Custodianship of the Central Hospital Fund and supervision of subordinate funds.

(*b*) Operation and maintenance of assigned class II Army Medical Service installations and activities.

(*c*) Evacuation and hospitalization services.

(*d*) Medical facilities planning.

(*e*) Hospital management engineering.

(*f*) Development and preparation of organization and equipment authorization tables.

(xvi) *Medical Service Corps Division.* (*a*) Advises The Surgeon General on Medical Service Corps administrative matters; reviews reports; and analyzes special problems.

(*b*) Formulates Medical Service Corps policy and makes recommendations on table of organization requirements and distribution of Medical Service Corps officers.

(*c*) Advises on career management of Medical Service Corps officers.

(xvii) *Dental Division.* (*a*) Prepares plans and policies for and supervises the administration of the Dental Corps and its service, including plans with respect to personnel, equipment, supplies, and the professional procedures involved in dental treatment.

(*b*) Makes recommendations on matters relating to the dental health of the Army.

(xviii) *Women's Medical Specialist Corps Division.* (*a*) Formulates Women's Medical Specialist Corps policies and makes recommendations on table of organization requirements, distribution, procurement, promotion, separation, and training of Women's Medical Specialist Corps officers.

(*b*) Advises on Career Management Program for officers in the Women's Medical Specialist Corps.

(xix) *Veterinary Division.* (*a*) Exercises technical and administrative supervision of the Veterinary Corps and its service, including all professional activities.

(*b*) Maintains liaison with the civilian veterinary professions and veterinary activities of other Federal agencies.

(xx) *Professional Consultants Divisions.* Individual divisions comprised of specialists in medicine, surgery, physical medicine, neuropsychiatry, radiology, and medical laboratory service, respectively, are charged with adapting to the needs of the Army the best professional practice with respect to treatment in their fields. The divisions develop the policy and practice of the Army Medical Service in their specialties; prepare pertinent advice, instructions, and bulletins; make inspections; review reports and special problems; maintain liaison with civilian agencies; and advise on the recruitment, training, and assignment of properly qualified professional personnel.

(xxi) *Nursing Division.* Provides nursing service for military personnel; maintains general supervision of nursing activities; formulates and recommends professional standards; and recommends policies and programs on procurement, promotion, and separation of nurses, as well as on Army nursing in general.

(xxii) *Medical Department installations.* The following named Class II medical installations are under the direct command and supervision of the Surgeon General.

(*a*) Army Medical Center, Washington 12, D. C., which includes the following activities:

(*1*) Walter Reed General Hospital.

(2) Army Medical Department Research and Graduate School.

(3) Central Dental Laboratory.

(*4*) Army Prosthetics Research Laboratory.

(5) Atlas Project.

(6) Ocular Injury Research Project.

(*b*) Army and Navy General Hospital, Hot Springs, Arkansas.

(*c*) Fitzsimons General Hospital, Denver, Colorado, which includes the following units:

(*1*) Minimal Tuberculosis Research Unit.

(2) TB Nutrition and Metabolic Unit.

(*d*) Murphy General Hospital, Waltham, Massachusetts.

(*e*) Oliver General Hospital, Augusta, Georgia.

(*f*) Percy Jones General Hospital, Battle Creek, Michigan.

(*g*) Valley Forge General Hospital, Phoenixville, Pennsylvania.

(*h*) Army Medical Library, 7th & Independence Avenue, SW., Washington 25, D. C.

(*i*) Army Medical Library, Cleveland Branch, 11000 Euclid Ave., Cleveland, Ohio.

(*j*) Louisville Medical Depot, Louisville 1, Kentucky.

(*k*) St. Louis Medical Depot, 12th and Spruce Streets, St. Louis 2, Missouri.

(*l*) San Francisco Medical Depot, Building 590, Oakland Army Base, Oakland 14, California.

(xxiii) *Medical Department activities.* The following listed Class II medical activities are under direct command and administrative supervision of the Surgeon General but are Physically located at Class I or Class II installations under other commands:

(*a*) Armed Forces Institute of Pathology, 7th and Independence Ave., SW., Washington 25, D. C., including the following:

(*1*) Department of Pathology.

(2) Medical Illustration Service.

(3) American Registry of Pathology.

(*4*) Medical Museum.

(*b*) Army Industrial Hygiene Laboratory, Edgewood Arsenal, Maryland.

(*c*) Brooke Army Medical Center, Fort Sam Houston, Texas, which includes the following:

(*1*) Brooke General Hospital.

(2) Medical Field Service School.

(3) Fourth Army Area Laboratory.

(*4*) Central Dental Laboratory.

(5) Surgical Research Unit.

(*d*) Letterman General Hospital, San Francisco, California.

(*e*) Madigan General Hospital, Fort Lewis, Washington.

(*f*) Medical Detachment, U. S. Naval Hospital, Long Beach, California.

(*g*) Medical Detachment, U. S. Naval Hospital, Portsmouth, Virginia.

(*h*) Medical Detachment, U. S. Naval Hospital, St. Albans, Long Island, New York.

(*i*) Medical Detachment, U. S. Naval Hospital, Great Lakes, Illinois.

(*j*) Medical Department Field Research Laboratory, Fort Knox, Kentucky.

(*k*) Medical Nutrition Laboratory, 1849 W. Pershing Road, Chicago, Illinois.

(*l*) Traveling Veterinary Inspector, c/o Chicago Quartermaster Depot, 1819 Pershing Road, Chicago, Illinois.

(*m*) William Beaumont General Hospital, Fort Bliss, Texas.

(xxiv) *Armed Services Medical Procurement Agency.* The Armed Services Medical Procurement Agency, 84 Sands Street, Brooklyn 1, New York, is under the joint supervision of the Surgeons General of the Army, Navy, and Air Force. It is the joint procurement agency for procurement of medical supplies for the Army, Navy, and Air Force. Contracts are ordinarily entered into after receipt of bids from interested parties. An invitation to bid is extended to those on the Bidders List, who are in a position to supply the required items. Persons desiring to have their names placed on the Bidders List, or desiring further information, should direct their correspondence to the above agency.

(xxv) *Medical sections, general depots.* The following general depots have medical sections which are Class II activities under the technical supervision of, and have military personnel authorized by the Surgeon General:

(*a*) Atlanta General Depot, Atlanta, Georgia.

(*b*) Schenectady General Depot, Schenectady, New York.

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-4160: Filed, Apr. 6, 1951; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORE SPACE RESTORATION NO. 459

MARCH 28, 1951.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and in accordance with CFR, § 4.275 (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), and Order No. 319 of July 19, 1948 (43 CFR 50.451, 13 F. R. 4278), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 160 rod shorespace restriction created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands:

SEWARD MERIDIAN

T. 6 S., R. 13 W.,
Sec. 14: NE¼NW¼, Lots 1, 2, 3 (embracing the homestead entry of John Reinhart Mills, Anchorage 011074).
Containing approximately 138.47 acres.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 51-4162: Filed, Apr. 6, 1951; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended 63 Stat. 910) and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR, 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Blind Work Association, Inc., 18 Court Street, Binghamton, New York; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 70 cents per hour, whichever is higher, and a rate of not less than 40 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective April 1, 1951, and expires February 29, 1952.

Syracuse Association of Workers for the Blind, Inc., 425 James Street, Syracuse 3, New York; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 30 cents per hour, whichever is higher, and a rate of not less than 15 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective April 1, 1951, and expires February 29, 1952.

Alabama Goodwill Industries, Inc., 1715 Avenue F. Ensley, Birmingham, Alabama; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 30 cents per hour, whichever is higher; certificate is effective September 1, 1950, and expires August 31, 1951.

Mobile Association for the Blind, 500 St. Michael Street, Mobile, Alabama; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than

30 cents per hour, whichever is higher; certificate is effective January 1, 1951 and expires December 31, 1951.

Volunteers of America, 1432 First Street, Detroit 26, Michigan; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 15 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective March 23, 1951 and expires February 29, 1952.

Center for Sightless, Inc., 330 Third Street, Elyria, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 10 cents per hour, whichever is higher, and a rate of not less than 5 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective April 1, 1951 and expires March 31, 1952.

Volunteers of America, 290 North Main St., Mansfield, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher, and a rate of not less than 20 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective March 27, 1951 and expires February 29, 1952.

Volunteers of America, 10–16 South St. Clair St., Toledo 4, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher, and a rate of not less than 25 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective March 14, 1951 and expires February 29, 1952.

The Volunteers of America, Peoria Post, 823 South Jefferson Avenue, Peoria 6, Illinois; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher; certificate is effective March 15, 1951, and expires February 29, 1952.

Goodwill Industries of Duluth, 1732 West Superior Street, Duluth 2, Minnesota; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher; certificate is effective April 1, 1951, and expires March 31, 1952.

St. Cloud Goodwill Industries, 21 Fifth Avenue South, St. Cloud, Minnesota; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher; certificate is effective April 1, 1951, and expires March 31, 1952.

The Lighthouse for the Blind of New Orleans, 630 Camp Street, New Orleans, Louisiana; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher; certificate is effective April 1, 1951, and expires March 31, 1952.

Dallas County Association for the Blind, 4306 Capitol Avenue, Dallas, Texas; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher; certificate is effective March 19, 1951 and expires February 28, 1952.

Harris County Association for the Blind, 1658 Westheimer Road, Houston, Texas; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher; certificate is effective April 1, 1951, and expires July 31, 1951.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshop as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 29th day of March 1951.

RAYMOND G. GARCEAU,
Assistant Administrator.

[F. R. Doc. 51-4140; Filed, Apr. 6, 1951; 8:45 a. m.]

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Defense Mobilization

[Defense Mobilization Order 8]

DESIGNATION OF SECRETARY OF STATE AS MEMBER OF DEFENSE MOBILIZATION BOARD

Pursuant to the authority vested in me by section 8 of Executive Order No. 10200, dated January 3, 1951, I hereby designate the Secretary of State a member of the Defense Mobilization Board.

This order is effective April 7, 1951.

OFFICE OF DEFENSE MOBILIZATION,
CHARLES E. WILSON,
Director.

[F. R. Doc. 51-4222; Filed, Apr. 6, 1951; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, King's I. C. C. Order 45]

NEW YORK CENTRAL RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Homer C. King, Agent, the New York Central Railroad Company, because of washout, is unable to transport traffic routed over and to points on its line between Oneonta, New York, and Kingston, New York: *It is ordered*, That:

(a) Rerouting traffic: The New York Central Railroad Company is hereby authorized and directed to reroute or divert traffic on its line, routed over its line between Oneonta and Kingston, New York, over any available route to expedite the movement; the billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad named, desiring to divert or reroute traffic over the line or lines of another carrier under this order, shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9:00 a. m., April 2, 1951.

(g) Expiration date: This order shall expire at 11:59 p. m., April 30, 1951, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., April 2, 1951.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 51-4147; Filed, Apr. 6, 1951; 8:47 a. m.]

[4th Sec. Application 25973]

PAPER BOXES FROM DAIRYPAK, GA., TO ST. LOUIS, MO., AND ILLINOIS POINTS

APPLICATION FOR RELIEF

APRIL 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for Missouri Pacific Railroad Company and other carriers, including carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1069, pursuant to fourth-section order No. 16101.

Commodities involved: Boxes, pulpboard, fibreboard, or strawboard, carloads.

From: Dairypak, Ga.

To: St. Louis, Mo., East St. Louis, Ill., and certain points in Illinois.

Grounds for relief: Circuitous routes and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4148; Filed, Apr. 6, 1951; 8:47 a. m.]

[4th Sec. Application 25974]

MOTOR-RAIL-MOTOR RATES; CHICAGO GREAT WESTERN RAILWAY

APPLICATION FOR RELIEF

APRIL 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Middlewest Motor Freight Bureau, Agent, for Chicago Great Western Railway Company and Prucka Transportation, Inc.

Commodities involved: All commodities.

Between: Chicago, Ill., and Council Bluffs, Iowa.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: Middlewest Motor Freight Bureau, Agent, tariff I. C. C. No. 22, Supp. 29.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4149; Filed, Apr. 6, 1951; 8:47 a. m.]

[4th Sec. Application 25975]

SCRAP PAPER FROM SOUTHWEST TO BUENA VISTA, VA.

APPLICATION FOR RELIEF

APRIL 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs listed below.

Commodities involved: Scrap or waste paper, carloads.

From: Points in southwestern territory.

To: Buena Vista, Va.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariffs I. C. C. No. 3919—Supp. 34, No. 3752—Supp. 559, No. 3908—Supp. 45, No. 3906—Supp. 42.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4150; Filed, Apr. 6, 1951; 8:48 a. m.]

[4th Sec. Application 25976]

FRESH MEATS AND PACKING HOUSE PRODUCTS FROM AMARILLO, TEX. TO POINTS IN SOUTHWESTERN TERRITORY

APPLICATION FOR RELIEF

APRIL 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3588.

Commodities involved: Fresh meats and packing house products, carloads.

From: Amarillo, Tex.

To: Points in southwestern territory, Illinois, Iowa, Kansas, Mississippi River crossings and Austin, Minn.

Grounds for relief: Circuitous routes, competition with rail carriers and market competition.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3588, Supp. 135.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed

to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4151; Filed, Apr. 6, 1951; 8:48 a. m.]

[4th Sec. Application 25977]

METHANOL AND ANTI-FREEZE PREPARATIONS FROM MILITARY, KANSAS, TO POINTS IN INDIANA, OHIO, PENNSYLVANIA, AND WEST VIRGINIA

APPLICATION FOR RELIEF

APRIL 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3589.

Commodities involved: Methanol and anti-freeze preparations, carloads.

From: Military, Kans.

To: Points in Indiana, Ohio, Pennsylvania and West Virginia.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3589, Supp. 118.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4152; Filed, Apr. 6, 1951; 8:48 a. m.]

[4th Sec. Application 25978]

ACIDS FROM SOUTHWEST TO SOUTHERN AND OFFICIAL TERRITORIES

APPLICATION FOR RELIEF

APRIL 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3752, 3894, and 3908.

Commodities involved: Acetic acid, glacial or liquid, and acetic anhydride, carloads.

From: Crossett, Ark., Bishop, Houston, and Texas City, Tex., and certain other points in southwestern territory.

To: Points in southern and official territories.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supp. 558. D. Q. Marsh's tariff I. C. C. No. 3894, Supp. 60. D. Q. Marsh's tariff I. C. C. No. 3908, Supp. 44.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4153; Filed, Apr. 6, 1951; 8:48 a. m.]

[4th Sec. Application 25979]

GRAIN FROM OKLAHOMA TO MISSOURI

APPLICATION FOR RELIEF

APRIL 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for the Missouri-Kansas-Texas Railroad Company and St. Louis Southwestern Railway Company.

Commodities involved: Grain, grain products and related articles, carloads.

From: Points in Oklahoma.

To: Points in Missouri.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates; D. Q. Marsh's tariff I. C. C. No. 8942, Supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4154; Filed, Apr. 6, 1951; 8:48 a. m.]

[4th Sec. Application 25980]

CEMENT FROM GIANT, S. C., TO CERTAIN OTHER POINTS IN SOUTH CAROLINA

APPLICATION FOR RELIEF

APRIL 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company and Charleston & Western Carolina Railway Company.

Commodities involved: Cement, carloads.

From: Giant, S. C.

To: Anderson and Spartanburg, S. C., and certain other points.

Grounds for relief: To apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1066, Supp. 58.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4155; Filed, Apr. 6, 1951; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3854]

MODERN AIR TRANSPORT, INC.; EXEMPTION APPLICATION

NOTICE OF ORAL ARGUMENT

In the matter of the application of Modern Air Transport, Inc., for an exemption filed pursuant to § 291.16 of the Board's Economic Regulations and section 416 (b) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on April 23, 1951, at 10:00 a. m., in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 3, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-4164; Filed, Apr. 6, 1951; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2515]

DELAWARE COACH COMPANY AND UNITED GAS IMPROVEMENT CO.

ORDER PERMITTING JOINT APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of March A. D. 1951.

The United Gas Improvement Company ("UGI"), a registered holding company, and its wholly owned non-utility subsidiary company, Delaware Coach Company ("Delaware Coach"), having filed a joint application-declaration, as amended, pursuant to sections 6 (a), 7, 9 (a), 10, and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 and U-43, promulgated thereunder with respect to the following proposed transactions:

UGI will surrender to Delaware Coach for cancellation 10,000 shares of the latter's 36,000 shares of no par value capital stock, representing $1,000,000 of stated capital. Delaware Coach will issue and deliver to UGI, and UGI will accept, in exchange for such shares, a $1,000,000 promissory note of Delaware Coach. UGI will then sell to Russell S. Stoughton for $400,000 in cash the remaining 26,000 shares of capital stock of Delaware Coach.

A hearing having been held with respect to such proposals at which interested persons were heard, proposed findings and opinions, and briefs in support thereof, having been filed, and oral argument having been held; and

The Commission having considered the record and having entered its findings and opinion herein, and finding that the proposed transactions constitute a plan pursuant to section 11 (e) of the act for compliance with section 11 (b) of the act, and deeming it appropriate in the public interest and in the interest of investors and consumers to approve said plan and to grant and permit to become effective said joint application-declaration, as amended, subject to the conditions noted hereinafter, to grant the requests of applicants-declarants (1) that the proposed transactions be permitted to be consummated forthwith and (2) that this order include appropriate recitals and specifications conforming to the pertinent requirements of Supplement R and section 1808 (f) of the Internal Revenue Code, as amended, and to exempt the proposed sale from the competitive bidding requirements of Rule U-50, to the extent such requirements are applicable;

It is hereby ordered, Pursuant to the applicable provisions of the act that said plan be, and hereby is, approved as necessary to effectuate the provisions of section 11 (b), and fair and equitable to the persons affected by said plan, and that said joint application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith, subject to the conditions (1) that the proposed note agreement to be entered into between UGI and Delaware Coach be amended so that the provision contained therein relating to a limitation on dividends and other capital stock payments include a provision to the effect that in determining the amount of earned surplus of Delaware Coach accumulated from the date of such note agreement to and including the date of any proposed dividend, distribution or payment, such determination shall be made for Delaware Coach and its subsidiaries on a consolidated basis in accordance with sound accounting principles, and (2) the terms and conditions prescribed in Rule U-24;

It is further ordered, That the proposed sale be, and hereby is, exempted from the competitive bidding requirements of Rule U-50;

It is further ordered and recited, That the transactions, hereinafter described and recited proposed by UGI and Delaware Coach, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

(1) The recapitalization of Delaware Coach in the following manner:

(a) The transfer and delivery by UGI to Delaware Coach for cancellation and retirement of 10,000 shares of the capital stock of the latter representing $1,000,000 of its stated capital; and

(b) The cancellation and retirement of such shares by Delaware Coach, the reduction of its stated capital by the amount of $1,000,000 and the issue and delivery to UGI in exchange for such shares of Delaware Coach Company's note in the principal amount of $1,000,000; and

(2) The transfer and delivery by UGI to Russell S. Stoughton of all the issued and outstanding capital stock of Delaware Coach consisting of 26,000 shares without nominal or par value.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4141; Filed, Apr. 6, 1951; 8:45 a. m.]

[File No. 812-712]

EQUITY CORP ET AL.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 3d day of April A. D. 1951.

In the matter of the Equity Corporation, Industrial Insurance Company, and State-wide Insurance Agency, Inc.; File No. 812-712.

Notice is hereby given that Industrial Insurance Company (Industrial), 103 Park Avenue, New York, New York, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 requesting an order exempting from section 17 (e) (1) of the Act, the acceptance by State-Wide Insurance Agency, Inc., (State-Wide), 800 East Main Street, Richmond, Virginia, its agents and employees, of commissions arising from the sale of insurance policies by State-Wide, as agent, for Industrial.

The Equity Corporation (Equity), 103 Park Avenue, New York, New York, a registered investment company, is the owner of a majority of the voting stock of the Morris Plan Corporation of America (Morris Plan). Morris Plan, in turn, owns all of the voting stock of National Industrial Credit Corporation, 103 Park Avenue, New York, New York, which corporation in turn owns all of the capital stock, other than director's qualifying shares, of Industrial. In addition, Morris Plan owns a majority of the capital stock of The Bank of Virginia, 800 East Main Street, Richmond, Virginia, which bank owns a majority of the capital stock of State-Wide. Accordingly, both Industrial and State-Wide are companies affiliated with and controlled by a registered investment company, under the definition of the act.

Section 17 (e) (1) of the act makes it unlawful for State-Wide, or any person affiliated with it, acting as agent, to accept from any source any compensation for the purchase or sale of any property to or for Industrial or any other controlled company of Equity, unless an exemption therefrom is granted pursuant to section 6 (c) of the act. The application, therefore, requests an exemptive order permitting State-Wide, its agents and employees, to enter into agency arrangements with Industrial for the sale of various types of insurance policies. Pursuant to the proposed agency arrangements, State-Wide will receive a straight commission of 25 percent of net premiums, payable 15 percent at the time of risk placement and 10 percent annually on premiums earned during each fiscal year, plus an additional compensation based upon loss experience

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after April 25, 1951, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than April 23, 1951, at 5:30 p. m., e. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-4142; Filed, Apr. 6, 1951; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17560]

MASAYE KASHIWA

In re: Rights of Masaye Kashiwa under insurance contract. File No. F-39-4972-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masaye Kashiwa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 55170797, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Masaye Kashiwa, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4169; Filed, Apr. 6, 1951; 8:51 a. m.]

[Vesting Order 17556]

MRS. MARIA DUCKER ET AL.

In re: Rights of Mrs. Maria Ducker et al., under insurance contracts. Files Nos. F-28-31271-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Maria Ducker, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Rolf Schabb, also known as Karl Rolf Schaab, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. 71820934 and 74883582, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Rolf Schabb, also known as Karl Rolf Schaab, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Rolf Schabb, also known as Karl Rolf Schaab, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4168; Filed, Apr. 6, 1951; 8:51 a. m.]

[Vesting Order 17579]

ERICH WIPPERMANN

In re: Stock owned by and debts owing to Erich Wippermann. F-28-31375.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erich Wippermann, whose last known address is 78 Eilpertstrasse, Hagen/Eilpe, Westfalen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, and constituting a portion of the securities held by said Brown Brothers Harriman & Co., in the name of Credit Suisse, Zurich, Switzerland, in an account entitled "Blocked Account—Special Account E. M. A.", together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, in the amount of $6,524.70, as of February 22, 1951, representing a portion of a blocked account in the name of Credit Suisse, Zurich, Switzerland, entitled "Special Account E. M. A.—General Ruling No. 6 Account", maintained by said Brown Brothers Harriman & Co., together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, in the amount of $2,792.27, as of February 22, 1951, representing a portion of a blocked account in the name of Credit Suisse, Zurich, Switzerland, entitled "Special Account E. M. A.—Ordinary Blocked Account", maintained by said Brown Brothers Harriman & Co., together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Erich Wippermann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of issuing corporation	State of Incorporation	Number of shares	Certificate No.	Class of stock	Par value	Registered owner
The Chesapeake & Ohio Rwy. Co., Terminal Tower, Cleveland, Ohio.	Virginia	1	C0170180	Common	$25	Brown Bros. Harriman & Co.
		1	C0154923			
		5	O248314			
		10	X129018			
		70	O329645			
		13	O329648			
Consolidated Natural Gas Co., 30 Rockefeller Plaza, New York, N. Y.	Delaware	5	O209674	do	15	Do.
General Motors Corp., 3044 West Grand Blvd., Detroit, Mich.	do	100	H118707	do	5	Do.
		100	H118708			
New York, Chicago & St. Louis R. R. Co., Terminal Tower, Cleveland, Ohio.	Ohio	2	C0125802	do	100	Do.
Pennsylvania R. R. Co., Broad St. Station Bldg., Philadelphia, Pa.	Pennsylvania	100	N722960	do	50	Do.
		100	N722961			
The Pittston Co., 4530 Empire State Bldg., New York, N. Y.	Virginia and Delaware.	2	C08500	do	1	Do.
Standard Oil Co. (New Jersey), 30 Rockefeller Plaza, New York, N. Y.	New Jersey	1	3C68068	Capital	25	Do.
		1	C0815138			
		1	C0502416			
		50	C950939			

[F. R. Doc. 51-4126; Filed, Apr. 5, 1951; 8:53 a. m.]

[Vesting Order 17566]

KARL JAKOB ROLL ET AL.

In re: Rights of Karl Jakob Roll et al., under insurance contract. File No. F-28-26835-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Jakob Roll and Anna Roll, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 204697, issued by the West Coast Life Insurance Company, San Francisco, California, to Karl Jakob Roll, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid West Coast Life Insurance Company, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Karl Jakob Roll or Anna Roll, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4170; Filed, Apr. 6, 1951; 8:51 a. m.]

[Vesting Order 16703, Amdt.]

EUGENE STEIMER ET AL.

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Eugene Steimer, deceased, Hilda Sietas, Willy Brose, Juro Watanabe, (Mrs.) Dora Lieder and Hugo Freytag. F-28-24856-D-1.

Vesting Order 16703, dated December 21, 1950, is hereby amended as follows:

By deleting subparagraph 4 of said Vesting Order 16703 and substituting therefor the following:

4. That the property described as follows: Fifteen (15) shares of $1.00 par value common stock (new) of Adolf Gobel, Inc., 24 Rock Street, Brooklyn 21, New York, a corporation organized under the laws of the State of New York, evidenced by certificate numbered 1910 for thirty (30) shares of $5.00 par value common stock (old) of Adolf Gobel, Inc., registered in the name of Willy Brose, together with all declared and unpaid dividends and capital distributions thereon, and any and all rights to receive a certificate for fifteen (15) shares of $1.00 par value common stock (new) of said corporation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Willy Brose, the aforesaid national of a designated enemy country (Germany).

All other provisions of said Vesting Order 16703 and all action taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4127; Filed, Apr. 5, 1951; 8:53 a. m.]

JOSEPH MAXIMUS PESTARINI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following prop-

erty located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Joseph Maximus Pestarini a/k/a Joseph Maxime and Giuseppe Massimo Pestarini, Staten Island, New York, Claim No. 45396, property described in the following Vesting Orders:

SCHEDULE A

PROPERTY VESTED FROM JOSEPH MAXIMUS PESTARINI

(a/k/a Giuseppe Massimo and Joseph Maxime)

Vested by Vesting Order No. 201

Patent No.	Date issued	Title
2,138,666	Nov. 29, 1938	Direct Current Dynamo Electric Machine.
2,138,667	....do.....	Direct Current Commutating Type Dynamo Electric Machine.

Vested by Vesting Order No. 666

1,945,417	Jan. 30, 1934	Control of Electric Motors.
1,967,159	July 17, 1934	Rotary Apparatus for Converting Alternating Electric Currents to Direct Electric Currents and Vice Versa.

Vested by Vesting Order No. 2315

1,962,030	June 5, 1934	Rotary Transformer for Direct Electric Currents.
1,969,669	Aug. 7, 1934	Control of Direct Current for Motors.
1,987,417	Jan. 8, 1935	Direct Current Electric Motor Equipment Operated in Connection with Rotary Direct Current Transformers.
2,030,652	Feb. 11, 1936	Direct Electric Current Transformer Device.
2,038,380	Apr. 21, 1936	Dynamo-Electric Direct Current Generator.
2,038,384	....do.....	Diesel Electric Power System.
2,049,388	July 28, 1936	Electromechanical Power Plant for Locomotive Vehicles.
2,049,389	....do.....	Diesel Electric Power System.
2,049,390	....do.....	Electrical Power System.
2,055,240	Sept. 22, 1936	Rotary Transformer for Direct Electric Current.
2,055,304	....do.....	Control of Direct Current Electric Motors.
2,059,024	Oct. 27, 1936	Rotary Transformer.
2,070,450	Feb. 9, 1937	Direct Electric Generator and Transformer and Circuit Arrangement therefor.
2,072,768	Mar. 2, 1937	Electrical Generator Supplying Two Loads, One at Variable Voltage and Another at Constant Voltage.
2,073,525	Mar. 9, 1937	Means for Controlling the Electrical Characteristics of Direct Current Generators and Transformers.
2,073,526	....do.....	Dynamo Electric Machine.
2,079,485	May 4, 1937	Power System.
2,094,492	Sept. 28, 1937	Control of the Excitation of Electrical Machines.
2,125,806	Aug. 2, 1938	Electrical Equipment.
2,203,544	June 4, 1940	Power System.
2,282,822	May 12, 1942	Power System Including Rotary Transformer.

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Giuseppe Massimo Pestarini, also known as Joseph Maxime Pestarini and Joseph Maximus Pestarini, by virtue of an agreement dated September 28, 1934 (including all modifications thereof and supplements thereto, if any) by and between Joseph M. Pestarini and General Electric Company, relating among other things to certain United States Letters Patent, including Patent No. 2,282,822, to the extent owned by Joseph M. Pestarini immediately prior to the vesting thereof by Vesting Order No. 2315.

[F. R. Doc. 51-4135; Filed, Apr. 5, 1951; 8:55 a. m.]

[Vesting Order 17574]

HONG TO DEW

In re: Stock owned by Hong To Dew. F-3 9-322-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hong To Dew, whose last known address is Taihake, Taiwan, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Two (2) shares of $15.00 par value common capital stock of Socony-Vacuum Oil Company, Inc., 26 Broadway, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificate numbered NYC-569680, registered in the name of Hong To Dew, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4125; Filed, Apr. 5, 1951; 8:53 a. m.]

[Vesting Order 17572]

TOKU TOMITA ET AL.

In re: Rights of Toku Tomita et al., under insurance contract. File No. F-39-6769-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Toku Tomita and Umanojo Tomita, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,305,267, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Toku Tomita, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Toku Tomita or Umanojo Tomita, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4126; Filed, Apr. 5, 1951; 8:53 a. m.]

[Return Order 867]

RICHARD H. M. JOACHIM

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Richard H. M. Joachim, Auburn, N. Y.; Claim No. 40755; August 11, 1950 (15 F. R. 5218); $165,591.52 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 3, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4171; Filed, Apr. 6, 1951; 8:52 a. m.]

[Return Order 927]

JESSIE MILLER SINICROPI

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Jessie Miller Sinicropi, S. Stefano in Aspromonte, Reggio Di Calabria, Italy; Claim No. 32449; January 24, 1951 (16 F. R. 668); $608.18 in the Treasury of the United States; an undivided 1/21 fee simple interest in two parcels of real property in Knox County, Ohio, known as Lots 9 and 10 of Section 25, Township 7, Range 10; and all right, title, interest and claim of Jessie Sanalcrappia (Sinicrope), a/k/a Jessie Miller Sinicropi, in and to an undivided 1/21 interest in the rents and royalties issuing from real property described in a lease to the Millwood Sand Company from George Miller and Sophia Miller (both now deceased), dated November 15, 1932.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 3, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4173; Filed, Apr. 6, 1951; 8:52 a. m.]

[Return Order 928]

SANTIAGO FAGLIANO ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Santiago Fagliano, Rosa Gamba, Maria Francesca Gamba, Nicola Gamba, all of Carrega Ligure, Italy; Claim No. 42137; January 25, 1951 (16 F. R. 707); $3,557.77 in the Treasury of the United States to Santiago Fagliano; $2,371.84 in the Treasury of the United States in equal shares to Rosa Gamba and Maria Francesca Gamba; $1,185.93 in the Treasury of the United States to Nicola Gamba, Rosa Gamba and Maria Francesca Gamba, with Nicola Gamba having a life interest therein and Rosa Gamba and Maria Francesca Gamba being entitled to the remainder thereof in equal shares.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 3, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4175; Filed, Apr. 6, 1951; 8:52 a. m.]

MAX KENDLER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Max Kendler, Marcel Kendler, Silvia Negrea, Bucharest, Rumania; Serina Attalion, Ella Galia, Morris Galia, Paris, France; Margareta Heissler, Haifa, Israel; Claim No. 41716; $53,892.77 in the Treasury of the United States, returnable as follows: 9/27 to Ella Galia, 3/27 each to Max Kendler and Morris Galia, 2/27 each to Marcel Kendler, Silvia Negrea, and Margareta Heissler, and 6/27 to Serina Attalion.

Executed at Washington, D. C., on April 3, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4176; Filed, Apr. 6, 1951; 8:53 a. m.]

[Vesting Order 17578]

ANNA ELISABETH OTTO-SARAUW

In re: Bonds owned by and debts owing to Anna Elisabeth Otto-Sarauw. F-28-31117.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Elisabeth Otto-Sarauw, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Two (2) United States of America 2⅞ percent Treasury Bonds, due 1955-1960, of $1,000 face value each, presently in the custody of Swiss American Corporation, 30 Pine Street, New York 5, New York, in an account entitled "Credit Suisse, Zurich, identified Eduard Sarauw", together with any and all rights thereunder and thereto,

b. That certain debt or other obligation of Swiss American Corporation, 30 Pine Street, New York 5, New York, in the amount of $581.80, as of January 29, 1951, held in an account entitled "Credit Suisse, Zurich", maintained with the aforesaid corporation, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation of Credit Suisse, New York Agency, 30 Pine Street, New York 5, New York, in the amount of $1,155.60 as of January 29, 1951, held in an account entitled "Credit Suisse, Zurich, General Ruling #6 Account", maintained with the aforesaid agency, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Anna Elisabeth Otte-Sarauw, the aforesaid

national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4172; Filed, Apr. 6, 1951; 8:52 a. m.]

APR 16 '51

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TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS[1]

UNITED STATES STANDARDS FOR GRADES OF FROZEN BRUSSELS SPROUTS; REVISION

On June 17, 1950, a notice of proposed rule making was published in the FEDERAL REGISTER (15 F. R. 3938) regarding a proposed revision of the United States Standards for Grades of Frozen Brussels Sprouts. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following revised United States Standards for Grades of Frozen Brussels Sprouts are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950):

§ 52.199 *Frozen Brussels sprouts.* Frozen Brussels sprouts are prepared from the fresh heads of the Brussels sprouts plant (Brassica oleracea gemmifera) by trimming, washing, and blanching and are frozen and maintained at temperatures necessary for the preservation of the product.

(a) *Grades of frozen Brussels sprouts.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen Brussels sprouts that possess similar varietal characteristics; that possess a good color; that are practically free from defects; that possess a good character; that possess a good flavor and odor; and that score not less than 90 points when scored in accordance with the scoring system outlined in this section.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen Brussels sprouts that possess similar varietal characteristics; that possess a reasonably good color; that are reasonably free from defects; that possess a reasonably good character; that possess a good flavor and odor; and that score not less than 80 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of frozen Brussels sprouts that possess a fairly good color; that are fairly free from defects; that possess a fairly good character; that possess a fairly good flavor and odor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "U. S. Grade D" or "Substandard" is the quality of frozen Brussels sprouts that fails to meet the requirements of U. S. Grade C or U. S. Standard.

(b) *Ascertaining the grade.* (1) The grade of frozen Brussels sprouts is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and character.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
(i) Color	30
(ii) Absence of defects	40
(iii) Character	30
Total score	100

(3) The scores for the factors of color and absence of defects of Brussels sprouts are determined immediately after thawing so that the product is sufficiently free from ice crystals to permit proper handling as individual units and the product is completely thawed to determine the factor of character. The product is cooked to determine the flavor and odor.

(4) "Good flavor and odor" means that the product after cooking has a good, characteristic, normal flavor and odor and is free from objectionable

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flavors and objectionable odors of any kind.

(5) "Fairly good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(c) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "27 to 30 points" means 27, 28, 29, or 30 points).

(1) *Color.* The color of Brussels sprouts is based on the characteristic and predominating color of the outer surfaces of the Brussels sprouts.

(i) "Yellow-green" means a predominating characteristic green color with a definite yellow cast.

(ii) "Yellow" means a predominating characteristic yellow color with slight tinges of green or a predominating characteristic yellow color typical of the color Brussels sprouts possess after the outer green leaves have been removed.

(iii) Frozen Brussels sprouts that possess a good color may be given a score of 27 to 30 points. "Good color" means that not more than 5 percent, by count, of the units may be yellow and that the remainder of the units are yellow-green or more green in color. One Brussels sprout in a single container is permitted to be yellow if such unit exceeds the allowance of 5 percent.

(iv) If the frozen Brussels sprouts possess a reasonably good color, a score of 24 to 26 points may be given. Frozen Brussels sprouts that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that more than 5 percent, by count, but not more than 25 percent, by count, of the units are yellow and that the remainder of the units are yellow-green or more green in color.

(v) If the frozen Brussels sprouts possess a fairly good color, a score of 21 to 23 points may be given. Frozen Brussels sprouts that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that more than 25 percent, by count, of the units are yellow and that the remainder, if any, are yellow-green or more green in color but are not off-color for any reason.

(vi) Frozen Brussels sprouts that fail to meet the requirements of subdivision (v) of this subparagraph may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from grit, silt, harmless extraneous material, loose leaves and loose small pieces, poorly trimmed units, and from units damaged by discoloration, mechanical injury, pathological injury, insect injury, or other means.

(i) "Grit" (or sand) is rough, hard particles of earthy sediment.

(ii) "Silt" is fine earthy sediment from material such as mud or clay.

(iii) "Harmless extraneous material" means vegetable substances other than from Brussels sprouts, such as weeds and grass and any portion thereof, that are harmless.

(iv) "Loose leaves and loose small pieces" means leaves, pieces of leaves, and small pieces of edible stalk or stems not attached to a unit, whether or not damaged.

(v) "Poorly trimmed units" means (*a*) that the butt end is not trimmed smoothly and closely at the approximate point of attachment of the outer leaves; or (*b*) that the appearance of the unit is materially damaged from excessive cutting into the head. Brussels sprouts heads from which the leaves have been stripped, whether or not excessively, are not considered "poorly trimmed units."

(vi) "Damaged" means any unit damaged by surface or internal discoloration, mechanical injury, pathological injury, insect injury, or by other means to the extent that the appearance or eating quality is materially affected.

(vii) "Seriously damaged" means any unit damaged to such an extent that the appearance or eating quality is seriously affected.

(viii) Frozen Brussels sprouts that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that no grit or silt that affects the appearance or eating quality of the product is present; no harmless extraneous material is present; loose leaves and loose small pieces that do not affect the appearance or eating quality of the product may be present; and that units that are damaged or seriously damaged do not exceed 10 percent, by count, of all the units, but of such 10 percent not more than one-half thereof or not more than 5 percent, by count, of all the units may be seriously damaged; and, in addition, not more than 10 percent, by count, of all the units may be poorly trimmed.

(ix) If the frozen Brussels sprouts are reasonably free from defects, a score of 32 to 35 points may be given. Frozen Brussels sprouts that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that no grit or silt that affects the appearance or eating quality of the product is present; not more than one piece of harmless extraneous material may be present for each 20 ounces of net weight; loose leaves and loose small pieces that do not materially affect the appearance or eating quality of the product may be present; and that units that are damaged or seriously damaged do not exceed 20 percent, by count, of all the units, but of such 20 percent not more than one-half thereof or not more than 10 percent, by count, of all the units may be seriously damaged; and, in addition, not more than 15 percent, by count, of all the units may be poorly trimmed.

(x) Frozen Brussels sprouts that are fairly free from defects may be given a score of 28 to 31 points. Frozen Brussels sprouts that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that a slight trace of grit or silt that does not affect materially the appearance or eating quality of the product may be present; not more than two pieces of harmless extraneous material may be present for each 20 ounces of net weight; loose leaves and loose small pieces that do not seriously affect the appearance or eating quality of the product may be present; and that units that are damaged, seriously damaged, or poorly trimmed do not exceed 50 percent, by count, of all the units, but of such 50 percent not more than three-tenths thereof or not more than 15 percent, by count, of all the units may be seriously damaged and of such 50 percent not more than two-fifths thereof or not more than 20 percent, by count, of the units may have butt ends that are not trimmed smoothly and closely at the approximate point of attachment of the outer leaves.

(xi) Frozen Brussels sprouts that fail to meet the requirements of subdivision (x) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that not less than 50 percent, by count, of the units are at least reasonably well developed; not more than 10 percent, by count, may be very loose-structured units; and the remainder are fairly well developed.

(vii) Frozen Brussels sprouts that possess a fairly good character may be given a score of 21 to 23 points. Frozen Brussels sprouts that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that not less than 50 percent, by count, of the units are at least fairly well developed.

(viii) Frozen Brussels sprouts that fail to meet the requirements of subdivision (vii) of this subparagraph may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(d) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen Brussels sprouts, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(e) *Score sheet for frozen Brussels sprouts.*

Size and kind of container		
Container mark or identification		
Label		
Net weight (ounces)		
Count		
Factors	**Score points**	
I. Color	30	(A) 27-30 (B) 24-26 (C) 21-23 (D) 1 0-20
II. Absence of defects	40	(A) 36-40 (B) 32-35 (C) 28-31 (D) 1 0-27
III. Character	30	(A) 27-30 (B) 24-26 (C) 21-23 (D) 1 0-20
Total score	100	
Flavor and odor		
Grade		

1 Indicates limiting rule.

(f) *Effective time and supersedure.* The revised United States Standards for Grades of Frozen Brussels Sprouts (which is the second issue) contained in this section will become effective thirty days after the date of publication of these standards in the FEDERAL REGISTER and will thereupon supersede the United States Standards for Grades of Frozen Brussels Sprouts which have been in effect since June 15, 1945.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624. Interprets or applies Pub. Law 759, 81st Cong.)

Issued at Washington, D. C. this 4th day of April 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-4194; Filed, Apr. 9, 1951; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 4902]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NED R. BASKIN

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages or connections—Connections or arrangements with others;* § 3.75 *Free goods or services;* § 3.200 *Sample, offer or order conformance;* § 3.240 *Special or limited offers.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal;* § 3.1955 *Free goods;* § 3.2000 *Limited offers or supply;* § 3.2060 *Sample, offer or order conformance.* Subpart—*Using misleading name—Vendor;* § 3.2370 *Connections and arrangements with others.* In connection with the offering for sale, sale, or distribution of plain or colored photographs, or enlargements thereof, in commerce, (1) representing, directly or by implication, that any photograph or enlargement, colored or black and white, framed or unframed, will be made and delivered for a stipulated price, unless such photograph or enlargement will in fact be made and delivered for the stipulated price without the imposition or attempted imposition of any condition not clearly disclosed in the representation; (2) representing, directly or by implication, that any offer is for a limited time only, when such offer is not in fact limited in point of time, but is made by respondent in the regular course of business; (3) using the words "free" or "given", or any other word or term expressly or impliedly importing a like meaning, in advertising, to designate, describe, or refer to any article of merchandise which is not in fact a gift or gratuity or which is not given without requiring the purchase of other merchandise or the performance of some service inuring directly or indirectly to the benefit of the respondent; or, (4) using the name "Hollywood Film Studios", together with pictures of motion picture celebrities, on letterheads or in advertising matter; or otherwise representing that the respondent has any connection whatsoever with the motion picture industry; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C., 45) [Cease and desist order, Ned R. Baskin, Docket 4902, Jan. 26, 1951]

In the Matter of Ned R. Baskin, an Individual

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondent's answer thereto, testimony and other evidence in support of and in opposition to the allegations of the complaint introduced before a trial examiner of the Commission theretofore duly designated by it, the trial examiner's recommended decision, and brief in support of the complaint (no brief having been filed on behalf of the respondent and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Ned R. Baskin, an individual trading under the name of Hollywood Film Studios, or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of plain or colored photographs, or enlargements thereof, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by implication, that any photograph or enlargement, colored or black and white, framed or unframed, will be made and delivered for a stipulated price, unless such photograph or enlargement will in fact be made and delivered for the stipulated price without the imposition or attempted imposition of any condition not clearly disclosed in the representation.

(2) Representing, directly or by implication, that any offer is for a limited time only, when such offer is not in fact limited in point of time, but is made by respondent in the regular course of business.

(3) Using the words "free" or "given", or any other word or term expressly or impliedly importing a like meaning, in advertising, to designate, describe, or refer to any article of merchandise which is not in fact a gift or gratuity or which is not given without requiring the purchase or other merchandise or the performance of some service inuring directly or indirectly to the benefit of the respondent.

(4) Using the name "Hollywood Film Studios", together with pictures of motion picture celebrities, on letterheads or in advertising matter; or otherwise representing that the respondent has any connection whatsoever with the motion picture industry.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: January 26, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-4218; Filed, Apr. 9, 1951; 8:52 a. m.]

[Docket 5783]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ARMS TEXTILE MFG. CO. ET AL.

Subpart—*Coercing and intimidating:* § 3.355 *Customers or prospective customers of competitors.* Subpart—*Combining or conspiring:* § 3.470 *To restrain and monopolize trade.* Subpart—*Cutting off competitors' or others' access to customers or market;* § 3.560 *Interfering generally with distributive outlets.* In connection with the offering for sale, sale or distribution in commerce, of hair canvas used in the manufacture of women's, misses', juniors' and teenage untrimmed coats and suits, entering into, cooperating in, or carrying out any understanding or agreement with any retailer or buying agency whereby such retailer or buying agency undertakes to, or does (1) require any manufacturer or supplier of women's, misses', juniors' or teenage untrimmed coats or suits to use the respondents' hair canvas as interfacings or linings in any coats or suits purchased by said retailer or buying agency; (2) require any such manufacturer or supplier to attach to any garment wherein the respondents' hair canvas was used a "Good Housekeeping" tag, stamp or label, or any tag, stamp or label showing that the respondents' product was used in such garment; and, (3) report to the respondents the name of any manufacturer who refuses to use the respondents' hair canvas in garments manufactured by them; prohibited, subject to the provision, however, that nothing contained in the order shall be construed as prohibiting any of the respondents from entering into cooperative advertising contracts or agreements with retail stores or buying agencies which do not contain any of the requirements herein referred to and which are not otherwise contrary to law, nor as prohibiting any of the respondents from directly requiring any manufacturer purchasing and using the respondents' hair canvas in garments to so label such garments.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Arms Textile Manufacturing Company et al., Docket 5783, Jan. 16, 1951]

In the Matter of Arms Textile Manufacturing Co., a Corporation, Its Officers, Directors, and Members, as Such, and Individually, Philip L. Sheerr & Sons, a Corporation, Its Officers, Directors and Members as Such, and Individually, Sheerr Bros. & Co., a Copartnership, Robert Sheerr, Stanley I. Sheerr, Alvin Sheerr, David B. Carmel, Isidore Doner, Pearl Sheerr Bensinger, Individually and as Copartners Trading Under the Name of Sheerr Bros. & Co.

Decision of the Commission and order to file report of compliance. Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on June 22, 1950, issued and subsequently served its complaint in this proceeding upon the respondents, Arms Textile Manufacturing Co., a corporation, Philip L. Sheerr & Sons, a corporation, and Robert Sheerr, Stanley I. Sheerr, Alvin Sheerr, David B. Carmel, Isidore Doner and Pearl Sheerr Bensinger, individually and as copartners trading under the name of Sheerr Bros. & Co., charging said respondents with the use of unfair methods of competition in commerce and unfair acts and practices in commerce in violation of the provisions of said act. A trial examiner of the Commission was thereafter designated by it to take testimony and receive evidence in support of and in opposition to the allegations of the complaint, and at the initial hearing convened for such purpose a stipulation of all of the facts in the case was entered into by and between counsel for the respondents and counsel in support of the complaint. There was also presented and received into the record an appendix to said stipulation in which the respondents expressly waived their right to present further evidence and waived all intervening procedure; and on the record thus presented the trial examiner on September 19, 1950, filed his initial decision.

The Commission, having reason to believe that the initial decision was deficient in certain material respects, on October 30, 1950, issued and thereafter served upon the parties its order placing this case on the Commission's own docket for review and affording the respondents an opportunity to show cause why said initial decision should not be altered in the manner and to the extent shown by the tentative decision attached to said order. The respondents not having appeared in response to the leave to show cause, this proceeding regularly came on for final consideration by the Commission upon the record herein on review; and the Commission, having duly considered the matter and being now fully advised in the premises, finds that said proceeding is in the interest of the public and makes the following findings as to the facts, conclusions drawn therefrom, and order, the same to be in lieu of the initial decision of the trial examiner.

Findings as to the Facts

PARAGRAPH 1. Respondent Arms Textile Manufacturing Co. is a corporation organized and existing under and by virtue of the laws of the State of New Jersey, with its home office and principal place of business located at 4301 Torresdale Avenue, in the City of Philadelphia, State of Pennsylvania. Said respondent is engaged in manufacturing and selling hair canvas used in manufacturing women's, misses', juniors' and teen-age untrimmed coats and suits. Said canvas is sold under the trade name of "Armo".

Respondent Philip L. Sheerr & Sons is a corporation organized and existing under and by virtue of the laws of the State of Pennsylvania, with its home office on Torresdale Avenue, in the City of Philadelphia, State of Pennsylvania. Said respondent is engaged in manufacturing hair canvas to be used as interlinings and facings. The hair canvas manufactured by the said respondent Philip L. Sheerr & Sons is sold under the trade name "Hairvas", and this particular type of canvas, used as interlining for men's garments, is not involved in this proceeding. Said respondent does not manufacture any hair canvas under the trade name of "Armo". Said respondent Philip L. Sheerr & Sons has had no significant or substantial connection with the acts and practices alleged in the complaint.

Respondent Sheerr Bros. & Co. is a copartnership, with its home office and principal place of business located at 51 Madison Avenue, New York 10, New York. Said partnership is the selling agent for the two respondent corporations hereinbefore described and is composed of the respondents Robert Sheerr, Stanley I. Sheerr, Alvin Sheerr, David B. Carmel, Isidore Doner and Pearl Sheerr Bensinger as co-partners.

Respondent Robert Sheerr is the president, respondent Stanley I. Sheerr is the executive vice president, respondent Alvin Sheerr is the treasurer, and respondent Isidore Doner is the secretary, respectively, of both of the corporate re-

spondents, Arms Textile Manufacturing Co., and Philip L. Sheerr & Sons.

PAR. 2. Respondent Arms Textile Manufacturing Co. is now, and for a number of years last past it has been, engaged in the manufacture and in the sale and distribution in commerce among and between the various States of the United States of a hair canvas sold under the trade name of "Armo," and has caused said product, when sold, to be shipped to purchasers thereof, many of whom are located in states of the United States other than the state of origin of said shipments. Said respondent now maintains, and for a number of years last past it has maintained, a constant course of trade in said product in said commerce.

PAR. 3. The individual respondents herein trading under the partnership name of Sheerr Bros. & Co. are not engaged in manufacturing the product sold under the trade name "Armo," but they have been and are now acting as sales agents of the corporate respondent Arms Textile Manufacturing Co., as aforesaid, in the sale and distribution of the product hereinbefore described and, while acting in the capacity of sales agents, the individual respondents, trading under the partnership name of Sheerr Bros. & Co., have shipped or caused to be shipped said product, when sold, to the purchasers thereof, many of whom are located in states of the United States other than the state of origin of said shipments.

PAR. 4. While there are other individuals, firms and corporations engaged in the manufacture and in the sale and distribution in commerce of hair canvas, and with which the respondents are in active and substantial competition, the respondents herein named are the largest manufacturers of hair canvas in the United States.

PAR. 5. During or about the year 1948, the respondents herein, other than Philip L. Sheerr & Sons, put into operation a plan of merchandising whereby they entered into agreements with large retail stores and large buying agencies engaged in buying women's, misses', juniors' and teen-age untrimmed coats and suits for retail stores located throughout the United States. Said stores and buying agencies represented a substantial number and a substantial volume of such trade and business. Under the terms of said agreement said respondents agreed to pay, and obligated themselves to pay, in the way of allowances for advertising, substantial sums of money to said retailers and buying agencies when said retailers and buying agencies in their advertising made reference to their use of the product "Armo".

PAR. 6. As an additional consideration for the advertising allowances paid and to be paid by respondents, as aforesaid, stores and buying agencies agreed, undertook to, and did:

1. Require manufacturers of women's, misses', juniors' and teen-age untrimmed coats and suits to use as interfacings or linings of coats and suits purchased by such stores and buying agencies the respondents' product "Armo".

2. Require such manufacturers to attach to every garment purchased by them a "Good Housekeeping" tag, stamp or label, and to state on such tag, stamp or label that the respondents' product was used in such garment.

3. Report to respondents the names of all manufacturers who refused to use respondents' product.

PAR. 7. The acts and practices of the respondents herein, with the exception of respondent Philip L. Sheerr & Sons, have had a dangerous tendency to and have hindered and restrained the sale and distribution of hair canvas in commerce among and between the various states of the United States and have hindered and prevented a normal, free, and unrestrained competition in said product in said commerce; have had a dangerous tendency to create in said respondents, except the respondent Philip L. Sheerr & Sons, a monopoly in the manufacture and in the sale and distribution of said product in said commerce and to deprive the public of the advantage of competition in price which it would otherwise enjoy. The purpose and effect of the above-described agreements was to exert pressure upon and to intimidate the manufacturers of coats and suits and to coerce them into using the respondents' said product "Armo" to the exclusion of comparable and like products of respondents' competitors, and to prevent such manufacturers from buying competitive material through preference based on quality, price or other competitive factors.

Conclusion. The acts and practices of the respondents herein, except Philip L. Sheerr & Sons, have been to the prejudice and injury of the public and of respondents' competitors and have constituted unfair methods of competition in commerce and unfair acts and practices in commerce within the intent and meaning of section 5 of the Federal Trade Commission Act.

The motive, purpose or belief of any party to the agreements described hereinabove was immaterial; it is the effect of such agreements on the public which alone is of consequence.

It is ordered, That the respondents, Arms Textile Manufacturing Co., a corporation, and its officers, and Robert Sheerr, Stanley I. Sheerr, Alvin Sheerr, David B. Carmel, Isidore Doner and Pearl Sheerr Bensinger, individually and as co-partners trading as Sheerr Bros. & Co., or trading under any other name or trade designation, and said respective respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce", is defined in the Federal Trade Commission Act, of hair canvas used in the manufacture of women's, misses', juniors' and teen-age untrimmed coats and suits, do forthwith cease and desist from entering into, cooperating in, or carrying out any understanding or agreement with any retailer or buying agency whereby such retailer or buying agency undertakes to, or does:

1. Require any manufacturer or supplier of women's, misses', juniors', or teen-age untrimmed coats or suits to use the respondents' hair canvas as interfacings or linings in any coats or suits purchased by said retailer or buying agency.

2. Require any such manufacturer or supplier to attach to any garment wherein the respondents' hair canvas was used a "Good Housekeeping" tag, stamp or label, or any tag, stamp or label showing that the respondents' product was used in such garment.

3. Report to the respondents the name of any manufacturer who refuses to use the respondents' hair canvas in garments manufactured by them.

It is further ordered, That nothing contained in this order shall be construed as prohibiting any of the respondents from entering into cooperative advertising contracts or agreements with retail stores or buying agencies which do not contain any of the requirements herein referred to and which are not otherwise contrary to law, nor as prohibiting any of the respondents from directly requiring any manufacturer purchasing and using the respondents' hair canvas in garments to so label such garments.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to the respondent, Philip L. Sheerr & Sons, without prejudice, however, to the right of the Commission to institute a new proceeding against said respondent or to take such further or other action in the future as may be warranted by the then existing circumstances.

It is further ordered, That Arms Textile Manufacturing Co., Robert Sheerr, Stanley I. Sheerr, Alvin Sheerr, David B. Carmel, Isidore Doner and Pearl Sheerr Bensinger shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 16, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-4177; Filed, Apr. 9, 1951; 8:50 a. m.]

[Docket 5740]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GOODALL-SANFORD, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act.* § 3.1325 *Source or origin—Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition—Wool Products Labeling Act;* § 3.1900 *Source or origin—Wool Products Labeling Act.* In connection with the introduction or manufacture for introduction, into commerce, or the sale, transportation or distribution in commerce, of wool products, as defined in and subject to the Wool Products Labeling Act of 1939, misbranding such products which contain, purport to contain or in any way are represented as containing "wool", "reprocessed wool" or "reused wool", as those terms are defined in said act, by failing to securely affix to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling or adulterating matter; (c) the percentages in words and figures plainly legible by weight of the wool contents of such wool product where said wool product contains a fiber other than wool; and, (d) the name of the manufacturer of the wool product or the name of one or more persons subject to section 3 of the Wool Products Labeling Act of 1939 with respect to such wool product, or the registered identification number of such person or persons, as provided for in Rule 4 of the Regulations to such act, as amended; prohibited, subject to the provision, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Goodall-Sanford, Inc., et al., Docket 5740, Jan. 17, 1951]

In the Matter of Goodall-Sanford, Inc., a Corporation; Elmer L. Ward, F. Everett Nutter, and Ernest Chamberlain, Individually and as Officers and Directors of Goodall-Sanford, Inc.; Cornelius A. Callahan, Individually and as an Officer of Goodall-Sanford, Inc.; and Goodall Fabrics, Inc., a Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and a stipulation as to the facts entered into by and between Daniel J. Murphy, Chief, Division of Litigation, of the Commission, and counsel for the respondents, in which stipulation the respondents waived all intervening procedure and further hearing as to said facts; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Wool Products Labeling Act of 1939 and the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Goodall-Sanford, Inc., a corporation, and its officers, Elmer L. Ward, F. Everett Nutter, and Ernest Chamberlain, individually and as officers and directors of Goodall-Sanford, Inc., Cornelius A. Callahan, individually and as an officer of Goodall-Sanford, Inc., and Goodall Fabrics, Inc., a corporation, and its officers, and said respondents' respective agents, representatives, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the aforesaid acts, of wool products as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool," or "reused wool" as those terms are defined in said act, do forthwith cease and desist from misbranding such wool products by failing to affix securely to or place on such products a stamp, tag, label, or other means of identification, showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter.

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: January 17, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-4219; Filed, Apr. 9, 1951; 8:52 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PRESERVATION OF RECORDS AND REPORTS OF CERTAIN STABILIZING ACTIVITIES

The Securities and Exchange Commission acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 17 (a), 23 (a) and 24 (b) thereof, and deeming such action necessary and appropriate in the public interest, for the protection of investors, for the execution of the functions vested in it by the act, and to carry out the provisions of the act, hereby adopts § 240.17a-6 (Rule X-17A-6) and amends § 240.24b-3 (Rule X-24B-3) each to read as set out below:

§ 240.17a-6 *Right of a National Securities Exchange to destroy or dispose of applications, reports, and documents filed with it pursuant to sections 12, 13, 14 and 16.* (a) Any application, report or document, or portion thereof, which has been on file with a national securities exchange for more than five years pursuant to sections 12, 13, 14, or 16 of the act or any rule or regulation promulgated by the Commission pursuant to any of such sections may be destroyed or otherwise disposed of by such exchange pursuant to the terms of a plan for the destruction or disposition of such application, report or document, if such plan has been filed with the Commission by such exchange and has been declared effective by the Commission.

(b) For the purposes of this section a plan filed with the Commission by a national securities exchange shall not become effective unless the Commission, having due regard for the public interest and for the protection of investors, declares the plan to be effective. The Commission in its declaration may limit the applications, reports and documents as to which it shall apply, and may impose any other terms and conditions to the plan and to the period of its effectiveness which it deems necessary or appropriate in the public interest or for the protection of investors.

(Interprets or applies sec. 17, 48 Stat. 897, as amended; 15 U. S. C. 78q)

§ 240.24b-3 *Information filed by issuers and others under sections 12, 13, 14 and 16.* (a) Except as otherwise provided in this section and in § 240.17a-6, each exchange shall keep available to the public, under reasonable regulations as to the manner of inspection, during reasonable office hours, all information regarding a security registered on such exchange which is filed with it pursuant to sections 12, 13, 14 or 16, or any rules or regulations thereunder. This requirement shall not apply to any information to the disclosure of which objection has been filed pursuant to § 240.24b-2, which objection shall not have been overruled by the Commission pursuant to section

24 (b). The making of such information available pursuant to this section shall not be deemed a representation by any exchange as to the accuracy, completeness, or genuineness thereof.

(b) In the case of an application for registration of a security pursuant to section 12 an exchange may delay making available the information contained therein until it has certified to the Commission its approval of such security for listing and registration.

(Interprets or applies sec. 24, 48 Stat. 901; 15 U. S. C. 78x)
(Sec. 23. 48 Stat. 901, as amended; 15 U. S. C. 78u)

Sections 240.17a–6 and 240.24b–3 as amended shall be effective May 15, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 30, 1951.

[F. R. Doc. 51–4193; Filed, Apr. 9, 1951; 8:47 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 367]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 362]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ILLINOIS, IOWA, INDIANA, MICHIGAN, AND OHIO

Amendment 367 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 362 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 83, is amended to describe the counties in the Defense-Rental Area as follows:

Cook County, except the Cities of Blue Island and Des Plaines; Du Page, Kane and Lake Counties.

This decontrols the City of Blue Island in Cook County, Illinois, a portion of the Chicago, Illinois, Defense-Rental Area.

2. Schedule A, Item 89, is amended to describe the counties in the Defense-Rental Area as follows:

Rock Island County.
Scott County, except the City of Davenport and the Towns of Buffalo, Le Claire, Long Grove and Princeton.

This decontrols the Town of Princeton in Scott County, Iowa, a portion of the Quad Cities, Illinois, Defense-Rental Area.

3. Schedule A, Item 102, is amended to describe the counties in the Defense-Rental Area as follows:

Lake County, except the Cities of Crown Point, Hammond and Hobart, and the Townships of Cedar Creek, Eagle Creek, Hanover, West Creek and Winfield.

This decontrols the Cities of Crown Point and Hobart in Lake County, Indiana, a portion of the Gary-Hammond, Indiana, Defense-Rental Area.

4. Schedule A, Item 149, is amended to describe the counties in the Defense-Rental Area as follows:

Oakland County, except (i) the Townships of Addison, Bloomfield, Brandon, Groveland, Highland, Holly, Independence, Milford, Oakland, Orion, Oxford, Rose and Springfield, (ii) the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford, Rochester and that portion of Northville located in Oakland County, and (iii) the Cities of Birmingham, Bloomfield Hills, Farmington, Hazel Park, Pontiac, Royal Oak, South Lyon and Sylvan Lake; Wayne County, except (i) the Cities of Grosse Point and Plymouth, (ii) the Village of Wayne, and (iii) that portion of the Village of Northville located in Wayne County; and Macomb County, except the City of Mount Clemens, and the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

In Washtenaw County, the Township of Ann Arbor and the City of Ann Arbor.

This decontrols the City of Sylvan Lake and the Township of Bloomfield in Oakland County, Michigan, portions of the Detroit, Michigan, Defense-Rental Area.

5. Schedule A, Item 228, is amended to describe the counties in the Defense-Rental Area as follows:

Cuyahoga County, except the Cities of Bedford, Berea, Shaker Heights, and University Heights, and the Villages of Bay, Beachwood, Bentleyville, Bratenahl, Brecksville, Chagrin Falls, Gates Mills, Highland Heights, Hunting Valley, Independence, Lyndhurst, Mayfield Heights, Moreland Hills, North Olmsted, North Royalton, Orange, Parkview, Pepper Pike, Seven Hills, Strongsville, Valley View, Warrensville Heights, Westlake and West View.

This decontrols the Village of Parkview in Cuyahoga County, Ohio, a portion of the Cleveland, Ohio, Defense-Rental Area.

All decontrols effected by this amendment, are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup., 1894)

This amendment shall be effective April 6, 1951.

Issued this 5th day of April, 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51–4216; Filed, Apr. 9, 1951; 8:53 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5836]

PART 130—TAXES ON SAFE DEPOSIT BOXES AND ON CERTAIN TRANSPORTATION AND COMMUNICATIONS SERVICES

EXEMPTION OF FURLOUGH TRAVEL OF SERVICE PERSONNEL

In order to conform Regulations 42 (1942 edition) (26 CFR Part 130), to Public Law 878, 81st Congress, 2d Session, approved December 15, 1950, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 130.63 the following:

PUBLIC LAW 878 (81ST CONG., 2D SESS.), APPROVED DECEMBER 15, 1950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That effective with respect to amounts paid after the date of enactment of this act—

(a) Section 12 of the act of August 8, 1947, entitled "An act to terminate certain tax provisions before the end of World War II" (61 Stat. 919), is hereby repealed.

(b) Section 3469 (f) (2) of the Internal Revenue Code is hereby amended to read as follows:

"(2) *Exemption of members of military and naval service.* The tax imposed by this section shall not apply to the payment for transportation or facilities furnished under special tariffs providing for fares of not more than 2.025 cents per mile applicable to round-trip tickets sold to personnel of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard traveling in uniform of the United States at their own expense when on official leave, furlough, or pass, including authorized cadets and midshipmen, issued on presentation of properly executed certificate."

PAR. 2. Section 130.63, as amended by Treasury Decision 5604, approved February 25, 1948, is further amended as follows:

(A) By striking out the caption and inserting in lieu thereof the following:

§ 130.63 *Members of military and naval service*—(a) *Amounts paid prior to January 1, 1948.*

(B) By striking out the last sentence and inserting in lieu thereof the following: "This paragraph shall not apply with respect to amounts paid after December 31, 1947."

(b) *Amounts paid on or after December 16, 1950.* Under the provisions of section 3469 (f) (2), as amended by Public Law 878 (81st Congress, 2d Session), the tax does not apply to amounts paid after December 15, 1950, for transportation or for seating or sleeping accommodations furnished under special tariffs providing for fares of not more than 2.025 cents per mile applicable to round-trip tickets sold to personnel of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, including authorized cadets and midshipmen, traveling in uniform of the United States at their own expense when on official leave, furlough, or pass. A person claiming exemption under this section will be required to exhibit to the agent of the carrier a properly executed certificate to show that he is traveling on official leave, furlough, or pass, but the submission of an exemption certificate on Form 731, revised, is not necessary in such case.

Because the amendment to section 3469 (f) (2) of the Internal Revenue Code became effective on December 16, 1950, the date following the date of approval of Public Law 878 (81st Cong., 2d Sess.), and because of the technical nature of the amendments made herein, it is found that it is impracticable and unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

This Treasury decision shall be effective as of December 16, 1950.

(53 Stat. 206, 423, as amended, 467; 26 U. S. C. 1855, 3472, 3791)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: April 3, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51–4179; Filed, Apr. 9, 1951; 8:45 a. m.]

[Regulations 17]

PART 173—DISPOSITION OF SUBSTANCES USED IN THE MANUFACTURE OF DISTILLED SPIRITS

Preamble. 1. These regulations, "Regulations 17, Disposition of Substances Used in the Manufacture of Distilled Spirits" (26 CFR, Part 173) are a republication of Regulations 17, 1945 Edition (26 CFR, Part 173; 10 F. R. 8734) and all amendments and modifications thereof through December 31, 1950.

2. These regulations consist only of previously approved material but the text has been rearranged and renumbered to conform to the Federal Register Regulations (13 F. R. 5929).

3. These regulations shall, on and after April 1, 1951, supersede Regulations 17 (26 CFR, Part 173; 10 F. R. 8734).

4. These regulations shall not affect or limit any act done or any liability incurred under any regulations superseded hereby, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause and proceeding prior to the effective date of these regulations, nor shall these regulations release, acquit, affect, or limit any offense committed in violation of previously existing regulations, or any penalty, liability or forfeiture incurred prior to such date.

5. It is found that compliance with the notice and public rule-making procedure and effective date limitations of the Administrative Procedure Act (5 U. S. C. 1001 et seq.) is unnecessary in connection with the issuance of the regulations in this part for the reason that the changes made are of a technical and clarifying nature and do not adversely affect the legitimate industry.

LAWS OF MORE COMMON APPLICATION PERTAINING TO SUBSTANCES USED IN THE MANUFACTURE OF DISTILLED SPIRITS

26 U. S. C. 2800	Tax [distilled spirits].
26 U. S. C. 2809	Definitions [distilled spirits].
26 U. S. C. 2811	Return of materials used in the manufacture of distilled spirits.
26 U. S. C. 3170	Transfer and delegation of powers.
26 U. S. C. 3254	Definitions [rectifier].

REGULATIONS GOVERNING DISPOSITION OF SUBSTANCES USED IN THE MANUFACTURE OF DISTILLED SPIRITS

SUBPART A—SCOPE OF REGULATIONS

Sec.
173.1 Substances used in the manufacture of distilled spirits.

SUBPART B—DEFINITIONS

173.5 Meaning of terms.
173.6 Commissioner.
173.7 Dispose.
173.8 Distilled spirits.
173.9 Filed.
173.10 Plurals.
173.11 Substance.
173.12 United States.
173.13 U. S. C.

SUBPART C—REQUIREMENT OF RETURNS

173.15 Returns required.
173.16 Filing returns.

SUBPART D—RECORDS TO BE MAINTAINED

173.20 Records required.

AUTHORITY: §§ 173.1 to 173.20 issued under 53 Stat. 375; 26 U. S. C. 3176. Interpret or apply 53 Stat. 308, 373 as amended; 26 U. S. C. 2811, 3170.

DERIVATION: §§ 173.1 to 173.20 are derived from Regulations 17, 1945 edition (26 CFR, Part 173; 10 F. R. 8734) except as noted following sections affected.

LAWS OF MORE COMMON APPLICATION PERTAINING TO SUBSTANCES USED IN THE MANUFACTURE OF DISTILLED SPIRITS [1]

26 U. S. C. 2800 TAX [DISTILLED SPIRITS].

* * * * * * *

(c) *Time of attachment.* The tax shall attach to distilled spirits, spirits, alcohol or alcoholic spirit, within the meaning of subsection (b) of section 2809 as soon as this substance is in existence as such, whether it be subsequently separated as pure or impure spirits, or be immediately, or at any subsequent time, transferred into any other substance, either in the process of original production or by any subsequent process.

* * * * * * *

26 U. S. C. 2809 DEFINITIONS [DISTILLED SPIRITS].

* * * * * * *

(b) *Distilled spirits.*

(1) *General definition.* Distilled spirits, spirits, alcohol, and alcoholic spirits, within the true intent and meaning of this chapter, is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation of grain, starch, molasses, or sugar, including all dilutions and mixtures of this substance.

(2) *Products of rectification.* As used in section 2803, the term "distilled spirits" includes products produced in such manner that the person producing them is a rectifier within the meaning of section 3254 (g).

* * * * * * *

26 U. S. C. 2811 RETURN OF MATERIALS USED IN THE MANUFACTURE OF DISTILLED SPIRITS.

Every person disposing of any substance of the character used in the manufacture of distilled spirits shall, when required by the Commissioner, render a correct return in such form and manner as the Commissioner, with the approval of the Secretary, may by rules and regulations prescribe, showing the names and addresses of the persons to whom such disposition was made, with such details, as to the quantity so disposed of or other information which the Commissioner may require as to each such disposition, as will enable the Commissioner to determine whether all taxes due with respect to any distilled spirits manufactured from such substances have been paid. Any person who wilfully violates any provision hereof, or of any such rules or regulations, and any officer, director, or agent of any such person who knowingly participates in such violation, shall upon conviction be fined not more than $500 or be imprisoned for not more than one year, or both. As used in this section, (a) the term "distilled spirits" has the same meaning as that in which it is used in section 2803; (b) the term "person" includes individuals, corporations, partnerships, associations, trusts, and other incorporated and unincorporated organizations; and (c) the term "substance of the character used in the manufacture of distilled spirits" includes, but not by way of limitation, molasses, corn sugar, cane sugar, and malt sugar.

26 U. S. C. 3170 TRANSFER AND DELEGATION OF POWERS.

The Secretary is authorized to confer and impose upon the Commissioner and any of his assistants, agents, or employees, and upon any other officer, employee, or agent of the Treasury Department, any of the rights, privileges, powers, duties, and protection conferred or imposed upon the Secretary, or any other officer or employee of the Treasury Department, by any law now or hereafter in force relative to the taxation, exportation, transportation, manufacture, possession, or use of, or traffic in, distilled spirits, wine, fermented liquors, or denatured alcohol.

26 U. S. C. 3254 DEFINITIONS.

* * * * * * *

(g) *Rectifier.* Every person who rectifies, purifies, or refines distilled spirits or wines by any process other than by original and continuous distillation from mash, wort, or wash, through continuous closed vessels and pipes, until the manufacture thereof is complete, and every wholesale or retail liquor dealer who has in his possession any still or leach tub, or who keeps any other apparatus for the purpose of refining in any manner distilled spirits, and every person who, without rectifying, purifying, or refining distilled spirits, shall, by mixing such spirits, wine, or other liquor with any material, manufacture any spurious, imitation, or compound liquors for sale, under the name of whisky, brandy, gin, rum, wine, spirits, cordials, or wine bitters, or any other name, shall be regarded as a rectifier, and as being engaged in the business of rectifying: *Provided,* That nothing in this subsection or section 3250 (f) (1) shall be held to prohibit the purifying or refining of spirits in the course of original and continuous distillation through any material which will not remain incorporated with such spirits when the manufacture thereof is complete.

* * * * * * *

SUBPART A—SCOPE OF REGULATIONS

§ 173.1 *Substances used in the manufacture of distilled spirits.* These regulations, "Regulations 17, Disposition of Substances Used in the Manufacture of Distilled Spirits" (26 CFR, Part 173), contain the procedural and substantive requirements relative to the returns and records of dispositions of substances used in the manufacture of distilled spirits.

SUBPART B—DEFINITIONS

§ 173.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

[1] The sections of the United States Code are numbered identically with corresponding sections of the Internal Revenue Code.

§ 173.6 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 173.7 *Dispose.* "Dispose" and all forms of the word, shall mean and include, but not by way of limitation, consign, sell, transfer, deliver, destroy, and lose, and all forms of those words.

§ 173.8 *Distilled spirits.* "Distilled spirits" shall have the meaning ascribed to that term by 26 U. S. C. 2811, 2809, (b) (1), (2), 2800 (c); shall have the meaning imputed by 26 U. S. C. 2809 (b) (2) to the use of the term in 26 U. S. C. 2803; and shall include products produced in such manner that the person producing them is a rectifier within the meaning of 26 U. S. C. 3254 (g).

§ 173.9 *Filed.* "Filed" shall be the delivery of the return or returns to the person designated in the requirement of returns, at the place stated in such requirement.

§ 173.10 *Plurals.* Words in the singular shall include the plural.

§ 173.11 *Substance.* "Substance" shall mean and include, but not by way of limitation, any of the following which are used in the manufacture of distilled spirits: Any grade or type of sugar, sirup, or molasses derived from sugar cane, sugar beets, corn, sorghum, or any other source; starch; potatoes; grain, or corn meal, corn chops, cracked corn, rye chops, middlings, shorts, bran, or any other grain derivative; malt; malt sugar, or malt sirup; oak chips, charred or not charred; charred kegs or barrels; yeast; cider; honey; fruits; grapes; berries; fruit, grape or berry juices or concentrates; wine; caramel; burnt sugar; gin flavor; Chinese bean cake or Chinese wine cake; urea; ammonium phosphate, ammonium carbonate, ammonium sulphate, or any other yeast food; or any other fermentable material of the character used in the manufacture of distilled spirits, or any chemical or other material suitable for promoting or accelerating fermentation; or any combination of such materials or chemicals.

DERIVATION: T. D. 5821.

§ 173.12 *United States.* "United States" shall mean the continental United States and its outlying possessions to which the internal revenue laws apply.

§ 173.13 *U. S. C.* "U. S. C." shall mean the United States Code.

SUBPART C—REQUIREMENT OF RETURNS

§ 173.15 *Returns required.* Every person in the United States who disposes of any substance, as defined in § 173.11, shall, when required in writing by the Commissioner of Internal Revenue, the Deputy Commissioner in charge of the Alcohol Tax Unit, or a district supervisor, or acting district supervisor of the Alcohol Tax Unit, and until notified to the contrary in writing by such an officer, for the purpose of enabling the determination, in accordance with law, as to whether all taxes due with respect to any distilled spirits manufactured from such substances have been paid, render in writing correct returns showing (a) the date of each disposition of such substances, and in such quantities, as may be specified in the formal notice requiring such returns; (b) the quantity and kind of each substance disposed of; (c) the name and complete address of each purchaser, consignee, and other person actually receiving such substances, and of any other person for, by, or through whom the substances were ordered or disposed of; (d) the date and method of shipment or delivery; and (e) if delivered or shipped by truck or similar conveyance, the State or city registration number of such truck or conveyance, and the name and complete address of the operator of such truck or conveyance as shown by his operator's license, giving the number of such operator's license and the date of its issuance. Where shipment is made by a common carrier, such as a railroad, trucking company, steamboat line, etc., the information required by (e) of this section need not be reported, but in lieu thereof there shall be furnished the complete routing of the shipment, full name and address of first carrier, and railroad car number or name of ship.

§ 173.16 *Filing returns.* Returns shall be filed with the officer or employee of the Bureau of Internal Revenue designated by the officer requiring returns. The first return shall be filed not later than 10 days after the receipt of the notice requiring the same to be submitted, unless that notice shall specify the date upon which the first return is to be filed.

SUBPART D—RECORDS TO BE MAINTAINED

§ 173.20 *Records required.* Every person in the United States who disposes of any substance, as defined in § 173.11, and who has been required to render returns under the provisions of § 173.15, shall keep at his place of business such books, records, documents, papers, invoices, bills of lading, etc., relating to or connected with any such disposition, as will enable such person to make the return provided for by § 173.15. Such books, records, documents, papers, invoices, bills of lading, etc., shall be kept readily available for, and open to, inspection by any officer or employee of the Alcohol Tax Unit of the Bureau of Internal Revenue during the hours of business of such person.

DERIVATION: T. D. 5821.

Effect. These regulations shall be effective as of April 1, 1951.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: April 4, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51-4238; Filed, Apr. 9, 1951; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

PART 725—PHYSICAL SEPARATION AND RETIREMENT

PHYSICAL EVALUATION BOARDS

Delete § 725.8 (a) and substitute therefor the following:

§ 725.8 *Composition.* (a) (1) A Physical Evaluation Board, empowered to act in any one case, shall consist of three commissioned officers as members, two of whom shall be non-medical members and one of whom shall be a medical member, and a recorder. Two members shall, whenever practicable, be senior in rank to the individual whose physical fitness is to be evaluated. In the absence of objection by the individual whose physical fitness is to be evaluated, the seniority of the members may be waived.

(2) A Physical Evaluation Board, empowered to act in any one case, which is to evaluate the physical fitness of an individual who is eligible to have his case adjudicated under laws in effect prior to October 1, 1949, shall consist of five commissioned officers as members, three of whom shall be non-medical members and two of whom shall be medical members, and a recorder. Three members shall, whenever practicable, be senior in rank to the individual whose physical fitness is to be evaluated. In the absence of objection by the individual whose physical fitness is to be evaluated, the seniority of the members may be waived.

Effective date. These changes are effective as of March 15, 1951.

FRANCIS P. MATTHEWS,
Secretary of the Navy.

APRIL 3, 1951.

[F. R. Doc. 51-4217; Filed, Apr. 9, 1951; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Interpretation 1]

GCPR, INT. 1—INCREASES IN TRANSPORTATION COSTS

In order to clarify the situation with regard to the general increase in freight rates recently authorized by the ICC, the Office of Price Stabilization has issued the following rules for determinng whether a seller under the General Ceiling Price Regulation may pass on to his buyers increases in transportation costs:

(1) Increases in inbound transportation costs, incurred by the seller in obtaining delivery from his supplier, cannot be added to the seller's ceiling prices. The seller must absorb all such increases.

(2) Increases in outbound transportation costs on shipment by the seller to his customers:

(a) If the seller during the base period quoted a delivered price he must, subject to the exceptions in paragraph (d), below, absorb any increases in transportation costs. Thus a seller who sold to all buyers at the same delivered price, or who had different delivered prices in different zones which do not correspond with the precise difference in transportation costs incurred by the seller for delivery to each such zone, must absorb increases in transportation.

(b) If the seller sold f. o. b. in the base period, adding on only actual transportation costs, increases in outbound transportation costs actually incurred by the seller may properly be passed on to the purchaser.

(c) Where the seller in the base period quoted an f. o. b. price, plus a "transportation charge", but such "transportation charge" did not represent the actual transportation cost incurred by the seller, such sale, for the purpose of this interpretation, is considered as falling within paragraph (a) above and the seller must therefore absorb any increase in transportation costs, as provided in paragraph (a).

(d) If the seller sold at a delivered price during the base period, but such price was computed on the basis of an f. o. b. price, adjusted for the actual cost of making delivery to each individual purchaser, the seller may pass on increases in transportation costs actually incurred. However, this method of computing the base period delivery price must have been objectively established to purchasers, as where the seller offered both a delivered and an f. o. b. price, the difference being the actual transportation costs, or where the seller quoted or billed actual transportation charges separately, or where the delivered price varied in each locality precisely by the difference in actual cost of transportation incurred by the seller for delivery to the several localities.

(e) If the seller sold only at delivered prices in the base period and now desires to shift to f. o. b. prices, the seller must reduce his ceiling prices, as established for sales on a delivered basis in the base period, by the amount of each purchaser's actual freight cost.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

HAROLD LEVENTHAL,
Chief Counsel,
Office of Price Stabilization.

APRIL 9, 1951.

[F. R. Doc. 51-4313; Filed, Apr. 9, 1951; 10:58 a. m.]

[General Ceiling Price Regulation, Interpretation 1 to Supplementary Regulation 1]

GCPR, SR 1—DEFENSE AGENCY PRICING

INTERPRETATION 1—CERTAIN MILITARY FABRICS

The following listed fabrics, which normally have no civilian counterpart, are considered as "commodities normally produced and supplied only for military use" within the meaning of section 2 (a) of Supplementary Regulation 1 (16 F. R. 1006, 1234, 1707, 1949, 2185), as amended, to the General Ceiling Price Regulation.

Under that section, sales or deliveries of such items entered into under a defense contract prior to April 1, 1951, (May 1, 1951, for sub-contractors) are exempt from control under the General Ceiling Price Regulation. The included fabrics are:

Wind Resistant Sateen (9 oz.)—Government Spec. ⌀MIL. C-10771.
Wind Resistant Oxford (9 oz.)—Government Spec. ⌀MIL. C-484A.
Wind Resistant Oxford (6.5 oz.)—Government Spec. ⌀MIL. C-484A.
Wind Resistant Oxford (5.5 oz.)—Government Spec. ⌀MIL. C-484A.
Wind Resistant Twill (5 oz.)—Government Spec. ⌀MIL. C-342A.
Wind Resistant Poplin (5 oz.)—Government Spec. ⌀MIL. C-342A.
Wind Resistant Oxford (5½ oz.)—Government Spec. ⌀MIL. C-15479.
Cloth, Cotton Poplin (4 oz.)—Government Spec. ⌀JAN-C-507.
Cloth, Cotton Twill—Government Spec. ⌀55-U-4 (Sanda).
Cloth, Cotton Fine Plain Balloon (3.9 oz.) (2.8 oz.)—Government Spec. ⌀JAN-C-332.
Cloth, Balloon, Finished, Types BB, HH, KK, MM, RR, SS—Government Spec. 6-39-G.
Fabric, Cotton Twill—USA-6-315.
Cloth, Cotton, Mildew Resistant—AAF-16159.
Fabric, Aircraft Flotation Equipment—AN-F-10; AN-C-112.
Cloth, Cotton, High Tear Resisting Sateen—MIL-C-5644.
Jungle Cloth, all types—Government Spec. 27-C-22F.
Cloth, Cotton, Airplane—Government Spec. AN-C-121; MIL-C-5646.
Cloth, Oxford, Cotton-Nylon—Government Spec. Tent. Spec.
Cloth, Cotton, Oxford (Shirts)—Government Spec. MIL-C-15813 NC.
Cloth, Cotton, Albert Twill—JAN-C-502.
Fabric—Glider Cotton—AAF-16128.
Cloth, Cotton, Herringbone Twill (Army)—MIL-C-154-A.
Cloth, Cotton, Herringbone Twill (Marine Corps)—MIL-C-15782.
Cloth, Cotton, Sateen, 8.5 oz.—MIL-C-10296.
Cloth, Cotton, Oxford-Poplin—MIL-C-2107.
Cloth, Cotton, Uniform Twill, 6 oz.—USA-6-311.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

HAROLD LEVENTHAL,
Chief Counsel,
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APRIL 9, 1951.

[F. R. Doc. 51-4316; Filed, Apr. 9, 1951; 10:58 a. m.]

[General Ceiling Price Regulation, Interpretation 2 to Supplementary Regulation 1]

GCPR, SR 1—DEFENSE AGENCY PRICING

INTERPRETATION 2—MILITARY FOOTWEAR

Under section 2 (a) of Supplementary Regulation 1, as amended (16 F. R. 1006, 16 F. R. 1234, 16 F. R. 1707, 16 F. R. 1949, 16 F. R. 2185), to the General Ceiling Price Regulation, sales or deliveries of "commodities normally produced and supplied only for military use" entered into under a defense contract prior to April 1, 1951 (May 1, 1951, for subcontractors), are exempt from control under the General Ceiling Price Regulation. The following footwear, which normally have no civilian counterpart, are considered to be such commodities and therefore exempt:

Boots, Combat, Tropical (Army)—Military Spec. ⌀Mil. B-2372.
Boots, Arctic, Felt (Army)—Military Spec. ⌀Mil. B-2289.
Boots, Knee, Wader, M-1945 (Army)—Military Spec. ⌀Mil. B-2290.
Boots, Service, Combat, Russet—Military Spec. ⌀Mil. B-1720.
Shoepac—12"—Compound Outsole—Chrome Retan—Military Spec. ⌀Mil. S-2203.

It is emphasized that the component parts of the exempt footwear are not exempt merely because they are part of such footwear.

Many other items of footwear bought by the military are considered not to be exempt from control under the General Ceiling Price Regulation. Items of footwear bought by the military but which are not exempt include the following:

Shoes, Leather, Oxford, Black—Military Spec. ⌀55543 (Sanda).
Shoes, Leather Low Quarter (USMC)—Military Spec. ⌀Mil. S-15814.
Shoes, Leather, Blucher, Oxford, Brown, Navy—Military Spec. ⌀Mil. S-2425.
Shoes, Service, Black, Oxford, Women's—Military Spec. ⌀Mil. S-3016.
Shoes, Nurses', White (Army)—Military Spec. ⌀Mil. S-1756.
Shoes, Women's, Low Quarter—Military Spec. ⌀Mil. S-837.
Shoes, Low Quarter, Tan (Army)—Military Spec. ⌀Mil. S-2462.
Shoe Safety Toe, Oil Resistant Sole, Black or Russet—Military Spec. ⌀Mil. S-10773.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

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[General Ceiling Price Regulation, Interpretation 1 to Supplementary Regulation 7]

GCPR, SR 7—PROCESSORS OF MANUFACTURED FEEDS

INTERPRETATION 1—EFFECT OF DECREASE IN VALUE OF INGREDIENTS

A manufacturer of manufactured feed who has increased his ceiling price per ton as permitted by section 1 of SR 7, GCPR, (16 F. R. 1819) when the total value per ton of the ingredients increased, is not required to decrease his ceiling price per ton when in a subsequent period the total value per ton of the ingredients decreases. Section 1 allows increases to be reflected in higher ceiling prices but it does not require lowering previously adjusted ceiling prices when the total value per ton of the ingredients decreases.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong.,

E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

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APRIL 9, 1951.

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[General Ceiling Price Regulation, Interpretation 1 to Supplementary Regulation 9]

GCPR, SR 9—EXEMPTION OF SALES AND DELIVERIES OF EXPORTED COMMODITIES UNDER EXISTING CONTRACTS

INTERPRETATION 1—LIMITATION AS TO APPLICABILITY

Supplementary Regulation 9 to the General Ceiling Price Regulation (16 F. R. 2063), grants authority to merchant exporters to fulfill written contracts for export sales made prior to January 26, 1951, and to fulfill contracts for export sales made between January 26 and February 2, 1951, which were based on firm written offers made prior to January 26.

This exemption is limited to export sales of those commodities which remain under the General Ceiling Price Regulation. It does not apply, for example, to exports of cotton (the export ceiling prices of which are established by Ceiling Price Regulation 8, 16 F. R. 2060) or to exports of other commodities which are covered by "tailored regulations" designed for particular industries. The General Ceiling Price Regulation, to which the exemption provision is supplementary, expressly states that it does not apply to sales of commodities or services the ceiling prices of which are established by other regulations or orders of the Director of Price Stabilization. Moreover, the Statement of Considerations accompanying Supplementary Regulation 9 states that the "Delay in delivery on existing contracts for export sales pending issuance of tailored regulations" was a reason for issuing the exemption.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

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APRIL 9, 1951.

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Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-1, as amended April 6, 1951]

M-1—IRON AND STEEL

This amendment to order M-1 is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the issuance of this amendment, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

This amendment affects NPA Order M-1, as amended March 15, 1951, in the following respects:

It adds a sentence at the conclusion of section 8; redesignates sections 14 to 19, inclusive, as sections 15 to 20, inclusive; adds a new section designated section 14; designates the text of section 17 (as redesignated) as paragraph (a); adds to section 17 (as redesignated) a new paragraph designated paragraph (b); changes the word "Column" wherever it occurs to "Part"; and amends Table I, as set out at the end of the order, in its entirety.

Sec.
1. What this order does.
2. Forms of iron and steel products to which this order applies.
3. Required shipment dates.
4. Rejection of rated orders (lead time).
5. Product limitation for acceptance of rated orders.
6. Conditions for acceptance of rated orders.
7. Changes in lead time.
8. Allotments for further conversion.
9. Extension of ratings for further conversion of steel products.
10. NPA assistance in placing rated orders.
11. Scheduled programs.
12. Minimum orders.
13. Inventories.
14. Ferro-alloys.
15. Application for adjustment or exception.
16. Communications.
17. Reports.
18. Records.
19. Audits and inspection.
20. Violations.

AUTHORITY: Sections 1 to 20 issued under sec. 704, Pub. Law 774, 81st Cong. Interprets or applies sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to producers of iron and steel and provides rules for placing, accepting, and scheduling rated orders for iron and steel. Its purpose is to provide equitable distribution of rated orders among all iron and steel producers of the particular products in order to make possible maximum production and to reduce to a minimum disruption of normal distribution. It makes provision for required acceptance of rated orders based on a percentage of previous shipments, and provides for allotment and maximum inventories. It supplements NPA Regs. 1 and 2, but only those provisions of Regs. 1 and 2 which are inconsistent with this order are superseded, and all other provisions of those regulations continue to apply to the iron and steel industry.

SEC. 2. *Forms of iron and steel products to which this order applies.* The iron and steel products to which this order applies are set out in Table I at the end of this order. Table I also sets out the lead time (days) and product limitation for acceptance of rated orders. This order also applies to all second quality materials and shearings and material sorted or salvaged from steel scrap and sold for other than remelting purposes.

SEC. 3. *Required shipment dates.* A rated order for iron or steel in any of the forms listed in Part A of Table I must specify shipment on a particular date or in a particular month, which, in no case, may be earlier than required by the person placing the order. The producer of iron or steel must schedule the order for shipment within the requested month as close to the requested shipment date as is practicable considering the need for maximum production.

SEC. 4. *Rejection of rated orders (lead time).* A producer of iron or steel in a form listed in Part A of Table I need not accept a rated order which is received by him less than the number of days (lead time) set forth in Part B of Table I prior to the first day of the month in which shipment is requested, unless specifically directed to accept such order by the National Production Authority.

SEC. 5. *Product limitation for acceptance of rated orders.* Unless specifically directed by NPA, no iron or steel producer shall be required to accept rated orders for shipment from any one producing unit regardless of location in any one month in excess of the percentages set forth in Part C of Table I, of his average monthly shipments of the products listed in said part, as made by him during the period from January 1, 1950, through August 31, 1950. Where no percentage limitation is set forth as to any product, it is expected that the amount of such product to be called for by rated orders will be relatively small.

SEC. 6. *Conditions for acceptance of rated orders.* Unless otherwise specifically directed by the National Production Authority, and subject to the provisions of NPA Reg. 2, each iron or steel producer shall be required to accept rated orders calling for shipment in any one month from any one of his producing units regardless of location, of products listed in Part A of Table I up to the amount of the percentages listed in Part C of Table I of his average monthly shipments of such products from that producing unit during the period from January 1, 1950, to August 31, 1950. Where no percentage is listed in Part C, in regard to any iron or steel product, each iron or steel producer shall be required to accept all rated orders served upon him, subject to the provisions of NPA Reg. 2, unless otherwise specifically directed by the National Production Authority.

SEC. 7. *Changes in lead time.* (a) If an iron or steel producer would have an open space on his production schedule created by the difference between the lead time of forty-five days as established by this order as originally issued or as subsequently amended, and a longer lead time as established by section 4 of this order, he shall continue to accept rated orders to fill such open space on his production schedule, on the basis of a lead time of forty-five days, before he applies the newly established longer lead time. In filling such open space on his production schedule, as above referred to, an iron or steel producer shall be governed by the product limitation percentage appearing in Part C of Table I.

Example: Under the previously established lead time of 45 days, a steel producer would, up to December 17, 1950, accept DO rated orders for shipment in February 1951. Where a lead time has been increased to 120 days, he would, up to January 31, 1951, accept DO rated orders for shipment in June 1951. In the application of this example, the steel producer would continue to accept DO rated orders for shipment in March and April 1951, on a 45-day lead time until he had arrived in any one month at the product limitation percentage of that product as set forth in Part C, of Table I. Thereafter, he would conform to the new lead time of 120 days for shipment in the succeeding months.

(b) In the example in paragraph (a) of this section, if the product limitation percentage under Part C of Table I as to that particular iron or steel product has been increased from 5 percent to 10 percent, the iron or steel producer should accept DO rated orders up to the amount of the new product limitation percentage figure, commencing with shipments for the month of March 1951, and should continue at that new figure thereafter.

SEC. 8. *Allotments for further conversion.* A steel producer who buys from another steel producer a steel product listed under the heading "Steel Mill Products" in Part A of Table I (herein called "steel mill products"), and by further processing converts, for resale, the purchased steel into another steel mill product is engaged in further conversion. For the purpose of this section, the steel producer who sells a steel mill product for further conversion shall be called a producer supplier and the steel producer engaged in further conversion shall be called a converter. Each producer supplier shall make a monthly allotment of his production of each steel mill product that remains after shipments on DO ratings and NPA directives to each of his converter customers. Such monthly allotment shall be at least equal to that percentage of his available production so remaining, as the producer supplier's shipments to each converter customer bore to his total shipments, during the base period, from January 1, 1950, through September 30, 1950. A producer supplier must accept orders placed by his converter customer up to the limit of his allotment: *Provided, however,* That such orders are placed in accordance with the lead times in Part B of Table I. Shipments under such allotments shall be made in addition to shipments to the same converter customer pursuant to authorized extension of DO ratings. Orders placed under the provisions hereof must be for substantially the same product as was supplied to each such converter during such period, except for minor variations in size and design. In determining the amount of the monthly allotments, adjustments may be made by a producer supplier, with the consent of the converter involved, to provide for any abnormal situations which affect any steel products. Producer converters in Canada shall be entitled to the benefits of this section, and producer suppliers in the United States shall make monthly allotments to Canadian producer converters in accordance with the provisions of this section.

SEC. 9. *Extension of ratings for further conversion of steel products.* All DO ratings extended for the purpose of further conversion of steel products shall have the symbol FC added to the two-digit designation following the prefix DO on the order.

SEC. 10. *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for iron or steel due to the limitations imposed by sections 5 and 6 of this order should apply to the NPA, Iron and Steel Division, Ref.: M-1, specifying the producers who refused to accept the order. The NPA will arrange to assist him in locating other sources of supply.

SEC. 11. *Scheduled programs.* NPA will from time to time approve scheduled programs calling for the production and delivery of iron and steel products for stated purposes, over specified periods of time. Upon approval of major programs of this type, supplements to this order will be issued describing such programs and specifying the manner in which they are to be carried out by the iron and steel industry. Thereafter, directives will be issued to individual concerns establishing schedules for their participation in such programs. Such directives shall be complied with by the recipients in accordance with the terms thereof, unless otherwise directed by NPA.

SEC. 12. *Minimum orders.* The minimum orders that may be placed with DO ratings or under NPA directives are set out in Table II at the end of this order. The minimum quantity for each size and grade of any item for shipment at any time to any one destination is listed opposite the appropriate item. If all other requirements of this order have been met, orders for such minimum quantities shall be accepted.

SEC. 13. *Inventories.* In addition to the provisions of NPA Reg. 1, relating to inventory control, it is considered that a more exact requirement applying to users of iron or steel products is necessary. No person obtaining iron or steel products for use in manufacture, processing, or construction, may receive or accept delivery of a quantity of iron or steel products if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 45-day period, for steel products, gray and malleable iron castings, and 30-day period for pig iron, or in excess of a practicable minimum working inventory (as defined in NPA Reg. 1), whichever is less. For the purpose of this section, iron and steel products listed in Table I in which only minor changes or alterations have been effected shall be included in inventory. NPA Reg. 1 will apply to iron and steel products except as modified by this section. Said 45-day limitation does not apply to persons who order structural steel for use in construction (including buildings, bridges and other structures of a like type) and who order it delivered cut to the specifications required for a specific project and who normally keep such steel segregated for the specific project. Instead, no such person may accept delivery of such steel more than 45 days before it is scheduled to be fabricated or, if it is not to be further fabricated, before it is scheduled to be assembled.

SEC. 14. *Ferro-alloys.* (a) As used in this section and in section 17 of this order, "ferro-alloys" means and includes, in such form or condition that the same may be used in the production of alloy iron, steel, or nonferrous products, the following elements and their compounds, and scrap containing usable quantities of any one or more of such elements or of any compound or compounds of any one or more of such elements: Boron, calcium, chromium, cobalt, columbium, manganese, molybdenum, nickel, silicon, tantalum, titanium, tungsten, vanadium, and zirconium.

(b) Every person shall comply with any direction or directions issued by NPA respecting the use, and restrictions and limitations on the use, of any ferro-alloy or alloys in the production of alloy iron, steel, or non-ferrous products.

(c) No person shall receive or accept delivery of any ferro-alloy to be used for alloying purposes at a time when his inventory thereof exceeds, or by acceptance of such delivery would be made to exceed, 45 days' requirements on the basis of his then scheduled method and rate of operation or a practicable minimum working inventory (as defined in NPA Reg. 1), whichever is less. The provisions of this paragraph shall be construed to supersede the inventory limitation provisions of NPA Orders M-10 (Cobalt), M-14 (Nickel), M-30 (Tungsten), M-33 (Molybdenum), and M-49 (Columbium and Tantalum), so far as the inventory limitation provisions of said orders apply to persons having in inventory any ferro-alloy to be used for alloying purposes.

SEC. 15. *Application for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 16. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M-1.

SEC. 17. *Reports.* (a) Persons subject to this order shall make such records and submit such reports to the NPA as it shall require, subject to the terms of the Federal Reports Act (P. L. 831, 77th Cong., 5 U. S. C. 139–139F). In accordance with this section all steel producers are required to report on "NPAF–13—Steel Producers' Report of Orders Accepted for DO Ratings and Programs" the orders accepted bearing DO ratings and orders resulting from programs made effective by NPA directives; and on "NPAF–17—Steel Producers' Monthly Report of Shipments and Past Due Orders" the record of the shipments and past due orders by DO ratings and programs made effective by NPA directives.

(b) Every person shall submit to NPA such reports as it shall require with respect to the receipt, consumption, shipment, and maintenance in inventory of any ferro-alloy as defined in section 14 (a) of this order: *Provided*, That no person shall be required to file, as to any ferro-alloy, any report in addition to such report with respect thereto as he files pursuant to any order of NPA establishing allocation or inventory control over the use of such ferro-alloy.

SEC. 18. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 19. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the NPA.

SEC. 20. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on April 6, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

TABLE I—IRON AND STEEL PRODUCTS TO WHICH THIS ORDER APPLIES—REFER TO SECTION 5

Part A	Part B: Lead times (days)				Part C: Production limitation, required acceptance (percentage)		
Name of Product	Carbon	Low alloy	Stainless	Full alloy	Carbon (including low alloy high strength)	Stainless	Full alloy
	(1)	(2)	(3)	(4)	(1)	(2)	(3)
Steel (including wrought iron) mill products:							
Ingots	45	75	75	75		10	25
Billets, projectile and shell quality [2]	45	75	75	45	(13)	XXXX	(1)
Blooms, slabs, billets (except projectile and shell quality)	45	75	75	75	13 25	1 25	13 18
Tube rounds	45	75	75	75	35	50	6
Sheet bars	45	75	75	75	10	50	5
Skelp	45	----	----	----	5	XXXX	XXXX
Wire rods	45	75	90	75	25	----	20
Structural shapes (heavy)	45	75	3 150	90	30	----	----
Steel piling	45	----	----	----	30	XXXX	XXXX
Plates—rolled armor	----	----	----	(1)	XXXX	XXXX	(1)
Plates—other	45	75	90	75	4 30	50	25
Rails—standard (over 60 pounds)	45	----	----	90	10	XXXX	----
Rails—all other	45	----	----	90	10	XXXX	----
Joint bars	45	----	----	90	10	XXXX	XXXX
Tie plates	45	----	----	----	10	XXXX	XXXX
Track spikes	45	----	----	----	5	XXXX	5
Wheels (rolled and forged)	45	----	----	90	5	XXXX	5
Axles	45	----	----	90	5	XXXX	5
Bars—hot-rolled, projectile and shell quality (includes all projectile components such as fuzes, adapters, and base plugs)	45	75	----	1 75	(12)	XXXX	(14)
Bars—hot-rolled, other (including light shapes)	6 45	6 75	90	6 75	35	50	50
Bars—reinforcing	45	----	----	----	20	XXXX	XXXX
Bars—cold-finished	6 75	6 105	105	6 105	25	50	40
Bars—tool steel	6 60	----	----	6 90	10	XXXX	----
Standard pipe	45	----	120	----	10	25	----
Oil-country goods	45	----	----	----	10	XXXX	----
Line pipe	45	----	----	----	10	XXXX	XXXX
Mechanical tubing	6 45	----	120	120	35	50	50
Pressure tubing	6 45	----	120	120	30	50	25
Wire—drawn	45	75	90	(10)	----	50	25
Wire—nails and staples	45	----	----	----	10	XXXX	XXXX
Wire—barbed and twisted	45	----	----	----	10	XXXX	XXXX
Wire—woven wire fence	45	----	----	----	5	XXXX	XXXX
Wire—bale ties	45	----	----	----	5	XXXX	XXXX
Tin mill black plate	45	----	----	----	5	XXXX	XXXX
Tin and terneplate, hot-dipped	45	----	----	----	5	XXXX	XXXX
Tin plate, electrolytic	45	----	----	----	5	XXXX	XXXX
Sheets—hot-rolled	45	75	90	75	30	40	5
Sheets—cold-rolled	45	75	105	90	16	40	5
Sheets—galvanized	45	75	----	----	20	XXXX	----
Sheets—all other coated	45	75	----	----	16	XXXX	XXXX
Sheets—enameling	45	----	----	----	5	XXXX	XXXX
Electrical sheets and strip	(7)	----	----	----	(7)	----	----
Strip—hot-rolled	45	75	90	75	12	25	5
Strip—cold-rolled	45	75	105	90	16	25	----
Steel castings:							
High alloy, rough as cast (heat and corrosion resisting)	----	----	11 90	11 90	XXXX	20	20
Carbon and low alloy	11 60	11 90	----	----	20	XXXX	XXXX
Steel products, fabricated:							
Forgings (rough as forged)	60	120	120	120	30	20	20
Fence posts	45	----	----	----	----	----	----
Wire rope and strand	45	----	105	----	15	25	----
Welded wire mesh	45	----	105	----	5	15	XXXX
Netting	45	----	105	----	5	15	XXXX
Frogs and switches	45	----	----	----	10	----	----
Track bolts	45	----	----	----	5	----	----
Iron products:							
Pig iron (not including iron with more than 6 percent silicon)	45	----	----	----	15	XXXX	XXXX
Malleable casting (rough as cast)	11 60	----	----	----	20	XXXX	XXXX
Gray iron, excluding pipes and fittings (rough as cast)	11 60	----	----	----	20	XXXX	XXXX

[1] No "product limitation" or "lead time," whichever is applicable. Subject to direct negotiation by NPA if necessary.
[2] Of each item.
[3] Applies to special rolled shapes including angles and channels.
[4] In addition all hot-rolled sheet producers are to set aside for plates an amount equal to 8 percent of the average monthly shipments of hot-rolled carbon sheets in the base period Jan. 1, 1950, through Aug. 31, 1950.
[5] Includes bars—rounds for piercing.
[6] If annealed or heat-treated, add an additional 15 days.
[7] For electrical sheets and strip, use this table:

Lead time	Percentage limitation	Definition
Low grade, 45	7	AISI M50, M43, M36.
Medium grade, 45	35	AISI M29, M22, M19.
High grade, 60	60	AISI M17, M15, M14, and oriented.

[8] If cold finished, add an additional 15 days.
[9] If cold drawn or cold finished, 60 days; for welded tubing, 75 days.
[10] Wire drawn: low carbon, 11 percent; high carbon, 16 percent.
[11] Lead times apply to unmachined castings after approval of patterns for production.
[12] Such percentage being the total for any combination of these products.
[13] An amount equal to 35 percent of the tonnage represented by hot-rolled carbon bar set aside. This is in addition to tonnage set aside for hot-rolled bars.
[14] An amount equal to 35 percent of the tonnage represented by hot-rolled alloy bar set aside. This is in addition to tonnage set aside for hot-rolled bars.
[15] An amount equal to 25 percent of the tonnage represented by the carbon blooms, slabs, billets set aside. This is in addition to tonnage set aside for blooms, slabs, billets.

TABLE II—MINIMUM ORDERS THAT MAY BE PLACED ON STEEL MILLS, STEEL AND IRON FOUNDRIES, STEEL FORGE SHOPS AND MERCHANT PIG IRON PRODUCERS FOR THE PRODUCTS SPECIFIED

(Special grades, shapes, specifications, processes, and similar factors must be handled by negotiation)

Name of product	Minimum quantity for each size and grade of any item for shipment at any one time to any one destination
STEEL MILL PRODUCTS	
Carbon and low-alloy steel:	
Ingots, blooms, billets, slabs, and tube rounds, sheet bars, skelp, etc., rerolling quality	25 net tons.
Blooms, billets, and slabs, forging quality	Product of 1 ingot.
Wire rods, hot-rolled	5 net tons.
Structural shapes	5 net tons.
Plates:	
Rolled armor	By negotiation.[1]
Continuous strip mill production	10 net tons.
Sheared, universal, or bar mill production	3 net tons.
Rails	5 net tons.
Track accessories (joint bars, tie plates, track spikes)	5 net tons.
Bars, hot-rolled:	
Projectile and shell quality	Product of 1 heat.[2]
Round bars up to and including 3" and squares, hexagons, half rounds, ovals, etc., of approximately equivalent sectional area	5 net tons.
Round and square bars over 3" to but not including 8"	15 net tons.
Bar size shapes (angles, tees, channels and zees under 3")	5 net tons.
Bars, cold finished	3 net tons.
Bars, tool steel	500 pounds.
Pipe, published carload minimum (mixed sizes and grades)	
Tubing:	
Seamless cold-drawn (O. D. in inches):	
Up to ¾" inclusive	1,000 feet.
Over ¾" to 1½" inclusive	800 feet.
Over 1½" to 3" inclusive	600 feet.
Over 3" to 6" inclusive	400 feet.
Over 6"	250 feet.
Seamless hot-rolled	By negotiation.[1]
Welded	By negotiation.[1]
Wire rods. (See above.)	
Wire, drawn, for further fabrication and manufacturing:	
Low-carbon	1 net ton.
High-carbon (0.40 carbon and higher):	
0.0475" and heavier	1 net ton.
Under 0.0475" to 0.021" inclusive	1,000 pounds.
Under 0.021"	500 pounds.
Wire merchant trade products, assorted	5 net tons.
Tin mill products—any 1 gauge	5,000 pounds.
Sheet, hot- and cold-rolled	5 net tons.
Strip, hot- and cold-rolled	3 net tons.
Stainless steel: No minimum on standard grades and sizes. For unusual grades or sizes the minimum order is to be worked out by negotiation.[1]	
Full alloy steel:	
Ingots	Product of 1 heat.[2]
Billet, projectile and shell quality	By negotiation.[1]

Name of product	Minimum quantity for each size and grade of any item for shipment at any one time to any one destination
STEEL MILL PRODUCTS—continued	
Full alloy steel—Continued	
Blooms, slabs, billets (except projectile and shell quality) tube rounds, sheet bars, etc.:	
7" square (or equivalent cross sectional area) and under	5 net tons.
Larger than 7" square (or equivalent cross sectional area)	10 net tons.
Both of the above may be modified because of a mill's ingot size and/or rolling schedules.	
Wire rods	5 net tons.
Structural shapes	By negotiation.[1]
Plates:	
Rolled armor	By negotiation.[1]
Other, whether rolled on continuous strip, sheared, universal or bar mill.	10 net tons.
(A steel producer need not accept an order unless the total quantity ordered is sufficient to make a heat of steel or unless ingots or slabs are available in stock or unless similar material is regularly being produced.)	
Rails	By negotiation.[1]
Wheels	By negotiation.[1]
Axles	By negotiation.[1]
Bars, hot-rolled, projectile and shell quality	By negotiation.[1]
Bars, hot-rolled, other:	
Rounds and squares 3½" and smaller	5 net tons.
Rounds and squares larger than 3½"	By negotiation.[1]
Hexagons and flats	5 net tons.
Bars, cold-finished	3 net tons.
Bars, tool steel	500 pounds.
Oil-country goods	By negotiation.[1]
Mechanical tubing	5 net tons.
Pressure tubing	By negotiation.[1]
Sheet and strip	By negotiation.[1]
STEEL CASTINGS (UNMACHINED)	
High alloy and stainless (heat and corrosion resisting)	(3).
Carbon and low-alloy	(3).
STEEL PRODUCTS, FABRICATED	
Forgings (rough as forged)	By negotiation.[1]
Wire rope and strand	1,000-foot lengths.
Welded wire mesh	Full rolls of manufacturers' standard stock sizes.
Netting	Full rolls of manufacturers' standard stock sizes.
IRON PRODUCTS	
Pig iron	Car load.
Gray iron castings, excluding soil and pressure pipe and fittings (unmachined)	(3).
Malleable castings (unmachined)	(3).

[1] "By negotiation" means negotiation between the mill and its customer. If no acceptable arrangements are worked out, the NPA should be notified.
[2] "1 heat" means one batch of metal made in 1 furnace.
[3] 2,000 pounds or less from any 1 pattern or mold, or a minimum production run by the producing foundry even though the delivery from such minimum run may cause the consumers' inventory to exceed the 45-day minimum stated in section 13.

[F. R. Doc. 51–4274; Filed, Apr. 6, 1951; 4:06 p. m.]

[NPA Order M–2 as Amended April 6, 1951]

M–2—RUBBER

This amendment is found necessary and appropriate to promote the national defense. It is issued pursuant to both the Defense Production Act of 1950 and the Rubber Act of 1948. In the formulation of this amendment consultation with industry representatives has been impossible because of the need for immediate action.

NPA Order M–2, as amended April 1, 1951, is further amended in the following respects:

1. Section 10 is amended by adding thereto a new paragraph (f) to read as follows:

(f) *GR–S plant clean-up and dried latex drainings, coagulum, and preflox materials.* Only 50 percent of the quantity of GR–S plant clean-up material purchased from the Office of Rubber Reserve, and only 25 percent of the GR–S dried latex drainings, coagulum, and preflox purchased from the Office of Rubber Reserve, need be considered in computing and reporting the total quantity of synthetic rubber acquired or consumed.

2. Section 12 is amended to read as follows:

SEC. 12. *Tires or tubes for new passenger automobiles.* No person shall deliver any tires or tubes to any manufacturer of new passenger automobiles unless such manufacturer furnishes to him a signed certificate reading substantially as follows:

I hereby certify, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, That, except in fulfillment of DO-rated orders, after April 1, 1951, I will not install on or use for any new passenger automobile more than four tires or tubes and that no more than four tires and tubes will be delivered by me with any new passenger automobile.

(Date) (Signed)

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong. Sec. 101, E. O. 10161, Sept. 9, 1950, 5 F. R. 6105, 3 CFR, 1950 Supp. Sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

This amendment shall take effect as of April 1, 1951.

Issued April 6, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–4270; Filed, Apr. 6, 1951; 4:05 p. m.]

[NPA Order M-3 as Amended April 6, 1951]

M-3—Columbium and Tantalum Bearing Steels—Production and Use

This amendment to Order M-3 is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by the Defense Production Act of 1950. In the issuance of this amendment, consultation with industry representatives was impracticable because of the necessity for immediate action.

This amendment affects NPA Order M-3, as amended March 15, 1951, by amending section 2; redesignating sections 5 to 9, inclusive, as sections 6 to 10, inclusive, respectively; and adding a new section designated as section 5.

NPA Order M-3, as amended March 15, 1951, is hereby amended in the following respects:

First: Section 2 is hereby amended to read as follows:

Sec. 2. *DO ratings required.* Except as may be otherwise ordered by NPA, no columbium- or columbium-tantalum-bearing steels shall be produced, sold, delivered, or purchased except pursuant to DO rated orders or NPA directives: *Provided*, That with respect to columbium- or columbium-tantalum-bearing steels, the rating DO-01 shall be valid for deliveries on and after July 1, 1951, only when supported by a certification that delivery of the quantity specified as and when ordered has been approved and authorized by the Aircraft Production Resources Agency. Such certification shall be as follows:

"Certified as approved by APRA."

Such certification shall constitute a representation by the purchaser to the supplier and to NPA that the purchaser has been duly authorized by the Aircraft Production Resources Agency to accept delivery of such steel, and is entitled to accept such delivery as permitted in this order.

The certification required by this section shall be in addition to the certification required by NPA Reg. 2.

Second: Sections 5 to 9, inclusive, are hereby redesignated sections 6 to 10, inclusive, respectively.

Third: There is hereby added an additional section to be designated section 5 and to read as follows:

Sec. 5. *Conservation of scrap.* No person shall dispose of any columbium- or columbium-tantalum-bearing scrap which is fit for remelting except for use in the production of columbium- or columbium-tantalum-bearing steel.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong. Sec. 101, E. O. 10161, Sept. 9, 1950, 5 F. R. 6105, 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

This amendment shall take effect on April 6, 1951.

Issued April 5, 1951.

National Production Authority,
[SEAL] Manly Fleischmann,
Administrator.

[F. R. Doc. 51-4271; Filed, Apr. 6, 1951; 4:05 p. m.]

[NPA Order M-7, as Amended Apr. 6, 1951]

M-7—Aluminum for Civilian Use

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-7 as amended March 9, 1951, as follows: It amends paragraph (c) of section 2, section 3, paragraph (c) of section 5, section 6, paragraphs (b) and (d) of section 8, and Lists A and B. NPA Order M-7, as so amended, reads as follows:

Sec.
1. Purpose and scope.
2. Definitions.
3. Aluminum forms and products to which this order applies.
4. Application of order.
5. Use of aluminum.
6. Prohibited use of aluminum.
7. Maintenance, repair, and operating supplies.
8. Exemptions.
9. Inventories.
10. Application for adjustment.
11. Records and reports.
12. Communications.
13. Violations.

Authority: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

Section 1. *Purpose and scope.* The purpose of this order is to describe how the aluminum remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy. It is the policy of the National Production Authority that aluminum and articles made of aluminum, not required to fill rated orders, shall be distributed equitably through normal channels of distribution, and that due regard shall be given by suppliers to the needs of new and small business.

Sec. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the 6-month period ending June 30, 1950.

(c) "Manufacture" means to put into process, machine, fabricate, or otherwise alter materials by physical or chemical means: *Provided, however,* That as applied to "castings (foundry products as shipped by the producer)" specified in section 3 of this order the word "manufacture" also means the assembly of said items into components or end products, and that as applied to "powder (including atomized, flake, paste, and pigments)," the word "manufacture" also means segregating, weighing, or packaging for sale or resale by persons other than producers.

(d) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment or facility in sound working condition, and "repair" means the restoration of a building, machine, piece of equipment, or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like: *Provided, however,* Neither maintenance nor repair includes the improvement of any such item with material of a better kind, quality, or design.

(e) "Operating supplies" means any aluminum forms or products listed in section 3 of this order which are normally carried by a person as operating supplies according to established accounting practice and are not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies.

Sec. 3. *Aluminum forms and products to which this order applies.* The word "aluminum" as used in this order means only the following aluminum forms and products obtained from either domestic or foreign sources:

Rod and bar.
Wire (under ⅜ inch).
Cables (electrical transmission only).
Rivets.
Forgings and pressings (before machining).
Impact extrusions.
Castings (foundry products as shipped by the producer).
Rolled structural shapes (angles, channels, zees, tees, etc.).
Extruded shapes.
Sheet (coiled and flat), plate, circles and blanks.
Slugs.
Plain coil foil.
Tubing (extruded, drawn, and roll formed).
Tube blooms.
Powder (including atomized, flake, paste, and pigments).
Ingot, pig, billets, slabs, granulated.
Purchased scrap.

Sec. 4. *Application of order.* Subject to the exemptions stated in section 8 of this order, this order applies to all persons who use any aluminum for purposes of manufacture or construction, or for maintenance, repair, or operating supplies. It does not apply to persons (a) who produce aluminum in or convert it to the forms and products listed in section 3 of this order; or (b) who use aluminum in the production of other metals (including aluminized steel), or of metal alloys, the chief constituent of which is not aluminum, or of chemical salts of aluminum and compositions of aluminum used as a catalyst.

Sec. 5. *Use of aluminum.* Subject to the exemptions stated in section 8 of this order, and unless specifically directed by the National Production Authority, no person shall use in manufacture or construction:

(a) During December 1950, a quantity by weight of aluminum in excess of 100 percent of his average monthly use of aluminum during the base period.

(b) During the following months a total quantity by weight of aluminum in excess of the percentages specified with respect to each month of his average monthly use of aluminum during the base period:

	Percent
January, 1951	80
February, 1951	75
March, 1951	65

(c) During the calendar quarter commencing on April 1, 1951, a total quantity by weight of aluminum in excess of 65 percent of his average quarterly use of aluminum during the base period. Any person who was authorized by the National Production Authority to use an adjusted monthly base to determine permitted use of aluminum during January, February, or March 1951, shall not use during the second calendar quarter of 1951 a quantity by weight of aluminum in excess of 65 percent of three times such adjusted monthly base. The National Production Authority reserves the right to review and modify or revoke any such adjustment. An authorization by the National Production Authority to use a specific quantity of aluminum in any specified month or months or in the first quarter of 1951 shall not be considered an adjusted base for the purposes of this paragraph.

Sec. 6. *Prohibited uses of aluminum.* (a) Commencing on May 1, 1951, no person shall use aluminum, or any component part made therefrom, in the manufacture or assembly of any item included in attached List A, except as permitted therein; and no person shall use in the manufacture or assembly of any item, whether or not included in List A, or any component part therefor, a greater quantity or better grade of aluminum than is necessary for functional or operational purposes, or use aluminum solely for decorative or ornamental purposes. However, these prohibitions shall not apply to the use of: (1) Aluminum, or component parts made therefrom, on and after May 1, 1951, if such materials were contained in such person's inventory on said date and are wholly unsuitable for use in the manufacture or assembly by such person of any item not included in List A; or (2) any such materials covered by an order placed with a producer and included in such producer's schedule for the first calendar quarter of 1951 which is delivered to such person at his plant prior to May 1, 1951, to the extent that such materials are wholly unsuitable for use in the manufacture or assembly by such person of any item not included in List A. Every person who relies on the exceptions contained in the next preceding sentence shall prepare a detailed record showing: (i) the quantities of aluminum, and component parts made therefrom, which were contained in his inventory on the first days of January, February, March, April, and May 1951, and which were wholly unsuitable for use in his manufacture or assembly of any item not included in List A; and (ii) the quantities of such materials wholly unsuitable for such use which were delivered to him on or after April 1, 1951, the names and addresses of the suppliers thereof, and the dates of the orders and acceptances covering such materials together with the applicable mill schedule. Such record shall be retained for at least 2 years and shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(b) During March and April 1951, no person shall use in the manufacture or assembly of the items included in attached List A a total quantity by weight of aluminum, or of any component parts made therefrom, in excess of 65 percent of his average monthly use of such materials for such purposes during the base period. To the extent that manufacture or assembly of the items in List A is permitted on or after May 1, 1951, under paragraph (a) of this section, the limitations of section 5 of this order shall apply during May and succeeding months.

(c) Commencing on April 30, 1951, no person shall use aluminum in the manufacture or assembly of any item on the attached List B: *Provided, however,* That ducts and windows of the residential type may be completed if they were in process of manufacture or assembly on or before April 30, 1951, and such completion is effected not later than June 30, 1951: *And provided further,* That windows of the nonresidential type may be manufactured to fill orders received by the manufacturer prior to February 20, 1951, if such completion is effected not later than June 30, 1951, and the use of aluminum for this purpose shall not be subject to the provisions of section 5 of this order. During each of the months of March, April, May, and June 1951, no person may use in the manufacture or assembly of ducts and of windows of residential type a total quantity by weight of aluminum in excess of 65 percent of his average monthly use of aluminum in the manufacture or assembly of such items during the base period.

(d) No person may use in construction any aluminum for any item included in attached List A after May 31, 1951, or for any item contained in attached List B after June 30, 1951: *Provided, however,* That this prohibition will not apply to such use of aluminum for any such item if it was manufactured within the time limits specified in this section.

(e) The prohibitions of this section apply notwithstanding the provisions of NPA Reg. 2 with respect to the filling of rated orders, and are not affected by any of the exemptions stated in section 8 of this order: *Provided, however,* That the provisions of NPA Reg. 2 and paragraph (a) of section 8 of this order apply as to those items in the attached Lists A and B which are specifically designated by means of an asterisk as being permitted to be manufactured from aluminum for the use of the Armed Forces of the United States, including the United States Coast Guard, in the construction, fitting, or furnishing of ships (other than pleasure craft), aircraft, and hospitals, or to supply military specification organizational equipment items.

Sec. 7. *Maintenance, repair, and operating supplies.* Unless specifically directed by the National Production Authority, during the 6-month period commencing on December 1, 1950, and each 6-month period thereafter, no person shall use for maintenance, repair, and operating supplies a quantity by weight of aluminum in excess of the quantity of aluminum that he used for such purposes during the base period.

Sec. 8. *Exemptions.* (a) The use of aluminum required by any person to fill an order that is rated under the priorities system established by NPA Reg. 2 (15 F. R. 6911, 7185), or to meet any other mandatory order of the National Production Authority, is permitted in addition to the use of aluminum authorized by the provisions of sections 5 or 7 of this order.

(b) The procurement and use by electric utilities of aluminum conductor and aluminum conductor accessories as those terms are defined in NPA Order M-50, is subject to order M-50 and is accordingly exempt from this order. The use by electric utilities of forms and shapes of aluminum listed in section 3 of this order, other than aluminum conductor and aluminum conductor accessories, remains subject to the restrictions of this order, and in computing permitted use of such other forms and shapes of aluminum, use of aluminum conductor and conductor accessories during the base period shall be excluded.

(c) The provisions of sections 5 and 7 of this order do not apply to persons who use less than 1,000 pounds of aluminum during any period of 12 consecutive months: *Provided, however,* That persons who by reason of the provisions of section 5 would be permitted to use less than 1,000 pounds during any period of 12 consecutive months may use during such period a quantity up to 1,000 pounds.

(d) The provisions of section 5 of this order will not apply, commencing on February 1, 1951, to the use of aluminum in the manufacture of collapsible tubes as defined in NPA Order M-27, nor, commencing on April 6, 1951, to the use of aluminum in the manufacture of packaging closures as defined in NPA Order M-26.

Sec. 9. *Inventories.* In addition to the provisions of NPA Reg. 1 (15 F. R. 6253), relating to inventory control, it is considered that a more exact requirement applying to users of aluminum is necessary. No person obtaining aluminum for use in manufacture or construction, or for maintenance, repair, or operating supplies, may receive or accept delivery of a quantity of aluminum if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order

during the succeeding 60-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less. For the purpose of this section, aluminum shapes and forms listed in section 3 of this order in which only minor changes or alterations have been effected shall be included in inventory. NPA Reg. 1 will apply to aluminum except as modified by this section.

SEC. 10. *Application for adjustment.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue and exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of the national defense or in the public interest. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 11. *Records and reports.* (a) Persons subject to this order shall preserve the records which they have maintained and will maintain of inventories, receipts, deliveries, and uses of aluminum forms and products commencing with January 1, 1950.

(b) Persons subject to this order shall make records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (P. L. 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref.: M-7.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect on April 6, 1951.

Issued April 6, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

LIST A

(See section 6)

The use of the forms and products of aluminum defined in section 3 of this order and any component parts made therefrom (excluding repair parts) in the items listed below is subject to the prohibitions stated in this order, except as otherwise stated in the order or List A: *Provided, however,* That those items in List A which are specifically designated by an asterisk are permitted to be manufactured from aluminum for the use of the Armed Forces of the United States, including the United States Coast Guard, in the construction, fitting, or furnishing of ships (other than pleasure craft), aircraft and hospitals, or to supply military specification organizational equipment items:

Airfoil (tubing) for windmills.
Aluminum wool.
Andirons, screens, and fireplace fixtures.
Animal cages.
Animal training equipment.
Animal traps.
Applicators for moistening envelopes.
Arbors and trellises.
Architectural and other building ornamentation.
Ash trays.
Automobile hardware and trim (except functional parts).
Awnings.
Badges.
Balloon molds.
Bar rails, fixtures, and equipment.
Barber chairs.
Batons.
Bathtubs.
Beauty parlor equipment.
Beer equipment: all items.
Bells (except parts where nonmagnetic gong material is required for electrically operated signaling devices used as adjuncts to communication systems).
Beverage mixing and serving equipment, such as bottle coolers, cocktail shakers, ice buckets and pails, ice chippers and shavers.
Bicycles and accessories.
Bird and pet cages, houses, aquariums, accessories and equipment.
Blackboard frames and chalk troughs.
Boards: shampoo, tanning.
Book covers.
Book stacks
*Boxes, including match, cigarette, typewriter ribbon (except instrument cases that require nonmagnetic properties)
*Brackets: light, shelf and wall
*Brooms and brushes (except toothbrushes and industrial)
*Buckles, all types
Buckets, household
*Burglar alarms and protective systems (except where essential to the proper servicing or functioning of the parts)
Burial vaults and urns
*Buttons (except for work clothing where necessary to resist corrosion)
*Cabinets: kitchen, medicine
Calendars, calendar pads and parts
Cameras, amateur box type still picture, fixed focus (except reflex)
Candle molds
Canes
Canopies
*Cans, including ignition coil and motion picture humidor
Caps: chimney and vent flue (except for industrial)
Card tables
Cards, greeting
Carriages: baby, luggage, strollers, scooters (except functional parts)
Cases:
  Cigar
  Film
  Radio, home type
  Soft drink
  Spectacle
  Vanity
Caskets, and accessory devices
Caster cups, wheel casters and glides (except for industrial and materials handling equipment)
Chicken crates
*Chutes: coal, package, and waste
Cigarette lighters
Cleaning accessories, such as carpet sweepers, dust pans and scrubbing sets
Clothespins
Coasters
Combs
*Containers, foil-lined
Coops, brooder, chicken, quail, etc.
*Copings
*Cornices
Crayon molds
*Cups
Curtain, drapery, and carpet hardware
Cutlery handles
Cuspidors
Desk pads
Dispensers, fixed or portable, for soap, lotion, papers, straws, etc. (except where necessary to resist corrosion for hospital, scientific laboratory, and industrial use)
Dolls
Door chimes
*Doors, including, but not limited to:
  Coal
  Door frames
  Dumbwaiter
  Incinerator
  Screen
  Storm
Draperies
Dresser sets
Emblems, medals (except religious), crestings and plates
Fences, wire
Flag poles, stanchions, and sockets.
Flower boxes, stands, and pot holders.
Forms, concrete vault casting, wax
Fountains
Frames:
  Electric sign
  Picture
*Frames, window screen (including top and bottom bars for tension screens)
Frozen fruit sticks
*Furniture (except medical, dental, and hospital)
*Furniture, hardware (except functional parts)
Games
Garden tools and equipment
Garment hooks, brackets, racks, rods, trees and hangers
Giftware
Gutters, leaders and downspouts.
Hair curlers
Hand-tool handles (except portable electric tools)
Hedge clipping machines
Highway markers, signals, and signs (except electrically operated traffic control signals)
Holders:
  Brush
  Pen
  Soda fountain cup
*Hollow ware
Horse shoes
Ice cream freezers for home use
Jewelry, all types (except religious goods)
Ladders and step stools (except industrial, fire, and marine)
Laundry accessories, domestic, such as tubs and boilers, washboards, drain board and tub covers, clothes hampers, ironing boards and tables, garment stretchers and dryers, clothes drying frames, and clothes-line hardware
Lawn and garden hose accessories, such as sprinklers, nozzles, couplings, clamps, menders, and reels
Lawn mowers, seeders, rollers, and tampers
Ledger openers
Letter openers
Lightning rods
Luggage, fittings, trim, and hardware
Machines: rowing, voting
Mail boxes
Maps and globes (world)
Marine construction: pleasure craft and fittings of all kinds, including but not limited to:
  Boats
  Canoes
  Rowboats
  Sailboats
Markers:
  Grave
  License plates
  Price
  Tee
  Traffic
  Tree
Memorials and tablets
Mesh bags
Metal lath, and accessories
*Metal letters and numbers (except for industrial or public utility control identification)
Mops
*Mouldings and trim (except functional retaining mouldings, shapes, or forms)
Mud scrapers
Nursing bottles
Oil cloth, foil-covered
Ornaments, Christmas tree
Packaging:
  Containers for:
    Bath salts
    Cosmetics, except collapsible tubes
    Gifts
    Powder
    Shoe polish
  Tubes, for cigars
  Jars, beauty cream
  Shakers, talcum powder
  Foil for:
    Capsules (except therapeutical)
    Cartons, liquor
    Florist
    Household
    Labels
    Over wraps (except food)
    Wraps: gift, cosmetic, liquor
    Wine bottles
Paper clips
*Plates: name, scuff, push, kick (except instruction and identification plates on equipment)
Playground equipment
Pleasure boat fastenings, fittings and hardware
Portable bleachers
Roofing, and accessories, residential type (including shingles)
*Rulers (except technical rulers such as slide rules and others used in engineering)
Saddlery, and harness hardware
*Screening (except insect and that used in technical and scientific equipment)
Shoe heels (except orthopedic)
Shovels, scoops, scrapers and pushers, (except as required for handling food, chemical products and grain in processing and distribution)
Siding and accessories (except industrial)
*Signs, including advertising
Smokers' accessories
*Soap dishes and bathroom accessories
Souvenirs and novelties, advertising specialties
Spandrels
Spools such as wire (except magnet), adhesive tape, solder
Sporting goods, all kinds (except commercial fishery goods, life raft equipment, fishing rod offset handles, and firearms components
Spray guns (except paint spraying equipment and agricultural sprays)
Spurs, climbing
Statuary (except religious and artists' originals)
Stencils
Store fronts, (except glass holding members)
Stove pipe and other flue connections
*Tent poles, frames, and pegs.
*Thermostatic containers (except shoulders and cups on vacuum bottles of one quart and under size, and special laboratory and hospital equipment)
Toilet seats and covers
Tokens (except where necessary for electrical operation)
Tombstones
*Tooth brush and tumbler holders
*Towel bars
Toys
Tricycles and other children's vehicles
Umbrellas and parasols
Venetian blinds, fittings, and accessories
Vending machines (except functional parts)
Waste baskets
Wheelbarrows (except as required for handling chemicals)
*Whistles (except safety devices, air raid, and fire alarms)
Windows, storm (except sash slides)

LIST B

(See section 6)

The use of the forms and products of aluminum defined in section 3 and any component parts made therefrom (excluding repair parts) in the items listed below is subject to the prohibitions stated in this order, except as otherwise stated in the order or List B: *Provided, however,* That those items in List B which are specifically designated by an asterisk are permitted to be manufactured from aluminum for the use of the Armed Forces of the United States, including the United States Coast Guard, in the construction, fitting, or furnishing of ships (other than pleasure craft), aircraft, and hospitals, or to supply military specification organizational equipment items:

*Ducts, air conditioning, warm air, ventilating
*Windows, residential type
*Windows, nonresidential type

[F. R. Doc. 51-4273; Filed, Apr. 6, 1951; 4:06 p. m.]

[NPA Order M-25 as Amended April 6, 1951]

M-25—CANS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order prior to amendment there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected by the issuance of the amendment to this order has been rendered impracticable by the fact that the amendment to this order affects a very substantial number of different trades and industries.

This amendment affects NPA Order M-25 as follows: It establishes new quotas of cans which may be accepted and used by packers; it sets up manufacturing and delivery preferences for cans; it further limits products which may be packed in cans manufactured of tin plate or terneplate by amending Schedule I; it deletes Schedule II; and it makes other miscellaneous changes.

As so amended NPA Order M-25 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on use of cans.
4. Other restrictions.
5. Restrictions on amount of cans that may be accepted.
6. Restrictions on amount of cans that may be used for packing.
7. Standards for adjustments.
8. Manufacturing and delivery preferences.
9. Exceptions.
10. Certification of delivery of cans.
11. Application for adjustment or exception.
12. Records and reports.
13. Communications.
14. Violations.

AUTHORITY: Sections 1 to 14 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order places restrictions upon the acceptance of the delivery of, and the uses of cans. Schedule I sets out required plate specifications which vary according to the products packed. Cans made wholly of black plate are not restricted by this order except to the extent set forth in section 8 of this order. NPA Order M-24 permits the use of tin plate and terneplate for cans in accordance with the terms of this order. NPA Order M-8 sets forth specifications for solder that may be used in the manufacture of cans.

SEC. 2. *Definitions.* As used in this order:

(a) "Can" means any unused container made in whole or in part of tin plate, terneplate, or black plate, which is suitable for packing any product. The term includes any container which has a closure or fitting, made in whole or in part of tin plate, terneplate, or black plate, but does not include a glass container having such a closure or fitting. The term does not include fluid milk shipping containers.

(b) "Tin plate" means steel sheet coated with tin, and includes "primes," "seconds," and all other forms of tin plate, except waste and waste-waste.

(c) "Terneplate" means steel sheets coated with terne metal, and includes "primes" and "seconds." The term does not include terneplate waste-waste, or terneplate waste. "Terne metal" means the lead-tin alloy used as the coating for terneplate, but does not include lead recovered from secondary sources which contains less than 1.5 percent residual tin.

(d) "SCMT" means special coated manufacturers' terneplate.

(e) "Waste" means scrap tin plate and terneplate (including strips and circles) produced in the ordinary course of manufacturing cans, and tin plate and terneplate strips produced in the ordinary course of manufacturing tin plate and terneplate. The term also includes tin plate and terneplate parts recovered from used cans.

(f) "Waste-waste" means hot-dipped or electrolytic tin-coated steel sheets or steel sheets coated with terne metal which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(g) "Black plate" means steel sheets (other than tin plate or terneplate) 29 gauge (128 pounds) or lighter. The term includes can manufacturing quality black plate (CMQ), "black plate rejects," chemically treated black plate (CTB), waste-waste, and waste.

(h) "Packer" means any person who uses cans for commercially packing any product.

(i) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

SEC. 3. *Restrictions on use of cans.* No packer shall purchase, accept delivery of, or use a can, except a can made wholly of black plate, for any purpose other than for packing products listed in Schedule I as it appears at the end of this order, and in accordance with the specifications set out in said Schedule I. The restrictions contained in this section and in said Schedule I are subject to the exceptions of section 9 of this order.

SEC. 4. *Other restrictions.* No person shall manufacture, sell, or deliver any cans which he knows or has reason to believe will be accepted or used in violation of the terms of this order or any other order or regulation of the NPA. No person shall sell or deliver any cans which he knows or has reason to believe will be exported outside of the continental limits of the United States, its territories and possessions, and Canada, except as permitted under section 9 (f) of this order.

SEC. 5. *Restrictions on amount of cans that may be accepted.* No person shall receive or accept delivery of any cans at a time when his inventory thereof exceeds, or by acceptance of such delivery would be made to exceed, a practicable minimum working inventory of such cans required for packing products listed in Schedule I in accordance with the quota and material limitations set forth in Schedule I.

SEC. 6. *Restrictions on amount of cans that may be used for packing.* (a) Commencing with the second quarter of 1951, a packer in computing the limitations on the amounts of cans which may be used for packing under paragraph (b) of this section, must choose as his base year either the calendar year 1949 or 1950: *Provided however,* That when he has chosen his base year for computing his permissible quotas for a quarter, all future computations for succeeding quarters must be predicated on the same base year.

(b) During the second quarter of the calendar year 1951 and each quarter thereafter until otherwise ordered by NPA, no packer may use cans (except cans made wholly of black plate) for packing any particular product listed in Schedule I in excess of an amount of cans determined by applying the percentage listed in Column (3) of Schedule I opposite a particular product against the amount of cans which he used for packing that particular product during the corresponding quarter of his selected base year. "The amount of cans," as the phrase is used in the preceding sentence when applied to the corresponding quarter of his base year, means the total area of tin plate, terneplate, and black plate (excluding black plate used in cans made wholly of black plate) used in the manufacture of such cans. Where the word "unlimited" appears in Column (3) of Schedule I opposite a particular product, a packer may use the specified cans in an unlimited quantity, to pack that particular product, subject to the inventory restriction contained in section 5 of this order. If a packer uses less than the amount of cans permitted for packing a particular product during any quarter (including the first quarter of 1951 as provided for in section 5 of NPA Order M-25 as amended March 16, 1951), he may use the unused amount for packing that particular product at any time during the balance of the calendar year 1951.

SEC. 7. *Standards for adjustments.* In any case where the provisions of section 6 (b) of this order may be inapplicable because of any of the reasons set forth in Direction 1 to NPA Order M-25 as from time to time amended, determinations of adjustments may be made by the packer in accordance with the standards and subject to the conditions stated in said Direction 1.

SEC. 8. *Manufacturing and delivery preferences.* (a) So far as practicable, every can manufacturer shall schedule his operations (including his ordering of tin plate, terneplate, and black plate) so as to permit delivery of cans in the quantities and at the times he reasonably anticipates will be requested. Where he is unable to schedule all orders for cans for delivery at the times required, he shall schedule his operations and select the orders to be placed in his production schedule according to the following preferences:

(1) All DO rated orders and any other orders under NPA directives;

(2) Requirements for cans to pack products designated with the letter A in Column (2) of Schedule I;

(3) Requirements for cans to pack products designated with the letter B in Column (2) of Schedule I.

(b) A can manufacturer must not fill orders for cans with preference B designations if by doing so he will make himself unable to meet deliveries which he reasonably anticipates will be requested for cans with preference A designation. If, after filling all reasonably anticipated requirements for cans with preference A designations, a can manufacturer is unable to fill all his requirements for cans with preference B designations, he must equally distribute such shortage against (1) all requirements for cans with preference B designations and (2) requirements for cans made wholly of black plate. In cases where the quota under Column (3) of Schedule I is shown as "unlimited" and not designated "A," and also where a product is packed in cans made wholly of black plate which is unlimited, the packer's quota for each such product for the purposes of the preference requirement under this section shall be considered as limited to 100 percent of the corresponding period of either 1949 or 1950, his selected base year.

SEC. 9. *Exceptions.* (a) The plate specifications set out in Schedule I of this order do not apply to the use of any cans which were in the inventory of a packer or in the inventory of a can manufacturer or in process of manufacture on January 27, 1951, or to tin plate or terneplate which was either in process at a tin mill in the inventory of a tin mill for the account of a can manufacturer, or in the inventory of a can manufacturer on January 27, 1951. It is the intent of this section that any tin plate or terneplate intended for use in the manufacture of cans in inventory or in process on January 27, 1951, as aforesaid, shall be used notwithstanding the plate specifications of this order. However, the restrictions of sections 5 of this order are not excepted by this paragraph.

(b) Cans made wholly of black plate may be used for products not listed in Schedule I. Electrolytic 0.25 pound tin plate or SCMT may be used in place of black plate for soldered parts of black plate cans until May 15, 1951, where facilities for soldering black plate are not available: *Provided, however,* That the total area of 0.25 pound electrolytic tin plate or SCMT used in such soldered parts is limited to 90 percent of the total area of plate used in such parts for packing the particular product during the corresponding period of 1949 or 1950.

(c) Any person whose total use of cans for packing all products in any calendar year requires less than 250 base boxes of tin plate and terneplate shall be exempt from the use limitations of section 6 of this order but not from the plate specifications of Schedule I.

(d) Cans may be used to pack any product provided such product is not to be sold in the same or different form, but this does not permit the use of cans contrary to the provisions of this order for the purpose of aiding or promoting the sale of a product.

(e) (1) Orders having a DO rating are exempt from the restrictions in section 5 of this order on the amount of cans that may be accepted.

(2) The quantity of any product required to be packed in cans and set aside under a Government order and reserved for purchase by an authorized Government agency is exempt from the use limitations of this order, but not from the plate specifications in Schedule I.

(3) The restrictions in section 3 of this order on the use of cans for packing products and the plate specifications set out in Schedule I for cans for packing products listed in this schedule shall not apply to orders having a DO rating for packing products in accordance with Military Specifications of the Department of Defense for use by the Armed Forces of the United States, including the United States Coast Guard, outside the 48 States of the United States and the District of Columbia. The restrictions in section 3 of this order on the use of cans for packing products and the plate specifications set out in Schedule I for cans for packing products listed in that schedule shall apply, however, to all other orders having a DO rating.

(4) The restrictions of this order shall not apply to military requirements for cans of a special design or style not normally produced or used commercially nor to cans for emergency rations and supplies for lifeboats.

(f) The provisions of this order shall not apply to the sale or delivery of cans where the person selling or delivering the same has received a validated export license therefor from the Office of International Trade, or has received from another person a certificate signed manually. This certificate shall be by letter in substantially the following form, striking therefrom the inapplicable words, and shall be filed with each purchase order with the person selling or delivering to such other person cans for export:

To ----------, Seller:

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that (he has received a certification from another person that) the Office of International Trade has issued to (him) (such other person) validated export license No. ---------- for export shipment of all of the items included in the attached purchase order, and that all purchases from you of items included in the said purchase order and the acceptance of the same will be in compliance with the said validated export license.

In cases of export to those countries where the Office of International Trade does not require an export license, no certificate shall be required until such time as an export license is required by the Office of International Trade.

SEC. 10. *Certification of delivery of cans.* No manufacturer, jobber, or distributor shall sell or deliver cans unless he has received from the purchaser a certificate signed manually. This certificate shall be by letter in substantially the following form and, once filed by a purchaser with a manufacturer, jobber, or distributor, covers all future deliveries of cans from the manufacturer, jobber, or distributor to that purchaser:

To ----------, manufacturer, jobber, or distributor:

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with order M-25 of the National Production Authority, and that all purchases from you of items regulated by that order, and the acceptance and use of the same by the undersigned, will be in compliance with said order, and any amendments thereto.

SEC. 11. *Application for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 12. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 13. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C. Ref.: M-25.

SEC. 14. *Violations.* Any person who wilfully violates any provisions of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on April 6, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

SCHEDULE I—CAN SPECIFICATIONS

Columns (4) and (5) specify the weight of tin-coating per base box of tin plate and terneplate which may be used for the parts of cans for the products listed in Column (1). Any packer may also use for packing a listed product black plate cans or cans with a tin-coating lighter than that specified for that product. Wherever 0.25 pound electrolytic tin plate is specified, SCMT may be used. Tin plate menders arising in the production of electrolytic tin plate may be used only where hot-dipped tin plate is permitted in this schedule. When only a figure is given in Columns (4) and (5), this means that tin plate may be used for the part, and the figure given indicates the maximum weight of tin-coating on each base box of plate. Electrolytic 0.25 pound tin plate may be used in place of black plate in that part of a can which, after filling, is required to be hermetically closed by soldering, or that part of a can to which a nozzle is required to be attached by soldering: *Provided, however,* That the total area of 0.25 pound electrolytic tin plate used in such parts is limited to not more than the total area of plate used in such parts for packing a particular product during the corresponding period of 1949 or 1950.

Product	Preference	Quota	Can materials: Soldered or welded parts	Can materials: Nonsoldered parts
(1)	(2)	(3)	(4)	(5)
Fruit and fruit products				
1. Apples, all types, quartered and sliced	A	Unlimited	1.25	0.50
2. Apple juices, all types, single strength, and cider	B	Unlimited	1.50	1.50
Enameled cans			1.25	.50
Plain bodies			1.25	.50
3. Apple sauce	A	Unlimited	1.25	.50
4. Apricots, whole or halves	A	Unlimited	1.25	.50
5. Bananas and banana pulp	B	75 percent	1.25	.50
6. Berries:				
Blueberries and huckleberries	A	Unlimited	1.50	1.50
Enameled cans			1.50	.50
Plain bodies			1.50	1.50
Cranberries, whole or sauce	B	Unlimited	1.25	.50
Gooseberries	A	Unlimited	1.50	1.50
All other berries	A	Unlimited	1.50	1.50
7. Cherries, dark sweet	A	Unlimited	1.25	.50
8. Cherries, light sweet	B	75 percent	1.50	1.50
9. Cherries, maraschino	A	Unlimited	1.50	1.50
10. Cherries, red sour				
11. Currants, including juice:	A	Unlimited		
No. 10 cans and larger	B	75 percent		
Smaller than No. 10 cans			1.50	1.50
Enameled cans			1.25	.50
Plain bodies			1.25	.50
12. Figs	A	Unlimited		
13. Fruitade base concentrates	A	Unlimited		
Frozen			.25	.25
Processed			1.50	1.50
14. Fruitades, ready to drink	B	75 percent	1.50	1.50
Berryades			1.25	1.25
All others				
15. Fruits, baked	B	75 percent	1.50	1.50
Enameled cans			1.50	1.50
Plain bodies			1.25	.50
16. Fruit cocktail, including fruits for salad and mixed fruits	A	Unlimited		
17. Fruit concentrate	B	100 percent	1.50	.50
Apricot			1.25	.50
Other fruits				
18. Fruits, dehydrated or dried (except prunes)	B	100 percent	.50	.50
5-gallon square cans			.25	.25
Other can sizes			.25	.25
19. Fruits, frozen, all varieties	A	Unlimited		
20. Fruit jams, jellies, preserves, marmalades and butters:				
No. 10 cans and larger	A	Unlimited		
Smaller than No. 10 cans	B	75 percent	1.50	1.50
Butters (except apple) and red fruit				
Apple butter:			1.50	1.50
Enameled cans			1.50	.50
Plain bodies				
21. Fruit juices, concentrate	A	Unlimited	.25	.25
Frozen: all varieties and blends			1.25	1.25
Processed: grapefruit and grapefruit juice blends			1.50	1.50
All other juice concentrates				
22. Fruit juices, single strength:	A	Unlimited		
Citrus and pineapple juices and blends			1.25	1.25
Processed			.25	.25
Frozen	B	Unlimited	1.25	1.25
Grape juice	B	Unlimited	1.50	1.50
Prune juice	B	Unlimited	1.50	1.50
Other single strength juices	B	100 percent		
23. Fruit nectars			1.25	.50
Light colored fruits			1.50	1.50
Dark colored fruits	B	100 percent	Same as nonpureed fruits	
24. Fruit pulp and puree (except baby food)	B	75 percent		
25. Fruits, spiced				
Crabapples:			1.50	1.50
Enameled cans			1.50	.50
Plain bodies			1.50	.50
All others				
26. Grapes, Thompson seedless:	A	Unlimited	1.25	.50
No. 10 cans and larger	B	75 percent	1.25	.50
Smaller than No. 10 cans	A	Unlimited	1.25	1.25
27. Grapefruit segment	B	100 percent	1.25	1.25
28. Grapefruit and orange segment				

Product	Preference	Quota	Can materials: Soldered or welded parts	Can materials: Nonsoldered parts
(1)	(2)	(3)	(4)	(5)
Fruit and fruit products—Continued				
*29. Nectarines	A	Unlimited	1.25	.50
30. Olives, whole and chopped	B	75 percent	1.50	1.50
Green		100 percent	1.25	1.25
Green ripe		100 percent		
Ripe			1.50	1.50
Enameled cans			1.50	.50
Plain bodies			1.25	1.25
31. Orange segments	B	100 percent	1.25	1.25
32. Papayas and papaya products	B	100 percent	1.25	.50
33. Peaches, whole, halves, quarters, sliced, and diced	A	Unlimited	1.25	.50
34. Pears, whole, halves, quarters, sliced, and diced	A	Unlimited	1.50	1.50
35. Pectin, liquid	B	75 percent		
36. Pie and pastry filler (fruit filling only)			1.50	1.50
Enameled cans			1.25	.50
Plain bodies			1.25	1.25
37. Pineapple	A	Unlimited		
38. Plums	A	Unlimited		
Light colored			1.25	.50
Dark colored			1.50	1.50
39. Prunes, dehydrated or dried	B	100 percent	1.25	.50
40. Prunes, dried, in syrup	B	100 percent	1.50	1.50
41. Prunes, fresh, in syrup	A	Unlimited	1.50	1.50
42. Quinces	B	100 percent	1.25	.50
Vegetable and vegetable products				
43. Asparagus	A	Unlimited	1.25	1.25
44. Bamboo sprouts	B	75 percent	1.25	.25
45. Beans, dry, soaked, all varieties	B	100 percent		
With sweetened sauce (Boston style)			.25	.25
With chili sauce			.50	.50
With plain sauce or brine			.25	.25
With tomato sauce			1.25	.25
46. Beans, fresh shelled	A	Unlimited	.25	.25
47. Beans, green and wax	A	Unlimited	1.25	.25
48. Bean sprouts	B	75 percent	1.25	.25
49. Beets	B	Unlimited	1.25	1.25
50. Beet juice	B	100 percent	1.25	1.50
51. Beets, pickled	B	75 percent	1.50	.50
52. Broccoli	B	100 percent	1.25	.25
53. Brussel sprouts	B	100 percent	1.25	.25
54. Carrots	B	Unlimited	1.25	.25
55. Carrot juice	B	100 percent	1.25	.25
56. Carrots and peas	B	100 percent	1.25	.25
57. Cauliflower	B	75 percent	1.25	.25
58. Celery	B	100 percent	1.25	.25
59. Celery juice	B	100 percent	.25	.25
60. Corn, cream style and whole grain	A	Unlimited		
61. Green leafy vegetables (includes beet greens, chard, collard greens, dandelion greens, kale, spinach, and turnip greens).				
Leafy or chopped			1.25	.25
Pureed			1.25	1.25
62. Lentils, dry, soaked	B	100 percent	.25	.25
63. Mushrooms	A	Unlimited		
Whole, sliced, stems and pieces			1.25	.25
Broiled in butter			.25	.25
64. Okra, with and without tomatoes	A	Unlimited	1.25	.25
65. Onions	B	75 percent	1.25	1.25
66. Peas, all varieties, dry, soaked	B	100 percent	.25	.25
67. Peas, fresh	A	Unlimited	.25	.25
68. Peppers and pimientos	A	Unlimited	1.25	.25
69. Pickles, pickled relishes, and chow chow	B			
No. 10 cans and larger		100 percent	1.50	1.50
Smaller than No. 10 cans		75 percent	1.50	1.50
70. Potatoes, sweet	A	Unlimited	1.25	.25
71. Potatoes, white	B	75 percent	1.25	1.25
72. Pumpkin and squash	A	Unlimited	1.50	1.50
73. Rhubarb	B	75 percent	1.25	.25
74. Rutabagas	B	75 percent	1.50	1.50
75. Sauerkraut	A	Unlimited	1.50	1.50
76. Sauerkraut juice and blends	B	100 percent	.25	.25
77. Succotash	B	Unlimited	.25	.25
78. Tomatoes	A	Unlimited	1.25	.25

Product	Preference	Quota	Can materials: Soldered or welded parts	Can materials: Nonsoldered parts
(1)	(2)	(3)	(4)	(5)
Vegetable and vegetable products—Continued				
79. Tomato catsup, chili sauce, cocktail sauce	A	Unlimited		
Enameled cans			1.25	1.25
Plain bodies			1.25	.25
80. Tomato juice, cocktail, and juice blends, containing 70 percent or more tomato juice.	A	Unlimited	1.25	.25
81. Tomato juice concentrate, frozen	A	Unlimited		
5-gallon square cans			.50	.50
Other can sizes			.25	.25
82. Tomato paste, sauce, pulp, and puree	A	Unlimited	1.25	.25
83. Turnips	B	75 percent	1.25	.25
84. Vegetables, dehydrated	A	Unlimited		
Round double-seamed cans			.25	CMQ
5-gallon square cans			.50	CMQ
85. Vegetables, mixed, containing 70 percent or more fresh vegetables which are not limited to less than 100 percent quota.	B	Unlimited	1.25	.25
Fish and Shellfish				
86. Alewives	A	Unlimited	.25	.25
87. Caviar	B	75 percent	.25	.25
88. Chowder, all varieties	B	100 percent		
Inside enameled cans			.25	.25
Plain body cans			1.25	.25
89. Clams, processed	A	Unlimited	.25	.25
90. Clam juice:				
1 gallon and larger	A	Unlimited	.25	.25
Other sizes	B	75 percent	.25	.25
91. Crab, deviled	B	100 percent	.25	.25
92. Crabmeat, processed	A	Unlimited	.25	.25
93. Crawfish	A	Unlimited	.25	.25
*94. Finnan haddie	A	Unlimited		
Round cans			.25	.25
Drawn cans			.50	.50
95. Fish balls and cakes	B	100 percent	.25	.25
96. Fish flakes and ground fish for human consumption only	A	Unlimited	.25	.25
97. Fish frankfurters	B	75 percent	.25	.25
98. Fish and sea food, frozen or refrigerated	A	Unlimited	.25	.25
99. Fish livers	A	Unlimited		
In reusable 5-gallon square cans			1.25	1.25
In non-reusable 5-gallon square cans			.50	.50
100. Fish oil in 5-gallon square cans	A	Unlimited	.50	.50
101. Fish paste	A	Unlimited	.25	.25
102. Fish roe	A	Unlimited		
In round double-seamed cans			.25	.25
In oval drawn cans			.50	.50
103. Herring, in oil or brine (including sardines, pilchards, mackerel, and anchovies) (1.25 tinplate may be used for scored covers).	A	Unlimited		
Round cans			.25	.25
¼ drawn cans			.25	.25
¾—Three piece cans			.50	.50
Oval, or oblong drawn (other than ¼ drawn)			.50	.50
104. Herring in tomato or mustard sauce (including sardines, pilchards, mackerel, and anchovies) in oval or oblong drawn cans (1.25 tinplate may be used for scored covers).	A	Unlimited		9
105. Lobster:				
Processed	A	Unlimited	.25	.25
Newberg	B	100 percent	.25	.25
106. Menhaden	A	Unlimited	.25	.25
107. Mullet	A	Unlimited	.25	.25
108. Mussels	A	Unlimited		
Fresh shucked			.25	.25
Processed			.25	.25
109. Oysters, processed	A	Unlimited	.25	.25
110. Salmon	A	Unlimited		
In round double-seamed cans			1.25	.25
In oval or drawn cans			.50	.50
111. Scallops, processed	A	Unlimited	.25	.25
112. Shad	A	Unlimited		
In round double-seamed cans			.25	.25
In oval or drawn cans			.50	.50

Product	Preference	Quota	Can materials: Soldered or welded parts	Can materials: Nonsoldered parts
(1)	(2)	(3)	(4)	(5)
Fish and Shellfish—Continued				
113. Shrimp, processed	A	Unlimited	0.25	0.25
114. Squid	A	Unlimited		
In inside enameled cans			.25	.25
Plain body cans			1.25	.25
115. Tuna	A	Unlimited	.25	.25
116. Turtle	A	Unlimited	.25	.25
Dairy products				
117. Butter and butter substitutes	B	100 percent	.25	.25
118. Butter oil	B	100 percent		
5-gallon square cans			.50	.50
Other cans			.25	.25
119. Cheese	B	100 percent		
Reusable containers			1.25	1.25
Cottage, grated, or processed			.25	.25
120. Chocolate and other flavored milk liquids	B	100 percent	.25	.25
121. Cream	A	Unlimited		
Fresh or frozen:				
5-gallon square cans			.50	.50
Other can sizes			.25	.25
Sterilized			.25	.25
122. Goat milk	A	Unlimited	.25	.25
123. Ice cream:				
All-metal cans	B	100 percent	.25	.25
Fibre body with metal trim	A	Unlimited		.25
124. Ice cream mix—wet only	A	Unlimited	.25	.25
125. Milk, dry, whole, or skimmed	A	Unlimited		
5-gallon and 50-pound cans			.50	.50
126. Milk, fresh, frozen, or refrigerated:				
5-gallon square cans	A	Unlimited	.50	.50
Other sizes	A	Unlimited	.25	.25
127. Milk, liquid, condensed, sweetened	A	Unlimited	.75	.75
128. Milk, liquid, evaporated, and modifications of evaporated milk:	A	Unlimited		
14½ ounces or larger:				
Body			1.25	
Ends			.75	.75
Under 14½ ounces			.75	.75
Meat				
129. Bacon—export only	B	100 percent		
All seams soldered			1.25	1.25
Side seams only soldered			.25	.25
130. Barbecued meat	A	Unlimited		
Plain body			1.25	1.25
Inside enameled			.50	.50
131. Beef, veal, mutton, or pork (boiled, broiled, braised, corned, roasted).	A	Unlimited		
All seams soldered			1.25	1.25
Side seams only soldered			.25	.25
132. Brains	B	100 percent	.25	.25
133. Chili con carne, without beans	A	Unlimited	.50	.50
134. Chili con carne, with beans	B	100 percent	.50	.50
135. Frankfurters in brine	A	Unlimited	.25	.25
136. Frankfurters with barbecue sauce	B	100 percent	1.25	1.25
137. Frankfurters with beans and tomato sauce	B	100 percent	1.25	.25
138. Frankfurters with sauerkraut	B	100 percent	1.50	1.50
139. Hams, whole, halves, quarters, sections, and pork-loins, boned and smoked	A	Unlimited		
Round can—side seam only soldered			1.25	.25
Oblong cans, 3 pounds and larger			1.25	.25
All seams soldered			1.25	.25
140. Ham, deviled	A	Unlimited	1.25	1.25
141. Ham, spiced or chopped (including luncheon meat)	A	Unlimited	1.25	.25
142. Hamburger with or without onions	B	100 percent	.25	.25
143. Hash, meat (including corned beef hash)	A	Unlimited	.25	.25
144. Meat and beans with tomato sauce	B	100 percent	1.25	.25
145. Meat and gravy (including goulash)	A	Unlimited	.25	.25
146. Meat balls	B	100 percent	.25	.25
147. Meat in vinegar	A	Unlimited	1.50	1.50
148. Meat loaf	A	Unlimited	.25	.25

Product (1)	Preference (2)	Quota (3)	Can materials: Soldered or welded parts (4)	Can materials: Nonsoldered parts (5)
Miscellaneous foods—Continued				
149. Meat, referenced (including fancy meats or offal)	B	100 percent	0.50	CMQ
150. Meat spreads, with or without liver				
151. Potted meat	A	Unlimited	1.25	0.50
152. Sausage (including bulk, casings, in oil, pork or veal)	A	Unlimited	1.25	.50
153. Scrapple	B	100 percent	1.25	.25
154. Spareribs and sauerkraut	B	100 percent	1.25	.50
155. Stew, meat type (including lard, kidney, and tripe)	A	Unlimited	1.25	.50
156. Tamales with meat	B	100 percent	.50	.25
157. Tongue	B	100 percent	1.25	.25
158. Trifle	B	100 percent	.25	.25
159. Chicken and noodles	B	75 percent	.25	.25
160. Chicken fricassee	B	75 percent	.25	.25
161. Chicken or turkey, with gravy	B	75 percent	.25	.25
162. Chicken or turkey, boned	B	Unlimited	.25	.25
163. Chicken or poultry spread	B	75 percent	.25	.25
164. Chicken, whole, hot, or disjointed	B	90 percent	1.25	.25
Miscellaneous foods				
165. Almond paste	B	75 percent	.25	.25
166. Animal and pet food	B	75 percent	.25	.25
167. Baby food:	A	Unlimited		
Fruit			1.50	.50
Vegetables			1.50	.50
Meat			1.50	.50
Fish			1.50	.50
Vegetable with meat			1.50	.50
Cereal, pudding and custards with fruits			.50	.25
Cereal, pudding and custards without fruits			.50	.25
168. Beer and ale	B	75 percent	.25	.25
169. Chocolate syrup	B	100 percent	1.25	.25
170. Chop suey	B	75 percent	1.25	.25
171. Chow mein	B	75 percent	1.25	.25
172. Coconut—moist	B	75 percent	.50	.25
173. Coconut—moist	B	100 percent	.50	.25
174. Coffee, dry 10 pound and larger cans	B	75 percent	.25	.25
175. Coffee, liquid concentrate, frozen	B	100 percent	.25	.25
176. Curry foods, special formula—wet only	B	100 percent	.50	.25
177. Eggs:				
Frozen	A	Unlimited	.25	CMQ
Dry, powdered—for export only	B	100 percent	.25	CMQ
179. Fountain fruits and syrups:				
Fruits, preserved and candied in sugar			1.25	.50
Toppings, intended to be of fruit character			.25	.25
Carbonated beverages base syrups			1.25	.25
180. Gelatine desserts, other than powder	B	75 percent	.25	.25
181. Hominy	A	Unlimited		
182. Honey:				
All seams soldered	B	100 percent	1.25	.25
Side seams only soldered	B	100 percent	.50	.25
183. Lard—5-gallon square cans only	B	100 percent	1.25	.25
184. Macaroni, noodles, and spaghetti—wet pack				
185. Mayonnaise (including salad dressing and other emulsified products):				
5-gallon cans and larger	B	100 percent	1.50	.50
All other sizes	B	75 percent	1.50	.50
186. Mincemeat	B	100 percent	1.25	.25
187. Mushroom sauce	B	75 percent	1.25	.25
188. Nuts and other edible nut butters	B	100 percent	.25	CMQ
189. Oils, edible:				
5-gallon square cans	B	100 percent	.50	.25
No. 10, 1-gallon can and larger	B	100 percent	.25	.25
All other sizes	B	75 percent	1.25	.25
190. Plum pudding (including spiced pudding)	B	75 percent	1.25	.25
191. Ravioli	B	75 percent	1.25	.25
192. Rice, Spanish (including rice dinner)	B	75 percent	.25	.25
193. Shortening:				
Through June 30, 1951	B	100 percent	.25	CMQ
Starting July 1, 1951				CMQ

Product (1)	Preference (2)	Quota (3)	Can materials: Soldered or welded parts (4)	Can materials: Nonsoldered parts (5)
Nonfood products—Continued				
212. Cleaners:				
Window spray	B	75 percent	1.25	1.25
Wall paper	B	90 percent	1.25 or 8-lb. terne	1.25
Radiator, liquid	B	90 percent	.50	.50
Cleaners, liquid or paste	B	90 percent	.25	.25
Cleaning fluids, solvent type	B	90 percent	.25	.25
213. Compounds, boiler, liquid	B	90 percent	.50	.50
214. Cosmetic and toiletry supplies:				
Brushless shaving cream—drawn parts	B	75 percent	.75	.75, 1.25
Hair dressings and pomades	B	75 percent	.50	.50
Cold creams, lotions, and hair wave preparations.	B	75 percent	.25	.25
Hair wave pads	B	75 percent	.25	CMQ
215. Dental supplies, tooth powder, ammoniated	B	90 percent	.25	.25
216. Disinfectants and deodorizers:				
Creosote	B	90 percent	.25	.25
Fumigants	B	90 percent	.50	.50
Liquid formulations	B	90 percent	.50	.50
Pine oil	B	90 percent	.25	.25
217. Drugs:				
Ointments and salves	B	90 percent	.50	.50
Blood plasma (outer container)	A	Unlimited	.25	.25
Distilled water (outer container)	B	90 percent	.25	.25
218. Dyes, pastes and liquids	B	90 percent	.50	.50
219. Essential oils	B	90 percent	1.25	1.25
220. Exterminators—pastes and powders	B	90 percent	.25	.25
221. Film boxes	B	90 percent	.50	.50
222. Glues, pastes, and adhesives—moist pastes and glues.	B	75 percent	1.25	1.25
223. Glycerine:				
CP and USP	A	100 percent	1.25	1.25
Industrial	B	90 percent	.50	.50
224. Grain fumigant	B	90 percent	.50	.50
225. Graphite, in oil	B	90 percent	.25	CMQ
226. Inks:				
Spirit aniline	B	90 percent	.50	.50
Rotogravure	B	90 percent	.50	.50
Printing, duplicate	B	90 percent	.25	.25
227. Insecticides:				
Nicotine sulphate	B	90 percent	1.50	1.50
Water-base	B	90 percent	1.25	1.25
Emulsifiable concentrate	B	90 percent	1.25	1.25
Oil-base	B	90 percent	.25	CMQ
228. Leather dressings, saddle soap	B	90 percent	.50	.50
229. Lighter fluid	B	75 percent	.25	CMQ
230. Oils (industrial):				
Animal or fish or vegetable	B	90 percent		
5-gallon square can			.50	.50
All other sizes			.25	.25
Transformer	B	90 percent	.50	.50
Soluble and cutting	B	90 percent		
Water-base			.25	.25
Oil-base			.25	CMQ
Lubricating and motor	B	90 percent		
5-gallon square cans			SCMT	SCMT
All other sizes excluding 1-quart and 5-quart round.			.25 or SCMT	.25
231. Paint products:				
Antifouling paints	B	90 percent	1.50 or 12-lb. terne	1.50
Water-base paints	B	90 percent	.25 or SCMT	.25
Lacquers and thinners	B	90 percent	.25	.25
Shellac	B	90 percent	8-lb. terne	
Paint and varnish removers	B	90 percent	.25	.25
Varnishes and oil stains	B	90 percent	.25	CMQ
Shingle stains	B	90 percent	.25	.25
232. Plastic wood	B	90 percent	1.25	1.25
233. Polishes and waxes:				
Water-base	B	90 percent	.50	.50
Solvent-base	B	90 percent	.25	CMQ
Shoe, liquid	B	90 percent	8-lb. terne	
234. Seed inoculants	B	90 percent	0.50	0.50
235. Snuff	B	75 percent	.50	.50
236. Soap and detergents:				
Liquid	B	75 percent	1.25	1.25
Paste	B	75 percent	.25	.25
237. Stock and poultry food containing 15 percent or more moisture.	B	90 percent	.25	.25
238. Stock, pet, and poultry remedies: Roost paint	B	90 percent	1.25	1.25
Liquids, worm killer, sheep and cattle dip, sheep and horse drench:				
For internal use	B	90 percent	1.25	1.25
For external use	B	90 percent	.25	.25
239. Turpentine	B	90 percent	.50	.50
240. Miscellaneous items:				
Bottle seal cap solution	B	90 percent	1.25	1.25
Cremation boxes	B	90 percent	1.25	1.25
Explosives	B	90 percent	.25	.25
Weed killers	B	90 percent	.50	.50

[F. R. Doc. 51-4272; Filed, Apr. 6, 1951; 4:05 p. m.]

[NPA Order M-26 as Amended April 6, 1951]

M-26—Packaging Closures

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable by the fact that the order affects a very substantial number of different trades and industries.

This amendment affects NPA Order M-26 as follows:

It establishes quantity limitations by classes of products for packaging closures made of aluminum. The limitations are set out in Schedule II which is added to the order. It establishes restriction on receipts. It establishes weight limitations in the use of aluminum foil for liners for packaging closures.

It affects §§ 103.1 to 103.7, inclusive, and redesignates Schedule A as Schedule I.

It redesignates §§ 103.1 to 103.3 as sections 1 to 3; inserts a new section 4; and redesignates §§ 103.4 to 103.10 as sections 5 to 11.

As so amended, NPA Order M-26 reads as follows:

Sec.

1. What this order does.
2. Definitions.
3. Restrictions on use of packaging closures.
4. Restriction on receipts.
5. Other restrictions.
6. Exceptions.
7. Certification of delivery of packaging closures.
8. Application for adjustment or exception.
9. Records and reports.
10. Communications.
11. Violations.

Authority: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

Section 1. *What this order does.* This order as amended places restrictions upon packaging closures. Schedule I appearing at the end of this order specifies the maximum tin coatings for packaging closures made of tin plate. This maximum varies according to the product packed. Schedule II appearing at the end of this order specifies quantity limitations for packaging closures made of aluminum. These limitations vary according to the product packed. This order does not restrict the use of packaging closures made of any material other than tin plate or aluminum. NPA Order M-24 permits the use of tin plate

for packaging closures in accordance with the terms of this order. NPA Order M–7 permits the use of aluminum for packaging closures in accordance with the terms of this order.

SEC. 2. *Definitions.* As used in this order:

(a) "Packaging closures" means any new sealing or covering device made in whole or in part of tin plate, or in whole or in part of aluminum, and affixed, or to be affixed, to a glass container, and also includes crowns made of tin plate and affixed, or to be affixed, to a glass or metal container, for the purpose of retaining the contents within the container. Where there is reference to "packaging closure(s) made of tin plate," such reference does not include a packaging closure made entirely of aluminum. Where there is reference to "packaging closure(s) made of aluminum," such reference does not include a packaging closure made entirely of tin plate.

(b) "Tin plate" means steel sheet coated with tin, and includes "primes," "seconds," and all other forms of tin plate except waste and waste-waste.

(c) "Waste" means scrap tin plate, and includes strips and circles produced in the ordinary course of manufacturing tin plate or packaging closures.

(d) "Waste-waste" means hot-dipped or electrolytic tin-coated steel sheets which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(e) "Quarterly base period" means a period of 3 consecutive months in each of the 4 calendar quarters of the calendar year 1950.

(f) "Base quota" means that numerical quantity of packaging closures made of aluminum which a packer used during the calendar year 1950, determined by either of the following methods:

(1) The monthly average of the numerical quantity of such packaging closures made of aluminum which a packer used during the months of actual use in the calendar year 1950, multiplied three times.

(2) The total numerical quantities of such packaging closures which a packer used during a quarterly base period.

Whichever method is used by a packer to determine his base quota shall thereafter be followed by that packer for succeeding quarterly base periods. Use of such closures shall be spread as equally as possible over each month of the quarterly base period.

(g) "Packer" means any person who uses packaging closures for commercially packing any product.

(h) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

SEC. 3. *Restrictions on use of packaging closures*—(a) *Packaging closures made of tin plate.* No packer shall purchase, accept delivery of, or use packaging closures made of tin plate for the purpose of packing products except as specifically permitted in Schedule I. Packaging closures made of tin plate may be used for packing the classes of products listed in Schedule I if they comply with the tin-plate specifications set out in Schedule I. The tin-plate specifications set out in Schedule I indicate the maximum number of pounds per base box of tin coating permitted for the particular products listed.

(b) *Packaging closures made of aluminum.* No packer shall purchase, accept delivery of, or use packaging closures made of aluminum for the purpose of packing products except as specifically permitted in Schedule II. During the second quarter of the calendar year 1951 and each quarter thereafter, until otherwise ordered by the National Production Authority (hereinafter referred to as the "NPA") no packer shall use a greater numerical quantity of packaging closures made of aluminum for packing any class of product listed in Schedule II than the numerical quantity found by taking the percentage of his base quota which is specified in that schedule for packing that class of products. Where the percentage of that numerical quantity is specified as "unlimited" in Schedule II, that percentage is applicable only to a packer who used, or commenced conversion to the use of, packaging closures made of aluminum for use in packing fluid milk products (Schedule II, Item 1) prior to November 27, 1950, and for use in packing the products shown in Schedule II, Item 3 prior to April 6, 1951. The restrictions of this paragraph do not apply to aluminum liners for packaging closures.

(c) *Exceptions.* The restrictions in this section are subject to the exceptions in section 6 of this order.

SEC. 4. *Restriction on receipts.* No packer shall receive or accept delivery of packaging closures at a time when his inventory thereof exceeds, or by acceptance of such delivery would be made to exceed, a 75-day supply, on the basis of his then scheduled method and rate of operation, taking into account customary seasonal fluctuations. Any packer who, on the effective date of this order as hereby amended, has outstanding orders for packaging closures calling for delivery earlier or in quantities greater than he would be permitted to receive under this section, shall forthwith notify his supplier of the extent to which delivery cannot be accepted as scheduled, and such orders shall be adjusted accordingly.

SEC. 5. *Other restrictions.* (a) No person shall use tin plate or aluminum in the manufacture of packaging closures, nor shall any person sell or deliver any such packaging closures, which he knows or has reason to believe will be accepted or used in violation of the terms of this order or any other order or regulation of the NPA.

(b) In the manufacture of home canning packaging closures, no person shall use any tin plate with a tin coating in excess of 0.50 pound per base box for the manufacture of top seal lids, or in excess of a 0.25 pound per base box for the manufacture of bands or jelly glass lids.

(c) During the second quarter of the calendar year 1951, and each quarter thereafter, until otherwise ordered by NPA, no person shall use more than 65 percent of that total weight of aluminum foil which he used during the quarterly base period for aluminum liners in the manufacture of packaging and other closures.

SEC. 6. *Exceptions.* (a) The restrictions in this order shall not apply to military requirements for packaging closures of a special design or style not normally produced or used commercially nor to packaging closures for emergency rations and supplies for lifeboats.

(b) Orders having a DO rating are exempt from the use limitations in Schedule II and from the restrictions in section 3 (b) of this order. Such orders are not exempt however, from the plate specifications in Schedule I.

(c) The provisions of this order do not apply to the use of any packaging closures made of tin plate which were in the inventory of the packer, or in the inventory of the manufacturer of packaging closures made of tin plate, or in process of manufacture, or any tin plate in inventory at a tin mill for the account of the manufacturer of packaging closures made of tin plate on January 27, 1951, the effective date of this order prior to amendment. It is the intent of this order as amended that any tin plate intended for use in the manufacture of packaging closures made of tin plate in inventory or in process on January 27, 1951, shall be used notwithstanding the restrictions of section 3 of this order.

(d) The provisions of this order as amended shall not prevent any person who used less than a total of 10,000 packaging closures made of aluminum during the calendar year 1950, from purchasing, accepting delivery of, or using a total of 10,000 such packaging closures during any subsequent calendar year until otherwise ordered by NPA.

SEC. 7. *Certification of delivery of packaging closures.* No person shall sell or deliver packaging closures to a packer (except to a retail pharmacist) unless he has received from such packer a certificate signed manually. This certificate shall be by letter in substantially the following form and once filed by a purchaser with a seller covers all future deliveries of packaging closures from that seller to that purchaser:

To ----------, Seller:

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Order M–26 of the National Production Authority, and that all purchases from you of items regulated by that order, and the use and acceptance of the same by the undersigned, will be in compliance with said order, and any amendments thereto.

SEC. 8. *Application for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor, and resulting unemployment that would impair the defense program. Such requests shall be made on Form NPAF–50, "Packaging Closures: Application for Adjustment." Copies of this form may be obtained from the nearest Department of Commerce Field Office.

SEC. 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 10. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–26.

SEC. 11. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on April 6, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

SCHEDULE I—PACKAGING CLOSURES MADE OF TIN PLATE

Product	*Tin-plate specifications (maximum pounds of tin coating per base box)*
1. All food products for human consumption (excluding malt beverages and nonalcoholic beverages) if preserved in a hermetically-sealed container made sterile by heat	1.50
2. Olives, pickles, relishes, sauces, vinegar, french dressing, flavoring extracts, spices, mustard, horseradish, and cherries	.75
3. All other products except malt beverages and nonalcoholic beverages	.50
4. Malt beverages, including only beer, ale, porter, near beer, and mixtures thereof.	
Nonalcoholic beverages, including only carbonated soft drinks, still soft drinks, unflavored carbonated waters and unflavored naturally carbonated and still waters, drinks consisting of fruit juices, vegetable juices and combinations thereof, where less than 85 percent by weight of such drinks is pure fruit juices, vegetable juice, or a mixture thereof, and sterilized milk drinks made with powdered milk	.25

SCHEDULE II—PACKAGING CLOSURES MADE OF ALUMINUM

Product	*Quota*
Foods:	
1. Fluid milk products with or without flavoring, including cultured milk but not cheese products.	Unlimited.
2. All other foods for human consumption.	100 percent.
Drugs:	
3. Anesthetic solutions, antibiotics, biologicals, blood plasma, parenteral solutions, prescriptions, sulfonamides.	Unlimited.
4. All other drug products including waters as used for health purposes.	100 percent.
Miscellaneous:	
5. All other products	65 percent.

[F. R. Doc. 51–4276; Filed, Apr. 6, 1951; 4:07 p. m.]

[NPA Order M–45, Schedule 2]

M–45—ALLOCATION OF CHEMICALS AND ALLIED PRODUCTS

SCHED. 2—POLY TETRA-FLUOR ETHYLENE

This schedule is found necessary and appropriate to promote the national defense and is issued under NPA Order M–45 pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this schedule there has been consultation with industry representatives, and consideration has been given to their recommendations.

SECTION 1. *Definition.* "Poly tetra-fluor ethylene" means only the primary plastic material of this formula and does not include molded or fabricated shapes thereof or scrap or reclaimed material.

SEC. 2. *General provisions.* Poly tetra-fluor ethylene is hereby made subject to NPA Order M–45 as an Appendix A material. The initial allocation date is May 1, 1951. The allocation period is the calendar month. There is no small order exemption.

SEC. 3. *Filing date and unit of measure.* The filing date for Form NPAF–45 is the 15th day of the month before the proposed delivery month. The filing date for Form NPAF–46 is the 20th day of the month before the proposed delivery month. The unit of measure is the pound.

SEC. 4. *Termination of NPA authorization to use.* There shall be no limitation of time on any NPA authorization to use poly tetra-fluor ethylene.

SEC. 5. *Limitation on inventory.* The provisions of NPA Reg. 1 shall apply to poly tetra-fluor ethylene.

SEC. 6. *Purchaser's application on Form NPAF–45.* Every person who purchases poly tetra-fluor ethylene from a supplier is required to apply for authorization to accept delivery on Form NPAF–45. General instructions on the preparation of Form NPAF–45 are set forth in Appendix D of NPA Order M–45. Each applicant should specify in Column (1) the physical form of the material as polymer, dispersions, or paste. Each applicant should enter in Column (2) the quantity required for each end-use, and show in Column (3) the product to be made from the poly tetra-fluor ethylene, such as gaskets, connector plugs, etc. In Column (4) he should show the ultimate product end-use, such as aircraft, radar, etc., and DO rating and government contract number, if any.

SEC. 7. *Supplier's application on Form NPAF–46.* Every supplier of poly tetra-fluor ethylene is required to apply on Form NPAF–46 for authorization to deliver or to use any quantity of poly tetra-fluor ethylene. General instructions on the preparation of Form NPAF–46 are set forth in Appendix D of NPA Order M–45. Each supplier should specify in Column (3) the physical form of the material as polymer, dispersions, or paste.

SEC. 8. *Communications.* All communications concerning this schedule shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–45, Sched. 2.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101. Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp. sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

NOTE: All reporting requirements of this schedule have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This schedule shall take effect, except as otherwise provided herein, on April 6, 1951.

Issued April 6, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–4275; Filed, Apr. 6, 1951; 4:06 p. m.]

[NPA Order M-47 as Amended Apr. 4, 1951]

M-47—Use of Iron and Steel

EDITORIAL NOTE: The following is a complete restatement of NPA Order M-47, embodying all changes effected by the amendment to the said Order M-47 as published in the FEDERAL REGISTER, April 5, 1951 (16 F. R. 2968).

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, in the formulation of this amendment, consultation with representatives of all trades and industries affected has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

This amendment affects NPA Order M-47 by substituting a new section 3, by changing the first sentence of section 4, by substituting a new section 5, by substituting a new paragraph (b) of section 6, and by substituting a new List A.

As amended, NPA Order M-47 now reads as follows:

Sec
1. What this order does.
2. Definitions.
3. Iron and steel products to which this order applies.
4. Application of order.
5. Use of iron and steel products in consumer durable goods.
6. Exemptions.
7. Application for adjustment.
8. Records and reports.
9. Communications.
10. Violations.

AUTHORITY: Section 1 to 10 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to limit the use of iron and steel in the manufacture and assembly of certain products.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the 6-month period ending June 30, 1950.

(c) "Manufacture" means to put into process, machine, fabricate, or otherwise alter materials by physical or chemical means.

(d) "Conversion steel" means steel mill products which have been obtained by the consumer in consequence of the consumer or some other person having furnished, directly or indirectly, to one or more steel producers or converters, steel mill products in a less finished form such as, but not limited to, ingots, blooms, billets, slabs, rods, skelp, and hot rolled sheets in coils, for the express purpose of procuring such steel mill products.

SEC. 3. *Iron and steel products to which this order applies.* This order applies to the iron and steel products listed in Table I of NPA Order M-1, as amended.

SEC. 4. *Application of order.* This order applies to persons who use iron and steel products or parts or components made wholly or partly therefrom, for purposes of manufacture or assembly, and limits the use of such materials and parts in the manufacture or assembly of certain items. This order does not apply to the production of iron and steel.

SEC. 5. *Use of iron and steel products in consumer durable goods.* (a) Subject to the exemptions stated in section 6 of this order, and unless specifically authorized in writing by the National Production Authority, no person shall use during the calendar quarter commencing on April 1, 1951, in the manufacture of any item included in List A at the end of this order, a total quantity by weight of iron and steel products in excess of 80 percent of his average quarterly use of such materials in the manufactured item during the base period: *Provided, however,* That such use in any one month shall not exceed 40 percent of the permitted quarterly use. However, if such person manufactured one or more units of a part made wholly or partly from iron or steel products during the base period, and uses one or more purchased units of that part during said calendar quarter in any item in List A, he shall include the weight of the iron and steel products used in the manufacture of each such part, whether by himself or another, in computing his use of iron and steel products during the base period and during said calendar quarter. During the calendar quarter commencing on April 1, 1951, any person who does not use any iron and steel product in the manufacture of an item in List A, but who assembles parts made wholly or partly from such material into such item, shall not assemble a total number of units of such item in excess of 40 percent of the number of such units which he assembled during the base period.

(b) Any person who during the 6-month period ending December 31, 1950, used conversion steel in the manufacture of any items included in List A at the end of this order shall, during the calendar quarter commencing on April 1, 1951, use conversion steel in the manufacture of such items to the extent stated in this paragraph. The ratio between nonconversion steel used and the total permitted use of steel shall not exceed the ratio between nonconversion steel and total steel received by him during the 6-month period ending December 31, 1950: *Provided, however,* That in the alternative and in the event it is not practicable to determine the quantity of conversion steel used in the manufacture of items in List A, the ratio between nonconversion steel and total steel used in his total production, including all items in List A, shall not exceed the ratio between nonconversion steel and total steel received by him during said period. Any person who selects and applies either of the alternatives above stated may not subsequently apply the other alternative without the written approval of the National Production Authority.

SEC. 6. *Exemptions.* (a) The manufacture or assembly of any item in List A to fill rated orders, or to meet any mandatory order of the National Production Authority, is permitted in addition to the manufacture or assembly permitted by section 5 of this order.

(b) Section 5 shall not apply to any person whose total output of manufactured and assembled items included in List A during the calendar quarter commencing April 1, 1951, has an iron and steel content (including the estimated iron and steel content of parts and semifabricated materials purchased from others) of less than 100 short tons: *Provided, however,* (1) That no such person shall during said quarter use iron and steel products (not including the estimated iron and steel content of parts and semifabricated materials purchased from others) in the manufacture of items in List A a total quantity by weight of such material in excess of his average quarterly use thereof for such purposes during the base period; and (2) That any such person who does not use any iron and steel product in the manufacture of an item in List A, but who assembles parts made wholly or partly from such material into such item, shall not assemble a total number of units of such item in excess of 50 percent of the number of such units which he assembled during the base period.

SEC. 7. *Application for adjustment.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue and exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 8. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 9. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-47.

SEC. 10. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

This order as amended shall take effect, except as otherwise specifically stated, on April 4, 1951.

Issued April 3, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

List A

The items on this List A, made in whole or in part from iron and steel products or containing parts made wholly or partly from iron and steel products, are subject to the provisions of this order. (Joining hardware is not considered "parts" within the meaning of List A.) The listing following each Arabic numeral shall be considered a separate item hereunder.

I. HOUSEHOLD FURNITURE

1. Household furniture: livingroom, dining room, kitchen, breakfast room, and bedroom furniture (excluding bed springs, mattresses, and dual purpose sleeping equipment).
2. Other household furniture, including but not limited to beach; sunroom, garden, porch, lawn furniture, and steamer chairs.
3. Household cabinets such as kitchen, wardrobe, broom, and medicine cabinets.

II. OFFICE, PUBLIC BUILDING, PROFESSIONAL, BUSINESS, AND STORE FURNITURE AND FIXTURES

1. Furniture and fixtures such as desks, bookcases, shelving, tables stands, booths, filing cabinets, and transfer cases, including card and document cases.
2. Furniture and fixtures such as chairs, stools, benches, sofas, couches, settees, clothing racks, and costumers.
3. Restaurant furniture and fixtures, including tray stands and serving tables.
4. Theater, auditorium, stadium, and grandstand chairs and seats, ganged and single, indoor or outdoor types.

5. Barber shop and beauty shop furniture especially designed for such use, including but not limited to manicure tables, dresserettes, hydraulic and reclining chairs, and couch units.
6. Soda fountain creamers.
7. Beer dispensing equipment and fixtures.

III. OFFICE, PUBLIC BUILDING, PROFESSIONAL, BUSINESS, AND STORE PARTITIONS, SHELVING, LOCKERS, AND FIXTURES

1. Lockers (except especially designed and made for the armed services), partitions, and shelving.
2. Tables, show and display cases (including wall types), cabinets (floor and wall types), and counters.
3. Store and office decorative and ornamental fixtures.
4. Telephone booths.

IV. HOUSEHOLD APPLIANCES, HOUSEHOLD MACHINES, AND HOUSEHOLD EQUIPMENT

1. Cooking stoves and ranges.
2. Small electric appliances, including but not limited to: broilers; coffee percolators and urns; heating units for coffee makers; hot plates and disc stoves; roasters; toasters; waffle irons; sandwich grills; cookers; caseroles; food mixers; juice extractors; drink mixers and whippers; hand and hair dryers; vibrators; portable electric air space heaters; electric steam radiators; flat irons, including steam irons; and immersion heaters.
3. Electric fans, 16 inches and under.
4. Floor waxing and polishing machines.
5. Portable electric lamps, including office types, such as, floor, bridge, desk, torch, table, pin-up lamps, and lamp shades.
6. Home laundry equipment, including but not limited to: clothes dryers, gas and electric; mechanical ironers and mangles; and washing machines, electric and gasoline types.
7. Refrigerators, mechanical and ice, and cabinets for household refrigerators sold separately.
8. Home and farm freezers under 13 cubic foot capacity, and cabinets for same sold separately.
9. Dish-washing machines.
10. Water softeners.
11. Automatic food and garbage disposal units.
12. Vacuum cleaners.
13. Carpet sweepers.
14. Packaged air conditioning units (window and console types) ¾ horsepower and under.

V. UTENSIL AND CUTLERY

1. Pocket knives.
2. Silverware, including but not limited to: flatware, hollow ware, novelties, toilet ware, and trophies.
3. Plated ware, including but not limited to: flatware, hollow ware, novelties, toilet ware, and trophies.
4. Table and kitchen cutlery, such as all types of knives, forks, spoons, and carving sets.

VI. RADIO, TELEVISION, AND PHONOGRAPHS

1. Radio receivers, home, portable, and broadcast band automobile receivers.
2. Radio-phonograph combinations.
3. Television receivers.
4. Radio-television receivers, television-phonograph combinations, and radio-television-phonograph combinations.
5. Phonographs and record players.

VII. TRANSPORTATION EQUIPMENT

1. Passenger automobiles and station wagons.
2. Motorcycles, motor scooters, motor bikes.
3. Bicycles.
4. Ships and boats, except military and commercial.
5. Aircraft, except military and commercial.

VIII. MISCELLANEOUS ITEMS

1. Cameras, amateur box type still picture, fixed focus (except reflex), and 8-mm. motion picture cameras and projectors.
2. Coin operated scales and automatic merchandising machines.
3. Games, toys, and children's vehicles.
4. Jewelry, novelties, ornaments, and jewelry cases.
5. Lawn mowers, rollers, seeders, and tampers.
6. Musical instruments.
7. Pianos and organs.
8. Paper weights, desk and document trays, and letter openers.
9. Pens and mechanical pencils.
10. Smokers' articles such as ash trays; cigar, cigarette, and match cases; and holders, lighters, pipe cleaners, and smoking stands.
11. Table tops for kitchen, dinette, and breakfast tables.
12. Venetian blinds, shades, and awnings.
13. Fireplace fixtures and equipment such as dampers, irons, and fire screens.
14. Ornamental lawn fence and railing.
15. Sporting and athletic goods.
16. Morticians' goods and equipment such as caskets, coffins, vaults, liners, but excluding wooden coffin hardware, instruments, and supplies.
17. Coin or slug operated gambling, amusement, or musical devices or machines.
18. Signs and advertising displays.
19. Mirror and picture frames.
20. Miscellaneous items such as shoe trees and wire garment hangers.

IX. ACCESSORIES

Accessories for any single item in this List A shall constitute a separate item for the purposes of this order, and shall also be an item separate from the item to which it is an accessory.

An "accessory" shall mean any product used with or attachable to an item described in this List A and which is generally known in the trade as an "accessory."

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

ALBEMARLE SOUND, PAMLICO SOUND, AND ADJACENT WATERS, N. C.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.54 relating to danger zones for naval operations in Albemarle Sound, Pamlico Sound, and adjacent waters, North Carolina, is hereby amended as follows:

§ 204.54 *Albemarle Sound, Pamlico Sound, and adjacent waters, N. C.; danger zones for naval operations*—(a) *Target areas*—(1) *Northern part of Currituck Sound.* Beginning at a point bearing 65°30', 1,025 yards, from Currituck Sound Light 69; thence 86°, 6,000 yards; thence 193°, 4,425 yards; thence 267°30', 2,775 yards; and thence to the point of beginning. The target is located at latitude 36°27'16", longitude 76°56'30".

NOTE: All bearings in this section are referred to true meridian.

(2) *North of Currituck Beach Light.* The waters of Currituck Sound and the Atlantic Ocean within a radius of 1,000 yards from a target located at latitude 36°25'24", longitude 75°50'09".

(3) *South of Caffey Inlet Coast Guard Station.* The waters of Currituck Sound and the Atlantic Ocean within a radius of 1,000 yards from a target located at latitude 36°12'15", longitude 75°45'57".

(4) *Southeast of Caffey Inlet Coast Guard Station.* The waters of Currituck Sound and the Atlantic Ocean within an area described as follows: Beginning at a point bearing 170°, 5,900 yards, from Caffey Inlet Coast Guard Station; thence 55°30', 7,650 yards; thence 177°, 8,700 yards; and thence to the point of beginning. The target is located at latitude 36°10'28", longitude 75°45'04".

(b) *Target and bombing areas*—(1) *Along north shore of Albemarle Sound.* Beginning at a point on the north shore of Albemarle Sound where the eastern highway bridge intersects the shore at Sandy Point; thence southerly along the eastern side of the bridge to the northern end of the draw; thence northeasterly to a point bearing 180°, 4,100 yards, from Perquimans Bluff Flats Buoy; thence due north to Perquimans Bluff Flats Buoy; thence 323°39' to the shore at Harvey Point; and thence southwesterly along the shore and across the mouth of Yeopim River, to the point of beginning.

(2) *Along south shore of Albemarle Sound.* Beginning at the northernmost point of Laurel Point; thence to Laurel Point Light; thence to latitude 36°02'40", longitude 76°04'26"; thence to Lewis Point; thence westerly along the shore to a point bearing 68°, 2,200 yards, from Scuppernong River Entrance Light; thence 263° to the shore south of Bull Creek entrance; thence northerly along the shore, and across the entrance to Bull Creek, to the point of beginning; excluding from this area a passage 600 yards in width the center line of which extends due north from Scuppernong River Entrance Light.

(c) *Naval Aviation Ordnance test area in Pamlico Sound in vicinity of Long Shoal.* A circular area with a radius of one and one-half miles having its center at latitude 35°32'16", longitude 75°40'49".

(d) *The regulations*—(1) *Target areas.* No person is allowed to fish nor are any boats, except boats attached to and operated by United States Government bases in the vicinity, allowed to operate in the target areas described in paragraph (a) of this section.

(2) *Target and bombing areas.* The areas described in paragraph (b) of this section will be used as target and bombing areas by naval aircraft. Live and dummy ammunition will be used. All operations will be conducted during daylight hours, and the areas will be open to navigation at night. No vessel shall enter these areas during the hours of daylight without special permission from the enforcing agency. The areas will be patrolled and vessels will be warned not to enter. "Buzzing" by plane will warn vessels that they are in a danger zone, and upon being so warned they shall immediately leave the area.

(3) *Navel Aviation Ordnance test area.* The area described in paragraph (c) of this section shall be closed to navigation except for such military vessels as may be directed by the enforcing agency to enter on assigned duties.

(4) *Enforcing agency.* The regulations in this section shall be enforced by the Commander, Naval Air Base, Fifth Naval District, and such agencies as he may designate.

[Regs., Mar. 21, 1951, 800.2121–ENGWO] (40 Stat. 266, 892; 33 U. S. C. 1, 3)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-4163; Filed, Apr. 9, 1951; 8:50 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 23—LAKE MEAD RECREATIONAL AREA; OPERATION OF PRIVATELY OWNED BOATS

PERMITS; SCHEDULE OF FEES

Section 23.1 *Permits; schedule of fees,* is amended to read as follows:

§ 23.1 *Permits.* (a) No privately owned boat, raft, or other floating structure shall be placed or operated upon any waters of the Lake Mead Recreational Area without a permit from the superintendent. Permits good for the calendar year will be issued by the superintendent without charge.

(b) Each permit shall be carried in the boat for which it is issued, whenever any person is aboard, and shall be exhibited upon the request of any officer or employee of the United States. A permit may be transferred with the boat for which it is issued, upon notice to the superintendent.

(Sec. 10, 32 Stat. 390, as amended, sec. 3, 39 Stat. 535, as amended; 43 U. S. C. 373, 16 U. S. C. 3. Interprets or applies sec. 1, 45 Stat. 1057; 43 U. S. C. 617)

Issued this 3d day of April 1951.

[SEAL] OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-4178; Filed, Apr. 9, 1951; 8:50 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

1. In § 21.150, paragraph (c) is amended and paragraph (g) is deleted as follows:

§ 21.150 *Payment of book, supply, and equipment charges.* * * *

(c) The Veterans' Administration will not authorize payment for any books, supplies, and equipment in the absence of satisfactory evidence that they are generally required by the institution concerned of all nonveteran students taking the same course. The mere fact that the institution or the veteran considers an item as "desirable to have" or "necessary for a future profession or job" will not meet Veterans' Administration requirements as to approval for payment. It will be incumbent upon the institution to substantiate and verify the veteran's claim by furnishing the Veterans' Administration with adequate proof that all items for which the veteran is requesting reimbursement were required of all nonveteran students taking the same course.

* * * * *

(g) (Canceled.)

2. New §§ 21.151 and 21.152 are added to read as follows:

§ 21.151 *Payment for tuition and other customary instructional fees.* (a) Section 21.150 does not apply to tuition fees, registration, laboratory, health and/or infirmary, library, and other similar fees incidental to tuition requirements which are customarily required by the institution of all students in the same course. It will continue to be the responsibility of the approved foreign educational institution to bill the Veterans Administration for such charges in the prescribed manner except as provided in paragraph (b) of this section.

(b) A veteran whose enrollment in an approved foreign educational institution has been authorized by the Veterans Administration under the provisions of the Servicemen's Readjustment Act may claim reimbursement of tuition and other customary instructional fees paid in advance by him for a period of authorized enrollment only when the institution lacks authority to reimburse the veteran for such payments. A veteran cannot, however, be reimbursed for payments made in advance by him to an institution which has hitherto accepted the principle of payment in arrears of charges made under the Servicemen's Readjustment Act.

§ 21.152 *Proration of charges for tuition and for books, supplies, and equipment.* Precise information as to the scheduling of instruction in institutions in foreign countries is generally unavailable to the Veterans' Administration, and because of the various systems of instruction in effect in different countries there is no common understanding of the term "instructional days." Consequently, when it is in order, for whatever reason, to prorate the charges for tuition and for books, supplies, and equipment in the case of a veteran enrolled in an approved foreign institution, the term "calendar days" will be substituted for the term "instructional days" in applying the provisions of §§ 21.519 (c) (2) and 21.655 (b).

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. and Sup. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. Sup. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation effective April 10, 1951.

O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-4263; Filed, Apr. 9, 1951; 8:50 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 859, Amdt. 3]

PART 95—CAR SERVICE

RAILROAD FREIGHT CARS TO BE STOPPED TO COMPLETE LOADING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of April A. D. 1951.

Upon further consideration of Service Order No. 859 (15 F. R. 5051, 5797) (16 F. R. 819), and good cause appearing therefor: It is ordered, that:

Section 95.859 *Railroad freight cars to be stopped to complete loading,* of Service Order No. 859 be, and it is hereby, further amended by substituting the following paragraph (a) for paragraph (a) thereof:

(a) No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation, or transport or move, any railroad freight car (whether ordered or appropriated without being ordered) which car is loaded with lumber, shingles, plywood, doors, and other lumber or forest products in Oregon or Washington and tendered to be forwarded to another point to be stopped off to complete the loading thereof, unless or until the lumber, shingles, plywood, doors, and other lumber or forest products loaded in the car at the first loading point equals or exceeds fifty percent (50 percent) of the marked capacity of the car used.

Effective date. This amendment shall become effective at 12:01 a. m., April 9, 1951.

It is further ordered, that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4203; Filed, Apr. 9, 1951; 8:50 a. m.]

[S. O. 875]

PART 95—CAR SERVICE

EMBARGO OF LAKE-CARGO COAL; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of April A. D. 1951.

It appearing, that there is a shortage of cars for transporting coal consigned to various ports on Lake Michigan, Lake Ontario, and Lake Erie for transshipment by vessels; and that such cars of coal are delayed at those ports because of insufficient vessel or dumping capacity; the Commission is of the opinion that an emergency exists requiring immediate action at the lake ports and in areas producing lake-cargo coal. It is ordered, that:

§ 95.875 *Embargo of Lake-Cargo Coal; appointment of agent*—(a) *Lake-cargo coal embargoed.* No common carrier by railroad, subject to the Interstate Commerce Act, shall move or transport any car loaded with coal consigned to Lake Erie, Lake Ontario, or Lake Michigan ports for transshipment by vessel, unless or until a permit has been issued by the Permit Agent appointed herein authorizing the transportation of such car of coal.

(b) *Appointment of Permit Agent.* W. J. McGarry, Manager of the Ore & Coal Exchange, Cleveland, Ohio, is hereby designated and appointed Permit Agent of the Interstate Commerce Commission, subject to the direction and supervision of the Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C.

(c) *Outline of Permit Agent's duties.* (1) In accordance with the directions and instructions of the Director, Bureau of Service, the Permit Agent shall issue or revoke permits, either special or general, as authorized in paragraph (a) of this section. Permits shall be issued, suspended, revoked or denied for the purpose of preventing an undue accumulation of cars of coal for transshipment at the lake ports.

(2) Execute the directions and instructions of the Director, Bureau of Service, which will be designed to facilitate the flow of cars of coal to and through the ports referred to in this section and to prevent congestion thereat, all for the purpose of better utilizing the available supply of coal cars.

(d) Shipments of bituminous coals consigned the ports of Sandusky and Toledo, Ohio on Lake Erie for dumping to vessels may be diverted en route from one port to another, (either Sandusky or Toledo) or to different piers within the Port of Toledo, Ohio, when in the judgment of Permit Agent appointed herein (subject to the provisions of paragraph (e) of this section) such action is necessary to avoid excess accumulations at either Sandusky or Toledo, Ohio, Lake Erie docks which delay the release of cars.

(e) The Permit Agent shall advise the Director, Bureau of Service, before diverting cars of coal and any diversion order may be modified or vacated at the discretion of the Director, Bureau of Service.

(f) *Rates to be applied.* When coal is diverted or rerouted pursuant to this section, it is deemed to be due to carrier's disability; rates applicable to traffic so forwarded shall be those which would have applied to the shipments if such shipments had moved as originally routed to the original port or ports.

(g) *Division of rates.* In executing the orders and directions of the Commission provided for in this section the common carriers involved shall proceed without reference to contracts, agreements, or arrangements now existing between them with reference to the divisions of the rates of transportation applicable to said traffic; such divisions shall be, during the time this order remains in force, voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(h) *Regulations suspended, announcement required.* The operation of all rules, regulations and practices, insofar as they conflict with the provisions of this section, is hereby suspended and each railroad subject to this section, or its Agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

(i) *Application.* This section shall apply to interstate and foreign commerce.

(j) *Effective date.* This section shall become effective at 12:01 a. m., April 9, 1951.

(k) *Expiration date.* This section shall expire at 11:59 p. m., October 9, 1951, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4202; Filed, Apr. 9, 1951; 8:49 a. m.]

[Rev. S. O. 874]

PART 95—CAR SERVICE

REQUIREMENTS FOR LOADING OF GRAIN PRODUCTS AND BY-PRODUCTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of April A. D. 1951.

Upon representations of the Defense Transport Administration that there is urgent need in the interest of National Defense for more efficient utilization of freight cars in the transportation of grain products and by-products.

It appearing, that there is a shortage of freight cars suitable for the transportation of grain products and by-products; that by reason thereof it is necessary to regulate and control the use of such cars to assure the maximum utilization; in the opinion of the Commission an emergency exists in all sections of the country requiring immediate action to promote car service in the interest of the public and the commerce of the people. It is ordered, that:

§ 95.874 *Requirements for loading grain products and by-products.* (a) Except as hereinafter provided, no carrier shall accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, or transport within any terminal area except to complete loading, any carload shipment of grain products or by-products in a freight car, unless such car when forwarded from point of origin or so transported within any terminal area, is loaded in accordance with one of the following requirements.

(1) The quantity shall equal or exceed in weight the marked capacity in pounds as stenciled on such car, or as shown under the caption "Capacity" (not "Load Limit") in the Official Railroad Equipment Register, Agent M. A. Zenobia's ICC R. E. R. No. 298, supplements thereto or reissues thereof; or

(2) Grain products or by-products in bulk shall be loaded to an elevation not lower than 24 inches from the ceiling of the car at its side walls, or if the interior walls of such car are partially sheathed or lined, to the utmost elevation without over-running the sheathing or lining; or

(3) Grain products or by-products in packages, in straight or mixed carloads, or in mixed carloads with other commodities, shall be loaded to a weight of not less than 60,000 pounds; or

(4) When such car is loaded to full visible capacity.

(b) *Exemptions.* The provisions of this section shall not apply to grain products or by-products moving under and in accordance with "clean-out" or "remnant" rules published in applicable freight tariffs lawfully on file with this Commission or state railroad regulatory bodies.

(c) *Definition.* As used in this section the term:

(1) Carrier means any common carrier by railroad subject to the Interstate Commerce Act.

(2) Grain products or by-products means any commodity listed in Appendix A.

(d) *Special and general permits; appointment of agent.* (1) Paragraph (a) of this section shall be subject to any special or general permits issued by the Permit Agent named below, on application of the shipper (or the carrier when carrier loads the car).

(2) Howard S. Kline, Chief, Car Utilization Section, Bureau of Service, Interstate Commerce Commission, Room 5135, I. C. C. Building, Washington 25, D. C., is hereby designated and appointed as Permit Agent of the Interstate Commerce Commission with authority to issue special or general permits to meet exceptional circumstances or withhold the issuance of permits under paragraph (d) (1) of this section, subject to the direction and supervision of the Director of the Bureau of Service.

(3) This section reappoints Howard S. Kline, Chief, Car Utilization Section, Bureau of Service, Interstate Commerce Commission, Room 5135 I. C. C. Building, Washington 25, D. C., with the same duties and instructions heretofore invoked and carried out under Service Order No. 874. Therefore, all permits, special or general, issued under Service Order No. 874, are hereby adopted and will remain in effect as permits, special and general, issued under Revised Service Order No. 874.

(e) *Application.* (1) The provisions of this section shall apply to intrastate, interstate and foreign commerce, including commerce with insular possessions and the territories of Alaska and Hawaii.

(2) The provisions of this section shall apply to all shipments from points of origin as well as transit points on and after the effective date of this section.

(f) *Regulations suspended; announcement required.* The operation of all rules, regulations and practices, insofar as they conflict with the provisions of this section, is hereby suspended and each railroad subject to this section, or its Agent, shall publish, file, and post a supplement to each of its tariffs, affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

(g) *Effective date.* This section shall become effective at 12:01 a. m., April 9, 1951.

(h) *Expiration date.* This section shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this order vacates and supersedes Service Order No. 874, and that a copy of this order and direction be served upon the State railroad regulatory bodies of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

APPENDIX A

Alfalfa, chopped or ground.
Ashes, cottonseed hull.
Barley, crushed.
Barley, ground.
Barley, pearl.
Barley, roasted.
Barley, rolled.
Barley, sprouted.
Beans, mung.
Beans, velvet.
Bran, nolbn.
Bran.
Bran, flax.
Bran, rice.
Cake or meal, viz:
  Babassu nut oil.
  Cocoanut oil.
  Copra.
  Cottonseed oil.
  Corn oil.
  Corn germ oil.
  Corn germ.
  Linseed oil.
  Palm kernel.
  Palm oil.
  Peanut oil.
  Rape seed oil.
  Sesame oil.
  Sunflower seed.
  Sunflower seed oil.
  Soy bean oil.
  Velvet bean.
  Tucum nut oil.
  Wheat germ oil.
Chaff.
Chaff, barley.
Chaff, corn.
Chaff, peanut.
Chaff, rice.
Chops, viz:
  Physical mixtures of corn chops and oat chops.
  Corn.
  Oats.
  Rye.
  Wheat.
  Sorghum grain.
  Sorghum head.
Cocoa bean testa or hulls.
Corn cobs.
Corn cob bran, flakes, flour or meal.
Corn, cracked.
Corn, crushed.
Corn, ear, ground.
Corn, germ.
Corn, ground.
Corn, hulled.
Corn, rolled.
Corn, snapped.
Dextrine, dry.
Dextrine, liquid.
Dust, buckwheat.
Dust, corn.
Dust, oat.
Dust, rye, wheat.
Feed, animal or poultry, viz:
  Animal or poultry, nolbn.
  Alfalfa.
  Bakery refuse and sweepings.
  Barley.
  Barley malt.
  Bran cereal offal.
  Buckwheat.
  Corn.
  Corn or wheat cereal offal.
  Cracklings, nolbn.
  Flax plant by-products.
  Flavin concentrate.
  Grain, nolbn.
  Glucose.
  Gluten.
  Grain cereal offal.
  Hominy.
  Macaroni.
  Malt bran.
  Malt corn.
  Milk, buttermilk or whey.
  Mill, viz:
    Physical mixtures of, Bran, middlings, etc. Soy bean.
  Noodles.
  Oats.
  Oat cereal offal.
  Oat, flaked.
  Peanuts.
  Pineapple pomace.
  Popcorn.
  Poultry and pigeon grit.

Feed, animal or poultry, viz—Continued
  Rice bran.
  Rice cereal offal.
  Rice flour.
  Rice hulls.
  Rice polish.
  Rye.
  Rye, flaked.
  Sorghum grain cereal offal.
  Sour skimmed milk.
  Spaghetti.
  Spelz, wheat cereal offal.
  Straw by-products.
  Tomato pomace or refuse.
  Vermicelli.
  Wheat.
  Wheat cereal offal.
  Wheat, flaked.
  Yeast.
Farina.
Farina and wheat germ.
Flakes, bakers or brewers.
Flakes, bakers or brewers (made from starch).
Flakes, brewers (nor made from starch).
Flakes, viz:
  Corn, brewers (not cooked and not refined).
  Barley.
  Oat
  Hominy.
  Malt.
Flour, viz:
  Barley.
  Buckwheat.
  Compound.
  Corn.
  Cottonseed.
  Cracked wheat.
  Malt.
  Milo maize.
  Peanut cake.
  Potato.
  Prepared, all types
  Rice.
  Rye.
  Soy bean.
  Wheat.
  Wheat malt.
Fodder, corn.
Germ, viz:
  Corn.
  Wheat.
  Graham.
  Rye.
Grain, viz:
  Broken, chopped, cracked, crimped, ground, hulled, rolled, skinned, split, crushed, cut, or pulverized, physical mixture.
  Dried, brewers or distillers.
  Brewers.
  Spent.
Grass, viz:
  Barley, oat, rye, sudan, or wheat.
Grits, viz:
  Grits, nolbn.
  Barley, oat, wheat, corn, hominy, soy bean.
  Brewers, refined (made from starch).
  Brewers or bakers, not cooked and not refined.
Groats, viz:
  Barley, buckwheat, oat, hay, ground, or chopped.
  Hominy.
Hulls, viz:
  Barley, buckwheat, corn, oat, rice, or wheat.
  Barley malt.
  Malt.
  Cottonseed.
  Flaxseed.
  Peanut.
  Soy bean.
Malt, viz:
  Malt, barley, corn, gluten, hominy, kaffir, milo, oat, rye, or wheat.
Mash, spent grain, dried.
Meal, viz:
  Alfalfa.
  Barley.
  Bean.
  Bone.
  Clover.
  Clover and alfalfa, mixed.
  Cob.
  Corn.
  Corn feed, viz: Corn and cob mixed or corn, cob and shuck, mixed.
  Fish.
  Fish roe, fish scrap.
  Gluten.
  Husk (made from chopped or ground, dried corn shucks).
  Wheat flour and water (ground from baked sheets of dough).
  Hominy.
  Kaffir corn.
  Lespedeza.
  Meat.
  Oats.
  Peanut hull.
  Peanut stem.
  Peanut vine.
  Popcorn.
  Russian thistle.
  Rye.
  Sorghum.
  Sorghum grain.
  Sorghum pulp.
  Soybean.
  Soybean vine.
  Timothy.
  Wheat.
Middlings, viz:
  Middlings (products of grain).
  Middlings, more or less saturated with oil.
Milk powder scrap.
Mineral mixtures, animal or poultry feeding.
Oat by-product, clipped (oat clippings).
Oat offal.
Oats, crushed, ground or rolled.
Oil cake, from screenings of grain, flax seed or other seeds.
Oil meal, from screenings of grain, flax seed or other seeds.
Pulp, cane.
Pulp, dried beet.
Pulp, potato.
Popcorn, not popped.
Pummies.
Red Dog.
Refuse, brewers or maltsters'.
Residual (beet sugar final molasses), dried yeast.
Rice polish.
Rye, crushed.
Rye, rolled.
Scraps, dried meat.
Screenings.
Screenings, from grain, flax seed or other seed (containing not more than 5 percent of flax seed).
Screenings, flax.
Screenings, ground grain, viz:
  Barley.
  Oat.
  Rye.
  Wheat.
  Soy bean seeds.
  Cane.
  Safflower.
  Sorghum.
  Sudan grass.
Semolina.
Semolina and flour, physical mixture of.
Shells (clam, mussel, oyster) (coquina).
Ship stuff.
Shives, flax.
Shorts.
Skimmings, viz:
  Barley.
  Corn.
  Oat.
  Rye.
  Wheat skins.
  Peanut.
Sorghum grains, broken, chopped, cracked, crimped, crushed, cut, ground, hulled, pulverized, rolled, skinned or split, viz:
  Darso.
  Durra.
  Egyptian wheat.
  Grohoma.
  Hogari (Higera).
  Kaoliang.
  Shallu.
  Shrock kaffir.
  Feterita.
  Kaffir corn.
  Milo maize.
Soy beans, cracked (not suitable for human consumption).
Sprouts, viz:
  Barley.
  Corn.
  Malt.
  Oat.
  Rye.
  Sorghum grain.
  Stalks.
  Wheat.
Starch, nolbn.
Starch, liquid.
Starch substitute, inedible.
Sweepings, bakery.
Syrup, citrus pomace final.
Vines, ground bean or bean straw.
Vine, soy bean, chopped or ground.
Vitamin products, for feeds.
Wheat bran.
Wheat chops.
Wheat, viz:
  Cracked.
  Crushed.
  Ground.
  Pearled.
  Rolled.
Wheat germ.

No. 69——5

[F. R. Doc. 51-4201; Filed, Apr. 9, 1951; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Parts 904, 934, 947, 996, and 999]

[Docket Nos. AO–14–A19; AO–83–A15; AO–203–A1; AO–204–A1; AO–113–A12]

HANDLING OF MILK IN GREATER BOSTON, LOWELL-LAWRENCE, SPRINGFIELD, WORCESTER, AND FALL RIVER, MASS., MARKETING AREAS

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND PROPOSED ORDERS AMENDING THE ORDERS, AS NOW IN EFFECT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Boston, Massachusetts, on March 12, 1951 (16 F. R. 2160), upon proposed marketing agreements and proposed amendments to the orders, as now in effect, regulating the handling of milk in the Greater Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River, Massachusetts, marketing areas.

Upon the basis of the evidence introduced at such hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on March 22, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER March 24, 1951 (16 F. R. 2658). No exceptions were filed on behalf of interested parties.

The material issues presented on the record of the hearings were whether:

(1) The present classification provisions of the respective orders, as now in effect, should be amended to provide for the classification of fresh concentrated milk as Class I.

(2) An emergency exists which warrants immediate effectuation of the proposed amendments.

Findings and conclusions. Upon the basis of evidence introduced at the hearing and on the record thereof with respect to the aforementioned issues it is hereby found and concluded that:

(1) The present classification provisions of the respective orders, as now in effect, should be amended to provide for the classification of milk used to produce fresh concentrated milk for fluid consumption as Class I.

The orders presently list certain fluid milk products such as milk, skim milk, flavored milk, and buttermilk which are designated as Class I milk. The list does not include milk used to produce concentrated milk and accordingly under the present order provisions of all five Massachusetts orders such utilization would be classified as Class II.

Concentrated milk for fluid consumption is a new product which has in recent months appeared in several Eastern fluid milk markets and which on March 1 was introduced in the Boston market. The product is still in an experimental stage of development and to date there is no quantitative information to indicate the extent of consumer acceptance and the extent to which it is replacing regular fluid milk sales. However, there can be no question but that promoters of the product foresee it as a direct and acceptable substitute for fresh whole milk. Promotional advertising emphasizes that it is pure, fresh milk with nothing but water removed. Further, it is contended that when water is added the resulting product has all of the properties of fresh whole milk and is indistinguishable from regular fluid milk.

The health officer for the city of Boston emphasized the necessity of making concentrated milk for fluid use from quality milk, indicating that it is a non-sterile fluid product which must for proper health protection be handled with the same care and through the same facilities as regular fluid milk. The record indicates that concentrated milk for fluid distribution in the Massachusetts Federal order markets is currently being produced from Boston approved milk or milk of equivalent quality. Accordingly, concentrated milk competes directly with items presently classified as Class I for available supplies of local producer milk. It is, therefore, concluded that milk used to produce concentrated milk for fluid consumption should be classified and priced at the same level as milk used for other fluid products presently classified as Class I in each of the five Massachusetts orders.

Under the present provisions of the several orders the inclusion of all concentrated milk as a Class I item would result in such a classification for all condensed milk disposed of to bakeries, candy makers, etc., for manufacturing uses. These orders presently provide for a Class II classification of skim milk disposed of to such outlets. Since condensed milk is an alternative to fluid skim milk and other manufactured dairy products for uses in bread making, candy making, etc., condensed milk going into such manufacturing uses should continue to be Class II. Accordingly, it is concluded that concentrated milk classified as Class I should be limited to the volume of such milk which is disposed of for fluid consumption.

In order to facilitate the administration of the order and to make the other order provisions consistent with the amended classification herein proposed, the definition of fluid milk products as set forth in the respective orders should be revised to include concentrated milk and a definition of concentrated milk should be provided. Concentrated milk should be defined as the unsterilized liquid milk product obtained by the evaporation of water from milk and milk to which any other milk product may be added in the process of manufacture. The products known as evaporated milk and sweetened condensed milk should be excluded specifically in the definition. For accounting purposes under the orders the weight of the fluid milk product used to produce the concentrated milk should be used rather than the weight of the concentrated milk. In the absence of proof as to the weight of fluid milk products used to produce concentrated milk, such weight should be determined by multiplying by 6.45 the number of quarts of concentrated milk. The 6.45 is three times 2.15, the presently accepted weight of a quart of unconcentrated whole milk.

As indicated in the recommended decision, the hearing record did not establish sufficient urgency for immediate action with reference to the proposed amendments to warrant the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exceptions thereto.

General findings. (a) The proposed marketing agreements and the orders, now in effect, and as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing areas, respectively, and the minimum prices specified in the proposed marketing agreements and in the orders, now in effect and as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk in each of said marketing areas, respectively, and be in the public interest; and

(c) The proposed marketing agreements and the orders, now in effect, and as hereby proposed to be amended, regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in marketing agreements upon which a hearing has been held.

Determination of representative period. The month of February 1951 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of each of the orders amending respectively the orders, now in effect, regulating the handling of milk in the Greater Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River, Massachusetts, marketing areas in the manner set forth in the attached amending orders is approved or favored, respectively, by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Annexed hereto and made a part hereof are marketing agreements regulating the handling of milk in the Greater Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River, Massachusetts, marketing areas and orders amending the orders, now in effect, regulating the handling of milk in the Greater Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River, Massachusetts, marketing areas, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the respective orders, now in effect, and as hereby proposed to be amended respectively by the attached orders which will be published with this decision.

This decision filed at Washington, D. C. this 5th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area

§ 904.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 904.1 (d) (4) by deleting the present language and substituting therefor the following:

(4) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

2. Amend § 904.1 (d) by adding a new subparagraph (8) as follows:

(8) "Concentrated milk" means any unsterilized liquid milk product, other than those products commonly known as evaporated milk and sweetened condensed milk, which is obtained by the evaporation of water from milk and milk to which any other milk product may be added in the process of manufacture. For purposes of this order the weight of the fluid milk products used to produce the concentrated milk shall be used rather than the actual weight of the concentrated milk.

3. Amend § 904.3 (a) (2) (i) by deleting the present language and substituting therefor the following:

(i) As being sold, distributed, or disposed of other than as or in milk, and other than as or in concentrated milk for fluid consumption, flavored milk or flavored skim milk, buttermilk, or cultured skim milk, for human consumption; and

4. Amend § 904.3 (c) by deleting the introductory language "Milk, flavored milk, skim milk, cultured or flavored skim milk or buttermilk" and substituting therefor the following: "Any fluid milk product, except cream."

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Lowell-Lawrence, Massachusetts, Marketing Area

§ 934.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

amended, is hereby further amended as follows:

1. Amend § 934.4 (d) by deleting the present language and substituting therefor the following:

(d) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

2. Amend § 934.4 by adding a new paragraph (h) as follows:

(h) "Concentated milk" means any unsterilized liquid milk product, other than those products commonly known as evaporated milk and sweetened condensed milk, which is obtained by the evaporation of water from milk and milk to which any other milk product may be added in the process of manufacture. For purposes of this order the weight of the fluid milk products used to produce the concentrated milk shall be used rather than the actual weight of the concentrated milk.

3. Amend § 934.15 (b) (1) by deleting the present language and substituting therefor the following:

(1) As being sold, distributed, or disposed of other than as or in milk, and other than as or in concentrated milk for fluid consumption, flavored milk or flavored skim milk, buttermilk, or cultured skim milk, for human consumption; and

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Fall River, Massachusetts, Marketing Area

§ 947.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Fall River, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 947.1 (r) by deleting the present language and substituting therefor the following:

(r) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

2. Amend § 947.1 by adding a new paragraph (s) as follows:

(s) "Concentrated milk" means any unsterilized liquid milk product, other than those products commonly known as evaporated milk and sweetened condensed milk, which is obtained by the evaporation of water from milk and milk to which any other milk product may be added in the process of manufacture. For purposes of this order the weight of the fluid milk products used to produce the concentrated milk shall be used rather than the actual weight of the concentrated milk.

3. Amend § 947.5 (b) (2) (i) by deleting the present language and substituting therefor the following:

(i) Sold, distributed, or disposed of other than as milk which contains one-half of 1 percent or more but less than 16 percent of butterfat, and other than as concentrated milk for fluid consumption, chocolate or flavored whole or skim milk, buttermilk, or cultured skim milk, for human consumption; and

Order[1] Amending the Order Regulating the Handling of Milk in the Springfield, Massachusetts, Marketing Area

§ 996.0 ***Findings and determinations.*** The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Springfield, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Springfield, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended, and the aforesaid order is hereby amended as follows:

1. Amend § 996.1 (d) (4) by deleting the present language and substituting therefor the following:

(4) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

2. Amend § 996.1 (d) by adding a new subparagraph (7) as follows:

(7) "Concentrated milk" means any unsterilized liquid milk product, other than those products commonly known as evaporated milk and sweetened condensed milk, which is obtained by the evaporation of water from milk and milk to which any other milk product may be added in the process of manufacture. For purposes of this order the weight of the fluid milk products used to produce the concentrated milk shall be used rather than the actual weight of the concentrated milk.

Amend § 996.3 (a) (2) (i) by deleting the present language and substituting therefor the following:

(i) As being sold, distributed, or disposed of other than as or in milk, and other than as or in concentrated milk for fluid consumption, flavored milk or flavored skim milk, buttermilk, or cultured skim milk, for human consumption; and

Order[1] Amending the Order Regulating the Handling of Milk in the Worcester, Massachusetts, Marketing Area

§ 999.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practices and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Worcester, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Worcester, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended, and the aforesaid order is hereby amended as follows:

1. Amend § 999.1 (d) (4) by deleting the present language and substituting therefor the following:

(4) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

2. Amend § 999.1 (d) by adding a new subparagraph (7) as follows:

(7) "Concentrated milk" means any unsterilized liquid milk product, other than those products commonly known as evaporated milk and sweetened condensed milk, which is obtained by the evaporation of water from milk and milk to which any other milk product may be added in the process of manufacture. For purposes of this order the weight of the fluid milk products used to produce the concentrated milk shall be used rather than the actual weight of the concentrated milk.

3. Amend § 999.3 (a) (2) (i) by deleting the present language and substituting therefor the following:

(i) As being sold, distributed, or disposed of other than as or in milk, and other than as or in concentrated milk for fluid consumption, flavored milk or flavored skim milk, buttermilk, or cultured skim milk, for human consumption; and

[F. R. Doc. 51-4195; Filed, Apr. 9, 1951; 8:48 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Worcester, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended, and the aforesaid order is hereby amended as follows:

1. Amend § 999.1 (d) (4) by deleting the present language and substituting therefor the following:

(4) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

2. Amend § 999.1 (d) by adding a new subparagraph (7) as follows:

(7) "Concentrated milk" means any unsterilized liquid milk product, other than those products commonly known as evaporated milk and sweetened condensed milk, which is obtained by the evaporation of water from milk and milk to which any other milk product may be added in the process of manufacture. For purposes of this order the weight of the fluid milk products used to produce the concentrated milk shall be used rather than the actual weight of the concentrated milk.

3. Amend § 999.3 (a) (2) (i) by deleting the present language and substituting therefor the following:

(i) As being sold, distributed, or disposed of other than as or in milk, and other than as or in concentrated milk for fluid consumption, flavored milk or flavored skim milk, buttermilk, or cultured skim milk, for human consumption; and

[F. R. Doc. 51-4195; Filed, Apr. 9, 1951; 8:48 a. m.]

[7 CFR, Part 999]

[Docket No. AO-204 A-1]

HANDLING OF MILK IN WORCESTER, MASS., MARKETING AREA

ORDER OF SECRETARY DIRECTING THAT REFERENDUM BE CONDUCTED AMONG PRODUCERS AND DESIGNATION OF AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order regulating the handling of milk in the Worcester, Massachusetts, marketing area) who, during the month of February 1951 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order amending the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.[1]

Richard D. Aplin is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

Done at Washington, D. C., this 5th day of April 1951.

[SEAL] CHARLES F. BRANNON, *Secretary of Agriculture.*

[F. R. Doc. 51-4196; Filed, Apr. 9, 1951; 8:49 a. m.]

[7 CFR, Part 996]

[Docket No. AO-203 A-1]

HANDLING OF MILK IN SPRINGFIELD, MASS., MARKETING AREA

ORDER OF SECRETARY DIRECTING THAT REFERENDUM BE CONDUCTED AMONG PRODUCERS, AND DESIGNATION OF AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order regulating the handling of milk in the Springfield, Massachusetts, marketing area) who, during the month of February 1951 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order amending the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.[1]

Richard D. Aplin is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

Done at Washington, D. C., this 5th day of April 1951.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51-4197; Filed, Apr. 9, 1951; 8:49 a. m.]

[1] See F. R. Doc. 51-4195, *supra.*

NOTICES

FEDERAL TRADE COMMISSION

[Docket No. 5683]

JEWEL RADIO AND TELEVISION CORP. OF AMERICA ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

In the matter of Jewel Radio and Television Corp. of America, a corporation and Don F. Ferraro, Albert R. Ferraro, Arthur Block and Sam Specter, individuals and officers of Jewel Radio and Television Corp. of America and Crosby-Paige Industries, Inc., a corporation, and A. Robert Lieberman and Arthur Block, individuals and officers of Crosby-Paige Industries, Inc.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission.

It is ordered, That Webster Ballinger, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Wednesday, April 18, 1951, at two o'clock in the afternoon of that day (e. s. t.), in Room 505, 45 Broadway, New York, New York.

Issued: April 3, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-4221; Filed, Apr. 9, 1951; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3945]

AERO FINANCE CORP.; EXEMPTION APPLICATION

NOTICE OF HEARING

In the matter of the application of Aero Finance Corporation for an exemption filed pursuant to § 291.16 of the Board's Economic Regulations and section 416 (b) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 1001 of said act that a hearing in the above entitled proceeding is assigned to be held on April 17, 1951, at 10 a. m., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner William J. Madden.

Without limiting the scope of the issues presented by the application, particular attention will be directed to the following matters and questions:

1. Is the present enforcement of the requirements of Title IV of the Civil Aeronautics Act, as amended, or any provision thereof, or any rule, regulation, term, condition or limitation prescribed thereunder, as it affects Aero Finance Corporation, an undue burden on that air carrier by reason of the limited extent of, or unusual circumstances affecting the operation of such carrier and not in the public interest?

2. Subsidiary issues to a determination of whether the enforcement of the requirements of Title IV of the act and the rules and regulations of the Board prescribed thereunder is not in the public interest are:

(a) Will the operation of the air service proposed by Aero meet the statutory standards of section 416 (b) of the act and the tests in this respect set forth in an opinion of the Board issued on May 25, 1950, accompanying Orders, Serial Nos. E-4240 through E-4252?

(b) Is there a need for irregular air transportation by Aero?

(c) Do the past operations of Aero indicate that it can be trusted with the exemption authority sought, and operate within such authority?

3. If the foregoing issues are determined in the affirmative, what is the proper scope of exemption of Aero from the requirements of Title IV of the act, and what terms, conditions and limitations should be imposed on such exemption?

Notice is further given that any person desiring to be heard in opposition to the application, other than parties of record, must file with the Board on or before April 17, 1951, a statement setting forth the issues of fact or law which he desires to controvert and such person may appear and participate at the hearing in accordance with § 285.6 (a) of the rules of practice under Title IV of the Civil Aeronautics Act of 1938, as amended.

For further details of the service proposed and the relief requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., April 4, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-4225; Filed, Apr. 9, 1951; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1277]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF ORDER AND FINDINGS ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 5, 1951.

Notice is hereby given that, on April 2, 1951, the Federal Power Commission issued its order entered March 30, 1951, in the above-entitled matter, extending to July 1, 1951, the time within which Transcontinental Gas Pipe Line Corporation shall complete construction of facilities authorized in its order of April 28, 1950, published in the FEDERAL REGISTER on May 6, 1950 (15 F. R. 2695).

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-4212; Filed, Apr. 9, 1951; 8:52 a. m.]

[Docket Nos. G-1566, G-1547, G-1602, G-1603, G-1604]

ARKANSAS LOUISIANA GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 5, 1951.

In the matters of Arkansas Louisiana Gas Company, Docket No. G-1566, Interstate Power Company, Docket No. G-1547, Kings County Lighting Company, Docket G-1602, The Brooklyn Union Gas Company, Docket No. G-1603, Consolidated Edison Company of New York, Inc., Docket No. G-1604.

Notice is hereby given that, on April 4, 1951, the Federal Power Commission issued its findings and orders entered April 3, 1951, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-4213; Filed, Apr. 9, 1951; 8:52 a. m.]

[Docket Nos. G-1573, G-1577, G-1582]

TENNESSEE GAS TRANSMISSION CO. AND UNITED NATURAL GAS CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

APRIL 3, 1951.

In the matters of Tennessee Gas Transmission Company, Docket Nos. G-1573, G-1577 and G-1582, Tennessee Gas Transmission Company, and United Natural Gas Company, Docket No. G-1614.

On December 27, 1950, Tennessee Gas Transmission Company (Tennessee) a Delaware corporation having its principal place of business in the Commerce Building, Houston, Texas, filed an application in Docket No. G-1573 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain facilities as described in the notice of application which was published in the FEDERAL REGISTER on January 12, 1951 (16 F. R. 324) and as more fully described in the application.

On January 2, 1951, Tennessee filed an application in Docket No. G-1577 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain natural-gas transmission facilities as described in the notice of application which was published in the FEDERAL REGISTER on January 12, 1951 (16 F. R. 324), and as more fully described in the application.

On January 8, 1951, Tennessee filed an application in Docket No. G-1582 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing construction and operation of certain natural-gas transmission facilities as described in the notice of application which was published in the FEDERAL REGISTER on January 27, 1951 (16 F. R. 779), and as more fully described in the application.

On February 5, 1951, Tennessee filed an amendment to the foregoing applications requesting that they be consolidated and considered as one application. Notice of the amended application was published in the FEDERAL REGISTER on February 16, 1951 (16 F. R. 1643).

On February 16, 1951, Tennessee and United Natural Gas Company, a Pennsylvania corporation with its principal office at 308 Seneca Street, Oil City, Pennsylvania, filed a joint application in Docket No. G-1614 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act for authorization to develop a storage pool in Potter County, Pennsylvania, as described in the notice of application which was published in the FEDERAL REGISTER on March 10, 1951 (16 F. R. 2236), and as more fully described in the application. The proposed storage pool is to be operated in connection with the facilities proposed in Docket Nos. G-1573, G-1577 and G-1582.

The Commission finds:

(1) The applications in Docket Nos. G-1573, G-1577 and G-1582 are interrelated and orderly procedure requires that they be consolidated and considered as one application.

(2) Docket Nos. G-1577 and G-1582 together with all matters of record therein should be transferred to Docket No. G-1573.

(3) Docket Nos. G-1577 and G-1582 should be discontinued.

(4) Parties heretofore permitted to intervene in Docket Nos. G-1577 and G-1582 by orders of the Commission should be permitted to intervene in Docket No. G-1573.

(5) Docket No. G-1573, as amended, should be consolidated for the purpose of hearing with Docket No. G-1614.

The Commission orders:

(A) Docket Nos. G-1577 and G-1582 together with all matters of record therein are hereby transferred to Docket No. G-1573.

(B) Docket Nos. G-1577 and G-1582 are discontinued as separate dockets.

(C) Parties who have been permitted to intervene, by orders of the Commission, in Docket Nos. G-1577 and G-1582 are hereby permitted to intervene in Docket No. G-1573.

(D) Docket No. G-1573 as amended is hereby consolidated for purpose of hearing with Docket No. G-1614.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing be held commencing on April 18, 1951, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the amended application.

(F) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: April 4, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-4185; Filed, Apr. 9, 1951; 8:45 a. m.]

[Docket No. G-1606]

UNITED NATURAL GAS CO. AND SYLVANIA CORP.

ORDER FIXING DATE OF HEARING

APRIL 3, 1951.

On February 5, 1951, United Natural Gas Company (United), a Pennsylvania corporation of Oil City, Pennsylvania, and The Sylvania Corporation (Sylvania), a Pennsylvania corporation of Oil City, Pennsylvania, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Sylvania to store gas underground for United in Sylvania's Tuscarora storage field, Steuben County, New York, and authorizing the construction of necessary related facilities subject to the jurisdiction of the Commission as fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicants having requested that their application be heard under the shortened procedure provided by the aforesaid rules for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 16, 1951 (16 F. R. 1643).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on April 26, 1951, at 9:45 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: April 4, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-4186; Filed, Apr. 9, 1951; 8:45 a. m.]

[Docket No. G-1620]

PENNSYLVANIA GAS CO.

ORDER FIXING DATE OF HEARING

APRIL 3, 1951.

On February 23, 1951, Pennsylvania Gas Company (Applicant), a Pennsylvania corporation, having its principal place of business in Warren, Pennsylvania, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of facilities for the transportation and sale of natural gas by Applicant as fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) [18 CFR 1.32 (b)] of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on March 14, 1951 (16 F. R. 2413).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on April 26, 1951, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedures.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: April 4, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-4187; Filed, Apr. 9, 1951; 8:45 a. m.]

[Docket No. E-6348]

IDAHO POWER CO.

NOTICE OF APPLICATION

APRIL 3, 1951.

Take notice that on April 2, 1951, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Idaho Power Company, a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Idaho, and Nevada, with its principal business office at Boise, Idaho, seeking an order authorizing it to issue unsecured notes up to an aggregate amount of $9,000,000 covering borrowings from banks. The notes will be made at the current rate applicable in New York, New York, and/or Boise, Idaho, for commercial bank loans of said form and character, which interest rate Applicant does not believe will exceed 3 percent. The bank loans will be made during the period April to July, inclusive, 1951, and the notes will be issued therefor, and will probably mature within 6 months after date of issue, and not to exceed 1 year after date of issue; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 20th day of April 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-4214; Filed, Apr. 9, 1951; 8:53 a. m.]

[Docket Nos. E-6343, E-6345]

GULF STATES UTILITIES CO. AND DUKE POWER CO.

NOTICE OF ORDERS AUTHORIZING ISSUANCE OF SECURITIES

APRIL 5, 1951.

In the matters of Gulf States Utilities Company, Docket No. E-6343; Duke Power Company, Docket No. E-6345.

Notice is hereby given that, on April 3, 1951, the Federal Power Commission issued its orders entered April 3, 1951, authorizing issuance of securities in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-4211; Filed, Apr. 9, 1951; 8:52 a. m.]

[Project No. 2067]

OAKDALE IRRIGATION DISTRICT AND SOUTH SAN JOAQUIN IRRIGATION DISTRICT

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

APRIL 3, 1951.

Public notice is hereby given that Oakdale Irrigation District and South San Joaquin Irrigation District of Oakdale and Manteca, California, respectively, have made application under the Federal Power Act (16 U. S. C. 791a–825r) for a license for proposed major Project No. 2067 (Tulloch project) to be located on Stanislaus River in Calaveras and Tuolumne Counties, California, about 15 miles northeast of Oakdale. The proposed project would affect public lands of the United States, and would consist of a dam about 170 feet in height creating a reservoir with maximum storage level at elevation 510 feet and usable storage capacity of about 56,000 acre-feet; a powerhouse containing two generating units with capacity of 8,500 kilowatts each; a substation; and appurtenant facilities.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before May 20, 1951, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-4210; Filed, Apr. 9, 1951; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 874, General Permit 13]

LONG ISLAND RAIL ROAD CO. AND STEIN HALL & CO., INC.

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Service Order No. 874 (16 F. R. 2040), permission is granted for The Long Island Rail Road Company (W. H. Draper, Jr., Trustee) serving Stein, Hall & Company, Inc., at Long Island City to disregard the provisions of Service Order No. 874 insofar as it applies to any car loaded with Liquid Dextrine in Drums by Stein, Hall & Company, Inc., when Stein, Hall & Company, Inc., advise that service would be denied because of its inability to meet the minimum requirements because meeting such minimum requirements would constitute hazardous loading.

The waybills shall show reference to this general permit and the Stein, Hall & Company, Inc., shall furnish the Permit Agent the car numbers, initials, and destinations of the cars shipped under this permit.

This general permit shall become effective at 12:01 a. m., April 3, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of April 1951.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 51-4200; Filed, Apr. 9, 1951; 8:49 a. m.]

[4th Sec. Application 25931]

MOTOR-RAIL RATES BETWEEN PROVIDENCE, R. I., AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

APRIL 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Benjamin Motor Express, Inc., of Charlestown, Mass.

Commodities involved: All commodities.

Between: Providence, R. I., and Harlem River, N. Y.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4204; Filed, Apr. 9, 1951; 8:51 a. m.]

[4th Sec. Application 25932]

ALL FREIGHT IN MIXED CARLOADS TO POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

APRIL 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to their respective tariffs I. C. C. Nos. A-919 and 600.

Commodities involved: All commodities, in mixed carloads.

From: Boston, Mass., New York, N. Y., Philadelphia, Pa., Baltimore, Md., Providence, R. I., and points grouped therewith.

To: Charlotte, N. C., Charleston, S. C., and certain other points in southern territory.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-919, Supp. 4; I. N. Doe's tariff I. C. C. No. 600.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4205; Filed, Apr. 9, 1951; 8:51 a. m.]

[4th Sec. Application 25983]

FUEL OIL FROM MOBILE, ALA., TO BIRMINGHAM, ALA.

APRIL 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Alabama, Tennessee and Northern Railroad Company and other carriers named in the application.

Commodities involved: Petroleum distillate fuel oil, not suitable for illuminating purposes, in tank-car loads.

From: Mobile, Ala.

To: Birmingham, Ala.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1065, Supp. 211.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4207; Filed, Apr. 9, 1951; 8:51 a. m.]

[4th Sec. Application 25984]

SOYBEAN OIL MEAL FROM REDFIELD, IOWA TO GULF PORTS

APPLICATION FOR RELIEF

APRIL 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. M. Engdahl, Agent, for the Alabama, Tennessee and Northern Railroad Company and other carriers named in the application.

Commodities involved: Soybean oil meal, carloads.

From: Redfield, Iowa.

To: Gulf ports.

Grounds for relief: Circuitous routes and to maintain port relations.

Schedules filed containing proposed rates: H. M. Engdahl's tariff I. C. C. No. 52, Supp. 163.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4206; Filed, Apr. 9, 1951; 8:51 a. m.]

[4th Sec. Application 25985]

CARPETS FROM GLASGOW, VA., TO DALLAS, TEX.

APPLICATION FOR RELIEF

APRIL 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3912.

Commodities involved: Carpets, carpeting, rugs and carpet remnants, carloads.

From: Glasgow, Va.

To: Dallas, Tex.

Grounds for relief: Competition with motor-water carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3912, Supp. 46.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4208; Filed, Apr. 9, 1951; 8:52 a. m.]

[4th Sec. Application 25986]

COAL FROM ILLINOIS MINES TO CHICAGO

APPLICATION FOR RELIEF

APRIL 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York Central Railroad Company for carriers parties to its tariff I. C. C. No. 164.

Commodities involved: Bituminous coal, carloads.

From: Mines in Illinois.

To: Chicago, Ill., and other points in Illinois.

Grounds for relief: Competition with rail carriers and to meet intrastate rates.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4209; Filed, Apr. 9, 1951; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54–130]

INTERSTATE POWER CO. AND OGDEN CORP.

ORDER RELEASING JURISDICTION OVER CERTAIN FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of April A. D. 1951.

The Commission having on December 24, 1947, approved an amended plan of reorganization (the "Alternate Plan") of Interstate Power Company ("Interstate"), a registered holding company and a subsidiary of Ogden Corporation, at the time a registered holding company, pursuant to the provisions of the Public Utility Holding Company Act of 1935 but having reserved jurisdiction with respect to the reasonableness, and appropriate allocation, of all fees, expenses, and other remuneration incurred or to be incurred in connection with said plan and transactions incident thereto; and

Interstate having filed an application and an amendment thereto requesting an order releasing jurisdiction with respect to fees and expenses in connection with the plan of reorganization of Interstate; and

The Commission having considered the record and it appearing that the fees and expenses indicated in Interstate's amended application are not unreasonable;

It is ordered, That the application, as amended, of Interstate Power Company is hereby approved and that jurisdiction is hereby released with respect to payment by Interstate of the specific fees and expenses set forth below:

	Fees	Expenses	Total
Counsel fees and expenses			
For Interstate:			
Matthews & Springer	$150,000	$16,733	$166,733
Meighan Knutson & Sturtz	5,250	203	5,453
Gillespie, Burke & Gillespie	150	16	166
O'Connor, Thomas & O'Connor	4,872	263	5,135
Milbank, Tweed, Hope & Hadley	2,500	----------	2,500
For trustees:			
Milbank, Tweed, Hope & Hadley	6,250	38	6,288
Simpson, Thacher & Bartlett	2,000	24	2,024
Cravath, Swaine & Moore	12,500	263	12,763
	183,522	17,540	201,062
Trustees fees and expenses			
Chase National Bank:			
As trustee under new mortgage	7,750	----------	7,750
As trustee under old mortgage	7,592	----------	7,592
Manufacturers Trust Co.: As trustee under new debentures	3,500	----------	3,500
Chemical Bank & Trust Co.: As trustee under old debentures	9,029	66	9,095
	28,211	66	28,277
Other fees and expenses			
Deloitte, Plender, Griffiths & Co., accountants	40,951	5,566	46,517
Printing and postage	----------	159,509	159,509
Traveling and communications	----------	11,687	11,687
Title recording and registration	----------	35,125	35,125
Miscellaneous	----------	14,777	14,777
	40,951	226,664	267,615
Total	252,684	244,270	496,954

It is further ordered, That jurisdiction be, and it hereby is, continued to consider the reasonableness and allocation of all fees and expenses, other than those specified herein, including those relating to the reorganization of Interstate Power Company, and those incurred and to be incurred in connection with plans for the distribution of assets held in escrow pursuant to the Alternate Plan herein, and in connection with transactions incident to such plans.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51–4191; Filed, Apr. 9, 1951; 8:47 a. m.]

[File No. 70–2574]

SOUTHERN CO. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 3d day of April A. D. 1951.

In the matter of the Southern Company, Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company; File No. 70–2574.

The Southern Company ("Southern"), a registered holding company and its four public utility subsidiaries, Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company, having filed with this Commission a joint application-declaration, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 (the "act") and certain rules and regulations promulgated thereunder regarding, among other things, the issuance and sale by Southern, pursuant to the competitive bidding requirements of Rule U-50, of 1,000,000 additional shares of $5 par value common stock and the investment of the proceeds, together with treasury funds, in the purchase of additional shares of the common stocks of Southern's subsidiary operating companies; and

The Commission by order dated March 21, 1951, having granted the application and permitted the declaration to become effective, as amended, subject to the condition, among others, that the proposed issuance and sale of additional common stock by Southern should not be consummated until the results of the competitive bidding, pursuant to Rule U-50, had been made a matter of record in this proceeding and a further order entered with respect thereto, and jurisdiction having been reserved therein with respect to all fees and expenses to be paid in connection with the proposed transactions; and

Southern having filed a further amendment to said joint application-declaration stating that, pursuant to the competitive bidding requirements of Rule U-50, the following bids for its common stock have been received:

Bidding group headed by—	*Price per share*
Lehman Bros.	$10.9851
Morgan Stanley & Co., Kidder Peabody & Co., and Merrill Lynch, Pierce, Fenner & Beane	10.8589
Harriman Ripley & Co., Inc.	10.851
Union Securities Corp. and Equitable Securities Corp.	10.82
Blyth & Co., Inc.	10.804

The amendment having further stated that Southern has accepted the bid of Lehman Brothers for the common stock, as set forth above, and that such common stock will be offered for sale to the public at $11.375 per share, resulting in an underwriting spread of $.3899 per share;

And said application-declaration, as amended, further stating that the estimated fees and expenses to be incurred and paid by Southern in connection with the proposed sale of common stock amount to $94,200, including a payment of not more than $6,000 to Southern Services, Inc., the mutual service company in the Southern Company system, accountant's fees of $11,500 payable to Arthur Andersen & Co., legal fees in the amount of $10,000 payable to Winthrop, Stimson, Putnam & Roberts, counsel for the company; and said application-declaration, as amended, also stating that a fee of $6,500 is to be paid by the purchasers of the common stock to Reid & Priest, their counsel; and it appearing that further data may be required with respect to the fees and expenses of counsel for Southern and that the other fees and expenses are not unreasonable;

And the Commission having examined said amendment and having considered the record herein and observing no basis for imposing terms and conditions with respect to the price to be paid for the common stock of Southern and the proposed underwriters' spread in connection therewith:

It is ordered, That the jurisdiction heretofore reserved with respect to the matters to be determined as a result of the competitive bidding in connection with the sale of the common stock of Southern under Rule U-50 be, and the same hereby is, released, and that the said amended application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and subject further to the continuance of the jurisdiction heretofore reserved over the payment of legal fees and expenses of counsel for Southern, jurisdiction as to the payment of other fees and expenses being hereby released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51–4192; Filed, Apr. 9, 1951; 8:47 a. m.]

[File No. 70–2596]

NEW ENGLAND GAS AND ELECTRIC ASSN.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of March A. D. 1951.

New England Gas and Electric Association ("Negea"), a registered holding company, having filed a declaration pursuant to the provisions of sections 6 (a), 7 and 12 (e) of the Public Utility Holding Company Act of 1935 and Rule U-62 promulgated thereunder with respect to a proposal to amend section 22 of its Declaration of Trust so as to enlarge its scope to permit the Trustees of Negea to issue presently authorized but unissued common shares (1,405,125 shares) to provide funds to acquire under preemptive right additional stock of any natural gas pipeline company operating in Massachusetts, or to acquire 51 percent or more of the outstanding common stock of a Massachusetts gas or electric company, and with respect to the solicitation of proxies from the shareholders of Negea for the purpose of obtaining the necessary consent of the holders of a majority of the outstanding common shares and of the holders of a majority of the outstanding preferred shares in order to amend the Declaration of Trust, and for the election of Trustees; and

Said declaration having been filed on March 19, 1951, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said declaration be permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said declaration be, and hereby is, permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51–4190; Filed, Apr. 9, 1951; 8:47 a. m.]

FORREST WALKER

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 4th day of April 1951.

In the matter of Forrest Walker, 1112 Canterbury Court, Dallas, Texas.

I. The Commission's public official files disclose that Forrest Walker, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, 1949, or 1950 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 7th day of May 1951, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before April 30, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to May 7th, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51–4188; Filed, Apr. 9, 1951; 8:46 a. m.]

[1] Filed as a part of the original document.

MARVON CORP.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 4th day of April 1951.

In the matter of the Marvon Corporation, International Bldg., Rockefeller Center, New York, N. Y.

I. The Commission's public official files disclose that the Marvon Corporation, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1947, 1948, 1949 or 1950 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public

interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 7th day of May 1951, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before April 30, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to May 7th, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-4189; Filed, Apr. 9, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 500A-288]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany or Japan, and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A.

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number.

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Copyright numbers	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Identified persons whose interests are being vested
Unknown..	Handbuch der Experimentalphysik, edited by W. Wien and F. Harms. Band 7, 2. Teil: "Strukturbestimmung mit Röntgeninterferenzen" by Dr. H. Ott (pages 1 through 322); "Gittertheorie der festen Körper" by Dr. K. F. Herzfeld (pages 323 through 422), 1928.	Dr. H. Ott and Dr. K. F. Herzfeld (nationalities not established).	Akademische Verlagsgesellschaft m. b. H., Leipzig, Germany (nationality, German).	Owner.

[F R. Doc. 51-4236; Filed, Apr. 9, 1951; 8:55 a. m.]

[Vesting Order 17563]

JOHANNA MAYER

In re: Rights of Johanna Mayer under insurance contract. File No. F-28-23399-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanna Mayer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,847,487, issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to Johanna Mayer, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4229; Filed, Apr. 9, 1951; 8:53 a. m.]

[Vesting Order 17510]

OSCAR F. C. KUNAU AND BANK OF NEW YORK AND TRUST CO.

In re: Trust Agreement dated October 10, 1935, between Oscar F. C. Kunau, Grantor, and Bank of New York and Trust Company, trustee, as amended October 16, 1937, April 30, 1938 and September 10, 1938. File No. F-28-13802-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Alice Basilius, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to and arising out of or under that certain trust agreement dated October 10, 1935, between Oscar F. C. Kunau, Grantor, and Bank of New York and Trust Company, trustee, as amended October 16, 1937, April 30, 1938 and September 10, 1938, presently being administered by Bank of New York and Fifth Avenue Bank, 48 Wall Street, New York 15, New York, and Mrs. Jose Alexander Swann, Box 463, Tahoe City, California, as trustees,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4226; Filed, Apr. 9, 1951; 8:53 a. m.]

[Vesting Order 17553]

HEDWIG BARTH

In re: Trust under will of Hedwig Barth, deceased. File No. F-28-14952-D-28-2093.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helene von Bredow, Margrit Taeger, Dorothea Schieckel, the issue, names unknown, of Helene von Bredow, of Margrit Taeger and of Dorothea Schieckel who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, have been residents of Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the Trust created under the Will of Hedwig Barth, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Martin Lindsay, as trustee, acting under the judicial supervision of the County Court of Milwaukee County, Wisconsin;

and it is hereby determined:

4. That to the extent that Helene von Bredow, Margrit Taeger, Dorothea Schieckel, the issue, names unknown, of Helene von Bredow, of Margrit Taeger and of Dorothea Schieckel, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4227; Filed, Apr. 9, 1951; 8:53 a. m.]

[Vesting Order 17557]

MRS. SEN ENDO ET AL.

In re: Rights of Mrs. Sen Endo et al., under Insurance Contracts. Files Nos. D-39-2535-H-1, 2, 3, 4.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Sen Endo, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Haru Endo, deceased, and of Koshiro Endo, deceased, who, there is reasonable

cause to believe, are residents of Japan, are nationals of a designated country (Japan);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. 1,021,350 and 1,188,826, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Haru Endo, and policies Nos. 1,188,827 and 1,626,180, issued by the said Sun Life Assurance Company of Canada to Koshiro Endo, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices the legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Haru Endo, deceased, and of Koshiro Endo, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4228; Filed, Apr. 9, 1951; 8:53 a. m.]

[Vesting Order 17564]

ELSBETH NACKE

In re: Rights of Elsbeth Nacke under insurance contract. File No. F-28-29934-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsbeth Nacke, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,555,814, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Willi Nacke, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4230; Filed, Apr. 9, 1951; 8:53 a. m.]

[Vesting Order 17565]

SUMI NIHEI ET AL.

In re: Rights of Sumi Nihei, also known as Sumi Nibe, et al. under Insurance Contract. File No. F-39-6745-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sumi Nihei, also known as Sumi Nibe, Mie Yutake, also known as Mii (Mie) Hirakuri, Kimi Nihei, also known as Kimi Nibe, Hideyo Nihei, also known as Hideyo Nibe and Fumio Nihei, also known as Fumio Nibe, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Sumi Nihei, also known as Sumi Nibe, Mie Yutake, also known as Mii (Mie) Hirakuri, Kimi Nihei, also known as Kimi Nibe, Hideyo Nihei, also known as Hideyo Nibe and Fumio Nihei, also known as Fumio Nibe, under a contract of insurance evidenced by policy No. 394,033, issued by The Manufacturers Life Insurance Company, Toronto, Canada, to Toyokichi Nibe, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Yutaka Nibe, also known as Larry Yataka Nihei, a resident of the Territory of Hawaii, and of the aforesaid The Manufacturers Life Insurance Company, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4231; Filed, Apr. 9, 1951; 8:54 a. m.]

[Vesting Order 17568]

JOHN STEGMILLER ET AL.

In re: Rights of John Stegmiller et al. under Insurance Contracts. File No. F-63-9724-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Stegmiller and Anne Stegmiller, who on or since the effective date of Executive Order 8389, as amended, and on or since December 1, 1941, have been residents of Germany, are nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 2770,490 and 2770,492, issued by The Mutual Life Insurance Company of New York, New York, to John Stegmiller and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid The Mutual Life Insurance Company of New York together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, John Stegmiller or Anne Stegmiller, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said John Stegmiller and Anne Stegmiller be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4232; Filed, Apr. 9, 1951; 8:54 a. m.]

[Vesting Order 17569]

TOMO TANAKA

In re: Rights of Tomo Tanaka under insurance contract. File No. F-39-6961-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tomo Tanaka, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 15 135 156, issued by the New York Life Insurance Company, New York, New York, to Tomo Tanaka, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4233; Filed, Apr. 9, 1951; 8:54 a. m.]

[Vesting Order 17570]

HERTHA EDITH THOMSEN ET AL.

In re: Rights of Hertha Edith Thomsen, nee Voigt, et al. under Insurance Contract. File No. F-28-31393-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hertha Edith Thomsen, nee Voigt and Alice Anita Donner, nee Voigt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Hertha Edith Thomsen, nee Voigt, and Alice Anita Donner, nee Voigt, under a contract of insurance evidenced by policy No. 398051, issued by The Mutual Life Insurance Company of New York, New York, New York, to Hans H. Voigt, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4235; Filed, Apr. 9, 1951; 8:54 a. m.]

[Return Order 926]

LANCIA & C. FABBRICA AUTOMOBILI—TORINO—S. A.

Having considered the claim set forth below and having issued a determina-

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[Vesting Order 16279, Amdt.]

YOSHIHIRO TOKUNO ET AL.

In re: Rights of Yoshihiro Tokuno et al., under Contract of Insurance. File No. D-39-16893 H-1.

Vesting Order 16279, dated December 7, 1950, is hereby amended as follows and not otherwise:

By deleting from said Vesting Order 16279 "Policy No. 1,276,106" appearing in the second line of subparagraph 2 thereof and substituting therefor the following: "Policy No. 1,272,106";

All other provisions of said Vesting Order 16279 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4236; Filed, Apr. 9, 1951; 8:54 a. m.]

tion allowing a separable part of the claim, which is incorporated by reference herein and filed herewith.

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property
Lancia & C. Fabbrica Automobili—Torino—S. A., Turin, Italy; Claim No. 44114; February 2, 1951 (16 F. R. 1000); $6,367.56 in the Treasury of the United States; 26 bundles of steel bars stored at Lacawanna Warehouse Company, Jersey City, New Jersey.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 3, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 51-4237; Filed, Apr. 9, 1951; 8:55 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

OFFICE OF PRICE STABILIZATION

Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of § 6.155 (b) is amended to read as follows:

§ 6.155 *Economic Stabilization Agency.*

* * *

(b) *Office of Price Stabilization.* (1) Two private secretaries or confidential assistants to the Director of Price Stabilization.

(R. S. 1753, sec. 2, 22 Stat. 403, 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-4266; Filed, Apr. 10, 1951; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1950 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Hay and Pasture Seed]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP HAY AND PASTURE SEED RESEAL LOAN PROGRAM

This bulletin states the requirements with respect to a program (hereinafter referred to as the Hay and Pasture Seed Reseal Loan Program) to extend loans on 1950-crop hay and pasture seed in farm-storage and to make farm-storage loans available on 1950-crop hay and pasture seed covered by purchase agreements. The program has been formulated by the Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA) as part of the 1950-Crop Hay and Pasture Seed Price Support Program (15 F. R. 4613). The program will be carried out by PMA under the general supervision and direction of the President, CCC.

Sec.
601.235 Applicable sections of 1950 CCC Grain Price Support Bulletin 1 and Supplement 1, Hay and Pasture Seed.
601.236 Availability.
601.237 Eligible producer.
601.238 Eligible seed.
601.239 Approved storage.
601.240 Approved forms.
601.241 Quantity eligible for resealing.
601.242 Additional service charges.
601.243 Transfer of producer's equity.
601.244 Storage.
601.245 Maturity and satisfaction.
601.246 Support rates.
601.247 PMA commodity offices.

AUTHORITY: §§ 601.235 to 601.247 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. Sup., 714, 7 U. S. C. Sup., 1447, 1421.

§ 601.235 *Applicable sections of 1950 CCC Grain Price Support Bulletin 1 and Supplement 1, Hay and Pasture Seed.* The following sections of the 1950 CCC Grain Price Support Bulletin 1 and Supplement 1, Hay and Pasture Seed, published in 15 F. R. 3147 and 15 F. R. 4613 shall be applicable to the 1950 Hay and Pasture Seed Reseal Loan Program: §§ 601.1 *Administration;* 601.5 *Approved lending agencies;* 601.8 *Liens;* 601.10 *Setoffs;* 601.11 *Interest rate;* 601.13 *Safeguarding the commodity;* 601.14 *Insurance of farm-storage loans;* 601.15 *Loss or damage to the commodity;* 601.16 *Personal liability of the producer for the commodity;* 601.17 *Release of the commodity under loan;* 601.19 *Removal of the commodity under loan;* 601.20 *Purchase of notes;* 601.225 *Determination of quantity;* 601.226 *Determination of quality;* 601.227 *Loss or damage to seed under farm-storage loan;* 601.230 *Schedule of basic specifications and rates;* 601.231 *Delivery of seed to CCC;* and 601.232 *Settlement.* Other sections of the 1950 Hay and Pasture Seed Price Support Program shall be applicable to the extent indicated in this part.

§ 601.236 *Availability*—(a) *Area.* The reseal program will be available in all areas where farm-storage loans were available under the 1950 Hay and Pasture Seed Price Support Program.

(Continued on p. 3153)

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FEDERAL REGISTER

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Under this program, 1950-crop farm-storage loans will be extended and farm-storage loans will be made on 1950-crop hay and pasture seed covered by purchase agreements. Neither warehouse-storage loans nor purchase agreements will be available to producers during the extended availability period.

(b) *Time.* The producer who desires to participate in the reseal program must file an application for a farm-storage reseal loan with the county committee. In the case of a farm-storage loan, the producer will be required to reseal his loan before the final date for delivery specified in the delivery instructions issued to him by the county committee. The producer who has signed a purchase agreement on farm-stored seed shall, not later than April 30, 1951, notify the county committee if he intends to deliver the seed to CCC or convert his purchase agreement into a farm-storage loan. The producer who has notified the county committee of his intentions to deliver his farm-stored seed under a purchase agreement may obtain a farm-storage loan thereon by making application to the county committee at any time prior to the final date for delivery specified in the delivery instructions issued by the county committee.

(c) *Source.* A producer desiring to participate in the reseal program should make application to the county committee which approved his loan or purchase agreement. Disbursements of loans completed on seed covered by purchase agreements shall be made to producers by PMA State offices by means of sight drafts drawn on CCC or by approved lending agencies under agreements with CCC.

§ 601.237 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity as defined in § 601.222 (e) of the 1950 Hay and Pasture Seed Price Support Program who produced the seed in 1950 as landowner, landlord, tenant, or sharecropper and who either completed a farm-storage loan or signed a purchase agreement on farm-storage hay and pasture seed of the 1950 crop.

§ 601.238 *Eligible seed.* To be eligible, the seed must have been produced in 1950, must be in farm storage, must never have been commingled with seed produced by others, must be under loan or covered by a purchase agreement, and must on the basis of official purity analysis reports and germination test certificates dated not more than five calendar months prior to the first day of the month in which the seed is tendered for reseal loan meet the conditions and specifications contained in §§ 601.226 and 601.230 of the 1950 Hay and Pasture Seed Price Support Program.

(a) *Extended farm-storage loans.* If a producer makes application to extend his farm-storage loan, the commodity loan inspector shall, with the producer, reinspect the farm-storage structure in which the seed is stored. If the structure is found to be acceptable, arrangements shall be made to have the seed re-sampled and re-tested and proceed in the usual manner to determine the eligibility and quality of the seed prior to completion of the loan: *Provided, however,* That a new test need not be made if the quality of the seed tendered for a reseal loan is evidenced by official purity analyses and germination test certificates, dated not more than five calendar months prior to the first day of the month in which the seed is tendered for reseal loan, which indicate that the seed meets the eligibility requirements.

(b) *Farm-storage seed covered by purchase agreement.* If a producer makes application for a farm-storage loan on seed covered by a purchase agreement, the county committee shall request the loan supervisor to check the condition of the storage structure in which the seed is stored. Where the structure is found to be acceptable, an official purity analysis and germination test certificate dated not more than five calendar months prior to the first day of the month in which the seed is tendered for loan evidencing the quality of the seed to be placed under loan must be presented to the county committee prior to the completion of the reseal loan.

§ 601.239 *Approved storage.* Seed covered by any loans extended and any new loans completed must be stored in structures which meet the requirements for farm-storage loans as provided in the 1950 Hay and Pasture Seed Price Support Program. Consent for storage for any loans extended or new loans completed must be obtained by the producer for the period ending June 30, 1952 (November 30, 1952, in the case of Buffalo grass seed), if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to June 30, 1952 (November 20, 1952, in the case of Buffalo grass seed).

§ 601.240 *Approved forms.* The approved forms, which together with the provisions of the bulletin govern the rights and responsibilities of the producer, shall be a producer's note, Commodity Loan Form A, secured by a chattel mortgage on Commodity Loan Form AA, an application form, and such other forms as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law.

§ 601.241 *Quantity eligible for reselling.* The quantity of seed eligible for reseal on an extended farm-storage loan, will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

A producer may obtain a loan on not in excess of the quantity of seed specified in the purchase agreement, minus any quantity of the seed under such purchase agreement (a) which has been previously converted to a loan or (b) on which he exercises his option to sell to CCC.

§ 601.242 *Additional service charges.* When a farm-storage loan is extended, the producer will not be required to pay any additional service charge.

At the time a farm-storage loan is made to the producer on seed covered by a purchase agreement, the producer shall pay an additional service charge of one cent per hundred pounds or fraction thereof on the number of hundred pounds placed under loan, or $1.50, whichever is greater. No refund of service charges will be made.

§ 601.243 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the seed under loan or his remaining interest may be restricted by CCC.

§ 601.244 *Storage.* A producer who participates in the reseal program and in accordance with instructions of the county committee, delivers the seed to CCC on or after April 30, 1952 (September 30, 1952, in the case of Buffalo grass seed) or prior to April 30, 1952 (September 30, 1952, in the case of Buffalo grass seed) pursuant to the demand by the President, CCC, for repayment of the loan, provided such demand for repayment is not due to any fraudulent representations on the part of the producer or the fact that the seed was damaged, abandoned, or otherwise impaired due to negligence on the part of the producer,

will receive a storage payment, computed in accordance with section 14 and the applicable schedule of storage rates (not including the labeling and loading out charge) specified in the Seed Storage Agreement (CCC Form 22) for the period beginning July 1, 1951 (December 1, 1951, in the case of Buffalo grass seed) and ending on the date delivery is accomplished or the final date for delivery as specified in the delivery instructions issued to the producer by the county committee, whichever is earlier, on the quantity delivered under the reseal program.

Such storage payment will also be made in cases where the seed is delivered to CCC prior to April 30, 1952 (September 30, 1952, in the case of Buffalo grass seed) upon request by the producer and with the approval of CCC, and in the case of loss assumed by CCC under the reseal loan program.

§ 601.245 *Maturity and satisfaction.* Loans will mature on demand but not later than April 30, 1952 (September 30, 1952, in the case of Buffalo grass seed). The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged seed in accordance with the instructions of the county committee. Credit will be given at the applicable settlement value for the total quantity delivered. The provisions in § 601.232 of 1950 CCC Grain Price Support Program Bulletin 1, Supplement 1, Hay and Pasture Seed, will be applicable in determining the settlement value of seed delivered to CCC under a reseal loan.

If the settlement value of the seed delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer by a sight draft drawn on CCC by the PMA State office.

If the settlement value of the seed delivered is less than the amount due on the loan, the amount of the deficiency plus interest thereon shall be paid by the producer to CCC or may be set off against any payment which would otherwise be paid to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States.

In the event the farm is sold or there is a change of tenancy, the seed may be delivered before the maturity date of the loan upon prior approval by the county committee.

§ 601.246 *Support rates.* The support rate for an extended farm-storage loan shall remain the same as for the original loan. The support rate for seed covered by a purchase agreement placed under a farm-storage loan shall be the same as the support rate established for the seed in § 601.230 of 1950 CCC Grain Price Support Program Bulletin 1, Supplement 1, Hay and Pasture Seed, and any amendments thereto.

Any discounts established for variation in quality as shown in the 1950 Hay and Pasture Seed Price Support Program Bulletin shall apply.

§ 601.247 *PMA commodity offices.* The PMA commodity offices and the areas served by them are shown below:

Atlanta 5, Ga., 50 Seventh Street NE.: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

Chicago 5, Ill., 623 South Wabash Avenue: Illinois, Indiana, Iowa, Michigan, Ohio.

Dallas 2, Tex., 1114 Commerce Street: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Kansas City 6, Mo., Fidelity Building, 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 3, Minn., Gamble-Skogmo Building, 15 North Eighth Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

New York 13, N. Y., 139 Centre Street: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia.

Portland 5, Oreg., 515 Southwest Tenth Avenue: Idaho, Oregon, Washington.

San Francisco 2, Calif., 335 Fell Street: Arizona, California, Nevada, Utah.

Issued this 5th day of April 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-4258; Filed, Apr. 10, 1951; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 532—PAYMENTS ON BEHALF OF MENTALLY INCOMPETENT PERSONNEL

ACTIVE DUTY PAY AND ALLOWANCE AND RETIREMENT PAY

A new Part 532 is added to Subchapter B, as set forth above, to include §§ 532.1 and 532.2 as follows:

Sec.
532.1 Active duty pay and allowances.
532.2 Retired and retirement pay.

AUTHORITY: §§ 532.1 and 532.2 issued under sec. 3, Pub. Law 569, 81st Cong.

SOURCE: § 532.1 contained in SR 35-1315-1, Mar. 9, 1951, and § 532.2 contained in AR 35-1360, Mar. 7, 1951, and SR 35-1360-1, Mar. 9, 1951.

§ 532.1 *Active duty pay and allowances*—(a) *General.* This section sets forth the operating procedures for making payment of active duty pay and allowances, or any amounts otherwise payable (including mustering-out payments, travel pay, clothing allowance, deposits, etc.), except retired pay, for the use and benefit of any member of the Army who is mentally incompetent.

(b) *Authority to designate person to receive payments as trustee.* The Commanding General, Army Finance Center, is authorized to designate a person or persons to receive funds due mentally incompetent members of the Army, without the necessity for appointment in judicial proceedings of a committee, guardian, or other legal representative. Any payments to the person or persons so designated trustee shall constitute a complete discharge of the obligation of the United States as to amounts so paid. Where a legal committee, guardian, or other representative has been appointed by a court of competent jurisdiction, no other fiduciary or representative to receive payment shall be designated.

(c) *Persons who may be designated trustee.* The Commanding General, Army Finance Center, may designate any of the following in the order of preference indicated in the following subparagraphs:

(1) The lawful wife or husband, as appropriate.

(2) If there is no wife or husband, a legitimate son or daughter or legally adopted son or daughter, provided such person is 21 years or more of age.

(3) If there is no son, daughter, or legally adopted son or daughter, a parent of the member.

(4) If there is no parent, the head of an institution, or person designated by him, if the member is committed to the care of an institution.

(5) Any person or persons may be designated without regard to those listed above if deemed to be in the best interests of the mentally incompetent member.

(d) *Application for payment.* A written application to the Commanding General, Army Finance Center, requesting payment of amounts due a member who is mentally incompetent will be made by the individual who believes he should be designated to receive payments on behalf of the member who is mentally incompetent. Such application will be signed by the requesting individual and will contain the following information:

(1) Name, grade, service number, service assignment, and present address of member declared mentally incompetent.

(2) Name, address, and relationship to member declared mentally incompetent, if any relationship, of person who believes he should be designated to receive payments on behalf of the person who is mentally incompetent. (Evidence of relationship may be submitted with application, if desired, but is not necessary as the Commanding General, Army Finance Center, will request any specific evidence required.)

(3) Statement as to whether or not a legal guardian has been or is to be appointed in the near future.

(4) Statement as to past and anticipated future financial relationship with the member who is mentally incompetent.

(e) *Bond required for trustee.* In cases where the payments may be reasonably expected to exceed $1,000, the person designated to receive amounts due a member who is mentally incompetent will be required to furnish a bond in the amount of $1,000; the premium of which may be paid from the amount due the incompetent. The bond will be in the form designated by the Chief of Finance and will be submitted in original only. Bonds will be obtained and processed by the Commanding General, Army Finance Center.

(f) *Fee, commission, or charge.* No person serving in a legal, medical, or fiduciary capacity, or in any other capacity, shall demand or accept any fee, commission, or charge for any services rendered in the administration of the act of June 21, 1950 (64 Stat. 249; 37 U. S. C. 351-354), or of this section, except for the bonding fee mentioned in paragraph (e) of this section.

(g) *Trustee's report of expenditures.* Any person or persons designated by the Commanding General, Army Finance Center, to receive amounts due a member who is mentally incompetent must furnish reasonable assurances to the Commanding General, Army Finance Center, that the amounts received have been and will be applied to the use and benefit of the mental incompetent. This assurance will take the form of an affidavit by the designated trustee, which affidavit will include a listing of the expenditures made and expenditures to be made from the amounts received. Such reports will be submitted periodically as required by the Commanding General, Army Finance Center. The final report will be submitted upon termination of trusteeship or upon expenditure of all amounts received. No trustee will be released from his trust, and no bond, if required by paragraph (e) of this section will be terminated until such final report is received and approved as correct. The propriety of all expenditures will be determined by the Commanding General, Army Finance Center.

(h) *Termination of payments to trustee.* Payments of amounts due mentally incompetent members to trustees shall cease upon the occurrence of any of the following:

(1) Completion of payment of all amounts due.

(2) Death of incompetent.

(3) Death or disability of the trustee.

(4) Receipt of notice that a committee, guardian, or other legal representative has been appointed for the mental incompetent by a court of competent jurisdiction.

(5) Failure of the trustee to render the reports required by paragraph (g) of this section.

(6) Whenever there is probable cause to believe that there is improper use of the moneys received on behalf of the mental incompetent.

(7) A finding by a board of medical officers that the heretofore mental incompetent is mentally capable of managing his own affairs.

(8) Whenever the Commanding General, Army Finance Center, deems it advisable.

(i) *Initiation or modification of allotments.* During the period preceding a determination of mental incompetence and before payment may be made to a legal representative or to a person designated in accordance with this section, financial circumstances of qualified dependents will be considered. In order to alleviate financial hardship, allotments may be initiated or modified under pertinent special regulations.

(j) *Comfort items while in hospital.* When it has been determined by the commanding officer of any service hospital that a member has been or is in process of being declared mentally incompetent, such commanding officer may designate an officer under his command to receive and receipt for a sum of money not to exceed $10 per month for the purchase of comfort items from the local Army exchange for the use and benefit of the alleged mental incompetent. The alleged mental incompetent must have no other funds available for such use. His condition must be such that he is able to utilize the items purchased, desires such items, and they are beneficial to his comfort and well being.

(k) *Payments.* Amounts known to be due a mentally incompetent member prior to or at date of separation or retirement, on account of active duty pay and allowances (including mustering-out pay, travel pay, clothing allowance, deposits, etc.), or any amounts due for accumulated or accrued leave, will be paid to the designated payee by the Commanding General, Army Finance Center. Amounts due mentally incompetent former members for active duty pay and allowances found to be due after separation will be processed by the General Accounting Office for settlement.

§ 532.2 *Retired and retirement pay*—(a) *General.* This section sets forth the operating procedures under which payment of retired pay may be made to designated trustees on behalf of mentally incompetent retired members.

(b) *Designation of person or persons to receive payments as trustee.* The Finance Officer, Washington Finance Office, U. S. Army, is authorized to designate a person or persons to receive funds due mentally incompetent retired members without the necessity for appointment in judicial proceedings of a committee, guardian, or other legal representative. Any payments to the person or persons so designated trustee shall constitute a complete discharge of the obligation of the United States as to amounts so paid. Where a legal committee, guardian, or other representative has been appointed by a court of competent jurisdiction, no other fiduciary or representative to receive payment shall be designated.

(c) *Persons who may be designated trustees.* The Finance Officer, Washington Finance Office, U. S. Army, may designate as trustee any of the following in the order of preference indicated in the following subparagraphs:

(1) The lawful wife or husband, as appropriate.

(2) If there is no wife or husband, a legitimate son or daughter or legally adopted son or daughter, provided such person is 21 years or more of age.

(3) If there is no son, daughter, legally adopted son or daughter, a parent of the member.

(4) If there is no parent, the head of an institution, or person designated by him, if the member is committed to the care of an institution.

(5) Any person or persons other than listed in subparagraphs (1) through (4) of this paragraph may be designated if deemed to be in the best interests of the mentally incompetent member.

(d) *Application for designation as trustee.* A written application requesting payment of amounts due a member who is mentally incompetent will be made by the individual who believes he should be designated to receive payments as trustee on behalf of the alleged mental incompetent. Such application will be in letter form addressed to the Finance Officer, Washington Finance Office, U. S. Army, Washington 25, D. C.; will be signed by the requesting individual; and will contain the following information:

(1) Name, grade, service number, service assignment, and present address of member declared mentally incompetent.

(2) Name, address, and relationship to member declared mentally incompetent, if any relationship, of person who believes he should be designated as trustee to receive payments on behalf of the person who is mentally incompetent. (Evidence of relationship may be submitted with application, if desired, but is not necessary as the Finance Officer, Washington Finance Office, U. S. Army, will request any specific evidence required.)

(3) A statement as to whether or not a legal guardian has been or is to be appointed in the near future.

(4) A statement as to past and anticipated future financial relationship with the member who is mentally incompetent.

(e) *Bond required for trustee.* In any case wherein the payments may be reasonably expected to exceed $1,000, as determined by the Finance Officer, Washington Finance Office, U. S. Army, a suitable bond as prescribed by the Chief of Finance, shall be provided by the designated trustee. The cost of such bond shall be paid for out of sums due the mental incompetent.

(f) *Fee, commission or charge.* No person serving in a legal, medical, or fiduciary capacity, or in any other capacity, shall demand or accept any fee, commission, or charge for any services rendered in the administration of the act of June 21, 1950 (64 Stat. 249; 37 U. S. C. 351-354), or of this section, except for the bonding fee mentioned in paragraph (e) of this section.

(g) *Assurance that payments are for benefit of mental incompetent.* The designated trustee will be required to furnish the Finance Officer, Washington Finance Office, U. S. Army, a satisfactory assurance, at least once a year, that amounts received have been and will be applied to the use and benefit of the mental incompetent. If the Finance Officer, Washington Finance Office, U. S. Army, deems it necessary to request more frequent accounting he may do so; or if he should deem it necessary to require field investigations, he may request such investigation from the Veterans Administration or any other public or private social agency which is willing and able to provide such investigation without cost. The Finance Officer, Washington Finance Office, U. S. Army, will prescribe the procedures and methods necessary to provide that satisfactory assurances are made by the designated trustee that amounts received have been and will be applied to the use and benefit of the mental incompetent. Should an examination of the reports submitted by the

trustee indicate that such amounts have not been properly applied to the use and benefit of the mental incompetent, the Finance Officer, Washington Finance Office, U. S. Army, will submit the complete reports to the Judge Advocate General, Washington 25, D. C., for any action that may be necessary. The Judge Advocate General will examine the reports and take such actions as may be required in the event of fraud or misappropriation.

(h) *Termination of payments to trustee.* Payments of amounts due mentally incompetent members to trustees shall cease upon the occurrence of any of the following:

(1) Death of the incompetent.

(2) Death or disability of the trustee.

(3) Receipt of notice that a committee, guardian, or other legal representative has been appointed for the mental incompetent by a court of competent jurisdiction.

(4) Failure of the trustee to render the reports required by paragraph (g) of this section.

(5) Whenever there is probable cause to believe that there is improper use of the moneys received on behalf of the mental incompetent.

(6) A finding by a board of medical officers that the heretofore mental incompetent is mentally capable of managing his own affairs.

(7) Whenever the Finance Officer, Washington Finance Office, U. S. Army, deems it to be advisable.

(i) *Payments.* Payment of retired pay to mentally incompetent Army members receiving retired pay when located in the continental United States, or in any place other than Panama, Puerto Rico, Hawaii, and the Philippine Islands, will be made by the Finance Officer, Washington Finance Office, U. S. Army, Washington 25, D. C. Where mentally incompetent members reside in Panama, Puerto Rico, Hawaii, and the Philippine Islands, payment will be made by the disbursing officer designated to make payments of retired pay in the area. No designation of person or persons to receive payments under this section will be made for or on behalf of mentally incompetent retired members residing outside the continental limits of the United States; payments to such members will be made only to a legal committee, guardian, or other legal representative appointed by a court of competent jurisdiction.

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-4265; Filed, Apr. 10, 1951; 8:47 a. m.]

Chapter XVI—Selective Service System

[Amdt. 19]

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

CATEGORIES AND QUALIFICATIONS OF STUDENTS

The Selective Service Regulations are hereby amended by adding the following new section to Part 1622, Classification Rules and Principles, immediately following § 1622.10:

§ 1622.10a *Categories and qualifications of students under § 1622.10 (b) (3).* A registrant's activity in study may be considered to be necessary to the maintenance of the national health, safety, or interest under the provisions of subparagraph (3) of paragraph (b) of § 1622.10 when any of the following conditions exist:

(a) The registrant has been accepted for admission to a graduate school for the class next commencing as a candidate for a graduate degree and in his last full-time undergraduate academic year at a college, university, or similar institution of learning had a scholastic standing which placed him in the upper one-half of the male members of that class or has attained a score of 75 or more on the qualification test prescribed by the Director of Selective Service pursuant to paragraph (c) of § 1622.10.

(b) The registrant has been pursuing a course of instruction which requires the completion of either five or six years of full-time undergraduate study to qualify him for the first academic degree and has successfully completed his fourth year or his fifth year, as the case may be, at a college, university, or similar institution of learning and had a scholastic standing in his last completed undergraduate year which placed him in the upper three-fourths of the male members of that class or has attained a score of 70 or more on the qualification test referred to in paragraph (a) of this section, and has been accepted for admission by a college, university, or similar institution of learning to the fifth-year or sixth-year class next commencing for a full-time course of instruction or has entered upon and is satisfactorily pursuing such course.

(c) The registrant has successfully completed his third year at a college, university, or similar institution of learning and had a scholastic standing in his third-year class which placed him in the upper three-fourths of the male members of that class or has attained a score of 70 or more on the qualification test referred to in paragraph (a) of this section, and has been accepted for admission by a college, university, or similar institution of learning to the fourth-year class next commencing for a full-time course of instruction or has entered upon and is satisfactorily pursuing such course.

(d) The registrant has successfully completed his second year at a college, university, or similar institution of learning and had a scholastic standing in his second-year class which placed him in the upper two-thirds of the male members of that class or has attained a score of 70 or more on the qualification test referred to in paragraph (a) of this section, and has been accepted for admission by a college, university, or similar institution of learning to the third-year class next commencing for a full-time course of instruction or has entered upon and is satisfactorily pursuing such course.

(e) The registrant has successfully completed his first year in a college, university, or similar institution of learning and had a scholastic standing in his first-year class which placed him in the upper one-half of the male members of that class or has attained a score of 70 or more on the qualification test referred to in paragraph (a) of this section, and has been accepted for admission by a college, university, or similar institution of learning to the second-year class next commencing for a full-time course of instruction or has entered upon and is satisfactorily pursuing such course.

(Sec. 10, 62 Stat. 618; 50 U. S. C. App., Sup., 460; E. O. 10230, March 31, 1951, 16 F. R. 2905)

This order shall become effective upon the filing thereof with the Division of the Federal Register, National Archives and Records Service, General Services Administration.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

APRIL 3, 1951.

Approved: April 5, 1951.

HARRY S. TRUMAN.

[F. R. Doc. 51-4264; Filed, Apr. 10, 1951; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 2, Amendment 1 to Revision 1]

CPR 2—CATTLEHIDES, KIPS AND CALFSKINS

CLARIFICATIONS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 2, Revision 1 (16 F. R. 2492) is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation 2, Revision 1, makes certain corrections and clarifications of a minor nature in the text and in a note to one of the tables. Six clarifying words are added to the parenthetical statement at the end of section 6 (c) of the regulation. Section 7 (b) is divided into two subsections, and one word is changed for purposes of clarification. Note 4 to Table 1—Basic Prices Hides, is amended to describe more particularly the kind of hide referred to, and two inadvertent errors are corrected.

While these clarifications are minor, it is believed that they will serve to resolve any confusion that has arisen in regard to the meaning of certain portions of the revised regulation.

AMENDATORY PROVISIONS

Ceiling Price Regulation 2, Revision 1 is amended in the following respect:

1. The parenthetical statement at the end of section 6 (c) is amended to read as follows: "(If, however, the total weight of bullhides or skins in a lot is less than the minimum required for top

ceiling prices they must, of course, be invoiced at the appropriate discounts. For example, bullhide lots of less than 20,000 pounds must be sold at 2 cents per pound less than the otherwise applicable ceiling price.)"

2. Section 7 (b) is amended to read as follows:

(b) *Reports.* (1) Every person making sales of hides, kips, calfskins or cut parts to a tanner, or through a tanner's agent or broker, must mail, simultaneously with the commencement of the shipment, to the regional office of the Office of Price Stabilization nearest the consignee tanner, a copy of each invoice or similar document delivered in connection with any such sale. This invoice or document must contain all relevant details of the transaction, including (i) the quantity and price of each type, classification and grade of hides, skins or parts sold, the number of pieces and the gross weight, and (ii) the tare and other allowances given or received, except that the number of pieces need not be reported on cut parts other than croupons, and the weight need not be reported on trimmed skins sold by the piece.

(2) If hides, skins or cut parts received by a tanner or by an agent or broker acting on his behalf differ in any material respect from the description thereof contained in the invoice or similar document delivered in connection with the purchase, the tanner, agent or broker must within 48 hours after inspection transmit to the nearest regional office of the Office of Price Stabilization a statement identifying the seller and the shipment, and setting forth such differences. Such hides, skins or cut parts must be held segregated from other inventory, for a period of at least 8 days from inspection, to permit inspection by the Office of Price Stabilization.

3. Note 4 to Table 1—Basic Prices (Hides) is amended to read as follows:

NOTE 4: *Pacific Coast hides.* Subtract 1½¢ per pound for hides weighing less than 68 pounds and for all bullhides. When Pacific Coast hides other than bullhides weigh 68 pounds or more the Pacific Coast hide price is 27½¢.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Effective date. This amendment shall become effective April 14, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 10, 1951.

[F. R. Doc. 51-4347; Filed, Apr. 10, 1951; 10:31 a. m.]

[Ceiling Price Regulation 6, Amdt. 4]

CPR 6—FATS AND OILS

TALLOW COLOR PREMIUM

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 4 to Ceiling Price Regulation 6 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment amplifies the specific ceilings for tallow established by section 12 of CPR 6 by permitting the premium to be paid by the buyer for prime and choice tallows when that tallow responds to refining and bleaching by taking on a more desirable color. The payment of a premium has been a normal practice in the soap industry and has encouraged the production and sale of tallows which will bleach to a color desirable to the buyer, irrespective of the original color of the grade purchased.

Although tallows may conform to the specifications shown in the table of section 12, especially with respect to the FAC (Fat Analysis Committee) color, i. e., standard and approved color, which is determined on the untreated and unbleached material when tested at the soaper's plant, they may not necessarily respond to the usual refining and bleaching operations of the soaper. If the tallows do not bleach up, no premium can be paid.

By permitting the payment of a premium only after the tallow has proved to respond to test, the danger of upgrading tallow, prior to test, is avoided.

This amendment also provides for two minor adjustments allowing the usual or normal premiums to apply when tallows and greases are shipped in less than carload quantity and allowing customary differentials to apply when edible tallow is sold in small size containers.

AMENDATORY PROVISIONS

Ceiling Price Regulation 6 is amended in the following respects:

1. In section 12 paragraphs (b), (c), and (d) are redesignated as (c), (d), and (e) respectively, and a new paragraph (b) is added to read as follows:

(b) When prime and choice tallows are sold as "bleachable" the ceiling prices specified for those grades shall apply: *Provided*, That premiums may be paid if the tallow, on the basis of a refining and bleaching test in accordance with the official American Oil Chemists' Society methods, performed by the buyer after receipt meets specifications as follows:

Grade	Lovibond color through a 5¼ inch column	Allowable premium cents per pound
Choice	2.0 Red	¼
Prime	2.0 Red	¾
Prime	2.5 Red	¾

2. In section 12, a new paragraph (f) is added to read as follows:

(f) When tallows and greases are shipped in less than carload lots, the usual or normal premium shall continue to apply.

3. In section 12 a new paragraph (g) is added to read as follows:

(g) When edible tallow shown in the table of this section is sold in smaller size containers than drums, barrels and tierces, your customary differentials shall apply.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Effective date. This amendment shall be effective April 12, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

APRIL 10, 1951.

[F. R. Doc. 51-4350, Filed, Apr. 10, 1951; 10:32 a. m.]

[Ceiling Price Regulation 21]

CPR 21—COAL SOLD FOR DIRECT USE AS BUNKER FUEL

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 21 is hereby issued.

STATEMENT OF CONSIDERATIONS

The supplying of coal for use as bunker fuel is a specialized problem from the standpoint of coal marketing. While bunkering takes place at tidewater ports throughout the year, in the case of coal supplied to vessels on the Great Lakes, it is a seasonal occupation, being limited to the period of navigation on those lakes, generally being confined to the period beginning the middle of March and extending to the middle of December. Coal is supplied to the vessels from railroad car dumps, from lightering vessels and from docks.

Prices of bunker fuel represent the mine price plus transportation costs and handling charges. Because of the close relationship with mine prices, it is fair and reasonable to base ceiling prices for bunker fuel on the same twelve months period prior to the Korean outbreak as was found representative insofar as f. o. b. mine prices for the bituminous coal industry are concerned. Ceiling prices at the mine, one of the principal components of the bunker fuel price, have advanced pursuant to the authority of Ceiling Price Regulation No. 3 made effective on February 1, 1951. The effect of these prices is to shrink the gross margin of the supplier of bunker fuel because his prices heretofore have been subject to the general price freeze. Similarly, freight rates represent another principal component in the bunker fuel price. Increases in these transportation costs have to be absorbed by the supplier unless provision is made for them in addition to the bunker price. Since suppliers are not in a position to absorb such costs they are authorized to include increases in transportation costs that have taken place since the end of the base period to the effective date of this regulation, including freight rate additions of April 4, 1951.

In the case of bunker fuel supplies at tidewater ports, it is imperative that there must be no delay or interruption in servicing vessels carrying arms and supplies to our armed forces overseas or to vessels carrying supplies to those countries receiving economic and military aid from the United States. In the

case of bunker fuel supplies for vessels on the Great Lakes, it is vitally necessary that such fuel in ample quantity be available at the time of the opening of navigation so that there will be no delay in the movement of vessels to the head of the lakes for the transportation of iron ore to our steel plants and it is equally imperative that supplies be uninterrupted throughout the season of navigation in order that the requisite amounts of iron ore and other commodities may be transported over the Great Lakes system.

The establishment of ceiling prices on bunker fuel based on the highest price received by the supplier of bunker fuel during the base period (July 1, 1948, through June 30, 1949), generally places the bunker fuel supplier in the same relation to his suppliers as existed during that period because f. o. b. mine prices are frozen at the highest levels existing during the same base period. In keeping with the provisions of Ceiling Price Regulation No. 3, it is reasonable to permit the supplier of bunker fuel to increase his prices by the increase in costs incurred by his supplier as a result of the wage advance of February 1, 1951, and it is also reasonable to permit him to increase his price by the increase in transportation charges over those which existed in the base period of July 1, 1948, to June 30, 1949. Such a basis for ceiling prices for suppliers of bunker fuel will promote stability and efficiency in that branch of the coal industry. Like Ceiling Price Regulation No. 3 in respect to bituminous coal producers, this regulation establishes for bunker fuel suppliers a ceiling weighted average realization for each size, grade, grouping or classification of coal at each facility or group of facilities. This realization is the same as that obtained in the period July 1, 1948 to June 30, 1949, and may be adjusted to reflect the increases permitted by the regulation, and may not be exceeded in any 12-month period beginning April 1, 1951. This control in price levels provides an effective means of price stabilization.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the provisions of Ceiling Price Regulation No. 21 are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950 to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

In formulating this regulation the Director has consulted with representatives of the industry to the extent practicable under the circumstances, and has given consideration to their recommendations.

REGULATORY PROVISIONS

Sec.
1. Applicability of regulation.
2. Definitions.
3. Prohibition against selling at prices above the ceiling.
4. Ceiling prices and ceiling weighted average realization.
5. Procedure for establishing ceiling prices and ceiling weighted average realization for new suppliers of bunker fuel.
6. Less than ceiling prices.
7. Evasion.
8. Reporting, invoicing and record-keeping requirements.
9. Petitions for amendments.
10. Taxes.
11. Enforcement.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Public Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Applicability of regulation.* This regulation establishes ceiling prices and ceiling weighted average realization for coal sold as bunker fuel both at points on the Great Lakes and their connecting or tributary waters and at points at tidewater.

SEC. 2. *Definitions.* When used in this regulation, the term:

(a) "Person" includes an individual, corporation, partnership, association or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing;

(b) "Coal" means (1) Bituminous coal, including all bituminous, semi-bituminous and sub-bituminous coal; (2) lignite; (3) Virginia anthracite coal; and (4) Pennsylvania anthracite.

(c) "Bunker Fuel" means coal used aboard a vessel for consumption thereon.

(d) "Supplier of bunker fuel" means any producer, distributor, retailer, bunker agent or other person (and an agent of any of them) who sells or disposes of bunker fuel and delivers or procures the delivery of the same to vessels at points on the Great Lakes and their connecting or tributary waters or at tidewater for immediate use as bunker fuel, and who incurs the duties and risks attributable to the handling of bunker fuel. It does not include persons who sell coal to another person for general use or for delivery by such other person as bunker fuel. Delivery may be from a mine or a preparation plant operated as an adjunct of a mine or mines, or from a yard, dock, pier, elevator, bin, or other terminal facility or from a transportation vehicle or vessel.

(e) "Points on the Great Lakes and their connecting or tributary waters" means any port, point or place on Lake Superior, Michigan, Huron, Erie, and Ontario, the waters connecting those lakes, the St. Lawrence River, and those tributaries of the enumerated lakes which are not included in the inland waterways system.

(f) "Points at tidewater" means any tidewater port, point, or place on the Atlantic and Pacific Coasts of continental United States, and the coast of continental United States on the Gulf of Mexico.

(g) "Ton" means a short or net ton of 2,000 pounds.

(h) "Base Period" means (1) for all coal produced east of the Mississippi River, the period from July 1, 1948, to June 30, 1949, inclusive; (2) for all coal produced west of the Mississippi River, the period March 1, 1950, to December 31, 1950, inclusive.

(i) "Ceiling price" means the highest price applicable to a particular size, grade, grouping or classification of coal determined in accordance with the provisions of this regulation.

(j) "Realization" is the gross amount of money or value received or debited to the account of the supplier in the sale of bunker fuel (including commissions and discounts).

SEC. 3. *Prohibition against selling, delivering or otherwise disposing of bunker fuel at prices above the ceiling.* On or after the 10th day of April, 1951, regardless of any contract, agreement, lease or other obligations:

(a) No person who is a supplier of bunker fuel shall sell, deliver or otherwise dispose of bunker fuel to any person at prices higher than the ceiling prices determined in accordance with the provisions of this regulation.

(b) No person shall, in the course of trade or business, buy or receive such bunker fuel at prices higher than the ceiling prices determined in accordance with the provisions of this regulation.

(c) No person shall agree, offer, solicit, or attempt to do anything prohibited in paragraphs (a) and (b) of this section.

SEC. 4. *Ceiling prices and ceiling weighted average realization.* (a) The ceiling prices for each supplier of bunker fuel for each size, grade, grouping or classification of coal at each place or facility, as established by previous marketing practices, shall be the highest price charged by such supplier of bunker fuel for each size, grade, grouping or classification of coal sold for bunker fuel use at each place or facility during the base period.

(b) The prices charged for each size, grade, grouping or classification of coal at each place or facility where such coal is delivered shall be such that the weighted average realization per ton obtained by the supplier of bunker fuel for the 12-month period commencing April 1, 1951, and ending March 31, 1952, and for each 12-month period beginning on the first day of each succeeding month, commencing May 1, 1951, for each such size, grade, grouping or classification at each such place or facility shall not exceed the weighted average realization obtained by the supplier of bunker fuel from the sale, delivery or other disposal of each such size, grade, grouping or classification at each place or facility during the base period.

(c) The supplier of bunker fuel shall determine his ceiling weighted average realization for the base period for each size, grade, grouping or classification of coal at each place or facility where such coal is delivered by dividing the realization received from sales of bunker fuel by the number of tons so sold.

(d) The ceiling prices and ceiling weighted average realization determined in accordance with the provisions of this regulation for each size, grade, grouping or classification at each place or facility may be increased by an amount not exceeding the actual dollar-and-cents per ton increase in (1) transportation costs, rail and/or water from the mine to the point of delivery, that have become effective since the base period and not later than the effective date of this regulation; (2) the cost of coal, f. o. b. the mine, charged by the principal supplier who furnished the principal supply of each size, grade, grouping or classification at each place or facility during a prior representative period, provided such increased cost of coal resulted from any wage and salary advances and other items related to the payroll which became effective on or after January 1, 1951, and prior to July 1, 1951, under the authority of Ceiling Price Regulation No. 3 (Coal, except Pennsylvania Anthracite, Delivered from Mine or Preparation Plant) and Ceiling Price Regulation No. 4 (Anthracite Delivered from Mine or Preparation Plant), both issued by the Director on February 1, 1951.

(e) The ceiling prices and ceiling weighted average realization determined pursuant to the provisions of this section may, at the option of the supplier of bunker fuel, be determined and established for a group of places or facilities where the selling prices for each size, grade, grouping or classification of coal have been uniform at each place or facility in the group by prior custom and practice in the marketing of bunker fuel.

SEC. 5. *Procedure for establishing ceiling prices and ceiling weighted average realization for new suppliers of bunker fuel.* (a) In the event a supplier of bunker fuel was not in business, did not sell a particular size, grade, grouping or classification of coal, or did not act as a supplier of bunker fuel at a specific place or facility during the base period, he may file an application, in duplicate, seeking the establishment of ceiling prices and ceiling weighted average realization that are fair and equitable. Such application shall set forth, among other things, the name and principal address of the applicant, the port or ports at points on the Great Lakes and their connecting or tributary waters and points at tidewater at which he intends to sell, deliver, or otherwise dispose of bunker fuel, the particular size, grade, grouping or classification for which ceiling prices or ceiling weighted average realization are requested, and the price or realization amount which the applicant proposes therefor; and the applicant shall furnish the same information, including the ceiling prices and ceiling weighted average realization, for another supplier of bunker fuel performing the same services and operating the same or similar places or facilities.

(b) The Director may request any other information deemed necessary by him to a fair and reasonable determination of the issues raised in the application.

(c) For 60 days after filing the application the applicant may sell bunker fuel at temporary ceiling prices no higher than the ceiling prices established under this regulation for the bunker fuel sold by another supplier of bunker fuel performing the same services and operating in the same or similar places or facilities. After 60 days from the filing of the application, if no action has been taken by the Director, the prices as requested in the application shall be the ceiling prices for such bunker fuel. The filing date herein shall be the date on which the application is received by the Director in the principal office of the Office of Price Stabilization, Washington, D. C.

(d) The Director may at any time review and revise ceiling prices or ceiling weighted average realizations proposed or established under this section if they appear to be inconsistent with the provisions of this regulation.

SEC. 6. *Less than ceiling prices.* Lower prices than those established under this regulation may be charged, demanded, paid or offered.

SEC. 7. *Evasion.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to bunker fuel alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tie-in agreement or other trade understanding, or by the making of excessive charges for trucking or otherwise. Persons subject to the regulation shall continue to observe their customary and standard cash discount practices.

SEC. 8. *Reporting, invoicing and record-keeping requirements.* (a) Each person subject to this regulation shall keep on file invoices, sales data and any other records necessary to substantiate the ceiling prices and ceiling weighted average realization, and shall preserve and keep said invoices, sales data and records available for inspection by the Director for a period of two years.

(b) Each supplier of bunker fuel shall report to the Director, by letter, within 30 days after the effective date of this regulation, his (1) ceiling prices and ceiling weighted average realization for the base period computed under the provisions of sections 4 (a), (c) and (e) of this regulation; (2) each adjustment authorized under section 4 (d) of this regulation; and (3) the sum of (1) and (2), being the adjusted ceiling prices and ceiling weighted average realization.

(c) Each supplier of bunker fuel shall file a certified statement, by letter, of his ceiling prices, including adjustments, if any, determined in accordance with the provisions of this regulation with the Director and with the regional office or offices of the Office of Price Stabilization in the region or regions where the coal is delivered, within 30 days after the effective date of this regulation.

(d) Each person subject to this regulation shall furnish to each person to whom he sells bunker fuel an invoice stating the ceiling price established by this regulation separately from any other charge or a certified statement that the prices charged do not exceed the ceiling prices established under this regulation.

SEC. 9. *Petitions for amendment.* (a) Any person seeking an amendment to any provision of this regulation may file a petition in accordance with the provisions of Price Procedural Regulation No. 1 issued by the Economic Stabilization Agency and with the provisions of this regulation.

SEC. 10. *Taxes.* There may be added to the applicable ceiling price the amount of any transportation tax or sales, gross receipts, gross proceeds or use tax levied by any statute or ordinance, under which the tax is measured by gross proceeds or units of sale, only if the statute or ordinance permits or requires the seller to state the tax separately and the seller does state it separately on his invoice or other memorandum of sale, and only if the seller customarily added the amount of such tax to the ceiling price and separately stated the tax on his invoice prior to the effective date of this regulation.

SEC. 11. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, and enforcement actions, and suits for damage provided for by the Defense Production Act of 1950.

Effective date. This regulation shall become effective on April 10, 1951.

NOTE. The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

APRIL 10, 1951.

[F. R. Doc. 51-4351; Filed, Apr. 10, 1951; 10:32 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 17]

GCPR, SR 17—EXEMPTION OF SALES OF TIMBER (STUMPAGE)

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation No. 17 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation exempts sales of timber (stumpage) from the provisions of the General Ceiling Price Regulation. Standing timber, or down timber, commonly referred to as stumpage, is the raw material of the forest products industries. There are approximately 622 million acres of forest land in the United States. Of this area nearly three-fourths, or 460 million acres, is capable of producing timber of commercial quantity and quality and is available now, or prospectively, for commercial use. This is classed as commercial forest land. About 12.5 million acres, including some otherwise commercially valuable land, is reserved for parks and preserves and is not available for timber production. About 150 mil-

lion acres of forest land, classed as noncommercial, is used for watershed protection, wildlife habitat, and in general is held for purposes other than the commercial production of timber.

The 460 million acres of commercial forest land is owned about 20 percent by Federal agencies, 6 percent by states, counties and municipalities and 74 percent by private persons. Only 44 million acres, or about 10 percent of the commercial forest land area, is classed as old-growth saw-timber. Second growth saw-timber comprises roughly 155 million acres, or 34 percent of the total forest area. These saw-timber areas are characterized by timber large enough, and in sufficient volume per acre, for economic saw log and pulpwood operations.

Of the old growth and second growth saw-timber on commercial forest lands, approximately 45 percent is owned by Federal agencies. The remainder, in private hands, consists of a large number of small tracts, widely spaced geographically. Periodically, the Federal agencies offer stumpage for sale to the highest bidder and so act as a major source of raw material supply for the forest products industries. Scheduling of certain Federal agencies sales is, at present, being held in abeyance due to existing distorted price relationships.

During World War II, stumpage was exempted from the provisions of the General Maximum Price Regulation, and remained decontrolled throughout the OPA days except for stumpage west of the 100th meridian.

From the standpoint of price control, major pricing problems appear in connection with stumpage because no two tracts of timber have identical physical characteristics and because of the wide geographical dispersal of the timber. Uniform, equitable valuations are extremely difficult under these circumstances and the determination of prices and the surveyance impose an impracticable administrative burden at this time.

In view of the unique and complex character of the commodity in question, the number and differences in the stands of timber, and the administrative difficulties in instituting controls, it has been determined that the sale of stumpage should be exempted from the provisions of the General Ceiling Price Regulation: *Provided however*, That records of such transaction must be maintained.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of the Office of Price Stabilization, the exemption contained in this supplementary regulation is generally fair and equitable and is necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national defense effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950.

In formulating this supplementary regulation the Director has consulted with representatives of the industries, so far as practicable under the circumstances, and has given full consideration to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Applicability.
3. Exemption.
4. Definitions.

AUTHORITY: Sections 1 to 4 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* The purpose of this supplementary regulation is to exempt sales of timber (stumpage) from the provisions of the General Ceiling Price Regulation.

SEC. 2. *Applicability.* The provisions of this supplementary regulation are applicable to the United States, its Territories and Possessions, and the District of Columbia.

SEC. 3. *Exemption.* On and after the effective date of this supplementary regulation, the provisions of the General Ceiling Price Regulation shall not apply to sales, leases, licenses or other contractual obligations pertaining to the right of a person to sever timber (stumpage) from the stump on the land of another person: *Provided, however*, That the records of such transactions be maintained pursuant to section 16 of the General Ceiling Price Regulation.

SEC. 4. *Definitions.* When used in this supplementary regulation, the terms:

(a) "Timber" (stumpage) means a tree whether green or dead, standing or down, of all species, classes and sizes where the tree has not been severed from the stump.

(b) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor, or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions, or any agency of the foregoing.

Effective date. This Supplementary Regulation No. 17 to the General Ceiling Price Regulation shall become effective on the 12th day of April, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

APRIL 10, 1951.

[F. R. Doc. 51-4348; Filed, Apr. 10, 1951; 10:31 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 18]

GCPR, SR 18—CEILING PRICES FOR SALES BY MILLERS AND PROCESSORS OF FLOUR, MEAL, AND MILL FEED OR OTHER FEED INGREDIENTS PROCESSED FROM LISTED GRAINS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 18 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation to the General Ceiling Price Regulation is issued to resolve certain problems involving the pricing of grain flour, meal, and mill feed or other feed ingredients when sold by millers and processors.

Grain flour, meal, and mill feed or other feed ingredients are customarily sold by millers and processors on the basis of contracts for deferred deliveries, although in some instances these commodities are also sold for immediate or current delivery. The prices agreed upon in the contracts for deferred delivery are usually the same as those for current delivery and are predicated upon grain costs prevailing at the time of negotiation. During the period December 19, 1950, to January 25, 1951, many flour millers and processors made all of their deliveries pursuant to contracts negotiated prior to the base period, some as early as September and October 1950. The effect of the General Ceiling Price Regulation was to fix the ceilings of these millers and processors at levels which were predicated upon their grain costs during the autumn months of 1950 rather than the cost which they actually sustained during the base period. Moreover, the ceiling prices of these millers and processors were substantially lower than those who made some deliveries during the base period on the basis of current contracts. Grain costs sustained by millers and processors advanced sharply during the late months of 1950 and in January 1951. Thus, the price of #1 Northern Spring ordinary wheat in Minneapolis, which had ranged from $2.15⅞ to $2.23⅝ per bushel during the period from September 30 to December 1, 1950, rose to a high of $2.42¼ during the base period. Cash corn prices in Minneapolis, which had ranged from approximately $1.40 to $1.53 per bushel during the months of October and November 1950, advanced to a high of $1.71 per bushel during the base period.

The wheat, rye, corn and other grain milling industries customarily operate on comparatively short gross margins over material costs. Industry representatives have advised the Director of Price Stabilization that the margins of processors who delivered during the base period solely on the basis of long term contracts are not sufficiently broad to enable them to absorb their increased grain costs, and that immediate action is necessary to enable them to establish ceiling prices bearing a normal relation to their base period raw material costs. These prices, they point out, are those used by them in contracts negotiated during the base period for deferred deliveries of their commodities within 120 days after date of contract, or those quoted by them during the base period for immediate deliveries of such commodities.

It is the finding of the Director of Price Stabilization that the invalidation of the contracts negotiated by these millers and processors during the base period would subject the greater number of them to substantial hardship in that it would compel them to sell their products at prices which do not reflect the higher grain costs which they were compelled to sustain. An individual adjustment provision is administratively impracticable at this time. Accordingly, therefore, this supplementary regulation is issued to provide a new method for establishing ceiling prices for sales by grain millers and processors of flour, meal, and mill feed or other feed ingredients processed from corn, flaxseed, oats, rye, grain sorghums and wheat. It will permit all processors to change ceiling prices which reflect current grain costs. Under this new method if a miller or processor entered into a contract during the base period, his ceiling price for that product shall be the highest price at which he contracted in writing during the base period to sell the product for delivery within 120 days after the date of the contract, or if he made no such contract during the base period, then the highest price at which his most closely competitive seller in his normal market contracted for the sale of the product during the base period for delivery of the product to a purchaser of the same class within 120 days from the date of the contract.

In the judgment of the Director of Price Stabilization the ceiling prices established by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

Although special circumstances have rendered impracticable consultation with formal industry advisory committees, including trade association representatives, the provisions of this supplementary regulation incorporate the recommendations of persons representing substantial segments of the grain milling and processing industries affected.

REGULATORY PROVISIONS

Sec.
1. Applicability.
2. Ceiling prices for sales by grain millers and processors of flour, meal, and mill feed or other feed ingredients processed from listed grains.

AUTHORITY: Sections 1 and 2 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Applicability.* (a) This supplementary regulation provides a new method for establishing ceiling prices for sales by certain grain millers and processors of flour, meal, and mill feed or other feed ingredients processed from the following grains: grain sorghums, corn, flaxseed, oats, rye, and wheat. This new method supersedes that set forth in the General Ceiling Price Regulation, as amended, with respect to calculating ceiling prices for these commodities when sold by these grain millers and processors. In all other respects not inconsistent with the provisions of this supplementary regulation, the General Ceiling Price Regulation continues to apply to the sales of the above commodities. This regulation does not supersede Supplementary Regulation 7 to the General Ceiling Price Regulation.

(b) The provisions of this regulation are applicable to the United States, its Territories and possessions, and the District of Columbia.

SEC. 2. *Ceiling prices for sales by grain millers and processors of flour, meal, and mill feed or other feed ingredients processed from listed grains.* If you mill and process flour, meal, and mill feed or other feed ingredients from one or more of the grains listed in section 1 of this regulation, your ceiling price for that product shall be the highest price at which you contracted in writing during the base period to sell the product for delivery within 120 days after the date of the contract, or if you made no such contract during the base period, then the highest price at which, during the base period, your most closely competitive seller in your normal market contracted in writing to sell the product for delivery within 120 days after the date of the contract to a purchaser of the same class. *Provided*, That for the purpose of computing parity adjustments pursuant to section 11 of the General Ceiling Price Regulation, you shall use as "the highest price you received or paid during the base period" the highest market price of the grain as of the execution date of the contract which determines your ceiling price.

Effective date. This Supplementary Regulation No. 18 to the General Ceiling Price Regulation shall become effective April 12, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

APRIL 10, 1951.

[F. R. Doc. 51-4349; Filed, Apr. 10, 1951; 10:32 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-2 as Amended April 6, 1951]

M-2—RUBBER

EDITORIAL NOTE: The following is a complete restatement of NPA Order M-2, embodying all changes effected by the amendment to said Order M-2 as published in the FEDERAL REGISTER, April 10, 1951, 16 F. R. 3117.

This order, as amended, is found necessary and appropriate to promote the national defense. It is issued pursuant to both the Defense Production Act of 1950 and the Rubber Act of 1948. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. In the formulation of this amendment, however, consultation with industry representatives has been impossible because of the need for immediate action.

This amendment affects NPA Order M-2, as amended April 1, 1951, as follows: It adds a new paragraph (f) to section 10, and it makes an addition to the certification in section 12. As so amended, NPA Order M-2 reads as follows:

EXPLANATORY PROVISIONS

Sec.
1. Purpose and effect.
2. Definitions.

RESTRICTIONS ON IMPORTATION AND CONSUMPTION

3. Private importation of natural rubber prohibited.
4. Limit on total new rubber consumption (except natural rubber latex).
5. Limit on natural rubber latex consumption.
6. Rubber to fill rated orders (other than "DO-97").
7. Orders rated "DO-97".

ALLOCATION OF SYNTHETIC RUBBER

8. Limitation on acquisition of synthetic rubber.
9. Allocation procedure.
10. Basis of allocation.

RUBBER PRODUCT REQUIREMENTS AND LIMITATIONS

11. Camelback production required.
12. Tires or tubes for new passenger automobiles.
13. Required production of certain tires or tubes.
14. Rubber product simplification and manufacturing specifications.

GENERAL PROVISIONS

15. Monthly reports of rubber consumption and stocks.
16. Reports by tire, tube, and camelback manufacturers.
17. Reports by latex importers.
18. Records and reports.
19. Inventory limitations.
20. Adjustments and exceptions.
21. Communications.
22. Violations.

AUTHORITY: Sections 1 to 22 issued under sec. 704, Pub. Law 774, 81st Cong., and sec. 10, 62 Stat. 105, 50 U. S. C. App. Supp. 1929; Pub. Law 575, 81st Cong. Interpret or apply sec. 101, Pub. Law 744, 81st Cong., and sec. 3, 62 Stat. 102, 50 U. S. C. App. Sup. 1922; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; E. O. 9942, April 1, 1948, 13 F. R. 1823.

EXPLANATORY PROVISIONS

SECTION 1. *Purpose and effect.* The purpose of this order is to conserve the supply of rubber for the needs of national defense and to provide for its equitable distribution. It places over-all limits on the consumption of new rubber (including both natural and synthetic). It prohibits private importation of natural rubber and provides for allocation of Government-produced synthetic rubber. Provisions are also made for increasing production of camelback, for directing production of rubber products into standard lines, and for restricting the use of natural rubber in certain listed products, for limiting inventories of tires and tubes and for restricting their delivery for installation on new passenger automobiles.

SEC. 2. *Definitions.* As used in this order:

(a) "Natural rubber" means all new RHC (rubber hydrocarbon) forms and types of tree, vine, or shrub rubber, both dry and latex, including the following grades of wild rubber (cut, uncut, washed

or dried): upriver fine, acre fine, Bolivian fine, beni fine, island fine, and all other types of fine pará, which are of equivalent quality regardless of name or origin; but excluding all other South or Central American grades of wild rubber and all rubber from guayule, balata or gutta percha, as well as reclaimed natural rubber.

(b) "Dry natural rubber" means all natural rubber in solid form.

(c) "Natural rubber latex" means the dry latex solids contained in natural rubber liquid latex.

(d) "Synthetic rubber" means all new RHC products of chemical synthesis similar in general properties and applications to natural rubber and specifically capable of vulcanization, including synthetic rubber latex but excluding reclaimed synthetic rubber.

(e) "GR–S" means a general-purpose synthetic rubber of the butadiene styrene type produced in the United States generally suitable for use in the manufacture of transportation items such as tires or camelback, as well as any other type of synthetic rubber equally or better suited for use in the manufacture of transportation items such as tires or camelback, as determined from time to time by the NPA, but excluding reclaimed general-purpose synthetic rubber.

(f) "Butyl" or "GR–I" means a special-purpose synthetic rubber produced in the United States, suitable for use in the manufacture of transportation items such as pneumatic inner tubes, but excluding reclaimed special-purpose synthetic rubber.

(g) "New RHC" means total new rubber hydrocarbon. This is the total RHC content of dry natural rubber, natural rubber latex, synthetic rubber, uncured scrap rubber, and uncured in-process materials.

(h) "Consume" means, in the case of dry natural rubber, natural rubber latex or synthetic rubber, to compound, expend, formulate, or in any manner make any substantial change in the form, shape, or chemical composition.

(i) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(j) "Reclaimed rubber" means any rubber derived from the processing or treatment of vulcanized rubber or cured scrap rubber.

(k) "NPA" means the National Production Authority in the Department of Commerce.

RESTRICTIONS ON IMPORTATION AND CONSUMPTION

SEC. 3. *Private importation of natural rubber prohibited.* (a) On and after December 29, 1950, no person other than the Administrator of General Services shall import into the United States (including its territories and possessions) any natural rubber as defined in section 2 (a) of this order, except as specifically authorized in writing by the Administrator of General Services: *Provided, however,* That this prohibition shall not apply to any private importation required by a contract which was made prior to December 29, 1950, and which is registered with the General Services Administration on or before January 5, 1951, except as any such private importation may be disapproved by said Administrator. For purposes of this section, the term "import" includes any physical movement of rubber into the United States, whether placed in general order or in a foreign-trade zone, or whether entered for consumption, bonded customs custody or otherwise, except where the rubber moves through the United States in transit, under bond, from a consignor in one foreign country to a consignee in another foreign country.

(b) The prohibition in paragraph (a) of this section does not apply to the types and grades of natural rubber excluded from the definition in section 2 (a) but all such excluded types and grades shall be inspected by, and a certificate of import secured from, the Administrator of General Services prior to their importation.

SEC. 4. *Limit on total new rubber consumption (except natural rubber latex).* (a) No person shall (except on prior written authorization of the NPA) consume in any calendar month a total amount of new rubber (including all synthetic both dry and latex and all natural except latex) in excess of 90 percent of his base monthly new rubber consumption as computed under paragraph (b) of this section.

(b) Each person's base monthly new rubber consumption shall be one-twelfth of his actual new rubber consumption (including all synthetic both dry and latex and all natural except latex) during the year ending June 30, 1950, as adjusted by the NPA.

(c) The limitation provided in this section shall not apply to any person during any calendar quarter in which his total consumption of new rubber (including all synthetic both dry and latex and all natural except latex) does not exceed 25,000 pounds.

SEC. 5. *Limit on natural rubber latex consumption.* (a) No person shall (except on prior written authorization of the NPA) consume during any calendar quarter, a total quantity of natural rubber latex in excess of one-fourth of his consumption during the year ending June 30, 1950, as adjusted by the NPA.

(b) Any person who imports any natural rubber latex into the United States after October 1, 1950, shall offer at least 10 percent of his imports to the General Services Administration at his regularly established price.

(c) In the event that imports of natural rubber latex are of such volume that an excess remains available for consumption (including any amounts not accepted by General Services Administration), after deducting from total imports (1) the base-period consumption allowed by paragraph (a) of this section, (2) the stockpile requirements of the Government, and (3) a reasonable reserve for adjustments under section 19 of this order. Such excess will be allocated quarterly to consumers by the NPA on the basis of their pro rata allocation of natural rubber latex during the fourth calendar quarter of 1950. Any allocations made under this paragraph may be consumed in addition to the amounts permitted by paragraph (a) of this section.

SEC. 6. *Rubber to fill rated orders (other than "DO–97").* (a) Such quantities of new rubber as are used in making products to fill DO rated orders (other than those rated "DO–97") are hereby exempted from the limitations on consumption contained in sections 4 and 5 of this order. All such quantities shall accordingly be excluded in computing consumption under those sections. Allocations of synthetic rubber will be made for such purposes, upon application in writing to the NPA, in addition to the allocations for which provision is made in sections 8, 9, and 10 of this order.

(b) Any person filing an application for an allocation of rubber to fill DO rated orders (other than those rated "DO–97") must show (1) the DO rating number or symbol applied to the order, (2) the Government contract and purchase numbers, (3) the identity and quantity of the product ordered, (4) the Government specifications for the product insofar as concerns the rubber content, (5) the name and address of the customer and the shipping destination, and (6) the types and quantities of rubber required, by month, to fill the order.

SEC. 7. *Orders rated "DO–97".* (a) Notwithstanding the provisions of NPA Reg. 4, no person shall apply or extend the rating "DO–97" to any order for any pneumatic or solid tires or tire tubes or other transportation products as listed under codes 1 through 8 in appendix A, and no such rating applied or extended to such orders shall be deemed a valid rating.

(b) Insofar as necessary and practicable, new rubber will be made available once a month, in addition to the quantities otherwise permitted by this order, to manufacturers of those products listed under Codes 9–24 in appendix A, to replace rubber used to fill orders for such products rated "DO–97." No additional rubber will be authorized for such purpose, however, except to the extent that the applicant demonstrates that he has filled "DO–97" rated orders for the product in the previous month requiring a greater proportion of his then permitted new rubber consumption than he devoted to the manufacture of that product out of his total new rubber consumption in the year ending June 30, 1950 (exclusive of such units as were manufactured and sold as parts of new equipment or for incorporation in new equipment). Application for such additional new rubber shall be made before the 10th day of each month. The quantities approved under this section will be authorized and allocated for use during the remainder of that month. (For example: If a company used rubber in March for orders rated "DO–97" in excess of the above-described proportion, it may report such excess use before the 10th of April, and additional rubber will be authorized or allocated in April). The applicant must state (if he has not previously submitted the same information) his consumption of new rubber during the year ending June 30, 1950, in making the product involved (broken down to show what proportion went into new equipment), the volume of orders filled for the product during the previous month (broken down to show those rated "DO–97"), the types and quantities of rubber used or required therefor, the new rubber authorization requested, and any other data necessary to demonstrate that the applicant has satisfied the above requirements entitling him to additional rubber.

ALLOCATION OF SYNTHETIC RUBBER

SEC. 8. *Limitation on acquisition of synthetic rubber.* No person shall acquire more Government-produced GR–S or butyl (GR–I) than is allocated to him by the NPA. No person shall sell or transfer any synthetic rubber acquired from the Government to any person other than the Office of Rubber Reserve, Reconstruction Finance Corporation.

SEC. 9. *Allocation procedure.* The NPA will allocate quarterly, to each consumer of GR–S or butyl, the amounts of Government-produced GR–S and butyl that he may purchase during a specified calendar quarter. The NPA will notify the Office of Rubber Reserve, Reconstruction Finance Corporation, of such allocations and the Office of Rubber Reserve will not issue purchase permits to anyone for more GR–S or butyl than is allocated to him. Persons desiring to purchase GR–S or butyl will submit purchase requests to the Office of Rubber Reserve in accordance with its established procedure.

SEC. 10. *Basis of allocation.* GR–S and butyl for non-defense purposes will be separately allocated by the NPA for each calendar quarter on the following basis:

(a) *GR–S.* Subject to the provisions of paragraphs (d) and (e) of this section, each consumer of GR–S will be allocated a fair and proportionate share of the total available Government-produced GR–S (after a reasonable amount has been reserved for DO rated orders, for such other programs as may be approved by the NPA, and for adjustments under section 19 of this order). The share of GR–S so allocated to each consumer will be calculated so that such share, when added to the quantities of other new rubber which are permitted or allocated to him and which enter into the computation of total new rubber under section 4 of this order, will equal his total new rubber consumption as permitted by section 4.

(b) *Butyl for tire tubes.* Subject to the provisions of paragraphs (d) and (e) of this section, each manufacturer of tire tubes will be allocated his pro rata share of total available Government-produced butyl (after a reasonable amount has been reserved for DO rated orders, for such other programs as may be approved by the NPA, and for adjustments under section 19 of this order), based on the proportion which his total new rubber consumption for tire tubes during the year ending June 30, 1950, bears to the total new rubber consumption of the industry for tire tubes during that period as determined by the NPA.

(c) *Butyl for other uses.* Subject to the provisions of paragraphs (d) and (e) of this section, each consumer of butyl for purposes other than the manufacture of tire tubes will be allocated for each calendar quarter, his average quarterly consumption of butyl for such other purposes during the year ending June 30, 1950, as determined by the NPA.

(d) *Imports to be considered.* In making allocations described in paragraphs (a), (b), and (c) of this section, the NPA will ascertain the quantities of imported GR–S and butyl acquired by each consumer, and will reduce by the amounts of such imported rubber the allocations which would otherwise be made.

(e) *Inventories to be considered.* In making the allocations described in paragraphs (a), (b), and (c) of this section, the NPA will ascertain and take into account each consumer's inventory of GR–S and butyl, and will adjust the allocations insofar as practicable so that inventories (including rubber in warehouse and in transit) will not be increased beyond a 20-working-day supply.

(f) *GR–S plant clean-up and dried latex drainings, coagulum, and preflox materials.* Only 50 percent of the quantity of GR–S plant clean-up material purchased from the Office of Rubber Reserve, and only 25 percent of the GR–S dried latex drainings, coagulum, and preflox purchased from the Office of Rubber Reserve, need be considered in computing and reporting the total quantity of synthetic rubber acquired or consumed.

RUBBER PRODUCT REQUIREMENTS AND LIMITATIONS

SEC. 11. *Camelback production required.* Every person who produced camelback during the year ending June 30, 1950, shall produce in each month of 1951, an amount of camelback which by RHC weight is at least one and a half times as great in proportion to his total new rubber consumption in the manufacture of transportation products during such months, respectively, as the proportion which his production of camelback during the year ending June 30, 1950, bore by weight on RHC basis to his total new rubber consumption in transportation products during that year. For example, if a person's production of camelback on RHC basis accounted for 5 percent of his new rubber RHC consumption in transportation products during the year specified, his production of camelback in each month must account for at least 7.5 percent of his new rubber RHC consumption in transportation products during each month of 1951. This means that consumers who produce transportation products other than camelback must sacrifice sufficient RHC from other transportation products to achieve the above result, since no extra allocation of RHC will be made to compensate for increased camelback production. Those who produce camelback only are not subject to this section.

SEC. 12. *Tires or tubes for new passenger automobiles.* No person shall deliver any tires or tubes to any manufacturer of new passenger automobiles unless such manufacturer furnishes to him a signed certificate reading substantially as follows:

I hereby certify, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, That, except in fulfillment of DO-rated orders, after April 1, 1951, I will not install on or use for any new passenger automobile more than four tires or tubes and that no more than four tires and tubes will be delivered by me with any new passenger automobile.

(Date) (Signed)

SEC. 13. *Required production of certain tires or tubes.* (a) No person, who, during the first calendar quarter of 1951, manufactured any tires or tubes for use on trucks, buses, and truck trailers, in sizes 8.25 and up, or on tractors or farm equipment, shall, during any month, devote less than the same proportion of his total new rubber consumption as limited by section 4 of this order to the manufacture of these items than he did in the first calendar quarter of 1951.

(b) In addition, the saving in new RHC resulting from the reduction in original passenger car tire and tube deliveries in April 1951, as compared with such deliveries in March 1951, shall be used by each tire manufacturer in the production of truck and bus tires and tubes, in sizes 8.25 and up, and for farm tires and tubes. Insofar as natural rubber may be used in producing such tires and tubes in accordance with the specifications in appendix A, such use in lieu of synthetic rubber is permitted, subject to the limitation on total new rubber consumption in section 4 of this order.

SEC. 14. *Rubber product simplification and manufacturing specifications*—(a) *Manufacture except in accordance with appendix A prohibited.* No person shall manufacture any rubber product except in accordance with the specifications and other terms and conditions prescribed in the attached appendix A. More specifically, (1) no person shall consume any natural rubber (dry or latex) in the manufacture of any product not listed in column II of appendix A; (2) no person shall consume more natural rubber (dry or latex) in the manufacture of any listed product than prescribed in column III (as qualified by column IV) of appendix A, and (3) no person shall consume any new RHC (natural or synthetic) in the manufacture of any listed product in more or different lines, types, qualities, styles or colors than those prescribed in column IV of appendix A.

(b) *Exceptions to limitations of appendix A*—(1) *Defense orders.* Notwithstanding the provisions of appendix A, any product manufactured to fill a DO rated order (other than one rated "DO–97") may be manufactured to the specifications of the order if and to the extent that such specifications are required by the Government. Efforts will be made, however, to obtain maximum standardization of rubber products for Government defense requirements as well as between defense and non-defense requirements.

(2) *Tire experimentation.* Notwithstanding the provisions of appendix A, any person may use up to a total of 2,000 pounds of dry natural rubber during any calendar quarter for experimentation in the manufacture of those sizes and types of tires for which specifications are provided in appendix A.

(3) *Use of natural rubber instead of synthetic rubber.* Notwithstanding the provisions of appendix A, any person who has received an allocation of synthetic rubber, for a given period, which is of a lesser proportion of his total new rubber consumption, as limited by section 4 of this order, than he is required by the specifications contained in appendix A to use in the manufacture of his usual line of products, may (within the limits of section 4) use such additional natural rubber as is necessary to make up the difference: *Provided however*, That any person who uses additional natural rubber in accordance with this section shall prepare a statement setting forth all of the facts and statistics upon which such additional use was based. This statement, signed by an officer of the company, shall be retained in the files of the company and made available to the NPA upon request.

(c) *Import restrictions*—(1) *Certification required.* No product for which specifications are established in Appendix A may be entered for consumption in the United States or its territories or possessions unless the entry thereof is accompanied by a certificate from the exporter or other qualified person to the appropriate Collector of Customs reading substantially as follows:

The undersigned hereby certifies, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, that the products covered by the invoice to which this certificate is attached contain no more natural rubber (of any type and wherever produced) than permitted by NPA Order M-2 for similar products.

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(Date) (Signature)

(2) *Exceptions.* No such certificate shall, however, be required for the incorporation (i) of any products by a diplomatic representative of a foreign government for his personal use or for the use of members of his staff or by a commercial representative of a foreign government for use in his official business and not for sale or, (ii) of any products for experimental and testing purposes and not for sale.

GENERAL PROVISIONS

SEC. 15. *Monthly reports of rubber consumption and stocks.* Every person who consumes or owns, at any time during any month, any type of rubber listed below shall file a monthly report on Form NPAF-3 with the NPA in accordance with the instructions accompanying the form. This report form covers consumption, stocks, receipts, production, and shipments.

Types to be reported

Dry natural rubber.
Natural rubber latex.
Reclaimed rubber.
GR-S Types, excluding latex.[1]
GR-S Type latex.[1]
Butyl types.[1]
Neoprene, including latex.
Butadiene-Acrylonitrile types (N-Type).[1]
Other special-purpose synthetic types.[1]
Scrap rubber, uncured.

SEC. 16. *Reports by tire, tube, and camelback manufacturers*—(a) *Monthly reports.* Each manufacturer of tires, tubes, and camelback shall file a report of his production, shipments, and inventory for each calendar month on Form NPAF-5 with the NPA in accordance with the instructions accompanying the form. Such report shall be filed by the 10th of the month following the month to which it relates.

(b) *Weekly reports of cured tires.* Each manufacturer of tires shall file a report of his production of cured tires for each week on Form NPAF-6 with the NPA in accordance with the instructions accompanying the form.

SEC. 17. *Reports by latex importer.* Every importer of natural rubber latex shall report by letter to the NPA by the 15th of each month in long tons of dry latex solids (a) his imports for the current month (actual receipts plus material due to arrive), (b) his scheduled imports for the next succeeding month, and (c) his estimate of his imports for the second and third succeeding months.

SEC. 18. *Records and reports.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries and inventories, production, and use, in sufficient detail to permit an audit that determines that the provisions of this order have been met. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who have or who may maintain such microfilm or other photographic records in the regular and usual course of business. All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority. All persons subject to this order shall keep such records and file such other reports as may be required subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 19. *Inventory limitations.* (a) No person shall in the course of trade or business receive delivery of any new tires or tubes if his inventory of such items exceeds, or by such receipt would be made to exceed, his minimum requirements for the operation of his business during the succeeding 30 days (or, in the case of passenger car manufacturers, 15 days). No person shall deliver tires or tubes (1) if he has reason to believe that his customer is not permitted to receive delivery under this section, nor (2) unless his customer furnishes to him a signed certificate reading substantially as follows:

I hereby certify, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, that after receipt of the tires or tubes covered by this order my inventory will not exceed the quantity permitted by NPA Order M-2.

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(Date) (Signature)

(b) All of the materials subject to this order are also subject to NPA Reg. 1 which prohibits the accumulation of materials in excess of a practicable minimum working inventory.

SEC. 20. *Adjustments and exceptions.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, in duplicate, and shall set forth all pertinent facts, the nature of relief sought, and the justification therefor.

SEC. 21. *Communications.* All applications, reports, and other communications relating to this order should be addressed to the National Production Authority, Washington 25, D. C., Ref: Order M-2.

SEC. 22. *Violations.* Any person who wilfully violates any provision of this order, or furnishes false information or conceals any material fact in the course of operation under it, is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to compel necessary adjustment of his inventories or consumption or to suspend his privilege of making or receiving further deliveries of, or from processing or using, materials subject to this order.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on April 1, 1951.

Issued: April 5, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[1] Includes all types whether obtained from Government or other sources, including imports.

APPENDIX A—RUBBER PRODUCTS SUBJECT TO SIMPLIFICATION AND MANUFACTURING SPECIFICATIONS AS PROVIDED IN SECTION 13 OF NPA ORDER M-2

EXPLANATION OF COLUMNS AND SYMBOLS

Column 1: The code number indicated in Column 1 is the numerical identification of a similar class of products.

Column 2: The product or product class to which the restrictions apply is described in Column 2.

Column 3: The figures and symbols in Column 3 specify the amount of natural rubber, if any, that may be used in the listed products.

For product codes 1 through 8 and 14, 15, 16, 17, 23 and 24, the figures in Column 3 represent maximum percent of dry natural rubber and/or natural rubber latex to the total weight of new RHC. For product codes 9 through 13 and 18 through 22, such figures represent maximum percent of dry natural rubber and/or natural rubber latex to the total volume of the compound *except* where provided in Column 4 that the percent is expressed in terms of total weight of new RHC.

The figure "0" in Column 3 means that the use of dry natural rubber or natural rubber latex is prohibited except as may be provided in Column 4.

The symbol "X" in Column 3 means that dry natural rubber or natural rubber latex may be used in the minimum amount required except as may be provided in Column 4.

Column 4: The provisions in Column 4 are in some instances qualifications on the use of dry natural rubber or natural rubber latex as otherwise permitted by Column 3. These qualifications take precedence over Column 3 where there is any apparent inconsistency. Column 4 also contains the simplification and standardization provisions governing the manufacture of the product or product class. These latter provisions do not relate merely to the use of natural rubber but limit the lines, types, qualities, styles and colors in which the listed products may be manufactured with the use of any kind of rubber. There are no such limitations on the manufacture of listed products except as indicated in Column 4.

Code No. (1)	Product (2)	Percent natural rubber to total new RHC (3)	Special restrictions or provisions (4)
1	Pneumatic tires	(1)	The group average of any product in Code 1 may be exceeded, provided the aggregate natural rubber consumed in all products in this code does not exceed the total amount of natural rubber which would have been consumed if calculated on the maximum group averages for Code 1.
	Airplane tires	100	Max. individual tire—100%.
	Bicycle tires	13	Black side-wall construction only. Maximum individual tire—90%.
	Motorcycle tires	15	Black side-wall construction only. Maximum individual tire—90%.
	Passenger: Highway, mud-snow, taxi	----------	Passenger car tire production is restricted as follows: All types—black side-walls only. Standard tread depth highway tires—one line and one quality only. Extra tread depth highway tires—one line only; and no greater quantity may be produced by any manufacturer in any calendar quarter, in proportion to his total production of passenger car tires in that quarter, than the proportion of his extra depth highway passenger car tire production to his total passenger car tire production in the last 6 months of 1950. Special purpose tires—no more or different lines may be produced by any manufacturer than he was producing on Feb. 19, 1951.
	Thru 7.10 and 6.50	15	Max. individual tire—95%.
	Over 7.10 and 6.50	22	Max. individual tire—95%.
	Industrial pneumatic	13	Max. individual tire—95%.
	Tractor implement	13	Max. individual tire—95%. Restricted to one line of tires.
	Truck: Highway, heavy highway, traction, off-the-road trailer, flotation type, trailer type.		Truck tire production is restricted as follows: Standard tread depth highway tires—one line only. Extra tread depth highway tires—one line only. Special purpose tires—no more or different lines may be produced by any manufacturer than he was producing on Feb. 19, 1951.
	7.50 and under	38	Max. individual tire—95%.
	8.25 thru 9.00	75	Max. individual tire—99%.
	10.00 thru 12.00	90	Max. individual tire—99%.
	Over 12.00	92	Max. individual tire—99%.
2	Solid tires		
	Airplane tires	XX	
	Bogie, idler and support rollers	XX	
	Pressed on	50	
	Cured on, 4 x 1½ and up	50	
3	Tire tubes:		Any color, but one color only, except that every tube containing butyl must be marked with one or more circumferential light blue stripes, applied on the base section of the tubes, any one of which stripes must be 3/16" minimum width. No other tube shall be so marked.
	Airplane	100	
	Bicycle	5	Including valves.
	Industrial pneumatic	50	
	Passenger	0	
	Puncture seal	XX	
	Safety tubes	XX	
	Tractor implement	0	
	Truck, 8.25 cross-section and under	0	
	Above 8.25 and up to 14.00	5	
	14.00 cross-section and over	80	
4	Tire tube valves and curing bags:		
	Tire tube valves (including repair valves)	X	
	Tire tube valve inside washers	X	
	Curing bags	50	May be averaged with groups in Code 1.
5	Tire flaps	----------	May be averaged with groups in Code 1.
	10.00 and up	100	
	All others	50	
6	Tire retreading materials:		
	Air bags, full circle for retreading	X	
	Camelback for airplane tires	100	
	Camelback for 9.00 cross-sections and larger, in die sizes 6½" crown width and 15/32" ga. and up.	X	
	Camelback, die sizes under 6½" crown width and under 15/32" ga.	0	
	Camelback cushion gum	100	1/32" ga. max. for synthetic camelback.
	Padding stock	XX	
	Stripping stock	XX	
	Filler stock	XX	
	Cushion repair gum	100	
	Tread repair gum	XX	
	Tire vulcanizing cement	XX	
7	Tire and tube repair materials:		
	Air bags, sectional	XX	
	Bulk tire repair materials	XX	
	Tire patches	XX	
	Tube patches	XX	
	Patching cement	XX	
8	Tank blocks, treads and band tracks	XX	

[1] Maximum group average.

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
9	Belting: Belting must be manufactured in accordance with the following regulations: Rubber belting utilizing a solid woven carcass is permitted, provided such construction uses no more natural rubber than is permitted in laminated belting of equivalent size and thickness. Constructions using combinations of fabric and other reinforcing materials such as cord or wire are permitted provided total natural rubber does not exceed that which is used in an equivalent grade, cotton fabric ply construction belt.		Color black throughout, except where otherwise specified. No manufacturer shall produce by any single manufacturing process more than one line, type, quality or style for any one purpose. For interpretation of purpose in this Order the commonly accepted service classifications used by industry shall apply.
9-A	Conveyor and elevator belting:		
	For severe service only	25	
	For moderate service	15	
	For hot material	X	Operating temp. 200° F. and over.
	For conveying unpackaged food materials and materials that would be discolored with black belts.	25	Black friction, amber or tan cover.
9-B	Misc. belt and related products:		
	Hay baler	X	
	Other agricultural implement	15	
	Belt splicing and repair material	X	
	Chute lining	25	
	Conveyor skirting or skirt board	25	
	Cigar machine aprons		Same restrictions as first grade flat transmission belt (Code 9-C).
	Concentrator belts	25	
	Escalator hand rails	30	
	Hatter belts	X	
	Hog beater belts	40	
	Last puller	20	
	Package	25	
	Paper machine aprons	25	
	Paper making screen diaphragms	15	
	Postal meter and letter opening feed belts	X	
	Powder explosives	15	
	Pulley lagging	25	
	Rubber scrapers for conveyor belts	25	
	Safety belts, linemen's	0	Color optional.
	Sling or lifting	25	
	Special molded conveyor belts	X	
	Street sweeper belts	25	
	Tube winding	X	Tan or amber.
	Tobacco stemmer belts	X	Natural rubber color permitted.
	Molded discs for conveyor belt idlers	25	
	Ozalid seals	X	Color optional.
9-C	Flat transmission belting		Natural rubber lb. maximum per 1,200 sq. in. per ply. Color of seaming strip optional.
	For severe service, or high speed or to operate over small pulleys		0.65 lbs.
	For moderate service		0.30 lbs.
	Hammermill belt		0.65 lbs.
	Axle generator belt		0.65 lbs.
	Rubber covers for above, maximum thickness 3/64"	10	
	Sheeting type, slab belting		Color optional, one color only.
	Using fabric weighing between 10 and 16.50 oz. per sq. yd		0.65 lbs.
	Using fabric weighing less than 10 oz. per sq. yd		0.30 lbs.
9-D	"V" Belts		Percent based on total volume of belt. In determining belt volume, the published nominal cross-sectional dimensions shall be used where these exist and mold cross-sectional dimensions shall be used in all other cases. All belts black, except as otherwise specified. Buff color permitted for non-making and food handling.
	Fractional H. P.	20	
	Household equipment	20	
	Automotive:		
	Passenger cars for pulley groove top width more than .500"	20	
	Trucks under 1½ ton for pulley groove top width more than .500"	20	
	Passenger and truck for pulley groove top width .500" or less	25	
	Trucks 1½ tons and over	25	
	Busses	25	
	Police cars and taxis	25	
	Airplane	25	
	Stationery gas and diesel engines	25	
	Industrial, including agricultural:		
	Heavy duty	30	
	Standard	30	
	Speed changers	35	
	Double "V"	5	
	Open end	20	
	Round belts	25	
	Railroad axle-drive	50	
10	Hose		All hose to be black throughout, except where specified. Color permitted in frictions, liners and cements to identify and differentiate between oil resisting and non-oil resisting rubbers. No manufacturer shall produce by any single manufacturing process more than one line, type, quality or style for any one purpose. For interpretation of purpose the commonly accepted service classifications used by industry shall apply.
10-A	Aircraft hose:		
	Crash truck AAF 26511 (−65° F.)	X	Govt. or commercial plane use only.
	Ducts	X	Govt. or commercial plane use only.
	Oxygen hose	X	Govt. or commercial plane use only.
	Airbrake (20-147) (a)	5	
	Aircraft hose not elsewhere listed	0	
10-B	Automotive hose:		
	Air brake	5	
	Air cleaner	5	
	Hydraulic actuating boot	X	
	Car heater	0	
	Coolant (radiator):		
	Curved	15	
	All other radiator	5	
	Defroster	15	
	Hydraulic brake, S. A. E. R-11	0	
	Windshield wiper	5	
	Vacuum brake	5	
	Automotive hose not elsewhere listed	0	
10-C	General industrial hose	X	All hose to be black throughout, except where specified.
	Acid	30	
	Air and air tool: Air drill for mining and quarrying and heavy duty industrial	0	Red and green cover permitted on ¾" and under for identification purposes.
	Gas mask air hose	5	Buff colored tube and cover permitted.
	All other air hose not elsewhere listed	40	
	Alcohol, beverage, brewers wine, vinegar, food and milk conveying	20	
	Ammonia		

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
10-C	General industrial hose—Continued		
	Arbor pipe forming	25	
	Booster and chemical engine	10	
	Braided cover tubing	0	
	Cable covering, electric	30	
	Cloth inserted tubing	5	
	Coupling, flexible	5	
	Creamery	20	Buff color cover permitted.
	Divers':		
	Floating	X	Natural rubber color permitted.
	Sinking	5	
	Dredging sleeves	40	
	Expansion joints	40	
	Fire:		
	Cotton rubber lined and R. C	25	
	Wrapped duck	25	
	Fire engine suction:		
	Hard	10	
	Soft	25	
	Fire extinguisher tubing	5	
	Flanged flexible pipe	40	
	Garden and lawn	0	Red and green cover permitted.
	Jetting	10	
	Marine exhaust	0	
	Material handling—including grain	40	
	Cement and concrete	40	
	Phosphate flexibles	40	
	Rock dusting	40	
	Insulation blowing	5	
	Paint spray, fluid line	0	5% natural rubber by volume permitted when Thiokol is used.
	Paper mill hose	10	
	Petroleum products:		
	Gasoline service station	0	
	Oil suction and discharge	15	Both rough and smooth bore permitted.
	Butane and propane	5	
	Tank wagon	0	
	All other not elsewhere listed	0	
	Pinch valve	X	
	Rotary drilling:		
	Vibrator	15	Color stripe or band permitted.
	Mud suction	15	
	Sand blast	X	
	Sand placing and sand suction	40	20" and over I. D. X. natural rubber permitted.
	Shaft covering, flexible	5	
	Spray, horticultural and car washing		For car washing service where pressure exceeds 250 P. S. I.
	Over 400 lbs. working pressure	5	
	Under 400 lbs. working pressure	5	
	Steam:		
	Over 50 lbs. working pressure	X	
	50 lbs. and under working pressure	20	
	Steam ironing	X	
	Suction, water:		
	Hard rubber and rough bore	5	
	Smooth bore up to 6"	10	
	Smooth bore 6" and over	20	
	Vacuum:		
	Household, including hotels, office buildings, etc	25	
	Industrial dust collector and blower exhaust	X	
	Washing machine	0	
	Water:		
	Radiator filling	0	
	Industrial:		
	Severe service	10	
	Moderate service	5	
	Welding	5	Hose may be black, red, and/or green as required for safety identification.
	Hose not elsewhere listed	0	
10-D	Railroad hose:		
	Air brake and signal, M-601	20	
	Air pneumatic tool, M-608	5	
	Paint spray, M-610	5	
	Pantograph	10	
	Sand, M-615 and M-616	X	
	Sand pipe nozzles	X	
	Steam, hot water and car heat, M-605	X	
	Tender tank, M-606	10	
	Water, cold, M-604	5	
	Welding, M-603	5	Hose cover may be black, red, and/or green as required for safety identification.
	Railroad hose not elsewhere listed	0	
11	Packing and gaskets not elsewhere listed		Color optional. Restriction on one line, type, quality, and style do not apply
11-A	Packings without fabric or high percent of fiber, including sheet and also strip, discs, gaskets, rings, cups, U packings, V rings, O rings nonfabric diaphragms, etc., made by extruding, cutting, or molding:		
	Below 45 durometer	0	
	45 durometer and above	0	
	Fire coupling gaskets	0	
	Molded and extruded gaskets spliced endless after initial vulcanization.	0	
	Electrical transformer sheet rubber for packing seals	40	
	O rings for sliding contact against steam and chemicals	X	
	Air brake gaskets	X	
	Vulcanizer door gaskets	X	
	All others not elsewhere listed	0	
11-B	Packings with high fiber content sheet (generally known as "compressed asbestos sheet") and gaskets cut from same.	5	By weight.
	Molded gaskets, discs, rings, etc	5	By weight.
	Rod packing coil, spiral ring form (generally known as "rubber-bonded plastic packing").	5	By weight.
11-C	Packing with fabric or wire insertion sheet gasketing (generally known as "C. I. or B. W. I. Sheet") and gaskets cut from same:		
	Cotton insert	5	
	Wire insert	10	
	Asbestos insert	25	
	Rolled or molded gaskets:		
	Cotton insert	25	
	Asbestos insert	25	
	Diaphragm sheet including diaphragms cut from same or molded:		
	Supersensitive gas regulation	X	
	Molded other than above	25	
	Cut other than above	15	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
11-C	Rectangular piston packing	70	
	Rod packing including molded cups, U packings, and V rings:		
	Cotton insert	25	
	Asbestos insert	25	
11-D	Valve and valve parts:		
	Valve and valve discs—45 durometer and under	X	
	Leaded ball valves	X	
	All other valves and valve parts	0	
11-E	Sealing compounds for food containers:		
	Beverage container gaskets (molded, extruded or lathe-cut)	0	
	Food container gaskets (extruded and lathe-cut)		15% natural rubber by weight of compound permitted.
	Gasket-lined home canning lids		5% natural rubber by weight of compound permitted.
	Jar rings, cut rings	25	
	Molded stoppers for food and beverage containers	0	
	Food closure gasket		30% natural rubber by weight of compound permitted for food gaskets formed and vulcanized in the closure.
	Sealing compounds, food closures and can ends ("flowed-in" type for glass and metal containers).	X	Natural rubber latex permitted.
12	Other mechanicals		All products in Code 12, color optional, unless otherwise specified. Restrictions on line, type, quality, and style do not apply.
12-A	Aircraft equipment:		
	Boots, de-icer and integral parts including hose	X	
	Bumpers	0	
	Cords, alighting gear	X	
	Conductive rubber parts	X	
	Flexible couplings, functional	X	
	Engine instrument mountings and vibration insulators	X	
	Oxygen mask, pilot	0	
	All parts 45 durometer or less	0	
	All other parts not elsewhere listed		
12-B	Automotive equipment:		
	Windshield wiper blade	X	
	Bumper—retaining and check (molded)	25	
	Bumpers—functional:		
	Suspension	25	
	Crash	10	
	Bushing:		
	Suspension	X	
	Torque rod	X	
	Coupling—flexible	0	
	Weatherstrips and body seals, extruded, under 50 durometer	X	
	Weatherstrip, injection compound for splicing and forming	25	
	Molded ventilator strips	10	
	Glass run	X	
	Crankshaft torsion dampers	40	
	Transmission and engine mountings:		
	50 durometer and over	X	
	Under 50 durometer	0	
	Body and chassis mountings:	0	
	50 durometer and over	X	
	Under 50 durometer	X	
	Tail pipe insulator—under 50 durometer	25	
	Torsion springs	25	
	Grommet, core-molded-retaining, for dashboard insulation		
	Fuel tank—filler neck seal	10	A color spray containing no natural rubber may be applied to one side. New rubber other than natural may be used in the spray.
	Mats:	15	
	Contour, rear compartment only	0	
	Sill with retaining buttons	0	A color spray containing no natural rubber may be applied to one side. New rubber other than natural may be used in the spray.
	All other automotive mats	X	
	Cowl and dash liners	15	
	Seal beam headlights	0	
	Pads—N. I. with retaining buttons	0	
	Fender flaps or splash guards	X	
	Silencers—coil spring		
	Rear spring seat insulator	X	
	Tubing:		
	Drain	X	
	Windshield wiper, non-reinforced	X	
	Spring tying suspension seat cord	25	
	Molded diaphragms	X	
	Hydraulic, air brake, and vacuum brake cups, diaphragms, valves and seals.	X	
	Seals:	25	
	Valve stem—tire	0	
	Valve stem—motor	0	
	All other parts not elsewhere listed		
12-C	Railroad and streetcar equipment:	X	
	Car spring snubbers	0	
	Refrigerator friction drive wheel	0	
	Refrigerator car door seal	X	
	Molded seal for double-glazed windows		Same as automotive.
	Bumpers	X	
	Streetcar wheel	X	
	Windshield wiper blades	5	
	Door shoes	X	
	Draft gears	X	
	Vibrational insulators—functional	0	
	All other parts not elsewhere listed		
12-D	Farm equipment:	X	
	Flax roll (50 durometer or under)	5	For adhesion.
	Corn husking roll	5	For adhesion.
	Feed conveyor	5	For adhesion.
	Corn snapper roll	5	For adhesion.
	Draper apron roll	5	For adhesion.
	Cotton rubber roll	5	For adhesion.
	Hay baler roll	0	
	Rubber covered canvas	0	
	Cotton picker doffer	X	
	Press wheel tires	X	
	Gauge wheel tires	X	
	Shoe pitman arm torque bushing and torsion bushings	0	
	Bearing cushion cups, non-oil-resisting	0	
	Cotton drier flaps	0	
	Pneumatic seats	10	
	Steering wheels	X	
	Rubber covered beater bars	0	
	All other parts not elsewhere listed		

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
12-E	Electrical products and industrial equipment:		
	Telephone and telegraph insulators	0	
	Lineman protective devices	X	
	Friction tape		5 lbs. of natural rubber for 100 sq. yds.
	Splicing compound	35	
	Underground cable connectors	X	
	Flexible connections for vacuum and exhaust equipment	25	
	Mandrels for surgical tubing	X	
	Molds	X	
	Sand and shot blast equipment	X	
	Press die pads, draw sheets and embossing beds	X	
	Bulging rubbers	X	
12-F	Household and appliance products:		
	Refrigerator and freezer parts:		
	Gasket, door	X	
	Gasket, liner opening	X	
	Collars, throat	40	
	Glass and panel seals	40	
	Tubing, beverage dispensing	40	
	Tubing, drain—molded	25	
	Terminal seal bushings for compressors	X	
	Rollers, tray	0	
	Freezer lid assembly	0	
	All other parts not elsewhere listed	0	
	Vacuum cleaner and sweeper parts:		
	Extensible drive belt	X	
	Bag seal	0	
	Flexing bellows and diaphragms	40	
	Brush guards, collars, and holders	40	
	Sweeper tires and wheels	0	
	Electrical conducting parts	X	
	Grips	0	
	Functional bumper guards with undercuts and retaining buttons	25	
	All other parts not elsewhere listed	0	
	Clothes-washing, dish-washing, drying, and ironing machine parts:		
	Wringer rolls	0	
	Agitators	25	
	Tub and lid gaskets	25	
	Extensible belts—drive	X	
	Drive pulley	X	
	Collapsible tubs	X	
	Flexing boots and diaphragms	X	
	Extruded drain hose or tubing	0	
	Formed pressure tubing	30	
	Couplings and nozzles	15	
	Unconfined lip door gasket	X	
	Water seals	0	
	Flexible pump rotors	40	
	Pump valves—flexing	X	
	All other parts not elsewhere listed	0	
	Miscellaneous housewares accessories:		
	Strain relief grommets—electric irons, etc	40	
	Light colored molded parts	0	
	Chair tips	0	
	Strainers, sink and drain	0	
	Pans, dust	0	
	Water aerator	0	
	Sewing machine drive pulley and belts	X	
	All other parts not elsewhere listed	0	
	Plumbing specialties:		
	Ball cock washers	10	
	Force cups	0	
	Gaskets and valves designed for back flow preventors	X	
	Tank balls designed for flush valves core molded:		
	With base opening ¾" and less	45	
	With base opening over ¾"	25	
	Floor flange gaskets	0	
	All other plumbing specialties	0	
12-G	Milk and food handling equipment:		
	Milk and milking equipment:		
	Bottle filler rubbers	0	
	Bowl rings	25	
	Parlor milking gasket	X	
	Gaskets, washers, and couplings:		
	45 durometer or under	25	
	Over 45 durometer	0	
	Milking inflations and cup caps	X	
	Teats for calf feeder pails	X	
	Tubing including duplex, milk, vacuum, air, and stanchion:		
	45 durometer or under	X	
	Over 45 durometer	0	
	Strain, sureingle	0	
	Milk—pasteurizer plate gaskets	X	
	Food and beverage processing and dispensing equipment:		
	Chicken pickers	35	
	Cherry pitters	X	
	Corn husking roll—(canning) under 45 durometer	X	
	Can testers	X	
	Molded fittings for beverage handling	X	
	Stop for ice cream cone dispenser	X	
	Rice polishing blocks	X	
	All other parts not elsewhere listed	0	
12-H	Mining equipment:		
	Air chambers for conset jigs	X	
	Flotation parts, including liners for cells, impellers, and shafts	X	
	Stator & rotor tubes	X	
	Ore car liners	25	
	All other parts not elsewhere listed	0	
12-I	Oil field specialties:		
	Drill pipe protectors	45	
	Packers—production and test without fabric	55	
	With fabric	20	
	Packers, open hole	X	
	Packers, cement retaining	X	
	Packers, casing	35	
	Blowout preventers	X	
	Gland packings	X	
	Sucker rods, pistons and liners for fluid packed pumps	X	
	Sinkers and wire line guides	0	
	Stuffing box rings—polished rod	X	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
12-I	Oil field specialties—Continued		
	Slip pads	X	
	Strippers (pressure pack-off)	X	
	Pipe and wire line wipers	25	
	Swab rubbers and lining bumpers	10	
	Testing and cementing equipment	X	
	Valves, cups and discs	25	
	Valve inserts	0	
	All other parts not elsewhere listed	0	
12-J	Miscellaneous mechanical goods and textile industry equipment:		
	Parts for manufacture of rayon:		
	Parts that come in contact with rayon filament	X	
	All other parts	0	
	Parts for Cellophane	0	
	Textile equipment:		
	Pickers, all types	X	
	Lug straps	45	
	T-strap	0	
	Card clothing	X	
	Draw rolls—50 durometer	X	
	Rolsters, fabric shrinking	X	
	Take-up roll covering	X	
	Hold ups, and sweep sticks	12	
	All other parts not elsewhere listed	0	
	Laboratory supplies:		
	Tubing:		
	45 durometer and under	X	
	Over 45 durometer	0	
	All other parts not elsewhere listed	0	
	Industrial tubing:		
	45 durometer and under	0	
	Over 45 durometer	X	
	Traffic counter tubing	0	
	Soft rubber alkaline storage batteries and parts	X	
	Billiard and pool table cushions	X	
	Brake and hydrant expander tubing	X	
	Brush setting compounds	X	
	Budding strips	50	Natural rubber latex only permitted.
	Cast rubber products	0	
	Casters and molded wheels:		
	Under 4" dia	5	By weight.
	4" and over	X	
	Conductive caster wheels	25	
	Core molded parts not elsewhere listed	0	
	Cutting rubbers not elsewhere listed	0	
	Dam and lock-gate seals	X	
	Flexible bags and parts for forming operations in manufacturing plants	X	
	Flexible couplings—torque	5	
	Flexible sanding and bulling pads	X	
	Gas main bags	25	
	Goggles and parts		
	Industrial balls:		
	45 durometer and under	X	For vibration screens and ball mills.
	Over 45 durometer	X	For use in manufacturing operations only.
	Industrial vacuum or suction cups	25	Cork or fiber loaded.
	Insulation tubing	X	
	Labels	X	Black only.
	Mine safety lamp parts	0	
	Molded annular tires		
	Light and medium duty	40	
	Heavy duty	0	
	Molded boots and dust seals	X	
	Rebound discs for well drilling	25	
	Molded parts attached to adjacent parts by integral undercut buttons, and grommets. Not elsewhere listed.		
	Mountings, shock absorbers, dampers and vibration insulators:	X	
	Under 50 durometer	40	
	50 durometer and over	10	
	Pressure sensitive signal controls	25	
	Sandblast stencil sheet for monument work	X	
	Seals for electrolytic condensers	0	
	Tubular grips, including cork or fiber-loaded	X	
	Windshield wiper blades, squeegee rubber and wiper dies	X	
	X-ray sheets	0	
	Belt idler channel	0	
	Parts for ladders	0	
	Mallets	0	
	Traffic cones and markers	0	
	All other parts not elsewhere listed	0	
	Tires, parts for bicycles, toy vehicles, and lawn mowers		Black only
	Handle grips		Same as automotive, Code 12-B.
	Fender flaps or splash guards	0	
	Pedal pads	25	
	Dodgem bumpers	0	
	All other parts not elsewhere listed		
12-K	Printing rubber products:		
	Printing rollers:		
	Newspaper rollers:		
	Form	X	
	Ductor	X	
	Letter press rollers	X	
	Gravure & impression	20	
	Printing rolls to be coated with composition having durometer less than 20.	t	
	All other printing rollers not elsewhere listed		
	Printing rubbers:		
	Cutting rubbers	X	
	Pottery dies	X	
	Engraving rubbers	15	
	Plate backing friction and filler	15	
	Stiff plate backing	X	
	Etching plates	X	
	Molded stencil sheet for sand or grit blasting	X	
	Adhesive fabric, including brass adhesive	X	
	Band dater fabric	X	
	Printing blankets for offset, newspaper and lithograph	X	
	Rubber solution for wet plate negative	X	
	Paper pick-up suction cups	X	For printing press only.
	All other printing rubbers not elsewhere listed	0	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
12-L	Rolls and roll coverings:		
	Suction press roll covering	X	
	Paper mill roll covering	X	
	Textile	X	
	Other industrial roll covering	X	25% of the total new rubber used in any month may be natural rubber.
	All other roll coverings not elsewhere listed	0	
12-M	Rubber protected or lined equipment:		
	Tank cars, barges and trucks	X	
	All other	X	
12-N	Mats and matting:		
	Switchboard—not less than ¼" thick for 3,000 volts and over	30	Black only.
	Roll matting and stair treads	0	
	Perforated mat	0	
	Link and molded door mats	0	
	Bath mats	0	
	All other mats not elsewhere listed	0	
12-O	Safety respiratory equipment: Breathing apparatus, safety masks and respirators, including parts	X	
12-P	Hard rubber products		Restrictions on line, type, quality or style do not apply.
	Ball gauges and molded tie rods	50	
	Baskets (etching), beakers, buckets, dippers, frames, funnels, measures, pails, packs, and trays	15	
	Bleaching rods	X	
	Blown work	X	
	Combs	50	
	Component hard rubber parts for the manufacture and handling of rayon, explosives, and corrosive chemicals	50	
	Knife handles	35	
	Dye sticks	X	
	Bowling balls	40	
	Industrial flashlight parts	65	
	Insulated tools	20	
	Jack strips	20	
	Microporous battery separators	X	
	Mouth pieces for musical instruments	X	
	Parts not elsewhere listed for storing, conveying, and processing corrosive chemicals	50	
	Pipe and fittings	10	
	Pipe bits	15	
	Plating barrels and parts	20	
	Potentiometer cards	X	
	Refrigerator parts	X	
	Rod and tubing for fountain pen parts	X	
	Rods up to .040" diam	X	
	Rods .040" diam. incl	35	
	Rods over ½" diam	20	
	Sheets ¼6" thick or less	X	
	Sheets over ¼6" to ¼" thick incl	50	
	Sheets over ¼" thick	30	
	Tubing up to and incl. 1/32" wall	X	
	Tubing over 1/32" to 3/32" wall incl	50	
	Tubing over 3/32" wall	30	
	Cafeteria trays	50	
	Steering wheels	10	
	Hard rubber parts for alkaline storage batteries	35	
	Heavy duty battery cases over 15#	50	
	Hand wrapped battery cases	30	
	Submarine battery jars	50	
	Storage battery cases where product of tensile and elongation is 10,000 pounds or more	50	
	Ventilating parts for submarines—hand wrapped	X	
	Ventilating parts for submarines—molded	50	
	Parts for submarines not elsewhere listed	50	
	Telephone commutator inserts	50	
	Tubular retainers	60	
	Parts for water meters	X	
	X-ray and photo tanks	30	
	Forming tanks	40	
	Connecter stocks	30	
	Parts not elsewhere listed	0	
12-Q	Industrial equipment: Industrial abrasive implements		The over-all monthly consumption of natural rubber shall not exceed 60% of the total new RHC consumed. Restrictions on line, type, quality style, and color do not apply.
12-R	Brake linings, brake blocks and clutch facings		The over-all monthly consumption of natural rubber shall not exceed 40% of the total new RHC consumed. Restrictions on line, type, quality, style, or color do not apply.
13	Wire and cable		Except where required for circuit identification, rubber compounds and cable shall be furnished as: Insulation compounds in natural or black color only; jacket compounds black color only. Restrictions on line, type, quality, and style do not apply.
13-A	Insulation compounds:		
	Insulation for power and control cable or for building wire rated at 2000 V (phase to phase) or less and which has insulation wall thickness of more than 25 mils	0	
	Insulation compounds having thickness of 25 mils or less	X	
	For all types of insulated wire and cable in excess of 2000 V (phase to phase)	70	
13-B	Sheaths and jackets:		
	Sheaths and jackets for operation at temperature of −40° C or higher	0	
	Sheaths and jackets for operation at temperatures lower than −40° C	X	
13-C	Cements and nonreinforced tapes incidental to manufacture, repair, or installation of cables	70	

Code No. (1)	Product (2)	Percent natural rubber to total new RHC (3)	Special restrictions or provisions (4)
14	Rubber footwear	70	Group average percent. No type rubber footwear shall contain more than 98% natural rubber. Line, type, quality, style, or color optional.
15	Shoe products		Line, type, quality, style, or color optional.
15-A	Heels and soles:		
	Heels, soles and other specialized materials, manufactured by rubber heel and sole manufacturers, used in the manufacture and repair of shoes and excluding those items covered by other subsections of this code.	5	

Code No. (1)	Product (2)	Percent natural rubber to total new RHC (3)	Special restrictions or provisions (4)
15-A	Soles	X	DO orders for black, full length, cleated soles for "Tropical Army Combat Boots" and "Ski-Mountain Army Boots."
	Heels	60	DO orders for tan, neutral, white, and nonmarking black heels, except whole heels. For the Armed Forces, Fed. Spec. ZZH141A.
	Soling	85	DO orders for Arctic boot soling for the Armed Forces (U. S. Army Spec. Mil-B-2289).
	Crepe soles, heels, welting and wrappers	0	The consumption, production or sale (other than to G. S. A., unless specifically authorized by G. S. A.) of natural RHC for crepe soles, heels, welting and wrappers is prohibited. Only exception: Existing inventories as of March 15, 1951, in the actual possession of shoe manufacturers and shoe repairmen may be consumed.
15-B	Inner shoe cushions and pads	X	
15-C	Orthopedic appliances	X	
15-D	Impregnated insoles, impregnated box toes, impregnated midsoles		
15-E	Materials used in the manufacture of shoes and incorporated therein for the operations of combining, coating, finishing, laminating, impregnating and proofing.		The over-all monthly consumption of natural rubber shall not exceed 50% of the total new RHC.
15-F	Shoe tapes	X	
15-G	Cements for the manufacture and repair of shoes and component parts	X	
15-H	Cements for manufacturing welting for shoes		Natural rubber latex only.
15-I	Cements		Color options.
15-A	Cements for all purposes		The over-all monthly consumption of natural rubber shall not exceed 67% of the total new RHC.
16-B	Miscellaneous uses: For manufacture of products covered by all code numbers in this Appendix A.	X	
17	Proofing, combining or coating of fabric		In products where natural rubber is permitted, no product shall contain a higher percent of natural rubber than a comparable product produced during the base period. Color optional. Restrictions on one line, type, quality and style do not apply.
	Covering material for transportation equipment	0	
	Film and coated materials for medical, health, and safety products	40	
	Anchor coats: spread, frictioned, or impregnated directly on fabric, or other material to be later calendered or spread.	100	
	Seaming tapes and strapping	100	
	Cements used in assembly of other products here listed	100	
	Diving and life-saving equipment	60	
	Industrial and protective apparel	50	
	Industrial specialty products	100	
	Except low temperature diaphragm material	0	
	Flocked and imitation suede materials	100	
	Except adhesive coating for anchoring the flock	40	
	Aprons or liners for handling in-process stock	0	
	Civilian utility products		

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
18	Drug sundries, medical, surgical, dental, veterinary and mortuary		Line, type, quality, style, or color optional.
18-A	Adhesive products:		
	Bunion pads and plasters	50	
	Corn plasters	50	
	Medicated foot pads and plasters	50	
	Surgical adhesive tape	20	
	Self-adhering tape and gauze bandage	X	
18-B	Bulbs—Including parts	60	
	Medicine dropper bulbs	65	
	Household bulbs	45	
18-C	Dental products:		
	Dental dam	X	
	Dental polishing tips	X	
	Denture rubber	65	
	Orthodontic bands	X	
	Denture suction and model formers	60	
18-D	Flat goods:		
	Fountain syringe bags, molded, and tubing	45	
	Fountain syringe bags, hand-made, and tubing	75	
	Ice bags—molded	45	
	Ice bags—hand-made	60	
	Invalid cushions—molded	45	
	Invalid cushions—hand-made	60	
	Operating cushions	60	
	Water bottles and combinations, molded and tubing	45	
	Water bottles—hand-made	60	
	Latex fountain syringe bags and tubing, ice bags and bulbs	0	
18-E	Gloves and cots:		
	Finger cots—including industrial and agricultural	X	
	Surgeons gloves	X	
	Net-lined hand-made gloves	75	
	Electricians' gloves, sleeves and climber guards	X	
	Industrial and general purpose gloves	X	
18-F	Infant goods:		
	Infant feeding nipples	X	
	Nurser bottle caps	X	
	Pacifiers	X	
	Breast shields	X	
	Teethers and teething rings	35	
	Baby pants	X	
	Unsupported rubber sheeting	45	
18-G	Miscellaneous sundries:		
	Bath caps	60	40% of base period monthly average of natural rubber (dry or latex) consumed in bath caps permitted monthly.
	Blood pressure bags	X	
	Catheters, glass molded	65	
	Catheters, latex	X	
	Castrator rings	45	
	Garter buttons	60	60% natural rubber of the total RHC permitted.
	Hard rubber pipes, connections and accessories	30	
	Penrose tubing	X	
	Colostomy outfits	X	
	Crutch bags	X	
	Crutch bags, sponge	60	
	Dilators	X	
	Inhalation bags and face pieces	X	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
18-G	Miscellaneous sundries—Continued		
	Miscellaneous medical instrument parts	X	
	Prostatic bags	X	
	Prosthetic devices	X	
	Orthopedic parts, sponge	60	
	Respirator seal for iron lungs, sponge	X	
	Rubber bands and cushions for artificial limbs	X	
	Medical stoppers	X	
	Tourniquets	X	
	Truss pads	X	
	Urinals	X	
	Vaccine caps	X	
	Veterinary sleeves	X	
	Bath sprays and parts	18	Average.
	Toilet and bath sponges	25	
	Bath socks	X	
	Tension tape	75	
	Rubber sheets for mortuary garments	X	
18-H	Pessaries and prophylactics	X	
18-I	Sheet goods:		
	Bandage cum	X	
	Oxygen tent canopies	X	
18-J	Tubing: Surgical tubes and tubing	X	
18-K	Ladies personal sanitary items:		
	Dress shields	X	
	Bloomer protective plates	X	
	Sanitary aprons	X	
	Unsupported girdles	X	
	Supported girdles	X	
	All items not elsewhere listed	0	
19	Flotation equipment: Pontoons, rafts, boats, buoys, etc.		Government orders only. Natural rubber permitted as required
20	Life-saving equipment: Suits, jackets, vests, belts, etc.		Government orders only. Natural rubber permitted as required
21	Bullet sealing fuel cells	X	
22	Miscellaneous		
22-A	Athletic goods		Line, type, quality, style or color optional.
	Golf balls	85	
	Golf club grips	25	
	Tennis balls	51	
	Inflatable athletic balls	53	
	Inflatable playground balls	53	Maximum diameter 10 inches.
	Squash balls	60	
	Hand balls	60	
	Lacrosse balls	60	
	Rubber-covered baseballs	60	
	Baseball centers	10	
	Rubber-covered softballs	60	
	Ear and nose protective plugs	X	
	Cement for repair kits	X	
	Boxers' teeth protectors	80	
	Athletic bladders	10	Maximum monthly average.
	Athletic bladder valves	85	
	Gun pads	10	
	Lead tennis racquet weights	40	
	Swim fins	35	
	Nose clips		Natural rubber latex permitted.
	All items not elsewhere listed	0	
22-B	Balloons		Line, type, quality, style, or color optional. Natural rubber latex only permitted.
22-C	Sponge rubber		Line, type, quality, style, or color optional.
	Nitrogen blown		60% natural rubber to total RHC permitted. Maximum monthly average. Gas chamber method only.
	Chemically blown		45% natural rubber to total RHC permitted. Maximum monthly average.
	Kneeling pads	0	
	Church kneeler	0	
	Wallpaper cleaners	0	
	Floor mops	0	
	Seat cushions	0	
	Firemen's landing pads	0	
	Typewriter pads	0	
	Breast pads	0	
	Sponge balls	0	
	Sponge toys	0	
	Sponge novelties	0	
22-E	Miscellaneous products:		
	Radio, radar and fire control instruments	X	
	Parachute bands and ventilating rings	X	
	Chlorinated and cyclized rubber	X	
	Flavored masticating gum	X	
22-F	Pressure sensitive tapes		Line, type, quality, style, or color optional.
	Color decorative tapes	0	For household use sold in lengths less than 1,292 inches.
	General purpose cloth-backed tapes	20	
	Double-faced cloth-backed tapes	20	Adhesive only.
	Nonfibrous film-backed tapes	30	Adhesive only.
	Sand blast stencil tapes	40	Adhesive plus backing.
	Cloth-backed photographic tapes	30	
	Paper-backed tapes, as follows	50	Combined adhesive and impregnating compositions.
	General purpose masking tapes		
	Frozen food packaging tapes		
	Photographic tapes		
	Double-faced tapes		
	Drafting tapes		
	Shoe tapes		
	Extra-strength tapes		
	Super-strength tapes		
	Printed utility tapes and sheets		
	Tapes with backings of nonfibrous film laminated to paper	50	Combined adhesive laminating and impregnating compositions.
	Electrical tapes	X	Not elsewhere listed.
	High-temperature tapes	X	
	Non staining tapes	X	
	High-strength tapes	X	Tensile strength more than 100 lbs. per inch width.
	Protective paper tapes	X	
	Other tapes	X	Purchased by Government to Federal specifications.
22-G	Stationer's supplies		
	Erasers	10	Line, type, quality, style, or color optional. Percent of natural rubber to total new rubber hydro-carbon.
	Pen sacs	X	Natural rubber latex only permitted.
	Rubber bands	75	
	Finger tips	30	
	Mucilage spreaders	30	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
22-H	Thread and related products: Rubber thread	X	Natural rubber latex permitted. 6 colors and 11 sizes permitted.
22-K	Toys		Line, type, quality, style, or color optional.
	Latex toys	X	Natural rubber latex only permitted.
	Doll skins	70	
	Dipped beach balls	50	
	Slush-molded toys	X	
	Crib toys		
	Molded (dry rubber) toys		40% base period monthly average of rubber consumed in molded (dry rubber) toys permitted monthly.
	Core-molded dolls and parts	45	
	Inflated dolls	45	
	Inflated balls	45	
	Hand made water toys	45	
	All items not elsewhere listed	0	
22-L	Rubber flooring, floor covering, wall covering		Line, type, quality, style, or color optional.
	Rubber tile flooring	0	
	Coating for fiber floor covering	0	Natural rubber latex permitted.
	Wall covering	0	
22-M	Rubberized fiber and hair cushioning	0	Color optional. Natural rubber latex only permitted.

Code No. (1)	Product (2)	Percent natural rubber to total RHC (3)	Special restrictions or provisions (4)
23	Latex foam products		Line, type, quality, style or color optional.
	Bedding:		
	Mattresses	X	
	Mattress toppers	X	
	Pillows	X	
	Automotive toppers	55	
	Furniture—transportation seating	75	
	Uncored slab	60	
	Miscellaneous molded parts	75	
24	Any product other than products listed in codes 1 to 23 inclusive	0	

[NPA Order M-3, as Amended April 6, 1951]

M-3—Columbium- and Tantalum-Bearing Steels—Production and Use

Editorial Note: The following is a complete restatement of NPA Order M-3, embodying all changes effected by the amendment to said Order M-3 as published in the Federal Register, April 10, 1951, 16 F. R. 3118.

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order as amended there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-3, as amended March 15, 1951, by amending section 2; redesignating sections 5 to 9, inclusive, as sections 6 to 10, inclusive, respectively; and adding a new section designated as section 5. As so amended this order reads as follows:

Sec.
1. What this order does.
2. DO ratings required.
3. Use of substitutes.
4. Restrictions.
5. Conservation of scrap.
6. Exceptions.
7. Application for adjustment or exception.
8. Communications.
9. Records and reports.
10. Violations.

Authority: Sections 1 to 10 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

Section 1. *What this order does.* This order applies to columbium- and tantalum-bearing steels and to the producers, dealers and users thereof. In view of the fact that columbium, ferro-columbium and ferro-columbium-tantalum are in short supply, it is essential that the production, distribution and use of columbium- and tantalum-bearing steels be limited to DO rated orders and NPA directives. This order, in addition, prohibits the use of columbium-bearing steels in any application or process where columbium - tantalum - bearing steels may be used as a substitute for columbium-bearing steels; forbids the use of either if the use of any other substitute will meet the requirements of the use to be made of the material; and restricts the use of columbium and tantalum in the production of steel.

Sec. 2. *DO ratings required.* Except as may be otherwise ordered by NPA, no columbium- or columbium-tantalum-bearing steels shall be produced, sold, delivered, or purchased except pursuant to DO rated orders or NPA directives: *Provided*, That with respect to columbium- or columbium-tantalum-bearing steels, the rating DO-01 shall be valid for deliveries on and after July 1, 1951, only when supported by a certification that delivery of the quantity specified as and when ordered has been approved and authorized by the Aircraft Production Resources Agency. Such certification shall be as follows:

Certified as approved by APRA.

Such certification shall constitute a representation by the purchaser to the supplier and to NPA that the purchaser has been duly authorized by the Aircraft Production Resources Agency to accept delivery of such steel, and is entitled to accept such delivery as permitted in this order.

The certification required by this section shall be in addition to the certification required by NPA Reg. 2.

Sec. 3. *Use of substitutes.* No columbium-bearing steel shall be used or incorporated in any product or material if columbium-tantalum-bearing steel will meet the requirements for the use to be made of the product or material. In no case shall any columbium- or columbium-tantalum-bearing steel be used or incorporated in any product or material if any substitute therefor will meet the requirements for the use to be made of the product or material.

Sec. 4. *Restrictions.* No person shall produce any columbium- or columbium-tantalum-bearing steel if the material specifications for the same require the ratio between columbium (or columbium-tantalum) and carbon to be greater than eight to one as a minimum.

Sec. 5. *Conservation of scrap.* No person shall dispose of any columbium- or columbium-tantalum-bearing scrap which is fit for remelting except for use in the production of columbium- or columbium-tantalum-bearing steel.

Sec. 6. *Exceptions.* This order shall not prohibit the completion of the production and the delivery of materials or products containing columbium or tantalum in any form previously ordered and accepted, which by reason of the condition or nature of the materials or products cannot, without excessive loss of yield, be used in connection with DO rated orders, nor shall it prohibit the use, in filling DO rated orders, of columbium-bearing steel or columbium-tantalum-bearing steel held at the effective date of this order, as amended, in the inventory of a producer or fabricator of steel products.

Sec. 7. *Application for adjustment or exception.* Any person affected by any provision of this order may file an application for an adjustment or exception upon the ground that such provision works an exceptional hardship upon him not suffered generally by others, or that its enforcement against him would not be in the interest of the national defense program. All such applications should be addressed to National Production Authority, Washington 25, D. C., Ref: M-3.

Sec. 8. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M-3.

Sec. 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act. (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

Sec. 10. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend his privileges of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order as amended shall take effect on April 6, 1951.

Issued: April 5, 1951.

National Production Authority,
[SEAL] Manly Fleischmann,
Administrator.

[NPA Order M-12 as amended April 9, 1951]

M-12—Use of Copper and Copper-Base Alloys

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-12 by adding a new paragraph (d) to section 9. As so amended, NPA Order M-12 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Copper forms and products to which this order applies.
4. Application of order.
5. Production of brass mill products, copper wire mill products, and foundry products.
6. Use of copper forms and products.
7. Prohibited uses of copper.
8. Maintenance, repair, and operating supplies.
9. Exemptions.
10. Inventories.
11. Restrictions on delivery.
12. Applications for adjustment.
13. Records and reports.
14. Communications.
15. Violations.

Authority: Sections 1 to 15 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

Section 1. *What this order does.* The purpose of this order is to describe how the copper remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy. It is the policy of the National Production Authority that copper and articles made of copper, not required to fill rated orders, shall be distributed equitably through normal channels of distribution, and that due regard shall be given by suppliers to the needs of new and small business. It is the intent of this order that other materials which are not in short supply shall be substituted for copper and copper-base alloy wherever possible.

Sec. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the 6-month period ending June 30, 1950.

(c) "Manufacture" means to put into process, machine, incorporate into products, fabricate, or otherwise alter the forms and products of copper defined in section 3 by physical or chemical means, and includes the use of copper in plating.

(d) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment, or facility in sound working condition, and "repair" means the restoration of a building, machine, piece of equipment, or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like: *Provided, however*, That neither maintenance nor repair includes the improvement of any such item with materials of a better kind, quality, or design.

(e) "Operating supplies" means any copper or copper-base alloy forms or products listed in section 3 of this order which are normally carried by a person as operating supplies according to established accounting practice and are not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies.

Sec. 3. *Copper forms and products to which this order applies.* This order applies to the following forms and products of copper: Copper, copper-base alloy, brass mill products, copper wire mill products, and foundry copper products and copper-base alloy products. For the purpose of this order, these items are defined as follows:

(a) "Copper" means unalloyed copper. (It includes electrolytic copper, fire refined copper, and all unalloyed copper in any form including scrap.)

(b) "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal by weight equals or exceeds 40 percent of the total weight of the alloy. (It shall include fired and demilitarized cartridge and artillery cases, and all copper-base alloy, as specified above, in any form including scrap.) It does not include alloyed gold produced in accordance with U. S. Commercial standard CS67-38.

(c) "Brass mill product" means sheet, including strip and plate; rod, including bars, forgings (rough as forged), and extruded shapes; wire; or tube, including pipe; made from copper or copper-base alloy. This does not include copper wire mill products.

(d) "Copper wire mill product" means bare wire, insulated wire and cable whatever the outer protective coverings may be, and uninsulated wire and cable, where the conductors are made from copper, copper-base alloy, or copper-clad steel containing over 20 percent copper by weight. All copper wire mill products should be measured in terms of pounds of copper content.

(e) "Foundry products" means cast copper and copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (Includes the removal of gates, risers, and sprues, and sandblasting, tumbling, or dipping, but excludes any further machining or processing.)

Sec. 4. *Application of order.* Subject to the exemptions stated in section 9, this order applies to all persons who produce brass mill products, copper wire mill products, or foundry products as listed in section 3 of this order, or who use any of the forms and products of copper defined in paragraphs (a), (b), (c), (d), and (e) of section 3 for the purpose of manufacture, use in installation or construction, or for maintenance,

repair, or operating supplies. This order also contains limitations on the use of such copper forms and products in the manufacture or assembly of certain items. This order does not apply to persons who use copper or copper-base alloy in the production of other metals or metal alloys.

SEC. 5. *Production of brass mill products, copper wire mill products, and foundry products.* Subject to the exemptions stated in section 9 of this order or unless specifically directed by the National Production Authority:

(a) No person shall produce during the following months a total quantity by weight of brass mill products and copper wire mill products in excess of the percentages specified with respect to each month of his average monthly production of such products during the base period:

	Percent
January 1951	85
February 1951	85
March 1951	80

During the calendar quarter commencing on April 1, 1951, no person shall produce a total quantity by weight of brass mill products and copper wire mill products in excess of 80 percent of his average quarterly production of such products during the base period: *Provided, however,* That such production in any 1 month shall not exceed 40 percent of the permitted quarterly production. The production of brass mill products and copper wire mill products, pursuant to a valid toll or conversion agreement or other arrangement whereby title to the material to be processed remains vested in the person who delivers it, is permitted in addition to the production permitted by this paragraph. In determining average monthly production during the base period, the brass mill products and copper wire mill products so produced shall not be included in the base period production of the brass mill or wire mill. Nothing contained in this paragraph shall affect the restrictions on toll and other similar agreements contained in NPA Order M-16.

(b) During each of the calendar quarters commencing on January 1, 1951, and April 1, 1951, no person shall produce a total quantity by weight of foundry products in excess of 100 percent of his average quarterly production of foundry products during the base period.

SEC. 6. *Use of copper forms and products.* Subject to the exemptions stated in section 9 of this order, or unless specifically directed by the National Production Authority, no person shall use in manufacture, installation or construction:

(a) During December 1950, a total quantity by weight of the forms and products of copper defined in paragraphs (a), (b), (c), (d) and (e) of section 3 of this order in excess of 100 percent of his average monthly use of such material in October and November 1950.

(b) During the following months a total quantity by weight of the forms and products of copper defined in paragraphs (a), (b), (c), and (d) of section 3 (including copper forms and products produced under toll and conversion agreements or other similar arrangements) in excess of the percentages specified with respect to each month of his average monthly use of such material during the base period:

	Percent
January 1951	85
February 1951	85
March 1951	80

(c) During the calendar quarter commencing on April 1, 1951, a total quantity by weight of the forms and products of copper defined in paragraphs (a), (b), (c), and (d) of section 3 (including copper forms and products produced under toll and conversion agreements or other similar arrangements) in excess of 75 percent of his average quarterly use of such copper during the base period: *Provided, however,* That such use in any 1 month shall not exceed 40 percent of the permitted use.

(d) During each of the calendar quarters commencing on January 1, 1951, and April 1, 1951, a total quantity by weight of foundry products in excess of 100 percent of his average quarterly use of such products during the base period: *Provided, however,* That in cases where a foundry product in the form of a casting is owned by one person and machined pursuant to a contractual agreement by another person, it shall be considered that the owner used the casting in manufacture.

SEC. 7. *Prohibited uses of copper.* (a) Commencing on March 1, 1951, no person shall use copper in the forms and products defined in section 3 of this order, or any component part made therefrom, in the manufacture or assembly of any item included in attached List A, except as permitted therein; and no person shall use in the manufacture or assembly of any item, whether or not included in List A, a greater quantity or better grade of such materials than is necessary for functional or operational purposes, or use such materials solely for decorative or ornamental purposes. However, these prohibitions shall not apply to such use of: (1) Any such copper forms and products, or component parts made therefrom, on or after March 1, 1951, if such materials were contained in such person's inventory on said date and are wholly unsuitable for use in the manufacture or assembly by such person of any item not included in List A; or (2) any such materials covered by an order placed with a producer and included in the producer's schedule for February 1951, which are delivered to such person at his plant prior to April 1, 1951, to the extent that such materials are wholly unsuitable for use in manufacture or assembly by such person of any item not included in List A. Every person who relies on the provisions of the next preceding sentence shall prepare a detailed record showing: (A) The quantities of such copper forms and products, and component parts made therefrom, which were contained in his inventory on the first days of December 1950, and of January, February and March 1951, and which were wholly unsuitable for use in his manufacture or assembly of any item not included in List A; and (B) the quantities of such materials wholly unsuitable for such use which were delivered to him on or after March 1, 1951, the names and addresses of the suppliers thereof, and the dates of the orders and acceptances covering such materials together with the applicable mill schedule. Such record shall be retained for at least 2 years and shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(b) Commencing on April 1, 1951, no person shall use copper in the forms and products defined in section 3, or any component part made therefrom, in the manufacture or assembly of any item included in attached List B, except as permitted therein. However, this prohibition shall not apply to such use of: (1) Any such copper forms and products, or component parts made therefrom, on or after April 1, 1951, if such materials were contained in such person's inventory on said date and are wholly unsuitable for use in the manufacture or assembly by such person of any item not included in List A or List B; or (2) any such materials that have been covered by any order placed with a producer which were included in the producer's schedule for March 1951, and are delivered to such person at his plant prior to May 1, 1951, to the extent that such materials are wholly unsuitable for use in manufacture or assembly by such person of any item not included in List A or List B. Every person who relies on the provisions of the next preceding sentence shall prepare a detailed record showing: (A) The quantities of such copper forms and products, and component parts made therefrom, which were contained in his inventory on the first days of January, February, March and April 1951, and which were wholly unsuitable for use in his manufacture or assembly of any item not included in List B; and (B) the quantities of such materials wholly unsuitable for such use which were delivered to him on or after April 1, 1951, the names and addresses of the suppliers thereof, and the dates of the orders and acceptances covering such materials, together with the applicable mill schedule. Such record shall be retained for at least 2 years and shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, copper or copper-base alloy may be used: (1) For plating any item included in List A or List B, or any component part thereof, where such plating is an undercoat for chromium, nickel, gold or silver; or (2) for brazing any item, or component part thereof, included in List A or List B.

(d) During February 1951, no person shall use in the manufacture or assembly of the items included in attached List A a total quantity by weight of the copper forms or products defined in paragraphs (a), (b), (c) and (d) of section 3, or any component part made therefrom, in excess of 85 percent, or of the foundry products defined in paragraph (e) of said section, or any component part made therefrom, in excess of 100 percent of his average monthly use of such materials for such purposes during the base period. During March 1951, the same limitations shall apply to the manufacture or assembly of the items included in attached List B, except that the percentage limitation as to the copper forms and products defined in paragraphs (a), (b), (c) and (d) of section 3 shall be 80 percent instead of 85 percent. To the extent that manufacture or assembly of the items on attached List A or List B is permitted under paragraphs (a) or (b) of this section, the limitations of section 6 of this order, shall also apply during March 1951 and each succeeding month.

(e) Commencing on April 1, 1951, no person shall use in construction any brass mill product as such for any item included in List A or List B except as permitted therein.

(f) The following items included in List A or List B shall be exempt from the application of this section if they are used on vessels other than pleasure craft: (1) Furnishings, fittings, and fixtures when located within the sphere of magnetic compasses; and (2) builders' hardware, building materials and snap hooks where the properties supplied by copper are essential and satisfactory substitutes not available.

(g) The prohibitions of this section apply notwithstanding the provisions of NPA Reg. 2 with respect to the filling of rated orders and are not affected by any of the exemptions stated in section 9 of this order: *Provided, however,* That such provisions of NPA Reg. 2 and paragraphs (a) and (b) of section 9 apply to such items included in attached List A or List B as are specifically designated as being permitted for the use of the Armed Forces of the United States, including the United States Coast Guard.

(h) Any component parts of items included in List A or List B which are manufactured or assembled within the limitations of paragraphs (a) or (b) of this section may be sold at any time and the purchaser thereof may assemble these component parts into items included in List A or List B at any time provided these component parts are wholly unsuitable for use in the production, manufacture, or assembly of any item not prohibited by this section.

SEC. 8. *Maintenance, repair, and operating supplies.* Unless specifically directed by the National Production Authority, during the calendar quarter commencing on January 1, 1951, and each calendar quarter thereafter, no person shall use for maintenance, repair, and operating supplies a quantity by weight of the forms and products of copper defined in paragraphs (a), (b), (c), (d), and (e) of section 3 of this order, in excess of 100 percent of his average quarterly use for such purposes during the base period.

SEC. 9. *Exemptions.* (a) The production of brass mill, copper wire mill, and foundry products and the use of such products is permitted to fill rated orders, or to meet any mandatory order of the National Production Authority, in addition to the production and use permitted by the provisions of sections 5, 6, and 8 of this order.

(b) Copper forms and products defined in section 3 acquired with ratings, or to meet a National Production Authority scheduled program may be used in addition to the quantities permitted by the provisions of sections 6 and 8.

(c) The provisions of sections 6 and 8 do not apply to persons who use less than 1,000 lbs. of the copper forms and products defined in section 3 during any calendar quarter: *Provided, however,* That persons who by reason of the provisions of sections 6 and 8 would be permitted to use less than 1,000 lbs. during any calendar quarter, may use, during such period, a quantity up to 1,000 lbs.

(d) Procurement and use by electric utilities of copper wire mill products, brass mill products, and foundry products are subject to NPA Order M-50 and are accordingly exempt from this order.

SEC. 10. *Inventories.* (a) In addition to the provisions of NPA Reg. 1 relating to inventory controls, it is considered that a more exact requirement applying to producers of brass mill products, copper wire mill products, and foundry products, and to users of the copper forms and products defined in section 3 of this order is necessary.

(b) No person producing brass mill products, copper wire mill products, or foundry products may receive or accept delivery of copper or copper-base alloy if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 45-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less.

(b) No person obtaining copper forms or products defined in section 3 for use in manufacture, installation, or construction, or for maintenance, repair, or operating supplies, may receive or accept delivery of a quantity of such forms and products if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 60-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less.

(d) For the purpose of this section, any copper forms and products defined in section 3, in which minor changes or alterations have been effected, shall be included in inventory. NPA Reg. 1 will apply to all such forms and products except as modified by this section.

SEC. 11. *Restrictions on delivery.* (a) No person shall deliver any of the forms and products of copper defined in section 3 of this order, if he knows or has reason to believe that his customer may not accept delivery of such materials under this order or will use such materials in violation of this order.

(b) No person shall deliver any copper forms or products defined in section 3 unless the purchaser shall have furnished to the seller a signed certification as follows:

> The undersigned, subject to statutory penalties, certifies that acceptance of delivery and use by the undersigned of the copper forms or products herein ordered will not be in violation of NPA Order M-12.

This certification constitutes a representation by the purchaser to the seller and to the National Production Authority that delivery of such copper forms or products may be accepted by the purchaser under this order, and that such materials will not be used by the purchaser in violation of this order.

(c) The certification required by paragraph (b) of this section shall not be required in connection with the delivery of copper forms and products (1) to the General Services Administration for the stockpile of strategic materials; (2) to purchasers where delivery is made prior to April 1, 1951, pursuant to an order received prior to February 19, 1951; (3) to purchasers of quantities weighing 25 pounds or less; (4) to purchasers in foreign countries; or (5) in connection with the delivery of scrap.

SEC. 12. *Applications for adjustment.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Producers shall make such application on Form NPAF-11, "Copper and Copper-Base Alloys: Producer's Application for Adjustment or Exception." Users shall make application on Form NPAF-12, "Copper Forms and Products: User's Application for Adjustment or Exception." Copies of these forms may be obtained from the nearest Department of Commerce Field Office.

SEC. 13. *Records and reports.* (a) Persons subject to this order shall preserve the records which they have maintained of production, inventories, receipts, deliveries, and uses of copper forms and products defined in section 3 of this order commencing with January 1, 1950.

(b) Persons subject to this order shall make records and submit such reports to the National Production Authority as it shall require subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139-139F).

SEC. 14. *Communications.* All communications concerning this order shall be addressed to the National Production

Authority, Washington 25, D. C. Ref: M–12.

SEC. 15. *Violations.* Any person who wilfully violates any provisions of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order as amended, including Lists A and B, shall take effect, except as otherwise specifically stated, on April 9, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

LIST A

(See section 7)

The use of the forms and products of copper defined in section 3 and of any component parts made therefrom in the items listed below (excluding repair parts) is prohibited except to the extent permitted in the order or the list: *Provided, however,* That such material may be used in such items included in the list as are marked with an asterisk in cases where such items are to be used by the Armed Forces of the United States, including the United States Coast Guard.

BUILDERS' HARDWARE

Protective brass plating of all listed items of builders' hardware is permitted where other types of finishes are not practicable.
Butts, hinges and related items.
Checking floor closers, overhead concealed, semi-concealed and surface door closers (except gland nuts, regulating screw assemblies, and fusible links).
Closers, hanging brackets for.
Closers, screen door.
Cabinet hardware, including cabinet hinges.
Hangers, track and related items including:
Sliding door hardware.
Folding door hardware.
Sliding-folding door hardware.
Folding partition hardware.
Upward acting door hardware.
Fire door hardware (except bearings and fusible links).
Hardware for sash, screen, transom and casement and other shelf hardware items.
Locks, lock trim (except for cylinder assemblies and keys, for essential working parts of locks and latches, for faces of locks and latches and for trim of cylinder lock sets).
Spring hinges.
Sash balances.
Door holding devices.
Kick plates.
Push plates.
Door pulls.
Push bars.
House numbers.
Door knockers.
Letter boxes.
Nameplates.

BUILDING MATERIALS

Anchors and dowels (except window cleaner's safety anchors).
Bands on pipe insulation.
Bathtub enclosures and shower enclosures.
Blinds, including fixtures and fittings (except where essential for operating parts).
Caulking anchors.
Cement flooring and composition flooring (except that crude arsenical copper precipitate may be used for flooring in hospital operating and anesthesia rooms, for places where explosives are handled or stored and for places where explosive vapors may be present).
Chimneys and flues.
Conduits (except instrument assemblies).
Cornices.
Door sills.
Door frames.
Doors.
Downspouts and accessories thereto.
Drains (except strainer grids for showers and urinals).
Drip pans.
Elevators and escalators (except for worm gears and parts for conducting electricity).
Escutcheons and plates for floor, ceiling and wall use.
Fences and gates.
Food waste disposal units (except current-carrying parts, bearings, controls, impellers and sink strainers).
Gratings.
Grids (except for flooring in hospital operating rooms and anesthesia rooms, and for places where explosives are handled or stored and for places where explosive vapors may be present).
Grilles and shields, including fresh air inlet boxes and radiator and convector enclosures.
Gutters and accessories thereto.
Holdback hooks for curtains.
I. P. S. waste nipples.
Lavatory legs (except for hospital use).
Leaders and accessories thereto.
Linoleum stripping.
Louvres.
Marquees.
Metal siding.
Mouldings for joining cabinet sinks.
Ornamental metal work; including grille work, railings, and fittings.
Pipe, iron pipe sizes and fittings (except for industrial process piping and chemical and gas equipment and except for solder nipples, solder bushing and ferrules).
Radiator covers and shields.
Railings and fittings.
Reglets, moulding and trim.
Rim protectors for fixtures.
Robe hooks.
Roofing.
Roofing nails (except staples, clips and similar devices designed for the purpose of protecting shingles, flashings and siding against wind damage).
Shower curtain rods and bars (except for hospitals).
Shower door frames.
Shower goosenecks.
Skylights.
Stair and threshold treads, nosing and edgings.
Store fronts.
Straps and hangers for pipe supports.
Supply pipes, iron pipe sizes.
Switch plates.
Tanks for automatic storage water heaters.
Traps (except tube traps in 20 gauge without cleanouts and except traps cast from secondary metal).
Thresholds and saddles.
Towel bars and brackets.
Tube, tubing and fittings for piping systems in construction (except for Type K for underground water service connections; Types B, L, and M for domestic hot and cold water supply pipes, tank to oil burner hook-ups, and oxygen lines; Types B, K, L, and M for industrial process, food, chemical and gas equipment piping; and seamless tube for air temperature control apparatus).
Unit heaters, unit ventilators, unit ventilator inlet wall boxes and convectors, and blast heating coils, or any apparatus using such coils as part of its construction (except for valves, controls, fins, bearings or parts necessary for conducting electricity, and for water or steam courses and headers).
Ventilators.
Vents.
Weatherstripping.
Window frames.
Window sills.
Windows.

BURIAL EQUIPMENT

Burial urns.
Burial vaults.
Caskets and casket hardware (except copper or brass flash plate treatment necessary to prevent corrosion during period of manufacture and warehousing).
Memorial tablets.

CLOTHING AND DRESS ACCESSORIES, NOT INCLUDING SAFETY EQUIPMENT

Artificial flowers.
*Buckles and shoe buckles (except for foundation garments where strength, launderability and non-corrosiveness are essential).
*Buttons (except front shells of uniform buttons for police, firemen, guards, railroad and other transportation employees and similar uniforms, the backs to be made of steel with rust resistant plating; and work clothing and other utility (closure) purposes where launderability and non-corrosiveness are essential, provided that all strictly decorative and out-size buttons are eliminated).
Dress ornaments and trimmings.
*Fittings: belt, corset, garter, glove, hand bag, purse, suspender, luggage and supporter (except for foundation garments and sanitary belts where launderability and non-corrosiveness are essential).
*Insignia and decorations (awards).
*Metal clothes, laces, tassels, braids, embroidery, ribbons.
Millinery accessories and frames.
*Snaps, snap buttons, and hooks and eyes (except (1) irrespective of weight, in industrial safety clothing, work clothing and foundation garments; (2) for complete fasteners weighing 5 pounds or less per thousand units, on other wearing apparel exclusive of belts, suspenders, gloves, footwear, and other dress accessories, and billfolds, luggage, wallets and key cases; and (3) except for wire springs contained in snaps and snap buttons weighing in excess of 5 pounds per thousand complete units).

FURNISHINGS AND EQUIPMENT

Andirons, fireplace screens and fittings.
Candlesticks.
Curtain fasteners, rods and rings.
Cuspidors.
Gas heater and stove installation connections (except for high pressure LPG connections from tank to fixture).
Lamp shades.
Mops.
Mud scrapers.
Scrubbing boards.
Space heaters, flue connected and non-flue connected (except valves, controls and parts necessary for proper operation or for conducting electricity).
Stoves and ranges of all fuels for household cooking use (except valves, compression fittings, controls including timers, thermostats and parts for conducting electricity or necessary for safe operation).
Trays.
Upholsterers' supplies, including nails and tacks.
Vases, pitchers, bowls, and artcraft (except scientific laboratory).
Washing tubs and washing boilers.
Waste baskets, humidors and similar items.

FURNITURE AND FIXTURES

Barber shop and beauty parlor furniture.
Household furniture.
Mattresses and bedsprings (except hospital).
Partitions and shelving (except hospital and laboratory).
Public building and office furniture.
Reed and rattan furniture.
Restaurant furniture.
Venetian blinds (except where essential for operating parts).

HARDWARE, MISCELLANEOUS

Collars and other harness for pets.
Cutlery, table, kitchen, butcher and meat packing (except rivets and knife assemblies in matching silver-plated flatwear sets).
Fireplace fixtures and equipment.
Furniture (except in cylinder assemblies and keys and for essential working parts of locks).
Hand saw screws, nuts and washers for attaching saw blades to the handles.
Hand service tools, including hammers, pliers, wrenches, screw drivers, etc. (except essential parts of spiral ratchet and ratchet screw drivers and drills; hand and breast drills and bit braces; soldering irons; and blow-torches; except nonsparking tools necessary to prevent explosion hazards; and except portable spot welders).
Passenger transportation equipment, decorative hardware and ornamental metal work and trim and general hardware (except for locks).
Pleasure boat decorative hardware.
Pocket knives (except rivets and lining assemblies).
Puttying and scraping knives (except rivets).
*Saddlery and harness hardware (except for brass protective plating).
Scissors, shears, hedge and other trimmers, tinners and other snips.
Stairs and threshold treads and edgings.
Trunk and luggage hardware (except for brass protective plating and except in cylinder assemblies and keys and for essential working parts of locks).

HOUSEHOLD ELECTRICAL APPLIANCES

(Except for operational parts where the properties supplied by the copper are essential or where necessary for electrical conductivity)

Household electrical appliances including but not limited to:

Laundry equipment.
Vacuum cleaners.
Refrigerators.
Floor and furniture polishers.
Food mixers.
Electric irons.
Hair driers.
Toasters.

JEWELRY, GIFTS, AND NOVELTIES

All jewelry (except operational attachments such as screw and snap posts; cam assemblies; wire pegs; screws and/or rivets; spring pins for wrist watches; catches and pin stems; and copper seal interlinings to prevent "bleeding" of silver through gold); gifts and novelties, including but not limited to:

Book ends.
Jewelry and instrument cases, including cosmetic.
Lighters (except necessary operational parts).
*Medals and emblems, including decorations (except religious goods).
Mirror and picture frames.
Napkin rings.
Smokers' accessories, including ash trays and humidors.
Souvenirs.

CIVILIAN TYPE MOTOR VEHICLE: PASSENGER AUTOMOBILES INCLUDING TAXICABS, STATION WAGONS, AMBULANCES, HEARSES, TRUCKS, TRUCK TRACTORS, TRUCK TRAILERS, MOTORCYCLES AND BUSSES

Decorative mouldings, both internal and external (except for glass run channels, window-glass frames, external windshield and rear window external mouldings where such mouldings are produced from strip 6 inches or narrower).
Defrosters and heaters (except (1) for conducting electricity and (2) radiators (heat exchangers) and supply and return hot water lines and (3) parts used in the operating controls of the heating and defrosting systems).
Gas tank caps (except valves and springs).
Horns (except parts for diaphragms, vibrators and conducting electricity).
Lighters (except parts for conducting electricity).
Lights, lamps, headlamps, and lighting accessories (except for doors, bezels, adjusting and attaching screws, retaining rings, copper flash plating on reflectors and parts for conducting electricity including light bulbs).
Motor vehicle hardware (except door handles, ventilator and regulator handles for windows and doors, working parts for locks, ventilator window latches, external lock cylinder caps and covers, external windshield wiper arm and blade assemblies and screw).
Rear-view mirrors and brackets (except copper flash plating on mirrors).
Smokers' accessories, including ash trays.
Wheel discs and wheel trim rings.

PASSENGER TRANSPORTATION EQUIPMENT

(Including railroad cars, street and interurban cars, busses, and trailers, but excluding locomotives)

All items under the heading "Furnishings and Equipment".
Bands on pipe coverings.
Door knockers, checks, pulls and stops.
Doors and windows, door and window frames and window sills.
Drinking water reservoirs.
Shower rods and pans.
Sinks and drainboards.
Towel and luggage racks.
Water containers for humidification.
Weatherstripping and insulation.

MISCELLANEOUS

Alarm and protective systems (except parts for conducting electricity or where essential to the proper service or functioning of the parts).
Antique reproductions.
Arch supports.
Atomizers (except for medicinal purposes and for use in the preparation of dried milk and dried eggs).
Barrels, boxes, cans, jars, and other containers.
*Badges (except for use by personnel where badges are required for protection and security by Government agencies or by industrial plants).
Bar and counter equipment and fittings.
Barber shop equipment and supplies (except for current-carrying parts).
Barrel hooks.
Bathroom accessories (including grab bars, tumbler holders, tooth brush holders, paper holders, and shelf brackets).
Beauty parlor equipment and supplies (except for replacement parts of commercial permanent wave equipment and commercial hair driers and for current-carrying parts).
Bicycles, and similar vehicles and equipment therefor (except valves for bicycle tires and tubes and except plating of operational parts).
Binoculars (except precision types) and opera glasses.
Bird and pet cages and stands.
Branding, marking, and labeling devices and stock for same (except engraved burning branding dies, and except where the devices and the stock are for affixing governmental, notarial and corporate seals).
Bronze ink (except use in the graphic arts industry where bronze ink and powder are an integral part of product identification and whose normal replating is less frequent than one year).
Brushes (except for the types used in electric motors and generators; and except for industrial brushes and tooth brushes).
Carpet rods.
Chimes and bells (except parts for conducting electricity or where non-magnetic gong material is required for electrically operated signaling devices used as adjuncts to communication systems and except bells for use on board ship where essential to the proper functioning of the parts).
Clips, paper.
Cleaning and polishing accessories, such as brooms, carpet sweepers, crumbing sets, dust pans, mops, pot scourers, whisk brooms and floor and furniture polishers.
Clock cases (except for marine use).
Clothes line pulleys and reels.
Cocktail shakers.
Coin-operated game and gambling machines (except tumblers for locks and current-carrying parts).
Coin-operated vending machines (except necessary operational parts and current-carrying parts).
Cooking utensils (except gauges and protective devices and plating of bottoms).
Daubers for shoe polish.
Dispensers, hand, for hand lotions, paper products, soap and straws (except for hospitals).
Flower pots, boxes and holders for same.
Fountain pens (except necessary operational parts).
Furniture grommets.
Garden tools and equipment (except for functional parts).
Hair curlers, hair brushes and combs (except for heat-carrying parts and for electrical conductivity).
Ice cream freezers for use in the home (except electric).
Juke boxes (except for current-carrying parts).
Kitchen utensils, devices and machines (except electrical appliances).
Lace tips.
Lamps, portable electric (except for current-carrying parts).
Lamps and lanterns, other than electric (except for generators, valves, controls, burners, wicks and founts).
Letter boxes and mail chutes.
Lighting fixtures (except (1) current-carrying parts, plating, rivets, eyelets, screws, small fasteners; (2) the threaded parts, clamping, sealing or attachment devices of exterior, explosion-proof, dust-tight and vapor-tight fixtures; (3) Marine and airport).
Loose-leaf binders.
Manicure implements.
Match and pattern plates, matrices, and flasks.
Mattress buttons and furniture glides.
Name plates (except instruction and data plates and identification plates for use on machinery or equipment without display or ornamentation).
Nonoperating or decorative uses of copper or copper-base alloy, or the use of the same in such parts of installations and equipment (mechanical or otherwise) as bases, frames, guards, standards and supports.
Package handles and holders.
Pari-mutuel gambling and gaming machines, devices and accessories.

Pencils, mechanical (except functional parts and plating).
Pins (except safety pins, common pins, laundry net and laundry identification pins, or safety catches on products otherwise permitted under this order).
Pleasure boat fastenings and fittings.
Razors operated by electricity (except functional parts and parts for conducting electricity).
Razors not operated by electricity (except (1) in making safety razors: heads, functional parts for heads, and plating; and (2) in making straight razors: rivets, pins and washers).
Razor blade magazines.
Reflectors (except photographic and except as an undercoating or an overcoating in electroplating with silver or chromium).
Signs and advertising displays (except current-carrying parts).
Sporting goods and equipment (except fishing equipment and supplies for commercial fishing use, firearms, ammunition, and except reel gears, bearings and spools, swivels and snaps, rod mountings and copper for plating of baits and lures for sport fishing use).
Staplers and stapler machines (not including foot-operated or power-driven stitching machines).
Stationery supplies including but not limited to:
  Desk accessories.
  Office supplies.
  Pencils (except for ferrules).
  Pens and penholders.
Statues and statuettes (except religious and artists' originals).
Sundials.
*Tent poles and parts.
Tobacco pipes.
Toys (except in motors and essential operating parts).
Unions and union fittings (except seats, and except for other parts of unions and union fittings (1) where and to the extent that the physical and chemical properties of the liquid or gas passing through the union or union fittings make the use of any other material dangerous or impractical, or (2) where the valve is of a type designed for use in an air conditioning or refrigeration "system", or (3) where use of copper and tubing and/or brass pipe is permitted).
Umbrellas and parasols.
Vacuum bottles and jugs.
Valve handles (except plumbing fixture trim).
Walking sticks and canes.
Weather vanes.
Weight reducing and exercising machines (except for current-carrying parts).
Wool (except metal sponges intended for use in dairy products processing plants and by the canning industry and for filtering purposes).

LIST B

(See section 7)

The use of the forms and products of copper defined in section 3 and of any component parts made therefrom in the items listed below (excluding repair parts) is prohibited except to the extent permitted in the order or the list: *Provided, however,* That such material may be used in such items included in the list as are marked with as asterisk in cases where such items are to be used by the armed forces of the United States, including the United States Coast Guard.

BUILDERS' HARDWARE

Protective brass plating of all listed items of builders' hardware is permitted where other types of finishes are not practicable.
Door knobs.
Letter slots.

BUILDING MATERIALS

Facias: Fittings for underfloor raceway systems.
Flashings (except (1) cap and base flashing for built-up roofing, (2) through-wall flashing in parapet walls, (3) flashing for chimneys, vent stacks and all other vertical surfaces rising through roof levels, (4) roof-to-side wall flashing, (5) valley flashing for slate, tile and cement shingle roofs, (6) door and window head flashing, (7) expansion joint flashing).
Gravel stops.
Shower pans.
Terrazzo strips.

CIVILIAN-TYPE MOTOR VEHICLE: PASSENGER AUTOMOBILES INCLUDING TAXICABS, STATION WAGONS, AMBULANCES, HEARSES, TRUCKS, TRUCK TRACTORS, TRUCK TRAILERS, MOTORCYCLES AND BUSSES.

Hubcaps (except for plating).
Radio antennae for vehicles.
Sidewalk or curbstone warning devices for automobiles.

CLOTHING AND DRESS ACCESSORIES, NOT INCLUDING SAFETY EQUIPMENT

*Slide fasteners (zippers) (except (1) for the following functional components: slider bodies, separating end-components and top and bottom stops; and (2) except for applications in safety garments, work clothing, rubber footwear, foundation and surgical garments were necessary for reasons of strength, launderability and anticorrosion).

FURNISHINGS AND EQUIPMENT

Refrigerator and water heater installation connections (except for high pressure LPG connections from tank to fixture).

FURNITURE AND FIXTURES

Fittings (except hospital and laboratory).

HARDWARE, MISCELLANEOUS

Tags for pets.

HOUSEHOLD ELECTRICAL APPLIANCES

(Except for operational parts where the properties supplied by the copper are essential or where necessary for electrical conductivity)

Coffee makers.
Home and farm freezers.
Ice cream freezers.
Waffle irons.

REFRIGERATION AND AIR CONDITIONING MACHINERY AND EQUIPMENT

(Commercial and Industrial)

(Except where copper products or copper-base alloy products are essential for the following: carbonators, complete condensing units less condensers, dehydrators, draft arms for soda fountain equipment, electrical controls and wiring, fittings, protective coatings, refrigerant circuits, refrigerant connections between compressor and cooling coils, refrigerant flow control valves, sight glasses, soldering and brazing materials, strainers, suction line heat exchangers, tube sheets, valves, water cooler low sides and pre-coolers, water flow control valves and water spray nozzles for evaporative condensers, evaporative coolers and air washers)

Commercial and industrial refrigeration and air conditioning machinery and equipment including but not limited to:

Air conditioning systems, self-contained or remote.
Air washers.
Blast coolers.
Blast freezers.
Bottled beverage coolers.
Carbonated beverage dispensing systems (except coin operated).
Compressor stop valves (except valve seats, gaskets, bonnets, discs, disc screens, and protective coverings for valve stems).
Evaporative condensers.
Evaporative coolers (desert type).
Finned air-cooled condensers except those used for hermetic systems where the condenser is exposed to the outside air or for transportation systems.
Finned coils or evaporators.
Florist refrigerators.
Fountainettes.
Frozen food cabinets.
Ice cream cabinets.
Ice cube makers.
Malt beverage dispensing systems.
Mortuary refrigerators.
Non-carbonated beverage dispensing systems (except coin operated).
Packaged air conditioners (room, window, and store coolers).
Reach-in refrigerators.
Refrigerated display cases.
Refrigeration systems, self-contained or remote.
Reverse cycle heating and air conditioning systems (heat pumps).
Sandwich units.
Shell and tube or shell and coil condensers (except water courses, either straight or finned tube, where the refrigerant is in contact with the tube).
Shell and tube or shell and coil water chillers (except water courses, either straight or finned tube, where the refrigerant is in contact with the tube).
Soda fountains.
Space coolers.
Unit coolers.
Walk-in refrigerators.
Water coolers (except bubblers, bubbler connections, faucets and faucet connections).

MISCELLANEOUS

Ball point pens (except necessary operational parts).
Dehumidifiers for home and office use (except operational parts where the properties supplied by the copper are essential or where necessary for electrical conductivity).
Flashlight cases (except contact points for carrying current).
Garment hangers.
Hollow ware (except for hotels, restaurants, institutions and ecclesiastical use).
Identification and directional signs (except current-carrying parts).
Key chains and catches and fasteners therefor.
Lawn sprinklers (except working parts and propellers).
Outboard motors (except for operational parts).
Portable electric lanterns, such as railroad, miners' and industrial (except parts for conducting electricity and for plating).
*Shells and caps for sockets.
Ties (except for explosives and other products where the properties supplied by copper are essential).

[F. R. Doc. 51-4343; Filed, Apr. 10, 1951; 8:45 a. m.]

[NPA Order M-50 as Amended April 9, 1951]

M-50—ELECTRIC UTILITIES

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-50 by adding Appendix C. As so amended this order reads as follows:

ARTICLE I—GENERAL PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Applications for adjustment.
4. Records and reports.
5. Communications.
6. Violations.

ARTICLE II—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

21. Modification of NPA Reg. 4 (MRO).
22. Quarterly MRO quotas.
23. Quantity restrictions.
24. Applications for increased MRO quotas.

ARTICLE III—PROGRAM MATERIALS

31. Procurement of program materials generally.
32. Major plant additions.
33. Minor requirements.
34. Form of certification.
35. Quarterly program material quotas for minor requirements.
36. Inventory restrictions.
37. Filing of forms.
38. Applications for increased program material quotas.

AUTHORITY: Sections 1 to 38 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this order does.* (a) This order provides rules of special application to the procurement and use of materials by electric utilities.

(b) Article II modifies the application of NPA Reg. 4 to electric utilities and supersedes any conflicting provisions in NPA Reg. 4. All the provisions of NPA Reg. 4 apply to electric utilities except as modified by this order.

(c) Article III authorizes electric utilities to apply DO-48 ratings to orders for program materials to be used in major plant additions upon DEPA approval. In addition, it provides that electric utilities may not use any program materials in major plant additions after May 1, 1951, unless authorized by DEPA. The procurement of program materials for minor requirements, that is, requirements for all purposes except use in major plant additions, is governed by a self-rating procedure. Subject to certain inventory controls and quota limitations, each electric utility is authorized to apply DO-48 (Minor) ratings to certain orders for program materials for minor requirements.

SEC. 2. *Definitions.* (a) "Electric utility" means any individual, partnership, association, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, located in the United States, its territories or possessions, supplying, or having facilities built for supplying electric power, directly or indirectly, for general use by the public or for use by its members. In the case of an electric utility engaged in the supply of electric power and in other activities, this order shall apply only to the procurement and use of materials required directly or indirectly for the supply of electric power.

(b) "DEPA" means the Defense Electric Power Administration.

(c) "Maintenance" means maintenance as defined in NPA Reg. 4 and "repair" means repair as defined in NPA Reg. 4. However, "maintenance" and "repair" include the replacement of any equipment regardless of its accounting classification, but neither "maintenance" nor "repair" includes the improvement of any plant, facility, or equipment or the replacement of material which is in sound working condition with material of a better kind, quality, design, or greater capacity.

(d) "Operating supplies" means material, other than fuel, which is consumed in the course of an electric utility's operations, except in maintenance, repair, and plant additions.

(e) "Plant addition" means the construction or installation of new facilities or the replacement of existing facilities with facilities of greater capacity. Single plant additions may not be combined or subdivided for purposes of affecting their classification as "major plant additions," as defined in this section. To assist in determining whether particular construction constitutes one, or more than one, plant addition, it shall be considered that a single plant addition consists of:

(1) Any construction of related facilities, excluding maintenance and repair work, which is completed during a continuous period of construction, not interrupted by periods of time such as months or years, except where such interruption is caused by uncontrollable forces, such as adverse weather conditions.

(2) In the case of line construction, a single continuous integrated system of lines, with necessary connected substations. (Thus, several sections of line emanating from different points on a utility's system would be several plant additions, not one plant addition.)

(f) "Major plant addition" means any plant addition constructed by an electric utility which involves one or more of the following:

(1) Line construction designed for operation at more than 15 kv where the plant addition requires more than 10,000 pounds gross weight of conductor, or

(2) Line construction designed for operation at 15 kv or less where the plant addition has a net material cost exceeding $50,000, or

(3) Non-line construction, including but not limited to construction or of additions to generating plant, sub-stations, or buildings, where the plant addition has a net material cost over $50,000, except that non-line construction shall not include construction for which specific NPA authorization is required under NPA Order M-4.

(g) "Minor requirements" means electric utility requirements of program materials for all purposes (including MRO) except use in major plant additions, and except use in construction for which specific NPA authorization is required under NPA Order M-4.

(h) "Gross weight of conductor" means, in the case of overhead lines, the weight of conductor as installed, including steel content in the case of conductor containing steel, without deduction for material salvaged; and in the case of underground lines the copper and aluminum content only, without deduction for material salvaged.

(i) "Line construction" means construction of both overhead and underground lines.

(j) "Net material cost" means the cost of all material, including any commodity, equipment, accessory, part, assembly, or product of any kind, incorporated in plant, less the cost of all material removed from plant, priced in accordance with the electric utility's regular accounting practice.

(k) "Inventory of program material" means all new or salvaged program material in the possession of an electric utility, unless physically incorporated in plant, without regard to its accounting classification, excluding, however:

(1) Program material specifically set aside on the effective date of this order for use in time of emergency and replacement thereof, and

(2) Program material set aside for use in any major plant addition. Program material set aside for use in such major plant addition which will not be used in such major plant addition shall be included in inventory.

(l) "Program material" means any material which is the subject of an appendix to this order.

SEC. 3. *Applications for adjustment.* (a) Any electric utility affected by any provision of this order may file a request for adjustment or exception on the ground that such provision works an undue or exceptional hardship upon such utility not suffered generally by other electric utilities, or that its enforcement against such utility would not be in the interest of national defense or in the public interest. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

(b) Each such request shall be addressed to DEPA and, if approved, DEPA will grant an appropriate adjustment or exception.

SEC. 4. *Records and reports.* (a) Each electric utility participating in any transaction covered by this order shall retain in its possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met, including the amounts of quarterly quotas, the method of computation, factual justification, methods of figuring quotas and charges against them. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) Each electric utility shall make such further records and submit such further reports to DEPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 5. *Communications.* All communications concerning this order and NPA Reg. 4, as modified by this order, and all requests for forms shall be addressed to the Defense Electric Power Administration, Department of the Interior, Washington 25, D. C.

SEC. 6. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

ARTICLE II—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

SEC. 21. *Modification of NPA Reg. 4 (MRO).* This article modifies the application of NPA Reg. 4 (MR) to electric utilities and supersedes any conflicting provisions in NPA Reg. 4. All the provisions of NPA Reg. 4 and all other applicable orders and regulations of NPA apply to electric utilities except as modified by this order.

SEC. 22. *Quarterly MRO quotas*—(a) *Computation of quota.* Subject to the exclusions provided in paragraph (b) of this section, an electric utility, in computing its quarterly MRO quotas, may include all expenditures for operating supplies and for materials used for maintenance and repair, as those terms are defined in this order.

(b) *Exclusions from quota.* In computing its quarterly MRO quota, no electric utility shall include any expenditure for:

(1) Any electric utility program material subject to Article III of this order.

(2) Any item included in Schedule A of NPA Order N–44.

(3) Any other item costing more than $10,000.

SEC. 23. *Quantity restrictions*—(a) *Charges against quota.* No electric utility shall obtain by use of the DO–97 rating any material herein excluded from its quarterly MRO quota, nor shall any utility charge against its quarterly MRO quota any order or receipt of such material.

(b) *Emergency excess of quota.* Subject to the restrictions of paragraph (a) of this section, if an electric utility has so far exhausted its MRO quota that an insufficient quota remains in any quarter to procure necessary material for maintenance or repair of its equipment or property, other than buildings, which is damaged or destroyed by extraordinary cause such as explosion, fire, sabotage, act of the public enemy, flood, storm or similar catastrophe, the utility may exceed its quota for that quarter to the extent necessary to procure such emergency materials: *Provided however,* That any such excess of quota must be immediately reported, together with the reasons therefor, to DEPA.

SEC. 24. *Applications for increased MRO quotas.* An electric utility's application for an increased MRO quota, to be submitted as provided in section 3 of this order, shall show such utility's existing MRO quota, any prior adjustments thereof, the amount of increase requested, the necessity for such increase, such utility's output per quarter in kilowatt hours commencing with the first quarter of 1950, and any other information pertinent to proper evaluation of such application.

ARTICLE III—PROGRAM MATERIALS

SEC. 31. *Procurement of program materials generally.* Subject to the quantity restrictions provided by this article, the ratings authorized by this article shall be applied to all orders for any program material including outstanding unrated orders, scheduled for delivery in or prior to a quarter for which a program material quota or authorization is effective, and no utility shall place unrated orders for any program material scheduled for delivery in such a quarter. Accordingly, all outstanding orders for any program material, except those calling for delivery in a subsequent quarter, shall be either rated or canceled within 15 days after such material becomes subject to the provisions of this order.

SEC. 32. *Major plant additions.* No electric utility may order any program material for use in any major plant addition unless specifically authorized by DEPA. For each program material approved by DEPA for use in a major plant addition, an electric utility is hereby authorized to apply the DO–48 rating to orders for the quantity of such program material specified by DEPA. After May 1, 1951, no electric utility may use any program material in a major plant addition unless such use is authorized by DEPA.

SEC. 33. *Minor requirements.* Subject to the restrictions contained in sections 36 and 37 of this order, each electric utility is hereby authorized to apply DO–48 (Minor) ratings to order any program material for its minor requirements: *Provided,* That no electric utility may exceed its quota for such program material.

SEC. 34. *Form of certificate.* The DO–48 or DO–48 (Minor) rating shall be applied by placing on the orders for any program material, or on a separate piece of paper attached thereto, the symbol "DO–48" or "DO–48 (Minor)" together with the words "Certified under NPA Order M–50". Such certification shall be signed as prescribed in section 8 of NPA Reg. 2.

SEC. 35. *Quarterly program material quotas for minor requirements.* An electric utility may elect to use either a standard quota or an alternative quota but may not thereafter change from one quota to the other without the express approval of DEPA.

(a) *Standard quota.* An electric utility's standard quota for any program material for any calendar quarter is the percentage specified in the applicable appendix to this order of the quantity of such material which it used for minor requirements in the calendar year 1950 (or, if it operated on a fiscal year basis, in its fiscal year ending nearest to December 31, 1950).

(b) *Alternative quota.* An electric utility's alternative quota for any program material for any calendar quarter is the percentage specified in the applicable appendix to this order of the quantity of such material which it used in the corresponding calendar quarter of 1950 (or, if it operated on a fiscal year basis, in the corresponding quarter of its fiscal year ending nearest to December 31, 1950).

(c) *Quota where 1950 base inapplicable.* An electric utility not in operation throughout the year 1950 (calendar or fiscal) shall establish its standard or alternative program material quota in accordance with this section by adjusting, in direct proportion, its actual use of such program material for part of the year to an annual basis. To determine an alternative quota in such cases, the adjusted annual use may be unequally distributed among 4 quarters to reflect seasonal variations. An electric utility not in operation throughout 1950 shall report to DEPA the program material quota which it establishes in accordance with this section. If an electric utility was not in operation during any part of the year 1950 (calendar or fiscal) it may apply to DEPA for a program material quota, supplying in detail information pertinent to a proper evaluation of its application.

SEC. 36. *Inventory restrictions.* No electric utility shall order any program material if, after the receipt of such program material, its inventory of such program material would be or become in excess of 25 percent of the gross weight of such program material which it used for its minor requirements during the year 1950 (calendar or fiscal), except that an electric utility may order for delivery in any quarter a quantity of any particular item of such program material equal to the amount by which its required use of such item in such quarter exceeds the quantity of such items which it has or will have on hand at the beginning of such quarter. This provision shall not authorize any electric utility to exceed its quota for minor requirements.

SEC. 37. *Filing of forms.* Prior to its first application of the DO–48 (Minor) rating to an order for delivery of any program material in the second quarter of 1951 for use for minor requirements, each electric utility must file with DEPA the applicable form in the DEPA–4 series. Forms in the DEPA–4 series shall be deemed to be filed when addressed to DEPA and deposited for mailing in any United States post office.

SEC. 38. *Applications for increased program material quotas.* Each application for an increased program material quota shall contain the following information:

(a) Statement of the amount of any special authorization which the utility has received.

(b) Statement of the total amount of each program material requested to be authorized for use in minor requirements during each quarter, including the base period quota permitted by the applicable appendix to this order.

(c) Detailed statement of necessity for larger quota.

(d) Any additional information which may be pertinent to proper evaluation of the application.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on April 9, 1951. Issued April 5, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

APPENDIX A—ALUMINUM CONDUCTOR

1. *Definition.* "Aluminum conductor" means any wire, cable, or bus bar which contains aluminum.

2. *Standard aluminum conductor quota for minor requirements:* 20 percent.

3. *Alternative aluminum conductor quota for minor requirements:* 80 percent.

4. *Exemption from quantity restrictions.* The quantity restrictions applicable to aluminum conductor shall not apply to any electric utility which orders for delivery in any calendar quarter a gross weight of aluminum conductor which does ont exceed 5,000 pounds.

5. *Applicable forms.* The form which an electric utility is required to file prior to its first application of the DO–48 (Minor) rating to an order for aluminum conductor as provided in section 37 of this order is Form DEPA–4A.

6. *Effect on NPA Order M–7.* The provisions of this order supersede NPA M-7 with respect to the procurement and use of aluminum conductor by electric utilities. The use by electric utilities of forms and shapes of aluminum listed in section 3 of NPA Order M–7, other than aluminum conductor and aluminum conductor accessories, remains subject to the restrictions of NPA Order M–7.

APPENDIX B—ALUMINUM CONDUCTOR ACCESSORIES

1. *Definition.* "Aluminum conductor accessories" means any accessories containing aluminum or steel, such as clamps, twisting sleeves, and armor rods, which are used for the installation of aluminum conductor.

2. *Aluminum conductor accessories quota.* There are no quotas applicable to the procurement of aluminum conductor accessories.

3. *Quantity restrictions.* No electric utility may order for delivery in any quarter a larger quantity of aluminum conductor accessories than necessary for use in connection with aluminum conductor which such utility is authorized to use or order for delivery in such quarter, and for such additional quantity of aluminum conductor accessories which it requires for use in such quarter in maintenance and repair.

4. *Effect on NPA Order M–7.* The provisions of this order supersede NPA Order M–7 with respect to the procurement and use of aluminum conductor accessories by electric utilities. The use by electric utilities of forms and shapes of aluminum listed in section 3 of NPA Order M–7, other than aluminum conductor and aluminum conductor accessories, remains subject to the restrictions of NPA Order M–7.

5. *Filing of forms not required.* No forms are required to be filed prior to application of the DO–48 (Minor) rating to orders for aluminum conductor accessories.

APPENDIX C—COPPER

COPPER WIRE MILL PRODUCTS, BRASS MILL PRODUCTS, AND FOUNDRY PRODUCTS

1. *Definitions.* (a) "Copper wire mill product" means bare wire, insulated wire and cable whatever the outer protective coverings may be, and uninsulated wire and cables, where the conductors are made from copper, copper-base alloy, or copper-clad steel containing over 20 percent copper by weight. All copper wire mill products should be measured in terms of pounds of copper content. Accordingly, minor requirements quotas and charges against such quotas must be computed on the basis of net weight of copper in copper wire mill products.

(b) "Brass mill product" means sheet, including strip and plate; rod, including bars, and extruded shapes; wire; or tube, including pipe, made from copper or copper-base alloy. This does not include copper wire mill products.

(c) "Foundry products" means cast copper and copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (Includes the removal of gates, risers and sprues, and sandblasting, tumbling, or dipping, but excludes any further machining or processing.)

2. *Standard copper wire mill products, brass mill products, and foundry products quota for minor requirements:* 18¾ percent.

3. *Alternative copper wire mill products, brass mill products, and foundry products quota for minor requirements:* 75 percent.

4. *Exemption from quantity restrictions.* The quantity restrictions applicable to copper wire mill products, brass mill products, and foundry products shall not apply to any electric utility which orders for delivery in any calendar quarter a quantity of copper wire mill products, brass mill products, and foundry products which does not exceed 5,000 pounds in the aggregate.

5. *Applicable forms.* The form which an electric utility is required to file prior to its first application of the DO–48 (Minor) rating to an order for copper wire mill products, brass mill products, and foundry products, as provided in section 37 of this order, is Form DEPA–4C.

6. *Rating or cancellation of outstanding orders.* Notwithstanding the requirement in section 31 of this order with reference to rating or cancellation of outstanding orders within 15 days, it shall be sufficient if outstanding orders for copper wire mill products, brass mill products, and foundry products be rated or cancelled by May 1, 1951.

7. *Effect on NPA Order M–12.* This order supersedes NPA Order M–12 with respect to procurement and use by electric utilities of copper wire mill products, brass mill products, and foundry products.

[F. R. Doc. 51-4344; Filed, Apr. 10, 1951; 8:45 a. m.]

Chapter XII—Defense Minerals Administration, Department of the Interior

[MO–5]

MO–5—REGULATIONS GOVERNING GOVERNMENT AID IN DEFENSE EXPLORATION PROJECTS

This regulation is found to be necessary and appropriate to carry out the provisions of the Defense Production Act of 1950 with reference to the encouragement of exploration, development, and mining of critical and strategic minerals and metals pursuant to section 303 (a) (2) of the act. In the formulation of this regulation there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

EXPLANATORY PROVISIONS

Sec.
1. What this regulation does.
2. Government aid.

APPLICATIONS AND CONTRACTS

3. Forms and filing.
4. Scope of application.
5. Action on applications.
6. Form and term of contracts.
7. Criteria.
8. Definitions.

GOVERNMENT PARTICIPATION

9. Ratio of contributions.
10. Fixtures and improvements.
11. Operating equipment.
12. Title to and disposition of property.
13. Allowable costs of the project.
14. Repayment by Operator.

AUTHORITY: Sections 1 to 14 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 303, Pub. Law 774, 81st Cong. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

EXPLANATORY PROVISIONS

SECTION 1. *What this regulation does.* This regulation sets forth procedures under which Government aid may be obtained in financing the cost of projects for exploration for unknown or undeveloped sources of strategic or critical metals and minerals.

SEC. 2. *Government aid.* The Government, in suitable cases, will aid in an exploration project for strategic or critical metals and minerals by providing some part of the costs of the project, the Government's contribution to be repayable from the net returns from any ore, concentrates, or metal produced as a result of the exploration project.

APPLICATIONS AND CONTRACTS

SEC. 3. *Forms and filing.* Application for Government aid in any specified exploration project shall be submitted in quadruplicate on Form No. MF–103, either to

The Defense Minerals Administration,
Department of the Interior,
Washington 25, D. C.

or to the nearest Defense Minerals Administration field executive officer as indicated by the following addresses:

Region	Area served	Address
I.....	Alaska.....	Federal Bldg., P. O. Box 2960, Juneau, Alaska.
II.....	Washington, Oregon, Idaho, and Montana.	South 157 Howard St., Spokane, Wash.
III.....	California and Nevada..	1415 Appraisers Bldg., San Francisco, Calif.
IV.....	Arizona, New Mexico, Colorado, Utah, and Wyoming.	224 New Customhouse Bldg., Denver 2, Colo.
V.....	North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, and Michigan.	426 Plymouth Bldg., Minneapolis, Minn.
VI.....	Kansas, Louisiana, Oklahoma, Texas, Arkansas, and Missouri.	P. O. Box 431, Joplin, Mo.
VII...	Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi.	Room 13, Post Office Bldg., Knoxville, Tenn.
VIII..	Illinois, Indiana, Ohio, Kentucky, Virginia, West Virginia, Maryland, New York, Vermont, Maine, New Hampshire, Connecticut, Rhode Island, New Jersey, Delaware, and Pennsylvania.	Eastern Experiment Station, College Park, Md.

Applications filed prior to the effective date of this regulation, if sufficient, will be treated as though filed on the prescribed form. Applications must be filed at least 30 days prior to the expiration of the authority granted by the Defense Production Act of 1950, which at the time of issuing these regulations, is June 30, 1951.

SEC. 4. *Scope of application.* Each application shall relate to a single exploration project which shall be fully described and justified by detailed substantiating data as called for by the application form. The Administrator may require the filing of additional information, reports, and exhibits, in connection with the application, and may, at his discretion, require such physical examination of the project as he deems necessary.

SEC. 5. *Action on applications.* The Administrator, after considering the application and all matters relating thereto, shall either approve or disapprove the application. If the Administrator approves the application, he shall certify it as presenting a suitable project for an exploration project contract.

SEC. 6. *Form and term of contracts.* If the application is approved and certified for a contract, the Government, acting through the Administrator, will enter into an exploration project contract with the applicant on Form MF-209. No exploration project that will take more than two years to perform shall be approved for an exploration project contract.

SEC. 7. *Criteria.* The following factors will be considered and weighed in passing upon applications:

(a) Strategic importance of the mineral involved.

(b) The geologic probability of making a significant discovery.

(c) The availability of manpower.

(d) The availability of equipment and supplies.

(e) The accessibility of the project.

(f) The availability of water and power.

(g) The operating experience and background of the applicant.

SEC. 8. *Definitions.* As used in these regulations:

(a) "Exploration project" means the search for unknown or undeveloped sources of strategic or critical metals or minerals within a specified area or parcel of ground in the United States, its territories or possessions, whether conducted from the surface or underground, including recognized and sound procedures for obtaining pertinent geological, geophysical, and geochemical information. The work shall not go beyond a reasonable delineation and sampling of the ore, and shall not include work prosecuted primarily for mining or preparation for mining.

(b) "Operator" means a person, firm, partnership, corporation, association, or other legal entity by whom or for whose account and interest an exploration project is to be carried out.

(c) "Administrator" means the Administrator of Defense Minerals Administration or his representative authorized in writing.

(d) "Government" means The United States of America.

GOVERNMENT PARTICIPATION

SEC. 9. *Ratio of contributions.* The Government will contribute to the exploration project, upon the terms specified in the contract, a certain percentage of the total cost of the project, depending upon the mineral which is the subject of exploration, as follows:

(a) In the case of chromium, copper, fluorspar, graphite (crucible flake), iron ore, lead, molybdenum, sulfur, and zinc (and cadmium)—50 percent.

(b) In the case of antimony, manganese, mercury, tungsten—75 percent.

(c) In the case of asbestos (spinning grade), beryl, cobalt, columbium-tantalum, corundum, cryolite, industrial diamonds, kyanite (strategic), mica (strategic), monazite, uranium, and rare earth ores, nickel, platinum group metals, quartz crystals (piezo-electric), talc (steatite), and tin—90 percent.

SEC. 10. *Fixtures and improvements.* The Operator shall devote the land and all existing improvements, facilities, buildings, installations, and appurtenances to the purposes of the exploration project without any allowance for the use, rental value, depreciation, depletion, or other cost of acquiring, owning, or holding possession thereof. With the written approval in advance by the Administrator, necessary additional facilities, buildings, and fixtures may be purchased, installed and erected by the Operator, and the Government will contribute its agreed pro-rata share of the cost thereof. The difference between the cost of such additional facilities, buildings, or fixtures, and the salvage value thereof at the conclusion of the work, shall be charged as a cost of the project to which the Government has contributed its pro-rata share.

SEC. 11. *Operating equipment.* With the written approval in advance by the Administrator, necessary operating equipment may be rented, purchased, or otherwise furnished by the Operator. Rentals paid for equipment rented and the rental value of equipment owned and furnished by the Operator shall be allowed as costs of the project. As to equipment purchased for the project, the Government will contribute its agreed pro-rata share of the cost thereof, and the difference between the cost and the salvage value at the conclusion of the work shall be charged as a cost of the project to which the Government has contributed its pro-rata share.

SEC. 12. *Title to and disposition of property.* All facilities, buildings, fixtures, equipment, or other items costing more than $50 each, paid for or purchased with funds contributed jointly by the Operator and the Government, shall belong to the Operator and the Government jointly, in proportion to their respective contributions, and upon the termination of the contract, if they have any salvage value, shall be disposed of for their joint account unless the Government, in writing, waives its interest in any such items. The Government may require the dismantling, severance from land, and removal of any such items in order to realize its interest in the salvage value thereof, and the cost of any such removal and of the disposal of the items shall be for the joint account of the parties in proportion to their respective interests.

SEC. 13. *Allowable costs of the project.* The allowable costs of the project in which the Government will participate shall include the following:

(a) The necessary, reasonable, direct costs of performing the exploration work, including the costs of materials, supplies, labor, direct supervision, engineering, power, water, and utilities.

(b) The reasonable, necessary cost of rehabilitating and putting into useful and operable condition existing facilities, buildings, installations, and fixtures, and of maintaining them in that condition.

(c) If the purchase, installation, or erection was approved in advance by the Administrator, as provided in section 10 of this regulation, the depreciation on fixtures and improvements computed as provided in section 10 of this regulation.

(d) If the rental or purchase of operating equipment was approved in advance by the Administrator, as provided in section 11, of this regulation, the rental, rental value, or depreciation, on operating equipment, computed as provided in section 11 of this regulation.

No items of general overhead, corporate management, interest, or any other indirect costs not expressly allowed by these regulations, or work performed or costs incurred before the date of the contract, shall be allowed as costs of the project in which the Government will participate.

SEC. 14. *Repayment by Operator.* If, upon the completion of the exploration project or termination of the contract, the Administrator considers that a discovery or development has resulted from the work from which commercial production of ore may be made, the Administrator, within six months thereafter shall so certify to the Operator, particularly describing and delimiting his estimate of the discovery of the development. Thereafter, if and when ore is produced as a result of such discovery or development, the Operator and his successor in interest shall be and become obligated to pay to the Government a percentage royalty on the net smelter returns or other net proceeds realized from such ore, concentrates, or metal produced within ten (10) years from the date of this contract, until the total amount contributed by the Government, without interest, is fully repaid or said ten years have elapsed, whichever occurs first, as follows:

Of net smelter returns or other net proceeds not in excess of eight dollars ($8.00) per ton of ore: one and one-half (1½) percent.

Of net smelter returns or other net proceeds in excess of eight dollars ($8.00) per ton of ore: one and one-half (1½) percent, plus one-half (½) percent additional for each full fifty cents ($.50) in excess of eight dollars ($8.00) per ton of ore, but not in excess of a maximum of five (5) percent.

This obligation to repay from net returns or proceeds shall be and remain a claim and lien upon the property which is the subject of the exploration project and upon any production resulting from such discovery or development, in favor of the Government, until fully paid, or until said ten-year period has elapsed; and this claim and lien and the Government's right to repayment shall survive any termination of the contract, whether by completion of the exploration project or otherwise. This section is not to be construed as imposing any obligation on the Operator or his successor in interest to produce ore from any such discovery or development.

This regulation shall become effective upon publication in the FEDERAL REGISTER.

JAMES BOYD,
Administrator,
Defense Minerals Administration.

[F. R. Doc. 51-4364; Filed, Apr. 10, 1951; 11:44 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 2—RULES OF PRACTICE

COMPLAINTS AND ANSWERS

The Commission on April 2, 1951, amended §§ 2.5 and 2.8 of its rules of practice (§§ 2.1 to 2.31), so as to make said sections read as follows, effective thirty days from date of publication in the FEDERAL REGISTER.

NOTE: In said sections, the numbers to the right of the decimal point correspond with the Roman numbers in the Commission's rules of practice, as included in its publication, Rules, Policy, Organization, and Acts.

§ 2.5 *Complaints.* (a) Whenever the Commission shall have reason to believe that there is a violation of law over which the Commission has jurisdiction, and in case of violation of the Federal Trade Commission Act, if it shall appear to the Commission that a proceeding by it in respect thereof would be to the interest of the public, the Commission shall issue and serve upon the proper parties a complaint stating its charges and containing a notice of a hearing upon a day and at the place therein fixed, at least thirty (30) days after the service of said complaint.

Upon request made within 15 days after service of the complaint, any party shall be afforded opportunity for the submission of facts, arguments, offers of settlement or proposals of adjustment where time, the nature of the proceeding, and the public interest permit, and due consideration shall be given to the same. Such submission shall be in writing. The filing of such request shall not operate to delay the filing of the answer.

(b) In the "Notice" portion of the complaint there may be set forth a statement of the provisions which may appear in the order to cease and desist which the Commission shall have reason to believe should issue if the facts in the record shall be found to be as alleged in the complaint. If the complaint contains such provisionary order to cease and desist, it shall also state that such order shall issue, unless the repondent shall file an anwer within the time designated in the complaint; shall appear at the time and place so fixed; and shall show cause why the said order to cease and desist should not be entered by the Commission, in which event such provisionary order to cease and desist shall be without effect.

§ 2.8 *Answers.* (a) In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Ten (10) copies of answers shall be furnished. The original of all answers shall be signed in ink, by the respondent or by his attorney at law. Corporations or associations shall file answers through a bona fide officer or by an attorney at law. Answers shall show the office and post office address of the signer.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Such answer will constitute a waiver of any hearing as to the facts alleged in the complaint and findings as to the facts and conclusions based upon such answer shall be made and order entered disposing of the matter without any intervening procedure. The respondent may, however, reserve in such answer the right to submit proposed findings and conclusions of fact or of law under § 2.21, and the right to appeal under § 2.23.

The trial examiner may, at any time the case is pending before him, at the request or with the consent of the parties, hold a conference or conferences for the settlement or simplification of the issues in the proceeding.

(b) Failure to file an answer or plead specifically to any allegation of the complaint shall constitute an admission of such allegation.

(c) Admission in the answer, or admission by failure to file an answer, of all the material allegations of fact contained in the complaint shall constitute a waiver of hearing. Upon such admission, the trial examiner and the Commission shall be deemed authorized, without further notice to respondent, to find the facts, to draw conclusions therefrom, and to enter an appropriate order.

Promulgated as of this date in pursuance of the action of the Federal Trade Commission under date of April 2, 1951, effective thirty days from date of publication in the FEDERAL REGISTER.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46)

By direction of the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-4220; Filed, Apr. 10, 1951; 8:52 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 202—MINIMUM WAGE DETERMINATIONS

DENTAL GOODS AND EQUIPMENT MANUFACTURING INDUSTRY

This matter is before the Department pursuant to the act of June 30, 1936 (49 Stat. 2036; 41 U. S. C. 35) entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," otherwise known as the Walsh-Healey Public Contracts Act. The currently effective wage determination (15 F. R. 382) was based upon information indicating that substantially all employees in the dental goods and equipment manufacturing industry (hereinafter referred to as the Industry) are engaged in commerce or in the production of goods for commerce, as defined in the Fair Labor Standards Act, as amended, and thus come under the minimum wage provisions of that act which require payment of a wage rate of not less than 75 cents per hour on and after January 25, 1950. The survey of selected dental goods and equipment manufacturing establishments made by the Bureau of Labor Statistics as of March 1950 (hereinafter referred to as the BLS survey) indicated that the 75 cent rate now in effect might not reflect the prevailing minimum wage in the industry. This proceeding was, therefore, initiated for the purpose of considering an amendment to the determination for the industry which will reflect the minimum wages now prevailing.

General. Notice of a hearing in this matter was published in the FEDERAL REGISTER (15 F. R. 4751). Copies of the notice and a press release announcing the hearing were mailed to trade associations, unions, and to individual companies in the industry. In addition, the press release was distributed to newspapers and trade publications.

This notice and release advised interested persons of the time and place at which they could appear and offer testimony: (1) As to what are the prevailing minimum wages in the industry; (2) as to whether there should be included in any amended determination for this industry provision for employment of learners and/or apprentices at subminimum rates, and if so, in what occupations, at what subminimum rates, and with what limitations, if any, as to length of period and number or proportion of such subminimum rate employees; and (3) as to whether the definition of the industry should be amended to read as follows:

The durable goods branch of the dental goods and equipment manufacturing industry is defined as that industry which manufactures or furnishes any of the following products: Durable dental equipment, including but not by way of limitation, dental hand pieces, hand instruments, including forceps and pliers, broaches and cutting instruments, for dental use; dental chairs; dental cabinets; dental equipment units; dental sterilizers; dental gas apparatus; dental X-ray equipment; dental compressors, engines and lathes; dental lights; dental laboratory equipment, other than laboratory furniture; and other durable dental goods.

The consumable goods branch of the dental goods and equipment manufacturing industry is defined as that industry which manufactures or furnishes any of the following products: consumable dental goods and supplies, including but not by way of limitation, dental anesthetics; dental gold and other precious metals; dental non-precious metals; dental alloy for amalgams; dental cement and filling materials; teeth, porcelain and gold; orthodontic appliances; waxes, compounds and investments; rubber dental materials; denture materials other than rubber; burrs, drills, and similar tools for use with dental handpieces; abrasive points, wheels and disks; and other consumable dental goods.

Copies of tables prepared from the BLS survey were made available to interested persons upon request.

The hearing was held on August 14, 1950, pursuant to the notice. Representatives of employees and employers appeared at the hearing to present evidence and testimony, and the record was kept open for a specified period beyond the close of the hearing for receipt of additional data and briefs.

Among others present at the hearing were representatives of the following: The American Federation of Labor; the United Electrical, Radio and Machine Workers of America; the Dental Manufacturers of America; the American Dental Trade Association; and Johnson & Johnson. In addition to the evidence and testimony presented at the hearing in support of their recommendations, the above parties submitted briefs for the record after the close of the hearing.

Definition of industry. In formulating the proposed definition of the industry the Department's staff consulted with representatives of the principal parties. The scope of the proposed definition differs only slightly from the scope of the currently effective definition, and the proposed changes are designed primarily to clarify the present definition of the industry. The only substantive change is the addition of dental anesthetics, which, according to the evidence available, are produced almost entirely by firms primarily in the dental goods and equipment manufacturing industry.

Johnson & Johnson urged that such of their products as dental sutures, dental floss, gauze and cotton, be expressly excluded from the definition. Although these products have never been considered to be within the scope of the proposed definition, to avoid possible misinterpretation, this definition is amended to exclude them specifically.

No opposition, other than the request of Johnson & Johnson, was directed toward the definition. The definition adopted for this amended determination is essentially the same as that contained in the notice of hearing, with the addition of a clause excluding dental sutures, dental floss, gauze and cotton from the scope of the definition.

3. *Minimum wage.* The basic data on minimum wages in the industry are contained in the BLS survey which was received as evidence at the hearing and was discussed by the various witnesses who testified. Neither the unions nor the employers questioned the adequacy of the coverage or the accuracy of the survey. The survey was limited to establishments employing 8 or more workers, and covered an estimated 83 percent of such establishments in the industry. The establishments covered employ approximately 95 percent of all plant workers in establishments with 8 or more employees in the industry. The data were tabulated for the United States as a whole, by regions, and for the durable goods branch and consumable goods branch separately. The most significant data are those showing the percentage distribution of straight-time earnings, plant minima, and distributions of plants (and of plant workers) according to the proportion of plant workers in each establishment earning less than specified amounts per hour.

Both the American Dental Trade Association and the Dental Manufacturers of America presented wage data based on surveys of their respective memberships. Although the surveys of the associations were not as extensive as the BLS survey, their wage data tend to corroborate the BLS data.

The American Federation of Labor urged that a minimum wage of $1.00 an hour be determined for the durable goods branch on the grounds that (1) only 11 percent of the workers receive wages below $1.00, (2) the first substantial cluster (4.5 percent) of rates occurs in the $1.00–1.049 wage interval, and (3) more than a third of the establishments employing approximately one-half of the workers pay no employee less than $1.00. The American Federation of Labor made no recommendation for the consumable goods branch. The United Electrical, Radio and Machine Workers (UE) urged a minimum of $1.05 (apparently for the entire industry) because two-thirds of all workers in the Industry received $1.05 or more.

The American Dental Trade Association and the Dental Manufacturers of America urged that a minimum of 75 cents an hour be determined for both the durable goods branch and consumable goods branch on the grounds that they believe the BLS survey shows 75 cents to be the prevailing minimum wage for both branches, and partly also because a number of establishments make products in both branches.

It is clear that a wide divergence exists between wage levels in the two branches of the industry. Wages paid by durable goods plants are considerably higher than those paid by consumable goods plants, the median rate being $1.46 for the former and $1.07 for the latter. These differences are conspicuous throughout the wage structure; for example, nearly 14 percent of the workers in the consumable goods branch receive less than 80 cents an hour as contrasted with 2.5 percent of the workers in the durable goods branch.

The associations urged that one minimum rate should be determined for the industry as a whole because a dual minimum rate would work a serious hardship on those firms producing both durable and consumable goods. The AFL, on the other hand, urged that separate rates be determined for the two branches. At the hearing the parties were requested to furnish information concerning the extent of overlap between the two branches. After the hearing the associations supplied a list of 12 plants that produce products of both branches. These plants represent only about one-eighth of the total number of plants and employ only about a fifth of the workers. Those of the 12 plants whose primary products are consumable goods employ a total of only 250 workers. In view of this relatively small amount of overlap and considering the sharply different wage levels prevailing in the two branches, I have concluded that the determination of the separate minimum wages is fully warranted. Not to do so would result in a failure to give proper weight to the wages in fact paid by the large majority of durable goods plants.

Considering first the durable goods branch, Table 8 (Exhibit L) of the BLS surveys shows that in this branch only 10 of the 29 plants (34.5 percent) pay $1.00 an hour or more to all plant workers (exclusive of learners and apprentices) and these plants employ less than half of the workers. On the basis of these figures it appears that 65.5 percent of the durable goods plants employing the majority of the workers would have to raise wages to meet even a $1.00 minimum, the lowest rate proposed by the unions. The record, accordingly, shows that the prevailing minimum wage is not as high as $1.00. However, the record also clearly shows that in this branch the prevailing minimum is above 75 cents an hour. According to the statistical data in Table 8 considerably more than half (55.3 percent) of the durable goods plants employing more than half the workers (57.5 percent) have no experienced workers receiving less than 85 cents an hour. Roughly half the plants (48.3 percent) with 56.6 percent of the workers employ no experienced workers at hourly rates below 90 cents. A somewhat lesser proportion of the plants (44.9 percent) employ no experienced workers below 95 cents per hour. A rate of 90 cents an hour thus comes closest to representing the minimum rate paid by half of the plants in the branch, and these plants employ somewhat more than half of the total number of workers in the branch. Only 6.1 percent of the workers actually receive hourly wages of less than 90 cents, and the interval containing that rate includes a larger proportion of workers (2.5 percent) than any of the preceding intervals. After consideration of the entire record, I have concluded that the record supports a finding that 90 cents an hour is the prevailing minimum wage in the durable goods branch.

In the consumable goods branch, BLS Table 7 (Exhibit K) shows that 50.1 percent of the establishments employing 69 percent of the workers would have to raise some wages to meet an 80 cent minimum. Table 1 (Exhibit D) shows that more experienced workers (13.8 percent) received wages in the 75–79.9 cents interval than in any other 5 cent interval. After the hearing, the BLS furnished information that most of these workers received exactly 75 cents an hour and that 45 percent of the establishments employing 59.8 percent of the workers have a plant minimum of 75 cents or less. After consideration of the entire record, I have concluded that the record supports a finding that 75 cents per hour is the prevailing minimum wage in the consumable goods branch.

The BLS survey included separate data for only two regions, Middle Atlantic and Great Lakes. The survey shows that wages are slightly higher in the Great Lakes area than in the rest of the country. However, both the employers and employees urged that there be no regional wage differential. In view of the nation-wide scope of the market for products of the industry and the recommendation of all interested persons at the hearing, I find there is no need for a regional wage differential.

Table 4 (Exhibit H) shows that 11 establishments employ a total of 37 learners and only 12 of these employees receive wages below the proposed minima. Under these circumstances, there does not appear to be any common practice of employing learners at subminimum rates. The number of establishments which employ learners is so small and the number of learners which they employ below the proposed minima is so insignificant that provision for a subminimum rate for learners does not appear to be needed.

There is no evidence of abuse of the apprenticeship tolerance which has been in effect for the durable goods branch of the industry since the initial determination effective September 1941. In view of this, and the Department's established policy to encourage the development of the apprentice program, I find that it is reasonable to allow apprentices to be employed in the durable goods branch at wages below 90 cents an hour but not below 75 cents an hour: *Provided*, The employment conforms with standards of the Federal Committee on Apprenticeship.

The regulations (41 CFR 201.1102) permit employment of handicapped workers at subminimum rates on contract work under the act and this authorization was not an issue in the proceeding. It seems advisable to include in the determination, however, specific authorization for such employment.

Amendment of determination. After consideration of the entire record of this proceeding, the prevailing minimum wage determination for the dental goods and equipment manufacturing industry is hereby amended to read as follows:

§ 202.39 *Dental goods and equipment manufacturing industry*—(a) *Definition.* (1) The durable goods branch of the dental goods and equipment manufacturing industry is defined as that industry which manufactures or furnishes any of the following products:

Durable dental equipment, including but not by way of limitation, dental hand pieces, hand instruments, including forceps and pliers, broaches and cutting instruments for dental use; dental chairs; dental cabinets; dental equipment units; dental sterilizers; dental gas apparatus; dental X-ray equipment; dental compressors, engines and lathes; dental lights; dental laboratory equipment, other than laboratory furniture; and other durable dental goods.

(2) The consumable goods branch of the dental goods and equipment manufacturing industry is defined as that industry which manufactures or furnishes any of the following products:

Consumable dental goods and supplies, including but not by way of limitation, dental anesthetics; dental gold and other precious metals; dental nonprecious metals; dental alloy for amalgams; dental cement and filling materials; teeth, porcelain and gold; orthodontic appliances; dental waxes, compounds and investments; rubber dental materials; denture materials other than rubber; burrs, drills, and similar tools for use with dental handpieces; abrasive points, wheels and disks for dental use; and other consumable dental goods: *Provided however*, That the definition shall not include such products as: Dental sutures, dental floss, mouth wipes, cotton tips, cotton rolls, and gauze.

(b) *Minimum wages.* (1) The minimum wage for persons employed in the manufacture or furnishing of products of the durable goods branch of the dental goods and equipment manufacturing industry under contracts subject to the Walsh-Healey Public Contracts Act shall be 90 cents an hour arrived at either on a time or piece-rate basis.

(2) The minimum wage for persons employed in the manufacture or furnishing of products of the consumable goods branch of the dental goods and equipment manufacturing industry under contracts subject to the Walsh-Healey Public Contracts Act shall be 75 cents an hour arrived at either on a time or piece-rate basis.

(c) *Subminimum wages authorized.* (1) Apprentices may be employed in the durable goods branch at wages below 90 cents an hour if their employment conforms to the standards of the Federal Committee on Apprenticeship; except that no apprentice may be employed at a rate lower than 75 cents an hour.

(2) Handicapped workers may be employed at wages below the minimum rates upon the same terms and conditions as are prescribed for the employment of handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 524 and 525), under section 14 of the Fair Labor Standards Act, as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective and the minimum wages hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations commenced on or after May 11, 1951.

(Sec. 4, 49 Stat. 2038; 41 U. S. C. 38. Interprets or applies sec. 1, 49 Stat. 2036; 41 U. S. C. 35)

Signed at Washington, D. C., this 5th day of April 1951.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 51-4259; Filed, Apr. 10, 1951; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9572]

APPENDIX TO PART 3—ESTABLISHMENT OF A UNIFORM POLICY TO BE FOLLOWED IN LICENSING OF RADIO BROADCAST STATIONS CASES IN CONNECTION WITH CERTAIN VIOLATIONS

REPORT OF THE COMMISSION

In the matter of establishment of a uniform policy to be followed in licensing of radio broadcast stations cases in connection with violation by an applicant of

laws of the United States other than the Communications Act of 1934, as amended.

1. This report is issued by the Commission in connection with oral argument on the above-entitled matter presented to the Commission on April 24, 1950. The argument had been ordered on the Commission's own motion on January 25, 1950, and was originally scheduled to be heard on February 13, 1950, but was continued to April 24, 1950, upon petition of certain parties who requested additional time to prepare.

2. As pointed out in its notice of oral argument, the Commission had placed in its pending files certain broadcast applications on the grounds that the applicants and licensees had been found by a federal court to have violated laws of the United States relating to monopoly, restraint of trade, unfair competition and other matters. It was further pointed out in the notice that the Commission had not enunciated a policy to be followed in acting on broadcast applications where applicants were so involved. Accordingly, all interested parties were invited to file appearances accompanied by briefs or memoranda and present oral arguments thereon before the Commission en banc with particular reference to the following points:

1. The authority of the Commission to consider in its licensing of broadcast stations the fact that an applicant has violated a law of the United States, other than the Communications Act of 1934, as amended. If the Commission has such authority, is there any basis in policy for not considering such violation.[1]

2. If the Commission has such authority, should there be a difference in procedure or result in any of the following types of situations? In this connection consideration should be given to the situations involving both comparative hearings and non-comparative hearings:

(a) Whether the finding of the violation is in a civil or criminal case.

(b) Whether the finding of violation is by the United States Supreme Court or by a lower federal court.

(c) Where, after the finding of violation, a decree is entered by an appropriate court which results in the elimination of the practice which was a violation of federal law.

(d) Where there has been no finding of violation but a suit has been filed alleging a violation.

(e) Where there has been no finding of violation or no filing of suit, but the Commission is in possession of information which shows that there has been a violation of federal law.

3. Written briefs and statements were filed by the U. S. Department of Justice, 16 representatives of the broadcasting industry and other members of the public. The parties presented in their written statements much argument and information which have been helpful to the Commission in making a determination of the issues in this proceeding.

4. In approaching these issues, we are concerned with two basic considerations:

(1) Under the Communications Act of 1934, as amended, licensees are required by law to operate radio stations in the public interest.

(2) The Commission, in its licensing functions, is obligated to see that this legislative mandate is carried out and to encourage the larger and more effective use of radio in the public interest. It is in the light of these requirements that the problems presented here must be considered.

5. Sections 307 (a), 309 (a) and 310 (b) of the Communications Act provide that the Commission may grant applications only if the public interest, convenience or necessity will be served. No intelligent appraisal of applicants in terms of this standard can be made without an examination of the basic character qualifications of these applicants, and Congress, in section 303 (b) of the act, specifically gave the Commission authority and imposed upon it the duty to make such examination in evaluating applicants for radio facilities.

6. An important aspect of this examination is the conduct of the applicant. KFKB Broadcasting Association, Inc. v. Federal Radio Commission, 44 F. 2d 670. Obviously this does not include every phase of an applicant's behavior, but only that part which has some reasonable relationship to ability to operate a broadcast station in the public interest. As pointed out in Mansfield Journal Co. v. Federal Communications Commission, 180 F. 2d 28, 33, ". . . in determining whether a particular applicant should be permitted to operate so important and restricted a facility as a radio station . . . it is appropriate that the Commission examine pertinent aspects of the past history of the applicant."

7. We believe a pertinent part of this history would clearly include any violation of Federal law. We have in the past considered various types of unlawful conduct including violations of Internal Revenue laws, conspiracy to violate antitrust laws, false advertising and other deceptive practices, in passing upon qualifications of applicants. In this respect we have been sustained by the Courts. In Mester et al. v. United States, et al., 70 F. Supp. 118, affirmed per curiam 332 U. S. 820, the U. S. District Court for the Eastern District of New York stated that the Commission might consider as one element of evaluation the applicant's flagrant disregard and violation of various U. S. Government regulations designed for public protection. In National Broadcasting Company v. United States, 319 U. S. 190, 222, the Supreme Court stated that the Commission is permitted to exercise its judgment as to whether violation of the antitrust laws disqualify an applicant from operating a station in the public interest; and "might infer from the fact that the applicant had in the past tried to monopolize radio, or had engaged in unfair methods of competition, that the disposition so manifested would continue and that if it did it would make him an unfit licensee." It must be concluded, therefore, that the Commission's authority to consider violation of Federal laws, other than the Communications Act of 1934, in evaluating applicants for radio facilities is well established and that a positive duty is imposed upon us to exercise this authority.

8. As the courts have held, by exercising such authority we are not encroaching upon the administrative and enforcement jurisdictions of other governmental agencies or the courts. Thus, in the above-mentioned National Broadcasting Company case we pointed out to the Court that in adopting the network regulations we were not attempting to apply the anti-trust laws as such, but were concerned only with practices violative of the anti-trust laws to the extent that they "had a bearing upon the matters which were entrusted to the Commission." The Supreme Court expressed its approval of this interpretation. In the Mester case, we were not attempting to impose penalties for violations of laws administered by the Federal Trade Commission and the Office of Price Administration, but rather considered such violations along with other conduct pertinent to a determination whether the applicant had the qualifications to operate a broadcast station as required by the Communications Act.

9. The contention has been made by parties in the proceeding that no blanket policy should be adopted by the FCC which would absolutely disqualify applicants for radio facilities where they are found to have violated a Federal law or which would attempt to specify the exact weight or significance to be given by the Commission to such violations. Such evaluations, it was argued, should be made only on a case-to-case basis in the light of the specific facts involved in and related to the violation. We are in general agreement with this contention. As mentioned above, the Commission must be satisfied that an applicant has the requisite qualifications to assure that public interest will be served by a grant of his application. This determination cannot be made on the basis of isolated facts but should include a careful, critical analysis of all pertinent conduct of the applicant. We believe that if an applicant is or has been involved in unlawful practices, an analysis of the substance of these practices must be made to determine their relevance and weight as regards the ability of the applicant to use the requested radio authorization in the public interest. We do not believe that the outcome of this determination should be prejudged by the adoption of any general rule forbidding any grant in all cases where unlawful conduct of any kind or degree can be shown. Nor do we believe that any rule could adequately prescribe what type of conduct may be considered of such a nature that in all cases it would be contrary to the public interest to grant a license.

10. While we have determined that no blanket policy should be enunciated, in view of the apparent confusion which has existed with respect to the subject of this proceeding, and the concern expressed by those whose interests have been or may be affected in the future, we believe it will be helpful to set forth what we think is the correct approach for properly determining on a case-to-case basis the weight to be given violations of Federal law other than the Communications Act. By so doing, we are not attempting to set up a "trick substitute" for the exercise of administrative discretion. With respect to the particular matter which is the subject of this Report, there is no easy formula or slide rule which can be used to give the answer to every such case that comes before us. We must and will decide each case on its individual merits. But in the interest of clarity, we are simply stating some of the factors which we believe should and must be considered before sound judgments can be made.

11. It has been urged upon us that the violation of a U. S. law per se raises no presumption adverse to an applicant. With this point of view we do not agree. Violations of Federal laws, whether deliberate or inadvertent, raise sufficient question regarding character to merit further examination. While this question as to character may be overcome by countervailing circumstances, nevertheless, in every case, the Commission must view with concern the unlawful conduct of any applicant who is seeking authority to operate radio facilities as a trustee for the public. This is not to say that a single violation of a Federal law or even a number of them necessarily makes the offender ineligible for a radio grant. There may be facts which are in extenuation of the violation of law. Or, there may be other favorable facts and considerations that outweigh the record of unlawful conduct and qualify the applicant to operate a station in the public interest. In all such cases, a matter of prime concern is whether the violation was committed inadvertently or wilfully. Innocent violations are not as serious as deliberate ones.

12. As has been suggested by parties in this proceeding, another matter of importance is whether the infraction of law is an isolated instance or whether there have been recurring offenses which establish a definite pattern of misbehavior. A single transgression of law, particularly if inadvertently committed, might raise little question with respect to qualifications, whereas a continuing and callous disregard for laws may justify the conclusion that the applicant cannot be expected in the future to demonstrate a responsible attitude toward his obligations as a broadcast licensee. In this connection, the matter of time is important. There necessarily must be more concern with recent violations than with those which occurred in the remote past and have been followed by a long period of consistent adherence to law and exemplary conduct on the part of the applicant. Cases which must be viewed with most critical scrutiny are those where the applicant has been involved in violations over a long period of time or is presently engaged in illegal practices. In all such cases a strong presumption of ineligibility is raised and a heavy burden of proof is imposed on the applicant to show he is qualified to operate a broadcast station in the public interest.

13. It is irrelevant to a determination of qualifications whether the finding of violation is in a civil or criminal case. In either case it is the conduct of the applicant and not the type of suit brought that is important. For as pointed out by the Department of Justice in its Memorandum, "while the bringing of a criminal case may sometime indicate a more flagrant and wilful disregard of the antitrust laws than does the filing of a civil complaint, so many factors enter into determination of the type of action to be brought that whether the suit was civil or criminal has little relationship to the question whether the defendant's acts were in deliberate disregard of the anti-trust laws or whether his violation was flagrant or persistent."

14. Furthermore, it is not the particular tribunal which makes the finding, but the finality of the decree which is significant. We see no logical basis for giving greater evidentiary weight in character determination to a final decree of the higher court than to that of a lower court from which no appeal was taken.

15. The question is presented as to what significance should be given to the fact that a suit alleging a violation of law has been filed against an applicant or where the Commission is in possession of facts showing that the applicant has violated the law but where there has been no final adjudication by an appropriate authority. The fact that suit has been instituted is not the important consideration. The questions raised and facts involved, however, may be of concern to the Commission. As hereinabove pointed out, the Commission has the authority to examine pertinent aspects of the past history of an applicant and this history, of course, includes any violation of Federal law. Even though no suit alleging illegal conduct has been filed, or if one has been filed but has not been heard or finally adjudicated, the Commission may consider and evaluate the conduct of an applicant in so far as it may relate to matters entrusted to the Commission. (See National Broadcasting Company v. United States, and Mansfield Journal Company v. Federal Communications Commission.

16. Thus far we have been discussing violations of Federal law in general. However, as indicated in the Notice of Oral Argument in this proceeding, violations of anti-trust laws have been the principal basis for the Commission's concern in this matter. Most of the parties who presented argument have at one time or another been the subject of prosecution or conviction under the Sherman Anti-trust laws and have filed applications for new or changed radio facilities upon which action has been postponed by the Commission pending a determination of this matter. We believe, therefore, that such violations deserve special treatment in this report.

17. Congressional concern with free competition in the broadcasting field is evident in the very explicit and specific provisions of sections 311 and 313 making the anti-trust laws applicable to broadcasting. This concern is amplified in the legislative history of these provisions. As the Supreme Court pointed out in Federal Communications Commission v. Pottsville Broadcasting Co., 309 U. S. 134, 137, Congress in setting up the Communications Act of 1934 "moved under the spur of a widespread fear that in the absence of governmental control the public interest might be subordinated to monopolistic domination in the broadcasting field." As the Supreme Court further pointed out in Federal Communications Commission v. Sanders Brothers Radio Station, 309 U. S. 470, 478 (1940) "the act recognizes that the field of broadcasting is one of free competition." In that case the Court held that the act "expressly negatives" the idea of monopoly in the broadcasting field. It is clear from the legislative history of the Act and from various provisions therein that Congress conceived as one of the Commission's major functions the preservation of competition in the radio field and the protection of the public as against the private interest.

18. It has been argued that there is no need or basis for the Commission to disqualify applicants because they have been involved in violations of the antitrust laws since the Commission has the means of preventing the growth of monopolistic practices in radio. Thus, it is contended that if we effectively enforce the duopoly and multiple ownership rules there can be no real danger of a monopoly developing in the broadcasting field. This argument misses the point of the discussion in this report. While it is true that enforcement of the Commission's multiple ownership rules can prevent any applicant from acquiring an excessive number of stations, there are many other monopolistic practices against which there are no rules. And while in the course of time, where such practices are discovered the Commission can adopt rules which might prevent recurrence of these monopolistic practices, the fact remains that such monopolistic practices might exist for a long period of time before they are discovered or corrected. During this period the existence of these restrictive practices can prevent the maximum development of broadcasting not only for that period but also for the future. It is well known that once certain practices develop, it is exceedingly difficult in applying corrective measures to restore the situation to the same healthy conditions that would have prevailed had not the restrictive conditions been permitted to arise at all. Thus, it is important that only those persons should be licensed who can be relied upon to operate in the public interest, and not engage in monopolistic practices. When passing upon applications of persons who have engaged in monopolistic practices in other industries, the Commission must be concerned as to whether such persons would also engage in monopolistic practices in radio if they were given a license. Their conduct in other fields is obviously a matter which the Commission must consider in determining whether they possess the requisite qualifications of a licensee.

[1] While the notice of oral argument refers to laws of the United States only, the principles hereinafter set forth in this report also apply to other violations of law. Arguments of some parties to the proceeding related to the authority of the Commission with respect to violations of state and local laws as well as federal laws.

19. Much of the argument in this proceeding related to the major motion picture companies who have violated the anti-trust laws over a period of years in the motion picture field. It is obvious from what we have already said that violation of the anti-trust laws by the motion picture companies is a matter that the Commission must consider carefully in determining the qualifications of these companies to operate in the public interest.

20. A somewhat related matter in so far as motion picture companies are concerned merits some discussion. It has come to the Commission's attention that many motion picture companies refuse to make copies of their films available for use by television stations. Similarly, restrictions are imposed by these companies as to the appearance of actors under contract to the studio on television programs and to the use on television of stories or plays whose rights have been acquired by the studio. We express no opinion at this time as to whether such practices are or are not in violation of the anti-trust laws. We do desire, however, to point out that whether or not these practices are a violation of any law they are considered by the Commission to be relevant in determining the qualifications of applicants utilizing such practices. It is obvious that the success of television will depend to a large measure on the ability of television stations to acquire the best available films and to utilize the best available talent and stories in their programs. Motion picture companies, of course, have the same interest. When a television station is owned by a licensee other than a motion picture company, it will compete vigorously with the motion picture companies to secure the best available films, talent and stories for use over his station. Where a television station is owned by a motion picture company which imposes restrictions on the use of films, talent or stories on television stations, obviously a conflict of interest is created and the conflict is likely to be resolved against the television station where the investment in the motion picture part of the enterprise is greater than in the television properties. In such a case, a serious policy question is presented as to whether the Commission fulfills its obligation to encourage the largest and most effective utilization of television in the public interest when it licenses the station to a person with an obvious conflict of interest which can prevent him from utilizing television to its utmost.

21. In this report we have attempted to discuss as clearly as possible what we consider to be basic matters of concern in this proceeding. For the benefit of the general public and in fairness to the parties in this proceeding as well as others who have applications pending and who may be making plans for further expansion in the broadcasting field we have set forth what we consider the primary principles which should guide us in making a case-to-case determination of these applications.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Adopted: March 28, 1951.

Released: March 29, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4165; Filed, Apr. 9, 1951; 3:31 p. m.]

PART 9—AERONAUTICAL SERVICES

POSTING STATION LICENSES AND TRANSMITTER IDENTIFICATION CARDS

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 28th day of March 1951;

The Commission having under consideration the matter of amending § 9.118 of its rules governing aeronautical services in order to provide for the use of the FCC Form 452–C as a means of identifying aeronautical mobile stations;

It appearing, that a notice of proposed rule making under section 4 (a) of the Administrative Procedure Act is not required since the amendment herein ordered is not substantive in nature;

It is ordered, Under the authority contained in sections 4 (i), 301, 303 (r) and 309 of the Communications Act of 1934, as amended, that effective June 1, 1951, § 9.118 of the Commission's rules and regulations governing Aeronautical Services is amended as set forth below.

(Sec. 4, 48 Stat. 066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 309, 48 Stat. 1081, 1085; 47 U. S. C. 301, 309)

Adopted: March 28, 1951.

Released: March 28, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

§ 9.118 *Posting station licenses and transmitter identification cards.* (a) The current authorization for stations at fixed locations in the aeronautical services shall be conspicuously posted at the place where the transmitter is located. In the event an authorization covers transmitters at several locations, the authorization shall be posted at one transmitter location and a photographic copy thereof shall be posted at all other transmitter locations. The photographic copy shall bear a notation of the location of the original authorization.

(b) The current authorization for aircraft radio stations may be posted or kept at a convenient easily accessible location in the aircraft.

(c) The current authorization for each land mobile station shall be retained as a permanent part of the station record, but need not be posted. An executive Transmitter Identification Card (FCC Form 452–C) shall be affixed to each land mobile transmitter or associated control equipment. When the transmitter is not in view of and readily accessible to the operator, it is preferred that the identification card be affixed to the control equipment at the transmitter operating position. The following information shall be entered on the card by the permittee or licensee:

(1) Name of permittee or licensee.

(2) Station call signal assigned by the Commission.

(3) Exact location or locations of the transmitter records.

(4) Frequency or frequencies on which the transmitter to which attached is adjusted to operate; and

(5) Signature of the permittee or licensee, or a designated official thereof.

[F. R. Doc. 51-4277; Filed, Apr. 10, 1951; 8:48 a. m.]

PART 17—CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA TOWERS AND/OR THEIR SUPPORTING STRUCTURES

FORM TO BE USED TO DESCRIBE PROPOSED ANTENNA STRUCTURES

In the matter of amendment of § 17.3 of the Commission's rules for the purpose of clarification and removing certain inconsistencies.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of March 1951;

The Commission having under consideration § 17.3 of the Commission's rules concerning the construction, marking and lighting of antenna towers and/or their supporting structures which section specifies the form to be used to describe proposed antenna structures.

It appearing, that in its present form § 17.3 requires the filing of Form 401-A (revised) in many cases where the antenna would not exceed 20 feet in height. This requirement is inconsistent with the apparent intent of § 17.14 which exempts such antenna from special aeronautical study;

It further appearing, that the standard set forth in § 17.3 (a) (2) with respect to "height above ground for each 200 feet of distance from the boundary of any landing area" is inconsistent with other sections of Part 17 which indicate the correct standard should be "above the established airport elevation;"

It further appearing, that since it is not only desirable but in the public interest that these inconsistencies be eliminated and that since an amendment necessary to effectuate this end would be editorial rather than substantive in nature, the provisions with respect to notice of proposed rule making as set forth in section 4 (a) of the Administrative Procedure Act are not applicable;

It further appearing, that since the amendment serves to grant an exemption, it is not necessary to give 30-day notice prior to the effective date of the amendment;

It further appearing, that authority for the amendment is contained in sections 4 (i), 301, 303 (q), and 309 of the Communications Act of 1934, as amended;

It is ordered, That effective immediately § 17.3 of the Commission's rules concerning the construction, marking and lighting of antenna towers and/or their supporting structures is amended to read as follows:

§ 17.3 *Form to be used to describe proposed antenna structures.* Applications for radio facilities shall be accompanied by FCC Form 401–A (revised) for services other than broadcast [1] when:

(1) The antenna structures proposed to be erected will exceed an over-all height of 170 feet above ground level, except that where the antenna is mounted on top of an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet, no Form 401–A need be filed, or

(2) The antenna structures proposed to be erected will exceed an over-all height of 1 foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401–A need be filed.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 309, 48 Stat. 1081, 1082, 1085; 47 U. S. C. 301, 303, 309)

Adopted: March 28, 1951.

Released: March 29, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4278; Filed, Apr. 10, 1951; 8:49 a. m.]

[1] FCC Form 301, Section V–G (antenna) shall be submitted with all broadcast applications.

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 655]

NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

MINIMUM WAGE RATES

On June 15, 1950, pursuant to section 5 (a) of the Fair Labor Standards Act of 1938, as amended, hereinafter called the act, the Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 399, appointed Special Industry Committee No. 8 for Puerto Rico (hereinafter called the "Committee") and directed the Committee to investigate conditions in a number of industries in Puerto Rico specified and defined in the order, including the needlework and fabricated textile products industry in Puerto Rico (hereinafter called the "industry"), and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wage rates for the needlework and fabricated textile products industry, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico.

After investigating economic and competitive conditions in the industry in Puerto Rico, the Committee filed with the Administrator a report containing (a) its recommendation that the industry be divided into separable divisions for the purpose of fixing minimum wage rates; (b) the titles and definitions recommended by the Committee for such separable divisions of the industry; and (c) its recommendation for minimum wage rates to be paid employees engaged in commerce or in the production of goods for commerce in such divisions of the industry.

Pursuant to notice published in the FEDERAL REGISTER on October 20, 1950, and circulated to all interested persons, a public hearing upon the Committee's recommendations was held before Hearing Examiner Clifford P. Grant, as presiding officer, in Washington, D. C. on November 15 and 16, 1950, at which all interested parties were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to the Administrator by the presiding officer.

Upon reviewing all the evidence in this proceeding and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I, as Administrator, have concluded that the recommendations of the Committee for minimum wage rates in the needlework and fabricated textile products industry and its divisions, as defined, were made in accordance with law, are supported by the evidence adduced at the hearing and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 8 for Puerto Rico for Minimum Wage Rates in the Needlework and Fabricated Textile Products Industry in Puerto Rico," a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding (15 F. R. 7029), that I propose to approve the recommendations of the Committee for the industry and to revise the regulations contained in this part to read as set forth below in order to carry such recommendations into effect. Interested parties may submit written exceptions within 15 days from publication of this notice in the FEDERAL REGISTER. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should include supporting reasons for any exceptions.

Sec.
655.1 Approval of recommendations of industry committee.
655.2 Wage rates.
655.3 Notices of order.
655.4 Definitions of the needlework and fabricated textile products industry in Puerto Rico and its divisions.

AUTHORITY: § 655.1 to 655.4 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 655.1 *Approval of recommendations of industry committee.* The Committee's recommendations are hereby approved.

§ 655.2 *Wage rates.* (a) (1) Wages at a rate of not less than 21 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the woven and knitted fabric glove division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 45 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the woven and knitted fabric glove division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in machine operating or in operations known to the industry as cutting, laying off, sizing, banding, and boxing, and who is engaged in commerce or in the production of goods for commerce.

(3) Wages at a rate of not less than 29 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the woven and knitted fabric glove division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in operations other than hand sew-

ing, machine operating, and operations known to the industry as cutting, laying off, sizing, banding, and boxing, and who is engaged in commerce or in the production of goods for commerce.

(b) (1) Wages at a rate of not less than 25 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the leather glove division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 52 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the leather glove division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in machine operating, or in any operations known to the industry as cutting, laying off, sizing, banding, and boxing, and who is engaged in commerce or in the production of goods for commerce.

(3) Wages at a rate of not less than 29 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the leather glove division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in operations other than hand sewing, machine operating, and operations known to the industry as cutting, laying off, sizing, banding, and boxing, and who is engaged in commerce or in the production of goods for commerce.

(c) (1) Wages at a rate of not less than 21 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the silk, rayon, and nylon underwear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 34 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the silk, rayon, and nylon underwear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

(d) (1) Wages at a rate of not less than 17½ cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the cotton underwear and infants' underwear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the cotton underwear and infants' underwear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, stamping, machine operating, sorting, washing, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

(e) (1) Wages at a rate of not less than 17½ cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the infants' wear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the infants' wear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, pinning, washing, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

(f) (1) Wages at a rate of not less than 17½ cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the needlepoint division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, embroidering and embellishing by hand and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the needlepoint division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, stamping, sorting, finishing, and packing, and who is engaged in commerce or in the production of goods for commerce.

(g) (1) Wages at a rate of not less than 17½ cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the household art linen division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the household art linen division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, ribboning, washing, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

(h) (1) Wages at a rate of not less than 17½ cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the handkerchief and square scarf division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the handkerchief and square scarf division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, ribboning, washing, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

(i) (1) Wages at a rate of not less than 28 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the children's dresses division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 31 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the children's dresses division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, cleaning, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

(j) Wages at a rate of not less than 33 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the corsets, brassieres, and allied garments division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(k) Wages at a rate of not less than 32 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the crochet slipper division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(l) Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the crochet beading division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(m) Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the bullion embroidery division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(n) Wages at a rate of not less than 36 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the corde and bonnaz embroidery and corde handbag division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(o) (1) Wages at a rate of not less than 28 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the women's blouses, dresses, and neckwear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the women's blouses, dresses, and neckwear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, cleaning, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

(p) Wages at a rate of not less than 45 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the fur garment division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(q) (1) Wages at a rate of not less than 21 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the miscellaneous division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the miscellaneous division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, cleaning, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

§ 655.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the needlework and fabricated textile products industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed, from time to time, by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 655.4 *Definition of the needlework and fabricated textile products industry in Puerto Rico and its divisions.* (a) The needlework and fabricated textile products industry in Puerto Rico, to which this part shall apply, is hereby defined as follows: The manufacture from any material of all apparel and apparel furnishings and accessories may by the knitting, crocheting, cutting, sewing, embroidering or other processes, and the manufacture of all textiles and textile products except the manufacture of hooked rugs and products or activities included in the following industries in Puerto Rico as defined in the wage orders for such industries: The shoe manufacturing and allied industries, the textile and textile products industry, the button, buckle, and jewelry industry, the hosiery industry, the hairnet industry, the artificial flower industry, the men's and boys' clothing and related products industry, and the handicraft products industry. This definition includes, but without limitation, handkerchiefs, scarves and mufflers; gloves; women's, misses', girls' and infants' outerwear, underwear, and nightwear; women's and misses' corsets and allied garments; millinery; handbags (except handbags made by hand out of raffia, maguey, straw, or similar materials); household art linens; needlepoint; embroideries and trimmings; curtains, draperies, and bedspreads; and miscellaneous fabricated textile products.

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

(b) The separable divisions of the industry, as defined in paragraph (a) of this section, to which this part and its several provisions shall apply, are hereby defined as follows:

(1) *Woven and knitted fabric glove division.* The term woven and knitted fabric glove division shall mean the manufacture of all gloves and mittens from woven or knitted fabrics.

(2) *Leather glove division.* The term leather glove division shall mean the manufacture of all gloves and mittens from leather or from leather in combination with woven or knitted fabrics.

(3) *Silk, rayon and nylon underwear division.* The term silk, rayon and nylon underwear division shall mean the manufacture, from any woven or knitted fabric except cotton or from any woven or knitted fabric containing a mixture of cotton and other fibers, of women's, misses' and children's underwear and nightwear, including, but not by way of limitation, slips, nightgowns, negligees, panties, step-ins, pajamas, and similar articles.

(4) *Cotton underwear and infants' underwear division.* The term cotton underwear and infants' underwear division shall mean the manufacture from cotton of women's, misses' and children's underwear and nightwear, including, but not by way of limitation, slips, nightgowns, negligees, panties, step-ins, pajamas, and similar articles, and the manufacture of underwear and nightwear for infants under three years of age.

(5) *Infants' wear division.* The term infants' wear division shall mean the manufacture of dresses, rompers, creepers, sportswear and play apparel, for infants under three years of age.

(6) *Needlepoint division.* The term needlepoint division shall mean the manufacture of needlepoint on canvas or other material.

(7) *Household art linen division.* The term household art linen division shall mean the manufacture of household art linens including, but not by way of limitation, table cloths, napkins, bridge sets, luncheon cloths, table covers, sheets, pillow cases, and towels.

(8) *Handkerchief and square scarf division.* The term handkerchief and square scarf division shall mean the manufacture of plain, scalloped or ornamented handkerchiefs and square scarves.

(9) *Children's dresses division.* The term children's dresses division shall

mean the manufacture of dresses for children over three years of age.

(10) *Corsets, brassieres, and allied garments division.* The term corsets, brassieres, and allied garments division shall mean the manufacture of corsets, brassieres, brassiere pads, girdles, sanitary belts, foundation garments, and similar items.

(11) *Crochet slipper division.* The term crochet slipper division shall mean the manufacture of slippers, slipper socks, mukluks, and similar types of footwear (except infants' bootees) made by a crocheting or knitting process.

(12) *Crochet beading division.* The term crochet beading division shall mean the embroidery of any article by a crochet beading process and all operations directly incidental to such embroidery.

(13) *Bullion embroidery division.* The term bullion embroidery division shall mean the manufacture of emblems and insignia made of bullion embroidery and the embroidery of any other articles with bullion threads and all operations directly incidental to such embroidery.

(14) *Corde and bonnaz embroidery and corde handbag division.* The term corde and bonnaz embroidery and corde handbag division shall mean the manufacture of corde handbags, corde plates for handbags, and other articles or trimmings made on a bonnaz embroidery machine.

(15) *Women's blouses, dresses, and neckwear division.* The term women's blouses, dresses and neckwear division shall mean the manufacture of women's and misses' blouses, waists, dresses, smocks, aprons, neckwear (including collar and cuff sets) and scarves (except square scarves).

(16) *Fur garment division.* The term fur garment division shall mean the manufacture of fur coats and other fur garments, accessories and trimmings.

(17) *Miscellaneous division.* The term miscellaneous division shall mean all products and activities included in the needlework and fabricated textile products industry, as defined in paragraph (a) of this section, which are not included in any of the other divisions of the industry as defined in this section.

Signed at Washington, D. C., this 6th day of April 1951.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 51-4301; Filed, Apr. 10, 1951; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 11, 16]

[Docket No. 9898]

RELAY STATIONS IN THE INDUSTRIAL AND LAND TRANSPORTATION RADIO SERVICES

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of a new policy on licensing of relay stations in the Industrial and land transportation radio services, Parts 11 and 16, respectively; Docket No. 9898.

The Commission having on February 7, 1951 adopted a notice of proposed rule making in the above-entitled matter in which March 21, 1951 was set as the time within which comments were to be filed and April 2, 1951, as the last day for filing comments in reply to the original ones;

It appearing, that two of the interested parties have petitioned the Commission for waiver of the March 21, 1951 closing date in order to enable them to file their comments; and

It further appearing, that since such waivers have been granted, it is desirable to extend the time within which comments or briefs in reply to original comments or briefs may be filed, the authority for which is contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended;

It is ordered, This 29th day of March 1951, that the time within which to file such reply comments or briefs in the above-entitled matter be extended to April 16, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4279; Filed, Apr. 10, 1951; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Home Loan Bank Board

[24 CFR, Part 122]

ORGANIZATION OF BANKS

ELECTION OF DIRECTORS OF FEDERAL HOME LOAN BANKS

APRIL 5, 1951.

Resolved that, pursuant to Part 108 of the General Regulations of the Home Loan Bank Board (24 CFR Part 108), it is proposed to amend the provisions contained in Part 122 of the Regulations for the Federal Home Loan Bank System (24 CFR Part 122) under the subheading "Directors", in the particulars as hereinafter set forth.

Resolved further that a hearing will be held on May 15, 1951 at 10 o'clock in the forenoon in Room 827, Federal Home Loan Bank Board Building, 101 Indiana Avenue, N. W., Washington, D. C., before the Home Loan Bank Board, a member thereof, or a hearing officer designated by the Board, for the purpose of receiving evidence, oral views and arguments on said proposed amendments of the Regulations for the Federal Home Loan Bank System, if written notice of intention to appear at said hearing is received by the Secretary to the Home Loan Bank Board at least five days before said date. If no such written notice of intention to appear has been received by the Secretary to the Board at least five days before the date set for the hearing, the hearing will be dispensed with. Whether or not a hearing is held, written data, views or arguments on said proposed amendments which are received by the Secretary to the Home Loan Bank Board on or before May 10, 1951, or prior to the conclusion of the hearing, if held, will be considered by the Home Loan Bank Board in connection with its consideration of the proposed amendments of the said regulations.

a. Section 122.21 to be amended to read as follows:

§ 122.21 *Election.* Eight directors of each Bank will be elected in accordance with the provisions of §§ 122.21 to 122.45.

b. Section 122.26 to be amended to read as follows:

§ 122.26 *Notification of nomination and classification.* The Board will adjust the lines of class demarcation of members every four years or more often if it deems such action desirable. Before August 1 of each year, the Board will divide the member institutions into groups A, B, and C on the basis of the size of the members as determined, as of the May 31 immediately preceding said August 1, from the aggregate unpaid principal of each member's home mortgage loans appearing on the most recent annual report of the member in the possession of its Bank or on the most recent financial statement of a member in the possession of its Bank in the event such Bank holds no annual report of such member. The Board will then notify each member not later than August 1 of each year of its right to nominate and of its classification and will furnish each member with a list of the members in its class and a list of those holding directorships at that time in the Bank of which it is a member, reflecting each class directorship and each directorship-at-large and containing the name of each director, the date of expiration of the term of each director, the name and address of the member institution of which each class director is an officer or director and his title, the name and address of the institution with which each director-at-large is affiliated and his title, or, if not affiliated with an institution, his present or former occupation and the city and State of which he is a bona fide resident. At the same time each member will be furnished with a copy of these Regulations governing the nomination and election of Bank directors and the necessary nominating certificate and will be notified of each directorship to be filled from the membership-at-large and of each directorship to be filled in its class.

c. Section 122.27 to be amended to read as follows:

§ 122.27 *Nominating certificates.* Upon receipt of the nominating certificate each member, by resolution of its governing body, may nominate, or authorize one of its directors and one of its officers to nominate, a suitably qualified person for each directorship to be filled in its class and each directorship to be filled from the membership-at-large. The certificate shall then be duly executed and mailed to the Secretary to the Board, so as to be delivered to his office in Washington, D. C., not later than August 31.

d. Section 122.28 to be amended to read as follows:

§ 122.28 *Notification to nominees.* A letter will be forwarded to each nominee under registered mail so as to reach his address, as shown by the Board's records, before September 9, informing him of his nomination: *Provided, however,* No such letter shall be forwarded to any nominee holding a class directorship or a directorship-at-large whose term does not expire until after the close of the calendar year during which the election is being held or to any nominee holding a public interest directorship, unless the Secretary to the Board has received from him before September 1 notice of his intention to be a candidate for a class directorship or directorship-at-large. With such letter each such nominee will be forwarded a list of nominees reflecting the directorship or directorships for which each was nominated, a copy of these Regulations governing the nomination and election of Bank directors and a questionnaire which will contain, among other things, a request for a brief biography and questions to ascertain whether the nominee is eligible for the directorship for which he has been nominated and whether he is willing to serve if elected. Such questionnaire must be completely filled in and mailed so as to be delivered to the office of the Secretary to the Board not later than September 15 in order for the nominee to have his name placed on an election ballot. No candidate shall be eligible for election to a directorship unless he is nominated and his name placed on an election ballot pursuant to the provisions of this section and § 122.29.

e. Section 122.30 to be amended to read as follows:

§ 122.30 *First election ballots.* On or before October 1, the Board will mail to each member the first election ballots which will contain in alphabetical order the name of each candidate for each directorship to be filled in its class and from the membership-at-large who has complied with the provisions of §§ 122.28 and 122.29. Each ballot for a class directorship will also reflect the title of each candidate and the name and address of the member institution of which he is an officer or director. Each ballot for a directorship-at-large will also reflect the title of each candidate and the name and address of the institution with which he is affiliated or, if not affiliated with an institution, his present or former occupation and the city and state of which he is a bona fide resident. In the event a candidate for a directorship-at-large is affiliated with an institution which is not a member of the Bank such fact will be recorded on the ballot.

f. Section 122.35 to be amended to read as follows:

§ 122.35 *Declaration and notification of first election results.* Upon determining the results of the first election ballots, the Board will declare elected the candidates who should be declared elected in accordance with the provisions of §§ 122.21 to 122.45. The Board will thereupon spread said results upon its minutes and notify the directors elected of their election. The Board will also furnish each Bank member the results of the first election ballots and advice as to any directorship or directorships which are to be subject to a final election. The results of the first election ballots shall reflect the name of each candidate, the name and address of the institution with which he is affiliated, the number of votes he received, the number of members eligible to vote for the directorship for which he was a candidate and the candidate declared elected. Upon the request of a candidate the Board will furnish him with the number of votes each candidate received for the directorship for which he was a candidate and the number of members eligible to vote for the directorship for which he was a candidate.

g. Section 122.36 to be amended to read as follows:

§ 122.36 *Final election ballots.* On or before November 15, the names of the two highest candidates for each directorship not filled will be placed on final election ballots and such ballots forwarded to the members entitled to vote for such directorships: *Provided, however,* That in the event more than two candidates receive the same number of votes for a directorship and such number is greater than the votes of any of the other candidates for such directorship, the names of all said candidates receiving an equal number of votes shall be placed on the final election ballot: *Provided further,* That in the event one candidate receives more votes than any other candidate for the directorship and the next highest number of votes for the directorship is held by two or more candidates, the names of all said candidates receiving the two highest number of votes for the directorship shall be placed on the final election ballot. There will be shown on each final election ballot the same information with respect to each candidate which will be shown on each first election ballot with respect to each candidate as set forth in § 122.30.

h. Section 122.38 to be amended to read as follows:

§ 122.38 *Declaration and notification of final election results.* Upon determining the results of the final election ballots, the Board will declare elected the candidates receiving the highest number of votes. The Board will thereupon spread said results upon its minutes and notify the directors elected of their election. The Board will furnish each Bank member with the results of the election of directors for that Bank. The results of the final election ballots shall reflect the name of each candidate, the name and address of the institution with which he is affiliated, the number of votes he received, the number of members eligible to vote for the directorship for which he was a candidate and the candidate declared elected. Upon the request of a candidate the Board will furnish him with the number of votes each candidate received for the directorship for which he was a candidate and the number of members eligible to vote for the directorship for which he was a candidate.

i. Section 122.40 to be amended to read as follows:

§ 122.40 *Mailing of nominating certificates and balloting material.* All nominating and balloting material sent to members shall be forwarded by regular mail, except that such material sent to members in Puerto Rico, the Virgin Islands, Alaska, and Hawaii shall be forwarded by airmail. Each Bank will be furnished with copies of all nominating certificates, ballots and other election material which has been forwarded to its members.

(Sec. 17, 47 Stat. 736, Pub. Law No. 576, 81st Cong., appr. June 27, 1950; Reorg. Plan No. 3, 1947, 12 F. R. 4981, 3 CFR 1947 Supp., 61 Stat. 954, 12 U. S. C. 1437, 5 U. S. C. 133y-16. Construes and applies Sec. 7, 47 Stat. 730, as amended, 49 Stat. 294, 12 U. S. C. 1427)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 51-4269; Filed, Apr. 10, 1951; 8:48 a. m.]

[24 CFR, Part 145]

UNSECURED LOANS

PERMITTING LARGER LOANS GUARANTEED OR INSURED BY FEDERAL HOUSING ADMINISTRATION OR VETERANS' ADMINISTRATION

APRIL 5, 1951.

Resolved, that pursuant to Part 108 of the General Regulations of the Home Loan Bank Board (24 CFR Part 108), an amendment to § 145.8 of the rules and regulations for the Federal Savings and Loan System (24 CFR 145.8), as hereinafter set forth, is hereby proposed.

Resolved further, that a hearing will be held on May 15, 1951, at 10 o'clock in the forenoon in Room 827, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D. C., before the Home Loan Bank Board, a member thereof, or a hearing officer designated by the Board, for the purpose of receiving evidence, oral views and arguments on said proposed amendment of the rules and regulations for the Federal Savings and Loan System, if written notice of intention to appear at said hearing is received by the Secretary to the Home Loan Bank Board at least five days before said date. If no such written notice of intention to appear has been received by the Secretary to the Board at least five days before the date set for the hearing, the hearing will be dispensed with. Whether or not a hearing is held, written data, views or arguments on said proposed amendment which are received by the Secretary to the Home Loan Bank Board on or before May 10, 1951, or prior to the conclusion of the hearing, if held, will be considered by the Home Loan Bank Board in connection with its consideration of the proposed amendment of the said rules and regulations.

Paragraph (b) of said § 145.8 *Unsecured loans*, shall be amended to read as follows:

(b) Simple-interest, discount, or gross-charge loans for property alteration, repair, or improvement (except business loans provided by section 503 of the Servicemen's Readjustment Act of 1944, as now or hereafter amended, and not secured by lien on real estate) without the security of a lien upon such property: *Provided*, That:

(1) The net proceeds of any such loan do not exceed $1,500;

(2) The property is located in such association's regular lending area as defined in § 145.6–6;

(3) Each such loan is evidenced by one or more negotiable notes, bonds, or other written evidences of debt;

(4) The resulting aggregate amount of all such loans does not exceed an amount equal to 15 percent of such association's assets;

(5) Each such loan is repayable in regular monthly installments within a period of 5 years;

And provided further, That any such loan for property alteration, repair, or improvement that is accepted for insurance under the provisions of the National Housing Act, as now or hereafter amended, or for insurance or guarantee under the provisions of the Servicemen's Readjustment Act of 1944, as now or hereafter amended, may be made for such amount and repayable upon such terms and within such period as are acceptable to the insuring or guaranteeing agency: *Provided*, That no Federal association may make any unsecured loan to a director, officer, or employee of the association, or to any person or firm regularly serving the association in the capacity of attorney-at-law, except for the alteration, repair, or improvement of the home or combination of home and business property owned and occupied by such borrowing director, officer, employee, attorney or firm.

(Sec. 5 (a), 48 Stat. 132, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR 1947 Supp., 61 Stat. 954; 12 U. S. C. 1464 (a), 5 U. S. C. 133y–16)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 51–4268; Filed, Apr. 10, 1951; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

MARCH 23, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described lands in the Sacramento, California, land district, embracing approximately 2,247.5 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION No. 268

For lease and sale for homesites only:

T. 27 S., R. 39 E., M. D. M.,
Sec. 22, E½NE¼, SW¼NE¼, SE¼NW¼ NE¼, S½SW¼NW¼NE¼, W½NW¼, NW¼NE¼NW¼, N½SW¼NE¼NW¼, S½SE¼NW¼ and S½.
T. 27 S., R. 40 E., M. D. M.,
Sec. 6, S½NE¼, SE¼NW¼, E½SW¼ NW¼, SE¼, E½SW¼, E½NW¼SW¼, E½SW¼SW¼, SW¼NW¼SW¼SW¼, W½SW¼ of SW¼SW¼.
Sec. 7, S½N½, SW¼.
Sec. 14, E½W½.
Sec. 18, N½NE¼, NW¼, S½SW¼, N½ SW¼SE¼, SW¼SW¼SE¼.
Sec. 19, W½.

Leases for tracts in irregular subdivisions will not be issued until supplemental plats have been prepared dividing these irregular areas into tracts.

The lands are situated in eastern Kern County, California, near the Naval Testing Station known as the Inyokern Base. They are easily accessible from paved roads. They are in an area known as Indian Wells Valley and the nearest town is Ridgecrest, California. They are in an area where homesites are in demand because of the expanding activities at the large Naval Testing Station nearby.

2. As to applications regularly filed prior to 9:00 a. m., March 12, 1951, and are for the type of site for which the lands are classified, this order shall become effective upon the date it is signed.

3. As to the lands not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., May 25, 1951. At that time such lands shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., May 25, 1951, to close of business on August 23, 1951.

(b) Advance period for veterans' simultaneous filings from 9:00 a. m., March 12, 1951, to 10:00 a. m., May 25, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., August 24, 1951.

(a) Advance period for simultaneous nonpreference filings from 9:00 a. m., March 12, 1951, to 10:00 a. m., August 24, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensions to extend east and west.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $50.00 per tract, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to all existing range improvements, such as fences, and to all existing rights-of-way. They will also be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Land Office, Sacramento, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 51–4237; Filed, Apr. 10, 1951; 8:47 a. m.]

Defense Electric Power Administration

[Delegation of Authority 1]

DELEGATION OF AUTHORITY WITH RESPECT TO EXERCISE OF FUNCTIONS AND POWERS UNDER NPA ORDER M–50

The functions and powers of the Defense Electric Power Administration described in Order M–50 of the National Production Authority (16 F. R. 2880) may be performed and exercised by the following officers of this agency:

a. In their entirety by the Chief of the Materials and Equipment Division; or

b. By the Chief of the Materials and Equipment Requirements Branch as to the authorization to use and to order program materials for major plant additions; and

c. By the Chief of the Maintenance, Repair and Operating Requirements Branch as to the establishment and adjustment of MRO quotas, and of program material quotas for minor requirements, and as to quantity adjustments or exceptions to inventory restrictions.

JAMES F. FAIRMAN,
Acting Administrator,
Defense Electric Power Administration.

APRIL 10, 1951.

[F. R. Doc. 51–4352; Filed, Apr. 10, 1951; 11:16 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9514]

CROSLEY BROADCASTING CORP. (WINS)

ORDER CONTINUING HEARING

In re application of the Crosley Broadcasting Corporation (WINS), New York, New York, Docket No. 9514, File No. BMP–4758; for extension of completion date.

It appearing that it would be to the mutual advantage of the applicant, the Hearing Examiner and the Commission Counsel to continue the hearing in the above-entitled proceeding, presently scheduled to commence on April 16, 1951, in Washington, D. C., to April 30, 1951; and

It further appearing that the other parties to the proceeding have consented to this continuance;

It is therefore ordered, This 30th day of March 1951 that the hearing on the application of The Crosley Broadcasting Corporation (WINS), New York, New York, for extension of completion date, is hereby continued to April 30, 1951, and shall commence on that date at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–4281; Filed, Apr. 10, 1951; 8:49 a. m.]

[Docket Nos. 9615, 9616]

VALLEY BROADCASTING CO. (KLOK) AND CHARLES E. SALIK (KCBQ)

ORDER ADVANCING HEARING

In re applications of E. L. Barker, Claribel Barker, T. H. Canfield and Opal A. Canfield, d/b as Valley Broadcasting Company (KLOK), San Jose, California, Docket No. 9615, File No. BP–7400; for construction permit; Charles E. Salik (KCBQ), San Diego, California, Docket No. 9616, File No. BML–1392; for modification of license.

The Commission having under consideration a petition filed March 16, 1951 by the Valley Broadcasting Company (KLOK), San Jose, California, requesting that the hearing on the above-entitled applications be advanced from April 30 to April 23, 1951, in order that the general manager of Station KLOK, Mr. E. L. Barker, who will be in Chicago to attend the NAB Convention (April 15–19, 1951) may continue on to Washington, D. C. to testify, thus avoiding additional traveling expense and also thereby allowing him time to attend a Food and Appliance Show which KLOK is sponsoring in San Jose during the period April 26–29, 1951; and

It appearing that the time for filing opposition to this petition has elapsed and none has been received, and that Commission Counsel and Counsel for the other applicant (KCBQ) have agreed to advancing the date of the hearing;

It is therefore ordered, This 30th day of March 1951, that the petition of the Valley Broadcasting Company (KLOK) be and it is hereby granted and the hearing herein is hereby advanced and shall commence at 10:00 a. m., on April 23, 1951, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–4282; Filed, Apr. 10, 1951; 8:49 a. m.]

[Docket No. 9692]

ST. JOSEPH VALLEY BROADCASTING CORP. (WJVA)

ORDER CONTINUING HEARING

In re application of St. Joseph Valley Broadcasting Corporation (WJVA), South Bend, Indiana, Docket No. 9692, File No. BR–1877; for renewal of license.

The Commission having under consideration the above-entitled application presently scheduled to be heard on April 12, 1951, at South Bend, Indiana;

It is ordered, This 28th day of March 1951, on the Commission's own motion, that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Tuesday, May 1, 1951, at South Bend, Indiana.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–4280; Filed, Apr. 10, 1951; 8:49 a. m.]

[Docket No. 9801]

CHARLES H. CHAMBERLAIN

ORDER SCHEDULING HEARING

In re application of Charles H. Chamberlain, Bellefontaine, Ohio, Docket No. 9801, File No. BP–7675; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of March 1951;

The Commission having under consideration a petition filed by Charles H. Chamberlain requesting leave to amend, and requesting reconsideration and grant of his above-entitled application for a new standard broadcast station in Bellefontaine, Ohio;

It appearing, that Examiner Jack Blume, who has been duly designated to preside at the hearing on the said application, has granted so much of the petition as requests leave to amend, referring the remainder to the Commission en banc; and

It further appearing, that the Commission is not satisfied on the basis of the showing made by the petitioner that there will not be mutually objectionable interference involved between the proposal of Charles H. Chamberlain and stations WKJG, Ft. Wayne, Indiana, and WING, Dayton, Ohio;

It is ordered, That the petition is hereby denied insofar as it requests a grant and that the above-entitled proceeding is scheduled for hearing at the Commission's offices in Washington, D. C., commencing at 10:00 a. m. on May 25, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–4285; Filed, Apr. 10, 1951; 8:49 a. m.]

[Docket No. 9884]

CIRCLE BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Circle Broadcasting Corporation, Hollywood, Florida, Docket No. 9884, File No. BP–7750; for construction permit.

The Commission having under consideration a petition, filed by the applicant herein on March 23, 1951, requesting a 45-day continuance of the hearing now scheduled for April 3, 1951; and

It appearing from the petition that the issues specified by the Commission order of January 17, 1951, apprised the applicant of possible objectionable interference to Cuban Station CMCI under the proposed North American Regional Broadcasting Agreement and that the applicant hence desires to seek a different frequency and needs additional time in which to complete the engineering data so as to file a petition for leave to amend the application and for removal of the application as amended from the hearing docket; and

It further appearing, that there are no other parties to this proceeding and

that Commission Counsel has not objected to a postponement of the hearing as herein ordered, and that a grant of the instant petition will conduce to the orderly dispatch of the Commission's business:

Now therefore, it is ordered, This 30th day of March 1951, that the petition for postponement of the hearing is granted, and the hearing now scheduled for April 3, 1951, is continued to 10:00 a. m. on Wednesday, May 23, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4283; Filed, Apr. 10, 1951; 8:49 a. m.]

[Docket Nos. 9936, 9900]

CAPITOL RADIO ENTERPRISES AND RADIO CALIFORNIA

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Irving James Schwartz, William Stephen George, John Matranga and Samuel A. Melincoe, d/b as Capitol Radio Enterprises, Sacramento, California, Docket No. 9936, File No. BP-7998 and Knox LaRue and Arnold C. Werner, d/b as Radio California, Sacramento, California, Docket No. 9900, File No. BP-7736; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of March 1951;

The Commission having under consideration the above-entitled application of Capitol Radio Enterprises requesting a construction permit for a new standard broadcast station to be operated on the frequency 1380 kilocycles, with a power of 1 kilowatt, using a directional antenna, daytime only, at Sacramento, California;

It appearing, that the above-entitled application of Radio California for a permit to construct a new standard broadcast station to be operated on the frequency 1380 kilocycles, with a power of 500 watts, daytime only, in Sacramento, California, was designated for hearing February 7, 1951, primarily because of interference with existing stations and because it might not comply with the standards of Good Engineering Practice, said hearing being scheduled to commence at 10:00 a. m. on May 2, 1951, at Washington, D. C.;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant partnerships and their partners to operate the proposed facilities.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of February 7, 1951, designating for hearing the application of Radio California is amended to include Issues 1, 3, 5 and 7 set forth above and to include the application of Capitol Radio Enterprises.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4284; Filed, Apr. 10, 1951; 8:49 a. m.]

AMENDMENT TO ORDER ESTABLISHING SAFETY AND SPECIAL RADIO SERVICES BUREAU

ENFORCEMENT FUNCTIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of March 1951;

It appearing, that the Commission heretofore on the 29th day of June 1950, issued an order establishing safety and special radio services bureau, effective July 31, 1950; and

It further appearing, that under the terms of paragraph C of that order, various functions are designated to be performed within the immediate Office of the Chief of the Bureau; and that under the terms of paragraph D of that order an "Enforcement Unit" is established within the immediate Office of the Chief of the Bureau "to carry on the following enforcement functions * * *"; and

It further appearing, that uncertainty has arisen as to the availability of the "Enforcement Unit" as a part of the immediate Office of the Chief to carry on certain aspects of the functions of that Office other than the specified "enforcement functions":

It is ordered, That paragraph D of the aforesaid order shall be amended to read as follows:

D. The immediate office of the Chief of the Bureau shall include a unit to carry on the following enforcement functions:

1. To plan in cooperation with the divisions comprising the Bureau the enforcement program for the Safety and Special Radio Services.

2. To evaluate citations to determine whether a recommendation should be made to suspend or revoke licenses or to impose other sanctions.

3. To represent the Bureau and to coordinate with the Office of the General Counsel in those cases where prosecution is deemed necessary.

In addition, such unit shall be available, as required by the Chief of the Bureau, to assist in the performance of legal aspects of the functions set forth in paragraph C above, insofar as such functions affect more than one Division of the Bureau, or are concerned with matters affecting the Bureau generally. The unit shall be available on request of the Bureau Chief or the Division Chiefs to assist, confer with or advise such Division Chiefs or their designated representatives with respect to their general legal and regulatory problems. The unit shall also be available to execute special assignments related to more than one Division.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4286; Filed, Apr. 10, 1951; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Project No. 459]

UNION ELECTRIC COMPANY OF MISSOURI

NOTICE OF APPLICATION FOR AMENDMENT TO LICENSE

APRIL 5, 1951.

Public notice is hereby given that Union Electric Company of Missouri, of Saint Louis, Missouri, Licensee, for major Project No. 459, has made application, pursuant to the provisions of the Federal Power Act (16 U. S. C. 791a-825r) for amendment to license to authorize construction, installation, operation and maintenance of two generating units (Nos. 7 and 8) of 33,500 horsepower together with associated equipment; a high voltage substation and connections with existing transmission lines; to be located at the Osage Power Plant of the licensee on the Osage River.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted on or before the 11th day of May 1951, to the Federal Power Commission, Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4245; Filed, Apr. 10, 1951; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25987]

CLAY BETWEEN POINTS IN THE SOUTH

APPLICATION FOR RELIEF

APRIL 6, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 809.

Commodities involved: Clay, kaolin or pyrophyllite, crude, washed, shredded or ground, carloads.

Between: Points in southern territory.

Grounds for relief: Circuitous routes and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4261; Filed, Apr. 10, 1951; 8:46 a. m.]

[4th Sec. Application 25988]

ALL FREIGHT FROM NEW YORK TO MEMPHIS AND NEW ORLEANS

APPLICATION FOR RELIEF

APRIL 6, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for the Chicago, Rock Island and Pacific Railroad Company and other carriers, pursuant to fourth-section order No. 16101.

Commodities involved: All commodities, in mixed carloads.

From: New York, N. Y.

To: Memphis, Tenn., and New Orleans, La.

Grounds for relief: Competition with motor carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4262; Filed, Apr. 10, 1951; 8:47 a. m.]

[No. 30785]

VIRGINIA INTRASTATE COAL RATES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 3d day of April A. D. 1951.

It appearing, that in Ex Parte No. 115, Emergency Freight Charges, 1935, 208 I. C. C. 4, 223 I. C. C. 657, and 229 I. C. C. 435; Ex Parte No. 166, Increased Freight Rates, 1947, 269 I. C. C. 33, 270 I. C. C. 81, 93, and 403; and Ex Parte No. 168, Increased Freight Rates, 1948, 272 I. C. C. 695, and 276 I. C. C. 9, the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States, and that increases under such authorizations have been made:

It further appearing, that a petition dated February 28, 1951, has been filed on behalf of the Atlantic Coast Line Railroad Company and other common carriers by railroad operating to, from, and between points in the State of Virginia, averring that the State Corporation Commission of Virginia by various orders, has refused to authorize or permit petitioners to establish for the intrastate transportation of coal upon their railroads in Virginia increases in freight rates and charges corresponding to those authorized by this Commission and made by petitioners for application on interstate traffic in the proceedings cited; such refusals being alleged in the manner and to the extent as stated in the said petition dated February 28, 1951, which petition so filed is referred to for greater certainty;

It further appearing, that petitioners allege that the refusal of the said State Corporation Commission of Virginia to permit the increases on intrastate traffic referred to in the preceding paragraph causes and results in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce on the one hand and interstate commerce on the other hand, and undue, unreasonable and unjust discrimination against interstate commerce, in violation of sections 13 and 15a of the Interstate Commerce Act:

It further appearing, that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of Virginia;

And it further appearing, that the State Corporation Commission of Virginia on March 26, 1951, filed a reply to said petition, and that the investigation hereinafter instituted responsive to the requirements of section 13 is without prejudice to subsequent appropriate consideration on their merits of the arguments made in said reply:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested, to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Virginia for the intrastate transportation of coal, made or imposed by authority of the State of Virginia, cause by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic in the proceedings cited, any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges, shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Virginia subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Virginia be notified of this proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the State Corporation Commission of Virginia at Richmond, Va.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be assigned for hearing at such times and places as the Commission may hereafter direct.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4260; Filed, Apr. 10, 1951; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1301]

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of April A. D. 1951.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Chicago, Milwaukee, St. Paul & Pacific Railroad Company, a security listed and registered on the New York Stock Exchange and on the Midwest Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to April 17, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4251; Filed, Apr. 10, 1951; 8:46 a. m.]

[File No. 30-223]

NIAGARA HUDSON POWER CORP.

NOTICE REGARDING FILING OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of April A. D. 1951.

Notice is hereby given that Niagara Hudson Power Corporation ("Niagara Hudson"), a registered holding company, has filed an application pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 requesting the Commission to enter an order declaring that Niagara Hudson has ceased to be a holding company under said act.

The application states that pursuant to the Commission's order dated August 25, 1949, as supplemented by its order dated September 7, 1950, approving the Dissolution Plan of Niagara Hudson pursuant to section 11 (e) of the act, and the order of the United States District Court for the Northern District of New York dated November 4, 1949, and the supplemental order of said court dated September 28, 1950, approving said plan, Niagara Hudson has made distribution of its assets and was dissolved on December 21, 1950.

Notice is further given that any interested person may, not later than April 13, 1951, at 5:30 p. m., e. s. t., request the Commission in writing, that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 13, 1951, said application may be granted without hearing unless good cause therefor shall be shown.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4248; Filed, Apr. 10, 1951; 8:45 a. m.]

[File Nos. 54-177, 59-91]

PENNSYLVANIA GAS & ELECTRIC CORP. ET AL.

NOTICE OF FILING OF AMENDMENT TO PLAN AND NOTICE OF AND ORDER RECONVENING HEARINGS IN CONSOLIDATED PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of April A. D. 1951.

In the matter of Pennsylvania Gas & Electric Corporation, North Penn Gas Company, Allegany Gas Company, Dempseytown Gas Company, Alum Rock Gas Company, Penn-Western Service Corporation (applicants), File No. 54-177; Pennsylvania Gas & Electric Corporation and its subsidiary companies (respondents), File No. 59-91.

Pennsylvania Gas & Electric Corporation ("Penn Corp"), a registered holding company, having heretofore filed with the Commission a plan of liquidation and dissolution and amendments thereto pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 (the "act"), and the Commission in its notices of filing and orders for hearing issued July 27, 1949 (Holding Company Act No. 9253) and November 10, 1950 (Holding Company Act Release No. 10214), having summarized the terms of the said plan, and having ordered hearings thereon; and hearings having been held from time to time and having been continued subject to the call of the Hearing Officer or the Commission;

Notice is hereby given that Penn Corp and certain of its subsidiary companies have filed, pursuant to section 11 (e) of the act, a further amendment to Penn Corp's plan providing, generally, for a change in the proposed allocation of Penn Corp's assets among its various classes of preferred and common stocks.

Summarized below are the proposals contained in the amendment insofar as they differ from those summarized in the Commission's notice of filing and order for hearing issued November 10, 1950:

Penn Corp will make distributions of its assets to its security holders as follows:

(a) To the holders of Penn Corp's $7.00 and 7 percent cumulative preferred stocks, 420,000 shares of the proposed new $5 par value capital stock of North Penn Gas Company ("North Penn"), a registered holding company and a public utility subsidiary of Penn Corp. on the basis of 14 shares thereof for each share of preferred stock of Penn Corp, together with a cash payment per share determined at the rate of $7 annually from December 31, 1950 to the date of consummation of the plan.

(b) To the holders of Penn Corp's Class A common stock, for each share thereof, one-fourth share of the proposed new capital stock of North Penn, or a total of approximately 28,056 shares.

(c) To the holders of Penn Corp's Class B common stock, cash in the amount of ten cents per share of such stock or a total of $22,406.70. The shares of such Class B common stock held in the treasury of Penn Corp will not participate and will be cancelled.

The proposed allocation would result in the distribution of approximately 93.7 percent of the new capital stock of North Penn to the preferred stockholders of Penn Corp, and approximately 6.3 percent thereof to the Class A common stockholders of Penn Corp.

No fractional shares of North Penn capital stock will be issued. Each holder of more than 20 shares of Penn Corp's Class A common stock, if entitled to a fractional share, will be paid for such fraction in cash or may purchase an additional fraction entitling him to receive an additional full share of North Penn stock. Each holder of less than 20 shares of Penn Corp's Class A common stock may purchase an additional amount of North Penn stock sufficient to entitle him to receive five full shares, or will be paid in cash for all of the North Penn stock to which he is entitled under the plan. Purchases and sales of North Penn stock and fractions thereof, as aforesaid, will be made on the basis of a settlement price to be specified in the order of the District Court of the United States to which application will be made to enforce and carry out a plan approved by the Commission.

It appearing to the Commission that it is appropriate in the public interest that notice should be given and a hearing held with respect to said amended plan:

It is ordered, That the hearings in these consolidated proceedings be reconvened on April 24, 1951 at 10:00 a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date, the Hearing Room Clerk in Room 193 will advise as to the room in which such hearing will be held. In the event that amendments to the plan are filed during the course of such proceedings, no notice of such amendments will be given unless specifically ordered by the Commission. Any person desiring to be heard or otherwise

wishing to participate in the proceedings, who has not heretofore entered an appearance herein, is directed to file with the Secretary of the Commission on or before April 20, 1951 a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing copies of this order by registered mail to Penn Corp, North Penn, to the Federal Power Commission, the New York Public Service Commission, and the Pennsylvania Public Utility Commission, and to all persons who have heretofore entered an appearance herein; that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the persons on the mailing list of this Commission for releases under the act, and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That Penn Corp shall give further notice of this hearing to all of its security holders (insofar as the identity of such security holders is known or available to Penn Corp) by mailing to each of said persons at his last known address, at least 10 days before the date set for hearing, a statement setting forth in brief the amended proposals and a statement of the time, date and place of the public hearing. Such statement shall be submitted to the Commission for review prior to the mailing.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-4247; Filed, Apr. 10, 1951; 8:45 a. m.]

[File No. 70-2576]

POTOMAC EDISON CO. AND WEST PENN ELECTRIC CO.

SUPPLEMENTAL ORDER GRANTING AND PERMITTING JOINT APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of April A. D. 1951.

The West Penn Electric Company ("West Penn Electric"), a registered holding company, and its direct subsidiary, the Potomac Edison Company ("Potomac"), a registered holding company and a public utility company, having filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 (the "act") and certain rules and regulations promulgated thereunder proposing, among other things, the issuance and sale by Potomac, pursuant to the competitive bidding requirements of Rule U-50, of $10,000,000 principal amount of First Mortgage and Collateral Trust Bonds __ percent series due 1981;

The Commission by order dated March 26, 1951, having granted the application and permitted the declaration to become effective subject to the condition, among others, that the proposed issuance and sale of bonds by Potomac should not be consummated until the results of competitive bidding, pursuant to Rule U-50, had been made a matter of record in this proceeding and a further order entered with respect thereto, and jurisdiction having been reserved in that order over the payment of fees and expenses to be incurred in connection with the proposed transactions; and

Potomac on April 4, 1951, having filed an amendment to said joint application-declaration in which it is stated that Potomac, pursuant to the competitive bidding requirements of Rule U-50, has received the following bids with respect to the proposed issue of its new bonds:

Bidding group headed by—	Annual interest rate (percent)	Price to company (percent of principal) [1]	Annual cost to company (percent)
Equitable Securities Corp.	3⅜	100.559	3.34534
Halsey, Stuart & Co., Inc.	3⅜	100.45991	3.35058
Kuhn, Loeb & Co. and Blyth & Co., Inc.	3⅜	100.10	3.36668

[1] Exclusive of accrued interest from Apr. 1, 1951.

The amendment having further indicated that Potomac has accepted the bid of Equitable Securities Corporation, as set out above, and that said bonds will be offered for sale to the public at a price of 101.421 percent of their principal amount, plus accrued interest from April 1, 1951, resulting in an underwriting spread of 0.862 percent of the principal amount of the bonds or an aggregate of $86,200; and

Said joint application-declaration as amended further stating that the estimated fees and expenses to be incurred and paid by applicants-declarants in connection with the proposed transactions amount to approximately $85,000, including fees of $1,850 and out-of-pocket expenses of $270 to Price, Waterhouse & Co., New York, N. Y., for accounting services; fees of $6,000 (of which $5,850 is to be borne by Potomac and $150 by West Penn Electric), and out-of-pocket expenses of $100 to Sullivan & Cromwell, New York, N. Y., counsel for applicants-declarants; and said application-declaration as amended also stating that a fee of $5,000 is to be paid by the purchasers of the bonds to Cahill, Gordon, Zachary & Reindel, their counsel; and it appearing that such fees and expenses are not unreasonable; and

The Commission having examined said amendment and having considered the record herein and observing no basis for imposing terms and conditions with respect to the price to be paid for said bonds and the proposed underwriters' spread in connection therewith;

It is ordered, That the jurisdiction heretofore reserved, with respect to the matters to be determined as a result of competitive bidding in connection with the sale of the new bonds under Rule U-50 and with respect to fees and expenses, be, and the same hereby is, released, and that the said joint application-declaration of Potomac, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 51-4246; Filed, Apr. 10, 1951; 8:45 a. m.]

[File No. 70-2578]

WORCESTER COUNTY ELECTRIC CO.

SUPPLEMENTAL ORDER GRANTING AND PERMITTING APPLICATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of April A. D. 1951.

Worcester County Electric Company ("Worcester County"), a subsidiary of New England Electric System, a registered holding company, having filed an application and amendments thereto pursuant to the third sentence of section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 thereunder with respect to the issue and sale by Worcester County at competitive bidding of $12,000,000 principal amount of its First Mortgage Bonds, Series B, dated March 1, 1951, and maturing March 1, 1981;

The Commission, by order dated March 26, 1951, having granted said application, including the request of the applicant that for the purposes of this proceeding the ten-day period for the invitation of bids as prescribed by Rule U-50 be shortened to a period of not less than six days, all subject to the condition that the proposed issue and sale should not be consummated until the results of competitive bidding with respect thereto had been made a matter of record and a further order entered on the basis thereof, and subject to a reservation of jurisdiction with respect to legal, engineering, accounting and auditing fees and expenses;

Worcester County having filed an amendment setting forth the action taken in offering said bonds at competitive bidding and stating that on April 3, 1951, the following bids were received:

Bidder	Annual interest rate (percent)	Price to company (percent of principal) [1]	Annual cost to company (percent)
Halsey, Stuart & Co. Inc.	3¼	100.633	3.21695
Kuhn, Loeb & Co.	3¼	100.35	3.23109
The First Boston Corp.	3¼	100.1599	3.24102
Merrill Lynch, Pierce, Fenner & Beane	3¼	100.111	3.24418

[1] Exclusive of accrued interest from Mar. 1, 1951.

Said amendment further stating that Worcester County has accepted the bid of Halsey, Stuart & Co., Inc. and that the bonds will be issued to the public at an initial price of 101.54 percent of their principal amount, plus accrued interest, resulting in an underwriting spread of .907 percent of the principal amount of the bonds or an aggregate of $108,840;

Said amendment further setting forth the legal, engineering, accounting, and auditing services rendered and disbursements made, for which requests for compensation or reimbursement in the following amounts have been received by Worcester County:

Choate, Hall & Stewart:	
Counsel for the underwriters, payable by the underwriters:	
Fee	$6,000.00
Disbursements	500.00
Lybrand, Ross Bros. & Montgomery, independent public accountants, payable by Worcester County:	
Fee	5,700.00
Jackson & Moreland, engineers, payable by Worcester County:	
Fee	9,323.25
Expenses	596.90

The Commission having considered the record as supplemented and finding no reason for imposing terms and conditions with respect to the price to be received for said bonds and the interest rate thereon, the redemption prices thereof, or the underwriter's spread, and finding that the fees and expenses over which jurisdiction was reserved are not unreasonable; and it appearing appropriate to the Commission to release the jurisdiction heretofore reserved herein and to grant applicant's request that the order herein become effective upon issuance:

It is ordered, That the jurisdiction reserved in our order of March 26, 1951, herein, be and hereby is released, and that said application, as amended, be and hereby is granted, effective forthwith, subject to the terms and conditions of Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-4252; Filed, Apr. 10, 1951; 8:46 a. m.]

[File Nos. 70-2587, 70-2588]

OKLAHOMA GAS AND ELECTRIC CO. AND STANDARD GAS AND ELECTRIC CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of April 1951.

Standard Gas and Electric Company ("Standard"), a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company, and Standard's subsidiary, Oklahoma Gas and Electric ("Oklahoma"), have filed applications-declarations and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act"). Oklahoma designates section 6 (b) of the act and Rule U-43 promulgated thereunder and Standard designates sections 9 (a) and (c) of the act as applicable to the following transactions proposed by said companies:

Oklahoma proposes to issue and sell for cash 215,380 shares of its authorized and unissued Common Stock, par value $10 per share, through the issuance to the holders of its outstanding Common Stock of record at the close of business on April 5, 1951, full share Subscription Warrants carrying the right to subscribe for shares of such Common Stock on the basis of one share for each ten shares of Common Stock held at a price of $19.75 per share ("subscription price"). The Subscription Warrants will expire at 2:00 p. m., c. s. t., on April 24, 1951.

In lieu of the issuance of Subscription Warrants for fractional shares, Oklahoma will mail, as soon as practicable, to each shareholder whose record ownership of Common Stock on the record date is not divisible by ten, a check in an amount equal to one tenth of the difference between the subscription price and the average of the closing prices on the New York Stock Exchange of the Common Stock during the subscription period for each share of Common Stock owned of record on the record rate by such shareholder which was not part of a ten share unit for which a Subscription Warrant was issued.

In addition, each shareholder entitled to receive full share Subscription Warrants will be given the privilege of subscribing at the same subscription price per share for any additional number of shares not subscribed for through the exercise of the aforesaid Subscription Warrants, subject to pro rata allotment of such additionally subscribed shares. The over-subscription privilege will not be extended to Standard but any shares which remain unsubscribed upon the expiration of the subscription and over-subscription privileges may be subscribed for by Standard at the same subscription price.

The shares of the Common Stock being offered will not be entitled to the dividend on Common Stock which the Board of Directors of Oklahoma is expected to declare payable April 30, 1951, to holders of record at the close of business April 5, 1951.

Oklahoma proposes to pay 12½ cents per share to any security dealer, who is a member of the National Association of Security Dealers, Inc. and who assists a stockholder of record in exercising his Subscription Warrant. However, no compensation will be paid for obtaining the exercise of the privilege to subscribe for additional shares and the amount payable on account of the subscription of any one stockholder is to be limited to $25 irrespective of the number of shares subscribed. The maximum amount of fees payable to dealers is $10,100.

Of the 2,153,800 outstanding shares of Common Stock of Oklahoma, Standard owns 1,210,090 shares, which represent 34.54 percent of the voting control of Oklahoma. Under the terms of the proposed offering, Standard will receive and proposes to exercise Subscription Warrants for 121,009 full shares of additional Common Stock of Oklahoma. Standard further proposes to subscribe for those shares, if any, of the proposed offering which remain unsubscribed upon the expiration of the aforesaid Subscription Warrants and over-subscription privilege.

Standard, in connection with the proposed transactions, has agreed that the shares of Common Stock of Oklahoma to be acquired will be held subject to the provisions of the Commission's order of August 8, 1941, issued pursuant to section 11 (b) (1) of the act directing, among other things, that Standard divest itself of its holdings in Oklahoma, as if such shares were specifically included in such order.

Oklahoma estimates that the total fees and expenses to be incurred by it in connection with the proposed transactions will not exceed $27,500 (exclusive of any fees paid to security dealers), including counsel fees of $6,000 to the firm of Flynn, Clerkin & Hansen and $3,000 to the firm of Rainey, Flynn, Green & Anderson. Standard estimates that its fees will not exceed $1,250, of which $1,000 is payable to the firm of Flynn, Clerkin & Hansen, as counsel fees.

The Corporation Commission of the State of Oklahoma and the Arkansas Public Service Commission have each issued an order authorizing the proposed issuance and sale of common stock by Oklahoma.

Said applications-declarations having been filed on March 5, 1951, and said amendments thereto having been filed on March 14 and April 4, 1951, and notice of the filing of the applications-declarations having been duly given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for hearing with respect to the said applications-declarations within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said applications-declarations, as amended, that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied, that the estimated fees and expenses are not unreasonable, and that it is not necessary to impose any terms and conditions other than those set forth below, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that the applications, as amended, be granted and that the declarations, as amended, be permitted to become effective, and that the Commission's order herein become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed by Rule U-24, that said applications-declarations, as amended, be, and the same hereby are, granted and permitted to become effective forthwith.

It is further ordered, That the Commission's order of August 8, 1941, the effect of which is to require Standard to sever its relationship with Oklahoma by disposing or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of

the act or of the rules and regulations promulgated thereunder, of its direct and indirect ownership, control and holding of securities issued by Oklahoma, shall be deemed to require the disposition of any shares of Common Stock, par value $10 per share, of Oklahoma acquired by Standard hereunder, with the same force and effect as if said shares had been held by Standard as of the date of the said order.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-4250; Filed, Apr. 10, 1951; 8:45 a. m.]

[File No. 812-410]

NEWMONT MINING CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its offices in the city of Washington, D. C., on the 5th day of April A. D. 1951.

Notice is hereby given that Newmont Mining Corporation (Applicant) of 14 Wall Street, New York, N. Y., a closed-end non-diversified management company registered under the Investment Company Act of 1940, has filed an application pursuant to Rule N-17D-1 of the general rules and regulations under the act regarding proposed amendments to Applicant's pension plan to be adopted upon approval by Applicant's stockholders. The proposed transaction would involve participation by affiliated persons of a registered investment company (Applicant) in a pension plan in which such registered investment company (Applicant) is a participant, and the participation of such affiliated persons in said plan of said registered investment company (Applicant) would be prohibited by Rule N-17D-1 (the amount set aside annually by Applicant pursuant to such plan not being computed upon the basis of a percentage of its payroll) unless an application regarding such plan has been filed with the Commission and has been granted by order entered prior to the submission of such plan to security holders for approval, or prior to the adoption thereof, if not so submitted.

It appears from the application that the proposed amendments involve: (a) The inclusion in the plan of Newmont Exploration Limited, a wholly owned subsidiary of Applicant; (b) the substitution of the date January 1, 1951 for the date January 1, 1946 for determining the amounts of pensions; (c) an increase in the maximum pension payable to any employee from $6000 per year to $12,000; and (d) a change in the named contingent beneficiary provisions to give each participant the right to convert the pension otherwise payable to such participant to a joint and survivor pension of equal actuarial value, in which either the said joint and survivor pension, or, at the participant's prior election, two-thirds of the said joint and survivor pension will be payable to the survivor. It appears that the single lump sum increase to provide additional past service benefits due to the amendments will aggregate $481,500 of which $312,000 will relate to the additional past service benefits for officers and directors of the Applicant. It also appears that the normal annual cost of the plan for the year 1951 will by reason of the proposed amendments be $41,800, an increase of $4,200, and that all of said increase will relate to benefits for officers and directors of the Applicant. It further appears that the plan is, and as proposed to be amended will be, qualified under section 165 of the Internal Revenue Code as nondiscriminatory.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after April 16, 1951, unless prior thereto a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than April 13, 1951, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-4249; Filed, Apr. 10, 1951; 8:45 a. m.]

EDWIN HAWLEY CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 5th day of April 1951.

In the matter of Edwiin Hawley, Edwin Riley Hawley, or E. R. Hawley, doing business as Edwiin Hawley Co., Hotel Adams, Central Avenue and Adams Street, Phoenix, Arizona.

I. The Commission's public official files disclose that:

A. Edwiin Hawley, also known as Edwin Riley Hawley and E. R. Hawley, doing business as Edwiin Hawley Co., a sole proprietorship, hereinafter referred to as Hawley, filed an application for registration as a broker and dealer, pursuant to section 15 (b) of the Securities Exchange Act of 1934, on September 25, 1945. Registration became effective on October 12, 1945 and is still in effect pursuant to the said application.

B. Hawley filed an application for registration as an investment adviser, pursuant to section 203 (c)[1] of the Investment Advisers Act of 1940, on March 27, 1946. Registration became effective on April 26, 1946, and is still in effect pursuant to the said application.

C. Hawley represents in each of the said applications, as amended, that his principal office is located at the Hotel Adams, Central Avenue and Adams Street, Phoenix, Arizona, and that his residence is located at 645 North Fourth Avenue, Phoenix, Arizona.

II. A. A member of its staff has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that Hawley no longer maintains any office at the Hotel Adams, Central Avenue and Adams Street, Phoenix, Arizona, and no longer maintains a residence at 645 North Fourth Avenue, Phoenix, Arizona.

B. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof, stating that Hawley did not file a report of his financial condition during the calendar year 1950 pursuant to Rule X-17A-5 prescribed under section 17 (a) of the Securities Exchange Act of 1934.

III. The information reported to the Commission as set forth in section II hereof, if true, tends to show:

A. That Hawley violated section 15 (b) of the Securities Exchange Act of 1934 and Rule X-15B-2 prescribed by the Commission under said section, in that the representations in his application for registration as a broker and dealer with respect to the location of his principal office and his residence address are not now accurate and in that Hawley has not amended such application to correct such representations.

B. That Hawley violated section 17 (a) of the Securities Exchange Act of 1934, in that he failed to file a report of his financial condition for the calendar year 1950 as required by Rule X-17A-5 prescribed by the Commission under said section.

C. That Hawley violated section 207 of the Investment Advisers Act of 1940 in that the representations in his application for registration as an investment adviser with respect to the location of his principal office and his residence address are not now true and in that Hawley has not amended such application to correct such representations.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements referred to in section II hereof are true;

(b) Whether Hawley has wilfully violated section 15 (b) of the Securities Exchange Act of 1934 and Rule X-15B-2 prescribed by the Commission under the said section;

(c) Whether Hawley has wilfully violated 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 prescribed by the Commission under said section;

[1] Filed as a part of the original document.

UNIVERSITY OF MICHIGAN LIBRARIES

(d) Whether Hawley has violated section 207 of the Investment Advisers Act of 1940, in that he wilfully made untrue statements of material facts in his application for registration as an investment adviser and wilfully omitted to state in such application material facts required to be stated therein;

(e) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke the registration of Hawley as a broker and dealer;

(f) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend registration of Hawley as a broker and dealer;

(g) Whether, pursuant to section 203 (d) of the Investment Advisers Act of 1940, it is in the public interest to suspend the registration of Hawley as an investment adviser, and

(h) Whether, pursuant to section 203 (d) of the Investment Advisers Act of 1940, it is in the public interest to revoke the registration of Hawley as an investment adviser.

V. *It is hereby ordered*, That Hawley be given an opportunity for hearing as set forth in section IV hereof on the 14th day of May 1951, at the main office of the Securities and Exchange Commission located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before May 7, 1951. Upon completion of any such hearing in this matter, the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event that Hawley does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on Hawley personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to May 14, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4253; Filed, Apr. 10, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17571]

CAROLINE KATRINA MAIER THUN ET AL.

In re: Claim against the Treasurer of the Commonwealth of Pennsylvania by Caroline Katrina Maier Thun et al. File No. D-28-2167; E. T. sec. No. 2834.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Rosa Fuchs, nee Bertsch; Karl Heinrich Bertsch; Richard Greis; Luise Katharine Karoline Bertsch, nee Kirchner; Rosa Erika Rapp, nee Bertsch; Margot Luise Dammbacher, nee Bertsch; Karl Friedrich Bertsch; Friederike Rosine Berthold, nee Bertsch; Maria Luise Kinkel; Wilhelm Bertsch; Friederike Maria Schweizer, divorced Appenrodt, nee Bertsch; Friederike Sofie Nuttscheller, nee Bertsch; Elisabeth Dorothea Metzger, nee Maier; Lina Frida Laucher (remarried), widowed Wohlleber, nee Wagner; Guenter Karl Wohlleber; Gustav Albrecht Wohlleber; Rosa Anna Martin, nee Wohlleber; Elsa Neufer, nee Wohlleber; Gertrud Appenzeller, nee Wohlleber; Walter Emil Wohlleber; Anna Mogler, nee Wohlleber; Emilie Rosine Weidenbach, and Gottlieb Friedrich Weidenbach, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Three-eighths (3/8ths) of the sum deposited with the Treasurer of the Commonwealth of Pennsylvania pursuant to an order of the Orphans' Court of Philadelphia County, Pennsylvania, entered on June 21, 1943, in the matter of the Estate of Christian Maier, deceased, and any and all additions thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above subject to lawful fees and disbursements of the Treasurer of the Commonwealth of Pennsylvania.

All such property so vested shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-4238; Filed, Apr. 10, 1951; 8:50 a. m.]

[Vesting Order 17558]

MATHILDE HECK

In re: Estate of Mathilde Heck, deceased. File D-28-12364; E. T. sec. 10[illegible]5.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Roth, also known as Maria Anna Roth, Matthias Heck, Andreas Heck, Mathilde Geipert, Emilie Bachmann, Elise Sparwasser, Kaethe Dick, Gertrud Rose and Mathilde Ultes, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Mathilde Heck, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Joseph Heck, as Substitutionary Administrator, c. t. a., acting under the judicial supervision of the Monmouth County Court, Probate Division, New Jersey;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-4287; Filed, Apr. 10, 1951; 8:50 a. m.]

[Vesting Order 17582]

KATE EBELING

In re: Funds owned by Kate Ebeling, F-28-30567.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kate Ebeling, whose last known address is Hannover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., for the credit of Kate Ebeling, said funds identified under Certificate of Settlement Number 0-607-704 (U. S. Treasury Department [Miscellaneous Items]), and in the amount of $113.68, as of September 30, 1948, presently maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks," together with any and all accruals since September 30, 1948, and any and all rights to demand, enforce and collect the aforesaid funds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-4289; Filed Apr. 10, 1951; 8:50 a. m.]

[Vesting Order 17584]

LUDWIG AND HERTA GERBER

In re: Stock owned by Ludwig Gerber and Herta Gerber. F-28-31133.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Gerber and Herta Gerber, whose last known address is Gut Waterhovel b/Hagen, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Thirty (30) shares of common capital stock of Eastman Kodak Company, 343 State Street, Rochester, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered NC0158189 for 27 shares, NC0158172 for 2 shares and NC0158159 for 1 share, registered in the name of Rush & Co., and presently in the custody of the Federal Reserve Bank of New York, New York, New York, together with all declared and unpaid dividends thereon, and

b. Forty-nine (49) shares of common capital stock of The National Cash Register Company, Main and K Streets, Dayton, Ohio, a corporation organized under the laws of the State of Maryland, evidenced by certificates numbered 0125057 for 25 shares, 0125063 for 20 shares and 0125061 for 4 shares, registered in the name of Rush & Co., and presently in the custody of the Federal Reserve Bank of New York, New York, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ludwig Gerber and Herta Gerber, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-4290; Filed, Apr. 10, 1951; 8:50 a. m.]

[Vesting Order 17585]

CERTAIN GERMAN NATIONALS

In re: Bank account owned by German nationals whose names are unknown. F-63-3046.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described in subparagraph 3 hereof is being held by the Swiss Bank Corporation, 15 Nassau Street, New York, New York, for the account of C. G. Duft,

2. That although the names of the owners of the property described in subparagraph 3 hereof are not available, such persons who, if individuals, there is reasonable cause to believe are residents of Germany and, if partnership, corporation, association or other business organization, there is reasonable cause to believe are organized under the laws of, or have or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of Swiss Bank Corporation, 15 Nassau Street, New York, New York, arising out of an account entitled "C. G. Duft" maintained at said bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the persons referred to in subparagraph 2 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4291; Filed, Apr. 10, 1951; 8:50 a. m.]

[Vesting Order 17592]

WILHELM ROGMANN ET AL.

In re: Cash owned by Wilhelm Rogmann and others. D-28-12990-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Rogmann, Franz Rogmann, Maria Schult, Harry Rogmann and Bruno Rogmann, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations of Herman Koppelow, 169-10th Avenue, San Francisco 18, California, arising by reason of receipt of that share of sale proceeds of real estate allocable to Johann H. R. Rogmann, also known as John Rogman, deceased, pursuant to a declaration of trust dated November 5, 1926, for the benefit of contractholder claimants against Yuba Vineyards and Orchards Company, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Wilhelm Rogmann, Franz Rogmann, Maria Schult, Harry Rogmann and Bruno Rogmann, the foresaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4296; Filed, Apr. 10, 1951; 8:51 a. m.]

[Vesting Order 17594]

KENROKU YOSHIWARA

In re: One sealed envelope and contents owned by Kenroku Yoshiwara. F-39-3682.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kenroku Yoshiwara, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: All property of any nature whatsoever owned by Kenroku Yoshiwara, located in a sealed envelope presently in the custody of Hotel Marcy, West End Avenue at 95th St., New York, New York, and any and all rights of said person evidenced or represented by such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4297; Filed, Apr. 10, 1951; 8:51 a. m.]

[Return Order 932]

DUSOLINA QUEIROLO CUNEO ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Dusolina Queirolo Cuneo, Correglia Ligure, Genova, Italy, Claim No. 33757. Valerio Cuneo, Correglia Ligure, Genova, Italy, Claim No. 46456; Maria Cuneo, Correglia Ligure, Genova, Italy, Claim No. 46457; January 6, 1951 (16 F. R. 219); $7,831.86 in the Treasury of the United States to Dusolina Queirolo Cuneo. All right, title, interest and claim of any kind or character whatsoever of Dusolina Queirolo Cuneo, Valerio Cuneo, and Maria Cuneo, and each of them, in and to the trust created under the will of Vittorio Cuneo, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4298; Filed, Apr. 10, 1951; 8:52 a. m.]

MARTHA WESTFAL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Martha Westfal, New York, New York, Claim No. 5570; $6,062.78 in the Treasury of the United States.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4299; Filed, Apr. 10, 1951; 8:52 a. m.]

APR 16 '51

FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 CCC American-Egyptian Cotton Bulletin 1]

PART 607—COTTON

SUBPART—1951 AMERICAN-EGYPTIAN COTTON PURCHASE PROGRAM

This bulletin contains the instructions and requirements with respect to the 1951-crop American-Egyptian Cotton Purchase Program of Commodity Credit Corporation (hereinafter referred to as CCC) formulated by CCC and the Production and Marketing Administration (hereinafter referred to as PMA). This is a price support program. Purchases of Amsak and Pima 32 varieties of American-Egyptian cotton produced in 1951 will be made in accordance with this bulletin.

Sec.

607.201 Administration.
607.202 Availability of purchases.
607.203 Eligible producer.
607.204 Eligible cotton.
607.205 Purchase rates.
607.206 Approved warehouses.
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607.208 Payment for cotton.
607.209 Designated laboratories.
607.210 PMA Commodity Offices.

AUTHORITY: §§ 607.201 to 607.210 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup., 714c.

§ 607.201 *Administration.* Under the general direction and supervision of the President, CCC, the Cotton Branch and other appropriate Branches of PMA will carry out the program. In the field the program will be administered through PMA Commodity Offices, State PMA committees, and county PMA committees (hereinafter referred to as county committees). Forms will be distributed by the applicable PMA Commodity Office and will be available at the offices of county committees.

§ 607.202 *Availability of purchases.*

(a) *Area.* Purchases will be made in the States of California, Arizona, New Mexico and Texas.

(b) *Time.* Purchases will be made from August 1, 1951, through April 30, 1952.

(c) *Source.* Purchases will be made from eligible producers by county committees.

§ 607.203 *Eligible producer.* An eligible producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof, or any agency of such State or political subdivision, producing eligible American-Egyptian cotton in 1951 in the capacity of landowner, landlord, tenant or sharecropper.

§ 607.204 *Eligible cotton.* Eligible American-Egyptian cotton shall be of the Amsak or Pima 32 varieties and shall meet the following requirements:

(a) Such cotton must have been produced in continental United States in 1951.

(b) Such cotton must have been produced from Amsak or Pima 32 varieties of American-Egyptian cottonseed and such cottonseed (1) must have been "registered" or "certified" by a crop improvement association or a recognized State agency or (2) must be covered by a certificate issued prior to planting by such association or agency indicating the cottonseed are of the Amsak or Pima 32 varieties and have been recleaned and sampled, that the samples have been examined by a laboratory designated in § 607.209 and that such laboratory has certified that such cottonseed contained not in excess of 2.5 percent of fuzzy seed of upland or hybrid character. In order to establish that the cotton was produced from such cottonseed, the producer must submit to the county committee tags from bags of registered or certified cottonseed, the certificate issued by the association or state agency, or other evidence satisfactory to the county committee.

(c) Such cotton must be of a grade and staple length specified in § 607.205.

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houses will be available at offices of county committees.

§ 607.207 *Classification of cotton.* All cotton must be classed by a Board of Cotton Examiners of the United States Department of Agriculture (hereinafter referred to as the "Board"). A Cotton Classification Memorandum Form 1 of the United States Department of Agriculture will be accepted, provided the sample is a representative cut sample drawn in accordance with instructions to organized cotton improvement groups for sampling cotton under the 1951 Smith-Doxey Program. If a sample has been drawn and submitted for a Form 1 classification, another sample may not be drawn and forwarded to a Board except for review. If the producer's cotton has not been sampled for a Form 1 classification, the warehouseman should sample such cotton and forward the samples to the Board serving the district in which the cotton is located. A Cotton Classification Memorandum Form A3 must be inserted in each sample. A Tag List and Record Sheet (CCC Cotton Form L, hereinafter referred to as "Form L"), must be prepared by the warehouseman, listing each sample included in a shipment to the Board. A copy of such Form L shall be included with the samples and two copies must be mailed separately to the Board. The Board will enter the classification of each bale on the Form L and return a copy of such form to the warehouse. The Cotton Classification Memorandum Form A3 will be returned to the producer by the Board.

An amount equal to the classification charge under the 1951 Upland Cotton Loan Program shall be collected from the producer by the warehouseman for all cotton for which samples are submitted to a Board for classification, except that no charge shall be collected for samples submitted for Form 1 classification. The Boards will submit billings for classing charges to the warehousemen at the end of each month. Payments of these charges shall be made payable to Commodity Credit Corporation and shall be sent to the applicable PMA commodity office.

§ 607.208 *Payment for cotton.* Producers will be paid the purchase price of the cotton by means of sight drafts drawn on CCC by State PMA or county committees.

§ 607.209 *Designated laboratories.* The laboratories designated to examine and certify seed as provided in § 607.204 and area served by each are as follows:

U. S. Department of Agriculture Field Station, Sacaton, Arizona. Attention: Mr. R. H. Peebles (all seed samples originating in Arizona should be sent to this laboratory).

U. S. Department of Agriculture Cotton Field Station, P. O. Box No. 145, State College, New Mexico. Attention: Mr. A. R. Leding.

Texas Experiment Substation No. 17, Ysleta, Texas. Attention: Mr. P. J. Lyerly (Seed samples originating in Texas or New Mexico may be sent to either of the above two laboratories).

All cost of laboratory test shall be paid by the person or firm submitting the samples. All lots of seed which contain fuzzy seed of upland or hybrid character shall be recleaned before samples are submitted to a designated laboratory. Cottonseed submitted to a designated laboratory must be a representative sample of the seed which are proposed to be planted and must not have been delinted prior to the samples being sent to such laboratory. Each sample shall contain at least ½ pound of cottonseed and shall be forwarded to a designated laboratory in a suitable container. Quarantine requirements shall be complied with in shipping samples of seed.

§ 607.210 *PMA Commodity Offices.* The addresses of the appropriate PMA Commodity Offices and the cotton growing area served by each are shown below:

335 Fell Street, San Francisco 3, California: Arizona and California.

Masonic Temple Building, New Orleans 12, Louisiana: New Mexico and Texas.

Issued this 9th day of April 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-4342; Filed, Apr. 11, 1951; 8:52 a. m.]

Grade	Staple					
	1⅛ inches		1 3/16 inches		1¼ inches and longer	
	Arizona and California	New Mexico and Texas	Arizona and California	New Mexico and Texas	Arizona and California	New Mexico and Texas
1	101.55	101.95	104.90	105.20	106.05	106.45
1½	100.45	100.85	103.80	104.20	104.90	105.30
2	99.20	99.60	101.55	101.95	103.80	104.20
2½	98.75	99.15	98.20	98.60	100.15	100.55
3	89.25	89.65	94.85	95.25	97.10	97.50
3½	83.65	84.05	88.15	88.55	91.50	91.90
4	78.10	78.50	80.20	80.70	83.45	84.05
4½	72.50	72.90	74.75	75.15	75.85	76.25
5	66.90	67.30	69.15	69.55	71.35	71.75

§ 607.206 *Approved warehouses.* Cotton in warehouses will be acceptable for purchase by CCC only if such warehouses are approved by CCC. Warehousemen will be notified of approval of their warehouse by letter or published lists. The names of approved ware-

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS [1]

U. S. STANDARDS FOR GRADES OF CANNED GRAPE JUICE

On August 1, 1950, a notice of proposed rule making was published in the FEDERAL REGISTER (15 F. R. 4917) regarding the proposed revision of the United States Standards for Grades of Canned (or Bottled) Grape Juice. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following revised United States Standards for Grades of Canned Grape Juice are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950):

§ 52.378 *Canned grape juice.* Canned grape juice is the unfermented liquid obtained from properly matured fresh grapes. Such grape juice is prepared without concentration, without dilution, is packed with or without the addition

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

of sweetening ingredients, and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers (either metal or glass).

(a) *Types of canned grape juice.* (1) Type I: Concord type (prepared from grapes of the slip-skin varieties of the Concord type of the Labrusca species).

(2) Type II: Any type other than Concord type (prepared from a single variety of grapes other than Concord type).

(3) Type III: Blended type (prepared from two or more varieties of grapes).

(b) *Styles of canned grape juice.* Unless specifically designated as "sweetened", canned grape juice is considered as "unsweetened."

(1) Style I. Unsweetened (without added sweetening ingredient or ingredients).

(2) Style II. Sweetened (with added sweetening ingredient or ingredients).

(c) *Grades of canned grape juice.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned grape juice from which tartrate crystals have been removed; that possesses a good color; that is practically free from defects; that possesses a good flavor; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of canned grape juice from which tartrate crystals have been removed; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good flavor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade D" or "Substandard" is the quality of canned grape juice that fails to meet the requirements of U. S. Grade B or U. S. Choice.

(d) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled as full as practicable with grape juice and that the product occupy not less than 90 percent of the volume of the container.

(e) *Ascertaining the grade.* (1) The grade of canned grape juice is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and flavor.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors	Points
(i) Color	40
(ii) Absence of defects	20
(iii) Flavor	40
Total score	100

(f) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Canned grape juice that possesses a good color may be given a score of 34 to 40 points. "Good color" has the following meanings with respect to the types of canned grape juice:

Type I. A bright purple or bright reddish-purple color typical of properly prepared and properly processed juice from Concord type grapes.

Types II and III. A bright color typical of properly prepared and properly processed juice characteristic of the varietal type or varietal types from which prepared.

(ii) If the canned grape juice possesses a reasonably good color, a score of 28 to 33 points may be given. Canned grape juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" has the following meanings with respect to the types of canned grape juice:

Type I: A purple or reddish-purple color typical of canned grape juice prepared from Concord type grapes and which color may be slightly dull purple, slightly dull bluish-purple, or slightly dull reddish-purple but which is not off-color for any reason.

Types II and III: A color typical of canned grape juice characteristic of the varietal type or varietal types from which prepared and which color may be slightly dull but which is not off-color for any reason.

(iii) Canned grape juice that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from sediment and other residue, from tartrate crystals, from particles of skin, from particles of pulp, from particles of seed, and from any other defects.

(i) Canned grape juice that is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that the canned grape juice may possess a slight amount of sediment and residue of an amorphous nature; may possess not more than a trace of sediment and residue of a non-amorphous nature; is practically free from tartrate crystals; and is free from particles of skin, particles of pulp, particles of seed, and from any other defects.

(ii) If the canned grape juice is reasonably free from defects, a score of 14 to 16 points may be given. Canned grape juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the canned grape juice may possess a slight amount of sediment and residue of an amorphous or non-amorphous nature; may possess a slight amount of tartrate crystals; may possess not more than a trace of particles of skin, particles of pulp, particles of seed, and other defects.

(iii) Canned grape juice that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Flavor.* (i) Canned grape juice that possesses a good flavor may be given a score of 34 to 40 points. "Good flavor" means that the flavor is a distinct and normal flavor, typical of well-matured grapes and that the canned grape juice is free from any trace of scorching, caramelization, and objectionable flavors and objectionable odors of any kind. To score in this classification, canned grape juice shall meet the following additional requirements:

Brix: Style I, unsweetened—not less than 15.0 degrees.

Brix: Style II, sweetened—not less than 17.0 degrees.

Acid: Not less than 0.60 grams per 100 ml. nor more than 1.20 grams per 100 ml., calculated as tartaric acid.

Brix-acid ratio: For both Style I, unsweetened, and Style II, sweetened, not less than 14 to 1 nor more than 28 to 1.

(ii) If the canned grape juice possesses a reasonably good flavor, a score of 28 to 33 points may be given. Canned grape juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor" means that the flavor is normal and typical of reasonably well-matured grapes and that the canned grape juice may be slightly astringent but is free from any trace of scorching, caramelization, and objectionable flavors and objectionable odors of any kind. To score in this classification, canned grape juice shall meet the following additional requirements:

Brix: Style I, unsweetened—not less than 14.0 degrees.

Brix: Style II, sweetened—not less than 16.0 degrees.

Acid: Not less than 0.45 gram per 100 ml. nor more than 1.40 grams per 100 ml., calculated as tartaric acid.

Brix-acid ratio: For both Style I, unsweetened, and Style II, sweetened, not less than 11.5 to 1.

(iii) Canned grape juice that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(g) *Explanation of terms.* (1) "Brix" means the degrees Brix of canned grape juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If canned grape juice is tested at a temperature other than 20 degrees C. (68 degrees F.), the applicable temperature correction shall be made to the reading of the scale as prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of canned grape juice may be determined by any other method which gives equivalent results.

(2) "Acid" means grams of acid (calculated as tartaric acid) per 100 ml. of juice in canned grape juice determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator or any other satisfactory indicator.

(h) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned grape juice, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(i) *Score sheet for canned grape juice.*

Size and kind of container		
Container mark or identification		
Label		
Liquid measure (Fl. ounces)		
Vacuum (inches)		
Type		
Style		
Brix (degrees)		
Acid (tartaric: grams/100 ml)		
Brix-acid ratio		
Factors	Score points	
I. Color	40	(A) 34–40; (B) [1] 28–33; (D) [1] 0–27
II. Absence of defects	20	(A) 17–20; (B) [1] 14–16; (D) [1] 0–13
III. Flavor	40	(A) 34–40; (B) [1] 28–33; (D) [1] 0–27
Total score	100	
Grade		

[1] Indicates limiting rule.

(j) *Effective time and supersedure.* The revised United States Standards for Grades of Canned Grape Juice (which is the second issue) contained in this section will become effective thirty days after the date of publication of these standards in the FEDERAL REGISTER and will thereupon supersede the United States Standards for Grades of Canned (or Bottled) Grape Juice which have been in effect since June 15, 1945.

(Sec. 205, 60 Stat. 1090, Pub. Law. 759, 81st Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 6th day of April 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-4818; Filed, Apr. 11, 1951; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 11]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, ACROBATIC, AND RESTRICTED-PURPOSE CATEGORIES

DRY-CELL BATTERIES; RED PASSING LIGHTS

The following policies are hereby adopted. The section of the regulations being implemented is repeated here to assist the public in understanding how the Administrator's policies apply to it.

§ 3.682 *Batteries.* When an item of electrical equipment which is essential to the safe operation of the airplane is installed, the battery required shall have sufficient capacity to supply the electrical power necessary for dependable operation of the connected electrical equipment.

§ 3.682–1 *Dry-cell batteries. (CAA policies which apply to § 3.682).* When a battery is installed to provide power for electrical equipment which is essential to the safe operation of the airplane, it should be of a type whose pre-flight state of charge can readily be determined by simple and reliable means. Dry-cell batteries are not considered to be of this type, and should not be used to supply essential electrical equipment.

§ 3.700 *Position light system installation*—(a) *General.* The provisions of §§ 3.700 through 3.703 shall be applicable to the position light system as a whole, and shall be complied with if a single circuit type system is installed.[1] The single circuit system shall include the items specified in paragraphs (b) through (f) of this section.

(b) *Forward position lights.* Forward position lights shall consist of a red and a green light spaced laterally as far apart as practicable and installed forward on the airplane in such a location that, with the airplane in normal flying position, the red light is displayed on the left side and the green light is displayed on the right side. The individual lights shall be type certificated in accordance with the applicable provisions of Part 15 of this chapter.

(c) *Rear position light.* The rear position light shall be a white light mounted as far aft as practicable. The light shall be type certificated in accordance with the applicable provisions of Part 15 of this chapter.

[1] Requirements for dual circuit position light systems are contained in Part 4b of this chapter.

(d) *Circuit.* The two forward position lights and the rear position light shall constitute a single circuit.

(e) *Flasher.* If employed, an approved position light flasher for a single circuit system shall be installed. The flasher shall be such that the system is energized automatically at a rate of not less than 60 nor more than 100 flashes per minute with an on-off ratio between 2:1 and 1:1. Unless the flasher is of a fail-safe type, means shall be provided in the system to indicate to the pilot when there is a failure of the flasher and a further means shall be provided for turning the lights on steady in the event of such failure.

(f) *Light covers and color filters.* Light covers or color filters used shall be of noncombustible material and shall be constructed so that they will not change color or shape or suffer any appreciable loss of light transmission during normal use.

§ 3.700–1 *Red passing lights (CAA policies which apply to § 3.700 (a)).* When it is desired to improve the conspicuity of the aircraft, a steady red light, commonly known as a passing light, may be installed. This light is not considered to be a position light and therefore need not be type certificated. When installed, its location should be one of the following:

(a) Within the left landing light unit.

(b) On the centerline of the aircraft nose.

(c) In the leading edge of the left wing, outboard of the propeller disc.

These policies to become effective April 15, 1951.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 603, 52 Stat. 1009, 49 U. S. C. 553)

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-4302; Filed, Apr. 11, 1951; 8:45 a. m.]

[Supp. 17]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

RED PASSING LIGHTS

The following policies are hereby adopted. The section of the regulations being implemented is repeated here to assist the public in understanding how the Administrator's policies apply to it.

§ 4b.632 *Position light system installation*—(a) *General.* The provisions of §§ 4b.632 through 4b.635 shall be applicable to the position light system as a whole. The position light system shall be of the dual circuit type and shall include the items specified in paragraphs (b) through (g) of this section.

(b) *Forward position lights.* Forward position lights shall consist of a red and a green light spaced laterally as far apart as practicable and installed forward on an airplane in such a location that, with the airplane in normal flying position, the red light is displayed on

the left side and the green light is displayed on the right side. The individual lights shall be type certificated in accordance with the applicable provisions of Part 15 of this chapter.

(c) *Rear position lights.* Rear position lights shall consist of a red and a white light mounted on the airplane as far aft as practicable and located in close proximity to each other. The individual lights shall be type certificated in accordance with the applicable provisions of Part 15 of this chapter.

(d) *Fuselage lights.* Fuselage lights shall consist of two white lights installed approximately in line with the forward position lights. One of these lights shall be mounted on the top of the fuselage, the other on the bottom. In the case of seaplanes, the location of the bottom fuselage light shall be subject to specific approval. The individual lights shall be of an approved type.

(e) *Circuits.* The forward position lights and the rear white position light shall be on one circuit, while the two fuselage lights and the rear red position light shall be on the other.

(f) *Flasher.* An approved dual circuit position light flasher shall be installed. The flasher shall be such that the system is actuated automatically with the two circuits energized alternately at a frequency of not less than 36 and not more than 60 cycles per minute. A switch shall be provided in the system to disconnect the flasher from the circuit so that continuous light can be supplied by the forward position lights and the rear white position light while the fuselage lights and the rear red position lights are not energized.

(g) *Light covers and color filters.* Light covers or color filters used shall be of noncombustible material and shall be constructed so that they will not change color or shape or suffer any appreciable loss of light transmission during normal use.

§ 4b.632–1 *Red passing lights (CAA policies which apply to section 4b.632 (a)).* When it is desired to improve the conspicuity of the aircraft, a steady red light, commonly known as a passing light, may be installed. This light is not considered to be a position light and therefore need not be type certificated. When installed, its location should be one of the following:

(a) Within the left landing light unit.

(b) On the centerline of the aircraft nose.

(c) In the leading edge of the left wing, outboard of the propeller disc.

These policies to become effective April 15, 1951.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 603, 52 Stat. 1009, 49 U. S. C. 553)

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51–4303; Filed, Apr. 11, 1951; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. P. L. 43 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following revisions are made in commodity descriptions and Schedule B numbers:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
[1] 322402	Jute bags or sacks, new	Lb	TEXT	50	RO
[1] 322407	Jute bags or sacks, used or reclaimed	Lb	TEXT	50	RO
[2] 400909	Logs, bolts, and hewn timber: Teak	M. bd. ft.	LUMB	100	RO
620520	Metal drums and containers for transporting gas or lower hydrocarbons: Filled drums and containers capable of withstanding pressures over 300 pounds per square inch, where the value of the containers represent 20 percent or more of the total value of the container plus contents.[3]	Lb	STEE	100	RO
620540	Unfilled drums and containers capable of withstanding pressures over 300 pounds per square inch.[3]	Lb	STEE	100	RO
620915	Lined steel tanks, for storage or transporting gas or lower hydrocarbons, capable of withstanding pressures over 300 pounds per square inch.[3]	Lb	STEE	100	RO
656598	Other tin and manufactures	Lb.[4]	NONF	25	RO
724800	Textile machinery: Rayon filament and hand forming machinery, and parts; and spinnerettes for all synthetic filaments.[5]		GIEQ	None	R

[1] By this amendment the reference to Schedule B No. 322403 for jute bags or sacks, new, with a unit of quantity "No." and the reference to Schedule B No. 322408 for jute bags or sacks, used or reclaimed, with a unit of quantity "No." are deleted from the Positive List in accordance with the Bureau of the Census Bulletin No. P. B. No. 152–I and II.

[2] The present Schedule B number for this entry, teak logs, bolts and hewn timber, is incorrectly shown as 400905.

[3] Note that the pressure ratings stamped on metal drums and containers are the working pressures, which usually allow maximum safety margins. The actual pressure capability is approximately five times the working pressure. (Any containers under this Schedule B number which do not have a pressure rating stamped thereon are not pressure containers and are not subject to the validated license control imposed by this Positive List entry.)

[4] Previously no specific unit of quantity was provided in the column headed "Unit."

[5] This revision amends the entry to include specifically "and spinnerettes for all synthetic fibers" which are in fact covered by this entry as indicated in Current Export Bulletin No. 611, Subject II, Paragraph A, Note 6.

2. The following commodities are changed from R to RO commodities. Accordingly, the entry therefor on the Positive List is amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
622096	Ferrotungsten	Lb	NONF	500	RO
663900	Other tungsten metal, stellite, wire, shapes, and alloys.[1]	Lb	NONF	100	RO
664580	Ores and concentrates, n. e. s.: Tungsten	Lb	NONF	100	RO

[1] Tungsten carbide tool blanks, tips, and inserts, Schedule B No. 663900, remain under R control.

3. The dollar value limits in the column headed "GLV dollar-value limits" set forth opposite the commodities listed below are amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	GLV dollar value limits
669198	Tantalum rings and tantalum wire[1]	None

[1] Formerly included in the entry on the Positive List under Schedule B No. 669198, "Other metal and metal composition manufactures, n. e. s., GLV Dollar-value limit $100."

[1] This amendment was published in Current Export Bulletin No. 614 dated April 5, 1951.

Section 399.3 *Appendix C—Commodity Processing Codes* is amended by changing the processing codes for certain commodities, as follows:

Dept. of Commerce Schedule B No.	Commodity	Processing Code
504800	Petroleum coke, including petroleum coke flour [1]	COAL
506025	Mineral wax, natural	COAL

[1] The petroleum products classified under Schedule B Nos. 504100–504720 and 505200–505900 retain the processing code of PETR. By this amendment the processing code for the present listing on the Positive List under Schedule B No. 504800 is also changed from PETR to COAL.

Shipments of any commodities removed from general license to Country Group O destinations, or where GLV dollar-value limits were reduced as a result of changes set forth in Parts numbered 2 and 3 above, of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., April 10, 1951, may be exported under the previous general license provisions up to and including May 5, 1951. Any such shipment not laden aboard the exporting carrier on or before May 5, 1951, requires a validated license for export. This saving clause is not applicable to any such shipments to Subgroup A destinations.

This amendment shall become effective as of April 5, 1951, except that Parts numbered 2 and 3 above shall become effective as of April 10, 1951, 12:01 a. m.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51–4312; Filed, Apr. 11, 1951; 8:47 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Correction to Amdt. 354]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Correction to Amdt. 349]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

NEW JERSEY

Correction to Controlled Housing Rent Regulation and Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments.

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are corrected in the following respects:

A. Subparagraph a of paragraph numbered 2 of Amendment 354 to §§ 825.1 to 825.12 and Amendment 349 to §§ 825.81 to 825.92 is corrected to read as follows:

a. As to housing accommodations in the Borough of Woodbine in Cape May County, New Jersey: (i) All orders in effect on April 30, 1947, in accordance with regulations issued under the Emergency Price Control Act of 1942, as amended, shall be in full force and effect, unless and until revoked or modified by the Expediter; (ii) Wherever the date June 30, 1947, appears in §§ 825.4 (a), 825.4 (c), 825.4 (d), 825.5 (n) (3), 825.5 (c) (3), 825.5 (i), 825.84 (a), 825.84 (d), 825.84 (f), 825.85 (a) (3), 825.85 (c) (3) and 825.85 (g), the date April 30, 1947, shall be substituted; (iii) Wherever the date July 1, 1947, appears in §§ 825.4 (c), 825.4 (d), 825.84 (c), 825.84 (d) and 825.84 (f), the date May 1, 1947, shall be substituted.

B. Subparagraph b of said paragraph numbered 2 of Amendment 354 to §§ 825.1 to 825.12 and Amendment 349 to §§ 825.81–825.92 is corrected to read as follows:

b. As to housing accommodations in the City of Millville in Cumberland County, New Jersey, all orders in effect on December 7, 1949, in accordance with §§ 825.1 to 825.12 or 825.81 to 825.92, shall be in full force and effect.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This correction shall be effective March 1, 1951.

Issued this 9th day of April 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51–4332; Filed, Apr. 11, 1951; 8:51 a. m.]

[Controlled Housing Rent Reg., Correction to Amdt. 357]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Correction to Amdt. 352]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

LOUISIANA

Correction to Controlled Housing Rent Regulation and Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments.

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are corrected in the following respect:

Subparagraph a of paragraph numbered 2 of Amendment 357 to §§ 825.1 to 825.12 and Amendment 352 to §§ 825.81 to 825.92 is corrected to read as follows:

a. As to housing accommodations in the Parish of Vernon, Louisiana: (i) All orders in effect on May 31, 1947 in accordance with regulations issued under the Emergency Price Control Act of 1942, as amended, shall be in full force and effect, unless and until revoked or modified by the Expediter; (ii) Wherever the date June 30, 1947 appears in §§ 825.4 (a), 825.4 (c), 825.4 (d), 825.5 (a) (3), 825.5 (c) (3), 825.5 (i), 825.84 (a), 825.84 (d), 825.84 (f), 825.85 (a) (3), 825.85 (c) (3) and 825.85 (g), the date May 31, 1947 shall be substituted; (iii) Wherever the date July 1, 1947 appears in §§ 825.4 (c), 825.4 (d), 825.84 (c), 825.84 (d), and 825.84 (f), the date June 1, 1947 shall be substituted.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This correction shall be effective as of March 8, 1951.

Issued this 9th day of April 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51–4331; Filed, Apr. 11, 1951; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5837]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

PERIOD OF LIMITATIONS ON CLAIM FOR REFUND WHEN WAIVER IS FILED

In order to conform Regulations 111 (26 CFR Part 29) and Regulations 103 (26 CFR, Part 19, 1940 Supp.) to Public Law 716 (81st Cong., 2d Sess.), approved August 18, 1950, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.322–1 of Regulations 111 and § 19.322–1 of Regulations 103 the following:

PUBLIC LAW 716 (81ST CONG., 2D SESS.),
APPROVED AUGUST 18, 1950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 322 (b) (3) of the Internal Revenue Code is hereby amended by striking out the last sentence and inserting in lieu thereof the following: "Notwithstanding the foregoing provisions of this paragraph, the period within which a claim for credit or refund may be filed, or credit or refund allowed or made if no claim is filed, shall not expire prior to two years after the time the tax was paid, but if a claim is filed, or credit or refund allowed or made if no claim is filed, more than six months after the expiration of the period within which the Commissioner may make an assessment pursuant to such agreement or any extension thereof, the amount of the credit or refund shall not exceed the portion of the tax paid during the two years immediately preceding the filing of the claim, or, if no claim is filed, immediately preceding the allowance of the credit or refund."

(b) The amendment made by subsection (a) shall be applicable to taxable years beginning after December 31, 1941, and, subject to the provisions of the second sentence of section 169 (c) of the Revenue Act of 1942 (added by section 509 (a) of the Revenue Act of 1943 and amended by section 2 of this Act), the amendment shall also be applicable to taxable years beginning after December 31, 1923, and before January 1, 1942.

SEC. 2. The second sentence of section 169 (c) of the Revenue Act of 1942 is hereby amended to read as follows: "A provision having the effect of section 322 (b) (3), as amended, of the Internal Revenue Code and a provision having the effect of the amendment made by subsection (b) of this section, shall be deemed to be included in the revenue laws respectively applicable to taxable years beginning after December 31, 1923, but such provisions shall be effective with respect to taxable years beginning prior to January 1, 1942, only if at some time after February 24, 1944, the Commissioner may assess the tax for such taxable year solely by reason of having made (either before, on, or after February 24, 1944) an agreement with the taxpayer pursuant to section 276 (b) of the Internal Revenue Code or the corresponding provision of the applicable prior revenue law to extend beyond the time prescribed in section 275 of such code or the corresponding provision of such prior revenue law the date within which the Commissioner may assess the tax."

PAR. 2. Paragraph (b) of § 29.322–7 of Regulations 111, as amended by Treasury Decision 5816, approved December 5, 1950 (26 CFR 29.322–7), is further amended as follows:

(A) By striking out that part of the sentence comprising the second undesignated paragraph beginning with the word "limitations" and inserting in lieu thereof the following: "preceding provisions of this paragraph (b) shall apply to such credit or refund."

(B) By striking out the third undesignated paragraph and inserting in lieu thereof the following:

The period within which a claim for credit or refund may be filed, or credit or refund allowed or made if no claim is filed, shall not expire prior to two years after the time the tax was paid, but if a claim is filed ,or credit or refund allowed or made if no claim is filed, more than six months after the expiration of the period within which the Commissioner may make an assessment pursuant to such agreement or any extension thereof, the amount of the credit or refund shall not exceed the portion of the tax paid during the two years immediately preceding the filing of the claim, or, if no claim is filed, immediately preceding the allowance of the credit or refund.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

PAR. 3. Paragraph (d) of § 19.322–7 of Regulations 103, as amended by Treasury Decision 5395, approved August 11, 1944, is further amended by adding in the first sentence thereof after "Regulations 111" the following: ", as amended,".

The amendments to § 19.322–7 of Regulations 103 and § 29.322–7 of Regulations 111 covering taxable years beginning after December 31, 1938, set forth in this Treasury decision are hereby made applicable to taxable years beginning after December 31, 1923, and prior to January 1, 1939 (such years being covered by Regulations 65, 69, 74, 77, 86, 94, and 101).

Because of the technical nature of the amendments made herein, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner.

Approved: April 5, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51–4330; Filed, Apr. 11, 1951; 8:52 a. m.]

Subchapter F—Records and Procedure

PART 600—RECORDS

RETURNS OF CERTAIN TAX-EXEMPT ORGANIZATIONS AND CERTAIN TRUSTS

The statement contained in F. R. Doc. 46–15357, appearing at page 177A–22, Part II, Section 1 of the issue for September 11, 1946, as amended and redesignated (26 CFR, 1949 ed., Part 600) is hereby further amended by adding immediately after § 600.2 (a) (6) *Public lists of employers making returns under the Federal Unemployment Tax Act* the following:

(7) *Information returns of certain tax exempt organizations and certain trusts.* Information returns filed pursuant to section 153 of the Code by certain tax-exempt organizations (Form 990–A) and by trusts claiming charitable or other deductions under section 162 (a) (Form 1041–A) are available for public inspection in the offices of collectors of internal revenue in which they are filed. See Regulations 111, § 29.153–3 of this chapter.

(R. S. 161; 50 U. S. C. 22)

[SEAL] THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51–4328; Filed, Apr. 11, 1951; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 703—MEN'S AND BOYS' CLOTHING AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

MINIMUM WAGE ORDER

Pursuant to the Administrator Procedure Act (60 Stat. 237; 5 U. S. C., Supp., 1001) notice was published in the FEDERAL REGISTER on March 6, 1951 (16 F. R. 2101–2102) of my decision to approve the minimum wage recommendation of Special Industry Committee No. 8 for Puerto Rico for the Men's and Boys' Clothing and Related Products Industry in Puerto Rico, and the wage order which I proposed to issue to carry such recommendation into effect was published therewith. Interested parties were given an opportunity to submit exceptions within 15 days of the date of publication of the notice.

An exception was filed by Ponce Manufacturing Corporation. This petition has been considered and I find that the exceptions contained therein present no new matters which would require any modification of my previous decision, as set forth in my findings and opinion entitled "In the Matter of the Recommendation of Special Industry Committee No. 8 for Puerto Rico for Minimum Wage Rates in the Men's and Boys' Clothing and Related Products Industry in Puerto Rico."

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), the said decision is hereby affirmed and made final, and the said wage order is hereby issued, to become effective May 14, 1951.

Sec.
703.1 Approval of recommendations of industry committee.
703.2 Wage rates.
703.3 Notices of order.
703.4 Definitions of the men's and boys' clothing and related products industry in Puerto Rico and its divisions.

AUTHORITY: §§ 703.1 to 703.4 issued under sec. 8, 52 Stat. 1064; 29 U. S. C. 208. Interprets or applies sec. 3, 54 Stat. 615; 29 U. S. C. 205.

§ 703.1 *Approval of recommendations of industry committee.* The Committee's recommendations are hereby approved.

§ 703.2 *Wage rates.* (a) Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the suits, coats, trousers, and work clothing division of the men's and boys' clothing and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the General Division of the men's and boys' clothing and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 703.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the men's and boys' clothing and related products industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed, from time to time, by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 703.4 *Definition of the men's and boys' clothing and related products industry in Puerto Rico and its divisions.* (a) The men's and boys' clothing and related products industry in Puerto Rico, to which this part shall apply, is hereby defined as follows:

The manufacture from any material of men's and boys' clothing and related products, including, but without limitation, suits, coats, overcoats, trousers, shirts, underwear, nightwear, work clothing, sportswear (including bathing suits, riding habits and athletic uniforms), heavy outerwear, neckties, caps, hats (except hand-made straw hats), belts, robes and dressing gowns, raincoats, suspenders, garters, academic caps and gowns, vestments, costumes, and other items of apparel and accessories (except gloves, handkerchiefs, hosiery and shoes).

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

(b) The separable divisions of the industry, as defined in paragraph (a) of this section, to which this part and its several provisions shall apply, are hereby defined as follows:

(1) *Suits, coats, trousers and work clothing division.* The manufacture from any material of men's and boys' suits, coats, topcoats, overcoats, trousers, and work clothing.

(2) *General division.* The manufacture from any material of all products included in the men's and boys' clothing and related products industry in Puerto Rico, as defined in paragraph (a) of this section, except those included in the suits, coats, trousers, and work clothing division, as defined in this section.

Signed at Washington, D. C., this 6th day of April 1951.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 51–4307; Filed, Apr. 11, 1951; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 17; Amendment 1]

CPR 17—GASOLINES, NAPHTHAS, FUEL OILS AND LIQUEFIED PETROLEUM GASES

NATURAL GAS, PETROLEUM GAS, CASINGHEAD GAS ANI REFINERY GAS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment to Ceiling Price Regulation 17 (16 F. R. 3033) is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 17, which has been issued, covers the principal petroleum products at the wholesale level. It was decided to include in this regulation natural gas, petroleum gas, casinghead gas and refinery gas after consultation with various members from industry and the Industry Advisory Committee for Natural Gas, since the basic provisions of Ceiling Price Regulation 17 are equally applicable to these products. However, under pricing methods for natural gas, casinghead gas and refinery gas, a provision has been included to permit long term contracts to continue in effect. Such contracts are customary in the industry, many having been written several years prior to the base period to continue in effect for as long as twenty years. Moreover, many phases of the industry are subject to permanent Federal and State regulatory agencies. Permission for this type of contract to continue in effect in accordance with contract terms will not increase the general level of prices for gas beyond prices under long term contracts, nor to create hardships for purchasers. Most of the gas which will be sold under the pricing provisions of this regulation is delivered through long pipe lines certificated by Federal and State regulatory authority. The practice in the gas pipeline industry is to amortize the investment over a period of years and such amortization is in part related to the terms of purchase contracts covering the gas supply to such lines.

AMENDATORY PROVISIONS

Ceiling Price Regulation No. 17 is amended in the following respects:

1. The title is amended to read as set forth above.

2. Section 1 is amended by inserting in the list of products between the words "Residual fuel oils and blends thereof with distillate fuel oils" and the words "Crude petroleum when sold" the following:

Natural gas, petroleum gas, casinghead gas, and refinery gas.

3. Section 16 is amended by adding the following: (o) "Natural gas," "petroleum gas," "casinghead gas" and "refinery gas" as used in this regulation means any natural or petroleum gas which is sold to be processed for the extraction of vapors and liquids, or for consumption either directly as fuel or to be consumed in the production of any other commodity or for use in gas lift, pressure maintenance or repressuring operations, and includes such gas when delivered directly from wells, and the residue gas resulting from extraction operations.

4. A new section, 23a, is inserted between section 23 and section 24 to read as follows:

SEC. 23a. *Natural gas, petroleum gas, casinghead gas and refinery gas.*—(a) *Exemption.* Nothing in this section shall be construed to authorize the regulation of a rate that is exempt from control by the Office of Price Stabilization under the Defense Production Act of 1950.

(b) *Specific prices.* In cases where there were published rate schedules, or offering prices, of a seller during or within one year prior to the base period, then the highest of such published rates or prices shall be the ceiling prices of the seller as to the classes of purchasers to whom such rate schedules or offering prices relate in any particular market or producing area. In order for a seller to price under this section his published rates, or offering prices, shall be filed with the Petroleum Branch of the Office of Price Stabilization, Washington 25, D. C., on or before May 15, 1951.

(c) *Formula prices.*—(1) *Ceiling prices based on sales.* In the absence of a specific price determined under paragraph (b) of this section, the ceiling price for each seller at each delivery point in a particular market or producing area shall be the highest price charged by him in such particular market or producing area during the period December 19, 1950, to January 25, 1951, inclusive, for a sale of a particular type of gas to a purchaser of the same class. In the case of sales of natural gas, petroleum gas, casinghead gas, and refinery gas, the definition of sale contained in the definitions section of this regulation shall not apply. For these products sale shall include:

(i) Sales in the base period pursuant to oral or written contracts, including spot sales, made during such period.

(ii) All long term written contracts in effect in the base period can be used, in accordance with the terms of such contracts, as the basis for determining ceiling prices for all purchasers of the same class.

(iii) Written contracts made in the base period whether or not any deliveries were made thereunder, and written contracts made during the period June 1, 1950, to December 18, 1950, inclusive, under which no deliveries were made in the base period but which provided for performance to begin during or after the base period.

(iv) Deliveries made during the base period under a written contract made prior to December 19, 1950, and after June 1, 1950, if the prices reflected current market conditions.

(2) *Existing contracts.* Where a buyer and seller have entered into a contract prior to January 25, 1951, such contract may be carried out in accordance with the terms of such contract, notwithstanding any other provision of this regulation.

(3) *Competitive or in-line ceiling price.*—(i) *Ceiling price of another seller.* When a seller at a given shipping or delivery point is unable to determine a ceiling price for a particular gas under subparagraph (1) of this paragraph, his ceiling price at the delivery point shall be the highest ceiling price of any seller of the same class for gas of the particular type to a purchaser of the same class in the same market or producing area. This method of determining a ceiling price cannot be used unless the seller's records show that for the purpose of such sale he has adopted as his ceiling the ceiling price of such other seller under similar contract terms.

(ii) *In-line ceiling price.* If under this method (3) (i) of pricing, a seller arrives at a ceiling price for a particular gas which is not in line with the price he would have arrived at by use of his customary pricing practices in the same market or producing area during the base period December 19, 1950, to January 25, 1951, he may nevertheless sell at a price in line with his price for the particular gas at other comparable points which reflects his customary pricing practices. The seller shall within 15 days after making a sale file this in-line

price with the Petroleum Branch, Office of Price Stabilization, Washington 25, D. C., stating his proposed ceiling price and in what way the ceiling price determined according to the price of a competitive seller of the same class is inconsistent with the customary pricing practices of the seller. Such price shall be the seller's ceiling price for the particular product unless it is disapproved in writing or a substitute price is established by the Office of Price Stabilization. A ceiling price established under this section may be changed at any time by order of the Office of Price Stabilization.

(4) *Final pricing method.* See section 28 of this regulation.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Effective date. This Amendment No. 1, Ceiling Price Regulation No. 17 shall become effective on April 16, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 11, 1951.

[F. R. Doc. 51-4410; Filed, Apr. 11, 1951; 10:59 a. m.]

[General Ceiling Price Regulation, Interpretation 2 to Section 11]

GCPR, INT. 2—WHOLESALE PORK CUTS, PARITY ADJUSTMENTS

Section 3 of the General Ceiling Price Regulation sets the ceiling price for wholesale pork cuts at the highest price at which they were delivered by each seller during the period from December 19, 1950, to January 25, 1951, inclusive. Such ceiling prices may not be increased under the parity adjustment provisions of section 11 (b) and (c), since live hogs, from which wholesale pork cuts are processed, are not one of the agricultural commodities listed in section 11 (a).

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

HAROLD LEVENTHAL,
Chief Counsel,
Office of Price Stabilization.

APRIL 11, 1951.

[F. R. Doc. 51-4409; Filed, Apr. 11, 1951; 10:59 a. m.]

[General Overriding Regulation 3]

GOR 3—EXEMPTION OF CERTAIN RUBBER, CHEMICAL AND DRUG COMMODITY TRANSACTIONS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this General Overriding Regulation 3 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation is issued to provide for exemptions from price controls of certain rubber, chemical and drug commodity transactions for the reasons set out below. All of the exemptions provided for now include minor items of insignificant importance to the cost of living or to the cost of the defense program. In addition, their control involves administrative and enforcement difficulties out of all proportion to their intrinsic significance, and there is little or no likelihood that withdrawal of control in these situations will affect sales of other commodities through diversion of materials, labor, or facilities. From time to time this regulation may be amended to provide for additional exemptions of this kind as the need arises.

This regulation exempts experimental chemicals and small quantity sales of new chemicals. Sales of new chemicals which a manufacturer did not sell during the base period December 19, 1950, to January 25, 1951, or prior thereto, are exempt until the total amount of such sales reaches the sum of $1,000. This provision will have the effect of relieving the Office of Price Stabilization and manufacturers from the burden of establishing ceiling prices for numerous small quantity transactions in new chemicals where their money value is minor and which are insignificant from the standpoint of control of inflation or of the cost of living, and whose commercial significance is still a dubious matter. These new chemicals will become controlled again after sales exceed $1,000.

Sales of experimental chemicals after their sales reach $1,000 are likewise exempt if the Office of Price Stabilization does not disapprove the manufacturer's report describing the chemical, explaining why it is considered in the experimental stage, specifying the prices the manufacturer plans to charge, and stating the volume of production which would represent commercial production.

Many of these experimental chemicals never reach the commercial stage and the time and effort involved in establishing ceiling prices for such commodities could be better be used on more important commodities. Experimental chemicals are usually sold at a price bearing little relation to costs but are sold at a price designed to promote trial and use. Reliable cost data are usually not available. Ceiling prices based on actual experimental costs, would, moreover, probably prove inflationary. When commercial production is achieved, these chemicals will also become controlled again.

This regulation likewise exempts sales of hog cholera virus and anti-hog serum. In addition to the other factors mentioned above, the Secretary of Agriculture under the authority of the Anti-Hog Cholera Serum and Hog-Cholera Virus Marketing Agreement Act passed by Congress in 1935 exercises a general control over supply and prices of these items. The Secretary has stated that the maintenance of an adequate supply of anti-hog cholera serum and hog cholera virus is of prime importance in insuring the health of the Nation's swine population. Such serum and virus are the only products available generally capable of permanently immunizing swine against the disease of hog cholera, which disease is of a highly contagious and fatal nature. The disease exists at all times in some parts of the United States.

Also exempted are the following, when sold for the purposes of scientific and medical research, for analytical and educational uses, and for quality control of industrial products: reagent chemicals, laboratory reagent speciality solutions and prepared culture media. These are minor items insignificant in the cost of living or in the control of inflation. There are thousands of individual items in these classifications which are used in laboratories in the performance of tests, and although sales of a single item may be so insignificant that it is almost impossible to handle them on an individual basis, each item may be vitally necessary to an industrial consumer or a research laboratory.

The transactions exempted by this regulation were also exempt for substantially the same reasons by the Office of Price Administration during the last war.

FINDINGS OF THE DIRECTOR

In the judgment of the Director of Price Stabilization the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950 to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Exemption of certain chemical commodity transactions.
3. Exemption of certain drug commodity transactions.

AUTHORITY: Sections 1 to 3 issued under sec. 704 Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 supp.

SECTION 1. *What this regulation does.* This regulation exempts from price control certain rubber, chemical and drug commodity transactions, as set forth in later sections of this regulation, either absolutely or, where the exemption is qualified, under the conditions and to the extent indicated.

SEC. 2. *Exemption of certain chemical commodity transactions.* No price regulation issued by the Office of Price Stabilization shall apply to the following:

(a) *New chemicals.* Sales by a manufacturer of a chemical which that manufacturer did not sell or offer for sale during the period December 19, 1950, to January 25, 1951, or prior thereto, until the total sales of that chemical exceed $1,000.

(b) *Experimental chemicals.* Sales by a manufacturer of a chemical which is in the experimental stage of production, on condition, however, that before making any sale of any such chemical which would bring the total sales thereof to a sum in excess of $1,000, the manufacturer must file with the Office of Price Stabilization, Washington, D. C., a report setting forth his name, a description of the chemical, the reasons why he considers the chemical to be in an experimental stage of production, the prices he proposes to charge for the chemical during the experimental stage of production, and the monthly volume which he believes would represent commercial production as opposed to the experimental stage of production. Unless the Office of Price Stabilization by letter disapproves this report or requests further information within twenty days, sales of the chemical shall continue to be exempted from price control until the volume of production specified in the report as commercial production is reached.

(c) *Certain reagent chemicals.* The following, when sold for the purposes of scientific and medical research, for analytical and education uses, and for quality control of industrial products: reagent chemicals, laboratory reagent speciality solutions and prepared culture media.

SEC. 3. *Exemption of certain drug commodity transactions.* No price regulation issued by the Office of Price Stabilization shall apply to the following:

(a) *Hog-cholera virus and anti-hog cholera serum.* All sales of hog cholera virus and anti-hog cholera serum (products used in the immunization of swine against hog cholera).

Effective date. This General Overriding Regulation No. 3 is effective April 16, 1951.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 11, 1951.

[F. R. Doc. 51-4408; Filed, Apr. 11, 1951; 10:59 a. m.]

Chapter XII—Defense Minerals Administration, Department of the Interior

[MO-3]

MO-3—ZINC ORE—TOLL AGREEMENTS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. What this order does.
2. Definitions.
3. Authorization required.
4. Records and audit.
5. Adjustments and exceptions.
6. Directives and authorizations.
7. Communications.
8. Violations.

AUTHORITY: Sections 1 to 8 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to regulate the delivery and acceptance of zinc ore under toll agreements.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Zinc ore" means all zinc ores, concentrates, fumes and residues.

(c) "Toll agreement" means an agreement or arrangement, of any kind or character, under which title to zinc ore, delivered for processing, is vested in a person other than the person processing the zinc ore, or pursuant to which unalloyed or alloyed zinc, in any quantities, equivalent or otherwise, is to be returned to the person delivering or owning the zinc ore.

SEC. 3. *Authorization required.* (a) On and after the effective date of this order, no person shall deliver or accept delivery of zinc ore for the purpose of converting, remelting, refining, or other processing into zinc metal, zinc dust, zinc pigments, or zinc salts pursuant to the terms of an existing or proposed toll agreement, except as specifically authorized in writing by the Defense Minerals Administration. The provisions of this paragraph shall apply with equal effect on any agency relationship which would result in a toll agreement.

(b) Persons desiring such authorization shall file with the Defense Minerals Administration a letter setting forth: The names and addresses of the parties to an existing or proposed toll agreement; the kind, grade and form of zinc ore involved; the tonnage of the zinc products resulting after processing; the estimated rate and dates of delivery of the zinc products; the length of time the toll agreement has been in force; the duration of the toll agreement; the purpose for which the processed zinc products are to be used; and such other information as the applicant may wish to submit.

SEC. 4. *Records and audit.* Each person participating in any transaction covered by this part shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit inspection and audit by representatives of authorized Government agencies for determining that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 5. *Adjustments and exceptions.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought and shall state the justification therefor.

SEC. 6. *Directives and authorizations.* The Defense Minerals Administration may from time to time issue special directives or authorizations with respect to the delivery and acceptance of zinc ore under toll agreements, and unless otherwise provided therein, such directives will prevail over the provisions of this order.

SEC. 7. *Communications.* All communications concerning this part shall be addressed to the Defense Minerals Administration, Department of the Interior, Washington 25, D. C.

SEC. 8. *Violations.* Any person who wilfully violates any provision of this order, or furnishes false information or conceals any material fact in the course of operation under it, is guilty of a crime and upon conviction may be punished by fine or imprisonment, or both.

This order shall take effect upon publication in the FEDERAL REGISTER.

JAMES BOYD,
Administrator,
Defense Minerals Administration.

[F. R. Doc. 51-4411; Filed, Apr. 11, 1951; 11:26 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 42—TREATMENT OF DOMESTIC MAIL MATTER AT POST OFFICES OF MAILING AND AT POST OFFICES IN TRANSIT

POSTMARKING

In § 42.10 *Postmarking* amend paragraph (a) by striking out the second sentence and substituting in lieu thereof the following: "All first-class, insured and C. O. D. mail shall show, in addition to the post-office and State names, the date of mailing."

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 51-4365; Filed, Apr. 11, 1951; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter G—Ocean and Coastwise; General Rules and Regulations

[CGFR 51-6]

PART 62—SPECIAL OPERATING REQUIREMENTS

LOOKOUTS, FIRE PATROLMEN, AND ADDITIONAL WATCHES

The regulations in 46 CFR 62.25 contain the requirements for lookouts, fire patrolmen, and cabin watchmen on merchant vessels of the United States navigating the oceans or coastwise waters. The purpose of the amendment to 46 CFR 62.25 is to clarify the misunderstandings regarding the intent of the regulations and the requirements for lookouts, fire patrolmen, and additional watches when necessary.

This amendment to clarify the requirements of 46 CFR 62.25 shall become effective immediately upon publication of this document in the FEDERAL REGISTER. This regulation is published without prior general notice of its proposed issuance for the reason that notice, public rule making procedure thereon, and effective date requirements in connection therewith as required by the Administrative Procedure Act are hereby found to be impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulation below, § 62.25 is amended to read as follows and this amendment shall become effective upon the date of publication of this document in the FEDERAL REGISTER:

§ 62.25 *Lookouts, fire patrolmen, and additional watches when necessary*—(a) *Lookouts.* Every vessel navigating the ocean shall have a lookout at all times at or near the bow during the nighttime.

(b) *Fire patrolmen.* (1) On every passenger vessel having berth or stateroom accommodations for passengers, there shall be maintained an efficient watch by the fire patrol so as to cover all parts of the vessel accessible to passengers or crew, except machinery spaces, spaces occupied by passengers or crew as sleeping accommodations and cargo compartments which are inaccessible to passengers or crew while the passenger vessel is being navigated.

(2) The duties of the fire patrolman shall be to guard against fire or any disaster and to give an alarm in case of accident. The fire patrol shall be adequate to cover the areas described in this section at intervals of not more than twenty minutes between the hours of 10:00 p. m. and 6:00 a. m. In the case of a passenger vessel of noninflammable construction which is fitted with an approved automatic fire-detecting and alarm system in public spaces, the patrol throughout the entire patrol area may be at one hour intervals.

(3) The failure of a patrolman to follow a prescribed route, or to record each station within a definite time shall be entered on the record, along with the reason for the irregularity.

(4) The patrolman shall report to the bridge every hour on a passenger vessel where the fire patrol system is not equipped with a recording apparatus in the control station. In every passenger vessel requiring more than one patrol group, one patrolman may contact the others and make the joint report to the bridge.

(5) A patrolman while on duty shall have no other tasks assigned to him. He shall be provided with a flashlight and shall wear a distinctive uniform or badge.

(6) The number of fire patrolmen shall be specified on the certificate of inspection.

(c) *Responsibility of master.* Nothing in this section shall exonerate any master or officer in command from the consequences of any neglect to keep a proper lookout or to maintain a proper fire watch or for the neglect of any precaution which may be required by the ordinary practice of seamen or by the special circumstances of the case. When circumstances require it, additional watches shall be maintained to guard against fires or other danger and to give an alarm in case of accident or disaster.

(R. S. 4405, as amended, secs. 1, 2, 49 Stat. 1544, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 367, 50 U. S. C. App. 1275. Interprets or applies R. S. 4426, 4477, 4478, and sec. 2, 54 Stat. 1028, as amended; 46 U. S. C. 404, 470, 471, 463a)

Dated: April 5, 1951.

MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 51-4326; Filed, Apr. 11, 1951; 8:50 a. m.]

Subchapter R—Nautical Schools

[CGFR 51-11]

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

A notice regarding proposed regulations for nautical school ships was published in the FEDERAL REGISTER dated December 21, 1950, 15 F. R. 9146-9156, and a public hearing to consider these regulations was held on January 30, 1951, at Washington, D. C. All the comments submitted were considered and where possible were incorporated into the regulations.

These regulations apply to nautical school ships which are vessels used as nautical school ships by any State or political subdivision thereof, or schools operated by the United States Maritime Administration, but do not include vessels of the United States Navy or Coast Guard. It is the purpose of the regulations to provide minimum standards for vessels used as nautical school ships. The regulations include requirements for the design, construction, and inspection of nautical school ships; lifesaving, firefighting, and fire prevention requirements; special operating requirements; and the number of persons permitted to be carried.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, the following regulations are prescribed which shall be added to Chapter I as Subchapter R, Part 167, and shall become effective on and after July 1, 1951:

SUBPART 167.01—GENERAL PROVISIONS

Sec.
167.01-1 Basis and purpose of part.
167.01-5 Application of regulations.
167.01-10 Effective date of regulations.
167.01-15 Specifications for articles or materials.

SUBPART 167.05—DEFINITIONS

167.05-1 Definition of terms.
167.05-5 Approved.
167.05-10 Commandant.
167.05-15 Coast Guard District Commander.
167.05-20 Marine inspector or inspector.
167.05-25 Nautical school ship.
167.05-30 Officer in Charge, Marine Inspection.

SUBPART 167.10—ENFORCEMENT AND RIGHT OF APPEAL

167.10-1 Enforcement.
167.10-50 Right of appeal.

SUBPART 167.15—INSPECTIONS

167.15-1 Inspections required.
167.15-5 Authority of marine inspectors.
167.15-10 Application for annual inspection.
167.15-15 Application for inspection of a new nautical school ship or a conversion of a vessel to a nautical school ship.
167.15-20 Inspections of nautical school ships.
167.15-25 Inspection standards for hulls, boilers and machinery.
167.15-50 Tail shaft examination.

SUBPART 167.20—HULL REQUIREMENTS, CONSTRUCTION AND ARRANGEMENT OF NAUTICAL SCHOOL SHIPS

167.20-1 Construction.
167.20-5 Subdivision.
167.20-10 Means of escape.
167.20-15 Scupper, sanitary and similar discharges.
167.20-17 Bilge pumps, bilge piping, and sounding arrangements.
167.20-20 Stability.
167.20-25 Plans.
167.20-30 Ballast.

SUBPART 167.25—MARINE ENGINEERING

167.25-1 Boilers, pressure vessels, piping and appurtenances.
167.25-5 Inspection of boilers, pressure vessels, piping and appurtenances.
167.25-20 Carrying of excess steam.

SUBPART 167.30—REPAIRS OR ALTERATIONS

167.30-1 Notice of repairs or alterations required.
167.30-5 Proceeding to another port for repairs.
167.30-10 Gas-free certificates for repairs or alterations involving hot work.

SUBPART 167.35—LIFESAVING EQUIPMENT

167.35-1 Use of approved lifesaving equipment.
167.35-5 Life preservers.
167.35-10 Lifeboats.
167.35-15 Tests of lifeboats at annual inspection.

Sec.
167.35-20 Air tanks in lifeboats.
167.35-25 Numbering and marking of lifeboats.
167.35-30 Care of lifeboats.
167.35-35 Davits.
167.35-40 Strength and operation of davits.
167.35-45 Releasing gear or disengaging apparatus.
167.35-50 Inspection of releasing gear or disengaging apparatus.
167.35-60 Lifeboat equipment.
167.35-65 Motor lifeboat equipment.
167.35-70 Radios and portable radio equipment.
167.35-75 Handling of lifeboats.
167.35-80 Life buoys.
167.35-85 Line-throwing appliances.
167.35-90 Embarkation ladders.

SUBPART 167.40—CERTAIN EQUIPMENT REQUIREMENTS

167.40-1 Electrical installations.
167.40-5 Alarm bells.
167.40-7 Voice tubes, telephone, and telegraph systems.
167.40-10 Fog bells.
167.40-15 Whistles.
167.40-20 Deep-sea sounding apparatus.
167.40-25 Signaling lamp.
167.40-30 Guards and rails.
167.40-35 Motion-picture projectors.

SUBPART 167.45—SPECIAL FIRE-FIGHTING AND FIRE PREVENTION REQUIREMENTS

167.45-1 Steam and inert-gas fire extinguishing systems.
167.45-5 Steam fire pumps or their equivalent.
167.45-10 Couplings on fire hose.
167.45-15 Capacity of pipes and hose.
167.45-20 Examination and testing of pumps and fire-extinguishing equipment.
167.45-25 Fire mains and hose connections.
167.45-30 Use of approved fire-fighting equipment.
167.45-40 Fire-fighting equipment on nautical school ships using oil as fuel.
167.45-45 Carbon dioxide fire-extinguishing system requirements.
167.45-50 Foam smothering system requirements.
167.45-55 Fixed water spray system requirements.
167.45-60 Emergency breathing apparatus and flame safety lamps.
167.45-65 Portable fire extinguishers in accommodation spaces.
167.45-70 Portable fire extinguishers, general requirements.
167.45-75 Fire extinguishers for emergency power plants.
167.45-80 Fire axes.

SUBPART 167.50—ACCOMMODATIONS

167.50-1 Hospital accommodations.

SUBPART 167.55—SPECIAL MARKINGS REQUIRED

167.55-1 Draft marks.
167.55-5 Marking of fire and emergency equipment, etc.

SUBPART 167.60—CERTIFICATES OF INSPECTION

167.60-1 Issuance by Officer in Charge, Marine Inspection.
167.60-5 Period of time for which valid.
167.60-10 Exhibition of certificate of inspection.
167.60-15 Persons allowed to be carried.

SUBPART 167.65—SPECIAL OPERATING REQUIREMENTS

167.65-1 Station bills, drills, and log book entries.
167.65-5 Flashing the rays of a searchlight or other blinding light.
167.65-10 Unauthorized lights.
167.65-15 Routing instructions; strict compliance with.
167.65-20 Unnecessary whistling.
167.65-25 Steering gear tests.
167.65-30 Steering orders.
167.65-40 Draft.
167.65-45 Notice to mariners; aids to navigation.
167.65-50 Posting placards containing instructions for use of breeches buoy.
167.65-60 Examination of boilers and machinery by engineer.
167.65-65 Notice of casualty and voyage records.
167.65-70 Reports of accidents, repairs, and unsafe boilers and machinery by engineers.

AUTHORITY: §§ 167.01-1 to 167.65-70 issued under R. S. 4405, as amended; 46 U. S. C. 375. Interpret or apply R. S. 4417, 4418, 4426, 4428-4434, 4450, 4488, 4491, as amended, 41 Stat. 305, 49 Stat. 1544, 54 Stat. 163-167, 1028, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 391, 392, 404, 406-412, 239, 363, 367, 463a, 481, 489, 526-526t, 50 U. S. C. 1275.

SUBPART 167.01—GENERAL PROVISIONS

§ 167.01-1 *Basis and purpose of part.* By virtue of the authority in R. S. 4405 (46 U. S. C. 375), as amended, and to apply the requirements of the act of October 25, 1919, as amended (41 Stat. 305; 46 U. S. C. 363), the rules and regulations in this part are prescribed and apply to public nautical school ships, except vessels of the Navy or Coast Guard. It is the intent of the regulations in this part to provide minimum standards for vessels used as nautical school ships in accordance with the various inspection statutes and to obtain their correct and uniform application. This part is not applicable to civilian nautical school ships.

§ 167.01-5 *Application of regulations.* (a) Regulations in this part contain requirements for the design, construction, inspection, lifesaving equipment, firefighting and fire prevention requirements, special operating requirements and number of persons allowed to be carried on nautical school ships.

(b) Vessels owned or chartered by the United States Maritime Administration that may be used by or in connection with any nautical school are not normally considered as merchant vessels of the United States and, therefore, are not documented.

§ 167.01-10 *Effective date of regulations.* (a) The regulations in this part shall be in effect on and after July 1, 1951: *Provided*, That amendments, revisions, or additions shall become effective 90 days after the date of publication in the FEDERAL REGISTER unless the Commandant shall fix a different time.

(b) Amendments to regulations in this part will not be retroactive in effect unless specifically made so at the time the amendments are issued.

§ 167.01-15 *Specifications for articles or materials.* Articles of equipment or materials used in the equipment or the construction of vessels, which conform to the specifications of the Navy or Coast Guard, or their approved equivalent, may be accepted.

SUBPART 167.05—DEFINITIONS

§ 167.05-1 *Definition of terms.* Certain terms used in the regulations of this part are defined in this subpart.

§ 167.05-5 *Approved.* This term means approved by the Commandant unless otherwise stated.

§ 167.05-10 *Commandant.* This term means Commandant of the Coast Guard.

§ 167.05-15 *Coast Guard District Commander.* This term means an Officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district, which include the inspections, enforcement, and administration of Title 52, R. S., and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 167.05-20 *Marine inspector or inspector.* These terms mean any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the inspections, enforcement, and the administration of Title 52, R. S., and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

§ 167.05-25 *Nautical school ship.* This term means any vessel used as a nautical school ship by any state or political subdivision thereof or a school operated by the United States Maritime Administration, but shall not include vessels of the Navy or Coast Guard.

§ 167.05-30 *Officer in Charge, Marine Inspection.* This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant, and who, under the superintendence and direction of the Coast Guard District Commander, is in charge of an inspection zone for the performance of duties with respect to the inspections, enforcement, and administration of Title 52, R. S., and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

SUBPART 167.10—ENFORCEMENT AND RIGHT OF APPEAL

§ 167.10-1 *Enforcement.* The Officer in Charge, Marine Inspection, is responsible for the performance of duties within his jurisdiction with respect to inspection of nautical school ships which are subject to the provisions of Title 52, R. S., and acts amendatory thereof or supplementary thereto, rules and regulations issued thereunder, and the inspections required thereby.

§ 167.10-50 *Right of appeal.* Whenever any person directly interested in or affected by any decision or action of any Officer in Charge, Marine Inspection, shall feel aggrieved by such decision or action, he may appeal therefrom to the Coast Guard District Commander having jurisdiction and a like appeal shall be allowed from any decision or action of the Coast Guard District Commander to the Commandant, whose decision shall be final: *Provided, however*, That application for such reexamination of the case by a Coast Guard District Commander or by the Commandant shall be made within 30 days after the decision

or action appealed from shall have been rendered or taken.

SUBPART 167.15—INSPECTIONS

§ 167.15-1 *Inspections required.* (a) Before a vessel may be used as a nautical school ship, it shall be inspected by the Coast Guard to determine that the hull, boilers, machinery, equipment and appliances comply with the regulations in this part.

(b) Every nautical school ship subject to the regulations in this part shall be inspected annually, or oftener if necessary, by the Coast Guard to determine that the hull, boilers, machinery, equipment and appliances comply with the regulations in this part.

(c) Nautical school ships while laid up and dismantled and out of commission are exempt from any or all inspections required by law or regulations in this part.

§ 167.15-5 *Authority of marine inspectors.* Marine inspectors may at any time lawfully inspect any nautical school ship.

§ 167.15-10 *Application for annual inspection.* Application in writing for the annual inspection of every nautical school ship required to be inspected by law and the regulations in this part shall be made by the master, owner, or agent to the Officer in Charge, Marine Inspection, at any local Marine Inspection Office, U. S. Coast Guard, where the nautical school ship may be operating. The application shall be on Form CG 833, Application for Inspection of Vessel, which requires information on name and type of vessel, nature of employment and route in which to be operated, place where and date when the vessel may be inspected, and that no other application has been made to any Officer in Charge, Marine Inspection, since the issuance of the last valid certificate of inspection.

§ 167.15-15 *Application for inspection of a new nautical school ship or a conversion of a vessel to a nautical school ship.* Prior to the commencement of the construction of a new nautical school ship, or a conversion of a vessel to a nautical school ship, application for the approval of contract plans and specifications and for a certificate of inspection shall be made in writing by the owner or agent to the Officer in Charge, Marine Inspection, at the nearest local Marine Inspection Office, U. S. Coast Guard.

§ 167.15-20 *Inspections of nautical school ships.* At each annual inspection, or oftener if deemed necessary, the inspector will inspect the hull, boilers, machinery, equipment, and appliances generally for compliance with the regulations in this subpart and in addition will inspect and test certain specific items as specifically set forth in this part.

§ 167.15-25 *Inspection standards for hulls, boilers and machinery.* Except as otherwise provided by law or regulations in this subpart, the following standards shall be accepted as standard by the inspectors:

(a) American Bureau of Shipping "Rules for Building and Classing Steel Vessels" regarding the construction of hulls, boilers and machinery in effect on the date of inspection. These rules may be purchased from the American Bureau of Shipping, New York, N. Y.

(b) U. S. Navy Standard Construction Specification in effect on the date of inspection.

(c) U. S. Coast Guard Standard Construction Specification in effect on the date of inspection.

§ 167.15-50 *Tail shaft examination.* The outboard shaft or shafts on every nautical school ship shall be drawn for examination once at least in every 3 years: *Provided,* That, if the circumstances warrant it, the Coast Guard District Commander may extend this time to the next regular drydocking period, not to exceed four months: *Provided further,* That when it is shown that a nautical school ship has had a long period of lay up, the Coast Guard District Commander may grant an extension equal to the time the vessel has been out of commission, but in no case shall the extension exceed one year.

SUBPART 167.20—HULL REQUIREMENTS, CONSTRUCTION AND ARRANGEMENT OF NAUTICAL SCHOOL SHIPS

§ 167.20-1 *Construction.* Except as otherwise provided by law or regulation in this subpart, the following standards for construction are acceptable.

(a) American Bureau of Shipping "Rules for Building and Classing Steel Vessels" regarding the construction of hulls, boilers and machinery in effect on the date of inspection. These rules may be purchased from the American Bureau of Shipping, New York, N. Y.

(b) U. S. Navy Standard Construction Specification in effect on the date of inspection.

(c) U. S. Coast Guard Standard Construction Specification in effect on the date of inspection.

§ 167.20-5 *Subdivision.* All nautical school ships shall meet the minimum standard for one-compartment subdivision, calculated in accordance with Part 46 of Subchapter E (Load Lines) of this chapter.

§ 167.20-10 *Means of escape.* (a) On all nautical school ships where the arrangements will possibly permit, all inclosures where persons may be quartered, or where anyone may be employed, shall be provided with not less than two avenues of escape, so located that if one of such avenues is not available another may be.

§ 167.20-15 *Scupper, sanitary and similar discharges.* (a) All scupper, sanitary, and other similar discharges which lead through the ship's hull shall be fitted with efficient means for preventing the ingress of water in the event of a fracture of such pipes. The requirements do not apply to the discharges in the machinery space connected with the main and auxiliary engines, pumps, etc.

§ 167.20-17 *Bilge pumps, bilge piping and sounding arrangements.* The number, capacity, and arrangement of bilge pumps and bilge piping shall be in accordance with the requirements for cargo vessels contained in Parts 50 to 57 of Subchapter F (Marine Engineering) of this chapter. Sounding pipes shall be fitted in each compartment, except those accessible at all times. The main and secondary drain systems installed in accordance with U. S. Navy or U. S. Coast Guard Construction Specifications shall be accepted as meeting the intent of this section.

§ 167.20-20 *Stability.* Each nautical school ship shall be subjected to a stability test under the supervision of the Coast Guard. A stability letter, prepared by the Coast Guard, embodying necessary instructions to insure maintenance of sufficient stability at all times, for both intact and damaged condition, shall be posted on board the nautical school ship.

§ 167.20-25 *Plans.* (a) For use in connection with the stability test, the following plans shall be furnished to the Coast Guard:

(1) General arrangement plans;
(2) Midship section;
(3) Lines; and
(4) Curves of form.

(b) In the case of new construction of a nautical school ship, the same kind of plans as required by the Coast Guard for a cargo ship shall be submitted for approval. A list of the necessary plans may be obtained from the Commandant upon request.

(c) The owner or builder shall submit required drawings or blueprints in triplicate so that one set may be retained by the Commandant, one set approved and returned to the Officer in Charge, Marine Inspection, for his records, and one set approved and returned to the owner or builder for his information. If the owner or builder desires additional sets of drawings or plans approved, he shall submit such additional sets with the required drawings or plans.

§ 167.20-30 *Ballast.* When a nautical school ship is required to carry fixed ballast, in order to increase the metacentric height, such ballast shall not be moved except for examination and repair of the nautical school ship, and then only in the presence of an inspector.

SUBPART 167.25—MARINE ENGINEERING

§ 167.25-1 *Boilers, pressure vessels, piping and appurtenances.* (a) Except as otherwise provided by law or regulations in this subpart, all vessels constructed or reconverted to use as nautical school ships on or after July 1, 1951, shall conform with one of the following standards for boilers, pressure vessels, piping and appurtenances:

(1) Marine engineering regulations and material specifications in Parts 50 to 57, inclusive, of Subchapter F (Marine Engineering) of this chapter.

(2) Navy Standard Construction Specifications in effect at time of construction or conversion.

(3) U. S. Coast Guard Standard Construction Specifications in effect at time of construction or conversion.

(b) The boilers, pressure vessels, and appurtenances shall be inspected initially under the provisions of § 52.01-50 of Subchapter F (Marine Engineering) of this chapter. All alterations, replacements, or repairs on nautical school ships shall conform to the applicable standards in paragraph (a) of this section insofar as practicable.

§ 167.25-5 *Inspection of boilers, pressure vessels, piping and appurtenances.* The inspection of boilers, pressure vessels, piping and appurtenances shall be in accordance with the appropriate sections in Parts 50 to 57, inclusive, of Subchapter F (Marine Engineering) of this chapter, insofar as they relate to tests and inspection of cargo vessels.

§ 167.25-20 *Carrying of excess steam.*[1] When it is known or comes to the knowledge of the Officer in Charge, Marine Inspection, that any steam nautical school ship is or has been carrying an excess of steam beyond that which is allowed by her certificate of inspection, the Officer in Charge, Marine Inspection, in whose zone the nautical school ship is being navigated, in addition to reporting the fact to the United States District Attorney for prosecution under R. S. 4437 (46 U. S. C. 413), shall require the owner or owners of the nautical school ship to place on the boiler a lockup safety valve which will prevent the carrying of an excess of steam and it shall be under the control of said Officer in Charge, Marine Inspection.

SUBPART 167.30—REPAIRS OR ALTERATIONS

§ 167.30-1 *Notice of repairs or alterations required.* (a) It shall be the duty of the master, owner, or agent to notify the nearest Officer in Charge, Marine Inspection, whenever repairs or alterations are required, or will be made on a nautical school ship.

(b) Whenever a nautical school ship is placed upon the dock, it shall be the duty of the master, owner or agent to report the same to the Officer in Charge, Marine Inspection, so that a thorough inspection may be made by the Coast Guard to determine what is necessary to make such a nautical school ship seaworthy, if the condition or age of the nautical school ship, in the judgment of the Officer in Charge, Marine Inspection, renders such examination necessary.

§ 167.30-5 *Proceeding to another port for repairs.* (a) The Officer in Charge, Marine Inspection, may issue a permit to proceed to another port for repairs, if in his judgment it can be done with safety. In the issuance of such a permit the Officer in Charge, Marine Inspection, will state upon its face, the conditions upon which it is granted.

(b) When a nautical school ship obtains a permit from the Officer in Charge, Marine Inspection, to go to another port for repairs, the Officer in Charge, Marine Inspection, shall so notify the Coast Guard District Commander, and state the repairs to be made. The Coast Guard District Commander shall notify the Coast Guard District Commander of the district where such repairs are to be made, furnishing him a copy of the report indicating the repairs ordered.

§ 167.30-10 *Gas-free certificates for repairs or alterations involving hot work.* On any nautical school ship which has carried inflammable or combustible liquids in bulk, as fuel or cargo, whether in a repair yard or elsewhere, no repairs or alterations involving riveting, welding, burning, or like fire-producing operations shall be made in or on the boundaries of oil bunkers, oil tanks, oil pipe lines and heating coils until an inspection has been made to determine that such operations can be undertaken with safety. Such inspections shall be made and evidenced as follows:

(a) When in a port of the United States, this inspection shall be made by a gas chemist certificated by the American Bureau of Shipping; however, if the services of such certified gas chemist are not reasonably available, the marine inspector of the Coast Guard, upon recommendation of the nautical school ship's owner and his contractor, or their representatives, shall select a person who, in the case of an individual nautical school ship, shall be authorized to make the inspection. If the inspection indicates that such operations can be undertaken with safety, a certificate setting forth that fact in writing and qualified, as may be required, shall be issued by the certified gas chemist or the authorized person before the work is started.

(b) When not in such a port and a gas chemist is not available, this inspection shall be made by the senior officer present, who shall make an entry in the nautical school ship's log to that effect.

SUBPART 167.35—LIFESAVING EQUIPMENT

§ 167.35-1 *Use of approved lifesaving equipment.* Lifeboats, lifeboat disengaging apparatus, life rafts, life preservers, or other lifesaving equipment which conform to the specifications of the Navy or Coast Guard, or their approved equivalent, may be accepted for use on nautical school ships.

§ 167.35-5 *Life preservers*—(a) *Number required.* All nautical school ships shall be provided with one life preserver for each person carried.

(b) *Shipboard inspections.* At each annual inspection of any nautical school ship, or oftener if deemed necessary, all life preservers shall be examined by an inspector to determine serviceability. When life preservers are found to be in accordance with the requirements, the inspector shall stamp them with the word "Passed", his initials, port, and date. Life preservers found not to be in a serviceable condition shall be removed from the vessel's equipment and, if beyond repair, shall be destroyed in the presence of the inspector.

§ 167.35-10 *Lifeboats.* Each nautical school ship shall be provided with fully equipped lifeboats of sufficient capacity to accommodate all persons on board.

§ 167.35-15 *Tests of lifeboats at annual inspection.* At each annual inspection, or oftener if necessary, the inspectors shall satisfy themselves that every lifeboat, together with its equipment, is in every respect in good condition and ready for immediate use. Every lifeboat, with its required equipment, shall be lowered to near the water and loaded to its allowed capacity, evenly distributed throughout its length, and then lowered into the water afloat. In making this test, persons or satisfactory deadweight may be used. If persons are used, the weight of each person shall average at least 165 pounds. When deadweight is used, the weight shall be equivalent to at least 165 pounds for each person allowed.

§ 167.35-20 *Air tanks in lifeboats.* Before any lifeboat is passed and accepted, the air tanks if installed shall be tested in the presence of an inspector by an air pressure of not more than 1 pound per square inch. At each subsequent annual inspection, or oftener if necessary or desirable, the inspectors shall satisfy themselves that the air tanks are in good condition, but pressure need not be applied unless the inspectors are in doubt regarding the efficiency of the tanks. This does not take from the inspectors the right and authority to satisfy themselves at any time, either by examination or pressure, as to the condition of the air tanks.

§ 167.35-25 *Numbering and marking of lifeboats.* (a) The number of each lifeboat shall be plainly marked or painted on each side of the bow in figures three inches high; and, where lifeboats are carried on both sides of a vessel, the odd-numbered boats shall be stowed on the starboard side and even-numbered boats on the port side; i. e., lifeboat No. 1 shall be forward on the starboard side, and lifeboat No. 3 next abaft lifeboat No. 1; lifeboat No. 2 shall be forward on the port side and lifeboat No. 4 next abaft lifeboat No. 2, etc. Where lifeboats are nested, the lifeboat under lifeboat No. 1 shall be numbered 1a, the lifeboat under lifeboat No. 2 shall be numbered 2a, etc.

(b) The cubical contents and number of persons allowed to be carried on each lifeboat shall be plainly marked or painted on each side of the bow in letters and numbers 1½ inches high. In addition, the number of persons allowed shall be plainly marked or painted on the top of at least two of the thwarts in letters and numbers three inches high.

(c) Such letters and numbers required by paragraphs (a) and (b) of this section shall be dark on a light background or light on a dark background.

§ 167.35-30 *Care of lifeboats.* Lifeboats shall be stripped, cleaned, and thoroughly overhauled, at least once in every year.

§ 167.35-35 *Davits.* All lifeboats shall be carried under davits of approved types. Davits approved by the Navy may be used. More than one type of davit may be carried on any one vessel.

§ 167.35-40 *Strength and operation of davits.* The davits shall be of such strength that the boats can be lowered with their full complement of persons and equipment.

§ 167.35-45 *Releasing gear or disengaging apparatus.* More than one type of approved releasing gear or disengag-

[1] Attention is called to R. S. 4437 (46 U. S. C. 413), which makes the obstructing of a safety valve a misdemeanor subject to a $200 fine and imprisonment for not to exceed 5 years.

ing apparatus may be installed in the lifeboats on any one nautical school ship. Releasing gear approved by the Navy may be used.

§ 167.35–50 *Inspection of releasing gear or disengaging apparatus.* The inspectors, when inspecting or reinspecting vessels, shall carefully examine the releasing gear or disengaging apparatus and the blocks and falls thereof to satisfy themselves that the same are in good condition.

§ 167.35–60 *Lifeboat equipment.* The equipment specified in this section shall be provided for each lifeboat. This equipment need not be stowed in the lifeboat but shall be readily available for emergency use. The lifeboat, except where otherwise specified in this subpart, shall be equipped as follows:

(a) *Bailer.* One bailer of sufficient size and suitable for bailing with lanyard attached.

(b) *Boathooks.* Two boathooks of clear-grained white ash of suitable length but not less than 8 feet long by 1½ inches in diameter.

(c) *Bucket.* One galvanized iron bucket of about 2-gallon capacity, with lanyard attached.

(d) *Compass.* One compass.

(e) *Distress signals.* Twelve hand red flare distress signals in a watertight container, and 4 floating orange smoke distress signals; or 12 hand red flare distress signals in a watertight container, and 12 hand orange smoke distress signals in a watertight container; or 12 hand combination flare and smoke distress signals in a watertight container. Service use shall be limited to a period of 3 years from date of manufacture.

(f) *Ditty bag.* One canvas bag containing sailmaker's palm, needles, sail twine, marline, and marline spike.

(g) *Drinking cups.* Two drinking cups.

(h) *Flashlight.* One flashlight.

(i) *Hatchets.* Two hatchets attached to the boat by individual lanyards and readily available for use, one at each end of the boat.

(j) *Lantern.* One lantern containing sufficient oil to burn at least 9 hours and ready for immediate use.

(k) *Life line.* When necessary a life line, or grab line, properly secured the entire length on each side, festooned in bights not longer than 3 feet, with a seine float in each bight. The life line shall be of a size and strength not less than 12-thread manila rope, and the seine float in each bight shall hang to within 12 inches of the surface of the water when the boat is light.

(l) *Life preservers or life buoys.* Two life preservers or two life buoys.

(m) *Mast and sails.* A mast or masts with at least one good sail and proper gear for each, the sail and gear to be protected by a suitable canvas cover. Where a nautical school ship in the North Atlantic north of 35° north latitude is provided with a radiotelegraph installation, only one of the lifeboats on each side of the nautical school ship shall be required to be so equipped.

(n) *Matches.* One box of friction matches in a watertight container.

(o) *Oars.* A single banked complement of oars, two spare oars, and a steering oar with rowlock or becket. Motor lifeboats and lifeboats fitted with propellers operated by hand shall be equipped with four oars and one steering oar.

(p) *Painter.* One painter of manila rope not less than 2¾ inches in circumference and a length not less than three times the distance between the boat deck and the light draft.

(q) *Plugs.* Each drain hole shall be provided with two plugs or caps attached by chains, or with one cap attached by chain to the lifeboat if the cap is fitted with a setscrew to prevent its being taken off without removing the setscrew.

(r) *Provisions.* Two pounds of provisions for each person consisting of hard bread or its equivalent in any emergency ration approved by the Coast Guard or Navy of cereal or vegetable compound packaged in hermetically sealed containers.

(s) *Rowlocks.* One set and a half of rowlocks, each attached to the lifeboat by a separate chain.

(t) *Rudder.* One rudder and tiller.

(u) *Sea anchor.* One sea anchor.

(v) *Signaling mirrors.* Two signaling mirrors.

(w) *Storm oil.* One container holding 1 gallon of vegetable or animal oil, so constructed that the oil can be easily distributed on the water and so arranged that it can be attached to the sea anchor.

(x) *Water.* For each person at least 1 quart of drinking water contained in hermetically sealed cans of a type approved by the Coast Guard or Navy.

§ 167.35–65 *Motor lifeboat equipment*—(a) *Equipment required.* In addition to the equipment required by § 167.35–60, motor lifeboats shall carry two fire extinguishers of the carbon tetrachloride, carbon dioxide, or dry chemical type, approved by the Navy or Coast Guard, but need not carry a mast or sails nor more than four rowing oars and one steering oar.

(b) *Motor and accessories.* (1) The engine for motor-propelled lifeboats shall be of a reliable, marine, heavy-duty type, permanently installed inside the lifeboat.

(2) Motor-propelled lifeboats certified for 100 or more persons shall be fitted with at least two bilge pumps, one of which shall be an efficient hand pump. Each bilge pump shall be capable of pumping from each compartment. Motor-propelled lifeboats certified for less than 100 persons shall be fitted with one bilge pump, either hand or power, having suitable suctions or drainage to different parts of the lifeboat.

§ 167.35–70 *Radios and portable radio equipment.* Two portable radio units suitable for use in lifeboats.

§ 167.35–75 *Handling of lifeboats.* All the lifeboats shall be stowed in such a way that they can be launched in the shortest possible time and that, even under unfavorable conditions of list and trim from the point of view of the handling of the lifeboats, it may be possible to embark in them as large a number of persons as possible.

§ 167.35–80 *Life buoys*—(a) *Number required.* (1) The minimum number of life buoys and the minimum number to which water lights shall be attached shall be in accordance with the following table:

TABLE 167.35–80—(a) LIFE BUOYS

Length of nautical school ship	Minimum number of life buoys	Minimum number of life buoys with water lights attached
Under 100 feet	2	0
100 feet and under 200 feet	4	2
200 feet and under 300 feet	6	2
300 feet and under 400 feet	12	4
400 feet and under 600 feet	18	9
600 feet and under 800 feet	24	12
800 feet and over	30	15

(2) One life buoy on each side of a vessel shall have an attached line at least 15 fathoms in length.

(b) *Distribution and securing of life buoys and water lights.* All life buoys and water lights shall be distributed and secured as follows:

(1) All life buoys shall be so placed as to be readily accessible to the persons on board, and their positions plainly indicated so as to be known to the persons concerned.

(2) The life buoys shall always be capable of being cast loose, and shall not be permanently secured in any way.

§ 167.35–85 *Line-throwing appliances*—(a) *Requirements.* All nautical school ships (regardless of tonnage or manner of propulsion) engaged on international voyages and all nautical school ships of 500 gross tons and over, shall be equipped with an approved line-throwing appliance, and equipment auxiliary thereto, of the impulse-projected rocket type, the requirements for which are set forth in subpart 160.040 of Subchapter Q (Specifications) of this chapter. All nautical school ships of 150 gross tons and over and less than 500 gross tons, shall be equipped with an approved line-throwing appliance, and equipment auxiliary thereto, of the shoulder gun type or the impulse-projected rocket type, the requirements for which are set forth in subparts 160.031 and 160.040, respectively, of Subchapter Q (Specifications) of this chapter. The line-throwing appliances shall be approved by the Coast Guard or the Navy. Service use of rockets shall be within four years from date of manufacture. Lyle gun type line-throwing appliances already in service may be continued in use so long as in good and serviceable condition in lieu of impulse-projected rocket type or shoulder gun type line-throwing appliances: *Provided*, That any replacements shall be made with a line-throwing appliance of the impulse-projected rocket type or shoulder gun type, as applicable.

(b) *Accessibility.* The line-throwing appliance and its equipment shall be kept always easily and immediately accessible and ready for use. No part of this equipment shall be used for any other purpose.

(c) *Drills.* The master of a nautical school ship equipped with a line-throwing appliance shall drill his crew in its use and require it to be fired at least once in every 3 months. Each drill shall be recorded in the nautical school ship's log book. The service line shall not be used for drill purposes. The drills shall be conducted as follows:

(1) For impulse-projected rocket type, by actually firing the rocket with any ordinary line of proper length attached; or,

(2) For shoulder gun type, by actual firing, using the regular cartridge and projectile with any ordinary line of proper length; or,

(3) For Lyle gun type, by actual firing, using one-half the usual charge of powder with regular service projectile and any ordinary line of proper length.

§ 167.35–90 *Embarkation ladders.* Nautical school ships shall be provided with flexible ladders to enable people to descend to lifeboats, one such ladder being provided for each set of boat davits. These ladders shall be kept ready and convenient for use on the lifeboat deck, and shall reach from such deck to the nautical school ship's light water line.

SUBPART 167.40—CERTAIN EQUIPMENT REQUIREMENTS

§ 167.40–1 *Electrical installations.* (a) Except as otherwise provided by law or regulation in this part, the electrical equipment may be considered acceptable if it complies with the requirements covered by any one of the following:

(1) U. S. Navy Standard Construction Specifications currently in effect.

(2) U. S. Coast Guard Standard Construction Specifications currently in effect.

(3) American Institute of Electrical Engineers Standard No. 45, 1945 or 1948 Revision. These standards may be purchased from the American Institute of Electrical Engineers, New York, N. Y.

(b) Changes or alterations in the electrical installations of vessels now in service shall be in accordance with standards set forth in paragraph (a) of this section.

(c) Special attention shall be given by the inspectors in the examination of present installation to see that it is of such nature as to preclude any danger of fire, giving particular attention to wiring which is carried through wooden bulkheads, partitions, etc.

§ 167.40–5 *Alarm bells.* All nautical school ships over 100 gross tons shall have all sleeping accommodations, public spaces, and machinery spaces equipped with a sufficient number of alarm bells so located as to warn all occupants. The system shall operate from a continuous source of electric energy capable of supplying the system for a period of at least 8 hours without being dependent upon the main, auxiliary or emergency generating plants. Each bell shall produce a signal of a tone distinct from that of other bell signals in the vicinity and shall be independently fused, with each of these fuses located above the bulkhead deck. The bells shall be controlled by a manually-operated contact maker located in the pilothouse. The characteristics of the contact maker shall be such that it possesses:

(a) Positive contact;

(b) Watertightness (when located in open spaces subject to weather);

(c) Means whereby its electrically open or closed position can be determined by sense of touch;

(d) Means to affect a make-or-break circuit for signaling; and

(e) Self-maintaining contacts.

§ 167.40–7 *Voice tubes, telephone, and telegraph systems.* (a) Each nautical school ship shall be fitted with an efficient means of communication between the pilothouse and engine room. This may be by bell signals with voice tubes, telephone, or telegraph systems.

(b) A voice tube or telephone system between the radio room and the navigating bridge shall be provided when the nautical school ship is equipped with a radio installation.

(c) A voice tube or telephone system between the pilothouse and emergency steering station shall be provided when the nautical school ship is equipped with an emergency steering station.

§ 167.40–10 *Fog bells.* The efficient fog bell required upon vessels by law (sec. 1, 26 Stat. 325, as amended; 33 U. S. C. 91) shall be held to mean a bell not less than 8 inches in diameter from outside to outside and constructed of bronze or brass or other material equal thereto in tone and volume of sound, and located where the sound shall be the least obstructed.

§ 167.40–15 *Whistles.* Nautical school ships shall be provided with an efficient whistle sounded by steam or by some substitute for steam to give the necessary whistle signals.

§ 167.40–20 *Deep-sea sounding apparatus.* Nautical school ships shall be equipped with an efficient mechanical deep-sea sounding apparatus in addition to the ordinary deep-sea hand lead. The mechanical deep-sea sounding apparatus required shall be installed, kept in working order, and ready for immediate use.

§ 167.40–25 *Signaling lamp.* Nautical school ships of over 150 gross tons shall be equipped with an efficient signaling lamp. This lamp shall be permanently fixed above the bridge and equipped with a Fresnel lens and high-speed bulb, operated by a weatherproof key, fitted with a suitable condenser. The lamp shall be so connected that it can be operated from the normal source of the nautical school ship's current, the emergency source, and other emergency batteries if provided.

§ 167.40–30 *Guards and rails.* On nautical school ships all exposed and dangerous places, such as gears and machinery shall be properly protected with covers, guards, or rails, in order that the danger of accidents may be minimized. On nautical school ships equipped with radio (wireless) the lead-ins shall be efficiently incased or insulated to insure the protection of persons from accidental shock. Such lead-ins shall be located so as not to interfere with the launching of lifeboats and life rafts.

§ 167.40–35 *Motion-picture projectors.* (a) Motion-picture projectors of the 16 mm. or 8 mm. size, using only slow-burning films, need not be of an approved type and may be used without booths.

(b) Motion-picture projectors using the 35 mm. size, unless mounted on weather deck shall be used in booths, in accordance with § 61.23 of Subchapter G (Ocean and Coastwise Regulations) of this chapter or applicable Navy specifications.

SUBPART 167.45—SPECIAL FIRE-FIGHTING AND FIRE PREVENTION REQUIREMENTS

§ 167.45–1 *Steam and inert-gas fire extinguishing systems*—(a) *General requirements.* (1) Nautical school ships shall be provided with steam or inert-gas fire-extinguishing systems when required.

(2) All nautical school ships carrying combustible cargo in the holds, between decks, or other closed cargo compartments shall be equipped with means for extinguishing fire in such compartments by the use of steam fire-extinguishing systems or by the use of any inert-gas fire-extinguishing system approved by the Coast Guard or Navy. However, in specific cases where by reason of the design, such compartments are normally accessible and considered to be part of the working or living quarters, a water sprinkling system may be installed in lieu of either a steam or inert-gas fire-extinguishing system.

(3) Cabinets, boxes, or casings inclosing manifolds or valves shall be distinctly marked in painted letters about 3 inches in height, "Steam Fire Apparatus," or "CO_2 Fire Apparatus," as the case may be.

(4) Steam or gas piping fitted for extinguishing fire shall not be used for any other purpose except that it may be used for fire-detecting purposes.

(5) Pipes for conveying steam from the boilers for the purpose of extinguishing fire shall not be led into the cabins, other living spaces, or working spaces. Pipes for conveying carbon dioxide or other extinguishing vapors for the purpose of extinguishing fire shall not be led into the cabins or other living spaces.

(6) Steam smothering lines shall be tested with at least 50 pounds air pressure with ends of the smothering lines capped, or by blowing steam through the lines, and a survey made for detecting corrosion and defects, using the hammer test or such other means as may be necessary.

(7) At annual inspections, all carbon dioxide (CO_2) cylinders, whether fixed or portable, shall be examined externally and replaced if excessive corrosion is found; and all cylinders shall also be checked by weighing to determine contents and if found to be more than 10 percent under required contents of carbon dioxide, the same shall be recharged.

(b) *Steam systems.* (1) Steam for fire-extinguishing systems shall be available at a suitable pressure from the main boilers or a donkey or auxiliary boiler.

(2) The pipe lines shall be led from not more than three stations in easily accessible locations on the weather deck to each cargo hold, cargo 'tween decks,

or other closed cargo compartments, and to each cargo-oil deep tank, lamp locker, oil room, and like compartments, which lamp locker, oil room, and like compartments, shall be wholly and tightly lined with metal. The steam connections to the lamp lockers, oil rooms, and like compartments may be taken from the nearest steam supply line, independent of the extinguishing manifolds. In lamp lockers, oil rooms, and like compartments, adequate means may be provided for ventilation if suitable dampers capable of being operated from outside the spaces are fitted in each vent duct.

(3) Each pipe in the extinguishing manifolds shall be fitted with a shut-off valve plainly and permanently marked to indicate into which compartment it discharges. This requirement also applies to independent extinguishing lines.

(4) Manifold steam supply pipes shall be fitted with master valves at the manifolds, and provision shall be made for draining the manifold and individual lines to protect them against freezing. If the manifolds are located on an open deck, they shall be inclosed in a metal box.

(5) The minimum diameter of any steam fire-extinguishing pipe to a cargo hold, cargo 'tween-decks, other closed cargo compartments, or cargo-oil deep tank shall be one inch, the size and number of pipes to be governed by the size of the compartment. The minimum diameter of any steam fire-extinguishing pipe to a lamp locker, oil room, or like compartments, shall be three-fourths of an inch.

(c) *Inert-gas systems.* (1) When a carbon dioxide (CO_2) smothering system is fitted in the cargo hold, cargo 'tween-decks, or other closed cargo compartments, or cargo-oil deep tanks, the quantity of carbon dioxide shall be sufficient to give a gas saturation of 30 percent of the gross volume of the largest cargo hold. The quantity in pounds of carbon dioxide required may be determined approximately by the following formula:

$$W=\frac{L\times B\times D}{30} \quad (1)$$

where

W = the weight of CO_2 required, in pounds.
L = the length of the hold, in feet.
B = the mean breadth of the hold, in feet.
D = the depth from tank top or flat forming lower boundary to top of uppermost space in which freight may be carried, in feet.

(2) When a carbon dioxide (CO_2) smothering system is fitted in the lamp locker, oil room, or like compartments, the quantity in pounds of carbon dioxide required may be determined by dividing the gross volume of the space by a factor of 22. Lamp lockers, oil rooms, and like compartments, in all classes of vessels, shall be wholly and tightly lined with metal. The whole charge of gas shall be capable of being released simultaneously by operating one valve and control, and all cylinders shall be completely discharged in not more than two minutes.

(3) Pipes used for supplying carbon dioxide to the cargo holds, cargo 'tween-decks, other closed cargo compartments, and cargo-oil deep tanks shall be not less than three-fourths inch inside diameter. Pipes used for supplying carbon dioxide to lamp lockers, oil rooms, and like compartments shall not be less than one-half inch inside diameter.

(4) The control(s) releasing the inert gas shall be located in a position(s) outside the space(s) protected and shall be readily accessible when the vessel is being navigated. All valves shall be permanently marked to indicate into which compartment they discharge. A space which is protected by a carbon dioxide extinguishing system, and is normally accessible to crew while the nautical school ship is being navigated shall be fitted with an approved audible alarm in such space, which will be automatically sounded when the carbon dioxide is admitted to the space.

(5) Provisions shall be made to prevent the admission of air into the lower parts of cargo holds, cargo 'tween-decks, and other closed cargo compartments while the inert-gas system is in operation.

(6) Cylinders, piping, and controls for the inert-gas system shall be protected from damage and shall be securely fastened and supported.

§ 167.45-5 *Steam fire pumps or their equivalent.* (a) All nautical school ships shall be equipped with fire pumps.

(b) Nautical school ships of 100 gross tons and under shall be equipped with one hand fire pump with a pump-cylinder capacity not less than 100 cubic inches, or a power-driven pump of equivalent discharge capacity.

(c) Nautical school ships over 100 gross tons shall be equipped with fire pumps and piping as follows:

(1) All nautical school ships shall be provided with powerful pumps available for use as fire pumps. When of less than 1,000 gross tons it shall have 1, and when larger it shall have at least 2 independently driven pumps connected to the fire main. Each pump shall be capable of delivering two powerful jets of water simultaneously from the highest outlets on the fire main at a Pitot tube pressure of approximately 50 pounds per square inch through nozzles, each having an orifice of not less than $\frac{7}{8}$ inch diameter where the internal diameter of the hose exceeds $1\frac{1}{2}$ inches and not less than $\frac{5}{8}$ inch in diameter where the internal diameter of the hose does not exceed $1\frac{1}{2}$ inches.

(2) On oil-burning nautical school ships, where two pumps are required, they may be located in the same compartment, if the compartment is equipped with an approved fixed carbon dioxide extinguishing system.

(d) Outlets from the fire mains shall be of a sufficient number and so arranged that any part of the living quarters, weather decks and any part of cargo decks, accessible to crew, while the nautical school ship is being navigated, may be reached with a single 50-foot length of hose. Outlets within accommodations and service spaces adjacent thereto shall comply with the above or they may be so arranged that any part may be reached with a single 75-foot length of hose provided a siamese connection is fitted at each outlet. Where the fire main is located on an exposed deck, branches shall be provided so that the hose connections necessary to comply with the foregoing be distributed on both sides of the nautical school ship. The fire hose shall be connected to the outlet at all times, except on open decks where the location of the fire hydrants is such that no protection is afforded for the hose in heavy weather. The fire hose may be temporarily removed from the hydrant when it will interfere with the handling of cargo.

(e) Outlet openings shall have a diameter of not less than $1\frac{1}{2}$ inches and shall be fitted with suitable hose connections and spanners. The arrangement of the fire hydrant shall be limited to any position from the horizontal to the vertical pointing downward, so that the hose will lead downward or horizontally, in order to minimize the possibility of kinking. In no case will a hydrant arranged in a vertical position with the outlet pointing upward be accepted.

(f) Fire pumps shall be fitted on the discharge side with relief valves set to relieve at 25 pounds higher than the pressure necessary to maintain the requirements of paragraph (c) (1) of this section and a pressure gage to indicate the pressure on the fire main. If the fire pumps operating under shut-off conditions are not capable of producing a pressure exceeding 125 pounds per square inch, the relief valve may be omitted.

§ 167.45-10 *Couplings on fire hose.* The couplings on fire hose shall be of brass, copper, or composition material. All hydrants shall be provided with suitable spanners.

§ 167.45-15 *Capacity of pipes and hose.* The capacity of the pipes and hose leading from the pumps shall in no case be less than that of the discharge opening of the pump: *Provided, however,* That the pipe and hose shall in no instance be less than $1\frac{1}{2}$ inches in internal diameter.

§ 167.45-20 *Examination and testing of pumps and fire extinguishing equipment.* The inspectors will examine all pumps, hose, and other fire apparatus and will see that the hose is subjected to a pressure of 100 pounds to the square inch at each annual inspection and that the hose couplings are securely fastened.

§ 167.45-25 *Fire mains and hose connections.* All pipes used as mains for conducting water from fire pumps on nautical school ships shall be of steel, wrought iron, brass, or copper with wrought iron brass, or composition hose connections.

§ 167.45-30 *Use of approved fire-fighting equipment.* Portable fire extinguishers or fire-extinguishing systems which conform to the specifications of the Navy or Coast Guard, or their approved equivalent, may be accepted for use on nautical school ships.

§ 167.45-40 *Fire-fighting equipment on nautical school ships using oil as fuel.* Steam-propelled nautical school ships burning oil for fuel shall be fitted with the fire-fighting equipment of the following type and character:

(a) In each fire room a metal receptacle containing not less than 10 cubic feet of sand, sawdust impregnated with soda, or other approved dry materials, and scoop or shaker for distributing it: *Provided,* That a nautical school ship of 1,000 gross tons and under using oil as fuel, shall be fitted with a metal receptacle, containing not less than 5 cubic feet of sand, sawdust impregnated with soda, or other approved dry material, and scoop or shaker for distributing it.

(b) In each boiler room and in each of the machinery spaces of a nautical school ship propelled by steam, in which a part of the fuel-oil installation is situated, two or more approved fire extinguishers of the foam type of not less than $2\frac{1}{2}$ gallons each or two or more approved fire extinguishers of the carbon dioxide (CO_2) type of not less than 15 pounds each shall be placed where accessible and ready for immediate use: *Provided,* That on a nautical school ship of 1,000 gross tons and under only one of the fire extinguishers may be required.

(c) In boiler and machinery spaces of a nautical school ship of 1,000 gross tons and over, there shall be fitted in each such compartment not less than two spray-nozzle hydrants to which shall be attached sufficient length of hose so that any part of the boiler or machinery space may be reached. An approved spray nozzle shall be attached to each hose line. The use of any Navy or Coast Guard approved type of combination nozzle, which can project a solid stream or a fog spray or can be shut off, is acceptable in boiler and machinery spaces when the nozzle is equipped with an applicator having an approved low velocity water fog spray head attached. In this equipment the standard portable self-cleaning hose strainer shall be included.

(d) On every steam propelled nautical school ship of over 1,000 gross tons having one boiler room there shall be provided one fire extinguisher of the foam type of at least 40 gallons rated capacity or one carbon dioxide (CO_2) extinguisher of at least 100 pounds. If the nautical school ship has more than one boiler room, an extinguisher of the above type shall be provided in each boiler room. On every steam propelled nautical school ship of 1,000 gross tons and under, foam type fire extinguishers of at least 20 gallons rated capacity or carbon dioxide (CO_2) extinguishers of at least 50 pounds shall be used. Extinguishers fitted shall be equipped with suitable hose and nozzles on reels or other practicable means easy of access, and of sufficient length to reach any part of the boiler room and spaces containing oil-fuel pumping units.

(e) All nautical school ships propelled by internal-combustion engines shall be equipped with the following foam type or carbon dioxide type fire extinguishers in the machinery spaces:

(1) One approved 12-gallon foam-type extinguisher or one approved 35-pound carbon dioxide type extinguisher.

(2) One approved $2\frac{1}{2}$-gallon foam-type, or one approved 15-pound carbon dioxide type extinguisher for each 1,000 B. H. P. of the main engines, or fraction thereof. The total number of fire extinguishers carried shall not be less than two and need not exceed six.

(3) When a donkey boiler fitted to burn oil as fuel is located in the machinery space, there shall be substituted for the 12-gallon foam type or 35-pound carbon dioxide type fire extinguisher required either one 40-gallon foam type or one 100-pound carbon dioxide type fire extinguisher.

(f) In this section any reference to an approved fire extinguisher means either approved by the Coast Guard or the Navy.

§ 167.45-45 *Carbon dioxide fire-extinguishing system requirements.* (a) When a carbon dioxide (CO_2) smothering system is fitted in the boiler room, the quantity of carbon dioxide carried shall be sufficient to give a gas saturation of 25 percent of the gross volume of the largest boiler room from tank top to top of the boilers. Top of the boilers is to be considered as the top of the shell of a Scotch or leg type of boiler, and the top of the casing or drum, whichever is the higher, on water-tube boilers. The quantity of carbon dioxide required may be determined approximately by the following formula:

$$W=\frac{L\times B\times D}{36} \quad (1)$$

where

W = the weight of CO_2 required in pounds.
L = the length of the boiler room in feet.
B = the breadth of the boiler room in feet.
D = the distance in feet from tank top or flat forming lower boundary to top of boilers.

(b) When a carbon dioxide (CO_2) smothering system is fitted in the machinery space of a nautical school ship propelled by internal combustion engines, the quantity of carbon dioxide required may be determined approximately by the following formula:

$$W=\frac{L\times B\times D}{22} \quad (2)$$

where

W = the weight of CO_2 required in pounds.
L = the length of machinery space in feet.
B = breadth of the machinery space in feet.
D = distance in feet from tank top or flat forming lower boundary to the underside of deck forming the hatch opening.

(c) The whole charge of gas shall be capable of being released simultaneously by operating one valve and control. All cylinders shall be completely discharged in not more than two minutes. The arrangement of the piping shall be such as to give a general and fairly uniform distribution over the entire area protected. An alarm which shall operate automatically with the operation of the system shall be provided to give a warning in the space when the carbon dioxide is about to be released. Provision shall be made to prevent the admission of air into the lower parts of the boiler or engine room while the system is in operation.

§ 167.45-50 *Foam smothering system requirements.* (a) When a foam-type system is fitted, its capacity shall be such as to rapidly discharge over the entire area of the bilge (tank top) of the largest boiler room a volume of foam 6 inches deep in not more than 3 minutes. The arrangement of piping shall be such as to give a uniform distribution over the entire area protected.

(b) The foam-type system may be of a type approved by the Navy or Coast Guard. All containers and valves by which the system is operated shall be easily accessible and so placed that control valves and containers will not readily be cut off from use by an outbreak of fire.

§ 167.45-55 *Fixed water spray system requirements.* (a) When a fixed system is fitted for spraying water on oil in bilges, its capacity shall be such as to blanket the entire area of the bilge (tank top) of the largest boiler room with an adequate supply of water.

(b) The arrangement of piping and nozzles shall be such as to give a uniform distribution over the entire area protected. The piping system for each space protected shall be one unit, unless otherwise specifically approved by the Commandant.

(c) All valves by which the system is operated shall be located outside of the space protected and shall be easily accessible. Suitable means shall be provided to prevent the passage of foreign substances into the spray nozzles.

(d) The primary source of supply for the system shall be from a pump or pumps of suitable capacity and pressure. The pump or pumps shall be reserved for this purpose only. This pump or pumps shall be located outside of space protected.

§ 167.45-60 *Emergency breathing apparatus and flame safety lamps.* All nautical school ships shall be equipped with the following devices, approved by Coast Guard or Navy:

(a) One self-contained breathing apparatus.

(b) One supplied air respirator.

(c) One flame safety lamp.

(d) One gas mask of a type giving protection against refrigerant used on board the nautical school ship.

§ 167.45-65 *Portable fire extinguishers in accommodation spaces.* (a) All nautical school ships shall be provided with such number of good and efficient portable fire extinguishers approved by the Navy or Coast Guard as follows:

(1) Nautical school ships less than 150 feet in length shall have at least two fire extinguishers on each passenger deck.

(2) Nautical school ships 150 feet and over in length shall be provided with at least one fire extinguisher for every 150 linear feet of corridor length or fraction thereof in the spaces occupied by passengers and crew.

(3) In all public spaces fire extinguishers shall be located not more than 150 feet apart.

(b) The number of required fire extinguishers is based on the capacity of the ordinary fire extinguisher, which is about $2\frac{1}{2}$ gallons, and no fire extinguisher of larger capacity shall be allowed a greater

rating than that of the ordinary fire extinguisher. Fire extinguishers of approved types of less capacity are allowable when their total contents equal the required quantity.

§ 167.45–70 *Portable fire extinguishers, general requirements.* (a) Extra safety-valve units shall be carried on board for 50 percent of the hand fire extinguishers of the foam type and extra charges shall be carried on board for 50 percent of each class of fire extinguishers provided. If 50 percent of each class of fire extinguishers carried gives a fractional result, extra charges and extra safety-valve units shall be provided for the next largest whole number.

(1) The following is an example:

Fire extinguishers carried:	*Extra charges required*
1	1
2	1
3	2
4	2
5	3

(2) When a nautical school ship is provided with carbon dioxide type of fire extinguishers it may be furnished with either an additional carbon dioxide fire extinguisher or a 2½-gallon foam fire extinguisher in lieu of carrying extra charges. For that 2½-gallon foam fire extinguisher no extra charge will be required.

(b) Recharges, particularly the acid, used in charging soda-and-acid type of fire extinguishers, shall be packed in such manner that the filling operation (i. e., in recharging the extinguisher) can be performed without subjecting the person doing the recharging to undue risk of acid burns and shall be contained in Crown stopper type of bottle.

(c) There shall also be carried on board a complete recharge for any fixed or built-in fire extinguishing system that has been approved by the Navy or Coast Guard, except systems for engine rooms, firerooms, and cargo holds.

(d) Fire extinguishers shall be located in such places as in the judgment of the Officer in Charge, Marine Inspection, will be most convenient and serviceable in case of emergency and so arranged that they may be easily removed from their fastenings.

(e) Every fire extinguisher provided shall be examined at each annual inspection to determine that it is still in good condition. Soda-and-acid and foam fire extinguishers shall be tested by discharging the contents, cleaning thoroughly, and then refilling. Carbon tetrachloride fire extinguishers shall be tested for their pumping efficiency and the liquid discharged with proper care so that it may be replaced in the extinguishers. Carbon dioxide fire extinguishers shall be checked by weighing to determine contents and if found to be more than 10 percent under required contents of carbon dioxide shall be recharged. Pump tank fire extinguishers shall be tested by pumping and discharging the contents, cleaning thoroughly, and then refilling or recharging. Cartridge-operated type fire extinguishers shall be checked by examining the extinguishing agents to determine if in still good condition and by weighing the cartridges; if the weight of the cartridge is ½ ounce or more under the weight stamped thereon or if it is punctured, the cartridge shall be rejected and a new one inserted. The hoses and nozzles of all fire extinguishers shall be inspected to see that they are clear and in good condition.

§ 167.45–75 *Fire extinguishers for emergency power plants.* In compartments where emergency lighting and wireless units are located, two fire extinguishers approved by the Coast Guard or the Navy, of either carbon tetrachloride, carbon dioxide, or dry chemical type shall be permanently located at the most accessible points. In addition, two fire extinguishers of the above types, or foam type, shall be permanently located so as to be readily accessible to the emergency fuel tanks containing gasoline, benzine or naphtha.

§ 167.45–80 *Fire axes.* (a) All nautical school ships shall be provided with fire axes, as follows:

Gross tons of nautical school ships:	*Number of axes*
All not over 50 tons	1
All over 50 tons and not over 200 tons	2
All over 200 tons and not over 500 tons	4
All over 500 tons and not over 1,000 tons	6
All over 1,000 tons	8

(b) All fire axes shall be located so as to be readily found in time of need, shall not be used for general purposes, and shall be kept in good condition.

SUBPART 167.50—ACCOMMODATIONS

§ 167.50–1 *Hospital accommodations.* Each nautical school ship, which makes voyages of more than 3 days' duration between ports and carries 12 or more persons, shall be equipped with a compartment suitably separated from other spaces for hospital purposes, and such compartment shall have at least 1 bunk for every 12 persons allowed to be carried: *Provided*, That not more than 6 bunks shall be required in any case.

SUBPART 167.55—SPECIAL MARKINGS REQUIRED

§ 167.55–1 *Draft marks.* Every nautical school ship of 50 gross tons and over, shall have its draft plainly and legibly marked upon the stem and upon the sternpost or rudderpost or at such other place at the stern of the vessel as may be necessary for easy observance. The draft shall be taken from the bottom of the lowest part of the keel to the surface of the water, the bottom of the mark to indicate the draft in feet.

§ 167.55–5 *Marking of fire and emergency equipment, etc.* Marking of fire and emergency apparatus, watertight doors, lifeboat embarkation stations and direction signs, stateroom notices, instructions for changing steering gears, etc., shall be carried out as follows:

(a) *General alarm bell switch.* The general alarm bell switch in the pilothouse or fire control station shall be clearly marked with lettering on a brass plate or with a sign in red letters on suitable background: "General Alarm."

(b) *General alarm bells.* General alarm bells shall be marked in not less than ½-inch red letters: "General Alarm—When Bell Rings Go to Your Station."

(c) *Steam, foam or CO_2 fire smothering apparatus.* Steam, foam or CO_2 fire smothering apparatus shall be marked "Steam Fire Apparatus" or "Foam Fire Apparatus" or "CO_2 Fire Apparatus", as appropriate, in not less than 2-inch red letters. The valves of all branch piping leading to the several compartments shall be distinctly marked to indicate the compartments or parts of the nautical school ship to which they lead.

(d) *Fire hose stations.* At each fire hose valve there shall be marked in not less than 2-inch red letters and figures "Fire Station 1," 2, 3, etc.

(e) *Emergency squad equipment.* Lockers or spaces containing equipment for use of the emergency squad shall be marked "Emergency Squad Equipment." Lockers or spaces where oxygen or fresh air breathing apparatus is stowed shall be marked "Oxygen Breathing Apparatus" or "Fresh Air Breathing Apparatus," as appropriate.

(f) *Fire extinguishers.* Each fire extinguisher shall be marked with a number and the location where stowed shall be marked in corresponding numbers in not less than 1-inch figures.

(g) *Watertight doors.* Each watertight door shall be numbered in at least 2-inch letters and figures "W. T. D. 1," 2, 3, etc. The color of the marking shall be in contrast to the background. All watertight door remote hand-closing stations shall be marked in at least 2-inch letters and figures "W. T. D. 1," 2, 3, etc. The direction of operation of the lever or wheel provided to close or open the door at all watertight door remote hand-closing stations shall be marked. The color of the sign shall contrast with the background.

(h) *Instructions for changing steering gear.* Instructions in at least 1-inch letters and figures shall be posted at each emergency steering station and in the steering engine room, relating in order, the different steps to be taken in changing to the emergency steering gear. Each clutch, gear wheel, level, valve, or switch which is used during the change-over shall be numbered or lettered on a brass plate or painted so that the markings can be recognized at a reasonable distance. The instructions shall indicate each clutch or pin to be "in" or "out" and each valve or switch which is to be "opened" or "closed" in shifting to any means of steering for which the vessel is equipped. Instructions shall be included to line up all steering wheels and rudder amidship before changing gears.

(i) *Rudder orders.* At all steering stations, there shall be installed a suitable notice on the wheel or device or at such other position as to be directly in the helmsman's line of vision, to indicate the direction in which the wheel or device must be turned for "right rudder" and for "left rudder."

(j) *Nautical school ship's name on equipment.* All lifeboats, life rafts, life floats, buoyant apparatus, including equipment, also life preservers, life buoys, fire hose, and axes shall be painted or branded with the name of the nautical school ship.

SUBPART 167.60—CERTIFICATES OF INSPECTION

§ 167.60–1 *Issuance by Officer in Charge, Marine Inspection.* (a) Every nautical school ship shall be inspected annually and if in the opinion of the Officer in Charge, Marine Inspection, the nautical school ship can be operated safely, he shall issue a certificate of inspection with the following indorsement: "Nautical School Ship" in lieu of the classification "Passenger vessel", "cargo vessel", etc.

(b) When a nautical school ship, in the opinion of the Officer in Charge, Marine Inspection, may be navigated on the waters of any ocean or the Gulf of Mexico more than 20 nautical miles offshore, the route shall be designated on certificate of inspection as "Ocean".

(c) When a nautical school ship, in the opinion of the Officer in Charge, Marine Inspection, may be navigated on the waters of any ocean or the Gulf of Mexico 20 nautical miles or less offshore, the route shall be designated on the certificate of inspection as "Coastwise".

§ 167.60–5 *Period of time for which valid.* A certificate of inspection for any period less than one year shall not be issued, but nothing herein shall be construed as preventing the revocation or suspension of a certificate of inspection in case such process is authorized by law.

§ 167.60–10 *Exhibition of certificate of inspection.* On every nautical school ship, the original certificate of inspection shall be framed under glass and posted in a conspicuous place.

§ 167.60–15 *Persons allowed to be carried.* In view of the fact that nautical school ships normally are not merchant vessels of the United States and are, therefore, not documented, manning requirements shall not be stated in the certificate of inspection. The certificate of inspection shall show the total number of persons allowed to be carried. This total shall be based on the total capacity of the vessel's lifeboats.

SUBPART 167.65—SPECIAL OPERATING REQUIREMENTS

§ 167.65–1 *Station bills, drills, and log book entries.*—(a) *Station bills and muster lists.* It shall be the duty of the master of every nautical school ship to cause station bills and muster lists to be prepared before the nautical school ship sails, which shall be signed by the master who shall be responsible for their preparation. The station bills and muster lists shall be posted in conspicuous places in several parts of the nautical school ship, particularly in the quarters, and must contain full particulars of the signals which will be used for calling all persons to their stations for emergency duties. Special duties shall be allotted to each person and the muster lists shall show all these special duties and indicate the station to which each man must go and the duties he has to perform. The special duties should, as far as possible, be comparable to the regular work of the individual. When practicable, several members of the crew shall be designated as an emergency squad and required to report to the bridge with certain equipment for instructions. The duties provided for by the muster lists should include:

(1) The closing of airports, watertight doors, fire doors, and fire screens, the covers and all valves of all scuppers, sanitary and other discharges which lead through the ship's hull below the margin line, and stopping the fans and ventilating systems.

(2) The extinction of fire.

(3) The equipment of boats, rafts, and buoyant apparatus and their preparation for launching.

(4) The muster of all persons aboard.

(b) *Emergency signals*—(1) *Fire alarm signals.* (i) The general fire alarm signal shall be a continuous rapid ringing of the ship's bell for a period not less than 10 seconds supplemented by the continuous ringing of the general alarm bells for not less than 10 seconds.

(ii) For dismissal from fire-alarm stations, the general alarm bells shall be sounded three times, supplemented by three short blasts of the whistle.

(2) *Boat station or boat drill signals.* (i) The signal for boat drill or boat stations shall be more than six short blasts and one long blast of the whistle, supplemented by the same signal on the general alarm bells.

(ii) Where whistle signals are used for handling boats, they shall be as follows:

(*a*) To lower boats, one short blast of the whistle.

(*b*) To stop lowering the boats, two short blasts of the whistle.

(*c*) For dismissal from boat stations, three short blasts of the whistle.

(3) *Other emergency signals.* The master of any vessel may establish such other emergency signal, in addition to the above, so that all persons will have positive and certain notice of the existing emergency. The signals used for the assembly of the emergency squad should not conflict with the navigational signals or the signals used for a general alarm.

(c) *Drills, tests, and inspection.* (1) It shall be the duty of the master or the mate or officer in command, once at least in each week, to call all hands to quarters and exercise them, weather permitting, in the unlashing and swinging out of the lifeboats, the closing of all hand or power-operated watertight doors which are in use at sea, closing all fire doors and fire screens, the use of fire pumps and all other apparatus for the safety of life on board of such vessels, with special regard for the drill of the crew in the method of adjusting life preservers and educating others in this procedure, and to see that all the equipments required by law are in complete working order for immediate use; the fact of exercise of the crew, as herein contemplated, shall be entered in the log book.

(2) The requirements relating to fire and boat drills contemplate that such drills shall be conducted precisely as though an emergency existed. To accomplish the purpose of this section, lifeboat covers and strongbacks shall be removed, plugs or caps put in place, boat ladders secured in position for use, painters carried forward and tended so as to provide a good lead and slack to hold the boat in position under the davits when in the water. The person in charge of each lifeboat or life raft should have a list of its crew and should see that the men under his orders are acquainted with their several duties. The hand pumps and fire pumps shall be operated long enough and a sufficient number of outlets used to insure that such equipment is in order and effectual. The motor and the hand-operated propeller gear of each lifeboat shall be operated for a period of not less than 5 minutes once at least in every 7 days, in order that it may be ready for service at any time. Such operation shall be a part of the lifeboat drill and the fact of such operation shall be made a part of the report of such drill. When emergency breathing apparatus, such as gas masks, or other special equipment is carried, certain members of the crew shall be trained in the use of the equipment.

(d) *Log book entries.* The entries in the log book relating to the exercise of the crew in fire and boat drills shall state the day of the month and the hour when so exercised, length of time of the drill, number on the boats swung out, number of lengths of hose used, together with a statement of the condition of all fire and lifesaving apparatus, watertight door mechanism, valves, etc.

§ 167.65–5 *Flashing the rays of a searchlight or other blinding light.* Flashing the rays of a searchlight or other blinding light onto the bridge or into the pilothouse of any vessel under way is prohibited.

§ 167.65–10 *Unauthorized lights.* Any master or pilot of a nautical school ship shall not authorize or permit the carrying of any light, electric or otherwise, not required by law that in any way will interfere with distinguishing the lights required to be carried.

§ 167.65–15 *Routing instructions: strict compliance with.* Due to existing mine field dangers, all masters, officers, and seamen on nautical school ships shall comply strictly with the routing instructions issued by competent naval authority. Nothing herein shall be construed as relieving the master of the responsibility for the safety of his nautical school ship.

§ 167.65–20 *Unnecessary whistling.* Unnecessary sounding of a nautical school ship's whistle is prohibited within any harbor limits of the United States.

§ 167.65–25 *Steering gear tests.* On all nautical school ships making voyages of more than 48 hours' duration, the entire steering gear, the whistle, the means of communication and the signaling appliances between the bridge or pilothouse and engine room shall be examined and tested by an officer of the nautical school ship within a period of not more than 12 hours before leaving port. All nautical school ships making voyages of less than 48 hours' duration shall be so examined and tested at least once in every week. The fact and time of such examination and test shall be recorded in the log book.

§ 167.65–30 *Steering orders.* (a) "Right rudder" shall be given only when it is intended that the wheel, the rudder

blade, and the head of the nautical school ship should go to the right.

(b) "Left rudder" shall be given only when it is intended that the wheel, the rudder blade, and the head of the nautical school ship should go to the left.

(c) Where rudder indicators are provided, they shall be installed consistent with the foregoing.

§ 167.65–40 *Draft.* The master of every nautical school ship over 50 gross tons shall, whenever leaving port, enter the maximum draft of his nautical school ship in the log book.

§ 167.65–45 *Notice to mariners; aids to navigation.* (a) Officers are required to acquaint themselves with the latest information published by the Coast Guard and the United States Navy regarding aids to navigation, and neglect to do so is evidence of neglect of duty. It is desirable that nautical school ships navigating oceans and coastwise and Great Lakes waters shall have available in the pilothouse for convenient reference at all times a file of the applicable Notice to Mariners. All nautical school ships shall have charts of the waters on which they operate available for convenient reference at all times.

(b) Notice to Mariners published weekly by the Coast Guard which contains announcements and information regarding aids to navigation and charts of waters of the United States is available for free distribution at the following places: Field offices of the Coast Guard; United States Coast and Geodetic Survey field stations; and the Marine Division, Customhouse. Notice to Mariners published weekly by the United States Navy for the correction of charts, sailing directions, light lists and other publications, and which includes foreign waters and certain waters of the United States, is available for free distribution at the Hydrographic Office, Branch Hydrographic Offices, or any of the agencies of seaboard ports, and is also on file in the United States consulates where they may be inspected.

§ 167.65–50 *Posting placards containing instructions for use of breeches buoy.* A placard containing instructions for the use of breeches buoy gear, Form CG 811, shall be posted in the pilothouse, engine room, and in the seamen's, firemen's, and stewards' departments of every nautical school ship.

§ 167.65–60 *Examination of boilers and machinery by engineer.* It shall be the duty of an engineer when he assumes charge of the boilers and machinery of a nautical school ship to examine the same forthwith and thoroughly, and if he finds any part thereof in bad condition, he shall immediately report the facts to the master, owner, or agent, and to the Officer in Charge, Marine Inspection, of the district, who shall thereupon investigate the matter and take such actions as may be necessary.

§ 167.65–65 *Notice of casualty and voyage records.* (a) The owner, agent, master, or person in charge of a nautical school ship involved in a marine casualty shall give notice as soon as possible to the nearest marine inspection office of the U. S. Coast Guard whenever the casualty results in any of the following:

(1) Damage to property in excess of $1,500.

(2) Material damage affecting the seaworthiness or efficiency of a vessel.

(3) Stranding or grounding.

(4) Loss of life.

(5) Injury causing any persons to remain incapacitated for a period in excess of 72 hours.

(b) The notice required by paragraph (a) of this section shall show the name and official number (if any) of the nautical school ship involved, the owner or agent thereof, the nature and probable cause of the casualty, the locality in which it occurred, the nature and extent of injury to persons and the damage to property.

(c) In addition to the notice required by paragraph (a) of this section, the person in charge of the nautical school ship shall, as soon as possible, report in writing and in person to the Officer in Charge, Marine Inspection, at the port in which the casualty occurred or nearest the port of first arrival: *Provided*, That when from distance it may be inconvenient to report in person it may be done in writing only. The written report required for personal accident not involving death shall be made on Form CG 924E and for all other marine casualties or accidents the written report shall be made on Form CG 2692.

NOTE: If filed without delay these forms may also provide the notice required by paragraph (a) of this section.

(d) The owner, agent, master, or other person in charge of any nautical school ship involved in a marine casualty shall retain such voyage records of the nautical school ship that are maintained, such as both rough and smooth deck and engine room logs, bell books, navigation charts, navigation work books, compass deviation cards, gyrocompass records, stowage plans, record of draft, aids to mariners, radiograms sent and received, the radio log, and lists of persons aboard. The owner, agent, master, or other officer in charge, shall make these records available to a duly authorized Coast Guard officer or employee for examination upon request.

(e) Whenever a nautical school ship collides with a lightship, buoy, or other aid to navigation under the jurisdiction of the Coast Guard, or is connected with any such collision, it shall be the duty of the person in charge of such nautical school ship to report the accident to the nearest Officer in Charge, Marine Inspection. No report on Form CG 2692 is required unless one of the results listed in paragraph (a) of this section occurs.

§ 167.65–70 *Reports of accidents, repairs, and unsafe boilers and machinery by engineers.* (a) Before making repairs to a boiler of a nautical school ship the engineer in charge shall report, in writing, the nature of such repairs to the nearest Officer in Charge, Marine Inspection, where such repairs are to be made.

(b) And it shall be the duty of all engineers when an accident occurs to the boilers or machinery in their charge tending to render the further use of such boilers or machinery unsafe until repairs are made, or when, by reason of ordinary wear, such boilers or machinery have become unsafe, to report the same to the Officer in Charge, Marine Inspection, immediately upon the arrival of the nautical school ship at the first port reached subsequent to the accident, or after the discovery of such unsafe condition by said engineer.

Dated: April 5, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 51–4327; Filed, Apr. 11, 1951; 8:50 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 182]

INDUSTRIAL ALCOHOL

NOTICE OF PROPOSED RULE MAKING

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are issued under the authority of 53 Stat. 355, 358 and 375 (26 U. S. C., 3070, 3105 and 3176).

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

1. The appendix to Regulations 3, approved March 6, 1942 (26 CFR Part 182), is hereby amended by modifying Formula 2–B for the manufacture of specially denatured alcohol to read as follows:

Formula No. 2–B

To every 100 gallons of ethyl alcohol add: One-half gallon benzol or one-half gallon rubber hydrocarbon solvent. (This formula must be used in a closed and continuous process unless it is shown that it is not practicable to do so.)

2. The appendix is further amended by inserting in the specifications for denaturants in specially denatured alcohol, immediately following the specifications for pyridine bases, specifications for rubber hydrocarbon solvent, as follows:

RUBBER HYDROCARBON SOLVENT

Rubber Hydrocarbon Solvent is a product derived from petroleum, and meeting the following requirements:

Distillation range (according to A. S. T. M. Specifications D 86–40). When 10 percent of the sample has been distilled into a graduated receiver, the thermometer shall not read more than 72° C. (162° F.) nor less than 49° C. (120° F.). When 90 percent has been recovered in the receiver the thermometer shall not read more than 121° C. (250° F.).

3. The purposes of these amendments are to modify specially denatured alcohol Formula No. 2–B to permit the use of either benzol or rubber hydrocarbon solvent as a denaturant, and to prescribe specifications for the latter material.

4. This Treasury decision shall be effective upon its publication in the FEDERAL REGISTER.

(53 Stat. 355, 358, 375; 26 U. S. C. 3070, 3105, and 3176)

[F. R. Doc. 51–4329; Filed, Apr. 11, 1951; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 38]

U. S. STANDARDS FOR GRADES OF CREAM FOR USE IN THE MANUFACTURE OF BUTTER

EXTENSION OF TIME

Notice is hereby given of the extension until June 30, 1951, of the period of time within which written, data, views, and arguments should be submitted by interested parties for consideration prior to the issuance of U. S. Standards for Grades of Cream for Use in the Manufacture of Butter.

The proposed standards are set forth in the notice (F. R. Doc. 51–1497; 16 F. R. 860) which was published in the FEDERAL REGISTER on January 30, 1951.

Done at Washington, D. C., this 6th day of April 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51–4319; Filed, Apr. 11, 1951; 8:48 a. m.]

[7 CFR, Part 907]

[Docket No. AO–212]

MILWAUKEE, WIS., MARKETING AREA

NOTICE OF HEARING ON HANDLING OF MILK

Proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 316, Federal Building, East Wisconsin Avenue, Milwaukee, Wisconsin, beginning at 9:30 a. m., c. s. t., April 17, 1951, for the purpose of receiving evidence with respect to economic and emergency conditions which relate to certain proposed amendments to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area (7 CFR 907.0 et seq.), which relate to the computation of "base milk" and "excess milk," and payment therefor. The proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed by the Milwaukee Cooperative Milk Producers Association, the Waukesha Milk Producers Cooperative, and the Pure Milk Producers Cooperative: Proposal No. 1: Delete the following provisions: §§ 907.16, 907.17, 907.18, 907.30 (b), 907.60, 907.61, that portion of 907.71 which reads "for each of the months of August through March", 907.72, that portion of 907.80 (a) which reads "of August through March", 907.80 (b), and such other provisions as relate to the base and excess plan as a method of payment.

Proposed by the Dairy Branch, Production and Marketing Administration: Proposal No. 2: Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order, as amended, now in effect may be procured from the Market Administrator, 956 North 12th Street, Milwaukee, Wisconsin, or from the Hearing Clerk, United States Department of Agriculture, in Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: April 11th, 1951, Washington, D. C.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 51–4406; Filed, Apr. 11, 1951; 10:39 a. m.]

[7 CFR, Part 932]

HANDLING OF MILK IN FORT WAYNE, IND., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fort Wayne, Indiana, on January 3, 1951, pursuant to notice thereof which was issued on December 30, 1950 (15 F. R. 9522), upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on March 8, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceding. The notice of the filing of such recommended decision and the opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on March 14, 1951 (16 F. R. 2399).

The only issue of record was whether the Class I and Class II differentials provided in the Fort Wayne order should be increased 15 cents per hundredweight for the delivery periods of January, February and March 1951.

No exceptions to the recommended decision were filed on behalf of interested parties.

Findings and conclusions. The findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 51–3261; 16 F. R. 2399), with respect to the issues set forth above are approved and adopted as the findings and conclusions of this decision as if set forth in full herein.

It is hereby ordered, That this decision be published in the FEDERAL REGISTER.

This decision filed at Washington, D. C., this 9th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F R. Doc. 51–4340; Filed, Apr. 11, 1951; 8:53 a. m.]

[7 CFR, Part 978]

[Docket No. AO–184–A6]

HANDLING OF MILK IN NASHVILLE, TENN., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of

1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Nashville, Tennessee, market area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 3rd day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at Nashville, Tennessee, on March 6, 1951, pursuant to notice thereof which was issued February 28, 1951 (16 F. R. 2005).

The material issues of record related to:

1. Classification of skim milk and butterfat used in Yoghurt.

2. Classification of skim milk and butterfat used in Reddi-wip.

3. Whether skim milk or butterfat transferred in the form of cream to a non-fluid milk plant 85 miles or more from the City Hall at Nashville, Tennessee, shall under certain circumstances be classified as Class III milk.

4. Whether the fall incentive plan should be modified so as to pertain to producers who are supplying the market during a representative period of each year.

Findings and conclusions. The following findings and conclusions are based upon the evidence introduced at the hearing and the record thereof:

1. Skim milk and butterfat used in the product known as Yoghurt and also known as Yogurt, Yoghourt, and Yogourt should be classified as Class I milk.

The Nashville Milk Producers, Inc., proposed that skim milk and butterfat used in the product known as Yoghurt be named in the order as a Class I use. This product is being marketed by handlers on their wholesale and retail routes in the marketing area along with the various Class I products. It is made from milk through the fermenting action of certain bacteria, and is similar to Bulgarian buttermilk. The Department of Health of the City of Nashville requires that Yoghurt be made from milk from sources approved for fluid consumption in the City of Nashville. The product is presently considered along with other products which must be derived from inspected milk as a Class I use. Handlers' representatives at the hearing presented no evidence concerning the designation of Yoghurt as a Class I use of skim milk and butterfat.

2. The definition of Class II milk should be changed to exclude cream products which are not required by the Nashville Health Department to be made from approved milk.

A handler requested that the order be amended to provide for classification of Reddi-wip as a Class III use. The handler testified that the product Reddi-wip is composed of a mixture of cream, stabilizer, vanilla and a dispersing inert gas, is similar in composition to ice cream mix, but has a higher fat content, is marketed in cans under pressure of the inert gas, and is generally used as a food decoration.

Under the present classification provisions of the order, Reddi-wip is considered to be a form of aerated cream, and as such is Class II milk.

The Health Department of the City of Nashville does not require that Reddi-wip or aerated cream distributed in this area be made from approved milk.

The proponent handler testified the product Reddi-wip is now being manufactured from milk not inspected for fluid consumption in the marketing area, and that the manufacturing operation is physically entirely separate from his operations as a fluid milk handler for this market. He stated that if milk used in manufacture of Reddi-wip were Class III, he would be able to use cream derived from producer milk for this product and intends to do so.

The butterfat test of milk received from producers for this market is considerably higher than the average test of milk for fluid uses including cream. Although the quantity of skim milk received in producer milk is not adequate to fulfill the total requirements for Class I and Class II uses during all months of the year, the butterfat contained in producer receipts exceeds requirements in these uses throughout the year. Since there is butterfat not needed for Class I or Class II uses, it is reasonable to promote its utilization in such other local outlets which are available by pricing it at more nearly the level at which butterfat for such use is available from uninspected sources. Accordingly, the definition of Class II milk should be changed so as to exclude cream products which are not required by the Health Department to be made from approved milk.

3. Provision should be made for the classification of skim milk and butterfat transferred in the form of cream for manufacturing uses more than 85 miles from the City Hall of Nashville as Class III milk during April, May, and June 1951.

It was proposed that skim milk and butterfat transferred in the form of cream to a nonfluid milk plant 85 miles or more from City Hall, be classified on the same basis as transfers to nonfluid milk plants located less than 85 miles from the City Hall. The proposed change would permit the classification of such transfers in Class III milk provided that an equivalent amount of skim milk and butterfat is devoted to a Class III use in the transferee plant.

The desirability of widening the available outlets for excess butterfat from producer milk is explained in the findings in connection with issue numbered 2. The average test of milk received from farmers in this section of Tennessee is relatively high, and as a result manufacturing plants, such as condenseries, cheese factories, usually have excessive fat at the same time of the year as handlers on the Nashville market. Butterfat from the latter source must compete with this uninspected butterfat for a local market, which at times results in relatively low returns to handlers. For this reason, in order to find a ready market for butterfat not needed by the Nashville market and at prices which enable handlers to pay the Class III price it is at times necessary to dispose of cream for manufacturing uses, such as ice cream, to plants beyond the 85-mile limit.

The proponent handler asserted that such outlets would provide a market for his excess producer butterfat as well as that of other handlers which could be diverted to his plant. The latter handler has recently expanded his manufacturing facilities and is in a position to handle seasonal excess producer milk for a substantial part of the market. The removal of the distance limitation during the flush production season of 1951 to allow a Class III classification of cream used for manufactured products at more distant plants will promote the orderly marketing of excess butterfat.

As one means of meeting the administrative problem of verifying utilization of cream at more distant points, it was suggested by the proponent handler that the cream to be transferred might be suitably labeled stating that it is for manufacturing use only, or that the product might be colored, thus limiting the use to manufactured products such as ice cream or butter. The suggested methods for determining classification are not satisfactory substitutes for the certification and auditing procedures applying to transfers to plants within 85 miles of Nashville. Cream transferred to more distant plants will be subject to reclassification pending certification of use by the operator of the receiving nonfluid milk plant, such certification to be furnished to the market administrator not later than the last day of the month following the month in which the cream was shipped, and pending audit of the records of the handler and of the nonfluid milk plant.

The evidence failed to show the need for transferring cream for manufacturing uses beyond 85 miles from the market other than during the flush production months. The proposed change in the classification provision on cream transferred more than 85 miles from Nashville has been limited to the flush production season of 1951 pending a more comprehensive study of the various phases of the classification and pricing of butterfat in this market.

4. The fall incentive production payment plan should be amended to change the fall months to which the plan applies.

Under the present fall incentive plan, 45 cents per hundredweight of producer milk is set aside from the amount handlers are required to pay for milk received during April, May, and June and is held by the Market Administrator in the Producer-Settlement Fund of the market-wide pooling arrangement. One-third of this fund is included in the computation of the uniform price to be paid to all producers delivering milk during each of the following months of September, October, and November.

The producers' association proposed that only those producers who have a valid dairy farm inspection permit for this market during some period about April 1 of each year should participate in the plan and the period in which distribution of the fund is made should be changed to the months of October, November, and December. Producers not included in the program would receive a price equivalent to the market-wide average utilization value of total receipts from producers during each month deliveries of milk are made.

On the basis of the evidence presented at a hearing held in 1948, it was decided that some seasonal price adjustment plan was necessary for the Nashville market to encourage deliveries of milk throughout the year which are more nearly in accordance with a relatively uniform monthly demand for fluid milk. A fall incentive plan was incorporated in the order in that year. The fall incentive producer price plan was supported by interested parties in preference to seasonal Class I pricing or other alternative plans for accomplishing this purpose. This plan was preferred by the market because it is possible to achieve substantial seasonal differences in the average prices paid producers without seasonal variation in the cost of Class I milk to handlers.

Producer representatives testified at the recent March hearing that the presently operating form of the seasonal production incentive plan is unsatisfactory because new producers who enter the market after June participate in the distribution of the fall incentive payments, thereby reducing such payments to producers who are in the market the year round. Producers' complaint with respect to the present plan resulted principally from the entry of a substantial number of new producers in the market during 1949 and 1950. In each year approximately 70 percent of the increase in the number of producers occurred following the spring set-aside period.

The Class I price differential of $1.25 over the monthly prices for manufacturing milk was incorporated in the present order to provide a level of prices which was intended to increase receipts of producer milk. Receipts have increased through larger deliveries by old producers and by the addition of new producers. With the increase in receipts it has been necessary to devote more and more milk to manufacturing uses during the flush production season and the need for more uniform production throughout the year has been emphasized. New producers who have entered the market have been needed to meet shortages of milk for Class I uses during fall and winter months. Under these conditions it is desirable to accomplish greater receipts of milk during the fall months by encouraging more even deliveries by all producers and by encouraging new producers, who are interested in supplying the market, to start delivery following the flush production months of each year. Producers who enter the market during the flush season merely add to the seasonal excess and reduce the uniform price received by all producers. For this reason, producers who are on the market prior to the flush months receive a higher annual return when new producers postpone entry into the market until following set-aside period rather than enter the market at the beginning of such period. Although the entry of new producers may reduce the component of the uniform price which may be attributed to the incentive plan during the fall months, it is important to note that a corresponding increase in deliveries from regular producers during the fall months has the same effect.

Under the proposed change in the fall incentive plan, producers who were not on the market April 1 or some other designated period would receive a higher price for milk than other producers during the remainder of the set-aside period and a lower price during the fall months. This would tend to encourage new producers to postpone entry into the market until immediately following the designated date or period. The higher price received by such producers during the remainder of the spring and summer when production costs are lowest would tend to encourage production and increase market receipts at the time of the year when additional milk is not needed. No incentive would be offered to such producers to increase receipts during the fall months when production costs are highest, and receipts tend to be lightest.

Individual producers make their own decision as to when and how much milk they will ship to plants in the market. The value of the milk to the market depends on the season in which it is shipped. The addition of a new plant to the market is not usually the decision of the farmers who deliver milk to such plant and its supply might not be available to the whole market to the same extent as that of individual producers who deliver milk to established handlers. Consequently, some different treatment might be afforded receipts of milk at plants of new handlers who may enter the market; however, producers did not indicate that this is a serious problem at this time.

The position of proponents implies that only producers who delivered milk during the spring set-aside months have an equity in the fund and producers who were not on the market during the spring months have no right to share in the fund. Actually this fund which is set aside prior to the calculation of uniform price is not the property of any particular group of producers. It is a market fund which is set aside from the total dollars charged handlers for milk to discourage unneeded receipts of milk during the spring season and to encourage greater receipts during the fall months.

Under seasonal pricing this would be accomplished by charging handlers lower Class I price differentials during the flush production months than during the short production months with a resulting annual average Class I differential equivalent to the uniform Class I differential now provided in the order. The seasonally higher prices in the fall months under seasonal pricing is shared by all producers in proportion to their deliveries of milk during this season. The fall incentive fund likewise must be distributed on the basis of deliveries of milk by all producers during the fall months. If it were assumed that individual producers contributed to the fund and thereby have an equity in it, in order to return this equity to each producer, provision would need to be made for paying each producer the same amount of money as he contributed to the fund. In this case a sum of money merely would be set aside in the spring and the same amount paid to the producer during the fall regardless of the quantity of milk delivered. Obviously, no incentive would be offered for fall deliveries and the plan would serve no useful purpose.

If producers desire a seasonal payment plan which provides for adjustments in the uniform price received by producers on the basis of participation in the market during a designated or representative period, it appears that such adjustments should be made on the basis of marketings during the period.

For the reasons stated above the proposal to limit the fall incentive plan to producers of record in a certain period of each year should be denied. The proposed change is inconsistent with the principles underlying the plan and is not in accordance with the provisions of the Agricultural Marketing Agreement Act.

Under present operation of the fall production incentive plan, distribution of the spring set-aside is made in the three months of September, October and November. Since the principal objective of the plan is to encourage increased deliveries of milk during the shortest months, the distribution of the fall incentive should be made on the basis of deliveries in these months. Based upon the relationship of producer receipts to sales of fluid products (Class I and Class II) during 1948, 1949, and 1950, the three shortest months have been October, November and December. Accordingly, distribution of the money from the producer-settlement fund as a fall delivery incentive should be made on receipts of milk during these months.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of a producer organization and handlers who are concerned with the proposed marketing agreement and proposed order amending the order now in effect. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals considered at the hearing. Every point covered in the briefs was carefully examined along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. Producers and handlers contended that an emergency exists which warrants immediate effectuation of the proposed amendments and requested that a recommended decision and exceptions thereto be omitted. The extent to which these claims are applicable is not sufficient to warrant omission of the opportunity to file written exceptions to the recommendations contained herein. The time for filing such excep-

tions should be held to a minimum, however, to expedite amendment action. To the extent that other suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Recommended amendment to the order. The following amendment to the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The amendments to a proposed marketing agreement are not repeated because they would be identical to the following:

1. Delete § 978.4 (b) (1) and substitute:

(1) Class I milk shall be all skim milk and butterfat: (i) Disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, and flavored milk drinks, and Yoghurt and (ii) not specifically accounted for as Class II or Class III milk.

2. In § 978.4 (b) delete subparagraph (2) and substitute the following:

(2) Class II milk shall be all skim milk and butterfat disposed of in the form of cream, eggnog and any other cream product disposed of in fluid form which is required by the Nashville Health Department to be made from approved butterfat and skim milk.

3. In § 978.4 (d) delete subparagraph (4) and substitute:

(4) As Class I milk if transferred or diverted in the form of any item specified in paragraph (b) (1) of this section and as Class II milk if transferred or diverted in the form of any item specified in paragraph (b) (2) of this section, to a nonfluid milk plant located 85 miles or more from the City Hall in Nashville, Tennessee, by the shortest highway distance as determined by the market administrator, except in the case of fluid cream only, for the delivery periods of April, May and June 1951 if (i) the handler reports its use in another class and the operator of the receiving plant certifies to the market administrator in writing not later than the last day of the month next following the month in which such cream was shipped that such cream was used in the class reported by the handler, (ii) the operator of the nonfluid milk plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, (iii) not less than an equivalent amount of skim milk and butterfat was actually utilized in such plant in the use indicated in such statement: *Provided*, That if upon inspection of the records of such plant it is found that an equivalent amount of skim milk and butterfat was not actually used in such indicated use the remaining pounds shall be classified on the basis of the next highest-priced available use in accordance with the classes set forth in paragraph (b) of this section.

4. Delete § 978.7 (b) (3) (ii) and substitute therefor the following:

(ii) For each of the delivery periods of October, November and December, add an amount equivalent to one-third of the total of the three amounts representing the cash balance established, during the delivery periods of April, May and June, immediately preceding, as a fall season production incentive pursuant to subparagraph (5) (ii) of this paragraph.

Issued at Washington, D. C., this 9th day of April 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-4341; Filed, Apr. 11, 1951; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 42]

IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PASSENGER AND CREW WEIGHTS

Notice is hereby given that revision of Title 14, § 42.32-4 (c) (4), published on November 22, 1949, in 14 F. R. 7038, is contemplated. All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rule shall send them to Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER. Section 42.32-4 (c) (4), as revised, would read:

§ 42.32-4 *Maintenance manual.* • • •

(c) *Weight control.* • • •

(4) *Passenger and crew weights*—(i) *General.* These weights apply to operators with or without an approved weight control system. Consideration will be given to a different average of weights for crew and passengers, provided the operator can substantiate these weights based on an average of actual weights for each group.

(ii) *Passenger weights.* The actual passenger weights may be used in all computations and are preferable from the standpoint of accuracy. In addition, the use of average weights is approved as a means of expediting load manifest calculations. The use of average weights, however, does not relieve the operator of responsibility for compliance with the weight and c. g. location limitations as specified in the appropriate aircraft specification and the operating requirements in operating limitations prescribed in this part. In other words, if there is any evidence that the use of average weights will result in erroneous computations and possible violation of applicable CAR, the total weight and c. g. location should be recomputed using actual weights. This condition is most likely to arise in cases where the major portion of a passenger load consists of a specialized group such as athletic teams or of a specific racial group which does not conform with the U. S. average. In all cases of such nonaverage groups actual weights must be used.

The approved averages are as follows:

(*a*) An average passenger weight (summer) of 160 pounds may be used during the calendar period of May 1 through October 31.

(*b*) An average passenger weight (winter) of 165 pounds may be used during the calendar period of November 1 through April 30.

(*c*) An average passenger weight of 80 pounds may be used at any time for children between the ages of 3 and 12.

In all computations, either the actual or average weights indicated above will be used; in no case will a combination of average and actual weights be used. However, the above calendar periods may be varied where climatic conditions warrant, upon specific approval of the CAA.

(iii) *Crew weights.* Actual or average weights may be used in the case of crew members under conditions as set forth for passenger weights. The approved averages are as follows:

(*a*) Male cabin attendants 150 pounds; female cabin attendants 130 pounds.

(*b*) All other crew members 170 pounds.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-4304; Filed, Apr. 11, 1951; 8:45 a. m.]

[14 CFR, Part 50]

AIRMAN AGENCY CERTIFICATES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

§ 50.11-1 *Basic ground school curriculum (CAA rules which apply to § 50.11 (a)).* The applicant must provide a basic ground instruction curriculum which is satisfactory to the Administrator. The minimum acceptable curriculum must include not less than 50 hours of instruction in the subjects listed below, followed by examination on each subject.

(a) *Civil air regulations.* At least five classroom hours of instruction to include:

Part 1: Certification, identification, and marking of aircraft and related products.
Part 20: Pilot certificates.
Part 43: General operation rules.
Part 60: Air traffic rules, including air traffic control practices and procedures.
Part 62: Notice and reports of aircraft accidents and missing aircraft.

(b) *Meteorology.* At least 15 classroom hours of instruction to include:

Recognition of weather, icing, fog, and frontal conditions.
General cloud formations.
Study of weather maps, teletype sequences, and elementary weather forecasting.
Pressure areas, including motion of air masses, isobars, and winds aloft.
Humidity and its relation to visibility.
Temperature-dew point relationship and precipitation.
How to use knowledge of meteorology in private flying in promoting safety.
U. S. Weather Bureau facilities and weather assistance service.

(c) *Aerial navigation.* At least 15 classroom hours of instruction to include:

Study of aeronautical charts, including explanation of how charts are made, with emphasis on the Lambert conformal projection.
The navigational methods, including piloting, dead reckoning, and radio.
Navigational instruments: Types, errors, and practical usage.
Practical navigation problems: Dead reckoning, piloting, ETA's, flight plans, wind-triangle solutions using a simple computer, and maximum endurance problems.
Use of CAA publications (Airman's Guide, etc.).

(d) *Radio.* At least five classroom hours of instruction to include:

Explanation of radio aids to flight.
Use of simple receiver and transmitter, including tuning and voice procedure.
CAA communication facilities and flight assistance service, including search and rescue procedures.
International code: Memorizing of code, sufficient to provide ready recognition of radio range identification signals.
Use of loop antenna in homing on broadcast and other stations.
Distress signals and visual signals (on parking line).

(e) *General service of aircraft.* At least 10 classroom hours of instruction to include:

Care of aircraft: Line inspection, procedures, and general safety precautions.
Care of engines: Octane ratings, detonation, warming up and idling precautions, full throttle operations, and icing.
Operations limitations; performance characteristics as affected by full load, altitude, and temperature conditions. Reason for placard limits, acceleration limits, air-speed limitations in rough air, and other restrictions in the interest of safety.
Inspections required.
Use of aircraft instruments and errors inherent in them.
Use and care of parachutes.
Use of logbooks.
Explanation of major and minor repairs.
Explanation of aircraft operation record.

§ 50.11-2 *Advanced ground school curriculum (CAA rules which apply to § 50.11 (b)).* The applicant must provide an advanced ground instruction curriculum which is satisfactory to the Administrator. The minimum acceptable curriculum must include not less than 150 hours of instruction in the subjects listed below, followed by examination on each subject. Students who have successfully completed an approved basic ground school course may be given appropriate credit when applying for the advanced ground school course. The determination of credit for previous ground school work is left to the discretion of the airman agency, with the understanding that a graduate must have completed all course requirements.

(a) *Civil air regulations.* At least 15 classroom hours of instruction to include:

Part 1: Certification, identification, and marking on aircraft and related products.
Part 20: Pilot certificates.
Part 43: General operation rules.
Part 60: Air traffic rules, including air traffic control practices and procedures.
Part 62: Notice and reports of aircraft accidents and missing aircraft.

(b) *Meteorology.* At least 35 classroom hours of instruction to include:

General cloud formations.
Pressure areas, including motion of air masses, isobars, and winds aloft.
Humidity and its relation to visibility.
Temperature-dew point relationship and precipitation.
Recognition of weather masses, icing, fog and frontal conditions as to reasonably forecast the weather accompanying these masses.
How to use knowledge of meteorology in flying to promote safety.
Study of weather maps, teletype sequences, and coded weather data sufficient to permit ready interpretation of all symbols used.
U. S. Weather Bureau facilities and weather assistance service.
Weather map analysis, including pressure areas and fronts.

(c) *Aerial navigation.* At least 35 classroom hours of instruction to include:

Study of aeronautical charts, including explanation of how charts are made, with emphasis on the Lambert conformal projection.
The study and use of all forms of navigational methods, with emphasis placed on pilotage, dead reckoning, and the use of radio.
Study, use, and limitations of all types of navigational instruments, navigational aids, and the daily use of CAA publications (Airman's Guide and Flight Information Manual).
All types of practical navigational problems, including radius of action to an alternate airport and maximum endurance under economy conditions, as well as the precision planning of a flight, the filing of a flight plan that allows for a climb to altitude and descent therefrom, check and reporting points, alternate airports, the use of radio compass and direction finder equipment and radio ranges, sectional and world aeronautical charts.

(d) *Radio.* At least 15 classroom hours of instruction to include:

Explanation of radio aids to flight.
Types, usage, and limitation of radio receivers and transmitters, the effects of proper and improper tuning, frequency control, static and night effects, as well as antennaes and microphone techniques.
The use and limitations of all types of radio aids to air navigation, including very high frequency and omni-directional facilities.
Sufficient study in International code to allow ready recognition of radio range identification signals.
Use of loop antenna in homing on broadcast and other stations.
The coding and use of aeronautical lights, true lights, and distress signals.
The detailed explanation and use of airways traffic control, approach control, and airport traffic control.

(e) *Aircraft engines.* At least 20 classroom hours of instruction to include:

Principles of the internal combustion engine.
Fuels: Octane rating and detonation.
Construction and design: Metals, tolerances, compression ratios, and horsepower.
Classification and construction of engine components.
Lubrication and cooling systems.
Carburetion and ignition.
Propellers: Fixed, adjustable, controllable, constant speed, and full-feathering.
Disassembly.
Inspection and Maintenance.
Overhaul, repair, timing, and assembly.
Trouble shooting.
Logbooks and other records.
Practices: Precautions in the operation of engines, such as starting, warm-up, idling, testing, and full-throttle operation.

(f) *Aircraft.* At least 20 classroom hours of instruction to include:

Aerodynamics and theory of flight.
Factors of aircraft design, construction, and riggin..
Aircraft operation placard: Necessity for limitations as to speed, load factors, rough air, gross load, and center of gravity limits; how to determine safe loadings, with C. G. limits.
Aircraft construction and materials used.
Repair and maintenance.
Airplane operations manual.
Logbooks and records.
Aircraft accessories.

The remaining 10 hours of the required 150 hours prescribed for the advanced ground school course to be utilized by the operator in accordance with the individual student's need.

§ 50.13-1 *Primary flying school-curriculums; airplanes; land and sea (CAA rules which apply to § 50.13 (a) (1))*—(a) *Airplanes; land.* The applicant shall provide a primary flight curriculum satisfactory to the Administrator. Such a curriculum must include not less than 35 hours of flying time and must be arranged so as to allow a minimum of 15 hours dual and 13 hours of solo flight time. Flying time devoted to student progress or stage checks will be credited as dual instruction for the purpose of meeting the requirements of primary flying school curriculums. Such flights may be conducted by the regularly assigned flight instructor, agency check pilot, or an Aviation Safety Agent. A

minimum of 8 hours dual instruction must be given prior to solo flight. A minimum of 4 hours dual and 8 hours solo cross-country experience must be provided. This must include at least one solo cross-country flight with two full stop landings, one of which must be at a point more than 100 airline miles from the base of operation. Each cross-country flight shall include a landing at a point more than 25 miles from the point of departure. The required dual instruction in cross-country flying must be given after the student's initial solo. During the course of the flight instruction, ground discussion must be given at the ratio of at least 15 minutes per hour of flight time and is to include familiarization with the aircraft, controls, instruments, fuel systems, accessories, parachutes, use of safety precautions, starting and stopping of engines, securing of aircraft, as well as all pertinent local air traffic rules and patterns. During the course, the student should do as many of the pre-flight and line inspections as possible prior to flight. Dual instruction prior to solo must include instruction in:

Orientation, including determination of wind direction.
Taxiing (into wind, cross-wind, downwind).
Straight and level flight.
Medium turns.
Climbs, glides, including turns.
Confidence maneuvers.
Coordination exercises (elementary eights, S-turns across ground reference lines, etc.)
Slow flight.
Stalls with and without power.
Take-offs.
Landings.
Slips.
Emergency procedures.

The above should be followed by additional dual and solo practice. Periodic checks should be given throughout the course. Dual instruction and solo practice must also be given on the following maneuvers:

Flight at various power settings in which straight and level flight and turns are accomplished without loss of altitude.
Precision turns of shallow, medium, and steep banks (emphasizing constant bank, speed and altitude).
Medium banked around-pylon figure eights.
720° power turns (banked attitude in excess of 45°).
Spirals.
Stalls with and without power from all normally anticipated flight attitudes.
Precision landings from 180° side approach (use of key position should be emphasized).
Power approaches to landings.
Cross-wind take-offs and landings.
Rectangular course (right and left).

(b) *Airplanes; sea.* Where flight instruction is given in a seaplane, the following must also be included in the curriculum:

(1) Pre-flight instruction:

Explanation of float action.
Retraction of water rudders.
Determination of wind direction.
Fundamentals of water handling.
Fundamentals of aviation seamanship.
Use of life preservers.
General care of seaplanes.

(2) Additional maneuvers to be included:

Semi-stall and full-stall landings.
Power approaches and power landings given under average water conditions and on glassy water.
Where practicable, landings and take-offs on various bodies of water such as a bay (tide action) and streams (currents).
Precision sailing (with and without power).
Precision docking, beach, and mooring.
Forced landings, executed to buoy markers.

(c) *Alternate curriculum; primary flying school.* An applicant for an approved airman agency primary flying school may utilize a curriculum different from those prescribed in this manual, provided prior approval is obtained from the Administrator.

Request for approval should be made to the local CAA Aviation Safety District Office. Two copies of the proposed curriculum should accompany request.

§ 50.13–2 *Primary flying school curriculum; helicopter (CAA rules which apply to § 50.13 (a) (3)—(a) Helicopters; 35 hours flying time.* A curriculum satisfactory to the Administrator must include not less than 35 hours of flying time. The course must be arranged to give each student a minimum of 15 hours dual and 13 hours of solo flight time. A minimum of 8 hours dual instruction must be given prior to solo flight and is to be included in the 15 hours of required dual.

It may be found necessary to modify or eliminate certain flight maneuvers because of the wide variation in flight characteristics that exist in helicopters of different manufacture. In general, however, any curriculum to be satisfactory to the Administrator must include the following:

(1) Familiarization, including control usage, starting, warm-up, run-up, and stopping of engine, limitation placards, engine and flight instruments, fuel and electrical system, servicing precautions, safety belts, and hazards to spectators; local airport rules and regulations.

(2) The dual instruction prior to solo shall include both theoretical and practical instruction in:

Taxiing (into wind, downwind and cross-wind).
Take-offs (upwind and cross-wind).
Landings (into the wind).
Hovering (into wind and cross-wind, downwind hovering should be demonstrated).
90° hovering turns.
Sideward and backward flight.
Rectangular course (hovering altitude constant heading).
Climbing and descending.
Minimum steep turns (not to exceed 30°).
Normal, 30° angle, approaches to landing.
Traffic pattern flying.
Elementary autorotative approaches.
Simulated emergency landings.

(3) The above should be followed by additional dual and solo practice. Periodic checks should be given throughout the course. Dual instruction and solo practice must also be given on the following maneuvers.

Hovering downwind.
Hovering turns, 90° through 360°.
Settling with power and recovery.
Accuracy landings: normal, slow-steep, fast-low, flare and no-flare type approaches.
Autorotative approaches: straight, 90°, 180°, and 360°.

Dual and solo cross-country. A minimum of 2 hours dual and 3 hours solo cross-country experience must be provided in the curriculum. This must include a solo cross-country flight with two intermediate full-stop landings, one leg of which must be at least 50 miles in length.

At least one hour of dual instruction shall be given at an altitude sufficiently high to demonstrate the misconceptions of attitude and movement which may occur when flying a helicopter at altitude by outside visual reference only.

Turns, medium steep bank (20° to 45°).
S-turns along ground reference line (varying speeds).

§ 50.13–3 *Primary flying school curriculum; glider (CAA rules which apply to § 50.13 (a) (4))—(a) Gliders; 8 hours flying time.* An applicant for a primary glider flying school rating must provide a flight curriculum satisfactory to the Administrator. This curriculum must include not less than 8 hours of total flight time. Any curriculum, to be satisfactory to the Administrator, must include the following:

A minimum of 3 hours of dual and check time.
A minimum of 5 hours of supervised solo flight time.
A minimum of 80 gliding flights.
Flight instruction shall include, but not be limited to, the following maneuvers:
Straight glides.
Confidence maneuvers.
Turns.
Coordination exercises.
Stalls.
Airplane tow technique.
Glidepath technique.
Use of spoilers.
Cross- and downwind technique.
Landings.

Additional dual instruction and solo practice should follow to obtain proficiency in all maneuvers. The apportionment of dual and solo time and the amount of instruction and practice in each maneuver should be adequate to enable the student to sufficiently demonstrate his proficiency in each, to a degree required of a private glider pilot.

§ 50.13–4 *Commercial flying school curriculums; airplanes; land and sea (CAA rules which apply to § 50.13 (b) (1))—(a) Airplanes; land.* An applicant for a commercial flying school rating must provide a flight instruction curriculum satisfactory to the Administrator. Such curriculum must consist of not less than 160 hours of flying time for the purpose of qualifying persons for commercial pilot certificates. Any curriculum to be satisfactory to the Administrator shall meet the following requirements:

(1) A minimum of 50 hours dual and check time. 8 hours of such instruction time must be given prior to first solo flight.

(2) A minimum of 105 hours of supervised solo must be given.

(3) A total of 10 hours of pilot-in-command, dual, or solo night flying must be given. Whenever practicable, at least 3 hours should be devoted to night cross-country flying. During this phase of training, at least 5 hours, including 10 take-offs and 10 landings, should be accomplished while solo, or while serving as pilot-in-command and the sole manipulator of the controls. Normally the practicability of conducting the cross-country portion of the night flying requirement will be established by the local CAA Aviation Safety District Office. In making this determination, consideration shall be given to such items as nature of terrain, navigation facilities, alternate landing areas, etc.

(4) A minimum of 25 hours of dual and solo cross-country flying must be given. During the course of instruction, at least one solo cross-country flight must be made to a point not less than 300 miles distant from the point of departure. During such flight, at least 3 full-stop landings at different points along the route are to be made. In the course of the student's training, his flight record must indicate one flight wherein all radio aids to air navigation that are available have been utilized, and must include the preparation and use of a predetermined flight plan.

(5) A minimum of 10 hours solo must be given in tandem seating aircraft.

(6) A minimum of 10 hours solo must be given in side-by-side seating aircraft.

(7) A minimum of 10 hours solo must be given in aircraft equipped with wing flaps, two-way radio, controllable propeller, and a manifold pressure gauge.

(8) The first 35 hours of instruction and solo practice must be identified with the Primary Flying School Curriculum. Students who have successfully completed such curriculum in a certificated flying school, or possess a private pilot certificate, may be given appropriate credit when applying for the commercial pilot flight course. The determination of credit for previous flight experience is left to the discretion of the airman agency, with the understanding that a graduate must have completed all course requirements.

(9) The flight curriculum must be arranged so as to give instruction and solo-flight practice on all maneuvers necessary to enable a student to demonstrate proficiency to a degree required of a commercial pilot. Such maneuvers, in addition to those taught and practiced in the primary course, are:

Use of airplane check list.
Eights on pylons (steep and shallow banked).
Lazy eights.
Chandelles.

(b) *Airplanes; sea.* Where flight instruction is given in a seaplane, the following must also be included in the curriculum:

(1) Pre-flight instruction:

Explanation of float action.
Retraction of water rudders.
Determination of wind direction.
Fundamentals of water handling.
Fundamentals of aviation seamanship.
Use of life preservers.
General care of seaplanes.

(2) Additional maneuvers to be included:

Semi-stall and full-stall landings.
Power approaches and power landings given under average water conditions and on glassy water.
Where practicable, landings and take-offs on various bodies of water such as a bay (tide action) and streams (currents).
Precision sailing (with and without power).
Precision docking, beaching, and mooring.
Forced landings, executed to buoy markers.

§ 50.13–5 *Commercial flying school curriculum; helicopter (CAA rules which apply to § 50.13 (b) (2)).* An applicant for a commercial flying school rating (helicopter) must provide a flight instruction curriculum satisfactory to the Administrator. Such curriculum must consist of not less than 160 hours of flying time for the purpose of qualifying persons for commercial pilot certificate.

It may be found necessary to modify or eliminate certain flight maneuvers because of the wide variation in flight characteristics that exist in helicopters of different manufacture. In general, however, any curriculum to be satisfactory to the Administrator must meet the following requirements:

(a) A minimum of 70 hours dual and check time. 8 hours of such instruction time must be given prior to first solo flight.

(b) A minimum of 90 hours of supervised solo must be given.

(c) A total of 10 hours of pilot-in-command, dual, or solo night flying must be given. During this phase of training at least 5 hours, including 10 take-offs and 10 landings, should be accomplished while solo, or while serving as pilot-in-command, and the solo manipulator of the controls.

(d) A minimum of 25 hours of dual and solo cross-country flying must be given. During the course of instruction, at least one solo cross-country flight must be made to a point not less than 150 miles distant from the point of departure. During such flight, at least 3 full-stop landings at different points along the route shall be made.

(e) The first 35 hours of instruction and solo practice must be identical with the helicopter private pilot flight curriculum. Students who have successfully completed such curriculum in a certificated flying school, or possess a private pilot certificate with helicopter rating, may be given appropriate credit when applying for the commercial pilot (helicopter) flight course.

(f) The flight curriculum must be arranged so as to give instruction and solo flight practice on all maneuvers necessary to enable the student to demonstrate commercial pilot proficiency in the maneuvers characteristic of the helicopter type on which his training was received. In addition to those maneuvers taught and practiced in the primary course or initial 35 hours of training, theoretical and practical instruction shall be provided in the following:

Running take-offs.
S-turns along ground reference line (varying speeds).
Pattern flying changing headings at hovering altitude.
Rapid decelerations (quick stops).

§ 50.13–6 *Commercial flying school curriculum; gliders (CAA rules which apply to § 50.13 (b) (3)).* An applicant for a commercial flying school rating (glider) must provide a flight instruction curriculum satisfactory to the Administrator. Such curriculum must consist of not less than 20 hours of flight and must meet the following requirements:

(a) A minimum of 8 hours of dual and check time: 3 hours of such instruction time must be given prior to first solo flight.

(b) A minimum of 12 hours of supervised solo must be given after solo.

(c) A minimum of 100 gliding flights or 5 hours of soaring flight time must be given.

(d) The first 8 hours of instruction and solo practice must be identical with the private glider curriculum.

(e) The following maneuvers must be included in addition to those taught and practiced in the private glider pilot course:

Emergency maneuvers such as recovery from stalls, entered from both level and steeply banked attitudes.
Spirals.
Cross-wind take-offs and landings.
Soaring techniques.
Lazy eights.
Accuracy landings.

§ 50.13–7 *Instrument flying school. (CAA rules which apply to § 50.13 (c)—(a) Ground school curriculum.* The applicant must provide an instrument ground school curriculum satisfactory to the Administrator. Such curriculum should include not less than 30 hours of classroom instruction on the subjects listed below:

(1) *Civil air regulations.* At least 2 classroom hours of instruction to include:

Part 1: Certification, Identification, and Marking on Aircraft and related products.
Part 20: Pilot Certificates.
Part 43: General Operation Rules.
Part 60: Air Traffic Rules, including air traffic control practices and procedures.

(2) *Meteorology.* At least 5 classroom hours of instruction, of which one should be practical weather observation and the identification of weather conditions, to include:

Those subjects listed for advanced ground school rating.
Detailed study of conditions found under instrument flying conditions, with emphasis on icing conditions.
Advanced meteorology: Weather maps, fronts, and analysis.

(3) *Aircraft and theory of flight.* At least 3 classroom hours of instruction to include:

Study of aircraft equipment: deicing equipment, static eliminators, effect of ice on propeller, and wing efficiency.
Power required under various load conditions, and change in stalling speeds therein.

(4) *Navigation.* At least 5 classroom hours of instruction to include:

Navigational problems under instrument conditions.
Use of computer.
Methods of obtaining fixes.
Correction of drift to regain position.

Alternate airport problems.
Airman's Guide, Flight Information Manual, Radio Facilities, and Instrument Approach Charts.
Radio orientation (at least 3 methods).

(5) *Instruments, radio and navigational aids.* At least 5 classroom hours of instruction to include:

Review of all instruments and errors that may be encountered under instrument conditions.
Study of radio aids to instrument flight.
Tuning radio, and use of volume control.
Description of various radio aids.
CAA communications facilities and flight assistance service, including search and rescue operations.

(6) *Instrument flight procedures.* At least 10 classroom hours of instruction, to be given in phase with or before actual flight training, to include:

Technique of instrument flight.
Beam and bracketing procedures.
Let-down procedures.
Air Traffic Control procedures.
Flight plans.

Each person giving, or employed to give, ground school instruction in an instrument flying school must be certificated as required by § 50.10 (c) or must possess a valid instrument rating.

(b) *Flight curriculum.* This curriculum must include not less than 30 hours of flight instruction, of which not more than 10 hours may be given in a flight simulator. That portion of the instruction which is conducted in a flight simulator must remain in phase with the flight instruction.

The curriculum, to be satisfactory to the Administrator, must include at least the following:

Climbs and climbing turns.
Level flight.
Timed turns.
Steep turns (over 45°).
Stalls, and approaches to stalls.
Recovery from abnormal attitudes.
Slow flight and controlled descent.
Radio range orientation, including at least three methods.
Beam bracketing.
Station identification.
Airport and Airway Traffic Control holding and emergency procedures.
Final approach.
Missed approach.
Practical speed, wind, drift problems.

The CAA wishes to encourage the use of VHF range systems. VHF facilities may be used in training and in accomplishing as much of the present flight test as is practicable; however, until the low frequency range system becomes obsolete and is supplanted by the new systems, orientation and the execution of a standard instrument approach, utilizing the low frequency system will be required. This portion may be accomplished in a simulator, provided a low approach is successfully made during the flight test utilizing VHF facilities.

§ 50.13–8 *Flight instructor school (CAA rules which apply to § 50.13 (d)).*—(a) *Ground school curriculum.* An applicant for a flight instructor flying school rating must provide a ground school curriculum satisfactory to the Administrator. Such curriculum must include not less than 40 hours instruction on "Analysis and Performance of Maneuvers" and "Psychology, Technique and Methods of Flight Instruction." A curriculum satisfactory to the Administrator shall include, but not be limited to:

(1) Steps in teaching students how to fly:

Preparation—knowledge of what to say and how to say it.
Definition of what is to be taught in a specific lesson. (Statement of Aims.)
Explanation of maneuvers. (Presentation.)
Demonstration of maneuvers.
Student's practice.
Determination of student's progress and review of weak points.

(2) Common errors in instruction:

Lack of planned instruction.
Variations in terminology used in flight instruction.
Giving instruction in flight which could better be given on ground.
Failure to stress important or key points.
Poor speech habits, e. g., failure of instructor to speak clearly, etc.
Bad personal habits—impatience, lack of promptness, etc.
Failure to overcome prejudices with respect to other people's "peculiarities."
Emphasizing pet "hobbies" or "peeves."

(3) How students learn:

Importance of directed practice as compared with mere repetition.
Effect of old habits on learning how to fly. (Habit interference.)
Difficulties in trying to learn too much, too fast.
Value of training aids, e. g., charts, models, films, etc.

(4) Adapting training to individual students:

Slow versus fast learners.
Under-confident versus over-confident students.
The "problem child."
Preparatory planning of each student's lessons in order to deal with his individual problems.

(5) Keeping student interested:

Judicious use of praise and blame.
Informing student of his progress.
Importance of instructor appreciating student's problems.

(6) Keeping student fit:

Minimizing student fatigue.
Dealing with questions regarding health in relation to flying, e. g., ear trouble, the common cold, air sickness, etc.
Dealing with problem of "muscular tension."
Maintaining emotional stability.

(7) Finding out how student is progressing:

Reasons for standardization of check flights.
Subjective observation:
CAA rating procedures and other rating scales.
Training in use of above.
Objective evaluation:
Flight inventory.
Graphic methods.
Use of above techniques.
Difficulties in observing student's performance:
Errors of observation.
Elimination of errors.

(8) Checking up on your ability as an instructor.

Need for periodic check-up.
The teaching "Self-Audit."

(9) Summary of points to remember in flight instruction.

Plan instruction, on ground and in air, to meet student's problems.
Give all instruction possible on ground so that student has a clear idea of what is expected of him before start of flight lesson.
Keep instruction in air simple, clear, and concise.
Keep student interested and try to understand his problems.
Give student ample opportunity to review maneuvers already learned.
Direct student's solo practice along lines in which he is most inadequate.
Emphasize importance of judgment and necessity to "plan ahead."

(10) Civil air regulations.
(11) Analysis and performance of maneuvers.
(12) Final examination.

Each student will "instruct" the class on topics assigned in advance. Student's method of presentation will be criticized in light of principles of flight instruction discussed in course.
Analysis and performance of maneuvers.

(b) *Flight curriculum.* An applicant for flight instructor flying school rating must provide a flight instruction curriculum satisfactory to the Administrator. Such curriculum must consist of not less than 25 hours flying time for the purpose of qualifying persons for the flight instructor rating. A curriculum satisfactory to the Administrator must include the following:

(1) A minimum of 10 hours dual and solo practice in the performance of all elementary, intermediate, and advanced maneuvers, to enable the student to demonstrate these with smoothness and precision and to assist him to develop an easy, confident manner when flying.

(2) A minimum of 15 hours in the practice of giving flight instruction in all elementary, intermediate, and advanced maneuvers, where the instructor will ride as trainee, simulating the usual errors of the novice pilot, and the student acts as instructor. The purpose is to develop proficiency in the analysis of maneuvers and to evolve a technique of imparting this knowledge under actual flight conditions. The curriculum shall include, but not be limited to, the following:

(i) Elementary maneuvers.

Straight and level flight.
Medium turns.
Confidence maneuvers.
Taxiing.
Normal climbs.
Medium climbing turns.
Normal glides.
Medium gliding turns.
Steep turns.
Stalls and slow flight maneuvers without power.
Stalls and slow flight maneuvers with power.
Spins.
S-turns along ground reference lines.
Medium and steep eights up and down a road.
The square or rectangular course.
Take-offs.
Landings.
Forced landings.

(ii) Intermediate maneuvers.

Eights across a road.
Eights "around" pylons.
Eights "on" pylons.

Gentle turns.
Precision turns.
Steep climbing turns.
Steep gliding turns.
Tight spirals.
90° approach for a landing.
180° side approach for a landing.
360° approach for a landing (simulated).
Spirals for a landing (simulated).
Slips (forward and side).
Controlled slipping turns.
Cross-wind take-offs.
Cross-wind landings.
Downwind landings (moderate winds).
Power approaches and wheel landings.
Dragging areas.
Accidental and cross-control spins (climbing and level flight turns).

(iii) Advanced maneuvers.

Lazy eights.
Chandelles.
Precision spins (1½, 2, and 3 turns).

(3) A minimum of 15-minute discussion periods must be provided before and after each flight.

(4) Where seaplanes are used the following should be included:

(i) Additional maneuvers.

Semi-stall and full-stall landings.
Power approaches and power landings given under average water conditions and on glassy water.
Where practicable, landings and take-offs on various bodies of water such as a bay (tide action) and streams (current).
Precision sailing (with and without power).
Precision docking, beaching, and mooring.
Forced landings executed to buoy markers.

(5) Where helicopters are used, it may be found necessary to modify or eliminate certain flight maneuvers because of the wide variation in flight characteristics that exist in helicopters of different manufacture. This is permissible within the placarded limitations of the aircraft flight manual. In general, the curriculum shall include the following:

(i) Elementary maneuvers.

Taxiing (into wind, downwind, and cross-wind).
Take-offs (upwind and cross-wind).
Landings (into the wind).
Hovering (into wind and cross-wind).
90° hovering turns.
Sideward and backward flight.
Rectangular course (hovering altitude constant heading).
Climbing and descending.
Minimum banked turns (not to exceed 30°).
Normal, 30° angle, approaches to landing.
Traffic pattern flying.
Elementary autorotative approaches.
Simulated emergency landings.

(ii) Intermediate maneuvers.

360° hovering turns.
Accuracy landings: normal, slow-steep, fast-low, flare and no-flare type approaches.
Autorotative approaches: straight, 90°, 180°, and 360°.
S-turns along ground reference line (varying speeds).
Medium steep banked turns (30° to 45°).
Rapid decelerations (quick stops).
Pattern flying changing headings at hovering altitude.
Cross-wind take-offs and landings.

(iii) Advanced maneuvers.

Running take-offs and landings.
Accuracy landings from autorotative glides: 90°, 180°, and 360°.
Vertical autorotation.
Settling with power and recovery.
Altitude flying: this to be accomplished sufficiently high above terrain to realize the deceptions which may occur when flying a helicopter at altitude by outside visual reference only.
Downwind hovering.

§ 50.20–1 *Application (CAA rules which apply to § 50.20).* The application shall be submitted on Form ACA–387, Application for Airman Agency Certificate and Rating, and Inspection Report. This form may be obtained from the nearest CAA Aviation Safety District Office. The local Aviation Safety Agent will furnish full information as to the execution of this application and will arrange appointments for the inspection of the facilities, equipment, etc. It is suggested that prior to the execution of the application the applicant discuss the rating sought with the Aviation Safety Agent involved.

Unless requested by the local Aviation Safety Agent, it will not be necessary to submit the proposed curriculums in duplicate.

§ 50.29–1 *Graduation certificates (CAA rules which apply to § 50.29).* A graduation certificate shall be issued on Form ACA–391. It may be obtained from the local Aviation Safety Agent and, in addition to other pertinent data, shall reflect the grades obtained by the individual student on the written or practical examination conducted by the school.

[SEAL] J. S. MARRIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–4305; Filed, Apr. 11, 1951; 8:45 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Abatex Dress Manufacturing Co., Chesterton, Ind., effective 4–1–51 to 3–31–52; for normal labor turnover, five learners (plastic aprons and raincoats).

Abbottstown Garment Co., Box 48, Abbottstown, Pa., effective 4–1–51 to 3–31–52; for normal labor turnover, five learners (men's and boys' sport jackets).

Abetta Sportswear, Inc., Page Hill, New Bedford, Mass., effective 4–2–51 to 4–1–52; for normal labor turnover, 10 percent of productive factory workers (women's dresses).

Alabama Textile Products Co., River Falls Street, Andalusia, Ala., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (dress shirts and work pants) (replacement certificate).

Alabama Textile Products Corp., Panama City, Fla., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (dress shirts).

J. M. Bernstein & Co., Inc., Sixth and Oxford Streets, Pocomoke City, Md., effective 4–4–51 to 4–3–52; for normal labor turnover, 10 learners (sport shirts).

J. M. Bernstein & Co., Inc., Sixth and Oxford Streets, Pocomoke City, Md., effective 4–4–51 to 10–3–51; 40 learners for expansion purposes (sport shirts).

Blue Bell, Inc., 301 North Main Street, Abingdon, Ill., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (bib overalls).

Blue Bell, Inc., West Lee and Fuller Streets, Greensboro, N. C., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (overalls and coveralls).

Blue Bell, Inc., 626 South Elm Street, Greensboro, N. C., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (boys' dungarees, boxer shorts and longs; kiddies' dungarees and bib overalls).

Blue Bell, Inc., Lenoir, N. C., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (dungarees).

Boonville Manufacturing Corp., Boonville, Ind., effective 4–3–51 to 10–15–51; for normal labor turnover, 10 percent of total number of productive factory workers engaged in manufacture of men's woven pajamas (men's and boys' pajamas) (replacement certificate).

Brewster Shirt Manufacturing Co., P. O. Box 778, Ocala, Fla., effective 4–1–51 to 3–31–52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's sport shirts).

California Manufacturing Co., California, Mo., effective 3–31–51 to 3–30–52; 10 percent normal labor turnover (jackets).

Carbondale Products Co., Inc., 21 Dundaff Street, Carbondale, Pa., effective 4–3–51 to 4–2–52; for normal labor turnover, five learners (ladies' rayon underwear).

Cleardale Sportswear Co., Inc., Coalport, Pa., effective 4–3–51 to 4–2–52; 10 percent normal labor turnover (sport shirts).

Commerce Manufacturing Co., 345 East Commerce Street, San Antonio, Tex., effective 4–2–51 to 10–1–51; 40 learners for expansion purposes (boys' shirts, overalls, and slacks).

D & D Sewing Co., Delta (York County), Pa., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (children's cotton outerwear).

D & R Sportswear Co., Main Street, Roseto, Pa., effective 3–27–51 to 3–26–52; five learners for normal labor turnover (blouses).

Dalomar Dress Co., 41 Polk Street, Riverside, N. J., effective 4–1–51 to 3–31–52; 10 learners for normal labor turnover (dresses).

East Jewett Dress Co., East Jewett, N. Y., effective 4–1–51 to 3–31–52; five learners for normal labor turnover (dresses).

Edgefield Shirt Co., Inc., Swainsboro, Ga., effective 4–1–51 to 3–31–52; five learners for normal labor turnover (shirts).

Elder Manufacturing Co., McLeansboro, Ill., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (men's and boys' dress shirts).

Empire Manufacturing Corp., Statesville, N. C., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (hunting clothing).

Florida Maid Sportswear, Inc., 114–118 Canal Street, New Smyrna Beach, Fla., effective 3–30–51 to 3–29–52; five learners for normal labor turnover (ladies' play clothes).

N. L. Friedlen & Co., 278 West Thirteenth Street, Holland, Mich., effective 4–4–51 to 4–3–52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (jackets).

The Fuller Shirt Co., Inc., Kingston, N. Y., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (dress shirts, collars, sleeping wear).

Carver Manufacturing Corp., 1213 South Thirteenth Street, Wilmington, N. C., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (sport shirts).

Copher Manufacturing Co., Buffalo, Minn., effective 4–2–51 to 4–1–52; 10 learners for normal labor turnover (dungarees and jeans).

Gopher Manufacturing Co., Buffalo, Minn., effective 4–2–51 to 10–1–51; 15 learners for expansion purposes (dungarees and jeans).

Hardwick Woolen Mills, Inc., Cleveland, Tenn., effective 3–30–51 to 3–29–52; 10 percent normal labor turnover (single pants).

The Hercules Trouser Co., Wellston, Ohio, effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (men's and boys' single pants).

Hickory Overall Co., 902–4 Federal Street, Hickory, N. C., effective 4–1–51 to 3–31–52; 10 learners for normal labor turnover (overalls, pants, and work shirts).

I. B. S. Manufacturing Co., Second and Clark Streets, New Albany, Miss., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (men's and boys' cotton work shirts).

The Jay Garment Co., Brookville, Ind., effective 4–1–51 to 3–31–52; 10 learners for normal labor turnover (children's cotton overalls).

The Jay Garment Co., South Meridian, Portland, Ind., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (men's cotton work clothing, children's overalls).

Kaplan and Koral, 587 Main Street, Edwardsville, Pa., effective 4–4–51 to 4–3–52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (women's dresses).

Katz Underwear Co., Honesdale, Pa., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (women's and children's nightwear).

Julius Kayser & Co., Susquehanna, Pa., effective 4–1–51 to 3–31–52; 10 learners for normal labor turnover (ladies' slips and petticoats).

Kings Dresses, 519 Broadway, Kingston (Ulster County), N. Y., effective 4–2–51 to 4–1–52; 10 percent normal labor turnover (housecoats, lounging pajamas, and dresses).

J. S. Lamy Manufacturing Co., Pacific and Osage Streets, Sedalia, Mo., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (pants, overalls, coveralls, etc.).

Lee Champion Garment Co., Inc., 900 Lagarde Avenue, Anniston, Ala., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (men's and boys' dress trousers).

Lillian Dress Co., 109 Chestnut Street, Dunmore, Pa., effective 4–4–51 to 4–3–52; six learners for normal labor turnover (women's and misses dresses).

Linwood Mills, Inc., LaFayette, Ga., effective 4–1–51 to 3–31–52; five learners for normal labor turnover (shirts and pants).

Kay Lynn, Inc., 64 North Sixth Street, Hudson, N. Y., effective 4–3–51 to 4–2–52; 10 percent normal turnover (ladies' and misses' dresses and blouses).

M & C Sportswear Co., 613 Main Street, Rockland, Maine, effective 4–1–51 to 3–31–52; five learners for normal labor turnover (pants, overalls, coveralls, and work pants).

Manell Sportswear Co., Inc., Paola, Kans., effective 4–6–51 to 4–5–52; 10 learners for normal labor turnover (cotton and rayon skirts and sport jackets).

Maybelle Sportswear Manufacturing Co., 310½ West Weatherford Street, Fort Worth, Tex., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (ladies' and misses' dresses).

Mode Manufacturing Corp., Wind Gap, Pa., effective 4–1–51 to 3–31–52; six learners for normal labor turnover (ladies' blouses).

Mode O'Day Corp., Plant No. 3, 39 Federal Avenue, Logan, Utah, effective 4–1–51 to 3–31–52; 10 learners for normal labor turnover women's cotton house dresses).

B. F. Moore & Co., Newport, Vt., effective 4–2–51 to 4–1–52; five learners for normal labor turnover (work and sport clothing).

New England Pants Co., Inc., 131 Ash Street, Willimantic, Conn., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (men's and boys' trousers).

Perfect Maid Apparel Co., 372 North Main Street, Taylor, Pa., effective 3–28–51 to 3–27–52; five learners for normal labor turnover (children's dresses).

Phillips-Jones Factory, Sixth and Ruddle Streets, Coaldale, Pa., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (men's sport shirts).

Phillips-Jones Factory, Kane, Pa., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (dress shirts).

Phillips-Jones Factory, Sunbury Street, Minersville, Pa., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (men's sport shirts).

Phillips-Jones Factory, Muir, Pa., effective 4–1–51 to 3–31–52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's sport and dress shirts).

Pioneer Manufacturing Co., Inc., 83 Waller Street, Wilkes-Barre, Pa., effective 4–4–51 to 4–3–52; 10 percent normal labor turnover (children's dresses and sunsuits).

Pioneer Manufacturing Co., Inc., 83 Waller Street, Wilkes-Barre, Pa., effective 4–4–51 to 10–3–51; 61 learners for expansion purposes (children's dresses and sunsuits).

Plastex Protective Products, Inc., 145–151 Catty Avenue, Clifton, N. J., effective 4–1–51 to 3–31–52; five learners for normal labor turnover (plastic raincoats).

Puritan Knitting Mills, 813 Twenty-fifth Street, Altoona, Pa., effective 4–2–51 to 10–1–51; 50 additional learners (supplemental certificate) (sport jackets).

Siceloff Manufacturing Co., Inc., East Second Street, Lexington, N. C., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (overalls, dungarees, and work pants).

The Solomon Co., Inc., Leeds, Ala., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (dress and sport trousers; junior dress jackets).

South Pine Nightwear Co., Inc., York, Pa., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (men's pajamas and night shirts).

Southland Manufacturing Co., Inc., 1700 South Third Street, Wilmington, N. C., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (dress and sport shirts).

Spotlight Co., Inc., 812 Hamilton Street, Allentown, Pa., effective 4–4–51 to 4–3–52; five learners for normal labor turnover ladies' slips).

Star Sportswear Manufacturing Co., 373 Broad Street, Lynn, Mass., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (men's and boys' leather and cloth jackets).

Stylecraft Frocks, Inc., 1427 Vine Street, Philadelphia, Pa., effective 4–1–51 to 3–31–52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (ladies' and misses' dresses).

I. Taitel & Son, Drew, Miss., effective 4–6–51 to 10–5–51; 53 learners for expansion purposes (jackets).

I. Taitel & Son, Drew, Miss., effective 4–6–51 to 4–5–52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (jackets).

Texas Infants Dress Co., 410 South Main Avenue, San Antonio, Tex., effective 4–5–51 to 4–2–52; eight learners for normal labor turnover (infants' and children's apparel).

Troy Textiles, Inc., Troy, Ala., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (sport shirts).

Wentworth Manufacturing Co., Lake City, S. C., effective 4–16–51 to 10–15–51; 75 learners for expansion purposes (house dresses).

Woltz Textile Products, Inc., Old Lowe Road, Mount Airy, N. C., effective 4–1–51 to 3–31–52; 10 percent normal labor turnover (corsets and allied garments).

Wood Garment Manufacturing Co., Inc., Republic, Mo., effective 4–2–51 to 4–1–52; 10 percent normal labor turnover (men's dress trousers).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended January 25, 1950; 15 F. R. 400).

Pennstate Cigar Corp., Philadelphia, Pa., effective 4–2–51 to 10–1–51; 40 learners for expansion purposes only in the occupation of cigar machine operating; 320 hours; 60 cents per hour for first 160 hours, and 65 cents per hour for remaining 160 hours.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Good Luck Glove Co., Carbondale, Ill., effective 4–1–51 to 10–1–51; 10 learners for expansion purposes.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Berkshire Knitting Mills, Andrews, N. C., effective 3–27–51 to 11–26–51; 50 learners for expansion purposes.

Hatfield Hosiery Co., Hatboro, Pa., effective 3–29–51 to 3–28–52; three learners for normal labor turnover.

Stanly Knitting Mills, Inc., Oakboro, N. C., effective 4–5–51 to 4–4–52; five learners for normal labor turnover.

Stanly Knitting Mills, Inc., Oakboro, N. C., effective 4–5–51 to 12–4–51; five additional learners for expansion purposes.

Union Dye & Finishing Works, Inc., Union, S. C., effective 3–23–51 to 3–27–52; five learners for normal labor turnover.

Vanity Hosiery Mills, Race and Pepper Streets, Georgetown, Del., effective 4–7–51 to 4–6–52; four learners for normal labor turnover.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

The Atlas Underwear Co., Piqua, Ohio, effective 4–2–51 to 4–1–52; 5 percent normal labor turnover.

Booneville Manufacturing Corp., Booneville, Ind., effective 4–3–51 to 10–2–51; 20 learners for expansion purposes, to be employed in manufacture of men's woven shorts and union suits only.

E-Z Mills, Inc., Cartersville, Ga., effective 4–2–51 to 4–1–52; 5 percent normal labor turnover.

Gloray Knitting Mills, Inc., Robesonia, Pa., effective 4–1–51 to 3–31–52; 5 percent normal labor turnover.

Greenway Manufacturing Co., Waynesburg, Pa., effective 4–1–51 to 3–31–52; five learners for normal labor turnover.

Walter W. Moyer Co., Ephrata, Pa., effective 4–4–51 to 4–3–52; 5 percent normal labor turnover.

Nazarath Mills, Inc., Nazareth, Pa., effective 4–1–51 to 9–30–51; 35 learners for expansion purposes only.

Southern Silk Mills, Spring City, Tenn., effective 4–7–51 to 10–6–51; five learners for expansion purposes only.

Southern Silk Mills, Spring City, Tenn., effective 4–7–51 to 4–6–52; 5 percent normal labor turnover.

Taylor Manufacturing Co., West Main Street, Campbellsville, Ky., effective 4–4–51 to 4–3–52; five learners for normal labor turnover.

Taylor Manufacturing Co., Court Street, Campbellsville, Ky., effective 4–4–51 to 4–3–52; 5 percent normal labor turnover.

Van Raalte Co., Inc., Pleasant Street, Randolph, Vt., effective 4–1–51 to 9–30–51; 20 learners for expansion purposes only.

School-operated industries. The following special learner certificate was issued to the school-operated industry listed below:

Enterprise Academy, Enterprise, Kans., effective 3–6–51 to 3–5–52; two learners. Industry, printshop; occupations, skilled and semiskilled operations only; 360 hours; 50 cents per hour.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Wm. E. Asplin Basket Co., 3776 West One Hundred Fiftieth Street, Cleveland, Ohio, effective 5–1–51 to 10–31–51; five learners for normal labor turnover; braider, banding, basket making and handle making machine operators; 160 hours; 60 cents per hour (vegetable baskets).

Wm. E. Asplin Basket Co., Garrettsville, Ohio, effective 3–28–51 to 9–27–51; five learners for normal labor turnover; braider, banding, basket making and handle making machine operators; 160 hours; 60 cents per hour (fruit and vegetable baskets).

Carroll Manufacturing Co., Westminster, Md., effective 4–1–51 to 3–31–52; 7 percent normal labor turnover; machine operating (except cutting), pressing, and hand-sewing, each 480 hours; not less than 60 cents per hour for first 240 hours, and at least 65 cents per hour for remaining 240 hours (men's and boys' clothing).

Carolyn Chenilles, Inc., Sweetwater, Tenn., effective 4–2–51 to 10–1–51; 30 learners for normal labor turnover; chenille machine operator; 320 hours; not less than 55 cents per hour for first 160 hours, and not less than 65 cents per hour for remaining 160 hours (tufted chenille bedspreads).

Fulton Manufacturing Co., McConnellsburg, Pa., effective 3–28–51 to 3–27–52; 7 percent normal labor turnover, machine operating (except cutting), pressers, and handsewers, each 480 hours; not less than 60 cents per hour for first 240 hours, and at least 65 cents per hour for remaining 240 hours (men's coats).

G. & H. Manufacturing Co., Fredericksburg, Va., effective 4–1–51 to 3–31–52; 7 percent of productive factory force for normal labor turnover in the manufacture of men's clothing only; machine operating (except cutting), pressers, and handsewers, each 480 hours; not less than 60 cents per hour for first 240 hours, and at least 65 cents per hour for remaining 240 hours (men's and boys' clothing).

I. Pincus & Son, Philadelphia, Pa., effective 3–28–51 to 3–27–52; 7 percent normal labor turnover; machine operating (except cutting), pressers, and handsewers, each 480 hours; not less than 60 cents per hour for first 240 hours, and at least 65 cents per hour for remaining 240 hours (men's coats).

Lion Manufacturing Co., Everett, Pa., effective 4–1–51 to 3–31–52; 7 percent normal labor turnover; machine operating (except cutting), pressing, and hand sewing, each 480 hours; not less than 60 cents per hour for first 240 hours, and at least 65 cents per hour for remaining 240 hours (men's and boys' clothing).

Mount Union Manufacturing Co., Mount Union, Pa., effective 4–1–51 to 3–31–52; 7 percent normal labor turnover; machine operating (except cutting), pressers, and hand sewers, each 480 hours; not less than 60 cents per hour for first 240 hours, and at least 65 cents per hour for remaining 240 hours (men's and boys' clothing).

Schwob Manufacturing Co., Chipley, Ga., effective 4–1–51 to 3–31–52; seven learners for normal labor turnover; machine operating (except cutting), pressers, hand sewers, each 480 hours; not less than 60 cents per hour for first 240 hours, and at least 65 cents per hour for remaining 240 hours (suit pants and odd pants).

Schwob Manufacturing Co., Columbus, Ga., effective 4–1–51 to 3–31–52; seven percent normal labor turnover; machine operating (except cutting), pressers, and hand sewers, each 480 hours; not less than 60 cents per hour for the first 240 hours, and at least 65 cents per hour for remaining 240 hours (men's and boys' clothing).

Stewartstown Manufacturing Co., Stewartstown, Pa., effective 4–1–51 to 3–31–52; 7 percent normal labor turnover; machine operating (except cutting), pressers, and hand sewers, each 480 hours; not less than 60 cents per hour for first 240 hours, and at least 65 cents per hour for remaining 240 hours (men's and boys' clothing).

United Cotton Goods Co., Inc., Seguin, Tex., effective 3–22–51 to 3–21–52; three learners for normal labor turnover; sewing machine operators, and hand sewers, each 480 hours; not less than 60 cents per hour for first 320 hours, and at least 65 cents per hour for the remaining 160 hours (miscellaneous cotton service goods, i. e., towels for linen supply trade, etc.).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificate. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 5th day of April 1951.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 51-4306; Filed, Apr. 11, 1951; 8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

[Gen. Order 7]

APPOINTMENT OF TEMPORARY EMERGENCY RAILROAD WAGE PANEL

By virtue of the authority vested in me as Economic Stabilization Administrator by Executive Order No. 10161 of September 9, 1950 (15 F. R. 6105), and in order to expedite the disposition of an urgent railroad wage matter now pending, and for other purposes, it is hereby determined and ordered:

SECTION 1. *Appointment of Temporary Emergency Railroad Wage Panel.* (a) A Temporary Emergency Railroad Wage Panel is hereby established.

(b) The Panel shall consist of three members appointed by the Administrator, one of whom shall be designated by the Administrator as Chairman.

(c) No member appointed shall be pecuniarily or otherwise interested in any carrier or in any organization representing employees of any carrier.

(d) The Administrator shall make provisions for appropriate compensation and expenses for the members of the Panel.

SEC. 2. *Functions of the Board.* (a) The Panel is directed and authorized to conduct hearings and otherwise investigate the circumstances and merits of the request for approval of increases in wages of certain non-operating railroad employees, filed by the Eastern Carriers' Conference Committee, the Western Carriers' Conference Committee, and the Southeastern Carriers' Conference Committee with the Administrator under date of March 27, 1951.

(b) The Panel is further directed and authorized to make findings of fact, and to report its findings and recommendations to the Administrator.

(c) The Panel may conduct hearings and investigations and make findings of fact and recommendations with respect to such other matters involving wages of employees subject to the Railway Labor Act as the Administrator may request.

(d) In making its findings and recommendations, the Panel shall give due consideration to the over-all national economic stabilization program, including wage stabilization regulations.

SEC. 3. *Railway Labor Act.* No provision hereof shall be deemed to interfere or conflict with the Railway Labor Act or any agency created thereby or thereunder.

SEC. 4. *Definitions.* (a) "Employees" means "employees" as defined in sec. 1 of the Railway Labor Act of "carriers" as defined in said act (45 U. S. C. 151).

(b) "Administrator" means the Economic Stabilization Administrator.

(c) "Panel" means the Temporary Emergency Railroad Wage Panel.

SEC. 5. *Tenure.* The members of the Panel shall serve until the Panel is dissolved or successors are appointed by the Administrator.

SEC. 6. *Executive Officer.* The Administrator shall appoint an Executive Officer, who shall serve as administrative aide to the Panel and shall otherwise assist the Panel in its functions.

SEC. 7. *Effective date.* This general order shall become effective at 6:35 p. m., Monday, April 9, 1951.

General Order No. 3 of January 24, 1951 (16 F. R. 739), is hereby superseded to the extent that it is inconsistent herewith.

Issued: April 9, 1951.

ERIC JOHNSTON,
Economic Stabilization Administrator.

[F. R. Doc. 51-4363; Filed, Apr. 10, 1951; 1:17 p. m.]

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 1]

NORTH STAR WOOLEN MILL CO., CEILING PRICES AT RETAIL

STATEMENT OF CONSIDERATIONS

Correction

In F. R. Document 51-4117, appearing in the issue for Thursday, April 5, 1951, on page 2989, the figure "19.95" in the list of prices for all wool blankets under the column "Ceiling price at retail" should read "19.45".

DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. 709]

ALASKA HERRING PACKERS ASSN. ET AL. AND ALASKA STEAMSHIP COMPANY

NOTICE OF HEARING

This case involves increased rates of respondent on fish meal, in sacks, and fish oil from Southeastern and Southwestern Alaskan ports to Seattle, Washington. In a petition filed on behalf of Alaska Herring Packers Association and members thereof, it was alleged that such rates were in violation of the Shipping Act, 1916, and request was made that they be suspended. The Board, on April 3, 1951, ordered that the rates be not suspended; that the complaint presented by the petition be set for hearing; that respondent deposit in a separate account all money representing increased revenue accruing subsequent to April 5, 1951; that respondent, upon entry of the Board's final order in the complaint proceeding repay to shippers, out of the aforementioned account, the sums, if any, to which they may be entitled; that all sums in the account other than sums which the Board may order repaid to shippers shall, upon entry of and compliance with the order, become unconditionally the property of respondent, and that respondent shall be relieved of further obligation to maintain said account or to make further deposits therein.

The hearing will be held beginning at 10 o'clock a. m., May 7, 1951, in Seattle, Washington, before Examiner F. J. Horan.

Notice of the place of hearing will be issued later.

All persons desiring to intervene in this proceeding are requested to notify the Board accordingly on or before April 23, 1951, and should file intervening petitions in accordance with the rules of procedure.

Dated: April 3, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-4323; Filed, Apr. 11, 1951; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1646]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

NOTICE OF APPLICATION

APRIL 9, 1951.

In the matter of Texas Eastern Transmission Corporation, The East Ohio Gas Company, New York State Natural Gas Corporation; Docket No. G-1646.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation, address, Shreveport, Louisiana, The East Ohio Gas Company (East Ohio), an Ohio corporation, address, Cleveland, Ohio, and New York State Natural Gas Corporation (New York State Natural), a New York corporation, address, Pittsburgh, Pennsylvania (hereinafter sometimes referred to as Applicants) filed on March 30, 1951, a joint application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing, for a limited period, the emergency delivery, exchange and transportation, through the existing pipelines of East Ohio and New York State Natural, of base storage gas for the Oakford Storage Pool, Westmoreland County, Pennsylvania, pending the completion by Texas Eastern of its lateral pipeline to such storage pool.

Applicants state that Texas Eastern now has natural gas available for injection into the Oakford Storage Pool during the storage months of April through October 1951, but due to delay in receipt of materials, the lateral pipeline required for such deliveries into storage has not been completed. Applicants propose to utilize the pipelines of East Ohio and New York State Natural which are not utilized to capacity during the input storage months to deliver Texas Eastern's storage gas to the storage area. This is proposed to be accomplished by the delivery of gas by Texas Eastern to East Ohio at the existing Mullett Farm connection in Ohio and the successive exchange and transportation of like quantities of gas by East Ohio and New York State Natural for the account of Texas Eastern for ultimate delivery into the Oakford Storage Pool as Texas Eastern's share of the base storage gas for the injection period, as heretofore authorized by the Commission in Docket No. G-1391. Applicants have entered into an agreement dated March 30, 1951, to effect the proposed temporary operating arrangement, and they estimate that quantities up to approximately 30,000 Mcf per day of natural gas will be handled in accordance therewith. The agreement provides for termination upon the completion of Texas Eastern's lateral to the Oakford Storage Pool or on November 1, 1951, whichever first occurs.

Applicants propose to perform the operations without undertaking any additional service and they state that such operations can be performed with the use of existing facilities and without incurring additional operating costs.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 27th day of April 1951. The joint application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4321; Filed, Apr. 11, 1951; 8:49 a. m.]

[Docket No. G-1648]

CENTRAL KENTUCKY NATURAL GAS CO.

NOTICE OF APPLICATION

APRIL 9, 1951.

Take notice that Central Kentucky Natural Gas Company (Applicant), a Kentucky corporation, address, Charleston, West Virginia, filed on April 2, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of approximately 12.8 miles of 20-inch loop pipeline paralleling Applicant's existing 14-inch line extending northwestward from North Means, Kentucky.

Applicant proposes, by means of the proposed facilities, to increase the estimated capacity of its existing facilities from 247,000 Mcf per day of natural gas to 299,000 Mcf per day. This increase of 52,000 Mcf per day of natural gas is proposed to be used to make deliveries to Applicant's customers in the Cincinnati, Ohio, area to meet their estimated peak day requirements during the winter of 1951-52.

The estimated cost of the proposed facilities is $780,000 and Applicant proposes to finance the cost of construction by the issuance and sale of securities to its parent company, The Columbia Gas System, Inc.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 27th day of April 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4322; Filed, Apr. 11, 1951; 8:49 a. m.]

[Docket No. G-1653]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF APPLICATION

APRIL 6, 1951.

Take notice that Mississippi River Fuel Corporation (Applicant), a Delaware corporation, of 407 North Eighth Street, St. Louis, Missouri, filed on April 4, 1951, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas transmission pipeline facilities hereinafter described.

The principal facilities proposed to be constructed and operated by Applicant are:

(a) A natural gas transmission pipeline approximately 98 miles in length, beginning in Lincoln Parish, Louisiana, at the southwestern terminus of Applicant's existing Perryville-California Company pipeline authorized in Docket Nos. G-1281 and G-1490, and extending westwardly to the Woodlawn Gas Field in Harrison County, Texas, the said pipeline to consist of approximately 5 miles of 18-inch and 93 miles of 16-inch diameter pipe, and 1.1 miles of 12-inch diameter pipe in two lines across the Red River.

(b) Approximately 11 miles of 10-inch diameter natural gas transmission pipeline beginning at a point on the proposed line to the Woodlawn Field approximately 14 miles east of the Woodlawn Field line terminus, and extending southwardly to the Waskom Field in Harrison County, Texas.

(c) Approximately 200 horsepower compressor facilities to be installed on the Perryville-California Company pipeline at the California Company gasoline plant.

The estimated cost of the facilities proposed to be constructed is $5,135,070 exclusive of gathering lines to be installed initially, which are estimated in the application at $489,147. Applicant states that arrangements for borrowing money to finance the project are presently being made.

The purpose of the proposed facilities, according to the application, is to enable Applicant to obtain supplies of natural gas from two additional sources as follows:

(a) From Stanolind Oil and Gas Company and Continental Oil Company out of the Woodlawn Field of Harrison County, Texas, and

(b) From Ed E. Hurley and Byrd Oil Corporation out of the Waskom Field, Harrison County, Texas.

Applicant states that the substantial terms of gas purchase contracts have been agreed upon with the above-named prospective suppliers and that it expects to execute within a few days such contracts under which the quantities of gas available will be variable "but will probably total not less than 50,000 Mcf per day during the 1951-52 heating season." Applicant further states that reserve studies are being made and that the contracts and studies will be filed as a supplement to its application as soon as available.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 27th day of April 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4320; Filed, Apr. 11, 1951; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section III, *Field organization and final delegations of authority,* is amended as follows:

Paragraph b 6 (k) is amended to read as follows:

(k) To renew and extend leases and use permits for sites, including the buildings and facilities thereon.

Date approved: April 3, 1951.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 51-4324; Filed, Apr. 11, 1951; 8:50 a. m.]

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section III, *Field organization and final delegations of authority,* is amended as follows:

Subparagraph (d) is added to Section III b 9, as follows:

(d) To renew and extend leases and use permits for sites, including the buildings and facilities thereon.

Date approved: March 29, 1951.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 51-4325; Filed, Apr. 11, 1951; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2593]

CENTRAL AND SOUTH WEST CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of April A. D. 1951.

Central and South West Corporation ("Central"), a registered holding company, having filed a declaration, pursuant to sections 6 (a), 7 and 12 (e) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-62 and U-100 of the rules and regulations promulgated thereunder, with respect to the following transactions:

Central proposes to amend its Articles of Incorporation so as to (1) increase its authorized capital stock from 8,000,000 shares of $5 par value common stock to 10,000,000 shares of $5 par value common stock and (2) limit the present preemptive rights of its common stockholders so as to permit the sale for cash of shares of common stock, or any securities convertible into common stock, either by means of a public offering, or to or through underwriters or investment bankers who shall have agreed promptly to make a public offering of such shares or securities.

The declaration states that, under the laws of Delaware, the affirmative vote of the holders of a majority of the outstanding common stock is required for the adoption of each of said amendments.

Central proposes to solicit the holders of its common stock for proxies to be voted at the annual meeting to be held on May 15, 1951 in favor of the proposed amendments to its Articles of Incorporation. The declaration states that Central may retain the services of Dudley King, a professional solicitor, to assist in the solicitation of proxies from a specified group of stockholders, consisting primarily of dealers, commercial banks, trust companies and other institutional investors, and if so retained, the charges and expenses of the solicitor, not to exceed $2,000, will be paid by Central. Other fees and expenses to be incurred by Central in connection with the proposed transactions are estimated at $4,500.

Said declaration having been filed on March 15, 1951, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective and to grant declarant's request that the order herein be accelerated and become effective upon the issuance thereof:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions contained in Rule U-24, that said declaration be, and the same hereby is, permitted to become effective.

It is further ordered, That this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-4309; Filed, Apr. 11, 1951; 8:47 a. m.]

[File No. 70-2604]

HARRISBURG GAS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of April A. D. 1951.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by The Harrisburg Gas Company ("Harrisburg"), a public utility subsidiary of the United Gas Improvement Company, a registered holding company. Declarant has designated section 6 (b) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than April 23, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 23, 1951, said declaration as filed, or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Harrisburg proposes to issue and sell $1,000,000 principal amount of its First Mortgage Bonds, 3.15 percent series due 1976, for $1,000,000 in cash to the following:

	Principal amount
The Philadelphia Savings Fund Society, Philadelphia, Pa.	$600,000
The Beneficial Savings Fund Society, Philadelphia, Pa.	400,000
Total	1,000,000

The proceeds from the sale of the bonds will be used to repay certain notes and open account indebtedness and to finance Harrisburg's construction program for 1951.

It is stated that the proposed sale of bonds by Harrisburg is subject to the jurisdiction of the Pennsylvania Public Utility Commission and that the approval of that body will be filed herein by amendment.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-4310; Filed, Apr. 11, 1951; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17586]

ACTIENGESELLSCHAFT HACKERBRÄU

In re: Debt owing to Actiengesellschaft Hackerbräu. F-28-31161.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Actiengesellschaft Hackerbräu, the last known address of which is Munich, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Munich, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations of Albert Reichert and J. E. Posty, formerly known as J. A. Poestges, 2 Horatio Street, New York, New York, arising by reason of a loan by Actiengesellschaft Hackerbräu to Albert Reichert, Inc., guaranteed by Albert Reichert and J. E. Posty, formerly known as J. A. Poestges, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Actiengesellschaft Hackerbräu, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4292; Filed, Apr. 10, 1951; 8:51 a. m.]

[Vesting Order 17587]

CERTAIN JAPANESE NATIONALS

In re: Funds owned by nationals of Japan whose names are unknown. F-39-3191.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described in subparagraph 3 hereof is being held by the Secretary of the Treasury, Washington, D. C., in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks."

2. That although the names of the owners of the property described in subparagraph 3 hereof are not available, such persons, who, if individuals, there is reasonable cause to believe are residents of Japan and, if partnerships corporations, associations, or other organizations, there is reasonable cause to believe are organized under the laws of, or have or, on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Japan, are residents of a designated enemy country (Japan), and

3. All funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., for the credit of Japanese Participation in the New York World's Fair, Inc., 1939 in the amount of $55.60 as of September 30, 1948 and for the credit of Japanese Participation in the New York World's Fair, Inc., 1940 in the amount of $102.52 as of September 30, 1948, said funds representing the proceeds of withheld checks issued for the payment of refunds authorized by the Bureau of Customs, and maintained in a special deposit account, entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks," together with any and all accruals since September 30, 1948 and any and all rights to demand, enforce and collect the aforesaid funds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the persons referred to in subparagraph 2 hereof, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4293; Filed, Apr. 10, 1951; 8:51 a. m.]

[Vesting Order 17588]

KEISHIRO KAWAMOTO

In re: Stock owned by Keishiro Kawamoto also known as K. Kawamoto. F-39-6991.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Keishiro Kawamoto, also known as K. Kawamoto, whose last known address is 691 Hosono, Yagimuru, Asagun, Hiroshima-Ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Two hundred and fifty (250) shares of $1.00 par value common capital stock of The City Market of Los Angeles, 1057 South San Pedro Street, Los Angeles 15, California, a corporation organized under the laws of the State of California, evidenced by certificate number 1433, registered in the name of K. Kawamoto, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Keishiro Kawamoto also known as K. Kawamoto, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4294; Filed, Apr. 10, 1951; 8:51 a. m.]

[Vesting Order 17589]

KARL AND OLGA MOELLER

In re: Bank accounts owned by Karl Moeller and Olga Moeller. F-28-31413.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Moeller and Olga Moeller, whose last known addresses are Fulda, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of The First National Bank of Jersey City, N. J., 1 Exchange Place, Jersey City, New Jersey, arising out of a savings account, account number 440, entitled Karl or Olga Moeller, maintained with said bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Commonwealth Trust Company, Summit Avenue at Seventh Street, Union City, New Jersey, arising out of a blocked account, account number 35193, entitled Karl Moeller and Olga Moeller, maintained at the Seventh Street Office of said Company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Karl Moeller and Olga Moeller, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4295; Filed, Apr. 10, 1951; 8:51 a. m.]

[Vesting Order 17543]

EUGENE KREIGSHAUSER

In re: Stock and bonds owned by and debt owing to Eugene Kreigshauser, also known as Eugen Kreigshaeuser. F-27-4289.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eugene Kreigshauser, also known as Eugen Kreigshaeuser, whose last known address is 580 Weinstrasse, Diedesfeld, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Thirty (30) shares of no par value common capital stock of Bethlehem Steel Corporation, 25 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered L237901 for 10 shares and L360862 for 20 shares, registered in the name of L. D. Pickering & Company, and presently in the custody of Bank of Manhattan Company, 40 Wall Street, New York 15, New York, together with all declared and unpaid dividends thereon,

b. Two (2) shares of $15.00 par value capital stock of Consolidated Natural Gas Company, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered O132692, registered in the name of L. D. Pickering & Company, and presently in the custody of Bank of Manhattan Company, 40 Wall Street, New York 15, New York, together with all declared and unpaid dividends thereon,

c. Twenty-two (22) shares of $25.00 par value common capital stock of Pacific Gas & Electric Company, 245 Market Street, San Francisco 6, California, a corporation organized under the laws of the State of California, evidenced by certificates numbered NF323693 for 2 shares and NF203227 for 20 shares, registered in the name of L. D. Pickering & Company, and presently in the custody of Bank of Manhattan Company, 40 Wall Street, New York 15, New York, together with

all declared and unpaid dividends thereon,

d. Twenty (20) shares of $25.00 par value capital stock of Standard Oil Company (New Jersey), 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered CC149580, registered in the name of L. D. Pickering & Company, and presently in the custody of Bank of Manhattan Company, 40 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

e. Forty-five (45) shares of no par value common capital stock of United States Steel Corporation, 71 Broadway, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered P-200983 for 15 shares and X-145681 for 30 shares, registered in the name of L. D. Pickering & Company, and presently in the custody of Bank of Manhattan Company, 40 Wall Street, New York 15, New York, together with all declared and unpaid dividends thereon,

f. One (1) Illinois Central Railroad Company 40 year 3¾ percent Gold Bond of $1,000.00 face value, bearing the number M4795, in bearer form, presently in the custody of Bank of Manhattan Company, 40 Wall Street, New York 15, New York, together with any and all rights thereunder and thereto,

g. One (1) Southern Pacific Company 40 year 4½ Percent Gold Bond of $1,000.00 face value, bearing the number 15223, in bearer form, presently in the custody of Bank of Manhattan Company, 40 Wall Street, New York 15, New York, together with any and all rights thereunder and thereto,

h. One (1) Southern Railway Company Series A 4 Percent Gold Bond of $1,000.00 face value, bearing the number 30031, in bearer form, presently in the custody of Bank of Manhattan Company, 40 Wall Street, New York 15, New York, together with any and all rights thereunder and thereto, and

i. That certain debt or other obligation of Bank of Manhattan Company, 40 Wall Street, New York 15, New York, arising out of a cash account, entitled "Rotterdamsche Bank, N. V., Amsterdam, Holland, Claimant—Eugene Kreigshauser—Blocked Account", maintained at the aforesaid Company, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Eugene Kreigshauser, also known as Eugen Kreigshaeuser, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4333; Filed, Apr. 11, 1951; 8:51 a. m.]

[VESTING ORDER 17554]

JENNIE BASS ET AL.

In re: Jennie Bass, Plaintiff, v. Martha Pyttel, et al., Defendants. File No. D-28-12976 (Mortgage Foreclosure).

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Pyttel, Meta Lipke, Franz Knoren, Walter Perlberg, Erich Knoren, Franz Knoren, Paula Helken and Frieda Grolms, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the proceeds from the sale of real estate sold pursuant to Court Order in a foreclosure action entitled "Jennie Bass, Plaintiff, v. Martha Pyttel, et al., Defendants" in the Supreme Court of the State of New York, County of Kings, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Harold Travin, as Referee, acting under the judicial supervision of the Supreme Court of the State of New York, County of Kings;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4334; Filed, Apr. 11, 1951; 8:51 a. m.]

[Vesting Order 17555]

OTTO DOEHRINGER

In re: Estate of Otto Doehringer, deceased. File No. D-28-12326; E. T. sec. 16603.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anne Gertrud Steinert, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941 has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That Anna Margarete Steinert, also known as Grete Steinert, nee Huessen, and Christel Margarete Eschenburg, nee Steinert, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Otto Doehringer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by William F. Crosby, as administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of San Mateo, Redwood City, California;

and it is hereby determined:

5. That the national interest of the United States requires that Anne Gertrud Steinert be treated as a national of a designated enemy country (Germany);

6. That to the extent that the persons identified in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4335; Filed, Apr. 11, 1951; 8:51 a. m.]

[Vesting Order 17561]

JOHN KELLERMAN

In re: Estate of John Kellerman, deceased. File No. D-28-12977.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marx Heinrich Wilhelm Peters; Joachim Heinrich Wilhelm Peters; Helene Marie Margarethe Schmitz, nee Eggert-Kiel; Johanna Margareta Henriette Christine Kellerman and Friedrich Christian Detlev Kellerman, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Helene Sophie Henriette Eggert, nee Kellerman, deceased, of Johanna Margareta Henriette Christine Kellerman, and of Friedrich Christian Detlev Kellerman, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of John Kellerman, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Treasurer of the City of New York, as depositary, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Helene Sophie Henriette Eggert, nee Kellerman, deceased, of Johanna Margareta Henriette Christine Kellerman, and of Friedrich Christian Detlev Kellerman are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4337; Filed, Apr. 11, 1951; 8:51 a. m.]

[Vesting Order 17559]

BETTY HOLTORF

In re: Estate of Betty Holtorf, also known as Rebecka Susanne Holtorf, deceased. File No. F-28-11460; E. & T. sec. 16877.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hanna Gaudian, Walter Holtorf, Helmut Holtorf, Hans-jurgen Holtorf, Anny Gaudian, Henny Holtorf, and Adolf Holtorf, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Betty Holtorf, also known as Rebecka Susanne Holtorf, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Lillian Watters, as ancillary administratrix, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4336; Filed, Apr. 11, 1951; 8:51 a. m.]

[Vesting Order 17590]

FRITZ OTTENBERG

In re: Debts owing to Fritz Ottenberg. F-28-31415-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Ottenberg, whose last known address is 25 Weimarische Strasse, Berlin-Wilmersdorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations evidenced by two (2) checks drawn by the Comptroller of the Currency on the Bethlehem National Bank of Bethlehem, Pennsylvania, payable to Fritz Ottenberg, dated February 1, 1940 and July 30, 1943, numbered M 928993 and Q 64497, in the amounts of $40.20 and $92.06 respectively, said checks representing the fourth and fifth (final) dividends on Claim number 4550 proved against The Bethlehem National Bank of Bethlehem, Pennsylvania, presently in the custody of the Division of Insolvent National Banks, Office of the Comptroller of the Currency, Treasury Department, Washington, D. C., together with all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid checks, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Fritz Ottenberg, the aforesaid national of a designated enemy country (Germany); and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4339; Filed, Apr. 11, 1951; 8:52 a. m.]

THEA STERNHEIM

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Thea Sternheim, Paris, France, Claim No. 36066. An oil painting by Gauguin, entitled "Three Dogs, Three Wineglasses, Three Apples," presently in the custody of the Manhattan Storage & Warehouse Company, 80th St., and 3d Avenue, New York, New York.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4300; Filed, Apr. 10, 1951; 8:52 a. m.]

[Vesting Order 17583]

C. H. FUERSTENAU

In re: Bonds owned by C. H. Fuerstenau. F-28-27173-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That C. H. Fuerstenau, who there is reasonable cause to believe is a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations matured or unmatured evidenced by four (4) First Mortgage Bonds of Harvey Masonic Association, Harvey, Illinois each of $100.00 face value, due November 1, 1945, bearing the numbers 54 to 57 both inclusive, registered in the name of C. H. Fuerstenau, and any and all rights to demand and enforce the aforesaid debts or other obligations, together with any all rights in, to and under said bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by C. H. Fuerstenau, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4338; Filed, Apr. 11, 1951; 8:52 a. m.]

APR 16 '51

FEDERAL REGISTER

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TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 904—MILK IN THE GREATER BOSTON MARKETING AREA

ORDER AMENDING ORDER AS AMENDED, REGULATING HANDLING

§ 904.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and certain proposed amendments to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order, as amended, effective April 15, 1951. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk. Any substantial consumer acceptance of concentrated milk would be reflected in a reduced volume of Class I sales in the marketing area and would result in a significant reduction in the blend price of milk to producers. Accordingly, any further delay in the effective date of this order amending the order, as amended, will seriously threaten the orderly marketing of milk in the Greater Boston, Massachusetts, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held on March 12, 1951, the recommended decision having been published in the FEDERAL REGISTER (16 F. R. 2658) March 24, 1951, and the final decision having been executed by the Secretary on April 5, 1951. Therefore, reasonable time under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c) Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agree-

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ment tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who during the determined representative period (February 1951) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 904.1 (d) (4) by deleting the present language and substituting therefor the following:

(4) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

2. Amend § 904.1 (d) by adding a new subparagraph (8) as follows:

(8) "Concentrated milk" means any unsterilized liquid milk product, other than those products commonly known as evaporated milk and sweetened condensed milk, which is obtained by the evaporation of water from milk and milk to which any other milk product may be added in the process of manufacture. For purposes of this part the weight of the fluid milk products used to produce the concentrated milk shall be used rather than the actual weight of the concentrated milk.

3. Amend § 904.3 (a) (2) (i) by deleting the present language and substituting therefor the following:

(i) As being sold, distributed, or disposed of other than as or in milk and other than as or in concentrated milk for fluid consumption, flavored milk or flavored skim milk, buttermilk, or cultured skim milk, for human consumption; and

4. Amend § 904.3 (c) by deleting the introductory language "milk, flavored milk, skim milk, cultured or flavored skim milk or buttermilk" and substituting therefor the following: "Any fluid milk product, except cream,"

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 10th day of April 1951, to be effective on and after the 15th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4391; Filed, Apr. 12, 1951; 8:53 a. m.]

PART 934—MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 934.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and certain proposed amendments to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order, amending the order, as amended, effective April 15, 1951. Such action is necessary, in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk. Any substantial consumer acceptance of concentrated milk would be reflected in a reduced volume of Class I sales in the marketing area and would result in a substantial reduction in the blend price of milk to producers. Accordingly, any further delay in the effective date of this order amending the order, as amended, will seriously threaten the orderly marketing of milk in the Lowell-Lawrence marketing area. The provisions of the said order are well known to handlers, the public hearing having been held on March 12, 1951, the recommended decision having been published in the FEDERAL REGISTER (16 F. R. 2658) March 24, 1951, and the final decision having been executed by the Secretary on April 5, 1951. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date, and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c) Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who during the determined representative period (February 1951) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 934.4 (d) by deleting the present language and substituting therefor the following:

(d) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

2. Amend § 934.4 by adding a new paragraph (h) as follows:

(h) "Concentrated milk" means any unsterilized liquid milk product, other than those products commonly known as evaporated milk and sweetened condensed milk, which is obtained by the evaporation of water from milk and milk to which any other milk product may be added in the process of manufacture. For purposes of this part the weight of the fluid milk products used to produce the concentrated milk shall be used rather than the actual weight of the concentrated milk.

3. Amend § 934.15 (b) (1) by deleting the present language and substituting therefor the following:

(1) As being sold, distributed, or disposed of other than as or in milk and other than as or in concentrated milk for fluid consumption, flavored milk or flavored skim milk, buttermilk, or cultured skim milk, for human consumption; and

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 10th day of April 1951, to be effective on and after the 15th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4393; Filed, Apr. 12, 1951; 8:54 a. m.]

PART 947—MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 947.0 *Findings and determinations.* The findings and determinations here-

inafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and certain proposed amendments to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order, amending the order, as amended, effective April 15, 1951. Such action is necessary, in the public interest, in order to reflect current marketing conditions and to insure the production of an adequate supply of milk. Any substantial consumer acceptance of concentrated milk would be reflected in a reduced volume of Class I sales in the marketing area and would result in a substantial reduction in the blend price of milk to producers. Accordingly, any further delay in the effective date of this order amending the order, as amended, will seriously threaten the orderly marketing of milk in the Fall River marketing area. The provisions of the said order are well known to handlers, the public hearing having been held on March 12, 1951, the recommended decision having been published in the FEDERAL REGISTER (16 F. R. 2658) March 24, 1951, and the final decision having been executed by the Secretary on April 5, 1951. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of his amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c) Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who during the determined representative period (February 1951) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Fall River, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 947.1 (r) by deleting the present language and substituting therefor the following:

(r) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

2. Amend § 947.1 by adding a new paragraph (s) as follows:

(s) "Concentrated milk" means any unsterilized liquid milk product, other than those products commonly known as evaporated milk and sweetened condensed milk, which is obtained by the evaporation of water from milk and milk to which any other milk product may be added in the process of manufacture. For purposes of this part the weight of the fluid milk products used to produce the concentrated milk shall be used rather than the actual weight of the concentrated milk.

3. Amend § 947.5 (b) (2) (i) by deleting the present language and substituting therefor the following:

(i) Sold, distributed, or disposed of other than as milk which contains one-half of 1 percent or more but less than 16 percent of butterfat, and other than as concentrated milk for fluid consumption, chocolate or flavored whole milk or skim milk, buttermilk, or cultured skim milk, for human consumption; and

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 10th day of April 1951, to be effective on and after the 15th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4392; Filed, Apr. 12, 1951; 8:54 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 173—CHINESE CITIZENS PARTICIPATING IN THE CHINA AREA AID ACT OF 1950

EMPLOYMENT

APRIL 9, 1951.

Chapter I, Title 8 of the Code of Federal Regulations, is amended by adding the following new part:

§ 173.1 *Selected citizens of China.* Any citizen of China, admitted temporarily to the United States who has been, or may hereafter be, selected by the Secretary of State to participate in the educational and training program authorized by the China Area Aid Act of 1950 (64 Stat. 202, 22 U. S. C. 1547; Public Law 535, 81st Congress, Title II, section 202), may be permitted to accept employment in the United States during the period he is a participant in such program if he makes application to the district director having jurisdiction over his place of residence for permission to accept employment, and such application is approved. If he remains in the United States after he has completed his participation in such program, he may accept employment in the United States if he makes application to the district director having jurisdiction over his place of residence for permission to accept employment and such application is approved: *Provided*, That in order to enjoy this privilege he shall submit a report every three months to the district director having jurisdiction over the place of his residence, showing his current address and the nature and place of his employment. Nothing in this part shall be construed as granting to or conferring upon the alien any other status, exemptions, or privilege under the immigration laws of the United States.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. The regulation prescribed by the order is necessary for carrying out the provisions of the China Area Aid Act of 1950 (Pub. Law 535, 81st Cong.). Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 228; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date is not considered necessary in this instance since the regulation prescribed by the order is regarded as merely declaratory of the provisions of the statute.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222 458. Interprets or applies sec. 202, Pub. Law 535, 81st Cong.)

A. R. MACKEY,
Acting Commissioner, Immigration and Naturalization.

Approved: April 11, 1951,

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 51-4468; Filed, Apr. 12, 1951; 9:53 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 30—RADIOISOTOPE DISTRIBUTION

GENERAL PROVISIONS

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30.1 Scope.
30.2 Definitions.
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EXEMPTIONS

30.10 Persons operating Commission-owned facilities.
30.11 Transfer to the Commission.
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APPLICATIONS

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AUTHORIZATIONS

30.30 Issuance.
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POSSESSION, TRANSFER, USE

30.40 Limitations.
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RECORDS, REPORTS, INSPECTIONS

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SCHEDULES

30.70 Schedule A: Exempt items.
30.71 Schedule B: Exempt quantities.

AUTHORITY: §§ 30.1 to 30.79 issued under 60 Stat. 755–775 as amended; 42 U. S. C. and Sup., 1801–1819.

GENERAL PROVISIONS

§ 30.1 *Scope.* The regulations in this part establish instructions and standards governing the procurement, delivery, possession, use, transfer (including export), and disposal of radioisotopes (a) originating in or procured from the facilities of the Commission or of a distributor, or (b) originating in domestic facilities not owned by the Commission, but distributed by or through the Commission or a distributor, or (c) originating in any foreign nuclear reactor for shipment into the United States. The regulations in this part do not apply to source and fissionable materials as defined in this part, or to any radioactive material not covered by the immediately preceding sentence.

§ 30.2 *Definitions.* As used in this part:

(a) *Commission.* "Commission" means the United States Atomic Energy Commission created by the Atomic Energy Act of 1946, or its duly authorized representative.

(b) *Distributor.* "Distributor" means any person to the extent that such person is engaged in operating Commission-owned laboratories, plants, or other facilities under a contract with the Commission and is engaged in the distribution of radioisotopes for the Commission.

(c) *Fissionable material.* "Fissionable material" means fissionable material as defined in section 5 (a) (1) of the Atomic Energy Act of 1946 and in the regulations contained in Part 70, Definition of Fissionable Material, of this chapter.

(d) *One millicurie.* "One millicurie" means that amount of radioactive material which disintegrates at the rate of 37 million atoms per second.

(e) *Person.* "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, the United States or any agency thereof, any government other than the United States, any political subdivision of any such government, and any legal successor, representative, agent, or agency of the foregoing, or other entity, but shall not include the Commission or officers or employees of the Commission in the exercise of duly authorized functions.

(f) *Radioisotope.* "Radioisotope" means any radioactive material yielded in or made radioactive by exposure to the radiation incident to the processes of producing or utilizing fissionable material. "Radioisotope" also means any other radioactive material.

(g) *Roentgen (=r).* "Roentgen (=r)" means that quantity of X or gamma radiation such that the associated corpuscular emission per 0.001293 gram of air produces, in air, ions carrying 1 electrostatic unit of electricity of either sign.

(h) *Roentgen-equivalent-man (=rem).* "Roentgen-equivalent-man (=rem)" means that quantity of radiation that when absorbed by mammalian tissue produces an effect equivalent to the absorption by this tissue of one roentgen of X or gamma radiation.

(i) *Roentgen-equivalent-physical (=rep).* "Roentgen-equivalent-physical (=rep)" means that dose of ionizing radiation that is capable of producing energy absorption of 93 ergs per gram of tissue.

(j) *Service irradiation.* "Service irradiation" means the exposure of materials of any kind to radiation in accordance with instructions and at the request of some person.

(k) *Source material.* "Source material" means source material as defined in section 5 (b) (1) of the Atomic Energy Act of 1946 and in the regulations contained in Part 40, Control of Source Material, of this chapter.

§ 30.3 *Amendment.* Nothing in this part shall limit the authority of the Commission to issue or amend its regulations in accordance with law.

§ 30.4 *Communications.* All communications about the regulations in this part or any Authorization issued under them should be addressed to the United States Atomic Energy Commission, Post Office Box E, Oak Ridge, Tennessee, Attention: Isotopes Division.

EXEMPTIONS

§ 30.10 *Persons operating Commission-owned facilities.* The regulations in this part do not apply to persons to the extent that such persons operate Commission-owned facilities in carrying out programs on behalf of the Commission. In such cases, the acquisition, transfer, use, and disposal of radioisotopes are governed by the contracts between such persons and the Commission, and internal bulletins, instructions and directives issued by the Commission.

§ 30.11 *Transfer to the Commission.* The actions of any person in transferring or delivering radioisotopes to the Commission are not subject to the regulations in this part. The exemption provided in this section does not, however, relieve any person from the obligation to comply with shipping requirements otherwise provided by law. (See § 30.41.)

§ 30.12 *Carriers.* Common and contract carriers transporting radioisotopes in the normal course of business are exempt from the regulations in this part.

§ 30.13 *Items and quantities.* (a) Sections 30.20 through 30.61, inclusive, do not apply to any item listed in § 30.70 *Schedule A*, nor to any quantity listed in § 30.71 *Schedule B*: *Provided, however*, That no person shall, except as otherwise permitted by the regulations contained in this part, effect an increase in the radioactivity of such scheduled items or quantities by adding other radioactive material thereto, by combining the radioisotopes from two or more such items or quantities, or by altering them in any other manner so as to increase thereby the rate of radiation exposure of himself or others above the original rate therefrom.

(b) In addition the Commission may, upon application of any interested party, exempt specific items from the application of all or any portion of the regulations in this part subject to such conditions as the Commission may establish whenever the Commission determines that the possession, use, or transfer, of such items will not endanger health or present a hazard to life or property.

APPLICATIONS

§ 30.20 *Filing.* (a) Any person, except the official representative of a foreign applicant, who desires to possess or use radioisotopes shall file "Application for Radioisotope Procurement," Form AEC–313, with the Isotopes Division of the Commission, or such other place as may be designated by the Commission, specifying the use to be made of the material and giving all other information called for by the form. Copies of the form will be furnished upon request to the United States Atomic Energy Commission, Post Office Box E, Oak Ridge, Tennessee, Attention: Isotopes Division.

(b) Applications for radioisotopes to be used in a foreign country shall be submitted through that country's official representative in charge of isotope procurement. Upon request, foreign representatives will be informed by the Commission of the desired form and content of applications and the terms and conditions upon which radioisotopes may be obtained.

§ 30.21 *Conditions.* The Commission will not approve a domestic application:

(a) Unless the radioisotope is requested for one or more of the following purposes: research or development activity, medical therapy, industrial uses, processing or making of compounds, or such other useful applications as may be developed; or

(b) If it is determined by the Commission that the applicant is not equipped to observe the health and safety standards established by the Commission; or

(c) If it is determined by the Commission that the applicant is not qualified to use radioisotopes for the requested purpose.

§ 30.22 *Service irradiations.* Upon receipt of an application requesting that radioisotopes be produced through a service irradiation, the Commission may authorize such irradiation and subsequent possession and use of the irradiated materials in accordance with the regulations contained in this part.

AUTHORIZATIONS

§ 30.30 *Issuance.* Upon approval of an application, the Commission will issue an "Authorization for Radioisotope Procurement," Form AEC–374. The authorization shall be the only valid approval for procurement, and its issuance shall be based upon the representations in the application and shall be subject to and in accordance with the regulations in this part and the terms and conditions stated in the application.

§ 30.31 *Nontransferability.* The persons to whom an authorization has been issued shall be deemed the holder thereof, and none of the rights or privileges conferred by the authorization shall be transferable.

§ 30.32 *Expiration.* An authorization shall be valid only for the period stated thereon; it shall expire at the end of such period without the necessity of notice or warning from the Commission. The holder shall not order radioisotopes after the period of validity stated on the authorization has run.

§ 30.33 *Modification.* Upon written request from the holder of an authorization for a modification of its terms, the Commission will usually consider the request without requiring a separate application, and it may modify the authorization by giving written notice to the holder or by issuing a supplemental authorization.

§ 30.34 *Revocation.* Any authorization may be annulled, suspended, or revoked at any time in the discretion of the Commission upon a determination by the Commission that the public health or safety requires such action, or that the holder has wilfully failed to comply with any term or condition to which his authorization may be subject. In the absence of such determination, no annulment, suspension, or revocation of any authorization will be made except upon request of the holder thereof, or unless conduct or other facts meriting such action shall have been called to the attention of the holder previously in writing, and unless he shall have been accorded opportunity to comply with all lawful requirements but shall have failed to do so.

POSSESSION, TRANSFER, USE

§ 30.40 *Limitations.* No person shall possess, use, or transfer radioisotopes except as permitted by a valid authorization from the Commission or as otherwise permitted by the regulations in this part. When transferring any non-exempt items or quantities of radioisotopes, the transferor shall limit delivery to the locations, materials, and quantities stated in the transferee's authorization.

§ 30.41 *Authorized use.* Each person authorized by the Commission to use radioisotopes shall confine his use to the locations and purposes approved by the Commission on his authorization, and such use is subject to all applicable laws, regulations of the Commission, and terms and conditions stated in the application for such material.

NOTE: Shipment and use of radioisotopes may also be subject to control by other authority; see, for example, (a) Federal Food, Drug, and Cosmetic Act and the general regulations for its enforcement, (b) Rules and Regulations of the Interstate Commerce Commission, (c) Civil Air Regulations, (d) Postal Laws and Regulations, and (e) Laws and Regulations of State or other local authority.

RECORDS, REPORTS, INSPECTIONS

§ 30.50 *General records.* Each person who possesses or uses radioisotopes shall keep permanent records showing the receipt, use, storage, delivery, and disposal of such radioisotopes, and the safety measures used to protect health. These records shall be accurate and complete and shall be made available to the Commission upon request.

§ 30.51 *Overexposure records.* No report of the overexposure of a person to radioisotopes need be forwarded to the Commission, but where an overexposure is believed to have occurred, the occurrence and its observed effect upon the overexposed person shall be recorded in detail and filed with the general records.

§ 30.52 *Reports of use.* Upon written request from the Commission, any person who uses radioisotopes shall report fully the use made, stating substantially those facts required by §§ 30.50 and 30.51 to be recorded.

§ 30.53 *Reports of transfer.* In the absence of written waiver by the commission, any person who transfers radioisotopes to another person shall promptly report to the Commission each delivery made, indicating the name and location of the transferee, transferee's authorization number, type and amount of material transferred, and date of delivery.

§ 30.54 *Inspections.* Each person who possesses or uses radioisotopes shall permit the Commission, at all reasonable times, to make such inspections of the facilities wherein materials are stored or used as the Commission deems necessary, and shall make available to the Commission the records required by §§ 30.50 and 30.51.

VIOLATIONS

§ 30.60 *Right to recall.* The Commission may withhold or recall radioisotopes from any person when it is determined by the Commission that such person (a) is not equipped to observe the health and safety standards established by the Commission, or has failed to do so; or (b) has used the material in a manner other than as disclosed in the application therefor; or (c) has used the material in violation of any law or of any regulation of the Commission.

§ 30.61 *Other action.* Any person who violates any provision of the regulations in this part, or who, in connection with the regulations in this part, wilfully conceals a material fact or furnishes false information to the Commission, may be prohibited by the Commission from making or obtaining further deliveries of radioisotopes or using, possessing, or storing them, and may be required to return to the Commission all radioisotopes remaining on hand. Violation of the regulations contained in this part or the furnishing of false information in connection with applications, statements and reports thereunder may also be a crime under the provision of the Atomic Energy Act of 1946 or of 18 U. S. C. 1001, act of June 25, 1948, 62 Stat. 749.

SCHEDULES

§ 30.70 *Schedule A: Exempt items.* (See § 30.13.) None.

§ 30.71 *Schedule B: Exempt quantities.* (See § 30.13.)

(a) *Alpha emitters.* None.

(b) *Beta and gamma emitters.* Not more than a combined total of 0.011 millicurie, made up as follows:

(1) Half-lives no greater than 30 days: Not more than 0.010 millicurie.

(2) Half-lives greater than 30 days: Not more than 0.001 millicurie.

(c) *Neutron emitters.* None.

NOTE: The quantities listed in Schedule B are not to be interpreted or considered as having any bearing on the determination of safe permissible levels of personnel exposure or for waste disposal. It is the Commission's intention to publish at a later date and incorporate in this part appropriate health and safety standards.

Effective date. The regulations in this part shall become effective upon publication of this part in the FEDERAL REGISTER.

Dated this 9th day of April 1951.

M. W. BOYER,
General Manager.

[F. R. Doc. 51-4366; Filed, Apr. 12, 1951; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5742]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CARBOLA CHEMICAL CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service.* In connection with the offering for sale, sale and distribution in commerce of respondents' products designated as "CCC Rat and Mouse Destroyer" and "CCC Liquid Mouse and Rat Destroyer", or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, representing, directly or by implication, (1) that said product is an effective killing agent for mice; (2) that said product will kill all rats on infested premises; or, (3) that rats, after eating said product, go outdoors to die; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 722; 15 U. S. C. 45) [Cease and desist order, Carbola Chemical Company, Inc., et al., Docket 5742, January 26, 1951]

In the Matter of Carbola Chemical Company, Inc., a Corporation, and Carl J. Zimmermann, Gladys G. Zimmermann and Henry T. Koenig, Individually and as Officers of Said Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, evidence, a stipulation of facts, and recommended decision of the trial examiner (briefs in support of and in opposition to the complaint having been waived and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that the respondents (except the respondents Carl J. Zimmermann and Gladys G. Zimmermann in their individual capacities) have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Carbola Chemical Company, Inc., a corporation, and its officers, and Henry T. Koenig, individually and as an officer of said corporation, and said respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said respondents' product designated as "CCC Rat and Mouse Destroyer" and "CCC Liquid Mouse and Rat Destroyer", or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from representing, directly or by implication:

1. That said product is an effective killing agent for mice.

2. That said product will kill all rats on infested premises.

3. That rats, after eating said product, go outdoors to die.

It is further ordered, That said respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to the respondents Carl J. Zimmermann and Gladys G. Zimmermann as individuals, but not in their official capacities as officers of the respondent Carbola Chemical Company, Inc.

Issued: January 26, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-4370; Filed, Apr. 12, 1951; 8:48 a. m.]

[Docket 5734]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BASIC FOOD MATERIALS, INC., AND RAY F. BEEREND

Subpart—*Advertising falsely or misleadingly:* § 3.20 *Comparative data or merits;* § 3.25 *Competitors and their products;* § 3.35 *Condition of goods;* § 3.205 *Scientific or other relevant facts.* Subpart—*Disparaging competitors and their products; Competitors:* § 3.935 *Nature of product generally: Competitors' products;* § 3.995 *Nature;* § 3.1010 *Qualities or properties;* § 3.1025 *Safety.* In connection with the offering for sale, sale or distribution in commerce, of seasonings and spices, (1) representing in any manner that respondents' "B. F. M. Soluble Seasonings" or any other products of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, are sterile or entirely free from bacteria; (2) representing that ground natural spices are filthy products or representing in any other manner that they are unsanitary or that their use is deleterious to health; (3) representing in any manner that the use of ground natural spices will cause or tend to cause a musty or moldy flavor; (4) representing in any manner that respondents' "B. F. M. Soluble Seasonings" or any other products of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, will cause less gastric distress than ground natural spices; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 722; 15 U. S. C. 45) [Cease and desist order, Basic Food Materials, Inc., et al., Docket 5734, January 26, 1951]

In the Matter of Basic Food Materials, Inc., a Corporation, and Ray F. Beerend, Individually and as an Officer of Said Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, and a stipulation containing a statement of facts entered into between respondents and counsel supporting the complaint; and the Commission having made its findings as to the facts and its conclusion that respondents have violated the Federal Trade Commission Act:

It is ordered, That respondent, Basic Food Materials, Inc., a corporation, and its officers, agents, representatives and employees, and respondent Ray F. Beerend, individually and as an officer of said corporation, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of seasonings and spices, do forthwith cease and desist from:

1. Representing in any manner that respondents' "B. F. M. Soluble Seasonings" or any other products of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, are sterile or entirely free from bacteria.

2. Representing that ground natural spices are filthy products or representing in any other manner that they are unsanitary or that their use is deleterious to health.

3. Representing in any manner that the use of ground natural spices will cause or tend to cause a musty or moldy flavor.

4. Representing in any manner that respondents' "B. F. M. Soluble Seasonings" or any other products of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, will cause less gastric distress than ground natural spices.

It is further ordered, That the charges of the complaint directed to use by respondents of advertising statements attributing greater uniformity and retention of flavor to their soluble seasonings and spices in comparison to those products which contain ground natural spices be, and the same hereby are, dismissed.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the man-

ner and form in which they have complied with this order.

Issued: January 26, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-4369; Filed, Apr. 12, 1951; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VIII—Defense Transport Administration

[General Order DTA 2, as amended April 12, 1951]

DTA 2—PREFERENCE AND PRIORITY IN PORT TERMINAL STORAGE AND HANDLING OF BULK GRAIN FOR EXPORT

It is deemed necessary in the public interest and to promote the national defense, by reason of the short supply of port facilities for the storage and handling of bulk grain, to regulate, allocate, and promote preferences in, the use of such facilities for the storage and handling of bulk grain for export to selected countries. In the formulation of General Order DTA 2, consultation was had with industry representatives, including trade association representatives, and consideration has been given to their recommendations. In the formulation of the order as amended, consultation with industry representatives and trade association representatives has been rendered impractical because of the necessity for immediate action. Accordingly, pursuant to Title I of the Defense Production Act of 1950, Executive Orders 10161, 10200, and 10219, and Defense Production Administration Delegation No. 1 (16 F. R. 378): *It is hereby ordered,* That General Order DTA 2 is amended to read as follows:

NOTE: This amendment affects sections 1, 2, 3, 4, 6, and 7.

Sec.
1. Port terminal storage and handling of bulk grain; permit required.
2. Issuance of permits, period effective.
3. Applications for permits and extensions thereof.
4. Records, investigations and reports.
5. Petition for relief from hardship.
6. Definitions.
7. Communications.
8. Violations.

AUTHORITY: Sections 1 to 8 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title I, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp., E. O. 10200, Jan. 3, 1951, 16 F. R. 61, E. O. 10219, Feb. 28, 1951, 16 F. R. 1963.

SECTION 1. *Port terminal storage and handling of bulk grain; permit required.* Notwithstanding any contract or other commitment, express or implied, no person operating any port terminal warehouse shall store or handle in bulk at such warehouse any grain unless a grain port handling permit for such grain has been issued by the Defense Transport Administration authorizing such storage or handling: *Provided,* That no such permit shall be required for the storage or handling of grain covered by a transportation permit issued prior to March 3, 1951, by Interstate Commerce Commission permit agents pursuant to its Service Order No. 872, as amended (15 F. R. 9242; 16 F. R. 1549), or by the operator of a port of terminal warehouse: *Provided further,* That such grain is loaded for movement to the port terminal warehouse on or before March 10, 1951.

SEC. 2. *Issuance of permits, period effective.* (a) Grain port handling permits for the storage or handling of bulk grain by port terminal warehouses will be issued by the Defense Transport Administration upon recommendations of the United States Department of Agriculture.

(b) With respect to bulk grain intended for export or for coastwise or intercoastal movement, such recommendations will be based upon: (1) In the case of grain intended for export, the relative needs of the countries of ultimate destination for the grain, (2) the availability of grain for the proposed movement, (3) the availability of ocean shipping space, (4) the availability of inland transportation, and (5) the availability of port terminal storage and handling facilities.

(c) With respect to bulk grain intended for import by water or for receipt at a port terminal warehouse upon completion of a coastwise or intercoastal movement, such recommendations will be based upon: (1) The availability of port terminal storage and handling facilities, (2) the need for the use of such facilities for grain for export or other essential uses, (3) in the case of grain to move coastwise or intercoastally, whether a permit has been or will be issued for the storage and handling thereof at the port of origin and (4) the availability of inland transportation from the port terminal warehouse at the port of destination.

(d) With respect to bulk grain intended for domestic sale or use, as herein defined, such recommendations will be based upon: (1) The need for use of the port terminal warehouse facilities for grain for export, (2) the availability of other warehouse space, within the normal marketing area, for the grain proposed to be stored or handled, (3) the extent to which the port terminal warehouse for which the permit is sought normally has been used for storage and handling of grain for domestic sale or use, and (4) the period for which the permit is requested.

(e) A grain port handling permit may be issued to the operator of any port terminal warehouse authorizing him to store or handle thereat to such extent and for such time (to be specified in the permit) as may be consistent with the purpose and intent of this order, bulk grain which, at the time of its receipt at such warehouse, is intended for domestic sale or use.

(f) Each permit shall be effective only for the period specified therein and may be extended for an additional period upon request of the holder and recommendation of the United States Department of Agriculture.

SEC. 3. *Applications for permits and extensions thereof.* (a) Applications for grain port handling permits shall be made to the Director, Transportation and Warehousing Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

(b) With respect to bulk grain intended for export, the application shall be made by the person proposing to export such grain. With respect to bulk grain intended for coastwise or intercoastal movement, the application shall be made by the person proposing such movement. Each such application shall contain the following information to the extent available to the applicant:

(1) Applicant's name and address;

(2) Name and location of each port terminal warehouse for which the permit is sought;

(3) Quantity, kind, and class of grain for which permit is sought;

(4) Points or areas of origin of such grain;

(5) With respect to grain intended for export the country of ultimate destination of such grain; with respect to grain intended for coastwise or intercoastal movement the domestic port of destination of such grain;

(6) Name of vessel and expected date of readiness to load such grain thereon;

(7) Name and address of vessel's agent and (when applicable) exporter's forwarder unless such forwarder's name is already on file with the Director, Transportation and Warehousing Branch;

(8) With respect to sales made by "fobbers" to the person proposing to export the grain, the name and address of the "fobber";

(9) Any other pertinent supplemental information requested by the Director, Transportation and Warehousing Branch.

(c) With respect to bulk grain intended for import by water, the application shall be made by the importer, and, with respect to bulk grain to be stored or handled upon completion of coastwise or intercoastal movement, by the person for whose account the grain is to be so stored or handled. Each such application shall contain the following information to the extent available to the applicant:

(1) Applicant's name and address and (when applicable) name and address of importer's agent;

(2) Name and location of each port terminal warehouse with respect to which the permit is sought;

(3) Quantity, kind, and class of grain for which permit is sought;

(4) Port or country of origin of the grain;

(5) Name of vessel and expected date of readiness to unload such grain therefrom;

(6) Name and address of vessel's agent;

(7) Any other pertinent supplemental information requested by the Director, Transportation and Warehousing Branch.

(d) With respect to bulk grain intended for domestic sale or use, the application shall be made by the operator of the port terminal warehouse desiring to store or handle such grain, and shall contain the following information:

(1) Applicant's name and address;

(2) Name and location of the port terminal warehouse with respect to which the permit is sought;

(3) Quantity of grain for which permit is sought;

(4) Points or areas of origin of the grain with respect to which the permit is sought;

(5) The extent to which the port terminal warehouse for which permit is sought normally has been used for storage and handling of grain for domestic sale or use; if no grain for domestic sale or use has previously been stored or handled at such warehouse, the extent to which it is now desired to store or handle such grain and the reasons therefor;

(6) The period of time during which applicant desires to store and handle grain under the permit;

(7) Any other pertinent supplemental information requested by the Director, Transportation and Warehousing Branch.

(e) Applications for extensions of the expiration dates of permits shall be made to the Director, Transportation and Warehousing Branch, and shall contain a full statement of the reasons necessitating such extensions.

SEC. 4. *Records, investigations and reports.* (a) Every port terminal warehouse operator shall retain in his possession for at least two years a record of each transaction involving the storage or handling of bulk grain at each port terminal warehouse operated by him. Such records shall include such information as is customarily incorporated in negotiable warehouse receipts and such additional information as may be necessary to permit an audit from which it may be determined whether the provisions of this order have been met.

(b) The Defense Transport Administration may obtain by investigation and interviews such information from, and make such inspection of the books, records and other writings, premises or property, and take the sworn testimony, of any person as may be necessary or appropriate, in the discretion of the Administrator, to the enforcement or administration of this order and the provisions of the Defense Production Act of 1950 pertinent thereto.

(c) Persons subject to this order shall make such additional records and submit such reports to the Defense Transport Administration as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 5. *Petitions for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Director, Transportation and Warehousing Branch. Petitions shall be in writing and set forth all pertinent facts, the nature of relief sought, and justification therefor. As soon as possible after receipt of such petition the United States Department of Agriculture shall furnish the Administrator with its recommendation concerning the petition. After consideration of such recommendation, the Administrator shall take such action with reference to the petition as he deems appropriate to carry out the purposes and provisions of this order.

SEC. 6. *Definitions.* As used in this order or in any permit issued hereunder, the term:

(a) "Person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department, agency, or corporation of the United States, any State, or any political, governmental, or legal entity;

(b) "Grain" includes all grain for which standards are authorized to be established under the U. S. Grain Standards Act, as amended (7 U. S. C. 71–87), and rough rice;

(c) "Port terminal warehouse" means any warehouse, elevator, or loading facility in a port area that stores or handles bulk grain for export to a point outside the continental United States and is equipped to discharge grain to ship or lighter;

(d) "Port area" means any port or place shown in Appendix A, attached hereto and by this reference made a part hereof, and includes both the switching and lighterage limits of each such port or place;

(e) "Administrator" means the Administrator of the Defense Transport Administration or any person designated by him to administer the provisions of this order;

(f) "Director, Transportation and Warehousing Branch" means the Director, Transportation and Warehousing Branch, Production and Marketing Administration, United States Department of Agriculture;

(g) "Grain intended for domestic sale or use" and "grain for domestic sale or use" mean all grain stored or handled in bulk by a port terminal warehouse except that stored or handled in connection with its exportation, importation by water, coastwise or intercoastal movement;

(h) "Grain intended for export" and "grain for export" mean all bulk grain, including bulk grain originating in Canada or Mexico, stored or handled by a port terminal warehouse in connection with its movement to a foreign country.

SEC. 7. *Communications.* Communications concerning this order shall refer to "General Order DTA 2, as amended April 12, 1951," and shall be addressed to Director, Transportation and Warehousing Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

SEC. 8. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of the Defense Transport Administration, or wilfully conceals any material fact, or furnishes false information, in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any person to suspend or revoke any permit issued to him hereunder.

NOTE: The record-keeping and reporting requirements of this order have been approved and subsequent record-keeping and reporting requirements are subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This General Order DTA 2, as amended, shall take effect on April 17, 1951.

Issued at Washington, D. C., this 12th day of April 1951.

HOMER G. KING,
Deputy Administrator,
Defense Transport Administration.

APPENDIX A

Alabama. Mobile (including Theodore).

California. Los Angeles and Los Angeles Port Area (including the City of Los Angeles, Los Angeles Harbor, and Long Beach, and points located between the City of Los Angeles and Los Angeles Harbor or Long Beach on the direct line of any rail carrier), Port Hueneme, San Diego, San Francisco, and San Francisco Bay Area (including Alameda, Benicia, Berkeley, Mare Island, Oakland, Port Chicago, Redwood City, Richmond), and Stockton.

Connecticut. Bridgeport, New Haven, and New London.

Delaware. Wilmington.

Florida. Boca Grande, Fernandina, Jacksonville, Miami, Palm Beach, Panama City, Pensacola, Port Everglades, Port Tampa, and Tampa.

Georgia. Savannah.

Louisiana. Belle Chasse, Braithwaite, Lake Charles, New Orleans, and Baton Rouge.

Maine. Portland and Searsport.

Maryland. Baltimore.

Massachusetts. Boston.

Mississippi. Gulfport.

New Jersey. Camden, and New York Harbor.

New York. New York Harbor, Albany, and Poughkeepsie.

North Carolina. Wilmington.

Oregon. Astoria, Lacoda, Linnton, Portland, and Prescott.

Pennsylvania. Philadelphia (including Artificial Island and Hog Island).

Rhode Island. Davisville-Quonsett Point, Portsmouth, and Providence.

South Carolina. Charleston.

Texas. Beaumont, Corpus Christi, Galveston, Houston, Port Arthur, and Texas City.

Virginia. Hampton Roads (including Norfolk, Newport News, Oyster Point, and Portsmouth).

Washington. Aberdeen, Anacortes, Bellingham, Everett, Kalama, Longview, Olympia, Seattle, Tacoma, Tulalip, and Vancouver.

[F. R. Doc. 51-4481; Filed, Apr. 12, 1951; 12:02 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS' CLAIMS

COMPUTATION OF ANNUAL INCOME

In § 3.228, paragraphs (c) (2) and (i) are amended to read as follows:

§ 3.228 *Computation of annual income for the purposes of Part III, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), or section 1 (c) of Public No. 198, 76th Congress (act of July 19, 1939), as amended*

by section 11, Public Law 144, 78th Congress. • • •

(c) *Income included in computation.* • • •

(2) Family allowances authorized by service personnel under Public Law 625, 77th Congress, or Public Law 351, 81st Congress, as amended by Public Law 771, 81st Congress.

• • • • •

(i) *Reduction of income.* Where, because the claimant's annual income is in excess of the statutory limitation, a claim has been disallowed or payments discontinued for a particular calendar year or part thereof, pension may be payable from the first of the immediately succeeding calendar year if notice (constituting an informal claim) is received during that year that the claimant's actual or anticipated income will not exceed $1,000 (or $2,500, whichever is applicable) and the necessary evidence is furnished within 1 year after the date of request. Otherwise, pension may not be paid for any period prior to the date of receipt of a new claim (formal or informal).

• • • • •

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 48 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interprets or applies sec. 1, 48 Stat. 1281, as amended, Vet. Reg. 1 (a), as amended; 38 U. S. C. and Sup. 503, ch. 12 note)

This regulation is effective April 13, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-4353; Filed, Apr. 12, 1951; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 11—INDUSTRIAL RADIO SERVICES

ELIGIBILITY

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of April 1951;

The Commission having under consideration an amendment to its rules governing the Special Industrial Radio Service to permit the more efficient utilization of plant area communication systems licensed under the provisions of § 11.501 (a) (3) in matters involving the security and protection of industrial installations during the current emergency.

It appearing, that in view of the current national defense program it is desirable to extend the scope of plant area communication systems licensed under the provisions of § 11.501 (a) (3) to permit the operation of mobile transmitters outside of the physical limits of such installations on matters involving plant security;

It further appearing, that since the matter is of urgent need to the national defense and constitutes only a minor extension of the scope of plant area communications for security purposes during the period of national emergency, publication of notice of proposed rule making as set forth in section 4 (a) of the Administrative Procedure Act is unnecessary and not in the public interest.

The Commission also having under consideration a further amendment to § 11.501 to permit a subsidiary corporation organized for the purpose of furnishing radio service on a non-profit basis to its parent corporation or other subsidiaries when the parent or other subsidiaries are engaged in an activity qualifying them under the rules.

It appearing, that this matter was duly published in the FEDERAL REGISTER as part of an overall revision of Subpart K of Part 11, rules governing the Special Industrial Radio Service (Docket 9703), and that although many comments which require additional study were filed relative to the other proposed amendments, no unfavorable comment was received with respect to this particular item:

It further appearing, that it is desirable to implement this change as soon as possible to avoid undue hardship;

It further appearing, that public interest, convenience and necessity would be served by adoption of these rule changes and that authority therefor is contained in sections 4 (i), 303 (b), (f), and (r) of the Communications Act of 1934, as amended;

It further appearing, that since the persons affected by these changes need no time to conform their conduct the changes may be made effective immediately:

It is ordered, That effective immediately § 11.501 of the Commission's rules is amended as follows:

Section 11.501 *Eligibility*, delete present subparagraph (3) of paragraph (a) and substitute the following:

(3) The use of radio is required within the yard area of a single plant for mobile service communications and the use of the Low-Power Industrial Service does not meet the operational requirements of the industry otherwise found eligible under this subparagraph. (Mobile units may be operated outside of the physical limits of the "yard area" for the purpose of maintaining plant security when authorized by the Commission in writing or by notation on the instrument of station authorization upon a showing that such operation is necessary in the interest of the national defense.)

Redesignate paragraph (b) of § 11.501 as paragraph (c) of § 11.501 and insert a new paragraph (b) to read:

(b) A subsidiary corporation organized for the sole purpose of furnishing a non-profit communication service to its parent corporation and/or its subsidiaries may be considered eligible for this service if the parent corporation and/or its subsidiaries meet the requirements of paragraph (a) of this section.

(Sec. 4, 48 Stat. 1066, 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

Adopted: April 4, 1951.

Released: April 4, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4372; Filed, Apr. 12, 1951; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

AMORTIZATION OF EMERGENCY FACILITIES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791) and section 124A of the Internal Revenue Code.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to section 216 of the Revenue Act of 1950, approved September 23, 1950, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately following section 23 (t) the following:

SEC. 216. AMORTIZATION OF EMERGENCY FACILITIES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

• • • • • •

(b) *Technical amendments.* Section 23 (t) is hereby amended by striking out "section 124" and inserting in lieu thereof "section 124 and section 124A".

• • • • •

(d) *Effective dates.* The amendments made by this section shall be applicable with respect to taxable years ending after December 31, 1949.

PAR. 2. There is inserted immediately following § 29.124–10 the following:

SEC. 216. AMORTIZATION OF EMERGENCY FACILITIES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Amortization deduction.* Chapter 1 is hereby amended by inserting after section 124 the following:

SEC. 124A. AMORTIZATION DEDUCTION.

(a) *General rule.* Every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any emergency facility (as defined in subsection (d)), based on a period of sixty months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the facility at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction above provided with respect to any month shall, except to the extent provided in subsection (f) of this section, be in lieu of the deduction with respect to such facility for such month provided by section 23 (l), relating to exhaustion, wear and tear, and obsolescence. The sixty-month period shall begin as to any emergency facility, at the election of the taxpayer, with the month following the month in which the facility was completed or acquired, or with the succeeding taxable year.

(b) *Election of amortization.* The election of the taxpayer to take the amortization deduction and to begin the sixty-month period with the month following the month in which the facility was completed or acquired, or with the taxable year succeeding the taxable year in which such facility was completed or acquired, shall be made by filing with the Secretary, in such manner, in such form, and within such time, as the Secretary may by regulations prescribe, a statement of such election.

(c) *Termination of amortization deduction.* A taxpayer which has elected under subsection (b) to take the amortization deduction provided in subsection (a) may, at any time after making such election, discontinue the amortization deductions with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary before the beginning of such month. The deduction provided under section 23 (l) shall be allowed, beginning with the first month as to which the amortization deduction is not applicable, and the taxpayer shall not be entitled to any further amortization deductions with respect to such emergency facility.

(d) *Definitions*—(1) *Emergency facility.* As used in this section, the term "emergency facility" means any facility, land, building, machinery, or equipment, or any part thereof, the construction, reconstruction, erection, installation, or acquisition of which was completed after December 31, 1949, and with respect to which a certificate under subsection (e) has been made. In no event shall an amortization deduction be allowed in respect of any emergency facility for any taxable year unless a certificate in respect thereof under this paragraph shall have been made prior to the filing of the taxpayer's return for such taxable year, or, in the case of an emergency facility completed or acquired by a taxpayer after December 31, 1949, and before the date of enactment of the Revenue Act of 1950, unless a certificate in respect thereof under this paragraph shall have been made prior to the expiration of twelve months after the date of enactment of the Revenue Act of 1950.

(2) *Emergency period.* As used in this section, the term "emergency period" means the period beginning January 1, 1950, and ending on the date on which the President proclaims that the utilization of a substantial portion of the emergency facilities with respect to which certifications under subsection (e) have be (sic) made is no longer required in the interest of national defense.

(e) *Determination of adjusted basis of emergency facility.* In determining, for the purposes of subsection (a) or subsection (g), the adjusted basis of an emergency facility—

(1) There shall be included only so much of the amount of the adjusted basis of such facility (computed without regard to this section) as is properly attributable to such construction, reconstruction, erection, installation, or acquisition after December 31, 1949, as the certifying authority, designated by the President by Executive order, has certified as necessary in the interest of national defense during the emergency period, and only such portion of such amount as such authority has certified as attributable to defense purposes. Such certification shall be under such regulations as may be prescribed from time to time by such certifying authority with the approval of the President. An application for a certificate must be filed at such time and in such manner as may be prescribed by such certifying authority under such regulations but in no event shall such certificate have any effect unless an application therefor is filed before the expiration of six months after the beginning of such construction, reconstruction, erection, or installation or the date of such acquisition, or before the expiration of six months after the date of enactment of the Revenue Act of 1950, whichever is later.

(2) After the completion or acquisition of any emergency facility with respect to which a certificate under paragraph (1) has been made, any expenditure (attributable to such facility and to the period after such completion or acquisition) which does not represent construction, reconstruction, erection, installation, or acquisition included in such certificate, but with respect to which a separate certificate is made under paragraph (1), shall not be applied in adjustment of the basis of such facility but a separate basis shall be computed therefor pursuant to paragraph (1) as if it were a new and separate emergency facility.

(f) *Depreciation deduction.* If the adjusted basis of the emergency facility (computed without regard to this section) is in excess of the adjusted basis computed under subsection (e), the deduction provided by section 23 (l) shall, despite the provisions of subsection (a) of this section, be allowed with respect to such emergency facility as if its adjusted basis for the purpose of such deduction were an amount equal to the amount of such excess.

(g) *Payment by United States of unamortized cost of facility.* If an amount is properly includible in the gross income of the taxpayer on account of a payment with respect to an emergency facility and such payment is certified as provided in paragraph (1), then, at the election of the taxpayer in its return for the taxable year in which such amount is so includible—

(1) The amortization deduction for the month in which such amount is so includible shall (in lieu of the amount of the deduction for such month computed under subsection (a)) be equal to the amount so includible but not in excess of the adjusted basis of the emergency facility as of the end of such month (computed without regard to any amortization deduction for such month). Payments referred to in this paragraph shall be payments the amounts of which are certified, under such regulations as the President may prescribe, by the certifying authority designated by the President as compensation to the taxpayer for the unamortized cost of the emergency facility made because—

(A) A contract with the United States involving the use of the facility has been terminated by its terms or by cancellation, or

(B) The taxpayer had reasonable ground (either from provisions of a contract with the United States involving the use of the facility, or from written or oral representations made under authority of the United States) for anticipating future contracts involving the use of the facility, which future contracts have not been made.

(2) In case the taxpayer is not entitled to any amortization deduction with respect to the emergency facility, the deduction allowable under section 23 (l) on account of the month in which such amount is so includible shall be increased by such amount, but such deduction on account of such month shall not be in excess of the adjusted basis of the emergency facility as of the end of such month (computed without regard to any amount allowable, on account of such month, under section 23 (l) or this paragraph).

(h) *Life tenant and remainderman.* In the case of property held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowable to the life tenant.

(i) *Cross reference.* For special rule with respect to gain derived from the sale or exchange of property the adjusted basis of which is determined with regard to this section, see section 117 (g) (3).

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(d) *Effective dates.* The amendments made by this section shall be applicable with respect to taxable years ending after December 31, 1949.

§ 29.124a–1 *Introductory.* Sections 29.124a–2 to 29.124a–9, inclusive, which are applicable only with respect to taxable years ending after December 31, 1949, comprise the regulations under section 124A of the Internal Revenue Code, relating to the amortization of emergency facilities, and are to be distinguished from the regulations under section 124 of the Code (§§ 29.124–1 to 29.124–10, inclusive), relating to the amortization of emergency facilities during World War II. For the right of estates and trusts to amortize emergency facilities, see section 172 and § 29.172–1. For the allowance of amortization deduction in the case of emergency facilities of partnerships, see section 190 and § 29.190–1. For income tax treatment of gain from the sale or exchange of an emergency facility for which an amortization deduction has been taken, see section 117 (g) (3) and § 29.117–9.

§ 29.124a–2 *Definitions.* As used in this section and §§ 29.124a–3 to 29.124a–9, inclusive, the term:

(a) "Certifying authority" means the certifying authority designated by the President by Executive order.

(b) "Emergency facility" means any facility, land, building, machinery, or equipment, or any part thereof, the acquisition of which occurred after December 31, 1949, or the construction, reconstruction, erection, or installation of which was completed after such date,

and with respect to which a certificate under section 124A (e) has been made. In the case of an application for a certificate under section 124A (e) which is filed after March 23, 1951, only the part of any such facility which is constructed, reconstructed, erected, or installed by any person not earlier than six months prior to the filing of such application, and which is certified in accordance with section 124A (e), shall be deemed to be an emergency facility, notwithstanding that the other part of such facility was constructed, reconstructed, erected, or installed earlier than six months prior to the filing of such application. The term "emergency facility," as so defined, may include, among other things, improvements of land, such as the construction of roads, bridges, and airstrips, and the dredging of channels.

(c) "Emergency period" means the period beginning on January 1, 1950, and ending on the date on which the President proclaims that the utilization of a substantial portion of the certified emergency facilities is no longer required in the interest of national defense.

§ 29.124a–3 *Amortization deduction; general rule.* (a) A person is entitled, at its election, to a deduction with respect to the amortization of the adjusted basis (for determining gain) of an emergency facility, such amortization to be based on a period of 60 months. As to the adjusted basis of an emergency facility, see § 29.124a–6. The taxpayer may, with respect to an emergency facility, elect to begin the 60-month amortization period with (1) the month following the month in which such facility was completed or acquired, or (2) the taxable year succeeding that in which such facility was completed or acquired (see § 29.124a–4). The date on which, or the month within which, an emergency facility is completed or acquired is to be determined upon the facts in the particular case. Ordinarily, the taxpayer is in possession of all the facts and, therefore, in a position to ascertain such date. A statement of the date ascertained by the taxpayer, together with a statement of the pertinent facts relied upon, should be filed with the taxpayer's election to take amortization deductions with respect to such facility.

(b) In no event shall an amortization deduction be allowed with respect to an emergency facility for any taxable year unless such facility has been certified prior to the date of filing of the taxpayer's return for such taxable year, or, in the case of an emergency facility completed or acquired after December 31, 1949, and before September 23, 1950, unless certified on or before September 23, 1951, or the date on which the return is filed, whichever is later. See section 124A (d) (1).

(c) In general, with respect to each month of the 60-month period which falls within the taxable year, the amortization deduction is an amount equal to the adjusted basis of the facility at the end of such month divided by the number of months (including the particular month for which the deduction is computed) remaining in the 60-month period. The adjusted basis of the facility at the end of any month shall be computed without regard to the amortization deduction with respect to such facility for such month. The total amortization deduction with respect to an emergency facility for a particular taxable year is the sum of the amortization deductions allowable with respect to such facility for each month of the 60-month period which falls within such taxable year. The amortization deduction with respect to an emergency facility taken for any month is in lieu of the deduction for depreciation which would otherwise be allowable under section 23 (l) with respect to such facility for such month. See, however, § 29.124a–7, relating to depreciation with respect to any amount not subject to amortization.

(d) This section may be illustrated by the following examples:

Example (1). On July 1, 1950, the X Corporation, which makes its income tax returns on the calendar year basis, begins the construction of an emergency facility which is completed on September 30, 1950, at a cost of $240,000. The certificate covers the entire construction. The X Corporation elects to take amortization deductions with respect to the facility and to begin the 60-month amortization period with October, the month following its completion. The adjusted basis of the facility at the end of October is $240,000. The allowable amortization deduction with respect to such facility for the taxable year 1950 is $12,000, computed as follows:

Monthly amortization deductions:	
October: $240,000 divided by 60	$4,000
November: $236,000 ($240,000 minus $4,000) divided by 59	4,000
December: $232,000 ($236,000 minus $4,000) divided by 58	4,000
Total amortization deduction for 1950	12,000

Example (2). The Y Corporation, which makes its income tax returns on the basis of a fiscal year ending November 30, purchases an emergency facility (No. 1) on July 29, 1951. On June 15, 1951, it begins the construction of an emergency facility (No. 2) which is completed on August 2, 1951. The entire acquisition and construction of such facilities are covered by the certificate. The Y Corporation elects to take amortization deductions with respect to both facilities and to begin the 60-month amortization period in each case with the month following the month of acquisition or completion. At the end of the first month of the amortization period the adjusted basis of facility No. 1 is $300,000 and the adjusted basis of facility No. 2 is $54,000. In September 1951 facility No. 1 is damaged by fire, as a result of which its adjusted basis is properly reduced by $25,370. The allowable amortization deduction with respect to such facilities for the taxable year ending November 30, 1951, is $21,410, computed as follows:

FACILITY NO. 1

Monthly amortization deductions:	
August: $300,000 divided by 60	$5,000
September: $269,630 ($300,000 minus $5,000 and $25,370) divided by 59	4,570
October: $265,060 ($269,630 minus $4,570) divided by 58	4,570
November: $260,490 ($265,060 minus $4,570) divided by 57	4,570
Amortization deduction for 1951	18,710

FACILITY NO. 2

Monthly amortization deductions:	
September: $54,000 divided by 60	$900
October: $53,100 divided by 59	900
November: $52,200 divided by 58	900
Amortization deduction for 1951	2,700
Total amortization deduction for 1951	21,410

Example (3). On June 15, 1951, the Z Corporation, which makes its income tax returns on the calendar year basis, completes the construction of an emergency facility at a cost of $110,000. In its income tax return for 1951, filed on March 15, 1952, the Z Corporation elects to take amortization deductions with respect to such facility and to begin the 60-month amortization period with July, the month following its completion. No certificate with respect to such facility is made until April 10, 1952, and therefore no amortization deduction with respect to such facility is allowable for any month in the taxable year 1951. The Z Corporation is entitled, however, to take a deduction for depreciation of such facility for the taxable year 1951, such deduction being assumed, for the purposes of this example, to be $2,000. Accordingly, the adjusted basis of such facility at the end of January 1952 (without regard to the amortization deduction for such month) is $108,000 ($110,000 minus $2,000). For the taxable year 1952, the Z Corporation is, with respect to such facility, entitled to an amortization deduction of $24,000, computed as follows:

Monthly amortization deductions:	
January: $108,000 divided by 54	$2,000
February: $106,000 ($108,000 minus $2,000) divided by 53	2,000
March: $104,000 ($106,000 minus $2,000) divided by 52	2,000
For the remaining nine months (similarly computed)	18,000
Total amortization deduction for 1952	24,000

Since the Z Corporation elected in its return for 1951 to take amortization deductions with respect to such facility and to begin the 60-month amortization period with July 1951, it must compute its amortization deductions for the 12 months in the taxable year 1952 on the basis of the remaining months of the established 60-month amortization period, as indicated in the above computation.

§ 29.124a–4 *Election of amortization*—(a) *General rule.* An election by the taxpayer to take amortization deductions with respect to an emergency facility and to begin the 60-month amortization period either with the month following the month in which such facility was completed or acquired, or with the taxable year succeeding the taxable year in which such facility was completed or acquired, shall be made by a statement to that effect in its return for the taxable year in which falls the first month of the 60-month amortization period so elected.

(b) *Special rules in case return filed on or before April 15, 1951.* In the case of an emergency facility completed or acquired by a taxpayer after December 31, 1949, and within a taxable year for which a return was filed on or before April 15, 1951, an election by the taxpayer to take amortization deductions with respect thereto for such taxable year shall be made by a statement in writing to that effect filed with the Commissioner of Internal Revenue, Washington 25, D. C., on or before May 1, 1951. A statement of election by the taxpayer in a return filed on or before April 15, 1951, shall be considered as the statement of election provided for by this paragraph unless the taxpayer does make the statement of election provided for by this paragraph.

(c) *Election not made in prescribed manner.* If the statement of election is not made by the taxpayer as prescribed in paragraph (a) or (b) of this section, it may, in the discretion of the Commissioner and for good cause shown, be made in such manner and form and within such time as may be approved by the Commissioner.

(d) *Other requirements and considerations.* No method of making such election other than those prescribed in this section is permitted. Any statement of election should contain a description clearly identifying each emergency facility for which an amortization deduction is claimed. A taxpayer which does not elect, in the manner prescribed in this section, to take amortization deductions with respect to an emergency facility shall not be entitled to amortization deductions with respect to such facility. See also the last sentence of section 124A (d) (1) and § 29.124a–3 (b), restricting allowance of amortization deduction to cases where the facility has been certified prior to certain applicable dates.

§ 29.124a–5 *Election to discontinue amortization.* (a) If a taxpayer has elected to take amortization deductions with respect to an emergency facility, it may, after such election and prior to the expiration of the 60-month amortization period, discontinue the amortization deductions with respect to such facility for the remainder of the 60-month period. An election to discontinue the amortization deductions shall be made by a notice in writing filed with the Commissioner of Internal Revenue, Washington 25, D. C., specifying the month as of the beginning of which the taxpayer elects to discontinue such deductions. Such notice shall be filed before the beginning of the month specified therein, and should contain a description clearly identifying the emergency facility with respect to which the taxpayer elects to discontinue the amortization deductions. If the taxpayer so elects to discontinue the amortization deductions with respect to an emergency facility, it shall not be entitled to any further amortization deductions with respect to such facility.

(b) A taxpayer which thus elects to discontinue amortization deductions with respect to an emergency facility is entitled, if such facility is depreciable property under section 23 (l) and the regulations thereunder, to a deduction for depreciation with respect to such facility. The deduction for depreciation shall begin with the first month as to which the amortization deduction is not applicable, and shall be computed on the adjusted basis of the property as of the beginning of such month (see section 113 (b) and the regulations thereunder).

(c) This section may be illustrated by the following example:

Example. On July 1, 1950, the X Corporation, which makes its income tax returns on the calendar year basis, purchases an emergency facility, consisting of land with a building thereon, at a cost of $306,000 of which $60,000 is allocable to the land and $246,000 to the building. The certificate covers the entire acquisition. The corporation elects to take amortization deductions with respect to the facility and to begin the 60-month amortization period with the taxable year 1951. Depreciation of the building in the amount of $6,000 is deducted and allowed for the taxable year 1950. On March 25, 1952, the corporation files notice with the Commissioner of its election to discontinue the amortization deductions beginning with the month of April 1952. The adjusted basis of the facility on January 31, 1951, is $300,000, or the cost of the facility ($306,000) less the depreciation allowed for 1950 ($6,000). The amortization deductions for the taxable year 1951 and the months of January, February, and March, 1952, amount to $75,000, or $5,000 per month for 15 months. Since, at the beginning of the amortization period (January 1, 1951), the adjusted basis of the land is one-fifth of the adjusted basis of the entire facility and since there are no adjustments to basis other than on account of amortization during the period, the adjusted basis of the land should be reduced by $15,000, or one-fifth of the entire amortization deduction, and the adjusted basis of the building should be reduced by $60,000, or four-fifths of the entire amortization deduction. Accordingly, the adjusted basis of the facility as of April 1, 1952, is $225,000, of which $180,000 is allocable to the building for the purpose of depreciation deductions under section 23 (l), and $45,000 is allocable to the land.

§ 29.124a–6 *Adjusted basis of emergency facility*—(a) *In general.* (1) The adjusted basis of an emergency facility for the purpose of computing the amortization deduction may differ from what would otherwise constitute the adjusted basis of such emergency facility, in that it shall be the adjusted basis for determining gain (see section 113) and in that it may be only a portion of what would otherwise constitute the adjusted basis. It will be only a portion of such other adjusted basis if only a portion of the basis (unadjusted) is attributable to certified construction, reconstruction, erection, installation, or acquisition taking place after December 31, 1949. Also, it will be only a portion of what would otherwise constitute the adjusted basis of the emergency facility if only a portion of the basis (unadjusted) is certified as attributable to defense purposes. It is therefore necessary first to determine the unadjusted basis of the emergency facility from which the adjusted basis for amortization purposes is derived.

(2) The unadjusted basis for amortization purposes is the same as the unadjusted basis otherwise determined only when the entire construction, reconstruction, erection, installation, or acquisition takes place after December 31, 1949, and is certified in its entirety by the certifying authority.

(3) In cases in which only a portion of the construction, reconstruction, erection, installation, or acquisition attributable to the facility takes place after December 31, 1949, and that portion is certified in its entirety by the certifying authority, the unadjusted basis for the purpose of amortization is so much of the entire unadjusted basis as is attributable to the certified construction, reconstruction, erection, installation, or acquisition which takes place after December 31, 1949. For example, the X Corporation begins the construction of a facility on November 15, 1949, and such facility is completed on April 1, 1950, at a cost of $500,000, of which $300,000 is attributable to construction after December 31, 1949. The entire construction after December 31, 1949, is certified by the certifying authority. The unadjusted basis of the emergency facility for amortization purposes is therefore $300,000. For depreciation of the remaining portion of the cost ($200,000) see § 29.124a–7.

(4) If the certifying authority certifies only a portion of the construction, reconstruction, erection, installation, or acquisition of property which takes place after December 31, 1949, the unadjusted basis for amortization purposes is limited to such portion so certified. Assuming the same facts as in the example in subparagraph (3) of this paragraph, except that only 50 percent of the construction, reconstruction, erection, installation, or acquisition after December 31, 1949, is certified, the unadjusted basis for amortization purposes is 50 percent of $300,000, or $150,000.

(5) The adjusted basis of an emergency facility for amortization purposes is the unadjusted basis for amortization purposes less the adjustments properly applicable thereto. Such adjustments are those specified in section 113 (b), except that no adjustments are to be taken into account which increase the adjusted basis. (See paragraph (b) of this section.) If the taxpayer constructs, reconstructs, erects, installs, or acquires an emergency facility pursuant to a cost reimbursement contract with an obligation for reimbursement by the United States of all or a part of the cost of such facility, the unadjusted basis of such facility for amortization purposes shall not include that part of the cost for which the taxpayer is entitled to reimbursement, and the amount received as reimbursement shall be treated as a capital receipt. However, amounts received by a taxpayer which represent in fact compensation by reason of termination of a government contract or payment for articles under such a contract, though denominated reimbursements for all or a part of the cost of an emergency facility, are not to be treated as capital receipts but are to be taken into account in computing income, and are therefore not to be applied in reduction of the basis of such facility.

(6) The following examples will illustrate the computation of the adjusted basis of an emergency facility for amortization purposes:

Example (1). The X Corporation completes an emergency facility on July 1, 1950, the entire unadjusted basis of which is $500,000, and the unadjusted basis of which for the purpose of amortization is $300,000. The X Corporation elects to begin amortization as of January 1, 1951. The only adjustment to basis for the period July 1, 1950, to January 31, 1951, other than de-

preciation or amortization for January 1951, is $5,000 for depreciation for the last six months of 1950. The adjusted basis for the purpose of amortization is therefore $300,000 less $3,000 (300,000/500,000 x $5,000), or $297,000.

Example (2). On July 31, 1954, the Y Corporation has an emergency facility (a building) which was completed on July 1, 1950, the entire basis of which is $500,000, and the unadjusted basis of which for the purpose of amortization is $300,000. The corporation elected to begin amortization as of January 1, 1951, at which time it was entitled to $5,000 depreciation for the last six months of 1950. On July 1, 19[illegible], the facility was damaged by fire, as the result of which its adjusted basis is properly reduced by $200,000. The adjusted basis of the emergency facility as of July 1954 for the purpose of amortization and depreciation, and the adjusted basis for other purposes, are $23,849.18, $49,250.82, and $73,100.00, respectively, computed as follows:

	For amortization	For depreciation	For other purposes
Unadjusted basis	$300,000.00	$200,000.00	$500,000
Less depreciation to Jan. 1, 1951	3,000.00	2,000.00	5,000
Adjusted basis January 1951	297,000.00	198,000.00	495,000
Less amortization for 42 months	267,900.00		267,900
Less depreciation for 42 months		14,000.00	14,000
Adjusted basis at time of fire	89,100.00	184,000.00	273,100
Less fire loss (apportioned as explained below)	65,250.82	134,749.18	200,000
Adjusted basis after fire loss	23,849.18	49,250.82	73,100

The $200,000 fire loss is applied against the adjusted basis for the purpose of amortization and the adjusted basis for the purpose of depreciation in the proportion that each such adjusted basis at the time of the fire bears to their sum, i. e., 89,100/273,100 x $200,000 or $65,250.82, against the amortization basis, and 184,000/273,100 x $200,000, or $134,749.18, against the depreciation basis.

(b) *Capital additions.* If, after the completion or acquisition of an emergency facility which has been certified by the certifying authority, further expenditures are made for construction, reconstruction, erection, installation, or acquisition attributable to such facility but not covered by such certification, such expenditures shall not be added to the adjusted basis of the emergency facility for amortization purposes under such certification. If such further expenditures are separately certified in accordance with the provisions of section 124A (e) (1) and this section, they are treated as certified expenditures in connection with a new and separate emergency facility and, if proper election is made, will be taken into account in computing the adjusted basis of such new and separate emergency facility for the purpose of amortization.

Example. On March 1, 1951, the certifying authority certifies as an emergency facility a heating plant proposed to be constructed by the Z Corporation. Such facility is completed on July 1, 1951. The Z Corporation, on August 1, 1951, begins the installation in the plant of an additional boiler, which is not included in the certification for the plant but is certified as a new and separate emergency facility. For amortization purposes, the adjusted basis of the heating plant is determined without including the cost of the additional boiler. Such cost is taken into account in computing the adjusted basis of the new and separate emergency facility (the boiler), as to which the taxpayer has a separate election for amortization purposes and a separate amortization period.

§ 29.124a–7 *Depreciation of portion of emergency facility not subject to amortization.* (a) The rule set forth in section 124A (a) (see § 29.124a–3), that an amortization deduction with respect to an emergency facility is in lieu of any deduction for depreciation which would otherwise be allowable under section 23 (l) with respect to such facility, is subject to the exception provided in section 124A (f). Under this exception, if the property constituting such facility is depreciable property under section 23 (l) and the regulations thereunder and if the adjusted basis of such facility as computed under section 113 (b) for purposes other than the amortization deductions (see § 29.113 (b) (1)–1) is in excess of the adjusted basis computed under section 124A (c) for the purpose of the amortization deductions (see § 29.124a–6), then the excess shall be charged off over the useful life of the facility and recovered through depreciation deductions. Thus, if the construction of an emergency facility is begun on or before December 31, 1949, and completed after such date, no amortization deductions are allowable with respect to the amount attributable to such construction on or before such date (see § 29.124a–6). However, if the property constituting such facility is depreciable property under section 23 (l) and the regulations thereunder, then the depreciation deduction provided by such section and regulations is allowable with respect to the amount attributable to such construction on or before December 31, 1949.

(b) Similarly, if only a portion of the construction, reconstruction, erection, installation, or acquisition after December 31, 1949, of an emergency facility has been certified by the certifying authority, and if such facility is depreciable property under section 23 (l) and the regulations thereunder, then the depreciation deduction provided by such section and regulations is allowable with respect to the portion which has not been so certified.

(c) For illustration of the treatment of a depreciable portion of an emergency facility, see example (2) in § 29.124a–6 (a).

§ 29.124a–8 *Payment by United States of unamortized cost of facility.* (a) Section 124A (g) contemplates that certain payments may be made by the United States to a taxpayer as compensation for the unamortized cost of an emergency facility. If any such payment is properly includible in gross income and has been certified, as provided in section 124A (g), as having been paid under the circumstances described therein, a taxpayer which is recovering the adjusted basis of an emergency facility through amortization rather than depreciation may elect to take an amount equal to such payment as an amortization deduction with respect to such facility for the month in which such payment is so includible. Such amortization deduction shall be in lieu of the amortization deduction otherwise allowable with respect to such facility for such month, but it shall not, in any case exceed the adjusted basis of such facility (see § 29.124a–6) as of the end of such month (computed without regard to any amortization deduction for such month). The election referred to in this paragraph shall be made in the return for the taxable year in which the amount of such payment is includible in gross income.

(b) If a taxpayer is recovering the adjusted basis of an emergency facility through depreciation rather than amortization, the depreciation deduction allowable under section 23 (l) for the month in which the amount of any such payment is includible in gross income shall, at the taxpayer's election, be increased by such amount; but the total deduction with respect to the certified portion of such facility shall not in any case exceed the adjusted basis of such facility (computed as provided in section 124A (e) and § 29.124a–6 for amortization purposes) as of the end of such month (computed without regard to any amount allowable for such month under section 23 (l) or 124A (g) (2)). The election referred to in this paragraph shall be made in the return for the taxable year in which the amount of such payment is includible in gross income.

(c) This section may be illustrated by the following examples:

Example (1). On January 31, 1951, the X Corporation purchases an emergency facility at a cost of $600,000. The certificate covers the entire acquisition. The X Corporation elects to take amortization deductions with respect to such facility and to begin the 60-month amortization period with February 1951, the month following the month of acquisition. On July 15, 1952, as a result of the cancellation of certain contracts with the X Corporation, the United States makes a payment of $300,000 to the corporation as compensation for the unamortized cost of such facility. The $300,000 payment is includible in the X Corporation's gross income for July 1952. The adjusted basis of such facility for amortization purposes as of the end of July 1952, computed without regard to any amortization deduction for such month, is $430,000. Accordingly, the corporation is entitled to take an amortization deduction of $300,000 for such month, in lieu of the $10,000 amortization deduction which is otherwise allowable.

Example (2). On November 30, 1951, the Y Corporation purchases an emergency facility, consisting of land with a building thereon, at a cost of $500,000, of which $200,000 is allocable to the land and $300,000 to the building. The certificate covers the entire acquisition. The Y Corporation does not elect to take amortization deductions with respect to such facility, but is entitled to a depreciation deduction with respect to the building at the rate of 3 percent per annum, or $750 per month. On August 12, 1953, as a result of cancellation of certain contracts, the United States makes a payment of $400,000 to the corporation as compensation for the unrecovered cost of such facility. The $400,000 is includible in the Y Corporation's gross income for August 1953. The adjusted basis of the facility as of the end of August 1953, computed without regard to depreciation for such month, is $485,000, of which amount $200,000 is allocable to the land and $285,000 to the building. Accordingly, the corporation is entitled to increase the $750 depreciation deduction for August 1953 by the full amount of the $400,000 payment.

§ 29.124a–9 *Life tenant and remainderman.* In the case of an emergency facility held by one person for life with remainder to another person, the amortization deduction shall be computed as if the life tenant were the absolute owner of the facility and shall be allowable to the life tenant during his life.

PAR. 3. There is inserted immediately preceding § 29.117–1 the following:

SEC. 216. AMORTIZATION OF EMERGENCY FACILITIES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * *

(c) *Gain attributable to amortization deduction.* Section 117 (g) is hereby amended by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and", and by inserting after paragraph (2) the following new paragraph:

(3) Gain from the sale or exchange of property, to the extent that the adjusted basis of such property is less than its adjusted basis determined without regard to section 124A (relating to amortization deduction), shall be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in subsection (j).

(d) *Effective dates.* The amendments made by this section shall be applicable with respect to taxable years ending after December 31, 1949.

PAR. 4. There is inserted immediately following § 29.117–8 the following:

§ 29.117–9 *Gain attributable to amortization deduction.* (a) Section 117 (g) (3) provides that gain from a sale or exchange of property, to the extent that the adjusted basis of such property is less than its adjusted basis determined without regard to section 124A, shall be considered as ordinary income. For example, on December 31, 1950, a taxpayer making his income-tax returns on the calendar year basis acquires at a cost of $10,000 an emergency facility (used in his business) which normally would have a useful life of 20 years. Under section 124A he elects to begin the 60-month amortization period on January 1, 1951. He takes amortization deductions in the amount of $4,000 for the years 1951 and 1952 (24 months). On December 31, 1952, he sells the facility for $9,500. The adjusted basis of the facility on that date is $6,000 ($10,000 cost less $4,000 amortization). Without regard to section 124A, the facility would have been depreciated at the rate of $500 a year and its adjusted basis on December 31, 1952, would have been $9,000 ($10,000 cost less $1,000 depreciation). The difference between the facility's actual adjusted basis ($6,000) and its adjusted basis determined without regard to section 124A ($9,000) is $3,000. Accordingly, $3,000 of the $3,500 gain on the sale of the facility ($9,500 sale price less $6,000 adjusted basis) would be treated as ordinary income and the remaining $500 would be subject to the provisions of section 117 (j).

(b) If the taxpayer acquires other property in an exchange for an emergency facility with respect to which amortization deductions have been allowed, and if the basis in his hands of such other property is determined by reference to the basis of the emergency facility, then the basis of such other property is determined with regard to section 124A, and therefore the provisions of section 117 (g) (3) apply with respect to gain realized on a sale or exchange of such other property. The provisions of section 117 (g) (3) likewise apply with respect to gain realized on the sale or exchange of an emergency facility (or other property acquired, as described in the preceding sentence, in an exchange for an emergency facility) by a taxpayer in whose hands the basis of such facility (or other property) is determined by reference to the basis thereof in the hands of another person who was allowed deductions with respect to such facility under section 124A.

PAR. 5. Section 29.172–1 is amended by striking out the second sentence and inserting in lieu thereof the following: "The same rule is applicable in the case of an emergency facility, as defined in section 124A (d), acquired or completed by an estate or trust after December 31, 1949. See section 23 (t) and sections 124 and 124A and the regulations thereunder."

PAR. 6. Section 29.190–1 is amended by striking out the second sentence and inserting in lieu thereof the following: "The same rule is applicable in the case of an emergency facility, as defined in section 124A (d), acquired or completed by a partnership after December 31, 1949. See section 23 (t) and sections 124 and 124A and the regulations thereunder."

[F. R. Doc. 51–4387; Filed, Apr. 12, 1951; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

GILLETTE LIVESTOCK EXCHANGE AND CENTRAL MONTANA STOCKYARDS

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the stockyards listed below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act:

Gillette Livestock Exchange, Gillette, Wyoming.

Central Montana Stockyards, Lewistown, Montana.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit within 15 days of the publication of this notice any data, views or argument, in writing, on the proposed rule to the Director, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 10th day of April 1951.

F. W. IM MASCHE,
Acting Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 51–4388; Filed, Apr. 12, 1951; 8:52 a. m.]

GASAWAY SALE CO. AND MEDICINE LODGE SALES CO.

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the stockyards listed below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act:

Gasaway Sale Co., Plainville, Kans.

Medicine Lodge Sales Co., Medicine Lodge, Kans.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit within 15 days of the publication of this notice any data, views or argument, in writing, on the proposed rule to the Director, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 9th day of April 1951.

[SEAL] F. W. IM MASCHE,
Acting Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 51–4394; Filed, Apr. 12, 1951; 8:54 a. m.]

ATOMIC ENERGY COMMISSION

[10 CFR, Part 60]

BONUS FOR INITIAL PRODUCTION OF URANIUM ORES FROM DOMESTIC MINES

NOTICE OF PROPOSED RULE MAKING

Pursuant to the Atomic Energy Act of 1946 (Pub. Law 585, 79th Cong.; 60 Stat. 755 ff) and to section 4 (a) of the Administrative Procedure Act of 1946 (Pub. Law 404, 79th Cong.), notice is hereby given of intention to issue regulations concerning bonus payments for initial production of uranium ores from domestice mines. The proposed regulations are set forth hereunder.

Interested parties are to be given an opportunity to submit their views and other relevant information with respect to the proposed regulations in writing to the United States Atomic Energy Commission, Raw Materials Operations, at either 1901 Constitution Avenue, Washington, D. C. or P. O. Box 270,

Grand Junction, Colorado, within thirty (30) days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

Dated at Washington, D. C., this 6th day of April 1951.

M. W. BOYER,
General Manager.

[Domestic Uranium Program Circular 6]

§ 60.6 *Bonus for initial production of uranium ores from new domestic mines*—(a) *What this section does.* This section provides for bonus payments for initial and certain other production of uranium-bearing ores. It is intended to encourage and assist the development of new sources of domestic uranium production in the interest of the common defense and security.

(b) *Production bonus established.* The U. S. Atomic Energy Commission will pay a bonus under the conditions set forth in this section for delivery to a Commission ore-buying station or a qualified uranium mill (hereafter called station or mill) of uranium ores from an eligible mining property up to the maximum quantities specified in the paragraphs below.

(c) *Term of this section.* This section will apply to deliveries made under its terms between March 1, 1951 and February 28, 1954, inclusive.

(d) *Payment of the bonus.* Bonus payments will be computed on the following basis:

Ores assaying less than 0.10 percent U_3O_8; no payment.

Ores assaying 0.10 percent U_3O_8 and more, as follows:

U_3O_8 assay:	Payment per pound of U_3O_8
0.10 percent	$1.50
0.11 percent	1.70
0.12 percent	1.90
0.13 percent	2.10
0.14 percent	2.30
0.15 percent	2.50
0.16 percent	2.70
0.17 percent	2.90
0.18 percent	3.10
0.19 percent	3.30
0.20 percent and more	3.50

Fractional parts of a pound will be paid for on a pro rata basis to the nearest cent. Assays will be adjusted to the nearest 0.01 percent for purposes of payment. Weights are avoirdupois dry weights. Bonus payments made under this section will be in addition to any other payments for delivery of the ore. They will be paid directly by the Commission and not by the station or mill.

(e) *Maximum quantity of uranium oxide for which bonus payments will be made.* Subject to the conditions of this section, bonus payments will be made on deliveries of uranium ore from an eligible mining property to a station or mill until bonus payments have been made on 10,000 pounds of uranium oxide less the number of pounds, if any, accepted by any station or mill from that mining property between April 9, 1948, and February 28, 1951, inclusive.

(f) *Ores for which bonus payments will be made.* Ores for which bonus payments will be made must have been delivered to and paid for by either a station or mill. However, in special cases, bonus payments may be made for ores which have been accepted but not paid for by the station or mill. The weights and final assays made to ascertain the amount of payment due from the station or mill shall be used to determine the amount of bonus payments under this section.

(g) *Which mining properties are eligible.* In order for a mining property to be eligible for bonus payments under this section:

(1) As required by paragraph (e) in this section, the total quantity of uranium oxide as contained in ore accepted by any station or mill from that property between April 9, 1948, and February 28, 1951, inclusive, must have been less than 10,000 pounds; and

(2) The property must be within the United States, its territories, possessions or the Canal Zone; and

(3) The property must be certified by the Commission as an eligible mining property in accordance with the following criteria:

(i) *Purpose of the bonus.* The purpose of the bonus is to encourage and assist the development of new sources of domestic uranium production.

(ii) *Character of mining property.* The mining property may consist of a placer or lode location, or if not covered by location, a tract which the Commission finds to be comparable or otherwise appropriate. However, if contiguous locations or tracts are held in common in the manner set forth in the following paragraph, the entire holding will be regarded as a single mining property.

(iii) *Title or interest of the holder of the property.* The title or interest in the mining property should be one of ownership or lawful possession of mining rights. This type of holding will generally be that of an owner or leaser (lessee). It is recognized that there are various arrangements such as split check leases, piece rate contracts and the like whereby persons either as employees or independent contractors conduct mining operations on designated areas of property held by another who also supplies certain of the mining services or equipment or both and who receives in return a percentage of the proceeds of the ore produced. In the case of such arrangements, the person who grants the right to conduct these mining operations will be considered as the holder of the mining property although others perform mining operations on it.

(iv) *Minimum size of mining property.* The mining property, if it is made up of a location or locations, should contain at least 15 acres. The minimum size of lands on Indian reservations will be established by the Commission after consultation with the Bureau of Indian Affairs of the Department of Interior. The minimum size of other mining properties will be established by the Commission in individual cases in the light of the purpose of the bonus.

(v) *Subdivision or consolidation of property.* Since the division of existing mining properties into smaller units might have the effect of increasing bonus payments without advancing the purpose of the program, division of a single mining property on or after March 1, 1951, will not be recognized in determining its eligibility for bonus payments under this section. In addition, consolidation or merger of contiguous mining properties on or after March 1, 1951, will not affect the eligibility of the separate properties for bonus payments.

(vi) *Special cases.* Since the above criteria are merely guides to assist the Commission in its decisions, properties which fail to meet all of the criteria may be certified by the Commission as eligible mining properties in special cases where it is determined that the deviations are not substantial or that their disqualification would cause serious inequities. On the other hand, technical compliance with these criteria will not necessarily make a property eligible as a mining property.

Normally properties leased to private operators by the Commission will not be eligible for bonus payments.

(h) *Determination by the Commission.* The Commission expressly reserves the right to decide the amount of any bonus payments to be made, whether the property should be certified as an eligible mining property, the person to whom the bonus should be paid and whether for any reason a bonus is not payable. These decisions shall rest in the sole discretion of the Commission and shall be final and conclusive. The Commission further reserves the right to establish procedures to carry out the bonus program. Any bonus payments made hereunder with respect to particular ores shall be the only such bonus payments made for those ores. The Commission will not consider any other application for bonus payments on those ores.

(i) *Application for certification.* Applications for certification of a property as eligible should be made to:

U. S. Atomic Energy Commission,
Colorado Raw Materials Office,
P. O. Box 270,
Grand Junction, Colo.

The application should include a brief description of the mining property indicating its size, location, ownership, interest of the applicant and public recording. There should also be included a statement by the applicant that to the best of his knowledge the total quantity of uranium oxide contained in ore from the property and accepted by a station or mill between April 9, 1948, and February 28, 1951, inclusive, was less than 10,000 pounds. A form prescribed by the Commission and obtainable at a station or mill should be used for supplying the above information. Certification by the Commission will be a prerequisite to payment of the bonus, but after certification, payments will be made for ores which are delivered before certification and which meet the requirements of this section. Normally certification will not be made before uranium deposits have been discovered on the property, but the Commission may issue certifications prior to discovery in special cases. The Commission reserves the right to revoke a certification if it determines that its issuance was based on fraud, misrepresentation or mistake or if the requirements of this section are not complied with. The Commission may require such information and right to make such inspections of the mining property as it finds necessary for the purpose of determining its eligibility for bonus payments and the amounts to be paid.

NOTE: Misrepresentation or falsification of facts in an application for certification or for bonus payments may subject the offender to criminal penalties under pertinent provisions of the United States Code including section 1001 of Title 18.

(j) *Application for bonus payment.* Application for a bonus payment should be made on a prescribed form (obtainable at a station or mill) at intervals not more frequent than once a month during a period when ore deliveries from the property are believed to meet the requirements of this section. Applications may be addressed as follows:

U. S. Atomic Energy Commission,
Colorado Raw Materials Office,
P. O. Box 270,
Grand Junction, Colo.

In addition to the application, the Commission may require such other information as it finds necessary.

(k) *Who may apply for bonus payments.* The person who has lawfully received payment from a station or mill for the delivery of ore from a certified mining property may apply for bonus payments under this section. However, in special cases, the applications of persons whose ores have been accepted but not paid for by the station or mill will be considered.

(l) *Mill processing ores from its own mines.* In the event that an operator of a mill processes in the mill ores which it obtains from mining properties operated by it, the Commission will pay the bonus under the conditions set forth in this section to the same extent as if the mining properties were operated by another person who delivered ore to the mill and received payment for it from the mill. In such case, however, the weights and assays used to fix the amount of payment due as a bonus under this section shall be determined in accordance with practices satisfactory to the Commission.

(m) *Definitions.* As used in this section:

(1) "Commission" means the Atomic Energy Commission created by the Atomic Energy Act of 1946, or its duly authorized representative;

(2) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, or combination thereof. The term "person" shall not include the United States or any agency thereof or any officer or employee of the Commission.

(n) *Commission ore-buying stations and qualified uranium mills*—(1) *Stations.* The following are Commission ore-buying stations:

American Smelting & Refining Co., Monticello, Utah.
American Smelting & Refining Co., Marysvale, Utah.

(2) *Mills.* The following are qualified uranium mills:

United States Vanadium Co., Uravan, Colo.
United States Vanadium Co., Rifle, Colo.
Climax Uranium Co., Grand Junction, Colo.
Vanadium Corp. of America, Durango, Colo.
Vanadium Corp. of America, Naturita, Colo.
Vanadium Corp. of America, Hite, Utah.
Vitro Chemical Co., 600 West Thirtieth Street South, Salt Lake City, Utah.

(3) *Modifications.* These lists may be modified from time to time by public announcement of the Commission.

(o) *Inquiries and communications.* Inquiries about this section and all other communications should be addressed as follows:

U. S. Atomic Energy Commission,
Colorado Raw Materials Office,
P. O. Box 270,
Grand Junction, Colo.

(p) *Records, rules and regulations.* The Commission may require applicants for bonus payments under this section to keep for Commission inspection such records concerning production and deliveries of uranium ores for which application is made as it finds proper and may issue such additional rules and regulations relating to bonus payments as it finds necessary or desirable.

[F. R. Doc. 51-4367; Filed, Apr. 12, 1951; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 2]

[Docket No. 9939]

CLASS B FM BROADCAST STATIONS

AMENDMENT OF REVISED TENTATIVE ALLOCATION PLAN

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations as follows:

General area	Channels	
	Delete	Add
1. Rexburg, Idaho		229
Idaho Falls, Idaho	229	
2. Dillon, S. C.		225
Jacksonville, N. C.	225	

3. The purpose of the proposed amendment is to provide Class B channels in the areas set forth in paragraph 2 above, thereby facilitating consideration of pending applications requesting Class B assignments in these areas.

4. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposal herein should or should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission, on or before May 7, 1951, a written statement or brief setting forth his comments. Comments or briefs in reply to the original comments or briefs may be filed not later than May 17, 1951. The Commission will consider all such comments that are presented before taking action in this matter and, if any comments are submitted which appear to warrant that oral argument be held thereon, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: April 4, 1951.

Released: April 5, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE
Secretary.

[F. R. Doc. 51-4373; Filed, Apr. 12, 1951; 8:49 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

REASONABLE WAGE RATES FOR PERSONS EMPLOYED IN SUGARCANE INDUSTRY IN FLORIDA

NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948 (61 Stat. 929; 7 U. S. C., Sup. 1131), notice is hereby given that a public hearing will be held in Clewiston, Florida, in the Sugarland Park Auditorium on May 5, 1951, at 10:00 a. m.

The purpose of this hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of the act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida during the period July 1, 1951, through June 30, 1952, on farms with respect to which applications for payment under the act are made, and (2), pursuant to the provisions of section 301 (c) (2) of the act, fair and reasonable prices for the 1951 crop of sugarcane to be paid under either purchase or toll agreements by processors who, as producers, apply for payments under the

act. In the interest of obtaining the best possible information, all interested persons are requested to appear to express their views and present appropriate data in regard to the foregoing matters.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof by the presiding officers.

Thomas H. Allen and Ward S. Stevenson are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Issued this 10th day of April 1951.

[SEAL] G. F. GEISSLER,
Administrator.

[F. R. Doc. 51-4389; Filed, Apr. 12, 1951; 8:53 a. m.]

HANDLING OF MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

DETERMINATION THAT HEARING SHOULD NOT BE HELD

Section 927.5 (a) (1) (ii) of the order as amended, regulating the handling of milk in the New York metropolitan milk marketing area (7 CFR Part 927) (hereinafter referred to as "the order") provides that:

(ii) Whenever any of the following conditions exist for 3 consecutive months, the Secretary shall call a public hearing promptly to consider those and other economic conditions, or promptly announce his determination that such a hearing should not be held, together with reasons for such determination:

(*a*) There is a difference of more than 6 points for each of 3 consecutive months between the index of the cost of production announced pursuant to paragraph (g) (1) (vi) of this section and the index of wholesale prices (1948 base) announced pursuant to paragraph (g) (1) (i) of this section.

(*b*) There is a difference of more than 15 points for each of 3 consecutive months between the index of the cost of production announced pursuant to paragraph (g) (1) (vi) of this section and the index of the Class I–A price announced pursuant to paragraph (g) (1) (vii) of this section.

(*c*) The Class I–A price for each of 3 consecutive months is less than $1.00 higher than the condensery price announced pursuant to paragraph (g) (1) (viii) of this section for such months or more than $2.50 higher than such condensery price.

The factors compared in the above-quoted provisions of the order for each month since October 1950 have been as follows:

	November	December	January	February	March	April
Index of cost of production	97	98	100	100	.....	.....
Index of wholesale prices	104.1	106.3	109.2	111.3	.....	.....
Difference between index cost of production and index of wholesale price	7.1	8.3	9.2	11.3	.....	.....
Index of class I–A price	98	96	97	100	102	103
Difference between index of cost of production and index of class I–A price	1	2	3	0	.....	.....
Class I–A price	$6.02	$5.81	$5.78	$5.84	$5.78	$5.48
Condensery price	$6.121	$3.409	$3.672	$3.742	.....	.....
Difference between class I–A price and condensery price	$2.899	$2.401	$2.018	$2.098	.....	.....

There has been a difference of more than 6 points for each of 3 consecutive months between the index of cost of production and the index of wholesale prices, thus requiring, pursuant to the above quoted provisions of the order, the call of a public hearing or, in the alternative, announcement of a determination that a public hearing should not be held to consider the existence of those and other economic conditions.

The Class I–A pricing formula is designed to result in changes in the Class I–A price from month to month from the selected base price of $5.66 (average for 1948) in accordance with changes in the index of wholesale prices and in supply in relation to sales of Class I milk from the levels of 1948. Factors designed to provide seasonal variation are also specified.

It is apparent from the comparisons tabulated above that the index of cost of production and the index of wholesale prices have both increased during the period from October 1950 to February 1951, but that the wholesale price index has increased at a somewhat faster rate. The February cost of production index is at the 1948 level while the wholesale price index is 11.3 points above the 1948 level.

However, the supply of pool milk in relation to the volume of milk utilized in Class I has been larger during the past several months than in 1948 with the result that operation of the utilization adjustment percentage factor in the formula has tended to offset the price raising effect of the wholesale price index, and has fixed Class I–A prices for recent months at approximately the same level as in 1948. The Class I–A price index and the cost of production index are both at the same level for the last month (February) for which the latter is available.

The Class I–A price in relation to the midwest condensary price is higher than in 1948 but is well within the limits specified. The difference has declined in recent months, and in view of scheduled seasonal reductions in the Class I–A price, is expected to decline further during the first half of 1951.

Although the volume of pool milk in excess of Class I utilization continues high in relation to 1948, the number of producers of pool milk declined in each month from July 1950 to virtually the same number in February 1951 as in February 1950, and production per day per dairy in each month since July 1950 has ranged from 2 to 7.6 lower than in the same month a year earlier. Accordingly, the volume of pool milk in each month since August 1950 has been lower than in the same month a year earlier in amounts ranging from 1 to 5.8 percent.

Representatives of cooperative associations of producers constituting a majority of the producers of pool milk contend that the downward trend of the past several months in production is primarily a reflection of two factors (1) high beef prices in relation to milk prices, and (2) a shortage of good farm labor, and that these factors will result in a further reduction in supply during the next several months. Available data are not sufficiently current to permit a determination of the extent, if any, of the influence of the first of such factors on the number of dairy cows in the New York milkshed. There may be some lag in the reflection of both factors through operation of the Class I–A pricing formula.

It is concluded, in view of other considerations herein set forth, that the divergence of the index of cost of production and the index of wholesale prices does not constitute a condition which justifies the calling of a public hearing at this time to consider that and other economic conditions affecting the supply and demand for milk in the New York Metropolitan area. Accordingly, it is determined that such a hearing should not be held.

Issued at Washington, D. C., this 10th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4390; Filed, Apr. 12, 1951; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

STATEMENTS OF ORGANIZATION, DELEGATIONS OF AUTHORITY AND PUBLIC INFORMATION

ENGINEERS IN CHARGE OF PORT OFFICES

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 4th day of April 1951;

The Commission having under consideration the provision of section 0.151 which delegates to the Commission's engineers in charge of port offices authority to act on applications for waiver of the requirement of section 353 (b) of the Communications Act that at least one operator possessing a minimum of six months' experience be employed on certain ships and having under consideration section 0.152 of the Commission's rules which provides for recording in the Commission's official minutes action taken under section 0.151, and

It appearing, that the provisons of section 353 (b) authorizing the Commission to grant waivers of the six months' service requirement was repealed by Congress effective July 1, 1948; and

It further appearing, that the Commission's engineers in charge of port offices now do not have authority under the Communications Act to waive the six months' service requirement of section 353 (b) of the Communications Act; and

It further appearing, that notice of proposed rule making and public rule making procedure may be omitted in accordance with section 4 of the Administrative Procedure Act as being unnecessary since the Commission's engineers in charge do not have statutory authority to exercise the delegation contained in section 0.151,

It is ordered, That Part 0 of the Commission's rules and regulations be amended to delete sections 0.151 and 0.152.

It is further ordered, That this order shall become effective immediately.

Adopted: April 4, 1951.

Released: April 5, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4374; Filed, Apr. 12, 1951; 8:49 a. m.]

[Docket No. 9901]

HELENA BROADCASTING CO. (KFFA)

ORDER CONTINUING HEARING

In re application of J. Q. Floyd, John Thomas Franklin and Sam Anderson, d/b as The Helena Broadcasting Company (KFFA), Helena, Arkansas, CP to increase daytime power, install a new transmitter and change description of transmitter location; Docket No. 9901, File No. BP-7760.

The Commission having under consideration a petition filed on March 29, 1951, on behalf of J. Q. Floyd, et al, d/b as The Helena Broadcasting Company (KFFA), requesting that the hearing herein, presently scheduled for April 6, 1951, be continued indefinitely; and

It appearing, that Commission counsel has waived the four-day requirement of § 1.745 of the Commission's rules and regulations so as to permit immediate consideration of said petition, and has consented to a grant thereof; and good cause having been shown therefore;

It is ordered, This 3d day of April 1951, that the petition of J. Q. Floyd, et al, d/b as The Helena Broadcasting Company, for a continuance is hereby granted and the hearing herein is hereby continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4375; Filed, Apr. 12, 1951; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6346]

CONNECTICUT RIVER POWER CO.

NOTICE OF DECLARATION OF INTENTION

APRIL 9, 1951.

Notice is hereby given that Connecticut River Power Company of Littleton, New Hampshire has filed a declaration of intention pursuant to section 23 (b) of the Federal Power Act (16 U. S. C. 817) to construct a hydroelectric development on the Connecticut River upstream from the Comerford Development and near Waterford, Vermont and Littleton, New Hampshire.

The proposed development would consist of a dam about 5,325 feet long composed of two earth embankment sections, a concrete intake section, and a concrete spillway section with gates and flashboards extending to elevation 809 feet; a reservoir about 11 miles long having a usable storage of 115,000 acre-feet with a draw-down of 40 feet; a powerhouse at the foot of the dam containing four turbines, each rated at 55,000 horsepower at 160-foot head and connected to a 39,000-kilovolt-ampere generator; 4 penstocks, each about 296 feet long; a switchyard; and two 230-kilovolt transmission lines about 7 miles long extending from the switchyard to the Comerford switchyard.

The proposed development would be operated as a peak-load plant and as part of the Fifteen Mile Falls project which would consist of the constructed McIndoes and Comerford developments and the proposed Littleton development. The proposed development would be interconnected with the New England Electric System at the Comerford development and used for public-utility purposes.

The proposed development will be investigated by the Commission and if, upon such investigation, the Commission finds that the interests of interstate or foreign commerce would be affected, or that any lands of the United States would be affected thereby, construction may not be commenced until a license has been applied for and obtained.

Any communication from persons interested in this matter may be submitted, within 30 days from publication of this notice, addressed to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4365; Filed, Apr. 12, 1951; 8:47 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-435]

GLADIOLUS BULB INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

A trade practice conference for the Gladiolus Bulb Industry will be held by the Federal Trade Commission in the LaSalle Hotel, Chicago, Illinois, on May 4, 1951, commencing at 10 a. m. c. s. t.

All persons, firms, corporations and organizations engaged in the business of growing and distributing or marketing gladiolus bulbs in commerce are cordially invited to attend or be represented at the conference and to take part in the proceedings.

The proceedings in this matter were instituted by the Commission pursuant to an application therefor by the North American Commercial Gladiolus Growers. A regional conference was held at Los Angeles on January 6, 1951, for the purpose of facilitating participation on the part of industry members located in the states of Washington, Oregon, California, Idaho, Nevada, Utah, Wyoming, Arizona, Colorado, and New Mexico. The conference to be held on May 4 constitutes a further step in the proceedings.

The conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules for the industry under which unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, may be eliminated and prevented.

Issued: April 10, 1951.

By direction of the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-4371; Filed, Apr. 12, 1951; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25989]

SULPHURIC ACID FROM THE SOUTHWEST TO DAVIS, MISS.

APPLICATION FOR RELIEF

APRIL 10, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs listed below.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Specified points in Arkansas, Louisiana, Oklahoma and Texas.

To: Davis, Miss.

Grounds for relief: Circuitous routes and market competition.

Schedules filed containing proposed rates: D. Q. Marsh's tariffs I. C. C. No. 3919—Supp. 35, No. 3752—Supp. 560, No. 3908—Supp. 46, No. 3906—Supp. 43.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or

formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4354; Filed, Apr. 12, 1951; 8:45 a. m.]

[4th Sec. Application 25990]

CITRUS POMACE FROM OCALA, FLA., TO CERTAIN OTHER POINTS IN FLORIDA

APPLICATION FOR RELIEF

APRIL 10, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company and Louisville and Nashville Railroad Company.

Commodities involved: Citrus pomace, viz: Dehydrated citrus pulp, etc., in carloads.

From: Ocala, Fla.

To: Chattahoochee, Pensacola and Woodruff, Fla., and certain other points in Florida.

Grounds for relief: To meet intrastate rates.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 975, Supp. 162.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4355; Filed, Apr. 12, 1951; 8:45 a. m.]

[4th Sec. Application 25991]

IRON AND STEEL ARTICLES FROM CINCINNATI, OHIO, TO LAKE CITY AND VASPER, TENN.

APPLICATION FOR RELIEF

APRIL 10, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Cincinnati, New Orleans and Texas Pacific Railway Company and Southern Railway Company.

Commodities involved: Iron and steel articles, including tin and terne plate, carloads.

From: Cincinnati, Ohio, group.

To: Lake City and Vasper, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 920, Supp. 218.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4356; Filed, Apr. 12, 1951; 8:45 a. m.]

[4th Sec. Application 25992]

CLASS AND COMMODITY RATES BETWEEN SMITHFIELD, VA., AND SOUTHERN AND SOUTHWESTERN TERRITORIES

APPLICATION FOR RELIEF

APRIL 10, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Consolidated Freight Classification No. 19, Agent W. L. Taylor's tariff I. C. C. No. 107.

Commodities involved: Classes and commodities, carloads and less-than-carloads.

Between: Smithfield, Va., and points in southern, southwestern and Kansas-Missouri territories.

Grounds for relief: Competition with rail carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4357; Filed, Apr. 12, 1951; 8:46 a. m.]

[4th Sec. Application 25993]

CRUDE RUBBER FROM TEXAS AND LOUISIANA TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

APRIL 10, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3752 and 3906.

Commodities involved: Rubber, artificial, synthetic or neoprene, crude, carloads.

From: Baytown, Borger, Houston and Port Neches, Tex., Lake Charles and West Lake Charles, La.

To: Ladd, Ill., La Porte, Ind., Poughkeepsie, N. Y., and certain points in Pennsylvania and New Jersey.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supp. 561. D. Q. Marsh's tariff I. C. C. No. 3906, Sup. 44.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4358; Filed, Apr. 12, 1951; 8:46 a. m.]

[4th Sec. Application 25994]

GLYCERINE FROM DALLAS AND HOUSTON, TEX., TO AMPTHILL AND DEEP RUN SPUR, VA.

APPLICATION FOR RELIEF

APRIL 10, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3752.

Commodities involved: Glycerine, other than crude, carloads.

From: Dallas and Houston, Tex.

To: Ampthill and Deep Run Spur, Va.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supp. 562.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4359; Filed, Apr. 12, 1951; 8:46 a. m.]

[4th Sec. Application 25995]

PERLITE ROCK BETWEEN POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

APRIL 10, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to fourth-section applications Nos. 15902 and 15930.

Commodities involved: Perlite rock, crushed or broken, carloads.

Between: Points in official territory.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4360; Filed, April 12, 1951; 8:46 a. m.]

[4th Sec. Application 25996]

PAPER FROM KNOXVILLE, TENN., TO CULBERTSON, PA.

APPLICATION FOR RELIEF

APRIL 10, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Paper from Southern to Official Territory, 229 I. C. C. 587.

Commodities involved: Paper and paper articles, carloads.

From: Knoxville, Tenn.

To: Culbertson, Pa.

Grounds for relief: Circuitous routes, market competition, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4361; Filed, Apr. 12, 1951; 8:46 a. m.]

[4th Sec. Application 25997]

FERRO-MANGANESE FROM NORTH ATLANTIC PORTS TO CENTRAL TERRITORY

APPLICATION FOR RELIEF

APRIL 10, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents for carriers parties to tariffs listed below.

Commodities involved: Ferro-manganese (imported), carloads.

From: North Atlantic ports.

To: Specified points in central territory.

Grounds for relief: Competition with rail carriers, to maintain port relations, and to maintain grouping.

Schedules filed containing proposed rates:

	Tariff I. C. C. No.	Supp. No.
DL&W RR	24421	
Erie RR	20779	
LV RR	C-9270	
NYC RR	283	267
NYNHH RR	F-4120	44
Reading Co	2929	
Agent I. N. Doe	591	31
Agent C. W. Boin	A-914	17
Alternate Agent R. B. LeGrande	298	85

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4362; Filed, Apr. 12, 1951; 8:46 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 45-A]

NEW YORK CENTRAL RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of King's I. C. C. Order No. 45, and good cause appearing therefor: *It is ordered*, That:

(a) King's I. C. C. Order No. 45 be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 2:00 p. m., April 6, 1951.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement

and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., April 6, 1951.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 51-4363; Filed, Apr. 12, 1951; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1300]

SEABOARD AIR LINE RAILROAD CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of April A. D. 1951.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Seaboard Air Line Railroad Company, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to April 17, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-4348; Filed, Apr. 12, 1951; 8:45 a. m.]

[File No. 7-1302]

TEXAS UTILITIES CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of April A. D. 1951.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Texas Utilities Company, a security listed and registered on the New York Stock Exchange and on the Midwest Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to April 17, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 51-4345; Filed, Apr. 12, 1951; 8:45 a. m.]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 51-101]

J. HOWARD MCGRATH v. COMMUNIST PARTY OF THE UNITED STATES

NOTICE OF HEARING

J. Howard McGrath, Attorney General of the United States, petitioner, v. the Communist Party of the United States of America, respondent.

Notice is hereby given, pursuant to the Subversive Activities Control Act of 1950, (Title I of the Internal Security Act of 1950, Pub. Law 831, 81st Cong., 50 U. S. C. 781 et seq), particularly section 13 of said act (50 U. S. C. 792), that a hearing in the above-entitled proceeding on the petition of the Petitioner for an order of the Board requiring the Respondent to register, pursuant to section 7 of said act (50 U. S. C. 786), will be held commencing on Monday, April 23, 1951, at 10 a. m., e. s. t., in Hearing Room 113 in the LaFayette Building, 811 Vermont Avenue NW., Washington, D. C., of which all parties hereto will take notice.

Dated at Washington, D. C., April 5, 1951.

[SEAL] SETH W. RICHARDSON,
Chairman.

[F. R. Doc. 51-4311; Filed, Apr. 11, 1951; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17562]

JOSEPH LAQUA

In re: Estate of Joseph Laqua, deceased. File No. D-28-8066; E & T No. 9028.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Simora, also known as Sister Abundantia, Joseph Simora, Gottlieb Kahlert, Marie Kahlert, and Karl Bleisch, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Franz Simora, of Paul Simora, of Karolina Simora, of Johanna Simora, of Karl Kahlert, of Fritz Kahlert, of Pauline Kahlert, of Rosine Kahlert, and of Anna Bleisch, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them in and to the Estate of Joseph Laqua, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by John Laqua, as administrator, acting under the judicial supervision of the County Court, Ward County, North Dakota;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, and the domiciliary representatives, heirs, next of kin, legatees and distributees, names unknown, of Franz Simora, of Paul Simora, of Karolina Simora, of Johanna Simora, of Karl Kahlert, of Fritz Kahlert, of Pauline Kahlert, of Rosine Kahlert, and of Anna Bleisch, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4376; Filed, Apr. 12, 1951; 8:49 a. m.]

[Vesting Order 17616]

TAKENOBU YAMAMOTO

In re: Bank account owned by Takenobu Yamamoto, also known as Takenoba Yamamoto and as T. Yamamoto. D-39-14561-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Takenobu Yamamoto also known as Takenoba Yamamoto and as T. Yamamoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a Savings Account, account number 1823, entitled T. Yamamoto, maintained at the branch office of the aforesaid association located at 5133 West Adams Boulevard, Los Angeles, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4382; Filed, Apr. 12, 1951; 8:51 a. m.]

[Vesting Order 17608]

CATHERINE VON BOSE

In re: Debt owing to Catherine von Bose, also known as C. de Bains von Bose. F-27-11331.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Catherine von Bose, also known as C. de Bains von Bose, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, arising out of a blocked account entitled "Mrs. C. de Bains von Bose", maintained at said bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Catherine von Bose, also known as C. de Bains von Bose, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4386; Filed, Apr. 12, 1951; 8:52 a. m.]

[Vesting Order 17611]

FRANZ GRENZNER

In re: Bank account owned by Franz Grenzner. F-28-31410.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Grenzner, whose last known address is Josef Fischhaberstrasse 6, Starnberg b/Munchen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a Bank deposit, entitled Skandinaviska Banken Aktiebolag Special a/c U General Ruling No. 6 a/c Goteborg, Sweden, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Franz Grenzner, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4383; Filed, Apr. 12, 1951; 8:51 a. m.]

[Vesting Order 17612]

ALFRED OELSNER

In re: Debt owing to Alfred Oelsner, also known as A. Alfred Oelsner. D-28-922-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Execu-

tive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred Oelsner, also known as A. Alfred Oelsner, whose last known address is Mars-Strasse 12, (13B) Gilching, Obb, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Alfred Oelsner, also known as A. Alfred Oelsner, by Kurt Werner & Co., 50 Broadway, New York 4, New York, representing a credit balance in favor of said Alfred Oelsner, also known as A. Alfred Oelsner, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4384; Filed, Apr. 12, 1951; 8:51 a. m.]

[Vesting Order 17614]

ERIC W. SCHLUBACH-BRANDER

In re: Bank account owned by Eric W. Schlubach-Brander. F-28-19846.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eric W. Schlubach-Brander, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Eric W. Schlubach-Brander, by Nederlandsche Handel-Maatschappij, N. V., New York Agency, 62 William Street, New York 5, New York, arising out of a current account, in the name of Eric W. Schlubach-Brander, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4385; Filed, Apr. 12, 1951; 8:51 a. m.]

[Vesting Order 17593]

WALTER SEECK

In re: Property owned by Walter Seeck. D-63-87; F-63-6400.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walter Seeck, whose last known address is 51 Thomas Knorrstrasse, Garmisch-Partenkirchen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of the Corn Exchange Bank Trust Company, 13 Williams Street, New York 15, New York, arising out of an account entitled "Seeck & Kade, Inc. Account R", representing dividends paid on the shares of stock of Seeck & Kade, Inc. vested under Vesting Order 17536, executed on March 14, 1951, said account maintained at the Canal Street Branch of the aforesaid Corn Exchange Bank Trust Company, 74 Varick Street, New York 13, New York, and any and all accruals thereto, together with any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of the Corn Exchange Bank Trust Company, 13 Williams Street, New York 15, New York, arising out of an account entitled "Seeck & Kade, Inc. Account E", representing dividends paid on the shares of stock of Seeck & Kade, Inc., vested under Vesting Order 17536, executed on March 14, 1951, said account maintained at the Canal Street Branch of the aforesaid Corn Exchange Bank Trust Company, 74 Varick Street, New York 13, New York, and any and all accruals thereto, together with any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation of the Corn Exchange Bank Trust Company, 13 Williams Street, New York 15, New York, arising out of an account entitled "Seeck & Kade, Inc. Account H", representing dividends paid on the shares of stock of Seeck & Kade, Inc., vested under Vesting Order 17536, executed on March 14, 1951, said account maintained at the Canal Street Branch of the aforesaid Corn Exchange Bank Trust Company, 74 Varick Street, New York 13, New York, and any and all accruals thereto, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Walter Seeck, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4377; Filed, Apr. 12, 1951; 8:50 a. m.]

APR 16 '51

FEDERAL REGISTER

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 9—SEPARATIONS, SUSPENSIONS AND DEMOTIONS

EFFECT OF REMOVAL ON FUTURE EMPLOYMENT

Section 9.106 is amended to read as follows:

§ 9.106 *Effect of removal on future employment.* When an employee has been removed on charges (other than loyalty) or has resigned upon learning the agency planned to prefer charges or while charges were pending (other than loyalty), the Commission may receive the sworn statement of such employee, setting forth fully and in detail the facts surrounding his removal or resignation and within its discretion may make investigation to determine his eligibility for further employment in the competitive Federal service insofar as suitability and fitness are concerned. After such investigation such employee will be advised whether the Commission as a result of the investigation has found him to be suitable for further employment in the competitive Federal service. No case will be considered under this provision unless submitted to the Commission within six months from the date of separation or 60 days after the date of the last adverse decision as a result of an appeal under Part 22 of this chapter.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-4438; Filed, Apr. 13, 1951; 8:52 a. m.]

Chapter IV—Fair Employment Board

PART 410—INSTRUCTIONS FOR CARRYING OUT THE FAIR EMPLOYMENT PROGRAM UNDER EXECUTIVE ORDER 9980

Effective May 1, 1951, Part 410 is revised and amended to read as follows:

Sec.
410.1 Coverage.
410.2 Explanation of terms.
410.3 Fair Employment Officer.
410.4 Instructions for handling complaints and appeals made by individuals.
410.5 Instructions for handling complaints filed by groups or organizations.
410.6 Records and reports.
410.7 Dissemination of information.

AUTHORITY: §§ 410.1 to 410.7 issued under E. O. 9980, July 26, 1948, 13 F. R. 4311, 3 CFR, 1948 Supp.

§ 410.1 *Coverage.* (a) Executive Order 9980 and this part apply to all departments and agencies in the executive branch of the Federal government.

(b) The remedies provided under Executive Order 9980 and this part shall be available to citizens of, and persons who owe allegiance to the United States who are employed by, or are applicants for employment in the executive branch of the Federal Government.

§ 410.2 *Explanation of terms.*—(a) *Department.* Any department or agency of the executive branch of the Federal government, including the Civil Service Commission.

(b) *Employee.* An individual appointed by a Federal officer, and who is engaged in the performance of Federal functions in the executive branch of the Federal government under authority of an act of Congress or an Executive order, and who, in the performance of such duties, is supervised and directed by a Federal officer.

(c) *Applicant.* A person failing of appointment in the executive branch of the Federal government who alleges a grievance relating to discrimination.

(d) *Discrimination.* An unfavorable personnel action affecting an employee or applicant based on race, color, religion, or national origin and not on merit and fitness. Preference in appointment and difference in conditions of employment, such as pay, leave, hours of work, etc., based upon law or upon regulations under authority of law do not constitute discrimination within the meaning of Executive Order 9980.

(e) *Personnel action.* Any action taken within a department which affects the equality of economic opportunity of an employee or applicant, except an action taken pursuant to a formal decision of the Fair Employment Board and designed to correct a specific discrimination. The term "personnel action" shall include failure to act.

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(f) *Complete file.* All letters, notices, memoranda, reports, transcripts, affidavits or supporting documents in connection with the initiation, investigation, hearing, decison and closing of a case or cases.

(g) *Deputy Fair Employment Officer.* The term "Deputy Fair Employment Officer" shall include committees and boards.

§ 410.3 *Fair Employment Officer.* The head of each department shall appoint a Fair Employment Officer who shall have full operating responsibility under the immediate supervision of the head of the department for carrying out the fair employment policies stated in Executive Order 9980. In each department, as defined in § 410.2 (a), which is composed of two or more bureaus or comparable subordinate organizational units, the Fair Employment Officer shall appoint one or more Deputy Fair Employment Officers who, under his general supervision shall have the responsibility for carrying out the fair employment policy and procedures within their respective organizational units.

§ 410.4 *Instructions for handling complaints and appeals made by individuals*—(a) *Initiation of complaint.* (1) Procedures under this section shall apply and be available only to an employee or to a person failing of appointment who alleges that a personnel action, as defined in § 410.2 (a), which affects him has been taken because of race, color, religion, or national origin.

(2) The complaint must be made not later than three months from the date of the personnel action complained of, unless failure to submit the complaint within these time limits was due to unusual circumstances beyond the control of the complainant.

(3) An employee may file a complaint with the first-line supervisor, with the Deputy Fair Employment Officer, or with the Fair Employment Officer. Complaints initiated with the supervisor may be oral or in writing. Those initiated with the Deputy Fair Employment Officer or the Fair Employment Officer must be in writing.

NOTE: Employees should be encouraged to seek informal adjustment of their complaints with their immediate supervisors. It is the view of the Board that good relations between the supervisor and the employee will thus be furthered. Many incipient complaints can be eliminated by giving valid reasons for an action that is being brought into question. Where error has crept in, the supervisor will have opportunity to correct it on his own motion. Furthermore, with responsibility upon the supervisor for initial action on the complaint the problems involved will be more forcefully impressed upon him. If no adjustment can be made, the supervisor should advise the employee to put his complaint in writing.

(4) An applicant may file a complaint with the Deputy Fair Employment Officer, or with the Fair Employment Officer of the department. Such complaints must be in writing.

(5) Any initial written complaint must specify:

(i) The name of the department and employing unit against which complaint is made.

(ii) The specific personnel action or actions complained of.

(iii) The approximate dates or date thereof.

(iv) A statement of all pertinent facts in support of the allegation of discrimination, including dates, names of individuals involved, incidents, occurrences, and circumstances.

(v) Remedies sought.

(vi) Signature of complainant.

(b) *Supervisor's action on a complaint.* (1) If a written complaint is made to a supervisor, immediate steps shall be taken to effect such adjustment as is warranted by the facts. If the complaint is adjusted to the satisfaction of the complainant, a written report of such adjustment shall be made to the Deputy Fair Employment Officer. If the complaint cannot be adjusted satisfactorily and promptly, the report to the Deputy Fair Employment Officer shall set forth the basis for the complaint and the reasons for the supervisor's inability to effect a satisfactory adjustment.

(c) *Deputy Fair Employment Officer's action on a complaint*—(1) *Investigation and adjustment by informal negotiation.* On receipt of an original complaint or a complaint referred to him by a super-

visor, the Deputy Fair Employment Officer shall promptly make or cause to be made such investigation as is necessary to ascertain the facts at issue on the complaint. He should endeavor through informal negotiation to effect a satisfactory settlement of the complaint, and, if necessary, shall take or cause to be taken corrective action. The Fair Employment Officer and all other interested parties shall be advised of the settlement of the complaint and any corrective action which may be taken.

(2) *Failure of adjustment by informal negotiation.* In the event the Deputy Fair Employment Officer is not able to effect a satisfactory settlement of the complaint by informal negotiation, he shall forward to the Fair Employment Officer the complete file on the complaint.

(d) *Action by the Fair Employment Officer on a complaint.* (1) On receipt of an original complaint or a complaint referred to him by a Deputy Fair Employment Officer or by the Fair Employment Board, the Fair Employment Officer shall make or cause to be made such investigation as is necessary to resolve all issues raised by the individual complaint. Simultaneously he shall make or cause to be made an appraisal of the personnel actions in the unit in which the complaint originated, in accordance with specifications furnished by the Fair Employment Board.

(2) If, after the above action is taken it is not possible to adjust the complaint to the satisfaction of the complainant the Fair Employment Officer shall advise him of his right to a hearing.

(3) On request from the complainant, the Fair Employment Officer shall schedule a hearing which shall be held in a place reasonably convenient to the complainant. The complainant must attend the hearing but he may be assisted by a representative of his own choosing. The hearing shall be conducted either by the Fair Employment Officer or by a deputy, committee or hearing board which the Fair Employment Officer shall designate from among the officers or employees of the department. At this hearing the complainant shall be permitted to present by witness or otherwise any facts pertinent to the issues. Where practicable, a transcript of testimony shall be made. If a verbatim transcript is not practicable a full summary of the testimony shall be made by the hearing officer. The summary may be agreed to and signed by the complainant and the hearing officer, or if the complainant does not agree with the summary, he may note and sign his exceptions which will become a part of the summary. Any transcript or summary shall be available for inspection by the complainant or his authorized representative and by interested agency officials.

(4) On the material facts disclosed by the investigation, by the general appraisal of personnel actions, and by the hearing, if held, the Fair Employment Officer shall make findings of fact. From these findings of fact he shall make a decision or recommend a decision to the head of the department. If he makes a decision, he shall advise the interested parties of the decision and furnish them with a copy of the findings of fact. If his decision is favorable to the complainant, the Fair Employment Officer shall take or cause to be taken appropriate corrective action. If his decision is unfavorable to the complainant, the Fair Employment Officer shall notify the complainant, in writing, of his right to appeal to the head of the department.

(e) *Appeal to the head of the department.* (1) In the event that a decision is recommended by the Fair Employment Officer to the head of the department, or an appeal is taken from a decision of the Fair Employment Officer, the head of the department shall make a decision upon the facts of the case and notify the interested parties in writing of such decision. If the complainant has not previously been furnished with a copy of the findings of fact, he shall be furnished such a copy with the decision of the head of the department.

(2) If the decision is favorable to the appellant, the head of the department shall take, or cause to be taken, such corrective and disciplinary action as appears warranted.

(3) If the decision is unfavorable to the appellant, the head of the department shall advise the appellant in writing, in duplicate, of the decision and of his right to appeal to the Fair Employment Board of the Civil Service Commission. In addition, he should be advised that if he appeals to the Fair Employment Board, a copy of the adverse decision must accompany his appeal.

(f) *General provisions relating to complaints.* (1) The head of each department shall prescribe procedures, consistent with Executive Order No. 9980 and this part, for the prompt handling of complaints and appeals which are made under that order.

(2) Amendments in regulations and changes in procedures becoming effective while an appeal is being processed may be applied to such appeal at whatever stage it has then reached, *Provided*, That the appellant shall not be deprived of any substantive right or resource to which he would have been entitled under the regulations and procedures in effect at the time his complaint was initiated.

(3) If a complaint of discrimination because of race, color, religion or national origin is denied on the ground that the action complained of is not a personnel action as defined in § 410.2 (e) the complainant shall be advised that he may appeal this determination through the same channels as are prescribed in this section. If, on appeal, it is determined that the action complained of is a personnel action as defined in § 410.2 (e), the case may be remanded to the proper officers for further investigation or action on the issue of discrimination.

(4) The means of relief provided by Executive Order 9980 or any regulations thereunder shall be supplemental to those provided by existing statutes, Executive orders and regulations, such as appeals to the Civil Service Commission under section 14 of the Veterans' Preference Act of 1944 or the reduction-in-force regulations, etc. If the complainant has the right of appeal to the Civil Service Commission under authority of law, for example, section 14 of the Veterans' Preference Act of 1944, and also has a right of appeal under Executive Order 9980, he may elect the channel through which he presents his complaint, but if he elects to appeal directly to the Civil Service Commission, he may not thereafter avail himself of the procedures under Executive Order 9980.

§ 410.5 *Instructions for handling complaints filed by groups or organizations (except groups or organizations proscribed by Executive Order 9835).* (a) *Letter of complaint.* A group or organization may file a written complaint regarding personnel actions which have the effect of discriminating against a group of employees or applicants on account of race, color, religion, or national origin. Such a letter of complaint must not be based on supposition or belief but must include full and complete information to support the allegations of discrimination in personnel actions, setting forth dates, names and identification of individuals involved, incidents, occurrences and circumstances.

(b) *Where filed.* Complaints made by groups or organizations should be filed with the Fair Employment Officer of the department in which the alleged discrimination occurred.

(c) *Action by Fair Employment Officer on complaint.* The Fair Employment Officer must make a full and complete investigation of the allegations of discrimination. The holding of a hearing is optional with the Fair Employment Officer. The Fair Employment Officer shall report the results of his investigation, together with his recommendations, to the head of the department. The head of the department shall make a decision on the specific allegations of discrimination and take corrective action where necessary. The group or organization making the complaint shall be advised of the decision, of the facts on which such decision is based, and of the right to appeal to the Fair Employment Board of the U. S. Civil Service Commission. Any appeal shall be filed with the Board within 30 days of the receipt of the decision and shall set forth specifically the basis for the appeal.

§ 410.6 *Records and reports.* Section 6 of Executive Order 9980 provides that all departments shall furnish the Fair Employment Board with all information needed for the review of personnel actions or for the compilation of reports. The complete file in each case or cases under Executive Order 9980 shall be maintained intact in each department at least until such time as all appeal rights have been exhausted and, upon request, shall be promptly forwarded to the Fair Employment Board.

§ 410.7 *Dissemination of information.* (a) The procedures adopted by each department for handling complaints and appeals under Executive Order 9980 shall be brought to the attention of every officer and employee.

(b) In the agenda of all in-service training programs which involve classroom work or other formalized group instruction, the fair employment policy and program shall be included. Likewise, at reasonable intervals the fair employment policy shall be included in the agenda for departmental and field staff, executive, and supervisory conferences.

(c) Information concerning the fair employment policy and the department's practice in putting it into effect shall be published periodically in employee publications.

Effective May 1, 1951.

FAIR EMPLOYMENT BOARD,
UNITED STATES CIVIL SERVICE COMMISSION,
LADELL C. LAWHORN,
Executive Secretary.

[F. R. Doc. 51-4439; Filed, Apr. 13, 1951; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 729—PEANUTS

NATIONAL MARKETING QUOTA, NATIONAL ACREAGE ALLOTMENT, AND APPORTIONMENT TO STATES OF NATIONAL ACREAGE ALLOTMENT FOR PEANUTS FOR THE 1951 CROP

The purpose of the amendment contained herein is to revise the 1951 State peanut acreage allotments issued October 30, 1950 (15 F. R. 7291), in order to comply with certain changes recently made in the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1357–1359) by Public Law 17, 82d Congress, approved April 12, 1951. Section 358 (c) of the act, as amended by the aforesaid Public Law, reads in part as follows:

SECTION 358 (c). (1) The national acreage allotment for 1951, less the acreage to be allotted to new farms under subsection (f) of this section, shall be apportioned among States on the basis of the larger of the following for each State: (a) The acreage allotted to the State as its share of the 1950 national acreage allotment of two million one hundred thousand acres, or (b) the State's share of two million one hundred thousand acres apportioned to States on the basis of the average acreage harvested for nuts in each State in the five years 1945–49: *Provided*, That any allotment so determined for any State which is less than the 1951 State allotment announced by the Secretary prior to the enactment of this Act shall be increased to such announced allotment and the acreage required for such increases shall be in addition to the 1951 national acreage allotment and shall be considered in determining State acreage allotments in future years. • • •

The additional acreage required to establish State acreage allotments in accordance with the foregoing provisions of the act is 34,900 acres.

Farmers throughout the peanut-producing States have been planting peanuts for the 1951 crop. It is therefore imperative that the revised State acreage allotments become effective at the earliest possible date in order that State and county Production and Marketing Administration committees in affected States may redetermine farm acreage allotments and notify farm operators of the additional acreage which may be planted in 1951 within the farm allotment. Accordingly, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act (7 U. S. C. 1003) is impracticable and contrary to the public interest. The State allotments proclaimed herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 729.203 of a proclamation establishing the national marketing quota, national acreage allotment, and the State acreage allotments for the 1951 crop of peanuts (15 F. R. 7291) is amended to read as follows:

§ 729.203 *Apportionment of the national peanut acreage allotment for the crop produced in the calendar year 1951.* The national peanut acreage allotment proclaimed in § 729.202 (c) and the additional acreage of 34,900 acres authorized by Public Law 17, 82d Congress approved April 12, 1951, are hereby apportioned as follows:

State:	*1951 State acreage allotment*
Alabama	243,321
Arizona	801
Arkansas	4,710
California	1,050
Florida	61,149
Georgia	585,638
Louisiana	2,191
Mississippi	8,436
Missouri	274
New Mexico	5,478
North Carolina	188,451
Oklahoma	153,298
South Carolina	15,342
Tennessee	3,979
Texas	396,369
Virginia	117,819
New farm reserve	17,711
Total available for allocation	1,806,017

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 358, 55 Stat. 88, as amended, Pub. Law 17, 82d Cong.; 7 U. S. C. and Sup. 1358)

Issued at Washington, D. C., this 12th day of April 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary.

[F. R. Doc. 51-4503; Filed, Apr. 13, 1951; 9:40 a. m.]

[1023 (Peanuts—51) 1]

PART 729—PEANUTS

MARKETING QUOTA REGULATIONS FOR 1951 CROP

The amendments set forth herein are made to give effect to certain changes made in the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1357–1359), by Public Law 17, 82nd Congress, approved April 12, 1951. Section 729.228 implements section 358 (g) of the act relating to the release, reapportionment and adjustment of farm acreage allotments. Section 729.229, which is based upon section 358 (h) of the act, governs the reallocation of farm acreage allotments established for farms which are removed from agricultural production. Section 729.230 contains the procedure for apportioning among farms producing a type of peanuts in short supply, the additional acreage which the Secretary of Agriculture determines, pursuant to section 358 (c) (2) of the act, is necessary to produce the quantity of such type of peanuts needed to meet demand therefor. Section 729.231 provides that the county committee shall establish for each peanut farm the acreage of peanuts picked or threshed in 1947, or in 1948 if no peanuts were harvested on the farm in 1947, and states the procedure under which a producer may appeal the determination of the county committee with respect to such acreage. The acreage of peanuts harvested in 1947 or 1948, as the case may be, is required to be established for purposes of section 359 (g) of the act.

Farmers in the southernmost areas of the United States have already begun the planting of their 1951 crops of peanuts, and farmers in the other peanut-producing areas of the Nation are completing their plans for the production of peanuts in 1951. In order that peanut farmers who are affected by the amendments set forth below may make the necessary changes in their plans and operations, it is essential that the amendments be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest, and the amendments contained herein shall be effective upon filing of this document with the Director, Division of the FEDERAL REGISTER.

The marketing quota regulations for the 1951 crop of peanuts (15 F. R. 7292) are hereby amended by adding the following new sections:

Sec.
729.228 Release and reapportionment.
729.229 Reallocation of allotments released from farms removed from agricultural production.
729.230 Additional acreage allotment for farms producing types of peanuts in short supply.
729.231 Determination of 1947 or 1948 picked or threshed peanut acreage for farms and right of appeal with respect to such determination.

AUTHORITY: §§ 729.228 to 729.231 issued under sec. 375, 52 Stat. 66, as amended. 7 U. S. C. 1375. Interpret or apply secs. 358, 359, 55 Stat. 88, 90, as amended, Pub. Law 17, 82nd Cong.; 7 U. S. C. and Sup., 1358, 1359.

§ 729.228 *Release and reapportionment*—(a) *Release of acreage allotments.* Any part of the acreage allotted for 1951 to an individual farm in any county under the provisions of § 729.222 and § 729.226 on which peanuts will not be produced and which the owner or

operator of the farm voluntarily surrenders in writing to the county committee by the closing date established by the State Committee, which shall not be later than June 1, 1951, shall be deducted from the allotment to such farm in accordance with instructions issued by the Assistant Administrator. If any part of the farm acreage allotment is permanently released (i. e., for 1951 and all subsequent years), such release shall be in writing and signed by both the owner and the operator of the farm.

(b) *Reapportionment of released acreage allotment.* The acreage allotments released under paragraph (a) of this section shall be reapportioned by the county committee, in accordance with instructions issued by the Assistant Administrator, to other farms in the same county receiving allotments in amounts determined by the county committee to be fair and reasonable on the basis of land, labor, and equipment available for the production of peanuts; crop rotation practices; and soil and other physical factors affecting the production of peanuts. Such reapportionments shall be made on the basis of applications filed on Form MQ–30–(Peanuts) 1951 by farm owners or operators with the county committee not later than a closing date established by the State committee, which shall be not earlier than May 1, 1951, or later than July 1, 1951.

(c) *Maximum acreage allotment.* No allotment shall be increased by reason of the provisions in paragraph (b) of this section to an acreage in excess of the larger of (i) the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor or (ii) the largest picked and threshed peanut acreage for the farm (excluding excess acreage) for any one of the years 1948, 1949, or 1950, as determined under instructions issued by the Assistant Administrator.

(d) *Credit for acreage allotment released for 1951 only.* The release, for 1951 only, of any part of the acreage allotted for 1951 to individual farms, pursuant to paragraph (a) of this section, shall not operate to reduce the allotment for any subsequent year for the farm from which such acreage was released unless the farm becomes ineligible for an old farm allotment in 1952 because peanuts were not produced on the farm in 1949, 1950 or 1951. Any reapportionment of allotment under this section shall not operate to increase the allotment for any year subsequent to 1951 for the farm to which the acreage is reapportioned.

§ 729.229 *Reallocation of allotments released from farms removed from agricultural production.* The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 50 percent of the acreage of cropland on the farm.

The provisions of this section shall not be applicable if (a) there is any marketing quota penalty due with respect to the marketing of peanuts from the farm or by the owner of the farm at the time of its acquisition by the Federal, State, or other agency; (b) any peanuts produced on such farm have not been accounted for as required by the Secretary; or (c) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of peanuts produced on or marketed from such farm.

§ 729.230 *Additional acreage allotment for farms producing types of peanuts in short supply.* The additional acreage allotment apportioned to any State producing peanuts of a type or types determined to be in short supply for 1951, less a reserve for the correction of errors, shall be apportioned among farms on which peanuts of such type or types were produced in any one of three years 1948, 1949, and 1950, on the basis of the average picked and threshed acreage of peanuts of such type or types (excluding excess acreage) on each such farm during such period. The reserve for the correction of errors shall be determined by the State Committee on the basis of experience in past allotment programs and its knowledge as to the reliability of data used in apportioning the additional acreage to farms, and shall not exceed three-fourths of one percent of the additional acreage apportioned to the State.

The increase in acreage allotment under this section shall not be considered in establishing future State, county, or farm acreage allotments.

§ 729.231 *Determination of 1947 or 1948 picked or threshed peanut acreage for farms and right of appeal with respect to such determination.* If the total acreage of peanuts picked or threshed on a farm does not exceed the total acreage of peanuts picked or threshed on the farm in 1947, or 1948 if no peanuts were harvested on the farm in 1947, payment of the marketing penalty as provided in section 359 (a) of the Agricultural Adjustment Act of 1938, as amended, will not be required on any excess peanuts which are delivered to or marketed through an agency or agencies designated by the Secretary. The county committee shall, on the basis of data furnished by producers and other available records of peanut acreages and production, determine for each peanut farm in the county the acreage of peanuts picked or threshed in 1947, or 1948 if no peanuts were harvested on the farm in 1947. A notice of the acreage so determined shall be prepared by the county committee and mailed to the farm operator. Any interested person who, as operator, landlord, tenant or sharecropper, is dissatisfied with the acreage so determined for the farm may file an appeal for reconsideration of such acreage. The request for appeal and facts constituting a basis for such consideration must be submitted in writing and postmarked or delivered to the county committee within 15 days after the date of mailing the notice. If the applicant is dissatisfied with the decision of the county committee with respect to his appeal, he may appeal to the State committee within 15 days after the date of mailing the notice of the decision of the county committee. The decision of the State committee shall be final.

Done at Washington, D. C., this 12th day of April 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary.

[F. R. Doc. 51-4502; Filed, Apr. 13, 1951; 9:40 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 944—MILK IN QUAD CITIES MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS OF THE ORDER, AS AMENDED, REGULATING THE HANDLING

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and of the order, as amended (7 CFR Part 944), regulating the handling of milk in the Quad Cities marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

(a) The provisions of the order only insofar as they relate to the pricing and pooling of non-Grade A milk received from producers and the administrative and marketing service assessments levied thereon no longer tend to effectuate the declared policy of the act.

(b) Notice of proposed rule making, public procedure thereon, and 30 days prior notice of the effective date hereof are found to be impracticable, unnecessary, and contrary to the public interest in that (1) this suspension order relieves handlers from certain restrictions with respect to non-Grade A milk received from producers; (2) it is necessary to issue immediately and make effective not later than April 16, 1951, the suspension order to reflect current marketing conditions and to facilitate, promote and maintain the orderly marketing of milk produced for the Quad Cities marketing area; (3) non-Grade A milk is no longer sold or permitted to be sold for fluid consumption in any of the several municipalities of the marketing area; (4) the recent changes in marketing conditions in the area have further aggravated the need for removing non-grade A milk received from producers from the pricing and pooling provisions of the order; (5) this suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and (6) the time intervening between the date of this suspension and its effective date affords persons affected a reasonable time to prepare for its effective date.

It is therefore ordered, That those provisions of the order, as amended (7 CFR Part 944), regulating the handling of milk in the Quad Cities marketing area, only insofar as they relate to the pricing and pooling of non-Grade A milk received from producers and the administrative and marketing service assessments levied thereon be and hereby are suspended effective at 12:01 a. m., c. s. t., April 16, 1951.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 12th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4505; Filed, Apr. 13, 1951; 9:00 a. m.]

[Lemon Reg. 378]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.485 *Lemon Regulation 378*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on April 11, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 15, 1951, and ending at 12:01 a. m., P. s. t., April 22, 1951, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 350 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 377 (16 F. R. 3028), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 12th day of April 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-4504; Filed, Apr. 13, 1951; 9:00 a. m.]

[Grapefruit Reg. 77]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.338 *Grapefruit Regulation 77*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than April 15, 1951. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 15, 1950, and will so continue until April 15, 1951; the recommendation and supporting information for continued regulation subsequent to April 14, 1951, was promptly submitted to the Department after an open meeting of the Administrative Committee on April 5; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., April 15, 1951, and ending at 12:01 a. m., P. s. t., April 22, 1951, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit are at least fairly well colored, and otherwise grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (a) to any point

outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than $3\frac{11}{16}$ inches in diameter, or (b) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than $3\frac{6}{16}$ inches in diameter ("diameter") in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.241: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than $3\frac{11}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{2}{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than $3\frac{6}{16}$ inches in in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3\frac{15}{16}$ inches in diameter and smaller.

(2) During the period beginning at 12:01 a. m., P. s. t., April 22, 1951, and ending at 12:01 a. m., P. s. t., May 13, 1951, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit are at least fairly well colored, and otherwise grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than $3\frac{6}{16}$ inches in diameter, or (*b*) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than $3\frac{6}{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.241: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than $3\frac{6}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3\frac{15}{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than $3\frac{6}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3\frac{10}{16}$ inches in diameter and smaller.

(3) As used in this section, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2" and "fairly well colored" shall each have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.241.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 11th day of April 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-4445; Filed, Apr. 13, 1951; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 10]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

COMPILATION OF CAA RULES, POLICIES, AND INTERPRETATIONS

The following rules, policies, and interpretations concerning Part 3 are hereby adopted. Approximately one year ago the rules were issued to interested persons including accessories manufacturers, engine and propeller manufacturers, aircraft manufacturers, and State aviation officials. No adverse comments have been received. No useful purpose would be served by compliance with the notice, procedures, and effective date procedures of section 4 of the Administrative Procedures Act. Therefore, compliance is unnecessary and is not required.

1. Sections 3.6–1, 3.6–2, 3.11–1, 3.11–2, and 3.19–1 are adopted to read:

§ 3.6–1 *Approved maneuvers for normal category aircraft (CAA interpretations which apply to § 3.6).* The phrase "nonacrobatic operation" as used in § 3.6 (a) (1) is interpreted to mean that type of operation in which the aircraft is limited to those maneuvers incidental to normal flying and including stalls (except whip stalls) and turns in which the angle of bank is not in excess of 60°.

§ 3.6–2 *Approved limited acrobatic maneuvers for utility category aircraft (CAA interpretations which apply to § 3.6).* The phrase "limited acrobatic maneuvers" as used in § 3.6 (a) (2) is interpreted to include spins (where approved for the particular type airplane), lazy eights, chandelles and steep turns in which the angle of bank is in excess of 60°. It is recognized that aircraft in this category are also capable of performing all normal maneuvers listed in § 3.6–1 for normal category aircraft. Although it is possible in many airplanes to perform other acrobatic maneuvers, such as loops, without exceeding airspeed and strength limitations, inexperienced or uninstructed pilots are likely to get into difficulty. It is therefore considered unwise to label such maneuvers "approved" in the Airplane Flight Manual.

§ 3.11–1 *Flight testing requirements for production aircraft prior to certification (CAA policies which apply to § 3.11 (b)).* (a) This flight test procedure should apply to new aircraft which are assembled and flight tested at the manufacturer's plant, and to those which are delivered unassembled by the manufacturer to an authorized distributor for initial assembly and flight testing by the distributor.

(b) The acceptability of the flight test procedure established and of the flight check-off form utilized will be determined by the Flight Engineering Branch. Flight testing procedure established at the distributor's plant should be equivalent to those established at the manufacturer's plant, including the use of an identical flight test check-off form, and it should be the manufacturer's responsibility to acquaint his authorized distributors with the flight test procedures established at the manufacturer's plant, and to provide these distributors with copies of the accepted flight test check-off form.

(c) It should be noted that aircraft manufactured under a type certificate only should be assembled and flight tested at the manufacturer's plant prior to certification, regardless of whether delivery is by flyaway or shipment.

(d) The flight testing of aircraft manufactured under a type certificate only should be conducted by, or under the supervision of, CAA flight engineering inspectors at the manufacturer's plant. At the discretion of the CAA flight engineering inspector, this responsibility may be delegated to the manufacturer to the extent determined expedient in each individual case.

(e) Airplanes which have been flight tested by the manufacturer (including all airplanes manufactured under a type certificate only), when shipped to, and assembled by, an authorized distributor, should be given an abbreviated functional flight test to determine that the engine or engines perform satisfactorily and that there is no evidence of malfunctioning of the airplane controls, systems, etc.

(f) Having determined that the flight test procedure established by the holder of a production certificate and the flight check-off form utilized are adequate, the CAA will subsequently conduct such periodic checks of this procedure as may be deemed necessary to determine that it continues to be satisfactory and acceptable.

(g) Inasmuch as this test is considered an operational and functional test, the flight test check-off form should provide for at least the following:

(1) A functional check of each part or system normally operated by the crew in flight.

(2) An investigation of the trim, controllability, and other operational characteristics of the aircraft throughout the normal range of operation while in flight.

(3) A check of the operational characteristics of the aircraft on the ground.

(4) A determination that all instruments are properly marked and readings are "normal", and that all gauges and control markings are correct.

(5) Any other items peculiar to the aircraft which can best be checked during the ground operation or flight of the aircraft.

(h) The flight test form, signed by the pilot, should be filed with the manufacturer's or the distributor's record of inspection of the aircraft.

(i) Data to be submitted by the manufacturer or distributor in substantiation of the flight test procedure established should be determined in each instance by the Flight Engineering Division, inasmuch as the procedure will vary at different activities by reason of the size and complexity of the aircraft.

(j) To facilitate compliance with the provisions of § 43.10 (b), and in order that the foregoing flight tests may be conducted prior to the issuance of individual airworthiness certificates, as prescribed in § 3.11 (b), Dealers' Aircraft Registration Certificates, Form ACA–1707, issued to manufacturers and authorized distributors, should have the following entry made on the reverse side of these certificates:

> In accordance with the provisions of § 43.10 (b), special authority is herewith issued to ---------- (list manufacturer or distributor named on reverse side) to conduct flight tests of new aircraft, as prescribed in § 3.11 (b).

The utilization of the reverse side of the dealer's aircraft registration certificate for this purpose is for convenience only and has no connection with the issuance, validity, or continuation of the dealer's aircraft registration certificate. Accordingly, this entry may be signed by any agent of the CAA authorized to issue an airworthiness certificate. Normally, this is accomplished by the agent responsible for CAA activities at the plant of the agency to which the dealer's aircraft registration certificate is issued.

(k) In the event the manufacturer or an authorized distributor is not in possession of a dealer's aircraft registration certificate, production aircraft, prior to the initial flight, should be registered in accordance with regulations of the Administrator, Part 501 of this title, in the name of the manufacturer or distributor, as the case may be, and the agency should be issued a letter containing the above special authorization and a concluding paragraph indicating that the authorization thus issued may be utilized for the purpose of conducting the tests authorized for a period of one year from the date of issuance. This authorization should be prepared in duplicate, typed and signed in accordance with instructions pertinent to the entry to be made on the reverse side of the dealer's aircraft registration certificate, and the carbon copy should be forwarded to the pertinent regional office and filed. It is the responsibility of the operating agency to request that these authorizations be reissued upon expiration, in the event continuation is desired.

(l) Aircraft flight tested in accordance with the foregoing procedures should, upon satisfactory completion of such tests, be immediately issued a Certificate of Airworthiness, Form ACA–1362, without respect to the status of registration and regardless of whether the aircraft is to be delivered via shipment or flyaway.

(m) Aircraft flight tested in accordance with the foregoing which are intended for domestic registration and certification should display the appropriate identification markings in accordance with regulations and instructions pertinent thereto. New aircraft intended for export which are thus tested should display the foreign identification markings assigned, or, if these markings are not available, should display U. S. identification markings, except that, under the following circumstances, aircraft intended for export may be flight tested without displaying identification markings, provided these flights are confined to a radius of twenty miles of the manufacturer's base, and provided notices of such flights are transmitted to the local municipal, state, or CAA authorities responsible for the enforcement of flight regulations, prior to such flights:

(1) When foreign identification markings have been requested, but not received, for aircraft to be delivered via flyaway, or

(2) When foreign identification markings are not available and the aircraft is to be disassembled and crated for shipment immediately upon completion of the flight test.

§ 3.11–2 *Logging of new production aircraft flight test time (CAA policies which apply to § 3.11 (b)).* (a) Operating time, accumulated during flight tests of new production aircraft manufactured under a type or a type and production certificate conducted in accordance with requirements contained in § 3.11 (b), should be construed as a part of the inspection accomplished in accordance with this part for the purpose of determining conformity, airworthiness, and eligibility for certification. Inasmuch as aircraft, pending the completion of inspections and tests prescribed in this part, are operated under "special authorization" instead of a formal certificate, it should not be necessary that a record of the subject flight tests be made a part of the aircraft or aircraft engine records or logbooks furnished by the manufacturer to accompany such aircraft. (This policy does not apply to time accumulated during accelerated service testing of prototype or modified aircraft.) Once the airplane is certificated, all subsequent flights should be appropriately recorded in accordance with § 43.23.

(b) The company flight test check-off form developed by the manufacturer to be utilized in connection with these flight tests, indicating the date or dates and duration of these flights, should be filed at the manufacturer's plant (or, in the event the initial production flight test is conducted by a distributor, will be filed by the distributor), as a part of the aircraft inspection records.

§ 3.19–1 *Accelerated service tests for aircraft (CAA policies which apply to § 3.19)*—(a) *Additional flight tests.* To satisfactorily accomplish the objectives of § 3.19 concerning additional flight tests and the extent thereof, the Administrator deems it necessary that:

(1) A comprehensive and systematic check be made in flight of the operation of all components to determine whether they "function properly", i. e., perform their intended function without introducing safety hazards.

(2) Sufficient testing and supplementary experience under actual, or a combination of simulated and actual, experience be obtained and evaluated to give reasonable assurance that the airplane is "reliable", i. e., should continue to function properly in service.

NOTE: In order to obtain wider experience, manufacturers should be encouraged to cooperate with airlines or other responsible operators in operating experimental airplanes of the same type under service conditions.

(3) Appropriate corrective action be taken when the need therefor is determined under subparagraph (1) or (2) of this paragraph.

NOTE: The CAA should be concerned only to the extent that the airplane can be operated safely under suitable inspection and maintenance procedures, but should not be concerned with maintenance costs.

(b) *Terms.* Terms used in § 3.19–1 are defined as follows:

(1) *T. C. Board.* The Type Certification Board set up by the CAA Field Offices for each new type aircraft project.

(2) *Routine car tests.* The flight tests prescribed in the CAR to determine performance, flight characteristics, power plant characteristics, etc. (e. g. §§ 3.61 through 3.780), conducted in accordance with existing procedures.

(3) *Official functioning and reliability tests.* That portion of the flight tests conducted in showing compliance with the regulations quoted above, which is under the immediate supervision of the T. C. Board, as described hereinafter.

(4) *Supplementary experience.* Other flight tests and experience with an airplane type which is taken into consideration in establishing the extent of the official portion of the tests. This supplementary experience may be obtained by the manufacturer, military services, airlines, etc.

(5) *Simulated tests.* Tests on the ground or in an airplane of components and equipment under conditions simulating those likely to be obtained in service, which are taken onto consideration in establishing the extent of the official portion of the tests.

(c) *Test program.* The Type Certification Board for each project should decide upon a proposed official test program at the time of the Preflight meeting of the Board (prior to the routine CAR flight tests) and coordinate this with the airplane manufacturer. At the conclusion of the routine CAR tests, the T. C. Board should meet again to review the experience gained in those tests, changes made in the design, and any additional supplementary experience, and to revise the proposed program accordingly.

(d) *Planning and execution of test program.* The following points should be considered:

(1) The test program should be sufficiently well planned to enable its execution in an efficient manner without over-

looking important items.[1] The T. C. Board should review the design features and equipment with respect to the general objectives, and prepare a list showing:

(i) Components and system[1a] to be checked in subparagraph (4) of this paragraph,

(ii) A brief description of the operations to be performed, where these are not obvious (referencing any necessary operating instructions),

(iii) Special checks or likely critical conditions,

(iv) Estimated flight time required.

(2) Allowance may be made for the functional tests already required by the routine CAR tests. Allowance may also be made for simulated testing of new features and equipment; however, the flight test program will be planned to determine the adequacy of the simulated tests (e. g. to determine whether the actual environmental conditions of temperature,[2] vibration, etc. are covered by the simulated tests) when these may be critical, and to determine whether the installation and connected systems are satisfactory. The T. C. Board will then make a consolidated estimate of the total flight time required, allowing for overlapping, and adjust this in accordance with the "test time" section outlined in paragraph (e) of this section.

(3) The program will be arranged to permit the Aviation Safety Agent in charge to become thoroughly familiar with the characteristics of the airplane, particularly those not specifically covered in the routine CAR tests.

(4) In accordance with paragraph (a) (1) of this section, all components of the airplane should be intensively[3] operated and studied under all operating conditions expected in service and obtainable within the time and geographic limitations of the tests. Particular attention will be given to the emergency procedures which would be required in the event of malfunctioning of any component, source of crew error, and overtaxing of crew abilities. This intensive type of testing should be conducted in all cases, but the length of time for which it is continued will depend upon the simulated and supplementary experience available for the particular type, as outlined in "test time" under paragraph (e) of this section.

(5) Ground inspections should be made at appropriate intervals during the test program to determine whether there are any failures or incipient failures in any of the components which might be a hazard to safe flight.

(6) When design changes are made during the course of the test, or when the official test airplane differs from those on which supplementary experience is obtained, or from modified versions of the same basic airplane type, the revised or modified items should be rechecked in accordance with the above procedure, but every effort should be made to include such items in the program in such a way as to avoid unduly extending the over-all test time. To this end, the Administrator may accept, in lieu of additional flight tests:

(i) Special tests of the original and revised components in which the conditions causing failure are intensified, and

(ii) Simulated tests of differing components.

(e) *Test time.* It is highly desirable that functioning and reliability test programs be administered uniformly in the sense that the program and flight time for a given project would be approximately the same regardless of which T. C. Board administered the project. This is difficult to achieve without establishing fixed arbitrary test times. However, such fixed arbitrary times would obviously be contrary to the intent of the Regulations. The following procedure with regard to establishing the required test time which permits considerable flexibility is, therefore, established for the guidance of T. C. Boards.

(1) The times suggested in this paragraph apply when supplementary experience is not taken into account, and are for airplanes which are conventional in regard to complexity and design features. Those times may be reduced to allow for supplementary experience, as outlined in subparagraph (2) of this paragraph, and for simulated testing, as outlined in paragraph (d) (1) of this section. In extreme cases of complexity[4] radically new design features, or difficulties in earlier flights, these times may be increased. Non-Transport (this part)—40 to 150 hours, depending on complexity.

(2) When satisfactory supplementary experience is available and taken into account, the following allowances should be used as a guide and applied with judgment in reducing the official flight test time determined in accordance with the preceding paragraph. However, in any case, the official program should provide sufficient time to accomplish the objective in paragraph (a) (1) of this section in accordance with paragraph (d) (3) and (4) of this section.

(i) *For intensive experience.* When the allowance is based on the total time of any one airplane in airline crew training and similar intensive operations, two hours of such operation may be considered equivalent to one hour of official testing.

(ii) *For miscellaneous experience.* When the allowance is based on the total time of any one airplane, five hours of such experience may be considered equivalent to one hour of official testing.

(iii) *Reduction for supplementary experience.* Whenever a reduction of official test time is desired on the basis of supplementary experience, such experience must be adequately recorded and submitted to the T. C. Board, as described in paragraph (f) of this section.

(f) *Reports and records.* (1) A log should be kept of all flight tests, and accurate and complete records kept of the inspections made and of all defects, difficulties, and unusual characteristics and sources of crew error discovered during the tests, and of the recommendations made and action taken. Items for which design changes may be required will be reported to the manufacturer and the appropriate CAA engineering division.

(2) If supplementary experience is to be taken into account, similar records of such experience should be kept and submitted to the T. C. Board, together with a list of the differences between the airplane on which the experience was obtained and the official test airplane. When supplementary experience is obtained on a large fleet of airplanes (for example, military operations) of the same or a comparable type (see item 5 under Test Program), these records may consist of statistical summaries in lieu of complete records for each individual airplane.

(3) At the conclusion of the official tests, a summary report should be prepared by the T. C. Board and forwarded to Washington for inclusion in the Type Inspection Report.

(g) *Administration.* The CAA Aviation Safety Agent in charge should act as coordinator of all flight activities of the T. C. Board during the official program and the agent or an alternate designated by him will participate in all flights. He should collaborate with the manufacturers' pilots in all these activities, particularly in regard to flight plans and procedures. The manufacturers' pilot should be in command of all flights, but CAA pilots should fly the airplane at least sufficiently to accomplish paragraph (d) (3) of this section.

(1) Other CAA personnel (e. g. representatives of other Divisions and specialists) should participate in the flight tests when deemed necessary by the T. C. Board to accomplish the purposes of the tests.

(2) When supplementary experience is obtained in airline operations, a CAA Aviation Safety Agent should be assigned to follow the operations, review the operator's records, and supplement these by reports to the T. C. Board.

(h) *Test airplane.* Section 3.19 contains the phrase "If practicable, the flight tests * * * shall be conducted on the same airplane. * * *" This phrase will be liberally interpreted to facilitate completion of the type certification procedure. Thus, one airplane may be used for the official functioning and reliability tests while another airplane (or airplanes) is used for the routine CAR tests. In this case the test time on at least one airplane must be sufficient to accomplish the objective of paragraph (a) (2) of this section.

(i) *Modified types.* The procedure outlined above applies to new type designs. When a design employs components identical to those used in previous designs, credit may be given for the supplementary experience available for such components. When a design is modified (for example, several versions of the same basic type with different engines, propellers, etc.) the modified features and components should be treated in accordance with paragraph (d) (6) of this section.

2. Section 3.23-1 as published July 16, 1949, in 14 F. R. 4040 is amended to read:

§ 3.23-1 *Changes of engines (CAA rules which apply to § 3.23).* (a) There are currently available newly designed engines of approximately the same size and weight as previously designed engines, but with considerable variations in power. It is possible to interchange these engines with little or no installation changes, and although minor changes in engine weight may be involved, it will still be practical to operate the aircraft at the originally approved gross weight. Under § 3.185, the maneuvering load factor is not dependent upon engine power, and under § 3.184 the design airspeeds can be independent of engine power. Therefore, a change which involves or permits a practical power increase by exchange of engines shall be approved by the Administrator: *Provided,* That such exchange of engines is not accompanied by an increase in the gross weight of the aircraft, or an increase in placard speeds. Under those conditions it will not be necessary to restrict the maximum continuous horsepower by a placard because of the airplane speed limitations since the latter are indicated on the speed placards.

(b) Aircraft alterations involving weight or speed changes beyond those set forth above will be approved by the Administrator only if the applicant shows compliance with all of the applicable sections of Part 4a of this chapter, or all of the applicable sections of this part, or relies on the provisions of § 3.2 by complying with certain particular and related items of the requirements under this part, and certain of the requirements under Part 4a of this chapter, i. e., the level of safety for certain particular and related items is equivalent to the requirements under this part and the level of safety for the remaining items is equivalent to the requirements under Part 4a of this chapter.

(c) Under § 3.23, it will be necessary to require such investigations of local structure, weight and balance, power plant installations and flight tests as are normally involved in a change of engine type. However, every effort will be made by reference to data already on hand to minimize the amount of testing and structural analysis required of the applicant.

3. Section 3.31-1 as published January 25, 1951 in 16 F. R. 669 is renumbered to read: "§ 3.31-2."

4. Section 3.31-1 is adopted to read:

§ 3.31-1 *Approval of aircraft components and materials under the Technical Standard Order system (CAA rules which apply to § 3.31).*—(a) *Purpose of Technical Standard Orders.* Technical Standard Orders of the "C" series are intended to be used to set forth Civil Aeronautics Administration requirements for approval of aircraft components and materials for which specific approval standards are not contained in the airworthiness requirements of the Civil Air Regulations.

(1) The approval status of such items formerly was covered by Product and Process Specifications, Equipment Specifications, Letters of Approval, and CAA policy letters. The bases for such approvals were not set forth in any one place or series of publications, thus leading to confusion and unnecessary expense on the part of product manufacturers. The Technical Standard Order system will provide one source of information regarding the basis for approval of components and materials, thereby assuring the product and aircraft manufacturer of standardized approval procedures and also enabling Civil Aeronautics Administration personnel to administer the system uniformly.

(2) Technical Standard Orders of the "C" series are those which the Administrator of Civil Aeronautics is authorized to approve in accordance with § 3.31 and Subpart F of this part, § 4a.31 and Subpart F of Part 4a, § 4b.41, § 6.6, and §§ 6.50 through 6.53 of this chapter.

(b) *Application of Technical Standard Order requirements.* Minimum performance requirements established by the Civil Aeronautics Administration and published in Technical Standard Orders serve as a means by which component equipment and materials intended for use in certificated aircraft will be approved. With the exceptions hereinafter noted, component equipment and materials already approved by the Administrator may continue to be installed in aircraft:

(1) For which an application for original type certificate is made prior to the effective date of the TSO,

(2) The prototype of which is flown within one year after the effective date of the TSO, or

(3) The prototype of which is not flown within one year after the effective date of the TSO if due to causes beyond the applicant's control.

(c) *Exceptions.* Exceptions to paragraph (b) of this section are:

(1) If the Civil Aeronautics Board specifically establishes mandatory dates for the installation of equipment covered by a TSO, such requirements must be complied with.

(2) If service experience demonstrates that the use of certain equipment or materials in a particular make and model of aircraft renders the plane unairworthy, modification or removal of the equipment or materials may be required by means of an airworthiness directive.

(3) If within nine months after the effective date of the TSO a major change is made in the installation which involves a change in the type or model of equipment or materials, previously approved equipment or materials may be installed. However, in any such change made after the nine months' period, new types of equipment or materials installed must comply with existing TSO requirements.

(d) *The Technical Standard Order System.* The Technical Standard Order (TSO) System has been adopted based upon the following:

(1) Technical Standards Orders reference performance provisions of recognized government specifications, or established industry specifications, which have been found acceptable by the CAA. If no satisfactory specification exists, the orders will include criteria prepared by the Administrator and any item of equipment or material which meets these criteria will be acceptable to the Administrator. In preparing criteria of this type, the Administrator will give consideration to recommendations made by the industry.

(2) TSO's set forth the minimum requirements for safety. Every effort will be made by the CAA to keep the requirements at the minimum levels of safety and TSO's will not be used to set forth "desirable" standards. Industry committees or groups developing specifications which are intended to become the basis of TSO's have been and will continue to be reminded of this very basic consideration.

(3) When a TSO is issued covering a particular product, the aircraft manufacturer, owner, or operator using such products will be required to use components complying with the TSO (where the TSO is applicable as specified in paragraphs (b) and (c) of this section, and except as noted under subparagraph (4) of this paragraph). However, the CAA will not formally approve such parts as meeting the requirements of TSO's. It will be entirely the responsibility of the product manufacturer to conduct the necessary tests demonstrating compliance, and to state that his product meets the requirements of the TSO. Generally, the CAA will not exercise inspection control over the manufacturer's products. The product manufacturer himself will be responsible for maintaining quality control adequate to assure that products which he guarantees to meet the requirements of a TSO do, in fact, meet these standards. The product manufacturer's statement of conformance with the provisions of a Technical Standard Order normally will be accepted by the CAA as sufficient indication that the applicable requirements have been fulfilled.

(4) The establishment of a Technical Standard Order for any given type of product does not preclude the possibility of establishing the acceptability of a particular product as part of the aircraft, engine, or propeller. In such cases, however, it shall be established that there is a level of safety equivalent to that provided in the Technical Standard Order and the product will be

[1] It is not intended that the "paper work" be over-emphasized to the detriment of the practical results, and it should be reduced to a minimum for small, simple airplanes.

[1a] Tests of anti-icing systems under actual icing conditions will in many cases be impracticable prior to type certification. A policy is in preparation regarding the approval and use of such systems in air-carrier operations. This will outline the flight testing required at various stages.

[2] This does not imply that flight tests must be conducted under the most severe outside air temperatures likely to be encountered in service. It should normally be possible to determine the effects of extreme outside temperatures on local temperatures by extrapolation or by suitable correction factors.

[3] Intensive operation means repeated operation of components in various sequences and combinations likely to occur in service.

[4] An example of extreme complexity would be transport intended for operation at 40,000 feet altitude, with automatic dive recovery flaps, turbos, variable jet exhaust, two speed cooling fans, retractable wind screens, automatic control of engine cooling, turbos, intercoolers, jet exhaust, etc. The test program for such an airplane might require as much as 300 hours if no supplementary experience were available.

identified as a part of the particular airplane, engine, or propeller.

(e) *Status of product and process specifications.* In placing the Technical Standard Order System into operation, it is planned to discontinue issuance of the present series of "listings" of acceptable products, known as Product and Process Specifications, by establishing a suitable TSO for each product at the time of revision of any of the existing approvals, or as soon as adequate airworthiness criteria are available upon which to base a Technical Standard Order.

(f) *Conversion to new system.* From the foregoing, it can be concluded that conversion to the new system will progress slowly. Many items will remain for an indefinite period of time, controlled by either the existing Product and Process Specification or policies by means of which parts, materials, finishes, and related items are approved by the CAA as integral parts of the complete airplane.

(g) *Statement of conformance.* If a manufacturer has sufficient technical development background on his product to prove to himself that the product as supplied, meets the provisions of the applicable TSO, he may forward a statement of conformance to that effect to the Chief, Aircraft Division, Office of Aviation Safety, Civil Aeronautics Administration, Washington, D. C. He may immediately thereafter make deliveries to his customers of the items covered by this statement of conformance, supplying them, of course, with a similar statement.

(1) The vendor should identify products so supplied in accordance with paragraph (k) of this section. The presence of such markings on the product will be accepted by CAA personnel as satisfactory evidence that the manufacturer guarantees the provisions of the applicable safety requirements to have been fulfilled.

(2) Where complaints of nonconformity of a product with the applicable TSO are brought to the attention of the CAA, the CAA will investigate and, if necessary, will take appropriate action to restrict or prohibit the use of the product involved in certificated airplanes.

(h) *Effective dates.* TSO's will generally be made effective approximately 60 days after they are prepared, in order to allow sufficient time for distribution.

(i) *Data requirements.* The product manufacturer shall submit to the CAA, data called for in the TSO. Those data will not be used by the CAA for the purpose of issuing an approval for the product, but rather are needed for purposes of administering the TSO System and generally will consist only of installation information. The data called for in the TSO should be forwarded to the Aircraft Division, Civil Aeronautics Administration, Washington 25, D. C., with the statement of conformance.

(1) In investigating complaints of nonconformity, the CAA may request additional data and test reports from the manufacturer.

(j) *Deviation or waiver.* Deviations from or waivers of the literal provisions of a TSO, which obviously do not affect basic airworthiness and which manifestly provide an equivalent degree of safety, may be taken by the manufacturer on his own responsibility, but notice of such should be transmitted in writing to the Chief, Aircraft Division, Civil Aeronautics Administration, Washington 25, D. C., with the statement of conformance. Requests for deviations from or waivers of those provisions which affect the basic standard of airworthiness will be referred by the CAA field offices or the manufacturer to the Washington Office of the Aircraft Division for decision. If granted, these will involve revision of the TSO itself.

(k) *Identification of components or materials.* Suitable means shall be provided to identify an article manufactured in compliance with a particular Technical Standard Order.

(1) Where practical, the information should be legible and permanently marked either on a nameplate securely attached to the article or on the article itself. Stencils or other means of identification may be used.

(2) If the items are too small for individual identification, this information shall be placed on each package and shipping container.

(3) The necessary identification for each particular product will be specified in the appropriate TSO.

(l) *Technical Standard Register.* Copies of the Technical Standard Register or index and the various Technical Standard Orders may be obtained by applying to:

Aviation Information Staff,
Civil Aeronautics Administration,
Department of Commerce,
Washington 25, D. C.

(m) *Numbering of Technical Standard Orders.* Each Technical Standard Order shall be assigned a number consisting of the letters "TSO," a series code number "C," relating to technical orders issued by the Aircraft Division, and a serial number to be assigned in sequence for each of the TSO's issued in the "C" series, e. g. TSO–C–1, "Smoke Detectors."

5. Sections 3.46–1, 3.48–1, 3.71–1, 3.71–2, 3.72–1, 3.73–2, 3.73–3, and 3.76–1 are adopted to read:

§ 3.46–1 *Margin between V_{no} speed and level flight speed (CAA interpretations which apply to § 3.46).* (a) Airplanes may be approved under this part even though a large margin exists between the placard V_{no} speed and the level flight speed actually attainable by the airplane. The regulations specify minimum values for design cruising speed based only on wing loading; no attempt was made nor was it intended to relate the design cruising speed to power or maximum speeds attainable in level flight. (See § 3.740 for limits on the range of V_{no}.)

(b) On the basis of paragraph (a) of this section it is not necessary to reinvestigate the complete airplane structure for design cruising speed changes when increased power is installed provided the original placard speed V_{no} is retained.

§ 3.48–1 *Fire-resistant aircraft material (CAA rules which apply to § 3.48 (b)).* (a) The minimum safety requirements for fire-resistant material which is intended for use in civil aircraft have been established by the Administrator in Technical Standard Order No. TSO–C17, effective September 1, 1948, "Fire Resistant Aircraft Material."

§ 3.71–1 *Weighing procedure for new production aircraft not falling within the transport category (CAA policies which apply to § 3.71 (a)).* (a) The manufacturer may weigh the first five aircraft and compute an average empty weight from which the empty weight of none of the aircraft should vary by more than one half of one percent, the average empty weight thus determined may then be used for the next four production aircraft. The effects of variable equipment may be computed.

(b) Following the above, each fifth aircraft should be weighed and its empty weight determined.

(1) If the empty weight of each fifth aircraft recurrently falls within the specified weight tolerance defined above, the continued use of the average empty weight for each succeeding group of four production aircraft is acceptable.

(2) If the empty weight of a fifth aircraft falls outside of the specified weight tolerance, the following five aircraft should be weighed and a new average empty weight determined. The procedure described in the foregoing paragraphs is then repeated.

(c) Paragraphs (a) and (b) of this section apply only to those manufacturers producing aircraft under a currently effective Production Certificate, and only at the discretion of the Chief, Aircraft Division, in the region in which the manufacturer is located.

§ 3.71–2 *Weight and balance limitations for flight tests (CAA policies which apply to § 3.71 (a)).* (a) Flight tests should be conducted at the maximum weight for which the airplane is to be certificated and at no time during the test should the weight exceed the following tolerances from the maximum weight:

Item	Tolerance (percent)
General	+5; −10.
Flight characteristics, general	+5; −10.
Flight characteristics, critical items affected by weight	+5; −1.

(b) The forward and rearward center of gravity during flight test loading should be within a tolerance of 7 percent of the total travel for which the airplane is to be certificated.

(c) When the maximum weight at maximum center of gravity limits cannot be obtained practically during type tests, aircraft specifications center of gravity limits information should be referred to the Chief, Aircraft Division, Civil Aeronautics Administration, Washington, D. C., for ruling.

(d) The airplane certificated weight and center of gravity range should not exceed the authorized structural limits.

§ 3.72–1 *Use of ballast (CAA policies which apply to § 3.72.* (a) Removable ballast may be used in accordance with § 3.72 provided compliance is demonstrated with §§ 3.72 (a) and (b) as related items. If the airplane does not have an Airplane Flight Manual, the instructions regarding use of the ballast should be included on the placard prescribed in § 3.766.

(b) If misuse of ballast would result in a particularly dangerous situation, such as spin recovery difficulties, a warning note should be included in the instructions.

(c) Because of the operational difficulties likely to occur in using removable ballast, it should be used only as a last resort when it is found that fixed ballast cannot accomplish the purpose without seriously limiting the utility of the airplane. On new designs manufacturers should make every effort to arrange or modify the designs to avoid the use of removable ballast.

§ 3.73–2 *Empty weight items (CAA interpretations which apply to § 3.73).* (a) The empty weight must at least include the items covered in § 3.73. Any additional items such as de-icer fluid, wash water and toilet chemical, if carried, should be included in the empty weight, or so handled that they will be included in the useful load and take-off weight.

(b) In any case, of course, the equipment list should clearly reflect which items are included in the empty weight. If this is done, it is not believed that confusion will result at some later date as to what is or is not added into the empty weight.

§ 3.73–3 *Unusable fuel supply and undrainable oil (CAA interpretations which apply to § 3.73).* (a) Unusable fuel is determined by the provisions of § 3.437. The unusable fuel, whether or not greater than 5 percent of the fuel tank capacity or one gallon (see § 3.440) should be included in the empty weight. If the unusable fuel supply is greater than 5 percent or one gallon, the fuel quantity indicator should be marked in accordance with the provisions of § 3.761.

(b) Undrainable oil is defined as that oil which remains in the system after draining oil from all aircraft components including the engine by means of the oil drains provided, with the aircraft in ground attitude.

(c) All fuel and oil weight in the airplane that is not measureable by the gauges provided should be accounted for, preferably in inclusion in the empty weight.

§ 3.76–1 *Center of gravity position (CAA policies which apply to § 3.76).* (a) It is suggested that as wide a range of c. g. as practicable be investigated (using ballast if necessary) in the flight tests to provide for future changes in empty weight c. g. without rerunning tests or structural analysis.

(b) Where practicable, the extreme c. g. positions should be investigated, both in structural design and flight tests in combination with maximum weight (using ballast if necessary) to make loading instructions as simple as possible, and also provide for future changes in empty weight c. g. and useful load.

(c) In cases where the permissible c. g. positions vary with maximum weight, it is suggested that a note be included in the loading instruction portion of the Airplane Flight Manual advising owners to contact the airplane manufacturer for new loading instructions when any change is made to the airplane which would appreciably affect the location of the empty weight c. g. or the useful load.

6. Section 3.83–1 as published July 16, 1949, in 14 F. R. 4042 is revoked.

7. Section 3.84–1 as published July 16, 1949, in 14 F. R. 4042 is amended to read:

§ 3.84–1 *Take-off performance (CAA policies which apply to § 3.84).* To meet the requirements of § 3.84 pertaining to certification of take-off performance and to provide the Airplane Flight Manual performance data required in § 3.780 (a) (3) and (4), the following procedure may be used during official type tests:

(a) The ground and climb distances may be determined separately and the corrected data pieced together (as is now done in the transport category). Thus, for the simplest procedure, the airplane would be accelerated on (or near) the ground with gear extended to a speed not less than $1.3V_{s_1}$, and a climb segment to the 50-foot height point with gear extended would be determined by saw-tooth climb data. If it is desired to assume retraction of the landing gear at an earlier point, such point should be assumed to occur not earlier than that which would be used in normal take-offs. The acceleration to $1.3V_{s_1}$ should then be measured as above, with gear retraction being initiated at the selected speed. If gear retraction is completed before reaching $1.3V_{s_1}$, only one climb segment, with gear retracted, need be determined. If retraction is not completed during acceleration to $1.3V_{s_1}$, two climb segments should be determined; one with gear extended for the time period necessary to complete retraction; the second with gear retracted. The acceleration segment should be determined photographically, and a minimum of three trials should be made up to speeds equal to or greater than $1.3V_{s_1}$.

NOTE: (CAA camera equipment may be obtained on a loan basis.)

(b) Based upon the CAA's experience to date, the test method outlined in paragraph (a) of this section has given the desired accuracy of results. It also provides suitable means for showing the approximate calculated effect of temperature and altitude upon climb (up to 7,000 feet).

NOTE: It is permissible for other methods to be used in accomplishing these tests, providing that any method used is one which the average pilot may be reasonably expected to duplicate without use of unusual skill or experience, and one which produces equivalent accuracy. The operating procedure which must be followed to achieve the measured performance should in all cases be described in the Airplane Flight Manual.

(c) The take-off and climb requirements of § 3.84 and § 3.85 were written to assure the airplane's ability to clear obstacles in the vicinity of the airport. Consequently, the wing flap used for the airborne portion of the takeoff to the 50-foot height should not exceed that used for the "normal climb condition" of § 3.85 (a). However, if the applicant so desires, he may enter additional take-off data in the Airplane Flight Manual in which the flap setting specified in § 3.84 or § 3.85 (a) has been exceeded, provided the portion of the flight path beyond the 50-foot point which will cover the transition to normal climb configuration of § 3.85 (a), is also included.

8. Sections 3.84–2, 3.84–3, 3.85–5, and 3.86–2 are adopted to read:

§ 3.84–2 *Measurement of seaplane take-off distances (CAA interpretation which applies to § 3.84 (a).* The standard starting point for the measurement of seaplane take-off distances may be assumed to be the point at which the seaplane has attained an initial speed of three miles per hour during take-off.

§ 3.84–3 *Take-off speed (CAA interpretation which applies to § 3.84 (b)).* $1.3\times V_{s_1}$ or V_2+5 speed should be used for take-off even if throttling back is necessary to prevent exceeding r. p. m. limits.

§ 3.85–5 *Low-pitch propeller setting in normal climb position (CAA interpretations which apply to § 3.85 (a)).* (a) In the event an airplane has:

(1) An engine for which the take-off and maximum continuous power ratings are identical, and

(2) A fixed-pitch, two-position or similar type propeller,

then the regultions provide that the best rate of climb speed specified in § 3.85 (a) for normal climb should be determined with the low-pitch propeller setting which would restrain the engine to an r. p. m. at full throttle not exceeding its permissible take-off r. p. m. (see § 3.419 (a)).

(b) A relaxation of the propeller pitch setting requirement stipulated by § 3.419 (a) may be granted, however, for an airplane falling into the foregoing classification, when it shows a marginal item of performance as, for example, when it can meet the rate of climb requirement of § 3.85 (a) for normal climb, but may have difficulty in meeting the angle of climb requirements of § 3.85 (a) for normal climb and/or § 3.85 (c) for balked landing. In this case, it will be permissible to use a lower propeller pitch setting than specified in § 3.419 (a), in order to obtain rated engine r. p. m. at the best angle of climb speed: *Provided,* Acceptable engine cooling can be demonstrated at the lower speed associated with the best angle of climb. In employing this procedure, consideration should also be given to the following:

(1) That the best angle of climb speed for the balked landing condition may be considerably lower than the best angle of climb speed for the normal climb condition.

(2) That as a result of subparagraph (1) of this paragraph, the engine would normally have to be part throttled to avoid exceeding rated r. p. m. at the higher speeds, and would therefore develop less than rated power for showing compliance with the normal climb

and take-off requirements of §§ 3.85 (a) and 3.84, respectively.

§ 3.86–2 *Use of camera equipment (CAA policy which applies to § 3.86).* The landing distance should be determined photographically. CAA camera equipment is available on a loan basis.

9. Section 3.112–1 as published July 16, 1949, in 14 F. R. 4044 is amended by adding paragraph (c) to read:

§ 3.112–1 *Trim during a glide (CAA policies which apply to § 3.112 (a) (2) (ii)).* • • •

(c) Either the requirement of § 3.112 (a) (2) (ii) or that of the alternate method outlined in paragraphs (a) and (b) of this section should be met in full; no interpolation between the $1.4V_{s_1}$ and $1.5V_{s_1}$ (for cases where the 90 percent factor cannot be met) may be permitted. For example, an airplane whose flaps-down stall speed is 95 percent of flaps-up stall speed is not to be permitted to demonstrate minimum trim at $1.45V_{s_1}$, but should comply with the original requirement in § 3.112 (a) (2) (ii).

10. Sections 3.118–2, 3.118–3, 3.120–2, 3.121–1, 3.124–1, 3.124–2, 3.174–2, 3.174–3, 3.174–4, 3.174–5, 3.174–6, 3.174–7, and 3.174–8 are adopted to read:

§ 3.118–2 *Large displacements of flight controls in directional and lateral stability tests (CAA policies which apply to § 3.118).* (a) In performing flight tests to determine compliance with § 3.118, it should be borne in mind that the airplane structural requirements do not provide for large displacements of the flight controls at high speeds. Full application of rudder and aileron controls should be confined to speeds below the design maneuvering speed V_p. The following rules (approximations) will serve as a guide for the maximum permissible control surface deflections at speeds above V_p. (This does not imply that these maximum deflections must be used in the tests at high speeds).

(1) The permissible rudder angle decreases approximately according to the ratio $(V_p/V)^2$, where V is the speed of the test.

(2) The permissible aileron deflection decreases approximately at the ratio (V_p/V), up to the design cruising speed. V_c. Above V_c, the permissible aileron deflection decreases at a faster rate.

(b) Thus, in a typical case, assuming V_p is 141 mph, V_c is 200 mph, and V_{NE} is 250 mph:

	V_c	V_{NE}
Permissible rudder deflection	50%	32%
Permissible aileron deflection	70%	32%

where 100 percent is the deflection obtainable at V_p.

(c) Control movements should be made smoothly and sudden reversals avoided.

§ 3.118–3 *Flight tests for adverse control force reversal or control locking (CAA policies which apply to § 3.118 (a) (3)).* (a) Tests should be conducted in all critical configurations, weights and c. g. positions from power off to 75 percent M. C. P. for the following speeds and any higher speeds if considered more critical:

(1) *Normal category.* (i) Over 4,000 pounds: $1.2V_{s_1}$

(ii) Under 4,000 pounds: All speeds from $1.2V_{s_1}$ down to the lowest speed attainable in steady unstalled flight.

(2) *Utility and acrobatic categories (regardless of weight).* Same as subparagraph (1) (ii) of this paragraph.

(b) V_{s_1} is the stalling speed in the critical configuration as defined in § 3.82 (b).

(c) The rear c. g. is usually critical for these tests.

§ 3.120–2 *Indications of stall warnings (CAA policies which apply to § 3.120).* (a) No precise and complete description of the various warnings that would comply with § 3.120 can be given at this time, but the following lists of items may be used as a guide:

(1) Satisfactory items include:

(i) Buffeting, which may be defined as general shaking or vibration of the airplane, elevator nibble, aileron nibble, rudder nibble, audible indications such as oil canning of structural members or covering roughness in riding qualities of the airplane due to aerodynamic disturbances, etc.

(ii) Stall warning instrument, either visual or aural. A visual instrument could be either a light or a dial.

(iii) Stick force, defined as heavy.

(iv) Stick travel to hold attitude.

(v) Stick position.

(2) Unsatisfactory items include:

(i) Airplane attitude.

(ii) Inability to hold heading.

(iii) Inability to hold wing level.

§ 3.121–1 *Climbing stall flight tests for limited control airplanes (CAA interpretations which apply to § 3.121).* (a) This requirement is intended to draw particular attention to any stall recovery characteristics that might be encountered when a limited control airplane is completely stalled from an extremely nose high attitude, either intentionally or inadvertently. In practice it is possible that the elevator control travel could be limited to such an extent that stalls could not be obtained at the normal rate of deceleration used in testing. However, if the airplane was pulled up into a very steep climbing attitude from reasonably high speed flight either power on or power off, and held in this attitude, excessive pitching may occur. At the same time, the limited elevator travel may retard recovery from the pitched attitude until excessively high speeds are obtained. These characteristics would normally be considered under § 3.106; however, it appears wise to call particular attention to the control characteristics that might result from these flight configurations on limited control airplanes.

(b) Although Form ACA–283–03, item A. (3), (a), indicates that take-off power should be used for these tests, this is not a mandatory requirement. In this regard it is to be noted that although § 3.121 is entitled "Climbing Stalls", it specifically states: ". . . when stalled from an excessive climb attitude", thus a specified application of power is not required. For example, flight tests recently conducted on several aircraft have indicated that the power-off configuration was critical since the stall resulted in greater pitch and less elevator control. The technique used for inducing such stalls consisted of stalling the airplane (power off) in as steep a climbing attitude as possible without falling into a whip stall, or other flight maneuver that might overstress the structure. (Form ACA–283–03 will be revised at the next printing, so that the power found to be critical can be recorded in a space that will be provided for this purpose.)

§ 3.124–1 *Spin tests for category N airplanes (CAA interpretation which applies to § 3.124 (a)).* If during recovery from a one-turn flaps-down spin the airplane exceeds the placard flap speed or limit load factor, it is permissible to retract the flaps during recovery to avoid exceeding these limits.

§ 3.124–2 *Spin tests for category A airplanes (CAA interpretation which applies to § 3.124 (c)).* If during recovery from a one-turn flaps-down spin the airplane exceeds the placard flap speed or limit load factor, it is permissible to retract the flaps during recovery to avoid exceeding these limits. In addition the airplane is to be placarded "Intentional spins with flaps down prohibited."

§ 3.174–2 *Structural testing of new projects (CAA policies which apply to § 3.174).* (a) The following is a general procedure that may be followed for determining the extent of required structural testing of a new project:

(1) As the initial step to determine the structural testing of a new project, a meeting between representatives of the manufacturer, the Civil Aeronautics Administration project engineer, and (if practicable) the pertinent Branch Chief of the Aircraft Division should be arranged. The question of minimum tests should be reviewed first. This will include generally such tests as proof and operation tests of control surfaces and systems, drop tests of landing gear, vibration tests, and wing torsional stiffness tests.

(2) If the structure is of a type on which the manufacturer has a thorough background of experience, analysis and proof tests can usually be considered acceptable. If, in addition, the analysis has a high degree of conservatism, proof tests other than those specifically required by Regulation may be omitted at the discretion of the CAA.

(b) If the structure or parts thereof are definitely outside the manufacturer's previous experience, the manufacturer may be requested to establish a strength test program. In the case of a wing, this will usually involve a 100 percent ultimate load test for PHAA. In cases of this type, it should be suggested to the manufacturer that he carry the PHAA test to destruction. If a comparison of the effects of inverted and normal types of loading can be carried out, some of the above tests, such as ILAA test, can be omitted and a test made for one condition only.

(c) When ultimate load static tests are made, the limit load need not be removed provided that continuous readings of deflections of the structure are measured at an adequate number of points, and also provided that a close

examination of the structure is maintained throughout the tests with particular emphasis being placed upon close observation of the structure at limit load for any indications of local distress, yielding buckles, etc.

(d) In the case of small airplanes of other than two spar and steel tube construction, the manufacturer should be encouraged to strength test his product and reduce formal analysis to a minimum.

§ 3.174–3 *Allowable bending moments of stable sections in the plastic range (CAA policies which apply to § 3.174).* (a) The analytical method for determining allowable bending moments of stable sections in the plastic range as outlined in "Bending Strength in the Plastic Range" by F. P. Cozzone, Journal of Aeronautical Sciences. May 1943, is satisfactory for general use; however, the following should be considered in the application of this method of analysis to particular problems:

(1) The above method may be unconservative and should not be used for sections subject to local failure unless verified by suitable tests. For example, ANC–5a should be used for round tubing.

(2) The method may be unconservative and should be verified by testing representative cross sections for materials having stress-strain curves differing materially from those discussed in the reference article, or for materials whose stress-strain properties in compression differ materially from those in tension.

§ 3.174–4 *Acceptability of static and/or dynamic tests in lieu of stress analyses (CAA policies which apply to § 3.174).* Static testing to ultimate load is considered an adequate substitute for and in some cases superior to formal stress analysis where static loads are critical in the design of the component. In cases where a dynamic loading is critical dynamic load tests are equivalent to formal stress analysis. An example of components on which dynamic loading is usually critical is the landing gear and landing gear structure of an aircraft. (See § 3.174–2.) The same yield criteria apply to dynamic tests as to static tests.

§ 3.174–5 *Operation tests (CAA policies which apply to § 3.174).* Operation tests of structural components are required for mechanisms and linkages in several of the Civil Air Regulations. For this part these are: § 3.343 *Control system* and § 3.358 *Landing gear retracting mechanisms.*

§ 3.174–6 *Material correction factors, fitting factors, and other factors; their effect on test loads (CAA policies which apply to § 3.174).* (a) This part specifies certain factors which must be taken into account in establishing design and test loads for structural components. These factors are to be found in the following sections of this part and are discussed in paragraphs (b) through (g) of this section:

(1) § 3.172 *Factor of safety.*

(2) § 3.301 *Material strength properties and design values.*

(3) § 3.304 *Castings.*

(4) § 3.305 *Bearing factors.*

(5) § 3.318 *Ribs.*

(6) § 3.329 *Hinges.*

(7) § 3.346 *Joints.*

(b) *Factor of safety of 1.50.* In all cases of ultimate load testing the factor of safety of 1.50 should be included in the test load.

(c) *Material correction factors.* (See § 3.174–1).

(d) *Fitting factor.* The additional multiplying factor of safety of 1.15 specified in § 3.306 need not be included in test loads in which the actual stress conditions are simulated in the fitting and the surrounding structure. Also, these factors are considered to be included in and covered by the other special factors specified in § 3.302.

(e) *Casting factors.* Casting factors should be included in all tests in the substantiation of castings. (See § 3.304–1.)

(f) *Hinge and bearing factors.* Hinge and bearing factors specified shall be included in tests unless the appropriate portions of the parts are substantiated otherwise.

(g) *Other factors.* Test factors for rib, wing, and wing-covering are as follows:

(1) No additional factors of safety need be applied when rational chordwise upper and lower surface pressure distribution is used, provided that the test includes a complete wing or a section of a wing with end conditions and loadings applied in a manner closely simulating the actual wing conditions.

(2) When a rib alone, a section of wing, or small section of the airplane covering is tested without employing a completely rational load analysis and distribution, a factor of 1.25 should be included in the test loads. In an intermediate case, a factor between 1.0 and 1.25 may be employed in wing section tests if it is suitably established that a reduction from 1.25 is warranted by the particular conditions of the test.

§ 3.174–7 *Establishment of material strength properties and design values by static test (CAA policies which apply to § 3.174).* (a) There are several types of material design allowables, all of which are derived from test data. These are:

(1) Minimum acceptable values based on a minimum value already in an applicable materials procurement specification.

(2) Minimum non-specification values derived from tests of a series of standard specimens.

(3) Ninety percent probability values which are the lowest strength values expected in 90 percent of the specimens tested.

(4) Values based on "premium selection" of the material.

(b) Where testing is used to determine any of these types of allowable, procedures outlined in existing Government or industry specifications, e. g. QQ–M–151, ASTM's, etc., should be used although other procedures if approved by the CAA, may be used. No clear-cut rules as to the extent of testing to be done can be established herein, as this usually varies with the case. It is therefore a matter for joint discussion between the manufacturer and the CAA. The results, however, should be based on a sufficiently large number of tests of the material to establish minimum acceptable or probability values on a statistical basis.

(c) Design values pertinent to the items in paragraphs (a) (1), (2) and (3) of this section are presented in ANC–5a and ANC–18 for commonly used materials.

(d) With reference to paragraph (a) (4) of this section, some manufacturers have indicated a desire to use values greater than the established minimum acceptable values even in cases where only the use of minimum acceptable values is indicated. Such increases will be acceptable provided that specimens of each individual item of basic material as obtained are tested prior to use, to ascertain that the strength properties of that particular item will equal or exceed the properties to be used in design.

§ 3.174–8 *Unusual test situations. (CAA policy which applies to § 3.174).* It should be borne in mind that in any unusual or different situations a conference between the CAA and the manufacturer should be held to determine if the testing program as proposed by the manufacturer is sufficient to substantiate the structural strength of the aircraft or its component.

11. Section 3.186–1 as published July 16, 1949, in 14 F. R. 4047–48 is revoked.

12. Section 3.190–1 is adopted to read:

§ 3.190–1 *Design flap speed V_f. (CAA interpretations which apply to § 3.190 (a).* (a) The minimum permissible speed of 1.8 V_{s_1} is specified in order to cover power-off flight tests as required by § 3.315 (a). Section 3.223 requires that slipstream effects be considered in the design of the flaps and operating mechanism up to a speed of at least 1.4 V_s in order to cover the power on flight tests of § 3.109 (b) (5).

(b) The designer may treat the foregoing conditions as two separate cases, or he may combine them if he so desires.

13. Section 3.191–1 as published July 16, 1949, in 14 F. R. 4048 is amended to read:

§ 3.191–1 *Aileron rolling conditions (CAA policies which apply to § 3.191 (a)).* In determining whether airplanes of small to medium size and speed comply with § 3.191 (a), the Administrator will accept the following simplified procedure:

(a) *Steady roll.* Determine the C_n value, corresponding to $\frac{2}{3}$ the symmetrical maneuvering load factor. The C_n distribution over the span may be assumed the same as that for the symmetrical flight conditions. Modify the wing moment coefficient over the aileron portions of the span, as described in the "Note" under § 3.191 (a), corresponding to the required aileron deflections. The wing may be critical in torsion on the up, as well as on the down aileron side, depending upon airfoil section, elastic axis location, aileron differential, etc. (For the up aileron, the moment coefficient increment will be positive.)

The above assumption concerning C_n distribution implies that the aerodynamic damping forces have exactly the

same distribution as the rolling forces, which is not strictly correct. However, since the load factor in the rolling conditions is only ⅔ of that in the symmetrical conditions, the errors involved in this assumption are not likely to be significant.

(b) *Maximum angular acceleration.* This condition need be investigated only for wings carrying large mass items outboard. In such cases instantaneous aileron deflection (zero rolling velocity) may be assumed and the local value of C_n and C_m over the aileron portions of the span modified accordingly to obtain the spanwise airload distribution. The average C_n of the entire wing should correspond to ⅔ of the symmetrical maneuvering load factor. The resulting rolling moment should be resisted by the rolling inertia of the entire airplane. This procedure is, in general, conservative, and a more rational investigation based on the time history of the control movement and response of the airplane may be used if desired.

14. Sections 3.211–1, 3.216–1, 3.216–2, 3.216–3, 3.216–4, 3.216–5, 3.216–6, 3.217–1, 3.219–1, 3.220–1, 3.223–1, and 3.224–1 are adopted to read:

§ 3.211–1 *Control surface loads for design of "Vee" type tail assemblies (CAA policies which apply to § 3.211).* (a) "Vee" type tail assemblies require special design criteria in order to show "the same level of safety" under § 3.1. Thus, for "Vee" type tail assemblies, all the tail road requirements as set forth in this part are considered acceptable to this type tail design. It will be necessary, however, to increase the unit loads on each side of the tail surface to account for the tail surface dihedral, since air loads act normal to the surface only. Thus the unit loads, based on the projected area, on each side of the tail surface due to vertical loads on the tail assembly should be increased by a factor equal to $1/\cos\theta$, while the unit horizontal loads on the tail assembly should be increased by a factor equal to $1/\sin\theta$, where θ is the dihedral angle, or the angle between each side of the tail surface and the horizontal.

(b) The following supplementary conditions should also be investigated:

(1) A ±30 fps gust, acting normal to the chord plane of one side of the tail surface at V_C, should be combined with a one "g" balancing tail load. Reduction for downwash is acceptable. It is evident that this condition will be unsymmetrical, since one side of the "Vee" tail will not be highly loaded by the gust.

(2) *Combined rudder and elevator maneuvering condition.* (i) In order to obtain the full one way travel of the ruddervator, it is desirable to have full elevator travel in conjunction with full rudder travel. The limiting factor for this configuration is ⅔ elevator load for one pilot, and ⅔ rudder load for one pilot applied simultaneously.

(ii) When it can be shown that the lateral gust condition (reference: § 3.220) is less critical than the condition in subparagraph (1) of this paragraph, no analysis for the lateral gust need be made.

§ 3.216–1 *Time histories of pull-up maneuvers (CAA policies which apply to § 3.216).*

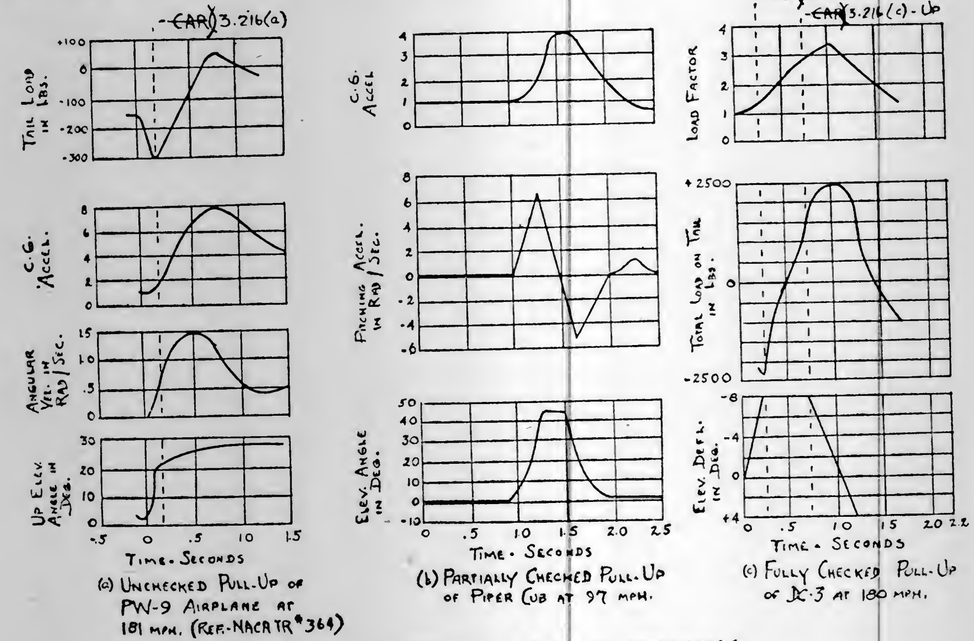


FIG. 1. TIME HISTORIES OF PULL-UP MANEUVERS

§ 3.216–2 *Unchecked pull-up maneuver (CAA policies which apply to § 3.216 (a).* (a) The condition given in § 3.216 (a) represents what may occur in an "unchecked" pull-up maneuver. The basic assumption is that while the airplane is flying in steady level flight at the speed V_p, the pilot suddenly pulls the elevator control back and holds it in the full back position.

(1) An example of the time history of a typical case of an unchecked pull-up maneuver is shown in Figure 1 (a) (see § 3.216–1). It will be noted from this figure that approximately full elevator deflection was applied in roughly 0.1 second and that the elevator was held in the full up position until after the peak c. g. acceleration was obtained. It will also be noted that the maximum down tail load was attained before the airplane had a chance to pitch appreciably since the c. g. acceleration corresponding to maximum down tail load was approximately 1.5.

(2) This condition is intended to represent the condition obtained at the instant of maximum down tail load in an unchecked pull-up as shown on the Figure 1 (a) (see § 3.216–1) at the time of approximately 0.15 seconds.

(b) For purposes of simplifying analysis procedure the download applied to the horizontal tail surface may be carried forward to the wing attachment points, assuming that the fuselage load factor is equal to zero. The moment at the wing due to the above described loads need not be balanced out as a couple at the wing attachment points. However, the linear and angular inertia forces may be taken into account if desired.

§ 3.216–3 *Unchecked push-down maneuvering load (CAA policy which applies to § 3.216 (b).* The condition given in § 3.216 (b) represents an "unchecked" push-down and is identical to § 3.216 (a) in principle, except that sudden application of full forward stick is assumed. To simplify the analysis the up load applied to the horizontal tail surfaces may be carried through the attachment of the horizontal tail surfaces to the fuselage, and local fuselage members. No other structure need be investigated for this condition.

§ 3.216–4 *Checked maneuvering load condition (CAA policies which apply to § 3.216 (c)).* (a) The condition given in § 3.216 (c) involves a down load and up load corresponding to what may occur in a "checked maneuver."

(b) A "checked maneuver" is defined as one in which the pitching control is suddenly displaced in one direction and then suddenly moved in the opposite direction, the deflections and timing being such as to avoid exceeding the limit maneuvering load factor.

(c) A typical case of a fully checked pull-up maneuver is shown for the DC–3 airplane in Figure 1 (c) (see § 3.216–1). This figure will be briefly reviewed as it contains all of the information essential to explaining the down load and up load cases required by § 3.216 (c).

(1) It will be noted that 8 degrees of up elevator was obtained in approximately 0.2 second. This 0.2 second time is the time at which the critical down load case occurs. It will be noted that a maximum down tail load of approximately 2,500 pounds is obtained at this point; further, that the airplane load factor is only slightly over 1 g. (The requirements specify a load factor of 1.0 for simplicity.) As time increases, it will be noted that the load factor begins to build up but that, when the load factor had been built up to approximately 2.7 g, the pilot started to push forward rapidly on the elevator control. This pushing forward is called "checking" and at speeds above the maneuvering speed such "checking" is required in order to prevent the airplane from exceeding the limit maneuvering factor. It will be noted that at the end of one second, the elevator has been completely "checked" back to zero deflection and that the maximum up tail load was obtained at this point concurrent with the maximum load factor of 3.2 g. The condition occurring at this time (1.0 second) represents the critical up tail load condition of § 3.216 (c).

§ 3.216–5 *Principles applicable to detailed analysis of conditions given in § 3.216 (CAA policies which apply to § 3.216).* (a) The basic principles underlying detailed analysis for the conditions covered in § 3.216 (a), (b) and (c) are described below:

(1) For the down load case, a normal acceleration of 1.0 is specified, concurrent with a specified positive value of angular acceleration. The forces acting on the airplane should therefore satisfy the following conditions:

(i) The algebraic sum of the upload on the wing and down load on the tail should equal the weight of the airplane. (For analysis purposes, a reasonable approximation to this condition is satisfactory.)

(ii) The summation of wing, fuselage and tail moments about the center of gravity of the airplane should be equal to the pitching moment of inertia of the airplane multiplied by the specified angular acceleration.

(2) The analysis of the upload condition may be carried out in the same manner, except that "n_m" times the weight of the airplane is used in subparagraph (1) (i) of this paragraph.

(b) In all of the conditions covered in § 3.216 (c), the thrust may be assumed zero for simplicity. There are many computation procedures by which these conditions can be satisfied. An example of a typical method is that given in Navy Specification SS–1A. In Figure 3–4 of this part, the maneuvering tail load increment has been based on average values of the ratio of airplane pitching inertia to overall length.

(c) Conditions specified by this requirement are likely to be critical only at speeds V_p and V_d. Investigation has shown that at V_p the specified down load condition is adequately taken care of by § 3.216 (a) and that the specified upload condition is adequately taken care of by § 3.216 (b). For these reasons, the conditions of § 3.216 (c) need not be investigated at the speed V_p.

§ 3.216–6 *Maneuvering control surface loading figure 3–3 (b) in this part (CAA policies which apply to § 3.216).* (a) The curves on Figure 3–3 (b) in this part were derived as follows:

(1) The three curves A, B and C of Figure 3–3 (b) of this part giving control surfaces loading vs. W/S correspond to normal force coefficients of 0.80, 0.70, and 0.55 respectively. These curves represent psf loading obtained with the above normal force coefficients acting at a design speed of V_p based on the assumption of $C_{L_{max}}$ equals 1.5.

(2) The basic computations for these curves were as follows:

$$V_p = V_s\sqrt{n}$$

$$q_p = 0.00256\ V_p^2 = 0.00256\ n\ V_s^2$$

$$V_s^2 = \frac{W/S}{0.00256 C_{L_{max}}}$$

$$q_p = \frac{n\ (W/S)}{C_{L_{max}}} = \frac{(W/S)}{1.5}$$

$$w = C_n q_p = \frac{C_n\ n (W/S)}{1.5}$$

$$4.4\ w = \frac{4.4\ C_n}{1.5}\ (W/S)$$

(3) These curves are all straight line curves and can be extended as straight lines to give the correct pounds per square foot loadings on the surface on the same basis as given above.

§ 3.217–1 *Gust loads: horizontal tail surfaces (CAA policy which applies to § 3.217).* The specified up gust and down gust load may be carried through the fuselage structure to the wing attachment points, assuming that the fuselage load factor is equal to that given by positive and negative gusts of 30 fps at V_c respectively. The angular inertia forces in general produce relieving loads and may be taken into account if desired. The attachments of concentrated mass items in the rear portion of the fuselage may be critically loaded by pitching acceleration forces.

§ 3.219–1 *Vertical surface maneuvering loads (CAA policy which applies to § 3.219).* The specified maneuvering loads may be applied to the vertical surfaces and carried through the fuselage structure to the wing attachment points, assuming the lateral inertia load factor along the fuselage structure as zero. The wing drag bracing through the fuselage should be analyzed for this condition since the wings will furnish a large part of the resisting angular inertia. Angular inertia forces on the fuselage may be included if desired.

§ 3.220–1 *Gust loads; vertical tail surfaces (CAA policies which apply to § 3.220).* (a) The K factor specified in § 3.220 was derived from the K factor for vertical gusts (§ 3.188) on the assumption that the effective area of the airplane for lateral gusts is twice the vertical surface area. Substituting $2S_v$ in place of S in the formula of § 3.188, we obtain:

$$K = 1.33 - \frac{2.67}{\left(\frac{W}{2S_v}\right)^{\frac{1}{3}}}$$

$$= 1.33 - \frac{4.50}{\left(\frac{W}{S_v}\right)^{\frac{1}{3}}}$$

(b) The specified gust loads may be applied to the vertical surfaces and carried through the fuselage structure to the wing attachment points as described in § 3.219–1.

§ 3.223–1 *Wing flap load distribution (CAA policies which apply to § 3.223).* A trapezoidal chord load distribution with the leading edge twice the trailing edge loading is acceptable. (Note that these loadings apply in the up direction only; however, it is recommended that the supporting structure also be designed to withstand a down load equal to 25 percent of the up load.)

§ 3.224–1 *Trim tab design (CAA policies which apply to § 3.224).* (a) To provide ruggedness and for emergency use of tabs, it is recommended that trim tabs, their attachments and actuating mechanism be designed for loads corresponding to full tab deflection at speed V_c with main surface neutral; except that the tab deflection need not exceed that which would produce a hinge moment on the main surface corresponding to maximum pilot effort.

(b) A trapezoidal chord load distribution with the loading of the leading edge twice that of the trailing edge is acceptable.

15. Sections 3.231–1 and 3.231–2 as published July 16, 1949 in 14 F. R. 4052 are amended to read:

§ 3.231–1 *Hinge moments (CAA policies which apply to § 3.231 (a).* The 125 percent factor on computed hinge moments provided in § 3.231 (a) need be applied only to elevator, aileron and rudder systems. A factor as low as 1.0 may be used when hinge moments are based on test data; however, the exact reduction will depend to an extent upon the accuracy and reliability of the data. Small scale wind tunnel data are generally not reliable enough to warrant elimination of the factor. If accurate flight test data are used, the factor may be reduced to 1.0.

§ 3.231–2 *System limit loads (CAA policies which apply to § 3.231 (a) (1).* (a) When the autopilot is acting in conjunction with the human pilot, the autopilot effort need not be added to human pilot effort, but the autopilot effort should be used for design if it alone can produce greater control system loads than the human pilot.

(b) When the human pilot acts in opposition to the autopilot, that portion of the system between them should be designed for the maximum effort of human pilot or autopilot, whichever is the lesser.

16. Sections 3.231–3, 3.241–1, 3.244–1, 3.245–2, 3.257–1, 3.257–2, 3.257–3, 3.265–1, and 3.265–2 are adopted to read:

§ 3.231–3 *Interconnected control systems on two control airplanes (CAA policies which apply to § 3.231).* (a) With respect to interconnected control systems such as in two control airplanes, the following is recommended in showing the "same level of safety" specified in § 3.1.

(1) If, in the case of two or more interconnected control systems, the control wheel or stick forces due to combined control system loads resulting from air loads on the control surfaces are less than the minimum prescribed in Figure 3–11 of this part, each control system from the interconnection to the control surface should be designed for minimum pilot effort on the control wheel or stick in order that sufficient ruggedness be incorporated into the system.

(2) If the control wheel or stick forces due to combined control system loads resulting from air loads on the control surfaces are in excess of the maximum forces prescribed in Figure 3–11 of this part, it is considered permissible to divide the maximum pilot effort loads in the control systems from the point of interconnection to the control surfaces in proportion to the control surface air loads. However, the load in each such control system should be increased 25 percent to allow for any error in the determination of the control surface loads, but in no case need the resulting loads in any one system exceed the total pilot effort, if the pilot effort were applied to that system alone. In any case, the minimum load in any one system should be no less than that specified in subparagraph (1) of this paragraph.

§ 3.241–1 *Four wheel type alighting gears (CAA policies which apply to § 3.241.* At present, little operational data or other information are available on which to base requirements for airplanes equipped with four wheel type alighting gears. The following is suggested for applying the requirements of this part to aircraft equipped with four wheel type alighting gears.

(a) The provisions of §§ 3.241 through 3.256, except for the following, should be considered applicable: § 3.245 (a), § 3.246 (a), and §§ 3.250 through 3.252.

(b) The conditions as specified in § 3.245 (b) (2), § 3.246 (b), § 3.247 and § 3.249 should be considered applicable to four wheel type gear without modification, the rear wheels being considered the main gear.

(c) The landing conditions specified in § 3.245 (b) (1) should be modified by dividing the total required load on the forward gear between the two wheels, 60 percent to one wheel and 40 percent to the other.

(d) The requirements of § 3.253 should be modified by applying the required loads simultaneously to the two front wheels, 120 percent to one wheel and 80 percent to the other. (Note that this gives a 80–40 percent distribution of the total load on the front gear.)

(e) It is believed that the method of applying the requirements of this part for single nose wheel type alighting gear to four wheel type alighting gear should result in a satisfactory design. It is suggested, however, that sufficient landing and taxiing tests be conducted to determine the suitability of the landing gear design and configuration. Since higher speed turns should be possible with a four wheel aircraft than with one having a conventional tricycle gear, it is believed that provision should be made to include high speed turns in the taxiing test programs of all four wheel aircraft.

(f) If an aircraft with four wheel type alighting gear is also designed for roadability, i. e. for use as an automobile, which is usually the case, the design of the alighting gear in accordance with applicable motor vehicle design requirements is acceptable, provided it can be shown that these requirements fully cover the airworthiness requirements of the Civil Air Regulations.

§ 3.244–1 *Landing cases and attitudes (CAA policy which applies to § 3.244).* The supporting structure as well as the landing gear itself should be capable of withstanding the loads occurring at the critical extension of the shock struts in accordance with Note (2) of Figure 3–12 (a).

§ 3.245–2 *Level landing inclined reaction resultant (CAA policy which applies to § 3.245).* In Figure 3–12 (b) the level landing inclined reaction resultant for both tail wheel and nose wheel type landing gears is assumed to pass through the wheel axles.

§ 3.257–1 *Type certification of skis (CAA policy which applies to § 3.257).* Type certification of skis is not contingent upon compliance with § 3.257 which applies to skiplanes only.

§ 3.257–2 *Supplementary conditions for skiplanes (CAA policy which apply to § 3.257).* (a) The following material outlines acceptable supplementary structural conditions for skiplanes with a tricycle type gear, in order to show "the same level of safety" under § 3.1.

(1) To provide adequate strength for normal landing, taxiing and ground handling conditions for skiplanes equipped with a tricycle gear, a limit torque equal to 0.667 W foot pounds should be separately applied about the vertical axis through the centerline of each main pedestal bearing of each main gear, W being the maximum design weight of the airplane in pounds.

(2) For the nose gear, a limit torque equal to 1.333 WK foot pounds should be separately applied about the vertical axis through the centerline of the nose gear pedestal bearing, where K is the ratio of the nose gear ground reaction (total of both sides), as determined from § 3.245 (b) (1), proper account being taken of the increase of load on the nose gear due to pitching of the airplane.

(3) In the case of a steerable nose gear, the limit torque on the nose gear need not exceed the pilot effort.

(b) An ultimate factor of safety of 1.5 should be applied to the limit torques specified in paragraph (a) (1), (2) and (3) of this section.

§ 3.257–3 *Factor of safety of 1.0 (CAA policy which applies to § 3.257).* (a) The load P/3 in § 3.257 is considered an ultimate loading. Therefore the factor of 1.0 is considered an ultimate factor.

§ 3.265–1 *Float loads (CAA policies which apply to § 3.265).* (a) Floats which are presently certificated on the basis of Part 4a of this chapter in effect prior to November 9, 1945, are considered satisfactory structurally for installation on airplanes which are designed in accordance with this part.

(b) New float designs which are submitted for approval should be investigated for the structural design requirements of this part. In this connection, it is pointed out that Part 15 of this chapter refers to Part 4a of this chapter for design requirements, whereas the latest structural requirements in this part should be used. Part 15 of this chapter is to be revised accordingly.

§ 3.265–2 *Water loads; alternate standards (CAA policies which apply to §§ 3.1 and 3.265).* ANC–3 provides a level of safety equivalent to, and may be applied in lieu of, §§ 3.267 through 3.272, 3.280, and 3.281.

17. Section 3.301–1 (c) as published July 16, 1949, in 14 F. R. 4056 is amended to read:

(c) See § 3.174–1 (a).

18. Section 3.301–2 is adopted to read:

§ 3.301–2 *Substitution of seam welded for seamless steel tubing (CAA policies which apply to § 3.301).* Seam welded tubing may be substituted for seamless steel tubing as follows:

(a) SAE 4130 welded tubing as per Specification AN–T–3, may be substituted for SAE 4130 seamless tubing conforming to Specification AN–WW–T–850a, and vice versa.

(b) SAE 1025 welded tubing as per Specification AN–T–4, may be substituted for SAE 1025 seamless tubing conforming to Specification AN–WW–T–846, and vice versa.

(c) SAE 8630 welded tubing conforming to Specification AN–T–33a may be substituted for SAE 8630 seamless tubing conforming to Specification AN–T–15 and vice versa.

19. Section 3.318–1 as published July 16, 1949, in 14 F. R. 4057 is amended to read:

§ 3.318–1 *Rib tests (CAA policies which apply to § 3.318 (a).* See § 3.174–6 (g).

20. Sections 3.320–1, 3.320–2, 3.328–1, 3.336–1, 3.337–1, 3.345–2, and 3.356–1 are adopted to read:

§ 3.320–1 *Aircraft fabric (CAA rules which apply to § 3.320.* (a) The minimum safety requirements for "Intermediate" grade fabric which is intended for use as external covering material on civil aircraft, have been established by the Administrator in Technical Standard Order No. TSO–C14, effective September 1, 1948, "Aircraft Fabric, 'Intermediate' Grade, External Covering Material."

(b) The minimum safety requirements for Grade "A" fabric which is intended for use as external covering material on civil aircraft, have been established by the Administrator in Technical Standard Order No. TSO–C15, effective September 1, 1948, "Aircraft Fabric, Grade 'A', External Covering Material."

§ 3.320–2 *Wing, rib, and wing covering test factors (CAA interpretations which apply to § 3.320).* See § 3.174–6 (g).

§ 3.328–1 *Bonding of control surfaces (CAA policy which applies to § 3.328).* In order to avoid possible "freezing" of control surface bearings caused by electrical discharges (as for example when flying through thunderstorms), it is recommended that all control surfaces be bonded to the airframe.

§ 3.336–1 *Aileron controls for two-control airplanes (CAA interpretation which applies to § 3.336 (b)).* In the case of two-control airplanes having side by side control wheels, the aileron controls in the right wing should be independent of those in the left wing; however, they may be connected to a common bell-crank or lever in the fuselage. From the point of common connection to the control wheels, the margins of safety should be large and the detail design adequate to minimize possibility of failure of any part.

§ 3.337–1 *Independent means of control of control system (CAA interpretations which apply to § 3.337).* The intent of § 3.337 is to provide an independent means of control from the cockpit in case of the failure of the primary control system. The installation of a bungee system to trim an airplane by actuating a primary control surface is, for example, not acceptable. In such a case, even the provision of large margins of safety would not preclude the possibility of failure of the primary control system caused by loosening bolts, wear and tear, etc. On the other hand, an equivalent degree of safety can be incorporated into a tab control system by some other means as, for example, by attaching a bungee directly to the control surface horn. Such an arrangement could be shown to meet the intent of § 3.337; however, each design will be reviewed on the basis of its individual merits.

§ 3.345–2 *Special aircraft turnbuckle assemblies and/or turnbuckle safetying devices (CAA rules which apply to § 3.345).* The minimum safety requirements for special aircraft turnbuckle assemblies and/or turnbuckle safetying devices which are intended for use in civil aircraft have been established by the Administrator in Technical Standard Order No. TSO–C21 effective October 1, 1949, "Special Aircraft Turnbuckle Assemblies and/or Turnbuckle Safetying Devices."

§ 3.356–1 *Retracting mechanism (CAA policies which apply to § 3.356).* (a) In order to provide for adequate strength of the landing gear doors, landing gear, etc., in yawed attitude, it will be satisfactory to show compliance with § 3.356 at the maximum yaw angle as determined by the flight characteristic requirements of § 3.105 and at speeds up to $1.6V_1$ flaps retracted.

(b) To meet the requirement that a positive means be provided for maintaining wheels in the extended position, a positive mechanized lock or latch should be provided that can be released directly or sequentially only by some specific manual actuation by the pilot. In this regard, the use of hydraulic pressure is not considered a positive means of down lock.

21. Section 3.359–1 as published July 16, 1949, in 14 F. R. 4059 is amended to read:

§ 3.359–1 *Wheel position indicators (CAA policies which apply to § 3.359).* (a) The means to be provided for in § 3.359 to indicate to the pilot when the wheels are secured in the extreme positions may consist of lights. For example, a green light for the gear down and locked position is considered satisfactory, provided a placard indicates that this is the down position. "All lights out" is considered satisfactory for intermediate gear positions. However, there should then be another light indicating gear up and locked. "All lights out" is not considered desirable for either extreme gear locked position, since such a system would not "fail safe" if a lamp burned out.

(b) The regulations do not require an aural warning device for amphibian aircraft. A two-light warning system similar to the following would be considered sufficient and satisfactory:

Gear Up----------	Light #1-------	Water
Gear Down-------	Light #2-------	Land

When light #1 is on, the gear would be in the extreme up position and locked and when light #2 is on, the gear would be in the extreme down position and locked.

22. Sections 3.359–2, 3.362–1, 3.364–1, 3.382–1, 3.382–2, 3.383–1, 3.386–1, 3.388–1, 3.388–2, 3.388–3, 3.388–4, 3.390–1, 3.391–1, and 3.392–1 are adopted to read:

§ 3.359–2 *Position indicator and warning device (CAA policy which applies to § 3.359).* A throttle stop is not considered an acceptable alternative to an aural landing gear warning device.

§ 3.362–1 *Tire and rim association (TRA) ratings (CAA interpretation which applies to § 3.362).* Experimental ratings assigned by the TRA are considered fully adequate for determining that a tire is satisfactory for use on commercial aircraft.

§ 3.364–1 *Tail skis (CAA interpretation which applies to § 3.364).* Type certification of tail skis is not required under the Civil Air Regulations. Such skis should therefore be approved as a part of the airplane.

§ 3.382–1 *Openable window or openable portion of the windshield (CAA interpretations which apply to § 3.382).* (a) The third sentence of § 3.382 is interpreted to mean that an openable window, or an openable portion of the windshield is required only when the windshield does not remain, or is not maintained (by means of windshield wipers or other devices) in a clean condition during a moderate rain.

(b) If deflectors or other means are provided, so that the elements do not fully impair the pilot's ability to see when an openable window, or a movable portion of the windshield is open, then the pilot should have an adequate view during the rain condition of the flight path in normal flight and landing with these deflectors or other devices installed (and, if applicable, in any position within the limits of adjustability).

§ 3.382–2 *Pilot vision in rain conditions. (CAA interpretation which applies to § 3.382.* The means for providing vision during flight in rain conditions should permit the pilot to view both the normal flight path and the instrument panel without difficulty or excessive head movement.

§ 3.383–1 *Plexiglas windshields and windows (CAA policy which applies to § 3.383).* A plastic material such as plexiglass is considered to be a nonsplintering material and can be used in windshields and windows.

§ 3.386–1 *Crash protection (CAA interpretations which apply to § 3.386).* (a) Cockpit arrangements and collapse of cabin structure have been found to cause excessive injuries in crashes. Close study of crash results shows that the human body, when properly supported, can tolerate crash forces which exceed those necessary to demonlish contemporary aircraft structure.

(b) The following points are of general significance:

(1) Many survivable accidents are "fatal" because of insufficient design consideration when mocking up the cabin and its installation.

(2) The torso is rarely exposed to dangerous injury when the safety belts hold and control wheels provide reasonable support for the chest.

(3) Fractures of the extremities occur in severe crashes but are not normally regarded as dangerous injuries.

(4) Head injuries are the principal cause of crash fatalities. Increased protection for the head can be provided by elimination, shielding, or redesigning of elements of the cabin which permit solid head blows in a crack-up, such as turnovers during a bad landing.

(c) In view of the fact that injuries and fatalities in many moderate and severe accidents are purely mechanical results of poor cockpit design, the following guide rules for design are suggested:

(1) Typical injurious objects, from the standpoint of crash injury, are listed as follows:

(i) Those which present a hard surface and are so attached or have sufficient mass to produce a severe impact when struck by the head or other vulnerable part of the body as it swings forward under the specified inertia forces.

(ii) Those which present corners, knobs, or similar projections which are likely to penetrate a vulnerable part of the body, even when the impact forces are not as high as in paragraph (a) of this section.

(2) A flat or curved sheet metal panel which will dent upon impact by the head is not considered dangerous, whereas a magnetic compass case having appreciable mass and a rigid mounting might cause fatal head injuries.

(3) Heavy transverse braces or other structures immediately behind a light instrument panel have changed many accident reports from "Instrument panel depresed six inches by pilot's head" to "Fatal head injury; depressed fracture of the skull." Pilot's chances can be greatly improved by spacing solid braces several inches behind the ductile skirt of an instrument panel.

(4) The solid tubing used as a backrest of the front seats of tandem aircraft is a set-up for excessive head injury. The suggestion has been made that backs of forward seats be allowed to pivot forward so that the head of the occupant of the rearward seat would not contact the solid members when the body pivots about the belt.

(5) Panels should be smooth, with top edge curved in a substantial radius.

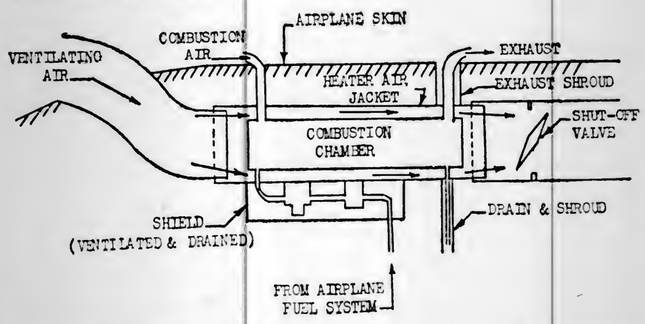
(6) Apertures for instruments should preferably have bevelled instead of sharp edges.

(7) In personal aircraft, every consideration should be given to holding the body by adequate safety belt installations, and by the support which can be provided in control wheels and instrument panels. The present "1000 pound" safety belts have failed in a high percentage of accidents without causing internal injuries or bruising of the hips. In failing, they have exposed the pilot to excessive injuries.

(8) Control wheels should be designed to provide broad areas of support for the chest. Wheels which break under heavy loads from the hands or deform to permit contact between the chest and a small hub, localize force and set up chances of unnecessary chest injury.

§ 3.388–1 *Heater isolation (CAA policies which apply to § 3.388 (b)).* (a) Under §§ 3.388 (b) and 3.623, heaters should be isolated from the remainder of the airplane by means of a fireproof shield. However, this need not necessarily mean a complete shield around the entire heater unit (although this would be satisfactory) since in many heater designs, a fireproof air jacket largely surrounds the flame chamber. Thus, the heater design itself practically provides a steel shield between the combustion unit and the remainder of the airplane. In such cases, it should suffice to provide isolation for the fuel system components mounted on the heater and for the heater exhaust and combustion chamber drains.

(b) The following schematic sketch shows an example of an installation which should be satisfactory:



The shut-off valve shown in the sketch should be provided if there are fuel system components within the ventilating air shroud which may be subject to leakage or failure. In such cases, that portion of the ventilating air duct up to the valve, as well as the valve itself, should be of fire resistant construction and the valve should provide as flame tight a seal as possible. If the fuel system is so arranged that there are no fittings or connections within the ventilating air shroud, the downstream air shut-off valve and fire resistant duct between the heater and the valve may be dispensed with.

(c) As regards shrouds for the combustion chamber drain lines, the necessity for these will generally depend upon the location of the drain in the heater. If the drain outlet from the combustion chamber is so located that products of combustion can issue through the drain line, it will no doubt become hot and require isolation. However, drains are sometimes connected in such a manner that they do not carry exhaust gases and remain relatively cool. In such cases, shrouds are not necessary.

§ 3.388–2 *Fire-detector and extinguisher equipment (CAA policies which apply to § 3.388 (b)).* (a) For non-transport category airplanes equipment of this type is not required. If such equipment is installed and it is shown to provide equivalent safety to the use of fireproof isolation, it may be considered a suitable alternative for fireproof isolation provisions discussed in § 3.388–1 (b). In such cases, the detection and extinguishing provisions should comply with the requirements for transport category airplanes; that is, detectors and extinguishers should be provided wherever potential sources of fuel leakage and sources of ignition are in close proximity.

(b) In the sketch in § 3.388–1 (b) the space within the shield would require such protection. In addition, detectors and extinguisher nozzles should be installed in the ventilating air passages of the heater if this chamber contains fuel system fittings or connections that may be subject to leakage.

(c) Hand fire extinguishers should be considered equivalent to a fixed fire extinguisher installation only when the heater is located in such a manner that it is readily accessible to the crew and when all fire zones in the installation can easily be reached with a hand extinguisher.

(d) All extinguishers may also be dispensed with when the heater is so shielded and located that a fire could be permitted to burn itself out without danger of damage to any important structural members or otherwise endangering the safety of the airplane.

(e) Detectors may be dispensed with as an alternative to fireproof isolation, only when the heater is so located that the occurrence of fire would immediately be noted by the crew.

§ 3.388–3 *Heater fuel system (CAA policies which apply to § 3.388 (b)).* (a) The heater fuel system should comply with airworthiness standards for the engine fuel system as regards fuel lines, fittings and accessories.

(b) Valves should be provided for shutting off in flight the flow of fuel at its source, unless equivalent provisions in the form of a separate heater fuel pump are available.

(c) All pressure lines should comply with the provisions of § 3.432 regarding pressure cross feed arrangements.

§ 3.388–4 *Combustion heaters (CAA rules which apply to § 3.388 (b)).* The minimum safety requirements for combustion heaters which are intended for use in civil aircraft have been established by the Administrator in Technical Standard Order No. TSO–C20, effective June 15, 1949, "Combustion Heaters."

§ 3.390–1 *Approval of seats and berths, and their installations (CAA policies which apply to § 3.390).* (a) Seats and berths and their installations, as well as related aircraft components, can be approved by any one of the three following procedures:

(1) Proof of compliance with the strength and deformation requirements of the regulations may be obtained on the basis of structural analysis alone when the structure conforms with conventional types for which the existing methods of analysis are known to be reliable.

(2) Proof of such compliance may be obtained by a combination of analysis and load tests to limit loads.

(3) Proof of such compliance may be obtained by static load tests alone, when such tests are carried to design ultimate loads.

(b) All seats shall be designed for the weights stipulated in this section (170 pounds for normal category; 190 pounds for utility and acrobatic category). When designed for a lower weight than those referred to above, the seat should be placarded to indicate the permissible, maximum weight of the occupant (see § 3.766).

§ 3.391–1 *Safety belt attachment loads (CAA interpretations which apply to § 3.391).* All airplanes to which § 3.391 is applicable under § 3.2, should have structural provisions and attachments adequate for the safety belt loads corresponding to the requirements of § 3.386, even though certificated safety belts meeting these requirements may not yet be available.

§ 3.392–1 *Load factors for design of cargo compartments located in the fuselage (CAA interpretations which apply to § 3.392).* (a) It would seem on examination of §§ 3.392 and 3.386 that there is a conflict between the load factors required for the design of cargo compartments which are located in the fuselage. The following explanation should clarify this possible misconception:

(1) Section 3.392 was specially promulgated to overcome objections to the excessively heavy cargo compartment structure that would be required to meet the crash conditions of § 3.386. In past cases of crashes, injuries to passengers caused by shifting cargo or baggage have not been prevalent despite the fact that in many cases the lower design factors of Bulletin 7a and Part 4a of this chapter were in effect. Because of this, § 3.392 was incorporated in the requirements, to apply specifically to cargo compartments. It should therefore not be necessary to consider the strength requirements of § 3.386 in their design.

23. Sections 3.411–1 as published July 16, 1949 in 14 F. R. 4061 is revoked.

24. Sections 3.419–1, 3.422–1, 3.422–2, 3.442–1, 3.582–1, 3.583–1, 3.587–1, 3.606–1, 3.623–1, 3.681–1, 3.688–1, 3.696–1, 3.702–1, 3.716–1, 3.721–1, 3.755–1, 3.755–2, 3.757–1, 3.759–1, 3.762–1, 3.777–1, 3.777–2, 3.777–3, 3.777–4, 3.780–2, and 3.780–3 are adopted to read:

§ 3.419–1 *Propeller pitch and speed limitations (CAA interpretations which apply to § 3.419).* (a) The low pitch setting should comply with § 3.419 (a) which states that the propeller shall not exceed the rated engine take-off r. p. m. with take-off power (full throttle unless limited by manifold pressure) during take-off and initial climb at best rate of climb speed. It is not permissible to use a lower pitch setting than that specified above in order to obtain take-off r. p. m. at the best angle of climb speed for the purpose of showing compliance with § 3.85 (c), Balked Landing Climb. An exception to the above may be granted in the specific case covered by § 3.85–5, when satisfactory engine cooling can be demonstrated at the best angle of climb speed in the balked landing configuration (§ 3.85 (c)). However, in cases where the interpretation of § 3.85 does not govern, it will be necessary to conduct the balked landing climb with whatever r. p. m. is possible without exceeding the engine take-off limitations with the low pitch setting determined in accordance with § 3.419 (a).

(b) In cases where the airplane is to be operated using either the water injection or dry take-off power ratings of the engines, the low pitch stop setting shall be determined on the basis of whichever rating will result in the lower pitch. This will generally be the "dry" rating. In instances where the airplane is intended to be operated only at the water injection take-off power ratings of the engines, the low pitch stop for the propellers should be determined on that basis. These settings are to be determined in the usual manner with the airplane static unless there are unconventional features in the propeller installation requiring this determination by some other means.

(c) In cases where dual engines drive a single propeller through free wheeling clutches, the setting of the low pitch stop should be such that the propeller will not overspeed when take-off power is applied to one engine at an airplane speed of V_2.

§ 3.422–1 *Propeller clearance on tricycle gear airplanes (CAA interpretation which applies to § 3.422 (a) (1)).* In determining minimum propeller clearance for aircraft equipped with tricycle gear, dynamic effects need not be considered.

§ 3.422–2 *Propeller clearance on aircraft with leaf spring type shock struts (CAA interpretation which applies to § 3.422 (a) (2)).* Section 3.422 (a) (2) applies only to conventional landing gear struts employing fluid and for mechanical means for absorbing landing shocks. For aircraft employing struts of the leaf spring type, a deflection corresponding to 1.5g should be used to determine whether positive clearance exists.

§ 3.442–1 *Bladder type fuel cells located in a personnel compartment (CAA interpretations which apply to § 3.442).* In the case where a bladder type fuel cell having a fuel capacity in excess of 25 gallons is located in a personnel compartment, a separate fume and fuel proof enclosure for the fuel cell and its retaining shell is not deemed necessary provided the retaining shell is at least equivalent to a conventional metal fuel tank in structural integrity and fume and fuel tightness. The shell surrounding the tank should be adequately drained to the exterior of the airplane.

§ 3.582–1 *Water taxiing tests (CCA interpretation which applies to § 3.582).* No water taxiing tests need be conducted on aircraft certificated under this part, except in the case of flying boats which may reasonably be expected to be taxied for extended periods.

§ 3.583–1 *Powerplant winterization equipment (CAA interpretations which apply to § 3.583).* (a) Cooling test results for winterization installations may be corrected to any temperature desired by the manufacturer rather than the conventional 100° F. hot day. For example, if a manufacturer chooses to demonstrate cooling to comply with requirements for a 50° or 60° F. day with winterization equipment installed, he may do so. In such a case the sea level temperature for correction purposes should be considered to be the value elected by the manufacturer with a rate of temperature drop of 3.6° F. per thousand feet above sea level.

(b) Cooling tests and temperature correction methods should be the same as for conventional cooling tests.

(c) The airplane flight manual should clearly indicate that winterization equipment must be removed whenever the temperature reaches the limit for which adequate cooling has been demonstrated. The cockpit should also be placarded accordingly. In addition, the airplane should be equipped with an ambient air temperature gauge or, alternatively, a cylinder head, barrel, or oil inlet temperature gauge (depending upon which is critical).

(d) If practical, winterization equipment such as baffles for oil radiators or for engine cooling air openings should be marked clearly to indicate the limiting temperature at which this equipment should be removed.

(e) Since winterization equipment is often supplied in kit form, accompanied by instructions for its installation, suitable information regarding temperature limitations should be included in the installation instructions for such kits.

§ 3.587–1 *Cooling test procedure for twin engine aircraft which do not meet the minimum one-engine-inoperative climb performance (CAA interpretation which applies to § 3.587 (b)).* In order to provide a practicable test procedure for compliance with this requirement, the engine temperatures should be stabilized in flight at the lowest practicable altitude above the ground, with maximum continuous power from the engine on which cooling is being investigated, and with just sufficient power on the other engine to maintain level flight at the speed for minimum rate of descent.

§ 3.606–1 *Induction system de-icing provisions (CAA policies which apply to § 3.606).* (a) A series of pressure type carburetors for small engines has been developed which incorporate the feature of injecting fuel into the intake air at a point downstream from the throttle and carburetor venturi. This feature tends to greatly reduce the possibility of ice formation in the engine induction system and the results of extensive tests have demonstrated the carburetors to be relatively free of icing hazards.

(b) In order to outline the limitations of our approval for the elimination of preheat on the carburetors, and to provide what are considered equivalent safety margins the following is stipulated:

(1) This approval applies only to sea level engines of the general power class with which the largest of these pressure carburetors has been tested. No tests have as yet been conducted on any altitude engines. The largest of these carburetors which has been tested at present is a model which is intended for use on engines in the general range of approximately 220 horsepower.

(2) Unless the main carburetor air intake is located in a sheltered position where it is free from impact icing possibilities, a sheltered alternate air intake should be provided even though there is no preheater.

(c) During tests of the non-icing qualities of these carburetors, it was found that in some cases poor idling of the engine was encountered and this was attributed to a possible ice formation in the internal carburetor passage which acts as the air bleed for the main discharge nozzle. As a result, it is necessary to provide a small intensifier tube to supply hot air to the air bleed side of the main discharge nozzle on installation in which the carburetor and a portion of the induction system are exposed to the exterior of the airplane. When the installation is completely cowled, the hot air bleed will not be necessary.

§ 3.623–1 *Fire-proof materials for firewalls (CAA rules which apply to § 3.623).* (a) The test for demonstrating compliance with criteria for fireproof material or components shall subject the material or unit to a 2,000±50° F. flame. Sheet materials shall be tested by subjecting a sample approximately 10 inches square to a flame from a suitable burner. The flame shall be large enough to maintain the required test temperature over an area approximately five inches square.

(b) Firewall materials and fittings shall resist flame penetration for 15 minutes.

(c) The following materials are considered satisfactory for use in firewalls or shrouds without being tested as outlined in paragraphs (a) and (b) of this section:

(1) Stainless steel sheet, 0.015 inch thick.

(2) Mild steel sheet coated with aluminum or otherwise protected against corrosion, 0.018 inch thick.

(3) Terne plate, 0.018 inch thick.

(4) Monel metal, 0.018 inch thick.

(5) Steel or copper base alloy firewall fittings.

§ 3.681–1 *Shielding of flare circuits (CAA policy which applies to § 3.681).* Flare circuits should be shielded or separated from other circuits far enough to preclude induction of other current into flare circuit.

§ 3.688–1 *Stall warning indicator circuits (CAA policies which apply to § 3.688)*—(a) *Wiring of circuit by the master switch.* Airplanes on which the indicators are required for type certification as a result of the particular stall characteristics of the airplane, should have the indicator circuit by-pass the master switch. A circuit protector should be installed for the protection of the indicator wiring and this protector should be located as near as is practicable to the source of electric power.

(b) *Wiring of circuit through the master switch.* Where the indicator is installed as an accessory but not as required equipment, it is permissible to wire the indicator through the master switch or direct to the source of power. A circuit protector should be installed for the protection of the indicator wiring and this protector should be located as near as is practicable to the source of the electric power.

§ 3.696–1 *Instrument lights (CAA interpretation which applies to § 3.696).* The use of the cabin dome light is not considered adequate to comply with the provision of § 3.696.

§ 3.702–1 *Rear position light installation (CAA interpretation which applies to § 3.702).* A single rear position light may be installed in a position displaced laterally from the plane of symmetry of an airplane if the axis of the maximum cone of illumination is parallel to the flight path in level flight, and if there is no obstruction aft of the light and between planes 70° to the right and left of the axis of maximum illumination.

§ 3.716–1 *Life rafts and life preservers (CAA rules which apply to § 3.716).* (a) The minimum safety requirements for life preservers and life rafts which are intended for use in certificated civil aircraft engaged in over-water operations have been established by the Administrator in the following Technical Standard Orders:

(1) No. TSO–C12, "Life Rafts," effective August 1, 1948.

(2) No. TSO–C13, "Life Preservers," effective August 1, 1948.

§ 3.721–1 *Radio equipment installation (CAA interpretation which applies to § 3.721).* Engineering flight tests are not required for equipment installations unless a particular installation could conceivably interfere with flight operation of airplane or change the airplane configuration so that performance or flight characteristics became adversely affected.

§ 3.755–1 *Markings and placards for an airplane certificated in more than one category (CAA policies which apply to § 3.755 (b)).* (a) The following suggestions are given to assist in making placards and markings as simple and straightforward as possible:

(1) The applicant (who may be the manufacturer or an individual operator) should select a "basic" category on which all markings and placards will be based and installed on a particular airplane. However, this does not prevent the selection of some other category as "basic" for the placarding and marking of other airplane of the same model.

(2) Placards of markings pertaining to other categories should be installed only when this can be done without confusing the placards or markings for the "basic" category. For example, previous attempts to put dual sets of markings on airspeed indicators have proven unsatisfactory. On the other hand, it may be desirable to install baggage capacity and number of persons placards which cover both normal and utility categories.

(3) A statement on the placard, required by § 3.769 and § 3.770, should refer the operator to the "Approved Airplane Flight Manual" for information on the placards and markings appropriate to the other categories in which the airplane is certificated.

(4) All placards should be arranged to present the necessary information to the pilot in as simple and practical a manner as possible. In many cases, it may be convenient to consolidate various placards.

(5) The following is an example of a possible (but not necessarily complete) form for a consolidated placard for an airplane certificated in Normal and Utility Categories, using the Normal Category as the "basic" category for purposes of placarding and marking:

> THIS AIRPLANE MUST BE OPERATED AS A NORMAL OR UTILITY CATEGORY AIRPLANE IN COMPLIANCE WITH THE APPROVED AIRPLANE FLIGHT MANUAL.
>
> All markings and placards on this airplane apply to its operation as a Normal Category Airplane. For Utility Category operations, refer to the Airplane Flight Manual.
>
> NO ACROBATIC MANEUVERS (INCLUDING SPINS) ARE APPROVED FOR NORMAL CATEGORY OPERATIONS.

(6) When the category selected for marking and placarding is the Utility Category, the appropriate placards for limiting the weight to the approved utility value should, of course, be posted. This may, for example, require placards on some of the seats, "Not to be occupied during Utility operations," and "Maximum baggage capacity during Utility Category operations, ------ pounds."

When the number of occupants permitted for the Utility Category is less than the number of seats, but the seating arrangement makes no difference, it may be more convenient to omit the seat placards and substitute a statement such as the following on the consolidated placard, "Maximum number of persons for Utility Category Operations. ------."

(7) For Utility Category maneuvering limitations, see § 3.6–1.

§ 3.755–2 *Markings and placards for flap settings (CAA policies which apply to § 3.755 (a)).* (a) *Flap settings as related to performance.* Instructions on flap settings relating to airplane performance should be included in the "performance information" section of the Manual, and should be identified with the corresponding performance data given in § 3.777–1 (g). If the applicant has demonstrated compliance with the pertinent performance requirements for a range of flap settings, the range may be given instead of a single setting. In this case, performance data should be shown for both extremes of the range, or for the critical setting within the range, plus explanation of the qualitative effect on performance of using other settings within the range.

(b) *Flap settings resulting in unsafe characteristics.* If improper setting of the flaps can result in dangerous characteristics, a suitable item should be included in the "operating limitations" section of the Flight Manual, and on a placard in view of the pilot.

Typical examples of "dangerous characteristics" would be cases in which a flap take-off setting less than that marked on the flap indicator would cause unusual difficulty in take-off by greatly extending the take-off distance, or affecting controllability (e. g., porpoising, or inability to raise nose wheel). Reasonable and gradual variations in performance with change in flap setting would not be considered dangerous. Cases of obvious pilot error need not be considered such as take-off with flaps in landing setting, provided the pertinent settings are adequately marked on the flap indicator.

§ 3.757–1 *White arc on air-speed indicator (CAA interpretations which apply to § 3.757 (a) (4)).* The white arc on the air-speed indicator should extend to the "basic" flaps extended speed specified in § 3.742. Additional combinations of flap setting, airspeed and power established in accordance with § 3.742 should be listed in the airplane flight manual and may be listed on a placard if the manufacturer desires.

§ 3.759–1 *Power-plant instrument markings (CAA interpretations which apply to § 3.759).* (a) Where the propeller is restricted against operation in a definite r. p. m. range, because of vibrating stress considerations, such restrictions should be indicated by a red arc on the tachometer extending from the low to the high engine r. p. m. speeds corresponding to the restricted propeller speed r. p. m. ranges. This policy follows the general practice of the regulations in prescribing the use of red markings instead of yellow markings in indicating restrictions that are more than precautionary.

(b) Tachometer dial should not be marked to indicate restricted operating range due to propeller vibratory stress considerations when this consideration applies only under certain conditions such as when landing gear is extended. It is considered satisfactory for a placard covering such restricted ranges to be provided.

§ 3.762–1 *Marking of button-type starter switches (CAA interpretation which applies to § 3.762).* Simple push-button type starter switches need not be marked to indicate method of operation.

§ 3.777–1 *Preparation of airplane flight manuals for airplanes in the normal, utility, and acrobatic categories (CAA policies which apply to § 3.777).* (a) This section outlines an acceptable arrangement for the Airplane Flight Manual as required by § 3.777. It should be noted that the items outlined below for inclusion in the document will not all be necessary for a given airplane, and the Civil Aeronautics Administration is desirous of holding the document to the smallest practicable amount of material. Only the material required by this part should be included in the Civil Aeronautics Administration approved portion of the manual. However, if desired, the manufacturer may add other data in a distinctly separate section in the same cover. The portion of the material that is to be approved by the Civil Aeronautics Administration must be so marked and clearly separated from any other material so that no one could easily err in regard to the part that is approved.

(b) The page size for the Airplane Flight Manual will be left to the decision of the manufacturer. Some sort of a cover should be provided where more than one page is involved and should indicate the nature of the contents with the following title: "Airplane Flight Manual." Each page of the approved portion should bear the notation "CAA Approved" and the date of issuance. The material should be bound in some semi-permanent fashion so that pages will not easily be lost, but should be so bound that revised pages can be inserted. In the case of small airplanes where the document consists of only one or two pages, superseding the entire document would be preferable to issuing revised pages. The aircraft specification will identify the manual by the approval date, and when different versions of the airplane (skiplanes, seaplanes, etc.) are covered in separate manuals, each will be listed. Also, the latest approved revisions will be shown.

(1) When an aircraft has tentative approval only, the following statement should appear on the inside of the front covering page of the manual:

> The certificate of airworthiness issued to the aircraft described hereon, subject to the final issuance of a covering type certificate, is based upon tentative approval of aircraft of this model. Upon issuance of a covering type certificate, it may become necessary to make certain modifications or adjustments to the subject aircraft in order that the certificate of airworthiness may remain effective.

(c) The Airplane Flight Manual should contain as much of the material in paragraphs (d) through (h) of this section as is applicable to the individual model. It is suggested that the document be divided into sections as indicated in paragraphs (d) through (h) of this section. The sequence of sections and of items within sections should follow the outline in so far as is practicable. This will facilitate revising the document when an airplane is altered in the field.

(d) *Administrative section.* (This section will be unnecessary in the case of small uncomplicated airplanes where the limitations consist of only one or two pages. In such cases the data noted for inclusion on the title page can be placed at the top of the first page.)

(1) *Title page.* This page should include the manufacturer's name, airplane model and the registration number.

(2) *Table of contents.* This page will not be necessary where the document consists of only a few pages.

(3) *Log of revisions.* Should provide spaces in which to record revised pages and the date inserted. This page will not be necessary where the document is short and will be superseded completely if changes are necessary.

(e) *Limitations section*—(1) *Engine power and speed limits.* Should also list engine and propeller manufacturer and model.

(2) *Temperature and manifold pressure limits.* Include, if applicable, minimum climbing airspeeds for hot weather operation.

(3) *Fuel grade.* This item as well as subparagraphs (1) and (2) of this paragraph may, in the case of most airplanes, be covered together.

(4) *Propeller.* Should list propeller manufacturer and model.

(5) *Power-plant door and flap settings.* Pertains only when cowl flaps, cooler doors or other similar devices are installed.

(6) *Placards (power-plant only).* Should list all power-plant operating placards and explain their significance, where pertinent.

(7) *Instrument markings (power-plant instruments).* Should list all power-plant instrument markings.

(8) *Airspeed limitations.* Should include "never exceed speed," "maximum structural cruising speed," "maneuvering speed," "flaps extended speed," and "landing gear extended speed" where applicable.

(9) *Flight load factors.* The pertinent load factors should be given in terms of accelerations.

(10) *Maximum weight.* This should list maximum weights.

(11) *C. G. Range.* The approved c. g. limits and datum should be listed in inches.

(12) *Maneuvers.* This should list the approved maneuvers with recommended entry speeds.

(13) *Placards (except power-plant placards).* Should list all flight placards and explain their significance where pertinent.

(14) *Instrument markings (except power-plant instruments).* Should list all flight instrument markings, and explain their significance. (In most cases this will involve only the airspeed indicator.)

(15) *Minimum crew.* This section should be used only when the minimum crew is more than one. Where used, the section should explain the basic duties of each crew member.

(f) *Procedures section*—(1) *Normal operating procedures.* For the small conventional airplane where all procedures are conventional, this section will not be necessary. Only unconventional features and peculiarities of the particular airplane should be covered here, and, in the case of more complex airplanes, the following should be covered where pertinent.

(i) One engine inoperative. Applies only to multiengine types and should contain all necessary procedures for such operation.

(ii) Propeller feathering. Applies only to multiengine types equipped with feathering propellers. Should contain full instructions on feathering and unfeathering.

(iii) Circuit breakers. Should contain full information on the location and method of resetting all circuit breakers installed.

(iv) Fire procedures. Pertains only to airplanes equipped with a built-in fire extinguishing system. Should contain full instructions on the operation of such systems as well as associated fire protection equipment and procedures.

(v) Emergency procedures for flaps, landing gear, fuel dumping, etc.

(vi) Other special operating procedures (if any).

(g) *Performance information section*—(1) *Take-off data.* Should include distance to clear 50-foot obstacle, etc., at various altitudes and temperatures.

(2) *Climb data.* Should give normal rate of climb, balked landing climb (landing gear extended and wing flaps in landing position) and one-engine inoperative climb (for multiengine types) at various altitudes and temperatures.

(3) *Landing data.* Should give distance to complete landing over 50-foot obstacle and approach speed for various altitudes and temperatures.

(4) *Stalling data.* Should give stall speeds, stall warning indications and other pertinent data including stalling speeds at various angles of bank.

(h) *Weight and balance data section.* This section will not be included in the approved portion of the Airplane Flight Manual. It is the intention of the Civil Aeronautics Administration to place the responsibility for the control of weight and balance with the manufacturer and operator. The manufacturer will furnish a weight and balance report for each new airplane. The Civil Aeronautics Administration representative will not approve each individual report but will make only occasional spot checks to ascertain that the manufacturer's weight control procedure is adequate. The manufacturer will be expected to furnish complete information with the airplane, not only regarding its actual weight and balance, but also to include sketches, samples, and other data that will assist the operator in checking the balance after alterations. The Repair and Alteration Form (ACA-337) has been revised to include space for recording the new empty weight, empty weight C. G. and useful load on the form after each change. A copy of this form will be given to the owner and his file of such forms, together with the manufacturer's original data will afford the owner with a complete and up-to-date file. In cases where the permissible C. G. positions vary with gross weight, it is suggested that a note be included in the weight and balance report advising owners to contact the airplane manufacturer when any change is made to the airplane which would appreciably affect the location of the empty C. G. or location of useful load items. The manufacturer is asked to cooperate in an educational program to inform the owner of his responsibility and the means whereby he can discharge it. To this end, a statement substantially as follows should be prominently displayed in the weight and balance section:

NOTE: It is the responsibility of the airplane owner and the pilot to insure that the airplane is loaded properly. The empty weight, empty weight C. G. and useful load are noted below for this airplane as delivered from the factory. If the airplane has been altered, refer to the latest approved Repair and Alteration Form (ACA-337) for this information.

(1) *Weight limits.* Should list and explain (where necessary) the various weight limits. In the case of a small airplane, only the maximum (gross) weight would be applicable.

(2) *C. G. limits.* Approved operating C. G. range.

(3) *Empty weight C. G. limits where practicable.* This applies to the empty weight C. G. range which will automatically assure compliance with the operating C. G. limits under the most adverse loading conditions.

(4) *Empty weight and empty weight C. G. location.*

(5) *Equipment list.* All equipment included in the empty weight. Equipment items should normally be identified by the item number and name used in the Aircraft Specification.

(6) *Weight computations.* The computations necessary to determine the empty weight C. G. location and the check of forward and aft C. G. locations where applicable.

(7) *Loading schedule.* Supply where necessary.

(8) *Loading schedule instructions.* Complete instructions in the use of the loading schedule.

(9) *Unconventional airplanes.* The material in paragraph (h) of this section is believed to be complete and adequate for a conventional airplane. In the case of unconventional airplanes or airplanes with special features, the foregoing should be modified or amplified as necessary to cover the case.

(i) *Number of copies.* Three copies of the above material, less the Weight and Balance Data Section, should be submitted to the appropriate Civil Aeronautics Administration regional office by the manufacturer for an original approval. One copy will be signed by the Chief, Aircraft Division, and returned to the manufacturer. Revisions to the manual will be approved in the regional office. One copy of the Weight and Balance Data Section should be included in the manual by the manufacturer for each airplane at the time of certification.

(j) *Sample of airplane flight manual.* A sample of an Airplane Flight Manual that fulfills the requirements in the case of a small uncomplicated airplane is given in paragraph (k) of this section.

(k) *Sample sheet.*

SAMPLE SHEET

(This document must be kept in airplane at all times)

C. A. A. Approved January 1, 1947.

RONSON AIRCRAFT CO.
LOS ANGELES, MAINE

CAA Identification No. ------ RONSON 65 NORMAL AND UTILITY CATEGORIES

AIRPLANE FLIGHT MANUAL

1. LIMITATIONS

The following limitations must be observed in the operation of this airplane:

Engine: Motors model 150A.
Engine limits: For all operations—2500 rpm, 150 hp.
Fuel: 73 minimum octane aviation gasoline.
Propeller: Hamilton Standard constant speed, hub 2D30, blades 6167A-15. Pitch settings, low 29°, low 14° at 42 in. sta.
Power instrument: (a) Fuel quantity gauge: Fuel remaining in tank when indicator is in the region marked in RED cannot safely be used in flight.
(b) Oil temperature: Unsafe if indicator exceeds RED line (200° F).
(c) Tachometer: RED line at rated engine speed. DO NOT EXCEED.

		Normal category	Utility category
Airspeed limits (true indicated airspeed):	Never exceed	150 mph	165 mph
	Max. structural cruising	120 mph	120 mph
	Maneuvering	110 mph	110 mph
	Flaps extended	90 mph	90 mph
Flight load factors:	Max positive load factors	3.9	4.5
	Max. negative load factor	No inverted maneuvers approved.	
Maximum weight:		2,100 lbs.	1,900 lbs.
C. G. range:	(+11.0) to (+22.4)		

Datum—L. E. of wing.

NOTE: It is the responsibility of the airplane owner and the pilot to insure that the airplane is properly loaded.

(a) No acrobatic maneuvers approved for Normal Category operation.
(b) The following maneuvers are approved for operation in the Utility Category only, with recommended entry speeds shown:
CHANDELLES—110 MPH TIAS LAZY EIGHTS—105 MPH TIAS
STEEP TURNS—100 MPH TIAS SPINS
STALLS (EXCEPT WHIP STALLS)

SAMPLE SHEET—Continued

Airspeed instrument markings and their significance:
(a) Radial RED line marks the never exceed speed which is the maximum safe airspeed.
(b) YELLOW arc on indicator denotes range of speeds in which operations should be conducted with caution and only in smooth air.
(c) GREEN arc denotes normal operating speed range.
(d) WHITE arc denotes speed range in which flaps may safely be lowered.

NOTE: Maneuvers involving approach to stalling angle or full application of elevator rudder or aileron should be confined to speeds below maneuvering speed.

2. PROCEDURES

Normal operating procedures: (a) Rear seat must not be occupied when airplane is operated in the Utility Category.

3. PERFORMANCE INFORMATION

The following performance figures were obtained during Civil Aeronautics Administration type tests and may be realized under conditions indicated with the airplane and engine in good condition and with average piloting technique.

All performance is given for 2100 lbs. weight, with no wind and on level, paved runways. In using the following data, allowance for actual conditions must be made.

Item	Altitude	Outside air temperatures				
		0° F.	25° F.	50° F.	75° F.	100° F.
Take-off distance (in feet): Distance required to take-off and climb 50 feet. Full throttle 80 mph climb speed. Flaps down 10°.	Sea level	625	750	900	1,000	1,075
	2,000 feet	1,125	1,275	1,475	1,600	1,700
	4,000 feet	1,625	1,875	2,050	2,200	2,550
	6,000 feet	2,100	2,300	2,500	2,700	3,000
Landing distance (in feet): Distance required to land over 50 feet obstacle and stop. Flaps full down. Approach at 75 mph.	Sea level	1,200	1,250	1,300	1,350	1,400
	2,000 feet	1,260	1,320	1,380	1,440	1,500
	4,000 feet	1,340	1,400	1,460	1,510	1,570
	6,000 feet	1,420	1,480	1,520	1,580	1,640
Normal rate of climb (ft. per min.): Full throttle. Flaps up. Air speed 80 mph.	Sea level	800	760	720	680	640
	2,000 feet	680	640	600	560	520
	4,000 feet	550	510	470	430	390
	6,000 feet	420	380	340	300	260
Balked landing climb (feet per minute). Full throttle. Flaps down. Airspeed 80 mph.	Sea level	600	570	550	500	470
	2,000 feet	490	450	420	380	350
	4,000 feet	380	340	300	270	240
	6,000 feet	260	230	190	160	120

Stalling speeds (mph). Power off	Angle of bank	0°	20°	40°	50°	60°
	Flaps up	55	57	64	70	80
	Flaps full down	50				

Following the performance information would be the section on weight and balance. The manufacturer may merely append his regular weight and balance forms if he desires).

§ 3.777–2 *Calculated effects of temperature and altitude variations (CAA policies which apply to § 3.777).* See § 3.780–1.

§ 3.777–3 *Performance data for altered airplanes of this part (CAA policies which apply to § 3.777).* See § 3.780–2.

§ 3.777–4 *Performance data and flight tests for ski installations on airplanes of this part (CAA policies which apply to § 3.777).* See § 3.780–3.

§ 3.780–2 *Performance data for altered airplanes of this part (CAA policy which applies to § 3.780).* Performance data for altered airplanes of this part must be changed in the Airplane Flight Manual if the alteration decreases the performance below that given in the existing manual. If performance can be shown to equal or exceed original values then a statement in the manual to this effect is sufficient.

§ 3.780–3 *Performance data and flight tests for ski installations on airplanes of this part (CAA policies which apply to § 3.780)*—(a) *Take-off and landing distances.* It will not be necessary, in complying with § 3.780 (a) (3) and (4), to make take-off and landing distance tests on skiplane installations where landplane distances are given in the Airplane Flight Manual. The following, or similar, statements should be given in the performance information section of the Airplane Flight Manual.

(1) *Take-off.* Under the most favorable conditions of smooth packed snow at temperatures approximating 32° F. the skiplane take-off distance is approximately 10 percent greater than that shown for the landplane.

NOTE: In estimating take-off distances for other conditions caution should be exercised in that lower temperatures or other snow conditions will usually increase these distances.

(2) *Landing.* Under the most favorable conditions of smooth packed snow at temperatures approximating 32° F. the skiplane landing distance is approximately 20 percent greater than that shown for the landplane.

NOTE: In estimating landing distances for other conditions caution should be exercised in that other temperatures or other snow conditions may either decrease or increase these distances.

(b) *Climb performance.* In cases where the landing gear is fixed (both landplane and skiplane), where the climb requirements are not critical, and the climb reduction is small (30 to 50 feet per minute), the CAA will accept a statement of the approximate reduction in climb performance placed in the Airplane Flight Manual performance information section. For larger variations in climb performance, or where the minimum requirements are critical, or where the landing gear of the landplane was retractable, appropriate climb data should be obtained to determine the changes, and new curves, tables, or a note should be incorporated in the Airplane Flight Manual.

(c) *Flight and handling tests.* At least a general flight check should be made prior to approval. This should include more than one landing to determine the ground handling characteristics as well as take-off and landing characteristics. Note should be taken of ski angle at landing contact during tail high and tail low landings to avoid having the ski dig in or fail from localized stress. Ground control should be sufficient to satisfactorily complete a landing run with a turn off at slow speed in cases where brakes are not provided. In flight the ski should ride steady with no unusual drag and produce no unsatisfactory flight characteristics. Spin checks should be made on all aircraft in which spins are an approved maneuver. When spins are approved under § 3.124 (a), investigation with ski installations need not be made unless the spin characteristics of the type are known to be marginal.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553)

These rules, policies, and interpretations shall become effective April 15, 1951.

DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-4084; Filed, Apr. 13, 1951; 8:45 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 704—LEATHER, LEATHER GOODS, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

MINIMUM WAGE ORDER

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C., Supp., 1001) notice was published in the FEDERAL REGISTER on March 23, 1951, 16 F. R. 2637–2639) of my decision to approve the minimum wage recommendation of Special Industry Committee No. 8 for Puerto Rico for the Leather, Leather Goods, and Related Products Industry in Puerto Rico, and the wage order which I proposed to issue to carry such recommendation into effect was published therewith. Interested parties were given an opportunity to submit exceptions within 15 days of the date of publication of the notice.

An exception has been received. This petition has been considered and I find that the exceptions contained therein present no new matters which would require any modification of my previous decision, as set forth in my findings and opinion entitled "In the Matter of the Recommendation of Special Industry Committee No. 8 for Puerto Rico for Minimum Wage Rates in the Leather, Leather Goods, and Related Products Industry in Puerto Rico."

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), the said decision is hereby affirmed and made final, and the said wage order is hereby issued, to become effective May 14, 1951.

Sec.
704.1 Approval of recommendations of industry committee.
704.2 Wage rates.

Sec.
704.3 Notices of order.
704.4 Definitions of the leather, leather goods, and related products industry in Puerto Rico and its Divisions.

AUTHORITY: §§ 704.1 to 704.4 issued under sec. 8, 63 Stat. 915; 29 U. S. C., Sup., 208, Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C., Sup., 205.

§ 704.1 *Approval of recommendations of industry committee.* The Committee's recommendations are hereby approved.

§ 704.2 *Wage rates.* (a) Wages at a rate of not less than 50 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the hide curing division of the leather, leather goods, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 27 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the leather tanning and processing division of the leather, leather goods, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(c) (1) Wages at a rate of not less than 23 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the baseball and softball division of the leather, leather goods, and related products industry in Puerto Rico who is engaged in hand-sewing operations, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 32 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the baseball and softball division of the leather, leather goods, and related products industry in Puerto Rico who is engaged in operations other than hand-sewing operations, and who is engaged in commerce or in the production of goods for commerce.

(d) (1) Wages at a rate of not less than 23 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the small leather goods division of the leather, leather goods, and related products industry in Puerto Rico who is engaged in hand-sewing or hand-lacing operations, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 32 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the small leather goods division of the leather, leather goods, and related products industry in Puerto Rico who is engaged in operations other than hand-sewing or hand-lacing operations, and who is engaged in commerce or in the production of goods for commerce.

(e) (1) Wages at a rate of not less than 23 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the general division of the leather, leather goods, and related products industry in Puerto Rico who is engaged in hand-sewing or hand-lacing operations, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the general division of the leather, leather goods, and related products industry in Puerto Rico who is engaged in operations other than hand-sewing or hand-lacing operations, and who is engaged in commerce or in the production of goods for commerce.

§ 704.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the leather, leather goods, and related products industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 704.4 *Definitions of the leather, leather goods, and related products industry in Puerto Rico and its divisions.* (a) The leather, leather goods, and related products industry in Puerto Rico, to which this order shall apply, is hereby defined as follows:

(1) The curing, tanning or other processing of hides, skins, leather or furs and the manufacture of products therefrom; the manufacture from artificial leather, fabric, or similar materials of suitcases, brief cases, wallets, billfolds, coin purses, card cases, key cases, cigarette cases, watch straps, pouches, tie cases, toilet kits, checkbook covers, and like articles; and the manufacture of baseballs and softballs covered with leather, artificial leather, fabric or similar materials: *Provided, however,* That this definition shall not include any product or activity included in the shoe manufacturing and allied industries in Puerto Rico or the button, buckle, and jewelry industry in Puerto Rico, as defined in the wage orders for these industries or in the needlework and fabricated textile products industry or the men's and boys' clothing and related products industry, as those industries in Puerto Rico are defined in Administrative Order No. 399, appointing Special Industry Committee No. 8 for Puerto Rico (15 F. R. 3970).

(2) This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

(b) The separable divisions of the industry, as defined in paragraph (a) of this section, to which this order and its several provisions shall apply, are hereby defined as follows:

(1) *Hide curing division.* This division consists of the salting and other curing of hides and skins and operations incidental thereto.

(2) *Leather tanning and processing division.* This division consists of the tanning or other processing of hides, skins, leather, or furs, except the activities included in the hide curing division, as defined in subparagraph (1) of this paragraph, and except the processing of such materials in the course of the fabrication of products therefrom.

(3) *Baseball and softball division.* This division consists of the manufacture of baseballs and softballs covered with leather, artificial leather, fabric or similar materials.

(4) *Small leather goods division.* This division consists of the manufacture from leather, artificial leather, fabric or similar materials, of wallets, billfolds, coin purses, card cases, key cases, cigarette cases, watch straps, belts, pouches, tie cases, toilet kits, checkbook covers, and like articles.

(5) *General division.* This division consists of all products and activities included in the leather, leather goods, and related products industry, as defined in this section, except those included in the hide curing division, the leather tanning and processing division, the baseball and softball division, and the small leather goods division, as defined in this paragraph.

Signed at Washington, D. C., this 10th day of April 1951.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division,
United States Department of Labor.

[F. R. Doc. 51-4398; Filed, Apr. 13, 1951; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter A—Aid of Civil Authorities and Public Relations

PART 518—RECORDS AND REPORTS

ACCESS TO AND RELEASE OF INFORMATION FROM ARMY RECORDS TO THE PUBLIC

A new Part 518 is added to Subchapter A, to include new §§ 518.1 through 518.5, as follows:

Sec.
518.1 Introductory.
518.2 General principles and procedures.
518.3 Information obtainable by general public.
518.4 Information which may be released only to persons properly and directly concerned.
518.5 Unofficial research use of transferred files.

AUTHORITY: §§ 518.1 to 518.5 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 60 Stat. 238, 62 Stat. 697, 977, 64 Stat. 159; 5 U. S. C. 1002, 18 U. S. C. 283, 641, 793, 795, 797, 1905, 28 U. S. C. 2507, 50 U. S. C. 46, 46a. President's Memorandum, 13 March 1948 (13 F. R. 1359).

SOURCE: §§ 518.1 to 518.5 contained in AR 345-20, 9 March 1951, and SR 345-920-1, 15 March 1949, including change 1, 17 April 1950.

§ 518.1 *Introductory*—(a) *Authority of the Secretary of the Army.* The Secretary of the Army has charge and control of all records and papers of the Army Establishment and has responsibility for assuring that the information contained therein is utilized in such a manner as will serve best the public interest. The release of information therefrom is a matter for the determination of the Secretary of the Army. No subordinate in the Army Establishment has any authority to release information contained in, or papers forming a part of, the records of the Army Establishment, or to permit any papers to be taken from the files of the Army Establishment for other than official use within the executive department, except as provided in §§ 518.1 through 518.5 and in delegation of authority at 16 F. R. 3309.

(b) *Scope.* (1) Set forth in this part are the basic policies of the Secretary of the Army together with implementing procedures pertaining to the furnishing of information from, access to, or copies of papers forming a part of the records of the Army Establishment, to individuals whose official duties do not entitle them thereto, private companies and organizations, and agencies of State and local governments. Included in the procedures are methods whereby those individuals and organizations properly and directly concerned may request and obtain from the records of the Army Establishment such information as is not held confidential for good cause. All papers referred to in §§ 518.1 through 518.5 will be construed to be records of the Army Establishment, whether or not it is specifically so stated. As used in §§ 518.1 through 518.5, authority to grant access to papers includes the authority to give information from or copies of such papers.

(2) Some of the missions of the Department of the Army require as a fundamental operation the release to the general public of information from, or papers forming a part of, the records. For example, pertinent regulations in connection with the procurement and public information missions contemplate the release and dissemination of a vast amount of data and information. The regulations concerning missions of that type constitute specific authority for the release of information appropriate and necessary to the accomplishment of the respective missions.

(3) Sections 518.1 through 518.5 do not embrace the detailed policies and procedures relative to the release, in special cases, of information classified under Part 505 of this chapter nor is authority granted to release information prohibited by Part 505 or by other Army regulations.

(4) Similarly, §§ 518.1 through 518.5 do not encompass policies and procedures concerning the release of information to congressional committees nor to the furnishing of information from, access to, or copies of papers to officials of other agencies of the executive department as they may be entitled to by reason of their official duties. The release of information in connection with litigation is dealt with specifically in pertinent Army Regulations.

(c) *General policy.* While information from, access to, or copies of papers forming a part of the records of the Department of the Army may be furnished to members of the public only by authority of the Secretary of the Army, all requests compatable with the public interest and in conformance with pertinent regulations will be granted upon receipt of requests for such information or access to or copies of papers, the Secretary of the Army or the person to whom authority has been delegated to act for the Secretary of the Army will determine, taking into account the nature of the information sought and the use proposed to be made thereof by the applicant, whether the private interests involved are such as properly outweigh any public considerations which may exist against granting the request.

§ 518.2 *General principles and procedures*—(a) *Requests.* (1) Requests by individuals, including those in the executive branch of the Government whose official duties do not entitle them thereto, private companies and organizations, and agencies of State and local governments for information from, access to, or copies of papers will be directed as follows:

(i) Requests involving medical records, other than those pertaining to former members of the military service, will be directed to the medical treatment facility where they are maintained, if known; if not known, or if the requests involve medical records which pertain to former members of the military service, to The Adjutant General, Department of the Army, Washington 25, D. C.

(ii) Requests involving papers relating to the civil works of the Department of the Army, i. e., river and harbor and flood control work, will be directed to the appropriate division or district office of the Corps of Engineers, if known; otherwise to the Chief of Engineers, Department of the Army, Washington 25, D. C.

(iii) Requests involving personnel records of civilian employees will be directed to the activity of the Army Establishment at which the individual is employed, if known; otherwise to The Adjutant General, Department of the Army, Washington 25, D. C.

(iv) All other requests will be directed to The Adjutant General, Washington 25, D. C.

(2) All such requests will contain the following:

(i) A description of the papers to which the request relates in sufficient detail to afford a ready identification thereof.

(ii) A statement as to why the information is needed and the proposed use to be made thereof.

(iii) If the request is made by an individual acting in a representative capacity on behalf of another individual, a private company or organization, or an agency of State or local government, evidence establishing that the individual making the request is the authorized representative of the individual, private company, etc., on whose behalf the request is made.

(iv) If the request relates to information or papers the release of which is limited to persons properly and directly concerned, a statement as to the nature of the concern which, when taken together with such information as may be readily available to the Department of the Army, shows that the individual or private company, etc., is properly and directly concerned.

(b) *Location of records and place of access.* Because of the large number of agencies and the wide variety of papers in the Army Establishment, it is not feasible to establish by general rule the places at which access may be granted to particular documents. Similarly, it is not feasible to list by general rule all papers which may be made available to the general public, to list all papers which may be released to persons properly and directly concerned, or to predetermine who, under unforeseen circumstances, may be held to be properly and directly concerned. However, when access to papers is granted, such access normally will be permitted at the place where the papers are maintained or stored, during regular business hours, and under such circumstances and procedures to safeguard the papers as are deemed appropriate by the custodian or as may be prescribed by higher authority. It is imperative that the records of the Department of the Army remain intact and unimpaired at all times. Consequently, papers will not be permitted to leave the possession of the authorized custodian thereof, except with the authority of The Adjutant General in each instance. However, in appropriate circumstances as governed by the principles set forth in §§ 518.1 through 518.5, copies of papers may be furnished to requesting parties.

(c) *Burdensome requests for information or copies.* Unless specifically provided otherwise with regard to particular papers, authority recognized or delegated to furnish access to papers includes the authority, in the discretion of the officer concerned, to furnish information from copies of such papers: *Provided, however,* That the searching for and compiling of the information requested or the furnishing of copies of the papers requested would not, under the circumstances attendant upon the particular request, materially interfere with the current mission of the Department of the Army. In determining whether information or copies of documents will be furnished, the officer concerned will consider all pertinent factors, including, but not limited to, whether the cost thereof will be borne by the requesting party and whether a precedent would likely be established which would result in a burdensome number of similar requests.

(d) *General restrictions on release.* Without the express approval of the Secretary of the Army or The Adjutant General in each instance, individuals, other than those in the executive branch of the Government who are entitled thereto by reason of their official duties, private companies or organizations, or agencies

of State or local governments will not be furnished information from, access to, or copies of papers:

(1) Which are required by statute or regulation to be held confidential.

(2) Relating to the loyalty of individuals in particular, or the loyalty program in general, as prohibited by Executive order and Memorandum by the President.

(3) Relating to State secrets, e. g., confidential communications with foreign nations.

(4) Relating to military secrets, i. e., information of value to the enemy in time of war or of assistance to a foreign power in time of peace.

(5) Which contain information classified under Part 505 of this chapter, or information the release of which is prohibited by other Army regulations.

(6) Containing counterintelligence investigative material, whether developed by Army investigative agencies or obtained from other sources.

(7) Relating to Army, Navy, or Air Force installations or equipment, the release of information concerning which is prohibited by statute:

(8) Containing information the disclosure of which would interfere with or militate against the performance of the missions or functions of the Department of the Army.

(9) Relating to information the disclosure of which would interfere with the maintenance of discipline within the Army or with law enforcement generally.

(10) Containing information the release of which would breach a legal obligation, e. g., disclosure of a manufacturing process or know-how contrary to a licensing agreement.

(11) Containing information as to the identity of a confidential informant or any other information the disclosure of which would involve a breach of faith or violate a moral obligation to keep the information confidential.

(12) Containing information relating solely to the internal management, administration, or operations of the Army Establishment.

(13) Containing information which aids in the prosecution of or support of a claim against the United States under circumstances other than in the proper discharge of official duties.

(14) Which constitute records of hearings or reports by military personnel or civilian employees to superiors, irrespective of whether such records of hearings or reports are in fact classified, the same being hereby held to be privileged and confidential for good cause. Such records of hearings and reports include, but are not limited to records of hearings before courts martial, boards of officers, boards of inquiry, and courts of inquiry, reports by inspectors general; investigative reports as to particular incidents and transactions, such as reports by claims officers and reports of survey; and routine and special reports as to matters relating to the internal management, administration, and operation of the Army Establishment or as to the manner of performance of assigned duties by military personnel and civilian employees.

(15) Which contain rumors and unsubstantiated allegations prejudicial to the character, standing, or efficiency of an individual the release of which might result in irremediable, and incalculable injury to innocent parties.

(16) Containing information which, although officially or otherwise appropriately collected and reported, probably would expose the individual who reported it to the resentment of those whose conduct is impugned thereby.

(17) Relative to suspected criminal conduct or fraudulent activity on the part of military personnel or civilian employees of the Army Establishment, or by private commercial companies or any other organizations or individuals in connection with the procurement activities of the Army Establishment.

(e) *Declassification.* If it appears that information from, access to, or copies of classified papers are of vital importance to a party requesting them and that the granting of the request would be appropriate but for such classification, consideration will be given, in light of the circumstances and current regulations, to the propriety of declassifying the papers involved.

(f) *Reference to The Judge Advocate General.* Doubtful questions of law which may arise with regard to the release of information will be referred to The Judge Advocate General. Such questions which are likely to arise include, but are not limited to, those as to whether information which would aid in the prosecution of or support of claims against the United States may, nevertheless, under various situations be released as in the proper discharge of official duties, and those as to whether parties requesting certain information which is not the proper subject of release to the general public are properly and directly concerned therewith.

§ 518.3 *Information obtainable by general public*—(a) *Authority to furnish access.* Upon the receipt of requests therefor from individuals, private companies or organizations, or agencies of State or local governments, the commander of a unit, head of a technical service, head of an agency, or officer concerned, may furnish access to copies of unclassified regulations, publications, rules, orders, and decisions, except those which, under special circumstances, are held by him to be confidential for good cause.

(b) *Categories.* The types of unclassified papers covered by this section, access to which usually may be afforded to members of the general public, include but are not limited to the following:

(1) Army Regulations, Special Regulations, readjustment regulations, mobilization regulations, joint Army-Air Force adjustment regulations, general orders, bulletins, circulars, commercial traffic bulletins, Department of the Army pamphlets, procurement regulations, procurement circulars, Army procurement regulations (joint procurement regulations), joint procurement circulars, Armed Services procurement regulations, joint termination regulations, Army renegotiation manual, joint renegotiation manual, renegotiation manual, Army renegotiation manual—part II, military renegotiation manual, and standard forms of bids, acceptances, contracts, and leases.

(2) Decisions by the Armed Services Board of Contract Appeals and by the War Contract Hardship Claims Board.

(3) Rules, orders, and opinions in the adjudication of cases of general public interest which may be cited as precedents; regulations concerning river and harbor and flood control activities and regulations governing navigable inland and coastal waters; and courts-martial orders.

(4) Historical data, in accordance with § 518.5.

§ 518.4 *Information which may be released only to persons properly and directly concerned*—(a) *General.* (1) Nothing in §§ 518.1 through 518.5 or other regulations will be construed to detract from the recognized authority of the commanding officer of a medical treatment facility to:

(i) Release such information as to the condition of sick and injured patients as he deems necessary to allay the anxiety of the relatives of such patients.

(ii) Inform the person designated by a patient to be notified in case of an emergency or the nearest known relative that the patient's condition has reached a stage which seriously endangers life.

(iii) Inform the person designated by a patient to be notified in case of an emergency or the nearest known relative that a diagnosis of psychosis has been made.

(iv) Report, in accordance with local law and regulations, all births, deaths, and cases of communicable diseases.

(2) Similarly, contracting officers may, in accordance with ordinary commercial practices, furnish Department of the Army contractors, during the pendency of the contractual relationship, access to contracts or other papers pertinent to the obligations incident to that relationship or reasonably necessary in the furtherance of the work or the furnishing of the supplies or services being obtained: *Provided*, That, if classified information is involved, the provisions of Part 505 of this Chapter are strictly complied with: *And provided further*, That in the absence of a contractual obligation so to do or other circumstance making such release of information a proper discharge of official duties, a contracting officer will not furnish information to a contractor which aids or supports a claim against the United States. Pertinent regulations of the Department of the Army, pursuant to the Contract Settlement Act of 1944 (58 Stat. 649; 41 U. S. C. 101, et seq.) prescribing that certain advice, aid, and assistance will be rendered to war contractors in preparing contract termination claims, constitute an example of circumstances where a contracting officer may be required in the proper performance of official duties to furnish information which aids or supports a claim against the United States (58 Stat. 668; 41 U. S. C. 120 (f)).

(3) The disclosure to the individual concerned of the precise nature of allegations made before boards of officers and boards of inquiry which are prejudicial to his character, standing, or efficiency, and the evidence adduced before such boards in support thereof, as well as the disclosure to the individual concerned of the evidence adduced before such boards tending to establish pecuniary liability on his part, is governed by pertinent Army regulations.

(4) A claims officer, judge advocate, or others officially concerned with the processing of or the disposition of claims, sounding in contract or tort, against the United States arising out of the operations of the Army Establishment may furnish to a claimant or the authorized representative of the claimant access to papers submitted by the claimant. However, in the absence of pertinent regulations specifically providing therefor, a claimant or the authorized representative of the claimant will not be furnished information from, access to, or copies of other papers of record concerning the claim without the prior approval of The Judge Advocate General in each instance. No provision of these or other regulations will be construed as providing that such personnel may not in the proper discharge of their official duties, after a claimant has manifested intention to file a claim against the United States, advice the claimant as to proper form and method of filing the claim or, if the claim be unusually complex in nature, aid in the completion of the required forms and supporting data.

(5) The Department of the Army has no objection to stockholders being furnished information on the financial operations of corporations holding Department of the Army contracts when access to books and records containing such information is permitted by State law; *Provided*, That no classified military information is divulged to unauthorized persons concerning the terms of Department of the Army contracts, or rate of or processes of production of military equipment or specific war items. Requests for access to such books and records will be reported to the contracting officer for appropriate disposition in accordance with current regulations.

(b) *Release of certain information in proper discharge of official duties.* Information released by The Adjutant General, The Surgeon General, or the commanding officer of a medical treatment facility, as provided by paragraph (c) of this section, is hereby found to have been released in the proper discharge of his official duties within the meaning of section 283, Title 18, United States Code.

(c) *Release of certain papers by The Adjutant General, The Surgeon General, or the commanding officer of a medical treatment facility.* (1) Set forth below are findings that certain individuals, private companies or organizations, or agencies of State or local governments are properly and directly concerned with described categories of papers. The Surgeon General or the commanding officer of any medical treatment facility may, to the extent that authority therefor is delegated and subject to the restrictions set forth in subparagraph (2) of this paragraph, furnish access to or information from unclassified papers within any of the categories set forth in subdivisions (v) through (viii) of this subparagraph to the parties indicated in the respective findings. In addition, The Adjutant General may, subject to the restrictions set forth in subparagraph (2) of this paragraph, and pursuant to his delegated authority, furnish access to or information from unclassified papers within any of the categories set forth in subdivisions (i) through (viii) of this subparagraph to the parties indicated in the respective findings.

(i) Papers relative to applications for, beneficiaries to be designated in, and allotments in payment of, National Service Life Insurance are the proper and direct concern of the applicant or insured and, in the event of his death or insanity, the beneficiaries named in or designated for naming in such policies and his next of kin. Access may be furnished to the applicant or insured or his authorized representative and, in the event the applicant or insured has been adjudged insane or is dead, to the beneficiaries named in or designated for naming in such policies, his next of kin, and legal representative.

(ii) Papers recording the death of a member of the military service or a civilian employee are the proper and direct concern of and access thereto may be furnished to his next of kin, his life insurance carrier, and legal representative.

(iii) Personnel records relating to a member or former member of the military service are the proper and direct concern of and information therefrom may be furnished to the individual to whom they pertain, his authorized agent, and legal representative: *Provided, however*, That information or data compiled from or copies of such personnel records will be furnished only at the discretion of The Adjutant General. In addition, access to personnel records relating to a member of the military service on active duty may be furnished to the individual to whom they pertain, his authorized agent, and legal representative. Such access will be permitted only in the Personnel Information Branch, Office of The Adjutant General, The Pentagon, Washington 25, D. C.

(iv) Papers relating to the pay and allowances of a member of the military service or the pay of a civilian employee, including a former member of the military service or civilian employee, are the proper and direct concern of, and access thereto may be furnished to, the individual to whom they pertain, his authorized agent, and legal representative.

(v) Medical records relating to a member of the military service or a civilian employee, including any such former member or civilian employee, or to any other person who was a patient in a medical treatment facility of the Army Establishment are the proper and direct concern of the individual to whom they pertain and, in the event he has been adjudged insane or is dead, the next of kin and legal representative. Information therefrom and copies thereof may be furnished to the individual to whom they pertain: *Provided*, That no information which might prove injurious to his physical or mental health will be released to him; and, in the event the information would be injurious to his physical or mental health or he has been adjudged insane or is dead, to next of kin and legal representative.

(vi) Medical records pertaining to an individual within a class described in subdivision (v) of this subparagraph are the proper and direct concern of, and information therefrom or copies thereof may be furnished with the consent of the individual concerned or his legal representative to, a registered civilian physician when required in connection with medical treatment of that individual.

(vii) Medical records pertaining to an individual within a class described in subdivision (v) of this subparagraph are the proper and direct concern of, and information therefrom or copies thereof may be furnished to, a Federal or State hospital or penal institution when the individual to whom they pertain is a patient or inmate therein.

(viii) Information from or copies of medical records may be furnished to duly accredited representatives of the National Academy of Sciences and National Research Council, when engaged in cooperative studies undertaken at the specific request of or with the consent of The Surgeon General.

(2) Information released pursuant to the provisions of subparagraph (1) (vi), (vii), and (viii) of this paragraph pertaining to a particular individual, as well as such information released pursuant to the provisions of subparagraph (1) (v) of this paragraph to others than the individuals to whom it pertains, will be accompanied by a statement to the effect that the information is released upon the condition that it will not be disclosed to third parties, except in accordance with the limitations and principles adhered to in the civilian professional medical practice relative to privileged communications between doctor and patient.

§ 518.5 *Unofficial research use of transferred files*—(a) *Policy.* Research in noncurrent files in records depositories by authorized individuals, under the conditions and procedures specified below, is to be encouraged and facilitated. Space and facilities will be furnished at the records depository to authorized researchers. No withdrawals of records from records depositories will be made for the purpose of unofficial research. When properly cleared as indicated in paragraph (b) of this section, certain civilians (such as social scientists, historians, journalists, and other writers, including writers of unofficial unit histories) will be permitted to examine unclassified records in records depositories, exclusive of personnel records. Certain classified records may be made available for background purposes of unofficial research under special restrictions specified in paragraph (d) of this section.

(b) *Use of interview board.* All applications for permission to examine records will be submitted on DA AGO Form R–5472 (Interview Record of Applicant Requesting Permission to Use Official Files) to the Chief, Public Information Division, Office, Chief of Staff, United

States Army. The application will indicate:

(1) Purpose of investigation.

(2) Subject to be investigated and, when possible, individual documents to be consulted.

(3) Whether publication or dissemination is intended and, if so, the form or media of publication or dissemination.

(4) For a former officer or enlisted man designated to prepare an unofficial unit history, grade and serial number and, in addition, a signed statement from his former commanding officer authorizing him to prepare such a history.

(c) *Clearance of applicants.* Clearance of applicants will be for a specified time and will be applicable to a clearly defined research project. Upon approval of an application for permission to examine records, the Chief, Public Information Division, Office, Chief of Staff, United States Army, will inform the appropriate records depository of such approval in writing, citing the following:

(1) Name of individual authorized to examine the records.

(2) Description of the subject to be investigated.

(3) Length of time for which access to records is authorized.

(d) *Conditions on access to files.* Access to records for unofficial research purposes will be subject to the following conditions:

(1) Files will be charged specifically to individuals and will be used only in a reference area to be designated by the head of the records depository.

(2) Records will be returned to file at the end of the day.

(3) Papers will not be defaced, damaged, or detached from a file by the investigator.

(4) Arrangement of files for photographic purposes will be the responsibility of appropriate personnel of the records depository.

(5) Papers, brief cases, and packages of the investigator will be subject to inspection.

(e) *Reproduction of files.* Reproduction of records by photographic means will not be undertaken by the Department of the Army for unofficial purposes. However, under appropriate supervision, individuals will be permitted to perform such reproduction of unclassified records at their own expense.

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-4405; Filed, Apr. 13, 1951; 8:47 a. m.]

Subchapter D—Military Reservations and National Cemeteries

PART 555—MOTION PICTURE SERVICE

REVISION OF PART

Part 555 is revised to read as follows:

Sec.
555.1 Scope.
555.2 Command responsibility.
555.3 Army and Air Force Motion Picture Service (AAFMPS).
555.4 Films.
555.5 Admission charges.
555.6 Patronage eligibility.
555.7 Insurance.

AUTHORITY: §§ 555.1 to 555.7 issued under R. S. 161; 5 U. S. C. 22.

SOURCE: §§ 555.1–555.4, 555.6 and 555.7 contained in AR 110–105, 14 Dec. 1950; and § 555.5 contained in SR 110–105–1, 14 Dec. 1950 and C 1, SR 110–105–1, 14 Mar. 1951.

§ 555.1 *Scope.* This part will govern the operation of the Army and Air Force Motion Picture Service, and Army and Air Force theaters, and the exhibition of entertainment motion pictures at military installations of the United States Army and United States Air Force within the continental limits of the United States, Alaska, and specified bases in Canada, Newfoundland, Bermuda, and the Azores.

§ 555.2 *Command responsibility.* Army and Air Force theaters are operated by the installation commanders under the supervision of the appropriate Army and Air Force major commanders. All policy matters will be channeled through these commanders for action or recommendation as appropriate.

§ 555.3 *Army and Air Force Motion Picture Service (AAFMPS).* (a) The Army and Air Force Motion Picture Service, hereinafter referred to as AAFMPS, is an adjunct of the Departments of the Army and the Air Force and functions as a nonappropriated fund activity under the supervision of the Joint Welfare Board.

(b) Regional and branch offices necessary for efficient operation, and the Engineering Depot, will be maintained, reporting direct to the Chief, AAFMPS, Washington 25, D. C. Direct communication is authorized between these offices and Army and Air Force installations to insure efficient performance of the functions charged to these offices. Army and Air Force commanders have no responsibilities in connection with the operation of the above offices.

(c) The Chief, AAFMPS, is the custodian of the Army and Air Force Motion Picture Service Fund and will receive, safeguard, disburse, and account for the fund in accordance with regulations and directives pertaining thereto.

§ 555.4 *Films*—(a) *Supply.* (1) All entertainment motion pictures for exhibition at installations in the areas prescribed in § 555.1 will be obtained from the AAFMPS except the American Red Cross service for patients in hospitals.

(2) Sixteen-millimeter entertainment motion pictures will not ordinarily be shown at installations where Army or Air Force theaters are operated. Any unusual conditions that would appear to justify an exception to this policy will be communicated, through command channels, to the Chief, AAFMPS, Washington 25, D. C., for consideration.

(3) Organization day programs and children's special matinees may be held in accordance with procedures set forth in special regulations.

(4) No requests will be made upon producing or distributing motion picture companies or their agents or employees, for free or paid showing of any film subject(s), and any offers of such subjects for free or paid showings will be rejected.

(b) *Selection.* The product of all film companies is available for Army and Air Force theaters, and selection thereof is based on quality as determined primarily by past experience gained from study of audience reactions, attendance reports, and comments of individual installation commanders.

(c) *Suitability.* If the installation commander objects to the showing of any scheduled motion picture, a substitute booking will be arranged, provided that adequate prior notice is transmitted to the appropriate regional office of the AAFMPS.

(d) *Exhibition.* (1) Entertainment motion picture programs furnished by the AAFMPS will be shown only at the Army or Air Force theater at the established admission charge upon the dates contracted for by the AAFMPS as shown on the station notification form. No portion of a scheduled motion picture program may be shown to an audience at other than authorized performances. The program will consist only of such subjects as are scheduled by the AAFMPS. Nonentertainment motion pictures on such subjects as orientation, training, appeals for funds, appeals for attendance at an activity, appeals to support a cause, recruiting, or purely educational, will not be used in connection with regularly scheduled AAFMPS motion picture programs.

(2) The AAFMPS sound and projection equipment will be used only for approved performances of entertainment motion picture films scheduled by the AAFMPS, and for the exhibition of training films or educational films dealing with subjects applicable to the training of personnel.

(3) Films or slides advertising commercial products or services will not be used during paid performances of entertainment motion picture programs.

§ 555.5 *Admission charges.* The charges for admission will be 21 cents, plus Federal admissions tax, for adults, and 15 cents, plus Federal admissions tax, for children under 12 years of age. With reference to areas enumerated in § 555.1, the Federal admission tax is applicable only in the Continental United States and Alaska. The charges for admission at bases in Canada, Newfoundland, Bermuda and the Azores will be 25 cents for adults and 15 cents for children under 12 years of age.

§ 555.6 *Patronage eligibility.* Admission to Army or Air Force theaters will be restricted as follows:

(a) Military personnel on active duty may attend any Army or Air Force theater. Military personnel when not in uniform will present appropriate identification. Reserve officers on duty for a period requiring assignment to quarters overnight may attend the Army or Air Force theater when so assigned.

(b) Members of the households of military personnel on active duty may attend Army or Air Force theaters located at the installations where they reside or to which the military personnel are assigned although not in the company of such military personnel, provided proper identification is presented. Proper identification will be presented at all times by members of the households of the military personnel, whether or not they are in the company of such military personnel.

(c) Members of the households of military personnel on active duty may attend Army or Air Force theaters located at installations other than that to which the military personnel are assigned, but only when in the company of such military personnel and provided proper identification is presented.

(d) Civilian employees of the Government and members of their households residing within the limits of Army or Air Force installations may attend theaters at the installation where they reside provided proper identification is presented.

(e) Civilian guests of military personnel may attend Army or Air Force theaters when in company of military personnel and provided proper written authorization is presented.

(f) The term "proper identification" as used in paragraphs (b), (c), and (d) of this section contemplates the use of an authenticated Identification Card for Patronage Eligibility for authorized civilians (AAFMPS Form 282b), or a properly authorized substitute identification card.

§ 555.7 *Insurance.* The AAFMPS will carry insurance and indemnity coverage consistent with sound business practice. The expenditure of AAFMPS funds is authorized for the payment of the employer's contribution to the cost of group insurance and retirement plans for civilian employees of the AAFMPS.

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-4403; Filed, Apr. 13, 1951; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XI—Defense Electric Power Administration, Department of the Interior

[DEPA Order EO-1, as amended April 13, 1951]

EO-1—PLANT ADDITIONS: INFORMATION TO BE FILED

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects DEPA Order EO-1 as follows: It amends the title; it amends Section 1; it amends Section 2 by adding the definitions of "critical materials" and "plant addition" and eliminating from the definition of "major plant addition" structures for which specific NPA authorization is required under NPA Order M-4; it amends Section 3 by adding the requirement that electric utilities file Form DEPA 3-S relating to steel, file Form DEPA-5 relating to heavy power equipment; submit additional information with Form DPA-2 for generating plant additions, and submit a detailed description of all conductor required in each major plant addition; it redesignates the present Section 4 as Section 5; it adds a new Section 4 which requires the filing of amendments to Forms DPA-2, DPA-3 and DEPA 3-S, and it adds List I. As amended, DEPA Order EO-1 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Filing instructions.
4. Filing of amendments.
5. Communications.

AUTHORITY: Sections 1 to 5 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order requires electric utilities to file certain information with DEPA. On the basis of this information, authorizations will be issued for the purchase of certain critical materials for major plant additions. This information, where applicable, will also be used in scheduling the manufacture of heavy power equipment.

SEC. 2. *Definitions.* As used in this order:

(a) "Electric utility" means any individual, partnership, association, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, located in the United States, its territories, or possessions, supplying, or having facilities built for supplying, electric power, directly or indirectly for general use by the public or for use by its members. In the case of an electric utility engaged in the supply of electric power and in other activities, this order shall apply only to the procurement and use of materials required directly or indirectly for the supply of electric power.

(b) "Critical materials" means mill shapes and forms of aluminum, copper, copper-base alloys, iron and steel.

(c) "Net material cost" means the cost of all material, including any commodity, equipment, accessory, part, assembly, or product of any kind, incorporated in plant, less the cost of all material removed from plant, priced in accordance with the electric utility's regular accounting practice.

(d) "Plant addition" means the construction or installation of new facilities or the replacement of existing facilities with facilities of greater capacity. Single plant additions may not be combined or subdivided for purposes of affecting their classification as "major plant additions," as defined herein. To assist in determining whether particular construction constitutes one, or more than one, plant addition, it shall be considered that a single plant addition consists of:

(1) Any construction of related facilities, excluding maintenance and repair work, which is completed during a continuous period of construction, not interrupted by periods of time such as months or years, except where such interruption is caused by uncontrollable forces, such as adverse weather conditions.

(2) In the case of line construction, a single continuous integrated system of lines, with necessary connected substations. (Thus, several sections of line emanating from different points on a utility's system would be several plant additions, not one plant addition.)

(e) "Major plant addition" means any plant addition constructed by an electric utility which involves one or more of the following:

(1) Line construction designed for operation at more than 15 kv where the plant addition requires more than 10,000 pounds gross weight of conductor, or

(2) Line construction designed for operation at 15 kv or less where the plant addition has a net material cost exceeding $50,000, or

(3) Non-line construction, including but not limited to construction of or additions to generating plant, substations, or buildings, where the plant addition has a net material cost over $50,000, except that non-line construction shall not include construction for which specific NPA authorization is required under NPA Order M-4.

(f) "Gross weight of conductor" means, in the case of overhead lines, the weight of conductor as installed, including steel content in the case of conductor containing steel, without deduction for material salvaged; and in the case of underground lines the copper and aluminum content only, without deduction for material salvaged.

(g) "Line construction" means construction of both overhead and underground lines.

SEC. 3. *Filing instructions.* (a) Effective at once, electric utilities shall file:

(1) Form DPA-3, "Electric Utility Statement of Proposed Use of Aluminum, Copper and Copper-Base Alloy for a Construction Project," for each major plant addition which involves use or receipt of aluminum, copper or copper-base alloy on or after April 1, 1951.

(2) Form DEPA 3-S, "Electric Utility Statement of Required Shipments of Iron and Steel for a Construction Project," for each major plant addition which involves receipt of iron or steel in May or June 1951, or in any quarter thereafter.

(3) Form DPA-2, "Electric Utility Statement of a Current or Proposed Construction Project," for each major plant addition for which Form DPA-3 or DEPA 3-S is required above, or which involves installation of heavy power-producing equipment after April 1, 1951.

(4) Form DEPA-5, "Electric Utility Statement of Major Power Equipment Items Required for a Construction Project," for each plant addition, whether a major or a minor plant addition, for which an item in attached List I has been ordered.

(b) In filing Form DPA-2 covering generating plant additions, in connection with Section II of that form, there should be shown a detailed construction schedule and sufficient information as to the prospective load, capacity, margin of capacity over load, and other information necessary to justify the need for,

and the timing of, the proposed installation.

(c) In filing Form DPA–2 for any major plant addition for which Form DPA–2 has not previously been filed, each electric utility shall state, in Section III of Form DPA–2, an exact description of each kind of aluminum and copper conductor required. In the case of copper conductor, state gross weight of conductor, weight of copper content, number, size, and composition of strands, kind of insulation, and any special features; in the case of aluminum conductor steel reinforced, state gross weight, weight of aluminum content, code word, size and stranding.

(d) Filing of Forms DPA–2, DPA–3 and DEPA 3–S shall occur as soon as the project has taken specific form and, whenever practicable, at least four months prior to the earliest quarter in which receipt of critical material for the project is required. Form DEPA–5 shall be filed by April 30, 1951, covering List I items on order as of the effective date of this order. Form DEPA–5 shall be filed for List I items ordered subsequently as soon as such items are ordered.

SEC. 4. *Filing of amendments.* (a) Electric utilities which have filed Form DPA–2 for major plant additions involving generating plant additions without the data required in paragraph (b) of section 3 of this order shall file an amendment to the Form DPA–2 for each such major plant addition incorporating the required data. Such amendments shall be filed within 20 days of the effective date of this order as amended.

(b) If at any time the proposed schedule, scope, equipment, location or other important characteristic of any major plant addition for which a Form DPA–2 has been filed are changed materially for any reason whatsoever, the electric utility shall file an amendment to the Form DPA–2 for such plant addition describing the change in plans. Such amendment shall be filed as soon as the change in plans has taken specific form and only the changes need be indicated in such amendment.

(c) If at any time the critical material requirements for a major plant addition for which a Form DPA–3 or DEPA 3–S has been filed are changed either in quantity or time period, for any reason whatsoever, the electric utility shall file amended Forms DPA–3 and/or DEPA 3–S as appropriate, which shall supersede previous forms submitted and which shall show the complete critical materials requirements for the project as amended. Such amendment shall be filed as soon as the change in requirements is known.

(d) Amendments to Forms DEPA–5 should be filed whenever the information previously submitted on a Form DEPA–5 changes significantly.

SEC. 5. *Communications.* All communications concerning this order and requests for Forms DPA–2, DPA–3, DEPA 3–S, or DEPA–5 shall be addressed to the Defense Electric Power Administration, Department of the Interior, Washington 25, D. C.

KEN G. WHITAKER,
Acting Administrator,
Defense Electric Power Administration.

LIST I—HEAVY POWER EQUIPMENT ITEMS TO BE INCLUDED ON FORM DEPA-5

Item (a)	Definition (b)
Steam turbine a. c. generator sets	Steam propelled turbine generator sets.
Gas turbine a. c. generator sets	Designed for the generation of power.
Diesel engine a. c. generator sets	Designed for the generation of power.
Steam boilers	Steam boilers designed for the generation of power.
Steam condensers	Steam condensers of the surface, jet, or barometric type, inter and after condensers and steam jet air ejectors, or any combination thereof designed for use in the generation of power.
Transformers	Liquid filled and dry type transformers with a capacity of 501 kva. and larger designed for single phase and multiple phase operation above 15 kv.
Hydraulic turbines	Hydraulic and hydroelectric turbines and water wheels.
Hydraulic turbine generator sets	Hydraulic (water) turbine driven generator sets.
High voltage metal clad switchgear	Metal enclosed switchgear containing circuit breakers, over 15 kv.
Low voltage metal enclosed switchgear	Metal enclosed switchgear containing circuit breakers, 2.2 kv to 15 kv.
Circuit breakers	Circuit breakers of 2,200 volts or higher.

[F. R. Doc. 51-4532; Filed, Apr. 13, 1951; 11:58 a. m.]

Chapter XVII—Housing and Home Finance Agency

[CR 1]

CR 1—RESIDENTIAL CREDIT CONTROLS: POLICY AND PROCEDURE FOR PROCESSING AND APPROVAL OF EXCEPTIONS AND TERMS FOR AREAS AFFECTED BY SAVANNAH RIVER (S. C. AND GA.), PADUCAH (KY.), AND REACTOR TESTING STATION (IDAHO) INSTALLATIONS OF THE ATOMIC ENERGY COMMISSION

The policy and procedure statement, originally issued at 16 F. R. 2231–2232 (March 10, 1951) pursuant to Reorganization Plan No. 3 of 1947 (61 Stat. 954), sections 601 through 605 and section 704 of Public Law 774, 81st Cong. (64 Stat. 813, 814, 815, 816), sections 501, 502, and 902 of Executive Order 10161, September 9, 1950 (15 F. R. 6106), and the approval and authorization by the Board of Governors of the Federal Reserve System immediately following that statement, is hereby amended to read as follows:

SECTION 1. *Areas of Savannah River (S. C. and Ga.), Paducah (Ky.), and Reactor Testing Station (Idaho) Installations of Atomic Energy Commission.* In the areas of the Savannah River, Paducah (Kentucky) and Idaho Reactor Testing Station installations of the Atomic Energy Commission the restrictions on residential real estate construction credit contained in Regulation X of the Board of Governors of the Federal Reserve System and in the related regulations of the Federal Housing Commissioner and the Administrator of Veterans' Affairs have been relaxed to meet the need for housing accommodations to support the development and operation of the installations. The relaxation of these restrictions has been based on housing market field surveys. Exceptions from credit restrictions will be issued in accordance with area program schedules adopted from time to time by the Housing and Home Finance Agency. Such program schedules relate to the location of the housing within the area, the number and types of rental and sales units required, the levels of rentals or sales prices which must be achieved if the housing is to meet the needs of the persons employed or stationed at the installations for whom it is to be made available, and similar factors.

With respect to proposed housing so programmed by the Housing and Home Finance Administrator, real estate credit restrictions of the Board of Governors of the Federal Reserve System, the Federal Housing Commissioner, and the Administrator of Veterans' Affairs have been relaxed to the extent announced by such Board and agencies, respectively, subject to such conditions and requirements as are found necessary by the Housing and Home Finance Administrator to assure that the proposed housing will serve the purpose for which the credit restrictions were relaxed.

With respect to housing programmed for rent in accordance with this procedure, the relaxed credit restrictions will be made available only upon the approval by the Housing and Home Finance Administrator of an application submitted to the local field office of the Housing and Home Finance Agency on a form prescribed by the Administrator. This application must be submitted by the persons proposing to construct the housing, and will be approved only if the housing is found by the Administrator to be within reasonable commuting distance of the above Atomic Energy Commission installations. Such person and his successors in interest must agree to such conditions and requirements as are prescribed in the application form and in appropriate regulations or procedures of the Housing and Home Finance Administrator. These conditions and requirements are for the purpose of assuring that the housing will be so built, rented, and occupied as to meet most effectively the housing needs of persons engaged in national defense activities and to best support the development and the operations of the above Atomic Energy Commission installations.

With respect to housing programmed for sale in accordance with the proposed procedure, such housing may be sold for the purchaser's own occupancy or built for the owner-occupant only if the prospective purchaser or owner-occupant has been issued a certificate from the Atomic Energy Commission indicating his eligibility as a person engaged or to be engaged in national defense activities.

APRIL 10, 1951.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

The Board of Governors of the Federal Reserve System hereby approves, for application in the areas of the Savannah River, Paducah (Kentucky) and Idaho Reactor Testing Station installations of the Atomic Energy Commission, the policy and procedure described above and, for the purpose of making the policy and procedure applicable to residential real estate construction credit subject to Regulation X, authorizes the Housing and Home Finance Administrator or his designee to take such administrative action as he determines to be appropriate in carrying out such policy and procedure, including the issuance of specific forms, applications, and regulations.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title VI, Pub. Law 774, 81st Cong. Secs. 501, 502, 902, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

APRIL 11, 1951.

[F. R. Doc. 51-4444; Filed, Apr. 13, 1951; 8:53 a. m.]

[CR 2]

CR 2—RESIDENTIAL CREDIT CONTROLS: REGULATION GOVERNING PROCESSING AND APPROVAL OF EXCEPTIONS AND TERMS FOR AREAS AFFECTED BY SAVANNAH RIVER (S. C. AND GA.), PADUCAH (KY.), AND REACTOR TESTING STATION (IDAHO) INSTALLATIONS OF THE ATOMIC ENERGY COMMISSION

This regulation (HHFA Regulation CR 2), originally issued at 16 F. R. 2232, effective March 10, 1951, pursuant to Reorganization Plan No. 3 of 1947 (61 Stat. 954), sections 601 through 605 and section 704 of Pub. Law 774, 81st Cong. (64 Stat. 813, 814, 815, 816), sections 501, 502, and 902 of Executive Order 10161, September 9, 1950 (15 F. R. 6106), and the approval and authorization by the Board of Governors of the Federal Reserve System of HHFA CR 1, is hereby amended to read as follows:

GENERAL

Sec.
1. Statement of purpose.
2. What this regulation does.
3. Geographical areas affected.
4. Type of housing eligible; definition of family dwelling.
5. Programming by HHFA.

HOUSING TO BE HELD FOR RENT

6. Who may apply for exception from credit restrictions.
7. Where and how to apply.
8. Standards for approving application.
9. Beginning of construction; time limit and definition.
10. Rules and conditions applicable.
11. Certification by Atomic Energy Commission of persons eligible for occupancy.

HOUSING BUILT OR SOLD FOR OWNER-OCCUPANCY

12. Certificates of eligibility for financing, pursuant to relaxed credit terms, of owner-occupied housing for Atomic Energy Commission employees.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title VI, Pub. Law 774, 81st Cong. Secs. 501, 502, 902, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

GENERAL

SECTION 1. *Statement of purpose.* In order to reduce serious inflationary pressures and to limit residential construction to a level which can be met with the materials and labor available in the light of national defense requirements, restrictions on residential real estate credit (applicable where construction was started after noon of August 3, 1950) have been imposed, with the concurrence of the Housing and Home Finance Administrator, by Regulation X (Chapter XV of this title) issued by the Board of Governors of the Federal Reserve System (hereinafter called the "Board"). Related credit restrictions (applicable to both new and old residential property) are contained in regulations of the Federal Housing Commissioner and the Administrator of Veterans' Affairs. Actions restricting residential credit were taken under the authority of Title VI of the Defense Production Act of 1950, approved September 8, 1950, and of Executive Order 10161, issued September 9, 1950. The Housing and Home Finance Administrator has made surveys with respect to the housing needs within the areas affected by the Savannah River, Paducah (Kentucky), and Idaho Reactor Testing Station installations of the Atomic Energy Commission and has designated such areas, with the concurrence of the Board and in accordance with section 6 (p) of said Regulation X (Chapter XV of this title), as areas for prescribing relaxed credit terms in order to help provide the housing needed to support the development and operation of the three installations. Residential credit controls in the three areas will continue to be administered by the Board with respect to real estate construction credit which is subject to said Regulation X and by the Federal Housing Administration and the Veterans' Administration, respectively, with respect to residential real estate credit assisted under the programs of those two agencies. Accordingly, relaxed or modified credit terms applicable in the Savannah River, Paducah, and Idaho Reactor Testing Station areas are being announced by those agencies for their respective spheres of administrative responsibility.

It is the purpose of this Regulation CR 2, issued by the Housing and Home Finance Agency, to prescribe uniform conditions and procedures under which such relaxed credit terms will be made available in order to assure that the housing financed under the relaxed credit terms announced by the Board, the Federal Housing Administration and the Veterans' Administration will meet the needs of the persons employed or stationed at the three installations.

SEC. 2. *What this regulation does.* This regulation prescribes, among other things, who may apply for an exception from residential credit restrictions in the areas of the Savannah River, Paducah, and Idaho Reactor Testing Station installations of the Atomic Energy Commission; the type of housing eligible; where and how to apply; the basis on which applications will be approved; the rules which applicants and their successors in interest must abide by with respect to holding and offering certain housing for rent to persons engaged in national defense activities and with respect to rents which may be charged; and the manner in which eligibility will be determined for the occupancy or purchase of housing for which credit restrictions have been relaxed.

SEC. 3. *Geographical areas affected.* The special exceptions from residential credit restrictions for areas affected by the Savannah River, Paducah, and Idaho Reactor Testing Station installations of the Atomic Energy Commission are authorized only for housing which is within reasonable commuting distance from such installations. In the case of housing which is to be held for rent and for which application for exceptions from credit restrictions is made under sections 6 through 11 of this regulation, the Housing and Home Finance Administrator or his designee will determine whether the housing is within reasonable commuting distance. In the case of housing the construction or sale of which is financed in accordance with an exception under section 12 of this regulation, such determination will be made by the Atomic Energy Commission or its designee on the basis of standards concurred in by the Housing and Home Finance Administrator.

SEC. 4. *Type of housing eligible; definition of family dwelling.* The special exceptions from residential credit restrictions for areas affected by the Savannah River, Paducah, and Idaho Reactor Testing Station installations of the Atomic Energy Commission are authorized only for family dwellings which are suitable and intended for year-round occupancy. A family dwelling, for purposes of this regulation, means a house or apartment designed for residential occupany by two or more persons and which contains kitchen facilities or space designed for kitchen facilities. It does not include hotels, motels, rooming houses, club houses, fraternity or sorority houses, dormitories, or any other structure designed or used either for transient accommodations or for occupancy by single persons or by non-family groups. Only real property containing a single-family or two-family structure may be financed pursuant to the exceptions governing sales housing referred to in section 12 of this regulation. Housing to be held for rent, and to be financed pursuant to the exceptions governing rental housing set out in sections 6 through 11 of this regulation, may consist of a single-family home or single-family homes (whether detached, semi-detached, or row houses), two- to four-family structures, or other multi-family structures.

SEC. 5. *Programming by HHFA.* As explained in Housing and Home Finance Agency CR 1, relaxations of residential real estate credit restrictions for areas affected by the Savannah River, Paducah, and Idaho Reactor Testing Station installations of the Atomic Energy Commission were based on housing market field surveys by the HHFA, and exceptions from credit restrictions will be approved in accordance with schedules

of need determined by the HHFA. These program schedules relate to the location of the housing, the number and types of rental and sales units required, the levels of rentals or sales prices which must be achieved if the housing is to meet the needs of the persons employed or stationed at the Atomic Energy Commission installations, and similar factors. Accordingly, exceptions from credit restrictions will be approved on a selective basis pursuant to the procedures, standards, and conditions set out below.

HOUSING TO BE HELD FOR RENT

SEC. 6. *Who may apply for exception from credit restrictions.* With respect to housing programmed by the Housing and Home Finance Administrator for rental occupancy, application for a special defense exception from residential credit restrictions may be made only by a person (including a corporation, partnership, trust, or other legal entity) who is the owner of, or otherwise has effective control over, the land on which there is proposed to be erected a new family dwelling or dwellings which will be held for rental to eligible occupants as defined below. Effective control over the land, for the purposes of this section, includes holding ownership in fee simple, a firm contract to purchase, an option to purchase which may be exercised at the will of the applicant, or a long-term lease for a term of not less than 50 years.

SEC. 7. *Where and how to apply.* Application for an exception from credit restrictions with respect to housing to be held for rental should be made to the appropriate local office of the Housing and Home Finance Administrator at Aiken, South Carolina, Paducah, Kentucky, or Idaho Falls, Idaho, on HHFA Form No. H–1051. A separate application should be made for each property or parcel which is intended to be financed separately when construction is completed. An original and three copies of the application form must be submitted for each application. Only the original need be signed. Each application must be accompanied by a letter from a lending institution or other lender stating that such lender intends, if the application is approved, to provide the financing for the residential property, including the proposed improvements, described in the application. Only the original letter or one certified copy need be submitted. If the application is approved, two copies of the application form will be returned to the applicant endorsed to indicate that an exception from the credit restrictions has been approved. One of these copies must be submitted to the lending institution or other lender making the loan. Such lender need not necessarily be the lending institution or proposed lender which furnished the letter which was required to accompany the application. The applicant will also be notified if the application is rejected.

SEC. 8. *Standards for approving application.* As among applications otherwise eligible for approval under the terms of this regulation, applications made under sections 6 through 11 will be approved for dwelling units within a total number consistent with program schedules adopted from time to time by the Housing and Home Finance Administrator pursuant to the surveys and procedures referred to in section 5 above on the basis of achieving a maximum contribution toward filling the needs for rental housing of persons employed or stationed at the Atomic Energy Commission installation which the proposed housing is intended to serve. For this purpose, the Housing and Home Finance Administrator or his designee may consider the size of units in terms of the number of rooms and bedrooms proposed to be provided, the rentals proposed to be charged, the distance between the proposed housing and the Atomic Energy Commission installation, the desirability of the site of the housing in terms of transportation, commercial and community facilities, street improvements and utilities, similar relevant factors, and the order in which applications are filed.

SEC. 9. *Beginning of construction; time limit and definition.* When an application for an exception from credit restrictions is approved under sections 6 through 11 of this regulation, construction of the housing described in the application should be begun not later than sixty calendar days after the date of the approval, and should be continued with reasonable diligence thereafter. Unless construction is begun within such sixty-day period and is so continued, the approval automatically expires and becomes null and void. For the purposes of said sections 6 through 11, construction shall be deemed to be begun when any essential materials which are to be an integral part of the structure have been affixed to or incorporated on the site in a permanent form.

SEC. 10. *Rules and conditions applicable.* (a) In the event that an application for an exception from credit restrictions is approved pursuant to sections 6 through 11, the applicant is hereby required, for a period of five years after the completion of the housing, to:

(1) Notify the Housing and Home Finance Agency in writing (i) when the construction of the dwelling unit or units described in the application is begun, and (ii) when any such dwelling unit is completed;

(2) Notify the Atomic Energy Commission installation which the housing is intended to serve, in writing, (i) when any such dwelling unit is completed and (ii) whenever any such dwelling unit is vacated by its occupant;

(3) Publicly offer any such dwelling unit for rent, for a period of at least thirty calendar days after the Atomic Energy Commission has been given any notification with respect to such unit required by subparagraph (2) of this paragraph, to such persons, and only to such persons, as are certified by the Atomic Energy Commission to be eligible to rent such unit, unless the unit has already been rented to such a person;

(4) Charge not more than the rent or rents specified in the application;

(5) Hold the dwelling unit or units for rent unless (i) the property is being sold to a purchaser for investment purposes rather than for his own occupancy, or (ii) prior permission to sell is granted in writing by the Housing and Home Finance Agency, or (iii) a period of at least sixty calendar days has elapsed after the Atomic Energy Commission has been given any notification required by subparagraph (2) of this paragraph and the Commission has failed to certify a person who is willing to rent and public offering has not produced a tenant; and

(6) Require that the purchaser, if the property is sold pursuant to subdivision (i) of subparagraph (5) of this paragraph, agree in writing to abide by all the provisions and conditions set forth in this regulation, including this paragraph, which shall be applicable to all successive sales pursuant to said subdivision (i) of subparagraph (5) of this paragraph made by the first and all successive purchasers for investment purposes.

For the purposes of this section, a dwelling shall be deemed to be completed when, in conformity with general practice in the community, it is ready for occupancy.

The written notifications required to be given by subparagraph (2) of this paragraph shall be deemed to be given as of the date when they are received by the Atomic Energy Commission or, if mailed, as of the date they are postmarked.

(b) No purchaser of property for investment purposes (pursuant to paragraph (a) (5) (i) of this section) shall occupy a dwelling unit in such property unless it contains two or more family dwelling units and such purchaser has himself been certified by the Atomic Energy Commission as eligible for occupancy of a dwelling pursuant to section 11 or unless such occupancy is pursuant to paragraph (c) of this section.

(c) Notwithstanding any provision of this section, if a parcel of real property contains five or more family dwelling units required to be held for rent under sections 6 through 11 of this regulation, the owner of said parcel, or a person actually employed as a resident manager or janitor of said dwelling units, may occupy one of such units. Two such units may be occupied by such owners, resident managers, or janitors if the property required to be held for rent pursuant to said sections contains not less than 20 family dwelling units, and an additional unit may be so occupied for every additional 30 family dwelling units above 20.

(d) Sales in the course of judicial or statutory proceedings in connection with foreclosures are not subject to the provisions of this section.

SEC. 11. *Certification by Atomic Energy Commission of persons eligible for occupancy.* The Atomic Energy Commission, or any officer or employee of said Commission designated by it, (hereinafter collectively referred to as the "Commission") is hereby authorized to certify (by the issuance of appropriate certificates of tenancy eligibility) persons who shall be eligible to rent housing for which an exception from credit restrictions has been approved by the Housing and Home Finance Agency pursuant to sections 6 through 11 of this regulation. Such certifications of tenancy eligibility shall be granted only to persons (including, for purposes of said sections 6 through 11, Atomic Energy Commission contractors on behalf of such persons) whom the Commission determines to be essential, in-migrant personnel employed or to be employed by the Atomic Energy Commisson or its contractors (or stationed at an installation of said Commission) and who are in need of family dwellings. The Commission is authorized to prescribe such further requirements for, or conditions to, the issuance of certificates of tenancy eligibility (including conditions governing the expiration or cancellation of such certificates) as it shall determine to be reasonable and in the interest of national defense.

HOUSING BUILT OR SOLD FOR OWNER-OCCUPANCY

SEC. 12. *Certificates of eligibility for financing, pursuant to relaxed credit terms, of owner-occupied housing for Atomic Energy Commission employees.* (a) The Atomic Energy Commission or any officer or employee of the Commission designated by it (herein collectively referred to as the "Commission") is hereby authorized to certify (by the issuance of appropriate certificates of ownership eligibility) persons who shall be eligible to finance the construction or purchase of family dwellings, for their own occupancy, under relaxed residential credit terms announced for the Savannah River, Paducah, and Idaho Reactor Testing Station areas by the Board of Governors of the Federal Reserve System, the Federal Housing Commissioner and the Administrator of Veterans' Affairs. Such certificates of ownership eligibility shall be issued only for one- and two-family dwelling properties (whether existing or to be built) determined by the Commission to be within reasonable commuting distance of its installations and shall be issued in accordance with program schedules for sales type houses prescribed by the Housing and Home Finance Administrator from time to time on the basis of the surveys and procedures referred to in section 5 of this regulation. Such certificates shall be granted by the Commission only to persons whom the Commission determines to be essential, in-migrant personnel employed (or to be employed) in permanent positions by the Commission or its contractors; to be in need of family dwellings; and to have declared their intention to occupy at least one family dwelling unit in the property, the construction or purchase of which is financed pursuant to such a certificate of ownership eligibility.

(b) The Commission is authorized to prescribe such further requirements for, or conditions to, the issuance of certificates of ownership eligibility (including conditions governing the expiration or cancellation of such certificates) as it shall determine to be reasonable and in the interest of national defense.

(c) A lending institution or other lender which makes a loan under relaxed residential credit terms pursuant to an exception granted under this section 12 shall obtain from the borrower the certificate of ownership eligibility issued to such borrower by the Atomic Energy Commission.

This regulation, as herein amended, is effective as of the 14th day of April 1951.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 51–4443; Filed, Apr. 13, 1951; 8:53 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9934]

PART 13—COMMERCIAL RADIO OPERATORS

TEMPORARY LIMITED RADIOTELEGRAPH SECOND CLASS OPERATOR LICENSE

In the matter of amendment of Part 13 of the Commission's rules to establish and provide for a class of operator license designated "Temporary Limited Radiotelegraph Second Class Operator License."

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 4th day of April 1951;

The Commission having under consideration a proposal to amend Part 13 of its rules to establish on a temporary basis, for the duration of the emergency proclaimed by the President on December 16, 1950, to exist, or until further order of the Commission, whichever is sooner, a class of operator license designated "Temporary Limited Radiotelegraph Second Class Operator License", in addition to the classes of licenses specified in § 13.2 of the rules and regulations, which will authorize the holder thereof to operate certain licensed radio equipment aboard ships only;

It appearing, that a notice of proposed rule making setting forth* the above amendments was adopted by the Commission on March 21, 1951, released March 26, 1951, and was duly published in the FEDERAL REGISTER, which notice provided that interested parties might file statements or briefs with respect to the said amendments on or before April 16, 1951, but that since the date such notice was issued information has come to the Commission's attention concerning a serious existing shortage of available licensed commercial radio operators to operate licensed radiotelegraph equipment aboard ships which necessitates immediate action by the Commission.

It further appearing, that it would be in the public interest to provide for the issuance of a Temporary Limited Radiotelegraph Second Class Operator License to eligible persons found qualified in the manner hereinafter set forth;

It further appearing, that in view of the urgent need for immediate action in this matter caused by the present national emergency, compliance with the public notice and procedure provided for in section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest;

It further appearing, that authority for the amendment of § 13.2 and other sections of Part 13 of the Commission's rules as appropriate is contained in sections 4 (i) and 303 (l) and (r) of the Communications Act of 1934, as amended;

It is ordered, That, the notice of proposed rule making adopted by the Commission on March 21, 1951, and released on March 26, 1951, setting forth the above amendments is hereby withdrawn and cancelled;

It is further ordered, That, effective immediately, and for the duration of the present emergency proclaimed by the President on December 16, 1950, or until further order of the Commission, whichever is sooner, there is hereby established a class of operator license designated "Temporary Limited Radiotelegraph Second-Class Operator License" in addition to the classes of licenses specified in § 13.2 of the Commission's rules which will authorize the holder thereof to operate certain licensed radio equipment installed aboard ships only.

It is further ordered, That a Temporary Limited Radiotelegraph Second-Class Operator License may be issued, upon written application, to any eligible person who has on or after January 1, 1950, held, but is not a present holder of, a radiotelegraph first-class, radiotelegraph second-class, or temporary limited radiotelegraph second-class (obtained after examination), operator license, which was valid and outstanding on its date of expiration, and who, upon examination pursuant to his application, shows his ability to transmit and receive spoken messages in English and successfully passes the Commission's code test at a speed of not less than sixteen (16) code groups per minute.

It is further ordered, That effective immediately, Part 13 of the Commission's rules be and it hereby is amended as shown below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 470 U. S. C. 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Adopted: April 4, 1951.

Released: April 5, 1951.

1. Section 13.2 (a) (1) is amended by adding the following new subdivision and footnote:

(iii) Temporary limited radiotelegraph second-class operator license.*

* For limitation as to persons eligible to apply for this class of license, see § 13.5 (d).

2. Section 13.3 is amended to include at the end thereof the following new proviso: "*Provided, however*, That a person may at the same time hold both a temporary limited radiotelegraph second-class operator license and either a radiotelegraph third-class operator per-

mit or a restricted radiotelegraph operator permit."

3. Section 13.5 is amended by adding at the end thereof the following new paragraph:

(d) Even though otherwise eligible to apply for an operator license, no person shall be eligible to apply for a temporary limited radiotelegraph second-class operator license except a person who, on or after January 1, 1940, held, but at the time of filing application does not hold, a radiotelegraph first-class, radio-telegraph second-class, or temporary limited radiotelegraph second-class (issued after examination), operator license which was valid and outstanding on its date of expiration.

4. Section 13.22 is amended by renumbering paragraphs (d) through (g) as (e) through (h), respectively, and by adding the following new paragraph (d):

(d) Temporary limited radiotelegraph second-class operator license:

(1) Ability to transmit and receive spoken messages in English.

(2) Transmitting and receiving code test of sixteen (16) code groups per minute.

5. Section 13.25 is amended to include the following new sentence at the end thereof: "In addition, no person holding a temporary limited radiotelegraph second-class operator license will, by the holding of such license, be relieved of qualifying by examination when applying for any other class of license for which examination on any subject matter is required."

6. Section 13.61 is amended by renumbering paragraphs (c) through (g) as (d) through (h), respectively, and by adding the following new paragraph (c):

(c) *Temporary limited radiotelegraph second-class operator license.* Any ship station or ship radar station, subject to the following conditions and limitations:

(1) On a passenger vessel required by treaty or statute to maintain a continuous radio watch by operators or on a vessel having continuous hours of service for public correspondence, the holder of this class of license may not act as chief operator.

(2) On a vessel (other than a vessel operated exclusively on the Great Lakes) required by treaty or statute to be equipped with a radiotelegraph installation, the holder of this class of license may not act as chief or sole operator until he has had at least 6 months' satisfactory service in the aggregate as a qualified radiotelegraph operator in a station on board a ship or ships of the United States.

(3) At a ship radar station licensed in the Ship Service, the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy unless he has satisfactorily completed a supplementary examination (with the passing grade normally required) qualifying him for that duty and received a ship radar endorsement on his license certifying to that fact: *Provided,* That nothing in this subparagraph shall be construed to prevent persons holding licenses not so endorsed from making replacements of fuses or of receiving-type tubes. The supplementary examination shall consist of:

(i) Written examination element: 8.

7. Section 13.62 (a) is amended to read as follows:

(a) The holder of any class of commercial radio operator license except temporary limited radiotelegraph second-class operator license may operate any station in the experimental service while using frequencies solely above 300 megacycles.

[F. R. Doc. 51-4437; Filed, Apr. 13, 1951; 8:52 a. m.]

[Docket No. 9935]

PART 13—COMMERCIAL RADIO OPERATORS

RENEWAL REQUIREMENTS

In the matter of amendment of § 13.28 of the Commission's rules and waiver of the existing renewal requirements to permit renewal of commercial radio operator licenses without prior service and written examination.

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 4th day of April 1951;

The Commission having under consideration a proposal to amend § 13.28 of its rules governing commercial radio operators which requires, in part, prior service as a radio operator and in some instances also a limited examination for renewal of radio operator licenses of certain classes;

It appearing, that a notice of proposed rule making setting forth the above amendment was adopted by the Commission on March 21, 1951, released March 26, 1951, and was duly published in the FEDERAL REGISTER, which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before April 16, 1951, but that since the date such notice was issued information has come to the Commission's attention concerning a serious existing shortage of available licensed commercial radio operators to operate licensed radio-telegraph equipment aboard ships which necessitates immediate action by the Commission;

It further appearing, that, in addition to the immediate shortage of operators available for sea service, many commercial radio operators are not able to comply with such requirements because they either are actively serving or entering into active service in the various branches of the armed services of the United States, or are serving temporarily in various civilian activities in connection with the present emergency other than as radio operators;

It further appearing, that it would be in the public interest to waive the normal requirement of prior service as a radio operator and of examination for renewal of commercial radio operator licenses, and to amend § 13.28 of the rules by the addition of a footnote in which the conditions of such waiver are stated;

It further appearing, that in view of the urgent need for action in this matter caused by the national emergency, proclaimed by the President on December 16, 1950, to exist, compliance with the public notice and procedure provided for in section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest;

It further appearing, that authority for the aforesaid waiver and amendment of rules is contained in sections 4 (i) and 303 (l) and (r) of the Communications Act of 1934, as amended;

It is ordered, That, the notice of proposed rule making adopted by the Commission on March 21, 1951, and released March 26, 1951, setting forth the above amendments is hereby withdrawn and cancelled.

It is further ordered, That effective immediately, § 13.28 of the Commission's rules governing commercial radio operators in so far as it requires prior service as a radio operator or examination for renewal of commercial radio operator licenses which expired beginning July 1, 1950, be and it hereby is waived until further order of the Commission.

It is further ordered, That, effective immediately, § 13.28 of the Commission's rules be and it hereby is amended by the addition of the following footnote:

[1] By order dated and effective April 4, 1951, the Commission temporarily waived the requirement of prior service as a radio operator or examination for renewal in the case of any applicant for renewal of his commercial radio operator license. This order is applicable to commercial radio operator licenses which expired after June 30, 1950 until further order of the Commission.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: April 4, 1951.

Released: April 5, 1951.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary

[F. R. Doc. 51-4436; Filed, Apr. 13, 1951; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 946]

HANDLING OF MILK IN LOUISVILLE, KY., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 3d day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. Public hearings, on the record of which the proposed marketing agreement and the proposed order amending the order, as amended, were called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of petitions filed by the Falls Cities Cooperative Milk Producers' Association, Inc., Louisville, Kentucky. Additional proposals were submitted by Louisville Milk Dealers' Association, Ideal Pure Milk Company, Inc., and Dairy Branch, Production and Marketing Administration. The public hearings were conducted at Louisville, Kentucky on December 18-21, 1950 and on March 9 and 14, 1951 pursuant to notices duly published in the FEDERAL REGISTER (15 F. R. 8827 and 16 F. R. 2041, respectively).

The material issues presented on the record of the hearings were whether:

1. The level of Class I prices should be revised.

2. Deductions for the fall production incentive payment plan should be increased and the method of distributing payments should be revised.

3. An emergency exists which warrants immediate effectuation of the proposed amendments to the provisions relating to classification pricing and payments.

4. The order should be amended to provide for a definition of "pool plant" which is based on the extent to which the operations of such plants are associated with the marketing area, and which would include all portions of such plants used during the month in the processing of producer milk.

5. The definition of "producer" should be amended to clearly define the regular source of supply of graded milk for the market.

6. Provisions applicable to the procedure for determining plant shrinkage and the classification thereof should be amended.

7. Language of the order should be clarified with respect to responsibility of handlers in determining the classification and reclassification of skim milk and butterfat.

8. Class I and Class II milk should be included in one class.

9. The order should be clarified with respect to the classification of milk which was received from producers and transferred to other plants.

10. The level of the basic formula price should be revised.

11. The level of prices for Class III should be revised.

12. The Class I butterfat differential should be reduced.

13. Prices charged handlers for Class I milk and uniform prices to be paid producers for milk received at pool plants located 50 miles or more from Louisville should be adjusted by a location differential.

14. Other administrative changes should be made.

Findings and conclusions. The following findings and conclusions on issues Nos. 1 through 3 are based upon the evidence introduced at the hearings and the record thereof. Findings and conclusions relating to issues Nos. 4 through 14 will be included in a separate decision which will be issued at a later date.

(1) The price for Class I milk should be the basic formula price plus $1.25 per hundredweight, which represents an average annual increase of 8⅓ cents. This $1.25 differential is the same as the order currently provides for the months of September through March and compares with $1.05 now provided in the order for the months of April through August.

Since November 1950, when 2178 producers were shipping, the number delivering to the Louisville market has been declining rapidly. A total of 151 producers discontinued shipments during the months of December 1950 and January and February 1951 while 41 producers commenced shipping, making a net loss of 110 producers to the market. In addition 14 producers had discontinued shipments during the first 14 days of March.

The 2063 producers shipping in February 1951 compares to 2078 for February 1950. This was the first time since May 1946 that the number of producers delivering to the market was less than for the same month of the preceding year.

The average daily producer shipment during February 1951 was 295 pounds compared to 308 pounds in February 1950. This continues the trend which began with the month of December 1950, when for the first time in recent years the average daily shipment per producer was less than for the same month of the preceding year. The average daily producer shipment during January 1951 of 274 pounds was 7 pounds less than for January 1950, and the decline from December 1949 to December 1950 was from 267 to 257 pounds daily.

While the supply of graded milk for the Louisville market has been declining by reason of the decrease in the number of producers supplying the market and by the decrease in the shipments from producers, the demand for graded milk in the market has been increasing markedly. In February 1951 sales of Class I milk were 11 percent above sales for February 1950, for January 1951 the corresponding increase was 9 percent, and for the year 1950 the increased Class I sales were 5 percent over 1949.

Increased employment and employment opportunities in the Louisville area have contributed both to the increased demand for milk in the market and toward the decreased supply. Dairy farmers have experienced difficulty in obtaining farm labor because of the competition of nearby factories within commuting distance of the areas wherein the dairy farmers supplying the market are located. Out of approximately 7500 people who were registered with the Louisville office of the U. S. Employment Service on March 1, 1951, as being available for employment, approximately one percent were available for farm employment. Of this one percent only a few had any experience working on dairy farms and even fewer were interested in accepting such employment.

In the Louisville metropolitan area, approximately 210,000 people were employed in February 1951 as compared with the peak of 230,000 reached during World War II. A significant surge in employment manifested itself during the past year, having risen 24,000 or 13 percent since February 1950. The potential labor market includes, in addition to those currently employed, 20,000 people most of whom would be available only on a part time basis. The current situation is not conducive toward obtaining farm labor and should make it increasingly more difficult to keep from losing farm help to defense plants and factories in the area.

The Cincinnati and Louisville milksheds overlap and this requires that class prices for fluid milk under each of these Federal orders be at approximately the same levels. The average annual differential under the Cincinnati order is $1.25 over the basic formula which is the same as is herein proposed for Louisville.

Maintaining the differential for Class I milk at $1.25 over the basic formula price for the months of April, May, and

June would result in this differential being maintained at the same level as prevailed for the preceding months of September through March. The 20 cents decline which had heretofore taken place as of April 1 would be avoided. However, the 20 cents by which the differential would be increased would not provide an incentive for unneeded production in the spring months but would be used principally to provide an additional incentive for fall production by using the increased payments from handlers during the spring months to increase the payments to producers for fall production under the fall incentive plan.

(2) The fall production incentive plan should be revised to provide for a deduction per hundredweight of milk of 12 percent of the average basic formula price for the preceding calendar year. This rate of deduction should apply to May, June, and July deliveries in 1951 and April, May, June, and July deliveries for each year thereafter, and one-fourth of the moneys so accumulated should be paid to producers for deliveries during each of the months of September, October, November, and December.

As now provided in the order, the rate per hundredweight to be set aside from payments made by handlers for milk received from producers during the months of April, May, and June is 8 percent of the average basic formula price for the preceding calendar year. The fund thus accumulated is distributed to producers as an additional payment for milk delivered to the Louisville market during the months of September, October, and November.

The average basic formula price for the year 1950 was $3.286 per hundredweight. Without change in the order the 8 percent rate of deduction would result in a 26 cents spring take-out. Increasing the rate to 12 percent of the basic formula price as proposed would result in an amount withheld per hundredweight of 39 cents. The proposed increase in the deduction would approximate the increase of the Class I differential from $1.05 to $1.25 as proposed above.

There were various proposals made with regard to the months to which the take-out and pay-back provisions of the fall incentive plan should apply. Proponents' suggestion of including in the take-out period the month of July, which at times is associated with the flush production months in the Louisville market, will contribute toward increasing payments to producers through the fall incentive plan and tend to insure during the months of short production an adequate supply of milk. In increasing the number of months in the take-out to four months it is appropriate that the pay-back period be extended through December to include the same number of months. Average daily producer deliveries in December have been less than in other take-out months except November, and during the past year were even less than in November.

The increased moneys set aside during the take-out months for fall incentive payments will result in correspondingly larger payments to producers for milk delivered to the market in September, October, November, and December; and this will accentuate the seasonality of uniform prices returned to producers. As indicated above, the prices currently provided in the order have not improved the seasonality of production sufficiently to provide the market with enough milk in the fall months.

At the hearing handlers proposed that payments made to producers through the fall incentive plan be included in the regular payment made by handlers to producers for milk deliveries during the pay-back months instead of being made as separate payments to producers by the market administrator and the cooperative association. The same proposal had been considered at a hearing held in Louisville April 21–24, 1947, and the decision resulting from this hearing dated October 2, 1947 (12 F. R. 6504) denied the proposal. No additional evidence was submitted on this record to support the proposal and the request of the handlers in this matter is therefore denied.

Farmers must have reasonable notice in order to be able to plan for improving the seasonality of their production. To obtain an adequate supply of milk in the fall months for the Louisville market, assurance of improved price for fall deliveries must be given farmers now. The proposed amendment provides the funds necessary to insure an adequate supply of milk when it is most needed in the market for fluid use.

(3) Emergency requiring effectuation of the findings and conclusions set forth above without allowing time for a recommended decision and the filing of exceptions thereto does not exist.

Proponents contended at the hearing that an emergency exists which warrants immediate effectuation of the proposed amendments to the provisions relating to classification, pricing and payments. Evidence in the record is insufficient to warrant elimination of the opportunity to file written exceptions to the recommendations contained herein, but the time for filing such exceptions should be held to a minimum.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers who would be subject to the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this recommended decision.

General findings. (a) The proposed marketing agreement and the proposed order, amending the order, as amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order, as amended. The following order amending the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The marketing agreement is not included in this recommended decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Delete § 946.4 (b) (1) and substitute therefor the following:

(1) *Class I Milk.* The price for Class I milk shall be the basic formula price plus $1.25.

2. Delete § 946.7 (b) (3) and substitute therefor the following:

(3) Subtract for each of the delivery periods of April, May, June, and July an amount computed by multiplying the total hundredweight of milk received from producers by handlers whose milk plants are included under subparagraph (1) of this paragraph, by 12 percent of the average of the announced basic formula prices, computed to the nearest cent, for the twelve months of the preceding calendar year.

3. Amend § 946.8 (d) (2) by replacing the words "September, October, and November" and "September, October, or November" in such subparagraph by the words "September, October, November, and December" and "September, October, November, or December" respectively.

Filed at Washington, D. C., this 11th day of April 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 51–4407; Filed, Apr. 13, 1951; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 1]

[Docket No. 9937]

APPLICATIONS FOR TEMPORARY PERMISSION TO OPERATE STANDARD AND FM BROADCAST STATIONS WITH LICENSED OPERATORS OF LESSER GRADE THAN NORMAL

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 1 of the Commission's rules and regulations to add new § 1.334.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission proposes to amend Part 1 of its rules and regulations by adding § 1.334 which will prescribe the procedure to the followed and information required to be submitted to the Commission by licensees of Standard and FM broadcast stations when applying for permission to operate such stations with operators holding lesser grades of licenses than required by the Commission's rules. This rule will codify the requirements which have been established by the Commission as a result of examining such requests. The publication of these requirements will clarify for licensees the steps that must be taken before the Commission will grant relief in cases of hardship of this nature and thus, facilitate the handling of such requests. The text of proposed § 1.334 is set forth below.

3. Authority to issue the proposed rule is vested in the Commission pursuant to the provisions of sections 4 (i), 5 (e), 303 (l), and 303 (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission, on or before May 4, 1951, written data, views, or arguments concerning said proposals. At the same time, any person who favors the rules as set forth may file a statement in support thereof. Comments or briefs in reply to the original comments or briefs may be filed within 15 days from the last date of the filing of the original comments or briefs. The Commission will consider all such comments before taking final action in the matter and, if comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

5. No data, views, or arguments will be accepted in this proceeding with respect to the grade of license or technical knowledge which should be required by radio stations, or relating to any possible amendment to §§ 13.61, 3.165 or 3.265 of the Commission's rules.

6. Interested persons who desire to submit written data, views, or arguments shall, in accordance with § 1.764 of the Commission's rules and regulations, furnished the Commission with an original and 14 copies thereof.

Adapted: April 4, 1951.

Released: April 5, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

§ 1.334 *Applications for temporary permission to operate standard and FM broadcast stations with licensed operators of lesser grade than normal.* (a) Applications for temporary permission to operate Standard and FM broadcast stations with licensed operators of a lesser grade than normally required by the Commission's rules shall be submitted to the Engineer in Charge of the Commission's district headquarters field office in the area where the station is located. Such permission will be granted for periods of not to exceed thirty days if a proper showing is made, as set forth below, and may be renewed upon request only upon the making of an adequate similar showing.

(b) Such applications are not required to be submitted on any numbered or prescribed form. However, the request shall be in writing, signed by the licensee, if the licensee is an individual; by a partner, if the licensee is a partnership; or by an officer of the corporation, if the licensee is a corporation.

(c) A specific request for permission to use operators of lesser grade than required by the Commission's rules shall be included and the following information shall be furnished:

(1) Call letters of the station;

(2) Name of licensee;

(3) The number of persons holding radiotelephone first class operator licenses that will be employed as full-time operators at the station (this does not include part-time employees and persons only available on call in case of emergencies);

(4) A showing that at least one first class operator will be employed full time at the station and will be available on call at all times in the event of equipment failure;

(5) A statement that the additional licensed radiotelephone first class operators required for maintaining the normal schedule of operation could not be obtained for employment at the station;

(6) A showing that all known sources of broadcast operators within a reasonable distance have been exhausted. Names and addresses of sources contacted and the date of such contact shall be stated.

(d) The chief operator holding a radiotelephone first class operator license at a station to which temporary permission has been granted shall mail to the Engineer in Charge of the area from whom permission is received within three days after employment of a lesser grade operator a written certification that the person employed under the temporary permission has the ability to perform the normal operation of the station.

[F. R. Doc. 51–4434; Filed, Apr. 13, 1951; 8:51 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

DELEGATION OF AUTHORITY WITH RESPECT TO THE RELEASING OF INFORMATION FROM ARMY RECORDS

Authority to furnish access to and release information from Army records has been delegated by the Secretary of the Army, as follows:

(a) Upon receipt of requests therefor by individuals, including those in the executive branch of the Government who are not entitled thereto by virtue of their official duties, private companies or organizations, or agencies of State or local governments, properly and directly concerned, The Adjutant General is authorized to furnish access to unclassified papers within the categories covered by § 518.4 (c) of Title 32, CFR, except those which, in special instances, are held by him to be confidential for good cause. In addition to the foregoing delegation of authority and irrespective of other delegations of authority contained herein or herein recognized with regard to the release of information, The Adjutant General, in accordance with the principles set forth in §§ 518.1 through 518.4 of Title 32,[1] CFR, is hereby delegated authority to take final action on behalf of the Secretary of the Army upon requests of any character by individuals, private companies or organizations, or agencies of State or local governments for information from, access to, or copies of any classified or unclassified papers.

[1] See F. R. Doc. 51–4405, Title 32, Chapter V, Part 518, *supra*.

(b) Except as otherwise provided in this paragraph, the Chief of Engineers is delegated authority to take final action on behalf of the Secretary of the Army upon all requests by individuals, private companies or organizations, or agencies of State or local governments for information from, access to, or copies of unclassified papers which relate solely to the civil works assigned to the Corps of Engineers. However, this authority does not extend to papers held by the Chief of Engineers to be confidential for good cause, nor to papers within the categories covered by § 518.4 (c) of Title 32, CFR. In exercising this authority, the Chief of Engineers will be governed by the rules and principles set forth in §§ 518.1 through 518.4 of Title 32, CFR.

(c) Upon receipt of requests therefor by individuals, including those in the ex-

ecutive branch of the Government who are not entitled thereto by virtue of their official duties, private companies or organizations, or agencies of State or local governments, properly and directly concerned, The Surgeon General and the commanding officer of any medical treatment facility, respectively, are authorized, subject to the restrictions set forth in § 518.4 (c) (2) of Title 32, CFR, to furnish access to unclassified papers within the categories covered by § 518.4 (c) (1) (v) through (viii) of Title 32, CFR, except those which involve former members of the military service and those which, in special instances, are held to be confidential for good cause by the officer acting on the request.

(d) Upon receipt of requests therefor by individuals, including those in the executive branch of the Government who are not entitled thereto by virtue of their official duties, private companies or organizations, or agencies of State or local governments, properly and directly concerned, the Director of Civilian Personnel, Office of the Secretary of the Army, and the commanding officer of any activity of the Army Establishment, respectively, are authorized, to the extent provided in the civilian personnel regulations of the Department of the Army, to furnish information from, access to, or copies of papers forming a part of civilian personnel records.

(e) Any authority herein delegated to The Adjutant General may be redelegated by him in specific instances to the commander of the army concerned, when the papers involved are maintained or stored by an agency under his jurisdiction. The Adjutant General may also redelegate such authority to the theater or oversea commander concerned in specific instances or with regard to specified categories of papers which are maintained or stored by an agency or agencies under the jurisdiction of the commander concerned. Any authority herein delegated to the Chief of Engineers may be redelegated by him to the district or division engineer concerned in specific instances or with regard to specified categories of papers which are maintained or stored by an agency or agencies under their jurisdiction.

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army.
The Adjutant General.

[F. R. Doc. 51-4404; Filed, Apr. 13, 1951; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 193377]

CALIFORNIA

REVOCATION OF ORDERS OPENING LANDS TO ENTRY UNDER THE FOREST HOMESTEAD ACT

APRIL 10, 1951.

Pursuant to requests of the Department of Agriculture and in accordance with Departmental Order No. 2583 sec. 2.22 (a) of August 16, 1950 (15 F. R. 5643), it is ordered as follows:

Subject to any valid intervening adverse claims, the orders listed below opening lands in the Trinity National Forest, now the Six Rivers National Forest, California, to entry under the act of June 11, 1906, as amended (34 Stat. 233; 16 U. S. C. 506-509), are hereby revoked so far as they affect the following-described lands:

Date of order of opening	List No.	Land
Apr. 19, 1912	5-1032	T. 2 N., R. 6 E., H. M., sec. 18, SE¼NE¼, containing 40 acres.
June 17, 1913	5-1619	T. 7 N., R. 6 E., H. M., sec. 5, S½SW¼SE¼, sec. 8, NE¼NW¼NE¼, containing 30 acres.
Feb. 2, 1915	5-2442	T. 2 N., R. 6 E., H. M., sec. 19, NE¼NE¼, containing 40 acres.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 51-4399; Filed, Apr. 13, 1951; 8:45 a. m.]

[No. 460]

ALASKA

SHORE SPACE RESTORATION NO. 460

APRIL 3, 1951.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and in accordance with 43 CFR, § 4.275 (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), and Order No. 319 of July 19, 1948 (43 CFR 50.451, 13 F. R. 4278), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands;

A tract of land located on Nushagak Bay, Alaska, identified as U. S. Survey No. 2541, containing approximately 1.35 acres (embracing the improvements of John W. Felder, Soldiers Additional Homestead Application and Petition for Shorespace Restoration, Anchorage 09752).

A tract of land located on Nushagak Bay, Alaska, identified as U. S. Survey No. 2837, containing approximately 15 acres (embracing improvements of the Alaska Packers Association, Soldiers Additional Homestead Application, and Petition for Shorespace Restoration, Anchorage 011547).

A tract of land located on Leader Creek, a navigable tidal slough tributary to Naknek River, Alaska, identified as U. S. Survey No. 2490, containing approximately 1.94 acres (Soldiers Additional Homestead Application of Albert R. Davey, Anchorage 09593).

A tract of land located on Gastineau Channel, Alaska, containing approximately 5 acres, more particularly described as follows: Beginning at Corner No. 1, U. S. Survey 1798, thence northerly 54° 26' east 330' thence south 35° 34' east 660', thence south 54° 26' west 330' to intersection of line 2-3 of U. S. Survey 1798, thence north 35° 34' west 660' to the point of beginning (embracing Settlement Claim, Notice of Location of Earl Crass, Jr., Anchorage 016252).

A tract of land located on Nushagak River, Alaska, identified as U. S. Survey No. 2543, containing approximately 0.32 of an acre (Soldiers Additional Homestead Application and Petition for Shorespace Restoration of Pacific American Fisheries, Inc., Anchorage 09819).

A tract of land located on Uganik Bay, Alaska, identified as U. S. Survey No. 2431, containing approximately 7.94 acres (embracing improvements of Uganik Fisheries, Inc., Soldiers Additional Homestead Application Anchorage 09127).

A tract of land located on Uganik Bay, Alaska, identified as U. S. Survey No. 2432 containing approximately 11.93 acres (embracing improvements of Uganik Fisheries, Inc., Trade and Manufacturing Site Application and Petition for Shorespace Restoration Anchorage 09128).

The above described areas aggregate 43.48 acres.

No application for these lands may be allowed under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At 10:00 a. m. on April 24, 1951, the lands shall, subject to valid existing rights and the provisions of existing withdrawals become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 24, 1951, to July 24, 1951, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or homesite laws, or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 3, 1951, to April 23, 1951, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 24, 1951, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on July 25, 1951, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 2, 1951, to July 24, 1951, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 25, 1951, shall be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 66, of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Anchorage, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 51-4425; Filed, Apr. 13, 1951; 8:48 a. m.]

Office of the Secretary

[Order No. 2625]

COMMISSIONER OF THE BUREAU OF RECLAMATION

DELEGATION OF AUTHORITY WITH RESPECT TO THE ACQUISITION OF LANDS AND WATER RIGHTS

APRIL 6, 1951.

SECTION 1. *Acquisition of lands and water rights.* (a) In connection with the development, construction, operation and maintenance of reclamation and water conservation and utilization projects, the Commissioner of Reclamation may:

(1) Authorize and approve the appraisal or reappraisal of lands or interests therein and water rights, by appraisers or appraisal boards;

(2) Contract for and effect the purchase or exchange of lands or interests therein and water rights at appraised values, but any exchange involving withdrawn public lands, except in the case of public lands within the Columbia Basin Project, shall be effected only with the concurrence of the Director of the Bureau of Land Management;

(3) Effect, at approved appraised values, the acquisition or, through exercise of the power of attorney, the sale of lands or interests therein under the provisions of recordable contracts entered into in accordance with the Columbia Basin Project Act (16 U. S. C., 1946 ed., sec. 835, et seq.);

(4) Enter into contracts for the relocation of properties;

(5) Enter into contracts for the right to construct project facilities across private property, including the property of States and political subdivisions thereof;

(6) Enter into contracts for the exchange or replacement of water rights; and

(7) Enter into contracts for the adjustment of water rights.

(b) In connection with the authority granted under subsection (a) (4), (5), (6), (7), the Commissioner of Reclamation may execute, in the name of the Secretary, all necessary grants or conveyances, but any grant or conveyance involving withdrawn public lands shall be executed only with the concurrence of the Director of the Bureau of Land Management.

(c) In the event that the authority granted under subsection (a) is exercised by an officer other than the Commissioner of Reclamation, all grants, conveyances, and contracts shall be on forms approved by the Commissioner, except that only the basic provisions of forms used in transactions on the Columbia Basin Project pursuant to the authority granted in subsection (a) (2) and (3) shall be first approved by the Commissioner.

SEC. 2. *Redelegation.* The Commissioner may in writing redelegate to an Assistant Commissioner or the official in charge of any office, region, district, division, or project of the Bureau of Reclamation, the authority granted in section 1 of this order.

SEC. 3. *Revocations; savings clause.* This order supersedes 43 CFR, 1936 Supp., 4.411 (a) (2), (5), paragraphs (b) and (e) of section 1 of Order No. 2017 (10 F. R. 258, 43 CFR, 1947 Supp., 4.412 (a) (2), paragraph (b) of section 1 of Order No. 2018 (10 F. R. 259), Order No. 2376 (12 F. R. 8230), 43 CFR, 1946 Supp., 4.412 (a) (1), and paragraph (a) of section 1 of Order No. 2018 (10 F. R. 259), as revised in Order No. 2377 (13 F. R. 1088). Any redelegation of the authority contained in 43 CFR, 1946 Supp., 4.411 (a) (2), (5), 4.412 (a) (1); 43 CFR, 1947 Supp., 4.412 (a) (2), Order No. 2376, and Order No. 2377, which have been made pursuant to 43 CFR, 1946 Supp., 4.411 (b) and 4.412 (b), and which are still in force on the effective date of this order shall remain in force until revoked or superseded.

(5 U. S. C., 1946 ed., sec. 22; 16 U. S. C., 1946 ed., sec. 590z-11; Reorg. Plan No. 3 of 1950)

[SEAL] OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-4396; Filed, Apr. 13, 1951; 8:45 a. m.]

GRAND TETON NATIONAL PARK, WYOMING

ORDER AMENDING ORDER PRESCRIBING BOUNDARIES

The order of December 18, 1950 (15 F. R. 9254), prescribing boundaries of Grand Teton National Park, Wyoming, pursuant to the act of September 14, 1950 (64 Stat. 849), is hereby amended by striking out the word "northeast" and substituting therefor the word "southeast" in the third sentence of the description.

Dated: April 9, 1951.

[SEAL] OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-4397; Filed, Apr. 13, 1951; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

CHAIRMEN OF COUNTY COMMITTEES IN OKLAHOMA AND TEXAS

APPOINTMENT AS CONTRACTING OFFICERS AND DELEGATION OF AUTHORITY WITH RESPECT TO PRODUCTION AND HARVESTING OF CASTOR BEANS

Pursuant to authority vested in the President, Commodity Credit Corporation, by the by-laws of the Corporation, the respective chairmen, or in their absence the acting chairmen, of PMA County Committees in the States of Oklahoma and Texas are hereby appointed contracting officers of Commodity Credit Corporation, with authority to execute, in the name of the Corporation, contracts, agreements, or other documents relating to the sale of castor bean seed to farmers, the purchase of castor beans produced by such farmers, and the rental or sale of farm machinery needed in the production or harvesting of castor beans, under the 1951-Crop Castor Bean Production and Procurement Program formulated by Commodity Credit Corporation and Production and Marketing Administration pursuant to the Defense Production Act of 1950.

The foregoing authority as contracting officers shall be exercised in accordance with instructions issued by the Vice President of CCC who is Assistant Administrator for P&MA, which shall be available for public inspection in the files of the PMA county offices in the States of Oklahoma and Texas.

Issued this 9th day of April 1951.

[SEAL] G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-4412; Filed, Apr. 13, 1951; 8:47 a. m.]

Office of the Secretary

DESIGNATION OF CERTAIN DELEGATIONS OF AUTHORITY RELATING TO DEFENSE MOBILIZATION

The following delegations of authority relating to defense mobilization are hereby designated as hereinafter set forth:

(1) Secretary's Memorandum No. 1270, as amended (15 F. R. 1624; 16 F. R. 2446) is designated as "Defense Food Delegation No. 1."

(2) Delegation of Authority to the Secretary of the Interior with respect to fishery commodities (15 F. R. 6988) is

designated as "Defense Food Delegation No. 2."

(3) Delegation of Authority to the Director, Fiscal Branch, Production and Marketing Administration (15 F. R. 7216) is designated as "Defense Food Delegation No. 3."

(4) Delegation of Authority to the Economic Stabilization Administrator with respect to the allocation of meat (16 F. R. 1272) is designated as "Defense Food Delegation No. 4."

(5) Designation of Claimant Agencies to present requirements with respect to food (16 F. R. 1289) is designated as "Defense Food Delegation No. 5."

(6) Delegation of Authority to the Director of the Bureau of the Census with respect to reports under the Defense Production Act of 1950 (16 F. R. 1963) is designated as "Defense Food Delegation No. 6."

(7) Delegation of Authority to the Administrator of the Production and Marketing Administration with respect to programs related to facilitation of national defense (16 F. R. 2446) is designated as "Defense Food Delegation No. 7."

(8) Delegation of Authority to the Administrator of the Agricultural Research Administration with respect to facilitation of national defense (16 F. R. 2856) is designated as "Defense Food Delegation No. 8."

Done at Washington, D. C., this 12th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4508; Filed, Apr. 12, 1951; 5:13 p. m.]

Rural Electrification Administration

[Administrative Order 3185]

OKLAHOMA

LOAN ANNOUNCEMENT

MARCH 14, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oklahoma 23T Okmulgee	$75,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-4446; Filed, Apr. 13, 1951; 8:54 a. m.]

[Administrative Order 3186]

KANSAS

LOAN ANNOUNCEMENT

MARCH 14, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kansas 50E Labette	$160,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-4447; Filed, Apr. 13, 1951; 8:54 a. m.]

[Administrative Order 3187]

GEORGIA

LOAN ANNOUNCEMENT

MARCH 16, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 103G Coweta	$90,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-4448; Filed, Apr. 13, 1951; 8:54 a. m.]

[Administrative Order 3188]

ALABAMA

LOAN ANNOUNCEMENT

MARCH 16, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Alabama 27L Conecuh	$780,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-4449; Filed, Apr. 13, 1951; 8:54 a. m.]

[Administrative Order 3189]

TEXAS

LOAN ANNOUNCEMENT

MARCH 16, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 87V Karnes	$97,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-4450; Filed, Apr. 13, 1951; 8:54 a. m.]

[Administrative Order 3190]

ALLOCATION OF FUNDS FOR LOANS

MARCH 19, 1951.

I hereby amend Administrative Order No. 2979, dated October 20, 1950, by allotting, pursuant to section 3 (c) of the Rural Electrification Act of 1936, as amended, the sum of $132,250,000, being fifty per centum of the total sum made available for the purposes of said Rural Electrification Act of 1936, as amended, for the fiscal year ending June 30, 1951, the respective sums for loans in the several States being as hereinafter set forth.

	Allotment for loans during the fiscal year ending June 30, 1951
United States	$132,250,000
Alabama	4,213,155
Arizona	213,933
Arkansas	5,062,582
California	346,923
Colorado	664,622
Connecticut	4,105
Delaware	61,405
Florida	1,686,674
Georgia	1,592,924
Idaho	73,391
Illinois	938,975
Indiana	317,862
Iowa	1,543,669
Kansas	5,967,505
Kentucky	8,609,213
Louisiana	3,197,178
Maine	1,490,965
Maryland	198,156
Massachusetts	139,722
Michigan	250,382
Minnesota	3,789,229
Mississippi	18,304,840
Missouri	9,441,139
Montana	1,752,020
Nebraska	4,944,765
Nevada	184,544
New Hampshire	104,093
New Jersey	24,135
New Mexico	1,684,540
New York	1,043,397
North Carolina	5,302,498
North Dakota	5,072,008
Ohio	136,602
Oklahoma	8,752,383
Oregon	51,883
Pennsylvania	1,512,474
Rhode Island	657
South Carolina	3,313,421
South Dakota	4,505,405
Tennessee	6,799,564
Texas	8,286,589
Utah	794,164
Vermont	601,903
Virginia	2,557,184
Washington	212,456
West Virginia	3,369,900
Wisconsin	1,958,729
Wyoming	476,137

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-4451; Filed, Apr. 13, 1951; 8:55 a. m.]

[Administrative order 3191]

IOWA

LOAN ANNOUNCEMENT

MARCH 20, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 74T Allamakee	$115,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-4452; Filed, Apr. 13, 1951; 8:55 a. m.]

[Administrative Order 3192]

ALLOCATION OF FUNDS FOR LOANS

MARCH 22, 1951.

Inasmuch as Eau Claire Electric Cooperative has transferred certain of its properties and assets to Dairyland Power Cooperative, and Dairyland Power Cooperative has assumed in part the indebtedness to United States of America, of Eau Claire Electric Cooperative, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 289, dated September 12, 1938, by changing the project designation appearing therein as "Wisconsin 9053A1 Eau Claire" in the amount of $290,000 to read "Wisconsin 9053A1 Eau Claire" in the amount of $276,746.84 and "Wisconsin 64 Dairyland (Wisconsin 9053A1 Eau Claire)" in the amount of $13,253.16.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-4453; Filed, Apr. 13, 1951; 8:55 a. m.]

[Administrative Order 3193]

NEW MEXICO

LOAN ANNOUNCEMENT

MARCH 22, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Mexico 12L Otero	$415,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-4454, Filed, Apr. 13, 1951, 8:55 a. m.]

[Administrative Order 3194]

MINNESOTA

LOAN ANNOUNCEMENT

MARCH 26, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 74R Norman	$105,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-4455; Filed, Apr. 13, 1951; 8:55 a. m.]

[Administrative Order 3195]

IOWA

LOAN ANNOUNCEMENT

MARCH 26, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 31P Grundy	$129,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-4456; Filed, Apr. 13, 1951; 8:55 a. m.]

[Administrative Order 3196]

OREGON

LOAN ANNOUNCEMENT

MARCH 26, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oregon 24D Tillamook District Public	$125,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-4457; Filed, Apr. 13, 1951; 8:56 a. m.]

[Administrative Order 3197]

KENTUCKY

LOAN ANNOUNCEMENT

MARCH 28, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kentucky 55U Henderson-Union	$445,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-4458; Filed, Apr. 13, 1951; 8:56 a. m.]

[Administrative Order 3198]

VIRGINIA

LOAN ANNOUNCEMENT

MARCH 29, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Virginia 22AC Caroline	$1,590,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-4459; Filed, Apr. 13, 1951; 8:56 a. m.]

[Administrative Order 3199]

VIRGINIA

LOAN ANNOUNCEMENT

MARCH 29, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Virginia 22AD Caroline	$200,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-4460; Filed, Apr. 13, 1951; 8:56 a. m.]

[Administrative Order 3200]

TEXAS

LOAN ANNOUNCEMENT

MARCH 29, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 80U Collingsworth	$50,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-4461; Filed, Apr. 13, 1951; 8:56 a. m.]

[Administrative Order T-26]

LOUISIANA

LOAN ANNOUNCEMENT

MARCH 14, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting

through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Avoyelles Telephone Co., Louisiana 505–A	$404,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51–4462; Filed, Apr. 13, 1951; 8:56 a. m.]

[Administrative Order T–27]

MINNESOTA

LOAN ANNOUNCEMENT

MARCH 16, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Gardonville Cooperative Telephone Association, Minnesota 512–A	$321,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51–4463; Filed, Apr. 13, 1951; 8:56 a. m.]

[Administrative Order T–28]

IOWA

LOAN ANNOUNCEMENT

MARCH 27, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Winnebago Cooperative Telephone Association, Iowa 510–A	$552,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51–4464; Filed, Apr. 13, 1951; 8:56 a. m.]

[Administrative Order T–29]

IOWA

LOAN ANNOUNCEMENT

MARCH 29, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Farmers Mutual Telephone Co., Iowa 508–A	$99,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51–4465; Filed, Apr. 13, 1951; 8:57 a. m.]

[Administrative Order T–30]

IOWA

LOAN ANNOUNCEMENT

MARCH 30, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Griswold Cooperative Telephone Co., Iowa 511–A	$149,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51–4466; Filed, Apr. 13, 1951; 8:57 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF THE GULF/UNITED KINGDOM CONFERENCE ET AL

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 161–17, between the member lines of the Gulf/United Kingdom Conference, modifies the basic agreement of said conference (No. 161), to provide that no tariff, freight, rate, commission, charge or brokerage, or tariff rule or regulation shall be made retroactive except by unanimous vote of those voting at any meeting.

Agreement No. 4294–14, between the member lines of the Pacific Coast/Caribbean Sea Ports Conference, modifies the basic agreement of said conference (No. 4294) to include therein a provision enabling the establishment of conditions controlling the payment of brokerage by member lines.

Agreement No. 4630–12, between the member lines of the Pacific/West Coast of South America Conference, modifies the basic agreement of said conference (No. 4630) to include therein a provision enabling the establishment of conditions controlling the payment of brokerage by member lines.

Agreement No. 5680–6, between the member lines of the Pacific-Straits Conference, modifies the basic agreement of said conference (No. 5680) to remove therefrom the prohibition against the payment of brokerage fees and to include therein a provision enabling the establishment of conditions controlling the payment of brokerage by member lines.

Agreement No. 6060–8, between the member lines of the Pacific/Indonesian Conference, modifies the basic agreement of said conference (No. 6060) to remove therefrom the prohibition against the payment of brokerage fees and to include therein a provision enabling the establishment of conditions controlling the payment of brokerage by member lines.

Agreement No. 6170–7, between the member lines of the Capca Freight Conference, modifies the basic agreement of said conference (No. 6170) to include therein a provision enabling the establishment of conditions controlling the payment of brokerage by member lines.

Agreement No. 6400–6, between the member lines of the Pacific Coast River Plate Brazil Conference, modifies the basic agreement of said conference (No. 6400) to include therein a provision enabling the establishment of conditions controlling the payment of brokerage by member lines.

Agreement No. 7170–5, between the member lines of the Pacific Coast/Panama Canal Freight Conference, modifies the basic agreement of said conference (No. 7170) to include therein a provision enabling the establishment of conditions controlling the payment of brokerage by the member lines.

Agreement No. 7650–2, between the member lines of the Santiago de Cuba Conference, modifies the basic agreement of said conference (No. 7650) to include a quorum provision, to change the voting requirements, to include a more complete admission provision, to lift the suspension of the loss of vote provision for failure to maintain sailings, and to clarify the language of certain other provisions.

Agreement No. 7811, between Moore-McCormack Lines, Inc., and Bull Insular Line, Inc., covers transportation of general cargo under through bills of lading from Norway, Sweden, Finland, Denmark and Poland to Puerto Rico, with transshipment at New York, Baltimore, or Philadelphia.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification together with request for hearing should such hearing be desired.

Dated: April 11, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 51–4467; Filed, Apr. 13, 1951 8:57 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3213 et al.]

AEROVIAS "Q", S. A., ET AL.; HAVANA-NEW YORK FOREIGN AIR CARRIER PERMIT CASE

NOTICE OF ORAL ARGUMENT

In the matter of the applications of Aerovias "Q", S. A., Compania Cubana de Aviacion, S. A., and Expreso Aereo Inter-Americano, S. A., under section 402 of the Civil Aeronautics Act of 1938, as amended, for temporary or permanent foreign air carrier permits authorizing foreign air transportation between Havana, Cuba, and New York, N. Y.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on April 26, 1951, at 10:00 a. m., e. s. t., in Room 5042 Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 10, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51–4395; Filed, Apr. 13, 1951; 8:45 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

ADDITIONAL COMPANIES ACCEPTING REQUESTS TO PARTICIPATE IN THE VOLUNTARY PLAN TO CONTRIBUTE TANKER CAPACITY

Pursuant to Section 708 of the Defense Production Act of 1950 (Public Law 774, 81st Congress) the following supplemental list of companies is herewith published which have accepted the request to participate in the voluntary plan, entitled "Voluntary Plan under Public Law 774, 81st Congress for the Contribution of Tanker Capacity for National Defense Requirements," dated January 18, 1951, which request, original list of companies accepting such request, and voluntary plan were published on March 1, 1951, in 16 F. R. 1964.

Philadelphia Marine Corporation, 44 Whitehall Street, New York, New York.

Arkansas Fuel Oil Co., Shreveport, Louisiana.

Strathmore Shipping Co., Inc., 52 Broadway, New York, New York.

Terminal Tankers Industries, Inc., Boyd Building, Terrace Hill, Ithaca, New York.

Tanker Four Lakes, Inc., Boyd Building, Terrace Hill, Ithaca, New York.

The Cabins Tanker, Inc., Boyd Building, Terrace Hill, Ithaca, New York.

(Sec. 708, Pub. Law 774, 81st Cong.; E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

W. H. HARRISON, *Administrator, Defense Production Administration.*

[F. R. Doc. 51–4491; Filed, Apr. 12, 1951; 4:38 p. m.]

SUPPLEMENTAL LIST OF MEMBERS OF THE ARMY ORDNANCE INTEGRATION COMMITTEE ON OPTICAL FIRE CONTROL

Pursuant to Section 708 of the Defense Production Act of 1950 (Public Law 774, 81st Congress) the following supplemental list of companies is herewith published which have become members, since March 1, 1951, of the Army Ordnance Integration Committee on Optical Fire Control in accordance with the voluntary plan, entitled "Plan and Regulations of Ordnance Corps Governing Optical Fire Control Integration Committee," dated January 30, 1951.

Argus, Incorporated, Ann Arbor, Michigan.

Bell & Howell Company, 7100 McCormick Road, Chicago 45, Illinois.

American Optical Company, Southbridge, Massachusetts.

Herschede Hall Clock Company, Milligan & Essex Place, Cincinnati 6, Ohio.

Requests to participate in the formation and activities of this Committee, the list of companies requested to participate and the voluntary plan were published on March 1, 1951 in 16 F. R. 1965.

(Sec. 708, Pub. Law 774, 81st Cong.; E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

W. H. HARRISON, *Administrator, Defense Production Administration.*

[F. R. Doc. 51–4492; Filed, Apr. 12, 1951; 4:38 p. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 1]

NORTH STAR WOOLEN MILL CO., CEILING PRICES AT RETAIL

STATEMENT OF CONSIDERATIONS

Correction

The correction published on page 3240 of the issue for Thursday, April 12, 1951, is changed to read as follows:

In F. R. Document 51–4117, appearing in the issue for Thursday, April 5, 1951, on page 2989, the figure "19.95" in the list of prices for all wool blankets under the column "Ceiling price at retail" should read "' 19.95".

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7938, 9944]

WESTERN BROADCASTING ASSOCIATES AND WEST SIDE RADIO

ORDER DESIGATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Western Broadcasting Associates, Modesto, California, Docket No. 7938; File No. BP–5336; Maxon B. Sayre and George Stevans, Jr. d/b as West Side Radio, Tracy, California, Docket No. 9944, File No. BP–7802; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of April 1951;

The Commission having under consideration the above-entitled applications of Western Broadcasting Associates requesting a permit to construct a new standard broadcast station to operate on frequency 710 kilocycles, with 1 kilowatt power, unlimited time, employing a directional antenna (DA-1), at Modesto, California and of Maxon B. Sayre and George Stevans, Jr., requesting a permit to construct a new standard broadcast station to operate on frequency 710 kilocycles, with 1 kilowatt power, daytime only at Tracy, California; and also having under consideration a petition filed on August 22, 1950, by Queen City Broadcasting Company, licensee of Station KIRO, Seattle, Washington, requesting that the application of Western Broadcasting Associates be designated for hearing and that petitioner be made a party to the proceeding;

It appearing, that the application of West Side Radio requests authorization to operate daytime only on a United States Clear Channel and pursuant to the Commission's policy with respect to such requests has been placed in the pending file to await decisions in the hearings regarding Clear Channels (Docket Number 6741) and Daytime Skywave Transmissions (Docket Number 8333); and

It further appearing, that the above-entitled applications may involve mutually prohibitive interference each with the other and that it is the policy of the Commission as announced in the Public Notice of August 9, 1946, to remove applications placed in the pending file for the aforestated reason, for the purpose of designating same for hearing in a consolidated proceeding with conflicting applications for operation on the same or adjacent channels;

It is ordered, That the said petition is granted, the application of West Side Radio is removed from the pending file and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications of Western Broadcasting Associates and of West Side Radio are designated for hearing in a consolidated proceeding, at 10:00 a. m., Monday, May 14, 1951, at Modesto, California, and Wednesday, May 16, 1951, at Tracy, California, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant corporation, its officers, directors and stockholders and of the applicant partnership and the partners to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations with particular reference to whether the operation of the station proposed in the application of Western Broadcasting Associates would involve objectionable interference with Station KIRO, Seattle, Washington.

5. To determine whether the operation of the proposed stations would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service in such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the station proposed in the application of Western Broadcasting Associates and of Station KSTN, Stockton, California, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine whether the above-entitled application of Maxon B. Sayre and George Stevans, Jr. d/b as West Side Radio was filed in good faith or for the purpose of delaying or hindering the grant of the above-entitled application of Western Broadcasting Associates.

9. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Queen City Broadcasting Company, licensee of Station KIRO, Seattle, Washington, is made a party to this proceeding with reference to the application of Western Broadcasting Associates only; and

It is further ordered, That, if, as a result of the consolidated proceeding, it appears that, were it not for the issues pending in the hearing regarding Clear Channels (Docket Number 6741) and in the hearing regarding Daytime Skywave Transmissions (Docket Number 8333) and the Commission's policy pertaining thereto as announced in the Public Notices of August 9, 1946, and May 9, 1947, the public interest would be best served by a grant of the application of Maxon B. Sayre and George Stevans, Jr. d/b as West Side Radio, then said application shall be returned to the pending file until after conclusion of the said hearings regarding clear channels and daytime skywave transmissions at which time it will be considered in connection with any applications with which it may then be in conflict.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4430; Filed, Apr. 13, 1951; 8:50 a. m.]

[Docket Nos. 9941, 9942, 9943]

LOGAN BROADCASTING CORP. (WVOW) ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Logan Broadcasting Corporation (WVOW), Logan, West Virginia, for modification of construction permit, Docket No. 9741, File No. BMP-5144; I. K. Corkern, Jr., tr/as Bogalusa Broadcasting Co. (WIKC), Bogalusa, Louisiana, for construction permit, Docket No. 9942, File No. BP-7529; Jennings Broadcasting Company, Inc. (KJEF), Jennings, Louisiana, for modification of construction permit, Docket No. 9943, File No. BMP-5313.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 5th day of April 1951;

The Commission having under consideration the above-entitled applications of I. K. Corkern, Jr., tr/as Bogalusa Broadcasting Co., for a construction permit to change frequency from 1490 kc. to 1290 kc., increase power from 250 watts to 500 watts, with 1 kilowatt until local sunset, change transmitter and transmitter location, and install separate directional antennas for day and night use at Station WIKC, Bogalusa, Louisiana; and of Jennings Broadcasting Company, Inc., for a modification of construction permit to change hours of operation from daytime only to unlimited time, using a directional antenna at night at Station KJEF, Jennings, Louisiana;

It appearing, that the above-entitled application of Logan Broadcasting Corporation, for modification of construction permit to increase nighttime power from 1 kw. to 5 kw. and make changes in the antenna system at Station WVOW, Logan, West Virginia, was designated for hearing on July 21, 1950, on engineering issues only, which hearing, after several continuances, is presently scheduled to be heard on June 4, 1951;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications of I. K. Corkern, Jr., tr/as Bogalusa Broadcasting Co. (WIKC), and Jennings Broadcasting Company, Inc. (KJEF), are designated for hearing in a consolidated proceeding with the above-entitled application of Logan Broadcasting Corporation (WVOW), commencing at 10:00 a. m., on June 4, 1951, at Washington, D. C., upon the following issues:

1. To determine the technical, financial, and other qualifications of the corporate applicants, their officers, directors and stockholders, and of the individual applicant to operate Stations WVOW, WIKC and KJEF, as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Stations WVOW, WIKC and KJEF, as proposed, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WVOW, as proposed, would involve objectionable interference with Stations KOIL, Omaha, Nebraska; WKNE, Keene, New Hampshire; WNBF, Binghamton, New York; KTRN, Wichita Falls, Texas; KRGV, Weslaco, Texas; and WHIO, Dayton, Ohio; or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station WIKC, as proposed, would involve objectionable interference with Stations KOIL, Omaha, Nebraska, and KTRN, Wichita Falls, Texas; and to determine whether the operation of Stations WIKC and KJEF, as proposed, would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the operation of Stations WVOW, WIKC, and KJEF, as proposed, would involve objectionable interference, each with the other two, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the operation of Station WIKC, as proposed, would involve objectionable interference with Station CMCW, Havana, Cuba, or with any other existing foreign broadcast stations and, if so, the nature and extent of such interference.

8. To determine whether the installation and operation of Stations WVOW, WIKC and KJEF, as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the nighttime coverage to the City of Logan, West Virginia, with respect to Station WVOW, as proposed; with particular reference to the ratio of the population within the normally protected and actual nighttime interference-free contours to the population which would receive satisfactory service with respect to both Stations WIKC and KJEF, as proposed; with particular reference to the nighttime coverage to the City of Jennings, Louisiana, with respect to Station KJEF, as proposed; and with particular reference to whether the operation of Station KJEF, as proposed, would meet the minimum antenna efficiency requirements of the Standards.

9. To determine whether the installation and operation of Station WIKC, as proposed, would constitute a hazard to air navigation.

10. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Central States Broadcasting Company, licensee of Station KOIL, Omaha, Nebraska, and Texoma Broadcasting Company, licensee of Station KTRN, Wichita Falls, Texas, are made parties to this proceeding with respect to the applications of Stations WVOW, Logan, West Virginia, and WIKC, Bogalusa, Louisiana, only; and

It is further ordered, That WKNE Corporation, licensee of Station WKNE, Keene, New Hampshire; Clark Associates, Inc., licensee of Station WNBF, Binghamton, New York; Taylor Radio & Television Corporation, licensee of Station KRGV, Weslaco, Texas; and Miami Valley Broadcasting Corporation, licensee of Station WHIO, Dayton, Ohio, are made parties to this proceeding with respect to the application of Station WVOW, Logan, West Virginia, only; and

It is further ordered, That the Commission's order of July 21, 1950, designating for hearing the above-entitled application of Logan Broadcasting Corporation (WVOW) is amended to include the above issues.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4429; Filed, Apr. 13, 1951; 8:50 a. m.]

[Docket No. 9907]

S. H. PATTERSON (KJAY)

ORDER CONTINUING HEARING

In re application of S. H. Patterson (KJAY), Topeka, Kansas, for construction permit; Docket No. 9907, File No. BP-7770.

The Commission having under consideration a petition filed March 28, 1951, by S. H. Patterson (KJAY), Topeka, Kansas, requesting a 30-day continuance of the hearing presently scheduled for April 17, 1951, at Washington, D. C., in the proceeding upon the above-entitled application for construction permit; and

It appearing, that no opposition to the granting of the instant petition has been filed with the Commission;

It is ordered, This 6th day of April 1951, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Thursday, May 17, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4433; Filed, Apr. 13, 1951; 8:51 a. m.]

[Docket No. 9938]

UNITED BROADCASTING CO., INC. (WAPX)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of United Broadcasting Company, Inc. (WAPX), Montgomery, Alabama, for construction permit; Docket No. 9938, File No. BP-7872.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of April 1951;

The Commission having under consideration the above-entitled application for a construction permit to increase daytime power from 1 kilowatt to 5 kilowatts at Station WAPX, Montgomery, Alabama;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station WAPX, as proposed, that no interference would be caused to any existing or proposed station but that the proposed station may not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on June 4, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WAPX, as proposed, and the character of other broadcast service available to such areas and populations.

2. To determine whether the installation and operation of Station WAPX, as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to excessive population within the 250 mv/m and 500 mv/m blanket contours.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary

[F. R. Doc. 51-4427; Filed, Apr. 13, 1951; 8:48 a. m.]

[Docket No. 9940]

HUNTSVILLE TIMES CO., INC. (WHBS)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of The Huntsville Times Company, Inc. (WHBS), Huntsville, Alabama, for construction permit; Docket No. 9940, File No. BP-7833.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of April 1951;

The Commission having under consideration the above-entitled application for a construction permit to change frequency from 1490 kc to 1550 kc, increase power from 250 w to 500 w, with 10 kw until local sunset, install directional antenna and new transmitter and to change ground system at Station WHBS, Huntsville, Alabama;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station WHBS, as proposed, that no interference would be caused to any existing or proposed station but that the proposed station may not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on May 28, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WHBS, as proposed, and the character of other broadcast service available to such areas and populations.

2. To determine whether the installation and operation of Station WHBS, as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to excessive population within the 250 mv/m and 500 mv/m blanket contours both day and night.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4426; Filed, Apr. 13, 1951; 8:48 a. m.]

[Docket No. 9941]

HARMCO, INC. (KROY)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re: application of Harmco, Inc. (KROY) Sacramento, California, for construction permit; Docket No. 9941, File No. BP-7918.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of April 1951;

The Commission having under consideration the above-entitled application for a construction permit to erect a new vertical antenna and to change type of transmitter at Station KROY, Sacramento, California;

It appearing, that the applicant is legally, technically, financially, and otherwise qualified to operate Station KROY, as proposed, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on June 7, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KROY, as proposed, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of Station KROY, as proposed, would involve objectionable interference with Station KWG, Stockton, California, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of Station KROY, as proposed, would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of Station KROY, as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

5. To determine whether the installation and operation of Station KROY, as proposed, would constitute a hazard to air navigation.

It is further ordered, That McClatchy Broadcasting Company, licensee of Station KWG, Stockton, California is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4428; Filed, Apr. 13, 1951; 8:49 a. m.]

[Docket No. 9945]

LEONARD R. LYON

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Leonard R. Lyon, El Reno, Oklahoma, for construction permit; Docket No. 9945, File No. BP-7869.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 5th day of April 1951;

The Commission having under consideration the above-entitled application requesting a permit to construct a new standard broadcast station to operate on frequency 1490 kilocycles, with 100 watts power, daytime only at El Reno, Oklahoma;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at 10:00 a. m. on June 8, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with station KBIG, Guthrie, Oklahoma, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Leader Publishing Company, permittee of Station KBIG, Guthrie, Oklahoma, is made a party to the proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4431; Filed, Apr. 13, 1951; 8:50 a. m.]

[Docket No. 9946]

GEORGIA-ALABAMA BROADCASTING CORP. (WGBA)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Georgia-Alabama Broadcasting Corporation (WGBA), Columbus, Georgia, for construction permit; Docket No. 9946, File No. BP-7674.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of April 1951;

The Commission having under consideration the above-entitled application for a construction permit to change facilities of Station WGBA, Columbus, Georgia, from 1460 kc. with power of 1 kw., unlimited time, using the same directional antenna for day and night operation, to 1460 kc., with power of 5 kw. day and 1 kw. night, unlimited time, using a directional antenna for night operation only; and the following pleadings: (1) a petition filed August 3, 1950, by J. W. Woodruff and J. W. Woodruff, Jr., d/b as Columbus Broadcasting Company, licensee of Station WRBL, Columbus, Georgia, requesting that the above-entitled application be designated for hearing with petitioner a party thereto; (2) an opposition to said petition filed September 15, 1950, by Georgia-Alabama Broadcasting Corporation; (3) a reply to said opposition filed October 31, 1950, by Columbus Broadcasting Company; and (4) a pleading entitled "Supplemental Data in Support of Application for Increase in Power", filed January 11, 1951, by Georgia-Alabama Broadcasting Corporation; and

It appearing, that the operation of Station WGBA as proposed would not result in objectionable interference to any existing broadcast station or with the services proposed in any pending application for broadcast facilities; that the above-entitled application does not propose any new antenna construction; that accordingly special aeronautical study of the application is not required and present obstruction marking of the antenna is considered satisfactory; but that the operation of Station WGBA, as proposed might result in excessive population within the 250 mv/m contour and otherwise not comply with the Commission's Standards of Good Engineering Practice; and

It further appearing, that the above-mentioned pleadings raise substantial questions of fact and law which the Commission is unable to resolve upon the basis of the information presently available to it;

It is ordered, That the said petition requesting that the above-entitled application be designated for hearing is granted; and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing commencing at 10:00 a. m. on the 12th day of June 1951 at Columbus, Georgia, upon the following issues:

1. To determine whether the officers, directors and stockholders of the applicant corporation have, in the operation of Station WGBA or in the conduct of other business enterprises under common control with applicant corporation, engaged in discriminatory or unfair trade practices in violation of law.

2. To determine, particularly in the light of the evidence adduced under issue No. 1 above, the qualifications of the applicant corporation, its officers, directors, and stockholders to operate Station WGBA as proposed.

3. To determine the areas and populations which would gain or lose primary service from the operation of Station WGBA, as proposed, and the availability of other broadcast service to such areas and populations.

4. To determine whether the operation of Station WGBA, as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning populations residing within blanket contours and in connection therewith to obtain full information concerning the following:

(a) The populations residing within the proposed 500 mv/m and 250 mv/m contours of Station WGBA.

(b) The availability of other sites for the operation of Station WGBA, as proposed, and whether such sites, if any, would meet the requirements of the Commission's rules and standards with respect to blanketing and other matters.

(c) The number and nature of complaints concerning blanket interference by Station WGBA, which have been received by Stations WGBA and WRBL and others.

(d) The steps which applicant corporation has taken and will take to satisfy legitimate complaints of blanket intereference by Station WGBA.

It is further ordered, That J. W. Woodruff and J. W. Woodruff, Jr., d/b as Columbus Broadcasting Company, licensee of Station WRBL, Columbus, Georgia, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4432; Filed, Apr. 13, 1951; 8:50 a. m.]

STATEMENTS OF ORGANIZATION, DELEGATIONS OF AUTHORITY AND PUBLIC INFORMATION

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of April 1951;

The Commission having under consideration the provisions of section 0.144 (h) of the Commission's rules which authorize the Commission's Secretary, with the approval of the Commission's Chief Engineer and General Counsel, to act upon applications for temporary permission to use operators of lesser grade than required by the Commission's rules; and

It appearing, that applicants for relief under section 0.144 (h) must presently file their applications with the Commission's Secretary in Washington, D. C.; and

It further appearing, that individual action on such applications submitted by broadcast stations can best be taken by the Engineers in Charge of the Commission's field offices; and

It further appearing, that the Commission may delegate authority to act on such applications to members of the Commission's field staff under section 5 (e) of the Communications Act of 1934, as amended; and

It further appearing, that general notice of proposed rule making is not required herein under provisions of section 4 of the Administrative Procedure Act since the new rules relate to internal Commission organization and procedure with respect to applications hereinbefore referred to and are not substantive in nature;

It is ordered, That a new section 0.151 of the Commission's rules be adopted to provide as follows:

SEC. 0.151 The Commission's Engineer in Charge (or in his absence the acting Engineer in Charge) at each headquarter office of the 23 districts of the Field Engineering & Monitoring Division is designated to act upon applications for temporary permission to operate Standard and FM broadcast stations with licensed operators of lesser grade than normally required by the Commission's Rules or for waiver of other technical requirements of operators at such stations.

It is further ordered, That section 0.144 (h) of the Commission's rules be amended to provide as follows:

(h) Applications or requests for temporary operation by radio station licensees, except licensees of Standard and FM broadcast stations, with a licensed operator of lesser grade than normally required or for waiver of other technical requirements for operators.

It is further ordered, That section 0.152 be adopted to provide as follows:

SEC. 0.152 *Record of actions taken.* Action taken on applications in accordance with section 0.151 shall be recorded each week and a copy thereof forwarded to the Secretary of the Commission to be filed in the official minutes of the Commission.

It is further ordered, That this order shall become effective the 16th day of April 1951.

Adopted: April 4, 1951.

Released: April 6, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4435; Filed, Apr. 13, 1951; 8:51 a. m.]

GENERAL SERVICES ADMINISTRATION

Postmaster General

DELEGATION OF AUTHORITY WITH REGARD TO PROCUREMENT OF SUPPLIES AND SERVICES FOR IMPROVEMENT OF POSTAL OPERATIONS AND OTHER ACTIVITIES

1. Pursuant to authority vested in me by the Federal Property and Administrative Services Act of 1949 (Public Laws 152 and 754, 81st Congress), herein called the act, authority is hereby delegated to the Postmaster General, to the extent necessary to improve the postal service as authorized by Public Law 759, 81st Congress:

a. To make purchases and contracts for supplies and services under Title III of the act, without advertising in accordance with the provisions and requirements of section 302 (c) (10).

2. This authority shall be exercised strictly in accordance with the act, particularly section 307 requiring written findings and in certain instances preservation of data and reports to the General Accounting Office.

3. The authority herein delegated may be redelegated only to a chief officer of the Post Office Department responsible for procurement and only with respect to contracts which will not require expenditure of more than $25,000, as provided by section 307 (b) of the act.

This delegation of authority shall be effective as of the date hereof.

Dated: April 10, 1951.

JESS LARSON,
Administrator.

[F. R. Doc. 51-4440; Filed, Apr. 13, 1951; 8:52 a. m.]

Secretary of Defense

DELEGATION OF AUTHORITY IN MATTER OF SHOW CAUSE ORDER ISSUED BY NEW JERSEY BOARD OF PUBLIC UTILITY COMMISSIONERS IN REGARD TO ELECTRIC RATES OF PUBLIC SERVICE ELECTRIC AND GAS CO.

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, authority to represent the interests of the executive agencies of the Federal Government and to appear as witnesses and counsel for the executive agencies of the Federal Government in the matter of the show cause order issued by the New Jersey Board of Public Utility Commissioners citing the electric rates of the Public Service Electric and Gas Company is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such administration.

4. This delegation af authority shall be effective as of March 14, 1951.

JESS LARSON,
Administrator.

APRIL 10, 1951.

[F. R. Doc. 51-4441; Filed, Apr. 13, 1951; 8:52 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY

ATTESTING OFFICERS

Section IV (f) of the organization description published January 21, 1950 (15 F. R. 372) is amended to read as follows:

(f) *Designation of Attesting Officers.* Emily A. Amor, Irene Gerson, and Rosalind S. Jamison are designated Attesting Officers for the Office of the Administrator, Housing and Home Finance Agency, and each is authorized to affix the seal of the Housing and Home Finance Agency to such documents as may require its application and to certify that copies of any and all books, records, contracts, rules, regulations, orders, or other documents are identical with the originals on file in the Office of the Administrator, Housing and Home Finance Agency.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954, 5 U. S. C. 133y to 133y-16; 62 Stat. 1283-1285, as amended by 64 Stat. 80, 12 U. S. C. 1701c)

Effective as of the 14th day of April 1951.

[SEAL] RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 51-4423; Filed, Apr. 13, 1951; 8:48 a. m.]

SPECIAL REPRESENTATIVES OF HOUSING AND HOME FINANCE ADMINISTRATOR

DELEGATION OF AUTHORITY TO PERFORM FUNCTIONS IN CONNECTION WITH RELAXATION OF HOUSING CREDIT CONTROLS IN AREAS AFFECTED BY SAVANNAH RIVER (S. C. AND GA.), PADUCAH (KY.), AND REACTOR TESTING STATION (IDAHO) INSTALLATIONS OF ATOMIC ENERGY COMMISSION

Paul E. Ferrero (Savannah River Office, Aiken, S. C.), Joseph Tufts (Padu-

cah, Ky.), and Phil A. Doyle (Idaho Falls, Idaho), Special Representatives of the Housing and Home Finance Administrator, Office of the Administrator, Housing and Home Finance Agency, each is hereby authorized, in his respective assigned area, to take any action (including the making of any determination and the approval of any application) which it is necessary or appropriate for the Housing and Home Finance Administrator to take in the Administration of Housing and Home Finance Agency Regulation CR 2, 16 F. R. 2232, (1951) as amended,[1] April 14, 1951, which regulation pertains to the processing and approval, for the areas affected by the Savannah River (S. C. and Ga.), Paducah (Ky.), and Reactor Testing Station (Idaho) installations of the Atomic Energy Commission, of exceptions from residential credit restrictions otherwise applicable and to the terms and conditions attached to such approval.

Any action taken by any of the aforementioned delegatees in this connection is hereby ratified, confirmed and adopted.

This delegation of authority supersedes the prior delegation (effective March 10, 1951, 16 F. R. 2610) from the Housing and Home Finance Administrator to Paul E. Ferrero, Jr. and Joseph Tufts.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1268, 1283–85 (1948), 12 U. S. C. 1701c (Supp. 1949), as amended, Pub. Law 475, 81st Cong., 2d Sess., sec. 503 (1) (Apr. 20, 1950); Titles VI and VII, Pub. Law 774, 81st Cong., 64 Stat. 812–822; secs. 501, 502 and 902, E. O. 10161, Sept. 9, 1950, 15 F. R. 6106; sec. 6 (p), Reg X, as amended, 15 F. R. 6817, 7831 (1950); 16 F. R. 308, 1586, 2078, 2575, 2969 (1951); HHFA CR 1, 16 F. R. 2231 (1951), as amended Apr. 10, 1951, 16 F. R. 3302; HHFA CR 2, 16 F. R. 2232 (1951), as amended Apr. 14, 1951, 16 F. R. 3303).

Effective as of the 14th day of April 1951.

[SEAL] RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 51–4442; Filed, Apr. 13, 1951; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6267]

J. B. MCCRARY ENGINEERING CORP.

NOTICE OF ORDER DISMISSING DECLARATION OF INTENTION

APRIL 10, 1951.

Notice is hereby given that, on April 10, 1951, the Federal Power Commission issued its order entered April 9, 1951, dismissing declaration of intention in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–4424; Filed, Apr. 13, 1951; 8:48 a. m.]

[1] See F. R. Doc. 51–4443, Title 32A—National Defense, Appendix, Chapter XVII—Housing and Home Finance Agency, *supra*.

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25998]

MALT LIQUORS AND CEREAL BEVERAGES FROM DULUTH, MINN., AND ST. LOUIS, MO., TO MICHIGAN AND WISCONSIN

APPLICATION FOR RELIEF

APRIL 11, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A–3789.

Commodities involved: Malt liquors, cereal or carbonated beverages, and mineral or spring water, carloads.

From: Duluth, Minn., to Nebraska and South Dakota, and from St. Louis, Mo., and East St. Louis, Ill., to Michigan (upper peninsula) and Wisconsin.

Grounds for relief: Market competition, competition with rail carriers, and to maintain grouping.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A–3789, Supp. 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51–4413; Filed, Apr. 13, 1951; 8:47 a. m.]

[4th Sec. Application 25999]

FERTILIZERS FROM NORFOLK, VA., TO PLYMOUTH, N. C.

APPLICATION FOR RELIEF

APRIL 11, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Atlantic Coast Line Railroad Company.

Commodities involved: Fertilizer and fertilizer materials, carloads.

From: Norfolk, Va.

To: Plymouth, N. C.

Grounds for relief: Circuitous routes and competition with water carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 975, Supp. 163.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51–4414; Filed, Apr. 13, 1951; 8:48 a. m.]

[4th Sec. Application 26000]

CRUDE SULPHUR FROM TEXAS AND LOUISIANA TO SOUTH ATLANTIC PORTS

APPLICATION FOR RELIEF

APRIL 11, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3862.

Commodities involved: Sulphur (brimstone), crude, carloads.

From: Texas producing points and Port Sulphur, La.

To: South Atlantic ports and certain adjacent points.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3862, Supp. 81.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a

hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51–4415; Filed, Apr. 13, 1951; 8:48 a. m.]

[4th Sec. Application 26001]

COAL FROM VIRGINIA AND WEST VIRGINIA TO BIRMINGHAM DISTRICT

APPLICATION FOR RELIEF

APRIL 11, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Virginian Railway Company for itself and on behalf of other carriers named in the application.

Commodities involved: Coal and coal briquettes, carloads.

From: Mines in Virginia and West Virginia.

To: Birmingham, Ala., district and Holt and Tarrant, Ala.

Grounds for relief: Circuitous routes and market competition.

Schedules filed containing proposed rates: Virginian Ry. tariff I. C. C. No. 2145, Supp. 82.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51–4416; Filed, Apr. 13, 1951; 8:48 a. m.]

[4th Sec. Application 26002]

BINDER TWINE FROM NEW ORLEANS, LA., TO KANSAS CITY

APPLICATION FOR RELIEF

APRIL 11, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Kansas City Southern Railway Company and Louisiana & Arkansas Railway Company.

Commodities involved: Twine, baler or binder, carloads.

From: New Orleans and Port Chalmette, La.

To: Kansas City, Mo.-Kans.

Grounds for relief: Competition with rail carriers and operation through higher-rated territory.

Schedules filed containing proposed rates: W. P. Emerson, Jr.'s tariff I. C. C. No. 285, Supp. 131.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51–4417; Filed, Apr. 13, 1951; 8:48 a. m.]

[4th Sec. Application 26003]

ALUMINA, CALCINED OR HYDRATED, FROM BAUXITE, ARK., TO MUSKOGEE, OKLA.

APPLICATION FOR RELIEF

APRIL 11, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3919.

Commodities involved: Alumina, calcined or hydrated, carloads.

From: Bauxite, Ark.

To: Muskogee, Okla.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3919, Supp. 36.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51–4418; Filed, Apr. 13, 1951; 8:48 a. m.]

[S. O. 874, General Permit 14]

CHICAGO, BURLINGTON & QUINCY RAILROAD CO. AND SCHREIBER MILLS, INC.

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Service Order No. 874 (16 F. R. 2040), permission is granted for Chicago, Burlington & Quincy Railroad Company, serving Schreiber Mills, Inc., at St. Joseph, Missouri, to disregard the provisions of Service Order No. 874 insofar as it applies to any car loaded with Animal Feed, containing 40 to 46 percent molasses in pellet form, by Schreiber Mills, Inc. when Schreiber Mills, Inc. advise that service would be denied because of its inability to meet the minimum requirements because the hygroscopic properties of the commodity make it unsalable when exposed.

The waybills shall show reference to this general permit and the Schreiber Mills, Inc. shall furnish the Permit Agent the dates shipped, car numbers, initials, weights and destinations of the cars shipped under this Permit, and car numbers, initials and weights of all cars of straight molasses feed in pellet form shipped. Such information to be furnished on the first of each month.

This general permit shall become effective at 12:01 a. m., April 10, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of April 1951.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 51–4419; Filed, Apr. 13, 1951; 8:48 a. m.]

[Rev. S. O. 874, Rev. General Permit 9]

DISTILLERS DRIED FEED AND/OR DISTILLERS SOLUBLES

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Service Order No. 874 (16 F. R. 2040), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act, to

disregard the provisions of Service Order No. 874 insofar as it applies to any car loaded with Distillers Dried Feed and/or Distillers Solubles because of the tendency of said commodities to heat, cake, and possible burning during summer months.

The waybills shall show reference to this general permit and any shipper of Distillers Dried Feed and/or Distillers Solubles shall furnish the Permit Agent the dates forwarded, car numbers, initials, weights, and destinations of the cars shipped under this permit, and also the car numbers, initials, and weights of all cars of Distillers Dried Feeds and/or Distillers Solubles shipped, such information to be furnished on the first of each month.

This general permit shall become effective at 12:01 a. m., April 10, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended, or revoked. This Revised General Permit vacates and supersedes General Permit No. 9 on the effective date hereof.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of April 1951.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 51-4421; Filed, Apr. 13, 1951; 8:48 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 46]

MERIDIAN AND BIGBEE RIVER RAILWAY CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Homer C. King, Agent, the Meridian and Bigbee River Railway Company, because of high water and floods, is unable to transport traffic routed over its lines. *It is ordered*, That:

(a) Rerouting Meridian and Bigbee River Railway Company traffic: The Meridian and Bigbee River Railway Company is hereby authorized and directed to reroute or divert traffic moving on its lines, routed via its lines, over any available route to expedite the movement; the billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 3:00 p. m., April 6, 1951.

(g) Expiration date: This order shall expire at 11:59 p. m., April 20, 1951, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement.

Issued at Washington, D. C., April 6, 1951.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 51-4420; Filed, Apr. 13, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1276]

BALDWIN SECURITIES CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of April A. D. 1951.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, 75 cents par value, of Baldwin Securities Corporation, a security listed and registered on the New York Curb Exchange and on the Philadelphia-Baltimore Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to May 1, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-4400; Filed, Apr. 13, 1951; 8:45 a. m.]

[File Nos. 54-51, 59-12]

NATIONAL POWER & LIGHT CO. ET AL.

ORDER EXTENDING TIME

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of April A. D. 1951.

National Power & Light Company ("National"), a registered holding company, having previously notified the Commission pursuant to paragraph (c) of Rule U-44 promulgated pursuant to the Public Utility Holding Company Act of 1935, of its intention to sell 30,000 shares of its holdings of the common stock of Pennsylvania Power & Light Company ("Pennsylvania") from time to time in the open market on the New York Stock Exchange at prices to be fixed by the Company; and

The Commission having previously determined, as set forth in the Commission's order entered February 2, 1951, that the proposed sale did not require the filing of a declaration with the Commission under the act, provided that if such stock were not sold by April 1, 1951, National should file a further notice with the Commission pursuant to Rule U-44 (c), which order also contained findings and recitations conforming to the applicable requirements of the Internal Revenue Code, as amended; and

National having advised the Commission that it has sold all of said 30,000 shares, with the exception of a balance of 6,100 shares, of the common stock of Pennsylvania, and National having requested that the Commission extend the time within which it might dispose of said remaining 6,100 shares for a period of 40 days from April 1, 1951, and having given notice of its intention to sell such shares in accordance with paragraph (c) of Rule U-44; and National having requested that the Commission enter an order containing specific findings and recitations pursuant to the Internal Revenue Code with respect to said 6,100 shares; and

It appearing to the Commission that the period within which such stock may be sold without the filing of said declaration may properly be extended for 40 days from April 1, 1951, and that the proposed sale does not appear to require the filing of a declaration under the act if completed within such period as so extended, and it appearing appropriate to the Commission that an order be entered with respect to said 6,100 shares containing findings and recitations conforming to the applicable requirements of the Internal Revenue Code, as amended;

It is ordered, That the time within which National Power & Light Company may dispose of its remaining holdings of common stock of Pennsylvania Power & Light Company, without the filing of a declaration, be and is hereby extended for a period of 40 days from April 1, 1951; and

It is further ordered and recited, That the sale and transfer by National Power & Light Company of 6,100 shares of common stock of Pennsylvania Power & Light Company is necessary or appropriate to the integration and simplification of the holding company system of which National Power & Light Company is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-4402; Filed, Apr. 13, 1951; 8:46 a. m.]

[File No. 70-2600]

NATIONAL FUEL GAS CO. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of April A. D. 1951.

In the matter of National Fuel Gas Company, United Natural Gas Company, Iroquois Gas Corporation, Pennsylvania Gas Company, file No. 70-2600.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by National Fuel Gas Company ("National"), a registered holding company, and its gas utility subsidiaries, United Natural Gas Company ("United"), Iroquois Gas Corporation ("Iroquois") and Pennsylvania Gas Company ("Pennsylvania"). Applicants-declarants designate sections 6, 7, 9 (a), 10, and 12 (f) of the act and Rule U-43 of the general rules and regulations promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 20, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application-declaration, as filed or as subsequently amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 20, 1951, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said joint application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

National has entered into a credit agreement with The Chase National Bank of the City of New York contemplating the issuance and sale by National to the bank, from time to time prior to December 31, 1951, of promissory notes in an aggregate amount not to exceed $11,000,000. National agrees to issue and sell $6,300,000 of such notes within ten days of receiving the order of this Commission permitting the transactions herein proposed, and to apply said $6,300,000 to the repayment without premium on the date of such sale of the promissory notes of National presently outstanding in the same aggregate amount and held by The Chase National Bank. National further agrees to issue and sell an additional $2,000,000 of such notes prior to July 1, 1951. All notes will bear interest at the rate of 2½ percent per annum and will be payable on or before July 1, 1952. National will apply the proceeds from the sale of the notes, other than the $6,300,000 previously mentioned, together with some treasury funds to purchase (a) installment promissory notes of Iroquois in an aggregate amount not to exceed $2,000,000; (b) to purchase installment promissory notes of Pennsylvania in an aggregate amount not to exceed $2,000,000; and (c) to purchase installment promissory notes of United in an aggregate sum not to exceed $1,000,000.

Iroquois has entered into a Credit Agreement with National, providing that Iroquois shall issue and sell to National from time to time during 1951 a series of installment promissory notes each in the principal amount of $100,000, with the aggregate principal amount not to exceed $2,000,000. Such notes will be unsecured, and the first note of the series will mature on June 1, 1953, and each succeeding note in the series will mature on June 1 of the calendar year following maturity date of the next prior note in the series. Each note will bear interest at the rate of 3 percent per annum. Iroquois will have the option to prepay any of said notes at any time, or from time to time, in whole or in part, without premium.

Iroquois proposes with the proceeds of the sale of such notes to provide its treasury with funds with which, together with certain funds becoming available from current operations, it will make additions to its utility plant in 1951, and with which additional working funds will be provided to increase its Materials and Supplies account, particularly for additional gas to be purchased and placed in storage.

Pennsylvania has entered into a Credit Agreement with National, providing that Pennsylvania will issue and sell to National from time to time during 1951 a series of installment promissory notes, each in the principal amount of $125,000, with the aggregate principal amount not to exceed $2,000,000. Such notes will be unsecured, and the first note of the series will mature on June 1, 1959, and each succeeding note in the series will mature on June 1 of the calendar year following the maturity date of the next prior note in the series. Each note will bear interest at the rate of 3 percent per annum. Pennsylvania will have the option to prepay any of said notes at any time, or from time to time, in whole or in part, without premium.

Pennsylvania proposes with the proceeds from the sale of such notes to provide its treasury with funds with which, together with certain funds becoming available from current operations, it will make additions to its utility plant in 1951, and with which additional working funds will be provided to enable it to purchase additional gas for underground storage.

United has entered into a Credit Agreement with National providing that United will issue and sell to National from time to time during 1951 a series of installment promissory notes, each in the principal amount of $100,000, with the aggregate principal amount not to exceed $1,000,000. Such notes will be unsecured, and the first note of the series will mature on June 1, 1953, and each succeeding note in the series will mature on June 1 of the calendar year following the maturity date of the next prior note commencing with 1953 until the entire series is paid. Each note will bear interest at 3 percent per annum. United will have the option to prepay any of said notes at any time, or from time to time, in whole or in part, without premium.

United proposes with the proceeds from the sale of such notes to provide its treasury with funds with which, together with certain funds becoming available from current operations, it will make additions to its utility plant in 1951, and with which additional working funds will be provided to purchase additional gas for underground storage.

The issuance and sale of the promissory notes by Pennsylvania and United are stated to be subject to the jurisdiction of the Pennsylvania Public Utility Commission. The issuance and sale of the promissory note by Iroquois is stated to be subject to the jurisdiction of the Public Service Commission of the State of New York.

It is stated to be the intention of National to finance the payment of any bank loans outstanding after the present period of large construction needs is over through the issuance and sale of common stock or long term debenture bonds or both, when and if conditions are favorable.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-4401; Filed, Apr. 13, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17595]

AARGAUISCHE HYPOTHEKENBANK

In re: Accounts maintained in the name of Aargauische Hypothekenbank, Brugg, Switzerland, and owned by persons whose names are unknown. F-63-904.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

(Accounts maintained in the name of Aargauische Hypothekenbank, Brugg, Switzerland)

Column I Name and address of institution which maintains account	Column II Designation of account
Swiss Bank Corp., 15 Nassau St., New York, N. Y.	Bank deposit, as described by Swiss Bank Corp. in its report on form OAP-700 bearing its serial No. 0038.

[F. R. Doc. 51-4378; Filed, Apr. 12, 1951; 8:50 a. m.]

[Vesting Order 17596]

BANQUE CANTONALE DE BERNE

In re: Accounts maintained in the name of Banque Cantonale de Berne, Berne, Switzerland, and owned by persons whose names are unknown. F-63-2951 (Berne).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administratered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

(Accounts maintained in the name of Banque Cantonale de Berne, Berne, Switzerland)

Column I Name and address of institution which maintains account	Column II Designation of account
The National City Bank of New York, 55 Wall St., New York 15, N. Y.	Banque Cantonale de Berne General Ruling No. 6 Account, Miscellaneous Portfolio of Bonds, as described by The National City Bank of New York in its report on form OAP-700, bearing its serial No. B 50.

[F. R. Doc. 51-4379; Filed, Apr. 12, 1951; 8:50 a. m.]

[Vesting Order 17597]

BANQUE CANTONALE DE SCHAFFHOUSE

In re: Accounts maintained in the name of Banque Cantonale de Schaffhouse, Schaffhouse, Switzerland, and owned by persons whose names are unknown. F-63-2264 (Schaffhouse).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

(Accounts maintained in the name of Banque Cantonale de Schaffhouse, Schaffhouse, Switzerland)

Column I Name and address of institution which maintains account	Column II Designation of account
1. Dominick & Dominick, 14 Wall St., New York 5, N. Y.	a. Banque Cantonale de Schaffhouse, Schaffhouse, General Ruling No. 6 Account, as described by Dominick & Dominick in its report on form OAP-700, bearing its serial No. 1. b. Banque Cantonale Schaffhouse, Switzerland, General Ruling No. 6 Account, as described by Dominick & Dominick in its report on form OAP-700, bearing its serial No. 2.
2. Brown Bros. Harriman & Co., 59 Wall St., New York 5, N. Y.	a. Bank Cantonale de Schaffhouse, Schaffhouse, General Ruling No. 6 Account, as described by Brown Bros. Harriman & Co. in its report on form OAP-700, bearing its serial No. 8. b. Banque Cantonale de Schaffhouse, Schaffhouse Ordinary Account, Blocked Account, and c. Banque Cantonale de Schaffhouse, Schaffhouse General Ruling No. 6 Account, as described by Brown Bros. Harriman & Co. in its report on form OAP-700, bearing its serial No. 9.

[F. R. Doc. 51-4380; Filed, Apr. 12, 1951; 8:51 a. m.]

[Vesting Order 17600]

BANQUE CANTONALE DE ZURICH

In re: Accounts maintained in the name of Banque Cantonale de Zurich, Zurich, Switzerland, and owned by persons whose names are unknown. F-63-2271.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the prop-

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erty described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

(Accounts maintained in the name of Banque Cantonale de Zurich, Zurich, Switzerland)

Column I: Name and address of institution which maintains account	Column II: Designation of account
1. Dominick & Dominick, 14 Wall St., New York 5, N. Y.	a. General Ruling No. 6 Account, as described by Dominick & Dominick in its report on form OAP–700, bearing its serial No. 3. b. Banque Cantonale de Zurich, Zurich, as described by Dominick & Dominick in its report on form OAP–700, bearing its serial No. 4.
2. Guaranty Trust Co. of New York, 140 Broadway, New York 15, N. Y.	a. Custody Safekeeping Account XC 10005, as described by the Guaranty Trust Co. of New York in its report on form OAP–700, bearing its serial No. CU 0016. b. General Ruling No. 6 Account, as described by the Guaranty Trust Co. of New York in its report on form OAP–700, bearing its serial No. FB 157.
3. The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	General Ruling No. 6 A/c, as described by The Chase National Bank of the City of New York in its report on form OAP–700, bearing its serial No. 214.

[F. R. Doc. 51–4381; Filed, Apr. 12, 1951; 8:51 a. m.]

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THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 16 1934 NUMBER 74

Washington, Tuesday, April 17, 1951

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

PART 664—TOBACCO

SUBPART—1950 TOBACCO LOAN PROGRAM

Set forth below are schedules of advance rates, by grades, for the 1950 crop of types 32 and 32b, Maryland tobacco in loose leaf form, under the tobacco loan program formulated by Commodity Credit Corporation and Production and Marketing Administration, published July 8, 1950 (15 F. R. 4333).

Sec.
664.235 1950 crop; Maryland tobacco, type 32, in loose leaf form; advance schedule.
664.236 1950 crop; Maryland tobacco, Type 32b, in loose leaf form; advance schedule.

AUTHORITY: §§ 664.235 and 664.236 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interprets or applies sec. 101, 63 Stat. 1051; 7 U. S. C. Sup., 1441.

§ 664.235 *1950 crop; Maryland tobacco, Type 32, in loose leaf form, advance schedule.*[1]

[Dollars per 100 pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
B1F	70.12	B4G	16.12
B2F	68.12	B5G	15.12
B3F	65.12	T3F	56.12
B4F	58.12	T4F	45.12
B5F	45.12	T5F	27.12
B1R	60.12	T3R	38.12
B2R	56.12	T4R	24.12
B3R	46.12	T5R	16.12
B4R	32.12	T4V	23.12
B5R	22.12	T5V	15.12
B3V	46.12	T4D	15.12
B4V	37.12	T5D	14.12
B5V	23.12	T4G	15.12
B3D	28.12	T5G	14.12
B4D	18.12	C1L	73.12
B5D	15.12	C2L	72.12
B3G	24.12	C3L	68.12
C4L	65.12	X4F	56.12
C5L	58.12	X5F	43.12
C1F	74.12	X1R	65.12
C2F	73.12	X2R	63.12
C3F	71.12	X3R	57.12
C4F	68.12	X4R	42.12
C5F	61.12	X5R	26.12
C1R	70.12	X3V	46.12
C2R	68.12	X4V	36.12
C3R	66.12	X5V	25.12
C4R	60.12	X3D	36.12
C5R	48.12	X4D	24.12
C3V	60.12	X5D	15.12
C4V	55.12	X3G	28.12
C5V	40.12	X4G	20.12
C3D	48.12	X5G	14.12
C4D	39.12	P3L	52.12
C5D	23.12	P4L	38.12
C3G	38.12	P5L	22.12
C4G	28.12	P3F	50.12
C5G	16.12	P4F	36.12
X1L	70.12	P5F	20.12
X2L	68.12	P3R	34.12
X3L	65.12	P4R	22.12
X4L	58.12	P5R	16.12
X5L	46.12	N1L	15.12
X1F	70.12	N1D	14.12
X2F	68.12	N1G	14.12
X3F	64.12		

§ 664.236 *1950 crop; Maryland tobacco, Type 32b, in loose leaf form, advance schedule.*[1]

[Dollars per 100 pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
B1F	49.12	T4D	10.12
B2F	48.12	T5D	10.12
B3F	45.12	T4G	10.12
B4F	41.12	T5G	10.12
B5F	31.12	C1L	51.12
B1R	42.12	C2L	50.12
B2R	39.12	C3L	48.12
B3R	32.12	C4L	45.12
B4R	22.12	C5L	41.12
B5R	15.12	C1F	52.12
B3V	32.12	C2F	51.12
B4V	26.12	C3F	50.12
B5V	16.12	C4F	48.12
B3D	20.12	C5F	43.12
B4D	13.12	C1R	49.12
B5D	10.12	C2R	48.12
B3G	17.12	C3R	46.12
B4G	11.12	C4R	42.12
B5G	10.12	C5R	34.12
T3F	39.12	C3V	42.12
T4F	31.12	C4V	38.12
T5F	19.12	C5V	28.12
T3R	27.12	C3D	34.12
T4R	17.12	C4D	27.12
T5R	11.12	C5D	16.12
T4V	16.12	C3G	27.12
T5V	10.12	C4G	20.12

[1] The Cooperative Association through which the loans are made is authorized to deduct from the amount paid to growers 12 cents per hundred pounds to apply against receiving and overhead costs to the Association of the loan operation. Tobacco can be placed under loan only by the original producer. No advance is authorized for tobacco graded W (unsafe keeping order), U (unsound), DAM (damaged), N2L, N2D, N2G, or N–K.

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FEDERAL REGISTER

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[Dollars per 100 pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
C5G	11.12	X2R	44.12
X1L	49.12	X3R	40.12
X2L	48.12	X4R	29.12
X3L	45.12	X5R	18.12
X4L	41.12	X3V	32.12
X5L	32.12	X4V	25.12
X1F	49.12	X5V	17.12
X2F	48.12	X3D	25.12
X3F	45.12	X4D	17.12
X4F	39.12	X5D	10.12
X5F	30.12	X3G	20.12
X1R	45.12	X4G	14.12

[Dollars per 100 pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
X5G	10.12	P3R	24.12
P3L	36.12	P4R	15.12
P4L	27.12	P5R	11.12
P5L	15.12	N1L	10.12
P3F	35.12	N1D	10.12
P4F	25.12	N1G	10.12
P5F	14.12		

Issued this 12th day of April 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-4501; Filed, Apr. 16, 1951; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, JEFFERSON, KLAMATH, AND LAKE IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

EXEMPTION CERTIFICATES AND SAFEGUARDS

A notice of proposed rule making regarding rules and regulations for the issuance of exemption certificates and the establishment of safeguards, to be made effective under Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR Part 959) regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in the State of Oregon, and Modoc and Siskiyou in the State of California, was published in the FEDERAL REGISTER (16 F. R. 1680). This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the Oregon-California Potato Committee, established pursuant to said marketing agreement and order, the following rules and regulations are hereby approved, and such rules and regulations supersede the exemption rules and regulations heretofore issued under Order No. 59 and currently in effect, and such prior rules and regulations are hereby terminated and revoked as of the effective date of the rules and regulations hereinafter set forth.

Sec.
959.100 General.
959.101 Definitions.
959.102 Area determinations.
959.103 Exemption certificates.
959.104 Safeguards for special purpose shipments.

AUTHORITY: §§ 959.100 to 959.104 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 959.100 *General.* Unless otherwise provided in the marketing agreement and order, or by specific direction of the committee, all reports, applications, submittals, requests, and communications in connection with the marketing agreement and order shall be addressed to the committee at its principal office.

§ 959.101 *Definitions.* For the purpose of §§ 959.100 to 959.104, "agreement" means Marketing Agreement No. 114 and "order" means Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in Oregon, and Modoc and Siskiyou in California, and the terms used in such sections shall have the meanings set forth in said agreement and order.

§ 959.102 *Area determinations.* "Immediate production area" and "immediate shipping area", respectively, are synonymous with "district."

§ 959.103 *Exemption certificates*—(a) *Application.* Any producer or handler applying for exemption from regulations issued pursuant to § 959.4 shall file such application with the committee, or its duly designated agent for such purpose, on forms to be furnished by the committee. Each application shall state (1) the name and address of the applicant, (2) the grade, size, and quality regulations from which exemption is requested, and (3) facts demonstrating that the potatoes, for which exemption is requested, were adversely affected by acts beyond the applicant's reasonable expectation and control. In addition, producer applications shall set forth the information required by subparagraphs (1), (2), (3) and (4) of this paragraph; and handler applications by subparagraphs (5), (6), (7) and (8) of this paragraph; and all applications shall set forth such additional information as the committee may find necessary in making determinations with respect to such applications.

(1) The location of the applicant's farm or ranch, and the field or storage facility where the applicant's potato crop may be inspected;

(2) The applicant's acreage and production of potatoes for the current season, varieties produced, and the quantity of each variety stated in terms of hundredweights, grades, and sizes;

(3) An estimate of the percentage of such applicant's potato crop which cannot be shipped because of regulations issued and in effect pursuant to § 959.4, stated in terms of varieties, grades, and sizes;

(4) A statement of the amount of the applicant's potato crop (i) which has been sold during the current marketing season, and (ii) remaining to be sold, each stated in terms of varieties, hundredweights, grades, and sizes;

(5) The quantity of potatoes acquired by the applicant during and immediately following the digging season and stored, stated in terms of varieties, hundredweights, grades, and sizes;

(6) The location of the cellar, warehouse, or other storage facility where such potatoes are stored;

(7) An estimate of the percentage of the applicant's holdings of ungraded potatoes which cannot be shipped because of a regulation issued and in effect pursuant to § 959.4, stated in terms of varieties, grades, and sizes; and

(8) A statement of the total amount of potatoes referred to in subparagraph (5) of this paragraph which have been sold by the applicant during the current marketing season and the total amount of such potatoes remaining to be sold, each in terms of varieties, hundredweights, grades, and sizes.

(b) *Investigation of applications.* (1) Each exemption application filed with the committee shall be accompanied by the applicant's certified statement setting forth the total quantity of such applicant's potatoes which have been graded; the quantity of such potatoes which are culls; the quantity of such potatoes which meet regulatory requirements in effect on the date of the application; and the quantity of such potatoes (exclusive of culls) which fail to meet such requirements on such date. Such certified statement shall be based upon the actual packout or grading of such potatoes. The committee, or any specifically authorized representative thereof, including a Federal-State inspector, may make such further investigations deemed necessary by the committee to verify the foregoing statements, and the cost of any such Federal-State inspection shall be borne by the applicant for exemption. If more than one exemption certificate is issued to an applicant during a marketing season, the total quantity of potatoes authorized to be shipped by such certificates shall not exceed the proportion specified in paragraph (c) of this section.

(2) The committee shall keep account of the exemptions issued to applicants in those cases where the exemption certificate covers only a portion of the applicant's production or storage holdings. The quantity of potatoes exempted, if computed on a part of an applicant's production or storage holdings, shall be taken into consideration prior to issuing any future exemptions on the remainder of such applicant's production or storage holdings and shall be computed as part of the exemptions granted to such applicant during the then current season.

(3) In any case where the committee feels that the total quantity of graded potatoes referred to in subparagraph (1) of this paragraph is not representative of the applicant's entire production or ungraded storage holdings, the committee may require the exemption application to be accompanied by a report of a Federal-State inspector, which report shall contain the following:

(i) A statement by the inspector that he personally visited the farm, ranch, cellar, warehouse, or storage facility described in the application, and that a representative sample of the potatoes remaining therein or contained thereon was taken by him;

(ii) A statement of the percentage of the potatoes sampled by him which meet the grade, size, and quality requirements of regulation then in effect;

(iii) A statement of the defects or damage causing such potatoes to fail to meet such grade, size, and quality requirements. In the event that different regulations are in effect for different varieties of potatoes, the inspector's report shall show such percentages for each variety separately. The cost of the above inspection shall be borne by the applicant for exemption. The committee, or any specifically authorized representative thereof, may make such investigations as is deemed necessary to determine whether the exemption requested should be granted.

(c) *Issuance of certificate.* (1) Whenever the committee finds and determines, from proof satisfactory to the committee, that the applicant is entitled to an exemption certificate, the committee shall issue or authorize the issuance of an exemption certificate, which shall authorize the applicant to ship, or cause to be shipped, such quantity of potatoes which fail to meet the minimum grade, size, and quality requirements in effect at the time thereof as is authorized by § 959.4 (g).

(2) The manager of the committee, or any employee authorized by him may issue exemption certificates for and on behalf of the committee: *Provided*, That the committee shall have first determined the "average proportions" or percentages referred to in § 959.4 (g).

(3) If it is determined that an applicant is not entitled to an exemption certificate, the applicant shall be so advised in writing and given the reasons therefor.

(4) Each certificate of exemption issued as provided in this section shall contain the producer's or handler's name and address; the location of his farm or ranch, or, in the case of a handler, the location of his cellar, warehouse or storage facility with respect to which the exemption is granted; the particular grade, size, and quality regulations from which exemption is granted; the amount of potatoes which may be shipped by virtue of such exemption; and such other information as may be necessary to evidence the rights of the producer or handler to ship potatoes which do not meet the requirements of particular grade, size, and quality regulations. Each certificate of exemption shall be transferable, in whole or in part, with the potatoes in accordance with the amount of potatoes transferred.

(d) *Reports and records.* For the purpose of enabling the committee to perform its functions, pursuant to the provisions of this part, each handler shall report shipments under exemption certificates to the committee in such form and at such times and substantiated in such manner as shall be prescribed by the committee. All forms, reports, correspondence and documents used, pursuant to this subpart, shall be kept on file by the committee and records thereof shall be maintained by the manager of the committee. A record of all exemption certificates issued (if any) shall be furnished weekly by the manager to the Secretary of Agriculture.

§ 959.104 *Safeguards for special purpose shipments*—(a) *Application for Certificates of Privilege.* (1) All handlers desiring to make shipments of potatoes for the following purposes shall, when such shipments are regulated pursuant to § 959.5, obtain from the committee prior to initiating such shipments, a Certificate or Certificates of Privilege permitting such shipments:

(i) Grading or storing in the production area;

(ii) Export;

(iii) Distribution by relief agencies or consumption by charitable institutions;

(iv) Manufacture or conversion into specified products or by-products;

(v) Livestock feed.

(2) Handlers desiring to make shipments of seed potatoes may be required to first apply to the committee for and obtain a Certificate or Certificates of Privilege permitting such shipments.

(3) Applications for Certificates of Privilege shall be made on forms furnished by the committee. Each application shall contain the name and address of the handler, the quantity of potatoes to be shipped, name of the consignee, destination, certification as to correctness of statements made, a statement that the applicant will comply with disposition stated therein, and such other information or documents as the committee may require in safeguarding against the entry of such potatoes into trade channels other than those for which the Certificate or Certificates of Privilege were granted.

(b) *Reports.* Each handler shipping potatoes for any purpose set forth in paragraph (a) of this section shall supply the committee with a report thereon showing the name and address of the shipper, car or truck number, Federal-State Inspection Certificate number (if such inspection is required by regulation at time of such shipment), loading point, destination, and consignee.

(c) *Denial and appeals.* The committee may rescind a Certificate, or Certificates of Privilege, issued to a handler pursuant to this section, or deny Certificates of Privilege to a handler, upon proof satisfactory to the committee that such handler has shipped potatoes contrary to the provisions of this section. Such committee action denying a Certificate or Certificates of Privilege shall apply to and not exceed a reasonable period of time as determined by the committee. Any handler who has been denied a Certificate of Privilege, or who has had a Certificate of Privilege rescinded, may appeal to the committee for reconsideration. Such appeal shall be in writing.

It is hereby found that it is impracticable and contrary to the public interest to give 30-day notice of the effective date of this subpart in that (a) shipments of potatoes from the production area are now being made and have been taking place since the beginning of harvest for the 1950 crop year; (b) more orderly marketing in the public interest than would otherwise prevail will be promoted by effectuating the rules and regulations hereinafter set forth on and after the effective date of this subpart; (c) compliance with the rules and regulations will require no preparation on the part of producers and handlers which cannot be completed by the effective date of this subpart; (d) notice has been given of the proposed rules and regulations by publication thereof as required by law (16 F. R. 1680); and (e) the rules and regulations should be approved upon publication of this subpart in order to effectuate the declared policy of the act.

Done at Washington, D. C., this 12th day of April 1951, to be effective upon the publication hereof in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4507; Filed, Apr. 16, 1951; 8:52 a. m.]

[Orange Reg. 367]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.513 *Orange Regulation 367*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on April 12, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., April 15, 1951, and ending at 12:01 a. m., P. s. t., April 22, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: 3 carloads;

(*b*) Prorate District No. 2: No movement;

(*c*) Prorate District No. 3: 80 carloads;

(*d*) Prorate District No. 4: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 1,200 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of April 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Apr. 15, 1951, to 12:01 a. m., P. s. t., Apr. 22, 1951]

VALENCIA ORANGES

Prorate District No. 1

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Lindsay	2.2564
A. F. G. Porterville	1.7771
Ivanhoe Cooperative Association	.5290
Sandilands Fruit Co.	.6797
Doffemyer & Son, W. Todd	.4230
Earlibest Orange Association	1.5825
Elderwood Citrus Association	.9132
Exeter Citrus Association	2.2656
Exeter Orange Growers Association	.6356
Hillside Packing Association	2.4302
Ivanhoe Mutual Orange Association	1.0054
Klink Citrus Association	4.4255
Lemon Cove Association	1.5333
Lindsay Citrus Growers Association	3.2556
Lindsay Cooperative Citrus Association	1.9670
Lindsay Fruit Association	2.4114
Lindsay Orange Growers Association	1.0018
Orange Cove Citrus Association	3.0416
Orange Packing Co.	.8546
Orosi Foothill Citrus Association	1.4614
Paloma Citrus Fruit Association	.5642
Rocky Hill Citrus Association	2.7677
Sanger Citrus Association	2.0804
Sequoia Citrus Association	.8761
Stark Packing Corp.	4.5772
Visalia Citrus Association	2.8426
Waddell & Son	2.4072
Baird-Neece Corp.	2.0472
Beattie Association, D. A.	.2276
Grand View Heights Citrus Association	4.6162
Magnolia Citrus Association	2.8697
Porterville Citrus Association, The	.9062
Richgrove-Jasmine Citrus Association	1.5468
Strathmore Cooperative Association	3.1593
Strathmore District Orange Association	1.1287
Strathmore Fruit Growers Association	1.2820
Strathmore Packing House Co.	1.3987
Sunflower Packing Association	2.5447
Sunland Packing House Co.	3.7255
Tule River Citrus Association	.8017
La Verne Cooperative Citrus Association	.1238
Lindsay Mutual Groves	1.9170
Martin Ranch	.9490
Orange Cove Orange Growers	1.9489
Webb Packing Co., Inc.	.2650
Woodlake Packing House	1.2391
Anderson Packing Co., R. M.	.8235
Baker Bros.	.9105
California Citrus Groves, Inc., Ltd.	2.3175
Campbell, Ralph D. & P. Agnes	.0350
Darby, Fred J.	.1787
Far West Produce Distributors	.6545
Foran, Pat	.1296
Harding & Leggett	2.4335
Independent Growers, Inc.	1.9194
Kim, Chas. N.	.0048
Kroells Packing Co.	2.1160
Lo Bue Bros.	.8123
Maas, W. A.	.0718
Marks, W. & M.	.2151
Powell, John W.	.0350
Randolph Marketing Co.	2.4531
Reimers, Don H.	.1453
Schilling, Joseph	.1403
Sky Acres Ranch	.1956
Smith, E. L.	.0224
Woodlake Heights Packing Corp.	.5536
Zaninovich Bros., Inc.	.5081

Prorate District No. 3

Total	100.0000
A. F. G. Vernon	.1698
Allen & Allen Citrus Packing Co.	1.0826
Consolidated Citrus Growers	12.7372
McKellips Citrus Co., Inc.	8.6447
Phoenix Citrus Packing Co.	1.8417
Arizona Citrus Growers	12.3840
Chandler Heights Citrus Growers	2.0953
Desert Citrus Growers Co.	7.0292

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 3—Continued

Handler	Prorate base (percent)
Mesa Citrus Growers	14.7019
Tempe Citrus Co	2.0296
Imperial Valley Grapefruit Growers Association	1.1194
Redlands Heights Groves	.0353
Southern Citrus Association	1.9060
United Citrus Growers	1.3401
Yuma Mesa Fruit Growers	5.9482
Leppla-Henry Produce Co	7.1163
Maricopa Citrus Co	1.0212
Pioneer Fruit Co	5.0764
Clark & Sons Produce Co., J. H	.3343
Commercial Citrus Packing Co	1.0929
Hi Jolly Citrus Packing House	.3936
Hill Packing House, Fred A	.1529
Ishikawa, Paul	.0533
Macchiaroli Fruit Co., James	1.0357
Mattingly, Charles A	.2924
Messina & Sons, Mike	.0713
Orange Belt Fruit Distributors	2.1038
Panno Fruit Co., Carlo	.3556
Paramount Citrus Association, Inc	.0349
Potato House, The	.2526
Russo Bros	1.3894
Sharp Co., K. K	.2421
Sunny Valley Citrus Packing Co	3.1031
Terracciano Fruit Co	.2643
Valley Citrus Packing Co	2.5437

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.2530
A. F. G. Corona	.2493
A. F. G. Fullerton	.0000
A. F. G. Orange	.0000
A. F. G. Riverside	.6266
A. F. G. Santa Paula	.0444
Badington Fruit Co., Inc	.1738
Hazeltine Packing Co	.0455
Krinard Packing Co	1.6273
Placentia Cooperative Orange Association	1.0061
Placentia Pioneer Valencia Growers Association	.0589
Signal Fruit Association	.6823
Azusa Citrus Association	1.6671
Covina Citrus Association	2.4657
Covina Orange Growers Association	.6128
Damerel-Allison Co	1.3289
Glendora Citrus Association	1.6666
Glendora Mutual Citrus Association	.7567
Puente Mutual Citrus Association	.0555
Valencia Heights Orchard Association	.2453
Cold Buckle Association	2.9103
La Verne Orange Association	4.5080
Anaheim Valencia Orange Association	.0000
Fullerton Mutual Orange Association	.0000
La Habra Citrus Association	.0000
Yorba Linda Citrus Association, The	.0000
Escondido Orange Association	.0000
Alta Loma Heights Citrus Association	.3463
Citrus Fruit Growers	1.0984
Etiwanda Citrus Fruit Association	.1672
Mountain View Fruit Association	.1785
Old Baldy Citrus Association	.4437
Rialto Heights Orange Growers	.3067
Upland Citrus Association	3.1535
Upland Heights Orange Association	1.4745
Consolidated Orange Growers	.0000
Garden Grove Citrus Association	.0293
Goldenwest Citrus Association, The	.0000
Olive Heights Citrus Association	.0000
Santiago Orange Growers Association	.0000

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Villa Park Orchards Association, The	0.0000
Bradford Bros., Inc	.0000
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.0000
Yorba Orange Growers Association	.0000
Call Ranch	.7903
Corona Citrus Association	1.1269
Jameson Co	.7301
Orange Heights Orange Association	2.9246
Crafton Orange Growers Association	.9652
East Highlands Citrus Association	.3174
Redlands Heights Groves	.7027
Redlands Orangedale Association	.7385
Rialto-Fontana Citrus Association	.4693
Break & Son, Allen	.1786
Bryn Mawr Fruit Growers Association	.6901
Mission Citrus Association	1.0058
Redlands Cooperative Fruit Association	1.4011
Redlands Orange Growers Association	.8604
Redlands Select Groves	.4013
Rialto Orange Co	.4521
Southern Citrus Association	.5833
United Citrus Growers	.6021
Zilen Citrus Co	.1883
Arlington Heights Citrus Co	.8606
Brown Estate, L. V. W	1.7328
Gavilan Citrus Association	2.6498
Highgrove Fruit Association	.5368
McDermont Fruit Co	1.6565
Monte Vista Citrus Association	1.4079
National Orange Co	1.0974
Riverside Heights Orange Growers Association	.8800
Sierra Vista Packing Association	.7396
Victoria Avenue Citrus Association	3.0177
Claremont Citrus Association	1.1353
College Heights Orange & Lemon Association	2.2072
Indian Hill Citrus Association	1.6458
Pomona Fruit Growers Exchange	1.8750
Walnut Fruit Growers Association	.7908
West Ontario Citrus Association	1.3685
El Cajon Valley Citrus Association	.0000
Escondido Cooperative Citrus Association	.0000
San Dimas Orange Growers Association	1.3421
Canoga Citrus Association	.4060
North Whittier Heights Citrus Association	.2001
San Fernando Heights Orange Association	.3863
Sierra Madre-Lamanda Citrus Association	.1384
Camarillo Citrus Association	.0113
Fillmore Citrus Association	.5397
Ojai Orange Association	.0864
Piru Citrus Association	.8683
Rancho Sespe	.0008
Tapo Citrus Association	.0094
Ventura County Citrus Association	.0869
East Whittier Citrus Association	.0085
Murphy Ranch Co	.0000
Anaheim Cooperative Orange Association	.0000
Bryn Mawr Mutual Orange Association	.5591
Chula Vista Mutual Lemon Association	.0407
Euclid Avenue Orange Association	2.7309
Foothill Citrus Union, Inc	.4688
Garden Grove Orange Cooperative, Inc	.0000
Golden Orange Groves, Inc	.2776
Highland Mutual Groves	.0000

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Index Mutual Association	0.0000
La Verne Cooperative Citrus Association	3.9234
Mentone Heights Association	.6499
Olive Hillside Groves, Inc	.0039
Orange Cooperative Citrus Association	.0090
Redlands Foothill Groves	1.8838
Redlands Mutual Orange Association	.8078
Ventura County Orange and Lemon Association	.4598
Whittier Mutual Orange and Lemon Association	.0000
Allec Bros	.0048
Babijuice Corp of California	.3484
Banks, L. M	.0125
Becker, Samuel Eugene	.0204
Bennett Fruit Co., Inc	.3946
Bock, Maynard C	.0003
Borden Fruit Co	.0000
Cherokee Citrus Association	.6823
Chess Co., Meyer W	.3792
Christian, Guy	.0025
Dozier, Paul M	.0039
Dunning Ranch	.1766
Evans Bros. Packing Co	1.0441
Gold Banner Association	1.6945
Granada Hills Packing Co	.0000
Granada Packing House	.0969
Hill Packing Co., Fred A	.6761
Holland, M. J	.0221
Knapp Packing Co., John C	.1342
Orange Belt Fruit Distributors	2.5770
Orange Hill Groves	.0189
Panno Fruit Co., Carlo	.0344
Paramount Citrus Association, The	.0873
Placentia Orchard Co	.0000
Prescott, John A	.0000
Pulos, James J	.0378
Redlands Fruit Association, Inc	.0158
Riverside Citrus Association	.1212
Ronald, P. W	.0531
San Antonio Orchard Co	2.4925
Stephens, T. F	.1993
Summit Citrus Packers	.0588
Wall, E. T., Grower-Shipper	2.4327
Western Fruit Growers, Inc	3.3787

[F. R. Doc. 51-4537; Filed, Apr. 13, 1951; 12:46 p. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 105—HEAD TAX

EXEMPTION

MARCH 2, 1951.

Effective as of July 13, 1950, paragraph (r) of § 105.3 of Chapter I, Title 8 of the Code of Federal Regulations, is amended so that when taken with the introductory sentence it will read as follows:

§ 105.3 *Aliens not subject to head tax.* The head tax shall not be levied upon the following classes of aliens:

* * * * * * *

(r) *Eligible displaced persons, eligible displaced orphans, persons of German ethnic origin, and adopted children.* Eligible displaced persons and eligible displaced orphans as defined in sections 2 (c), 2 (d), 2 (e), and 2 (g) of the Displaced Persons Act of 1948, as amended, and persons of German ethnic origin and the adopted children of American citizens who qualify for admission under sections 12 (a) and 12 (c), respectively, of the Displaced Persons Act of 1948, as amended.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. and Sup. 102, 222, 458. Interprets or applies sec. 5, 62 Stat. 1011, sec. 10, Pub. Law 555, 81st Cong.; 50 U. S. C. App. Sup., 1954)

The amendatory regulation prescribed by this order is necessary to carry out the amendment to the Displaced Persons Act of 1948 made by section 10 of Public Law 555, 81st Congress, which was approved on June 16, 1950, and which became effective on that date. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable and unnecessary because the amendatory regulation prescribed by this order merely recognizes a statutory exemption, which is clearly advantageous to persons affected thereby.

A. R. MACKEY,
Acting Commissioner,
Immigration and Naturalization.

Approved: April 10, 1951.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 51-4479; Filed, Apr. 16, 1951; 8:49 a. m.]

PART 170—REGISTRATION AND FINGERPRINTING OF ALIENS IN ACCORDANCE WITH THE ALIEN REGISTRATION ACT, 1940

REPLACEMENT OF ALIEN REGISTRATION RECEIPT CARDS

MARCH 19, 1951.

Section 170.9 of Chapter I, Title 8 of the Code of Federal Regulations, is amended to read as follows:

§ 170.9 *Issuance of new alien registration receipt card in changed name, or in lieu of one lost, mutilated, destroyed, or on Form AR-3 or AR-103.* (a) Any alien lawfully admitted to the United States for permanent residence whose name has been changed after registration by order of court or by marriage, or whose alien registration receipt card has been lost, mutilated, or destroyed, or who is in possession of a receipt card that does not constitute prima-facie evidence of his lawful admission for permanent residence (Forms AR-3 and AR-103), may apply for a new receipt card. Application therefor shall be made under oath or affirmation on Form AR-16. If the alien is less than fourteen years of age, the application shall be made by his parent or guardian. If no parent or guardian is available, the matter shall be reported to the district director having jurisdiction over the case for instructions concerning the procedure to be followed in replacing the original receipt card.

(b) The application shall be submitted to the appropriate Immigration and Naturalization Service field office as required by § 60.30 (a) of this chapter, and shall be accompanied by two photographs of the alien which shall meet the specifications prescribed therefor by § 364.1 of this chapter, by a fee of one dollar in accordance with section 342 (b) (8) of the Nationality Act of 1940, remitted as required by § 60.30 (b) of this chapter and, if the application is for the issuance of a receipt card in a changed name, by appropriate documentary evidence of such change. If the applicant is in possession of a mutilated receipt card, a Form AR-3 or AR-103 receipt card, or an immigrant identification card, the same must be surrendered before a new receipt card is issued.

(c) When an application for a new receipt card is received, an investigation shall, if necessary, be conducted by an officer of the Immigration and Naturalization Service for the purpose of determining whether or not the application should be granted. The officer considering the case shall submit a report in writing to the district director for consideration and decision on the application.

(d) Upon consideration of the application and record, the district director may, if satisfied that the applicant's name has been changed after registration by order of court or by marriage, or that the original receipt card has been lost, mutilated, destroyed, or was issued on Form AR-3 or AR-103 for which a replacement is desired, and that the applicant has been lawfully admitted for permanent residence, issue a new receipt card on Form I-151, which shall be mailed to the alien. Form I-151 shall be utilized as the new receipt card notwithstanding that the card which is alleged to be lost, mutilated, destroyed, or for which a replacement is desired, was issued originally on Form AR-3 or AR-103. The district director shall place thereupon the proper registration number, affix the alien's photograph, and mark the form to show that it is a duplicate of an original receipt card which has been lost, mutilated, destroyed, or surrendered. The new receipt card on Form I-151 shall be mailed by the district director directly to the alien or, if the alien is less than fourteen years of age, to his parent or guardian. If the district director is satisfied that a new receipt card should not be issued, he shall deny the application and take whatever action is deemed appropriate under existing laws and regulations. Upon denial of any application, the fee accompanying the application shall be refunded to the applicant.

(e) An alien seaman who has been admitted to the United States as a nonimmigrant under the provisions of section 3 (5) of the Immigration Act of 1924, has remained for 30 days or more, has been registered and fingerprinted, and whose alien registration receipt card (Seaman Form AR-103-S) has been lost, mutilated, or destroyed, shall be reregistered and given a new receipt card. A mutilated receipt card must be surrendered before a new receipt card is issued.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458)

A. R. MACKEY,
Acting Commissioner,
Immigration and Naturalization.

Approved: April 10, 1951.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 51-4480; Filed, Apr. 16, 1951; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7, Amdt. 69]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13-1 is amended as follows:

The Matagorda Island, Texas, area, published on April 21, 1949, in 14 F. R. 1913, and revised on November 10, 1950, in 15 F. R. 7543, is further revised by adding the following:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
MATAGORDA ISLAND (San Antonio Chart).	Area III: Beginning at lat. 28°14'30" N, long. 96°36'00" W; southwesterly along the off-shoreline of Matagorda Island to lat. 28°03'30" N, long. 96°51'30" W; northeasterly along the in-shoreline of Matagorda Island to lat. 28°15'30" N, long. 96°37'00" W; SE. to lat. 28°14'30" N, long. 96°36'00" W, point of beginning.	Surface to 20,000 feet.	Daylight hours, 7 days a week.	8th Air Force, Carswell AFB, Fort Worth, Tex.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on April 13, 1951.

[SEAL] J. S. MARRIOTT,
Acting Administrator
of Civil Aeronautics.

[F. R. Doc. 51-4479; Filed, Apr. 16, 1951; 8:47 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 45]

PART 600—DESIGNATION OF CIVIL AIRWAYS

MISCELLANEOUS AMENDMENTS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the

Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 600 is amended as follows:

1. Section 600.107 Amber civil airway No. 7 is amended by changing caption to read: "*Amber civil airway No. 7 (Key West, Fla., to U. S.-Canadian Border)*" and by changing last phrase to read: "Presque Isle, Maine, radio range station via a direct line between the Presque Isle, Maine, radio range station and the Mont Joli, Quebec, Canada, radio range station to the U. S.-Canadian Border."

2. Section 600.222 Red civil airway No. 22 is amended by changing caption to read: "*Red civil airway No. 22 (Mount Clemens, Mich., to Rochester, N. Y.)*" and by adding a first sentence to read: "From the Mount Clemens, Mich., Selfridge AFB radio range station to the intersection of the southeast course of the Selfridge AFB radio range and the west course of the Clear Creek, Ont., Canada, radio range, excluding the portion which lies outside the continental United States."

3. Section 600.617 *Blue civil airway No. 17 (Bangor, Maine, to Presque Isle, Maine)*, is amended by changing last portion to read: "the intersection of the north course of the Houlton, Maine, radio range and the southeast course of the Presque Isle, Maine, radio range via the Presque Isle, Maine, radio range station to the Municipal Airport, Caribou, Maine, excluding that portion which lies outside the continental United States."

4. Section 600.681 Blue civil airway No. 81 is amended by changing caption to read: "*Blue civil airway No. 81 (Charleston, W. Va., to U. S.-Canadian Border)*" and by adding a last phrase to read: "from the intersection of the east course of the Cleveland, Ohio, radio range and the southeast course of the Sarnia, Ontario, Canada, radio range to the intersection of the southeast course of the Sarnia, Ontario, Canada, radio range with the U. S.-Canadian Border."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment will become effective 0001 e. s. t. April 17, 1951.

J. S. MARRIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-4509; Filed, Apr. 16, 1951; 8:53 a. m.]

[Amdt. 48]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

MISCELLANEOUS AMENDMENTS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 601 is amended as follows:

1. Section 601.13 is amended to read:

§ 601.13 *Green civil airway No. 3 control areas (San Francisco, Calif., to Boston, Mass.).* All of Green civil airway No. 3 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Fort Bridger, Wyo., omnirange station to the Rock Springs, Wyo., omnirange station via the direct en route and 15° north altitude change radials; from the Rock Springs, Wyo., omnirange station to the Cherokee, Wyo., omnirange station via the direct en route and 15° north altitude change radials; from the Cherokee, Wyo., omnirange station to the Rock River, Wyo., omnirange station via the direct en route and 15° north altitude change radials; from the Rock River, Wyo., omnirange station to the Cheyenne, Wyo., omnirange station via the direct en route and 15° north altitude change radials and from the Rock River, Wyo., omnirange station to the Laramie, Wyo., omnirange station via the direct en route radials; from the Laramie, Wyo., omnirange station to the Cheyenne, Wyo., omnirange station via the direct en route radials; Cheyenne, Wyo., omnirange station to the Sidney, Nebr., omnirange station via the direct en route and 15° north altitude change radials; from the Sidney, Nebr., omnirange station to the North Platte, Nebr., omnirange station via the direct en route and 15° north altitude change radials; North Platte, Nebr., omnirange station to the Grand Island, Nebr., omnirange station via the direct en route and 15° north altitude change radials; from the Grand Island, Nebr., omnirange station to the Omaha, Nebr., omnirange station via the direct en route radials, including all that area bounded on the north by Green civil airway No. 3 on the south by the Grand Island-Omaha direct en route radials and on the east by Amber civil airway No. 4. From the Chicago Heights, Ill., omnirange station to the intersection of the Chicago Heights omnirange 333° True en route radial and the Chicago-Midway ILS localizer course; from the Chicago Heights, Ill., omnirange station to the Millersburg, Ind., omnirange station via the direct en route and 15° south altitude change radials; Millersburg, Ind., omnirange station to the Toledo, Ohio, omnirange station via the direct en route and 15° north and south altitude change radials; Toledo, Ohio, omnirange station to the Cleveland, Ohio, omnirange station via the direct en route radials excluding danger areas; Cleveland, Ohio, omnirange station to the Youngstown, Ohio, omnirange station via the direct en route and 15° north altitude change radials and the Cleveland 116° True and the Youngstown 250° True altitude change radials; Toledo, Ohio, omnirange station to the Youngstown, Ohio, omnirange station via the intersection of the Toledo 119° True altitude change radial and the west course of the Wellington, Ohio, VHF VAR station including all that area bounded on the north by Green civil airway No. 3 on the east by Red civil airway No. 62, on the southwest by the Toledo, Ohio, omnirange 119° True radial and on the south by the west course of the Wellington, Ohio, VHF VAR station; Wellington, Ohio, VHF VAR station; the intersection of the east course of the Wellington, Ohio, VHF VAR station and the Youngstown 250° True altitude change radial; from the Youngstown, Ohio, omnirange station to the Philipsburg, Pa., omnirange station via the direct en route and the Youngstown 87° True and the Philipsburg 303° True altitude change radials; Philipsburg, Pa., omnirange station to the Selinsgrove, Pa., omnirange station via the direct en route radials; Selinsgrove, Pa., omnirange station to the Allentown, Pa., omnirange station via the direct en route radials; Allentown, Pa., omnirange station to the Matawan, N. J., VHF VAR station via the Allentown omnirange direct en route radial; from the Allentown, Pa., omnirange station to the Linden, N. J., nondirectional radio beacon via the Allentown omnirange direct en route radial; from the Allentown, Pa., omnirange station to the Caldwell, N. J., omnirange station via the direct en route radials; and from the Philipsburg, Pa., omnirange station to the Caldwell, N. J., omnirange station via the Philipsburg 83° True and the Caldwell 277° True altitude change radials; from Selinsgrove, Pa., omnirange station to the Caldwell, N. J., omnirange station via the Selinsgrove 78° True and the Caldwell 277° True altitude change radials, and from the Philipsburg, Pa., omnirange station to the Allentown, Pa., omnirange station via the Philipsburg 113° True and the Allentown 258° True altitude change radials, excluding that portion which lies more than 3 miles south of the Allentown, Pa., omnirange 258° True altitude change radial.

2. Section 601.14 *Green civil airway No. 4 control areas (Los Angeles, Calif., to Philadelphia, Pa.)* is amended by adding the following control areas before "Wichita, Kans., omnirange station" to read: "Gage, Okla., omnirange station to the Anthony, Kans., omnirange station via the direct en route and 15° northwest altitude change radials; from the Anthony, Kans., omnirange station to the Wichita, Kans., omnirange station via the direct en route and 15° northwest altitude change radials;"

3. Section 601.15 is amended to read:

§ 601.15 *Green civil airway No. 5 control areas (Los Angeles, Calif., to Boston, Mass.).* All of Green civil airway No. 5 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the intersection of the Douglas, Ariz., omnirange 63° True en route and the Columbus, N. Mex., 276° True en route radials to the Columbus, N. Mex., omnirange station via the Columbus 276° True en route radial; from the Columbus, N. Mex., omnirange station to the El Paso, Tex., omnirange station via the direct en route and 15° north altitude change radials; from the El Paso, Tex., omnirange station to the Salt Flat, Tex., omnirange station via the direct en route and 15° north altitude change radials; from the Salt Flat, Tex., omnirange station to the Wink, Tex., omnirange station via the direct en route and 15° north altitude change radials; from the Wink, Tex., omnirange station to the Midland, Tex., omnirange station via the direct en route and 15° north altitude change radials; from the Midland, Tex., omnirange station to the Big Spring, Tex., omnirange station via the direct en route and 15° north altitude change radials; from the Big Spring, Tex., omnirange station to the Abilene, Tex., omnirange station via the direct en route and 15° south altitude change radials; from the Abilene, Tex., omnirange station to the Mineral Wells, Tex., omnirange station via the direct en route and 15° north altitude change radials; from the Mineral Wells, Tex., omnirange station to the Fort Worth, Tex., omnirange station via the direct en route radials.

4. Section 601.103 *Amber civil airway No. 3 control areas (El Paso, Tex., to Great Falls, Mont.)* is amended by adding concluding phrases to read: "from the Cheyenne, Wyo., omnirange station to the Douglas, Wyo., omnirange station via the direct en route and 15° east altitude change radials; from the Douglas, Wyo., omnirange station to the Casper, Wyo., omnirange station via the direct en route and 15° north altitude change radials."

5. Section 601.107 is amended by changing the caption to read: "*Amber civil airway No. 7 control areas (Key West, Fla., to U. S.-Canadian Border)*".

6. Section 601.209 is amended to read:

§ 601.209 *Red civil airway No. 9 control areas (San Diego, Calif., to Winslow, Ariz.).* All of Red civil airway No. 9 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the San Diego, Calif., omnirange station to the Yuma, Ariz., omnirange station via the intersection of the San Diego 108° True en route radial and the Yuma 267° True en route radial; from the Yuma, Ariz., omnirange station to the Gila Bend, Ariz., omnirange station via the direct en route radials.

7. Section 601.222 is amended by changing caption to read: "*Red civil airway No. 22 control areas (Mount Clemens, Mich., to Rochester, N. Y.)*".

8. Section 601.609 is amended to read:

§ 601.609 *Blue civil airway No. 9 control areas (Columbia, Mo., to United State-Canadian Border).* All of Blue civil airway No. 9 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Columbia, Mo., omnirange station to the Kirksville, Mo., omnirange station via the direct en route and 15° east altitude change radials; from the Kirksville, Mo., omnirange station to the Des Moines, Iowa, omnirange station via the direct en route and 15° northeast altitude change radials.

9. Section 601.613 is amended to read:

§ 601.613 *Blue civil airway No. 13 control areas (Houston, Tex., to Minneapolis, Minn.).* All of Blue civil airway No. 13 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Lamoni, Iowa, omnirange station to the Des Moines, Iowa, omnirange station via the direct en route and 15° east and west altitude change radials.

10. Section 601.637 is amended to read:

§ 601.637 *Blue civil airway No. 37 control areas (Casper, Wyo., to Rapid City, S. Dak.).* All of Blue civil airway No. 37 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Rock River, Wyo., omnirange station to the Casper, Wyo., omnirange station via the direct en route and 15° east altitude change radials.

11. Section 601.661 is amended to read:

§ 601.661 *Blue civil airway No. 61 control areas (Springfield, Mo., to Kansas City, Mo.).* All of Blue civil airway No. 61 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Springfield, Mo., omnirange station to the Butler, Mo., omnirange station via the direct en route and 15° east altitude change radials.

12. Section 601.681 is amended by changing the caption to read: "*Blue civil airway No. 81 (Charleston, W. Va., to U. S.-Canadian Border)*."

13. Section 601.1003 is amended to read:

§ 601.1003 *Control area extension (Beaumont, Tex.).* From the Beaumont, Tex., radio range station extending 5 miles either side of the north course of the radio range to a point 20 miles north of the radio range station and extending 5 miles either side of the south course of the radio range to a point 25 miles south of the radio range station.

14. Section 601.1006 is amended to read:

§ 601.1006 *Control area extension (Lake Charles, La.).* From the Lake Charles, La., radio range station extending 5 miles either side of the south course of the radio range to a point 20 miles south of the radio range station and extending 5 miles either side of the north course of the radio range to a point 25 miles north of the radio range station.

15. Section 601.1007 is amended to read:

§ 601.1007 *Control area extension (Laredo, Tex.).* From the Laredo, Tex., radio range station extending 5 miles either side of the northwest course of the radio range to a point 20 miles northwest of the radio range station and extending 5 miles either side of the southeast course of the radio range to a point 25 miles southeast of the radio range station, excluding the portion which lies outside the continental limits of the United States.

16. Section 601.1021 *Control area extension, Tampa, Fla.* is revoked.

17. Section 601.1073 is amended to read:

§ 601.1073. *Control area extension (Fresno, Calif.).* All that area within a 35-mile radius of the Fresno Air Terminal extending clockwise from a line bearing 153° True from the Fresno Air Terminal to a line bearing 316° True from the Fresno Air Terminal, and extending 5 miles either side of the northeast course of the Fresno, Calif., radio range from the radio range station to a point 20 miles northeast.

18. Section 601.1112 *Control area extension, Seattle, Wash.*, is revoked.

19. Section 601.1124 is amended to read:

§ 601.1124 *Control area extension (Eugene, Oreg.).* From the Eugene, Oreg., radio range station extending 5 miles either side of the radio range to a point 25 miles west of the radio range station and all that area north of the Eugene radio range station bounded on the east by Amber civil airway No. 1, on the west by long. 123°20'00" and on the north by lat. 44°38'00".

20. Section 601.1133 is amended to read:

§ 601.1133 *Control area extension (Seattle, Wash.).* From the Seattle, Wash., radio range station extending 5 miles either side of a true bearing of 258° to a point 25 miles from the radio range station; all that area southwest of the Seattle, Wash., radio range station bounded on the north and west by Blue civil airway No. 71 and on the east by Amber civil airway No. 1 excluding the portion which overlaps the Fort Lewis, Wash., danger area, and all that area bounded on the east by Blue civil airway No. 71, on the south by lat. 46°35'00", and on the west by long. 123°03'00".

21. Section 601.1173 *Control area extension (San Francisco, Calif.) (North dogleg route)* is amended by deleting the words: "at lat. 37°23'00", long. 125°05'00"."

22. Section 601.1174 *Control area extension (San Francisco, Calif.) (Rhumb line route)* is amended by deleting the words: "at lat. 36°39'00", long. 124°04'30"."

23. Section 601.1175 *Control area extension (San Francisco, Calif.) (San Francisco-Honolulu south dogleg route)* is amended by deleting the words: "at lat. 36°19'30", long. 124°21'30"."

24. Section 601.1176 *Control area extension (Santa Barbara, Calif.) (Santa Barbara-Honolulu rhumb line route)* is

amended by deleting the words: "at lat. 33°24'00", long. 122°26'00"."

25. Section 601.1177 *Control area extension (Long Beach, Calif.) (Long Beach-Honolulu route)* is amended by deleting the words: "at lat. 31°35'00", long. 121°19'30"."

26. Section 601.1215 is amended to read:

§ 601.1215 *Control area extension (Galveston, Tex.).* All that area extending from the Houston, Tex., control area to the New Orleans Oceanic Control Area bounded on the west by a line from lat. 29°05'00", long. 95°00'00" to lat. 28°03'00", long. 94°20'00" and bounded on the east by a line from lat. 29°27'45", long. 94°37'00" to lat. 28°15'00", long. 92°00'00", excluding that portion below 2,500 feet between the U. S. shoreline and the New Orleans Oceanic Control Area.

27. Section 601.1237 is added to read:

§ 601.1237 *Control area extension (Waco, Tex.).* All that area within a 25-mile radius of the Waco, Tex., radio range station in the east quadrant of the radio range bounded on the northwest by the present control area and on the southwest by Blue civil airway No. 5.

28. Section 601.1238 is added to read:

§ 601.1238 *Control area extension (Amarillo, Tex.).* All that area within a 25-mile radius of the Amarillo radio range station.

29. Section 601.1239 is added to read:

§ 601.1239 *Control area extension (Lubbock, Tex.).* All that area within a 25-mile radius of the Lubbock, Tex., radio range station.

30. Section 601.1240 is added to read:

§ 601.1240 *Control area extension (Tyler, Tex.).* All that area within a 25-mile radius of the Tyler, Tex., radio range station.

31. Section 601.1241 is added to read:

§ 601.1241 *Control area extension (Tulsa, Okla.).* All that area within a 25-mile radius of the Tulsa, Okla., radio range station.

32. Section 601.1242 is added to read:

§ 601.1242 *Control area extension (Stockton, Calif.).* All that area within a 15-mile radius of the Modesto, Calif., omnirange station; all that area southwest of the Stockton, Calif., radio range station bounded on the west by Blue civil airway No. 7, on the north by Red civil airway No. 60, on the east by Blue civil airway No. 14 and on the south by the northern boundary of the Vernalis Danger Area; all that area northwest of the Stockton, Calif., radio range station bounded on the south by Red civil airway No. 60, on the west by Blue civil airway No. 7, on the northwest by Green civil airway No. 3, on the east by Amber civil airway No. 1 and Blue civil airway No. 14, excluding the portion which overlaps the Antioch Danger Area.

33. Section 601.2124 is amended to read:

§ 601.2124 *Roswell, N. Mex., control zone.* Within a 15-mile radius of the Roswell, N. Mex., radio range station.

34. Section 601.4107 is amended by changing caption to read: *"Amber civil airway No. 7 (Key West, Fla., to U. S.-Canadian Border)."*

35. Section 601.4222 is amended by changing caption to read: *"Red civil airway No. 22 (Mount Clemens, Mich., to Rochester, N. Y.)."*

36. Section 601.4299 is amended to read:

§ 601.4299 *Red civil airway No. 99 (Iliamna, Alaska, to Homer, Alaska).* The Iliamna, Alaska, radio range station.

37. Section 601.4681 is amended by changing caption to read: *"Blue civil airway No. 81 (Charleston, W. Va., to U. S.-Canadian Border)."*

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. April 17, 1951.

J. S. MARRIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-4510; Filed, Apr. 16, 1951; 8:53 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 3]

GCPR, SR 3—FOOD, AGRICULTURAL AND RELATED COMMODITIES

Correction

In Federal Register Document 51-2329, appearing in the issue for Wednesday, February 14, 1951, section 1 (d) is corrected by changing the colon at the end thereof to a period.

[Ceiling Price Regulation 18, Amdt. 1]

CPR 18—MANUFACTURES' PRICES FOR WOOL YARN AND FABRICS

EXTENSION OF TIME FOR PERMISSIVE USE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment 1 to Ceiling Price Regulation 18 (16 F. R. 3039) is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 18 established methods by which manufacturers of wool yarns or fabrics are to determine their ceiling prices. Manufacturers subject to the order were directed to begin using ceiling prices established by Ceiling Price Regulation 18 on and after April 16, 1951.

Subsequent to the issuance of Ceiling Price Regulation 18 a substantial number of manufacturers subject to the regulation informed the Director of Price Stabilization that the computations necessary to determine ceiling prices could not be completed by April 16, 1951. Many of the larger manufacturers will have to compute the ceiling prices of over 500 items. Moreover, manufacturers who are currently delivering at prices fixed by the General Ceiling Price Regulation would on April 16, 1951, have to cease delivering those fabrics whose ceiling prices they have not yet computed under Ceiling Price Regulation 18, since, in the absence of such computations, they cannot obtain the requisite authorization from the Director of Price Stabilization to continue delivering at their former prices.

This amendment extends until May 5, 1951 the date upon which manufacturers must begin to use ceiling prices established by Ceiling Price Regulation 18. This extension of time will allow manufacturers an additional period in which to compute ceiling prices under Ceiling Price Regulation 18. Until May 5, 1951, they may, at their own option, use ceiling prices fixed either by the General Ceiling Price Regulation or Ceiling Price Regulation 18. The extension also will provide the additional time necessary for a manufacturer to obtain authorization to perform the contracts specified in section 8 of Ceiling Price Regulation 18.

AMENDATORY PROVISIONS

Ceiling Price Regulation 18 (16 F. R. 3039) is amended as follows:

In sections 1, 8, 10 and 12 wherever the date April 16, 1951, appears, it is amended to read May 5, 1951.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

This amendment shall become effective on April 16, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 16, 1951.

[F. R. Doc. 51-4560; Filed, Apr. 16, 1951; 11:08 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-4, as Amended Apr. 16, 1951]

M-4—CONSTRUCTION

This order as amended is found necessary and appropriate to promote the national defense, and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, in the issuance of this amendment, consultation with industry representatives has been rendered impracticable due to the necessity of immediate action.

This amendment deletes the parenthetical phrase following "Swimming pool" in List A and adds "Tobacco auction warehouse" to List B.

As amended, NPA Order M-4 reads as follows:

Sec.
1. What this order does.
2. Policy of the National Production Authority.
3. Definitions.
4. Prohibited construction.
5. Exemptions.
6. Authorization for certain construction.
7. Multiple use of buildings, structures or projects.
8. Scope of this order.
9. Prohibited deliveries.
10. Defense against claims for damages.
11. Applications for adjustment or exception.
12. Communications.
13. Reports.
14. Violations.
15. List A—Prohibited construction.
16. List B—Construction where NPA authorization is required.

AUTHORITY: Sections 1 to 16 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* In order to further the purposes of the Defense Production Act of 1950 by conserving critical materials and services needed for the defense program, this order prohibits the commencement of construction of certain types of buildings, structures and projects unless specific exception is made, or authorization issued, by the National Production Authority. The construction prohibited generally does not further the defense effort, either directly or indirectly, and does not increase the Nation's production capacity for defense. The order allows, within specified limits, small construction jobs, and necessary maintenance and repair of buildings, structures or projects, and also permits, under specified circumstances, the restoration of buildings, structures, or projects in the event of a disaster, act of God, or an act of war.

SEC. 2. *Policy of the National Production Authority.* In the event that increasing shortages clearly indicate the necessity for such action, in the national interest, the National Production Authority may further limit the commencement of construction of additional types of buildings, structures or projects which do not support the defense effort, or increase the Nation's production capacity for defense.

SEC. 3. *Definitions.* For the purpose of this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Construction" means the erection of any building, structure, or project, or addition or extension thereto, or alteration thereof, through the incorporation-in-place on the site of materials which are to be an integral and permanent part of the building, structure or project.

(c) (1) "Commence construction" means to incorporate into a building, structure or project, a substantial quantity of materials which are to be an integral and permanent part of such building, structure, or project (for example, the pouring or placing of footings or other foundations).

(2) The following activities do not constitute commencing construction: Demolition of buildings; tearing out partitions; site preparation; erecting temporary fences or construction barricades, work sheds, and shanties; bringing utilities to the site; fabrication or processing of building materials, building equipment, or personal property to be installed.

(d) "Construction cost" means the total expense for demolition of existing structures in connection with a new construction, for site preparation, and for building materials, building equipment, labor and services used in the construction of the particular building, structure, or project, by whomever spent. It does not include the cost of personal property, or the expense for land acquisition, attorneys, architects, and financing.

(e) "Consumer goods" means articles or commodities that directly satisfy human wants or desires, and which are capable of use without further processing (for example, clothing, food, furniture, floor covering, household appliances, motor vehicles, etc.). They are distinguished from capital goods (for example, dynamos, industrial ovens, generators, etc.). They are distinguished also from production goods that satisfy wants only indirectly as factors in the production of other articles or commodities (for example, machine tools, heavy duty presses, etc.).

(f) "Damage restoration" means restoring to substantially the same size and condition on the same site, any building, structure or project which has been damaged by storm, fire, flood, or other disaster, or by act of God, or act of war.

(g) "Maintenance and repair" means such work as is necessary to keep a building, structure, or project in sound working condition or to rehabilitate a building, structure, or project or any portion thereof, when the same has been rendered unsafe or unfit for service by wear and tear, or other similar causes. The term does not include any building operation or job where substantial structural alterations or changes in design are made.

(h) "Personal property" means property used in connection with, but which does not become a part of, the building, structure, or project in the sense of its becoming a permanent part of the real property upon which it is located or in which it is installed.

(i) "Office building" means any building the principal use of which is to provide office space or office facilities, regardless of whether it is designed for the exclusive or partial use of its owner or is to be used commercially and rented to prospective tenants, including buildings for use by government agencies. The size of the building is not a determinative factor in deciding whether a building is an office building as the term includes both one-story and multistoried structures; but the term does not include a private residence with incidental office space located therein for the use of the occupant.

(j) "Hotel" means either or both an establishment furnishing sleeping accommodations for transient guests, or an establishment classified as a hotel under applicable State, municipal, or other local law.

SEC. 4. *Prohibited construction.* (a) (1) Except as permitted in section 5 of this order, or pursuant to an adjustment or exception granted under section 11 of this order, after midnight October 26, 1950, no person shall commence construction of any building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 15 of this order.

(2) Since October 26, 1950, the National Production Authority has issued exceptions to permit the commencement of construction of specific buildings, structures, or projects of the type prohibited by section 15 of this order. All such exceptions granted prior to January 13, 1951, will cease to be effective 120 days after the date of issuance, unless construction has been commenced within that time; and construction of any such building, structure, or project may not be commenced thereafter without a further authorization from the National Production Authority.

(b) (1) After midnight, January 13, 1951, no person shall commence construction of any building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 16 of this order, until a specific authorization therefor has been issued by the National Production Authority. As a general rule, no authorization will be issued prior to February 15, 1951. However, in emergency situations, an authorization may be issued by the National Production Authority prior to that date. (The conditions which must exist before an authorization will be issued are set forth in section 6 of this order.)

(2) Further, in matters involving unreasonable hardship, or when required in the interest of the national defense, the National Production Authority may grant an exception from this order at any time, pursuant to section 11 of this order, with respect to types of construction specified in section 16.

SEC. 5. *Exemptions.* The following construction in connection with the buildings, structures, or projects to be used in connection with any of the purposes specified in sections 15 and 16 of this order is exempted from this order:

(a) Maintenance and repair on any building, structure, or project.

(b) Small jobs of new construction or in connection with any such building, structure, or project including, but not limited to, alterations, additions, improvement, and modernization, provided the work does not require the use of partitions made in whole or part of metal, where the cost of all such work shall not exceed:

(1) In the case of alterations, additions, improvement, or modernization of hotels, store-space of department stores, office buildings, and loft buildings, 25 cents per square foot of occupied space for any consecutive 12-month period. (In computing this cost, both construc-

tion cost and all other expenses or charges incident to the work shall be taken into consideration.)

(2) In the case of any type of construction of all other buildings, structures, or projects specified in section 15 (List A) and section 16 (List B), $5,000 for any consecutive twelve-month period. (In computing this cost, only construction cost shall be considered.)

(c) Reconstruction of any such building, structure, or project following a fire, flood, storm, disaster, act of God, or act of war, which occurred on or after July 29, 1950.

(d) Construction by, or for the account of, the Department of Defense, the Atomic Energy Commission, or the National Advisory Committee for Aeronautics.

(e) Buildings, structures or projects for radio broadcasting and television broadcasting.

(f) Printing establishments where the primary use of the building is the publication of a newspaper; or printing establishments which are operated by a publishing company primarily for the publication of books and periodicals.

(g) Terminal warehouses which are an integral part of a common carrier system.

SEC. 6. *Authorization for certain construction.* (a) Any person desiring to erect a building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 16 of this order, may apply for a National Production Authority authorization to commence such construction. The application shall be made on NPA Form NPAF-24, copies of which are available at all field offices of the Department of Commerce, and should be addressed to the field office of the Department of Commerce in the region of the site of the proposed construction.

(b) Authorization under this section will be granted if the National Production Authority is satisfied that the desired construction conforms to the following requirements:

(1) It furthers the defense effort by providing facilities of the type specified in section 16 of this order in areas adjacent to military establishments or defense plants and projects, which construction the National Production Authority considers necessary to furnish or to supplement facilities in connection with the activities of the Defense Production Administration, the Department of Defense or the Atomic Energy Commission, including their programs for increasing production capacity; or

(2) It is essential to maintenance of public health, safety or welfare.

(c) Further, with respect to an application for authorization to construct a facility not directly related to the defense effort, the NPA will consider the type and quantity of materials on hand, and needed, for the facility, and the effect on the community at large if the authorization were denied.

SEC. 7. *Multiple use buildings, structures, or projects.* Where a building, structure, or project to be constructed is designed for a number of different uses and occupants, no portion thereof shall be constructed for use or occupancy in connection with any of the purposes specified in sections 15 or 16 of this order where the construction cost apportionable to such use or occupancy will exceed the small job exemption provided for in section 5 (b) of this order.

SEC. 8. *Scope of this order.* This order shall apply to construction in the 48 States, the District of Columbia, and in the territories and insular possessions of the United States.

SEC. 9. *Prohibited deliveries.* No person shall accept an order for, sell, deliver, or cause to be delivered, material, equipment, or supplies which he knows, or has reason to believe, will be used in violation of the provisions of this order.

SEC. 10. *Defense against claims for damages.* No person shall be held liable for damages or penalties for any default under contract or order which shall result directly or indirectly from compliance with any regulation or order of the National Production Authority (including any direction, directive or other instruction), notwithstanding that any such regulation or order shall thereafter be declared by a judicial or other competent authority to be invalid.

SEC. 11. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that:

(a) Such provision works an unreasonable hardship upon him not suffered generally by others in the same trade, industry, or other relative position; or that enforcement of such provision against him would not be in the interest of the national defense. In determining whether unreasonable hardship exists, the National Production Authority will consider, among other things:

(1) The extent of the work done by the applicant incident to the proposed construction.

(2) Whether the building, structure, or project requires reconstruction as a result of a fire, flood, storm, disaster, act of God, or act of war.

(3) Whether a building, structure, or project of the applicant has been seized by legal action under eminent domain, or condemned by responsible governmental authorities; and the applicant requests permission to replace such facility.

(b) Each request shall be made on NPA Form NPAF-24, copies of which are available at all field offices of the Department of Commerce, and should be addressed to the field office of the Department of Commerce in the region of the site of the proposed construction.

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the Field Offices of the Department of Commerce, Ref: NPA, M-4.

SEC. 13. *Reports.* Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139-139F).

SEC. 14. *Violations.* Any person who wilfully violates any provisions of this order, or any other order or regulation of the National Production Authority, or wilfully conceals a material fact, or furnishes false information in the course of operation under this order, is guilty of a crime, and upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend any authority to commence or complete construction or such other assistance as may be rendered pursuant to this order.

SEC. 15. *List A—Prohibited construction.* All buildings, structures, or projects to be used for, or in connection with, any recreational, amusement, or entertainment purpose, whether public or private (unless authorized pursuant to section 6 of this order), including, but not limited to:

Amphitheater.
Amusement arcade.
Amusement device built into place on the site such as a roller coaster, merry-go-round, or similar device or kind. This shall not include demountable or portable equipment.
Amusement park.
Arena.
Assembly hall used primarily for recreation or amusement.
Athletic field house.
Band stand.
Bars and buildings or structures where the predominant business carried out therein or in connection therewith shall be the sale for consumption on the premises of alcoholic liquors.
Baseball park.
Bath house.
Billiard or pool parlor.
Bleachers and similar seating arrangements when they are built in place as a permanent part of the building, structure or project.
Boardwalk used primarily for recreation or amusement.
Boat or canoe club.
Bowling alley establishment.
Cabana.
Camp (except for public or social welfare).
Carnival.
Club building except for social welfare purposes.
Country club.
Dance hall.
Dance studio.
Dude ranch used primarily for recreation or amusement.
Exposition or exhibition building or structure for recreational, amusement or entertainment displays or purposes.
Flood lighting (including piers, poles, towers, framework or foundation with fixed equipment) in connection with any recreational, amusement, or entertainment purpose.
Gambling establishment.
Golf course.
Golf club.
Golf driving range.
Grandstand.
Gymnasium (except where it is a part of an educational institution and is to be used primarily for instructional purposes in physical education and training).
Lodge hall.
Music shell.
Night club.
Pier used primarily for recreation or amusement.
Race track, any kind.
Riding academy.
Rodeo.
Shooting gallery.
Skating rink.
Ski lodge.
Slot machine establishment.
Stadium.
Swimming pool.
Theater, any kind (including drive-in theater).
Yacht basin or marine railway primarily for the use of pleasure craft.

SEC. 16. *List B—Construction where NPA authorization is required.* Any building, structure or project to be used for, or in connection with, any of the following specified purposes:

Bank, credit institution, or brokerage establishment.
Community or neighborhood building.
Furnishing of personal services (e. g., barber shop, beauty shop, undertaking and mortuary establishment, cemetery building, mausoleum, crematory, garage, service station, shoe repair shop, laundry, dry cleaning establishment, tailor shop).
Hotel, motel, motor court, tourist camp, trailer camp.
Loft building.
Office building.
Outdoor advertising sign.
Printing or duplicating establishment.
Restaurant.
Storage, distribution, display or sale of consumer goods (for example, retail store, shopping center, wholesale establishment, gasoline filling station, drugstore, soda fountain, florist shop, greenhouse), except wholesale food establishment, wholesale supply facility for fuel oil, gasoline or coal, gas distribution system, pipeline.
Storage warehouse for personal effects.
Tobacco auction warehouse.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect April 16, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-4561; Filed, Apr. 16, 1951; 11:15 a. m.]

[NPA Order M-56]

M-56—WATERFOWL FEATHERS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on processing of waterfowl feathers.
4. Restrictions on use of waterfowl feathers.
5. Restrictions on sale and delivery of processed waterfowl feathers.
6. Disposition of rejected processed waterfowl feathers.
7. Prohibited deliveries.
8. Applicability of NPA Reg. 4 to waterfowl feathers.
9. Exemptions.
10. Adjustments and exceptions.
11. Records.
12. Audit and inspection.
13. Reports.
14. Communications.
15. Violations.

AUTHORITY: Sections 1 to 15 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to dealers, processors, and manufacturers of all waterfowl feathers and down. Its purpose is to conserve waterfowl feathers and down in order to meet military requirements and to best serve the interests of the national defense. It places restrictions upon the sale, delivery, and processing of waterfowl feathers and down. It also supplements NPA Reg. 2 but only those provisions of Reg. 2 which are inconsistent with this order are superseded, and all other provisions of Reg. 2 continue to apply to the waterfowl feathers industry. This order also modifies and supersedes NPA Reg. 4.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Waterfowl feathers" means goose or duck feathers and down, separated from the fowl, domestic and imported, new and used, regardless of length, except flight feathers having no natural curl.

(c) "New waterfowl feathers" means waterfowl feathers which have not been previously incorporated into any product.

(d) "Used waterfowl feathers" means waterfowl feathers which have been previously incorporated into any product.

(e) "Processor" means any person who engages in the business of washing, steaming, blowing, or otherwise preparing waterfowl feathers for use, for his own account or for others.

(f) "Processed," with respect to waterfowl feathers, means any such feathers which have been washed, steamed, blown, or otherwise prepared for use.

(g) "NPA" means National Production Authority.

SEC. 3. *Restrictions on processing of waterfowl feathers.* No person shall process any waterfowl feathers except in accordance with the then existing specifications of the Department of Defense, the United States Coast Guard, or the General Services Administration, or except for the purpose of filling any DO rated order received by him.

SEC. 4. *Restrictions on use of waterfowl feathers.* (a) No person shall incorporate into any product or use in manufacture any waterfowl feathers, except to fill DO rated orders.

(b) No person other than a processor shall separate down from any waterfowl feathers.

(c) No person shall mix new waterfowl feathers with used waterfowl feathers, or mix any such feathers with chicken or turkey feathers, except in accordance with the then existing specifications of the Department of Defense, the United States Coast Guard, or the General Services Administration, or except for the purpose of filling any DO rated order received by him.

SEC. 5. *Restrictions on sale and delivery of processed waterfowl feathers.* No person shall sell, deliver, or accept delivery of any processed waterfowl feathers except to fill DO rated orders received by him.

SEC. 6. *Disposition of rejected processed waterfowl feathers.* No person shall dispose of processed waterfowl feathers which have been rejected as unsatisfactory by any person to whom delivery was tendered except as follows:

(a) He may process such feathers in accordance with specifications of the Department of Defense, the United States Coast Guard, or the General Services Administration, or for the purpose of filling any DO rated order received by him, and may dispose of such reprocessed feathers in accordance with the provisions of this order; or

(b) He may deliver such feathers to any other purchaser as permitted by this order; or

(c) He may dispose of such feathers in accordance with specific written authorization by NPA.

SEC. 7. *Prohibited deliveries.* No person shall accept an order for, sell, deliver, or cause to be delivered waterfowl feathers which he knows or has reason to believe will be accepted, held, or used in violation of this order.

SEC. 8. *Applicability of NPA Reg. 4 to waterfowl feathers.* Notwithstanding the provisions of NPA Reg. 4, the rating symbol DO-97 may not be applied or extended to any order or contract for waterfowl feathers.

SEC. 9. *Exemptions.* (a) The provisions of sections 3 and 4 of this order shall not apply to waterfowl feathers for personal use by the owner thereof.

(b) The provisions of section 5 of this order shall not apply to deliveries to the General Services Administration for stockpile.

SEC. 10. *Adjustments and exceptions.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interests of national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 11. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met.

This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 12. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 13. *Reports.* Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 14. *Communications.* All communications and reports concerning this order shall be addressed to National Production Authority, Washington 25, D. C. Ref.: M–56.

SEC. 15. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on April 16, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-4562; Filed, Apr. 16, 1951; 11:15 a. m.]

[NPA Order M–57]

M–57—VEGETABLE TANNING MATERIAL

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on use of vegetable tanning material.
4. Restrictions on use of chestnut extract in blends for resale.
5. Adjustments and exceptions.
6. Records.
7. Audit and inspection.
8. Reports.
9. Communications.
10. Violations.

AUTHORITY: Sections 1 to 10 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to conserve vegetable tanning materials so as best to serve the interests of national defense and essential civilian requirements. It prohibits the use by a processor of any vegetable tanning material for any purpose other than those provided for in this order. It also prohibits a supplier from increasing the proportion of chestnut extract in any blend for resale above the proportion which he used during the year 1950.

SEC. 2. *Definitions.* As used in this order: (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Vegetable tanning material" means any of the following materials and extracts or any blend or combination thereof:

Domestic raw materials and extracts:
- California oak bark.
- Chestnut oak bark.
- Chestnut wood.
- Hemlock bark.
- Sumac.

Foreign raw materials and extracts:
- Algarobilla (pods).
- Divi-divi (pods).
- Gambier.
- Hemlock bark.
- Mangrove bark.
- Myrobelans (nuts).
- Quebracho wood.
- Sumac.
- Tara pods.
- Tara powder
- Urunday.
- Valonia boards and cups.
- Wattle or mimosa bark.

(c) "Processor" means any person who consumed in any calendar month commencing with January 1950, to and including March 1951, or who consumes in April 1951, or in any calendar month thereafter, more than 500 tan units of chestnut extract or more than 2,500 tan units of vegetable tanning material (including chestnut extract), for any purpose.

(d) "Supplier" means any person engaged in the business of producing vegetable tanning material and any person who purchases such material for resale with or without alteration or blending.

(e) "NPA" means National Production Authority.

(f) "Tan unit" means 1 pound of 100 percent tannin as determined by the analytical methods of the American Leather Chemists Association.

SEC. 3. *Restrictions on use of vegetable tanning material.* (a) Except as provided in paragraph (b) of this section, and unless specifically directed by NPA, no processor shall use any vegetable tanning material for any purpose other than the following:

(1) The processing of leather.

(2) The manufacture of pharmaceutical products.

(3) The manufacture of tannic, gallic, or pyrogallic acid.

(4) The manufacture of water treatment materials.

(b) No processor shall use in the calendar quarter commencing April 1, 1951, or in any calendar quarter thereafter, in the drilling of oil or gas wells, quebracho in excess of 60 percent by weight of his average quarterly use of quebracho in such drilling during the 6-month period ending June 30, 1950: *Provided however*, That this paragraph shall not restrict the use, in the drilling of oil and gas wells, of any quebracho held by him as inventory on the effective date of this order, or which is in transit to him pursuant to any purchase order for quebracho placed by him prior to the effective date of this order.

SEC. 4. *Restrictions on use of chestnut extract in blends for resale.* No supplier shall use a greater proportion of chestnut extract in any blend for resale than the average proportion of chestnut extract he used in all blends for resale during the 6-month period ending June 30, 1950.

SEC. 5. *Adjustments and exceptions.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interests of national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 6. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 7. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 8. *Reports.* Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 9. *Communications.* All communications and reports concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M–57.

SEC. 10. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on April 16, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-4563; Filed, Apr. 16, 1951; 11:15 a. m.]

[NPA Regulation 3 as Amended Apr. 16, 1951]

REG. 3—OPERATIONS OF THE PRIORITIES SYSTEMS BETWEEN CANADA AND THE UNITED STATES

This regulation as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950 and to implement the provisions of The Statement of Principles for Economic Cooperation issued by the Governments of the United States and Canada, dated October 26, 1950.

Sec.
1. What this regulation does.
2. Definitions.
3. Rated orders from the United States under the United States defense program placed with Canadian suppliers.
4. Rated orders under the Canadian Defence Program, placed with United States suppliers.
5. Certifications by Canadian purchasers to suppliers in the United States.
6. Maintenance, repair, and operating supplies, and industrial expansion and capital equipment assistance to persons located in Canada.
7. Relation to other regulations and orders of NPA.
8. Communications.
9. Violations.

AUTHORITY: Sections 1 to 9 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this regulation does.* In order that the control, priorities, and allocations systems of the two countries be comparable in effect, and in order to coordinate the defense economies of the two countries, this regulation describes how and to what extent contracts or orders in support of the United States defense program or the Canadian Defence Program may have the benefits of the priorities system of the United States. Instructions have been issued by the Canadian Government under appropriate Canadian legislation to provide for priority assistance in obtaining essential Canadian materials and services for the United States defense program.

SEC. 2. *Definitions.* For the purposes of this regulation: (a) "Person" means any individual, partnership, corporation, association, or any other organized group, and includes specifically Canadian distributors and importers who have received orders for Canadian Defence and other approved purposes.

(b) "Maintenance, repair, and operating supplies" means MRO as defined in NPA Reg. 4.

(c) "Minor capital additions" means minor capital additions as defined in NPA Reg. 4.

SEC. 3. *Rated orders from the United States under the United States defense program placed with Canadian suppliers.* (a) If a rated order from a person in the United States, under NPA Reg. 2, is placed with a supplier located in Canada, either directly or through extension, the Canadian supplier may extend the rating received by him in order to acquire materials in the United States, to the extent permitted by the provisions of section 5 of NPA Reg. 2, and subject to the restrictions of section 6, NPA Reg. 2.

(b) A person located in Canada extending the rating to a supplier located in the United States, pursuant to this section, shall mark on his purchase order the prefix DO and the two-digit designation appearing on the rated order received by him, and shall affix thereto the additional statement to read as follows:

Certified under NPA Reg. 3.

Such certification shall be signed by him in the manner prescribed in section 8, NPA Reg. 2.

(c) If a supplier located in Canada requires priority assistance to obtain materials of Canadian origin to fill a rated order under the United States defense program, received by him from the United States, application should be made by him to the Priorities Division, Department of Defence Production, Ottawa, Canada, for appropriate action.

SEC. 4. *Rated orders under the Canadian Defence Program, placed with United States suppliers.* (a) Any Canadian Government Department or Corporation charged with procurement under the Canadian Defence Program, or other approved purpose calling for delivery of materials to such persons located in Canada by persons located in the United States, may make application through the Priorities Division, Department of Defence Production, Ottawa, Canada, to the National Production Authority, Washington 25, D. C., Ref: NPA Reg. 3, for authority to apply to such orders the DO ratings authorized by NPA Reg. 2. All orders to which DO ratings shall be applied under the provisions of this regulation, shall have equal standing to the ratings applied to United States orders under NPA Reg. 2.

(b) Unless NPA shall otherwise provide, the symbol "DO–47" shall be used for all such rated Canadian orders referred to in paragraph (a) of this section which are placed in the United States pursuant to this section. Such orders shall bear a statement to read as follows:

Certified under NPA Reg. 3

This certification shall be signed in the manner prescribed in section 8 of NPA Reg. 2.

SEC. 5. *Certifications by Canadian purchasers to suppliers in the United States.* Certifications under sections 3 (b) and 4 (b) of this regulation constitute a representation to the supplier in the United States, to the National Production Authority, and to the Canadian Director of Priorities, Department of Defence Production, that the person signing such certification is either extending a rating received by him from a purchaser in the United States under the provisions of NPA Reg. 2, or is extending a rating specifically authorized by the National Production Authority under this regulation, which rating was applied for the purposes authorized.

SEC. 6. *Maintenance, repair, and operating supplies, and industrial expansion and capital equipment assistance to persons located in Canada.*—(a) *MRO assistance.* Any person located in Canada who, without priorities assistance, cannot obtain MRO and minor capital additions from United States sources, and who requires a DO rating to obtain them from a United States supplier, may make application through the Priorities Division, Department of Defence Production, Ottawa, Canada, to National Production Authority, Washington 25, D. C., for a quota and the right to apply a rating to such requirements under arrangements made by the Department of Defence Production and NPA giving a comparable effect to the provisions of this regulation in respect to Canadian requirements. No such authorization will be issued by NPA unless the application therefor is approved by the said Priorities Division. Unless NPA shall otherwise provide, the symbol "DO–47" shall be used on all orders placed pursuant to this section.

(b) *Industrial expansion and capital equipment assistance.* Under arrangements made with the Canadian Department of Defence Production, if a person located in Canada receives either a DO rated order from a person located in the United States, or an order for Canadian Defence or other approved purpose, and cannot fill such order without assistance in obtaining materials from the United States for plant improvement, expansion, or construction or obtaining machine tools or other items which he will carry as capital equipment, such Canadian supplier may apply to the Priori-

ties Division, Department of Defence Production, Ottawa, Canada, for priorities assistance. Such request for assistance will be examined by the Priorities Division, and if approved by it, may be forwarded to National Production Authority, Washington 25, D. C., Ref: NPA Reg. 3, for action. Ratings for items included in this category may be applied only when so approved by NPA.

SEC. 7. *Relation to other regulations and orders of NPA.* All of the provisions of NPA Reg. 2 apply to all persons affected by the provisions of this regulation except to the extent that such provisions are inconsistent, in which event the provisions of this regulation prevail.

SEC. 8. *Communications.* All communications from persons located in Canada concerning this regulation shall be addressed to the Priorities Division, Department of Defence Production, Ottawa, Canada, and, where necessary, forwarded by that Division to the National Production Authority, Washington 25, D. C., Ref: NPA Reg. 3.

SEC. 9. *Violations.* Certain provisions of this regulation may be subject to the penalties pursuant to regulations and orders issued under the Canadian Defence Production Act and the Canadian Emergency Powers Act.

This regulation as amended shall take effect on April 16, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-4564; Filed, Apr. 16, 1951; 11:15 a. m.]

[NPA Reg. 4, as Amended Apr. 16, 1951]

REG. 4—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

This regulation as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of the regulation, before amendment, there was consultation with a number of industry representatives including trade association representatives, but it was found impracticable to consult with all affected industries because the regulation applies to all trades and industries. In the formulation of the regulation as amended, however, such consultation has been rendered impracticable by the necessity for immediate action.

NPA Reg. 4 as amended reads as follows:

Sec.
1. What this regulation does.
2. Definitions.
3. DO rating assigned.
4. Quarterly MRO quotas.
5. Quantity restrictions.
6. Materials obtained for another's benefit.
7. Use of material.
8. Relation to other regulations.
9. Records and reports.
10. Adjustments and exceptions.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this regulation does.* This regulation provides a uniform procedure by which any business enterprise, Government agency, or public or private institution may use a DO rating (identified by the symbol "DO-97") to obtain limited quantities of maintenance, repair, and operating supplies (hereinafter collectively referred to as "MRO") as well as minor capital additions. The regulation does not limit the quantity of MRO or capital additions that a person may obtain without using this DO rating, except that, if he makes any use of the rating in any particular calendar quarter, his total acquisition of MRO (rated and unrated) for such quarter becomes subject to the limitations of the regulation. The rating may not be used to secure materials for personal or household use.

SEC. 2. *Definitions.* For purposes of this regulation:

(a) "Person" means any individual, partnership, corporation, association, or any other organized group and includes specifically any business enterprise, Government agency, or institution. Where such a "person" has more than one department, branch, plant, or other unit which maintains separate MRO records, each shall be treated as a separate "person" hereunder.

(b) "Business enterprise" means lawful activity conducted for profit in the United States (including its territories and possessions).

(c) "Government agency" means the United States, its territories and possessions, any of the 48 States or the District of Columbia, any political subdivision thereof, and any agency of any of the foregoing which is not a business enterprise.

(d) "Institution" means any lawful organization, public or private, within the United States (including its territories and possessions) which is neither a business enterprise nor a Government agency, and includes, more specifically, institutions such as schools, libraries, hospitals, churches, clubs, and welfare establishments.

(e) "Maintenance" means the minimum upkeep necessary to continue any plant, facility, or equipment in sound working condition, and "repair" means the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. Neither "maintenance" nor "repair" includes the improvement of any plant, facility, or equipment by replacing material which is in sound working condition with material of a new or different kind, quality, or design.

(f) "Operating supplies" means, in the case of a business enterprise, any materials which are normally carried as operating supplies according to established accounting practice, and also includes items (such as hand tools) purchased by an employer for sale to his employees for use only in his business and under circumstances where they would constitute operating supplies according to established accounting practice if issued to his employees without charge. In the case of a Government agency or an institution, however, "operating supplies" means any materials which are essential for conducting any activity or rendering any service, provided such materials do not constitute capital equipment according to established accounting practice but are consumed in the course of operation. Materials incorporated in a product ordinarily may not be treated by the producer as operating supplies but may be so treated where they are normally chargeable as an operating expense according to established accounting practice.

(g) "Minor capital additions" means any improvement or addition carried as capital according to established accounting practice where the total cost of materials used does not exceed $750 for any one complete capital addition. The term "one complete capital addition" includes all items entering into the improvement or addition as part of a single project or plan whether or not installed or completed at the same time, and the cost of all such items is to be included in figuring the total cost of the addition regardless of whether they are acquired with or without the use of a rating. No capital addition shall be subdivided for the purpose of bringing it or any part of it within the foregoing definitions. Where the capital addition requires construction, authorization to construct must be obtained wherever so required by any applicable order of the NPA.

(h) "MRO" means maintenance, repair, and operating supplies but does not include minor capital additions. The latter term is specifically used in this regulation wherever the meaning so requires. Products used for "MRO" (or materials required for incorporation in such products) shall not be deemed "MRO" as to the producer of such products (except as provided in paragraph (f) of this section) even though he sells them for use by others as "MRO." However, when he receives rated orders for such products, he may extend the rating to get materials to be incorporated in the products. Materials or products sold by a distributor thereof for use by others as "MRO" shall not be deemed "MRO" as to such distributor but, when he receives rated orders for them, he may extend the rating to get them.

SEC. 3. *DO rating assigned.* (a) The NPA hereby assigns to every business enterprise, Government agency, and institution the right to apply a DO rating to obtain MRO and minor capital additions except as provided in paragraph (b) of this section and subject to the quantity restrictions specified in section 5 of this regulation. Such DO rating shall be applied by placing on the order for MRO or minor capital additions, or on a separate piece of paper attached to the order or clearly identifying it, the symbol "DO-97" together with the words "Certified under NPA Reg. 4." Such certification shall be signed as prescribed in section 8 of NPA Reg. 2. This certification shall constitute a representation to the supplier and to the NPA that the person making it is authorized under the provisions of this regulation to use the rating to obtain the materials covered by the order.

(b) The DO-97 rating shall not be applied or extended to obtain any of the materials listed in Table I at the end of this regulation. However, expenditures for all such materials, if MRO, may be included in computing the quotas referred to in section 4 of this regulation and must be included in making charges against quotas under section 5 of this regulation.

(c) A DO-97 rating which prior to April 16, 1951, was applied or extended to any contract or purchase order for any material listed in Table I, is hereby cancelled and such rating shall no longer have any effect whatever. Nothing herein shall be construed to mean that any such contract or purchase order itself is cancelled or otherwise affected by this regulation.

SEC. 4. *Quarterly MRO quotas.*—(a) *General.* Every person making any use of the DO-97 rating herein assigned must establish his quarterly MRO quotas in accordance with this section. In figuring such quotas, he may include all expenditures for MRO (including MRO materials listed in Table I) in the applicable 1950 base periods, but shall not include expenditures for minor capital additions.

(b) *Standard quota.* A person's standard quarterly MRO quota, to be used unless he elects to use the seasonal quota permitted by paragraph (c) of this section, is one-fourth of the amount he spent for MRO in the calendar year 1950 (or, if he operated on a fiscal year basis, in his fiscal year ending nearest to December 31, 1950). An election to use either the standard quota or the seasonal quota may not afterward be changed without prior written authorization of the NPA.

(c) *Seasonal quota.* A person may, if he so elects, take as his quarterly MRO quotas the amounts he spent for MRO in the corresponding quarters of the calendar year 1950 (or, if he operated on a fiscal year basis, in the corresponding quarters of his fiscal year ending nearest to December 31, 1950).

(d) *Quotas where 1950 base inapplicable.* A person not in operation throughout the year 1950 (calendar or fiscal) shall establish and report his quarterly MRO quotas as follows:

(1) *Partial operation in 1950.* A person who was in operation during a part of the year 1950 (calendar or fiscal) shall compute the amount he would have spent for MRO in that year, had he continued throughout the year the same rate of expenditure for MRO as during that part of the year when he was in operation, making such reasonable corrections as necessary to compensate for seasonal or other exceptional characteristics of the period of actual operation, so that the yearly amount so computed will be fairly representative of the year as a whole. His standard quarterly MRO quota shall be one-fourth of the amount so computed. If he elects to use seasonal quotas, he may apportion the amount so computed into four seasonal quarterly MRO quotas, in accordance with the seasonal demands of the activity in which he is engaged.

(2) *No operation in 1950.* If a person was not in operation in any part of the year 1950 (calendar or fiscal), his quarterly MRO quota (standard or seasonal) shall be the minimum amount of MRO which he determines to be reasonably necessary for his operation, but not in excess of $5,000 per quarter. If such quota is insufficient, an application for an increased quota may be made as provided in section 10 of this regulation.

(3) *Notice to NPA.* Any person who establishes a quarterly MRO quota in excess of $1,000 under the provisions of subparagraphs (1) or (2) of this paragraph must, within 30 days after his first use of a DO-97 rating pursuant thereto, notify the NPA in writing of the quota he has established, the base period he has used, the method by which he has figured the quota, and any corrections he has made for seasonal or other factors.

(e) *Future use of increased quotas.* If a person's quarterly MRO quota is increased by specific authorization of the NPA, he may continue to operate with the increased quota as his standard quota unless the increase is granted on a temporary or seasonal basis or is otherwise restricted by the terms of the authorization. An increased quarterly MRO quota granted as a seasonal quota may be used only in the corresponding quarter of subsequent years.

(f) *Increases not retroactive.* An increase in quota will not be granted for any period prior to the filing of the application and will not have the effect of retroactively authorizing receipt of MRO or minor capital additions previously received in violation of this regulation.

SEC. 5. *Quantity restrictions.* (a) *Charges against quota.* Every person who, during any calendar quarter, makes any use of the DO-97 rating assigned by this regulation, shall charge against his MRO quota for that quarter:

(1) All MRO material (including MRO materials listed in Table I) ordered for delivery during the quarter, whether or not obtained by use of the DO-97 rating, and

(2) All material for minor capital additions ordered for delivery during the quarter, if (but only if) obtained by use of the DO-97 rating.

(If, instead of computing his charges against his quarterly MRO quota on the basis of orders calling for delivery during a quarter, a person prefers to compute such charges on the basis of actual receipts of MRO during the quarter, he may do so. However, he cannot use one method for a part of his MRO and the other method for the remainder in any one quarter.)

(b) *Excess of quota prohibited.* No person shall use the DO-97 rating assigned by this regulation to get anything except material needed for MRO or minor capital additions nor shall any person who, during any calendar quarter, makes any use of the rating so assigned, order for delivery (or, if he is operating on the basis of receipts, he shall not receive) during such quarter a quantity of material chargeable against his quarterly MRO quota which exceeds the amount of such quota (nor, during the first month of such quarter, a quantity of such material exceeding 40 percent of such quarterly quota): *Provided, however,* That the quantity restrictions of this section shall not apply in any calendar quarter to any person whose aggregate charges against his MRO quota for that quarter do not exceed $1,000.

SEC. 6. *Materials obtained for another's benefit.*—(a) *Materials supplied by service trades.* Any business enterprise (such as a service repair shop) engaged in doing maintenance or repair work or installing minor capital additions for any other person (as defined in section 2 of this regulation) may use the DO-97 rating to obtain material therefor to the same extent that such person would be entitled to use it if he were doing the work himself. The cost of materials so obtained shall be charged to the MRO quota of the person for whom the work is done.

(b) *Materials for operators under government franchise.* Any person (such as the operator of a toll bridge or a contract garbage collector) who, pursuant to a franchise from or contract with any Government agency, performs any service for such agency, may use the DO-97 rating to obtain MRO or minor capital additions to the same extent that such agency would be entitled to use it if the agency performed such service itself. Such service shall, for purposes of computing the quantity restrictions under section 5 of this regulation, be treated as if performed by a separate unit of such agency, and the cost of the materials so obtained shall be charged against the quota of such unit.

(c) A person who is obligated to maintain, repair, or operate any plant, facilities, or equipment, under the terms of any lease or other agreement for the use of such property by another person, may use the DO-97 rating to obtain materials needed for such purposes. Expenditures for such materials shall be charged to the MRO quota of the person thus using the DO rating except that, if his purchase is made on a reimbursable basis for the account of the person using the property, the latter's MRO quota shall be charged.

SEC. 7. *Use of material.* If a person has acquired material for MRO or minor capital additions by use of the DO-97 rating and then finds that he has another use for it, he may use the material for such other purpose if he could have used any DO rating to acquire the material for such other purpose. However, if he uses the material for another rated purpose, he may not replace it in inventory by the use of the DO-97 rating assigned by this regulation. He may replace such material in inventory only by using the DO rating under which he might have obtained the material for the purpose to which it was devoted. If he uses material acquired under this regulation for another rated use, his records must be adequate to show that his pur-

chases of material are substantially proportionate to his authorized rated uses.

SEC. 8. *Relation to other regulations.* (a) *Rules governing use of rating.* This regulation supplements NPA Reg. 2, which sets forth the basic rules of the priorities system, and the provisions of that regulation govern the use of the DO–97 rating herein assigned.

(b) *Inventory limitations.* Nothing in this regulation shall be deemed to authorize any person to order or receive any material if acceptance thereof would increase his inventory above a practicable working minimum as provided in NPA Reg. 1 or the limit fixed in any other applicable regulation or order of the NPA.

(c) *Delegations to Government agencies.* This regulation does not revoke or prevent the use of any authority delegated by NPA to any other Government agency whereby such agency may use ratings other than DO–97 for direct procurement of its own requirements of MRO or minor capital additions.

(d) *Other regulations and orders.* Nothing in the regulation shall be construed to relieve any person from the obligation of complying with such limitations on acquisition or use of materials or such other provisions as may be contained in any applicable regulation or order of the NPA or with any order of any other competent authority.

SEC. 9. *Records and reports.* (a) *Records to be kept.* Each person who makes any use of the rating assigned by this regulation shall make and preserve, for so long as this or any successor regulation remains in effect and for 2 years thereafter, accurate and complete records showing what his quarterly MRO quotas are, how he computed them, the factual justification for them and for corrections or revisions thereof, any elections made as to the use of seasonal quotas, methods of figuring quotas and charges against them, or other options exercised, all materials ordered or received for use as MRO or minor capital additions whether rated or not, and all other relevant data, in sufficient detail to permit an audit that determines for each transaction that the provisions of this regulation have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records disclose the above data and supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) *Inspection and audit.* All records required by this regulation shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the NPA.

(c) *Other records and reports.* Persons subject to this regulation shall make such further records and submit such further reports to the NPA as it shall require, subject to the terms of the Federal Reports Act of 1942. (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F.)

SEC. 10. *Adjustments and exceptions.* Any person affected by any provision of this regulation may file a request for adjustment or exception upon the ground that the MRO quotas provided in section 4 of this regulation are insufficient for his requirements, that a specified provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be submitted in writing and in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor. More particularly, where the relief sought is an increase of MRO quota, the applicant shall fully describe the nature of his business or other activity, indicating any seasonal or other unusual features, products made or distributed, or services or other activities performed, the quarterly volume of such business or other activity since January 1, 1950, etc.; state the amount spent for MRO in each quarter since January 1, 1950; specify the amount of increase in quota requested; and set forth in detail the facts and circumstances allegedly justifying such an increase.

SEC. 11. *Communications.* All communications concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C., Ref.: Reg. 4.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this regulation or who wilfully conceals a material fact or furnishes false information in the course of operation under this regulation is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation as amended shall take effect on April 16, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

TABLE I

Materials to which a DO–97 rating may not be applied or extended under NPA Reg. 4:

1. All basic, organic or inorganic chemicals, their intermediates and derivatives other than compounded end-products not customarily sold as chemicals.
2. Items appearing in List A of NPA Order M–47, as the same may be amended from time to time.
3. Nylon fibers and yarns.
4. Packaging materials and containers.
5. Paint, lacquer, and varnish.
6. Paper and paper products.
7. Paperboard and paperboard products.
8. Photographic film.
9. Rails, tie plates, track spikes, splice bars, rail joints, frogs, and switches.
10. Rubber tires and tubes.

[F. R. Doc. 51–4565; Filed, Apr. 16, 1951; 11:15 a. m.]

Chapter XII—Defense Minerals Administration, Department of the Interior

[Mineral Order 7]

MO–7—SERIALIZATION OF MINES, SMELTERS, AND MINERAL PROCESSING PLANTS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. What this order does.
2. Definitions.
3. Applicability of order.
4. Serialization of mines, smelters and mineral processing plants.
5. Application by foreign producers.
6. Records and reports.
7. Adjustments and exceptions.
8. Violations.

AUTHORITY: Sections 1 to 8 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61, 3 CFR, 1950 Supp.

SECTION 1. *What this order does.* The purpose of this order is to provide, by serialization of mines (other than petroleum, solid fuels and natural gas), nonferrous smelters, and mineral processing plants, the requisite information to enable the Defense Minerals Administration adequately to provide priority and allocation assistance under its programs relating to the maintenance and acquisition of facilities, machinery, equipment, and operating supplies by the mining industry.

SEC. 2. *Definitions.* For the purposes of this order:

(a) "Person" means any individual, corporation, partnership, or association, and includes any agency of the United States, or any other government or citizen thereof.

(b) "Producer" means any person operating a mine (other than petroleum, solid fuels and natural gas), a nonferrous smelter, or mineral processing plant.

(c) "Mine" means an operation (whether underground, open-pit, quarry or dredging), conducted for the primary purpose of extracting minerals (excepting solid fuels, petroleum and natural gas), and includes prospecting enterprises for the discovery, exploration or development of new or additional mining projects.

(d) "Smelter" means a mill producing non-ferrous metals by smelting or refining.

(e) "Mineral processing plant" means a plant engaged in the beneficiation or concentration of ores.

SEC. 3. *Applicability of order.* This order shall apply to producers in the United States, its Territories and possessions and to those producers in foreign countries who apply for assistance and whom the Economic Cooperation Administration, Office of International Trade, or the Canadian Division of the National Production Authority may represent as eligible for the programs of the Defense Minerals Administration.

SEC. 4. *Serialization of mines, smelters and mineral processing plants.* Priority and allocation assistance under the programs of the Defense Minerals Administration as set forth in section 1 of this order, will be given only to producers who have been granted serial numbers as provided in this order. Each producer, except producers subject to the provisions of section 5 of this order, shall file an application for serialization with the Defense Minerals Administration, Department of the Interior, Washington 25, D. C., on Form MF–100, not later than June 1, 1951. Applications shall be approved or rejected on the basis of the information disclosed in Form MF–100.

SEC. 5. *Application by foreign producers.* Foreign producers seeking assistance as set forth in section 1 of this order shall apply for serialization with the Defense Minerals Administration on Form MF–100 through the facilities of the Economic Cooperation Administration, or the Office of International Trade; in the case of Canadian producers, applications shall be filed through the facilities of the Canadian Division of the National Production Authority.

SEC. 6. *Records and reports.* Any producer granted serialization under the provisions of this order shall keep such records and submit such reports as the Defense Minerals Administration shall require, subject to the terms of the Federal Reports Act (5 U. S. C. 139–139F).

SEC. 7. *Adjustments and exceptions.* Any producer affected by any provision of this order or by any action taken thereunder may file a request for adjustment or exception upon the ground that such provision or action works an undue or exceptional hardship upon him not suffered generally by others in the same industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application or any provision of this order or by any action taken thereunder, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, in duplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 8. *Violations.* Any person who willfully violates any provision of this order or willfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

This order shall take effect upon publication in the FEDERAL REGISTER.

JAMES BOYD,
Administrator,
Defense Minerals Administration.

[F. R. Doc. 51–4558; Filed, Apr. 16, 1951; 10:24 a. m.]

Chapter XV—Federal Reserve System

[Regulation X]

REG. X—REAL ESTATE CREDIT

CASUALTIES

1. Effective April 16, 1951, paragraph (e) of section 5 of Regulation X is amended to read as follows:

(e) *Casualties.* The prohibitions of paragraphs (a) and (b) of section 4 of this regulation shall not apply to any extension of real estate construction credit as to which the Registrant accepts in good faith a signed Statement of the Borrower certifying that the proceeds thereof are to be used solely for the replacement, reconstruction or repair of a residence, multi-unit residence or nonresidential structure destroyed or substantially damaged by flood, fire or other similar casualty, or solely to finance the purchase or construction of a residence, multi-unit residence or nonresidential structure to be used in substitution for a similar structure of which the borrower has been deprived through or by reason of eminent domain or condemnation proceedings.

2. (a) The above amendment is issued by the Board of Governors of the Federal Reserve System with the concurrence of the Housing and Home Finance Administrator, under authority of the "Defense Production Act of 1950", approved September 8, 1950, and Executive Order No. 10161, dated September 9, 1950.

The purpose of this amendment is to exempt from the regulation extensions of credit to finance the purchase or construction of a structure to be used in substitution for a similar structure of which the borrower has been deprived through or by reason of eminent domain or condemnation proceedings.

(b) Section 709 of the Defense Production Act of 1950 provides that the functions exercised under such act shall be excluded from the operations of the Administrative Procedure Act (60 Stat. 237) except as to the requirements of section 3 thereof.

Special circumstances have rendered impracticable consultation with industry representatives, including trade association representatives, in the formulation of the above amendments; and, therefore, as authorized by the aforesaid section 709, the amendments have been issued without such consultation.

(Sec. 704, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp. Interprets or applies sec. 602, Pub. Law 774, 81st Cong.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51–4478; Filed, Apr. 16, 1951; 8:47 a. m.]

Chapter XVI—Production and Marketing Administration, Department of Agriculture

[Defense Food Order 2]

DFO 2—PROCESSED FRUITS AND VEGETABLES; SET ASIDE REQUIREMENTS

It is hereby found and determined that the provisions of this order are necessary and appropriate to promote the national defense; and this order, is, therefore, made effective pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong., approved September 8, 1950), Executive Order No. 10161 (15 F. R. 6105), Executive Order No. 10200 (16 F. R. 61), Defense Production Administration Delegation No. 1 (16 F. R. 738), and Secretary's Memorandum No. 1270, as amended (15 F. R. 6424; 16 F. R 2446). In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This order is designed to provide, to the extent possible, for making available an adequate supply of processed foods for the requirements of government agencies to meet military and essential civilian needs. It delegates to the Director, Fruit and Vegetable Branch, authority to issue orders designating processed foods to be subject to set asides, the quantities required to be set aside, and the conditions under which commodities shall be set aside. The Director is also authorized to require records and reports and designate authorized purchasers of set aside processed foods. Processors will be required to comply with all orders issued pursuant to this authorization.

Sec.
1. Definitions.
2. Restrictions.
3. Authorization.
4. Contracts and other obligations.
5. Records and reports.
6. Audits and inspections.
7. Violations.
8. Petition for relief from hardship.
9. Delegation of authority.
10. Territorial scope.
11. Communications.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong.

SECTION 1. *Definitions.* (a) "Director" means the Director of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, and any other officer or employee of the United States Department of Agriculture authorized to act in his stead.

(b) "Processed food" means any preserved product (including but not being limited to a product that is canned, frozen, or pickled) that the Director may, from time to time, specify that is produced from any one or more fruits or vegetables or products thereof.

(c) "Processor" means any person engaged in the commercial production of any processed food.

(d) "Pack" means the total quantity of any particular processed food produced by any processor during such period as may be specified by the Director.

(e) "Government agency" means any Department, Board, Agency, Commission, or government-owned or government-controlled corporation of the United States as may be designated by the Director.

(f) "Person" includes any individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of the foregoing.

SEC. 2. *Restrictions.* (a) The set aside requirements of this order are not, and shall not be deemed to be, a contract or commitment by Government agencies to purchase any processed food unless and until a contract is entered into for that purpose.

(b) Each processor shall set aside and reserve for the requirements of Government agencies such quantities of the processed foods produced by such processor as the Director may from time to time specify. All processed foods so set aside and reserved shall, unless and until released by the Director, be held for delivery to Government agencies.

SEC. 3. *Authorization.* The Director is authorized whenever he determines that it is necessary or appropriate to promote the national defense:

(a) To specify the processed foods that are to be subject to the provisions of this order;

(b) To specify the respective quantities of the processed foods (including the types, styles, varieties, grades, and container sizes and types) that are required to be set aside and reserved, as aforesaid;

(c) To specify the respective packs that are to be used in computing the aforesaid quantities;

(d) To designate an authorized purchaser or purchasers for processed foods set aside and reserved, as aforesaid, for Government agencies; and

(e) To release at any time any processed food that is set aside and reserved, as aforesaid, if he determines that such processed food is not required for Government agencies, and to notify the applicable processors thereof of such release.

SEC. 4. *Contracts and other obligations.* The provisions of this order and requirements pursuant hereto shall be observed without regard to contracts or obligations heretofore or hereafter entered into, or any rights accrued or payments made thereunder.

SEC. 5. *Records and reports.* (a) The Director shall be entitled to obtain such information from, and to require such reports and the keeping of such records by, any person as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the act and the provisions of this order.

(b) Every person subject to this order shall, for at least two years (or such other period of time as the Director may prescribe), maintain accurate records of his transactions in, and use of, processed foods.

SEC. 6. *Audits and inspections.* The Director shall be entitled to make such audit and inspection of the books, records, and other writings, premises, and stocks of processed foods of any person, and to make such investigations, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the act and this order.

SEC. 7. *Violations.* Any person who violates any provision of this order, or requirement pursuant to this order, may be prohibited from receiving, making deliveries of, maintaining inventories of, and using processed foods. In addition, any person who wilfully violates any provision of this order, or requirement pursuant to this order, is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil actions may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order, or requirement pursuant to this order.

SEC. 8. *Petition for relief from hardship.* Any person affected by this order, or any requirement pursuant this order, who considers that compliance with this order would work an exceptional or unreasonable hardship on him, may file a petition for relief with the Director. Petitions shall be in writing and set forth all pertinent facts, the nature of the relief sought, and justification therefor. The Director may take such action with reference to the petition as he deems appropriate. If the petitioner is dissatisfied with the action taken by the Director on the petition, he shall obtain, by requesting the Director therefor, a review of such action by the Administrator. The Administrator, after the review, shall take such action as he deems appropriate and such action shall be final.

SEC. 9. *Delegation of authority.* The administration of this order and the powers vested in the Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of a Government agency any or all of the authority vested in him by this order.

SEC. 10. *Territorial scope.* The provisions of this order shall be applicable within the 48 States, the District of Columbia, and such territories and possessions as the Director may specify.

SEC. 11. *Communications.* All reports hereunder and all communications concerning this order shall, unless otherwise provided in this order or in instructions issued by the Director, be addressed to the Director of the Fruit and Vegetable Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 12th day of April 1951, to become effective on 17th day of April 1951.

HAROLD K. HILL,
Deputy Administrator, Production and Marketing Administration.

[F. R. Doc. 51-4574; Filed, Apr. 16, 1951; 12:38 p. m.]

[Defense Food Order 2, Sub-Order 1]

DFO 2—PROCESSED FRUITS AND VEGETABLES; SET ASIDE REQUIREMENTS

SO1—CANNED VEGETABLES—SET ASIDE REQUIREMENTS

It is hereby found and determined that the provisions of this order are necessary and appropriate to promote the national defense; and this order is, therefore, made effective pursuant to the authority vested in me by Defense Food Order No. 2.[1] In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This order names the canned vegetables which are required to be set aside out of the 1951 pack and reserved for procurement by Government agencies pursuant to Defense Food Order No. 2. In addition it provides a formula for determining the specific quantity of each canned vegetable to be set aside by each processor. This formula consists of the establishment for each processor of a "base pack", to which is applied a prescribed percentage stated in the order. The order prescribes a time schedule for processors to meet in accumulating the set-aside quantity as the packing season progresses. It also sets forth processors' reporting requirements. It designates the Quartermaster General, United States Department of the Army, and his designees as authorized purchasers of the canned vegetables so set aside and reserved.

The composition of the quantity of canned vegetables set aside under this order is not prescribed, but the order does indicate the preference of Government agencies with respect to type, style, grade, and container sizes and types for each canned vegetable.

[1] See F. R. Doc. 51-4571, *supra*.

The order does not apply to any processor whose aggregate set aside quotas for all canned vegetables amount to less than one carload.

Sec.
1. Definitions.
2. Canned vegetables to be set aside and reserved.
3. Stocks to be set aside.
4. Table I.
5. Exemptions.
6. Reports.
7. Designation of authorized purchasers.

AUTHORITY: Sections 1 to 7 issued under sec. 704, Pub. Law 774, 81st Cong.

SECTION 1. *Definitions.* (a) Each term defined in Defense Food Order No. 2, shall, when used herein, have the same meaning as set forth for such term in said Defense Food Order No. 2.

(b) "Canned vegetable" means each of the processed foods produced during the quota period and listed in Column A of Table I.

(c) "Table I" means Table I set forth in section 4 of this order.

(d) "Quota period" means the period beginning on January 1, 1951, and ending on December 31, 1951, both dates inclusive.

(e) "Quota period pack" means, with respect to any canned vegetable, the aggregate quantity of such canned vegetable produced during the quota period.

(f) "Base period" means the two-year period beginning on January 1, 1949, and ending on December 31, 1950, both dates inclusive.

(g) "Base pack" means:

(1) With respect to any canned vegetable produced by any processor during both calendar years of the base period, one-half the aggregate quantity of the canned vegetable so produced;

(2) With respect to any canned vegetable produced by any processor during only one calendar year of the base period, the aggregate quantity of the canned vegetable so produced; and

(3) With respect to any canned vegetable that was not produced by a processor during the base period, the quota period pack of such canned vegetable.

SEC. 2. *Canned vegetables to be set aside and reserved.* (a) The aggregate quantity of a particular canned vegetable that each processor is required, pursuant to Defense Food Order No. 2, to set aside and reserve for the requirements of Government agencies shall be the lesser of (1) the amount obtained by multiplying his base pack for such canned vegetable by the percentage listed therefor in Column B of Table I, or (2) his quota period pack of such canned vegetable. Such aggregate quantity shall be the quota for such processor for such canned vegetable.

(b) The canned vegetable quotas are not required to be of any special composition; however, Table I sets forth the preferences of Government agencies with respect to the types, styles, grades and container sizes and types for each of the canned vegetables.

SEC. 3. *Stocks to be set aside.* (a) Except as otherwise required, each processor shall set aside and reserve his quota of each canned vegetable in accordance with the following schedule:

(1) At least 50 percent of his quota not later than the date on which the processor's aggregate production of his quota period pack of the canned vegetable is in an amount equal to 40 percent of his base pack of such vegetable; and

(2) The balance of his quota not later than the date on which such processor's aggregate production of his quota period pack of such canned vegetable is in an amount equal to 80 percent of his base pack of such canned vegetable.

(b) With respect to each processor whose base pack of a particular canned vegetable is his quota period pack, in accordance with section 1 (g) (3), the foregoing percentages shall be applied to the respective processor's estimate of his base pack.

SEC. 4. *Table I—Canned vegetables: Set aside percentages and preferences with respect to style of pack, grade, and container sizes and types.*

Canned vegetables (A)	Percentage of base pack (B)	Style: Sequence denotes preference unless otherwise specified (C)	Grade preference[1]: First (D)	Grade preference[1]: Second (E)	Preferred container sizes and types[2] (cans unless otherwise specified) (F)
Asparagus	12	(1. Spears 2. Cut spears	U. S. Fancy	U. S. Std. Min., score 80 points.[3]	2's.
Beans, lima	25		U. S. Ext. Std.	U. S. Fancy	10's-2's.
Beans, green or wax[4]	14	Cut	U. S. Ext. Std. (round type).	U. S. Fancy (round type).	10's-2's.
Carrots	27	(1. Sliced 2. Diced 3. Cut	U. S. Fancy	U. S. Std. Min. score 80 points.[3]	10's-2's.
Corn, sweet	15	(Whole grain[5] (Cream style[5]	U. S. Ext. Std.	U. S. Fancy	Whole grain, 10's-2's, No. 2 vacuum. Cream Style, 2's-No. 3 tall.
Peas, green	15		U. S. Ext. Std.	U. S. Fancy	10's-2's.
Pumpkin	17		U. S. Fancy		2½'s.
Sweetpotatoes	22	(1. Whole and pieces. 2. Whole	U. S. Fancy	U. S. Std. Min., score 80 points.	2½'s-No. 3 vacuum.
Tomatoes	20		U. S. Ext. Std.[1] or U. S. Fancy.[1]	U. S. Std. Min., score 70 points.[4 6]	10's-2½'s-2's.
Tomato catsup	16		U. S. Fancy 33% solids and over.[8]	U. S. Fancy, except 29-33% solids.[8]	10's-14 oz. bottles-2's.
Tomato paste	17		U. S. Fancy, medium conc.[1]	U. S. Fancy, light conc.[7]	10's-2½'s.

[1] Grades are those defined in applicable United States Standards.
[2] 75 percent of requirements are preferred in container sizes listed first.
[3] 75 percent of requirements are preferred in whole grain, and 25 percent cream style.
[4] First preference green beans.
[5] Type I as defined in Federal Specifications JJJ-T-571a.
[6] Type I as defined in Federal Specifications JJJ-C-91a.
[7] Type I as defined in Federal Specifications JJJ-T-579.
[8] With not less than 24 points for texture.
[9] With not less than 13 points for drained weight, 21 points for color, and 19 points for absence of defects.

SEC. 5. *Exemptions.* The provisions of this order shall not apply to any processor whose aggregate set aside quotas for all canned vegetables amount to less than one carload.

SEC. 6. *Reports*—(a) *Base period production.* Each processor shall file with the Director, within 30 days after the effective date of this order, accurate reports on DFO Form-3, showing the following information with respect to each canned vegetable produced by such processor during each year of the base period:

(1) Date; name and address of processor; and

(2) Total quantity, in terms of dozens of containers, by container types and sizes.

(b) *Quota period production.* Each processor who proposes to produce any canned vegetable during the quota period which he did not produce during the base period shall file with the Director, (1) within 30 days after the effective date of this order, a report on DFO Form-3 showing his estimate of his production of such canned vegetable during the quota period, and (2) within 10 days after the completion of his pack of such canned vegetable, an additional report on DFO Form-3 showing his actual production thereof during the quota period. Estimated production and actual production shall be shown on DFO Form-3 in the column headed "1950" by striking "1950" and substituting therefor "1951", and by marking the form "Estimate" or "Actual", as the case may be.

(c) *Time of filing.* Any report required to be filed pursuant to this order shall be deemed to be filed when it is post-marked, if mailed, or when it is received by the Director, if otherwise delivered.

SEC. 7. *Designation of authorized purchasers.* The Quartermaster General, United States Department of the Army, and each of his designees for such purpose are hereby designated as authorized purchasers of canned vegetables set aside and reserved hereunder, pursuant to Defense Food Order No. 2, for the requirements of Government agencies, in such amounts as are specifically approved by the Director.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

NOTE: All reporting requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of,

Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 13th day of April 1951.

S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-4575; Filed, Apr. 16, 1951; 12:38 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 709]

NEW MEXICO

WITHDRAWING PUBLIC LAND FOR USE OF THE STATE DEPARTMENT IN CONNECTION WITH THE RIO GRANDE CANALIZATION PROJECT

By virtue of the authority vested in the President by the act of May 13, 1924 (43 Stat. 118), as amended by the act of August 19, 1935 (49 Stat. 660; 22 U. S. C. 277c), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public land is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of State in connection with the Rio Grande Canalization Project:

NEW MEXICO PRINCIPAL MERIDIAN

T. 17 S., R. 4 W.,
Sec. 4.

The area described contains 579.80 acres.

This order shall be subject to the order of April 8, 1935, of the Secretary of the Interior establishing New Mexico Grazing District No. 4, so far as such order affects the above-described land.

It is intended that the land described above shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

OSCAR L. CHAPMAN,
Secretary of the Interior.

APRIL 10, 1951.

[F. R. Doc. 51-4474; Filed, Apr. 16, 1951; 8:46 a. m.]

[Public Land Order 710]

WASHINGTON

PARTIAL REVOCATION OF PUBLIC LAND ORDER NO. 261 OF JANUARY 24, 1945 RESERVING LANDS FOR THE USE OF THE WAR DEPARTMENT FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 261 of January 24, 1945, reserving lands for the use of the War Department for military purposes, is hereby revoked so far as it affects the following-described public land:

WILLAMETTE MERIDIAN

T. 13 N., R. 28 E.,
Sec. 26, W½.

The area described contains 320 acres.

The land is withdrawn for reclamation purposes by the orders of April 26, 1937 and December 21, 1943 of the Secretary of the Interior.

This order shall become effective at 10:00 a. m. on the 35th day after the date of this order.

OSCAR L. CHAPMAN,
Secretary of the Interior.

APRIL 10, 1951.

[F. R. Doc. 51-4473; Filed, Apr. 16, 1951; 8:46 a. m.]

[Public Land Order 711]

NEBRASKA AND SOUTH DAKOTA

REVOKING EXECUTIVE ORDER NO. 6604 OF FEBRUARY 16, 1934, WITHDRAWING PUBLIC LANDS FOR SOIL CLASSIFICATION

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, C. 421, 36 Stat., 847 (43 U. S. C. sec. 641), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 6604 of February 16, 1934, withdrawing all public lands in the following-described townships in Nebraska and South Dakota for the purpose of soil classification, is hereby revoked:

NEBRASKA

SIXTH PRINCIPAL MERIDIAN

Tps. 32, 33, and 34 N., R. 9 W.
Tps. 32, 33, 34, and 35 N., R. 10 W.
Tps. 33 and 35 N., R. 11 W.

The areas described, including both public and non-public lands, aggregate approximately 207,360 acres.

SOUTH DAKOTA

BLACK HILLS MERIDIAN

Tps. 3 N., Rs. 28, 29, and 30 E.
T. 4 N., R. 30 E.
Tps. 3 and 4 N., R. 31 E.
Tps. 4 N., Rs. 32, 33, and 34 E.

FIFTH PRINCIPAL MERIDIAN

Tps. 95 N., Rs. 65, 66, and 67 W.
Tps. 96 N., Rs. 67 and 68 W.
Tps. 97 N., Rs. 68 and 69 W.
T. 98 N., R. 69 W.
Tps. 97, 98, and 99 N., R. 70 W.
Tps. 99, 100, 101, 102, 104, and 105 N., R. 71 W.
Tps. 99, 100, 101, 102, 103, 104, and 105 N., R. 72 W.
Tps. 100, 101, 102, 103, 104, 105, and 106 N., R. 73 W.
Tps. 101, 103, 104, 105, and 106 N., R. 74 W.
Tps. 101, 102, 103, 104, 105, and 106 N., R. 75 W.
Tps. 101, 102, 103, 104, 105, and 106 N., R. 76 W.
Tps. 101, 102, 103, 104, 105, and 106 N., R. 77 W.
Tps. 101, 102, 103, 104, 105, 106, 107, 108, and 109 N., R. 78 W.
Tps. 103, 104, 105, 106, 107, 108, and 109 N., R. 79 W.

The areas described, including both public and non-public lands, aggregate approximately 1,820,160 acres.

Some of the public lands in the above-described areas were reserved for use, administration, and disposition in accordance with the provisions of Title III of the Bankhead-Jones Farm Tenant Act of July 22, 1937, 50 Stat. 522, 525 (7 U. S. C. sec. 1011), and the related provisions of Title IV thereof, and the jurisdiction thereover was transferred to the Department of Agriculture in connection with the South Central South Dakota Project (SD-LU-2) by Executive Order No. 10046 of March 24, 1949.

The rest of the public lands within the above-described areas are scattered tracts aggregating approximately 96 acres in Nebraska and 5,080 acres in South Dakota. They are considered to be chiefly valuable for disposal at public sale. No application for these lands may be allowed under the homestead, small-tract, or desert-land laws or any other non-mineral public-land laws unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Director, Bureau of Land Management, Washington 25, D. C.

OSCAR L. CHAPMAN,
Secretary of the Interior.

APRIL 10, 1951.

[F. R. Doc. 51-4472; Filed Apr. 16, 1951; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[No. 10122]

PART 139—STANDARD TIME ZONE BOUNDARIES

BOUNDARY LINE BETWEEN MOUNTAIN AND PACIFIC ZONES

In § 139.7, *Boundary line between mountain and Pacific zones*, appearing in the 1949 Edition of the Code of Federal Regulations, the last sentence of explanatory note under paragraph (b) should refer to "mountain" zone instead of "central" zone. As amended the note should read:

NOTE: While the order in 78 I. C. C. 606 did not in terms modify the boundary in Utah, the effect was a slight modification as "the point last described" in the preceding paragraph, as revised, is Woodruff, Idaho, on the Malad Valley branch of the Oregon Short Line Railroad (now the Union Pacific System), whereas prior to that order it was Weston, Idaho, on the main line of that road. The effect was to include in the mountain zone Utah points on the branch line between it and the main line.

(Secs. 1, 2, 4, 40 Stat. 450, 451, sec. 1, 41 Stat. 1446, 42 Stat. 1434; 15 U. S. C. 261–265)

[SEAL] W. P. BARTEL,
Secretary.

APRIL 11, 1951.

[F. R. Doc. 51-4485; Filed, Apr. 16, 1951; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 29]

TOBACCO INSPECTION

ANNOUNCEMENT OF REFERENDUM IN CONNECTION WITH PROPOSED DESIGNATION UNDER TOBACCO INSPECTION ACT OF TOBACCO AUCTION MARKET OF LAMAR, S. C.

Pursuant to the authority vested in the Secretary of Agriculture by The Tobacco Inspection Act (7 U. S. C. 511 et seq.) and in accordance with the applicable regulations (13 F. R. 9474–9479) issued thereunder by the Secretary, notice is given that a referendum of tobacco growers will be conducted from May 10 through May 12, 1951, to determine whether growers favor the designation of the Lamar, South Carolina, tobacco auction market for free and mandatory inspection of tobacco sold thereon.

Growers who sold tobacco on the aforesaid market during the 1950 marketing season shall be eligible to vote in said referendum. Ballots for use in said referendum will be mailed to all eligible voters insofar as their names and addresses are known. Eligible voters who do not receive ballots by mail may obtain them from the county agent or the office of the county PHA committee at Darlington, S. C., or from the office of the Planters Warehouse at Lamar.

All completed ballots shall be mailed to the Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, P. O. Box 549, Raleigh, North Carolina, and, in order to be counted in said referendum, must be postmarked not later than midnight, May 12, 1951.

Issued this 12th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4499; Filed, Apr. 16, 1951; 8:51 a. m.]

[7 CFR, Part 54]

DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF

GRADING AND INSPECTION; U. S. SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

Notice is hereby given that the United States Department of Agricuuture is considering the issuance, as hereinafter proposed of revised rules governing the grading and inspection of domestic rabbits and edible products thereof and United States specifications for classes, standards, and grades with respect thereto, to become effective May 1, 1951, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act of 1951 (Pub. Law 759, 81st Cong. approved September 6, 1950). The proposed rules and specifications will supersede the currently effective provisions of Part 70 (7 CFR Part 70), insofar as applicable to domestic rabbits and edible products thereof, and will thereupon be promulgated as Part 54 (7 CFR Part 54). On March 13, 1951 (16 F. R. 2350), a proposed revision of the provisions in Part 70 insofar as applicable to poultry and edible products thereof, was published in the FEDERAL REGISTER; and it is contemplated that the revised poultry regulations and the revised domestic rabbit regulations would become effective at the same time.

A substantial portion of the provisions of the proposed rules and specifications has received thorough consideration throughout the country at conferences held with the industry and other interested persons. Among other things, the proposed revision of rules and specifications changes the provisions governing the grading of ready-to-cook domestic rabbits by requiring, as a prerequisite thereto, some form of prescribed inspection for wholesomeness; clarifies some of the definitions and provisions contained in the currently effective regulations (7 CFR Part 70); and provides changes in the classes and standards of quality for ready-to-cook domestic rabbits.

All persons who desire to submit written data, views, or arguments in connection with the proposals should submit the same in triplicate to the Chief of the Marketing Services Division, Poultry Branch, Production and Marketing Administration, United States Department of Agriculture, Room 2099 South Building, Washington 25, D. C., not later than the close of business on the 15th day after the publication of this notice in the FEDERAL REGISTER.

The proposal is as follows:

SUBPART A—RULES GOVERNING THE GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF

DEFINITIONS

Sec.
54.1 Definitions.

ADMINISTRATION

54.2 Administration.

GENERAL

Sec.
54.3 Grading and inspection programs and services.
54.4 Application for grading service or inspection service.
54.5 Fraud or misrepresentation.
54.6 Political activity.
54.7 Interfering with a grader or inspector.
54.8 Other applicable regulations.
54.9 Publications.
54.10 Forms of certificates.
54.11 Identifying and marking products.
54.12 Supervision of marking and packaging.
54.13 Retention labels.
54.14 Prerequisites to grading and inspection.
54.15 Accessibility of products.
54.16 Time of grading or inspection in an official plant.
54.17 Report of inspection work and grading work.
54.18 Fees and charges.

INSPECTION

54.19 Manner of handling products in an official plant.
54.20 Ante-mortem inspection.
54.21 Evisceration.
54.22 Carcasses held for further examination.
54.23 Condemnation and treatment of carcasses.
54.24 Certification of carcasses.
54.25 Reinspection of edible products.
54.26 Appeal inspection; how made.
54.27 Inspection certificates; issuance and disposition.

GRADING

54.28 General.
54.29 Live domestic rabbits.
54.30 Ready-to-cook domestic rabbits.
54.31 Basis of acceptability of other official inspection systems.
54.32 Certificates.
54.33 Application for regrading of a graded product; regrading certificates.
54.34 Appeal grading.
54.35 Superseded certificates.

SANITARY REQUIREMENTS

54.36 Minimum standards for sanitation, facilities, and operating procedures in official plants.
54.37 Authority of Administrator to amend minimum standards for sanitation, facilities, and operating procedures in official plants.

SUBPART B—UNITED STATES STANDARDS FOR DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF

54.101 United States specifications for classes of ready-to-cook domestic rabbits.
54.102 United States specifications for standards of quality for individual ready-to-cook domestic rabbits.

AUTHORITY: §§ 54.1 to 54.102 issued under Pub. Law 759, 81st Cong.; approved Sept. 6, 1950.

SUBPART A—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF

DEFINITIONS

§ 54.1 *Definitions.* Unless the context otherwise requires, the following terms shall have the following meaning:

(a) "Act" means the following provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and of the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950), or any other act of Congress conferring like authority:

AGRICULTURAL MARKETING ACT OF 1946

• • • to develop and improve standards of quality, condition, quantity, grade, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices • • •

To inspect, certify, and identify the class, quality, quantity, and condition of agricultural products when shipped or received in Interstate Commerce under such rules and regulations as the Secretary of Agriculture may prescribe, including assessment and collection of such fees as will be reasonable and as nearly as may be to cover the cost of the service rendered, to the end that agricultural products may be marketed to the best advantage, that trading may be facilitated, and that consumers may be able to obtain the quality product which they desire. • • •

DEPARTMENT OF AGRICULTURE APPROPRIATION ACT, 1951

• • • Market inspection of farm products: For the investigation and certification, in one or more jurisdictions, to shippers and other interested parties of the class, quality, and condition of any agricultural commodity or food product, whether raw, dried, canned, or otherwise processed, and any product containing an agricultural commodity or derivative thereof when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered. • • •

Marketing farm products: For acquiring and diffusing among the people of the United States useful information relative to the needed supplies, standardization, classification, grading, preparation for market, handling, transportation, storage, and marketing of farm and food products, including the demonstration and promotion of the use of uniform standards of classification of American farm and food products throughout the world. • • •

(b) "Administration" means the Production and Marketing Administration of the Department.

(c) "Administrator" means the Administrator of the Production and Marketing Administration of the Department, or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

(d) "Applicant" means any interested party who requests any inspection service or grading service.

(e) "Carcass" means any domestic rabbit carcass.

(f) "Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind.

(g) "Condition" means any condition, including, but not being limited to, the state of preservation, cleanliness, or soundness of any product and the processing, handling or packaging which may affect such product.

(h) "Condition and wholesomeness" means the condition of any product, its healthfulness and fitness for human food.

(i) "Department" means the United States Department of Agriculture.

(j) "Domestic rabbit grading and inspection service" means the personnel of the Administration who are engaged in the administration, application, and direction of domestic-rabbit grading and inspection programs and services pursuant to the regulations in this part.

(k) "Edible product" means any product other than live domestic rabbits.

(l) "Grader" means any employee of the Department authorized by the Secretary, or any other individual to whom a license has been issued by the Secretary, to investigate and certify, in accordance with the regulations in this part, the class, quality, quantity, and condition of products.

(m) "Grading" or "grading service" means (1) the act whereby a grader determines, according to the regulations in this part, the class, quality, quantity, or condition of any product by examining each unit thereof, or each unit of the representative sample thereof drawn by a grader, and issues a grading certificate with respect thereto; (2) in addition to the foregoing the act whereby the grader identifies, according to the regulations in this part, the graded product; and (3) any regrading or any appeal grading of a previously graded product.

(n) "Grading certificate" means a statement, either written or printed, issued by a grader, pursuant to the regulations in this part, relative to the class, quality, quantity, or condition of a product.

(o) "Identify" means to apply official identification to products or to containers thereof.

(p) "Inspected and certified" or "certified" means, with respect to any product, that it has undergone an inspection and was found, at the time of such inspection, to be sound, wholesome, and fit for human food.

(q) "Inspection," "inspection service" or "inspection of products for condition and wholesomeness" means any inspection by an inspector to determine, in accordance with the regulations in this part, (1) the condition and wholesomeness of domestic rabbits, or (2) the condition and wholesomeness of any edible product at any stage of the preparation or packaging thereof in the official plant where inspected and certified, or (3) the condition and wholesomeness of any previously inspected and certified product if such product has not lost its identity as an inspected and certified product.

(r) "Inspection certificate" means a statement either written or printed, issued by an inspector, pursuant to the regulations in this part, relative to the condition and wholesomeness of products.

(s) "Inspector" means any person who is licensed by the Secretary to investigate and certify, in accordance with the regulations in this part, the condition and wholesomeness of products. An inspector may be an employee of the Department or of a State; he may be a graduate veterinarian or a layman.

(t) "Interested party" means any person financially interested in a transaction involving any inspection or grading.

(u) "National supervisor" means (1) the officer in charge of domestic rabbit inspection service of the Administration, (2) the officer in charge of domestic rabbit grading service of the Administration, and (3) such other officers or employees of the Department who may be so designated by the officer in charge of the domestic rabbit grading and inspection service of the Administration.

(v) "Office of grading" means the office of any grader.

(w) "Official identification" means the symbol represented by a stamp, label, seal, or other device approved by the Administrator, and affixed to any product, or to any container thereof, stating that the product was graded or inspected, or both; and the class, quality, or condition of such product as determined by a grader may be indicated.

(x) "Official plant" means one or more buildings or parts thereof, comprising a single plant in which the facilities and methods of operation therein have been approved by the Administrator as suitable and adequate for operation under inspection or grading service and in which inspection or grading is carried on in accordance with the regulations in this part.

(y) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(z) "Product" means ready-to-cook domestic rabbits and, with respect to grading service only, live domestic rabbits.

(aa) "Quality" means the inherent properties of any product which determine its relative degree of excellence.

(bb) "Ready-to-cook domestic rabbit" means any domestic rabbit which has been slaughtered for human food, from which the head, blood, skin, feet, and inedible viscera have been removed, that is ready to cook without need of further processing or any cut-up or disjointed portion of such domestic rabbit.

(cc) "Regional supervisor" means any regional supervisor of the Administration in charge of domestic rabbit grading service or domestic rabbit inspection service in a designated geographical area.

(dd) "Regulations" means the provisions of this entire part and such United States specifications for classes, standards, and grades for products as may be in effect at the time grading or inspection is performed.

(ee) "Secretary" means the Secretary of the Department, or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

(ff) "State supervisor" means any authorized and designated individual who is in charge of domestic rabbit grading service or domestic rabbit inspection service in a State. A State supervisor of domestic rabbit inspection service shall be a veterinarian and may be either a Federal-State employee or a Federal employee.

(gg) "Station supervisor" means any authorized individual who is designated to supervise domestic rabbit grading service or domestic rabbit inspection service in a large official plant or in a group of several small plants.

ADMINISTRATION

§ 54.2 *Administration.* The Administrator shall perform for and under the supervision of the Secretary, such duties as are prescribed in the regulations in this part and as the Secretary may require in the Administration of the regulations in this part.

GENERAL

§ 54.3 *Grading and inspection programs and services—(a) Kinds of services.* The regulations in this part provide for the following kinds of services with respect to live and ready-to-cook domestic rabbits:

(1) Grading of live domestic rabbits.

(2) Grading of ready-to-cook domestic rabbits:

(i) In an official plant.

(ii) At terminal markets and other receiving points other than official plants.

(3) Inspection of ready-to-cook domestic rabbits.

(b) *Processing of domestic rabbits in official plans; grading and inspection thereof.* Only domestic rabbits which are processed in official plants in accordance with the regulations in this part may be graded or inspected; and only domestic rabbits which are inspected pursuant to the regulations in this part or inspected and passed by any other official inspection system acceptable to the Administration may be graded.

All domestic rabbits that are eviscerated in an official plant where inspection service is maintained, shall be inspected for condition and wholesomeness and no uninspected edible products shall be brought into such official plant.

(c) *Basis of service and where offered.* (1) Any inspection service in accordance with the regulations in this part shall be for condition and wholesomeness.

(2) Any grading service in accordance with the regulations in this part shall be for class, quality, quantity, or condition or any combination thereof. Grading service with respect to determination of quality of products shall be on the basis of United States specifications for classes, standards, and grades as contained in Subpart B of the regulations in this part. However, grading service may be rendered with respect to products which are bought and sold on the basis of institutional contract specifications and such service, when approved by the Administrator, shall be rendered on the basis of the specifications of such contract.

(3) All grading service and all inspection service shall be subject to supervision at all times by the applicable station supervisor, State supervisor, regional supervisor, and national supervisor. Such service shall be rendered where the facilities and conditions are satisfactory for the conduct of the service and the requisite graders and inspectors are available.

(d) *Licensed graders and inspectors.* (1) Any person who is a Federal or State employee possessing proper qualifications as determined by an examination for competency, and who is to perform grading service or inspection service may be licensed by the Secretary as a grader or an inspector.

(2) Any prospective grader, other than a Federal or State employee, possessing proper qualifications as determined by an examination for competency and who is to perform grading service may be licensed by the Secretary as a grader.

(3) Any prospective grader, other than a Federal or a State employee, shall, prior to granting of the license, procure and deliver to the Administration a surety bond, issued by such surety as may be approved by the Administrator, in the amount of $1,000 for the proper performance of the duties of such licensee under the regulations in this part.

(4) All licenses issued by the Secretary shall be countersigned by the officer in charge of the domestic rabbit grading and inspection service of the Administration or any other designated official of such service.

(e) *Suspension of license or authority; revocation.* Pending final action by the Secretary, the aforesaid officer in charge of the domestic rabbit grading and inspection service may, whenever he deems such action necessary, suspend any license or authority effective pursuant to the regulations in this part, by giving notice of such suspension to the respective individual involved, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such individual, he may file an appeal, in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license or authority should not be suspended or revoked. After the expiration of the aforesaid seven-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed seven days the license is revoked.

(f) *Surrender of license.* Each license which is suspended or revoked, or has expired, shall promptly be surrendered by the licensee to his immediate superior. Upon termination of the services of a licensed grader, the licensee shall promptly surrender his license to his immediate superior for cancellation.

(g) *Identification.* Each grader and inspector shall have in his possession at all times, and present upon request while on duty, the means of identification furnished by the Department to such person.

(h) *Financial interest of inspectors.* No inspector shall inspect any product in which he is financially interested.

§ 54.4 *Application for grading service or inspection service—(a) Who may obtain grading service or inspection service.* An application for grading service or inspection service may be made by any interested person, including, but not being limited to, the United States, any State, county, municipality, or common carrier, and any authorized agent of the foregoing.

(b) *How application may be made.* (1) An application for inspection service shall be made in writing and filed with the Administrator.

(2) An application for grading service to be rendered in an official plant shall be made in writing and filed with the Administrator.

(3) An application for any grading service to be rendered other than in an official plant may be made in any office of grading or with any grader at or nearest the place where the service is desired. Such application may be made orally, in writing, or by telegraph. If the application for grading service is made orally, the office of grading, grader with whom the application is made, or the Administrator may require that the application be confirmed in writing.

(4) Each application for grading service or inspection service shall include such information as may be required by the Administrator in regard to the products and premises where the service is rendered.

(c) *Filing of application.* An application for grading service or inspection service shall be regarded as filed only when made pursuant to the regulations in this part.

(d) *Authority of applicant.* Proof of the authority of any person applying for grading service or inspection service may be required at the discretion of the Administrator.

(e) *Application for inspection service or grading service in official plants; approval.* Any person desiring to process and pack products in a plant under grading service or inspection service, or both, must receive approval of such plant as an official plant prior to the rendition of such service. An application for grading service or inspection service to be rendered in an official plant shall be approved according to the following procedure:

(1) *Initial survey.* When application has been filed for grading service or inspection service, as aforesaid, an examination of the plant and premises shall be made by the regional supervisor, or his assistant, and the necessary facilities specified for the service. Appeals with respect to any such specification may be made to the national supervisor.

(2) *Drawings and specifications to be furnished.* Four copies of drawings, consisting of floor plans of space to be included in the official plant, showing the locations of such features as the principal pieces of equipment, floor drains, principal drainage lines, hand washing facilities, hose connections for clean up purposes, cardinal points of the compass, and the routes of edible and inedible products through the plant, properly drawn to scale, shall be submitted to the regional supervisor. The official plant shall include toilet and dressing rooms, office space for the inspector and grader, store rooms for supplies used in the operations under inspection or grading, feeding rooms, and all rooms, compartments or passageways where products or any ingredients to be used in the preparation of products under inspection service or grading service will be handled or kept, and may include other rooms or compartments located in the building or buildings comprising the official plant. If rooms or compartments shown on the drawings are not to be included as part of the official plant, this should be clearly indicated thereon. Specifications covering the height of ceilings, types of principal pieces of equipment, character of floors, walls, and ceilings, lighting, ventilation, water supply, and drainage, and such other notations as may be required, shall accompany the drawings. Construction or remodeling of buildings, facilities, or premises should not be initiated without prior approval of the drawings. Upon approval of drawings and specifications the application for grading service or inspection service may be approved.

(3) *Final survey.* Prior to the inauguration of the grading service or inspection service, a final survey of the plant and premises shall be made by the regional supervisor or his assistant to determine if the plant is constructed and facilities are installed in accordance with the approved drawings and the regulations in the part. The plant may be approved only when these requirements have been met, except that conditional approval for a specified limited time may be granted only under emergency conditions of restricted availability of facilities and construction materials; provided practices suitable to the Administrator are employed to effect adequate sanitary conditions in the plant.

(f) *Rejection of application.* Any application for grading service or inspection service may be rejected by the Administrator (1) for noncompliance, by the applicant, with the act or the regulations in this part, or (2) whenever the product involved is owned by, or located on the premises of, a person currently denied the benefits of the act. Each such applicant shall be notified immediately of the reasons for the rejection.

(g) *Withdrawal of application.* Any application for grading or inspection service may be withdrawn by the applicant at any time before the service is performed upon payment, by the applicant, of all expenses incurred by the Administration in connection with such application.

(h) *Order of service.* Grading service or inspection service shall be performed, insofar as practicable, in the order in which application therefor is made except that precedence may be given to any application for an appeal inspection or appeal grading.

§ 54.5 *Fraud or misrepresentation.* Any wilful violation of the regulations in this part, the use of the terms "Government graded," "Federal-State graded," or terms of similar import in the labeling or advertising of any product without stating in conjunction therewith the U. S. grade of the product, or any wilful misrepresentation or deceptive or fraudulent practice found to be made or committed by any person in connection with:

(a) The making or filing of an application for any grading service or inspection service;

(b) The use of any grading certificate or inspection certificate issued pursuant to the regulations in this part, or the use of any official identification;

(c) The use of the terms "United States" or "U. S." in conjunction with the grade of the product;

(d) The use of any of the aforesaid terms or an official identification in the labeling or advertising of any product; or

(e) The use, in connection with any product, of a facsimile form which simulates in whole or in part any official identification; may be deemed sufficient cause for debarring such person from any or all benefits of the act after opportunity for hearing has been accorded him; and, pending investigation and hearing, the Administrator may, without hearing, direct that such person shall be denied the benefits of the act.

§ 54.6 Political activity. All graders and inspectors who are employees of the Department are forbidden during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Wilful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 54.7 *Interfering with a grader or inspector.* Any further benefits of the act and the regulations in this part may be denied any applicant who either personally or through an agent or representative interferes with or obstructs, by intimidation, threats, ridicule, or assault, or in any other manner, a grader or inspector in the performance of his official duties.

§ 54.8 *Other applicable regulations.* Compliance with the regulations in this part shall not excuse failure to comply with any other applicable Federal, State, or municipal laws or regulations.

§ 54.9 *Publications.* Publications under the act and the regulations in this part shall be made in the FEDERAL REGISTER, the Service and Regulatory Announcements of the Department, and such other media as the Administrator may approve for the purpose.

§ 54.10 *Forms of certificates*—(a) *Grading certificates.* Grading certificates (including appeal grading certificates and regrading certificates) shall be issued on forms approved by the Administrator.

(b) *Inspection certificates.* Each inspection certificate issued pursuant to the regulations in this part shall be approved by the Administrator as to form, and:

(1) Each domestic rabbit inspection certificate shall show the class or classes of domestic rabbits, the quantity of product contained in the respective lot, and all pertinent information concerning the condition and wholesomeness thereof;

(2) Each food product inspection certificate shall show the names of the edible products covered by such certificate, the quantity of each such product, such shipping marks as are necessary to identify such products, and all pertinent information concerning the condition and wholesomeness thereof;

(3) Each export certificate shall show the respective names of the exporter and the consignee, the destination, the shipping marks, the numbers of the export stamps attached to the edible products to be exported and covered by the certificate, and the names of such products and the total net weight thereof.

(c) *Advance information.* Upon the request of an applicant, all or part of the contents of any grading certificate or inspection certificate issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him at his expense.

§ 54.11 *Identifying and marking products*—(a) *Approval of official identification.* (1) Any label or packaging material which bears any offical identification shall be used only in such manner as the Administrator may prescribe. No label or packaging material bearing official identification may be used unless finished copies or samples of such labels and packaging material have been approved by the Administrator. No label bearing official identification shall be printed for use until the printer's final proof has been approved by the Administrator; and no label, other than labels for shipping containers or containers for institutional packs, bearing any official identification shall be used until finished copies or samples of such labels have been approved by the Administrator. Final approval may be given to printer's final proof or photostatic copies of labels for shipping containers or containers for institutional packs, and no such labels shall be used until such proofs or copies have been approved by the Administrator. A label which bears official identification shall not bear any statement that is false or misleading, and if labels in the name of the same packer or distributor, or bearing the same brand name, are used on the same or similar products which are prepared from products which are not inspected, the diameter of the inspection mark, or combination inspection and grading mark, used on labels for inspected products shall be equal to at least one-tenth of the length of the label, plus at least one-tenth of the width of the label. If the labeling is printed or otherwise applied directly to the container, the principal display panel of such container shall, for this purpose, be considered as the label.

(2) Any present supply of labels approved, pursuant to the applicable provisions of Part 70 of this chapter, prior to the effective time of the regulations in this part may continue to be used until such present supply is exhausted.

(b) *Products that may be individually identified; information required on grade mark.* Only ready-to-cook domestic rabbits which are of A Quality or B Quality may be individually identified with a grade mark. Except as otherwise authorized each grade mark which is to be used shall conspicuously indicate the U. S. grade and class of the product it identifies and shall include one of the following phrases: "Federal-State Graded," or "Government Graded," or a phrase of similar import. Such grade mark shall be contained within the outline of a shield of such design as may be prescribed or approved by the Administrator.

(c) *Use of grade mark and inspection mark with respect to the same product.* The Administrator is authorized to prescribe and approve the form of the grade mark and inspection mark that may be used individually or in combination with respect to the same product.

(d) *Marking inspected products*—(1) *Wording and form of the inspection mark.* Except as otherwise authorized the inspection mark permitted to be used with respect to inspected and certified edible products shall include wording as follows: "Inspected for wholesomeness by U. S. Department of Agriculture." This wording, in such form as the Administrator may prescribe or approve shall be contained within a circle. The Administrator may approve the use of abbreviations of such inspection mark; and such approved abbreviations shall have the same force and effect as the inspection mark. The inspection mark or approved abbreviation thereof, as the case may be, may be applied to the inspected and certified edible product or to the packaging material of such product. The inspection mark, or the approved abbreviation thereof, shall, when used on packaging material, be printed on such material or on a label to be affixed to the packaging material, and the name of the packer or distributor of such product must be legibly printed on the packaging material or label, as the case may be.

(2) *Wording on labels.* Each trade label to be approved for use pursuant to this section with respect to any inspected and certified edible product shall bear the true name of the edible product, the name and address of the packer or distributor thereof, and, in prominent letters and figures of uniform side, the inspection mark, as aforesaid; and the label shall also bear, in such manner as may be prescribed or approved by the Administrator, the plant number, if any, of the official plant in which such product was inspected and certified.

(3) *Labels in foreign languages.* Any trade label to be affixed to a container of any edible products for foreign commerce may be printed in a foreign language. However, the inspection mark shall appear on the label in English, but, in addition, may be literally translated into such foreign language. Each such trade label which is to be printed in a foreign language must be approved pursuant to this section.

(4) *Use of approved labels.* Trade labels approved for use pursuant to this section shall be used only for the purpose for which approved.

§ 54.12 *Supervision of marking and packaging*—(a) *Evidence of label approval.* No grader or inspector shall authorize the use of official identification for any graded or inspected product unless he has on file evidence that such official identification or packaging material bearing such official identification has been approved in accordance with the provisions of § 54.11.

(b) *Affixing of official identification.* (1) No official identification or any abbreviation, copy or representation thereof may be affixed to or placed on or caused to be affixed to or placed on any product or container thereof except by a grader or an inspector or under the supervision of a grader or an inspector or other person authorized by the Administrator. All such products shall have been inspected and certified, or graded, or both. The grader or inspector shall have supervision over the use and handling of all material bearing any official identification.

(2) Each container of inspected and certified edible products to be shipped from one official plant to another official plant for further processing shall be marked for identification and shall show the following information:

(i) The name of the inspected and certified edible products in the container;

(ii) The name and address of the packer or distributor of such product;

(iii) The net weight of the container;

(iv) The inspection mark permitted to be used pursuant to the regulations in this part, unless the containers are sealed or otherwise identified in such manner as may be approved by the Administrator; and

(v) The plant number of the official plant where the products were packed.

(c) *Packaging.* No container which bears or may bear any official identification or any abbreviation or copy or representation thereof may be filled in whole or in part except with edible products which were inspected and certified or graded or both and are at the time of such filling, sound, wholesome and fit for human food. All such filling of containers shall be under the supervision of an inspector or grader.

§ 54.13 *Retention labels.* An inspector or grader may use such labels, devices and methods as may be approved by the Administrator for the identification (a) of products which are held for further examination, and (b) all equipment and utensils which are to be held for proper cleaning.

§ 54.14 *Prerequisites to grading and inspection.* Grading and inspection of products shall be rendered pursuant to the regulations in this part and under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

§ 54.15 *Accessibility of products.* Each product for which grading service or inspection service is requested shall be so arranged so as to permit adequate determination of its class, quality, quantity, and condition as the circumstances may warrant.

§ 54.16 *Time of grading or inspection in an official plant.* The grader or inspector who is to perform the grading

or inspection in an official plant shall be informed, in advance, by the applicant of the hours when such grading or inspection is desired. Graders and inspectors shall have access at all times to every part of any official plant to which they are assigned.

§ 54.17 *Report of inspection work and grading work.* Reports of the work of inspection and grading carried on within official plants shall be forwarded to the Administrator by the inspector and grader in such manner as may be specified by the Administrator.

(a) *Information to be furnished to inspectors and graders.* When inspection service or grading service is performed within an official plant, the applicant for such inspection or grading shall furnish to the inspector or grader rendering such service such information as may be required for the purposes of this section.

(b) *Reports of violations.* Each inspector and each grader shall report, in the manner prescribed by the Administrator, all violations of and noncompliance with the act and the regulations in this part of which he has knowledge.

§ 54.18 *Fees and charges*—(a) *Payment of fees and charges.* (1) Fees and charges for any grading or inspection shall be paid by the applicant for the service in accordance with the applicable provisions of this section and, if so required by the Administrator, such fees and charges shall be paid in advance.

(2) Fees and charges for any grading or inspection performed by any grader or inspector who is a salaried employee of the Department shall, unless otherwise required pursuant to subparagraph (3) of this paragraph, be paid by check, draft, or money order payable to the Treasurer of the United States and remitted promptly to the Administration.

(3) Fees and charges for any grading or inspection pursuant to a cooperative agreement with any State or person shall be paid in accordance with the terms of such cooperative agreement.

(b) *Grading service on a fee basis.* (1) Unless otherwise provided in this part the fees to be charged and collected for any grading service (other than for an appeal grading) on a fee basis shall be based on the applicable rates specified in paragraph (d) of this section.

(2) In the event the aforesaid applicable rates specified in paragraph (d) of this section are deemed by the Administrator to be inadequate fully to reimburse the Administration for all costs and other items paid or incurred by the Administration in connection with such service, the fees for such service shall not be based on the rates specified in paragraph (d) of this section, but shall be based on the time required to perform such service and the travel of each grader at the rate of $3.00 per hour for the time actually required.

(3) If an applicant requests that any grading service be performed on a holiday or a non-work day, he may be charged for such service at a rate one and one-half times the rate which would otherwise be applicable for such service if performed on a day other than on a holiday or non-work day.

(c) *Fees for appeal grading.* The fees to be charged for any appeal grading shall be double the fee specified in the grading certificate from which the appeal is taken: *Provided,* That the fee for any appeal grading requested by the United States, or any agency or instrumentality thereof, shall be not more than that set forth in the grading certificate from which the appeal is taken. If the fee on the certificate from which the appeal is taken is based on a contract, then the fee for such appeal grading shall be double the amount specified in paragraph (d) of this section for the applicable volume of product appeal graded. If the result of any appeal grading discloses that a material error was made in the grading appealed from, no fee shall be required.

(d) *Domestic rabbits grading fees.* For each grading of any lot of domestic rabbits, whether live or ready-to-cook, the following fees shall be applicable:

For 500 pounds or less	$1.50
For 501 to 1,000 pounds, inclusive	2.25
For 1,501 to 3,000 pounds, inclusive	3.00
For 3,001 to 6,000 pounds, inclusive	4.00
For 6,001 to 10,000 pounds, inclusive	6.00
For 10,001 to 20,000 pounds, inclusive	10.00
For each additional 10,000 pounds, or fraction thereof, in excess of 20,000 pounds	3.00

(e) *Inspection service on a fee basis.* Fees to be charged and collected for inspection services furnished on a fee basis shall be based on the time required to render such services including, but not being limited to, the time required for the travel of the inspector or inspectors in connection therewith, at the rate of $3.25 per hour for each inspector for the time actually required.

(f) *Fees for additional copies of grading certificates and inspection certificates.* Additional copies, other than those provided for in § 54.27 and § 54.32 of any grading certificates or inspection certificates, may be supplied to any interested party upon payment of a fee of $1.00 for each set for five or fewer copies.

(g) *Traveling expenses and other charges.* Charges may be made to cover the cost of traveling and other expenses incurred by the Administration in connection with the performance of any grading service or inspection service.

(h) *On a contract basis.* Fees to be charged and collected for any grading service or inspection service, other than for an appeal grading, on a contract basis shall be those provided for in such contract. The fees to be charged for any appeal grading shall be as provided in paragraph (c) of this section.

(i) *Fees for grading service or inspection service performed under cooperative agreement.* The fees to be charged and collected for any grading service or inspection service performed under cooperative agreement shall be those provided for by such agreement.

(j) *Disposition of fees for inspection made under cooperative agreement.* Fees for inspection under a cooperative agreement with any State or person shall be disposed of in acordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement as may be due the United States shall be remitted to the Administration.

INSPECTION

§ 54.19 *Manner of handling products in an official plant.* Unless otherwise specified in the regulations in this part by the Administrator, products which are to be further processed under inspection in an official plant shall be prepared and handled in such official plant only in such manner as may be prescribed or approved by the Administrator and under the supervision of an inspector.

§ 54.20 *Ante-mortem inspection.* Ante-mortem examination of domestic rabbits is required as a prerequisite to any inspection; and such ante-mortem examination shall be carried out under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

§ 54.21 *Evisceration.* No viscera or any part thereof shall be removed from any domestic rabbits which are to be processed under inspection in any official plant, except at the time of evisceration and inspection. Each carcass to be eviscerated shall be opened so as to expose the organs and the body cavity for proper examination by the inspector and shall be prepared immediately after inspection as ready-to-cook domestic rabbit.

§ 54.22 *Carcasses held for further examination.* Each carcass, including all parts thereof, in which there is any lesion of disease, or other condition, which might render such carcass or any part thereof unfit for human food, and with respect to which a final decision cannot be made on first examination by the inspector, shall be held for further examination. The identity of each such carcass, including all parts thereof, shall be maintained until a final examination has been completed.

§ 54.23 *Condemnation and treatment of carcasses.* Each carcass, or any part thereof, which is found to be unsound, unwholesome, or otherwise unfit for human food shall be condemned by the inspector and shall receive such treatment, under the supervision of the inspector as will prevent its use for human food and preclude dissemination of disease through consumption by animals.

§ 54.24 *Certification of carcasses.* Each carcass and all parts and organs thereof which are found by the inspector to be sound, wholesome, and fit for human food shall be certified as provided in this part.

§ 54.25 *Reinspection of edible products.* (a) Any inspected and certified edible product may be brought into an official plant only if the container of such product is marked for identification in the manner prescribed in § 54.12 (b) (2) and the product is reinspected by an inspector at the time it is brought into such plant. Upon reinspection, if any such product or portion thereof is found to be unsound, unwholesome, or otherwise unfit for human food, such product, or portion thereof, shall be condemned and shall receive such treatment as that provided in § 54.23.

(b) Any product which is prepared under inspection in an official plant shall be inspected in such plant as often as the inspector deems it necessary in order to ascertain whether such product is sound, wholesome, and fit for human food at the time such product leaves such plant. Upon any such inspection, if any such product or portion thereof is found to be unsound, unwholesome, or otherwise unfit for human food, such product or portion thereof shall be condemned and shall receive such treatment as that provided in § 54.23.

(c) All substances and ingredients used in the manufacture or preparation of any edible product shall be clean, sound, wholesome, and fit for human food.

§ 54.26 *Appeal inspection; how made.* Any interested party may, if dissatisfied with any decision of an inspector relating to any inspection, file an appeal from such decision. Any such appeal from a decision of an inspector shall be made to his immediate superior having jurisdiction over the subject matter of the appeal. Review of such appeal findings, when requested, shall be made by the immediate superior of the employee of the Department making the appeal inspection.

§ 54.27 *Inspection certificates; issuance and disposition—(a) Issuance and disposition of domestic rabbits inspection certificates.* (1) Upon the request of an interested party, any inspector is authorized to issue a domestic rabbit inspection certificate with respect to any lot of dressed domestic rabbits inspected by him. Each certificate shall be signed by the inspector who made the inspection covered by the certificate, and if more than one inspector participated in the inspection of the lot of domestic rabbits, each such inspector shall sign the certificate with respect to such lot.

(2) The original of each inspection certificate, issued pursuant to this section, and not to exceed three copies thereof, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of the regional supervisor serving the area in which the inspection was performed, and the remaining copies to be disposed of in such manner as the Administrator may approve. Additional copies of any such certificate may be furnished to any interested party as provided in § 54.18.

(b) *Food product inspection certificates; issuance and disposition.* (1) Upon the request of an interested party, any inspector is authorized to issue a food product inspection certificate with respect to any inspected and certified edible product after suitable examination of the product has been made by the inspector.

(2) The original of each food product inspection certificate, and not to exceed two copies thereof, if requested, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. Another copy shall be filed in the office of the regional supervisor serving the area in which such certificate was issued, and one copy shall be forwarded to the Administrator. The last named two copies shall be retained until otherwise ordered by the Administrator.

(c) *Export certificates; issuance and disposition.* (1) Upon the request of an exporter, any inspector is authorized to issue an export certificate with respect to the shipment to any foreign country of any inspected and certified edible product after suitable examination of the product has been made by the inspector.

(2) Each export certificate shall be issued in quintuplicate; the original shall be delivered to the exporter who requested such certificate; and the duplicate copy shall be delivered to the agent of the railroad or other carrier transporting such products from the United States. The triplicate copy of such export certificate shall be forwarded to the Administrator; the quadruplicate copy shall be filed in the office of the regional supervisor serving the area in which such export certificate was issued and the memorandum copy shall be retained by the inspector for filing. The last named three copies shall be retained until otherwise ordered by the Administrator.

GRADING

§ 54.28 *General.* Grading service performed with respect to any quantity of products shall, as the case may require, be on the basis of an examination, pursuant to the regulations in this part, of each unit thereof or of each unit in the representative sample thereof drawn by a grader. Whenever the grading service is performed on a representative sample basis, such sample shall be drawn and consist of not less than the minimum number of containers as indicated in the following table.

[Minimum number of containers comprising a representative sample]

Containers in lot:	*Containers in sample*
3 containers, or less	(1)
4 to 10, inclusive	3
11 to 20, inclusive	4
21 to 50, inclusive	7
51 to 100, inclusive	10
In excess of 100 containers	(2)

[1] All containers.
[2] 10 percent of the number of containers in the lot.

§ 54.29 *Live domestic rabbits.* Grading service performed with respect to any quantity of live domestic rabbits shall, as the case may require, be on the basis of an examination, pursuant to regulations in this part, of each unit thereof or of each unit in the representative sample thereof drawn by a grader. Such domestic rabbits may be identified with official identification on a lot basis only.

§ 54.30 *Ready-to-cook domestic rabbits*—(a) *In an official plant.* Grading service performed in an official plant with respect to ready-to-cook domestic rabbits shall, as the case may require, be on the basis of each individual carcass or on a representative sample basis.

(1) Only such ready-to-cook domestic rabbits which have been inspected and certified, pursuant to the regulations in this part, or have been inspected and passed by any other official inspection system which is acceptable to the Administrator, may be graded.

(2) Only such ready-to-cook domestic rabbits which were graded on an individual carcass basis and are of A Quality or B Quality may be individually identified with the appropriate grade mark, and any container of such ready-to-cook domestic rabbits may also be so identified. The grading of ready-to-cook domestic rabbits shall be performed prior to the disjointing or cutting up of the respective carcass.

(3) If the ready-to-cook domestic rabbits are of C Quality only the bulk container of such ready-to-cook domestic rabbits may be identified with the appropriate grade mark even though the grading may have been performed on an individual carcass basis.

(b) *At terminal markets and other receiving points.* Grading service performed with respect to ready-to-cook domestic rabits at terminal markets and other receiving points may be on a representative sample basis. Only such ready-to-cook domestic rabbits which were processed in an official plant and are graded on an individual carcass basis may be individually identified with a grade mark. Only ready-to-cook domestic rabbits which were inspected and certified and are marked with the inspection mark or in accordance with the provisions of § 54.12 (b) (2) may be graded.

§ 54.31 *Basis of acceptability of other official inspection systems—(a) General.* Any domestic rabbit inspection system may be deemed to be acceptable to the Administrator which (1) is conducted under the authority of laws, ordinances, or similar enactments of the State, county, city, or other political subdivision in which is located the official plant at which the ready-to-cook domestic rabbits are prepared and submitted for grading service; and (2) imposes at least the requirements set forth in paragraph (b) of this section: *Provided,* That no such inspection shall be deemed acceptable to the Administrator with respect to any official plant in which ready-to-cook domestic rabbits are prepared if he finds at any time that such requirements are not adequately enforced.

(b) *Requirements as to manner of inspection.* (1) The inspection shall be conducted by an inspector who is a qualified veterinarian or under the supervision of a qualified veterinarian. All such inspectors shall be employed by the State, county, city, or other political subdivision in which the official plant is located.

(2) The inspection shall include postmortem examination of each domestic rabbit carcass during the evisceration operation.

(3) All carcasses which show evidence of disease or any other condition which may render them unwholesome or unfit for food shall be condemned and shall be destroyed for food purposes under the supervision of an inspector. Each carcass and part thereof which has been inspected and passed or containers of carcasses or parts thereof shall bear the

identifying inspection symbol of the other official inspection system and the marking devices or labels shall be in the custody of the inspector at all times.

(c) *Determining compliance with paragraph (b) of this section.* A qualified veterinary supervisor of the domestic rabbit grading service of the Administration shall investigate the manner of operation of the inspection system to determine the adequacy of the postmortem examination and the compliance with the requirements contained in this section prior to approving the official plant for the grading of ready-to-cook domestic rabbits. This supervisor as well as any official graders who may be stationed in the official plant shall periodically observe the inspection operations in the official plant to determine that the requirements of this section are being met. If at any time the inspector fails to enforce the requirements as set forth in the inspection system, grading service may be withdrawn from the official plant.

§ 54.32 *Certificates*—(a) *Issuance.* Each grader shall issue a grading certificate covering each product graded.

(b) *Disposition.* The original of each grading certificate, issued pursuant to this section, and not to exceed three of the copies thereof, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of grading serving the area in which the grading service was performed, and the remaining copies shall be disposed of in such manner as the Administrator may approve. Additional copies of any such certificate may be furnished to any interested party as provided in § 54.18 (f).

§ 54.33 *Application for regrading of a graded product; regrading certificates*—(a) *Application for regrading of a graded product.* An application for a regrading of any previously graded product may be made at any time by any interested party, and such application shall clearly state the reasons for requesting the regrading. The provisions of the regulations relative to grading service shall apply to regrading service.

(b) *Regrading certificates.* Immediately after a regrading has been completed, a regrading certificate shall be issued showing the results of such regrading; and such certificate shall thereupon supersede, as of the time of issuance of the regrading certificate, the grading certificate previously issued for the product involved. Each regrading certificate shall clearly set forth the number and date of the grading certificate which it supersedes. The provisions of § 54.10 and § 54.32 shall, whenever applicable, also apply to regrading certificates except that copies of such regrading certificates shall be furnished each interested party of record.

§ 54.34 *Appeal grading*—(a) *Application for appeal grading.* An application for an appeal grading may be made by any interested party who is dissatisfied with any determination stated in any grading certificate only if the identity of the product, or representative sample thereof, on the basis of which a determination was made has not been lost, and such application for the appeal grading is made within two days following the day on which the grading was performed. Upon approval by the Administrator, the time within which an application for an appeal grading may be made may be extended.

(b) *How to obtain appeal grading.* Appeal grading may be obtained by filing a request therefor (1) with the Administrator, (2) with the grader who issued the grading certificate with respect to which the appeal grading is requested, (3) with the immediate superior of such grader, or (4) with the officer in charge of any office of grading. The application for appeal grading shall clearly state the reasons therefor and may be accompanied by a copy of the aforesaid grading certificate or any other information the applicant may have secured regarding the product, at the time of grading, from which the appeal is requested. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation may be required.

(c) *Record of filing time.* A record showing the date and hour when each such application for appeal grading is received shall be maintained in such manner as the Administrator may prescribe.

(d) *When an application for an appeal grading may be refused.* Notwithstanding the provisions of paragraph (a) of this section, if it appears to the Administrator that the reasons for an appeal grading are frivolous or not substantial, or that the quality or condition of the products has undergone a material change since the grading from which the appeal is made, or the identical products that were examined to ascertain the grade thereof cannot be made accessible for reexamination, or the act or regulations in this part have not been complied with, the Administrator may refuse the applicant's request for the appeal grading, and such applicant shall be promptly notified of the reason for such refusal.

(e) *When an application for appeal grading may be withdrawn.* An application for appeal grading may be withdrawn by the applicant at any time before the appeal grading is made upon payment, by the applicant, of all expenses incurred by the Administration in connection with such application.

(f) *Who shall perform the appeal grading.* An appeal grading of any graded product shall be made by any grader (other than the one from whose grading the appeal is made) designated for this purpose by the Administrator; and, whenever practical, such appeal grading shall be conducted jointly by two such graders.

(g) *Appeal grading by immediate superior.* Notwithstanding the provisions of this section, whenever the immediate superior of a grader has evidence that such grader incorrectly graded a product, such superior shall immediately make a regrading of the product.

(h) *Order of performance of appeal gradings.* Appeal gradings shall be performed, insofar as practical, in the order in which applications therefor are received; but any such application may be given precedence pursuant to § 54.4.

(i) *Appeal grading certificates.* Immediately after an appeal grading has been completed, an appeal grading certificate shall be issued showing the results of such appeal grading. Such certificate shall thereupon supersede the grading certificate for the product involved and such supersedure shall be effective as of the time of issuance of the grading certificate with respect to which the appeal is made. Each appeal grading certificate shall clearly set forth the number and the date of the grading certificate which it supersedes. The provisions of § 54.10 and § 54.32 shall, whenever applicable, also apply to appeal grading certificates except that copies of such appeal grading certificates shall be furnished each interested party of record.

§ 54.35 *Superseded certificates.* Whenever any grading certificate is superseded in accordance with the regulations in this part such certificate shall become null and void as of the effective time of supersedure. If the original and all copies of such superseded certificate are not delivered to the person issuing the regrading certificate or appeal grading certificate, he shall notify such persons as he considers necessary to prevent fraudulent use of the superseded certificate.

SANITARY REQUIREMENTS

§ 54.36 *Minimum standards for sanitation, facilities, and operating procedures in official plants.* Except as otherwise provided in this part the provisions of this section shall apply with respect to grading service and inspection service in all official plants. The table set forth in this section indicates some of the types of material which may be used in the construction of equipment, utensils and facilities for use in the plant.

(a) *Buildings and plant facilities* (1) The buildings shall be of sound construction and kept in good repair, and shall be of such construction as to prevent the entrance or harboring of rodents:

(i) Outside openings: (*a*) The doors, windows, skylights and other outside openings of the plant, except receiving rooms and live rabbit holding rooms, shall be protected by properly fitted screens and other suitable devices, against the entrance of flies and other insects.

(*b*) Outside doors, except in receiving rooms and live rabbit holding rooms shall be self-closing and so hung that not over ¼ inch clearance remains when closed. Screen doors shall open toward the outside of the building.

(2) Rooms and compartments used for edible products shall be separate and distinct from inedible products departments and from rooms where rabbits are slaughtered and skinned. Separate rooms shall be provided when required and all rooms shall be of sufficient size to permit the installation of the necessary equipment for processing operations and the conduct of such operations in a sanitary manner.

(i) The official plant should have separate rooms for each of the following operations depending upon the various types of operations conducted; but in no case shall the receiving or holding of live rabbits or killing operations be permitted in rooms in which eviscerating operations are performed:

(*a*) The receiving and feeding of live rabbits.

(*b*) Killing and skinning operations.

(*c*) Eviscerating, chilling, and packing operations for ready-to-cook rabbits.

(*d*) Inedible products departments.

(*e*) Refuse room.

(*ii*) Rooms and compartments in which carcasses or parts thereof are held for further inspection shall be in such number and such location as the needs of the inspection in the plant may require. They shall be equipped with locks and keys and the keys shall not leave the custody of the inspector in charge of the plant. All such rooms and compartments shall be marked conspicuously with the word "retained" in letters not less than 2 inches high.

(*iii*) Coolers and freezers: Coolers and freezers of adequate size and capacity shall be provided to reduce the internal temperature of ready-to-cook domestic rabbits prepared and otherwise handled in the plant to 36° F. within 24 hours unless other cooling facilities are available.

(*iv*) Refuse rooms: Refuse rooms shall be entirely separate from other rooms in the plant, and shall have tight fitting doors and be properly ventilated.

(*v*) *Storage and supply rooms:* The storage and supply rooms shall be in good repair, kept dry, and maintained in a sanitary condition.

(vi) *Boiler room:* The boiler room shall be a separate room, if necessary, to prevent its being a source of dirt and objectionable odors entering any room where ready-to-cook rabbits are prepared, processed, handled and stored.

(vii) *Inspector's office:* Furnished office space, including, but not being limited to, light, heat and janitor service shall be provided rent free in the official plant, for the exclusive use for official purposes of the inspector or grader and the Administration. The room or rooms set apart for this purpose must meet with the approval of the regional supervisor and be conveniently located, properly ventilated and provided with lockers or cabinets suitable for the protection and storage of supplies and with facilities suitable for inspectors and graders to change clothing.

(viii) No toilet rooms shall open directly into any room where domestic rabbit products are exposed and each such room shall be provided with self-closing doors.

(3) The floors, walls, ceilings, partitions, posts, doors and other parts of all compartments shall be of such material, construction, and finish as will make them susceptible of being readily and thoroughly cleaned:

(i) *Floors.* (*a*) All floors, except those which are kept dry, shall be constructed of hardened concrete, or of tile laid closely together with impervious joint material, or of other similar impervious material and kept in good repair.

(*b*) All floors except those which are kept dry shall be graded to permit runoff with no standing water and in new construction and renovated plants the pitch shall be not less than ¼ inch per foot to drains.

(ii) *Ceilings and walls.* (*a*) Ceilings and walls shall have tiled, enameled, or other smooth surface inpervious to moisture.

(*b*) Cooler and freezer rooms shall have interior surfaces as are impervious to moisture and permit thorough cleaning.

(iii) *Blood disposal.* (*a*) Adequate facilities shall be provided for the disposal of blood in a sanitary manner.

(*b*) When bleeding troughs are used they shall be long enough to catch the blood during the bleeding process and shall be cleaned daily. Such troughs shall be installed so as to pitch at least ½ inch per foot toward a smooth metal catch basin or basins, of sufficient capacity for a day's operation at peak production, or shall be flushed continuously.

(4) There shall be an efficient drainage and plumbing system for the plant and premises:

(i) All drains and gutters shall be properly installed with approved traps and vents. The drainage and plumbing system must permit the quick run-off of all water from plant buildings, and surface water around the plant and on the premises; and all such water shall be disposed of in such a manner as to prevent a nuisance or health hazard.

(ii) *Sewerage and plant wastes.* (*a*) The sewerage system shall have adequate slope and capacity to remove readily all waste from the various processing operations and to minimize, and if possible to prevent, stoppage and surcharging of the system.

(*b*) Catch basins which are connected with the sewerage system shall be suitably located but not near any edible products department or in any area where products are unloaded from, or loaded into, vehicles. To facilitate cleaning such basins shall have inclined bottoms and be provided with suitable covers.

(*c*) Toilet soil lines shall be separate from house drainage lines to a point outside the buildings; and drainage from toilet bowls and urinals shall not be discharged into a grease catch basin.

(*d*) All floor drains shall be equipped with traps, constructed so as to minimize clogging; and the plumbing shall be so installed as to prevent sewerage from backing up and from flooding the floor.

(*e*) Floor drainage lines should be of metal and at least 4 inches in diameter and open into main drains of at least 8 inches in diameter and shall be properly vented to outside air.

(*f*) Where refrigerators are equipped with drains, such drains should be properly trapped and should discharge through an air gap into the sewer system. All new installations, and all replacements, of refrigerators equipped with drains shall meet these requirements.

(5) The water supply shall be ample, clean, and potable with adequate facilities for its distribution in the plant, and its protection against contamination and pollution:

(i) Hot water at a temperature not less than 180° F. shall be available for sanitation purposes.

(ii) Hose connections with steam and water mixing valves or hot water hose connections shall be provided at convenient locations throughout the plant for cleaning purposes.

(iii) The refuse rooms shall be provided with a hot water supply and adequate facilities for washing refuse cans and other equipment in the rooms; and the rooms, cans, and equipment shall be cleaned after each day's use.

(6) Modern lavatory accommodations, and properly located facilities for cleaning utensils and hands shall be provided:

(i) Adequate lavatory and toilet accommodations, including, but not being limited to, running hot water and cold water, soap, and towels, shall be provided. Such accommodations shall be in or near toilet and locker rooms and also at such other places in the plant as may be essential to the cleanliness of all personnel handling products.

(ii) Sufficient self-closing metal containers shall be provided for used towels and other wastes.

(iii) The water supply in all hand washing facilities shall be operated by foot pedal or knee control, or shall be of a continuous-flow type.

(iv) Durable signs shall be posted conspicuously in each toilet room and locker room directing employees to wash their hands before returning to work.

(v) Toilet facilities shall be provided according to the following formula:

Persons of same sex:	Toilet bowls required
1 to 15, inclusive	1
16 to 35, inclusive	2
36 to 55, inclusive	[1] 3
56 to 80, inclusive	[1] 4
For each additional 30 persons in excess of 80	[1] 1

[1] Urinals may be substituted for toilet bowls but only to the extent of ⅓ of the total number of bowls stated.

(7) There shall be ample light, either natural or artificial or both, of good quality and well distributed, and sufficient ventilation for all rooms and compartments to insure sanitary conditions:

(i) All rooms in which domestic rabbits are killed, eviscerated, or otherwise processed shall have at least 10 foot-candles of light intensity on all working surfaces except that at the grading and inspection stations such light intensity shall be 50 foot-candles. In all other rooms there shall be provided at least 4 foot-candles of light intensity when measured at a distance of 30 inches from the floor.

(ii) All rooms shall be adequately ventilated to eliminate objectionable odors and minimize moisture condensation.

(b) *Equipment and utensils.* (1) Equipment and utensils used for the preparation, processing, or otherwise handling any product in the plant shall be suitable for the purpose intended and

shall be of such material and construction as will facilitate their thorough cleaning and insure cleanliness in the preparation and handling of products:

(i) Live rabbit holding pens shall be so constructed as to allow satisfactory ante-mortem examination and to permit proper cleaning.

(ii) Metal refuse containers shall be provided; and such containers shall be kept covered.

(iii) Insofar as it is practical, equipment and utensils shall be made of metal or other impervious material. Trucks and receptacles used for handling inedible products shall be of similar construction and shall be conspicuously and distinctly marked and shall not be used for handling any edible products.

(iv) Chilling vats: (*a*) Chilling vats or tanks used for chilling ready-to-cook domestic rabbits shall be made of metal or other hard-surfaced impervious material.

(v) Grading and packing bins: (*a*) Where grading bins are used for ready-to-cook domestic rabbits they shall be of sufficient number and capacity to handle the grading adequately without the use of makeshift bins and all ready-to-cook domestic rabbits shall be kept off the floor. Grading bins may be made of metal or enameled wood and shall be constructed and maintained in such a manner as to allow easy and thorough cleaning. All replacements of such bins shall, however, be of metal.

(vi) All equipment and utensils used in the killing, skinning, and the eviscerating, chilling, and packing rooms shall be of metal or other impervious material and constructed so as to permit proper and complete cleaning.

(vii) Conveyors: (*a*) Conveyors used in the preparation of ready-to-cook domestic rabbits shall be of metal and of such construction as to permit thorough and ready cleaning and easy identification of viscera with its carcass.

(*b*) Overhead conveyors shall be so constructed and maintained that they do not allow grease, oil or dirt to accumulate on the drop chain or shackle, which shall be of non-corrosive metal.

(*c*) Non-metallic belt-type conveyors used in moving edible products shall be of water-proof composition.

(viii) Inspection, eviscerating, and cutting tables shall be made of metal and have coved corners and be so constructed and placed to permit thorough cleaning.

(ix) In plants where no conveyors are used, each carcass shall be eviscerated in an individual metal tray of seamless construction.

(x) Water spray washing equipment shall be used for washing carcasses inside and out.

(xi) Watertight metal receptacles shall be used for entrails and other waste resulting from preparation of ready-to-cook domestic rabbits.

(xii) Watertight trucks and receptacles for holding or handling diseased carcasses and diseased parts of carcasses shall be so constructed as to be readily and thoroughly cleaned; such trucks and receptacles shall be marked in a conspicuous manner with the word "condemned" in letters not less than 2 inches high and, when required by the inspector in charge, shall be equipped with facilities for locking and sealing.

(xiii) Freezing rooms should be adequately equipped to freeze ready-to-cook domestic rabbits solid in less than 48 hours. Ready-to-cook domestic rabbits should be frozen at temperatures of —10° F. to —40° F. and should be stored at 0° F. or below, with the temperature maintained as constant as possible. Freezing rooms should be equipped with floor racks or pallets and fans to insure air circulation.

(xiv) Cooling racks should be made of metal and be readily accessible for thorough washing and cleaning. All replacements of cooling racks shall be made of metal.

(xv) Trucks and receptacles in which carcasses or parts thereof are held for further inspection shall be in such number and such location as the needs of the inspection in the plant may require. They shall be equipped for locking by means of lock and key and the key shall not leave the custody of the inspector in charge of the plant. Such trucks and receptacles shall be marked conspicuously with the word "retained" in letters not less than 2 inches high.

(2) All equipment shall be so placed as to be readily accessible for all processing and cleaning operations.

(3) Equipment and utensils used in the official plant shall not be used outside the official plant except under such conditions as may be prescribed or approved by the national supervisor, and equipment used in the preparation of any article (including, but not being limited to, animal food), from inedible material shall not be used outside of the inedible products department except under such conditions as may be prescribed or approved by the national supervisor.

(*c*) *Maintenance of sanitary conditions and precautions against contamination of products.* (1) The premises shall be kept free from refuse, waste materials, and all other sources of objectionable odors.

(2) Rooms, compartments, or other parts of the official plant shall be kept clean and in sanitary condition:

(i) All blood, offal, rabbits or parts of rabbits too severely damaged to be salvaged and all discarded containers and other materials shall be completely disposed of daily.

(ii) All windows, doors, and light fixtures in the official plant shall be kept clean.

(iii) All docks and rooms shall be kept clean and free from debris and unused equipment and utensils.

(iv) Live rabbit receiving docks and receiving rooms shall be of such construction as readily to permit their thorough cleaning; and such docks and rooms should be kept clean at all times.

(v) Floors in live rabbit holding rooms shall be thoroughly cleaned and with such regularity as may be necessary to maintain them in a sanitary condition.

(vi) The killing and skinning room shall be kept clean and free from offensive odors at all times.

(vii) The walls, floors, and all equipment and utensils used in the killing and skinning room shall be thoroughly washed and cleaned after each day's operation.

(viii) The floors in the killing and skinning room shall be cleaned frequently during killing and skinning operations and be kept reasonably free from accumulated blood, offal, water and dirt.

(ix) All equipment in the toilet room and locker room, as well as the room itself, shall be kept clean, sanitary, and in good repair.

(x) Cooler and freezer rooms shall be free from objectionable odors of any kind and shall be maintained in a sanitary condition (including, but not being limited to, the prevention of drippings from refrigerating coils onto products).

(3) Equipment and utensils used for preparing or otherwise handling any product shall be kept clean and in a sanitary condition and in good repair:

(i) Pens shall be cleaned regularly and the manure removed from the plant daily.

(ii) All equipment and utensils used in the killing and skinning rooms shall be thoroughly washed and cleaned after each day's operation. The eviscerating, chilling, and packing room and equipment and utensils used therein shall be maintained in a clean and sanitary condition.

(iii) Graders' and packers' gloves and grading bins shall be washed daily and used only for grading or packing, as the case may be.

(iv) All crates or pens used for transporting live domestic rabbits to the plant shall be cleaned regularly.

(v) Chilling vats or tanks, if practicable, shall be emptied after each use. They shall be thoroughly cleaned once daily, and after each cleaning operation they shall be sanitized with such compounds or by such methods as may be approved or prescribed by the Administrator.

(vi) When synchronized overhead conveyors and tray conveyors are used, the trays shall be completely washed and sanitized after being automatically emptied of inedible viscera.

(vii) When a conveyor tray operation is used, each carcass shall be eviscerated in an individual metal tray of seamless construction; and such trays shall be completely washed and sanitized after each use.

(viii) Tables, shelves, bins, trays, pans, knives, and all other tools and equipment used in the preparation of ready-to-cook domestic rabbits shall be kept clean and sanitary at all times. Cleaned equipment and utensils shall be drained on racks and shall not be nested.

(ix) Drums, cans, tanks, vats, and other receptacles used to hold or transport ready-to-cook domestic rabbits, shall be kept in a clean and sanitary condition.

(4) Operations and procedures involving the preparation, storing, or handling of any product shall be strictly in accord with clean and sanitary methods:

(i) There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or other places in the plant where any product is prepared, stored, or otherwise handled.

(ii) Blood from the killing operation shall be confined to a relatively small area and kept from being splashed about the room.

(iii) In the final washing, the carcass shall be passed through a system of sprays providing an abundant supply of fresh clean water.

(iv) The floors in the eviscerating room shall be kept clean and reasonably dry during eviscerating operations and free of all refuse.

(v) Conveyors shall be operated at such speeds as will permit a sanitary eviscerating operation and will permit adequate inspection for condition and wholesomeness.

(vi) Mechanized packaging equipment shall be maintained in good sanitary condition.

(vii) All offal resulting from the eviscerating operation shall be removed as often as necessary to prevent the development of a nuisance.

(viii) Paper and other material used for lining containers in which products are packaged shall be of such kinds as do not tear readily during use, but remain intact when moistened by the product.

(ix) Protective coverings shall be used for product as it is distributed from the plant as will afford adequate protection for the product against contamination by any foreign substance (including, but not being limited to, dust, dirt, and insects, considering the means intended to be employed in transporting the product from the plant.

(x) Refuse may be moved directly to loading docks only for prompt removal.

(xi) Cleanliness and hygiene of personnel: (*a*) All employees coming in contact with exposed edible products or edible products handling equipment shall wear clean garments and should wear caps or hair nets, and shall keep their hands clean at all times while thus engaged.

(*b*) Hands of employees handling edible products or edible products handling equipment shall be free of infected cuts, boils, and open sores at all times while thus engaged.

(*c*) Every person after each use of toilet or change of garments shall wash his hands thoroughly before returning to duties that require the handling of edible products, or containers therefor, or edible products handling equipment.

(*d*) Neither smoking nor chewing of tobacco shall be permitted in any room where exposed edible products are prepared, processed, or otherwise handled.

(5) Temperatures and procedures which are necessary for cooling and freezing of domestic rabbits in accordance with sound commercial practice shall be maintained in the coolers and freezers, and chilling temperatures and procedures shall also be in accordance with sound commercial practice:

(i) Cooling: Immediately after evisceration and washing of the carcass, it shall be placed in a cooling tank containing running cold tap water to remove the animal heat from the carcass. Carcasses shall not be allowed to remain in the cooling tank for longer than one hour.

(ii) Air chilling: Immediately after the initial water chilling, the carcasses shall be placed in cooling racks and thereupon placed in a refrigerated cooler with moderate air movements and a temperature which will reduce the internal temperature of the carcasses to from 36° F. to 40° F., both inclusive, within 24 hours.

(iii) Freezing. (*a*) When ready-to-cook domestic rabbits are packaged in bulk or shipping containers, the carcasses should be individually wrapped or packaged in water-vapor resistant cartons or the containers should be lined with heavy water-vapor resistant paper so as to assure adequate overlapping of the lining to completely surround the carcasses and to permit unsealed closure or sealing in such a manner that water-vapor loss from the product is considerably retarded or prevented. The rabbit carcasses should receive an initial rapid freezing under such packaging, temperature, air circulation, and stacking conditions which will result in freezing the carcasses solid in less than 48 hours.

(*b*) Frozen ready-to-cook rabbits should be stored at 0° F., or below, with temperatures maintained as constant as possible.

(iv) Immediately after packaging, all ready-to-cook domestic rabbits, other than those which are shipped from the plant in a refrigerated carrier, should be moved into the freezer, except that a period not exceeding 72 hours will be permitted for transportation and temporary holding before placing in the freezer provided such rabbits are held at not above 36° F.

(6) Every practicable precaution shall be taken to exclude flies, rats, mice, and other vermin from the official plant:

(i) Dogs, cats, and other pets shall be excluded from rooms where edible products are processed, handled, or stored.

(7) No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted in any room or compartment where exposed or unpacked edible products are prepared, processed, or otherwise handled.

(8) Table showing types of materials:

Equipment, utensils, and facilities	Iron	Stainless steel and monel metal	Aluminum	Galvanized iron
Holding pens	A	A	A	A
Overhead conveyors	A	A	A	A
Conveyor track	A	A	------	A
Shackles	------	A	------	A
Shackle chain	A	A	------	A
Eviscerating pans	------	A	A	A
Inspection table	------	A	A	A
Inside and outside washer	------	A	A	A
Cooling tanks and racks	------	A	A	A
Utensils for handling edible products	------	A	A	A
Framework (of equipment)	A	------	------	------

Key: A—Acceptable.

§ 54.37 *Authority of Administrator to amend minimum standards for sanitation, facilities, and operating procedures in official plants.* The Administrator is authorized to amend the provisions in § 54.36 and such amended provisions shall be applicable to official plants.

SUBPART B—UNITED STATES STANDARDS FOR DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF

§ 54.101 *U. S. Specifications for classes of ready-to-cook domestic rabbits.* For the purpose of this section, the classes of ready-to-cook domestic rabbits are fryer rabbits and roaster rabbits. The flesh of a fryer domestic rabbit is tender and fine-grained, and of a bright pearly white color. The flesh of a roaster domestic rabbit is more firm and coarse-grained; the muscle fiber is slightly darker in color and less tender than that of a fryer domestic rabbit; and the fat may be more creamy in color than that of a fryer domestic rabbit.

(*a*) *Fryer.* A fryer is a young domestic rabbit carcass weighing not less than 1½ pounds and rarely more than 3½ pounds; and processed from a rabbit usually less than 12 weeks of age.

(*b*) *Roaster.* A roaster is a mature or old domestic rabbit carcass of any weight but usually over 4 pounds; and processed from a rabbit over 12 weeks of age, usually 8 months old or older.

§ 54.102 *U. S. Specifications for standards of quality for individual ready-to-cook domestic rabbits*—(*a*) *General.* Carcasses found to be unsound, unwholesome, or unfit for food shall not be included in any of the quality designations specified in this section.

(*b*) *Standards of quality*—(1) *A Quality.* To be of A Quality the carcass:

(i) Is short, thick, well-rounded, and full-fleshed.

(ii) Has a broad back, broad hips, and broad, deep fleshed shoulders, and firm muscle texture.

(iii) Has well-developed strips of fat extending from the neck part-way down the back, and some exterior fat well distributed over loins, shoulders, and back, and a plentiful amount of interior fat in the crotch and over the inner walls of the carcass, the kidneys being practically surrounded by thick layers of firm white fat.

(iv) Shows no evidence of coagulated blood in the veins and is free from any evidence of reddening of the flesh due to blood in the connective tissues.

(v) Is free from all foreign material (including, but not being limited to, hair, dirt, and bone particles) and from crushed bones caused by removing the head or the feet.

(vi) Is free from broken bones, flesh bruises, defects, and deformities. Ends of leg bones may be broken due to removing the feet.

(2) *B Quality.* To be of B Quality the carcass:

(i) Is short, thick, fairly well-rounded, and fairly well-fleshed.

(ii) Has a fairly broad back, fairly broad hips, and fairly broad and deep-fleshed shoulders, and fairly firm muscle texture.

(iii) Has fairly well developed strips of fat extending from the neck part-way down the back and some evidence of fat fairly well distributed over loins and shoulders; has interior fat that is fairly plentiful in the crotch and over the inner

walls of the carcass; and has a considerable quantity of interior fat around the kidneys.

(iv) Shows no evidence of coagulated blood in the veins and is free from any evidence of reddening of the flesh due to blood in the connective tissues.

(v) Is free from all foreign material (including, but not being limited to, hair, dirt, and bone particles) and from crushed bones caused by removing the head or the feet.

(vi) Is free from broken bones and practically free from bruises, defects, and deformities. End of leg bones may be broken due to removing the feet.

(3) *C Quality.* A carcass that does not meet the requirements of B Quality may be of C Quality and such carcass:

(i) May be long, rangy, and fairly well fleshed.

(ii) May have thin, narrow back and hips, and soft flabby muscle texture.

(iii) May show very little evidence of exterior fat.

(iv) May show very slight evidence of reddening of the flesh due to blood in the connective tissues.

(v) Is free from all foreign material (including, but not being limited to, hair, dirt, and bone particles) and from crushed bones caused by removing the head or feet.

(vi) May have moderate bruises of the flesh, moderate defects, and moderate deformities; have not more than one broken bone; and may have a small portion of the carcass removed because of serious bruises.

Issued at Washington, D. C., this 12th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4506; Filed, Apr. 16, 1951; 8:52 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR, Ch. I]

[File No. 21-413]

FLOOR WAX AND FLOOR POLISH INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, including farm, labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the Floor Wax and Floor Polish Industry, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than May 11, 1951. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., May 11, 1951, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., to any such persons, firms, corporations, organizations, or other parties, who desire to appear and to be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

Members of the industry are persons, firms, corporations and organizations engaged in manufacturing or marketing any product (except paints and lacquers, shellac, and other varnishes) which is advertised, offered for sale, or sold for use in polishing, preserving, beautifying, cleaning, or protecting floor surfaces and which, when applied to a floor, deposits thereon, after evaporation of the solvent or carrier, a solid film or coating which is substantially removable by the usual floor-cleaning methods involving the use of soaps, alkalies, or synthetic detergents in aqueous solution.

Issued: April 12, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-4488; Filed, Apr. 16, 1951; 8:49 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 94]

CLAIMS AGAINST CLOSED INSTITUTIONS IN JAPAN

APRIL 11, 1951.

Notice is hereby given that, according to an announcement by the Closed Institutions Liquidating Commission, an agency of the Japanese Government, claims arising outside Japan against closed financial institutions in Japan, except the claims of depositors, debenture holders, and stockholders, must be filed with that Commission no later than July 16, 1951, in order that payment may be made to the extent permitted by the realization of available assets in Japan. Payment can currently be made only in yen, and recipients who desire the conversion of yen into foreign exchange will be required to follow procedures established by the Japanese Foreign Exchange Control and Foreign Trade Control Law.

Depositors, debenture holders, and stockholders of closed financial institutions in Japan are specifically requested not to file their claims with the Commission since these claims are already a matter of record with the Commission and will be paid in accordance with the Commission's procedures.

A complete list of the institutions against which claims may be filed appears in the Official Gazette of the Japanese for January 24, 1951, No. 1446, English language edition. Copies of the Official Gazette are available in the United States in approximately two hundred and twenty-five college, university, and public libraries, and other public and semi-public institutions. In addition, copies of this issue of the Official Gazette are being made available to field offices of the United States Department of Commerce.

Claims and inquiries concerning claims, including questions relating to the procedures to be followed in filing claims, must be addressed directly to the Closed Institutions Liquidating Commission, Tokyo Office, Sanwa Building, No. 2, Marunouchi 1-chome, Chiyoda-ward, Tokyo, Japan, or to the Osaka office of the Commission, Bank of Tokyo, Osaka Branch Building, No. 5 Kitahama 5-chrome, Higashi-ward, Osaka, except that correspondence regarding claims against the Taihei Lumber Co., Ltd., should be sent to the C. I. Taihei Lumber Co., Ltd., Liquidation Office, No. 7 Komagata 1-chome, Aoskusa, Daito-ward, Tokyo, and correspondence regarding claims against the Japan Publications Distributing Co., Ltd., should be sent to the Liquidation Office of that company, at No. 9 Awaji-cho 2-chome, Kanda, Chiyoda-ward, Tokyo.

Information regarding claims and related matters cannot be furnished to claimants by the Department of State, the United States Policitical Adviser for Japan, or the General Headquarters of the Supreme Commander for the Allied Powers. Interested persons should, therefore, refrain from addressing inquiries of this type to any one of these agencies.

The Closed Institutions Liquidating Commission of Japan has indicated that the claim statement should contain the following information:

(a) Name of the closed institution against which claim is to be filed.

(b) Name and location of the office against which claim originated.

(c) Date at which claim originated.

(d) Description of claim, with full particulars. Principal and interest should be clearly distinguished, and the period for which interest is calculated should be stated.

(e) Description and present location of any public bonds, debentures, stocks, shares, or other items which were offered as security.

(f) Listing and description of any documentary evidence (deeds, passbooks, contracts, certificates, acknowledgment of claims, etc.) which claimant may wish to attach in verification of his claim.

(g) Amount of claim. If the claim is expressed in a foreign currency, it should be stated only in that particular foreign currency, without recalculating to yen or other currencies.

(h) The claimant may submit any other information which he considers necessary.

(i) The claim should include the full name and address of the creditor, and a statement along the following lines: "The undersigned hereby declares that the statement given above is true and correct, and acknowledges that no payment or settlement of the above-mentioned claims has been made up to the present."

For the Secretary of State.

DEAN RUSK,
Assistant Secretary.

[F. R. Doc. 51-4469; Filed, Apr. 16, 1951; 8:45 a. m.]

DEPARTMENT OF DEFENSE

Department of the Army

STATEMENT OF ORGANIZATION AND FUNCTIONS

AGENCIES DEALING WITH PUBLIC; OFFICE OF QUARTERMASTER GENERAL

The statement of organization and functions published in 15 F. R. 551, February 1, 1950, and amended in 15 F. R. 6917, October 14, 1950, is further amended by changing subparagraphs (1) through (8) of paragraph (i), section 2, to read as follows:

SEC. 2. *Organization and functions of agencies dealing with the public.* * * *

(i) *Office of the Quartermaster General*—(1) *Mission.* Under the direction and control of Assistant Chief of Staff, G-4, The Quartermaster General provides and services food, clothing, equipment, and supplies for the Army, as assigned to the Quartermaster General and, as assigned, for the Navy and the Air Force; and provides for the disposition of the remains of deceased military personnel and for over-all supervision of the operation of National Cemeteries.

(2) *Origin.* (i) The Quartermaster Corps, originally the "Quartermaster Department," was established June 16, 1775 by the Continental Congress which, in addition to authorizing a Quartermaster General, provided for appointment of a Commissary-General of Stores and Provisions. In 1777 there were authorized a Commissary General with four deputies, a Commissary General of issues with three deputies, and a Commissary General of clothing.

(ii) After the Revolutionary War the Congress in 1785 curtailed Quartermaster Department activities and authorized procurement through civilians known as "contractors of provisions." In 1812 Congress reconstituted the Quartermaster Department. During the Civil War responsibility for supplying animal transport and providing forage, and the operation of ocean, rail, and water transportation became an additional function of the Quartermaster Department. In 1912 Congress consolidated the Quartermaster, Subsistence and Pay Departments, and established what was then the Quartermaster Corps.

(3) *World War I.* World War I brought the first steps toward mechanization of the Army. The Quartermaster Corps created bakery, butcher, ice plant, labor, and motor truck companies, clothing units, mechanical repair shops, salvage units, and graves registration units, and trained the personnel for field activities. The size of the Army and the distance of combat activities from the zone of interior increased Quartermaster Corps procurement and storage activities to proportions in excess of all combined prior operations.

(4) *World War II.* In World War II motor transport, construction, and utilities as well as the function of transportation were given to other Army agencies. The Quartermaster Corps devoted its major interest to providing the soldier with items of food, clothing, and equipment necessary to the personal maintenance of the soldier and which would contribute to the soldier's personal comfort and well-being. The remoteness of the battlefronts, the unprecedented size of the Army, and the requirement for approximately 70,000 different items of quartermaster origin brought the Quartermaster Corps to peak (1945) expansion: 54 general officers, 30,744 other officers, and 467,266 enlisted.

(5) *Legal basis.* The authority for assignment of general powers and duties to the Quartermaster General by this paragraph is sections 206 and 405, Public Law 581—81st Congress (Army Organization Act of 1950).

(6) *Dual role of the Quartermaster General*—(i) *Staff advice.* The Quartermaster General provides administrative and technical advice and recommendations relating to quartermaster matters to the Secretary of the Army, the Under Secretary of the Army, the Chief of Staff, and the General and Special Staffs.

(ii) *Command.* For the execution of the Quartermaster Corps mission, the Quartermaster General commands all troops, activities, and installations assigned to his control.

(7) *Major functions*—(i) *Supply.* Procures, stores, disposes, maintains, and supplies those items of equipment and supplies assigned to the Quartermaster Corps.

(ii) *Installations and separate activities.* Commands Quartermaster Corps class II installations (including general depots) and separate activities.

(iii) *Industrial mobilization.* Collaborates with other military departments and Army agencies in the formulation and execution of broad plans, policies, and program for industrial mobilization with reference to quartermaster matériel, supplies, resources, and facilities to support Army plans for industrial mobilization.

(iv) *Standardization matériel.* Administers matters of standardization of quartermaster matériel and equipment preliminary to Departmental approval, and conducts and monitors certain standardization studies for the Department of Defense.

(v) *Procedures and standards.* Formulates and establishes, in coordination with other Army agencies, quartermaster procedures and standards.

(vi) *Mobilization and training.* Effects mobilization designations of Organized Reserve Corps personnel; implements the quartermaster Organized Reserve Corps affiliation program; trains quartermaster units assigned to quartermaster control; and establishes and operates schools and facilities for the technical training of quartermaster personnel.

(vii) *Food service.* Administers the food service program.

(viii) *Deceased personnel.* Maintains staff supervision over the current death program for deceased personnel of the Army and Air Force and is responsible for the recovery, identification, and disposition of the remains of all World War II deceased who are eligible under Public Law 383—79th Congress, as amended.

(ix) *Research and development.* Plans, coordinates, and conducts research and development on new and/or improved equipment, supplies, and materials in fields for which the Quartermaster General has assigned responsibilities.

(x) *Intelligence.* In accordance with Department of the Army policies, produces and maintains intelligence concerning foreign quartermaster research and development, organizations, material, and operations; prepares and maintains Quartermaster Corps sections of Strategic Vulnerability Surveys, exercises technical supervision over the collection and exploitation of quartermaster intelligence information in theaters of operation.

(8) *Organization*—(i) *Office of Management.* (*a*) Provides a management consulting service for the Office of the Quartermaster General and for quartermaster field installations.

(*b*) Develops programs for improvement of organization, office procedures, and recurring reports.

(*c*) Exercises technical supervision over activities of management offices at field installations and appraises their efficiency of operation.

(*d*) Interprets and disseminates production and cost data to assist in the improvement of the efficiency of the Quartermaster Corps.

(ii) *Office of Technical Information*—(*a*) Prepares official releases relating to Quartermaster Corps activities for submission to the Army Public Information Division, receives and answers queries, and arranges interviews and advises quartermaster personnel as to Army public information policies.

(*b*) Arranges displays of quartermaster items for photographic illustration.

(*c*) Advises The Quartermaster General regarding public reactions in the press, periodicals, and radio in relation to Quartermaster Corps operations.

(*d*) Coordinates the activities of public information personnel at quartermaster field establishments.

(*e*) Advises the Army Public Information Division on quartermaster activities likely to be of public concern, obtains review from the Division, of articles and speeches prepared by personnel of the Office of the Quartermaster General; and advises the Quartermaster General on Army policies for dealing with information media.

(iii) *Office of the General Counsel.* (*a*) Acts for the Quartermaster General in the direction and coordination

of legal activities throughout the Quartermaster Corps and establishes and publishes policies, practices, and procedures.

(b) Exercises technical supervision over activities of legal staffs at field installations.

(c) Renders advice and assistance on legal matters to elements of the Quartermaster Corps and determines what legal matters shall be submitted to the Judge Advocate General.

(iv) *Administrative Division.* (a) Distributes mail and messages, maintains correspondence files (except top secret, registered and specially classified documents); reviews and edits proposed Quartermaster Corps and Army publications initiated in the Office of the Quartermaster General; distributes copies of regulations, circulars, other Army issuances and Quartermaster Corps publications within the Office of the Quartermaster General and copies of Quartermaster Corps publications to field agencies under the jurisdiction of the Quartermaster General; requisitions and issues office supplies and equipment and provides other administrative services for the Office of the Quartermaster General.

(b) Serves as focal point for the clearance of identical instructions and information addressed to two or more field installations, headquarters, or other agencies.

(c) Reviews for justification, edits, and approves Office of the Quartermaster General requests for all types of material which are printed or otherwise reproduced; initiates, reviews, and revises printed and duplicated forms used in the Office of the Quartermaster General and supplied by the Quartermaster Corps, and authorizes their reproduction.

(d) Supervises the procurement of quartermaster printed matter and the operation of field printing plants under the jurisdiction of the Quartermaster General.

(e) Compiles historical data concerning Quartermaster Corps activities.

(f) Exercises staff supervision over all division administrative offices, Office of the Quartermaster General, and is responsible for over-all coordination of administration, except personnel matters.

(g) Conducts records administration for the Quartermaster General.

(h) Prepares Manual of Office Procedures for the Office of the Quartermaster General.

(i) Controls and coordinates TWX conferences for the Office of the Quartermaster General.

(v) *Personnel and Training Division.* (a) Performs staff functions in connection with the securing of personnel authorization and subauthorizes personnel to activities and installations under the jurisdiction of the Quartermaster General.

(b) Requisitions, recommends assignments, transfers, and recommends promotion and separation of military personnel at quartermaster activities and installations.

(c) Recommends to the General Staff, quartermaster military personnel for special training at service schools and civilian educational institutions, and selects quartermaster officer and enlisted instructors for Reserve Officers' Training Corps, Organized Reserve Corps, and National Guard duty, subject to General Staff approval.

(d) Aids in the information of Army policies on the Quartermaster Reserve Officers' Training Corps, Organized Reserve Corps, and National Guard, and in the promotion of civilian component activities.

(e) Reviews applications and records of quartermaster applicants for commissions in the Regular Army and selects applicants for recommendation for appointment.

(f) Initiates the inspection of Quartermaster Corps units at activities and installations under the jurisdiction of the Quartermaster General to correct organizational records and personnel deficiencies.

(g) Provides civilian personnel services for employees of the Office of the Quartermaster General, and staff assistance to field installations on their civilian personnel programs.

(h) Evaluates the effectiveness of civilian programs and personnel utilization in quartermaster class II installations and activities and recommends corrective action.

(i) Performs staff functions in connection with military training activities at installations under the jurisdiction of the Quartermaster General; food service training for Army and Air Force personnel; the computation of military training requirements at Quartermaster Corps training installations; and the operation of quartermaster schools, training centers; and other training activities under the jurisdiction of the Quartermaster General.

(j) Formulates training doctrine and prepares curricula, training courses, technical instruction, manuals, and other publications and training media for the training of military personnel at quartermaster schools and training installations, and for the training of Army personnel in food service and other Quartermaster Corps subjects.

(k) Approves training programs of quartermaster personnel and units of the Organized Reserve Corps.

(l) Recommends the assignment and relief of staff and faculty personnel for quartermaster schools and training centers.

(m) Inspects, when requested, the training of quartermaster personnel and units of the Organized Reserve Corps and the operating efficiency of training installations and units in training under the jurisdiction of the Quartermaster General.

(n) Assists continental army and oversea commanders, when requested, in reviewing the adequacy and effectiveness of training of quartermaster units at installations under the jurisdiction of army and oversea commanders.

(vi) *Budget and Fiscal Division.* (a) Performs staff functions in connection with the compilation of estimates for appropriations to finance activities under the control of the Quartermaster General and the central procurement of quartermaster items.

(b) Reviews and prepares recommendations on quartermaster estimates of army areas, Military District of Washington, and oversea commands, and other estimates of Quartermaster Corps responsibility.

(c) Incorporates quartermaster estimates (and estimates of certain other agencies without authority for specific appropriations), together with justifications, in a total estimate for the appropriation "Quartermaster Service Army," arranges preparation, and justifies the estimate.

(d) Supervises the distribution and administration of funds appropriated and made available to the Quartermaster Corps.

(e) Prepares and issues implementing instructions within the Quartermaster Corps on fiscal accounting and property accounting policies and procedures.

(f) Supervises accounting procedures for appropriated funds and the processing of commercial accounts for payment in quartermaster field installations.

(g) Supervises policies relating to the sale and pricing of Quartermaster Corps property.

(h) Maintains fiscal accounts for all funds administered by the Quartermaster General.

(i) Processes reimbursement transactions for the Quartermaster Corps.

(j) Analyzes and processes requests for advance payments to contractors and collects amounts due from contractors under renegotiation and royalty adjustment agreements.

(k) Develops, prepares, and issues policies and procedures, and supervises cost-accounting operations in Quartermaster Corps installations.

(l) Monitors reports of Army Audit Agency and initiates appropriate action to clear property and reimbursement billing accounts over which the Quartermaster General has command responsibility.

(m) Responsible for directing development, execution, review, and analysis of the Quartermaster Corps segments of the primary programs of the Department of the Army.

(vii) *Military Planning Division.* (a) Prepares, coordinates, and issues plans, policies, and procedures for carrying into effect the quartermaster industrial mobilization planning program, including the planning initiation, and supervision of all mobilization, production planning activities necessary to insure the adequate supply of essential quartermaster items.

(b) Develops, prepares, and coordinates Quartermaster Corps plans and policies pertaining to current and projected operations, task forces, special missions, mobilization, troop support, and related long-range projections, and general planning.

(c) Collaborates with planning echelons of the Department of Defense; determines Quartermaster Corps planning responsibilities; assigns implementation planning projects and elements in the Office of the Quartermaster General; and reviews and coordinates plans and annexes to kindred documents of higher headquarters.

(d) Produces and maintains certain basic and technical intelligence for the Department of the Army, and operational intelligence for the Quartermaster Corps; directs security activities including top secret control in the Office of the Quartermaster General and exercises staff supervision over technical intelligence and security activities (except plant protection) in quartermaster class II installations and activities.

(e) Edits and reviews the quartermaster sections of all tables of organization and equipment and tables of allowances to assure the proper technical use of quartermaster equipment.

(f) Prepares and revises tables of organization and equipment and tables of allowances for organizations and installations under the jurisdiction of the Quartermaster General.

(g) Prepares and maintains tables of allowances for the issue of clothing and individual equipment and quartermaster expendable supplies for military personnel and organizations, and prepares, coordinates, and maintains tables of allowances for all nonexpendable items at installations.

(h) Plans and conducts research and development on new and/or improved quartermaster equipment, supplies, and materials and coordinates the research and development activities of other agencies in fields as assigned to the Quartermaster General.

(i) Conducts laboratory and field tests in order to determine performance characteristics of quartermaster type items.

(j) Operates research and development laboratories in the quartermaster fields of interest.

(k) Designs, improves, develops, and prepares specifications for the packing and packaging of quartermaster supplies and equipment.

(l) Prepares and approves specifications for quartermaster items and parts of items.

(m) Administers matters of standardization of quartermaster material and equipment preliminary to departmental approval, and conducts and monitors standardization studies for the Department of Defense.

(n) Maintains staff of observers in United States and in oversea commands to investigate and report on performance of quartermaster items of clothing, equipment, subsistence, and fuels and lubricants.

(o) Supervises conservation policies and practices of the Quartermaster Corps.

(p) Conducts research on, designs and develops medals, decorations, badges, flags, insignia, and other symbolism for all elements of the armed services; designs and approves coats-of-arms and distinctive insignia, issues certificates authorizing the manufacture of insignia.

(viii) *Field Service Division.* (a) Supervises the administration and operation of depots for which the Quartermaster General is charged with administrative control.

(b) Exercises staff supervision of the storage and handling of quartermaster supplies in quartermaster and general depots and develops and installs policies and operating procedures relating to such storage and handling operations.

(c) Formulates policies, procedures, and control for the maintenance and classification of quartermaster supplies and equipment and exercises staff supervision of such functions at installations under the jurisdiction of the Quartermaster General.

(d) Directs the procurement, shipment, assignment, and processing of animals and forage required by the Department of Defense and foreign aid programs.

(e) Exercises staff supervision over all laundry and dry cleaning facilities of the Army and exercises technical control of operations of laundry and dry cleaning facilities at Army installations.

(f) Plans and supervises the operation of the Army Effects Bureau and develops and installs policies and procedures for the handling and disposition of personal effects and funds by that agency.

(g) Prescribes basic safe practices and safe physical standards for technical operations such as warehousing, storage, and care and preservation at all Army installations and activities; supervises the application of such safety measures at quartermaster class II installations and activities.

(h) Determines, in relation to assigned and planned missions, necessity for new construction, alterations to buildings and facilities, and the lease and purchase of real estate, buildings, and installed facilities, at class II installations under the control of the Quartermaster General and submits requirements to the Corps of Engineers for approval and processing.

(ix) *Memorial Division.* (a) Provides for the recovery, identification, and final disposition of remains of World War II deceased persons as provided by Public Law 383—79th Congress, as amended.

(b) Maintains staff supervision over the current death program for military and civilian personnel of the Army and the Air Force.

(c) Establishes requirements for and exercises staff supervision over United States military cemeteries overseas prior to their transfer to the American Battle Monuments Commission.

(d) Exercises general supervision over and/or establishes requirements for national, post, and prisoner of war cemeteries, soldiers' lots, Confederate burial plots, monuments and parks under the jurisdiction of the Army, and maintains historical records thereon.

(e) Maintains records of gravesite reservations and interments in national and other cemeteries under the jurisdiction of the Army.

(f) Procures and supplies Government headstones and markers, except those for erection in cemeteries under the jurisdiction of the American Battle Monuments Commission.

(g) Prescribes policies and operational procedures for the American Graves Registration Service and supervises the operation of the independent zones thereof, including distribution centers in the United States.

(x) *Supply Division.* (a) Performs staff functions in connection with the establishment of purchase policies for the Quartermaster Corps.

(b) Controls the purchase of finished items and component materials of clothing, equipage, general supplies, subsistence, petroleum, fuels, and equipment assigned to the Quartermaster Corps.

(c) Supervises the inspection of supplies delivered to insure that they conform to the standards, quality, and specifications prescribed (except headstones and markers).

(d) Gathers financial information on contractors, supervises the expediting of deliveries on contracts, and prescribes procedures to implement established policies for contract termination.

(e) Establishes pricing policy to be applied in placing contracts and maintains technical control over this activity in field purchasing elements.

(f) Performs staff functions in connection with the distribution and issue of clothing, equipage, subsistence, and quartermaster general supply items; supervises the translation of authorized stock levels in terms of days of supply to quantities of these supplies to be maintained at depots; supervises, through depots, the review and approval of station control levels; participates in the determination of supply needs for these items; supervises the distribution of new production and redistribution of stock of these items between depots and stations; determines quantities of these items in excess of the needs of the Quartermaster Corps, including appropriate disposition action at both depots and stations; and determines items and quantities to be included in reserves.

(g) Develops supply policies and procedures for operations at quartermaster depots and quartermaster supply sections of general depots.

(h) Appraises the performance of stock control activities within the Office of the Quartermaster General and depots, including establishment of stock levels, maintenance of stock at prescribed levels, and distribution and stock control practices, prescribing corrective action.

(i) Develops formulas by which stock levels for quartermaster items at depots and stations will be calculated and initiates corrective action when levels appear to be inadequate or excessive.

(j) Supervises depot liaison with stations, including the determination of related responsibilities.

(k) Assures that the technical interest and responsibility of the Quartermaster General is carried out in all echelons of supply.

(l) Circularizes other agencies on excess quartermaster property, processes surplus declarations of quartermaster property, in order to report surplus quartermaster property to disposal agencies.

(m) Prescribes the technical operations of supply of items authorized for resale in sales commissaries and clothing sales stores.

(n) Formulates policies for and supervises the operations of the market center system.

(o) Maintains liaison with the Army and other Government agencies on subsistence matters and represents the Army on inter-agency committees concerned with food matters pertaining to military supply and, in coordination with the Office of the Food Administrator, on mat-

ters pertaining to civilian food requirements of the occupied areas.

(p) Directs the purchase, inspection, storage, maintenance, and distribution of all petroleum products, containers, and petroleum handling equipment for which the Quartermaster Corps has been assigned primary responsibility, including quality control for petroleum products.

(q) Furnishes technical assistance to the Munitions Board cataloging program.

(r) Formulates programs on matters affecting supply, procurement, conservation, and usage of fuels and lubricants.

(s) Initiates the purchase, inspection, storage, issue, and distribution of equipment especially designed for handling petroleum products and prepares specifications for equipment.

(t) Formulates plans and policies for the employment and operation of oversea can and drum plants by the Army.

(u) Devises methods and procedures for determination, review, and revision, in accordance with current strategic plans and supply policy, of requirements for all quartermaster items.

(v) Determines, in accordance with Army policies, quartermaster items and quantities to be included in authorized reserves.

(w) Exercises staff supervision over manufacturing facilities under the control of the Quartermaster General.

(x) Administers all foreign aid supply programs assigned to the Quartermaster General.

(xi) *Food Service Division.* (a) Performs staff functions in connection with administration of the food service program.

(b) Maintains technical control of the utilization of refrigerated space for the storage of subsistence.

(c) Prepares master menus and special menus and formulates policies for mess supervision, mess management, and operation of centralized food service activities.

(d) Collaborates with the Personnel and Training Division in the preparation of training manuals and course of instruction that pertain to the food service program.

(e) Furnishes food consultant services on food administration in occupied areas and on matters of food composition in Army operations with foreign governments and domestic governmental agencies.

(f) Furnishes technical assistance in the preparation and installation of layout plans for messing equipment and reviews new projects.

(g) Collaborates with other governmental agencies on the nutritional adequacy of menus.

(h) In collaboration with the Supply Division, prepares, reviews, and analyzes ration scales for the Army and foreign nationals, and recommends necessary adjustments in ration scales.

* * * * *

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-4489; Filed, Apr. 16, 1951; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[1925292]

IDAHO

NOTICE OF FILING OF PLAT OF SURVEY AND DEPENDENT RESURVEY

APRIL 11, 1951.

Notice is given that the plat accepted August 25, 1949, of (1) resurvey comprising sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31 and 32, delineating a retracement and reestablishment of the lines of the original survey as shown upon the plat approved October 28, 1872, and (2) extension survey of lands hereinafter described will be officially filed in the Land and Survey Office, Boise, Idaho, effective at 10:00 a. m., on the 35th day after the date of this notice.

The lands affected by this notice are described as follows:

BOISE MERIDIAN

T. 15 S., R. 28 E.,
All of secs. 1, 2, 3, 4;
All of secs. 9 to 16 inclusive;
All of secs. 21 to 28 inclusive;
All of secs. 33, 34, 35, 36.

The areas described, exclusive of segregations, aggregate 14,578.36 acres.

Available information indicates the described land is rough and mountainous.

No applications for the lands described may be allowed under the homestead, desert-land, small tract, or any other non-mineral public land laws unless the land has already been classified as valuable or suitable for such application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Boise, Idaho.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 51-4471; Filed, Apr. 16, 1951; 8:45 a. m.]

Bureau of Reclamation

[No. 4]

MISSOURI BASIN PROJECT, MEEKER CANAL, FRENCHMAN-CAMBRIDGE UNIT

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES

MARCH 9, 1951.

1. *Water rental.* Irrigation water will be furnished, when available, on a rental basis on approved applications for temporary water service during the irrigation season 1951 (May 1 to October 15 inclusive) to the irrigable lands under the Meeker Canal described below:

SIXTH PRINCIPAL MERIDIAN

T. 2 N., R. 29 W.
Sec. 3, SE¼SW¼, SW¼SW¼, NW¼SW¼;
Sec. 4, NW¼SE¼, NE¼SE¼, SE¼SE¼, SW¼SE¼, SE¼SW¼, SW¼SW¼;
Sec. 5, W½NE¼NW¼, S½NW¼, SE¼, SW¼, NW¼NW¼;
Sec. 6, SE¼, SW¼, E½NE¼NW¼, NE¼;
Sec. 7, NE¼, NW¼, SE¼SW¼, SW¼SW¼, NW¼SW¼, NE¼SW¼;
Sec. 8, NW¼NE¼, NE¼NE¼, NE¼NW¼, SE¼NW¼, SW¼NW¼, SW¼NW¼;
Sec. 18, NW¼NW¼, SW¼NW¼.
T. 3 N., R. 29 W.,
Sec. 32, SW¼SW¼.
T. 2 N., R. 30 W.,
Sec. 1, SE¼SE¼, NW¼SE¼, SW¼SE¼, NE¼SW¼, SE¼SW¼;
Sec. 2, NE¼NW¼
Sec. 11, SE¼SE¼, SW¼SE¼, NW¼SE¼, NE¼SE¼;
Sec. 12 NE¼SE¼, SE¼SE¼, NW¼SE¼, SW¼SE¼, NE¼SW¼, NW¼SW¼, SW¼SW¼, SE¼SW¼, NE¼NW¼, NW¼NE¼;
Sec. 13, NW¼NE¼, SW¼NE¼, NE¼NE¼, SE¼NE¼, SE¼NW¼, NE¼NW¼, NW¼NW¼.
T. 3 N., R. 30 W.,
Sec. 28, SW¼SE¼, SE¼SW¼, SW¼SW¼,
Sec. 29, Lot 8 (N½SE¼), NW¼SW¼
Sec. 30, NW¼NW¼, NE¼NW¼, SE¼NW¼
Sec. 33, NW¼NE¼, NE¼NE¼
Sec. 34, N½SE¼, SE¼NE¼, SW¼NE¼, SE¼NW¼, SW¼NW¼
Sec. 35, SE¼SW¼
T. 3 N., R. 31 W.,
Sec. 23, SE¼NE¼;
Sec. 24, NE¼SW¼, SW¼SE¼, SE¼SE¼.

2. For each farm unit for which water is requested, a water rental charge of $3.50 per irrigable acre for each irrigable acre in the farm unit will be paid in advance of the delivery of water. Payment of this charge shall entitle the applicant to a pro rata share of all water available from the natural flow of the river, but not in excess of the amount nor the rate of diversion permitted under the laws of the State of Nebraska.

3. Water will be delivered and measured by Government forces at the nearest available measuring device to the individual farm.

4. The United States does not guarantee to deliver any fixed amount of water and will not be liable for any shortages of water or any failure to deliver due to any causes whatsoever.

5. Applications for water may be made by the landowner or by anyone who presents evidence satisfactory to the District Manager that he is the tenant or lessee of the land for which water is requested, or that he has been authorized by the owner to make a water rental application for such land.

6. Applications for water service and the payments required by this notice will be received at the office of the District Manager, Bureau of Reclamation, Indianola, Nebraska.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

AVERY A. BATSON,
Regional Director.

[F. R. Doc. 51-4476; Filed, Apr. 16, 1951; 8:47 a. m.]

[No. 46]

PAYETTE DIVISION, BOISE PROJECT, IDAHO

PUBLIC NOTICE OF TERMS GOVERNING DELIVERY OF WATER FOR 1951 IRRIGATION SEASON

MARCH 5, 1951.

1. On February 27 and March 9, 1948, Public Notices Nos. 38 and 39 were issued, one announcing the availability of water under the contract of October 3, 1927, between the United States and the Black Canyon Irrigation District, as amended by the contract of July 15, 1936, to the lands comprising the gravity areas of the Payette Division; the other announcing the rental charge, in addition to the construction charge against the land covered by Public Notice No. 38, for all lands to which water would be delivered for 1948. On September 14, 1949, Public Notice No. 41 was issued opening land to entry and announcing that water will be furnished therefor for the irrigation season of 1950. On March 25, 1949, Public Notice No. 42 was issued announcing terms governing delivery of water for the 1949 irrigation season, and on February 24, 1950, Public Notice No. 44 was issued announcing terms governing delivery of water for the 1950 irrigation season. These notices were issued having regard for the provisions of the Federal Reclamation Laws (act of June 17, 1902, 32 Stat. 388, and acts amendatory thereof or supplementary thereto) prohibiting the delivery of water upon the completion of any new project or new division of a project until a contract approved by the Secretary of the Interior had been made with an irrigation district providing for payment by the district of all the costs of constructing and operating and maintaining the irrigation works.

2. Public Notices Nos. 42 and 44 were issued for the purpose of providing a temporary arrangement for furnishing water to the lands of the District during the 1949 and 1950 irrigation seasons. It is unlikely that an amendatory repayment contract will be entered into between the District and the United States prior to the beginning of the irrigation season of 1951. Exercising my general supervisory authority over the works of the Payette Division, I have determined that, notwithstanding the inadequacy of the existing repayment contract and outside of the provisions of that contract, water will be furnished for the 1951 irrigation season only on a temporary rental basis as follows:

(a) For lands served by gravity canals in the Payette Division, the minimum rental charge for the 1951 irrigation season for water delivered to or for the farms by Government forces will be $4.40 per irrigable acre, said payment to be made by each landowner for his total irrigable area. Included in said water rental charge for lands served by gravity canals is a construction charge component of $1.70. If the total cost of operating and maintaining the works of the Payette Division, including the charge for power for irrigation pumping for the year 1951 is less than, or equals, the amount paid by the District on the basis of $2.70 per irrigable acre, such construction component of $1.70 may be credited on the instalment that would have been due for 1951 under the contract of October 3, 1927, as amended, and Public Notice No. 38. The said minimum charge per irrigable acre shall be payable whether or not water is used and will entitle the water user to three acre-feet of water per irrigable acre for the 1951 irrigation season. Two dollars and seventy cents per irrigable acre will be payable by the District in advance of the delivery of water, and $1.70 per irrigable acre will be payable, one-half on or before December 31, 1951, and one-half on or before July 1, 1952. Additional water will be furnished during the 1951 irrigation season at the rate of $1.15 per acre-foot, and shall be payable by each landowner to the District on or before December 20, 1951. Payments by the District to the United States for such excess water shall be made on or before December 31, 1951. The minimum charge on account of lands which do not receive water for the irrigation season of 1951 shall be payable by the District to the United States on or before December 31, 1951, and the District shall make the necessary assessments therefor against the lands involved.

(b) For the rental of water during the irrigation season of 1951 for privately-owned new lands under the pump system of the Payette Division, there will be a minimum charge of $2.70 per irrigable acre of land irrigated but not less than 50 percent of the irrigable area of each privately-owned tract whether water is used or not, except that on individual ownerships of from 10 to 20 irrigable acres, payment shall be made for at least 10 acres, and on individual ownerships of 10 or less irrigable acres, payment shall be made in full for said acreage. All such payments shall be payable by the District in advance of the delivery of water, except that for individual ownerships having more than 20 irrigable acres, payments in advance of delivery of water shall be made on a minimum of 10 acres. For the advance payment of water rental outlined above, the maximum of three acre-feet of water per irrigable acre will be furnished. One dollar and fifteen cents per acre-foot will be charged for any water furnished to any tract in excess of three acre-feet per acre. The amount charged for such excess water, together with the balance due on ownerships of more than 20 irrigable acres, will be payable by each individual landowner to the District on or before December 20, 1951, and such charges shall be paid by the District to the United States on or before December 31, 1951.

(c) For the rental of water during the irrigation season of 1951 for new lands comprising homestead farm units under the pump system of the Payette Division, there will be a minimum charge of $2.70 per acre of land irrigated, payable by the District in advance of the delivery of water, upon a minimum of 10 acres. Payment up to the total irrigable acreage in each farm unit shall be made in advance of the delivery of water in multiples of 10 acres. For the ad-

vance payment of water rental outlined above, the maximum of three acre-feet of water per irrigable acre will be furnished. One dollar and fifteen cents per acre-foot will be charged for any water furnished to any farm unit in excess of three acre-feet per acre. The amount charged for such excess water will be payable by each individual owner of a farm unit to the District on or before December 20, 1951, and charges for such excess water shall be paid by the District to the United States on or before December 31, 1951.

3. For the irrigation season of 1952, it is contemplated that lands served by water under the pump system of the Payette Division shall pay the minimum charge per irrigable acre as announced for that year for the total irrigable area of each privately-owned tract whether water is used or not.

4. The foregoing arrangements are a temporary expedient for the 1951 irrigation season only. The Bureau of Reclamation is now discussing a long-range repayment plan with the District's board of directors. The present arrangements are made with the understanding that all reasonable effort will be made by the Bureau of Reclamation and the District's board of directors to agree on a long-range repayment plan and to present it to the District's electors at the earliest possible date.

5. Water for Payette Division lands will be delivered and measured by Government forces at the nearest available measuring device to the individual farm.

6. Any charge, or any part thereof, required to be paid to the United States under this notice, and which remains unpaid after it shall become due and payable, shall be subject to, and there shall be paid a penalty at the rate of one-half percent per month from the date of delinquency.

7. Individual landowners in the Payette Division will make their applications for water and the payments required by this public notice direct to the Black Canyon Irrigation District office, Notus, Idaho. Applications by the irrigation district for water and payments by the District to the United States on the basis of this public notice will be received at the office of the Bureau of Reclamation, 214 Broadway, Boise, Idaho.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

[F. R. Doc. 51-4475; Filed, Apr. 16, 1951; 8:46 a. m.]

Office of the Secretary

[Order No. 2626]

BUREAU OF MINES

REDELEGATION OF AUTHORITY WITH RESPECT TO RESEARCH PROJECTS

APRIL 10, 1951.

SECTION 1. *Authority redelegated.* (a) The authority delegated by the Administrator of General Services to the Secretary of the Interior on March 17, effective March 9, 1951, to make negotiated purchases and contracts in carrying out special research projects and related undertakings with working funds transferred to the Bureau of Mines from the Departments of the Air Force, Army, and Navy, the Coast Guard, or the National Advisory Committee for Aeronautics, where the facts are such as to bring the purchase or contract within the provisions of subparagraphs (1), (2), (3), (4), (5), (9), (10), (11), (12), and (14) of section 302 (c) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C., 1946 ed., Supp. III, sec. 252 (a)), is redelegated to the following officials of the Bureau of Mines to be exercised in accordance with the provisions of paragraph (b) of this section:

Director
Chief, Administrative Division
Each Regional Director

(b) The officials designated in paragraph (a) are authorized:

(1) To make negotiated purchases and contracts for the purpose of carrying out special research projects and related undertakings of the Bureau of Mines pursuant to Title III of the aforesaid act (41 U. S. C., 1946 ed., Supp. III, secs. 252–260): *Provided*, That the facts are such as to bring the purchase or contract in question within the provisions of subparagraphs (1), (2), (3), (4), (5), (9), (10), (11), (12), and (14) of section 302 (c) of the act and that the determinations required under subparagraphs (2) and (3) of this paragraph have first been made.

(2) To determine that the facts are such as to bring the purchase or contract in question within the provisions of subparagraphs (1), (2), (3), (4), (5), (9), and (14) of section 302 (c) of the act.

(3) To determine with respect to contracts which will not require the expenditure of more than $25,000 that the facts are such as to bring the purchase or contract in question within the provisions of subparagraph (10) of section 302 (c) of the act.

(4) The approval and legal review of contracts negotiated under this authority shall be in accordance with instructions of the Director, Bureau of Mines.

SEC. 2. *Determinations by Secretary.* Determinations as to whether the facts are such as to bring the purchase or contract in question within the provisions of subparagraph (10), if the purchase or contract is over $25,000, and of subparagraphs (11) and (12), of section 302 (c) of the act, will be made by the Secretary. Such purchases or contracts shall not be negotiated or approved until after the requisite determinations have been made by the Secretary.

(Sec. 307, 63 Stat. 396; 41 U. S. C., 1946 ed., Supp. III, sec. 257)

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-4470; Filed, Apr. 16, 1951; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

APRIL DOMESTIC AND EXPORT PRICE LIST

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950 (15 F. R. 1583), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

APRIL DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Dried whole eggs 1950 pack (packed in barrels and drums) in carload lots only, 1,000,000 pounds.[1]	$1.03 per pound "in store" at location of stock in Illinois, Indiana, Iowa, Michigan, Ohio, Oklahoma, Texas, Kansas, Missouri, Nebraska, Minnesota, Wisconsin, Pennsylvania, Massachusetts, New York, and Delaware ("in store" means in storage at warehouse, but with any prepaid storage and out-handling charges for the benefit of the buyer).
Linseed oil, raw, 214,400,000 pounds.	Market price on date of sale.
Dry edible beans	On all beans, for areas other than those shown below, adjust prices upward or downward by an amount equal to the price support program differential between areas. When no price differential occurs, the price listed will apply. For other grades of all beans, adjust by market differentials. Prices listed below, on all beans, are at point of production. Amount of any paid-in freight to be added.
Pinto, bagged, 1,700,000 hundredweight.	No. 1 Grade, 1948 [1] and 1949 crops: $8.10 per 100 pounds, basis f. o. b. Denver rate area and California area; $7.70 per 100 pounds, basis f. o. b. Idaho area.
Pea, bagged, 945,000 hundredweight.	No. 1 Grade 1948 [1] and 1949 crops: $7.85 per 100 pounds, basis f. o. b. Michigan area.
Red kidney, bagged, 455,000 hundredweight.	No. 1 Grade 1948 and 1949 crops: $9.30 per 100 pounds, basis f. o. b. New York area.
Great Northern, bagged, 1,925,000 hundredweight.	No. 1 Grade 1948 [1] and 1949 crops: $7.15 per 100 pounds, basis f. o. b. Twin Falls, Idaho area; $7.55 per 100 pounds, basis f. o. b. Morrill, Nebr. area.
Baby lima, bagged, 700,000 hundredweight.	No. 1 Grade 1948 [1] and 1949 crops: $7.55 per 100 pounds, basis f. o. b. California area.
Cranberry beans, bagged, 80,000 hundredweight.	No. 1 Grade 1949 crops: $8.60 per 100 pounds, basis f. o. b. California and Michigan areas.
Austrian winter pea seed, bagged, 2,200,000 hundredweight.[1]	$5.20 per 100 pounds, f. o. b. point of production. Amount of any paid-in freight to be added.
Blue lupine seed, bagged, 989,000 hundredweight.	$5.20 per 100 pounds, f. o. b. point of production. Amount of any paid-in freight to be added.
Kobe, lespedeza seed, bagged, 3,500 hundredweight.	$13.40 per 100 pounds, f. o. b. point of production. Amount of any paid-in freight to be added.
Weeping lovegrass seed, bagged, 1,300 hundredweight.	$54.38 per 100 pounds, f. o. b. point of production. Amount of any paid-in freight to be added.
Common ryegrass seed, bagged, 3,000 hundredweight.	$8.00 per 100 pounds, f. o. b. point of production. Amount of any paid-in freight to be added.
Common and Willamette vetch seed, bagged, 268,000 hundredweight.	$7.20 per 100 pounds, f. o. b. point of production. Amount of any paid-in freight to be added.

[1] These same lots also are available at export sales prices announced concurrently.

APRIL DOMESTIC PRICE LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Wheat, bulk, 5,000,000 bushels	This wheat is available only when premium wheat is required or where emergency situations exist. Basis in store, the market price but in no event less than the applicable 1950 loan rate for the class, grade, quality, and location, plus: (1) 32 cents per bushel if received by truck, or (2) 27 cents per bushel if received by rail or barge. Examples of minimum prices, per bushel: Kansas City, No. 1 HW, ex rail or barge, $2.53; Minneapolis, No. 1 DNS, ex rail or barge, $2.54; Chicago, No. 1 KW, ex rail or barge, $2.58. NOTE: No wheat will be for sale in the Portland, Oreg., area until further notice.
Oats, bulk, 10,100,000 bushels	At points of production, basis in store, the market price but not less than the applicable 1950 county loan rate plus 16 cents per bushel; at other points, the foregoing plus average paid-in freight. Examples of minimum prices, per bushel: Chicago, No. 3 or better, 99 cents; Minneapolis, No. 3 or better, 95 cents.
Barley, bulk, 19,852,000 bushels	Basis in store, the market price but in no event less than the applicable 1950 loan rate for the class, grade, quality, and location, plus: (1) 23 cents per bushel if received by truck, or (2) 19 cents per bushel if received by rail or barge. Examples of minimum prices per bushel: Minneapolis, No. 1 barley, ex rail or barge, $1.51; San Francisco, No. 1 Western barley, ex rail or barge, $1.58.
Corn, bulk, 50,000,000 bushels	1950 commercial corn-producing area: At points of production, basis in store, the market price but not less than the applicable 1950 county loan rate for No. 3 yellow, plus 21 cents per bushel, with market differentials for other grades, quality, and classes. At other delivery points: (1) The foregoing, plus average paid-in freight, or (2) basis the following fixed minimum terminal prices, with market differentials for grade, quality, and class, and freight differentials for location. Fixed minimum prices, per bushel: Chicago, No. 3 yellow ..... $1.83 St. Louis, No. 3 yellow ..... 1.83 Minneapolis, No. 3 yellow ..... 1.76 Omaha, No. 3 yellow ..... 1.75 Kansas City, No. 3 yellow ..... 1.79 Market differentials for other grades, quality, and classes. 1950 non-commercial corn-producing areas: At points of production, or originating in a non-commercial county, basis in store, the market price but not less than 133 percent of the applicable 1950 county loan rate for No. 3, plus 21 cents per bushel; at other points, the foregoing plus average paid-in freight. If originating in a commercial county, the county loan rate for No. 3 plus 21 cents, plus average paid-in freight. Example of minimum price, per bushel: 1950 county loan rate for Brown County, Ind., $1.10 per bushel, No. 3 corn, 133 percent of $1.10, plus 21 cents equals $1.68 per bushel, the minimum sales price.

APRIL EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export sales price
Dried whole eggs; 1950 pack (packed in barrels and drums) in carload lots only, 10,000,000 pounds.	(1) 60 cents per pound f. a. s. vessel any U. S. Gulf or East Coast port; or (2) 60 cents per pound "in store" at location of stock, less freight based on the average gross shipping weight calculated at the lowest export freight rate. ("In store" means in storage at warehouse, but with any prepaid storage and out-handling charges for the benefit of the buyer.)
Dry edible beans	No. 1 Grade 1948 crop, f. a. s. vessel at locations shown below:
Pinto, bagged, 930,000 hundredweight.[1]	$5.50 per 100 pounds, San Francisco and Portland, Oreg.; $6.00 per 100 pounds, U. S. Gulf ports. (See note below).
Pea, bagged, 245,000 hundredweight.[1]	$6.50 per 100 pounds, East Coast ports.
Great Northern, bagged, 715,000 hundredweight.[1]	$6.50 per 100 pounds, Portland, Oreg. (26,000 hundredweight only stored at The Dalles, Oreg.); $6.00 per 100 pounds, U. S. Gulf ports. (See note below).
Baby lima, bagged 230,000 hundredweight.[1]	$5.00 per 100 pounds, San Francisco. NOTE: "U. S. Gulf ports" means ports with freight rates not greater than to New Orleans. Any excess freight will be for account of the buyer. Discounts for grades on all beans: No. 2, 25 cents less than No. 1; No. 3, 50 cents less than No. 1.
	Purchasers of beans for export to Canada must provide proof of re-export from Canada and the beans must not be re-exported to the U. S.
	At CCC's option, 1949 crop beans may be furnished in place of 1948 beans in instances where stocks of 1948 beans of the type and grade desired are exhausted.
Austrian winter pea seed, bagged 2,200,000 hundredweight.[1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.
Fresh Irish potatoes, packed in usual 100-pound burlap sacks, in carload or truckload lots only. Substantial quantities as available in Aroostook County, Maine.	U. S. No. 1 Grade when loaded at CCC's point of purchase—60 cents per sack, f. o. b. cars at country shipping point, for export to areas other than U. S. possessions, Canada, Cuba, Mexico, or the Carribbean area. Consideration will be given to offers to purchase potatoes packed in crates at above price, plus additional costs to CCC. Consideration also will be given to purchases of certified seed potatoes packed in usual 100-pound burlap sacks or crates at the above price, plus additional costs to CCC. Communicate with the Director, PMA Commodity Office, 139 Centre Street, New York 13, N. Y. Telephone REctor 2-3100.
Fresh Irish potatoes, for processing into potato food products for export. Quantities as available in the late potato-producing States.	Basis 1 cent per hundred weight bulk ungraded at farm, plus reimbursement for approved marketing services required to be performed.

[1] These same lots also are available at domestic sales prices announced concurrently.

(Pub. Law 439, 81st Cong.)

Issued: April 12, 1951.

[SEAL] HAROLD K. HILL,
Acting President, Commodity Credit Corporation.

[F. R. Doc. 51-4500; Filed, Apr. 16, 1951; 8:51 a. m.]

DEFENSE TRANSPORT ADMINISTRATION

[DTA Delegation 4]

DIRECTOR, PORT UTILIZATION DIVISION

DELEGATION OF AUTHORITY WITH RESPECT TO ADMINISTRATION OF DEFENSE TRANSPORT ADMINISTRATION GENERAL ORDER DTA 2

Pursuant to the authority of the Defense Production Act of 1950 (64 Stat. 798), Executive Orders Nos. 10161 (15 F. R. 6105) and 10200 (16 F. R. 610), and Organization Order DTA 1, as amended (15 F. R. 6728, 16 F. R. 1677):

The Director of the Port Utilization Division, Defense Transport Administration, is hereby designated and authorized to administer in behalf of the Defense Transport Administration, and the Administrator thereof, the provisions of General Order DTA 2 (16 F. R. 2035), providing for preference and priority in port terminal storage and handling of bulk grain for export.

The Director may exercise the authority hereby conferred upon him through such officers and employees of the Defense Transport Administration and in such manner as he may determine.

The exercise of the authority conferred hereby shall be subject to the general control and supervision of the Administrator of the Defense Transport Administration.

DTA Delegation 3 (16 F. R. 2104) issued March 2, 1951, is hereby revoked.

Issued at Washington, D. C., this 16th day of April 1951.

JAMES K. KNUDSON,
Administrator,
Defense Transport Administration.

[F. R. Doc. 51-4573; Filed, Apr. 16, 1951; 12:21 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9605]

GULF BEACHES BROADCASTING CO., INC.

ORDER SCHEDULING HEARING AND DELETING ISSUES

In re application of Gulf Beaches Broadcasting Company, Inc., St. Petersburg Beach, Florida, for construction permit; Docket No. 9605, File No. BP-7302.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 5th day of April 1951;

The Commission having under consideration a petition filed on August 30, 1950, by Gulf Beaches Broadcasting Company, Incorporated, requesting reconsideration and grant without hearing of its above-entitled application for a permit to construct a new standard broadcast station to operate on frequency 1300 kilocycles, with 1 kilowatt power, daytime only at St. Petersburg Beach, Florida;

It appearing, that the said application was designated for hearing by Commis-

sion order of March 13, 1950, to determine among other things, the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders and to obtain full information as to all contracts, agreements, or understandings relating to the sale or transfer of stock and/or stock subscription rights in the applicant corporation and whether the proposed operation would involve objectionable interference with Stations CMAN, Pinar del Rio, Cuba; and WSMF, Dade City, Florida, or other existing stations and otherwise not comply with the Standards of Good Engineering Practice; and

It further appearing, that Seminole Broadcasting Company, licensee of Station WSMF, Dade City, Florida, was made a party to the proceeding; and

It further appearing, that, on the basis of the information contained in the said application and petition, there has been no misrepresentation on the part of the applicant corporation with reference to stock subscription rights, but rather a failure to state clearly the matters relating to the assignment of certain subscription rights; and

It further appearing, that at date of the grant of application File Number BP-7197 which authorized construction of Station WSMF, the interference involved with the above-entitled application was considered and found not to warrant denial of the WSMF application and, accordingly, the aforesaid grant authorizing construction of Station WSMF was made subject to the condition that the applicant accept any interference which might result in the event of a grant of the above-entitled application and such partial grant has been accepted; and

It further appearing, that applicant is legally, technically, financially and otherwise qualified to operate the proposed station; and

It further appearing, that, according to the latest official notifications by Cuba, Station CMAN, Pinar del Rio, Cuba, is assigned to operate on the frequency 1300 kc., with power of 1 kw., unlimited time; that under the provisions of the North American Regional Broadcasting Agreement (NARBA), Washington, 1950, which has been signed by the United States and is pending ratification, Station CMAN would continue to be assigned to that frequency;

It is ordered, That the aforesaid petition for reconsideration and grant without hearing is denied, and that the hearing is scheduled to take place at the offices of the Commission, Washington, D. C., commencing at 10 o'clock a. m. on June 8, 1951; and

It is further ordered, That, on the Commission's own motion, the order of March 13, 1950 designating the above-entitled application for hearing is amended to delete therefrom issues 1 and 2, to delete that part of issue 4 specifying Station WSMF, Dade City, Florida, and to remove Seminole Broadcasting Company, licensee of Station WSMF, as a party to the proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4490; Filed, Apr. 16, 1951; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6349]

FLORIDA POWER CORP.

NOTICE OF APPLICATION

APRIL 11, 1951.

Take notice that on April 9, 1951, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Florida Power Corporation, a corporation organized under the laws of the State of Florida, and doing business in said State with its principal business office at St. Petersburg, Florida, seeking an order authorizing it to acquire from Florida Power & Light Company certain electric facilities owned and operated by the latter in Madison, Jefferson and Taylor Counties, Florida, consisting of three Diesel plants and distribution systems serving Madison, Monticello, and Perry, Florida, and environs, together with connecting transmission lines which tie the three service areas together. The application states that the consideration for the proposed facilities will be $1,650,000 subject to certain adjustments; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 2d day of May 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4486; Filed, Apr. 16, 1951; 8:48 a. m.]

[Docket No. G-1647]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

APRIL 11, 1951.

Take notice that on April 2, 1951, El Paso Natural Gas Company (Applicant), a Delaware corporation of El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the construction and operation of approximately one mile of 4½-inch O. D. pipeline and a metering station near the Town of Chino Valley, Arizona, and the construction and operation of a metering station on El Paso's 24 inch San Juan transmission line near the Town of Ashfork, Arizona. Applicant proposes by these facilities to sell and deliver natural gas to Southern Union Gas Company for resale and distribution in the Towns of Chino Valley and Ashfork, Arizona.

Through the proposed facilities, Applicant expects to deliver in the third year of operation about 34,000 Mcf of natural gas per year with a daily maximum of about 82 Mcf to Chino Valley, and 25,000 Mcf per year with a daily maximum of 256 Mcf to Ashfork, Arizona. The cost of the Chino Valley facilities is estimated to be $16,800 and the Ashfork facilities $6,800 which will be paid from current working funds of Applicant.

Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 2d day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4487; Filed, Apr. 16, 1951; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES E

NOTICE OF CALL FOR PARTIAL REDEMPTION

Correction

In Federal Register Document 51-3673, appearing at page 3816 of the issue for Friday, March 30, 1951, the table should read as follows:

2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES E

Denomination:	*Series Nos. (all numbers inclusive)*
$50	43 to 70
$100	142 to 224
$500	61 to 97
$1,000	211 to 302
$5,000	15 to 49
$10,000	2
	303 to 325

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26004]

COKE FROM TEXAS TO RICHMOND, ILL., AND CARROLLSVILLE, WIS.

APPLICATION FOR RELIEF

APRIL 12, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3952.

Commodities involved: Coke, coke breeze, dust or screenings, carloads.

From: Daingerfield and Lone Star, Tex.

To: Richmond, Ill., and Carrollsville, Wis.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3952, Supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4483; Filed, Apr. 16, 1951; 8:48 a. m.]

[4th Sec. Application 26005]

CATALOGUES AND WASHING MACHINES FROM CERTAIN POINTS IN ILLINOIS TO POINTS IN NORTH CAROLINA AND TENNESSEE

APPLICATION FOR RELIEF

APRIL 12, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent for carriers parties to his tariffs I. C. C. No. 620 and 699, pursuant to fourth-section order No. 9800.

Commodities involved: Catalogues and parts, washing machines and other articles, carloads.

From: Specified points in Illinois.

To: Points in North Carolina and Tennessee.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4482; Filed, Apr. 16, 1951; 8:48 a. m.]

[4th Sec. Application 26006]

BRICK FROM NIAGARA FALLS AND SUSPENSION BRIDGE, N. Y., TO THE SOUTH

APPLICATION FOR RELIEF

APRIL 12, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-917.

Commodities involved: Brick and related articles, and refractory articles, carloads.

From: Niagara Falls and Suspension Bridge, N. Y.

To: Points in southern territory.

Grounds for relief: Circuitous routes, to maintain grouping, and to apply over short tariff routes rates constructed on the basis of the short lines distance formula.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-917, Supp. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4484; Filed Apr. 16, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2599]

NORTHERN NATURAL GAS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of April 1951.

Notice is hereby given that an application-declaration and an amendment thereto have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Northern Natural Gas Company ("Northern"), a registered holding company. Applicant-declarant has designated sections 6 and 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 25, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by such application-declaration, as amended, proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter such application-declaration, as filed or as further amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said amended application-declaration, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Northern has arranged a line of credit in the amount of $30,000,000 with a group of 8 commercial banks, pursuant to which it will issue and sell to such banks, from time to time but not later than March 22, 1952, a maximum of $30,000,000 principal amount of its promissory notes. Said notes will bear interest at the "prime rate" in effect at the time each note is issued and each note will mature on or before nine months from the date of its issue. Said notes may be prepaid at any time prior to maturity without penalty or premium.

Northern, pursuant to the exemption provided in section 6 (b) of the act, has heretofore issued and sold on March 22, 1951, $5,100,000 principal amount of such notes and now proposes the issuance and sale of the balance of $24,900,000 principal amount of such notes, as above stated. The proceeds of the sale of the notes are to be utilized to defray, in part, the cost of Northern's construction program for the year 1951, which is estimated at approximately $60,000,000. Completion of the construction program is dependent on the availability of materials and certain other factors.

The long term financing of Northern's 1951 construction program will require the sale of securities to the public in the aggregate amount of approximately $51,000,000 which Northern states will consist of debentures and common stock. The bank notes herein proposed will be repaid by Northern out of the proceeds of the sale of such securities.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-4520; Filed, Apr. 16, 1951; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17598]

BANQUE CANTONALE LUCERNOISE

In re: Accounts maintained in the name of Banque Cantonale Lucernoise, Lucerne, Switzerland, and owned by persons whose names are unknown. F-63-2261 (Lucerne).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Banque Cantonale Lucernoise, Lucerne, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
1. Dominick & Dominick, 14 Wall St., New York 5, N. Y.	(a) Banque Cantonale Lucernoise, Lucerne, and (b) Banque Cantonale Lucernoise, Lucerne, General Ruling No. 6 Account; as described by Dominick & Dominick in its report on form OAP-700, bearing its serial No. 47.
2. The Chase National Bank of the City of New York, 18 Pine St., New York, N.Y.	Bank deposit Banque Cantonale Lucernoise, Lucerne, Switzerland, old account; as described by The Chase National Bank of the City of New York in its report on form OAP-700, bearing its serial No. 27.

[F. R. Doc. 51-4493; Filed, Apr. 16, 1951; 8:49 a. m.]

[Return Order 934]

HANSI SHARE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Hansi Share, Hollywood, Calif.; Claim No. 35429; January 31, 1951 (16 F. R. 920); $141.05 in the Treasury of the United States. Twenty-five (25) shares of Beaunit Mills, Inc., New York, $1.25 Dividend Cumulative Convertible Preferred Stock, no par value (not convertible after August 1, 1952), Certificate No. 50, registered in the name of the Attorney General of the United States, presently in the custody of the Federal Reserve Bank of New York, New York, N. Y.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4498; Filed, Apr. 16, 1951; 8:51 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 75

Washington, Wednesday, April 18, 1951

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Departmental Reg. 108.122]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts,* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following November 11, 1950, paragraph (a) is amended by the addition of the following post:

Jinotepe, Nicaragua.

2. Effective as of the beginning of the first pay period following April 14, 1951, paragraph (a) is amended by the addition of the following post:

Leon, Nicaragua.

3. Effective as of the beginning of the first pay period following April 14, 1951, paragraph (b) is amended by the addition of the following posts:

Base 3, Morocco.
Base 4, Morocco.
Base 5, Morocco.
Base 6, Morocco.

4. Effective as of the beginning of the first pay period following April 14, 1951, paragraph (d) is amended by the addition of the following posts:

Base 1, Morocco.
Base 2, Morocco.

(Sec. 102, Part I, E. O. 10000, Sept. 16, 1948. 13 F. R. 5483; 3 CFR, 1948 Supp.)

For the Secretary of State.

W. K. SCOTT,
Deputy Assistant Secretary.

APRIL 11, 1951.

[F. R. Doc. 51-4513; Filed, Apr. 17, 1951; 8:45 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 524—HONEY

SUBPART A—HONEY DIVERSION PROGRAM (1951 MARKETING SEASON)

Sec.
524.201 General statement.
524.202 Eligibility for payment.
524.203 Period for diversion.
524.204 Diversion.
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524.206 Net price to buyer.
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524.214 Persons not eligible for participation.
524.215 Definitions.
524.216 Information and forms.

AUTHORITY: §§ 524.201 to 524.216 issued under sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c.

§ 524.201 *General statement.* In order to encourage the domestic consumption of honey produced in the United States by diverting it from normal channels of trade and commerce, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payments to eligible persons complying with the terms and conditions stated in this subpart.

§ 524.202 *Eligibility for payment.* Payments will be made to any packer, including a beekeeper-packer, or wholesaler located in the continental United States (a) who executes and files with the Director, in quadruplicate, an application on the forms set forth below, (b) whose application is approved by the Director or by the Secretary, (c) who diverts honey pursuant hereto in the manufacture of a product for which

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his application has been approved or who sells honey for such diversion, and (d) who otherwise complies with all the terms and conditions of this subpart. An application must be filed either prior to or at the time of diversion or of sale for diversion upon which payment will be claimed. Payment will be made after the honey is diverted. Applications based (1) on intent of the applicant to divert or (2) on firm sales contracts, will be approved in the order submitted and in accordance with the availability of funds. Applications based on sales negotiations shall be approved in the same manner, but approval shall be subject to the completion of negotiations and notification to the Director, within 30 days from date of approval, of the quantity and floral source of the honey set forth in the final sales contract. If such notification is not received by the 30th day, the Director may cancel the approval. The Director reserves the right to withdraw approval of any application based on sales negotiations, but such withdrawal must be made prior to receipt of notice of completion of the sales negotiations. Only one person will be eligible for payment on any one diversion of honey, and such person shall be the packer-diverter or the packer who sells direct to a diverter other than a packer, for purposes of diversion or a wholesaler who, not having purchased for purposes of diversion, sells the honey to a diverter. Applicants may make their sales contracts under this subpart subject to the condition that the Department of Agriculture will make a diversion payment on such sales.

§ 524.203 *Period for diversion.* No payment under this subpart will be made in connection with any honey diverted by the applicant or sold into an approved diversion outlet unless the diversion was accomplished by the applicant or the sales contract was entered into after the effective date of this subpart and prior to 12 o'clock midnight, e. s. t., March 31, 1952. Where diversion is by a manufacturer other than the applicant, the time for diversion shall extend to 12 o'clock midnight, e. s. t., April 30, 1952.

§ 524.204 *Diversion.* As used in this subpart, diversion means the utilization of domestically-produced honey in the manufacture of an approved product, by blending with one or more other commodities, by coating of a food, feed, or tobacco product, or by any other method approved by the Director, so as to preclude re-use or consumption of the honey as honey. Approval of diversion products shall be restricted to those in which (a) no honey has been utilized by any manufacturer since January 1, 1948, except pursuant to an approved diversion application, or (b) the use of honey has been negligible as to either the number of manufacturers or the percentage of the total sweetening agents employed in the product, or both.

§ 524.205 *Rate of payment.* The rate of payment applicable to honey grading U. S. Grade C or better diverted in accordance with the terms and conditions contained in this subpart shall be 3.75 cents per pound.

§ 524.206 *Net price to buyer.* The net price per unit of weight charged the buyer shall be established by deducting the rate of payment under this subpart from the gross sales price of such unit of weight.

§ 524.207 *Minimum grade and inspection.* Honey diverted under this subpart shall be equal to or better than U. S. Grade C of the "United States Standards for Grades of Extracted Honey," effective April 16, 1951. It shall have been inspected at either the diverter's or at the applicant's plant or warehouse, prior to diversion. Such inspection shall be performed by an inspector of the Processed Products Standardization and Inspection Division, United States Department of Agriculture. The cost of the inspection and issuance of certificates shall be borne by the applicant.

§ 524.208 *Period for filing claims.* Applicants hereunder shall file claim for payment not later than May 31, 1952.

§ 524.209 *Proof of claim.* (a) If applicant is located in California, Oregon, Washington, Arizona, Colorado, Idaho, Nevada, New Mexico, Montana, Utah or Wyoming, claim or claims for payment under this subpart shall be filed with Werner Allmendinger, P. O. Box 3638 (335 Fell Street), San Francisco 2, California, and if applicant is located in any other State, such claim or claims shall be filed with E. M. Graham, United States Department of Agriculture, Fruit and Vegetable Branch, Washington 25, D. C. Each claim for payment shall be filed in an original and three copies on voucher form FDA-564 and shall be supported by (1) the original and one copy of the inspection certificate or certificates required in § 524.207, (2) the original and a copy of a certified statement of the applicant that he has diverted in the manner specified in his application and within the applicable period specified in § 524.203; or has sold and delivered for diversion the honey covered by such inspection certificates in accordance with the terms and conditions of this subpart, and that such honey was produced in the continental United States, (3) where diverter is other than applicant, two signed or certified true copies of the sales contract, (4) where diverter is other than applicant, a certification in duplicate from the diverter of such honey that such diversion has been accomplished and the manner and date of such diversion, and (5) such other documents as may be required by the Director as evidence of the diversion of honey.

(b) Each sales contract shall show the date of sale, the price per unit of weight charged to the buyer, the quantity (net weight) of honey sold, and the floral source of such honey. If the price per unit of weight, charged the buyer, shown in the sales contract is on a basis other than delivered to buyer's plant or warehouse, the applicant shall certify on the copies of the sales contract, the delivered price which is the equivalent of the price actually charged to the buyer.

§ 524.210 *Records and accounts.* Each applicant shall maintain accurate records showing the honey he diverts, and for the honey he sells for diversion, the quantities, sales prices, dates of delivery, and the dates of completion of diversion. Such records, accounts, and other documents relating to any transactions in connection with this subpart shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture and shall be preserved until at least March 31, 1954. Each applicant shall also obtain and furnish to the Director, or his designee, a statement signed by the person who diverts the honey, when the diverter is a person other than applicant, (a) that he will keep records showing, in respect to each lot of honey received, the quantity, weight, date of receipt, price paid, date when diversion was completed, and manner of diversion; (b) that such records shall be available during regular business hours for inspection by authorized employees of the United States Department of Agriculture; (c) that the records pertaining to such diversion shall be preserved until at least March 31, 1954; and (d) that the diversion plant shall be available for inspection by such authorized employees.

§ 524.211 *Set-off.* The Director may set off, against any amount owed to any applicant under this subpart, any amount owed by such applicant to the Commodity Credit Corporation, the United States Department of Agriculture, or any other agency of the United States.

§ 524.212 *Assignment.* No applicant shall, without the written consent of the Director, assign any claim of the applicant against the Secretary under this subpart or make a lienholder a joint payee with respect to any such claim. With such consent, an applicant may assign, in accordance with the Assignment of Claims Act of 1940, any claim for payment hereunder or make a lienholder a joint payee with respect to any such claim. In case of such assignment, the Director may set off any claim against the applicant arising out of the diversion on which the assigned claim is based, and may set off any other claim of the United States against the applicant based on facts existing at the time of the assignment or based on facts arising thereafter prior to the knowledge by the Director of the Assignment.

§ 524.213 *Amendment and termination.* This subpart may be amended or terminated by the Director at any time by public announcement of such amendment or termination. Notice of any amendment or termination will be transmitted promptly to every applicant participating in the program on record with the Fruit and Vegetable Branch. No amendment or termination shall be applicable to honey covered by an approved application or to any firm sale contract to deliver honey for diversion made before the effective time of such amendment or termination.

§ 524.214 *Persons not eligible for payment.* No member of or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of any contract resulting from the offer in this subpart or to any benefits that may arise therefrom, but this section shall not be construed to extend to such a contract if made with a corporation for its general benefit, or to such a person acting in his capacity as a beekeeper.

§ 524.215 *Definitions.* As used in this subpart, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States.

(b) "Director" means the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, or any authorized representative of the Secretary within such Branch to whom the Director has subdelegated authority to perform the functions vested in the Director in this subpart.

(c) "Packer" means any individual, corporation, partnership, association, or other business entity, engaged in the business of packing honey and "wholesaler" means any individual or entity engaged in the business of wholesaling honey produced in the continental United States.

(d) A contract for the sale of honey made subject to the condition that the Department of Agriculture will make a diversion payment on such honey, shall be deemed a "firm sales contract" pursuant to this subpart.

(e) "Public announcement" means the issuance of a press release or the publication of a notice in the FEDERAL REGISTER.

§ 524.216 *Information and forms.* Information pertaining to the operation of this program and forms pre-

scribed for use under this subpart can be obtained from the following:

E. M. Graham, United States Department of Agriculture, Fruit and Vegetable Branch, Washington 25, D. C.

Werner Allmendinger, P. O. Box 3638 (335 Fell Street), San Francisco 2, California.

Chester A. Hälnan, Room 620, 90 Church Street, New York 7, New York.

Effective date. This program shall become effective at 12:01 a. m., e. s. t. April 12, 1951.

NOTE: The record keeping and reporting requirements contained herein have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated this 12th day of April 1951.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

Form FV-457, April 2, 1951
Budget Bureau No. 40-R 2161.1
Approval Expires June 30, 1952

APPLICATION

Under Honey Diversion Program (1951 Marketing Season) and for Approval of Diversion Product

The undersigned hereby applies for payments to be made in accordance with the terms and conditions of the above-named program and for approval of the use of ---------- pounds of (indicate predominant floral source or blend) ---------- honey to be used or to be sold for diversion as set forth below:

A. Applicant (check one):

1. ---- is diverter.
2. ---- has a firm sales contract entered into on: ----------
(Date)
3. ---- has undertaken sales negotiation.

If Section 2 or 3 above checked, provide name and location of firm----------
---

B. Honey to be used in (describe product in detail)----------
---

(If desired, additional details can be given on a separate sheet)

C.1. To the best knowledge of the applicant or based on information obtained from the above-named firm and other sources (check one):

—— honey has not been used in the manufacture of either the above or similar product since January 1, 1948, except pursuant to an approved diversion application.
—— honey has been used in the manufacture of the above product since January 1, 1948.
—— honey has been used in the manufacture of a similar product since January 1, 1948.

2. Honey will be (fill in the percentages):
—— percent of the total sweetening agents in the product and
—— percent of the total weight of the product. (If not applicable, submit instead the relationship of honey to principal ingredient or ingredients.)

3. Delivery of honey is expected to be completed by the ------ day of ----------, 19----, and diversion is expected to be completed by the ------ day of ----------, 19----.

If application is based on sales negotiations, applicant will notify Director, within 30 days from the approval date of this application, of the details of the firm sales contract. In the event the Director does not receive such notification by said 30th day, he may cancel the approval.

Date ---------- Application No. ------
Name of applicant----------
Address ----------
By ----------
Approved this ------ day of ----------, 1951.
USDA Contract Number --------

Representative of the Secretary of Agriculture

[F. R. Doc. 51-4535; Filed, Apr. 17, 1951; 8:50 a. m.]

PART 524—HONEY

SUBPART B—HONEY EXPORT PROGRAM (1951 MARKETING SEASON)

Sec.
524.231 General statement.
524.232 Eligibility for payment.
524.233 Period for export sales.
524.234 Period for exportation.
524.235 Eligible destinations.
524.236 Rates of payment.
524.237 Net price to foreign buyer.
524.238 Minimum grade and inspection.
524.239 Period for filing claims.
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524.241 Records and accounts.
524.242 Re-entry, diversion, loss.
524.243 Set-off.
524.244 Assignment.
524.245 Amendment.
524.246 Termination.
524.247 Persons not eligible for payment.
524.248 Definitions.
524.249 Information and forms.

AUTHORITY: §§ 524.231 to 524.249 issued under sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c.

§ 524.231 *General statement.* In order to encourage the exportation of honey produced in continental United States, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payments to United States exporters upon the terms and conditions stated in this subpart.

§ 524.232 *Eligibility for payment.* Payments will be made to any United States exporter of honey (except as provided in § 524.247), (a) who executes an application in quadruplicate, on the form set forth below, covering a firm sales contract which is dated not later than March 31, 1952, and which is received by the Director within the 30-day period following the execution of the sales contract, or who confirms the execution of a firm sales contract resulting from a prior sales negotiation, the application for which has been previously submitted to the Director in quadruplicate, on the form set forth below, and approved by the Director, if such confirmation is received by the Director within the 30-day period following the execution of the firm sales contract, which must be executed not later than March 31, 1952; (b) whose application has been approved by the Director; (c) who sells honey for export to an eligible destination as stated in § 524.235 pursuant to this subpart, and who furnishes evidence of exportation of such honey as required by § 524.240; and (d) who otherwise complies with all the terms and conditions of this subpart. Applications based on firm sales contracts will be approved in the order in which they are submitted for export sales (see § 524.233), and as long as funds are available. Applications based on sales negotiations will be approved in the same manner. The confirmation of completion of a sales negotiation shall include a statement of the quantity of honey, floral source, destination, and name and address of buyer named in the final sales contract. If a firm sales contract resulting from a prior sales negotiation, the application for which has been previously approved by the Director, is not executed within 30 days following the date of approval of said application, the Director may cancel the approval of the application. The Director reserves the right to withdraw approval of any application based on sales negotiations, but such withdrawal must be made prior to receipt of notice of completion of the sales negotiations. Applicants may make their sales contracts under this subpart subject to the condition that the Department of Agriculture will make an export payment on such sales.

§ 524.233 *Period for export sales.* Sales contracts for the exportation of honey under this subpart must be entered into on or after the effective date of this subpart and prior to 12 o'clock midnight, e. s. t., March 31, 1952.

§ 524.234 *Period for exportation.* Exportation from continental United States in fulfillment of export sales under this subpart shall be accomplished on or after the date of the sales contract and prior to 12 o'clock midnight, e. s. t., April 30, 1952.

§ 524.235 *Eligible destinations.* Eligible destinations shall be limited to: Austria, Belgium-Luxembourg, Denmark, Finland, France, Federal Republic of Germany, Greece, Iceland, Ireland, Italy, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Trieste (Free Territory), United Kingdom, Yugoslavia, Egypt, Union of South Africa; Afganistan, Arabia, Burma, Ceylon, India, Indonesia, Iran, Iraq, Israel and Palestine, Japan, Jordan, Lebanon, Pakistan, Southern Korea, Syria, Taiwan (Formosa), Thailand, Tibet, Turkey, Yemen; Australia, New Zealand, and the dependencies and overseas territories of such countries other than those located in or adjacent to the Americas.

§ 524.236 *Rate of payment.* The rate of payment applicable to honey of U. S. Grade C or better exported in accordance with the terms and conditions contained in this subpart shall be the lowest of the following: (a) 4.5 cents per pound, (b) 50 percent of the sales price (computed before deduction of such payment) as determined by the Director, basis free alongside ship United States ports of exportation; except that if shipment from packing plant or warehouse to the nearest U. S. port from which honey is customarily shipped would result in a lower rate payable under this subpart, the honey shall be deemed to have been shipped from such nearest port, or (c) 50 percent of the domestic market price of the honey at the time of sale and

place of delivery in the United States, as determined by the Director.

§ 524.237 *Net price to foreign buyer.* The net price per unit of weight charged the foreign buyer shall be established by deducting the rate of export payment under this subpart from the gross sales price of such unit of weight.

§ 524.238 *Minimum grade and inspection.* Honey exported under this subpart shall be equal to or better than U. S. Grade C of the United States Standards for Grades of extracted honey, effective April 16, 1951, and shall have been inspected not more than 30 calendar days prior to shipment from packing plant or warehouse to the port of exportation. The inspection shall be performed by an inspector of the Processed Products Standardization and Inspection Division, United States Department of Agriculture. The cost of the inspection and issuance of the certificates shall be borne by the exporter.

§ 524.239 *Period for filing claims.* The exporter shall file claim for payment under this subpart by mailing it or delivering it directly to the offices referred to in § 524.240 not later than May 31, 1952.

§ 524.240 *Proof of claim.* (a) If exporter is located in California, Oregon, Washington, Arizona, Colorado, Idaho, Nevada, New Mexico, Montana, Utah, or Wyoming, such claim shall be filed with Werner Allmendinger, P. O. Box 3638 (335 Fell Street), San Francisco 2, California; and if exporter is located in any other State, such claim shall be filed with E. M. Graham, United States Department of Agriculture, Fruit and Vegetable Branch, Washington 25, D. C. Each claim for payment shall be filed in an original and three copies on voucher form FDA-564. Each claim shall be supported by (1) two signed or certified true copies of the sales contract, (2) two copies of the applicable on-board ocean carrier bill of lading signed by an agent of the ocean carrier (except that where loss, destruction or damage occurs subsequent to loading on board ocean carrier but prior to issuance of on-board bill of lading, two copies of a loading tally sheet or similar document may be submitted in lieu of such bill of lading), (3) the original and one copy of the inspection certificate required in § 524.238, (4) a certification in duplicate that the honey has been exported to an eligible country of destination and (5) such other documents as may be required by the Director as evidence of sale and exportation of the honey on which payment is claimed. An exporter can comply with the requirement with respect to inspection certificates by filing a copy of the original inspection certificate signed by the inspector who issued it and one copy of such inspection certificate.

(b) Each sales contract shall show the date of sale, the price per unit of weight charged to the buyer, the quantity (net weight) of honey sold, the floral source of such honey, and the country of destination. An exporter who sells to a foreign buyer on a price basis other than free-alongside-ship, United States port, shall certify on the copies of the sales contract accompanying his claim, or on a statement attached thereto, the gross price in cents per pound, f. a. s. United States port, which is the equivalent of the price invoiced to the buyer, and shall show in such certification the charges on the basis of which such f. a. s. price is computed from the price invoiced to the buyer.

(c) Each on-board ocean carrier bill of lading shall show the number of boxes, markings, and gross weight, the date and place of loading on vessel, the name of the vessel, the destination of the honey, and the name and address of both the person exporting the honey and the person to whom it is shipped. If the shipper or consignor named in such bill of lading is other than the exporter (seller) named in the sales contract, the exporter shall furnish with his claim a waiver by such shipper or consignor of any right to claim payment under this subpart for exportation of the quantity of honey covered by such bill of lading. If the bill of lading shows the name of a person different from that appearing as the buyer on the contract under which the bill of lading is made, the exporter shall accompany his claim on the exportation covered by such bill of lading with a certification in duplicate that the shipment under that bill of lading is to the buyer named in the contract and is made pursuant to that contract.

§ 524.241 *Records and accounts.* Each exporter shall maintain accurate records and preserve them until at least March 31, 1954 showing the quantities, sales prices, and deliveries of honey exported in connection with the offer in this subpart. Such records, accounts, and other documents relating to any transaction in connection herewith shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture.

§ 524.242 *Re-entry, diversion, loss.* If any quantity of honey exported under the provisions of this subpart re-enters the United States or its territories or possessions or is diverted to an ineligible country of destination, payment may be withheld or, if payment has already been made by the United States Government, the exporter shall refund the amount received on the quantity of honey which so re-enters the United States or is so diverted: *Provided*, That, if the honey with respect to which payment may be withheld or refund required under this section is damaged after exportation, the payment withheld or refund required shall be an amount determined by the Director which, however, shall not exceed the amount realized or which might reasonably be realized by the exporter over the net price at which he sold to the foreign buyer. In case of complete loss or destruction of the honey or any part thereof after exportation, without fault or negligence of the exporter, no refund of the payment shall be required for the quantity so lost or destroyed. The exporter shall notify the Director immediately upon becoming cognizant of any unloading, diversion of, or damage to the honey with respect to which refund may be required under this section and shall furnish information as to any claim he may have in connection with such event.

§ 524.243 *Set-off.* The Director may set off, against any amount owed to any exporter under this subpart, any amount owed by such exporter to Commodity Credit Corporation, the United States Department of Agriculture, or any other agency of the United States.

§ 524.244 *Assignment.* No exporter shall, without the written consent of the Director, assign any claim of the exporter against the Secretary hereunder or make a lienholder a joint payee with respect to any such claim. With such consent, an exporter may assign, in accordance with the provisions of the Assignment of Claims Act of 1940, any claim for payment under this subpart, or make a lienholder a joint payee with respect to any such claim. In case of such assignment, the Director may set off any claim against the exporter arising out of the exportation on which the assigned claim is based, and may set off any other claim of the United States against the exporter based on facts existing at the time of the assignment or based on facts arising thereafter prior to the knowledge by the Director of the assignment.

§ 524.245 *Amendment.* This subpart may be amended by the Director at any time by public announcement of such amendment. Notice of any amendment will be transmitted promptly to every exporter participating in the program on record with the Fruit and Vegetable Branch. No amendment shall be applicable to any honey covered by an approved application based on either a firm sales contract or sales negotiation or to any other firm sales contract made before the effective time and date of such amendment.

§ 524.246 *Termination.* This subpart may be terminated by the Director at any time by public notice of such termination. Notice of termination will be transmitted promptly to every exporter participating in the program on record with the Fruit and Vegetable Branch. Termination shall not be applicable to any honey covered by an approved application based on either a firm sales contract or sales negotiation or to any other firm sales contract made before the effective time and date of such termination.

§ 524.247 *Persons not eligible for payment.* (a) Payments under this subpart will not be made to any Department, agency, or establishment of the United States Government administering any law providing for the furnishing of assistance or relief to foreign countries.

(b) No member of or delegate to Congress, or resident Commissioner shall be admitted to any share or part of any contract resulting from this subpart or to any benefit that may arise therefrom, but this provision shall not be construed to extend to such a contract if made with a corporation for its general benefit, or to such person in his capacity as a beekeeper.

§ 524.248 *Definitions.* As used in this subpart, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States.

(b) "Director" means the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, or any authorized representative of the Secretary within such Branch to whom the Director has subdelegated authority to perform the functions vested in the Director with this subpart.

(c) "Exporter" means any individual, corporation, partnership, association, or other business entity, located within the continental United States and selling honey for export.

(d) "Date of sale" means the date on which both buyer and seller have signed a contract or the date of written acceptance of either a written offer or counter offer to buy or sell.

(e) Honey shall be deemed to have been "exported" when, pursuant to a sale made under this subpart, honey is loaded on board an ocean carrier for shipment to an eligible destination as stated in § 524.235.

(f) "Ocean carrier" means the vessel on which final shipment from the United States is intended to be made pursuant to a sale made under this subpart.

(g) A contract for the sale of honey made subject to the condition that the Department of Agriculture will make an export payment on such honey shall be deemed a "firm sales contract" pursuant to this subpart.

(h) "Public announcement" means the issuance of a press release or the publication of a notice in the FEDERAL REGISTER.

§ 524.249 *Information and forms.* Information pertaining to the operation of this subpart and forms prescribed for use thereunder can be obtained from the following:

E. M. Graham, U. S. Department of Agriculture, Fruit and Vegetable Branch, Washington 25, D. C.

Werner Allmendinger, P. O. Box 3638 (335 Fell Street), San Francisco 2, California.

Chester A. Halnan, Room 620, 90 Church Street, New York 7, New York.

Effective date. This subpart shall be effective at 12:01 a. m., e. s. t., April 12, 1951.

NOTE: The record keeping and reporting requirements contained herein have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated this 12th day of April 1951.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

Form FV-458, April 2, 1951
Budget Bureau No. 40-R 2160.1
Approval Expires June 30, 1952

APPLICATION

Under Honey Export Program (1951 Marketing Season)

The undersigned exporter hereby applies for payments to be made in accordance with the terms and conditions of the above-named program. Exporter states that this application is based on a firm sales contract or sales negotiations, as checked below, and that if it is based on sales negotiations, he will notify the Director of the details of the firm sales contract. Such notification is to be received by the Director within 30 days from the approval date of this application. In the event the Director does not receive such notification within such time, he may cancel the approval.

This application is based on (check one):
---- a firm sales contract entered into on ----------, or ---- sales negotiations,
date
and involves the following:

Pounds of honey	Floral source	F. A. S. price per pound	Export destination	Name and address of buyer

Date ---------- Buyer's application No. ------
Name of exporter ----------
Address ----------
By ----------
Title ----------
Approved this ------ day of ---------- 19-----
U. S. D. A. Contract No. ----------
Representative of the Secretary of Agriculture.

[F. R. Doc. 51-4536; Filed, Apr. 17, 1951; 8:50 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

PART 131—HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

RULES AND REGULATIONS OF THE CONTROL AGENCY

Pursuant to the provisions of BAI Order No. 361, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus (9 CFR 131.1, et seq.; 15 F. R. 8154), approval is hereby given to the amendment of § 131.225 (formerly § 131.203 (e)) of the rules and regulations of the Control Agency, set forth below, issued on February 9, 1951, by the Control Agency pursuant to the provisions of said BAI Order No. 361, as amendnded. Such amendment shall become effective 30 days after its publication in the FEDERAL REGISTER.

The amendment was adopted by the Control Agency after notice of proposed amendment published in the FEDERAL REGISTER on January 12, 1951 (16 F. R. 321), and due consideration of the data, views and arguments presented by interested parties in writing and at the Control Agency meeting on February 9, 1951. Copies of the rules and regulations, as amended, may be procured from the Control Agency, Office of the Executive Secretary, 512 Porter Building, Kansas City, Missouri.

Done at Washington, D. C., this 12th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Section 131.225 (formerly § 131.203 (e)) of Title 9, Chapter I, Part 131 of the Code of Federal Regulations is hereby amended to read as follows:

§ 131.225 *Each handler's prices, discounts and terms of sale.* The term "Each handler's prices, discounts and terms of sale shall be uniform for all buyers in each classification" as used in § 131.51 means that each handler's prices, discounts and terms of sale shall apply equally, in the same manner, and at the same rate to each buyer within the same class, and no individual handler shall make variations in his prices, discounts and terms of sale on account of different brands, serial numbers, or any other means of identification of such serum and virus.

The foregoing amendment to the rules and regulations was adopted by the Control Agency on February 9, 1951, to become effective 30 days after publication thereof in the FEDERAL REGISTER.

(Sec 60, 49 Stat. 782; 7 U. S. C. 855. Interprets or applies sec. 59, 49 Stat. 781; 7 U. S. C. 854)

Dated this 19th day of February 1951.

CONTROL AGENCY,
R. M. YOUNG,
Chairman.

[F. R. Doc. 51-4534; Filed, Apr. 17, 1951; 8:49 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 52 [1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

SOFT COTTON WASTE

Section 373.17 *Special provisions for soft cotton waste* is amended to read as follows:

§ 373.17 *Special provisions for cotton mill waste—*(a) *General provisions for soft cotton waste and cotton hard waste.* The following provisions shall apply to applications for licenses to export soft cotton waste (cotton card strips, Schedule B No. 301040; comber waste, Schedule B No. 301050; and other soft wastes, Schedule B No. 301060); and cotton hard wastes of yarns and threads (wiping included), Schedule B No. 301030, in addition to other applicable requirements:

(1) *Application requirements—*(i) *Import authorization.* The applicant shall answer item 5 of the application, Form IT-419, by giving the import permit or other import authorization number upon which his application is based.

(ii) *Orders.* The applicant shall show in item 9 (b) of Form IT-419 the date of the order from the foreign purchaser for the commodities covered by the application.

(2) *Record of shipments.* Each applicant for a license to export soft cotton waste, Schedule B Nos. 301040, 301050, 301060, and cotton hard wastes, Schedule B No. 301030, must submit the following information with his first license application on or after April 12, 1951:

(i) A statement of the total exports in pounds of cotton waste made in his own name during each of the calendar years 1949 and 1950.

(ii) The names of all cotton waste exporters, dealers, manufacturers and of any other business organizations (whether individuals, corporations, partnerships, associations or any other kind of organization) which are directly or indirectly owned or controlled by the applicant or which directly or indirectly own or control the applicant's operations; the date (month and year) when such firms or organizations were established, and their relationships to the applicant's operations.

(3) *Validity period.* Licenses covering soft-cotton waste and cotton hard wastes will be issued for a validity period of 90 days.

(b) *Additional provisions for soft cotton waste.* In addition to the provisions of paragraph (a) of this section, the following provisions shall apply to applications for licenses to export soft cotton waste (Schedule B Nos. 301040, 301050, 301060):

(1) *Licensing policy.* (i) No applicant who holds validated licenses to export soft cotton waste, Schedule B Nos. 301040, 301050, and 301060, will be granted additional licenses to export such commodities unless, at the time an application is filed, he is able to show, in the manner described in paragraph (b) (2) of this section, that the total unshipped balance on such licenses does not exceed 250,000 pounds.

(ii) No applicant will be granted licenses to export soft cotton waste in an amount which, including any unshipped balances on previous licenses, will exceed 500,000 pounds.

(2) *Record of shipments.* Each applicant for a license to export soft cotton waste, Schedule B Nos. 301040, 301050, and 301060, shall attach to his application a copy of the ocean bill of lading covering each shipment against licenses issued to him since December 1, 1950, covering these commodities. On each bill of lading shall be listed the OIT case and OIT license numbers against which each shipment was made. In filing subsequent applications, however, an applicant need not submit copies of bills of lading duplicating those submitted by him with a previous application.

In case an applicant has held no validated licenses since December 1, 1950, he shall so state in item 9 (b) of Form IT-419.

(c) *Additional provisions for cotton hard wastes.* In addition to the provisions of paragraph (a) of this section, applications for licenses to export cotton hard wastes, Schedule B No. 301030, must contain and be accompanied by the following information:

(1) A description of the type of hard waste to be exported, such as, soft white threads, soft colored threads, white slasher, colored slasher, soiled, etc. If machined waste, specify whether wiping, journal box packing, or filter (enter in item 9 (b) of each application, Form IT-419).

(2) A statement (attached to each application) showing the OIT case and OIT license number of all outstanding licenses covering cotton hard wastes issued to the applicant and the unshipped balance thereof (in pounds).

This amendment shall become effective as of April 12, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-4515; Filed, Apr. 17, 1951; 8:45 a. m.]

[1] This amendment was published in Current Export Bulletin No. 615 dated April 12, 1951.

[5th Gen. Rev. of Export Regs., Amdt. P. L. 44 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1, Appendix A, *Positive List of Commodities*, is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Hides and skins, raw, n. e. s. (include whole skins and parts thereof):				
025098	Buffalo hides [1]	Piece	LEAT	100	RO
032400	Sole leather (bends, backs, and sides)	Lb	LEAT	100	RO
032500	Boot and shoe cut stock	Doz. pr.	LEAT	100	RO
033210	Sole, welting, and belting leather offal	Lb	LEAT	100	RO
399000	Second-hand and used clothing (wool chief value)		TEXT	250	RO
	Abrasives:				
541140	Manufactured abrasives, n. e. s., except boron carbide. [2]	Lb	NONF	100	RO
	Asbestos:				
545130	Unmanufactured: Non-spinning fibers	L. ton	NONF	100	RO
596095	Kyanite and allied minerals, crude, ground or calcined	L. ton	NONF	100	RO
	Aluminum ores and concentrates:				
625000	Bauxite and other aluminum ores	L. ton	NONF	1,000	RO
657010	Zinc ore and concentrates (zinc content)	Lb	NONF	300	RO
	Ores and concentrates, n. e. s.:				
664520	Chromium or chromite	Lb	NONF	300	RO
664540	Manganese ores and concentrates, containing 10 percent or more manganese	Lb	NONF	300	RO
664570	Titanium, ilmenite and rutile	Lb	NONF	None	RO
	Metals and alloys in primary forms, n. e. s. (except ferroalloys):				
664940	Manganese metal and alloys (alloys containing 10 percent or more manganese included)	Lb	NONF	None	RO
	Metal and metal composition manufactures, n. e. s.:				
669120	Lighter flints	Lbs	NONF	25	RO
852950	Organic chemicals not of coal-tar origin, n. e. s.: Cobalt tallate	Lb	ORGN	None	RO
	Other industrial chemicals:				
836600	Didymium carbonate		SALT	None	RO
839000	Lanthanum ammonium nitrate		SALT	None	RO
839000	Lanthanum oxide		SALT	None	RO

[1] By this amendment the description on the Positive List for Schedule B No. 025098 will read as follows: "Ass hides; colt hides; donkey hides; horse hides; mule hides; pony hides; antelope skins; caribou hides; deer skins; elk skins; gazelle skins; moose hides; buffalo hides, GLV $100, validated license required RO".

[2] Boron carbide, Schedule B No. 541140, is already on the Positive List. By this amendment the description on the Positive List for Schedule B No. 541140 will read as follows: "Manufactured abrasives, n. e. s., GLV $100, validated license required RO" (which includes boron carbide).

2. The following commodities are changed from R to RO commodities. Accordingly, the entry therefor on the Positive List is amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
622050	Ferrochrome	Lb	NONF	100	RO
622095	Ferrotitanium and ferro-carbon-titanium	Lb	NONF	None	RO
	Aluminum and aluminum base alloys:				
630500	Woven-wire insect screen cloth	Lb	NONF	25	RO
654501	Nickel ore, concentrates, and matte	Lb	NONF	500	RO
664515	Cadmium dross, flue dust, residues, and scrap	Lb	NONF	50	RO
	Ores and concentrates, n. e. s.:				
664598	Other ores and concentrates, n. e. s. (except rare earths). [1]	Lb	NONF	100	RO
	Metals and alloys in primary forms, n. e. s. (except ferroalloys):				
664920	Chromium metal, anodes, chromium-bearing alloys and scrap	Lb	NONF	100	RO
664945	Molybdenum metal, alloys, and scrap	Lb	NONF	None	RO
664998	Other metals and alloys in primary forms, n. e. s. [2]	Lb	NONF	100	RO
	Metal and metal composition manufactures:				
669108	Molybdenum wire	Lb	NONF	None	RO
	Other electrical apparatus:				
706850	Rubber-covered lamp cord [3]	Lb	NONF	300	RO

[1] The separately listed commodities on the Positive List under Schedule B No. 664598 are already under RO control.
[2] The separately listed commodities on the Positive List under Schedule B No. 664998 are already under RO control.
[3] By this amendment the description on the Positive List for Schedule B No. 706850 will read as follows: "Insulated copper wire, n. e. s., GLV $300, validated license required RO" (which includes rubber covered lamp cord).

[1] This amendment was published in Current Export Bulletin No. 615 dated April 12, 1951.

Section 399.3 *Appendix C—Commodity Processing Codes* is amended by changing the processing code for Lighter flints, Schedule B No. 669120, from CDGS to NONF.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in Parts 1 and 2 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., April 17, 1951, may be exported under the previous general license provisions up to and including May 12, 1951. Any such shipment not laden aboard the exporting carrier on or before May 12, 1951, requires a validated license for export.

This amendment shall become effective as of 12:01 a. m., April 17, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945, Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-4515; Filed, Apr. 17, 1951; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5635]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CYCLE JOBBERS ASSN. OF AMERICA, INC., ET AL.

Subpart—*Coercing and intimidating:* § 3.50 *Customers or prospective customers;* § 3.370 *Suppliers and sellers.* Subpart—*Combining or conspiring:* §3.425 *To enforce or bring about resale price maintenance;* § 3.430 *To enhance, maintain or unify prices;* § 3.450 *To limit distribution or dealing to regular, established or acceptable channels or classes;* § 3.470 *To restrain and monopolize trade.* Subpart—*Cutting off competitors' or others' access to customers or market;* § 3.560 *Interfering generally with distributive outlets.* Subpart—*Cutting off competitors' or others' supplies or service;* § 3.655 *Threatening disciplinary action or otherwise.* I. In connection with the purchase, jobbing, offering for sale, sale or distribution in commerce, of bicycles, bicycle parts or equipment, on the part of respondent Cycle Jobbers Association of America, Inc., its successors, etc., and on the part of each and every one of said Jobbers Association members, who held membership on January 1, 1947, and their successors and assigns, and among other things, as in order set forth, entering into, continuing, cooperating in or carrying out any planned common course of action, agreement, understanding, combination or conspiracy, whether express or implied, between any two or more of said respondents, or between any one or more of said respondents and any other respondents named or referred to in the order, or their successors or assigns, or with others not parties hereto, to (1) restrict or confine membership in respondent Jobbers Association, its successors or assigns, by any standards, rules or regulations to such jobbers in bicycles, bicycle parts or equipment, as the respondents Jobbers Association members, their successors or assigns, are willing to compete with in the sale or distribution of such products; (2) adopt or apply any standards, rules or regulations for the respondent Jobbers Association which differentiate, or attempt to differentiate, between jobbers in bicycles, bicycle parts or equipment who are members of said Association, its successors or assigns, and other jobbers in such products, with the intent or effect of thereby securing for said respondent members any status or advantage relating to offers, amounts, prices, discounts or conditions of sale not granted to, or secured by, or for, any other jobbers in such products; (3) prepare, compile, publish or distribute or attempt to prepare, compile, publish or distribute, between or among themselves, or in conjunction or cooperation with respondent Parts Association, its officers, etc., or with others, any directory, list or compilation, of jobbers in said products, with the intent or effect of thereby differentiating, or attempting to differentiate, as to standards or other qualifications or criteria of legitimacy in business, between such jobbers so named and other jobbers engaged in the resale of such merchandise; (4) distribute, etc., to respondents Parts Association members, their successors or assigns, or to any other manufacturer or assembler of said products, or to any one else, any directory, list or compilation, of some or all of the members of respondent Jobbers Association or its successors or assigns, with the intent or effect of having such distributees in any way, confine, limit or restrict their sales to jobbers of said products to those jobbers appearing in such directory, list or compilation; (5) distribute, etc., to any manufacturers or assembler of said products, who directly or indirectly seeks information or instructions of any nature or description, regarding jobbers in same, any directory, list or compilation of some or all of the members of respondent Jobbers Association, their successors or assigns, with the intent or effect of having such directory, list or compilation utilized in any way as differentiating or attempting to differentiate as to standards or other qualifications or criteria of legitimacy in business between such jobbers so named and other jobbers; (6) compel or use any persuasion or influence, or attempt to compel or persuade or influence, by any means or method, assemblers or manufacturers of said products to sell same solely through members of the respondent Jobbers Association, its successors or assigns; (7) prevent or attempt to prevent, manufacturers or assemblers of said products from selling same to any jobbers therein because such jobbers are not members of respondent Jobbers Association, etc.; (8) adopt, enforce or utilize any means or method which has as its purpose or effect interference or attempted interference, of any nature or description, with any source of supply of said products of nonmembers of respondent Jobbers Association, etc., because of such nonmembership; (9) adopt, enforce or utilize any means or method which has as its purpose or effect the compelling or using of persuasion or influence, or the attempting to compel or persuade or influence, by any means or method, any manufacturers or assemblers of such products to refrain from selling same directly to retailers, bicycle parts and accessories dealers, bicycle repair shops or the ultimate users thereof; (10) adopt, enforce or utilize any means or method which has as its purpose, or effect, to prevent or seek to prevent assemblers or manufacturers of completed bicycle or individual bicycle parts or accessories, from selling or in anywise disposing of same, directly to mail order houses, chain stores, department stores or to any other means of distribution, or outlet, unless such sales or dispositions are made at the same or higher prices than those charged, levied or assessed by said manufacturers or assemblers to respondents Jobbers Association members, etc.; (11) adopt, enforce or utilize any means or method which has as its purpose or effect the designation or selection or attempted designation or selection of any particular manufacturers or assemblers of bicycles, bicycle parts or equipment from whom respondents Jobbers Association members, their successors or assigns, are solicited, encouraged or persuaded to make their purchases; (12) adopt, enforce or utilize any means or method which has as its purpose or effect, the compelling, persuading or influencing, or attempting to compel, persuade or influence any manufacturers or assemblers of said products to fix or maintain resale or consumer prices therefor; (13) adopt, enforce or utilize any means or method whereby respondents Jobbers Association members, their successors or assigns, limit or restrict or attempt to limit or restrict, to any extent or degree, their purchase of such products to any particular or designated manufacturers or assemblers thereof; (14) adopt, enforce or utilize any means or method to have or attempting to have, manufacturers of bicycle tires not sell, or discontinue selling, their factory brand tires directly to bicycle dealers, or to limit such distribution, in any manner or fashion, to respondents Jobbers Association members, their successors or assigns; (15) adopt, enforce or utilize through respondent Jobbers Association, its successors or assigns, any means or method to compel or coerce, or to attempt to compel or coerce, in any manner, retail dealers in such products to confine their purchases thereof to respondents Jobbers Association members, their successors or assigns; (16) adopt, enforce or utilize any means or method to cause or prevent or to attempt to cause or prevent, sales of such products to, or by any jobber or jobbers, at any specific, given or suggested price or prices, terms or conditions of sale; (17) adopt, enforce or utilize any means or method to fix or maintain or attempt to fix or maintain, the prices at which jobbers offer for sale, or sell, any such products; (18) adopt, enforce or utilize any means or method to prevent, or to attempt to prevent, manufacturers of completed bicycles from selling such products directly to chain stores at the same prices or on the same terms or conditions of sale as said manufacturers offer or grant to jobbers, or to attempt, in any way, to cause said manufacturers to sell, offer, or grant such products to chain stores, at any specific price or prices, or, according to any specific terms or conditions of sale; or, (19) supervise, or attempt to supervise, by any means or method, the policies or practices of jobbers not members of respondent Jobbers Association, its successors or assigns, with the intent or effect, of having such nonmember jobbers recognize or conform to any of the policies, objectives, acts or practices of said association, its successors or assigns; and, II, in connection with the offering for sale, sale and distribution in commerce, of bicycles, bicycle parts, accessories or equipment, and on the part of respondent Parts Association, its successors, etc., and on the part of each and every one of said Association's members, who held membership on January 1, 1947, and their successors or assigns, and among other things, as in order set forth, entering into, continuing, cooperating in, or carrying out any planned common course of action, agreement, understanding, combination or conspiracy, whether express or implied, between any two or more of said respondents or between any one or more of said respondents, and any other respondents named or referred to, or others not parties hereto, to (1) enter into or attempt to enter into, carry out or attempt to carry out by any means or method, any agreement or understanding of any nature or description, which has for its purpose or intent or effect that respondents Jobbers Association members, their successors or assigns, differentiate or attempt to differentiate between those manufacturers and assemblers, who are members of respondent Parts Association, and those manufacturers and assemblers who are not members of respondent Parts Association, for the purpose or with the effect of limiting or restricting their purchases or procurement of bicycle parts, accessories or equipment to those manufacturers and assemblers who are such members; (2) enter into or attempt to enter into, carry out or attempt to carry out by any means or method, any agreement or understanding of any nature or description, which has for its purpose or intent or effect differentiating or attempting to differentiate between those jobbers who are members of respondent Jobbers Association, and those jobbers who are not such members, or between those jobbers who are designated by respondent Jobbers Association as complying with particular standards, qualifications or criteria of legitimacy in business and those jobbers not so designated, for the purpose or with the effect of limiting or restricting sales by respondents Parts Association members of bicycle parts, accessories or equipment to those jobbers who are members of respondent Jobbers Association, or to those jobbers who are so designated by said Jobbers Association; or, (3) prepare, distribute, employ or utilize in any manner, for either of the above purposes, any directory, list or compilation of part or all of the membership of respondent Jobbers Association, its successors or assigns, or of those jobbers whose respondent Jobbers Association, its successors or assigns, select or designate as complying or qualifying with particular standards, qualifications or criteria of legitimacy in business; prohibited; subject to the provision, however, that nothing contained in the order shall be construed as prohibiting any respondent Jobbers Association member or any Parts Association member, named or referred to herein, from independently negotiating or entering into any legal exclusive or other sales or representation agreement, or selecting its own source of supply or customers, where the effects are not such that they may substantially lessen competition or tend to create a monopoly in any line of commerce.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Cycle Jobbers Association of America, Inc., et al., Docket 5635, Jan. 26, 1951]

In the Matter of Cycle Jobbers Association of America, Inc., a Nonprofit Corporation; the Officers, Directors, and Members of Cycle Jobbers Association of America, Inc.; Cycle Parts and Accessories Association, an Unincorporated Trade Association; the Officers and Members of Cycle Parts and Accessories Association

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the Commission the answers thereto and upon the record including the objections and requests for revision filed by certain of the respondents in reference to a tentative decision issued by the Commission on September 19, 1950; and the Commission having made its findings as to the facts and its conclusion that the respondents as designated have violated the provisions of the Federal Trade Commission Act:

I. *It is ordered*, That respondent Cycle Jobbers Association of America, Inc., hereinafter referred to as "respondent Jobbers Association," a non-profit corporation, its successors, assigns, employees, agents and representatives, each and every one of its respondent officers as of January 1949, as officers thereof and their successors, and each and every one of its respondent directors as of January 1949, as directors thereof and their successors, and each and every one of the respondents Jobbers Association Members holding membership therein on January 1, 1947, and their successors and assigns, directly or indirectly, jointly or severally, or through any corporate or other means or device, in connection with the purchase, jobbing, offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of bicycles, bicycle parts or equipment, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, agreement, understanding, combination or conspiracy, whether express or implied, between any two or more of said respondents, or between any one or more of said respondents and any other respondents named or referred to in this order, or their successors or assigns, or with others not parties hereto, to do or perform any of the following acts, policies or practices:

(1) Restricting or confining membership in respondent Jobbers Association, its successors or assigns, by any standards, rules or regulations to such jobbers in bicycles, bicycle parts or equipment, as the respondents Jobbers Association Members, their successors or assigns, are willing to compete with in the sale or distribution of such products;

(2) Adopting or applying any standards, rules or regulations for the respondent Jobbers Association which differentiate, or attempt to differentiate, between jobbers in bicycles, bicycle parts or equipment who are members of said Association, its successors or assigns, and other jobbers in such products, for the purpose, or with the intent, or effect, of thereby securing for said respondent Members any status or advantage relating to offers, amounts, prices, discounts or conditions of sale not granted to, or secured by, or for, any other jobbers in such products;

(3) Preparing, compiling, publishing or distributing or attempting to prepare, compile, publish or distribute, by any means or method, between or among themselves, or in conjunction or cooperation with respondent Cycle Parts and Accessories Association, hereinafter referred to as "respondent Parts Association," its officers or members or their respective successors or assigns, or with others, any directory, list or compilation, regardless of form or designation, of jobbers in bicycles, bicycle parts or equipment, for the purpose, or with the intent, express or implied, or with the effect, of thereby differentiating, or attempting to differentiate, as to standards or other qualifications or criteria of legitimacy in business, between such jobbers so named and other jobbers engaged in the resale of such merchandise;

(4) Distributing, or causing to be distributed, or attempting to distribute, or to cause to be distributed, by any means or method, to respondents Parts Association Members, their successors or assigns, or to any other manufacturer or assembler of bicycles, bicycle parts or equipment, or to any one else, any directory, list or compilation, regardless of form or designation, of some or all of the members of respondent Jobbers Association or its successors or assigns, for the purpose, or with the intent, express or implied, or with the effect, of having such distributees in any way, confine, limit or restrict their sales to jobbers of bicycles, bicycle parts or equipment to those jobbers appearing in such directory, list or compilation;

(5) Distributing, or causing to be distributed, by any means or method, to any manufacturer or assembler of bicycles, bicycle parts or equipment, who directly

or indirectly seeks information or instructions of any nature or description, regarding jobbers in same, any directory, list or compilation of some or all of the members of respondent Jobbers Association, their successors or assigns, for the purpose, or with the intent, express or implied, or with the effect, of having such directory, list or compilation utilized in any way as differentiating or attempting to differentiate as to standards or other qualifications or criteria of legitimacy in business between such jobbers so named and other jobbers;

(6) Compelling, or using any persuasion or influence, or attempting to compel or persuade or influence, by any means or method, assemblers or manufacturers of bicycles, bicycle parts or equipment, to sell such products solely through members of the respondent Jobbers Association, its successors or assigns;

(7) Preventing, or attempting to prevent, manufacturers or assemblers of bicycles, bicycle parts or equipment from selling such products to any jobbers in same because such jobbers are not members of respondent Jobbers Association, its successors or assigns;

(8) Adopting, enforcing or utilizing any means or method which has as its purpose or effect interference or attempted interference, of any nature or description, with any source of supply of bicycles, bicycle parts or equipment of nonmembers of respondent Jobbers Association, its successors or assigns because of such nonmembership;

(9) Adopting, enforcing or utilizing any means or method which has as its purpose or effect the compelling or using of persuasion or influence, or the attempting to compel or persuade or influence, by any means or method, any manufacturers or assemblers of bicycles, bicycle parts or equipment to refrain from selling such products directly to retailers, bicycle parts and accessories dealers, bicycle repair shops or the ultimate users thereof;

(10) Adopting, enforcing or utilizing any means or method which has as its purpose, or effect, to prevent or seek to prevent assemblers or manufacturers of completed bicycles or individual bicycle parts or accessories, from selling or in anywise disposing of same, directly to mail order houses, chain stores, department stores, or to any other means of distribution, or outlet, unless such sales or dispositions are made at the same or higher prices than those charged, levied or assessed by said manufacturers or assemblers to respondents Jobbers Association Members, their successors or assigns;

(11) Adopting, enforcing or utilizing any means or method which has as its purpose or effect the designation or selection or attempted designation or selection of any particular manufacturers or assemblers of bicycles, bicycle parts or equipment from whom respondents Jobbers Association Members, their successors or assigns, are solicited, encouraged or persuaded to make their purchases;

(12) Adopting, enforcing or utilizing any means or method which has as its purpose or effect, the compelling, persuading or influencing, or attempting to compel, persuade or influence any manufacturers or assemblers of bicycles, bicycle parts or equipment to fix or maintain resale or consumer prices for such products;

(13) Adopting, enforcing or utilizing any means or method whereby respondents Jobbers Association Members, their successors or assigns, limit or restrict or attempt to limit or restrict, to any extent or degree, their purchase of bicycles, bicycle parts or equipment, to any particular or designated manufacturers or assemblers of such products;

(14) Adopting, enforcing or utilizing any means or method to have or attempting to have, manufacturers of bicycle tires not sell, or discontinue selling, their factory brand tires directly to bicycle dealers, or to limit such distribution, in any manner or fashion, to respondents Jobbers Association Members, their successors or assigns;

(15) Adopting, enforcing or utilizing through respondent Jobbers Association, its successors or assigns, any means or method, to compel or coerce, or to attempt to compel or coerce, in any manner, retail dealers in bicycles, bicycle parts or equipment to confine their purchases of such products to respondents Jobbers Association Members, their successors or assigns;

(16) Adopting, enforcing or utilizing any means or method to cause or prevent or to attempt to cause or prevent, sales of bicycles, bicycle parts or equipment to, or by any jobber or jobbers, at any specific, given or suggested price or prices, terms or conditions of sale;

(17) Adopting, enforcing or utilizing any means or method to fix or maintain or attempt to fix or maintain, the prices at which jobbers offer for sale, or sell, any bicycles, bicycle parts or equipment;

(18) Adopting, enforcing or utilizing any means or method to prevent, or to attempt to prevent, manufacturers of completed bicycles from selling such products directly to chain stores at the same prices or on the same terms or conditions of sale as said manufacturers offer or grant to jobbers, or to attempt, in any way, to cause said manufacturers to sell, offer, or grant such products to chain stores, at any specific price or prices, or, according to any specific terms or conditions of sale;

(19) Supervising, or attempting to supervise, by any means or method, the policies or practices of jobbers not members of respondent Jobbers Association, its successors or assigns, for the purpose, or with the intent, or effect, of having such nonmember jobbers recognize or conform to any of the policies, objectives, acts or practices of said association, its successors or assigns.

II. *It is further ordered*, That nothing contained in this order shall be construed as prohibiting any respondent Jobbers Association Member, named or referred to herein, from independently negotiating or entering into any legal exclusive or other sales or representation agreement, or selecting its own source of supply or customers, where the effects are not such that they may substantially lessen competition or tend to create a monopoly in any line of commerce.

III. *It is further ordered*, That respondent Parts Association, an unincorporated trade association, its successors, assigns, employees, agents and representatives, and each and every one of its respondent officers as of January 1, 1949, as officers thereof and their successors, and each and every one of the respondents Parts Association Members holding membership therein on January 1, 1947, and their successors or assigns, directly or indirectly, jointly or severally, or through any corporate or other means or device, in connection with the offering for sale, sale or distribution, in commerce, as "commerce" is defined in the Federal Trade Commission Act, of bicycles, bicycle parts, accessories or equipment, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out, any planned common course of action, agreement, understanding, combination or conspiracy, whether express or implied, between any two or more of said respondents or between any one or more of said respondents, and any other respondents named or referred to herein, or with others not parties hereto, to do or perform any of the following acts, policies or practices:

(1) Entering into or attempting to enter into, carrying out or attempting to carry out by any means or method, any agreement or understanding of any nature or description, which has for its purpose or intent or effect that respondents Jobbers Association Members, their successors or assigns, differentiate or attempt to differentiate between those manufacturers and assemblers, who are members of respondent Parts Association, and those manufacturers and assemblers who are not members of respondent Parts Association, for the purpose or with the effect of limiting or restricting their purchases or procurement of bicycle parts, accessories or equipment to those manufacturers and assemblers who are such members;

(2) Entering into or attempting to enter into, carrying out or attempting to carry out by any means or method, any agreement or understanding of any nature or description, which has for its purpose or intent or effect differentiating or attempting to differentiate between those jobbers who are members of respondent Jobbers Association, and those jobbers who are not such members, or between those jobbers who are designated by respondent Jobbers Association as complying with particular standards, qualifications or criteria of legitimacy in business and those jobbers not so designated, for the purpose or with the effect of limiting or restricting sales by respondents Parts Association Members of bicycle parts, accessories or equipment to those jobbers who are members of respondent Jobbers Association, or to those jobbers who are so designated by said Jobbers Association;

(3) Preparing, distributing, employing or utilizing in any manner, for either of the above purposes, any directory, list or compilation of part or all of the membership of respondent Jobbers Association, its successors or assigns, or of those jobbers which respondent Jobbers Association, its successors or assigns, select or designate as complying or qualifying with particular standards, qualifications or criteria of legitimacy in business;

IV. *It is further ordered*, That nothing contained in this order shall be construed as prohibiting any respondent Parts Association Member, named or referred to herein, from independently negotiating or entering into any legal exclusive or other sales or representation agreement, or selecting its own source of supply or customers, where the effects are not such that they may substantially lessen competition or tend to create a monopoly in any line of commerce.

V. *It is further ordered*, That in addition to the regular service of the Findings as to the Facts, Conclusion, and Order to Cease and Desist herein, upon respondents Jobbers Association and Parts Association, a copy of said documents shall likewise be served upon all the parties whose names appear in section I and section II, subparagraphs (A), (B), (C) and (D) of the "Conclusion" of the Commission, namely, each and every officer, director and respondent member of respondent Jobbers Association, as of January 1, 1949, as shown by the answer of respondent Jobbers Association to the amended complaint herein, and upon each and every officer and respondent member of respondent Parts Association, as of January 1, 1949, as shown by the answer of respondent Parts Association, and it is further ordered, that the provisions of this Order to Cease and Desist shall have the same legal force and effect as though each and every one of said respondents were specifically named herein.

VI. *It is further ordered*, That the amended complaint be, and the same hereby is, dismissed as to those respondents designated in Section II, subparagraphs (B) and (D) of the aforesaid "Conclusion", which list includes, among others, those respondents, who, as shown by certain of the answers filed herein, became members of the respective respondent Associations subsequent to January 1, 1947, but without prejudice to the right of the Commission, should future facts so warrant, to resume prosecution against said respondents in accordance with the Commission's regular procedure.

It is further ordered, That all of the respondents herein except those as to whom the amended complaint has been dismissed, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 26, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-4540; Filed, Apr. 17, 1951; 8:51 a. m.]

[Docket 5818]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ARNOLD COAT CO., INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition; Wool Products Labeling Act.* § 3.1325 *Source or origin; Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure;* § 3.1845 *Composition; Wool Products Labeling Act.* § 3.1900 *Source or origin; Wool Products Labeling Act.* In connection with the manufacture for introduction, or introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, of coats and other wool products which contain, or in any way are represented as containing "wool", "reprocessed wool" or "reused wool" as those terms are defined in the Wool Products Labeling Act of 1939, misbranding said products by failing to securely affix to or place on each of such products a stamp, tag, label or other means of identification, or a substitute therefor, showing in clear and conspicuous manner, (A) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding 5 per centum of said total fiber weight, of (1) wool; (2) reprocessed wool; (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is 5 per centum or more; and (5) the aggregate of all other fibers; (B) the maximum percentage of the total weight of such wool product, of any non-fibrous loading, filling or adulterating matter; (C) in the case of a wool product containing a fiber other than wool, the percentages by weight, in words and figures plainly legible, of the wool contents thereof; and, (D) the name of the manufacturer of the wool product, or the name of one or more persons subject to section 3 of the Wool Products Labeling Act of 1939, or the registered identification number of such person or persons as provided in Rule 4 of the regulations as amended; prohibited, subject to the provision, however, that the foregoing shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and subject to the further provision that nothing contained in the order shall be construed as limiting any applicable provision of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Arnold Coat Company, Inc., et al., Docket 5818, Jan. 26, 1951]

In the Matter of Arnold Coat Company, Inc., et al.

This proceeding was heard by Webster Ballinger, trial examiner, upon the complaint of the Commission and the joint answer of respondents in which they admitted all of the material allegations of fact set forth in the complaint and waived all intervening procedure and further hearing as to said facts on the condition that all admissions of fact were made solely for the purposes of the instant proceeding, the enforcement or review thereof in the Circuit Court of Appeals, and for any review thereof in the Supreme Court of the United States, or for any other court proceedings in connection therewith which might be brought or instituted by virtue of the authority contained in the Federal Trade Commission Act as amended by the act of March 21, 1938.

Thereafter the proceeding regularly came on for final hearing before said trial examiner upon the complaint, and upon the admission answer of all the respondents, and said trial examiner, having duly considered the record in said matter, and having found that said proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts, conclusion drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII, became the decision of the Commission January 26, 1951.

The said order to cease and desist is as follows:

It is ordered, That the respondents Arnold Coat Company, Inc., a corporation, and Harry J. Malasky, Irving Borman, and Leonard H. Ravitch, individually and as officers of Arnold Coat Company, Inc., directly or through any corporate or other device, in connection with the manufacture for introduction, or introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the aforesaid Acts, of coats and other wool products which contain, or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as those terms are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding said products by failing to securely affix to or place on each of such products a stamp, tag, label or other means of identification, or a substitute therefor, showing in clear and conspicuous manner:

(A) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding 5 per centum of said total fiber weight, of (1) wool; (2) reprocessed wool; (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is 5 per centum or more; and (5) the aggregate of all other fibers;

(B) The maximum percentage of the total weight of such wool product, of any non-fibrous loading, filling, or adulterating matter;

(C) In the case of a wool product containing a fiber other than wool, the percentages by weight, in words and figures plainly legible, of the wool contents thereof;

(D) The name of the manufacturer of the wool product, or the name of one or more persons subject to section 3 of the Wool Products Labeling Act of 1939, or the registered identification number of such person or persons as provided in Rule 4 of the regulations as amended.

Provided, That the foregoing shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further*, That nothing contained in this order shall be construed as limiting any applicable provision of said act or the rules and regulations promulgated thereunder.

By "Decision of the Commission and order to File Report of Compliance," Docket 5818, January 26, 1951, which announced fruition of said initial decision, report of compliance with the order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 26, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-4541; Filed, Apr. 17, 1951; 8:51 a. m.]

[File No. 21-305]

PART 199—CANVAS COVER INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of April 18, 1951.

Statement by the Commission. Trade practice rules for the Canvas Cover Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

Members of the industry are the persons, firms, corporations and organizations engaged in manufacturing, finishish, treating, processing, or marketing "canvas covers" as such term is delineated in the definitions preceding § 199.1.

The rules are directed to the maintenance of free and fair competition in the industry and to the elimination and prevention of unfair methods of competition, deceptive practices, and other trade abuses. To this end various unfair trade practices are defined and proscribed and guidance is given in the proper use of certain significant terms and in making nondeceptive disclosure of the size of canvas covers and of the type and grey-goods weight of the fabric contained therein.

Among the practices prohibited are misrepresentation respecting fire, water, weather, and mildew resistance, and as to size, shrinkage, origin, and other pertinent factors; harmful and excessive stretching; deceptive guarantees and warranties; false invoicing; defamation and disparagement; illegal discrimination; and other unfair trade practices.

Proceedings for establishment of the rules included the holding of an industry-wide trade practice conference, under Commission auspices, in Cincinnati, Ohio, at which conference suggested rules were discussed and submitted by the industry for the consideration of the Commission. Subsequently a further hearing was held upon public notice whereby all interested or affected parties, including consumers, were afforded opportunity to present their views, suggestions, objections, or amendments respecting proposed rules, and to be heard in the premises.

Following such hearing, and upon full consideration of all matters submitted in the proceedings, the Commission approved and received, respectively, the rules hereinafter appearing in Group I and Group II. Such rules become operative thirty (30) days after the date of promulgation.

These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition, that the rules are to be applied.

GROUP I

Sec.
199.0 Definitions.
199.1 Misrepresentation respecting ability to resist fire and flame, water passage, and deterioration due to the sun, weather, or mildew.
199.2 Disclosure as to size of product and kind and weight of fabric.
199.3 Resort to harmful and excessive stretching prohibited.
199.4 Misuse of term "custom-made" or "custom-tailored."
199.5 Use of terms "shrunk," or "preshrunk," etc.
199.6 Loading or adulterating industry products.
199.7 Misrepresentation as to origin.
199.8 Deception as to being new.
199.9 Misrepresentation not specifically prohibited above.
199.10 Deceptive guarantees, warranties, etc.
199.11 Misrepresentation as to character of business.
199.12 Imitation or simulation of trademarks, trade names, etc.
199.13 False invoicing.
199.14 Use of lottery schemes.
199.15 Defamation of competitors or false disparagement of their products.
199.16 Procurement of competitors' confidential information by unfair means and wrongful use thereof.
199.17 Unfair threats of infringement suits.
199.18 Inducing breach of contract.
199.19 Commercial bribery.
199.20 Coercing purchase of one product as a prerequisite to purchase of other products.
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GROUP II

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AUTHORITY: §§ 199.0 to 199.104 issued under sec. 6, 38 Stat. 721; 15 U. S. C. 46.

§ 199.0 *Definitions.* (a) "Canvas cover": For the purpose of this part the term "canvas cover" as used in this part shall mean a cover, made wholly or principally of canvas material, which is adapted for use as a portable or stationary shelter or protection from the sun, water, rain, weather, or other condition, such as tarpaulins, truck covers, flat covers, drop cloths, tents, canopies, awnings, and similar articles.

(b) "Canvas material": As used in this part the words "canvas material" shall be deemed to mean all kinds and types of canvas, including, but not limited to, all kinds of duck, drill, jean, twill, osnaburg, sheeting, or any substitute fabric from which a canvas cover may be made.

GROUP I

General statement. The unfair trade practices embraced in §§ 199.1 to 199.24 are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 199.1 *Misrepresentation respecting ability to resist fire and flame, water passage, and deterioration due to the sun, weather, or mildew*[1]—(a) *In general.* In the sale, offering for sale, or distribution of canvas covers, it is an unfair trade practice to use any mark, brand, tag, label, advertisement, or other representation, which has the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the public into the belief:

(1) That such covers have been treated so as to be immune or resistant to fire or flame when such is not the fact, or into the belief that covers so treated have a greater degree of resistance to fire or flame, or will retain their fire or flame-resistant properties for a longer period of time, than is in fact true; or

(2) That such covers have been so treated as to be impermeable or resistant to water passage when such is not the fact, or into the belief that treated covers have a greater degree of resistance to water passage, or will retain their resistance to water passage for a longer period of time, than is in fact true; or

(3) That such covers have been so treated as to be immune or resistant to deterioration due to exposure to the sun, weather, or mildew when such is not the fact, or into the belief that treated covers have a greater degree of resistance to such deterioration, or will retain their resistance to such deterioration for a longer period of time, than is in fact true.

(b) *Misuse of the term "proof."* In accordance with the provisions of paragraph (a) of this section, the following requirements respecting use of the term "proof," or similar representations, shall apply:

(1) The term "fireproof," "flameproof," or any other word, term, or representation of similar import, shall not be used as descriptive of any canvas cover unless such cover is incombustible and will remain so throughout its expected life under normal use.

NOTE: It is the consensus of the industry that there is no commercial treatment for canvas material which, when applied in quantity and manner as to assure of an optimum of efficiency, will render such fabric incombustible for any substantial length of time when exposed to direct flame.

(2) The term "waterproof," or any other word, term, or representation of similar import, shall not be used as descriptive of any canvas cover unless such cover is impermeable to water and moisture and will remain so throughout its expected life under normal use.

(3) The terms "weatherproof," "sunproof," "mildewproof," or any words, terms, or representations of similar import, shall not be used as descriptive of any canvas cover unless such cover is immune to deterioration due to the action of the weather, sun, or mildew, respectively. [Rule 1]

§ 199.2 *Disclosure as to size of product and kind and weight of fabric.* (a) In connection with the offering for sale, sale, or distribution of canvas covers, it is an unfair trade practice to deceptively conceal the true size or dimension of such covers or the kind and grey-goods weight of the fabric; or to advertise, mark, brand, stamp, tag, label, or otherwise represent or describe, any canvas cover in a manner having the capacity and tendency or effect of confusing, misleading, or deceiving the purchasing or consuming public as to the size or any dimension of such canvas covers, or as to the kind, grey-goods weight, or other grade or quality of the fabric.

(b) To the end that confusion, misunderstanding, deception, and unfair competitive practices may be avoided and prevented, canvas covers (other than tents or awnings which are "custom-made" or "tailor-made" as defined in § 199.4)[2] shall be properly marked so that the size and dimensions, and the kind and grey-goods weight of the fabric, may be effectively disclosed to purchasers and consumers in a manner which is truthful, definite, unambiguous, and in no way misleading or deceptive. The following provisions for proper marking shall be applicable for the purposes stated in this section:

(c) Disclosure of size of tarpaulins and flat covers:

(1) *Finished size.* Each tarpaulin or flat cover shall be so marked as to disclose plainly the actual size or dimensions thereof at the time of completion of manufacture. Such size shall be designated "finished size" and shall be accompanied by a statement clearly indicating that such "finished size" is the size at the time of completion of manufacture and revealing the fact, when such is the case, that the product is subject to shrinkage due to varying climatic conditions and possible retraction from tension applied in the course of manufacture, as for example:

Finished size (size at time of completion of manufacture): 8 feet by 10 feet.

This product is subject to shrinkage due to varying climatic conditions and possible retraction from tension applied in the course of manufacture.

(2) *Cut size.* The term "cut size" as used in §§ 199.1 to 199.24 shall mean the size or dimensions of a canvas cover before the making of its seams, hems, or reinforcement turn-overs. Nothing in §§ 199.1 to 199.24 shall be construed as prohibiting truthful disclosure of the cut size of a canvas when such cut size is shown in conjunction with, and with no greater conspicuousness than, any marking of the "finish size," and when explanation is made of the meaning of "cut size." Such conjunctive marking of finished and cut size shall be accompanied by a statement clearly indicating that the product is subject to shrinkage due to climatic conditions and possible retraction from tension applied in the course of manufacture. The following is an example of proper size marking when cut size is shown:

Finished size (size at time of completion of manufacture): 8 feet by 10 feet.

Cut size (size before making seams, hems, and reinforcement turn-overs: 8 feet 6 inches by 10 feet 6 inches.

This product is subject to shrinkage due to varying climatic conditions and possible retraction from tension applied in the course of manufacture.

(d) Disclosure of size of tents:

(1) (i) Each tent[2] shall be so marked as to disclose plainly the finished size at the time of the completion of manufacture. The ground or base dimensions and the center height shall be given and, where pertinent, the wall or eave dimensions. Other dimensions of the tent may also be given, provided they are given as finished dimensions at the completion of manufacture thereof.

(ii) Where it is desired to show the "cut size" in addition to the "finished size," the same shall be shown in conformity with paragraph (c) (2) of this section.

(iii) A qualifying statement shall also accompany the size marking revealing the fact, when such is the case, that the product is subject to shrinkage due to varying climatic conditions and possible retraction from tension in accordance with the applicable example following paragraph (c) (1) or (2) of this section.

(e) Disclosure of size of awnings:

(1) In disclosing size or dimensions of awnings,[2] the width, drop and extension (exclusive of valance) shall be stated in the finished size at the time of completion of manufacture. The valance, where given, shall be stated as an additional item to the drop, as for example:

Drop 36 inches, Valance 8 inches.

Where it is desired to show the "cut size" in addition to the "finished size," the same shall be shown in conformity with paragraph (c) (2) of this section.

NOTE: Nothing in this section shall be construed as prohibiting nondeceptive representation of an awning as having been made to fit a certain size window or opening, provided such awning will satisfactorily and fully fit such designated opening without the necessity of any stretching, distortion, or other material adaptation.

(f) Disclosure of kind and weight of fabric:

(1) Each canvas cover[2] shall be so marked as to disclose clearly and unambiguously the commercial type of fabric (such as "Army duck," "double filling duck," "drill," "jean," "osnaburg," etc.) and the original grey-goods weight of the fabric. Such weight shall be shown in ounces per square yard to the nearest 1/100 of an ounce subject to recognized mill tolerance and tables of conversion as shown in Commercial Standard CS28-46 of the National Bureau of Standards. (See also § 199.104.)

(2) No marking or sales description referring to the loaded weight of the fabric after treatment shall be used which creates or tends to create confusion or deception in the merchandising of the products. Nothing herein, however, shall be construed as prohibiting the marking or stamping of other additional information on the canvas cover, or on the tag or label affixed thereto: *Provided*, Such additional marking or stamping shall be in accord with true facts and with all provisions of §§ 199.1 to 199.24: *And provided further*, That the same shall in no way tend to confuse or mislead with respect to the abovementioned required markings, or otherwise.

(g) Type of marking to be used:

(1) The marking in the several respects provided for in this section shall be clearly and conspicuously set forth either upon the canvas cover itself, or upon a durable tag or label securely sewed or attached to the canvas cover in such manner as to carry through to the ultimate consumer; and the information to be disclosed shall be written or printed with such permanency as to remain legible throughout the market-

[1] Specific guidance to industry members respecting the use of words, terms, or representations importing resistance to fire, water, weather, and mildew as descriptive of canvas covers is dependent upon formulation of minimum standards and test methods which will afford adequate consumer protection. When such have been established, the Commission will give consideration to amending §§ 199.1 to 199.24 by incorporating the same.

[2] Tents or awnings which are "custom-made" or "tailor-made" as defined in § 199.4 need not under these rules be marked as to size, or as to the kind and weight of the fabric, where no deception is practiced in connection therewith.

ing of the product in the channels of trade and delivery to the ultimate consumer. [Rule 2]

§ 199.3 *Resort to harmful and excessive stretching prohibited.* The practice of unduly or excessively stretching cloth in finishing, treating, or processing operations reduces the quality of the cloth and of the product made therefrom and induces harmful and undesirable contraction, shrinkage, and undersize after completion of manufacture of the product; and it is an unfair trade practice for any member of the industry to cause or promote any such harmful and undue or excessive stretching or tension with respect to the canvas material or canvas cover, either in his own processing, manufacturing, or treating operations, or by any other processing, manufacturing, or treating concern. The limited ordinary and necessary tension which is required under good manufacturing, processing, and treating operations carefully applied shall not, under this section, be construed as coming within the term "undue or excessive stretching" as herein used. [Rule 3]

§ 199.4 *Misuse of term "custom-made" or "custom-tailored."* In the sale, offering for sale, or distribution of canvas covers, it is an unfair trade practice to use the term "custom-made" or "custom-tailored," or terms or representations of similar import, as descriptive of any canvas cover when the same has not been cut and made pursuant to individual specifications for a specific opening or specified place of use by the ultimate consumer or purchaser (as distinguished from a ready-made or stock canvas cover). [Rule 4]

§ 199.5 *Use of terms "shrunk," "preshrunk," etc.* In offering for sale, advertising, selling, or distributing any canvas cover or canvas covers, it is an unfair trade practice to use the terms "preshrunk," "shrunk," "full shrunk," "shrinkproof," "double shrunk," or any word, term, or phrase of similar meaning, import, or scope, as descriptive of any canvas cover, unless the same has in fact been preshrunk to the extent that there remains no residual shrinkage therein; *Provided*, That nothing in this section shall prohibit the use of the term "shrunk" or "preshrunk" as descriptive of canvas covers (though some residual shrinkage remains therein) if the same have in fact been substantially preshrunk and there is stated in conjunction with such terms, and with equal emphasis, conspicuousness, and display, the percentage or maximum percentage of residual shrinkage remaining therein. The designations and provisions for the proper disclosure of residual shrinkage as specified in the trade practice rules relating to "Shrinkage of Woven Cotton Yard Goods," promulgated by the Federal Trade Commission June 30, 1938, shall be available to the members of the industry for their use and guidance in the application of this section. [Rule 5]

§ 199.6 *Loading or adulterating industry products.* The practice of adulterating or loading industry products being deceptive and harmful to purchasers and productive of unfair methods of competition, it is an unfair trade practice to adulterate or load any canvas cover or product of the industry by adding or applying to the fabric any substance or product which does not contribute or perform a useful service to the full extent applied, or by any other means to adulterate or load such canvas cover or product of the industry. [Rule 6]

§ 199.7 *Misrepresentation as to origin.* In the sale, offering for sale, or distribution of canvas covers, it is an unfair trade practice to use any marking, labeling, advertising, or other representation which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers:

(a) Into the belief that such canvas covers, or any part thereof, were made or manufactured in the United States when such is not the fact; or

(b) Into the belief that such canvas covers, or any part thereof, were made or manufactured in a foreign country when such is not the fact; or

(c) Into any other erroneous belief as to origin of the product or any part thereof. [Rule 7]

NOTE: Products of foreign manufacture when imported into the United States are required to be marked as showing the country of origin under provisions of U. S. C. A., Title 19, Sec. 1304, and nothing in §§ 199.1 to 199.24 shall be construed as relieving anyone from such requirements.

§ 199.8 *Deception as to being new.* (a) It is an unfair trade practice to sell, offer for sale, or distribute canvas covers under circumstances or conditions which have the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public into the erroneous belief that such canvas covers are new and unused when in truth and in fact they are used, rebuilt, or second-hand, in whole or in part.

(b) It is also an unfair trade practice to fail or refuse to make full and non-deceptive disclosure of, and thereby to deceptively conceal, the fact that any canvas cover, or any part thereof, so offered for sale or sold or distributed, has been used, or has been rebuilt, or is second-hand, or is composed of used or reprocessed material, in whole or in part. [Rule 8]

§ 199.9 *Misrepresentation not specifically prohibited above.* (a) It is an unfair trade practice to sell, offer for sale, or distribute any canvas cover, part thereof, or other products of the industry, under any representation, circumstance, or condition having the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers thereof in respect to the grade, quality, type, composition, treatment, durability, performance, size, weight, strength, construction, or origin of any such canvas cover, part, or other product of the industry, or in respect to the manufacture, processing, or distribution thereof, or in a manner which is false, misleading, or deceptive in any other material respect.

(b) Under this section it is an unfair trade practice to misrepresent:

(1) The immunity or degree of resistance, durability, or efficiency of a canvas cover with respect to mildew, water, sun, heat, combustion, cold, ice, or other weather conditions; or

(2) The breaking strength of the warp or filling of the canvas material of a canvas cover; or

(3) The composition or type of treating material applied to or on the canvas material of a treated canvas cover; or

(4) The method or manner of the application of treating materials to or on the canvas material of a treated canvas cover; or

(5) The method or process used in effecting the coloring of the canvas material of a canvas cover; or

(6) The colorfastness properties or qualities of any colored canvas material of a canvas cover; or

(7) The fire or flame-resistant properties or treatment of the cover or fabrics; or

(8) The amount or type of stitching or sewing in effecting seams, hems, or reinforcements of any canvas cover; or

(9) The kind, size, strength, or rot-resistance of thread or twine used in the sewing or stitching of any canvas cover; or

(10) The thread count or weight of the canvas fabric or any canvas cover; or

(11) The size, kind, or type of reinforcements for placement of grommets or eyelets in or upon any canvas cover; or

(12) The number, and the size, type, composition, or strength, of grommets, eyelets, rods, pipes, pulleys, frames, rollers, stakes, poles, or other hardware used on or in connection with a canvas cover; or

(13) The immunity or degree of resistance of grommets, eyelets, rods, pipes, pulleys, frames, stakes, poles, arms, rollers, gears, gear housings, or other hardware of any canvas cover respecting rust, corrosion, rot, or other deterioration; or

(14) The immunity or degree of resistance of the ropes of a canvas cover to rot or mildew deterioration; or

(15) The number, and the size, kind, composition, or strength, of any rope or ropes of a canvas cover; or

(16) In any manner to misrepresent, directly or indirectly, any canvas cover, canvas material, or treatment thereof. [Rule 9]

§ 199.10 *Deceptive guarantees, warranties, etc.* (a) It is an unfair trade practice to use, or cause to be used, a guarantee which is false, misleading, deceptive, or unfair to the purchasing or consuming public.

(b) Under this section guarantees of the following type or character shall not be used:

(1) Guarantees containing statements, representations, or assertions which have the capacity and tendency or effect of misleading or deceiving in any respect; or

(2) Guarantees which are so used, or are of such form, text, or character, as to import, imply, or represent that the guarantee is broader than is in fact true; or

(3) Guarantees in which any condition, qualification, or contingency applied by the guarantor thereto is not fully and nondeceptively stated therein, or is stated in such manner or form as to be deceptively minimized, obscured, or concealed, wholly or in part; or

(4) Guarantees which are stated, phrased, or set forth in such manner that although the statements contained therein are literally and technically true, the whole is misleading in that purchasers or users are not made sufficiently aware of certain contingencies or conditions applicable to such guarantee which materially lessen the value or protection thereof as a guarantee to purchasers or users; or

(5) Guarantees which purportedly extend for such an indefinite or unlimited period of time or for such long period of years as to have the capacity and tendency or effect of thereby misleading or deceiving purchasers or users into the belief that the product has or is definitely known to have a greater degree of serviceability or durability in actual use than is in fact true; or

(6) Guarantees which have the capacity and tendency or effect of otherwise misrepresenting the serviceability, durability, or lasting qualities of the product, such as, for example, a guarantee extending for a certain number of years or other long period of time when the ability of the product to last, endure, or remain serviceable for such period of time has not been established by actual experience or by competent and adequate tests definitely showing in either case that the product has such lasting qualities under the conditions encountered or to be encountered in the respective locality where the product is sold and used under the guarantee; or

(7) Purported guarantees in the form of documents, promises, representations, or other form which are represented or held out to be guarantees when such is not the fact, or when they involve any deceptive or misleading use of the word "Guarantee" or terms of similar import; or

(8) Guarantees issued, or directly or indirectly caused to be used, by any member of the industry when or under which the guarantor fails or refuses to scrupulously observe his obligation thereunder or fails or refuses to make good on claims coming reasonably within the terms of the guarantee; or

(9) Guarantees which in themselves or in the manner of their use are otherwise false, misleading, or deceptive.

(c) This section shall be applicable not only to guarantees but also to warranties, to purported warranties and guarantees, and to any promise or representation in the nature of or purporting to be a guarantee or warranty. [Rule 10]

§ 199.11 *Misrepresentation as to character of business.* It is an unfair trade practice for any person, firm, or corporation to represent, directly or indirectly, that he or it is a canvas cover manufacturer, or that he or it owns or controls a factory engaged in the manufacture of canvas covers, when such is not the fact; or in any other manner to misrepresent the character, extent, or type of his or its business. [Rule 11]

§ 199.12 *Imitation or simulation of trade-marks, trade names, etc.* The imitation or simulation of the trade-marks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, is an unfair trade practice. [Rule 12]

§ 199.13 *False invoicing.* Withholding from or inserting in an invoice or billing any statement or information by reason of which omission or insertion a false record is made, wholly or in part, of the transaction which such invoice or billing purports to represent, with the effect of thereby misleading or deceiving the purchasing or consuming public, is an unfair trade practice. [Rule 13]

§ 199.14 *Use of lottery schemes.* The offering or giving of prizes, premiums, or gifts in connection with the sale of industry products, or as an inducement thereto, by any method which involves lottery or scheme of chance, is an unfair trade practice. [Rule 14]

§ 199.15 *Defamation of competitors or false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the quality, grade, origin, use, construction, design, performance, properties, manufacture, or distribution of the products of competitors, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 15]

§ 199.16 *Procurement of competitors' confidential information by unfair means and wrongful use thereof.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained in such manner as to injure said competitor in his business or to suppress competition or unreasonably restrain trade. [Rule 16]

§ 199.17 *Unfair threats of infringement suits.* The circulation of threats of suits for infringement of patents or trade-marks among customers or prospective customers of competitors, not made in good faith but for the purpose or with the effect of thereby harassing or intimidating such customers or prospective customers or of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 17]

§ 199.18 *Inducing breach of contract.* Inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers by any false or deceptive means whatsoever, or interfering with or obstructing the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 18]

§ 199.19 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 19]

§ 199.20 *Coercing purchase of one product as a prerequisite to purchase of other products.* The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products where the effect may be to substantially lessen competition, tend to create a monopoly, or to unreasonably restrain trade, is an unfair trade practice. [Rule 20]

§ 199.21 *Selling below cost.* The practice of selling products of the industry at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect may be, to injure, suppress, or stifle competition or tend to create a monopoly in the production or sale of such products, is an unfair trade practice. As used in this section, the term "cost" means the total cost to the seller, including the costs of acquisition, processing, preparation for marketing, sale, and delivery. [Rule 21]

§ 199.22 *Prohibited discrimination—(a) Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* In the marketing in commerce[3] of products of the industry of like grade and quality for use, consumption, or resale within the jurisdiction of the United States, and subject to paragraph (A–1) (1), (2), and (3) of this section, it is an unfair trade practice for any member of the industry engaged therein to discriminate in price between different purchasers where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or pre-

[3] As used throughout § 199.22, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

vent competition with such industry member or with any person who knowingly receives the benefit of such discrimination or with their customers.

(A–1) The inhibitions against such discrimination in price shall be applicable irrespective of whether the discrimination in the price itself is effected in the form, or through the means, of rebates, refunds, discounts, credits, allowances, or other form of price differential.

(1) Nothing, however, herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the products are sold or delivered to said purchasers.

(2) Nor shall anything herein contained prevent persons engaged in selling products in commerce[2] from selecting their own customers in bona fide transactions and not in restraint of trade.

(3) Nor shall anything herein contained prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the products concerned, such as but not limited to actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the products concerned.

(b) *Prohibited brokerage or commissions.* In the selling of industry products in commerce,[2] it is an unfair trade practice for any member of the industry engaged therein to pay or grant, or to receive or accept, any commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of such products, either to the other party to such transaction or to an agent, representative, or other intermediary therein, where such agent, representative, or other intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* In the selling of industry products in commerce[2] by any member of the industry, and in the course thereof, it is an unfair trade practice for such member to pay or contract for the payment of anything of value to or for the benefit of his customer as compensation or in consideration for certain services or facilities furnished by or through such customer, unless such payment or consideration is available on proportionally equal terms to all other customers of such member competing in the distribution of such products.

(1) As used in this paragraph, the certain services or facilities referred to are such as are furnished by or through the customer in connection with the processing, handling, sale, or offering for sale, of such industry member's products.

[2] See footnote 3 on p. 3385.

(d) *Prohibited discrimination in services or facilities.* In the sale of industry products bought for resale, with or without processing, it is an unfair trade practice for any member of the industry engaged in commerce[2] to discriminate in favor of one purchaser against another purchaser by furnishing certain services or facilities upon terms not accorded to all competing purchasers on proportionally equal terms.

(1) Said services or facilities referred to in this paragraph are such as are connected with the processing, handling, sale, or offering for sale, of the products purchased, and the term "furnishing" as used in this paragraph shall be construed as including contracting to furnish, and contributing to the furnishing of, the services or facilities.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry, in the course of commerce[2] in which he is engaged, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit. [Rule 22]

NOTE: In complaint proceedings charging discrimination in price or services or facilities furnished, and upon proof having been made of such discrimination, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged; and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor or the services or facilities furnished by a competitor.

§ 199.23 *Discriminatory returns.* It is an unfair trade practice for any member of the industry engaged in commerce[2] to discriminate in favor of one customer-purchaser against another customer-purchaser of industry products, bought from such member of the industry for resale, by contracting to furnish, or furnishing in connection therewith, upon terms not accorded to all competing customer-purchasers on proportionally equal terms, the service or facility whereby such favored purchaser is accorded the privilege of returning industry products so purchased and receiving therefor credit or refund of purchase price; *Provided however,* That nothing in any of the sections in Group I shall prohibit or be used to prevent the return of merchandise by purchaser, for credit or refund of purchase price, when and because such merchandise has not been properly labeled by the seller in accordance with these rules, or has been otherwise falsely or deceptively labeled or represented, or when and because such merchandise is defective in material, workmanship, or in any other respect is contrary to warranty or purchase contract. [Rule 23]

§ 199.24 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in these rules or any other unfair method of competition or unfair or deceptive act or practice. [Rule 24]

GROUP II

General statement. Compliance with trade practice provisions embraced in §§ 199.101 to 199.104 is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such sections does not per se constitute violation of law. Where, however, the practice of not complying with §§ 199.101 to 199.104 is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of violation of §§ 199.1 to 199.24.

§ 199.101 *Disclosure of manufacturer's identity.* In order to avoid and prevent deception as to the identity of manufacturers of canvas covers and to aid in fixing responsibility for misrepresentation and deceptive concealment of the true facts concerning such canvas covers, it is the judgment of the industry that every manufacturer should indelibly and legibly stamp or mark on the canvas covers made by it, or on a durable tag or label securely attached to such canvas covers, the name or mark of identification of such manufacturer. [Rule A]

§ 199.102 *Return of merchandise.* The practice, by members of the industry, of selling merchandise and later permitting the purchaser to return it for credit or refund of purchase price, without just cause, creates waste and loss, increases the cost of doing business, operates both to the detriment of the industry and the public, and is condemned by the industry. [Rule B]

§ 199.103 *Repudiation of contracts.* Lawful contracts are business obligations which should be performed in letter and in spirit. The repudiation of contracts by sellers on a rising market, or by buyers on a declining market, is condemned by the industry. [Rule C]

§ 199.104 *Manner of disclosure of type of canvas material.* It is the recommendation of the industry that denomination of the type of canvas material of which a canvas cover is made be in accord with the nomenclature and definitions contained in Commercial Standard CS28–46 (Cotton Fabric Tents, Tarpaulins, and Covers) of the National Bureau of Standards. [Rule D]

Issued: April 13, 1951.

Promulgated by the Federal Trade Commission April 18, 1951.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51–4538; Filed, Apr. 17, 1951; 8:50 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

OPINION OF GENERAL COUNSEL RELATING TO USE OF "HEDGE CLAUSES" BY BROKERS, DEALERS, INVESTMENT ADVISERS, AND OTHERS

§ 231.3411 *Opinion of the General Counsel relating to the use of "hedge clauses" by brokers, dealers, investment advisers, and others.* This release is the same as Securities Exchange Act Release No. 4593 (17 CFR 241.4593).[1] [Securities Act Release No. 3411, April 10, 1951]

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary,*

April 10, 1951.

[F. R. Doc. 51–4520; Filed, Apr. 17, 1951; 8:47 a. m.]

PART 241—INTERPRETATIVE RELEASES RELATING TO SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER.

OPINION OF GENERAL COUNSEL, RELATING TO USE OF "HEDGE CLAUSES" BY BROKERS, DEALERS, INVESTMENT ADVISERS, AND OTHERS

§ 241.4593 *Opinion of the General Counsel, relating to the use of "hedge clauses" by brokers, dealers, investment advisers, and others.* My opinion has been requested concerning the legality of various types of "hedge clauses" which are used in the literature of brokers, dealers, investment advisers and others. While the language of these hedge clauses varies considerably, in substance they state generally that the information furnished is obtained from sources believed to be reliable but that no assurance can be given as to its accuracy. Occasionally language is added to the effect that no liability is assumed with respect to such information.

All the statutes administered by the Commission provide that any condition, stipulation or provision which binds any person to waive compliance with their requirements shall be void. Apart from these provisions, moreover, the courts have repeatedly held that a hedge clause or legend disclaiming liability has little, if any, legal effect as protection against civil liability where a person makes a representation which he knows, or in the exercise of reasonable care could have discovered, is false or misleading. See Equitable Life Insurance Co. of Iowa v. Halsey, Stuart & Co., 312 U. S. 410 (1941); People v. Federated Radio Corporation, 244 N. Y. 33, 154 N. E. 655 (1926); Tone v. Halsey, Stuart & Co., 286 Ill. App. 169, 3 N. E. 2d 142 (1936); Continental Insurance Co. v. Equitable Trust Co., 127 Misc. 45, 215 N. Y. S. 281 (1926); Wolfe v. A. E. Kusterer & Co., 269 Mich. 424, 257 N. W. 729. The question arises, therefore, whether the result, if not the purpose, of such a legend is to create in the mind of the investor a belief that he has given up legal rights and is foreclosed from a remedy which he might otherwise have either at common law or under the SEC statutes.

In my opinion, the anti-fraud provisions of the SEC statutes are violated by the employment of any legend, hedge clause or other provision which is likely to lead an investor to believe that he has in any way waived any right of action he may have, assuming, of course, that the mails or other jurisdictional elements are involved. I refer to section 17 (a) of the Securities Act of 1933, section 10 (b) of the Securities Exchange Act of 1934 and § 240.10b–5 (Rule X–10B–5) thereunder, section 15 (c) (1) of that act and § 240.15c1–2 (Rule X–15C1–2) thereunder in the case of a broker or dealer effecting a transaction over the counter, and section 206 of the Investment Advisers Act of 1940 in the case of a registered investment adviser.

A legend in common use states in effect that the information is obtained from specified sources and is believed to be reliable but that its accuracy is not guaranteed. Assuming the truth of the representations as to the source of the information and the belief that it is reliable, it is my opinion that the mere use of this legend in connection with a communication supplying information is not objectionable. This does not mean, of course, that there would be any justification for representing to the investor, either when the information is supplied or thereafter, that the effect of the legend is to relieve the person using it from a liability under the above-mentioned statutory provisions and rules. [Securities Exchange Act Release No. 4593, April 10, 1951]

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

APRIL 10, 1951.

[F. R. Doc. 51–4519; Filed, Apr. 17, 1951; 8:47 a. m.]

PART 276—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT ADVISERS ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

OPINION OF GENERAL COUNSEL RELATING TO USE OF "HEDGE CLAUSES" BY BROKERS, DEALERS, INVESTMENT ADVISERS, AND OTHERS

§ 276.58 *Opinion of the General Counsel relating to the use of "hedge clauses" by brokers, dealers, investment advisers, and others.* This release is the same as Securities Exchange Act Release No. 4593 (17 CFR 241.4593).[1] [Investment Advisers Release No. 58, April 10, 1951]

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

APRIL 10, 1951.

[F. R. Doc. 51–4521; Filed, Apr. 17, 1951; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 19]

GCPR, SR 19—ADJUSTMENT OF CEILING PRICES OF FAIR TRADE COMMODITIES

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation No. 19 to the General Ceiling Price Regulation (16 F. R. 809) is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to the General Ceiling Price Regulation permits ceiling prices established under the General Ceiling Price Regulation for wholesalers and retailers to be adjusted in certain situations to the minimum prices established under State Fair Trade Acts.

Under the General Ceiling Price Regulation, no retailer or wholesaler may sell a commodity at a price higher than the ceiling price established for him, regardless of the provisions of any State Fair Trade Act or fair trade contract. Cases have come to the attention of the Office of Price Stabilization in which the ceiling price is less than the minimum price stipulated in a fair trade contract.

The present supplementary regulation permits a retailer or wholesaler to apply for adjustment of his ceiling price in such a situation if he can show either that his ceiling price for any commodity is less than the minimum price at which he was lawfully required to sell the commodity during the base period under the provisions of a State Fair Trade Act, or that he has been permanently enjoined by a court from selling the commodity at less than such minimum price, and also that the commodity was generally sold during the base period at prices no lower than such minimum price within the locality in which his selling establishment is located. In a proper case, where the application shows that a fair trade price was generally in effect in the base period and that the seller's ceiling price was below the fair trade price, an order will be issued permitting the ceiling price of the retailer or wholesaler to be increased to the minimum price established under the fair trade law. In some cases this situation was the result of a violation of the fair trade contract; in other cases it resulted from the fact that a manufacturer announced a new fair trade price but per-

[1] *See* F. R. Doc. 51–4519 *infra.*

[1] See F. R. Doc. 51–4519 *supra.*

mitted the distributor to dispose of marked inventory on hand at the old price.

Where the price established by fair trade contracts has generally been observed during the base period and violations represent the abnormal situation, enforcement of the fair trade contract would not be regarded by the Office of Price Stabilization as substantially interfering with the purpose of the General Ceiling Price Regulation or the Defense Production Act of 1950.

If a retailer or wholesaler is unwilling voluntarily to increase his ceiling price to the fair trade price, the manufacturer will be obliged to have the retailer or wholesaler enjoined from selling below the fair trade price. The Office of Price Stabilization would not and could not prohibit a retailer or wholesaler from selling below his ceiling price. This Office establishes ceiling and not minimum prices, and it has always made clear that it is not a violation of its regulations to sell below a ceiling price. However, if a retailer or wholesaler has been enjoined by a court from selling a commodity below the fair trade price, the Office of Price Stabilization will, upon application by the retailer or wholesaler, increase his ceiling price to the fair trade price under the conditions stated in this supplementary regulation.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the provisions of Supplementary Regulation 19 to the General Ceiling Price Regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

In formulating this supplementary regulation the Director has consulted with representatives of industry to the extent practicable under the circumstances and has given consideration to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Who may apply.
3. Amount of adjustment.
4. Delegation of authority.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation permits ceiling prices established under the General Ceiling Price Regulation for wholesalers and retailers to be adjusted in certain situations to minimum prices established under State Fair Trade Acts.

SEC. 2. *Who may apply.* Any wholesaler or retailer seeking an adjustment under this regulation must file an application in accordance with Price Procedural Regulation 1, with the Office of Price Stabilization, Washington, D. C., showing the following facts:

(a) Either that his ceiling price for any commodity established by the General Ceiling Price Regulation is less than the minimum price at which he was lawfully required to sell the commodity during the base period December 19, 1950, to January 25, 1951, under the provisions of a State Fair Trade Act, or that he has been permanently enjoined by a court from selling the commodity at less than such minimum price; and also

(b) That the commodity was generally sold at retail or wholesale during the base period at prices no lower than such minimum price within the locality in which his selling establishment is located.

SEC. 3. *Amount of adjustment.* If the Office of Price Stabilization finds that the requirements of section 2 of this regulation are met, it will issue an order permitting the ceiling price of the retailer or wholesaler to be increased to the fair trade minimum price.

SEC. 4. *Delegation of authority.* The National Office of the Office of Price Stabilization may refer any application for adjustment filed pursuant to this regulation to the appropriate Regional Administrator. Any Regional Administrator, or any District Director authorized by the appropriate Regional Administrator, may in any case properly referred to him issue orders in accordance with section 3 of this regulation.

SEC. 5. *Definitions.* "Sale at retail and retailer" and "Sale at wholesale and wholesaler" shall have the same meaning as when used in the General Ceiling Price Regulation.

Effective date. This supplementary regulation to the General Ceiling Price Regulation shall become effective on April 21, 1951.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 17, 1951.

[F. R. Doc. 51-4594; Filed, Apr. 17, 1951; 9:31 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

FARMERS HOME ADMINISTRATION

DELEGATION OF AUTHORITY WITH RESPECT TO PRODUCTION DISASTERS

Order amending the order consummating transfers necessitated by Public Law 38, 81st Congress, approved April 6, 1949 and providing certain authorities.

Pursuant to the authority contained in Public Law 38, 81st Congress, Public Law 665, 81st Congress, and R. S. 161 (5 U. S. C. 22): *It is hereby ordered as follows:*

1. All assets (except funds made available to the Secretary under Public Law 38), contracts, property, claims and rights, all records, all personnel, and all liabilities of the Regional Agricultural Credit Corporation of Washington, District of Columbia, shall be transferred to the Farmers Home Administration. The Secretary will, from time to time, allocate funds made available under Public Law 38, as amended, to the Farmers Home Administration for the performance of the functions transferred hereunder.

2. Subject to the limitations contained herein, all authorities, powers, functions and duties vested in the Secretary of Agriculture by Public Law 38, as amended, shall be transferred to the Farmers Home Administration to be exercised by the Administrator thereof, except the power and authority to designate areas or regions where production disasters have caused a need for agricultural credit: *Provided, however,* That when a subsequent production disaster occurs in any area or region previously designated by the Secretary of Agriculture within the time during which initial applications for loans in such area are authorized, the Administrator, upon a finding that the need for agricultural credit continues to exist, or has been increased, by reason of a subsequent production disaster, may extend credit under said Public Law 38 during the same period to farmers and stockmen who have suffered damage from the subsequent production disaster.

3. The Administrator of the Farmers Home Administration may issue rules and regulations necessary for the proper exercise of the authorities and powers and for the performance of the functions and duties herein transferred.

4. In his discretion, the Administrator of the Farmers Home Administration may redelegate, upon such terms and conditions as he may prescribe, the powers and authorities herein conferred upon him. In his absence, or in the event of his disability, such powers and authorities may be exercised by the Acting Administrator.

5. The transfers ordered herein and the exercise of authorities delegated herein shall be subject to the limitations and requirements of regulations of the Department of Agriculture.

6. The orders of the Secretary of Agriculture dated April 15, 1949 (14 F. R. 2048), and September 7, 1950 (15 F. R. 6126), are hereby revoked.

Done at Washington, D. C., this 12th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4548; Filed, Apr. 17, 1951; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

SMALL TRACT CLASSIFICATION ORDER NO. 267, CORRECTED

APRIL 5, 1951.

California Small Tract Classification Order No. 267, dated March 15, 1951 (16 F. R. 2811), is hereby amended to correct a typographical error in the description of the land classified. This description should read T. 9 N., R. 1 W., S. B. M., instead of T. 9 N., R. 2 W., S. B. M.

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 51-4542; Filed, Apr. 17, 1951; 8:51 a. m.]

Petroleum Administration for Defense

[Petroleum Administration for Defense Delegation 1]

NATIONAL PRODUCTION AUTHORITY

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN PRODUCTS OF PETROLEUM AND GAS ORIGIN

Pursuant to Executive Orders Nos. 10161 as amended, and 10200, Defense Production Administration Delegation No. 1, and Department of the Interior Order No. 2591 as amended, issued under the Defense Production Act of 1950, authority over the production and distribution of the products listed in the attached Appendix I and authority over the distribution of the products listed in the attached Appendix II is hereby delegated to the Administrator, National Production Authority.

The authority herein delegated shall be exercised in conformity with such production policies and programs as may be established by the Petroleum Administration for Defense, Department of the Interior.

The functions herein delegated may be redelegated within the National Production Authority in the discretion of the Administrator.

This delegation shall take effect on April 17, 1951.

BRUCE K. BROWN,
Deputy Administrator.

APPENDIX I

Products with respect to which authority over production and distribution is delegated to the Administrator, National Production Authority:

1. Carbon black, including channel black and furnace black.
2. Ammonia.
3. Butyl rubber (copolymer of isobutylene and isoprene), S type rubbers (copolymers of butadiene and styrene), N type rubbers (copolymers of acrylonitrile and butadiene), and polybutadiene rubbers.

APPENDIX II

Products with respect to which authority over distribution is delegated to the Administrator, National Production Authority:

1. Polymers of isobutylene having a molecular weight of 10,000 and higher and free of other substances.
2. Naphthenic acid and naphthenates, copper and other metallic.
3. Chemical grade aromatics except mixed cuts used for fuels or solvents:
   a. Benzene.
   b. Toluene.
   c. Xylene.
   d. Ethyl benzene.
   e. Styrene.
   f. Other purified aromatics.
4. Oxygenated compounds such as:
   a. Alcohols.
   b. Aldehydes.
   c. Ketones.
   d. Organic acids.
5. Phenols and phenolic compounds.
6. Insecticides, fungicides, and herbicides.
7. White oil petrolatum and other oils used for medicinal, pharmaceutical, and cosmetic purposes.
8. Special waxes and polishes (excludes paraffin waxes or microcrystalline waxes).
9. Detergents excluding sulphonates.
10. Plastics such as Polythene.

[F. R. Doc. 51-4610; Filed, Apr. 17, 1951; 11:37 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4629]

AEROVIAS "Q," S. A.: HAVANA-WEST PALM BEACH SERVICE; FOREIGN AIR CARRIER AUTHORIZATION

NOTICE OF HEARING

In the matter of the application of Aerovias "Q," S. A., under section 402 of the Civil Aeronautics Act of 1938, as amended, for temporary or permanent foreign air carrier permit authorizing scheduled or nonscheduled foreign air transportation of persons, property, and mail between Havana, Cuba, and West Palm Beach, Florida.

Notice is hereby given that the above-entitled proceeding is assigned for hearing on April 23, 1951, at 10:00 a. m., e. s. t., in Conference Room A of the Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Without limiting the scope of the issues presented by the application, particular attention will be directed to: (a) whether the proposed air transportation will be in the public interest, and (b) whether the applicant is fit, willing, and able to perform such transportation.

For further details of the service proposed and authorization requested, interested parties are referred to the application, orders, petitions, motions, correspondence, and the Examiner's prehearing conference report on file with the Civil Aeronautics Board.

Dated at Washington, D. C., April 11, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-4531; Filed, Apr. 17, 1951; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6344]

MOUNTAIN STATES POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

APRIL 12, 1951.

Notice is hereby given that, on April 11, 1951, the Federal Power Commission issued two orders entered April 11, 1951, supplementing its order issued March 29, 1951, published in the FEDERAL REGISTER April 6, 1951 (16 F. R. 3019), authorizing issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4514; Filed, Apr. 17, 1951; 8:45 a. m.]

[Docket No. G-1652]

GULF-MICHIGAN GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

APRIL 11, 1951.

Take notice that Gulf-Michigan Gas Transmission Corporation (Applicant), a Delaware corporation with its principal place of business at 407 North Eighth Street, St. Louis 1, Missouri, filed on April 4, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission pipe line facilities as hereinafter described.

Applicant proposes to construct the following:

(1) Approximately 680 miles of 30-inch diameter main pipe line extending from a point at or near Perryville, Ouachita Parish, Louisiana (just north of Monroe, Louisiana), to a point in the vicinity of St. John, Lake County, Indiana, plus several river crossings of 16-inch and 24-inch diameter pipe.

(2) Approximately 25 miles of 30-inch diameter lateral pipe line extending westerly from its proposed Compressor Station No. 8 to a point approaching the east bank of the Mississippi River opposite St. Louis, Missouri.

(3) Three compressor stations, designated Station Nos. 1, 4, and 8 to be located at or near Perryville; Hickory Ridge, Cross County, Arkansas; and Mascoutah, St. Clair County, Illinois, having installed horsepower of 14,060, 8,800 and 7,920, respectively, or an aggregate installed horsepower of 30,800.

By means of the proposed facilities, Applicant proposes to transport initially a volume of 350,000 Mcf of natural gas daily from southern delivery points of supply to northern and intermediary markets, including the delivery and sale of 200,000 Mcf of gas per day on a firm basis to the Michigan-Wisconsin Pipe Line Company in the vicinity of St. John as well as the delivery and sale to that company of 50,000 Mcf of gas per day on a seasonal basis. Michigan-Wisconsin transports and sells natural gas at wholesale in the States of Michigan and Wisconsin, principally in the metropolitan areas of Detroit and Milwaukee.

Applicant states that the total initial firm sales including the volumes available for the St. Louis area are estimated at a maximum of 350,000 Mcf per day.

Applicant proposes to obtain initially its gas supply for its project from the United Gas Pipe Line Company.

The estimated over-all capital cost of the proposed project is $85,000,000. Applicant states that the project will be financed by a combination of debt and equity financing of a character and in ratios yet to be determined.

Protests or petition to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 2d day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4522; Filed, Apr. 17, 1951; 8:47 a. m.]

[Docket No. G-1639]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION

APRIL 11, 1951.

Take notice that on March 22, 1951, The Ohio Fuel Gas Company (Applicant), an Ohio corporation of Columbus, Ohio, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of (1) approximately 16.5 miles of 16-inch transmission pipeline from Applicant's existing line D near Berlin Heights, Ohio to Sandusky, Ohio; (2) approximately 13.6 miles of 20-inch transmission line and 9.5 miles of 16-inch transmission line from its Wellington compressor station to the vicinities of La Porte and Elyria, Ohio; (3) approximately 8.0 miles of 20-inch transmission line paralleling its existing line A-75 in Warren and Montgomery Counties, Ohio; and (4) approximately 13.7 miles of 20-inch transmission line in Madison County, Ohio, paralleling existing line A from Mt. Sterling compressor station westward.

Applicant proposes to utilize these facilities to deliver larger quantities of natural gas to meet increased demands in existing markets and to assist in transporting adequate supplies for future growth of these markets. Upon the completion of these new facilities approximately 37.3 miles of existing line will be retired from service and removed.

The estimated cost of the proposed facilities is $2,690,000. These facilities will be financed with funds to be obtained from or with the assistance of the Columbia Gas System, Inc., which is Applicant's parent company.

Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 2d day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4523; Filed, Apr. 17, 1951; 8:47 a. m.]

[Docket No. G-1649]

TENNESSEE GAS CO.

NOTICE OF APPLICATION

APRIL 11, 1951.

Take notice that Tennessee Gas Company (Applicant), a Tennessee corporation having its place of business at Murfreesboro, Tennessee, filed on April 2, 1951, an application for an order requiring Texas Eastern Transmission Corporation to provide natural gas for distribution by Applicant at Murfreesboro, where it is presently engaged in the distribution of artificial gas to the public.

Applicant stated that the pipe line which Texas Eastern was authorized in Docket No. G-1012 to construct will be near Murfreesboro.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10), on or before the 2d day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4524; Filed, Apr. 17, 1951; 8:47 a. m.]

[Docket No. G-1089]

TEXAS EASTERN TRANSMISSION CORP.

ORDER REJECTING RATE SCHEDULES AND FIXING DATE OF HEARING

APRIL 12, 1951.

On March 30, 1949, the Commission issued its order herein granting to Texas Eastern Transmission Corporation (Texas Eastern), a certificate of public convenience and necessity authorizing, among other things, the transportation and sale of natural gas to Texas Gas Transmission Corporation (Texas Gas), at its Lisbon connection, in a volume not to exceed 200,000 Mcf per day upon the condition, among others, that Texas Eastern shall file, at least sixty days prior to the commencement of gas services therein authorized and directed, schedules of rates and charges therefor acceptable to the Commission.

On December 9, 1949, the Commission issued its order modifying said order issued March 30, 1949, to permit the filing of interim schedules of rates and charges to be effective from that date to and including February 23, 1951, relating to said sale and delivery to Texas Gas at the Lisbon connection, conditioned that Texas Eastern file acceptable schedules of rates and charges one month prior to the expiration date of the interim schedules of rates and charges, together with cost studies and other pertinent data, such modification being for the purpose of allowing Texas Eastern additional time within which to comply with the above-mentioned condition of said order issued March 30, 1949.

On February 21, 1951, Texas Eastern filed schedules of interim rates and charges designated "Rate Schedule DCQ-A" and "Rate Schedule E-A" to supersede like designated schedules filed on December 9, 1949, with a request that such schedules be permitted to become effective March 1, 1951, and to continue in effect to and including April 30, 1951.

By order issued March 1, 1951, said interim rate schedules filed by Texas Eastern on February 21, 1951, were allowed to take effect on March 1, 1951, and to continue in effect to and including April 30, 1951. In said order issued March 1, 1951, the requirements of the order issued March 30, 1949, as modified by the order issued December 9, 1949, were further modified as follows:

• • • Texas Eastern shall file on or before April 1, 1951, schedules of rates and charges acceptable to the Commission applicable to sales and deliveries of natural gas by it to Texas Gas at said Lisbon connection.

On March 30, 1951, Texas Eastern filed new schedules of rates and charges designated "Rate Schedule DCQ-A" and "Rate Schedule E-A", relating to sales to Texas Gas at the Lisbon connection, in which Texas Eastern proposes to continue in effect the same rates contained in the presently effective interim schedules relating to such sale.

The Commission's staff has made a study with respect to the proposed rates, including a field study of the operation of the facilities involved in making the sale to Texas Gas, the results of which indicate that the rates provided in the filing of March 30, 1951, may be unjust, unreasonable, unduly discriminatory and preferential.

The Commission further finds: (1) Based upon the information submitted by Texas Eastern and the staff's studies, the rate schedules tendered for filing by Texas Eastern on March 30, 1951, are not acceptable and should be rejected and Texas Eastern should be given an opportunity to be heard in justification of said filing.

(2) The rate schedules covering the sale of natural gas to Texas Gas at Lisbon, La., for which a certificate of public convenience and necessity was issued in Docket No. G-1089 will not be effective after April 30, 1951, and good cause exists to set this proceeding for hearing upon less than the usual 15 days notice.

The Commission orders:

(A) A public hearing be held commencing on April 23, 1951, at 10:00 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., to determine if the rate schedules tendered for filing by Texas Eastern Transmission Corporation, designated as Rate Schedule DCQ-A and Rate Schedule E-A, on March 30, 1951, comply with the above-mentioned conditions of the Commission's order issued March 30, 1949, as modified.

(B) Pending such hearing and decision thereon, the above-mentioned rate schedules tendered for filing on March 30, 1951, by Texas Eastern Transmission Corporation, are hereby rejected.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: April 12, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4533; Filed, Apr. 17, 1951; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26008]

CAST IRON PIPE BETWEEN SOUTHERN POINTS

APPLICATION FOR RELIEF

APRIL 13, 1951.

NOTE—No. 26007 will not be used in connection with a fourth-section application.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1191.

Commodities involved: Cast iron pipe and related articles, carloads.

From: Cordele, Ga., to points in southern territory, including northern Virginia and West Virginia; from points in southern territory to Merna, Ky., and from Lynchburg, Roanoke and Radford, Va., to Owensboro, Ky.

Grounds for relief: Circuitous routes, to maintain grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1191, Supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4525; Filed, Apr. 17, 1951; 8:48 a. m.]

[4th Sec. Application 26009]

LUMBER FROM ERWIN, TENN., TO POINTS IN TRUNK-LINE TERRITORIES, NEW ENGLAND, AND OHIO

APPLICATION FOR RELIEF

APRIL 13, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent, C. A. Spaninger's tariff I. C. C. Nos. 768 and 1214.

Commodities involved: Lumber and related articles, carloads.

From: Erwin, Tenn., and points grouped therewith.

To: Points in trunk-line and New England territories, and points in Ohio.

Grounds for relief: Competition with rail carriers and to maintain grouping.

Schedules filed containing proposed rates; C. A. Spaninger's tariff I. C. C. No. 1214, Supp. 9; C. A. Spaninger's tariff I. C. C. No. 708, Supp. 162.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4526; Filed, Apr. 17, 1951; 8:48 a. m.]

[4th Sec. Application 26010]

BRICK FROM OREMINEA, PA., TO THE SOUTH

APPLICATION FOR RELIEF

APRIL 13, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-917.

Commodities involved: Brick and related articles, and refractory articles, carloads.

From: Oreminea, Pa.

To: Southern territory.

Grounds for relief: Circuitous routes, to maintain grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-917, Supp. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4527; Filed, Apr. 17, 1951; 8:48 a. m.]

[Rev. S. O. 874, Corrected General Permit 14]

CHICAGO, BURLINGTON & QUINCY RAILROAD CO. AND SCHREIBER MILLS, INC.

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Service Order No. 874 (16 F. R. 2040, 3133), permission is granted for Chicago, Burlington and Quincy Railroad Company, serving Schreiber Mills, Inc., at St. Joseph, Missouri, to disregard the provisions of Service Order No. 874 insofar as it applies to any car loaded with Animal Feed, containing 40 to 46 percent Molasses in pellet form, by Schreiber Mills, Inc. when Schreiber Mills, Inc. advise that service would be denied because of its inability to meet the minimum requirements because the hygroscopic properties of the commodity make it unsalable when exposed.

The waybills shall show reference to this general permit and the Schreiber Mills, Inc. shall furnish the Permit Agent the dates shipped, car numbers, initials, weights and destinations of the cars shipped under this Permit, and car numbers, initials and weights of all cars of straight molasses feed in pellet form shipped. Such information to be furnished on the first of each month.

This general permit shall become effective at 12:01 a. m., April 10, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing

it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of April 1951.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 51-4530; Filed, Apr. 17, 1951; 8:48 a. m.]

[Ex Parte 175 (Ex Parte 175 (Sub-No. 1))]

INCREASED FREIGHT RATES, 1951

APRIL 12, 1951.

The above-entitled proceeding is assigned for further hearing at the offices of the Commission at Washington, D. C., commencing at 9:30 o'clock a. m. United States standard eastern time (at 9:30 o'clock a. m. e. d. s. t. if such time shall then be observed) on May 14, 1951, before Division 2 of the Commission, consisting of Commissioners Aitchison, Mahaffie, Splawn, and Alldredge.

It is contemplated that at this hearing testimony will be produced on behalf of the petitioners and others in their behalf, and also testimony of a general or national character on the part of any party. Testimony will also be received with respect to particular commodities by parties who are prepared to proceed at that time.

This notice will be supplemented by special rules of procedure which will shortly be announced, whereby provision will be made for the interchange of exhibits, the filing of verified statements in lieu of personal appearance, and the like.

Correspondence relative to this matter should be addressed to the Interstate Commerce Commission at Washington 25, D. C., and not to a particular Commissioner, giving reference to the docket number Ex Parte No. 175 or Ex Parte No. 175 (Sub-No. 1) as the case may be.

It is directed that a copy of this notice be served upon the petitioners and upon the other parties of record, and that notice be given to the public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4528; Filed, Apr. 17, 1951; 8:48 a. m.]

[Ex Parte 175]

INCREASED FREIGHT RATES, 1951 AND INCREASED FREIGHT RATES, 1951 (SUB-NO. 1)

At a session of the Interstate Commerce Commission, Division Two, held at its Office in Washington, D. C., on the 12th day of April A. D. 1951.

A petition was filed with the Interstate Commerce Commission on March 28, 1951, by the railroads listed in Appendix B thereof, to supplement and amend their original petition of January 16, 1951, by substituting for the proposals set forth in the original petition (asking generally for authority to make increases in their freight rates and charges of 6 percent) new proposals set forth in Appendix A of the amended petition (asking generally for authority to make increases in their freight rates and charges of 15 percent in lieu of 6 percent with certain exceptions and subject to certain maxima).

Ordered, That leave is hereby granted to the railroad petitioners to amend their petition of January 16, 1951, as requested in their amended petition of March 28, 1951, and that the investigation under the above caption be understood to include such amended petition and any similar amended petitions which may hereafter be filed by interveners.

Notice to the general public is given by depositing a copy of this order in the office of the Secretary of the Commission for public inspection, and by filing a copy of this order with the Director, Division of the FEDERAL REGISTER.

By the Commission, Division Two.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4529; Filed, Apr. 17, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2602]

CENTRAL VERMONT PUBLIC SERVICE CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 12th day of April A. D. 1951.

Notice is hereby given that an application and an amendment thereto have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("the act") by Central Vermont Public Service Corporation ("the Company"), an operating public utility and a direct subsidiary of New England Public Service Company, a registered holding company which in turn is a direct subsidiary of Northern New England Company, also a registered holding company. Section 6 (b) of the act and Rules U-23 and U-24 thereunder are designated as applicable to the proposed transaction.

All interested persons are referred to said application on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

The Company seeks authorization to issue or renew from time to time until September 30, 1951, or until the Company shall have received at least $2,000,000 from permanent financing, whichever shall first occur, unsecured notes (including notes now outstanding) with maturity of nine months or less, up to the maximum amount of $2,250,000, which amount is stated to be less than the maximum amount permitted by the Company's Articles of Association as amended. Said maximum amount exceeds the limitation of "5 percent of principal amount and par value of the other securities of such Company then outstanding," as specified in section 6 (b) (3) of the act.

The Company states that it now has outstanding $700,000 of unsecured indebtedness evidenced by notes bearing interest at the rate of 2¾ percent per annum, maturing 90 days from date of issue, $450,000 of which is payable to The First National Bank of Boston and the balance of $250,000 to Bankers Trust Company; that such borrowings were made for interim financing of the Company's construction program and other corporate purposes; that further borrowings will be required as herein proposed; and that the interest rate on such additional borrowings will probably not exceed 2¾ percent per annum, although the Company has no commitment as to interest rate.

The Company states that in case the interest rate of any of the notes should exceed 2¾ percent per annum, it will file an amendment to its application setting out the name of the bank or banks, the terms of the note and the rate of interest at least five days prior to the execution and delivery of said note; and the Company requests that, unless the Commission shall notify it to the contrary within said five-day period, the amendment shall become effective at the end of such period.

The Company further states the issue and sale of the proposed securities are solely for the purpose of financing the business of the Company; that said transactions are not subject to authorization by the Vermont Public Service Commission, the regulatory commission of the state in which the Company is organized and doing business; and that there are no expenses to the Company in connection herewith other than legal and other incidental expenses, estimated at not more than $500.

The Company requests that the order of the Commission herein be made effective upon issuance.

Notice is further given that any interested person may, not later than April 23, 1951 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-4518; Filed, Apr. 17, 1951; 8:46 a. m.]

[File No. 70-2603]

MILWAUKEE SOLVAY COKE CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of April A. D. 1951.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Milwaukee Solvay Coke Company ("Coke Company"), a non-utility subsidiary of Milwaukee Gas Light Company, which in turn is a public utility subsidiary of American Natural Gas Company, a registered holding company. Applicant has designated section 6 (b) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 24, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 24, 1951 said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Pursuant to the terms of a credit agreement, Coke Company proposes to borrow an aggregate of $800,000 from the First Wisconsin National Bank of Milwaukee and an aggregate of $400,000 from the Marine National Exchange Bank of Milwaukee from time to time prior to December 31, 1951. It is contemplated that the first advance will be made shortly after execution of the Credit Agreement and the remainder of the credit will be taken down in amounts of $300,000 or multiples thereof as funds are needed. The notes representing each advance by each bank will mature in the order of the dates of their creation in the amount of $300,000 on March 1 of each of the years 1953 through 1956. The notes maturing in 1953 and 1954 will bear interest at 3 percent per annum and those maturing in 1955 and 1956 will bear interest at 3¼ percent per annum. It is proposed that Coke Company pay to the banks a commitment fee at the rate of ½ of 1 percent per annum on the average daily unused balance of the commitment, from the date of execution of the credit agreement to December 31, 1951, or the date on which the entire amount of $1,200,000 shall have been borrowed, whichever is earlier. Coke Company will have the right to prepay the notes in the inverse order of their maturities at any time without penalty, in amounts of $300,000 or multiples thereof, except that a prepayment penalty of ¼ of 1 percent per annum for the unexpired term will apply in case of prepayment from the proceeds of borrowings from banks other than those participating in the credit agreement. The application states that the proceeds from the sale of its notes will be applied by Coke Company to the expansion of its coke production facilities.

Fees and expenses are estimated at $3,000, including counsel fees of $1,500.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-4517; Filed, Apr. 17, 1951; 8:46 a. m.]

HARVEY E. ANDERSON

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of Harvey E. Anderson, 1013 Grand Avenue, Kansas City, Mo.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of April 1951.

I. The Commission's public official files disclose that Harvey E. Anderson, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1947, 1948, 1949 or 1950 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements referred to in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 14th day of May 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before May 7th, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to May 14, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-4516; Filed, Apr. 17, 1951; 8:45 a. m.]

[1] Filed as a part of the original document.

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17567]

LUDWIG SIMON

In re: Trust under the will of Ludwig Simon, deceased. File No. D-28-3947 E. T. sec. 6764.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and

Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the issue, names unknown, of Wilhelmine Wilburth, of Emma Schuster, of August Feinthel, of Johanna Schuster Umlauf, of Rudolph Mueller, of Wilhelmine Reinheimer and of Ludwig Mueller, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the trust created under the will of Ludwig Simon, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Clarence F. Barck, as Successor Trustee, acting under the judicial supervision of the Probate Court for Macomb County, State of Michigan;

and it is hereby determined:

4. That to the extent that the issue, names unknown, of Wilhelmine Wilburth, of Emma Schuster, of August Feinthel, of Johanna Schuster Umlauf, of Rudolph Mueller, of Wilhelmine Reinheimer, and of Ludwig Mueller, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4543; Filed, Apr. 17, 1951; 8:52 a. m.]

[Vesting Order 17599]

BANQUE CANTONALE VAUDOISE

In re: Accounts maintained in the name of Banque Cantonale Vaudoise, Lausanne, Switzerland, and owned by persons whose names are unknown. F-63-2267 (Lausanne).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Banque Cantonale Vaudoise, Lausanne, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
1. Dominick & Dominick, 14 Wall St., New York 5, N. Y.	Banque Cantonale Vaudoise, Lausanne, General Ruling No. 6 Account, as described by Dominick & Dominick in its report on form OAP-700, bearing its serial No. 46.
2. Guaranty Trust Company of New York, 140 Broadway, New York, N. Y.	(a) Banque Cantonale Vaudoise Regular Account, and (b) Banque Cantonale Vaudoise General Ruling No. 6 Account; as described by the Guaranty Trust Company of New York in its report on form OAP-700, bearing its serial No. FB 156.

[F. R. Doc. 51-4494; Filed, Apr. 16, 1951; 8:49 a. m.]

[Vesting Order 17601]

BORDIER & CIE

In re: Accounts maintained in the name of Bordier & Cie, Geneva, Switzerland, and owned by persons whose names are unknown. F-63-51.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Bordier & Cie, Geneva, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
1. Brown Brothers Harriman & Co., 59 Wall St., New York 5, N. Y.	(a) Ordinary account, blocked account, and (b) general ruling No. 6 account; as described by Brown Bros. Harriman & Co. in its report on form OAP-700, bearing its Serial No. 22.
2. Dominick & Dominick, 14 Wall St., New York 5, N. Y.	(a) Securities held for the account of Bordier & Cie, Geneva, some payable in dollars, some not payable in dollars, as described by Dominick & Dominick in its report on form OAP-700, bearing its Serial No. 7; (b) general ruling No. 6 account, as described by Dominick & Dominick in its report on form OAP-700, bearing its Serial No. 8.

[F. R. Doc. 51-4495; Filed, Apr. 16, 1951; 8:50 a. m.]

[Return Order 933]

JOHANNA ELEONORE BEHRENDT

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, that the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Johanna Eleonore Behrendt, New York, N. Y.; Claim No. 41919; January 31, 1951 (16 F. R. 920); $42,444.61 in the Treasury of the United States. All right, title, interest and claim of Marga Kahn, and the heirs-at-law of Marga Kahn, in and to the Estate of Gustave Basthelm, deceased, and in and to the trust created under the will of Gustave Basthelm, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4515; Filed, Apr. 17, 1951; 8:52 a. m.]

[Vesting Order 17604]

CREDIT SUISSE

In re: Accounts maintained in the name of Credit Suisse, St. Gall (St. Gallen), Switzerland, and owned by persons whose names are unknown. F-63-60 (St. Gall).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General:

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Credit Suisse, St. Gall (St. Gallen), Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
1. Brown Bros. Harriman & Co., 59 Wall St., New York 5, N. Y.	(a) Credit Suisse, St. Gallen, general ruling No. 6 account, as described by Brown Bros. Harriman & Co., in its report on form OAP-700, bearing its serial No. 33; (b) Credit Suisse, St. Gallen, ordinary account, Blocked account, as described by Brown Bros. Harriman & Co., in its report on form OAP-700, bearing its serial No. 34.
2. Guaranty Trust Co. of New York, 140 Broadway, New York 15, N. Y.	(a) Credit Suisse, St. Gall, Switzerland, general ruling No. 6 account, as described by Guaranty Trust Co. of New York in its report on form OAP-700, bearing its serial No. FB 13; (b) miscellaneous portfolio of stocks a/c XC-21079, as described by Guaranty Trust Co. of New York in its report on form OAP-700, bearing its serial No. CU 0036.

[F. R. Doc. 51-4496; Filed, Apr. 16, 1951; 8:50 a. m.]

[Return Order 935]

NORBERT ROTHSTEIN ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Norbert Rothstein and Paul Markwald, Executors of the Estate of Felix Caro, deceased, New York, N. Y.; Claim No. 3259; March 2, 1951 (16 F. R. 2017); $10.50 cash in the Treasury of the United States 1 share of no par value Class A common stock of General Aniline & Film Corporation, a Delaware corporation, registered in the name of the Attorney General of the United States, Account No. 28-4817, represented by Certificate No. 4172, presently in the Safekeeping Department of the Federal Reserve Bank of New York.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4546; Filed, Apr. 17, 1951; 8:52 a. m.]

[Return Order 937]

ROGER ROUAT

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Roger Rouat, Paris, France; Claim No. 12342; February 16, 1951 (16 F. R. 1662); property described in Vesting Order No. 233 (7 F. R. 9836, November 26, 1942) relating to United States Patent Application Serial No. 259,357 (now United States Letters Patent No. 2,311,415). This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4547; Filed, Apr. 17, 1951; 8:52 a. m.]

[Vesting Order 17615]

ALBERT TOTTIEN ET AL.

In re: A seven-tenths interest in securities owned by and debts owing to Albert Tottien and others. F-63-9916.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are listed below:

Names and Last Known Addresses

Albert Tottien, 23 Nuernbergstrasse, Berlin W. 30, Germany.

Adele John, also known as Adele Tottien John, 11 Johannisbergerstrasse, Berlin-Wilmersdorf, Germany.

Mary Tottien, 8 Kleiner Markt, Osterburg, Altmark, Sachsen-Anhalt, Germany.

Alice Richter, also known as Alice Tottien Richter, 42 Breite Strasse, Osterburg, Altmark, Sachsen-Anhalt, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Seven-tenths (7/10ths) interest in three (3) New York Central Railroad Company Series A Ref. & Imp. Mtge. 4½ percent bonds, having an aggregate face value of $3,000.00, bearing the numbers 62794, 91740 and 92068 presently in the custody of Credit Suisse New York Agency, 30 Pine Street, New York 5, New York, in the Ordinary Blocked Account of Credit Suisse, Zurich, together with any and all rights thereunder and thereto,

b. Seven-tenths (7/10ths) interest in one (1) Kingdom of Denmark 4½ percent bond of $1,000 face value, numbered M-30913, and presently in the custody of Credit Suisse New York Agency, 30 Pine Street, New York, New York, in the Ordinary Blocked Account of Credit Suisse, Zurich, together with any and all rights thereunder and thereto,

c. That certain debt or other obligation of Credit Suisse, New York Agency, 30 Pine Street, New York 5, New York, in the amount of $807.80 as of March 19, 1951, representing 70 percent of $1,154.00, and being a portion of the funds held in the regular blocked account of Credit Suisse, Zurich, maintained with the aforesaid Credit Suisse, New York Agency, together with any and all accruals to the aforesaid $807.80 and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation of Credit Suisse, New York Agency, 30 Pine Street, New York 5, New York, in the amount of $4,595.25 as of March 19, 1951, representing 70 percent of $6,564.64, and being a portion of the funds held in the General Ruling No. 6 account of Credit Suisse, Zurich, maintained with the aforesaid Credit Suisse, New York Agency, together with any and all accruals to the aforesaid $4,595.25, and any and all rights to demand, enforce and collect the same,

e. Seven-tenths (7/10ths) interest in those certain Kingdom of Denmark 4½ percent bonds, having an aggregate face value of $2,000 and presently in the custody of Brown Brothers Harriman & Company, 59 Wall Street, New York City in a blocked account of Credit Suisse, Zurich, together with any and all rights thereunder and thereto,

f. Seven-tenths (7/10ths) interest in those certain City of Copenhagen 4½ percent bonds, having an aggregate face value of $500, and presently in the custody of Brown Brothers Harriman & Company, 59 Wall Street, New York City in a blocked account of Credit Suisse, Zurich, together with any and all rights thereunder and thereto, and

g. That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York City, in the amount of $546.99 as of March 19, 1951, representing 70 percent of $781.41, and being a portion of the funds held in the General Ruling No. 6 Account of Credit Suisse, Zurich, maintained with the aforesaid Brown Brothers Harriman & Co., together with any and all accruals to the aforesaid $546.99 and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Albert Tottien, Adele John, also known as Adele Tottien John, Mary Tottien and Alice Richter, also known as Alice Tottien Richter, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4544; Filed, Apr. 17, 1951; 8:52 a. m.]

[Vesting Order 17605]

CREDIT SUISSE

In re: Accounts maintained in the name of Credit Suisse, St. Gall, Switzerland, and owned by persons whose names are unknown F-63-60 (St. Gall).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock, in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in the attached Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the law of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Credit Suisse, St. Gall, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights and interest in the account as of Oct. 2, 1950, excluded from this vesting order [1]
Credit Suisse, New York Agency, 30 Pine St., New York 5, N. Y.	(a) Current account, (b) general ruling No. 6 account, and (c) Miscellaneous portfolio of stocks and bonds; as described by Credit Suisse, New York Agency in its report on form OAP-700, bearing its serial No. 26.	From the current account the sum of $59,621.00 which, according to license application No. NY 80835 filed by Credit Suisse, New York Agency, represents claims of a society domiciled in Hungary.

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since Oct. 2, 1950 and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in Column III or excluded under (a) of this footnote.

[F. R. Doc. 51-4497; Filed, Apr. 16, 1951; 8:50 a. m.]

FERENCE

APR 25

FEDERAL REGISTER

VOLUME 16 NUMBER 76

Washington, Thursday, April 19, 1951

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

LIMITATIONS APPLICABLE TO FARM OWNERSHIP LOANS

Sections 311.21 through 311.29 in Title 6 of the Code of Federal Regulations (13 F. R. 9381) are amended and republished to read as herein set forth in order (1) to empower State Directors to authorize the approval of Farm Ownership loans with respect to farms in which the applicants may have total investments greater than $12,000 but not greater than $15,000, and to reserve to the Administrator the power to authorize the approval of Farm Ownership loans with respect to farms in which the applicants may have total investments greater than $15,000 but not greater than the county average value of farms as determined by the Secretary; and (2) to indicate a change in the title of Form FHA–493 from "Value of Applicant's Unit" to "Equity Determination and Tract Valuation."

Sec.

311.21 General.
311.22 Average value.
311.23 Investment limit.
311.24 Fair and reasonable value of farm.
311.25 Total investment in farm.
311.26 Application of average value and investment limits.
311.27 Limit on account of insured loan.
311.28 Action required requiring total investment in farm gerater than $12,000 if county average value exceeds $12,000.
311.29 Farm situated in more than one county.

AUTHORITY: §§ 311.21 to 311.29 issued under sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Statutory provisions interpreted or applied are cited to text in parentheses.

DERIVATION: §§ 311.21 to 311.29 contained in FHA Instruction 401.2.

§ 311.21 *General.* The Secretary of Agriculture has determined "average values" and "investment limits" for most of the counties and parishes in the United States, its territories and possessions, in accordance with the Bankhead-Jones Farm Tenant Act, as amended. Direct or insured farm ownership loans will not be made in any county, parish, or locality until such determinations have been made for the county, parish, or locality (see § 311.30).

(Secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

§ 311.22 *Average value.* The "average value" for a county, parish, or locality means the average value, as determined by the Secretary of Agriculture for the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, of efficient family-type farm-management units situated in the county, parish, or locality.

(Sec. 3, 60 Stat. 1074; 7 U. S. C. 1003)

§ 311.23 *Investment limit.* The "investment limit" for a county, parish, or locality is the amount to which the total investment of a farm ownership applicant in a farm is limited, unless a greater total investment is authorized as provided in § 311.28. The total investment of a farm ownership applicant in a farm will be computed in accordance with § 311.25.

(Sec. 44, 60 Stat. 1069; 7 U. S. C. 1018)

§ 311.24 *Fair and reasonable value of farm.* The fair and reasonable value of a farm is determined by the County Committee in accordance with §§ 321.41 to 321.44 of this chapter and is the amount certified by the Committee (on Form FHA–491, "County Committee Certification," or on Form FHA–499, "Recertification by County Committee") to be the fair and reasonable value of the farm, based upon its normal earning capacity, after contemplated improvements are made.

(Sec. 2, 60 Stat. 1074; 7 U. S. C. 1002)

§ 311.25 *Total investment in farm.* The computation of the total investment of a Farm Ownership applicant in a farm depends upon the type of Farm Ownership financial assistance for which application is made. In computing total investment, the cost of property insurance or the initial mortgage insurance charge is not included.

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FEDERAL REGISTER

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(a) For an initial direct or insured Farm Ownership loan (Tenant Purchase, Farm Enlargement, and Farm Development), the applicant's total investment in the farm will consist of the sum of the following items:

(1) The purchase price of all land or interests in land to be acquired by the applicant.

(2) The amount necessary for all planned repairs and improvements, both immediate and deferred.

(3) The amount of any necessary fees and expenses incident to making and closing the loan which are required to be paid by the applicant, whether included in the Farm Ownership loan as a service fee or paid by the applicant from personal funds.

(4) In the case of a Farm Enlargement or a Farm Development loan:

(i) The value, as determined by the County Committee (on Form FHA–493, "Equity Determination and Tract Valuation"), of the applicant's equity in the tract of land owned by the applicant which is to be enlarged or improved.

(ii) The amount necessary to refinance indebtedness against the tract of land owned by the applicant which is to be enlarged or improved, or to pay the balance due on a purchase contract covering such land.

(5) If a Tenant Purchase loan involves a tract of land in which the applicant owns an undivided fractional interest, by reason of inheritance or otherwise, and the applicant is to purchase the interests of the other heirs or joint owners (see § 316.4 of this chapter):

(i) The value of the applicant's interest in the tract.

(ii) The amount necessary to satisfy the applicant's share of liens or encumbrances against the tract.

(b) For a subsequent direct Farm Ownership loan (see §§ 333.1 to 333.10 of this chapter) not in connection with the voluntary transfer of a farm or the sale of land by the Farmers Home Administration, the applicant's total investment in the farm will consist of the sum of the following items:

(1) The unpaid amount of the applicant's Farm Ownership indebtedness.

(2) The amount of the requested subsequent loan, except such part, if any, of the requested subsequent loan as will be used for refinancing outstanding farm ownership indebtedness.

(3) The amount of any necessary fees and expenses incident to making and closing the subsequent loan which are required to be paid by the applicant and which are not included in the subsequent loan as a service fee.

(4) Any other amounts which will be paid by the applicant from personal funds in connection with accomplishing the purposes of the subsequent loan.

(5) The value, as determined by the County Committee (on Form FHA–493), of the applicant's equity in land owned by him.

(c) For a sale by the Farmers Home Administration of a family-type farm on terms and in a manner consistent with title I of the Bankhead-Jones Farm Tenant Act, as amended (see §§ 372.81 to 372.86 of this chapter), the applicant's total investment in the farm will be computed in a manner consistent with the computation of total investment for an initial tenant purchase loan.

(d) For a voluntary transfer of a farm which secures a direct Farm Ownership loan (see §§ 372.21 to 372.27 of this chapter), if a subsequent loan is requested in connection with the transfer, the applicant's total investment in the farm will be computed as in the case of an initial Tenant Purchase loan. If no subsequent loan is requested, the investment limit and the average value do not apply in connection with the transfer of a family-type farm.

(e) Each case involving a type of Farm Ownership financial assistance not described in this section will be referred to the Administrator for specific instructions.

(Sec. 44, 60 Stat. 1069; 7 U. S. C. 1018)

§ 311.26 *Application of average values and investment limits.* No direct (initial or subsequent) or insured Farm Ownership loan for the acquisition, enlargement, or development of any farm, and no credit sale by the Farmers Home Administration of a farm on title I terms, will be approved:

(a) If the fair and reasonable value of the farm, as certified by the County Committee, exceeds the applicable average value, or

(b) If the applicant's total investment in the farm will exceed either:

(1) The investment limit (in the absence of authority from the Administrator or the State Director as provided in § 311.28), or

(2) The fair and reasonable value of the farm, as certified by the County Committee.

(Secs. 3, 43, 44, 51, 60 Stat. 1074, 1067, 1069, 1070; 7 U. S. C. 1003, 1017, 1018, 1025)

§ 311.27 *Limit on amount of insured loan.* In addition to the limitations contained in § 311.26, no insured Farm Ownership loan for the acquisition, enlargement, or development of any farm will be approved in an amount which exceeds either:

(a) Ninety percent (90 percent) of the fair and reasonable value of the farm, as certified by the County Committee, or

(b) Ninety percent (90 percent) of the applicant's total investment in the farm, if such investment is less than the certified value.

(Sec. 12, 60 Stat. 1076; 7 U. S. C. 1005b)

§ 311.28 *Action required regarding total investment in farm greater than $12,000 if county average value exceeds $12,000.* In a county where the average value exceeds $12,000, each case involving a proposed total investment in a farm greater than $12,000 may be submitted to the State Director by the State Field Representative for consideration and action in conformity with paragraphs (a) or (b) of this section, whichever is applicable. Each such request for action will be accompanied by a detailed statement of the circumstances necessitating the request, with his recommendations, together with the original loan docket and recommendations of the County Supervisor and the County Committee. Pending determination by the State Director or by the Administrator, no commitment or statement which might be interpreted as a commitment will be made with respect to the proposed loan.

(a) *Authorization by State Director of total investment greater than $12,000 but not greater than $15,000.* The State Director may authorize a total investment in the farm greater than $12,000 but not greater than $15,000, provided the State Director determines all of the following conditions are satisfied:

(1) The applicant's total investment in the farm will not exceed the fair and reasonable value of the farm, as certified by the County Committee.

(2) The fair and reasonable value of the farm, as certified by the County Committee, does not exceed the county average value, as determined by the Secretary.

(3) It is not possible for the applicant to acquire, enlarge, or improve the farm and make it an efficient family-type farm-management unit with a total investment of $12,000 or less.

(4) The proposed loan will be an unusually sound investment and is safely within the applicant's ability to repay as evidenced by one or more of the following factors:

(i) The proposed total investment is substantially less than the normal earning capacity value of the farm.

(ii) The applicant has assets or debt-paying ability greater than the minimum required for a Farm Ownership loan.

(iii) The applicant has clearly established managerial ability or farming experience superior to the minimum required for a Farm Ownership loan.

(iv) The proposed long-time farm and home plan indicates debt-paying ability substantially in excess of either the amount required for Farm Ownership payment, or the net income available for Farm Ownership payment as shown on the earning capacity report, whichever is the greater.

(b) *Authorization by Administrator of total investment greater than $15,000.* Each case involving a proposed total investment in a farm greater than $15,000 which is submitted to the State Director may be submitted to the Administrator by the State Director for consideration if the State Director recommends a total investment greater than $15,000. In such a case, the loan docket and supporting statements submitted to the Administrator will include the State Director's recommendation. The Administrator may authorize a total investment in the farm greater than $15,000 provided the Administrator determines all of the conditions set forth in paragraph (a) (1) through (4) of this section are satisfied.

(c) *Authorization by the Administrator or the State Director of a total investment greater than $12,000 in a farm in no way constitutes approval of the loan.* The determination of the over-all fitness of the loan continues to be the responsibility of the loan approval officer, notwithstanding submission of the case to the State Director or Adminis-

trator for consideration of a proposed total investment greater than $12,000.

(Sec. 44, 60 Stat. 1069; 7 U. S. C. 1018)

§ 311.29 *Farm situated in more than one county.* For the purposes of this subpart, if a farm lies in more than one county, parish, or locality, it will be deemed to be located in the county, parish, or locality in which the residence building of the farm is located or is to be constructed.

(Sec. 44, 60 Stat. 1069; 7 U. S. C. 1018)

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

MARCH 19, 1951.

Approved: April 14, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4569; Filed, Apr. 18, 1951; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 53—MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

FEES FOR GRADING SERVICE

By virtue of the authority vested in me pursuant to § 53.35 of the regulations governing the grading and certification of meats, prepared meats, and meat products (7 CFR 1949 Supp. 53.35) under sections 203 and 205 of the Agricultural Marketing Act of 1946 (Secs. 203 and 205, 60 Stat. 1087; 7 U. S. C. 1622 and 1624) and the so-called Farm Products Inspection Act, consisting of provisions for the market inspection of farm products recurring in the annual appropriation act for the Department of Agriculture and currently found in the Department of Agriculture Appropriation Act, 1951 (Ch. VI, 64 Stat. 595, Pub. Law 759, 81st Cong.; 7 U. S. C. Supp. 414), the provisions appearing in 7 CFR 1949 Supp. 53.35a are hereby amended as follows:

1. Section 53.35a (a) is amended by changing the hourly rate for meat grading service from "$3.00" per hour to "$3.60" per hour and the minimum charge from "$1.50" to "$1.80."

2. Section 53.35a (b) is amended by changing the fees for meat grading on a weekly contract basis from "$102" to "$122.40" per calendar week as specified therein.

3. Section 53.35a (e) is amended by changing the hourly rate of "$3.00" for certain service as specified therein to "$3.60."

Fees for meat grading service are excepted from the General Ceiling Price Regulation by General Ceiling Price Regulation, Amendment 1, Supplementary Regulation 15, (16 F. R. 2903).

Since the statutory provisions under which the grading service is conducted authorize the collection of fees therefor which are reasonable and equal as nearly as may be to the cost of such service, and since the determination of the reasonableness of the fees and the cost of such service depends upon facts wholly within the knowledge of the United States Department of Agriculture, and it has been determined in the Department that the fees prescribed above are reasonable and necessary to provide revenue equal as nearly as may be to the cost of such service, it is found under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) upon good cause that notice and public procedure concerning this order are impracticable and unnecessary, and it is found under said section that good cause exists for issuance of this order effective less than 30 days after its publication.

This order shall become effective April 23, 1951.

(Sec. 205, 60 Stat. 1090, Pub. Law 759, 81st Cong.; 7 U. S. C. 1624. Interprets or applies sec. 203, 60 Stat. 1087; 7 U. S. C. 1622)

Done at Washington, D. C., this 16th day of April 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-4584; Filed, Apr. 18, 1951; 8:51 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 962—FRESH PEACHES GROWN IN THE STATE OF GEORGIA

Notice was published in the FEDERAL REGISTER issue (16 F. R. 2441) of March 15, 1951, that the Department was giving consideration to the proposed revision of the rules and regulations (7 CFR 962.100 et seq.; Subpart—Rules and Regulations; 15 F. R. 4105) currently in effect pursuant to the amended marketing agreement and Order No. 62 (7 CFR Part 962), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Industry Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof), it is hereby found and determined that the revision, as hereinafter set forth, of said rules and regulations is in accordance with the provisions of said amended marketing agreement and order and it is hereby approved:

SUBPART—INDUSTRY COMMITTEE REGULATIONS

DEFINITIONS

Sec.
962.100 Terms.
962.101 Order.
962.102 Marketing agreement.
962.103 Adjacent market peaches.

COMMUNICATIONS AND NOTICES

962.105 Communications.
962.106 Notices.

DISTRICT REPRESENTATION

962.110 Change in representation by districts on Industry Committee.

REGULATION OF SHIPMENTS

962.120 Adjacent market peaches, shipments of.
962.121 Exemption certificates.
962.122 Shipments by truck.

REPORTS AND SAFEGUARDS

962.130 Peaches shipped to adjacent markets.
962.131 Peaches not subject to regulation.

SUBPART—MATURITY REGULATIONS

962.400 Maturity regulations.

AUTHORITY: §§ 962.100 to 962.400, issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c.

SUBPART—INDUSTRY COMMITTEE REGULATIONS

DEFINITIONS

§ 962.100 *Terms.* Terms used in this subpart shall have the same meaning as when used in the marketing agreement and order.

§ 962.101 *Order.* "Order" means Order No. 62, as amended (7 CFR Part 962; 15 F. R. 4105), regulating the handling of fresh peaches grown in the State of Georgia.

§ 962.102 *Marketing agreement.* "Marketing agreement" means Marketing Agreement No. 99, as amended, regulating the handling of fresh peaches grown in the State of Georgia.

§ 962.103 *Adjacent market peaches.* "Adjacent market peaches" means peaches which, in accordance with a regulation issued pursuant to § 962.60 (b) of the marketing agreement and order, are permitted to be shipped only to destinations in adjacent markets.

COMMUNICATIONS AND NOTICES

§ 962.105 *Communications.* Unless otherwise provided in the marketing agreement and order or by specific direction of the Industry Committee, all communications (including, but not being limited to, reports, applications, submittals, and requests) in connection with the marketing agreement and order shall be addressed to Industry Committee, P. O. Box 1239, Macon, Georgia.

§ 962.106 *Notices.* The following newspapers are designated for the giving of notice as required by the marketing agreement and order:

Atlanta Journal, Atlanta, Ga.
Atlanta Constitution, Atlanta, Ga.
Macon News, Macon, Ga.
Albany Herald, Albany, Ga.

DISTRICT REPRESENTATION

§ 962.110 *Change in representation by districts on Industry Committee.* The

representation or membership on the Industry Committee is changed to provide for:

(a) Four (4) members to represent the South Georgia District;

(b) Three (3) members to represent the Central Georgia District; and

(c) One (1) member to represent the North Georgia District (14 F. R. 408, Jan. 29, 1949).

REGULATION OF SHIPMENTS

§ 962.120 *Adjacent market peaches, shipments of.* During each period when a grade or size regulation is in effect pursuant to § 962.60 (b) and prescribes separate requirements for shipments of adjacent market peaches, such shipments may be effected only if the adjacent market peaches are shipped in bulk (i. e. loose in the body of a truck, trailer, or other conveyance, or loose in containers, without being place-packed or ring-faced, and without liners or cushions).

§ 962.121 *Exemption certificates*—(a) *Application.* Each application (pursuant to § 962.62 *Exemption certificates*) for an exemption certificate to ship peaches of a particular variety shall be submitted to the Industry Committee on form "Grower Application for Exemption Certificate." Such form may be obtained from the Industry Committee; and the completed application shall contain the following information:

(1) Name and address of the applicant; and date;

(2) Variety of peaches for which exemption is requested;

(3) District in which the orchard where such peaches are grown is located;

(4) Location (by county, highway, rural route, distance from nearest town, etc.) of each of applicant's orchards of such variety in such district;

(5) Number and age of trees of the stated variety;

(6) Regulations from which exemption is requested;

(7) Estimated current crop (both harvested and unharvested) of such variety of peaches in such detail as required by the form of application for an exemption certificate;

(8) Estimated percentage of the aforesaid crop not meeting the requirements of the grade regulation then in effect and the reasons therefor;

(9) Estimated percentage of the aforesaid crop not meeting the minimum size requirements of the size regulation then in effect and the reasons therefor; and

(10) The aggregate number of bushels of the aforesaid crop which the applicant already (i) has shipped, and (ii) has had shipped for him.

(b) *Issuance of exemption certificate; non-issuance.* In the event the Industry Committee finds and determines, from proof satisfactory to the committee, that the applicant is entitled to an exemption certificate, the committee shall issue, or authorize the issuance of, an exemption certificate which shall permit the applicant to ship or have shipped the requisite quantity, as provided in § 962.62, of the particular variety of peaches. If the committee finds and determines that the applicant is not entitled to an exemption certificate, it shall so advise the applicant in writing, and give the reasons therefor.

(c) *Shipments pursuant to an exemption certificate.* Each grower who ships, or has shipped, any portion of his crop of such variety pursuant to an exemption certificate shall report the respective shipment promptly to the Industry Committee.

§ 962.122 *Shipments by truck.* Each handler who ships peaches in a truck during any period in which a regulation is in effect pursuant to § 962.54, § 962.55, § 962.60, or § 962.61 shall keep and maintain in the truck, until the shipment has been completed, a copy of the certificate or memorandum issued by the Federal Inspection Service or the Federal-State Inspection Service or any other inspection service designated by the Secretary, as the case may be, with regard to the respective shipment of peaches. Each such handler shall upon demand by an authorized agent or employee of the Industry Committee or any authorized agent or employee of the United States Department of Agriculture, make such copy of the certificate or memorandum available for examination by such agent or employee.

REPORTS AND SAFEGUARDS

§ 962.130 *Peaches shipped to adjacent markets.* Each handler who ships adjacent market peaches shall report daily to the Industry Committee, in such manner and on such forms as prescribed by that committee, the following information with respect to each such shipment:

(a) Name and address of the handler; and date;

(b) Originating point;

(c) Destination in adjacent markets;

(d) Truck license number, trailer license number, or other identification of the conveyance in which shipment was made;

(e) Number of bushels so shipped;

(f) The number of the inspection certificate or memorandum issued with respect to the shipment; and

(g) A certification that the information is complete and accurate.

§ 962.131 *Peaches not subject to regulation.* Each handler who ships peaches (except peaches shipped by express or parcel post, or peaches included in shipments of peaches to any person during any day by any handler if such shipments do not aggregate more than the equivalent of five (5) bushels) pursuant to § 962.71 shall report promptly to the Industry Committee, on forms provided by that committee, the following information with respect to each such shipment:

(a) Name and address of the handler; date;

(b) Shipping point;

(c) Name and address of consignee; destination;

(d) Truck license number, trailer license number, car initials and number; or other identification of the conveyance in which shipment was made;

(e) Signature of truck driver;

(f) Number and kind of containers;

(g) Total net weight of, or total number of bushels in, the shipment;

(h) Purpose for which shipped; and

(i) A certification that the information is complete and accurate.

SUBPART—MATURITY REGULATIONS

§ 962.400 *Maturity regulation.* (a) Unless otherwise indicated, terms used in this subpart shall have the same meaning as when used in the aforesaid marketing agreement and order.

(b) The regulatory provisions in § 962.54 are modified as follows: No handler shall ship peaches which do not meet the requirements for maturity set forth and defined in the U. S. Standards for Peaches (7 CFR 51.312) or as such standards may be modified, revised, or new standards promulgated: *Provided,* That not more than an average of 10 percent, by count, of the peaches contained in any bulk lot or in any lot of packages may fail to meet the said requirements for maturity, but not more than 15 percent, by count, of the peaches contained in any individual package in any lot may fail to meet the said requirements for maturity.

Done at Washington, D. C., this 16th day of April 1951, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4582; Filed, Apr. 18, 1951; 8:50 a. m.]

PART 996—MILK IN THE SPRINGFIELD, MASSACHUSETTS, MARKETING AREA

ORDER AMENDING ORDER REGULATING HANDLING

§ 996.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and certain proposed amendments to the order regulating the handling of milk in the Springfield, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds

and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order, amending the order, effective May 1, 1951. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk. Any substantial consumer acceptance of concentrated milk would be reflected in a reduced volume of Class I sales in the marketing area and would result in a substantial reduction in the blend price of milk to producers. Accordingly, any further delay in the effective date of this order amending the order will seriously threaten the orderly marketing of milk in the Springfield marketing area. The provisions of the said order are well known to handlers, the public hearing having been held on March 12, 1951, the recommended decision having been published in the FEDERAL REGISTER (16 F. R. 2658) March 24, 1951, and the final decision having been executed by the Secretary on April 5, 1951. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order) of more than 50 percent of the volume of the milk covered by this order amending the order which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the determined representative period (February 1951) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Springfield, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended and the aforesaid order is hereby amended as follows:

1. Amend § 996.1 (d) (4) by deleting the present language and substituting therefor the following:

(4) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

2. Amend § 996.1 (d) by adding a new subparagraph (7) as follows:

(7) "Concentrated milk" means any unsterilized liquid milk product, other than those products commonly known as evaporated milk and sweetened condensed milk, which is obtained by the evaporation of water from milk and milk to which any other milk product may be added in the process of manufacture. For purposes of this part the weight of the fluid milk products used to produce the concentrated milk shall be used rather than the actual weight of the concentrated milk.

3. Amend § 996.3 (a) (2) (i) by deleting the present language and substituting therefor the following:

(i) As being sold, distributed, or disposed of other than as or in milk, and other than as or in concentrated milk for fluid consumption, flavored milk or flavored skim milk, buttermilk, or cultured skim milk, for human consumption; and

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Issued at Washington, D. C., this 16th day of April 1951, to be effective on and after the 1st day of May 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4567; Filed, Apr. 18, 1951; 8:48 a. m.]

PART 999—MILK IN THE WORCESTER, MASSACHUSETTS, MARKETING AREA

ORDER AMENDING ORDER REGULATING HANDLING

§ 999.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and certain proposed amendments to the order regulating the handling of milk in the Worcester, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order, amending the order effective May 1, 1951. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk. Any substantial consumer acceptance of concentrated milk would be reflected in a reduced volume of Class I sales in the marketing area and would result in a substantial reduction in the blend price of milk to producers. Accordingly, any further delay in the effective date of this order amending the order will seriously threaten the orderly marketing of milk in the Worcester marketing area. The provisions of the said order are well known to handlers, the public hearing having been held on March 12, 1951, the recommended decision having been published in the FEDERAL REGISTER (16 F. R. 2658) March 24, 1951, and the final decision having been executed by the Secretary on April 5, 1951.

Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c) Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order) of more than 50 percent of the volume of the milk covered by this order amending the order, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the determined representative period (February 1951) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Worcester, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended, and the aforesaid order is hereby amended as follows:

1. Amend § 999.1 (d) (4) by deleting the present language and substituting therefor the following:

(4) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

2. Amend § 999.1 (d) by adding a new subparagraph (7) as follows:

(7) "Concentrated milk" means any unsterilized liquid milk product, other than those products commonly known as evaporated milk and sweetened condensed milk, which is obtained by the evaporation of water from milk and milk to which any other milk product may be added in the process of manufacture. For purposes of this part the weight of the fluid milk products used to produce the concentrated milk shall be used rather than the actual weight of the concentrated milk.

3. Amend § 999.3 (a) (2) (i) by deleting the present language and substituting therefor the following:

(i) As being sold, distributed, or disposed of other than as or in milk, and other than as or in concentrated milk for fluid consumption, flavored milk or flavored skim milk, buttermilk, or cultured skim milk, for human consumption; and

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Issued at Washington, D. C., this 16th day of April 1951 to be effective on and after the 1st day of May 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4568; Filed, Apr. 18, 1951; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 6]

PART 6—ROTORCRAFT AIRWORTHINESS

SERVICE LIFE OF AUXILIARY ROTOR ASSEMBLIES AND MAIN ROTOR

The following interpretations and policies are hereby adopted:

§ 6.221–1 *Service life of auxiliary rotor assemblies (CAA interpretations which apply to § 6.221).* The requirement in § 6.221 that vibration stresses in highly stressed metal components of auxiliary rotors must not exceed safe values for continuous operation is interpreted to mean that the service life of such components should be determined by fatigue tests or by other methods found acceptable by the Administrator. The methods of service life determination for main rotor structure outlined under § 6.250–1 are considered to be acceptable in showing compliance with the pertinent portion of § 6.221.

§ 6.250–1 *Service life of main rotors (CAA policies which apply to § 6.250 (a)).* Several methods which have been found acceptable by the Administrator for determining the service life of main rotors are outlined in Appendix A [1] of this section for the guidance of the industry in complying with § 6.250 (a).

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 603, 52 Stat. 1009, as amended; 49 U. S. C. 553)

These interpretations and policies shall become effective May 1, 1951.

[SEAL] J. S. MARRIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-4580; Filed, Apr. 18, 1951; 8:50 a. m.]

[Supp. 3]

PART 33—FLIGHT RADIO OPERATOR CERTIFICATES

CONTENT AND SCOPE OF WRITTEN AND PRACTICAL EXAMINATIONS REQUIRED FOR FLIGHT RADIO OPERATOR AS PROOF OF AERONAUTICAL KNOWLEDGE AND SKILL

The following policies are hereby adopted:

§ 33.32–2 *The content and scope of the written examination required for a flight radio operator certificate as proof of aeronautical knowledge (CAA policies which apply to § 33.32).* The new policy of CAA–FCC coordination in preparing a single written examination for flight radio operator applicants is described in § 33.32–1. As a result of this change in examining procedure, United States citizens who are applicants for this certificate should take the written examination at FCC offices in the United States. This practice permits the applicant to take his written examination required by both FCC and CAA at one session, thereby avoiding duplication. FCC practices with regard to the actual administering of the examination apply in these cases.

The written examination is designed for the purpose of determining whether or not an applicant possesses the basic theoretical knowledge required for the safe performance of his duties as a flight radio operator. Since the desired aeronautical knowledge required of a flight radio operator is extensive in scope, complete coverage in the examination is not feasible. The written theoretical examination is, therefore, a sampling device wherein a limited number of questions are proposed for the purpose of determining this knowledge.

NOTE: The Administrator has compiled a study guide to aid applicants in preparing for the flight radio operator certificate written examination. This guide is contained in Appendix A [1] of Part 33.)

§ 33.33–1 *The content and scope of the practical examination required for a flight radio operator certificate in proof of aeronautical skill (CAA policies which apply to § 33.33).* All applicants for a CAA flight radio operator airman certificate must take the practical examination which is conducted by a CAA Aviation Safety Agent or a CAA designated flight radio operator examiner in the industry. The practical examination is designed for the specific purpose of determining whether or not an applicant possesses the necessary skill required for the safe performance of his duties as a flight radio operator.

NOTE: The Administrator has compiled a guide to aid applicants in preparing for the flight radio operator certificate practical examination. This guide is contained in Appendix B [1] of Part 33.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 602, 52 Stat. 1008, as amended; 49 U. S. C. 552)

These policies shall become effective May 1, 1951.

[SEAL] J. S. MARRIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-4579; Filed, Apr. 18, 1951; 8:50 a. m.]

[Civil Air Regs., Amdt. 61-4]

PART 61—SCHEDULED AIR CARRIER RULES

MECHANICAL INTERRUPTIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of April 1951.

Section 61.294 of the Civil Air Regulations currently provides that, in the event of any mechanical failure or interruption which may involve the safety of the flight, a pilot shall proceed to and land at the nearest place where a safe landing can be effected. In practice, this section has been strictly construed so that the air carriers and the pilots believe it to be obligatory for the pilot to land the aircraft at the nearest suitable airport even in those instances

[1] Not filed with the Federal Register Division.

where engines are stopped in flight for purely precautionary reasons, such as to eliminate roughness or to prevent any possible damage, and where flight beyond such an airport can be accomplished without prejudice to safety.

As a result, there is a strong compulsion on a pilot, on occasion, to fail to feather an engine as a precautionary measure because of the obvious desirability of continuing a flight to its destination. Such practice is undesirable not only because of possible engine damage but also because the failure to feather an engine as a precautionary measure might result in a fire or other serious hazard. We believe that in these and other circumstances a pilot of aircraft having four or more engines should have and, upon considerations of safety, should exercise discretionary authority to make an immediate landing or to proceed to an airport of his own selection.

To permit a pilot, where an engine fails or its rotation is stopped, to exercise such discretion, § 61.294a is added. In the proper exercise of this discretion, only factors bearing on the safe conduct of the flight may be considered; the economic convenience of continuing the flight to a base where repairs or replacements can easily be made is not a factor of safety and should not be considered. The regulations continue to require a pilot to make an immediate landing in those instances where a flight might not safely proceed to the point of next intended landing, and do not permit a pilot to land at an intermediate point after feathering an engine in flight and, without repairing the engine, to take off for a further point. It should be noted that no change has been effected in current procedure where mechanical failure other than powerplant failure is involved.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 61 of the Civil Air Regulations as follows, effective May 18, 1951:

1. By amending § 61.294 to read as follows:

§ 61.294 *Mechanical failure in flight.* In the event of any mechanical failure or interruption which may involve the safety of the flight, except a powerplant failure, but including failure of a flight instrument, radio, or other essential component of the aircraft, the pilot shall proceed to and land at the nearest suitable airport in point of time where a safe landing can be effected.

2. By adding a new § 61.294a to read as follows:

§ 61.294a *Powerplant failure or precautionary stoppage.* (a) Except as provided in paragraph (b) of this section, when one engine of an aircraft fails or where the rotation of an engine of an aircraft is stopped in flight as a precautionary measure to prevent possible damage, a landing shall be made at the nearest suitable airport in point of time where a safe landing can be effected.

(b) The pilot in command of an aircraft having 4 or more engines may, if not more than one engine fails or the rotation thereof is stopped, proceed to an airport of his selection, if, upon consideration of the following factors, he determines such action to be as safe a course of action as landing at the nearest suitable airport:

(1) The nature of the malfunctioning and the possible mechanical difficulties which may be encountered if flight is continued,

(2) The altitude, aircraft weight, and useable fuel at the time of engine stoppage,

(3) The weather conditions on route and at possible landing points,

(4) The air traffic congestion,

(5) The type of terrain, and

(6) The familiarity of the pilot with the airport to be used.

(c) When engine rotation is stopped in flight, the pilot in command shall immediately notify the proper control station and shall keep such station fully informed regarding the progress of the flight.

(d) In cases where the pilot in command selects an airport other than the nearest suitable airport in point of time, he shall, upon completion of the trip, submit a written report, in duplicate, to his operations manager setting forth his reasons for determining that the selection of an airport other than the nearest (in point of time) was as safe a course of action. The operations manager shall, within 7 days after completion of the trip, furnish a copy of this report with his own comments thereon to the Administrator.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 605, 52 Stat. 1007, 1010; 49 U. S. C. 551, 554, 555)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-4593; Filed, Apr. 18, 1951; 8:51 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter C—Federal Savings and Loan System

[No. 4147]

PART 145—OPERATIONS

APPROVAL OF CHANGE IN OFFICE LOCATIONS INVOLVING A MOVE OF MORE THAN ONE MILE OR OUTSIDE OF MUNICIPALITY

APRIL 13, 1951.

Resolved, That pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108) and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1), notice and public procedure having been duly afforded (16 F. R. 1818), § 145.16 of the rules and regulations for the Federal Savings and Loan System (24 CFR 145.16) is hereby amended to read, effective May 19, 1951, as follows:

§ 145.16 *Change of office location.* A Federal association may not move any office from its immediate vicinity without prior approval by the Board. A move of more than one mile or move outside of the municipality in which the office is located will constitute a move of an office from its immediate vicinity. If a Federal association changes the location of its home office, as fixed in such association's charter, such charter shall be appropriately amended in accordance with the provisions thereof. Each application to the Board by a Federal association for permission to move any office of such association from its immediate vicinity shall be supported with a statement showing the need for such change of location, and the estimated expense of removal to and of maintenance at the new location. The provisions of the second sentence of this section shall not be applicable with respect to any Federal association which prior to April 19, 1951, in connection with a change of the location of any office not involving a move from the immediate vicinity of such office within the meaning of these rules and regulations and charter provisions in force and effect on such date, had purchased or leased or had legally bound itself to purchase or lease, the office quarters at the proposed new location of such office.

(Secs. 4, 5, 48 Stat. 129, 132, as amended, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp., 61 Stat. 954; 12 U. S. C. and Sup., 1463, 1464, 5 U. S. C. Sup., 133y-16 note)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 51-4578; Filed, Apr. 18, 1951; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 15, Amendment 1]

GCPR, SR 15 EXCEPTION FOR CERTAIN SERVICES

ADDED EXCEPTIONS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to Supplementary Regulation No. 15 (16 F. R. 2903), is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment 1 to Supplementary Regulation 15 suspends the rates, fees, charges and compensation for, or excepts additional services from the General Ceiling Price Regulation. In formulating this regulation, the Director of the Office of Price Stabilization has given due consideration to the standards of the Defense Production Act of 1950 and has determined that the suspensions and exceptions contained in this amendment

are necessary and proper to effectuate the purposes of the act.

The amendment suspends the rates, fees, charges and compensation received by summer camps from the provisions of the General Ceiling Price Regulation for a period of six (6) months, but provides that such summer camps must maintain their customary current records to justify the rates and other charges they make during the 1951 season, during which period the Director of Price Stabilization will make continuing studies of the charges made by such summer camps. The services rendered by such camps, generally, are of a quasi-educational nature, and in many instances are operated by non-profit or charitable religious and governmental organizations for the underprivileged. Due to the seasonal nature of such operations, few, if any, were operating during the base period, December 19, 1950 to January 25, 1951, inclusive, established by the General Ceiling Price Regulation. In view of the foregoing factors, of the rapid increase in the cost of supplies and materials used in the operation of such camps since the last period in which they were operating, of the imminence of the 1951 summer camp season, and of the consequent limited time available for the establishing of proper and separate summer camp rates and the publication thereafter of such rates or rate charges, the Director of the Office of Price Stabilization has determined to suspend the rates, fees, charges and compensation of such summer camps from the provisions of the General Ceiling Price Regulation for a period of six (6) months from the effective date of this amendment to Supplementary Regulation 15 to the General Ceiling Price Regulation: *Provided nevertheless*, That such summer camps shall maintain during such period, or extension thereof, the current records required by the General Ceiling Price Regulation.

The amendment excepts from the provisions of the General Ceiling Price Regulation the rates, fees and charges which are regulated under the Packers and Stockyards Act, as amended, because these services are now subject to supervision by the United States Department of Agriculture.

It also excludes from the scope of the General Ceiling Price Regulation fees or charges for grading, inspecting, classing, testing, weighing, analyzing, or licensing that are fixed, approved, or collected by the United States Department of Agriculture. The purpose of this exclusion is to enable the Department of Agriculture to comply with the acts of Congress under which these services are rendered, which require that such fees and charges shall be reasonable and shall, as nearly as may be, cover the cost of services rendered. Since such services also are frequently carried on cooperatively with State Departments and through organizations under the authorization of the United States Department of Agriculture, and the fees so charged are subject to its confirmation, paragraph (5) (ii) of this amendment to Supplementary Regulation 15 also exempts fees of this type fixed or approved by the Department.

Fees collected or charges made by the United States Department of Agriculture under its program, for example service charges (fees) collected from producers and others under price support and other programs of CCC, and fees charged for the measurement of acreage prior to planting under certain acreage allotment programs also are exempt. Such fees and charges are based on the amounts required to reasonably defray the cost to the Government of the services rendered.

Fees and service charges for financing operations paid directly by the United States Department of Agriculture under its program such as payments made to banks and other financing institutions for services rendered in loan and other operations also are exempt. In many instances financing operations under these programs differ from normal commercial operations and rates are negotiated by the Government on the basis of the special services performed.

The Director of the Office of Price Stabilization has received inquiries concerning the applicability of the General Ceiling Price Regulation to contracts for the drilling of oil and gas wells and related services. By the custom of the trade, persons engaged in performing such services are frequently compensated not only in cash but by the transfer of an interest in the well. This is brought about by the fact that there are many unknown factors involved in these operations which create fluctuations in drilling costs. For example, the depth of the well to be drilled, the thickness or type of rock, or rock strata to be drilled through, uncontrollable hazards of lost or broken drilling equipment are among the unforeseeable items encountered in the drilling of oil wells. Accordingly, no price used or formula followed in a contract for drilling a well in one location would necessarily be applicable in an adjoining location.

Putting out oil or gas well fires is a specialized hazardous service. The occupation is of an extra-hazardous nature and the price charged is attributable to a large extent to the hazards inherent in the nature, and in the rendering of the services, and to the risk which persons participating in the work are prepared to assume. In large measure, the cost of any job is based on an imponderable factor—i. e., the value which persons engaged in the work place upon the risk to life and limb to which they are exposed. Moreover, there are only a few professional fire fighting organizations of this type throughout the country.

AMENDATORY PROVISIONS

1. Section 2 (a) of Supplementary Regulation 15 to the General Ceiling Price Regulation is hereby amended by adding subparagraph (2), as follows:

(2) *Summer camps.* The provision of the General Ceiling Price Regulation shall not apply to rates, fees, charges, and compensation for services rendered by summer camps for a period of six (6) months from the effective date of this amendment: *Provided however*, That during the period of this suspension, or any extension thereof, such summer camps shall maintain the current records required to be maintained by section 16 (b) of the General Ceiling Price Regulation.

2. Section 2 (b) of Supplementary Regulation 15 to the General Ceiling Price Regulation is hereby amended by adding sub-paragraphs (3) through (5), as follows:

(3) Drilling of oil and gas wells, including necessary operations in connection therewith, such as electrical logging services, preparation of locations, shot hole and diamond core drilling, fishing jobs, pulling, salvaging and plugging operations, fees and charges for.

(4) Fire fighting services in connection with oil and gas wells, fees and charges for.

(5) (i) Services, the rates for which are regulated by the United States Department of Agriculture under the Packers and Stockyards Act, as amended;

(ii) Grading, inspecting, classing, testing, weighing, analyzing, or licensing that are fixed, approved or collected by the United States Department of Agriculture; and fees collected or charged made by the United States Department of Agriculture under its programs, fees or charges for.

(iii) Financing operations paid directly by the United States Department of Agriculture under its programs, fees and service charges for.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Effective date. This amendment 1 to Supplementary Regulation 15 to the General Ceiling Price Regulation shall become effective April 23, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 18, 1951.

[F. R. Doc. 51-4655; Filed, Apr. 18, 1951; 10:45 a. m.]

[General Overriding Regulation 4]

GOR 4—EXEMPTIONS OF CERTAIN CONSUMER SOFT GOODS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this General Overriding Regulation No. 4 is issued.

STATEMENT OF CONSIDERATIONS

This General Overriding Regulation 4 is an across-the-board regulation which creates exemptions of certain commodities from any ceiling price restrictions imposed by the Office of Price Stabilization.

The commodities exempted by this regulation are of minor significance which have but a trifling effect on the cost of living, the cost of the defense effort or general current industrial costs. These commodities are not so related to any other commodities which are important to the cost of living, the cost of

the defense effort or to general current industrial costs as to have any effect on the controls of other commodities remaining under ceiling price restrictions. Furthermore, any ceiling price restrictions imposed on these commodities would involve an administrative and enforcement burden out of all proportion to the importance of keeping them under price control.

In view of the nature of the commodities exempted, this regulation will not have any material effect on the general level of prices.

REGULATORY PROVISIONS

GENERAL PROVISIONS

Sec.
1. What this regulation does.
2. Exemption.

EXEMPTED COMMODITIES

3. Certain untanned skins of sheep or lamb.

AUTHORITY: Sections 1 to 3 issued under Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

GENERAL PROVISIONS

SECTION 1. *What this regulation does.* This regulation exempts all sales of the commodities hereinafter enumerated from any ceiling price restrictions imposed by the Office of Price Stabilization.

SEC. 2. *Exemption.* No ceiling price regulation heretofore issued or which may hereafter be issued by the Office of Price Stabilization shall apply to sales of the commodities covered by this regulation and amendments thereto.

EXEMPTED COMMODITIES

SEC. 3. *Certain untanned skins of sheep or lambs.* Untanned skins of sheep or lambs, whether domestic or foreign, with the wool still on, not including shearlings with up to one inch of wool.

Effective date. This General Overriding Regulation shall become effective on April 23, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 18, 1951.

[F. R. Doc. 51-4654; Filed, Apr. 18, 1951; 10:45 a. m.]

[General Overriding Regulation 5]

GOR 5—EXEMPTIONS OF CERTAIN CONSUMER DURABLE GOODS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this General Overriding Regulation No. 5 is issued.

STATEMENT OF CONSIDERATIONS

This General Overriding Regulation 5 is an across-the-board regulation which creates exemptions of certain commodities from any ceiling price regulations imposed by the Office of Price Stabilization.

The commodities exempted by this regulation are of minor significance which have but a trifling effect on the cost of living, the cost of the defense effort or general current industrial costs. These commodities are not so related to any other commodities which are important to the cost of living, the cost of the defense effort or to general current industrial costs as to have any effect on the controls of other commodities remaining under ceiling price restrictions. Furthermore, any ceiling price restrictions imposed on these commodities would involve an administrative and enforcement burden out of all proportion to the importance of keeping them under price control.

In view of the nature of the commodities exempted, this regulation will not have any material effect on the general level of prices.

REGULATORY PROVISIONS

GENERAL PROVISIONS

Sec.
1. What this regulation does.
2. Exemption of certain commodities.

EXEMPTED COMMODITIES

3. Sphygmo-oscillometers.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

GENERAL PROVISIONS

SECTION 1. *What this regulation does.* This regulation exempts all sales of the commodities hereinafter enumerated from any ceiling price restrictions imposed by the Office of Price Stabilization.

SEC. 2. *Exemption.* No ceiling price regulation heretofore issued or which may hereafter be issued by the Office of Price Stabilization shall apply to sales of the commodities covered by this regulation and amendments thereto.

EXEMPTED COMMODITIES

SEC. 3. *Sphygmo-oscillometers.* Devices for measuring blood pressure and patency of arteries, known as sphygmo-oscillometers.

Effective date. This General Overriding Regulation shall become effective on April 23, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 18, 1951.

[F. R. Doc. 51-4653; Filed, Apr. 18, 1951; 10:45 a. m.]

Chapter XII—Defense Minerals Administration, Department of the Interior

[Mineral Order 2, Amdt. 1]

MO-2—MANGANESE ORE

Mineral Order 2, issued February 16, 1951, is hereby amended by deleting the phrase "DMA Form", wherever it appears in the order and substituting therefor the phrase "Form MF".

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies sec. 101, Pub. Law 774, 81st Cong., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61, 3 CFR, 1950 Supp.)

Effective upon publication in the FEDERAL REGISTER.

JAMES W. DOUGLAS,
Acting Administrator,
Defense Minerals Administration.

[F. R. Doc. 51-4675; Filed, Apr. 18, 1951; 11:53 a. m.]

Chapter XV—Federal Reserve System

[Regulation W, Interpretation 34]

REG. W—CONSUMER CREDIT

INT. 34—AUTOMOBILE APPRAISAL GUIDES

Automobile appraisal guides. In Interpretation 31 (16 F. R. 2037) the Board designated for purposes of Regulation W the specified editions and reprints of appraisal guides approved by the Office of Price Stabilization for purposes of ceiling price regulation. This designation was in addition to the Board's previous designation of regularly scheduled issues of the appraisal guides for purposes of Regulation W.

Since it is understood that some of the appraisal guide publishers propose to discontinue publication of their regularly scheduled issues for April and subsequent months, the Board's designation with respect to all such regular issues was withdrawn as of April 1, 1951, until further notice. Effective April 1, 1951, the Board's designation of appraisal guides for purposes of Regulation W is accordingly limited to those specified editions and reprints approved by the Office of Price Stabilization for purposes of the ceiling price regulation.

All other conditions of the Board's appraisal guide designations continue to apply, including the condition that the retail value to be used for purposes of Regulation W shall not include any added value for a radio or heater.

(Sec. 5, 40 Stat. 415, as amended, sec. 601, Pub. Law 774, 81st Cong.; 50 U. S. C. App. 5, E. O. 8843, Aug. 9, 1941, 6 F. R. 4035; 3 CFR, 1941 Supp.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-4553; Filed, Apr. 18, 1951; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

ATLANTIC OCEAN OFF DELAWARE COAST; LAKE ERIE, WEST END

Pursuant to the provisions of Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), §§ 204.25 (b) (3) and 204.187 (b) are hereby amended, as follows:

§ 204.25 *Atlantic Ocean off Delaware coast; antiaircraft artillery firing areas, Second Army.* • • •

(b) *The regulations.* • • •

(3) Prior to the conducting of each firing practice, the danger zones will be

adequately patrolled to insure that no watercraft are within the danger zones and to warn any watercraft in a danger zone that firing practice is to take place. Any such watercraft shall, upon being so warned, immediately leave the area designated and shall remain outside the area until the conclusion of the firing practice.

• • • • • •

§ 204.187 *Lake Erie, west end, north of Erie Ordnance Depot, Lacarne, Ohio.* • • •

(b) *Area for seasonal antiaircraft firing from Camp Perry and Locust Point, Ohio, by National Guard of Ohio and Pennsylvania, under jurisdiction of Headquarters, Second Army, Fort George G. Meade, Md.*—(1) *The danger zone.* That part of Lake Erie bounded as follows: Beginning at a point on the south shore of Lake Erie at longitude 83°05' 19", in the vicinity of Locust Point; thence to latitude 41°45'14", longitude 83°12'18"; thence to latitude 41°46'45", longitude 83°11'23"; thence to latitude 41°46'58", longitude 83°05'54"; thence to latitude 41°42'52", longitude 82°52' 47"; thence to latitude 41°38'36", longitude 82°56'49"; thence to latitude 41°35' 31", longitude 82°54'47"; thence approximately 241°15' true to a point on the south shore of Lake Erie at the pier at Camp Perry; and thence northwesterly along the shore to the point of beginning.

NOTE: The danger zone will be marked by bucys.

(2) *The regulations*—(i) *Antiaircraft firing periods.* Firing in the area will take place from 8:00 a. m. to 12:00 m. and from 1:30 to 5:00 p. m. on certain days other than Saturdays and Sundays between July 10 and August 10 of each year, as listed in public notice to be issued prior to July 1 of each year by the District Engineer, Corps of Engineers, Detroit, Michigan.

NOTE: Firing in the area will take place on the following days in 1951 (all dates inclusive): July 16 to 20, 23 to 27, 30 and 31; August 1 to 3, and 6 to 10.

(ii) *Navigation prohibited.* No vessel shall enter or remain in the danger zone during a firing period unless specific permission is granted in each case by one of the representatives of the enforcing agency policing the area in patrol boats. These boats will be in constant radio communication with the Safety Controls Station, Erie Ordnance Depot, and the danger zone will be under radar and visual surveillance when in use.

(iii) *Warning flag.* On days when antiaircraft firing is to be conducted a large red flag will be displayed from the range observation tower at the Erie Ordnance Depot from 7:00 a. m. until firing ceases for the day.

(iv) *Enforcing agency.* The danger zone and the patrolling thereof shall be under the control of the Commanding Officer, Erie Ordnance Depot, and such agencies as he may designate. Equipment used in clearing the area will fly or expose a square red flag.

(v) *Seasonal restrictions additional.* The restrictions imposed on navigation by this paragraph are additional to those imposed by paragraph (a) of this section.

[Regs. Mar. 28, 1951, 800.2121—ENGWO] (Sec. 4, 28 Stat. 362, as amended. 33 U. S. C. 1. Interpret or apply 40 Stat. 892; 33 U. S. C. 3)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-4576; Filed, Apr. 18, 1951; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 205—REPORTS OF MOTOR CARRIERS

ANNUAL REPORTS OF CARRIERS OF PROPERTY OTHER THAN CLASS I CARRIERS

At a session of the Interstate Commerce Commission, Division 1, held in its office in Washington, D. C., on the 7th day of March A. D. 1951.

The matter of annual reports from Motor Carriers of Property other than Class I carriers being under consideration:

It is ordered, That the order dated February 14, 1950, in the matter of annual reports from Motor Carriers of Property other than Class I (49 CFR 205.3) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1950, and subsequent years, as follows:

§ 205.3 *Annual reports of carriers of property other than Class I carriers.* Each Common and Contract Motor Carrier of Property other than Class I carriers, § 181.02-1 of this subchapter, shall file an annual report for the year ending December 31, 1950, and for each succeeding year until further order, in accordance with Motor Carrier Annual Report Form B which is hereby approved and made a part of the order.[1] The annual report shall be filed in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before April 30 of the year following the one to which it relates.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 563, as amended; 49 U. S. C. 320)

NOTE: Budget Bureau No. 60-R-266.2 Approval expires 8-30-51.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4571; Filed, Apr. 18, 1951; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF HEARING BY DEPARTMENT OF THE INTERIOR IN CONNECTION WITH PROPOSED WITHDRAWAL FOR DEPARTMENT OF THE ARMY OF PUBLIC LANDS IN VICINITY OF GULKANA

APRIL 16, 1951.

Notice is hereby given that a public hearing will be held by Lowell M. Puckett, Regional Administrator, Bureau of Land Management, Department of the Interior, at 10 a. m. on May 19, 1951, in the U. S. Court Room, Federal Building, Anchorage, Alaska, with respect to the request of the Department of the Army for the withdrawal from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, of the public lands in the following-described area comprising approximately 771,920 acres in the vicinity of Gulkana, for use as an artillery range:

Beginning at corner common to secs. 18 and 19, T. 4 N., R. 1 W., and secs. 13 and 24, T. 4 N., R. 2 W., C. R. M. thence by metes and bounds:

North, 1 mile to SW corner sec. 7, T. 4 N., R. 1 W.
East, 2 miles to SE corner sec. 8.
North, ½ mile to ¼ corner common to secs. 8 and 9.
West, 1 mile to ¼ corner common to secs. 7 and 8.
North, ½ mile to NE corner sec. 7.
West, ½ mile to ¼ corner common to secs. 6 and 7.
North, ¼ mile to center sec. 6.
West, ½ mile to West ¼ corner sec. 6, T. 4 N., R. 1 W.
North, 1 mile to West ¼ corner sec. 31, T. 5 N., R. 1 W.
East, 1 mile to ¼ corner common to secs. 31 and 32.
North, 1 mile to ¼ corner common to secs. 29 and 30.
West, ½ mile to center sec. 30.
North, 1 mile to center sec. 19.
East, 1¼ mile to west right-of-way line of Richardson Highway.
Northeasterly, 1½ miles along west right-of-way line.
West, 2 miles.
North, 23 miles.
West, 30 miles.
South, 40 miles.
East, 30 miles to point of beginning.

The Commanding General, United States Army, Alaska, represented by Lt. Colonel L. M. Stewart, Lt. Colonel S. L. Cone, and Major J. S. Merrell, will represent the Department of the Army at the hearing.

The hearing will be open to the attendance of all interested persons, including individuals, local officers, officers of Federal and Territorial agencies, and representatives of individuals or organizations.

All persons wishing to be heard with respect to the proposed withdrawal should inform one of the following persons before the time designated: Marion Clawson, Director, Bureau of Land Management, Washington 25, D. C., before May 9, 1951; or Lowell M. Puckett,

[1] Filed as part of the original document.

Regional Administrator, Bureau of Land Management, Federal Building, Anchorage, Alaska, before May 19, 1951. Those desiring to submit written statements should submit them as soon as possible prior to the hearing.

DALE E. DOTY,
Assistant Secretary of the Interior.

[F. R. Doc. 51-4595; Filed, Apr. 18, 1951; 8:51 a. m.]

Geological Survey

LOUISIANA AND WYOMING

DEFINITIONS OF KNOWN GEOLOGIC STRUCTURES OF PRODUCING OIL AND GAS FIELDS

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II, Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of structures defined effective as of the dates shown:

NAME OF FIELD, EFFECTIVE DATE, AND ACREAGE

(3a) *Louisiana*

Romere Pass Field January 9, 1950, 1,520.

(9) *Wyoming*

Bison Basin Field (revision), July 19, 1947, 600.
Fiddler Creek Field, March 28, 1951, 9,160.
Happy Springs Field, May 16, 1950, 920.

W. E. WRATHER,
Director.

[F. R. Doc. 51-4549; Filed, Apr. 18, 1951; 8:45 a. m.]

National Park Service

DORCHESTER HEIGHTS NATIONAL HISTORIC SITE

DESIGNATION

Whereas, the Congress of the United States has declared it to be a national policy to preserve for the public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas, The Advisory Board on National Parks, Historic Sites, Buildings, and Monuments has declared that Dorchester Heights in the City of Boston, Massachusetts, is of national significance as commemorative of the evacuation of Boston by the British troops under General Howe on March 17, 1776, the first great military success of the Americans in the War of the American Revolution; and

Whereas, a cooperative agreement has been made between the City of Boston of the Commonwealth of Massachusetts and the United States of America, providing for the designation, preservation, and use of Dorchester Heights as a national historic site:

Now, therefore, I, Oscar L. Chapman, Secretary of the Interior, by virtue of and pursuant to the authority contained in the act of August 21, 1935 (49 Stat. 666; 16 U. S. C. sec. 462), do hereby designate the following described lands, together with all historic structures thereon and all appurtenances connected therewith, to be a national historic site, having the name "Dorchester Heights National Historic Site":

All that certain tract of land in the South Boston District of Boston, comprising approximately two hundred thirty-six thousand three hundred fifty-four square feet, and bounded southerly, westerly, and northerly by Thomas Park and easterly by land of Boston now occupied by the South Boston High School, as shown on plate 16 of the Atlas of South Boston published by G. W. Bromley & Co. in the year 1910, together with Memorial Tower at Dorchester Heights.

The administration, protection, and development of this national historic site shall be exercised in accordance with the provisions of the above-mentioned cooperative agreement and the act of August 21, 1935.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, at the City of Washington, this 12th day of April 1951.

[SEAL] OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-4550; Filed, Apr. 18, 1951; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

RESPECTIVE ALLOCATION AND PRIORITY RESPONSIBILITIES OF DEPARTMENT OF COMMERCE AND DEPARTMENT OF AGRICULTURE IN CONNECTION WITH FOODS WHICH HAVE INDUSTRIAL USES

MEMORANDUM OF AGREEMENT

Part A: General. The Administrator of the National Production Authority, United States Department of Commerce, and the Administrator of the Production and Marketing Administration, United States Department of Agriculture, adopt the following principles as the basis of this agreement:

1. Pursuant to Executive Orders Nos. 10161 and 10200 (15 F. R. 6105; 16 F. R. 61) and Defense Production Administration Delegation No. 1 (16 F. R. 738), the Department of Agriculture (hereinafter referred to as "Agriculture") has the responsibility for food which is defined to include all commodities and products, simple, mixed, or compound, or complements to such commodities or products, that are capable of being eaten or drunk by either human beings or animals, irrespective of other uses to which such commodities or products may be put, at all stages of processing from the raw commodity to the products thereof in vendible form for immediate human or animal consumption. In the case of food for human or animal consumption, these responsibilities include that of effective distribution. For those foods which have industrial uses, jurisdiction would normally pass to the Department of Commerce (hereinafter referred to as "Commerce") at the point where the foods are no longer capable of being eaten or drunk.

2. There are also included within the definition of food, for which Agriculture has responsibility, starches, sugars, vegetable and animal fats and oils, cotton, tobacco, wool, mohair, hemp, flax fiber, and naval stores. As a rule, jurisdiction over such commodities will pass to Commerce when they lose their identity as food or agricultural commodities or products.

3. The provisions of this agreement insofar as fibers are concerned are limited to those specifically mentioned in Executive Order No. 10161 and have the purpose of defining the points at which the items named lose their identity as agricultural commodities or agricultural products.

4. Some major food commodities in which both Agriculture and Commerce have an interest are indicated in Part B of this agreement. For each of these commodities the point at which the jurisdiction of Agriculture will end is indicated; and it is to be assumed, without specific mention in all cases, that the jurisdiction of Commerce will begin at that point.

5. The points at which the jurisdiction of Agriculture will end are expressed in terms of particular stages of production or processing. In most cases, the points are merely a specific definition of the division of authority as provided in Executive Order No. 10161; in others, they represent the division of responsibility considered to be most reasonable and workable from an administrative point of view. It is understood that imports and exports of commodities in any form prior to the cut-off stage will be within the authority of Agriculture, subject, in the case of exports, to the exercise of any licensing functions vested in any other agency.

6. Agriculture will, with noted exceptions, allocate and exercise priority controls to the cut-off point, taking into account claims presented by the claimant agency. However, the sub-allocation of food and agricultural commodities and products to the specific firms responsible for converting these items into non-food and non-agricultural commodities or products will be made in accordance with the recommendations of the claimant agency.

7. It is understood that relationships in connection with particular functions and particular commodities may have to be amplified later, but it is agreed that unnecessary exceptions to the basic cut-off point should be avoided. It is recognized that there will be situations in which operations of the same firm will be affected by the exercise of the respective authorities of the two agencies under this agreement. To avoid overlapping and duplication of reporting and related operations in such situations, it is agreed that the two agencies will work out specific cooperative arrangements whereby the facilities of one of the agencies shall be utilized by the other or that other efforts will be made to provide the most feasible arrangements for administering necessary program controls. Nothing in this agreement is to be interpreted as precluding either agency from requesting revision hereof or from making such recommendations as it may deem desirable concerning matters within the jurisdiction of the other.

8. The allocation and priority functions of Commerce referred to above have been delegated to the Administrator of the National Production Authority by Department of Commerce Order 123 (as amended January 24, 1951). The allocation and priority functions of Agriculture referred to above have been delegated to the Administrator of the Production and Marketing Administration by Secretary's Memorandum No. 1270 (15 F. R. 6424), as amended (16 F. R. 2446).

Part B: Particular commodities. The following list identifies some major food and agricultural commodities and commodity groups in which both Agriculture and Commerce have some interest and gives the point at which Agriculture ceases to have jurisdiction and the jurisdiction of Commerce begins.

1. Commodities which are the responsibility of Agriculture until they enter any manufacturing process which results in their being neither food nor agricultural commodities or products (some examples of which are set forth in parentheses after the name of the commodity):

a. *Egg products.* (Shampoos, products used in printing, pharmaceuticals).

b. *Fats and oils.* (Paints, soap, varnishes, lacquers, printer's ink, cosmetics, pharmaceuticals).

c. *Grain and grain products, including dextrin, corn syrups, grain sugars, lactic acid, gluten, and low-grade wheat flour.* (Textiles, adhesives, leather, core binders, pharmaceuticals, nonbeverage alcohol).

d. *Molasses, including blackstrap and high-test, and potatoes.* (Non-beverage alcohol.)

e. *Spices.* (Cosmetics.)

f. *Starches.* (Adhesives, asbestos, textiles, explosives.)

g. *Sugars.* (Insecticides, plasticizing agents, adhesives.)

h. *Tartaric acid.* (Products used in photography, dyeing, textile printing.)

2. Commodities with specifically designated points of division of responsibility:

a. *Cotton lint and linters, hemp and flax fiber.* To be a responsibility of Agriculture until opening the bale for the purpose of processing in the mill in which it is opened. However, the responsibility of Agriculture shall extend to the delivery and distribution of soft types of cotton waste but shall not include control over the use of such waste in the mill producing it.

b. *Skim milk for casein.* To be a responsibility of Agriculture until it enters the precipitation process for manufacturing casein.

c. *Wool and mohair.* Agriculture shall be responsible for exercise of control over the delivery and distribution and inventories of wool and mohair (grease and scoured, shorn and pulled), except that inventories of scoured wool or scoured mohair held by manufacturers for their use in producing other products, whether by incorporation in to such products or otherwise, shall be controlled by Commerce. The responsibility of Agriculture shall extend to the delivery and distribution of noils but shall not include control over the use of noils in the mill producing them.

3. Commodities which are the sole responsibility of the designated Department:

a. *Ice.* To be a responsibility of Agriculture.

b. *Naval stores.* To be a responsibility of Commerce subject to prior consultation with Agriculture, provided that Agriculture has the responsibility for production of gum naval stores through the first processing of the gum.

c. *Tobacco and tobacco products.* To be a responsibility of Agriculture.

d. *Miscellaneous commodities.* Hides and leather, hair and bristles, feathers, soap, detergents, beeswax, pharmaceuticals (including medicines and vitamins), acetic acid, chemical leavening compounds (except as otherwise noted), salt—to be a responsibility of Commerce.

It is recognized that there may be needed for food use quantities of the commodities which, under this agreement, are the responsibility of Commerce, and that in connection with the production of some of these commodities raw materials may be needed which, under this agreement, are the responsibility of Agriculture. In cases of this kind and for other commodities which, for purposes of brevity, have not been mentioned in this list, cut-off points will be worked out as the need arises.

Part C: Explanatory Notes. This agreement deals only with food and agricultural commodities and products which involve industrial uses. The list of these commodities and products is not all-inclusive but it does cover the major items for which jurisdiction might become a problem. The agreement does not attempt to cover all relationships between the respective Departments.

Identification of basic point where responsibility is divided:

1. Commodities such as fats and oils, grain products, egg products, starch from all sources, spices, and tartaric acid are used for the manufacture of so many non-food or non-agricultural products that it seems impractical in a statement of policy to enumerate all of these products and to identify in each case the exact beginning process. Consequently, the principle for determining the respective jurisdiction of the two Departments in cases of this type is expressed broadly and supplemented by a few examples of non-food and non-agricultural products so as to clarify the application of the principle. These examples are not all-inclusive.

2. In determining the principle, consideration has been given wherever possible to the structure of the industry. The wet-milling industry, for example, is large and integrated and it is desirable that Agriculture have jurisdiction over the raw products while they are a part of this industry and until they enter the processes of other industries which result in their becoming non-food or non-agricultural products. As an illustration, corn starch for textile sizing would be under the jurisdiction of Agriculture while it is extracted from the corn and prepared for use by the textile industry. It would still be under the jurisdiction of Agriculture until it enters the textile manufacturing process which would be performed by a different industry and, in this case, a different plant.

3. In order to further clarify the dividing line on fats and oils, the following list shows major fats and oils and fat and oil products for which Agriculture has responsibility and the major products of fats and oils and products in the production of which fats and oils are used, which fall under the jurisdiction of Commerce:

a. *Fats and oils and edible fat and oil products under jurisdiction of Agriculture:*

i. *Animal and fish fats and oils:*

Cod oil.
Cod liver oil.
Dogfish oil.
Dogfish liver oil.
Fulachon oil.
Fatty acids.
Foots.
Herring oil.
Lard.
Marrow.
Menhaden oil.
Neat's-foot oil.
Oleic acid.
Oleo oil and oleo stearin.
Oleo stock.
Pilchard oil.
Sardine oil.
Salmon oil.
Seal oil.
Shark oil.
Shark liver oil.
Soap stocks.
Sod oil.
Stearic acids.
Swordfish liver oil.
Tallows and greases.
Tuna fish liver oil.
Whale oil.
Wool grease and lanolin.
Other animal fats and oils.
Other fish and marine fats and oils.
Other fish and marine liver oils.
Combinations and mixtures of animal and/or fish and/or marine oils, or any of them.

ii. *Vegetable fats and oils:*

Babassu nut oil.
Cashew nut oil and nut shell oil.
Castor oil.
Coconut oil.
Cocoa butter.
Cohune oil.
Corn oil.
Cottonseed oil.
Essential oils.
Fatty acids.
Hemp seed oil.
Kapok seed oil.
Lecithin.
Linseed oil.
Murumuru oil.
Mustard seed oil.
Oiticica oil.
Olive oil.
Ouricury oil.
Palm kernel oil.
Palm oil.
Peanut oil.
Perilla oil.
Poppy seed oil.
Rapeseed oil.
Safflower oil.
Sesame oil.
Soap stocks.
Soybean oil.
Stearic acids.
Sunflower seed oil.
Tallows and greases.
Tea seed oil.
Rubberseed oil.
Tucum oil.
Tung oil.
Other vegetable nut and seed fats and oils, not otherwise specified.
Combinations and mixtures of vegetable fats and oils, or any of them.

iii. Combinations and mixtures of animal, fish, marine, and vegetable nut and seed fats and oils, or any of them.

iv. Edible fat and oil products:

Cooking oil and compounds.
Lard compounds.
Margarine.
Salad oils.
Shortenings.
Other edible fat and oil products.

b. *Products of fats and oils and products in the production of which fats and*

oils are used, under the jurisdiction of Commerce:

Glycerine.
Paints, varnishes, lacquers.
Coated fabrics and floor coverings.
Soap.
Printer's ink.
Fatty alcohols, salts, gums.
Inedible products of fats and oils.

c. *Division of responsibility with regard to tall oil.* The production of tall oil shall be under the jurisdiction of Commerce and the distribution of tall oil shall be under the jurisdiction of Agriculture.

4. In the case of skim milk for casein, it is possible to identify more exactly the point at which responsibility is divided. Skim milk for casein would pass out of the jurisdiction of Agriculture when it enters the precipitation process.

5. Although it is provided that Commerce would be responsible for the overall allocation of all naval stores, it is recognized that Agriculture has, by reason of programs administered by it, a substantial interest in such allocations. Therefore, it is also provided that Commerce will consult with Agriculture in formulating policy in connection with any contemplated action in this field to insure to the extent possible the avoidance of conflict with programs administered by Agriculture. Agriculture will be responsible for the various functions relating to the production of gum naval stores until the gum is processed and the resultant rosin is in the drums ready for shipment and the turpentine is in bulk tanks. Commerce would be responsible for the production, distribution and processing of all wood naval stores.

6. While admittedly beyond the scope of Executive Order No. 10161, Agriculture is given jurisdiction over tobacco products. This assignment of responsibility reflects thinking on the part of tobacco specialists and apparent interests of the trade. However, salt, pharmaceuticals (including medicines and vitamines), hides and leather, and some other commodities and products named would be assigned to Commerce even though some of them have definite food implications.

In order to effectuate the provisions of this agreement, the parties hereto further agree to delegate to each other the requisite authority for the exercise of the allocation and priority functions vested in them in accordance with the understanding and agreement expressed herein.

PRODUCTION AND MARKETING ADMINISTRATION,
RALPH S. TRIGG,
Administrator.

MARCH 30, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

APRIL 13, 1951.

[F. R. Doc. 51-4577; Filed, Apr. 18, 1951; 8:49 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

FOODS WHICH HAVE INDUSTRIAL USES; MEMORANDUM OF AGREEMENT

CROSS REFERENCE: For memorandum of agreement concerning the respective allocation and priority responsibilities of the Department of Commerce and the Department of Agriculture in connection with foods which have industrial uses, see F. R. Doc. 51-4577 under Department of Agriculture, Production and Marketing Administration, *supra*.

[NPA Del. 7 is Amended Apr. 17, 1951]

DEL. 7—DELEGATION OF AUTHORITY TO DIRECTORS OF REGIONAL OFFICES AND MANAGERS OF DISTRICT OFFICES OF COMMERCE DEPARTMENT TO ADMINISTER NPA ORDER M-4

NPA Del. 7 is amended by redesignating the paragraphs and by adding a new paragraph 3.

Del. 7 as amended reads as follows:

1. Pursuant to the authority of section 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; Defense Production Administration Delegation 1, January 24, 1951; and U. S. Department of Commerce Order 123 as amended, the following administrative functions to be performed pursuant to NPA Order M-4 are delegated to the Directors of the Regional Offices of the U. S. Department of Commerce, and the Managers of the District Offices of the U. S. Department of Commerce, specified in List A of this delegation:

(a) To receive, consider, pass upon, and take action for and in the name of the National Production Authority upon, applications for an authorization to commence construction pursuant to section 6 of NPA Order M-4.

(b) To receive, consider, pass upon, and take action for and in the name of the National Production Authority upon, applications for adjustment and exception based upon unreasonable hardship pursuant to section 11 of NPA Order M-4.

(c) To receive, consider, pass upon, and take action for and in the name of the National Production Authority upon, applications for exemption where the prohibition of such construction would not be in the interest of the national defense pursuant to section 11 of NPA Order M-4.

2. Actions taken by a Regional Director or District Manager pursuant to this delegation shall be signed as follows:

National Production Authority
By ----------
(Name and Title)

3. Whenever the Regional Director or District Manager is absent from his office for a period longer than 3 days, he is authorized to delegate to the person placed in charge of the office during his absence the right to sign the name of the Regional Director or the District Manager to actions taken pursuant to this delegation.

This delegation as amended shall take effect on April 17, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

LIST A

REGIONAL OFFICES TO WHOSE DIRECTORS THIS DELEGATION EXTENDS

Region I—1800 Customhouse, Boston 9, Mass.
Region II—42 Broadway, New York 4, N. Y.
Region III—Jefferson Building, 1015 Chestnut Street, Philadelphia 6, Pa.
Region IV—Room 2, Mezzanine, 801 East Broad Street, Richmond 19, Va.
Region V—418 Atlanta National Building, 50 Whitehall Street SW., Atlanta 3, Ga.
Region VI—410 Union Commerce Building, 925 Euclid Avenue, Cleveland 14, Ohio.
Region VII—1150 McCormick Building, 332 South Michigan Avenue, Chicago 4, Ill.
Region VIII—338 Midland Bank Building, 401 Second Avenue South, Minneapolis 1, Minn.
Region IX—2400 Fidelity Building, 911 Walnut Street, Kansas City 6, Mo.
Region X—Room 1114, 1114 Commerce Street, Dallas 2, Tex.
Region XI—142 New Customhouse, Nineteenth and Stout Streets, Denver 2, Colo.
Region XII—306 Customhouse, 555 Battery Street, San Francisco 11, Calif.
Region XIII—809 Federal Office Building, 909 First Avenue, Seattle 4, Wash.

DISTRICT OFFICES TO WHOSE MANAGERS THIS DELEGATION EXTENDS

314 United States Appraisers' Stores Building, 103 South Gay Street, Baltimore 2, Md.
1038 Federal Building, 230 West Fort Street, Detroit 26, Mich.
Chamber of Commerce Building, 310 San Francisco Street, El Paso, Tex.
224 Post Office Building, 135 High Street, Hartford 1, Conn.
602 Federal Office Building, Houston 14, Tex.
425 Federal Building, 311 West Monroe Street, Jacksonville 1, Fla.
1546 United States Post Office and Court House, 312 North Spring Street, Los Angeles 12, Calif.
229 Federal Building, Memphis 3, Tenn.
947 Seybold Building, 36 Northeast First Street, Miami 32, Fla.
1508 Masonic Temple Building, 333 St. Charles Avenue, New Orleans, La.
1013 New Federal Building, 700 Grant Street, Pittsburgh 19, Pa.
217 Old United States Court House, 520 Southwest Morrison Street, Portland 4, Oreg.
327 Post Office Annex, Providence 3, R. I.
910 New Federal Building, 1114 Market Street, St. Louis 1, Mo.
508 Post Office Building, 350 South Main Street, Salt Lake City 1, Utah.
518 Bedell Building, 118 Broadway, San Antonio, Tex.
631 Federal Building, Louisville 2, Ky.

[F. R. Doc. 51-4623; Filed, Apr. 17, 1951; 1:51 p. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6350]

PUBLIC SERVICE COMMISSION OF MARYLAND ET AL.

NOTICE OF APPLICATION, COMPLAINT AND PETITION

APRIL 13, 1951.

Public Service Commission of Maryland v. Pennsylvania Water & Power Company, Susquehanna Transmission Company of Maryland, Safe Harbor Water Power Corporation, and Consolidated Gas Electric Light and Power Company of Baltimore; Docket No. E-6350.

Take notice that on April 10, 1951, the Public Service Commission of Maryland, pursuant to the Federal Power Act, filed its petition under section 10, its application under section 202 (a) and (b), and its complaint under section 207 in which it named the following parties: Consolidated Gas Electric Light and Power Company of Baltimore, Pennsylvania Water & Power Company, Susquehanna Transmission Company of Maryland, and Safe Harbor Water Power Corporation.

The Public Service Commission of Maryland prays that the Federal Power Commission take such action and issue such orders with respect to the Pennsylvania Water & Power Company and Safe Harbor Water Power Corporation hydroelectric plants on the Susquehanna River located at Holtwood and Safe Harbor, Pennsylvania, as may be necessary to assure development of the river for beneficial public uses; direct Pennsylvania Water & Power Company, Susquehanna Transmission Company of Maryland, and Safe Harbor Water Power Corporation to maintain the existing physical connections of their transmission facilities with each other and with Consolidated Gas Electric Light and Power Company of Baltimore in order that the economic operation of their facilities and the maximum integration of the resources of the river shall continue; issue orders to assure the Maryland public of the continued delivery of a fair portion of the energy generated on the river and to determine the proper service to be furnished by Pennsylvania Water & Power Company and Safe Harbor Water Power Corporation to Consolidated Gas Electric Light and Power Company of Baltimore; and issue orders to preserve to the public the economies heretofore achieved by the coordination of the facilities of the utilities listed above.

Any person desiring to be heard or make any response with reference to the application, complaint and petition should on or before May 13, 1951, file with the Federal Power Commission, Washington 25, D. C., an answer, petition or protest in accordance with the Commission's rules of practice and procedure. The application, complaint and petition is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4552; Filed, Apr. 18, 1951; 8:46 a. m.]

[Docket Nos. G-1210, G-1236, G-1264]

EUGENE H. COLE ET AL.

ORDER GRANTING REHEARING IN PART AND WAIVING INTERMEDIATE DECISION PROCEDURE

APRIL 12, 1951.

In the matters of Eugene H. Cole (Erie Gas Service Company, Inc.), Docket No. G-1210; Lake Shore Pipe Line Company, Docket No. G-1236; Grand River Gas Transmission Company, Docket No. G-1264.

Grand River Gas Transmission Company (Grand River) on March 14, 1951, filed a petition for rehearing with respect to the Commission's Opinion No. 205 and accompanying order issued February 15, 1951, in which the Commission granted Lake Shore Pipe Line Company (Lake Shore) a certificate of public convenience and necessity, subject to certain conditions, to acquire, construct and operate natural-gas transmission facilities to provide natural-gas service in the Northeastern Ohio area. In the same opinion and order, the Commission denied the mutually exclusive applications of Grand River and Eugene H. Cole (Erie Gas Service Company, Inc.) for such certificate and dismissed the motion filed on January 29, 1951, by Grand River to reopen these proceedings for the purpose of taking additional evidence.

Eugene H. Cole (Erie Gas Service Company, Inc.) (Erie) on March 19, 1951, filed an application for reconsideration and vacation, or in the alternative, for a rehearing and vacation of the Commission's Opinion No. 205 and accompanying order.

In its petition, Grand River requests the Commission to reverse or vacate its Opinion No. 205 and accompanying order, and thereafter either: (1) Award a certificate of public convenience and necessity to Grand River, or (2) reopen these proceedings for the purpose of receiving evidence now required to be submitted by ordering paragraphs A (j) to A (iv) of the present order, and evidence of additional market requirements in the Painesville-Fairport (Ohio) area arising since the date of the hearing herein.

In its application, Erie requests the Commission to reconsider and vacate its Opinion No. 205 and accompanying order and thereafter either: (1) Grant a certificate of public convenience and necessity to Erie or (2) reopen the proceedings for the purpose of taking further evidence with respect to the proposed acquisition and operation by Lake Shore of the old pipe line between Ashtabula and Fairport, Ohio, together with the other issues raised by Erie in its application for reconsideration.

In their respective filings, both Grand River and Erie allege errors and omissions in the opinion and accompanying order relating to questions of fact. They also allege errors of law.

Grand River contends, among other things, that while the Commission's Opinion No. 205 and accompanying order purport to be a final decision, it cannot properly be so considered. In support of this contention, Grand River cites the caption of the Commission's order issued December 6, 1950, in these proceedings, "requiring certification of the record for initial decision;" and section (8) (a) of the Administrative Procedure Act, 60 Stat. 237, 5 U. S. C. 1001. No exceptions to the opinion and accompanying order, however, were filed by any party prusuant to § 1.31 of the Commission's rules of practice and procedure (18 CFR 1.31). It also alleges that the so-called "90-day provisions" of the opinion and accompanying order—which require Lake Shore to conduct proper tests of the existing pipe line facilities proposed to be acquired and to submit to the Commission under oath within 90 days from the issuance of the order complete information with respect to the tests, together with a showing satisfactory to the Commission that the cost of service which appears in this record will not be appreciably increased as the result of such information—are contrary to due process of law and to the Administrative Procedure Act unless a full additional hearing is held thereunder.

Among Erie's contentions are that the so-called "90-day provisions" are contrary to provisions of the Natural Gas Act, particularly sections 7 (c) and 7 (e) thereof, and the intent of Congress at the time of the enactment of the act inasmuch as they negate the finding required by section 7 (e) that the applicant "is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the act and the requirements, rules, and regulations of the Commission thereunder."

Although it was our intention by the order issued on December 6, 1950, to require the certification of the record in these proceedings to us for final decision, the proper finding required by § 1.30 (c) (2) of our rules of practice and procedure was not made. However, the record in these proceedings showed and we now find that the public convenience and necessity required that natural-gas service be made available to the Northeastern Ohio area as soon as possible. Delay in reaching a decision in these proceedings would correspondingly have delayed the construction of the facilities proposed to the detriment of the public in the area. It was and is desirable and in the public interest that there be an end to these proceedings as soon as practicable in order that natural-gas service may be provided to the Northeastern Ohio area within the calendar year 1951 to meet that area's urgent need. In view of the foregoing, it is reasonable that we, upon our own motion pursuant to § 1.30 (c) (2) of the rules, omit the intermediate decision in the proceedings heretofore held.

Upon consideration of the petition for rehearing filed by Grand River and the application of Erie for reconsideration and vacation or in the alternative for a rehearing and vacation, and upon further consideration of the evidence and all matters of record, particularly our findings and order in Opinion No. 205 and accompanying order issued on February 15, 1951, the Commission further finds:

(1) No new facts have been presented or alleged and no new questions of law other than those stated above, have been presented by the various assignments of error by Grand River and Erie in their respective filings which were not fully considered by the Commission before it entered its Opinion No. 205 and accompanying order or which would justify a revision thereof.

(2) Good cause has been shown by both Erie and Grand River for the granting of their respective applications to the extent only that a rehearing should be held with respect to the following issues:

(i) Whether Lake Shore is able and willing properly to do the acts and to

perform the service proposed by means of the 27-year old pipeline extending from Ashtabula, Ohio, to Fairport, Ohio.

(ii) Whether such line is adequate to render the service proposed.

(iii) Whether the results of the tests required by the Commission to be made of such line show that Lake Shore's construction costs, rate base or cost of service will be higher than heretofore has appeared in the record.

(iv) In the event the results of the tests required by the Commission to be made of such line show that Lake Shore's construction costs, rate base or cost of service will be higher than heretofore has appeared in the record, whether the public convenience and necessity require the acquisition, construction and operation proposed by Lake Shore or the construction and operation proposed by Grand River or Erie.

(3) The applications of Grand River and Erie except to the extent herein granted should be denied.

(4) The Commission's Opinion No. 205 and accompanying order should be stayed, to the extent hereinafter provided.

(5) Due and timely execution of its functions imperatively and unavoidably required that the intermediate decision procedure in the proceedings already held in these consolidated dockets be omitted.

The Commission orders:

(A) A rehearing only on the issues enumerated in Finding No. 2 be and the same hereby is granted, such rehearing to be held at date and place to be fixed by the Commission.

(B) The petition of Grand River Gas Transmission Company for rehearing and the application of Eugene H. Cole (Erie Gas Service Company, Inc.) for reconsideration and vacation, or in the alternative, for a rehearing and vacation of the Commission's Opinion No. 205 and accompanying order, as to all matters other than those concerning which a rehearing is granted in paragraph (A) hereof, be and the same hereby are denied.

(C) The Commission's order accompanying Opinion No. 205, issued February 15, 1951, be and it is hereby stayed until further order of the Commission, except as to subsections (i) and (ii) of paragraph A.

(D) The intermediate decision in the proceedings herein already held is omitted in accordance with the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure (18 CFR 1.30 (c) (2)).

Date of issuance: April 13, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4551; Filed, Apr. 18, 1951; 8:46 a. m.]

[Docket No. G-1655]

ATHOL GAS CO.

NOTICE OF APPLICATION

APRIL 13, 1951.

Take notice that Athol Gas Company (Applicant), a Massachusetts corporation, with its principal place of business at Athol, Massachusetts, filed on April 5, 1951, an application pursuant to section 7 (a) of the Natural Gas Act, as amended, for an order of the Commission directing Northeastern Gas Transmission Company (Northeastern) to extend and to establish physical connection of its proposed transportation facilities, authorized by the Commission to be constructed and operated by Northeastern in Commission's Opinion No. 202 and accompanying order issued November 8, 1950, and to sell natural gas to Applicant.

Applicant is engaged in the business of manufacturing and distributing gas in the town of Athol, Massachusetts, by virtue of the acquisition on February 9, 1951, by Applicant of the gas properties of Athol Gas and Electric Company in connection with the separation of the latter's gas properties from its electric properties. Applicant serves approximately 1,654 customers in the Town of Athol only, which is in the territory proposed to be served by Northeastern in Docket No. G-1267 and Docket No. G-1568.

Applicant states that it is the contention of Northeastern that, although Athol Gas and Electric Company was among the companies Northeastern was authorized to serve in the Commission's Opinion No. 202 and accompanying order issued November 8, 1950, said order did not authorize any facilities with which to deliver gas to Athol.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4559; Filed, Apr 18, 1951; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26011]

ALUMINA, CALCINED, OR HYDRATED, FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO SOUTH AUGUSTA, GA.

APPLICATION FOR RELIEF

APRIL 16, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1167.

Commodities involved: Alumina, calcined or hydrated, carloads.

From: Baton Rouge and North Baton Rouge, La.

To: South Augusta, Ga.

Grounds for relief: Circuitous routes and competition with rail carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1167, Supp. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4570; Filed, Apr. 18, 1951; 8:48 a. m.]

[Ex Parte No. 175, Ex Parte No. 175 (Sub-No. 1)]

INCREASED FREIGHT RATES, 1951

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 13th day of April A. D. 1951.

1. A petition was filed with the Interstate Commerce Commission on January 16, 1951, by the railroads listed in Appendix I thereof, being substantially all the class I railroads in the United States and many railroads of other classes, which requests the Commission to institute an investigation into the adequacy of railway freight rates and charges of the petitioners, with the object of effecting general increases in freight rates and charges as set forth in Appendix II thereof; and also seeks permission to make such increased rates and charges effective at the earliest possible date, upon less than statutory notice; and prays for the entry of a general order modifying all outstanding orders of the Commission to the extent necessary to enable the railroads to make the proposed increased rates and charges effective, and also for the entry of appropriate orders under sections 4 and 6 of the Interstate Commerce Act. A subsequent amendment modified the petition in certain matters of detail.

On January 19, 1951, the petitioners filed a "Motion for Immediate Increase in Freight Rates and Charges on an Interim Basis," which sought authority to put the increased freight rates and charges described into effect on an interim basis, on short notice, pending final determination of the proceeding. Other carriers concurred in the motion. After hearing, the Commission on March 12, 1951, sustained the motion in part, and, by its report and orders, authorized certain increases to be made by the petitioners and other carriers, parties to the proceeding. Tariff publications were filed by petitioners pursuant to the orders of the Commission.

By a "Petition of Railroads to Supplement and Amend Their Original Petition", filed with the Commission on March 28, 1951, the carriers named in Appendix B thereto asked leave to supplement and further amend their original petition, so as to seek authority to make effective much greater increases in their rates and charges than originally sought. By order April 12, 1951, leave to amend the petition was granted by the Commission, and the scope of the investigation under the above caption is understood to include such amended petition and any similar amended petitions that may be filed by interveners.

2. The proceeding has been assigned for further hearing at the offices of the Commission in Washington, D. C., commencing at 9:30 o'clock a. m., May 14, 1951. The Commission contemplates that at such hearing testimony will be produced on behalf of the petitioners and others in their behalf, and also testimony of a general or national character on the part of any party. Testimony will also be received with respect to particular commodities by parties who are prepared to proceed at that time. It is contemplated that additional hearings will be scheduled to be held as the progress of the proceeding indicates to be necessary or desirable.

3. Upon the further hearing, all matters of evidence already received will be considered as part of the record, and need not be reintroduced or duplicated.

4. For the orderly and convenient conduct of the proceeding: *It is ordered*, That in addition to the general rules of practice before the Commission, the appended special instructions and rules of procedure shall be followed.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

APPENDIX—SPECIAL RULES OF PROCEDURE AND INSTRUCTIONS GOVERNING THE FURTHER HEARING

Interventions. Petitions of intervention by carriers, other than the petitioners, seeking similar relief should comply with the general rules of practice, Rule 72. It is not necessary for carriers which have already intervened to ask similar relief to that sought in the petition (as initially amended), to refile or amend their petitions unless other relief is asked.

Persons appearing in opposition to the petition herein, or in opposition to similar petitions of carriers other than those filing the original petition, will be considered as protestants, and may be heard without the filing of petitions of intervention.

Simplification of presentations. To conserve time and avoid expense, it is strongly urged that persons with common interests in the proceeding shall, to the greatest extent possible, endeavor to consolidate their presentation of testimony, and arrange for cross-examination by as few counsel as possible.

Evidence offered should be prepared carefully with conciseness and clarity, and so as to avoid extraneous, immaterial, and irrelevent matter, and undue cumulation of testimony or of witnesses upon any point. It should be factual in character, and argument should be reserved for the oral argument stage, and not be incorporated in the testimony.

Basic data of a voluminous character should not be submitted in evidence if it is possible to make it available for inspection by other parties, for instance, by temporarily lodging it with the Commission.

Exhibits. In the preparation of exhibits, Rules of Practice 81 to 84, inclusive, should be followed. If possible, all documents to be submitted by a witness should be embraced in a single exhibit, with pages consecutively numbered, suitably bound together. In order to supply the State Commissioners, members of this Commission, and counsel in the proceeding, at least 250 copies of each exhibit should be prepared. So far as possible exhibits should be made self-explanatory, in order to minimize the amount of time required for explanation by oral testimony.

Use of portions of record made in other proceedings. Parties desiring to present for the record a portion of the record in any other proceeding before the Commission should comply with Rule 82 of the general rules of practice.

Stipulation as to use of Commission's records, and other data. The petitioners have stipulated and agreed in writing, for all purposes in the proceeding, various documents filed with or issued by the Commission may be noticed and considered by it. That stipulation is considered as in force throughout this proceeding. The documents were described in the Appendix to the Special Rules of Procedure upon the hearing of the motion for interim relief, January 24, 1951, to which reference is made for particularity.

Prepared statements. Witnesses who expect in the course of their oral testimony to read from a written statement should comply with Rule 77 of the rules of practice. They should have sufficient copies thereof to supply opposing counsel present, the presiding officers and the official reporter. Such written statements should be furnished counsel a reasonable time before the appearance of the witness on the stand. To conserve time, it is suggested that such statements be prepared and offered in the manner indicated in the paragraph below, relating to verified statements, instead of being submitted orally by a witness on the stand.

Witnesses who will use prepared statements should remember that extensive tabular matter should be submitted separately, as an exhibit. Extensive tabular matter cannot be copied into the transcript of oral testimony.

Verified statements (affidavits). Evidence in the form of verified statements (affidavits) without personal appearance of the affiant as a witness may be received in the absence of objection, as hereinafter specified.

The Commission desires for its own use 20 copies of each verified statement, with accompanying exhibit or exhibits firmly attached. Copies for the Commission should be filed with the Secretary of the Commission by the dates herein stated. Verified statements of evidence in chief on behalf of petitioners and parties in support of petitioners should be filed on or before April 30, 1951. Evidence on behalf of protestants (parties other than respondents) should be filed with the Commission at or before the opening of the hearing.

Parties other than petitioners should also furnish 75 copies of each verified statement to E. H. Burgess, B. & O. Building, Baltimore, 1, Md., for distribution by him to the petitioners in the three rate territories, and should furnish 5 copies to W. S. Jermain, 140 Cedar Street, New York 6, N. Y., for the use of the steamship lines, petitioners in Sub-No. 1, and should furnish 20 copies to Giles Morrow, 1220 Dupont Circle Building, Washington 6, D. C., for the use of the freight forwarders, interveners on behalf of the petitioners and themselves. In addition, the petitioners and all other parties should be prepared with a sufficient number of copies for general distribution of verified statements to counsel present at the hearing.

Verified statements received will be open to public inspection promptly upon filing, at the office of the Commission in Washington, D. C.

Notice of objections to the receipt in evidence of any verified statement should be filed with the Commission and a copy be given to the affiant promptly, and if not so given, it will be considered that objection is waived. But objection to the weight to be accorded the statement of facts is reserved.

If cross-examination of a witness is desired by any party, written request therefor must be given to the Commission or to the witness or his attorney as promptly as circumstances permit, and in time to enable the witness to reach Washington not later than the third day of the hearing, otherwise the privilege of cross-examination will be deemed to be waived.

Witnesses receiving such notice of desire for cross-examination must report at the hearing, or their verified statements cannot be received.

Verified statements should conform to the rules of practice in respect of style, mimeographing or printing, etc. They should be limited strictly to statements of fact, and contain no argument, and if not so limited may be excluded. The Commission on its own motion or on objection may exclude a verified statement or any portion thereof which (a) is not material or relevant to the questions presented in this proceeding, (b) is obviously incompetent, or (c) is argumentative in character. If the affiant is produced and gives oral testimony at the hearing, in the discretion of the Commission the verified statement may be excluded. In the absence of objection to introduction of the verified statement it will be unnecessary for the affiant to appear personally at the hearing.

All verified statements previously or hereafter received in evidence will be part of the record in the proceeding, upon which the Commission will base its decision.

Notice of intention to produce testimony. Persons who desire to be heard will facilitate necessary arrangements by sending notice of their intention by letter or telegram to the Commission at Washington, so as to reach the Commission before May 8, 1951, which shall state the number of witnesses, and the approximate amount of time considered necessary for presentation of direct testimony.

Correspondence. Correspondence relative to this matter should be addressed to the Interstate Commerce Commission at Washington 25, D. C., and not to a particular Commissioner, with a reference to the docket number, Ex Parte No. 175 or Ex Parte No. 175 (Sub-No. 1) or both, as the case may be.

[F. R. Doc. 51-4572; Filed, Apr. 18, 1951; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

F. M. ANDREWS ET AL.

MEMORANDUM OPINION AND ORDER REVOKING REGISTRATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of April A. D. 1951.

In the matter of F. M. Andrews, 258 Merchant Street, Abilene, Texas; Owen R. Cafferkey, 806 Ratcliffe Avenue, Shreveport Louisiana; W. H. Carraher, 218 East Third Street, Wichita, Kansas; Lum Clay d/b/a Clay Investment Company, 240 Key Building, Oklahoma City, Oklahoma; J. F. Colley, 660 First National Building, El Paso, Texas; L. B. Embrey, Rex Hotel, Shreveport, Louisi-

ana; John C. McKeel, 625 Northwest Eighteenth Street, Oklahoma City, Oklahoma; Floyd S. Nelson d/b/a Floyd S. Nelson & Company, 606 Southwestern Life Building, Dallas, Texas.

These are proceedings pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("the act") to determine whether the registrants named above, each of whom is registered as a broker and dealer or as a dealer only, willfully violated section 17 (a) of the act and Rule X-17A-5 thereunder and, if so, whether it is in the public interest to revoke their registrations.[1]

The proceedings were instituted by separate notices and orders for hearing issued on January 12, 1951. On the same day copies of the notices and orders were sent by registered mail to the addresses last furnished us by the registrants. These registered notices were returned to us by the Post Office Department with notations indicating that the registrants could not be found at the addresses given.[2]

On November 28, 1942, we promulgated Rule X-17A-5 under section 17 (a) of the act, which provides, among other things, that every registered broker or dealer must file with this Commission a report of financial condition during each calendar year commencing with the year 1943. Promulgation of the rule was announced by publication in the FEDERAL REGISTER, by release to the press, and by distribution to persons on our mailing list.

The registrants of the registrants became effective prior to 1943, and have not been withdrawn, cancelled, revoked or suspended. Our records show that none of the registrants filed the required reports during any year from 1943 through 1949.

Upon review of the records in these proceedings we have concluded that each of the registrants violated section 17 (a) of the act and Rule X-17A-5 thereunder as a result of his failure to file such reports. We conclude also that such violations were willful within the meaning of section 15 (b).[3]

We conclude, on the basis of the foregoing, that it is necessary in the public interest to revoke the registration of each of the registrants. However, in view of the fact that our records do not show whether any of them actually received personal notice of the scheduled hearings, and to avoid any possible prejudice to them, our order will provide that the revocation of registrations be without prejudice to a motion on the part of any registrant to reopen the proceedings and to seek, upon a proper showing, to set aside the order of revocation applicable to said registrant.[4]

Accordingly it is ordered, That the registrations of F. M. Andrews, Owen R. Cafferkey, W. H. Carraher, Lum Clay, doing business as Clay Investment Company, J. F. Colley, L. B. Embrey, John C. McKeel and Floyd S. Nelson, doing business as Floyd S. Nelson & Company, be, and they hereby are, revoked without prejudice to a motion by any of the said registrants to reopen the record in the proceeding and, upon a proper showing, to set aside the order of revocation applicable to said registrant.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4556; Filed, Apr. 18, 1951; 8:46 a. m.]

[File No. 54-192]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of April A. D. 1951.

Bartholomew A. Brickley, Trustee of International Hydro-Electric System ("IHES"), a registered holding company, having filed on March 26, 1951, an application pursuant to section 11 (d) of the Public Utility Holding Company Act of 1935 ("the act") seeking authorization to make quarterly payments of 87½ cents per share to the holders of the Convertible $3.50 Series of Preferred Stock of IHES, pending determination of plans and proposals now before the Commission for compliance with the Commission's order of July 21, 1942, for the liquidation and dissolution of IHES; and

The Commission having on March 26, 1951, issued a notice of filing of said application, fixing April 9, 1951, as the last day for the filing of objections to the granting thereof; and

Paul H. Todd and B. W. Simpson, Class A stockholders, and the Class A Stockholders Protective Committee of IHES having filed objections to the granting of said application and having requested that a hearing be held with respect thereto; and

The Commission deeming it appropriate that a hearing be held:

It is ordered, That a hearing on said application be held on the 26th day of April 1951 at 10 o'clock a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 193 will designate the room in which such hearing will be held.

It is further ordered, That Harold B. Teegarden, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the application and the objections filed thereto and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether it is fair and equitable to the other security holders of IHES to make such payments to the preferred stockholders;

(2) Whether the granting of the Trustee's application is compatible with expeditious compliance with the Commission's order for the liquidation and dissolution of IHES.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Bartholomew A. Brickley, Trustee, and to all other persons who have entered their appearance in behalf of preferred or Class A stockholders of IHES in this proceeding or in the reorganization proceeding, File No. 54-164, or to their several attorneys of record, and that notice be given to all other persons by publication of a copy of this notice and order in the FEDERAL REGISTER, and by general release of the Commission distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4557; Filed, Apr. 18, 1951; 8:46 a. m.]

[File No. 2415]

NATIONAL FUEL GAS CO. ET AL.

SUPPLEMENTAL ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of April, A. D. 1951.

In the matter of National Fuel Gas Company, United Natural Gas Company, Ridgeway Natural Gas Company, St. Marys Natural Gas Company, Smethport Natural Gas Company, Mercer County Gas Company; File No. 70-2415.

By interim order dated June 30, 1950 (Holding Company Act Release No. 9956) this Commission granted and permitted to become effective, in part, a joint application-declaration filed by National Fuel Gas Company ("National"), a registered holding company, and its subsidiaries, United Natural Gas Company ("United"), Ridgeway Natural Gas Company ("Ridgeway"), St. Marys Natural Gas Company ("St. Marys"), Smethport Natural Gas Company ("Smethport") and Mercer County Gas Company ("Mercer"); and

Said interim order of the Commission permitted consummation of the following transactions as steps preliminary to the consolidation and merger of all of the applicants-declarants other than National, i. e., (i) the payment by Mercer and the receipt by National of a dividend of $3,707.48 constituting Mercer's "paid in" surplus; and (ii) the sale by National and the repurchase by Ridgeway, St. Marys and Smethport of 8,300, 3,550 and 1,200 shares, respectively, of their common stock; and

Said interim order reserved jurisdiction over all other aspects of the proposed transactions, including the exchange by National of the balance of the common stocks of the merging companies for new common stock of United and the proposed consolidation and merger which was subject to the approval of the Public Utility Commission of Pennsylvania and which approval had not then been obtained; and

The applicants-declarants having filed, as a further amendment in these proceedings, a copy of an order of the Public Utility Commission of Pennsylvania dated March 19, 1951, approving said consolidation and merger, and applicants-declarants having requested the Commission to enter its supplemental order granting and permitting the joint application-declaration to become effective for all purposes as soon as possible; and

The Commission finding that the requirements of the applicable provisions of the act are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration be granted and permitted to become effective with respect to all the transactions proposed:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4554; Filed, Apr. 18, 1951; 8:46 a. m.]

[File No. 70-2598]

NEW ENGLAND GAS AND ELECTRIC ASSN. AND ALGONQUIN GAS TRANSMISSION CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 13th day of April A. D. 1951.

New England Gas and Electric Association ("Negea"), a registered holding company, and one of its subsidiaries, Algonquin Gas Transmission Company ("Algonquin"), having filed a joint application-declaration and amendments thereto pursuant to sections 6 (b), 7, 9 (a), 10 and 12 of the Public Utility Holding Company Act of 1935 ("the act") and Rule U-43 promulgated thereunder with respect to the following proposed transactions:

Algonquin proposes to issue and sell not more than 77,500 additional shares of its $100 par value common stock by means of an offering to its stockholders, pursuant to preemptive rights, at a price of $100 per share, and under an arrangement which would permit Algonquin to receive the consideration from its accepting stockholders in the form of temporary, noninterest bearing advances on open account, to be subsequently converted into such common stock.

Negea proposes to acquire such number of shares of Algonquin's common stock as will increase the investment of Negea in such stock to an amount not exceeding $3,000,000, but in no event representing, in the aggregate, more than 37½ percent of Algonquin's presently authorized 100,000 shares of common stock.

The Commission having issued a notice of filing pursuant to Rule U-23 which directed that any interested person might, not later than April 11, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert; and

A request for a hearing having been received on behalf of certain unnamed persons who are said to hold in excess of 500 common shares of Negea; and

The Commission having considered such request and not deeming it appropriate in the public interest or the interest of investors and consumers to issue an order for a hearing on said application-declaration; and

The Commission finding with respect to this application-declaration, as amended, that all of the applicable statutory standards are satisfied and that there is no basis for any adverse findings, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective forthwith:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the request for a hearing be, and the same hereby is, denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4555; Filed, Apr. 18, 1951; 8:46 a. m.]

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[1] Section 15 (b) provides in part: "The Commission shall, after appropriate notice and opportunity for hearing, by order • • • revoke the registration of any broker or dealer if it finds that such • • • revocation is in the public interest and that (1) such broker or dealer • • • (D) has willfully violated any provision • • • of this title, or of any rule or regulation thereunder.

[2] Our orders and notices instituting these proceedings provided that the same be published in the FEDERAL REGISTER not later than 15 days prior to February 15, 1951. Pursuant to this provision the orders and notices were published in the FEDERAL REGISTER of January 18, 1951. 16 F. R. 479-483.

[3] Sidney Ascher, — S. E. C. — (1950), Securities Exchange Act Release No. 4474.

[4] Ibid.

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17602]

CREDIT SUISSE

In re: Accounts maintained in the name of Credit Suisse, Lausanne, Switzerland, and owned by persons whose names are unknown. F-63-60 (Lausanne).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts, excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as

nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON.
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Credit Suisse Lausanne, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
1. Bankers Trust Co. 16 Wall St., New York, N. Y.	(a) Custodian cash account, (b) Custodian cash account general ruling No. 6 account, and (c) miscellaneous stocks; as described by the Bankers Trust Co. in its report on form OAP-700, bearing its serial No. CC 21.
2. Guaranty Trust Co. of New York, 140 Broadway, New York 15, N. Y.	(a) Deposit account Credit Suisse general ruling No. 6 account Case St., Francois No. 1152, Lausanne, Switzerland, as described by Guaranty Trust Co. of New York in its report on form OAP-700, bearing its serial No. BB 152; (b) Miscellaneous portfolio of stocks and bonds a/c XC-4651, as described by Guaranty Trust Co. of New York in its report on form OAP-700, bearing its serial No. CU 0017.
3. The National City Bank of New York, 55 Wall St., New York 5, N. Y.	(a) Current account, as described by The National City Bank of New York in its report on form OAP-700, bearing its serial No. 0057; (b) Miscellaneous portfolio of stocks, as described by The National City Bank of New York in its report on form OAP-700, bearing its serial No. B 20.
4. Credit Suisse, New York Agency, 20 Pine St., New York 5, N. Y.	(a) Current account, (b) blocked general ruling No. 5 account, (c) blocked general ruling No. 6 account, and (d) Miscellaneous portfolio of bonds; as described by Credit Suisse New York Agency in its report on form OAP-700, bearing its serial No. 22.

[F. R. Doc. 51-4586; Filed, Apr. 18, 1951; 8:51 a. m.]

[Vesting Order 17591]

DR. LUDWIG RIECHELMANN ET AL.

In re: Securities owned by and debts owing to Dr. Ludwig Riechelmann and others. F-28-31094.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons, whose names and addresses are as follows:

Names and Addresses

Dr. Ludwig Riechelmann, Gotha, Germany.
Max Welz, Frankfort-on-Main, Germany.
Rudolph Kaul, Cologne, Germany.
F. Anton Mettel, Minden, Westphalia, Germany.
Anna Knoetzke, Berlin, N. W., Germany.
Fritz Ortenbach and Sophie Ortenbach, Heidelberg, Germany.
Karl Erich Dubuse, Elfel, Germany.
Johann Peter Arns, Remscheid, Germany.
Oskar de Roche, Wiesbaden, Germany.
Dr. Max Ott, Winsen on the Aller, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Simon Roos, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the personal representatives, heirs, next of kin, legatees and distributees of Otto Knoetzke, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

4. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Hallgarten & Co., presently in the custody of Hallgarten & Co., 44 Wall Street, New York, New York, and constituting a portion of the securities held by said Hallgarten & Co., in an account entitled "Banque Commerciale, S. A.", together with all declared and unpaid dividends thereon,

b. Those certain shares of stock, described in Exhibit B, attached hereto and by reference made a part hereof, registered in the name of Wertheim & Co., presently in the custody of Wertheim & Co., 120 Broadway, New York, New York, and constituting a portion of the securities held by said Wertheim & Co., in a blocked account entitled "Banque Commerciale, S. A., Luxembourg", together with all declared and unpaid dividends thereon,

c. Those certain bonds, in bearer form, described in Exhibit C, attached hereto and by reference made a part hereof, presently in the custody of Hallgarten & Co., 44 Wall Street, New York, New York, and constituting a portion of the securities held by said Hallgarten & Co., in an account entitled "Banque Commerciale, S. A.", together with any and all rights thereunder and thereto,

d. Twenty-three (23) shares of $5.00 par value common stock of Crown Central Petroleum Corp., American Building, Baltimore, Maryland, a corporation organized under the laws of the State of Maryland, being a part of those shares evidenced by certificate numbered C 09037 for 73 shares of the above described stock, registered in the name of Hallgarten & Co., and presently held by Hallgarten & Co., 44 Wall Street, New York, New York, in an account entitled "Banque Commerciale, S. A.", together with all declared and unpaid dividends thereon,

e. Forty-six (46) shares of $100.00 par value common stock of Texas & Pacific Railroad Company, Dallas, Texas, being a part of those shares evidenced by a certificate numbered F 19505 for 59 shares of the above-described stock, registered in the name of Hallgarten & Co., and presently held by Hallgarten & Co., 44 Wall Street, New York, New York, in an account entitled "Banque Commerciale, S. A.", together with all declared and unpaid dividends thereon,

f. Seventy-three (73) shares of common capital stock of Atlas Corporation, 33 Pine Street, New York, New York, a corporation organized under the laws of the State of Delaware, being a part of those shares evidenced by a certificate numbered C 47376 for 100 shares of the above-described stock, registered in the name of Hallgarten & Co., and presently held by Hallgarten & Co., 44 Wall Street, New York, New York, in an account entitled "Banque Commerciale, S. A.", together with all declared and unpaid dividends thereon,

g. Seventy and sixty one-hundredths ($70^{60}/_{100}$) shares of $15 par value common stock of Socony Vacuum Oil Co., Inc., 26 Broadway, New York, New York, a corporation organized under the laws of the State of New York, being a part of those shares evidenced by a certificate numbered NYB 406020 for 100 shares of the above-described stock, registered in the name of Hallgarten & Co., and presently held by Hallgarten & Co., 44 Wall Street, New York, New York, in an account entitled "Banque Commerciale, S. A.", together with all declared and unpaid dividends thereon,

h. Forty-five and one hundred eighty two-hundredths ($45^{180}/_{200}$) shares of $25 par value capital stock of Standard Oil Company of New Jersey, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, being a part of those shares evidenced by a certificate numbered GC 914112 for 54 shares of the above-described stock, registered in the name of Hallgarten & Co., and presently held by Hallgarten & Co., 44 Wall Street, New York, New York, in an account entitled "Banque Commerciale, S. A.", together with all declared and unpaid dividends thereon,

i. Seven and one hundred twenty-five two-hundredths ($7^{125}/_{200}$) shares of $25 par value capital stock of The Texas Company, 135 E. 42d Street, New York, New York, a corporation organized under the laws of Delaware, being a part of those shares evidenced by a certificate numbered TO 332633 for 10 shares of the above-described stock, registered in the name of Hallgarten & Co., and presently held by Hallgarten & Co., 44 Wall Street, New York, New York, in an account entitled "Banque Commerciale, S. A.", together with all declared and unpaid dividends thereon,

j. Twenty-seven (27) shares of $5.00 Dividend Convertible Preferred stock no par value of Gillette Safety Razor Company, 15 W. 1st Street, Boston, Massachusetts, a corporation organized under the laws of the State of Delaware, being a part of those shares evidenced by a certificate numbered NPO 45004 for 32 shares of the above-described stock, registered in the name of Hallgarten & Co., and presently held by Hallgarten & Co., 44 Wall Street, New York, New York, in an account entitled "Banque Commerciale, S. A.", together with all declared and unpaid dividends thereon,

k. Forty-six (46) shares of $10 par value common capital stock of General Motors Corporation, 3044 W. Grand Blvd., Detroit, Michigan, a corporation organized under the laws of the State of Delaware, being a part of those shares evidenced by a certificate numbered G 104371 for 98 shares of the above-described stock, registered in the name of Hallgarten & Co., and presently held by Hallgarten & Co., 44 Wall Street, New York, New York, in an account entitled "Banque Commerciale, S. A.", together with all declared and unpaid dividends thereon,

l. Thirty-six (36) shares of no par value common stock of International Nickel Company of Canada, Ltd., Copper Cliffs, Ontario, Canada, being a part of those shares evidenced by a certificate numbered NA 420556 for 100 shares of the above-described stock, registered in the name of Hallgarten & Co., and presently held by Hallgarten & Co., 44 Wall Street, New York, New York, in an account entitled "Banque Commerciale, S. A.", together with all declared and unpaid dividends thereon,

m. Forty-six (46) shares of no par value capital stock of Kennecott Copper Corporation, 120 Broadway, New York, New York, a corporation organized under the laws of the State of New York, being a part of those shares evidenced by a certificate numbered C 355473 for 100 shares of the above-described stock, registered in the name of Hallgarten & Co., and presently held by Hallgarten & Co., 44 Wall Street, New York, New York, in an account entitled "Banque Commerciale, S. A.", together with all declared and unpaid dividends thereon,

n. Twenty (20) shares of no par value common stock of Wheeling Steel Corporation, Wheeling, West Virginia, a corporation organized under the laws of the State of Delaware, being a part of those shares evidenced by a certificate numbered NCO 42212 for 58 shares of the above-described stock, registered in the name of Hallgarten & Co., and presently held by Hallgarten & Co., 44 Wall Street, New York, New York, in an account entitled "Banque Commerciale, S. A.", together with all declared and unpaid dividends thereon,

o. Nine (9) shares of $20 par value capital stock of Detroit Edison Company, 60 Broadway, New York, New York, a corporation organized under the laws of the State of New York, being a part of those shares evidenced by a certificate numbered 35112 for 10 shares of the above-described stock, registered in the name of Wertheim & Co., and presently held by Wertheim & Co., 120 Broadway, New York, New York, in an account entitled "Banque commerciale, S. A.", together with all declared and unpaid dividends thereon,

p. One (1) share of $8.75 par value common stock of the Kansas Power & Light Co., 808 Kansas Avenue, Topeka, Kansas, a corporation organized under the laws of the State of Kansas, being a part of those shares evidenced by a certificate numbered 73640 for five (5) shares of the above-described stock, registered in the name of Wertheim & Co., and presently held by Wertheim & Co., 120 Broadway, New York, New York, in an account entitled "Banque Commerciale, S. A.", together with all declared and unpaid dividends thereon,

q. Four (4) shares of no par value common stock of West Kentucky Coal Company, 444 S. Main Street, Madisonville, Kentucky, a corporation organized under the laws of the State of New Jersey, being a part of those shares evidenced by a certificate numbered 42952 for 36 shares of the above described stock, registered in the name of Wertheim & Co., and presently held by Wertheim & Co., 120 Broadway, New York, New York, in an account entitled "Banque Commerciale, S. A.", together with all declared and unpaid dividends thereon,

r. Five (5) Canadian Pacific Railroad Company, perpetual 4 percent consolidated debenture bonds, each of $1,000 face value, numbered 25692, 36262, 77959, 26940 and 16563, respectively, in bearer form, presently held by Wertheim & Co., 120 Broadway, New York, New York, in an account entitled "Banque Commerciale, S. A.", together with any and all rights thereunder and thereto, and

s. Cash in the sum of $4,000 representing the redemption value of Republic of Argentine 4 percent Bonds, bearing certificate numbers M 25261, M 49553, M 63038 and M 25262, series due February 15, 1972, presently held by Hallgarten & Co., 44 Wall Street, New York, New York, in an account entitled "Banque Commerciale, S. A.", together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Dr. Ludwig Riechelmann, Max Welz, Rudolph Kaul, F. Anton Mettel, Anna Knoetzke, Fritz Ortenbach, Sophie Ortenbach, Karl Erich Dubuso, Johann Peter Arns, Oskar de Roche, the personal representatives, heirs, next of kin, legatees and distributees of Simon Roos, deceased, and the personal representatives, heirs, next of kin, legatees and distributees of Otto Knoetzke, deceased, the aforesaid nationals of a designated enemy country (Germany);

5. That the property described as follows:

a. Fifty (50) shares of capital stock of The Pennsylvania Railroad Company, 380 Seventh Avenue, New York, New York, a corporation organized under the laws of the State of Pennsylvania, evidenced by certificate numbered F-12971, registered in the name of Hallgarten & Co., and presently held by Hallgarten & Co., 44 Wall Street, New York, New York, in an account entitled "Banque Commerciale, S. A.", together with any and all declared and unpaid dividends thereon,

b. Three (3) Illinois Central Railroad Company 5 percent Joint First Refunding Gold Bonds, Series A and B, due 1963, of $1,000 face value each, numbered 46926, 46927 and 46932, in bearer form, presently held by Wertheim Co., 120 Broadway, New York, New York, in an account entitled "Banque Commerciale, S. A.," together with any and all rights thereunder and thereto,

c. Two (2) Southern Railway Company 4 percent Development and General Gold Bonds, Series A, due 1956, of $1,000 face value each, numbered 52379 and 58296, respectively, in bearer form, presently held by Wertheim & Co., 120 Broadway, New York, New York, in an account entitled "Banque Commerciale, S. A.," together with any and all rights thereunder and thereto,

d. Two (2) Republic of Uruguay 3¾ percent External Readjustment Bonds of November 1, 1937, due May 1, 1979, of $1,000 face value each, numbered 4573 and 4574, respectively, in bearer form, presently held by Wertheim & Co., 120 Broadway, New York, New York, in an account entitled "Banque Commerciale, S. A.", together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Dr. Max Ott, the aforesaid national of a designated enemy country (Germany);

6. That the property described as follows:

a. That certain debt or other obligation of Wertheim & Co., 120 Broadway, New York, New York, in the amount of $20,000.00, as of June 29, 1950, representing a portion of the sum of money on deposit with the aforesaid company, in a blocked account, entitled "Banque Commerciale, S. A.", maintained at the aforesaid Wertheim & Co., and any and all accruals thereto, constituting income from and accumulations on the securities described in the aforesaid Exhibit B, subparagraphs 4–o through 4–r, inclusive, and subparagraphs 5–b through 5–d, inclusive, hereof, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of Hallgarten & Co., 44 Wall Street, New York, New York, in the amount of $30,000.00, as of June 29, 1950, representing a portion of the sum of money on deposit with the aforesaid company, in a blocked account, entitled "Banque Commerciale, S. A.", maintained at the aforesaid Hallgarten & Co., and any and all accruals thereto, constituting income from and accumulations on the securities described in the aforesaid Exhibits A and C, subparagraphs 4–d through 4–n, inclusive, and subparagraphs 5–a hereof, and any and all rights to demand, enforce and collect the same, and

c. That certain debt on other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in the amount of $23,117.12, as of June 29, 1950, representing a portion of the sum of money on deposit with the aforesaid company, in a blocked account, entitled "Banque Commerciale, S. A., Blocked Account, Custody Cash Account XC-19031," maintained at the aforesaid company, and any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Dr. Ludwig Riechelmann, Max Welz, Rudolph Kaul, F. Anton Mettel, Anna Knoetzke, Fritz Ortenbach, Sophie Ortenbach, Karl Erich Dubuso, Johann Peter Arns, Oskar de Roche, Dr. Max Ott, the personal representatives, heirs, next of kin, legatees and distributees of Simon Roos, deceased, and the personal represntatives, heirs, next of kin, legatees and distributees of Otto Knoetzke, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

7. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

8. That to the extent that the personal representatives, heirs, next of kin, legatees, and distributees of Simon Roos, deceased, referred to in subparagraph 2 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany); and

9. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Otto Knoetzke, deceased, referred to in subparagraph 3 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of issuing corporation	State of incorporation	Type of stock	Number of shares	Certificate Nos.
Florida Power & Light Co., 25 Southeast 2d Ave., Miami, Fla.	Florida	Capital	11	013665
Minnesota Power & Light Co., Duluth, Minn.	Minnesota	Common	3	N010480
Montana Power Co., Butte, Mont.	New Jersey	do	11	N012783
Texas Utilities Co., 1506 Commerce St., Dallas, Tex.	Texas	do	20	N014200
American International Corp., 40 Wall St., New York, N. Y.	New York	do	16	C024624
			74	24119
American Power & Light Co., 2 Rector St., New York, N. Y.	Maine	Capital	11	09914
Colgate-Palmolive-Peet Co., 105 Hudson St., Jersey City, N. J.	Delaware	Common	27	NC0122708
			19	NC0124228
General Electric Co., 1 River Rd., Schenectady, N. Y.	New York	do	37	NYE688127
			8	NYE732273
International Paper Co., 220 East 42d St., New York 17, N. Y.	do	do	100	N41170
			58	N010808
Montgomery Ward & Co., 619 West Chicago Ave., Chicago, Ill.	Illinois	do	37	NC0748392
Phillips Petroleum Co., 80 Broadway, New York 5, N. Y.	Delaware	do	37	0574264
			30	6648744
Phelps Dodge Corp., 40 Wall St., New York 5, N. Y.	New York	Capital	38	0220401
			8	0209681
Shell Oil Co. (formerly Shell Union Oil Corp.), 50 West 50th St., New York 20, N. Y.	Delaware	Common	45	NY0375171
Ohio Edison Co., Akron, Ohio	Ohio	do	3	N47418
Southern Co., 20 Pine St., New York, N. Y.	Delaware	do	16	N063059
United States Steel Corp., 71 Broadway, New York, N. Y.	New Jersey	do	100	X143823
			45	P518847
Waldorf System, Inc., 169 High St., Boston, Mass.	Massachusetts	do	25	Z44413
			50	Z44424
			16	Z44013
F. W. Woolworth Co., Woolworth Bldg., New York 7, N. Y.	New York	Capital	5	WTF 698473
			19	WTF 694155
			10	WTF 686383
General Foods Corp., 250 Park Ave., New York, N. Y.	Delaware	Common	14	NC091588
			2	NC082623
			6	0387581
The Texas Co., 135 East 42d St., New York, N. Y.	do	Capital	50	T034838
International Nickel Co. of Canada, Ltd., Copper Bluff, Ontario, Canada.		Common	100	NA420535
Wheeling Steel Corp., Wheeling, W. Va.	do	do	70	NC059477
Atlas Corp., 33 Pine St., New York, N. Y.	do	do	100	C47379
			100	C47380

EXHIBIT B

Name and address of issuing corporation	State of incorporation	Type of stock	Certificate Nos.	Number of shares
Arkansas Natural Gas Corp., Shreveport, La.	Delaware	6 percent cumulative preferred.	6708	11
			6892	11
			6711	15
			6895	5
			6713	25
National Dairy Products Corp., 230 Park Ave., New York 17, N. Y.	do	Common	832314	1
			843405	45
North American Co., 60 Broadway, New York 4, N. Y.	New Jersey	do	140050	11
			137859	38
Pacific Gas & Electric Co., 245 Market St., San Francisco, Calif.	California	do	436788	1
			423276	2
			436782	5
Standard Brands, Inc., 595 Madison Ave., New York 22, N. Y.	Delaware	do	180211	1
			180246	5
			180229	5
Wisconsin Electric Power Co., Public Service Bldg., Milwaukee, Wis.	Wisconsin	do	65565	1
		do	43403	11
		do	7856	3
		do	46668	5
Potomac Electric Power Co., 929 E St. NW., Washington, D. C.		do	42408	1
		do	39616	15
The Kansas Power & Light Co., Topeka, Kans.	Kansas	do	8284[illegible]	[illegible]
		do	73699	10
West Kentucky Coal Co., 441 South Main St., Madisonville, Ky.	New Jersey	do	21412	[illegible]

[1] Each.

EXHIBIT C

Description of issue	Certificate No.	Face value
Atchison, Topeka & Santa Fe Ry. Co., 4 percent General Gold Bonds, due Oct. 1, 1995.	D03535	$500.00
	D31409	500.00
Illinois Central R. R. Co., 4¾ percent 40 Year Gold Bonds, due 1966	M14916	1,000.00
	M16995	1,000.00
Northern Pacific Ry. Co., 3 percent General Lien Gold Bond due 2047	M44752	1,000.00
New York Central Ry. Co., 4½ percent Refunding and Improvement Gold Bonds, Series A, due 2013.	59061	1,000.00
	93151	1,000.00
City of New York 3 percent Bond, due 1980	M13388[illegible]R-3	1,000.00
Southern Pacific Co., 4½ percent Gold Bond, due 1969	49054	1,000.00

[F. R. Doc. 51-4585; Filed, Apr. 18, 1951; 8:51 a. m.]

[Vesting Order 17609]

EXPLORATION BODEN-UNTERSUCHUNGS UND VERWERTUNGSGESELL-SCHAFT M. B. H.

In re: Funds owned by Exploration Boden-Untersuchungs und Verwertungsgesell-Schaft M. B. H. F-28-7572.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Exploration Boden-Untersuchungs und Verwertungsgesell-Schaft M. B. H., the last known address of which is Rheinischestrasse 173, Dortmund, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: All funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., for the credit of Exploration Boden-Untersuchungs und Verwertungsgesell-Schaft M. B. H., in the amount of $267.02, as of September 30, 1948, said funds representing the proceeds of a tax refund authorized by the Bureau of Internal Revenue and maintained in a special deposit account, entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", together with any and all accruals since September 30, 1948, and any and all rights to demand, enforce and collect the aforesaid funds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person referred to in subparagraph 1 hereof is not with a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4586; Filed, Apr. 18, 1951; 8:52 a. m.]

[Vesting Order 17603]

CREDIT SUISSE

In re: Accounts maintained in the name of Credit Suisse, Lausanne, Switzerland, and owned by persons whose names are unknown. F-63-60 (Lausanne).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in Exhibit A, set forth below, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Credit Suisse, Lausanne, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights and interests in the account as of Oct. 2, 1950, excluded from this vesting order [1]
Swiss American Corp., 30 Pine St., New York 5, N. Y.	General ruling No. 6 account, as described by Swiss American Corp. in its report on form OAP-700, bearing its serial No. 7.	$330.00 which, according to the report on form OAP-700 filed by Swiss American Corp., bearing its serial No. 7, is beneficially owned by Mrs. Erna Christiani-Onken.

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since Oct. 2, 1950, and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in column III or excluded under (a) of this footnote.

[F. R. Doc. 51-4587; Filed, Apr. 18, 1951; 8:52 a. m.]

[Vesting Order 17617]

YOKOHAMA SPECIE BANK, LTD.

In re: Funds owned by the Yokohama Specie Bank, Ltd., Rio de Janeiro, Brazil. F-39-775-C-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That The Yokohama Specie Bank, Ltd., the last known address of which is Japan, is a corporation organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan, and is a national of a designated enemy country (Japan);

2. That The Yokohama Specie Bank, Ltd., Rio de Janeiro Office, is a corporation, partnership, association or other business organization organized under the laws of Brazil, whose principal place of business is located at Rio de Janeiro,

Brazil and is or, since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act, directly or indirectly, for the benefit or on behalf of the aforesaid Yokohama Specie Bank, Ltd., and is a national of a designated enemy country (Japan);

3. That the property described as follows: Cash in the sum of $401 presently on deposit in the Treasury Department of the United States in an account entitled Secretary of the Treasury Miscellaneous Deposits held pending final disposition—Treasury symbol 891–801 (Special Deposit Account No. 3), and any and all rights to demand and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by The Yokohama Specie Bank, Ltd., Rio de Janeiro Office, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

4. That The Yokohama Specie Bank, Ltd., Rio de Janerio Office, is controlled by or acting for or on behalf of a designated enemy country (Japan) or persons within such country and is a national of a designated enemy country (Japan);

5. That to the extent that The Yokohama Specie Bank, Ltd., and the Yokohama Specie Bank, Ltd., Rio de Janeiro Office, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4589; Filed, Apr. 18, 1951; 8:52 a. m.]

[Vesting Order 17640]

META GLANDORF ET AL.

In re: Mortgage, bank account, claim and bond owned by Meta Glandorf and others. F-28-30889-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Meta Glandorf, Johann Pape, Hinrich Pape, Hinrich Abbenseth, Senior, Klaus Abbenseth, Hinrich Abbenseth, Junior, Anna Droge, nee Abbenseth, Wilhelm Abbenseth and Sophie Abbenseth, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. A mortgage executed on December 11, 1935, by Anna Katherine Sturcke, as mortgagor, to Meta Glandorf and others, as mortgagees, and recorded in the Office of the Clerk of Suffolk County, State of New York, on December 23, 1935, in Liber 979 of Mortgages, at page 105, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations, and the right to enforce and collect such obligations, and the right to possession of the aforesaid mortgage, and any and all notes, bonds and other instruments evidencing such obligations,

b. That certain debt or other obligation of the Bank of Huntington and Trust Company, 250 Main Street, Huntington, New York, arising out of Interest Account No. 14353, entitled Elsie Lopes by Frederick W. Bickman, Jr., her attorney for credit to blocked account of Meta Glandorf, Johann Pape, Heinrich Pape, Heinrich Abbenseth, Klaus Abbenseth, Heinrich Abbenseth (son), Anna Droge (nee Abbenseth), Wilhelm Abbenseth, Sophie Abbenseth—nationals of Germany, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation of the Treasurer of Suffolk County, State of New York, Riverhead, New York, in the amount of $840.97, as of January 1, 1951, arising out of a cash deposit made on September 18, 1941, in the Suffolk County Court of New York, in an action entitled "In the matter of the Application of Sussi Schweizer for an order under section 333-b of the Real Property Law, cancelling and discharging of record the mortgage recorded in Liber 979 of Mortgages, page 113 in the office of the Clerk of Suffolk County, New York," together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, and

d. One (1) 2½ percent United States Treasury Bond in bearer form dated April 15, 1943, of $500 face value, due June 15, 1964/69, numbered 49384 D, and presently in the custody of the Treasurer of Suffolk County, State of New York, Riverhead, New York, which bond represents a portion of a cash deposit made on September 18, 1941, in the Suffolk County Court of New York, in an action entitled "In the matter of the Application of Sussi Schweizer for an order under section 333-b of the Real Property Law, cancelling and discharging of record the Mortgage recorded in Liber 979 of Mortgages, page 113 in the office of the Clerk of Suffolk County, New York," together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4592; Filed, Apr. 18, 1951; 8:53 a. m.]

FEDERAL REGISTER

VOLUME 16 1934 NUMBER 77

Washington, Friday, April 20, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10232

AMENDING THE SELECTIVE SERVICE REGULATIONS

By virtue of the authority vested in me by Title I of the Selective Service Act of 1948 (62 Stat. 604), as amended, I hereby prescribe the following amendments of the Selective Service Regulations prescribed in part by Executive Order No. 9979 [1] of July 20, 1948, in part by Executive Order No. 9988 [2] of August 20, 1948, in part by Executive Order No. 9992 [3] of August 28, 1948, and in part by Executive Order No. 10008 [4] of October 18, 1948, and constituting portions of Chapter XVI of Title 32 of the Code of Federal Regulations:

1. Section 1602.5 of Part 1602, *Definitions*, is amended to read as follows:

§ 1602.5 *Governor.* The word "Governor" includes, where applicable, the Governor of each of the States of the United States, the Governor of the Territory of Alaska, the Governor of the Territory of Hawaii, the Board of Commissioners of the District of Columbia, the Governor of Puerto Rico, the Governor of the Virgin Islands of the United States, the Governor of Guam, and the Governor of the Panama Canal.

2. Section 1602.11 of Part 1602 is amended to read as follows:

§ 1602.11 *State.* The word "State" includes, where applicable, the several States of the United States, the City of New York, the Territory of Alaska, the Territory of Hawaii, the District of Columbia, Puerto Rico, the Virgin Islands of the United States, Guam, and the Canal Zone.

3. Section 1611.11 of Part 1611, *Duty and Responsibility to Register*, is amended to read as follows:

§ 1611.11 *Aliens who are not required to register.* (a) A male alien who is now in or who hereafter enters the United States and who has not declared his intention to become a citizen of the United States shall not be required to be registered under section 3 of Title I of the Selective Service Act of 1948, as amended, and shall be relieved from liability for training and service under section 4 (b) of said act provided:

(1) He is a foreign diplomatic representative, a technical attaché of a foreign embassy or legation, a consul general, a consul, a vice consul, or a consular agent of a foreign country, or a member of the family of any person mentioned in this subparagraph;

(2) He is a full-time official or employee of a foreign government who has been notified to the Department of State, or a member of the family of such official or employee;

(3) He is a full-time official or employee of a public international organization which has been designated by the President under the provisions of the International Organizations Immunities Act, approved December 29, 1945 (59 Stat. 669), or a member of the family of any such person;

(4) He is a person who has entered the United States and remains therein pursuant to the provisions of section 11 of the Agreement between the United Nations and the United States of America Regarding the Headquarters of the United Nations as approved in Public Law 357, 80th Congress, approved August 4, 1947 (61 Stat. 756);

(5) He is a member of a group of persons who have been temporarily admitted to the United States under an arrangement with the government of the country of which they are nationals, or an appropriate agency thereof, for seasonal or temporary employment, and continues to be employed in the work for which he was admitted;

(6) He is a person who has entered the United States temporarily as a nonquota immigrant under the provisions of subdivision (e) of section 4 of the Immigration Act approved May 26, 1924, as amended (43 Stat. 155; 8 U. S. C. 204 (e)), solely for the purpose of study at an accredited school, college, academy, seminary, or university, particularly des-

(Continued on p. 3425)

[1] 3 CFR, 1948 Supp.; 13 F. R. 4177.
[2] 3 CFR, 1948 Supp.; 13 F. R. 4851.
[3] 3 CFR, 1948 Supp.; 13 F. R. 5033.
[4] 3 CFR, 1948 Supp.; 13 F. R. 6059.

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ignated by him and approved by the Attorney General, and continues to pursue such purpose to the satisfaction of the Attorney General; or

(7) He is a person who has entered the United States temporarily pursuant to the provisions of section 201 of the United States Information and Educational Exchange Act of 1948 (62 Stat. 7; 22 U. S. C. 1446; Public Law 402, 80th Congress), and continues to pursue the purpose for which he was admitted.

(b) Each alien who is in one of the categories described in subparagraphs (1), (2), (3), (4), and (5) of paragraph (a) of this section must have in his personal possession, at all times, an official document issued pursuant to the authorization of or described by the Director of Selective Service which identifies him as a person not required to present himself for and submit to registration.

(c) Each alien who is in the category described in subparagraph (6) of paragraph (a) of this section must have in his possession and available for examination his passport containing a visa issued by a diplomatic or consular officer of the United States pursuant to the provisions of subdivision (e) of section 4 of the Immigration Act approved May 26, 1924, as amended (43 Stat. 155; 8 U. S. C. 204 (e)).

(d) Each alien who is in the category described in subparagraph (7) of paragraph (a) of this section must have in his possession and available for examination his passport containing a visa issued by a diplomatic or consular officer of the United States pursuant to the provisions of clause (2) of section 3 of the Immigration Act approved May 26, 1924, as amended (43 Stat. 154; 8 U. S. C. 203 (2)) in which visa, on the line provided in the visa form for classification, there appear the words "Sec. 201, P. L. 402, 80th Cong."

4. Section 1621.16 of Part 1621, *Preparation for Classification*, is amended to read as follows:

§ 1621.16 *Permit to leave the United States.* Local boards are authorized to issue to a registrant a permit to depart from the continental United States, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, the Virgin Islands of the United States, Guam, or the Canal Zone to any place which is not within any of those areas, and should issue the permit unless it is found that the registrant's absence is likely to interfere with the performance of his obligations under the Selective Service Act of 1948, as amended. Such permit shall be issued by the completion of a Permit of the Local Board for Registrant to Depart from the United States (SSS Form No. 300). Before determining whether a permit should be issued, the local board may require the registrant to complete and file his Classification Questionnaire (SSS Form No. 100) and such other forms and information as may be necessary to complete his classification. The local board may thereupon classify the registrant if it appears necessary to a determination of the advisability of issuing the permit.

5. Subparagraphs (2), (3), and (4) of paragraph (c) of § 1626.2 of Part 1626, *Appeal to Appeal Board*, are amended to read as follows:

(2) Within 30 days after the date the local board mails to the registrant a Notice of Classification (SSS Form No. 110), if, on that date, it appears that the registrant is located in one and the local board which classified the registrant is located in another of the following: The continental United States, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, the Virgin Islands of the United States, Guam, or the Canal Zone.

(3) Within 30 days after the date the local board mails to the registrant a Notice of Classification (SSS Form No. 110), if, on that date, it appears that the registrant is located in Canada, Cuba, or Mexico.

(4) Within 60 days after the date the local board mails to the registrant a Notice of Classification (SSS Form No. 110), if, on that date, it appears that the registrant is located outside the continental United States, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, the Virgin Islands of the United States, Guam, the Canal Zone, Canada, Cuba, and Mexico.

HARRY S. TRUMAN

THE WHITE HOUSE,
April 18, 1951.

[F. R. Doc. 51-4683; Filed, Apr. 18, 1951; 2:06 p. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1950 C. C. C. Grain Price Support Bulletin 1 Amdt. 3 to Supp. 1, Corn]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP CORN LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 15 F. R. 6878, 7167, and 16 F. R. 64, and containing the requirements for the 1950-Crop Corn Price Support Program are hereby amended as follows:

Under § 601.118 *Support rates*, paragraph (a) *Basic support rates*, the support rate for Milwaukee county, Wisconsin, is amended to read as follows:

Milwaukee — $1.11

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1447, 1421)

Issued this 16th day of April 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-4607; Filed, Apr. 19, 1951; 8:58 a. m.]

[1951 C. C. C. Flaxseed Bulletin 1]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1951 TEXAS FLAXSEED PURCHASE PROGRAM

Sec.
601.851 General.
601.852 Administration.
601.853 Period and area of operation.
601.854 Basic purchase price in designated counties.
601.855 Basis of purchase.
601.856 Eligible producer.
601.857 Eligible flaxseed.
601.858 Authorized dealer.
601.859 Purchase documents.
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AUTHORITY: §§ 601.851 to 601.864 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053,

1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1447, 1421.

§ 601.851 *General.* This subpart states the requirements with respect to the 1951-crop Texas flaxseed purchase program formulated for price support purposes by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). CCC, through the PMA State committee, PMA county committees, and authorized flaxseed dealers will stand ready to make direct purchases from eligible producers from the time of harvest through July 31, 1951, of 1951-crop Texas flaxseed grown in the counties listed in § 601.854. All such purchases shall be made in accordance with this subpart.

§ 601.852 *Administration.* This program will be administered in the field through the PMA Commodity Office, Dallas, Texas, and Texas PMA State committee and PMA county committees (hereinafter referred to as county committees). An eligible producer desiring to sell flaxseed under this program must apply to the county committee of the county in which the flaxseed was produced for written delivery instructions on the quantity of flaxseed he wishes to sell to CCC.

Such application must be made sufficiently in advance of the date of the intended delivery to enable the county committee to schedule deliveries in an orderly manner. Delivery instructions issued by the county committee will set forth the approximate quantity of flaxseed and the time and place of delivery for the account of CCC. All flaxseed delivered under such instructions must meet the eligibility requirements specified in § 601.857. The county committee may authorize in writing certain employees of the county committee to approve on behalf of the committee any forms and documents in connection with this program.

§ 601.853 *Period and area of operation.* This program will be available on eligible flaxseed from the time of harvest through July 31, 1951, in the Texas counties listed in § 601.854. Deliveries of flaxseed under this program must be completed on or before July 31, 1951.

§ 601.854 *Basic purchase price in designated counties.* (a) The basic purchase price per bushel of flaxseed, grading No. 1, delivered under this program for the account of CCC, shall be as follows, in the counties for which this program is authorized:

TEXAS

County	No. 1 Flaxseed	County	No. 1 Flaxseed
Arkansas	$2.46	Concho	$2.30
Atascosa	2.39	DeWitt	2.39
Bee	2.45	Duval	2.45
Bexar	2.38	Frio	2.34
Blanco	2.36	Galveston	2.49
Brooks	2.38	Goliad	2.44
Brown	2.34	Gonzales	2.39
Caldwell	2.39	Guadalupe	2.39
Calhoun	2.39	Hays	2.39
Cameron	2.33	Hidalgo	2.33
Coleman	2.32	Jackson	2.39
Colorado	2.44	Jim Hogg	2.43
Comal	2.39	Jim Wells	2.47

TEXAS—Continued

County	No. 1 Flaxseed	County	No. 1 Flaxseed
Karnes	$2.42	Nueces	$2.48
Kimble	2.32	Real	2.32
Kleberg	2.47	Refugio	2.41
La Salle	2.34	San Patricio	2.49
Lavaca	2.38	Travis	2.37
Lee	2.41	Uvalde	2.32
Live Oak	2.45	Victoria	2.39
Matagorda	2.43	Wharton	2.45
Maverick	2.30	Willacy	2.34
McCulloch	2.33	Wilson	2.41
McMullen	2.39	Zavala	2.31
Medina	2.36		

(b) The basic purchase price shall be $2.65 per bushel for No. 1 flaxseed delivered to the Corpus Christi and Houston terminal markets in carload lots which have been shipped by rail on a domestic interstate freight rate basis, from a country shipping point to the said terminal markets, as evidenced by paid freight bills duly registered for transit privileges and other documents as required herein: *Provided*, That all charges, including receiving charges, have been prepaid: *And provided further*, That, in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional freight rate from the aforesaid terminal markets, there shall be deducted from the applicable terminal purchase price the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional freight rate. The terminal warehouse receipts must be accompanied by the registered freight bills, or by (1) a statement in the following form signed by the terminal warehouseman, (2) a certificate of such warehouseman containing such an undertaking, or (3) such other form of certification as may be approved by CCC.

FREIGHT CERTIFICATE

The _____ represented by
(Type of grain)
attached warehouse receipt No. _____
issued by _____ on
warehouse located at _____
was received by rail freight from _____
(Station)
_____ point
(County) (State)
of origin was evidenced by freight bill described as follows:
Way-bill, date _____
No. _____
Car Initials and No. _____
Freight bill, date _____
No. _____
Origin Carrier _____
Full inbound route and junction points _____
_____
Transit Weight _____
Freight rate in _____
Amount Collected _____
Number unused transit stops _____
Penalty, if any, to guarantee minimum proportional rate on outbound billing of _____
cents per 100 pounds _____
Where paid-in freight is based on other than domestic interstate freight rate basis, the difference in rates between the freight paid (plus tax), and the domestic interstate freight rate (plus tax), is _____

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the applicable provisions of the Uniform Grain Storage Agreement.

_____
(Warehouseman's signature)
_____
(Address)
_____
(Date of signature)

The basic purchase price of flaxseed delivered at the aforesaid terminal markets by rail in carload lots for which neither registered freight bills nor such freight certificates are presented, will be the terminal basic purchase price of $2.65 less 8 cents per bushel: *Provided*, That all charges, including receiving charges, have been prepaid. Flaxseed delivered by truck at the designated terminals in the State of Texas will be purchased by CCC under this program on the basis of the terminal rate minus 12½ cents.

(c) The basic purchase price for No. 2 flaxseed shall in all instances be 5 cents per bushel less than the price indicated for No. 1 flaxseed.

(d) To compensate CCC for storage charges on flaxseed acquired under this program, the following deduction per bushel of flaxseed purchased shall be made from the basic purchase prices set forth above:

For flaxseed purchased:	Deduction per bushel (cents)
Apr. 1951	11.5
May 1951	11.5
June 1951	11.5
July 1951	10.0

§ 601.855 *Basis of purchase.* Eligible flaxseed will be purchased on the basis of weight and grade. The grade shall be determined in accordance with the Official Grain Standards of the United States for Flaxseed by a grain inspector licensed by the Secretary of Agriculture. Wherever the services of a licensed inspector are not available, the PMA Commodity Office shall designate in writing a person qualified to determine the grade of flaxseed in accordance with the Official Grain Standards of the United States for Flaxseed. Such designation may be revoked in writing by the PMA Commodity Office at any time.

§ 601.856 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation or other legal entity which (a) has produced the flaxseed in 1951 in one of the counties named in § 601.854 as landowner, landlord, tenant or sharecropper, and (b) has applied to the appropriate county office for delivery instructions.

§ 601.857 *Eligible flaxseed.* Eligible flaxseed when delivered to an authorized dealer shall meet the following requirements:

(a) The flaxseed must be produced by an eligible producer in 1951 in one of the counties named in § 601.854.

(b) The beneficial interest in the flaxseed must be in the person tendering the flaxseed for purchase and must always have been in him or must have been in him and a former producer whom he succeeded before the flaxseed was harvested.

(c) The flaxseed must grade No. 1 or No. 2. Flaxseed which contains more than 30 percent damage or more than 11 percent moisture, or which is musty, sour, heating, hot, or which has any commercially objectionable odor or which is otherwise of low quality is not eligible for purchase.

(d) Sample grade flaxseed will not be purchased under this program.

§ 601.858 *Authorized dealer.* An authorized dealer shall be any individual, partnership, association or corporation operating under a Flaxseed Dealer Agreement with CCC, which authorizes such dealer to accept delivery of eligible flaxseed under this program for the account of CCC. A list of authorized dealers to whom flaxseed may be delivered for the account of CCC under this program may be obtained from the offices indicated in § 601.852.

§ 601.859 *Purchase documents.* (a) The purchase documents shall consist of the "Non-Negotiable Flaxseed Dealer's Receipt and Grade Certificate" issued to the producer for flaxseed delivered, the purchase settlement form and such other forms as may be prescribed by CCC.

(b) The receipt must be issued in the name of the producer and must be dated on or before July 31, 1951. Each receipt or the supplemental certificate (in duplicate) properly identified with the receipt, must show: (1) Gross weight or bushels, (2) grade, (3) test weight, (4) dockage, and (5) percentage of damage when such factor, and not test weight, determines the grade. The receipt or the supplemental certificate must show whether the flaxseed arrived by rail, truck or barge. In the case of warehouse receipts issued for flaxseed delivered by rail or barge, the grading factors on the receipt or the supplemental certificate must agree with the inbound inspection certificates for the car or barge.

§ 601.860 *Determination of quantity.* (a) The number of bushels of flaxseed delivered shall be determined by weight at time of delivery. A bushel shall be 56 pounds of flaxseed free of dockage.

(b) The percentage of dockage shall be determined in accordance with the Official Grain Standards of the United States for Flaxseed, and the weight of said dockage shall be deducted from the gross weight of the flaxseed in determining the net quantity for purchase.

§ 601.861 *Liens.* The flaxseed must be free and clear of all liens and encumbrances, or, if liens and encumbrances exist on the flaxseed, proper waivers must be presented to the county committees at the time of application for delivery instructions.

§ 601.862 *Service charge.* A service charge of one-half cent per bushel or a minimum of $1.50, whichever is greater, shall be charged the producer on each purchase of flaxseed made by CCC under this program. The amount of the service charge shall be deducted from the purchase price at the time of settlement.

§ 601.863 *Set-offs.* If the producer is indebted to CCC on any accrued obligation, or if any installments past due or maturing within twelve months are unpaid on any loan made available by CCC on farm-storage facilities, whether held by CCC or a lending agency, he must designate CCC or such lending agency as the payee of the proceeds of the purchase to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of service charges and amount due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided above. Indebtedness owing to CCC or to a lending agency as provided above shall be given first consideration after claims of prior lienholders. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 601.864 *Payment.* Payment to the producer for flaxseed delivered under this program shall be made by the PMA State office through sight drafts drawn on CCC, and on the basis of the purchase documents indicated in § 601.859, subject to the provisions of set-offs and service charge.

Issued this 16th day of April 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-4609; Filed, Apr. 19, 1951; 8:59 a. m.]

[1951 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Rye]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1951-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for 1951-crop rye. The 1951 C. C. C. Grain Price Support Bulletin 1, 16 F. R. 1987, issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1951, is supplemented as follows:

Sec.
601.1251 Purpose.
601.1252 Availability of price support.
601.1253 Eligible rye.
601.1254 Warehouse receipts.
601.1255 Determination of quantity.
601.1256 Determination of quality.
601.1257 Maturity of loans.
601.1258 Determination of support rates.
601.1259 Warehouse charges.
601.1260 Settlement.

AUTHORITY: §§ 601.1251 to 601.1260 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1447, 1421.

§ 601.1251 *Purpose.* This subpart states additional specific requirements which, together with the general requirements contained in the 1951 C. C. C. Grain Price Support Bulletin 1, 16 F. R. 1987, apply to loans and purchase agreements under the 1951-Crop Rye Price Support Program.

§ 601.1252 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever rye is grown in the continental United States, except that farm-storage loans will not be available in areas where the PMA State committee determines that rye cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1952, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing rye in 1951 as landowner, landlord, tenant, or sharecropper.

§ 601.1253 *Eligible rye.* At the time the rye is placed under loan or delivered under a purchase agreement, it must meet the following requirements:

(a) The rye must have been produced in the continental United States in 1951 by an eligible producer.

(b) The beneficial interest in the rye must be in the person tendering the rye for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the rye was harvested.

(c) Such rye must be rye grading No. 2 or better, or rye grading No. 3 on the factor of "test weight" only, but otherwise grading No. 2 or better. (If the rye is warehouse stored, the quality of the rye must be evidenced by a statement on the warehouse receipt, the inspection certificate, the supplemental certificate, or supplemental certificate and delivery order in the case of warehouses operated by eastern common carriers, substantially as follows: "This rye grades No. _____ because of _____")

(d) The rye must not grade tough, light smutty, smutty, light garlicky, garlicky, weevily or contain in excess of 1 percent ergot.

(e) If offered as security for a farm-storage loan, the rye must have been stored in the granary, at least 30 days

prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the PMA State committee.

§ 601.1254 *Warehouse receipts.* Warehouse receipts, representing rye in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements of this section:

(a) Warehouse receipts must indicate that the rye is insured, must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by a warehouse approved by CCC under the Uniform Grain Storage Agreement (the rye must be insured by the warehouseman in accordance with the terms of the Uniform Grain Storage Agreement), or warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (1) Gross weight or bushels, (2) grade (including special grades), (3) percentage of ergot for rye containing in excess of 3/10 of 1 percent of ergot, (4) test weight, (5) dockage, and (6) any other grading factor(s) when such factor(s) and not test weight determine the grade. The warehouse receipt or supplemental certificate must show whether the rye arrived by rail, truck, or barge. The moisture content must also be shown, except that where it is not customary for country warehousemen to determine the exact moisture percentage, a warehouse receipt representing rye stored in a country warehouse will be accepted if the moisture content is not shown, provided the grade of rye does not show the word "tough". In such cases, the warehousemen will be responsible for delivering rye which does not grade "tough" or "sample" due to moisture content. In the case of warehouse receipts issued for rye delivered by rail or barge, the grading factors on the warehouse receipt must agree with the inbound inspection certificate for the car or barge when such certificate is issued.

(c) A separate warehouse receipt must be submitted for each grade of rye.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in §601.1259.

(e) Warehouse receipts representing rye which has been shipped by rail or water from a country shipping point to a designated terminal point or shipped by rail or water from a country shipping point to a storage point and stored in transit to a designated terminal point, must be accompanied by registered freight bills, or by (1) a statement as indicated below signed by the warehouseman, (2) a certificate of the warehouseman, containing such information or (3) such form of certificate as may be approved by CCC.

FREIGHT CERTIFICATE

The rye represented by attached warehouse receipt No. ____ issued by _____ on warehouse located at _____ was received by rail freight from _____
(Station)
_____
(County)
_____ point of origin as evidenced by
(State)
freight bill described as follows:
Way-bill, date _____
No. _____
Car initials and No. _____
Freight bill, date _____
No. _____
Origin carrier _____
Full inbound route and junction points _____
Transit weight _____
Freight rate in _____
Amount collected _____
Guaranteed transit balance, if any, of through freight to _____ of _____ per 100 pounds _____
Number unused transit stops _____
Penalty, if any, to guarantee minimum proportional rate on outbound billing of _____ cents per 100 pounds _____
Where paid-in freight is based on other than domestic interstate freight rate basis, the difference in rates between the freight paid (plus tax), and the domestic interstate freight rate (plus tax), is _____
The above-described paid freight bill has been officially registered for transit and will be held in accordance with the applicable provisions of the Uniform Grain Storage Agreement.

_____
(Warehouseman's signature)
_____
(Address)
_____
(Date of signature)

§ 601.1255 *Determination of quantity.* The quantity of rye placed under farm-storage loan may be determined either by weight or by measurement. The quantity of rye placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

When the quantity is determined by weight, a bushel shall be 56 pounds of rye free of dockage. In determining the quantity of sacked rye by weight, a deduction of ¾ of a pound for each sack shall be made.

When the quantity of rye is determined by measurement, a bushel shall be 1.25 cubic feet of rye testing 56 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 56-pound rye:

For rye testing	*Percent*
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	95
52 pounds or over, but less than 53 pounds	92

The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the rye in determining the net quantity available for loan or purchase.

§ 601.1256 *Determination of quality.* The grade, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Rye, whether or not such determinations are made on the basis of an official inspection.

The quantity of ergot shall be stated in terms of tenths of one percent and, where applicable, the word "Ergoty" shall be added to, and made a part of, the grade designation.

§ 601.1257 *Maturity of loans.* Loans mature on demand but not later than April 30, 1952.

§ 601.1258 *Determination of support rates.* Basic support rates for rye will be set forth in 1951 CCC Grain Price Support Bulletin 1, Supplement 2, Rye, and will be established for rye grading No. 2 or better, or No. 3 or better on the factor of test weight only, but otherwise grading No. 2 or better. These support rates will be established for rye stored in approved warehouse storage at designated terminal markets, and by counties, for rye stored in approved country warehouses and in approved farm-storage. The support rate for the quality of rye placed under a loan or delivered under a purchase agreement shall be the applicable basic support rate adjusted in accordance with the provisions of this section.

(a) *Support rates at designated terminal markets.* Rye eligible for loan or purchase at the basic support rates established for designated terminal markets must have been shipped on a domestic interstate freight rate basis. On any rye shipped at other than the domestic interstate freight rate, the support rate at the designated terminal market shall be reduced by the difference between the freight paid (plus tax) and the domestic interstate freight rate (plus tax).

The basic support rates established for designated terminal markets will apply to rye which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal market basic support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

When shipped by rail or water and stored at any designated terminal market, rye for which neither registered freight bills nor such freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the applicable terminal market basic support rate minus 8 cents per bushel.

For rye received by truck and stored at any designated terminal market, the support rate shall be determined by making a deduction from the applicable terminal market basic support rate as follows:

Terminal located in—	*Amount of deduction (cents per bushel)*
Area I: Arizona, California, Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, South Dakota, Washington, Utah	12½
Area II: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin	13
Area III: Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia	14
Area IV: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas	14

(b) *Support rates for rye in approved warehouse-storage at other than designated terminal markets.* The support rate for rye stored in approved warehouses (other than those situated in the designated terminal markets) which is shipped by rail or water, shall be determined by deducting from the appropriate designated terminal market basic support rate an amount equal to the transit balance, if any (plus tax), of the through-freight rate from point of origin for such rye to such terminal market:

Provided, That in the case of rye stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing rye in such position.

(c) *Discount for ergot.* In the case of rye containing more than 3/10 of 1 percent but not more than 1 percent ergot, the basic support rates shall be discounted 1 cent per bushel for each 1/10 of 1 percent in excess of 3/10 of 1 percent ergot.

§ 601.1259 *Warehouse charges.* Warehouse receipts and the rye represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges not to exceed the Uniform Grain Storage Agreement rates from the date the rye is deposited in the warehouse for storage.

Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing rye stored in warehouses operating under the Uniform Grain Storage Agreement is on or before April 30, 1952, the storage charges shown in the following table shall be deducted in computing the amount of the loan or purchase price.

Date of deposit	Area I: Ariz., Calif., Idaho, Minn., Mont., Nev., N. Dak., Oreg., S. Dak., Wash., Utah.	Area II: Col., Ill., Iowa, Kans., Mo., Nebr., Wyo., Wis.	Area III: Conn., Del., Ind., Ky., Maine, Md., Mass., Mich., N. H., N. J., N. Y., Ohio, Pa., R. I., Vt., Va., W. Va.	Area IV: Ala., Ark., Fla., Ga., La., Miss., N. Mex., N. C., Okla., S. C., Tenn., Tex.
	Cents per bushel	*Cents per bushel*	*Cents per bushel*	*Cents per bushel*
Prior to Sept. 3, 1951	10	10½	11	11½
Sept. 3–Sept. 22, inclusive	10	10½	11	11
Sept. 23–Oct. 12, inclusive	10	10	10	10
Oct. 13–Nov. 1, inclusive	9	9	9	9
Nov. 2–Nov. 21, inclusive	8	8	8	8
Nov. 22–Dec. 11, inclusive	7	7	7	7
Dec. 12–Dec. 31, inclusive	6	6	6	6
Jan. 1–Jan. 20, inclusive, 1952	5	5	5	5
Jan. 21–Feb. 9, inclusive	4	4	4	4
Feb. 10–Mar. 1, inclusive	3	3	3	3
Mar. 2–Mar. 21, inclusive	2	2	2	2
Mar. 22–Apr. 10, inclusive	1	1	1	1
Apr. 11–Apr. 30, inclusive	0	0	0	0

Warehouse receipts and the rye represented thereby stored in approved warehouses operated by eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission.

For rye stored in approved warehouses operated by eastern common carriers, there shall be deducted in computing the loan or purchase price the amount of the approved tariff rates for storage (not including elevation), which will accumulate from the date of deposit to the program maturity date. The county committee shall request the PMA commodity office to determine the amount of such charges. Where the producer presents evidence showing that the elevation has been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charge prepaid by the producer.

§ 601.1260 *Settlement*—(1) *Farm-storage loans.* In the case of rye delivered to CCC from farm-storage under the loan program, settlement shall be made at the applicable support rate for the approved point of delivery. The support rate shall be for the grade and quality of the total quantity of rye delivered.

If the rye under farm-storage loan is, upon delivery, of a grade and/or quality for which no support rate has been established, the settlement value shall be the support rate established for the grade and/or quality of the rye placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and/or quality placed under loan and the market price of the rye delivered, as determined by CCC.

If farm-stored rye is delivered to CCC prior to April 30, 1952, upon request of the producer and with the approval of CCC, the loan settlement shall be reduced as set forth in the table in § 601.1259.

(2) *Purchase agreement.* Rye delivered to CCC under a purchase agreement must meet the requirements of rye eligible for loan. The purchase rate per bushel of eligible rye shall be the support rate established for the approved point of delivery, subject to deduction of warehouse charges in accordance with § 601.1259.

(3) *Track-loading.* A track-loading payment of 2 cents per bushel shall be made to the producer on rye delivered to CCC on track at a country point.

Issued this 16th day of April 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-4608; Filed, Apr. 19, 1951; 8:58 a. m.]

PART 668—MOHAIR

SUBPART—1951 MOHAIR PRICE SUPPORT PURCHASE PROGRAM

§ 668.1 *Support prices for mohair.* The Production and Marketing Administration and Commodity Credit Corporation hereby announce the 1951 Mohair Price Support Purchase Program. The program will be carried out under the general supervision and direction of the President of Comodity Credit Corporation in accordance with the by-laws of Commodity Credit Corporation through the Production and Marketing Administration. Prices of mohair will be supported by purchasing mohair offered by growers at a price which will yield an average return to growers equal to 74.1 percent of parity as of March 15, 1951. The parity price for mohair on that date was 72 cents a pound which results in a support level averaging 53.4 cents a pound. Purchases will be made through mohair dealers and cooperative associations who enter into agreements with Commodity Credit Corporation to purchase, store, handle, and sell mohair for the account of Commodity Credit Corporation. Purchases will be made generally under terms and conditions similar to those announced for the purchase of wool in the 1950 Wool Price Support Purchase Program. (15 F. R. 4431); except that they will be limited to mohair that is owned by the original grower. Only mohair produced in the continental United States or territories and offered prior to April 1, 1952, will be eligible for purchase. Information regarding the program can be obtained from the Wool Division, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interprets or applies sec. 5, 62 Stat. 1072, 63 Stat. 1052, 1054–1058; 15

U. S. C. Sup., 714c, 7 U. S. C. Sup. 1446, 1421–1431)

Issued this 16th day of April 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-4606; Filed, Apr. 19, 1951; 8:58 a. m.]

PART 672—WOOL

SUBPART—1951 WOOL PRICE SUPPORT PURCHASE PROGRAM

§ 672.201 *Support prices for wool.* The Production and Marketing Administration and Commodity Credit Corporation hereby announce the 1951 Wool Price Support Purchase Program. The program will be carried out under the general supervision and direction of the President of Commodity Credit Corporation in accordance with the bylaws of Commodity Credit Corporation through the Production and Marketing Administration. Prices of wool will be supported by purchasing wool offered by growers at a price which will yield an average return to growers equal to 90 percent of parity as of March 15, 1951. The parity price for wool on that date was 56.3 cents a pound which results in a support level averaging 50.7 cents a pound. Purchases will be made through wool dealers and cooperative associations who enter into agreements with Commodity Credit Corporation to purchase, store, handle, and sell wool for the account of Commodity Credit Corporation. Purchases will be made generally under the terms and conditions announced in the 1950 Wool Price Support Purchase Program (15 F. R. 4431); except that they will be limited to shorn wool that is owned by the original grower and pulled wool that is owned by the original pullery. Only wool produced in the continental United States or territories and offered prior to April 1, 1952, will be eligible for purchase. Information regarding the program can be obtained from the Wool Division, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interprets or applies sec. 5, 62 Stat. 1072, 63 Stat. 1052, 1054–1058; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup. 1446, 1421–1431)

Issued this 16th day of April 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-4605; Filed, Apr. 19, 1951; 8:58 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 46]

PART 600—DESIGNATION OF CIVIL AIRWAYS

MISCELLANEOUS AMENDMENTS

The application of 1950 isogonic lines to aeronautical charts will cause the magnetic variation at the station of certain radio ranges to be changed, necessitating a change in the magnetic bearings of the radio range courses as depicted on aeronautical charts. In order to provide uniformity in designation and to avoid the necessity of revising this part of the regulations of the Administrator when other radio range stations are affected by changes in magnetic variations, the following amendments to the affected sections of Part 600 are made to substitute "True" bearings wherever reference to "magnetic" bearings appear therein. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would serve no useful purpose and therefore is not required. Part 600 is amended as follows:

1. Section 600.204 is amended to read:

§ 600.204 *Red civil airway No. 4 (Albuquerque, N. Mex., to Las Vegas, N. Mex.).* From the Albuquerque, N. Mex., omnirange station via the intersection of the Albuquerque, N. Mex., omnirange 38° True en route radial and the Santa Fe, N. Mex., omnirange 241° True en route radial to the Santa Fe, N. Mex., omnirange station. From the Santa Fe, N. Mex., Municipal Airport via the Las Vegas, N. Mex., radio range station to the intersection of the southeast course of the Las Vegas, N. Mex., radio range and the west course of the Tucumcari, N. Mex., radio range.

2. Section 600.274 is amended to read:

§ 600.274 *Red civil airway No. 74 (Louisville, Ky., to Dayton, Ohio).* From the Louisville, Ky., radio range station via the intersection of the north course of the Louisville, Ky., radio range and a line 241° True from the Cincinnati, Ohio, VOR station to the Cincinnati, Ohio, VOR station. From the intersection of the northeast course of the Cincinnati, Ohio, radio range and the southwest course of the Wright-Patterson, Ohio, AFB radio range via the Wright-Patterson AFB radio range station to the intersection of the northeast course of the Wright-Patterson AFB radio range and the west course of the Columbus, Ohio, radio range.

3. Section 600.284 is amended to read:

§ 600.284 *Red civil airway No. 84 (Lafayette, La., to Montgomery, Ala.).* From the Lafayette, La., non-directional radio beacon via the intersection of a bearing of 113° True from the Lafayette, La., non-directional radio beacon with a bearing of 277° True from a point 20 miles south of the New Orleans, La., radio range station on the south course of the New Orleans, La., radio range to a point 20 miles south of the New Orleans, La., radio range station on the south course of the New Orleans, La., radio range. From the Callendar, La., non-directional radio beacon via the intersection of a bearing 70° True from the Callendar, La., non-directional radio beacon with the southwest course of the Biloxi, Miss., Keesler AFB radio range to the Biloxi, Miss., Keesler AFB radio range station. From the Meridian, Miss., radio range station to the Montgomery, Ala., Maxwell AFB radio range station.

4. Section 600.292 is amended to read:

§ 600.292 *Red civil airway No. 92 (New York, N. Y., to Boston, Mass.).* From the intersection of the southeast course of the Newark, N. J., radio range and the southwest course of the Islip, N. Y., VHF radio range via the Islip, N. Y., VHF radio range station; the intersection of the northeast course of the Islip, N. Y., VHF radio range and the southwest course of the Moosup, Conn., VHF radio range; Moosup, Conn., VHF radio range station; the intersection of the northeast course of the Moosup, Conn., VHF radio range and the localizer approach course (20° True) of the Boston, Mass., ILS to the Logan International Airport, Boston, Mass.

5. Section 600.297 is amended to read:

§ 600.297 *Red civil airway No. 97 (Buffalo, N. Y., to New York, N. Y.).* From the Buffalo, N. Y., omnirange station via the Buffalo, N. Y., omnirange 112° True en route radial and the Binghamton, N. Y., omnirange 293° True en route radial; Binghamton, N. Y., omnirange station to the intersection of the Binghamton, N. Y. omnirange 140° True en route radial and the northwest course of the LaGuardia, N. Y., radio range.

6. Section 600.605 is amended to read:

§ 600.605 *Blue civil airway No. 5 (Galveston, Tex., to Salina, Kans.).* From the Municipal Airport, Galveston, Tex., via the Galveston, Tex., radio range station; Houston, Tex., radio range station; the intersection of the northwest course of the Houston, Tex., radio range and the southeast course of the Bryan, Tex., radio range station; Bryan, Tex., radio range station; Waco, Tex., radio range station; the intersection of the northeast course of the Waco, Tex., radio range and the south course of the Dallas, Tex., radio range; Dallas, Tex., radio range station to the intersection of the northwest course of the Dallas, Tex., radio range and the north course of the Fort Worth, Tex., radio range. From the Oklahoma City, Okla., radio range station via the intersection of the north course of the Oklahoma City, Okla., radio range and the southeast course of the Wichita, Kans., radio range; Wichita, Kans., radio range station to the intersection of the north course of the Wichita, Kans., radio range and the east course of the Hutchinson, Kans., radio range. From the Hutchinson, Kans., omnirange station via the intersection of the Hutchinson, Kans., omnirange 25° True en route radial and the Salina, Kans., omnirange 184° True en route radial to the Salina, Kans., omnirange station.

7. Section 600.614 is amended to read:

§ 600.614 *Blue civil airway No. 14 (El Centro, Calif., to Sacramento, Calif.).* From the intersection of the west course of the El Centro, Calif., radio range and a bearing 165° True from the Julian, Calif., non-directional radio beacon to the Julian, Calif., non-directional radio beacon. From the Riverside, Calif., radio range station via the intersection of the northwest course of the Riverside, Calif., radio range and the southeast course of the Palmdale, Calif., radio range and the Palmdale, Calif., radio range station to the intersection of the northwest course of the Palmdale, Calif., radio range and the south course of the Bakersfield, Calif., radio range. From the intersection of the northwest course of the Fresno, Calif., radio range and the south course of the Stockton, Calif., radio range via the Stockton, Calif., radio range station to the intersection of the north course of the Stockton, Calif., radio range and the southeast course of the Sacramento, Calif., radio range.

8. Section 600.636 is amended to read:

§ 600.636 *Blue civil airway No. 36 (Thurman, Colo., to North Platte, Nebr.).* From the intersection of the Thurman, Colo., omnirange 100° True radial and the south course of the Akron, Colo., radio range via the Akron, Colo., radio range station to the North Platte, Nebr., radio range station.

9. Section 600.665 is amended to read:

§ 600.665 *Blue civil airway No. 65 (Garden City, Kans., to Hill City, Kans.).* From the Garden City, Kans., radio range station to the intersection of the north course of the Garden City, Kans., radio range and the Hill City, Kans., omnirange 277° True radial.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective April 20, 1951.

[SEAL] J. S. MARRIOTT,
Acting Administrator of
Civil Aeronautics.

[F. R. Doc. 51-4511; Filed, Apr. 19, 1951; 8:45 a. m.]

[Amdt. 49]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

MISCELLANEOUS AMENDMENTS

The application of 1950 isogonic lines to aeronautical charts will cause the magnetic variation at the station of certain radio ranges to be changed, necessitating a change in the magnetic bearings of the radio range courses as depicted on aeronautical charts. In order to provide uniformity in designation and to avoid the necessity of revising this part of the regulations of the Administrator when other radio range stations are affected by changes in magnetic variations, the following amendments to the affected sections of Part 601 are made to substitute "True" bearings wherever reference to "magnetic" bearings appear therein. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would serve no useful purpose and therefore is not required. Part 601 is amended as follows:

1. Section 601.103 is amended to read:

§ 601.103 *Amber civil airway No. 3 control areas (El Paso, Tex., to Great Falls, Mont.).* All of Amber civil airway No. 3 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the intersection of the El Paso, Tex., omnirange 271° True en route radial and the Hot Springs, N. Mex., omnirange 162° True en route radial to the Hot Springs, N. Mex., omnirange station via the Hot Springs, N. Mex., omnirange 162° True en route radial; Hot Springs, N. Mex., omnirange station to the Albuquerque, N. Mex., omnirange station via the intersection of the Hot Springs, N. Mex., omnirange 21° True en route radial and the Albuquerque, N. Mex., omnirange 169° True en route radial including that area between the western boundary of Amber civil airway No. 3 and the 162° True and 21° True Hot Springs, N. Mex., omnirange en route radials. From the intersection of the Otto, N. Mex., omnirange 86° True en route radial and the Las Vegas, N. Mex., omnirange 214° True en route radial to the Las Vegas, N. Mex., omnirange station via the Las Vegas, N. Mex., omnirange 214° True en route radial; Las Vegas, N. Mex., omnirange station to the Raton, N. Mex., omnirange station via the direct en route and 15° southeast altitude change radials; Raton, N. Mex., omnirange station to the Pueblo, Colo., omnirange station via the direct en route radials. From the Cheyenne, Wyo., omnirange station to the Douglas, Wyo., omnirange station via the direct en route and 15° east altitude change radials; from the Douglas, Wyo., omnirange station to the Casper, Wyo., omnirange station via the direct en route and 15° north altitude change radials.

2. Section 601.204 is amended to read:

§ 601.204 *Red civil airway No. 4 control areas (Albuquerque, N. Mex., to Las Vegas, N. Mex.).* All of Red civil airway No. 4 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the intersection of the Albuquerque, N. Mex., omnirange 38° True en route radial and the Santa Fe, N. Mex., omnirange 241° True en route radial to the Santa Fe., N. Mex., omnirange station via the Santa Fe, N. Mex., omnirange 241° True enroute radial; Santa Fe, N. Mex., omnirange station to the Las Vegas, N. Mex., omnirange station via the direct en route and 15° south altitude change radials.

3. Section 601.223 is amended to read:

§ 601.223 *Red civil airway No. 23 control areas (United States-Canadian Border to New York, N. Y.).* All of Red civil airway No. 23 within the United States from the intersection of the southeast course of the Toronto, Ont., Can., radio range and the U. S.-Canadian Border to the intersection of the east course of the New York, N. Y. (La Guardia), radio range and the northeast course of the Mitchel Field, N. Y., AFB radio range, including all that area within 5 miles either side of the en route radials from the Buffalo, N. Y., omnirange station to the Elmira, N. Y., omnirange station via the intersection of the Buffalo, N. Y., omnirange 129° True en route radial and the Elmira, N. Y., omnirange 299° True en route radial; from the Elmira, N. Y., omnirange station to the Caldwell, N. J., omnirange station via the intersection of the Elmira omnirange 129° True en route radial and the Caldwell, N. J., omnirange 294° True en route radial, and all that area bounded on the north by Red civil airway No. 23 and on the south by the Elmira 129°-Caldwell 294° True en route radials.

4. Section 601.291 is amended to read:

§ 601.291 *Red civil airway No. 91 control areas (Salt Flat, Tex., to Hobbs, N. Mex.).* All of Red civil airway No. 91 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the intersection of the Salt Flat, Tex., omnirange 85° True en route radial and the Carlsbad, N. Mex., omnirange 215° True en route radial to the Carlsbad, N. Mex., omnirange station via the Carlsbad, N. Mex., omnirange 215° True en route radial; from the Carlsbad, N. Mex., omnirange station to the Hobbs, N. Mex., omnirange station via the direct en route and 15° south altitude change radials including all that area bounded on the west by Red civil airway No. 91, on the south by Green civil airway No. 5 and on the east by the Carlsbad, N. Mex., omnirange 215° True en route radial.

5. Section 601.1070 is amended to read:

§ 601.1070 *Control area extension (Oceanside, Calif.).* From the Oceanside, Calif., non-directional radio beacon extending 5 miles either side of a track of 293° True to a point of intersection with a track of 221° True from the Los Angeles, Calif., radio range station.

6. Section 601.1074 is amended to read:

§ 601.1074 *Control area extension (Los Angeles, Calif.).* From the Los Angeles, Calif., radio range station extending 5 miles either side of the west and southeast courses of the radio range to points 40 miles from the Los Angeles, Calif., radio range station on the west and southeast courses of the radio range; from the Los Angeles, Calif., radio range station extending 5 miles either side of a track of 221° True to a point 40 miles from the radio range station; from the Los Angeles, Calif., VHF radio range station extending 5 miles either side of the south course of the Los Angeles, Calif.,

VHF radio range to a point 40 miles south of the radio range station including that area from the intersection of the southeast course of the Camarillo, Calif., radio range and the west course of the Los Angeles, Calif., VHF radio range extending 5 miles either side of the southeast course of the Camarillo, Calif., radio range to its intersection with a bearing 221° True from the Los Angeles, Calif., radio range station.

7. Section 601.1084 is amended to read:

§ 601.1084 *Control area extension (Quincy, Ill.).* From the Quincy, Ill., non-directional radio beacon extending 5 miles either side of a bearing 220° True from the non-directional radio beacon to a point 20 miles southwest of the non-directional radio beacon.

8. Section 601.1094 is amended to read:

§ 601.1094 *Control area extension (Flint, Mich.).* From the Flint, Mich., non-directional radio beacon extending 5 miles either side of a track of 341° True to a point 20 miles northwest of the non-directional radio beacon.

9. Section 601.1118 is amended to read:

§ 601.1118 *Control area extension (Grand Junction, Colo.).* All that area bounded on the northeast by a line beginning at a point on Red civil airway No. 6 five miles northeast of and parallel to the Grand Junction, Colo., ILS localizer course, on the northwest by a line 5 miles northwest of and parallel to a 235° True bearing from the Grand Junction non-directional radio beacon, and on the south by Red civil airway No. 6.

10. Section 601.1120 is amended to read:

§ 601.1120 *Control area extension (Iowa City, Iowa).* Within a 5-mile radius of the Iowa City Airport extending 5 miles either side of a bearing 91° True from the airport to its intersection with the north course of the Burlington, Iowa, radio range, and extending from the Iowa City non-directional radio beacon 5 miles either side of a bearing 271° True from the non-directional radio beacon to a point 25 miles west of the non-directional radio beacon.

11. Section 601.1131 is amended to read:

§ 601.1131 *Control area extension (Ottumwa, Iowa).* From the Ottumwa, Iowa, non-directional radio beacon extending 5 miles either side of a bearing 187° True from the non-directional radio beacon to a point 20 miles south of the non-directional radio beacon.

12. Section 601.1139 is amended to read:

§ 601.1139 *Control area extension (Lexington, Ky.).* From the Lexington, Ky., non-directional radio beacon extending 5 miles either side of a line 225° True to a point 20 miles southwest of the non-directional radio beacon and extending 5 miles either side of a line 45° True from the non-directional radio beacon to its intersection with the northwest course of the Lexington, Ky., VHF VAR station.

13. Section 601.1163 is amended to read:

§ 601.1163 *Control area extension (Vero Beach, Fla.).* From the Vero Beach, Fla., non-directional radio marker beacon extending 5 miles either side of a track 291° True to its intersection with Blue civil airway No. 19.

14. Section 601.1201 is amended to read:

§ 601.1201 *Control area extension (Saginaw, Mich.).* From the Saginaw, Mich., non-directional radio beacon extending 5 miles either side of a track 347° True to a point 25 miles northwest of the non-directional radio beacon.

15. Section 601.1220 is amended to read:

§ 601.1220 *Control area extension (Johnstown, Pa.).* From the Johnstown, Pa., non-directional radio beacon extending 5 miles either side of a bearing 219° True from the non-directional radio beacon to Red civil airway No. 20.

16. Section 601.2050 is amended to read:

§ 601.2050 *Garden City, Kans., control zone.* Within a 5-mile radius of the (old) Garden City Municipal Airport including a 5-mile radius of the (new) Garden City Municipal Airport extending 2 miles either side of the north course of the Garden City radio range to a point 10 miles north of the radio range station and extending 2 miles either side of the 300° True radial of the Garden City omnirange to a point 10 miles northwest of the omnirange station.

17. Section 601.2052 is amended to read:

§ 601.2052 *Quincy, Ill., control zone.* Within a 5-mile radius of the Quincy Municipal Airport extending 2 miles on the northwest side and 5 miles on the southeast side of a 220° True track extending from the northeast-southwest runway to a point 10 miles southwest of the Quincy VOR station.

18. Section 601.2054 is amended to read:

§ 601.2054 *Hutchinson, Kans., control zone.* Within a 5-mile radius of the Hutchinson Municipal Airport extending 2 miles either side of the south course of the radio range to a point 10 miles south of the radio range station and extending 2 miles either side of the 42° and 222° True radials of the Hutchinson omnirange from the Hutchinson Municipal Airport to a point 10 miles southwest of the omnirange station.

19. Section 601.2056 is amended to read:

§ 601.2056 *Kansas City, Mo., control zone.* Within a 5-mile radius of the Kansas City Municipal Airport extending 2 miles either side of the north course of the Kansas City radio range to the Linkville fan marker, and extending 2 miles either side of the ILS localizer course (1° True outbound) from the localizer to a point 10 miles north of the airport.

20. Section 601.2088 is amended to read:

§ 601.2088 *Dodge City, Kans., control zone.* Within a 5-mile radius of the Dodge City Municipal Airport extending 2 miles either side of a 360° True bearing from the Dodge City non-directional beacon to a point 10 miles north of the non-directional beacon, and extending 2 miles either side of the 161° and 341° True radials of the Dodge City omnirange from the Dodge City Municipal Airport to a point 10 miles northwest of the omnirange station.

21. Section 601.2098 is amended to read:

§ 601.2098 *Flint, Mich., control zone.* Within a 5-mile radius of the Bishop Airport extending 2 miles either side of a track of 341° True to a point 10 miles northwest of the airport.

22. Section 601.2185 is amended to read:

§ 601.2185 *Sacramento, Calif., control zone.* Within a 5-mile radius of the Sacramento Municipal Airport extending 2 miles either side of the southwest course of the Sacramento radio range to a point 10 miles southwest of the radio range station and within a 5-mile radius centered on McClellan AFB and a 5-mile radius centered on Mather AFB and within 5 miles either side of a course of 58° true from Mather AFB extending for a distance of 12 miles from Mather AFB and within the area inside of tangent lines drawn from the circumference of the 5 miles, Sacramento area to the circumference of the McClellan and Mather 5-mile areas.

23. Section 601.2191 is amended to read:

§ 601.2191 *Zanesville, Ohio, control zone.* Within a 5-mile radius of the Zanesville Municipal Airport extending 2 miles either side of a track 178° True to a point 10 miles south of the airport.

24. Section 601.2192 in amended to read:

§ 601.2192 *Ontario, Calif., control zone.* Within a 5-mile radius of the Ontario, Calif., International Airport extending 2 miles either side of a bearing 90° True from the airport to a point 15 miles east of the airport.

25. Section 601.2219 is amended to read:

§ 601.2219 *Iowa City, Iowa, control zone.* Within a 5-mile radius of the Iowa City Municipal Airport extending 2 miles either side of a track 91° True from the airport to its intersection with the north course of the Burlington, Iowa, radio range.

26. Section 601.2225 is amended to read:

§ 601.2225 *Mansfield, Ohio, control zone.* Within a 5-mile radius of the Mansfield Municipal Airport extending 2 miles either side of a track 308° True to a point 10 miles northwest of the airport.

27. Section 601.2226 is amended to read:

§ 601.2226 *Springfield, Ill., control zone.* Within a 5-mile radius of Capital Airport, Springfield, Ill., extending 2 miles either side of the southwest course of the Springfield radio range to a point 10 miles southwest of the radio range station, and extending 2 miles either side of the 40° True radial of the Springfield, Ill., omnirange station to a point 10 miles northeast of the omnirange station.

28. Section 601.2231 is amended to read:

§ 601.2231 *Vero Beach, Fla., control zone.* Within a 5-mile radius of the Vero Beach Municipal Airport extending 2 miles either side of a track 291° True to a point 10 miles west of the airport.

29. Section 601.2242 is amended to read:

§ 601.2242 *Lexington, Ky., control zone.* Within a 5-mile radius of the Blue Grass Airport extending 2 miles either side of a line 225° True from the Lexington, Ky., non-directional radio beacon to a point 10 miles southwest of the non-directional radio beacon.

30. Section 601.2260 is amended to read:

§ 601.2260 *Fort Smith, Ark., control zone.* Within a 5-mile radius of the Fort Smith Municipal Airport extending 2 miles either side of a track 8° True to a point 10 miles north of the airport.

31. Section 601.2263 is amended to read:

§ 601.2263 *Lafayette, La., control zone.* Within a 5-mile radius of the Lafayette Municipal Airport extending 5 miles either side of a track 7° True to a point 10 miles north of the airport.

32. Section 601.2264 is amended to read:

§ 601.2264 *Dunkirk, N. Y., control zone.* Within a 5-mile radius of the Dunkirk Municipal Airport extending 2 miles either side of a track 358° True from the Dunkirk non-directional radio beacon to a point 10 miles north of the non-directional radio beacon.

33. Section 601.2266 is amended to read:

§ 601.2266 *Springfield, Ohio, control zone.* Within a 5-mile radius of the Springfield Municipal Airport extending 2 miles either side of a 51° True track from the end of the northeast-southwest runway to a point 10 miles northeast of the Springfield Airport.

34. Section 601.2268 is amended to read:

§ 601.2268 *Ottumwa, Iowa, control zone.* Within a 5-mile radius of the Ottumwa Municipal Airport extending 2 miles either side of a bearing 187° True from the Ottumwa non-directional radio beacon to a point 10 miles south of the airport.

35. Section 601.2271 is amended to read:

§ 601.2271 *Saginaw, Mich., control zone.* Within a 5-mile radius of the Tri City Airport, Saginaw, Mich., extending 2 miles either side of a track 347° True from the Saginaw non-directional radio beacon to a point 10 miles north of the non-directional radio beacon.

36. Section 601.2272 is amended to read:

§ 601.2272 *Wake Island control zone.* Within a 5-mile radius of Wake Island Airport extending 2 miles either side of a bearing 96° True from the Wake Island non-directional radio beacon to a point 10 miles east of the non-directional radio beacon.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective April 20, 1951.

[SEAL] J. S. MARRIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-4512; Filed, Apr. 19, 1951; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5749]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

JOELLE COATS, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition—Wool Products Labeling Act;* In connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, of coats or other wool products, as such products are defined in said act, which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool," or "reused wool," as those terms are defined in said act, misbranding such coats or other products by failing to affix securely to or place on such products a stamp, tag, label, or other means of identification, showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter; (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939; prohibited, subject to the provision, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Joelle Coats, Inc., et al., Docket 5749, Feb. 26, 1951]

In the Matter of Joelle Coats, Inc., a Corporation, and Nat Propos, Individually and as President of Joelle Coats, Inc.; William Varaeska, Julia Varaeska, and Gertrude Obropta, Individually and as Copartners Trading and Doing Business as Ridgeley Sportswear Manufacturing Company

Decision of the Commission and order to file report of compliance. Pursuant to the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, and by virtue of the authority vested in it by said acts, the Federal Trade Commission, on March 9, 1950, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of those acts. After the filing of respondents' answer, a hearing was held before a trial examiner of the Commission theretofore duly designated by it, at which hearing there was read into the record a stipulation as to the facts by and between counsel supporting the complaint and counsel for the respondents, in lieu of all other evidence. On October 26, 1950, the trial examiner filed his initial decision, which was served on the respondents on November 7, 1950.

The Commission, having reason to believe that the initial decision was deficient in certain material respects, subsequently placed this case on its own docket for review, and on December 6, 1950, it issued, and thereafter served upon the parties, its order affording the respondents an opportunity to show cause why said initial decision should not be altered in the manner and to the extent shown in a tentative decision of the Commission attached to said order. Respondents not having appeared in response to the leave to show cause, this proceeding regularly came on for final consideration by the Commission upon the record herein on review; and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts, conclusion drawn therefrom, and order, the same to be in lieu of the initial decision of the trial examiner.

Findings as to the Facts

PARAGRAPH 1. The respondent Joelle Coats, Inc., is a corporation organized, existing, and doing business under and

by virtue of the laws of the State of New York, with its principal office and place of business located at 265 West 37th Street, New York, New York.

The respondent Nat Propos is president of the respondent Joelle Coats, Inc.

The respondents William Varacska, Julia Varacska, and Gertrude Obropta are copartners trading and doing business as Ridgeley Sportswear Manufacturing Company, with their factory and place of business located in Perth Amboy, New Jersey.

All of the respondents have acted in concert in performing and carrying out the acts and practices hereinafter set forth and described.

PAR. 2. The respondents are now, and since 1947 have been, engaged in the introduction and manufacture for introduction into commerce as "commerce" is defined in the Wool Products Labeling Act of 1939 and in the Federal Trade Commission Act, and in the offering for sale, sale, transportation, and distribution in said commerce, of wool products, as such products are defined in the said Wool Products Labeling Act of 1939. The respondents William Varacska, Julia Varacska, and Gertrude Obropta, copartners trading as Ridgeley Sportswear Manufacturing Company, receive fabrics used in the manufacture of the garments involved in this proceeding from the respondent Joelle Coats, Inc., and manufacture the garments therefrom, label them, and ship them to Joelle Coats, Inc. Many of respondents' said products are composed in whole or in part of wool, reprocessed wool, or reused wool, as those terms are defined in the Wool Products Labeling Act of 1939, and such products are subject to the provisions of said act and the rules and regulations promulgated thereunder. Since September 10, 1947, respondents have violated the provisions of said act and rules and regulations in the introduction and manufacture for introduction into commerce, and in the sale, transportation, and distribution in commerce, of said wool products by causing said wool products to be misbranded within the intent and meaning of said act and rules and regulations.

PAR. 3. Among the wool products introduced and manufactured for introduction into commerce and sold, transported, and distributed in said commerce, as aforesaid, were coats and other products. Among such coats were a number of coats, carrying style number 702, which were labeled as 100 percent wool. Such coats, which were manufactured by Ridgeley Sportswear Manufacturing Company and which bore fabric content tags of Joelle Coats, Inc., actually contained 10 percent wool and 90 percent reprocessed wool. Said coats were thus misbranded in that they did not have affixed a stamp, tag, label, or other means of identification showing the constituent fibers, and percentages thereof, of such products, and other information required by the Wool Products Labeling Act and the rules and regulations promulgated thereunder.

Conclusion. The acts and practices of the respondents, as hereinabove found, were in violation of the Wool Products Labeling Act of 1939 and the rules and regulations thereunder, and constituted unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

It is ordered, That the respondents, Joelle Coats, Inc., a corporation, and its officers, Nat Propos, individually, and William Varacska, Julia Varacska, and Gertrude Obropta, individually and as copartners trading as Ridgeley Sportswear Manufacturing Company or under any other name, and their respective representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the aforesaid acts, of coats or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, do forthwith cease and desist from misbranding such coats or other products by failing to affix securely to or place on such products a stamp, tag, label, or other means of identification, showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool products of any non-fibrous loading, filling, or adulterating matter.

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; *And provided further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 26, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-4624; Filed Apr. 19, 1951; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg. Amdt. 368]
[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 363]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CALIFORNIA, ILLINOIS, OHIO, AND PENNSYLVANIA

Amendment 368 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 363 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 35a, is amended to describe the counties in the Defense-Rental Area as follows:

San Joaquin County, except the City of Stockton.

This decontrols the City of Stockton in San Joaquin County, California, a portion of the Sacramento, California, Defense-Rental Area.

2. Schedule A, Item 83, is amended to describe the countries in the Defense-Rental Area as follows:

Cook County, except the Cities of Blue Island, and Des Plaines, and the Villages of Westchester and Winnetka; Du Page, Kane and Lake Counties.

This decontrols the Villages of Westchester and Winnetka in Cook County, Illinois, portions of the Chicago, Illinois, Defense-Rental Area.

3. Schedule A, Item 226, is amended to describe the counties in the Defense-Rental Area as follows:

Stark County, except the City of Massillon and the Villages of Canal Fulton and Louisville.

Tuscarawas County, except the Townships of Auburn, Bucks, Clay, Fairfield, Jefferson, Perry, Rush, Salem, Warren, Washington, Union and York.

This decontrols the Village of Canal Fulton in Stark County, Ohio, a portion of the Canton, Ohio, Defense-Rental Area.

4. Schedule A, Item 267, is amended to describe the counties in the Defense-Rental Area as follows:

Allegheny County, except the Borough of Bethel and the Townships of Crescent and Mount Lebanon; Armstrong County; Beaver County; Lawrence County; Westmoreland County; in Butler County, the City of Butler and the Townships of Adams, Butler, Jackson and Slippery Rock; Fayette County, except the Townships of Henry Clay, Stewart and Wharton; in Greene County, the Townships of Cumberland, Dunkard, Franklin, Jefferson, Monongahela and Morgan; and Washington County, except the Townships of East Finley, Morris, South Franklin and West Finley.

This decontrols the Township of Crescent in Allegheny County, Pennsylvania, a portion of the Pittsburgh, Pennsylvania, Defense-Rental Area.

All decontrols effected by this amendment are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective April 18, 1951.

Issued this 17th day of April 1951.

TIGHE E. WOODS, *Housing Expediter.*

[F. R. Doc. 51-4599; Filed, Apr. 19, 1951; 8:46 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 617—KNITTED OUTERWEAR INDUSTRY, MINIMUM WAGE ORDER, HOME WORKERS

DEFINITION OF CERTAIN TERMS

The Administrator of the Wage and Hour and Public Contracts Divisions, pursuant to section 8 of the Fair Labor Standards Act of 1938, as amended, issued a minimum wage order for the Knitted Outerwear Industry, effective April 20, 1942. In conjunction with the issuance of this wage order the Administrator found that in order to carry out the purpose of the order and to prevent the circumvention or evasion thereof it was necessary to include in the order a provision restricting home work in the industry. To accomplish this restriction the Administrator issued regulations which provided that "no work" in the industry "shall be done in or about a home, apartment, tenement, or room in a residential establishment," except under special certificates to be issued only under specified conditions, and which, among other things, defined the term "industrial home work" as the "production by any person in or about a home, apartment, tenement, or room in a residential establishment for an employer of goods from materials furnished directly by or indirectly for such employer."

The Administrator is of the opinion that the regulations were intended to apply to all employment in home work whereby goods are produced for or on behalf of members of this industry, regardless of the source of the materials used by the homeworkers, and has been enforcing the regulations on the basis that homeworkers employed in this industry were subject to the act and the regulations whether they produced directly for an employer or distributor, or under a so-called "purchase and sale" or "agency" arrangement or other devices designed to disguise the employment relation. The fact that the regulations have been so construed and enforced has been well known to the members of the industry through the institution of court proceedings by the Administrator and the Secretary of Labor (Tobin v. Wagner, infra; Tobin v. Harwood, 10 W. H. Cases 73 (W. D. Tenn.); Tobin v. Van Wagemen-Sager, Inc. (N. D. N. Y. No. 3129)), and through court decisions upholding such construction (Tobin v. Harwood, 10 W. H. Cases 73 (W. D., Tenn.); Cf. Walling v. Wolff, 63 Fed. Supp. 605 (N. D. N. Y.)).

Most of the members of this industry who formerly used or dealt with homeworkers have for years been under court injunction prohibiting the employment of homeworkers except in accordance with the statutory minimum and overtime requirements, and from using any "purchase and sales arrangements with any home workers" to avoid the requirements of the Act or the injunction "whether the materials are furnished by defendants or by others" (Jacobs v. Hand Knitcraft Institute, Civil 6-354 (S. D. N. Y.) 2 Wage and Hour Reporters 499, decree entered November 21, 1939).

The administrative authority to regulate or prohibit such home work clearly exists, particularly since the addition of section 11 (d) to the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1949 (63 Stat. 910, 29 U. S. C. sec. 211 (d)). In a recent decision by the United States Court of Appeals for the Second Circuit in the case of Tobin v. Wagner Company, Inc., (March 21, 1951), the Court expressly recognized the administrative authority to regulate such home work, but questioned the intended scope of the present regulations on the ground that the language defining "industrial home work" is not sufficiently clear in the absence of "published rulings" giving notice of the administrative construction of such language as being applicable to situations where the homeworkers obtain their materials from a source independent of the person for whom the goods are being produced.

Accordingly, the Administrator finds that immediately effective clarification of the regulations is essential in order to accomplish the intent of the present regulations to safeguard the wage standards in the industry, to eliminate the unfair competitive situation, and to provide for adequate enforcement of the home work restrictions. For the above reasons and because this amendment undertakes to clarify, not to change the consequences intended by the present regulations, advance notice and public procedure thereon is impracticable, unnecessary, and contrary to the public interest. (Sec. 4, Administrative Procedure Act, 60 Stat. 237, 5 U. S. C. 1004.)

Now, therefore, pursuant to authority vested in me by section 11 (d) of the Fair Labor Standards Act of 1938, as amended, § 617.101 is amended to read as follows:

§ 617.101 *Definitions.* The meaning of the terms "person," "employ," "employer," "employee," "goods," and "production" as used in this part is the same as in the Fair Labor Standards Act of 1938, as amended.

"Industrial homeworker" and "homeworker," as used in this part, mean any employee employed or suffered or permitted to perform industrial home work for an employer.

"Industrial home work," as used in this part, means the production by any person in or about a home, apartment, tenement, or room in a residential establishment of goods for an employer who suffers or permits such production, regardless of the source (whether obtained from an employer or elsewhere) of the materials used by the homeworker in such production.

This amendment shall be effective immediately upon publication in the FEDERAL REGISTER.

(Secs. 8, 11, 52 Stat. 1064, 1066; 29 U. S. C. 208, 211)

Signed at Washington, D. C., this 16th day of April 1951.

WM. R. MCCOMB, *Administrator, Wage and Hour and Public Contracts Divisions.*

[F. R. Doc. 51-4611; Filed Apr. 19, 1951; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

AMENDMENTS TO SELECTIVE SERVICE REGULATIONS

CROSS REFERENCE: For amendments to Parts 1602, 1611, 1621, and 1626 of Title 32, Chapter XVI, see Executive Order 10232, *supra.*

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Enforcement Procedure Regulation 4]

EP 4—AUTHORIZING INVESTIGATIONS, INSPECTIONS OR INQUIRIES; SCOPE AND PURPOSE THEREOF; UNDER THE DEFENSE PRODUCTION ACT OF 1950

By virtue of the authority vested in me as Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) by Administrative Order No. 22 and pursuant to Administrative Order 22, Supp. 1, 2, and 3, issued pursuant to Executive Order No. 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), and in order to authorize District Enforcement Directors to conduct investigations, inspections or inquires and define the scope and purpose thereof, under the Defense Production Act of 1950, this regulation is issued:

SECTION 1. The several District Enforcement Directors are each hereby authorized and empowered, within their respective districts, to make such investigations, inspections, or inquiries as may be necessary or appropriate, in their discretion, to the enforcement or the administration of the Defense Production Act of 1950, and the regulations or orders issued thereunder, subject to such supervision, direction, and control as the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) deems necessary and expedient.

SEC. 2. The authority of section 705 (a) in the Defense Production Act of 1950 will be utilized only after the scope

and purpose of the investigation, inspection or inquiry to be made thereunder have been defined by competent authority, and it is assured that no adequate and authoritative data are available from any Federal or other responsible agency. The Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) shall be such competent authority within the United States, the District of Columbia and any and each territory and possession of the United States. In addition, the several District Enforcement Directors are each hereby designated and constituted as such competent authority within their respective districts.

This regulation shall become effective April 18, 1951.

Issued this 18th day of April 1951.

EDWARD P. MORGAN,
Assistant Director of Price Stabilization for Enforcement (Director of Enforcement).

[F. R. Doc. 51-4688; Filed, Apr. 18, 1951; 4:06 p. m.]

[General Ceiling Price Regulation. Supplementary Regulation 14—Amendment 1]

GCPR, SR 14—SALES BY COMMODITY CREDIT CORPORATION

CEILING PRICES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment No. 1 to Supplementary Regulation 14 to the General Ceiling Price Regulation (16 F. R. 809) is hereby issued.

STATEMENT OF CONSIDERATION

Supplementary Regulation 14 to the General Ceiling Price Regulation was issued to enable the Commodity Credit Corporation to sell its stocks of agricultural commodities in accordance with the provisions of section 407 of the Agricultural Act of 1949. Since the issuance of that regulation, the Director of Price Stabilization has been informed that additional restrictions on the prices at which the Commodity Credit Corporation may sell the agricultural products it owns are contained in section 112 (e) of the Foreign Assistance Act of 1948. Moreover, the supplementary regulation, in providing new ceiling prices for sales by the Commodity Credit Corporation of agricultural commodities acquired in connection with its price support program, failed to give full consideration to that agency's operating methods, which necessarily differ from usual and normal business and trade practices. Supplementary Regulation 14 is therefore amended to permit the Corporation to sell those agricultural commodities at prices no lower than (1) the minimum prices required by the Agricultural Act of 1949 or by the Foreign Assistance Act of 1948 and (2) the full fair market value of the commodity.

Under the provisions of section 112 (e) of the Foreign Assistance Act of 1948, the Commodity Credit Corporation is required, in making sales to other Government agencies which are purchasing for the purpose of furnishing assistance to foreign countries, to sell a surplus agricultural commodity at a price which is equal to the lower of (1) the cost of the commodity to it at the time and place of delivery, and (2) the domestic market price at the time and place of delivery. In the operation of its price support program, the Commodity Credit Corporation acquires agricultural commodities during the course of a relatively short period of time and disposes of these commodities when circumstances permit such disposition without disruption of commercial markets or price support policies. To avoid Government retention of excessively large surpluses, which would require increased use of marketing quotas and other production controls, the Commodity Credit Corporation has, in effect, previously subsidized sales both for export and to specialized outlets by selling at greatly reduced prices. Thus the Agency does not operate in the market in the day-to-day manner normal to the commercial trade. As a consequence, the ceiling prices established by Supplementary Regulation 14 for sales by the Corporation were, in those instances where the Corporation sold at greatly reduced prices during the base period, below those generally prevailing for commercial sellers of the same commodity.

In addition, because the Commodity Credit Corporation is not currently buying many of the agricultural products it has stockpiled, it cannot avail itself of the advantages of the parity pass-through provisions of section 11, as can commercial purchasers and sellers. Many of the commodities which the Corporation owns have not been purchased by the Corporation since January 25, 1951 (the last day of the GCPR base period), a period during which these commodities have been consistently rising in price. Consequently, commercial operators sustaining higher current costs have been able to increase their ceiling prices pursuant to the parity pass-through provisions of section 11, while the Commodity Credit Corporation, under the provisions of the General Ceiling Price Regulation, has been restricted to the ceiling prices established by December 19, 1950 to January 25, 1951, base period sales. To require the Corporation to sell these commodities at prices no higher than its base period ceiling prices would not only preclude it from obtaining the full market value of these commodities, but would afford windfall profits to those purchasers who had previously obtained increased ceiling prices through the operation of section 11 of the General Ceiling Price Regulation.

This Amendment No. 1 to Supplementary Regulation 14 is therefore issued to provide that ceiling prices for sales by the Commodity Credit Corporation may be the higher of (1) the highest ceiling price that the particular purchaser of the commodity could pay under the provisions of the General Ceiling Price Regulation, as amended and as supplemented, to any of his customary suppliers or (2) the minimum sales price authorized by section 407 of the Agricultural Act of 1949 (7 U. S. C. 1427) or by section 112 (e) of the Foreign Assistance Act of 1948.

AMENDATORY PROVISIONS

Section 2 of Supplementary Regulation 14 to the General Ceiling Price Regulation is amended to read as follows:

SEC. 2. *Ceiling prices.* The sale by the Commodity Credit Corporation of unprocessed and processed agricultural commodities acquired in connection with its price-support program shall be at a price not to exceed the higher of (a) the highest ceiling price the purchaser could pay any of his usual suppliers for the commodity in the quantity and at the place and season that delivery is made, or, (b) the minimum sales price authorized by section 407 of the Agricultural Act of 1949 (7 U. S. C. 1427) or by section 112 (e) of the Foreign Assistance Act of 1948.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Effective date. This Amendment No. 1 to Supplementary Regulation 14 to the General Ceiling Price Regulation shall become effective April 23rd 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 18, 1951.

[F. R. Doc. 51-4686; Filed, Apr. 18, 1951; 4:05 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 20]

GCPR, SR 20—MILK, CREAM, AND MILK PRODUCTS FOR FLUID CONSUMPTION

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation No. 20 to the General Ceiling Price Regulation (16 F. R. 809) is hereby issued.

STATEMENT OF CONSIDERATIONS

The General Ceiling Price Regulation permits sellers of the "listed agricultural commodities", or commodities processed from them, to increase their ceiling prices in certain cases. The increases permitted may not exceed the dollars and cents difference between the current unit cost to the seller and the highest unit cost to him for a customary purchase in the base period.

Under section 22 of the General Ceiling Price Regulation, as amended, fractions of a cent remaining after the total price for a quantity sold has been calculated are dropped if they amount to less than one-half cent. Similarly, if the fractions amount to one-half cent or more, the price may be increased to the next highest cent. In the fluid milk industry, however, it is customary to establish unit prices expressed in fractions. Thus, a quart of milk may be priced at 24½¢. It appears then that the provisions of the regulation for dealing with fractions are inconsistent in this regard with the practice in the fluid milk industry.

This supplementary regulation is issued in order to avoid confusion and uncertainty in the determination of ceiling prices for milk, cream, and milk products for fluid consumption.

While recognizing the need for removing the inconsistencies between the General Ceiling Price Regulation and the pricing practices of the fluid milk industry, it is necessary to make provision against ceiling price increases resulting from the addition of new increased costs to ceiling prices previously increased by the rounding off of fractions. This supplementary regulation contains provisions designed to prevent this type of accumulation by requiring all "parity" adjustment price increases to be determined in relation to the base period.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the provisions of Supplementary Regulation No. 20 to General Ceiling Price Regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Rounding of fractions of a cent in ceiling prices for milk, cream, and milk products for fluid consumption.

AUTHORITY: Sections 1 and 2 issued under sec. 704, Public Law 774, 81st Cong. Interpret or apply Title IV, Public Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* The purpose of this regulation is to provide a method for dealing with fractions of a cent in the computation of increased ceiling prices under the parity adjustment provision of section 11 of the General Ceiling Price Regulation by sellers of milk, cream, and milk products for fluid consumption.

SEC. 2. *Rounding of fractions of a cent in ceiling prices for milk, cream, and milk products for fluid consumption.* (a) If you are seller of milk, cream, and milk products for fluid consumption and in computing an increased ceiling price you arrive at a unit price which involves a fraction of a cent you may round it off only as follows despite the provisions of section 22 of the General Ceiling Price Regulation:

MILK AND MILK PRODUCTS

Range in the fraction (cents per quart)	*Permissive increase in ceiling price (cents per quart)*
0–0.250	0
0.251–0.750	½
0.751–and over	1

CREAM

Range in the fraction (cents per one-half pint)	*Permissive increase in ceiling price (cents per one-half pint)*
0–0.250	0
0.251–0.750	½
0.751–and over	1

(b) Your ceiling price for milk or milk products sold for fluid consumption in units smaller than quarts may not be increased except in direct proportion to the ceiling price increase for quarts. Your ceiling price for cream for fluid consumption in units larger than in half-pints may not be increased except in direct proportion to the ceiling price increase for half-pints.

(c) Irrespective of whether you have previously increased your ceiling price above your base period ceiling price, you must nevertheless make the "parity" adjustment on the basis of your highest unit cost for a customary purchase during the base period.

Effective date. This supplementary regulation is effective April 23, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 18, 1951.

[F. R. Doc. 51-4687; Filed, Apr. 18, 1951; 4:05 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-45, Schedule 3]

M-45—ALLOCATION OF CHEMICALS AND ALLIED PRODUCTS

SCHED. 3—SULFURIC ACID

This schedule is found necessary and appropriate to promote the national defense and is issued under NPA Order M-45 pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this schedule there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

SECTION 1. *Definitions.* (a) "Sulfuric acid" means all grades, strengths, and qualities of sulfuric acid, both virgin and fortified, and includes oleum and recovered or spent sulfuric acid.

(b) "Supplier" means any person who produces sulfuric acid for his own use or for sale, or who purchases sulfuric acid for redelivery as sulfuric acid with or without concentration or refinement, or who purchases sulfuric acid for his own use and redelivers recovered or spent sulfuric acid.

SEC. 2. *General provisions.* Sulfuric acid is hereby made subject to NPA Order M-45 as an Appendix B material. The initial allocation date is June 1, 1951. The allocation period is the calendar month. The small order exemption without use certificate is 60 tons (net tons, basis 100 percent H_2SO_4) per person per month.

SEC. 3. *Limited allocation.* Specific authorization by NPA on Form NPAF-47 to deliver or use any sulfuric acid, including spent sulfuric acid, is required only in the states of Washington, Oregon, California, Arizona, New Mexico, Nevada, Utah, Colorado, Wyoming, Idaho, and Montana. Suppliers in all other states must nevertheless file applications with NPA on Form NPAF-47, in accordance with the provisions of NPA Order M-45 and of this schedule, and may not deliver sulfuric acid to a purchaser who has not filed a certified statement of proposed use as required by NPA Order M-45. Such suppliers may, however, deliver and use sulfuric acid without express authorization unless otherwise directed by NPA.

SEC. 4. *Filing date and unit of measure.* The filing date is the 10th day of the month before the proposed delivery month. The filing date for the allocation period commencing June 1, 1951, is May 5, 1951. The unit of measure is the net ton of 2,000 pounds, basis 100 percent H_2SO_4.

SEC. 5. *Spent sulfuric acid.* (a) Any person who has received sulfuric acid on a purchase order certified for a particular purpose or who has been specifically authorized to use sulfuric acid for a particular purpose may use the spent or recovered sulfuric acid which is no longer suitable for such particular purpose for any other purpose, except that he shall not use such spent sulfuric acid in chemical combination with any other material to produce a salable product without specific authorization by NPA.

(b) Any person may, without authorization by NPA, deliver spent sulfuric acid to or for the account of the person who supplied him with the original acid. In such event, however, the original supplier may not use such acid for any purpose except fortification or decomposition without specific authorization by NPA. If delivery is to be made to another for the account of the original supplier, such supplier must obtain specific authorization from NPA as in the case of a delivery made directly from his own plant. Any other delivery of spent sulfuric acid must be specifically authorized by NPA upon application pursuant to section 10 of this schedule.

SEC. 6. *Exemption for ordnance plants.* Any ordnance plant owned and operated by the United States Government may use its own production of sulfuric acid in the manufacture of military explosives without application to or specific authorization by NPA. Such plant may not, however, deliver virgin or spent sulfuric acid to another ordnance plant or to any purchaser without specific authorization by NPA.

SEC. 7. *Termination of NPA authorization to use.* An authorization by NPA to any person to use sulfuric acid shall terminate at the close of the calendar month immediately following the allocation period for which such use was authorized.

SEC. 8. *Limitation on inventory.* No person (notwithstanding any allocation made to him) shall place an order for

sulfuric acid calling for delivery, and no person shall accept delivery of sulfuric acid, at a time when his inventory of sulfuric acid exceeds, or by acceptance of such delivery would be made to exceed, his minimum requirements for the allocation period in which delivery is sought at his then scheduled rate and method of operation. The placing of such an order is prohibited even though the purchaser intends to cancel all or part thereof or to reduce the quantity of sulfuric acid ordered to an amount which would be lawful under this section before the entire amount originally ordered is delivered. The provisions of this section are applicable throughout the United States.

SEC. 9. *Certified statement of proposed use.* Every person who purchases sulfuric acid from a supplier is required to enter on or attach to each purchase order a certified statement of proposed use as provided in section 7 of NPA Order M-45. This statement should specify end-uses in terms of those listed in this section. Where an end-use falls under the classifications "Miscellaneous" or "Chemicals (not elsewhere classified)," the specific end-use must be indicated in parentheses following the words "Miscellaneous" or "Chemicals n. e. c." For example, such end-uses should be indicated as "Miscellaneous (milk testing)" or "Chemicals n. e. c. (oxalic acid)." Purchasers who certify to an end-use specifically listed in this section may—although not required to—furnish additional end-use information, as for example: "Hydrochloric acid (tetraethyl lead)." Where "Export" is stated as an end-use it is not necessary to indicate the proposed end-use of the foreign purchaser:

Aluminum sulfate for public water treatment.
Aluminum sulfate for other purposes.
Ammonium sulfate (byproduct).
Ammonium sulfate (synthetic).
Aviation gasoline.
Other petroleum products (except sulfonated hydrocarbons).
Boric acid.
Chemicals (not elsewhere classified).
Cellulose film.
Chromium chemicals, primary (including chromic acid).
Copper sulfate.
Dyes and intermediates.
Ethylene dibromide.
Food testing and processing.
Hydrochloric acid.
Hydrofluoric acid.
Industrial explosives.
Insecticides.
Iron and steel (light oil refining).
Iron and steel (pickling).
Lead, zinc, or titanium pigments.
Other metallurgical.
Medicinals.
Military explosives.
Nonferrous metal pickling and leaching.
Petroleum catalysts.
Petroleum sulfonates.
Phenol.
Rayon.
Resale upon further authorization.
Rubber (including synthetic).
Silica gel.
Sodium phosphates.
Storage batteries.
Sulfonated oils.
Superphosphate fertilizer.
Synthetic detergents.
Tall oil.
Textile finishing.
Exempt small orders.
Export (show export license number).
Miscellaneous (not specified above).

SEC. 10. *Supplier's application on Form NPAF-47.* Every supplier of sulfuric acid is required to apply on Form NPAF-47 for authorization to deliver or to use any quantity of sulfuric acid in excess of the small order exemption. General instructions on the preparation of Form NPAF-47 are set forth in Appendix D of NPA Order M-45. Fill in Form NPAF-47 as indicated, subject to the following special instructions:

(a) *Heading.* Insert in grade space "all grades."

(b) *Table I.* List each customer, specifying end-use in terms of the end-uses listed in section 9 of this schedule and specifying the quantity ordered for each such use. DO rated orders should be listed separately from nonrated orders under each end-use classification and the applicable DO number should be specified. In column (7) specify whether each acid referred to in column (3) is virgin, spent, or fortified; specify the strength in terms of percent H_2SO_4; and set forth any further pertinent information. Each supplier must apply for authorization to deliver an aggregate quantity of exempt small orders, without listing individual customers' names. Specify in column (2) "exempt small orders."

(c) *Table II.* Fill in as indicated. In column (8) list each strength separately in terms of percent H_2SO_4 and indicate whether the acid is virgin, spent, or fortified. In columns (10) and (13) report physical inventory whether or not subject to unexpired authorization or exemption on the dates specified. In column (16) specify a quantity no greater than what is estimated will be available for allocation during the requested allocation period, taking into account undelivered balances on unexpired prior authorization.

SEC. 11. *Communications.* All communications concerning this schedule shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-45, Sched. 3.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

NOTE: All reporting requirements of this schedule have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This schedule shall take effect, except as otherwise provided herein, on April 18, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-4692; Filed, Apr. 18, 1951; 1:13 p. m.]

[NPA Order M-58]

M-58—BINDER AND BALER TWINE

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable due to the necessity for immediate action.

Sec.
1. What this order does.
2. Definitions.
3. Inventories.
4. Adjustments and exceptions.
5. Records.
6. Audit and inspection.
7. Reports.
8. Communications.
9. Violations.

AUTHORITY: Sections 1 to 9 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order sets forth limitations on inventories of binder twine and baler twine. It thus supplements NPA Reg. 1, but only those provisions of that regulation which are inconsistent with this order are superseded, and all other provisions of Reg. 1 shall apply to binder twine and baler twine.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes agencies of the United States or any other Government.

(b) "Binder twine" means a single yarn twine usually containing agave, but sometimes containing manila, istle, jute, coir, hemp, cotton, or paper, suitable for use in a harvesting machine and of the type customarily heretofore manufactured. It is put up in balls of approximately 5 to 8 pounds, packed 6 to 10 to the bale. It measures 500 feet to the pound with a plus or minus tolerance of 5 percent, and contains a lubricant of at least 10 percent of the weight of the twine and an insect repellant. It is also known as "binding twine."

(c) "Baler twine" means a single yarn twine usually made of agave fiber and used in a self-tying machine for baling hay, straw, or other fodder crops.

(d) "Import" means to transport in any manner into the continental United States from areas outside the continental United States. It includes shipments into foreign trade zones, customs bonded warehouses, and customs custody, except when such shipments are merely in transit through the continental United States, to destinations outside the continental United States, as shown by the bills of lading or other shipping documents. However, if any such material in transit is halted or diverted to a destination in the continental United States or subjected to processing or manufacture in the continental United States, it becomes an "import" for the purposes of this order.

(e) "NPA" means National Production Authority.

SEC. 3. *Inventories.* (a) No person shall receive or accept delivery of binder twine or baler twine if his inventory of such material is, or by such receipt would become, more than the smallest quantity of such material which he reasonably requires to meet his deliveries or maintain his currently scheduled rate of operations during the next succeeding 60-day period, or in excess of a "practicable minimum working inventory" as defined in NPA Reg. 1, whichever is less.

(b) Any person engaged in a seasonal business or industry who normally stocks his inventory of binder twine or baler twine in advance of the season may, notwithstanding the restriction in paragraph (a) of this section, accept such advance delivery of his seasonal requirements of that twine: *Provided,* That the deliveries accepted are no greater and no further in advance than those which he would normally accept in the ordinary course of his business to meet reasonably anticipated seasonal requirements.

SEC. 4. *Adjustments and exceptions.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought, and the justification thereof.

SEC. 5. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 6. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 7. *Reports.* Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (Pub. Law 831, 77th Cong., 5 U. S. C. 139-139F).

SEC. 8. *Communications.* All communications and reports concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M-58.

SEC. 9. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on April 19, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-4707; Filed, Apr. 19, 1951; 10:12 a. m.]

Chapter X—Defense Solid Fuels Administration, Department of the Interior

[Solid Fuels Order 1]

SFO 1—COAL MINES, COKE PLANTS, AND COAL AND COKE PREPARATION AND PROCESSING PLANTS

This order is found necessary and appropriate to promote the national defense. It is issued pursuant to the Defense Production Act of 1950. Consultation with industry representatives before issuance of this order has been impracticable because of the various types of enterprises to which it is applicable.

Sec.
1. What this order does.
2. Definitions.
3. Information required.
4. Serialization and classification by DSFA.
5. Adjustments and exceptions.
6. Violations.
7. Communications.

AUTHORITY: Sections 1 to 7 issued under sections 704, Pub. Law 774, 81st Cong. Interpret or apply secs. 101, 705, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this order does.* This order requires each producer to file with DSFA a report, on Form DSFA-1, for each coal mine, coke plant, and coal or coke preparation or processing plant operated by him. It also provides for the "serialization" or classification of such mines and plants as DSFA deems necessary for the effective discharge of its responsibilities under the Defense Production Act.

SEC. 2. *Definitions.* For the purposes of this order:

(a) "SFO-1" means Defense Solid Fuels Order No. 1.

(b) "DSFA" means Defense Solid Fuels Administration, Department of the Interior, Washington 25, D. C.

(c) "Serialization" means the assignment by DSFA of an identifying symbol for each coal mine, coke plant, and coal or coke processing plant for use in future reference and correspondence.

(d) "Person" means any individual, firm, partnership, corporation, association, or other form of business entity, public or private.

(e) "Producer" means any person operating any coal mine, coke plant, coal or coke preparation or processing plant.

(f) "Coal Mine" means any open pit, underground or dredging operation conducted for the primary purpose of producing or recovering coal, and includes the related facilities and any cleaning or other preparation plant operated on or near the mine property as part of the integrated operation of the mine.

(g) "Coal" includes all forms of anthracite, bituminous, sub-bituminous, and lignitic coals.

(h) "Coke Plant" means any operation for the production of beehive or by-product coke from coal.

(i) "Coal or Coke Preparation or Processing Plant" means any facility for the cleaning, sizing, briquetting, or other preparation or processing of coal or coke, when it is not an integrated part of a mining operation.

SEC. 3. *Information required.* On or before May 15, 1951, each producer shall file with DSFA on Form DSFA-1 the information asked for thereon with respect to each coal mine, coke plant, and coal or coke processing plant operated by him. Four copies of Form DSFA-1 shall be completely filled out and filed for each mine or plant: *Provided, however,* That coke producers who file monthly reports with the Bureau of Mines, either on Bureau of Mines Form 6-1365 or on Bureau of Mines Form 6-1366, need not complete Form DSFA-1, but need only indicate thereon the type of operation conducted. Additional copies of Form DSFA-1 may be obtained by writing to DSFA. The individual company information submitted on Form DSFA-1 is for use in connection with the defense mobilization program. Persons who have access to such individual company information are subject to penalties for unauthorized disclosure.

SEC. 4. *Serialization and classification by DSFA.* DSFA will assign an identifying symbol to each coal mine, coke plant and coal or coke processing plant for which a Form DSFA-1 is filed. Based upon the information furnished on the Form DSFA-1 and other information and data available to it, DSFA will classify each coal mine, coke plant and coal or coke processing plant according to location, kind and quality of product, productive capacity, etc., for the purpose of carrying out its functions under the Defense Production Act of 1950.

SEC. 5. *Adjustments and exceptions.* Any producer who is aggrieved by any

provision of this order or by any action taken pursuant thereto may file with DSFA, at any time, a request for such relief as he deems necessary. Each such request shall be submitted in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification for the relief sought.

SEC. 6. *Violations.* Any person who wilfully violates any provision of this order or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

SEC. 7. *Communications.* All communications concerning this order shall be addressed to Defense Solid Fuels Administration, Department of the Interior, Washington 25, D. C.

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on April 20, 1951.

DEFENSE SOLID FUELS ADMINISTRATION,
CHAS. W. CONNOR,
Defense Solid Fuels Administrator.

[F. R. Doc. 51-4720; Filed, Apr. 19, 1951; 10:58 a. m.]

Chapter XIV—General Services Administration

RUBBER REGULATION; IMPORTATION OF RUBBER

This regulation amends and supersedes Part 1400—Rubber, as published under former Chapter X—General Services Administration, of this title.

Sec.
1 Purpose.
2 Interpretation and implementation.
3 Responsibilities and functions.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 303, Pub. Law 774, 81st Cong., sec. 303, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *Purpose.* This regulation interprets and implements the exclusive authority of the Administrator of General Services to control the importation of crude natural rubber and natural rubber latex (excluding guayule, balata and gutta percha) into the United States as established by the Administrator of the National Production Authority in amendment to Rubber Order M-2 of December 29, 1950, and outlines the attendant responsibilities and functions of the Administrator of General Services in purchasing such crude natural rubber and natural rubber latex for Government use and resale. The Administrator of the National Production Authority has issued on December 21, 1950, a Certificate pursuant to section 303 of Executive Order 10161 as to the necessity for purchase of crude natural rubber and natural rubber latex. The United States, as used herein, includes its territories and possessions.

SEC. 2. *Interpretation and implementation.* In accordance with the amendment to Rubber Order M-2, referred to in section 1, the Administrator of General Services is given the exclusive control of importation into the United States of crude natural rubber and natural rubber latex (excluding guayule, balata and gutta percha), and no person, except as authorized in writing by said Administrator, shall purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment, or make any contract or other arrangement for the importing of, any crude natural rubber or natural rubber latex: *Provided, however,* That all outstanding contracts made by a private person, whether as owner, purchaser, seller, or consignee of such crude natural rubber or natural rubber latex, or agent of any of them, prior to December 29, 1950, which require importation into and/or delivery within the United States of crude natural rubber or natural rubber latex are hereby authorized to be fulfilled or liquidated (including liquidation of open contracts outstanding at the close of business on December 29, 1950, on the Commodity Exchange, Incorporated, of New York City, through trading on such exchange, but only until the close of business of said Exchange on March 31, 1951: *And provided further,* (a) That all such contracts shall be registered with the Administrator of General Services, attention, Emergency Procurement Service, 7th and D Streets S.W., Washington 25, D. C., on or before January 5, 1951; (b) that the foregoing authorization shall apply only to the particular material and shipment mentioned in said contracts; and (c) that the Administrator reserves the right to disapprove importations and/or deliveries under said contracts if he should determine that any contracts requiring such importations, and/or deliveries because of their duration, special nature, or otherwise, interfere with the operations of the rubber program to be established or are contrary to the policies formulated thereunder.

SEC. 3 *Responsibilities and functions.* The crude natural rubber and natural rubber latex will be purchased by manufacturers and rubber dealers as authorized by the Administrator and will be distributed at the port of entry into the United States by transfer to the National Stock Pile under the Strategic and Critical Materials Stock Piling Act of July 23, 1946, or by resale to rubber consumers for their own use and not for further resale, or by resale to rubber dealers not for their own use but for further resale to rubber consumers. All sales to rubber consumers (including resales by rubber dealers) will be made in the quantities and to the consumers designated by the Administrator of the National Production Authority, pursuant to his authority under Title I of the Defense Production Act of 1950 to allocate materials and establish priorities, to the extent that he may exercise such allocation authority.

Dated: April 16, 1951.

JESS LARSON,
Administrator.

[F. R. Doc. 51-4652; Filed, Apr. 19, 1951; 11:32 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 712]

NEVADA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF AIR FORCE IN CONNECTION WITH A BOMBING AND GUNNERY RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the public lands in the following-described areas in Nevada are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Air Force in connection with a bombing and gunnery range:

MOUNT DIABLO MERIDIAN

T. 6 S., R. 43 E., unsurveyed,
Sec. 1;
Secs. 11 to 14, inclusive;
Secs. 23, 24, and 25.
T. 5 S., R. 44 E., partly unsurveyed,
Secs. 1 and 2;
Secs. 10 to 16, inclusive;
Secs. 20 to 36, inclusive.
T. 6 S., R. 44 E., unsurveyed.
T. 7 S., R. 44 E., unsurveyed,
Secs. 1 to 5, inclusive;
Secs. 8 to 16, inclusive;
Secs. 22 to 26, inclusive;
Secs. 35 and 26.
T. 8 S., R. 44 E., unsurveyed,
Sec. 1.
Tps. 5 to 7 S., R. 45 E., unsurveyed.
T. 8 S., R. 45 E., unsurveyed,
Secs. 1 to 18, inclusive;
Secs 20 to 27, inclusive;
Secs. 35 and 36.
Tps. 5 to 8 S., R. 46 E., unsurveyed.
T. 9 S., R. 46E., unsurveyed,
Secs 1 to 6, inclusive;
Secs. 8 to 15, inclusive;
Secs. 23 and 24.
Tps. 5 to 8 S., R. 47 E., unsurveyed.
T. 9 S., R. 47 E., unsurveyed,
Secs 1 to 30, inclusive;
Secs. 33 to 36, inclusive.
T. 10 S., R. 47 E.,
Secs. 1, 2, and 12.
Tps. 5 to 9 S., R. 48 E., unsurveyed.
T. 10 S., R. 48 E., unsurveyed,
Secs. 1 to 17, inclusive;
Secs. 21 to 26, inclusive;
Sec. 36.

The areas described, including both public and non-public lands, aggregate 494,799.37 acres.

It is intended that the lands described above shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

OSCAR L. CHAPMAN,
Secretary of the Interior.

APRIL 16, 1951.

[F. R. Doc. 51-4600; Filed, Apr. 19, 1951; 8:46 a. m.]

[Public Land Order 713]

ALASKA

WITHDRAWING PUBLIC LANDS FOR CLASSIFICATION

By virtue of the authority vested in the President by the act of June 25, 1910, 36 Stat. 847 (43 U. S. C. 141) as amended by the act of August 24, 1912, 37 Stat. 497 (43 U. S. C. 142), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights the following-described public lands in Alaska are hereby temporarily withdrawn from settlement, location, sale, and entry, for classification:

Beginning at a point from which the northwest corner of sec. 23, T. 28 S., R. 55 E., Copper River Meridian, bears South ½ mile, thence by metes and bounds:

North 2,640 feet;
East 1,320 feet;
North 2,640 feet;
West 2,640 feet;
South 5,280 feet;
East 1,320 feet;

to point of beginning, which, when surveyed will probably be:

COPPER RIVER MERIDIAN

T. 28 S., R. 55 E.,
Sec. 10, E½SE¼;
Sec. 11, W½SW¼;
Sec. 15, E½NE¼.

The tract described contains approximately 240 acres.

OSCAR L. CHAPMAN,
Secretary of the Interior.

APRIL 16, 1951.

[F. R. Doc 51-4601; Filed, Apr. 19, 1951; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 101—RAIL AND WATER CARRIER PASSES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 9th day of April A. D. 1951.

The matter of free transportation being under consideration pursuant to provisions of the Interstate Commerce Act, as amended; and

It appearing, that certain objections were received to the modifications of the regulations to Govern the Forms and Recording of Passes, Issue of 1917, as required by our order of March 7, 1951, and upon full consideration of such objections (34 Stat. 584, 35 Stat. 60, 36 Stat. 544, 41 Stat. 475, 49 U. S. C. 1 (7), 22, and 306 (c)):

It is ordered, That the said order of March 7, 1951, be, and it is hereby, vacated and set aside; and,

It is further ordered, That in lieu thereof the modifications of the regulations to Govern the Forms and Recording of Passes, Issue of 1917, which are set forth below and made a part hereof shall become effective July 1, 1951; and

It is further ordered, That a copy of this order with the modifications shall be served on every carrier which was served with the order of March 7, 1951, and that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 20, 24 Stat. 386, as amended; 49 U. S. C. 20)

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

1. In paragraph (a) of § 101.2 *General classes of passes,* cancel the definition of "term passes" and substitute for it the following: "Term passes are those good for a specified period of time other than a calendar year and without restrictions as to the number of trips."

2. Cancel paragraph (b) in § 101.4 *Signatures of issuing officers,* and substitute for it the following:

(b) Each pass on which a facsimile signature is printed must be countersigned by an officer or responsible subordinate, who must be designated on the pass.

3. In paragraph (h) of § 101.8 *Preparation of passes,* append the following additional example:

During lifetime.

4. Cancel the last sentence in paragraph (b) of § 101.10 *Signatures on requests for passes,* and substitute for it the following: "In case the facsimile signature is used, the request must be countersigned by an officer or responsible subordinate who must be designated thereon."

5. Cancel § 101.14 *Record of free tickets issued,* and substitute for it the following:

§ 101.14 *Record of free and reduced-rate tickets issued.* A complete record of all tickets issued in lieu of passes, including tickets for which the fares have been refunded in whole or in part as well as those issued free or at reduced rates, must be maintained. This record must show the date; form and number of ticket; stations from and to; name and address or other designation of person to whom issued; account of issuance (in accordance with § 101.8 (e)); amount of fare, amount of reduction, and the amount of refund if that is less than the fare; and name of officer authorizing the refund or issuance of the ticket. (See § 101.101 *List of forms.* If this information with respect to such reduced-rate tickets is available in accounting or other records, a separate record of them on Form 13 is not required.)

6. In § 101.101 *List of forms,* change the title of Form 13 to read: "Record of free and reduced-rate tickets issued."

[F. R. Doc. 51-4617; Filed, Apr. 19, 1951; 8:48 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 2, 3]

[Docket Nos. 8736, 8975, 8976, 9175]

TELEVISION BROADCAST SERVICE

ORDER EXTENDING FILING DATES AND DATE OF HEARING

In the matters of amendment of § 3.606 of the Commission's rules and regulations; Docket Nos. 8736 and 8975. Amendment of the Commission's rules, regulations and Engineering Standards Concerning the Television Broadcast Service; Docket No. 9175. Utilization of frequencies in the Band 470 to 890 Mcs. for Television Broadcasting; Docket No. 8976.

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 11th day of April 1951:

The Commission having under consideration a petition filed by the Television Board of the National Association of Radio and Television Broadcasters (NARTB), filed on April 4, 1951, requesting (1) that the date for the filing of comments pursuant to the Commission's third notice of further proposed rule making (FCC 51-255) be extended for 10 days; and (2) that the dates for the filing of oppositions and commencement of hearing be continued accordingly; and

It appearing, that the petitioner alleges it is an association representing television broadcasters and is a party to the above-entitled proceeding; that it desires to consider the Commission's third notice in detail and file appropriate comments with respect thereto; that the nature of the third notice is such as to require consultations, advice and recommendations from various facets of the industry; that the industry convention has been calendered for April 16 to 19, 1951, in Chicago; that it is anticipated that such consultations,

advice and recommendations cannot be feasibly accomplished and would not permit counsel a reasonable time to complete proposed comments by April 23, 1951; that "numerous representations have been received from counsel for various interested parties to the effect that the extent of the matters encompassed in the third notice, plus the advent of the Convention activities, make it difficult if not impossible to meet the presently designated filing date"; and that these parties urge and support the filing of the instant petition by the Television Board; and

It further appearing, that good and sufficient cause has been shown for the extensions requested in the instant petition;

It is ordered, That the date for the filing of comments as provided for in paragraph "12 (a)" of the Commission's third notice of further proposed rule making herein be extended to May 7, 1951; that the date for the filing of oppositions as provided for in paragraph "12 (b)" of said third notice be extended to May 22, 1951; and that the date for commencement of the hearing as provided for in paragraph "13 (a)" of the said third notice be extended to June 11, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary

[F. R. Doc. 51-4625; Filed, Apr. 19, 1951; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LANDS FOR CLASSIFICATION [1]

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,
Secretary of the Interior.

APRIL 16, 1951.

[F. R. Doc. 51-4602; Filed, Apr. 19, 1951; 8:46 a. m.]

[1] See F. R. Doc. 51-4601, Title 43, Chapter I, Appendix, *supra*.

DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. S-22]

GRACE LINE, INC.

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held in Room 4823, Commerce Building, Washington, D. C., on May 15, 1951, at 10 o'clock a. m., before Examiner A. L. Jordan, upon an application dated November 27, 1950, of Grace Line Inc., under Title VI of the Merchant Marine Act, 1936, as amended, for financial aid in the operation of two passenger vessels, three combination passenger and freight vessels, and four freight vessels in the foreign commerce of the United States on Trade Route No. 4 (between U. S. Atlantic ports and ports in the Netherlands West Indies, Venezuela and North Coast of Colombia), as described in the United States Maritime Commission's report of Essential Foreign Trade Routes of the American Merchant Marine, issued May 1949.

At a prehearing conference held April 3, 1951, applicant stated it will introduce exhibits showing freight carried from United States ports in 1949 and 1950, freight and passengers percentage-wise carried on the Santa Rosa and Santa Paula, freight carried on foreign flag vessels within range of application in 1949 and 1950, passengers carried by foreign flag freighters between New York and Netherlands West Indies, Venezuela and North Coast of Colombia, list of foreign flag cruise ships from New York that called at one or more ports on applicant's route during the seasons December 1, 1949, to March 31, 1950, and December 1, 1950, to March 31, 1951, showing total number of sailings and ports of call, number of passengers carried on such cruises, and the passengers carried by the same cruise ships for local discharge or pick-up. Applicant will furnish list of the cruise ships to Maritime Administration staff for checking against vessel reports to see if local passengers have been reported consistently, and Maritime Administration staff will furnish such information as is available on the local traffic carried on such cruise ships, including 1948.

Applicant will furnish information as to own range of passenger fares, and as much as possible as to foreign flag competitors.

Applicant will also furnish description of its existing services, foreign and domestic, giving names of vessels, their physical characteristics by line, ports served, quarterly and annually, flag of operator and frequency of sailings in general North Atlantic range of the United States and Netherlands West Indies, Venezuela, and north coast of Colombia.

The parties agreed to undertake submission to each other the final draft of the exhibits one week in advance of the hearing.

The purpose of the hearing is to receive evidence relative to determinations which the Board is required, after hearing, to make pursuant to the provisions of sections 602 and 605 (c) of the Merchant Marine Act, 1936, as amended.

The hearing will be conducted pursuant to the Board's rules of procedure (12 F. R. 6076), and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in this proceeding should notify the Board accordingly on or before May 10, 1951, and should file petitions promptly for leave to intervene in accordance with § 201.81 of the Board's rules of procedure.

Dated: April 17, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-4622; Filed, Apr. 19, 1951; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14), are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

American Uniform Co., Cleveland, Tenn., effective 4-5-51 to 10-4-51; 15 learners for expansion purposes (women's washable service apparel).

American Uniform Co., Cleveland, Tenn., effective 4-5-51 to 4-4-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (women's washable service apparel).

Barbizon of Jessup, Inc., 101 Church Street, Jessup, Pa., effective 4-6-51 to 4-5-52; 10 percent normal labor turnover (ladies' woven slips; quilted robes and bedjackets).

Barbizon of Utah, Inc., 149 North First Street, Provo, Utah, effective 4-5-51 to 10-4-51; 20 learners for expansion purposes (ladies' lingerie).

Barbizon of Utah, Inc., 149 North First Street, Provo, Utah, effective 4-5-51 to 4-4-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (ladies' lingerie).

Best Maid Apparel Co., 527 Main Street, Moosic, Pa., effective 4-6-51 to 4-5-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (children's dresses).

Bestform Foundations of Pennsylvania, Inc., Cherry and Baumer Streets, Johnstown, Pa., effective 4-9-51 to 4-8-52; 10 percent normal labor turnover (foundation garments).

Biltmore Manufacturing Co., Inc., Glendale Avenue, Biltmore, N. C., effective 4-6-51 to 4-5-52; 10 percent normal labor turnover (women's, misses' and children's sportswear).

Bound Brook Novelty Co., Inc., 324 Talmage Avenue, Bound Brook, N. J., effective 4-3-51 to 4-2-52; 10 percent normal labor turnover (boys' wash suits, coveralls, etc.)

Campus Sweater & Sportswear Co., 130 East South Street, Barnesville, Ohio, effective 4-4-51 to 10-3-51; 10 learners for expansion purposes (sport shirts).

Campus Sweater & Sportswear Co., 130 East South Street, Barnesville, Ohio, effective 4-4-51 to 4-3-52; 10 percent normal labor turnover (sport shirts).

Century Manufacturing Co., 3 North Main Street, Sandwich, Ill., effective 4-10-51 to 4-9-52; 10 percent normal labor turnover (overalls and dungarees).

Susan Claire, Inc., 180 North Cherry Street, Wallingford, Conn., effective 4-11-51 to 4-10-52; 10 percent normal labor turnover (ladies' cotton dresses).

Connellsville Sportswear Co., Connellsville, Pa., effective 4-6-51 to 4-5-52; 10 percent normal labor turnover (pants).

Connellsville Sportswear Co., Connellsville, Pa., effective 4-6-51 to 10-5-51; 34 learners for expansion purposes (pants).

Cotillion Manufacturers, 2635 Boston Street, Baltimore, Md., effective 4-11-51 to 4-10-52; 10 percent normal labor turnover (men's pants).

David Crystal, Inc., Reading, Pa., effective 4-6-51 to 4-5-52; 10 percent normal labor turnover (ladies' sportswear).

Empire Manufacturing Corp., Statesville, N. C., effective 4-10-51 to 3-31-52; for normal labor turnover, 10 percent of total number of productive factory workers engaged in manufacture of apparel products only (replacement certificate) (hunting clothing).

Freeland Dress Co., Inc., 721 Birbeck Street, Freeland, Pa., effective 4-11-51 to 4-10-52; 10 percent normal labor turnover (children's and girls' dresses).

Giffin Manufacturing Co., Inc., Carlisle, Ky., effective 4-9-51 to 4-8-52; for normal labor turnover, five learners (for work on apparel products only).

Glove Underwear Co., 519 Lackawanna Avenue, Scranton, Pa., effective 4-11-51 to 4-10-52; five learners for normal labor turnover (women's gowns and slips).

Great Lakes Garment Manufacturing Co., Cheboygan, Mich., effective 4-9-51 to 4-8-52; 10 learners for normal labor turnover (army field jackets and flying suits).

Hagerstown Manufacturing Co., 113 Summit Avenue, Hagerstown, Md., effective 4-6-51 to 4-5-52; 10 percent normal labor turnover (children's dresses).

George Hirsch, New Egypt, N. J., effective 4-2-51 to 4-1-52; five learners for normal labor turnover (women's undergarments).

Indiana Rayon Corp., Greenfield, Ind., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (dress shirts, collars, sleeping wear, men's and boys' shirts; athletic underwear).

Jo-Art Manufacturing Co., 50 Prospect Street, New Bedford, Mass., effective 4-9-51 to 4-8-52; 10 percent normal labor turnover (children's cotton play clothes).

Junior Form Lingerie Corporation, 428 Morris Avenue, Boswell, Pa., effective 10-13-50 to 10-12-51; 10 percent normal labor turnover (replacement certificate) (women's lingerie).

Kings Sportswear Co., Inc., Main Street, Mocanaqua, Pa., effective 4-5-51 to 4-4-52; 10 percent normal labor turnover (children's sportswear).

La Jeunesse Manufacturing Co., 101 Schuylkill Avenue, Tamaqua, Pa., effective 4-9-51 to 4-8-52; five learners for normal labor turnover (children's dresses).

La Jeunesse Manufacturing Co., 101 Schuylkill Avenue, Tamaqua, Pa., effective 4-9-51 to 10-8-51; five learners for expansion purposes (children's dresses).

Logan Manufacturing Co., North Main Street, Russellville, Ky., effective 4-4-51 to 4-3-52; 10 percent normal labor turnover (work pants).

Mary Ann Manufacturing Division, 268 West Broadway, Mauch Chunk, Pa., effective 4-9-51 to 4-8-52; 10 percent normal labor turnover (women's and misses' dresses).

Norann Manufacturing Co., Inc., 140 East Center Street, Nesquenoning, Pa., effective 4-9-51 to 4-8-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (women's and misses' dresses).

Paramount Robes, Inc., 43 Hempstead Street, New London, Conn., effective 4-10-51 to 4-9-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's robes).

Puritan Foundations, Inc., Portage, Pa., effective 4-5-51 to 4-4-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (brassieres).

Puritan Foundations, Inc., Portage, Pa., effective 4-5-51 to 10-4-51; 30 learners for expansion purposes (brassieres).

Princess Peggy, Inc., Vandalia Division, Vandalia, Ill., effective 4-18-51 to 10-17-51; 10 learners for expansion purposes (women's cotton dresses).

Princess Peggy, Inc., Vandalia Division, Vandalia, Ill., effective 4-18-51 to 4-17-52; 10 learners for normal labor turnover (women's cotton dresses).

Queen City Casuels, Inc., 608 Willow Street, Manchester, N. H., effective 4-4-51 to 4-3-52; 10 learners for normal labor turnover (cotton and rayon dresses).

Samuel Rothstein & Co., 1228 Cherry Street, Philadelphia, Pa., effective 4-6-51 to 4-5-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (ladies' blouses and sportswear).

Schaefferstown Garment Co., Schaefferstown, Pa., effective 4-1-51 to 3-31-52; 10 percent normal labor turnoved (men's and boys' cotton nightwear).

Shelburne Shirt Co., Inc., 69 Alden Street, Fall River, Mass., effective 4-9-51 to 4-8-52; 10 percent normal labor turnover (men's shirts).

The Shirtcraft Co., Inc., 633 McKinley Street, Hazelton, Pa., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (skirts, jackets and coats).

Sipkin Corporation, 6 West Market Street, Hellam, Pa., effective 4-4-51 to 4-3-52; 10 percent normal labor turnover (children's cotton dresses).

Smoler Bros., Inc., Herrin, Ill., effective 4-10-51 to 4-9-52; 10 percent normal labor turnover (women's, misses' and juniors' dresses).

Smoler Bros., Inc., Kay Ashton Division, Herrin, Ill., effective 4-11-51 to 4-10-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (women's, misses' and juniors' dresses).

Souderton Mfg. Co., Cherry Lane and Church Road, Souderton, Pa., effective 4-11-51 to 4-10-52; 10 percent normal labor turnover (boys' shirts, pajamas and shorts).

Levi Strauss & Co., 220 North Houston Avenue, Denison, Tex., effective 4-1-51 to 3-31-52; 10 percent normal labor turnover (denim levis and coats).

Sunbury Overall Co., Inc., 303 North Second Street, Sunbury, Pa., effective 4-4-51 to 4-3-52; 5 learners for normal labor turnover (men's and boys' work clothing; children's sportswear).

Swanton Mfg. Co., Swanton, Vt., effective 4-4-51 to 4-3-52; 4 learners for normal labor turnover (women's dresses, cotton and rayon woven fabrics).

United Shirt & Blouse Co., Inc., 84 Center Street, Shelton, Pa., effective 4-10-51 to 4-9-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's shirts).

Van Baalen, Heilbrun & Co., Inc., 87-95 Camden Street, Rockland, Maine, effective 4-12-51 to 4-11-52; 10 percent normal labor turnover (bath robes, smoking jackets and raincoats).

Vanderbilt Shirt Co., Inc., 29½ Broadway, Asheville, N. C., effective 4-9-51 to 10-8-51; 21 learners for expansion purposes (men's and boys' sport shirts; ladies' blouses).

Waring Wear, Inc., Wadley, Ga., effctve 4-11-51 to 4-10-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's woven sport shirts).

Ann Will Garment Co., 207 Wyoming Avenue, Kingston, Pa., effective 4-9-51 to 4-8-52; 10 percent normal labor turnover (dresses).

Zawick Mfg. Co., 1706 North Main Street, Hellertown, Pa., effective 4-6-51 to 4-5-52; 10 percent normal labor turnover (children's outer garments; men's shirts and shorts; hospital gowns).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6988).

Enoch Manufacturing Co., Mt. Sterling, Ky., effective 4-5-51 to 4-4-52; 10 learners for normal labor turnover.

Killington Manufacturing Co., Inc., Fair Haven, Vt., effective 4-2-51 to 10-1-51; 15 learners for expansion purposes.

Wells Lamont Corporation, Beardstown, Ill., effective 4-5-51 to 10-4-51; 10 learners for expansion purposes.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Juvenile Hosiery Mills, Inc., Greensboro, N. C., effective 4-5-51 to 4-4-52; five learners for normal labor turnover.

Lykens Hosiery Mills, Inc., Lykens, Pa., effective 4-5-51 to 4-4-52; 5 percent for normal labor turnover.

Oscar Nebel Hosiery Corp., Staunton, Va., effective 4-10-51 to 4-9-52; 5 percent for normal labor turnover.

Oscar Nebel Hosiery Corp., Staunton, Va., effective 4-10-51 to 12-9-51; five additional learners for expansion purposes. (Supplemental certificate).

Oscar Nebel Hosiery Corp., Verona, Va., effective 4-10-51 to 4-9-52; five learners for normal labor turnover.

Lacheen's, Inc., 127 North Fifth Street, Philadelphia, Pa., effective 4–5–51 to 4–4–52; five learners for normal labor turnover.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Empire Manufacturing Corp., Statesville, N. C., effective 4–10–51 to 3–31–52; for normal labor turnover, five learners to be employed in manufacture of knitted wear products only.

Griffin Manufacturing Co., Inc., Carlisle, Ky., effective 4–9–51 to 4–8–52; for normal labor turnover, 5 percent of total number of productive factory workers engaged in manufacture of knitted wear products only.

Greyhill Manufacturing Corp., York, Pa., effective 4–6–51 to 4–5–52; 5 percent normal labor turnover.

Holeproof Hosiery Co., Cullman, Ala., effective 4–4–51 to 10–3–51; 10 learners for expansion purposes only.

Holeproof Hosiery Co., Cullman, Ala., effective 4–4–51 to 4–3–52; 5 percent normal labor turnover.

Holeproof Hosiery Co., Milwaukee, Wis., effective 4–4–51 to 4–3–52; 5 percent normal labor turnover.

Holeproof Hosiery Co., New London, Wis., effective 4–4–51 to 4–3–52; five learners for normal labor turnover.

Knitwear Associates, Inc., Allentown, Pa., effective 4–4–51 to 4–3–52; 5 percent normal labor turnover.

Nazareth Mills, Inc., Lehighton, Pa., effective 4–9–51 to 10–3–51; five learners for expansion purposes.

Nazareth Mills, Inc., Lehighton, Pa., effective 4–9–51 to 4–8–52; 5 percent normal labor turnover.

Penn State Mills, Inc., Allentown, Pa., effective 4–4–51 to 4–3–52; 5 percent normal labor turnover.

Security Tricot Mills, East Broad and Patterson Streets, Tamaqua, Pa., effective 4–10–51 to 4–9–52; three learners for normal labor turnover.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

The Avenue Shop, Baltimore, Md., effective 4–6–51 to 4–5–52; for normal labor turnover, 7 percent of total productive factory workers in manufacture of men's clothing only; machine operating (except cutting), pressers, and hand sewers each 480 hours; 60 cents per hour for first 240 hours and 65 cents per hour for remaining 240 hours (men's and boys' clothing).

Edward Charney, Inc., Philadelphia, Pa., effective 4–5–51 to 4–4–52; five learners for normal labor turnover; machine operating (except cutting), pressers, and hand sewers each 480 hours; 60 cent per hour for first 240 hours and 65 cents per hour for remaining 240 hours (men's suits).

Cross Country Clothes, Inc., 39 West Twenty-first Street, Northampton, Pa., effective 4–9–51 to 4–8–52; 7 percent normal labor turnover; machine operating (except cutting), pressers, and hand sewers each 480 hours; 60 cents per hours for first 240 hours and 65 cents per hour for remaining 240 hours (men's and boys' clothing).

Lincoln Tailoring Association, Frederick, Md., effective 4–4–51 to 4–3–52; 7 percent for normal labor turnover; machine operating (except cutting), pressers, and hand sewers, each 480 hours; 60 cents per hour for first 240 hours and 65 cents per hour for remaining 240 hours (men's trousers).

P & K, Inc., Momence, Ill., effective 4–6–51 to 10–5–51; 10 learners for normal labor turnover; bending machine operators and brazers; 320 hours; 60 cents per hour (fishing tackle).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 12th day of April 1951.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 51–4603; Filed, Apr. 19, 1951; 8:47 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

REGIONAL AND DISTRICT OFFICES

ORGANIZATIONAL STATEMENT

The field organization of the Office of Price Stabilization of the Economic Stabilization Agency, established pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), and Executive Order 10161 (15 F. R. 6105) as published in the FEDERAL REGISTER dated February 2, 1951 (16 F. R. 981), and amended in the FEDERAL REGISTER dated March 3, 1951 (16 F. R. 2028), is further amended, as follows:

REGIONAL AND DISTRICT OFFICES [1]

Section VII. Location. The Regional and District Offices of Price Stabilization of the Economic Stabilization Agency are located as follows:

Region I (Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont).

Office: Boston, Massachusetts, 141 Milk Street.

District Offices: Hartford, Connecticut, 106 Ann Street. This office will serve the entire State of Connecticut.

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Region IV (Maryland, North Carolina, Virginia, West Virginia, District of Columbia).

• • • • • •

Norfolk, Virginia, 1216 Granby Street. This office will serve the Eastern portion of the State of Virginia, its Western boundary being composed of the counties of Westmoreland, Essex, King and Queen, York, Warwick, Surry, Sussex, and Greensville.

• • • • • •

Region VII (Illinois, Indiana, Wisconsin). Office: Chicago, Illinois, 9 West Washington Street.

• • • • • •

Region VIII (Minnesota, North Dakota, South Dakota, Montana).

• • • • • •

Helena, Montana, Power Block Building. This office will serve the entire State of Montana.

• • • • • •

Region X (Louisiana, Oklahoma, Arkansas, Texas).

• • • • • •

Shreveport, Louisiana, 1007–09 Texas Avenue. This office will serve the Northern portion of the State of Louisiana, its Southern boundary being composed of the parishes of Vernon, Rapides, Avoyelles and Concordia.

• • • • • •

Region XII (Arizona, California, Nevada). Office: San Francisco, California, 870 Market Street.

• • • • • •

Los Angeles, California, 108 West Sixth. This office will serve the Central portion of the State of California, its Northern boundary being composed of the counties of San Luis Obispo, Kings, Fresno, and Mono, and its Southern boundary being composed of the counties of Orange and San Bernardino.

San Diego, California, 1215 Seventh Avenue. This office will serve the following counties in the State of California: Riverside, San Diego, and Imperial.

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Region XIII (Idaho, Oregon, Washington).

• • • • • •

District Offices: Portland, Oregon, Lincoln Building. This office will serve the entire State of Oregon except the county of Malheur and the following counties in the State of Washington: Cowlitz, Clark, Skamania, Klickitat, Wahkiakum.

• • • • • •

Seattle, Washington, Regional Office. Until the establishment of District Offices in the area, the Seattle, Washington, Regional Office will serve the Western portion of the State of Washington except the counties of Cowlitz, Clark, Skamania, Klickitat, and Wahkiakum.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 19, 1951.

[F. R. Doc. 51–4731; Filed, Apr. 19, 1951; 11:38 a. m.]

[1] Whenever the boundaries of a District Office are described by county lines, the counties named are included within the area being described.

FEDERAL POWER COMMISSION

[Docket No. G–1303]

EL PASO NATURAL GAS CO. AND EL PASO GAS TRANSPORTATION CO.

ORDER FIXING DATE OF HEARING

APRIL 13, 1951.

By order dated November 2, 1950, and published in the FEDERAL REGISTER on November 8, 1950 (15 F. R. 7503), this proceeding was set for hearing to commence at 10:00 a. m., on November 21, 1950. By order dated November 10, 1950, the hearing was postponed to a date to be fixed by further order of the Commission to enable Applicants to prepare necessary data for presentation.

On February 23, 1951, Applicants filed with the Commission certain data and material in support of their application, together with a request that a date be fixed for hearing under the shortened procedure provided by the Commission's rules.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicants having requested that their application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 11, 1950 (15 F. R. 143).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held on May 3, 1951, at 9:30 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: April 16, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–4596; Filed, Apr. 19, 1951; 8:45 a. m.]

[Docket No. G–1448]

SHENANDOAH GAS CO.

ORDER POSTPONING HEARING

APRIL 13, 1951.

By order of the Commission dated March 15, 1951, and published in the FEDERAL REGISTER on March 21, 1951 (16 F. R. 2586), this proceeding was set for hearing to commence at 10:00 a. m. on April 16, 1951.

On March 30, 1951, Virginia Gas Transmission Corporation, the respondent herein, filed a motion requesting that the hearing fixed for April 16, 1951, be postponed. As grounds for its motion, said respondent states that estimates of its gas requirements and gas available show that during the next winter there will be a serious gas shortage in the Columbia Gas System of which respondent is a member and from which respondent procures its gas supplies. This shortage, respondent states, makes it necessary to control its growth of load and makes it essential that no new load be taken on respondent's system until such gas supplies as are necessary to serve new loads become available. Respondent states that an early hearing would not serve any useful purpose with respect to any gas supply for Shenandoah Gas Company (Applicant) during the next winter and that the public interest would be best served by deferring a hearing in this proceeding until the present emergency conditions have passed and further adequate supplies of gas become available to respondent. On April 10, 1951, Applicant filed its answer to said motion stating that it has no objection to the motion, but requests an early hearing when adequate gas supplies become available.

The Commission finds: Good cause exists and it would be in the public interest to postpone such hearing to a date to be fixed by further order of the Commission.

The Commission orders: The public hearing in this proceeding fixed by order of the Commission dated March 15, 1951, to commence on April 16, 1951, at Washington, D. C., be and the same hereby is postponed to a date to be fixed by further order of the Commission.

Date of Issuance: April 16, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–4597; Filed, Apr. 19, 1951; 8:45 a. m.]

[Docket Nos. G–1573, G–1614, G–1599]

TENNESSEE GAS TRANSMISSION CO. ET AL.

ORDER CONSOLIDATING PROCEEDING AND FIXING DATE OF HEARING

APRIL 13, 1951.

In the matters of Tennessee Gas Transmission Company, Docket No. G–1573, United Natural Gas Company, Docket No. G–1614, National Gas & Oil Corporation, Docket No. G–1599.

On December 27, 1950, Tennessee Gas Transmission Company (Tennessee), a Delaware corporation having its principal place of business in the Commerce Building, Houston, Texas, filed an application in Docket No. G–1573 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain facilities for the transportation and sale of natural gas, as described in the application and amendments thereto and the notices of application which were published in the FEDERAL REGISTER (16 F. R. 324, 779, 1643).

On February 16, 1951, Tennessee and United Natural Gas Company, a Pennsylvania corporation with its principal office at 308 Seneca Street, Oil City, Pennsylvania, filed a joint application in Docket No. G–1614 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act for authorization to develop a storage pool in Potter County, Pennsylvania, as described in the notice of application which was published in the FEDERAL REGISTER on March 10, 1951 (16 F. R. 2236) and as more fully described in the application. The proposed storage pool is to be operated in connection with the facilities proposed in Docket No. G–1573.

On April 4, 1951, the Commission issued an order consolidating Docket Nos. G–1573 and G–1614 for purpose of hearing and fixed April 18, 1951, as the date of hearing therein.

On January 29, 1951, National Gas & Oil Corporation of 36 North 2d Street, Newark, Ohio, filed an application in Docket No. G–1599 for an order pursuant to section 7 (a) of the Natural Gas Act requiring Tennessee to establish an interconnection of facilities and to sell 7,500 Mcf of natural gas per day to it at a point on Tennessee's main transmission pipeline near Zanesville, Ohio. Notice of the application was published in the FEDERAL REGISTER on February 13, 1951 (16 F. R. 1482).

In its application, National Coal & Oil Corporation requested that its application be consolidated with the proceedings in Docket Nos. G–1573 and G–1614 for purpose of hearing.

The Commission finds:

(1) Orderly procedure requires that the applications in Docket Nos. G–1573, G–1614 and G–1599 be consolidated for purpose of hearing.

(2) Good cause exists to set the application in Docket No. G–1599 for hearing without the normal 15 days' notice.

The Commission orders:

(A) Docket No. G–1599 is hereby consolidated with Docket Nos. G–1573 and G–1614 for purpose of hearing.

(B) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure a public hearing be held concerning the matters involved and the issues presented by the application in Docket No. G–1599 on April 18, 1951, at 10:00 a. m., e. s. t., the time heretofore designated for the hearing in Docket Nos. G–1573 and G–1614, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: April 16, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–4598; Filed, Apr. 19, 1951; 8:46 a. m.]

[Docket No. G–1645]

NATURAL GAS SERVICE CO.

NOTICE OF APPLICATION

APRIL 16, 1951.

Take notice that on March 30, 1951, the Natural Gas Service Company (Applicant), a Maryland corporation with its principal place of business in Frederick, Maryland, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a 4½-inch O. D. transmission pipeline approximately 26.6 miles in length, extending from a point on Transcontinental Gas Pipe Line Corporation's project in the vicinity of Rockville, Maryland, to a gas holder station of the Frederick Gas Company, Inc., in Frederick, Maryland. By means of the proposed facilities Applicant proposes to transport natural gas for the Frederick Gas Company, Inc.

The estimated over-all capital cost of the facilities proposed is $240,000. The application recites that Applicant proposes to finance the cost of construction

through the private sale of a limited number of shares of the common stock and a bond issue.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 7th day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-4618; Filed, Apr. 19, 1951; 8:48 a. m.]

[Docket No. G-1650]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION

APRIL 16, 1951.

Take notice that on April 3, 1951, Transcontinental Gas Pipe Line Corporation (Applicant), a Delaware corporation with its principal place of business in Houston, Texas, filed an application for a limited certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell and deliver and/or receive such quantities of natural gas as may result from certain exchange agreements by and between it and The Manufacturers Light and Heat Company, and the Atlantic Seaboard Corporation, all as more fully set out as Rate Schedules X-2 and X-3, on file with the Commission.

No additional facilities will be required by Applicant for the receipt or delivery of natural gas under said rate schedules.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 7th day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-4621; Filed, Apr. 19, 1951; 8:49 a. m.]

[Docket No. G-1658]

PETERSTOWN GAS CO., INC.

NOTICE OF APPLICATION

APRIL 16, 1951.

Take notice that Peterstown Gas Co., Inc. (Applicant), a West Virginia corporation, address, Welch, West Virginia, filed on April 6, 1951, an application for an order pursuant to section 7 (a) of the Natural Gas Act, as amended, directing Atlantic Seaboard Corporation (Atlantic Seaboard), a Delaware corporation, address, Charleston, West Virginia, to establish physical connection of its transportation facilities with the existing facilities of Applicant in the Town of Peterstown, West Virginia, and to sell and deliver natural gas to Applicant for distribution in the Town of Peterstown.

Applicant is the assignee of a franchise issued on January 5, 1942 by the Town of Peterstown authorizing the installation of a gas system in said Town and the furnishing to the inhabitants thereof natural or artificial gas for commercial, domestic and all other uses. Applicant proposes to take delivery of gas from a 4-inch pipeline of Atlantic Seaboard now utilized for service of natural gas to the Celanese Corporation of America at Narrows, Virginia, and requests sufficient volumes to serve a total of 45 customers in 1951 and 210 customers in 1954. The estimated peak day demands of said customers are 30 Mcf in 1951 and 190 Mcf in 1954. Applicant states that the principal fuel used in the Town of Peterstown is coal which is brought into the town by truck. There is no natural gas service in Peterstown at present.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-4619; Filed, Apr. 19, 1951 8:48 a. m.]

[Docket No. G-1660]

ATLANTIC SEABOARD CORP.

NOTICE OF APPLICATION

APRIL 16, 1951.

Take notice that Atlantic Seaboard Corporation (Applicant), a Delaware corporation, address, Charleston, West Virginia, filed on April 9, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a compressor station located on its existing 26-inch natural-gas transmission pipe line in its Beverly District, Randolph County, West Virginia, to be known as "Files Creek Compressor Station", and consisting of four 800 hp. gas engine driven compressor units and necessary appurtenant facilities and structure.

Applicant proposes to utilize the proposed facilities in conjunction with its existing facilities for the transportation and sale of natural gas for resale to present wholesale customers. Applicant states that the proposed facilities are required to provide sufficient capacity in its system to meet the estimated 1951-52 peak day and winter volumes of its present customers. No new markets are contemplated under the application.

The estimated cost of the proposed facilities is $1,350,000 which will be paid for by funds realized from the sale of securities to Applicant's parent, The Columbis Gas System, Inc.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-4620; Filed, Apr. 19, 1951; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26012]

UPHOLSTERING PADS OR PADDING FROM OHIO TO POINTS IN CENTRAL TERRITORY

APPLICATION FOR RELIEF

APRIL 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for The Akron, Canton & Youngstown Railroad Company and other carriers named in the application, pursuant to fourth-section order No. 9800.

Commodities involved: Automobile body parts, cut to size, viz: Upholstering pads or padding, rubber, carloads.

From: Akron and Barberton, Ohio.

To: Specified points in central territory.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4612; Filed, Apr. 19, 1951; 8:47 a. m.]

[4th Sec. Application 26013]

CEMENT FROM SPOKANE AND IRVIN, WASH., TO BUTTE AND HELENA, MONT.

APPLICATION FOR RELIEF

APRIL 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. R. Watson, Agent, for the Great Northern Railway Company.

Commodities involved: Cement, carloads.

From: Spokane and Irvin, Wash.

To: Butte and Helena, Mont.

Grounds for relief: Circuitous routes and competition with rail carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4613; Filed, Apr. 19, 1951; 8:48 a. m.]

[4th Sec. Application 26014]

PLASTER-WALLBOARD FROM MEDICINE LODGE, KANS., TO POINTS IN WESTERN TRUNK-LINE AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

APRIL 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3682.

Commodities involved: Plaster-wallboard, carloads.

From: Medicine Lodge, Kans.

To: Points in western trunk-line and Illinois territories.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3682, Supp. 31.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4614; Filed, Apr. 19, 1951; 8:48 a. m.]

[4th Sec. Application 26015]

FOREIGN WOODS FROM PASCAGOULA AND MOSS POINT, MISS., TO ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

APRIL 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 709.

Commodities involved: Lumber, logs or flitches of foreign woods, built-up woods, and veneer, carloads.

From: Pascagoula and Moss Point, Miss.

To: Central and Illinois territories.

Grounds for relief: Competition with rail carriers and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 709, Supp. 161.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4615; Filed, Apr. 19, 1951; 8:48 a. m.]

[4th Sec. Application 26016]

PIG IRON FROM POINTS IN TEXAS TO GARRETT, IND.

APPLICATION FOR RELIEF

APRIL 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3752.

Commodities involved: Pig iron, carloads.

From: Daingerfield, Lone Star and McCrossin, Tex.

To: Garrett, Ind.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supp. 564.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4616; Filed, Apr. 19, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 52-28, 54-183]

PITTSBURGH RAILWAYS CO. AND PHILADELPHIA CO.

SUPPLEMENTAL ORDER GRANTING AND PERMITTING APPLICATIONS—DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of April 1951.

In the matter of Elmer E. Bauer, Trustee of Pittsburgh Railways Company, Debtor; and Philadelphia Company, File No. 52-28; Philadelphia Company, File No. 54-183.

The Commission, by orders dated March 27, 1950, August 23, 1950, and December 27, 1950 (Holding Company Act Release Nos. 9759, 10058 and 10318), and the United States District Court for the Western District of Pennsylvania, by orders dated May 1, 1950, September 15, 1950, and December 29, 1950, having approved a plan ("Combined Plan") filed jointly by Elmer E. Bauer ("Bauer"), Trustee of Pittsburgh Railways Company ("Railways"), Debtor, and by Philadelphia Company, a registered holding company, for the reorganization of the Railways system under Chapter X of the Bankruptcy Act and section 11 (f) of the Public Utility Holding Company Act of 1935 ("Holding Company Act") and for the discharge, pursuant to section 11 (e) of the Holding Company Act, of Philadelphia Company's guarantees af-

fecting certain securities of companies included in the Railways system; and

Said orders of the Commission having also granted and permitted to become effective applications and declarations with respect to the transactions involved in consummation of said Combined Plan, including (a) the issuance of fractional shares of new stock by the reorganized company ("New Company"), in denominations of 1/10 share or multiples thereof, as necesary to effectuate the exchanges provided for in the Combined Plan, and (b) the right of New Company to make arrangements for the purchase, sale or exchange of such fractional shares for the purpose of eliminating such fractions as expeditiously as possible; and

Applicants-declarants, Bauer and Philadelphia Company, having filed, pursuant to Rule U-24 of the rules and regulations promulgated under the Holding Company Act, a post effective amendment to said applications-declarations in connection with said Combined Plan, wherein it is proposed by New Company that in lieu of the issuance of any such fractional shares New Company will take the following action:

(1) New Company will purchase in the over-the-counter market interim certificates for 100 shares of its common stock at the prevailing market price. When common stock certificates are available for exchange, New Company may exchange its interim certificates for common stock certificates. New Company may purchase from time to time on the market in which its common stock or interim certificates are traded, at the then current price, such additional shares or certificates as may be necessary to effect the transactions described in the following paragraphs.

(2) For 60 days after the date on which the exchange of interim certificates for common stock certificates may begin, persons entitled to receive fractional shares will be given the option of (a) receiving from New Company cash at the rate of $10 per share for any fractional shares to which they may be entitled, or (b) purchasing from New Company for cash, at the rate of $10 per whole share, the additional fractions required to augment their fractions into one whole share. The filing states that the consideration for purchase or sale of fractional shares has been fixed at $10 per share because that amount represents the stated value of New Company's common stock and is a convenient round amount, reasonably related to the current market price of such stock.

(3) After the option described above expires, persons entitled to receive fractional shares will be given the option of (a) receiving from New Company cash at the rate of a price per whole share represented by the closing price of the common stock as quoted on a national securities exchange, on which the common stock is listed, on the date preceding receipt of notice by the Exchange Agent of the exercise of the option, or (b) purchasing from New Company for cash, the additional fractions required to augment such fractions into one whole share, at the rate of a price per whole share represented by the closing market price of the common stock on the date preceding receipt of notice by the Exchange Agent of the exercise of the option.

(4) New Company will, from time to time as requested by the Exchange Agent, supply the cash and interim certificates or shares required to execute the aforesaid options. New Company will receive the interim certificates, shares and cash delivered to the Exchange Agent. New Company may sell on the market in which its common stock is listed, at the then current price, such common stock acquired by it through the transactions described herein as may not be needed for eliminating fractional shares.

(5) Immediately upon acquiring any shares under paragraph (1) above, New Company will cancel three-tenths (0.3) of a share, thereby reducing the aggregate issued stock to 1,076,097 shares.

(6) All necessary authorizations will be secured from the Bankruptcy Court having jurisdiction over the proposed transactions.

The Commission having examined the post-effective amendment and finding with respect to said applications-declarations, as further amended, that the requirements of the Combined Plan, the applicable provisions of the Holding Company Act, and the rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said applications-declarations, as further amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-24 and the applicable provisions of the Holding Company Act, that the said applications-declarations, as further amended, be, and the same hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-4604; Filed, Apr. 19, 1951; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17620]

BANQUE DE CREDIT COMMERCIAL S. A.

In re: Accounts maintained in the name of Banque de Credit Commercial S. A., Antwerp, Belgium, and owned by persons whose names are unknown. F-7-363 (Antwerp).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Banque de Credit Commercial S. A., Antwerp, Belgium]

Column I Name and address of institution which maintains account	Column II Designation of account
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	Old items outstanding, as described by The Chase National Bank of the City of New York in its report on form OAP-700, bearing its serial No. 355.

[F. R. Doc. 51-4590; Filed, Apr. 18, 1951; 8:53 a. m.]

[Vesting Order 17629]

MAX VOGEL

In re: Accounts maintained in the name of Max Vogel, Bankgeschaft, Zurich, Switzerland, and owned by persons whose names are unknown. F-63-8547.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Max Vogel, Bankgeschaft Zurich, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
Guaranty Trust Co. of New York, 140 Broadway, New York 15, N. Y.	Deposit account—Max Vogel, Bankgeschaft Todistrasse 52, Zurich 2, Switzerland, as described by Guaranty Trust Co. of New York, in its report on Form OAP-700 bearing its serial No. FB 154.

[F. R. Doc. 51-4591; Filed, Apr. 18, 1951; 8:53 a. m.]

[Vesting Order 17618]

BANKAG, A. G.

In re: Accounts maintained in the name of Bankag, A. G., Zurich, Switzerland, and owned by persons whose names are unknown.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with:

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the prop-

erty described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Bankaq, A. G., Zurich, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
Hallgarten & Co., 44 Wall St., New York 5, N. Y.	(a) Credit balance, and (b) various dollar securities as described by Hallgarten & Co. in its report on form OAP-700, bearing its serial No. 6.

[F. R. Doc. 51-4626; Filed, Apr. 19, 1951; 8:50 a. m.]

[Vesting Order 17627]

LES FILS DREYFUS AND CIE BASLE

In re: Accounts maintained in the name of Les Fils Dreyfus & Cie Basle, Switzerland, and owned by persons whose names are unknown. F-63-3009.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Les Fils Dreyfus & Cie, Basle, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
H. Cassel & Co., 61 Broadway, New York 6, N. Y.	(a) Credit balance in general ruling account, and (b) 15 Anaconda copper mining; as described by H. Cassel & Co. in its report on form OAP-700.

[F. R. Doc. 51-4632; Filed, Apr. 19, 1951; 8:51 a. m.]

[Vesting Order 17619]

BANQUE CANTONALE DES GRISONS

In re: Accounts maintained in the name of Banque Cantonale des Grisons, Chur, Switzerland, and owned by persons whose names are unknown. F-63-2260 (CHUR).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with:

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Banque Suisse d'Epargne et de Credit, Geneva, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of accounts
Dominick & Dominick, 14 Wall St., New York 5, N. Y.	(a) Banque Suisse d'Epargne et de Credit, Geneva, general ruling No. 6 account, as described by Dominick & Dominick in their report on Form OAP-700, bearing their serial No. 5; (b) Banque Suisse d'Epargne et de Credit, Geneva, special ruling No. 5, as described by Dominick & Dominick in their report on Form OAP-700, bearing their serial No. 6.

[F. R. Doc. 51-4628; Filed, Apr. 19, 1951; 8:50 a. m.]

[Vesting Order 17622]

MAERKI BAUMANN & CO.

In re: Accounts maintained in the name of Maerki Baumann & Co., Zurich, Switzerland, and owned by persons whose names are unknown. F-63-7101.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with:

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Banque Suisse d'Epargne et de Credit, Geneva, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of accounts
Dominick & Dominick, 14 Wall St., New York 5, N. Y.	(a) Banque Suisse d'Epargne et de Credit, Geneva, general ruling No. 6 account, as described by Dominick & Dominick in their report on Form OAP-700, bearing their serial No. 5; (b) Banque Suisse d'Epargne et de Credit, Geneva, special ruling No. 5, as described by Dominick & Dominick in their report on Form OAP-700, bearing their serial No. 6.

[F. R. Doc. 51-4628; Filed, Apr. 19, 1951; 8:50 a. m.]

[Vesting Order 17621]

BANQUE SUISSE D'EPARGNE ET DE CREDIT

In re: Accounts maintained in the name of Banque Suisse d'Epargne et de Credit, Geneva, Switzerland, and owned by persons whose names are unknown. F-63-2302.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with:

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Banque Cantonale des Grisons, Chur, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	(a) Miscellaneous portfolio of shares, and (b) Certain shares of stock; as described by The Chase National Bank of the City of New York in its report on form OAP-700 bearing its serial No. 213; (c) Bank Deposit Blanque Cantonale des Grisons, Chur, Switzerland, general ruling No. 6 account, as described by The Chase National Bank of the City of New York in its report on form OAP-700, bearing its serial No. 26.

[F. R. Doc. 51-4627; Filed, Apr. 19, 1951; 8:50 a. m.]

owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Credit Suisse, Lucerne, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
1. The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	(a) Old Account Blocked Switzerland, and (b) General Ruling No. 6 Blocked Switzerland; as described by The Chase National Bank of the City of New York in its report on form OAP-700, bearing its serial No. 2584; (c) Checks and drafts, and (d) Custody Funds serial No. 2584-S-9404, as described by The Chase National Bank of the City of New York in its report on form OAP-700, bearing its serial No. 356.
2. Credit Suisse New York Agency, 30 Pine St., New York 5, N. Y.	(a) Current account, (b) general ruling No. 6 account, and (c) miscellaneous portfolio of stocks and bonds, as described by Credit Suisse (known) New York Agency in its report on form OAP-700, bearing its serial No. 23.
3. Guaranty Trust Co. of New York, 140 Broadway, New York 15, N. Y.	(a) Miscellaneous portfolio of stocks a/c XC 21124, as described by Guaranty Trust Co. of New York in its report on form OAP-700, bearing its serial No. CU 0057.

[F. R. Doc. 51-4630; Filed, Apr. 19, 1951; 8:51 a. m.]

[Vesting Order 17626]

FERRIER LULLIN & CIE.

In re: Accounts maintained in the name of Ferrier Lullin & Cie., Geneva, Switzerland, and owned by persons whose names are unknown. F-63-3425.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with:

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained, is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Maerki Baumann & Co., Zurich, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
Wertheim & Co., 120 Broadway, New York, N. Y.	(a) United States of American currency, and (b) miscellaneous portfolio of stocks, as described by Wertheim & Co., in its report on form OAP-700.

[F. R. Doc. 51-4629; Filed, Apr. 19, 1951; 8:50 a. m.]

[Vesting Order 17625]

CREDIT SUISSE

In re: Accounts maintained in the name of Credit Suisse, Lucerne, Switzerland, and owned by persons whose names are unknown. F-63-60 (Lucerne).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with:

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by, persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Ferrier Lullin & Cie., Geneva, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
Halle & Stieglitz, 52 Wall St., New York 5, N. Y.	Credit balance, as described by Halle & Stieglitz in its report on Form OAP-700.
Hallgarten & Co., 44 Wall St., New York, N. Y.	(a) Credit balance, and (b) Various dollar securities; as described by Hallgarten & Co. in its report on Form OAP-700, bearing its serial No. 5.
Dominick & Dominick, 14 Wall St., New York 5, N. Y.	(a) Ferrier Lullin & Cie., Geneva; (b) 200 shares Grigsby Grunow Co.; and (c) 5 shares National Public Service Corp. pfd. A; as described by Dominick & Dominick in its report on Form OAP-700, bearing its serial No. 18; (d) Ferrier Lullin & Cie., Geneva; and (e) Ferrier Lullin & Cie., Geneva, General Ruling No. 6 Account; as described by Dominick & Dominick in its report on Form OAP-700, bearing its serial No. 17.

[F. R. Doc. 51-4631; Filed, Apr. 19, 1951; 8:51 a. m.]

[Vesting Order 17630]

VON DER HEYDT'S BANK N. V.

In re: Accounts maintained in the name of Von der Heydt's Bank N. V. Zandvoort, Netherlands, and owned by persons whose names are unknown. F-28-27835-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by, persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Union Bank of Switzerland or Union de Banques Suisse, Lausanne, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
1. Brown Bros. Harriman & Co., 59 Wall St., New York 5, N. Y.	Union Bank of Switzerland, Lausanne, general ruling No. 6 account, as described by Brown Bros., Harriman & Co., in its report on Form OAP-700, bearing its serial No. 56.
2. Guaranty Trust Co. of New York, 140 Broadway, New York 15, N. Y.	(a) Temporary custody cash account, and (b) miscellaneous portfolio of stocks and bonds, as described by the Guaranty Trust Co. of New York in its report on Form OAP-700, bearing its serial No. C11-905; (c) Deposit account, Union Bank of Switzerland general ruling No. 6 account, Lausanne, Switzerland, as described by The Guaranty Trust Co. of New York in its report on Form OAP-700, bearing its serial No. B 15.
3. The National City Bank of New York, 55 Wall St., New York, N. Y.	(a) Miscellaneous portfolio of stocks and bonds, and (b) miscellaneous portfolio of bonds, as described by The National City Bank of New York in its report on Form OAP-700, bearing its serial No. B 59.
4. Bankers Trust Co., 16 Wall St., New York, N. Y.	(a) Custodian cash A/C general ruling No. 6, and (b) Miscellaneous stocks and bonds, as described by the Bankers Trust Co. in its report on Form OAP-700, bearing its serial No. 6.
5. The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	(a) Miscellaneous portfolios of securities, Union Bank of Switzerland, Lausanne, Switzerland (FS 83340) (FS 83437), as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its serial No. 354.

[F. R. Doc. 51-4634; Filed, Apr. 19, 1951; 8:51 a. m.]

[Return Order No. 936]

CECILIA BONFIGLIO

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Nature of Interest To Return Published, and Property

Cecilia Bonfiglio, Genoa, Italy; Claim No. 40139; January 6, 1951 (16 F. R. 219); $28.43.61 in the Treasury of the United States. An undivided two-fifths interest in real property situated in Los Angeles, California, known as: 1561 W. 20th Street, 1567 W. 20th Street, 1553 W. 20th Street, 1556 Washington Boulevard. 1562 Washington Boulevard.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4637; Filed, Apr. 19, 1951; 8:52 a. m.]

EXHIBIT A

[Accounts maintained in the name of Von der Heydt's Bank N. V., Zandvoort, Netherlands]

Column I Name and address of institution which maintains account	Column II Designation of account
The Chase National Bank of the City of New York, 18 Pine Street, New York, N. Y.	(a) Von der Heydt's Bank N. V., Zandvoort, Netherlands (TS 86260), as described by The Chase National Bank of the City of New York in its report on form OAP-700 bearing its serial No. 306, and (b) miscellaneous securities, as described by the Chase National Bank of the City of New York in its report on form OAP-700 bearing its serial No. 305.

[F. R. Doc. 51-4638; Filed, Apr. 19, 1951; 8:51 a. m.]

[Vesting Order 17631]

UNION BANK OF SWITZERLAND

In re: Accounts maintained in the name of Union Bank of Switzerland or Union de Banques Suisse, Lausanne, Switzerland, and owned by persons whose names are unknown. F-63-139 (Lausanne).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

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FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

VOLUME 16 NUMBER 78

Washington, Saturday, April 21, 1951

TITLE 3—THE PRESIDENT

PROCLAMATION 2922

CHILD HEALTH DAY, 1951

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Congress, by a joint resolution of May 18, 1928 (45 Stat. 617), has authorized and requested the President of the United States to issue annually a proclamation setting apart May 1 as Child Health Day; and

WHEREAS it is recognized that our children embody our most cherished hopes:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby designate the first day of May of this year as Child Health Day; and I call upon the people of each community of the United States, and all agencies and organizations interested in child welfare, to consider upon that day how, in the coming year, they may carry out the objectives of the Midcentury White House Conference on Children and Youth, held last year, to the end that all our children may grow in physical, mental, and emotional health, with faith in God and in the dignity of man.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 19th day of April in the year of our Lord nineteen hundred and fifty-one, and of the Independence of the United States of America the one hundred and seventh-fifth.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 51-4764; Filed, Apr. 20, 1951; 11:36 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 729—PEANUTS

DETERMINATION WITH RESPECT TO TYPES IN INSUFFICIENT SUPPLY FOR 1951–52 MARKETING YEAR

The purpose of this proclamation is to establish the types of peanuts for which the supply for the marketing year beginning August 1, 1951, will be insufficient to meet the estimated demand for cleaning and shelling purposes, to establish the extent of increase in State allotments for States producing peanuts of such types required to meet such demand, and to apportion such increase to such States. These determinations are made in order to comply with certain changes made in the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1357–1359) by Public Law 17, 82d Congress, approved April 12, 1951. Section 358 (c) of the act as amended by the aforesaid Public Law, reads in part as follows:

358 (c) (2) Notwithstanding any other provision of law, if the Secretary of Agriculture determines, on the basis of the average yield per acre of peanuts by types during the preceding five years, adjusted for trends in yields and abnormal conditions of production affecting yields in such five years, that the supply of any type or types of peanuts for any marketing year, beginning with the 1951–1952 marketing year, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it, the State allotments for those States producing such type or types of peanuts shall be increased to the extent determined by the Secretary to be required to meet such demand but the allotment for any State may not be increased under this provision above the 1947 harvested acreage of peanuts for such State. The total increase so determined shall be apportioned among such States for distribution among farms producing peanuts of such type or types on the basis of the average acreage of peanuts of such type or types in the three years immediately preceding the year for which the allotments are being determined.

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FEDERAL REGISTER

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The additional acreage so required shall be in addition to the national acreage allotment, the production from such acreage shall be in addition to the national marketing quota, and the increase in acreage allotted under this provision shall not be considered in establishing future State, county, or farm acreage allotments.

1. Section 729.204 defines each of the four commonly known basic types of peanuts—Runner, Spanish, Valencia, and Virginia—by describing the outstanding physical characteristics of each type and the areas of the United States in which each is most commonly grown. The definition of Virginia type peanuts includes a requirement that each lot or load of peanuts having Virginia type characteristics must contain a minimum percentage of large so-called "Fancy" size peanuts, otherwise such lot or load will be considered Runner type peanuts.

2. Section 729.205 establishes the types of peanuts for which the supply for the marketing year beginning August 1, 1951, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which Commodity Credit Corporation may sell for such purposes peanuts owner or controlled by it. This determination is based on the estimated production of each type of peanuts on the State allotments previously announced for the 1951 crop, on the basis of the average yield per acre of peanuts by types in the five years 1946–1950, adjusted for trends in yields and for abnormal conditions of production affecting yields in those years. Section 729.205 also establishes the total increase in State allotments required to meet the prescribed demand for peanuts of the types for which an increase is provided.

3. Section 729.206 apportions the increase determined under § 729.205 to States producing peanuts of the types for which such increase is provided. Such increase is prorated to such States on the basis of the average acreage of peanuts (excluding acreage in excess of farm allotments) of such types grown in each State in the three years 1948–1950, but the allotment for no State is increased above the 1947 harvested acreage of peanuts for the State. The 1948-1950 average acreages used for the purposes of the aforementioned apportionment were determined by the State and county committees, in accordance with instructions issued by the Assistant Administrator, on the basis of data reported by farm operators and county office records of peanut acreages and production. The same data will be used as the basis for apportioning the State acreage to farms in accordance with the provisions of § 729.230.

4. Section 729.207 specifies that the increase in acreage allotted to States under § 729.206 shall not be considered in establishing future State, county, or farm acreage allotments.

Farmers throughout the peanut-producing States have begun planting peanuts for the 1951 crop. It is therefore imperative that the increases in State acreage allotments become effective at the earliest possible date in order that State and county Production and Marketing Administration committees in affected States may determine the increases in farm acreage allotments and notify farm operators of the additional acreage which may be grown in 1951 within the farm allotment. Accordingly, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act (7 U. S. C. 1003) is impracticable and contrary to the public interest. The provisions of this proclamation shall be effective upon filing of this document with the Director, Division of the Federal Register.

Sec.
- 729.204 Definitions of types of peanuts.
- 729.205 Designation of types for which increases are needed and determination of total increase.
- 729.206 Apportionment of increase to States.
- 729.207 No credit for future allotments.
- 729.208 Definitions and miscellaneous provisions.

AUTHORITY: §§ 729.204 to 729.208 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 358, 55 Stat. 89, as amended; 7 U. S. C. 1358.

§ 729.204 *Definitions of types of peanuts.* For the 1951 crop of peanuts, the generally known types of peanuts are defined as follows:

(a) Runner type peanuts means peanuts commonly known as African Runner, Alabama Runner, Georgia Runner, Carolina Runner, Wilmington Runner, Dixie Runner, or Runner, produced principally in the Southeastern peanut producing area of the United States and identified by the following characteristics: Typically two-seeded pods which are practically cylindrical, medium sized, stem end round and the other pointed with a slight keel, having shells fairly thick and strong, with shallow veining and corrugation; and seeds crowded in pod with adjacent ends sharply shouldered. Runner type peanuts will also include lots or loads of peanuts having Virginia type characteristics but not meeting size requirements specified in paragraph (d) of this section for Virginia type peanuts.

(b) Spanish type peanuts means peanuts commonly known as White Spanish, Small Spanish, Medium-Small Spanish, or Spanish; produced principally in the Southeastern and Southwestern peanut producing areas of the United States and identified by the following general characteristics: Typically two-seeded pods, which are small, with both ends rounded, the end opposite the stem having an inconspicuous point or keel, and the waist slender; shells very thin, with veining and corrugation conspicuous but not deep; and seeds globular to oval and practically smooth.

(c) Valencia type peanuts means peanuts commonly known as New Mexico Valencia, Tennessee Valencia, Tennessee White, Tennessee Red, or Valencia, produced principally in Tennessee and New Mexico, and identified by the following general characteristics: Typically three or four and sometimes five-seeded pods which are long and slender, with the end opposite the stem having a definite point or keel with conspicuous veining and corrugation; and seeds globular to oval.

(d) Virginia type peanuts means peanuts commonly known as Virginia Runner, Virginia Bunch, North Carolina Runner, North Carolina Bunch, Jumbo, or Virginia, produced principally in North Carolina, Virginia, northeastern South Carolina, and Tennessee, and identified by the following general characteristics: Typically two-seeded pods which are of an average size larger than any other type; pods are roughly cylindrical, with veining and corrugation deep; and seeds cylindrical with pointed ends, length two or three times diameter, and practically smooth. Any lot or load of peanuts which contains less than 16 percent "Fancy" size (peanuts riding a $\frac{31}{64}$" x 3" slotted screen) will be considered Runner type peanuts.

§ 729.205 *Designation of types for which increases are needed and determination of total increase.* The State acreage allotments for peanuts of the 1951 crop for States which produced Valencia type peanuts or Virginia type peanuts during any one or more of the years 1948, 1949, and 1950, shall be increased by a total of 83,266 acres, which is determined to be the total increase required to meet the demand for Valencia type peanuts and Virginia type peanuts for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such porposes peanuts owned or controlled by it.

§ 729.206 *Apportionment of increase to States.* The acreage established in § 729.205, less a reserve of one-fourth of one percent (208 acres) of such acreage which shall be used for adjusting increases in State allotments determined on the basis of incomplete or inaccurate data in accordance with instructions issued by the Assistant Administrator, is hereby apportioned to States on the basis of the average acreage (excluding acreage in excess of farm allotments) of Valencia type peanuts and Virginia type peanuts in each State in 1948, 1949, and 1950:

State	1947 harvested acreage of peanuts	1948–50 average acreage	Increase in State allotment	Previous State allotment	Revised State allotment
Alabama	463,000	1,400	281	243,321	243,602
Arizona				801	801
Arkansas	8,000			4,710	4,710
California				1,050	1,050
Florida	105,000	500	100	61,149	61,249
Georgia	1,124,000	7,760	1,547	585,638	587,185
Louisiana	5,000			2,191	2,191
Mississippi	15,000			8,436	8,436
Missouri				274	274
New Mexico	11,000	4,100	824	5,478	6,302
North Carolina	292,000	246,000	49,425	188,451	237,876
Oklahoma	325,000			153,298	153,298
South Carolina	26,000	8,400	1,688	15,342	17,030
Tennessee	5,000	3,100	623	3,979	4,602
Texas	850,000			306,369	306,369
Virginia	162,000	142,200	28,570	117,819	146,389
Reserve			208		

The above increases do not result in increasing the State allotment for any State above the 1947 harvested acreage of peanuts for such state.

§ 729.207 *No credit for future allotments.* The increase in acreage allotted to States and farms pursuant to §§ 729.206 and 729.230, respectively, shall not be considered in establishing future State, county, or farm acreage allotments.

§ 729.208 *Definitions and miscellaneous provisions.* The applicable definitions and provisions in §§ 729.210 to 729.227 (15 F. R. 7292) shall apply to §§ 729.204 to 729.207.

Issued at Washington, D. C., this 17th day of April 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary.

[F. R. Doc. 51-4658; Filed, Apr. 20, 1951; 8:48 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter H—Determination of Wage Rates

[Sugar Determination 861.4, Amdt. 1]

PART 861—SUGAR BEETS: CALIFORNIA, SOUTHWESTERN ARIZONA, AND SOUTHERN OREGON

1951 CROP

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, the determination of fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1951 crop of sugar beets in California, southwestern Arizona, and southern Oregon, issued December 26, 1950, as Part 861, § 861.4 (15 F. R. 9376) is hereby amended by deleting § 861.4 (a) (1) (i) (c) and substituting in lieu thereof the following:

§ 861.4 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1951 crop of sugar beets in California, southwestern Arizona, and southern Oregon—*

(a) *Wage requirements.* • • •

(1) *Wage rates.* • • •

(i) *For work performed on a time basis.* • • •

(c) For workers certified by the local County Production and Marketing Administration Committee as being handicapped because of age or physical or mental deficiency, and for workers between 14 and 16 years of age, the above rates may be reduced by not more than one-third. Maximum employment per day for workers between 14 and 16 years of age, without deduction from Sugar Act payments to the producer, is 8 hours.

STATEMENT OF BASES AND CONSIDERATIONS

This amendment sets forth the minimum requirements for the employment on sugar beet farms of the workers whose productivity or earning capacity is impaired by reason of age or physical or mental deficiency. It provides that where such workers are employed the basic time rates of 65 cents per hour for thinning, hoeing or weeding and 70 cents per hour for pulling, topping or loading may be reduced by not more than one-third. The minimum hourly earnings of such workers on piecework may not be less than the applicable time rates. As with other sugar beet workers, producers are required to furnish, without charge, customary housing, garden plot, and similar items.

The Department understands that employment has been denied such workers because they have been unable to earn on piecework the minimum hourly guaranties required by the 1951 wage determination. In view of this and the present and prospective manpower needs, this amendment should afford added work opportunities for such workers.

Workers who desire to qualify under this amendment are required to obtain a certificate of qualification from the local County PMA Committee. This certificate must be presented to the producer who desires to hire such worker prior to the commencement of work on the farm.

Accordingly, I hereby find and conclude that the foregoing amendment to the wage determination will effectuate the wage provisions of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 17th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4659; Filed, Apr. 20, 1951; 8:48 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 379]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.486 *Lemon Regulation 379*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on April 18, 1951, such meeting was held, after giving due notice thereof, to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 22, 1951, and ending at 12:01 a. m., P. s. t., April 29, 1951, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 350 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 19th day of April 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 2

[Storage date: Apr. 15, 1951]

[12:01 a. m. Apr. 22, 1951, to 12:01 a. m. May 6, 1951]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.620
American Fruit Growers, Inc., Fullerton	1.294
American Fruit Growers, Inc., Upland	.397
Badington Fruit Co	.876
Hazeltine Packing Co	.886
Ventura Coastal Lemon Co	1.244
Ventura Pacific Co	1.633
Glendora Lemon Growers Association	1.898
La Verne Lemon Association	.825
La Habra Citrus Association	2.129
Yorba Linda Citrus Association	.885
Escondido Lemon Association	4.986
Alta Loma Heights Citrus Association	.672
Etiwanda Citrus Fruit Association	.326
Mountain View Fruit Association	.494
Old Baldy Citrus Association	.959
San Dimas Lemon Association	1.735
Upland Lemon Growers Association	5.458
Central Lemon Association	1.371
Irvine Citrus Association	1.167
Placentia Mutual Orange Association	1.309
Corona Citrus Association	.970
Corona Foothill Lemon Co	3.423
Jameson Co	1.642
Arlington Heights Citrus Co	1.648
College Heights Orange & Lemon Association	2.063
Chula Vista Citrus Association	1.101
El Cajon Valley Citrus Association	.202
Escondido Cooperative Citrus Association	.379
Fallbrook Citrus Association	2.681
Lemon Grove Citrus Association	.464
Carpinteria Lemon Association	1.740
Carpinteria Mutual Citrus Association	1.811
Goleta Lemon Association	3.039
Johnston Fruit Co	3.950
North Whittier Heights Citrus Association	.944

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
San Fernando Heights Lemon Association	1.714
Sierra Madre-Lamanda Citrus Association	1.601
Briggs Lemon Association	1.832
Culbertson Lemon Association	1.243
Fillmore Lemon Association	1.653
Oxnard Citrus Association	4.545
Rancho Sespe	1.285
Santa Clara Lemon Association	2.590
Santa Paula Citrus Fruit Association	3.249
Saticoy Lemon Association	2.073
Seaboard Lemon Association	3.403
Somis Lemon Association	2.531
Ventura Citrus Association	.553
Ventura County Citrus Association	.009
Limonelra Co	2.208
Teague-McKevett Association	.950
East Whittier Citrus Association	1.432
Leffingwell Rancho Lemon Association	.944
Murphy Ranch Co	1.571
Chula Vista Mutual Lemon Association	.542
Index Mutual Association	.926
La Verne Cooperative Citrus Association	2.439
Orange Belt Fruit Distributors	.903
Ventura County Orange & Lemon Association	1.724
Whittier Mutual Orange & Lemon Association	.158
Ayoob, Fred	.005
Evans Bros. Packing Co	.016
Johnson, Fred	.048
Knapp, John C., Packing Co	.000
Latimer, Harold	.098
MacDonald Fruit Co	.004
Paramount Citrus Association	.269
San Antonio Orchard Co	.057
Uyeji, Kikuo	.004

[F. R. Doc. 51-4737; Filed, Apr. 20, 1951; 9:01 a. m.]

[Orange Reg. 367, Amdt. 1]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the provisions of Order No. 66 (7 CFR Part 966) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of oranges grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (i) (c) and (b) (1) (ii) (*b*) of § 966.513 (Orange Regulation 367, 16 F. R. 3331) are hereby amended to read, respectively, as follows:

(i) *Valencia oranges.* • • •

(c) Prorate District No. 3: 100 carloads;

• • • • •

(ii) *Oranges other than Valencia oranges.* • • •

(*b*) Prorate District No. 2: 1300 carloads;

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 19th day of April 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-4736; Filed, Apr. 20, 1951; 9:01 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 1, Amdt. 1]

PART 26—AIR-TRAFFIC CONTROL-TOWER OPERATOR CERTIFICATES

AIR TRAFFIC CONTROL RULES

Air traffic control rules were published on June 21, 1949, in 14 F. R. 3327 to implement § 26.50 and were republished on July 16, 1949, in 14 F. R. 4213 to implement § 26.26. Those rules are hereby revised and transferred to a new Part 617 of this title.[1] The revision is made effective without delay in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impractical and contrary to the public interest and it is not required.

1. Section 26.26–1 is revised to read:

§ 26.26–1 *Control of air traffic (CAA rules which apply to § 26.26).* A certificated air-traffic control-tower operator shall control traffic in compliance with Part 617 of this title.

2. Sections 26.26–2 through 26.26–104 are revoked.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] J. S. MARRIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-4771; Filed, Apr. 20, 1951; 8:45 a. m.]

[1] See F. R. Document 51-4166, Chapter II of this title, *infra*.

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 617—AIR TRAFFIC CONTROL RULES

Air traffic control rules were published on June 21, 1949, in 14 F. R. 3327 to implement § 26.50 of this chapter and were republished on July 16, 1949, in 14 F. R. 4213 to implement § 26.26 of this chapter. Those rules are hereby transferred from Part 26 of this chapter and revised. The revision is made effective without delay in order to promote safety of the flying public. Compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest and therefore is not required. Part 617 is adopted to read:

SUBPART A—GENERAL

Sec.
617.1 Definitions of terms.
617.2 Basis and purpose.
617.3 Scope.
617.4 Air traffic control service.
617.5 Airport Traffic Control.
617.6 Allocation of responsibility.
617.7 Coordination between centers and towers.
617.8 Standard phraseologies.
617.9 Emergency rules.

SUBPART B—AIRPORT TRAFFIC CONTROL

617.21 General responsibility.
617.22 Control of traffic on and in vicinity of landing area.
617.23 Visual signals.
617.24 Radiotelephone technique.
617.25 Standard traffic clearance and phraseologies.
617.26 Local traffic information.
617.27 Information on field conditions.
617.28 Preventive control.
617.29 Authorizing VFR operations in a control zone clear of clouds and/or when the ceiling or visibility is below basic VFR minimums.
617.30 Operating instructions for airport traffic control towers.

AUTHORITY: §§ 617.1 to 617.30 issued under sec. 205, 52 Stat. 984, as amended, 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551.

SUBPART A—GENERAL

§ 617.1 *Definitions of terms.* The terms used in this part shall have the following meaning:

Administrator. Administrator of Civil Aeronautics.

Airport. A defined area on land or water, including any buildings and installations, normally used for the takeoff and landing of aircraft.

Airport traffic. Aircraft operating on and in the vicinity of an airport and other traffic operating on the movement area.

Airport traffic control tower. A facility to provide for supervision of airport air traffic.

Air route traffic control area. (See control area.)

Air route traffic control center. A facility established by competent authority to provide adequate supervision of air traffic within a specified control area.

Air traffic. Aircraft in operation anywhere in the air space and on that area of an airport normally used for the movement of aircraft.

Air traffic clearance. Authorization by air traffic control, for the purpose of preventing collision between known aircraft, for an aircraft to proceed under specified traffic conditions within a control zone or control area.

Air traffic control. A service established by competent authority to promote the safe, orderly, and expeditious flow of air traffic.

Air traffic controller. A person responsible for providing air traffic control service.

Airway. A path through the navigable air space designated by the Administrator, suitable for interstate, overseas, or foreign air commerce.

Alternate airport. An airport specified in the flight plan to which a flight may proceed when a landing at the point of first intended landing becomes inadvisable.

Approach control. A service established to control IFR flights arriving at, departing from, and operating in the vicinity of airports, by means of direct and instantaneous communication between Approach Control personnel and all aircraft operating under their control.

Approach sequence. Two or more aircraft awaiting an approach clearance.

Arrival. An arriving aircraft.

ATC. Air Traffic Control.

CAA. Civil Aeronautics Administration.

Center. An air route traffic control center.

Clearance. An air traffic clearance.

Clearance limit. The point to which an aircraft is cleared.

Competent authority. A representative authorized to act for an agency.

Control area. An airspace of defined dimensions, designated by the Administrator, extending upwards from an altitude of 700 feet above the surface, within which air traffic control is exercised.

Control zone. An airspace of defined dimensions, designated by the Administrator, extending upwards from the surface, to include one or more airports, and within which rules additional to those governing flight in control areas apply for the protection of air traffic.

Cruising altitude. A constant altimeter indication, in relation to sea level, maintained during a flight or portion thereof.

Departure. A departing aircraft.

Expected approach clearance time. The time at which it is expected that an arrival will be cleared to commence its approach procedure preparatory to landing.

Flight plan. Specified information filed either verbally or in writing with air traffic control, relative to the intended flight of an aircraft.

Holding point. A specified location, identified by visual or other means, in the vicinity of which the position of an aircraft in flight is maintained in accordance with air traffic control instructions.

ICAO. International Civil Aviation Organization.

IFR. The symbol used to designate instrument flight rules.

IFR conditions. Weather conditions below the minimum prescribed for flights under VFR.

Movement area. The part of an airport reserved for the taking off, landing and maneuvering of aircraft.

Reporting point. A geographical location in relation to which the position of aircraft is reported.

Rescue coordination center. A center which initiates, coordinates, and terminates search and rescue within an assigned area.

Rescue control center. A unit subordinate to a safety center established to direct search and rescue activities.

Safety center. A coordinated activity consisting of an air route traffic control center and a rescue coordination center.

Separation. A specified longitudinal, vertical, or lateral separation between two or more aircraft in flight.

Separation standards. The minimum longitudinal, vertical, or lateral separation provided IFR traffic.

State. Any nation of the world. (International usage).

Take-off clearance. Authorization by an airport traffic control tower for an aircraft to take off.

Tower. An airport traffic control tower.

VFR. The symbol used to designate visual flight rules.

VFR conditions. Weather conditions equal to or above the minimum prescribed for flights under VFR.

VFR traffic. Aircraft operating solely in accordance with VFR.

§ 617.2 *Basis and purpose.* Section 26.26 of this chapter provides that a certificated air-traffic control-tower operator shall control traffic in accordance with rules prescribed by the Administrator to provide for the safe, orderly, and expeditious flow of air traffic. The purpose of this part is to prescribe such rules.

§ 617.3 *Scope.* The rules contained in this part shall be uniformly applied by all persons controlling air traffic under authority of an air-traffic control-tower operator's certificate issued by the Civil Aeronautics Administration.

§ 617.4 *Air traffic control service.* The primary objective of the air traffic control service shall be to promote the safe, orderly, and expeditious movement of air traffic. This shall include:

(a) Preventing collisions between aircraft and between aircraft and obstructions on the movement area.

(b) Expediting and maintaining an orderly flow of air traffic.

(c) Assisting the person in command of an aircraft by providing such advice and information as may be useful for the safe and efficient conduct of a flight.

(d) Notifying appropriate organizations regarding aircraft known to be or believed to be in need of search and rescue aid, and assisting such organizations as required.

§ 617.5 *Airport traffic control.* Airport traffic control is established to provide adequate supervision of all traffic on the movement area and aircraft flying in visual reference to the ground in the immediate vicinity of an airport. Airport traffic control may operate either within the boundaries of a control area or at locations not supervised by a center.

§ 617.6 *Allocation of responsibility.* (a) The only separation of air traffic not operating on an IFR flight plan in weather conditions equal to or better than the VFR minimums shall be that effected by a tower.

(b) The airport operator is responsible for the establishment of adequate traffic patterns.

§ 617.7 *Coordination between centers and towers.* Coordination between centers and towers shall be effected as follows:

(a) *Authority.* Towers shall observe such instructions as are issued by the appropriate center.

(b) *Towers.* The tower may authorize VFR flight in a control zone in weather conditions lower than the VFR minimums after coordination with the center.

(c) *Division of control.* (1) The center shall retain control of arriving aircraft until such aircraft have been cleared to the tower and are in communication with the tower. Not more than one arrival shall be cleared to the tower during IFR conditions.

(2) After coordination with the tower, a center may clear arrivals to visual holding points to hold until further advised.

(3) Towers shall keep centers promptly advised of pertinent data on IFR traffic such as:

(i) Arrival and departure times.

(ii) Available information relating to overdue or unreported aircraft.

§ 617.8 *Standard phraseologies.* Clearances shall be issued in accordance with the phraseologies herein. It is expected that personnel receiving a clearance for transmission to an aircraft will transmit such clearance in the exact phraseology in which it is received. It is essential that each clearance contain positive and concise data, phrased in a standard manner.

(a) Each traffic clearance shall be prefixed with the phrase "ATC clears (Ident.)" whenever a clearance limit is contained in the clearance.

Example: "ATC clears eastern four to the Richmond Airport. Cruise six thousand. • • •"

(b) The phrase "ATC advises (Ident.)" shall be used whenever information such as expected approach time, undetermined delay, and essential traffic is issued.

§ 617.9 *Emergency rules.* Since the circumstances surrounding emergencies vary considerably, exact detailed rules cannot be adopted to apply uniformly in emergencies. Established emergency procedures should be followed whenever possible. Centers and towers shall maintain full and complete coordination, and personnel shall use their best judgment in handling emergency situations.

SUBPART B—AIRPORT TRAFFIC CONTROL

§ 617.21 *General responsibility.* (a) *Responsibility of airport traffic control towers.* (1) An airport traffic control tower is responsible for the issuance of clearances and information to pilots of aircraft for the purpose of preventing collision between:

(i) Aircraft operating on the ground at the landing area.

(ii) Aircraft and vehicles operating on the landing area.

(iii) Aircraft in the traffic pattern, and landing and taking off at the landing area.

(iv) Aircraft operating under instrument flight rules after control of such aircraft has been delegated to the tower by the appropriate air route traffic control center.

(2) An airport traffic control tower is also responsible for the issuance and relay of information and clearances which will prevent unnecessary delays to aircraft using a landing area, and which will permit the proper use of the landing area by aircraft.

(b) *Responsibility of pilots.* (1) When flying in visual flight rule weather conditions it is considered the direct responsibility of the pilot to avoid collision with other aircraft. Under such conditions, the information and clearances issued by the control tower are intended to aid pilots to the fullest extent in avoiding collisions.

(2) When flying in instrument flight rules weather conditions it is obviously impossible for the pilot to assume the responsibility of avoiding collision with other aircraft except as directed by the ground control agency. Therefore, it is of the utmost importance that all clearances issued by a control tower to pilots of aircraft under its jurisdiction be adequate, concise, and definite inasmuch as the pilot has no other means of ascertaining the proximity of other aircraft.

§ 617.22 *Control of traffic on and in vicinity of landing area.*—(a) *General.* Airport traffic controllers shall maintain a continuous watch on all visible flight operations in the control zone, including aircraft, vehicles, and personnel on the landing area, and shall control such traffic in accordance with the procedures set forth herein and all applicable air traffic rules. If there are other landing areas within the zone, traffic at all landing areas within the zone shall be coordinated so as to eliminate any hazardous conflictions of traffic patterns.

(b) *Critical positions of aircraft in the traffic and taxi patterns.* The following positions of aircraft in the traffic and taxi patterns (illustrated in Figure 1) are the positions where the aircraft normally receives airport traffic control clearances. The aircraft should be watched closely as they approach these positions so that proper clearances may be issued without delay. Where practicable all such clearances should be issued without waiting for the pilot to initiate the call:

(1) Pilot initiates call to taxi for departing flight. Runway-in-use information and taxi information given.

(2) If there is conflicting traffic the departing aircraft will be held at this point. The pilot will normally run up motors here.

(3) Take-off clearance is issued here, if not practicable at position 2.

(4) Clearance to land or landing sequence number is issued here.

(5) Clearance to taxi to hangar line or parking area is issued here.

(6) Parking directions issued here if necessary.

(c) *Determination of proper runways to use for landings and take-offs.* (1) When surface wind velocity is six miles per hour or more, aircraft shall ordinarily be authorized to use the runway most nearly aligned into the wind, and the tetrahedron shall, if controllable, be set so as to indicate such runway. (See Figure 2 (b).)

(2) The tetrahedron, if controllable, will release automatically and swing into the wind when the velocity reaches a predetermined value. Ordinarily this will be between 10 and 15 miles per hour.

(3) When the surface wind velocity is less than 6 miles per hour, aircraft shall be authorized to use the runway which has been designated as the "calm wind" runway. The actual wind direction and velocity shall be stated since, under certain conditions, some types of aircraft are not approved for take-off or landing with a tail wind component. The "calm wind" runway shall normally be the runway having the most advantages such as greater length, shorter taxiing distance, better approach, etc. The tetrahedron shall be set so as to indicate such runway under these conditions. (See Figure 2 (a).)

(4) If the runway in use is not considered suitable for the operation involved, the controller may offer a choice of runway or the pilot may request clearance to use another runway.

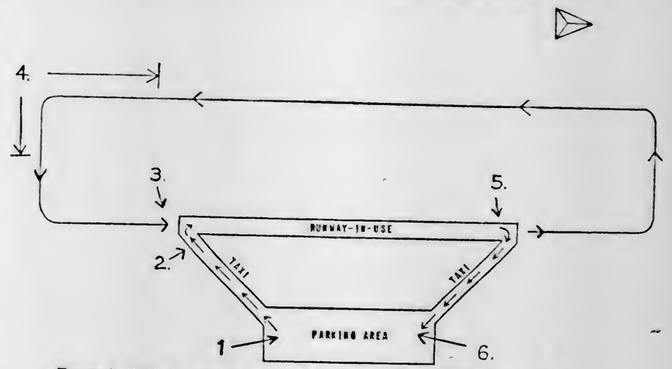


FIGURE 1. Critical positions of aircraft from an airport traffic control viewpoint.

primary responsibility of the aircraft operator and/or airport management, as well as the pilot.

(6) It shall not be the responsibility of towers to control areas not visible from the tower. Due to local obstructions, there are many airports where portions of usable runways, taxi strips and loading areas are not visible from the tower. At such locations it is expected that control tower personnel will take appropriate action to advise all concerned of those areas which are not visible from the tower. The airport management should be encouraged to place appropriate signs at such locations and publicize their existence by displaying suitable charts or diagrams in shops, hangars and operations offices.

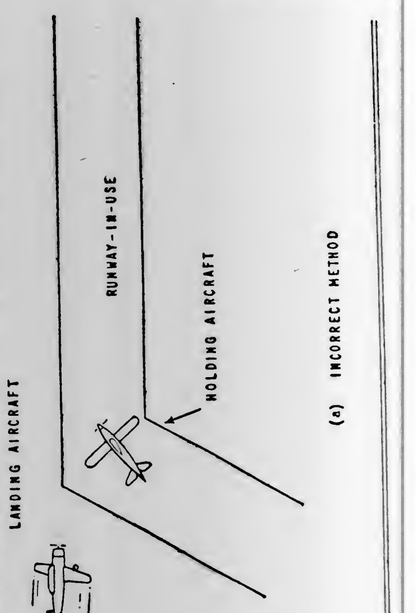


FIGURE 3. Method of holding aircraft.

(d) *Control of taxiing aircraft.* (1) The importance of issuing definite, concise directions to pilots of taxiing aircraft cannot be overemphasized. The visibility problem in an airplane is most acute when taxiing. Very few aircraft afford any forward vision for several yards directly in front of the airplane and the pilot must depend to a large degree upon the control tower to issue necessary information which will assist him in determining the proper taxi route and preventing collision with other aircraft or objects.

(2) It is particularly difficult for the pilot to determine the best taxi route on a strange airport. Clearances and information to pilots concerning taxi routes should be simple and direct such as "Turn left at first intersection, taxi straight ahead to the end of the runway. Then turn right," etc. The pilot should also be warned of parked aircraft or other objects along or near his taxiing route.

(3) Aircraft should not be permitted to taxi on the runway if at all possible to provide other taxiing routes. The guiding principle in handling taxiing traffic is "keep the runway-in-use ready for use as much as possible."

(4) Aircraft shall not be permitted to hold on the end of the runway-in-use whenever another aircraft is effecting a landing. At those airports where there are no intersecting taxiways at the approach end of the runway, aircraft shall be held clear of the edge of the runway and at an angle of 90 degrees from the landing direction until cleared to take-off position. (See fig. 3.)

(5) The direction of taxiing aircraft and avoidance of collision within loading and parking areas is considered the

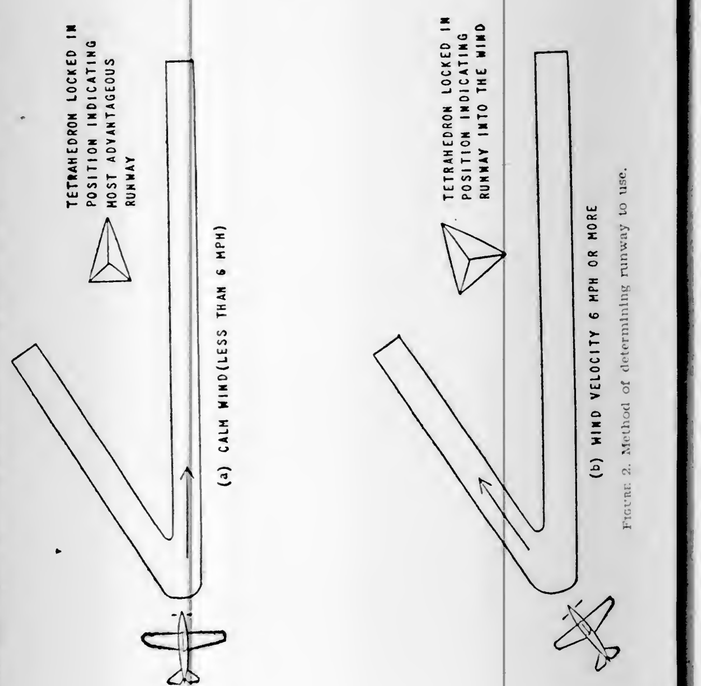


FIGURE 2. Method of determining runway to use.

(7) The use of radio frequencies for communication between the tower and aircraft shall be as follows:

(i) *Arriving aircraft.* After landing and clearing the active runway or area, aircraft shall guard the appropriate ground control frequency (121.9 or 121.7 mc).

(ii) *Departing aircraft.* Prior to taxiing, aircraft shall communicate with the tower on the appropriate ground control frequency (121.9 or 121.7 mc), for taxi and clearance information and remain tuned to this frequency until ready for take-off. Take-off clearance, and further communication with the tower if necessary, shall be handled on the appropriate airborne frequency.

(iii) When aircraft and tower are not both equipped with the VHF ground control frequency, the appropriate tower low frequency (or military VHF channel), shall be used for communications between the tower and aircraft on the ground.

(e) *Control of traffic in the traffic pattern.* (1) Aircraft in the traffic pattern shall be controlled to provide the separation minimums outlined below except that:

(i) Formation flights of aircraft are exempted from the separation minimums with respect to separation from other aircraft of the same flight.

(ii) Aircraft operating in different areas or lanes on airports equipped with runway or mat facilities suitable for simultaneous landings or take-offs are exempted from the separation minimums.

(iii) Separation minimums shall not apply to aircraft operating under military necessity as determined by competent authority.

(2) Sufficient separation shall be effected between arriving aircraft to insure that the succeeding landing aircraft on the same runway will not cross the airport boundary in its final glide until the preceding aircraft has cleared the runway-in-use. (See fig. 4.)

(3) Sufficient separation shall be effected between departing aircraft to insure that an aircraft will not commence take-off until the preceding departing aircraft has crossed the end of the runway-in-use or has started a turn.

(4) Sufficient separation shall be effected between arriving and departing aircraft to insure:

(i) That a landing aircraft will not cross the airport boundary in its final glide until the preceding departing aircraft has crossed the far end of the runway-in-use.

(ii) That an aircraft taking off will not commence take-off until the preceding landing aircraft has cleared the runway-in-use.

(5) During periods of congestion whenever traffic can be safely and efficiently controlled thereby, control may be exercised to effect the following minimum separation between arriving and/or departing light-weight single-engine aircraft of similar operating characteristics.

(i) Landing: Sufficient separation shall be effected between arriving aircraft to insure that succeeding landing aircraft on the same runway will not cross the airport boundary until the preceding landing aircraft has landed and is clear of the runway, or if the preceding landing aircraft is making a touch and go landing, is airborne on taking off (as defined in subdivision (iii) (*a*) of this subparagraph.)

(ii) Take-off: Sufficient separation shall be effected between departing aircraft to insure that an aircraft will not commence take-off until the preceding departing aircraft is airborne (as defined in subdivision (iii) (*a*) of this subparagraph.)

(iii) Landings and take-offs:

(*a*) That a landing aircraft will not cross the airport boundary until the preceding aircraft taking off is definitely airborne, i. e., has traversed at least the first 3,000 feet of the runway. The determining factor in each case should be whether the following aircraft has sufficient area available to land or take off safely in the event the preceding aircraft, through unforeseen circumstances, blocks a portion of the useable runway.

(*b*) An aircraft taking off will not commence take-off until the preceding landing aircraft has cleared the runway-in-use.

(6) Sufficient separation should be effected between aircraft in flight in the traffic pattern to allow the spacing of arriving and departing aircraft as outlined in the foregoing. In no event shall separation between aircraft in flight be less than the minimums specified.

NOTE: At many airports the location of the control tower will not permit accurate determination of separation between the paths of successive aircraft in the pattern, landing or taxiing on the same runway or taxiway, particularly when the movement of these aircraft is at an angle to the controller's line of vision. Extreme caution, therefore, should be exercised in the issuance of specific control instructions which are used to prevent collision. For example, when a succeeding aircraft is overtaking the aircraft ahead a specific control instruction might turn the preceding aircraft into the path of the other.

(7) Nothing contained herein is to be construed as relieving a pilot of the responsibilities imposed upon him by Chapter I, Subchapter A of this title or any other regulations, nor is it to be construed that the airport traffic controller on duty is obligated to effect control in accordance with subparagraph (5) of this paragraph when, in his opinion, these procedures might constitute a hazard.

(8) Normally, traffic shall be controlled in accordance with established patterns unless unusual circumstances dictate otherwise. However, when deviations from the normal pattern are required, due consideration shall be given to local regulations, prohibited areas and local noise abatement programs when authorizing such deviations.

(f) *Control of other than aircraft traffic on the landing area.* (1) The movement of personnel or vehicles on the landing area proper shall not be permitted unless permission has been granted for such movement by the airport traffic controller on duty in the control tower. Such authorized personnel, including drivers of all vehicles, shall be required to stop and wait for radio clearance or light signal from the control tower before crossing any runway or taxi strip unless on a portion of the landing area marked off by lights, flags, or other conventional warning signals. In radio conversation to pilots, the airport traffic controller shall identify personnel or vehicles on the landing area as distinctly as possible.

(2) The maintenance of any landing area requires considerable use of vehicular traffic, such as snow plows, tractors, mowers, maintenance trucks, official cars for inspections, and miscellaneous other equipment in addition to the working parties and other personnel required for maintenance. Considerable care and judgment must be exercised

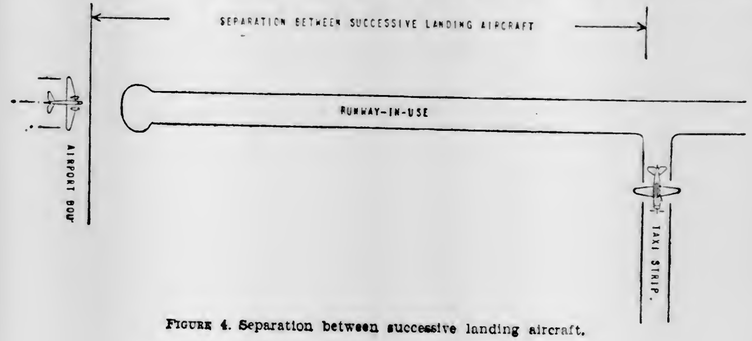


FIGURE 4. Separation between successive landing aircraft.

in the dispatch of personnel or vehicles on any portion of the landing area since a collision with a fast-moving aircraft would be disastrous. At certain points during the take-off and landing of aircraft, a change of direction to avoid an obstacle will almost certainly result in ground-looping or overturning the aircraft with probable serious results. Another difficulty connected with the dispatch of personnel and vehicular traffic on the landing area is that the operators of the equipment and the personnel on foot are not always aware of the difficulties and limitations of handling heavily loaded aircraft and may fail to surrender sufficient right of way for safe operation.

(3) In a few cases airport managers require all vehicular traffic to be equipped with radio receivers so that they may receive control tower signals, but in the majority of instances all pedestrian and vehicular traffic are controlled by light signals.

(4) Where continuous vehicular movement is involved over limited portions of the landing area, such as mowing the grass, the mowing is usually accomplished in a portion of the field not being used for landing operations with the particular wind condition at that time. The mowing equipment is marked with appropriate flags or lights, and the mower may not cross the taxi strips or runways without receiving the proper light signal.

(5) When construction work is in progress, the normal procedure is to close the entire construction area to aircraft operations and permit pedestrian and vehicular traffic to move at will within the marked-off area. Construction areas are usually marked off with appropriate flags in the daytime and appropriate lights at night.

(g) *Authorizing use of landing area by pilots of arriving aircraft.* (1) If a pilot enters a control zone without proper authorization, he shall be permitted to land if his actions indicate he so desires. If circumstances warrant, an airport traffic controller may ask pilots of aircraft with whom he is in contact to give way so as to remove as soon as possible the hazard introduced by such unauthorized operation. In no case shall permission to land be withheld indefinitely.

(2) In cases of emergency, such as loss of radio communication, a pilot may be required, in the interests of safety, to enter a control zone and effect a landing without proper authorization. Airport traffic controllers should recognize the possibilities of emergency action and render all assistance possible. The entire concept of air traffic control is service to the flying public. While it is true that in some isolated instances a pilot might deliberately disregard regulations and enter a control zone in an unauthorized manner while not under stress of an emergency, the airport traffic controller should assist the pilot and take steps toward possible disciplinary action after the pilot has landed. Under no circumstances should discussions which have no relation to traffic control be carried on over the radio.

§ 617.23 *Visual Signals*—(a) *Portable traffic light.* The portable traffic control light is a directive light which emits an intense, narrow beam of light. The color of the light (white, green or red) is controlled by the operator through a system of levers and triggers in the two handles. Signals are readily discernible to the pilot of any aircraft visible to the operator.

(b) *Advantages and disadvantages of the portable traffic signal light.* (1) The controller should be thoroughly familiar with the limitations of the traffic control light, and evaluate its capabilities in connection with its use.

(2) The portable traffic light has the following advantages:

(i) No radio equipment is required in the aircraft and therefore all aircraft can be controlled whether or not they possess radio.

(ii) The traffic light provides an emergency method of control in the event of radio failure—either in the tower or the aircraft.

(3) The disadvantages are:

(i) The pilot may not be looking at the control tower at the time a signal is directed toward him.

(ii) The information transmitted by a light signal is limited. One may only transmit an approval or disapproval of the pilot's anticipated actions to him. No explanatory or supplementary information can be transmitted.

(c) *Operation of portable traffic light.* (1) The portable traffic light shall be used to control the movement of personnel and vehicles on the landing area and the landings and take-offs of any aircraft not equipped with radio unless such movements or landings and take-offs have been prearranged with the traffic controller.

(2) Signals from a portable traffic light shall mean the following:

Color and type of signal	On the ground	In flight
Steady green	Cleared for take-off	Cleared to land.
Flashing green	Cleared to taxi	Return for landing.
Steady red	Stop	Give way to other aircraft and continue circling.
Flashing red	Taxi clear of landing area in use	Airport unsafe—do not land.
Flashing white	Return to starting point on airport.	
Alternating red and green	General warning signal—exercise extreme caution (see figs. 5 and 6).	

NOTE: A pilot wishing to attract the attention of the airport traffic controller during the hours of darkness may turn on a landing light and taxi the aircraft in a position so that the light is visible to the airport traffic controller. The landing light should remain on until appropriate signals are received from the tower, after which acknowledgment may be expected from the pilot as provided for in non-radio equipped aircraft. Pilots of aircraft not equipped with landing lights may blink their navigation lights to attract the attention of the tower.

(d) *Light signals to indicate restriction of visual flight rule operations in the control zone.* (1) During the hours of daylight, the rotating airport beacon shall be operated to mean that the ground visibility in the control zone is less than 3 miles and/or the ceiling is less than 1,000 feet and that a traffic clearance is required for landings, take-offs, and flight in the traffic pattern. (See fig. 7.)

(2) Between sunset and sunrise, flashing lights outlining the traffic direction indicator shall be operated to mean that ground visibility in the control zone is less than 3 miles and/or the ceiling is less than 1,000 feet and that a traffic clearance is required for landings, take-offs, and flight in the traffic pattern.

(e) *Light signals to indicate clockwise (to the right) flow of traffic.* (1) A flashing amber light shall be operated to mean that a clockwise flow of traffic around the airport is required unless otherwise authorized by the control tower. (See fig. 7.)

(f) *Use of flag signals.* (1) Flag signals are used by the military and naval services for special signals which usually apply only to the local activities at a particular landing area. Since these signals are not standard and usually have a special meaning at a particular location, it is not expected that an itinerant pilot will know their meaning or be guided by them. Accordingly, flag signals may be used for special local activities (such as primary or secondary training flights) as directed by the local commanding officer, but should not be used to govern flight of other than local aircraft unless it is known that the itinerant pilot is familiar with the flag signals and their meaning.

(i) *General warning signal.* A series of alternating red and green flashes from a directed traffic control light shall be used as a general warning signal to advise a pilot or driver of a vehicle on the landing area to be on the alert for hazardous or unusual conditions. As an example, the warning signal may be directed to a pilot in flight to indicate a change of runway since this can prove hazardous if the pilot attempts to land cross traffic or cross wind.

(*a*) In controlling airport traffic by means of visual signals, the general warning signal shall be directed to pilots of the aircraft concerned as follows:

(*1*) When aircraft are converging and there is a possibility of collision.

(*2*) When hazardous conditions are present and the pilot must be unusually alert in order to complete the operation safely. Such conditions include obstructions, soft field, ice on runway, and many others.

(*3*) When mechanical trouble is apparent to the controller and he has reason to believe that the pilot may not be aware of it.

(*4*) At any other time when believed necessary in the opinion of the controller. (See fig. 6.)

(*b*) Attention is directed to the fact that the warning signal is not a prohibitive signal and may be followed by either a red or green light as circumstances warrant.

(g) *Special light signals.* (1) Some military and naval establishments have special light signals, such as "course lights," which indicate landing direction, runway-in-use, traffic pattern to use, and other similar information for local activities. These lights are to be used as directed by competent authority, but as in the case of flag signals are to be confined to direction of pilots known to be familiar with the meaning of the special light signals.

§ 617.24 *Radiotelephone technique*—(a) *General.* The operation of the radiotelephone facilities of an airport traffic control tower shall be accomplished in accordance with rules outlined herein.

(b) *Calls and replies.* (1) Airport traffic control towers shall be identified during radiotelephone communication as follows:

(i) Air Force and civil towers—by the name of the airport followed by the word "Tower." Examples:

"Bolling Tower."
"Washington Tower."
"Norfolk Tower."

(ii) Navy towers—by the name of the service followed by the name of the airport and the word "Tower." Examples:

"Navy Norfolk Tower."
"Navy Patuxent Tower."

(2) Airway communication stations shall be identified during radiotelephone communication in the following manner:

(i) CAA interstate airway communication stations—by the name of the location followed by the word "Radio." Examples:

"Washington Radio."
"Norfolk Radio."

(ii) Air Force communication stations associated with radio range facilities—by the name of the airport followed by the word "Airways." Examples:

"Andrews Airways."
"Mitchel Airways."

(iii) Navy communication stations associated with radio range facilities—by the name of the facility followed by the word "Radio." Examples:

"Navy Norfolk Radio."
"Navy Jacksonville Radio."

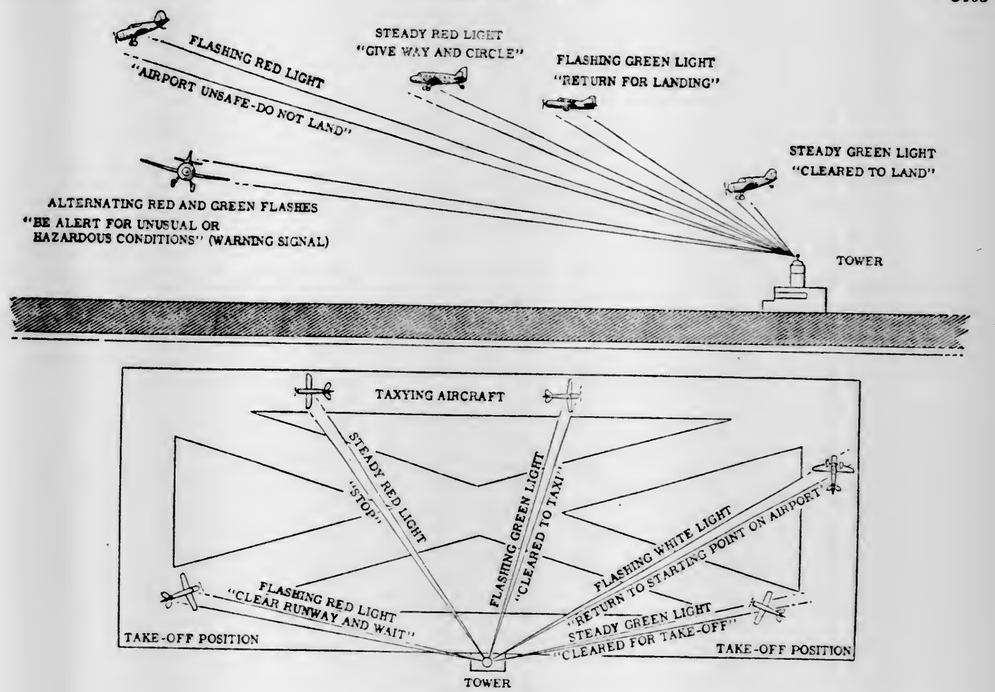


FIGURE 5. Visual signals.

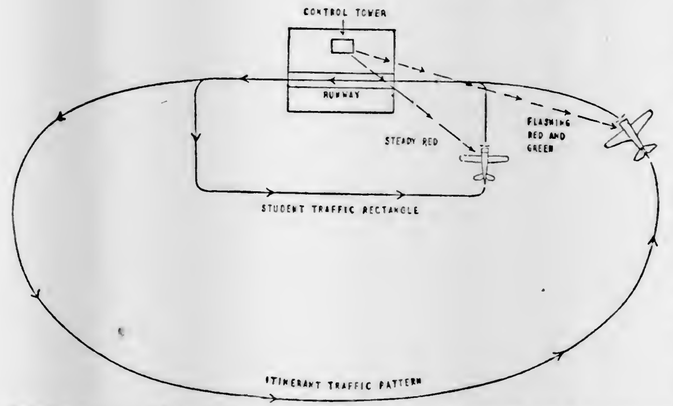


FIGURE 6. Example of the use of general warning light when two airplanes are on converging courses.

(3) Aircraft shall be identified during radiotelephone communications in the following manner:

(i) Military aircraft—by the name of the service followed by the service serial number. Examples:

"Air Force seven eight two nine four."
"Navy four three six one."
"National Guard two one six one."

(ii) Civilian aircraft—by the aircraft make, if known, followed by the certificate number. Examples:

"Waco two one six eight five."
"Stinson three seven two yoke."

(iii) Aircraft of foreign registry—by the aircraft make, if known, followed by the digits or letters of the license or certificate number or registry. Examples:

"Waco A. R. C. D." or where necessary,
"Waco Able Roger Charlie Dog."

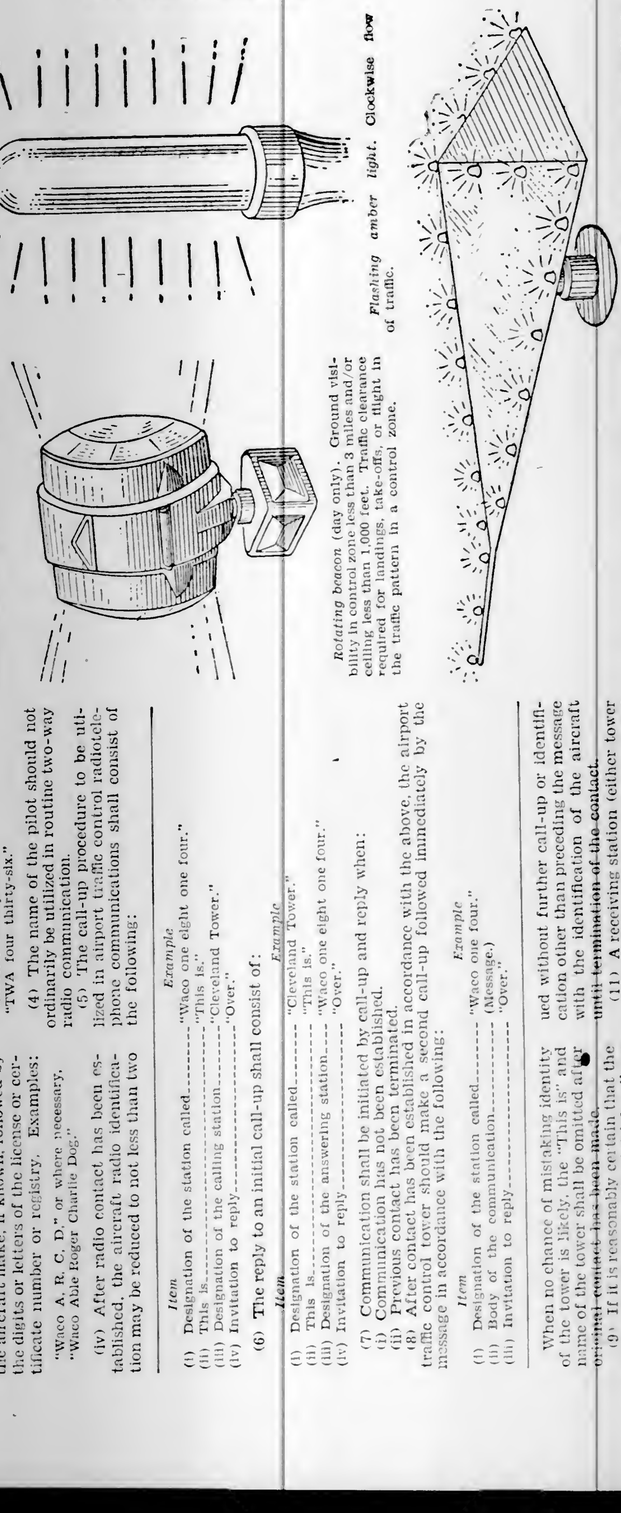
(iv) After radio contact has been established, the aircraft radio identification may be reduced to not less than two digits or letters provided there is no possibility of error. Examples:

"Stinson two three one five, roger."
"Air Force six seven two four, roger."

NOTE: The examples given above could be transmitted by either the tower or the aircraft since the object is to identify the aircraft concerned and to acknowledge the message received. It is usually unnecessary to identify the tower concerned as no mistake in tower identity is likely, but the aircraft concerned should be identified in every instance to prevent any possible mistake in aircraft identity.

§ 617.25 *Standard traffic clearances and phraseologies.*—(a) *Traffic clearances.* (1) General: An airport traffic controller shall issue such traffic clearances and other information as are necessary for the prevention of collisions between aircraft under his jurisdiction.

(2) A clearance issued by an airport traffic control tower is authority for a pilot to proceed only insofar as known air traffic conditions and field conditions are concerned and does not constitute authority for a pilot to violate any provision of Chapter I, Subchapter A of this part. The relay of information or advice to pilots from the airport management or a commanding officer is permitted. When such relay of advice is



Rotating beacon (day only). Ground visibility in control zone less than 3 miles and/or ceiling less than 1,000 feet. Traffic clearance required for landings, take-offs, or flight in the traffic pattern in a control zone.

Flashing amber light. Clockwise flow of traffic.

Flashing lights outlining traffic direction indicator (night only). Ground visibility in control zone less than 3 miles and/or ceiling less than 1,000 feet. Traffic clearance required for landings, take-offs, or flight in the traffic pattern in a control zone.

FIGURE 7 Light signals used in airport traffic control.

When no chance of mistaking identity of the tower is likely, the "This is" and name of the tower shall be omitted after original contact has been made.

(9) If it is reasonably certain that the aircraft will receive the initial call-up the tower may follow the first call-up with the message without waiting for the reply from the aircraft.

(10) After communication has been definitely established it may be continued without further call-up or identification other than preceding the message with the identification of the aircraft until termination of the contact.

(11) A receiving station (either tower or aircraft) shall acknowledge receipt of a radiotelephone message by transmitting the aircraft identification followed by the word, "Roger" or other applicable procedure word. Examples:

Item	*Example*
(i) Designation of the station called	"Waco one eight one four."
(ii) This is	"This is."
(iii) Designation of the calling station	"Cleveland Tower."
(iv) Invitation to reply	"Over."

Item	*Example*
(1) Designation of the station called	"Cleveland Tower."
(ii) This is	"This is."
(iii) Designation of the answering station	"Waco one eight one four."
(iv) Invitation to reply	"Over."

(7) Communication shall be initiated by call-up and reply when:

(i) Communication has not been established.

(ii) Previous contact has been terminated.

(8) After contact has been established in accordance with the above, the airport traffic control tower should make a second call-up followed immediately by the message in accordance with the following:

Item	*Example*
(i) Designation of the station called	"Waco one four."
(ii) Body of the communication	(Message.)
(iii) Invitation to reply	"Over."

(4) The name of the pilot should not ordinarily be utilized in routine two-way radio communication.

(5) The call-up procedure to be utilized in airport traffic control radiotelephone communications shall consist of the following:

Item	*Example*
(1) Designation of the station called	"Waco one eight one four."
(ii) This is	"This is."
(iii) Designation of the calling station	"Cleveland Tower."
(iv) Invitation to reply	"Over."

(6) The reply to an initial call-up shall consist of:

Item	*Example*
(1) Designation of the station called	"Cleveland Tower."
(ii) This is	"This is."
(iii) Designation of the answering station	"Waco one eight one four."
(iv) Invitation to reply	"Over."

(7) Communication shall be initiated by call-up and reply when:

(i) Communication has not been established.

(ii) Previous contact has been terminated.

(8) After contact has been established in accordance with the above, the airport traffic control tower should make a second call-up followed immediately by the message in accordance with the following:

Item	*Example*
(1) Designation of the station called	"Waco one four."
(ii) Body of the communication	(Message.)
(iii) Invitation to reply	"Over."

When no chance of mistaking identity of the tower is likely, the "This is" and name of the tower shall be omitted after original contact has been made.

(9) If it is reasonably certain that the aircraft will receive the initial call-up the tower may follow the first call-up with the message without waiting for the reply from the aircraft.

(10) After communication has been definitely established it may be continued without further call-up or identification other than preceding the message with the identification of the aircraft until termination of the contact.

(11) A receiving station (either tower or aircraft) shall acknowledge receipt of a radiotelephone message by transmitting the aircraft identification followed by the word, "Roger" or other applicable procedure word. Examples:

undertaken by controllers, the pilot shall be informed of the source of the message. However, denial of clearance for take-off shall be based only on considerations of traffic. No violations of 60.19 of this chapter shall be reported unless a take-off is made contrary to a controller's clearance based solely on traffic conditions.

(i) Clearances issued by airport traffic controllers are predicated upon known traffic and field conditions which affect safety in aircraft operations. Such traffic conditions will include not only aircraft in the air within the control zone and on the landing area over which control is being exercised, but also any vehicular traffic or other obstructions not permanently installed on the landing area in use.

(ii) Should a clearance issued by the airport traffic controller not be acceptable to the pilot, he may request and, if practicable, receive an alternate clearance.

(b) *Standard phraseologies for traffic clearances.* (1) In order to reduce the transmission time for each tower message, and to decrease misunderstandings, phraseologies have been standardized for use in airport traffic control. However, unusual situations will occur and the controller will have to exercise his best judgment in the use of additional phraseologies. In such cases he should use supplementary rather than substitute phrases.

(i) The standard phraseologies and clearances are listed in accordance with the purpose phrased by them, such as "clearance to enter traffic pattern," "clearance to land," "clearance to taxi," and other similar authorizations.

NOTE: Words capitalized shall be read as written, accompanied by values required by words in parentheses.

(2) Clearance to enter traffic pattern: (i) Clearance governing flight from a visual reporting point, holding point or fix, or other outlying point to the traffic pattern at the landing area shall be in the following form:

(*a*) (Flight identification.)
(*b*) "This is (name of tower) tower."
(*c*) (Reporting point.)
(*d*) (Time—minutes only.)
(*e*) At (altitude in thousands and hundreds of feet).
(*f*) "Cleared to enter traffic pattern."
(*g*) "At (specified altitude) (if necessary)."
(*h*) "Runway (number of runway in use)."
(*i*) "Wind (direction and velocity)."
(*j*) (Any special information.)

Example: "Air Force seven eight three four this is Nashville Tower, Lebanon four six at two thousand, cleared to enter traffic pattern, runway two seven, wind west eight."

NOTE: When parallel runways are available, the runway in use shall be designated in the following manner.

Examples:
"Runway two three, left."
"Runway one eight, center."

(ii) The clearance to enter traffic pattern is issued to a pilot whenever it is desired that the aircraft approach the landing area in accordance with current traffic patterns. If clearance to enter traffic pattern is not appropriate for the existing traffic conditions, alternate clearance such as "cleared to land," or "cleared to (specified holding point)," may be issued at the discretion of the controller.

(iii) The clearance to enter traffic pattern should not be confused with the clearance to land since the former is issued when the aircraft is some distance from the field and traffic conditions will not permit the issuance of a landing clearance.

(iv) When it is desired to clear an aircraft to enter a traffic pattern which is not a conventional left-turn pattern, or where more than one pattern exists, the phraseology may be modified to include the designation of the pattern desired. An example for clearance into a right-turn pattern:

"Cleared to enter right traffic pattern."

(3) Clearance to land: (i) A clearance to land shall be in the following form:

(*a*) "(Flight identification.)"
(*b*) "This is (name of tower) tower."
(*c*) "(Position.)"
(*d*) "At (altitude)."
(*e*) "Cleared to land."
(*f*) "Runway (number of runway in use)."
(*g*) "Wind (direction and velocity)."
(*h*) (Any special information.)

NOTE: Item (*b*) may usually be omitted whenever the aircraft is under direct observation of the airport traffic controller. Items (*c*) and (*d*) may be omitted if the aircraft is in a well-defined traffic pattern. Items (*f*) and (*g*) may be omitted if previously given and no revision is necessary.

Example: "Navy seven eight four three cleared to land."

(ii) Another example would be when a pilot reports in the control zone as follows:

"Tulsa Tower this is Stinson one two three four, two miles south at eight hundred."

The tower would respond:

"Stinson one two three four this is Tulsa Tower, two miles south at eight hundred. Cleared to land, runway three, wind south, four."

since no previous information concerning traffic direction and runway had been transmitted to this pilot.

(4) Clearance to taxi: Clearance to taxi shall be in the following form:

(i) Inbound aircraft:

(*a*) "(Flight identification)."
(*b*) "This is (name of tower) tower."

(May usually be omitted whenever the air-

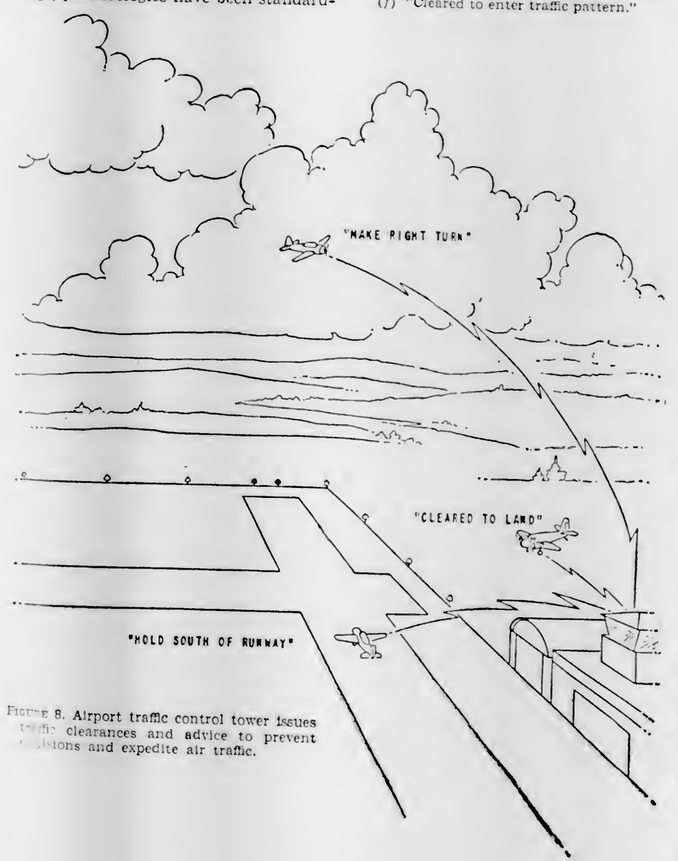


FIGURE 8. Airport traffic control tower issues traffic clearances and advice to prevent collisions and expedite air traffic.

craft is under direct observation of the airport traffic controller).

(c) "Cleared to (gate, loading ramp, hangar, parking space, etc.)."

(d) (Any special information relative to the use of taxi strips, intersecting runways, obstructions, maintenance operations, or other field activity or condition.)

Example: "United seven cleared to gate five, use caution, gate five area not visible from tower."

(ii) Outbound aircraft—

(a) "(Flight identification)."

(b) "This is (name of tower) tower." (May usually be omitted whenever the aircraft is under direct observation of the airport traffic controller).

(c) "Cleared to runway (number of runway to be used)."

(d) "Wind (direction and velocity)."

(e) (Any special information relative to use of taxi strips, intersecting runways, obstructions, maintenance operations, or other field activity or field condition. Include under this item altimeter setting and time check unless an aircraft operator has indicated in writing to the chief airport traffic controller that this service is not desired.)

Example: "Air Force one five two seven cleared to runway three two. Wind northwest one five, altimeter three zero zero four. Time zero nine five six."

(iii) Clearance to taxi from one point to another on landing area:

(a) "(Flight identification.)"

(b) "This is (name of tower) tower." (May usually be omitted whenever the aircraft is under direct observation of the airport traffic controller.)

(c) "Cleared to (gate, loading ramp, hangar, parking space, etc.)."

(d) (Any special information.)

Example: "United thirty-four cleared to hangar four."

(5) Clearance for take-off: (i) Clearance for take-off shall be in the following form:

(a) "(Flight identification.)"

(b) "This is (name of tower) tower." (May usually be omitted whenever the aircraft is under direct observation of the airport traffic controller.)

(c) (Any special information.)

(d) "Cleared for take-off."

Example: "Air Force six seven three four, cleared for take-off."

(ii) When an ATC clearance is required prior to take-off, the take-off clearance described above shall not be issued until such ATC clearance has been transmitted to and acknowledged by the pilot concerned.

(iii) The take-off clearance, as the name implies, is issued after the pilot has taxied to the end of the runway in use, tested his engines, and is ready for take-off. The pilot has previously received information on the runway in use, wind direction and velocity, the altimeter setting, time check, and the appropriate air route traffic control clearance. He is now interested in obtaining authorization to commence his take-off, and he needs information on such local traffic as may affect his flight or which he may approach while in flight within the control zone.

(a) Immediately after take-off, many pilots want their time off the ground. When this is requested, it may be given separately in the following form, or combined with a clearance to leave tower frequency:

(1) "(Flight identification.)"

(2) "Off at (time—minutes only)."

Example: "American six off at three one."

(6) Clearance to change frequency: Normally the pilot of a departing aircraft will guard the control tower frequency until outside the control zone, at which time he may leave the tower frequency without further contact. If, however, a pilot requests approval to leave the tower frequency before he is out of the zone, or if an airport traffic controller desires to authorize a pilot to leave the tower frequency before he is out of the zone, a clearance to leave the tower frequency shall be transmitted in the following form:

(i) "(Flight identification.)"

(ii) "This is (name of tower) tower." (May usually be omitted whenever the aircraft is under direct observation of the airport traffic controller.)

(iii) (Any supplemental information).

(iv) "Cleared to leave tower frequency."

Example: "Eastern five this is Washington Tower, American Convair reported over Mt. Vernon four six at two thousand, cleared to leave tower frequency."

(7) Special clearances:

(i) Clearance to engage in other than routine operations in the control zone shall be in the following form:

(a) "(Flight identification.)"

(b) "This is (name of tower) tower." (May usually be omitted whenever the aircraft is under direct observation of the airport traffic controller).

(c) "Cleared to make right turn; practice low approach to airport; cleared to Columbus Navy GCA; etc."

NOTE: Special clearances are provided so that unusual situations, as well as routine range practice, etc., may be properly handled.

(ii) Phraseologies for certain frequently used special clearances are as follows:

(a) Clearance for right turn after take-off shall be at the discretion of the controller. In the event it is not possible to approve the right turn when issuing clearance for take-off and the pilot has requested such right turn, the following phraseology will be used:

"Will advise later, cleared for take-off."

(b) In the event right turn can be approved at the time of issuance of clearance for take-off, the following phraseology will be used:

"Right turn approved. Cleared for take-off."

(c) Whenever it is desired that a pilot make a straight-in approach, although he cannot yet be cleared to land, the following phraseology will be used:

"Cleared to make straight-in approach."

(d) In the event aircraft are landing and taking off at an airport without coming to a stop during their landing roll, such operations shall be described as "touch and go" landings. Pilots shall be required to request approval of same by at least the time they are turning on their final approach leg. Approval for such operation shall be issued by use of the following phraseology:

"Cleared to make touch and go landing."

(e) In the event it is not possible to approve such an operation due to other air traffic, the following phraseology shall be used:

"Make full stop landing."

(f) If an aircraft cannot be cleared onto the runway in use or whenever otherwise desired that the aircraft not move, the following phraseology shall be used:

"Hold your position."

(g) If an aircraft can be cleared onto the runway in use but not cleared for take-off, the following phraseology will be used:

"Cleared into position and hold."

(h) When it is desired that a taxiing aircraft hold at a specific position, the following phraseology will be used:

"Hold clear of (position); or hold on taxi strip."

(i) Whenever pilots have indicated that they are not ready for take-off, although they have taxied onto the landing area, possibly due to their engine temperature being too low, etc., the following phraseology will be used:

"Advise when ready for take-off."

(j) Whenever it is desired that a pilot shorten the downwind leg, the following phraseology will be used:

"Make short approach."

(k) Whenever it is desired that the pilot lengthen the downwind leg, the following phraseology will be used:

"Make long approach."

(l) In the event it is desired to indicate to pilots in the traffic pattern which aircraft they are to follow in the landing sequence, the following phraseology will be used:

"Number (number) to land, follow (type of aircraft) (location of aircraft to follow)."

NOTE: When describing location, descriptions such as "to your right," "above you," "one mile ahead of you," etc., are much more satisfactory than "north of you," "one mile east of you," etc.

(m) In the event an aircraft is on final approach and there is still sufficient time to clear a departing aircraft for take-off, the following phraseology will be used:

"Cleared for immediate take-off."

(n) In the event an aircraft is on final approach and there is still sufficient time to clear a departing aircraft which is in take-off position, but some doubt exists as to whether or not the departing aircraft will take off immediately, the following phraseology will be used.

"Take off immediately or clear the runway."

(o) In the event it is believed desirable to advise landing pilots of other aircraft in close proximity to the runway in use, the following phraseology will be used:

"Aircraft to (right or left); or aircraft on both sides of runway (number)."

(p) In the event an aircraft has encountered landing gear difficulty and has proceeded to close proximity to the control tower for control tower personnel to observe the landing gear, the following phraseology will be used.

(1) If the gear appears to be in a normal position to the control tower personnel:

"Landing gear appears to be down and in place."

(2) If it does not appear to be normal a description of the appearance should be given, such as:

"Right wheel is retracted."

"Left wheel does not appear to be in place."

(q) If an aircraft cannot be cleared to land and it is desired that it continue to circle the field, the following phraseology will be used:

"Circle the field."

(r) When it is desired to delay an aircraft to effect separation and a circle of the field would take more than the required time, the following phraseology will be used if circumstances permit:

"Make a short circle to your (right or left) from present position."

(s) When an aircraft is on final approach and it becomes necessary to cancel the landing clearance, the following phraseology will be issued:

"Go around."

(c) *Description of essential local traffic.* Essential local traffic shall be described so as to facilitate recognition by pilots, as follows:

(1) *Military Traffic.* Military traffic shall be described by the service classification, such as: "Bomber," "Navy Transport," "Basic Trainer," "Fighter," "Attack," "Patrol Landplane," "Patrol Seaplane," etc. Jet propelled aircraft shall be so described.

(i) Military traffic may be described by military type designation to military and other pilots known to be familiar with such designations. The military type designation of military aircraft shall be spoken as a group figure (instead of a serial figure) in radio-telephone communications in accordance with the following examples:

"F Eighty"	"PBY"
"B Seventeen"	"SNJ"
"C Fifty-four"	"TBF"

(2) *Air carrier traffic.* Air carrier traffic shall be described by the use of the abbreviated name of the air carrier operator followed by the type of aircraft. Examples:

"American DC–6" "TWA Constellation"

(3) *Civil nonscheduled traffic.* Civil nonscheduled traffic shall be described by at least the name of the manufacturer. The model, type, or color of the aircraft also may be used to facilitate identification. Examples:

"Waco-cabin" "Beechcraft" "Green Stinson"

(d) *Phonetic alphabet.* (1) When necessary to identify any letter of the alphabet the standard phonetic alphabet is to be used. This alphabet is listed below:

Letter:	*Spoken as—*	*Letter:*	*Spoken as—*
A	"Able"	N	"Nan"
B	"Baker"	O	"Oboe"
C	"Charlie"	P	"Peter"
D	"Dog"	Q	"Queen"
E	"Easy"	R	"Roger"
F	"Fox"	S	"Sugar"
G	"George"	T	"Tare"
H	"How"	U	"Uncle"
I	"Item"	V	"Victor"
J	"Jig"	W	"William"
K	"King"	X	"X-Ray"
L	"Love"	Y	"Yoke"
M	"Mike"	Z	"Zebra"

(e) *Statement of figures in radiotelephone transmissions.*—(1) *Statement of figures to indicate ceiling heights, flight levels, and upper air levels.* These figures in numbers smaller than 12,000 shall be spoken in even hundreds and thousands of feet. These figures in the number 13,000 and larger numbers shall be spoken as, example, "one three thousand". Examples follow:

Number:	*Statement*
500	"Five hundred."
1,300	"One thousand three hundred."
4,500	"Four thousand five hundred."
10,000	"Ten thousand."
12,000	"Twelve thousand."
13,000	"One three thousand."

(2) *Statement of serial figures.* All figures, other than the types listed in subparagraph (1) of this paragraph shall be spoken individually. Examples:

Number:	*Statement*
18143	"One eight one four three."
26075	"Two six zero seven five."

NOTE: The above includes aircraft identification numbers. A Waco, NC1746, would be identified as "Waco one seven four six."

(i) The figure "0" shall be spoken "Zero" when it occurs alone or in a group of figures other than those described in subparagraph (1) of this paragraph.

(3) Time shall be stated in exactly four figures (except as noted in subdivision (i) of this subparagraph utilizing the 24-hour clock basis. The hour shall be stated by the first two figures and the minutes by the last two figures. Examples:

Time:	*Statement*
0000 (midnight)	"Zero zero zero zero."
0920 (9:20 a. m.)	"Zero nine two zero"
12 (noon)	"One two zero zero."
1643 (4:43 p. m.)	"One six four three."

(i) Time may be stated in minutes only (two figures) in airport traffic control radiotelephone communications when no misunderstanding is likely to occur.

(ii) Time shall be stated to the nearest minute unless a time check is required in which case the time should be stated to the nearest quarter minute. Example:

11:05.17—"One one zero five and one quarter."

(iii) The 24-hour clock day begins and ends at 0000 (midnight). The last minute of the last hour begins at 2359 and ends at 0000, which is the beginning of the first minute ending at 0001 of the first hour of the next day.

(4) Field elevations shall be stated in feet in accordance with the following examples:

10 ft.—"Field elevation one zero."
75 ft.—"Field elevation seven five."
583 ft.—"Field elevation five eight three."
600 ft.—"Field elevation six zero zero."
1,850 ft.—"Field elevation one eight five zero."
2,500 ft.—"Field elevation two five zero zero."

(f) *Procedures, words and phrases.* (1) The following procedure words and phrases shall be used in airport traffic control radiotelephone communication when applicable:

Word or phrase	*Meaning*
"Roger"	"I have received all of your last transmission." (Under no circumstances to be used as an affirmative).
"Acknowledge"	Used by originator. "Let me know that you have received and understand this message."
"How do you hear me?"	Self-explanatory.
"Speak slower"	Self-explanatory.
"Stand-by"	If used by itself means "I must pause for a few seconds." If the pause is longer than a few seconds, or if "stand-by" is used to prevent another station transmitting, it must be followed by the ending "out."
"Say again"	Self-explanatory.
"I say again"	Self-explanatory.
"Verify"	"Check coding, check text (subject matter) with the originator and send correct version."
"Affirmative"	"Yes."
"Negative"	"No." "That is not correct."
"Message for you"	"I wish to transmit a message to you."
"Send your message"	"I am ready for you to transmit."
"Read back"	"Repeat all of this message back to me exactly as received after I have given 'over'."
"That is correct"	Self-explanatory.
"Words twice"	(i) As a request—"Communication is difficult. Please send every phrase twice." (ii) As information—"Since communication is difficult, every phrase in this message will be sent twice."
"Correction"	"An error has been made in this transmission (or message indicated). The correct version is ———."
"Wrong"	"What you have just said is incorrect. The correct version is ———."
"Break"	"I hereby indicate the separation of the text from other portions of the message." To be used only when there is no clear distinction between the text and other portions of the message.
"Over"	"My transmission is ended. I expect a response from you."
"Out"	"My transmission is ended. I do not expect a response from you."

(g) *Abbreviation for CAA air traffic control.* The abbreviation "ATC" will be used to indicate CAA Air Traffic Control, for example, "ATC clears Eastern four" etc.

(h) *Identification of aircraft at night.* In addition to the prescribed provisions for identification of aircraft in the radiotelephone procedure, further identification and location of aircraft may be established during the hours of darkness, by requesting the pilot to show a landing light, as "TWA nine show a landing light."

(i) *Radio control of aircraft not transmitter equipped.* In addition to the prescribed radio operating procedure, the following procedure is established for use in connection with control of aircraft in which radio equipment is limited to receivers.

(1) Broadcasts of airport traffic control clearances or information to VFR traffic, requiring acknowledgment from the pilot, shall provide for such acknowledgment in the following manner:

(i) When the aircraft is on the ground within the range of vision of the controller, the pilot shall be requested to acknowledge receipt of the broadcast by movement of ailerons or rudder, whichever action may be observed more readily, as:

"Acknowledge by moving ailerons."
"Acknowledge by moving rudder."

(ii) When the aircraft is in the air the same purpose will be achieved by including a request to acknowledge receipt of the broadcast by rocking the wings, as:

"Acknowledge by rocking your wings."

(iii) When the aircraft is either in the air or on the ground, during the hours of darkness, the same purpose will be achieved by requesting the pilot to blink his landing lights, as:

"Acknowledge by blinking your landing or navigation lights."

§ 617.26 *Local traffic information*—(a) *Essential local traffic.* (1) When operating under visual flight rules it is the responsibility of the pilot to avoid collision with other aircraft. However, due to the restricted space on and around landing areas, it is often essential that traffic information be issued to aid the pilots to avoid collision between aircraft. Essential local traffic shall be considered to consist of the following:

(i) Traffic within the control zone.

(ii) Ground traffic.

(2) Essential traffic within the zone shall include all known traffic in the control zone which might constitute a hazard to the operation of the aircraft concerned.

(3) Essential ground traffic shall include any aircraft, vehicle or personnel on the landing area or in a designated loading or parking area which might constitute a hazard to the operation of the aircraft concerned.

(b) *Issuance.* (1) Detailed essential local traffic information shall be issued when, in the judgment of the controller, such information is necessary in the interests of safety, or when requested by a pilot.

§ 617.27 *Information on field conditions*—(a) *General.* (1) Essential information on field conditions is information necessary to safety in the operation of aircraft, which pertains to the landing area or any facilities usually associated therewith. For example, construction work on a taxi strip not connected to the runway-in-use would not be essential information to any pilot except one who might wish to taxi in the vicinity of the construction work. As another example, if all traffic must be confined to runways, that fact should be considered as essential field information to any pilot not familiar with the airport. (See fig. 9.)

(2) The following field conditions shall be included as essential field information to all pilots:

(i) Construction work along or near the runway-in-use.

(ii) Rough portions of the landing area proper whether marked or not.

(iii) Any maintenance apparatus or workmen on or near any portion of the landing area a pilot might elect to use.

(iv) Slippery condition of runways or taxiways.

(v) Snow piled or drifted on the landing area proper, and width and length of cleared runway, if known.

(vi) Failure or irregular functioning of any portion of the field lighting system.

(vii) Aircraft parked close to runways or taxiways.

(b) *Responsibility for notification of field conditions.* (1) The agency which operates the airport shall be responsible for notifying the chief airport traffic controller of current field conditions.

(c) *Description.* (1) Information on field conditions shall be stated concisely and clearly. Examples:

(i) "Mower on west side of field."
(ii) "Construction work on north end of field."
(iii) "Repair trucks near center of field."

(d) *Issuance.* (1) Essential information on field conditions shall be given to every pilot concerned, either directly or indirectly, in sufficient time for the pilot to make proper use of such information.

§ 617.28 *Preventive control*—(a) *Description.* (1) "Preventive control" may be defined as a system of control whereby useful preventive advice is given to pilots of aircraft in the air and a routine approval of the pilot's anticipated actions is eliminated. In other words, the pilot is expected to continue flight including landing in a normal manner unless otherwise advised by the airport traffic controller.

(b) *Control of ground traffic.* (1) The airport traffic controller is concerned with the movements of taxiing aircraft, personnel, and vehicular traffic in exercising ground control. Taxiing aircraft offer the greatest problems due to the fact that the visibility is so limited in most aircraft while in a taxiing position that obstructions such as personnel, vehicles or other aircraft may not be readily seen even by the most careful pilots. Therefore, the controller must issue explicit warnings as to the proximity of other obstructions for all taxiing traffic. This requires that the control of ground traffic be identical with the control of ground traffic previously outlined in § 617.22

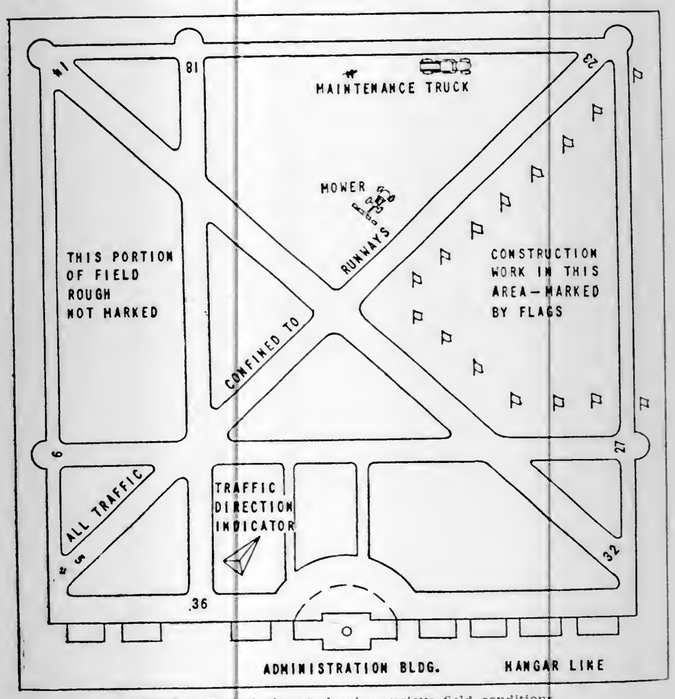


FIGURE 9. Typical airport showing various field conditions.

(c) *Control-zone procedures.* (1) Procedures for controlling traffic within and entering the control zone may be subdivided as follows:

(i) *Traffic joining the traffic pattern.* Traffic joining the traffic pattern is primarily interested in obtaining information as to field conditions, runway-in-use, and the wind direction and velocity. This information should be given when the aircraft makes its initial radio contact at the contact reporting point, or approximately 15 miles from the airport. It is expected that the pilot of the aircraft joining the traffic pattern will properly space himself so that the proper separation will be maintained on the final glide for landing.

(ii) *Traffic in the traffic pattern.* The traffic in the traffic pattern must be properly spaced at all times. This may be accomplished by advising one pilot to make a wider turn, and another pilot to make a shorter turn, or any other pertinent information. The aircraft which are actually in the traffic pattern should be aware of the runway-in-use by the time the traffic pattern is entered and, therefore, the only clearances which should be issued to such traffic are those necessary to obtain proper spacing.

(iii) *Landing traffic.* If the aircraft in the traffic pattern are properly spaced it will be unnecessary to issue detailed clearances to the landing traffic, such as "cleared to land." Rather, only prohibitive signals which will prevent collision will be issued. For example, one of two aircraft on final approach should be advised to "go around" if their separation is less than the prescribed minimum.

(iv) *Taking-off traffic.* All taking-off traffic shall be positively controlled inasmuch as such aircraft are taxiing traffic until the actual take-off is commenced.

(d) *Conditions under which preventive control may be applied.* Preventive control has an immediate application at locations which have one or more of the following types of activities:

(1) Air Force or Navy primary flying schools.

(2) Air Force or Navy transitional schools.

(3) Locally based squadrons or groups of military aircraft.

(4) Local civilian operators or schools.

(e) *Mutual agreements and arrangements.* In such cases mutual agreements and arrangements must be made with the responsible heads of these groups prior to the inauguration of preventive control. Such control is not to be employed for transient aircraft.

§ 617.29 *Authorizing VFR operations in a control zone clear of clouds and/or when the ceiling or visibility is below basic VFR minimums.* (a) When the ground visibility is less than three miles and/or the ceiling is less than 1000 feet, a traffic clearance must be obtained before flying in the traffic pattern or landing or taking off at an airport in the control zone. When flight visibility is less than three miles and/or the ceiling is reported less than 1000 feet, a traffic clearance must be obtained before flying in the control zone.

(b) Visual Flight Rule operations (flight "clear of clouds") will be authorized in a control zone "if traffic conditions permit," when the official weather is reported below the basic VFR minimums. (The official weather observation for the airport about which the control zone is centered, should be used where observations are made at more than one airport in the zone). As a guide for controllers in authorizing VFR operations under these conditions, the following should be observed:

(1) When the ground visibility is less than three miles but not less than one mile, local VFR flights may be authorized in the zone (shooting landings, etc.) if provision is made for the recall of these aircraft when traffic conditions become too congested to permit continuance of the local flights. The most practical method of doing this is to require the locally flying aircraft to be equipped with a functioning receiver and require the pilot to guard the control tower frequency. Thus, the pilot can be recalled or directed away from other traffic as necessary.

(2) When ground visibility is less than one mile, VFR operations may be authorized, provided aircraft are equipped with a functioning two-way radio and IFR separation minimums are provided between such aircraft, and between such flights and any IFR flights operating on a traffic clearance.

(3) Aircraft not equipped with radio may be permitted to enter the zone and land if traffic conditions permit. NORDO aircraft may also be authorized to depart from the control zone if the restriction to visibility is known to be a local condition.

(4) VFR operations clear of any cloud formation (less than 500 feet vertically and 2,000 feet horizontally) will be authorized in the control zone provided separation between the VFR aircraft and any IFR flights operating on a traffic clearance is maintained in accordance with IFR separation standards.

NOTE: Controllers should be guided generally by subparagraphs (1), (2), (3) and (4) of this paragraph. However, when the ground visibility is less than 1 mile, controllers should exercise individual judgment with respect to the release of non-radio equipped aircraft with due regard to anticipated traffic.

(c) Operation of signal to indicate ground visibility of less than three miles and/or a ceiling of less than 1,000 feet:

(1) The following procedures shall be observed when the ground visibility is officially reported to be less than three miles and/or the ceiling less than 1,000 feet.

(i) Operate the appropriate light signal.

(*a*) Rotating beacon during daylight hours.

(*b*) Flashing wind direction indicator lights between sunset and sunrise.

(ii) Recall all aircraft operating in the traffic pattern without a clearance.

(d) Authority for issuance of traffic clearances to VFR operations: The airport controller shall coordinate with the appropriate center prior to issuing traffic clearances for VFR flight in a control zone at less than the basic VFR weather minimums (500 feet vertically and 2,000 feet horizontally from clouds and 3 miles visibility and a ceiling of 1,000 feet).

§ 617.30 *Operating instructions for airport traffic control towers*—(a) *General*—(1) *Purpose.* The purpose of these instructions is to provide standard operating instructions for all airport traffic control towers. Only the broad phases of operation are included herein and it is expected that each operating agency will provide such additional detailed instructions as are necessary for efficient operation.

(2) *Supervision of towers.* Each operating agency shall establish and designate a person responsible for the supervision and operation of each airport traffic control tower. All other airport traffic control personnel, when on official duty in an airport traffic control tower, will be responsible to and governed by the person in charge. When more than one person is on watch in the tower, one controller shall be designated as the "supervising controller" in charge of the watch.

(b) *Positions of operation*—(1) *General.* Each person on duty in an airport traffic control tower shall, while controlling or aiding in the control of air traffic, occupy one or more positions of operation. These positions of operation shall be established for the purpose of defining specific duties and fixing responsibility for the performance of prescribed functions, and shall be defined as follows:

(i) *Local control position.* The following are specific duties of this position of operation in addition to such supplementary duties as may be assigned by the chief controller:

(*a*) To issue airport traffic control clearances and information, in accordance with applicable Civil Air Regulations, governing all air traffic and vehicular traffic on the landing area, air traffic departing from the landing area and air traffic operating in accordance with VFR in the control zone.

(*b*) To guard radio frequencies of all aircraft regularly using the landing area and such special frequencies as may be required from time to time.

(*c*) To issue essential local traffic information, as required, to pilots of aircraft taxiing on or in the vicinity of the landing area.

(*d*) To furnish to pilots of aircraft taxiing on, and in the vicinity of the landing area, information concerning field conditions, altimeter settings, and time checks as required.

(*e*) To forward to the local Weather Bureau Office and the appropriate center pilot weather reports as received and reports based upon personal observation of weather conditions from the control tower.

(*f*) To notify operations offices, fire departments, police and ambulance services, as necessary, in the event of an accident or fire on or in the vicinity of the airport.

(*g*) To study and initial all weather reports, notices to airmen and reports pertaining to the condition of the landing area or tower operating equipment.

(*h*) To operate the appropriate airport lighting facilities as required by aircraft using the airport.

(ii) *Flight data position.* The following are specific duties of this position of operation in addition to such supplementary duties as may be assigned by the chief controller:

(*a*) To assist, as directed by the supervising controller, in the issuance of airport traffic control clearances and information and in the operation of control tower equipment.

(*b*) To copy and relay as necessary, all communications received over the interphone or telephone facilities.

(*c*) To relay air route traffic control clearances and other control messages as instructed by an air route traffic control center.

(*d*) To copy and relay, as directed, reports and information received by radio.

(*e*) To properly post all required flight plans, flight progress reports, arrival reports, and departure reports.

(*f*) To study and initial all weather information and notices to airmen and post such material on the designated board.

(*g*) To provide for the continuous recording of radio transmissions by changing voice records promptly, as they are completed, at locations where voice recorders are installed.

(*h*) To record air route traffic control messages and clearances on appropriate forms.

(*i*) To record flight plans received from pilots (either by radio, interphone, or telephone) on appropriate forms.

(*j*) To maintain airport traffic control operating forms.

(c) *Radio procedures*—(1) *Guarding radio frequencies.* The supervising controller shall be responsible for maintaining a continuous guard of standard military, naval, and civil aircraft radio frequencies. He shall also maintain a guard, when necessary, on any special frequencies that may be required. The supervising controller shall also provide for the maintenance of a continuous guard of control tower transmissions from any other landing area in the control zone in which he is controlling traffic.

(i) Normally, the volume control on receivers guarding aircraft frequencies shall be adjusted so as to permit the easy reception of normal calls from aircraft over or in the vicinity of all contact reporting points. The volume shall not be reduced on any receiver on which a continuous guard is being maintained, except as follows:

(*a*) The volume on any receiver or speaker may be momentarily reduced to permit the separate reception of transmissions which might be otherwise unintelligible.

(*b*) The volume may be reduced momentarily when transmission from an aircraft might be annoyingly loud because of the nearness of the aircraft.

(*c*) The volume may be reduced when either local or general electrical disturbances make it advisable in order to hear any transmissions at all but should be increased to normal volume as soon as possible.

(ii) Tower personnel should check the receivers at least once during each watch to ascertain whether they are operating since failure of this equipment may occur without the knowledge of the personnel on duty. The receiver check may be accomplished by turning the noise suppressor off and increasing the volume until background noise is heard.

(2) *Transmission of radiotelephone messages.* An airport traffic controller on duty shall be responsible for all radiotelephone transmissions emanating from the position, or positions, of operation under his jurisdiction.

(i) The following types of radiotelephone messages shall ordinarily be transmitted by the local control position:

(*a*) Airport traffic control clearances and instructions.

(*b*) Essential traffic information.

(*c*) Field conditions, altimeter settings, and time checks.

(*d*) Any message pertaining to safety of aircraft.

(*e*) Instructions to radio equipped vehicular traffic on the landing area.

(ii) The following types of radiotelephone messages may be transmitted by the flight data position at the discretion of the supervising controller:

(*a*) Relay of air route traffic control clearances and control messages.

(*b*) Acceptance and confirmation of flight plans filed by radio.

(*c*) Any other message authorized by the supervising controller.

(3) *Relaying information or advice not directly associated with traffic control.* In addition to traffic control communications which are associated with prevention of collision between aircraft within the control zone, the following communications are authorized for handling by an airport traffic controller:

(i) Messages pertaining to the operation of the aircraft authorized for transmission by the commanding officer or the representative of the airport management.

(ii) Messages pertaining to the operation of the aircraft authorized for transmission by a representative of an aircraft operator to the aircraft of such operator.

(iii) Any message pertaining to safety of aircraft.

(d) *Operation of interphone facilities*—(1) *General.* Interphone facilities are maintained to provide rapid voice communications service between agencies, for the exchange of information pertinent to the control of air traffic.

(i) The interphone system is divided into two categories: "local" circuits, which may consist of individual circuits between airport traffic control towers and various agencies in the vicinity, or may consist of a single circuit connecting all the agencies in the immediate vicinity of an airport, and "long lines" circuits which may connect two or more widely separated communications stations, towers, operations offices, and air route traffic control centers.

(ii) An airport traffic control tower shall be the coordinating office of any local interphone system originating in the control tower. If such system also serves an airway communications station, coordination shall be effected jointly by both the station and tower.

(2) *Communications authorized for transmission on interphone systems.* Interphone systems are maintained to permit the rapid handling of communications required to effect the control of air traffic. Authorized communications are those required for the control and safety of air traffic. A partial list of authorized material follows in the general order of importance. Priority shall be determined by the relative importance of a message to the control of air traffic, rather than by strict adherence to the order as listed herein.

(i) Emergency communications are communications concerning accidents, suspected accidents, and situations directly endangering life and property. Communications relative to accidents may be continued until essential information has been transmitted to all concerned, but shall not receive emergency classification after the emergency period has passed.

(ii) Movement and control messages and plain English equivalents of "Q" signals pertaining to aircraft movements shall receive priority over other than emergency communications.

(*a*) When two or more movement or control messages are on hand for transmission their priority shall be in the following order, except that the order may be modified by consideration of the time element involved and their relative importance to the control of air traffic:

(*1*) Clearances and control instructions.

(2) IFR movement messages.

(*i*) Flight plans.

(*ii*) Progress reports.

(*iii*) Arrival reports.

(3) VFR movement messages.

(iii) Notice to airmen: Each control tower shall compile a list of local aids to air navigation which may affect its operations. Malfunctioning of such aids shall be reported to the appropriate communications station for issuance of a notice to airmen and to the appropriate center for information.

(3) *Interphone operating procedures.* Conversations shall be as brief and concise as possible without undue hesitation and in a uniform flow of language. Every effort shall be made to enunciate clearly and distinctly, paying special attention to numerals. Use of such words as "guess" and "think" is undesirable.

(i) When any doubt exists concerning the accuracy of a received message, the complete message or the essential parts should be repeated back to the sender for verification. Transmitting personnel may also request that a message be repeated back by the receiving personnel.

(ii) "Q" signals shall be transmitted by means of their plain English equivalents. Station identifications shall not be spelled, but the name of the location spoken.

(iii) Low priority traffic may be interrupted for the transmission of high priority traffic, not subject to delay. For example, the continuous transmission of a series of flight plans may be interrupted for the transmission of a traffic control clearance.

(iv) The domestic phonetic alphabet should be used to indicate single letters, initials, or for spelling words whenever similar sounds or difficulties in transmission make such use necessary.

(v) When the origin and destination of a message are on the same circuit, the message shall be filed with the air route traffic control center, which will then make delivery to all concerned. However, local arrangements may be made with the appropriate air route traffic control center to depart from this principle when desired.

(vi) Operating initials: All personnel using interphone circuits shall use two-letter operating initials. The first and last initials of the operator's name should be used when appropriate. Any two letters, however, may be used to avoid confusion due to similarity of sounds. Letters having similar sounds, such as "B" and "P" and letter combinations which are difficult to pronounce should be avoided.

(*4*) *Methods of originating and completing interphone contacts.* The following outlined procedures and phraseologies shall be used when initiating and completing contacts on standard interphone facilities.

(*i*) Voice calls and answers: Drops on the long-line interphone system shall be known by the name of the location followed by the name or standard abbreviation of the organization or facility. (On local interphone circuits, the "location" may be omitted). Examples:

"Memphis control."
"Westover tower."
"Patterson operations."
"Norfolk Navy tower."
"Fort Wayne TWA."
"Casper radio."

(*a*) Initiate the call by use of prescribed procedures. If voice signaling is used, state the voice call of the organization desired, followed by the word "from" and the voice call of the organization calling.

(*1*) All calls shall be answered by stating the voice call of the organization answering the call.

(2) Each communication shall be preceded by a term indicating the type of message to follow, such as "flight plan," "clearance," "arrival," "progress report," etc. Messages of an emergency nature shall be preceded by the word "emergency." In voice signaling the descriptive term shall be incorporated in the call, as the last item of the call.

(3) Each message shall be terminated by the operating initials of the transmitting personnel.

(*4*) Personnel shall acknowledge receipt of messages by stating their operating initials.

(*5*) All contacts are completed by air route traffic control center personnel, by stating the time in two figures to the nearest minute.

Example: Mechanical signaling (inbound to center).

(Center) "Cleveland control" (answering mechanical signaling).
(Tower) "Buffalo tower, arrival report."
(Center) "Go ahead."
(Tower) (Proceeds with message), "JL".
(Center) "HN, four six."

(*b*) Except in the transmission of "emergency" messages, continuous calling should be tempered by good judgment. Stations should realize that air route traffic control centers often have only one person assigned to answer calls on two or more circuits. Air route traffic control centers should understand that communications stations, towers and operations office personnel are often engaged in duties such as weather observations, radio contacts, or outside telephone calls, which may delay the answering of interphone calls.

(5) *Connection of circuits.* Circuits will be connected only upon request or approval being received from an air route traffic control center, except that circuits may be connected at the request of a communications station or control tower adjacent to a control boundary, so located that a connection is necessary in order to communicate with the adjacent air route traffic control center.

(i) Request for connection of circuit shall be made in accordance with the following:

"Fresno radio this is Burbank control, connect Oakland control." (Fresno signals Oakland Control and connects circuits. Message is completed in accordance with standard procedures.)

"Fresno radio this is Burbank control, release Oakland control." (Fresno disconnects circuits.)

(6) *Reporting arrivals and departures.* The times of arrival and departure of all aircraft for which flight plans or clearances have been received, shall be reported promptly to the appropriate air route traffic control center or communications station.

(i) The times of arrival and departure as required above shall be exact as established upon the following basis:

(*a*) Arriving aircraft shall be reported as "arrived" at the time the wheels touch the ground and it is apparent that the landing will be completed.

(*b*) Departing aircraft shall be reported as "departed" at the time the wheels leave the ground.

(7) *Relaying position reports from pilots of aircraft en route.* Normally, pilots of aircraft en route will make position reports to U. S. Interstate Airway Communications Stations, Air Force or Navy Communications Stations, or private facilities. While pilots should be encouraged to continue this practice, airport traffic controllers shall not hesitate to relay such reports when they are addressed to the control towers. Pilots shall be referred to other communications agencies only if the service they request or need can be obtained in no other manner.

(8) *Relaying reports on condition of field or associated facilities.* When abnormal conditions concerning facilities which are pertinent to safety in the operation or traffic control of aircraft are observed by an airport traffic controller or are brought to the attention of the controller, such information shall, if warranted, be forwarded to the appropriate operations office, Civil Aeronautics Administration Communications Station and, if advisable, to the air route traffic control center within whose control area the tower is located.

(e) *Operation of field lighting system.* (1) Boundary and obstruction lights and the rotating airport beacon shall be lighted continuously between sunset and sunrise, and in addition, the rotating beacon shall be lighted as necessary during the hours of daylight to indicate restriction of VFR operations within the control zone. At airports where no boundary lights are installed (or when boundary lights are inoperative), runway lights on the runway most nearly aligned with the wind, or the "calm wind" runway when appropriate, shall be lighted between sunset and sunrise.

(i) With the exception of rotating airport beacons, the airport manager at locations where a CAA control tower is in operation, may establish hours of operation of the field lighting system not in accordance with the above, provided, however, that field lighting is available on a request basis. In such cases, the airport manager shall assume the responsibility for such operations.

(2) Floodlights and runway lights: Floodlights and runway lights, except as outlined above, shall be used in accordance with the following:

(i) As soon as the pilot of an aircraft is cleared to taxi out, the taxiways which he is to use shall be illuminated and as the pilot approaches the take-off position, the runway lights for the runway-in-use shall be switched on. The floodlights shall not be turned on until the pilot has taxied onto the runway and is facing the direction for take-off. The floodlights and the runway lights shall not be turned off until the pilot has cleared the edge of the field or requests that they be turned off.

(ii) When a pilot is approaching to land, the runway lights shall be turned on as soon as the pilot reports in the control zone. The floodlights for the runway-in-use shall be lighted as soon as the aircraft is identified near the field unless the pilot requests that they be left off. In the latter event they shall be lighted briefly, before the aircraft enters the landing glide, to ascertain that the landing area to be used is clear of obstacles. If the floodlights are used for landing, they shall not be turned off before the pilot has turned on to a taxi strip, or intersecting runway, unless it is necessary for the pilot to taxi toward an unshadowed floodlight unit.

(iii) As far as practicable, the airport traffic controller shall light only those portions of intersecting runways and taxi strips which the pilot must use in taxiing to the administration building, hangar line, or parking area.

(f) *Altimeter settings*—(1) Recording and using altimeter settings: The "altimeter setting" issued by the weather reporting station at 0130, 0730, 1330, and 1930 Eastern Standard Time shall be recorded on a suitable altimeter setting record form. The "altimeter

setting indicator" shall be the primary instrument for obtaining altimeter settings in the tower and all personnel shall refer to the "indicator" for this data. No altimeter settings are to be obtained from the aircraft type altimeter (except where altimeter setting indicators are not installed). The aircraft type altimeter is to be used only as a secondary means of checking the altimeter setting indicator or as a primary instrument in case of malfunctioning of the latter.

(2) The altimeter setting indicators are a special form of aneroid barometer so designed that after installation and proper adjustment, the altimeter setting may be read directly from the scale of the instrument. The instrument is designed to indicate the altimeter setting when the elevation scale is set to the actual elevation of the instrument above sea level. The mechanism is enclosed in a sealed case with provision for the connection of a venting tube to outside free air.

(3) Comparisons between the readings of the indicator and the official altimeter setting issued by the U. S. Weather Bureau are necessary each six hours as in the case of the aircraft type altimeter. This shall be accomplished by completion of a separate altimeter record form for the indicator. The "correction factor" should be entered on this form. For example, an altimeter setting of 30.01 is received from the Weather Bureau. The altimeter setting indicator reads 30.00 The correction factor, "+.01" is entered on the form. Thus, the actual altimeter setting is the value indicated by the instrument, plus or minus the correction factor. In the event the average wind velocity at the stated hours (0130, 0730, 1330, 1930) exceeds 45 miles per hour, the instructions relative to obtaining the correction factor will not be effective and the previously determined correction factor will remain in use until a correction factor can be obtained when the average wind velocity is less than 45 miles per hour.

(i) Should the correction factor consistently exceed two one-hundredths of an inch (.02), either plus or minus, the maintenance technician should be advised and requested to reset the instrument. Should the correction factor exceed four one-hundredths of an inch (0.04), plus or minus, the instrument should be removed from service and the maintenance technician advised.

(ii) The procedures for recording and using altimeter settings obtained from the aircraft type altimeter will continue in accordance with the following: Immediately following receipt of the "altimeter setting" issued by the weather reporting station, provided the average wind velocity does not exceed 45 miles per hour, the knob on the tower altimeter shall be turned until the reading on the barometric scale is exactly the same as the official altimeter setting. The "height setting" shall also be recorded and this will be used for reference data until the next official altimeter setting is received from the weather reporting station. In the event the average wind velocity at the stated hours exceeds 45 miles per hour, the instructions relative to turning the knob on the altimeter and the determination of the height setting will not be effective and the previously determined height setting will remain in use until a height setting can be obtained when the average wind velocity is less than 45 miles per hour.

(iii) When the existing altimeter setting is requested by a pilot, the airport traffic controller shall obtain the setting in accordance with the procedure outlined in subparagraph (3) of this paragraph. In the event it is necessary to utilize the aircraft type altimeter to obtain the altimeter setting, the airport traffic controller shall turn the knob of the altimeter until the hands of the instrument indicate the same altitude as the last determined height setting. The existing altimeter setting will then be indicated on the barometric scale of the altimeter.

(iv) Whenever adjusting the aircraft type altimeter to obtain a reading, the vibrator shall be operated so as to eliminate any lag in movement of the altimeter needle.

(4) Pressure-altitude, when required, shall be obtained from a table of altimeter settings and pressure altitudes complied for the local land area. If no such table is available, the pressure-altitude may be obtained in the following manner:

(i) Determine the existing "altimeter setting."

(ii) From N. A. C. A. Report No. 538, "Altitude-Pressure Tables based on United States Standard Atmosphere," or similar tables, obtain the altitude corresponding to the existing altimeter setting.

(iii) Add the altitude obtained from the altitude-pressure table to the field elevation. The algebraic sum will be the "pressure-altitude."

(g) *Visual reporting zone.* (1) It shall be the responsibility of all airport traffic controllers to be fully apprised concerning exact locations of prominent landmarks which may be used by pilots as visual reporting points upon entering a reporting zone of 15 miles radius surrounding the airport. (See Figure 10.)

(h) *Reporting information concerning aircraft in difficulty, aircraft accidents and known hazardous conditions of flight.* (1) Whenever information becomes available to an airport traffic controller concerning aircraft in difficulty, an aircraft accident or known conditions which are or may be hazardous to aircraft operations, such information shall be reported immediately to the air route traffic control center within whose control area the tower is located, to the airway communications station at the same location as the tower and to the local military offices if appropriate. The control tower shall render every possible assistance to the aircraft involved.



FIGURE 10. Report over a visual reporting point, and clearance to enter traffic pattern.

(i) In the event military aircraft are reported to be in difficulty, the airport traffic controller will also notify the local operations office and such other local military offices as the commanding officer may specify.

(2) Local airport emergency procedures: Appropriate written operations instructions covering in detail local airport emergency procedures shall be prepared by competent authority. These instructions shall clearly define the duties of airport traffic control personnel during emergency conditions, such as the invoking of emergency procedures for an aircraft accident on the landing area, and shall be prepared in collaboration with a representative of the agency which operates the airport (airport manager or commanding officer, or both).

(3) Reporting imminent and unexpected weather changes: An airport traffic controller shall assist the local Weather Bureau observer by calling to his attention:

(i) Any differences between the actual weather conditions as observed from the tower and those indicated by the current report, and

(ii) Imminent changes in the weather whenever, because of their unexpectedness, there is some likelihood that they may not be observed immediately by the regular Weather Bureau personnel.

(4) Dissemination of weather information observed by airport traffic control tower personnel: Airport traffic control tower personnel may transmit to pilots and air route traffic control centers, without prior reference to the U. S. or Service Weather Bureau, elements of weather information which can be directly observed in the control tower by means of instruments, such as wind direction, wind velocity, and altimeter settings.

(i) The airport traffic control tower personnel may not transmit any observed elements of weather information requiring judgment of the observer as to value, such as ceiling, amount of cloudiness and visibility unless such weather report has either been composed or verified by the U. S. or Service Weather Bureau, or unless the controller is acting as an official weather observer and is properly certificated for the elements being reported.

(ii) Airport traffic control tower personnel may advise an air route traffic control center of observed weather information simultaneously with advising the Weather Bureau by means of conference on the interphone circuit.

(iii) The airport traffic controller may advise the appropriate center or pilots of observed weather in general terms, such as "thunderstorm east of the field," "large breaks in the overcast," "visibility is lowering to the west," or any other such general statements which do not give actual values of the elements. In such cases the U. S. or Service Weather Bureau station shall also be advised of such information.

(iv) Airport traffic control tower personnel shall secure weather information, for use in responding to requests from pilots, from the nearest Weather Bureau station or from official weather reports. In no case shall one tower request distant weather information from a distant tower via long line interphone for transmission to pilots when such information is available from an official source at the location desiring the information.

(v) In order that the best possible visibility reports may be given to pilots in the vicinity of an airport, visibility observations will be taken from the control tower during periods when the visibility is less than 3 miles. Such observations will be taken by Weather Bureau personnel when available, and by control tower personnel when Weather Bureau personnel are not available. Stations where airway communications station personnel make airway observations will be considered as stations where Weather Bureau personnel are not available for assignment to the tower.

(*a*) Control tower personnel who make official visibility observations must be properly certificated by the Weather Bureau.

(*b*) Whenever the visibility is reduced to less than 3 miles and this is first noted by control tower personnel, the Weather Bureau shall be notified immediately by interphone or other appropriate means.

(*c*) The Weather Bureau, upon notification or observation of a visibility of less than 3 miles, will assign an observer to the control tower if sufficient personnel are available. In the event that Weather Bureau personnel are not available, the Weather Bureau will notify the control tower to assume the duty of taking visibility observations.

(*d*) When the visibility has risen to 3 miles or more and indications are that it will remain 3 miles or more for an appreciable period, visibility observations shall revert to the Weather Bureau Office. The Weather Bureau Office shall be so notified by the Weather Bureau observer in the tower or the airport traffic controller.

(*e*) Visibility observations by tower personnel are considered official by the Weather Bureau as soon as the observation is recorded in the tower. Therefore "single element" observations (visibility) may be transmitted to pilots of aircraft whenever such information is necessary in connection with aircraft arrivals or departures. These "single element" observations must also be transmitted to the local Weather Bureau.

(*f*) A record shall be maintained in the control tower of all visibility observations made from the control tower including the times of such observations. Each time observational duties are transferred from the Weather Bureau to the control tower or returned, or transferred from one observer to another in the control tower, the time and the initials of the observers involved shall be recorded in the control tower.

(5) Reporting failure or irregularity of operation of equipment: The airport traffic controller on duty shall immediately report any failure or irregularity of operation of any apparatus, light or other device, used in controlling airport traffic as directed by competent authority.

(i) Competent authority shall be responsible for the issuance, through the adjacent communications station, of a suitable notice to airmen relative to any failure or irregularity of equipment which affects the operation of the airport traffic control tower.

(6) Maintaining file of permanent records of tower transmissions: A file of permanent records of control tower radio transmissions shall be maintained where permanent-type recorders are furnished for this purpose. Completed records shall be filed chronologically and indexed for easy reference. Records may be disposed of only as prescribed by the operating agency.

(7) Maintaining traffic tabulation with mechanical traffic counters: Mechanical counters are normally used to record the number of local aircraft operations. However, where sufficient counters are provided, a tabulation of other types of operation may be so maintained.

This part shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] J. S. MARRIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-4166; Filed, Apr. 20, 1951; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5756]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

LASSER GARMENT COMPANY, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition; Wool Products Labeling Act.* In connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, of coats or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, misbranding such coats or other products by failing to affix securely to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the

maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter; (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939; prohibited, subject to the provision, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision, that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 46 d. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Lasser Garment Company, Inc., et al., Docket 5756, February 26, 1951]

In the Matter of Lasser Garment Company, Inc., a Corporation, and Joseph C. Lasser, Kenneth J. Lasser, and Sidney Locks, Individually and as Officers of said Corporation

Pursuant to the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, and by virtue of the authority vested in it by said acts, the Federal Trade Commission on March 22, 1950, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of those acts. Said respondents not having filed an answer to the complaint, a trial examiner of the Commission was duly designated by it and a hearing was subsequently held at which there was read into the record a stipulation as to the facts by and between counsel supporting the complaint and counsel for the respondents, in lieu of all other evidence. On October 26, 1950, the trial examiner filed his initial decision, which was served on the respondents on November 7, 1950.

The Commission, having reason to believe that the initial decision was deficient in certain material respects, subsequently placed this case on its own docket for review, and on December 8, 1950, it issued, and thereafter served upon the parties, its order affording the respondents an opportunity to show cause why said initial decision should not be altered in the manner and to the extent shown in a tentative decision of the Commission attached to said order. Respondents having appeared in response to the leave to show cause and having filed certain objections to the proposed alterations in said initial decision, which objections were answered by counsel in support of the complaint, this proceeding regularly came on for final consideration by the Commission upon the record on review; and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts, conclusion drawn therefrom, and order, the same to be in lieu of the initial decision of the trial examiner.

FINDINGS AS TO THE FACTS

Paragraph 1: The respondent, Lasser Garment Company, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its principal office and place of business located at 247 West 37th Street, in the City of New York, State of New York.

The respondents, Joseph C. Lasser, Kenneth J. Lasser and Sidney Locks are officers of the respondent, Lasser Garment Company.

Paragraph 2: The respondents are now, and for a number of years last past have been, engaged in the introduction and manufacture for introduction into commerce, and in the offering for sale, sale, transportation, and distribution in said commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939 and in the Federal Trade Commission Act, of wool products, as such products are defined in said Wool Products Labeling Act of 1939. Many of respondents' said products are composed in whole or in part of wool, reprocessed wool, or reused wool, as those terms are defined in the Wool Products Labeling Act of 1939, and such products are subject to the provisions of said act and the rules and regulations promulgated thereunder. In the course and conduct of their business, respondents have violated the provisions of the aforesaid Wool Products Labeling Act of 1939 and the rules and regulations thereunder, and constituted unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

It is ordered, That the respondents, Lasser Garment Company, Inc., a corporation, and its officers, and Joseph C. Lasser, Kenneth J. Lasser, and Sidney Locks, individually, and their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the aforesaid acts, of coats, or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, do forthwith cease and desist from misbranding such coats or other products by failing to affix securely to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter.

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 26, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-4685; Filed, Apr. 20, 1951; 8:51 a. m.]

[Docket 5760]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SALABLE COAT COMPANY, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition; Wool Products Labeling Act.* In connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, of coats or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, misbranding such coats or other products by failing to affix securely to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter; and, (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939; prohibited, subject to the provision, however, that the provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision, that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 46d. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Salable Coat Company, Inc., et al. Docket 5760, February 26, 1951]

In the Matter of Salable Coat Co., Inc., a Corporation, and Sol Karesh, Hannah Karesh, and Sam Karash, Individually and as Officers of Salable Coat Co., Inc.

Pursuant to the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission on April 4, 1950, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of those acts. Said respondents not having filed an answer to the complaint, a trial examiner of the Commission was duly designated by it and a hearing was subsequently held at which there was read into the record a stipulation as to the facts by and between counsel supporting the complaint and counsel for the respondents, in lieu of all other evidence. On October 26, 1950, the trial examiner filed his initial decision, which was served on the respondents on November 7, 1950.

The Commission, having reason to believe that the initial decision was deficient in certain material respects, subsequently placed this case on its own docket for review, and on December 8, 1950, it issued, and thereafter served upon the parties, its order affording the respondents an opportunity to show cause why said initial decision should not be altered in the manner and to the extent shown in the tentative decision of the Commission attached to said order. Respondents having appeared in response to the leave to show cause and having filed certain objections to the proposed alterations in said initial decision, which objections were answered by counsel in support of the complaint, this proceeding regularly came on for final consideration by the Commission upon the record on review; and the Commission, having duly considered the matter and being now fully advised in the premises; finds that this proceeding is in the interest of the public and makes this its findings as to the facts, conclusion drawn therefrom, and order, the same to be in lieu of the initial decision of the trial examiner.

FINDINGS AS TO THE FACTS

Paragraph 1: The respondent, Salable Coat Co., Inc., (incorrectly designated in the complaint as Salable Coat Company, Inc.) is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its principal office and place of business located at 520 Eighth Avenue, in the City of New York, State of New York.

The respondents, Sol Karesh, Sam Karash (incorrectly designated in the complaint as Sam Karesh), and Hannah Karesh, are president, vice president, and secretary-treasurer, respectively, of the respondent Salable Coat Co., Inc.

Paragraph 2: The respondents are now, and for a number of years past have been, engaged in the introduction and manufacture for introduction into commerce, and in the offering for sale, sale, transportation, and distribution in said commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939 and in the Federal Trade Commission Act, of wool products, as such products are defined in said Wool Products Labeling Act of 1939. Many of respondents' said products are composed in whole or in part of wool, reprocessed wool, or reused wool, as those terms are defined in the Wool Products Labeling Act of 1939, and such products are subject to the provisions of said act and the rules and regulations promulgated thereunder. In the course and conduct of their business, respondents have violated the provisions of the aforesaid Wool Products Labeling Act of 1939 and the rules and regulations thereunder in the introduction and manufacture for introduction into commerce and in the sale, transportation, and distribution in commerce of their wool products, by causing said wool products to be misbranded within the intent and meaning of said act and rules and regulations.

Paragraph 3: Among the wool products introduced and manufactured for introduction into commerce and sold, transported and distributed in said commerce, as aforesaid, have been coats and other products made wholly or in part of reprocessed wool which were labeled 100 percent wool, girls' coats and legging sets composed of 8 percent rayon and the balance of wool which were labeled 100 percent wool, and outfits or suits of two or more pieces, each piece of which, in some instances, did not bear any statement of fiber content at all. Said products were thus misbranded in that they did not have affixed to them a stamp, tag, label, or other means of identification showing the constituent fibers, and percentages thereof, of such products, and other information required by the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder.

Conclusion. The acts and practices of the respondents, as hereinabove found, were in violation of the Wool Products Labeling Act of 1939 and the rules and regulations thereunder and constituted unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

It is ordered, That the respondents, Salable Coat Co., Inc., a corporation, and its officers, and Sol Karesh, Sam Karash and Hannah Karesh, individually, and their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the aforesaid acts, of coats or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, do forthwith cease and desist from misbranding such coats or other products by failing to affix securely to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool product of any

nonfibrous loading, filling, or adulterating matter.

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further,* That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 26, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-4684; Filed, Apr. 20, 1951; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5839]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

EXTENSION OF TIME IN CASE OF DISCHARGE OF INDEBTEDNESS

In order to conform Regulations 111 (26 CFR Part 29) to section 201 of the Revenue Act of 1950, approved September 23, 1950, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.22 (b) (9)-1 the following:

SEC. 201. EXTENSION OF TIME IN THE CASE OF DISCHARGE OF INDEBTEDNESS [REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950].

Section 22 (b) (9) * * * (relating to exclusion of certain income attributable to the discharge of indebtedness) are amended by striking out "December 31, 1950" and inserting in lieu thereof "December 31, 1951".

PAR. 2. Section 29.22 (b) (9)-1, as amended by Treasury Decision 5807, approved September 12, 1950, is further amended by striking from the first paragraph and from the third paragraph "January 1, 1951" and inserting in lieu thereof in each instance "January 1, 1952".

PAR. 3. There is inserted immediately preceding § 29.22 (b) (10)-1 the following:

SEC. 201. EXTENSION OF TIME IN THE CASE OF DISCHARGE OF INDEBTEDNESS [REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950].

* * * section 22 (b) (10) (relating to the exclusion of certain income attributable to the discharge of indebtedness) are amended by striking out "December 31, 1950" and inserting in lieu thereof "December 31, 1951".

PAR. 4. Section 29.22 (b) (10)-1, as amended by Treasury Decision 5807, approved September 12, 1950, is further amended by striking from the first sentence and from the last sentence "January 1, 1951" and inserting in lieu thereof in each instance "January 1, 1952".

PAR. 5. Inasmuch as the amendments made by this Treasury decision merely change the dates from those specified by prior law to those now specified by section 201 of the Revenue Act of 1950, which extends the application of section 22 (b) (9) and (10) of the Internal Revenue Code, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: April 17, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc 51-4693; Filed, Apr. 20, 1951; 8:51 a. m.]

[T. D. 5838]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

INFORMATION FROM CERTAIN TAX-EXEMPT ORGANIZATIONS AND CERTAIN TRUSTS TO BE MADE AVAILABLE TO PUBLIC

On February 10, 1951, notice of proposed rule making, with respect to publicity of information to be required from certain tax-exempt organizations and from certain trusts, was published in the FEDERAL REGISTER (16 F. R. 1287). After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the amendments to Regulations 111 (26 CFR, Part 29) set forth below are hereby adopted. The amendments are designed to conform Regulations 111 to section 341 of the Revenue Act of 1950 (Public Law 814, 81st Congress), approved September 23, 1950.

PARAGRAPH 1. There is inserted after section 151 of the Internal Revenue Code as set forth immediately after § 29.150-1 the following:

SEC. 341. INFORMATION TO BE MADE AVAILABLE TO THE PUBLIC (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Information with respect to certain charitable, etc., exemptions and deductions.* Supplement D of chapter 1 (relating to returns and payment of tax) is hereby amended by adding at the end thereof the following new section:

SEC. 153. INFORMATION REQUIRED FROM CERTAIN TAX-EXEMPT ORGANIZATIONS AND CERTAIN TRUSTS.

(a) *Certain tax-exempt organizations.* Every organization described in section 101 (6) which is subject to the requirements of section 54 (f) shall furnish annually information, at such time and in such manner as the Secretary may by regulations prescribe, setting forth—

(1) Its gross income for the year,

(2) Its expenses attributable to such income and incurred within the year,

(3) Its disbursements out of income within the year for the purposes for which it is exempt,

(4) Its accumulation of income within the year,

(5) Its aggregate accumulations of income at the beginning of the year,

(6) Its disbursements out of principal in the current and prior years for the purposes for which it is exempt, and

(7) A balance sheet showing its assets, liabilities and net worth as of the beginning of such year.

(b) *Trusts claiming charitable, etc., deductions under section 162 (a).* Every trust claiming a charitable, etc., deduction under section 162 (a) for the taxable year shall furnish information with respect to such taxable year, at such time and in such manner as the Secretary may by regulations prescribe, setting forth—

(1) The amount of the charitable, etc., deduction taken under section 162 (a) within such year (showing separately the amount of such deduction which was paid out and the amount which was permanently set aside for charitable, etc., purposes during such year),

(2) The amount paid out within such year which represents amounts for which charitable, etc., deductions under section 162 (a) have been taken in prior years,

(3) The amount for which charitable, etc., deductions have been taken in prior years but which has not been paid out at the beginning of such year,

(4) The amount paid out of principal in the current and prior years for charitable, etc., purposes,

(5) The total income of the trust within such year and the expenses attributable thereto, and

(6) A balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of such year.

(c) *Information available to the public.* The information required to be furnished by subsections (a) and (b), together with the names and addresses of such organizations and trusts, shall be made available to the public at such times and in such places as the Secretary may prescribe.

(d) *Penalties.* In the case of a willful failure to furnish the information required under this section, the penalties provided in section 145 (a) shall be applicable.

(b) *Effective date.* The amendment made by this section shall be applicable with respect to taxable years beginning after December 31, 1949.

§ 29.153-1 *Information required from certain tax-exempt organizations.* (a) For accounting periods beginning after December 31, 1949, every organization described in section 101 (6), except organizations specifically exempt from filing annual returns under section 54 (f) (see § 29.101-2 (h)), shall file a return of information on Form 990-A. The return shall be on the basis of the established annual accounting period of the organization. Where the organization has no established annual accounting period, the return shall be made on the basis of the calendar year. The return shall be filed on or before the 15th day of the fifth full calendar month following the close of the period for which the return is required to be filed, and it shall be filed with the collector for the district in which is located the principal place of business or principal office of the organization.

(b) Pages 3 and 4 of the return shall set forth the name and address of the organization, and the following information concerning the organization in such detail as may be prescribed by the Commissioner in the instructions on the form or issued by him therewith:

(1) Its gross income for the year in sufficient detail to show the different categories of income,

(2) Its expenses attributable to such income and incurred within the year, in sufficient detail to show the different categories of expense,

(3) Its disbursements made within the year out of current or accumulated income for the purpose for which it is exempt, separately listing the total amount of disbursements for each classification of the exempt purposes of the organization,

(4) Its accumulation of income within the year,

(5) Its aggregate accumulation of income at the beginning of the year,

(6) (i) Its disbursements made out of principal during the current year for the purpose for which it is exempt, separately listing the total amount of disbursements for each classification of the exempt purposes of the organization,

(ii) Its disbursements made out of principal during prior years for the purpose for which it is exempt,

(7) The total of its administrative and operating expenses disbursed out of both principal and income,

(8) A balance sheet showing its assets, liabilities, and net worth as of the beginning of the year.

§ 29.153-2 *Information required of trusts claiming charitable or other deductions under section 162 (a).* For taxable years beginning after December 31, 1949, every trust claiming a charitable or other deduction under section 162 (a) shall file, with respect to the taxable year for which such deduction is claimed, a return of information on Form 1041-A. The return shall be filed on or before the 15th day of the fourth month following the close of the taxable year of the trust with the collector for the district in which the fiduciary resides or has his principal place of business. The return shall set forth the name and address of the trust and the following information concerning the trust in such detail as may be prescribed by the Commissioner in the instructions on the form or issued by him therewith:

(1) The amount of the charitable or other deduction taken under section 162 (a) for the taxable year, showing separately for each class of activity for which disbursements were made (or amounts were permanently set aside) the amounts which, during such year, were paid out (or which were permanently set aside) for charitable or other purposes under section 162 (a),

(2) The amount paid out during the taxable year which represents amounts permanently set aside in prior years for which charitable or other deductions have been taken under section 162 (a), and separately listing for each class of activity, for which disbursements were made, the total amount paid out,

(3) The amount for which charitable or other deductions have been taken in prior years under section 162 (a) and which had not been paid out at the beginning of the taxable year,

(4) (i) The amount paid out of principal in the taxable year for charitable, etc., purposes, and separately listing for each such class of activity, for which disbursements were made, the total amount paid out,

(ii) The total amount paid out of principal in prior years for charitable, etc., purposes,

(5) The gross income of the trust for the taxable year and the expenses attributable thereto, in sufficient detail to show the different categories of income and of expense, and

(6) A balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of the taxable year.

§ 29.153-3 Publicity of returns. The information furnished on pages 3 and 4 of Form 990-A and the information furnished on Form 1041-A shall be a matter of public record, and shall be open to public inspection, during regular hours of business, in the office of the collector for the district in which the forms are filed. The Commissioner may use such information for the purpose of making and publishing statistical or other studies.

§ 29.153-4 *Penalties.* In the case of a willful failure to furnish the information required under section 153 and §§ 29.153-1 and 29.153-2, the penalties provided in section 145 (a) shall be applicable.

PAR. 2. Section 29.54-1, as amended by Treasury Decision 5381, approved June 26, 1944, is further amended by striking out in the last sentence thereof "and 29.101-2." and inserting in lieu thereof ", 29.101-2, and 29.153-1.".

PAR. 3. Section 29.101-2, as added by Treasury Decision 5381, is amended by striking therefrom wherever it appears the expression "(Revised May 1944)".

PAR. 4. Section 29.101-2 (e), as added by Treasury Decision 5381, is amended as follows:

(A) By inserting in the first sentence thereof after "December 31, 1942," the following: "and before January 1, 1950,".

(B) By inserting immediately after the first sentence thereof the following: "For accounting periods beginning after December 31, 1949, the same requirements are applicable with respect to all of the above-mentioned organizations, except that those organizations which are exempt from tax under section 101 (6) shall, in lieu of using Form 990, file an information return on Form 990-A to comply with the requirements of this section and of § 29.153-1."

(C) By adding in the last sentence thereof after "Form 990" the following: "or Form 990-A".

PAR. 5. Section 29.101-2 (f), as added by Treasury Decision 5381, is amended as follows:

(A) By adding in the first sentence after "Form 990" the following: "or Form 990-A as may be appropriate (see paragraph (e) of this section)".

(B) By inserting in each of the last two sentences thereof after "Form 990" the following: "or Form 990-A".

PAR. 6. Section 29.101-2 (g), as added by Treasury Decision 5381, is amended by inserting after "Form 990" the following: "(Form 990-A where applicable for periods after 1949)".

PAR. 7. Section 29.101-2 (h), as added by Treasury Decision 5381, is amended by inserting in the first sentence after "Form 990" the following: "and Form 990-A".

PAR. 8. Section 29.101-2 (i), as added by Treasury Decision 5381, is amended by inserting after "Form 990" the following: "or Form 990-A".

PAR. 9. Section 29.101-2 (j), as added by Treasury Decision 5381, is amended by inserting in the first sentence after "Form 990" the following: "or Form 990-A".

PAR. 10. Section 29.162-1 (a) is amended by adding at the end thereof the following: "See § 29.153-2 relating to the annual information return that must be filed by every trust claiming a charitable, etc., deduction under section 162 (a) for the taxable year".

(53 Stat. 32, 467; 26 U. S. C. 62, 3791. Interpret or apply sec. 341, Pub. Law 814, 81st Cong.)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: April 17, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51-4692; Filed, Apr. 20, 1951; 8:51 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

[Dept. Circular 655, Supp. 8]

PART 211—DELIVERY OF CHECKS AND WARRANTS TO ADDRESSES OUTSIDE THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS

WITHHOLDING OF DELIVERY OF CHECKS OR WARRANTS

APRIL 17, 1951.

Section 211.3 (a) of Department Circular No. 655, dated March 19, 1941 (31 CFR 211.3 (a)), as amended, is hereby further amended to read as follows:

(a) The Secretary of the Treasury hereby determines that postal, transportation, or banking facilities in general or local conditions in Albania, Bulgaria, Communist-controlled China, Czechoslavakia, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, the Union of Soviet Socialist Republics, the Russian Zone of Occupation of Germany, and the Russian Sector of Occupation of Berlin, Germany are such that there is not a reasonable assurance that a payee in those areas will actually receive checks or warrants drawn against funds of the United States, or agencies or instrumen-

talities thereof, and be able to negotiate the same for full value.

Except to the extent they have been authorized by appropriate unrevoked licenses, or are authorized by specific license issued by the Department of Justice, Office of Alien Property, remittances by United States Government agencies from any accounts in which a German or Japanese interest existed on or before December 31, 1946, will continue to be restricted by Executive Order No. 8389, as amended, and rules and regulations issued pursuant thereto, including in particular General Ruling 11A, as amended. Attention is directed to the provisions of Public Law No. 622, 79th Congress, 2d Session, which prohibits among other things, payments of veterans' benefits to German or Japanese citizens or subjects residing in Germany or Japan. Attention also is directed to the Foreign Assets Control Regulations issued by the Secretary of the Treasury on December 17, 1950, pursuant to Executive Order No. 9193, which prohibit transactions involving payments to nationals of China and North Korea except to the extent that they have been authorized by appropriate license.

(Sec. 5, 54 Stat. 1087; 31 U. S. C. 127)

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-4689; Filed, Apr. 20, 1951; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 5, Amdt. 2]

CPR 5—IRON AND STEEL SCRAP

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment 2 to Ceiling Price Regulation 5 (16 F. R. 1061) is hereby issued.

STATEMENT OF CONSIDERATIONS

The changes made in Ceiling Price Regulation 5 by this amendment fall into three broad categories. First, the regulation is clarified by changes in certain definitions, by making more exact the titles and specifications for some grades, by adding new grades, and by other modifications hereinafter described. Secondly, some changes are made in the restrictions on use now embodied in the regulation and new restrictions are added in accordance with the recommendations of the National Production Authority. And, finally, revisions are made in some ceiling prices and pricing methods.

CLARIFYING REVISIONS

The amendments in this category make no changes in either the level of ceiling prices established by the regulation or in the methods by which such prices are computed. They are designed merely to remove ambiguities and to simplify the regulation.

Section 1 of the regulation has been revised to indicate clearly the transactions covered and a definition of "industrial producer" has been added in section 28 (l) to indicate clearly the persons who come within this classification.

Section 28 (b) of CPR 5 as originally written defined "iron and steel scrap" as all ferrous materials, either alloyed or unalloyed, of which iron and steel is a principal component, which are the waste of industrial fabrication or objects that have been discarded on account of obsolescence, failure or other reason, when sold to a consumer, as defined in section 28 (c), or his broker. The reference to sales to a consumer or his broker in this definition resulted in some confusion as to the scope of the regulation, since the list of transactions covered by the regulation set forth in section 1 includes interdealer sales of prepared scrap and sales of unprepared scrap by industrial producers, railroads, and governmental agencies regardless of whether the purchaser is a consumer. In order to correct this discrepancy, reference to sales to a consumer or his broker has been removed from the definition of "iron and steel scrap."

Furthermore, although the definition as originally written was broad enough to include sales of waste or obsolescent materials which are re-usable, the regulation was neither designed, nor intended, to apply to such commodities. Accordingly, material whose condition qualifies it as a re-usable product has been excluded from CPR 5 under conditions which are designed to prevent evasion of the regulation through the designation of material as re-usable when it is in fact scrap.

Section 7(a)(2) which sets forth the price differentials for various grades of steel scrap of railroad origin has been amended to make the titles of Grades 4, 8, 9, and 24 more descriptive of the material which may be included in each and to add four previously unlisted grades. Appropriate corresponding changes have been made in section 24 which contains the specifications for the various grades of steel scrap of railroad origin. The four new grades, their respective specifications, and the applicable price differentials reflect practices followed in the industry. In some cases ceiling prices for these grades have been set forth in letter orders issued to individual sellers.

In section 23, the specifications for Grade 14 (punchings and plate scrap) have been clarified to indicate that stampings and punchings included therein may be of any gauge while the specifications in section 25 for unstripped motor blocks (Grade 8) have been amended to eliminate a meaningless reference to differentials.

Section 16 (a) has been revised to indicate clearly that the fees for intransit preparation set forth therein may be charged whenever such preparation is permissible under section 15.

Section 20 (a) has been amended to exclude specifically from the description of "unprepared scrap" demolition projects involving rail abandonments, vessels, and locomotives, cranes, freight cars and similar equipment on its own wheels, and to indicate that such projects must be priced in accordance with the General Ceiling Price Regulation. These changes reflect interpretations which have been made heretofore.

Iron and steel scrap is used to a substantial extent in forging operations to supplement the supply of new material and the regulation is applicable to purchases for such use. "Forging" was not included in the list of operations of a "consumer" as defined in section 28 (c) and this omission has been corrected to remove any misunderstanding which may have arisen.

In addition to the foregoing, certain changes have been made in various other provisions in order to remove minor inconsistencies or to state more clearly the meaning intended.

CHANGES IN RESTRICTIONS ON USE

The amendments to the regulation falling within this category are designed to encourage the processing of iron and steel scrap into certain specialized grades and to assist the National Production Authority in allocating such material to consumers who require it in their operations. All of the additional restrictions are based upon recommendations of the National Production Authority.

Section 3 (b) (1) originally permitted the pricing of Grade 24 (heavy turnings) as an electric furnace or foundry grade only when it was shipped directly to a consumer from an industrial producer and in effect limited dealers who sold such material to the lower ceiling price applicable to the corresponding open hearth or blast furnace grade. In many industrial plants heavy turnings are mixed with other turnings and the restriction noted inhibited their separation because producers are not in a position, and dealers had no incentive, to perform such operations. In order to remove this obstacle to the segregation of heavy turnings, section 3 (b) (1) has been amended to remove Grade 24 (heavy turnings) from restrictions imposed therein thus permitting dealers to charge the higher ceiling price applicable under the regulation.

Because of the desirability of directing the flow of Grade 27 (No. 2 chemical borings) to consumers who can use it for briquetting and direct charge into an electric furnace, the restrictions on the use of such material set forth in section 3 (b) (2) have been amended accordingly.

To encourage the movement of electric furnace, acid open hearth, and foundry grades to consumers whose melting facilities require such material, appropriate restrictions on use have been included in the regulation in section 3 (b) (4). Similarly, restrictions on the use of Grade 29 (shafting), listed in section 3 (a) (2), and Grade 25 (solid steel axles) listed in section 7 (a) (2), have been added to encourage their utilization in forging and rerolling operations.

CHANGES IN CEILING PRICES AND PRICING METHODS

Ceiling Price Regulation 5 covers sales of unprepared scrap by a dealer only when they are made to a consumer or his broker and as a consequence other dealer sales of such material are covered by the General Ceiling Price Regulation. A considerable tonnage of unprepared scrap moves from peddlers through small dealers' yards to large dealers who have the necessary preparation equipment and the imposition of price ceilings to peddler to dealer or dealer to dealer sales involves an administrative burden which need not be assumed. Because of the nature of the commodity and the channels through which it moves, prices for peddler-dealer or inter-dealer transactions are determined on the basis of the ultimate prices which the consumer may pay, and the objectives of the stabilization program can be achieved by establishing ceiling prices for unprepared scrap only on those transactions covered by CPR 5. Accordingly, a specific provision has been included to exempt all other transactions from price controls until such time as the Director finds it necessary to reestablish price controls on these transactions.

The descriptions of the various switching districts set forth in section 5 of the regulation were designed to include in the basing points covered only the immediately surrounding area in which consumers of scrap were located. Federal, Illinois, a switching district adjacent to St. Louis, Missouri, was inadvertently omitted from the description of the St. Louis basing point in paragraph (c) and this has been corrected. On the other hand, Firestone, a scrap producing rather than consuming area was mistakenly included in the description of the Los Angeles, California, basing point in paragraph (h) and this has also been corrected.

Section 3 (c) (2) has been amended to lower the ceiling price for scrap of low iron content to establish a proper relationship between such price and the percentage of iron content. It has been found expedient to provide special pricing provisions for cast iron foundry runouts, spills, and cupola drops to correspond to the above provision in regard to steel. This has been done in section 11 (c).

After careful study, the use of accumulation points as a basis for computing on-line ceiling prices for iron and steel scrap sold by operating railroads not operating in a basing point has been discarded. By appropriate changes in section 8 (b) such railroads are required to determine their ceiling on-line prices by deducting from the basing point price at their most favorable basing point the lowest established foreign line charge for transporting scrap by rail from the nearest junction point on the originating railroad to such basing point. The nearest junction point is determined on the basis of transportation charges. This change eliminates the artificiality involved in the computation of prices by reference to accumulation points and makes it clear that the railroads affected, in computing ceiling delivered prices, may add to their ceiling on-line prices only the foreign line proportion of the established rail charge for transporting scrap from the junction point nearest, in terms of foreign line freight charges, to the point of delivery.

Under the provisions of section 8 (b) no railroad affected by the new pricing technique will be able to sell, or offer to sell, iron and steel scrap until it has filed, and received approval of, the statement described in such provisions.

Section 8 (c) as orginally written required non-operating railroads to compute their ceiling on-line prices in the same manner as that used by operating railroads not operating in a basing point. Insofar as iron and steel scrap is concerned, most non-operating railroads are more like dealers then operating railroads and it is considered appropriate that their method of ceiling price computation be changed accordingly. This has been accomplished by revisions in section 8 (c). Provision has been made, however, for any non-operating railroad whose handling of scrap resembles that of an operating railroad to apply for permission to use the pricing methods employed by the latter.

Section 10 has been amended to permit three additional grades of steel scrap of railroad origin, namely, Grade Nos. 9, 28, and 29, to be sold by dealers at the higher level of ceiling prices applicable to railroad scrap. This will promote more widespread distribution of these grades and since they are readily identifiable as to their source there appears to be little danger of evasion through the sale of non-railroad material at prices applicable to scrap of railroad origin.

By amendments to sections 11, 12 and 13, a shipping point pricing method has been substituted for on-line pricing for cast iron scrap of railroad origin. While the on-line technique remains effective for steel scrap of railroad origin it has been decided that this should not apply in the case of cast iron where railroad scrap has not received any price differtial over similar scrap of dealer and industrial origin. The on-line pricing method required freight absorption by the railroads and discouraged the shipment of cast iron scrap out of the areas in which it was collected to the numerous scattered foundries requiring such material. It was because of this scattered pattern in cast iron consumption that a uniform shipping point price was adopted instead of the basing point pricing method which takes into consideration the transportation costs to centralized consuming areas. Consistently with the shipping point pricing method, the railroads have been permitted to charge for their movement of cast iron scrap over their own lines.

A number of changes have been made in the ceiling charges for intransit preparation of steel scrap of dealer or industrial origin set forth in section 16 of the regulation in order to encourage the processing of such material into the smaller sized grades needed by electric furnace and other consumers whose facilities cannot accommodate large sized scrap. Heretofore the same ceiling charge has applied to intransit preparation of Grade No. 16 (cut structural and plate scrap, 3 feet and under), Grade No. 17 (cut structural and plate scrap, 2 feet and under), and Grade No. 18 (cut structural and plate scrap, 1 foot and under) and there has been no incentive for preparation of the smaller sized material. This has been corrected by increasing the intransit preparation charge for Grade No. 17 by $1.00 per gross ton and that for Grade No. 18 by $2.00 per gross ton. Similarly, the charge for intransit preparation of Grade No. 21 (foundry steel, 1 foot and under) is increased $1.00 per gross ton over that for Grade No. 20 (foundry steel, 2 feet and under). For like reasons, a new intransit preparation charge of $7.00 per gross ton has been allowed, by revision in section 16 (c), for the processing of cast iron scrap Grade No. 3 (heavy breakable cast) into Grade No. 11 (drop broken machinery cast).

As originally written, section 17 in effect prevented the charging of premiums for nickel, molybdenum, and chromium contained in specialty grades of iron and steel scrap and there was no incentive to segregate such material on the basis of its content of these alloys. In view of the enhanced demand for alloys arising out of the defense program, it was considered necessary to prevent further loss of such material contained in scrap by permitting the charging of the established premiums in addition to the ceiling price applicable to the grade of scrap sold.

Certain changes have been made in section 19 which contains the provisions relating to the brokerage commissions in order to take account of trade practices which prevailed prior to the issuance of the regulation. Thus, section 19 (a) (5) has been amended to permit a broker to pay up to 50 percent of his commission to a sub-broker, and section 19 (b) has been modified to permit a broker to receive a commission on scrap which he prepares in transit. Section 19 (c) prohibits the payment of brokerage commissions when there is a substantial financial relationship, direct or indirect, between the broker and the person who prepares the scrap, but it appears that under normal market conditions brokerage commissions were paid where such relationship existed. Indeed, not infrequently brokers have financed a dealer to assure themselves a readily available source of prepared scrap. This, of course, had the salutary effect of increasing the supply of such material and it is considered desirable to permit such arrangements where they do not involve an evasion of the regulation. Accordingly, section 19 (c) has been amended to provide for the granting of authority, upon application, for the payment of brokerage commissions otherwise prohibited where it is shown that the broker and preparer of the scrap are performing their customary functions and their financial relationship does not arise out of an attempt to avoid the prohibition against payment of a brokerage commission to a person for scrap which he prepares.

Finally, changes have been made in the specifications for various grades of scrap to permit more satisfactory utiliza-

tion of different kinds of material. The specifications for No. 1 heavy melting steel of dealer or industrial origin have been modified to include chemical detinned material and new pipe ends even though they are not mashed and regardless of their diameter. The specifications for No. 2 bundles have been revised to include any bundles which are excluded from the No. 1 bundle classification because they contain painted, lacquered, lithographed or galvanized material. The regulation now also permits wrought iron and pipe to be included in foundry steel (Grade Nos. 20 and 21).

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in the furtherance of the objectives of the Defense Production Act of 1950, and to relevant factors of general applicability.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, and their recommendations have been considered.

AMENDATORY PROVISIONS

The Ceiling Price Regulation 5 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *What this regulation does, exemptions, and prohibitions.* (a) This regulation establishes ceiling prices and fees for:

(1) All sales and deliveries of prepared iron and steel scrap;

(2) All sales and deliveries of unprepared iron and steel scrap to a consumer or his broker;

(3) All sales of iron and steel scrap by an industrial producer, railroad, or governmental agency (whether Federal, State or local), regardless of the nature of the ultimate use of the scrap;

(4) Commissions for brokerage service on sales of iron and steel scrap;

(5) All exports and sales to exporters of iron and steel scrap.

(b) *Exemptions.* Notwithstanding the provisions of any price regulation or order heretofore issued by the Office of Price Stabilization or any regulation or order hereafter issued by the Office of Price Stabilization, except an amendment to this regulation, all sales, purchases and deliveries of iron and steel scrap which are not described in paragraph (a) of this section are exempt from price control.

(c) *Prohibitions against dealing in iron and steel scrap at prices above the ceiling.* On and after April 24, 1951, regardless of any contract or other obligation:

(1) No person shall sell, deliver, buy, receive, or prepare iron or steel scrap or agree, offer, solicit, or attempt to do any of the foregoing at prices above those established in this regulation;

(2) No person shall sell or deliver iron or steel scrap upon condition that the buyer shall sell or deliver to any person any other commodity. No person shall buy or receive iron or steel scrap upon the conditions that he shall sell or deliver to any person any other commodity;

(3) No person shall act as both broker and dealer in the purchase of any single lot or item of iron or steel scrap where the price paid for such lot or item of iron or steel scrap would exceed the applicable ceiling price established by this regulation.

2. Section 3 (b) (1) is amended to read as follows:

(1) The prices established for Grade 11 (billet, bloom, and forge crops) and Grade 23 (alloy free turnings) may be charged only when shipped to a consumer directly from an industrial producer of such grades; otherwise the ceiling prices for Grade 11 shall not exceed the price established for Grade 12 (bar crops and plate scrap) and the ceiling price for Grade 23 shall not exceed the price established for Grade 8 (shoveling turnings).

3. Section 3 (b) (2) is amended to read as follows:

(2) The prices established for Grade 26 (No. 1 chemical borings) and Grade 27 (No. 2 chemical borings) may be charged only when such grades are sold for use for chemical or annealing purposes, and in the case of Grade 27, for briquetting and direct charge into an electric furnace; otherwise the ceiling prices for such grades shall not exceed the price established for Grade 10 (cast iron borings).

4. A subparagraph (4) is added to section 3 (b), to read as follows:

(4) The premiums established for Grades 11, 12, 13, 14, 15, 16, 17, 18, 20, and 21 may be charged only when sold for use in electric furnaces, acid open hearth furnaces, or foundries. No person shall charge, and no person shall pay, when purchasing such grades for use in basic open hearth or blast furnaces, a price in excess of the price for the corresponding basic open hearth or blast furnace grades unless the material is allocated to such person by the National Production Authority.

5. A subparagraph (5) is added to section 3 (b) to read as follows:

(5) The price established for Grade 29 (shafting) may be charged only when sold for forging or rerolling purpose; otherwise the ceiling price for such grade shall not exceed the ceiling price established for the corresponding basic open hearth, electric furnace or foundry grade.

6. That part of section 3 (c) (2) after the colon is amended to read as follows:

Where the iron content is 85 percent and over	−$6.00
Where the iron content is 75 percent and over	−10.00
When the iron content is less than 75 percent	−12.00

7. Section 5 is amended by adding Federal, Illinois, to the St. Louis basing point in paragraph (d) and by deleting paragraph (h).

8. Grade No. 4 in section 7 (a) (2) is amended to read as follows:

4. Hollow Bored Axles and Solid Locomotive Axles with keyways between the wheelseats	Base

9. Grade No. 8 in section 7 (a) (2) is amended to read as follows:

8. Cast Steel No. 2 and Uncut Wheel-centers	−6.00

10. Grade No. 9 in section 7 (a) (2) is amended to read as follows:

9. Uncut Frogs and Switches with or without manganese	Base

11. Grade No. 24 in section 7 (a) (2) is amended to read as follows:

24. Angle and Splice Bars and Tie Plates	+5.00

12. Section 7 (a) (2) is amended by adding the following:

31. Fireboxes, cut and uncut	−8.00
32. Boilers, cut and uncut	−6.00
33. No. 2 Sheet Scrap	−13.00
34. Carsides, Doors, Car Ends, cut apart	−6.00

13. A subparagraph (3) is added to section 7 (b) to read as follows:

(3) The price established for Grade 25 (Solid Steel Axles) may be charged only when sold for rerolling and forging purposes; otherwise, the ceiling price for such grade shall not exceed the ceiling price established for the base grade, No. 1 railroad heavy melting steel.

14. Section 8 (b) is amended to read as follows:

(b) *On-line prices for operating railroads not operating in a basing point.* The ceiling on-line price of any grade of steel scrap originating from an operating railroad not operating in a basing point named in section 7 of this regulation shall be the price established for the scrap at the most favorable basing point named in that section minus the lowest established foreign line charge for transporting scrap by rail from the nearest junction point on the originating railroad to such basing point. The "most favorable basing point" is the basing point named in section 7 of this regulation which will yield the highest ceiling on-line price. The "nearest junction point" means such point on the originating railroad nearest to the most favorable basing point in terms of transportation charges.

The ceiling on-line price of No. 1 railroad heavy melting steel need not fall below $34.00 per gross ton (with differentials established in section 7 of this regulation for all other grades).

On and after the effective date of this regulation, as amended, no railroad covered by this paragraph (b) may sell or offer to sell iron and steel scrap to a consumer or his broker (without obtaining prior approval from the Office of Price Stabilization) unless it has filed with the Office of Price Stabilization, Washington 25, D. C., a statement in writing setting forth its ceiling on-line price for No. 1 railroad heavy melting steel and describing the method by which the said ceiling on-line price was calculated and such statement has been approved in writing by the Office of Price Stabilization, Washington, D. C. The statement shall include: the most favorable basing point selected, the price at such basing point, the point on the originating line from which the foreign line charge is determined, and the lowest established foreign line charge for transporting scrap by rail to the named basing point.

15. Section 8 (c) is amended to read as follows:

(c) *Ceiling shipping point (or on-line) prices for non-operating railroads.* (1) For shipping points located within a basing point named in section 7 of this regulation, the ceiling shipping point price for any grade of steel scrap originating from a non-operating railroad shall be the price established for the scrap at such basing point minus the applicable switching charge deduction set forth in section 5 of this regulation.

(2) For shipping points located outside the basing points named in section 7 of this regulation, the ceiling shipping point price of any grade of steel scrap originating from a non-operating railroad shall be the price established for the scrap at the most favorable basing point named in section 7 of this regulation, minus the lowest established charge for transporting scrap by rail from the shipping point of the railroad to such basing point.

The ceiling shipping point price of No. 1 railroad heavy melting steel need not fall below $34.00 per gross ton (with differentials established in section 7 of this regulation for all other grades). The "most favorable basing point" is the basing point named in section 7 of this regulation which will yield the highest ceiling shipping point price.

(3) Where a non-operating railroad believes that the shipping point method of pricing is not appropriate for its operations, it may request permission to price on an on-line basis from the Director of Price Stabilization. The request should set forth: (i) The nature of the non-operating railroad; (ii) the points from which its scrap is shipped; (iii) the basing point from which it would determine its price under paragraph (a) or (b) of this section; and (iv) the reasons which make it difficult to price under provisions of this paragraph.

16. Section 10 (a) is amended by adding grades 9, 28, and 29 to the list of grades of railroad steel scrap set forth therein.

17. Section 11 is amended by deleting the words "and ceiling on-line prices" from the title thereof.

18. Section 11 (b) (1) is amended to read as follows:

(1) The ceiling shipping point price which a basic open hearth consumer may pay for cast iron No. 1 (cupola cast), clean auto cast, malleable, or drop broken machinery cast shall be the ceiling price established for cast iron No. 2 (charging box cast).

19. Section 11 (b) (2) is amended by deleting the words "or on-line" therefrom.

20. A paragraph (c) is added to section 11 to read as follows:

(c) *Special pricing provisions.* The ceiling price of clean cast iron foundry runouts, spills, or cupola drops prepared by cleaning and/or breaking for further consumption shall be priced at 75 percent of the corresponding cast iron grade with the same restrictions as to use to apply.

21. Section 12 (a) is amended by deleting the words "of dealer or industrial origin" from the first sentence thereof.

22. Section 13 is amended to read as follows:

SEC. 13. *Ceiling delivered prices for shipment by truck for all steel or cast iron scrap.* (a) Where delivery of any grade of iron or steel scrap is made by public carrier truck, the ceiling delivered price shall be the ceiling shipping point price, or in the case of steel scrap of railroad origin, the ceiling on-line price, as established in sections 4, 8, 10, or 11 of this regulation, whichever is applicable, plus the actual public carrier charge.

(b) Where delivery of any grade of iron or steel scrap is made in a truck owned or controlled by the shipper or broker of the scrap, the ceiling delivered price shall be the ceiling shipping point price, or in the case of steel scrap of railroad origin the ceiling on-line price, as established in sections 4, 8, 10, or 11 of this regulation, whichever is applicable, plus the published and applicable motor common carrier charge for transporting scrap from the shipping point to destination, except that the charge shall not be in excess of $4.00 and need not fall below $2.50 per gross ton.

23. Section 15 (f) is amended to read as follows:

(f) Whenever intransit preparation of iron or steel scrap is permissible pursuant to the provisions of this section, the ceiling delivered price shall be the ceiling shipping point price plus the rail transportation charges to the point of preparation, or the ceiling on-line price plus any off line rail transportation charges to the point of preparation, plus the applicable ceiling preparation fee as established in section 16 of this regulation, plus the transportation charges from the preparation yard to the point of delivery as established and restricted in sections 6, 9, 12, or 13 of this regulation, whichever is applicable.

24. The first paragraph of section 16 (a) is amended to read as follows.

(a) The ceiling fees which may be charged for intransit preparation of any grade of steel scrap of dealer or industrial origin, authorized under section 15 of this regulation, shall be as follows:

25. Section 16 (a) (6) is amended to read as follows:

(6) For preparing into Grade No. 12 (bar crops and plate scrap), Grade No. 13 (cast steel), Grade No. 14 (punchings and plate scrap), Grade No. 16 (cut structural, 3 feet and under), or Grade No. 20 (foundry steel, 2 feet and under), $10.00 per gross ton.

26. Section 16 (a) (7) is amended by deleting the figure "$10.00" and inserting the figures "$11.00" in lieu thereof.

27. Section 16 (a) (8) is amended to read as follows:

(8) For preparing into Grade No. 18 (cut structural and plate scrap, 1 foot and under), $12.00.

28. That part of section 16 (c) after the colon is amended to read as follows:

(1) For preparing Grade No. 8 (unstripped motor blocks) into Grade No. 7 (clean auto cast), $9.00 per gross ton.

(2) For preparing Grade No. 3 (heavy breakable cast) into Grade No. 11 (drop broken machinery cast), $7.00 per gross ton.

(3) For preparing Grade No. 3 (heavy breakable cast) into Grade No. 1 (cast iron No. 1), $4.00 per gross ton.

29. Section 16 (e) is amended by deleting the words "other than" and substituting in lieu thereof the words "in excess of".

30. Section 17 (a) is amended to read as follows:

(a) *Nickel.* A premium of $1.25 per gross ton for each ¼ of 1 percent of nickel content may be charged in addition to the ceiling price for the applicable grade where the scrap contains not less than 1 percent and not over 5.25 percent nickel.

31. Section 17 (b) is amended to read as follows:

(b) *Molybdenum.* A premium of $2.00 per gross ton may be charged in addition to the ceiling price for the applicable grade for scrap containing not less than .15 percent molybdenum. A premium of $3.00 per gross ton may be charged in addition to the ceiling price for the applicable grade for scrap containing not less than .65 percent molybdenum.

32. Section 17 (d) is amended to read as follows:

(d) *Silicon.* The differentials established under section 3 of this regulation for electric furnace and foundry grades shall not be applicable if the scrap contains between .5 percent and 1.75 percent silicon.

33. Section 17 (e) is amended to read as follows:

(e) *Chromium.* Steel scrap conforming to SAE 52100 may command a premium of $1.00 per gross ton in addition to the ceiling price for the applicable grade.

34. Section 19 (a) (1) is amended to read as follows:

(1) The broker is regularly and primarily engaged in the business of buying for, and selling scrap to, a consumer.

35. Section 19 (a) (5) is amended to read as follows:

(5) The broker does not split or divide the commission, in whole or in part, with the seller or sellers of the scrap or with the consumer and does not split or divide

the commission with a sub-broker to an extent greater than 50 percent.

36. Section 19 (b) is amended to read as follows:

(b) No commission shall be payable to a person for scrap which he prepares: *Provided however*, That whenever intransit preparation is permitted by any provision of this regulation, a broker may charge a commission notwithstanding the fact that he also prepares the scrap.

37. Section 19 (c) is amended to read as follows:

(c) No commission shall be payable to a person controlling, or holding directly or indirectly a substantial financial interest in the person preparing the scrap, or to a person employed or controlled by the person preparing the scrap, or to a person in whom the person, preparing the scrap holds directly or indirectly a substantial financial interest or control: *Provided however*, That the Director of Price Stabilization may authorize, upon application, the payment of brokerage commissions otherwise prohibited by this paragraph where it is shown that the conditions set forth in paragraph (a) of this section will be complied with and that the financial relationship between the broker and preparer of the scrap does not arise out of an attempt to evade paragraph (b) of this section.

38. Section 20 (a) is amended to read as follows:

(a) The term "unprepared scrap" shall have its customary trade meaning and shall not include such demolition projects as automobiles, bridges, rail abandonments, vessels, and locomotives, cranes, freight cars and similar equipment on its own wheels. Prior to demolition such projects are not iron and steel scrap and must be priced under the applicable provisions of the General Ceiling Price Regulation.

39. Section 23 (a) (1) is amended by deleting the words "mashed" and "original diameter 4 inches and over" from the fourth sentence thereof.

40. Section 23 (a) (4) is amended by deleting the words "detinned scrap" in the last sentence and by inserting after the fourth sentence the following: "May include chemically detinned material. No tin can will be deemed to be detinned unless it has undergone the chemical process for the removal and recovery of tin."

41. Section 23 (a) (5) is amended to read as follows:

(5) *No. 2 bundles.* Body and fender scrap, or old black and/or galvanized scrap, hydraulically compressed to charging box size and weighing not less than 75 pounds per cubic foot. May include galvanized, but not vitreous enameled stock, tin plate, terne plate or other metal coated material. Painted or lacquered material shall not be considered as coated material. May include hydraulically compressed black or galvanized fence wire, light coil spring and any bundles which are excluded from No. 1 bundles by reason of their containing painted, lacquered, lithographed or galvanized material.

42. The last sentence in section 23 (b) (12) is amended to read as follows: "Must not be less than ½ inch in thickness, not over 18 inches in width and not over 36 inches in length."

43. The last sentence of section 23 (b) (14) is amended to read as follows: "Punchings and stampings may be of any gauge but must not be more than 6 inches in diameter."

44. Section 23 (b) (20) is amended by deleting the words "wrought iron" and "pipe" from the last sentence therein.

45. Section 23 (b) (21) is amended by deleting the words "wrought iron" and "pipe" from the last sentence therein.

46. Section 23 (a) (24) is amended by deleting the last sentence thereof.

47. The following grade specifications in section 24 are amended to read as follows:

(4) *Hollow bored axles and solid locomotive axles with keyways between the wheelseats.* (A. A. R. Nos. 4 and 2.)

• • • • • •

(8) *Cast steel No. 2 and uncut wheelcenters.* Steel castings over 18 inches in width and/or over 5 feet in length. Uncut wheelcenters.

(9) *Uncut frogs and switches with or without manganese.* (A. A. R. Nos. 18 and 18a.) Steel and/or iron frogs and switches that have not been cut apart. May include manganese.

• • • • • •

(24) *Angle and splice bars and tie plates.* (A. A. R. No. 6.) Fish plates and/or patented joints, iron or steel, tie plates.

48. Section 24 is amended by adding the following grade specifications:

(31) *Fireboxes, cut and uncut.*

(32) *Boilers, cut and uncut.* (A. A. R. No. 8.) With or without fireboxes attached, locomotive cisterns and/or tanks. Cut apart sufficiently to load. May include all kinds of material from interior of boilers or tanks which are encrusted, such as crown bars and bolts, except flues.

(33) *No. 2 sheet scrap.* (A. A. R. No. 31.) Galvanized material, composition brake shoes and/or gas retorts, and/or any other iron or steel material.

(34) *Carsides, doors and car ends, cut apart.* Cut apart to dimensions of not over 8 feet in length and 8 feet in width and suitable to be prepared into No. 1 railway steel.

49. Section 25 (8) is amended to read as follows:

(8) *Unstripped motor blocks.* Automobile or truck motors from which steel and non-ferrous fittings have not been removed. Must be free of drive shafts, transmissions, and all parts of frames.

50. Section 28 (b) is amended to read as follows:

(b) "Iron and steel scrap" means all ferrous materials, either alloyed or unalloyed, of which iron or steel is a principal component, which are the waste of industrial fabrication, or objects that have been discarded on account of obsolescence, failure or any other reason. It does not include any material which qualifies as a re-usable product by reason of its condition, which is sold as a reusable product, and which is not purchased for use in any of the operations mentioned in paragraph (c) of this section. It does not include demolition projects, as set forth in section 20 of this regulation, prior to demolition. It does not include metal coated ferrous material sold for the recovery of the coating substance to a person regularly engaged in such operation.

53. Section 28 (c) is amended by deleting the word "or" after the word "melting" in the first sentence and by inserting the words "or forging" after the word "rerolling" in the same sentence.

54. Section 28 (l) is amended to read as follows:

(l) "Industrial producer" means any person engaged in manufacturing, fabricating, repairing, mining, or refining or in furnishing communication or transportation services, who produces iron or steel scrap as a by-product of such operations or from obsolescence.

Effective date. This amendment shall become effective April 24, 1951.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 19, 1951.

[F. R. Doc. 51-4734; Filed, Apr. 19, 1951; 4:00 p. m.]

[General Overriding Regulation 6]

GOR 6—EXEMPTIONS OF CERTAIN SALES OF MERCHANDISE BEARING BRAND OR INSIGNIA OF SPECIFIED NONPROFIT ORGANIZATIONS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this General Overriding Regulation 6 is hereby issued.

STATEMENT OF CONSIDERATIONS

This General Overriding Regulation exempts from any ceiling price restrictions imposed by the Office of Price Stabilization certain sales of articles bearing the insignia or brand of the Girl Scouts of the U. S. A. or Boy Scouts of America and sales by the Future Farmers of America. These organizations are nonprofit organizations. The manner of distribution and the prices of the merchandise are strictly controlled by the organizations. The sales which are exempted by this regulation are generally made at prices lower than prevailing market prices for similar merchandise. The profits which are earned are used to further the work of the respective organizations. Subjecting these sales to price control would have no appreciable benefit to the program of price stabilization and would impose an unnecessary burden upon the Office of Price Stabilization. In the judgment of the Director of Price Stabilization, it is not necessary for ceilings to be applied to these transactions.

REGULATORY PROVISIONS

Sec.
1. Sales of Girl Scout and Boy Scout supplies.
2. Sales by Future Farmers of America.

AUTHORITY: Sections 1 and 2 issued under Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Sales of Girl Scout and Boy Scout supplies.* No price regulation issued by the OPS applies to sales at wholesale or retail of articles bearing the official emblem, motto, pledge, or other distinguishing mark of the Girl Scouts of the U. S. A., or of the Boy Scouts of America.

SEC. 2. *Sales by Future Farmers of America.* No price regulation issued by the OPS applies to sales at retail by the Future Farmers of America.

Effective date. This General Overriding Regulation shall become effective April 25, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

APRIL 20, 1951.

[F. R. Doc. 51-4757; Filed, Apr. 20, 1951; 10:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 146—FOREIGN MAIL INVOLVING CUSTOMS REVENUE

JOINT REGULATIONS ADOPTED BY SECRETARY OF THE TREASURY AND POSTMASTER GENERAL GOVERNING TREATMENT OF MAIL FROM FOREIGN COUNTRIES INVOLVING CUSTOMS REVENUE

In § 116.17 *Collection of customs duty by postmasters or Navy mail clerks* (39 CFR 116.17) make the following changes:

1. Amend the first sentence of paragraph (a) to read as follows: "Upon delivery of dutiable articles to addressees, postmasters and Navy mail clerks or assistants shall collect the duty or fine or the duty and fine, as the case may be. The collection shall be forwarded immediately by means of a certified check or an official postal check with the mail entry, as directed thereon, accompanied by customs receipt Form 3437, in a penalty envelope by ordinary mail to the customs officer who issued the entry."

2. Amend the second sentence of paragraph (b) to read as follows: "The mail entry and customs receipts Form 3437 also shall accompany the cash remittance."

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 498, 46 Stat. 728; 5 U. S. C. 22, 369, 19 U. S. C. 1498)

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.
V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 51-4641; Filed, Apr. 20, 1951; 8:45 a. m.]

PART 116—FOREIGN MAIL INVOLVING CUSTOMS REVENUE

RECORD OF CUSTOMS RECEIPTS AND DISBURSEMENTS

In § 116.59 *Record of customs receipts and disbursements* (39 CFR 116.59) amend the second sentence to read as follows: "He shall make daily deposits or remittances of customs funds to collectors of customs accompanied with the mail entries and original lists of the mail entries on customs Form 3437, and retain one copy of the lists on customs Form 3437."

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, 5 U. S. C. 22, 369)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 51-4642; Filed, Apr. 20, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 51]

PECANS IN THE SHELL

REVISING OF U. S. STANDARDS

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Pecans in the Shell under the authority contained in the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950) to supersede United States Standards for Unshelled Pecans issued August 9, 1943, and reissued October 4, 1946. The standards are proposed to become effective October 1, 1951.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Deputy Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the 30th day after the publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.342 *Standards for pecans in the shell*—(a) *General.* The pecan grading chart to which reference is made in paragraph (f) of this section is the pecan grading chart which was issued in 1942 by the United States Department of Agriculture. Such pecan grading chart is annexed [1] hereto and made a part hereof.

(b) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 consists of pecans in the shell which shells are fairly uniform in color, fairly well shaped, free from foreign material, and from damage caused by stains or adhering hulls, split or broken shells, or other means. The kernels shall be well cured, free from rancidity, mold, decay, insect injury, and from damage caused by shriveling, leanness, hollowness, discoloration, or other means. (See paragraph (d) of this section.)

(i) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(*a*) For external defects not more than 10 percent, by count (except that the percentage of foreign material shall be determined by weight), for pecans which fail to meet the requirements of the grade: *Provided*, That not more than:

1 percent shall be allowed for foreign material;

3 percent shall be allowed for pecans which are seriously damaged by stains or adhering hulls, or by split, broken or punctured shells.

(*b*) For internal defects (defects of the kernel) not more than 15 percent, by count, for pecans which fail to meet the requirements of the grade: *Provided*, That not more than two-fifths of this amount, or 6 percent, shall be allowed for kernels which are not well cured, rancid, moldy, decayed, injured by insects, or seriously damaged by shriveling, leanness, discoloration, or other means.

(2) *U. S. Commercial.* U. S. Commercial consists of pecans in the shell which shells are free from foreign material and from serious damage caused by stains or adhering hulls, split, broken or punctured shells, or other means. At least 65 percent, by count, of the pecans in any lot shall have kernels which meet the requirements of U. S. No. 1 grade; and the remainder shall have kernels which are well cured, free from rancidity, mold, decay, insect injury, and from serious damage caused by shriveling, leanness, discoloration, or other means. (See paragraph (d) of this section.)

(i) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(*a*) For external defects not more than 10 percent, by count (except that the percentage of foreign material shall be determined by weight), for pecans which fail to meet the requirements of the grade: *Provided*, That not more than one-tenth of this amount, or 1 percent, shall be allowed for foreign material.

(*b*) For internal defects (defects of the kernel) not more than 15 percent, by

[1] The pecan grading chart was filed with these United States Standards for Pecans in the Shell and it is available for inspection in the Division of the Federal Register. Copies may be obtained upon request from the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C.

count, for pecans which fail to meet the requirements of the grade: *Provided*, That not more than two-thirds of this amount, or 10 percent, shall be allowed for kernels which are very seriously damaged. No part of any tolerance shall be allowed to reduce for the lot the percentage of U. S. No. 1 kernels required in this grade.

(c) *Unclassified.* Unclassified consists of pecans in the shell which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(d) *Size.* The size of pecans may be designated on the basis of the following table:

Size designation	Number of nuts per pound	The 10 smallest nuts in a representative 100-nut sample must weigh at least: [1]	
		Ounces	Equivalent in grams
Oversize	Not more than 52	2.50	71
Extra large	Not more than 60	2.25	64
Large	61 to 73	1.75	50
Medium	74 to 90	1.50	43
Small	91 to 115	1.25	36

[1] When the sample for inspection consists of more than 100 nuts, the 10 percent, by count, which are smallest will be segregated and weighed. For example, if the sample consists of 300 nuts, as will generally be the case when a carload is being inspected, the 30 smallest nuts must weigh at least three times the amount shown for any size designation. In selecting the smallest nuts, those which are by observation the smallest in appearance are segregated. In deciding which is the smallest among two or more nuts which appear to be about equal in size, the lightest in weight shall be used.

(1) In addition to having the requisite count per pound for any size designation shown in this table, the lot must comply with the restrictions as to the smallest nuts as indicated. No tolerance shall be allowed.

(2) In lieu of the size designations in the table herein, the size of pecans in any lot may be described in accordance with the maximum number per pound or the range in number per pound without restrictions as to the smallest nuts in the lot. When this method of size specification is used, no tolerance shall be allowed. The size may also be described as an exact number per pound as 65, 80, etc. When this method is used, the actual number per pound may not vary by more than 12 percent from the specified number.

(3) The size may also be described in terms of the diameter of the smallest nuts, or range in diameters of the nuts in a lot stated in sixteenths of an inch. When so specified, not more than 12 percent, by count, of the pecans in any lot may be below the minimum diameter specified and not more than 12 percent may be above the maximum diameter specified.

(e) *Application of tolerances.* The tolerances for these grades are on a lot basis and a composite sample customarily is taken for inspection purposes. However, any container or group of containers in which the pecans are found to be materially inferior to those in the majority of the containers shall be considered as a separate lot.

(f) *Definitions.* (1) "Fairly uniform in color" means that the shells do not show sufficient variation in color to materially detract from the general appearance of the lot. Natural markings (usually in dark streaks and heaviest near the ends) shall not be considered as detracting from the appearance of the lot.

(2) "Fairly well shaped" means that the pecan is not crescent-shaped nor otherwise materially misshapen.

(3) "Foreign material" means loose hulls, pieces of shell which are separated from the kernel, or any other substance which is not adhering to the pecan shell.

(4) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Stains or adhering hulls, when stains of dark color or adhering hulls, caused by shuck worms or other means, affect an aggregate area of more than 5 percent of the surface of the shell.

(ii) Split or broken shells, when the parts of the shell spread upon application of slight pressure near the split or crack.

(iii) Shriveling, when materially affecting more than 5 percent of the kernel including both halves. The shriveling may be on one or both halves. In judging the percentage affected by shriveling the flat or inner sides of the kernel are disregarded. The maximum percentage of shriveling (5 percent including both halves) on two half-kernels not considered damaged is illustrated in the upper left hand corner of the pecan grading chart.

(iv) Leanness, when either half of the kernel has more than a moderately lean or undeveloped appearance. A half-kernel and cross-section showing moderately lean or undeveloped appearance not considered damaged is illustrated in the center of the upper row of the pecan grading chart.

(v) Hollowness, when a cross-section of either half of the kernel shows more than a moderate hollowness, or the half-kernel is not fairly firm and "meaty". A half-kernel and cross-section showing moderate hollowness not considered damaged is illustrated in the upper right-hand corner of the pecan grading chart.

(vi) Discoloration:

(*a*) When either half of the kernel is darker than indicated for undamaged half-kernels in the lower left-hand corner of the pecan grading chart. The inner or flat side of the half-kernel is disregarded in judging color. Natural markings, including dark lines, specks or mottling shall not be considered as damage if the ground color is not too dark according to the chart.

(*b*) When more than one dark kernel spot is present on either half of the kernel, or one such spot when more than one-eighth inch in greatest dimension.

(*c*) When there is brownish or grayish material from the inside of the shell adhering to more than one-fourth of the surface, including both halves, which was adjacent to the shell.

(*d*) When there is reddish or brownish dust, from the inside of the shell, present in sufficient quantity to materially affect the appearance, or the edible quality.

(*e*) Discoloration which is readily noticeable in the interior of the kernel when it is broken.

(5) "Well cured" means that the kernel separates freely from the shell and from the corky partitions inside the shell, breaks at a definite point without splintering, shattering, or tearing the meat or loosening the skin, and appears to be in good shipping and storage condition as to moisture content.

(6) "Rancidity" means that the kernel is distinctly rancid to the taste.

(7) "Mold" means any mold growth which noticeably affects the exterior or interior of the kernel.

(8) "Decay" means that the kernel is putrid or decomposed.

(9) "Insect injury" means that the insect, web, or frass is present, or that the kernel shows other noticeable evidence of insect injury.

(10) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Stains or adhering hulls, when stains of dark color or adhering hulls, caused by shuck worms or other means, affect an aggregate area of more than 20 percent of the surface of the shell.

(ii) Split, broken, or punctured shells, when a fragment of the shell is broken out, when the kernel is plainly visible through a punctured, split, or cracked shell without the application of any pressure, or when a worm hole penetrates the shell wall.

(iii) Shriveling, when materially affecting more than one-third of the kernel including both halves. In judging the percentage affected by shriveling the flat or inner sides of the kernel are disregarded. The maximum percentage of shriveling (one-third of the kernel including both halves) not considered seriously damaged is illustrated in the left side of the middle row of the pecan grading chart.

(iv) Leanness, when either half of the kernel has a more lean or undeveloped appearance than shown on the right side of the middle row of the pecan grading chart.

(v) Discoloration:

(*a*) When the color of either half of the kernel is as dark in color, or darker, than indicated as seriously damaged on the kernel in the center of the lower row of the pecan grading chart. The inner or flat side of the half-kernel is disregarded in judging color.

(*b*) When there are more than three dark kernel spots on either half of the kernel, or when such spots affect an aggregate area of more than 10 percent of the surface of the half-kernel which was adjacent to the shell.

(*c*) When there is brownish or grayish material from the inside of the shell adhering to more than one-half of the surface, including both halves, which was adjacent to the shell.

(*d*) When the interior of the kernel is so discolored that it is unacceptable as food.

(11) "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality. Any one of the following defects shall be considered as very serious damage:

(i) Kernels which are distinctly rancid to the taste.

(ii) Kernels which are noticeably affected by mold on the exterior or interior.

(iii) Kernels which are decayed (putrid or decomposed).

(iv) Kernels with insects, web, or frass present, or which show other noticeable evidence of insect injury.

(v) Kernels which are so shriveled that they have virtually no food value.

(12) "Diameter" means the smallest dimension at right angles to the longitudinal axis taken at the point of greatest circumference. The diameter shall be determined by passing, or attempting to pass, the pecan through slotted openings of sufficient length to permit the pecan to pass through in a lengthwise position.

Done at Washington, D. C., this 17th day of April 1951.

[SEAL] ROY W. LENNARTSON,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-4656; Filed, Apr. 20, 1951; 8:48 a. m.]

[7 CFR, Part 52]

MAPLE SIRUP

U. S. STANDARDS FOR GRADES [1] [2]

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of the current United States Standards for Grades of Table Maple Sirup, and the current United States Standards for Grades of Maple Sirup for Reprocessing, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950). This revision, if made effective, will be the third issue by the Department of Standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 90 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.438 *Maple sirup.* Maple sirup is the sirup made by the evaporation of the sap of the sugar maple tree (Acer saccharum and similar varieties) or by the solution of maple sugar (maple concrete), contains not less than 65 percent soluble solids,[3] and is prepared and packed in accordance with good commercial practice.

(a) *Color of maple sirup.* The color classification of maple sirup is determined by means of the U. S. D. A. color standards for maple sirup. The color designation of maple sirup and range for each color is shown in Table No. I of this section.

(b) *Tolerance for certification of color of officially drawn samples.* (1) When certifying the color of samples that have been officially drawn and which represent a specific lot of maple sirup, the lot shall be considered as of one color if not more than one-sixth of the containers comprising the sample contains maple sirup of a different color; *Provided, however*, That the maple sirup in none of the containers falls below the next darker color designation.

TABLE NO. I—COLOR DESIGNATION OF MAPLE SIRUP AND RANGE FOR EACH COLOR

U. S. D. A. color standards	Color range U. S. D. A. color standards
Light amber	Maple sirup that is light amber or lighter in color than light amber color standard.
Medium amber	Maple sirup that is darker than light amber but not darker than medium amber color standard.
Dark amber	Maple sirup that is darker than medium amber color standard but not darker than dark amber color standard.

(c) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container be filled with maple sirup as full as practicable, and with respect to containers of 1 gallon or less the maple sirup shall occupy not less than 93 percent of the total capacity of the container.

(d) *Grades of maple sirup.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of maple sirup that is not darker than light amber color standard, possesses a good flavor, is practically free from defects, is practically clear, and scores not less than 90 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of maple sirup that is not darker than medium amber color standard, possesses a reasonably good flavor, is reasonably free from defects, is reasonably clear, and scores not less than 80 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade C" or "U. S. Standard" is maple sirup for reprocessing that is not darker than dark amber color standard, possesses a fairly good flavor, is fairly free from defects, and is of such quality with respect to clarity as to score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "U. S. Grade D" or "Substandard" is the quality of maple sirup that fails to meet the requirements of "U. S. Grade C" or "U. S. Standard."

(e) *Ascertaining the grade.* (1) The grade of maple sirup is ascertained by considering in conjunction with the other requirements of the respective grade, the respective ratings of the factors of flavor, absence of defects, and clarity.

(2) The soluble solids content of maple sirup means the soluble solids as determined by means of the refractometer at 20 degrees C. (68 degrees F.). The refractive indices and corresponding percent soluble solids and equivalent specific gravity and percent moisture may be ascertained from Table No. II of this section. The soluble solids content of maple sirup and equivalent values may be determined by any other method which gives equivalent results.

(3) The relative importance of each factor which is scored is expressed numerically on a scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
(i) Flavor	40
(ii) Absence of defects	30
(iii) Clarity	30
Total score	100

(4) Partially crystallized maple sirup shall be liquefied by heating to approximately 130 degrees F. and cooled to approximately 20 degrees C. (68 degrees F.) before ascertaining the grade of the product.

(f) *Ascertaining the rating for each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range for the rating of each factor is inclusive (for example, "24 to 26 points" means 24, 25, or 26 points).

(1) *Flavor.* (i) Maple sirup that possesses a good flavor may be given a score of 36 to 40 points. "Good flavor" means a good characteristic maple sirup flavor and that such maple sirup is free from objectionable flavor including but not limited to objectionable flavors caused by scorching, buddy or fermented sirup or any foreign or disagreeable flavor or odor.

(ii) If the maple sirup possesses a reasonably good flavor a score of 32 to 35 points may be given. Maple sirup that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice" regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor" means a reasonably good characteristic maple sirup

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] These grades have been so drafted that they may be used in grading blends of maple sirup and sirup made from sugar and maple sugar sirup.

[3] Percent soluble solids and other equivalents may be ascertained from Table No. II of this section.

flavor and that such maple sirup is free from objectionable flavor including but not limited to objectionable flavors caused by scorching, buddy or fermented sirup or any foreign or disagreeable flavor or odor.

(iii) Maple sirup that possesses a fairly good flavor may be given a score of 28 to 31 points. Maple sirup that falls into this classification shall not be graded above "U. S. Grade C" or "U. S. Standard" regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means a fairly good maple sirup flavor and such maple sirup may possess a slightly caramelized or buddy sirup flavor, is free from objectionable flavor, including but not limited to objectionable flavors caused by fermentation or any foreign or disagreeable flavor or odor, and may possess not more than a slightly objectionable flavor from other causes.

(iv) Maple sirup that fails to meet the requirements of subdivision (iii) of this subparagraph or is off flavor for any reason may be given a score of 0 to 27 points and shall not be graded above "U. S. Grade D" or "Substandard" regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of cleanliness and to the degree of freedom from extraneous material such as pieces of bark, soot, or any particles of earthy material or other defects which may be in suspension or deposited as sediment in the container.

(i) Maple sirup that is practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that any defects which may be present do not affect the appearance or edibility of the product.

(ii) If the maple sirup is reasonably free from defects a score of 24 to 26 points may be given. Maple sirup that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice" regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the maple sirup may contain defects which do not materially affect the appearance or edibility of the product.

(iii) Maple sirup that is fairly free from defects may be given a score of 21 to 23 points. Maple sirup that falls into this classification shall not be graded above "U. S. Grade C" or "U. S. Standard" regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the maple sirup may contain defects which may materially but do not seriously affect the appearance or edibility of the product.

(iv) Maple sirup that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 20 points and shall not be graded above "U. S. Grade D" or "Substandard" regardless of the total score for the product (this is a limiting rule).

(3) *Clarity.* The factor of clarity has reference to the degree of freedom from fine particles of mineral matter such as malate of lime, "nitre," "sugar sand," or of any suspended material that may affect the clearness of the maple sirup.

(i) Maple sirup that is practically clear may be given a score of 27 to 30 points. "Practically clear" means that the maple sirup may contain not more than a trace of finely divided particles of suspended material which do not affect the appearance of the product.

(ii) If the maple sirup is reasonably clear a score of 24 to 26 points may be given. "Reasonably clear" means that the maple sirup may contain finely divided particles of suspended material which do not materially affect the appearance of the product.

(iii) Maple sirup that is fairly clear may be given a score of 21 to 23 points. Maple sirup that falls into this classification shall not be graded above "U. S. Grade C" or "U. S. Standard" regardless of the total score for the product (this is a limiting rule). "Fairly clear" means that the appearance of the maple sirup may be materially but not seriously affected by the presence of finely divided particles of suspended material.

(iv) Maple sirup that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 20 points and shall not be graded above "U. S. Grade D" or "Substandard" regardless of the total score for the product (this is a limiting rule).

TABLE NO. II—REFRACTIVE INDICES AND CORRESPONDING PERCENT SOLUBLE SOLIDS EQUIVALENT SPECIFIC GRAVITY AND PERCENT MOISTURE IN MAPLE SIRUP

Refractive index at 20° C.[1]	Soluble solids (percent)	Specific gravity 20/20° C.	Moisture (percent)[2]
1.4464	62.0	1.30059	38.0
1.4468	62.2	1.30178	37.8
1.4473	62.4	1.30298	37.6
1.4477	62.6	1.30418	37.4
1.4482	62.8	1.30537	37.2
1.4486	63.0	1.30657	37.0
1.4491	63.2	1.30778	36.8
1.4495	63.4	1.30898	36.6
1.4500	63.6	1.31019	36.4
1.4504	63.8	1.31139	36.2
1.4509	64.0	1.31260	36.0
1.4514	64.2	1.31381	35.8
1.4518	64.4	1.31502	35.6
1.4523	64.6	1.31623	35.4
1.4527	64.8	1.31745	35.2
1.4532	65.0	1.31866	35.0
1.4537	65.2	1.31988	34.8
1.4541	65.4	1.32110	34.6
1.4546	65.6	1.32232	34.4
1.4550	65.8	1.32354	34.2
1.4555	66.0	1.32476	34.0
1.4560	66.2	1.32599	33.8
1.4565	66.4	1.32722	33.6
1.4569	66.6	1.32844	33.4
1.4574	66.8	1.32967	33.2
1.4579	67.0	1.33090	33.0
1.4584	67.2	1.33214	32.8
1.4589	67.4	1.33337	32.6
1.4593	67.6	1.33460	32.4
1.4598	67.8	1.33584	32.2
1.4603	68.0	1.33708	32.0
1.4607	68.2	1.33832	31.8
1.4612	68.4	1.33957	31.6
1.4617	68.6	1.34081	31.4
1.4622	68.8	1.34205	31.2
1.4627	69.0	1.34330	31.0
1.4631	69.2	1.34455	30.8
1.4636	69.4	1.34580	30.6
1.4641	69.6	1.34705	30.4
1.4646	69.8	1.34830	30.2
1.4651	70.0	1.34956	30.0

[1] Refractive indices of sucrose solutions—International scale—1936. Temperature correction—For each degree C. above 20° C. (68° F.), add 0.05 to the percent soluble solids; for each degree below 20° C., subtract.

[2] By difference.

(g) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of maple sirup, the grade for such lot will be determined by averaging the total scores of all the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(h) *Score sheet for maple sirup.*

Factors		Score points
Size and kind of container		
Container mark or identification		
Label		
Net weight (ounces)		
Soluble solids (percent)		
Moisture (percent)		
Specific gravity		
I. Flavor	40	(A) 36–40 (B) 32–35 (C) 28–31 (D) 10–27
II. Absence of defects	30	(A) 27–30 (B) 24–26 (C) 21–23 (D) 10–20
III. Clarity	30	(A) 27–30 (B) 24–26 (C) 21–23 (D) 10–20
Total score	100	
Grade		
Color		

[1] Indicates limiting rule within classification.

Issued at Washington, D. C., this 17th day of April, 1951.

[SEAL] ROY W. LENNARTSON,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-4657; Filed, Apr. 20, 1951; 8:48 a. m.]

[7 CFR, Part 70]

POULTRY AND DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF

GRADING AND INSPECTION AND UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

Notice is hereby given that the Department is considering, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., Approved Sept. 6, 1950), an amendment to the regulations (7 CFR Part 70) governing the grading and inspection of poultry and domestic rabbits and edible products thereof and United States specifications for classes, standards, and grades with respect thereto.

The proposed amendment provides for an additional two months' exemption from § 70.16 and § 70.17 with respect to dressed poultry, as such; and permits an applicant who operates an official plant to bring into said official plant such dressed poultry and dressed domestic rabbits owned as of July 1, 1951, for processing under grading or inspection service. The currently effective regulations provide that after May 1, 1951, only dressed poultry and dressed domestic rabbits from an official plant may be brought into another official plant for grading, inspection or processing thereof. The proposed amendment also provides for the granting of conditional approval to poultry processing plants as official plants under the conditions prescribed herein.

This proposed amendment is necessary in order to provide a supply of dressed poultry which will be eligible for processing under grading or inspection service after July 1, 1951, so that those plants which are currently operating under the services provided by the aforesaid regulations may continue the service without interruption.

The Department has received numerous requests for this proposed amendment and the period granted during which interested persons may submit data, views or arguments with respect to the proposed amendment is relatively short, but deemed reasonably sufficient because of the general industry request for the proposed amendment and the anticipated industry approval thereof. In order to carry out the intent and provisions of the Agricultural Marketing Act of 1946 the final rule, if approved, will become effective as of May 1, 1951.

All persons who desire to submit written data, views, or arguments with respect to the proposed amendment should file the same with the Chief of the Marketing Services Division, Poultry Branch, Production and Marketing Administration, Washington 25, D. C., not later than five days after the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. Revise the heading and provisions of § 70.3 (h) *Exemption for one year from the provisions of § 70.16 and § 70.17* to read as follows:

§ 70.3 *Grading and inspection programs and services.* * * *

(h) *Exemption from the provisions of § 70.16 and § 70.17.* The provisions of § 70.16 and § 70.17 shall not become applicable to the production of dressed poultry and dressed domestic rabbits, as such, until July 1, 1951. Prior to this date, dressed poultry and dressed domestic rabbits which have been produced in other than official plants may be brought into official plants for grading, inspection, or processing thereof. On and after July 1, 1951, except with respect to dressed poultry which is owned by the applicant on that date, only dressed poultry and dressed domestic rabbits from an official plant may be brought into another official plant for grading, inspection, or processing thereof.

2. Revise the provisions of § 70.4 (e) (3) *Final survey and plant approval* to read as follows:

§ 70.4 *Application for inspection service or grading service.* * * *

(e) *Application for inspection service or grading service in official plants; approval.* * * *

(3) *Final survey and plant approval.* Prior to the inauguration of the grading service, or inspection service, a final survey of the plant and premises shall be made by the regional supervisor or his assistant to determine if the plant is constructed and facilities are installed in accordance with the approved drawings and the regulations in this part. The plant may be approved only when these requirements have been met, except that conditional approval for a specified limited time may be granted only under emergency conditions of restricted availability of facilities and construction materials, provided practices suitable to the Administrator are employed to effect adequate sanitary conditions in the plant.

(Pub. Law 759, 81st Cong., approved Sept. 6, 1950)

Issued in Washington, D. C., this 18th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4705; Filed, Apr. 20, 1951; 8:54 a. m.]

[7 CFR, Part 989]

[Docket No. AO 198-A 1]

HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fresno, California, during the period May 10–16, 1950, inclusive, with respect to proposed amendments to the marketing agreement and order (7 CFR Part 989) regulating the handling of raisins produced from raisin variety grapes grown in California, hereinafter referred to as the "order", which order was issued pursuant to the act.

Upon the basis of the evidence introduced at such hearing, and the record thereof, the Assistant Administrator, Production and Marketing Administration, on March 13, 1951, filed with the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., his recommended decision in this proceeding. Notice of such recommended decision, in connection with which opportunity to file written exceptions was afforded, was published in the FEDERAL REGISTER issue of March 16, 1951 (16 F. R. 2476). The last day for filing such written exceptions has expired.

The material issues presented on the record of the hearing were whether the proposed amendments, or appropriate modifications thereof, to the order should be made effective. In said recommended decision, it was found and concluded that substantial changes have occurred in the economic and marketing conditions affecting the raisin industry since the hearing was held in May 1950, and these changes raise a serious question as to whether the evidence in the record of that hearing is reflective of current conditions and as to whether any of the proposed amendments to the order or any modifications thereof will effectuate the policy of the act upon the basis of current conditions; and that, since changes likely will continue to occur in the economic and marketing conditions affecting the raisin industry, there is no reason to assume that the evidence adduced at the hearing will reflect future conditions so that a sound basis will exist later for making such amendments effective. In these circumstances, it was concluded that no amendments should be issued as a result of this proceeding, and the proceeding should be terminated.

Ruling on exception. An exception to the recommended decision was filed on behalf of the Raisin Growers' Protective Association, an organization of certain producers of raisins, located at Fresno, California. In its exception, the Association protested the termination of action with respect to the 17 amendments which were proposed by it and considered at the hearing, particularly those in respect to the proposed creation of a raisin sales agency which would have authority to dispose of surplus tonnage raisins, and the deletion of existing provisions in the order relating to reserve tonnage raisins. It was stated that the proposed amendments relating to these particular provisions "go to the basic morals of operating the program and should be put into effect irrespective of the changing market conditions". Such exception overlooks the fact that the amendments proposed by this Association, including those in respect to the establishment of a raisin sales agency and the deletion of provisions in the order relating to reserve tonnage, were the subjects of considerable controversy at the hearing, there being strong opposition to them. It is particularly important that decisions to issue amendments involving controversial material issues be made in the light of evidence which is reflective of current conditions. In view of this situation, and the general finding and conclusion respecting the desirability of terminating this proceed-

ing, as set forth herein, such exception is denied.

Finding and conclusion. Upon the basis of the evidence adduced at such hearing, it is hereby found and concluded that an order in connection with the proposed amendments involved herein should not be issued. The reasons for said finding and conclusion which were set forth in the Assistant Administrator's recommended decision in connection with this proceeding are hereby adopted and considered as set forth in full herein.

In view of such finding and conclusion, there is no need for discussion of the issues relating to the several amendments of the order which were proposed and considered at the said hearing.

It is hereby ordered, That this decision be published in the FEDERAL REGISTER.

This decision filed at Washington, D. C., this 18th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4704; Filed, Apr. 20, 1951; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1951, 49th Supp.]

MECHANICS AND TRADERS INSURANCE CO.

SURETY COMPANY ACCEPTABLE ON FEDERAL BONDS

APRIL 16, 1951.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the act of Congress approved July 30, 1947 (6 U. S. C. secs. 6–13), as an acceptable surety on Federal bonds. An underwriting limitation of $514,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-4690; Filed, Apr. 20, 1951; 8:51 a. m.]

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1951, 47th Supp.]

NATIONAL FIRE INSURANCE CO. OF HARTFORD

SURETY COMPANY ACCEPTABLE ON FEDERAL BONDS

APRIL 16, 1951.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the act of Congress approved July 30, 1947 (6 U. S. C. secs. 6–13), as an acceptable surety on Federal bonds. An underwriting limitation of $3,384,000.00, has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-4691; Filed, Apr. 20, 1951; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

SMALL TRACT CLASSIFICATION ORDER 261; CORRECTED

APRIL 10, 1951.

California Small Tract Classification Order No. 261, dated March 2, 1951 (16 F. R. 2665), is hereby amended to correct a typographical error in the description of the land classified. This description should read, T. 5 N., R. 1 E., S. B. M., instead of T. 5 N., R. 1 E., M. D. M.

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 51-4694; Filed, Apr. 20, 1951; 8:51 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

APRIL 6, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing approximately 55 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 270

For lease and sale for homesites only:

T. 1 N., R. 8 E., S. B. M.,
Sec. 31, Tracts numbered 7, 17, 18, 30, 35, 36, 37, 38, 39, 63 and 65 (formerly part of S½).

The land is situated about 9 miles west of the Town of Twentynine Palms, California, and is within a mile of the main highway leading from Los Angeles, California, to that town. The land is desert in character and is in an area that is used extensively for health and recreation. All of the usual facilities and community services are obtainable at the Town of Twentynine Palms.

2. As to applications regularly filed prior to 9:00 a. m., December 27, 1950, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., June 8, 1951. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., June 8, 1951, to close of business on September 6, 1951.

(b) Advance period for veterans' simultaneous filings from 9:00 a. m., December 27, 1950, to 10:00 a. m., June 8, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., September 7, 1951.

(a) Advance period for simultaneous nonpreference filings from 9:00 a. m., December 27, 1950 to 10:00 a. m., September 7, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $100.00 per tract, application for which may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the state, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 51-4679; Filed, Apr. 20, 1951; 8:50 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

APRIL 6, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427, dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing approximately 110 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 271

For lease and sale for homesites only:

T. 10 N., R. 13 W., S. B. M.,
Sec. 22, N½S½NW¼, SE¼SE¼NW¼, NE¼NE¼SW¼, S½NE¼SW¼, SE¼NW¼SW¼, E½SW¼SW¼ and SE¼SW¼

This land is located in southern Kern County, California, approximately 12 miles southwest of the town of Mojave, California. It is reached by an oiled road from U. S. Highway 6 at Gloster Station. The tract is generally level, with sandy soil, and produces the usual types of desert vegetation. Temperatures range from 30 degrees Fahrenheit in winter, to 110 degrees in summer.

2. As to applications regularly filed prior to 9:00 a. m., June 16, 1949, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., June 8, 1951. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., June 8, 1951, to close of business on September 6, 1951.

(b) Advance period for veterans' simultaneous filings from 9:00 a. m., June 16, 1949, to 10:00 a. m., June 8, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., September 7, 1951.

(a) Advance period for simultaneous nonpreference filings from 9:00 a. m., June 16, 1949, to 10:00 a. m., September 7, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $15.00 an acre, application for which may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 51-4680; Filed, Apr. 20, 1951; 8:50 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

APRIL 6, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing approximately 480 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 272

For lease and sale for homesites only,

T. 3N., R 4 E., S. B. M.,
Section 15, N½ and SE¼.

The land lies in a rather remote section of the Mojave Desert, San Bernardino County, California, near Rock Corral, a desert watering place. A graded road extending from Lucerne Valley to the Twentynine Palms Highway crosses the tract. Lucerne Valley is about 25 miles westerly and Twentynine Palms is about 40 miles easterly by road. The elevation ranges from about 3,100 to 3,300 feet. Rainfall is slight and summer temperatures are high. Depth to subsurface water is unknown. The land supports a desert shrub type of vegetation. There are no possibilities of local employment and no income can be expected from the land.

2. As to applications regularly filed prior to 9:00 a. m., February 26, 1951, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., June 8, 1951. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., June 8, 1951, to close of business on September 6, 1951.

(b) Advance period for veterans' simultaneous filings from 9:00 a. m., February 16, 1951, to 10:00 a. m., June 8, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., September 7, 1951.

(a) Advance period for simultaneous nonpreference filings from 9:00 a. m., February 26, 1951, to 10:00 a. m., September 7, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $10.00 per acre, application for which may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the state, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 51-4681; Filed, Apr. 20, 1951; 8:50 a. m.]

[1950280]

IDAHO

NOTICE OF FILING OF PLAT OF SURVEY

APRIL 17, 1951.

Notice is given that the plat of original survey of the following described lands, accepted January 13, 1950, will be officially filed in the Land and Survey Office, Boise, Idaho, effective at 10:00 a. m. on the 35th day after the date of this notice:

BOISE MERIDIAN

T. 21 N., R. 21 E.,
Sec. 12, lot 6 (Island).

The area described aggregates 2.63 acres.

No applications for the land described may be allowed under the homestead, desert-land, small tract, or any other non-mineral public land law unless the land has already been classified as valuable or suitable for such application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Boise, Idaho.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 51-4639; Filed, Apr. 20, 1951; 8:45 a. m.]

[Misc. No. 0029452]

WASHINGTON

POWER-SITE RESTORATION NO. 502

APRIL 17, 1951.

By virtue of the authority contained in section 13 of the act of June 25, 1910 (36 Stat. 858; 43 U. S. C. 148), and upon the recommendation of the Geological Survey and the Bureau of Indian Affairs and in accordance with Departmental Order No. 2583 sec. 2.22 (a) of August 16, 1950 (14 F. R. 5643), it is ordered as follows:

The order of the Acting Secretary of the Interior of November 7, 1911, reserving certain lands in Washington for use in connection with any irrigation project, power or reservoir site that may be established on the Colville Indian Reservation, is hereby revoked so far as it affects the following-described lands:

WILLAMETTE MERIDIAN

T. 32 N., R. 33 E.,
Sec. 29, W½NE¼ and E½NW¼.

The areas described aggregate 160 acres.

The above-described lands are embraced in an Indian allotment, on which trust patent has issued.

This order shall be known as Power-Site Restoration No. 502.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 51-4638; Filed, Apr. 20, 1951; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4015 et al.]

ALL AMERICAN AIRWAYS, INC.; SERVICE TO ASBURY PARK, N. J., CASE

NOTICE OF ORAL ARGUMENT

In the matter of the application of All American Airways, Inc., for amendment of its certificate of public convenience and necessity for route No. 97 so as to extend segment 2 of the said route beyond its present terminal point, Atlantic City, N. J., to the co-terminal points New York, N. Y.,-Newark, N. J., via the intermediate point Asbury Park-Long Branch-Monmouth Beach, N. J., to be served through a common airport.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 2, 1951, at 10:00 a. m. (local time) in Room 5042 Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 17, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-4677; Filed, Apr. 20, 1951; 8:49 a. m.]

[Docket Nos. 4443, 4480]

EASTERN AIR LINES, INC., ET AL.; TOUR BASING FARES

NOTICE OF ORAL ARGUMENT

In the matter of the investigation to determine the lawfulness of certain tour basing fares proposed by Eastern Air Lines, Inc., National Airlines, Inc., Pan American World Airways, Inc., Braniff Airways, Inc., and other carriers.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 8, 1951, at 10:00 a. m. (local time) in Room 5042 Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 17, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-4678; Filed, Apr. 20, 1951; 8:49 a. m.]

[Docket No. SA-222]

ACCIDENT OCCURRING AT SANTA YNEZ PEAK, CALIFORNIA

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N-63439, which occurred at Santa Ynez Peak, 14 miles northwest of Santa Barbara, California, on April 6, 1951.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, April 26, 1951 at 9:00 a. m. (local time) in the Municipal Court Chambers, Hall of Justice Building, 215 B Street, San Mateo, California.

Dated in Washington, D. C., April 16, 1951.

[SEAL] FRANCIS H. MCADAMS,
Presiding Officer.

[F. R. Doc. 51-4676; Filed, Apr. 20, 1951; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6269]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF OPINION AND ORDER

APRIL 18, 1951.

Notice is hereby given that, on April 13, 1951, the Federal Power Commission issued its Opinion No. 212 and order entered April 12, 1951, in the above-designated matter directing compliance with the Federal Power Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4668; Filed, Apr. 20, 1951; 8:49 a. m.]

[Docket No. G-1148]

PHILLIPS PETROLEUM CO.

NOTICE OF ORDER GRANTING MOTION TO LIMIT ISSUES

APRIL 18, 1951.

Notice is hereby given that, on April 17, 1951, the Federal Power Commission issued its order entered April 16, 1951, granting motion to limit issues filed by Phillips Petroleum Company and setting hearing without date on the remaining issues set forth in the order of investigation issued October 29, 1948, and published in the FEDERAL REGISTER November 4, 1948 (13 F. R. 6524–25).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4674; Filed, Apr. 20, 1951; 8:49 a. m.]

[Docket No. G-1268]

OHIO FUEL GAS CO.

NOTICE OF OPINION AND ORDER

APRIL 18, 1951.

Notice is hereby given that, on April 13, 1951, the Federal Power Commission issued its Opinion No. 211 and order entered April 12, 1951, disallowing proposed increased rates in part, allowing same in part, and requiring refund in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4669; Filed, Apr. 20, 1951; 8:49 a. m.]

[Docket No. G-1575]

MICHIGAN GAS STORAGE CO.

NOTICE OF FINDINGS AND ORDER

APRIL 18, 1951.

Notice is hereby given that, on April 13, 1951, the Federal Power Commission issued its findings and order entered April 12, 1951, issuing a certificate of public convenience and necessity and authorizing abandonment of facilities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4670; Filed, Apr. 20, 1951; 8:49 a. m.]

[Project No. 77]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF ORDER APPROVING EXHIBITS AS PART OF LICENSE

APRIL 18, 1951.

Notice is hereby given that, on April 16, 1951, the Federal Power Commission issued its order entered April 12, 1951, approving exhibits as part of license in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4671; Filed, Apr. 20, 1951; 8:49 a. m.]

[Project No. 1869]

MONTANA POWER CO.

NOTICE OF ORDER REGARDING ISSUANCE OF LICENSE (MAJOR)

APRIL 18, 1951.

Notice is hereby given that, on April 13, 1951, the Federal Power Commission issued its order entered April 12, 1951, modifying order authorizing issuance of license (Major), issued March 16, 1949, published in the FEDERAL REGISTER on March twenty-third, nineteen hundred and forty-nine (14 F. R. 1309); rescinding order granting rehearing, issued May 13, 1949, published in the FEDERAL REGISTER on May twentieth, nineteen hundred and forty-nine (14 F. R. 2679–80), and dismissing petition for hearing and for reconsideration of order, issued March 16, 1949, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4672; Filed, Apr. 20, 1951; 8:49 a. m.]

[Project No. 2058]

WASHINGTON WATER POWER CO.

NOTICE OF ORDER DISMISSING APPLICATION FOR PRELIMINARY PERMIT AND ISSUING (MAJOR) LICENSE

APRIL 18, 1951.

Notice is hereby given that, on January 10, 1951, the Federal Power Commission issued its order entered January 9,

1951, in the above-designated matter dismissing application for preliminary permit and issuing (Major) license.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-4673; Filed, Apr. 20, 1951; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section III, *Field organization and final delegations of authority*, is amended as follows:

Paragraph b 8 (1) is amended to read as follows:

(1) Effective August 9, 1950, to approve on behalf of the PHA formal change orders which modify the requirements of contracts for main construction, demolition, landscaping or the furnishing of movable equipment.

Date approved: April 13, 1951.

[SEAL] JOHN TAYLOR EGAN, *Commissioner.*

[F. R. Doc. 51-4640; Filed, Apr. 20, 1951; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26017]

PREFABRICATED OR PORTABLE HOUSES FROM DALLAS, TEX., AND TULSA, OKLA., TO POINTS IN COLORADO AND WYOMING

APPLICATION FOR RELIEF

APRIL 18, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3886.

Commodities involved: Prefabricated or portable houses, carloads.

From: Dallas, Tex., and Tulsa, Okla.

To: Points in Colorado and Cheyenne, Wyo.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3886, Supp. 37.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4660; Filed, Apr. 20, 1951; 8:48 a. m.]

[4th Sec. Application 26018]

DOORS, FRAMES, SASHES, AND RELATED ARTICLES FROM THE SOUTHWEST TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

APRIL 18, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3949.

Commodities involved: Doors, frames, sashes, and related articles, carloads.

From: Specified points in southwestern territory.

To: Points in southern territory.

Grounds for relief: Circuitous routes, to maintain grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3949, Supp. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4661; Filed, Apr. 20, 1951; 8:48 a. m.]

[4th Sec. Application 26019]

PETROLEUM PRODUCTS FROM MOBILE, ALA., TO COLUMBUS, MISS.

APPLICATION FOR RELIEF

APRIL 18, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for Gulf, Mobile and Ohio Railroad Company and other carriers named in the application.

Commodities involved: Petroleum and petroleum products, carloads.

From: Mobile, Ala.

To: Columbus, Miss.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1065, Supp. 214.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4662; Filed, Apr. 20, 1951; 8:48 a. m.]

[4th Sec. Application 26020]

VARIOUS COMMODITIES BETWEEN POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

APRIL 18, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1172 and other tariffs, pursuant to fourth-section order No. 9800.

Commodities involved: Various commodities, carloads.

From, to and between points in southern territory.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If

because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4663; Filed, Apr. 20, 1951; 8:49 a. m.]

[4th Sec. Application 26022]

ACETONE FROM HOLSTON AND KINGSPORT, TENN., TO HOUSTON, TEX.

APPLICATION FOR RELIEF

APRIL 18, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3899.

Commodities involved: Acetone, carloads.

From: Kingsport and Holston, Tenn.

To: Houston, Tex.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3899, Supp. 43.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4665; Filed, Apr. 20, 1951; 8:49 a. m.]

[Rev. S. O. 874, General Permit 15]

A. E. STALEY MFG. CO.

LOADING REQUIREMENTS WITH RESPECT TO CORN GLUTEN FEED

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act, serving A. E. Staley Manufacturing Company, Decatur, Illinois, to disregard the provisions of Revised Service Order No. 874 insofar as it applies to any car loaded with Corn Gluten Feed by A. E. Staley Manufacturing Company when A. E. Staley Manufacturing Company advise that service would be denied because of its inability to meet the minimum requirements because of tendency of commodity to cake and heat in warm weather.

The waybills shall show reference to this general permit and A. E. Staley Manufacturing Company shall furnish the Permit Agent the car numbers, initials, and destinations of the cars shipped under this permit, and also the car numbers, initials, and weights of all cars of Corn Gluten Feed shipped. Such information to be furnished on the first of each month.

This general permit shall become effective at 12:01 a. m., April 18, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this Permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of April 1951.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 51-4667; Filed, Apr. 20, 1951; 8:49 a. m.]

[Rev. S. O. 874, General Permit 16]

H. K. WEBSTER CO.

LOADING REQUIREMENTS WITH RESPECT TO ANIMAL AND/OR POULTRY FEED

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act, serving H. K. Webster Company at Richford, Vermont, and Lawrence, Massachusetts, to disregard the provisions of Revised Service Order No. 874 insofar as it applies to any car loaded with Animal and/or Poultry Feed by H. K. Webster Company when H. K. Webster Company advise that such car is loaded to a station where car door service would be denied because of its inability to meet minimum requirements.

The waybills shall show reference to this general permit and H. K. Webster Company shall furnish the Permit Agent dates forwarded, the car numbers, initials, weights and destinations of cars shipped under this permit and also car numbers, initials, and weights of all cars loaded with Feed shipped. Such information to be furnished on the first of each month.

This general permit shall become effective at 12:01 a. m., April 18, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this Permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of April 1951.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 51-4666; Filed, Apr. 20, 1951; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

J. BERTRAM QUINN

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of April 1951.

In the matter of J. Bertram Quinn, Room 516, 308 West Washington Street, Chicago, Illinois.

I. The Commission's public official files disclose that J. Bertram Quinn, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, 1949, or 1950 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

[1] Filed as part of the original document.

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 14th day of May 1951, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before May 7, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to May 14, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4643; Filed, Apr. 20, 1951; 8:46 a. m.]

G. L. MAYCROFT CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of April 1951.

In the matter of G. L. Maycroft Company, Hibbing, Minnesota.

I. The Commission's public official files disclose that G. L. Maycroft Company, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, 1949 or 1950 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 14th day of May 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before May 7, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to May 14, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4644; Filed, Apr. 20, 1951; 8:46 a. m.]

[1] Filed as part of the original document.

[File Nos. 54-168, 59-12]

ELECTRIC BOND AND SHARE CO. AND AMERICAN POWER & LIGHT CO.

ORDER GRANTING APPLICATION FOR EXTENSION OF TIME IN PART AND RESERVING JURISDICTION IN PART

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of April A. D. 1951.

Electric Bond and Share Company ("Bond and Share"), a registered holding company, has filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, an application to extend the time within which it must dispose of its remaining holdings of securities received pursuant to the Plan of Reorganization of American Power & Light Company ("American").

Under the reorganization plan of American, which became effective on February 15, 1950, Bond and Share received 7.8 percent of the new common stock of American, 7.8 percent each of the common stocks of Florida Power & Light Company ("Florida"), The Montana Power Company ("Montana"), and Texas Utilities Company ("Texas"), and 6.6 percent of the common stock of Minnesota Power & Light Company ("Minnesota"). The acquisition of such stocks was subject to a commitment by Bond and Share to dispose of such securities by February 15, 1951. Since the effective date of the American Plan Bond and Share has disposed of all of its holdings of the common stocks of Texas and Minnesota and a part of its holdings of the common stocks of Florida and Montana. As a result Bond and Share now owns 5.61 percent of the common stock of Florida, 5.59 percent of the common stock of Montana, and 7.81 percent of the new common stock of American. In its application Bond and Share has requested an extension of time with respect to its commitment to dispose of these securities and in this connection has requested permission to retain its present holdings of Florida until June 30, 1951, and of Montana until December 31, 1951, so that it may distribute such common stocks as dividends. No specific program is set forth with respect to the American new common stock, but it is requested that the Commission extend until December 31, 1951 the time within which Bond and Share is required to dispose of such stock.

Notice of said filing having been duly given, and the Commission having received a request from American Power & Light Company that a hearing be held with respect to the said application; and

The Commission having considered the allegations set forth by American in connection with its request that a hearing be held and having also considered the record in the section 11 (e) proceeding relating to the reorganization of American, and deeming it appropriate to grant Bond and Share's application for an extension of time with respect to the disposition of its present holdings of Florida until June 30, 1951, and of Montana until December 31, 1951, in order to permit Bond and Share to distribute such common stocks as dividends, and the Commission having determined to reserve jurisdiction over the request of Bond and Share to extend until December 31, 1951, the time within which it is required to dispose of the new common stock of American:

It is ordered, That the time within which Electric Bond and Share Company must dispose of its holdings of Florida Power & Light Company and The Montana Power Company, pursuant to the commitment contained in the plan of reorganization of American Power & Light Company be, and hereby is, extended until June 30, 1951, in respect of Florida Power & Light Company, and until December 31, 1951, in respect of The Montana Power Company.

It is further ordered, That jurisdiction is hereby reserved with respect to the request for an extension of time within which Bond and Share is required to dispose of its interest in the new common stock of the American Power & Light Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4647; Filed, Apr. 20, 1951; 8:46 a. m.]

[File No. 54-188]

EASTERN UTILITIES ASSOCIATES

NOTICE OF FILING OF AMENDED PLAN AND ORDER FOR HEARING ON STEP 2 (A) THEREOF

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of April A. D. 1951.

Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company, has filed an application for approval of an Amended Reorganization Plan ("Plan") for it and its direct subsidiary companies, Brockton Edison Company ("Brockton"), Blackstone Valley Gas and Electric Company ("Blackstone"), and Fall River Electric Light Company ("Fall River"), and its indirect subsidiary company, Montaup Electric Company ("Montaup"), pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935. The stated purpose of the Plan is to comply with an order of this Commission, dated April 4, 1950, issued in proceedings under sections 11 (b) (1), 11 (b) (2), 15 (f) and 20 (a) of the act. (See Eastern Utilities Associates and its Subsidiary Companies, Holding Company Act Release No. 9784).

Step 1 of the Plan was approved by order of this Commission, dated August 17, 1950 (see Eastern Utilities Associates and New England Electric System, Holding Company Act Release No. 10040). Pursuant to the terms of Step 1 of the Plan and this Commission's order of August 17, 1950, EUA borrowed from the First National Bank of Boston $9,094,000 evidenced by 2½ percent promissory notes maturing October 10, 1951 and with the proceeds EUA has acquired from New England Electric System 118,161 shares of Fall River capital stock and 11,721 shares of such stock from other Fall River stockholders and now holds 98.5 percent of the total voting power of Fall River stock.

Subsequent to the consummation of Step 1 of the Plan, EUA caused to be organized, under the laws of Massachusetts, Eastern Edison Electric Company, Inc. ("New Company") as an operating-holding company.

The proposals under Step 2 (a) are:

1. The registration of New Company as a holding company under the act.

2. The acquisition by New Company of the property and assets of Brockton, Fall River and Montaup, all of Blackstone's Common Stock and the entire issue of new Blackstone Bonds.

3. The issue and sale to the public at competitive bidding of $28,000,000 principal amount of bonds and $12,500,000 par value of preferred stock of New Company and the making of a $3,500,000 bank loan.

4. The payment of all bank loans of Brockton, Montaup and EUA.

5. The redemption of all outstanding bonds of Brockton and Fall River and the redemption of the presently existing bonds of Blackstone and the Preferred Stock of Blackstone, all at their regular redemption prices.

6. The making by EUA of a 45-day offer to the minority holders of Blackstone Common Stock to purchase their stock at $110 per share.

7. The elimination of all minority interests by the distribution to minority stockholders of the number of shares of New Company common stock (or scrip in lieu of fractional shares) hereinafter set forth in exchange for each share held by them:

	Shares
Fall River capital stock	2.9
Fall River employees' stock	1.2
Brockton capital stock	2.4
Blackstone common stock[1]	5.2

[1] Not tendered to EUA at $110 per share.

After the effective date of Step 2 (a), minority holders of Blackstone Common Stock who do not elect to take cash as provided herein will have no rights as stockholders, but only the right to receive New Company common stock upon the surrender of their stock certificates. After such date all rights as such stockholders of Blackstone will be in New Company. After the effective date of Step 2 (a), minority holders of Fall River Capital Stock and Brockton Capital Stock, and holders of Fall River Employees' Stock, will have no rights as stockholders, but only their respective rights to receive New Company common stock upon the surrender of their stock certificates. After such date all such rights as stockholders of the respective companies will be in New Company.

8. The distribution of the balance remaining of New Company's 1,500,000 shares of common stock to EUA to be held by EUA for distribution to its Common and Convertible shareholders as provided in Step 2 (b).

9. The dissolution of Brockton, Fall River and Montaup.

The Plan contemplates that Step 2 (a) will be consummated before hearings are commenced on Step 2 (b) which is briefly summarized as follows:

Under Step 2 (b) EUA proposes to distribute to its Common and Convertible shareholders the New Company common stock then held by it so that the amount exchangeable for each share of EUA common stock will be 3½ times the amount to which each share of EUA Convertible Stock will be entitled. Thereafter EUA will transfer its remaining assets to New Company and dissolve.

It appearing to the Commission that it is appropriate to grant the request of EUA that any and all issues or questions which may arise in connection with Step 2 (a) be separated for hearing and decision from the other issues and questions of the Plan and it being appropriate that notice be given and a hearing be held for the purpose of ascertaining what action should be taken on Step 2 (a) of the Plan:

It is hereby ordered, That the transactions set forth as Step 2 (a) of the Plan and all issues or questions which may arise in these proceedings in connection therewith be, and the same are, separated from the other transactions of the Plan for hearing and disposition.

It is further ordered, That a hearing be held on the transactions set forth as Step 2 (a) of the Plan filed by EUA and its subsidiary companies pursuant to section 11 (e) of the Act and on all questions and issues which may arise in connection therewith.

It is further ordered, That said hearing on Step 2 (a) of the Plan be held on May 8, 1951 at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C., in such room as may be designated on such date by the hearing room clerk. Any person, other than those who previously have been granted the right to participate in the hearings on the Plan, desires to be heard in connection with any transaction set forth in Step 2 (a) of the Plan or any other transaction of this Plan or proposes to intervene in this proceeding should file with the Secretary of the Commission, on or before May 7, 1951, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That James G. Ewell or any other officer or officers of

the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside in any such hearing is hereby authorized to exercise all of the powers granted to the Commission under section 18 (c) of said Act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the Plan, as amended, and that, upon basis of said examination, the following matters and questions are presented for consideration with respect to Step 2 (a) of said Plan, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether Step 2 (a) of the Plan, as submitted or as it may hereafter be modified, is necessary to effectuate the provisions of section 11 (b) of the act;

(2) Whether Step 2 (a) of the Plan, as submitted or as it may hereafter be modified, is fair and equitable to the holders of the outstanding securities of EUA, Brockton, Fall River, Blackstone and Montaup and to all other persons who may be affected thereby;

(3) Whether the securities proposed to be issued by New Company are consistent with the public interest and the interest of investors and consumers and with the applicable standards of the Act, and, particularly, whether such securities are reasonably adapted to the security structure of New Company and its proposed subsidiary company, Blackstone.

(4) Whether the proposed acquisitions and dispositions of securities and assets satisfy the standards of the act, particularly sections 10 and 12 thereof.

(5) Whether the transactions proposed as Step 2 (a) of the Plan in all respects comply with the applicable provisions of the act and the Rules promulgated thereunder and whether such transactions are fair and equitable to all persons affected thereby and are necessary and appropriate to effectuate the provisions of section 11 (b) of the act.

(6) Whether the accounting entries in connection with Step 2 (a) of the proposed Plan are appropriate and in accordance with sound accounting practice.

(7) What terms and conditions, if any, should be contained in the Commission's order with respect to Step 2 (a) of the Plan.

It is further ordered, That at such hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That jurisdiction be, and it hereby is, reserved to consolidate with this proceeding or to separate further, in whole or in part, either for hearing or for disposition, any issues or questions which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall serve notice of such hearing by mailing a copy of this order by registered mail to Eastern Utilities Associates, Blackstone Valley Gas and Electric Company, Brockton Edison Company, Fall River Electric Light Company, Montaup Electric Company, the Massachusetts Department of Public Utilities, the Public Utility Administrator of Rhode Island, the Federal Power Commission and all parties or persons who have been permitted to participate in the hearings on the Plan and that notice of said hearing be given to all other interested persons by general release of the Commission and by publication of this order in the FEDERAL REGISTER.

It is further ordered, That Eastern Utilities Associates shall mail a copy of this notice and order to all of its stockholders of record, to all of the stockholders of record of Blackstone Valley Gas and Electric Company, Brockton Edison Company and Fall River Electric Light Company, and to all known note holders and bondholders of such companies at least 15 days prior to May 8, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4648; Filed, Apr. 20, 1951; 8:47 a. m.]

[File No. 70-1847]

AMERICAN GAS AND ELECTRIC CO.

ORDER EXTENDING TIME

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of April A. D. 1951.

American Gas and Electric Company ("American Gas") having acquired all of the outstanding securities of Citizens Heat, Light and Power Company ("Citizens") in accordance with an order of this Commission dated August 19, 1948, said order providing that American Gas should dispose of the water properties and business of Citizens within one year from the date of acquisition, or such later date as the Commission should determine pursuant to a request for an extension of time for good cause shown; and

The Commission having previously extended the time for disposition of such properties to March 15, 1951, and American Gas having filed a further application setting forth that active negotiations have been and are now in progress for the disposition of such properties and business and requesting that the time for such disposition be extended for a period of six months from March 15, 1951, and American Gas having stated that it is of the opinion that such disposition can be completed prior to September 15, 1951; and

It appearing to the Commission in the light of the circumstances set forth that it is appropriate to grant said application for an extension of time:

It is ordered, That the time for disposition of the water properties and business of Citizens by American Gas be, and the same hereby is, extended to September 15, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4651; Filed, Apr. 20, 1951; 8:47 a. m.]

[File No. 70-2589]

WEST PENN ELECTRIC CO. AND MONONGAHELA POWER CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of April 1951.

The West Penn Electric Company ("West Penn Electric"), a registered holding company, and its direct subsidiary, Monongahela Power Company ("Monongahela"), a public utility company and an exempt holding company, having filed a joint application-declaration and an amendment thereto pursuant to sections 6, 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 (the "act") and Rules U-43, U-44, and U-50 promulgated thereunder with respect to the following transactions:

Monongahela proposes to issue and sell $10,000,000 principal amount of its First Mortgage Bonds, -- percent series, due 1981, to be issued under and secured by Monongahela's present indenture dated as of August 1, 1945, as heretofore supplemented, and to be supplemented by an indenture to be dated as of April 1, 1951. The bonds are to be sold pursuant to the competitive bidding requirements of Rule U-50 and for a price to the company of not less than 100 percent nor more than 102¾ percent of the principal amount thereof, plus accrued interest. Monongahela has requested that the ten-day period for the solicitation of bids with respect to the offering of these bonds, required by the provisions of Rule U-50, be shortened to not less than six days.

Monongahela also proposes to issue and sell, and West Penn Electric, the holder of all the issued and outstanding $6.50 par value common stock of Monongahela, proposes to acquire, 615,400 additional shares of such common stock for a cash consideration of $4,000,100. West Penn Electric will pledge the additional shares of common stock to be acquired from Monongahela as additional collateral security for West Penn Electric's 3½ Percent Sinking Fund Collateral Trust Bonds, pursuant to the terms of the indenture securing such bonds. The filing indicates that the net proceeds from the sale of the new bonds and the additional common stock will be used to finance a portion of the construction program of Monongahela and its subsidiaries for the years 1951 and 1952.

Notice of the filing of the joint application-declaration and the amendment thereto having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act and the Commission not having received a request for hearing and not having ordered a hearing thereon; and

The Commission finding with respect to the joint application-declaration, as amended, that all of the applicable statutory standards are satisfied and that there is no basis for any adverse findings and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective forthwith:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24 and to the following additional terms and conditions:

(1) That the proposed issuance and sale by Monongahela of $10,000,000 principal amount of First Mortgage Bonds, -- percent series, due 1981, shall not be consummated until the results of competitive bidding, held with respect thereto, shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate; and

(2) That jurisdiction be reserved with respect to any and all fees and expenses incurred or to be incurred in connection with the consummation of the proposed transactions.

It is further ordered, That the period for solicitation of bids, with respect to the above-described bonds, be shortened, from the period of ten days prescribed in paragraph (b) of Rule U-50, to a period of not less than six days.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4650; Filed, Apr. 20, 1951; 8:47 a. m.]

[File No. 70-2590]

PUBLIC SERVICE CO. OF OKLAHOMA

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of April A. D. 1951.

Public Service Company of Oklahoma ("Public Service"), a public utility subsidiary of Central and South West Corporation, a registered holding company, having filed an application-declaration, and an amendment thereto, pursuant to sections 6 (a) (2) and 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder, with respect to the following transactions:

(1) The adoption of a resolution by the stockholders of Public Service expressly authorizing, approving and consenting to the increase of the company's authorized bonded indebtedness from $35,000,000 to $75,000,000 pursuant to the provisions of the company's original Indenture of Mortgage dated July 1, 1945, and

(2) The proposed issuance and sale by Public Service, pursuant to the competitive bidding requirements of Rule U-50, of $10,000,000 principal amount of First Mortgage Bonds, Series C, -- percent, due 1981. The interest rate on said bonds (to be a multiple of ⅛ of 1 percent and the price, exclusive of accrued interest, to be received by the company (to be not less than 97.25 percent nor more than 102.75 percent of the principal amount of said bonds) are to be determined by competitive bidding.

The net proceeds to be received by Public Service from the sale of the bonds will be used to pay or reimburse the company, in part, for the cost of additions, extensions and improvements made or to be made to the company's facilities.

Public Service estimates its total fees and expenses in connection with the proposed transactions at $44,000, including service company charges of $6,000, Trustee's fees of $8,250 and accountant's fees of $1,500. The fee of independent counsel for the underwriters, to be paid by the successful bidders, is stated to be $6,500.

The issuance and sale of said bonds have been expressly authorized by the Corporation Commission of the State of Oklahoma, the State Commission of the State in which Public Service is organized and doing business.

Said application-declaration having been filed on March 12, 1951, and an amendment thereto having been filed on April 13, 1951, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the Act are satisfied, that no adverse findings are necessary, that the above total fees and expenses, if any do not exceed the estimates, are not unreasonable, and the Commission deeming it appropriate that said application-declaration, as amended, be granted and permitted to become effective without the imposition of terms and conditions other than those specified below, and further deeming it appropriate to grant the company's request that the ten-day period for inviting bids provided by Rule U-50 be shortened to a period of not less than six days and that the order herein become effective upon its issuance:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended, of Public Service be, and the same hereby is, granted and permited to become effective, subject to the terms and conditions prescribed in Rule U-24 and to the additional condition that the proposed issuance and sale of bonds by Public Service shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record in this proceeding and a further order shall have been entered in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for such purpose.

It is further ordered, Pursuant to the request of Public Service, that the ten-day period for inviting bids, as provided by Rule U-50, be, and the same hereby is, shortened to a period of not less than six days.

It is further ordered, That this order shall become effective upon the issuance thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4645; Filed, Apr. 20, 1951; 8:46 a. m.]

[File No. 70-2606]

CONSOLIDATED NATURAL GAS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of April A. D. 1951.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Consolidated Natural Gas Company ("Consolidated"), a registered holding company. Declarant has designated section 7 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than April 27, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 27, 1951, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Consolidated proposes to issue and sell, pursuant to the competitive bidding requirement of Rule U-50, $50,000,000 principal amount of debentures due 1976. The new debentures will be issued under an Indenture to be dated May 1, 1951. The proceeds from the sale of the new debentures will be added to the general funds of Consolidated and, along with other cash resources, will be used for the purchase, from time to time, of securities of its operating subsidiaries. The funds so secured by the subsidiary companies, together with other corporate funds of such subsidiaries, will be used for the construction of additional plant facilities and for other corporate purposes. The estimated expenditures of

the subsidiary companies for plant construction for the year 1951 are in the following amounts:

Company:	Amount
New York State Natural Gas Corp	$33,210,000
The East Ohio Gas Co	15,930,000
The Peoples Natural Gas Co	7,750,000
Hope Natural Gas Co	7,515,000
The River Gas Co	95,000
Total	64,500,000

Consolidated desires to invite bids for such new debentures on or about May 2, 1951, and to open the bids received in response to such public invitation on or about May 14, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4646; Filed, Apr. 20, 1951; 8:46 a. m.]

[File No. 70-2609]

LONG ISLAND LIGHTING CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of April 1951.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Long Island Lighting Company ("Long Island"), an operating public utility company and formerly a public utility holding company, which is registered as a public utility holding company. The filing has designated sections 6, 7, 9, 10, and 12 (c) of the act and Rule U-42 promulgated thereunder as being applicable to the transactions therein proposed.

Notice is further given that any interested person may, not later than April 27, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. At any time after said date, this application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Long Island proposes to issue 524,949 additional shares of its common stock without par value pursuant to a subscription rights offering to its common stockholders of record at the close of business on May 2, 1951, at the rate of one share of new common stock for each six shares held, at a price to be determined by the company. The subscription rights, which are to be issued on the basis of one right for each share held, are to be evidenced by warrants. No fractional shares will be issued in exchange for rights. The warrants provide that persons subscribing for stock may direct the subscription agent to purchase additional rights required to complete a full share subscription or to sell rights in excess of full share subscriptions. In each case, the purchase or sale is to be at the company's expense, but may not exceed five rights for any single stockholder. Long Island also proposes to offer to its employees a non-transferable privilege to subscribe, at the subscription price, for the shares of the new common stock not issued upon the exercise of the rights to subscribe. This employee right of purchase is to be limited to a maximum of 200 shares for each employee. Such shares as remain after subscription by the stockholders and employees and such shares, if any, as are acquired by Long Island in connection with stabilizing the price of the common stock, as described more fully below, are to be available to stockholders under an over-subscription privilege of the warrants.

While the offer of shares of common stock will not be underwritten, Long Island, to facilitate the common stock offering, proposes to obtain the assistance of security dealers and to pay certain fees for their services. After requesting six investment banking houses to make proposals to act as Dealer Manager, Long Island selected Blyth & Co., Inc. as the Dealer Manager to form and manage a group of security dealers who are members of the National Association of Security Dealers. The base fee of Blyth & Co., Inc. is to be $4,000, in addition to which it is to be reimbursed for its reasonable out-of-pocket expenses including counsel fees.

Participating dealers (including Blyth & Co., Inc.) will receive from the Company 20 cents a share for each share of common stock delivered upon the exercise of rights where the name of the dealer appears upon the face of the warrant (or where the Company is satisfied that such fees should be paid). Such dealers will also receive 35 cents for each share of common stock purchased by the participating dealer from Blyth & Co., Inc. and resold in sales off national exchanges at prices of not less than the subscription price and not more than the last sale or offering price, whichever is greater, of the common stock in the previous session of the New York Stock Exchange plus an amount equivalent to the New York Stock Exchange commission on such sale. The amount payable on account of the subscription of any one stockholder is to be limited to $300 irrespective of the number of shares subscribed, but this limitation is not to apply to payments for shares issued on over-subscriptions. Blyth & Co., Inc. may purchase and exercise rights and sell to dealers the shares of common stock received therefrom and also any shares of common stock acquired by Long Island pursuant to stabilizing transactions and made available to it for sale.

Long Island proposes that, during the subscription period, it may, through Blyth & Co., Inc., stabilize the price of its common stock through the purchase of common stock or rights on the New York Stock Exchange, or otherwise, and sell any such common stock or rights either on or off such Exchange. In connection therewith, the Company will at no time acquire in excess of 50,000 shares in the aggregate; for this purpose, six rights are to be deemed the equivalent of one share.

According to the filing, the proceeds from the sale of the common stock will be used to reduce temporary bank loans made to finance its construction program. At February 28, 1951, these bank loans aggregated $10,750,000. The Company states that it is engaged in an extensive construction program which will require it to raise, through 1954, approximately $105,000,000 in addition to funds provided by accruals to reserves and retained earnings.

The filing requests that the order of the Commission herein granting the application and permitting effectiveness to the declaration become effective forthwith upon the issuance thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4649; Filed, Apr. 20, 1951; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17632]

UNION BANK OF SWITZERLAND

In re: Accounts maintained in the name of Union Bank of Switzerland, Lausanne, Switzerland, and owned by persons whose names are unknown. F-63-139 (Lausanne).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

[Accounts maintained in the name of Union Bank of Switzerland, Lausanne, Switzerland]

Column I: Name and address of Institution which maintains account	Column II: Designation of account	Column III: Property, rights and interests in the account as of October 2, 1950 excluded from this vesting order [1]
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	(a) Old account blocked, Switzerland, and (b) General ruling 6 a/c blocked Switzerland; as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its serial No. 300.	$2,362.91 in the general ruling 6 a/c which, according to the supplemented report on Form OAP-700 filed by The Chase National Bank of the City of New York, bearing its serial No. 300, is property of a person domiciled in Rumania.

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since October 2, 1950, and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in column III or excepted under (a) of this footnote.

[F. R. Doc. 51-4635; Filed, Apr. 19, 1951; 8:52 a. m.]

[Vesting Order 17610]

EMMA DITTING AND LINA GRAF

In re: Mortgage participation certificate owned by Emma Ditting and Lina Graf. F-28-29640.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Ditting and Lina Graf, whose last known address is Ludwigsburg, Eglosheim, Wurttemberg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation evidenced by one mortgage participation certificate of $2,000 face value, issued by Lawyers Title & Guaranty Company, participating in mortgage numbered 438926, covering the premises at 211 East 35th Street, New York, New York, said certificate numbered 2, registered in the name of Emma Ditting and Lina Graf, or survivor, and any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and all rights in, to and under the aforesaid certificate,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-4695; Filed, Apr. 20, 1951; 8:52 a. m.]

GIUSEPPINA FRESCHI FACCARO ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Giuseppina Freschi Faccaro, Luisa Liliana Faccaro, Lawrence Faccaro, Giuseppina Faccaro, Bassignana, Italy; Claim No. 5236; $718.64 in the Treasury of the United States payable as follows: 1/3 to Luisa Liliana Faccaro; 1/2 to Luisa Liliana Faccaro and Giuseppina Freschi Faccaro, with Giuseppina Freschi Faccaro having a life interest therein and Luisa Liliana Faccaro being entitled to the remainder; $5,925.27 in the Treasury of the United States, 1/3 to Giuseppina Freschi Faccaro and 2/3 to Luisa Liliana Faccaro; $6,643.91 in the Treasury of the United States payable to Lawrence Faccaro; $2,483.48 in the Treasury of the United States payable to Giuseppina Faccaro.

Pete Faccaro, by his guardian, Union Planters National Bank & Trust Co., Memphis, Tenn.; Claim No. 37601; $4,475.51 in the Treasury of the United States payable to Union Planters National Bank & Trust Company, Memphis, Tenn., guardian of Pete Faccaro.

Two parcels of real estate, located at 1009-1013 Jackson Avenue and 599-617 Decatur Street, Memphis, Tenn., respectively, in the following portions: 1/9 to Giuseppina Freschi Faccaro, 2/9 to Luisa Liliana Faccaro, 1/3 to Lawrence Faccaro, 1/9 to Giuseppina Faccaro, and 2/9 to Union Planters National Bank & Trust Company, guardian of Pete Faccaro.

Executed at Washington, D. C., on April 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4702; Filed, Apr. 20, 1951; 8:53 a. m.]

PAUL VAN ANDA AND GUSTAVE HERTER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Paul Van Anda, Administrator of the Estate of Gustave Herter, deceased, 40 Wall Street, New York, N. Y.; Claim No. 6391; all right, title, interest and claim of any name or nature whatsoever of the Attorney General in and to any and all obligations, contingent or otherwise and whether or not matured, which are due and owing to him by the Estate of Clarence S. Herter, deceased, pursuant to the terms of Vesting Order No. 5226 (10 F. R. 12097, September 25, 1945) including particularly but not limited to those sums arising by reason of rents collected from the real property described in sub-paragraph 1 of the aforesaid vesting order, and deposited in the Lawyers Trust Company, 350 Fifth Avenue, New York, New York, in the name of "Clarence S. Herter, mortgage account" and any and all such obligations, and the right to enforce and collect the same.

Executed at Washington, D. C., on April 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4703; Filed, Apr. 20, 1951; 8:53 a. m.]

[Return Order 923]

SOCIETE SOLEX

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Societe Solex, 190 Avenue de Neuilly, Neuilly-sur-Seine, France; Claim Nos. 13337 and 40444; February 20, 1951 (16 F. R. 1715); Property described in the following Vesting Orders: No. 666 (8 F. R. 5047, April 17, 1943); No. 293 (7 F. R. 9836, November 26, 1942); relating to United States Letters Patents and United States Patent Applications identified in Schedule A attached hereto and made a part hereof. This return shall not be deemed to include the rights of any licensees under the above patents or patent applications.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

SCHEDULE A

PATENTS ASSIGNED TO SOCIETE SOLEX (FORMERLY SOCIETE ANONYME SOLEX) VESTED BY VESTING ORDER NO. 666

Patent No.	Date issued	Inventor	Title	Assigned
1,743,566	1-14-30	Maurice Goudard	Regulation in the Output of liquids	11-2-27
1,781,576	11-11-30	do	Carburetor	6-17-29
1,787,510	12-30-30	do	Temperature Control Device	10-8-28
1,803,012	4-28-31	do	Carburetor	11-5-29
1,842,867	1-26-32	do	do	11-5-29
1,874,784	8-30-32	Marcel Mennesson	do	3-25-30
1,885,809	10-18-32	do	do	8-25-31
1,889,687	11-29-32	do	do	3-10-31
1,958,815	5-15-34	Maurice Goudard	do	7-1-30
2,035,177	3-24-36	Marcel Louis Mennesson	do	10-1-35
2,043,514	6-9-36	Marcel Mennesson	do	11-9-33
2,102,476	12-14-37	do	Floatless Carburetor	12-15-36
2,121,500	6-21-38	do	Carburetor	5-12-36
2,133,207	10-11-38	Andre Louis Mennesson	Diaphragm pump	4-22-37
2,139,841	12-13-38	Marcel Mennesson	Regulating Device for Internal Combustion Engines.	10-1-35
2,150,075	3-7-39	do	Regulating Device for Internal Combustion Engines supplied by Fuel Injection.	6-17-37
2,159,173	5-23-39	do	Carburetor for Internal Combustion Engines.	11-18-36
2,232,635	2-18-41	Andre Louis Mennesson	Carburetor	10-25-38
2,242,832	5-20-41	do	Governor Device for Internal Combustion Engines.	6-17-37
2,260,610	7-21-42	do	Auxiliary Carburetion Device for Supercharged Internal Combustion Engines.	4-28-39

VESTED BY VESTING ORDER NO. 293

Serial No.	Date filed	Inventor	Title	Assigned
272,880[1] (now Pat. No. 2,260,610).	5-10-39 (7-21-42)[2]	Maurice Goudard	Auxiliary Carburetion Device for Supercharged Internal Combustion Engines.	4-28-39
208,303 (now Pat. No. 2,313,002).	5-16-38 (3-2-43)[2]	Marcel Mennesson	Operative Fluid Delivery Control Device.	5-4-38
313,124 (now Pat. No. 2,389,922).	1-9-40 (11-27-45)[2]	Marcel Louis Mennesson	Carburetion Device for Internal Combustion Engines.	12-14-39
391,968 (now Pat. No. 2,392,055).	5-5-41 (1-1-46)[2]	do	Carburetor of the Fuel Injection Type.	4-7-41
207,691 (now Pat. No. 2,407,317).	10-4-39 (9-10-46)[2]	do	Control Devices for Variable Pitch Propellers.	9-13-39
620,156	10-3-45	Marcel L. Mennesson	Carburetion Devices for Internal Combustion Engines.	12-11-39

[1] This application was also vested as Patent No. 2,260,610 by Vesting Order No. 699.
[2] The date in parenthesis refers to the date of issuance of the patent.
[3] Serial No. 620,156 is a division of Patent No. 2,389,922. The assignment of the patent carries with it divisions thereof.

[F. R. Doc. 51-4636; Filed, Apr. 19, 1951; 8:52 a. m.]

APR 26 '51

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — 1934

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Washington, Tuesday, April 24, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10233

AMENDING EXECUTIVE ORDER 10161[1] WITH RESPECT TO WAGE STABILIZATION AND SETTLEMENT OF LABOR DISPUTES

WHEREAS the maintenance of wage stabilization under the Defense Production Act of 1950 is essential at this time in the interest of the national defense; and

WHEREAS the maintenance of effective wage stabilization imposes limitations on the processes of free collective bargaining, making necessary the development of machinery to facilitate the settlement of labor disputes in conjunction with the administration of wage stabilization; and

WHEREAS on April 17, 1951, the National Advisory Board on Mobilization Policy made the following recommendation to the President:

"1. The Wage Stabilization Board shall be reconstituted as an 18 man tripartite Board with six representing the public, six representing management, and six representing labor.

"2. The reconstituted Wage Stabilization Board shall be empowered to assume jurisdiction of any labor dispute which is not resolved by collective bargaining or by the prior full use of conciliation and mediation facilities and which threatens an interruption of work affecting the national defense where:

"(i) The parties to any such dispute jointly agree to submit such dispute to the Board, or

"(ii) The President is of the opinion that the dispute is of a character which substantially threatens the progress of national defense and certifies such dispute to the Board.

"3. In any such case certified to the Board by the President or in any such case where the parties jointly agree to submit the case to the Board for their recommendations, the Board shall investigate and inquire into the issues in dispute and promptly report to the President thereon with their recommendations to the parties as to fair and equitable terms of settlement.

"4. In any such case where the parties jointly agree to be bound by the decision of the Board, the Board shall render a decision on the issues in dispute which decision shall be binding on the parties."

AND WHEREAS I deem it necessary and desirable that such recommendation be carried out,

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, including the Defense Production Act of 1950, and as President of the United States and Commander-in-Chief of the armed forces, it is hereby ordered as follows:

SECTION 1. Part IV of Executive Order No. 10161 of September 9, 1950, is hereby amended by revoking sections 403 and 404 thereof and by inserting after section 402 thereof the following new sections:

SEC. 403. (a) There shall be in the Agency a Wage Stabilization Board (hereafter in this Part referred to as the Board) composed of eighteen members who shall be appointed by the President. Six of the members so appointed shall be representative of the public, six shall be representative of labor, and six shall be representative of business and industry. There shall be a chairman and a vice chairman of the Board, each of whom shall be designated by the President from among the members representative of the public.

(b) In addition to the functions assigned to it by the provisions of the following sections of this Part IV, the Board shall perform such other functions with respect to wage stabilization as may be determined by the Administrator after consultation with the Board.

SEC. 404. To the maximum extent consistent with the maintenance of effective economic stabilization, the provisions of this Part shall be administered in such a way as to preserve collective bargaining between labor and management.

(Continued on next page)

[1] 14 F. R. 6105.

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SEC. 405. The Board may assume jurisdiction of any labor dispute which is not resolved by collective bargaining or by the prior full use of conciliation and mediation facilities and which threatens an interruption of work affecting the national defense where:

(a) The parties to any such dispute jointly agree to submit such dispute to the Board for recommendation or decision, if the Board agrees to accept such dispute, or

(b) The President is of the opinion that the dispute is of a character which substantially threatens the progress of national defense and refers such dispute to the Board.

SEC. 406. In any case referred to the Board by the President under section 405 the Board shall investigate and inquire into the issues in dispute and promptly report to the President thereon with its recommendations to the parties as to fair and equitable terms of settlement.

SEC. 407. In any case where the parties jointly agree to submit the case to the Board for its recommendations under section 405, the Board shall investigate and inquire into the issues in dispute and shall advise the parties of its recommendations for fair and equitable terms of settlement.

SEC. 408. In any case submitted or referred to the Board under section 405 where the parties jointly agree to be bound by the decision of the Board, the Board shall render a decision on the issues in dispute, which decision shall be binding on the parties.

SEC. 409. Any wage action taken by the Board with respect to any case submitted or referred to it under section 405 shall be consistent with stabilization policies.

SEC. 410. Such panels and subsidiary agencies of the Board as may be deemed necessary may be constituted under this Part, and in order to carry out its functions under this Executive Order, the Board may promulgate rules, regulations, orders, and directives.

SEC. 2. All orders, regulations, rules, certificates, directives, and other actions relating to any function affected by the amendment made by the provisions of section 1 of this Executive Order (including the appointments of members of the Board in office on the date hereof) shall remain in effect except as they are inconsistent herewith or are hereafter amended, revoked, or terminated under proper authority.

SEC. 3. Nothing in this Executive Order shall be deemed to supersede any provision of Executive Order No. 10193 of December 16, 1950.

SEC. 4. No action inconsistent with the provisions of the Fair Labor Standards Act of 1938, as amended, other Federal labor standards statutes, the Labor-Management Relations Act, 1947, or with other applicable laws shall be taken under this Executive Order.

HARRY S. TRUMAN

THE WHITE HOUSE,
April 21, 1951.

[F. R. Doc. 51-4810; Filed, Apr. 23, 1951; 10:13 a. m.]

EXECUTIVE ORDER 10234

TRANSFERRING CERTAIN LANDS FROM THE DEPARTMENT OF AGRICULTURE TO THE DEPARTMENT OF THE INTERIOR AND WITHDRAWING CERTAIN PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF AGRICULTURE

IDAHO

By virtue of the authority vested in me by section 32 of Title III of the Bankhead-Jones Farm Tenant Act of July 22, 1937, 50 Stat. 522, 525 (7 U. S. C. 1011), and as President of the United States, and upon the recommendation of the Secretary of Agriculture and the Secretary of the Interior, it is ordered as follows:

SECTION 1. Subject to valid existing rights, jurisdiction over all lands in the following-described areas acquired or in the process of acquisition under Title III of the said Bankhead-Jones Farm Tenant Act, or transferred by Executive Order No. 7908 of June 9, 1938, as amended by Executive Orders Nos. 8531 of August 31, 1940, and 10175 of October 25, 1950, to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of the said act, together with waters or water rights, improvements, and structures acquired or constructed in connection with the use and administration of the said lands, is hereby transferred to the Department of the Interior; and the lands shall be administered, and shall be subject to exchange, under the Taylor Grazing Act, 48 Stat. 1269 (43 U. S. C. 315), as amended: *Provided*, that the transfer of jurisdiction over those lands that are in process of acquisition shall take effect upon the completion of acquisition thereof by the Secretary of Agriculture:

IDAHO

SOUTHEASTERN IDAHO PROJECT (ID-LU-1)

BOISE MERIDIAN

T. 15 S., R. 29 E.,
Secs. 1, 2, 11, 12, 13, 14, 24, 25 and 36.
T. 16 S., R. 29 E.,
Secs. 1, 12, 13, and secs. 23 to 27 inclusive;
Sec. 28, S½.
T. 13 S., R. 30 E.,
Sec. 1;
Sec. 12, E½;
Sec. 13, NE¼;
Secs. 27 to 36, inclusive.
Tps. 14 to 16 S., R. 30 E.
T. 13 S., R. 31 E.,
Secs. 1 and 2;
Sec. 3, Lots 1 and 2, S½NE¼ and N½SE¼;
Secs. 6 and 7;
Sec. 8, S½;
Sec. 11, W½E½ and W½;
Sec. 12, E½, E½NW¼, and NE¼SW¼;
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Secs. 16 to 21, inclusive;
Sec. 22, S½NE¼, NW¼, and S½;
Sec. 23, SW¼NW¼ and W½SW¼;
Sec. 26, NW¼NW¼, S½NW¼, and SW¼;
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Sec. 24, W½;
Sec. 25, N½NW¼, SW¼NW¼, NW¼SW¼, and S½S½;
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Tps. 15 and 16 S., R. 31 E.
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Secs. 25 and 26;
Sec. 27, E½, SE¼NW¼, and E½SW¼;
Sec. 29, NW¼;
Sec. 30, E½NE¼ and NW¼NE¼;
Sec. 33, S½SE¼;
Sec. 34, E½, E½W½, and SW¼SW¼;
Secs. 35 and 36.

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Sec. 3, Lots 1, 2, 3, and 4, S½N½, SW¼, and W½SE¼;
Sec. 4, Lots 1, 2, 3, and 4, S½N½, E½SW¼, and SE¼;
Sec. 8, SE¼SE¼;
Sec. 9, E½NE¼, NW¼NE¼, E½NW¼, W½SW¼, and NE¼SW¼;
Sec. 10, W½NE¼, NW¼, and NW¼SE¼;
Sec. 16;
Sec. 17, E½NE¼, SE¼SW¼, and SE¼;
Sec. 19, E½E½;
Sec. 20;
Sec. 21, S½NE¼, W½NW¼, SW¼, N½SE¼, and SW¼SE¼;
Sec. 27, S½;
Sec. 28, SE¼NE¼, W½NE¼, NW¼, and S½;
Secs. 29 to 34, inclusive;
Sec. 35, W½NW¼, SW¼, and W½SE¼.
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Sec. 2, W½W½;
Secs. 3 to 10, inclusive;
Sec. 11, S½;
Sec. 13, N½NE¼;
Sec. 16;
Sec. 17, E½, NW¼, W½SW¼, and NE¼SW¼;
Secs. 18 and 19;
Sec. 20, W½W½;
Sec. 29, W½W½;
Secs. 30 and 31;
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Secs. 6 and 7;
Sec. 8, NE¼, W½, W½SE¼, and NE¼SE¼;
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Sec. 13, S½NE¼, SW¼SW¼, E½SW¼, and SE¼;
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Sec. 36.
T. 15 S., R. 33 E.,
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Secs. 22 to 27, inclusive;
Sec. 28, SE¼NE¼, SE¼SW¼, SW¼SE¼, and E½SE¼;
Sec. 32, SE¼NE¼, E½SW¼, and SE¼;
Secs. 33 to 36, inclusive.
T. 16 S., R. 33E.,
Sec. 1, W½;
Secs. 2 to 5, inclusive;
Sec. 6, SE¼NE¼, E½SW¼, and SE¼;
Sec. 7, Lots 2, 3, and 4, SE¼NW¼, E½SW¼, and E½; NE¼NW¼ less and except a tract of land beginning at a point 18 rods North of the SW corner of NE¼NW¼; running thence East 360 feet; then meandering Northwesterly 1,600 feet

along the West side of the county road to a point on the intersection of said road with the east line of Lot one (1); thence running South along said East line of Lot one (1) to the place of beginning;

Secs. 8 to 24, inclusive:
Secs. 26 to 30, inclusive.

T. 14 S., R. 34 E.,
Sec. 18, Lots 2, 3, and 4, SE¼NW¼, and E½SW¼;
Sec. 29, NE¼, N½NW¼, and W½SE¼;
Sec. 30, Lots 1, 2, 3, and 4, NE¼, E½W½, W½SE¼, and NE¼SE¼;
Sec. 31, Lots 1 and 2, and NE¼NW¼.

The lands administered under Title III of the Bankhead-Jones Farm Tenant Act in the above-described area aggregate approximately 78,647.89 acres.

SEC. 2. Subject to valid existing rights and withdrawals, and to the provisions of said Executive Order No. 7908, as amended by Executive Orders Nos. 8531 of August 31, 1940, and 10175 of October 25, 1950, the public lands within the following-described areas, being found suitable for the purposes of Title III of the said Bankhead-Jones Farm Tenant Act, are hereby withdrawn from all forms of appropriation under the public-land laws, except the mining and mineral-leasing laws, and reserved for use, administration, and disposition in accordance with the provisions of Title III of the said Bankhead-Jones Farm Tenant Act and the related provisions of Title IV thereof, and the jurisdiction thereover is transferred to the Department of Agriculture:

IDAHO

SOUTHEASTERN IDAHO PROJECT (ID-LU-1)

BOISE MERIDIAN

T. 12 S., R. 31 E.,
Sec. 32, S½S½.

T. 13 S., R. 31 E.,
Sec. 3, W½ and S½SE¼;
Secs. 4 and 5;
Sec. 8, N½;
Secs. 9 and 10;
Sec. 11, E½E½;
Sec. 12, W½W½ and SE¼SW¼;
Secs. 13 and 14;
Sec. 15, N½, N½SW¼, and SE¼;
Sec. 22, N½NE¼;
Sec. 23, E½, E½W½, and NW¼NW¼;
Secs. 24 and 25;
Sec. 26, E½ and NE¼NW¼;
Sec. 35, Lots 1, 2, 3, and 4, NE¼, and N½SE¼;
Sec. 36.

T. 14 S., R. 31 E.,
Secs. 1 and 2;
Secs. 11, 12, and 13;
Sec. 14, E½ and N½NW¼;
Sec. 23, N½NE¼;
Sec. 24, E½;
Sec. 25, NE¼, SE¼NW¼, NE¼SW¼, and N½SE¼.

T. 13 S., R. 32 E.,
Sec. 18, Lots 1, 2, 3, and 4, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 19, Lot 4 and SE¼SW¼;
Sec. 20, SE¼;
Sec. 21, S½NW¼ and SW¼;
Sec. 27, NE¼NW¼ and W½W½;
Sec. 28;
Sec. 29, NE¼ and S½;
Sec. 30, Lots 1, 2, 3, and 4, SW¼NE¼, E½W½, and SE¼;
Secs. 31 and 32;
Sec. 33, N½, SW¼, and N½SE¼;
Sec. 34, W½NW¼ and NW¼SW¼.

T. 14 S., R. 32 E.,
Sec. 1, N½ and W½SW¼;
Sec. 2, Lots 1 and 2, S½N½, and S½;
Sec. 3, E½SE¼;
Sec. 4, W½SW¼;
Secs. 5, 6, and 7;
Sec. 8, N½, SW¼, W½SE¼, and NE¼SE¼;
Sec. 9, W½NW¼;
Sec. 10, E½NE¼ and NE¼SE¼;
Sec. 11, N½ and E½SE¼;
Sec. 12, SE¼NE¼, W½NE¼, NW¼, and S½;
Sec. 13;
Sec. 14, E½, E½NW¼, and NE¼SW¼;
Sec. 17, W½NE¼, NW¼, N½SW¼, and SW¼SW¼;
Sec. 18;
Sec. 19, W½ and W½E½;
Sec. 21, SE¼SE¼;
Sec. 22, S½SW¼ and SE¼;
Sec. 23, E½NE¼;
Sec. 24, N½NE¼, NW¼, and NE¼SW¼;
Sec. 27, N½;
Sec. 28, NE¼NE¼.

T. 15 S., R. 32 E.,
Sec. 12, NW¼;
Sec. 13, S½N½ and S½;
Secs. 14 and 15;
Sec. 17, SE¼SW¼;
Sec. 20, E½ and E½W½;
Secs. 21 to 28, inclusive;
Sec. 29, E½ and E½W½;
Sec. 32, NE¼, E½NW¼, SW¼NW¼, and S½;
Sec. 33;
Sec. 34, E½NE¼, NW¼NE¼, and NW¼;
Secs. 35 and 36.

T. 16 S., R. 32 E.,
Sec. 1;
Sec. 2, Lots 1, 2, and 3, E½SW¼, and SE¼;
Sec. 5, Lots 2, 3, and 4, N½SW¼, and NW¼SE¼;
Secs. 11 and 12;
Sec. 13, N½NW¼;
Sec. 14, N½, E½SW¼, and SE¼.

T. 13 S., R. 33 E.,
Sec. 31, Lot 4;
Sec. 32, E½NE¼, S½S½, and NE¼SE¼;
Sec. 33, NW¼NW¼, S½N½, and S½.

T. 14 S., R. 33 E.,
Sec. 2, W½E½ and W½;
Secs. 3 and 4;
Sec. 5, N½, NE¼SW¼, NW¼SE¼, and E½SE¼;
Sec. 6, Lots 1, 2, 4, 5, and 6, S½NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 7, Lots 3 and 4, NW¼NE¼, NE¼NW¼, and E½SW¼;
Sec. 8, E½NE¼;
Sec. 9, N½ and NE¼SE¼;
Sec. 10, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 11, W½E½ and W½;
Sec. 14, W½E½ and W½;
Secs. 15, 16, and 17;
Sec. 18, Lots 3 and 4, SE¼NE¼, NE¼SW¼, and N½SE¼;
Sec. 19, N½SE¼;
Sec. 20, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 21, N½ and N½S½;
Sec. 22;
Sec. 23, W½NE¼, NW¼, and N½SW¼;
Sec. 27, E½NE¼.

T. 15 S., R. 33 E.,
Sec. 8, E½SE¼;
Sec. 17, NE¼, SE¼NW¼, and S½;
Sec. 18, Lots 2, 3, and 4, SW¼NE¼, SE¼NW¼, E½SW¼, and SE¼;
Secs. 19, 20, and 21;
Sec. 28, N½NE¼, SW¼NE¼, NW¼, N½SW¼, SW¼SW¼, and NW¼SE¼;
Secs. 29, 30, and 31;
Sec. 32, N½NE¼, SW¼NE¼, NW¼, and W½SW¼.

T. 16 S., R. 33 E.,
Sec. 6, Lots 1, 2, 3, and 4, N½NE¼, SW¼NE¼, E½NW¼;
Sec. 7, Lot 1, also beginning at a point 18 rods North of the SW corner of NE¼NW¼; running thence East 360 feet; then meandering Northwesterly 1600 feet along the West side of the county road to a point on the intersection of said road with the East line of Lot One (1); thence running South along said East line of Lot One (1) to the place of beginning.

T. 14 S., R. 34 E.,
Sec. 31, W½NE¼, SE¼NW¼.

The area described, including both public and non-public lands, aggregates approximately 56,553 acres.

HARRY S. TRUMAN

THE WHITE HOUSE,
April 23, 1951.

[F. R. Doc. 51-4814; Filed, Apr. 23, 1951; 12:05 p. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 960—HANDLING OF IRISH POTATOES GROWN IN MICHIGAN, WISCONSIN, MINNESOTA, NORTH DAKOTA AND CERTAIN COUNTIES OF IOWA AND OF INDIANA

REESTABLISHMENT OF DISTRICTS WITHIN WISCONSIN AND MICHIGAN

Pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), a notice of a proposed rule to reestablish, pursuant to § 960.27 of Order No. 60, as amended, Wisconsin and Michigan districts initially described and established in and by § 960.25 of said order, which order regulates the handling of Irish potatoes grown in the States of Michigan, Wisconsin, Minnesota, North Dakota, and certain counties of Iowa and of Indiana, was published in the FEDERAL REGISTER (16 F. R. 2639). Such order was issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31 as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the rule set forth in the aforesaid notice, which rule was adopted and submitted for approval by the North Central Potato Committee, established pursuant to said order, the following rule is hereby approved.

§ 960.106 *Reestablishment.* (a) Pursuant to § 960.27 the geographical districts of Wisconsin, and Michigan are reestablished as follows:

Wisconsin District No. 1. The counties of Oconto, Langlade, Lincoln, Taylor, Eau Claire, Pepin and all counties lying north thereof in Wisconsin.

Wisconsin District No. 2. The counties of Door, Kewaunee, Brown, Outagamie, Green Lake, Marquette, Adams, Juneau, Monroe, La Crosse, and all counties lying north to Wisconsin District No. 1 in Wisconsin.

Wisconsin District No. 3. The remaining counties in Wisconsin not included in Wisconsin District No. 1 and Wisconsin District No. 2,

Michigan District No. 1. All counties in the Upper Peninsula of Michigan.

Machigan District No. 2. The counties of Mason, Lake, Osceola, Clare, Gladwin, Arenac, and all counties lying north thereof in Michigan, but not including the Upper Peninsula.

Michigan District No. 3. The remaining counties in Michigan not included in Michigan District No. 1, and Michigan District No. 2.

(b) The reestablishment of districts set forth in this section shall not effect the specific geographic application of grade and size limitations in § 960.309 *Limitation of shipments* which terminates June 30, 1951.

It is hereby found that it is impracticable and contrary to the public interest to give 30-day notice of the effective date of this section in that (1) more representative committee nominations will be brought about if meetings for such purpose are held on the basis of the reestablished districts; (2) meetings for the purpose of nominating prospective committee members will begin soon; (3) notice has been given of the proposed rule by publication thereof as required by law (16 F. R. 2639); (4) the rule should be approved upon publication of this section in order to effectuate the declared policy of the act.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 19th day of April 1951, to be effective on publication in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4738; Filed, Apr. 23, 1951; 8:48 a. m.]

[Orange Reg. 368]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.514 *Orange Regulation 368*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on April 19, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., April 22, 1951, and ending at 12:01 a. m., P. s. t., April 29, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: 100 carloads;

(*b*) Prorate District No. 2: No movement;

(*c*) Prorate District No. 3: 90 carloads;

(*d*) Prorate District No. 4: Unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 1,200 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 20th day of April 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PROBATE BASE SCHEDULE

[12:01 a. m., P. s. t., Apr. 22, 1951, to 12:01 a. m., P. s. t., Apr. 29, 1951]

VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	2.1867
A. F. G. Porterville	1.9265
Ivanhoe Cooperative Association	.5735
Sandilands Fruit Co	.9111
Dofflemyer & Son, W. Todd	.4062
Earlibest Orange Association	1.7739
Elderwood Citrus Association	.8896
Exeter Citrus Association	2.1358
Exeter Orange Growers Association	.6157
Hillside Packing Association	2.3875
Ivanhoe Mutual Orange Association	.9537
Klink Citrus Association	4.2362
Lemon Cove Association	1.4627
Lindsay Citrus Growers Association	3.1906
Lindsay Cooperative Citrus Association	1.9856
Lindsay Fruit Association	2.4783
Lindsay Orange Growers Association	1.2323
Orange Cove Citrus Association	3.0313
Orange Packing Co	.2949
Orosi Foothill Citrus Association	1.5843
Paloma Citrus Fruit Association	.6117
Rocky Hill Citrus Association	3.0004
Sanger Citrus Association	2.2534
Sequoia Citrus Association	.8623
Stark Packing Corp	4.4280
Visalia Citrus Association	2.9428
Waddell & Son	2.6055
Baird-Neece Corp	1.9583
Beattie Association, D. A	.0000
Grand View Heights Citrus Association	4.8972
Magnolia Citrus Association	2.7563
Porterville Citrus Association, The	.9406
Richgrove-Jasmine Citrus Association	1.4679
Strathmore Cooperative Association	3.1689
Strathmore District Orange Association	1.2236
Strathmore Fruit Growers Association	1.3899
Strathmore Packing House Co	1.4961
Sunflower Packing Association	2.6169
Sunland Packing House Co	3.5218
Tule River Citrus Association	.8144
La Verne Cooperative Citrus Association	.0963
Lindsay Mutual Groves	1.7998
Martin Ranch	.9260
Orange Cove Orange Growers	1.8665
Webb Packing Co., Inc	.2350
Woodlake Packing House	1.2114
Anderson Packing Co., R. M	.7124
Baker Bros	.9870
California Citrus Groves, Inc., Ltd	2.5343
Campbell, Ralph D. & P. Agnes	.0253

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Darby, Fred J	0.1661
Dotts, Vern	.0456
Dubendorf, John W	.1241
Far West Produce Distributors	.5068
Foran, Pat	.1217
Harding & Leggett	2.6327
Independent Growers, Inc	1.8745
Kim, Chas. N	.0051
Korells Packing Co	2.0963
Lo Bue Bros	.6918
Maas, W. A	.0779
Marks, W. & M	.2331
Powell, John W	.0000
Randolph Marketing Co	1.5660
Reimers, Don H	.1575
Schilling, Joseph	.1520
Sky Acres Ranch	.2154
Smith, E. L	.0507
Swenson, L. W	.0038
Terry, Floyd	.0024
Woodlake Heights Packing Corp	.5336
Zaninovich Bros., Inc	.4655
Prorate District No. 3	
Total	100.0000
A. F. G. Vernon	.1636
Allen & Allen Citrus Package Co	1.0421
Consolidated Citrus Growers	12.9101
Mckellips Citrus Co., Inc	8.7043
Phoenix Citrus Packing Co	1.7946
Arizona Citrus Growers	12.2910
Chandler Heights Citrus Growers	2.0171
Desert Citrus Growers Co	7.4890
Mesa Citrus Growers	14.8745
Tempe Citrus Co	1.9538
Imperial Valley Grapefruit Growers Association	1.1779
Redlands Heights Groves	.0340
Southern Citrus Association	1.9327
United Citrus Growers	1.3625
Yuma Mesa Fruit Growers	5.9716
Leppla-Henry Produce Co	6.9021
Maricopa Citrus Co	.9831
Pioneer Fruit Co	4.8869
Clark & Sons, Produce Co., J. H	.3218
Commercial Citrus Packing Co	1.0522
Hi Jolly Citrus Packing House	.3836
Hill Packing House, Fred A	.1472
Ishikawa, Paul	.0514
Macchiaroli Fruit Co., James	.9970
Mattingly, Charles A	.2815
Messina & Sons, Mike	.0686
Orange Belt Fruit Distributors	2.1322
Panno Fruit Co., Carlo	.3424
Paramount Citrus Association, Inc	.0336
Potato House, The	.2431
Russo Bros	1.3375
Sharp Co., K. K	.2331
Sunny Valley Citrus Packing Co	3.1805
Terracciano Fruit Co	.2546
Valley Citrus Packing Co	2.4487

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.2514
A. F. G. Corona	.2451
A. F. G. Fullerton	.0000
A. F. G. Orange	.0000
A. F. G. Riverside	.6227
A. F. G. Santa Paula	.0441
Fadington Fruit Co., Inc	.1232
Hazeltine Packing Co	.0452
Krinard Packing Co	1.6174
Placentia Cooperative Orange Association	1.0000
Placentia Pioneer Valencia Growers Association	.0585
Signal Fruit Association	.6782
Azusa Citrus Association	1.6570
Covina Citrus Association	2.4507
Covina Orange Growers Association	.6091

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Damerel-Allison Co	1.3209
Glendora Citrus Association	1.6565
Glendora Mutual Orange Association	.6868
Puente Mutual Citrus Association	.0551
Valencia Heights Orchard Association	.2439
Gold Buckle Association	2.6630
La Verne Orange Association	3.9191
Anaheim Valencia Orange Association	.0000
Fullerton Mutual Orange Association	.0000
La Habra Citrus Association	.0000
Yorba Linda Citrus Association, The	.0000
Escondido Orange Association	.0000
Alta Loma Heights Citrus Association	.3442
Citrus Fruit Growers	1.0008
Etiwanda Citrus Fruit Association	.1662
Mountain View Fruit Association	.1774
Old Baldy Citrus Association	.4411
Railto Heights Orange Growers	.2763
Upland Citrus Association	3.1344
Upland Heights Orange Association	1.3873
Consolidated Orange Growers	.0000
Garden Grove Citrus Association	.0293
Goldenwest Citrus Association, The	.0000
Olive Heights Citrus Association	.0000
Santiago Orange Growers Association	.0000
Villa Park Orchard Association, The	.0000
Bradford Bros., Inc	.0000
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.0000
Yorba Orange Growers Association	.0000
Call Ranch	.8051
Corona Citrus Association	1.1201
Jameson Co	.7257
Orange Heights Orange Association	2.9069
Crafton Orange Growers Association	.9593
East Highlands Citrus Association	.3155
Redlands Heights Groves	.7335
Redlands Orangedale Association	1.1469
Rialto-Fontana Citrus Association	.3451
Break & Son, Allen	.1775
Bryn Mawr Fruit Growers Association	.6860
Mission Citrus Association	.9997
Redlands Cooperative Fruit Association	1.1860
Redlands Orange Growers Association	.7957
Redlands Select Groves	.3989
Rialto Orange Co	.4493
Southern Citrus Association	.5862
United Citrus Growers	.5984
Zilen Citrus Co	.1706
Arlington Heights Citrus Co	.8554
Brown Estate, L. V. W	1.7222
Gavilan Citrus Association	2.7229
Highgrove Fruit Association	.5335
McDermont Fruit Co	1.6464
Monte Vista Citrus Association	1.3994
National Orange Co	1.0908
Riverside Heights Orange Growers Association	.8790
Sierra Vista Packing Association	.7351
Victoria Avenue Citrus Association	2.9994
Claremont Citrus Association	1.1285
College Heights Orange and Lemon Association	2.6268
Indian Hill Citrus Association	1.7025
Pomona Fruit Growers Exchange	1.8635
Walnut Fruit Growers Association	.7928

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
West Ontario Citrus Association	1.3602
El Cajon Valley Citrus Association	.0000
Escondido Cooperative Citrus Association	.0000
San Dimas Orange Growers Association	1.2512
Canoga Citrus Association	.4037
North Whittier Heights Citrus Association	.1859
San Fernando Heights Orange Association	.3840
Sierra Madre-Lamanda Citrus Association	.2470
Camarillo Citrus Association	.0113
Fillmore Citrus Association	.5364
Ojai Orange Association	.0000
Piru Citrus Association	.8630
Rancho Sespe	.6039
Tapo Citrus Association	.0092
Ventura County Citrus Association	.0865
East Whittier Citrus Association	.0084
Murphy Ranch Co	.0000
Anaheim Cooperative Orange Association	.0000
Bryn Mawr Mutual Orange Association	.4945
Chula Vista Mutual Lemon Association	.0404
Euclid Avenue Orange Association	3.3360
Foothill Citrus Union, Inc	.4968
Garden Grove Orange Cooperative, Inc	.0000
Golden Orange Groves, Inc	.2760
Highland Mutual Groves	.0000
Index Mutual Association	.0000
La Verne Cooperative Citrus Association	4.7006
Mentone Heights Association	.6459
Olive Hillside Groves, Inc	.0039
Orange Cooperative Citrus Association	.0000
Redlands Foothill Groves	1.8724
Redlands Mutual Orange Association	.8029
Ventura County Orange & Lemon Association	.3870
Whittier Mutual Orange & Lemon Association	.0000
Allec Bros	.0047
Babijucle Corp. of California	.3463
Banks, L. M	.0000
Becker, Samuel Eugene	.0203
Bennett Fruit Co., Inc	.3923
Book, Maynard C	.0002
Borden Fruit Co	.0000
Cherokee Citrus Association	.6782
Chess Company, Meyer W	.3465
Christian, Guy	.0025
Dozier, Paul M	.0039
Dunning Ranch	.1756
Evans Bros. Packing Co	1.0521
Gold Banner Association	1.6343
Granada Hills Packing Co	.0000
Granada Packing House	.0879
Hill Packing Co., Fred A	.5962
Holland, M. J	.0219
Knapp Packing Co., John C	.1335
Orange Belt Fruit Distributors	2.5661
Orange Hill Groves	.0188
Panno Fruit Co., Carlo	.0742
Paramount Citrus Association, The	.0838
Placentia Orchard Co	.0000
Prescott, John A	.0000
Pulos, James J	.0376
Redlands Fruit Association, Inc	.0117
Riverside Citrus Association	.1265
Ronald, P. W	.0047
San Antonio Orchard Co	2.2956
Stephens, T. F	.1941
Summit Citrus Packers	.0235
Wall, E. T., Grower-Shipper	2.4710
Western Fruit Growers, Inc	3.3814

[F. R. Doc. 51-4762; Filed, Apr. 23, 1951; 9:13 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.124]

PART 65—PAYMENTS TO AND ON BEHALF OF PARTICIPANTS IN THE CULTURAL-COOPERATION PROGRAM

GRANTS TO FOREIGN LEADERS

Under the authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to the authority contained in the Information and Educational Exchange Act of 1948 (Public Law 402, 80th Congress), the provisions of Part 65, Title 22 of the Code of Federal Regulations, which govern payments to and on behalf of participants in the technical and cultural cooperation programs carried on by the Department of State by authority of the acts cited in such regulations (22 CFR, 1949 Supp., 65.1–65.12), are hereby amended to read as follows:

§ 65.3 *Grants to foreign leaders.* • • •

(b) *Per diem in lieu of subsistence.* (1) Per diem at a rate not to exceed $10.00 in lieu of subsistence and all incidental expenses including gratuitous fees, taxi fares, head tax, visa fees, telegraph and telephone charges, et cetera, while traveling to and from the United States except for the period spent on seagoing vessels, while on authorized or emergency stop-overs, and while in travel status within the United States, which status shall include the entire period of the trip unless the travel order or an amendment thereto specifically directs the traveler to proceed to a designated place and remain there on a duty assignment: *Provided*, That when a traveler is furnished meals and/or lodging without charge by a United States Government department or agency, one fifth of the authorized per diem shall be deducted for each meal or night's lodging.

• • • • •

(e) *Allowances.* (1) Monthly allowances in lieu of subsistence at a rate not to exceed $10.00 per diem, while on a duty assignment.

This regulation shall become effective immediately upon publication in the FEDERAL REGISTER.

(R. S. 161, Pub. Law 402, 80th Cong.; 5 U. S. C. 22)

CARLISLE H. HUMELSINE,
Deputy Under Secretary for Administration.

APRIL 13, 1951.

[F. R. Doc. 51-4733; Filed, Apr. 23, 1951; 8:48 a. m.]

[Dept. Reg. 108.123]

PART 65—PAYMENTS TO AND ON BEHALF OF PARTICIPANTS IN THE CULTURAL-COOPERATION PROGRAM

MAINTENANCE GRANTS TO FOREIGN STUDENTS

Under the authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to the authority contained in the Foreign Economic Assistance Act of 1950 (Public Law 535, 81st Congress), the provisions of Part 65, Title 22 of the Code of Federal Regulations which govern payments to and on behalf of the participants in the cultural-cooperation program carried on by the Department of State by authority of the acts cited in such regulations (22 CFR, 1949 Supp., 65.1–65.12), are hereby made applicable to govern payments to and on behalf of persons who receive grants to study or train in accordance with the provisions of Title IV of the Foreign Economic Assistance Act of 1950, in the same manner as if such persons were participants in the cultural-cooperation program referred to herein above.

Section 65.5 (a) is hereby amended to read as follows:

§ 65.5 *Maintenance grants to foreign students.* • • •

(a) *Amount.* Not to exceed $150 per month for students; and not to exceed $210 per month for trainees during the period of in-government service and industrial training, and not to exceed $180 per month for trainees while in an academic institution as part of the training.

This regulation shall become effective immediately upon publication in the FEDERAL REGISTER.

(R. S. 161, Title IV, Pub. Law 535, 81st Cong.; 5 U. S. C. 22)

Issued: April 13, 1951.

For the Secretary of State.

CARLISLE H. HUMELSINE,
Deputy Under Secretary for Administration.

[F. R. Doc. 51-4732; Filed, Apr. 23, 1951; 8:48 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 369]

[Controlled Rooms in Rooming Houses and Other Establishments, Rent Reg., Amdt. 364]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CALIFORNIA AND MICHIGAN

Amendment 369 to the Controlled Housing Rent Regulation (§§ 825.1–825.12) and Amendment 364 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81–825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 39c, is amended to describe the counties in the Defense-Rental Area as follows:

Santa Clara County, except the Cities of Mountain View, Palo Alto, San Jose and Santa Clara, the Town of Los Gatos, and all unincorporated localities.

This decontrols the City of Mountain View and all unincorporated localities in Santa Clara County, California, portions of the San Jose, California, Defense-Rental Area.

2. Schedule A, Item 149, is amended to describe the counties in the Defense-Rental Area as follows:

Oakland County, except (i) the Townships of Addison, Bloomfield, Brandon, Groveland, Highland, Holly, Independence, Milford, Oakland, Orion, Oxford, Rose, Springfield and West Bloomfield, (ii) the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford, Rochester and that portion of Northville located in Oakland County, and (iii) the Cities of Birmingham, Bloomfield Hills, Farmington, Hazel Park, Pontiac, Royal Oak, South Lyon and Sylvan Lake; Wayne County, except (i) the Cities of Grosse Pointe, Grosse Pointe Farms and Plymouth, (ii) the Village of Wayne, and (iii) that portion of the Village of Northville located in Wayne County; and Macomb County, except the City of Mount Clemens, and the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

In Washtenaw County, the Township of Ann Arbor and the City of Ann Arbor.

This decontrols the City of Crosse Pointe Farms in Wayne County and the Township of West Bloomfield in Oakland County, Michigan, portions of the Detroit, Michigan, Defense-Rental Area.

All decontrols effected by this amendment are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective April 20, 1951.

Issued this 19th day of April 1951.

ED DUPREE,
Acting Housing Expediter.

[F. R. Doc. 51-4745; Filed, Apr. 23, 1951; 8:49 a. m.]

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 4173]

PART 3—GAMBLING DEVICES

REGISTRATION AND FILING OF REPORTS: DESIGNATION OF OFFICERS TO PERFORM CERTAIN FUNCTIONS

APRIL 16, 1951.

The following regulations are hereby prescribed for carrying out certain provisions of the act of January 2, 1951, entitled "An Act to prohibit transportation of gambling devices in interstate and foreign commerce" (Public Law 906, 81st Congress):

Sec.

3.1 Registration and filing of reports by manufacturers of and dealers in gambling devices having places of business in Illinois.
3.2 Registration and filing of reports by manufacturers of and dealers in gambling devices having places of business in States other than Illinois.
3.3 Seizures.
3.4 Custody and forfeiture.

AUTHORITY: §§ 3.1 to 3.4 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply secs. 3, 7, Pub. Law 906, 81st Cong.

3.1 *Registration and filing of reports by manufacturers of and dealers in gambling devices having places of business in Illinois.* Manufacturers of and dealers in gambling devices having places of business in the State of Illinois

shall (a) register as required by section 3 of the act of January 2, 1951, entitled "An Act to prohibit transportation of gambling devices in interstate and foreign commerce" (Public Law 906, 81st Congress) with the Attorney General at the office of the United States Attorney, 219 South Clark Street, Chicago, Illinois, and (b) file the monthly reports required by that section with the Attorney General at the same place.

§ 3.2 *Registration and filing of reports by manufacturers of and dealers in gambling devices having places of business in States other than Illinois.* Manufacturers of and dealers in gambling devices having places of business in States other than the State of Illinois shall (a) register as required by section 3 of the said act of January 2, 1951, with the Attorney General at the Department of Justice Building, Washington, D. C., and (b) file the monthly reports required by that section with the Attorney General at the same place. The term "States" as used in this section includes Alaska, Hawaii, Puerto Rico, the Virgin Islands, and Guam.

§ 3.3 *Seizures.* The Director, Associate Director, Assistant to the Director, Assistant Directors, inspectors, and agents of the Federal Bureau of Investigation of the Department of Justice are hereby authorized and designated to make seizures of gambling devices under the said act of January 2, 1951.

§ 3.4 *Custody and forfeiture.* (a) All gambling devices seized pursuant to § 3.3 shall be held for, or turned over to, the United States marshal for the district in which the seizure is made. Other than the authority granted in § 3.3, United States marshals are hereby authorized and designated as the officers to perform the various duties with respect to seizures and forfeitures of gambling devices under the said act of January 2, 1951, as are imposed upon collectors of customs or any other persons with respect to the seizure and forfeiture of vessels, vehicles, merchandise, and baggage under the customs laws.

(b) The Attorney General will perform, with respect to the seizure and forfeiture of gambling devices under the said act of January 2, 1951, the functions and duties now performed by the Secretary of the Treasury in regard to the seizure and forfeiture of vessels, vehicles, merchandise, and baggage under the customs laws.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. The regulations prescribed by the order are necessary for carrying out certain provisions of the act of January 2, 1951, entitled "An Act to prohibit transportation of gambling devices in interstate and foreign commerce" (Public Law 906, 81st Congress), which became effective upon the date of its approval. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) with respect to notice of proposed rule making and delayed effective date is impracticable and contrary to the public interest in this instance because such compliance would unduly delay and impede the administration and enforcement of the said act.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 51-4706; Filed, Apr. 23, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-7, as Amended Apr. 20, 1951]

M-7—ALUMINUM FOR CIVILIAN USE

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, in the formulation of this amendment, consultation with representatives of all trades and industries affected has been rendered impracticable by the fact that the order affects a very substantial number of different trades and industries.

This amendment affects NPA Order M-7 as amended April 6, 1951, as follows: It amends sections 4 and 6 in their entirety, paragraphs (a) and (c) of section 8, and List A; List B is deleted. As so amended, NPA Order M-7 reads as follows:

Sec.
1. Purpose and scope.
2. Definitions.
3. Aluminum forms and products to which this order applies.
4. Application of order.
5. Use of aluminum.
6. Use of aluminum for certain purposes.
7. Maintenance, repair, and operating supplies.
8. Exemptions.
9. Inventories.
10. Application for adjustment.
11. Records and reports.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *Purpose and scope.* The purpose of this order is to describe how the aluminum remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy. It is the policy of the National Production Authority that aluminum and articles made of aluminum, not required to fill rated orders, shall be distributed equitably through normal channels of distribution, and that due regard shall be given by suppliers to the needs of new and small business.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the 6-month period ending June 30, 1950.

(c) "Manufacture" means to put into process, machine, fabricate, or otherwise alter materials by physical or chemical means: *Provided, however,* That as applied to "castings (foundry products as shipped by the producer)" specified in section 3 of this order the word "manufacture" also means the assembly of said items into components or end products, and that as applied to "powder (including atomized, flake, paste, and pigments)," the word "manufacture" also means segregating, weighing, or packaging for sale or resale by persons other than producers.

(d) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment or facility in sound working condition, and "repair" means the restoration of a building, machine, piece of equipment, or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like: *Provided, however,* Neither maintenance nor repair includes the improvement of any such item with material of a better kind, quality, or design.

(e) "Operating supplies" means any aluminum forms or products listed in section 3 of this order which are normally carried by a person as operating supplies according to established accounting practice and are not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies.

SEC. 3. *Aluminum forms and products to which this order applies.* The word "aluminum" as used in this order means only the following aluminum forms and products obtained from either domestic or foreign sources:

Rod and bar.
Wire (under ⅜ inch).
Cables (electrical transmission only).
Rivets.
Forgings and pressings (before machining).
Impact extrusions.
Castings (foundry products as shipped by the producer).
Rolled structural shapes (angles, channels, zees, tees, etc.).
Extruded shapes.
Sheet (coiled and flat), plate, circles and blanks.
Slugs.
Plain coil foil.
Tubing (extruded, drawn, and roll formed).
Tube blooms.
Powder (including atomized, flake, paste, and pigments).
Ingot, pig, billets, slabs, granulated.
Purchased scrap.

SEC. 4. *Application of order.* Subject to the exemptions stated in section 8 of this order, this order applies to the use of aluminum for purposes of manufacture or construction, or for maintenance, repair, or operating supplies. It does not apply to (a) the production of aluminum in or the conversion of aluminum to the forms and products listed in section 3 of this order; or (b) the use of aluminum in the production of other

metals (including aluminized steel), or of metal alloys, the chief constituent of which is not aluminum, or of chemical salts of aluminum and compositions of aluminum used as a catalyst.

SEC. 5. *Use of aluminum.* Subject to the exemptions stated in section 8 of this order, and unless specifically directed by the National Production Authority, no person shall use in manufacture or construction:

(a) During December 1950, a quantity by weight of aluminum in excess of 100 percent of his average monthly use of aluminum during the base period.

(b) During the following months a total quantity by weight of aluminum in excess of the percentages specified with respect to each month of his average monthly use of aluminum during the base period:

	Percent
January 1951	80
February 1951	75
March 1951	65

(c) During the calendar quarter commencing on April 1, 1951, a total quantity by weight of aluminum in excess of 65 percent of his average quarterly use of aluminum during the base period. Any person who was authorized by the National Production Authority to use an adjusted monthly base to determine permitted use of aluminum during January, February, or March 1951, shall not use during the second calendar quarter of 1951 a quantity by weight of aluminum in excess of 65 percent of three times such adjusted monthly base. The National Production Authority reserves the right to review and modify or revoke any such adjustment. An authorization by the National Production Authority to use a specific quantity of aluminum in any specified month or months or in the first quarter of 1951 shall not be considered an adjusted base for the purposes of this paragraph.

SEC. 6. *Use of aluminum for certain purposes.* In addition to the limitations on the use of aluminum set forth in section 5 of this order:

(a) No person shall use in manufacture, assembly, or construction a greater quantity or better grade of aluminum than is necessary for functional or operational purposes.

(b) No person shall use aluminum in manufacture, assembly, or construction for decorative or ornamental purposes.

(c) Subject to the exemptions stated in section 8 of this order, or unless specifically directed by the National Production Authority, no person shall use during each of the months of May and June 1951, in the manufacture of any item included in List A or, in construction for any item in List A, a total quantity by weight of aluminum in excess of 50 percent of his average monthly use of aluminum in such item during the base period: *Provided, however,* That no person shall use any aluminum in the manufacture of windows of the nonresidential type during said period except to complete orders received by him prior to February 20, 1951, and the use of aluminum for such purpose shall not be subject to the provisions of this paragraph or of section 5 of this order. However, any person who, during the months of May or June 1951, purchases parts made wholly or partly of aluminum for incorporation in an item in List A, which parts he manufactured during the base period, shall deduct, to the extent that he purchases such parts, the quantity of aluminum he used in such manufacture during the base period in computing his permitted use during said months. During each of the months of May and June 1951, any person who does not use aluminum in the manufacture of an item in List A, but who assembles parts made wholly or partly of aluminum into such item in List A, shall not assemble a total number of units of such item in excess of 50 percent of the average monthly number of such units which he assembled during the base period.

(d) Any person who was authorized by the National Production Authority to use an adjusted monthly base to determine permitted use of aluminum during January, February, or March 1951, shall not use during either of the months of May or June 1951, in the manufacture of any item in List A, a total quantity by weight of aluminum in excess of 50 percent of such adjusted monthly base. The National Production Authority reserves the right to review and modify or revoke any such adjustment. An authorization by the National Production Authority to use a specific quantity of aluminum in any specified month or months or in the first quarter of 1951 shall not be considered an adjusted base for the purposes of this paragraph.

(e) Any person who has placed an order with a supplier for aluminum for use in the manufacture of an item in List A, which order is included in such supplier's mill schedule for the second quarter, may accept delivery thereof after the end of the quarter, and may use such aluminum during the third quarter of 1951 subject to such restrictions as the National Production Authority may prescribe.

SEC. 7. *Maintenance, repair, and operating supplies.* Unless specifically directed by the National Production Authority, during the 6-month period commencing on December 1, 1950, and each 6-month period thereafter, no person shall use for maintenance, repair, and operating supplies a quantity by weight of aluminum in excess of the quantity of aluminum that he used for such purposes during the base period.

SEC. 8. *Exemptions.* (a) The use of aluminum required by any person to fill an order that is rated under the priorities system established by NPA Reg. 2 (excluding orders for items included in List A), or to meet any other mandatory order of the National Production Authority, is permitted in addition to the use of aluminum authorized by the provisions of sections 5 or 7 of this order. The use of aluminum required by any person to fill a rated order for any item included in List A which is marked by an asterisk is permitted in addition to the use of aluminum authorized by the provisions of section 5, 6, or 7 of this order where such item is for the use of the Armed Forces of the United States, including the United States Coast Guard, in the construction, fitting, or furnishing of ships (other than pleasure craft), aircraft, and hospitals, or to supply military specification organizational equipment items. The use of aluminum required to fill an order, whether or not rated, for any item in List A which is not marked by an asterisk shall be subject to the limitations on use stated in section 6 of this order.

(b) The procurement and use by electric utilities of aluminum conductor and aluminum conductor accessories as those terms are defined in NPA Order M-50, is subject to order M-50 and is accordingly exempt from this order. The use by electric utilities of forms and shapes of aluminum listed in section 3 of this order, other than aluminum conductor and aluminum conductor accessories, remains subject to the restrictions of this order, and in computing permitted use of such other forms and shapes of aluminum, use of aluminum conductor and conductor accessories during the base period shall be excluded.

(c) The provisions of sections 5, 6, and 7 of this order do not apply to persons who use less than 1,000 pounds of aluminum during any period of 12 consecutive months: *Provided, however,* That persons who by reason of the provisions of section 5 or 6 would be permitted to use less than 1,000 pounds during any period of 12 consecutive months may use during such period a quantity up to 1,000 pounds.

(d) The provisions of section 5 of this order will not apply, commencing on February 1, 1951, to the use of aluminum in the manufacture of collapsible tubes as defined in NPA Order M-27, nor, commencing on April 6, 1951, to the use of aluminum in the manufacture of packaging closures as defined in NPA Order M-26.

SEC. 9. *Inventories.* In addition to the provisions of NPA Reg. 1 (15 F. R. 6253), relating to inventory control, it is considered that a more exact requirement applying to users of aluminum is necessary. No person obtaining aluminum for use in manufacture or construction, or for maintenance, repair, or operating supplies, may receive or accept delivery of a quantity of aluminum if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 60-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less. For the purpose of this section, aluminum shapes and forms listed in section 3 of this order in which only minor changes or alterations have been effected shall be included in inventory. NPA Reg. 1 will apply to aluminum except as modified by this section.

SEC. 10. *Application for adjustment.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an

undue and exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of the national defense or in the public interest. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 11. *Records and reports.* (a) Persons subject to this order shall preserve the records which they have maintained and will maintain of inventories, receipts, deliveries, and uses of aluminum forms and products commencing with January 1, 1950.

(b) Persons subject to this order shall make records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (P. L. 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref.: M–7.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect on May 1, 1951.

Issued April 20, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

LIST A

See section 6 of this order as to the limitations on the use of aluminum in manufacture and construction in connection with the items on the following list.

See section 8 (a) of this order as to the effect of a rated order for items on the following list which are marked by an asterisk.

Airfoil (tubing) for windmills.
Aluminum wool.
Andirons, screens, and fireplace fixtures.
Animal cages.
Animal training equipment.
Animal traps.
Applicators for moistening envelopes.
Arbors and trellises.
Architectural and other building ornamentation.
Ash trays.
Automobile hardware and trim (except functional parts).
Awnings.
Badges.
Balloon molds.
Bar rails, fixtures, and equipment.
Barber chairs.
Batons.
Bathtubs.
Beauty parlor equipment.
Beer equipment: all items.
Bells (except parts where nonmagnetic gong material is required for electrically operated signaling devices used as adjuncts to communication systems).
Beverage mixing and serving equipment, such as bottle coolers, cocktail shakers, ice buckets and pails, ice chippers and shavers.
Bicycles and accessories.
Bird and pet cages, houses, aquariums, accessories and equipment.
Blackboard frames and chalk troughs.
Boards: shampoo, tanning.
Book covers.
Book stacks
*Boxes, including match, cigarette, typewriter ribbon (except instrument cases that require nonmagnetic properties)
*Brackets: light, shelf and wall
*Brooms and brushes (except toothbrushes and industrial)
*Buckles, all types
Buckets, household
*Burglar alarms and protective systems (except where essential to the proper servicing or functioning of the parts)
Burial vaults and urns
*Buttons (except for work clothing where necessary to resist corrosion)
*Cabinets: kitchen, medicine
Calendars, calendar pads and parts
Cameras, amateur box type still picture, fixed focus (except reflex)
Candle molds
Canes
Canopies
*Cans, including ignition coil and motion picture humidor
Caps: chimney and vent flue (except for industrial)
Card tables
Cards, greeting
Carriages: baby, luggage, strollers, scooters (except functional parts)
Cases:
  Cigar
  Film
  Radio, home type
  Soft drink
  Spectacle
  Vanity
Caskets, and accessory devices
Caster cups, wheel casters and glides (except for industrial and materials handling equipment)
Chicken crates
*Chutes: coal, package, and waste
Cigarette lighters
Cleaning accessories, such as carpet sweepers, dust pans and scrubbing sets
Clothespins
Coasters
Combs
*Containers, foil-lined
Coops: brooder, chicken, quail, etc.
*Copings
*Cornices
Crayon molds
*Cups
Curtain, drapery, and carpet hardware
Cutlery handles
Cuspidors
Desk pads
Dispensers, fixed or portable, for soap, lotion, papers, straws, etc. (except where necessary to resist corrosion for hospital, scientific laboratory, and industrial use)
Dolls
Door chimes
*Doors, including, but not limited to:
  Coal
  Door frames
  Dumbwaiter
  Incinerator
  Screen
  Storm
Draperies
Dresser sets
*Ducts, air conditioning, warm air, ventilating
Emblems, medals (except religious), crestings and plates
Fences, wire
Flag poles, stanchions, and sockets.
Flower boxes, stands, and pot holders.
Forms, concrete vault casting, wax
Fountains
Frames:
  Electric sign
  Picture
*Frames, window screen (including top and bottom bars for tension screens)
Frozen fruit sticks
*Furniture (except medical, dental, and hospital)
*Furniture, hardware (except functional parts)
Games
Garden tools and equipment
Garment hooks, brackets, racks, rods, trees, and hangers
Giftware
Gutters, leaders and downspouts.
Hair curlers
Hand-tool handles (except portable electric tools)
Hedge clipping machines
Highway markers, signals, and signs (except electrically operated traffic control signals)
Holders:
  Brush
  Pen
  Soda fountain cup
*Hollow ware
Horse shoes
Ice cream freezers for home use
Jewelry, all types (except religious goods)
Ladders and step stools (except industrial, fire, and marine)
Laundry accessories, domestic, such as tubs and boilers, washboards, drain board and tub covers, clothes hampers, ironing boards and tables, garment stretchers and dryers, clothes drying frames, and clothes-line hardware
Lawn and garden hose accessories, such as sprinklers, nozzles, couplings, clamps, menders, and reels
Lawn mowers, seeders, rollers, and tampers
Ledger openers
Letter openers
Lightning rods
Luggage, fittings, trim, and hardware
Machines: rowing, voting
Mail boxes
Maps and globes (world)
Marine construction: pleasure craft and fittings of all kinds, including but not limited to:
  Boats
  Canoes
  Rowboats
  Sailboats
Markers:
  Grave
  License plates
  Price
  Tee
  Traffic
  Tree
Memorials and tablets
Mesh bags
Metal lath, and accessories
*Metal letters and numbers (except for industrial or public utility control identification)
Mops
*Mouldings and trim (except functional retaining mouldings, shapes, or forms)
Mud scrapers
Nursing bottles
Oil cloth, foil-covered
Ornaments, Christmas tree
Packaging:
  Containers for:
    Bath salts
    Cosmetics, except collapsible tubes
    Gifts
    Powder
    Shoe polish
  Tubes, for cigars
  Jars, beauty cream
  Shakers, talcum powder
  Foil for:
    Capsules (except therapeutical)
    Cartons, liquor
    Florist
    Household
    Labels
    Over wraps (except food)
    Wraps: gift, cosmetic, liquor
    Wine bottles
Paper clips
*Plates: name, scuff, push, kick (except instruction and identification plates on equipment)
Playground equipment
Pleasure boat fastenings, fittings and hardware
Portable bleachers
Roofing, and accessories, residential type (including shingles)
*Rulers (except technical rulers such as slide rules and others used in engineering)
Saddlery, and harness hardware
*Screening (except insect and that used in technical and scientific equipment)
Shoe heels (except orthopedic)
Shovels, scoops, scrapers and pushers, (except as required for handling food, chemical products and grain in processing and distribution)
Siding and accessories (except industrial)
*Signs, including advertising
Smokers' accessories
*Soap dishes and bathroom accessories
Souvenirs and novelties, advertising specialties
Spandrels
Spools such as wire (except magnet), adhesive tape, solder
Sporting goods, all kinds (except commercial fishery goods, life raft equipment, fishing rod offset handles, and firearms components)
Spray guns (except paint spraying equipment and agricultural sprays)
Spurs, climbing
Statuary (except religious and artists' originals)
Stencils
Store fronts, (except glass holding members)
Stove pipe and other flue connections
*Tent poles, frames, and pegs.
*Thermostatic containers (except shoulders and cups on vacuum bottles of one quart and under size, and special laboratory and hospital equipment)
Toilet seats and covers
Tokens (except where necessary for electrical operation)
Tombstones
*Tooth brush and tumbler holders
*Towel bars
Toys
Tricycles and other children's vehicles
Umbrellas and parasols
Venetian blinds, fittings, and accessories
Vending machines (except functional parts)
Waste baskets
Wheelbarrows (except as required for handling chemicals)
*Whistles (except safety devices, air raid, and fire alarms)
Windows, storm (except sash slides)
*Windows, residential type
*Windows, nonresidential type

[F. R. Doc. 51–4785; Filed, Apr. 20, 1951; 4:44 p. m.]

[NPA Order M–36, as Amended Apr. 20, 1951]

M–36—GOVERNMENT ORDERS FOR PAPER

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M–36 as follows: It adds a new item 13 to List A; renumbers items 13 and 14 to 14 and 15, respectively; and amends List B. As so amended, NPA Order M–36 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Reserve production.
4. Directives.
5. Release of reserve production.
6. Report of Government orders.
7. Rated orders.
8. Adjustment.
9. Communications.
10. Records.
11. Audit and inspection.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies to paper manufacturers and provides rules for placing, accepting, and scheduling Government orders for paper. Its purpose is to make possible maximum production of paper and reduce to a minimum any disruption of normal distribution by providing for the equitable sharing of Government orders among paper manufacturers. It supplements NPA Reg. 2, but only those provisions of Reg. 2 which are contradictory to this order are superseded, and all other provisions of Reg. 2 continue to apply to the paper industry.

SEC. 2. *Definitions.* As used in this order:

(a) "Grade" means any kind of paper as listed in Form M–14–A, as revised February 24, 1951 (U. S. Department of Commerce, Bureau of the Census), or any particular type of paper of such a kind even though not specifically mentioned in such form.

(b) "Produce" and "manufacture" mean and include all making and finishing operations necessary to the production of primary paper prior to packing or packaging.

(c) "Schedule" means the completion of all steps ordinarily taken by the manufacturer preliminary to actual manufacture, including acknowledgment to buyer, establishment of detailed specifications, and determination of the time when the order will be manufactured and shipment made.

(d) "Government order" means (1) any DO rated order and (2) any order, whether rated or not, for direct or indirect delivery to any activity on List A except those orders for paper intended for resale at retail, such as supplies for post exchanges, etc.

SEC. 3. *Reserve production.* (a) Each manufacturer shall reserve for the month of February 1951, and for each calendar month thereafter, machine time, material, and supplies sufficient to produce and deliver within such month a total amount of paper to be calculated by applying the percentage specified for each grade in List B of this order to his average monthly production of such grade during the most recent calendar quarter, as originally reported on Form M–14–A as revised. Each manufacturer shall furnish the NPA with a record of his paper production for the fourth quarter 1950 and January 1951, on the basis of instructions to be issued by NPA pursuant thereto.

(b) The National Production Authority may from time to time increase or decrease manufacturers' reserve production by changing the percentages in List B of this order or applying the same or different percentages to other types, grades, or combinations of grades. Each such increase or decrease will be effected by notice in writing to each manufacturer or by notice published in the FEDERAL REGISTER at least 10 days prior to the first day of the month to which it applies.

SEC. 4. *Directives.* On or before the tenth day of any month, the National Production Authority may direct any manufacturer to produce during such month any grade of paper which such manufacturer is qualified to produce, in total tonnage not exceeding the amount of his reserve production for such month less the Government orders he has already scheduled for that month. The National Production Authority may direct a manufacturer to sell and deliver such tonnage to fill any Government order or orders that it may designate.

SEC. 5. *Release of reserve production.* If on or before the tenth day of any month a manufacturer has not received from the National Production Authority directives as to the disposition of all production reserved for such month, in excess of the Government orders he has already scheduled for such month, he may apply that production for which no directives have been received as he may desire, subject to the provisions of this order and other orders and regulations of National Production Authority.

SEC. 6. *Report of Government orders.* (a) Each manufacturer shall report at the close of each month on Form M–14–A, as provided therein, such Government orders, including directed tonnage, as are qualified under this order which he has produced in such month and those Government orders, excluding directed tonnage, which he has scheduled for production in the second and third subsequent months. For example, the February 1951 report will show the actual total of Government orders produced in February and the Government

orders, excluding directed tonnage, for April and May production. Having once reported a qualified order as scheduled in a given forward month, the manufacturer shall produce such orders as scheduled and so reported, and shall report the same order as scheduled for a different month only if requested by the buyer to so reschedule.

(b) If in any month a manufacturer's total scheduled Government orders for a subsequent month shall change materially (25 percent of his reserve production or 10 tons, whichever is greater) from his previous report, he may file Form NPAF–27 showing his revised schedule of Government orders, excluding directed tonnage.

(c) He shall initially file Form NPAF–27 by February 20, 1951, to show his Government order schedule for the month of March 1951.

(d) The manufacturer's reserve tonnage position as shown in the monthly Form M–14–A, in the interim reports, NPAF–27, if any, and directives will be taken into consideration by the National Production Authority in issuing such directives as may be found necessary under this order.

SEC. 7. *Rated orders.* (a) No manufacturer shall be required to accept DO rated orders for paper for shipment in any one month in excess of his reserve production for that month less his tonnage of Government orders already scheduled for that month.

(b) Unless specifically directed by the National Production Authority, no manufacturer need accept a DO rated order which is received less than 40 days prior to the first day of the month in which shipment is requested.

SEC. 8. *Adjustment.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 9. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M–36.

SEC. 10. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 11. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on April 20, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

LIST A

1. United States Department of Defense, including all groups and subgroups.
2. Atomic Energy Commission.
3. United States Coast Guard.
4. National Advisory Committee for Aeronautics.
5. Civil Aeronautics Administration.
6. Tennessee Valley Authority.
7. U. S. Department of Justice, Bureau of Prisons.
8. United States Government Printing Office.
9. United States Bureau of Engraving and Printing.
10. General Services Administration.
11. United States Post Office.
12. Reconstruction Finance Corporation, Office of Rubber Reserve.
13. The Secretary of the Senate and the Clerk of the House of Representatives.
14. Producers of products or parts thereof for any of the activities listed above to the extent that the primary paper is to be used exclusively as a component part of the product to be delivered on a contract or purchase order issued by such activity.
15. Any activity of the United States Government not listed above normally required to obtain paper and printed matter through or from the United States Government Printing Office if and when the GPO grants a waiver of such requirement, and manufacturers of products using paper for any such activity, to the extent that the primary paper is to be used exclusively as a component part of the product to be delivered, on a contract or purchase order issued by such activity if and when such a waiver is granted. Any such waiver must have been granted for the specific contract or purchase order concerned and an adequate identification of the waiver number and date of issuance thereof must be endorsed upon the contract or purchase order.

LIST B

Grade	M–14–A code numbers	Percent
Newsprint	1000	-
Groundwood paper, uncoated	1100–1150	10
Paper-machine coated papers, book papers, and fine papers (except rag writing papers)	1200–1390, 1420–1460	10
Rag writing papers	1410	15
Coarse papers (unbleached kraft grades only)	1511, 1521, 1530, 1591	10
Coarse papers (other than unbleached kraft grades)	1512, 1519, 1522, 1529, 1592, 1599	5
Special industrial papers	1600	15
Sanitary tissue stock	1700	5
Crepe wadding for packing	1870	25
Tissue papers (except sanitary and crepe wadding for packing)	1890	5
Absorbent papers	1900	f

[F. R. Doc. 51–4775; Filed, Apr. 20, 1951; 3:42 p. m.]

[NPA Order M–45, Schedule 4]

M–45—ALLOCATION OF CHEMICALS AND ALLIED PRODUCTS

SCHED. 4—PLASTIC TYPE NYLON

This schedule is found necessary and appropriate to promote the national defense and is issued under NPA Order M–45 pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this schedule there has been consultation with industry representatives, and consideration has been given to their recommendations.

Sec.
1. Definition.
2. General provisions.
3. Filing date and unit of measure.
4. Termination of NPA authorization to use.
5. Limitation on inventory.
6. Purchaser's application on Form NPAF–45.
7. Supplier's application on Form NPAF–46.
8. Communications.

AUTHORITY: Sections 1 to 8 issued under sec. 704, Pub. Law 774, 81st Cong.

SECTION 1. *Definition.* "Plastic type nylon" means only the primary form of moldable granules and monofilaments of the synthetic polyamide plastic derived from adipic or sebacic acid or both, and does not include scrap, reclaimed material, and fibers normally used in textile yarn or thread.

SEC. 2. *General provisions.* Plastic type nylon is hereby made subject to NPA Order M–45 as an Appendix A material. The initial allocation date is June 1, 1951. The allocation period is the calendar month, the small order exemption is 540 pounds of granular polymer per person per month. There is no small order exemption for filament polymer.

SEC. 3. *Filing date and unit of measure.* The filing date for Form NPAF–45 is the 15th day of the month before the proposed delivery month. The filing date for Form NPAF–46 is the 20th day of the month before the proposed delivery month. The unit of measure is the pound.

SEC. 4. *Termination of NPA authorization to use.* There shall be no limitation of time on any NPA authorization to use plastic type nylon.

SEC. 5. *Limitation on inventory.* The provisions of NPA Reg. 1 shall apply to plastic type nylon.

SEC. 6. *Purchaser's application on Form NPAF–45.* Every person who purchases plastic type nylon from a supplier is required to apply for authorization to accept delivery on Form NPAF–45. General instructions on the preparation of Form NPAF–45 are set forth in Appendix D of NPA Order M–45. Each applicant should specify in column (1) the physical form of the material as granular or filament. He should enter in column (2) the quantity required for each end-use, and show in column (3) the product to be made from the plastic type nylon. In column (4) he should show the ultimate product end-use, such as aircraft, radar, or cable covering, and should also show DO rating and Government contract number, if any.

SEC. 7. *Supplier's application on Form NPAF–46.* Every supplier of plastic type nylon is required to apply on Form NPAF–46 for authorization to deliver or to use any quantity of plastic type nylon. General instructions on the preparation of Form NPAF–46 are set forth in Appendix D of NPA Order M–45. Each supplier should specify in column (3) the physical form of the material as granular or filament.

SEC. 8. *Communications.* All communications concerning this schedule shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–45, Sched. 4.

NOTE: All reporting requirements of this schedule have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This schedule shall take effect, except as otherwise provided herein, on April 20, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–4776; Filed, Apr. 20, 1951; 3:42 p. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Federal Security Agency

PART 106—HEARINGS IN CONNECTION WITH SCHOOL CONSTRUCTION AND FINANCIAL ASSISTANCE TO LOCAL EDUCATION AGENCIES, AND SCHOOL SURVEY GRANTS TO STATES

Sec.
106.1 Opportunity for hearing.
106.2 Procedure in requesting hearing.
106.3 Reconsideration after request or order for hearing.
106.4 Time and place of hearing.
106.5 Procedures, evidence and record.
106.6 Decisions and notices.
106.7 Decisions on record or review by Commissioner of Education.

AUTHORITY: §§ 106.1 to 106.7 issued under sec. 208, Pub. Law 815, 81st Cong., sec. 7, Pub. Law 874, 81st Cong. Interpret or apply secs. 101–207, 209, 210, Pub. Law 815, 81st Cong., secs. 1–7, 9, Pub. Law 874, 81st Cong.

§ 106.1 *Opportunity for hearing.* (a) Any applicant whose application under Public Law 815, 81st Congress (secs. 101–210, 64 Stat. 967; 20 U. S. C. 251–255, 271–280) or under Public Law 874, 81st Congress (secs. 1–9, 64 Stat. 1100, 20 U. S. C. 236–244) is disapproved by the Commissioner of Education, in whole or in part, or which is dissatisfied with the Commissioner's action or failure to act upon its application under such Public Law shall be entitled to a hearing thereon.

(b) In the event the Commissioner of Education has reason to believe that clause (1), (2), or (3) of section 207 of Public Law 815, 81st Congress (sec. 207, 64 Stat. 974; 20 U. S. C. 277) is applicable to a local educational agency or that clause (1) or (2) of section 104 of Public Law 815, 81st Congress (sec. 104, 64 Stat. 968; 20 U. S. C. 254) is applicable to any State educational agency, he shall so notify such agency. Such notice, a copy of which (where the said section 207 applies) shall likewise be sent to the State educational agency or other interested State official, shall either (1) advise the recipient of the Commissioner's belief and fix a date not less than twenty days nor more than sixty days after the date of such notice within which the recipient may request that the matter be scheduled for a hearing in due course, or (2) advise the recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be subject to change for cause.

§ 106.2 *Procedure in requesting hearing.* A request for a hearing in accordance with this part must be addressed to the Commissioner of Education and must be in writing; but it need not be formalized.

§ 106.3 *Reconsideration after request or order for hearing.* The request for a hearing or the fact that any matter or issue has been scheduled for hearing under this part shall not prejudice any request for reconsideration of any determination made by the Commissioner or submission of an issue for such reconsideration, but the pendency of any such request for reconsideration shall not constitute a basis upon which postponement of the hearing can be demanded as of right either by the State or local educational agency or by the Commissioner.

§ 106.4 *Time and place of hearing.* Hearings on any matter included in § 106.1 shall be held at the offices of the Office of Education in Washington, D. C., or such other place set by the Commissioner of Education; but in setting the time and place of the hearing, due regard shall be given to the convenience and necessity of the local educational agency concerned.

§ 106.5 *Procedures, evidence, and record.* (a) The hearing officer shall conduct the hearing and shall issue such rules of procedure as are necessary (and not inconsistent with this part) relating to the conduct of the hearing, giving of notices subsequent to those provided for in § 106.4, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. The application in question and all amendments and exhibits submitted therewith shall be deemed to be a part of the hearing record. Both the Office of Education and the State or local educational agency involved, shall be entitled to introduce all relevant facts on the issues as stated in the notice or request for hearing or as determined at the outset of or during the hearing.

(b) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available, and to subject testimony to test by cross-examination or by other means, shall be applied by the hearing officer where reasonably necessary. All documents and other evidence offered or taken for the record shall be open to examination by the parties and ample opportunity given to refute facts and arguments advanced on either side of the issues. All decisions shall be based entirely upon facts adduced from the record and written findings shall be made.

§ 106.6 *Decisions and notices.* If the hearing is held by a person other than the Commissioner of Education, such person shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the Commissioner for a final decision, and written notice of such initial decision or certification shall be mailed to the State or local educational agency involved. Where the initial decision is made by the hearing officer, and in the absence of either an appeal to the Commissioner or review upon motion of the Commissioner within time limits stated in this section, such decision shall without further proceedings constitute the final decision of the Commissioner. The State or local educational agency may within 30 days of the mailing of such notice of initial decision request the Commissioner to review it. The Commissioner may grant or deny such request, or may within 45 days after the decision review it on his own motion. Written notice of the Commissioner's action granting or denying a request for review or of his determination to review it on his own motion shall be mailed promptly to the State or local educational agency involved.

§ 106.7 *Decisions on record or review by Commissioner of Education.* Whenever a record is certified to the Commissioner of Education for decision or the Commissioner determines to review the decision of another person pursuant to § 106.6, the State or local educational agency involved shall be given reasonable opportunity to file with the Commissioner briefs or other written statements of its contentions, and notice of the final decision of the Commissioner in such cases promptly shall be given to

the State or local educational agency involved.

Dated: April 11, 1951.

[SEAL] EARL J. McGRATH,
Commissioner of Education.

Approved: April 18, 1951.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 51-4718; Filed, Apr. 23, 1951; 8:46 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 2, 3]

[Docket Nos. 8736, 8975, 8976, 9175]

TELEVISION BROADCAST SERVICE

ORDER EXTENDING DATE FOR FILING OBJECTIONS TO APPENDICES A AND B OF THIRD NOTICE OF FURTHER PROPOSED RULE MAKING

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Dockets Nos. 8736 and 8975; amendment of the Commission's rules, regulations and Engineering Standards Concerning the Television Broadcast Service, Docket No. 9175; utilization of frequencies in the band 470 to 890 Mcs. for television broadcasting, Docket No. 8976.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of April 1951;

The Commission having under consideration a petition filed on April 12, 1951, by the Television Board, National Association of Radio and Television Broadcasters (NARTB), and a joint petition filed on April 12, 1951, by American Broadcasting Stations, Inc., Governor Dongon Broadcasting Corporation, Hampden-Hampshire Corporation, Lee Broadcasting Corporation, Milwaukee Broadcasting Company, Pittsburgh Radio Supply House, Inc., and Saginaw Broadcasting Company, both requesting that the time for filing statements of objections as provided for in paragraph "11" of the Commission's Third Notice of Further Proposed Rule Making (FCC 51-244) be extended from April 23, 1951, to May 7, 1951; and

It appearing, that in its petition NARTB alleges that on April 11, 1951, the Commission extended the date for the filing of comments with respect to Appendices C and D of said Third Notice from April 23, 1951, to May 7, 1951; that said extension did not apply to the date of filing of statements of objections with respect to Appendices A and B as provided for in paragraph "11" of said Third Notice; that NARTB and attorneys for many parties are interested in the general issues and policies enunciated in Appendices A and B; that said paragraph "11" requires that objections must relate the volume and page number of transcripts and exhibits; that NARTB desires to consider the Third Notice in detail and file appropriate comments with respect thereto; that the nature of the Third Notice is such as to require consultations, advice and recommendations from various facets of the industry; that the industry convention has been calendered for April 16 to 19, 1951, in Chicago; that it is anticipated that such consultations, advice and recommendations cannot be feasibly accomplished and would not permit counsel a reasonable time to complete proposed comments by April 23, 1951; and that a simultaneous filing date of May 7, 1951, for statements of objections and comments with respect to Appendices A, B, C, and D of said Third Notice would be more efficacious and would not delay the instant proceedings; and

It further appearing, that in its joint petition the above-named parties allege that Appendices A and B are the most important parts of the Third Notice; that the hearings upon which said Appendices are based occupied some thirty days; that, presumably, said Appendices were prepared after many weeks of study by Commission personnel; that counsel for petitioners have found it impossible to adequately study the many hundreds of pages of testimony and exhibits to permit them to submit the citations required by paragraph "11" of said Third Notice; and that the requested extension will not delay final action in these proceedings; and

It further appearing, that good and sufficient cause for the requested extension has been shown by the instant petitioners;

It is ordered, That the date for the filing of statements of objections as provided for in paragraph "11" of the Commission's Third Notice of further proposed rule making herein be extended from April 23, 1951 to May 7, 1951.

Released: April 13, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4715; Filed, Apr. 23, 1951; 8:46 a. m.]

[47 CFR, Parts 2, 11]

[Docket No. 9233]

RADIOLOCATION SERVICE

SUPPLEMENTAL NOTICE OF HEARING AND NOTICE OF PROPOSED RULE MAKING

In the matter of providing for a Radiolocation Service, particularly one to establish locations accurate to within a few feet from distances beyond line of sight, on a permanent basis. Amendment of the Table of Frequency Allocations to provide for the use of frequencies in the band 1750–1800 kc by the Radiolocation Service. Promulgation of rules to govern a Radiolocation Service on a Developmental basis, said rules to be designated Subpart M of Part 11, Rules Governing Industrial Radio Services.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of April 1951;

The Commission having under consideration the question of further proceedings incident to the investigation of the above-entitled matter in accordance with its motion and order of February 24, 1949, and its supplemental order and Notice of Hearing of December 7, 1949;

It appearing, that, pursuant to the terms of the Commission's decision in the matter of applications of the Seismograph Service Corporation and the Frost Geophysical Corporation (Docket 8989), experimental radiolocation operations have been, and by subsequent orders, are presently being conducted in the Gulf of Mexico in connection with geophysical prospecting for petroleum;

It further appearing, that the current national emergency makes it desirable to expedite the determination of the eventual status of the Radiolocation Service; that information received by the Commission subsequent to the date of the original order designating this matter for hearing makes feasible a more specific statement of issues as well as the issuance of proposed rules looking toward the allocation of frequencies in the band 1750–1800 kc for use by the Radiolocation Service and to govern such a service in the event the Commission finds that such allocation would be in the public interest in the light of the hearing record;

It further appearing, that authority for this action is contained in section 4 (i), 303 (a), (b), (c), (d), (e), (f), (g), (j) and (r) of the Communications Act of 1934, as amended; Article 7 of the Cairo (1938) General Radio Regulations; and Article 3 of the Atlantic City (1947) Radio Regulations.

It is ordered, That the issues set forth in the Supplemental Order and Notice of Hearing of December 7, 1949, are cancelled and the following are substituted in lieu thereof:

1. Whether frequencies in the band 1750–1800 kc should be allocated at this time for a Radiolocation Service in the manner proposed as set forth below, in the light of the possibility of interference to and from the Disaster Communications Service.

2. The nature and extent of any plans for the development and use of a Radiolocation Service on these frequencies in the near future.

3. Whether in the event such an allocation is authorized, the proposed rules for a developmental Radiolocation Service as set forth below should be adopted.

It is further ordered, That interested persons may file with the Commission written comments in support, opposition or urging modification, on or before May 25, 1951, and that a hearing will be held in the above-entitled matter before a member of the Commission to be designated later on June 4, 1951, in Washington, D. C., for the purpose of hearing testimony and receiving evidence regarding the issues set forth above and the Commission's proposals set forth below;

It is further ordered, That any person desiring to participate in the hearing shall file a notice of intention to do so on or before May 25, 1951.

Released: April 16, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

It is proposed to amend § 2.104 (a) of the Table of Frequency Allocations, Part 2, Rules Governing Frequency Allocations and Radio Treaty Matters as follows:

§ 2.104 *Frequency allocations*—(a) *Table of frequency allocations.* • • •

7	8	9	10	11
1750-1800 (NG 1, NG 21)	a. Fixed. b. Mobile.	a. Fixed. b. Land. c. Mobile.		Disaster.

NG 21. For the purpose of off-shore surveys in the Gulf of Mexico area only, stations in the Radiolocation (other than radionavigation) Service may be authorized to use frequencies in this band subject, internationally, to the provisions of paragraph 88 of the Atlantic City, 1947, Radio Regulations and to the use-in-derogation provisions of Article 7 of the Cairo General Radio Regulations. Stations in the Radiolocation Service shall not cause harmful interference to stations in the Disaster Communications Service between the times at New Orleans of sunset and sunrise or at any time during an actual or imminent disaster in any area. Stations in the Disaster Communications Service shall not cause harmful interference to stations in the Radiolocation Service between the times at New Orleans of sunrise and sunset except during an actual or imminent disaster in any area.

SUBPART M—RADIOLOCATION SERVICE

It is proposed to add to new Subpart M, Radiolocation Service, to Part 11, Rules Governing Industrial Radio Services, said subpart to read as follows:

§ 11.601 *Nature of service.* The rules in this subpart are designed to facilitate the eventual establishment, on a regular basis, of a Radiolocation Service to be used primarily in connection with meteorological, geographical, geological, or geophysical activities. Since there does not appear to be, at this time, any single radiolocation system which is satisfactory in all respects, all operations licensed under this subpart will be on a developmental basis. Inasmuch as the particular type or types of service ultimately established on some permanent basis will, to a large extent, depend upon the distance and degree of accuracy with which it is necessary to establish a position or direction by means of radio, the kind of equipment developed, and the service to be performed, it is not unlikely that different systems will develop in various parts of the spectrum.

§ 11.602 *Eligibility.* The following persons are eligible to hold authorizations to operate radio stations in the Radiolocation Service:

(a) Any person having a substantial need to establish a position or direction, for other than navigational purposes, by means of radio.

(b) A corporation or association organized for the purpose of furnishing a radiolocation service to persons eligible under paragraph (a) of this section.

§ 11.603 *Service authorized.* (a) Stations licensed under this subpart to operate on frequencies within the band 1750–1800 kc shall provide service on a just and reasonable basis and without discrimination to all persons eligible under the provisions of § 11.602 (a) of this subpart.

(b) Stations licensed under this subpart to operate on frequencies in bands other than 1750–1800 kc may be required by the Commission to provide service on a just and reasonable basis and without discrimination to all persons eligible under the provisions of § 11.602 (a) of this subpart.

§ 11.604 *Showing required for authorization.* (a) Applications to operate stations in the Radiolocation Service will be granted only in those cases where it is shown that the applicant is legally, technically, and financially qualified to render the proposed service and that a grant of the application would serve the public interest, convenience or necessity. A showing with respect to technical qualifications should include information which indicates the applicant's ability to construct and operate the proposed facilities; the availability of qualified operating and maintenance personnel; and complete details as to the manner in which the service will be made available to those seeking it under the provisions of § 11.603 of this subpart.

(b) Each application for a new station in this service shall be accompanied by:

(1) A functional description of the manner in which the system will operate including the interrelationship and function of each unit in the system;

(2) Complete technical description of equipment to be used including:

(i) Emission bandwidth;

(ii) Modulation;

(iii) Power input to final stage;

(iv) Pulse width and pulse repetition rate (where applicable);

(v) Physical and radiation characteristics of the antenna system;

(3) A map of the area which it is proposed to serve, showing location of each station; and

(4) A statement signed by the applicant in which it is agreed that any authorization issued pursuant thereto will be accepted with the express understanding that it is subject to change in any of its terms or to cancellation in its entirety at any time, upon reasonable notice but without a hearing, if, in the opinion of the Commission, circumstances should so require.

§ 11.605 *Report of operation.* (a) A report of the results of the operation of developmental stations in this Service shall be filed within 60 days of the expiration of such authorization. Matters which the applicant does not wish to disclose publicly may be so labeled; they will be used solely for the Commission's information, and will not be disclosed publicly without permission of the applicant.

(b) The report shall include comprehensive and detailed information covering the system and equipment, including the following:

(1) Results of operation to date including:

(i) Maximum and minimum usable range;

(ii) Maximum and average accuracy in various parts of the service area;

(iii) Approximate number of hours of operation;

(iv) Approximate number of position readings taken;

(v) Emission bandwidth;

(vi) Type(s) of modulation;

(vii) Minimum practical operating power (input to final stage);

(viii) Pulse width and pulse repetition rate (where applicable);

(ix) Physical and radiation characteristics of the antenna system employed;

(2) Copies of any reports published by the licensee.

§ 11.606 *Policy governing the assignment of frequencies in the band 1750–1800 kc.* Nothwithstanding any other provisions in this part, each frequency assignment in the band 1750–1800 kc will be on an exclusive basis within the service area of the station or stations to be constructed. Where the number of applicants requesting authority to serve an area exceeds the number of frequencies available, or where it appears to the Commission that fewer applicants or licensees than the number before the Commission should be given authority to serve a particular area, the applications may be designated for hearing.

§ 11.607 *Frequencies available.* (a) Frequencies in the following band are available for assignment to stations in the Radiolocation Service for use only in connection with petroleum geophysical operations in the Gulf of Mexico. These frequencies are shared with the Disaster Communications Service and are subject to the special restrictions contained in § 11.608 of this subpart:

1750–1800 kc

(b) Frequencies in the following band are available for assignment to stations in the Radiolocation Service on a non-interference basis to the fixed and mobile service:

2450–2500 Mc

(c) Frequencies in the following bands are available for assignment to stations in the Radiolocation Service on a non-interference basis to stations in the Radionavigation Service:

2900–3246 Mc	5460–5650 Mc
3266–3300 Mc	9000–9300 Mc
5250–5440 Mc	9320–9500 Mc

§ 11.608 *Special restrictions.* Each station authorized to operate in the Radiolocation Service on frequencies between 1750–1800 kc is subject to the following restrictions in addition to the other requirements of this part:

(a) Such stations shall be located within 150 miles of the shore line of the Gulf of Mexico.

(b) During periods of actual or imminent disaster, if harmful interference can reasonably be anticipated to stations in the Disaster Communication Service, operating in the disaster area, from sta-

tions in the Radiolocation Service, operating in any area, the stations in the Radiolocation Service shall cease operations. In any event, upon notification by any Commission representative that harmful interference is in fact occurring, the station so notified shall immediately cease operations.

(c) During the hours at New Orleans from sunset to sunrise, operation of stations in the Radiolocation Service is subject to the condition that no harmful interference will be caused to operation of stations in the Disaster Communications Service. (For the purposes of this paragraph, the time of sunrise and sunset at New Orleans shall be that set forth in section 26 of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations.)

(d) Maximum plate input to the final radio frequency stage shall not exceed 500 watts.

§ 11.609 *Special exemptions.* Stations licensed under this subpart are exempt from the requirements of §§ 11.57, 11.151, 11.201, 11.202, 11.207, and 11.208 of this part.

[F. R. Doc. 51-4716; Filed, Apr. 23, 1951; 8:46 a. m.]

NOTICES

POST OFFICE DEPARTMENT

PURCHASING AGENT

DELEGATION OF AUTHORITY WITH REGARD TO PROCUREMENT OF SUPPLIES AND SERVICES FOR IMPROVEMENT OF POSTAL OPERATIONS AND OTHER ACTIVITIES

Pursuant to authority vested in me by paragraph three of the order of the Administrator, General Services Administration, dated April 10, 1951, entitled "Delegation of Authority with Regard to Procurement of Supplies and Services for Improvement of Postal Operations and Other Activities" (16 F. R. 3319), the authority delegated to the Postmaster General by said order is hereby delegated to the Purchasing Agent for the Post Office Department, subject to the limitations imposed by paragraph 3 of the order.

This delegation of authority shall be effective at once.

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 51-4719; Filed, Apr. 23, 1951; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. No. 53091]

CALIFORNIA, COLORADO, IDAHO, AND WASHINGTON

RESTORATION ORDER NO. 1299 UNDER FEDERAL POWER ACT

APRIL 18, 1951.

Pursuant to the following-listed determinations of the Federal Power Commission, and in accordance with Departmental Order No. 2583, section 2.22 (a) of August 16, 1950 (15 F. R. 5643), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the public lands hereinafter described, so far as they are withdrawn or reserved for power purposes, are hereby opened to disposition under the public-land laws as provided below, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended, and as to DA-737 and DA-742, California, DA-292, Colorado, and DA-103, Washington, subject to the stipulation that, if and when the lands are needed for power development, any structures or improvements located thereon that may be found to interfere with such development will be removed or relocated without expense to the United States, its licensees or permittees:

Determination No.	Dates and types of withdrawals	Type of restoration	Land
DA-737, California	Power-site reserve No. 416 of Jan. 24, 1918; power project No. 971 of Mar. 12, 1929.	Under the applicable public-land laws.	California, T. 9 N., R. 12 E., M. D. M., sec. 19, lot 1, containing 41.45 acres.
DA-742, California	Power-site reserves No. 87 of July 2, 1910, and No. 261 of Apr. 19, 1912; power project No. 284 of Oct. 19, 1922.	do	California, T. 6 N., R. 13 E., M. D. M., sec. 18, E½SW¼ and SE¼, containing 240 acres.
DA-284, Colorado	Power project No. 163 of Apr. 8, 1921 as adjusted Dec. 12, 1929.	do	Colorado, T. 8 S., R. 86 W., 6th P. M., sec. 10, SE¼NW¼, containing 40 acres.
DA-292, Colorado	Power-site classification No. 372 of Oct. 31, 1944.	For mining purposes only.	Colorado, T. 1 S., R. 73 W., 6th P. M., sec. 34, lot 14, containing 11.67 acres, within the Roosevelt National Forest.
DA-395, Idaho	Power-site classification No. 280 of Dec. 19, 1933.	do	Idaho, T. 19 N., R. 8 E., B. M. sec. 30, lot 2 and E½NW¼, containing 117.58 acres, within the Boise and Payette National Forests.
DA-103, Washington	Power-site classification No. 349 of June 22, 1944.	Under the applicable public-land laws.	Washington, T. 27 N., R. 23 E., W. M., sec. 10, lot 2, containing 11.85 acres.

The character of the above-described lands outside of national forests is as follows:

DA-737, California, is rough and semi-mountainous. There is no evidence or indication that it contains any mineral of value. It is suitable for public sale, State selection, or exchange.

DA-742, California, is mountainous land, mineral in character, with no agricultural or small-tract value, and with only limited value for grazing and timber production.

DA-284, Colorado, due to rough topography is non-agricultural and of only limited value for grazing by domestic livestock. It is most suitable for recreation uses under the Small Tract Act.

DA-103, Washington, is dry native grazing land, suitable for disposal by public sale, State or private exchange, or State selection.

These lands will not be subject to occupancy or disposition until they have been classified. It is unlikely that they will be classified as suitable for homestead, desert-land, or, with the exception of DA-284, Colorado, for small-tract use.

The lands described shall be subject to application by the States of California, Colorado, Idaho, and Washington, respectively, for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act, as amended.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 91st day after the date of publication. At that time the said lands shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Land Office at Sacramento, California, or the Land and Survey Offices at Denver, Colorado, Boise, Idaho, or Spokane, Washington, respectively.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 51-4708; Filed, Apr. 23, 1951; 8:45 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION NO. 39

APRIL 16, 1951.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management, under section 2.21 of Order No. 427 approved by the Secretary of the Interior August 16, 1950 (15 F. R. 5641), I hereby classify as hereinafter indicated under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, the following described public lands in the Fairbanks, Alaska, Land District comprising approximately 24 small tracts embracing approximately 85.74 acres:

FOR LEASING AND SALE

FOR CABIN SITES, FAIRBANKS MERIDIAN

T. 5 S., R. 4 E.,
Sec. 22: Lot 1.
Sec. 23: NW¼NW¼, Lots 2, 3.

The lands above described embrace as well as other lands the areas described in the petitions for classification and offers to lease under the Small Tract Act of June 1, 1938, of Robert B. Haight, Fairbanks 08439, and Edgar S. Philleo, Fairbanks 08438.

This order shall not become effective to change the status of such land or to permit the leasing thereof under the Small Trace Act of June 1, 1938, cited above except after due notice to be given by publication subject to the preference right of veterans of World War II accorded by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C., sec. 279), and other qualified persons entitled to credit for service under the said act.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 51-4709; Filed, Apr. 23, 1951; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

DESIGNATION OF CERTAIN DELEGATIONS OF AUTHORITY RELATING TO DEFENSE MOBILIZATION

Correction

In Federal Register Document 51-4508, appearing at page 3311 of the issue for Saturday April 14, 1951, the number "1624" in paragraph (1), should read "6424", and in paragraph (2) the number "6988" should read "6998".

CIVIL AERONAUTICS BOARD

[Docket No. 2036 et al.]

ALASKA AIRLINES, INC., ET AL.; KENAI PENINSULA SERVICE CASE

NOTICE OF ORAL ARGUMENT

In the matter of the applications of Alaska Airlines, Inc., Hakon Christensen, doing business as Christensen Air Service, Gentry S. Shuster, doing business as Safeway Airways, and Vern Dale Trakowski, doing business as Alaska Scenic Air Service, for certificates of public convenience and necessity or amendments thereof, or exemption orders, authorizing air transportation between points on the Kenai Peninsula, Alaska, and a proceeding instituted by the Board to determine whether the certificate of Pacific Northern Airlines, Inc., shall cease to be effective, insofar as it authorizes air transportation of persons and property to and from Seward, Alaska, for failure to provide service within the period designated by the Board.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-indicated proceeding is assigned to be held on May 15, 1951, at 10:00 a. m., in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 20, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-4735; Filed, Apr. 23, 1951; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9446]

RADIO READING

ORDER CONTINUING HEARING

In re application of John J. Keel and Lloyd W. Dennis, Jr., tr/as Radio Reading, Reading, Pennsylvania, Docket No. 9446, File No. BP-7589, for construction permit.

The Commission having under consideration a motion filed April 2, 1951, by J. T. Ward, d/b as WLAC Broadcasting Service, respondent in the above-entitled proceeding, requesting a continuance of the hearing now scheduled to begin on April 16, 1951, at Washington, D. C.; and

It appearing that the petitioner and the attorney for Radio Reading, applicant herein, both request the hearing be continued beyond April 19, 1951, in order that they may attend the convention of the National Association of Broadcasters; and

The motion having been on file for more than 4 days, both parties having requested the continuance, and the General Counsel having entered no objection;

It is ordered, This the 10th day of April 1951, that the motion for continuance is granted and the hearing in the above-entitled proceeding is continued from April 16, 1951, to May 2, 1951, beginning at 10:00 a. m., in the offices of the Commission at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4711; Filed, Apr. 23, 1951; 8:45 a. m.]

[Docket No. 9514]

CROSLEY BROADCASTING CORP. (WINS)

ORDER CONTINUING HEARING

In re application of The Crosley Broadcasting Corporation (WINS), New York, New York, Docket No. 9514, File No. BMP-4758, for extension of completion date.

The Commission having under consideration a petition filed April 5, 1951, jointly by the General Counsel of the Federal Communications Commission and the Crosley Broadcasting Corporation, requesting that the hearing herein which is presently scheduled for April 30, 1951, be continued for a period of ninety days in order that the Commission may consider a petition for reconsideration and grant, which petitioners state will be filed in the near future based upon the application for license and supplemental data showing satisfactory suppression of re-radiation from WMGM; and

It appearing that the period of time within which opposition to this petition could be filed has now elapsed and no opposition has been received, and that good cause has been shown for a grant of the petition;

It is therefore ordered, this 13th day of April 1951 that the petition for a continuance of the above-captioned hearing be and it is hereby granted and the hearing is hereby continued to July 30, 1951, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4713; Filed, Apr. 23, 1951; 8:46 a. m.]

[Docket No. 9615]

VALLEY BROADCASTING CO. (KLOK)

ORDER AMENDING ISSUES

In re application of E. L. Barker, Claribel Barker, T. H. Canfield and Opal A. Canfield, d/b as Valley Broadcasting Company (KLOK), San Jose, California, Docket No. 9615, File No. BP-7400, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 13th day of April 1951;

The Commission having under consideration a petition filed on April 10, 1951, by Valley Broadcasting Company, requesting modification of issues in the hearing on its above-entitled application for construction permit to change the power and hours of operation of Station KLOK, San Jose, California from 5 kilowatts, daytime only, to 1 kilowatt 5 kilowatts-LS, unlimited time, and to install a directional antenna for night use only; and

It appearing, that the said application originally requested power of 5 kilowatts, unlimited time, employing a directional antenna at night, and was designated for hearing by Commission order of March 28, 1950, in a consolidated proceeding with the application of Charles E. Salik (File No. BML-1392, Docket No. 9616), and that the licensee of Station KVOO, Tulsa, Oklahoma, was made a party to the proceeding; and

It further appearing, that the petition of Charles E. Salik, requesting dismissal without prejudice of application File No. BML-1392, Docket No. 9616, was granted on April 13, 1951; and

It further appearing, that the petition of Valley Broadcasting Company, filed

on November 6, 1950, requesting leave to amend its said application to request power of 5 kilowatts day, 1 kilowatt night, was granted on November 17, 1950, and that, as amended, the said application will not involve objectionable interference with Station KVOO, Tulsa, Oklahoma; and

It further appearing, that Valley Broadcasting Company is legally, technically, financially and otherwise qualified to operate Station KLOK as proposed but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice, particularly with reference to nighttime service to the San Jose Metropolitan District and to population residing between the nighttime normally protected and interference free contours;

It is ordered, That the said petition is granted and that the Commission's order of March 28, 1950, designating the above-entitled application for hearing is amended to delete all issues therein and to substitute therefor the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KLOK as proposed and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of Station KLOK as proposed would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of Station KLOK as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of Station KLOK as proposed would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to nighttime service to the San Jose Metropolitan District and to the assignment of stations where objectionable interference would be received to a field intensity contour greater than that specified for a station of its class.

It is further ordered, That Southwestern Sales Corporation, licensee of Station KVOO, Tulsa, Oklahoma, is removed as a party to this proceeding.

Released: April 16, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4710; Filed, Apr. 23, 1951; 8:45 a. m.]

[Docket Nos. 9910, 9911]

CITY BROADCASTING CORP. AND GARDNER BROADCASTING CO. (WHOB)

ORDER CONTINUING HEARING

In re applications of City Broadcasting Corporation, Nashua, New Hampshire, Docket No. 9910, File No. BP-7919; The Gardner Broadcasting Company (WHOB), Gardner, Massachusetts, Docket No. 9911, File No. BP-7980, for construction permits.

The Commission having under consideration the motion of City Broadcasting Corporation, filed April 6, 1951, that the hearing in the above-entitled matter, presently scheduled for April 20, 1951, be continued for thirty days;

It appearing, that counsel for the moving party, who was retained after its application had been filed, desires additional time, prior to hearing, for the purposes of (1) making soil conductivity tests in connection with the issue of interference between the proposal of the moving party and the present operation of Station WLNH in Laconia, New Hampshire, in the event such tests are found essential to a proper presentation of its case, and (2) examining more fully the qualifications of the present stockholders of the competing applicant, The Gardner Broadcasting Company (WHOB), concerning which the Commission has recently approved a transfer of controlling stock;

It appearing further, that all interested parties herein have been served with notice of the motion and none have interposed objection thereto;

It is ordered, This 13th day of April 1951, that the motion of City Broadcasting Corporation, be, and it is hereby, granted; and the hearing in the above-entitled matter is continued to May 29, 1951, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4712; Filed, Apr. 23, 1951; 8:45 a. m.]

[Docket No. 9712]

CECIL W. ROBERTS (KREI)

ORDER CONTINUING HEARING

In re application of Cecil W. Roberts (KREI), Farmington, Missouri, Docket No. 9712, File No. BP-7572, for construction permit.

The Commission having under consideration a motion filed April 11, 1951, by Cecil W. Roberts, licensee of Station KREI and applicant herein, requesting indefinite continuance of the hearing in the above-entitled proceeding presently scheduled for April 24, 1951, pending action by the Commission on petition for reconsideration and grant which will shortly be filed by applicant; and

It appearing, that new measurements have been taken on Station KXIC, The Johnson County Broadcasting Corporation, Iowa City, Iowa, which may eliminate the question of interference between the proposed operation of Station KREI and the operation of Station KXIC; and

It further appearing, that counsel for The Johnson County Broadcasting Corporation and Commission counsel have informally consented to a waiver of § 1.745 of the Commission's rules to permit the early consideration and grant of the motion for continuance;

It is ordered, This 13th day of April 1951, that the motion be, and it is hereby, granted; and the hearing in the above-entitled application be, and it is hereby, continued until further order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4714; Filed, Apr. 23, 1951; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6352]

SOUTHERN UTAH POWER CO.

NOTICE OF APPLICATION

APRIL 17, 1951.

Take notice that on April 16, 1951, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Southern Utah Power Company, a corporation organized under the laws of the State of Utah, and doing business in said State with its principal business office at Cedar City, Utah, seeking an order authorizing the issuance of unsecured Promissory Notes, payable to The Chase National Bank of the City of New York, to be issued at any time or from time to time up to and including December 31, 1951, and issuable up to the aggregate amount of $750,000, bearing interest at the rate of 3 percent per annum to be dated at date of each loan and payable on March 1, 1952; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 1st day of May 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4717; Filed, Apr. 23, 1951; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26023]

STEEL OR WROUGHT PIPE FROM KEWANEE, ILL., TO THE SOUTHWEST

APPLICATION FOR RELIEF

APRIL 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3748.

Commodities involved: Steel or wrought iron pipe and related articles, carloads.

From: Kewanee, Ill.

To: Points in southwestern territory.

Grounds for relief: Circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3748, Supp. 77.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4726; Filed, Apr. 23, 1951; 8:47 a. m.]

[4th Sec. Application 26024]

COKE FROM BIRMINGHAM, ALA., GROUP, AND CHATTANOOGA, TENN., TO TULSA, OKLA.

APPLICATION FOR RELIEF

APRIL 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1150.

Commodities involved: Coke, coke breeze, dust and screenings, carloads.

From: Birmingham, Ala., group, and Chattanooga, Tenn.

To: Tulsa, Okla.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1150, Supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4727; Filed, Apr. 23, 1951; 8:48 a. m.]

[4th Sec. Application 26025]

UREA FROM SOUTH POINT, OHIO, TO PHILADELPHIA AND LANSDALE, PA.

APPLICATION FOR RELIEF

APRIL 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 3758, pursuant to fourth-section order No. 8800.

Commodities involved: Urea, in carloads.

From: South Point, Ohio.

To: Philadelphia and Lansdale, Pa.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4728; Filed, Apr. 23, 1951; 8:48 a. m.]

[Rev. S. O. 874, General Permit 17]

FISH MEAL, FISH ROE MEAL AND/OR FISH SCRAP MEAL

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act, to disregard the provisions of Revised Service Order No. 874 insofar as it applies to any shipment of Fish Meal, Fish Roe Meal and/or Fish Scrap Meal because said commodities are listed as inflammable solids in Explosives and Dangerous Articles Tariffs and tend to heat and burn when confined.

This general permit shall become effective at 12:01 a. m., April 19, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this Permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of April 1951.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 51-4729; Filed, Apr. 23, 1951; 8:48 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 46-A]

MERIDIAN AND BIGBEE RIVER RAILWAY CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of King's I. C. C. Order No. 46, and good cause appearing therefor: *It is ordered*, That:

(a) King's I. C. C. Order No. 46 be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 10:00 a. m., April 17, 1951.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., April 17, 1951.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 51-4730, Filed, Apr. 23, 1951; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17613]

GUSTAV RAICHLE

In re: Stock owned by and debt owing to Gustav Raichle. D-28-14662; C-1; D-1; D-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and

Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav Raichle, whose last known address is Aulendorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) share of $5.00 par value capital stock of The Middle West Corporation, 902 Market Street, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 71307, registered in the name of Gustav Raichle, together with all declared and unpaid dividends thereon, and all rights evidenced or represented by said one share of stock, including particularly the rights to receive, pursuant to a plan of liquidation of said corporation, ¼ share of $10.00 par value common capital stock of the Wisconsin Power & Light Company, ½ share of no par value common capital stock of Public Service Co. of Indiana, Inc., ½ share of $10.00 par value common capital stock of Kentucky Utilities Company, and cash in the sum of $2.50, together with all declared and unpaid dividends thereon,

b. One (1) share of $5.00 par value common capital stock of Central & Southwest Corporation, 902 Market Street, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware, representing distribution by the Middle West Corporation, 902 Market Street, Wilmington, Delaware, allocable to one share of $5.00 par value capital stock of said The Middle West Corporation, evidenced by certificate numbered 71307, registered in the name of Gustav Raichle, together with all declared and unpaid dividends thereon,

c. One-half (½) of one share of $10.00 par value stock of Central Illinois Public Service Company, 607 East Adams Street, Springfield, Illinois, a corporation organized under the laws of the State of Illinois, representing distribution by the Middle West Corporation, 902 Market Street, Wilmington, Delaware, allocable to one share of $5.00 par value capital stock of said The Middle West Corporation, evidenced by certificate numbered 71307, registered in the name of Gustav Raichle, together with all declared and unpaid dividends thereon,

d. One and eight-tenths (1 8/10ths) shares of no par value capital stock of Illinois Power Company, Decatur, Illinois, a corporation organized under the laws of the State of Illinois, evidenced by two certificates numbered 021083 for 5 shares and 028645 for 1 share of $1.00 par value common capital stock of North American Light & Power Company, registered in the name of Gustav Raichle, together with all declared and unpaid dividends thereon, and

e. That certain debt or other obligation of the Northern Indiana Public Service Company, Hammond, Indiana, representing redemption proceeds allocable to 10 shares of 6 percent preferred stock of said Northern Indiana Public Service Company, evidenced by certificate numbered 3548, registered in the name of Gustav Raichle, said proceeds being presently on deposit with the Corporate Trust Division of the Continental Illinois National Bank and Trust Company of Chicago, Chicago, Illinois, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4696; Filed, Apr. 20, 1951; 8:52 a. m.]

[Vesting Order 17634]

MARTHA KAUFMANN ET AL.

In re: Rights of Martha Kaufmann et al. under annuity contracts. Files Nos. F-28-3168-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Kaufmann, Ella Nahnsen, Walter Dyes, Gabriele Muller (nee Ruchholtz) and Hildegard Ruchholtz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Martha Kaufmann, Ella Nahnsen, Walter Dyes, Gabriele Muller (nee Ruchholtz) and Hildegard Ruchholtz under contracts of insurance evidenced by annuity policies Nos. 9,547,571 and 8,455,326, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Rose M. Kaufmann, together with the right to demand, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4698; Filed, Apr. 20, 1951; 8:52 a. m.]

[Vesting Order 17635]

OLLY NEHRING

In re: Rights of Olly Nehring under insurance contract. File No. F-28-3037-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Olly Nehring, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Certificate No. 8499-G-216 Serial 18A, issued by the Metropolitan Life Insurance Company, New York, New York, to Elisabeth M. Benedix, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4699; Filed, Apr. 20, 1951; 8:52 a. m.]

[Vesting Order 17623]

BLANKART & CIE.

In re: Accounts maintained in the name of Blankart & Cie, Geneva, Switzerland, and owned by persons whose names are unknown. F-63-1627.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Blankart & Cie, Geneva, Switzerland]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Central Hanover Bank & Trust Co., 70 Broadway, New York 15, N. Y.	(a) Bank deposit, and (b) BS 2113—Blankart & Cie, 2 rue Diday, Geneva, Switzerland, a/c general ruling No. 17; as described by the Central Hanover Bank & Trust Co., in its report on form OAP-700, bearing its serial number 102.

[F. R. Doc. 51-4697; Filed, Apr. 20, 1951; 8:52 a. m.]

[Vesting Order 17636]

GISAKU ONO

In re: Rights of Gisaku Ono under insurance contract. File No. F-39-6857-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gisaku Ono, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or obligation of The Manufacturers Life Insurance Company, Toronto, Canada, arising by reason of the cancellation of a contract of insurance evidenced by policy No. 707,515, issued by the said The Manufacturers Life Insurance Company to Gisaku Ono, together with the right to demand, enforce and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4700; Filed, Apr. 20, 1951; 8:52 a. m.]

[Vesting Order 17651]

ANNY SCHMITZ

In re: Stock owned by Anny Schmitz, also known as Mrs. Ernst Schmitz and as Mrs. Ernest Schmitz. F-28-5175.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anny Schmitz, also known as Mrs. Ernst Schmitz and as Mrs. Ernest Schmitz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred (100) shares of $1.00 par value capital stock of Aunor Gold Mines Ltd., 67 Yonge Street, Toronto, Canada, evidenced by a certificate numbered 4065, registered in the name of Mrs. Anny Schmitz, and presently in the custody of The Department of State, Division of Protective Services, Washington 25, D. C., together with all declared and unpaid dividends thereon,

b. Twenty (20) shares of $1.00 par value common capital stock of Curtiss-Wright Corporation, 30 Rockefeller Plaza, New York 20, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered DO158033, registered in the name of Anny Schmitz, and presently in the custody of The Department of State, Division of Protective Services, Washington 25, D. C., together with all declared and unpaid dividends thereon,

c. Four hundred (400) shares of $0.10 par value common capital stock of United Cigar-Whelan Stores Corp., 215 Fourth Avenue, New York 3, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered NC28142/5 for one hundred (100) shares each, registered in the name of Mrs. Anny Schmitz, and presently in the custody of The Department of State, Division of Protective Services, Washington 25, D. C., together with all declared and unpaid dividends thereon, and

d. Three (3) shares of $1.00 par value capital stock of Grand National Films, Inc., evidenced by certificates numbered CO3431 for one (1) share, registered in the name of Mrs. Anny Schmitz, and CO6208 for two (2) shares, registered in the name of Anny Schmitz, and presently in the custody of The Department of State, Division of Protective Services, Washington 25, D. C., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anny Schmitz, also known as Mrs. Ernst Schmitz and as Mrs. Ernest Schmitz, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4701; Filed, Apr. 20, 1951; 8:52 a. m.]

[Vesting Order 17506]

PAUL HEBER

In re: Estate of Paul Heber, a/k/a George Paul Heber. File No. D-28-9933.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Willi Petzold, Charlotte Petzold and Eduard Petzold, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Paul Heber, a/k/a George Paul Heber, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Elizabeth Butze, Administratrix, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Tulare;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4721; Filed, Apr. 23, 1951; 8:47 a. m.]

[Vesting Order 17638]

WALTRUDIS SIEBENLIST

In re: Rights of Waltrudis Siebenlist under insurance contract. File No. F-28-31391-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Waltrudis Siebenlist, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7185340, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Waltrudis Siebenlist, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4722; Filed, Apr. 23, 1951; 8:47 a. m.]

[Vesting Order 17639]

ELIZABETH ZEIMET ET AL.

Re: Rights of Elizabeth Zeimet, et al. under insurance contracts. Files No. F-28-31392-H-1, H-2, H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Zeimet, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Cornelius N. Zeimet, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 94,887,827, 94,955,928 and 95,976,086, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Cornelius N. Zeimet, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Cornelius N. Zeimet, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4723; Filed, Apr. 23, 1951; 8:47 a. m.]

JOHANNA DOBNER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Johanna Dobner, Baden near Vienna, Austria; Claim No. 13071; $6,159.24 in the Treasury of the United States. Scrip Certificate No. 39 for 24 100th of one share of Citizens Utilities Company (Delaware) 5 percent Cumulative Convertible Series Preferred Stock (void November 1, 1948), presently in the custody of Office of Alien Property, New York, New York.

The following securities, registered in the name of the Alien Property Custodian, and presently in the custody of Federal Reserve Bank of New York: one $5,000 United States Savings Bond, Series G, 2½ percent, due September 1, 1955, numbered 619,846; 8 shares of $1 par value capital stock of Citizens Utilities Company (Delaware), evidenced by Certificate No. 16,825; 20 shares of $50 par value 5 percent cumulative preferred stock of Mountain States Power Company (Delaware), evidenced by Certificate No. 2891; 40 shares of no par value common stock of Mountain States Power Company (Delaware), evidenced by Certificate No. 3908.

Real property in Monterey County, California, described as follows: Lot (27) as said lot is delineated and so designed on that certain Map entitled, "Maps of Laureles Outing Club", being part of Lot 1 and 2 and all of Lot 3, Section 29, Township 16 South, Range 2 East, M. D. M., filed for record March 7, 1927, in the office of the County Recorder of the County of Monterey, State of California, in Map Book 3, Cities and Towns, page 37 there.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4725; Filed, Apr. 23, 1951; 8:47 a. m.]

ALEXANDRE KRAMARENKO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Alexandre Kramarenko, Nice, France; Claim No. 964; the undivided one-half part of the whole right, title and interest in the property described in Vesting Order No. 667 (8 F. R. 4996, April 17, 1943) relating to U. S. Letters Patent No. 2,182,104 and in Vesting Order No. 1028 (8 F. R. 4205, April 2, 1943) relating to U. S. Patent Application Serial No. 326,694 (now U. S. Letters Patent No. 2,317,236).

Executed at Washington, D. C., on April 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4724; Filed, Apr. 23, 1951; 8:47 a. m.]

1. That Elizabeth Zeimet, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Cornelius N. Zeimet, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 94,887,827, 94,955,928 and 95,976,086, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Cornelius N. Zeimet, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Cornelius N. Zeimet, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4723; Filed, Apr. 23, 1951; 8:47 a. m.]

JOHANNA DOBNER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Johanna Dobner, Baden near Vienna, Austria; Claim No. 13071; $6,159.24 in the Treasury of the United States. Scrip Certificate No. 39 for 24 100th of one share of Citizens Utilities Company (Delaware) 5 percent Cumulative Convertible Series Preferred Stock (void November 1, 1948), presently in the custody of Office of Alien Property, New York, New York.

The following securities, registered in the name of the Alien Property Custodian, and presently in the custody of Federal Reserve Bank of New York: one $5,000 United States Savings Bond, Series G, 2½ percent, due September 1, 1955, numbered 619,846; 8 shares of $1 par value capital stock of Citizens Utilities Company (Delaware), evidenced by Certificate No. 16,825; 20 shares of $50 par value 5 percent cumulative preferred stock of Mountain States Power Company (Delaware), evidenced by Certificate No. 2801; 40 shares of no par value common stock of Mountain States Power Company (Delaware), evidenced by Certificate No. 3908.

Real property in Monterey County, California, described as follows: Lot (27) as said lot is delineated and so designed on that certain Map entitled "Map of [illegible] all of Lot 3, Section 29, Township 16 South, Range 2 East, M. D. M., filed for record March 7, 1927, in the office of the County Recorder of the County of Monterey, State of California, in Map Book 3, Cities and Towns, page 37 there.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4725; Filed, Apr. 23, 1951; 8:47 a. m.]

ALEXANDRE KRAMARENKO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Alexandre Kramarenko, Nice, France; Claim No. 964; the undivided one-half part of the whole right, title and interest in the property described in Vesting Order No. 667 (8 F. R. 4996, April 17, 1943) relating to U. S. Letters Patent No. 2,182,104 and in Vesting Order No. 1028 (8 F. R. 4205, April 2, 1943) relating to U. S. Patent Application Serial No. 326,684 (now U. S. Letters Patent No. 2,317,236).

Executed at Washington, D. C., on April 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

APR 27 '51

FEDERAL REGISTER

VOLUME 16 NUMBER 80

Washington, Wednesday, April 25, 1951

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 34—APPOINTMENT, COMPENSATION, AND REMOVAL OF HEARING EXAMINERS

PROMOTION, REASSIGNMENT AND TRANSFER

Effective upon publication in the FEDERAL REGISTER, subparagraph (3) of § 34.5 (b) is amended to read as follows:

§ 34.5 *Promotion, reassignment and transfer.* • • •

(b) *From a position other than a hearing examiner position.* • • •

(3) An employee who is serving in a position which is allocated as a hearing examiner position on the basis of legislation, Executive order or decision of a court after June 11, 1947, may be appointed as a hearing examiner if the following conditions are met:

(i) He must have a competitive status, or be serving in an excepted position under a permanent appointment.

(ii) He must have been serving in the position on the date of the legislation, Executive order or decision of the court on which the allocation of the position is based.

(iii) A recommendation for his appointment must be received by the Commission from the agency concerned not later than six months after the date of the legislation, Executive order or decision of the court.

(iv) His qualifications for the position must be approved by the Commission.

In emergency situations, when the needs of the service require it, the Commission will authorize conditional appointments of employees pending final decision on their eligibility for absolute appointment under this paragraph.

(Sec. 11, 60 Stat. 244; 5 U. S. C. 1010)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-4768; Filed, Apr. 24, 1951; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter G—Federal Farm Mortgage Corporation

PART 91—DISPOSAL OF MINERAL INTERESTS

CONVEYANCE

Section 91.10, Subchapter G, Chapter I, Title 6, Code of Federal Regulations, is hereby amended to read as follows:

§ 91.10 *Conveyance.* The district general counsel will be responsible for preparing the form of quitclaim deed to be used in each State, except that each deed shall contain the following uniform recital:

This quitclaim deed is executed and delivered by Federal Farm Mortgage Corporation, acting under the authority of the Federal Farm Mortgage Corporation Act, as amended, and the order of the Secretary of Agriculture, dated October 16, 1950 (15 F. R. 6998), made pursuant to Public Law 760, 81st Congress, approved September 6, 1950 (64 Stat. 769).

Recording of the deed will be the responsibility of the surface owner, and it may be advisable to emphasize in the letter of transmittal the importance of his putting it of record promptly after receipt.

(Sec. 6, Pub. Law 760, 81st Cong.)

[SEAL] E. C. JOHNSON,
Executive Vice President,
Federal Farm Mortgage Corporation.

Approved: April 19, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4760; Filed, Apr. 24, 1951; 8:48 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 502—RULES OF PROCEDURE FOR CLAIMS

MISCELLANEOUS AMENDMENTS

1. Part 502, Subpart A—General Rules, is hereby amended, as set out below.

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§ 502.2 *Definitions.* • • •

(j) The term "parties" includes the claimant and the Chief of the Claims Branch.

§ 502.22 *Hearing Examiners decision.* • • •

(d) Unless review has been taken in accordance with § 502.23, or unless an objection has been filed pursuant to § 502.202 (d), the decision of the Hearing Examiner shall be final and shall be the decision of this Office.

2. Part 502, Subpart C—Debt Claims, is hereby amended by the deletion of § 502.200 (g) and § 502.202 through § 502.208, and the substitution thereof of new § 502.202 through § 502.206 as follows:

§ 502.202 *Claims against debtors' insolvent estates.* (a) Notices of claims filed with this Office against a particular debtor's insolvent estate shall be available for inspection by all claimants in respect of such estate in accordance with the provisions of § 503.1 (b) of this chapter.

(b) With respect to claims against a particular debtor's insolvent estate, the Chief of the Claims Branch may submit to the Director a recommendation for allowance of any claim, or a separable part thereof, which he deems entitled to allowance. The record shall include the notice of claim, any evidence submitted by the claimant with respect thereto, and proposed findings and conclusions. If the Director shall disagree with the recommendation of the Chief of the Claims Branch, the claim shall be remanded by the Director and restored to its former status.

(c) Where the Chief of the Claims Branch concludes for any reason that he cannot recommend allowance of a claim against a particular debtor's insolvent estate, the claim may be docketed for hearing and a hearing shall be held thereon as ordered by the Chief Hearing Examiner. At such hearing, any other claimant against the particular debtor's insolvent estate may file a request for leave to be heard in accordance with the provisions of § 502.5. The decision of a Hearing Examiner is subject to appeal in accordance with the provisions of § 502.23.

(d) The Director shall consider the recommendations for allowance submitted by the Chief of the Claims Branch and any appeals from decisions of a Hearing Examiner in respect of a claim against a particular debtor's insolvent estate and may issue a tentative schedule showing all debt claims proposed to be allowed by him with the priorities assigned thereto and the payment to be made to each claimant. Notice of the issuance of the tentative schedule shall be served on all claimants listed therein, together with notice that objections to such tentative schedule may be filed within the period prescribed in the notice, which period shall not be less than thirty days. The tentative schedule shall be made available for inspection at the Office of Alien Property, Washington, D. C. With the consent of all claimants, the tentative schedule may be omitted.

(e) The Director shall consider any objection to the tentative schedule that may have been timely filed, and may (1) modify or affirm the tentative schedule, (2) remand any claims listed therein to the Chief Hearing Examiner for rehearing, or (3) take such other action as may be appropriate. As soon thereafter as appropriate, the Director shall prepare and serve by registered mail on all claimants in respect of a particular debtor's insolvent estate, a final schedule of the debt claims allowed, with the priorities assigned thereto, and the proposed payment to each claimant.

(f) The Director may issue a tentative schedule and a final schedule limited to claims, payment of which, in accordance with the priorities assigned thereto by the Director pursuant to the provisions of section 34 (g) of the act, would not adversely affect the payment of any other claim in respect of the particular debtor's insolvent estate.

(g) Notwithstanding the provisions of § 502.28, service may be made in all proceedings relating to insolvent estates by ordinary mail, except that the final schedule of the Director shall be served by registered mail.

§ 502.203 *Requirement for hearing.* No claim shall be disallowed except after opportunity for hearing unless hearing has been waived by the parties.

§ 502.204 *Cases of no vested property of debtor.* Where there does not exist any vested property of a debtor with respect to which debt claims have been filed, the claimant shall be notified thereof and the claim, after opportunity for hearing before a Hearing Examiner, shall be ordered dismissed.

§ 502.205 *Payment of allowed claims.* As soon as practicable after the allowance of a claim, in whole or in part, the claim will be paid to the extent allowed: *Provided however*, That with respect to claims against a debtor's insolvent estate, pending determination of any complaint for review filed under section 34 (f) of the act, payment may be made only to an extent, if any, consistent with the contentions of all claimants for review.

§ 502.206 *Future payments.* If additional monies become available for the payment of claims after the first payment on allowed claims in respect of a debtor's insolvent estate, the Director shall order further payments in accordance with the final schedule theretofore issued by him, or as modified on review under section 34 (f) of the act.

(Sec. 301, 55 Stat. 839; 50 U. S. C. App., 616. E. O. 9142, Apr. 21, 1942, 7 F. R. 2985; 3 CFR 1943 Cum. Supp.; E. O. 9725, May 16, 1946, 11 F. R. 5381; 3 CFR 1946 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981, 12123, 3 CFR 1946 Supp.)

Executed at Washington, D. C., this 20th day of April 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4792; Filed, Apr. 24, 1951; 8:52 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter F—Animal Breeds

[BAI Order 379; Amdt. 15]

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

DOGS

Pursuant to the authority vested in the Secretary of Agriculture by section 201, Paragraph 1606 of the Tariff Act of 1930, as amended (19 U. S. C. and Supp. III, sec. 1201, par. 1606), the Secretary of Agriculture hereby withdraws recognition of the book of record of purebred dogs entitled "Newfoundland Live Stock Register," published by the Department of Natural Resources, St. John's, Newfoundland (Kenneth J. Carter, Secretary), and hereby amends § 151.10 (a), Chapter I, Title 9, Code of Federal Regulations, as amended, by removing the name of the said stud book from the list of books of record named under the subheading "Dogs."

The above action is necessary because the Newfoundland Live Stock Register no longer exists. The purebred registrations for dogs contained in this stud book have been taken over by the Canadian National Live Stock Records, Ottawa, Canada, and incorporated in the Stud Book of the Canadian Kennel Club, Incorporated, which is currently recognized under § 151.10 (b) (3), Chapter I, Title 9, Code of Federal Regulations, as amended. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found, upon good cause, that notice and public procedure in connection with this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for the issuance of this amendment effective less than thirty days after publication in the FEDERAL REGISTER. Such notice or hearing is not required by any other statute.

(Sec. 201, par. 1606, 46 Stat. 673, as amended; 19 U. S. C. 1201, par. 1606)

The foregoing amendment shall become effective immediately upon publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 19th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4758; Filed, Apr. 24, 1951; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5761]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

EMERSON COAT CO., INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition—Wool Products Labeling Act.* In connection with the introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, of coats or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, misbranding such coats or other products by failing to affix securely to or place on such products a stamp, tag, label, or other means of identification, showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter, and (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act, and in the Wool Products Labeling Act of 1939; prohibited, subject to the provision, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45. Interprets or applies sec. 2, 54 Stat. 1128; 15 U. S. C. 68) [Cease and desist order, Emerson Coat Company, Inc., et al., Docket 5761, Feb. 26, 1951]

In the Matter of Emerson Coat Company, Inc., a Corporation, and Abraham Mink, Individually and as an Officer of Emerson Coat Company, Inc.

Decision of the Commission and order to file report of compliance. Pursuant to the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, and by virtue of the authority vested in it by said acts, the Federal Trade Commission, on April 4, 1950, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of those acts. After the filing of respondents' answer, a hearing was held before a trial examiner of the Commission theretofore duly designated by it, at which hearing there was read into the record a stipulation as to the facts by and between counsel supporting the complaint and counsel for the respondents, in lieu of all other evidence. On October 26, 1950, the trial examiner filed his initial decision, which was served on the respondents on November 7, 1950.

The Commission, having reason to believe that the initial decision was deficient in certain material respects, subsequently placed this case on its own docket for review, and on December 8, 1950, it issued, and thereafter served upon the parties, its order affording the respondents an opportunity to show cause why said initial decision should not be altered in the manner and to the extent shown in a testative decision of the Commission attached to said order. Respondents not having appeared in response to the leave to show cause, this proceeding regularly came on for final consideration by the Commission upon the record herein on review; and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts, conclusion drawn therefrom, and order, the same to be in lieu of the initial decision of the trial examiner.

Findings as to the Facts

PARAGRAPH 1. The respondent Emerson Coat Company, Inc., is a corporation organized, existing, and doing business under and by virtue of the laws of the State of New York, with its principal office and place of business located at 247 West 37th Street, New York, New York.

The respondent Abraham Mink is president and treasurer of the respondent Emerson Coat Company, Inc.

PAR. 2. The respondents are engaged in the introduction and manufacture for introduction into commerce as "commerce" is defined in the Wool Products Labeling Act of 1939 and in the Federal Trade Commission Act, and in the offering for sale, sale, transportation, and distribution in said commerce, of wool products, as such products are defined in the said Wool Products Labeling Act of 1939. Many of respondents' said products are composed in whole or in part of wool, reprocessed wool, or reused wool, as those terms are defined in the Wool Products Labeling Act of 1939, and such products are subject to the provisions of said act and the rules and regulations promulgated thereunder. Since July 15, 1941, respondents have violated the provisions of said act and rules and regulations in the introduction and manufacture for introduction into commerce, and in the sale, transportation, and distribution in commerce, of said wool products by causing said wool products to be misbranded within the intent and meaning of said act and rules and regulations.

PAR. 3. Among the wool products introduced and manufactured for introduction into commerce and sold, transported, and distributed in said commerce, as aforesaid, were coats which were labeled as "100% All Wool". Some of the coats so labeled actually contained 100 percent reprocessed wool. The coats which contained 100 percent reprocessed wool and which were labeled as "100% All Wool" were thus misbranded in that they did not have affixed a stamp, tag, label, or other means of identification showing the constituent fibers, and percentages thereof, of such products, and other information required by the Wool Products Labeling Act and the rules and regulations promulgated thereunder.

Conclusion. The acts and practices of the respondents, as hereinabove found, were in violation of the Wool Products Labeling Act of 1939 and the rules and regulations thereunder, and constituted unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

It is ordered, That the respondents, Emerson Coat Company, Inc., a corporation, and its officers, and Abraham Mink, individually, and their respective representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the aforesaid acts, of coats or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, do forthwith cease and desist from misbranding such coats or other products by failing to affix securely to or place on such products a stamp, tag, label, or other means of identification, showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter.

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939, *Provided*, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And, provided further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 26, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-4772; Filed, Apr. 24, 1951; 8:50 a. m.]

[Docket 5810]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

JACK KLEIN, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act.* § 3.1325 *Source or origin—Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition—Wool Products Labeling Act;* § 3.1900 *Source or origin—Wool Products Labeling Act.* In connection with the introduction or manufacture for introduction into commerce or the sale, transportation or distribution of ladies' coats or other "wool products" as defined in and subject to the Wool Products Labeling Act of 1939, misbranding such products which contain, purport to contain or in any way are represented as containing "wool", "reprocessed wool" or "reused wool", as those terms are defined in said act, by failing to securely affix to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of a wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool products of any nonfibrous loading, filling or adulterating matter; (c) the percentages in words and figures plainly legible by weight of the wool contents of such wool products where said wool product contains a fiber other than wool; (d) the name of the manufacturer of the wool product or the name of one or more persons subject to section 3 of the Wool Products Labeling Act of 1939 with respect to such wool product, or the registered identification number of such person or persons, as provided for in Rule 4 of the regulations to such act, as amended; prohibited, subject to the provision, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45. Interprets or applies sec. 2, 54 Stat. 1128; 15 U. S. C. 68) [Cease and desist order, Jack Klein, Inc., et al., Docket 5810, Jan. 13, 1951]

In the Matter of Jack Klein, Inc., a Corporation; and Jack Klein and Herman Rothstein; Individually and as Officers of Jack Klein, Inc.

This proceeding was heard by Frank Hier, trial examiner, upon the complaint of the Commission and the substitute answer of respondents in which respondents Jack Klein, Inc., and Jack Klein individually and as an officer of said corporation admitted all the material allegations of facts set forth in said complaint and waived all intervening procedure and further hearing as to the said facts.

Thereafter the proceeding regularly came on for final consideration by the above named trial examiner, theretofore duly designated by the Commission, upon said complaint and substitute answer thereto, and said trial examiner, having duly considered the record in the proceeding and having found that the same was in the interest of the public, made his initial decision comprising certain findings as to the facts, conclusion drawn therefrom, and order to cease and desist, and order of dismissal as to respondents Herman Rothstein, individually and as an officer of respondent corporation, pursuant to and based on facts stated into the record, and agreed to by counsel on both sides and motion for such dismissal, which was made by counsel in support of the complaint and granted by said trial examiner.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII, became the decision of the Commission, January 13, 1951.

The said order to cease and desist is as follows:

It is ordered, That respondents Jack Klein, Inc., a corporation, and its officers, and Jack Klein, individually and as an officer of Jack Klein, Inc., their representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation or distribution of such products in commerce, as "commerce" is defined in the aforesaid acts, do forthwith cease and desist from misbranding ladies' coats or other "wool products," as defined in and subject to the Wool Products Labeling Act of 1939, which contain, purport to contain or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as those terms are defined in said act, by failing to securely affix to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of a wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool products of any nonfibrous loading, filling or adulterating matter;

(c) The percentages in words and figures plainly legible by weight of the wool contents of such wool product where said wool product contains a fiber other than wool;

(d) The name of the manufacturer of the wool product or the name of one or more persons subject to section 3 of the Wool Products Labeling Act of 1939 with respect to such wool product, or the registered identification number of such person or persons, as provided for in Rule 4 of the regulations to such act, as amended;

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; *And provided further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to Herman Rothstein, individually and as an officer of Jack Klein, Inc.

By "Decision of the Commission and order to File Report of Compliance", Docket 5810, February 7, 1951, which announced fruition of said initial decision on January 13, 1951, report of compliance with the order was required as follows:

It is ordered, That the corporate respondent, Jack Klein, Inc., and the individual respondent Jack Klein shall, within sixty (60) days after service upon

them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 7, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-4773; Filed, Apr. 24, 1951; 8:50 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter D—Federal Savings and Loan Insurance Corporation

[No. 4169]

PART 166—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION NOTES, BONDS, DEBENTURES, AND OTHER OBLIGATIONS

SALE OF OBLIGATIONS TO THE PUBLIC

Resolved that, pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the rules and regulations for insurance of accounts (24 CFR 167.1), Part 166 of the rules and regulations for insurance of accounts (24 CFR Part 166) is hereby repealed, effective April 25, 1951.

Resolved further that inasmuch as section 6 of Public Law No. 576, 81st Congress, approved June 27, 1950, provided for the Federal Savings and Loan Insurance Corporation to obtain funds through borrowing from the Treasury of the United States rather than from the public and as section 5 of Public Law No. 797, 81st Congress, approved September 21, 1950, authorized payment of insurance by cash in lieu of negotiable noninterest bearing debentures and since there are no obligations now outstanding under the provisions of Part 166 of the rules and regulations for insurance of accounts (24 CFR Part 166), the Home Loan Bank Board hereby finds that the repeal of said Part 166 of the rules and regulations for insurance of accounts may be effected under the provisions of § 108.11 of the general regulations of the Home Loan Bank Board (24 CFR 108.11) and that deferment of the effective date would serve no useful purpose.

(Sec. 402, 48 Stat. 1256, as amended, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR 1947 Supp. 61 Stat. 954; 12 U. S. C. 1725, 5 U. S. C. 133y-16. Interprets or applies sec. 6, 64 Stat. 258, sec. 5, 64 Stat. 894; 12 U. S. C. 1725, 1728)

Dated: April 19, 1951.

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 51-4774; Filed, Apr. 24, 1951; 8:50 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter I—Irrigation Projects; Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

CROW INDIAN IRRIGATION PROJECT, MONTANA

APRIL 17, 1951.

On March 9, 1951, there was published in the daily issue of the FEDERAL REGISTER a notice of intention to modify § 130.13 (a), (b), (c), and (d) of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Crow Indian Irrigation Project, not subject to the jurisdiction of the several irrigation districts. Interested persons were given opportunity to participate in the preparation of the proposed amendments by submitting their views and data or arguments in writing to the Area Director within 30 days from the date of publication of the notice. No objections or data concerning the modification having been received, § 130.13 is amended as follows, to be effective for the season of 1951 and thereafter until further order:

§ 130.13 *Payment.* The charges as fixed in § 130.12 shall become due on April 1 of each year, and are payable on or before that date. To all charges, which are not paid on July 1 following the due date, there shall be added a penalty of one-half of 1 percent per month, or fraction thereof, from the due date, April 1, so long as the delinquency continues. No water shall be delivered until such charges have been paid.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

PAUL L. FICKINGER, *Area Director.*

[F. R. Doc. 51-4741; Filed, Apr. 24, 1951; 8:45 a. m.]

PART 130—OPERATION AND MAINTENANCE CHARGES

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

APRIL 17, 1951.

On March 9, 1951, there was published in the daily issue of the FEDERAL REGISTER notice of intention to modify § 130.20 (a), (b) and (c) of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Flathead Indian Irrigation Project not subject to the jurisdiction of the several irrigation districts. Interested parties were thereby given opportunity to participate in the preparation of these amendments by submitting their views, data or arguments to the Area Director within 30 days of the publication of this notice of intention. No objections having been received § 130.20 is modified to read as follows, to be effective for the season of 1951 and thereafter until further notice:

§ 130.20 *Payment.* The charges as fixed in §§ 130.16 and 130.17 shall become due April 1 and are payable on or before that date. To all charges which are not paid on July 1 following the due date, there shall be added a penalty of one-half of 1 percent per month, or fraction thereof, from the due date, April 1, so long as the delinquency continues. No water will be delivered until such charges have been paid.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

PAUL L. FICKINGER, *Area Director.*

[F. R. Doc. 51-4740; Filed, Apr. 24, 1951; 8:45 a. m.]

PART 130—OPERATION AND MAINTENANCE CHARGES

FORT BELKNAP INDIAN IRRIGATION PROJECT, MONTANA

APRIL 17, 1951.

On March 8, 1951, there was published in the daily issue of the FEDERAL REGISTER notice of intention to modify §§ 130.30 and 130.31 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Fort Belknap Indian Irrigation Project, Montana. Interested persons were thereby given opportunity to participate in preparing the amendments by submitting data or written arguments within 30 days from date of publication of the notice.

A formal protest in the form of a resolution of April 7, 1951, by "The Fort Belknap Indian Community" as a Tribal Corporation was received. The five enumerated reasons for objecting to the "notice of intent" were considered invalid. Accordingly §§ 130.30 *Charges* and 130.31 *Payment* are hereby amended as follows, to be effective for the season of 1951 and thereafter until further order:

§ 130.30 *Charges.* Pursuant to the provisions of the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387), the basic annual charge for operation and maintenance against the irrigable lands to which water can be delivered and beneficially applied under the constructed works of the Fort Belknap Indian irrigation project in Montana, including the lands operated as a tribal farming and livestock enterprise, is hereby fixed at $1.75 per acre for the year 1951 and thereafter until further notice.

§ 130.31 *Payment.* The annual charges fixed in § 130.30 shall become due on April 1 of each year, are payable on or before that date, and any assessment remaining unpaid after the due date shall stand as a first lien against the land. The delivery of water shall be refused to all tracts of land for which the charges have not been paid. Any delinquent charges against land in non-Indian ownership and Indian lands under lease to non-Indians shall be subject to a penalty of one-half of one percent per month or fraction thereof from the due date until paid.

Section 130.31a *Water users responsible for water after delivery* shall remain in effect as heretofore promulgated.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

PAUL L. FICKINGER, *Area Director.*

[F. R. Doc. 51-4742; Filed, Apr. 24, 1951; 8:45 a. m.]

PART 130—OPERATION AND MAINTENANCE CHARGES

WIND RIVER INDIAN IRRIGATION PROJECT, WYOMING

APRIL 17, 1951.

On March 8, 1951, there was published in the daily issue of the FEDERAL REGISTER a notice of intention to modify §§ 130.95 *Charges* and 130.96 *Payment* of Title 25, Code of Federal Regulations dealing with irrigable lands of the Wind River Indian Irrigation Project. Interested persons were thereby given opportunity to participate in the preparation of the proposed amendments by submitting their views, data or arguments to the Area Director within 30 days from the date of publication of the notice. No objection or other data concerning the amendments having been received, the said sections are amended as proposed, to be effective for the calendar year 1951 and thereafter until further notice:

§ 130.95 *Charges.* In compliance with the provisions of the act of August 1, 1914 (38 Stat. 582, 25 U. S. C. 385), the operation and maintenance charges for the lands under the Wind River Irrigation Project, Wyoming, for the calendar year 1951 and subsequent years until further notice, are hereby fixed at $1.80 per acre for the assessable area under constructed works on the Diminished Wind River Project and at $2.50 per acre on the Ceded Wind River Project; except in the case of all irrigable trust patent Indian land which is within the Ceded Reservation and which is benefited by the Big Bend Drainage District where an additional asssesment of $0.45 (45 cents) per acre is hereby fixed.

§ 130.96 *Payment.* The charges as fixed in § 130.95 shall become due April 1 of each year and are payable on or before that date. To all charges which are not paid on July 1 following the due date, there shall be added a penalty of one-half of 1 percent per month or fraction thereof, from the due date, April 1, so long as the delinquency continues. No water shall be delivered until such charges have been paid.

(Secs. 1, 3, 36 Stat. 270, 272 Stat, as amended; 25 U. S. C. 385)

PAUL L. FICKINGER, *Area Director.*

[F. R. Doc. 51-4739; Filed, Apr. 24, 1951; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 532—PAYMENTS ON BEHALF OF MENTALLY INCOMPETENT PERSONNEL

RETIRED AND RETIREMENT PAY

Paragraph (c) (5) of § 532.2 is amended to read as follows:

§ 532.2 *Retired and retirement pay.* • • •

(c) *Persons who may be designated trustees.* • • •

(5) Any person or persons without regard to those listed in subparagraphs (1) through (4) of this paragraph and without regard to the order of preference deemed by the Finance Officer, Washington Finance Office, U. S. Army, to be in the best interests of the mentally incompetent member.

• • • • • •

[C 1, SR 35-1360-1, Apr. 6, 1951] (Sec. 3, Pub. Law 569, 81st Cong.)

[SEAL] EDWARD F. WITSELL, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 51-4769; Filed, Apr. 24, 1951; 8:50 a. m.]

Subchapter F—Personnel

PART 577—MEDICAL AND DENTAL ATTENDANCE

PERSONS ELIGIBLE TO RECEIVE MEDICAL CARE AT ARMY MEDICAL TREATMENT FACILITIES

A new paragraph (hh) is added to § 577.15 as follows:

§ 577.15 *Persons eligible to receive medical care at Army medical treatment facilities.* • • •

(hh) Civilian seamen in the service of vessels operated by the Department of the Army on presentation of a certificate from the master or other appropriate administrative authority (which may be dispensed with only in emergencies), not including Bureau of Employees' Compensation beneficiaries, for a reasonable time and except for injuries or diseases resulting from their own misconduct: *Provided*, That, except in emergencies, those entitled to care by the United States Public Health Service will be admitted only when facilities of that service are not available. A seaman is in the service of a vessel, although not on board and not engaged in his duties, as long as he is under the power and jurisdiction of competent Department of the Army authorities. Cases of traumatic injury or occupational disease incurred in the course of employment should be treated as Bureau of Employees' Compensation beneficiaries.

[C 2, AR 40-506, Apr. 5, 1951] (R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 51-4770; Filed, Apr. 24, 1951; 8:50 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 231—GRAZING

CONSTITUTING AND ELECTING LOCAL ADVISORY BOARDS

Notice has been published in accordance with section 18 of the Act of April 24, 1950 (Public Law 478, 81st Cong., 2d Sess.), stating the terms of proposed Regulation G-10 governing the constituting and electing of local advisory boards (15 F. R. 7525, November 9, 1950).

The local advisory board for each area that will be affected by said regulation has been afforded an opportunity to file data, views or recommendations pertaining to the proposed regulation, due consideration has been given to relevant matter presented, and certain revisions based upon such data, views or recommendations have been made in the proposed regulation.

In consideration of the foregoing, the following regulation is hereby issued:

§ 231.10 *Local Advisory Boards*—(a) *Functions delegated to Forest Service.* The authorities, powers, functions, and duties vested in the Secretary of Agriculture by Section 18 of the Act of April 24, 1950 (Public Law 478, 81st Cong., 2d Sess.), are being delegated to the Forest Service to be exercised by the Chief thereof and such officers and employees as he may designate. The Chief and his designees are being authorized and directed to issue such instructions to the officers and employees of the Forest Service with respect to local advisory boards as may be necessary to carry out this regulation and to deal with such local advisory boards.

(b) *Petitions for Local Advisory Boards.* A majority of the grazing permittees of any national forest or administrative subdivision thereof may file with the forest supervisor a petition that a local advisory board, as provided for in section 18 of the act of April 24, 1950 (Public Law 478, 81st Cong., 2d Sess.), be constituted and elected to function with respect to the management and administration of the grazing resource of such national forest or administrative subdivision thereof and on behalf of the grazing permittees thereof. Such petitions shall set forth:

(1) The area for which the local advisory board is desired;

(2) The number of members (not less than 3 nor more than 12) of which the petitioners desire that the local advisory board shall consist;

(3) Such other information as the petitioners desire to have considered in connection with the constituting and electing of the local advisory board which may include an expression of the desires of the petitioners (i) as to whether the several members of the board should be elected from and within various zones of the national forest or administrative subdivision thereof with respect to which the board is to be established, or whether such members should be elected from such national forest or administrative subdivision thereof as a whole; (ii) as to whether the several members of the board should be elected from and by the different kinds of grazing permittees; and (iii) as to the manner in which the election of the members of the board shall be held; that is, by a vote at an assembly of the permittees, by ballot at various polling places, or otherwise.

(c) *Constituting and electing Local Advisory Board.* (1) Upon receipt of a petition pursuant to the provisions of paragraph (b) of this section the forest

supervisor shall examine the petition and determine the validity of the signatures thereon and whether or not a majority of the grazing permittees of the national forest or administrative subdivision thereof covered by the petition has signed the same. If a majority of such grazing permittees has not signed the petition the forest supervisor shall reject it. If a majority of such grazing permittees has signed the petition the forest supervisor shall determine, if the petition covers less than a national forest, whether or not the area covered thereby constitutes a feasible administrative subdivision of the national forest, taking into consideration the size and location of the area, the number of grazing permittees thereon, the number and kind of livestock grazing thereon, and such other factors as he may deem appropriate. If the petition covers less than a national forest, and if the forest supervisor determines that the area covered thereby is a feasible administrative subdivision of the national forest or if the petition covers a national forest, the forest supervisor shall determine:

(i) The number (not less than 3 nor more than 12) of members which the local advisory board shall consist of, taking into consideration the desires of the grazing permittees as expressed in the petition and as otherwise ascertained by the forest supervisor, the size of the area for which the board is to be constituted, the number of permittees thereon, the number and kind of livestock grazed thereon, and such other factors as he may deem appropriate;

(ii) Whether the members of the board shall be elected from and within various zones of the area for which the board is to be established or from the area as a whole, and whether the members of the board shall be elected to represent various interests of the grazing permittees, taking into consideration the desires of the permittees, as expressed in the petition and as otherwise ascertained by the forest supervisor, the size, location, and dispersal of the area for which the board is to be constituted, the number and dispersal of the grazing permittees on such area, the number and kind of livestock grazed thereon, and such other information as he may deem appropriate;

(iii) The manner in which the members of the local advisory board are to be nominated and elected, taking into consideration the desires of the grazing permittees of the area for which the board is to be constituted as expressed in the petition and as otherwise ascertained by the forest supervisor, the number of members of which the board is to consist, the number and places of residence of the grazing permittees on such area, and such other factors as he may deem appropriate.

(2) Such determinations shall be announced to the grazing permittees on the area for which the local advisory board is to be constituted, and the election of the members of the board shall be called within 60 days from the date the petition is received by the forest supervisor: *Provided*, That if nominations are provided for in advance of the date of the election such nominations shall be made and announced at least 10 days prior to the date of the election. Grazing permittees of the area for which the board is to be constituted shall be eligible to vote in the election. All persons nominated and elected as members of the local advisory board shall be grazing permittees in the area for which such board is constituted, except that a wildlife representative may be appointed as a member of such board by the State Game Commission or the corresponding public body of the State in which the advisory board is located to advise on wildlife problems, but such representative shall not be a voting member of the board.

(3) The forest supervisor or his designee shall ascertain and announce the results of the election of the members of the local advisory board.

(4) Each elected member of the board and the appointed wildlife representative shall hold office for a term of three years or until his successor has been elected and qualified: *Provided, however*, that grazing permittees elected members of the board at the first election shall be divided as evenly as may be into three groups, by the forest supervisor, one group to hold office one year, one group to hold office two years, and one group to hold office three years. The members to be assigned to each group shall be determined by lot. Thereafter each newly elected member will serve three years. Vacancies shall be filled for an unexpired term. The election of members to fill unexpired terms or for succeeding full terms shall be in same manner in which the original members of the board were elected, unless the forest supervisor, in announcing any such election, shall, after consideration by him of any changes in circumstances or other factors as may have occurred, provide for a different manner.

(5) A member of the local advisory board shall not receive from the Federal Government any compensation for his services or expenses incurred in the discharge of his duties.

(6) The members of the board shall designate a chairman and secretary and may, from time to time, change such designations.

(7) The board shall meet at least annually, with quorum present, and at such time or times as its members may determine or on call of the chairman thereof or the forest supervisor or his designee.

(8) The board, in its discretion, may, with the concurrence of the forest supervisor, and shall, upon a petition signed by two-thirds of the grazing permittees of the area which the board represents, remove from office any board member for failure to perform his duties as a board member.

(9) Any board may be dissolved by a two-thirds majority vote of the qualified grazing permittees of the area which the board represents by using the same procedure of petition and election that was used when the board was originally constituted and elected.

(Sec. 18, Pub. Law 478, 81st Cong.)

In testimony whereof I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed in the city of Washington, D. C., this 14th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4583; Filed, Apr. 24, 1951; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 6—SUPPLY CONTRACTS: SERVICE PROPERTY: TELEGRAMS

MISCELLANEOUS AMENDMENTS

a. In § 6.1 *Purchases and contracts for supplies and services* amend paragraph (a) as follows:

1. Strike out "$100" wherever it appears therein and insert in lieu thereof "$500".

2. Amend the legislative citation at the end of subparagraph (3) to read: "(R. S. 3709, as amended; 41 U. S. C. 5; sec. 502 (e), Pub. Law 152, approved June 30, 1949, and sec. 8 (c) Pub. Law 754, approved Sept. 5, 1950.)"

b. In § 6.5 *Contracts* paragraph (e) *Exchangeable items* is rescinded.

c. In § 6.8 *Purchasing and the Purchasing Agent* make the following changes:

1. Rescind paragraph (a).

2. Add a note to paragraph (b) to read:

NOTE: Reorganization Plan No. 3 of 1949 abolished the statutory office of Purchasing Agent for the Post Office Department and transferred to the Postmaster General the duties vested by law in the Purchasing Agent. By Order No. 41305, dated August 20, 1949, the Postmaster General established the administrative office of Purchasing Agent and assigned to the Purchasing Agent the duties previously vested in him by law.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 51-4743; Filed, Apr. 24, 1951; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 205—REPORTS OF MOTOR CARRIERS

MOTOR CARRIER ANNUAL REPORT FORM C (OTHER THAN CLASS I CARRIERS OF PASSENGERS)

At a session of the Interstate Commerce Commission held in its office in Washington, D. C., on the 7th day of March A. D. 1951.

The matter of annual reports from motor carriers of passengers other than Class I carriers being under consideration:

It is ordered, That the order dated February 14, 1950, in the matter of annual reports from motor carriers of passengers other than Class I (49 CFR 205.4) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1950, and subsequent years, as follows:

§ 205.4 *Annual reports of carriers of passengers other than Class I carriers.* Each Common and Contract Motor Carrier of Passengers other than Class I carriers (49 CFR 181.02-1) shall file an annual report for the year ending December 31, 1950, and for each succeeding year until further order, in accordance with Motor Carrier Annual Report Form C which is hereby approved and made a part of the order.[1] The annual report shall be filed in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before April 30 of the year following the one to which it relates.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 563, as amended; 49 U. S. C. 320)

NOTE: Budget Bureau No. 60-R-267.2. Approval expires 8-30-51.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4766; Filed, Apr. 24, 1951; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Part 131]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

APPROVAL OF BUDGET AND FIXING OF RATES OF ASSESSMENT FOR CALENDAR YEAR 1951

Consideration is being given to the approval of a budget of expenses of the Control Agency established under the marketing agreement and the marketing order (9 CFR 131.1 et seq.), regulating the handling of anti-hog-cholera serum and hog-cholera virus, and the fixing of the rate of assessment to be paid by handlers, for the calendar year 1951, as follows:

(1) The expenses which will necessarily be incurred by the Control Agency, established pursuant to the provisions of the marketing agreement and of the marketing order, for the maintenance and functioning of said Agency during the calendar year 1951, will amount to $38,540.00 under the recommendation of the Control Agency, from which shall be deducted the unexpended balance of $6,829.86 on hand with said Control Agency on January 1, 1951, from assessments collected during the calendar year 1950, leaving a balance of $31,710.14 to be collected during the calendar year 1951, and (2) of the amount of $31,710.14 to be collected during the calendar year 1951, the sum of $23,211.82 shall be assessed against handlers who are manufacturers, and $8,498.32 shall be assessed against handlers who, as distributors, market their products principally through veterinarians or other channels. The pro rata share of the expenses of the Control Agency to be paid for the calendar year 1951 by each handler who is a manufacturer shall be $11.34 per million cubic centimeters (determined by the nearest whole number) of hyperimmune blood collected by such handler during the calendar year 1950 and the pro rata share of such expenses to be paid for the calendar year 1951 by each handler who, as a distributor, markets his products principally through veterinarians or other channels shall be $25.00 for the first million cubic centimeters or fraction thereof and $5.80 for each additional million cubic centimeters or fraction thereof of serum sold by such handler. Such assessments shall be paid by each respective handler in accordance with the applicable provisions of the marketing agreement and order.

Terms. As used herein, the terms "handler", "manufacturer", "distributor", and "serum" shall have the same meaning as is given to each such term in said marketing agreement and marketing order.

Interested parties may obtain copies of the budget mentioned herein from the Executive Secretary of the Control Agency, 512 Porter Building, Kansas City, Missouri.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid considerations shall file the same with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents shall be filed in quadruplicate.

(49 Stat. 781; 7 U. S. C. 851 et seq.)

Issued this 19th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4759; Filed, Apr. 24, 1951; 8:48 a. m.]

Production and Marketing Administration

[7 CFR, Part 70]

ADMINISTRATION OF POULTRY INSPECTION WHERE A FEDERAL-STATE SERVICE IS DESIRED

NOTICE OF PROPOSED INSTRUCTIONS

Notice is hereby given that the Administrator is proposing the issuance, as hereinafter set forth, of instructions governing administration of poultry inspection where a Federal-State service is desired. This action is desirable in order that States, which enter into cooperative agreements with the Administration for the conduct of poultry inspection service on a cooperative Federal-State basis, may know the procedures of the Administration with respect to the manner in which such services are to be administered. This action is being taken under the regulations governing the grading and inspection of poultry and edible products thereof and United States specifications for classes, standards, and grades with respect thereto, which regulations will be issued as Part 70 of the Code of Federal Regulations, pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed instructions should file the same in triplicate with the Chief of the Marketing Services Division, Poultry Branch, Production and Marketing Administration, United States Department of Agriculture, Room 2099 South Building, Washington 25, D. C., not later than the close of business on the 15th day after publication of this notice in the FEDERAL REGISTER.

The proposal is as follows:

§ 70.305 *Instructions governing administration of poultry inspection where a Federal-State service is desired*—(a) *Basis of providing Federal-State inspection service.* Inspection service rendered pursuant to the regulations governing the grading and inspection of poultry and edible products thereof (Subpart B of this part) may be furnished on a Federal basis or on a Federal-State basis as provided herein. Inspection service in accordance with the regulations shall be furnished on a Federal basis in any State where arrangements have not been made with cooperating State agencies for service on a Federal-State basis. Inspection service shall be furnished on a Federal-State basis in any State in which the cooperating State agency makes a request, and becomes a party to a cooperative agreement which provides for such Federal-State service. Such cooperating parties within the State may be any responsible and qualified agency interested in promoting orderly marketing of poultry products.

(b) *Supervision.* All inspection service which is provided under the aforesaid regulations and cooperative agreements shall be technically and administratively supervised by the Production and Marketing Administration (hereafter referred to as PMA) through its national and regional supervisory organization. It shall be the responsibility of PMA to determine that the services rendered pursuant to any cooperative agreement under the regulations are conducted in a

[1] Filed as a part of the original document.

satisfactory manner, that the actual post-mortem inspection of poultry is adequate, and that uniform procedures and policies are followed in all plants in accordance with the requirements of the regulations. In a State where a Federal-State supervisor of inspection is provided, this supervisor shall be immediately responsible for the activities within the State. However, any supervisory official of PMA at a higher administrative level shall have the authority to observe independently of or in conjunction with the Federal-State supervisor, any particular station or the official activities of any particular inspector at any time he deems it advisable; and shall have the authority to supervise such activities as may be desirable and necessary. Supervisory direction should be applied through the Federal-State supervisor.

(c) *Federal-State inspection service when provided, shall be subject to the following conditions*—(1) *Regulations.* The regulations of the Secretary of Agriculture governing the grading and inspection of poultry and edible products thereof and instructions of the Administrator governing the inspection of products shall apply to both Federal-State inspection service and to Federal inspection service. PMA shall assume the responsibility for developing the regulations and any instructions issued pursuant thereto and for the supervision of inspection work carried on under the service.

(2) *Qualifications of Federal-State supervisor.* The Federal-State supervisor of inspection service shall meet the following qualifications.

(i) He shall have a veterinary degree from an accredited school.

(ii) He shall have such technical knowledge, aptitudes, attitudes, experience, and administrative and supervisory ability as will qualify him for satisfactorily performing the duties of a Federal-State supervisor. These qualifications shall be checked by and be acceptable to PMA.

(iii) He shall have had experience in the Federal poultry inspection service or have successfully completed a course of training at an interne station which is under the supervision of the Federal poultry inspection service of PMA.

(iv) He shall be given a joint Federal-State or a full Federal appointment.

(v) He shall perform supervisory functions in a manner satisfactory to PMA. The Federal-State supervisor may at the discretion of PMA be removed from his position and replaced by another qualified employee whenever such action is in the best interests of PMA.

(3) *Duties of the Federal-State supervisor.* The Federal-State supervisor of inspection service shall be responsible for the supervision and proper conduct of inspection service within the State or States to which he is assigned. He may be assigned to supervise inspection service in a single State or in two or more adjoining States providing this is agreed to by PMA and the cooperating agencies in such States, except that a Federal-State supervisor shall not have more than 35 plants under his supervision. He shall examine each prospective State inspector and recommend acceptable applicants for a license. Such recommendation shall be in writing and be accompanied by a statement of the qualifications of the applicant. He shall be responsible for making surveys of plants applying for service within his State and present his recommendation for action on such applications in writing accompanied by appropriate supporting evidence to the Federal office of the inspection service. The assignment of State employed inspectors to plants shall be mutually agreeable to the State agency and PMA. Insofar as practicable inspectors will not be assigned to plants where they have been previously employed.

(4) *Employment and licensing of State inspectors.* (i) The cooperating State agency shall assume responsibility for recruitment and employment of State inspectors for plants under the Federal-State Service, and the salaries of such inspectors shall be paid by the State. Such inspectors may be employed only when licensed by PMA, and it shall be understood that PMA shall have the authority to withdraw such license at any time (and thus terminate the services of any such inspector), in accordance with the provisions of the regulations. The licensed State inspector shall not under any circumstances, while a licensed inspector, accept employment, money or remuneration of any kind from the company to which assigned.

(ii) Each prospective State inspector shall complete a period of training under the immediate supervision of a Federally employed training supervisor. The license issued to the prospective State inspector shall be a limited license authorizing him to perform inspection work only under the supervision of the inspector-in-charge of the station to which he is assigned. A license authorizing the State inspector to serve as inspector-in-charge of a station may be issued when it has been determined by the officer-in-charge of the poultry grading and inspection service of PMA that the inspector is qualified for such a position.

(5) *Duties of State-employed inspectors.* The duties of the State-employed inspectors shall be the same as the duties of Federally-employed inspectors. Inspectors shall make proper, accurate and adequate post-mortem examinations of poultry carcasses and shall thoroughly familiarize themselves with and adhere to the inspection procedures and the applicable provisions of the Federal regulations governing inspection service.

(6) *Replacement of Federal inspectors.* When Federal-State inspection service is inaugurated in a State, and when such service will replace Federal inspection service furnished in the State at that time, the replacement of Federal inspectors by State inspectors shall not be carried out until satisfactory transfers of the Federal inspectors to plants out of the State can be accomplished by PMA.

(7) *Collection of fees.* Either the cooperating State agency or PMA, as agreed upon, may assume the responsibility for the collection of all fees for Federal-State inspection service in the State. The contract providing for Federal-State inspection service shall be between each firm under Federal-State inspection service and the agency responsible for the collection of fees, and each such contract, in either case, shall be approved or concurred in by PMA.

(8) *Reimbursement of PMA by State cooperating agency.* When the cooperating State agency assumes the responsibility for the collection of fees, it shall reimburse PMA from fees collected or from State appropriations, or both, for the following:

(i) An amount equal to that part of the Federal-State supervisor's salary paid by PMA.

(ii) An amount equal to salaries of any Federally employed inspectors who perform inspection service in any plant operating under Federal-State inspection service, such salary costs to cover the periods of such assignments. (Such assignments to meet emergency needs only.)

(iii) An amount to cover accrued leave both annual and sick and travel costs incurred by persons referred to in subdivisions (i) and (ii) of this subparagraph, during periods such persons are performing Federal-State service.

(iv) An amount sufficient to cover overhead, general supervision and other costs and expenses incurred by the Administration in rendering the inspection service.

(9) *Reimbursement of cooperating State agency by PMA.* When PMA assumes the responsibility for the collection of fees, it shall reimburse the cooperating State agency for the salaries of the State inspectors, for periods during which such inspectors perform Federal-State inspection service, and for such annual and sick leave as may be authorized by the State, and agreed to by PMA.

(10) *Additional provisions.* The cooperating State agency shall, without cost to PMA, furnish office space, office furniture and equipment, heat, light, clerical assistance, and telephone service for use by the Federal-State supervisor.

(Pub. Law 759, 81st Cong., approved Sept. 6, 1950)

Issued at Washington, D. C. this 19th day of April 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-4793; Filed, Apr. 24, 1951; 8:53 a. m.]

[7 CFR, Parts 904, 934, 947, 996, 999]

HANDLING OF MILK IN GREATER BOSTON, LOWELL-LAWRENCE, FALL RIVER, SPRINGFIELD AND WORCESTER, MASS., MILK MARKETING AREA

CONSIDERATION OF EQUIVALENT PRICE DETERMINATION UNDER PROVISION OF ORDER, NOW IN EFFECT

Notice is hereby given that pursuant to the applicable provisions of the Agriculture Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), consideration is being given to the determination of a price equivalent to the weighted average price for 40-quart cans of 40 percent bottling quality cream, f. o. b. Boston referred to in §§ 904.7 (b) (1) and 904.9 (d) of the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, milk marketing area; §§ 934.41 and 934.63 of the order as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area; § 947.6 (b) (1) and (c) of the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area; §§ 996.7 (b) (1) and 996.9 (d) of the order, as amended, regulating the handling of milk in the Springfield, Massachusetts, marketing area, and §§ 999.7 (b) (1) and 999.9 (d) of the order, as amended, regulating the handling of milk in the Worcester, Massachusetts, marketing area. In view of the decreasing volume of cream received at Boston from sources outside New England, the United States Department of Agriculture may not publish the aforesaid price during one or more price reporting periods in the immediate future.

In accordance with the Administrative Procedure Act (5 U. S. C. 1001 et seq.), all persons who desire to submit oral or written data, views, or arguments with respect to the necessity for the action under consideration will be given an opportunity to do so at a public meeting to be held in Room 403, 230 Congress Street, Boston, Massachusetts, at 10:00 a. m., e. s. t., April 26, 1951.

The Director of the Dairy Branch is hereby authorized to designate the person, or persons, to preside at the aforesaid public meeting.

Issued at Washington, D. C. this 20th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4794; Filed, Apr. 24, 1951; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WYOMING

CLASSIFICATION ORDER

APRIL 13, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427, dated August 16, 1950, 15 F. R. 5639, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described lands in the Cheyenne, Wyoming, land district, embracing approximately 80 acres.

WYOMING SMALL TRACT CLASSIFICATION NO. 9

For lease and sale for homesite purposes only:

T. 21 N., R. 87 W., 6th Principal Meridian, Wyoming, Sec. 8, SE¼SE¼, S½NE¼SE¼, SE¼NW¼SE¼, SE¼SW¼SE¼.

Excepting therefrom the area embraced within right-of-way for U. S. Highway No. 287, which covers lots 158 to 160 inclusive, and lot 161, as indicated on legal plat of survey by the Bureau of Land Management, approved June 12, 1950, copies of which are on file and may be viewed at the office of the Manager of the Land and Survey Office, Cheyenne, Wyoming, and also at the office of the Area Manager of the Bureau of Land Management, Rawlins, Wyoming.

Lots available for lease and sale are numbered consecutively from 1 to 157.

Lots 158, 159, 160, 161 are not available for lease or sale.

2. The above described public domain lands adjoin the northern limits of the city of Rawlins, Wyoming. Public utilities including water, electricity, sewage, and city streets lie adjacent to these public lands at the southeast corner of section 8. U. S. Highway No. 287 bisects the lands in a general northeasterly and southwesterly direction. Schools, stores, and other facilities are available in the city of Rawlins which has a population of 7,400. The land is gently rolling to hilly with soils ranging from clay loam to gravelly and rocky loams. The native vegetation consists primarily of sagebrush with some scattered grass. There is no timber upon the land nor any evidence of metallic or non-metallic minerals.

3. As to applications regularly filed prior to 10:00 a. m., m. s. t., December 9, 1946, which are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

4. As to the land not covered by applications referred to in paragraph 3, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., June 1, 1951. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., June 1, 1951, to close of business August 29, 1951.

(b) Advance period for veterans' simultaneous filings from 10:00 a. m., December 9, 1946, to close of business August 29, 1951.

5. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., August 30, 1951.

(a) Advance period for simultaneous non-preference filings from 10:00 a. m., December 9, 1946, to close of business August 29, 1951.

6. Applications filed within the periods mentioned in paragraphs 4 (b) and 5 (a) will be treated as simultaneously filed.

7. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service, which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service as veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

8. All of the land will be leased in tracts as specified on the approved plat of survey dated June 12, 1950, covering the area. Tracts average from a third to a half acre in size. Preference right leases referred to in paragraph 3 will be issued provided the tract applied for conforms or is made to conform to the area and dimension specified herein as shown on the approved plat of survey.

9. Leases for the lots numbered consecutively from 1 to 157, as shown on the approved plat of survey, will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

10. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial, and appropriate for the use for which the lease is issued. Leases will contain an option to purchase the tract at or after the expiration of one year from the date the lease is issued, provided the terms and conditions of the lease have been met.

Lots are appraised as follows:

Lots 1, 48, 56, 62, 71, 72, 73, 82, 83, 100, 101, 127, 128, 157, $60 each;

All other available lots, $40 each;

Applications for purchase may be filed at or after the expiration of one year from the date the lease issued, provided that improvements appropriate to the purpose for which the lease is issued, and which meet with the approval of the Regional Administrator, shall have been constructed upon the lands prior to the filing of the application for purchase.

11. Lessees and/or their successors in interest shall comply with all Federal, State, County and municipal laws and ordinances, especially those governing health and sanitation, and failure or refusal to do so may be cause for cancellation of the lease in the discretion of the authorized officer of the Bureau of Land Management.

12. The leases will be made subject to rights-of-way for road purposes and public utilities along lot boundaries as follows:

Lots 1 through 14, and 16 through 21: 16 feet wide on the north and 40 feet wide on the south;

Lot 15: 20 feet wide on the east, 40 feet wide on the south, and 16 feet wide on the north;

Lot 22: 16 feet wide on the north, and 40 feet wide on the west and south;

Lot 23: 40 feet wide on the west, north, and east;

Lots 24 through 28: 40 feet wide on the east and west;

Lots 29, 39, 57 and 68: 40 feet wide on the west and north, and 8 feet wide on the east;

Lots 49 and 63: 8 feet wide on the west and 40 feet wide on the north and east;

Lot 34: 8 feet wide on the west; 40 feet wide on the north, and 50 feet wide on the east;

Lots 30, 31 and 32: 40 feet wide on the west and 8 feet wide on the east;

Lot 33: 40 feet wide on the west, 18 to 19 feet wide on the south and 8 feet wide on the east;

Lots 35, 36, and 37: 8 feet wide on the west and 50 feet wide on the east;

Lot 38: 8 feet wide on the west, 19 to 20 feet wide on the south and 50 feet wide on the east;

Lots 40 through 47: 30 feet wide on the west and 8 feet wide on the east;

Lot 48: 30 feet wide on the west;

Lots 50 through 56: 8 feet wide on the west and 40 feet wide on the east;

Lots 58, 59, 60, 61, and 69: 40 feet wide on the west and 8 feet wide on the east;

Lot 62: 40 feet wide on the west;

Lots 64, 65, and 66: 8 feet wide on the west, and 40 feet wide on the east;

Lot 67: 8 feet wide on the west;

Lot 70: 40 feet wide on the west;

Lot 71: 8 feet wide on the west, and 40 feet wide on the north;

Lot 72: 40 feet wide on the east and south;

Lot 73: 8 feet wide on the south;

Lots 74, 75, 85, 86, 87, 88, 89, 102, 103, 104, 105, 108 through 112, 128 through 134, and 137 through 141: 40 feet wide on the north and 8 feet wide on the south;

Lots 76, 83, 90, 113, 142: 40 feet wide on the north and east, and 8 feet wide on the south;

Lots 78, 79, 80, 81, 82, 92, 93, 94, 95, 96, 99, 100, 115, 116, 117, 118, 119, 122 through 127, 144 through 148, 151 through 157: 8 feet wide on the north, and 40 feet wide on the south;

Lots 77, 91, 98, 114, 121, 143, and 150: 8 feet wide on the north and 40 feet wide on the east and south;

Lots 84, 107, and 136: 40 feet wide on the north and west, and 8 feet wide on the south;

Lots 97, 120, and 149: 8 feet wide on the north, and 40 feet wide on the west and south;

Lots 106 and 135: 40 feet wide on the north and east, and 8 feet wide on the south;

Lot 101: 8 feet wide on the south;

Lots 1, 48, 56, 62, 66, 67, 69, 70 and 71: 29.6 feet wide on the boundary adjoining right-of-way for U. S. Highway No. 287;

Lots 72, 73, 82, 83, 100, 101, 127, 128, and 157: 30 feet wide on the boundary adjoining right-of-way for U. S. Highway No. 287;

Such rights-of-way may be utilized by the Federal Government, or the State, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued. Leases and patents issued in accordance with this order will also be subject to all existing rights-of-way.

13. All inquiries relating to this land shall be directed to the Manager of the Land and Survey Office, Cheyenne, Wyoming.

ALBIN D. MOLOHON,
Regional Administrator.

[F. R. Doc. 51-4581; Filed, Apr. 24, 1951; 8:45 a. m.]

[1606472]

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY

APRIL 19, 1951.

Notice is given that the plat of original survey of the following described lands, accepted May 12, 1950, will be officially filed in the Land Office, Anchorage, Alaska, effective at 10:00 a. m. on the 35th day after the date of this notice:

SEWARD MERIDIAN

T. 4 N., R. 10 W.,
Secs. 1 to 6, inclusive;
Secs. 10, 11, 12.

The area described aggregates 5,461.41 acres.

Available information indicates that the described lands are level to rolling with spruce and birch timber as the dominant vegetative cover.

All of sections 4, 5, 6, T. 4 N., R. 10 W., were withdrawn, subject to valid existing rights, by Public Land Order No. 487 of June 16, 1948, for classification.

No applications for the remainder of the lands described may be allowed under the homestead, desert-land, small tract, or any other non-mineral public land law unless the land has already been classified as valuable or suitable for such application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 51-4763; Filed, Apr. 24, 1951; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CHIEF OF FOREST SERVICE

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN AUTHORITIES, POWERS, FUNCTIONS, AND DUTIES

The authorities, powers, functions, and duties vested in the Secretary of Agriculture by section 18 of the act of April 24, 1950 (Pub. Law 478, 81st Cong., 2d Sess.), are hereby delegated to the Forest Service to be exercised by the Chief thereof and such officers and employees as he may designate. The Chief and his designees are hereby authorized and directed to issue such instructions to the officers and employees of the Forest Service with respect to local advisory boards as may be necessary to carry out the regulation governing the constituting and electing of local advisory boards and to deal with such boards.

Done at Washington, D. C., this 19th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4761; Filed, Apr. 24, 1951; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9640]

SCRANTON RADIO CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Scranton Radio Corporation, Scranton, Pennsylvania, Docket No. 9640, File No. BP-7184; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of April 1951;

The Commission having under consideration (1) the above-entitled application for a permit to construct a new standard broadcast station to be operated on the frequency 1400 kilocycles, with 250 watts of power, unlimited time at Scranton, Pennsylvania; and (2) a petition filed March 12, 1951, by Associated Broadcasters, Inc., licensee of Station WEST, Easton, Pennsylvania, to designate the aforesaid application for hearing;

It appearing, that the applicant is legally, technically, financially, and otherwise qualified to operate the proposed station, but that the proposed station may involve interference with one or more existing stations and may not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on June 11, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Station WEST, Easton, Pennsylvania, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the nighttime coverage to the city of Scranton, Pennsylvania; and with particular reference to the daytime and nighttime coverage to the Scranton-Wilkes-Barre Metropolitan District.

It is further ordered, That Associated Broadcasters, Inc., licensee of Station WEST, Easton, Pennsylvania, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4778; Filed, Apr. 24, 1951; 8:50 a. m.]

[Docket Nos. 9705, 9950, 9951]

PRAIRIE BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Prairie Broadcasting Company, Beaver Dam, Wisconsin, Docket No. 9705, File No. BP-7554; William F. Johns, Jr., and Allen H. Embury, d/b as Johns-Embury Company, Portage, Wisconsin, Docket No. 9950, File No. BP-8006; Portage Broadcasting company, Portage, Wisconsin, Docket No. 9951, File No. BP—8029; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of April 1951;

The Commission having under consideration the above-entitled application of William F. Johns, Jr., and Allen H. Embury, d/b as Johns-Embury Company, for a new standard broadcast station to be operated on the frequency 1350 kc with 500 w of power, daytime only, at Portage, Wisconsin; and of Portage Broadcasting Company for a new standard broadcast station to be operated on the frequency 1350 kc, with 1 kw of power, daytime only, at Portage Wisconsin;

It appearing, that the above-entitled application of Prairie Broadcasting Company for a permit to construct a new standard broadcast station to be operated on the frequency 1350 kc, with a power of 500 w, daytime only, at Beaver Dam, Wisconsin, was designated for hearing February 7, 1951, on engineering issues only, the hearing being presently scheduled for May 3, 1951;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of William F. Johns, Jr., and Allen H. Embury, d/b as Johns-Embury Company, and the application of Portage Broadcasting Company, are designated for hearing in a consolidated proceeding with the application of Prairie Broadcasting Company, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the corporate applicants, their officers, directors and stockholders and of the applicant partnership and its partners to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station at Beaver Dam, Wisconsin, would involve objectionable interference with Stations WEMP, Milwaukee, Wisconsin, and WBAY, Green Bay, Wisconsin; and to determine whether the operation of the three proposed stations will involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other two, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Milwaukee Broadcasting Company, licensee of Station WEMP, Milwaukee, Wisconsin, and WHBY, Inc., licensee of Station WBAY, Green Bay, Wisconsin, are made parties to this proceeding with respect to the Beaver Dam, Wisconsin, application only.

It is further ordered, That the Commission's order of February 7, 1951, designating for hearing the above-entitled application of Prairie Broadcasting Company is amended to include the above issues.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4780; Filed, Apr. 24, 1951; 8:51 a. m.]

[Docket No. 9830]

ROBERT W. ROUNSAVILLE (WQXI)

ORDER CONTINUING HEARING

In re application of Robert W. Rounsaville (WQXI), Atlanta, Georgia, Docket

No. 9830, File No. BP-7645; for construction permit.

The Commission having under consideration a Petition for Continuance of the hearing now scheduled to be held on April 18, 1951 and for Waiver of § 1.745 of the rules, filed by the applicant herein on April 13, 1951; and

It appearing, that the continuance is requested so that petitioner and others connected with this proceeding may attend a convention of broadcasters which is to be held during the week of the now scheduled hearing; and

It further appearing, that there are no other parties to this proceeding and that Counsel for the Commission has agreed to a waiver of § 1.745 of the Commission's rules and to a grant of the petition as hereinafter ordered;

Now therefore, it is ordered, This 16th day of April 1951 pursuant to § 1.743 and to sections 7 (b) and 5 (a) of the Administrative Procedure Act, that the petition is granted, and the hearing herein, which is scheduled for April 18, 1951, is continued to 10:00 o'clock a. m. on April 26, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4783; Filed, Apr. 24, 1951; 8:51 a. m.]

[Docket No. 9947]

VIDALIA BROADCASTING CO. (WVOP)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of M. F. Brice and R. E. Ledford d/b as Vidalia Broadcasting Company (WVOP), Vidalia, Georgia, Docket No. 9947, File No. BP-7834; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of April 1951;

The Commission having under consideration the above-entitled application for a construction permit to change the facilities of Station WVOP at Vidalia, Georgia, from 1450 kc, 250 w, unlimited time to 970 kc, 1 kw, daytime only; and

It appearing, that the applicant is legally, technically, financially, and otherwise qualified to operate Station WVOP, as proposed, but that, in view of the loss of local nighttime service to the city of Vidalia, Georgia, a grant of the application may not be in the public interest, convenience and necessity;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m., on June 1, 1951, at Washington, D. C., upon the following issues:

1. To determine whether, in view of the loss to the city of Vidalia, Georgia, of its only local nighttime radio service, the operation of Station WVOP, as proposed, would serve the public interest, convenience and necessity.

2. To determine whether the installation and operation of Station WVOP, as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the population residing within the 250 mv/m blanket contour.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4777; Filed, Apr. 24, 1951; 8:50 a. m.]

[Docket Nos. 9948, 9949]

CONDADO BROADCASTING CO. AND JOSE RAMON QUINONES

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Condado Broadcasting Company, San Juan, Puerto Rico, Docket No. 9948, File No. BP-7632; Jose Ramon Quinones, Mayaguez, Puerto Rico, Docket No. 9949, File No. BP-7739; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 11th day of April 1951;

The Commission having under consideration the above-entitled applications of Condado Broadcasting Company for a new standard broadcast station at San Juan, Puerto Rico, and of Jose Ramon Quinones for a new standard broadcast station at Mayaguez, Puerto Rico, each proposal requesting the frequency 1190 kc, with 250 watts of power, unlimited time;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on June 13, 1951, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the corporate applicant, its officers, directors and stockholders, and of the individual applicant to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to coverage to the business and industrial areas of the city of San Juan, Puerto Rico, with respect to the Condado Broadcasting Company application only.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station at San Juan, Puerto Rico, and of Station WMDD, Fajardo, Puerto Rico; and between the service areas of the proposed station at Mayaguez, Puerto Rico, and of Station WAPA, San Juan, Puerto Rico, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4779; Filed, Apr. 24, 1951; 8:51 a. m.]

[Docket Nos. 9952, 9953]

UVALDE BROADCASTERS AND NORMAN B. LASSETTER

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of E. J. Harpole and W. J. Harpole, d/b as Uvalde Broadcasters, Laredo, Texas, Docket No. 9952, File No. BP-8008; Norman B. Lassetter, Laredo, Texas, Docket No. 9953, File No. BP-8019; for construction permits.

At a session of the Federal Communications Commission held at its office in Washington, D. C., on the 11th day of April 1951;

The Commission having under consideration the above-entitled applications both requesting construction permits to construct new standard broadcast stations with identical facilities to be operated on frequency 1490 kilocycles with 250 watts powers, unlimited time at Laredo, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on June 14, 1951, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant partnership and its partners and of the individual applicant to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4781; Filed, Apr. 24, 1951; 8:51 a. m.]

[Docket No. 9660]

UNITED BROADCASTING CO., INC. (WOOK)

ORDER CONTINUING HEARING

In re application of United Broadcasting Company, Inc. (WOOK), Silver Spring, Maryland, Docket No. 9660, File No. BML-1335; for construction permit.

The Commission having under consideration a petition filed on April 9, 1951, by the United Broadcasting Company, Inc. (WOOK), Silver Spring, Maryland, requesting that the hearing herein be continued from April 18, 1951, to July 18, 1951, in order that applicant may complete the preparation of an amendment proposing a directional antenna and conclude negotiations for land on which towers will be located; and

It appearing that no opposition to this petition has been filed and good cause has been shown for a grant thereof;

It is therefore ordered, This 13th day of April, 1951, that the petition of the United Broadcasting Company be and it is hereby granted and the hearing herein is hereby continued to July 18, 1951, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4782; Filed, Apr. 24, 1951; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6351]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION

APRIL 19, 1951.

Notice is hereby given that the California Electric Power Company of Riverside, California, has filed an application pursuant to section 202 (c) of the Federal Power Act (16 U. S. C. 824a (c)) for amendment of the authorization previously granted by the Commission under said act, so as to permit an increase in the transmission of electric energy across the international boundary between the United States and Mexico over five different lines, during the period 1951 to 1955, both inclusive, as follows:

Year	Over 3 lines in or near Calexico, Calif., to Mexicali, Mexico		Over 1 line in or near Andrade, Calif., to Algodones, Mexico		Over 1 line in or near Gadsden, Ariz., to San Luis, Mexico	
	Kilowatt-hour	Kilowatt	Kilowatt-hour	Kilowatt	Kilowatt-hour	Kilowatt
1951	56, 800, 000	12, 350	2, 100, 000	1, 200	5, 280, 000	2, 100
1952	60, 300, 000	14, 100	2, 200, 000	1, 500	6, 140, 000	2, 400
1953	62, 400, 000	15, 520	2, 300, 000	1, 650	6, 580, 000	2, 650
1954	65, 200, 000	15, 800	2, 400, 000	1, 700	6, 600, 000	2, 700
1955	68, 200, 000	16, 550	2, 500, 000	1, 750	6, 800, 000	2, 800

The requested authorization would supersede the authorization heretofore granted in Docket No. E-6224, all as more full appears in the application filed April 16, 1951.

Any person desiring to be heard or to make any protest with reference to said application should, on or before May 11, 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4746; Filed, Apr. 24, 1951; 8:46 a. m.]

[Docket Nos. G-1325, G-1338, G-1367]

METROPOLITAN UTILITIES DISTRICT OF OMAHA AND NORTHERN NATURAL GAS CO.

ORDER GRANTING MOTION FOR ORAL ARGUMENT

APRIL 18, 1951.

Metropolitan Utilities District of Omaha, complainant, v. Northern Natural Gas Company, respondent; Docket Nos. G-1325 and G-1338. In the matter of Northern Natural Gas Company, Docket No. G-1367.

On November 27, 1950, Northern Natural Gas Company (Northern) filed exceptions to the intermediate decision of the Presiding Examiner issued in the above-styled proceedings on November 6, 1950, together with a motion requesting (1) opportunity to present oral argument to the Commission with respect to such exceptions, and (2) reopening of the hearing for the purpose of enabling Northern to present additional testimony.

With respect to that portion of the motion requesting reopening of the hearing for the purpose of enabling Northern to present additional testimony, it appears that the additional testimony would pertain to matters and issues raised by the pleadings in Docket Nos. G-1325 and G-1338 and concerning which testimony was presented during the hearing in such proceedings. Northern does not allege that the testimony proposed to be offered relates to material changes of fact or law which have arisen since the conclusion of the hearing in the proceedings.

The Commission finds:

(1) It is appropriate that the aforesaid motion be granted insofar as it requests oral argument before the Commission with respect to the issues raised by the exceptions of Northern to the Presiding Examiner's intermediate decision.

(2) Northern has not shown that the public interest requires reopening of the hearing for purpose of enabling the presentation of additional testimony by Northern, and the motion insofar as it requests reopening of the hearing should be denied.

The Commission orders:

(A) Oral argument be had before the Commission on May 14, 1951, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(B) The motion of Northern Natural Gas Company filed November 27, 1950, insofar as it requests reopening of the hearing, be and same hereby is denied.

Date of issuance: April 19, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4767; Filed, Apr. 24, 1951; 8:49 a. m.]

[Docket No. G-1644]

UNITED NATURAL GAS CO.

NOTICE OF APPLICATION

APRIL 18, 1951.

Take notice that United Natural Gas Company (Applicant), a Pennsylvania corporation, of 308 Seneca Street, Oil City, Pennsylvania, filed on March 28, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain natural gas facilities described as follows:

(1) Approximately 8.3 miles of 12-inch pipeline extending from Applicant's Lamont Compressor Station in Jones Township, Elk County, Pennsylvania, to Applicant's Sergeant Compressor Station in Sergeant Township, McKean County, Pennsylvania.

(2) Approximately 2,000 feet of 12-inch pipeline as an emergency by-pass around Applicant's Lewis Run Measuring and Control Station and the improvement of the station by alterations of facilities, located at Lewis Run in McKean County, Pennsylvania.

(3) Approximately 200 feet of 12-inch and 350 feet of 8-inch pipeline extending between Applicant's Lines "M" and "N–M 44" at Applicant's Henderson Storage Compressor in Mineral Township, Venango County, Pennsylvania.

(4) Approximately 2,000 feet of 12-inch and 500 feet of 8-inch pipeline to be used as an emergency by-pass around Applicant's Overbeck Measuring Station in Millstone Township, Elk County, Pennsylvania.

(5) Relocation and replacement of approximately 6,450 feet of 10-inch pipeline with new 10-inch pipeline, known as Applicant's Line "T" at Stoneboro, Sandy Lake Township, Mercer County, Pennsylvania.

(6) Approximately 6,100 feet of 6-inch welded pipeline between Applicant's 8-inch Line "B–5" and the Wilcox Distribution Plant, Wilcox, Elk County, Pennsylvania.

(7) Approximately 6,771 feet of 8-inch pipeline to replace the same amount of 6-inch pipe, known as Applicant's Line "H–M 15" in Pinegrove Township, Venango County, Pennsylvania.

(8) Relocation and replacement of approximately 3,000 feet of 10-inch pipeline with new 10-inch pipeline, known as Applicant's Line "H" in the vicinity of Harold Street, Oil City, Pennsylvania.

(9) Approximately 7.1 miles of 8-inch pipeline to replace the same amount of 4-inch line, known as Applicant's Line "V–M 71" between St. Mary's, Elk County, Pennsylvania, and Emporium, Cameron County, Pennsylvania.

(10) One additional 150 horsepower compressor unit, together with necessary facilities, in Applicant's Hickory Compressor Station located in Hickory Township, Forest County, Pennsylvania, such unit to be moved from Applicant's Beaver Station, Beaver County, Pennsylvania.

(11) One additional 150 horsepower compressor unit, together with necessary facilities, in Applicant's Pinegrove Compressor Station located in Pinegrove Township, Venango County, Pennsylvania, such unit to be moved from Applicant's Beaver Station, Beaver County, Pennsylvania.

(12) One 100 Kw 240 volt generator in Applicant's Knox Station located in Knox Township, Jefferson County, Pennsylvania.

The application states that the proposed facilities constitute part of the necessary changes and improvements in Applicant's overall transmission and storage facilities to permit the handling of increased quantities of southwestern gas under high load factor conditions in order to meet the increasing demands of its customers for natural gas in the face of decreasing local sources of supply. The installation of all the proposed facilities will permit expansion in the use of its system, and will allow Applicant to safely and efficiently transport the necessary volumes of gas to its existing customers during periods of maximum demand.

The estimated total overall capital cost of the proposed construction and additions is $745,000 which will be financed from current funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 9th day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–4748; Filed, Apr. 24, 1951; 8:46 a. m.]

[Docket No. G–1651]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION

APRIL 18, 1951.

Take notice that Pacific Gas and Electric Company (Applicant), a California corporation, address 245 Market Street, San Francisco 6, California, filed on April 3, 1951, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described. These facilities will increase, by approximately 150,000,000 cubic feet per day, the capacity of Applicant's Topock-Milpitas pipeline which extends from a point on the boundary line of California near Topock, Arizona, to a point near the town of Milpitas, California, at the southern end of San Francisco Bay.

Applicant proposes to construct approximately 142 miles of loop lines on its existing Topock-Milpitas pipeline and to install 22,780 horsepower of additional compressor capacity in its existing compressor stations. The proposed additions will increase the capacity of the Topock-Milpitas pipeline to 550,000,000 cubic feet per day.

The estimated cost of the proposed facilities is $19,391,000, which will be financed from funds on hand and proceeds from the sale of bonds, preferred stock and common stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 9th day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–4749; Filed, Apr. 24, 1951; 8:46 a. m.]

[Docket No. G–1654]

UNITED NATURAL GAS CO. AND EQUITABLE GAS CO.

NOTICE OF APPLICATION

APRIL 18, 1951.

Take notice that United Natural Gas Company (United), a Pennsylvania corporation, of 308 Seneca Street, Oil City, Pennsylvania, and Equitable Gas Company (Equitable), a Pennsylvania corporation, of 435 Sixth Avenue, Pittsburgh 19, Pennsylvania, filed on April 4, 1951, a joint application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the exchange of gas for a limited period pursuant to the terms of an agreement between the applicants dated April 2, 1951.

The application recites that United and Equitable are separate parties to service agreements with Tennessee Gas Transmission Company (Tennessee) and Texas Eastern Transmission Corporation (Texas Eastern) under which separate agreements Tennessee is obligated to deliver to United 10,000 Mcf and to Equitable 30,000 Mcf of natural gas daily and Texas Eastern is obligated to deliver to United 45,000 Mcf and to Equitable 30,000 Mcf of natural gas daily. The application further states that because of the national defense program, the demands of Equitable's customers for natural gas are expected to continue at a high level during the summer of 1951 and during the 1951-52 winter heating season. For this reason, the application states, it is essential that Equitable secure as much gas as possible for storage and sale during the summer of 1951. However, studies made by Equitable indicate that, contrary to prior expectations, Equitable will not be able to take into its distribution system the full daily contract quantity of 30,000 Mcf of gas which it is now receiving from Tennessee, during the summer of 1951, the first summer during which deliveries are to be made by Tennessee to Equitable.

It is further stated that during the summer of 1951 Equitable will be able to take gas from Texas Eastern over and above the 30,000 Mcf per day covered by its service agreement. During the same period United expects to have facilities available which will enable it to take gas from Tennessee over and above the 10,000 Mcf of gas per day covered by its service agreement with Tennessee. Under the terms of the agreement between United and Equitable, United has agreed, in its sole discretion, to release to Equitable a portion of the gas United would otherwise receive from Texas Eastern and to take in lieu thereof a portion of the gas which Equitable would otherwise receive from Tennessee. Equitable has agreed, in turn, to release to United a portion of the gas it would otherwise receive from Tennessee and to take in lieu thereof an equivalent amount of gas from Texas Eastern.

No new construction is required under the proposed arrangement.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 9th day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–4750; Filed, Apr. 24, 1951; 8:47 a. m.]

[Docket No. G–1661]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION

APRIL 18, 1951.

Take notice that Tennessee Gas Transmission Company (Applicant) a Delaware Corporation having its principal office in the Commerce Building, Houston, Texas, filed on April 10, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing additional natural gas service under certain contracts as hereinafter described.

Applicant proposes to increase the maximum daily quantity of natural gas authorized to be delivered to the City of Holly Springs, Mississippi, from 600 Mcf to 1,050 Mcf under the terms of a contract entered into between the Applicant and the City of Holly Springs, Mississippi, on July 18, 1950.

Applicant further proposes to increase the maximum daily quantity of natural gas authorized to be delivered to Western Kentucky Gas Company from 8,922 Mcf to 10,000 Mcf, under the terms of a contract entered into between Applicant and Western Kentucky Gas Company on January 30, 1951.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 9th day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–4751; Filed, Apr. 24, 1951; 8:47 a. m.]

[Docket No. G–1662]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION

APRIL 18, 1951.

Take notice that Tennessee Gas Transmission Company (Applicant), a Delaware corporation having its principal office in the Commerce Building, Houston, Texas, filed on April 10, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a sales meter station, and the sale of natural gas as hereinafter described.

Applicant purposes to construct a sales meter station at a point on its main transmission line near Potts Camp, Mississippi, for the purpose of selling natural gas to the Cities of New Albany and Pontotoc, Mississippi, under the terms of the contract entered into between Applicant and the said cities on February 24, 1951. The contract provides for an ultimate maximum delivery of 2,765 Mcf per day.

The estimated cost of facilities proposed to be constructed is $3,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 9th day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–4752; Filed, Apr. 24, 1951; 8:47 a. m.]

[Project No. 2077]

CONNECTICUT RIVER POWER CO.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

APRIL 18, 1951.

Public notice is hereby given that Connecticut River Power Company of Littleton, New Hampshire, has made application for a license pursuant to the provisions of the Federal Power Act (16 U. S. C. 791–825r) for a hydroelectric development in the Fifteen Mile Falls section of the Connecticut River in Grafton and Coos Counties, New Hampshire, and in Caledonia and Essex Counties, Vermont. The hydroelectric development would consist of:

(1) The constructed McIndoes development consisting of a concrete gravity dam about 730 feet long composed of a spillway section, a nonoverflow section, and a powerhouse section, creating a reservoir about 5 miles long at elevation 454 feet; a powerhouse containing four turbines, each rated at 3,800 horsepower and connected to a 2,640-kilowatt generator; a tailrace; a 13,200-kilovolt-ampere transformer bank; and a 34.5-kilovolt transmission line about 5.6 miles long extending from the transformer bank to the Comerford switching station;

(2) The constructed Comerford development consisting of a dam about 2,253 feet long composed of two earth embankment sections, a concrete spillway section, a concrete nonoverflow section, and a concrete intake section, creating a reservoir about 8 miles long at elevation 650 feet; four penstocks, each about 150 feet long; a powerhouse at the foot of the dam containing four turbines, each rated at 54,200 horsepower and connected to a 35,000-kilowatt generator; a tailrace about 6,600 feet long; and two switchyards;

(3) The proposed Littleton development, which would consist of a dam about 5,325 feet long composed of two earth embankment sections, a concrete intake section, and a concrete spillway section, creating a reservoir about 11 miles long at elevation 809 feet having a usable storage of 115,000 acre-feet with a draw-down of 40 feet; four penstocks, each about 296 feet long; a powerhouse at the foot of the dam containing four turbines, each rated at 55,000 horsepower and connected to a 35,100-kilowatt generator; a switchyard; and two 230-kilovolt transmission lines about 7 miles long extending from the switchyard to the Comerford switchyard.

Any protest against the approval of this application or request for any action thereon, with reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before May 21, 1951, to the Federal Power Commission at Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–4747; Filed, Apr. 24, 1951; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26021]

CEMENT FROM HOUSTON, TEX., TO POINTS IN ALABAMA

APPLICATION FOR RELIEF

APRIL 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3752.

Commodities involved: Cement, bonding, sealing or imbedding, carloads.

From: Houston, Tex.

To: Ensley, Fairfield, Thomas and Woodward, Ala.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh, Agent, I. C. C. No. 3752, Supp. 565.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51–4765; Filed, Apr. 24, 1951; 8:49 a. m.]

RAILROAD RETIREMENT BOARD

[Docket No. 626]

STATUS OF EMPLOYEES OF PORTLAND GENERAL ELECTRIC CO. CLAIMING SERVICE WITH PORTLAND ELECTRIC POWER CO.

NOTICE OF HEARING

In the matter of the status under the Railroad Retirement and Railroad Unemployment Insurance Acts of Employees of the Portland General Electric Company claiming service with the Portland Electric Power Company.

Pursuant to section 10 of the Railroad Retirement Act and section 5 of the Railroad Unemployment Insurance Act, the Railroad Retirement Board has ordered a hearing to be held for the purpose of determining whether any employees of the Portland General Electric Company have also been concurrently employees of the Portland Electric Power Company within the meaning of the Railroad Retirement Act (45 U. S. C. 215–228s) and the Railroad Unemployment Insurance Act (45 U. S. C. 351–357). The hearing will be held on Monday, May 14, 1951, at 10:00 a. m., in Room 704, United States Courthouse (New), Broadway and Main Streets, Portland, Oregon, before Lawrence Garland, the Examiner appointed by the Board. (Board Order 51–60, February 23, 1951).

All parties properly interested may participate in the hearing and will be afforded an opportunity to present evidence and argument before the Examiner.

The hearing will be held on the following question:

Whether any individuals employed by and carried on the payrolls of the Portland General Electric Company other than the Railway Overhead Line Gang have also been employees of the Portland Electric Power Company under the Railroad Retirement and Railroad Unemployment Insurance Acts.

[SEAL] LAWRENCE GARLAND,
Examiner.

APRIL 19, 1951.

[F. R. Doc. 51–4744; Filed, Apr. 24, 1951; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

SCHUYLER B. TERRY

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 19th day of April 1951.

In the matter of Schuyler B. Terry, 120 South LaSalle Street, Chicago, Illinois.

I. The Commission's public official files disclose that Schuyler B. Terry, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, 1949 or 1950 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 28th day of May 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before May 21, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to May 28, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51–4753; Filed, Apr. 24, 1951; 8:47 a. m.]

[1] Filed as part of the original document.

THOS. A. WILSON

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 19th day of April 1951.

In the matter of Thos. A. Wilson, 8 North First St., Belleville, Illinois.

I. The Commission's public official files disclose that Thos. A. Wilson, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, 1949, or 1950 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 28th day of May 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before May 21, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to May 28, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51–4754; Filed, Apr. 24, 1951; 8:47 a. m.]

[1] Filed as part of the original document.

THOMAS HUDDLESTON

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 19th day of April 1951.

In the matter of Thomas Huddleston, 111 West Jackson Street, Chicago, Illinois.

I. The Commission's public official files disclose that Thomas Huddleston, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto, and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, 1949, or 1950, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 28th day of May 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before May 21, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to May 28, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51–4755; Filed, Apr. 24, 1951; 8:48 a. m.]

[File No. 70–2691]

OHIO POWER CO. AND UNION CITY ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of April A. D. 1951.

Notice is hereby given that The Ohio Power Company ("Ohio") and Union City Electric Company ("Union"), both electric utility subsidiaries of American Gas and Electric Company, a registered holding company, have filed a joint declaration pursuant to the Public Utility Holding Company Act of 1935 (the "act"), and have designated sections 12 (c), 12 (f) and 12 (g) of the act and Rules U-42 and U-43 promulgated thereunder as being applicable to the proposed transactions, which are summarized as follows:

The Commission, in its Order dated March 31, 1950, Holding Company Act Release No. 9776 (File No. 70–2322), authorized the acquisition by Ohio of 525 shares of the common stock of Union, which shares represent all of Union's issued and outstanding securities. In that proceeding, it was represented that the properties of Union would ultimately be acquired and become a part of the properties of Ohio. The power requirements of Union are furnished entirely by Ohio, and the declarants state that Union no longer serves a useful purpose as a separate corporate entity.

The joint declarants now propose that Union be dissolved and that its properties be transferred to and be acquired by Ohio, the sole stockholder of Union. It is represented that the properties of Union to be acquired by Ohio will be recorded on the books of Ohio on the basis of an original cost study, which is now being made, and that any excess over such original cost will be disposed of by a charge to earned surplus, assuming that such accounting procedure is permitted by the regulatory authorities having jurisdiction with respect thereto.

Notice is further given that any interested person may, not later than May 1, 1951, at 5:30 p. m., e. s. t., or e. d. s. t., whichever is then currently in effect, request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said joint declaration, which he desires to controvert, or may request that he be notified if the

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Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter, said joint declaration, as filed or as amended, may be permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said joint declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4756; Filed, Apr. 24, 1951; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17644]

TSUTOMU IMAMURA

In re: Stock and bonds owned by Tsutomu Imamura, also known as Tsutomi Imamura. D-39-17948-A-1; D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tsutomu Imamura, also known as Tsutomi Imamura, whose last known address is Hiroshima, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Fifteen (15) shares of $10.00 par value common capital stock of Union Importers Ltd., a corporation organized under the laws of the Territory of Hawaii, evidenced by a certificate numbered 2 representing five (5) shares and a certificate numbered 185 representing ten (10) shares, registered in the name of Tsutomu Imamura, together with all declared and unpaid dividends thereon, and

b. Those certain debts or other obligations, matured or unmatured, evidenced by two (2) United States Savings Bonds, Series E-1941, of $100.00 face value each, bearing the numbers C-1,595,010-E and C-1,595,011-E, registered in the name of Mr. Tsutomu Imamura, 1551 Dillingham Boulevard, Honolulu, Hawaii, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the said bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-4786; Filed, Apr. 24, 1951; 8:51 a. m.]

HIDEO AND SHIGEO YODA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hideo Yoda, Honolulu, T. H.; Claim No. 13753; $16.17 in the Treasury of the United States.

Shigeo Yoda, Honolulu, T. H.; Claim No. 13754; $14.61 in the Treasury of the United States.

Executed at Washington, D. C., on April 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-4791; Filed, Apr. 24, 1951; 8:52 a. m.]

[Return Order 939]

KODAK-PATHE SOCIETE ANONYME FRANCAISE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Kodak-Pathe Societe Anonyme Francaise, Vincennes, France; Claim No. 13899; February 16, 1951 (16 F. R. 1662); property described in Vesting Order No. 293 (7 F. R. 9836—November 26, 1942) relating to United States Patent Application Serial No. 336,786 (now United States Letters Patent No. 2,313,007). This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-4788; Filed, Apr. 24, 1951; 8:51 a. m.]

[Return Order 946]

ARMANDO SAVIO ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Armando Savio, Moncucco Torinese, Asti, Italy, Graglia Giovanna Maria Casalegno, Moncucco Torinese, Asti, Italy, and Fiorino Casalegno, Turin, Italy; Claim No. 38652; December 28, 1950 (15 F. R. 9368); $200 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Luigi Casalegno in and to the Estate of Ottavio Casalegno, deceased, with Graglia Giovanna Maria Casalegno having a life interest in one-half thereof and Florino Casalegno being entitled to the remainder of this portion and the entirety of the second half; $982.63 in the Treasury of the United States to Fiorino Casalegno; $982.64 in the Treasury of the United States to Graglia Giovanna Maria Casalegno and Florino Casalegno with Graglia Giovanna Maria having a life interest therein and Florino being entitled to the remainder.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-4790; Filed, Apr. 24, 1951; 8:52 a. m.]

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FEDERAL REGISTER

VOLUME 16 NUMBER 81

Washington, Thursday, April 26, 1951

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 160—IMPOSITION AND COLLECTION OF FINES

NOTICE TO COLLECTOR OF CUSTOMS

JANUARY 30, 1951.

Section 160.19, Chapter I, Title 8 of the Code of Federal Regulations, is hereby amended to read as follows:

§ 160.19 *Notice of decisions; appeal from Commissioner's order.* The Commissioner shall furnish notice of the decision in all cases to the appropriate field office, and shall, in accordance with § 90.9 of this chapter, serve a copy of his decision and order upon the party against whom the proceedings were instituted or his counsel or representative. The field office shall inform the collector of customs promptly in the event no penalty is imposed, and in all other cases upon the disposition of any appeal, or at the expiration of the time in which an appeal may be entered. Such information need not be furnished the collector of customs in any case in which the field office has been previously furnished with a notice of collection of the amount of the penalty by the collector of customs. The responsibility for such action as may be appropriate in carrying out the provisions of the decision lies with the collector of customs.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458)

A. R. MACKEY, *Acting Commissioner, Immigration and Naturalization.*

Approved: April 20, 1951.

J. HOWARD MCGRATH, *Attorney General.*

[F. R. Doc. 51-4211; Filed, Apr. 25, 1951; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 1]

PART 408—ENFORCEMENT PROCEDURES

INVESTIGATIONS

Part 408, published and made effective on December 30, 1950, in 15 F. R. 9443, is amended by adding § 408.12 to read:

§ 408.12 *Investigations.* By section 309 of the act, the Administrator or his designated examiners in the conduct of public investigations regarding alleged violations of the act and regulations issued pursuant thereto are authorized to take evidence, issue subpoenas, take depositions, and compel testimony in the manner provided in section 1004 of the act. When specifically authorized by the Administrator for a particular proceeding, the Regional Attorneys in the field and personnel of the General Counsel's Office in Washington may undertake such investigations: (a) In complicated cases to procure and preserve business records where copying them would be impractical, (b) in accident cases to establish responsibility, (c) in civil penalty cases to fix the amount that should be accepted in compromise, (d) in doubtful cases to determine whether any action should be taken, and (e) in such other types of cases as the Administrator may specifically prescribe.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 1004, 52 Stat. 1021, as amended, sec. 309, 62 Stat. 1217; 49 U. S. C. 644, 459)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE, *Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 51-4834; Filed, Apr. 25, 1951; 8:55 a. m.]

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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Now Available

HANDBOOK OF EMERGENCY DEFENSE ACTIVITIES

March 1951 Edition

Published by the Federal Register Division, the National Archives and Records Service, General Services Administration

92 PAGES—25 CENTS

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PART 3—DIGEST OF CEASE AND DESIST ORDERS

MILLS SALES CO. OF N. Y., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections; organization and operation; size and extent;* § 3.200 *Sample, offer or order conformance.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.2060 *Sample, offer or order conformance.* In connection with the sale, offering for sale, and distribution in commerce, of toys, jewelry, cosmetics, gift items, drugs, or any other merchandise, (1) representing directly or by implication that Mills Sales Company of N. Y., Inc., owns or controls any subsidiary, firm, company or corporation; (2) representing directly or by implication that Mills Sales Company of N. Y., Inc., is the world's lowest priced wholesaler, or is never undersold; or, (3) shipping any merchandise not identical in all respects with the merchandise ordered by any customer, except with the express consent of the latter; prohibited.

(Sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Mills Sales Company of N. Y., Inc., et al., Docket 5775, Feb. 23, 1951]

In the Matter of Mills Sales Company of N. Y., Inc., a Corporation, David Jacoby and Evelyn Jacoby, Individually and as Officers of Mills Sales Company of N. Y., Inc.

This proceeding was heard by Frank Hier, trial examiner, upon the complaint, of the Commission, the answer of the respondents, and a hearing at which counsel in support of the complaint and counsel for respondents joined in a stipulation dictated by them into the record, wherein it was agreed that such stipulation might be taken as the facts in the proceeding and in lieu of testimony in support of and in opposition to the charges stated in the complaint, and that it might serve as the basis for findings as to the facts and conclusions based thereon and order disposing of the proceeding, without presentation of proposed findings and conclusions.

Thereafter the proceeding regularly came on for final consideration by said trial examiner upon the complaint, answer, and stipulation, which had been approved by said trial examiner who, after duly considering the record and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts, conclusion drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisons of said Rule XXII, became the decision of the Commission February 23, 1951.

The said order to cease and desist is as follows:

It is ordered, That respondent Mills Sales Company of N. Y., Inc., a corporation, its officers, directors, employees and representatives, and respondents David Jacoby and Evelyn Jacoby, individually and as officers of such corporation, their employees and representatives, directly or indirectly, or through any corporate or other device, in connection with the sale, offering for sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of toys, jewelry, cosmetics, gift items, drugs, or any other merchandise, do forthwith cease and desist from:

1. Representing directly or by implication that Mills Sales Company of N. Y., Inc., owns or controls any subsidiary, firm, company or corporation.

2. Representing directly or by implication that Mills Sales Company of N. Y., Inc., is the world's lowest priced wholesaler, or is never undersold.

3. Shipping any merchandise not identical in all respects with the merchandise ordered by any customer, except with the express consent of the latter.

By "Decision of the Commission and order to File Report of Compliance", Docket 5775, February 27, 1951, which announced fruition of said initial decision, report of compliance with the order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 27, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-4825; Filed, Apr. 25, 1951; 8:53 a. m.]

[Docket 5781]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ELECTROVOX CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.30 *Composition of goods;* § 3.130 *Manufacture or preparation;* § 3.170 *Qualities or properties of product or service.* In connection with the sale and distribution of phonograph needles in commerce, representing, directly or by implication, (1) that respondents' pho-

nograph needles made with synthetic points or tips contain sapphire, ruby, or other gem or jewel as generally understood by the trade and the consuming public; or, (2) that their phonograph needles will play, or may be relied upon or depended upon to play, satisfactorily up to 10,000, 6,000, or 4,000 records, or any other specified number thereof not definitely proven under the varied conditions of normal use; prohibited.

(Sec. 5, 38 Stat. 719, as amended, 15 U. S. C. 45) [Cease and desist order, Electrovox Company, Inc., et al., Docket 5781, Feb. 26, 1951]

In the Matter of Electrovox Company, Inc., a Corporation, Lowell Walcutt and Robert G. Walcutt, individually and as officers of Electrovox Company, Inc.

This proceeding was heard by Clyde M. Hadley, trial examiner, upon the complaint of the Commission and the joint answer of the respondents in which they admitted all of the material allegations of facts set forth in the complaint and waived all intervening procedure and further hearing as to the said facts, but reserved the right to a hearing upon proposed conclusions of fact or law, which reservation, as pertaining to any hearings before the trial examiner, was duly waived by their counsel.

Thereafter the proceeding regularly came on for final consideration by the above named trial examiner, theretofore duly designated by the Commission, upon said complaint and answer, all intervening procedure having been waived, and no proposed findings and conclusions having been submitted by counsel, or oral argument requested, and said trial examiner having duly considered the record, and found the instant proceeding in the interest of the public, made his initial decision, comprising certain findings as to the facts, conclusions drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII, became the decision of the Commission February 26, 1951.

The said order to cease and desist is as follows:

It is ordered, That the respondents Electrovox Company, Inc., a corporation, and Lowell Walcutt and Robert G. Walcutt, individually and as officers thereof, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the sale and distribution of phonograph needles in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That their phonograph needles made with synthetic points or tips contain sapphire, ruby, or other gem or jewel as generally understood by the trade and the consuming public.

2. That their phonograph needles will play, or may be relied upon or depended upon to play, satisfactorily up to 10,000, 6,000, or 4,000 records, or any other specified number thereof not definitely proven under the varied conditions of normal use.

By "Decision of the Commission and order to File Report of Compliance", Docket 5781, February 26, 1951, which announced fruition of said initial decision, report of compliance with the order was required as follows:

It is ordered, That the corporate respondent, Electrovox Company, Inc., and the individual respondents, Lowell Walcutt and Robert G. Walcutt, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 26, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-4824; Filed, Apr. 25, 1951; 8:52 a. m.]

[File No. 21-192]

PART 200—FEATHER AND DOWN PRODUCTS INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1941, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of April 26, 1951.

Statement by the Commission. Trade practice rules for the Feather and Down Products Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure. Such rules constitute a revision and supplementation of the rules promulgated by the Commission for the Feather and Down Industry on July 18, 1932, and supersede the 1932 rules.

Members of the industry are the persons, firms, corporations, and organizations engaged in the manufacture, processing, distribution and sale in commerce of pillows, cushions, comforters, sleeping bags, and similar products, which are wholly or partially filled with feathers or down.

The rules are directed to the elimination and prevention of various unfair trade practices and are issued in the interest of protecting the purchasing public and maintaining fair competitive conditions in the industry. To this end the rules provide a helpful guide to all concerned.

The industry affected has fully cooperated with the Commission in the formulation and establishment of the rules. During the course of the proceedings a general industry conference was held under Commission auspices in New York City, at which proposals for rules were submitted for the consideration of the Commission. Thereafter, a draft of proposed rules was released by the Commission and public hearing thereon held in Washington, D. C., at which all interested or affected parties were afforded opportunity to present their views, suggestions, or objections regarding the rules.

Following such hearing, and upon consideration of the entire matter, final action was taken by the Commission whereby it approved and received, respectively, the trade practice rules hereinafter appearing in Group I and Group II.

Such rules become operative thirty (30) days from the date of promulgation.

These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition, that the rules are to be applied.

GROUP I

Sec.
200.0 Definitions.
200.1 Misrepresentation and deception in general.
200.2 Deceptive pictures or symbols.
200.3 Identification and disclosure of kind and type of filling material in industry products.
200.4 Disclosure as to covering materials.
200.5 Second-hand feathers, down, and other components.
200.6 Cleanliness of feathers, down, and other components.
200.7 Disclosure as to size.
200.8 Guarantees, warranties, etc.
200.9 Fictitious price lists.
200.10 Use of lottery schemes.
200.11 Misrepresentation as to character of business.
200.12 False invoicing.
200.13 Combination or coercion to fix prices, suppress competition, or restrain trade.
200.14 Prohibited discrimination.
200.15 Discriminatory returns.
200.16 Commercial bribery.
200.17 Defamation of competitors or false disparagement of their products.
200.18 Aiding or abetting use of unfair trade practices.

GROUP II

200.101 Use of size marks and labels.
200.102 Industry Committee.

AUTHORITY: §§ 200.0 to 200.102 issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 200.0 *Definitions.* (a) For the purpose of this part the term "industry products" means and includes all pillows, cushions, comforters, sleeping bags, and similar products, which are wholly or partially filled with feathers or down.

(b) Members of the industry are the persons, firms, corporations and organizations engaged in the business of manufacturing, processing, distributing or marketing in commerce any such industry products.

NOTE: Nothing in this part shall be construed as relieving any member of the industry of the necessity of complying with the requirements of State laws or regulations or other laws or regulations applicable to the products of this industry.

GROUP I

General statement. The unfair trade practices embraced in §§ 200.1 to 200.18 are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 200.1 *Misrepresentation and deception in general.* It is an unfair trade practice to use, or cause or promote the use of, any trade promotional literature, advertising matter, guarantee, warranty, mark, brand, label, trade name, picture, design or device, designation, or other type of oral or written representation, however disseminated or published, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers:

(a) With respect to the type, kind, grade, quality, quantity, weight, size, color, origin, durability, processing, testing, construction, manufacture, distribution, or customary or regular price, of any industry product, or concerning any component, contents, or covering of such product; or

(b) With respect to the colorfastness, finish, thread count, weight, pattern, material, type of fiber or weave, or feather- or down-resistant qualities of the sewn, permanent, or removable cover or covering of any industry product; or

(c) Which in any other material respect has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public. [Rule 1]

§ 200.2 *Deceptive pictures or symbols.* It is an unfair trade practice, in connection with the offering for sale, sale, or distribution of industry products, to use as part of a label, advertisement, trade name, or other representation, any depiction of a waterfowl or other picture, symbol, or design which, either alone or in conjunction with accompanying words, phrases, or other representations, has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers into the belief that the product is composed (in whole or in part) of feathers or down when such is not the fact, or is composed (in whole or in part) of feathers or down from fowl of the type or color represented by such words, pictures, or other symbols, when such is not the fact. [Rule 2]

§ 200.3 *Identification and disclosure of kind and type of filling material in industry products.* (a) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to misrepresent or deceptively conceal the identity of the kind or type of filling material contained in any of such products, or of the kinds or types, and proportions of each, when the filling material is a mixture of more than one kind or type. Such identification and disclosure shall be made by tag or label securely affixed to the outside covering of each product and in invoices and all advertising and trade promotional literature relating to the product; and when the filling material is a mixture of more than one kind or type, each kind and type shall either be listed in the order of its predominance by weight, or be listed with an accompanying disclosure of the fraction or percentage by weight of the entire mixture which it represents.

(b) Identification of the kind and type of feather and down stock by use of any of the terms listed and defined in this paragraph will be considered proper when in accord with the definition set forth for such term:

(1) *Down.* The undercoating of waterfowl, consisting of clusters of the light, fluffy filaments growing from one quill point but without any quill shaft.

(2) *Down fiber.* The barbs of down plumes separated from the quill points.

(3) *Waterfowl feathers.* Goose feathers, duck feathers, or any mixture of goose and duck feathers.

(4) *Feathers (or natural feathers).* Bird or fowl plumage having quill shafts and barbs and which has not been processed in any manner other than by washing, dusting, and sterilizing.

(5) *Quill feathers (or quills).* Wing feathers or tail feathers or any mixture of wing and tail feathers.

(6) *Crushed feathers.* Feathers which have been processed by a crushing or curling machine which has changed the original form of the feathers without removing the quill.

(7) *Stripped feathers.* The barbs of feathers stripped from the quill shaft but not separated into feather fiber.

(8) *Feather fiber.* The barbs of feathers which have been completely separated from the quill shaft and any aftershaft and which are in nowise joined or attached to each other.

(9) *Chopped feathers.* Feathers which have been subjected to a chopping or cutting process and as a result have been chopped or cut into pieces.

(10) *Damaged feathers.* Feathers, other than crushed, chopped, or stripped, which are broken, damaged by insects, or otherwise materially injured.

(c) Tolerance:[1]

(1) Subject to the restrictions and limitations of this paragraph, the filling material of an industry product may be represented as being of but one kind or type when 85 percent of the weight of all filling material contained in the product is of the represented kind or type; or may be represented as being of a mixture of two or more kinds or types with accompanying disclosure of a fraction or percentage of the weight of the entire mixture represented by each if the fraction or percentage shown is not at variance with the actual proportion of the weight of the entire mixture represented by each such kind or type by more than 15 percent of the stated fraction or percentage.

(2) Limitations and restrictions:

(i) When the filling material of an industry product is represented, directly or indirectly, as being wholly of down, any proportion within the tolerance percentage provided for in subparagraph (1) of this paragraph which is not down shall consist principally of down fiber and or small, light, and fluffy waterfowl feathers, shall contain no quill feathers, crushed feathers, or chopped feathers, and shall not contain damaged feathers, quill pith, quill fragments, trash, or any matter foreign to feather and down stock in excess of 2 percent by weight of the filling material contained in the product or which in the aggregate exceeds 5 percent of such weight.

(ii) When the filling material of an industry product is represented, directly or indirectly, as being wholly of waterfowl feathers, any proportion within the tolerance percentage provided for in subparagraph (1) of this paragraph which is not waterfowl feathers shall not contain non-waterfowl feathers in excess of 5 percent by weight of the filling material in the product, nor quill pith, quill fragments, trash, or any matter foreign to feather and down stock in excess of 2 percent by weight of the filling material in the product or which in the aggregate exceeds 5 percent of such weight; and, unless nondeceptively disclosed in the representation, not in excess of 5 percent by weight of the filling material of the product shall consist of waterfowl quill feathers, waterfowl damaged feathers, waterfowl crushed feathers, or waterfowl chopped feathers.

(iii) When the filling material of an industry product is represented, directly or indirectly, as being wholly of feathers (or natural feathers), any proportion within the tolerance percentage provided for in subparagraph (1) of this paragraph which is not natural feathers shall not contain quill pith, quill fragments, trash, or any matter foreign to feather and down stock in excess of 2 percent by weight of the filling material in the product or which in the aggregate exceeds 5 percent of such weight; and, unless nondeceptively disclosed in the representation, not in excess of 5 percent by weight of the filling material of the product shall consist of crushed feathers, chopped feathers, quill feathers, or damaged feathers.

(iv) When the filling material of an industry product is represented, directly or indirectly, as being wholly of a mixture of down and feathers, or of down and more than one kind or type of feathers, or of feathers of more than one kind or type, any proportion, or the aggregate of any proportions, of the filling material of the product at variance with the representation, but within the toler-

[1] The tolerance provided for in this paragraph is to be understood as being an allowance for error and as not embracing any intentional adulteration.

ance percentage provided for in subparagraph (1) of this paragraph, shall not contain quill pith, quill fragments, trash, or any matter foreign to feather and down stock in excess of 2 percent by weight of the filling material in the product or which in the aggregate exceeds 5 percent of such weight; and, unless nondeceptively disclosed in the representation, not in excess of 5 percent by weight of the filling material of the product shall consist of crushed feathers, chopped feathers, quill feathers, or damaged feathers.

NOTE: It is the concensus of the industry that determination as to whether any representation is violative of the provisions of this section should be based on an average of the results of tests of at least two products of the same type when same are readily available for testing, and that a proper method of testing such product would be as follows:

Samples of approximately equal weight and size should be drawn from at least three different locations in the product. Such samples should then be thoroughly mixed so as to assure of substantially uniform distribution of each kind and type of component material. From such mixture a test sample of not less than 3 grams weight should be drawn. The kinds and types of materials in said test sample should then be identified and separated and each kind or type then separately weighed and the percentage by weight of each kind and type computed from such weights. The identification of the variou kinds and types of feather and down stock in the test sample should be made by a competent feather and down analyst.

(d) Nothing in this section is to be construed as relieving industry members from complying with the requirements of § 200.5 when the filling material of any industry product, or any component thereof, is used or second-hand, or from complying with the requirements of § 200.6 *"Cleanliness of feathers, down, and other components.* [Rule 3]

§ 200.4 *Disclosure as to covering materials.* It is an unfair trade practice to misrepresent or deceptively conceal the type or kind of fabric or other material used in covers and cases of industry products, or the fiber or material content of any inner, outer, permanent, or removable covers or cases.

NOTE: Products containing rayon, silk, or linen shall be identified as to their fiber and material content in labels, invoices, and advertisements, in accordance with the requirements of trade practice rules heretofore promulgated by the Commission for the Rayon Industry, Silk Industry, and Linen Industry.

Products containing, purporting to contain, or in any way represented as containing, wool, reprocessed wool, or reused wool, shall be labeled in accordance with the requirements of the Wool Products Labeling Act of 1939 and the rules and regulations issued thereunder.

[Rule 4]

§ 200.5 *Second-hand feathers, down, and other components.* To offer for sale, sell, or distribute any industry product containing any component which has previously been used in any product, or used for any purpose, without clearly disclosing that fact in describing, advertising, labeling, invoicing and selling such product, and in all representations concerning the product, is an unfair trade practice. It is likewise an unfair trade practice to misrepresent or deceptively conceal the type, kind, or amount of such components, or to use with reference to said products descriptive words, phrases, labels, or other representations which have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers concerning the effect on said material of such prior use or concerning the type, extent, method, or effect of any reprocessing, renovation, or resterilization of such material.

NOTE: Disclosure that feathers or down have been previously used may be made by clear and conspicuous use of the term "second-hand." Designation of such material as "reworked" or "reprocessed," or use of similar phrases, without further clear and conspicuous statement that such material is not new or has been previously used, is deemed misleading.

[Rule 5]

§ 200.6 *Cleanliness of feathers, down, and other components.* It is an unfair trade practice to sell or distribute for sale to the ultimate consumer, without full and nondeceptive disclosure concerning the unclean, unsanitary, and unsterilized nature of the contents, any industry product containing feathers, down, or other components which have not been sterilized and properly washed or otherwise properly cleaned, or containing used or second-hand feathers, down, or any other components which have not been re-sterilized and re-cleaned, such practice having the capacity and tendency or effect of causing purchasers or consumers to be misled or deceived by reason of concealment or nondisclosure of the condition of the feathers, down, or other contents of such product.

NOTE: Standard tests, such as the New York State Oxygen Test, should be used to determine whether feathers and down have been properly cleaned. Such a test may be made in the following manner:

Ten grams of feathers and down are transferred to a glass jar or similar container and 1 liter of distilled water at room temperature is added. The material is thoroughly wetted by shaking and placed in an incubator at 25° C. for one hour. It is then filtered through 19-cm. coarse filter paper, and 100 ml. of filtrate are pipetted into a porcelain casserole. The liquid is made just acid to litmus with 6 N sulfuric acid and 1 ml. of acid is added in excess. The solution is titrated in the cold with 0.1 N potassium permanganate by adding 2-drop portions and then stirring until a pink color persists for 60 seconds.

The number of milliliters of potassium permanganate used is noted, and calculated to number of grams of oxygen per 100,000 grams of sample (oxygen number). 1 ml. of 0.1 N $KMnO_4$=0.8 mg. of oxygen=80, oxygen, number.

Material having an oxygen number above 20 shall be deemed to be not properly cleaned.

[Rule 6]

§ 200.7 *Disclosure as to size.* (a) In connection with the offering for sale, sale, or distribution of industry products, it is an unfair trade practice to misrepresent or deceptively conceal the size of any product, or to advertise, mark, brand, stamp, tag, label, or otherwise represent or describe, any industry product in a manner having the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the size or any dimension of such product.

(b) In the application of this section, the following standards and tolerances shall be observed to the end that confusion, misunderstanding, deception, and unfair competitive practices may be avoided and prevented.

(1) Representations concerning the size of a product shall set forth or indicate the finished size of the product (that is, the dimensions of the product as offered for sale) in a clear, definite, and unambiguous manner.

EXAMPLE: Either "Finished Size—21x27" or "Size 21x27" is a proper label for a product with a finished size 21 inches wide and 27 inches long. A size label stating only "21x 27" is also deemed a representation that such is the finished size.

(2) In the case of representations concerning the finished size of industry products, a tolerance on each dimension of one-fourth inch for pillows and one inch for comforters will be allowed.

EXAMPLE: A pillow labeled "Size 21x27" is within the tolerance if the measurement of its shortest end and side is not less than $20\frac{3}{4}$x$26\frac{3}{4}$ and the measurement of its longest end and side is not more than $21\frac{1}{4}$x$27\frac{1}{4}$.

(3) Truthful disclosure of the cut size of a product's cover before sewing and filling may be made in conjunction with, and with no greater conspicuousness than, any disclosure of the finished size of the product, when explanation is made of the meaning of such cut size, and when such disclosure is made in a clear, definite, and unambiguous manner that does not mislead or deceive the purchaser or prospective purchaser concerning the finished size of the product.

EXAMPLE: A finished product size label stating only "Cut Size—21 x 27" does not comply with the foregoing rule. A proper label could read: "Finished Size—20 x 26; Cut Size of Cover Before Sewing and Filling—21 x 27."

[Rule 7]

§ 200.8 *Guarantees, warranties, etc.* (a) It is an unfair trade practice to use or cause to be used any guarantee which is false, misleading, deceptive, or unfair to the purchasing or consuming public.

(b) The following types of guarantees are examples of those considered unfair trade practices and in violation of this section:

(1) Guarantees which are so used, or are of such form, text, or character, as to import, imply, or represent that the guarantee is broader than is in fact true, and guarantees which in themselves or in the manner of their use are otherwise false, misleading, or deceptive.

(2) Guarantees which purportedly extend for indefinite or unlimited periods of time, or for such long periods of years, as to have the capacity and tendency or effect of thereby misleading or deceiving purchasers or users into the belief that the product has or is definitely known to have a greater degree of serviceability or durability in actual use than is in fact true.

(3) Guarantees which have the capacity and tendency or effect of otherwise misrepresenting the serviceability, durability, or lasting qualities of the product, or of its feather and down content, or of its fabric covering or of any mothproofing or other special treatment or quality of such product.

(c) This section shall be applicable not only to guarantees, but also to warranties, to purported warranties and guarantees, and to any promise or representation in the nature of or purporting to be a guarantee or warranty. [Rule 8]

§ 200.9 *Fictitious price lists.* The publishing or circulating by any member of the industry of false or misleading price quotations, price lists, terms or conditions of sale, or reports as to production or sales, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, or the advertising, sale, or offering for sale of industry products at prices purporting to be reduced from what are in fact fictitious prices, or at purported reductions in price when such purported reductions are in fact fictitious or are otherwise misleading or deceptive, is an unfair trade practice. [Rule 9]

§ 200.10 *Use of lottery schemes.* The offering or giving of prizes, premiums, or gifts in connection with the sale or distribution of industry products, or as an inducement thereto, by any scheme which involves a lottery or scheme of chance, and the sale or distribution of industry products by any method or plan which involves a lottery or scheme of chance, are unfair trade practices. [Rule 10]

§ 200.11 *Misrepresentation as to character of business.* It is an unfair trade practice for any member of the industry to represent, directly or indirectly, through the use of any word or term in his corporate or trade name, in his advertising or otherwise, that he is a manufacturer of feather and down products, or that he is the owner or operator of a factory or producing company manufacturing them, or that he owns, maintains, or operates a research laboratory devoted to feather, down, pillow, comforter, or bedding research and development, when such is not the fact, or in any other manner to misrepresent the character, extent, volume, or type of his business. [Rule 11]

§ 200.12 *False invoicing.* Withholding from or inserting in invoices any statements or information by reason of which omission or insertion a false or misleading record is made, wholly or in part, of the transactions represented on the face of such invoices, with the purpose or effect of thereby misleading or deceiving dealers, purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 12]

§ 200.13 *Combination or coercion to fix prices, suppress competition, or restrain trade.* It is an unfair trade practice for a member of the industry:

(a) To use, directly or indirectly, any form of threat, intimidation, or coercion against any member of the industry or other person unlawfully to fix, maintain, or enhance prices, suppress competition, or restrain trade; or

(b) To enter into or take part in, directly or indirectly, any agreement, understanding, combination, conspiracy, or concerted action with one or more members of the industry, or with one or more other persons, unlawfully to fix, maintain, or enhance prices, suppress competition, or restrain trade. [Rule 13]

§ 200.14 *Prohibited discrimination—*

(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,[1] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,[2] or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing in this section shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce[1] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing in this section shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein, where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

NOTE: In complaint proceedings charging discrimination in price or services or facilities furnished, and upon proof having been made of such discrimination, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged; and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing in this section shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a

[1] As here used, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

competitor or the services or facilities furnished by a competitor.

[Rule 14]

§ 200.15 *Discriminatory returns.* It is an unfair trade practice for any member of the industry to discriminate in favor of one customer-purchaser against another customer-purchaser of industry products, bought from such member of the industry for resale, by contracting to furnish, or furnishing in connection therewith, upon terms not accorded to all customer-purchasers on proportionately equal terms, the service or facility whereby such favored purchaser is accorded the privilege of returning industry products so purchased and receiving therefor credit or refund of purchase price: *Provided, however,* That nothing in §§ 200.1 to 200.18 shall prohibit or be used to prevent the return of merchandise by purchaser, for credit or refund of purchase price, when and because such merchandise has not been properly labeled by the seller in accordance with §§ 200.1 to 200.18, or has been otherwise falsely or deceptively labeled or represented, or when and because such merchandise is defective in material, workmanship, or in any other respect is contrary to warranty or purchase contract. [Rule 15]

§ 200.16 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase industry products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 16]

§ 200.17 *Defamation of competitors or false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the products of competitors in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 17]

§ 200.18 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in §§ 200.1 to 200.18 [Rule 18]

GROUP II

General statement. Compliance with trade practice provisions embraced in §§ 200.101 to 200.102 is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such sections does not per se constitute violation of law. Where, however, the practice of not complying with §§ 200.101 to 200.102 is followed in such manner as to result in unfair methods of competition or unfair or deceptive acts or practices in commerce, corrective proceedings in respect thereto may be instituted by the Commission as in the case of violation of §§ 200.1 to 200.18.

§ 200.101 *Use of size marks and labels.* The industry approves the practice of marking and labeling all industry products in a manner which accurately and nondeceptively discloses the size of such products and disapproves the practice of distributing and selling industry products which are not thus marked or labeled with respect to size. [Rule A]

§ 200.102 *Industry committee.* A Committee on Trade Practices is hereby authorized to cooperate with the Federal Trade Commission and to perform such acts as may be legal and proper in the furtherance of fair competitive practices and in promoting the effectiveness of this part.

Issued: April 23, 1951.

Promulgated by the Federal Trade Commission April 26, 1951.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-4828; Filed, Apr. 25, 1951; 8:53 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg. Amdt. 370]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 365]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

KANSAS AND MISSOURI

Amendment 370 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 365 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. In Schedule A, Items 116a, 118 and 119 are amended to read as follows:

(116a) [Revoked and decontrolled.]
(118) [Revoked and decontrolled.]
(119) [Revoked and decontrolled.]

This decontrols the following Defense-Rental Areas located in the State of Kansas: Great Bend, Junction City-Manhattan and Liberal.

2. In Schedule A, all of Item 170 which relates to Johnson, Leavenworth and Wyandotte Counties in the State of Kansas is deleted.

This decontrols the Counties of Johnson, Leavenworth and Wyandotte in the State of Kansas, portions of the Kansas City, Missouri, Defense-Rental Area.

All decontrols effected by this amendment are in accordance with the provisions of section 204 (j) (2) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App., 1894)

This amendment shall be effective April 24, 1951.

Issued this 23d day of April 1951.

TIGHE E. WOODS, *Housing Expediter.*

[F. R. Doc. 51-4826; Filed, Apr. 25, 1951; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Subtitle A—Office of the Secretary of Defense

PART 31—DEFENSE CONTRACT FINANCING POLICY

Sec.
31.1 Purpose.
31.2 Definitions.
31.3 General policies.
31.4 Contract finance committee.
31.5 Advance payments.
31.6 Issuance of regulations.

AUTHORITY: §§ 31.1 to 31.6 issued under 61 Stat. 499, as amended; 5 U. S. C. 171-172j. Interpret or apply 55 Stat. 839, as amended, 62 Stat. 21, secs. 301-304, Pub. Law 774, 81st Cong.; 50 U. S. C. app. 611, 41 U. S. C. 151-161, E. O. 10210, Feb. 6, 1951, 16 F. R. 1049.

§ 31.1 *Purpose.* The purpose of this part is to establish basic contract financing policy for the Department of Defense to assure proper uniformity in policies, procedures, and forms, and to provide for application of the fundamental management principle of internal check and balance.

§ 31.2 *Definitions.* The term "financing" as used in this part covers government guaranteed loans, advance payments, and progress and partial payments (except partial payments for delivery of one or more completed units called for under a contract) necessary for both performance and termination purposes, to the extent authorized by law. (Insofar as progress and partial payments are concerned, it is contemplated that contract financing officers will participate in the development of appropriate standard contract provisions designed to avoid undue risk to the government and would participate only in specific cases involving unusual financial arrangements and conditions.)

§ 31.3 *General policies.* (a) Financing must support procurement and should be designed to aid not impede essential procurement, but should be so administered as to minimize the risk of monetary loss to the Government to the extent compatible with aiding essential procurement. To this end:

(1) In terms of organization, the financing function should be separated from the procurement function, but close cooperation between the procurement

and financing functions should be preserved at all times.

(2) Procuring activities in placing contracts must give due regard to the financial capabilities of the supplier.

(3) Government financing for production or services should be provided only if, and to the extent, reasonably required for prompt and efficient performance of government contracts and subcontracts.

(4) Financing through guaranteed loans or advance payments should be made available to a supplier in cases where (i) the production or service is essential and (ii) no alternative source is readily available.

(5) It is recognized that adequate protection against the financial impact of termination of government contracts and subcontracts should encourage suppliers to invest their own funds in performance under such contracts and that financing for termination purposes will be an important aid to ultimate reconversion of industry to peacetime activities. Accordingly, termination financing may be made available, with appropriate protection of the government's interest, either in connection with or independently of performance financing.

(6) If a disagreement arises between the financing office and the interested procurement activity in any department as to whether, to what extent, or in what form, financing should be furnished, the matter will be referred immediately to and resolved in the higher echelons of authority responsible respectively for financing and procurement functions, subject to any issue being resolved ultimately by the Secretary of the department concerned.

(b) When financing through loans or advance payments is requested, the interested procuring activity shall certify that the case meets the requirements set forth in paragraph (a) (4) of this section and shall accompany such certification with adequate supporting data pertinent to the case.

(c) Uniform financing policies and, so far as practicable, uniform procedures and standard forms are to be used by the Military Departments and, to the extent mutually agreed upon by the Military Departments, facilities and personnel are to be used in common. In formulating such policies, procedures, and forms due regard shall be given to the desirability of following, so far as consistent with present circumstances, the policies and procedures developed during World War II.

(d) In determining what form of financing shall be recommended or made available to suppliers, the following order of preference should generally be observed, recognizing that there may be valid exceptions in specific cases or classes of cases:

(1) Private financing (without governmental guarantee).

(2) Progress or partial payments.

(3) Guaranteed loans (with financing institutions participating to an extent appropriate to the risk involved).

(4) Advance payments.

(e) The responsibility for insuring uniform administration of financing in accordance with this part shall be in the Assistant Secretary of Defense (Comptroller). Specific cases need not be referred to the Office of the Assistant Secretary (Comptroller), unless policy or important procedural problems are involved, and the day-to-day financing operations shall be the responsibility of the Military Departments.

(f) Responsibility for financing in each Department shall be in the Under or Assistant Secretary responsible for the comptroller function, with the focal point of such activities at departmental headquarters although contract financing offices may be established at the operational level determined by that department.

(g) Guaranteed loans under section 301 of the Defense Production Act of 1950 (50 USC App. 2091) will be used primarily for working capital purposes as was done during World War II. Such guarantee authority will not be used for loans for facilities expansion.

(h) It is contemplated that essential facilities expansion will be provided pursuant to the authority and funds under sections 302, 303 (d) and 304 of the Defense Production Act of 1950 (50 USC App. 2092, 2093 (d), 2094) and pursuant to specific authority and funds available under appropriation to the Military Departments for this purpose.

(i) It is not the purpose of this part, however, to preclude guarantees in cases in which a relatively small part of the loan might be used for facilities expansion of a minor or incidental nature; provided, that the borrower's financial condition is such that the facilities expansion will not delay or impair repayment of a guaranteed loan which would be granted on a commercial banking basis.

§ 31.4 *Contract Finance Committee.* There shall be a Contract Finance Committee composed of a representative of the Assistant Secretary of Defense (Comptroller) as Chairman, a representative of the Munitions Board and two representatives of each Military Department (one representing procurement and one representing the contract finance office), which committee shall meet frequently. This Committee shall advise and assist the Assistant Secretary of Defense (Comptroller) in assuring proper and uniform application of policies and the development of procedures and forms, and may from time to time recommend to the Secretary of Defense through the Assistant Secretary of Defense (Comptroller) and the Munitions Board such further policy directives on the subject of financing as may appear desirable. For matters involving guaranteed loans, a representative of the Board of Governors of the Federal Reserve System may be invited to meet with the Committee. The Committee also may from time to time secure the advice of representatives of other branches of the Government and other persons and may invite such representatives and persons to its meetings.

§ 31.5 *Advance payments*—(a) *General.* (1) The following provisions will apply to all advance payments hereafter authorized; whether pursuant to the Armed Services Procurement Act of 1947 (62 Stat. 26) or pursuant to the First War Powers Act, as amended.

(i) Interest will be charged on all advance payments hereafter authorized, usually at the rate of 4 percent per annum on the unliquidated balance: *Provided, however,* Advance payments may be approved without interest when in connection with contracts which provide for performance at cost, (without profit or fee to the contractor), or when specifically authorized by the Assistant Secretary responsible for the comptroller function.

(ii) The responsibility and authority for making determinations and findings with respect to advance payments, and in each case for approval of contract provisions for advance payments, or for approval of the terms and conditions thereof, shall be in the Assistant Secretary responsible for the comptroller function in each Military Department. With respect to advance payments under the First War Powers Act, as amended, this authority may be delegated as provided in § 31.5 (b) (5).

(iii) If a disagreement arises between the financing office and the interested procurement activity in any department as to whether, to what extent, or in what form, financing should be furnished, the matter will be referred immediately to and resolved in the higher echelons of authority responsible respectively for financing and procurement functions, subject to any issue being resolved ultimately by the Secretary of the department concerned.

(iv) Each Department shall submit reports of financing activities at such times and in such form as may be prescribed by the Assistant Secretary of Defense (Comptroller).

(b) Under First War Powers Act, as amended:

(1) Pursuant to the First War Powers Act, 1941 (50 U. S. C. App. 611), as amended by the Act of January 12, 1951 (Public Law 921, 81st Congress), and Executive Order No. 10210 of February 2, 1951, the Department of the Army, the Department of the Navy, and the Department of the Air Force are authorized to make advance payments under contracts heretofore or hereafter made, without regard to other provisions of law relating to contracts, including advance payments under contracts awarded on competitive bids after formal advertising, and to amend such contracts to provide for advance payments.

(2) All contracts and amendments to contracts providing for advance payments made under the authority of the above-cited act and Executive order shall:

(i) Make reference to the act and the Executive order;

(ii) Include a finding that the national defense is facilitated thereby; and

(iii) Include the following clause:

Examination of records. (a) The Contractor (which term as used in this clause means the party contracting to furnish the supplies or perform the work required by this contract) agrees that the Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any pertinent books, documents, papers, and records of the Contractor involving transactions related to such contract.

(b) The Contractor agrees to insert the provisions of this clause, including this para-

graph (b), in all subcontracts hereafter made, if such subcontracts provide for advance payments.

(3) The advance payment agreement under the above-cited act and Executive order should provide for deposit of all payments into special bank accounts and should include suitable covenants to protect the Government's interest. Advance payments under such authorizations should be limited to the contractor's financial needs, and withdrawals from the special bank accounts provided therefor should be closely supervised. The terms governing advance payments should include as security, in addition to or in lieu of the requirements for advance payment bond or other security, provision for a lien in favor of the Government, paramount to all other liens, upon the supplies contracted for, upon the credit balance in any special account in which such payments may be deposited, and upon such of the material and other property acquired for performance of the contract, as the parties shall agree.

(4) Complete data shall be maintained by each Department as to all contracts and amendments to contracts relating to advance payments made pursuant to the above-cited act and Executive order.

(5) Pursuant to the above-cited act and Executive order, the authority in each case to approve contract provisions for advance payments, or to authorize the terms and conditions thereof, may be delegated within each Department to the Assistant Secretary responsible for the comptroller function, with power of redelegation under such Assistant Secretary no further than, to the Chief of Finance (and an alternate within his office) in the Department of the Army, to the Assistant Comptroller, Accounting, Audit and Finance (and an alternate within his office) in the Department of the Navy, and to the Deputy for Contract Financing to the Assistant Secretary (Management) of the Air Force (and an alternate responsible to such Deputy for Contract Financing).

§ 31.6 *Issuance of regulations.* The Secretaries of the Army, Navy and Air Force may prescribe appropriate regulations, which shall be as uniform as practicable, to carry out the purposes of this part.

ROBERT A. LOVETT,
Acting Secretary of Defense.

APRIL 6, 1951.

[F. R. Doc. 51-4664; Filed, Apr. , 1951; 8:45 a. m.]

Chapter V—Department of the Army

Subchapter D—Military Reservations and National Cemeteries

PART 557—SERVICE CLUBS AND LIBRARIES

REVISION OF PART

Part 557 is revised to read as follows:

SERVICE CLUBS

Sec.
557.1 General.
557.2 Responsibility.
557.3 Gambling.
557.4 Vending machines.
557.5 Alcoholic beverages.
557.6 Personnel.

ARMY LIBRARY SERVICE

557.10 General.
557.11 Responsibility.
557.12 Personnel.

AUTHORITY: §§ 557.1 to 557.12 issued under R. S. 161; 5 U. S. C. 22.

SOURCE: §§ 557.1 through 557.6 contained in AR 680-60, 23 Feb. 1951 and §§ 557.10 through 557.12 contained in AR 680-50, 15 Dec. 1950.

SERVICE CLUBS

§ 557.1 *General*—(a) *Application.* Sections 557.1 through 557.6 are applicable to all Army commands for the administration of service club facilities and service club director personnel assigned to service clubs within and without the continental United States.

(b) *Definitions.* For the purpose of §§ 557.1 through 557.6 the following definitions apply:

(1) *Service club.* A facility at an installation designed for use during off-duty time by enlisted personnel, their families and friends, which is adequately furnished with supplies and equipment suitable for a wide variety of welfare and recreational activities; and staffed by uniformed civilian service club director personnel.

(2) *Service club program.* All types of activities and services available to enlisted personnel, their families and friends, which are planned and executed under the supervision of professional civilian recreational directors assigned to the service club staff.

(3) *Service club director personnel (formerly designated as "hostesses").* Professional civilian recreational personnel at all echelons who are responsible for administering and operating the service club program. These may include staff service club director, assistant staff service club director or field service club director, staff program director, post service club director, service club director, assistant service club director, program director, and recreational assistant.

§ 557.2 *Responsibility.* (a) The Adjutant General formulates plans, policies, and procedures governing Army service clubs, is responsible for the supervision of the service club program, determines civilian personnel and supply requirements, and prepares budget estimates for appropriated funds necessary for administering and operating the service club program.

(b) The Quartermaster General is responsible for the procurement, storage, and distribution of essential service club supplies and equipment purchased from appropriated funds.

(c) Major commanders are responsible for the accomplishment of the mission of the service club programs. Special services officers of major commands are responsible for the development of the service club program.

(d) Staff service club directors who serve on the staff of the headquarters of a major command are responsible, under the general direction of the commander and the special services officer, for the technical supervision of the service club program within the command.

(e) The installation commander is responsible for the service club program under his jurisdiction, and will facilitate operations by authorizing use of necessary post facilities and equipment and an equitable allocation of funds.

(f) The special services officer is responsible to the installation commander for the general supervision of the service club program, including the procurement of essential funds, facilities, and personnel; and the coordination of the service club program with other recreational activities of the military and civilian community.

(g) The service club director is responsible for the operation of the service club and the administration of the program, facilities, and personnel assigned to the service club; and will perform duties as prescribed in § 557.6 (b).

(h) A post service club director may be appointed to assist the special services officer in the supervision of all post service club activities. In general, a minimum of three clubs is considered a reasonable basis for the establishment of this position.

§ 557.3 *Gambling.* No gambling or the use of any device which savors of gambling, such as punchboards, slot machines, and like devices, will be permitted in or about the service club or any of its facilities. This is not intended to prohibit socially approved games of chance, such as bingo and other activities conducted primarily for recreational purposes.

§ 557.4 *Vending machines.* Automatic or mechanical vending machines may be installed in any service club with the approval of the installation commander. The operation of such machines will be controlled by the post exchange service in accordance with pertinent Army regulations. The concurrence of the service club director will be obtained as to location of these machines in the service club building.

§ 557.5 *Alcoholic beverages.* No alcoholic beverages, including wine or beer, will be consumed, sold, or given away in or about the service club or any of its facilities.

§ 557.6 *Personnel*—(a) *General.* (1) All service club director personnel, including staff service club directors, paid from appropriated funds are appointed under Schedule A, Civil Service Rules and Regulations (5 CFR, 6.105g).

(2) In order to maintain approved standards for personnel paid from nonappropriated funds and to obtain a higher efficiency of operation, position classification pertaining to service club personnel employed under appropriated funds will apply.

(3) Rates of pay, travel allowances, and conditions of employment, including annual and sick leave benefits and hospitalization for nonappropriated fund employees, will be commensurate to those which apply to appropriated fund employees.

(4) Major commanders will be responsible for selection, assignment, promotion, transfer, and terminations involving personnel paid from either appropriated or nonappropriated funds.

(5) During the first 6 months of assignment, all service club director personnel will pursue such courses of instruction and on-the-job training as may be prescribed by the major commander concerned. The extension of this training period will depend upon the proficiency achieved.

(6) The first year of service will be considered a trial period. Major commanders will utilize this period as fully as possible to determine the fitness of each employee and may terminate her services during such period, if she fails to demonstrate fully her suitability and fails to meet the performance standards established.

(7) Not less than 30 days prior to the end of the trial period, the installation commander will determine whether or not an employee has rendered satisfactory service and should continue on duty or be terminated, and will notify the major commander concerned accordingly.

(b) *Positions and duties.* Service club director personnel may be assigned to the following positions and will perform duties set forth below:

(1) *At headquarters, major continental commands and appropriate overseas commands*—(i) *Staff service club director.* (a) Under the general direction of the special services officer formulates plans and policies, and exercises technical supervision of all service clubs within the command.

(b) Reviews qualifications, selects and orients service club director personnel, and recommends assignments within the command.

(c) Prepares program material and other pertinent information for dissemination to the field.

(d) Trains and directs service club director personnel in best methods of operating a dynamic program, and conducts periodic service club conferences.

(e) Coordinates field trips and training conferences conducted for service club personnel by other program and activity technicians.

(f) Develops contacts and maintains liaison with regional educational and recreational agencies for the purpose of improving and developing the technical and professional aspects of the service club program.

(g) Periodically inspects all service clubs in the command; reports and makes recommendations to appropriate commanders for the improvement of facilities and programs.

(h) Recommends plans for construction, conversion and repair of service club buildings.

(i) Evaluates reports and makes recommendations for accomplishing overall objectives of the service club program.

(ii) *Assistant staff service club director or field service club director.* Assists the staff service club director in accomplishment of duties outlined in subdivision (i) of this subparagraph and performs such additional duties as may be assigned. Primary duties will usually consist of technical supervision of service club operation through staff visits and conferences, and liaison between the staff service club director and service club director personnel in the field.

(iii) *Staff program director.* Assists the staff service club director in accomplishment of duties outlined in subdivision (ii) of this subparagraph and performs such additional duties as may be assigned. Usually prepares program material and technical recreational information for guidance of service club director personnel.

(2) *At post headquarters.* The post service club director:

(i) Supervises all service clubs at the installation and performs at post level the same type of duties as those performed by the staff service club director.

(ii) Conducts regular staff meetings and participates in program planning and execution.

(iii) Coordinates programs of all service clubs at the installation, compiles budget requests for recreational activities in the service clubs, consolidates requisitions and purchase orders for service club supplies, and consolidates reports on service club activities.

(iv) Advises and assists the special services officer and service club directors in developing, coordinating, and maintaining relations with nearby communities to secure effective use of local resources for the benefit of the service club program.

(v) When necessary, substitutes for other service club director personnel who are on sick or annual leave.

(3) *In service clubs*—(i) *Service club director.* (a) Under the general supervision of the post special services officer and the post club director, directs the service club operation, and initiates requests for improving existing facilities and activities.

(b) Plans and directs a well-rounded program of social and recreational activities for the service club, coordinated with other recreational activities of the installation.

(c) Supervises and directs the activities of all personnel assigned to or employed by the service club; plans and directs orientation and on-the-job training for newly assigned personnel.

(d) Selects, trains, and supervises clerical, maintenance, and other housekeeping personnel utilized in the operation of the service club.

(e) Submits monthly activities and financial reports as prescribed by Army regulations; prepares budgets and other necessary administrative papers.

(f) Assists in developing community relationships; determines need for volunteer services and participation; selects, trains, and assigns volunteers for duty in the service club.

(ii) *Assistant service club director and program director.* (a) Is normally assigned the planning and execution of the social and recreational activities of the service club.

(b) Shares recurring duties and responsibilities of administration and operation as delegated by the service club director.

(c) Assumes charge in absence of the service club director.

(iii) *Recreational assistant.* Performs duties assigned by the service club director which may include but are not limited to the following:

(a) Assists in planning and executing over-all recreational program in the service club.

(b) Plans and executes specific recreational activities under the supervision of the service club director.

(c) Performs routine duties relative to supply, publicity, maintenance, and like responsibilities as delegated by the service club director.

(c) *Qualifications.* (1) All service club director personnel, regardless of funds from which paid, will meet the qualifications as provided in this paragraph.

(2) All service club director personnel will possess the prerequisite personal qualifications of acceptable personality traits, integrity, and discretion. Prior to appointment, commanders will satisfy themselves as to the loyalty of such personnel, as provided in special regulations, and will cause a physical examination to be conducted by an officer of the Army Medical Service or the Public Health Service, or by a qualified civilian doctor, in accordance with CPR M-1.

(3) All service club director personnel will be single, female, and United States citizens.

(4) A combination of education and experience is required for all positions. Professional, paid experience with recognized social, recreational, or similar organizations may be substituted for college education at the rate of 1 year of experience for each year of education lacking, not to exceed 2 years of experience for 2 years of college training.

(5) Qualifications for service club positions are as follows:

(i) *Recreational assistant.* (a) Graduation from an accredited college or university with a major in recreation or a related field, and broad participation in a variety of recreational activities including arts and crafts, dramatics, music, or group recreation.

(b) Age at selection:

	Years
Minimum	21
Maximum	35

(ii) *Assistant service club director and program director.* (a) Must meet requirements for recreational assistant and in addition have 2 years paid recreational experience with educational, recreational, or similar organizations. One year of this experience as a recreational assistant with an Army or Air Force service club is desirable.

(b) Age at selection:

	Years
Minimum	25
Maximum	40

(iii) *Service club director.* (a) Must meet requirements for recreational assistant and in addition have 3 years paid professional experience with educational, recreational, or similar organizations, 1 year of which must have been in an Army or Air Force service club. Demonstrated ability to supervise personnel is required.

(b) Age at selection:

	Years
Minimum	30
Maximum	40

(iv) *Post service club director.* (*a*) Must meet requirements for recreational assistant and in addition have 4 years' paid professional experience with educational, recreational, or similar organizations, 2 years of which must have been in an Army or Air Force service club. Demonstrated ability to supervise personnel is required.

(*b*) Age at selection:

	Years
Minimum	30
Maximum	42

(v) *Staff service club director, assistant staff service club director, field service club director, and staff program director.* (*a*) Must meet requirements for recreational assistant and in addition have a minimum of 5 years' paid professional experience in adult recreation, at least 3 years of which must have been in an Army or Air Force service club, including one year as a club director. Demonstrated ability to supervise personnel and perform administrative duties is required.

(*b*) Age at selection:

	Years
Minimum	30
Maximum	45

(vi) *Age restrictions.* With the exceptions noted in subdivision (viii) of this subparagraph, no staff service club director, assistant staff service club director, field service club director, staff program director, or post service club director will remain on duty after having reached the age of 55; no service club director will remain on duty after having reached the age of 50; and no other recreational director personnel will remain on duty after having reached the age of 45.

(vii) Personnel now on duty, whose qualifications are less than the minimum qualifications required by this paragraph may be separated from the service at the discretion of the commander concerned.

(viii) *Exceptions in qualifications.* Major commanders may waive established qualifications, other than citizenship and professional requirements, only when fully qualified personnel are not available or when an incumbent has clearly demonstrated ability to perform the duties involved. Authority for waiver of qualifications will not be delegated.

ARMY LIBRARY SERVICE

§ 557.10 *General*—(a) *Application.* Sections 557.10 through 557.12 apply to Army Library Service provided under the supervision of special service officers at installations and hospitals.

(b) *Definitions.* The following terms are defined for the purpose of §§ 557.10 through 557.12.

(1) A "library" is a service agency established for the purpose of providing reading material of an educational, informational, recreational, technical, and reference nature to an Army installation. It comprises an organized collection of books, pamphlets, periodicals, documents, newspapers, maps, pictures, recordings, music scores, etc. A library may extend its services beyond the main library by means of branch libraries, bookmobiles, and other types of service units under centralized administrative control, and thereby become a "library system."

(2) "Librarian" refers to that civilian whose work requires the application of professional library techniques in library administration, supervision, organization, and operation.

(3) "Library assistant" refers to all persons in a library who perform work of a subprofessional nature not requiring extensive technical library training.

(4) "Library service" includes circulation of library materials; reference and readers' advisory service; ward library service in hospitals; field library service; maintenance of informational, educational, and vocational materials; compilation of special and technical bibliographies; coordination with activities requiring specialized book service; and the extension of this service to field library units, outposts, and maneuver areas.

§ 557.11 *Responsibility.* (a) The Adjutant General formulates plans and policies governing the Army Library Service and is responsible for the supervision of this service at all echelons of command.

(b) Major Commanders, through the installation commanders under their respective commands, are responsible for the accomplishment of the mission of the Army Library Service.

(c) The Special Services officer at all echelons of command is charged with the over-all direction of library service. He is responsible for the accomplishment of standards of service and for the preparation and justification of requests for funds to operate this service. At installations the Special Services officer may be designated the accountable property officer for library books.

(d) Librarians, under the general supervision of the Special Services officer, are responsible for the technical and mechanical processes and for library service.

(1) Staff librarians who serve on the staff of the headquarters of a major command are responsible for the administration of Army Library Service within a major command; for the formulation of broad policies for the operation of these libraries and for extensive essential research in library service; for the preparation of over-all library budget for submission to the Special Services officer.

(2) The chief librarian at an installation is responsible for the technical and mechanical processes of the post library system; for the quality and extent of library service rendered; for adjusting library operations to meet local needs; and for the selection of titles to be added to and withdrawn from the library's collection.

§ 557.12 *Personnel*—(a) *General* (1) The salaries of civilian library personnel may be paid from appropriated or nonappropriated funds. Funds appropriated for the pay of civilian professional librarians will be restricted to that use. All library personnel will meet the educational and experience requirements of paragraph (c) of this section.

(2) Librarians paid from appropriated funds are appointed under Schedule A, Civil Service Rules and Regulations (5 CFR, 6.105g).

(3) Librarian personnel paid from nonappropriated welfare funds will be required to qualify under the same standards as established for such personnel paid from appropriated funds. Rates of pay, travel allowances, and conditions of employment including annual and sick leave benefits will be commensurate to those applicable to employees on appropriated fund rolls.

(4) Prior to appointment of civilian library personnel, commanders will satisfy themselves as to the loyalty, integrity, and discretion of such persons and cause a physical examination to be conducted by an officer of the Army Medical Service, the Public Health Service or a qualified civilian doctor to insure fitness for such appointment.

(b) *Duties*—(1) *Staff librarian.* (i) Under the general direction of the Special Services officer of a major command, formulates plans and policies for the operation of the library service within the command, including fiscal studies therefor.

(ii) Prepares library budget for inclusion in the over-all Special Services budget.

(iii) Interviews and selects for recommendation candidates for library positions within the command. Arranges transfer of qualified personnel between installations within the command and advises The Adjutant General of vacancies and of librarians surplus to the needs of the command.

(iv) Provides appropriate training for library personnel.

(v) Conducts periodic conferences of librarians.

(vi) Completes surveys to determine the extent and type of library service being conducted or to be inaugurated in order to render adequate service.

(vii) Prepares consolidated quarterly reports covering library section of DA AGO Form 282 for submission to higher headquarters.

(viii) Analyzes monthly and quarterly library reports with view to improvement of library service. Recommends corrective action where deficiencies in operation are found.

(ix) Establishes and supervises the operation of field library service at small installations where a post librarian is not employed.

(x) Reviews and selects books for purchase to be used in post and field libraries.

(xi) Prepares publicity and informational material covering library service for submission to public information officer for release.

(xii) Supervises the operation of a library and/or library depot at the headquarters of a major command.

(xiii) Visits and inspects periodically all libraries in the command; reports and makes recommendations to appropriate commanders to assure high standards of library service.

(xiv) Attends professional library conferences, as directed by the commanding general, for the purpose of keeping abreast of current developments in library service.

(2) *Assistant staff librarian.* Assists the staff librarian in carrying out the duties prescribed in subparagraph (1) of this paragraph and performs such additional duties of a professional nature as may be assigned.

(3) *Chief librarian; installations.* (i) Supervises all library service at an installation, including establishment and operation of technical and mechanical library processes.

(ii) Administers and directs the operations of a centralized library system which may have several branch libraries and field library collections.

(iii) Develops long range library policies with Special Services officer, including programs to meet changing needs as pertains to fluctuating strengths, types of military units served, and other factors.

(iv) Develops and keeps up-to-date book collections by selection of additions and replacements, and by screening and salvaging.

(v) Supervises the reference, bibliographical, readers' advisory and research services.

(vi) Plans, prepares, and justifies budgets for books, personnel, equipment, and supplies.

(vii) Selects, trains, and supervises subordinates and volunteers.

(viii) Acts as accountable property officer, when so assigned.

(4) *Librarian in charge of a branch library, station hospital type library, field library, bookmobile, or specialized department within a library system.* (i) Directs the library activity for which employed, including such duties as devising and implementing library activities; readers' advisory service; training of assistants; preparing library publicity material for release to post public information officer; performing such technical processes as book selection, procurement, accessioning, cataloging, and classification; performing reference and bibliographical services to patrons; supervising circulation routines; and such other professional duties as may be assigned.

(ii) In large central system may perform such specialized duties as centralized book selection; procurement; classification and cataloging; and reference and bibliographical work.

(iii) Works under direct supervision of the chief librarian.

(5) *Library assistant.* Works under the direction of a librarian and performs work of a subprofessional and clerical nature in the circulation and maintenance of the library collection, including tasks such as preparation of books for circulation; charging and discharging of library materials; shelf and catalog maintenance; record keeping; and related activities.

(c) *Qualifications*—(1) *Staff librarian.* (i) United States citizenship.

(ii) Graduate of a library school accredited by the American Library Association.

(iii) Four years of professional library experience, 2 years of which should be in an administrative position in Army Library Service.

(iv) Above experience to include 2 years in library administrative work; demonstrated ability in the organization and supervision of library; knowledge of the operation of Army installation libraries under appropriate Army Regulations, directive, and procedures.

(v) Extensive professional experience in readers' advisory work and a knowledge of reference and bibliographical sources, plus ability to administer library service as an instrument of adult education.

(vi) Ability to develop new programs and to adapt existing programs to changing situations and conditions.

(vii) Ability to administer and direct a large and diversified library program, involving knowledge of personnel administration and fiscal procedures.

(viii) Age at selection:

(*a*) Minimum—30 years.
(*b*) Maximum—45 years.

(2) *Assistant staff librarian.* (i) United States citizenship.

(ii) Graduate of a library school accredited by the American Library Association.

(iii) Three years professional library experience, including 1 year of administrative experience in Army Library Service.

(iv) Age at selection:

(*a*) Minimum—28 years.
(*b*) Maximum—40 years.

(3) *Chief librarian; installations.* (i) United States citizenship.

(ii) Graduate of a library school accredited by the American Library Association.

(iii) Professional knowledge of library organization and administration, reference and bibliography, book selection, and reader's advisory service.

(iv) Personnel characteristics including a sympathetic understanding of people as well as books; adaptability in adjusting library operations and services to meet the frequent military organizational, operational, and personnel changes.

(v) One year of administrative library experience is required when the library system includes a branch and/or specialized deposit collection.

(vi) Age at selection:

(*a*) Minimum—23 years.
(*b*) Maximum—40 years.

(4) *Librarian in charge of a branch library, station hospital type library, field library, bookmobile, or specialized department within a library system.* (i) United States citizenship.

(ii) Graduate of a library school accredited by the American Library Association.

(iii) Qualifications as outlined in subparagraph (3) (iii) and (iv) of this paragraph.

(iv) Age at selection:

(*a*) Minimum—21 years.
(*b*) Maximum—40 years.

(5) *Library assistant.* (i) United States citizenship.

(ii) Three years of college education. One year of paid library experience may be accepted in lieu of each year of college education.

(c) *Exceptions.* Within the continental United States exceptions may be made to any of the above qualifications other than citizenship and education. In oversea commands exceptions may be made to all qualifications other than education. Such exceptions as specified will be made only when individuals possessing all other desired qualifications are not available, and the interest of the service will best be served by the appointment or continued employment of an individual who can satisfactorily perform the duties involved. Responsibility for approving such exceptions will not be delegated to the installation commander, but will be that of the major commander concerned.

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-4823; Filed, Apr. 25, 1951; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter II—Economic Stabilization Agency

[Wage Adjustment Order 1]

WAO 1—RAILROAD WAGE ADJUSTMENTS

By virtue of the authority vested in me as Economic Stabilization Administrator by Executive Order 10161 of September 9, 1950 (15 F. R. 6105), and pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.); the President's Letter-Directive to me of April 6, 1951; my General Order No. 7 of April 9, 1951 (16 F. R. 3239); and, in order to expedite the disposition of urgent railroad wage matters now pending, and for other purposes, this Wage Adjustment Order No. 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

On April 6, 1951, the President of the United States addressed a letter to the Administrator which states in part as follows:

On March 1, 1951, a collective bargaining agreement was signed between the carriers represented by the Eastern, Western, and Southeastern Carriers' Conference Committees and the nonoperating employees represented by the Fifteen Cooperating Railway Labor Organizations.

At present, there is no functioning administrative machinery by which this agreement can be reviewed and either approved or rejected in whole or in part in the light of wage stabilization rules and regulations.

As you know, the settlement of labor disputes in the transportation industry is covered by the Railway Labor Act of 1926. Traditionally, the Government has provided separate machinery to deal with the distinctive problems of the transportation industry • • •.

In the meantime, it is essential that some interim machinery be established whereby the agreement in the "non-operating" case be reviewed and recommendations for action be submitted to you. Accordingly, I am asking that you immediately establish an emergency panel to consider the "non-operating" case on its merits and to submit recommendations to you promptly regarding its disposition. Such recommendations could be made effective upon the approval of the Administrator • • •.

Pursuant to the President's letter, the Administrator, on April 9, 1951, established a Temporary Emergency Railroad Wage Panel. This Panel conducted open hearings on April 13, 1951, during which testimony and written evidence were offered in support of the request for approval of payments of wages of certain non-operating railroad employees, filed by the Eastern Carriers' Conference Committee, the Western Carriers' Conference Committee, and the Southeastern Carriers' Conference Committee with the Administrator under date of March 27, 1951. The Panel likewise considered proposed similar wage payments affecting closely related employers and employees in the railroad transportation industry. Following the hearings, and after consideration, the Panel submitted to the Administrator a written report, which included recommendations that payments be permitted as provided in this Wage Adjustment Order No. 1. The report of the Panel points out:

> In the first place, the bargaining processes involved in national wage cases are far more lengthy and cumbersome than those in other industries, due to the requirements of the Railway Labor Act and the multitude of carriers and unions.

The report also emphasizes that under the Railway Labor Act strikes are unauthorized until an elaborate procedure has been carried through to the end, which often takes as much as six months to complete; that these lengthy processes are complicated by national negotiations of the type involved due to numerous factors, including the requirement of the Railway Labor Act that each agreement ultimately be in the form of an agreement between each individual carrier and each particular craft or group comprising the bargaining unit; that in national wage cases numerous crafts are involved whose cases are at any given time in varying states of development due to various and sometimes accidental circumstances; and, that in national wage cases some unions and carriers may not actually participate in the bargaining but merely wait for the results of the principal negotiations.

The findings of the Panel demonstrate that collective bargaining in the railroad transportation industry is unique, and, within the framework of wage stabilization policies, requires the application of special standards to the matter here presented. Accordingly, this order is issued.

PROVISIONS

Sec.
1. Payments permitted by this order.
2. Definition.

AUTHORITY: Sections 1 and 2 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *Payments permitted by this order.* The following wages, salaries, and other compensation may be put into effect:

(a) Payments which, under the agreement of March 1, 1951, between the carriers and the non-operating employees represented by the Fifteen Cooperating Railroad Labor Organizations, became due prior to the effective date of this order or become due during the effective period of this order; and

(b) Payments which, under similar provisions in existing agreements covering other non-operating railroad employees, employees of the Railway Express Agency, and employees of other carriers covered by so-called "stand-by" agreements, became due prior to the effective date of this order or become due during the effective period of this order; and

(c) Payments which, by established custom and practice, would have or may become payable to certain other employees of carriers as the result of the payments permitted in paragraphs (a) and (b) of this section; and

(d) Payments which, in relation to paragraphs (a) and (b) of this section, are appropriate and corresponding for related employees, such as employees who are exempted from or not covered by provisions of labor agreements and whose compensation has in the past been adjusted in like cases.

SEC. 2. *Definition.* The words "wages, salaries, and other compensation" as used herein mean "wages, salaries, and other compensation" as defined in section 702 (c) of the Defense Production Act of 1950.

This Wage Adjustment Order No. 1 shall become effective on Tuesday, April 24, 1951, at 6:00 o'clock p. m., and it shall terminate at 12:00 o'clock p. m., on Saturday, June 30, 1951. All other orders, regulations, and directives of either the Wage Stabilization Board or the Administrator of the Economic Stabilization Agency, including General Order No. 3 of January 24, 1951 (16 F. R. 739), are hereby superseded to the extent that they are inconsistent herewith.

Issued: Washington, D. C., April 24, 1951.

ERIC JOHNSTON,
Administrator,
Economic Stabilization Agency.

[F. R. Doc. 51-4901; Filed, Apr. 25, 1951; 1:00 p. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 8, Supplementary Regulation 2]

CPR 8—AMERICAN UPLAND COTTON

SR 2—VALIDATION OF CERTAIN CONTRACTS FOR FUTURE DELIVERY OF AMERICAN UPLAND COTTON

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 2 to the Ceiling Price Regulation 8 (16 F. R. 2060) is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 402 (d) (1) of the Defense Production Act of 1950 provides that regulations issued under this Act "shall apply regardless of any obligation heretofore or hereafter incurred * * *" Under certain circumstances, this section provides relief to sellers whose "seasonal demands or normal business practices require contracts for future delivery * * *" of materials. To "prevent hardships and inequities" to such sellers with bona fide contracts in effect on issuance of a price regulation, this section provides that "the President shall make appropriate provision" therefor. The "hardships and inequities" referred to in this section were intended by Congress to cover far more than a shrinkage of profit realization on a contract cut across by a price regulation. This is clearly revealed by the text and context of the basic act and by its legislative history. Accordingly, this Agency has carefully scrutinized any claim for relief under section 402 (d) (1) and has required definite and specific proof of circumstances warranting its application.

For a number of considerations it has been deemed appropriate under section 402 (d) (1) to permit fulfillment of certain bona fide contracts for future delivery of American upland cotton, pre-existing the issuance of Ceiling Price Regulation 8. These contracts which were entered into primarily between cotton merchants and mills, both domestic and foreign, before January 26, 1951, and, in any event, not later than March 4, 1951, fall into two categories: (1) On call contracts in which the price was fixed, if at all, after January 26, 1951, and (2) fixed price contracts. These contracts for future delivery of cotton are required by normal business practices. While production of American upland cotton is seasonal, the utilization of this cotton by mills is relatively steady throughout the year. To meet the demands of mills, cotton merchants perform the vital economic function of buying cotton and classifying it into even-running lots, compressing it, financing it, carrying it in storage until required by the mills, and finally shipping it to the mills. These merchants normally execute contracts with mills which call for delivery of cotton as much as twelve months in the future.

Unlike other commodities, cotton is sold to mills for the most part pursuant to what are known as "on call" contracts. Most of the contracts cut across by Ceiling Price Regulation 8 are of this kind. In terms of bales of cotton, it appears that about two-thirds of these contracts cannot be performed at ceiling prices except at a substantial out-of-pocket loss as well as loss of all profit by the cotton merchants.

The price in on call contracts is determined with reference to a "basis." This term refers to the difference between the spot price of cotton for a specified grade and staple at a specified place, and the current price of a cotton futures contract named in the sales contract. "Basis" is expressed as so many points on or off a particular futures month. With respect to such futures month, the "basis" represents the cotton merchant's judgment as to his capacity to deliver spot cotton to a mill with preservation of his handling and other costs as well as profit. An on call contract specifies which party has the right to fix the contract price within a certain time. In on call contracts, the mill normally has the "call" and fixes the contract price by buying in a specified futures contract for the account of the merchant. The price of this futures contract applied to the contract "basis" establishes the contract price of the cotton.

A typical hardship situation which this supplementary regulation is designed to alleviate may be shown by the following example which is an actual case: On January 15, 1951, a merchant sold White and Extra White, Middling 1⅛" cotton for future delivery at 300 points on March 1951, futures on buyer's call. The price of the cotton is fixed by the mill's purchase of a March futures contract. The contract price is then the sum of the basis and the price at which the mill buys in the futures contract. If the mill on March 10 purchased a March 1951, futures contract at the ceiling price, the contract price per pound would be 45.39 cents plus 3 cents or a total of 48.39 cents. This price, however, would be 1.25 cents per pound above the even-running lot ceiling price of 47.14 cents for deliveries on and after March 5, 1951 and, therefore, could not be validly paid to the cotton merchant. The latter's situation is aggravated by the fact that, in accordance with normal business practice, he previously hedged the on call mill sale by selling a March futures contract. His hedging loss, including 11 points broker's commission, based on his prior sale of a March futures contract at 43.75 cents, is 1.75 cents per pound. Assuming that the merchant had purchased cotton at 45.25 cents to fulfill his mill contract, his total cost of cotton and hedging operations is 47 cents. In addition, he has 120 points expenses in handling, sorting, compression, insurance, carrying and shipping charges. His total cost of cotton, hedging operations, and shipping the cotton is, therefore, 48.20 cents. As stated above, under Ceiling Price Regulation 8, the merchant cannot price his deliveries to the mill at more than 47.14. He suffers, therefore, on such deliveries a loss of 125 points on contract realization, of which 19 points is his loss of profit and 106 points is his out-of-pocket loss.

The second class of contracts to which this supplementary regulation is applicable are fixed price contracts. Within this group are contracts executed before January 26, 1951, in which the price was fixed before that date in excess of the ceiling prices subsequently established by either the General Ceiling Price Regulation or Ceiling Price Regulation 8. Also within this group are contracts validly entered into under General Ceiling Price Regulation at a fixed price in excess of the ceiling prices subsequently established by Ceiling Price Regulation 8.

According to the Commodity Exchange Authority, unfixed on call sales based on March, May, and July 1951, futures months amounted on January 25, 1951, to 1,425,000 bales, and on March 2, 1951, to 1,393,000 bales. No estimate was similarly available as to the number of bales to be delivered on fixed price contracts executed on or before January 25, 1951. These on call and fixed-price contracts can not be performed under the applicable ceiling price regulation except at a substantial out-of-pocket loss in addition to a loss of all profit by the cotton merchants. This conclusion has been reached on the basis of a careful examination of figures submitted by a representative group of thirty-three cotton merchants. Their figures show that they have fixed price contracts and on call contracts for future delivery of 355,220 bales of cotton entered into on or prior to January 25, 1951, in which the price fixed or to be fixed at current market conditions exceeds the ceiling prices for spot cotton established by the General Ceiling Price Regulation and Ceiling Price Regulation 8. If deliveries already made and to be made on these contracts cannot be priced according to their terms, these merchants cannot perform these contracts without incurring a total loss in contract realization of $2,131,320. Five-sixths of this loss represents out-of-pocket loss and one sixth represents a complete loss of profit. These losses were determined by applying the latest reliable per bale profit figures realized by these merchants on their 1950 total business of 2,732,234 bales. These figures show that the average per bale profit earned by these shippers in 1950 was approximately $1 per bale (or 1/5 of a cent per pound) at an average landed value per bale of $175. These profit figures are in line with the average profit historically made by all merchants in the trade and are considered reliable. The total out-of-pocket loss, therefore, incurred and to be incurred by cotton merchants in carrying out these contracts in compliance with ceiling prices amounts to $1,776,100. Similarly, the total loss of profit amounts to $355,220.

It would be administratively unfeasible at the present time to examine the cost-price relationship under each individual contract. In the judgment of the Director of Price Stabilization, it is deemed appropriate, and, indeed, the only practicable solution under section 402 (d) (1) to permit all these contracts to be carried out to the extent allowed under this supplementary regulation.

This supplementary regulation provides for the fulfillment of bona fide contracts for the sale of American upland cotton in which the price was fixed on or before January 25, 1951, as well as fixed price contracts validly entered into under the General Ceiling Price Regulation. It also permits fulfillment of bona fide on call contracts entered into before March 5, 1951, by allowing application of the basis specified in the contract to a futures price not exceeding the applicable futures ceiling price at the time the contract price is fixed. Moreover, the price of previous deliveries on such contracts may be fixed at the prices allowed for future deliveries on such contracts.

REGULATORY PROVISIONS

Sec.
1. Fixed price contracts.
2. On call contracts.
3. Previous deliveries.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., Executive Order 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Fixed price contracts.* (a) If you entered into a bona fide contract for future delivery of raw American upland cotton in which the price was fixed on or before January 25, 1951, you may deliver at the contract price.

(b) If you entered into a bona fide fixed price contract on or after January 26 but before March 5, 1951, in which the price was at or below your ceiling price established by General Ceiling Price Regulation, you may deliver at the contract price.

SEC. 2. *On call contracts.* If you entered into a bona fide on call contract before March 5, 1951, and the price was not fixed before such date, you may deliver at a price not exceeding the sum of your contract basis and 45.39 cents per pound. If the price in such a contract was fixed on or after January 26 but before March 5, 1951, the price for such deliveries shall not exceed the sum of your contract basis and your ceiling price (as established by the General Ceiling Price Regulation) for the futures month specified in the contract.

SEC. 3. *Previous deliveries.* If you delivered raw American upland cotton pursuant to contracts referred to in sections 1 and 2 of this regulation, you may fix a price for such cotton in accordance with this supplementary regulation and such pricing shall not be deemed in violation of the General Ceiling Price Regulation or Ceiling Price Regulation 8.

Effective date. This supplementary regulation is effective April 30, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 24, 1951.

[F. R. Doc. 51-4866; Filed, Apr. 24, 1951; 4:00 p.m.]

[Ceiling Price Regulation 13, Amdt. 1]

CPR 13—RETAIL CEILINGS ON PETROLEUM PRODUCTS

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 13, Amdt. 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation 13 clarifies sections 8 and 9:

The provision of sections 8 (1) and 9 (a) permitting 4 cents per gallon to be added to the tank wagon ceiling price for regular grade gasoline of a dealer's supplier plus or minus the customary retail differential for premium or third grade gasoline does not reflect the pricing method used in the territories, since margins are customarily lower than 4 cents in such areas. Such an addition would result in increased prices in these areas. Therefore, it is desirable that the territories and possessions of the United States be excluded from this pricing method.

The further purpose of this amendment is to make it clear that the filing required by section 8 (2) and 9 (b) is to be made within 60 days after the effective date of Ceiling Price Regulation 13, or within 15 days after a seller puts this method of pricing into effect.

AMENDATORY PROVISIONS

Ceiling Price Regulation 13 is amended in the following respects:

1. Section 8 (1) is amended by adding, at the beginning of the sentence, the following: "Except in the territories and possessions of the United States,".

2. Section 9 (a) is amended by adding, at the beginning of the sentence, the following: "Except in the territories and possessions of the United States,".

3. Section 8 (2) is amended by adding "within 60 days after the effective date of this regulation or within 15 days after you determine your ceiling price by this method" to the last sentence following the word, "located."

4. Section 9 (b) is amended by adding "within 60 days after the effective date of this regulation or within 15 days after you determine your ceiling price by this method" to the last sentence following the word, "located."

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment, except as otherwise herein stated, shall become effective April 30, 1951.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director,
Office of Price Stabilization.

APRIL 24, 1951.

[F. R. Doc. 51-4867: Filed, Apr. 24, 1951; 4:00 p. m.]

[Ceiling Price Regulation 22]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

The Need for This Order

When the General Ceiling Price Regulation was issued on January 26, 1951, it was pointed out that the general freeze which it imposed upon prices at all levels of production and distribution was an emergency measure made imperative by the urgency of bringing the inflationary spiral to a halt. It was not intended to be a permanent basis of control, but rather a means of "holding the line" until specific regulations properly adapted to the needs of individual industries could be formulated and issued. In this connection the Statement of Considerations accompanying the General Ceiling Price Regulation said in part:

It is recognized that the issuance of one regulation covering millions of prices and sellers and thousands of industries, differing in structure, market organization and degree of complexity, cannot be expected to cover adequately the multitude of problems that arise in day-to-day pricing. It is, therefore, the intention of the Director of Price Stabilization to issue, as soon as practicable and after appropriate consultation, additional price ceiling regulations, some general in scope, and some tailored to meet the separate problems of individual industries.

This regulation constitutes a major step in this replacement of the freeze.

The price structure which was frozen by the General Ceiling Price Regulation was badly unbalanced in many respects. Prices had been changing very rapidly during the six months following the Korean outbreak, and, as is inevitable during a period of dynamic price change, there had been no adequate opportunity for the prices of commodities at different levels of production and distribution to achieve their normal mutual adjustments. In some industries prices had lagged behind the increase in materials costs and other costs of manufacture; in others prices had outrun the advance of manufacturing costs by a substantial margin. Within individual industries there were marked differences in the prices charged by competing companies. In particular, those businesses which had held back on price increases in an effort to cooperate with the stabilization program and in compliance with the voluntary pricing standards which had been issued on December 19, 1950, were at a marked disadvantage as compared with other concerns which had raised their prices and ignored those standards. Prices of some companies and in some segments of industry were frozen below actual production costs; other prices were far above any justifiable level. Even within single companies, prices of individual products were often out of balance; ceilings for some commodities were fully adequate while others were so low as to discourage continued production.

The Office of Price Stabilization has been moving as rapidly as its resources have permitted in the direction of ironing out the distortions and inequities imposed by the freeze. A series of regulations covering a large portion of the retail business of the United States has been formulated and issued. Specific orders covering a very few branches of manufacture have been prepared to remedy some of the most urgent outstanding problems. However, it has not been possible within the few weeks that have elapsed since the General Ceiling Price Regulation was issued to assemble either the resources needed to take faster action on a wider front nor the detailed information upon which such action would have to be based. As a result, the vast majority of manufacturers is still subject to the provisions of the general freeze, as are virtually all nonfood wholesalers and a significant number of retail establishments.

The urgency of taking prompt action toward the restoration of a balanced and sound price structure becomes daily more pressing. Complaints from manufacturers whose prices are frozen at levels at which they cannot continue to operate are accumulating. At the same time it is neither feasible nor sound policy to attempt to apply individual adjustments to such inequities on so broad a scale. It is not feasible because to do so would tax virtually the entire resources of the organization, which should rather be devoted to the formulation of a firm basis for continuing controls. It is not sound policy because to concentrate upon giving relief to hardship cases without a concurrent effort to roll back those prices which are clearly excessive would run directly counter to the objectives of the stabilization program.

It is obvious that the soundest way of restoring a balanced and equitable price structure in manufacturing would be by the issuance of a series of individual regulations tailored to meet the needs and peculiarities of each specific industry. However, although the Office of Price Stabilization is moving in this direction as rapidly as possible, there is no way in which the large number of specifically tailored regulations which this would require can be prepared and issued within any reasonable period of time. In many cases, the mere compilation of the data needed to form the basis for such orders would take months. The urgency of the present situation cannot permit such delay.

Consequently, it has become necessary to issue a regulation generally applicable to as large a segment of manufacturing industry as possible in order to meet the need for immediate action. It is obvious that no such regulation can fully reflect the diverse problems of the vast number of industries comprising the American economy. Nevertheless, it is believed that this regulation is generally fair and equitable in principle; that it will afford at least limited relief to most cases of hardship imposed by the general freeze; that it will serve simultaneously to require reductions in prices which are too high; and that it will constitute, therefore, a major step forward toward the restoration of a sound and properly balanced price structure. It is not expected that this regulation will be the ultimate basis of control for most of the industries which it covers, but rather that it will serve as a bridge between the price structure frozen by the General Ceiling Price Regulation and that which will ultimately be established through appropriate tailored regulations.

General Nature of the Regulation

The general principle under which this regulation has been formulated is a return to pre-Korean price levels, adjusted for certain increases in manufacturing costs which have occurred since the Korean outbreak. The price structure which prevailed during the period July 1949 to June 1950 is regarded as affording an appropriate starting point because prices and costs generally were in balance at levels which yielded satisfactory operating margins to the vast bulk of manufacturing industries. Adjusting these prices to take account of manufacturing cost increases since Korea should, therefore, restore generally sound price relationships. It

is true that there were a few industries whose prices were relatively low throughout this entire twelve month period; but so far as can be ascertained, raw materials costs for those industries were also low, and the adjustment for cost increases will be correspondingly greater. It is not the absolute level of the base period selling prices of any industry which is the significant test, but the adequacy of its pre-Korean operating margin. If that margin was sufficient to provide reasonable profits before Korea, the formula used in this regulation should yield a sound basis for current production.

The translation of this basic principle of pre-Korean prices plus an adjustment for cost increases since Korea into an equitable and administrable regulation required a number of basic decisions. The first was the selection of the base period. Under the Defense Production Act of 1950, "the President shall [in establishing price controls] ascertain and give due consideration to comparable prices * * * which he finds to be representative of those prevailing during the period from May 24, 1950 to June 24, 1950, inclusive, or, in case none prevailed during this period or if those prevailing during this period were not generally representative because of abnormal or seasonal market conditions or other cause, then those prevailing on the nearest date on which, in the judgment of the President, they are generally representative."

Upon due consideration, it appeared evident that the single month May 24 to June 24, 1950 referred to in the Act is unduly restrictive. The three months immediately preceding the Korean outbreak or, more precisely, the period April 1 to June 24, 1950, is clearly more representative for this purpose, and this is the general base period established in the regulation. However, while this period is an equitable basis for most industries, even three months is too short to avoid inequities due to seasonal factors or other special circumstances applicable to individual industries, companies, or commodities, as the Act itself anticipates. Consequently the regulation permits any manufacturer who finds the period April 1 to June 24, 1950, to be unrepresentative for a category of his products to select any one of the three preceding calendar quarters as his base period for that category. Seasonal influences on price are thus largely eliminated.

A second problem was the determination of the nature of the cost increases that could be added to pre-Korean prices. The increases over base period costs which may be taken into account under this regulation are limited to advances in manufacturing costs, that is, those costs affecting the labor and materials actually required for the production of the commodities covered.

The term manufacturing costs is defined broadly enough to cover all factory labor, including labor sometimes classified as indirect as well as direct labor, and all manufacturing materials whether they are incorporated directly into the commodity or are otherwise directly consumed in the manufacturing process. An earlier draft submitted for comment to representative manufacturers reflected only "direct" cost, but it was pointed out that this limitation had unequal and unfair impact upon those industries or companies where a large percentage of manufacturing costs was classified as "indirect", either because of the nature of the manufacturing process or for reasons of accounting convenience. In view of the evident validity of these objections, the limitation to "direct" costs was discarded after due consideration.

The calculations required to compute these increases in costs have been simplified as far as possible and several alternative methods of calculation are provided in order to meet the needs of manufacturers with different systems of accounting and record keeping. The process of computation will still require considerable work in many cases, but this is unavoidable. Even if each manufacturer were permitted to devise his own method of computing cost increases—a procedure which would obviously lead to erratic results—the work involved would still be very substantial.

No provision has been made for adjustments reflecting changes in overhead costs such as depreciation, general administration, sales, and research. The reasons for this are twofold. In the first place, there is no precise or uniform way by which such costs can be allocated to individual commodities or even to commodity groups. More important, unit overhead costs vary with volume, and there is no way in which future production volume can be forecast with any degree of accuracy. For most lines of manufacture, moreover, production has increased since Korea, with the result that overhead costs per unit of production have declined, despite increases in the salaries of administrative or research personnel. It is recognized that there may be cases for which this is not true, but whether overhead costs per unit have increased or decreased is essentially irrelevant to the principle employed in this regulation. The purpose of this regulation is to establish a level of prices which is generally fair and equitable, and a relationship between prices and costs which is sound and reasonable. If increased overhead costs for any manufacturer should be sufficient to create real hardship, he will have the opportunity of applying for individual adjustment to the extent necessary to avoid over-all loss. Any industry whose aggregate earnings are reduced below a normal peacetime base can apply for general price adjustment.

The calculation of materials cost increases is greatly complicated by the fact that this regulation and those accompanying it will affect not only manufacturers' prices but also manufacturing costs. Except for finished consumer goods, the products of one manufacturer are the raw materials of another. Consequently no manufacturer can determine accurately the current cost of the products he buys from another manufacturer until the latter has determined what his ceiling prices will be, and so on down the line. It would be clearly impractical, however, for each manufacturer to postpone his calculations until he had definite information as to the prices which his supplier will charge for materials; if this were done the process of mutual adjustment and readjustment would be strung out indefinitely. Consequently, it is expected that the calculations required under this regulation will have to be repeated in the reasonably near future in order to give effect to the impact of the regulation itself and other OPS regulations upon material costs. While no specific date has been set for this recalculation, it will be provided for as soon as practicable.

In the meantime, however, it is necessary to provide a definite basis for calculating materials costs increases, and one that will minimize the readjustments which could result from the anticipated recalculations. In particular it seems essential to avoid allowing prices to be increased under this regulation on the basis of current materials costs which the regulation itself may be expected to roll back. Consequently the regulation provides that manufacturers should, in general, give effect only to those increases in material costs which occurred up to December 31, 1950, on the assumption that the average price of materials subject to this regulation will be rolled back by the regulation itself to a level approximately that which prevailed last December. It is recognized that this is only a rough approximation, which will have to be adjusted subsequently through the planned recalculation, or through the issuance of tailored regulations.

An exception has, however, been made in the case of materials not covered by this regulation, and for which no rollback may therefore be expected in the immediate future. This includes such categories as the basic ores and metals, imported materials generally, and other raw materials. For such materials, and for factory labor, cost increases may be computed up to March 15, 1951.

A further exception had to be made in the case of certain farm products whose current prices are below the minimum standards established in the Act. For these materials, cost increases may be computed up to any current date.

Finally decision had to be reached as to whether manufacturers whose ceiling prices calculated under this regulation exceeded those established by the general ceiling should be permitted to put such increases into effect automatically, or whether some restrictions on increases should be imposed.

As stated above, it was one of the specific purposes of this regulation to afford relief to cases of hardship and inequity. On the other hand an automatic application of any formula of the kind provided in this regulation might permit some freak or fortuitous price increases which would be out of line with the basic objectives of the regulation. Such a result could be due in some cases to the formula itself, as it worked out in certain situations. The problem is increased if the formula is left completely self-executing, taking into ac-

count the possibility of honest or wilful misunderstanding, possibly compounded by inadequate records.

Serious consideration was therefore given to the advisability of imposing specific percentage limitations on the extent to which present ceiling prices could automatically be raised under this regulation. This approach was objected to by a group of representative manufacturers, and was discarded for a number of reasons. In the first place, any limitation of this kind would be highly arbitrary. Moreover, its impact would be most serious with respect to those manufacturers who had cooperated with the stabilization program and had avoided price increases or held increases to a minimum and were now frozen in an inequitable position.

It is recognized that some of the increases which will be granted may exceed those which would be required under an individual adjustment provision limited to hardship cases. However, many such increases would occur in any event as industry-wide ceilings were issued, and as companies frozen below the industry average adjusted to the general industry level. Moreover, any industry-wide ceiling, in restoring equitable price relations between competing firms in an industry, necessarily gives the more efficient firms in that industry more satisfactory profit margins than the inefficient firms.

It is the judgment of the Director that, in the overwhelming majority of cases, this regulation will not establish generally a higher level of prices than would be granted through the application of an industry earning standard.

For these reasons, the regulation does not specifically limit the extent to which current ceiling prices may be increased in accordance with its provisions. It does, however, stipulate that any manufacturer whose price for any commodity under this regulation is in excess of his present ceiling price, must file a report presenting all the relevant facts and calculations for review by the Office of Price Stabilization, and that he may not put such a price increase into effect until at least 15 days after he has filed this information. This will afford an opportunity for a review of such proposed price increases and a determination as to whether or not they are in fact justified and appropriate. If such review indicates that the increases are unjustified or excessive, the Director may take appropriate action to reduce the proposed price increases.

The Interim Character of This Regulation

Attention should be directed once again to the fact that this regulation is not intended as the final pricing action of the Office of Price Stabilization. This is a good working instrument, applied on a broad base, to reach a more just and equitable alignment of manufacturer's prices than was possible under the General Ceiling Price Regulation. The Office of Price Stabilization will continue to issue tailored industry regulations which utilize provisions geared to particular industry problems, practices, and situations.

The price levels which will be established by any such tailored regulations may be the same as those set by this regulation, or they may be increased or decreased in accordance with the ultimate pricing standards developed by the Economic Stabilization Agency. Higher price ceilings may be needed to take account of cost increases not recognized by this regulation, but only to the extent that the ultimate pricing standards do not require that such cost increases be absorbed.

Even in the administration of this regulation, supplementary regulations may be issued for particular industries so as to promote the objectives of the price stabilization program. For example, in appropriate cases it may be possible to announce a general labor cost increase factor, or a materials cost increase factor, or both, for application by an entire industry, or to specify a particular base period for the industry. These and similar techniques will permit the achievement of much of the goal of a uniform industry regulation, even before the entire tailored regulation is ready for issuance. They will also afford a means of rectifying any wide disparities between the ceiling prices established for competing sellers of the same or similar commodities.

The Problem of Cost Absorption

In adopting as its basic principle the adjustment of pre-Korean price levels to take account of the increase in manufacturing costs which has occurred since Korea, this regulation follows the only practicable method of restoring a balanced and generally equitable price structure that is available. This should not, however, be interpreted as constituting an acceptance or endorsement of the principle of automatic or indefinite cost escalation. It would be wholly unsound to base any continuing price control program or policy on the assumption that increases in costs should be automatically reflected in increases in price. This would result not in price control, but rather in rubber-stamped inflation.

No system of price control can do its job if each increase in costs is immediately and automatically translated into rising prices. Such a policy would leave us within the very same vicious circle of cost and price increases which it must be the primary object of any stabilization program to break.

A substantial defect in any automatic escalation formula lies in the fact that an increase in the unit price of a purchased material or service or in the wages paid labor does not necessarily mean that the unit cost of producing a commodity is increased in the same proportion or even increased at all. Improvements in productivity, economies associated with a high level of operations, and the effect of volume changes on unit fixed costs all operate to destroy any exact parallel between material prices and wage rates and total cost per unit of output.

Any automatic translation of higher unit cost into higher prices would destroy much of the incentive to efficient operation. This principle is recognized in the methods of calculation prescribed in the regulation. Under its provisions, a manufacturer can retain the benefits which he would normally derive from improved production methods. For example, if fewer man-hours are now used to produce a commodity than before Korea, or if wastage of materials has been curtailed, the manufacturer is not required to reflect such economies in price reductions, but is permitted to retain these savings just as he would in a normal competitive market. Similarly, under any general industry ceiling, there is incentive for each individual manufacturer to increase efficiency. Finally, although an industry ceiling regulation must assure an adequate level of profits to the industry generally, it does not follow that each individual manufacturer must be permitted to retain the unit profit margin he enjoyed immediately before Korea.

Consequently, the cost-plus principle is incorporated in the present regulation only to a limited extent. It is used as the best available device for reestablishing a balanced and equitable price structure and should not be construed as implying any guarantee of profit levels. Not all cost increases are recognized, and in particular, neither increases nor decreases in certain indirect costs are taken into account. This does not mean that the cost changes which have not been taken into account are any less real than those which have. Thus, increases in the salaries of clerical and administrative personnel in the central office are paid in the same currency as the higher wages of a factory worker. It does mean that the impact of these indirect costs on the unit cost of a commodity varies with volume, and that the regulation is intended to arrive at an equitable level of prices, rather than to guarantee an inviolate rate of profits.

It is particularly important to emphasize that this regulation allows only for past increases and carries with it no implication that increases which may occur subsequently will be treated on a similar automatic basis. The provision for recalculation of prices at a date in the near future is not intended to do more than carry through the necessary readjustment of cost-price relationships which this regulation seeks to achieve. The December 31 cut-off date for calculating the increases in the cost of materials which are subject to this regulation is an interim expedient and is too rough a measure for continuing control. The recalculation is, therefore, merely the anticipated second stage in restoring price balance.

It is in the light of this principle also, that March 15, 1951, has been stipulated as the cut-off date for calculating increases for materials not subject to this regulation, such as imported materials, and for increases in wage rates and freight costs. Manufacturers whose costs may increase after that date because of wage increases, or higher prices for certain imported materials, or for other reasons, may ask why they should not be permitted to translate those higher costs automatically into higher prices. It is, of course, true that cost increases after March 15 are just as real as those which occurred before that

date. However, as pointed out above, if price controls are to be real and not illusory, the cost-price cycle must be broken at some point. The cut-off date of March 15 is one of the ways in which the break in this price-cost cycle must be accomplished. The date is, to some extent, arbitrary, but some date had to be set. An earlier date would have increased the number of individual firms and industries which would be forced to petition for specific relief. A later date would have resulted in an unjustifiably high level of prices in too many instances. Accordingly, the Director has selected March 15 as a date which would be generally equitable, which would prevent excessive price increases under this regulation, and at the same time minimize the number of cases requiring individual adjustment, or the processing by the Director of meritorious requests for industry-wide price adjustments.

It should be emphasized that selection of the March 15 date does not mean that cost increases after that date will be ignored. Rather, it means that they will not automatically be reflected through an individual firm's application of the formula contained in this interim regulation. Although the Director has determined that the principle employed in this regulation will provide interim ceilings which are fair and equitable for manufacturing industry generally, it is of course impossible to make this finding individually for each of the hundreds of separate industries covered by the regulation. If it should develop that for any industry, the ceilings calculated under this regulation do not satisfy the basic pricing standards shortly to be promulgated, the industry is invited to submit the facts necessary to demonstrate this condition. Peculiarities of an industry's base period, cost increases between the end of its base period and March 15 not recognized under this regulation, or cost increases after March 15, may unfairly reduce an industry's earnings below a normal peace-time level. Upon a proper showing of facts, the Director is prepared to take such action as is required to make the ceilings generally fair and equitable to each such industry. Normally, such price adjustment might be expected to be made in the process of substituting a more tailored regulation for this interim one.

Adjustment Provision

It cannot, of course, be anticipated that any general regulation of this character can cure all cases of hardship or inequities imposed by the freeze; nor can it avoid imposing hardship in special circumstances. It is, therefore, recognized that provision must be made for the adjustment of individual hardship cases. The regulation permits a manufacturer who under this regulation would be forced to operate at a loss to apply for an adjustment of his ceiling prices. This provision is not intended to take care of losses resulting from unusual or seasonal factors which would normally cure themselves; nor is it intended to provide an inefficient manufacturer with a level of prices substantially in excess of that which is adequate for the bulk of his competitors. The Office of Price Stabilization expects to act upon petitions for relief submitted under this provision promptly, and if no action is taken within thirty days after the request has been submitted the applicant is permitted to sell at the prices proposed in his petition until the Office has taken final action.

Commodities Exempted From the Regulation

A number of major segments of manufacturing industry have been exempted from this order for varying reasons. These exemptions are listed in detail in Appendix A to this regulation. The commodities exempted include those for which specific regulations have already been issued or are very close to issuance; products for which cost changes are particularly difficult to compute under any general formula, such as the primary mining and metallurgical industries and lumber; and certain foods and other products to which the application of the formula would be peculiarly difficult. In addition, of course, general exemptions from price control previously in force for legal or administrative reasons will be continued.

Almost simultaneously with this regulation it is expected that parallel regulations embodying the same general principles will be issued for the machinery, cotton textile, and apparel industries. These special regulations will differ from this general regulation in detail rather than in principle. As in the case of this general regulation, they will establish ceiling prices upon the basis of pre-Korean levels adjusted for the increase in manufacturing costs since Korea, but the methods of calculations prescribed have been modified to adapt them more closely to the cost structures of the industries they cover. They, too, are intended to serve as a bridge pending the establishment of a final tailor-made basis of control.

These general readjustments of manufacturers prices must, of course, be reflected by distributors. Under previously issued price regulations, such adjustments can be made automatically by most retailers. It is expected that before the effective date of this regulation, provision will be made to permit wholesalers generally and retailers not now covered by specific regulations to make the necessary adjustments in their respective ceiling prices. In this way balance will be restored between prices at successive levels of production and distribution; and such balance is the essential prerequisite to any stable system of controls.

Small Business Exemption

It is recognized that many small manufacturing concerns may find it more difficult than larger companies to make the calculations prescribed in this regulation. Consequently, any manufacturer whose gross sales during his last annual accounting period were less than $250,000 may elect to continue to price his products under the provisions of the General Ceiling Price Regulation rather than under those of this regulation.

Anticipated Effect on the Price Level

The application of this regulation and those accompanying it will, as indicated, result in a large number of price changes of varying directions and magnitude. It is impossible to predict with accuracy what the net effect will be upon the general price level, but there is every indication that at least a moderate reduction of average wholesale prices should result, except to the extent that rising costs of farm products below parity and uncontrolled imported materials have to be reflected. In general, manufacturers maintained customary mark-ups on the cost increases sustained between June 24 and January 26 (the date of the GCPR). This regulation permits no mark-up on these increased costs. To the extent that some manufacturers raised their prices in anticipation of cost increases that did not occur, or in order to have a favorable base price in the event of an anticipated price freeze, still larger rollbacks will ensue.

Consultation With Industry Representatives

The wide coverage of this regulation made it a practical impossibility to consult in detail with representatives of all the industries affected. However, consultations were held with a special group of business leaders selected from many major branches of industry, and their advice and suggestions were given the most careful consideration in the formulation of the final regulation. Consultations were also held with a group of accounting specialists with respect to the cost-accounting features of the regulation, and its provisions were informally discussed with numerous representatives of different industries.

Findings of the Director

In the judgment of the Director of Price Stabilization, the issuance of this regulation is imperative to iron out the distortions in the structure of manufactured goods prices which were frozen by the GCPR. The Adjustment of these distortions cannot await the necessarily lengthy process of issuing tailored regulations on an industry-by-industry basis. To permit such delay would be to court disastrous effects upon production and distribution. By easing the immediate pressures, this regulation will provide the time needed to work out a more precise and fully integrated system of continuing controls. Work on such a system, which has been under way at a constantly increasing pace ever since the issuance of the GCPR, will now be further accelerated.

REGULATORY PROVISIONS

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Sec.

1. Sellers and sales covered by this regulation.

CEILING PRICES ESTABLISHED

2. Ceiling prices established by this regulation.

CEILING PRICES FOR COMMODITIES DEALT IN BETWEEN JULY 1, 1949, AND JUNE 24, 1950

3. How to determine your ceiling price for a commodity you sold or offered for sale between July 1, 1949 and June 24, 1950.

BASE PERIOD PRICE

Sec.
4. Base period.
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7. General description of how to calculate "the labor cost adjustment".
8. How to calculate "the labor cost adjustment" upon the basis of your entire business.
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13. Method 1 (Aggregate method).
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SPECIAL INSTRUCTIONS TO BE FOLLOWED IN CALCULATING THE MATERIALS COST ADJUSTMENT

17. General nature of these instructions.
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21. Calculation of the increase in net cost per unit of materials covered by Appendix C.
22. How to calculate "the materials cost adjustment" for joint products or by-products.
23. How to calculate the change in net cost of a manufacturing material which is produced in one unit of your business and transferred to another unit of your business.

SPECIAL PROVISIONS RELATING TO CEILING PRICES

24. General nature of these provisions.
25. Rounding ceiling prices.
26. Retention of GCPR ceiling price where the change in price is less than 1 percent.
27. Requirement for reduction of your ceiling prices as otherwise determined for any increase in value of scrap or waste material.
28. Adjustment of ceiling prices quoted on a delivered basis for increases in transportation costs.
29. Optional method for determining a uniform ceiling price for a commodity manufactured in more than one plant.

CEILING PRICES FOR NEW COMMODITIES, NEW SELLERS AND SALES TO NEW CLASSES OF PURCHASERS

30. Ceiling prices for new commodities differing only by reason of minor changes from commodities whose ceiling prices are established under this regulation.
31. Optional method for determining ceiling prices for packaged commodities to reflect cost increases since your base period by changing size or quantity.
32. Ceiling prices for new commodities falling within categories dealt in during your base period.
33. Ceiling prices for commodities in new categories, for new sellers and for sales to an entirely new class of purchaser.

MISCELLANEOUS PROVISIONS

34. Sellers who cannot price under other sections.
35. Export sales.
36. Excise, sales, and other similar taxes.
37. Prohibition against redetermination of ceiling prices.
38. Modification of ceiling prices by the Director of Price Stabilization.
39. Recalculation of ceiling prices and announcement of "materials cost increase factors".
40. Adjustable pricing.
41. Petitions for amendment.
42. Supplementary regulations.
43. Adjustment of ceiling prices where overall loss in operations results.
44. Use of "conversion steel" in calculating "the materials cost adjustment".
45. Temporary adjustments to carry out existing contracts.
46. Records and reports.
47. Definitions and explanations.
48. Prohibitions.
49. Charges lower than ceiling prices.
50. Evasion.
51. Penalties.

AUTHORITY: Sections 1 to 51 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

COVERAGE

SECTION 1. *Sellers and sales covered by this regulation.* This regulation covers you if you are a manufacturer located in the United States (not including territories or possessions) or the District of Columbia. It applies to any sale of any commodity as to which you are the manufacturer, except sales of commodities listed in Appendix A and sales at retail. With these exceptions, the General Ceiling Price Regulation is superseded by this regulation as to manufacturers in the United States or the District of Columbia. If, however, your gross sales for your last complete fiscal year were less than $250,000 you may elect not to use this regulation, but if you so elect, you may not use this regulation for any of your commodities.

CEILING PRICES ESTABLISHED

SEC. 2. *Ceiling prices established by this regulation.* This regulation establishes ceiling prices for commodities dealt in between July 1, 1949 and June 24, 1950, and for new commodities introduced subsequent to June 24, 1950. There are also special provisions relating to (a) rounding ceiling prices, (b) retention of ceiling prices established under the General Ceiling Price Regulation where the change in price is less than 1 percent, (c) reduction of ceiling prices to reflect any increase in the value of scrap or waste material, (d) adjustment of ceiling prices quoted on a delivered basis for increases in transportation costs, and (e) adjustment of ceiling prices for commodities manufactured in more than one of your plants.

CEILING PRICES FOR COMMODITIES DEALT IN BETWEEN JULY 1, 1949 AND JUNE 24, 1950

SEC. 3. *How to determine your ceiling price for a commodity you sold or offered for sale between July 1, 1949 and June 24, 1950.* (a) Your ceiling price to your largest buying class of purchaser for sale of a commodity which you sold or offered for sale at any time between July 1, 1949 and June 24, 1950, is your base period price for the commodity, plus "the labor cost adjustment" and "the materials cost adjustment". Section 47 (Definitions) explains the meaning of "your largest buying class of purchaser". Sections 4 through 6 tell how to obtain your base period price. Sections 7 through 9 tell how to calculate "the labor cost adjustment". Sections 10 through 16 tell how to calculate "the materials cost adjustment". If you do not wish to make either of these calculations you may use your base period price as your ceiling price to your largest buying class of purchaser. If you wish to calculate only one of the adjustments you may do so, in which case you will add only the amount of that one adjustment to your base period price.

(b) Your ceiling price for sale of the commodity to your largest buying class of purchaser must be consistent in every respect with your base period price, e. g., it must carry all customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale.

(c) Your ceiling price for sale of the commodity to your other classes of purchasers to whom you made sales during your base period is determined by applying your price differentials last used during your base period. In the event you made no base period sales to a particular class of purchaser, you apply your customary differentials in effect during your base period, or if none, then those last in effect before your base period. If you are selling to an entirely new class of purchaser you determine your ceiling price under section 33 for that class of purchaser. For each class of purchasers you must maintain all customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale which you had in effect during your base period. An explanation of what is meant by "class of purchaser" is found in section 47 (Definitions).

BASE PERIOD PRICE

SEC. 4. *Base period.* "Base period" refers to the period April 1 through June 24, 1950 or any previous calendar quarter ended not earlier than September 30, 1949, which you may elect to use. Whatever base period you elect must be used for all commodities in the same category. There is an exception in case of a commodity which you did not deliver during that base period, and which you did not make the subject of a written offer for delivery during that base period, and for which you did not have a price list in effect during that base period. In that case you may use for that commodity any other base period permitted under this section.

SEC. 5. *Category.* "Category" refers to a group of commodities which are normally classed together in your industry for purposes of production, accounting or sales. This is the same definition as used in section 4 (c) of the General Ceiling Price Regulation. You may, however, exclude from any category any commodity or group of related commodities for which the base period you have elected to use for the category is unrepresentative because of special seasonal characteristics of that commodity or group of related commodities. In that case, treat the commodity or related group of commodities as constituting a separate category.

SEC. 6. *How to obtain your base period price.* Your base period price for a commodity is obtained as follows:

(a) If, during your base period, you delivered the commodity or contracted in writing to sell the commodity at a firm price, you find the highest price to your largest buying class of purchaser at which such a delivery or such a contract of sale was made.

(b) If you did not make such a delivery or contract, you find the highest price at which you made a written offer for base period delivery to your largest buying class of purchaser.

(c) Instead of the price under paragraph (a) or (b) of this section you may use your price, to your largest buying class of purchaser, which you announced in writing in a price list, catalogue, or similar statement showing your prices for one or more commodities. To use this paragraph (c) you must either have announced the prices during your base period, or have announced them previously and had them in effect during your base period. Also you must have communicated the prices to the trade or a substantial number of customers in your customary way. Further, you must have made substantial deliveries at these prices after your written announcement of the prices. If you use this paragraph (c) for any commodity you must also use it for all other commodities covered by the same announcement.

(d) If your base period price includes any excise, sales or other similar tax which is not separately stated, you must follow the instructions contained in section 36.

(e) If your base period price is expressed as a list price less discounts, you may make the adjustments of the base period price under section 3 (a) upon the basis of the net price to your largest buying class of purchaser.

Example: Your base period "list" price for commodity A is $12 less a 20 percent discount to your largest buying class of purchaser. "The labor cost adjustment" and "the materials cost adjustment" which you are permitted to add to your base period price total $3.84. You first take 80 percent of $12, thus applying the 20 percent discount. The resulting amount, $9.60, plus $3.84 equals $13.44, your "net" ceiling price to your largest buying class of purchaser. You can figure your "list" ceiling price by dividing your "net" ceiling price ($13.44) by the same percentage (80 percent), giving $16.80. Applying the 20 percent discount to your largest buying class of purchaser gives you $13.44, or your "net" ceiling price to that class of purchaser.

(f) If, during your base period you customarily produced the same commodity at two or more manufacturing establishments of your business and sold it at different prices depending upon the place of production, you must obtain a separate base period price and determine a separate ceiling price for each such establishment.

HOW TO CALCULATE THE LABOR COST ADJUSTMENT

SEC. 7. *General description of how to calculate "the labor cost adjustments".* Sections 8 and 9 tell how to calculate "the labor cost adjustment". The calculations under both sections are designed to yield an average percentage increase in your factory labor cost based upon net sales and factory payroll data for your last fiscal year ended not later than December 31, 1950. This percentage is referred to as your "labor cost adjustment factor". Under section 8, the net sales and factory payroll data are for your entire business and the labor cost adjustment factor will be applied uniformly to the base period prices of all of your commodities. Under section 9, the net sales and factory payroll data are for a unit of your business and the labor cost adjustment factor will be applied uniformly to the base period prices of all commodities produced in that unit. If the commodities produced in the several units of your business have experienced significantly different labor cost increases, it will probably be to your advantage to use section 9 so as to reflect these differences more appropriately.

SEC. 8. *How to calculate "the labor cost adjustment" upon the basis of your entire business.* To calculate "the labor cost adjustment" upon the basis of your entire business, you do the following:

(a) Find the dollar amounts of your net sales and of your factory payroll for your entire business for your last fiscal year ended not later than December 31, 1950. You may not include in factory payroll, labor used in general administration, sales and advertising, or research, or in making major repairs or replacement of plant or equipment or in expansion of plant or equipment. Labor used in factory supervision, packaging and handling, ordinary maintenance and repair of plant or equipment, or in materials control, testing or inspection may, however, be included.

(b) Divide the dollar amount of your factory payroll found under paragraph (a) of this section by the dollar amount of your net sales found under (a). This will show what percentage your factory payroll is of your net sales. This percentage is referred to as your "labor cost ratio".

(c) Find the dollar amount of your factory payroll, as limited in paragraph (a) of this section, for your last payroll period ended not later than the end of your base period (if your base period is April 1 through June 24, 1950, you should use your last payroll period ended not later than June 30, 1950). The term "end of your base period" is explained in section 47 (Definitions). This payroll is referred to as "your base period payroll". Compute what the dollar amount of your base period payroll would have been upon the basis of your wage rates in effect on March 15, 1951. This is referred to as "your recomputed payroll". You may add to your recomputed payroll a dollar amount to reflect, for the labor covered by that payroll, any increase between the end of your base period and March 15, 1951, in the cost to you of insurance plans, pension contributions for current work, paid vacations and similar "fringe benefits". You may make the calculations called for by this paragraph in whatever appropriate way is best adapted to your accounting records and your basis of wage payments, e. g., hourly rates, piece-work, or any other system of wage payments used by you.

(d) Divide the dollar amount of the difference between your recomputed payroll and your base period payroll by your base period payroll. The resulting percentage is referred to as your "wage increase factor."

(e) Multiply your labor cost ratio derived under paragraph (b) of this section by your wage increase factor derived under paragraph (d) of this section. The resulting percentage is referred to as your "labor cost adjustment factor."

(f) Multiply the base period price of the commodity being priced by your labor cost adjustment factor. The resulting amount is "the labor cost adjustment" to be added to the base period price in accordance with section 3 (a).

(g) If you use this section, it must be used for all of your commodities.

Example: (a) Your fiscal year is the calendar year. Your net sales for the twelve months ended December 31, 1950, were $1,000,000. Your factory payroll for the year was $300,000 (the required exclusions having been made in arriving at this figure).

(b) $300,000 divided by $1,000,000 is 30 percent. This is your labor cost ratio.

(c) Your factory payroll for the week ended June 24, 1950, was $6,000 (the required exclusions having been made in arriving at this figure). At wage rates in effect March 15, 1951, the payroll would have been $6,500. In addition you have also granted longer paid vacations and a more liberal insurance plan which amounts to the equivalent of two and one-half cents per hour. The number of hours covered by your base period payroll was 4,000. Consequently the increased "fringe benefits" add an extra $100 per week to your factory labor cost for the March 15 period. This makes your recomputed payroll at March 15 wage rates $6,600, or a total increase of $600.

(d) $600 divided by $6,000 is 10 percent. This is your wage increase factor.

(e) 30 percent multiplied by 10 percent is 3 percent. This is your labor cost adjustment factor.

(f) If your base period price was $100, you multiply $100 by 3 percent, giving $3, "the labor cost adjustment".

SEC. 9. *How to calculate "the labor cost adjustment" upon the basis of a unit of your business.* To calculate "the labor cost adjustment" upon the basis of a unit of your business, you do the following:

(a) Find the dollar amounts of your net sales and of your factory payroll for your last fiscal year ended not later than December 31, 1950, relating to a unit of your business for which you regularly maintain separate accounts and in which the commodity being priced is produced. You must include in net sales the value, as shown on your records, of any transfer of a commodity or material from that unit to another unit of your business. If your records do not show a value you

may not use this section. The provisions of section 8 (a) as to what may be included in factory payroll apply.

(b) Using the data found under paragraph (a) of this section you make the calculations prescribed in paragraphs (b), (c), (d), (e) and (f) of section 8, for the unit of your business to which the data relate. This will give you "the labor cost adjustment" to be added to the base period price in accordance with section 3 (a).

(c) This section may be used only for commodities produced in the particular unit of your business to which the net sales and factory payroll data relate, and must be used for all commodities produced in that unit.

HOW TO CALCULATE THE MATERIALS COST ADJUSTMENT

SEC. 10. *Manufacturing material.* You will need to become familiar with the term "manufacturing material" in the following sections. It refers to a material entering directly into the commodity being priced or used directly in the manufacturing processes from which the commodity results, together with packaging materials, containers (other than returnable containers), purchased fuel, steam or electric energy, and subcontracted industrial services which are directly related to the manufacture of the commodity. The term does not include materials or sub-contracted industrial services used in replacing, maintaining or expanding your plant and equipment, nor other materials or supplies the use of which is not directly dependent upon the rate at which you manufacture the commodity being priced.

SEC. 11. *General description of the methods available.* (a) There are four alternative methods available to you for calculating "the materials cost adjustment." You should use the one best suited to your particular situation. Only manufacturing materials may be taken into account in your calculations and you will measure their change in cost to you between prescribed dates. You are permitted, however, to omit any manufacturing material which is not significant or whose cost has not decreased between the prescribed dates. This section contains ony general descriptions, as an aid in understanding. The exact provisions which are in the following sections are controlling.

(b) (1) *Method 1.* Method 1 allows you to measure the increase in your manufacturing materials costs upon the basis of a unit of your business not larger than a plant, or, if you have only one plant, upon the basis of your entire business. Under this method, which is set forth in section 13, you calculate a percentage increase in your manufacturing materials costs upon the basis of net sales and materials put into production during a yearly accounting period. If you make the calculations upon the basis of your entire business, you apply the percentage increase uniformly to all of your commodities. If the calculations are upon the basis of separate units of your business, you apply the percentage increase for each unit uniformly to all of the commodities produced in that unit. There are specific limitations upon the use of this method where you have had significant substitution of materials.

(2) *Method 2.* Method 2 is for an individual commodity and is based upon the increase in your unit manufacturing materials cost for that commodity. Under this method "the materials cost adjustment" will ordinarily differ for each commodity. You should probably use this method, therefore, if the various commodities you produce have had substantially different material cost increases since the end of your base period, or vary widely from each other in the ratio between unit manufacturing materials cost and sales price. This method, however, is more burdensome because it requires a separate calculation for each commodity.

(3) *Method 3.* Method 3 is for a product line and is based upon the increase in your unit manufacturing materials cost for the best selling commodity in the product line. A percentage figure for this increase is derived which is applied to the base period price of each commodity in the product line. This method may be more appropriate than Method 2 if you have a number of closely related commodities whose material cost increases have been about the same.

(4) *Method 4.* Method 4 may also be used for a product line or it may be used for a category. It is based upon the increase in the cost of the bill of materials used in producing the goods sold during an accounting period of three months or less. Like Methods 1 and 3 it yields a uniform materials cost adjustment factor for all commodities in the product line or category. If your records are in a form which permits you to use this method, you may find it simpler to apply than Method 1.

(c) You may select whichever one of the four methods you consider best suited to the nature of your business and most adaptable to the records you maintain. If you select the first, third, or fourth method, you must use it for each commodity in the particular unit of business involved (or for all of your commodities if your calculations are based upon your entire business), product line or category.

SEC. 12. *Omission of certain manufacturing materials from your calculations.* Under any of the four alternative methods which you use for calculating "the materials cost adjustment" you may omit from your calculations any manufacturing material which is not significant or whose cost to you has not decreased between the prescribed dates. Consequently, a reference to "each manufacturing material" under any of the four methods means each such material you are including in your calculations.

SEC. 13. *Method 1 (Aggregate method).* To calculate "the materials cost adjustment" under this method, you do the following:

(a) Find the dollar amount of your net sales for your last fiscal year ended not later than December 31, 1950, for your entire business, or for a unit of your business for which you regularly maintain accounts and in which the commodity being priced is produced. You may not, however, use your entire business for this calculation if you operate more than one plant. Nor may you use a unit of your business which includes the output of more than one plant, although you may use a unit less inclusive than a plant. If you use a unit of your business, you must include in net sales the value of any commodity or material transferred from that unit to another unit of your business. The value shall be that shown in your records. If your records do not show a value, you may not use that unit of your business for making your calculations.

(b) Multiply the physical amount of each manufacturing material which you used during the same fiscal year either in your entire business or in a unit of your business, whichever you are calculating on, by the dollars-and-cents amount of the change in net cost per unit of the material to you between the end of your base period and December 31, 1950. The term "end of your base period" is explained in section 47 (Definitions). For any material listed in Appendix B you may figure the change to March 15, 1951, and for any material listed in Appendix C you may include the increase to any current date subject to the limitations in section 21. Before starting to figure the change in net cost per unit of the material, you should read carefully the instructions contained in sections 17 through 23.

(c) Add together the resuting figures derived under paragraph (b) of this section which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. Subtract the total of the decreases from the total of the increases.

(d) Divide the final figure derived under paragraph (c) of this section by the amount of your net sales found under paragraph (a) of this section. The resulting percentage is referred to as your "materials cost adjustment factor".

(e) Multiply the base period price of the commodity being priced by your materials cost adjustment factor. This will give "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

(f) If you use this section and your calculations are based upon your entire business, the materials cost adjustment factor which you derive must be used for all of your commodities. If your calculations are based upon a particular unit of your business, the materials cost adjustment factor which you derive must be used for all commodities produced in that unit and may not be used for commodities produced in any other unit of your business.

(g) You may not use this section if you have replaced, in any significant degree, the materials used by you during your base period with lower-priced substitute materials. (For example, if you are a manufacturer of rubber automobile tires, and you are now using a significantly larger percentage of synthetic rubber than you did in your base period, you may not use Method 1.)

SEC. 14. *Method 2 (Individual commodity method).* To calculate "the materials cost adjustment" under this method, you do the following:

(a) Find the physical amount of each manufacturing material which you normally used in your base period per unit of the commodity being priced.

(b) Multiply this physical amount of each of these manufacturing materials by the change in its net cost per unit to you between (1) the last day of the base period you elected for the commodity being priced and (2) December 31, 1950. For any material listed in Appendix B you may figure the change to March 15, 1951, and for any material listed in Appendix C you may figure the change to a current date subject to the limitations in section 21. Before starting to figure the change in net cost, you should read carefully the instructions contained in sections 17 through 23.

(c) Add together the resulting figures derived under paragraph (b) of this section which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. The difference between these totals is "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

Example: The commodity you are pricing uses three different manufacturing materials. For each unit of the commodity, you require 5 pounds of material A, 10 pounds of material B, and 1 gallon of material C. Before Korea, material A cost you $1.00 per pound, material B $2.00 per pound and material C $0.50 per gallon. Your net cost per unit of material A on your last invoice before December 31, 1950 was $1.50 and for material B it was still $2.00. Material C is listed in Appendix B; your last invoice prior to March 15, 1951 was $1.00 per gallon. Your increase for material A was, therefore, 5 multiplied by 50 cents (the difference between $1.50 and $1.00) or $2.50. Material B has not changed in price and may, therefore, be omitted. For material C, 1 gallon multiplied by 50 cents equals 50 cents. In addition, the commodity was enameled for you by an outside contractor at a cost of $1.00 per unit before Korea, and the price for the service as of March 15, 1951 was $1.25, a difference of 25 cents. Your materials cost increase for the commodity is, therefore, $2.50 for material A, 50 cents for material C, and 25 cents for the enameling service, or a total of $3.25. This is "the materials cost adjustment".

SEC. 15. *Method 3 (Product line method using best selling commodity).* This method is essentially the same as Method 2 except that the calculations are made for the best selling commodity in a product line. To calculate "the materials cost adjustment" under this method, you do the following:

(a) Select the best selling commodity in the product line of which the commodity being priced is a part.

(1) "Product line" refers to a group of closely related commodities which differ in such respects as style, model or size and which are normally classed together as a product line in your industry. Generally speaking, each commodity in the same product line must serve the same purpose and must be made by the same manufacturing process from substantially the same materials. A product line may never be broader than a category and usually will be narrower. The relationship between the commodities will normally be substantially closer in a product line than in a category. For example, stripped, standard and deluxe models of refrigerators are separate product lines, but a single category.

(2) "The best selling commodity" refers to the commodity in a product line which accounted for the greatest dollar volume of sales in the product line in your base period.

(b) Using the best selling commodity, make the calculations prescribed in section 14. This will give "the materials cost adjustment" for the best selling commodity, i. e., the amount to be added to its base period price.

(c) Divide "the materials cost adjustment" by the base period price of the best selling commodity. The resulting percentage is referred to as your "materials cost adjustment factor."

(d) Apply your materials cost adjustment factor to the base period price of each commodity in the product line. The resulting figure for each commodity is "the materials cost adjustment" to be added to the base period price of that commodity in accordance with section 3 (a).

(e) If you use this section it must be used for each commodity in the product line for which you have made your calculations.

Example: You have three commodities in a product line, whose base period prices were $8, $10 and $12, respectively. The best selling item was the $10 commodity. "The materials cost adjustment" for that commodity calculated under section 14 was $2, or 20 percent. "The materials cost adjustment" for the $8 commodity is, therefore, 20 percent of $8, or $1.60, and for the $12 commodity, 20 percent of $12, or $2.40.

SEC. 16. *Method 4 (Composite bill of materials method).* Under this method you make your calculations for the increase in your manufacturing materials cost for a product line or a category. To calculate "the materials cost adjustment" under this method, you do the following:

(a) Find the total net sales of all commodities in the product line or category for your last complete accounting period of three months or less ended not later than the last day of your base period (or if your base period is April 1 through June 24, 1950, ended not later than June 30, 1950). You must include in net sales the value, as shown in your records, of any transfer of a commodity in that product line or category to another unit of your business. If your records do not show a value, you may not use this section for that product line or category.

(b) Find the total physical amount of each manufacturing material used in producing the commodities in that product line or category sold in that accounting period. (Note that, in contrast to Method 1, you find here the physical bill of materials used in producing the goods sold in a short accounting period; while, under Method 1, you find the aggregate quantities of materials used, i. e., put into the production process, in an annual accounting period).

(c) Multiply this total physical amount by the dollars-and-cents change, between (1) the end of your base period and (2) December 31, 1950, in net cost to you per unit of the material used. For any material listed in Appendix B you may figure the change to March 15, 1951 and for any material listed in Appendix C you may figure the change to a current date subject to the limitations in section 21. Add together the resulting figures which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. The difference between these totals is your increase in manufacturing materials cost. Before starting to figure the change in net cost you should read carefully the instructions contained in sections 17 through 23.

(d) Divide your increase in manufacturing materials cost derived under paragraph (c) of this section by the amount of your net sales found under paragraph (a) of this section. This percentage is referred to as your "materials cost adjustment factor."

(e) Apply your materials cost adjustment factor derived under paragraph (d) of this section to the base period price of the commodity being priced. The resulting figure is "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

(f) You may use this section only if you use it for each commodity included in the product line or category.

SPECIAL INSTRUCTIONS TO BE FOLLOWED IN CALCULATING THE MATERIALS COST ADJUSTMENT

SEC. 17. *General nature of these instructions.* Section 18 will apply to your calculations irrespective of which of the four alternative methods you use. Sections 19 through 23 may be applicable to you depending upon whether you are covered by certain described situations which are briefly indicated by the section heading and opening sentence of the section.

SEC. 18. *How to compute the net cost to you of a manufacturing material as of a prescribed date.* Under any of the four alternative methods you may use for calculating "the materials cost adjustment," you must figure the change, between prescribed dates, in the net cost to you per unit of each manufacturing material included in your calculations. (The earlier "prescribed date" is June 24, 1950, or another date depending on the base period you elected. The later "prescribed date" is December 31, 1950, March 15, 1951 or a current date as permitted by section 21). To determine the net cost to you per unit of a manufacturing material as of a prescribed date, you use the *first* of the following prices available to you. In no event may the price you use be in excess of the ceiling price under a ceiling price regulation in effect on the date of issuance of this regulation. If you use paragraphs (c), (d) or (e) of this section, you must disregard any price based upon a departure from your normal buying practices. Such a departure would include quantities smaller than those you usually purchase or contract for, or use of a more distant or different class of supplier

(other than the United States), or use of subcontracted industrial services in an amount in excess of that used in your base period. For example, you must disregard any price based upon a change in your source of supply from a manufacturer to a reseller or warehouseman or from a domestic to a foreign source of supply. Likewise, you must disregard any price which is based upon a purchase of conversion steel, except as permitted in section 44.

(a) The exchange quotation for the nearest monthly contract as of the close of business on the prescribed date (or the nearest preceding date for which such a quotation is available) for any commodity traded regularly upon a commodity exchange operating under the jurisdiction of the Commodity Exchange Authority or the Sugar Exchanges and you must use the quotation for both of the prescribed dates. Also you must use the same commodity exchange for both of the prescribed dates. If the commodity is one which is not itself quoted on such an exchange, but another grade of that commodity is so quoted, you may use the exchange quotation for such other grade provided you do so for both of the prescribed dates.

(b) The selling price for rubber as of the prescribed date established by an agency of the United States Government.

(c) The net price per unit of the material shown on the invoice for the last delivery of the material to you prior to the prescribed date. If, however, the delivery was received more than 30 days prior to the prescribed date or was pursuant to a contract bearing a firm price entered into more than 60 days prior to the prescribed date, you may not use this paragraph (c). If within 30 days prior to each of the applicable prescribed dates, you received more than one delivery of the same manufacturing material, you must use an average price for each such date. You obtain this average price by dividing the net amount you paid for all deliveries of the material during each of the 30-day periods by the total number of units of the material delivered to you during each period. The average price for each period is the price you use for each of the respective prescribed dates.

(d) The net price per unit of the material stipulated in the written contract for the material which you entered into last prior to the prescribed date, provided that it was entered into not more than 60 days prior thereto.

(e) The net price per unit of the material stipulated in the written offer for sale of the material to you made last prior to the prescribed date provided that the offer was made within 60 days prior to the prescribed date and that you still have the written offer or obtain a copy of it from the offerer.

(f) If none of the foregoing is available to you for one or both of the applicable prescribed dates, you may apply to the Director of Price Stabilization, Washington 25, D. C., for an appropriate increase in the cost of the manufacturing material for use in your calculations. If you make such an application, you must refer specifically to this paragraph; you must describe the commodity being priced and the manufacturing material; you must propose the amount of increase per unit of the manufacturing material you consider appropriate based upon what you would have paid for the material if you had purchased it on each of the applicable prescribed dates; you must set forth in detail supporting reasons and why this paragraph is applicable; and you must state the base period price of the commodity and the ceiling price you propose. You must file this application before using the increase you propose. Although you need not await a reply from the Director of Price Stabilization, he may at any time disapprove the increase you propose, stipulate the amount of increase which he will approve or request additional information.

SEC. 19. *How to compute net cost as of the applicable prescribed dates where you are using a substitute material not used during the base period or used in lesser quantities.* In the case of a substitute material not used by you during the base period (or used in lesser quantities or proportions) in the manufacture of the commodity being priced, you must, if you are using Methods 2, 3, or 4 for calculating "the materials cost adjustment", compute the net cost to you as of the end of your base period of the physical amounts of the materials normally used by you in your base period and the net cost to you as of December 31, 1950, March 15, 1951, or a current date, whichever date is applicable, of the physical amounts of the materials normally used by you now. Since this calculation cannot be made accurately under Method 1 (section 13), you may not use that method for any unit of your business in which you are now using significant quantities of a substitute material whose current unit cost is lower than the current unit cost of the material used by you during the base period. However, if the current unit cost of the substitute material is the same or higher than the current unit cost of the material used by you during the base period, you may use Method 1, but without making any allowance for the higher cost of the substitute material.

SEC. 20. *Inclusion of transportation costs in the computation of net cost of a manufacturing material as of a prescribed date.* If a quotation, invoice, contract, or written offer which you use under section 18 did not include transportation costs for delivery of the material to you, you may add the actual amount of the transportation costs which you paid or would have paid for delivery of the material to you, provided that you include them in your determination of the net price of the material as of both dates.

SEC. 21. *Calculation of the increase in net cost per unit of materials covered by Appendix C*—(a) *General description of this section.* You will be concerned with this section only if a manufacturing material you propose to include in your calculations of "the materials cost adjustment" is one of the agricultural commodities listed in Appendix C or a product processed therefrom. Appendix C lists certain agricultural commodities selling below the minimum prices required to be reflected to producers by section 402 (d) (3) of the Defense Production Act of 1950. The following paragraphs of this section contain, among other things, special instructions relating to the particular dates to be used in your calculations of cost increases of these commodities.

(b) *Calculation by manufacturers of food products.* If the commodity you are pricing is a food product you may, subject to the limitations in paragraph (d) of this section, use a current date in figuring the change in net cost per unit of any of the agricultural commodities listed in Appendix C, or of any food products processed from these listed agricultural commodities.

(c) *Calculation by manufacturers of non-food products.* (1) If the commodity you are pricing is a non-food product you may, subject to the limitations in paragraph (d) of this section, use a current date in figuring the change in net cost per unit of any of the agricultural commodities listed in Appendix C, but you must use March 15, 1951, as the date for figuring the change in net cost per unit of any products processed from those listed agricultural commodities.

(2) If the commodity you are pricing is made in whole or in substantial part from a product processed from a listed agricultural commodity, and you believe that the increase in cost to you, since March 15, 1951, of that processed product is due to an increase in the price of the listed agricultural commodity, you may apply to the Director of Price Stabilization for permission to adjust your ceiling price to reflect that increase in price. Your application must describe the commodity being priced and specify its ceiling price; and must contain a statement based upon a report from your supplier as to what portion of the increase in his price to you of that processed product is directly attributable to the increase in price of the listed agricultural commodity. If the Director of Price Stabilization is satisfied that the information submitted by you shows that only the amount of the increase in price of the listed agricultural commodity is reflected in the adjustment you seek, he will approve your application. If, however, he is not satisfied that you have made such a showing, he may withhold approval of your application and require that you furnish additional information. If thirty days after mailing your application you have not received a reply from the Director of Price Stabilization, you may sell at the adjusted ceiling price you propose until such time as you are notified otherwise by the Director.

(d) *Limitations on calculations by all manufacturers*—(1) *Old inventory.* After you have made your first calculation under this section, you may become entitled to increase the ceiling price of the commodity being priced, if the cost to you of a listed agricultural commodity (or product processed therefrom) has increased. But you may not put the ceiling price increase into effect unless and until you have first sold an amount of the commodity you are pricing which is at least equal to the quantity you owned at the close of business on the day you otherwise would have been entitled to put that ceiling-price increase into effect under this section.

(2) *Removal from listing.* You may not, in figuring the change in net cost of a listed agricultural commodity or product processed therefrom use any date subsequent to the date of deletion of the listed agricultural commodity from Appendix C by the Director of Price Stabilization or any date more than five days subsequent to the date upon which the Secretary of Agriculture announces for the agricultural commodity, by publication in "Agricultural Prices," a price which equals or exceeds both (i) the parity price as set forth in the same publication and (ii) the highest price received by producers of the agricultural commodity during the period May 24 to June 24, 1950, inclusive, both as determined and adjusted by him.

(e) *Definition of "food product".* The term "food product" refers to a commodity used for, or as an ingredient in, food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound; and fats and oils used for cooking purposes or in the preparation of food for immediate consumption.

SEC. 22. *How to calculate "the materials cost adjustment" for joint products or by-products.* This section will concern you only if you manufacture joint products or by-products. If two or more commodities result from the same manufacturing operation or from common materials and you are unable to compute the unit manufacturing materials costs for each under section 14, you calculate "the materials cost adjustment" for each as follows:

(a) Establish an appropriate combined unit of production in which are represented the several commodities in the proportions in which they result from the same manufacturing operation or from common materials. (For example, if a manufacturing operation yields, for each ton of commodity A produced, 3 gallons of commodity B and 520 pounds of commodity C, your combined unit of production could be: one ton of A, three gallons of B and 520 pounds of C; or one gallon of B, 1/3 ton of A and 173.3 pounds of C; or any other combination in which the proportions among the three commodities are maintained.)

(b) Find the dollar value of the combined unit of production using base period prices for each commodity, determined in accordance with section 3. (If the base period price for commodity A was $10 per ton, for commodity B was $1 per gallon and for commodity C was $0.10 per pound, the dollar value of the combined unit of production would be $65 under the first example in (a) above and $21.67 under the second example in (a) above.)

(c) Using the same calculations as in section 14 (substituting, of course, the combined unit of production for the unit referred to therein), compute the increase in manufacturing materials cost per combined unit of production.

(d) Divide the increase in manufacturing materials cost per combined unit of production by the dollar value of that unit as determined under paragraph (b) of this section.

(e) Apply this percentage to the base period price of each of the commodities being priced. The resulting figure for each commodity is "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

Example: The total increase in manufacturing materials cost for the combined unit of production illustrated in paragraph (b) above, calculated in accordance with section 14, is $13. $13 divided by $65 is 20 percent. Consequently, "the materials cost adjustment" for commodity A is 20 percent of $10, or $2 per ton; for commodity B is 20 percent of $1, or 20 cents per gallon; and for commodity C is 20 percent of $0.10, or 2 cents per lb.

SEC. 23. *How to calculate the change in net cost of a manufacturing material which is produced in one unit of your business and transferred to another unit of your business.* (a) You will be concerned with this section if you are a multi-unit organization and in your operations you transfer products for further processing or assembly between units of your business for which you regularly maintain separate records. By way of illustration, such transfers may be between departments, plants, branches or divisions. This section deals specifically with a manufacturing material which you produce in one unit of your business and transfer to another unit of your business where it is used in producing the commodity being priced. Such a manufacturing material (which is referred to as a "transferred material") may also be sold to other persons. This section provides three methods for figuring the change in cost of a transferred material in your calculation of "the materials cost adjustment" for the commodity being priced. The method you use depends first on how you calculated "the labor cost adjustment" for the commodity being priced and second, on whether you also sell the transferred material to other persons.

(b) If you calculated "the labor cost adjustment" for the commodity being priced upon the basis of your entire business or of a unit of your business that included the unit in which the transferred material is produced, you may not in calculating the change in cost of that material include any increase in factory labor cost. Your calculation of the change in cost of the transferred material will therefore only take into account changes in the costs of the manufacturing materials directly related to the transferred material. Such change in cost of the transferred material will be included in your calculation of "the material cost adjustment" for the commodity being priced.

(c) If your calculation of "the labor cost adjustment" for the commodity being priced was not based upon your entire business or upon a unit of your business that included the unit in which the transferred material is produced and if the transferred material is one you sell to other persons, you calculate its change in cost as follows:

(1) Find its base period price (i. e., to your largest buying class of purchaser).

(2) Find its ceiling price under this regulation to your largest buying class of purchaser, or if it is listed in Appendix A, its ceiling price under the applicable ceiling price regulation.

(3) The difference between the figure found under (2) and that found under (1) is the increase or decrease in the cost of the transferred material which you use in calculating "the materials cost adjustment" for the commodity being priced.

(d) If your calculation of "the labor cost adjustment" for the commodity being priced was not based upon your entire business or upon a unit of your business that included the unit in which the transferred material is produced and if that material is not one you sell to other persons you calculate its change in cost as follows:

(1) Find the value as shown in your records at which the transferred material was transferred, last prior to the end of your base period (i. e., the base period for the commodity being priced), to the unit of your business in which the commodity being priced is produced.

(2) Using that transfer price as your base period price, determine what the ceiling price would be under this regulation, or such other regulation as would be applicable.

(3) The difference between the figure found under (2) and that found under (1) is the increase or decrease in cost of the material to be used in calculating "the materials cost adjustment" for the commodity being priced.

Example: You are pricing a camera the lens for which you produce. The following paragraphs illustrate the application of the three methods prescribed in section 23.

(a) You have treated the department in which the camera is assembled and the department in which the lens is produced as a single unit in computing "the labor cost adjustment" for the camera. You purchase on the outside the optical glass used in the lens. "The materials cost adjustment" for the camera may include, as far as the lens is concerned, only the change in cost of the purchased optical glass.

(b) In calculating "the labor cost adjustment" for the camera you used only the assembly department. You also sell the lens to others and calculated "the labor cost adjustment" for the lens upon the basis of the lens department. Therefore, in calculating "the materials cost adjustment" for the camera, the change in cost of the lens will be the difference between your ceiling price for the lens under this regulation to your largest buying class of purchaser, and your base period price for the lens to that class of purchaser.

(c) Assume the same facts as in (b) except that you produce the lens exclusively for your own use. You must compute what the ceiling price for the lens would be under this regulation, using the value at which the transfer between departments was made on your books last prior to the end of the base period. The difference between your computed ceiling price and your base period transfer value is the amount you use in calculating "the materials cost adjustment" for the camera.

SPECIAL PROVISIONS RELATING TO CEILING PRICES

SEC. 24. *General nature of these provisions.* Sections 25 through 29 relate to adjustments of your ceiling prices under certain circumstances. Section 25 relates to rounding ceiling prices. Section 26 relates to retention of ceiling prices established under the General Ceiling Price Regulation where the change in price is less than 1 percent. Section 27 requires that you reduce your ceiling prices to reflect any increase in the value of scrap or waste material generated in your manufacturing processes. Section 28 permits you to adjust your ceiling prices quoted on a delivered basis for certain increases in transportation costs. Section 29 provides an optional method for adjusting your ceiling prices for commodities manufactured in more than one of your plants.

SEC. 25. *Rounding ceiling prices.* You may round your ceiling prices determined under this regulation so that they will be expressed in the nearest cents or fraction of cent you normally employ. If you elect to do so you must similarly round the ceiling prices for all your commodities normally priced by you upon the same basis, to reflect decreases as well as increases. In no event may the increase be greater than 1 percent of your ceiling price prior to rounding. For example, if you normally quote to the nearest quarter of a cent and your ceiling price for commodity A is 21.20 cents, you may round that ceiling price to 21¼ cents. However, if your ceiling price for commodity B is 27.30 cents you must round its ceiling price to 27¼ cents.

SEC. 26. *Retention of GCPR ceiling price where the change in price is less than 1 percent.* If your ceiling price for a commodity as determined under section 3 differs by less than 1 percent from that under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price. However, you may use this section only if you apply it to all your ceiling prices determined under section 3 differing by less than 1 percent from the GCPR ceiling prices, regardless of whether decreases or increases result. For example, your GCPR ceiling price for commodity A is $10 and your ceiling price under section 3 is $9.95. Your GCPR ceiling price for commodity B is $8 and your ceiling price under section 3 is $8.05. You may continue to use $10 as your ceiling price for commodity A, but if you do so you must continue to use $8 as your ceiling price for commodity B.

SEC. 27. *Requirement for reduction of your ceiling prices as otherwise determined for any increase in value of scrap or waste material.* (a) You will be concerned with this section if in the manufacturing process relating to the commodity being priced you generate any scrap or waste material which you sell to other persons or which is transferred from one unit of your business to another, and if, between the end of your base period and March 15, 1951, there has been an increase in the value of such scrap or waste material. However, you need not make the adjustment called for in this section unless your sales of scrap or waste material are significant. They will be considered significant if, for the plant or other unit of your business in which the commodity being priced is produced, the value of your sales or transfers of scrap or waste material exceeded 3 percent of the total value of your sales or transfers of all commodities from that plant or unit during your most recent fiscal year ended not later than December 31, 1950.

(b) In the circumstances described in paragraph (a) of this section where your sales of scrap or waste material are significant you must make an appropriate reduction in the ceiling prices for each of the commodities resulting from your manufacturing process to reflect the dollars-and-cents amount by which the value of the scrap or waste material generated in the manufacturing process has increased between the end of your base period and March 15, 1951. In calculating this increase in value you should use a method comparable to the one you employed for your calculation of "the materials cost adjustment" for the commodity being priced. For instance, if you used Method 2 (section 14) you should calculate the increase in value of your scrap or waste material per unit of the commodity being priced; if you used Method 1 (section 13) you should calculate the increase in value of your scrap or waste material by an aggregate method. The resulting dollars-and-cents amount reflecting the increase in value of your scrap or waste material per unit must be subtracted from your ceiling price as otherwise determined under this regulation.

SEC. 28. *Adjustment of ceiling prices quoted on a delivered basis for increases in transportation costs.* If your base period price was, and therefore your ceiling price is, a delivered price, you may adjust your ceiling price to reflect any increase, between the end of your base period and March 15, 1951, in transportation costs incurred by you (not including warehousing charges). You may include in this adjustment only increases resulting from transportation charges paid by you to other persons (excluding any person who is an employee, subsidiary or affiliate of yours or of whom you are a subsidiary or affiliate). This adjustment is made in the following manner:

(a) Where your base period price for the commodity being priced included full transportation costs from point of shipment to point of delivery, you may adjust your ceiling price by the exact amount of the increase in transportation rates to you between such points, charged by the same carrier or class of carrier for the same class of transportation. You may not include any increase due to changing the class of carrier (e. g., from water or highway to rail) or to changing your customary method or quantity of shipment.

(b) Where your base period price was uniform within defined geographical zones but you maintained an established differential between each zone, you may calculate a transportation cost increase adjustment to be applied to the ceiling price for sales to each zone. This calculation is made in the following manner:

(1) Find the average transportation charge paid by you for deliveries of the commodity being priced to each zone during your last accounting period of not less than three months, ended not later than the end of your base period. If your base period is April 1 through June 24, 1950, you should use your last accounting period of not less than three months, ended not later than June 30, 1950.

(2) Find what the average transportation charge paid by you for deliveries of that commodity to each zone would be, using the transportation rates actually in effect on March 15, 1951.

(3) The dollars-and-cents amount of the difference between the average transportation charge found under (2) and that found under (1) for each zone may be added to your ceiling price for sales to that zone.

(c) Where your base period price was uniform for all sales of the commodity being priced to any destination within the United States, you may calculate a single transportation cost increase adjustment to be applied to the ceiling price for all sales within the United States in the same manner as under paragraph (b) of this section, treating the United States as a single zone.

SEC. 29. *Optional method for determining a uniform ceiling price for a commodity manufactured in more than one plant.* If the commodity being priced is manufactured in more than one of your plants and is customarily sold by you at a uniform price, but in adjusting the base period price for each plant different ceiling prices result, you may compute a uniform ceiling price. To do this, you first determine the ceiling price for each plant and multiply it by the number of units of the commodity sold from that plant during the last quarter of 1950. You then divide the total dollar amount of such sales from all plants by the total number of units sold from all plants. The resulting figure is your uniform ceiling price for the commodity. If sales from any of your plants in the last quarter of 1950 were not substantial, you may use the last three consecutive months of substantial sales in 1950, provided that you use the same period for all your plants.

Example: You are producing the same commodity in two plants, and customarily charge the same price from each. However, due to a difference in your wage rate changes, your ceiling price for plant A is $2.00, and for plant B is $2.10. Sales during the last quarter of 1950 were 1500 units from plant A, and 1000 units from plant B. 1500 multiplied by $2.00 is $3,000; 1000 multiplied by $2.10 is $2,100; 1500 plus 1000 is 2500; $3,000 plus $2,100 is $5,100; $5,100 divided by 2500 is $2.04. You may therefore use the uniform ceiling price of $2.04 for sales from both plants.

CEILING PRICES FOR NEW COMMODITIES, NEW SELLERS AND SALES TO NEW CLASSES OF PURCHASERS

SEC. 30. *Ceiling prices for new commodities differing only by reason of minor changes from commodities whose ceiling prices are established under this regulation*—(a) *Ceiling price for a commodity first offered for sale between June 25, 1950, and May 27, 1951.* The ceiling price for a commodity first offered for sale by you between June 25, 1950 and May 27, 1951, differing from a commodity you dealt in during the period July 1, 1949 to June 24, 1950, only by reason of a minor change in design or construction which does not reduce unit manufacturing materials cost or prevent its offering fairly equivalent service, shall be the ceiling price for the previous commodity established under this regulation. If you are no longer manufacturing the previous commodity, you must establish a ceiling price for it in accordance with this regulation and use that ceiling price as the ceiling price for the commodity being priced. If the new commodity differs from the previous commodity only by reason of the use of a substitute material the new commodity must be priced under section 3.

(b) *Ceiling price for a commodity first offered for sale subsequent to May 27, 1951.* The ceiling price for a commodity first offered for sale by you subsequent to May 27, 1951, differing from a commodity for which your ceiling price is established under this regulation only by reason of minor changes in material, design or construction which do not reduce unit manufacturing materials cost or prevent its offering fairly equivalent service, shall be the ceiling price for the previous commodity as established under this regulation. If you are no longer manufacturing the previous commodity, you must establish a ceiling price for it in accordance with this regulation and use that ceiling price as the ceiling price for the commodity being priced.

SEC. 31. *Optional method for determining ceiling prices for packaged commodities to reflect cost increases since your base period by changing size or quantity.* This pricing method may be used in place of section 32 under the circumstances indicated herein. If you wish to use your base period price for a packaged commodity as your ceiling price and to reduce the size or quantity of that commodity to reflect any permissible cost increases since the end of your base period, you may do so in the following manner:

(a) Determine your ceiling price for the commodity in its base period size or quantity.

(b) Calculate the ratio between your base period price for the commodity and your ceiling price.

(c) Apply this ratio to the base period size or quantity of the commodity. The resulting size or quantity is the minimum for which you may use your base period price as your ceiling price.

Example: Your base period price for a 10-ounce package of commodity A was 25 cents and you wish to retain that price as your ceiling price. Your ceiling price for a 10-ounce package of commodity A as determined under this regulation is 30 cents. 25 cents divided by 30 cents is 83.3 percent. 10 ounces multiplied by 83.3 percent is 8 and one-third ounces. Your ceiling price for a package of commodity A containing not less than 8 and one-third ounces is therefore 25 cents.

SEC. 32. *Ceiling prices for new commodities falling within categories dealt in during your base period*—(a) *Description of the pricing method.* This section deals with a commodity which cannot be priced under sections 3 or 30, but which falls within a "category" in which you dealt during your base period. You determine your ceiling price by applying to the current unit direct cost of that commodity the percentage markup over the current unit direct cost of a "comparison commodity" (using your ceiling price for the comparison commodity under this regulation), in accordance with the following instructions.

(b) *Current unit direct cost.* "Current unit direct cost" as used in this section means the sum of the amounts (not higher than permitted by law) which it costs you, or if you are not currently producing it, would cost you for direct labor and materials to produce the commodity at the time you use the pricing method provided by this section. Current unit direct materials cost shall be computed upon the basis of current replacement prices for materials and current unit direct labor cost shall be computed upon the basis of current wage rates for direct labor. The method used in computing current unit direct materials cost and current unit direct labor cost for the new commodity and for the comparison commodity shall be the same in every respect.

(c) *Selection of a comparison commodity.* The comparison commodity to be used must be in the same category as the commodity being priced and shall be the first of the following which is available to you:

(1) A commodity dealt in during your base period differing from the commodity being priced only by reason of a minor change in size or quantity or of packaging.

(2) A commodity dealt in during your base period that you are now manufacturing which is most nearly like the commodity being priced and which has current unit direct cost the same or lower than that of the commodity being priced.

(3) A commodity dealt in during your base period that you are no longer manufacturing which is most nearly like the commodity being priced and whose current unit direct cost would be the same or lower than that of the commodity being priced.

(4) A commodity dealt in during your base period that you are now manufacturing which is most nearly like the commodity being priced and whose current unit direct cost is next higher to that of the commodity being priced.

(5) A commodity dealt in during your base period that you are no longer manufacturing which is most nearly like the commodity being priced and whose current unit direct cost would be next higher to that of the commodity being priced.

(d) *Calculations to determine your ceiling price.* Having selected the appropriate comparison commodity, you determine your ceiling price as follows:

(1) Determine your ceiling price for sale of the comparison commodity to your largest buying class of purchaser if you are now manufacturing it, or what it would be if you are no longer manufacturing it, using either sections 3 or 30 of this regulation, whichever is applicable.

(2) Determine the current unit direct cost of the comparison commodity, if you are now manufacturing it, or what it would be, if you are no longer manufacturing it.

(3) Subtract the current unit direct cost derived under (2) from the ceiling price derived under (1). This will give the gross dollar margin over current unit direct cost for the comparison commodity.

(4) Divide this gross dollar margin over current unit direct cost by the current unit direct cost of the comparison commodity. This will give the percentage markup over current unit direct cost for the comparison commodity.

(5) Apply this percentage markup to the current unit direct cost of the commodity being priced. This is your ceiling price for sale of that commodity to your largest buying class of purchaser. It must be consistent in every respect with the ceiling price for the comparison commodity, i. e., it must carry your customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale. Your ceiling price for sale of the commodity to each of your other classes of purchasers shall be determined in the same manner as under section 3 (c).

Example: (i) Your comparison commodity is one you are no longer manufacturing. You find that its ceiling price under this regulation would be $10. (ii) The current unit direct cost of the comparison commodity would be $6. (iii) $6 subtracted from $10 is $4. This is the current gross dollar margin over direct cost for the comparison commodity. (iv) $4 divided by $6 is 66.7%. This is the percentage margin over direct costs for the comparison commodity. (v) The current unit direct cost for the commodity being priced is $7.50. 66.7% of $7.50 is $5.00. $7.50 plus $5.00 is $12.50. This is your ceiling price for the commodity being priced.

(e) *Category.* Category means a group of commodities which are normally classed together in your industry for purposes of production, accounting or sales. Section 46 of this regulation continues in effect certain provisions of section 16 of the General Ceiling Price Regulation which among other things prescribes that you must prepare and preserve a list of your categories. If the list you have prepared is not representative of your categories during your base period for this regulation, you should prepare such a list by May 28, 1951 and thereafter preserve it. In applying the pricing provisions of this section, you should refer to it. You might, for example, have a category such as one of the following: desks, office, steel; desks, office, wood; dishwashers, domestic; ranges, domestic, electric; ranges, domestic, gas; refrigerators, household; room air conditioner to 1 h/p; vacuum cleaners, domestic; washing machines, domestic.

(f) *Required report.* Before selling any commodity for which you have de-

termined a ceiling price under this section, you must file the report required by paragraph (g) of this section with the Director of Price Stabilization, Washington 25, D. C., and in addition you may not sell the commodity until 15 days after mailing your report; thereafter you may sell the commodity at your proposed ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required. In the event that more information is required you may not sell until 15 days after mailing the additional information.

In case, however, the commodity is one required to be priced under this section, and which, prior to the effective date of this regulation, you sold or offered for sale upon the basis of a ceiling price determined under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price until June 12, 1951.

(g) *Information required in report.* Your report should state the name and address of your company; a description of the commodity being priced; the comparison commodity and an explanation why you have selected the comparison commodity as such; a description of the category in which the commodity being priced and the comparison commodity fall; your ceiling price to the largest buying class of purchaser of your comparison commodity, or if you are not now manufacturing it what this ceiling price would be; a detailed breakdown of the current unit direct cost of the comparison commodity, or what it would be; the gross margin, and the percentage mark-up over current unit direct cost for the comparison commodity; a detailed breakdown of the current unit direct cost of the commodity being priced; the ceiling price of the commodity being priced; delivery, discount, guaranty and servicing terms and conditions and differentials in effect for sales to purchasers of various classes with respect to the comparison commodity.

SEC. 33. *Ceiling prices for commodities in new categories, for new sellers and for sales to an entirely new class of purchaser.* (a) (1) If you are pricing a commodity which is in a different category from any dealt in by you between July 1, 1949 and June 24, 1950, or which you are selling to an entirely new class of purchaser as referred to in section 3 (c), your ceiling price is the same as the ceiling price of your most closely competitive seller of the same class selling the same commodity to the same class of purchaser. A ceiling price so determined must be in line with the level of ceiling prices otherwise established by this regulation.

(2) Before selling any commodity for which you have determined a ceiling price under this section, you must file the report required by paragraph (b) of this section with the Director of Price Stabilization, Washington 25, D. C., and in addition, you may not sell the commodity until 15 days after mailing your report; thereafter, you may sell the commodity at your proposed ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required. In the event that more information is required you may not sell until 15 days after mailing the additional information.

(3) In case, however, the commodity is one required to be priced under this section, and which, prior to the effective date of this regulation, you sold or offered for sale upon the basis of a ceiling price determined under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price until June 12, 1951.

(b) *Required report.* Your report should state the name and address of your company; the new categories in which the commodities fall and the most comparable categories dealt in by you during the base period; the name, address and type of business of your most closely competitive seller of the same class; a statement of his ceiling price and his differentials to each of his classes of purchasers; your reasons for selecting him as your most closely competitive seller; a statement of your customary price differentials; and, if you are selling to an entirely new class of purchaser, a description of such class of purchaser. If you are starting a new business, you should include a statement whether you or the principal owner of your business are now or during the past 12 months have been engaged in any capacity in the same or a similar business at any other establishment, and, if so, the trade name and address of each such establishment. Your report should include the following: Your proposed ceiling price and the specifications of the commodity you are pricing; the manufacturing process involved; a detailed breakdown of your unit direct costs; the reason you believe the proposed ceiling price is in line with the level of ceiling prices otherwise established by this regulation; and the types of customers to whom you will be selling.

MISCELLANEOUS PROVISIONS

SEC. 34. *Sellers who cannot price under other sections.* If you claim that you are unable to determine your ceiling price for a commodity under any of the foregoing provisions of this regulation, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C., for the establishment of a ceiling price. This application shall contain an explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all of the information called for under section 33 to the extent you are able to furnish it; and the method used by you to determine your proposed ceiling price. You may not sell the commodity until the Director of Price Stabilization notifies you, in writing, of your ceiling price.

SEC. 35. *Export sales.* Your sales for export are subject to the provisions of this regulation.

SEC. 36. *Excise, sales, and other similar taxes*—(a) *Where the tax is included in your base period price.* If your base period price for a commodity you are using to determine your ceiling price either for that commodity or another commodity includes any excise, sales or other similar tax which is not separately stated, you must first ascertain the amount of any such tax and exclude it from your base period price. Your base period price, with any such tax so excluded, may then be used in making any appropriate computations for determining your ceiling price. After completing the computations, you may then add on the appropriate amount of any such tax for inclusion as part of your ceiling price. In the case of any increase in such a tax subsequent to the end of your base period, you may include the appropriate amount of any such increase as part of your ceiling price. Likewise, in the case of any similar tax first imposed subsequent to the end of your base period and included in your selling price thereafter, you may include the appropriate amount of such tax as part of your ceiling price.

(b) *Where the tax is separately stated and collected.* In addition to your ceiling price determined under this regulation, you may collect the amount of any excise, sales or other similar tax paid by you as such only if it has been your practice to state and collect such taxes separately from your selling price for the same or similar commodities. In the case of such a tax imposed by law which is not effective until after the effective date of this regulation, or of any increase in such a tax subsequent to the effective date of this regulation, you may collect the amount of the tax actually paid as such by you, if not prohibited by the tax law. You must in all such cases state separately the amount of the tax.

SEC. 37. *Prohibition against redetermination of ceiling prices.* Once you have reported your ceiling price or a proposed ceiling price for a commodity as required by this regulation, you may not thereafter redetermine it except for redeterminations due to the increase in cost of agricultural commodities or products processed therefrom in accordance with section 21. A purely arithmetical error may, however, be corrected, but the correction must be reported to the Director of Price Stabilization.

SEC. 38. *Modification of ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or revise downward ceiling prices proposed to be used or being used under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 39. *Recalculation of ceiling prices and announcement of "materials cost increase factors".* The Director of Price Stabilization expects in due course to issue an amendment to this regulation providing for a recalculation of your ceiling prices hereunder. The primary purpose of this recalculation would be to reflect more accurately the materials prices established by this and other ceiling price regulations. The Director of Price Stabilization may also from time to time announce "materials cost increase factors" for certain materials in order to provide greater uniformity in the calculation of their change in price since the end of your base period. These factors will be percentage figures based on studies of some categories of important basic materials and parts. If such a factor is announced, it must be used in place of any change you have had in the price of the material covered by the factor, regardless of whether the factor is higher or lower. These "materials cost increase factors" may be announced by amendments or by supplementary regulations to this regulation.

SEC. 40. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit your making a contract or offer to sell a commodity at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver a commodity at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 41. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1 (15 F. R. 9055).

SEC. 42. *Supplementary regulations.* The Director of Price Stabilization may issue supplementary regulations modifying or implementing this regulation as he deems appropriate.

SEC. 43. *Adjustment of ceiling prices where over-all loss in operations results.* (a) This section permits you to apply for an upward adjustment of your ceiling prices established by this regulation, if as a result of these ceiling prices, you would operate at a loss.

(b) You may apply under this section if:

(1) Your total manufacturing operations have been conducted at a net loss for a period of operation under this regulation of at least one month, or would have been conducted at a loss if you had manufactured the commodities covered by this regulation in your customary quantities and proportions;

(2) The loss was attributable to the level of prices established by this regulation, and not to any of the following:

(i) Seasonal, non-recurring or temporary factors affecting your operations; or

(ii) A reduction in volume of production below the normal economical capacity of your plant; or

(iii) The payment of unlawful wages or excessive salaries or of unlawful or excessive prices for materials; or

(iv) The incurring of factory overhead costs or of selling, administrative and general costs which are abnormally high relative to sales or other costs unless such excess is demonstrated by clear and convincing evidence to have been unavoidable in the exercise of sound business judgment and management; or

(v) Any transactions with affiliated corporations or businesses which either are of a kind which would not result from arm's-length bargaining or differ from the transactions which you have customarily had with such affiliated corporations or businesses; or

(vi) Reserves for contingencies.

(3) The adjusted prices for which you apply will not be substantially out-of-line with the ceiling prices for similar commodities established for other sellers under this regulation.

(c) If you make application under this section, you must supply:

(1) Your name, address, a description of your manufacturing facilities and of the commodities you manufacture, a statement of the principal types of customers to whom you sell;

(2) A detailed annual profit and loss statement for your firm for the years 1946 through 1949, and both an annual profit and loss statement, and if you regularly prepare them, quarterly profit and loss statements covering the year 1950 and each quarter since then;

(3) A detailed profit and loss statement covering a period of operations of one month or more under this regulation, together with a careful explanation of how it was prepared, including particularly a justification of any estimating procedures used in its preparation;

(4) For commodities covered by this regulation, either (i) a statement of your base period and ceiling prices to your largest buying class of purchaser (including delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale) and a schedule of your price differentials to your other classes of purchasers; or (ii) a copy of the report required and submitted to the Office of Price Stabilization; together with (iii) a statement of the section or sections under which you established your ceiling prices.

(5) A showing that the loss in your current operations was not due to any of the six factors in paragraph (b) (2) of this section.

(6) A list of your principal competitors, and a statement of their ceiling prices under this regulation for commodities similar to yours, together with data showing the past relationship of your prices to those they have charged for the same or similar commodities;

(7) A proposed schedule of adjusted ceiling prices for commodities covered by this regulation, and a demonstration that, if these prices were charged, your operations would be at a break-even position.

(8) The application must refer specifically to this section of the regulation, must be signed by a responsible officer of your company, and should be sent to the Office of Price Stabilization, Washington 25, D. C.

(d) Within thirty days of the receipt of your application, the Director will grant or deny your application in full or in part, or request further information. The Director may, as a condition of granting your application in full or in part, require you to submit reports of subsequent operations and may revoke or modify the adjustment at any time. If, thirty days after the acknowledgment of receipt of your application, none of the actions listed above has been taken, you may sell at your proposed ceiling prices until such time as the Director shall notify you that these prices have been disapproved.

SEC. 44. *Use of "conversion steel" in calculating "the materials cost adjustment"*—(a) *Purpose of this section.* In calculating "the materials cost adjustment" for a commodity under this regulation, you are not permitted to reflect in your calculations any increase in materials cost occasioned by use of so-called "conversion steel". However, if you believe that this requirement imposes upon you a serious inequity because you are required by NPA Order M-47 (16 F. R. 3130) of the National Production Authority to use more conversion steel than you used in your base period, you may apply for permission to reflect such increase in your calculation of "the materials cost adjustment".

(b) *How to apply.* Under the circumstances described in paragraph (a) of this section, you may make application, signed by a responsible officer of your company, and sent by registered mail, to the Office of Price Stabilization, Washington 25, D. C., referring specifically to this section and supplying the following information:

(1) A statement describing the nature of your manufacturing operations, and, particularly, the commodities in which conversion steel is used.

(2) A detailed statement showing all of your purchases of steel (whether conversion steel or not) in your base period, and in the three months ended March 31, 1951, listing, for each such purchase, the date, the name and address of the supplier, the exact specifications of the steel purchased, the price paid (including all discounts, extras, terms, delivery charges, etc.), and the amount purchased. If you sold any steel in either of these periods, you must give full details as to such sales.

(3) A detailed statement establishing the amount of "conversion steel" you are required to use under NPA Order M-47 of the National Production Authority.

(4) A detailed statement showing how you propose to reflect in your calculation of "the materials cost adjustment" the increase, since the end of your base period, in the cost of steel (including conversion steel), in the amount and to the extent that you are required to use such steel under NPA Order M-47 of the National Production Authority.

(c) *Action on your application.* Within thirty days after the receipt of the application described above, the Director will grant or deny, in whole or in part, your application, or notify you that further information is required. If, at the end of thirty days, the Director has done none of the above, you may begin to sell at ceiling prices calculated in accordance with "the materials cost adjustment" you propose. (In the meantime you may, after the effective date of this regulation, sell at a ceiling price calculated without reference to your use of conversion steel.) At any time thereafter, the Director may notify you that further information is required or may deny your application, in whole or in part, but such denial shall not be retroactive as to deliveries previously made.

SEC. 45. *Temporary adjustments to carry out existing contracts*—(a) *Who may apply for adjustment.* If at any time prior to the issuance date of this regulation, you entered into a bona fide contract for delivery of a commodity at a firm price subsequent to the effective date of this regulation, and if your ceiling price as determined under this regulation is lower than the contract price, you may apply to the Director of Price Stabilization for an adjustment of your ceiling price, *Provided:*

(1) The contract for future delivery was required by seasonal demands or normal business practices.

(2) The contract, if entered into subsequent to January 26, 1951, called for deliveries at a price which was lawful under ceiling price regulations in effect at that time.

(3) You acquired needed raw materials or component parts after the date of the contract at lawful prices in reliance upon and in order to fulfill the terms of the contract.

(b) *Calculation of the amount of the adjustment.* The adjusted ceiling price will be fixed in the following way:

(1) Take the total price of the quantity of raw materials or component parts acquired in reliance upon, and necessary in order to fulfill, the contract.

(2) Compute what the total price of the same quantity of raw materials or component parts would be as of the later of the two applicable prescribed dates used for your calculation of "the materials cost adjustment". In computing what that total price would be, you will, of course, apply the provisions of section 18.

(3) Subtract the figure arrived at in subparagraph (2) from the figure in subparagraph (1). The result is the total amount of the adjustment. If the figure arrived at in subparagraph (1) is no higher than that arrived at in subparagraph (2), you cannot apply for adjustment under this section.

(4) Divide the total amount of the adjustment by the number of units of the commodity called for by the contract. This gives you the adjustment per unit of the commodity. If the contract calls for the delivery of more than one commodity, the total amount of the adjustment may be distributed in any appropriate way among the several commodities.

(5) Add the adjustment per unit of the commodity under (4) to your ceiling price for that commodity. The result is your adjusted ceiling price. In no event, however, may you obtain an adjusted ceiling price higher than the contract price.

Example: You contracted in January 1951 to supply a mail order house 1,000 units of a commodity at $10.00 per unit, delivery to be made during the months of June, July, and August of 1951. Your ceiling price under this regulation is $9.00. In order to comply with the terms of your contract, you purchased raw material sufficient to produce 600 units at a total cost of $4,200. The cost of acquiring the same raw material as of December 31, 1950 (the later of the two applicable dates used in your calculation of "the materials cost adjustment") would be $3,500. The total adjustment is $700 ($4,200 minus $3,500 equals $700). The total number of units called for in the contract was 1,000. Divide $700 by 1,000. This gives you 70¢. The adjustment per commodity becomes 70¢ and your adjusted ceiling price for the contract $9.70. Subsequent sales to the contract purchaser and all sales to other purchasers must be at the regular ceiling price of $9.00.

(c) *What your application must contain.* Applications for adjustment under this section must be filed on or before August 1, 1951, with the Director of Price Stabilization, Washington 25, D. C. Attached to the application should be the following:

1. A copy of the contract;

2. Copies of invoices covering the raw materials or component parts acquired in reliance upon and in order to fulfill the contract;

3. Copies of invoices or other supporting data which indicate your net cost as of the later of the two applicable dates you used in computing "the materials cost adjustment".

4. A copy of the worksheets used in the calculation of your ceiling price.

5. A report of your adjusted ceiling price and a detailed calculation showing how this price was arrived at.

(d) *Action on your application.* You may not receive payment of any amount in excess of your ceiling price until 30 days after receipt by the Director of Price Stabilization of any application filed under this section. If the Director of Price Stabilization does not revise or modify the adjusted ceiling price reported by you or notify you that further information is required, you may after these 30 days have elapsed receive payment at the adjusted ceiling price for all deliveries made since the date of filing. The Director may, however, at any time revise or modify the adjusted ceiling price, but such revision or modification will not apply to deliveries already made.

SEC. 46. *Records and reports*—(a) *Record-keeping requirements.* (1) With respect to any commodity covered by this regulation the provisions of section 16 of the General Ceiling Price Regulation are hereby continued in effect insofar as they apply to the preparation and preservation of "base period records" and such "current records" as have been made as a result of sales between January 26, 1951, and the effective date of this regulation.[1]

(2) (i) You shall prepare and preserve for the life of the Defense Production Act of 1950 and for two years thereafter all records necessary to determine whether you have computed your ceiling prices correctly, including (but not limited to) records showing base period prices and material and labor costs, and records showing costs, prices, and sales for the other applicable periods and dates referred to in the regulation.

(ii) The records to be preserved under this paragraph must include appropriate work sheets. Appendix E contains suggested work sheets for the more important calculations required under this regulation. The work sheets to be preserved may be in the form shown in the appendix; they may be in any other convenient form so long as they include all data and calculations required to determine your ceiling prices.

(3) You shall preserve for a period of two years all records showing the prices at which sales of commodities subject to the regulation have been made.

(b) *Reports.* (1) You must file with the Office of Price Stabilization, Washington 25, D. C., on or before the effective date of this regulation one or more reports on Public Form No. 8 in accordance with the instructions which are a part of that form. Copies of the form may be obtained from any Regional or District Office of the Office of Price Stabilization. This Public Form No. 8 is shown in Appendix D. If you report a ceiling price for any commodity higher than your ceiling price under the General Ceiling Price Regulation, you must file your report by registered mail, and you must wait 15 days before selling as provided in section 48.

(2) The Director of Price Stabilization may from time to time require additional information or reports subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942.

SEC. 47. *Definitions and explanations.* *Category.* This term is defined in section 5.

Class of purchaser or purchaser of the same class. Class of purchaser is determined in the first instance by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. The practice may (but need not) be based on the characteristics or distributive level of the buyer (for instance, manufacturer, wholesaler, individual retail store, retail chain, mail order house, government agency, public institution). It may (but need not) be based on the location of the purchaser or the quantity purchased by him. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

If in your industry a practice prevails of charging different prices for sales to groups of buyers based on their characteristics or distributive level, any such group to whom you did not make sales during your base period *and* for whom you did not have a customary differential in effect during or before your base period, is a separate class of purchaser as to you.

Commodity. This term includes any item, object, material, article, product or supply.

Delivered. A commodity shall be deemed to have been delivered if it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

Director of Price Stabilization. This term also applies to any official (including officials of Regional or District offices) to whom the Director of Price Stabilization by order delegates a function, power or authority referred to in this regulation.

End of your base period. This term means June 24, 1950, if your base period is April 1 through June 24, 1950, or if you elected a previous calendar quarter as your base period in accordance with section 4, it means the last day of that quarter. If, however, you have elected different base periods for different commodities or categories in accordance with sections 4 or 5, the date you will use as the end of your base period is determined as follows:

(a) If you are calculating "the labor cost adjustment" or "the materials cost adjustment" upon the basis of a unit of your business, and your base period is the same for all commodities produced in that unit, the last day of that base period is the end of your base period.

(b) If you are calculating "the labor cost adjustment" upon the basis of your entire business or of a unit of your business and your base period for all of the commodities being priced is not the same, the last day of the particular base period you have elected which covers the group of commodities having the largest aggregate dollar volume of sales in calendar or fiscal year 1950 is the end of your base period for your calculation of "the labor cost adjustment."

(c) If you are calculating the "materials cost adjustment" upon the basis of your entire business or a unit of your business and your base period for all of the commodities being priced is not the same, the last day of the particular base period you have elected for the group of commodities having the largest aggregate dollar volume of sales in calendar or fiscal year 1950 is the end of your base period for your calculation of "the materials cost adjustment."

(d) If you are calculating "the materials cost adjustment" for a commodity under method 2 (section 14) or method 3 (section 15) the end of your base period is the last day of the particular base period you are using.

Largest buying class of purchaser. This term refers to the "class of purchaser" of a commodity which bought from you the largest dollar amount of that commodity during your base period. It does not, however, include the United States or any agency thereof, any foreign purchaser, or any person to whom the only sales made during your base period were made under a written contract of at least 6 months' duration entered into prior to the base period, unless the United States or any agency thereof, any foreign purchaser or such contract purchaser was your only class of purchaser.

Manufacturer. This term includes a producer, processor, assembler, finisher, printer or fabricator. You are not a manufacturer unless you substantially change the form of some commodity or commodities, combine two or more commodities into a different one, or create a new commodity from existing ones. If you merely package, label, market, promote, or sell a commodity or combine commodities without substantially changing their form, you are not a manufacturer. If you merely perform an industrial service for the account of others on a commodity you are not a manufacturer with respect to such a commodity.

Manufacturing material. This term is explained in section 10.

Most closely competitive seller of the same class. Your most closely competitive seller of the same class is the seller with whom you are in most direct competition. You are in direct competition with another seller who sells the same type of commodity to the same classes of purchaser in similar quantities on similar terms and with approximately the same amount of service.

Net cost or net price. Each of these terms refers to the cost or price to you of a manufacturing material less any discount (other than a customary cash discount) or allowance you took or could have taken. It does not include separately stated charges such as freight, taxes, etc.

Net sales. This term refers to gross sales after trade discounts, less returns and allowances. In the case of sales where the selling price is a delivered price, transportation charges should not be deducted.

Person. This term includes any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other Government or their political subdivisions or agencies.

Plant. This term refers to a single physical location where business is conducted or industrial operations are performed, for example, a factory or a mill. If such a single physical location comprises two or more units, with separate payroll and inventory records, engaged in distinct industrial activities, each unit shall be treated as a plant.

This definition of "plant" is based on the definition of "a manufacturing establishment" in the Standard Industrial Classification which is consistent with that used by the Bureau of Census in the 1947 Census of Manufactures and subsequent surveys.

Product line. This term is explained in section 15.

Records. This term means books or accounts, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

Sale at retail. Sale at retail means any sale to an ultimate consumer other than a commercial, industrial, governmental or institutional user.

Sell. This term includes sell, supply (with respect to either commodities or services), dispose, barter, exchange, transfer and deliver, and contracts and offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed accordingly.

Service. This term includes any service rendered or supplied, otherwise than by an employee.

Written offer or written offer for sale. Each of these terms refers to an offer for sale made by means of the seller's price list or, if he had no price list, a written offer otherwise made in the seller's customary manner. The term does not include an offer at a price intended to withhold a commodity from the market or used as a bargaining price by a seller who usually sells at a price lower than his asking price.

You. "You" means the person subject to this regulation. "Your" and "yours" are construed accordingly.

SEC. 48. *Prohibitions.* (a) On and after the effective date of this regulation, regardless of any contract or other obligation, (1) you shall not sell any commodity subject to this regulation at a price exceeding your ceiling price as determined under this regulation, and (2) no person shall buy from you in the regular course of business or trade any commodity subject to this regulation at a price exceeding your ceiling price as determined under this regulation.

(b) On and after the effective date of this regulation you shall not sell any commodity subject to this regulation unless you have complied with the report requirements of sections 32, 33, or 46, whichever is applicable.

(c) In the event your ceiling price for a commodity under this regulation is higher than your ceiling price under the General Ceiling Price Regulation you shall not sell that commodity at a price exceeding your ceiling price under the General Ceiling Price Regulation, except under the following conditions:

(1) You must send by registered mail a report, relating to that commodity, on Public Form No. 8 (shown in Appendix D) to the Director of Price Stabilization, Washington 25, D. C. Copies of this form can be obtained from any Regional or District office of the Office of Price Stabilization.

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[1] The portions of the General Ceiling Price Regulation here referred to applicable to manufacturers, are as follows:

SEC. 16. (a) *Base period records.* You must preserve and keep available for examination by the Director of Price Stabilization those records in your possession showing the prices charged by you for the commodities or services which you delivered or offered to deliver during the base period. • • •

(2) In addition, on or before March 22, 1951, you must prepare and preserve a statement showing the categories of commodities in which you made deliveries and offers for delivery during the base period. • • •

(3) On or before March 22, 1951, you must also prepare and preserve a ceiling price list, showing the commodities in each category (listing each model, type, style, and kind), or the services, delivered or offered for delivery by you during the base period together with a description or identification of each such commodity or service and a statement of the ceiling price. Your ceiling price list may refer to an attached price list or catalog. • • •

(4) You must also prepare and preserve a statement of your customary price differentials for terms and conditions of sale and classes of purchasers, which you had in effect during the base period.

• • • • • • •

(b) *Current records.* If you sell commodities or services covered by this regulation you must prepare and keep available for examination by the Director of Price Stabilization for a period of two years, records of the kind which you customarily keep showing the prices which you charge for the commodities or services. In addition, you must prepare and preserve records indicating clearly the basis upon which you have determined the ceiling price for any commodities or services not delivered by you or offered for delivery during the base period. • • •

"Base period" as used in section 16 of the General Ceiling Price Regulation means December 19, 1950 to January 25, 1951.

(2) You must wait 15 days after the date of receipt by the Director of Price Stabilization of the report, as shown on your return receipt.

(3) At the end of that 15-day period, or on or after the effective date of this regulation, whichever is later, you may deliver that commodity at your ceiling price as determined under this regulation, unless and until notified by the Director of Price Stabilization to continue using your GCPR ceiling price, or such higher ceiling price as he may permit, either because your ceiling price proposed under this regulation has been disapproved in whole or in part, or because more information is required.

SEC. 49. *Charges lower than ceiling prices.* Lower prices than those established under this regulation may be charged, demanded, paid or offered.

SEC. 50. *Evasion.* Any practice which results in obtaining indirectly a higher price than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie in agreements and trade understandings.

SEC. 51. *Penalties.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950.

Effective date. The effective date of this regulation is May 28, 1951.

NOTE.—The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 25, 1951.

APPENDIX A

This regulation does not apply to the commodities and transactions listed below. Most of such commodities and transactions are covered by some other price regulation.

(a) General exemptions: (1) Sales of commodities, the ceiling prices of which are now or are subsequently established by any numbered regulations of the Office of Price Stabilization.

(2) Sales of commodities exempt from the ceiling price provisions of the General Ceiling Price Regulation under sections 5, 6, 7, 8, and 9 of Supplementary Regulation 1 to the General Ceiling Price Regulation (Defense Agency Pricing).

(3) Sales of commodities, the ceiling prices of which are now or may subsequently be exempted from price control by any General Over-Riding Regulation.

(b) General commodity categories:

1. All raw agricultural products.
2. Stumpage, logs, pulpwood, and other raw forest products.
3. Gas, electricity, and steam.
4. All scrap and waste materials.
5. All repair or replacement parts when sold by the manufacturer of the assembled article in the repair of which such parts are designed to be used.

(c) The following food and kindred products:

(1) Fresh meats and semi-sterile canned meats.
(2) Sausage, except dry.
(3) Lard.
(4) Dressed and ready-to-cook poultry, including turkeys.
(5) Dairy products—for the purpose of this regulation, dairy products shall include milk and butterfat and products manufactured or processed in a dairy plant from either milk or butterfat when the milk solids content of the product is greater than the solids content of any other ingredient except sugar.
(6) All canned, frozen, and dried seasonal (meaning products packed at time of harvest from agricultural commodities having a stable seasonal pattern) fruits, berries, and vegetables, and their juices.
(7) Canned soups and baby foods.
(8) Flour, semolina, malt, mill feeds, meal and other animal feed ingredients processed from wheat, grain sorghum, corn, flaxseed, oats, rye and barley, except when sold in cartons of five pounds or less. The word "flour" as used here does not include prepared flour mixes.
(9) Mixed feeds as defined in General Ceiling Price Regulation, Supplementary Regulation 7.
(10) Soybean oil meal, as defined in General Ceiling Price Regulation, Supplementary Regulation 3.
(11) Cottonseed cake and meal.
(12) Fish scrap, fish meal, fish solubles, and specialty fish feed products.
(13) Dog and cat food with fifteen percent or less moisture.
(14) Rice as defined in Ceiling Price Regulation 12.
(15) Bakery products—bread, cakes, handmade cookies, donuts, pies, pastries, and similar "perishable bakery products" but not including semi-perishable dry bakery products, such as crackers, packaged cookies, pretzels, etc.
(16) Refined sugar—beet and cane.
(17) Chewing gum.
(18) Soft drinks.
(19) Malt beverages.
(20) Wines.
(21) Distilled spirits.
(22) Frozen and dried eggs.
(23) Blackstrap molasses.
(d) All tobacco products.
(e) The following textile mill products:
(1) All wool fibers which have been processed beyond the scouring stage.
(2) Wool yarn and fabrics as defined in Ceiling Price Regulation 18, together with all other yarns and fabrics containing 25% or more wool by weight, however manufactured.
(3) Wool and synthetic yarn floor coverings as defined in Supplementary Regulation 11 to the General Ceiling Price Regulation.
(f) Apparel, including men's, boys', women's, misses', children's, toddlers', and infants' clothing, furnishings and accessories made of woven, knitted, plastic or felt materials or leather or other materials (excluding protective garments made of rubber, plastics or coated materials); and semi-fabricated parts which will be fabricated into apparel.
(g) Lumber, plywood, veneers, shooks, millwork, wood containers, ties, posts, poles, piling, and other allied products, such as but not limited to, handles, wooden heels and lasts, shuttle points, and picker sticks.
(h) Books, magazines, motion pictures, periodicals, newspapers, maps, charts, and globes.
(i) The following chemicals and allied products:
(1) Crude and synthetic rubber.
(2) Synthetic textile fibers and yarns.
(3) Fermentation ethyl alcohol, acetone, and butyl alcohol.
(4) Synthetic butyl alcohol made from fermentation ethyl alcohol.
(5) Ethical and proprietary drugs and cosmetics.
(6) Household soaps and cleansers as defined in Ceiling Price Regulation 10.
(7) Natural and synthetic glycerin.
(8) Soap stock, raw and acidulated.
(9) Fatty acids.
(10) Paints, varnishes, and lacquers.
(11) Naval stores.
(12) All natural gums and resins.
(13) All vegetable waxes.
(14) All natural dyeing materials.
(15) All essential or distilled oil.
(16) Fats and oils for which ceiling prices are provided in Ceiling Price Regulation 6.
(17) The following oilseeds or nuts, their oils and fatty acids or combinations of these oils so long as in normal trade practice they retain their identity:

Babassu kernels.	Olive oil, edible, sulphur and other inedible.
Babassu oil.	
Cacao butter.	
Cashew nut shell liquid.	Ouricury kernels.
Castor beans.	Ouricury oil.
Castor oil.	Palm kernel oil.
Cocoanut oil.	Palm kernels.
Cohune kernels.	Palm oil.
Cohune oil.	Perilla seeds.
Copra.	Perilla seed oil.
Coquito kernels.	Poppyseed.
Coquito oil.	Poppyseed oil.
Corozo kernels.	Rapeseed.
Corozo oil.	Rapeseed oil.
Hempseed.	Rubberseed.
Hempseed oil.	Rubberseed oil.
Kapok seed.	Sesame oil.
Kapok seed oil.	Sesame seed.
Muru-muru kernels.	Sunflower seed.
Muru-muru oil.	Sunflower seed oil.
Oiticica oil.	Tucum kernels.
	Tucum oil.
	Tung oil.

(18) Whale oil.
(19) Sperm oil.
(20) Fish oils, including cod oil and shark oil.
(21) Peanut oil.
(22) Rice bran oil.
(23) Oleo stock, oil and stearine.
(24) Inedible tallows, greases, and fat-bearing and oil-bearing animal waste materials as defined in Ceiling Price Regulation 6, Amendment 2.
(25) Wool grease.
(26) Glue stock.
(27) Casein.
(28) Cotton linters.
(j) Crude petroleum and petroleum fuels and lubricants, including petroleum coke when used as fuel, and natural gas.
(k) Coke, coal chemicals, coke oven gas, as defined in General Ceiling Price Regulation, Supplement 13.
(l) Bituminous coal, anthracite coal, coal briquettes, charcoal, and fuel processed from anthracite or bituminous coal.
(m) Cattle hide, kips, and calfskins, as defined in Ceiling Price Regulation 2.
(n) Hogskins, woolskins, sheep and lamb shearlings, pickled lambskins, pickled sheepskins, horsehides, deerskins, alligator skins, and snakeskins.
(o) Leather, tanned and finished.
(p) Footwear, except rubber footwear.
(q) The following stone, clay, and glass products:
(1) Glass containers and glass closures.
(2) Portland cement.
(3) Ready-mixed concrete.
(4) Calcined gypsum plasters.
(5) Lime (construction, metallurgical, chemical, agricultural, plastic).
(6) Sand, gravel, and crushed stone, both aggregates and industrial.
(7) Light weight aggregates.
(8) Merchant clays.
(r) Primary metals and metallic alloys.
(s) All secondary metals and scrap.
(t) All metal powders.
(u) All metallic ores.
(v) All non-metallic minerals.
(w) All cast, rolled, drawn, or extruded metals and alloys which have not been further fabricated.
(x) Fabricated structural steel and steel plate and fabricated reinforcing bars.
(y) Passenger automobiles, as defined in Ceiling Price Regulation 1.
(z) Wood-cased and paper-wrapped lead pencils.
(aa) Precious jewelry, including any natural pearl, diamond, ruby, sapphire, emerald, or other genuine stone; any semi-precious or synthetic stone, cultured pearl, or group of cultured pearls if the base period price would have been $25 or more; or any mounting or other object of which one or more precious or semi-precious stones or pearls are a part when the value of the stones exceeds the value of the other parts.
(bb) Paintings, sculptures, and other works of art.

APPENDIX B

With respect to the following manufacturing materials, the change in net cost may be calculated up to March 15, 1951.

1. All commodities listed in Appendix A.
2. Wood pulp, paper, paperboard, and converted paper and paperboard products.
3. All imported materials, when purchased from a foreign supplier, or from a seller in the United States in substantially the same form as that in which imported (except for services normally performed by importers such as sorting or packaging), or after simple processing operations only, such as wool scouring.
4. All jute products containing more than 50 per cent by weight of jute.
5. All industrial services.

APPENDIX C

With respect to the following agricultural commodities and products processed therefrom, a current date may be used in calculating the change in net cost to you, subject to the limitations imposed in Section 21:

Fruits:	
Apples	Olives
For canning	For canning
For drying	Crushed for oil
Apricots	Oranges and tangerines
For canning	Peaches
Dried	For canning
Avocados	Clingstone
Blackberries	Freestone
Boysenberries	Dried
Cherries	Pears
Sweet	For canning
Sour	Dried
Cranberries	Pineapples, Florida
Dates	Plums
Figs for canning	For fresh consumption
Grapes, excluding raisins dried	For canning
Grapefruit	Raspberries, black
Lemons	Raspberries, red
Limes	Youngberries
Loganberries	
Tree-nuts:	
Almonds	Pecans
Filberts	Walnuts
Livestock and Livestock Products:	
Butterfat	Milk, wholesale
Chickens	Turkeys
Eggs	Beeswax
Field Crops:	
Barley	Peanuts
Beans, dry edible	Peas, dry field
Buckwheat	Rye
Corn	Sorghums for grain
Flaxseed	Wheat
Hay	
Oats	
Sugar crops:	
Maple sirup	Sorghum sirup
Maple sugar	Sugar beets
Vegetables:	
Artichokes	Beets
Beans, Lima	Cabbage
Beans, snap	Cantaloupe

Vegetables—Continued	
Carrots	Peas, green
Cauliflower	Peppers, green
Celery	Pimientos
Corn, sweet	Shallots
Eggplant	Spinach
Garlic	Tomatoes
Kale	Watermelon
Lettuce	Potatoes
Onions	Sweet Potatoes
Tobacco:	
Flue-cured; types 11, 14	
Burley-type 31	
Cigar filler and binder types 42–44, 46, 51–55	
Cigar wrapper, type 61	
Cigar wrapper, type 62	
Dark air-cured, types 35–36	
Fire cured, types 21–24	
Maryland types, 32	
Pennsylvania seedleaf type 41	
Sun cured, type 37	
Miscellaneous:	
Popcorn	Peppermint Oil
Honey	Spearmint Oil
Hops	Tung nuts

APPENDIX D

This appendix contains a facsimile of OPS Public Form 8, "Manufacturer's Price Adjustment Report," required to be filed under sections 46 and 48 of this regulation. Printed copies of this form are available at OPS District and Regional Offices.

INSTRUCTIONS FOR COMPLETING OPS PUBLIC FORM NO. 8

Who Must File

Every manufacturer subject to CPR 22 must file this report by May 28, 1951, as required by Sections 46 and 48 of the regulation.

Where Shall the Report Be Filed

Mail to Office of Price Stabilization, Washington 25, D. C. Use registered mail if Item 8 is completed.

Why Must the Report Be Filed

This report is designed to inform OPS of adjustments of pre-Korean prices and of proposed ceiling price increases.

How Many Copies Shall Be Filed

A single copy of this report is to be filed for each category or product line, even though the actual price computations have been arrived at by a method applying to a larger unit of your business. Reporting by categories or product lines is needed to facilitate classification and analysis. Many companies will report only one product line.

(See instruction for Item 1 below.)

How To Complete the Form

(Make sure to read the regulation and refer to Appendix E for worksheets.)

ITEM 1. DESCRIBE THE CATEGORY OR PRODUCT LINE COVERED BY THIS REPORT. A "category" is defined in the regulation (Section 5) as "a group of commodities which are normally classed together in your industry for purposes of production accounting or sales." Examples of categories would be: wood office desks; domestic vacuum cleaners; domestic washing machines.

A "product line" is defined in the regulation (Section 15 (a) (1)) as "a group of closely related commodities which differ in such respects as style, model, or size and which are normally classed together as a product line in your industry. Generally speaking, each commodity in the same product line must serve the same purpose and must be made by the same manufacturing process from substantially the same materials." Examples of product lines would be: wringer type washing machines; felt mattresses; ball-point pens.

If the same product line or category was produced by more than one plant and sold at different base period prices, a separate report must be made for each plant and the plant indicated in completing this item.

ITEM 2. GIVE THE DATES OF THE BASE PERIOD USED. "Base period" refers to the period April 1 through June 24, 1950 or any previous calendar quarter ended not earlier than September 30, 1949 which you may elect to use. (See Section 4.)

ITEM 3. ESTIMATED 1950 DOLLAR SALES. Enter in this item the estimated 1950 dollar sales for *all* the commodities which are included in the category or product line for which the report form is being prepared.

ITEM 4. LABOR COST ADJUSTMENT FACTOR. Enter here the labor cost adjustment factor used pursuant to section 8 (e) or 9 (b) of the regulation. Note that it is the *adjustment factor* rather than the *adjustment* which is desired here. The adjustment factor is always a percentage which is applied to the sales or price figure to yield the dollars and cents labor cost adjustment. If you calculated a separate "labor cost adjustment" for each unit of your business enter the labor cost adjustment factor for the unit which produces the category or product line covered by the report.

ITEM 5. MATERIALS COST ADJUSTMENT FACTOR. If either of methods 1, 3, or 4 has been used for the commodities in this category or product line, you will have arrived at a materials cost adjustment factor under section 13 (d), 15 (c), or 16 (d). This adjustment factor is a percentage to be applied to the sales figure to arrive at the materials cost adjustment.

If you have used method 2, which provides for a separate analysis of material cost for each individual commodity, you will have no "materials cost adjustment factor" but only a dollars and cents "materials cost adjustment" (Section 14 (c)) to be added to the base period price. Give the adjustment figure for a selected commodity, which should be the best selling commodity of the category or product line. Show the actual base period price and identify the commodity.

ITEM 6. PRICE ADJUSTMENT RATIO. You may choose to preserve the price relationships established by the General Ceiling Price Regulation. In this case, you will have arrived at a "price adjustment ratio" under Supplementary Regulation 2 to this regulation. Enter here the ratio which will be applied uniformly to GCPR prices.

ITEM 7. CERTIFICATION REGARDING PROPOSED CEILING PRICE INCREASES OVER GENERAL CEILING PRICE REGULATION. All manufacturers filing this report must complete items 1–6 of the report and sign the certification even though they are not reporting any proposed ceiling price increases in item 8.

ITEM 8. PROPOSED CEILING PRICE INCREASES. (a) Identify the commodity in sufficient detail comparable to that which a fully completed invoice would show. Identify also the physical unit to which the proposed ceiling price refers (for example, pound, dozen, piece).

(b) Give here sufficient information to show the nature of the price computed: largest buying class of customer, delivery terms, cash and other discounts and other important terms and conditions of sale.

(c) Estimated sales in 1950 should be only for the specific commodity for which there is a proposed ceiling price increase, but should include sales to all customers.

(d) Insert the base period price to the largest buying class of purchaser which you determined for the commodity in accordance with Section 6 of the regulation.

(e) Indicate your GCPR price for the commodity.

(f) Indicate the proposed ceiling price as calculated under the provisions of this regulation.

(g) Divide the proposed ceiling price (column (f)) by the GCPR price (column (e)). This will indicate the percentage price increase over the GCPR price which is being proposed.

(h) If you used method 2 for calculating the materials cost adjustment separately for each commodity included in the category or product line covered by this report, then you must show here the materials cost adjustment obtained for the commodity for which a proposed ceiling price increase is shown. If you used method 1, 3 or 4 no entry is required in this column since the adjustment factor shown in Item 5 of the report will apply.

OPS Public Form No. 8

UNITED STATES GOVERNMENT
OFFICE OF PRICE STABILIZATION
WASHINGTON 25, D. C.

Form approved
Budget Bureau No. 94-5119

MANUFACTURER'S PRICE ADJUSTMENT REPORT
Pursuant to Ceiling Price Regulation 22

See the reverse side of this form for instructions.

The individual company information reported on this form is for use in connection with the defense mobilization program. Persons who have access to individual company information are subject to penalties for unauthorized disclosure.

Name of Firm	Address (Street and No.)	(City, Zone)	(State)	(Code for item 1)

1. Describe the Category or Product Line Covered by This Report	2. Give the Dates of the Base Period Used	3. Estimated 1950 Dollar Sales	4. Labor Cost Adjustment Factor
	From ..... To	$	

5. Materials Cost Adjustment Factor

(Complete this part if method 1, 3, or 4 is used)

Method 1 ☐ Method 3 ☐ Method 4 ☐ Adjustment Factor .....

(Complete this part if method 2 is used)

Adjustment Computed for Selected Commodity $..... Base Period Selling Price for This Commodity $..... Name of Commodity .....

6. Price Adjustment Ratio ..... (for use only under Supplementary Regulation 2 to CPR 22)

7. Certification Regarding Proposed Ceiling Price Increases Over General Ceiling Price Regulation

I certify that no ceiling price calculated under the regulation for commodities covered by 1 above exceeds the GCPR ceiling price, except as listed in 8 below and I understand that an increase proposed below shall be effective 15 days after OPS receives this report, but not prior to May 28, 1951, unless I am notified by OPS that the price has been disapproved or that more information is required.

Notice: A willful false return is a criminal offense.

Signature of officer or authorized agent of firm	Title	Date

8. Proposed ceiling price increases

Name and specification of item (include physical unit priced) (a)	Class of customer and terms of sale (b)	Estimated 1950 dollar sales (c)	Base period price (d)	GCPR price (e)	Proposed price (f)	Proposed price as a percentage of GCPR price Col. (f) ÷ (e) (g)	Materials cost adjustment (method 2 only) (h)	(For OPS use only)

This form may be reproduced without change. (Attach continuation sheets as necessary. Identify columns with same letters used above.)

APPENDIX E

This appendix contains three "worksheets" for certain of the calculations required in determining ceiling prices under this regulation. No actual copies of such worksheets will be printed for distribution by OPS. They are shown only to indicate the content and arrangement of data appropriate for certain important calculations, for a record of these calculations for your own use, for examination by OPS representatives, and for submittal on request to OPS. Any other arrangement which presents the same data and calculations is acceptable.

The worksheets comprise: Worksheet 1, "Labor Cost Adjustment Worksheet," for use in connection with Sections 8 and 9; Worksheet 2, "Materials Cost Adjustment Worksheet for Methods 1 and 4," for use in connection with Sections 13 and 16; and Worksheet 3, "Materials Cost Adjustment Worksheet for Methods 2 and 3," for use in connection with Sections 14 and 15.

Note that the worksheets do not cover all necessary calculations under the regulation for which systematic working papers are necessary. For example, the final determination of a ceiling price will require also computation of actual adjustments (based on the adjustment factors), the addition of these to base period prices, and the application of customary differentials to determine prices to different classes of customers. Moreover, the worksheets are designed for the more usual situation and will not necessarily fit all special computations provided for by the regulations.

Worksheet 1
CPR 22

LABOR COST ADJUSTMENT WORKSHEET

Name of Firm.....
Street Address.....
City, postal zone, State.....

Instruction: One calculation, as shown below, may be made for the entire company or a separate calculation for each unit of the business, as provided in section 7 of the regulation.

1. Method used (check one)
   ☐ Entire company ☐ Unit located at ..... and identified as ..... $.....
2. Net sales for year ending ....
3. Factory payroll for year covered in (2) ....
4. Labor cost ratio (line 3 divided by line 2) ....
5. Wage increase factor (from Supplement: Line G) ....
6. Labor-cost adjustment factor (line 4 multiplied by line 5) ....

SUPPLEMENT: COMPUTATION OF WAGE INCREASE FACTOR

(The method indicated below need not be followed precisely. Some other method more suitable to your records and accounts may be used as provided in Section 8 of the regulation.)

A Base period payroll (See section 8 (c)) $....., (covering period from ..... to .....).
B Recomputation of payroll:

(a) Type of labor	(b) Hours included in base period payroll	(c) Hourly rate of pay as of 3/15, 1951	(d) Recomputed payroll (c) times (b)

C Total recomputed payroll without fringe benefits (total of column (d) in B) ..... $.....
D Value of increase in fringe benefits since base period payroll ....
E Recomputed payroll including increase in fringe benefits (line C plus line D) ....
F Excess of recomputed payroll over base payroll (line E minus line A) ....
G Wage increase factor (line F divided by line A) ....
Enter this amount in line 5 above.

Worksheet 2
CPR 22

MATERIALS COST ADJUSTMENT WORKSHEET
FOR METHODS 1 AND 4

Name of Firm.....
Street Address.....
City, Postal Zone, State.....

Instruction: If you use Method 1 and your business has more than one plant you must make a separate calculation for each plant (or smaller unit if you prefer.) If you use Method 4, you must make a separate calculation for each product line or category.

COMPUTATIONS BELOW ARE UNDER: .....

1. (a) Method 1 (check and complete (1) or (2)):
   (1) ☐ for entire business consisting of one unit
   (2) ☐ for unit located at ..... and identified as ..... (Name of unit)
   b) Method 4 (check and complete (1) or (2)):
   (1) ☐ for product line identified as .....
   (2) ☐ for category identified as .....
2. Identify the Accounting Period used for this computation and corresponding sales data:
   (a) (1) For Method 1: Year ending ..... Month, day, year
   (2) For Method 4: Period beginning on ..... Month, day, year and ending on ..... Month, day, year
   (b) Net Sales for above period for category, product line, or other unit indicated in (1) $.....
3. Indicate the base period used for determining material costs (section 4): From ..... to .....
4. Changes in Materials Costs

(a) Material used during accounting period	(b) Physical amount of material used during accounting period	(c) Cost per unit at end of base period	(d) Cut-off date used (Dec. 31, 1950 etc.—specify)	(e) Cost per unit at cut-off date	(f) Change in net cost per unit (e)−(c)	(g) Dollar cost increase (f)×(b)	(h) Subsection(s) of sec. 18 used for determining costs per unit for end of base period and cut-off date

5. Aggregate dollar cost increase (total of increases minus total of decrease in col. g of 4) .....
6. Materials cost adjustment factor (divide figure derived in 5 above by Net Sales shown in 2 (b) above) .....

Worksheet 3
CPR 22

MATERIALS COST ADJUSTMENT WORKSHEET
FOR METHODS 2 AND 3

Name of Firm .....
Street Address .....
City, Postal Zone, State .....

Instruction: If you use Method 2 you must make a separate calculation for each commodity. If you use Method 3, then the calculation must be for the best selling commodity in the product line which is to be priced.

1. (a) Method used:
   (1) ☐ Method 2 (complete b).
   (2) ☐ Method 3 (complete b and c).
   (b) If Method 2 is used insert name of commodity. If Method 3 is used insert name of best selling commodity. Commodity .....
   (c) If Method 3 is used describe the product line .....
2. Indicate the base period used for determining material costs (see section 4): From ..... to .....
3. Changes in materials cost

(a) Material used	(b) Physical amount of material used in one unit of the commodity	(c) Cost per unit at end of base period	(d) Cut-off date used (Dec. 31, 1950, etc.—specify)	(e) Cost per unit at cut-off date	(f) Change in net cost per unit (e)−(c)	(g) Dollar cost increase (f)×(b)	(h) Subsection(s) of sec. 18 used for determining costs per unit for end of base period and out-off date

4. Materials cost adjustment (total of increases minus total of decreases in column (g) of 3) (this is the final result under Method 2) ..... $.....
5. Materials cost adjustment factor (For Method 3 only):
   (a) Base period price per unit for commodity named in 1 (b) .....
   (b) Divide result obtained in 4 by entry for 5a (this is the final result under Method 3) ..... $.....

[F. R. Doc. 51-4880; Filed, Apr. 25, 1951; 9:22 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M–25, as Amended April 24, 1951]

M–25—CANS

This amendment of April 24, 1951, to NPA Order M–25 is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this amendment consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

This amendment affects NPA Order M–25, as amended April 6, 1951, as follows:

It amends item 125 of schedule I of NPA Order M–25 by establishing preference A for can sizes smaller than 5-gallon containers for packing milk, dry, whole or skimmed, and lists can material specifications for these containers.

Item 125 in schedule I is hereby amended to read as follows:

Product	Preference	Quota	Can materials	
			Soldered or welded parts	Nonsoldered parts
(1)	(2)	(3)	(4)	(5)
125. Milk, dry, whole or skimmed	A	Unlimited		
5-gallon and 50-pound cans			(2) CMQ	0.50
Sizes smaller than 5-gallon				1.25

[1] One end only.

(Sec. 704, Pub. Law 774, 81st Cong.)

NOTE: No combined order is being issued at this time because this amendment will be included in a forthcoming revision of M–25.

This amendment shall take effect on April 24, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–4865; Filed, Apr. 24, 1951; 3:32 p. m.]

[NPA Order M–47 as Amended Apr. 24, 1951]

M–47—USE OF IRON AND STEEL

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, in the formulation of this amendment, consultation with representatives of all trades and industries affected has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

This amendment affects Groups II, III, and VIII of List A, NPA Order M–47.

As amended, NPA Order M–47 now reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Iron and steel products to which this order applies.
4. Application of order.
5. Use of iron and steel products in consumer durable goods.
6. Exemptions.
7. Application for adjustment.
8. Records and reports.
9. Communications.
10. Violations.

AUTHORITY: Sections 1 to 10 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to limit the use of iron and steel in the manufacture and assembly of certain products.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the 6-month period ending June 30, 1950.

(c) "Manufacture" means to put into process, machine, fabricate, or otherwise alter materials by physical or chemical means.

(d) "Conversion steel" means steel mill products which have been obtained by the consumer in consequence of the consumer or some other person having furnished, directly or indirectly, to one or more steel producers or converters, steel mill products in a less finished form such as, but not limited to, ingots, blooms, billets, slabs, rods, skelp, and hot rolled sheets in coils, for the express purpose of procuring such steel mill products.

SEC. 3. *Iron and steel products to which this order applies.* This order applies to the iron and steel products listed in Table I of NPA Order M–1, as amended.

SEC. 4. *Application of order.* This order applies to persons who use iron and steel products or parts or components made wholly or partly therefrom, for purposes of manufacture or assembly, and limits the use of such materials and parts in the manufacture or assembly of certain items. This order does not apply to the production of iron and steel.

SEC. 5. *Use of iron and steel products in consumer durable goods.* (a) Subject to the exemptions stated in section 6 of this order, and unless specifically authorized in writing by the National Production Authority, no person shall use during the calendar quarter commencing on April 1, 1951, in the manufacture of any item included in List A at the end of this order, a total quantity by weight of iron and steel products in excess of 80 percent of his average quarterly use of such materials in the manufactured item during the base period: *Provided, however,* That such use in any one month shall not exceed 40 percent of the permitted quarterly use. However, if such person manufactured one or more units of a part made wholly or partly from iron or steel products during the base period, and uses one or more purchased units of that part during said calendar quarter in any item in List A, he shall include the weight of the iron and steel products used in the manufacture of each such part, whether by himself or another, in computing his use of iron and steel products during the base period and during said calendar quarter. During the calendar quarter commencing on April 1, 1951, any person who does not use any iron and steel product in the manufacture of an item in List A, but who assembles parts made wholly or partly from such material into such item, shall not assemble a total number of units of such item in excess of 40 percent of the number of such units which he assembled during the base period.

(b) Any person who during the 6-month period ending December 31, 1950, used conversion steel in the manufacture of any items included in List A at the end of this order shall, during the calendar quarter commencing on April 1, 1951, use conversion steel in the manufacture of such items to the extent stated in this paragraph. The ratio between nonconversion steel used and the total permitted use of steel shall not exceed the ratio between nonconversion steel and total steel received by him during the 6-month period ending December 31, 1950: *Provided, however,* That in the alternative and in the event it is not practicable to determine the quantity of conversion steel used in the manufacture of items in List A, the ratio between nonconversion steel and total steel used in his total production, including all items in List A, shall not exceed the ratio between nonconversion steel and total steel received by him during said period. Any person who selects and applies either of the alternatives above stated may not subsequently apply the other alternative without the written approval of the National Production Authority.

SEC. 6. *Exemptions.* (a) The manufacture or assembly of any item in List A to fill rated orders, or to meet any mandatory order of the National Production Authority, is permitted in addition to the manufacture or assembly permitted by section 5 of this order.

(b) Section 5 shall not apply to any person whose total output of manufactured and assembled items included in List A during the calendar quarter commencing April 1, 1951, has an iron and steel content (including the estimated iron and steel content of parts and semi-

fabricated materials purchased from others) of less than 100 short tons: *Provided, however,* (1) That no such person shall during said quarter use iron and steel products (not including the estimated iron and steel content of parts and semifabricated materials purchased from others) in the manufacture of items in List A a total quantity by weight of such material in excess of his average quarterly use thereof for such purposes during the base period; and (2) That any such person who does not use any iron and steel product in the manufacture of an item in List A, but who assembles parts made wholly or partly from such material into such item, shall not assemble a total number of units of such item in excess of 50 percent of the number of such units which he assembled during the base period.

SEC. 7. *Application for adjustment.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue and exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 8. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 9. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–47.

SEC. 10. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

This order as amended shall take effect, except as otherwise specifically stated, on April 24, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

LIST A

The items on this List A, made in whole or in part from iron and steel products or containing parts made wholly or partly from iron and steel products, are subject to the provisions of this order. (Joining hardware is not considered "parts" within the meaning of List A.) The listing following each Arabic numeral shall be considered a separate item hereunder.

I. HOUSEHOLD FURNITURE

1. Household furniture: livingroom, dining room, kitchen, breakfast room, and bedroom furniture (excluding bed springs, mattresses, and dual purpose sleeping equipment).
2. Other household furniture, including but not limited to beach, sunroom, garden, porch, lawn furniture, and steamer chairs.
3. Household cabinets such as kitchen, wardrobe, broom, and medicine cabinets.

II. OFFICE, PUBLIC BUILDING, PROFESSIONAL, BUSINESS, AND STORE FURNITURE AND FIXTURES (EXCLUDING MEDICAL, DENTAL, AND HOSPITAL SPECIALTIES)

1. Furniture and fixtures such as desks, bookcases, shelving, tables stands, booths, filing cabinets, and transfer cases, including card and document cases.
2. Furniture and fixtures such as chairs, stools, benches, sofas, couches, settees, clothing racks, and costumers.
3. Restaurant furniture and fixtures, including tray stands and serving tables.
4. Theater, auditorium, stadium, and grandstand chairs and seats, ganged and single, indoor or outdoor types.
5. Barber shop and beauty shop furniture especially designed for such use, including but not limited to manicure tables, dresserettes, hydraulic and reclining chairs, and couch units.
6. Soda fountain creamers.
7. Beer dispensing equipment and fixtures.

III. OFFICE, PUBLIC BUILDING, PROFESSIONAL, BUSINESS, AND STORE PARTITIONS, SHELVING, LOCKERS, AND FIXTURES (EXCLUDING MEDICAL, DENTAL, AND HOSPITAL SPECIALTIES)

1. Lockers (except especially designed and made for the armed services), partitions, and shelving.
2. Show and display cases (including wall types), show and display tables, cabinets (floor and wall types), and counters.
3. Store and office decorative and ornamental fixtures.
4. Telephone booths.

IV. HOUSEHOLD APPLIANCES, HOUSEHOLD MACHINES, AND HOUSEHOLD EQUIPMENT

1. Cooking stoves and ranges.
2. Small electric appliances, including but not limited to: broilers; coffee percolators and urns; heating units for coffee makers; hot plates and disc stoves; roasters; toasters; waffle irons; sandwich grills; cookers; caseroles; food mixers; juice extractors; drink mixers and whippers; hand and hair dryers; vibrators; portable electric air space heaters; electric steam radiators; flat irons, including steam irons; and immersion heaters.
3. Electric fans, 16 inches and under.
4. Floor waxing and polishing machines.
5. Portable electric lamps, including office types, such as, floor, bridge, desk, torch, table, pin-up lamps, and lamp shades.
6. Home laundry equipment, including but not limited to: clothes dryers, gas and electric; mechanical ironers and mangles; and washing machines, electric and gasoline types.
7. Refrigerators, mechanical and ice, and cabinets for household refrigerators sold separately.
8. Home and farm freezers under 13 cubic foot capacity, and cabinets for same sold separately.
9. Dish-washing machines.
10. Water softeners.
11. Automatic food and garbage disposal units.
12. Vacuum cleaners.
13. Carpet sweepers.
14. Packaged air conditioning units (window and console types) ¾ horsepower and under.

V. UTENSIL AND CUTLERY

1. Pocket knives.
2. Silverware, including but not limited to: flatware, hollow ware, novelties, toilet ware, and trophies.
3. Plated ware, including but not limited to: flatware, hollow ware, novelties, toilet ware, and trophies.
4. Table and kitchen cutlery, such as all types of knives, forks, spoons, and carving sets.

VI. RADIO, TELEVISION, AND PHONOGRAPHS

1. Radio receivers, home, portable, and broadcast band automobile receivers.
2. Radio-phonograph combinations.
3. Television receivers.
4. Radio-television receivers, television-phonograph combinations, and radio-television-phonograph combinations.
5. Phonographs and record players.

VII. TRANSPORTATION EQUIPMENT

1. Passenger automobiles and station wagons.
2. Motorcycles, motor scooters, motor bikes.
3. Bicycles.
4. Ships and boats, except military and commercial.
5. Aircraft, except military and commercial.

VIII. MISCELLANEOUS ITEMS

1. Cameras, amateur box type still picture, fixed focus (except reflex), and 8-mm. motion picture cameras and projectors.
2. Coin operated scales and automatic merchandising machines.
3. Games, toys, and children's vehicles.
4. Jewelry, novelties, ornaments, and jewelry cases.
5. Lawn mowers, rollers, seeders, and tampers.
6. Musical instruments.
7. Pianos and organs.
8. Paper weights, desk and document trays, and letter openers.
9. Smokers' articles such as ash trays; cigar, cigarette, and match cases; and holders, lighters, pipe cleaners, and smoking stands.

10. Venetian blinds, shades, and awnings.
11. Fireplace fixtures and equipment such as dampers, irons, and fire screens.
12. Sporting and athletic goods.
13. Morticians' goods and equipment such as caskets, coffins, vaults, liners, but excluding wooden coffin hardware, instruments, and supplies.
14. Coin or slug operated gambling, amusement, or musical devices or machines.
15. Signs and advertising displays.
16. Mirror and picture frames.
17. Wire garment hangers.

IX. ACCESSORIES

Accessories for any single item in this List A shall constitute a separate item for the purposes of this order, and shall also be an item separate from the item to which it is an accessory.

An "accessory" shall mean any product used with or attachable to an item described in this List A and which is generally known in the trade as an "accessory."

[F. R. Doc. 51-4864; Filed, Apr. 24, 1951; 3:31 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART C—TRAINING FACILITIES

1. A new cross reference is added immediately following § 21.443 to read as follows:

CROSS REFERENCE: Payment of tuition to profit educational or training institutions operating on a clock-hour basis for Part VII and Part VIII trainees where the trainee is absent from scheduled instructional periods. (See § 21.520.)

2. A new § 21.520 is added as follows:

§ 21.520 *Payment of tuition to profit educational or training institutions operating on a clock-hour basis for Part VII and Part VIII trainees where the trainee is absent from scheduled instructional periods*—(a) *General.* This section sets forth the policy of the Veterans Administration for determining the maximum payment that may be made to a profit educational or training institution operating on a clock-hour basis for a Part VII or Part VIII veteran where the veteran does not receive training because of absences or holidays.

(b) *Definitions.* The following definitions apply to the words and phrases used in this section:

(1) Absence: Failure to attend the institution during regularly scheduled hours of required attendance.

(2) Emergency absence: Absence not due to fault of veteran necessitated by emergencies, such as (i) death in the immediate family, illness of the trainee or a member of his immediate family as evidenced by a written statement filed with the institution signed by the trainee or a physician, or (ii) certain legal requirements such as jury duty and time spent in court where the trainee is detained by legal authority.

(3) Regularly scheduled hours of required attendance: The number of hours of attendance required of the trainee on the school premises as predetermined and scheduled by the school in the course outline and listing of class schedules, exclusive of any lunch periods.

(4) Instructional day: A day on which scheduled instruction is actually given.

(c) *Profit schools which are required to meet the criteria set forth in section 5, Public Law 610, 81st Congress.* The following policy with respect to payment for absences shall apply for veteran training:

(1) The standards of educational institutions with respect to attendance, progress and conduct as approved by the State under paragraph 11 (e) 2 d, Part VIII Veterans Regulation 1 (a) as amended (added by section 5, Public Law 610, 81st Congress) (38 U. S. C. ch. 12 note), will be recognized by the Veterans' Administration: *Provided,* That the maximum absences for which the Veterans' Administration will make payment for instructional time missed are as follows:

(i) Not to exceed a total of 30 days, or the equivalent expressed in clock-hours of absence (i. e., the number of daily instructional hours times 30) in a full-time course in a 12-month period of enrollment or a pro rata part of 30 days, or of the appropriate number of clock-hours, for periods of enrollment of less than 12 months. (For part-time courses, see subdivision (iv) of this subparagraph.)

(ii) Not to exceed a total of 3 days, or the equivalent expressed in clock-hours as defined in subdivision (i) of this subparagraph, of absence in a full-time course in any one calendar month. Such absence will be noncumulative beyond said period. (For part-time courses, see subdivision (iv) of this subparagraph.) In addition, the total of monthly absences for a 12-month period (or the total of the prorated part for shorter periods) shall not exceed the total as shown in subdivision (i) of this subparagraph.

(iii) Emergency absence not in excess of 10 days during a period of enrollment of 12 calendar months. Emergency absence will be allowed in addition to absences allowed under subdivision (ii) of this subparagraph, but the total of absences under this subdivision and subdivision (ii) of this subparagraph will not be in excess of the limitations as prescribed in subdivision (i) of this subparagraph.

(iv) Absences (including emergency absence) in part time courses not in excess of the pro rata part of the absences allowed for full-time courses that the part-time course bears to the full-time course.

(v) In the determination of absences in subdivisions (i) through (iv) of this subparagraph, the following is applicable for tardy students: a student who is late three times in one month will be charged with one day of absence, or the equivalent of one day of absence expressed in clock-hours.

(2) Payment of tuition will not be made for any periods except for instructional days on which the school schedules and offers instruction on a required attendance basis.

(3) The length of the course will be expressed in terms of total hours of instruction even though the length of the course is also expressed in terms of weeks or months.

(4) The contract or other specified rate for tuition will be expressed at a rate per student clock-hour.

(5) Vouchers submitted by the educational institution to the Veterans Administration will not include any claim for absences from regularly scheduled instructional time in excess of the limitations prescribed in subparagraphs (1) and (2) of this paragraph. As an example of the application of the above 3-day per month limitation for a full-time course, if a veteran were absent 5 instructional days in one month and there were 23 instructional days in that month, the veteran would have been absent 2 days in excess of allowable limitations prescribed in this paragraph, and the Veterans Administration would not pay for more than 21 instructional days in such case.

(6) Tuition will be payable only from the first day of the veteran's actual physical attendance for scheduled instruction and will terminate with the last day of actual physical attendance where the trainee withdraws or is separated from the educational institution.

(7) In the usual practices of educational institutions, regularly scheduled classes provide the total formal instruction of a course. In individual cases where the number of absences from scheduled instruction causes the instructors and officials of the school to consider the need for either discontinuing the student or prescribing make-up work, the individual student's possibility of completing the course through special make-up work is considered by the school. In such cases the school usually does not expend additional funds for teachers' salaries, operating or other expenses, nor will the Veterans' Administration agree to allow any such expenses either in the computation of contract rates or in vouchering for instruction. Therefore, the Veterans' Administration will not pay the institution for make-up work or make-up time where absences are in excess of the number as prescribed in this paragraph.

(d) *Profit schools which are not required to meet the criteria set forth in section 5, Public Law 610, 81st Congress.* When the enrollment in a course in an educational institution operating on a clock-hour basis consists of more than 25 students or one-fourth of the students enrolled, whichever is greater, paying their own tuition, and the institution publishes a catalog, bulletin, circular, or otherwise makes a certification to the Veterans' Administration, setting forth the tuition charges, the length of the course will be expressed in the usual terms used by the educational institution in such publications or certifications. The Veterans' Administration will accept the policies of such educational institutions regarding absences: *Provided,* That the Veterans' Administration regional office manager in his judgment considers such policies as reasonable and they are approved by the appropriate State approving agency. The basis of payment by the Veterans' Administration for holidays in schools having a majority of nonveterans will be either as stated in

subparagraph (1) or (2) of this paragraph.

(1) *Schools with courses stated on a weekly or monthly basis.* Where charges for a course of instruction are clearly stated to be on a weekly or monthly basis and the length of the course is expressed only in terms of weeks or months, such charges will be paid without reduction for national legal holidays, or other officially recognized State holidays as determined by the Veterans' Administration regional office manager: *Provided,* That the total payment for the course will not exceed the amount derived by multiplying the total number of weeks or months in the course by the rate per week or per month. Where it is specifically provided in the institution's catalog, bulletin, or certification that charges will not be made for holidays, the foregoing will not be applied and payment will not be made for holidays.

(2) *Schools with courses stated in terms of total clock-hours.* Where the course of instruction consists of a stated number of total clock-hours of instruction, regardless of an additional statement as to the length of the course in weeks or months, sufficient instructional days must be offered to provide for all instructional hours in the course.

(e) *Flight schools, language schools, et al., with tuition rate per hour.* Where the school customarily provides instruction at a tuition rate per hour of instruction as in the case of flight training, language lessons, music lessons, etc., the basis of payment should be clearly specified either in the contract or in the published bulletin or certification of the institution where a contract is not required under Veterans' Administration Regulations. Payment will only be made for the hours of instruction actually furnished to and received by the veteran where the school customarily provides instruction at a tuition rate per hour of instruction as above.

(f) *Responsibility of educational institutions.* It is the responsibility of the educational institution to maintain accurate records of attendance including all basic and related records of attendance for each veteran-trainee enrolled therein under the provisions of Part VII and Part VIII, as amended. There shall be recorded on the attendance records of the educational institution all absences regardless of reason and whether such are due to authorized emergency absence or other absences. Vouchers prepared for tuition will be substantiated by recorded attendance in accordance with the provisions set forth in this paragraph; and, upon demand by the Veterans' Administration, such original records must be produced or made available for inspection.

(g) *Payment provisions.* For those profit educational institutions which are not required to and do not have a contract under Veterans' Administration regulations, the regulations in this section shall be applied effective July 1, 1951. In existing contracts having provisions relating to the payment for absences, this section will become effective from the date following expiration of such contracts. As contracts are renewed, or new contracts are prepared for veteran training under Part VII and Part VIII, provisions will be added to contracts to include the above-mentioned policies where applicable.

(h) *Absence and leave.* Educational institutions, referred to in this section, may continue to grant leave in accordance with their established policy for granting leave to all students and they will continue to inform the Veterans' Administration on prescribed reports where leave is unauthorized or exceeds 30 days in a calendar year (or the proper pro rata amount of 30 days for courses of less than a calendar year in duration). The policy announced in paragraphs (a) through (g) of this section deals with the matter of payment of tuition to such schools where absences from scheduled instructional periods occur. Nothing contained in this section is to be interpreted to conflict with prevailing regulations (§ 21.65) respecting the granting of leave.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. and Sup. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. and Sup. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation effective April 26, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-4921; Filed, Apr. 25, 1951; 8:51 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART C—TRAINING FACILITIES

1. In § 21.539, the title and paragraph (n) are amended and a new paragraph (o) is added as follows:

§ 21.539 *Books, supplies and equipment, including tools, for Part VII or Part VIII trainees; furnished by an educational institution.* * * *

(n) *Limitations on procurement of tools, supplies and equipment and payment therefor.* (1) Under the provisions of paragraph 5, Part VIII, Veterans Regulation 1 (a), as amended, the Administrator may pay for books, supplies, equipment, and other necessary expenses as are generally required for the successful pursuit and completion of the course by other students in the institution. Paragraph (e) (1) of this section provides that the institution will assure itself that the Veterans' Administration is not billed for "supplies" at an unreasonable price and paragraph (e) (6) of this section provides that if the institution furnishes items of "supplies" specifically purchased for trainees only (i. e., not handled through a book or supply store for all students), such items will be billed at cost to the institution. Under the regulations in this section the Veterans' Administration will pay for "supplies" at prices regularly and customarily charged to other students where there are substantial numbers of students other than those pursuing courses under the provisions of Part VII and Part VIII, Veterans Regulation 1 (a), as amended, and where there is a well-established policy of the institution with respect to the requirement for the student to furnish personally the "supplies."

(2) In all other cases of institutions or courses established subsequent to June 22, 1944, where the enrollment in the institution or courses involved consists solely or primarily of veterans pursuing courses under the provisions of Part VII and Part VIII, as amended, the Veterans' Administration will pay for "supplies" at a price not in excess of the lowest wholesale price at which the "supplies" may be purchased in a competitive market. This policy is for application in the case of all "supplies", including those for which separate reimbursement is made to the institution and those which are included in the over-all tuition or fee charge.

(i) Except as provided in subparagraph (1) of this paragraph, effective June 22, 1950, the Veterans' Administration will not agree prospectively to pay for tools, supplies, and equipment, unless such items are provided at the rate established by the lowest of at least three bids or quotations from reputable and reliable established dealers or distributors. Therefore, prior to the negotiation or renewal of any contract and prior to the approval of payment bases for tools, supplies, and equipment for educational institutions receiving payment without a contract, each educational institution affected under this subparagraph will be required to submit or make available to the Veterans' Administration such data and information as will clearly indicate to the satisfaction of the Veterans' Administration that the agreed amount to be paid by the Veterans' Administration for items necessary for veteran training under Part VII and Part VIII is no greater than the lowest price at which such items can be procured in a competitive market. When possible, at least three bids or quotations will be solicited from prime sources of supply. Competition between a manufacturer and his distributors or jobbers or a bid or quotation by a firm debarred by the Veterans' Administration from bidding on Veterans' Administration requirements or affiliates of such firm will not be considered as complying with the intent of this subdivision. Acceptable bids or quotations will show prices for items delivered at the school (i. e., f. o. b. the school) and also will show all trade discounts. Where tools, supplies, and equipment are purchased by the Veterans' Administration for veterans who are training on the job, which are the same or comparable to those required by the school to be furnished for veterans, the Veterans' Administration regional office will inform the educational institution that one of the bids or quotations must be from such a Veterans' Administration designated supply source. After the Veterans' Administration has determined that the items have been or will be procured at a reasonable price, the source of supply is not a matter of concern for the Veterans' Administration, except that the cost of supplies pro-

cured from a debarred bidder and issued to a veteran in training will not be paid for by the Veterans' Administration unless the price charged by such firm or affiliate for articles of equal quality is lower than any of the bids submitted by qualified bidders. The assistant administrator for construction, supply, and real estate will designate the firms and affiliates which are debarred from bidding on Veterans' Administration requirements and advise the assistant administrator for vocational rehabilitation and education accordingly. The assistant administrator for vocational rehabilitation and education will take appropriate steps to notify the field stations as to actions to be taken in any case where suppliers are debarred as provided in this subdivision.

(ii) Under existing contracts with institutions affected under this subparagraph, the Veterans' Administration will not pay a marked-up price to the institution (whether or not within retail or list price) where the supplies have been procured from or through a dummy corporation or other affiliate of the institution but will pay for such supplies at an amount not in excess of the cost thereof to such dummy corporation or affiliate.

(iii) In addition to the above limitations respecting the payment for tools, supplies, and equipment, it is emphasized that only the amounts and kind of tools, supplies, and equipment which normally are required by well-established schools offering the same or similar instruction and which are essential to the training process will be provided for training of veterans under Part VII and Part VIII, as amended. Under the provisions of Part VIII, as amended, the Veterans' Administration has no authority to furnish personally to a veteran enrolled in institutional training any tools, supplies, and equipment which have been customarily maintained by well-established educational institutions and issued to students from a central tool room or tool crib as needed during classroom periods; or which are maintained at central points in a classroom or laboratory on tool boards, benches, racks, stands, or in cabinets, where they can be used as needed by individual students without materially delaying or retarding the progress of other students; or which are maintained for the use of instructors to demonstrate processes to groups of students or to check, test, or gauge periodically the results of student work. Such tools, supplies, and equipment shall be considered capital equipment to be furnished by the institution as distinguished from those tools, supplies, and equipment each student is customarily required and expected to own and which he needs to have in his possession at all times in his tool kit or on his desk or bench at each class period in order to progress satisfactorily in training without disrupting the work of other students.

(o) *Reexamination of charges.* In any case where the manager believes that the last contract rate for tuition, books, or supplies was obtained as a result of fraud, misrepresentation, or was in conflict with the governing regulation, the manager will carefully reexamine such rate, and, if the contract is determined to have been invalid, the manager will take appropriate action including the negotiation of a contract on a proper and legal basis.

2. In § 21.549, paragraph (d) is deleted:

§ 21.549 *Payments for related training.* * * *

(d) [Deleted.]

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. and Sup. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. and Sup. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation effective April 26, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-4822; Filed, Apr. 25, 1951; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 2—RECORDS AND TESTIMONY

DETERMINATIONS AS TO AVAILABILITY OF RECORDS

APRIL 20, 1951.

Paragraph (c) of § 2.2 is amended to read as follows:

(c) In the exercise of the authority conferred in this section, no officer or employee of the Department may disclose a record (or its contents) which is classified as "Top Secret", "Secret", "Security Confidential", or "Restricted" to any person who has not been properly cleared for the receipt of such information; and no officer or employee other than the Secretary, the Under Secretary, an Assistant Secretary, the Administrative Assistant Secretary, or the head of a bureau or office may disclose to a person outside the Department a record (or its contents) which has a nonsecurity designation of "Confidential": *Provided, however,* That factual data contained in field reports of the Bureau of Land Management having only a nonsecurity designation of "Confidential" may be referred to in decisions and correspondence signed by the managers, regional administrators, regional division chiefs, division chiefs and subdivision chiefs without revealing sources of information, and copies of such field reports may be furnished to any Federal agency on behalf of which the investigations embodied in the field reports were made.

(R. S. 161; 5 U. S. C. 22)

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-4797; Filed, Apr. 25, 1951; 8:45 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 714]

WASHINGTON

RESERVING PUBLIC LAND FOR USE IN CONNECTION WITH THE CONSTRUCTION OF THE CHIEF JOSEPH DAM PROJECT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public land is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use in connection with the construction of the Chief Joseph Dam Project in the Columbia River under the supervision of the Department of the Army, as authorized by the act of July 24, 1946, 60 Stat. 634, 637, under the designation "Columbia River at Foster Creek, Washington; House Document Numbered 693, Seventy-ninth Congress;":

WILLAMETTE MERIDIAN

T. 29 N., R. 25 E.,
Sec. 26, SW¼NE¼.

The area contains 40 acres.

It is intended that the land described above shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

OSCAR L. CHAPMAN,
Secretary of the Interior.

APRIL 20, 1951.

[F. R. Doc. 51-4798; Filed, Apr. 25, 1951; 8:46 a. m.]

[Public Land Order 715]

ALASKA

RESERVING PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Air Force for military purposes:

1. Beginning at point the geographic position of which is 71°00′ north latitude, 156°57′ west longitude,

Thence south 6 miles; west 12 miles; north 11 miles; east 12 miles; south 5 miles, to the point of beginning; containing approximately 84,480 acres.

2. All of Kaktovik Island in the Barter Island Group, in latitude 70°08′ N., longitude 143°40′ W., containing approximately 4,500 acres.

This order shall take precedence over but not otherwise affect (1) Executive Order No. 3797–A of February 27, 1923, reserving lands as a naval petroleum reserve, as amended by Public Land Order No. 289 of July 20, 1945, (2) Public Land Order No. 82 of January 19, 1943, reserving lands and the minerals therein under the jurisdiction of the Secretary of the Interior for use in connection with the prosecution of the war, as modified by Public Land Orders No. 250 of November 20, 1944, and No. 254 of December 15, 1944, and (3) Public Land Order No. 324 of August 14, 1946, reserving lands for classification and proposed designation as a native reservation, so far as such orders affect any of the above-described lands.

This order shall be subject to the following-described rights: *Provided,* That such rights are not inconsistent with military requirements and that at no time shall military security be jeopardized as the result of joint use of the lands reserved hereby:

(1) The right of the natives and other inhabitants to mine coal from existing mines and to remove coal by existing routes.

(2) The right in the natives to hunt, fish, trap, and otherwise use the land in their customary manner.

(3) Possessory rights or claims of natives, if any exist.

(4) The right of the Department of the Navy to continue exploration for oil and gas and to produce these minerals, if they are found in commercial quantities.

It is intended that the lands described above shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

OSCAR L. CHAPMAN,
Secretary of the Interior.

APRIL 20, 1951.

[F. R. Doc. 51-4799; Filed, Apr. 25, 1951; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

EDITORIAL NOTE: Federal Register Document 51-4806 (Part 168 of this chapter), *infra*, supersedes Forms BMC 73 and 74 (§§ 7.73 and 7.74), and adds Form BMC 78 (§ 7.78). Text of § 7.78 is as follows:

§ 7.78 *B. M. C. 78.* Application for motor carrier certificate or permit.

Subchapter B—Carriers by Motor Vehicle

PART 168—APPLICATIONS FOR CERTIFICATES AND PERMITS

In the matter of applications under sections 206, 207, 209, and 210 Interstate Commerce Act.

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 15th day of January, A. D. 1951.

The matter of applications under the above title being under consideration; It is ordered that:

§ 168.1 *Application form.* (a) Applications for motor carrier certificates and permits to continue, institute, change, or extend motor carrier operations, or to engage in dual operations, in interstate or foreign commerce under the Interstate Commerce Act, shall be in the form and contain the information called for in the form of application designated as BMC 78[1] (§ 7.78).

(b) The verified original of each such application shall be filed with this Commission, one true copy thereof shall be furnished the District Director or Supervisor of the Bureau of Motor Carriers located in the district wherein applicant is domiciled, and one true copy shall be delivered, in person or by registered or receipted mail, to the Board, Commission, or official (or Governor if there is no Board, Commission, or official) having authority to regulate the business of transportation by motor vehicles, of each State in or through which applicant operates or proposes to operate. A notice of the filing of such application, Form BMC 15 (Revised) (§ 7.15), must also be delivered, in person or by registered or receipted mail, to each motor carrier and each carrier by rail or water, known to the applicant, with whose service the operations described in such application are or will be directly competitive.

It is further ordered, that the use of Forms BMC 73 and 74 (§ 7.73 and § 7.74) in applying for authority from this Commission shall be discontinued and that the orders heretofore entered in prescribing those forms be, and they are hereby, superseded by this order.

And it is further ordered, that this order shall become effective on the 15th day of March, 1951.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission, Division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4806; Filed, Apr. 25, 1951; 8:48 a. m.]

[Ex Parte MC-5]

PART 174—SURETY BONDS AND POLICIES OF INSURANCE

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 13th day of April A. D. 1951.

In the matter of security for protection of the public as provided in Part II of the Interstate Commerce Act, and of rules and regulations governing filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by motor carriers and brokers subject to Part II of the act.

In the matter of security for protection of the public as provided in Part IV of the Interstate Commerce Act, and of rules and regulations governing filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by freight forwarders subject to Part IV of the act.

It appearing, that by order of November 25, 1949, the above-entitled proceedings were reopened, on motion of the Commission, Division 5, for further hearing for the purpose of determining whether the amounts of public liability and property damage insurance required by rule II (49 CFR 1947 Supp., 174.2) of our rules and regulations prescribed in Motor Carriers Insurance for Protection of the Public, 1 M. C. C. 45, and by rule 3 (49 CFR 1944 Supp., 405.3) of our rules and regulations prescribed in Freight Forwarder Insurance for Protection of the Public, 260 I. C. C. 375, should be increased;

It further appearing, that such further hearing has been held, that full investigation of the matters and things involved has been made, and that said division, on the date hereof, has made and filed a report on further hearing containing its findings of fact and conclusions thereon, which report is hereby referred to and made a part hereof:

It is ordered, That from and after June 22, 1951, rule II of the rules and regulations prescribed by the order of August

[1] Filed as part of the original document.

3, 1936, in Ex Parte No. MC–5 and rule 3 of the rules and regulations prescribed by the order of October 11, 1944, in Ex Parte No. 159, be, and they are hereby, amended as follows:

§ 174.2 *Insurance, minimum amounts.* The minimum amounts referred to in § 174.1 are hereby prescribed as follows:

(a) *Motor carriers; bodily injury liability, property damage liability.*

(1) Kind of equipment	(2) Limit for bodily injuries to or death of one person	(3) Limit for bodily injuries to or death of all persons injured or killed in any one accident (subject to a maximum of $5,000 for bodily injuries to or death of one person)	(4) Limit for loss or damage in any one accident to property of others (excluding cargo)
Passenger equipment (seating capacity):			
7 passengers or less	$10,000	$30,000	$5,000
8 to 12 passengers, inclusive	10,000	40,000	5,000
13 to 20 passengers, inclusive	10,000	60,000	5,000
21 to 30 passengers, inclusive	10,000	80,000	5,000
31 passengers or more	10,000	100,000	5,000
Freight equipment:			
All motor vehicles used in the transportation of property	10,000	20,000	5,000

(49 Stat. 557; 49 U. S. C. 315)

Subchapter D—Freight Forwarders

[Ex Parte 159]

PART 405—SURETY BONDS AND POLICIES OF INSURANCE

§ 405.3 *Limits of liability.* The minimum amounts referred to in § 405.2 are hereby prescribed as follows:

* * * * *

(b) *Public liability and property damage.* Limits for bodily injury to or death of any person, or loss of or damage to property, except property referred to in paragraph (a) of this section:

(1) For bodily injuries to or death of one person—$10,000.

(2) For bodily injuries to or death of all persons injured or killed in any one accident, subject to a maximum of $10,000 or bodily injuries to or death of one person—$20,000.

(3) For loss of or damage in any one accident to property, excluding cargo, of others—$5,000.

(56 Stat. 285; 49 U. S. C. 1003)

Notice of this order shall be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D. C., and by filing copies with the Director of the Division of the FEDERAL REGISTER.

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–4805; Filed, Apr. 25, 1951; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Parts 725, 726]

BURLEY AND FLUE-CURED TOBACCO

FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

NOTICE OF FORMULATION OF REGULATIONS RELATING TO MARKETING OF TOBACCO, COLLECTION OF MARKETING PENALTIES, AND RECORDS AND REPORTS, 1951-52 MARKETING YEAR

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1311–1315, 1372–1375), the Secretary of Agriculture is preparing to formulate marketing quota regulations covering the issuance of marketing cards, the identification of tobacco, the collection and refund of penalties, and the records and reports incident thereto on the marketing of Burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco, for the 1951–52 marketing year.

The Secretary is considering the issuance of regulations for the 1951–52 marketing year substantially the same as those issued for 1950–51 (15 F. R. 3608, Burley and flue-cured) (15 F. R. 5527, fire-cured, dark air-cured, and Virginia sun-cured) except for the additional provisions discussed below.

(1) A provision for making any suspended sale subject to penalty which is not identified by a valid memorandum of sale within four weeks or on or before the last warehouse sale day of the marketing season, whichever comes first. The 1950–51 regulations permitted sales to remain in suspension the full four weeks without regard to the end of the marketing season. The change is considered necessary because of the difficulty encountered in the past in clearing suspended sales after the warehouse closes for the marketing season.

(2) A provision which would require that a warehouseman on whose floor more than one kind of tobacco is offered for sale at public auction display each kind separately and maintain records that will insure separate identification and accounting with respect to each kind. This amounts to an extension of the provision in the 1950–51 fire-cured, dark air-cured, and Virginia sun-cured regulations which provided for separate display and records with respect to Virginia fire-cured and Virginia sun-cured tobacco.

(3) A specific provision making all nonwarehouse sales subject to the converted rate of penalty for the farm for which the marketing card is issued, without regard to the amount of the net proceeds of the sale. While this would not be a new provision in the program, it is felt that more specific language is necessary in order to clarify the amount of penalty due on nonwarehouse sales.

Prior to the final adoption and issuance of such regulations, consideration will be given to any data, views, or recommendations pertaining thereto, which are submitted in writing to the Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 23d day of April 1951.

G. F. GEISSLER, *Administrator.*

[F. R. Doc. 51–4835; Filed, Apr. 25, 1951; 8:55 a. m.]

[7 CFR, Part 946]

HANDLING OF MILK IN LOUISVILLE, KY., MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), public hearings were conducted at Louisville, Kentucky, on December 18–21, 1950, and on March 9 and 14, 1951, pursuant to notices thereof which were issued December 13, 1950, and March 3, 1951, respectively (15 F. R. 8827 and 16 F. R. 2041).

Upon the basis of the evidence introduced at the hearings and the record thereof, the Assistant Administrator, Production and Marketing Administration, on April 11, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on April 14, 1951 (16 F. R. 3307).

The material issues and the findings and conclusions of the recommended decision (16 F. R. 3307) are hereby approved and adopted as the material

issues and findings and conclusions of this decision as if set forth in full herein.

Ruling on exceptions. In arriving at the findings and conclusions included in this decision each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of February 1951 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Louisville, Kentucky, marketing area, in the manner set forth below in the amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order amending the order, as amended. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Louisville, Kentucky, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Louisville, Kentucky, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 23d day of April 1951.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Louisville, Ky., Marketing Area

§ 946.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) public hearings were held December 18–21, 1950, and March 9 and 14, 1951, at Louisville, Kentucky, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearings and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Louisville, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 946.4 (b) (1) and substitute therefor the following:

(1) *Class I milk.* The price for Class I milk shall be the basic formula price plus $1.25.

2. Delete § 946.7 (b) (3) and substitute therefor the following:

(3) Subtract for each of the delivery periods of April, May, June, and July an amount computed by multiplying the total hundredweight of milk received from producers by handlers whose milk plants are included under subparagraph (1) of this paragraph, by 12 percent of the average of the announced basic formula prices, computed to the nearest cent, for the twelve months of the preceding calendar year.

3. Amend § 946.8 (d) (2) by replacing the words "September, October, and November" and "September, October, or November" in such subparagraph by the words "September, October, November, and December" and "September, October, November, or December" respectively.

[F. R. Doc. 51–4836; Filed, Apr. 25, 1951; 8:55 a. m.]

[7 CFR, Part 978]

[Docket No. AO 184–A6]

HANDLING OF MILK IN NASHVILLE, TENN., MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER NOW IN EFFECT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Nashville, Tennessee, on March 6, 1951, pursuant to notice thereof which was issued on February 28, 1951 (16 F. R. 2005).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on April 9, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on April 12, 1951 (16 F. R. 3229; F. R. Doc. 51–4341).

The material issues and the findings and conclusions of the recommended decision (16 F. R. 3229; F. R. Doc. 51-4341) are hereby approved and adopted as the material issues and findings and conclusions of this decision as if set forth in full herein, except that the last sentence of the next to last paragraph under issue No. 4 is deleted and in place thereof there is inserted the following: "The proposed change is inconsistent with the principles underlying the plan."

Ruling on exceptions. In arriving at the findings and conclusions included in this decision each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of February 1951 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Nashville, Tennessee, marketing area, in the manner set forth below in the amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Nashville, Tennessee, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Nashville, Tennessee, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

This decision filed at Washington, D. C. this 20th day of April 1951.

[SEAL] K. T. HUTCHINSON,
Acting Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Nashville, Tenn., Marketing Area

§ 978.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Nashville, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds; available supplies of seeds and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Nashville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 978.4 (b) (1) and substitute:

(1) Class I milk shall be all skim milk and butterfat: (i) Disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, and flavored milk drinks, and Yoghurt and (ii) not specifically accounted for as Class II or Class III milk.

2. In § 978.4 (b) delete subparagraph (2) and substitute the following:

(2) Class II milk shall be all skim milk and butterfat disposed of in the form of cream, eggnog and any other cream product disposed of in fluid form which is required by the Nashville Health Department to be made from approved butterfat and skim milk.

3. In § 978.4 (d) delete subparagraph (4) and substitute:

(4) As Class I milk if transferred or diverted in the form of any item specified in paragraph (b) (1) of this section and as Class II milk if transferred or diverted in the form of any item specified in paragraph (b) (2) of this section, to a nonfluid milk plant located 85 miles or more from the City Hall in Nashville, Tennessee, by the shortest highway distance as determined by the market administrator, except in the case of fluid cream only, for the delivery periods of May and June 1951 if (i) the handler reports its use in another class and the operator of the receiving plant certifies to the market administrator in writing not later than the last day of the month next following the month in which such cream was shipped that such cream was used in the class reported by the handler, (ii) the operator of the nonfluid milk plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, (iii) not less than an equivalent amount of skim milk and butterfat was actually utilized in such plant in the use indicated in such certification: *Provided*, That if upon inspection of the records of such plant it is found that an equivalent amount of skim milk and butterfat was not actually used in such indicated use the remaining pounds shall be classified on the basis of the next highest-priced available use in accordance with the classes set forth in paragraph (b) of this section.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

4. Delete § 978.7 (b) (3) (ii) and substitute therefor the following:

(ii) For each of the delivery periods of October, November and December, add an amount equivalent to one-third of the total of the three amounts representing the cash balance established, during the delivery periods of April, May and June, immediately preceding, as a fall season production incentive pursuant to subparagraph (5) (ii) of this paragraph.

[F. R. Doc. 51-4613; Filed, Apr. 25, 1951; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR, Part 410]

DELEGATION OPTION PROCEDURES FOR CERTIFICATION OF SMALL AIRPLANES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Administrator contemplates the adoption of Part 410 to read in the manner indicated hereinafter. All interested persons who desire to submit written data, views, or arguments for consideration by the Administrator of Civil Aeronautics in connection with the proposed part shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

PART 410—DELEGATION OPTION PROCEDURES FOR CERTIFICATION OF SMALL AIRPLANES

SUBPART A—GENERAL

Sec.
410.1 Definitions of terms.
410.2 Basis and purpose.

SUBPART B—DELEGATION OPTION AUTHORIZATION

410.11 Application.
410.12 Authorization.
410.13 Eligibility.
410.14 Designated Aircraft Certification Representative (DACR).
410.15 Maintenance of eligibility.
410.16 Duration.
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SUBPART C—DELEGATION OPTION PROCEDURES

410.31 Limits of applicability.
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410.33 Production certificates.
410.34 Airworthiness certificates.
410.35 Certificates of airworthiness for export.
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410.37 Maintenance, repair, and alteration of aircraft.
410.38 Annual inspections.
410.39 Data and records.

AUTHORITY: §§ 410.1 through 410.39 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 603, 52 Stat. 1009, as amended, sec. 310, 64 Stat. 1080; 49 U. S. C. and Sup. 553, 460.

§ 410.1 *Definitions of terms.* As used in this part:

(a) "Administrator" shall mean Administrator of Civil Aeronautics.

(b) "CAA" shall mean Civil Aeronautics Administration.

(c) "DACR" shall mean designated aircraft certification representative.

(d) *New type airplane.* For the purposes of this part, a new type airplane is defined as one for which the type design has not previously been type certificated, or one for which the type design has been so modified from a previously type certificated design that a substantially complete technical investigation is necessary to determine compliance with the applicable airworthiness requirements.

(e) "Secretary" shall mean Secretary of Commerce.

§ 410.2 *Basis and purpose.* (a) Section 603 of the Civil Aeronautics Act of 1938 (52 Stat. 1009; 49 U. S. C. 553) authorized the Civil Aeronautics Authority to conduct inspections and tests necessary to the issuance of aircraft type, production, and airworthiness certificates, and to issue such certificates. Section 7 of Reorganization Plan III of 1940 (54 Stat. 1233) transferred the functions to the Administrator. Section 2 of Reorganization Plan 5 of 1950 (15 F. R. 3174) transferred the functions to the Secretary. Section 3 of Department of Commerce Order 115 (15 F. R. 3195) retransferred the functions temporarily to the Administrator. Section 310 of the Civil Aeronautics Act of 1938 (60 Stat. 1070; 49 U. S. C. 460) authorized the Secretary to delegate the functions to properly qualified private persons. Amendment 7 to Department of Commerce Order 86 (16 F. R. 554) authorized the Administrator to exercise the powers vested in the Secretary by section 310 (a) of the Civil Aeronautics Act of 1938.

(b) Under delegation option procedures, type, production, and airworthiness certification of airplanes of not more than 5,000 lbs. maximum weight and carrying not more than 5 persons may be accomplished by manufacturers of airplanes utilizing a DACR. Under standard procedures, employees of the Administrator conduct inspections, examinations, and tests necessary to the issuance of certificates, and issue such certificates. Standard procedures will be available to manufacturers who are not eligible to use, or do not elect to use, the delegation option procedures.

SUBPART B—DELEGATION OPTION AUTHORIZATION

§ 410.11 *Application.* Application for an authorization from the Administrator to use the delegation option procedures shall contain the information specified in Appendix A to this part, and shall be submitted to the CAA Regional office for the region in which the manufacturer is located.

§ 410.12 *Authorization.* Upon receiving an application and finding that the applicant meets the eligibility requirements, the Administrator will issue an authorization to the applicant to use the delegation option procedures in accordance with the provisions of this part. A sample authorization is shown in Appendix B to this part.

§ 410.13 *Eligibility.* To be eligible for an authorization to use the delegation option procedure, the applicant shall:

(a) Hold a current type and production certificate issued to the applicant under the standard procedure, and

(b) Have in his organization an individual eligible for appointment by the Administrator as a Designated Aircraft Certification Representative in accordance with § 410.14.

§ 410.14 *Designated Aircraft Certification Representative (DACR).* A Designated Aircraft Certification Representative is an individual who:

(a) Holds a responsible position in a manufacturer's organization with respect to the design and manufacture of airplanes,

(b) Upon request by the manufacturer, has been issued a Certificate of Authority by the Administrator, and has been listed on the delegation option authorization issued to the manufacturer.

A DACR will be furnished CAA forms, and instructions on the use thereof, under the delegation option procedures.

§ 410.15 *Maintenance of eligibility.* (a) The holder of an authorization to use the delegation option shall employ a competent staff of engineering, flight test, production, and inspection personnel adequate to maintain compliance with the applicable certification requirements of Parts 1, 3, 4a, and 8 of Chapter I of this title.

(b) The Designated Aircraft Certification Representative required by § 410.13 (b) may be replaced by another individual upon request by the holder of the delegation option authorization and the appointment of such replacing individual by the Administrator.

§ 410.16 *Duration.* An authorization to use the delegation option procedure shall remain in effect until suspended, cancelled, or revoked by the Administrator. The holder of such authorization shall request the CAA to cancel it if he no longer desires to use the delegation option.

§ 410.17 *Transfer.* An authorization to use the delegation option procedure is not transferable.

§ 410.18 *Inspections.* Upon request, the applicant for a delegation option authorization, or the holder of such authorization shall permit authorized employees of the Administrator to inspect his organization, facilities, aircraft, and records.

SUBPART C—DELEGATION OPTION PROCEDURES

§ 410.31 *Limits of applicability.* (a) The delegation option procedures shall be applied only to airplanes which are manufactured by the holder of a delegation option authorization, and which:

(1) Are eligible for certification under the type, production, and airworthiness requirements of Parts 1, 3, 4a, or 8 of Chapter I of this title, or Bulletin 7A of the Bureau of Air Commerce,

(2) Have a maximum weight of no more than 5,000 pounds,

(3) Are designed to carry no more than 5 persons.

(b) Within the limitations prescribed in paragraph (a) of this section, the delegation option procedure may be applied to:

(1) Type certification,

(2) Changes in the type design of airplanes for which the manufacturer holds or obtains a type certificate,

(3) The amendment of the production certificate held by the manufacturer, to include additional airplane models or additional types for which he holds or obtains type certificates,

(4) The issuance of airworthiness certificates for airplanes of any type for which the manufacturer holds or obtains type and production certificates.

(c) The delegation option procedures may be applied to one or more airplane types as selected by the manufacturer, who shall notify the CAA of each airplane model, and the first airplane serial number of each model, manufactured by him under the delegation option procedures.

§ 410.32 *Type certificates.* (a) When a manufacturer desires to obtain a type certificate for a new type airplane under the delegation option procedures:

(1) The DACR for such manufacturer shall submit to the CAA an Application for a Type Certificate (Form ACA–312) together with a statement listing particular airworthiness requirements of this title by part and date, which the DACR considers applicable. After reviewing the application, the CAA will notify the DACR in an acceptance letter that the Administrator finds such requirements, or other specified requirements, applicable.

(2) After determining that the airplane meets the applicable airworthiness requirements, the DACR shall request the Administrator to issue a type certificate for such airplane. If the request for issuance of a type certificate is submitted more than one year after the date of application for the type certificate, the applicable requirements shall include all amendments to Parts 1, 3, 4a, or 8 of Chapter I of this title which have become effective up to a date one year prior to submittal of the request. A list of all such amendments, and any subsequent amendments voluntarily complied with, shall be included in the request. The request shall include a statement of compliance and the information prescribed in Appendix C to this part. The proposed Aircraft Specification, and if required by the applicable airworthiness requirements, a copy of the Airplane Flight Manual as approved by the DACR, shall be transmitted with the request. Upon receipt of a proper request and the required documents, the Administrator will issue and forward to the manufacturer a type certificate for the airplane.

(b) Under these delegation option procedures, the manufacturer may change the type design for airplanes for which he holds a type certificate, when the DACR finds that the changes comply with the applicable airworthiness requirements. If such changes would alter the information in the Aircraft Specification or Airplane Flight Manual, the manufacturer shall promptly submit proposed Aircraft Specification revisions or Airplane Flight Manual revisions to the CAA.

(1) The DACR shall furnish a statement to the CAA, briefly describing any changes to the type design and listing the particular airworthiness requirements of this title which the DACR considers applicable, whenever:

(i) A change in the type design appreciably changes the external configuration, maximum weight, or type of engine installed in the airplane, or

(ii) The manufacturer desires certification of the type design under airworthiness requirements other than those applicable in the original issuance of the type certificate. Upon receiving such a statement, the CAA will notify the DACR that the Administrator finds such requirements, or other specified requirements applicable.

(c) In determining compliance with the applicable airworthiness requirements, the DACR shall conduct a type inspection of the airplane, and complete a Type Inspection Report (Form ACA–283), or applicable portions thereof, which he shall sign and include in the manufacturer's technical data file.

(d) The manufacturer or the DACR may request the advice of the CAA concerning interpretation of the certification requirements in Parts 1, 3, 4a, and 8 of Chapter I of this title and Bulletin 7a of the Bureau of Air Commerce. Such requests and the replies thereto shall be made in writing and shall be recorded in the manufacturer's technical data file. The DACR shall request the advice of the CAA on any interpretation which requires application of the equivalent safety provisions contained in the certification requirements.

(e) The manufacturer shall prepare and maintain a technical data file for each airplane type under the delegation option procedure, in accordance with § 410.39 (a) (1).

§ 410.33 *Production certificates.* (a) When a manufacturer desires to list a new airplane model or a new type certificate on his production certificate, the DACR for such manufacturer shall, after finding that the manufacturer meets the production certificate requirements of Part 1 of Chapter I of this title with respect to the new model or type, submit a request therefor to the Administrator. This request shall be accompanied by:

(1) A statement of compliance containing the information prescribed in Appendix D to this part, and,

(2) A properly executed application for an amendment to the manufacturer's production certificate (Form ACA–332). Upon receipt of these documents the Administrator will add the new model designation and/or type certificate number to the production certificate and forward to the manufacturer an amended production limitation record.

(b) In determining that the manufacturer meets the applicable production certificate requirements, the DACR shall, for each new model or type added to the production certificate under the delegation option, conduct an inspection of the manufacturer's organization, facilities, methods, and procedures for manufacturing and controlling the quality and conformity of airplanes of that type, and shall complete and sign a Manufacturing Inspection Report (Form ACA–314) for inclusion in the manufacturer's records.

(c) At least once each year while the manufacturer holds a delegation option authorization, the DACR shall conduct an inspection of the manufacturer's facilities, methods, and procedures and shall complete and sign a copy of Form ACA–314 for inclusion in the manufacturer's records.

(d) The manufacturer shall prepare reports covering changes in organization and procedures and special processes, as required by the production certificate requirements of Part 1 of Chapter I of this title. He shall include such reports, and inspection records for each airplane produced under the delegation option, in his records as specified in § 410.39 (a) (2).

§ 410.34 *Airworthiness certificates.* (a) A DACR may issue an airworthiness certificate for an airplane manufactured under the delegation option when he finds, on the basis of the inspections and production flight check required under the production certificate requirements, that the airplane conforms to a type design for which the manufacturer holds a type certificate and is in a condition for safe operation.

(b) The DACR may authorize other employees of the manufacturer to sign such airworthiness certificates for him, over his name and designee number: *Provided*, That:

(1) Such employees perform or are in direct charge of the inspections specified in (a), and

(2) Such employees have been listed on the manufacturer's application to use the delegation option procedures (See Appendix A to this part), or on amendments thereto.

§ 410.35 *Certificates of airworthiness for export.* A certificate of airworthiness for export may be issued on the same basis as an airworthiness certificate, as specified in § 410.34.

§ 410.36 *Service difficulties and noncompliance.* Service difficulties and questions of compliance on airplanes produced under the delegation option will be handled as follows:

(a) *Routine reports.* The CAA will collect information on service difficulties in accordance with standard procedures. Where service difficulties are deemed of sufficient importance, the CAA will forward copies of the reports to the aircraft manufacturer for his information and any action he deems appropriate. The CAA will not request replies or action on such reports, except as indicated in paragraph (b) of this section.

(b) *Serious defects.* If accident or service difficulty reports indicate unsafe features or characteristics in an airplane caused by defects in design or manufacture, the CAA will transmit such reports to the manufacturer with a request that it be informed of the results of his investigation and of the action, if any, taken or proposed by him (e. g. service bulletins design changes, etc.). If the nature of the defect is of such importance that mandatory corrective action by airplane operators is necessary for safety, the CAA will require the manufacturer to submit the information necessary for the issuance of an Airworthiness Directive in accordance with the standard procedures.

(c) *Investigation of airplane or manufacturing facilities.* The manufacturer shall, upon request, permit the CAA to inspect and test his airplane, and investigate his technical data files and manufacturing facilities when reports indicate that a serious defect exists, and when the CAA finds that:

(1) The manufacturer's investigation and action are deemed inadequate to correct the unsafe condition, or

(2) There is substantial evidence that airplanes of the type may not, in fact, comply with the applicable airworthiness requirements. Prior to conducting such an investigation, the CAA will communicate with the manufacturer, citing the evidence in the case and, time permitting, will request the manufacturer to submit comments and any additional pertinent information. After the manufacturer's reply has been received, all pertinent facts and evidence will be referred to the CAA, Aircraft Division, Washington Office, for review, and the decision on whether or not to proceed with the investigation, and its nature and scope, will be made by that office.

(d) *Non-compliance.* When investigation is made by the CAA, and the findings indicate that a serious safety hazard exists because of the manufacturer's failure to comply in important respects with Parts 1, 3, 4a, or 8 of Chapter I of this title, the CAA will take such action as is deemed necessary to require correction of the defect in existing airplanes and to assure compliance in airplanes subsequently produced.

(e) *Revocation of delegation option authorization.* If the number or importance of established cases of noncompliance warrants, the CAA may request the manufacturer to show cause why his privileges under the delegation option procedures should not be withdrawn. After proper hearing, these privileges may be withdrawn until the manufacturer re-establishes his eligibility to the satisfaction of the Administrator.

(f) *Suspension and revocation of certificates.* Any action against type or production certificates held by the manufacturer will be processed in accordance with the standard procedures. (See § 408.26 of this chapter.)

§ 410.37 *Maintenance, repair, and alteration of aircraft.* Airplanes manufactured under the delegation option procedures shall be maintained, repaired, and altered in accordance with Part 18 of Chapter I of this title, and the following provisions:

(a) *Approval of major repairs and alterations performed by the manufacturer.* For airplanes of types included under the manufacturer's delegation option authorization:

(1) The DACR may, after finding that the major repair or alteration complies with the applicable requirements, approve such repair or alteration under the provisions of § 18.11 of Chapter I of this title.

(2) A completed Repair and Alteration Form (Form ACA–337) shall be furnished to the airplane owner and a copy forwarded to the nearest CAA District Office as specified on the reverse side of the form. However, any technical data prepared in accordance with §§ 18.16–2, 18.16–4, 18.16–5 and 18.16–6, of Chapter I of this title, need not be submitted with Form ACA–337, but shall instead be included in the manufacturer's records. The Form ACA–337 shall contain a description of the repair or alteration and a statement that it was accomplished under the delegation option procedures.

(3) The DACR may authorize other employees of the manufacturer to execute and sign Forms ACA–337 and make required logbook entries over his name and designee number: *Provided*, That:

(i) Such employees perform or are in direct charge of inspecting the repair or alteration, and

(ii) They have been listed on the manufacturer's application for the delegation option (See Appendix A to this part), or on amendments thereto.

(b) *Approval of major repairs and alterations performed by agencies other than the manufacturer.* The CAA will consider all major repairs and alterations submitted to it for approval under the provisions of § 18.11 of Chapter I of this title; however, where reference to the original configuration of the airplane and to available technical data does not provide an adequate basis for determining compliance with applicable airworthiness requirements, the CAA will advise the repair agency either to:

(1) Obtain the necessary technical data or advice from the airplane manufacturer, or

(2) Conduct the technical investigations and tests necessary to demonstrate compliance with the applicable airworthiness requirements.

§ 410.38 *Annual inspections.* (a) For airplane types included under the manufacturer's delegation option authorization, the DACR may act as a representative of the Administrator in conducting the annual inspection prescribed by Part 1 of Chapter I of this title and in executing the prescribed forms and making the required logbook entries. He may also approve the airplane for return to service after finding that it is in airworthy condition and complies with the applicable Aircraft Specification and Airworthiness Directives.

(b) The DACR may authorize other employees of the manufacturer to perform the functions specified in paragraph (a) of this section and to sign the specified documents over his name and designee number: *Provided*, That:

(1) Such employees perform or are in direct charge of the inspection, and

(2) They have been listed on the manufacturer's application for the delegation option (See Appendix A to this part), or on amendments thereto.

§ 410.39 *Data and records.* (a) A manufacturer shall maintain at his factory, for all aircraft certificated under the delegation option procedures, current records containing the following:

(1) A technical data file for each type aircraft. This data shall include the type design drawings, specifications and reports on tests prescribed by Part 1, 3, 4a, or 8 of Chapter I of this title, the original type inspection report (Form ACA–283), and amendments thereto.

(2) A complete inspection record for each airplane produced according to serial number, data covering the processes and tests to which materials and parts are subjected, the report required to be submitted with the original application for the production certificate and amendments thereto, and the factory inspection reports specified in § 410.33 (b) and (c).

(3) A record of all major repairs and alterations performed under the delegation option procedure.

(b) The records and data specified in paragraph (a) of this section shall be:

(1) Upon request, made available for examination by authorized employees of the Administrator,

(2) Identified and reserved for transfer to the CAA in the event the manufacturer goes out of business.

APPENDIX A—INFORMATION REQUIRED IN APPLICATION FOR DELEGATION OPTION AUTHORIZATION

----------, hereby
(Name of manufacturer)

makes application for authorization to use the delegation option procedure for the type, production, and airworthiness certification of airplanes under the provisions of Part 410 of the Regulations of the Administrator of Civil Aeronautics, and requests that the following individual, who holds a responsible position with this company in respect to the design and manufacture of airplanes to be produced under the delegation option, be appointed as a CAA Designated Aircraft Certification Representative:

---------- ----------
(Name) (Title)

If authorization to use the delegation option is granted, the following individuals will be authorized to sign airworthiness certificates, repair and alteration forms, and annual inspection forms for the Designated Aircraft Certification Representative:

---------- ----------
(Name) (Title)

---------- ----------

This company holds the following currently effective type and production certicates obtained under the standard certification procedures:

Model	Type Certificate No.	Production Certificate No.

Signed ---------- Title ----------
Date ----------

APPENDIX B—SAMPLE AUTHORIZATION TO USE THE DELEGATION OPTION PROCEDURE

(Addressed to manufacturer)

In consideration of an application made on ----------,
(Date)

---------- has been
(Name of manufacturer)

found eligible and is hereby authorized to use the delegation option procedure for the type, production, and airworthiness certification of airplanes in accordance with the provisions of Part 410 of the Regulations of the Administrator of Civil Aeronautics.

---------- is hereby appointed a Designated Aircraft Certification Representative of the Civil Aeronautics Administration, and is issued a Certificate of Authority, Number ----------

APPENDIX C—INFORMATION REQUIRED IN STATEMENT OF COMPLIANCE AND REQUEST FOR ISSUANCE OF A TYPE CERTIFICATE

The undersigned hereby certifies that ----------, designed
(Airplane model designation)
and manufactured by ----------, complies with the applicable airworthiness requirements listed below and all mandatory CAA rules published thereunder, and requests the issuance of a type certificate for this model under the delegation option authorization issued to the manufacturer on ----------.
(Date)

Applicable requirements: CAR ----------, in effect on ----------.
CAR amendments -------, effective---------, ----------.

The required technical data and type inspection report dated ---------- have been completed and included in the technical data file for this model.

The following documents are transmitted herewith:

Proposed Aircraft Specification.
Airplane Flight Manual (if applicable).
Signed ----------
DACR No. ----------
Date ----------

APPENDIX D—INFORMATION REQUIRED IN STATEMENT OF COMPLIANCE AND REQUEST FOR ISSUANCE OF AN AMENDED PRODUCTION CERTIFICATE

The undersigned hereby certifies that ----------
(Name of manufacturer)
meets the applicable production certificate requirements with respect to----------
(Airplane model designation) manufactured under type certificate No. --------, and requests the addition of this model and type certificate No. -------- to production certification No. ----------
(Production certificate held by the manufacturer) under the delegation option authorization issued to the manufacturer on ----------.
(Date)

The required data on procedures, methods, and processes, and the factory inspection report, dated ----------, for this model have been completed and included in the manufacturer's records.

An Application for Production Certificate is transmitted herewith.

Signed----------
DACR No. ----------
Date ----------

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-4796; Filed, Apr. 25, 1951; 8:45 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 4597]

ALL AMERICAN AIRWAYS, INC.; SCRANTON/WILKES-BARRE-HARRISBURG SERVICE

NOTICE OF HEARING

In the matter of the application of All American Airways, Inc., for amendment of its certificate of public convenience and necessity for route No. 97 to establish a route segment between Scranton/Wilkes-Barre and Harrisburg, via Hazelton, Pennsylvania.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that the above-entitled proceeding is assigned for hearing on Monday, May 7, 1951, at 10:00 a. m., in Room E-210, Temporary Building, No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Ralph L. Wiser.

Without limiting the scope of the issues involved in this proceeding, particular attention will be directed to a determination as to whether the public convenience and necessity require that the Board grant all or part of the application of All American Airways, Inc., herein, for amendment of its certificate for route No. 97 so as to establish a route segment between Scranton-Wilkes-Barre and Harrisburg, via Hazleton, Pennsylvania, and whether All American Airways, Inc., is fit, willing, and able to provide the transportation it proposes and to conform to the provisions of the Civil Aeronautics Act of 1938, as amended, and the rules, regulations, and requirements of the Board thereunder.

Notice is hereby given that any person, other than the parties of record, desiring to be heard in this proceeding shall file with the Board on or before May 7, 1951, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed for authorization, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., April 20, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-4812; Filed, Apr. 25, 1951; 8:49 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

DELEGATIONS OF AUTHORITY

Consonant with the provisions of section 3 (a) (1) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002), Administrative Order Nos. 1, 4, 11, and 22, as revised and supplemented, are hereby redesignated and reissued as Delegation of Authority Nos. 1, 2, 3, and 4, respectively.

All regulations, orders, interpretations, and other pricing and enforcement actions authorized by Economic Stabilization General Orders 2 and 5 and previously issued or taken by any delegatee or subdelegatee under the foregoing Administrative Orders, are hereby confirmed and ratified.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 24, 1951.

[Delegation of Authority 1]

ASSISTANT DIRECTOR FOR MANAGEMENT

DELEGATION OF AUTHORITY WITH RESPECT TO BUDGET, PERSONNEL, MANAGEMENT, ORGANIZATION, AND GENERAL ADMINISTRATION

1. Pursuant to the authority vested in me as Director of the Office of Price Stabilization, by General Order No. 2 of the Economic Stabilization, I hereby establish the position of Assistant Director for Management, and delegate to it full authority to discharge the responsibilities vested in me on all matters concerning the budget, personnel, management, organization, and general administration of the Office of Price Stabilization.

2. The Assistant Director for Management is authorized to redelegate any of the authorities vested in him by this delegation to the extent that he deems advisable in the interest of efficient operation of the Office of Price Stabilization.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JANUARY 27, 1951.

[Delegation of Authority 2]

ASSISTANT DIRECTOR FOR PRICE OPERATIONS AND CHIEF COUNSEL OR ACTING CHIEF COUNSEL

DELEGATION OF AUTHORITY TO ACT AS DIRECTOR OF PRICE STABILIZATION

By virtue of the authority vested in me as the Director of Price Stabilization pursuant to Executive Order 10161 of September 9, 1950 (15 F. R. 6105) and Economic Stabilization Agency General Orders No. 2 (16 F. R. 738), and No. 5 (16 F. R. 1273), this delegation of authority is hereby issued.

1. Whenever the Director of Price Stabilization is absent from the City of Washington, D. C., the functions delegated to him by General Orders No. 2 and No. 5 of the Economic Stabilization Agency are hereby further delegated to the Assistant Director for Price Operations, Office of Price Stabilization, and shall be exercised by him as Acting Director of Price Stabilization.

2. Whenever the Director of Price Stabilization and the Assistant Director for Price Operations, Office of Price Stabilization, are absent from the City of Washington, D. C., the functions delegated to the Director of Price Stabilization by General Orders No. 2 and No. 5 of the Economic Stabilization Agency are hereby further delegated to the Chief Counsel or Acting Chief Counsel, Office of Price Stabilization, and shall be exercised by him as Acting Director of Price Stabilization.

MICHAEL V. DISALLE,
Director of Price Stabilization.

FEBRUARY 15, 1951.

[Delegation of Authority 3]

CHIEF COUNSEL

DELEGATION OF AUTHORITY TO ISSUE OFFICIAL INTERPRETATIONS

By virtue of the authority vested in me as the Director of Price Stabilization, pursuant to the Defense Production Act of 1950 and Executive Order 10161 (15 F. R. 6105), and by Economic Stabilization Agency General Orders No. 2 (16 F. R. 738) and No. 5 (16 F. R. 1273), Administrative Order No. 11 (16 F. R. 1583) is hereby redesignated as Delegation of Authority No. 3 and revised to read as follows.

1. Authority is hereby delegated to the Chief Counsel or Acting Chief Counsel of the Office of Price Stabilization to issue interpretations of regulations or orders relating to price controls or to allocations with the same force and effect as if issued by the Director of Price Stabilization.

2. The authority herein delegated may be redelegated to any attorney of the Office of the Chief Counsel or Acting Chief Counsel, or to any Regional Counsel or Acting Regional Counsel, or to any District Counsel or Acting District Counsel, to the extent that the Chief Counsel or Acting Chief Counsel may deem expedient.

3. This delegation of authority shall take effect immediately.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 24, 1951.

[Delegation of Authority 4]

ASSISTANT DIRECTOR OF PRICE STABILIZATION FOR ENFORCEMENT (DIRECTOR OF ENFORCEMENT)

DELEGATION OF AUTHORITY WITH RESPECT TO ENFORCEMENT FUNCTIONS

By virtue of the authority vested in me as the Director of Price Stabilization pursuant to Executive Order No. 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), and in order to further define the internal organization of the Office of Price Stabilization, particularly the duties, powers, and authority of the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement), this delegation is hereby issued.

1. Effective March 12, 1951, those functions relating to the enforcement of price stabilization which were delegated to the Director of Price Stabilization by Economic Stabilization Order No. 2 (16 F. R. 738), are hereby redelegated to the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement), who shall have the authority to make and authorize successive redelegations.

2. Effective March 15, 1951, those functions relating to the signing and issuance of Subpenas; Subpenas Duces Tecum; Inspection Authorizations; and, letters requesting inspection and interviews relating to investigations, are hereby redelegated to the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement), who shall have the authority to make and authorize successive redelegations.

3. Effective March 16, 1951, those functions relating to the enforcement of price stabilization which were delegated to the Director of Price Stabilization by Economic Stabilization General Order No. 5 (16 F. R. 1273) with respect to the allocation of meat, are hereby redelegated to the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement), who shall have the authority to make and authorize successive redelegations.

4. All functions delegated pursuant to this order shall be performed by the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) subject to such general supervision, direction and control as the Director of Price Stabilization deems expedient.

Issued this 12th day of March 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

[Delegation of Authority No. 4, Supplement 1]

REGIONAL AND DISTRICT ENFORCEMENT DIRECTORS

REDELEGATION OF AUTHORITY WITH RESPECT TO ENFORCEMENT FUNCTIONS

By virtue of the authority vested in me as Assistant Director of Price Stabilization for Enforcement (Director of Enforcement), pursuant to Delegation of Authority No. 4, Executive Order No. 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), and in order to further define the internal organization of the Office of Price Stabilization, particularly the enforcement functions of the several Regional Enforcement Directors and District Enforcement Directors, this delegation is hereby issued.

1. Effective March 13, 1951, those functions relating to the enforcement of price stabilization which were delegated to the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) by Delegation of Authority No. 4 are hereby redelegated to the several Regional Enforcement Directors and District Enforcement Directors subject to such rules, regulations and orders as may hereafter be issued by the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement), and further subject to such general supervision, direction and control as the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) deems necessary and expedient.

2. Effective March 17, 1951, in connection with any investigation or proceeding conducted by the Office of Price Stabilization relating to the administration or enforcement of the Defense Production Act of 1950, or any regulation or order issued thereunder by the Office of Price Stabilization, the several Regional Enforcement Directors and District Enforcement Directors of the Office of Price Stabilization are each authorized within their respective regions or districts to sign and issue subpenas requiring any person to appear and testify or to appear and produce documents, or both, at any designated place.

3. Effective March 17, 1951, in connection with any investigation or proceeding conducted by the Office of Price Stabilization relating to the administration or enforcement of the Defense Production Act of 1950, or any regulation or order issued thereunder, the several Regional Enforcement Directors and District Enforcement Directors of the Office of Price Stabilization are each authorized within their respective regions or districts to sign and issue Inspection Authorizations requiring any person to permit a duly authorized representative of the Office of Price Stabilization to inspect books, records and other writings in the possession or control of said person at the place where such person usually keeps them; and to inspect the premises or property of said person.

4. Effective March 17, 1951, in connection with investigations, inspections or inquiries necessary to the enforcement or administration of the Defense Production Act of 1950, or regulations or orders promulgated thereunder by the Office of Price Stabilization, the several Regional Enforcement Directors and District Enforcement Directors are hereby authorized to use letters requesting the inspection of books, documents and records and the inspection of premises or property. Such request letters will be utilized only after the scope and purpose of the investigation, inspection or inquiry to be made have been defined by the Regional Enforcement Director or District Enforcement Director who have jurisdiction over such investigation, inspection or inquiry, and it is assured that adequate and authoritative data thus sought to be obtained are not available from any Federal or other responsible agency.

5. The terms herein shall have the same meaning as in the Defense Production Act of 1950.

Issued this 13th day of March 1951.

E. P. MORGAN,
Assistant Director of Price Stabilization for Enforcement (Director of Enforcement).

[F. R. Doc. 51-4868; Filed, Apr. 24, 1951; 4:05 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 2]

J. H. BONCK CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, J. H. Bonck Company, Inc., has applied to the Office of Price Stabilization for maxi-

mum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during that period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this Special Order 2 is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of men's and boys' sportshirts manufactured by J. H. Bonck Company, Inc., 1100 South Jefferson Davis Parkway, New Orleans, Louisiana, having the brand name "Tulane Sportshirts" and described in the manufacturer's application dated March 2, 1951. The manufacturer's prices listed below are subject to a discount of 2/10 net 30.

MEN'S AND BOYS' SPORTSHIRTS

Manufacturer's selling price (per dozen)	*Ceiling price at retail (per unit)*
$15.75	$1.95
19.50	2.65
22.50	2.95
27.00	3.65
28.50	3.95
34.50	4.95

2. (a) The manufacturer's sportshirts having the model numbers 1050 through 1064, described in the manufacturer's application dated March 2, 1951, so long as they have a manufacturer's selling price of $21.00 per dozen shall have a ceiling price at retail of $2.95 per unit.

(b) The manufacturer's sportshirts having the model numbers 1150 through 1164, described in the manufacturer's application dated March 2, 1951, so long as they have a manufacturer's selling price of $18.00 per dozen shall have a ceiling price at retail of $2.65 per unit.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after May 26, 1951, J. H. Bonck Company, Inc., must mark each article listed in paragraphs 1, 2(a), and (b) of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec 43—CPR 7
Price $--------

On and after June 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1, 2 (a), and (b) of this special order or changes the retail ceiling price of a listed article, J. H. Bonck Company, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraphs 1, 2 (a), and (b) of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective April 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 25, 1951.

[F. R. Doc. 51-4875; Filed, Apr. 25, 1951; 8:48 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 3]

FAMOUS-STERNBERG, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Famous-Sternberg, Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order. The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during that period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this Special Order 3 is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of men's clothing manufactured by Famous-Sternberg, Inc., 950 Poeyfarre Street, New Orleans 5, Louisiana, having the brand names "Mirror Test", "Lordly", and "McNair" and described in the manufacturer's application dated March 1, 1951. The manufacturer's prices listed below are subject to a discount of 2/10 EOM, Net 60.

MEN'S CLOTHING

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
$4.25	$7.00
4.75	7.95
5.45	8.95
5.95	9.95
11.10	18.50
12.25	20.50
13.50	23.50
14.75	24.75
15.90	26.50
19.50	32.50
21.00	35.00

2. The manufacturer's two-piece suit bearing the style name "McNair" and described in the manufacturer's application dated March 1, 1951, so long as it has a manufacturer's selling price of $18.25 per unit shall have a ceiling price at retail of $32.50 per unit.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after May 26, 1951, Famous-Sternberg, Inc., must mark each article listed in paragraphs 1 and 2 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after June 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1 and 2 of this special order or changes the retail ceiling price of a listed article, Famous-Sternberg, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraphs 1 and 2 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective April 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 25, 1951.

[F. R. Doc. 51-4876; Filed, Apr. 25, 1951; 8:49 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 4]

PALM BEACH CO.

CEILING PRICES AT RETAIL

Statement of considerations.—In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Palm Beach Company, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during that period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this Special Order 4 is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of men's and boys' tailored clothing manufactured by the Palm Beach Company, Cincinnati 2, Ohio, having the brand names, "Palm Beach," "Lighterway," "Palm Springs," "Springweave," "Sunfrost," "Resortweave," and "Heathersheen" and described in the manufacturer's application dated March 7, 1951. The manufacturer's prices listed below are subject to a discount of 2/10 Net 30.

MEN'S AND BOYS' TAILORED CLOTHING

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
$2.35	$3.95
3.00	4.95
4.15	6.95
4.65	7.75
4.75	7.95
5.35	8.95
5.95	9.95
6.30	10.50
7.15	11.95
7.75	12.95
8.35	13.95
8.95	14.95
9.30	15.50
10.15	16.95
10.75	17.95
11.95	19.95
12.90	21.50
13.50	22.50
14.10	23.50
14.70	24.50
15.30	25.50
16.50	27.50
16.75	27.95
17.70	29.50
17.95	29.95
18.90	31.50
19.50	32.50
19.75	32.95
20.95	34.95
21.90	36.50
22.45	37.45
23.95	39.95
26.95	44.95
28.15	46.95
29.70	49.50
32.95	54.95
33.00	55.00
39.85	66.45

2. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after May 26, 1951, Palm Beach Company must mark each article listed in paragraph 1 of this special order with the retail ceiling price under

this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after June 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraph 1 of this special order or changes the retail ceiling price of a listed article, Palm Beach Company must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order established the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective April 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 25, 1951.

[F. R. Doc. 51-4877; Filed, Apr. 25, 1951; 8:49 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 5]

COOPERS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Coopers, Incorporated, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during that period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this Special Order 5 is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of men's and boys' underwear manufactured by Coopers, Incorporated, Kenosha, Wisconsin, having the brand name "Jockey" and described in the manufacturer's application dated March 5, 1951. The manufacturer's prices listed below are subject to a discount of 2/10 EOM, Net 60.

MEN'S AND BOYS' UNDERWEAR

Manufacturer's selling price (per dozen)	*Ceiling price at retail (per unit)*
$5.25	$0.75
6.00	.85
6.50	.90
7.20	1.00
8.25	1.15

MEN'S AND BOYS' UNDERWEAR—Continued

Manufacturer's selling price (per dozen)	*Ceiling price at retail (per unit)*
$8.50	$1.20
10.00	1.40
10.50	1.50
11.00	1.55
11.50	1.60
12.00	1.75
13.00	1.85
14.00	1.95
14.25	2.00
16.00	2.25
16.50	2.35
17.50	2.50
19.00	2.65
21.00	2.95
24.50	3.50
27.00	3.75
28.00	3.95
31.00	4.50
36.00	5.00
39.50	5.50
42.00	5.95

2. (a) The manufacturer's men's and boys' shirts bearing the item number 8924 in the manufacturer's printed price list dated January 1951, so long as it has a manufacturer's selling price of $8.00 per dozen, shall have a ceiling price at retail of $1.15 per unit.

(b) The manufacturer's men's and boys' lowers, bearing the item number 1040 S in the manufacturer's printed price list dated January 1951, so long as it has a manufacturer's selling price of $11.50 per dozen, shall have a celing price at retail of $1.65 per unit.

(c) The manufacturer's men's and boys' lowers bearing the item numbers 1025 K and 1099 in the manufacturer's printed price list dated January 1951, so long as it has a manufacturer's selling price of $15.50 per dozen, shall have a ceiling price at retail of $2.25 per unit.

(d) The manufacturer's men's and boys' lowers bearing the item number 1051 M in the manufacturer's printed price list dated January 1951, so long as it has a manufacturer's selling price of $18.50 per dozen, shall have a ceiling price at retail of $2.65 per unit.

(e) The manufacturer's men's and boys' shirts bearing the item number 8929 L S in the manufacturer's printed price list dated January 1951, so long as it has a manufacturer's selling price of $39.00 per dozen, shall have a ceiling price at retail of $5.50 per unit.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after July 1, 1951, Coopers, Incorporated, must mark each article listed in paragraphs 1, 2 (a), 2 (b), 2 (c), 2 (d), and 2 (e) of this special order with the retail celing price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after August 1, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1, 2 (a), 2 (b), 2 (c), 2 (d), and 2 (e) of this special order or changes the retail ceiling price of a listed article, Coopers, Incorporated, must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraphs 1, 2 (a), 2 (b), 2 (c), 2 (d), and 2 (e) of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective April 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 25, 1951.

[F. R. Doc. 51-4878; Filed, Apr. 25, 1951; 8:49 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 6]

S. AUGSTEIN & CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, S. Augstein & Co., Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during that period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this Special Order 6 is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of men's suits, men's slacks, and men's shorts manufactured by S. Augstein & Co., Inc., 15-58 One Hundred Twenty-seventh Street, College Point, New York, having the brand name "Sacony" and described in the manufacturer's application dated March 16, 1951. The manufacturer's prices listed below are subject to a discount of 8 10 EOM.

MEN'S SUITS, SLACKS, AND SHORTS

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
$3.00	$4.95
4.25	6.95
5.00	7.95
5.50	8.95
14.50	24.50
17.75	29.95

2. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after May 26, 1951, S. Augstein & Co., Inc., must mark each article listed in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after June 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraph 1 of this special order or changes the retail ceiling price of a listed article, S. Augstein & Co., Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6-months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective April 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 25, 1951.

[F. R. Doc. 51-4879; Filed, Apr. 25, 1951; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1089]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF ORDER WITH RESPECT TO ACCEPTANCE OF RATE SCHEDULES AND TERMINATION OF PROCEEDINGS

APRIL 23, 1951.

Notice is hereby given that, on April 20, 1951, the Federal Power Commission issued its order entered April 20, 1951, accepting rate schedules, effective as of May 1, 1951, and terminating proceedings in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4802; Filed, Apr. 25, 1951; 8:47 a. m.]

[Docket No. G-1589]

CITIES SERVICE GAS CO.

ORDER FIXING DATE OF HEARING

APRIL 20, 1951.

On January 15, 1951, Cities Service Gas Company (Applicant), a Delaware corporation having its principal place of business at Oklahoma City, Oklahoma, filed an application, as supplemented on March 13, 1951, March 23, 1951 and April 9, 1951, for certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission pipeline facilities, all as more fully described in such application, as supplemented, on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 30, 1951 (16 F. R. 868).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, a hearing be held on May 9, 1951, at 9:30 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application, as supplemented: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: April 23, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4800; Filed, Apr. 25, 1951; 8:46 a. m.]

[Docket No. G-1590]

CITIES SERVICE GAS CO.

ORDER FIXING DATE OF HEARING

APRIL 20, 1951.

On January 15, 1951, Cities Service Gas Company (Applicant), a Delaware corporation having its principal place of business at Oklahoma City, Oklahoma, filed an application, as supplemented on March 12, 1951, and April 9, 1951, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission pipeline facilities, and for an order pursuant to section 7 of the Natural Gas Act, as amended, authorizing and approving the abandonment of certain natural-gas transmission pipeline facilities, all as more fully described in such application, as supplemented, on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 30, 1951 (16 F. R. 868).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, a hearing be held on May 9, 1951, at 9:45 a. m., (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application, as supplemented: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: April 23, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4801; Filed, Apr. 25, 1951; 8:47 a. m.]

[Docket No. G-1664]

SOUTHWEST GAS CORP., LTD.

NOTICE OF APPLICATION

APRIL 20, 1951.

Take notice that on April 13, 1951, Southwest Gas Corporation, Ltd. (Applicant), a California corporation, of Barstow, California, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of approximately 1.5 miles of pipeline near Barstow, California, and approximately 26 miles of pipeline from Pacific Gas and Electric Company's line to Victorville, California.

Through the proposed facilities, Applicant will transport natural gas from Pacific Gas and Electric Company's lines to its distribution systems in the Barstow and Victorville areas. Applicant is presently supplying its customers with undiluted liquefied petroleum gas.

The estimated cost of the proposed facilities is $334,211. In addition, Applicant plans to extend its distribution system at a cost of $156,978. It has sold its bottled gas equipment for $56,000, and will finance the remaining cost by a loan of $400,000 and by the sale of capital stock.

Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 11th day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4803; Filed, Apr. 25, 1951; 8:47 a. m.]

[Docket No. G-1665]

MICHIGAN-WISCONSIN PIPE LINE CO.

NOTICE OF APPLICATION

APRIL 20, 1951.

Take notice that on April 16, 1951, Michigan-Wisconsin Pipe Line Company (Applicant), a Delaware corporation of Detroit, Michigan, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing (1) the acquisition from Michigan Gas and Electric Company (Michigan Gas) and the operation of an existing 6-inch lateral pipeline approximately 14.52 miles in length and an existing 6-inch lateral line approximately 8.9 miles in length extending from Applicant's 22-inch transmission line to Michigan Gas' Niles and Holland Divisions, respectively; (2) relocation of two sales measuring stations; and (3) the construction of two regulator stations.

The purchase price of the facilities to be acquired from Michigan Gas is estimated to be $387,000. It is estimated that the total cost of relocating the measuring stations will be $14,000, and of constructing the regulator station will be $5,000. All such proposed expenditures will be financed out of funds on hand.

Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 11th day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4804; Filed, Apr. 25, 1951; 8:47 a. m.]

FEDERAL TRADE COMMISSION

[File 21-439]

NATURAL, CULTURED, OR IMITATION PEARLS

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference will be held by the Federal Trade Commission on May 15, 1951, in the Waldorf-Astoria Hotel, New York City, commencing at 9 a. m., e. s. t. (10 a. m. d. s. t.) for the purpose of affording industry members engaged in the marketing of natural, cultured, or imitation pearls an opportunity to consider and propose for establishment, subject to the Commission's approval, trade practice rules designed to eliminate and prevent unfair competitive methods, unfair or deceptive acts or practices, and such discriminatory practices as are likewise violative of laws administered by the Commission.

Products of the industry for which trade practice rules are sought to be established are all kinds and types of pearls, cultured pearls, and imitation pearls, whether loose, strung, mounted, or affixed to another product. All persons, firms, corporations and organizations engaged in the importation, manufacture, processing or marketing of any such products are cordially invited to attend or send representatives to the conference and to participate therein.

The conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules for the industry under which unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, may be eliminated and prevented.

Issued: April 23, 1951.

By direction of the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-4827; Filed, Apr. 25, 1951; 8:53 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO APPLICATION OF CALIFORNIA ELECTRIC POWER COMPANY FOR INCREASE IN ELECTRIC RATES

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, authority to represent the interests of the executive agencies of the Federal Government and to appear as witnesses and counsel for the executive agencies of the Federal Government in the matter of Application No. 32188 of the California Electric Power Company before the Public Utilities Commission of the State of California is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of the date hereof.

Dated: April 19, 1951.

JESS LARSON,
Administrator.

[F. R. Doc. 51-4795; Filed, Apr. 25, 1951; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26026]

COMMODITY RATES BETWEEN POINTS IN CALIFORNIA

APPLICATION FOR RELIEF

APRIL 23, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Pacific Southcoast Freight Bureau, for carriers parties to its tariff I. C. C. No. 1478 and other tariffs.

Commodities involved: Lumber, fuel oil, gasoline, automobiles, salt, and other commodities.

Between: Susanville and other points in California on the Southern Pacific Railway, located between Westwood and Herlong, on the one hand, and points in California, on the other.

Grounds for relief: Competition with rail carriers and to meet intrastate rates.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4815; Filed, April 25, 1951; 8:49 a. m.]

[4th Sec. Application 26027]

COAL FROM VIRGINIA AND KENTUCKY TO CENTRAL TERRITORY

APPLICATION FOR RELIEF

APRIL 23, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Norfolk and Western Railway Company for itself and on behalf of other carriers named in the application.

Commodities involved: Coal and coal briquettes, carloads.

From: Southwest Virginia and Elkhorn City, Ky

To: Points in Illinois, Indiana, Michigan, New York, and Ohio.

Grounds for relief: Competition with rail carriers, market competition, and to maintain grouping.

Schedules filed containing proposed rates; N&W Ry. tariff I. C. C. No. 3214-B, Supp. 126.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary

before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4816; Filed, Apr. 25, 1951; 8:50 a. m.]

CAUSTIC POTASH FROM CORPUS CHRISTI, TEX., TO KANSAS CITY, MO.-KANS.

APPLICATION FOR RELIEF

APRIL 23, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3752.

Commodities involved: Caustic potash, carloads.

From: Corpus Christi, Tex.

To: Kansas City, Mo.-Kans.

Grounds for relief: Market competition.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supp. 566.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4817; Filed, Apr. 25, 1951; 8:50 a. m.]

[4th Sec. Application 26029]

MOTOR-RAIL-MOTOR RATES BETWEEN CHICAGO, ILL. AND ST. PAUL, MINN.

APPLICATION FOR RELIEF

APRIL 23, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Middlewest Motor Freight Bureau, Agent, for Chicago Great Western Railway Company and Watson Bros. Transportation Co., Inc.

Commodities involved: All commodities.

Between: Chicago, Ill., and St. Paul, Minn.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: Middlewest Motor Freight Bureau, Agent, tariff I. C. C. No. 22, Supp. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4818; Filed, Apr. 25, 1951; 8:50 a. m.]

[4th Sec. Application 26030]

FRESH MEATS AND PACKING HOUSE PRODUCTS FROM POINTS IN OKLA. AND TEX. TO LOUISIANA AND TEXAS

APPLICATION FOR RELIEF

APRIL 23, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3588.

Commodities involved: Fresh meats and packing house products, carloads.

From: Oklahoma City, Okla., Dallas, Fort Worth, Greenville, and North Fort Worth, Tex.

To: Points in Louisiana and Texas.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3588, Supp. 136.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4819; Filed, Apr. 25, 1951; 8:50 a. m.]

[4th Sec. Application 26031]

GRAIN FROM KANSAS CITY, MO., TO LOUISIANA

APPLICATION FOR RELIEF

APRIL 23, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for Gulf, Mobile and Ohio Railroad Company, St. Louis-San Francisco Railway Company and Texas and New Orleans Railroad Company.

Commodities involved: Grain and grain products, carloads.

From: Kansas City, Mo.

To: Points in Louisiana.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3940, Supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4820; Filed, Apr. 25, 1951; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

HAROLD C. STAYSA ET AL.

MEMORANDUM OPINION AND ORDER REVOKING REGISTRATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of April A. D. 1951.

In the matter of Harold C. Staysa, 1728 Rand Bldg., Buffalo, New York; Maxwell E. Tobin, d/b/a M. E. Tobin Company, 842 Bushwick Avenue, Brooklyn, New York; L. A. Van Patten, 465 West 57th Street, New York, New York; Robert S. Way, d/b/a Robert S. Way Company, 115 Broadway, New York, New York; John D. Williams, 545 West 112th Street, New York, New York.

These are proceedings pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("the act") to determine whether the registrants named above, each of whom is registered as broker and dealer or as a dealer only, willfully violated section 17 (a) of the act and Rule X-17A-5 thereunder and, if so, whether it is in the public interest to revoke their registrations.[1]

The proceedings were instituted by separate notices and orders for hearing issued on February 9 and 13, 1951. On those days copies of the notices and orders were sent by registered mail to the addresses last furnished us by the registrants. These registered notices were returned to us by the Post Office Department with notations indicating that the registrants could not be found at the addresses given.[2]

On November 28, 1942, we promulgated Rule X-17A-5 under section 17 (a) of the act, which provides, among other things, that every registered broker or dealer must file with this Commission a report of financial condition during each calendar year commencing with the year 1943. Promulgation of the rule was announced by publication in the FEDERAL REGISTER, by release to the press, and by distribution to persons on our mailing list.

The registrations of the registrants became effective prior to 1943, and have not been withdrawn, cancelled, revoked or suspended. Our records show that none of the registrants filed the required reports during any year from 1943 through 1949.

Upon review of the records in these proceedings we have concluded that each of the registrants violated section 17 (a) of the act and Rule X-17A-5 thereunder as a result of his failure to file such reports. We conclude also that such violations were willful within the meaning of section 15 (b).[3]

We conclude, on the basis of the foregoing, that it is necessary in the public interest to revoke the registration of each of the registrants. However, in view of the fact that our records do not show whether any of them actually received personal notice of the scheduled hearings, and to avoid any possible prejudice to them, our order will provide that the revocation of registrations be without prejudice to a motion on the part of any registrant to reopen the proceedings and to seek, upon a proper showing, to set aside the order of revocation applicable to said registrant.[4]

Accordingly it is ordered, That the registrations of Harold C. Staysa, Maxwell E. Tobin, doing business as M. E. Tobin Company, L. A. Van Patten, Robert S. Way, doing business as Robert S. Way Company, and John D. Williams be, and they hereby are, revoked without prejudice to a motion by any of the said registrants to reopen the record in the proceeding and, upon a proper showing, to set aside the order of revocation applicable to said registrant.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4809; Filed, Apr. 25, 1951; 8:48 a. m.]

[1] Section 15 (b) provides in part:

"The Commission shall, after appropriate notice and opportunity for hearing, by order • • • revoke the registration of any broker or dealer if it finds that such • • • revocation is in the public interest and that (1) such broker or dealer • • • (D) has willfully violated any provision • • • of this title, or of any rule or regulation thereunder."

[2] Our orders and notices instituting these proceedings provided that the same be published in the FEDERAL REGISTER not later than 15 days prior to March 19, 1951. Pursuant to this provision the orders and notices were published in the FEDERAL REGISTERS of February 15 and 17, 1951. 16 F. R. Nos. 32 and 34, pp. 1613-14, 1691-92.

[3] Sidney Ascher, — S. E. C. — (1950), Securities Exchange Act Release No. 4474.

[4] Ibid.

[File Nos. 4-33, 54-91, 59-21, 70-314, 70-315]

UNITED GAS CORP., ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER LEGAL FEE AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of April A. D. 1951.

The Commission, on September 7, 1944, having issued its order approving the plan of reorganization of United Gas Corporation ("United") filed under section 11 (e) of the Public Utility Holding Company Act of 1935, said order reserving, among other things, jurisdiction with respect to the fees and expenses of such reorganization; and

The Commission having heretofore released jurisdiction with respect to the fees and expenses then shown in connection with said reorganization; and

United having now filed a supplemental application requesting that the Commission release jurisdiction with respect to the requested fee of the firm of White & Case of $1,750 and expenses in the amount of $60.24 for legal services rendered in connection with said plan of reorganization; and

The Commission having considered the record in the above matter and finding that the fee and expenses proposed to be paid are not unreasonable:

It is ordered, That jurisdiction heretofore reserved with respect to such fee and expenses be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4808; Filed, Apr. 25, 1951; 8:48 a. m.]

[File No. 70-2594]

OHIO EDISON CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 18th day of April 1951.

Ohio Edison Company ("Ohio"), a registered holding company and a public utility company, having filed an application-declaration, with two amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act") and certain rules and regulations promulgated thereunder with respect to the following transactions:

Ohio proposes to issue and sell 150,000 shares of a new series of preferred stock, par value $100 per share, at competitive bidding pursuant to Rule U-50. The dividend rate and the price per share to be paid the company are to be determined by such competitive biddine.

Ohio also proposes to issue 436,224 shares of additional common stock, par value $8 per share, pursuant to a subscription rights offering to its common stockholders of record at the close of business on May 2, 1951, at the rate of one share of new common stock for each ten shares of common stock held, at a price to be determined by the company. The holders of warrants evidencing subscription rights will also be entitled to subscribe, subject to allotment, and at the same price, for shares covered by outstanding unexercised warrants. No fractional shares are to be issued in exchange for warrants. The warrants provide that persons subscribing for stock may direct the subscription agent to purchase additional rights required to complete the subscription for a full share or to sell rights in excess of those required for full share subscriptions. In each case the purchase or sale may not exceed nine rights for any single stockholder. The offer of shares of common stock will be underwritten. Such shares as are not subscribed for by the stockholders and such shares, if any, as are acquired by Ohio in connection with stabilizing the price of the common stock (described more fully below) are to be offered to prospective bidders, pursuant to the competitive bidding requirements of Rule U-50, at the same price per share as the price at which stockholders may subscribe. Prospective bidders will be notified of the price per share as determined by the company at least 42 hours prior to the time for the receipt of the bids. The bidding will set forth the amount of compensation to be paid by Ohio to the bidders for their services in underwriting the sale of the common stock. The proposed contract with the bidders provides that in case any shares of common stock purchased by them shall be sold prior to the expiration of 30 days following the close of the subscription period, for a price in excess of $1.50 more than the subscription price, the bidders must pay to Ohio, in addition to the purchase price, a sum equal to one-half of such excess.

In connection with stabilizing the price of the common stock, Ohio may, during the period commencing with the first business day after the price per share is determined by the company and ending at the time of the acceptance of a bid for the stock, purchase up to 43,622 shares of its common stock, such purchases to be made through brokers with

the payment of regular stock exchange commissions.

The Public Utilities Commission of Ohio, the State in which the company is organized and conducts its business, has expressly authorized the proposed security issuances and sales. It is represented in the filing that the proceeds from the sale of these securities will assist Ohio with its contemplated construction expenditures for the years 1951 and 1952 which it is estimated will aggregate approximately $57,000,000.

Notice of the filing of this application-declaration having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act and the Commission not having received a request for hearing and not having ordered a hearing thereon; and

The Commission finding with respect to this application-declaration, as amended, that there is no basis for any adverse findings and deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application and permit said declaration to become effective forthwith:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the following additional terms and conditions:

1. That the proposed issuance and sale of the new preferred stock and the new common stock by Ohio shall not be consummated until the results of competitive bidding to be held with respect to each separate issue have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed which order shall contain such further terms and conditions, if any, as may then be deemed appropriate.

2. That jurisdiction be reserved with respect to any and all fees and expenses incurred or to be incurred in connection with the consummation of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-4807; Filed, Apr. 25, 1951; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17641]

WILLY AREND

In re: Debts owing to and securities owned by Willy Arend. F-28-31406.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Willy Arend, whose last known address is Graf Philipp-Strasse 13, Saarbrucken, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Brown Brothers Harriman & Company, 59 Wall Street, New York 5, New York, in the amount of $762.70 as of November 27, 1950, being part of funds held in an account for the Union Bank of Switzerland, Basle, Switzerland, by the aforesaid Brown Brothers Harriman & Company, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in the amount of $7,586.33 as of November 15, 1950, being part of funds held in a General Ruling No. 6 Account for the Union Bank of Switzerland, Basle, Switzerland, by the aforesaid The Chase National Bank of the City of New York, and any and all rights to demand, enforce and collect the same, and

c. Those certain Dominion of Canada 3¼ 1961 bonds of $3,000.00 aggregate face value presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, for the account of the Union Bank of Switzerland, Basle, Switzerland, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4829; Filed, Apr. 25, 1951; 8:53 a. m.]

[Vesting Order 17646]

KIYOSHI NAKAMURA

In re: Cash owned by Kiyoshi Nakamura. D-39-9009.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiyoshi Nakamura, whose last known address is Okawa Ei-Mura, Ibusuki-Gun, Kagoshima-Ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the amount of $228.98 presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 153881, "Unclaimed Monies of Individuals whose Whereabouts are Unknown", in the name of Kiyoshi Nakamura, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Kiyoshi Nakamura, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4830; Filed, Apr. 25, 1951; 8:54 a. m.]

[Vesting Order 17648]

DAISAKU OSAWA

In re: Debt owing to Daisaku Osawa. F-39-3505.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Daisaku Osawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of The Yokohama Specie Bank, Ltd., 80 Spring Street, New York 12, New York, arising out of an accepted account payable representing issued and outstanding check No. 22561 drawn by The Yokohama Specie Bank, Ltd., New York Office, on Guaranty Trust Company, New York, New York, in the amount of $1,005.46, dated July 16, 1941 and payable to Daisaku Osawa, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Daisaku Osawa, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4787; Filed, Apr. 24, 1951; 8:51 a. m.]

[Return Order 941]

ANCIENS ETABLISSEMENTS BARBIER, BENARD & TURENNE, SOCIETE ANONYME

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Anciens Etablissements Barbier, Bernard & Turenne, Societe Anonyme, Paris, France; Claim No. 41691; March 8, 1951, (16 F. R. 2178), property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 2,230,573; 2,235,460; 2,243,788 and 2,265,182; and property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942), relating to Patent Application Serial No. 374,742 (now United States Letters Patent No. 2,315,030). This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4831; Filed, Apr. 25, 1951; 8:54 a. m.]

[Return Order 947]

EMILY GREG-HOLPER BEHR

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Emily Greg-Holper Behr, Wayne, Pennsylvania, Claim No. 5794, November 7, 1950 (15 F. R. 7496), $1,102.02 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4832; Filed, Apr. 25, 1951; 8:54 a. m.]

MAISON J. HAMELLE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

George Edgard Hamelle, Louis Gilbert Hamelle and Gerard Andre Bruneau d/b/a Maison J. Hamelle, Paris, France; Claim No. 30289; $5,524.65 in the Treasury of the United States. Property to the extent owned by claimants immediately prior to the vesting thereof by Vesting Order No. 473 (8 F. R. 3679, March 23, 1943) relating to the musical composition entitled "Requiem" by Gabriel Faure.

Executed at Washington, D. C., on April 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4833; Filed, Apr. 25, 1951; 8:54 a. m.]

[Return Order 942]

MRS. HERTA BARGUM PRITZL AND EMMERICH PRITZL

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Mrs. Herta Bargum Pritzl, New York, N. Y., and Emmerich Pritzl, Graz, Austria; Claim Nos. 5545 and 5554; published March 10, 1951 (16 F. R. 2246); the following property to Herta Bargum Pritzl and Emmerich Pritzl as joint tenants: $1,942.85 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of the Attorney General of the United States, as successor to the Alien Property Custodian, in and to General claims and Property claims presently being processed by the Superintendent of Insurance of the State of New York arising out of Mortgage Participation Certificate No. 135 Series 18957 issued and guaranteed by the Lawyers Mortgage Company on premises 590 Fort Washington Avenue, New York, New York.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4789; Filed, Apr. 24, 1951; 8:51 a. m.]

APR 30 '51

FEDERAL REGISTER

VOLUME 16 NUMBER 82

Washington, Friday, April 27, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10235

ESTABLISHING A SEAL FOR THE ECONOMIC STABILIZATION AGENCY

WHEREAS the Economic Stabilization Administrator has caused to be made and has recommended that I approve a seal of office for the Economic Stabilization Agency the design of which accompanies and is hereby made a part of this order, and which is of the following description:

An American bald eagle with wings rising and displayed, facing to the right and standing on an oak branch in natural colors, in front of three enmeshed spur gears in black, all on a white background encircled by a gold band edged in blue containing the inscription "ECONOMIC STABILIZATION AGENCY" in blue letters;

AND WHEREAS it appears that such seal is of suitable design and appropriate for establishment as the official seal of the Economic Stabilization Agency:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve such seal as the official seal of the Economic Stabilization Agency.

HARRY S. TRUMAN

THE WHITE HOUSE,
April 25, 1951.

[F. R. Doc. 51-4926; Filed, Apr. 25, 1951; 4:22 p. m.]

EXECUTIVE ORDER 10236

AMENDMENT OF EXECUTIVE ORDER NO. 10129[1] OF JUNE 3, 1950, ESTABLISHING THE PRESIDENT'S COMMISSION ON MIGRATORY LABOR

By virtue of the authority vested in me as President of the United States, it is ordered that paragraph 8 of Executive Order No. 10129 of June 3, 1950, establishing the President's Commission on Migratory Labor, as amended by paragraph 2 of Executive Order No. 10192 of December 15, 1950, be, and it is hereby, further amended to read as follows:

"8. The Commission shall cease to exist at the end of May 31, 1951."

HARRY S. TRUMAN

THE WHITE HOUSE,
April 26, 1951.

[F. R. Doc. 51-4979; Filed, Apr. 26, 1951; 12:23 p. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS[2]

CANNED LIMA BEANS

On August 5, 1950, a notice of proposed rule making was published in the FEDERAL REGISTER (15 F. R. 5056) regarding a proposed revision of the United States Standards for Grades of Canned Lima Beans. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following revised United States

[1] 15 F. R. 3499.

[2] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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FEDERAL REGISTER

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Standards for Grades of Canned Lima Beans are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950):

§ 52.169 *Canned lima beans.* (a) "Canned lima beans" means canned lima beans as defined in the definitions and standards of identity for canned vegetables (21 CFR Cum. Supp. 52.990) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(b) *Varieties of canned lima beans.* (1) Canned lima beans consist of either Fordhook or other than Fordhook variety.

(c) *Grades of canned lima beans.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned lima beans that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a good color; that are practically free from defects; and that are of such quality with respect to character and clearness of liquor as to score not less than 90 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of canned lima beans that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a reasonably good color; that are reasonably free from defects; and that are of such quality with respect to character and clearness of liquor as to score not less than 80 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of canned lima beans that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a fairly good color; that possess a fairly clear liquor; that are fairly free from defects; that possess a fairly good character; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "U. S. Grade D" or "Substandard" is the quality of canned lima beans that fail to meet the requirements of U. S. Grade C or U. S. Standard.

(d) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container be filled with lima beans as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

(e) *Recommended minimum drained weight.* (1) The drained weight recommendations in Table No. I of this section are not incorporated in the grades of the finished product, since drained weight, as such, is not a factor of quality for the purpose of these grades.

(2) The drained weight of canned lima beans is determined by emptying the contents of the container upon a No. 8 sieve of proper diameter and allowing to drain for 2 minutes. A sieve 8 inches in diameter is used for the No. 2½ size can (401 x 411) and for containers of equal or smaller sizes; and a sieve 12 inches in diameter is used for containers larger than the No. 2½ size can.

TABLE No. I

[Recommended minimum drained weights (in ounces) of lima beans]

Container size, or designation:	*Drained weight*
8 Z tall	5½
No. 1 (picnic)	7
No. 1 tall	10¾
No. 300	9¾
No. 303	11
No. 2	13½
No. 10	72
No. 303 jar	11

(f) *Sizes of lima beans in canned lima beans.* The size of lima beans is not a factor of quality of canned lima beans for the purpose of these grades. The size of a lima bean is determined by measuring the greatest width through the center at right angles to the longitudinal axis of the bean. The designations of the various sizes of lima beans packed as canned beans are shown in Table No. II of this section.

TABLE No. II

[Sizes of lima beans in canned lima beans]

Word designation	Number designation	Size of lima beans (inches in width)
Tiny	No. 1	$\frac{30}{64}$ inch in width and smaller.
Small	No. 2	Over $\frac{30}{64}$ inch to and including $\frac{34}{64}$ inch in width
Medium	No. 3	Over $\frac{34}{64}$ inch to and including $\frac{38}{64}$ inch in width.
Large	No. 4	Larger than $\frac{38}{64}$ inch in width.

(g) *Ascertaining the grade.* (1) The grade of canned lima beans is ascertained by considering in conjunction with the other requirements of the respective grade, the respective ratings of the factors of color, clearness of liquor, absence of defects, and character.

(2) The relative importance of each factor which is scored is expressed numerically on a scale of 100. The maximum number of points that may be given such factors is:

Factors:	*Points*
(i) Color	35
(ii) Clearness of liquor	10
(iii) Absence of defects	25
(iv) Character	30
Total score	100

(3) "Normal flavor and normal odor" means that the product is free from objectionable flavors and objectionable odors of any kind.

(h) *Ascertaining the rating of the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "8 to 10 points" means 8, 9, or 10 points).

(i) *Color.* Spotted or otherwise discolored lima beans are considered defective beans and therefore are not considered in evaluating the factor of color.

(i) "Green" means that the individual lima bean, with respect to (*a*) all varieties other than Fordhook variety, possesses as much or more green color than Plate 11, F–2; and, with respect to (*b*) Fordhook variety, possesses as much or more green color than Plate 12, L–2, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(ii) "White" means that the individual lima bean, with respect to (*a*) all varieties other than Fordhook variety, is lighter in color than Plate 11, C–2; and (*b*), with respect to Fordhook variety, is lighter in color than Plate 11, L–3, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(iii) Canned lima beans that possess a good color may be given a score of 32 to 35 points. "Good color" means that the canned lima beans possess a bright, typical color and, with respect to varieties other than Fordhook variety, contain not less than 90 percent, by count, of green lima beans, and not more than 10 percent, by count, may be lighter in color, of which not more than 1 percent, by count, may be white lima beans; and, with respect to Fordhook variety, may contain not less than 90 percent, by count, of green lima beans and not more than 10 percent, by count, may be lighter in color, of which not more than 3 percent, by count, may be white lima beans.

(iv) If the canned lima beans possess a reasonably good color, a score of 28 to 31 points may be given. Canned lima beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the canned lima beans possess a typical color and contain not less than 50 percent, by count, of green lima beans, and the remainder may be lighter in color, of which not more than 25 percent, by count, may be white lima beans.

(v) Canned lima beans that possess a fairly good color may be given a score of 26 to 28 points. Canned lima beans that score in this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the canned lima beans possess a typical color and may contain less than 50 percent, by count, of green lima beans or lima beans that are lighter in color or more than 25 percent, by count, of white lima beans.

(vi) Canned lima beans that are definitely off color or fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 25 points and shall not be graded above U. S. Grade D or Substandard, re-

[2] Second edition 1950.

gardless of the total score for the product (this is a limiting rule).

(2) *Clearness of liquor.* (i) Canned lima beans that possess a practically clear liquor may be given a score of 9 to 10 points. "Practically clear liquor" means that the liquor may be slightly cloudy and that not more than a small amount of sediment is present.

(ii) If the canned lima beans possess a reasonably clear liquor, a score of 7 to 8 points may be given. "Reasonably clear liquor" means that the liquor may be somewhat cloudy and may contain a considerable amount of sediment.

(iii) Canned lima beans that possess a fairly clear liquor may be given a score of 5 to 6 points. "Fairly clear liquor" means that the liquor may be dull in color; and may be rather viscous, cream-like or starchy.

(iv) Canned lima beans that possess a liquor that is definitely off color for any reason or contain an excesssive amount of sediment may be given a score of 0 to 4 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, from loose skins and pieces of skins, loose cotyledons and pieces of cotyledons, mashed or broken beans and from beans that are blemished or seriously blemished by discoloration, pathological injury, insect injury or blemished by other means.

(*a*) "Extraneous vegetable matter" means pods or pieces of pods, leaves, stems, and other similar vegetable matter.

(*b*) "Mashed and broken" means broken or crushed so that the bean has lost its original conformation or is broken to the extent that a cotyledon or portion thereof has become separated from the bean.

(*c*) "Loose skin" means a whole skin which has become separated from the cotyledons or loose pieces of skin aggregating the equivalent of an average size whole skin.

(*d*) "Loose cotyledon" means a whole cotyledon which has become separated from the skin or loose pieces of a cotyledon aggregating the equivalent of an average size cotyledon.

(*e*) "Blemished" means blemished by discoloration, pathological injury, insect injury, or blemished by other means to such an extent that the aggregate blemished area materially affects the appearance of the bean. Very light discoloration of the hilum or other very light discoloration is not considered as blemished.

(*f*) "Seriously blemished" means blemished to such an extent that the aggregate blemished area seriously affects the appearance or eating quality of the bean.

(ii) Canned lima beans that are practically free from defects may be given a score of 22 to 25 points. "Practically free from defects" means that for each 12 ounces drained weight there may be present extraneous vegetable matter having an aggregate area of not more than $^{3}/_{16}$ square inch ($1/2'' \times 3/8''$) on one surface of the piece or pieces; not more than 8 percent, by count, of mashed and broken beans, loose skins, and loose cotyledons; and not more than 4 percent, by count, may be blemished or seriously blemished beans and of such 4 percent not more than $1/4$ thereof or 1 percent, by count, may be seriously blemished: *Provided*, That the blemished or seriously blemished lima beans do not affect the appearance or eating quality of the product.

(iii) If the canned lima beans are reasonably free from defects, a score of 20 to 21 points may be given. Canned lima beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that for each 12 ounces drained weight there may be present extraneous vegetable matter having an aggregate area of more than $^{3}/_{16}$ inch but not more than $^{3}/_{8}$ square inch ($1/2'' \times 3/4''$) on one surface of the piece or pieces; not more than 10 percent, by count, of mashed and broken beans, loose skins, and loose cotyledons; and not more than 6 percent, by count, may be blemished or seriously blemished beans and of such 6 percent not more than $1/4$ thereof or 2 percent, by count, may be seriously blemished: *Provided*, That the blemished or seriously blemished lima beans do not materially affect the appearance or eating quality of the product.

(iv) Canned lima beans that are fairly free from defects may be given a score of 18 to 19 points. Canned lima beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that for each 12 ounces drained weight there may be present extraneous vegetable matter having an aggregate area of more than $^{3}/_{8}$ square inch but not more than $^{3}/_{4}$ square inch ($1/2'' \times 1\ 1/2''$) on one surface of the piece or pieces; not more than 15 percent, by count, of mashed and broken beans, loose skins, and loose cotyledons; and not more than 10 percent, by count, may be blemished or seriously blemished beans and of such 10 percent not more than $^{3}/_{10}$ thereof or 3 percent, by count, may be seriously blemished; *Provided*, That the blemished or seriously blemished lima beans do not seriously affect the appearance or eating quality of the product.

(v) Canned lima beans that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 17 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Character.* (i) The factor of character refers to the tenderness and maturity of the product.

(ii) Canned lima beans that possess a good character may be given a score of 27 to 30 points. "Good character" means that the lima beans are young and tender.

(iii) If the canned lima beans possess a reasonably good character, a score of 24 to 26 points may be given. "Reasonably good character" means that the lima beans are reasonably young and reasonably tender.

(iv) Canned lima beans that possess a fairly good character may be given a score of 21 to 23 points. Canned lima beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the lima beans may be nearly mature and possess a fairly tender texture, may be firm and mealy but not hard, or may be soft but not mushy.

(v) Canned lima beans that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(*i*) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned lima beans, the grade of such lot will be determined by averaging the total scores of all containers, if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(*j*) *Score sheet for canned lima beans.*

Size and kind of container			.....
Container marks or identification			.....
Label			.....
Net weight (ounces)			.....
Vacuum (inches)			.....
Drained weight (ounces)			.....
Variety (Fordhook variety or other)			.....
Size			.....
Color:			
Percent green			.....
Percent white			.....
Factors	Score points		
I. Color	35	(A)	32-35
		(B)	29-31
		(C)	26-28
		(D)	10-25
II. Clearness of liquor	10	(A)	9-10
		(B)	7-8
		(C)	5-6
		(D)	10-4
III. Absence of defects	25	(A)	22-25
		(B)	20-21
		(C)	18-19
		(D)	10-17
IV. Character	30	(A)	27-30
		(B)	24-26
		(C)	21-23
		(D)	10-20
Total score	100		
Grade			.....
Normal flavor and odor			.....

[1] Indicates limiting rule.

(k) *Effective time and supersedure.* The revised United States Standards for Grades of Canned Lima Beans (which are the fourth issue) contained in this section will become effective 30 days after publication of these standards in the FEDERAL REGISTER and will thereupon supersede the United States Standards for Grades of Canned Lima Beans which have been in effect since September 1, 1936.

(Sec. 205, 60 Stat. 1090, Pub. Law 759, 81st Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 23d day of April 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-4873; Filed, Apr. 26, 1951; 8:51 a. m.]

Chapter IX — Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 968—MILK IN THE WICHITA, KANS., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

In F. R. Document 51-3887, appearing in the issue for Friday, March 30, 1951, in the first column on page 2791, subparagraph (1) of § 968.63 (a) is corrected by inserting the words "§ 968.50 (a) and the price for Class III milk pursuant to" between the word "to" and the section reference "§ 968.50 (c)," so that said subparagraph (1), as corrected, reads as follows: "(1) the product of the quantity of milk received by such handler which was disposed of in the marketing area as Class I milk during the delivery period multiplied by the difference between the price for Class I milk pursuant to § 968.50 (a) and the price for Class III milk pursuant to § 968.50 (c),".

Done at Washington, D. C., this 24th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4674; Filed, Apr. 26, 1951; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5342]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL TOILET CO.

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service.* In connection with the offering for sale, sale, or distribution of respondent's cosmetic preparations designated "Nadinola Bleaching Cream", "Nadinola Freckle Cream", or any other preparation or preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name or names, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparations, which advertisements represent, directly or by implication, (a) that any such preparation constitutes an adequate or competent treatment for or will clear up pimples; (b) that any such preparation constitutes an adequate or competent treatment for skin blemishes; or that the use of such preparation will have any beneficial effect upon skin blemishes except to the extent that it may temporarily protect the skin, while the preparation is on the skin, and thus facilitate the normal processes of the skin in clearing up minor externally caused blemishes; or, (c) that any such preparation will improve the texture of the skin; prohibited, subject to the provision, however, that said prohibition shall not be construed to prevent the dissemination of representations that such preparations while on the skin may temporarily soothe, smooth, and soften the skin and in this way temporarily improve its outward appearance and feel.

(Sec. 1, 48 Stat. 291; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719 as amended; 15 U. S. C. 45) [Cease and desist order, National Toilet Company, Docket 5342, February 27, 1951]

In the Matter of National Toilet Company, a Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, the trial examiner's recommended decision and the respondent's exceptions thereto, and briefs and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, National Toilet Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of their cosmetic preparations designated "Nadinola Bleaching Cream", "Nadinola Freckle Cream", or any other preparation or preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name or names, do forthwith cease and desist from, directly or indirectly:

1. Disseminating, or causing to be disseminated, any advertisement, by means of the United States mails or by any other means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That any such preparation constitutes an adequate or competent treatment for or will clear up pimples.

(b) That any such preparation constitutes an adequate or competent treatment for skin blemishes; or that the use of such preparation will have any beneficial effect upon skin blemishes except to the extent that it may temporarily protect the skin, while the preparation is on the skin, and thus facilitate the normal processes of the skin in clearing up minor externally caused blemishes.

(c) That any such preparation will improve the texture of the skin; *Provided, however*, That this shall not be construed to prevent the dissemination of representations that such preparations while on the skin may temporarily soothe, smoothen, and soften the skin and in this way temporarily improve its outward appearance and feel.

2. Disseminating, or causing to be disseminated, any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: February 27, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-4862; Filed, Apr. 26, 1951; 8:50 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs. Amdt. 53 [1]]

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

PART 371—GENERAL LICENSES

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 382—DENIAL OR SUSPENSION OF LICENSE PRIVILEGES

MISCELLANEOUS AMENDMENTS

1. Section 370.10 *Shipments entering foreign trade zones* is amended in the following particulars: Paragraph (a) is amended to read as follows:

(a) *General provisions.* Except for the commodities listed in § 371.9 (c) of this subchapter, commodities wholly of

[1] This amendment makes no substantive, but only formal, changes in the export control regulations. These changes were published in the revised Comprehensive Export Schedule dated March 30, 1951.

foreign origin and for which no customs entry has been made with a collector of customs may be exported from a foreign trade zone without a license from the Department of Commerce, to all destinations other than those in Subgroup A, Hong Kong, and Macao, as provided in Part 384 of this subchapter.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

2. Section 371.2 *General provisions* is amended in the following particulars: Paragraph (c) is amended to read as follows:

(c) *Applicability — (1) Prohibited shipments.* No general license set forth in this part may be used to effect an exportation to a destination for which such general license has been suspended or revoked.

NOTE: All general licenses authorizing exportations to North Korea have been suspended (see § 384.3 of this subchapter). See Part 384 of this subchapter for other destinations (Subgroup A, Hong Kong, and Macao) to which particular general licenses have been suspended or revoked.

(2) *Choice of general license.* When two or more types of general licenses are applicable, any one of such general licenses may be used.

3. Section 371.8 *General license GRO* is amended in the following particulars: Paragraph (a) is amended to read as follows:

(a) *Scope of license.* A general license designated GRO is hereby established authorizing the exportation to all destinations, except Subgroup A countries, Hong Kong, and Macao, of all commodities not included on the Positive List of Commodities (§ 399.1 of this subchapter).

NOTE: *Gift parcels.* Gift parcels containing commodities not on the Positive List may be shipped under general license GRO. Any commodity on the Positive List requires a validated license for export, even though intended as a gift, unless exportable under one of the other general licenses such as Gift (see § 371.23), GO (see § 371.7) or GLV (see § 371.10).

Gift and other parcels sent by parcel post must conform to post office regulations as to size, weight, and permissible contents according to the country of destination.

The sending of merchandise as gifts is also subject to the import regulations of the receiving country. Many foreign countries permit the entry, duty-free, of gift parcels which conform to regulations regarding contents and marking. To secure this advantage, as well as the reduced postage rate arranged by the Economic Cooperation Administration for gift shipments, the sender also should show the words "U. S. A. Gift Parcel" on the addressee side of the package and on any required customs declaration.

Senders of gift parcels who wish information regarding the import regulations of a foreign country should write to the nearest regional or district office of the Department of Commerce, or the Areas Division, Office of International Trade, Department of Commerce, Washington 25, D. C.

4. Section 371.18 *Return of certain commodities imported into the United States GLR* is amended in the following particulars: Paragraphs (a), (c) and (d) are amended to read as follows:

(a) *Machinery, or parts of machinery.* Machinery, or parts of machinery, shipped to the United States for repair purposes may be returned to the country or origin, as well as replacement or rebuilt parts which are substituted when the identical parts imported are not returned.

The provisions of this paragraph do not apply to:

(1) Destinations in Subgroup A, Hong Kong, and Macao; and

(2) The following commodities: precision instruments; tools or devices incorporating diamonds, including such tools or devices when shipped as an integral part of a machine.

* * * * * *

(c) *Containers returned empty.* Metal drums, gas cylinders, bags and other containers used in shipping articles and materials to the United States from any destination may be returned empty to any destination other than Subgroup A countries, Hong Kong, and Macao.

(d) *Newsprint cores.* Newsprint cores made of any kind of material, whether imported into the United States separately or as a part of the packing of imported newsprint paper, may be returned to any destination from which imported except Subgroup A countries, Hong Kong, and Macao.

5. Section 371.19 *Technical data GTD* is amended in the following particulars: Paragraph (c) *Authorization and use of general license GTD*, subparagraph (1), is amended to read as follows:

(1) *Authorization.* A general license designated GTD is hereby established authorizing the exportation of technical data to any destination except those in Subgroup A: *Provided*, (i) That no officer or agency of the United States Government has assigned to it a security classification (e. g., "restricted," "confidential," "secret," etc.) or (ii) That if such classification exists the exporter has obtained duly authorized permission in writing from the agency of the U. S. Government which assigned the security classification; or (iii) That the Department of Commerce has not revised, suspended, or revoked this general license in any manner as to any person within or without the United States so as to prohibit shipment thereunder by the exporter.

NOTE: Where the Department of Commerce determines in any case that shipment of technical data should be prohibited, notice of such determination will be given to the exporter in the official opinion requested by him, wherever possible.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

6. Section 372.3 *How to file an application for export license* is amended in the following particulars:

a. Paragraph (a) is amended to read as follows:

(a) *Time of submission.* Specific filing dates are established for certain Positive List commodities. Applications for licenses to export such commodities shall be submitted at such times or during such periods as are announced in Current Export Bulletins.[1] Applications for licenses to export commodities for which no specific filing dates are announced may be submitted at any time.

b. The note following § 372.3 paragraph (c) *Information required* is amended in the following particulars: In paragraph 3. *Preparation of Form IT–116* the second unnumbered subparagraph is amended to read as follows:

This card must be made out in the name of the applicant, as shown in item 1 of Form IT–419 (revised). Upon receipt of the application, the Office of International Trade will enter on the card the case number assigned to the application, and the date of receipt, detaching and returning to the applicant the return portion (applicant's copy).

c. PAR. 5. *Inquiries and correspondence* is amended by adding at the end thereof the following:

When an exporter requests telegraphic reply to an inquiry, the complete address of such person or company, including name, street, city, postal zone number, and state, must be given; or if desired, the Western Union "WUX" designation may be substituted for the address. This will expedite the servicing of these requests by the telegraph companies.

Telegraphic replies will be made at the expense of the inquirer.

d. PAR. 6. *Telegraphic service for licensees, others* is amended to read as follows:

6. *Clearance by teletype.* In case of emergency, the Office of International Trade will, upon approving an application for export license, authorize clearance by teletype or telephone call to the appropriate Collector of Customs.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

7. Section 373.1 *Export licensing general policy* is amended in the following particulars: In paragraph (b) *Accepted orders: evidence and certification*, subparagraph (3) (ii), "Director, Commodities Division" is changed to read "Assistant Director for Export Supply".

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

8. Part 382, *Denial or Suspension of License Privileges*, is amended in the following particulars: "Commodities Division" is changed to read "Export Supply Divisions"; "Enforcement Staff" is changed to read "Investigation Staff"; and "Director of the Enforcement Staff" is changed to read "Chief, Export Control Investigation Staff".

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51–4848; Filed, Apr. 26, 1951; 8:47 a. m.]

[1] See § 373.51 *Supplement 1; Time schedules for submission of applications for licenses to export certain Positive List commodities*, of this subchapter.

[5th Gen. Rev. of Export Regs., Amdt. 54[1]]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 381—ENFORCEMENT PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 372.3 *How to file an application for export license* is amended in the following particulars:

The note following paragraph (d) *Data supplementing the license application* is amended by adding at the end thereof a new paragraph (5) as follows:

(5) *Distribution or resale.* If it is stated in a consignee's statement or on an export license application that the commodity or commodities to be exported are intended for distribution or resale in a country or countries other than the named country of ultimate destination, the validated license will specifically name the country or countries to which distribution or resale is authorized.

2. Section 372.14 *Reexportation from country of destination* is amended in the following particulars: Paragraph (a) is amended to read as follows:

(a) *General provisions.* No exportation may be made under any validated license with the knowledge or intention that the commodities so exported are to be reexported from the country stated on the license application as the country of ultimate destination, unless the reexportation has been specifically authorized by the Department of Commerce, except as provided in paragraphs (b) and (c) of this section.

If it is stated in a consignee's statement or on an export license application that the commodity or commodities to be exported are intended for distribution or resale in a country or countries other than the named country of ultimate destination, the validated license will specifically name the country or countries to which distribution or resale is authorized. Authorization will be granted or withheld by an appropriate statement on the face of the license, as follows:

(a) "Distribution or resale of the commodities listed above is permitted in the country of ultimate destination only"; or

(b) "Distribution or resale of the commodities listed above is permitted in (name of country of destination), and (names of other approved countries)."

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

3. § 381.4 *Destination control* is amended in the following particulars: Paragraph (c) (1), is amended to read as follows:

(c) *Statement regarding ultimate destination on declaration, bill of lading and commercial invoice.* (1) No shipment of cargo subject to the provisions of this section may be made unless the licensee or his forwarding agent shall place the following statement (filling in the blank space with the name of the country of ultimate destination set forth in the shipper's export declaration) on all copies of the shipper's export declaration presented to the collector of customs at the port of exit for authentication:

These commodities licensed by U. S. for ultimate destination _____
Diversion contrary to U. S. law prohibited.

If the validated export license authorizes distribution or resale of the named commodities in a country or countries other than the named country of ultimate destination, the following statement (in lieu of the preceding statement) shall be set forth on all copies of the shipper's export declaration:

These commodities licensed by U. S. for ultimate destination (*name of country*) and for distribution or resale in (*name of other approved countries as shown on validated license*). Diversion contrary to U. S. law prohibited.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., April 24, 1951, may be exported under the previous general license provisions up to and including May 19, 1951. Any such shipment not laden aboard the exporting carrier on or before May 19, 1951, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of 12:01 a. m., April 24, 1951.

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51–4850; Filed, Apr. 26, 1951; 8:47 a. m.]

[1] This amendment was published in Current Export Bulletin No. 616, dated April 19, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of April 19, 1951.

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51–4849; Filed, Apr. 26, 1951; 8:47 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. P. L. 45[1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Chemical specialty compounds, n. e. s.:				
829960	Naphthenates	.....	SALT	None	RO
829990	Metallic naphthenates, and mixtures of chemicals containing metallic naphthenates.	.....	SALT	None	RO
	Acids and anhydrides:				
834300	Naphthenic acid	Lb.	SALT	None	RO
	Aluminum compounds:				
833900	Naphthenic acid salts and mixtures containing such salts.	.....	SALT	None	RO
	Other industrial chemicals:				
839600	Naphthenates of all metals, and mixtures containing such naphthenates.	.....	SALT	None	RO

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 366]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MAJOR CAPITAL IMPROVEMENTS SINCE MAXIMUM RENT PERIOD

Amendment 366 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said rent regulation is hereby amended in the following respect:

Paragraph (a) (1) of § 825.85 is amended to read as follows:

(1) *Major capital improvement since maximum rent period.* There has been, since the period determining the maximum rent for the room under the "Hotel Regulation" or the date or order determining the maximum rent for the room

under either the "Hotel Regulation" or §§ 825.81 to 825.92, inclusive, a substantial change in the room by a major capital improvement, as distinguished from ordinary repair, replacement and maintenance.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective April 25, 1951.

Issued this 25th day of April 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-4910; Filed, Apr. 25, 1951; 8:51 a. m.]

[Controlled Housing Rent Reg., Amdt. 371]

[Controlled Housing Rent Reg., Atlantic County Defense-Rental Area, Amdt. 33]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MAJOR CAPITAL IMPROVEMENT AFTER EFFECTIVE DATE

Amendment 371 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 33 to the Controlled Housing Rent Regulation for the Atlantic County Defense-Rental Area (§§ 825.61 to 825.72). Said rent regulations are hereby amended in the following respect:

Paragraph (a) (1) of §§ 825.5 and 825.65 is amended to read as follows:

(1) *Major capital improvement after effective date.* There has been, on or after the effective date of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, a substantial change in the housing accommodations by a major capital improvement, as distinguished from ordinary repair, replacement and maintenance.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective April 25, 1951.

Issued this 25th day of April 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-4911; Filed, Apr. 26, 1951; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Amdt. 3]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

CHAIN STORES AND MINOR CORRECTIONS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Amendment 3 to Ceiling Price Regulation 7 (16 F. R. 1872) is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment and a concurrent amendment to Supplementary Regulation 1 broaden and simplify the application of the regulation to groups of chain stores which determine uniform selling prices centrally. It also clarifies several provisions of the regulation and of Supplementary Regulation 1.

Under section 3 (b) of the regulation prior to this amendment, two different types of store groups were, for certain purposes, constituted single sellers and, therefore, entitled to price as such under the regulation or, alternatively, under special provisions contained in Supplementary Regulation 1. The eligible groups comprised (1) those establishments permitted under the provisions of Supplementary Regulation 1 to determine prices centrally and uniformly for certain articles, and (2) groups with outlets which received from their central offices invoices or statements showing the same selling prices for articles (and not showing costs).

Upon further consideration of the problems of chain stores which regularly determine uniform prices centrally, it has been determined that all chains which regularly fix uniform selling prices for their members should be permitted to have the same choice of methods for preparing charts for categories as to which they had a uniform pricing practice in the past, whether or not the billing was only of uniform selling prices or a billing of both such prices and costs. To effect this purpose, section 3 (b) of the regulation has been amended to provide that all the selling outlets of a chain which are included in one group, zone, class or area to which prior to General Ceiling Price Regulation the group regularly sent invoices or statements showing the same selling prices for certain articles, and which regularly sold those articles at uniform prices, constitute a single seller as to the categories in which those articles are included. Accordingly, these groups are deemed to constitute a single seller for the categories of merchandise they price centrally and they may use charts for the categories, constructed in the manner of any other single seller under the regulation. That is, they may list the appropriate costs to the group of all of the articles sold or offered for sale in the outlets of the group on the list date and the offering prices of such articles.

The alternative method of chart construction, which Supplementary Regulation 1 as here amended now affords, permits preparation of a list date pricing chart by the group as if its members were offering for sale on the list date all the articles covered by Ceiling Price Regulation 7 which it charged to them between December 1, 1950, and February 27, 1951 (or between January 1, 1951, and March 31, 1951, where the list date is March 31, 1951). In preparing such a chart, the group lists the last net cost from its outside supplier to the chain or groups of stores for each different article thus charged during that period. It lists also the uniform prices at which the group directed its outlets to offer each such article on the list date. In addition, for the categories affected, the group chart lists the costs and offering prices of other articles for which the members themselves determined the selling prices and which they offered on the list date.

Other provisions of Supplementary Regulation 1 have been modified to make it clear that the notification of prices required to be furnished to chain outlets, the notice required to be kept in retail outlets, and the record-keeping, reporting and filing requirements there stated apply to all groups of outlets pricing uniformly either under the regulation or under Supplementary Regulation 1.

These amendments, it is believed, will make the provisions of the regulations more consistent with actual central pricing practices, easier for chains to follow, and more capable of administration. Inasmuch as some chains may have prepared charts in accordance with provisions of the regulation, changed by these amendments, limited permission is granted for a continuation on the basis of charts thus prepared.

This amendment also makes a few minor corrections in the appendices.

AMENDATORY PROVISIONS

Ceiling Price Regulation 7 is amended in the following respects:

1. Section 3 (b) is amended to read as follows:

(b) When used in this regulation, the word "seller" refers to each single separate seller covered by this regulation. (1) If a seller makes sales at retail through more than one selling unit or department, each selling unit or department is considered to be a separate seller subject to all the provisions of this regulation. (2) A person who sells through salesmen making sales at uniform prices is a single seller. (3) All of the selling outlets of a chain, which are under common ownership or control and which are included in one group, zone, class or area to which immediately prior to January 26, 1951, the chain regularly sent invoices or statements showing the same selling prices for certain articles in a category (whether or not costs were shown), and which regularly sold those articles at such uniform prices, constitute, as to the categories in which those articles are included, a single seller.

2. In paragraph (c) of section 13, the last sentence is amended to read as follows: (A department in a departmentalized establishment must also state its department number or name; and a group of outlets which is a single seller under section 3 (b) must show the names and addresses of all retail outlets in the group.)

3. Section 39 (b) (1) (ii) is amended by substituting the word "or" for the word "and" at the end thereof.

4. Appendix B is amended in the following respects:

(a) In Category 908, in Classification 17, insert after the heading "Oilcloth and Paper Household Needs" the following: "This category does not include paper household needs covered by Category 915"; and delete the item "oilcloth" from the list of items in that classification.

(b) The headnote and text of Category 915 is amended to read as follows:

Category 915—Sanitary napkins, tampons, toilet tissues and other paper items

This category does not include paper household needs included in Category 908, Classification 17. Examples of the articles included are: Sanitary napkins, Tampons, Facial Tissue, Toilet Tissue, Paper Towels, Wax paper.

(c) Change the headnote preceding Category 970 to read as follows:

NOTE. Categories 970-985 do not include articles described here as "precious jewelry." "Precious jewelry" when the value of the "precious stone" (or "precious stones") exceeds the value of the total of the other component parts of the finished article, includes the following:

(1) Any article a component part of which is a "precious stone" (or "precious stones"); or

(2) A mounting into which a "precious stone" (or "precious stones") is set.

A "precious stone" for this purpose means a natural pearl, diamond, ruby, sapphire or emerald. The term "precious stone" also includes the following when the selling price for the item by the cutter, wholesale dealer or importer is $25.00 or more:

(1) Any other genuine stone, including a semi-precious stone.
(2) Any synthetic stone.
(3) Any cultured pearl or group of cultured pearls (combined in a single article).

5. Appendix D is amended by inserting between the lines for Categories 509 and 601 the following line: "510 32.1 34.9 37.8 40.6 43.5 46.3 49.2 52.0 54.9 57.7 60.6 63.4 66.2 69.1 71.9 74.8 77.6 80.5 83.3 86.2 89.0 91.9 94.7".

6. Appendix E is amended in the following respects:

(a) Insert between the lines for Categories 402 B and 405, the following: "403—58.2".

(b) Insert between the lines for Categories 509 and 601, the following: "510—61.0".

7. Appendix F is amended in the following respects:

(a) Insert the following line between the lines for Categories 103 and 105: "104—1.041".

(b) Delete the line for Category 404 and the multiplier "1.015" opposite it.

(c) Insert between the lines for Categories 509 and 601, the following: "510—.954".

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective April 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 26, 1951.

[F. R. Doc. 51-4950; Filed, Apr. 26, 1951; 10:02 a. m.]

[Ceiling Price Regulation 7, Amdt. 2 to Supplementary Regulation 1]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 1—SPECIAL PRICING METHODS FOR CERTAIN CHAIN STORES AND MAIL ORDER ESTABLISHMENTS; CHART PREPARATION

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Amendment 2 to Supplementary Regulation 1 of Ceiling Price Regulation 7 (16 F. R. 1895) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment, in conjunction with an amendment to Ceiling Price Regulation 7 issued simultaneously herewith, clarifies and modifies the provisions affecting chain stores which determine uniform prices centrally. The reasons for these changes are contained in the Statement of Considerations accompanying the concurrently issued amendment to Ceiling Price Regulation 7.

AMENDATORY PROVISIONS

Supplementary Regulation 1 to Ceiling Price Regulation 7 is amended in the following respects:

1. Section 2 is deleted and a new section 2 is substituted therefor to read as follows:

SEC. 2. *Methods of chart preparation and pricing for certain chain stores*—(a) *Groups operating as single sellers.* All of the selling outlets of a chain or group in a chain which are under common ownership or control and which, as to any category, constitute a single seller under section 3 (b) of Ceiling Price Regulation 7 may determine prices centrally for such category under a chart prepared in accordance with that regulation or prepared under the alternative method provided in paragraph (b) of this section.

(1) No outlet which is a member of the group for which uniform prices are centrally determined may fix prices other than centrally determined prices for articles in the category unless the group discontinues the practice of having prices uniformly and centrally established for that category.

(2) A retail seller which, in the case of a given category, is in existence but does not centrally determine uniform prices with other members of a group constituting a single seller under section 3 (b) of Ceiling Price Regulation 7 may become a member of the group and centrally fix its ceiling prices for any such category uniformly with other members of the group, provided that that retail seller's category average markup for the category is not less than the group average percentage markup therefor.

(b) *Alternative method of chart preparation.* A group of outlets of a chain which elects to do so may prepare list date pricing charts for its uniformly priced categories as if its members were offering for sale on the list date each different article, style, model, or lot number, covered by Ceiling Price Regulation 7, which it charged to them between December 1, 1950, and February 27, 1951 (or between January 1, 1951, and March 31, 1951, where list date is March 31, 1951). In Column 2 it lists opposite each such article, model, style, or lot number the "net cost" on the invoice from the supplier to the chain or group last received prior to the list date. ("Net cost" is further described and limited by section 16 of Ceiling Price Regulation 7.) In Column 3 opposite each cost listed in Column 2, it lists as offering prices each different uniform price at which the group directed the outlets to offer articles on the list date. In addition, the charts prepared by the group must list the cost and offering price of every article for which the members themselves determined the selling price and which they offered for sale on the list date. If a chain has more than one group of uniformly pricing retail outlets, a separate chart must be prepared for each such group for the articles covered by Ceiling Price Regulation 7. In every other respect the group shall follow the provisions of Ceiling Price Regulation 7 in preparing its chart.

2. Section 3 is deleted and a new section 3 substituted therefor to read as follows:

SEC. 3. *Notification of prices to chain outlets.* A chain which operates outlets constituting a single separate seller shall, when determining the price of any article offered for sale in these outlets, send for each article a written notification of that price to each outlet. This notification must be received before the article is offered for sale and must be kept in that outlet available for inspection by the Office of Price Stabilization. In the case of articles which are preticketed by the central or main office of the chain, this requirement may be satisfied if the central office transmits to the outlet a single notice, identifying the merchandise as preticketed. Unless the notification has been kept by the outlet as herein directed, the chain shall not sell, offer for sale or deliver the article in that outlet; and in no case shall the chain sell, offer for sale or deliver any article at a price higher than the selling price stated on the notification to that outlet unless the ceiling price is also stated on the invoice or notification, in which case, the chain shall not sell, offer for sale or deliver that article in that outlet at a price higher than the stated ceiling price.

3. A new section 3a is added to read as follows:

SEC. 3a. *Use of charts prepared under provisions previously in force.* After August 31, 1951, no group of stores whose pricing chart was prepared otherwise than in accordance with the provisions of Ceiling Price Regulation 7 and Supplementary Regulation 1 in effect on April 26, 1951, may sell any article covered by Ceiling Price Regulation 7 unless it has amended its chart to conform to those provisions in effect on April 26, 1951. Exceptions to this requirement may be authorized by the Office of Price Stabilization upon application showing

that the category average markups contained in the charts previously filed by the group do not in general exceed the markups the group would have had if it had prepared its chart in accordance with the provisions of Ceiling Price Regulation 7 and Supplementary Regulation 1 in effect on April 26, 1951.

4. In paragraph (a) of section 4 the words "under section 2 or 3 of this Supplementary Regulation 1" are deleted and the following substituted therefor: "as a single seller under the regulation."

5. In paragraph (b) of section 4 the words "determines ceiling prices under section 2 or 3 of this supplementary regulation" are deleted and the following substituted therefor: "is a single seller under the regulation."

6. In paragraph (c) of section 4 the words "determines ceiling prices under section 2 or 3" are deleted and the following substituted therefor: "is a single seller under the regulation."

7. In paragraph (a) of section 6 the words "under section 2 or 3 of this supplementary regulation" are deleted and the following substituted therefor: "as a single seller under the regulation."

8. In paragraph (b) of section 6 the sentence "This section applies to the purchasing offices of chains except those which notify their retail outlets of the retail prices only and not their costs" is deleted and the following substituted therefor: "This section applies to the purchasing offices of chains, except those which are single sellers under the regulation."

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective April 26, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 26, 1951.

[F. R. Doc. 51-4951; Filed, Apr. 26, 1951; 10.02 a. m.]

[Ceiling Price Regulation 7, Supplementary Regulation 3]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 3—CEILING PRICES FOR HOME CANNING SUPPLIES

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this supplementary regulation is issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation establishes ceiling prices at the wholesale and retail level for certain home canning supplies. The manufacturers of glass jars, lids, rings, etc., for home canning purposes increased their prices of such items between October 1950 and January 1951, so that such increases are now reflected in their ceiling prices under the General Ceiling Price Regulation. Since home canning supplies are seasonal items and are sold in volume from April through October, the price increases taken by the manufacturers before or prior to the end of the base period under General Ceiling Price Regulation were not passed through by the wholesalers and retailers of home canning supplies. Consequently, home canning supplies are not moving through the wholesale and retail level of distribution. Nor can they be expected to be moved through distribution in view of the low ceiling prices at which they are frozen under General Ceiling Price Regulation. However, with respect to retailers, ceiling prices in some instances for these items may be established under Ceiling Price Regulation 7, as amended. It is apparent to the Director of Price Stabilization that immediate relief in this situation is necessary in order to make home canning supplies available with the commencement of the home canning season. Likewise, the Director of Price Stabilization is advised by the Department of Agriculture that success of their home canning program depends on the availability of such supplies.

Accordingly, this supplementary regulation supersedes any previous ceiling price restrictions imposed by the Office of Price Stabilization for the particular items of home canning supplies listed herein. In keeping with the pricing standard developed in Ceiling Price Regulation 7 this regulation provides that ceiling prices for the items listed will be determined by applying historic percentage markups on net cost. This regulation is supplementary to the General Ceiling Price Regulation as to ceiling prices governing wholesalers, and to Ceiling Price Regulation 7 as to ceiling prices governing retailers. For the convenience of persons affected, it is published simultaneously under each of the two basic regulations hereby supplemented.

In the formulation of this regulation, special circumstances have rendered impractical consultation with official advisory committees, including trade association representatives, however, the provisions of this amendment incorporate the recommendations of persons representing substantial segments of the industry. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Items for which this regulation provides a method of pricing.
3. How you figure your ceiling price.
4. Records.
5. Prohibitions.
6. Applicability and effective date.

AUTHORITY: Sections 1 to 6 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this regulation does.* This regulation provides the means for pricing the items set forth in section 2 of this regulation at the wholesale and retail level and supersedes any previous ceiling price restrictions imposed by the Office of Price Stabilization, hereinafter called OPS, for these listed commodities.

SEC. 2. *Items for which this regulation provides the method of pricing.* This regulation provides the method of determining ceiling prices for the following items:

Fruit and preserving jars.
Jelly glasses.
Lids, caps and rings for fruit and preserving jars and jelly glasses.

SEC. 3. *How you figure your ceiling price.* (a) To determine your ceiling price for each item covered by this regulation you shall apply your percentage markup which you used during the May 24, 1950, to June 24, 1950, period to your current invoice net cost.

(b) Your percentage markup for each item shall be the markup which is the average for the sales you made during the May 24, 1950, to June 24, 1950, base period. If you did not sell or offer to sell any item covered by this regulation during the May 24, 1950, to June 24, 1950, base period, you shall determine your percentage markup by using as your base period the first full month thereafter during which you did sell or offer to sell the item.

(c) To determine your ceiling price for any item covered by this regulation which you have not sold since May 24, 1950, or for which you do have base period records, you shall use as your ceiling price, the current selling price established under this regulation for the same or comparable item by your most closely competitive seller of the same class to the same class of purchaser.

SEC. 4. *Records.* You must preserve and keep available for a period of one year from the effective date of this regulation for examination by any OPS representative those records in your possession showing how you determined your percentage markup, and all records and invoices showing how you arrived at your current ceiling price for each item.

SEC. 5. *Prohibitions.* On and after April 26, 1951, if you sell or deliver or offer to sell or deliver at a price higher than your ceiling price fixed by this regulation or if you otherwise violate any provision of this regulation you are subject to the criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Defense Production Act of 1950. Also any person who, in the course of trade or business buys from you at a price higher than your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that act.

SEC. 6. *Applicability and effective date.* The provisions of this regulation shall apply to the 48 States of the United States and the District of Columbia.

Effective date. This regulation shall become effective on the 26th day of April, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 26, 1951.

[F. R. Doc. 51-4949; Filed, Apr. 26, 1951; 10:02 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 21]

GCPR, SR 21—CEILING PRICES FOR HOME CANNING SUPPLIES

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this supplementary regulation is issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation establishes ceiling prices at the wholesale and retail level for certain home canning supplies. The manufacturers of glass jars, lids, rings, etc., for home canning purposes increased their prices of such items between October 1950 and January 1951, so that such increases are now reflected in their ceiling prices under the General Ceiling Price Regulation. Since home canning supplies are seasonal items and are sold in volume from April through October, the price increases taken by the manufacturers before or prior to the end of the base period under General Ceiling Price Regulation were not passed through by the wholesalers and retailers of home canning supplies. Consequently, home canning supplies are not moving through the wholesale and retail level of distribution. Nor can they be expected to be moved through distribution in view of the low ceiling prices at which they are frozen under General Ceiling Price Regulation. However, with respect to retailers, ceiling prices in some instances for these items may be established under Ceiling Price Regulation 7, as amended. It is apparent to the Director of Price Stabilization that immediate relief in this situation is necessary in order to make home canning supplies available with the commencement of the home canning season. Likewise, the Director of Price Stabilization is advised by the Department of Agriculture that success of their home canning program depends on the availability of such supplies.

Accordingly, this supplementary regulation supersedes any previous ceiling price restrictions imposed by the Office of Price Stabilization for the particular items of home canning supplies listed herein. In keeping with the pricing standard developed in Ceiling Price Regulation 7 this regulation provides that ceiling prices for the items listed will be determined by applying historic percentage markups on net cost. This regulation is supplementary to the General Ceiling Price Regulation as to ceiling prices governing wholesalers, and to Ceiling Price Regulation 7 as to ceiling prices governing retailers. For the convenience of persons affected, it is published simultaneously under each of the two basic regulations hereby supplemented.

In the formulation of this regulation, special circumstances have rendered impractical consultation with official advisory committees, including trade association representatives; however, the provisions of this amendment incorporate the recommendations of persons representing substantial segments of the industry. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Items for which this regulation provides a method of pricing.
3. How you figure your ceiling price.
4. Records.
5. Prohibitions.
6. Applicability and effective date.

AUTHORITY: Sections 1 to 6 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation provides the means for pricing the items set forth in section 2 of this regulation at the wholesale and retail level and supersedes any previous ceiling price restrictions imposed by the Office of Price Stabilization, hereinafter called OPS, for these listed commodities.

SEC. 2. *Items for which this regulation provides the method of pricing.* This regulation provides the method of determining ceiling prices for the following items:

Fruit and preserving jars.
Jelly glasses.
Lids, caps and rings for fruit and preserving jars and jelly glasses.

SEC. 3. *How you figure your ceiling price.* (a) To determine your ceiling price for each item covered by this regulation you shall apply your percentage markup which you used during the May 24, 1950, to June 24, 1950, period to your current invoice net cost.

(b) Your percentage markup for each item shall be the markup which is the average for the sales you made during the May 24, 1950, to June 24, 1950, base period. If you did not sell or offer to sell any item covered by this regulation during the May 24, 1950, to June 24, 1950, base period, you shall determine your percentage markup by using as your base period the first full month thereafter during which you did sell or offer to sell the item.

(c) To determine your ceiling price for any item covered by this regulation which you have not sold since May 24, 1950, or for which you do have base period records, you shall use as your ceiling price, the current selling price established under this regulation for the same or comparable item by your most closely competitive seller of the same class to the same class of purchaser.

SEC. 4. *Records.* You must preserve and keep available for a period of one year from the effective date of this regulation for examination by any OPS representative those records in your possession showing how you determined your percentage markup, and all records and invoices showing how you arrived at your current ceiling price for each item.

SEC. 5. *Prohibitions.* On and after April 26, 1951, if you sell or deliver or offer to sell or deliver at a price higher than your ceiling price fixed by this regulation or if you otherwise violate any provision of this regulation you are subject to the criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Defense Production Act of 1950. Also any person who, in the course of trade or business buys from you at a price higher than your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that act.

SEC. 6 *Applicability and effective date.* The provisions of this regulation shall apply to the 48 States of the United States and the District of Columbia.

Effective date. This regulation shall become effective on the 26th day of April, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 26, 1951.

[F. R. Doc. 51-4949; Filed, Apr. 26, 1951; 10:02 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Regulation 5]

REG. 5—APPEALS

This regulation is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. Consultation with industry representatives in advance of the issuance of this regulation has been rendered impracticable by the fact that the regulation applies to all trades and industries.

Sec.
1. What this regulation covers.
2. Grounds for appeal.
3. NPA Appeals Board.
4. Rules for filing appeals.
5. Decisions.
6. Procedures of the NPA Appeals Board.

Sec.
7. Hearings by the NPA Appeals Board.
8. Presentation of case at a hearing.
9. Interested parties.

AUTHORITY: Sections 1 to 9 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 C. F. R., 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this regulation covers.* This regulation specifies the "appeals" procedure of the National Production Authority and the operations of the NPA Appeals Board. It does not apply to appeals from suspension orders issued, or other action taken in connection with compliance proceedings.

SEC. 2. *Grounds for appeal.* NPA orders and regulations provide for applications for adjustment or exception. Such an application is granted or denied on the decision of the NPA official administering the particular order or regulation.

(a) When a person is dissatisfied with the decision on his application for adjustment or exception, and if he has no new and substantial facts to submit, he may file an appeal to the NPA Appeals Board if he believes the decision:

(1) Works an exceptional and unreasonable hardship on him which is not suffered generally by others in the same trade or industry, or in the same relative position; or

(2) Results in improper discrimination against him; or

(3) Is not in the public interest or the interest of the national defense.

(b) If a person does have new and substantial facts to submit, he should not file an appeal to the NPA Appeals Board, but first should submit an application for reconsideration of his application for adjustment or exception to the NPA official administering the particular order or regulation, upon the basis of these new facts. Then, if the reconsideration does not result in a decision satisfactory to him, he may file an appeal on the grounds stated in paragraph (a) of this section.

(c) An application for reconsideration may not be made more than 30 days after the date of the NPA decision with respect to the particular application for adjustment or exception except that, in the case of decisions made before the date of this regulation, such application for reconsideration may be filed within 30 days of the effective date of this regulation.

SEC. 3. *NPA Appeals Board.* The NPA Appeals Board is established as an impartial body consisting of three officials of the NPA. It acts as the final agency authority in considering appeals permitted under section 2 of this regulation.

SEC. 4. *Rules for filing appeals*—(a) *Form of appeal.* An appeal is instituted by the filing of four copies of a written notice, the original of which will be signed by the appellant or his authorized representative, setting forth:

(1) The name, address, and business of the appellant.

(2) The nature of the NPA action appealed from, including, but not limited to, its date, case number, and the order or regulation under which it was taken.

(3) The grounds of appeal.

(4) A copy of the documents evidencing the NPA action from which the appeal is taken.

(5) If the appellant requests a hearing, the notice of appeal should so state.

(b) *Filing of appeal.* (1) The notice of appeal shall be filed with the Secretary of the NPA Appeals Board, Office of the Administrator, National Production Authority, Washington 25, D. C. A notice of appeal shall be considered filed when it is delivered to the office of the Secretary.

(2) A notice of appeal may not be filed more than 45 days after the date of the NPA decision with respect to the particular application for adjustment or exception except that, in the case of appeals from NPA decisions on applications for adjustment or exception made before the date of this regulation, the notice of appeal must be filed within 45 days of the effective date of this regulation.

(c) *Additional data.* The NPA Appeals Board may request the filing of additional data whenever it considers it necessary.

SEC. 5. *Decisions.* (a) The NPA Appeals Board shall not be required to furnish written opinions.

(b) The decision of the NPA Appeals Board shall be made by a majority vote of its members. In the event of a tie vote, the appeal shall be considered to be denied.

(c) The Secretary of the NPA Appeals Board shall notify every party to an appeal of the decision of the NPA Appeals Board. The notification shall be in writing, and shall be given within 5 days of the decision.

(d) The decision of the NPA Appeals Board shall be final. Decisions may be reconsidered in the discretion of the Board.

SEC. 6. *Procedures of the NPA Appeals Board.* The Board will issue and publish rules of procedure from time to time.

SEC. 7. *Hearings by the NPA Appeals Board.* In its discretion, the NPA Appeals Board may hold a hearing on any appeal, either upon its own initiative, or upon request by the appellant. The appellant's case is not prejudiced by the fact that he does not request a hearing. Hearings by the Board shall be public unless otherwise ordered by the Board. If a hearing is to be held, the NPA Appeals Board will fix the date, time, and place, and will notify the appellant thereof.

SEC. 8. *Presentation of case at a hearing.* The NPA Appeals Board is not a judicial body. Hearings before the Board are informal. It is not required that appellant be represented by counsel, but he may be if he desires. If he is represented by counsel but is not present at the hearing, the appellant must notify the NPA Appeals Board in writing that he has authorized counsel to represent him at the hearing and has furnished counsel with the information necessary for presenting appellant's case. Any misrepresentation of fact, or any withholding of fact, is punishable under the applicable federal statutes.

SEC. 9. *Interested parties.* In the discretion of the NPA Appeals Board, interested persons or Government agencies, offices or departments, may intervene as parties to an appeal, to the extent determined by the Board.

This regulation shall take effect on April 25, 1951.

NATIONAL PRODUCTION AUTHORITY
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-4912; Filed, Apr. 25, 1951; 3:15 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter II—Veterans' Education Appeals Board

PART 200—RULES OF PRACTICE

INFORMAL PROCEDURE

The Board, pursuant to authority vested in it by the Veterans' Education and Training Amendments of 1950, Public Law 610, 81st Congress, approved July 13, 1950, particularly section 2 thereof, and finding such action necessary and appropriate for carrying out the provisions of the said act, hereby adopts, promulgates, and prescribes the acompanying addition to its rules of practice:

§ 200.42 *Informal procedure.* When, in the judgment of the Board, public interest would be served and the interest of all parties would be more speedily determined by inspection and examination without a formal hearing under the foregoing rules, informal proceedings leading to a decision may be ordered, as authorized under the exceptions set forth in section 5 of the Administrative Procedure Act of 1946. In such cases, after application for review of the determination of the Administrator and a petition for the use of the informal procedure with allegations in support thereof, showing applicability in the matter to be decided, the Board, a member or members of the Board, or a hearing examiner appointed by the Board, after due and reasonable notice of a time and place certain, will consider the matter involved in the pending appeal by conducting appropriate inspection and examination. During the inspection and examination, or immediately thereafter, parties in interest may present informally, for the record, pertinent statements in support of their contentions. The inspector or examiner at the close of said inspection and conference, if any, will make his findings of fact and conclusions based upon said inspection and examination and such findings and conclusions will constitute, upon approval, the decision of the Board.

(Sec. 2, Pub. Law 610, 81st Cong.)

Approved: April 23, 1951.

By the Board.

F. J. LONG,
Executive Officer.

[F. R. Doc. 51-4863; Filed, Apr. 26, 1951; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[3d Rev. S. O. 95]

PART 95—CAR SERVICE

APPOINTMENT OF REFRIGERATOR CAR AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of April A. D. 1951.

It appearing, the matter of car service (section 1, paragraphs 10 to 17, inclusive) of the Interstate Commerce Act being under consideration, that car service will be promoted in the interest of the public and commerce of the people by the appointment of an agent with the authority and duties herein described.

It further appearing, that the above conclusion is supported by the Association of American Railroads, Car Service Division, and the American Short Line Railroad Association and they urge that such action be taken.

§ 95.95 *Appointment of refrigerator car agent.* (a) D. W. Benton, Assistant to Chairman, Car Service Division, Association of American Railroads, 59 East Van Buren Street, Chicago 5, Illinois, is hereby designated and appointed refrigerator car agent of the Interstate Commerce Commission. As agent he is required to provide the Commission with current information, through its Director of the Bureau of Service, with respect to the supply of and the need for refrigerator cars in all sections of the United States, and in this connection to utilize the services of an advisory committee consisting of the Chairman, Car Service Division, Association of American Railroads, and subject to the Commission's approval of at least one representative of the railroad industry, of railroad-controlled refrigerator car companies, of non-railroad controlled refrigerator car companies and of shipper-owned refrigerator car companies. As agent, he is authorized and directed to determine and advise the Commission through its Director of the Bureau of Service concerning measures which will reduce the time of loading and unloading refrigerator cars or increase the efficiency and economy of such cars' utilization, operations and movement.

(b) Application: The provisions of this section shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) Effective date: This section shall become effective at 12:01 a. m., May 1, 1951.

(d) Expiration date: This section shall expire at 11:59 p. m., April 30, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That this order shall vacate and supersede Second Revised Service Order No. 95 as amended on the effective date hereof and that a copy of this order and direction shall be served upon each State railroad regulatory body, the Association of American Railroads, Car Service Division, and upon the American Short Line Railroad Association as agents of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4857; Filed, Apr. 26, 1951; 8:49 a. m.]

[Rev. S. O. 856, Amdt. 4]

PART 95—CAR SERVICE

INCLUSION OF SATURDAYS AND SUNDAYS IN COMPUTING DEMURRAGE ON ALL FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of April A. D. 1951.

Upon further consideration of Service Order No. 856 (15 F. R. 5049, 5050, 8994, 9065; 16 F. R. 818, 2894), and good cause appearing therefor: It is ordered, that:

Section 95.856 *Saturdays and Sundays to be included in computing demurrage on all freight cars* of Service Order 856 be and it is hereby suspended until 7:00 a. m., July 1, 1951, only to the extent it applies to the free time on cars loaded with import, coastwise or intercostal traffic at ports, and to the free time on unloading box cars containing export, coastwise or intercostal traffic at ports.

It is further ordered, that Service Order 856 be, and it is hereby further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 7:00 a. m., July 1, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 7:00 a. m., May 1, 1951, and a copy be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4858; Filed, Apr. 26, 1951; 8:49 a. m.]

[S. O. 865, Amdt. 8]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of April A. D. 1951.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 7800; 16 F. R. 320, 815, 1131, 2040, 2894), and good cause appearing therefor: It is ordered, that:

Section 95.865 *Demurrage on freight cars* of Service Order 865, as amended, be and it is hereby further suspended until 7:00 a. m., June 1, 1951, only to the extent it applies on refrigerator cars.

It is further ordered, that this amendment shall become effective at 7:00 a. m., May 1, 1951, and a copy be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4859; Filed, Apr. 26, 1951; 8:49 a. m.]

[S. O. 869, Amdt. 3]

PART 95—CAR SERVICE

USE OF REFRIGERATOR CARS FOR CERTAIN COMMODITIES PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of April A. D. 1951.

Upon further consideration of Service Order No. 869 (15 F. R. 8824, 9109; 16 F. R. 2040), and good cause appearing therefor: It is ordered, that:

Section 95.869 *Use of refrigerator cars for certain commodities prohibited,* of Service Order No. 869 be, and it is hereby amended by substituting the following paragraph (f) hereof for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 11:59 p. m., October 31, 1951, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., April 30, 1951, and that a copy of this order and direction shall be served upon the State railroad regulatory body of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement;

and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4860; Filed, Apr. 26, 1951; 8:49 a. m.]

[S. O. 876]

PART 95—CAR SERVICE

REQUIREMENTS FOR LOADING OF LUMBER AND LUMBER PRODUCTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of April A. D. 1951.

It appearing, that there is a shortage of freight cars suitable for the transportation of lumber and lumber products; that by reason thereof it is necessary in the interest of national defense to regulate and control the use of such cars to assure the maximum utilization; in the opinion of the Commission an emergency exists in all sections of the country requiring immediate action to promote car service in the interest of the public and the commerce of the people: *It is ordered*, that:

§ 95.876 *Requirements for loading of lumber and lumber products.* (a) No carrier shall accept for transportation at point of origin, forward from point of origin, or transport within any terminal area, except to complete loading, any carload shipment of lumber or lumber products in, or on, a freight car, unless such car, when forwarded from point of origin, is loaded in accordance with one of the following requirements.

(1) The quantity loaded shall at least equal in weight the marked capacity in pounds as stencilled on the car, or as shown under the caption "Capacity" (not "Load Limit") in the Official Railroad Equipment Register, Agent M. A. Zenobia's ICC R. E. R. No. 298, supplements thereto or reissues thereof; or

(2) When the car is loaded to full visible capacity, but not to exceed 90 percent of load limit.

(3) On cars to be stopped off to complete loading thereof, the lumber or lumber products to be loaded in, or on, the car at the first loading point must equal or exceed fifty percent (50%) of marked capacity of car used.

(b) Exemptions: The provisions of this section shall not apply to lumber or lumber products moving under and in accordance with "clean-out" or "remnant" rules published in applicable freight tariffs lawfully on file with this Commission or state railroad regulatory bodies.

(c) Definition: As used in this section the term:

(1) "Carrier" means any common carrier by railroad subject to the Interstate Commerce Act.

(2) "Lumber and lumber products" means any commodity listed in Appendix A.

(d) Special and general permits; appointment of agent:

(1) Paragraph (a) of this section shall be subject to any special or general permits issued by the permit agent named in subparagraph (2) of this paragraph, on application of the shipper.

(2) Howard S. Kline, Chief, Car Utilization Section, Bureau of Service, Interstate Commerce Commission, Room 5135, I. C. C. Building, Washington, D. C., is hereby designated and appointed as permit agent of the Interstate Commerce Commission with authority to issue special or general permits to meet exceptional circumstances, subject to the direction and supervision of the Director of the Bureau of Service.

(e) Application: (1) The provisions of this section shall apply to intrastate, interstate and foreign commerce, including commerce with insular possessions and the territories of Alaska and Hawaii.

(2) The provisions of this section shall apply to all shipments from points of origin as well as transit points, on and after the effective date of this section.

(f) Regulations suspended; announcement required: The operation of all rules, regulations and practices, insofar as they conflict with the provisions of this section, is hereby suspended and each railroad subject to this section, or its Agent, shall publish, file and post a supplement to each of its tariffs, affected hereby in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

(g) Effective date: This section shall become effective at 12:01 a. m., May 7, 1951.

(h) Expiration date: This section shall expire at 11:59 p. m., October 15, 1951, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction be served upon the State railroad regulatory bodies of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

APPENDIX A

Agricultural implement material.
Airplane hangar material.
Ammunition blocks, shipping.
Angle beads.
Astragals.
Automobile body parts.
Bark.
Banel material.
Bars, cutter, sled or sleigh.
Bars, vehicle.
Baseboards.
Baskets.
Beams.
Billets.
Blanks.
Bleacher seats.
Blocks.
Boards.
Bolsters, vehicle.
Bolts, wooden.
Bottoms, basket.
Bottoms, hamper.
Bottoms, tank.
Box lumber.
Box material.
Box shooks.
Boxes.
Brackets, viz:
  Cornice.
  Insulator.
Brattice boards.
Built-up wood.
Bull wheels, arms, cants or pins.
Caps, pulpboard.
Casing.
Ceiling.
Chair stock.
Chips, wood.
Christmas tree holders.
Cigar box material.
Clapboard.
Closet seats.
Closet tanks.
Coffin stock.
Columns, porch.
Combined wood.
Conduits.
Cooling tower material.
Cooperage stock.
Cord wood.
Core stock.
Cores, winding.
Cores, wood.
Corner beads.
Cot material.
Covers, viz:
  Basket.
  Burlap.
  Hamper.
  Ice can.
  Wooden manhole.
Crate material.
Crates.
Cross arms and braces.
Culvert units.
Curtain poles.
Cushions, excelsior packing.
Cutter parts.
Derricks, oil well.
Dimension stock.
Door casings.
Doors (inc. grain, silo, and unglazed).
Doubletrees.
Dowel pins.
Dowel rods.
Dowels.
Drum material.
Dust, wood.
Edgings.
Egg case material.
Eveners.
Excelsior.
Excelsior bolts.
Felloe material.
Felloes.
Fence posts.
Fence rails.
Fencing.
Fillers, wooden.
Filler blocks, wooden.
Fittings, pantry.
Flitches.
Flooring.
Frame material, door and window.
Frames, blind.
Frames, building woodwork.
Frames, door and window.
Fruit package material.
Fuel wood.
Gable ornaments.
Gear wood, vehicle.
Grain storage bin sections.
Gratings, wooden.
Grille work.
Gunstock material.
Guttering.
Hampers.
Handle material.
Handles.
Heading.
Heading bolts.
Headliners.
Head linings.
Heads, barrel or hogshead.
Hives, bee.
Hogshead material.
Honey box material.
Hoop poles.
Hoops.
Hoops, barrel or hogshead.
Hoop bolts.
Hounds, vehicle.
House movers rollers.
House trim, interior and exterior.
Hub blocks.
Hub bolts.
Hubs.
Ice tank tops.
Insulator pins.
Ironing board parts.
Knees, cutter, sled or sleigh.
Ladder rungs.
Lasts.
Lath.
Laths.
Logs.
Louvers.
Lumber.
Mattress frame material.
Meat skewers.
Mill ends.
Mine caps.
Mine car slats.
Mine collars.
Mine headers.
Mine lagging.
Mine material.
Mine planks.
Mine posts.
Mine props.
Mine rails.
Mine rollers.
Mine sprags.
Mine ties.
Mine timber.
Moulding.
Pads, excelsior, packing.
Pallets.
Panels, door.
Pantry fittings.
Paring blocks.
Philippine woods.
Picker sticks.
Pickets.
Picture backing.
Pieces, wood.
Pilasters.
Piles and piling.
Pipe, wooden.
Planks.
Platforms, warehouse or shipping.
Plugs, winding.
Plywood.
Pole steps.
Poles.
Porch work.
Posts.
Pulpboard.
Rafters.
Railings, porch.
Reaches, vehicle.
Reels, wire or wire rope.
Rollers.
Rub-blocks, vehicle.
Rungs, ladder.
Runners, cutter, sled or sleigh.
Sash.
Sawdust.
Scroll work.
Seats, wall.
Sections, railroad crossing.
Sections, wall cabinet.
Shafts, cutter, sled or sleigh.
Shafts, vehicle.
Shavings.
Shelves.
Shingle bolts.
Shingle, shaving or tow.
Shingles.
Shipping skids.
Shooks.
Shutters, inside and outside.
Shuttle blocks.
Sides, furniture drawer.
Siding.
Silo doors.
Silo stock.
Silos, wooden, K. D.
Singletrees.
Slab wood.
Slabs.
Slats, bed.
Slats, blind.
Slats, car mine.
Slats, shade or shutter.
Slats, trunk.
Sled parts.
Sleigh material.
Spar, ship.
Spent wood chips.
Spindles.
Spoke-blocks, vehicle.
Spoke bolts.
Spokes.
Spools.
Stair work, viz:
  Balusters.
  Newels.
  Post ornaments.
  Railings.
  Risers.
  Treads.
Stakes.
Stare bolts.
Stares.
Step ladder stock.
Stock, sawed.
Strips.
Sucker rods.
Table rims.
Tanbark.
Tank material.
Tent keys, pins and stakes.
Tent poles.
Tie plugs.
Ties, cross.
Ties, railroad.
Ties, switch.
Timber.
Tongues, agricultural implement.
Tongues, cutter, sled or sleigh.
Tongues, vehicle.
Tops, basket.
Track shims.
Tray material.
Trays, brick.
Vat bottoms.
Vegetable package material.
Vehicle material.
Veneer.
Wainscoating.
Waste, wood.
Well tubing.
Wheelbarrow parts and stock.
Whiffletrees.
Willow wood.
Wood pulp.
Wood waste.
Woodwork, building.
Yokes.

[F. R. Doc. 51-4861; Filed, Apr. 26, 1951; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 52]

U. S. STANDARDS FOR GRADES OF FROZEN LIMA BEANS [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of the United States Standards for Grades of Frozen Lima Beans, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950). This revision, if made effective, will be the fifth issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.172 *Frozen lima beans.* (a) Frozen lima beans are prepared from the immature seed of varieties of lima beans (Phaseolus lunatus) by shelling, washing and blanching, and are then frozen and stored at temperatures necessary for the preservation of the product.

(b) *Types of frozen lima beans.* (1) Frozen lima beans consist of either (i) Fordhook, or (ii) other than Fordhook lima beans.

(c) *Grades of frozen lima beans.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen lima beans that possess

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

similar varietal characteristics; that possess a good flavor and odor; that are tender; that possess a good color; that are practically free from defects; and that score not less than 90 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen lima beans that possess similar varietal characteristics; that possess a good flavor and odor; that are reasonably tender; that possess a reasonably good color; that are reasonably free from defects; and that score not less than 80 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of frozen lima beans that possess similar varietal characteristics; that possess a fairly good flavor and odor; that are fairly tender; that possess a fairly good color; that are fairly free from defects; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "U. S. Grade D" or "Substandard" is the quality of frozen lima beans that fail to meet the requirements of U. S. Grade C or U. S. Standard.

(d) *Ascertaining the grade.* (1) The grade of frozen lima beans is ascertained by considering in conjunction with the other requirements of the respective grade the respective ratings for the factors of color and absence of defects.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors is:

Factors:	*Points*
(i) Color	60
(ii) Absence of defects	40
Total score	100

(3) The scores for the factors of color and absence of defects are determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. The tenderness and flavor and odor of frozen lima beans are determined after the product is cooked.

(4) "Good flavor and odor" means that the product after cooking has a good, characteristic normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(5) "Fairly good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(e) *Ascertaining the rating of the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "54 to 60 points" means 54, 55, 56, 57, 58, 59, or 60 points).

(1) *Color.* Spotted or otherwise discolored lima beans are considered defective beans and therefore are not considered in evaluating the factor of color.

"Green" means that the color of not less than 50 percent of the surface area of the individual lima bean possesses as much or more green color than Plate 18, J–3, as illustrated in Maerz and Paul's Dictionary of Color.[2]

"White" means that more than 50 percent of the surface area of the individual lima bean possesses less green color than Plate 18, E–1, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(i) Frozen lima beans that possess a good color may be given a score of 54 to 60 points. "Good color" means that the lima beans possess a bright typical color and with respect to varieties other than Fordhook variety contain not less than 90 percent, by count, of green lima beans, and the remainder may be lighter in color, of which not more than 3 percent, by count, may be white lima beans; and with respect to Fordhook variety contain not less than 90 percent, by count, of green lima beans, and the remainder may be lighter in color, of which not more than 1 percent, by count, may be white lima beans.

(ii) If the frozen lima beans possess a reasonably good color a score of 48 to 53 points may be given. Frozen lima beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the lima beans possess a typical color and with respect to varieties other than Fordhook variety contain not less than 65 percent, by count, of green lima beans and the remainder may be lighter in color, of which not more than 25 percent may be white lima beans and with respect to Fordhook variety contain not less than 60 percent, by count, of green lima beans, and the remainder may be lighter in color, of which not more than 10 percent, by count, may be white lima beans.

(iii) Frozen lima beans that possess a fairly good color may be given a score of 42 to 47 points. Frozen lima beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the lima beans possess a typical color and with respect to varieties other than Fordhook variety may contain less than 65 percent, by count, of green lima beans, and the remainder may be lighter in color or white lima beans and with respect to Fordhook variety may contain less than 60 percent, by count, of green beans and the remainder may be lighter in color or white lima beans.

(iv) Frozen lima beans that are definitely off color or fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 41 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, from loose skins and pieces of skins, loose cotyledons and pieces of cotyledons, mashed or broken beans, shriveled beans, and from beans that are blemished or seriously blemished by discoloration, pathological injury, insect injury, or blemished by other means.

(a) "Extraneous vegetable matter" means pods or pieces of pods, leaves, stems, and other similar vegetable matter.

(b) "Mashed and broken" means broken or crushed so that the bean has lost its original conformation or is broken to the extent that a cotyledon or portion thereof has become separated from the bean.

(c) "Loose skin" means a whole skin which has become separated from the cotyledons, or loose pieces of skin aggregating the equivalent of an average size whole skin.

(d) "Loose cotyledon" means a whole cotyledon which has become separated from the skin, or loose pieces of cotyledon aggregating the equivalent of an average size cotyledon.

(e) "Blemished" means blemished by discoloration, pathological injury, insect injury, or blemished by other means to such an extent that the aggregate blemished area materially affects the appearance of the bean. Very light discoloration of the hilum or other very light discoloration is not considered as blemished.

(f) "Seriously blemished" means blemished to such an extent that the aggregate blemished area seriously affets the appearance or eating quality of the bean.

(g) "Shriveled" means lima beans that are materially wrinkled and are not of normal plumpness.

(ii) Frozen lima beans that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that for each 12 ounces there may be present one large piece of extraneous vegetable matter or pieces having an aggregate area of more than $\frac{3}{16}$ square inch ($\frac{1}{2}$" x $\frac{3}{8}$") on one surface of the piece or pieces; not more than 8 percent, by count, of mashed and broken beans, loose skins and loose cotyledons; not more than 1 percent, by count, of shriveled beans; and not more than 4 percent, by count, may be blemished or seriously blemished, and of such 4 percent, not more than $\frac{1}{4}$ thereof or 1 percent, by count, may be seriously blemished: *Provided*, That the blemished or seriously blemished lima beans do not affect the appearance or eating quality of the product.

(iii) If the frozen lima beans are reasonably free from defects a score of 32 to 35 points may be given. Frozen lima beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that for each 12 ounces there may be present one large piece of extraneous vegetable matter or pieces having an aggregate area of more than $\frac{5}{16}$ square inch but not more than $\frac{3}{8}$ square inch ($\frac{1}{2}$" x $\frac{3}{4}$") on one surface of the piece or pieces; not more than 10 percent, by count, of mashed and broken beans, loose skins, and loose cotyledons; not more than 4 percent, by count, of shriveled beans; and not more than 6 percent, by count, may be blemished or seriously blemished and of such 6 percent not more than $\frac{1}{3}$ thereof or 2 percent, by count, may be seriously blemished: *Provided*, That the blemished or seriously blemished lima beans do not materially affect the appearance or eating quality of the product.

(iv) Frozen lima beans that are fairly free from defects may be given a score of 28 to 31 points. Frozen lima beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that for each 12 ounces there may be present one large piece of extraneous vegetable matter or pieces having an aggregate area of more than $\frac{3}{8}$ square inch but not more than $\frac{3}{4}$ square inch ($\frac{1}{2}$" x $1\frac{1}{2}$") on one surface of the piece or pieces; not more than 15 percent, by count, of mashed and broken beans, loose skins, and loose cotyledons; not more than 8 percent, by count, of shriveled beans; and not more than 10 percent, by count, may be blemished or seriously blemished and of such 10 percent not more than $\frac{3}{10}$ thereof or 3 percent, by count, may be seriously blemished: *Provided*, That the blemished or seriously blemished lima beans do not seriously affect the appearance or eating quality of the product.

(v) Frozen lima beans that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(f) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen lima beans the grade of such lot will be determined by averaging the total scores of all containers, if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(g) *Score sheet for frozen lima beans.*

Factors	Score points	
Size and kind of container		
Container marks or identification		
Label		
Net weight (ounces)		
Varieties (Fordhook or other)		
Size		
Color:		
Percent green		
Percent white		
I. Color	60	(A) 54-60 (B) 1 48–51 (C) 1 42–47 (D) 1 0–41
II. Absence of defects	40	(A) 36–40 (B) 1 32–35 (C) 1 28–31 (D) 1 0–27
Total score	100	
Grade		
Flavor and odor		

[1] Indicates limiting rule.

Issued at Washington, D. C., this 23d day of April 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51–4872; Filed Apr. 26, 1951; 8:51 a. m.]

[2] Second edition 1950.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA No. 2

STOCK DRIVEWAY WITHDRAWAL NO. 56; REDUCED

APRIL 23, 1951.

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865), as amended by the act of January 29, 1929 (45 Stat. 1144; 43 U. S. C. 300), and in accordance with Departmental Order No. 2583, sec. 2.22 (a) of August 16, 1950 (15 F. R. 5643), it is ordered as follows:

Stock Driveway Withdrawal No. 56, Arizona No. 2, as modified by departmental order dated August 19, 1941, is hereby revoked as to the following-described land:

GILA AND SALT RIVER MERIDIAN

T. 12 N., R. 1 E.,
Sec. 26, lot 1 and NW¼NE¼.

The area described contains 75.87 acres.

This revocation is made in furtherance of an exchange under section 8 of the act of June 28, 1934, as amended by section 3 of the act of June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g) by which the offered land will become a part of the Lake Mead Recreation area. This action is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, granting preference rights to veterans of World War II and others.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 51–4837; Filed, Apr. 26, 1951; 8:45 a. m.]

[1906035]

COLORADO

NOTICE OF FILING OF PLAT OF SURVEY AND DEPENDENT RESURVEY

APRIL 23, 1951.

Notice is given that the plat accepted June 27, 1947, of (1) resurvey comprising sections 1 to 15 inclusive, N½ sec. 16, N½ sec. 17, lots 3, 4, 5 and 6, sec. 18, delineating a retracement and reestablishment of the lines of the original survey, and (2) extension survey of lands hereinafter described will be officially filed in the Land and Survey Office, Denver, Colorado, effective at 10:00 a. m., on the 35th day after the date of this notice.

The lands affected by this notice are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 34 N., R. 5 W.,
Sec. 16, lots 1, 2;
Sec. 17, lots 9, 10;
Sec. 18, lots 7, 8, 9, 10.

The area described aggregates 296.57 acres.

All of the lands involved are within the exterior boundaries of the San Juan National Forest, by proclamation of March 2, 1907, and Executive order of July 1, 1908.

Anyone having a valid settlement or other right to any of these lands initiated prior to the dates of the withdrawals of the lands should assert the same within three months from the date on which the plat is officially filed by filing an application under appropriate public land law setting forth all facts relevant thereto.

All inquiries relating to these lands should be addressed to the Manager, Land and Survey Office, Denver, Colorado.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 51–4838; Filed, Apr. 26, 1951; 8:45 a. m.]

Office of the Secretary

SUBMERGED COASTAL LANDS OF THE GULF OF MEXICO

OIL AND GAS OPERATIONS

APRIL 23, 1951.

This is a third supplement to Part II of the notice issued by the Secretary of the Interior on December 11, 1950, concerning "Oil and Gas Operations in the Submerged Coastal Lands of the Gulf of Mexico" (15 F. R. 8835), as previously

supplemented by the notices issued by the Secretary of the Interior on February 2, 1951 (16 F. R. 1203), and March 5, 1951 (16 F. R. 2195).

Persons conducting oil and gas operations in accordance with Part II of the notice dated December 11, 1950, as previously supplemented, are hereby authorized to continue such operations to and including June 30, 1951. This supplementary authorization is subject to the conditions prescribed in Part II.

This notice does not authorize the drilling of, or production from, any oil or gas wells the drilling of which had not been commenced on or before December 11, 1950.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-4839; Filed, Apr. 26, 1951; 8:45 p. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[Defense Food Delegation 9]

ADMINISTRATOR OF NATIONAL PRODUCTION AUTHORITY

DELEGATION OF AUTHORITY CONCERNING ALLOCATION AND PRIORITY FUNCTIONS WITH RESPECT TO FOODS WHICH HAVE INDUSTRIAL USES

The Administrator of the Production and Marketing Administration, United States Department of Agriculture, and the Administrator of the National Production Authority, United States Department of Commerce, have certain allocation and priority functions under the Defense Production Act of 1950, vested in them by Executive Orders Nos. 10161 and 10200 (15 F. R. 6105; 16 F. R. 61), Defense Production Administration Delegation No. 1 (16 F. R. 738), Department of Commerce Order 123 as amended (15 F. R. 6726; 16 F. R. 1129), and Defense Food Delegation No. 1 (15 F. R. 6424; 16 F. R. 2446; 16 F. R. 3311). The Administrators have entered into a certain agreement signed by them on March 30 and April 13, 1951, respectively (16 F. R. 3410), applicable to the exercise of their respective allocation and priority functions regarding foods which have industrial uses.

Pursuant to the aforesaid authorities, and in furtherance of the said agreement:

1. The Administrator of the Production and Marketing Administration hereby delegates to the Administrator of the National Production Authority the requisite authority to exercise the allocation and priority functions under Title I of the Defense Production Act of 1950 vested in him to the extent necessary to effectuate the provisions of the said agreement as from time to time amended or supplemented.

2. In exercising such authority, the Administrator of the National Production Authority is authorized to exercise the functions vested in the Administrator of the Production and Marketing Administration under sections 902 (a) and 902 (b) of said Executive Order No. 10161.

Done at Washington, D. C., this 25th day of April 1951.

[SEAL] G. F. GEISSLER,
Administrator, Production and Marketing Administration.

[F. R. Doc. 51-4966; Filed, Apr. 26, 1951; 11:36 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-378, G-1623]

STANDARD GAS CO. AND SOUTH ATLANTIC PIPE-LINES, INC.

NOTICE OF ORDER DISMISSING APPLICATION

APRIL 20, 1951.

In the matters of Standard Gas Co., Docket No. G-378; South Atlantic Pipe-Lines, Inc., Docket No. G-1623.

Notice is hereby given that, on April 18, 1951, the Federal Power Commission issued its orders entered April 17, 1951, dismissing application in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4841; Filed, Apr. 26, 1951; 8:45 a. m.]

[Docket No. G-915]

UNITED GAS PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER

APRIL 20, 1951.

Notice is hereby given that, on April 18, 1951, the Federal Power Commission issued its findings and order entered April 17, 1951, modifying its order of April 22, 1948, published in the FEDERAL REGISTER April 30, 1948 (13 F. R. 2358), issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4840; Filed, Apr. 26, 1951; 8:45 a. m.]

[Docket No. G-1277]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF ORDER MODIFYING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 20, 1951.

Notice is hereby given that, on April 18, 1951, the Federal Power Commission issued its order entered April 17, 1951, modifying order issued November 8, 1950, published in the FEDERAL REGISTER November 15, 1950 (15 F. R. 7775), issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4843; Filed, Apr. 26, 1951; 8:46 a. m.]

[Docket No. G-1414]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF ORDER MODIFYING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 20, 1951.

Notice is hereby given that, on April 18, 1951, the Federal Power Commission issued its order entered April 17, 1951, in the above entitled matter, modifying order issuing certificate of public convenience and necessity, effective January 26, 1951, published in the FEDERAL REGISTER February 1, 1951 (16 F. R. 953).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4947; Filed, Apr. 26, 1951; 8:46 a. m.]

[Docket No. E-6344]

MOUNTAIN STATES POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

APRIL 20, 1951.

Notice is hereby given that, on April 18, 1951, the Federal Power Commission issued its order entered April 18, 1951, supplementing its order issued April 11, 1951, published in the FEDERAL REGISTER April 18, 1951 (16 F. R. 3389), authorizing issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4844; Filed, Apr. 26, 1951; 8:46 a. m.]

[Docket No. E-6345]

DUKE POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

APRIL 20, 1951.

Notice is hereby given that, on April 17, 1951, the Federal Power Commission issued its order entered April 17, 1951, supplementing its order issued April 3, 1951, published in the FEDERAL REGISTER April 10, 1951 (16 F. R. 3142) authorizing issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4845; Filed, Apr. 26, 1951; 8:46 a. m.]

[Docket No. E-6347]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

APRIL 20, 1951.

Notice is hereby given that, on April 19, 1951, the Federal Power Commission issued its order entered April 18, 1951, authorizing issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4846; Filed, Apr. 26, 1951; 8:46 a. m.]

[Project No. 1490; Docket No. E-6118]

BRAZOS RIVER TRANSMISSION ELECTRIC COOPERATIVE, INC., AND BRAZOS RIVER CONSERVATION AND RECLAMATION DISTRICT

NOTICE OF OPINION

APRIL 20, 1951.

In the matter of Brazos River Conservation and Reclamation District and Brazos River Transmission Electric Cooperative, Inc., complainant, Project No. 1490; v. Brazos River Conservation and Reclamation District, defendant, Docket No. E-6118.

Notice is hereby given that, on April 19, 1951, the Federal Power Commission issued its opinion No. 171-A and order entered April 17, 1951, supplementing its opinion and order issued December 3, 1948, published in the FEDERAL REGISTER December 11, 1948 (13 F. R. 7685), in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R Doc. 51-4842; Filed, Apr. 26, 1951; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26032]

FERTILIZER BETWEEN SOUTHERN AND OFFICIAL TERRITORIES

APPLICATION FOR RELIEF

APRIL 24, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-816.

Commodities involved: Fertilizer and fertilizer materials.

Between: Southern and official territories.

Grounds for relief: To apply over short tariff routes rates constructed on the basis of the short line distance formula, competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4851; Filed, Apr. 26, 1951; 8:48 a. m.]

[4th Sec. Application 26033]

UREA FROM SOUTH POINT, OHIO TO CENTRAL TERRITORY

APPLICATION FOR RELIEF

APRIL 24, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to Norfolk and Western Railway Company tariff I. C. C. No. 9424, pursuant to fourth-section order No. 9800.

Commodities involved: Urea, in carloads.

From: South Point, Ohio.

To: Chicago, Ill., Detroit, Mich., Indianapolis, Ind., St. Louis, Mo., and Wyandotte, Mich.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4852; Filed, Apr. 26, 1951; 8:48 a. m.]

[4th Sec. Application 26034]

CRUSHED STONE FROM LEHIGH TO NORRIS CITY, ILL.

APPLICATION FOR RELIEF

APRIL 24, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for The New York Central Railroad Company.

Commodities involved: Crushed stone, carloads.

From: Lehigh, Ill.

To: Norris City, Ill.

Grounds for relief: Market competition.

Schedules filed containing proposed rates: NYC RR. tariff I. C. C. No. 176, Supp. 320.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4853; Filed, Apr. 26, 1951; 8:48 a. m.]

[4th Sec. Application 26035]

CORN FROM IOWA AND NEBRASKA TO COLORADO

APPLICATION FOR RELIEF

APRIL 24, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for The Atchison, Topeka and Santa Fe Railway Company and other carriers named in the application.

Commodities involved: Corn and corn products, carloads.

From: Points in Iowa and Nebraska.

To: Canon City, Florence, Portland, and Rockvale, Colo.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: CB&Q F.R. tariff I. C. C. No. 20259, Supp. 15; UP RR. tariff I. C. C. No. 5166, Supp. 23.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without fur-

ther or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4854; Filed, Apr. 26, 1951; 8:48 a. m.]

[4th Sec. Application 26036]

EXPORT GRAIN FROM CERTAIN STATES TO BATON ROUGE, LA.

APPLICATION FOR RELIEF

APRIL 24, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Atchison, Topeka and Santa Fe Railway Company for carriers parties to its tariff I. C. C. No. 14530.

Commodities involved: Grain, grain products and related articles, carloads:

From: Colorado, Kansas, Missouri, New Mexico, and Oklahoma, also Superior, Nebr.

To: Eaton Rouge, La. (for export).

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: AT&SF Ry. tariff I. C. C. No. 14530, Supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4855; Filed, Apr. 26, 1951; 8:49 a. m.]

[4th Sec. Application 26037]

BENZOL FROM MINNEQUA, COLO. TO POINTS IN KANSAS, MISSOURI AND ILLINOIS

APPLICATION FOR RELIEF

APRIL 24, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3646.

Commodities involved: Benzol (benzene), carloads.

From: Minnequa, Colo.

To: Frontier, Kans., St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Competition with rail carriers, market competition and to maintain grouping.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3646, Supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4853; Filed, Apr. 26, 1951; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17643]

ANNA WOLFF HAMMOSER

In re: Debt owing to Anna Wolff Hammoser. F-28-6233.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Wolff Hammoser, whose last known address is Schulstrasse 116, Berlin N63, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation evidenced by one (1) check numbered 23558, dated March 19, 1951, drawn on The Marine Midland Trust Company of New York, by Corn Products Refining Company, in the amount of $71.54 payable to the Attorney General of the United States and presently in the custody of the Attorney General of the United States, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under, including particularly but not limited to the right to possession and presentation for collection and payment of the foresaid check,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anna Wolff Hammoser, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property*

[F. R. Doc. 51-4869; Filed, Apr. 26, 1951; 8:50 a. m.]

GERTRUDE STRONER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gertrude Stroner, Karlsruhe, Germany; Claim No. 44109; $20,000 in the Treasury of the United States.

Executed at Washington, D. C., on April 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-4871; Filed, Apr. 26, 1951; 8:50 a. m.]

APR 30 '51

FEDERAL REGISTER

VOLUME 16 NUMBER 83

Washington, Saturday, April 28, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10237

MAKING THE PROVISIONS OF THE ACT OF AUGUST 26, 1950, PUBLIC LAW 733, 81ST CONGRESS, APPLICABLE TO THE PANAMA CANAL AND THE PANAMA RAILROAD COMPANY

By virtue of the authority vested in me by section 3 of the act of August 26, 1950, entitled "An Act To protect the national security of the United States by permitting the summary suspension of employment of civilian officers and employees of various departments and agencies of the Government, and for other purposes" (Public Law 733, 81st Congress), and deeming such action necessary in the best interests of national security, it is hereby ordered that the provisions of the said act shall apply to The Panama Canal and to the Panama Railroad Company: *Provided, however,* That this order shall not be construed as modifying the authority conferred upon the Secretary of the Army by paragraph 1 (h) of Executive Order No. 9746 of July 1, 1946, as amended by Executive Order No. 10101 of January 31, 1950.

HARRY S. TRUMAN

THE WHITE HOUSE,
April 26, 1951.

[F. R. Doc. 51-4968; Filed, Apr. 26, 1951; 3:29 p. m.]

EXECUTIVE ORDER 10238

MAKING CERTAIN CHANGES IN THE CUSTOMS FIELD ORGANIZATION

By virtue of the authority vested in me by section 1 of the act of August 1, 1914, 38 Stat. 623 (19 U. S. C. 2), and in the interest of the internal management of the Government, it is ordered that the following changes be, and they are hereby, made in the customs field organization:

1. The designation of Provincetown, Massachusetts, as a customs port of entry in Customs Collection District Number 4 (Massachusetts), is revoked.

2. The designation of Lewes, Delaware, as a customs port of entry in Customs Collection District Number 11 (Philadelphia), is revoked.

3. The limits of the customs port of entry of New London, Connecticut, in Customs Collection District Number 6 (Connecticut), are extended to include the territory embracing the municipality of Groton, Connecticut.

4. Pelican, Alaska, is designated as a customs port of entry in Customs Collection District Number 31 (Alaska).

This order shall become effective May 1, 1951.

HARRY S. TRUMAN

THE WHITE HOUSE,
April 27, 1951.

[F. R. Doc. 51-5033; Filed, April 27, 1951; 11:08 a. m.]

EXECUTIVE ORDER 10239

EXEMPTION OF HOWELL CONE FROM COMPULSORY RETIREMENT FOR AGE

WHEREAS, in my judgment, the public interest requires that Howell Cone, Collector of Customs for Customs Collection District No. 17, with headquarters at Savannah, Georgia, be exempted from compulsory retirement for age as provided below:

NOW, THEREFORE, by virtue of the authority vested in me by section 204 of the act of June 30, 1932, 47 Stat. 404 (5 U. S. C. 715a), it is ordered, effective as of December 1, 1948, that the said Howell Cone be, and he is hereby, exempted from compulsory retirement for age under the provisions of the Civil Service Retirement Act of May 29, 1930, as amended, for an indefinite period of time not extending beyond the appointment and qualification of his successor.

HARRY S. TRUMAN

THE WHITE HOUSE,
April 27, 1951.

[F. R. Doc. 51-5034; Filed, Apr. 27, 1951; 11:08 a. m.]

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FEDERAL REGISTER

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PART 517—FRUITS AND BERRIES, FRESH

SUBPART—FRESH APPLE EXPORT PROGRAM (FISCAL YEAR 1951)

Section 517.204 *Eligibility for payment* is hereby amended by deleting paragraphs (a) and (c) and inserting in lieu thereof the following:

§ 517.204 *Eligibility for payment*—(a) *Dates of sale and of export.* No payment hereunder will be made in connection with any sale for export unless the date of sale (see § 517.211 (d)) is on or after the effective date of this offer, and the apples are sold or exported on or after the date of such sale and prior to the date specified in paragraph (h) of this section, except that a sale made prior to the effective date of this offer and expressly made contingent upon the Secretary's issuing this or a similar offer will be deemed to be a sale made after such effective date if after such effective date the parties to such contract make the sale binding unconditionally by confirmation or otherwise and if no exportations were made pursuant to such sale prior to such effective date. A sale made subject to the condition that the representative of the Secretary will approve the declaration of sale and intent to export (paragraph (c) of this section) will be deemed a sale pursuant to this program, and since available funds are limited exporters may find it advisable to make their sales subject to this condition. The apples shall be deemed to have been exported when loaded on board an ocean carrier: *Provided*, Such apples have not thereafter been unloaded from such vessel in any port of the United States. The date of export of any lot shall be considered to be the date of loading on board the ocean-going vessel on which movement of such lot from the United States is effected. The date of the on-board ocean bill of lading (or loading tally sheet, see § 517.205 (a) (3)) shall be considered to be the date the apples were loaded on board, unless an "on-board" date is shown.

* * * * * *

(c) *Declaration of sale and intent to export.* No payment will be made hereunder, unless the exporter executes and mails or directly delivers Form FV-427 (8/30/50), "Declaration of Sale and Intent to Export Fresh Apples under Program RMX 96a," to the designated representative of the Secretary, as indicated in § 517.201 (b), nearest the principal office of the exporter, and unless such Declaration is approved by the representative of the Secretary. Form FV-427 (8/30/50), must be prepared separately

for each export sale and shall be mailed or delivered not later than the end of the second business day (excluding Saturdays, Sundays, and legal holidays) following the date of sale, but in no event later than the date of export. No payment will be made if such form is mailed or delivered after the time hereinbefore specified, unless the Secretary, upon written request by the exporter stating substantial reasons therefor, waives such delay. The Secretary will approve Declarations covering sales which meet the requirements of this program, as long as funds which have been allocated to this program are available, in the order in which the Declarations are received or on such other basis as he may determine to be equitable, will give written notice of approval or disapproval to the exporter, and will notify the exporter as promptly as possible after receipt of any executed Form FV-427 (8-30-50) if any information shown in such form does not conform with the terms and conditions of this offer. No payment will be made in excess of the sum indicated in the notice of approval of Form FV-427 (8-30-50), unless the Secretary, upon written request by the exporter stating substantial reasons therefor, approves such greater amount.

Effective date. This amendment shall become effective at 12:01 a. m., e. s. t., May 4, 1951.

(Sec. 32, 49 Stat. 774, as amended, sec. 112, 62 Stat. 146; 7 U. S. C. 612c, 22 U. S. C. Sup. 1510)

Dated this 25th day of April 1951.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 51-4903; Filed, Apr. 27, 1951; 8:50 a. m.]

[Amdt. 1]

PART 517—FRUITS AND BERRIES, FRESH

SUBPART—FRESH PEAR EXPORT PROGRAM (FISCAL YEAR 1951)

Section 517.234 *Eligibility for payment* is hereby amended by deleting paragraphs (a) and (c) and inserting in lieu thereof the following:

§ 517.234 *Eligibility for payment*—(a) *Dates of sale and of export.* No payment hereunder will be made in connection with any sale for export unless the date of sale (see § 517.241 (d)) is on or after the effective date of this offer, and the pears are sold or exported on or after the date of such sale and prior to the date specified in paragraph (j) of this section, except that a sale made prior to the effective date of this offer and expressly made contingent upon the Secretary's issuing this or a similar offer will be deemed to be a sale made after such effective date if after such effective date the parties to such contract make the sale binding unconditionally by confirmation or otherwise and if no exportations were made pursuant to such sale prior to such effective date. A sale made subject to the condition that the representative of the Secretary will approve the declaration of sale and intent to export (paragraph (c) of this section) will be deemed a sale pursuant to this program, and since available funds are limited exporters may find it advisable to make their sales subject to this condition. The pears shall be deemed to have been exported when loaded on board an ocean carrier: *Provided*, Such pears have not thereafter been unloaded from such vessel in any port of the United States. The date of export of any lot shall be considered to be the date of loading on board the ocean-going vessel on which movement of such lot from the United States is effected. The date of the on-board ocean bill of lading (or loading tally sheet, see § 517.235 (a) (3)) shall be considered to be the date the pears were loaded on board, unless an "on-board" date is shown.

* * * * *

(c) *Declaration of sale and intent to export.* No payment will be made hereunder, unless the exporter executes and mails or directly delivers Form FV-428 (8-30-50), "Declaration of Sale and Intent to Export Fresh Pears under Program RMX 96a," to the designated representative of the Secretary, as indicated in § 517.231 (b) hereof, nearest the principal office of the exporter, and unless such Declaration is approved by the representative of the Secretary. Form FV-428 (8-30-50) must be prepared separately for each export sale and shall be mailed or delivered not later than the end of the second business day (excluding Saturdays, Sundays, and legal holidays) following the date of sale, but in no event later than the date of export. No payment will be made if such form is mailed or delivered after the time hereinbefore specified, unless the Secretary, upon written request by the exporter stating substantial reasons therefor, waives such delay. The Secretary will approve the declaration of sale and intent to export (paragraph (c) of this section) will be deemed a sale pursuant to this program, and since available funds are limited exporters may find it advisable to make their sales subject to this condition. The products shall be deemed to have been exported when loaded on board an ocean carrier: *Provided*, Such products have not thereafter been unloaded from such vessel in any port of the United States. The date of export of any lot shall be considered to be the date of loading on board the ocean-going vessel on which movement of such lot from the United States is effected. The date of the on-board ocean bill of lading (or loading tally sheet, see § 517.235 (a) (3)) shall be considered to be the date the pears were loaded on board, unless an "on-board" date is shown.

(b) *Declaration of sale and intent to export.* No payment will be made hereunder, unless the exporter executes and mails or directly delivers Form FV-451, "Declaration of Sale and Intent to Export Citrus Products Under Program RMX 135a," to the designated representative of the Secretary, as indicated in § 518.271 (c), nearest the principal office of the exporter, and unless such Declaration is approved by the representative of the Secretary. Form FV-451 must be prepared separately for each export sale and shall be mailed or delivered not later than the end of the second business day (excluding Saturdays, Sundays, and legal holidays) following the date of sale, but in no event later than the date of export. No payment will be made if such form is mailed or delivered after the time hereinbefore specified, unless the Secretary, upon written request by the exporter stating substantial reasons therefor, waives such delay. The Secretary will approve Declarations covering sales which meet the requirements of this program, as long as funds which have been allocated to this program are available, in the order in which the Declarations are received or on such other basis as he may determine to be equitable; will give written notice of approval or disapproval to the exporter; and will notify the exporter as promptly as possible after receipt of any executed Form FV-451 if any information shown in such form does not conform with the terms and conditions of this offer. No payment will be made in excess of the sum indicated in the notice of approval of Form FV-451, unless the Secretary, upon the written request by the exporter stating substantial reasons therefor, approves such greater amount.

Effective date. This amendment shall become effective at 12:01 a. m., e. s. t., May 1, 1951.

(Sec. 32, 49 Stat. 774, as amended, sec. 112, 62 Stat. 146; 7 U. S. C. and Sup., 612c, 22 U. S. C. Sup. 1510)

Dated this 25th day of April 1951.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 51-4902; Filed, Apr. 27, 1951; 8:50 a. m.]

[Amdt. 1]

PART 518—FRUITS AND BERRIES, DRIED AND PROCESSED

SUBPART—CITRUS FRUIT EXPORT PROGRAM RMX 135a

Section 518.274 *Eligibility for Payment* is hereby amended by deleting paragraphs (a) and (b) and inserting in lieu thereof the following:

§ 518.274 *Eligibility for payment*—(a) *Dates of sale and of export.* No payment hereunder will be made in connection with any sale for export unless the date of sale (see § 518.281 (d)) is on or after the effective date of this offer, and the products are exported on or after the date of such sale and prior to the date specified in paragraph (g) of this section, except that a sale made prior to the effective date of this offer and expressly made contingent upon the Secretary's issuing this or a similar offer will be deemed to be a sale made after such effective date if after such effective date the parties to such contract make the sale binding unconditionally by confirmation or otherwise and if no exportations were made pursuant to such sale prior to such effective date. A sale made subject to the condition that the representative of the Secretary will approve the declaration of sale and intent to export (paragraph (b) of this section) will be deemed a sale pursuant to this program, and since available funds are limited exporters may find it advisable to make their sales subject to this condition. The products shall be deemed to have been exported when loaded on board an ocean carrier: *Provided*, Such products have not thereafter been unloaded from such vessel in any port of the United States. The date of the on-board ocean bill of lading (or loading tally sheet, see § 518.275 (a) (3)) shall be considered to be the date the products were loaded on board, unless an "on-board" date is shown.

(b) *Declaration of sale and intent to export.* No payment will be made hereunder, unless the exporter executes and mails or directly delivers Form FV-451, "Declaration of Sale and Intent to Export Citrus Products Under Program RMX 135a," to the designated representative of the Secretary, as indicated in § 518.271 (c), nearest the principal office of the exporter, and unless such Declaration is approved by the representative of the Secretary. Form FV-451 must be prepared separately for each export sale and shall be mailed or delivered not later than the end of the second business day (excluding Saturdays, Sundays, and legal holidays) following the date of sale, but in no event later than the date of export. No payment will be made if such form is mailed or delivered after the time hereinbefore specified, unless the Secretary, upon written request by the exporter stating substantial reasons therefor, waives such delay. The Secretary will approve Declarations covering sales which meet the requirements of this program, as long as funds which have been allocated to this program are available, in the order in which the Declarations are received or on such other basis as he may determine to be equitable; will give

written notice of approval or disapproval to the exporter; and will notify the exporter as promptly as possible after receipt of any executed Form FV-451 if any information shown in such form does not conform with the terms and conditions of this offer. No payment will be made in excess of the sum indicated in the notice of approval of Form FV-451, unless the Secretary, upon the written request by the exporter stating substantial reasons therefor, approves such greater amount.

Effective date. This amendment shall become effective at 12:01 a. m., e. s. t., May 1, 1951.

(Sec. 32, 49 Stat. 774, as amended, sec. 112, 62 Stat. 146; 7 U. S. C. and Sup., 612c, 22 U. S. C. Sup. 1510)

Dated this 25th day of April 1951.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 51-4902; Filed, Apr. 27, 1951; 8:50 a. m.]

Subchapter C—Loans, Purchases, and Other Operations

[1950 C. C. C. Grain Price Support Bulletin 1, Amdt. 2 to Supp. 1 Hay and Pasture Seed]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950 PRICE SUPPORT PROGRAMS FOR GRAIN AND RELATED COMMODITIES

1. 1950-Crop Hay and Pasture Seed Price Support Program (15 F. R. 4613) is amended by changing the statement which now reads as follows: "§ 601.230 *Schedule of basic specifications and rates.* The rates at which purchases will be made from producers and the loan and settlement rates shall be computed in accordance with the specifications and rates shown in the following schedule" to read:

§ 601.230 *Schedule of basic specifications and rates.* The rates at which purchases will be made from producers and the loan and settlement rates shall be computed in accordance with the specifications and rates shown in the following schedule, except, where seed is delivered to CCC in approved used bags, a bag discount at the rate of 25 cents per hundred pounds capacity shall be applicable:

2. The 1950-Crop Hay and Pasture Seed Price Support Program (15 F. R. 4613) is also amended by changing paragraph (c) of § 601.231 *Delivery of seed to CCC*, to read as follows:

(c) Seed delivered to CCC under a loan or producer's purchase agreement must be packaged in even weight, net capacity, new bags of approved quality as described below or if new bags are not available, No. 1 used bags as heavy as, or heavier than, those described below, thoroughly cleaned before being filled, free of holes, patches, or other defects may be used:

Alfalfa, alsike, ladino (certified), red, sweet, Hubam sweet, and white clover, common or Tenn. 76, and sericea lespedeza, orchard grass, timothy and sand lovegrass:

Type	Net capacity (pounds)
(1) Osnaburg which can be probed:	
(i) 36-inch 2.35 yard or heavier	60, 100, or 120
(ii) 40-inch 2.11 yard or heavier	60, 100, or 120
(2) Seamless cotton:	
(i) 13-ounce (20 x 42-inch)	120
(ii) 16-ounce (20 x 45-inch)	150

Tall meadow fescue (certified), smooth brome, Sudan, and crested, slender, intermediate, and western wheatgrass, common or Tenn. 76, and sericea lespedeza:

Type	Net capacity (pounds)
(1) Osnaburg which can be probed:	
(i) 36-inch 2.35 yard or heavier	100
(ii) 40-inch 2.11 yard or heavier	100
(2) Burlap or jute: 10-ounces or heavier	100

Big little, and sand bluestem, blue and side-oats grama and natural component mixtures thereof where provided for, and Buffalo grass:

Type	Net capacity (pounds)
(1) Burlap or jute: 10-ounces or heavier	50 or 30
(2) Osnaburg which can be probed:	
(i) 36-inch 2.35 yard or heavier	50 or 30
(ii) 40-inch 2.11 yard or heavier	50 or 30

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1051; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup., 1447, 1421)

Issued this 24th day of April, 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-4905, Filed, Apr. 27, 1951; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 925—MILK IN THE PUGET SOUND, WASHINGTON, MARKETING AREA

ORDER REGULATING THE HANDLING OF MILK

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925.0 Findings and determinations.

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AUTHORITY: §§ 925.1 to 925.102 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 925.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Puget Sound, Washington, marketing area. Upon the basis

of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined herein, are in the current of interstate commerce and directly burden, obstruct, or affect interstate commerce in milk and its products.

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro-rata share of such expenses, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all (i) milk received from producers (including such handler's own production) received during the month, and (ii) other source milk classified as Class I milk during the month.

(6) *Effective date.* It is necessary in the public interest to make the several provisions of this order effective as hereinafter set forth. The need for the order is disclosed by the decision (16 F. R. 3053) which was executed on April 5, 1951. The provisions of the order are well known to handlers since the public hearing was held August 14–September 6, 1950, the recommended decision was published in the FEDERAL REGISTER (16 F. R. 935) on February 1, 1951, and the final decision (16 F. R. 2053) was executed by the Secretary on April 5, 1951. In view of the number of handlers involved, the widely scattered locations of their plants, and the fact that this order will constitute the original imposition of a regulatory program of this nature for the market, the provisions other than those relating to prices and payments to producers, should be put into effect prior to the effective date of the provisions relating to prices and payments to producers, in order that handlers may have opportunity to make necessary adjustments in their accounting and other operational procedures to conform with all provisions of the order. Therefore, reasonable times are permitted, under the circumstances, for preparation for the effective dates specified. It is hereby found and determined, in view of the aforementioned facts and circumstances, that good reason exists for making §§ 925.1 through 925.19, 925.20 through 925.22 (h), 925.30 through 925.34, 925.40 through 925.45, 925.88, 925.90 through 925.93, and 925.100 through 925.102 effective May 1, 1951, and §§ 925.22 (i), (j), (k), and (l), 925.50 through 925.53, 925.60, 925.61, 925.70, 925.71, 925.80 through 925.87, and 925.89 effective on June 1, 1951, and that it would be contrary to the public interest to delay such effective dates to dates later than those specified.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order which is marketed within the Puget Sound, Washington, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who during the determined representative period (December 1950) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Puget Sound, Washington, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 925.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 925.2 *Secretary.* "Secretary" means the Secretary of Agriculture, or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 925.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 925.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 925.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any state, which includes members who are producers as defined in § 925.12 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all of its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

§ 925.6 *Puget Sound, Washington, Marketing Area.* "Puget Sound, Washington, Marketing Area" (hereinafter called the "marketing area") means all territory lying west of range 8E in Whatcom, Skagit, Snohomish, and King Counties; all territory lying west of range 8E and north of township 18N in Pierce County, except Fox, McNeil, and Anderson Islands and the peninsulas on which Lake Bay and Gig Harbor are located northward to the Kitsap County line; all territory lying within Thurston County; all territory lying west of range 5E in Lewis County; all territory lying east of range 16W and north of township 12N in Pacific County; and all territory lying south of township 19N in Grays Harbor County; all in the State of Washington. As used in this section, "territory" shall include all municipal corporations, Federal military reservations, facilities and installations, and state institutions lying wholly or partly within the above-described area: "District No. 1" of the marketing area shall include that part of the marketing area lying within the counties of King, Pierce, Snohomish, Thurston, and Grays Harbor. "District No. 2" of the marketing area shall include that part of the marketing area lying within the counties of Skagit and Whatcom, and "District No. 3" of the marketing area shall include that part of the marketing area lying within the counties of Lewis and Pacific.

§ 925.7 *Plant.* "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained and operated primarily for the receiving, handling and processing of milk or milk products.

§ 925.8 *Fluid milk plant.* "Fluid milk plant" means any plant located in the marketing area which is approved by any health authority having jurisdiction in the marketing area as a plant from which milk may be distributed for consumption as fluid milk in the marketing area, and from which during the month Class I milk pursuant to § 925.41 (a) (1) is disposed of (including sales at such plant, plant store or eating place) within the marketing area.

§ 925.9 *Country plant.* "Country plant" means any plant, other than a fluid milk plant, which is approved by any health authority having jurisdiction within the marketing area for the receiving of milk qualified for consumption as fluid milk within the marketing area (but excluding that portion of any plant used to

receive or process milk or milk products required by applicable health authority regulations to be kept physically separate from milk so qualified): *Provided*, That any such plant located outside of the marketing area other than the plant of Kristofferson, Inc., at Sequim and the plant of the Dungeness-Sequim Cooperative Creameries at Dungeness shall not be a country plant if the percentage of either butterfat or skim milk in milk so qualified which is received at the plant from dairy farmers and moved in fluid form as milk to a fluid milk plant, or disposed of within the marketing area as Class I milk pursuant to § 925.41 (a) (1), is less than:

(a) 50 percent in the current month during the period October through December;

(b) 20 percent in the current month during the period January through September, except that if the percentage was more than 50 percent for the entire period of October through December immediately preceding no percentage shall be required for such months of January through September;

And provided further, That any plant which otherwise meets the requirements of this section may withdraw from country plant status for any month in the February-September period if the operator of the plant files with the market administrator, prior to the first day of such month, a written request for such withdrawal.

§ 925.10 *Nonpool plant.* "Nonpool plant" means any plant other than a fluid milk plant or a country plant.

§ 925.11 *Dairy farmer.* "Dairy farmer" means any person who is engaged in the production of milk.

§ 925.12 *Producer.* "Producer" means any dairy farmer, other than a producer-handler, who produces milk qualified by any health authority having jurisdiction in the marketing area for consumption as fluid milk in the marketing area.

§ 925.13 *Producer milk.* "Producer milk" or "milk received from producers" means milk qualified as described in § 925.12 and either received directly from a farm at a fluid plant or country plant or caused to be diverted by a handler for his account from such a plant to a nonpool plant: *Provided*, That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted.

§ 925.14 *Other source milk.* "Other source milk" means all skim milk and butterfat other than in (a) producer milk, and (b) milk and milk products received from fluid milk plants and country plants.

§ 925.15 *Handler.* "Handler" means:

(a) Any person engaged in the handling of milk in his capacity as the operator of a fluid milk plant, a country plant, or any other plant from which milk in any of the forms specified in § 925.41 (a) is disposed of to any place or establishment within the marketing area other than a plant, and

(b) Any cooperative association, which is not a handler pursuant to paragraph (a) of this section, with respect to producer milk caused to be diverted for the account of such cooperative association from a fluid milk plant or a country plant to a nonpool plant.

§ 925.16 *Producer-handler.* "Producer-handler" means any person who is both a dairy farmer and a handler, but who receives no milk from producers: *Provided*, That (a) the maintenance, care and management of the dairy animals and other resources necessary to produce milk is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the processing, packaging, and distribution of the milk is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 925.17 *Base.* "Base" means a quantity of milk, expressed in pounds per day, computed pursuant to § 925.60.

§ 925.18 *Base milk.* "Base milk" means (a) milk delivered by a producer during the month in the period March through September, inclusive, of each year which is not in excess of his base multiplied by the number of days of delivery in such month: *Provided*, That with respect to any producer on "every-other-day" delivery to a fluid milk plant or country plant the days of nondelivery intervening days of delivery shall be considered as days of delivery for the purposes of this paragraph; and (b) all milk delivered by a producer in each of the months of October, November, December, January and February.

§ 925.19 *Excess milk.* "Excess milk" means milk delivered by a producer in excess of base milk.

MARKET ADMINISTRATOR

§ 925.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be designated by, and shall be subject to removal at the discretion of the Secretary.

§ 925.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 925.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 925.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 925.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 925.30 to 925.32, inclusive; or

(2) Made one or more of the payments pursuant to §§ 925.80 to 925.88, inclusive.

(i) On or before the 12th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization of milk caused to be delivered by such cooperative association directly from farms of producers who are members of such cooperative association to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by such a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) On or before the 12th day after the end of each month, notify:

(1) Each handler whose total value of milk is computed pursuant to § 925.70 (a) of:

(i) The amounts and values of his producer milk in each class and the totals of such amounts and values;

(ii) The amount of any charge made pursuant to § 925.70 (a) (5);

(iii) The uniform prices for base milk and excess milk;

(iv) The totals of the amounts computed in the manner provided by § 925.80 (a);

(v) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(vi) The totals of the amounts required to be paid by such handler pursuant to §§ 925.87 and 925.88.

(2) Each handler whose total value of milk is computed pursuant to § 925.70 (b) of the pounds of other source milk on which payment is required to be made and the amount due the producer-settlement fund from such handler.

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 925.51 (a) and the Class I butterfat differential pursuant to § 925.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 925.51 (b) and the Class II butterfat differential pursuant to § 925.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform price computed pursuant to § 925.71 and the butterfat differential computed pursuant to § 925.82, both applicable to producer milk received during the preceding month; and

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 925.30 *Monthly reports of receipts and utilization.* On or before the 6th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 925.15 (a), except a producer-handler, shall report for the preceding month to the market administrator with respect to milk and milk products received at each of such handler's fluid milk plants and country plants, and at each of his plants where milk or milk products subject to payments required under § 925.70 (b) were handled, and each cooperative association which is a handler pursuant to § 925.15 (b) shall report with respect to milk diverted on its account during the preceding month, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers and dairy farmers;

(b) The quantities of skim milk and butterfat contained in milk and milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk received (except Class II milk products disposed of in the form in which received without further processing by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including the pounds of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products;

(e) The aggregate quantities of base milk and excess milk received; and

(f) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 925.31 *Payroll reports.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of base milk and the total pounds of excess milk received from each producer, the pounds of butterfat contained in such milk, and the number of days on which milk was delivered by such producer in such month.

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 925.32 *Other reports.* At such times and in such manner as the market administrator may prescribe:

(a) Each handler shall report to the market administrator such information in addition to that required under § 925.30 as may be requested by the market administrator with respect to milk and milk products handled by him;

(b) Each producer-handler shall report to the market administrator relative to his receipts and utilization of milk and milk products.

(c) As requested by the market administrator, each handler operating a fluid milk plant or country plant shall report the total quantity of milk received from each producer and the number of days of such delivery for each of the months of October 1950 through January 1951, inclusive, together with such other information relating to the computation of bases to be in effect in the March–September 1951 period as the market administrator may prescribe.

§ 925.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to the information required to be reported pursuant to §§ 925.30, 925.31, and 925.32 and to payments required to be made pursuant to §§ 925.80 through 925.88.

§ 925.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That, if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 925.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 925.30 shall be classified by the market administrator pursuant to the provisions of §§ 925.41 to 925.45, inclusive.

§ 925.41 *Classes of utilization.* Subject to the conditions set forth in §§ 925.42, 925.43 and 925.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk (including milk frozen), skim milk, buttermilk, yogurt, flavored milk, flavored milk drinks, and cream (sweet or sour) except that disposed of pursuant to paragraph (b) (3) of this section, (2) disposed of as any fluid mixture containing cream and milk or skim milk (but not including ice cream or other frozen dessert mixes disposed of to a commercial processor, any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, or evaporated or condensed products), and (3) not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat (1) disposed of (or used to produce, in the case of ice cream and frozen desserts and mixes for such products (liquid or powdered), and aerated cream products) as any product other than those included under paragraph (a) (1) and (2) of this section, (2) disposed of for livestock feed, (3) disposed of in bulk in any of the forms specified in paragraph (a) (1) of this section to bakeries, soup companies, and candy manufacturing establishments in their capacity as such, (4) contained in monthly inventory variations, (5) in actual shrinkage of producer milk computed pursuant to § 925.42 but not in excess of 3 percent of the quantity of skim milk and butterfat, respectively, accounted for pursuant to subparagraph (1) of this paragraph (except that accounted for pursuant to the parenthetical provision in such subparagraph), and (6) in actual shrinkage of other source milk computed pursuant to § 925.42.

§ 925.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, between the pounds of producer milk and other source milk after deducting receipts from other handlers.

§ 925.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves that such skim milk and butterfat should be classified as Class II milk.

(b) The burden shall rest upon each handler to establish the sources of milk and milk products required to be reported by him pursuant to § 925.30.

(c) Except as provided in § 925.44 (a) (3) and (c) (1), any skim milk or butterfat classified in one class shall be reclassified if used or reused by any handler in another class.

§ 925.44 *Transfers.* Skim milk and butterfat moved in any of the forms specified in § 925.41 (a) (1) from one plant to another shall be assigned (separately) to each class in the following manner:

(a) From country plants to fluid milk plants and between fluid milk plants:

(1) As Class I milk to the extent Class I milk is available at the transferee plant if the transfer is (i) from a country plant or fluid milk plant located in District No. 1 to any fluid milk plant, (ii) from a country plant not located in district No. 1 to a fluid milk plant located in district No. 2 or district No. 3, or (iii) between fluid milk plants not located in district No. 1.

(2) As Class I milk to the extent Class I milk is available at the transferee plant if the transfer is from a country plant or fluid milk plant not located in district No. 1 to a fluid milk plant located in district No. 1: *Provided*, That the quantity of Class I milk at the transferee plant available for assignment to the transferor plant shall be limited to the amount remaining after Class I milk in the transferee plant has been assigned first to receipts from country plants located in district No. 1, and then to receipts directly from producers at the transferee fluid milk plant: *And provided further*, That if such transfers originate with more than one plant not located in district No. 1 the total quantity of Class I milk available for assignment to such plants shall be prorated among such plants in proportion to the respective quantities transferred.

(3) As Class I milk if the transfer is to the plant of a producer-handler.

(b) From a fluid milk plant or country plant to a country plant: As Class II milk: *Provided*, That (1) the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction, pursuant to § 925.45 (b) (2), of other source milk received at such plant, and (2) any additional amounts of such skim milk or butterfat shall be assigned to Class I milk.

(c) From a country plant or fluid milk plant to a nonpool plant:

(1) As Class I milk if the transfer is to a nonpool plant not located in the marketing area or in the counties of Clallam, Jefferson, Grays Harbor, Kitsap, Island, or Mason in the State of Washington.

(2) As Class I milk if the transfer is to a nonpool plant not located in the marketing area but within the counties named in subparagraph (1) of this paragraph which is engaged in the distribution of milk for consumption as fluid milk, unless the receipts and utilization of milk and milk products at the nonpool plant are reported to the market administrator and he is permitted to audit the records of such nonpool plant for the purpose of verification; and if such conditions are met, the milk transferred shall be classified as follows:

(i) The classification of all skim milk and butterfat at such nonpool plant shall be determined on the basis of the classes of utilization set forth in § 925.41; and

(ii) The skim milk and butterfat so transferred shall be allocated to Class I milk to the extent available at such plant and any remaining quantity to Class II milk.

(3) As Class II milk if the transfer is to a nonpool plant located in the marketing area or within any of the counties specified in subparagraph (1) of this paragraph which is not engaged in the distribution of milk for consumption as fluid milk: *Provided*, That if such plant disposes of skim milk or butterfat in any of the forms specified in § 925.41 (a) (1) to any other nonpool plant distributing milk in fluid form which is not located in the marketing area or in the counties specified in subparagraph (1) of this paragraph, such disposition up to the quantity of producer milk transferred to the first nonpool plant shall be classified as Class I milk.

§ 925.45 *Computation of the quantity of producer milk in each class.* For each handler the market administrator shall:

(a) Correct for mathematical and for other obvious errors the monthly report submitted by such handler and compute the total pounds of skim milk and butterfat in each class;

(b) Allocate skim milk in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk shrinkage allowed pursuant to § 925.41 (b) (5);

(2) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk in other source milk received: *Provided*, That if the receipts of skim milk in other source milk are greater than the pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the remaining pounds of skim milk in each class, respectively, the skim milk received from other fluid milk plants and country plants and assigned to such class pursuant to § 925.44;

(4) Add to the remaining pounds of Class II milk, the amount subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class beginning with Class II milk.

(c) Allocate butterfat in accordance with the procedure prescribed for skim milk in paragraph (b) with this section.

(d) Add together for each class the quantities of skim milk and butterfat in such class computed pursuant to paragraphs (b) and (c) of this section and compute the weighted average butterfat content of such class.

MINIMUM PRICES

§ 925.50 *Basic formula price to be used in determining Class I prices.* The basic formula to be used in computing the price per hundredweight of Class I milk for the current month shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section for the preceding month.

(a) Divide by 3.5 and then multiply by 4.0 the average of the basic, or field, prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from dairy farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarue, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, by 6;

(2) Add 2.4 times the simple average, as published by the Department, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(3) Divide by 7;

(4) Add 30 percent thereof; and

(5) Multiply by 4.

(c) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That, if no price is reported for Grade AA (92-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month

through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 925.51 *Class prices.* Subject to the differential provided in § 925.52, the following are the minimum prices per hundredweight to handlers for Class I milk and Class II milk:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus $1.45.

(b) *Class II milk.* The price for Class II milk shall be that computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at San Francisco, as reported by the Department during the month: *Provided*, That, if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 80 cents.

§ 925.52 *Butterfat differential to handlers.* If the average butterfat content of the producer milk of any handler allocated to any class pursuant to § 925.45 is more or less than 4.0 percent, there shall be added to the respective class prices computed pursuant to § 925.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at San Francisco as reported by the Department during the preceding month by the applicable factor listed below and dividing the result by 10:

(a) Class I milk: 1.30;

(b) Class II milk: 1.15.

§ 925.53 *Location adjustment credit to handlers.* In computing the value of each handler's milk there shall be credited with respect to skim milk and butterfat, respectively, in producer milk received at a plant not located in district No. 1 or in the counties of Kitsap and Mason and classified as Class I milk, 25 cents per hundredweight: *Provided*, That an additional 10 cents shall be credited with respect to skim milk and butterfat so received and classified at any plant located in Clallam or Jefferson Counties.

§ 925.60 *Computation of daily base.* Subject to the provisions of paragraph (c) of this section and to the rules set forth in § 925.61, the market administrator shall determine daily bases for producers in the manner provided in paragraphs (a) and (b) of this section:

(a) During each of the months of March through September, inclusive, of each year beginning with 1951, the daily base of each producer whose milk was received by a handler(s) on not less than 90 days during the immediately preceding months of October through January, inclusive, shall be a quantity computed by dividing such producer's total pounds of milk delivered in such four-month period by the number of days from the date of first delivery to the end of such four-month period: *Provided*, That with respect to any producer on "every-other-day" delivery the days of non-delivery intervening days of delivery shall be considered as days of delivery for the purpose of ascertaining whether delivery was made on 90 days or more pursuant to this paragraph.

(b) During the period from March through September, inclusive, of each year beginning with 1951, the daily base for the current month of any producer who is not eligible to receive a base computed pursuant to paragraph (a) of this section (including any producer for whom a base may not be computed pursuant to paragraph (a) of this section because of lack of available information regarding such producer's deliveries in the October 1950–January 1951 period) shall be a quantity computed by dividing such producer's total pounds of milk delivered to a handler(s) in the current month by the number of days from the date of first delivery to the end of such month, and multiplying the result by the percentage applicable for such month computed by the market administrator as follows: Divide the daily average deliveries of milk to handlers by all producers in the period from October of the preceding year through January of the current year, inclusive, by the daily average deliveries of all producers to handlers in the current month and subtract 10 from the figure so obtained: *Provided*, That for the period March through September 1951 the following percentages shall be used respectively:

Month:	*Percentage*
May	55
June	60
July	65
August	70
September	85

(c) For the period from the effective date of this part through September 1951 the computations provided by paragraphs (a) and (b) of this section shall be made by the handler, subject to verification by the market administrator. In the event more than one handler has received the milk of any producer during the month, the computations applicable for such month shall be the responsibility of the last handler to receive such milk during the month. Beginning with October 1951 all computations required pursuant to this section shall be made by the market administrator.

§ 925.61 *Base rules.* The following rules shall be observed in the determination of bases:

(a) A base may be transferred during the period of March through September upon written notice to the market administrator on or before the last day of the month of transfer, but only under the following circumstances:

(1) Upon the death, retirement or entry into military service of a producer, the entire base may be transferred to a member (or members) of his immediate family who continues to supply producer milk from the same farm.

(2) If a base is held jointly and such joint holding is terminated the entire base may be transferred as a unit to one of the joint holders or to another producer.

(b) A producer who ceases deliveries to a fluid milk plant or country plant for more than 45 days shall lose his base if computed pursuant to § 925.60 (a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 925.60 (b) until he can establish a new base under § 925.60 (a) to begin the next March 1.

(c) By notifying the market administrator prior to the last day of any month in the period March through September, inclusive, a producer having a base established ursuant to § 925.60 (a) may relinquish such base by cancellation, and effective from the first day of the month in which notice is received by the market administrator until the end of such seven-month period such producer's base shall be computed in the manner provided by § 925.60 (b).

(d) As soon as bases computed by the market administrator are allotted, notice of the amount of each producer's base shall be given by the market administrator to the handler receiving such producer's milk and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place at each of his plants a list or lists showing the base of each producer whose milk is received at such plant.

(e) If a producer operates more than one farm he shall establish a separate base with respect to producer milk delivered from each such farm.

DETERMINATION OF UNIFORM PRICE

§ 925.70 *Computation of value of milk.* (a) Except as provided in paragraph (b) of this section, the total value of milk received during any month by each handler, including a cooperative association, shall be a sum of money computed by the market administrator as follows:

(1) Multiply the pounds of producer milk in each class for such month by the class price (§ 925.51) and add together the resulting amounts;

(2) Deduct the total amount of all location adjustment credits computed in accordance with § 925.53;

(3) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of reports of such handler of his receipts and utilization of skim milk and butterfat in previous months for which payment has not been made;

(4) Add, if such handler had overage, an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 925.45 by the applicable class price; and

(5) Add, with respect to other source milk received at such handler's fluid milk plant(s) and country plant(s), respectively, in excess of the total volume of his Class II milk (except allowable shrinkage) at such plant an amount computed by multiplying the hundredweight of such other source milk by the difference between the Class I milk and Class II milk prices adjusted respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and in the case of a fluid milk plant or country plant not located in district No. 1 or in the counties of Kitsap or Mason, reduced by 25 cents per hundredweight.

(b) The value of milk of each handler at any plant where only other source milk was received and from which, during the month, some other source milk was disposed of within the marketing area as Class I milk pursuant to § 925.41 (a) (1) shall be a sum of money computed by the market administrator by multiplying the hundredweight of such other source milk so disposed of by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and, in the event disposition within the marketing area was only within districts Nos. 2 and 3, reduced by 25 cents per hundredweight.

§ 925.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 925.70 for all handlers who made the reports prescribed in § 925.30 and, after this order has been in effect for two months, who made the payments pursuant to § 925.84 for the preceding month;

(b) Add the aggregate of the values of the location adjustments on base milk allowable pursuant to § 925.81 (a).

(c) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(d) Subtract, if the average butterfat content of the milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 925.82 and multiplying the resulting figure by the total hundredweight of such milk;

(e) Multiply the hundredweight of excess milk by the Class II price for 4.0 percent milk;

(f) Compute the total value of base milk by subtracting the amount computed pursuant to paragraph (e) of this section from the net amount computed pursuant to paragraph (d) of this section: *Provided*, That if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I milk price (for 4.0 percent milk), such amount in excess thereof shall be subtracted from the result obtained prior to this proviso;

(g) Divide the net amount obtained in paragraph (f) of this section by the total hundredweight of base milk and subtract not less than 4 cents nor more than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 4.0 percent butterfat content; and

(h) Divide the amount obtained in paragraph (e) of this section plus any amount subtracted pursuant to the proviso of paragraph (f) of this section by the hundredweight of excess milk and subtract not less than 4 cents nor more than 5 cents. This result shall be known as the uniform price per hundredweight of excess milk of 4.0 percent butterfat content.

PAYMENTS

§ 925.80 *Time and method of payment to producers and to cooperative associations.* (a) On or before the 18th day after the end of each month, each handler, including a cooperative association which is a handler, shall make payment to each producer, for milk received at his plant from such producer during such month, pursuant to subparagraphs (1) and (2) of this paragraph: *Provided*, That such payment shall be made, upon request, to a cooperative association, or to its duly authorized agent, qualified under § 925.5 with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this proviso shall be made on or before the 16th day after the end of such month: *And provided further*, That if by such date such handler has not received full payment for such month pursuant to § 925.85, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator:

(1) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the butterfat differential computed pursuant to § 925.82 and by the applicable location adjustment provided in § 925.81; and

(2) At not less than the uniform price for excess milk for the quantity of excess milk received, adjusted by the butterfat differential computed pursuant to § 925.82.

(b) On or before the 16th day after the end of each month each handler shall pay to each cooperative association which operates a fluid milk plant or country plant, for skim milk and butterfat received from such cooperative association during such month, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class (pursuant to § 925.41) by the class price less the amount of the location adjustment credits pursuant to § 925.53.

(c) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c (5) (F) of the act from making payment for milk to its producers in accordance with such provision of the act.

§ 925.81 *Location adjustments to producers.* In making payments to producers pursuant to § 925.80 (a) (1), deductions may be made per hundredweight of base milk received from producers at the plants and at a rate not in excess of the sum of the rates specified in paragraphs (a) and (b) of this section.

(a) 35 cents at plants located in Clallam and Jefferson Counties, and 25 cents at other plants not located in district No. 1 or in the counties of Kitsap and Mason.

(b) A rate at plants not located in district No. 1 or in the counties of Kitsap and Mason computed by (1) multiplying by 15 cents the hundredweight of butterfat and skim milk shipped to a fluid milk plant in district No. 1 and classified as Class I milk, and (2) dividing the result by the hundredweight of base milk received from producers at the plant from which such shipment was made.

§ 925.82 *Producer butterfat differential.* In making payments pursuant to § 925.80 (a) for base milk and for excess milk, there shall be added to, or subtracted from, the uniform prices thereof for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, a butterfat differential computed by the market administrator as follows: Multiply the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at San Francisco, as reported by the Department during the month in which the milk was received, by 1.3 in the case of base milk, and by 1.15 in the case of excess milk, and, in each case, divide the resulting amount by 10, and round to the nearest tenth of a cent: *Provided*, That in the months of October through February, inclusive, the butterfat differential to be used pursuant to this section shall be computed by multiplying the butterfat differential for Class I milk by the percentage of butterfat in producer milk classified in such class and the butterfat differential for Class II milk by the percentage of butterfat in producer milk classified in such class, and adding together the resulting amounts.

§ 925.83 *Producer-settlement fund.* The market administrator shall estab-

lish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to § 925.84 and out of which he shall make all payments to handlers pursuant to § 925.85.

§ 925.84 *Payments to the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total value of such handler's milk as determined pursuant to § 925.70 is greater than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 925.80 (a) prior to application of any location adjustment allowed pursuant to § 925.81 (b).

§ 925.85 *Payments out of the producer-settlement fund.* On or before the 16th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the total value of such handler's milk as determined pursuant to § 925.70 is less than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 925.80 (a) prior to application of any location adjustment allowed pursuant to § 925.81 (b), and less any unpaid obligations of such handler to the market administrator pursuant to §§ 925.84, 925.86, 925.87, and 925.88: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 925.86 *Adjustments of accounts.* Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

§ 925.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 925.80 (a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association.

Such deductions shall be paid by the handler to the market administrator on or before the 14th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling, and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor to, a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 925.80 (a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 13th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

§ 925.88 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 14th day after the end of each month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of (a) other source milk classified as Class I milk, and (b) milk received from producers, including such handler's own production.

§ 925.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 925.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 925.91.

§ 925.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 925.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 925.93 *Liquidation.* Upon the suspension or termination of the provisions on this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 925.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 925.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 925.102 *Producer-handlers.* Sections 925.40 to 925.45, inclusive, 925.50 to 925.53, inclusive, 925.70 to 925.71, inclusive, and 925.80 to 925.89, inclusive, shall not apply to a producer-handler.

Issued at Washington, D. C., this 26th day of April 1951. Sections 925.1 through 925.19, 925.20 through 925.22 (h), 925.30 through 925.34, 925.40 through 925.45, 925.88, 925.90 through 925.93 and 925.100 through 925.102 shall be effective on and after the 1st day of May 1951 and §§ 925.22 (i), (j), (k), and (l), 925.50 through 925.53, 925.60, 925.61, 925.70, 925.71, 925.80 through 925.87 and 925.89 shall b effective on and after the 1st day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4967; Filed, Apr. 27, 1951; 8:58 a. m.]

PART 946—MILK IN THE LOUISVILLE, KY., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK

§ 946.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto: and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held at Louisville, Kentucky on December 18–21, 1950 and on March 9 and 14, 1951, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearings and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make the amendment hereinafter set forth effective not later than May 1, 1951, so as to reflect current marketing conditions. Any delay beyond May 1, 1951, in the effective date of this amendment to the order, as amended, will impede the operations of the fall production incentive plan and seriously threaten the supply of milk for the Louisville, Kentucky, marketing area. The provisions of the said amendment are well known to handlers—the public hearings having been held on December 18–21, 1950, and March 9 and 14, 1951, the recommended decision having been executed by the Assistant Administrator, Production and Marketing Administration on April 11, 1951, and the decision having been executed by the Secretary on April 23, 1951. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective May 1, 1951, and that it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4 (c), Administrative Procedure Act, 60 Stat. 237, 5 U. S. C. 1001–1011.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order, amending the order, as amended, which is marketed within the Louisville, Kentucky, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (February 1951), were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Louisville, Kentucky, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 946.4 (b) (1) and substitute therefor the following:

(1) *Class I milk.* The price for Class I milk shall be the basic formula price plus $1.25.

2. Delete § 946.7 (b) (3) and substitute therefor the following:

(3) Subtract for each of the delivery periods of April, May, June, and July an amount computed by multiplying the total hundredweight of milk received from producers by handlers whose milk plants are included under subparagraph (1) of this paragraph, by 12 percent of the average of the announced basic formula prices, computed to the nearest cent, for the twelve months of the preceding calendar year.

3. Amend § 946.8 (d) (2) by replacing the words "September, October, and November" and "September, October, or November" in such subparagraph by the words "September, October, November, and December" and "September, October, November, or December" respectively.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C and Sup. 608c)

Issued at Washington, D. C., this 25th day of April 1951 to be effective on and after the 1st day of May 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4943; Filed, Apr. 27, 1951; 8:59 a. m.]

[Lemon Reg. 380]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.487 *Lemon Regulation 380*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on April 25, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 29, 1951, and ending at 12:01 a. m., P. s. t., May 6, 1951, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 425 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 379 (16 F. R. 3458), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 26th day of April 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-5009; Filed, Apr. 27, 1951; 8:58 a. m.]

[Orange Reg. 368, Amdt. 1]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the provisions of Order No. 66 (7 CFR Part 966) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of oranges grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) (*b*) of § 966.514 (Orange Regulation 368, 16 F. R. 3507) are hereby amended to read as follows:

(ii) *Oranges other than Valencia oranges.* * * *

(*b*) Prorate District No. 2: 1,250 carloads;

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 27th day of April 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-5042; Filed, Apr. 27, 1951; 11:24 a. m.]

[Orange Reg. 369]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.515 *Orange Regulation 369*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on April 26, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section

effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., April 29, 1951, and ending at 12:01 a. m., P. s. t., May 6, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: 225 carloads;

(*b*) Prorate District No. 2: 25 carloads;

(*c*) Prorate District No. 3: 100 carloads;

(*d*) Prorate District No. 4: Unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: 1,000 carloads;

(*c*) Prorate District No. 3: No movement;

(*d*) Prorate District No. 4: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR § 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 27th day of April 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Apr. 29, 1951, to 12:01 a. m., P. s. t., May 5, 1951]

VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	2.1865
A. F. G. Porterville	1.9263
Ivanhoe Cooperative Association	.5735
Sandilands Fruit Co.	.9110
Doflemyer & Son, W. Todd	.4062
Earlibest Orange Association	1.7738
Elderwood Citrus Association	.8695
Exeter Citrus Association	2.1356
Exeter Orange Growers Association	.6157
Hillside Packing Association	2.3873
Ivanhoe Mutual Orange Association	.9536
Klink Citrus Association	4.8359
Lemon Cove Association	1.4626

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Lindsay Citrus Growers Association	3.1903
Lindsay Cooperative Citrus Association	1.9854
Lindsay Fruit Association	2.4782
Lindsay Orange Growers Association	1.2322
Orange Cove Citrus Association	3.0311
Orange Packing Co.	.8949
Orosi Foothill Citrus Association	1.5841
Paloma Citrus Association	.6116
Rocky Hill Citrus Association	3.0002
Sanger Citrus Association	2.2532
Sequoia Citrus Association	.8623
Stark Packing Corp.	4.4277
Visalia Citrus Association	2.9425
Waddell & Son	2.6053
Baird-Neece Corp.	1.9581
Beattie Association, D. A.	.0000
Grand View Heights Citrus Association	4.8969
Magnolia Citrus Association	2.7561
Porterville Citrus Association, The	.9405
Richgrove-Jasmine Citrus Association	1.4678
Strathmore Cooperative Association	3.1687
Strathmore District Orange Association	1.2235
Strathmore Fruit Growers Association	1.3808
Strathmore Packing Association	1.4960
Sunflower Packing Association	2.6167
Sunland Packing House Co.	3.5214
Tule River Citrus Association	.8144
La Verne Cooperative Citrus Association	.0963
Lindsay Mutual Groves	1.7906
Martin Ranch	.9060
Orange Cove Orange Growers	1.8663
Webb Packing Co., Inc.	.2351
Woodlake Packing House	1.2113
Anderson Packing Co., R. M.	.7123
Baker Bros.	.9870
Bear State Packers, Inc.	.0076
California Citrus Groves, Inc., Ltd.	2.5340
Campbell, Ralph D. & P. Agnes	.0254
Darby, Fred J.	.1660
Dotts, Vern	.0456
Dubendorf, John W.	.1241
Far West Produce Distributors	.5068
Foran, Pat	.1217
Harding & Leggett	2.6325
Independent Growers, Inc.	1.8743
Kim, Chas. N.	.0052
Kroells Packing Co.	2.0960
Lo Bue Bros.	.6918
Maas, W. A.	.0779
Marks, W. & M.	.2331
Powell, John W.	.0000
Randolph Marketing Co.	1.5659
Relmers, Don H.	.1575
Schilling, Joseph	.1520
Sky Acres Ranch	.2153
Smith, E. L.	.0508
Swenson, L. W.	.0037
Terry, Floyd	.0925
Woodlake Heights Packing Corp.	.5335
Zaninovich Bros. Inc.	.4655

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.0936
A. F. G. Corona	.0579
A. F. C. Fullerton	.6626
A. F. G. Orange	.3844
A. F. G. Riverside	.1421
A. F. G. San Juan Capistrano	.6020
A. F. G. Santa Paula	.4806
Eadington Fruit Co., Inc.	5.7368
Hazeltine Packing Co.	.4054
Krinard Packing Co.	.2197
Placentia Cooperative Orange Association	.5220

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Placentia Pioneer Valencia Growers Association	0.0678
Signal Fruit Association	.1118
Azusa Citrus Association	.5405
Covina Citrus Association	1.2338
Covina Orange Growers Association	.6192
Damerel-Allison Association	.7979
Glendora Citrus Association	.5490
Glendora Mutual Orange Association	.2287
Valencia Heights Orchard Association	.4162
Gold Buckle Association	.5021
La Verne Orange Association	.6903
Anaheim Valencia Orange Association	1.3383
Fullerton Mutual Orange Association	2.6804
La Habra Citrus Association	1.1723
Yorba Linda Citrus Association, The	1.0381
Escondido Orange Association	2.4869
Alta Loma Heights Citrus Association	.0519
Citrus Fruit Growers	.2030
Etiwanda Citrus Fruit Association	.0282
Mountain View Fruit Association	.0480
Old Baldy Citrus Association	.1193
Rialto Heights Orange Growers	.0657
Upland Citrus Association	.3028
Upland Heights Orange Association	.1496
Consolidated Orange Growers	1.8845
Frances Citrus Association	1.2246
Garden Grove Citrus Association	1.7732
Goldenwest Citrus Association, The	1.8326
Irvine Valencia Growers	3.2242
Olive Heights Citrus Association	2.1548
Santa-Ana Tustin Mutual Citrus Association	.9339
Santiago Orange Growers Association	8.9435
Tustin Hills Citrus Association	1.9833
Villa Park Orchards Association, The	2.1804
Bradford Bros., Inc.	.9455
Placentia Mutual Orange Association	8.7876
Placentia Orange Growers Association	8.4787
Yorba Orange Growers Association	.8829
Call Ranch	.0782
Corona Citrus Association	.5067
Jameson Co.	.0855
Orange Heights Orange Association	.6451
Crafton Orange Growers Association	.2756
East Highlands Citrus Association	.0686
Redlands Heights Groves	.1828
Redlands Orangedale Association	.1474
Rialto-Fontana Citrus Association	.0866
Break & Son, Allen	.0518
Bryn Mawr Fruit Growers Association	.1048
Mission Citrus Association	.1356
Redlands Orange Growers Association	.1612
Redlands Select Groves	.2739
Rialto Orange Co.	.1937
Southern Citrus Association	.1599
Arlington Heights Citrus Co.	.1500
Brown Estate, L. V. W.	.1389
Gavilan Citrus Association	.1574
Highgrove Fruit Association	.0672
McDermont Fruit Co.	.1343
Monte Vista Citrus Association	.2502
National Orange Co.	.0554
Riverside Heights Orange Growers Association, The	.0384
Sierra Vista Packing Association	.0478
Victoria Avenue Citrus Association	.2174
Claremont Citrus Association	.0995
Indian Hill Citrus Association	.2075
Walnut Fruit Growers Association	.5724

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
West Ontario Citrus Association	0.1879
El Cajon Valley Citrus Association	.2387
Escondido Cooperative Citrus Association	.3218
San Dimas Orange Growers Association	.3515
Canoga Citrus Association	.9582
North Whittier Heights Citrus Association	1.0276
San Fernando Heights Orange Association	.8207
Sierra Madre-Lamanda Citrus Association	.3542
Camarillo Citrus Association	1.4348
Fillmore Citrus Association	3.2690
Mupu Citrus Association	2.1346
Ojai Orange Association	.7093
Piru Citrus Association	2.2636
Rancho Sespe	.8311
Santa Paula Orange Association	1.1227
Tapo Citrus Association	1.0400
Ventura County Citrus Association	.3864
Limoneira Co	.4306
East Whittier Citrus Association	.3954
Murphy Ranch Co	.8602
Anaheim Cooperative Orange Association	1.8864
Bryn Mawr Mutual Orange Association	.1435
Chula Vista Mutual Lemon Association	.0937
Euclid Ave. Orange Association	.7021
Foothill Citrus Union, Inc	.1045
Golden Orange Groves, Inc	.2364
Garden Grove Orange Cooperative, Inc	1.0974
Highland Mutual Groves, Inc	.0097
Index Mutual Association	.4445
La Verne Cooperative Citrus Association	1.7764
Mentone Heights Association	.0428
Olive Hillside Groves, Inc	.5813
Orange Cooperative Citrus Association	1.5571
Redlands Foothill Groves	.4618
Ventura County Orange & Lemon Association	1.2473
Whittier Mutual Orange & Lemon Association	.1644
Babi-Juice Corp. of California	.8493
Banks, L. M	.7411
Becker, Samuel Eugene	.0117
Bennett Fruit Co	.1281
Borden Fruit Co	.5087
Cherokee Citrus Co., Inc	.1673
Chess Co., Meyer W	.4391
Dunning Ranch	.0525
Evans Bros. Packing Co	1.0276
Gold Banner Association	.2003
Granada Hills Packing Co	.0288
Granada Packing House	1.2554
Hill Packing House, Fred A	.0643
Johnson, Fred	.0061
Knapp Packing Co., John C	.5311
Lawson, William J	.0073
Orange Belt Fruit Distributors	1.3575
Orange Hill Groves	.0073
Otte, Arnold	.0691
Panno Fruit Co., Carlo	1.0539
Patitucci, Frank L	.0097
Placentia Orchard Co	.5612
Ronald, P. W	.0226
Ronneberg, Jerry L	.0049
Schwaer, Erwin & Arthur	.0156
Summit Citrus Packers	.0173

Prorate District No. 3

Total	100.0000
A. F. G. Vernon	.2571
Allen & Allen Citrus Packing Co	.9942
Consolidated Citrus Growers	17.9502
McKellips Citrus Co., Inc	7.2570
Phoenix Citrus Packing Co	1.7080
Arizona Citrus Growers	12.6184

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 3—Continued

Handler	Prorate base (percent)
Chandler Heights Citrus Growers	2.2744
Desert Citrus Growers Co	5.2004
Mesa Citrus Growers	13.9997
Tempe Citrus Co	1.2830
Imperial Valley Grapefruit Growers Association	1.0985
Redlands Heights Groves	.0000
Southern Citrus Growers	1.6339
United Citrus Growers	1.1498
Yuma Mesa Fruit Growers	5.9658
Leppla-Henry Produce Co	8.7143
Maricopa Citrus Co	.9379
Pioneer Fruit Co	2.6446
Clark & Sons Produce Co., J. H	.3070
Commercial Citrus Packing Co	1.0039
Hi Jolly Citrus Packing House	.3660
Hill Packing House, Fred A	.0000
Ishikawa, Paul	.0489
Macchiaroli Fruit Co., James	.9513
Mattingly, Charles C	.2685
Messina & Sons, Mike	.0655
Orange Belt Fruit Distributors	2.8912
Panno Fruit Co., Carlo	.9178
Paramount Citrus Association, Inc	.0320
Potato House, The	.4273
Russo Bros	1.7140
Sharp Co., K. K	.2223
Sunny Valley Citrus Packing Co	2.9850
Terracciano Fruit Co	.2430
Valley Citrus Packing Co	1.8741

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.2890
A. F. G. Corona	.2964
A. F. G. Fullerton	.0000
A. F. G. Orange	.0000
A. F. G. Riverside	.7156
A. F. G. Santa Paula	.0508
Eadington Fruit Co., Inc	.0000
Hazeltine Packing Co	.0519
Krinard Packing Co	1.8588
Placentia Cooperative Orange Association	1.0410
Placentia Pioneer Valley Growers Association	.0672
Signal Fruit Association	.7793
Azusa Citrus Association	.0000
Covina Citrus Association	.0460
Covina Orange Growers Association	.0086
Damerel-Allison Co	.0104
Glendora Citrus Association	.0300
Glendora Mutual Orange Association	.0000
Puente Mutual Citrus Association	.0634
Valencia Heights Orchard Association	.0000
Gold Buckle Association	3.0645
La Verne Orange Association	4.5143
Anaheim Valencia Orange Association	.0000
Fullerton Mutual Orange Association	.0000
La Habra Citrus Association	.0000
Yorba Linda Citrus Association, The	.0000
Escondido Orange Association	.0000
Alta Loma Heights Citrus Association	.3956
Citrus Fruit Growers	1.0902
Etiwanda Citrus Fruit Association	.1909
Mountain View Fruit Association	.1852
Old Baldy Citrus Association	.5069
Rialto Heights Orange Growers	.3175
Upland Citrus Association	3.4224
Upland Heights Orange Association	1.5944
Consolidated Orange Growers	.0000
Garden Grove Citrus Association	.0336
Goldenwest Citrus Association, The	.0000
Olive Heights Citrus Association	.0000

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Santiago Orange Growers Association	0.0000
Villa Park Orchards Association, The	.0000
Bradford Bradford, Inc	.0000
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.0000
Yorba Orange Growers Association	.0000
Call Ranch	.8100
Corona Citrus Association	1.2017
Jameson Co	.7769
Orange Heights Orange Association	2.8479
Crafton Orange Growers Association	1.1528
East Highlands Citrus Association	.3825
Redlands Heights Groves	.6395
Redlands Orangedale Association	1.3180
Rialto-Fontana Citrus Association	.3896
Break & Son, Allen	.2466
Bryn Mawr Fruit Growers Association	.7883
Mission Citrus Association	1.0175
Redlands Cooperative Fruit Association	1.4051
Redlands Orange Growers Association	.9145
Redlands Select Groves	.4584
Rialto Orange Co	.5164
Southern Citrus Association	.7138
United Citrus Growers	.6877
Zilen Citrus Co	.2923
Arlington Heights Citrus Co	.9336
Brown Estate, L. V. W	1.9733
Gavilan Citrus Association	2.4903
Highgrove Fruit Association	.6131
McDermont Fruit Co	1.8922
Monte Vista Citrus Association	1.6082
National Orange Co	1.2535
Riverside Heights Orange Growers Association	1.0102
Sierra Vista Packing Association	.8448
Victoria Avenue Citrus Association	3.4470
Claremont Citrus Association	1.2492
College Heights Orange & Lemon Association	3.0188
Indian Hill Citrus Association	1.5730
Pomona Fruit Growers Exchange	2.1417
Walnut Fruit Growers Association	.8159
West Ontario Citrus Association	1.4536
El Cajon Valley Citrus Association	.0000
Escondido Cooperative Citrus Association	.0000
San Dimas Orange Growers Association	1.4457
Canoga Citrus Association	.4639
North Whittier Heights Citrus Association	.1999
San Fernando Heights Orange Association	.3831
Sierra Madre-Lamanda Citrus Association	.2840
Camarillo Citrus Association	.0129
Fillmore Citrus Association	.0480
Ojai Orange Association	.0000
Piru Citrus Association	1.4239
Rancho Sespe	.0010
Tapo Citrus Association	.0106
Ventura County Citrus Association	.1426
East Whittier Citrus Association	.0097
Murphy Ranch Co	.0000
Anaheim Cooperative Orange Association	.0000
Bryn Mawr Mutual Orange Association	.5773
Chula Vista Mutual Lemon Association	.0929
Euclid Ave. Orange Association	3.9028
Foothill Citrus Union, Inc	.6223
Garden Grove Orange Cooperative, Inc	.0000
Golden Orange Groves, Inc	.3171
Highland Mutual Groves, Inc	.0000

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Index Mutual Association	0.0000
La Verne Cooperative Citrus Association	5.4021
Menton Heights Association	.6098
Olive Hillside Groves, Inc	.0045
Orange Cooperative Citrus Association	.0000
Redlands Foothill Groves	2.2859
Redlands Mutual Orange Association	.9717
Ventura County Orange & Lemon Association	.4498
Whittier Mutual Orange & Lemon Association	.0000
Allec Bros	.0055
Babijuice Corp. of California	.3980
Banks, L. M	.0000
Becker, Samuel Eugene	.0233
Bennett Fruit Co., Inc	.4942
Book, Maynard C	.0003
Borden Fruit Co	.0000
Cherokee Citrus Association	.7269
Chess Co., Meyer W	.4310
Christian, Guy	.0017
Dozier, Paul M	.0045
Dunning Ranch	.1049
Evans Bros. Packing Co	1.3260
Gold Banner Association	1.8040
Granada Hills Packing Co	.0000
Granada Packing House	.1010
Hill Packing Co., Fred A	.6853
Holland, M. J	.0252
Knapp Packing Co., John C	.2577
Orange Belt Fruit Distributors	1.4111
Orange Hill Groves	.0216
Panno Fruit Co., Carlo	.0000
Paramount Citrus Association, Inc	.0297
Placentia Orchard Association	.0000
Prescott, John A	.0000
Pulos, James J	.0432
Redlands Fruit Association, Inc	.0180
Riverside Citrus Association	.1427
Ronald, P. W	.0526
San Antonio Orchards Co	2.3025
Stephens, T. F	.2277
Summit Citrus Packers	.0672
Wall, E. T., Grower-Shipper	2.5437
Western Fruit Growers, Inc	3.5284

[F. R. Doc. 51-5041; Filed, Apr. 27, 1951; 11:24 a. m.]

PART 978—MILK IN THE NASHVILLE TENN., MARKETING AREA

ORDER AMENDING THE ORDER REGULATING THE HANDLING OF MILK

§ 978.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and certain proposed amendments to the order regulating the handling of milk in the Nashville, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order, amending the order effective May 1, 1951. Such action is necessary in the public interest in order to reflect current marketing conditions and to promote the orderly marketing of milk in the Nashville, Tennessee, marketing area. Any further delay in the effective date of this order amending the order will seriously threaten the orderly marketing of milk in the Nashville, Tennessee, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held on March 6, 1951, the recommended decision having been published in the FEDERAL REGISTER (16 F. R. 3229) April 12, 1951, and the final decision having been executed by the Acting Secretary on April 20, 1951. Therefore, reasonable time under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order) of more than 50 percent of the volume of the milk covered by this order amending the order, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period (February 1951) were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Nashville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 978.4 (b) (1) and substitute:

(1) Class I milk shall be all skim milk and butterfat: (i) Disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, and flavored milk drinks, and Yoghurt and (ii) not specifically accounted for as Class II or Class III milk.

2. In § 978.4 (b) delete subparagraph (2) and substitute the following:

(2) Class II milk shall be all skim milk and butterfat disposed of in the form of cream, eggnog and any other cream product disposed of in fluid form which is required by the Nashville Health Department to be made from approved butterfat and skim milk.

3. In § 978.4 (d) delete subparagraph (4) and substitute:

(4) As Class I milk if transferred or diverted in the form of any item specified in paragraph (b) (1) of this section and as Class II milk if transferred or diverted in the form of any item specified in paragraph (b) (2) of this section, to a nonfluid milk plant located 85 miles or more from the City Hall in Nashville, Tennessee, by the shortest highway distance as determined by the market administrator, except in the case of fluid cream only, for the delivery periods of May and June 1951, if (i) the handler reports its use in another class and the operator of the receiving plant certifies to the market administrator in writing not later than the last day of the month next following the month in which such cream was shipped that such cream was used in the class reported by the handler, (ii) the operator of the nonfluid milk plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, (iii) not less than an equivalent amount of skim milk and butterfat was actually utilized in such plant in the use indicated in such certification: *Provided*, That if upon inspection of the records of such plant it is found that an equivalent amount of skim milk and butterfat was not actually used in such indicated use

the remaining pounds shall be classified on the basis of the next highest-priced available use in accordance with the classes set forth in paragraph (b) of this section.

4. Delete § 978.7 (b) (3) (ii) and substitute therefor the following:

(ii) For each of the delivery periods of October, November and December, add an amount equivalent to one-third of the total of the three amounts representing the cash balance established, during the delivery periods of April, May and June, immediately preceding, as a fall season production incentive pursuant to subparagraph (5) (ii) of this paragraph.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 25th day of April 1951, to be effective on and after the 1st day of May 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4942; Filed, Apr. 27, 1951; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 501—AIRCRAFT REGISTRATION CERTIFICATES

REVISION

Part 501 was published on April 30, 1947, in 12 F. R. 2802. The sections thereof were renumbered on July 16, 1949 in 14 F. R. 4369. Notice of proposal to amend the part was published on March 8, 1951, in 16 F. R. 2161. Interested persons were afforded an opportunity to submit data, views, or arguments. Consideration has been given to all relevant matters presented. Part 501 is hereby revised to read:

Sec.
501.1 Basis and purpose.
501.2 Scope.
501.3 Application.
501.4 Issuance of registration certificates.
501.5 Effective date.
501.6 Transferability.
501.7 Duration.
501.8 Display.
501.9 Invalidation.
501.10 Surrender.
501.11 Notice of change of address.

AUTHORITY: §§ 501.1 to 501.11 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 501, 52 Stat. 1005, as amended; 49 U. S. C. 521.

§ 501.1 *Basis and purpose.* The basis for this part is found in sections 205 and 501 of the Civil Aeronautics Act of 1938, as amended. The purpose of this part is to prescribe the regulations under which persons may register aircraft in accordance with the requirements of section 501 of the Civil Aeronautics Act of 1938, as amended.

§ 501.2 *Scope.* Except as provided in Part 502 of this chapter with respect to Dealers' Aircraft Registration Certificates, the requirements for aircraft registration certificates shall be as prescribed in this part.

§ 501.3 *Application.* Application for the registration of an aircraft shall be made upon the applicable form prescribed (and furnished) by the Administrator. (See § 406.14 (c) of this chapter.)

§ 501.4 *Issuance of registration certificate*—(a) *New or previously unregistered aircraft.* A registration certificate will be issued by the Administrator for aircraft not previously registered under the provisions of the Civil Aeronautics Act of 1938, as amended: *Provided,* That the applicant:

(1) Mails or delivers a duly executed application for registration to the Administrator accompanied by the required registration fee (see § 406.14 (c) of this chapter); and

(2) Certifies that applicant is a citizen of the United States;[1] and

(3) Submits with the application proof satisfactory to the Administrator that the applicant is the owner of such aircraft.

(b) *Previously registered aircraft.* A registration certificate will be issued by the Administrator for aircraft previously registered under the provisions of the Civil Aeronautics Act of 1938, as amended, if

(1) The applicant mails or delivers a duly executed application for registration to the Administrator accompanied by the required registration fee (see § 406.14 (c) of this chapter); and

(2) The applicant certifies that he is a citizen of the United States; and

(3) The applicant submits with the application for registration a conveyance which meets the requirements prescribed in Part 503 of this chapter, evidencing applicant's ownership of the aircraft; and

(4) The conveyance submitted with the above application establishes in the recordation system of the Administrator, title to the aircraft in the applicant: *Provided,* That this requirement shall not be applicable to contracts of conditional sale in which the seller is the recorded owner of the aircraft: *And provided further,* That if for good reason an applicant for registration cannot comply with the provisions of subparagraph (3) of this paragraph and this subparagraph, other proof of ownership satisfactory to the Administrator must be submitted.

§ 501.5 *Effective date.* An aircraft will be deemed to be registered upon the date the documents required by § 501.4 (a) or (b), whichever is applicable, are mailed or delivered to the Administrator.

§ 501.6 *Transferability.* A registration certificate is not transferable.

§ 501.7 *Duration.* Upon application for registration made upon the prescribed form, an aircraft may be operated for a period of sixty (60) days pending registration by the Administrator. (See § 406.14 (c) of this chapter.) The registration and the certificate issued by the Administrator pursuant thereto shall remain in effect indefinitely unless suspended or revoked: *Provided,* That such registration and certificate shall immediately expire on the date:

(a) The aircraft is registered under the laws of any foreign country; or

(b) The registration of the aircraft is canceled at the written request of the owner; or

(c) The aircraft is totally destroyed or scrapped; or

(d) The ownership of the aircraft is transferred.

§ 501.8 *Display.* The registration certificate issued for any aircraft shall be carried at all times in such aircraft and shall be presented upon request of any duly authorized representative for the Administrator, or any State or municipal official charged with enforcing local laws or regulations involving Federal compliance.

§ 501.9 *Invalidation.* Any registration of an aircraft shall be null and void if at the time of registration:

(a) The aircraft was registered under the laws of any foreign country; or

(b) The person registered as owner was not the true and lawful owner of the aircraft; or

(c) The person registered as owner was not a citizen of the United States; or the interest of such person in the aircraft was created by any transaction not entered into in good faith, but for the purpose of avoiding, with or without the knowledge of the registered owner, the provision of the Civil Aeronautics Act of 1938, as amended, prohibiting the registration of an aircraft in the name of a person not a citizen of the United States.

§ 501.10 *Surrender.* Upon the suspension, revocation, expiration, or invalidation of a registration certificate, the owner of the aircraft shall, upon request, surrender such certificate to any authorized representative of the Administrator.

§ 501.11 *Notice of change of address.* The registered owner of any aircraft shall notify the Administrator immediately of any change of address.

This part shall become effective April 28, 1951.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-4635; Filed, Apr. 27, 1951; 8:48 a. m.]

[1] As defined by section 1 (13) of the Civil Aeronautics Act of 1938, as amended, " 'Citizen of the United States' means (a) an individual who is a citizen of the United States or of one of its possessions, or (b) a partnership of which each member is such an individual, or (c) a corporation or association created or organized under the laws of the United States or of any State, Territory or possession of the United States, of which the president and two-thirds or more of the board of directors and other managing officers thereof are such individuals and in which at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions."

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 55[1]]

PART 371—GENERAL LICENSES

PART 380—AMENDMENTS, EXTENTIONS, TRANSFERS

MISCELLANEOUS AMENDMENTS

1. Section 371.9 *General in-transit license GIT* is amended in the following particulars:

a. The note at the end of paragraph (b) *Special provisions* is amended by adding thereto the following paragraph:

This general license GIT is not applicable to shipments to Subgroup A destinations, Hong Kong, and Macao, as provided in Part 384, of this subchapter.

b. Paragraph (c) *Excepted commodity list* is amended in the following particulars:

The following commodities are added to the list:

Commodity	Schedule B No.	Schedule S No.[1]
Raw cotton, except linters (averaging .740 to .520 pounds per running bale):		
American Egyptian (Pima) and Sea Island	3000005 3000006	300 300
Upland, staple length 1⅛ inches and over (U. S. Official Standard)	3002305 3002906	300 300
Upland, staple length 1⅛ up to, but not including 1⅛ inches (U. S. Official Standard)	3003301 3003302	300 300
Upland, staple length 1⅛ up to but not including 1⅛ inches (U. S. Official Standard)	3003903 3003904	300 300
Upland, staple length under 1⅛ inch (U. S. Official Standard)	3003907 3003908	300 300
Foreign cotton, reexported (when shipped by the bale, staple length, and country of origin to be reported by the shipper)[2]	3003911 3003912	300 300
Linters (averaging approximately 615 to 625 pounds per running bale):		
Grades 1 to 4 inclusive (U. S. Official Standard) (Notes included)[1]	3004021 3004031	300 300
Grades 5 to 7 inclusive (U. S. Official Standard) (Cottonseed hull fiber included)[1]	3004051 3004061	300 300
Wool rags, woven and knit	8622000	350
Diamonds, rough or uncut, suitable for cutting into gem stones	5990101	555
Ores and concentrates, n. e. s.:		
Other rare earths, n. e. s.[3]	6645981	680

[1] The Department of Commerce Schedule S Number is shown for each commodity. All shipments of merchandise for which the shipper's export declaration for in-transit goods is required must be reported in terms of Schedule S as well as Schedule B.

[2] Raw cotton and linters, Schedule B Nos. 3003911, 3003912, 3004021, 3004031, 3004051, and 3004061, of Mexican growth, are exportable under General License *GMC*, except to Subgroup A, Hong Kong, and Macao (see § 371.26 and Part 384).

[3] Cerium rare earth, europium rare earth, gadolinium rare earth, lanthanum rare earth, praesodymium rare earth, and samarium rare earth, Schedule B No. 6645981, are already on the list of commodities excepted from the general in-transit license (*GIT*) procedure.

[1] This amendment was published in Current Export Bulletin No. 616 dated April 19, 1951.

Commodity	Schedule B No.	Schedule S No.[1]
X-ray apparatus:		
X-ray diffraction tubes; all X-ray tubes 1,000 PKV and over; X-ray tubes under 1,000 PKV, with effective focal spots 4 mm. square or less (except those 50 PKV to, but not including 140 PKV)	7075101	700
X-ray diffraction units	7075501	700
Concentrating and smelting machines:		
Electromagnetic separators of the following types: (a) cross-belt, all types; (b) revolving disc or ring types; (c) induced roll type, either induced or primary; (d) magnetic pulleys and drums 30 inches in diameter and over, induced or primary	7331051	725
Electrostatic separators having a voltage of more than 1,000 volts across the air gap	7331051	725
Parts for separators, electrostatic and electromagnetic types described under Schedule B No. 7331051	7331060	725
Blowers, and ventilating machinery and parts:		
Electrostatic precipitators; all types, and parts	7641001	745
Turbo-blowers and exhausters, and parts, regardless of compression ratio	7641001	745
Glass-working lathes	7750301	745
Plastics and resin materials:		
Synthetic gums and resins in all unfinished forms, except laminated:		
Synthetic gums and resins including film, bristles, and bristle filament, n. e. s.:		
Molding compositions:		
Polytetrafluoroethylene (Teflon)	8259101	846
Polytrifluorochloroethylene (Kel-F)	8259101	846
All other unfinished forms:		
Polytetrafluoroethylene (Teflon)	8259501	846
Polytrifluorochloroethylene (Kel-F)	8259501	846
Synthetic gums and resins, laminated (sheets, plates, strips, rods, and tubes), n. e. s.		
Polytetrafluoroethylene (Teflon)	8260001	846
Polytrifluorochloroethylene (Kel-F)	8260001	846
Chemical specialty compounds, n. e. s.:		
Polytrifluorochloroethylene (Kel-F) grease, oil, or wax	8260901	846
Metallurgical microscopes and parts; electron microscopes and parts	9140501	901
Analytical balances, including semi-micro balances, micro-chemical balances, assay balances, quartz fiber micro-balances, and electronic balances (report parts in 9190981)	9175001	901
Scientific instruments and laboratory apparatus, and parts, n. e. s., including laboratory-grade instruments and devices and standards of greater than ½ of 1% accuracy of full-scale deflection or value (report similar items having industrial rather than laboratory application in 7036201, 7037001, 7038201, or 7749981):		
Densitometers	9190981	901
Diffraction gratings, primary standards	9190981	901
Electrometers, and parts, except student type	9190981	901
Impulse registers or counters (over 20 counts per second), and parts	9190981	901
Leak-detecting instruments, and parts	9190981	901
Metallographs	9190981	901
Parts especially manufactured for analytical balances, including semi-micro balances, micro-chemical balances, assay balances, quartz fiber micro balances and electronic balances	9190981	901
Spectrographs (spectroscopes); and spectrometers, n. e. s.	9190981	901
Manufactured plastic products, n. e. s.:		
Thermoplastic products:		
Polytetrafluoroethylene (Teflon)	9813001	901
Polytrifluorochloroethylene (Kel-F)	9813001	901

Certain listings therein are revised to conform with the Positive List entries for the commodities, as follows:

Commodity	Schedule B No.	Schedule S No.[1]
Carbon or graphite products (natural and artificial):		
Carbon brushes, for starting, lighting, and ignition equipment	5474001	655
Other brushes and brush stock in the form of blocks, plates, and rods, carbon and artificial graphite	5474001	655
All electric industrial melting and refining furnaces, and parts, including frequency generators	7074101	700
Diffusion vacuum pumps, 5 inches in diameter up to but not including 12 inches in diameter (diameter measured inside the barrel at the inlet jet)[2]	7708701	745
Jet ejectors, all types, 4 stages and over, accessories, and parts (report jet ejectors under 4 stages, accessories, and parts in 7135001)	7708801	745
Gases, compressed, liquefied, and solidified, except liquefied petroleum gases (report liquefied petroleum gases in 5403001):		
Chlorofluoromethanes: Freons	8391001	830
Scientific instruments and laboratory apparatus, and parts, n.e.s. including laboratory-grade instruments and devices and standards of greater than ½ of 1% accuracy of full-scale deflection or value (report similar items having industrial rather than laboratory, application in 7036201, 7037001, 7038201, or 7749981):		
Laboratory furnaces, other than electrical, of the following types only; muffle furnaces; combustion furnaces; and crucible furnaces (report laboratory furnaces, electrical, muffle, combustion or crucible types in 7074921)	9190081	901
Microphotometers, and parts	9190981	901
Spectrophotometers, and parts	9190981	901

[1] The Department of Commerce Schedule S number is shown for each commodity. All shipments of merchandise for which the shipper's export declaration for in-transit goods is required must be reported in terms of Schedule S as well as Schedule B.

[2] Export authorization for diffusion vacuum pumps, 12 inches and larger in diameter, classified under Schedule B No. 7708701, is under the exclusive jurisdiction of the Atomic Energy Commission. See § 370.7.

The Schedule S numbers are changed for certain listings, as follows:

Listings involved Schedule B Nos.	*New Schedule S No.*
5016101	503
5016201	503
5016401	506
5040011	520
5040031	520
6200981	607
8395201	683
9190981	901

This part of the amendment shall become effective as of April 19, 1951, except that with respect to the additions of raw cotton and cotton linters Schedule B Numbers 3000051–3004061 to paragraph (c), *Excepted commodity list*, it shall become effective May 4, 1951.

2. Section 371.23 *General license for gift parcels* is amended to read as follows:

§ 371.23 *General license for gift parcels*—(a) *Scope of license.* A general license is hereby established authorizing the exportation of gift parcels by mail, including parcel post, and air express, addressed to individuals residing in all destinations except Mainland China (including Manchuria) and North Korea;

Provided, That such exportations are made in accordance with the following provisions of this section.

NOTE: The establishment of this procedure does not alter in any respect the provisions of any other general license or other procedure of the Office of International Trade authorizing the exportation of commodities.

Multiple parcels exported in a single shipment for delivery to individuals residing in a foreign country do not fall within the provisions of this general license. Such shipments, unless authorized by one of the other general licenses set forth in this part, must meet validated license requirements, including the submission of a license application in accordance with all of the provisions of Parts 370 through 399 of this subchapter.

(b) *Definition.* The term "gift parcel" as used in this part means a parcel containing commodities to be sent by an individual in the United States (the donor) free of cost to an individual in a foreign destination (the donee), and must be for the personal use of the donee or his immediate family.

(c) *Commodity, weight, and other limitations*—(1) *Manner of mailing.* A gift parcel sent under this general license must be mailed directly to the individual donee by the individual donor, or for such donor by a commercial or other gift-forwarding service or organization. Each gift parcel must show, on the outside wrapper, the name and address of the individual donor, regardless of whether mailed by him or by a forwarding service.

(2) *Commodity limitations.* Commodities which may be included in each gift parcel under this general license are restricted to those normally sent as gifts, such as food, clothing (other than military), toilet articles, and medicinals and drugs obtainable through regular retail druggists without prescription and bearing directions in the labeling for their use by the lay public. Specifically excluded are military wearing apparel (new and used), Schedule B No. 999930, and all medicinals and drugs requiring prescriptions, including all antibiotics, sulfonamides, and medicinals and drugs intended only for professional use.

(3) *Dollar-value limitations.* The combined total domestic retail value of all commodities included in a single parcel shall not exceed twenty-five dollars ($25).

(4) *Weight limitations.* The weight of each gift parcel sent under this general license shall not exceed forty-four (44) pounds if sent by parcel post and twenty-five (25) pounds if sent by air express.

(5) *Postal regulations.* Gift parcels sent via parcel post under this general license shall conform with applicable Post Office regulations as to size, weight, and permissible contents.

(6) *Other limitations.* Not more than one gift parcel may be sent by the same donor to the same donee in any one calendar week.

(7) *Excluded destinations.* Exportations under the authority of this general license may not be made to North Korea,[1] China (including Inner Mongolia, Tsinghai, Sikang, Sikiang), Manchuria (including the former Kwantung Leased Territory), Outer Mongolia, and Tibet, as described in Schedule C of the Bureau of the Census.

(d) *General license designation.* In addition to bearing the name and address of both the individual donor and individual donee, all gift parcels presented for shipment under this general license must have the notation "Gift—Export License Not Required" written on the addressee side of the package and the word "Gift" written on any required customs or shipper's export declarations.

This part of the amendment shall become effective as of April 19, 1951.

3. Section 380.2 *Amendments or alterations of licenses* is amended in the following particulars:

Paragraphs (a), (b) and (c) are amended to read as follows:

§ 380.2 *Amendments or alterations of licenses*—(a) *Persons authorized to amend licenses.* No amendments or alterations of export licenses may be made except by the Department of Commerce or by collectors of customs or postmasters acting under specific instructions from the Department of Commerce.

(b) *Where to file*—(1) *General.* All requests for amendments to licenses may be filed with the Office of International Trade, Department of Commerce, Washington 25, D. C. However, certain types of amendments described in subparagraph (2) of this paragraph also may be submitted to field offices of the Department of Commerce which are located in the following cities, provided the exportation will be cleared through a port located in the same city in which the field office is located or through a port located in a specified city nearby, as indicated below:

Boston.	Houston (Galveston; Laredo).
New York.	El Paso.
Philadelphia.	Los Angeles.
Jacksonville.	San Francisco.
Miami (Port Everglades; West Palm Beach).	Portland, Oregon.
	Seattle (Tacoma).
New Orleans (Baton Rouge; Morgan City, La.).	Detroit (Port Huron).
	Chicago.
	Cleveland (Toledo).

(2) *Amendment requests on which field offices may take action.* If the U. S. port of exit is known and the request for amendment to a license involves no change other than the following, the Department of Commerce field offices set forth in subparagraph (1) of this paragraph are authorized to take action on:

(i) Extension of validity period.

(ii) Correction of obvious errors in the license, such as mistakes in typing in name and address.

(iii) Change of quantity or dollar value required as result of factors beyond the control of the licensee, such as unforeseen overruns of the mill. Field offices of the Department of Commerce are limited in their approvals of such amendment requests, however, to specified small percentage increases in the licensed quantity or dollar value.

(iv) Change of the licensee's address: The Department of Commerce field offices are not authorized to take action on requests for amendments to licenses covering exportations to Subgroup A countries, Hong Kong, or Macao unless the amendment involves no more than a correction of obvious errors in the license, such as mistakes in typing.

(3) Requests for amendment of licenses covering shipments to be cleared from any port other than those indicated in subparagraph (1) of this paragraph shall be filed with the Office of International Trade, Department of Commerce, Washington 25, D. C.

(4) Amendment requests shall not be submitted to a field office if the licensee does not know the intended port of exit.

(c) *Procedure for submitting requests for amendments*—(1) *Number of copies.* Requests for amendments shall be submitted on Form IT–763, Request for and Notice of Amendment Action, in triplicate. However, when such requests are filed with one of the above-named field offices, a fourth copy must be submitted; this fourth copy may be made on plain, thin, white paper.

(2) *Information required.* All numbered items shown on IT–763 must be completely filled in on all copies.

(i) The reasons for the requested amendment must be clearly stated in answer to item 6.

In requesting an amendment for change in the purchaser or ultimate consignee, the licensee must comply (*a*) with the provisions of § 372.3 (d) of this subchapter regarding a statement from the ultimate consignee (purchaser) if the shipment is destined to an R country; and (*b*) with the provisions of § 373.1 (b) of this subchapter regarding evidence and certification of accepted orders, if applicable to the commodity being exported. Such certification may be made on the back of Form IT–763 or on a sheet attached thereto.

Where the request for amendment involves a change in the country of destination as well as a change in the purchaser or ultimate consignee, the applicant must explain fully the circumstances which prevented shipment to the original country of destination, in item 6 of Form IT–763.

(ii) The address of the collector of customs with whom the license has been or will be deposited must be entered in item 7. If the exporter has not deposited his license with the collector at the intended port of exit, he must do so at the time of submitting his request for an amendment. The licensee must not retain the license when submitting an amendment request. If the exporter does not know the intended port of exit, he shall return his license to the Office of International Trade with his request for amendment on Form IT–763; in which case, the applicant shall enter the word "Unknown" in answer to item 7.

(iii) In completing item 8, "Amend license to read as follows," the applicant must identify that portion of the license upon which amendment is requested and insert the proposed change.

(iv) When requests are filed with one of the above-named field offices of the Department of Commerce, the applicant must indicate on the reverse side of the original of Form IT–763, or on a separate sheet attached thereto, the following additional information:

(*a*) Country of ultimate destination;

(*b*) Commodity description and Schedule B number; and

(*c*) A certification that the amendment requested has not been previously denied by the Washington office of the Office of International Trade and is not currently pending therein.

(3) *Signature.* The signature of the licensee, or an officer or duly authorized agent of the licensee, must be placed on the original and duplicate copies in the space provided. When such request is submitted by an officer or an agent authorized by the licensee, who may be a freight forwarded, attorney, or any other individual so authorized, he must sign the request by entering the licensee's name and underneath his own signature prefixed by the word "By" and followed by his own title.

For example: Joseph Aloysius Jones,
By. Hamilton Newbold,
Agent.

(4) *Telegraphic requests.* Under emergency conditions, a request for amendment may be made by telegram, and the licensee may include therein a request that the amendment, if approved, be teletyped to the collector of customs. In such instances, the telegram must include the same information required to complete Form IT–763, and, in addition, full information as to the necessity for such type of service, including deadline dates. If the request is submitted by mail on Form IT–763, but emergency clearance by teletype is requested, a letter setting forth full details as to the necessity for such service, including deadline dates, must accompany the request. Telegraphic requests submitted to field offices must also include the additional information required under the provisions of subparagraph (2) (iv) of this paragraph.

NOTE: Requests for amendments by telephone or by letter will not be accepted.

1. *Licenses held by collectors—Amendment action by OIT, Washington, D. C.:* On an approved request, the Office of International Trade will validate all copies of Form IT–763 by imprinting in the space headed "Validation" a facsimile of the Department of Commerce seal followed by a five-digit number representing the date of validation; the duplicate copy will be forwarded as the official notice of amendment to the collector of customs designated in item 7; the triplicate copy will be forwarded to the individual named in item 4 of IT–763. If the request is rejected, or returned without action, the reasons therefor will be indicated in the upper right-hand corner, and the duplicate and triplicate copies returned to the applicant. Upon request, and where warranted, advice of an amendment action will be dispatched by collect wire to the applicant, and (in the case of approved requests) by teletype to the collector of customs; copies of Form IT–763 then will be mailed in the usual manner and serve as confirmation of wire advices.

Amendment action by field offices: Amendments approved by field offices will be validated differently from those approved by the Washington Office. In place of the facsimile of the Department of Commerce seal and a five-digit number representing the date of the validation, the name of the field office making the amendment will be inserted in the space headed validation. To complete the validation process, the amending officer will insert a serial number in the space provided, sign and date the IT–763, and check the space indicating approval. The original will then be forwarded to the Washington office of the Office of International Trade; the duplicate will be sent to the appropriate collector of customs as the official notice of amendment; and the triplicate (confirmation) copy will be sent to the individual named in item 4 of IT–763. On requests which are rejected or returned without action, the triplicate copy will be returned to the applicant.

2. *Licenses sent to OIT.* In those cases where the intended port of exit is unknown and the license accompanies Form IT–763, the Office of International Trade, on an approved request, will prepare a new license and forward it to the individual named in item 4 of Form IT–763. However, if the amendment requested is for an extension of validity period, such amendment will be made by typing a new expiration date on the face of the original license.

3. *Where to obtain Form IT–763.* Form IT–763 is set up in pads of quadruplicates so as to provide a copy for the applicant's file. Sets of the forms may be obtained by writing to any Field Office of the Department of Commerce. (Consult the list on page xvi for address of nearest office.)

This part of the amendment shall become effective as of May 1, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51–4915; Filed, Apr. 27, 1951; 8:53 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. and Sup., 357), the regulations for the certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq. and 1949 Supp.; 15 F. R. 9464; 16 F. R. 2471) are amended as indicated below:

1a. In § 146.27 *Penicillin tablets,* the first sentence of paragraph (a) *Standards of identity, etc.,* is amended by inserting the words "crystalline penicillin O," between the words "potassium penicillin," and "or procaine penicillin,".

b. Section 146.27 (a), fourth sentence, is amended by inserting the words "crystalline penicillin O," between the words "calcium penicillin," and "or potassium penicillin".

c. In § 146.27, subparagraph (1) (vi) of paragraph (c) *Labeling* the first and second clauses are amended by changing the words "if crystalline sodium or potassium penicillin is used" to read "if crystalline penicillin or crystalline penicillin O is used", and in the last clause by changing the words "or if crystalline sodium penicillin, potassium penicillin, or procaine penicillin is not used" to read "or if crystalline penicillin, procaine penicillin, or crystalline penicillin O is not used".

d. Section 146.27 (d) (2) (ii) is amended to read:

(d) *Request for certification; samples.*
* * *
(2) * * *

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is crystalline penicillin G or crystalline penicillin O), crystallinity if it is crystalline penicillin, heat stability if it is crystalline sodium penicillin, potassium penicillin or crystalline penicillin O, the penicillin G content if it is crystalline sodium penicillin G, potassium penicillin G, or crystalline penicillin O, the procaine penicillin G content if it is procaine penicillin G, and the penicillin O content if it is crystalline penicillin O.

2a. In § 146.45 *Procaine penicillin in oil,* the first clause of the first sentence of paragraph (b) *Packaging* is amended to read as follows: "The immediate container of procaine penicillin in oil shall be of colorless transparent glass (unless it is packaged to contain a single dose), so closed as to be a tight container as defined by the U. S. P.,".

b. In § 146.45 (b) the third and fourth sentences are amended by changing the word "glass" to read "such."

3. Section 146.46 (c) (1) (iii) is amended to read:

(c) *Labeling.* (1) * * *
(iii) The statement "Expiration date _____," the blank being filled in, if crystalline sodium penicillin or potassium penicillin is used, without a diluent, with the date which is 36 months, or if procaine penicillin is used, without a diluent, with the date which is 24 months, or if a diluent is used, with the date which is 18 months after the month during which the batch was certified;

4. In § 146.47 *Procaine penicillin for aqueous injection,* the second sentence of paragraph (b) *Packaging* is amended by changing the period at the end thereof to a comma and by adding the following new clause: "unless it is the aqueous suspension of the drug and it is packaged to contain a single dose."

5. In § 146.50 *Procaine penicillin and buffered crystalline penicillin for aqueous injection,* the first sentence of paragraph (a) is amended to read as follows: "Each immediate container shall contain not less than 50,000 units of buffered crystalline penicillin for each 300,000 units of procaine penicillin."

6. Part 146 is amended by adding the following new sections:

§ 146.61 *Penicillin for animal feed; streptomycin for animal feed; dihydrostreptomycin for animal feed; aureomy-*

[1] Includes any territory controlled by the Government of North Korea.

cin for animal feed; chloramphenicol for animal feed; bacitracin for animal feed. Penicillin, streptomycin, dihydrostreptomycin, aureomycin, chloramphenicol, or bacitracin intended for use solely as an ingredient in the manufacture of animal-feeding supplements and conspicuously so labeled, shall be exempt from the requirements of sections 502 (l) and 507 of the act, if it contains one or more suitable denaturants that makes it unfit for human use. But in no case shall it be exempt from such requirements if it is represented for use (a) in the cure, mitigation, treatment, or prevention of disease; or (b) as an ingredient for animal feed that is intended for use in the cure, mitigation, treatment, or prevention of disease.

§ 146.62 *Animal-feed containing penicillin; animal feed containing streptomycin; animal feed containing dihydrostreptomycin; animal feed containing aureomycin; animal feed containing chloramphenicol; animal feed containing bacitracin.* Animal feed containing penicillin, streptomycin, dihydrostreptomycin, aureomycin, chloramphenicol, or bacitracin intended for use solely as an animal-feeding supplement shall be exempt from the requirements of sections 502 (l) and 507 of the act. But in no case shall such animal feed be exempt from such requirements if it is represented for use in the cure, mitigation, treatment, or prevention of disease.

7. In § 146.106 *Streptomycin sulfate* • • • , the last clause of the second sentence of paragraph (b) *Packaging* is amended to read: "unless it is packaged to contain a single dose."

8. The headnote of § 146.403 is amended to read as follows:

§ 146.403 *Bacitracin tablets (bacitracin vaginal suppositories, if they are represented for vaginal use).*

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

This order, which provides for exemption from certification of antibiotic drugs to be used solely as an ingredient in the manufacture of animal feed supplements and conspicuously so labeled, provided they contain one or more suitable denaturants making them unfit for human use and provided they are not represented for use in the cure, mitigation, treatment, or prevention of disease; for exemption from certification of animal feed containing antibiotic drugs provided it is not represented for use in the cure, mitigation, treatment, or prevention of disease; for certification of crystalline penicillin O tablets; for modification of the packaging requirements for procaine penicillin in oil, procaine penicillin for aqueous injection, procaine penicillin and buffered crystalline penicillin for aqueous injection, streptomycin sulfate and dihydrostreptomycin sulfate solution; for a change in the expiration date of certification of procaine penicillin for inhalation therapy from 18 to 24 months; and for use of the term "bacitracin vaginal supositories" in lieu of the term "bacitracin tablets" when such tablets are represented for vaginal use, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay providing for exemption from certification of antibiotic drugs to be used solely as an ingredient in the manufacture of animal feed supplements and conspicuously so labeled, provided they contain one or more suitable denaturants making them unfit for human use and provided they are not represented for use in the cure, mitigation, treatment, or prevention of disease; for exemption from certification of animal feed containing antibiotic drugs provided it is not represented for use in the cure, mitigation, treatment, or prevention of disease; for certification of crystalline penicillin O tablets; for modification of the packaging requirements for procaine penicillin in oil, procaine penicillin for aqueous injection, procaine penicillin and buffered crystalline penicillin for aqueous injection, streptomycin sulfate and dihydrostreptomycin sulfate solution; for a change in the expiration date of certification of procaine penicillin for inhalation therapy from 18 to 24 months; and for use of the term "bacitracin vaginal suppositories" in lieu of the term "bacitracin tablets" when such tablets are represented for vaginal use.

Dated: April 24, 1951.

[SEAL] OSCAR R. EWING,
Administrator.

[F. R. Doc. 51-4916; Filed, Apr. 27, 1951; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 864—ENLISTED RESERVE

VOLUNTARY ENTRY ON ACTIVE DUTY (21 MONTHS)

Sections 864.51 to 864.63 are hereby added to Part 864 as follows:

VOLUNTARY ENTRY ON ACTIVE DUTY (21 MONTHS)

Sec.
864.51 Purpose.
864.52 Eligibility.
864.53 Ineligibility.
864.54 Physical qualifications.
864.55 Applications.
864.56 Channels of communication.
864.57 Orders.
864.58 Effective date of duty.
864.59 Grade.
864.60 Pay.
864.61 Promotion.
864.62 Discharge or relief from active duty.
864.63 Enlistment in the Regular Air Force.

AUTHORITY: §§ 864.51 to 864.63 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply sec. 2, Pub. Law 599, 81st Cong.

DERIVATION: AFR 39-48.

§ 864.51 *Purpose.* Sections 864.51 to 864.63 implement the Selective Service Act of 1948, as amended (62 Stat. 604, Pub. Law 599, 81st Cong.; 50 U. S. C., App. 451-471) by the establishment of criteria and procedures whereby enlisted members of the United States Air Force Reserve voluntarily may be ordered to active duty with the Air Force for a period of 21 months.

NOTE: The provisions of the regulations contained in §§ 864.51 to 864.63 are not to be confused with the separate provisions of §§ 864.13 to 864.25 (32 CFR, 1949 Supp., 864.16-864.25; 14 F. R. 5525) which pertain to the Air Force Reserve Training Center program.

§ 864.52 *Eligibility*—(a) *General.* To be eligible for active duty under the provisions of §§ 864.51 to 864.63 the applicant must:

(1) Be an enlisted member of the United States Air Force Reserve.

(2) Meet the general qualifications for enlistment under the provisions of Part 571 of Chapter V of this title.

(3) Meet the same mental and educational standards which are prescribed for enlistment in the Regular Air Force.

(4) Have a minimum of 21 months remaining in his current inactive Reserve enlistment. Enlisted Reservists may be discharged from the United States Air Force Reserve for the convenience of the Government prior to expiration of term of enlistment and be reenlisted in the United States Air Force Reserve for three years in order to permit the applicant to qualify for the 21-month active duty tour.

(b) *Retired airmen.* In addition to meeting the requirements of subparagraphs (1), (2), and (3) of paragraph (a) of this section, airmen retired under the provisions of section 4, 59 Stat. 539, as amended; 10 U. S. C. 948, must have less than 27 years' service (to include active service and service on the retired list) at the time of entry into active military service.

§ 864.53 *Ineligibility.* The following enlisted Reservists are not eligible for entry into active military service under the provisions of §§ 864.51 to 864.63.

(a) Those below grades 5, 6, or 7 who have three or more dependents.

(b) All females who have children under 18 years of age. A woman who has any legal or other responsibility for the custody, control, care, maintenance, or support of any child or children, including step-children or foster children will not be ordered into active military service. Women who have surrendered all rights to custody and control of natural children through formal adoption or final divorce proceedings may be accepted.

(c) Those who are retired enlisted personnel with over 27 years' service or those enlisted personnel retired under the provisions of current directives.

§ 864.54 *Physical qualifications.* (a) Unless evidence of an acceptable physical examination within the preceding 90 days is presented, enlisted Reservists ordered to active duty will complete Standard Form 89, "Report of Medical History" and undergo a medical examination in accordance with prescribed standards.

(b) Determination of physical fitness will be made at processing station or first duty station within 72 hours after reporting.

(c) Physically disqualified Reservists will be relieved from active duty and returned to their homes on orders issued by the appropriate agency.

§ 864.55 *Applications*—(a) *Contents.* Applicants will submit a letter of request containing the following information:

(1) Full name, grade (Reserve) and Air Force serial number.
(2) Home address and mailing address.
(3) Air Force Specialty.
(4) General Classification Test Score.
(5) Educational level.
(6) Number of months of oversea duty.
(7) Age.
(8) Marital status and the number, age, and relationship of dependents.
(9) Sex.

(b) *Approval.* The approval of an application by the applicant's organization commander with respect to members of the Organized Air Reserve does not insure that the applicant will be ordered to active duty, as selections are based on the over-all need of the Air Force.

(c) *Reporting change of status.* Any change of status which might affect the applicant's entry on active duty will be reported by him to the commanding general of the numbered air force to whom he submitted his application.

§ 864.56 *Channels of communication.* The letter of application will be submitted by enlisted Reservists of the Organized Air Reserve to the commanding general of the numbered air force of the Continental Air Command in whose area they reside through the commanding officer of the activity to which assigned. The letter of application from all other enlisted Reservists will be submitted direct to the commanding general of the numbered air force of the Continental Air Command in whose area they reside. Upon receipt of a letter of application submitted under the provisions of §§ 864.51 to 864.63 the commanding general of the appropriate numbered air force will:

(a) Screen the application and personnel records, including the 201 file, of the applicant to insure that he meets the necessary qualifications, other than physical, as set forth in §§ 864.51 to 864.63.

(b) Issue orders directing the enlisted Reservist to report to the Air Force processing station nearest his home for classification, delay action, and completion of a physical examination. Upon completion of administrative processing and satisfactory completion of the physical examination, the enlisted Reservist normally will return to his home to await orders effecting his re-entry into active military service.

§ 864.57 *Orders.* (a) Orders effecting the entry into active military service of enlisted Reservists may be issued by the Commanding General, Continental Air Command, and numbered air forces under his command, the Air Force Reserve Training Centers for personnel assigned to reserve units of their respective United States Air Force Reserve wings, and processing squadrons for Reservists who have previously been processed during short periods of active duty.

(b) Orders will be issued as far in advance of the effective date of duty as possible. A minimum period of 30 days must elapse between the date the Reservist receives orders and the date on which he must report for extended active duty.

(c) Travel by private automobile at the rate of 300 miles a day may be authorized.

§ 864.58 *Effective date of duty.* The effective date of duty is the date the enlisted Reservist is to depart from his home in compliance with orders. Enlisted Reservists departing from their home in advance of the effective date of duty do so at their own risk in event of injury or cancellation of orders.

§ 864.59 *Grade.* Reservists accepted for active duty under the provisions of §§ 864.51 to 864.63 will be ordered into active military service in the grade which they hold in the United States Air Force Reserve.

§ 864.60 *Pay.* Pay begins to accrue on the date that the enlisted Reservist physically departs from his home in compliance with orders, provided departure is not prior to the effective date of duty.

§ 864.61 *Promotion.* Promotion of enlisted Reservists on active duty with the Air Force will be controlled by current Air Force policies governing promotion of airmen.

§ 864.62 *Discharge or relief from active duty.* The discharge of enlisted Reservists during their 21-month tour of active duty will be in accordance with current directives which govern the discharge of Regular Air Force personnel. Personnel completing their active duty tours will not be discharged but will be relieved from active duty and furnished Department of Defense Form 217AF, "Certificate of Service."

§ 864.63 *Enlistment in the Regular Air Force.* Reservists accepted for active military service under the provisions of §§ 864.51 to 864.63 may be enlisted in the Regular Air Force under the provisions of Part 883 of this chapter (16 F. R. 641). Separation for the purpose of immediate enlistment will be effected under the provisions of current directives.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 51-4992; Filed, Apr. 27, 1951; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Amdt. 4]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

EXTENSION OF TIME FOR FILING; AND WHOLESALE PRICES FOR BRANDED ARTICLES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Amendment 4 to Ceiling Price Regulation 7 (16 F. R. 1872) is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment extends until May 30, 1951, the date by which retailers under Ceiling Price Regulation 7 must file their pricing charts. Although retailers for the categories originally listed in the regulation had their filing time extended by a previous amendment, the addition to the coverage of the regulation of many new categories of merchandise imposed an additional burden, which requires the extension here granted. This was especially true for sellers brought under the coverage of the regulation for the first time by the addition of categories under Amendment 2, effective April 10, 1951. Although most retailers will not require the additional time extended to them by this amendment, the Director believes that the extension here granted will be ample for all.

Section 43 of the regulation provides for the establishment of fixed retail resale prices of branded articles by special orders. In operating under that section the Director has encountered in a number of situations a manufacturer's practice of fixing not only uniform prices at retail but a similar line of prices at the wholesale level as well. This practice has been incidental to the fixing of the uniform retail prices, and its continuation appears to be desirable and necessary for efficient pricing of branded lines. Accordingly, section 43 has been amended to permit the Director, when he fixes uniform prices for branded articles at retail, to likewise establish for those articles uniform prices for sales at wholesale.

The amendment makes one additional change in the regulation. Section 16 (a) was originally inserted into the regulation to provide relief for retailers who, up to the time they were frozen under the General Ceiling Price Regulation, had maintained their prices notwithstanding the receipt of goods at increased costs. The provision stated that if a retailer had received an invoice subsequent to January 1 but his price on the list date was unchanged from his initial offering price based on the next to the last invoice, he could list the net cost on the next to the last invoice. The relief provision just quoted, of course, would not be effectual to any practical extent in the case of cost listings for the

list date on March 31, 1951. In order to give the same measure of relief to the sellers for whom the list date is March 31, 1951, as is afforded to sellers whose list date is February 24, 1951, the existing provision has been amended to provide that in the situation described above, the seller may use as his net cost the net cost on the next to the last invoice received prior to February 24, 1951.

AMENDATORY PROVISIONS

1. Section 5 is amended by changing the date "April 30, 1951" to "May 30, 1951."

2. Section 11 (a) is amended by changing the date "April 30, 1951" to "May 30, 1951."

3. Section 11 (b) is amended by changing the date "April 30, 1951" to "May 30, 1951."

4. Section 11 (c) is amended by changing the date "April 30, 1951" to "May 30, 1951."

5. Section 12 is amended by changing the date "April 30, 1951" to "May 30, 1951," and by changing the date "May 30, 1951" to "June 30, 1951."

6. Section 16 (a) is amended by inserting in the second sentence after the clause "next to the last invoice which you had received for that article" the phrase "prior to February 24, 1951," and by inserting at the end of the sentence after the word "invoice" the phrase "received prior to February 24, 1951."

7. Section 43 is amended in the following respects: (a) In section 43 (a) insert the phrase "and ceiling prices for sales at wholesale for the same articles" after the phrase "prices for branded articles" in the first sentence.

(b) Add a new subparagraph (3) to paragraph (a) of section 43 to read as follows:

(3) If the applicant had a policy of uniform prices for sales at wholesale for his branded merchandise for a period immediately prior to January 26, 1951 and can establish that the merchandise when resold at wholesale was sold at substantially uniform prices, except for a limited area, the OPS in establishing uniform retail ceiling prices for the merchandise may also establish uniform resale wholesale ceiling prices for the merchandise.

(c) Subparagraph (1) of paragraph (b) of section 43 is amended to read as follows:

(1) An order may be issued under this section establishing uniform ceiling prices for all retail sales or sales at wholesale of an article covered by this regulation, although such sales may not otherwise be subject to this regulation.

(d) In section 43 (b) (2) insert the word "generally" after the phrase "under this section."

(e) In section 43 (b) (4) add the following sentence: "Such an order in appropriate instances may also establish wholesale ceiling prices."

(f) In section 43 (d) (2) (iv) insert the phrase "and wholesalers" after the word "retailers."

(g) In section 43 (d) (2) add a new subdivision (vi) to read as follows: (vi) His suggested price for sales at wholesale, if any, immediately prior to January 26, 1951 (including evidence to show his method of price maintenance), or if he had no such suggested price prior to January 26, 1951, or did not attempt to enforce such suggested price but can show that the merchandise was sold at substantially uniform prices, he should submit evidence similar to that specified for retail prices in subdivision (v) of this subparagraph.

(h) In section 43 (d) (3) insert the phrase "and wholesale" after the word "retail."

8. Section 52 (a) (2) is amended by changing the date "April 30, 1951" to "May 30, 1951."

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This Amendment 4 shall become effective on the 27th day of April 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 27, 1951.

[F. R. Doc. 51-5018; Filed, Apr. 27, 1951; 10:10 a. m.]

[Ceiling Price Regulation 7, Amdt. 3 to Supplementary Regulation 1]

CPR 7—RETAIL CEILING PRICES FOR CONSUMER GOODS

SR 1—SPECIAL PRICING METHODS FOR CERTAIN CHAIN STORES AND MAIL ORDER ESTABLISHMENTS

EXTENSION OF TIME

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Amendment 3 to Supplementary Regulation 1 of Ceiling Price Regulation 7 (16 F. R. 1895) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment reflects action taken in an amendment to Ceiling Price Regulation 7 issued simultaneously herewith, extending the dates for filing list date charts and reports and for acknowledging those charts and reports to May 30, 1951, and June 30, 1951, respectively. The grounds for the extension are stated in the concurrently issued amendment to Ceiling Price Regulation 7.

AMENDATORY PROVISIONS

Supplementary Regulation 1 to Ceiling Price Regulation 7 is amended in the following respects:

1. Section 6 (c) (1) is amended by substituting the date May 30, 1951, for the date April 30, 1951.

2. Section 6 (c) (3) is amended by substituting the date June 30, 1951, for the date May 30, 1951.

3. Section 6 (d) is amended by substituting the date June 30, 1951, for the date May 30, 1951.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective on the 27th day of April 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 27, 1951.

[F. R. Doc. 51-5017; Filed, Apr. 27, 1951; 10:10 a. m.]

[Ceiling Price Regulation 14, Amdt. 1]

CPR 14—CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE

EXTENDING DATE FOR ESTABLISHING CEILING PRICES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 14 postpones from April 30, 1951 to May 14, 1951, the date on or before which the ceiling prices established by applying the provisions of this regulation must be put into effect. Postponement of the date on which all ceiling prices is deemed advisable under this regulation is deemed advisable since many persons covered by the regulation cannot complete the recalculations necessary in order to be in compliance with the provisions of the regulation before April 30, 1951.

AMENDATORY PROVISIONS

Ceiling Price Regulation 14 is amended so that the date of April 30, 1951 wherever it appears in the regulation is changed to read May 14, 1951.

(Sec. 704, Pub. Law 774, 81 Cong.)

Effective date. This amendment is effective April 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 27, 1951.

[F. R. Doc. 51-5010; Filed, Apr. 27, 1951; 8:52 a. m.]

[Ceiling Price Regulation 15, Amdt. 1]

CPR 15—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

EXTENDING DATE FOR ESTABLISHING CEILING PRICES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 15 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 15 postpones from April 30, 1951, to May 14, 1951, the date on or before which the ceiling prices established by applying the provisions of this regulation must be put into effect. Postponement of the date on which all ceiling prices must be established under this regulation is deemed advisable since many persons covered by the regulation cannot complete the recalculations necessary in order to be in compliance with the provisions of the regulation before April 30, 1951.

AMENDATORY PROVISIONS

Ceiling Price Regulation 15 is amended so that the date of April 30, 1951, wherever it appears in the regulation is changed to read May 14, 1951.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment is effective April 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 27, 1951.

[F. R. Doc. 51-5011; Filed, Apr. 27, 1951; 8:52 a. m.]

[Ceiling Price Regulation 16, Amdt. 1]

CPR 16—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 1 AND GROUP 2 STORES

EXTENDING DATE FOR ESTABLISHING CEILING PRICES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 16 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 16 postpones from April 30, 1951, to May 14, 1951, the date on or before which the ceiling prices established by applying the provisions of this regulation must be put into effect. Postponement of the date on which all ceiling prices must be established under this regulation is deemed advisable since many persons covered by the regulation cannot complete the recalculations necessary in order to be in compliance with the provisions of the regulation before April 30, 1951.

AMENDATORY PROVISIONS

Ceiling Price Regulation 16 is amended so that the date of April 30, 1951, wherever it appears in the regulation is changed to read May 14, 1951.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment is effective April 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 27, 1951.

[F. R. Doc. 51-5012; Filed, Apr. 27, 1951; 8:52 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 19]

GCPR, SR 19—ADJUSTMENT OF CEILING PRICES OF FAIR TRADE COMMODITIES

Correction

In Federal Register Doc. 51-4594, published at page 3387 of the issue for Wednesday, April 18, 1951, the references in section 4 to "Regional Administrator" should read "Regional Director".

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-19 as Amended April 26, 1951]

M-19—CADMIUM

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this amendment has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

This amendment affects NPA Order M-19 as follows: It relaxes the limitations on the use of cadmium to permit cadmium plating of additional items in section 5, and makes certification unnecessary in connection with delivery of subassemblies which are ready for assembly into final end-products. As so amended, NPA Order M-19 reads as follows:

Sec
1. What this order does.
2. Definitions.
3. Use of cadmium.
4. Production of cadmium-containing items.
5. Production of cadmium-plated products.
6. Delivery of cadmium, cadmium-containing items, or cadmium-plated products.
7. Defense orders for cadmium-containing items and cadmium-plated products.
8. Inventories.
9. Applications for adjustment or exception.
10. Records and reports.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order controls deliveries of cadmium from a producer or distributor. The order also states the purposes for which cadmium, cadmium-containing items, and cadmium-plated items may be produced. In addition, the order imposes inventory controls on cadmium.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Base period" means the 6-month period ending June 30, 1950.

(c) "Cadmium" means all grades of metallic cadmium, oxide, or plating salts produced directly from ores, concentrates, or other primary materials, or redistilled, remelted, or otherwise recovered from cadmium scrap or any secondary cadmium-bearing material; and cadmium-bearing materials suitable for the manufacture of pigments.

(d) "Distributor" means any person regularly engaged in the business of buying cadmium and selling the same in forms suitable for general fabrication or electroplating. It also includes laboratory supply houses to the extent they are engaged in buying and selling cadmium in any form to laboratories.

SEC. 3. *Use of cadmium.* No person may use any cadmium in any fashion except to produce the cadmium-containing items listed in section 4 of this order or to produce an electroplated coating on the products listed in section 5, and then only to the extent necessary to meet applicable specifications or for the proper service performance of the end-products. Notwithstanding the foregoing, a person may use cadmium in laboratories for research, control, analysis, synthesis, assaying, or educational work. The provisions of sections 4, 5, and 6 do not prohibit the completion of items containing cadmium or cadmium-plated products not listed in sections 4 or 5 if they were in the process of manufacture on or before January 1, 1951, and such completion is effected not later than January 31, 1951.

SEC. 4. *Production of cadmium-containing items.* No person shall produce any cadmium-containing item except those listed in paragraphs (a) through (p) of this section, and then only for the purposes and subject to the qualifications set forth in said paragraphs (a) through (p):

(a) Pigments for the following:

(1) Luminescent paint for military uses.

(2) Luminescent printing ink for military uses.

(3) Luminescent paper for military and Government Printing Office uses.

(4) Luminescent plastic for military uses.

(5) Signal and illuminating glassware for safety, religious, military, and industrial uses.

(6) Thermometer tubing.

(7) Rubber sea buoys.

(8) Dental purposes.

(9) Artists' colors.

(10) X-ray fluoroscopic screens for medical purposes.

(11) Luminescent coatings for cathode ray tubes, except tubes to be used in signs, lighting fixtures, or lamps.

(12) Pigments for all other purposes: *Provided, however,* That no person shall use in any one month in the production of pigments for such other purposes a quantity of cadmium by weight in excess of 40 percent of his average monthly use of cadmium for such purposes during the base period.

(b) Silver brazing alloys containing no more than 19 percent by weight of cadmium (except that silver solder containing not in excess of 95 percent cadmium may be used where centrifugal stresses are encountered at operating temperatures over 500° F.).

(c) Copper-base alloys containing no more than 1.25 percent by weight of cadmium for the following:

(1) Current carrying parts of electrical current interruption devices to the extent that sufficient contact pressure cannot be maintained in service with other less critical materials.

(2) Parts inside electronic tubes.

(3) Resistance welding electrodes.

(4) Overhead electrical contact wire in railroad (including industrial and mines), streetcar, and trolley bus systems.

(5) Multistrand railroad signal bond wire.

(6) Shunt wire leads for motors and generators.

(7) Flexible terminals of resistors, condensers, and field coils.

(d) Low melting point alloys for the following:

(1) Dry-type rectifier elements.

(2) Fire protective systems, safety devices, and electrical fuses.

(3) Plugs for screwless fasteners in rimless metal spectacles.

(4) Dental use.

(5) Seals between brass and glass parts of liquid high voltage fuses.

(e) Low melting point alloys containing no more than 10 percent by weight of cadmium for the following:

(1) Plastic fire control instruments for the mounting of optics.

(2) Gold alloy for gold-filled spectacle frames.

(3) The manufacture of inspection gauges.

(4) Bending of thin wall tubes.

(5) Bending of finished roll-formed and extruded shapes.

(f) Low melting point alloys containing no more than 6.5 percent by weight of cadmium for the following:

(1) Anchorage of punch press dies and bushings in drill jigs.

(2) Location of control points and surfaces (except floor grouting) in construction of fixtures.

(g) Zinc-base alloys, containing no more than 0.5 percent by weight of cadmium, for rolling.

(h) Type metal containing no more than 0.5 percent by weight of cadmium.

(i) Lead-base alloys, containing no more than 3 percent by weight of cadmium, for the coating of copper wire.

(j) Items classified as secret, to the extent that certification of engineering necessity accompanies orders issued by the military services of the United States, the Atomic Energy Commission, or the United States Coast Guard.

(k) Standard cells.

(l) Electrolytic testers for storage batteries.

(m) Cadmium-impregnated carbon or cadmium-silver alloys for use as contacts in electric current interruption devices.

(n) Bearings for rolling mills and heavy duty diesel engines.

(o) Cadmium chemicals for any use other than the manufacture of pigments or for use in the manufacture of pigments permitted under paragraph (a) of this section. The manufacturer of cadmium chemicals may sell such chemicals without requiring the certificate called for in section 6: *Provided, however,* No person may sell such chemicals if he knows or has reason to know that they will be used in the manufacture of pigments not permitted by paragraph (a) of this section.

(p) Copper tinsel wire containing not more than 1 percent cadmium by weight.

SEC. 5. *Production of cadmium-plated products.* No person shall produce any cadmium-plated product except those listed in paragraphs (a) through (y) of this section and then only for the purposes and subject to the qualifications set forth in said paragraphs (a) through (y):

(a) Functional parts which in service are subjected to frequent and extended periods of intermittent immersion in sea water or wet sprays of sea water to the extent that other finishes cannot be used for reasons of close tolerance or performance.

(b) Heddles and pin boards used in textile plants to the extent that corrosive action makes the use of other materials impracticable.

(c) Ferrous hardware parts in direct contact with fabric or leather to be used on the following:

(1) Aircraft parachutes.

(2) Aircraft safety belts.

(3) Aircraft shoulder harnesses.

(4) Aircraft bomb slings.

(d) Moving parts which require close tolerances for proper functioning and on parts adjacent to such moving parts to the extent that the tolerances cannot be maintained in service with other finishes because of mechanical or electrical interference by the products of corrosion or wear.

(e) Operating parts of electric controllers and switches.

(f) The following ferrous parts which in service reach a temperature of 500° F. or higher and on parts in contact with such ferrous parts:

(1) Aircraft parts requiring corrosion protection.

(2) Functional parts subject to the combined effect of corrosion and stress.

(g) Parts which serve to maintain an electrical contact for the suppression of radio interference to the extent that one of the contacted surfaces is aluminum, magnesium, or their alloys.

(h) Electrical contact parts of aircraft ignition harnesses and propeller hubs.

(i) Parts of electrical equipment to the extent that they, for performance reasons, must be soldered with the use of non-corrosive fluxes and where other finishes do not provide required corrosion protection.

(j) The following parts of electronic equipment:

(1) Surfaces involved in unsoldered butt joints which must remain constant in electrical or radio frequency resistance or both.

(2) Surfaces which require good conductivity for radio frequency current.

(3) Non-ferrous parts in contact with aluminum parts for prevention of electrolytic corrosion.

(k) Ferrous nuts, bolts, screws and other threaded parts, washers, hi-shear rivets, lock bolts, and cotter pins for use in aircraft.

(l) Nuts, bolts, machine screws, and studs having threads $\frac{3}{8}$-inch diameter and smaller and/or having 16 or more threads per inch for use in ship construction by the United States Army and Navy, Maritime Administration, and the United States Coast Guard.

(m) Parts subject to frictional contact at least one of which is a moving part to the extent that other finishes of required thickness and corrosion protective value cause gouging, seizure, or binding.

(n) Parts which in service are subjected to the corrosive action of chlorine except on items which contact chlorine only during laundry operations.

(o) Parts of items classified as secret, to the extent that certification of engineering necessity accompanies orders issued by the military services of the United States, the Atomic Energy Commission, or the United States Coast Guard.

(p) Ferrous springs (including lock washers), and parts which of necessity have been assembled with such springs before the plating operation, to the extent that other finishes do not provide necessary corrosion protection during use, and where their application causes embrittlement of the spring which cannot be removed satisfactorily by low temperature heat treatment.

(q) Carburetor and magneto parts for aircraft engines, and parts of automotive and aircraft fuel pumps which come in contact with fuel.

(r) Hose clamps for aircraft.

(s) External parts of engines for combat aircraft, excluding attachments which are not integral parts of the engine proper, such as clips, clamps, lugs, and further excluding such parts on which alternative finishes have proven satisfactory in service and newly designed parts performing similar functions.

(t) Hydraulic fitting coupling sleeves made of copper-base alloys for use in aircraft.

(u) Electrical contact parts which touch parts of aluminum, magnesium, or their alloys.

(v) Threaded fittings of gray and malleable iron to the extent that other finishes do not provide required corrosion protection and tolerance.

(w) Synthetic yarn and cotton twisters.

(x) High carbon wire for carding.

(y) Aircraft battery hold-down bars.

SEC. 6. *Delivery of cadmium, cadmium-containing items, or cadmium-plated products.* (a) Commencing on April 1, 1951, no person may deliver cadmium or any cadmium-containing item or cadmium-plated product unless he obtains directly, or through a dealer, from the person who will receive delivery thereof a signed certification as follows:

The undersigned, subject to statutory penalties, certifies that the cadmium, cadmium-containing items, and cadmium-plated products herein ordered will be used by the undersigned only for the purposes and to the extent permitted by NPA Order M-19.

This certification constitutes a representation to the seller and to the National Production Authority that the cadmium, cadmium-containing items, and cadmium-plated products delivered will be used only for purposes permitted by this order and that such use is not prohibited by other applicable orders or regulations of the National Production Authority.

(b) The provisions of this section will not apply to deliveries of: (1) Cadmium to any agency of the United States for its stockpile of strategic materials; (2) cadmium, cadmium-containing items, or cadmium-plated products for purposes of resale only; (3) cadmium-containing items or cadmium-plated products in connection with retail sales; or (4) finished subassemblies ready for assembly by purchaser into final end-product.

SEC. 7. *Defense orders for cadmium-containing items and cadmium-plated products.* Notwithstanding the provisions of NPA Reg. 2 which establishes a priorities system, unless otherwise directed by the National Production Authority, rated orders calling for cadmium-containing items or cadmium-plated products are subject to the provisions of sections 4, 5, and 6 of this order.

SEC. 8. *Inventories.* No person obtaining cadmium, cadmium-containing items, or cadmium-plated products for any purpose may receive or accept delivery of a quantity of such materials if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation during the succeeding 30-day period. NPA Reg. 1, relating to inventory control, will apply to such materials except as otherwise provided by this section.

SEC. 9. *Applications for adjustment or exception.* (a) Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that any provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

(b) To enable the National Production Authority to evaluate applications for adjustment or exception in cases where it is not practicable to substitute other less scarce materials for cadmium, such applications in the form of requests for authorization to use cadmium for purposes not permitted by this order should be forwarded to the National Production Authority by letter, in duplicate, setting forth the following information:

(1) Period of time, not exceeding 6 months, for which adjustment is requested.

(2) Quantity of cadmium applicant proposes to consume monthly (i) for purposes permitted by this order and (ii) for purposes covered by the application, stating the sources from which the latter cadmium will be obtained.

(3) Description (and for cadmium-containing alloys, the alloy composition), function, specification number, and cadmium requirement of each part or of each group of parts fulfilling related functions.

(4) The "DO" symbol, if the order or contract bears a "DO" classification.

(5) Justification, including reasons why substitutes are not satisfactory; e. g., faulty performance, lack of facilities, or shortage of manpower.

(6) Such other information as the applicant may wish to submit.

SEC. 10. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act. (Public Law 831, 77th Cong., 5 U. S. C. 139-139F)

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C. Ref: M-19.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

This order, as amended, shall take effect, except as otherwise specifically stated, on April 26, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-4683; Filed, Apr. 26, 1951; 2:19 p. m.]

[NPA Order M-49 as Amended April 28, 1951]

M-49—COLUMBIUM AND TANTALUM

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, and consideration has been given to their recommendations. However, in the formulation of this order, as amended, consultation with representatives of all trades and industries affected in advance of its issuance has been rendered impracticable by the fact that the order affects a large number of different trades and industries, and because of the necessity for immediate action.

This amendment affects NPA Order M-49, dated March 15, 1951, by amending sections 5 (c) and 7; by redesignating section 10 as section 10 (b) and adding a new paragraph designated as (a) to said section 10. As so amended NPA Order M-49 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Relation to other regulations and orders.
4. Substitution required.
5. Allocation authorization required.
6. Exceptions to allocation requirements.
7. Limitations on inventory.
8. Records to be kept.
9. Audit and inspection.
10. Reports.
11. Applications for adjustment or exception.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to conserve and to provide for the distribution and use of "columbium and tantalum," as hereinafter defined, so as best to serve the interests of the national defense program and of defense supporting activities. It makes "columbium and tantalum" subject to allocation. It prohibits, subject to certain exceptions, deliveries of "columbium and tantalum," except by authorizations to be issued monthly by the National Production Authority (hereinafter called "NPA").

SEC. 2. *Definitions.* As used in this order: (a) "Person" means any individual, corporation, partnership, associa-

tion, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Columbium and tantalum" means and includes ferrocolumbium, ferrotantalum, and ferrocolumbium-tantalum.

SEC. 3. *Relation to other regulations and orders.* The provisions of this order supersede NPA Order M-3 and all other NPA regulations and orders to the extent that they are in conflict herewith, but in all other respects such regulations and orders continue in full force and effect. The NPA may, from time to time, issue directives as to deliveries or use of "columbium and tantalum" and, unless otherwise provided therein, such directives will prevail over the provisions of this order.

SEC. 4. *Substitution required.* No person, whether pursuant to a DO rated order or otherwise, shall incorporate any "columbium and tantalum" into any product or material in any case in which the incorporation of a substitute or substitutes will meet the requirements for use to be made of any such product or material.

SEC. 5. *Allocation authorization required.* (a) After April 1, 1951, no person shall deliver, accept delivery of, or use "columbium and tantalum" in any month except in accordance with the terms of an allocation authorization issued for such month by NPA in accordance with this section. In the case of a person who keeps separate inventory records for any separate operating or producing units, each such separate operating or producing unit shall be deemed a person for purposes of this section.

(b) NPA may, from time to time, allocate the supply of "columbium and tantalum" and specifically direct the manner and quantities in which deliveries to particular persons or for particular uses may be made or withheld. Any person seeking to place a purchase order for "columbium and tantalum" may be required to place the same with one or more particular suppliers.

(c) An application for an allocation must be filed with NPA by the applicant on Forms NPAF-15 and NPAF-41, not later than the seventh day of the month preceding the month in which delivery is sought. Such application must furnish all information required by said forms.

(d) The authorization allocation (Form NPAF-41) issued will be sent by NPA to the appropriate supplier or suppliers and a copy furnished to the purchaser. The authorization will require a supplier to make delivery to the extent of the purchaser's orders within the limits of the authorization.

SEC. 6. *Exceptions to allocation requirements.* The provisions of section 5 of this order shall not apply to:

(a) Deliveries to the General Services Administration, or any other duly authorized governmental agency, for the purpose of stockpiling.

(b) Deliveries to any person whose total receipts from all sources during the current calendar month are not thereby made to exceed 10 pounds of contained "columbium and tantalum," and who delivers a signed certification to his supplier as follows:

Certified under M-49

Such certification constitutes a representation to the supplier and to the NPA that the purchaser is authorized under the provisions of this order to accept delivery of "columbium and tantalum" as permitted hereby, and that his receipt of the shipment in the amount requested, during the month of specified delivery, will not bring his total receipts of "columbium and tantalum" during that month above 10 pounds (columbium and tantalum content).

(c) Deliveries of columbium- and tantalum-bearing scrap: *Provided*, That any such scrap which is fit for re-melting must be disposed of in such a manner that it will be used in the production of columbium- and tantalum-bearing steel.

(d) Deliveries of columbium- and tantalum-bearing ores and concentrates by any producer, dealer, or processor.

(e) Deliveries of the pure metal tantalum or columbium in any amount.

SEC. 7. *Limitations on inventory.* No person shall place an order for "columbium and tantalum" calling for delivery, and no person shall accept delivery of "columbium and tantalum" at a time when his inventory exceeds, or by acceptance of such delivery, would be made to exceed 45 days' requirements at his then scheduled rate and method of operation. Any person who, on the effective date of this order or at any other time, has outstanding orders for "columbium and tantalum" calling for delivery earlier or in quantities greater than he would be permitted to receive under this section, shall forthwith notify his supplier of the extent to which delivery cannot be accepted as scheduled, and such orders shall be adjusted accordingly. Imported as well as domestic "columbium and tantalum," except when such imported "columbium and tantalum" has been purchased for resale, is subject to this section and so is to be included in computing inventory as aforesaid. "Columbium and tantalum" which has been subjected to minor processing, but has not yet been actually incorporated into a finished or partially finished product, is likewise to be included in computing inventory. This section is applicable irrespective of whether or not any such orders or deliveries are made in accordance with an allocation authority.

SEC. 8. *Records to be kept.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 9. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 10. *Reports.* (a) Every person who at any time in a calendar month had in his possession or under his control or who, during a calendar month, consumed more than 10 pounds of columbium and tantalum shall report to NPA on Form NPAF-15 on or before the seventh day of the following month. However, if he applies on such form for an allocation of columbium and tantalum for delivery during a succeeding month, his application serves also as the required report.

(b) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act (5 U. S. C. 139-139F).

SEC. 11. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for an adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C. Ref: M-49.

SEC. 13. *Violations.* Any person who willfully violates any provision of this order or any other order or regulation of the National Production Authority, or who willfully conceals a material fact or furnishes false information in the course of operation under this order, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on April 26, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-4994; Filed, Apr. 26, 1951; 2:19 p. m.]

Chapter X—Defense Solid Fuels Administration, Department of the Interior

[Solid Fuels Order 2]

SFO 2—DIRECTIVES FOR SPECIFIC SHIPMENTS OF SOLID FUELS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, it was impracticable to consult with industry representatives because the order merely makes provision for the issuance of specific directives for the delivery of solid fuels in individual cases as the needs of the national defense may require.

Sec.
1. What this order does.
2. Definitions.
3. Directives.
4. Compliance with directives.
5. Exemption from damages or penalties.
6. Adjustments and exceptions.
7. Reports and records.
8. Violations.
9. Communications.

AUTHORITY: Sections 1 to 9 issued under sec. 704, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950 (15 F. R. 6105); sec. 2, E. O. 10200, Jan. 3, 1951 (16 F. R. 61); DPA Del. 1, Jan. 24, 1951 (16 F. R. 738), as corrected February 5, 1951.

SECTION 1. *What this order does.* This order establishes procedures for the issuance, from time to time as necessary, by DSFA of directives requiring or forbidding specific deliveries or shipments of solid fuels by or to any person.

SEC. 2. *Definitions:* As used in this order:

(a) "DSFA" means Defense Solid Fuels Administration, Department of the Interior, Washington 25, D. C.

(b) "Solid Fuels" includes all forms of anthracite, bituminous, sub-bituminous and lignitic coals, and coke.

(c) "Person" means any individual, firm, partnership, corporation, association, or any other form of entity, public or private.

SEC. 3. *Directives.* Whenever it finds it to be necessary in the interest of the national defense, DSFA may issue directives requiring or forbidding specified shipments or deliveries of solid fuels. Any such directive shall set forth therein:

(a) The name and address of the person to whom it is directed;

(b) The quantity and kind of solid fuels directed to be shipped;

(c) The name and address of the person to whom the solid fuels shall be shipped; and

(d) If the directive contains a requirement to divert shipments, the name and address of the person from whom the shipment will be diverted.

Such directives may be sent by mail or by telegram. Copies thereof shall be sent to all persons named therein.

SEC. 4. *Compliance with directives.* When a person receives a directive, he shall comply with it fully and completely. If he is unable, for any reason, to so comply, he shall promptly notify DSFA by registered mail or telegram, or as otherwise directed in the directive, setting forth the reason for such inability. Any shipment made under any such directive shall be on terms mutually satisfactory to the shipper and purchaser, but in no event shall the price exceed the lawful ceiling price and charges for the solid fuels shipped.

SEC. 5. *Exemption from damages or penalties.* No person shall be held liable for damages or penalties under any contract for any default which shall result directly or indirectly from compliance with the provisions of any directive issued under this order.

SEC. 6. *Adjustments and exceptions.* Any person affected by any provision of this order, or by any directive issued hereunder, may file with DSFA a request for adjustment or exception upon the ground that its enforcement against him would be unduly prejudicial and not in the interest of the national defense. In considering any such request, consideration will be given to the requirements of the defense program and the public health and safety.

SEC. 7. *Reports and records.* Each person participating in any transaction ordered by a directive issued under this order, shall promptly notify DSFA in writing as to whether the terms of the directive have been complied with. Each such person shall also retain in his possession for at least two years records of each shipment or receipt of solid fuels shipped pursuant to such directive. All such records shall be made available at such persons' usual place of business for inspection and audit by duly authorized representatives of DSFA.

SEC. 8. *Violations.* Any person who wilfully fails to comply with the provisions of this order or with any directive issued under this order, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order or any directive issued pursuant to this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of solid fuels or using facilities under priority or allocation control and to deprive him of priorities assistance.

SEC. 9. *Communications.* All communications concerning this order or any directive issued pursuant to this order shall be addressed to "Defense Solid Fuels Administration, Department of the Interior, Washington 25, D. C."

This order shall take effect on April 30, 1951.

DEFENSE SOLID FUELS ADMINISTRATION,
CHAS. W. CONNOR,
Defense Solid Fuels Administrator.

[F. R. Doc. 51-5051; Filed, Apr. 27, 1951; 12:12 p. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Paragraph (c), entitled *Speed*, of § 20.5, entitled *Mount Rainier National Park*, is amended to read as follows:

(c) *Speed.* The maximum speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed the following prescribed limits:

(1) On curves which are posted as dangerous, 15 miles per hour.

(2) Over that portion of U. S. Highway No. 410 from the north park boundary to its junction with the East Side Road at Cayuse Pass, 50 miles per hour.

(3) Over roads other than that portion of U. S. Highway No. 410 mentioned in subparagraph (2) of this paragraph, 35 miles per hour unless a lower maximum permissible speed is posted.

(4) Trucks of a ton and one-half capacity or over, 30 miles per hour.

(5) Cars towing trailers or other cars or vehicles of any kind, 30 miles per hour.

2. Paragraph (b), entitled *Fishing*, of § 20.7, entitled *Rocky Mountain National Park*, is amended to read as follows:

(b) *Fishing.* (1) Along the eastern shores of Shadow Mountain Lake and the Granby Reservoir fishing shall be done in conformity with the laws and regulations of the State of Colorado only.

(2) Elsewhere in the Park, fishing shall be done in conformity with the laws and regulations of the State of Colorado regarding hours for fishing, minimum size limits, and the method of handling and returning undersized fish to the water: *Provided, however*, That the following additional restrictions shall be applicable:

(i) The open season for fishing shall begin with the opening date set by the State of Colorado for areas adjacent to the Park and shall end at sunset on September 30.

(ii) The use of seines, throw lines, set lines, or any other method of catching fish, except by rod and line held in the hand, is prohibited.

(iii) The use of minnows, small fish, or eggs, of any kind or type as bait, or the release or freeing thereof in any of the waters is prohibited.

(iv) The number of fish that may be taken by any person in any one day is limited to 10 fish (not exceeding a total of 10 pounds). The possession of more than one day's catch by any person at any one time is prohibited.

(v) Fishing in rearing ponds or other posted waters is prohibited.

(vi) Tonahutu Creek is closed to fishing for a distance of 3 miles upstream from the park boundary.

3. Section 20.13 entitled *Yellowstone National Park*, is amended as follows:

a. Subparagraph (2) of paragraph (b), entitled *Speed*, is amended to read as follows:

(2) On the Norris Junction-Canyon Junction road and the Mammoth-North Entrance road, 30 miles per hour.

b. Paragraph (e), entitled *Fishing*, is amended as follows:

Subdivision (i) of subparagraph (2), entitled *Limited open season*, is amended to read as follows:

(i) All streams emptying into Yellowstone Lake, including the mouths of such streams, the Yellowstone River and its tributaries from a point 10 yards above Fishing Bridge to the Upper Falls at Canyon are open to fishing from sunrise on July 1 to sunset on October 15: *Provided, however*, That fishing is prohibited in Yellowstone River for a distance of 250 yards on either side of the center of Yellowstone Cascades.

Subparagraph (5) entitled *Limit of catch and in possession*, is amended to read as follows:

(5) *Limit of catch and in possession.* The limit of catch per day by each person fishing, and the limit of fish in possession at any one time by any one person, shall be 10 pounds of fish (dressed weight with heads and tails intact), plus one fish, not to exceed a total of 5 fish.

Subdivision (ii) of subparagraph (6), entitled *Restriction on use of bait*, is amended to read as follows:

(ii) Only artificial flies, with a single hook, may be used as lures in the Firehole River, Madison River, Squaw Lake, and that section of the Gibbon River extending from the mouth of the stream to the crest of Gibbon Falls. The use of any lures, other than artificial flies, in these waters is prohibited.

4. Subparagraph (1), entitled *Open season*, of paragraph (a), entitled *Fishing*, of § 20.16, entitled *Yosemite National Park*, is amended to read as follows:

(1) *Open season.* The open season for fishing within the Park shall begin with the opening date set by the California State Fish and Game Commission for areas adjacent to the Park and shall end one hour after sunset on October 15.

5. Paragraph (b), entitled *Fishing*, of § 20.22, entitled *Grand Teton National Park*, is amended to read as follows:

(b) *Fishing.* (1) Snake River for a distance of 135 feet from the lower face of the Jackson Lake Dam and Cottonwood Creek from a point 100 feet above the Boat Dock at the outlet of Jenny Lake to a point 100 feet below the CCC Bridge behind the Jenny Lake Store are closed at all times to fishing. All other waters within the Park (Drainage Area 1) shall be open to fishing from July 1 to October 31, inclusive, with the following exceptions:

(i) The First, Second, and Third Creeks, Spring Creek, Teton Lodge Ponds, Swan Lake at Moran, Braman McKinstry and Two Ocean Creek, J O Ponds, Moose Ponds, Beaver Ponds, Sawmill, Huckleberry and Schoolhouse Ponds, Jenny, String, Leigh, and Phelps Lakes, and the Farrel and Allen Budge Ponds will open May 1 and close October 31.

(ii) Jackson Lake shall be open during the calendar year except during the period from September 10 to October 31, inclusive.

(2) Only one artificial fly or lure such as a spinner, wobbler or plug with a single hook may be used, except in Jackson Lake where one multiple hook may be used. Dead minnows may be used also in Jackson Lake only.

(3) With the exception of Jackson Lake where the limit of catch and possession limit for any person per day is six fish, the limit of catch per person per day elsewhere in the Park is six fish and a possession limit of not more than two days' catch.

(4) The seining or trapping of fish in the Park is prohibited, except by special permission of the Superintendent.

(5) Use of rafts or boats propelled by any type of motor is prohibited on Leigh Lake and the use of rafts or boats of any type is prohibited within 500 feet of the lower face of Jackson Lake Dam.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 20th day of April 1951.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-4900; Filed, Apr. 27, 1951; 8:49 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR, Part 18]

MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWERPLANTS, PROPELLERS, AND APPLIANCES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a revision of Part 18 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by May 31, 1951, will be considered by the Board before taking further action on the proposed rules. Copies of the communications received will be available after June 5, 1951, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Currently effective Part 18 establishes rules and procedures for the maintenance, repair, and alteration of certificated aircraft, aircraft engines, propellers, and instruments and describes the various operations constituting routine maintenance, repairs, and alterations.

On December 9, 1949, there was circulated for public comment a proposed revision of this part. As a result of our consideration of the comments received, we have made major changes in the proposed regulatory plan in this field. It is our opinion that the revised proposal published herein meets basic industry conditions and needs as indicated in response to our previous notice of proposed rule making. However, we believe it desirable, under current circumstances, to resubmit our revised proposals for public comment so that we may be fully advised of the adverse effect, if any, of this proposal on the ability of the agencies and individuals affected to do the important work in support of our defense effort to which so many of them are now assigned.

The revision hereby proposed restates and clarifies the standards for the performance of maintenance, repair, and alteration of any certificated aircraft or component thereof. It also sets forth the classes of persons authorized to perform and to approve maintenance, repair, and alteration operations, and describes the required records.

The revised part, with certain exceptions, provides that only certificated mechanics, persons operating under the supervision of certificated mechanics, or repair stations shall be authorized to work on aircraft or aircraft components. The pertinent exceptions are pilots who will be authorized to perform certain preventive maintenance functions on their personally owned aircraft[1] and manufacturers who will be permitted to rebuild or alter their own products, without obtaining repair station certificates, when utilizing the same personnel and processes as are used in the current manufacture of the same or closely related products. In addition, except as hereinbefore indicated as permissive work by manufacturers, the part restricts the performance of work on instruments and the making of major repairs and alterations on propellers to appropriately rated repair stations. (See proposed Part 52, F. R. Doc. 51-4922, promulgated concurrently herewith for new requirements for certification of repair agencies.)

[1] Preventive maintenance is defined to mean simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations. It is anticipated that the Administrator will publish, as part of Civil Aeronautics Manual 18, the various operations constituting preventive maintenance of the several types of aircraft.

We are also requiring that an aircraft be flight tested only after it has undergone major repair or major alteration operations, thus eliminating the requirement that an aircraft be test flown after it has undergone maintenance, minor repair, or minor alteration operations. Further, we are deleting the requirement now contained in § 18.12 that a private pilot shall have at least 200 hours of pilot time before being eligible to conduct a flight test on aircraft after certain repairs or alterations, because this requirement has, in effect, been superseded by the more recently adopted provisions of § 43.21 which contains no such requirement.

The proposed revision of Part 18 is set forth below.

This revision is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 302, 601-610, 52 Stat. 985, as amended, 1007-1012, as amended; 49 U. S. C. 452, 551-560)

Dated April 23, 1951, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

PART 18—MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWERPLANTS, PROPELLERS, AND APPLIANCES

§ 18.0 *Applicability of this part.* This part establishes rules for the performance of maintenance, repair, and alteration of aircraft for which airworthiness certificates have been issued by the Administrator, or any component thereof.[2]

§ 18.1 *Definitions.* (a) As used in this part, the words listed below shall be defined as follows:

(1) *Aircraft.* An aircraft shall mean any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, including airframe, powerplant, propeller, and appliances.

(2) *Airframe.* Airframe shall mean all parts of an aircraft less powerplant, propeller, and appliances.

(3) *Alteration.* An alteration shall mean any appreciable change in the design of an airframe, powerplant, propeller, or appliance.

(4) *Appliances.* Appliances shall mean instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including communication equipment, electronic devices, and any other mechanism or mechanisms installed in or attached to aircraft during flight, but excluding parachutes), and which are not a part or parts of airframes, powerplants, or propellers.

(5) *Approved.* Approved, when used either alone or as modifying such words as aircraft, airframe, powerplant, propeller, appliances, methods, or techniques, shall mean approved by the Administrator of Civil Aeronautics in accordance with the applicable requirements of the Civil Air Regulations.

(6) *Authorized representative of the Administrator.* An authorized representative of the Administrator shall mean any employee of the Civil Aeronautics Administration, or any private person authorized by the Administrator to perform any of the duties delegated to the Administrator by the provisions of this part.

(7) *Certificated mechanic.* A certificated mechanic shall mean a mechanic holding a mechanic certificate with appropriate ratings issued by the Administrator.

(8) *Certificated repair station.* A certificated repair station shall mean a repair station holding a repair station certificate with appropriate ratings issued by the Administrator.

(9) *Component.* A component shall mean a constituent part of an aircraft.

(10) *Maintenance.* Maintenance, which includes preventive maintenance, shall mean the inspection, upkeep, and preservation of airframes, powerplants, propellers, and appliances, including the replacement of parts.

(11) *Major alteration.* A major alteration of an aircraft or any component thereof shall mean

(i) An alteration which results in an appreciable change in its weight, balance, structural strength, powerplant operation, or flight characteristics, or an alteration which creates a possible hazard, or

(ii) An alteration which cannot be executed by means of elementary operations.

(12) *Major repair.* A major repair to an aircraft or any component thereof shall mean a repair the accomplishment of which might affect the basic structure and or the performance of an aircraft or any component thereof.

(13) *Manufacturer.* A manufacturer shall mean any person who

(i) Holds a production certificate for an aircraft, airframe, powerplant, propeller, or appliance and manufactures such aircraft, airframe, powerplant, propeller, or appliance in accordance with the terms of such production certificate, or

(ii) Manufactures an appliance in accordance with the terms and specifications of an applicable Technical Standard Order issued by the Administrator.

(14) *Minor alteration.* A minor alteration of an aircraft or any component thereof shall mean an alteration other than a major alteration, including any alteration which can be executed by means of elementary operations.

(15) *Minor repair.* A minor repair shall mean any repair other than a major repair.

(16) *Person.* Person means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(17) *Powerplant.* Powerplant shall mean an aircraft engine and its component parts, less propeller.

(18) *Preventive maintenance.* Preventive maintenance shall mean simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations.

(19) *Propeller.* Propeller shall mean a device for propelling an aircraft through the air, having blades mounted on a power-driven shaft, which when rotated produces by its action on the air a thrust approximately parallel to the longitudinal axis of the aircraft.

(20) *Repair.* Repair shall mean the restoration of an airframe, powerplant, propeller, or appliance to a condition for safe operation after damage or deterioration.

(21) *Type.* Type shall mean all aircraft of the same basic design, including all modifications thereto except those modifications which result in a change in handling or flight characteristics.

PERFORMANCE RULES

§ 18.10 *Standard of performance; general.* All maintenance, repair, and alterations shall be accomplished in accordance with approved methods, techniques, and practices.

§ 18.11 *Standard of performance; maintenance and repair.* All maintenance and repair shall be accomplished in such a manner and the materials used shall be of such quality and strength that the condition of the part of the aircraft on which such work has been performed shall, with regard to aerodynamic and mechanical function, structural strength, resistance to vibration and deterioration, and other qualities affecting airworthiness, be at least equivalent to its original or properly altered condition.

§ 18.12 *Standard of performance; alterations.* All alterations shall be so designed and accomplished that the altered airframe, powerplant, propeller, or appliance will comply with the airworthiness requirements for the airframe, powerplant, propeller, or appliance.[3]

§ 18.13 *Persons authorized to perform maintenance, preventive maintenance, repair, and alterations.*[4] (a) Except as

[2] The Administrator will publish Civil Aeronautics Manual 18 which sets forth a list of operations considered to be maintenance (including preventive maintenance), repair, and alteration. This manual may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

[3] For those major alterations for which it would be desirable to secure prior approval by the Administrator, refer to CAM 18.

[4] The Communications Act of 1934, as amended, and the rules and regulations of the Federal Communications Commission require that all transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station licensed by the Federal Communications Commission, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class radio operator license issued by the Federal Communications Commission, either radiotelephone or radiotelegraph, as may be appropriate for the class of station concerned, who shall be responsible for the proper functioning of the station equipment.

provided in paragraphs (b) and (c), of this section no person shall perform maintenance, preventive maintenance, repair, or alterations on civil aircraft of United States registry.

(b) An appropriately rated certificated mechanic, a person who works under the direction supervision of such a mechanic, or an appropriately rated repair station may perform maintenance, preventive maintenance, repair, and alterations[5] on aircraft or aircraft components for which rated as provided in Parts 24 and 52 of this chapter, respectively: *Provided*, That instrument repair and alterations and propeller major repair and major alterations, except where rebuilt or altered by the original manufacturer, shall be performed only by a certificated repair station having the proper rating.

(c) A certificated pilot may perform, on aircraft owned or operated by him, such preventive maintenance as may be authorized by the Administrator.

(d) A manufacturer may rebuild or alter a product when such work is performed in the same manner and by the same personnel as are engaged in the current manufacture of the same or closely related products. In all other cases a manufacturer shall be subject to the requirements of paragraph (b) of this section.

§ 18.14 *Persons authorized to approve maintenance, repair, and alterations.* (a) Any airframe, powerplant, propeller, or appliance which has undergone maintenance, minor repair, or minor alteration may be approved and returned to service by any person authorized to perform such work or by an appropriately rated certificated repair station.

(b) No airframe, powerplant, propeller, or appliance, which has undergone any major repair or major alteration shall be returned to service until examined, inspected, and approved as airworthy by an authorized representative of the Administrator or, where the work has been performed by them, by certificated repair stations or original manufacturers of the airplane, powerplant, propeller, or appliance.

§ 18.15 *Flight tests.* When an aircraft has undergone any major repair or major alteration, such aircraft, prior to carrying passengers, shall be test flown by at least a private pilot appropriately rated for such aircraft. The pilot shall make a written notation in the aircraft repair and alteration records to the effect that he has flown such aircraft and has found the flight operation to be satisfactory.[6]

MAINTENANCE, REPAIR, AND ALTERATION RECORDS

§ 18.20 *Required records.* (a) A permanent record of every maintenance, repair, or alteration of any airframe, powerplant, propeller, or appliance shall be kept. When major repairs and major alterations result in any change in the aircraft limitations or data contained in the aircraft flight manual, appropriate amendments shall be made thereto.

(b) No record of any preventive maintenance of any airframe, powerplant, propeller, or appliance need be kept.

§ 18.21 *Content of repair and alteration records.* (a) The record of all maintenance, repair, rebuilding, and alteration, of any airframe, powerplant, propeller, or appliance or the installation or removal of an appliance shall contain the information set forth in subparagraphs (1) through (4) of this paragraph:

(1) An adequate description of the work performed,

(2) The date of completion of the work performed,

(3) The name of the individual, repair station, or manufacturer performing the work,

(4) The signature, and if a certificated mechanic the certificate number, of the person approving as airworthy the work performed and authorizing the return of the aircraft or component to service.

§ 18.22 *Form and disposition of repair or alteration records.* (a) All major repairs and major alterations of an airframe, powerplant, propeller, or appliance shall be entered on a form prescribed by the Administrator. Such form shall be executed in duplicate; the original shall be delivered to the owner of the aircraft so repaired or altered, and a duplicate shall be delivered to the Administrator of Civil Aeronautics.

(b) The record of maintenance, minor repairs, and minor alterations of an airframe, powerplant, propeller, or appliance may be kept in any suitable form: *Provided*, That such form contains at least the information specified by § 18.21.

§ 18.23 *Records maintained by scheduled air carriers.* A scheduled air carrier may establish its own system for recording repairs and alterations: *Provided*, That the information specified in § 18.21 is furnished.

[F. R. Doc. 51-4924; Filed, Apr. 27, 1951; 8:55 a. m.]

[5] See also Part 35 of this chapter for the limited privilege granted flight engineers.

[6] The objectives of the flight test and the technical qualifications which should be possessed by the test pilot will be found in CAM 18.

[14 CFR, Part 24]

MECHANIC CERTIFICATES AND LIMITED MECHANIC CERTIFICATES WITH PROPELLER AND APPLIANCE RATINGS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a revision of Part 24 of the Civil Air Regulations and an extension of Special Civil Air Regulation SR-348.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by May 31, 1951, will be considered by the Board before taking further action on the proposed rules. Copies of the communications received will be available after June 5, 1951, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Currently effective Part 24 establishes requirements for the certification and rating of aircraft mechanics and aircraft engine mechanics. It also provides that an individual, in order to return to service any aircraft or component thereof which has undergone any maintenance, repair, or alteration, is required to hold a mechanic certificate with an aircraft and/or an aircraft engine rating. However, Special Civil Air Regulation SR-348, effective until July 31, 1951, authorizes the issuance of limited mechanic certificates with propeller and aircraft appliance ratings to individuals who supervise the inspection, repair, or overhaul of propellers or appliances performed by manufacturers or certificated repair stations, and exempts such individuals from meeting the certificate requirements of Part 24. Thus, a limited mechanic is relieved from the requirements that he have a specified amount of experience and skill and accomplish successfully prescribed theoretical and skill examinations.

On December 9, 1949, there was circulated for public comment a proposed revision of this part. As a result of our consideration of the comments received, we have made major changes in the proposed regulatory plan in this field. It is our opinion that the revised proposal published herein meets basic industry conditions and needs as indicated in response to our previous notice of proposed rule making. However, we believe it desirable, under current circumstances, to resubmit our revised proposals for public comment so that we may be fully advised of the adverse effect, if any, of this proposal on the ability of the agencies and individuals affected to do the important work in support of our defense effort to which so many of them are now assigned.

The revision of Part 24 establishes requirements for the issuance of mechanic certificates and ratings for mechanics, delineates the privileges of such certificates, and establishes basic operating rules for the holders thereof.

In view of the almost unanimous adverse reaction from all industry segments to our original proposal to issue propeller, radio, instrument, and accessory ratings to individual mechanics, we have decided to provide standards for mechanic certificates with only airframe and powerplant ratings (corresponding exactly to current aircraft and engine ratings, respectively). However, in proposed Part 52 (F. R. Doc. 51-4922, *infra*) we have made provision for the issuance to repair stations of propeller, radio, instrument, and accessory ratings of several different classes, and in proposed Part 18 (F. R. Doc. 51-4924, *supra*), we have required that instrument repair and alterations and major propeller repairs and alterations be performed by a certificated repair station. Part 52 makes the repair station responsible for the competence of its personnel directly in charge of its certificated activities, and provides for the designation as certificated airmen of individuals selected and warranted as competent by the repair station.

However, since Part 52 provides that its provisions shall not become applicable to a given repair station until a reinspection and issuance of a new certificate have been accomplished by the Administrator, we propose to extend the provisions of Special Regulation SR-348 for another year.

The revised part requires an applicant to take a practical examination appropriate to the rating sought. It is intended that this examination will be designed to permit an applicant to demonstrate that he possesses a well-rounded, basic knowledge of the work which the rating applied for authorizes him to perform. It is believed that all examinations serving to qualify an individual for a mechanic certificate should be conducted by the Administrator to insure that all applicants meet the same general standards.

We believe that current holders of mechanic certificates are able to meet these requirements, and we have, therefore, provided that these individuals may exchange such certificates for certificates issued in accordance with this part.

Revised Part 24 also specifies the recent experience requirements which must be met by each certificated mechanic before he is considered qualified to exercise the privileges of his certificate and ratings. These are similar to those currently contained in Part 24. Subject to these recent experience requirements, the holder of a certificate and rating could work on any category of aircraft without specific authorization therefor being endorsed on his certificate or rating.

Although the part does not provide for the issuance of mechanic certificates on the basis of competence gained while in the armed forces of the United States, the experience gained while in the armed forces may be credited toward the total experience required for a particular rating.

The proposed revision of Part 24 is set forth below.

This revision is proposed under authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 302, 601-610, 52 Stat. 985, as amended, 1007-1012, as amended; 49 U. S. C. 452, 551-560)

Dated: April 23, 1951, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

PART 24—MECHANIC CERTIFICATES

§ 24.0 *Applicability of this part.* This part establishes requirements for the issuance of mechanic certificates and ratings, delineates the privileges of such certificates, and establishes basic operating rules for the holders thereof.

§ 24.1 *Definitions.* (a) As used in this part, the words listed below shall be defined as follows:

(1) *Accessory.* An accessory shall mean an appliance other than an instrument, radio, radar, or device for the automatic control of aircraft in flight.

(2) *Aircraft.* An aircraft shall mean any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, including airframe, powerplant, propeller, and appliances.

(3) *Airframe.* Airframe shall mean all parts of an aircraft less powerplant, propeller, and appliances.

(4) *Alteration.* An alteration shall mean any appreciable change in the design of an airframe, powerplant, propeller, or appliance.

(5) *Appliances.* Appliances shall mean instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including communication equipment, electronic devices, and any other mechanism or mechanisms installed in or attached to aircraft during flight, but excluding parachutes), and which are not a part or parts of airframes, powerplants, or propellers.

(6) *Approved.* Approved, when used either alone or as modifying such words as aircraft, airframe, powerplant, propeller, appliance, methods, or techniques, shall mean approved by the Administrator of Civil Aeronautics in accordance with the applicable requirements of the Civil Air Regulations.

(7) *Authorized representative of the Administrator.* An authorized representative of the Administrator shall mean any employee of the Civil Aeronautics Administration, or any private person authorized by the Administrator to perform any of the duties delegated to the Administrator by the provisions of this part.

(8) *Certificated mechanic.* A certificated mechanic shall mean a mechanic holding a mechanic certificate with appropriate ratings issued by the Administrator.

(9) *Certificated repair station.* A certificated repair station shall mean a facility for the maintenance, repair, and alteration of airframes, powerplants, propellers, or appliances, holding a repair station certificate with appropriate ratings issued by the Administrator.

(10) *Component.* A component shall mean a constituent part of an aircraft.

(11) *Instrument.* An instrument shall mean a device utilizing internal mechanism to indicate visually or aurally the attitude, altitude, performance, or operation of an aircraft or any component thereof, and shall include radar instrumentation and devices for the automatic control of aircraft in flight.

(12) *Maintenance.* Maintenance, which includes preventive maintenance, shall mean the upkeep and preservation of airframes, powerplants, propellers, and appliances, including the replacement of parts.

(13) *Major alteration.* A major alteration of an aircraft or any component thereof shall mean:

(i) An alteration which results in an appreciable change in its weight, balance, structural strength, powerplant operation, or flight characteristics; or

(ii) An alteration which cannot be executed by means of elementary operations.

(14) *Major repair.* A major repair to an aircraft or any component thereof shall mean a repair the accomplishment of which might affect the basic structure and/or the performance of an aircraft or any component thereof.

(15) *Minor alteration.* A minor alteration of an aircraft or any component thereof shall mean an alteration other than a major alteration, including any alteration which can be executed by means of elementary operations.

(16) *Minor repair.* A minor repair shall mean any repair other than a major repair.

(17) *Powerplant.* Powerplant shall mean an aircraft engine and its component parts, less propeller.

(18) *Preventive maintenance.* Preventive maintenance shall mean simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations.

(19) *Propeller.* Propeller shall mean a device for propelling an aircraft through the air, having blades mounted on a power-driven shaft, which when rotated produces by its action on the air a thrust approximately parallel to the longitudinal axis of the aircraft.

(20) *Radio.* Radio shall mean an appliance for the transmission and reception of signals by means of electric waves without a connecting wire.

(21) *Repair.* Repair shall mean the restoration of an airframe, powerplant, propeller, or appliance to a condition for safe operation after damage or deterioration.

CERTIFICATION RULES

§ 24.5 *Application for certificate.* Application for certificates and ratings shall be made on a form and in a manner prescribed by the Administrator.

§ 24.6 *Issuance.* (a) Mechanic certificates and ratings shall be issued by the Administrator to applicants who meet the requirements of this part.

(b) Pending a review of an application and supporting documents by the Administrator and the issuance of a mechanic certificate and ratings, an authorized representative of the Administrator may, subject to such terms and conditions as the Administrator may specify, issue a temporary mechanic certificate with appropriate ratings to an applicant for a mechanic certificate and ratings who has met the requirements of this part.

§ 24.7 *Duration.* (a) A mechanic certificate and ratings shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board, except that a certificate

issued to an individual other than a United States citizen shall remain in effect for only one year. After revocation, and upon request of the Administrator after suspension, the certificate shall be returned to the Administrator.

(b) A temporary mechanic certificate shall remain in effect for 90 days.

§ 24.8 *Outstanding mechanic certificates and ratings.* After the effective date of this part a person holding a mechanic certificate with an aircraft mechanic rating shall be deemed to hold a mechanic certificate with an airframe rating, a person holding a mechanic certificate with an aircraft engine mechanic rating shall be deemed to hold a mechanic certificate with a powerplant rating, and a person holding a mechanic certificate with aircraft mechanic and aircraft engine mechanic ratings shall be deemed to hold a mechanic certificate with both airframe and powerplant ratings. The Administrator may, in such form and manner as he may establish, require the exchange of outstanding certificates for certificates issued in accordance with the provisions of this part.

§ 24.9 *Display.* When issued to the individual, the mechanic certificate with appropriate ratings shall be in the personal possession of the mechanic at all times while exercising the privileges of such certificate, and shall be available for inspection by any authorized representative of the Administrator or the Board, or by any authorized State or local law enforcement officer.

§ 24.10 *Change of address.* Within 30 days after any change in the permanent mailing address of a holder of a mechanic certificate, the holder shall notify the Administrator in writing of such change. Such notice shall be mailed to the Administrator of Civil Aeronautics, Attention Airman Records Branch, Washington 25, D. C.

GENERAL CERTIFICATE REQUIREMENTS

§ 24.15 *Citizenship.* An applicant shall be a citizen of the United States or of a foreign government which grants or has undertaken to grant reciprocal mechanic certificate privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

§ 24.16 *Age.* An applicant shall be at least 18 years of age.

§ 24.17 *Education.* An applicant shall be able to read, write, speak, and understand the English language. Provided, That if an applicant is employed by a United States air carrier holding a mechanic certificate which authorizes him to perform inspections required by the Administrator, and his duties require him to perform such inspections in the English language, he may be issued a certificate with the limitation that he exercise the privileges of his certificate only in the performance of such duties.

§ 24.18 *Graduates of certificated mechanic schools.* A graduate of a mechanic school certificated under Part 53 of this chapter who applies for a mechanic certificate within 120 days after graduation shall be issued a certificate with such ratings as are appropriate to the curriculum from which he graduated, if he passes the written, oral, and practical examinations prescribed by the Administrator for the issuance of such certificate and ratings. Failure to apply within the 120-day period or failure to pass the prescribed examinations shall require the graduate to meet the requirements of § 24.19.

§ 24.19 *Experience requirements.* An applicant who does not meet the requirements of § 24.18 shall present documentary evidence satisfactory to the Administrator of at least 18 months of practical experience in the construction, maintenance, or alteration of aircraft or aircraft components for the rating or ratings sought. Provided, That the Administrator may reduce the experience requirements of this section by not more than 6 months for applicants who have successfully completed a course of training at a school certificated under Part 53 of this chapter.

§ 24.20 *Application for additional rating.* An applicant for a rating subsequent to the original issuance of a mechanic certificate with appropriate rating shall meet the knowledge, experience, and skill requirements for the rating applied for.

§ 24.21 *Substantiation of experience.* An applicant shall submit evidence satisfactory to the Administrator to substantiate the experience qualifications for the mechanic certificate and rating applied for.

§ 24.22 *Ratings.* The following mechanic ratings shall be issued:

(a) Airframe,

(b) Powerplant.

MECHANICAL KNOWLEDGE, EXPERIENCE, AND SKILL REQUIREMENTS

§ 24.30 *Mechanical knowledge.* An applicant for a mechanic certificate with airframe or powerplant rating shall successfully accomplish a written and oral examination prescribed by the Administrator covering the construction, maintenance, repair, and inspection of the part of an aircraft appropriate to the rating sought, the provisions of this part, the applicable provisions of Part 43 of this chapter, and the provisions of Civil Aeronautics Manual 18.

§ 24.31 *Mechanical experience.* (a) An applicant for a mechanic certificate with either an airframe or powerplant rating shall have had at least 18 months of practical experience with the procedures, practices, materials, tools, machine tools, and equipment generally used in the inspection, maintenance, repair, and alteration of airframes or powerplants, respectively.

(b) The experience required for each rating shall be acquired in the exclusive performance of the duties appropriate to such rating: *Provided*, That an applicant for an airframe and a powerplant rating must for issuance each rating, if he has performed concurrently the duties appropriate to both such ratings for at least 30 months.

§ 24.32 *Graduates of certificated mechanic schools.* A graduate of a mechanic school certificated under Part 53 of this chapter who applies for a mechanic certificate within 120 days after graduation shall be issued a certificate with such ratings as are appropriate to the curriculum from which he graduated, if he passes the written, oral, and practical examinations prescribed by the Administrator for the issuance of such certificate and ratings. Failure to apply within the 120-day period or failure to pass the prescribed examinations shall require the graduate to meet the requirements of § 24.33.

§ 24.33 *Graduates of certificated mechanic schools.* A graduate of a mechanic school certificated under Part 53 of this chapter who applies for a mechanic certificate with airframe or powerplant rating shall successfully accomplish a written and oral examination prescribed by the Administrator covering the construction, maintenance, repair, and inspection of the part of an aircraft appropriate to the rating sought, the provisions of this part, the applicable provisions of Part 43 of this chapter, and the provisions of Civil Aeronautics Manual 18.

§ 24.34 *Graduates of certificated mechanic schools.* A graduate of a mechanic school certificated under Part 53 of this chapter who applies for a mechanic certificate within 120 days after graduation shall be issued a certificate with such ratings as are appropriate to the curriculum from which he graduated, if he passes the written, oral, and practical examinations prescribed by the Administrator for the issuance of such certificate and ratings. Failure to apply within the 120-day period or failure to pass the prescribed examinations shall require the graduate to meet the requirements of § 24.35.

§ 24.35 *Graduates of certificated mechanic schools.* A graduate of a mechanic school certificated under Part 53 of this chapter who applies for a mechanic certificate with airframe or powerplant rating shall successfully accomplish a written and oral examination prescribed by the Administrator covering the construction, maintenance, repair, and inspection of the part of an aircraft appropriate to the rating sought, the provisions of this part, the applicable provisions of Part 43 of this chapter, and the provisions of Civil Aeronautics Manual 18.

§ 24.36 *Graduates of certificated mechanic schools.* A graduate of a mechanic school certificated under Part 53 of this chapter who applies for a mechanic certificate within 120 days after graduation shall be issued a certificate with such ratings as are appropriate to the curriculum from which he graduated, if he passes the written, oral, and practical examinations prescribed by the Administrator for the issuance of such certificate and ratings. Failure to apply within the 120-day period or failure to pass the prescribed examinations shall require the graduate to meet the requirements of § 24.37.

§ 24.37 *Graduates of certificated mechanic schools.* A graduate of a mechanic school certificated under Part 53 of this chapter who applies for a mechanic certificate with airframe or powerplant rating shall successfully accomplish a written and oral examination prescribed by the Administrator covering the construction, maintenance, repair, and inspection of the part of an aircraft appropriate to the rating sought, the provisions of this part, the applicable provisions of Part 43 of this chapter, and the provisions of Civil Aeronautics Manual 18.

§ 24.38 *Graduates of certificated mechanic schools.* A graduate of a mechanic school certificated under Part 53 of this chapter who applies for a mechanic certificate within 120 days after graduation shall be issued a certificate with such ratings as are appropriate to the curriculum from which he graduated, if he passes the written, oral, and practical examinations prescribed by the Administrator for the issuance of such certificate and ratings. Failure to apply within the 120-day period or failure to pass the prescribed examinations shall require the graduate to meet the requirements of § 24.39.

§ 24.39 *Graduates of certificated mechanic schools.* A graduate of a mechanic school certificated under Part 53 of this chapter who applies for a mechanic certificate with airframe or powerplant rating shall successfully accomplish a written and oral examination prescribed by the Administrator covering the construction, maintenance, repair, and inspection of the part of an aircraft appropriate to the rating sought, the provisions of this part, the applicable provisions of Part 43 of this chapter, and the provisions of Civil Aeronautics Manual 18.

§ 24.40 *Mechanic privileges; general.* A certificated mechanic may perform or supervise the maintenance, repair, inspection, and alteration of any part of an aircraft, or component thereof, for which he is rated, and may perform additional work in accordance with the privileges and limitations stated in §§ 24.41 and 24.42: *Provided*, That he shall not supervise the maintenance, repair, inspection, or alteration of or return to service any part of an aircraft, or component thereof, for which he is rated unless he has previously performed the particular operation involved.

§ 24.41 *Airframe rating.* A certificated mechanic with an airframe rating may release the airframe, or any component thereof, for service after maintenance, minor repair, or minor alteration has been accomplished thereon.

§ 24.42 *Powerplant rating.* A certificated mechanic with a powerplant rating may make minor repairs or minor alterations to a propellor, and may release the powerplant or propeller, or any component thereof, for service after maintenance, minor repair, or minor alteration has been accomplished thereon.

OPERATING RULES

§ 24.50 *General.* A certificated mechanic shall not exercise the privileges of his certificate and ratings unless he is familiar with the current manufacturers' instructions and the airworthiness manuals pertinent to the particular operation to be performed.

§ 24.51 *Recent experience requirements.* A certificated mechanic shall not exercise the privileges of his certificate and ratings unless he

(a) Has served as a mechanic under the terms of his certificate and ratings for at least 6 months during the preceding 24-month period, or

(b) Has satisfied an authorized representative of the Administrator that he is competent to perform the duties of such certificate and ratings.

(F. R. Doc. 51-4809 Filed, Apr. 27, 1951; 8:49 a. m.)

[14 CFR, Part 52]

[illegible]

attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by May 31, 1951, will be considered by the Board before taking further action on the proposed rules. Copies of the communications received will be available after June 5, 1951, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Currently effective Part 52 establishes requirements for the issuance of repair station certificates and ratings and basic operating rules for the holders thereof.

On December 9, 1949, there was circulated for public comment a proposed revision of this part. The only major change in this proposal is to establish repair station designation of personnel directly in charge of the maintenance, repair, alteration, or inspection of aircraft or aircraft components for which the station is rated as the requirement for certification as airmen in order to meet the statutory obligations of section 610 of the Civil Aeronautics Act of 1938, as amended. It is expected that the Administrator under Public Law 858 will authorize responsible officials of a repair station to issue individual certificates to qualified persons, or to certify such persons to the Administrator, for the duration of their employment at the repair station. Thus, it is believed that statutory requirements will be met without compromising the principle of organizational responsibility which we and the industry believe to be the best method of obtaining the most satisfactory work. This proposal is being recirculated for comment because of its close relationship to the proposals for revised Parts 18 and 24.

The most important innovations in the previously proposed revision of Part 52 are provisions for the issuance of repair station ratings for radio, instruments, and accessories, and for the issuance of ratings limited to the performance of specialized services. Under the terms of the proposed revision the following general ratings may be issued to repair stations: airframe, powerplant, propeller, radio, instrument, and accessory. In addition to these general ratings a limited rating may be issued authorizing an applicant to work on some particular type of airframe, powerplant, etc. or to perform some specialized maintenance, repair, or overhaul function. Thus, an applicant may, if he so desires, simply apply for the ratings for which he is able to furnish the required facilities, equipment, materials, and personnel. An applicant for a powerplant rating would not, for example, have to be equipped to repair all powerplants, but may choose the powerplants which he is to be authorized to repair.

The proposed revision of Part 52 is set forth below.

This revision is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 302, 601–610, 52 Stat. 985, as amended, 1007–1012, as amended; 49 U. S. C. 452, 551–560)

Dated: April 23, 1951, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

PART 52—REPAIR STATION CERTIFICATES

§ 52.0 *Applicability of this part.* This part establishes requirements for the issuance of repair station certificates and ratings and operating rules for the holders thereof.

§ 52.1 *Definitions.* (a) As used in this part, the words listed below shall be defined as follows:

(1) *Accessory.* An accessory shall mean an appliance other than an instrument, radio, radar, or device for the automatic control of aircraft in flight.

(2) *Aircraft.* An aircraft shall mean any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, including airframe, powerplant, propeller, and appliances.

(3) *Airframe.* An airframe shall mean all parts of an aircraft, less powerplant, propeller, and appliances.

(4) *All-metal construction.* All-metal construction, when that phrase is used to describe the composition of an airframe, shall mean that the structure of the airframe is made of metal only, irrespective of the kind of powering utilized.

(5) *Alteration.* An alteration shall mean any appropriate change in the design of an airframe, powerplant, propeller or appliance.

(6) *Appliance.* Appliance [illegible]

(7) *Certificated air carrier.* A certificated air carrier shall mean an air carrier holding an air carrier operating certificate issued by the Administrator.

(8) *Certificated airman.* An individual designated by a repair station as directly in charge of the inspection, maintenance, overhaul, or repair of aircraft or aircraft components which the repair station is authorized to perform, and certificated by the Administrator in accordance with the requirements of this part.

(9) *Certificated mechanic.* A certificated mechanic shall mean a mechanic holding a mechanic certificate with appropriate ratings issued by the Administrator.

(10) *Certificated repair station.* A certificated repair station shall mean a facility for the maintenance, repair, and alteration of airframes, powerplants, propellers, or appliances, holding a repair station certificate with appropriate ratings issued by the Administrator.

(11) *Component.* A component shall mean any constituent part of an aircraft.

(12) *Composite construction.* Composite construction, when that term is used to describe the composition of an airframe, shall mean that the structure of the airframe is made of at least two types of substances, such as metal and wood.

(13) *Instrument.* An instrument shall mean a device utilizing internal mechanism to indicate visually or aurally the attitude, altitude, performance, or operation of an aircraft or any component thereof, and shall include radar instrumentation and devices for the automatic control of aircraft in flight.

(14) *Maintenance.* Maintenance shall mean the upkeep, inspection, and preservation of airframes, powerplants, propellers, and appliances, including the replacement of parts.

(15) *Person.* Person means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(16) *Powerplant.* Powerplant shall mean an aircraft engine and its component parts, less propeller.

(17) *Propeller.* Propeller shall mean a device for propelling an aircraft through the air, having blades mounting on a power-driven shaft, which when rotated produces by its action on the air a thrust approximately perpendicular to the [illegible]

(18) *Radio.* Radio shall mean any apparatus for the transmission and reception of signals by means of energy [illegible]

issued to an individual other than a United States citizen shall remain in effect for only one year. After revocation, and upon request of the Administrator after suspension, the certificate shall be returned to the Administrator.

(b) A temporary mechanic certificate shall remain in effect for 90 days.

§ 24.8 *Ooutstanding mechanic certificates and ratings.* After the effective date of this part a person holding a mechanic certificate with an aircraft mechanic rating shall be deemed to hold a mechanic certificate with an airframe rating, a person holding a mechanic certificate with an aircraft engine mechanic rating shall be deemed to hold a mechanic certificate with a powerplant rating, and a person holding a mechanic certificate with aircraft mechanic and aircraft engine mechanic ratings shall be deemed to hold a mechanic certificate with both airframe and powerplant ratings. The Administrator may, in such form and manner as he may establish, require the exchange of outstanding certificates for certificates issued in accordance with the provisions of this part.

§ 24.9 *Display.* When issued to the individual, the mechanic certificate with appropriate ratings shall be in the personal possession of the mechanic at all times while exercising the privileges of such certificate, and shall be available for inspection by any authorized representative of the Administrator or the Board, or by any authorized State or local law enforcement officer.

§ 24.10 *Change of address.* Within 30 days after any change in the permanent mailing address of a holder of a mechanic certificate, the holder shall notify the Administrator in writing of such change. Such notice shall be mailed to the Administrator of Civil Aeronautics, Attention Airman Records Branch, Washington 25, D. C.

GENERAL CERTIFICATE REQUIREMENTS

§ 24.15 *Citizenship.* An applicant shall be a citizen of the United States or of a foreign government which grants or has undertaken to grant reciprocal mechanic certificate privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

§ 24.16 *Age.* An applicant shall be at least 18 years of age.

§ 24.17 *Education.* An applicant shall be able to read, write, speak, and understand the English language: *Provided,* That if an applicant is employed by a United States air carrier outside of the United States, such applicant shall not be required to meet this requirement, and in that event his certificate shall be appropriately endorsed by the Administrator.

§ 24.18 *Examinations and tests.* Examinations and tests shall be conducted by an authorized representative of the Administrator at such times and places as the Administrator may designate.

§ 24.19 *Reexamination after failure.* An applicant for a mechanic certificate who has failed any prescribed written or practical examination or test may not apply for reexamination within a 30-day period unless he presents a statement signed by a certificated mechanic holding an appropriate rating, a certificated ground instructor, or an equally qualified individual acceptable to the Administrator, which attests that the applicant has received an additional 5 hours of instruction in each of the subjects failed and that the applicant is considered competent for reexamination.

§ 24.20 *Application for additional rating.* An applicant for a rating subsequent to the original issuance of a mechanic certificate with appropriate rating shall meet the knowledge, experience, and skill requirements for the rating applied for.

§ 24.21 *Substantiation of experience.* An applicant shall submit evidence satisfactory to the Administrator to substantiate the experience qualifications for the mechanic certificate and rating applied for.

§ 24.22 *Ratings.* The following mechanic ratings shall be issued:

(a) Airframe.

(b) Powerplant.

MECHANICAL KNOWLEDGE, EXPERIENCE, AND SKILL REQUIREMENTS

§ 24.30 *Mechanical knowledge.* An applicant for a mechanic certificate with airframe or powerplant rating shall successfully accomplish a written and oral examination prescribed by the Administrator covering the construction, maintenance, repair, and inspection of the part of an aircraft appropriate to the rating sought, the provisions of this part, the applicable provisions of Part 43 of this chapter, and the provisions of Civil Aeronautics Manual 18.

§ 24.31 *Mechanical experience.* (a) An applicant for a mechanic certificate with either an airframe or powerplant rating shall have had at least 18 months of practical experience with the procedures, practices, materials, tools, machine tools, and equipment generally used in the inspection, maintenance, repair, and alteration of airframes or powerplants, respectively.

(b) The experience required for each rating shall be acquired in the exclusive performance of the duties appropriate to such rating: *Provided,* That an applicant for an airframe and a powerplant rating may be issued such ratings, if he has performed concurrently the duties appropriate to both such ratings for at least 30 months.

§ 24.32 *Graduates of certificated mechanic schools.* A graduate of a mechanic school holding an air agency certificate with appropriate ratings issued by the Administrator shall be deemed to have met the experience requirements of this part for a rating if, within 60 days after graduation, he presents an appropriate certificate of graduation and successfully accomplishes the examination prescribed by the Administrator for the rating sought.

§ 24.33 *Mechanical skill.* An applicant for a mechanic certificate with a particular rating shall, in a manner prescribed by the Administrator, demonstrate his competency to maintain, repair, inspect, and alter any part of an aircraft for which a rating is sought.

PRIVILEGES AND LIMITATIONS OF A MECHANIC CERTIFICATE

§ 24.40 *Mechanic privileges; general.* A certificated mechanic may perform or supervise the maintenance, repair, inspection, and alteration of any part of an aircraft, or component thereof, for which he is rated, and may perform additional work in accordance with the privileges and limitations stated in §§ 24.41 and 24.42: *Provided,* That he shall not supervise the maintenance, repair, inspection, or alteration of or return to service any part of an aircraft, or component thereof, for which he is rated unless he has previously performed the particular operation involved.

§ 24.41 *Airframe rating.* A certificated mechanic with an airframe rating may release the airframe, or any component thereof, for service after maintenance, minor repair, or minor alteration has been accomplished thereon.

§ 24.42 *Powerplant rating.* A certificated mechanic with a powerplant rating may make minor repairs or minor alterations to a propellor, and may release the powerplant or propeller, or any component thereof, for service after maintenance, minor repair, or minor alteration has been accomplished thereon.

OPERATING RULES

§ 24.50 *General.* A certificated mechanic shall not exercise the privileges of his certificate and ratings unless he is familiar with the current manufacturers' instructions and the airworthiness manuals pertinent to the particular operation to be performed.

§ 24.51 *Recent experience requirements.* A certificated mechanic shall not exercise the privileges of his certificate and ratings unless he

(a) Has served as a mechanic under the terms of his certificate and ratings for at least 6 months during the preceding 24-month period, or

(b) Has satisfied an authorized representative of the Administrator that he is competent to perform the duties of such certificate and ratings.

[F. R. Doc. 51-4923; Filed, Apr. 27, 1951; 8:55 a. m.]

[14 CFR, Part 52]

REPAIR STATION CERTIFICATES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a revision of Part 52 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by May 31, 1951, will be considered by the Board before taking further action on the proposed rules. Copies of the communications received will be available after June 5, 1951, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Currently effective Part 52 establishes requirements for the issuance of repair station certificates and ratings and basic operating rules for the holders thereof.

On December 9, 1949, there was circulated for public comment a proposed revision of this part. The only major change in this proposal is to establish repair station designation of personnel directly in charge of the maintenance, repair, alteration, or inspection of aircraft or aircraft components for which the station is rated as the requirement for certification as airmen in order to meet the statutory obligations of section 610 of the Civil Aeronautics Act of 1938, as amended. It is expected that the Administrator under Public Law 858 will authorize responsible officials of a repair station to issue individual certificates to qualified persons, or to certify such persons to the Administrator, for the duration of their employment at the repair station. Thus, it is believed that statutory requirements will be met without compromising the principle of organizational responsibility which we and the industry believe to be the best method of obtaining the most satisfactory work. This proposal is being recirculated for comment because of its close relationship to the proposals for revised Parts 18 and 24.

The most important innovations in the previously proposed revision of Part 52 are provisions for the issuance of repair station ratings for radio, instruments, and accessories, and for the issuance of ratings limited to the performance of specialized services. Under the terms of the proposed revision the following general ratings may be issued to repair stations: airframe, powerplant, propeller, radio, instrument, and accessory. In addition to these general ratings, a limited rating may be issued authorizing an applicant to work on some particular type of airframe, powerplant, etc., or to perform some specialized maintenance, repair, or overhaul function. Thus, an applicant may, if he so desires, apply only for the rating for which he is able to furnish the required facilities, equipment, materials, and personnel. An applicant for a powerplant rating would not, for example, have to be equipped to repair all powerplants, but may choose the horsepower limits within which he desires to work.

All applicants would be required to furnish housing, facilities, equipment, materials, and personnel adequate to perform competently the work authorized by the particular rating sought. The exact type and amount of such housing, facilities, equipment, materials, and personnel will, in all probability, vary in each instance. This proposal sets forth the main functions to be performed by a repair station holding a particular rating. It is believed that these functions are stated in such terms as to permit an applicant and a CAA examining agent to determine jointly the facilities and equipment required to be furnished for a particular rating without resort, as under current regulations, to a detailed mandatory list of facilities and equipment. This provision also is designed to provide applicants with an incentive to provide more efficient methods of accomplishing the required functions.

The proposed revision of Part 52 is set forth below.

This revision is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 302, 601–610, 52 Stat. 985, as amended, 1007–1012, as amended; 49 U. S. C. 452, 551–560)

Dated: April 23, 1951, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

PART 52—REPAIR STATION CERTIFICATES

§ 52.0 *Applicability of this part.* This part establishes requirements for the issuance of repair station certificates and ratings and operating rules for the holders thereof.

§ 52.1 *Definitions.* (a) As used in this part, the words listed below shall be defined as follows:

(1) *Accessory.* An accessory shall mean an appliance other than an instrument, radio, radar, or device for the automatic control of aircraft in flight.

(2) *Aircraft.* An aircraft shall mean any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, including airframe, powerplant, propeller, and appliances.

(3) *Airframe.* An airframe shall mean all parts of an aircraft, less powerplant, propeller, and appliances.

(4) *All-metal construction.* All-metal construction, when that phrase is used to describe the composition of an airframe, shall mean that the structure of the airframe is made of metal only, irrespective of the kind of covering utilized.

(5) *Alteration.* An alteration shall mean any appreciable change in the design of an airframe, powerplant, propeller, or appliance.

(6) *Appliances.* Appliances shall mean instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including communiction equipment, electronic devices, and any other mechanism or mechanisms installed in or attached to aircraft during flight, but excluding parachutes), and which are not a part or parts of airframes, powerplants, or propellers.

(7) *Certificated air carrier.* A certificated air carrier shall mean an air carrier holding an air carrier operating certificate issued by the Administrator.

(8) *Certificated airman.* An individual designated by a repair station as directly in charge of the inspection, maintenance, overhaul, or repair of aircraft or aircraft components which the repair station is authorized to perform, and certificated by the Administrator in accordance with the requirements of this part.

(9) *Certificated mechanic.* A certificated mechanic shall mean a mechanic holding a mechanic certificate with appropriate ratings issued by the Administrator.

(10) *Certificated repair station.* A certificated repair station shall mean a facility for the maintenance, repair, and alteration of airframes, powerplants, propellers, or appliances, holding a repair station certificate with appropriate ratings issued by the Administrator.

(11) *Component.* A component shall mean any constituent part of an aircraft.

(12) *Composite construction.* Composite construction, when that term is used to describe the composition of an airframe, shall mean that the structure of the airframe is made of at least two types of substances, such as metal and wood.

(13) *Instrument.* An instrument shall mean a device utilizing internal mechanism to indicate visually or aurally the attitude, altitude, performance, or operation of an aircraft or any component thereof, and shall include radar instrumentation and devices for the automatic control of aircraft in flight.

(14) *Maintenance.* Maintenance shall mean the upkeep, inspection, and preservation of airframes, powerplants, propellers, and appliances, including the replacement of parts.

(15) *Person.* Person means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(16) *Powerplant.* Powerplant shall mean an aircraft engine and its component parts, less propeller.

(17) *Propeller.* Propeller shall mean a device for propelling an aircraft through the air, having blades mounted on a power-driven shaft, which when rotated produces by its action on the air a thrust approximately parallel to the longitudinal axis of the aircraft.

(18) *Radio.* Radio shall mean an appliance for the transmission and reception of signals by means of electric waves without a connecting wire.

(19) *Repair.* Repair shall mean the restoration of an airframe, powerplant, propeller, or appliance to a condition for safe operation after damage or deterioration.

(20) *Type.* Type of airframe, powerplant, propeller, or appliance shall mean an airframe, powerplant, propeller, or appliance of the same basic design, including all modifications thereto except those modifications which result in a change in the handling, flight, or operating characteristics.

GENERAL CERTIFICATIONS RULES

§ 52.5 *Application for certificate.* Application for a repair station certificate with appropriate ratings, and any modification or amendment thereof, shall be made on a form and in a manner prescribed by the Administrator.

§ 52.6 *Issuance.* A repair station certificate with appropriate ratings prescribing such operating specifications and limitations as may be reasonably required in the interest of safety will be issued to an applicant whom the Administrator finds is properly and adequately equipped and able to maintain, repair, or alter airframes, powerplants, propellers, or appliances in accordance with the applicable requirements hereinafter specified. No person shall operate as a certificated repair station without, or in violation of, the terms of a repair station certificate.

§ 52.7 *Duration.* (a) A repair station certificate issued to a person who is a citizen of the United States shall remain in effect until surrenderd, suspended, revoked, or otherwise terminated by order of the Board, after which it shall be returned to the Administrator.

(b) A repair station certificate issued to a person who is a citizen of a foreign country shall expire one year after the date of issuance, unless sooner surrendered, suspended, revoked, or otherwise terminated by order of the Board, after which it shall be returned to the Administrator.

§ 52.8 *Exchange of certificates.* The Administrator shall, not later than one year from the effective date of this part, reinspect all repair stations certificated prior to the effective date of this part. Upon the conclusion of such inspection the certificates and ratings of such repair stations shall expire. A new certificate with appropriate ratings may be issued in accordance with the provisions of this part, if such inspection indicates compliance therewith. Until such inspection has been completed and a new certificate has been issued, a repair station shall comply with the requirements of this part prior to this revision.

§ 52.9 *Display.* The repair station certificate shall be on display in the repair station for which the certificate was issued and available for inspection by any authorized representative of the Administrator or the Board.

§ 52.10 *Change of location.* No change in the location of a certificated repair station shall be made without the prior written approval of the Administrator.[1]

§ 52.11 *Advertising.* Any advertising conducted by a certificated repair station which indicates that it is a certificated repair station shall clearly indicate the work for which it is rated under its certificate.

§ 52.12 *Inspection.* An authorized representative of the Administrator or the Board shall be permitted at any time to make inspections or examinations to determine a repair station's compliance with the provisions of the Civil Air Regulations.

§ 52.13 *Nontransferability of certificate.* A repair station certificate is not transferable.

DOMESTIC CERTIFICATE REQUIREMENTS

§ 52.20 *Requirements for issuance of certificate.* An applicant for a certificate for a repair station to be located within the United States shall be a citizen thereof. No such certificate shall be issued until the requirements of §§ 52.21 through 52.24 and §§ 52.30 through 52.36, as appropriate, are met.

§ 52.21 *Housing and facilities.* An applicant shall provide:

(a) Sufficient housing to accommodate the necessary equipment and material, and suitable working space for the performance of the work for which the repair station rating is sought;

(b) Suitable facilities for the proper storage, segregation, and protection of materials, parts, and supplies; and

(c) Suitable facilities for the proper protection of parts and subassemblies during disassembly, cleaning, inspection, repair, alteration, and assembly.

§ 52.22 *Personnel.* (a) Each applicant shall have an adequate number of personnel competent to perform, supervise, and inspect the work for which the repair station is rated.

(b) Any individual who is directly in charge of the inspection, maintenance, overhaul, or repair functions shall have have had at least 18 months of experience with the procedures, practices, inspection methods, materials, tools, machine tools, and equipment generally used in such functions as related to the work for which the repair station is rated.

§ 52.23 *Designation of certificated airman.* A responsible officer of the repair station shall certify, in a form and manner prescribed by the Administrator, that each individual directly in charge of overhaul, repair, alteration, or inspection is competent to perform and to supervise the work to which he is assigned. This certification shall remain in effect no longer than the period of employment in the certifying repair station.

§ 52.24 *Records of supervisory and inspection personnel.* Each repair station shall maintain current records of personnel who are directly in charge of overhaul, repair, alteration, or inspection and shall furnish copies thereof to the Administrator in a manner and form prescribed by him. These records shall contain such information concerning the qualifications of each such individual as is necessary to show compliance with the experience qualifications of this subchapter. No certificated repair station shall utilize the services of an individual directly in charge of overhaul, repair, alteration, or inspection unless current records are maintained for such individual as required herein.

§ 52.25 *Inspection system.* An applicant for a repair station certificate shall have an inspection system adequate for satisfactory quality control.

§ 52.26 *Ratings.* The following repair station ratings shall be issued:

(a) *Airframe—Class 1.* Composite construction up to and including 12,500 lbs. maximum certificated weight,

Class 2. Composite construction above 12,500 lbs. maximum certificated weight,

Class 3. All-metal construction up to and including 12,500 lbs. maximum certificated weight,

Class 4. All-metal construction above 12,500 lbs. maximum certificated weight.

(b) *Powerplant—Class 1.* Engines up to and including 400 horsepower,

Class 2. Engines above 400 horsepower,

Class 3. Jet engines.

(c) *Propeller—Class 1.* Fixed-pitch type,

Class 2. All other types, by make and model.

(d) *Radio*[2]*—Class 1.* Communication equipment,

Class 2. Navigational equipment,

Class 3. Radar (less instrumentation).

(e) *Instrument — Class 1.* Mechanical,

Class 2. Electrical,

Class 3. Gyroscopic,

Class 4. Radar instruments.

(f) *Accessory—Class 1.* Mechanical, by type.

Class 2. Electrical, by type.

§ 52.27 *Limited ratings.* The ratings specified in § 52.26 may be issued with appropriate limitations, where found appropriate by the Administrator, to a repair station which engages solely in the maintenance, repair, or alteration of a particular type of airframe, powerplant, radio, or instrument, or the components thereof, or engages in a specialized service with respect to the maintenance, repair, or alteration of an aircraft, or the components thereof.

§ 52.30 *Equipment and materials; general.* An applicant for a repair station certificate shall have such equipment and materials as are necessary for the competent and efficient performance of the functions appropriate to the rating or ratings sought.

§ 52.31 *Equipment and materials; airframe rating.* An applicant for an airframe rating shall be equipped to perform maintenance, repair, alteration, and inspection operations on such of the following as are appropriate to the rating sought.

(a) Steel structural components,

(b) Wood structure,

(c) Alloy skin and structural components,

(d) Fabric covering,

(e) Control systems.

(f) Landing gear systems,

(g) Electric wiring systems.

§ 53.32 *Equipment and materials; powerplant rating.* An applicant for a powerplant rating shall be equipped to:

(a) Maintain, repair, and alter powerplants, including replacement of parts,

(b) Inspect all parts, using appropriate inspection aids,

(c) Accomplish routine machine work,

(d) Perform assembly operations, and

(e) Test overhauled powerplants in compliance with manufacturers' recommendations or shall have made suitable arrangements for the performance of this function in lieu thereof.

§ 52.33 *Equipment and materials; propeller rating.* An applicant for a propeller rating shall be equipped to:

(a) Maintain, repair, and alter propellers, including installation and the replacement of parts,

(b) Inspect components, using appropriate inspection aids,

(c) Repair or replace components,

(d) Balance propellers, and

(e) Test propeller pitch-changing mechanisms.

§ 52.34 *Equipment and materials; radio rating.* An applicant for a radio rating shall be equipped to:

(a) Diagnose radio malfunctions,

(b) Maintain, repair, and alter radios, including installation and the replacement of parts,

(c) Inspect and test radios,

(d) Make transmitter frequency checks, and

(e) Perform such calibrations as are necessary for the proper operation of radio aids to navigation.

§ 52.35 *Equipment and materials; instrument rating.* An applicant for an instrument rating shall be equipped to:

(a) Diagnose instrument malfunctions,

(b) Maintain, repair, and alter instruments, including installation and the replacement of parts, and

(c) Inspect, test, and calibrate instruments.

§ 52.36 *Equipment and materials; accessory rating.* An applicant for an accessory rating shall be equipped to:

(a) Diagnose accessory malfunctions,

(b) Maintain, repair, and alter accessories, including the replacement of parts, and

(c) Inspect, test, and, where necessary, calibrate accessories.

DOMESTIC REPAIR STATION OPERATING RULES

§ 52.40 *Domestic operating rules; general.* All certificated repair stations located in the United States shall comply with the following operating rules.

§ 52.41 *Privileges of certificate.* A certificated repair station shall be authorized:

(a) To perform maintenance, repair, and alteration work on any airframe, powerplant, propeller, instrument, radio, or accessory for which it is rated, and

(b) To return to service such airframes, powerplants, propellers, instruments, radios, or accessories after the required maintenance, repair, or alteration work has been performed.

§ 52.42 *Limitations of certificate.* A certificated repair station shall not perform any maintenance, repair, or alteration on any airframe, powerplant, propeller, instrument, radio, or accessory for which such station is not rated, or any such work for which rated when such maintenance, repair, or alteration would require special technical data, equipment, or facilities not available to such station.

§ 52.43 *Maintenance of facilities, equipment, and material.* The holder of a repair station certificate shall maintain all facilities, equipment, and materials in conformity with the standards required for the original issuance of the certificate.

§ 52.44 *Standard of performance.* All maintenance, repair, and alteration work shall be performed in accordance with the standards prescribed in Part 18 of the Civil Air Regulations.

§ 52.45 *Inspection of work performed.* Each airframe, powerplant, propeller, instrument, radio, and accessory which has undergone any maintenance, repair, or alteration shall, prior to being returned to service, be inspected by a qualified inspector. When the complexity of a particular maintenance, repair, or alteration operation so warrants, the inspector shall be a person other than the one who accomplishes the operation. The repair station shall certify on the maintenance, repair, and alteration record for such airframe, powerplant, propeller, instrument, radio, or accessory that it is airworthy.

§ 52.46 *Performance records and reports.* A certificated repair station shall maintain adequate records of all work performed. Such records shall indicate the name of the individual by whom the work was performed, the name of the individual by whom it was inspected, and the name of the certificated mechanic directly in charge thereof, if other than the individual performing the work or inspecting it. Such records shall be kept for at least 2 years.

§ 52.47 *Report of defects or unairworthy conditions.* Unless otherwise prescribed by the Administrator, a certificated repair station shall submit to the Administrator an immediate report of all serious defects in, or other recurring unairworthy conditions of, an airframe, powerplant, propeller, or any component thereof, on a form and in a manner prescribed by the Administrator: *Provided*, That if such repair station is operated by a certificated air carrier which maintains base repair records, such records may be furnished in lieu of the report required by this section.

FOREIGN REPAIR STATION CERTIFICATE REQUIREMENTS

§ 52.50 *Requirements for issuance of foreign repair station certificate.* A certificate with appropriate ratings for a repair station located outside of the United States may be issued to a citizen of the United States, or to a citizen of a foreign government, only where the Administrator finds that such repair station is necessary to provide for the maintenance, repair, or alteration of United States registered aircraft outside of the United States. No person shall be issued such repair station certificate until the requirements for the issuance of a domestic repair station certificate, excepting §§ 52.22 through 52.24, are met.

§ 52.51 *Scope of work authorized.* A foreign repair station certificate shall be limited to the performance of work on United States registered aircraft which are used in operations conducted in whole or in part outside the United States and shall contain such operating specifications and limitations as the Administrator may prescribe to insure compliance with applicable aircraft airworthiness requirements of the Civil Air Regulations.

§ 52.52 *Personnel.* An applicant shall have adequate personnel competent to perform, supervise, and inspect the work for which the repair station is rated.

FOREIGN REPAIR STATION OPERATING RULES

§ 52.60 *General.* A certificated foreign repair station shall comply with the operating rules prescribed for a domestic repair station, excepting §§ 52.46 and 52.47.

§ 52.61 *Required records and reports.* An applicant shall maintain such records and make such reports with respect to United States registered aircraft as the Administrator finds necessary for the satisfactory administration of this part.

[F. R. Doc. 51-4922; Filed, Apr. 27, 1951; 8:55 a. m.]

[14 CFR, Part 53]

MECHANIC SCHOOL CERTIFICATES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a revision of Part 53 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulations, Washington 25, D. C. All communications received by May 31, 1951, will be considered by the Board before taking further action on the proposed rules. Copies of the communications received will be available after June 5, 1951, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Currently effective Part 53 establishes certification and rating requirements for mechanic schools, provides for aircraft, aircraft engine, and combined aircraft and aircraft engine ratings and curricula, and establishes basic operating rules for the holders of mechanic school certificates.

[1] Requests for approval of a change of location should be submitted to the Regional Administrator of Civil Aeronautics for the region in which the repair station is located.

[2] The Communications Act of 1934, as amended, and the rules and regulations of the Federal Communications Commission require that all transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station licensed by the Federal Communications Commission which may affect the proper operation of such station shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class radio operator license issued by the Federal Communications Commission, either radiotelephone or radiotelegraph as may be appropriate for the class of station concerned, who shall be responsible for the proper functioning of the station equipment.

This proposal establishes new requirements for the issuance of mechanic school certificates and ratings and basic operating rules for the holders thereof. The only ratings to be issued are airframe and powerplant which correspond to the previously issued aircraft and aircraft engine ratings, respectively. The requirements for facilities, equipment, material, and personnel are stated as general standards to be met by each applicant. The type and amount of such facilities, equipment, materials, and personnel must be determined by the requirements of the particular rating sought and the maximum number of students expected to be in attendance at any particular time. Justification as to compliance with such general standards is the primary responsibility of the applicant.

We do not propose to establish requirements for the certification or operation of schools for instrument, radio, or accessory mechanics in view of the fact that such mechanics are not to be issued individual certificates for the performance of work outside of repair stations. It should be noted, however, that the part does not in any way purport to prohibit the establishment of specialized courses or schools for such mechanics or to prevent the graduates of such schools from obtaining employment as certificated airmen in repair stations. (See proposed Part 52, F. R. Doc. 51-4922, released concurrently with this part.)

The proposed revision of Part 53 is set forth below.

This revision is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 302, 601-610, 52 Stat. 985, as amended, 1007-1012, as amended; 49 U. S. C. 452, 551-560)

Dated: April 23, 1951, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

PART 53—MECHANIC SCHOOL CERTIFICATES

§ 53.0 *Applicability of this part.* This part establishes the requirements for the issuance of mechanic school certificates and ratings and basic operating rules for the holders thereof.

§ 53.1 *Definitions.* (a) As used in this part, the words listed below shall be defined as follows:

(1) *Accessory.* An accessory shall mean an appliance other than an instrument, radio, radar, or device for the automatic control of aircraft in flight.

(2) *Aircraft.* An aircraft shall mean any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, including airframe, powerplant, propeller, or appliances.

(3) *Airframe.* Airframe shall mean all parts of an aircraft less powerplant, propeller, and appliances.

(4) *Alteration.* An alteration shall mean any appreciable change in the design of an airframe, powerplant, propeller, or appliance.

(5) *Appliances.* Appliances shall mean instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including communication equipment, electronic devices, and any other mechanism or mechanisms installed in or attached to aircraft during flight, but excluding parachutes), and which are not a part or parts of airframes, powerplants, or propellers.

(6) *Certificated mechanic.* A certificated mechanic shall mean a mechanic holding a mechanic certificate with appropriate ratings issued by the Administrator.

(7) *Component.* A component shall mean a constituent part of an aircraft.

(8) *Instrument.* An instrument shall mean a device utilizing internal mechanism to indicate visually or aurally the attitude, altitude, performance, or operation of an aircraft or any component thereof, and shall include radar instrumentation and devices for the automatic control of aircraft in flight.

(9) *Maintenance.* Maintenance shall mean the upkeep and preservation of airframes, powerplants, propellers, and appliances, including the replacement of parts.

(10) *Person.* Person means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(11) *Powerplant.* Powerplant shall mean an aircraft engine and its component parts, less propeller.

(12) *Propeller.* Propeller shall mean a device for propelling an aircraft through the air, having blades mounted on a power-driven shaft, which when rotated produces by its action on the air a thrust approximately parallel to the longitudinal axis of the aircraft.

(13) *Radio.* Radio shall mean an appliance for the transmission and reception of signals by means of electric waves without a connecting wire.

(14) *Repair.* Repair shall mean the restoration of an airframe, powerplant, propeller, or appliance to a condition for safe operation after damage or deterioration.

(15) *Transport category aircraft.* Transport category aircraft shall mean aircraft which have been certificated in accordance with the requirements of Part 4b of the Civil Air Regulations, or under the transport category performance requirements of Part 4a thereof.

CERTIFICATION RULES

§ 53.5 *Application for certificate.* Application for a mechanic school certificate and ratings, or any modification or amendment thereof, shall be made on a form and in a manner prescribed by the Administrator.

§ 53.6 *Issuance.* A mechanic school certificate with appropriate ratings prescribing such operating specifications and limitations as may be reasonably required in the interest of safety shall be issued to an applicant whom the Administrator finds is properly and adequately equipped, has sufficient qualified personnel, and is able to conduct a mechanic school in accordance with the requirements hereinafter specified. No person may operate as a certificated mechanic school without, or in violation of, the terms of a mechanic school certificate.

§ 53.7 *Duration.* A mechanic school certificate with appropriate ratings shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board, after which it shall be returned to the Administrator.

§ 53.8 *Exchange of certificates.* All mechanic school certificates and ratings issued prior to the effective date of this part shall expire on January 1, 1952. Each person holding such a certificate shall, on or before January 1, 1952, surrender such certificate to the Administrator who shall issue a new certificate in accordance with the provisions of this part.

§ 53.9 *Display.* The mechanic school certificate with appropriate ratings shall be on display in the mechanic school for which the certificate was issued and available for inspection by any authorized representative of the Administrator or the Board.

§ 53.10 *Change of location.* No change in the location of a certificated mechanic school shall be made without the prior written approval of the Administrator.[1]

§ 53.11 *Inspection.* An authorized representative of the Administrator or the Board shall be permitted at any time to make inspections or examinations to determine a mechanic school's compliance with the provisions of the Civil Air Regulations.

§ 53.12 *Nontransferability of certificate.* A mechanic school certificate is not transferable.

§ 53.13 *Advertising.* No certificated mechanic school shall in any manner make any statement pertaining to such school which is false or is designed to mislead any person contemplating enrollment in such school. Any advertising which indicates that such school is approved by the Administrator shall clearly differentiate between those subjects which have been approved by the Administrator and those which have not.

§ 53.14 *Ratings.* The following mechanic school ratings may be issued:

(a) Airframe,

(b) Powerplant,

(c) Airframe and powerplant.

CERTIFICATE REQUIREMENTS

§ 53.20 *Certificate requirements; general.* No applicant for a mechanic school certificate or a rating shall be issued such certificate or rating until the appropriate requirements of §§ 53.21 through 53.42 are met.

[1] Requests for approval of a change of location shall be submitted to the Administrator of Civil Aeronautics, attention Airman Division, Washington 25, D. C.

§ 53.21 *Citizenship.* An applicant shall be a citizen of the United States or of a foreign government which grants or has undertaken to grant reciprocal mechanic school certificate privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

§ 53.22 *Number of students.* Each applicant shall state in his application the maximum number of students expected to be instructed at any particular time.

§ 53.23 *Facilities, equipment, and materials; general.* Each applicant shall have at least the facilities, equipment, and materials specified in §§ 53.25 through 53.27 appropriate to the rating sought, and such additional facilities, equipment, and materials as are determined by the Administrator to be necessary for a particular curriculum to train individuals to perform properly the work appropriate to the mechanic rating sought. The Administrator shall publish in the Civil Aeronautics Manual an outline of the equipment, facilities, and materials which are necessary for compliance with this part.

§ 53.24 *Modification of facilities, equipment, and materials.* No substantial modification or change in the facilities, equipment, and materials approved by the Administrator for a particular curriculum shall be made without the prior written approval of the Administrator.[1]

§ 53.25 *Required space facilities.* Each applicant shall have such of the following facilities as are appropriate to the rating sought which the Administrator shall determine to be adequate or necessary to accommodate the maximum number of students expected to be instructed at any particular time. Such facilities shall be properly heated, lighted, and ventilated.

(a) A drafting room with drafting tables and equipment,

(b) A stock room set up to insure the proper segregation of materials,

(c) Suitable separate space having proper ventilation and temperature control for doping,

(d) Suitable separate space equipped with adequate cleaning equipment,

(e) Suitable separate space provided with test stands and test clubs for running-in engines,

(f) Suitable separate space provided with adequate equipment to disassemble, repair, assemble, test, service, and inspect the following:

(1) Ignition, electrical equipment, and appliances,

(2) Carburetors and fuel systems,

(3) Hydraulic and vacuum systems as applying to the actuation of aircraft, engines, and their appliances,

(g) Suitable space with adequate equipment for the disassembly, inspection, assembly, and rigging of an aircraft,

(h) Suitable space with adequate equipment for the disassembly, inspection, overhaul, assembly, and timing of engines.

[1] Requests for modifications or changes should be submitted to the Regional Administrator of Civil Aeronautics for the region in which the mechanic school is located.

§ 53.26 *Required instructional equipment.* Each applicant shall have such of the following instructional equipment as is appropriate to the rating sought which need not be in an airworthy condition and which may have been damaged, but it shall have been repaired sufficiently for complete assembly. All airframes, powerplants, propellers, appliances, and components thereof on which instruction is to be given and practical experience is to be obtained shall be sufficiently diversified to indicate the different manners of construction, assembly, inspection, and operation when installed in an aircraft for use, and shall be provided in sufficient number to assure that not more than eight students shall work on any single unit thereof at any one time.

(a) Various types of fuselages, wings (wing sections if of aircraft of more than 12,500 lbs. maximum take-off weight), control surfaces, landing gears, radios, instruments, propellers (including propellers of fixed type, wood and metal, and adjustable and controllable metal), and aircraft engines (including at least one opposed type, one in-line type, one radial type of not less than 350 horsepower, and one supercharged type).

(b) At least one modern-type aircraft complete with powerplant, propeller, instruments, radio (two-way), landing lights, flares, and other items of equipment and accessories on which a mechanic might to required to work and with which he should be familiar.

§ 53.27 *Required materials, tools, and shop equipment.* Each applicant shall have an adequate supply of materials and such of the following shop equipment, special tools, and other miscellaneous tools and equipment as are appropriate to the rating sought and used in the construction, maintenance, and repair of aircraft to insure that each student will receive proper instruction in the construction, maintenance, and repair of aircraft. All tools and shop equipment shall be in satisfactory working condition and shall be of a type proper for the purpose for which they are to be used.

(a) Suitable equipment for checking the alignment of crankshafts and master and connecting rods,

(b) Air riveting hammer with controls and indicator,

(c) Heat-treating equipment for rivets and small structural parts,

(d) Bending and forming tools and equipment,

(e) Suitable equipment for sand, seed, or hull blasting,

(f) Cable splicing equipment,

(g) Suitable equipment for localized etching of propellers,

(h) Suitable equipment for measuring propeller pitch angles,

(i) Suitable assortment of go and no-go gauges,

(j) Suitable equipment for steaming and bending aircraft wood,

(k) Suitable equipment for making and testing glued wood joints,

(l) Air compressor with suitable attachments, and

(m) Battery chargers and testers.

§ 53.28 *Curriculum; general.* An applicant shall offer a curriculum designed to qualify the individuals undergoing instruction to perform the duties of a mechanic for a particular rating or ratings. Each curriculum shall provide at least the number of hours of instruction specified in § 53.29 and shall include instruction in the subjects specified in §§ 53.40 and 53.41. Each curriculum shall be approved by the Administrator, and no change therein shall be made without his prior written approval.

§ 53.29 *Curriculum; number of hours.* At least the following number of hours of instruction shall be offered for each of the following curricula:

(a) Airframe—960 hours,

(b) Powerplant—960 hours,

(c) Combined airframe and powerplant—1,650 hours.

§ 53.40 *Airframe curriculum.* The airframe curriculum shall include the following subjects:

(a) Parts 1, 4a, 4b, 15, 18, 24, 52, and 62 of the Civil Air Regulations, as amended, appropriate to the curriculum,

(b) Tools, instruments, equipment, their use and care,

(c) Shop practice and procedures, use of forms,

(d) Woodworking,

(e) Welding steel structures and fittings,

(f) Aluminum alloy structures and fittings,

(g) Sheet metal, steel, stainless steel, terneplate, aluminum and aluminum alloy,

(h) Welding, riveting, and heat-treating of steel, stainless steel, aluminum, aluminum alloy, structure, stock, and fittings,

(i) Controls and control surfaces,

(j) Splicing cables, bonding, brazing, and soldering,

(k) Hydraulic systems,

(l) Vacuum systems,

(m) Electrical systems,

(n) Fuel systems,

(o) Covering, fabric and stressed skin,

(p) Landing gear assembly,

(q) Assembly and rigging,

(r) Appliances: instruments, radio, floats, flares, heaters, etc.,

(s) Inspection of certificated aircraft, use of forms, etc.,

(t) Aircraft theory and practice, and

(u) Mechanical drawing.

§ 53.41 *Powerplant curriculum.* The powerplant curriculum shall include the following subjects:

(a) Parts 1, 4a, 4b, 13, 14, 18, 24, 52, and 62 of the Civil Air Regulations, as amended, appropriate to the curriculum,

(b) Instruments and equipment, their use and care,

(c) Shop practice and procedures, use of forms,

(d) Fundamental powerplant requirements,

(e) Mechanical drawing,

(f) Powerplant design and construction,

(g) Carburetor and fuel injection systems,

(h) Ignition systems,

(i) Supercharging systems,

(j) Starting, generating, and regulating systems,
(k) Fuels and fuel systems,
(l) Lubrication systems,
(m) Operation and trouble shooting,
(n) Disassembly, overhaul, repair, and assembly,
(o) Inspection, use of inspection tools, theory of magniflux and fluorescent penetrant,
(p) Block testing,
(q) Propeller installation and maintenance,
(r) Powerplant installation,
(s) Powerplant maintenance,
(t) Turbojet, turboprop, and compound engines,
(u) Theory and principle of powerplant operation, and
(v) Aircraft powerplant development.

§ 53.42 *Instructors.* An applicant shall have that number of instructors holding appropriate mechanic certificates and ratings and such other qualified personnel as the Administrator determines necessary to provide adequate instruction and supervision of the students.

OPERATING RULES

§ 53.50 *Operating rules; general.* All holders of mechanic school certificates with appropriate ratings shall, in the conduct of the school, comply with the operating rules set forth in §§ 53.51 through 53.57.

§ 53.51 *Quality of instruction.* The quality of instruction shall be such that at least 80 percent of the students who apply, within 60 days after graduation, for mechanic certificates and ratings appropriate to the curriculum from which they were graduated will be able to qualify for such certificates and ratings.

§ 53.52 *Hours of attendance.* No student shall be required to attend any class or classes of instruction for more than 8 hours in any day, or more than 6 days or 40 hours in any seven-day period.

§ 53.53 *Examinations.* Upon completion of each subject included in any approved curriculum each student shall be given an appropriate examination.

§ 53.54 *Transcript of grades.* A certificated mechanic school shall furnish a transcript of grades for each graduate and each student leaving the school prior to graduation. The transcript shall be properly authenticated by an official of the school, and it shall state the curriculum and courses in which the student was enrolled, whether the student satisfactorily completed the particular curriculum and courses, and the final grades received in each course.

§ 53.55 *Graduation certificate.* A certificated mechanic school shall furnish each graduate a graduation certificate properly authenticated by an official of the school. Each graduation certificate shall show the date of graduation.

§ 53.56 *Required student records.* A certificated mechanic school shall maintain a current record of each student enrolled, showing the student's attendance, courses in which enrolled, examinations, and grades. These records shall be retained by the school for at least 2 years from the date of termination of enrollment. During such period the records shall be available for inspection by an authorized representative of the Administrator or the Board.

§ 53.57 *Maintenance of facilities, equipment, and material.* The holder of a mechanic school certificate shall maintain all facilities, equipment, and material in conformity with the standards required for the original issuance of the certificate.

[F. R. Doc. 51-4925; Filed, Apr. 27, 1951; 8:56 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

YUMA AUXILIARY IRRIGATION PROJECT, ARIZONA

PUBLIC NOTICE OF ANNUAL OPERATION AND MAINTENANCE CHARGES

APRIL 4, 1951.

1. *Annual operation and maintenance charges.* The minimum operation and maintenance charge for the calendar year 1951, and thereafter until further notice, shall be $9.35 per irrigable acre, whether water is used or not, payment of which will entitle the water user to 3 acre-feet of water per acre. Additional water, if available, will be furnished at the rate of $2.70 per acre-foot; *Provided*, That for lands entered subsequent to September 1 and prior to January 1 of any year no minimum operation and maintenance charge shall be assessed, but water actually delivered shall be paid for in advance at the rate of $3.00 per acre-foot.

2. *Time of payment.* The minimum charge shall be due and payable April 15 of each year and charges for additional water shall be payable on the tenth of the month following that in which the additional quantity is used.

3. *Place of payment.* All charges due hereunder shall be payable to the Agent-Cashier, Bureau of Reclamation, Bin 151, Yuma, Arizona.

4. The following lands shown on the farm unit plats approved October 3, 1919, are subject to the charges announced:

GILA AND SALT RIVER MERIDIAN

T. 9 S., R. 23 W.,
Secs. 31 and 32.
T. 10 S., R. 23 W.,
Secs. 4, 5, 6, 7, 8, and 9;
Sec. 17, N½N½N½;
Sec. 18, N½N½N½.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

E. A. MORITZ,
Regional Director.

[F. R. Doc. 51-4893; Filed, Apr. 27, 1951; 8:47 a. m.]

RIVERTON IRRIGATION PROJECT

NOTICE OF ANNUAL WATER RENTAL CHARGES

APRIL 13, 1951.

1. *Water rental.* Irrigation water, when available, will be furnished upon a rental basis under approved applications for temporary water service during the irrigation season of 1951, and thereafter until further notice, to irrigable lands in public or private ownership which can be served from the constructed works of the Riverton Project that are operated by the Midvale Irrigation District, against which land assessments for water rental were not levied by the Midvale Irrigation District for the year in which the water is to be used, or which lands are not covered by integration or carriage contracts with the United States.

2. *Charges and terms of payment.* The minimum water rental charge for the irrigation season of 1951, and thereafter until further notice, shall be equal to the sum of the per acre construction assessment against lands in Block One of the Midvale Irrigation District plus the current per acre assessment for operation and maintenance in the District.

3. *Delivery of water.* Irrigation water will be delivered in conformity with the rules and regulations issued pursuant to Article 40 of the contract of February 12, 1931, between the United States and the Midvale Irrigation District.

4. All applications for water service and payments under this notice shall be made to the Midvale Irrigation District, Pavillion, Wyoming.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

K. F. VERNON,
Regional Director.

[F. R. Doc. 51-4894; Filed, Apr. 27, 1951; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. 709]

ALASKA HERRING PACKERS ASSN. AND ALASKA STEAMSHIP CO.

NOTICE OF CANCELLATION OF HEARING

A stipulation has been filed with the Board whereby Alaska Herring Packers Association agrees to dismissal of the complaint herein with prejudice and Alaska Steamship Company agrees to cancel the increase in rates for the carriage of fish oil from Southeastern and Southwestern Alaskan ports to Seattle, Washington. The Board is requested to enter an order in conformity with the stipulation.

The hearing which was scheduled to be held in Seattle, Washington, on May 7, 1951, is hereby canceled.

Dated: April 24, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-4981; Filed, Apr. 27, 1951; 8:45 a. m.]

Federal Maritime Board and Maritime Administration

ORGANIZATION AND FUNCTIONS

The statements of organization and functions and delegations of authority of the Federal Maritime Board and the Maritime Administration issued in 15 F. R. 3195, 15 F. R. 5711, 16 F. R. 44-46, and 16 F. R. 2642, are hereby revoked and the following substituted therefor:

1. *Establishment.* The Federal Maritime Board and the Maritime Administration were established in the Department of Commerce by Reorganization Plan No. 21 of 1950, effective May 24, 1950. In performance of their functions the Federal Maritime Board and the Maritime Administration are guided by the broad declaration of policy stated in Title I of the Merchant Marine Act, 1936 (49 Stat. 1985), as follows:

It is necessary for the national defense and development of its foreign and domestic commerce that the United States shall have a merchant marine (a) sufficient to carry its domestic water-borne commerce and a substantial portion of the water-borne export and import foreign commerce of the United States and to provide shipping service on all routes essential for maintaining the flow of such domestic and foreign water-borne commerce at all times, (b) capable of serving as a naval and military auxiliary in times of war or national emergency, (c) owned and operated under the United States flag by citizens of the United States insofar as may be practicable, and (d) composed of the best-equipped, safest, and most suitable types of vessels, constructed in the United States and manned with a trained and efficient citizen personnel. It is hereby declared to be the policy of the United States to foster the development and encourage the maintenance of such a merchant marine.

2. *Organization of the Federal Maritime Board.* The Federal Maritime Board is composed of three members appointed by the President by and with the advice and consent of the Senate. The President designates one of the members to serve as Chairman of the Federal Maritime Board. The Chairman serves as the chief executive and administrative officer of the Federal Maritime Board. Any two members in office constitute a quorum for the transaction of the business of the Federal Maritime Board, and the affirmative votes of any two members are sufficient for the disposition of any matter which may come before the Federal Maritime Board.

The Federal Maritime Board has the following organizational components: (a) Office of the Chairman of the Federal Maritime Board; (b) Offices of the Members of the Federal Maritime Board; (c) Secretary's Office; (d) Regulation Office; and (e) Hearing Examiners' Office.

Insofar as he deems desirable, the Chairman of the Federal Maritime Board makes use of the officers and employees of the Maritime Administration to perform activities for the Federal Maritime Board.

3. *Functions of the Federal Maritime Board—(a) Regulatory functions.* Under Reorganization Plan No. 21 of 1950 the Federal Maritime Board is independent of the Secretary of Commerce in the performance of the following functions: (1) All functions under the provisions of sections 14 to 20, inclusive, and sections 23 to 33, inclusive, of the Shipping Act, 1916, as amended, which functions relate to the regulation and control of rates, services, practices, and agreements of common carriers by water and of other persons;

(2) All functions with respect to the regulation and control of rates, fares, charges, classifications, tariffs, regulations, and practices of common carriers by water under the provisions of the Intercoastal Shipping Act, 1933, as amended;

(3) The functions with respect to the making of rules and regulations affecting shipping in the foreign trade to adjust or meet conditions unfavorable to such shipping, and with respect to the approval, suspension, modification, or annulment of rules or regulations of other Federal agencies affecting shipping in the foreign trade, under the provisions of section 19 of the Merchant Marine Act, 1920, as amended, exclusive of subsection (1) (a) thereof;

(4) The functions with respect to investigating discriminatory rates, charges, classifications, and practices in the foreign trade, and with respect to recommending legislation to correct such discrimination, under the provisions of section 212 (e) of the Merchant Marine Act, 1936; and

(5) So much of the functions with respect to requiring the filing of reports, accounts, records, rates, charges, and memoranda, under the provisions of section 21 of the Shipping Act, 1916, as amended, as relates to its functions under items (1) through (4) above.

(b) *Subsidy contracts.* Under Reorganization Plan No. 21 of 1950 the Federal Maritime Board is guided by the general policies of the Secretary of Commerce in performing the following functions:

(1) The functions with respect to making, amending, and terminating construction (reconstruction or reconditioning) differential subsidy contracts, including contracts for the construction, reconstruction, or reconditioning of ships and contracts for the sale of ships to subsidy applicants or contracts to pay a differential subsidy and the cost of national defense features. In the exercise of this function the Federal Maritime Board investigates and determines the relative cost of construction of comparable ships in the United States and foreign countries and the extent and character of aids and subsidies granted by foreign governments to their merchant marines;

(2) The functions with respect to making, amending, and terminating operating differential subsidy contracts, and subsequent to entering into an operating differential subsidy contract, making determinations with respect to employment and wage conditions, and taking action on readjustment of operating cost differentials and the sale, assignment or transfer of the contract. In the exercise of this function the Federal Maritime Board investigates and determines the relative cost of operating ships under the registry of the United States and under foreign registry, and the extent and character of aids and subsidies granted by foreign governments to their merchant marines;

(3) The functions with respect to investigating and reporting on relative construction and operating costs in the United States and foreign maritime countries, and the relative advantages of operating under United States or foreign registry, and on marine insurance, navigation laws, and ship mortgages as authorized under section 12 of the Shipping Act, 1916; and

(4) The functions with respect to requiring the filing of reports, accounts, records, rates, charges and memoranda as relates to its functions as set forth in items (1), (2), and (3), above.

(c) *Charters under the Merchant Ship Sales Act, 1946, as amended by Public Law 591, 81st Congress.* The Federal Maritime Board makes determinations, after public hearings, as to whether the bareboat charter of war-built dry-cargo ships owned by the United States is required in the public interest in any service then not adequately served and for which privately owned American-flag ships are not available for charter by private operators on reasonable conditions and rates, and certifies its findings to the Secretary of Commerce (Maritime Administrator) together with any restrictions and conditions which it determines to be necessary or appropriate to protect the public interest in respect to such charters and to protect privately owned ships against competition from Government ships chartered by the Secretary of Commerce (Maritime Administrator). All such charters are reviewed annually by the Federal Maritime Board for the purpose of making recommendations to the Secretary of Commerce (Maritime Administrator) as to whether conditions exist justifying the continuance of the charters.

(d) *War risk insurance.* Pursuant to Public Law 763, 81st Congress, the Federal Maritime Board makes determinations of the fair and reasonable value of ships insured under the provisions of Title XII of the Merchant Marine Act, 1936, as amended.

(e) In carrying out its functions under paragraphs (a), (b), (c), and (d) above, the Federal Maritime Board adopts rules and regulations; makes reports and recommendations to Congress;

subpoenas witnesses; administers oaths; takes evidence; requires the production of books, papers and documents as necessary; issues opinions; promulgates orders; engages in enforcement and other legal proceedings; and performs all functions formerly performable by the Maritime Commission, which have been transferred to the Federal Maritime Board pursuant to Reorganization Plan No. 21 of 1950.

(f) *Specific functions of organizational components:* (1) The Office of the Chairman of the Federal Maritime Board executes and administers the activities of the Federal Maritime Board;

(2) The Offices of the Members of the Federal Maritime Board are responsible for rendering assistance as may be required on matters being handled by the Federal Maritime Board;

(3) The Secretary's Office is responsible for receiving documents required to be filed with the Federal Maritime Board and the Maritime Administration; preparing dockets and maintaining records of meetings; and issuing orders and notices of actions;

(4) The Regulation Office is responsible for examining and maintaining a record of tariffs of offshore carriers and terminal operators and agreements under the Shipping Act, 1916; processing complaints of violations of shipping laws; registering and reviewing practices of forwarders; and recommending with respect to rules and regulations affecting shipping; and

(5) The Hearing Examiners' Office is responsible for conducting hearings under the Administrative Procedure Act and shipping statutes arising from formal complaints or investigations alleging unlawful shipping practices; applications for operating-differential subsidy; establishment of minimum wages, etc.; and applications for charters.

4. *Organization of the Maritime Administration*—(a) *Maritime Administrator.* The Chairman of the Federal Maritime Board is ex officio the Maritime Administrator. When serving as Maritime Administrator, he reports and is responsible to the Secretary of Commerce, and will be guided by the Secretary's policies.

(b) *Deputy Maritime Administrator.* The Martime Administrator is assisted in his duties by a Deputy Maritime Administrator, who is the Acting Maritime Administrator during the absence or disability of the Maritime Administrator and, unless the Secretary of Commerce designates another person, during a vacancy in the office of the Maritime Administrator. The Deputy Martime Administrator is appointed by the Secretary of Commerce, after consultation with the Maritime Administrator. The Deputy Maritime Administrator at no time sits as a member of the Federal Maritime Board.

(c) *Organizational components.* The Maritime Administration has the following organizational components:

(1) Office of the Maritime Administrator;
(2) Budget Office;
(3) Program Planning Office;
(4) Personnel Office;
(5) Division of Claims;
(6) Office of the General Counsel;
(7) Office of the Comptroller;
(8) Office of Maritime Training;
(9) Office of Subsidy and Government Aid;
(10) Office of Property and Supply;
(11) Office of Ship Construction;
(12) National Shipping Authority;
(i) Office of Ship Requirements and Allocations;
(ii) Office of Ship Operations;
(iii) Office of Tanker Services;
(iv) Office of Maritime Labor Policy; and
(13) Offices of the Coast Directors.

(d) *Use of officers and employees of the Federal Maritime Board.* Insofar as he deems desirable, the Maritime Administrator makes use of officers and employees of the Federal Maritime Board under his supervision as Chairman to perform activities for the Maritime Administration.

5. *Functions of the Maritime Administrator*—(a) *General.* The Maritime Administrator is responsible for: (1) Performing activities for the Federal Maritime Board as determined desirable by the Federal Maritime Board;

(2) Exercising the powers and authorities, which powers and authorities are hereby delegated, and performing the functions, vested in the Secretary of Commerce by: (i) Section 204 of Reorganization Plan No. 21 of 1950, other than the authority to establish general policies for the guidance of the Federal Maritime Board in exercising its functions under section 105; (ii) Public Law 591, 81st Congress, 2d Session, which authorizes the chartering of passenger and war-built dry-cargo ships; (iii) Public Law 763, 81st Congress, 2d Session, which authorizes government war risk insurance of merchant ships, except that the authority "to find that insurance adequate to the needs of the water-borne commerce of the United States cannot be obtained on reasonable terms and conditions in companies authorized to do an insurance business in a State of the United States" is reserved to the Secretary of Commerce; and (iv) Public Law 911, 81st Congress, 2d Session, which authorizes the construction of merchant ships when required for national security.

(3) Performing the functions and exercising the powers and authorities vested in the Secretary of Commerce by Executive Order 10161, Executive Order 10200 (and Defense Production Administration Delegation No. 1), and Executive Order 10219 with respect to intercoastal, coastwise, and overseas shipping, including the use thereof, and delegated to the Under Secretary of Commerce for Transportation and redelegated to the Maritime Administrator; and

(4) Representing the United States in dealing with shipping agencies of allied and associated governments in matters related to the use of shipping, acting within the framework of the national policy and under the guidance of the Department of State on matters of foreign policy and relations (Executive Order 10219).

(b) *Specific functions of organizational components.* (1) The Office of the Maritime Administrator directs the activities of the Maritime Administration and includes personnel who render staff services to the Maritime Administrator;

(2) The Budget Office develops and presents budgetary requests and justifications and allots and maintains budgetary control of appropriated funds for the Maritime Administration and the Federal Maritime Board;

(3) The Program Planning Office develops and recommends long-range merchant marine policy and programs, reviews existing policies and programs in the light of adopted long-range policy, and approves economic studies connected with policy formulation of the Maritime Administrator and the Federal Maritime Board;

(4) The Personnel Office administers the personnel functions of the Maritime Administration and the Federal Maritime Board related to employment and position classification, including recruitment, placement, separations, disciplinary actions, counseling and grievance appeal services, training and safety programs, and wage rate studies;

(5) The Division of Claims is responsible for analyzing and recommending the basis of settlement of claims in favor of or against the Maritime Administration arising out of the operations of the former Maritime Commission and War Shipping Administration and out of current operations;

(6) The Office of the General Counsel serves as the law office of the Maritime Administration and Federal Maritime Board, renders legal advice and opinions to them, and represents them in any litigation in which either is interested. The Office of the General Counsel has the following divisions: Division of Contracts, Division of Legislation, and Division of Litigation;

(7) The Office of the Comptroller is responsible for the accounting, auditing, and insurance activities of the Maritime Administration and the Federal Maritime Board. The Office of the Comptroller has the following divisions: Division of Accounts, Division of Audits, Division of Insurance, and Division of Credits and Collections;

(8) The Office of Maritime Training is responsible for developing, coordinating, and maintaining programs of seamen services and training of merchant marine personnel; and administering a medical and health program. The Office of Maritime Training has the following divisions: Division of Cadet Corps Training, Division of Maritime Service Training, and Division of State Maritime Academies;

(9) The Office of Subsidy and Government Aid is responsible for the processing of applications to the Federal Maritime Board and the Maritime Administration for subsidy or other government aid and the administration of government aid contracts after their execution, and for the coordination of the work of other organizational components in connection therewith. The Office of Subsidy and Government Aid has the following divisions: Division of Contracts, Division of Operating Costs, Division of Construction Costs, Division of Ship Statistics, and Division of Trade Routes;

(10) The Office of Property and Supply is responsible for the procurement and disposal of real and personal property; the disposal of ships; the maintenance or operation of warehouses, marine terminals, and reserve shipyards; port development; and the rendering of office services. The Office of Property and Supply has the following divisions: Division of Purchase and Sales, Division of Ports and Facilities, and Division of Office Services;

(11) The Office of Ship Construction is responsible for the conduct of activities of the Maritime Administration and the Federal Maritime Board relating to ship design and construction, and the rendering of technical direction to the National Shipping Authority with respect to the reconversion, betterment and reconditioning of Maritime Administration-owned ships. The Office of Ship Construction has the following divisions: Division of Preliminary Design, Division of Estimates, Division of Technical Development, and Division of Production; and contains the Trial and Guarantee Survey Boards;

(12) The National Shipping Authority is responsible for the conduct of activities relating to requirements for and allocation of oceangoing merchant shipping; charter, operation, repair, and reconversion of Maritime Administration-owned or acquired merchant ships; maintenance of reserve fleets; maritime labor policy; and recommendations for purchase, charter in, or requisition of merchant ships for government use. The National Shipping Authority has the following offices: (i) The Office of Ship Requirements and Allocations, responsible for determining requirements for and allocation of available shipping; calculating freight rates; issuing and administering priorities for transportation of ship cargo; and administering freight forwarding and other traffic activities. The Office of Ship Requirements and Allocations has the following divisions: Division of Requirements, Division of Allocations, Division of Freight Rates, and Division of Ship Warrants; (ii) The Office of Ship Operations, responsible, in connection with Maritime Administration-owned or acquired passenger and dry-cargo ships, for supervising operation and charter; contracts for stevedoring and other port services; repair and maintenance; the Maritime Administration reserve fleet; and preparing and administering of related regulations and orders. The Office of Ship Operations has the following divisions: Division of Operations, Division of Ship Repair and Maintenance, Division of Ship Custody, and Division of Operating Contracts; (iii) The Office of Tanker Services is responsible for determining requirements for and allocating tankers; supervising tanker operations; and arranging tanker repairs through the Office of Ship Operations; (iv) The Office of Maritime Labor Policy is responsible for formulating policies governing recruitment, safety, medical care, labor relations, disciplinary actions, and repatriation of personnel operating ships for the Maritime Administration; and war risk benefits for and deferment of all ship operating personnel.

(13) The Offices of the Atlantic, Gulf, and Pacific Coast Directors are responsible for the direction of operations of the National Shipping Authority and the Office of Property and Supply and for maintaining general surveillance over the management of all field offices of the various organizational components located on their respective coasts.

6. *Limitations on delegations of administrative authority.* The Maritime Administration shall operate as a primary organization unit of the Department of Commerce. The authority delegated by this notice shall be exercised in accordance with the limitations and conditions placed on primary organization units and unit heads in orders, instructions and directives of the Department of Commerce, including those set forth in the Department of Commerce Manual of Orders and including any specifically directed to the Maritime Administrator.

7. *Power to redelegate.* The Maritime Administrator is hereby granted the power and authority to redelegate the authority delegated herein, and to prescribe necessary limitations, restrictions, and conditions on the exercise of such authority.

8. *Confirmation of previous delegations and actions.* (a) All previous delegations of authority made by competent authority and in effect immediately prior to the effective date of this notice, shall remain in full force and effect until superseded or revoked by action of the Secretary of Commerce or the Maritime Administrator.

(b) Every regulation or other action which was made, prescribed, issued, granted or performed in respect of or by the United States Maritime Commission, and which was in effect immediately prior to the effective date of this notice is hereby adopted and confirmed and shall remain in full force and effect, except to the extent inconsistent with said Reorganization Plan No. 21 or this notice, until superseded, amended, or revoked under appropriate authority.

(c) All orders, regulations, rulings, certificates, directives, and other actions heretofore issued or taken under 15 F. R. 8739 and 16 F. R. 1130 and in effect immediately prior to the effective date of this notice shall remain in full force and effect until hereafter suspended, amended, or revoked under appropriate authority.

9. *Filing of applications and other formal documents.* All applications and other formal documents required to be filed with either the Federal Maritime Board or the Maritime Administration shall be filed with the Secretary's Office, Federal Maritime Board.

10. *Reports to the Congress or the President.* All reports and other submissions required by law to be made to the Congress or the President of the United States in connection with the functions of the Secretary of Commerce which have been delegated to the Maritime Administrator shall be prepared for the signature of, and submitted by, the Secretary of Commerce.

(5 U. S. C. 22; R. S. 161; and Reorg. Plan No. 21 of 1950)

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

The statements of organization and functions of the Federal Maritime Board contained in the foregoing have been adopted by the Federal Maritime Board.

E. L. COCHRANE,
Chairman, Federal Maritime Board.

[F. R. Doc. 51-4908; Filed, Apr. 27, 1951; 8:52 a. m.]

National Production Authority

[NPA Delegation 10]

ADMINISTRATOR OF PRODUCTION AND MARKETING ADMINISTRATION

DELEGATION OF AUTHORITY TO EXERCISE CERTAIN FUNCTIONS VESTED IN ADMINISTRATOR OF NATIONAL PRODUCTION AUTHORITY

1. The Administrator of the Production and Marketing Administration, United States Department of Agriculture, and the Administrator of the National Production Authority, United States Department of Commerce, have certain allocation and priority functions under the Defense Production Act of 1950, vested in them by Executive Orders Nos. 10161 and 10200 (15 F. R. 6105; 16 F. R. 61), Defense Production Administration Delegation 1 (16 F. R. 738), Department of Commerce Order 123 as amended (15 F. R. 6726; 16 F. R. 1129), and Defense Food Delegation No. 1 (15 F. R. 6424; 16 F. R. 2446; 16 F. R. 3311). The Administrators have entered into a certain agreement, signed by them on March 30 and April 13, 1951, respectively (16 F. R. 3410), applicable to the exercise of their respective allocation and priority functions regarding foods which have industrial uses.

2. Pursuant to the aforesaid authorities, and in furtherance of the said agreement:

(a) The Administrator of the National Production Authority hereby delegates to the Administrator of the Production and Marketing Administration the requisite authority to exercise the allocation and priority functions under Title I of the Defense Production Act of 1950 vested in him to the extent necessary to effectuate the provisions of the said agreement, as from time to time amended or supplemented.

(b) In exercising such authority, the Administrator of the Production and Marketing Administration is authorized to exercise the functions vested in the Administrator of the National Production Authority under sections 902 (a) and 902 (b) of said Executive Order No. 10161.

This delegation shall take effect on April 26, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-4932; Filed, Apr. 26, 1951; 2:19 p. m.]

Office of International Trade

[Case No. 99]

GAMBARO CORP. CONSTRUCTION CO. ET AL.

ORDER SUSPENDING LICENSING PRIVILEGES

In the matter of: Gambaro Corporation Construction Company, Hans Gambaro, Johann Gambaro, Lucerne, Switzerland; respondents.

This proceeding was begun by the issuance of a charging letter, dated September 28, 1950, wherein the Office of International Trade charged Hans Gambaro, Johann Gambaro and Gambaro Corporation Construction Company (also known as Gambaro A G), of Lucerne, Switzerland, hereinafter called the respondents, with having violated the Export Control Act of 1949 (63 Stat. 7) and the regulations issued thereunder.

It was alleged in said charging letter that the respondents placed with a certain supplier in the United States, on or about November 30, 1949, an order for shipment of three paving machines and parts to the respondents in Switzerland; that they caused said supplier to make application for and obtain a validated export license for shipment of said pavers on the basis of representations that their ultimate destination would be Switzerland. It was alleged further that respondents, through their supplier, caused exportation to be made under said license, pursuant to bills of lading wherein they described the shipments as being made to respondents in Switzerland; that the respondents intended ultimate destination for said pavers was not Switzerland but Hungary, as they then knew; and that the respondents actually attempted to re-export, divert or transship said pavers from Switzerland to Hungary, via Austria, at which latter place they were detained by authorities of the United States.

The charging letter, by its terms, temporarily suspended the privileges of respondents to participate in any exportation from the United States under any validated license, pending final action in this compliance proceeding.

The respondents filed written answer to the charging letter denying the allegations therein or that they otherwise violated the the export control law and regulations. They did not request an oral hearing, and, accordingly, the answer and the evidentiary materials in the possession of the Investigation Staff of the Office of International Trade were presented to the Compliance Commissioner at a hearing held before him in Washington, D. C., on February 2, 1951, and the Compliance Commissioner has filed his report thereon, dated April 17, 1951, with the Assistant Director for Export Supply.

It appears from the record and the Compliance Commissioner's report that in November 1949, the respondents placed an order for three (3) pavers and spare parts with a United States supplier who applied for and obtained a validated export license which was used to export to the respondents in Switzerland the said pavers, valued at $94,400, including freight and insurance; that both as to the order and the license application the respondents stated and represented orally and in writing that the said pavers were for their own use in Switzerland for certain construction projects.

It further appears from the record and the Compliance Commissioner's report that the said pavers arrived in Switzerland on or about April 29, 1950, and that between May 3 and May 15, 1950, the respondents represented to U. S. Foreign Service officials in Switzerland that the said pavers were to be resold and re-exported outside of Switzerland, but not to Hungary; that the respondents sold, consigned and shipped the pavers to a foreign purchaser at Budapest, Hungary, and that the said pavers were and are now detained by authorities of the United States at Salzburg, Austria.

It further appears from the record and the Compliance Commissioner's report that the respondents are closely associated in the contracting and machinery import business in Switzerland; that they have heretofore engaged in the importations of machinery from the United States; that Hans Gambaro visited in the United States to establish trade connections for machinery imports into Switzerland shortly before the period involved in this case.

It further appears from the record and the Compliance Commissioner's report that the close personal and business connections between respondents Hans and Johann Gambaro, the specific community of interest in the said pavers, and the other facts and circumstances found in the record, clearly indicate equal culpability on the part of all the respondents for the actions and conduct causing the false representations to be made and transshipment to be effected.

It further appears from the record and the Compliance Commissioner's report that the representations of respondents to the United States supplier as to end use and ultimate destination upon which the said supplier relied in applying for export license, were false; that respondents' representations to U. S. Foreign Service officials in Switzerland thereon were likewise false and were made for the purpose of inducing the issuance and maintenance in effect of said export license and to effectuate the re-export, diversion or transshipment of said pavers outside Switzerland; that such false representations induced the Office of International Trade to issue the validated license authorizing the exportation of the equipment to Switzerland and induced the Collector of Customs to authenticate the Shipper's Export Declarations; that respondents purchased the paving machines and parts knowing and intending that the same were for resale and transshipment to Hungary; and that respondents exported from the United States, resold and attempted to transship said pavers to Hungary, all in violation of the Export Control Law and regulations.

The Compliance Commissioner has recommended in his report that the respondents should be subjected, for the duration of export controls, to an order barring them from participating in exports. He has stated in his report that the culpability of the respondents with respect to the violations charged has been established, and that such violations were committed by the respondents deliberately and were effected through the devices of falsification and connivance for the purpose of circumventing the Export Control Law, and thus demonstrated the respondents' disregard for export control regulations and their untrustworthiness insofar as concerns future compliance.

The Compliance Commissioner has therefore recommended that all outstanding export licenses issued to respondents or any of them be revoked; that all export license privileges of respondents be suspended for the duration of export control; and that such suspension extend not only to the named respondents but also to any person, firm, corporation or organization which respondents may now or hereafter control or with which respondents Johann Gambaro or Hans Gambaro may hold a position of responsibility in the conduct of export trade.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the evidentiary material submitted by the Office of International Trade, and it appears that such findings are supported by the evidence and that such recommendations are reasonable and should be adopted. *Now, therefore, it is ordered as follows:*

(1) All outstanding export licenses held by or issued in the names of respondents or any of them are hereby revoked and shall be forthwith returned to the Office of International Trade for cancellation.

(2) Respondents and each of them are hereby denied the privilege of obtaining or using or participating directly or indirectly in the obtaining or using of export licenses, including general as well as validated export licenses, for the duration of export control. Such denial of export license privileges shall be deemed to include and prohibit participation as a party, or as a representative of a party, to any export license application or to any exportation under either general or validated license in any manner or capacity, including the financing, forwarding, transporting or other serving of exports.

(3) Such revocation and denial of export license privileges shall extend not only to the named respondents but also to any person, firm, corporation or other business organization with which they or any of them may be now or hereafter related by ownership or control or with which respondents Johann Gambaro or Hans Gambaro may hold a position of responsibility involving the preparation, filing, procurement or use of any export control documents or the supervision of any person so engaged.

Dated: April 20, 1951.

JOHN C. BORTON,
Assistant Director for Export Supply.

[F. R. Doc. 51-4913; Filed, Apr. 27, 1951; 8:52 a. m.]

[Case No. 100]

IHSAN M. BEYDOUN

ORDER SUSPENDING LICENSING PRIVILEGES

In the matter of: Ihsan M. Beydoun, 85–86 London House, Loveday Street, Johannesburg, Union of South Africa.

This proceeding was begun by the issuance of a charging letter, dated May 31, 1950, wherein the Office of International Trade charged Ihsan M. Beydoun, Johannesburg, Union of South Africa, hereinafter referred to as the respondent, with having violated the United States Export Control Act of 1949 (63 Stat. 7) and the regulations issued thereunder.

It was alleged in said charging letter that for the purpose of inducing the Office of International Trade to issue an export license for the shipment of a quantity of jute bags of the respondents then in the Foreign Trade Zone at New York City, intransit from India to Venezuela under consignment to the respondent, said respondent falsely represented to the Office of International Trade, through his American freight forwarder who was the applicant for said license, that such jute bags were destined for Venezuela, whereas, as respondent then well knew and intended, such jute bags would be diverted or transshipped to South Africa, and, further, that upon the subsequent issuance of said export license and exportation of such jute bags from the United States, respondent caused the same to be diverted or transshipped to South Africa.

The charging letter temporarily suspended the privilege of respondent to participate in any exportation from the United States under any validated license pending final action in this compliance proceeding.

The respondent submitted a letter to the Office of International Trade, dated September 8, 1950, requesting an oral hearing, but thereafter failed or refused to establish a date for such hearing although the Office of International Trade transmitted several notices to respondent offering him an opportunity to be heard, and, accordingly, the evidentiary materials in the possession of the Investigation Staff of the Office of International Trade were presented to the Compliance Commissioner at a hearing held before him in the offices of the Department of Commerce at Washington, D. C., on February 2, 1951, at which the Office of International Trade was represented by counsel, but respondent did not appear in person or by counsel.

The Compliance Commissioner filed his report of such proceeding, dated April 20, 1951, with the Assistant Director for Export Supply.

It appears from the record and the Compliance Commissioner's report that respondent is, and at all times relevent to this proceeding was, a British subject residing and maintaining his business in Johannesburg, South Africa; that between March 1949 and June 1949, respondent purchased in India some 700,500 new jute bags, allocated to the jute bag quota for Venezuela; that the purchase of such bags was partially or entirely financed by Societe de Finance Commerciale, S. A., Geneva, Switzerland; that such bags were exported by respondent from India for delivery to respondent at Caracas, Venezuela, via New York, under bills of lading providing for no transshipment; that upon arrival of such jute bags at the Foreign Trade Zone at New York City, in transit, respondent was required to obtain validated export license to export such bags from the United States under applicable regulations so providing; that respondent employed an American freight forwarder in New York City to file application for export license in his behalf to ship such bags to Venezuela and in such application caused said agent to make representations and statements that respondent was the ultimate consignee and that Venezuela was the country of ultimate destination of such jute bags; that in reliance upon the aforesaid representations and statements in said application, the Office of International Trade, on July 6, 1949, issued validated license authorizing the export of such jute bags from the United States to respondent at Caracas, Venezuela.

It further appears from the record and the Compliance Commissioner's report that the said jute bags were thereafter exported from the United States on a vessel which left the port of New York on July 30, 1949, and that when said vessel arrived at Durban, South Africa, respondent caused legal action to be instituted in the courts of that country for the delivery of such jute bags there; that such legal proceedings were opposed by the carrier and by representatives of the United States Government; that respondent thereupon withdrew the suit and abandoned the same; that thereafter the Office of International Trade regulations affecting foreign-made jute bags moving in transit through the United States were amended to permit such commodity to be exported from the United States without validated license; that in view of such amendment respondent was permitted to land such jute bags, then on said vessel in South African waters, in South Africa, although the right to proceed against respondent by administrative action or criminal action, or both, was reserved by the Office of International Trade.

It further appears from the record and the Compliance Commissioner's report that at all the times hereinbefore mentioned it was the intention and purpose of respondent to divert or transship such jute bags to South Africa; that in pursuance of such intention and between the period of the shipment of such bags from India and the exportation of same from the United States respondent made numerous attempts to divert or transship such jute bags to South Africa by fraudulent scheme, trick and device.

It further appears from the record and the Compliance Commissioner's report that to induce the Office of International Trade to issue a validated license authorizing the export of such jute bags from the United States respondent made and caused to be made through his agent false representations to the Office of International Trade that such jute bags were destined for Venezuela when respondent then knew and intended that such bags would be diverted or transshipped as aforesaid; that respondent caused such jute bags to be exported from the United States and to effect such export caused the validated license, shipper's export declarations and bills of lading to be filed with the United States Collector of Customs at New York, wherein such shipment was falsely represented as being made to Venezuela as the country of ultimate destination; that respondent thereby knowingly made and caused to be made false representations to the Office of International Trade and to the United States Collector of Customs as to the ultimate destination of such shipment, and thereby knowingly made and caused such shipment to be made from the United States and diverted to South Africa without export license so authorizing, thus violating the law and regulations relating to export control.

The Compliance Commissioner has recommended in his report that respondent should be subjected to an order barring him from participating in exports for the duration of export controls. He has stated in his report that respondent has shown himself to be untrustworthy and not above resort to subterfuge and falsehood. The report further states that respondent's actions in this matter clearly stamp him as one whose disregard of the integrity of the export control law warrants no further trust as a satisfactory recipient of export license privileges and that a suspension of his export license privileges for the duration of export control is entirely justified.

The Compliance Commissioner has therefore recommended that all outstanding export licenses issued to respondent be revoked; that all export license privileges of respondent be suspended for the duration of export control; and that such suspension extend not only to the respondent but also to any person, firm, corporation or organization which respondent may now or hereafter control or with which he may hold a position of responsibility in the conduct of export trade.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the evidentiary material submitted by the Office of International Trade and of the entire record, and it appears that such findings are supported by the evidence and that such recommendations are reasonable and should be adopted. *Now, therefore, it is ordered as follows:*

(1) All outstanding export licenses held by or issued in the name of respondent are hereby revoked and shall be forthwith returned to the Office of International Trade for cancellation.

(2) Respondent is hereby denied the privilege of obtaining or using or participating directly or indirectly in the obtaining or using of export licenses, including general as well as validated export licenses, for the duration of export control. Such denial of export license privileges shall be deemed to include and prohibit participation as a party, or as a representative of a party, to any export license application or to any exportation under either general or validated license in any manner or capacity, including the

financing, forwarding, transporting or other servicing of exports.

(3) Such revocation and denial of export license privileges shall extend not only to the named respondent but also to any person, firm, corporation or other business organization with which respondent may be now or hereafter related by ownership or control or with which respondent may hold a position of responsibility involving the preparation, filing, procurement or use of any export control documents or the supervision of any person so engaged.

Dated: April 24, 1951.

JOHN C. BORTON,
Assistant Director for Export Supply.

[F. R. Doc. 51-4914; Filed, Apr. 27, 1951; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2870 et al.]

WESTERN AIR LINES, INC. AND INLAND AIR LINES, INC.; MAIL RATES

NOTICE OF ORAL ARGUMENT

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in support of exceptions to the tentative decision of the Board, Order Serial No. E-4870, in the above-entitled proceeding is assigned to be held on May 21, 1951, at 10:00 a. m., in Room 5042 Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 21, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-4898; Filed, Apr. 27, 1951; 8:48 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 5]

DIRECTORS OF REGIONAL OFFICES

DELEGATION OF AUTHORITY TO AUTHORIZE MARKUPS IN EXCESS OF APPENDIX E OF CPR 7, AND TO PERMIT PRICING METHODS FOR SETS (GROUPS OF ARTICLES) TO WHICH SERVICES HAVE BEEN ADDED AND FOR REPAIRED OR RECONDITIONED ARTICLES

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950 (64 Stat. 812) and Executive Order 10161 (15 F. R. 6105) by Economic Stabilization General Order No. 2 (16 F. R. 738) this delegation of authority is hereby issued.

1. Authority is hereby delegated to the Directors of the Regional Offices of Price Stabilization to authorize, by order, in accordance with section 39 (b) (3) of Ceiling Price Regulation 7, markups higher than those listed in Appendix E of that regulation. The authority herein delegated may be redelegated to the Directors of District Offices of the Office of Price Stabilization.

2. Authority is hereby delegated to the Directors of the Regional Offices of Price Stabilization to permit, by order, in accordance with section 39 (c) (2) of Ceiling Price Regulation 7, sellers to add to the total net costs of the constituent articles of assembled sets (groups of articles) to which services have been added, the cost of the services provided and a markup in line with the level of prices established by that regulation. The authority herein delegated may be redelegated to the Directors of District Offices of the Offices of Price Stabilization.

3. Authority is hereby delegated to the Directors of the Regional Offices of Price Stabilization to permit, by order, in accordance with section 39 (d) of Ceiling Price Regulation 7, sellers to add to the ceiling price established under that regulation the actual net cost of reconditioning or repairing the articles to be sold. The authority herein delegated may be redelegated to the Directors of District Offices of the Office of Price Stabilization.

This delegation of authority shall take effect on April 28, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 27, 1951.

[F. R. Doc. 51-5014; Filed, Apr. 27, 1951; 8:53 a. m.]

[Delegation of Authority 6]

ASSISTANT DIRECTOR FOR PRICE OPERATIONS

DELEGATION OF AUTHORITY TO DISAPPROVE PROPOSED CEILING PRICES, TO REQUEST FURTHER INFORMATION CONCERNING PROPOSED CEILING PRICES, AND TO ESTABLISH CEILING PRICES UPON APPLICATION

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950 and Executive Order 10161 (15 F. R. 6105) by Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this delegation of authority is hereby issued.

1. Authority is hereby delegated to the Assistant Director for Price Operations, Office of Price Stabilization, to disapprove a proposed ceiling price submitted by a seller. This delegation applies wherever a Ceiling Price Regulation permits the seller to operate at the ceiling price proposed by him, whether immediately or after the expiration of a prescribed period of time, unless and until the seller is notified by the Director of Price Stabilization that the proposed ceiling price has been disapproved or that more information is required. The authority herein delegated may be redelegated to the Directors of the Divisions of the Office of Price Operations, Office of Price Stabilization.

2. Authority is hereby delegated to the Assistant Director for Price Operations, Office of Price Stabilization, to request further information from a seller who has submitted a proposed ceiling price for approval. This delegation applies wherever a Ceiling Price Regulation permits the seller to operate at the ceiling price proposed by him, whether immediately or after the expiration of a prescribed period of time, unless and until he is notified by the Director of Price Stabilization that the proposed ceiling price has been disapproved or that more information is required. The authority herein delegated may be redelegated to the Directors of the Divisions and the Chiefs of the Branches of the Office of Price Operations, Office of Price Stabilization.

3. Authority is hereby delegated to the Assistant Director for Price Operations, Office of Price Stabilization, to establish a ceiling price in accordance with any Ceiling Price Regulation which requires or permits a seller to apply to the Director of Price Stabilization for the establishment of a ceiling price. The authority herein delegated may be redelegated to the Directors of the Divisions of the Office of Price Operations, Office of Price Stabilization.

This delegation of authority shall take effect on April 28, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 27, 1951.

[F. R. Doc. 51-5015; Filed, Apr. 27, 1951; 8:53 a. m.]

[Delegation of Authority 6, Supp. 1]

DIRECTORS OF THE DIVISIONS OF THE OFFICE OF PRICE OPERATIONS

REDELEGATION OF AUTHORITY TO DISAPPROVE PROPOSED CEILING PRICES, TO REQUEST FURTHER INFORMATION CONCERNING PROPOSED CEILING PRICES, AND TO ESTABLISH CEILING PRICES UPON APPLICATION

By virtue of the authority vested in me as Assistant Director for Price Operations, Office of Price Stabilization, pursuant to the Defense Production Act of 1950, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) by Office of Price Stabilization Delegation of Authority No. 6, *supra*, this delegation of authority is hereby issued.

1. Authority is hereby delegated to the Directors of the Divisions of the Office of Price Operations, Office of Price Stabilization, to disapprove a proposed ceiling price submitted by a seller. This delegation applies wherever a Ceiling Price Regulation permits the seller to operate at the ceiling price proposed by him, whether immediately or after the expiration of a prescribed period of time, unless and until the seller is notified by the Director of Price Stabilization that the proposed ceiling price has been disapproved or that more information is required.

2. Authority is hereby delegated to the Directors of the Divisions of the Office of Price Stabilization to request further information from a seller who has submitted a proposed ceiling price for approval. This delegation applies wherever a Ceiling Price Regulation permits the seller to operate at the ceiling price proposed by him, whether immediately or after the expiration of a prescribed period of time, unless and until he has been notified by the Director of Price Stabilization that the proposed ceiling price has been disapproved or that more information is required. The authority herein delegated may be redelegated to the Chiefs of the Branches of the Office of Price Operations, Office of Price Stabilization.

3. Authority is hereby delegated to the Directors of the Divisions of the Office of Price Operations, Office of Price Stabilization to establish a ceiling price in accordance with any Ceiling Price Regulation which requires or permits a seller to apply to the Director of Price Stabilization for the establishment of a ceiling price.

This delegation of authority shall take effect on April 28, 1951.

EDWARD F. PHELPS,
Assistant Director for Price Stabilization.

APRIL 27, 1951.

[F. R. Doc. 51-5016; Filed, Apr. 27, 1951; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1142, G-1158, G-1508]

UNITED GAS PIPE LINE CO. ET AL.

ORDER POSTPONING HEARING

APRIL 24, 1951.

In the matters of United Gas Pipe Line Company, and Willmut Gas & Oil Company, et al., Docket Nos. G-1142 and G-1508; v. United Gas Pipe Line Company, Docket No. G-1158.

By order of the Commission issued November 30, 1950, and published in the FEDERAL REGISTER on December 7, 1950 (15 F. R. 8684), these proceedings were set for hearing to commence February 28, 1951, at 10:00 a. m. e. s. t., in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington 25, D. C.

Thereafter, upon request of Staff Counsel, dated February 1, 1951, the Secretary of the Commission, on February 16, 1951, served upon all parties to these proceedings notice of continuance of the hearing in these matters to May 1, 1951, which notice was published in the FEDERAL REGISTER on February 22, 1951 (16 F. R. 1776).

On April 20, 1951, United Gas Pipe Line Company, Respondent in these proceedings, filed with the Commission a motion requesting that the hearing scheduled to commence on May 1, 1951, be postponed subject to further orders of the Commission.

In its motion, Respondent states its willingness to meet with the Staff of the Commission in an endeavor in good faith and with reasonable diligence to devise and work out a tariff mutually acceptable to it and the Commission. By our order issued October 16, 1950, in Docket No. G-1508, we ordered Respondent to file with us in conformity with Part 154 of our general rules and regulations—as amended by Order No. 144 issued on October 30, 1948, and made effective on December 1, 1948—a tariff constituting a restatement of all of Respondent's effective schedules of rates, charges, classifications, practices, regulations and contracts for the transportation or sales of natural gas subject to the jurisdiction of the Commission, except as otherwise permitted by Part 154.

Respondent also states that during the postponement it will not take or apply for further relief in suit No. 4680-50 in the United States District Court for the District of Columbia, nor institute any other court action relative to Order No. 144.

Respondent further states that its willingness to meet with the Staff of the Commission as set out above is predicated on these proceedings and said suit No. 4680-50 remaining in status quo.

The Commission finds: Good cause has been shown and it would be in the public interest to postpone the hearing in these proceedings.

The Commission orders: The public hearing in these proceedings now fixed to commence on May 1, 1951, at Washington, D. C., be and the same is hereby postponed to a date and place to be hereafter fixed by further order of the Commission.

Date of issuance: April 25, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4906; Filed, Apr. 27, 1951; 8:51 a. m.]

[Docket No. G-1669]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF APPLICATION

APRIL 24, 1951.

Take notice that Texas Illinois Natural Gas Pipeline Company (Applicant), a Delaware corporation of 20 North Wacker Drive, Chicago 6, Illinois, filed on April 17, 1951 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing certain deliveries and sales of natural gas in interstate commerce for resale in certain cities and communities in the State of Illinois, and authorizing the construction and operation of certain natural gas transmission pipeline facilities for, in part, effecting the said deliveries and sales, all subject to the jurisdiction of this Commission, as hereinafter described.

Applicant has heretofore been authorized to construct and operate certain facilities constituting a natural gas pipeline transportation system commencing in the State of Texas and extending through the States of Arkansas and Missouri into Illinois, with termini near Joliet and Volo, Illinois, with an authorized sales capacity of 374,000 Mcf per day as metered, equivalent to 383,350 Mcf as billed.[1] Out of the 7,705 Mcf of Applicant's previously authorized but unallocated delivery or sales capacity, Applicant by its aforesaid application of April 17, 1951 seeks authorization to sell and deliver to the following proposed purchasers the quantities of gas listed here below for resale and distribution by such purchasers in the Illinois communities and cities listed:

Proposed purchaser	Illinois communities to be served	Volumes (Mcf) proposed as of Nov. 1		
		1951	1952	1953
1. Illinois Power Co.	Shattuck, Sanford, Junction City	300	345	400
2. Monarch Gas Co.	Altamont	500	550	605
3. City of Sullivan	Sullivan	599	630	662
4. Citizens Gas Co.	Bement, Lovington	427	454	483
		372	404	429
		799	858	922
5. City of Salem, Ill.	Salem, Odin	1,150	1,250	1,350
6. Allied Gas Co. (Paxton Division)	Paxton, Rantoul, Gibson City, Ludlow	[1] 1,500	[1] 1,500	[1] 1,500
Total		4,768	5,089	5,379

[1] The 1,500 Mcf per day proposed for Allied Gas Company (Paxton Division) is in addition to the 711 Mcf conditionally provided for that company by the Commission's order dated December 1, 1950, in Docket No. G-1477.

Additionally, Applicant seeks authorization to construct and operate at an estimated cost of $91,256, to be financed out of cash on hand, four metering and regulating stations for making the above proposed deliveries and sales of natural gas to the Citizens Gas Company and the cities of Salem and Sullivan, Illinois. Applicant states that the facilities for which construction was authorized by the certificates issued in Docket Nos. G-1246 and G-1477 will be adequate to provide deliveries of the additional quantities of gas proposed to be supplied to Allied Gas Company, Illinois Power Company, and Monarch Gas Company.

Applicant requests that its application be processed pursuant to the shortened procedure as provided in § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)).

Protests or petitions to intervene may be filed with the Federal Power Commis-

[1] Certificates issued by Commission Opinion No. 195 and order entered June 13, 1950 in Docket No. G-1246 and findings and order entered December 1, 1950, as amended February 27, 1951, in Docket No. G-1477.

sion, Washington 25, D. C., in accordance with the rules of practice and procedure on or before the 14th day of May 1951.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4907; Filed, Apr. 27, 1951; 8:52 a. m.]

FEDERAL RESERVE SYSTEM

VOLUNTARY CREDIT RESTRAINT

REQUEST TO FINANCING INSTITUTIONS

Request by Board of Governors of the Federal Reserve System under section 708 of Defense Production Act of 1950 to financing institutions to act pursuant to a Program for Voluntary Credit Restraint as amended.

This "Request" is addressed to all financing institutions in the United States, including without limitation all individuals, firms, partnerships, corporations and other organizations of any kind which are engaged in the business of extending credit, making loans, or purchasing, discounting, selling, distributing, dealing in, or underwriting securities, any and all of such institutions being hereinafter referred to as "financing institutions".

Pursuant to the provisions of section 708 of the Defense Production Act of 1950 (hereinafter called the "act") and of section 701 of Executive Order No. 10161, the Board of Governors of the Federal Reserve System consulted with representatives of financing with a view to encouraging the making of voluntary agreements and programs to further the objectives of the act. As a result of such consultations, such representatives prepared a "Program for Voluntary Credit Restraint", including as a part thereof a Statement of Principles. The Board of Governors approved the Program and found it to be in the public interest as contributing to the national defense. Certain amendments to the Program have now been suggested by the Voluntary Credit Restraint Committee created under the Program. The Board of Governors of the Federal Reserve System hereby approves these amendments to the Program, approves the Program as thus amended, and finds the Program as thus amended to be in the public interest as contributing to the national defense. The Program as thus amended, which is hereinafter referred to as the "Program", is set forth below.

Under section 708 of the said act and section 701 of the said order, acts or omissions to act pursuant to this Request and the Program which occur while said section 708 is in effect and before the withdrawal of this Request or of the finding of the Board referred to in the preceding paragraph are not construed to be within the prohibitions of the antitrust laws or of the Federal Trade Commission Act of the United States.

The Board of Governors of the Federal Reserve System has consulted with the Attorney General and with the Chairman of the Federal Trade Commission on and before April 5, 1951, said date being not less than ten days before the date of this Request, with regard to the provisions of the Program, the finding by the Board above mentioned, and this Request; and the Attorney General has approved this Request.

Every financing institution in the United States is hereby requested by the Board of Governors of the Federal Reserve System to act, and to refrain from acting, pursuant to and in accordance with the provisions of the Program. The Voluntary Credit Restraint Committee created pursuant to the provisions of the Program, each and every subcommittee created or to be created pursuant to the provisions of the Program, and each and every individual who is or may become a member of the Voluntary Credit Restraint Committee or of any of said subcommittees are hereby requested by the Board of Governors of the Federal Reserve System to act, and to refrain from acting, pursuant to and in accordance with the provisions of the Program.

By order of the Board of Governors of the Federal Reserve System this 20th day of April 1951.

[SEAL] S. R. CARPENTER,
Secretary.

PROGRAM FOR VOLUNTARY CREDIT RESTRAINT AS AMENDED TO APRIL 20, 1951

PREAMBLE

The task of restraining strong inflationary pressures is one of the most difficult and most important in the whole range of economic problems today.

One part of this task—the restraint of unnecessary credit expansion—presents a challenge to the financing institutions throughout the Nation.

Section 708 of the Defense Production Act of 1950 authorizes the President to encourage financing institutions to enter into voluntary agreements and programs to restrain credit, which will further the objectives of that act. By executive order, the President has delegated to the Board of Governors of the Federal Reserve System his authority with respect to financing under this section of the act upon the required condition that it consult with the Attorney General and with the Chairman of the Federal Trade Commission, and that it obtain the approval of the Attorney General before requesting actions under such voluntary agreements and programs.

At the invitation of the Board, and in company with it, representatives of the American Bankers Association, the Life Insurance Association of America and the Investment Bankers Association of America have been examining the possibilities of this method of credit restraint.

While it is recognized that the proposed Program is addressed only to one limited source of inflationary pressure, the vital importance of this problem to the stability of the economy, and the necessity to extend credit only in such a way as to restrain inflationary pressures outside the financing of the Defense Program should be emphasized to all financing institutions.

It is appropriate to point out that this Program of voluntary credit restraint does not have to do with such factors as inflationary lending by federal agencies, unnecessary spending, federal, state or local, and the wage-price spiral and other much more seriously contributing factors. These should be vigorously dealt with at the proper places. It assumes that the proper governmental authorities will exercise the requisite fiscal and monetary controls.

DEFINITIONS

As used herein:

The terms "financing institution" or "financing institutions" mean banks, life insurance companies, investment bankers engaged in the underwriting, distribution, dealing or participating, as agents or otherwise, in the offering, purchase or sale of securities, and such other types or groups of financial institutions as the Board of Governors of the Federal Reserve System may invite to participate in the Program.

The terms "loan," "loans," "lending" and "credit," in addition to their ordinary connotations, mean the supplying of funds through the underwriting and distribution of securities (either on a firm commitment, agency or "best efforts" basis), the making or assisting in the making of direct placements, or otherwise participating in the offering or distribution of securities.

STATEMENT OF PRINCIPLES

Pursuant to the provisions of Section 708 (a) of the Defense Production Act of 1950, and with the approval of the Board of Governors of the Federal Reserve System in accordance with the functions delegated to it by Section 701 (a) (2) of Executive Order 10161, this Statement of Principles has been drafted to which all financing institutions are asked to conform.

It shall be the purpose of financing institutions to extend credit in such a way as to help maintain and increase the strength of the domestic economy through the restraint of inflationary tendencies and at the same time to help finance the defense program and the essential needs of agriculture, industry and commerce.

Inflation may be defined as a condition in which the effective demand for goods and services exceeds the available supply, thus exerting an upward pressure on prices.

Any increase in lending at a more rapid rate than production can be increased exerts an inflationary influence. Under present conditions of very high employment of labor, materials and equipment, the extension of loans to finance increased output will have an initial inflationary effect; but loans which ultimately result in a commensurate increase in production of an essential nature are not inflationary in the long run whatever their temporary effect may be. It is most important, however, that loans for nonessential purposes be curtailed in order to release some of the Nation's resources for expansion in more vital areas of production.

Cooperation with this program of credit restraint makes it increasingly necessary for financing institutions to screen loan applications on the basis of their purpose, in addition to the usual tests of credit worthiness. The criterion for sound lending in a period of inflationary danger boils down to the following: Does it commensurately increase or maintain production, processing and distribution of essential goods and services?

In interpretation of the foregoing, the following types of loans would be classified as proper:

1. Loans for defense production, direct or indirect, including fuel, power and transportation.

2. Loans for the production, processing and orderly distribution of agricultural and other staple products, including export and import as well as domestic, and of goods and services supplying the essential day-to-day needs of the country.

3. Loans to augment working capital where higher wages and prices of materials make such loans necessary to sustain essential production, processing or distribution services.

4. Loans to securities dealers in the normal conduct of their business or to them or others incidental to the flotation and distribution of securities where the money is being raised for any of the foregoing purposes.

This Program would not seek to restrict loans guaranteed or insured, or authorized as to purpose by a Government agency, on the theory that they should be restricted, in accordance with national policy, at the source of guaranty or authorization. Financing institutions would not be restricted in honoring previous commitments.

The following are types of loans which in general financing institutions should not make under present conditions, unless modified by the circumstances of the particular loan so as not to be inconsistent with the principles of this program:

1. Loans to retire or acquire corporate equities in the hands of the public, including loans for the acquisition of existing companies or plants where no over-all increase of production would result.

2. Loans for speculative investments or purchases. The first test of speculation is whether the purchase is for any purpose other than use or distribution in the normal course of the borrower's business. The second test is whether the amounts involved are disproportionate to the borrower's normal business operations.[1] This would include speculative expansion of real estate holdings or plant facilities as well as speculative accumulation of inventories in expectation of resale instead of use.

The foregoing principles should be applied in screening as to purpose on all loans on securities not covered by Regulations U or T.

* * * * *

Recognizing that the maximum estimate of the percentage of our 1951 production which will be devoted directly or indirectly to national defense is between 20 percent and 30 percent, a very substantial proportion of the lending of the country will be devoted to the financing of the production and growth of our industrial and commercial community. In these circumstances, it is felt that each financing institution can help accomplish the objectives outlined above by careful screening of each application for credit extension.

In carrying out such screening, financing institutions should not only observe the letter of the existing regulations of the Board of Governors of the Federal Reserve System with respect to real estate credit, consumer credit, security loans, etc., but should also apply to all their lending the spirit of these and such other regulations and guiding principles as the Government may from time to time announce in the fight against inflation.

This Program is necessarily very general in nature. It is a voluntary Program to aid in the over-all efforts to restrain inflation. To be helpful, this Program must rely on the good will of all financing institutions and the over-all intention to comply with its spirit.

PROCEDURE FOR IMPLEMENTING THE PROGRAM

Pursuant to the provisions of Section 708 (b) and (c) of the Defense Production Act of 1950, and upon full compliance with the terms and conditions thereof:

1. A "Voluntary Credit Restraint Committee" (hereinafter referred to as "the Committee") will be appointed by the Board of Governors of the Federal Reserve System (hereinafter referred to as "the Board"). Members shall be appointed for such terms as the Board may prescribe. Initially, the Committee will consist of twelve members, four representing the life insurance companies, four representing the investment bankers, and four representing the banks. The membership of the Committee may from time to time be expanded as deemed advisable or appropriate by the Board to insure adequate representation thereon of other types or groups of financing institutions which may participate in the Program. The Board may appoint one or more alternates from each group to serve on the Committee in case of the absence of a member or members of the Committee representing such group. In selecting and appointing the members of the Committee and alternates, the Board shall have due regard to fair representation thereon for small, for medium and for large financing institutions, and for different geographical areas. The Committee will:

(a) With such assistance from the Board and the Federal Reserve Banks as may be necessary, distribute this statement of the Program, including the Statement of Principles, to financing institutions to such extent as may be deemed desirable in view of any distribution previously made;

(b) Appoint the subcommittees referred to below in 2;

(c) Meet for the purpose of considering the functioning of the Program, advising the Board with respect thereto, and suggesting for the consideration of the Board such changes in the Program, including the Statement of Principles, as may from time to time appear appropriate. Meetings of the Committee shall be held at the call of an official of the Federal Reserve System, designated by the Board; shall be under the chairmanship of such an official; and an agenda for such meetings shall be prepared by such an official. Full and complete minutes of each meeting shall be made by such an official and copies shall be kept in the files of the Board available for public inspection.

(d) Issue bulletins or memoranda from time to time to the subcommittees or to financing institutions regarding general matters relating to the Program and related credit problems, including statements implementing or clarifying the Statement of Principles, and describing the types of credits which, in the Committee's opinion, should or should not be regarded as proper under the terms of the Program.

(e) Request the chairman of the Committee to designate an employee of the Board of Governors to serve as secretary. Such secretary, in consultation with the chairman of the Committee, is authorized to conduct correspondence on behalf of the Committee in conformity with actions taken by the Committee within the scope of the Program.

2. Subcommittee may be established for each type of financing institution participating in the Program. One of the members of each subcommittee located in any city in which there is a Federal Reserve Bank or branch thereof will be a Federal Reserve representative designated by the Board of Governors of the Federal Reserve System or by such Federal Reserve Bank or branch; and such member shall attend each meeting of the subcommittee. For the investment bankers, the life insurance companies, and the banks there may in each case be one or more subcommittees organized. All such subcommittees will meet only for the purposes specified in the Program; will maintain records of their actions; and will make reports directly to the Committee regarding the actions taken by them, including statements of the types of cases considered and the nature of the advice given. The subcommittees will be available for consultation with individual financing institutions to assist them in determining the application of the Statement of Principles with respect to specific loans for which application has been made to such financing institutions. In consulting with a subcommittee, a financing institution shall not be required to disclose the identity of the applicant for any loan. No financing institution shall be required to consult with any subcommittee with respect to any loan or loans, or any application or applications therefor. Consultation with a subcommittee shall be wholly within the individual and independent discretion of a financing institution. The final decision with respect to making or refusing to make any particular loan or loans shall likewise remain wholly within the individual and independent discretion of each financing institution, whether or not it has consulted with any of the subcommittees.

In setting up the subcommittees, the Committee shall have due regard for fair representation thereon for small, for medium and for large financing institutions, and for different geographical areas. It shall also inform the Board of all subcommittee appointments.

The chairman of each subcommittee will be designated by the Committee and in the absence of such chairman, the subcommittee may elect an acting chairman from among its members. The Committee may appoint one or more alternates to serve at the request of the chairman of a subcommittee in case of the absence of a member or members of the subcommittee. The Federal Reserve Bank or branch, as the case may be, may provide an alternate to the subcommittee member designated by it whenever necessary. Each subcommittee may appoint a secretary who may be a member of the subcommittee or otherwise, and he may conduct correspondence on behalf of the subcommittee in conformity with actions taken by the subcommittee within the scope of the Program.

3. The Committee shall be furnished with such compilations of statistical data on extension of credit by financing institutions as may be required to show the amounts and direction of credit use and to watch the operation of the Program. Such statistics shall be compiled by the Board. To assist the Board in making such compilations, data shall be supplied for the investment bankers, jointly by the Investment Bankers Association and the National Association of Securities Dealers, and for the life insurance companies, jointly by the Life Insurance Association of America and the American Life Convention. Compilations of data made by the Board shall not reveal the identity of individual financing institutions or borrowers. Such compilations shall be kept on file with the Board and shall be available for public inspection.

4. Financing institutions participating in the Program will keep records of individual loans, as to purpose, in such form as to be available for future analysis.

5. Any change in the Program, including the Statement of Principles, shall be passed upon by the Committee and shall be made in accordance with the requirements of Section 708 of the Defense Production Act of 1950.

All actions pursuant to and under the Program will be automatically terminated by all participating financing institutions as of the termination of the authority conferred under Section 708 of the Defense Production Act of 1950; or upon withdrawal by the Board of its request for action under the Program. If the Committee, after study of the operation of the Program, concludes that it is no longer necessary or is not making a substantial contribution to the solution of the problem for which the Program was established, it shall so advise the Board.

[F. R. Doc. 51-4899; Filed, Apr. 27, 1951; 8:49 a. m.]

[1] Loans additional to those needed for a borrower's normal business may, of course, be regarded as proper when they are for the purpose of defense production or otherwise conform to the types of loans listed as proper in this Statement of Principles.

GENERAL SERVICES ADMINISTRATION

ADMINISTRATOR OF FEDERAL CIVIL DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO PROCUREMENT OF SUPPLIES AND SERVICES

1. Pursuant to authority vested in me by provisions of the Federal Property and Administrative Services Act of 1949, as amended (Public Laws 152 and 754, 81st Congress), hereinafter called the act, authority is hereby delegated to the Administrator of Federal Civil Defense to exercise the following authority in connection with establishment and operation of training schools and staff colleges within the continental limits of the United States as authorized by section 201 (e) of Public Law 920, 81st Congress:

a. To procure, for the purposes above specified, supplies and services, including space in buildings by lease or permit, as he may determine to be in the public interest, in accordance with section 302 of the act.

2. This authority shall be exercised strictly in accordance with the act, particularly section 307 requiring written findings and in certain instances preservation of data and reports to the General Accounting Office.

3. The authority herein delegated may be redelegated to any officer or employee of the Federal Civil Defense Administration, subject to the limitations of section 307 of the act.

This delegation of authority shall be effective as of the date hereof.

Dated: April 21, 1951.

JESS LARSON,
Administrator.

[F. R. Doc. 51-4909; Filed, Apr. 27, 1951; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26038]

MOTOR-RAIL-MOTOR RATES BETWEEN NEW HAVEN, CONN., AND CERTAIN POINTS

APPLICATION FOR RELIEF

APRIL 25, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and M&R Transporation Company, Inc.

Commodities involved: All commodities.

Between: New Haven, Conn., and Harlem River, N. Y., and between Boston, Mass., and New Haven. Conn.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4882; Filed, Apr. 27, 1951; 8:45 a. m.]

[4th Sec. Application 26039]

COAL FROM KENTUCKY TO NASHVILLE, TENN.

APPLICATION FOR RELIEF

APRIL 25, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Cincinnati, New Orleans and Texas Pacific Railway Company for itself and on behalf of the Kentucky and Tennessee Railway and The Nashville, Chattanooga and St. Louis Railway.

Commodities involved: Coal, in carloads.

From: Mines in Kentucky.

To: Nashville, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: Sou. Ry. tariff I. C. C. No. A-11165, Supp. 21.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4883; Filed, Apr. 27, 1951; 8:45 a. m.]

[4th Sec. Application 26040]

PAPER DRINKING CUPS FROM CERTAIN POINTS TO SOUTHWESTERN TERRITORY

APPLICATION FOR RELIEF

APRIL 25, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3905 and 3928.

Commodities involved: Drinking cups, paper or pulpboard, carloads.

From: Points in southwestern, official, southern and western trunk-line territories, and Canada.

To: Points in southwestern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates:

D. Q. Marsh's tariff I. C. C. No. 3928, Supp. 8.

D. Q. Marsh's tariff I. C. C. No. 3905, Supp. 28.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4884; Filed, Apr. 27, 1951; 8:45 a. m.]

[4th Sec. Application 26041]

ZINC DRY BATTERY SHELLS FROM MUNCIE IND. TO JACKSON, TENN.

APPLICATION FOR RELIEF

APRIL 25, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4300, pursuant to fourth-section order No. 9800.

Commodities involved: Zinc dry battery shells, carloads.

From: Muncie, Ind.

To: Jackson, Tenn.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4885; Filed, Apr. 27, 1951; 8:46 a. m.]

[4th Sec. Application 26042]

MIXED CARLOADS OF MERCHANDISE FROM ST. LOUIS, MO., AND EAST ST. LOUIS, ILL., TO GREENVILLE, S. C.

APPLICATION FOR RELIEF

APRIL 25, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1073, pursuant to fourth-section order No. 16101.

Commodities involved: Merchandise, in mixed carloads.

From: St. Louis, Mo., and East St. Louis, Ill.

To: Greenville, S. C.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4886; Filed, Apr. 27, 1951; 8:46 a. m.]

[4th Sec. Application 26043]

LIQUEFIED CHLORINE GAS FROM CERTAIN POINTS TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

APRIL 25, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4300, pursuant to fourth-section order No. 9800.

Commodities involved: Liquefied chlorine gas, in tank-car loads.

From: Points in Ohio, Michigan, and West Virginia.

To: Specified points in southern territory.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4887; Filed, Apr. 27, 1951; 8:46 a. m.]

[4th Sec. Application 26044]

GRAIN FROM POINTS IN OKLAHOMA TO GULF PORTS

APPLICATION FOR RELIEF

APRIL 25, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Chicago, Rock Island and Pacific Railroad Company for carriers parties to its tariff I. C. C. No. C-13346.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Points in Oklahoma.

To: Gulf ports (for export).

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: CRI&P RR. tariff I. C. C. No. C-13346, Supp. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4888; Filed, Apr. 27, 1951; 8:46 a. m.]

[4th Sec. Application 26045]

CHEMICALS FROM SOUTH CHARLESTON, W. VA., TO THE SOUTHWEST

APPLICATION FOR RELIEF

APRIL 25, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs listed below.

Commodities involved: Benzene hexachloride and dichloro diphenyl trichloroethane, carloads.

From: South Charleston, W. Va.

To: Specified points in Texas, Jacksonville and Little Rock, Ark., and Monroe, La.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariffs I. C. C. No. 3912, Supp. 48, No. 3899, Supp. 44, No. 3927, Supp. 16, and No. 3883, Supp. 40.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4889; Filed, Apr. 27, 1951; 8:46 a. m.]

[4th Sec. Application 26046]

LESS THAN CARLOAD FREIGHT IN CONTAINERS BETWEEN KANSAS CITY, MO.-KANS., AND CERTAIN POINTS

APPLICATION FOR RELIEF

APRIL 25, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Missouri Pacific Railroad Company and Missouri Pacific Railroad Corporation of Nebraska.

Commodities involved: Less than carload freight in containers furnished by the carriers.

Between: Kansas City, Mo.-Kans., and points in Kansas, Nebraska, and western Missouri.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: Mo. Pac. RR. tariff I. C. C. No. A-10225.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4890; Filed, Apr. 27, 1951; 8:47 a. m.]

[Rev. S. O. 874, Gen. Permit 18]

EVANS MILLING CO. AND DECATUR MILLING CO.

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act serving Evans Milling Company, Indianapolis, Indiana, and Decatur Milling Company, Decatur, Illinois, to disregard the provisions of Revised Service Order No. 874 insofar as it applies to Bulk Mixed Feed, when Evans Milling Company or Decatur Milling Company advise that service would be denied because of its inability to meet the minimum requirements because of inability of loading device to load to within 24 inches of roof of cars, except at ends of car. However, the total weight of such shipments shall be or exceed 80,000 pounds.

The waybills shall show reference to this General Permit and Evans Milling Company or Decatur Milling Company shall furnish the Permit Agent the car numbers, initials, weights, and destinations of the cars shipped under this Permit and also car numbers, initials, and weights of all cars loaded with Bulk Mixed Feed shipped; such information to be furnished on the first of each month.

This General Permit shall become effective at 12:01 a. m., April 25, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this General Permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this Permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of April 1951.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 51-4891; Filed, Apr. 27, 1951; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 30-223]

NIAGARA HUDSON POWER CORP.

ORDER AND DECLARATION OF DISSOLUTION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of April A. D. 1951.

Niagara Hudson Power Corporation ("Niagara Hudson"), a registered holding company, having filed an application pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 ("act") requesting the Commission to enter an order declaring that Niagara Hudson has ceased to be a holding company under said act by virtue of the fact that pursuant to the Commission's order dated August 25, 1943, as supplemented by its order dated September 7, 1950, approving the Dissolution Plan of Niagara Hudson pursuant to section 11 (e) of the act, and the order of the United States District Court for the Northern District of New York dated November 4, 1949, and the supplemental order of said court dated September 28, 1950, approving said plan, Niagara Hudson has made distribution of its assets and was dissolved on December 21, 1950; and

Said application having been filed on March 12, 1951, and notice of said filing having been duly published, and the Commission not having received a request for hearing with respect thereto within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding that Niagara Hudson has ceased to be a holding company;

It is therefore ordered and declared, Pursuant to section 5 (d) of the act, that Niagara Hudson has ceased to be a holding company, and that the registration of such company shall forthwith cease to be in effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4921; Filed, Apr. 27, 1951; 8:54 a. m.]

[File No. 59-12]

NATIONAL POWER & LIGHT CO. ET AL., RESPONDENTS

ORDER REVOKING PART OF PREVIOUS ORDER

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 23d day of April A. D. 1951.

The Commission, in connection with its order requiring the dissolution of National Power & Light Company ("National"), a registered holding company, having further ordered on November 9, 1942, among other things, that "On or before the 20th day of each month from and after December 1, 1942, National Power & Light Company shall submit to the Commission its actual corporate income and surplus statements for the calendar monthly period next preceding the date of the filing thereof * * *"; and

National having requested that such requirement be rescinded on the ground that since the company's assets now consist almost entirely of cash and cash items, monthly reports have become repetitious and of no practical value and that the preparation thereof imposes a burden on the present small organization of the company; and

It appearing to the Commission that it is appropriate to grant such request:

It is ordered, effective forthwith, That the portion of the Commission's order of November 9, 1942, requiring that "On or before the 20th day of each month from and after December 1, 1942, National shall submit to the Commission its actual corporate income and surplus statements for the calendar monthly period next preceding the date of the filing thereof * * *", be, and hereby is revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4920; Filed, Apr. 27, 1951; 8:54 a. m.]

[File No. 70-2570]

GENERAL PUBLIC UTILITIES CORP. AND JERSEY CENTRAL POWER & LIGHT CO.

NOTICE OF FILING OF POST EFFECTIVE AMENDMENT TO APPLICATION-DECLARATION AND ORDER MODIFYING PREVIOUS ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of April 1951.

By order dated March 14, 1951 (Holding Company Act Release No. 10444), pursuant to Rule U-23 promulgated under the Public Utility Holding Company Act of 1935 ("act"), this Commission granted and permitted to become effective a joint application-declaration of General Public Utilities Corporation ("GPU"), a registered holding company, and its utility subsidiary, Jersey Central Power & Light Company ("Jersey Central"), proposing, *inter alia:* (i) the issuance and sale by Jersey Central, pursuant to the competitive bidding requirements of Rule U-50 under the act, of $1,500,000 principal amount of first mortgage bonds and 40,000 shares of preferred stock; (ii) the issuance and sale by Jersey Central and the purchase by GPU of 350,000 shares of common stock for an aggregate cash consideration of $3,500,000, and (iii) the issuance and sale by GPU to commercial banks of $3,500,000 principal amount of promissory notes for the purpose of providing funds with which to purchase the common stock of Jersey Central. Said issuances and sales by Jersey Central were approved as a single transaction by the Board of Public Utility Commissioners of the State of New Jersey.

GPU and Jersey Central have filed a post effective amendment to said joint application-declaration in which it is stated that, pursuant to the permission granted by said order of this Commission dated March 14, 1951, Jersey Central invited bids for the purchase of said bonds and preferred stock and in response to said invitation received but one bid for the bonds and one bid for the preferred stock, which bids were returned to the bidders unopened, it being Jersey Central's opinion that effective competitive bidding was not possible under the circumstances. However, GPU did issue and sell the $3,500,000 principal amount of its notes to commercial banks. The amendment further sets forth that in the opinion of Jersey Central the state commission's order approving the proposed issuance and sale of securities will become null and void unless the authority therein granted is fully exercised within sixty days of the date thereof; that Jersey Central has determined to defer action with respect to the proposed sale of the bonds; and that an appropriate modification of the state commission's order is being sought so as to permit the proposed issuance and sale of preferred and common stocks as separate transactions.

Pursuant to the provisions of Rule U-24 (c) (2) under the act, this Commission's order of March 14, 1951, will, upon any modification of the state commission's order, be automatically revoked and terminated to the extent that it permits the issuance and sale of securities by Jersey Central as a transaction expressly authorized by the state commission. In view of the provisions of Rule U-24 (c) (2), the amendment seeks a modification of this Commission's order of March 14, 1951, so as to permit said issuance and sale of preferred and common stocks by Jersey Central when the same shall have been expressly authorized as separate transactions by the state commission. In addition, Jersey Central requests that the issuance and sale of the preferred stock be excepted from the competitive bidding requirements of Rule U-50 and that Jersey Central be permitted to enter into negotiations looking to the private sale of such preferred stock.

Notice is hereby given that any interested person may, not later than May 7, 1951, at 5:30 p. m., request the Commission in writing that a hearing be held with respect to said requested exception from the provisions of Rule U-50, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said requested exception which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. At any time after May 7, 1951, said requested exception may be granted without further notice.

The Commission having considered the post effective amendment to the application-declaration herein and deeming it appropriate in the public interest and in the interest of investors and consumers that the Commission's order herein dated March 14, 1951, should be modified as requested in such post effective amendment:

It is hereby ordered, That the Commission's order entered in these proceedings under date of March 14, 1951, be, and the same hereby is, modified to permit the issuance and sale by Jersey Central of 40,000 shares of preferred stock and 350,000 shares of common stock, when such issuances and sales shall have been expressly authorized by the Board of Public Utility Commissioners of the State of New Jersey, as separate transactions subject, however, to the terms and conditions of Rule U-24 and the further condition that Jersey Central shall take no steps in the negotiation for private sale of such preferred stock unless and until a further order of this Commission shall have been entered herein granting the requested exception from the provisions of Rule U-50 (b) and (c).

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4918; Filed, Apr. 27, 1951; 8:54 a. m.]

[File No. 70-2604]

HARRISBURG GAS CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 24th day of April A. D. 1951.

The Harrisburg Gas Company ("Harrisburg"), a gas utility subsidiary of The United Gas Improvement Company, a registered holding company, having filed an application and amendments thereto pursuant to the third sentence of section 6 (b) of the Public Utility Holding Company Act of 1935 with respect to the following proposed transactions:

Harrisburg proposes the issuance and sale of $1,000,000 principal amount of its First Mortgage Bonds, 3.15 percent Series due 1976, for $1,000,000 in cash to the following institutions in the principal amounts designated: The Philadelphia Saving Fund Society, Philadelphia, Pennsylvania, $600,000, and the Beneficial Saving Fund Society, Philadelphia, Pennsylvania, $400,000. Said bonds will be issued under and secured by the Mortgage and Deed of Trust dated May 1, 1946, of Harrisburg Trust Company, Trustee, and the various indentures supplemental thereto, including specifically a supplemental indenture to be dated as of May 1, 1951, to be entered into between Harrisburg and the Harrisburg Trust Company, as Trustee.

The applicant represents that the proceeds from the sale of the said bonds will be used to repay certain notes and open account indebtedness and to finance Harrisburg's construction program for 1951.

Said application having been filed on March 30, 1951, and amendments thereto on April 16 and 20, 1951; notice of said filing having been given in the manner prescribed by Rule U-23 under said act; and the Commission not having received a request for a hearing with respect to said application, as amended, within the period prescribed in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the proposed issue and sale by Harrisburg of its bonds are solely for the purpose of financing the business of the company and that such issue and sale have been expressly authorized by the Pennsylvania Public Utility Commission which is the State Commission of the State in which the applicant is organized and is doing business, and having determined that it is not necessary to impose any terms or conditions other than those prescribed by Rule U-24, and the Commission deeming it appropriate to grant applicant's request that our order authorizing the proposed transactions become effective upon issuance;

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act, that said application, as amended, be, and the same hereby is, granted, forthwith, subject to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4917; Filed, Apr. 27, 1951; 8:54 a. m.]

[File No. 70-2612]

UNION ELECTRIC CO. OF MISSOURI AND UNION ELECTRIC POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of April 1951.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Union Electric Company of Missouri ("Union"), a registered holding company and an electric utility subsidiary of the North American Company, also a registered holding company, and by Union Electric Power Company ("Union Electric Power"), a wholly owned electric utility subsidiary of Union. The applicants-declarants have designated sections 6 (b), 9 (a), and 10 of the act and Rule U-44 thereunder as applicable to the transaction.

Notice is further given that any interested person may, not later than May 29, 1951, at 5:30 p. m., request the Commission, in writing, that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact and law

raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 5:30 p. m., on May 29, 1951, said application-declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transaction therein proposed which is summarized as follows:

Union Electric Power proposes to issue and sell to Union from time to time during the period ending December 31, 1952, $7,000,000 aggregate par value of additional shares of its Common Stock, of the par value of $20 per share, which will be pledged by Union with the trustee of Union's mortgage securing its First Mortgage and Collateral Trust Bonds. Union Electric Power proposes to use the proceeds from the sale of its stock for the construction of new facilities.

The application-declaration states that authorization for the proposed transaction has been sought from the Missouri Public Service Commission and the Illinois Commerce Commission, the state commissions of the states in which Union and Union Electric Power operate.

Applicants-declarants request that the Commission's order herein be issued by May 31, 1951, and that such order become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-4919; Filed, Apr. 27, 1951; 8:54 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17624]

CHRISTIANIA BANK OG KREDITKASSE

In re: Accounts maintained in the name of Christiania Bank og Kreditkasse, Oslo, Norway, and owned by persons whose names are unknown. F-51-28 (OSLO).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

[Accounts maintained in the name of Christiania Bank og Kreditkasse, Oslo, Norway]

Column I	Column II
Name and address of institution which maintains account	Designation of account
1. The National City Bank of New York, 55 Wall St., New York 5, N. Y.	Current account, as described by the National City Bank of New York in its report on form OAP-700, bearing its serial No. 6907.
2. Guaranty Trust Co. of New York, 140 Broadway, New York 15, N. Y.	Deposit account, as described by the Guaranty Trust Co. of New York in its report on form OAP-700, bearing its serial No. FB60.

[F. R. Doc. 51-4927; Filed, Apr. 27, 1951; 8:56 a. m.]

[Vesting Order 17628]

SOCIETE FINANCIERE DE GERANCE DE CAPITAUX S. A.

In re: Accounts maintained in the name of Societe Financiere de Gerance de Capitaux S. A., Geneva, Switzerland, and owned by persons whose names are unknown. F-63-11032.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

[Accounts maintained in the name of Societe Financiere de Gerance de Capitaux S. A., Geneva, Switzerland]

Column I	Column II
Name and address of institution which maintains account	Designation of account
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	Miscellaneous portfolio of securities, both in dollars and foreign currencies, Societe Financiere de Gerance de Capitaux S. A. (FS 43651), as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its serial No. 351.

[F. R. Doc. 51-4928; Filed, Apr. 27, 1951; 8:56 a. m.]

[Vesting Order 17633]

WILHELMINA HAUG

In re: Estate of Wilhelmina Haug, also known as Mina Haug, deceased. File No. 017-24599.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Soffie Blankenhorn, Martha Blankenhorn, Emma Blankenhorn, Emma Ilg, Anna Seifried, Friedricke Schaffer, Frida Schwab, Lottie Ilg, Elsie (Elise) Schaffer and Amelia Hirschmuller, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the child or children, names unknown, of Soffie Blankenhorn, of Martha Blankenhorn, of Emma Blankenhorn, of Emma Ilg, of Anna Seifried and of Friedricke Schaffer, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the brothers and sisters, names unknown, of Frida Schwab, of Emma Ilg, of Lottie Ilg and of Elsie (Elise) Schaffer, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

4. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1, 2 and 3 hereof, and each of them, in and to the estate of Wilhelmina Haug, also known as Mina Haug, deceased, and in and to the trust established under the will of Wilhelmina Haug, also known as Mina Haug, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

5. That such property is in the process of administration by Louis J. Goldberg, 614 Central Avenue, East Orange, New Jersey, as executor and trustee, acting under the judicial supervision of the Essex County Court, Probate Division, Newark, New Jersey;

and it is hereby determined:

6. That to the extent that the persons named in subparagraph 1 hereof and the child or children, names unknown, of Soffie Blankenhorn, of Martha Blankenhorn, of Emma Blankenhorn, of Emma Ilg, of Anna Seifried, and of Friedricke Schaffer, and the brothers and sisters, names unknown, of Frida Schwab, of Emma Ilg, of Lottie Ilg and of Elsie (Elise) Schaffer, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-4929; Filed, Apr. 27, 1951; 8:56 a. m.]

[Vesting Order 17642]

KATHERINE BENDER

In re: Checks owned by the personal representatives, heirs, next of kin, legatees and distributees of Katherine Bender, deceased. F-28-31423.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Katherine Bender, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations evidenced by thirteen (13) checks, dated, numbered and of the face value as follows:

Dec. 19, 1947, C 13283	$9.00
Mar. 30, 1948, I 13108	3.00
June 21, 1948, AI 12959	3.00
Sept. 20, 1948, BI 13030	3.00
Dec. 20, 1948, CI 12753	9.00
Mar. 21, 1949, DI 12490	3.00
Sept. 19, 1949, FI 12309	3.00
Dec. 19, 1949, GI 12114	12.00
Mar. 13, 1950, HI 11997	6.00
June 12, 1950, JI 11859	6.00
July 15, 1950, KI 11600	9.42
Sept. 11, 1950, MI 11752	6.00
Dec. 18, 1950, PI 11291	12.00

said checks issued by Cities Service Company, 60 Wall Street, New York 5, New York, and presently in the custody of Mrs. Marie Trumpfheller, 116 East 62d Street, New York 21, New York, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said checks including particularly the right to possession and presentation for payment thereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Katherine Bender, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Katherine Bender, deceased referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4930; Filed, Apr. 27, 1951; 8:56 a. m.]

[Vesting Order 17647]

DR. CARL ALEXANDER OHLIGSCHLASGER

In re: Securities and bank account of Dr. Carl Alexander Ohligschlasger. F-28-31412.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1 That Dr. Carl Alexander Ohligschlasger, whose last known address is Eschweg b/ Kassel, Reichensaecherstrasse 10, Hessen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Swiss American Corporation, 30 Pine Street, New York 5, New York, arising out of an account entitled "Rubric Acct. 17779 General Ruling No. 6 Acct." in the name of Credit Suisse, Geneva, maintained with the aforesaid Corporation, and any and all accruals thereto and any and all rights to demand, enforce and collect this same, and

b. Those certain shares of stock on deposit with and in the custody of Swiss American Corporation, 30 Pine Street, New York 5, New York, in an account entitled "Rubric Acct. 17779 Blocked Unidentified Acct." in the name of Credit Suisse, Geneva, together with any and all rights thereunder and thereto and any and all declared and unpaid dividends on said shares of stock,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Dr. Carl Alexander Ohligschlasger, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4932; Filed, Apr. 27, 1951; 8:57 a. m.]

[Vesting Order 17650]

OLGA VON SCHILDER

In re: Debts owing to and securities owned by Olga von Schilder. F-28-31409.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Olga von Schilder, whose last known address is Freiburg i/Br., Maria Theresia-strasse 15, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of the Guaranty Trust Company of New York, 140 Broadway, New York, New York, in the amount of $119.30 as of December 7, 1950, being part of funds held in a General Ruling No. 6 Account for the Union Bank of Switzerland, Basle, Switzerland, by the aforesaid Guaranty Trust Company of New York, and any and all rights to demand, enforce and collect the same,

b. Those certain Mortgage Bank of Chile 6% Bonds of $2,000 aggregate face value presently in the custody of the Guaranty Trust Company of New York, 140 Broadway, New York, New York, for the account of the Union Bank of Switzerland, Basle, Switzerland, together with any and all rights thereunder and thereto,

c. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in the amount of $56.75 as of November 28, 1950, being part of funds held in a Regular Blocked Account for the Union Bank of Switzerland, Basle, Switzerland, by the aforesaid The Chase National Bank of the City of New York, and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in the amount of $34.35 as of November 28, 1950, being part of funds held in a General Ruling No. 6 Account for the Union Bank of Switzerland, Basle, Switzerland, by the aforesaid The Chase National Bank of the City of New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4933; Filed, Apr. 27, 1951; 8:57 a. m.]

[Vesting Order 17645]

KUSUICHI MATOBA

In re: Stock owned by Kusuichi Matoba, also known as Kay Matoba. D-39-7331-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kusuichi Matoba also known as Kay Matoba, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Fifty (50) shares of $10.00 par value common capital stock of Standard Brands Incorporated, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 93498, registered in the name of Kay Matoba, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4931; Filed, Apr. 27, 1951; 8:56 a. m.]

[Vesting Order 17656]

N. V. HOLLANDSCHE BUITENLAND BANK

In re: Accounts maintained in the name of N. V. Hollandsche Buitenland Bank, Hague, The Netherlands, and owned by persons whose names are unknown. F-49-1337.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of N. V. Hollandsche Buitenland Bank, Hague, The Netherlands]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Guaranty Trust Co. of New York, 140 Broadway, New York 15, N. Y.	Deposit account, N. V. Hollandsche Buitenland Bank, as described by the Guaranty Trust Co. of New York in its report on form OAP-700 bearing its serial No. FB33.

[F. R. Doc. 51-4934; Filed, Apr. 27, 1951; 8:57 a. m.]

[Vesting Order 17658]

BANCA D'AMERICA E D'ITALIA

In re: Accounts maintained in the name of Banca D'America E D'Italia, Genoa, Italy, and owned by persons whose names are unknown. F-38-1107.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Accounts maintained in the name of Banca D'Amerlca E D'Italia Genoa, Italy

Column I	Column II
Name and address of institution which maintains account	Designation of account
The National City Bank of New York, 55 Wall St., New York 15, N. Y.	(a) Deposit, and (b) miscellaneous portfolio of bonds, as described by The National City Bank of New York in its report on form OAP-700 bearing its serial No. B 75.

[F. R. Doc. 51-4935; Filed, Apr. 27, 1951; 8:57 a. m.]

[Vesting Order 17659]

MICHELIS BANK LTD.

In re: Accounts maintained in the name of Michelis Bank Ltd., Zurich, Switzerland, and owned by persons whose names are unknown. F-63-3794.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Michelis Bank Ltd., Zurich, Switzerland]

Column I	Column II
Name and address of institution which maintains account	Designation of account
1. Halle & Stieglitz, 52 Wall St., New York 5, N. Y.	(a) General ruling No. 6 safekeeping blocked account, (b) general ruling No. 6 blocked account, (c) certification blocked account, (d) safekeeping certification blocked account, and (e) safekeeping blocked account; as described by Halle & Stieglitz in its report on forms OAP-700 as amended by its letter of Mar. 8, 1951.
2. Wertheim & Co., 120 Broadway, New York, N. Y.	United States of America Currency, as described by Wertheim & Co., in its report on form OAP-700.

[F. R. Doc. 51-4936; Filed, Apr. 27, 1951; 8:57 a. m.]

[Vesting Order 17661]

ZURCHER KANTONALBANK

In re: Accounts maintained in the name of Zurcher Kantonalbank, Zurich, Switzerland, and owned by persons whose names are unknown. F-63-9358.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Zurcher Kantonalbank, Zurich, Switzerland]

Column I	Column II
Name and address of institution which maintains account	Designation of account
The National City Bank of New York, 55 Wall St., New York 15, N. Y.	B30845 Zurcher Kantonalbank G. R. 6 (type G. R. 17), as described by The National City Bank of New York in its report on Form OAP-700, bearing its serial No. B 16.

[F. R. Doc. 51-4937; Filed, Apr. 27, 1951; 8:57 a. m.]

[Vesting Order 17663]

OESTERREICHISCHE LAENDERBANK A. G.

In re: Accounts maintained in the name of Oesterreichische Laenderbank A. G., Vienna, Austria, and owned by persons whose names are unknown. F-6-22.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Oesterreichische Laenderbank A. G. Vienna, Austria]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Guaranty Trust Co. of New York, 140 Broadway, New York, N. Y.	Deposit account, Oesterreichische Laenderbank A. G. Am Hof 2, Vienna, Austria, as described by Guaranty Trust Co. of New York in its report on form OAP-700 bearing its serial No. F 111.

[F. R. Doc. 51-4938; Filed, Apr. 27, 1951; 8:58 a. m.]

[Vesting Order 17712]

CHARLES W. LAGEMANN

In re: Trust Agreement dated April 16, 1924, by and between Charles W. Lagemann, Donor, and The Farmers' Loan and Trust Company, et al., Trustees, as amended. File No. D-28-10657-G-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Trommershausen, Marie Gebauer, Martha Gillmann, Clara Schroder, also known as Clara Schroder Mencke, Mathilde Jonas-Mencke, Emilie Luicke, Frederika Fruhauf, Frieda Rubke Loescher, Jenny Rubke, Leiselotte Rubke, Martha Mester, Fritz Mester, Hanna Dittwald, Hermann Dittwald, Johanna Giesler, widow of Rudolf Pielsticker, Friedrich Karte, Friedrich Drees, Sophie Prigge, Heinrich Karte, Anna Witte, Grete Voullieme, Elizabeth Voullieme, Vera Guinand, Rudolf Lagemann, Wilhelmine Oberhellmann, Luise Fuchs, Fritz Karte, Emilie Lagemann, Frederick Lagemann, and Emma Lagemann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary, personal representatives, heirs, next-of-kin, legatees, and distributees, names unknown, of Marie Trommershausen, of Clementine Mencke, of Friedrich Karte and of Stefanie Steinwarz; the spouse, parents and issue, names unknown, of Marie Trommershausen, of Clara Schroder (Mencke), of Clementine Mencke, of Frieda Rubke Loescher, of Johanna Giesler, of the widow of Rudolf Pielsticker, of Friedrich Karte, of Friedrich Drees, of the children of Lisette Hollenberg, of the children of Lina Voss, of Anna Witte, of Stefanie Steinwarz, of Vera Guinand; the issue, names unknown, of Frieda Lappe, of Wilhelm Rubke, of the widow of Wilhelm Mester, of the widow of Ernst Mester, of Adele Dittwald, of Lisette Hollenberg, of Lina Voss, of the widow of Heinrich Karte, Sr., of Milly Voullieme, of Frederick Lagemann except Erica Bauer-Schlichtegroll, a resident of the United States, and of the widow of Rudolf Karte, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them except Erica Bauer-Schlichtegroll, a resident of the United States, in and to and arising out of or under that certain Trust Agreement dated April 16, 1924, by and between Charles W. Lagemann, Donor, and The Farmers' Loan and Trust Company, Frederick Lagemann, Alfred Lagemann, Walter Lagemann and Eric Lagemann, Trustees, and amendments thereto dated May 23, 1925, and April 14, 1931, and that certain Agreement dated April 16, 1924, by and between Walter Lagemann, Eric Lagemann, and Anna Lagemann, parties of the first part, Charles W. Lagemann, party of the second part, and The Farmers' Loan and Trust Company, Frederick Lagemann, Alfred Lagemann, Walter Lagemann and Eric Lagemann, trustees as aforesaid, parties of the third part, at present being administered by City Bank Farmers Trust Company, Eric Lagemann, Walter Lagemann, and C. H. A. Mott, New York, New York, as trustee, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof and the domiciliary, personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Marie Trommershausen, of Clementine Mencke, of

Friedrich Karte and of Stefanie Steinwarz; the spouse, parents and issue, names unknown, of Marie Trommershausen, of Clara Schroder (Mencke), of Clementine Mencke, of Frieda Rubke Loescher, of Johanna Giesler, of the widow of Rudolf Pielsticker, of Friedrich Karte, of Friedrich Drees, of the children of Lisette Hollenberg, of the children of Lina Voss, of Anna Witte, of Stefanie Steinwarz, of Vera Guinand; the issue, names unknown, of Frieda Lappe, of Wilhelm Rubke, of the widow of Wilhelm Mester, of the widow of Ernst Mester, of Adele Dittwald, of Lisette Hollenberg, of Lina Voss, of the widow of Heinrich Karte, Sr., of Milly Voullieme, of Frederick Lagemann, except Erica Bauer-Schlichtegroll, a resident of the United States, and of the widow of Rudolf Karte, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4939; Filed, Apr. 27, 1951; 8:58 a. m.]

[Return Order 929]

FUSHIMINOMIYA KINEN SHOGAKKAI ET AL.

Having considered the claims set forth below and having issued a determination allowing the claims which are incorporated by reference herein and filed herewith and notice of intention to return having been published on September 12, 1950 (15 F. R. 6137),

It is ordered, That the claimed property, described below and in the determination, be returned subject to any increase or decrease resulting from the administration thereof prior to return, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Fushiminomiya Kinen Shogakkai, c/o Iga Mori, 716 Wyllie St., Honolulu, T. H.; 11379; $3,822.33.

J. Tokairin, d/b/a Tohoku Hotel (a sole proprietorship), 87 Laimi Road, Honolulu, T. H.; 29154; $37.82.

Tatsujiro Fujinaga, 630 Pokole Street, Honolulu, T. H.; 37247; $2,010.12.

Haruo Hayakawa, 1092 S. Beretania Street, Honolulu, T. H.; 37252; $1.75.

Charles J. Pletsch, 925 Fort Street, Honolulu, T. H.; 37288; $6.17.

Yayao Yamane, 617 Lana Lane, Honolulu, T. H.; 40694; $1,509.92.

Fukuyo Mizuno, Honolulu, T. H.; 45377; $510.00.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4940; Filed, Apr. 27, 1951; 8:58 a. m.]

[Return Order 948]

OTTO MONHEIMER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Otto Monheimer, as Administrator of the Estate of Frieda Monheimer Belz, deceased, Yonkers, N. Y.; Claim No. 33950; March 10, 1951 (16 F. R. 2246); $2,784.06 in the Treasury of the United States. One-sixth of all right, title, interest and claim of any kind or character whatsoever of Heinrich Monheimer and his issue in and to the trust created under paragraph "Ninth" of the will of Sara M. Frank, deceased. One-half of all right, title, interest and claim of any kind or character whatsoever of Frieda Monheimer Belz in and to the trust created under paragraph "Ninth" of the will of Sara M. Frank, deceased. The above-described property is in respect to the share of Hubert Belz in the Estate of Frieda Monheimer Belz, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4941; Filed, Apr. 27, 1951; 8:58 a. m.]

[Return Order 943]

DR. LEONARDO CERINI

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Dr. Leonardo Cerini, Castellanza (Varese) Italy; Claim No. 6520; March 9, 1951 (16 F. R. 2206); $10,275 in the Treasury of the United States. Property described in Vesting Order No. 112 (7 F. R. 7785, October 1, 1942), relating to United States Letters Patent Nos. 1,719,754 and 1,815,761. (This return shall not be deemed to include the rights of any licensees under the above patents.) All right, title, interest and claim of Leonardo Cerini in and to all indebtedness owing to him by R. A. C. E., Inc., including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness, to the extent that such right, title, interest and claim was owned by the claimant immediately prior to vesting by Vesting Order No. 89 (7 F. R. 6609, August 20, 1942).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4870; Filed, Apr. 26, 1951; 8:50 a. m.]

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FEDERAL REGISTER

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TITLE 3—THE PRESIDENT

PROCLAMATION 2923

MOTHER'S DAY, 1951

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the strength of our Nation reflects the strength of the American home, which is based on the virtues fostered by the mothers of our country; and

WHEREAS, in recognition of the services rendered by American mothers, the Congress, by a joint resolution approved May 8, 1914 (38 Stat. 770), set aside the second Sunday in May as Mother's Day and lauded American mothers for their influence toward good government and their contributions to the moral and religious uplift of humanity;

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby direct the appropriate officials of the Government to arrange for the display of the flag of the United States on all public buildings on Mother's Day, May 13, 1951, and I call upon the people to display the flag on that day at their homes or other suitable places as a public expression of honor for our mothers.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 26th day of April in the year of our Lord nineteen hundred and fifty-one, [SEAL] and of the Independence of the United States of America the one hundred and seventy-fifth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 51-5052; Filed, Apr. 27, 1951; 2:59 p. m.]

PROCLAMATION 2924

ENLARGING HOVENWEEP NATIONAL MONUMENT, COLORADO AND UTAH

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS Proclamation No. 1654 of March 2, 1923, established the Hovenweep National Monument on certain public lands in southwestern Colorado and southeastern Utah for the purpose of protecting and preserving four groups of ruins including structures of the finest prehistoric masonry to be found in the United States; and

WHEREAS it has been determined that the public lands described and set apart as the said Hovenweep National Monument do not include the lands containing one of the said groups of ruins known as the Hackberry Ruin; and

WHEREAS another ruin, known as the Goodman Point Ruin, situated in the vicinity of the Hovenweep National Monument, has been found to be of significance comparable to, and suitable for preservation with, the ruins comprising the said Monument; and

WHEREAS it is deemed desirable in the public interest that the lands embracing the Hackberry Ruin and the Goodman Point Ruin be added to and reserved as parts of the Hovenweep National Monument:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906 (ch. 3060, 34 Stat. 225, 16 U. S. C. 431), do proclaim that, subject to valid existing rights and the provisions of existing withdrawals, the following-described tracts of land in Colorado are hereby added to and reserved as parts of the Hovenweep National Monument:

NEW MEXICO PRINCIPAL MERIDIAN

T. 36 N., R. 20 W.,
Sec. 2, lot 3, and SE¼NW¼.
T. 36 N., R. 17 W.,
Sec. 4, lot 2, and SW¼NE¼.

Warning is hereby expressly given to all unauthorized persons not to appro-

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priate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the lands hereby added to this monument as provided in the act of Congress entitled "An Act To Establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535, 16 U. S. C. 1–3), and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 26th day of April, in the year of our Lord nineteen hundred and and fifty-one, and of the Independence of the United States of America the one hundred and seventy-fifth.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 51-5053; Filed, Apr. 27, 1951; 3:56 p. m.]

EXECUTIVE ORDER 10240

REGULATIONS GOVERNING THE SEPARATION FROM THE SERVICE OF CERTAIN WOMEN SERVING IN THE REGULAR ARMY, NAVY, MARINE CORPS, OR AIR FORCE

By virtue of the authority vested in me by the Army-Navy Nurses Act of 1947 (61 Stat. 41) and the Women's Armed Services Integration Act of 1948 (62 Stat. 356), and as Commander in Chief of the armed forces of the United States, I hereby prescribe the following regulations governing the separation from the service of certain women serving in the Regular Army, Navy, Marine Corps, or Air Force:

The commission of any woman serving in the Regular Army, the commission or warrant of any woman serving in the Regular Navy or the Regular Marine Corps, and the commission, warrant, or enlistment of any woman serving in the Regular Air Force under either of the above-mentioned acts may be terminated, regardless of rank, grade, or length of service, by or at the direction of the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, respectively, (1) under the same circumstances, procedures, and conditions and for the same reasons under which a male member of the same armed force and of the same grade, rating or rank, and length of service may be totally separated from the service by administrative action, whether by termination of commission, termination of appointment, revocation of commission, discharge, or otherwise, or (2) whenever it is established under appropriate regulations of the Secretary of the department concerned that the woman (a) is the parent, by birth or adoption, of a child under such minimum age as the Secretary concerned shall determine, (b) has personal custody of a child under such minimum age, (c) is the stepparent of a child under such minimum age and the child is within the household of the woman for a period of more than thirty days a year, (d) is pregnant, or (e) has, while serving under such commission, warrant, or enlistment, given birth to a living child; and such woman may be totally separated from the service by administrative action by termination of commission, termination of appointment, revocation of commission, discharge, or otherwise.

HARRY S. TRUMAN

THE WHITE HOUSE,
April 27, 1951.

[F. R. Doc. 51-5052; Filed, Apr. 27, 1951; 4:27 p. m.]

EXECUTIVE ORDER 10241

AMENDING EXECUTIVE ORDER NO. 9835 ENTITLED "PRESCRIBING PROCEDURES FOR THE ADMINISTRATION OF AN EMPLOYEES LOYALTY PROGRAM IN THE EXECUTIVE BRANCH OF THE GOVERNMENT"

By virtue of the authority vested in me by the Constitution and statutes of the United States, including the Civil Service Act of 1883 (22 Stat. 403) as amended, and section 9A of the act approved August 2, 1939 (5 U. S. C. 118j), and as President of the United States, it is ordered that paragraph 1 of Part V of Executive Order No. 9835 of March 21, 1947, (entitled "Prescribing Procedures for the Administration of an Employees Loyalty Program in the Executive Branch of the Government", be, and it is hereby, amended to read as follows:

"1. The standard for the refusal of employment or the removal from employment in an executive department or agency on grounds relating to loyalty shall be that, on all the evidence, there is a reasonable doubt as to the loyalty of the person involved to the Government of the United States."

HARRY S. TRUMAN

THE WHITE HOUSE,
April 28, 1951.

[F. R. Doc. 51-5071; Filed, Apr. 30, 1951; 10:14 a. m.]

REORGANIZATION PLAN NO. 1 OF 1951

Prepared by the President and Transmitted to the Senate and the House of Representatives in Congress Assembled, February 19, 1951, Pursuant to the Provisions of the Reorganization Act of 1949, Approved June 20, 1949 [1]

RECONSTRUCTION FINANCE CORPORATION

SECTION 1. *Administrator of the Corporation.* There is hereby established the office of Administrator of the Reconstruction Finance Corporation, hereinafter referred to as the Administrator. The Administrator shall be appointed by the President by and with the advice and consent of the Senate and shall receive compensation at the rate of $17,500 per annum.

SEC. 2. *Deputy Administrator.* There is hereby established the office of Deputy Administrator of the Reconstruction Finance Corporation, who shall be appointed by the President by and with the advice and consent of the Senate, shall receive compensation at the rate of $16,000 per annum, shall perform such duties as the Administrator may from time to time designate, and shall be Acting Administrator and perform the functions of the Administrator, including his functions as a member and the Chairman of the Loan Policy Board hereinafter provided for, during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

SEC. 3. *Other employment prohibited.* No person shall while holding the office of Administrator or Deputy Administrator engage in any business, vocation, or employment other than that involved in the holding of such office.

SEC. 4. *Loan Policy Board.* There is hereby established the Loan Policy Board of the Reconstruction Finance Corporation, which shall be composed of the following members, all ex officio: The Administrator, as Chairman, the Deputy Administrator, as Vice Chairman, the Secretary of the Treasury, the Secretary of Commerce, and one other member who shall be designated from time to time by the President from among the officers of the United States who are required to be appointed by and with the advice and consent of the Senate. Either of the said Secretaries and the said designee of the President may designate an officer of his department or agency to act in his stead as a member of the Loan Policy Board with respect to any matter or matters.

SEC. 5. *Functions transferred to Administrator.* All functions of the Board of Directors of the Reconstruction Finance Corporation, including those of the members and chairman of the said Board and including those with respect to the management of the Corporation, are hereby transferred to the Administrator, except as the said functions are otherwise vested by the provisions of sections 6 and 7 of this reorganization plan.

SEC. 6. *General policies.* The Loan Policy Board shall establish general policies (particularly with reference to the public interest involved in the granting and denial of applications for financial assistance by the Corporation and with reference to the coordination of the functions of the Corporation with other activities and policies of the Government) which shall govern the granting and denial of applications for financial assistance by the Corporation.

SEC. 7. *Financial assistance procedure.* All applications for loans or other financial assistance totaling in excess of $100,000 to any borrower shall be referred to a board of review, and such board shall submit a recommendation in each case to the Administrator. Any board of review shall consist of not less than five persons who shall be designated by the Administrator from among personnel of the Corporation having major responsibilities assigned to them and who shall receive no additional compensation for service hereunder. Whenever any loan or purchase of obligation shall be approved or declined in any case wherein the board of review has recommended otherwise, the Administrator shall place in the records of the Corporation a memorandum setting forth his reasons for granting or denying the financial assistance involved.

SEC. 8. *Delegation of functions.* The Administrator may from time to time make such provisions as he shall deem appropriate with respect to the performance by any officer, employee, or administrative unit under his jurisdiction of any function of the Administrator under the provisions of this reorganization plan.

SEC. 9. *Abolition of present Board.* The Board of Directors of the Reconstruction Finance Corporation, including the offices of the members of such Board, is hereby abolished, and the Administrator shall provide for winding up any outstanding affairs of the said Board not otherwise provided for in this reorganization plan.

SEC. 10. *Effective date.* Sections 4 to 9, inclusive, of this reorganization plan shall become effective when, and not until, the Administrator first appointed hereunder enters upon office pursuant to the provisions of this reorganization plan.

[F. R. Doc. 51-5070; Filed, Apr. 30, 1951; 8:45 a. m.]

[1] Effective April 30, 1951, under the provisions of section 6 of the act; published pursuant to section 11 of the act (Pub. Law 109, 81st Cong.)

LETTERS OF APRIL 27, 1951

[DESIGNATION OF ACTING DEFENSE PRODUCTION ADMINISTRATOR]

THE WHITE HOUSE
WASHINGTON
APRIL 27, 1951.

MR. E. T. GIBSON
Deputy Defense Production Administrator
Defense Production Administration
Washington, D. C.

DEAR MR. GIBSON:

I hereby designate you Acting Defense Production Administrator effective upon the resignation of Mr. William H. Harrison, present Defense Production Administrator. You will serve in this capacity until Mr. Harrison's successor assumes office.

You are authorized to serve without compensation during the period of your incumbency as Acting Defense Production Administrator. While serving in this capacity the exemptions generally applicable to employees serving without compensation are extended to you, and the requirements of Section 301 of Executive Order 10182, as amended by Executive Order 10205, are waived.

During the period of your incumbency as Acting Defense Production Administrator, you are authorized to exercise all the powers delegated to the Defense Production Administrator except those powers relating to voluntary agreements under Section 708 of the Defense Production Act, which powers are temporarily transferred to the Director of Defense Mobilization.

Very truly yours,

HARRY S. TRUMAN

[F. R. Doc. 51-5112; Filed, Apr. 30, 1951; 12:52 p. m.]

[DELEGATION OF POWERS RELATING TO VOLUNTARY AGREEMENTS UNDER DEFENSE PRODUCTION ACT]

APRIL 27, 1951.

Honorable CHARLES E. WILSON
Director
Office of Defense Mobilization
Washington, D. C.

DEAR MR. WILSON:

At your suggestion, I have designated Mr. E. T. Gibson, Deputy Defense Production Administrator, as Acting Defense Production Administrator during the period between Mr. Harrison's resignation and the assumption of office of Mr. Harrison's successor.

During the period of Mr. Gibson's incumbency as Acting Defense Production Administrator, I hereby delegate to you the powers relating to voluntary agreements delegated to the Defense Production Administrator under Section 708 of the Defense Production Act.

Very truly yours,

HARRY S. TRUMAN

[F. R. Doc. 51-5113; Filed, Apr. 30, 1951; 12:52 p. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 907—MILK IN THE MILWAUKEE, WISCONSIN, MARKETING AREA

ORDER AMENDING ORDER REGULATING HANDLING

§ 907.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and certain proposed amendments to the order regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order, amending the order effective on May 1, 1951. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk. Accordingly, any further delay in the effective date of this order amending the order will seriously threaten the orderly marketing of milk in the Milwaukee marketing area. The provisions of the said amendatory order are well known to handlers and producers, the public hearing having been held on April 17, 1951, and no special preparation is necessary to comply therewith by the persons affected thereby. Therefore, it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations or producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order) of more than 50 percent of the volume of the milk covered by this order amending the order, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period (February 1951) were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Milwaukee, Wisconsin, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 907.72, paragraph (b) of § 907.30, and paragraph (b) of § 907.60.

2. In § 907.31 (a) delete the words "including for the months of April through July such producer's deliveries of base milk and excess milk."

3. In § 907.71, delete, in its entirety, the introductory language following the title and prior to the first colon therein and substitute the following: "For each month the market administrator shall compute for each handler the uniform price per hundredweight of producer milk in the following manner."

4. In § 907.80 (a) delete the phrase "of the months of August through March" and substitute the word "month".

5. Delete § 907.90 and substitute the following:

§ 907.90 *Producer handlers.* Sections 907.40 to 907.47, 907.50 to 907.51, 907.60 to 907.61, 907.70 to 907.71, and 907.80 to 907.85, inclusive, shall not apply to a producer handler.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Issued at Washington, D. C. this 30th day of April 1951, to be effective on and after the 1st day of May 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-5101; Filed, Apr. 30, 1951; 11:08 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 2, Amdt. 13]

PART 60—AIR TRAFFIC RULES

MINIMUM EN ROUTE INSTRUMENT ALTITUDES

The minimum en route instrument altitude alterations appearing hereinafter are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 60 is amended as follows:

1. Section 60.17-16 *Green Civil Airway No. 3* is amended by adding:

From—	To—	Minimum altitude
Youngstown, Ohio (VOR, via radial 106.	Mercer (INT), Pa.....	2,600
Mercer (INT), Pa.....	Philipsburg, Pa. (VOR), via radial 289.	4,000
Philipsburg, Pa. (VOR, via radial 105.	Selinsgrove, Pa. (VOR), via radial 287.	4,000
Selinsgrove, Pa. (VOR), via radial 101.	Slatington (INT), Pa.	4,000
Slatington (INT), Pa..	Allentown, Pa. (VOR), via radial 283.	3,000
Allentown, Pa. (VOR), via radial 119.	Bellemead (INT), Pa	2,500
Bellemead (INT), Pa., via Allentown, Pa. (VOR), radial 119.	New Brunswick (INT), N. J.	2,000
New Brunswick (INT), N. J., via Allentown, Pa. (VOR), radial 119.	Matawan, N. J. (VAR), via VAR.	1,500
Allentown, Pa. (VOR), via radial 105.	Linden, N. J. (RBN), via RBN.	2,500
Allentown, Pa. (VOR), via radial 90.[1]	Caldwell, N. J. (VOR), via radial 273.	2,500
Selinsgrove, Pa. (VOR), via altitude radial 86.[1]	Int. Selinsgrove, Pa. (VOR, altitude radial 86 and Caldwell, N. J. (VOR), altitude radial 288.	[2] 4,000
Int. Selinsgrove, Pa. (VOR), altitude radial 86 and Caldwell, N. J. (VOR), altitude radial 288.[1]	Caldwell, N. J. (VOR), via altitude radial 288.	[2] 2,700
Philipsburgh, Pa. (VOR), via altitude radial 120.[1]	Allentown, Pa. (VOR), via altitude radial 268.	4,000

[1] This route is associated with this airway, since the route lies within the control area established for this airway.

[2] 6,000'—minimum continuous VOR reception altitude.

[3] 4,500'—minimum continuous VOR reception altitude.

2. Section 60.17–13 *Green Civil Airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Bellemead (INT), Pa..	New Brunswick (INT), N. J.	2,000
Slatington (INT), Pa..	Allentown, Pa (LFR) (VOR), via LFR or VOR radial 283.	3,000

3. Section 60.17–14 *Green Civil Airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
New Kingston, Pa. (FM).	Harrisburg, Pa. (LFR).	2,500

4. Section 60.17–15 *Green Civil Airway No. 5* is amended by adding:

From—	To—	Minimum altitude
Int. Douglas, Ariz (VOR, radial 70 and Columbus, N. Mex. (VOR), radial 263.	Columbus, N. Mex (VOR), via radial 263.	13,000

5. Section 60.17–104 *Amber Civil Airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Glenwood (INT), Nebr.	Omaha, Nebr. (LFR).	2,700

6. Section 60.17–209 *Red Civil Airway No. 9* is amended by adding:

From—	To—	Minimum altitude
San Diego, Calif. (VOR), via radial 63.[1]	Yuma, Ariz. (VOR), via radial 252 (eastbound).	9,000
Yuma, Ariz. (VOR), via radial 252.	Barrett Lake, Calif. (FM) (westbound).	9,000
Barrett Lake, Calif. (FM).	Jamul, Calif. (RBN), via San Diego (VOR) radial 93 (westbound).	6,000
Jamul, Calif. (RBN)...	San Diego, Calif. (VOR), via radial 93 (westbound).	4,500
Yuma, Ariz. (VOR), via VOR direct.	Gila Bend, Ariz. (VOR), via VOR direct.	5,000
Yuma, Ariz. (VOR), via altitude radial 55.	Gila Bend, Ariz. (VOR), via altitude radial 295.	5,000

[1] 3,000'—minimum crossing altitude at San Diego (VOR), eastbound.

7. Section 60.17–212 *Red Civil Airway No. 12* is amended to read in part:

From—	To—	Minimum altitude
Erie, Pa. (LFR) (VOR), via LFR or VOR radial 127.	Philipsburg, Pa. (LFR) (VOR) via LFR or VOR radial 310.	[1] 4,000

[1] 8,000'—minimum continuous VOR reception altitude.

8. Section 60.17–248 *Red Civil Airway No. 48* is amended to read in part:

From—	To—	Minimum altitude
Canton (INT), Mont..	Sixteen (INT), Mont	11,000
Sixteen (INT), Mont..	Living ston, Mont. (LFR): Southbound.....	10,000
	Northbound.....	11,000

9. Section 60.17–283 *Red Civil Airway No. 83* is amended by adding:

From—	To—	Minimum altitude
Tucson, Ariz. (VOR), via direct VOR.[1]	Douglas, Ariz. (VOR), via direct VOR.	10,000
Douglas, Ariz. (VOR), via radial 50.	Int. Douglas, Ariz. (VOR), radial 50 and Columbus, N. Mex. (VOR) radial 263.	13,000

[1] 8,000'—minimum crossing altitude at Tucson (VOR), eastbound.

10. Section 60.17–649 *Blue Civil Airway No. 49* is amended to read in part:

From—	To—	Minimum altitude
Millville, N. J. (LFR) .	Int. NW crs. Millville, N. J. (LFR) and E crs. New Castle, Del. (LFR).	1,000
Int. NW crs. Millville, N. J. (LFR) and E crs. New Castle, Del. (LFR).	Boothwyn (INT), Pa	1,500

11. Section 60.17–669 *Blue Civil Airway No. 69* is amended to read in part:

From—	To—	Minimum altitude
Jerseyville (INT), Mo	Quincy, Ill. (RBN)...	2,000

12. Section 60.17–1001 *Direct Routes; Northeast United States* is amended by adding:

From—	To—	Minimum altitude
New Castle, Del. (LFR).	Millville, N. J. (LFR).	1,000
Philadelphia, Pa. (LFR).	Atlantic City, N. J. (LFR).	1,500
New Castle, Del. (LFR).	Int. E crs. New Castle, Del. (LFR) and S crs. Atlantic City, N. J. (LFR).	1,500
Int. S crs. Erie, Pa. (LFR and SW crs. Buffalo, N. Y. (LFR).	Dunkirk, N. Y. (RBN).	3,500
Knoxville, Tenn. (LFR).	McDonald (INT), W. Va., via Coleman, Ky. (VAR).	6,000

13. Section 60.17–1003 *Direct Routes; Southwest United States* is amended by adding:

From—	To—	Minimum altitude
Half Moon Bay, Calif. (FM).	Newark, Calif. (RBN).	4,500
San Francisco, Calif. (LFR).	Newark, Calif. (RBN).	4,500
Gila Bend, Ariz. (VOR), via direct VOR.	Tucson, Ariz (VOR), via direct VOR.	7,000
Gila Bend, Ariz. (VOR), via VOR altitude radial 122.	Tucson, Ariz. (VOR), via VOR altitude radial 272.	7,000

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective May 3, 1951.

[SEAL] J. S. MARRIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–4952; Filed, Apr. 30, 1951; 8:46 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 506—AIRWORTHINESS DIRECTIVES RECORDATION

Acting pursuant to authority appearing in sections 308 and 503 of the Civil Acronautics Act of 1938, as amended, and in accordance with sections 3 and 4[1] of the Administrative Procedure Act, I hereby adopt Part 506 to read as follows:

Sec.
506.1 Basis and purpose.
506.2 Requirements.

AUTHORITY: §§ 506.1 and 506.2 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 503, 52 Stat. 1006; 49 U. S. C. 523.

§ 506.1 *Basis and purpose.* The basis for this part is found in section 503 (g) of the Civil Aeronautics Act of 1938, as amended. The purpose of the regulations in this part is to require recordation of the extent of compliance and noncompliance wth all outstanding airworthiness directives applicable to an aircraft or to major components thereof.

§ 506.2 *Requirements.* When the date of transfer of ownership of an aircraft precedes the final date for compliance with any published airworthiness directives applicable to that aircraft or a major component thereof, the owner, prior to the transfer of ownership, shall record in the appropriate logbook, or other historical record, the extent of his compliance and noncompliance with those directives.

This part shall become effective May 1, 1951.

[SEAL] S. J. MARRIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–4953; Filed, Apr. 30, 1951; 8:46 a. m.]

[Amdt. 47]

PART 600—DESIGNATION OF CIVIL AIRWAYS

CIVIL AIRWAY ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 600 is amended as follows:

1. Section 600.11 is amended to read:

§ 600.11 *Green civil airway No. 1 (U. S.-Canadian Border via Millinocket, Maine, to the U. S.-Canadian Border).* From the intersection of the east course of the Megantic, Quebec, Canada, radio range and the U. S.-Canadian Border via the Millinocket, Me., radio range station to the intersection of the east course of the Millinocket, Me., radio range and the U. S.-Canadian Border.

2. Section 600.602 is amended to read:

§ 600.602 *Blue civil airway No. 2 (Montgomery, Ala., to Erie, Pa.).* From the intersection of the southeast course of the Craig, Ala., AFB radio range and the south course of the Birmingham, Ala., radio range via the Birmingham, Ala., radio range station; the intersection of the north course of the Birmingham, Ala., radio range and the southwest course of the Chattanooga, Tenn., radio range via the Chattanooga, Tenn., radio range station to the intersection of the northeast course of the Chattanooga, Tenn., radio range and the west course of the Knoxville, Tenn., radio range. From the Elkins, W. Va., radio marker station via the Pittsburgh, Pa., radio range station; the Butler, Pa., non-directional radio beacon; the intersection of the east course of the Youngstown, Ohio, radio range and the south course of the Erie, Pa., radio range to the Erie, Pa., radio range station.

3. Section 600.606 is amended to read:

§ 600.606 *Blue civil airway No. 6 (Abilene, Tex., to Muskegon, Mich.).* From the Abilene, Tex., radio range station via the Wichita Falls, Tex., radio range station to the intersection of the northeast course of the Wichita Falls, Tex., radio range and the south course of the Oklahoma City, Okla., radio range. From the Walnut Ridge, Mo., omnirange station to the Farmington, Mo., omnirange station. From the intersection of the southeast course of the Scott AFB, Belleville, Ill., radio range and a point 25 miles southeast of the Scott AFB, Belleville, Ill., radio range station via the Scott AFB, Belleville, Ill., radio range station to the intersection of the northwest course of the Scott AFB, Belleville, Ill., radio range and the southwest course of the Springfield, Ill., radio range. From the Springfield, Ill., radio range station via the Peoria, Ill., radio range station to the intersection of the north course of the Peoria, Ill., radio range and the northeast course of the Burlington, Iowa, radio range. From the intersection of the west course of the Goshen, Ind., radio range and the south course of the South Bend, Ind., radio range via the South Bend, Ind., radio range station to the intersection of the north course of the South Bend, Ind., radio range and the northeast course of the Chicago, Ill., radio range. From the intersection of the northeast course of the Chicago, Ill., radio range and the southwest course of the Grand Rapids, Mich., radio range to the Muskegon, Mich., radio range station.

4. Section 600.631 is amended to read:

§ 600.631 *Blue civil airway No. 31 (Quincy, Ill., to Madison, Wis.).* From the Quincy, Ill., omnirange station to the Burlington, Iowa, omnirange station. From the intersection of the west course of the Peoria, Ill., radio range and the south course of the Moline, Ill., radio range to the Moline, Ill., radio range station. From the intersection of the southwest course of the Madison, Wis., radio range and the northwest course of the Rockford, Ill., radio range to the Madison, Wis., radio range station.

(Sec. 205, 52 Stat. 984 as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. May 1, 1951.

[SEAL] J. S. MARRIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–4896; Filed, Apr. 27, 1951; 8:48 a. m.]

[Amdt. 50]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

MISCELLANEOUS AMENDMENTS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required. Part 601 is amended as follows:

1. Section 601.11 is amended by changing caption to read: "*Green civil airway No. 1 control areas (U. S.-Canadian Border via Millinocket, Maine, to the U. S.-Canadian Border)*".

2. Section 601.13 *Green civil airway No. 3 control areas (San Francisco, Calif., to New York, N. Y.)* is amended between the Rock River, Wyo., omnirange station and the Cheyenne, Wyo., omnirange station by adding the following portion: "including all that area bounded on the south and west by Green civil airway No. 3 and on the northeast by the Rock River-Cheyenne direct en route radials;" and is amended between the Omaha, Nebr., omnirange station and the Chicago Heights, Ill., omnirange station by adding the following portion: "from the Omaha, Nebr., omnirange station to the Des Moines, Iowa, omnirange station via the direct en route and 15° south altitude change radials, including all that area bounded on the west by Amber civil airway No. 4, on the north by Green civil airway No. 3 and on the south by the Omaha-Des Moines direct en route radials; from the Des Moines, Iowa, omnirange station to the Iowa City, Iowa, omnirange station via the direct en route and 15° north and south altitude change radials; from the Iowa City, Iowa, omnirange station to the Moline, Ill., omnirange station via the direct en route and 15° south altitude change radials and from the Des Moines, Iowa, omnirange station to the Moline,

[1] In 16 F. R. 23, notice of intention to adopt this part was published, and interested persons were granted 15 days to submit written data, views, or arguments in regard thereto. Consideration has been given to all relevant matters presented.

Ill., omnirange station via the Des Moines-Iowa City and Moline-Iowa City direct en route radials and the 15° north and south altitude change radials; from the Moline, Ill., omnirange station to the Naperville, Ill., omnirange station via the direct en route and 15° north altitude change radials; from the Naperville, Ill., omnirange station to the Chicago Heights, Ill., omnirange station via the direct en route radials."

3. Section 601.14 *Green civil airway No. 4 control areas (Los Angeles, Calif., to Philadelphia, Pa.)* is amended before "Gage, Okla., omnirange station" by adding the following portion to read: "From the Amarillo, Tex., omnirange station to the Gage, Okla., omnirange station via the direct en route and 15° northwest altitude change radials including all that area bounded on the south and southeast by Green civil airway No. 4 and on the northwest by the Amarillo-Gage direct en route radials."

4. Section 601.15 *Green civil airway No. 5 control areas (Los Angeles, Calif., to Boston, Mass.)* is amended by adding the following portion to read: "From the Dallas, Tex., omnirange station to the Sulphur Springs, Tex., omnirange station via the direct en route and 15° north altitude change radials; from the Sulphur Springs, Tex., omnirange station to the Texarkana, Tex., omnirange station via the direct en route and 15° north altitude change radials."

5. Section 601.104 *Amber civil airway No. 4 control areas (Brownsville, Tex., to Minot, N. Dak.)* is amended by adding the following portions to read: "From the Austin, Tex., omnirange station to the Waco, Tex., omnirange station via the direct en route and 15° east altitude change radials." and "From the Omaha, Nebr., omnirange station to the Sioux City, Iowa, omnirange station via the direct en route and 15° east altitude change radials; from the Sioux City, Iowa, omnirange station to the Sioux Falls, S. Dak., omnirange station via the direct en route and 15° east altitude change radials; from the Sioux Falls, S. Dak., omnirange station to the Huron, S. Dak., omnirange station via the direct en route and 15° southwest altitude change radials; from the Huron, S. Dak., omnirange station to the Aberdeen, S. Dak., omnirange station via the direct en route and 15° west altitude change radials."

6. Section 601.105 *Amber civil airway No. 5 control areas (Grand Isle, La., to Milwaukee, Wis.)*, is amended by adding the following portion to read: "From the Malden, Mo., omnirange station to the Farmington, Mo., omnirange station via the direct en route radials; from the Farmington, Mo., omnirange station to the St. Louis, Mo., omnirange station via the direct en route radials."

7. Section 601.211 is amended to read:

§ 601.211 *Red civil airway No. 11 control areas (Enid, Okla., to Boston, Mass.)*. All of Red civil airway No. 11 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Tulsa, Okla., omnirange station to the Neosho, Mo., omnirange station via the direct en route and 15° north altitude change radials; from the Neosho, Mo., omnirange station to the Springfield, Mo., omnirange station via the direct en route radials; from the Springfield, Mo., omnirange station to the Vichy, Mo., omnirange station via the direct en route and 15° north altitude change radials; from the Vichy, Mo., omnirange station to the St. Louis, Mo., omnirange station via the direct en route and 15° north altitude change radials.

8. Section 601.231 is amended to read:

§ 601.231 *Red civil airway No. 31 control areas (Denver, Colo., to Minneapolis, Minn.)*. All of Red civil airway No. 31 including all that area within 5 miles either side of the direct en route radials from the Rapid City, S. Dak., omnirange station to the Philip, S. Dak., omnirange station via the direct en route radials; from the Philip, S. Dak., omnirange station to the Pierre, S. Dak., omnirange station via the direct en route radials; from the Pierre, S. Dak., omnirange station to the Huron, S. Dak., omnirange station via the direct en route radials including all that area bounded on the south by Red civil airway No. 31 and on the north by the Huron-Pierre direct en route radial; from the Huron, S. Dak., omnirange station to the Watertown, S. Dak., omnirange station via the direct en route radials.

9. Section 601.237 is amended to read:

§ 601.237 *Red civil airway No. 37 control areas (Dallas, Tex., to Gordonsville, Va.)*. All of Red civil airway No. 37 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Texarkana, Tex., omnirange station to the Little Rock, Ark., omnirange station via the direct and 15° north altitude change radials including all that area bounded on the south by Green civil airway No. 5, and on the southeast by Red civil airway No. 37 and on the northwest by the Texarkana-Little Rock direct en route radial; from the Little Rock, Ark., omnirange station to the Memphis, Tenn., omnirange station via the direct en route and 15° north altitude change radials including all that area bounded on the south by Red civil airway No. 37, on the southeast by Green civil airway No. 5 and on the north by the Little Rock-Memphis direct en route radials.

10. Section 601.246 is amended to read:

§ 601.246 *Red civil airway No. 46 control areas (Jamestown, N. Dak., to Rochester, Minn.)*. All of Red civil airway No. 46 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Aberdeen, S. Dak., omnirange station to the Watertown, S. Dak., omnirange station via the direct en route and 15° north altitude change radials.

11. Section 601.259 is amended to read:

§ 601.259 *Red civil airway No. 59 control areas (Garden City, Kans., to Oklahoma City, Okla.)*. All of Red civil airway No. 59 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Gage, Okla., omnirange station to the Oklahoma City, Okla., omnirange station via the direct en route and 15° south altitude change radials.

12. Section 601.271 is amended to read:

§ 601.271 *Red civil airway No. 71 control areas (El Paso, Tex., to Wichita Falls, Tex.)*. All of Red civil airway No. 71 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Roswell, N. Mex., omnirange station to the Lubbock, Tex., omnirange station via the direct en route and 15° north altitude change radials.

13. Section 601.602 is amended by changing the caption to read: *"Blue civil airway No. 2 control areas (Montgomery, Ala., to Erie, Pa.)."*

14. Section 601.605. *Blue civil airway No. 5 control areas (Galveston, Tex., to Salina, Kans.)* is amended by adding the following portion to read: "From the Bryan, Tex., omnirange station to the Waco, Tex., omnirange station via the direct en route and 15° east altitude change radials; from the Waco, Tex., omnirange station to the Dallas, Tex., omnirange station via the direct en route and 15° east altitude change radials."

15. Section 601.606 *Blue civil airway No. 6 control areas (Abilene, Tex., to Muskegon, Mich.)* is amended by adding the following portion to read: "From the Walnut Ridge, Mo., omnirange station to the Farmington, Mo., omnirange station via the direct en route and 15° west altitude change radials."

16. Section 601.613 is amended to read:

§ 601.613 *Blue civil airway No. 13 control areas (Houston, Tex., to Minneapolis, Minn.)*. All of Blue airway No. 13 including all that area 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Fort Smith, Ark., omnirange station to the Neosho, Mo., omnirange station via the direct en route and 15° west altitude change radials; from the Neosho, Mo., omnirange station to the Butler, Mo., omnirange station via the direct en route and 15° west altitude change radials; from the Butler, Mo., omnirange station to the Kansas City, Mo., omnirange station via the direct en route radials, including all that area bounded on the east by Blue civil airway No. 13, on the west by the Butler-Kansas City direct en route radials. From the Lamoni, Iowa, omnirange station to the Des Moines, Iowa, omnirange station via the direct en route and 15° east and west altitude change radials.

17. Section 601.630. *Blue civil airway No. 30 control areas (Brownsville, Tex., to Amarillo, Tex.)* is amended by adding the following portion to read; "From the Lubbock, Tex., omnirange station to the Amarillo, Tex., omnirange station via the direct en route and 15° east altitude change radials."

18. Section 601.631 is amended to read:

§ 601.631 *Blue civil airway No. 31 control areas (Quincy, Ill., to Madison, Wis.)*. All of Blue civil airway No. 31 including all that area 5 miles either side of the direct en route radials from the Quincy, Ill., omnirange station to the Burlington, Iowa, omnirange station.

19. Section 601.670 is amended to read:

§ 601.671 *Blue civil airway No. 70 control areas (Ardmore, Okla., to Tulsa, Okla.)*. All of Blue civil airway No. 70 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Ardmore, Okla., omnirange station to the Tulsa, Okla., omnirange station via the direct en route and 15° east altitude change radials.

20. Section 601.1102 is amended to read:

§ 601.1102 *Control area extension (Minneapolis, Minn.)*. All that area within a 30 mile radius of the Minneapolis-St. Paul International Airport lying within the east, south and west quadrants of the Minneapolis radio range.

21. Section 601.1009 is amended to read:

§ 601.1009 *Control area extension (Augusta, Ga.)* All that area within 5 miles either side of the centerline of the north-south runway of Bush Field, Augusta, Ga., extending to a point 30 miles south of Bush Field.

22. Section 601.1019 is amended to read:

§ 601.1019 *Control area extension (Nashville, Tenn.)*. From the Nashville, Tenn., radio range station extending 5 miles either side of the northeast course of the radio range to a point 30 miles northeast of the radio range station, and from the ILS localizer extending 5 miles either side of the localizer course to a point 30 miles south of the ILS localizer, including all the area within a 25-mile radius of the Nashville, Tenn., radio range station lying within the northwest and northeast quadrants of the Nashville radio range.

23. Section 601.1021 is added to read:

§ 601.1021 *Control area extension (Belleville, Ill.)*. All that area within a 25-mile radius of the Scott AFB radio range station, Belleville, Ill.

24. Section 601.1065 is amended to read:

§ 601.1065 *Control area extension (Biloxi, Miss.)*. All that area within a 25-mile radius of the Keesler AFB, Biloxi, Miss., radio range station, excluding Airspace Warning Areas.

25. Section 601.1089 *Control area extension (Covington, Ky.)* is revoked.

26. Section 601.1089 is added to read:

§ 601.1039 *Control area extension (Cincinnati, Ohio)*. From the Greater Cincinnati Airport ILS localizer extending 5 miles either side of the localizer course to a point 20 miles south of the ILS outer marker including all that area bounded on the south by Latitude 38°52', on the northwest by Amber civil airway No. 6 and on the northeast by Red civil airway No. 18.

27. Section 601.1123 is amended to read:

§ 601.1123 *Control area extension (Birmingham, Ala.)*. All that area within a 25-mile radius of the Birmingham radio range station including the area 5 miles either side of the ILS localizer course extending from the localizer to a point 30 miles southwest of the localizer and excluding caution areas.

28. Section 601.1166 is amended to read:

§ 601.1166 *Control area extension (Mobile, Ala.)*. All that area within a 25-mile radius of the Mobile radio range station including the area 5 miles on the southwest side and 2 miles on the northeast side of the southeast course of the Mobile radio range extending from the radio range station to a point 10 miles southeast of the intersection of the southeast course of the Mobile radio range and the west course of the Pensacola, Fla., radio range, excluding the portion below 2,000 feet and above 20,500 feet which lies outside the continental limits of the U. S. and excluding caution areas.

29. Section 601.1243 is added to read:

§ 601.1243 *Control area extension (La Crosse, Wis.)*. Within a 25-mile radius of the La Crosse Airport from Green civil airway No. 2 on the southeast course of the La Crosse radio range extending clockwise to Red civil airway No. 36.

30. Section 601.1244 is added to read:

§ 601.1244 *Control area extension (Terre Haute, Ind.)*. Within 5 miles either side of the 2° True radial of the Terre Haute omnirange station extending from the omnirange station to a point 25 miles north.

31. Section 601.2131 is amended to read:

§ 601.2131 *Augusta, Ga., control zone.* Within a 5-mile radius of Bush Field, Augusta, Ga., extending 2 miles either side of the east and west courses of the Augusta, Ga., radio range to a point 10 miles west of the radio range station.

32. Section 601.4011 is amended to read:

§ 601.4011 *Green civil airway No. 1 (U. S.-Canadian Border via Millinocket, Maine, to the U. S.-Canadian Border)*, Millinocket, Me., radio range station.

33. Section 601.4208 is amended to read:

§ 601.4208 *Red civil airway No. 8 (Dayton, Ohio to Williamsport, Pa.)*. The intersection of the south course of the Dayton, Ohio radio range and the west course of the Wright-Patterson, Ohio, AFB radio range; the intersection of the east course of the Wright-Patterson, Ohio, AFB radio range and the south course of the Columbus, Ohio, radio range; Williamsport, Pa., radio range station.

34. Section 601.4602 is amended by changing caption to read: *"Blue civil airway No. 2 (Montgomery, Ala., to Erie, Pa.)."*

35. Section 601.4631 is amended by changing caption to read: *"Blue civil airway No. 31 (Quincy, Ill., to Madison, Wis.)."*

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0901 e. s. t. May 1, 1951.

[SEAL] J. S. MARRIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-4897; Filed, Apr. 27, 1951, 8:48 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter L—Irrigation Projects; Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

BLACKFEET INDIAN IRRIGATION PROJECT, MONTANA

APRIL 23, 1951.

On March 22, 1951 there was published in the daily issue of the FEDERAL REGISTER notice of intention to modify §§ 130.130 *Basic agreement*, 130.131 *Excess water assessment* and paragraphs (a), (b), and (c) of § 130.132 *Payment*, of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Blackfeet Indian Irrigation Project, Montana. Interested persons were thereby given opportunity to participate in preparing the amendments by submitting data or written arguments within 30 days from date of publication of the notice.

Communications to the Area Director have been received protesting extension of certain provisions of the regulations heretofore promulgated and the effect of the proposed modification of certain provisions. The objection to the recission of § 130.132 (b) is considered valid. Therefore, that section as heretofore published will be continued in full force and effect until further notice. All other protests are considered to be without justification; accordingly §§ 130.130, 130.131 and 130.132 are hereby amended as follows, to be effective for the season of 1951 and thereafter until further order:

§ 130.130 *Basic agreement.* Pursuant to the acts of Congress approved August 1, 1914, May 18, 1916 and March 7, 1928 (38 Stat. 583; 39 Stat. 142; 45 Stat. 210; 25 U. S. C. 385, 387), the basic rate of assessment of operation and maintenance charges against the irrigable lands under the Blackfeet Indian Irrigation Project, Montana, for the season of 1951 and until further notice, is hereby fixed at $1.80 per acre per annum for the delivery of water, on an application basis, of not to exceed 1½ acre-feet per acre during each irrigation season.

§ 130.131 *Excess water assessment.* Additional water may be delivered in excess of $1\frac{1}{2}$ acre-feet per acre per annum at the rate of $1.00 per acre-foot or fraction thereof.

§ 130.132 *Payment.* (a) The assessments fixed in §§ 130.130 and 130.131 shall be due and payable at the time of the filing of the application for water. Payments must be made to the proper officer at Browning, Montana before water is delivered.

(b) Delinquent assessments which accrued prior to 1939 against land covered by an application for water shall not prevent the delivery of water for the calendar year 1939 and until further order.

PAUL L. FICKINGER,
Area Director.

[F. R. Doc. 51-4992; Filed, Apr. 30, 1951; 8:54 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 23]

CPR 23—LIVE CATTLE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.); Executive Order 10161 (15 F. R. 6105); Economic Stabilization Agency General Order 2 (16 F. R. 738) Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to the Allocation of Meat (16 F. R. 1272) and Economic Stabilization Agency General Order 5 (16 F. R. 1273) this Ceiling Price Regulation 23 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes maximum amounts which slaughterers who slaughter 10 or more cattle during an accounting period may pay for all steers, heifers, cows, stags, and bulls slaughtered during an accounting period and within 120 days of the date of purchase.

The regulation specifically exempts from the maximum payment restrictions, purchases of cattle from recognized farm youth organizations, and purchases of cattle exhibited in competition at a fair, show or exhibition.

The Necessity for the Present Regulation

Beef is an important cost of living item. About 44.1 percent of the consumers' meat diet in 1949 (excluding poultry) consisted of beef. Thus, if the cost of living is to be controlled, effective measures must be taken to stabilize beef prices. A major step in stabilizing beef prices is to control prices paid for live cattle.

Cattle prices have shown a sharp upward trend since last June although they were already near a record high level when the Korean conflict began. The increase in average prices per hundredweight at Chicago for choice steers, the most important source of beef at retail, is shown by the following table:

June 22, 1950	$29.85
Jan. 26, 1951	34.93
Apr. 13, 1951	36.81

Nationally, average prices paid to farmers for beef cattle on June 15, 1950, were 137 percent of parity, which is an index of farmers' cost rates. Prices have advanced relative to parity as well as in dollars and cents since that time, as follows:

	Per cwt.	Percent of parity
June 15, 1950	$29.70	137
Jan. 15, 1951	27.00	141
Mar. 15, 1951	29.70	151

The need for establishing uniform dollar-and-cent ceilings on wholesale prices for dressed beef has been set forth in the Statement of Considerations accompanying CPR 24, Dressed Beef and Wholesale Cuts. With a strong civilian and military demand for beef at the ceilings, cattle prices, if uncontrolled, are likely to crowd upward, place many slaughterers under hardship, and make it difficult to hold the wholesale and retail ceilings on beef.

The tendency for cattle prices to rise even though beef prices are under ceilings is caused in part by the varying operating efficiency and the varying degree of integration of slaughterers. If the supply of cattle and beef is inadequate for the demand, the low-cost slaughterers and those performing many processing operations are in position to bid strongly for cattle to obtain an increased share of the scarce supply. This places slaughterers with somewhat higher costs or doing little or no processing in a price squeeze.

Control over cattle prices that will provide generally fair and equitable margins for slaughterers is necessary to meet the requirements of the Defense Production Act. It also is an essential instrument in maintaining the beef ceilings at wholesale and retail and minimizing black market sales.

Distribution Regulation 1 of the Office of Price Stabilization is designed to hold demand of each packer for cattle to his fair share of the available offerings. This will place some restraint on buying, but, taken alone, is not deemed sufficient to hold cattle prices fully in line in view of the anticipated strong demand for beef.

From the over-all food production standpoint, a further rise in beef cattle prices is not justified. It would tend to divert feed and labor resources from other livestock, including dairy cattle, where maintenance of at least the present level of production is deemed desirable.

Basic Price Level Established

The regulation provides for two sets of maximum prices which slaughterers are permitted to pay, on the average, for cattle of the various grades. The first set of prices are effective for each slaughterer's first accounting period beginning on or after May 20, 1951; the second set becomes effective for accounting periods beginning on or after July 29, 1951. This latter set of prices are about $4\frac{1}{2}$ percent lower than those which become effective in May. A further reduction of approximately this same amount will be instituted for the accounting period beginning on or after September 30, 1951.

The first set of prices are at about the level prevailing December 19, 1950, to January 25, 1951, specified as the base period in the General Ceiling Price Regulation. When that regulation was issued, the Director announced that he would establish controls on livestock prices. Moreover, that regulation froze most prices including beef prices at the January level. Therefore, persons who acquired an inventory of cattle after the January date did so with the knowledge that controls of live cattle prices were to be issued and prices were to be stabilized at the January levels. The prices fixed in the regulation are the lowest prices which would protect cattle feeders against inventory losses on cattle acquired before the freeze date. Feeder cattle are an essential part of beef production. They are the source of about 30 percent of the total beef supply. To set lower prices now would mean substantial inventory losses for some feeders and would disrupt normal channels of marketing.

As feeder inventories are sold, prices will be reduced effective July 29, 1951 and September 30, 1951. The level of prices reached after these reductions is generally fair and equitable for the following reasons: First, by providing three months before the first reduction and five months before the second one, it permits feeders a reasonable time in which to dispose of inventories acquired at higher prices. Moreover, the reduction takes place at a time when the numbers of livestock in feed lots are at a relatively low level. Second, the reduced levels of prices will be substantially above 100 percent of parity. The prices prevailing until July 29 will reflect about 135 percent of parity. Those pertaining for the period of July 29 to September 30 will reflect about 130 percent of parity, while those after September will reflect approximately 120 to 125 percent of parity. Third, the level of prices will be above the legal minimum of the highest price received during the period from May 24 to June 24, 1950, inclusive, as determined by the Secretary of Agriculture. The prices prevailing during this period were among the highest prices ever received up to that time and were sufficient to encourage a marked expansion in livestock numbers. Fourth, the level of prices for beef cattle will tend to prevent the disruption of milk production by bringing beef cattle prices more in line with dairy prices. Fifth, the level of prices prescribed are believed to be more than adequate in relation to total beef cattle production costs to maintain the present level of beef cattle numbers, and if feed supplies will permit, will undoubtedly lead to further expansion in beef cattle inventories.

The prices which slaughterers are permitted to pay for livestock are related to the dressed grade and the slaughter yield obtained. For example, the maximum prices which slaughterers in Chicago are allowed to pay, on the average, during the accounting periods between May 20, 1951, and July 29, 1951, for cattle of various grades which have the dressing yields specified below as follows:

Dressed grade	Percent yield	Maximum price per cwt.
Prime	62	$37.00
Choice	59	34.20
Good	56	31.50
Commercial	53	27.90
Utility	47	21.80
Cutter and canner	44	19.70

For cattle of each grade which yield more than the dressing yield specified above, correspondingly higher prices can be paid. It appears, for example, from data collected that the average yield on cattle slaughtered in Chicago and producing Prime grade carcasses is about 63 percent. For such cattle, the maximum amount the slaughterer can pay, on the average, and remain in compliance with this regulation, is about 57 cents per hundredweight higher than the price set forth above. Similarly, for cattle of each grade which yield less than the standard dressing yields listed, the maximum payment would be correspondingly lower.

Provisions of the Accompanying Regulation

This regulation prohibits a slaughterer, who has slaughtered in a particular establishment during an accounting period ten or more cattle, from purchasing (i) steers, heifers, cows and stags, and (ii) bulls, slaughtered by him in that establishment during that accounting period at an adjusted cost for each category in excess of the maximum permissible cost for each category. The regulation limits the total amount a slaughterer can legally pay for each category of cattle he slaughters in a monthly accounting period, on the basis of their dressed grades and yields. Use of this method is due to the fact that the grade and yield of the individual animal can only be determined accurately after slaughter. Moreover, no organization for official grading on a live basis is available. Cattle vary widely in value on the hoof, depending on the grade of beef they will produce and cattle of the same carcass grade vary substantially in their worth to the slaughterer depending on the amount of beef produced per 100 pounds of live weight. Hence, cattle prices are not suited to control by one over-all ceiling.

Maximum prices, called "maximum calculated prices" to be used by the slaughterer in determining the maximum permissible cost for his monthly drove will be calculated by each slaughterer separately for each category of cattle by a formula provided in the regulation. In the formula, the slaughterer will use the dressed beef ceilings, by grades, applicable to his establishment, under the provisions of CPR 24, Beef Carcasses and Wholesale Cuts. He will multiply these beef ceilings by conversion or yield factors specified in the regulation. To these products, he will add specified amounts, representing the approximate average difference between the value of the by-products and the expense of buying cattle, killing, chilling the carcasses, preparing by-products, selling, administration, overhead and profit. The sums obtained are the maximum calculated prices for each grade of beef derived from all (i) steers, heifers, cows and stags, and (ii) bulls, slaughtered during the accounting period on which cost must be reported. These calculations are made by grades for all cattle except for bulls.

Determining the maximum permissible cost. To determine the maximum permissible cost for the cattle he slaughtered in his monthly accounting period, the slaughterer divides the chilled dressed weight of beef separately for each category of cattle by the applicable yield or conversion factors to obtain calculated live weights. These calculated live weights are multiplied by the maximum calculated prices, as determined above, applicable at the slaughtering establishment. The amounts obtained are added and the result is the maximum permissible cost for all (i) steers, heifers, cows and stags, and (ii) bulls, slaughtered during the accounting period on which cost must be reported. Here again the calculations are made by grades for all cattle except for bulls.

Basis for the maximum calculated prices. The conversion or yield factors specified in the regulation are based on reports by slaughterers of actual yields obtained from cattle of the various grades. By-product values were calculated from ceiling prices for the various items, and from by-product yield data obtained from industry sources. For most of these products, slaughterers' ceiling prices are the same over the entire United States.

In the western states, condemnations of livers run higher than the national average. Also, ceiling prices for hides produced in the western states are lower than those applicable in the rest of the country. To allow for these lower realizations, the specified additions referred to above for the net values of the by-products over expenses are 15 cents per hundredweight lower in states west of and including Montana, Wyoming, Colorado and New Mexico than in all other states.

Expense rates were based on data submitted by representative slaughterers in different sections of the United States. These expenses, particularly for selling, run higher on the better grades of cattle which are sold primarily to retailers than on the low grades of cattle sold largely to processors.

By computing the maximum calculated prices on an individual plant basis, the gross margins allowed, if cattle are purchased at the maximum prices, are relatively uniform for all slaughterers. They also are believed to be generally fair and equitable and to be adequate for nonprocessing slaughterers.

Adequacy of the maximum price differentials. The differentials between the ceilings for various grades of beef together with the differences in yield associated with the grades provide differentials between maximum calculated prices for live grades that are believed to be adequate to encourage normal cattle finishing operations. These differentials on a live basis will be approximately as follows:

	Per cwt.
Prime (62 percent) over Choice (59 percent)	$2.85
Choice (59 percent) over Good (56 percent)	2.70
Good (56 percent) over Commercial (53 percent)	4.20

The feed required to make Choice cattle into Prime, with the indicated change in yield, will be substantially greater than to change Good cattle to Choice or to make Commercial cattle into Good. Hence, it is believed that the price relationships will not encourage producing undue numbers of Prime cattle which would be a wasteful use of feed resources. They will definitely encourage placing cattle that would produce Commercial and Good Carcasses, but are suitable for further finish, into the feedlot to be carried to a higher grade, thus adding to the beef supply.

When slaughterers are buying cattle at the maximum permissible cost, the various grades may not be selling at their individual maximums. Some may be under and some may be over their maximums, depending upon relative supply and demand. So long as the slaughterer's adjusted cost for the purchase of cattle of each category, slaughtered during the accounting period does not exceed the maximum permissible cost, individual or lot purchases at prices above the maximum calculated prices do not constitute a violation of the regulation.

No seasonal variation is provided directly in the regulation. However, since compliance is on a total drove basis, for each category of cattle, it will permit some of the usual seasonal variation by grades. In the spring, low grades usually are scarce and well-finished cattle fairly plentiful, so that slaughterers may be able to offset relatively strong prices for low grades by purchases of high grades at prices below their maximums. In the fall, high prices for well finished cattle may be offset by low prices for low grades which are relatively plentiful at that time.

How the Slaughterer Determines His Adjusted Cost

Costs to be included. To calculate his adjusted cost for compliance with the maximum permissible cost, the slaughterer must include the purchase cost of the cattle, including the transportation and feeding and bedding charges enroute specified in the regulation. If any of his cattle are slaughtered more than 10 days but not more than 120 days after purchase, he must add 70 cents per head per day for such cattle, beginning with the day of purchase. This amount roughly approximates at present prices the daily cost of feeding where cattle are being full-fed. It will tend to keep the reported cost of packer-fed cattle in line with the cost of those bought for immediate slaughter. Since cattle on feed will gain in carcass weight and grade, the maximum permissible cost is increased by feeding. Requiring slaughterers to add to the purchase cost an

allowance for feeding will minimize the use of cattle from the slaughterer's feedlot as a means of keeping in compliance on cattle slaughtered immediately after purchase.

Slaughterers, in determining their adjusted cost for compliance purposes, must add 20 cents per hundred pounds, live weight to the purchase weight of all cattle not bought at those public stockyards, other than auction markets, under the jurisdiction of the Secretary of Agriculture pursuant to the Packers and Stockyards Act of 1921, as amended. Since the range in value of live cattle due to variations in dressed grade and yield are wide, many producers prefer to sell on public markets because of the skilled selling service available there and the possibility of receiving bids from a greater number of skilled buyers than when selling at local points. However, selling on public stockyards involves greater expense to the seller for transportation, yardage and commission, and it involves greater shrink in transit which is only partially recovered by the practice of filling at such yards. The price differential provided by this regulation will help to maintain the normal pattern of movement of cattle through the usual marketing channels.

Permitted deductions. From the sum of the purchase cost, transportation, public market addition and feedlot addition, the slaughterer is allowed to make certain deductions in arriving at the adjusted cost.

First, he is permitted to take out the cost of any condemned cattle. This will remove the possibility that a slaughterer will be thrown out of compliance by unexpectedly high condemnations.

Second, slaughterers east of the line following the eastern shore of Lake Michigan, the eastern boundaries of Indiana, and the Ohio and Mississippi Rivers to the Gulf of Mexico are allowed to deduct up to 85 percent (but not exceeding $1.25 per cwt.) of the freight paid on cattle they purchased at distant points and shipped to their plants for slaughter. Slaughterers located in other parts of the country may make deductions up to 50 percent of the freight (but not exceeding .75 per cwt.) paid on similar shipments. These deductions are permitted in order to enable slaughterers to continue normal purchases of live cattle in surplus areas and to maintain normal distribution of beef supplies. It is believed that these deductions will largely offset tissue shrink on shipped cattle and permit slaughterers located away from the surplus livestock to compete with slaughterers located close to the source of the supplies.

Separate compliance on bulls. The regulation requires cost compliance on bulls separately from other cattle. Demand for bulls for sausage production is likely to be especially strong. Since slaughterers handling all classes of cattle can pay more than the maximum for one class if they can buy others below their maximums, prices for bulls would be likely to be high relative to their maximum if they were grouped with other cattle. A limited number of slaughterers engaged primarily in sausage production customarily slaughter nothing but bulls. Hence, if bulls sell above their maximum calculated prices, such slaughterers are not in position to stay in cost compliance through the lower cost of other cattle. Requiring all slaughterers to keep in compliance on bulls alone will help to hold bull prices in line with their maximum calculated prices and thus avoid hardship to specialized slaughterers who handle bulls exclusively. To carry out this provision, the regulation requires that bulls be bought and sold separately from other cattle.

Exemptions. Purchases of cattle from members of recognized farm youth organizations and purchases of show, fair or exhibition cattle, under specified conditions, are exempted from the pricing provisions of this regulation because such organizations and shows have a well-recognized educational value and stimulate interest in the improvement of livestock. To deter evasion all exempted purchases are subject to the record and reporting provisions of the regulation.

Conditions of purchase. The regulation requires that purchases of live cattle be made separately for each category of cattle and that animals be weighed separately for each category as far as possible. The slaughterer's adjusted cost is based on the purchase cost of cattle and the cattle are deemed purchased on the date of weighing.

Prohibition against evasion. The regulation contains a basic prohibition against the direct or indirect evasion of the provisions of the regulation. Among other examples of indirect evasion, section 5 (b) provides that a purchaser of cattle is prohibited from selling or transferring title to such animals to a slaughterer at a lower price than he paid for such animals unless he sells such animals to or transfers title to a slaughterer with whom he has no affiliation. The purpose of this provision is to prevent slaughterers from entering into special arrangements with affiliated cattle purchasers by virtue of which they are able to manipulate cattle cost figures and thus remain in apparent compliance with the regulation. The accompanying definition is intended to remove any doubt as to what is meant by the term "price * * * paid for such animals." This explanation is deemed desirable to avoid dispute as to the application of the principle to various plans differing in detail or in legal form.

Penalties. The regulation imposes the usual criminal penalties, civil enforcement actions and suits for damages provided by the Defense Production Act for violations of this regulation. In addition, a quota restriction penalty will be invoked against a slaughterer whose adjusted cost for a given establishment for a given accounting period exceeds his maximum permissible cost for that accounting period. This quota restriction penalty is deemed to be the most immediate and effective method of deterring violation of and facilitating compliance with the regulation.

Records and reports. The regulation stipulates that slaughterers and operators of slaughtering establishments must keep certain records to make possible a check on compliance with the maximum permissible cost provisions. Slaughterers must file a report with the Office of Price Stabilization on Form 13, "Drove Compliance Report," for each accounting period and for each establishment, showing adjusted cost of cattle and maximum permissible cost. Slaughterers must also file with the Office of Price Stabilization Form 14, "Slaughterer's Maximum Calculated Prices Statement," showing in detail the computation of the maximum calculated prices.

Findings of the Director of Price Stabilization

In light of these considerations, the Director of Price Stabilization finds (i) that the price of live cattle has risen unreasonably above the price prevailing during the period from May 24, 1950, to June 24, 1950, (ii) that such price increase has materially affected the cost of living and the national defense, (iii) the imposition of a ceiling is necessary to effectuate the purposes of the Defense Production Act of 1950, (iv) it is practicable and feasible to impose such ceiling, and (v) such ceiling will be generally fair and equitable to sellers and buyers of cattle and to sellers and buyers of related or competitive materials and services.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

All provisions of this regulation, their effect upon business practices, cost practices or methods, or means or aids to distribution in the industry or industries affected, have been carefully considered. No provisions which might have the effect of requiring a change in such practices, means, aids or methods established in the industry or industries affected have been included in the regulation unless such provisions have been found necessary to achieve effective price control and to prevent circumvention or evasion of the regulation. To the extent that the provisions of this regulation compel or may operate to compel changes in business practices, cost practices or methods, or means or aids to distribution established in the industry or industries affected, such provisions are necessary to prevent circumvention or evasion of this regulation and of the Defense Production Act of 1950.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Geographical applicability.
3. Conditions of purchase of live cattle.
4. Prohibition against purchasing live cattle at an adjusted cost in excess of the maximum permissible cost.
5. Prohibitions against evasion.
6. Exempt purchases.
7. Records.
8. Reports required of slaughterers.
9. General penalties.

Sec
10. Quota adjustment.
11. Definitions.
Appendix A—Instructions.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Titles I and IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation establishes maximum amounts which slaughterers may pay for (a) all steers, heifers, cows and stags, and (b) all bulls slaughtered during an accounting period and within 120 days of the date of purchase.

SEC. 2. *Geographical applicability.* This regulation applies to all purchases by a slaughterer of live cattle wherever made for slaughter within the 48 States of the United States or the District of Columbia except those exempt purchases specified in section 6.

SEC. 3. *Conditions of purchase of live cattle.* The following conditions shall apply to purchases of live cattle by slaughterers:

(a) All purchases of cattle shall be deemed to be made on the date of weighing.

(b) Purchases of live cattle shall, as far as possible, be made separately for each of the following classifications, and animals of each such classification shall be weighed separately:

(1) Steers and or heifers and or cows and or stags.

(2) Bulls.

SEC. 4. *Prohibition against purchasing live cattle at an adjusted cost in excess of the maximum permissible cost.* (a) On and after the effective date of this regulation, regardless of any contract, agreement or other obligation, if a slaughterer has slaughtered in a particular establishment during an accounting period ten or more cattle, (1) his adjusted cost for all steers, heifers, cows and stags slaughtered by him in that establishment during that accounting period and slaughtered within 120 days of purchase, may not exceed his maximum permissible cost for such steers, heifers, cows and stags and (2) his adjusted cost for all bulls slaughtered by him in that establishment during that accounting period and slaughtered within 120 days of purchase may not exceed his maximum permissible cost for such bulls.

(b) The manner in which adjusted cost is to be computed is explained in the Instructions which are attached to and which are part of this regulation.

(c) The manner in which maximum permissible cost is to be computed is explained in the Instructions which are attached to and which are part of this regulation.

SEC. 5. *Prohibitions against evasion.* (a) No slaughterer or operator of a slaughtering establishment shall evade, or attempt to evade, directly or indirectly, any provisions of this regulation or shall attempt to do, directly or indirectly, any act in violation of this regulation, and no seller or buyer of cattle or other person shall conspire or agree with any slaughterer or operator of a slaughtering establishment to do any act in violation of this regulation or shall aid or abet or counsel or command or induce or procure or cause the commission of any act in violation of this regulation.

(b) A purchaser of cattle is prohibited from selling or transferring title to such animals to a slaughterer at a lower price than he paid for such animals unless he sells such animals to, or transfers title to, a slaughterer with whom he has no affiliation.

For purpose of this section 5 (b), the "price" paid for live cattle shall be the total cost thereof, including purchase price, transportation, feeding and bedding in transit, yardage and commissions, if any, incurred by the original purchaser prior to the sale or transfer to the buyer. In the event that the purchaser separates into lots for resale purposes live cattle purchased by him and covered by one purchase invoice, the total amount received by the original purchaser, upon resale of such lots, must be no less than the total price paid by him for all such lots unless all such animals are sold to or their title transferred to a person with whom he has no affiliation.

(c) A slaughterer is prohibited from purchasing cattle from an owner thereof, on condition, or with the understanding or agreement, that dressed carcasses or wholesale cuts derived from such cattle or any other livestock be sold or delivered to any designated person.

(d) A slaughterer is prohibited from purchasing live cattle on condition that he pay for such cattle in whole or in part by the transfer, delivery or exchange of some other commodity (such as tankage) or by the rendition of a service.

(e) A slaughterer is prohibited from purchasing live cattle subject to a tie-in sale.

6. *Exempt purchases.* The following purchases are exempt from this regulation:

(a) Purchases of live cattle from members of 4-H Clubs, Future Farmers of America, or other recognized farm youth organization, if the purchases are duly approved and are made at the place and time of a fair, show or exhibition. In such case prior approval of the purchases in writing must be obtained from a district office of the Office of Price Stabilization by a county agent, county club agent, vocational agricultural instructor or the chief administrator of the state department of agriculture.

(b) Purchases of live cattle which have been exhibited in competition at a fair, show or exhibition, if the following conditions have been complied with:

(1) Such purchases are made in the course of a regularly scheduled public sale held at the time and place of such fair, show or exhibition.

(2) Permission for purchasing on an exempt basis at such regularly scheduled public sale has been obtained from the Director of the appropriate district office of the Office of Price Stabilization prior to the sale. The Director of any appropriate district office of the Office of Price Stabilization hereby is authorized to grant such permission by order, whenever the following conditions are met:

(i) Written request for such permission has been made by the president, secretary or manager of the organization promoting such fair, show or exhibition.

(ii) Such fair, show or exhibition is recognized generally as being of state, regional (embracing more than one state) or national character.

(iii) The organization promoting such fair, show or exhibition has been in existence prior to 1951; or is an organization that is the legal successor to an organization which was in existence prior to 1951, such succession having occured prior to April 1, 1951.

(iv) The fair, show or exhibition has been promoted and held as a regular event prior to 1951 by an organization meeting the requirements of subdivision (iii) of this subparagraph.

(v) The traditional events occurring at such fair, show or exhibition until 1951 included a regularly scheduled public sale for slaughter of some or all of the live cattle exhibited.

(3) Each head or lot of cattle so purchased by any purchaser at such fair, show or exhibition in the course of such regularly scheduled public sale is certified in writing to such purchaser by the secretary or manager of the organization promoting such event as follows:

(i) To have been entered and officially accepted for exhibition purposes at such fair, show or exhibition.

(ii) To have been exhibited in competition at such fair, show or exhibition.

(4) The cattle in question have actually participated in competitive exhibition in such a fair, show or exhibition. For the purposes of this paragraph, live cattle which, as the result of the official action of any representative of the organization promoting such a fair, show or exhibition, have been rejected for, or barred from competitive exhibition prior to the holding of the event in which competition winners are selected, shall not be deemed to have been exhibited at such fair, show or exhibition.

(5) Notwithstanding any exemption specified in this section, exempt purchases shall be subject to the record and reporting provisions of sections 7 and 8 of this regulation.

SEC. 7. *Records*—(a) *Records of purchases required of slaughterers and sellers.* Complete and accurate records of each purchase of cattle by a slaughterer shall be kept by such slaughterer and by the person from whom the slaughterer made such purchase. Such records shall show:

(1) The date of purchase;

(2) The name and address of the seller or the commission firm in the case of a purchase through a public stockyard, subject to the Packers and Stockyards Act, 1921, as amended;

(3) The place at which the live cattle were weighed;

(4) The weight and number of live cattle purchased showing separately the weight and number of bulls purchased.

(5) The price paid for such live cattle showing separately the price paid for bulls.

(6) Whether such purchase is exempt under Section 6 of this regulation and, if so, the basis of the exemption.

(b) *Other records.* Each slaughterer must keep the records containing the data on the basis of which he has computed his adjusted cost in accordance with the instructions which are attached to and which are part of this regulation, including records sufficient to enable him to determine the length of time each lot of cattle slaughtered by him has been fed by him.

(c) *Records required of operators of slaughtering establishments*—(1) *Tags.* The operator of each slaughtering establishment with respect to all cattle slaughtered in such slaughtering establishment shall attach, or cause to be attached, to each side of each dressed carcass of cattle derived from such slaughter, or to each quarter, if the carcass is broken into quarters while hanging in the cooler, a tag in the manner specified herein showing:

(i) The serial number of the carcass;

(ii) The date the animal was slaughtered; and

(iii) Except as provided in subparagraph (2) of this paragraph, the dressed weight (hot weight basis) of the entire carcass.

The tags for each carcass shall carry the same serial number. One tag shall be attached securely to each side, or to each forequarter and each hindquarter if the carcass has been broken into quarters, and shall remain so attached until the meat is removed from the cooler for transfer or delivery.

(2) *Work sheets.* In addition to the foregoing, each operator of a slaughtering establishment shall keep for inspection by the Office of Price Stabilization a daily work sheet showing for each killing lot the serial number of each dressed carcass, its hot weight (except as provided herein) and its weight as adjusted to show the chilled carcass weight 24 hours after slaughtering. However, if the operator elects, he may show the adjusted chilled carcass weight by grades in total instead of for each individual carcass. In adjusting from hot weight to chilled carcass weight 24 hours after slaughtering, the operator shall use the shrink allowance specified below that is appropriate to his method of weighing:

(i) If the hot weight is taken before washing and shrouding, deduct 1¾ percent from the hot weight;

(ii) If the hot weight is taken after washing and before shrouding, deduct 2½ percent from the hot weight;

(iii) If the hot weight is taken after washing and after shrouding, deduct 2½ percent from the hot weight and deduct the actual tare for the shroud and for all pins, neck cloths, kidney cloths and shank cloths. Under all methods of weighing, the operator shall deduct the actual tare for hooks and rollers or trolleys.

In the event that the operator of the slaughtering establishment does not have facilities for obtaining hot weights, he shall attach or cause to be attached the tags in the manner set forth above at the point of first weighing, each tag showing in addition to the information required by subparagraph (1) (i) and (ii) of this paragraph the actual weight of the dressed carcass at the time of weighing. In such instances, the daily work sheet shall show the serial number, the weight of each carcass at the time of weighing and the weight as adjusted to show the chilled carcass weight 24 hours after slaughtering. However, if the operator elects, he may show the adjusted total chilled carcass weight for all carcasses in a given grade instead of for each individual carcass. A statement of the method of weighing used and the formula for adjusting the actual weight to chilled carcass weight 24 hours after slaughtering must be filed with the slaughterer's OPS Form 13 for his first accounting period. This formula or any change therefrom is subject to the approval of the Office of Price Stabilization.

The daily work sheets required by this subparagraph shall be made with indelible pencil and shall bear a statement signed by the weigher that it is the original sheet on which he recorded such information.

(3) *Records of custom slaughter.* With respect to cattle owned by any person other than the operator of such establishment, and slaughtered in such establishment for purposes of sale in any form, the operator shall keep at the office of his slaughtering establishment for inspection by the Office of Price Stabilization, complete and accurate records showing the name and address of each such person, the number and kind of cattle killed for each by the operator and the dressed weights and grades of each carcass derived therefrom.

A person shall be deemed to be an operator of a slaughtering establishment during an entire accounting period even though he leases, sub-leases or otherwise relinquishes control of such establishment to other persons on a part-time basis.

(d) *Preservation of records.* Each person subject to this regulation must keep all records required under this regulation and a copy of each form and statement which he is required to file pursuant to section 8 for a period of two years after the effective date of this regulation.

(e) *Inspection of records.* Every slaughterer and operator of a slaughtering establishment must permit any accredited representative of the Office of Price Stabilization to enter his office or slaughtering establishment and to inspect and examine all records and operations pertaining to the slaughterer's or operator's compliance with the provisions of this regulation. Such examination and inspection shall include, but not be limited to, the weighing, the accuracy of the scales, the cooler shrink allowance and tare allowances used by the slaughterer in weighing, the taking of the carcass weights, the making and preservation of required records, and the purchases of live cattle.

SEC. 8. *Reports required of slaughterers.* (a) OPS Public Form 13, Drove Compliance Report, containing the information specified in the attached Instructions, shall be filed by a slaughterer for each accounting period during which he is subject to the provisions of this regulation and during which he has slaughtered at any one establishment ten or more cattle. OPS Public Form 13 shall be filed separately for each such establishment. A slaughterer who slaughters in any one establishment less than ten cattle during an accounting period, shall, with respect to each such establishment file a signed statement to this effect covering that accounting period in lieu of OPS Public Form 13. OPS Public Form 13 or the statement in lieu thereof shall be filed not later than the 5th day following the close of the accounting period.

(b) OPS Public Form 14, Slaughterer's Maximum Calculated Prices Statement, containing the information specified in the attached Instructions, shall be filed by a slaughterer for each establishment at which he slaughters cattle on or before May 20, 1951. A revised OPS Public Form 14 shall be filed thereafter whenever there is a change in a slaughterer's maximum calculated prices for a given establishment with the first OPS Public Form 13 filed with respect to such establishment after the change.

(c) Class 1 and Class 1A slaughterers shall file their forms with the Washington office of the Office of Price Stabilization, Washington 25, D. C., and Class 2 and 2A slaughterers shall file their forms with the regional office for the region in which each such establishment is located.

(d) Copies of OPS Public Form 13 and OPS Public Form 14 may be obtained from the Washington office or any regional or district office of the Office of Price Stabilization.

SEC. 9. *General Penalties.* On and after the effective date of this regulation, any person violating any provision of this regulation is subject to the criminal penalties, civil enforcement actions and suits for damages provided by the Defense Production Act of 1950.

SEC. 10. *Quota adjustment.* If a slaughterer's adjusted cost for cattle slaughtered in a given establishment during a given accounting period exceeds his maximum permissible cost for that establishment for that accounting period, then the slaughterer may slaughter in that establishment during the next accounting period no more than the number of pounds live weight of cattle which he would be permitted to slaughter in that establishment under the quota allotted to him pursuant to the provisions of Distribution Regulation 1, as amended, reduced by a percentage determined as follows:

(1) Subtract the slaughterer's maximum permissible cost for that establishment for the accounting period in which the overpayment occurred from the amount of the slaughterer's adjusted cost for cattle slaughtered in that establishment for that accounting period;

(2) Divide the figure obtained in subparagraph (1) of this paragraph by the slaughterer's maximum permissible cost;

(3) Multiply the fraction obtained in subparagraph (2) of this paragraph by 100;

(4) Multiply the percentage obtained in subparagraph (3) of this paragraph by 5;

(5) The result is the percentage by which the slaughterer's quota in pounds live weight of cattle should be reduced.

SEC. 11. *Definitions.* When used in this regulation the term:

(a) "Accounting period" means the customary accounting period of a calendar month or a period of at least four weeks and not more than five weeks in length used by the slaughterer in keeping his books and records, and shall be the same period used by him in making reports required by the U. S. Department of Agriculture covering his slaughtering operations and in making reports to the Office of Price Stabilization pursuant to Distribution Regulation 1, as amended.

(b) "Affiliation" means the relationship existing between two persons when one is owned or controlled by the other or when both are owned or controlled by the same person or when one is an employee or agent of the other. "Own or control" means to own or control directly or indirectly a partnership equity or in excess of 10 percent of any class of outstanding stock or to have made loans or advances in excess of 5 percent of the other person's monthly sales.

(c) "Beef" means any meat graded as beef pursuant to Distribution Regulation 2 and in accordance with the "Official U. S. Standards for Grades of Carcass Beef" of the U. S. Department of Agriculture.

(d) "Cattle" means any animals the dressed carcasses of which are graded as beef.

(e) "Bulls" means cattle classified as such pursuant to Distribution Regulation 2 and in accordance with the "Official U. S. Standards for Grades of Carcass Beef" of the U. S. Department of Agriculture. All other cattle are steers, heifers, cows or stags. If there is any question as to the classification after slaughter, the finding of the official grader shall be conclusive.

(f) "Calves" means any animals which produce meat graded as veal or calf pursuant to Distribution Regulation 2 and in accordance with the "Official U. S. Standards for Grades of Veal and Calf Carcasses" of the U. S. Department of Agriculture.

(g) "Establishment" means each separate plant within the 48 States of the United States or the District of Columbia where cattle are slaughtered.

(h) "Grade" means any of the grades of beef determined pursuant to Distribution Regulation 2 and in accordance with the "Official U. S. Standards for Grades of Carcass Beef" of the U. S. Department of Agriculture.

(i) "Live weight" means the purchase weight of cattle slaughtered.

(j) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of the political subdivisions or any agency of the foregoing.

(k) "Slaughterer" means a Class 1, Class 2, Class 1A or Class 2A slaughterer as defined in Distribution Regulation 1 who owns cattle at the time they are killed. This regulation does not apply to Class 3 slaughterers or to persons who slaughter cattle only for home consumption in accordance with section 6 of Distribution Regulation 1.

(l) "To slaughter" means to kill or to have killed for you cattle which you own at the time of killing.

Effective date. This regulation shall be effective for each accounting period commencing on or after May 20, 1951. In no event shall this regulation apply to purchases of cattle made prior to the issuance date of this regulation.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 30, 1951.

APPENDIX A—INSTRUCTIONS

I

These Instructions are part of this CPR 23. They explain how to determine adjusted cost and how to determine maximum permissible cost under section 4 of this CPR 23. They also explain how to fill out OPS Public Form 13, Drove Compliance Report and OPS Public Form 14, Slaughterer's Maximum Calculated Prices Statement.

Section 8 of this CPR 23, sets forth who must file these forms and under what circumstances and when and where they must be filed.

II

Report the following in OPS Public Form 13:

Items 1, 2, 3, 4, 5, 7, 8, 9 and 18. These items are self-explanatory.

Item 6. Enter in Item 6 your customary accounting period as defined in this CPR 23.

Items 10 and 11. Enter separately in Items 10 and 11 the number of cattle in each classification condemned after slaughter as unfit for human consumption by an inspector of the U. S. Department of Agriculture or of any state or local governmental agency or by a licensed veterinarian. If your establishment is not under inspection of the U. S. Department of Agriculture, attach a certificate or certificates by the inspector or veterinarian making the condemnation covering each condemned animal.

Item 12. Enter in Item 12 the number of cattle owned by you which were slaughtered in your establishment during the accounting period and which were purchased by you more than 120 days before the date of slaughter and after the issuance date of this regulation. Purchases are deemed made on the day the cattle are weighed to you.

Item 13. Enter in Item 13 in total and for each exempted category the number of cattle owned by you which were slaughtered in your establishment during the accounting period and which are exempted by section 6, CPR 23.

If any such exemption is claimed for purchases of cattle from members of 4-H Clubs, Future Farmers of America or other recognized farm youth organizations, attach to OPS Public Form 13 the written approval required by section 6 (a) of CPR 23. If any such exemption is claimed for purchases of fair, show or exhibition cattle, attach to OPS Public Form 13 the certificate required by section 6 (b) of CPR 23.

Item 14. Enter in Item 14 the number of all steers, heifers, cows and stags which were slaughtered during the accounting period and slaughtered within 120 days of the date of purchase. Purchases are deemed made on the day the animals are weighed to you. Include animals the carcasses of which were graded as beef, even though you may have purchased them as calves.

Exclude all cattle purchased prior to the issuance date of this regulation and all exempt cattle.

Item 15. Enter in Item 15 the purchase weight of the animals reported in Item 14. If any of them have been fed by you for more than 10 days but not more than 120 days, report their transfer weight from the feedlot. In the event that steers, heifers, cows or stags are purchased in lots mixed with calves or with bulls or with both and the actual live weight of the steers, heifers, cows or stags is not obtainable, report their computed live weight in accordance with the formula in the next paragraph. However, any animals, the carcasses of which were graded as beef, must be reported as cattle even though you purchased them as calves.

If animals of more than one classification are purchased in a single lot and the actual live weight of the animals in a given classification is not obtainable, the computed live weight of such animals shall be obtained by dividing the dressed weight of the meat derived from animals of such classification by the average dressed yield of the entire lot. For purposes of this paragraph, steers, heifers, cows and stags shall be one classification, bulls shall be a second classification and calves shall be a third.

Item 16. Enter in Item 16 the number of all bulls which were slaughtered during the accounting period and slaughtered within 120 days of the date of purchase. Purchases are deemed made on the day the animals are weighed to you. Include animals the carcasses of which were graded as beef, even though you may have purchased them as calves. Exclude all bulls purchased prior to the issuance date of this regulation and all exempt bulls.

Item 17. Enter in Item 17 the purchase weight of the bulls reported in Item 16. If any of them have been fed by you for more than 10 days but not more than 120 days, report their transfer weight from the feed lot.

In the event that bulls are purchased in lots mixed with calves or with steers, heifers, cows or stags, or with both and the actual live weight of the bulls is not obtainable, report their computed live weight in the manner described in the instruction for Item 15.

III

Determine adjusted cost as follows:

Item 19 (a). Enter separately in Item 19 (a) the purchase cost of (i) all steers, heifers, cows and stags reported in Item 14 and (ii) all bulls reported in Item 16. If animals of more than one classification were purchased in a single lot and you cannot segregate the purchase cost of one classification from the purchase cost of another classification compute the purchase price of steers, heifers, cows and stags (as one classification) or of bulls (as a second classification) by multiplying the average price per pound alive of the lot by the computed live weight of such classification. The computed live weight of a given classification shall be determined in the manner described in the instruction for Item 15. The purchase price of calves, the carcasses of which were not graded as beef, need not be reported.

Do not include in the purchase price any commission or similar service charges or any allowance for shrinkage.

Item 19 (b). Enter separately in Item 19 (b), for each classification of cattle, charges for transportation to your slaughtering establishment, including charges for feeding and bedding en route. Determine

the transportation charges for animals transported in mixed lots by multiplying the weight per hundredweight of the animals in each classification by the average freight rate per hundredweight. Do not include in your charges for transportation, (i) charges for transportation from a point within the corporate limits of or the zone adjacent to, and commercially a part of, the same municipal corporation in which the establishment is located, or (ii) the cost of transportation facilities owned or operated by you and used for hauls of 25 miles or less, one way.

If your own facilities are used for hauls longer than 25 miles, one way, you must include in your charges for transportation the equivalent common carrier rate for such hauls.

Item 19 (c). Enter separately in Item 19 (c) for each category of cattle a feed lot cost addition of 70 cents per head per day, beginning with the date of purchase, for all animals slaughtered more than 10 but not more than 120 days after purchase.

Item 19 (d). Enter separately in Item 19 (d) for each classification of cattle an addition of 20 cents per live hundredweight using the purchase weight for all cattle you did not purchase in a public stockyard, excluding auction markets, under the jurisdiction of the Secretary of Agriculture pursuant to the Packers and Stockyards Act, 1921, as amended.

Item 19 (f). Enter in Item 19 (f) an allowance for the transportation cost of cattle slaughtered by you and shipped by rail or for more than 25 miles by truck. The allowance shall be calculated separately for all cattle purchased at each market during the accounting period.

If your establishment is located east of a line following the eastern side of Lake Michigan, the eastern boundary of Indiana and the Ohio and Mississippi rivers to the Gulf of Mexico, it shall not exceed (i) 85 per cent of the actual cost of freight paid on such cattle, or (ii) $1.25 per live hundred weight, whichever is lower, the deduction to be calculated on the railroad weights if shipped by rail and on the purchase weight if shipped by truck. If your establishment is located west of such a line, it shall not exceed (i) 50 per cent of the actual cost of freight paid on such cattle, or (ii) 75 cents per live hundredweight, whichever is lower, the deduction to be calculated on the railroad weights if shipped by rail and on the purchase weight if shipped by truck.

In computing this allowance for animals transported in mixed lots, determine the actual transportation cost for each classification of cattle as described in the instruction for Item 19 (b).

If any such allowance is claimed, attach to OPS Public Form 13 a separate sheet giving the weight (whether railroad weight or purchase weight as applicable) of the cattle purchased in each market for which a deduction is made, the total amount of freight paid on cattle from each market, and the deduction for freight from each such market. If you fail to submit this separate sheet at the time that you submit OPS Public Form 13 you may not claim this allowance.

Item 19 (g). Enter separately in Item 19 (g) for each classification of cattle the cost of cattle, the carcasses of which were condemned. If the cost is not known, use as the cost of each condemned animal the average cost per head of the lot in which such animal was purchased.

Item 19 (e) (*h*) (i). Enter in Item 19 (e) the sum of Item 19 (a), (b), (c), and (d) for steers, heifers, cows and stags. Subtract from this sum, the sum of the amounts in Item 19 (f) and (g), entered in Item 19 (h) for steers, heifers, cows and stags. The result is entered in Item 19 (i) and is your adjusted cost for steers, heifers, cows and stags. You obtain your adjusted cost for bulls in the same way.

IV

Determine maximum permissible cost as follows:

Item 20 (1). Enter separately in Item 20 (1) the chilled carcass weight, as determined below, of beef derived from all steers, heifers, cows and stags by grade as listed in the "Grade" column, Item 20.

In computing the chilled carcass weight include the weight of beef produced from cattle slaughtered during the accounting period and slaughtered within 120 days of the date of purchase. Exclude the weight of condemned cattle as defined in the instructions for Items 10 and 11 and the weight of cattle exempted from this regulation by section 6 and cattle purchased prior to the issuance date of this regulation.

Then separate the remainder of the weight of beef into two categories (i) steers, heifers, cows and stags, and (ii) bulls. The meat should be graded as required by Distribution Regulation 2. The carcass weight should be adjusted to the equivalent of chilled weight 24 hours after slaughter, without shrouds and after trimming. Adjust the weights at time of weighing in the manner required by section 7 (c) (2) of CPR 23.

Item 20 (3). Enter separately in Item 20 (3) the calculated live weight of such animals for each grade obtained by dividing the chilled carcass weight by grades in Item 20 (1), by the conversion factors listed in Item 20 (2). These conversion factors are: Prime, 62%; Choice, 59%; Good, 56%; Commercial, 53%; Utility, 47%; Cutter and canner, 43%; Bulls (all grades), 55%.

Item 20 (4). Enter separately in Item 20 (4), the maximum calculated price per hundredweight by grades, applicable to the establishment in which the cattle were slaughtered, from your OPS Public Form 14.

Item 20 (5). Enter separately in Item 20 (5), the results obtained by multiplying the amounts entered in Item 20 (4), by the amounts in Item 20 (3) and divide by 100.

The total of Item 20 (5) will be the maximum permissible cost for all steers, heifers, cows and stags slaughtered in the establishment during the accounting period.

Item 22. The entries in Item 22 should be made in the same manner as the entries in Item 20.

V

The maximum calculated price per hundred weight referred to in the instructions for Item 20 (4), OPS Public Form 13 is computed on OPS Public Form 14 as follows:

Items 1, 2, 3, 4 and 5. These items are self-explanatory.

Item 6 (1). Enter separately in Item 6 (1) by grades the base ceiling price for beef carcass in dollars per hundredweight for each grade as found in section 20 of CPR 24.

Item 6 (2). Enter in Item 6 (2) the appropriate zone differential from section 40 of CPR 24 assuming that the distribution point is your slaughtering establishment.

Item 6 (3). Enter separately by grades in Item 6 (3) the sum of Item 6 (1) and 6 (2).

Item 6 (5). Enter separately by grades in Item 6 (5) the result obtained by multiplying the amounts in Item 6 (3) by the conversion factors listed in Item 6 (4). These conversion factors are: Prime, 62%; Choice, 59%; Good, 56%; Commercial, 53%; Utility, 47%; Cutter and canner, 43%; Bulls (all grades), 55%.

Item 6 (6). Enter separately in Item 6 (6) and Item 7 (6) the following amounts by grades, depending upon the location of the slaughtering establishment.

	Plants in all States west of and including Montana, Wyoming, Colorado, and New Mexico	All other States and District of Columbia
Prime	$1.55	$1.50
Choice	1.60	1.55
Good	1.65	1.60
Commercial	1.70	1.65
Utility	1.45	1.40
Cutter and canner	1.50	1.45
Bulls (all grades)	1.15	1.10

Item 6(7). Enter separately by grades in Item 6(7) the result obtained by adding Item 6(5) and Item 6(6) rounded to the nearest 5 cents. The sums obtained by these additions are your respective maximum calculated prices, per hundredweight of calculated live weight, by grades, of steers, heifers, cows and stags, applicable in determining the maximum permissible cost of such cattle.

Item 7. The entries in Item 7 should be made in the same manner as the entries in Item 6.

[F. R. Doc. 51-5073; Filed, Apr. 30, 1951; 10:26 a. m.]

[Ceiling Price Regulation 3, Amendment 1]

CPR 3—Coal, Except Pennsylvania Anthracite, Delivered From Mine or Preparation Plant

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 3 (16 F. R. 1008), is hereby issued.

STATEMENT OF CONSIDERATIONS

The amendments to Ceiling Price Regulation 3 contained in this document are intended to clarify and strengthen certain provisions of the original regulation and to permit the acceptance of premiums on coal sold under premium-and-penalty contracts.

A paragraph (d) is added to section 3 to permit producers and distributors to receive compensation over ceiling prices in accordance with premium-and-penalty contracts. The additional compensation must be included in the realization reported under the regulation, however.

The original regulation did not contain specific provisions outlining a method under which a producer who purchases coal from other producers and sells it as a mixed product may determine his cost increase under section 4 (d) of CPR 3. The amendment sets forth a formula which provides that such producer shall include the cost increase of all the coal, if any, he produces from his own mines and of purchased coal.

Section 6 (b) has been amended to clarify and strengthen the procedure the Director may follow in considering such applications and requesting additional information needed to arrive at a decision.

Section 6 (g) has been amended to refer to coal, as defined in the regulation, and to authorize distributors to add transportation charges to the ceiling prices of coal. The latter change puts them on an equal footing with the producers and brings this section in line with a similar section in the CPR 4, Anthracite Delivered from Mine or Preparation Plant. The references to transportation charges in the base period and January 1 to 15, 1951, are deleted to bring this paragraph in line with the CPR 4 and to relieve an inequitable situation which developed from an inadvertent inclusion of the references now being removed.

Section 9 has been amended to require filing of the monthly reports of realization on the last day of the month following the month for which the report is made, instead of the 20th day of such month. Many producers in the industry reported that because of the additional statistical load related to the defense program they are unable to make this report earlier than the last day of the month.

AMENDATORY PROVISIONS

Ceiling Price Regulation 3 is hereby amended as follows:

1. Section 2 (b) "Producer," is amended to read as follows:

(b) "Producer" means a person engaged in the business of (1) mining, (2) preparing coal at a preparation plant which is an adjunct of a mine or mines, (3) mining, stripping, and/or loading coal under contract with a producer or other person, or (4) assembling, loading or otherwise handling, and shipping coal from a ramp or other loading facility; and any person acting as an agent of a producer.

2. A new paragraph (d) is hereby added to section 3 as follows:

(d) Notwithstanding any provision to the contrary, a producer or distributor may sell and deliver coal pursuant to a contract which contains a premium and penalty provision based on the specifications of such coal, and may demand and receive compensation in an amount per ton, in addition to the ceiling price provided by said contract: *Provided, however*, That the basic price contained in such contract does not exceed the ceiling price established under this regulation and in effect at the time of delivery: *And provided further*, That the terms of such premium and penalty provision are reasonable and are not more favorable to the producer or distributor then premium and penalty provisions contained in similar contracts of the producer or other producers or distributor or other distributors in effect since July 1, 1948. The amount received as a premium hereunder shall be included in monthly realization reported by the producer.

3. Section 4 (e) is relettered 4 (f).

4. Section 4 (f) is relettered 4 (g).

5. The last clause of section 4 (a) is amended to read as follows: "as provided in section 9 of this regulation."

6. The last clause of section 4 (c) is amended to read as follows: "as required by section 9 (a) of this regulation."

7. A new section 4 (e) is added to read as follows:

(e) (1) A producer that operates a preparation plant, a ramp, or other loading facility, and that by usual custom obtains all or part of its coal from another producer or producers, may increase its ceiling prices and its ceiling weighted average realization by an amount representing a weighted average of the increased cost, if any, of all the producer's own coal and purchased coal (as certified by the supplier to the producer) processed or loaded at such preparation plant, ramp or other loading facility resulting from wage and salary advances and related payroll items which became effective on or after January 1, 1951, and prior to July 1, 1951, and which satisfy the policy and requirements of the Wage Stabilization Board of the Economic Stabilization Agency: *Provided*, That where such cost increases on purchased coal are not available to the producer, the amount, if any, which the supplier has added to the price of the coal sold to the producer in February and March, 1951, as authorized by CPR 3, may be used in computing the weighted average adjustment applicable to the preparation plant, ramp, or other loading facility.

(2) In determining the proportion of the producer's own coal and the coal purchased from suppliers for the purpose of computing the weighted average increase referred to in subparagraph (1) of this paragraph, the nearest period of one month or longer prior to February 1, 1951, which is representative of the future supply of coal for such preparation plant, ramp or other loading facility shall be used.

8. The reference to "paragraph (b)" in section 4 (f) is amended to refer to "paragraph (c)".

9. The word "petition" in section 6 (a) is deleted and the word "application" is substituted.

10. Section 6 (b) is hereby amended to read as follows:

(b) (1) In the event a mine or group of mines were not in operation during all or part of the base period, or in the event all or a portion of a mine or group of mines' production as presently produced has been affected by unusual circumstances or is of a special or enhanced quality due to the installation of preparation or other facilities during or since the base period, such producer may file an application seeking the establishment of ceiling prices and a ceiling weighted average realization that are fair and equitable.

(2) The producer shall prepare its application in accordance with the provisions of pertinent provisions of Price Procedural Regulation 1 issued by the Economic Stabilization Agency, effective December 18, 1950 (15 F. R. 9055), including the requirement that the petition be filed in duplicate, and with the pertinent provisions of this regulation. In addition to other required information, the producer shall state the name of the mine or mines for which the application is filed, the name or number of the seam in which the mine is operating, the county and the state in which the mine or mines are located, the type of operation (whether underground or strip), a detailed description of the manner, if any, in which the coal is prepared, cleaned or treated, and the present ceiling prices and ceiling weighted average realization, if any, for said mine or mines. In addition, the producer shall state the same information for the nearest mine or mines in the same seam producing coal with the same or similar mining methods, with the same or similar preparation and cleaning facilities, and the applicable ceiling prices for such mine. If there was no such mine or mines in the same seam, the producer shall furnish the same comparative information for the nearest mine having substantially similar mining methods and preparation facilities in a substantially similar seam.

The Director may request any other information deemed necessary by him to a fair and reasonable determination of the issues raised in the application.

(3) For 60 days after filing the application, such coals of the applicant shall be sold at temporary ceiling prices no higher than the ceiling prices established under this regulation for the coals which are produced at the nearest mine or mines in the same seam or in a substantially similar seam and similarly processed. After 60 days from the filing of this application, if no action has been taken by the Director, the prices as requested in the application shall be the ceiling prices for such coals. The filing date herein shall be the date on which the application is received by the Director in the principal office of the Office of Price Stabilization, Washington, D. C.

(4) The Director may at any time review and revise ceiling prices or ceiling weighted average realizations proposed or established under this section if they appear to be inconsistent with the provisions of this regulation.

11. Section 6 (g) is hereby amended to read as follows:

(g) Where coal is delivered from a mine or preparation plant in any transportation facilities owned or subject to the control of the producer or distributor or subsidiary or affiliate of the producer or distributor, or in any transportation facilities hired by the producer or distributor, there may be added to the applicable ceiling prices established herein a sum not in excess of the actual transportation costs incurred by such producer or distributor, or subsidiary or affiliate thereof, determined in a reasonable manner, but in no event to exceed the lowest common carrier rate, if any, for a haul between the same points: *Provided*, That there may also be added by a producer or distributor, to the applicable maximum price established herein, an amount not in excess of the transportation tax imposed by section 620 of the Revenue Act of 1942 if said producer incurred such tax and if he separately states the amount of the tax in sales to all purchasers except the United States or any agency thereof, the District of Columbia, any state government or any political subdivision thereof.

12. Section 9 (d) is hereby amended to read as follows:

(d) Each producer shall report monthly the monthly realization to the Director on forms provided by him and in accordance with his instructions on or before the last day of the month following the month for which the report is being filed.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. The above amendments shall be retroactive and shall become effective as of February 1, 1951.

NOTE. The record-keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 30, 1951.

[F. R. Doc. 51-5077; Filed, Apr. 30, 1951; 10:54 a. m.]

[Ceiling Price Regulation 26]

CPR 26—CEILING PRICES OF KOSHER BEEF ITEMS SOLD AT RETAIL

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with Respect to the Allocation of Meat, Jan. 26, 1951, 16 F. R. 1272, and Economic Stabilization Agency General Order No. 5, Feb. 8, 1951, 16 F. R. 1273, this Ceiling Price Regulation 26 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes dollar and cent ceiling prices for retail sales of kosher beef cuts and most kosher beef variety meats and beef by-products. This regulation supplements and is substantially identical with Ceiling Price Regulation No. 25. The Statement of Considerations issued in connection with that regulation applies equally to this regulation and therefore is incorporated herein. There are, however, a few differences between the two regulations which are discussed below.

This regulation treats all sellers of kosher beef as independent retailers (Class 1 or 2 stores) and does not classify them into three groups, since the overwhelming majority of such sellers are small independent stores. Accordingly, this regulation does not provide for price adjustment from "Class 3 or 4" stores to "Class 1 or 2".

Since most kosher retailers buy from wholesalers, the ceiling prices established in this regulation reflect the wholesale addition of $2.25 per cwt. provided for in Ceiling Price Regulation 24.

It is not customary for kosher retailers to operate locker plants and, therefore, no special provision is made for locker plants in this regulation.

Kosher retail prices have been determined by the same procedure as was used for non-kosher prices. In computing the retail ceilings for kosher beef cuts, the wholesale ceiling prices for kosher beef for the period through July 31, 1951, were used. In order to issue this regulation at the earliest practicable time, the regulation omits the price lists for the periods beginning August 1 and October 1, 1951. The regulation will be amended shortly to include those lists and will thereby reflect the decreases in livestock and wholesale prices which become effective on those dates.

Kosher butchers generally have charged higher prices than non-kosher butchers, principally because of their higher costs for kosher killed beef, and for rabbinical inspection. The cutting tests used in fixing the prices in this regulation were those conducted by the Office of Price Administration in connection with Maximum Price Regulation No. 394.

Conclusion.—In formulating these regulations, it has not been practicable to advise or consult with industry representatives. In the judgment of the Director of Price Stabilization the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defensive Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

REGULATORY PROVISIONS

ARTICLE I—GENERAL PROVISIONS

Sec.
1. What this regulation does.
2. Where this regulation applies.
3. Ceiling prices for specifically enumerated kosher beef products.
4. Ceiling prices for certain kosher beef items which are not specifically listed in section 3.
5. Limitations on the sale of kosher beef cuts, ground and cubed beef.
6. Display.
7. Posting ceiling prices.
8. Customary sales receipts.
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11. Records.
12. Reports.
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20. Stores selling less than 25 percent to eating places.
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ARTICLE III—CEILING PRICE LISTS

30. OPS list of retail ceiling prices on kosher beef cuts.
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32. OPS list of retail ceiling prices on specially authorized sales of kosher beef items to "kosher" eating places or other "kosher" retailers.

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40. General definitions.

APPENDIXES

1. Zone definitions.
2. Retail pricing zone map for kosher beef cuts.
3. Wholesale kosher beef cut definitions.
4. Retail kosher beef cut definitions.
5. Certain kosher beef variety meats and beef by-products definitions.

AUTHORITY: Sections 1 to 40 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Titles I and IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this regulation does.* This regulation fixes specific ceiling prices for most retail sales of kosher beef cuts and of certain kosher beef variety meats and beef by-products. It also fixes ceiling prices for sales of these products by stores to eating places and to other retailers for resale purposes and sets forth the conditions under which such sales may be made. The ceiling prices established by this regulation supersede those established by the General Ceiling Price Regulation. This regulation does not establish ceiling prices for retail sales of other types of kosher beef products such as sterile canned beef or sausage, which remain under the General Ceiling Price Regulation. In addition, this regulation defines and standardizes kosher retail beef cuts and prohibits the sale of non-standardized kosher cuts.

SEC. 2. *Where this regulation applies.* This regulation shall be applicable in the 48 States and the District of Columbia.

SEC. 3. *Ceiling prices for specifically enumerated kosher beef products.*—(a) *Kosher beef cuts and certain kosher beef variety meats and beef by-products.* Your ceiling price for all retail sales to consumers is the price specified in section 30 for kosher beef cuts, or in section 31 for certain kosher beef variety meats and beef by-products, for your zone. Your zone is determined by Appendix 1. Your ceiling price for sales of these items to eating places and to other retailers is determined under Article II. You may obtain a copy of the price lists containing your ceiling prices from your Office of Price Stabilization District or Regional Office.

SEC. 4. *Ceiling prices for certain kosher beef items which are not specifically listed in section 3.*—(a) *Kosher variety meats and beef by-products.* If you sell a kosher beef variety meat or beef by-product which is not listed in Appendix 5, your ceiling price is established by the General Ceiling Price Regulation.

(b) *Cured beef items.* Your ceiling prices for cured, corned, cooked, smoked, barbecued, and dried kosher beef items which you sold during the calendar year 1950 or which you purchase for resale, shall be your ceiling prices established therefor by the General Ceiling Price Regulation. You must, however, file the report and keep the records required for these items by that regulation. If you did not sell these items in 1950 or do not purchase them for resale, see section 4 (c).

(c) *New cured kosher beef items.* If you desire to sell a kosher beef item listed in section 4 (b) which you did not sell during 1950 and which you do not purchase for resale, you may apply in writing to the Director of Price Stabilization in Washington, D. C., for a ceiling price. In your application you shall state the information required in section 12. The Director of Price Stabilization may authorize a ceiling price for such item if your application includes sufficient facts to enable him to find that:

(1) You have made a substantial financial investment which cannot be utilized except in the sale of such kosher beef item;

(2) The sale of this product is to constitute at least 10 percent of your dollar volume of business;

(3) Production of this item will not divert an abnormal amount of beef from low cost to high cost items; and

(4) Approval of your application will be generally fair and equitable, will not adversely affect the price structure established by this regulation, and will not otherwise have an inflationary effect.

SEC. 5. *Limitations on the sale of kosher beef cuts, ground and cubed beef.*—(a) *Limitations on the sale of kosher retail cuts.* Appendix 4 of this regulation describes the retail cuts of kosher beef which you may sell and how they are to be cut. You may not sell kosher retail cuts other than those specified in Appendix 4.

(b) *Special limitations on the sale of kosher cubed beef.* You are not permitted to pre-cube kosher steaks from any wholesale or retail cut of kosher beef.

(c) *Special orders of ground, cubed, boned and rolled kosher beef.*—(1) *General limitations.* You may not grind, cube, bone, or roll any cut or grade of kosher beef not authorized to be pre-ground, pre-cubed, pre-rolled, or pre-boned, in Appendix 4, except in accordance with the provisions of this section. You may on special order from the customer grind, cube, roll or bone kosher beef in a way not authorized by Appendix 4, if it is done in the customer's presence so he can observe it or in accordance with section 5 (c) (3); if you make no charge for the grinding, cubing, rolling and boning; and if you comply with the applicable provisions of section 5 (c) (2).

(2) *Special limitations on the sale of kosher ground beef.*—(i) *Limitations on ground beef inventory.* You may not sell any kosher ground beef unless it is ground beef as defined in Appendix 4. Moreover, you shall not have in your store, refrigerator, cooler, or warehouse any kosher ground beef except ground beef as defined in Appendix 4 or kosher beef which has been bought by a customer and ground at his request and which is wrapped and marked with his name or, if you are authorized by section 5 (c) (3) to fill telephone orders, kosher beef which has been prepared, wrapped and marked with a customer's name as a result of an order telephoned by him.

(ii) *Observation by customer of grinding operation.* The customer will be permitted to observe the grinding of kosher beef by either of the following methods:

(a) The grinding operation may be performed at the meat counter; or

(b) The grinding operation may be performed in the refrigerator if the meat is shown to the customer immediately before and after grinding, if the right to observe the grinding operation is granted to every customer requesting such grinding, and if printed notice of such right is posted in two or more conspicuous places at or near where your meat sales are made and where your customers can easily see and read it. Such notices shall consist of letters one inch high and shall be in the following form:

Meat grinding equipment kept under refrigeration. We invite you to watch the grinding of your meat. OPS grants you this right. Ask the clerk.

(3) *Special telephone orders.* You may fill bona-fide telephone orders for special ground, boned, rolled or cubed cuts of kosher beef even though the customer is not present to observe the preparation. The authorization granted under the provisions of this section 5 (c) (3) will end on notice to you by your OPS District Office to that effect. Every seller authorized to fill telephone orders for ground, boned, rolled or cubed cuts of kosher beef in accordance with the preceding provisions of this section 5 (c) (3) must comply with the following rules:

Rule 1. The ground, boned, rolled or cubed beef must not be placed on display to the public;

Rule 2. The ground, boned, rolled or cubed beef must be wrapped immediately after preparation;

Rule 3. The wrapper containing the ground, boned, rolled or cubed beef must be marked with the customer's name, the cut, grade and weight of the beef before preparation, the price per pound, and the total charge;

Rule 4. The ground, boned, rolled or cubed beef must not be sold, offered, delivered, or diverted in any manner to any customer other than the one making the telephone order;

Rule 5. You must not pre-grind, pre-bone, pre-roll, or pre-cube any cut or grade of beef in anticipation of telephone orders except as generally authorized in Appendix 4 of this regulation;

Rule 6. No addition may be charged the customer for the grinding, boning, rolling, cubing or any other special preparation; and

Rule 7. No addition may be charged the customer for delivery service.

SEC. 6. *Display.*—(a) *Beef cuts.* You may not display together kosher beef cuts having different ceiling prices, but must put them in separate trays, compartments or sections of your showcase, according to the difference in ceiling price, even though the beef cuts are of the same kind. You must place the appropriate ceiling price on each separate display so that your customers can see and read it. If you fail to make this separation, or if you fail to place the appropriate ceiling price on each separate display so that your customers can see and read it, the price you charge or offer to charge for any such kosher beef cuts must not be more than the maximum price fixed in this regulation for the same retail or wholesale cut of the lowest grade of kosher beef.

(b) *Beef variety meats and beef by-products.* You must not put different types of beef variety meats or beef by-products, or variety meats or edible by-products coming from different kinds of animals, together in your showcase.

SEC. 7. *Posting ceiling prices.* Not later than twenty days after the effective date of this regulation, you must post at your store your "Official OPS List of Retail Kosher Beef Prices". You may use an exact copy of the OPS List if the printing is as legible and at least as large. Put it at or near the place where your meat sales are made and where your customers can easily see and read it. You must have at least one list posted for each 20 feet of meat counter space. You may get your official copies of the price lists for posting or copying from your District Office. When you display a kosher beef cut or certain kosher beef variety meat or beef by-product the ceiling price of which is specified in this regulation, you must put your selling price for that product on the display.

SEC. 8. *Customary sales receipts.* You shall give customers the sales slip, receipt or other record of purchase you have customarily given. In addition, you shall, upon request by any customer, give him a receipt showing the date of sale, your name and address, the name, weight and the price you receive for each kosher beef cut or certain kosher beef variety meat or beef by-product sold and the grade of each kosher beef cut sold.

SEC. 9. *Taxes.* You may collect, in addition to your ceiling price, any tax upon or incident to a retail sale of food covered by this regulation if you state the tax separately, and if the statute or ordinance does not prohibit sellers from stating and collecting the tax separately from the price.

SEC. 10. *Transfer of business and stock in trade.* If at any time after December 31, 1950, you acquired in any way the business, assets, and stock in trade of any retail store covered by this regulation and you carried on the business or continued to deal in the same type of food products in that same store, your ceiling prices shall be the same as those of the former owner as if no transfer had taken place. You must keep all the records needed to verify your ceiling prices. The former owner must either preserve and make available to you, or give you, all the records of his transactions before you acquired the store which you need to comply with the record provisions of this regulation.

SEC. 11. *Records*—(a) *General records.* You shall make and preserve, for a period of two years after the effective date of this regulation, the same records you have customarily kept. In addition you must preserve the invoices, freight bills or other written records provided by your meat supplier or suppliers which pertain to purchases of meat made by you. You shall also continue to preserve all records required to be preserved by section 16 of the General Ceiling Price Regulation. (Section 16 of the General Ceiling Price Regulation requires you to preserve the following records:

(1) Those records in your possession showing the prices charged by you for the commodities or services which you delivered or offered to deliver during the period from December 19, 1950 to January 25, 1951, inclusive (hereinafter referred to as the "base period"), and also sufficient records to establish the latest net cost incurred by you prior to the end of that period in purchasing the commodities; and

(2) As to all of your deliveries and offers for delivery of commodities, a statement showing the categories of commodities in which you made deliveries and offers for delivery during the base period; or if you sold services, a statement listing the services which you delivered or offered to deliver during the base period; and

(3) As to all of your deliveries and offers for delivery of commodities, a ceiling price list showing the commodities in each category (listing each type, style and kind), or the services, delivered or offered for delivery by you during the base period together with a description or identification of each such commodity or service and a statement of the ceiling price. (Your ceiling price list may refer to an attached price list or catalogue. You may satisfy the requirements of this paragraph (3) by recording on your purchase invoice covering the commodities (including every type, style and kind) delivered or offered for delivery by you during the base period, the price at which you sold, offered the commodities for delivery, during the base period); and

(4) A statement of your customary price differentials for terms and conditions of sale and classes of purchasers, which you had in effect during the base period.

(b) *Microfilming records.* All records required to be preserved under this section may, after the expiration of 90 days after the date of the transaction to which they relate, be transferred to and preserved thereafter on microfilm.

(c) *Inspection by OPS representatives.* You shall show the records required by this section to be preserved to any OPS representative upon request.

SEC. 12. *Reports on cured beef items.* If you apply for a ceiling price on an item described in section 4 (c), your application shall include the following data:

(a) A description of the item, including the name of the item.

(b) The cut and grade of beef used in the item.

(c) A complete description of its preparation.

(d) The type of wrapping or packaging used.

(e) The manner in which the product differs from the most similar type of product of the same type for which a ceiling price is established in section 3.

(f) The cost of any operations which are added to or eliminated from the manufacture of the most similar product of the same type for which a ceiling price is established in section 3.

SEC. 13. *Evasion.* (a) You shall not evade the provisions of this regulation, by direct or indirect methods in connection with an offer, solicitation or agreement relating to the sale, delivery, purchase, transfer or receipt of beef, alone or in conjunction with any other commodity or service, or by way of any commission, service, transportation, wrapping, packaging, or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or by changing the selection, grading or the style of dressing, cutting, trimming, cooking or otherwise processing, or the wrapping or packaging of beef or otherwise.

(b) Among other, the following practices are considered evasions and are prohibited:

(1) Boning and/or rolling of any rib roast of beef other than those of utility or cutter and canner grades, at any time prior to receiving a specific order from a customer for the particular rib roast which is to be boned and/or rolled.

(2) Pre-cubing of steaks from any kosher beef cut.

(3) Selling or delivering or offering to sell or deliver kosher beef cuts or certain kosher beef variety meats or beef by-products at a price higher than the ceiling price established by Ceiling Price Regulation 25 for the corresponding non-kosher item or at the ceiling price fixed herein, unless you maintain a store at or through which you regularly and generally sell kosher meats.

(4) Adding any charge for delivery service.

(5) Selling to consumers wholesale kosher beef cuts for which retail prices have not been established in section 30 of this regulation.

(6) Keeping in your store, refrigerator, cooler or warehouse any beef which does not have the grade name or grademark on each wholesale kosher cut.

(7) Falsely or incorrectly invoicing or grading beef.

(8) Offering, selling or delivering a beef cut, beef variety meat or beef by-product on condition that the buyer purchase another commodity or service.

(9) Removing the grademark from any kosher carcass or kosher beef cut, except when the removal cannot be avoided in preparing a retail kosher beef cut in accordance with the specifications listed in Appendix 4.

(10) Buying, receiving, selling or offering for sale any retail kosher beef cut obtained from a kosher carcass or wholesale kosher beef cut which has not been graded or grade marked in accordance with Office of Price Stabilization Distribution Regulation 2,

(11) Buying, receiving, selling or offering for sale any wholesale kosher beef cut which has not been graded or grade marked in accordance with Office of Price Stabilization Distribution Regulation 2.

SEC. 14. *Prohibitions*—(a) *Selling at prices above ceiling.* Regardless of any contract, agreement or other obligations, (1) you shall not sell or deliver any kosher beef item at a price higher than the ceiling price established for such item by this regulation; (2) you shall not buy or receive, in the regular course of trade or business, any kosher beef item at a price higher than the ceiling prices established for such item by this regulation; and (3) you shall not agree, offer, solicit or attempt to do any of the foregoing.

(b) *Selling other than defined items.* Regardless of any contract, agreement or other obligation, you shall not sell or deliver or offer to sell or deliver a kosher beef item unless such item is listed in Appendixes 3, 4 or 5. However, this shall not prevent you from selling cured beef items described in section 4 (b) if you sold them during the calendar year 1950 or purchase them for resale, nor shall it prevent you from selling other beef variety meats, beef by-products, sausage or sterile canned beef items.

SEC. 15. *Enforcement.* On and after the effective date of this regulation, if you violate any provision of this regulation, or any order issued pursuant to it, you are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Defense Production Act of 1950. Also, any person who in the course of trade or business buys from you at a price higher than your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that Act.

SEC. 16. *Petitions for amendment.* If you seek an amendment of any provision of this regulation, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, issued by OPS.

SEC. 17. *Less than ceiling prices.* You may charge, demand, pay or offer lower prices for kosher beef items than are established by this regulation.

SEC. 18. *Ceiling prices for non-graded and improperly cut cuts.* (a) If, in violation of the requirements of a regulation issued by OPS, a kosher beef cut has either not been graded and grade-marked or the grade mark has been removed (except when such removal cannot be avoided in preparing a retail beef cut in accordance with the specifications listed in Appendix 4), your ceiling price for that kosher cut shall be the price for that same cut of utility grade.

(b) If a kosher beef cut does not satisfy the standard cut specifications provided in Appendixes 3 or 4, your ceiling price for that cut shall be, in the case of a kosher wholesale cut, the ceiling price specified for shank of utility grade, and in the case of a kosher retail cut, the ceiling price specified for plate (bone in) of utility grade.

(c) Nothing in paragraphs (a) or (b) of this section shall in any way excuse the violation of the grading, grade marking or cutting requirements of Distribution Regulation 2 or of this regulation.

ARTICLE II—SALES TO EATING PLACES AND OTHER RETAILERS

SEC. 20. *Stores selling less than 25 percent to eating places*—(a) *Limitation on sales.* You may not during any calendar month sell more than 25 percent of your total dollar volume of meat sales during that month to eating places unless you comply with the provisions of section 21.

(b) *Ceiling prices.* If you do not exceed the 25 percent limit in any calendar month your ceiling prices for sales of kosher beef cuts and certain kosher beef variety meats and beef by-products to eating places shall be the same as the ceiling prices for sales to consumers as set forth in section 3. If, however, during any calendar month you sell more than the 25 percent limit, you shall not only be in violation of section 20 (a) but your ceiling prices for sales to eating places of kosher beef cuts and certain kosher beef variety meats and beef by-products shall be determined in accordance with the provisions of section 32.

SEC. 21. *Stores customarily selling more than 25 percent to eating places*—(a) *Limitations on sales.* If your store during any calendar quarter in 1950 sold more than 25 percent of its dollar volume of meat sales to eating places, you may sell to eating places the same percentage of dollar sales of meat as you sold in the corresponding quarter in 1950 provided you file the report provided for in section 21 (c) and keep the appropriate records required by section 24. If your total dollar volume of meat sales to eating places during any current three-month period is in excess of the dollar volume permitted by this section or if you otherwise violate or fail to comply with its requirements you shall thereafter be subject to the limitations provided in section 20 (a).

(b) *Ceiling prices.* If, in accordance with section 21 (a) you are permitted to sell and you do sell more than 25 percent of your dollar volume of meat sales to eating establishments for any quarter, your ceiling prices for sales of kosher beef cuts and certain kosher beef variety meats and beef by-products to eating places for that quarter and for all subsequent periods, shall be those set forth in section 32 of this regulation.

(c) *Reporting requirements.* If you desire to sell more than 25 percent of your total dollar volume of meat sales to eating places you shall file with your OPS District Office a signed statement containing:

(1) The name and address of your store;

(2) The total dollar volume of your meat sales to eating places during each calendar quarter of 1950; and

(3) The total dollar volume of meat you sold during each calendar quarter.

You shall mail this report to your OPS District Office by registered mail, return receipt requested. You shall retain the receipt for a period of two years. Any statement filed in accordance with this Section shall also satisfy the similar filing requirements of Ceiling Price Regulation 25.

SEC. 22. *Adjustment for local shortages.* Notwithstanding the provisions of sections 20 or 21, upon a finding by the Director of Price Stabilization that there is not within an area or areas meat sufficient to supply the requirements of eating places, and that this condition has occurred because of an increase in population in such area or areas by the establishment and maintenance of a project or projects connected directly with the defense effort, the Director of Price Stabilization, Washington, D. C., may, by order, designate such area as a deficiency area for such period as he may prescribe. Upon the Director's designation of any specific area as a deficiency area, the OPS District Director for the District in which the deficiency area is located may authorize any store customarily serving such area to sell kosher beef cuts and certain kosher beef variety meats and beef by-products, at or below the ceiling prices specified in section 32, to eating places located in such area in such volume and subject to such terms and conditions as he deems necessary.

SEC. 23. *Sales to other retailers.* You may sell from your store to other retailers for resale, or buy from the stores of other retailers for resale, kosher beef cuts and certain kosher beef variety meats and edible beef by-products if you comply with the rules set forth in paragraphs (a) and (b) of this section.

(a) *Rules for selling to other retailers.*

Rule 1. You (the retailer who is selling) must sell to consumers more than 50 percent of the total dollar volume of meat sales from your store during each current month;

Rule 2. During any month you must not sell to other retailers more than 40 percent of the total dollar volume of meat sales from your store;

Rule 3. You must keep records, either weekly or monthly, showing the total dollar volume of meat sales from your store;

Rule 4. You must keep records in the same form as those you keep under Rule 3, showing the total dollar volume of meat sales to other retailers and eating places, if any, from your store;

Rule 5. You must not sell the buying retailer wholesale kosher cuts of beef; and

Rule 6. You must not charge the buying retailer for kosher beef cuts or certain kosher beef variety meats or beef by-products more than the ceiling prices provided in section 32.

(b) *Rules for buying from other retailers.*

Rule 1. You (the retailer who is buying) must not buy wholesale kosher cuts of beef from the selling retailer;

Rule 2. You must keep records, either weekly or monthly, showing the total dollar volume of meat bought from the selling retailer;

Rule 3. You must not pay the selling retailer for kosher beef cuts or certain kosher beef variety meats or beef by-products more than the ceiling prices provided in section 32; and

Rule 4. You must not charge your customers for kosher beef cuts or certain kosher beef variety meats or beef by-products more than the respective ceiling prices provided in sections 30 and 31.

(c) *Violation of rules.* If you violate any one of the foregoing rules provided for you in this section, you may not thereafter sell to, or buy from, other retailers kosher beef cuts and certain kosher beef variety meats and beef by-products.

SEC. 24. *Records of sales to eating places and other retailers.* On all sales of meat to eating places you shall keep records, and give receipts to each buyer, showing the name and address of the buyer, the date of the sale, your name and address, and the details of each order, including the name, weight, grade and price charged for each kosher beef cut, and certain kosher beef variety meats and beef by-products. If you are permitted to sell kosher beef cuts and certain kosher beef variety meats and beef by-products to other retailers for resale purposes, you must keep records of each transaction and give receipts showing the same facts you are required to show on your sales to eating places. Moreover, if you sell meat to eating places or other retailers, you shall keep records, either weekly or monthly, showing the total dollar volume of meat sales to all buyers and the total dollar volume of meat sales to eating places and the total dollar volume of meat sales to other retailers during the same period. You shall also keep the records or data upon which you base the report you submit pursuant to section 21 (c).

ARTICLE III—CEILING PRICE LISTS

SEC. 30. *Office of Price Stabilization list of retail ceiling prices on "Kosher" beef cuts*—(a) *Retail ceiling prices for "Kosher" beef cuts—Zone 1.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 1, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.06	$0.96	$0.85	$0.73
2. 7-inch steaks or roast	1.16	1.06	.91	.77
3. Short ribs (flanken)	.58	.58	.58	.58
3A. Rib roast (boneless, rolled)				1.58
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	1.01	1.01	.94	.85
5. Blade steak (bone in)	1.01	1.01	.94	.85
6. Boneless chuck	1.28	1.28	1.19	1.09
7. English cut	1.01	1.01	.94	.85
8. Arm or chuck pot roast (bone in)	1.01	1.01	.94	.85
9. Arm or chuck steak (bone in)	1.01	1.01	.94	.85
10. Boneless neck	1.16	1.16	1.09	1.09
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless; breast deckle, boneless)	1.09	1.09	.91	.86
12. Brisket (bone in, also called breast of flanken, bone in)	.88	.86	.73	.70
IV. Plate:				
13. Plate (bone in, also called plate flanken or leg bone flanken)	.58	.58	.58	.58
14. Boneless plate (also called plate flanken or long bone flanken (boneless))	.71	.71	.71	.71
V. Shank:				
15. Shank (bone in)	.62	.62	.62	.62
16. Shank (boneless)	.85	.85	.85	.85
17. Ground beef (including skirt steak)	.86	.86	.86	.86
VI. Wholesale cuts:				
18. Rib (whole)	.84	.76	.67	.58
19. Chuck (whole)	.68	.68	.64	.58
20. Brisket (whole)	.56	.56	.48	.45
21. Plate (whole)	.43	.43	.43	.43
22. Shank (whole)	.43	.43	.43	.43

(b) *Retail ceiling prices for "Kosher" beef cuts—Zone 2.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 2, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.05	$0.95	$0.85	$0.72
2. 7-inch steaks or roast	1.15	1.05	.90	.77
3. Short ribs (flanken)	.57	.57	.57	.57
3A. Rib roast (boneless, rolled)				1.57
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.99	.99	.93	.84
5. Blade steak (bone in)	.99	.99	.93	.84
6. Boneless chuck	1.27	1.27	1.18	1.07
7. English cut	.99	.99	.93	.84
8. Arm or chuck pot roast (bone in)	.99	.99	.93	.84
9. Arm or chuck steak (bone in)	.99	.99	.93	.84
10. Boneless neck	1.13	1.13	1.06	.97
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless; breast deckle, boneless)	1.08	1.08	.90	.85
12. Brisket (bone in, also called breast of flanken, bone in)	.85	.85	.72	.69
IV. Plate:				
13. Plate (bone in, also called plate flanken or leg bone flanken)	.67	.67	.67	.67
14. Boneless plate (also called plate flanken or long bone flanken (boneless))	.70	.70	.70	.70
V. Shank:				
15. Shank (bone in)	.62	.62	.62	.62
16. Shank (boneless)	.84	.84	.84	.84
17. Ground beef (including skirt steak)	.86	.86	.86	.86
VI. Wholesale cuts:				
18. Rib (whole)	.84	.76	.66	.57
19. Chuck (whole)	.68	.68	.63	.57
20. Brisket (whole)	.55	.55	.47	.45
21. Plate (whole)	.42	.42	.42	.42
22. Shank (whole)	.42	.42	.42	.42

(c) *Retail ceiling prices for "Kosher" beef cuts—Zone 3.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 3, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.05	$0.95	$0.85	$0.72
2. 7-inch steaks or roast	1.15	1.04	.89	.76
3. Short ribs (flanken)	.57	.57	.57	.57
3A. Rib roast (boneless, rolled)				1.56
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.99	.99	.92	.84
5. Blade steak (bone in)	.99	.99	.92	.84
6. Boneless chuck	1.27	1.27	1.18	1.07
7. English cut	.99	.99	.92	.84
8. Arm or chuck pot roast (bone in)	.99	.99	.92	.84
9. Arm or chuck steak (bone in)	.99	.99	.92	.84
10. Boneless neck	1.12	1.12	1.05	.96
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless; breast deckle, boneless)	1.08	1.08	.90	.85
12. Brisket (bone in, also called breast of flanken, bone in)	.85	.85	.72	.68
IV. Plate:				
13. Plate (bone in, also called plate flanken or leg bone flanken)	.57	.57	.57	.57
14. Boneless plate (also called plate flanken or long bone flanken (boneless))	.69	.69	.69	.69
V. Shank:				
15. Shank (bone in)	.61	.61	.61	.61
16. Shank (boneless)	.83	.83	.83	.83
17. Ground beef (including skirt steak)	.85	.85	.85	.85
VI. Wholesale cuts:				
18. Rib (whole)	.83	.75	.66	.57
19. Chuck (whole)	.68	.68	.63	.57
20. Brisket (whole)	.55	.55	.47	.45
21. Plate (whole)	.42	.42	.42	.42
22. Shank (whole)	.42	.42	.42	.42

(d) *Retail ceiling prices for "Kosher" beef cuts—Zone 4.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 4, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.04	$0.94	$0.84	$0.71
2. 7-inch steaks or roast	1.14	1.04	.89	.76
3. Short ribs (flanken)	.56	.56	.56	.56
3A. Rib roast (boneless, rolled)				1.55
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.98	.98	.91	.83
5. Blade steak (bone in)	.98	.98	.91	.83
6. Boneless chuck	1.25	1.25	1.16	1.06
7. English cut	.98	.98	.91	.83
8. Arm or chuck pot roast (bone in)	.98	.98	.91	.83
9. Arm or chuck steak (bone in)	.98	.98	.91	.83
10. Boneless neck	1.10	1.10	1.03	.94
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless; breast deckle, boneless)	1.07	1.07	.89	.84
12. Brisket (bone in, also called breast of flanken, bone in)	.84	.84	.71	.68
IV. Plate:				
13. Plate (bone in, also called plate flanken or leg bone flanken)	.56	.56	.56	.56
14. Boneless plate (also called plate flanken or long bone flanken (boneless))	.69	.69	.69	.69
V. Shank:				
15. Shank (bone in)	.61	.61	.61	.61
16. Shank (boneless)	.82	.82	.82	.82
17. Ground beef (including skirt steak)	.85	.85	.85	.85
VI. Wholesale cuts:				
18. Rib (whole)	.83	.75	.66	.56
19. Chuck (whole)	.67	.67	.62	.57
20. Brisket (whole)	.54	.54	.46	.44
21. Plate (whole)	.42	.42	.42	.42
22. Shank (whole)	.42	.42	.42	.42

(e) *Retail ceiling prices for "Kosher" beef cuts—Zone 5.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 5, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.04	$0.94	$0.84	$0.71
2. 7-inch steaks or roast	1.14	1.04	.89	.76
3. Short ribs (flanken)	.56	.56	.56	.56
3A. Rib roast (boneless, rolled)				1.55
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.98	.98	.91	.83
5. Blade steak (bone in)	.98	.98	.91	.83
6. Boneless chuck	1.25	1.25	1.16	1.05
7. English cut	.98	.98	.91	.83
8. Arm or chuck pot roast (bone in)	.98	.98	.91	.83
9. Arm or chuck steak (bone in)	.98	.98	.91	.83
10. Boneless neck	1.09	1.09	1.02	.94
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless; breast deckle, boneless)	1.06	1.06	.89	.84
12. Brisket (bone in, also called breast of flanken, bone in)	.84	.84	.71	.68
IV. Plate:				
13. Plate (bone in, also called plate flanken or leg bone flanken)	.56	.56	.56	.56
14. Boneless plate (also called plate flanken or long bone flanken (boneless))	.68	.68	.68	.68
V. Shank:				
15. Shank (bone in)	.60	.60	.60	.60
16. Shank (boneless)	.82	.82	.82	.82
17. Ground beef (including skirt steak)	.85	.85	.85	.85
VI. Wholesale cuts:				
18. Rib (whole)	.83	.75	.66	.56
19. Chuck (whole)	.67	.67	.62	.57
20. Brisket (whole)	.54	.54	.46	.44
21. Plate (whole)	.42	.42	.42	.42
22. Shank (whole)	.42	.42	.42	.42

(f) *Retail ceiling prices for "Kosher" beef cuts—Zones 6 and 6A.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zones 6 and 6A, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.02	$0.93	$0.82	$0.69
2. 7-inch steaks or roast	1.12	1.01	.86	.74
3. Short ribs (flanken)	.54	.54	.54	.54
3A. Rib roast (boneless, rolled)				1.51
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.95	.95	.89	.80
5. Blade steak (bone in)	.95	.95	.89	.80
6. Boneless chuck	1.22	1.22	1.13	1.02
7. English cut	.95	.95	.89	.80
8. Arm or chuck pot roast (bone in)	.95	.95	.89	.80
9. Arm or chuck steak (bone in)	.95	.95	.89	.80
10. Boneless neck	1.02	1.02	.94	.85
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless; breast deckle, boneless)	1.04	1.04	.86	.81
12. Brisket (bone in, also called breast of flanken, bone in)	.82	.82	.69	.65
IV. Plate:				
13. Plate (bone in, also called plate flanken or leg bone flanken)	.54	.54	.54	.54
14. Boneless plate (also called plate flanken or long bone flanken (boneless))	.66	.66	.66	.66
V. Shank:				
15. Shank (bone in)	.58	.58	.58	.58
16. Shank (boneless)	.79	.79	.79	.79
17. Ground beef (including skirt steak)	.83	.83	.83	.83
VI. Wholesale cuts:				
18. Rib (whole)	.81	.73	.64	.55
19. Chuck (whole)	.66	.66	.61	.55
20. Chuck (wards)	.53	.53	.45	.43
20. Brisket (whole)	.40	.40	.40	.40
21. Plate (whole)	.40	.40	.40	.40
22. Shank (whole)				

(g) *Retail ceiling prices for "Kosher" beef cuts—Zone 7.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 7, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.04	$0.95	$0.85	$0.72
2. 7-inch steaks or roast	1.14	1.04	.89	.76
3. Short ribs (flanken)	.57	.57	.57	.57
3A. Rib roast (boneless, rolled)				1.56
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.99	.99	.92	.84
5. Blade steak (bone in)	.99	.99	.92	.84
6. Boneless chuck	1.28	1.28	1.17	1.06
7. English cut	.99	.99	.92	.84
8. Arm or chuck pot roast (bone in)	.99	.99	.92	.84
9. Arm or chuck steak (bone in)	.99	.99	.92	.84
10. Boneless neck	1.11	1.11	1.04	.95
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless; breast deckle, boneless)	1.07	1.07	.89	.84
12. Brisket (bone in, also called breast of flanken, bone in)	.84	.84	.72	.68
IV. Plate:				
13. Plate (bone in, also called plate flanken or leg bone flanken)	.57	.57	.57	.57
14. Boneless plate (also called plate flanken or long bone flanken (boneless))	.69	.69	.69	.69
V. Shank:				
15. Shank (bone in)	.61	.61	.61	.61
16. Shank (boneless)	.83	.83	.83	.83
17. Ground beef (including skirt steak)	.85	.85	.85	.85
VI. Wholesale cuts:				
18. Rib (whole)	.83	.75	.66	.57
19. Chuck (whole)	.67	.67	.61	.57
20. Brisket (whole)	.55	.55	.47	.44
21. Plate (whole)	.42	.42	.42	.42
22. Shank (whole)	.42	.42	.42	.42

(h) *Retail ceiling prices for "Kosher" beef cuts—Zone 8.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 8, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.04	$0.95	$0.85	$0.72
2. 7-inch steaks or roast	1.14	1.04	.89	.76
3. Short ribs (flanken)	.57	.57	.57	.57
3A. Rib roast (boneless, rolled)				1.56
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.99	.99	.92	.84
5. Blade steak (bone in)	.99	.99	.92	.84
6. Boneless chuck	1.28	1.28	1.17	1.06
7. English cut	.99	.99	.92	.84
8. Arm or chuck pot roast (bone in)	.99	.99	.92	.84
9. Arm or chuck steak (bone in)	.99	.99	.92	.84
10. Boneless neck	1.11	1.11	1.04	.95
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless; breast deckle, boneless)	1.07	1.07	.89	.84
12. Brisket (bone in, also called breast of flanken, bone in)	.84	.84	.72	.68
IV. Plate:				
13. Plate (bone in, also called plate flanken or leg bone flanken)	.57	.57	.57	.57
14. Boneless plate (also called plate flanken or long bone flanken (boneless))	.69	.69	.69	.69
V. Shank:				
15. Shank (bone in)	.61	.61	.61	.61
16. Shank (boneless)	.83	.83	.83	.83
17. Ground beef (including skirt steak)	.85	.85	.85	.85
VI. Wholesale cuts:				
18. Rib (whole)	.83	.75	.66	.57
19. Chuck (whole)	.67	.67	.61	.57
20. Brisket (whole)	.55	.55	.47	.44
21. Plate (whole)	.42	.42	.42	.42
22. Shank (whole)	.42	.42	.42	.42

(i) *Retail ceiling prices for "Kosher" beef cuts—Zone 9.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 9, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.03	$0.94	$0.83	$0.70
2. 7-inch steaks or roast	1.14	1.05	.88	.71
3. Short ribs (flanken)	.55	.55	.55	.55
3A. Rib roast (boneless, rolled)				1.53
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.97	.97	.90	.82
5. Blade steak (bone in)	.97	.97	.90	.82
6. Boneless chuck	1.24	1.24	1.15	1.01
7. English cut	.97	.97	.90	.82
8. Arm or chuck pot roast (bone in)	.97	.97	.90	.82
9. Arm or chuck steak (bone in)	.97	.97	.90	.82
10. Boneless neck	1.06	1.06	.99	.90
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless; breast deckle, boneless)	1.05	1.05	.87	.82
12. Brisket (bone in also called breast of flanken, bone in)	.83	.83	.70	.67
IV. Plate:				
13. Plate (bone in, also called plate flanken or leg bone flanken)	.55	.55	.55	.55
14. Boneless plate (also called plate flanken or long bone flanken, boneless)	.67	.67	.67	.67
V. Shank:				
15. Shank (bone in)	.60	.60	.60	.60
16. Shank (boneless)	.81	.81	.81	.81
17. Ground beef (including skirt steak)	.84	.84	.84	.84
VI. Wholesale cuts:				
18. Rib (whole)	.82	.74	.65	.56
19. Chuck (whole)	.66	.66	.62	.56
20. Brisket (whole)	.51	.51	.46	.43
21. Plate (whole)	.41	.41	.41	.41
22. Shank (whole)	.41	.41	.41	.41

(j) *Retail ceiling prices for "Kosher" beef cuts—Zone 10.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 10, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.03	$0.94	$0.83	$0.70
2. 7-inch steaks or roast	1.13	1.05	.88	.75
3. Short ribs (flanken)	.55	.55	.55	.55
3A. Rib roast (boneless, rolled)				1.53
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.97	.97	.90	.82
5. Blade steak (bone in)	.97	.97	.90	.82
6. Boneless chuck	1.24	1.24	1.15	1.04
7. English cut	.97	.97	.90	.82
8. Arm or chuck pot roast (bone in)	.97	.97	.90	.82
9. Arm or chuck steak (bone in)	.97	.97	.90	.82
10. Boneless neck	1.06	1.06	.99	.90
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless; breast deckle, boneless)	1.05	1.05	.88	.83
12. Brisket (bone in, also called breast of flanken, bone in)	.83	.83	.70	.67
IV. Plate:				
13. Plate (bone in, also called plate flanken or leg bone flanken)	.55	.55	.55	.55
14. Boneless plate (also called plate flanken or long bone flanken, boneless)	.67	.67	.67	.67
V. Shank:				
15. Shank (bone in)	.60	.60	.60	.60
16. Shank (boneless)	.81	.81	.81	.81
17. Ground beef (including skirt steak)	.84	.84	.84	.84
VI. Wholesale cuts:				
18. Rib (whole)	.82	.74	.65	.56
19. Chuck (whole)	.66	.66	.62	.56
20. Brisket (whole)	.51	.51	.46	.43
21. Plate (whole)	.41	.41	.41	.41
22. Shank (whole)	.41	.41	.41	.41

(k) *Retail ceiling prices for "Kosher" beef cuts—Zone 11.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 11, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.04	$0.94	$0.84	$0.71
2. 7-inch steaks or roast	1.14	1.04	.88	.75
3. Short ribs (flanken)	.56	.56	.56	.56
3A. Rib roast (boneless, rolled)				1.55
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.98	.98	.91	.83
5. Blade steak (bone in)	.98	.98	.91	.83
6. Boneless chuck	1.25	1.25	1.16	1.05
7. English cut	.98	.98	.91	.83
8. Arm or chuck pot roast (bone in)	.98	.98	.91	.83
9. Arm or chuck steak (bone in)	.98	.98	.91	.83
10. Boneless neck	1.09	1.09	1.02	.95
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless; breast deckle, boneless)	1.06	1.06	.89	.84
12. Brisket (bone in, also called breast of flanken, bone in)	.84	.84	.71	.67
IV. Plate:				
13. Plate (bone in, also called plate flanken or leg bone flanken)	.56	.56	.56	.56
14. Boneless plate (also called plate flanken or long bone flanken, boneless)	.68	.68	.68	.68
V. Shank:				
15. Shank (bone in)	.60	.60	.60	.60
16. Shank (boneless)	.82	.82	.82	.82
17. Ground beef (including skirt steak)	.85	.85	.85	.85
VI. Wholesale cuts:				
18. Rib (whole)	.83	.75	.66	.56
19. Chuck (whole)	.67	.67	.62	.57
20. Brisket (whole)	.51	.51	.46	.44
21. Plate (whole)	.42	.42	.42	.42
22. Shank (whole)	.42	.42	.42	.42

(l) *Retail ceiling prices for "Kosher" beef cuts—Zone 12.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 12, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.04	$0.95	$0.85	$0.72
2. 7-inch steaks or roast	1.14	1.04	.89	.76
3. Short ribs (flanken)	.57	.57	.57	.57
3A. Rib roast (boneless, rolled)				1.56
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.99	.99	.92	.84
5. Blade steak (bone in)	.99	.99	.92	.84
6. Boneless chuck	1.26	1.26	1.17	1.07
7. English cut	.99	.99	.92	.84
8. Arm or chuck pot roast (bone in)	.99	.99	.92	.84
9. Arm or chuck steak (bone in)	.99	.99	.92	.84
10. Boneless neck	1.12	1.12	1.05	.96
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless; breast deckle, boneless)	1.07	1.07	.90	.85
12. Brisket (bone in) (also called breast of flanken, bone in)	.85	.85	.72	.68
IV. Plate:				
13. Plate (bone in) (also called plate flanken or leg bone flanken)	.57	.57	.57	.57
14. Boneless plate (also called plate flanken or long bone flanken, boneless)	.69	.69	.69	.69
V. Shank:				
15. Shank (bone in)	.61	.61	.61	.61
16. Shank (boneless)	.83	.83	.83	.83
17. Ground beef (including skirt steak)	.85	.85	.85	.85
VI. Wholesale cuts:				
18. Rib (whole)	.83	.75	.66	.57
19. Chuck (whole)	.67	.67	.63	.57
20. Brisket (whole)	.52	.52	.47	.44
21. Plate (whole)	.42	.42	.42	.42
22. Shank (whole)	.42	.42	.42	.42

(m) *Retail ceiling prices for "Kosher" beef cuts—Zone 13N.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 13N, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.05	$0.95	$0.85	$0.72
2. 7-inch steaks or roast	1.15	1.05	.90	.77
3. Short ribs (flanken)	.61	.61	.61	.61
3A. Rib roast (boneless, rolled)				1.61
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	1.03	1.03	.96	.88
5. Blade steak (bone in)	1.03	1.03	.96	.88
6. Boneless chuck	1.31	1.31	1.22	1.11
7. English cut	1.03	1.03	.96	.88
8. Arm or chuck pot roast (bone in)	1.03	1.03	.96	.88
9. Arm or chuck steak (bone in)	1.03	1.03	.96	.88
10. Boneless neck	1.22	1.22	1.15	1.06
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless; breast deckle, boneless)	1.15	1.15	.97	.92
12. Brisket (bone in, also called breast of flanken, bone in)	.90	.90	.77	.74
IV. Plate:				
13. Plate (bone in, also called plate flanken or leg bone flanken)	.61	.61	.61	.61
14. Boneless plate (also called plate flanken or long bone flanken (boneless))	.75	.75	.75	.75
V. Shank:				
15. Shank (bone in)	.64	.64	.64	.64
16. Shank (boneless)	.87	.87	.87	.87
17. Ground beef (including skirt steak)	.88	.88	.88	.88
VI. Wholesale cuts:				
18. Rib (whole)	.84	.76	.66	.57
19. Chuck (whole)	.68	.68	.63	.57
20. Brisket (whole)	.55	.55	.47	.45
21. Plate (whole)	.42	.42	.42	.42
22. Shank (whole)	.42	.42	.42	.42

(n) *Retail ceiling prices for "Kosher" beef cuts—Zone 13S.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 13S, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.05	$0.96	$0.85	$0.72
2. 7-inch steaks or roast	1.15	1.05	.90	.77
3. Short ribs (flanken)	.58	.58	.58	.58
3A. Rib roast (boneless, rolled)				1.58
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	1.00	1.00	.93	.85
5. Blade steak (bone in)	1.00	1.00	.93	.85
6. Boneless chuck	1.28	1.28	1.19	1.08
7. English cut	1.00	1.00	.93	.85
8. Arm or chuck pot roast (bone in)	1.00	1.00	.93	.85
9. Arm or chuck steak (bone in)	1.00	1.00	.93	.85
10. Boneless neck	1.15	1.15	1.08	.99
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless; breast deckle, boneless)	1.00	1.00	.91	.86
12. Brisket (bone in, also called breast of flanken, bone in)	.85	.85	.73	.69
IV. Plate:				
13. Plate (bone in, also called plate flanken or leg bone flanken)	.58	.58	.58	.58
14. Boneless plate (also called plate flanken or long bone flanken (boneless))	.70	.70	.70	.70
V. Shank:				
15. Shank (bone in)	.62	.62	.62	.62
16. Shank (boneless)	.84	.84	.84	.84
17. Ground beef (including skirt steak)	.86	.86	.86	.86
VI. Wholesale cuts:				
18. Rib (whole)	.84	.76	.67	.57
19. Chuck (whole)	.68	.68	.63	.58
20. Brisket (whole)	.55	.55	.47	.45
21. Plate (whole)	.43	.43	.43	.43
22. Shank (whole)	.43	.43	.43	.43

(o) *Retail ceiling prices for "Kosher" beef cuts—Zone 14N.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 14N, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.06	$0.96	$0.86	$0.73
2. 7-inch steaks or roast	1.16	1.06	.91	.78
3. Short ribs (flanken)	.62	.62	.62	.62
3A. Rib roast (boneless, rolled)				1.63
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	1.04	1.04	.97	.89
5. Blade steak (bone in)	1.04	1.04	.97	.87
6. Boneless chuck	1.33	1.33	1.24	1.13
7. English cut	1.04	1.04	.97	.87
8. Arm or chuck pot roast (bone in)	1.04	1.04	.97	.87
9. Arm or chuck steak (bone in)	1.04	1.04	.97	.87
10. Boneless neck	1.18	1.18	1.11	1.02
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless; breast deckle, boneless)	1.16	1.16	.99	.93
12. Brisket (bone in, also called breast of flanken, bone in)	.91	.91	.78	.75
IV. Plate:				
13. Plate (bone in, also called plate flanken or leg bone flanken)	.62	.62	.62	.62
14. Boneless plate (also called plate flanken or long bone flanken (boneless))	.76	.76	.76	.76
V. Shank:				
15. Shank (bone in)	.65	.65	.65	.65
16. Shank (boneless)	.88	.88	.88	.88
17. Ground beef (including skirt steak)	.89	.89	.89	.89
VI. Wholesale cuts:				
18. Rib (whole)	.84	.76	.67	.58
19. Chuck (whole)	.68	.68	.64	.58
20. Brisket (whole)	.56	.56	.48	.45
21. Plate (whole)	.43	.43	.43	.43
22. Shank (whole)	.44	.44	.44	.44

(p) *Retail ceiling prices for "Kosher" beef cuts—Zone 14S.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 14S, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.06	$0.96	$0.86	$0.73
2. 7-inch steaks or roast	1.16	1.06	.91	.78
3. Short ribs (flanken)	.58	.58	.58	.58
3A. Rib roast (boneless, rolled)				1.59
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	1.01	1.01	.94	.86
5. Blade steak (bone in)	1.01	1.01	.94	.86
6. Boneless chuck	1.29	1.29	1.20	1.09
7. English cut	1.01	1.01	.94	.86
8. Arm or chuck pot roast (bone in)	1.01	1.01	.94	.86
9. Arm or chuck steak (bone in)	1.01	1.01	.94	.86
10. Boneless neck	1.17	1.17	1.10	1.01
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless; breast deckle, boneless)	1.09	1.09	.92	.87
12. Brisket (bone in, also called breast of flanken, bone in)	.86	.86	.73	.70
IV. Plate:				
13. Plate (bone in, also called plate flanken or leg bone flanken)	.58	.58	.58	.58
14. Boneless plate (also called plate flanken or long bone flanken (boneless))	.71	.71	.71	.71
V. Shank:				
15. Shank (bone in)	.63	.63	.63	.63
16. Shank (boneless)	.85	.85	.85	.85
17. Ground beef (including skirt steak)	.87	.87	.87	.87
VI. Wholesale cuts:				
18. Rib (whole)	.84	.76	.67	.58
19. Chuck (whole)	.68	.68	.64	.58
20. Brisket (whole)	.56	.56	.48	.45
21. Plate (whole)	.43	.43	.43	.43
22. Shank (whole)	.43	.43	.43	.43

(a) *Retail ceiling prices for "Kosher" beef cuts—Zone 15.*

The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 15, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.07	$0.97	$0.87	$0.74
2. 7-inch steaks or roast	1.17	1.07	.92	.79
3. Short ribs (flanken)	.59	.59	.59	.59
3A. Rib roast (boneless, rolled)				1.61
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	1.02	1.02	.95	.87
5. Blade steak (bone in)	1.02	1.02	.95	.87
6. Boneless chuck	1.31	1.31	1.22	1.11
7. English cut	1.02	1.02	.95	.87
8. Arm or chuck pot roast (bone in)	1.02	1.02	.95	.87
9. Arm or chuck steak (bone in)	1.02	1.02	.95	.87
10. Boneless neck	1.21	1.21	1.14	1.05
II. Brisket:				
11. Boneless brisket (also called breast of beef, boneless; breast deckle, boneless)	1.11	1.11	.93	.88
12. Brisket (bone in, also called breast of flanken, bone in)	.87	.87	.74	.71
IV. Plate:				
13. Plate (bone in, also called plate flanken or lee bone flanken)	.59	.59	.59	.59
14. Boneless plate (also called plate flanken or long bone flanken (boneless))	.73	.73	.73	.73
V. Shank:				
15. Shank (bone in)	.63	.63	.63	.63
16. Shank (boneless)	.86	.86	.86	.86
17. Ground beef (including skirt steak)	.87	.87	.87	.87
VI. Wholesale cuts:				
18. Rib (whole)	.82	.77	.68	.58
19. Chuck (whole)	.63	.59	.54	.50
20. Brisket (whole)	.76	.76	.48	.46
21. Plate (whole)	.44	.44	.44	.44
22. Shank (whole)	.44	.44	.44	.44

SEC. 31. *Office of Price Stabilization list of retail ceiling prices for certain "Kosher" beef variety meats and beef byproducts.*

[The following ceiling prices per pound apply in all "Kosher" stores selling "Kosher" beef variety meats and beef byproducts listed below at retail in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

	Zones								
	1	2	3	4	5	6	6A	7	8
Brains	$0.36	$0.36	$0.35	$0.35	$0.35	$0.33	$0.37	$0.35	$0.35
Heart	.61	.61	.63	.63	.63	.61	.61	.63	.63
Liver	.35	.34	.34	.34	.34	.32	.32	.34	.34
Livers	1.21	1.21	1.21	1.21	1.21	1.21	1.21	1.21	1.21
Lungs	.32	.31	.31	.30	.30	.28	.28	.31	.31
Melts	.32	.31	.31	.30	.30	.28	.28	.31	.31
Sweetbreads (neck)	.74	.74	.73	.72	.72	.70	.70	.72	.72
Sweetbreads (heart)	.36	.36	.35	.35	.34	.33	.33	.35	.35

	Zones							
	9	10	11	12	13N	13S	14N	14S	15
Brains	.62	.62	.63	.63	.61	.61	.61	.61	.65
Heart	.33	.33	.33	.33	.35	.35	.35	.35	.36
Liver	1.22	1.22	1.23	1.23	1.24	1.24	1.25	1.25	1.26
Lungs	.29	.29	.30	.30	.31	.31	.32	.32	.34
Melts	.29	.29	.30	.30	.31	.31	.32	.32	.33
Sweetbreads (neck)	.71	.71	.72	.73	.73	.73	.74	.74	.75
Sweetbreads (heart)	.34	.34	.35	.35	.36	.36	.36	.36	.37

SEC. 32. *Office of Price Stabilization list of retail ceiling prices on specially authorized sales to "Kosher" eating places or other "kosher" retailers*—(a) *Retail ceiling prices for "Kosher" beef cuts—Zone 1.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers in Zone 1, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.85	$0.77	$0.68	$0.58
2. 7-inch steaks or roast	.93	.84	.72	.60
3. Short ribs (flanken)	.42	.42	.42	.42
3A. Rib roast (boneless, rolled)				1.20
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.77	.77	.72	.66
5. Blade steak (bone in)	.77	.77	.72	.66
6. Boneless chuck	.98	.98	.91	.85
7. English cut	.77	.77	.72	.66
8. Arm or chuck steak (bone in)	.77	.77	.72	.66
9. Arm or chuck pot roast (bone in)	.77	.77	.72	.66
10. Boneless neck	.90	.90	.84	.77
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless; breast deckle, boneless)	.81	.81	.68	.64
12. Brisket (bone in, also called breast of flanken, bone in)	.66	.66	.56	.53
IV. Plate:				
13. Plate (bone in, also called plate flanken or lee bone flanken)	.42	.42	.42	.42
14. Boneless plate (also called plate flanken or long bone flanken (boneless))	.54	.54	.54	.54
V. Shank:				
15. Shank (bone in)	.48	.48	.48	.48
16. Shank (boneless)	.65	.65	.65	.65
17. Ground beef (including skirt steak)	.66	.66	.66	.66
VI. Wholesale cuts:				
18. Rib (whole)	.84	.76	.67	.58
19. Chuck (whole)	.68	.68	.64	.58
20. Brisket (whole)	.56	.56	.48	.45
21. Plate (whole)	.39	.39	.39	.39
22. Shank (whole)	.43	.43	.43	.43

(b) *Retail ceiling prices for "Kosher" beef cuts—Zone 2.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers in Zone 2, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.85	$0.77	$0.67	$0.58
2. 7-inch steaks or roast	.93	.84	.71	.59
3. Short ribs (flanken)	.41	.41	.41	.41
3A. Rib roast (boneless, rolled)				1.19
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.77	.77	.71	.65
5. Blade steak (bone in)	.77	.77	.71	.65
6. Boneless chuck	.97	.97	.93	.84
7. English cut	.77	.77	.71	.65
8. Arm or chuck pot roast (bone in)	.77	.77	.71	.65
9. Arm or chuck steak (bone in)	.77	.77	.71	.65
10. Boneless neck	.87	.87	.82	.75
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless, breast deckle, boneless)	.80	.80	.67	.63
12. Brisket (bone in) also called breast of flanken, bone in)	.65	.65	.55	.53
IV. Plate:				
13. Plate (bone in, also called plate flanken or lee bone flanken)	.41	.41	.41	.41
14. Boneless plate (also called plate flanken or long bone flanken (boneless))	.50	.50	.50	.50
V. Shank:				
15. Shank (bone in)	.47	.47	.47	.47
16. Shank (boneless)	.64	.64	.64	.64
17. Ground beef (including skirt steak)	.62	.62	.62	.62
VI. Wholesale Cuts:				
18. Rib (whole)	.84	.76	.66	.57
19. Chuck (whole)	.68	.68	.63	.57
20. Brisket (whole)	.55	.55	.47	.45
21. Plate (whole)	.38	.38	.38	.38
22. Shank (whole)	.42	.42	.42	.42

(c) *Retail ceiling prices for "Kosher" beef cuts—Zone 3.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers in Zone 3, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.85	$0.76	$0.67	$0.58
2. 7-inch steaks or roast	.93	.82	.71	.59
3. Short ribs (flanken)	.41	.41	.41	.41
3A. Rib roast (boneless, rolled)				1.19
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.76	.76	.71	.65
5. Blade steak (bone in)	.76	.76	.71	.65
6. Boneless chuck	.96	.96	.93	.84
7. English cut	.76	.76	.71	.65
8. Arm or chuck pot roast (bone in)	.76	.76	.71	.65
9. Arm or chuck steak (bone in)	.76	.76	.71	.65
10. Boneless neck	.87	.87	.81	.74
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless; breast deckle, boneless)	.80	.80	.66	.63
12. Brisket (bone in) (also called breast of flanken, bone in)	.65	.65	.55	.52
IV. Plate:				
13. Plate (bone in) (also called plate flanken or lee bone flanken)	.41	.41	.41	.41
14. Boneless plate (also called plate flanken or long bone flanken (boneless))	.50	.50	.50	.50
V. Shank:				
15. Shank (bone in)	.47	.47	.47	.47
16. Shank (boneless)	.64	.64	.64	.64
17. Ground beef (including skirt steak)	.62	.62	.62	.62
VI. Wholesale cuts:				
18. Rib (whole)	.83	.75	.66	.57
19. Chuck (whole)	.68	.68	.63	.57
20. Brisket (whole)	.55	.55	.47	.45
21. Plate (whole)	.38	.38	.38	.38
22. Shank (whole)	.42	.42	.42	.42

(d) *Retail ceiling prices for "Kosher" beef cuts—Zone 4.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers in Zone 4, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.84	$0.76	$0.67	$0.57
2. 7-inch steaks or roast	.92	.82	.70	.59
3. Short ribs (flanken)	.41	.41	.41	.41
3A. Rib roast (boneless rolled)				1.18
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.76	.76	.70	.64
5. Blade steak (bone in)	.76	.76	.70	.64
6. Boneless chuck	.95	.95	.92	.83
7. English cut	.76	.76	.70	.64
8. Arm or chuck pot roast (bone in)	.76	.76	.70	.64
9. Arm or chuck steak (bone in)	.75	.75	.70	.64
10. Boneless neck	.85	.85	.79	.72
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless; breast deckle, boneless)	.79	.79	.66	.62
12. Brisket (bone in, also called breast of flanken, bone in)	.64	.64	.55	.52
IV. Plate:				
13. Plate (bone in) (also called plate flanken or lee bone flanken)	.41	.41	.41	.41
14. Boneless plate (also called plate flanken or long bone flanken (boneless))	.49	.49	.49	.49
V. Shank:				
15. Shank (bone in)	.47	.47	.47	.47
16. Shank (boneless)	.63	.63	.63	.63
17. Ground beef (including skirt steak)	.61	.61	.61	.61
VI. Wholesale cuts:				
18. Rib (whole)	.83	.75	.66	.56
19. Chuck (whole)	.67	.67	.62	.57
20. Brisket (whole)	.54	.54	.46	.44
21. Plate (whole)	.38	.38	.38	.38
22. Shank (whole)	.42	.42	.42	.42

(e) *Retail ceiling prices for "Kosher" beef cuts—Zone 5.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers in Zone 5, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.84	$0.76	$0.65	$0.57
2. 7-inch steaks or roast	.92	.82	.70	.58
3. Short ribs (flanken)	.40	.40	.40	.40
3A. Rib roast (boneless rolled)				1.17
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.75	.75	.70	.64
5. Blade steak (bone in)	.75	.75	.70	.64
6. Boneless chuck	.95	.95	.91	.82
7. English cut	.75	.75	.70	.64
8. Arm or chuck pot roast (bone in)	.75	.75	.70	.64
9. Arm or chuck steak (bone in)	.75	.75	.70	.64
10. Boneless neck	.84	.84	.78	.72
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless; breast deckle, boneless)	.79	.79	.66	.62
12. Brisket (bone in) (also called breast of flanken bone in)	.64	.64	.55	.52
IV. Plate:				
13. Plate (bone in) (also called plate flanken or lee bone flanken)	.40	.40	.40	.40
14. Boneless plate (also called plate flanken or long bone flanken (Boneless))	.49	.49	.49	.49
V. Shank:				
15. Shank (bone in)	.47	.47	.47	.47
16. Shank (boneless)	.63	.63	.63	.63
17. Ground beef (including skirt steak)	.61	.61	.61	.61
VI. Wholesale cuts:				
18. Rib (whole)	.83	.75	.66	.56
19. Chuck (whole)	.67	.67	.62	.57
20. Brisket (whole)	.54	.54	.46	.44
21. Plate (whole)	.38	.38	.38	.38
22. Shank (whole)	.42	.42	.42	.42

(f) *Retail ceiling prices for "Kosher" beef cuts—Zones 6 and 6a.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers in Zones 6 and 6A, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.83	$0.74	$0.65	$0.56
2. 7-inch steaks or roast	.90	.80	.68	.57
3. Short ribs (flanken)	.39	.39	.39	.39
3A. Rib roast (boneless, rolled)				1.15
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.73	.73	.68	.62
5. Blade steak (bone in)	.73	.73	.68	.62
6. Boneless chuck	.92	.92	.86	.80
7. English cut	.73	.73	.68	.62
8. Arm or chuck pot roast (bone in)	.73	.73	.68	.62
9. Arm or chuck steak (bone in)	.73	.73	.68	.62
10. Boneless neck	.78	.78	.74	.66
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless, breast deckle, boneless)	.77	.77	.63	.59
12. Brisket (bone in, also called breast of flanken, bone in)	.61	.61	.53	.50
IV. Plate:				
13. Plate (bone in) (also called plate flanken or lee bone flanken)	.39	.39	.39	.39
14. Boneless plate (also called plate flanken or long bone flanken)	.47	.47	.47	.47
V. Shank:				
15. Shank (bone in)	.45	.45	.45	.45
16. Shank (boneless)	.61	.61	.61	.61
17. Ground beef (including skirt steak)	.60	.60	.60	.60
VI. Wholesale cuts:				
18. Rib (whole)	.81	.73	.64	.55
19. Chuck (whole)	.66	.66	.61	.55
20. Brisket (whole)	.53	.53	.45	.44
21. Plate (whole)	.36	.36	.36	.36
22. Shank (whole)	.40	.40	.40	.40

(g) *Retail ceiling prices for "Kosher" beef cuts—Zone 7.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers in Zone 7, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.84	$0.76	$0.67	$0.57
2. 7-inch steaks or roast	.92	.82	.70	.59
3. Short ribs (flanken)	.41	.41	.41	.41
3A. Rib roast (boneless rolled)				1.18
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.76	.76	.71	.64
5. Blade steak (bone in)	.76	.76	.71	.64
6. Boneless chuck	.96	.96	.90	.84
7. English cut	.76	.76	.71	.64
8. Arm or chuck pot roast (bone in)	.76	.76	.71	.64
9. Arm or chuck steak (bone in)	.76	.76	.71	.64
10. Boneless neck	.86	.86	.80	.74
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless; breast deckle, boneless)	.80	.80	.66	.62
12. Brisket (bone in) (also called breast of flanken, bone in)	.65	.65	.55	.52
IV. Plate:				
13. Plate (bone in) (also called plate flanken or leg bone flanken)	.41	.41	.41	.41
14. Boneless plate (also called plate flanken or long bone flanken, boneless)	.50	.50	.50	.50
V. Shank:				
15. Shank (bone in)	.47	.47	.47	.47
16. Shank (boneless)	.64	.64	.64	.64
17. Ground beef (including skirt steak)	.62	.62	.62	.62
VI. Wholesale cuts:				
18. Rib (whole)	.83	.75	.66	.57
19. Chuck (whole)	.67	.67	.64	.57
20. Brisket (whole)	.55	.55	.47	.41
21. Plate (whole)	.38	.38	.38	.38
22. Shank (whole)	.42	.42	.42	.42

(h) *Retail ceiling prices for "Kosher" beef cuts—Zone 8.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating place and other retailers in Zone 8, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.84	$0.76	$0.67	$0.57
2. 7-inch steaks or roast	.92	.82	.70	.59
3. Short ribs (flanken)	.41	.41	.41	.41
3A. Rib roast (boneless rolled)				1.18
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.76	.76	.71	.64
5. Blade steak (bone in)	.76	.76	.71	.64
6. Boneless chuck	.96	.96	.90	.84
7. English cut	.76	.76	.71	.64
8. Arm or chuck pot roast (bone in)	.76	.76	.71	.64
9. Arm or chuck steak (bone in)	.76	.76	.71	.64
10. Boneless neck	.86	.86	.80	.74
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless; breast deckle, boneless)	.80	.80	.66	.62
12. Brisket (bone in) (also called breast of flanken, bone in)	.65	.65	.55	.52
IV. Plate:				
13. Plate (bone in) (also called plate flanken or leg bone flanken)	.41	.41	.41	.41
14. Boneless plate (also called plate flanken or long bone flanken, boneless)	.50	.50	.50	.50
V. Shank:				
15. Shank (bone in)	.47	.47	.47	.47
16. Shank (boneless)	.64	.64	.64	.64
17. Ground beef (including skirt steak)	.62	.62	.62	.62
VI. Wholesale cuts:				
18. Rib (whole)	.83	.75	.66	.57
19. Chuck (whole)	.67	.67	.64	.57
20. Brisket (whole)	.55	.55	.47	.41
21. Plate (whole)	.38	.38	.38	.38
22. Shank (whole)	.42	.42	.42	.42

(i) *Retail ceiling prices for "Kosher" beef cuts—Zone 9.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers in Zone 9, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.83	$0.75	$0.66	$0.57
2. 7-inch steaks or roast	.91	.81	.69	.58
3. Short ribs (flanken)	.40	.40	.40	.40
3A. Rib roast (boneless rolled)				1.16
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.75	.75	.69	.63
5. Blade steak (bone in)	.75	.75	.69	.63
6. Boneless chuck	.91	.91	.88	.81
7. English cut	.75	.75	.69	.63
8. Arm or chuck pot roast (bone in)	.75	.75	.69	.63
9. Arm or chuck steak (bone in)	.75	.75	.69	.63
10. Boneless neck	.82	.82	.76	.69
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless; breast deckle, boneless)	.78	.78	.65	.61
12. Brisket (bone in) (also called breast of flanken, bone in)	.64	.64	.54	.51
IV. Plate:				
13. Plate (bone in) (also called plate flanken or leg bone flanken)	.40	.40	.40	.40
14. Boneless plate (also called plate flanken or long bone flanken, boneless)	.48	.48	.48	.48
V. Shank:				
15. Shank (bone in)	.46	.46	.46	.46
16. Shank (boneless)	.62	.62	.62	.62
17. Ground beef (including skirt steak)	.61	.61	.61	.61
VI. Wholesale cuts:				
18. Rib (whole)	.82	.74	.65	.56
19. Chuck (whole)	.66	.66	.62	.55
20. Brisket (whole)	.54	.54	.46	.40
21. Plate (whole)	.37	.37	.37	.37
22. Shank (whole)	.41	.41	.41	.41

(j) *Retail ceiling prices for "Kosher" beef cuts—Zone 10.*

The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers in Zone 10, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.83	$0.75	$0.66	$0.57
2. 7-inch steaks or roast	.91	.81	.69	.58
3. Short ribs (flanken)	.40	.40	.40	.40
3A. Rib roast (boneless rolled)				1.16
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.75	.75	.69	.63
5. Blade steak (bone in)	.75	.75	.69	.63
6. Boneless chuck	.91	.91	.88	.81
7. English cut	.75	.75	.69	.63
8. Arm or chuck pot roast (bone in)	.75	.75	.69	.63
9. Arm or chuck steak (bone in)	.75	.75	.69	.63
10. Boneless neck	.82	.82	.76	.69
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless; breast deckle, boneless)	.78	.78	.65	.61
12. Brisket (bone in) (also called breast of flanken, bone in)	.64	.64	.54	.51
IV. Plate:				
13. Plate (bone in) (also called plate flanken or leg bone flanken)	.40	.40	.40	.40
14. Boneless plate (also called plate flanken or long bone flanken, boneless)	.48	.48	.48	.48
V. Shank:				
15. Shank (bone in)	.46	.46	.46	.46
16. Shank (boneless)	.62	.62	.62	.62
17. Ground beef (including skirt steak)	.61	.61	.61	.61
VI. Wholesale cuts:				
18. Rib (whole)	.82	.74	.65	.56
19. Chuck (whole)	.66	.66	.62	.56
20. Brisket (whole)	.54	.54	.46	.40
21. Plate (whole)	.37	.37	.37	.37
22. Shank (whole)	.41	.41	.41	.41

(k) *Retail ceiling prices for "Kosher" beef cuts—Zone 11.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers in Zone 11, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.84	$0.76	$0.66	$0.57
2. 7-inch steaks or roast	.92	.82	.70	.58
3. Short ribs (flanken)	.40	.40	.40	.40
3A. Rib roast (boneless, rolled)				1.17
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.75	.75	.70	.64
5. Blade steak (bone in)	.75	.75	.70	.64
6. Boneless chuck	.93	.93	.89	.82
7. English cut	.75	.75	.70	.64
8. Arm or chuck pot roast (bone in)	.75	.75	.70	.64
9. Arm or chuck steak (bone in)	.75	.75	.70	.64
10. Boneless neck	.84	.84	.78	.71
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless; breast deckle, boneless)	.79	.79	.65	.62
12. Brisket (bone in), (also called breast of flanken, bone in)	.64	.64	.54	.52
IV. Plate:				
13. Plate (bone in), (also called plate flanken or leg bone flanken)	.40	.40	.40	.40
14. Boneless plate (also called plate flanken or long boae flanken (boneless))	.49	.49	.49	.49
V. Shank:				
15. Shank (bone in)	.46	.46	.46	.46
16. Shank (boneless)	.63	.63	.63	.63
17. Ground beef (including skirt steak)	.61	.61	.61	.61
VI. Wholesale cuts:				
18. Rib (whole)	.83	.75	.66	.56
19. Chuck (whole)	.67	.67	.62	.57
20. Brisket (whole)	.54	.54	.46	.41
21. Plate (whole)	.38	.38	.38	.38
22. Shank (whole)	.42	.42	.42	.42

(l) *Retail ceiling prices for "Kosher" beef cuts—Zone 12.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers in Zone 12, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.84	$0.76	$0.67	$0.58
2. 7-inch steaks or roast	.92	.82	.71	.60
3. Short ribs (flanken)	.41	.41	.41	.41
3A. Rib roast (boneless, rolled)				1.18
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in, chuck roast, bone in)	.76	.76	.71	.64
5. Blade steak (bone in)	.76	.76	.71	.64
6. Boneless chuck	.96	.96	.90	.84
7. English cut	.76	.76	.71	.64
8. Arm or chuck pot roast (bone in)	.76	.76	.71	.64
9. Arm or chuck steak (bone in)	.76	.76	.71	.64
10. Boneless neck	.86	.86	.81	.74
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless, breast deckle, boneless)	.80	.80	.66	.62
12. Brisket (bone in) (also called breast of flanken bone in)	.65	.65	.56	.52
IV. Plate:				
13. Plate (bone in) (also called plate flanken or leg bone flanken)	.41	.41	.41	.41
14. Boneless plate (also called plate flanken or long bone flanken (boneless))	.50	.50	.50	.50
V. Shank:				
15. Shank (bone in)	.47	.47	.47	.47
16. Shank (boneless)	.64	.64	.64	.64
17. Ground beef (including skirt steak)	.62	.62	.62	.62
VI. Wholesale cuts:				
18. Rib (whole)	.83	.75	.66	.57
19. Chuck (whole)	.67	.67	.64	.57
20. Brisket (whole)	.55	.55	.47	.41
21. Plate (whole)	.38	.38	.38	.38
22. Shank (whole)	.42	.42	.42	.42

(m) *Retail ceiling prices for "Kosher" beef cuts—Zone 13N.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating place and other retailers in Zone 13N, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.85	$0.77	$0.67	$0.58
2. 7-inch steaks or roast	.91	.83	.71	.59
3. Short ribs (flanken)	.42	.42	.42	.42
3A. Rib roast (boneless, rolled)				1.19
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in chuck roast, bone in)	.80	.80	.75	.68
5. Blade steak (bone in)	.80	.80	.75	.68
6. Boneless chuck	1.01	1.01	.91	.84
7. English cut	.80	.80	.75	.68
8. Arm or chuck pot roast (bone in)	.80	.80	.75	.68
9. Arm or chuck steak (bone in)	.80	.80	.75	.68
10. Boneless neck	.96	.96	.91	.84
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless, breast deckle, boneless)	.87	.87	.74	.70
12. Brisket (bone in, also called breast of flanken bone in)	.70	.70	.60	.58
IV. Plate:				
13. Plate (bone in, also called plate flanken or leg bone flanken)	.42	.42	.42	.42
14 Boneless plate (also called plate flanken or long bone flanken, boneless)	.50	.50	.50	.50
V. Shank:				
15. Shank (bone in)	.50	.50	.50	.50
16. Shank (boneless)	.67	.67	.67	.67
17. Ground beef (including skirt steak)	.64	.64	.64	.64
VI. Wholesale cuts:				
18. Rib (whole)	.81	.76	.66	.57
19. Chuck (whole)	.68	.68	.63	.57
20. Brisket (whole)	.55	.55	.47	.43
21. Plate (whole)	.38	.38	.38	.38
22. Shank (whole)	.42	.42	.42	.42

(n) *Retail ceiling prices for "Kosher" beef cuts—Zone 13S.*

The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers in Zone 13S, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.85	$0.77	$0.67	$0.58
2. 7-inch steaks or roast	.91	.83	.71	.60
3. Short ribs (flanken)	.42	.42	.42	.42
3A. Rib roast (boneless, rolled)				1.19
II. Chuck:				
4. Blade pot roast (also called shoulder pot roast, bone in, chuck roast, bone in)	.77	.77	.72	.65
5. Blade steak (bone in)	.77	.77	.72	.65
6. Boneless chuck	.97	.97	.91	.84
7. English cut	.77	.77	.72	.65
8. Arm or chuck pot roast (bone in)	.77	.77	.72	.65
9. Arm or chuck steak (bone in)	.77	.77	.72	.65
10. Boneless neck	.88	.88	.83	.76
III. Brisket:				
11. Boneless brisket (also called breast of beef, boneless; breast deckle, boneless)	.81	.81	.67	.63
12. Brisket (bone in) (also called breast of flanken bone in)	.66	.66	.56	.53
IV. Plate:				
13. Plate (bone in) (also called plate flanken or leg bone flanken)	.42	.42	.42	.42
14. Boneless plate (also called plate flanken or long bone flanken (boneless))	.51	.51	.51	.51
V. Shank:				
15. Shank (bone in)	.48	.48	.48	.48
16. Shank (boneless)	.61	.61	.61	.61
17. Ground beef (including skirt steak)	.62	.62	.62	.62
VI. Wholesale cuts:				
18. Rib (whole)	.81	.76	.67	.57
19. Chuck (whole)	.68	.68	.63	.58
20. Brisket (whole)	.55	.55	.47	.43
21. Plate (whole)	.38	.38	.38	.38
22. Shank (whole)	.42	.42	.42	.42

(q) *Retail ceiling prices for "Kosher" beef cuts—Zone 15.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to selling places and other retailers in Zone 15, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades		
	Choice	Good	Utility
I. Rib:			
1. Ribeye steaks or roast	$0.95	$0.78	$0.59
2. Small end steaks or roast	.91	.74	.56
3. Short ribs (English)	.43	.43	1.29
3A. Rib roast (boneless, rolled)	1.29	1.22	
II. Chuck:			
4. Blade pot roast (also called shoulder pot roast, lone in, chuck roast, bone in)	.75	.75	.75
5. Blade steak (bone in)	.75	.75	.75
6. Boneless chuck	.75	.75	.75
7. Arm pot roast (pot roast chuck, bone in)	.75	.75	.75
8. Arm or chuck steak (bone in)	.75	.75	.75
9. Boneless neck	.75	.75	.75
10. Brisket (boneless brisket (also called breast of beef, boneless breast double)	.87	.87	.87
III. Brisket:			
11. Boneless brisket (also called breast of beef, boneless breast double)	.87	.87	.87
12. Brisket (bone in) (also called breast of chuck, bone in)	.67	.67	.67
IV. Plate:			
13. Plate (bone in) (also called plate flank or the Navel Pieces)	.43	.43	.43
14. Boneless plate (also called plate flank or the Navel Pieces, Boneless)	.52	.52	.52
V. Shank:			
15. Shank (bone in)	.63	.63	.63
16. Shank (boneless)	.63	.63	.63
VI. Whole carcass:			
17. Forequarter (including short loin)	.57	.57	.57
18. Loin (whole)	.65	.65	.65
19. Chuck (whole)	.46	.46	.46
20. Rib (whole)	.44	.44	.44
21. Round (whole)	.44	.44	.44
22. Shank (whole)	.44	.44	.44

(p) *Retail ceiling prices for "Kosher" beef cuts—Zone 14N.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to retail purchasers and other retailers in Zone 14N, in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

Beef	Grades		
	Choice	Good	Utility
I. Rib:			
1. Ribeye steaks or roast	$0.92	$0.75	$0.56
2. Small end steaks or roast	.88	.71	.53
3. Short ribs (English)	.40	.40	1.26
3A. Rib roast (boneless, rolled)	1.26	1.19	
II. Chuck:			
4. Blade pot roast (also called shoulder pot roast, lone in, chuck roast, bone in)	.72	.72	.72
5. Blade steak (bone in)	.72	.72	.72
6. Boneless chuck	.72	.72	.72
7. Arm pot roast (pot roast chuck, bone in)	.72	.72	.72
8. Arm or chuck steak (bone in)	.72	.72	.72
9. Boneless neck	.72	.72	.72
10. Brisket (boneless brisket (also called breast of beef, boneless breast double)	.84	.84	.84
III. Brisket:			
11. Boneless brisket (also called breast of beef, boneless breast double)	.84	.84	.84
12. Brisket (bone in) (also called breast of chuck, bone in)	.64	.64	.64
IV. Plate:			
13. Plate (bone in) (also called plate flank or the Navel Pieces)	.40	.40	.40
14. Boneless plate (also called plate flank or the Navel Pieces, Boneless)	.49	.49	.49
V. Shank:			
15. Shank (bone in)	.60	.60	.60
16. Shank (boneless)	.60	.60	.60
VI. Whole carcass:			
17. Forequarter (including short loin)	.54	.54	.54
18. Loin (whole)	.62	.62	.62
19. Chuck (whole)	.43	.43	.43
20. Rib (whole)	.41	.41	.41
21. Round (whole)	.41	.41	.41
22. Shank (whole)	.41	.41	.41

(r) *Retail ceiling prices for "Kosher" beef variety meats and "Kosher" beef byproducts.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef variety meats and "Kosher" beef byproducts listed below to retail purchasers and other retailers in accordance with Ceiling Price Regulation No. 26, effective May 14, 1951]

	Zones															
	1	2	3	4	5	6	6A	7	8	9	10	11	12	13N	13S	14N	14S	15
Brains	$0.29	$0.29	$0.29	$0.29	$0.29	$0.29	$0.29	$0.29	$0.29	$0.29	$0.29	$0.29	$0.29	$0.29	$0.29	$0.29	$0.29	$0.29
Heart	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39
Kidneys	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29
Liver	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39
Udder	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29
Spleen (pork, lamb, veal)	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29
Sweetbreads (lamb)	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39
Tongues	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39	.39
Tripe	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29
Veal (dressed)	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29	.29

ARTICLE IV—GENERAL DEFINITIONS

SEC. 40. *General Definitions.* When used in this regulation, the term:

(a) *Beef* means meat graded as beef pursuant to the provisions of OPS Distribution Regulation 2 and in accordance with the "Official U. S. Standards for Grades of Carcass Beef" of the United States Department of Agriculture.

(b) *Consumer* means an individual who purchases for off-the-store consumption by himself or his family.

(c) *Eating place* means any restaurant, hotel, cafe, cafeteria, hospital, or other establishment which purchases meat and serves meals, food portions, or refreshments.

(d) *Grade* and *grade mark* mean, respectively, the uniform grades and grade marks required by OPS Distribution Regulation 2.

(e) *Kosher* means an edible product that is derived from livestock slaughtered, approved and stamped as kosher under rabinnical supervision and sold after preparation according to Jewish dietary law.

(f) *Kosher beef cut* means any wholesale kosher beef cut listed in appendix 3 and any retail kosher beef cut listed in appendix 4.

(g) *Meat* means each and every edible product that is derived from cattle, sheep, lambs, and swine, whether or not such product is specified herein, including sausage and kosher meat, but not sterile canned meat.

(h) *OPS* means the Office of Price Stabilization.

(i) *Retail* means a sale to a consumer.

(j) *Retailer* means a person who sells to consumers.

(k) *Store* means a place where meat is sold at retail.

(l) *You* indicates the person subject to this regulation, including any individual, corporation, partnership, association, or any other organized group of persons, or the legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any government, or any of its political subdivisions, or any agency of any of the foregoing: *Provided*, That no punishment provided for in this regulation shall apply to the United States or to any such government, political subdivisions or agency.

Effective date. This regulation shall become effective on May 14, 1951. You may, however, adopt all of the provisions of this regulation at any time before the effective date.

NOTE: The record-keeping and reporting provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.
APRIL 30, 1951.

APPENDIX 1—ZONE DEFINITIONS

(a) *Zone 1.* Zone 1 means the following area: The entire states of Washington, Oregon, California, Nevada, Idaho; all that portion of Montana west of and including the counties Flathead, Lewis and Clark, Broadwater, and Gallatin.

(b) *Zone 2.* Zone 2 means the following area: The entire states of Arizona and Utah.

(c) *Zone 3.* Zone 3 means the following area: All that portion of Montana east of and including the counties of Glacier, Pondera, Teton, Cascade, Meagher and Park.

(d) *Zone 4.* Zone 4 means the following area: All that portion of Colorado west of and including the counties of Larimer, Boulder, Jefferson, Teller, Fremont, Custer, Huerfano, Las Animas, and Baca.

(e) *Zone 5.* Zone 5 means the following area: The entire states of North Dakota and Oklahoma; all that portion of Minnesota north of and including the counties of Wilkin, Otter Tail, Wadena, Cass, Crow Wing, Aitkin, Carlton, St. Louis, Lake and Cook; the entire state of Wyoming except the counties Platte, Goshen and Laramie.

(f) *Zone 6.* Zone 6 means the following area: All that portion of South Dakota north and west of and including the counties of Gregory, Brule, Buffalo, Hyde, Potter, Edmunds, Brown, Day and Grant; all that portion of Minnesota south of and including the counties of Traverse, Grant, Douglas, Todd, Morrison, Mille Lacs, Kanabec and Pine; all that portion of Wisconsin north and west of and including the counties Polk, Barron, Rusk, Taylor, Price and Iron; all that portion of Nebraska west of and including the counties of Keya Paha, Rock, Loup, Custer, Dawson, Phelps and Harlan; all that portion of Kansas west and south of and including the counties of Phillips, Rooks, Ellis, Barton, Ellsworth, Saline, Dickinson, Morris, Lyon, Osage, Franklin, Miami; all that portion of Missouri south of and including the counties of Cass, Johnson, Pettis, Cooper, Moniteau, Cole, Callaway, Montgomery and Lincoln with the exception of St. Louis county.

(g) *Zone 6A.* Zone 6A means the following area: All that portion of South Dakota south and east of and including the counties of Charles Mix, Aurora, Jerauld, Hand, Faulk, Spink, Clark, Codington and Deuel; all that portion of Minnesota south of and including the counties of Lac Qui Parle, Chippewa, Renville, McLeod, Wright, Hennepin, Ramsey and Washington; all that portion of Wisconsin south and west of and including the counties of St. Croix, Dunn, Chippewa, Clark, Jackson, Monroe, Vernon and Crawford; all that portion of Nebraska east of and including the counties of Boyd, Holt, Garfield, Valley, Sherman, Buffalo, Kearney and Franklin; all of that portion of Kansas east and north of and including the counties of Smith, Osborne, Russell, Lincoln, Ottawa, Clay, Geary, Wabaunsee, Shawnee, Douglas and Johnson; all that portion of Missouri north of and including the counties of Jackson, Lafayette, Saline, Howard, Boone, Audrain and Pike; the entire state of Iowa.

(h) *Zone 7.* Zone 7 means the following area: The entire states of Arkansas, Texas and New Mexico.

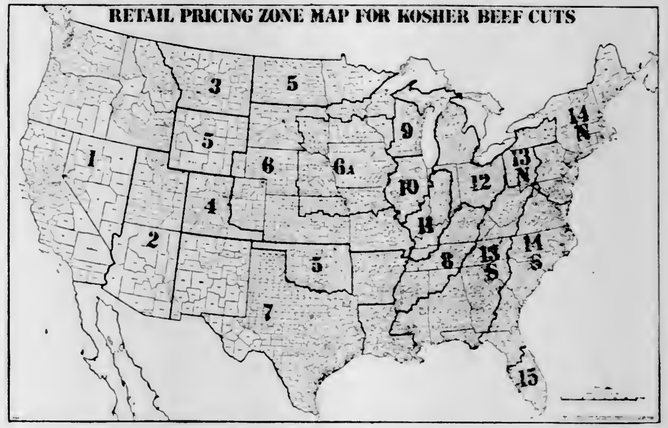
(i) *Zone 8.* Zone 8 means the following area: The entire state of Louisiana; all that portion of Kentucky east of and including the counties of Hardin, Grayson, Butler, and Logan, and all that portion west of and including the counties of Greenup, Carter, Elliott, Morgan, Wolfe, Lee, Owsley, Clay, Knox and Whitley; all that portion of Tennessee east and south of and including the counties of Lauderdale, Haywood, Madison, Henderson, Decatur, Humphreys, Dickson, Cheat and Robinson, and all that portion west of and including the counties of Campbell, Scott, Morgan, Cumberland, Bledsoe, Sequatchie and Marion; all that portion of Alabama north of and including the counties of Lamar, Fayette, Walker, Cullman, Morgan, Madison and Jackson; and all that portion of Mississippi north of and including the counties of Issaquena, Yazoo, Madison, Attala, Choctaw, Oktibbeha and Lowndes.

(j) *Zone 9.* Zone 9 means the following area: All that portion of Wisconsin east of and including the counties of Vilas, Oneida, Lincoln, Marathon, Wood, Juneau, Sauk, Richland and Grant.

(k) *Zone 10.* Zone 10 means the following area: All that portion of Missouri in the county of St. Louis (only); all that portion of Illinois north of and including the counties of Monroe, St. Clair, Madison, Bond, Fayette, Effingham, Shelby, Coles, Douglas and Vermilion; all that portion of Indiana including the counties of Lake, Newton, Porter and Benton.

(l) *Zone 11.* Zone 11 means the following area: All that portion of Illinois south of and including the counties of Randolph, Washington, Clinton, Marion, Clay, Jasper, Cumber, Clark and Edgar; all that portion of Indiana south and west of and including the counties of Jasper, Starke, Marshall, Kosciusko, Whitley, Huntington, Grant, Madison, Hancock, Shelby, Bartholomew, Jackson, Washington and Harrison; all that portion of Kentucky west of and including the counties of Meade, Breck, Ohio, Muhlenberg and Todd; all that portion of Tennessee west and north of and including the counties of Montgomery, Houston, Benton, Carroll, Gibson, Crockett and Dyer.

APPENDIX 2—RETAIL PRICING ZONE MAP FOR KOSHER BEEF CUTS



(m) *Zone 12.* Zone 12 means the following area: The entire states of Michigan and Ohio; all that portion of Indiana north and east of and including the counties of La Porte, St. Joseph, Elkhart, Noble, Allen, Wells, Blackford, Delaware, Henry, Rush, Decatur, Jennings, Scott, Clark and Floyd.

(n) *Zone 13N.* Zone 13N means the following area: All that portion of New York west of and including the counties of Oswego, Oneida, Madison, Chenango and Broom; all that portion of Pennsylvania west of and including the counties of Potter, Clinton, Centre, Huntington and Fulton.

(o) *Zone 13S.* Zone 13S means the following area: The entire state of West Virginia; all that portion of Virginia west of and including the counties of Highland, Bath, Alleghany, Craig, Montgomery, Floyd and Carroll; all that portion of Kentucky east of and including the counties of Boyd, Lawrence, Johnson, Magoffin, Breathitt, Perry, Leslie and Bell; all that portion of Tennessee east of and including the counties of Claiborne, Union, Anderson, Roane, Rhea, and Hamilton; all that portion of North Carolina west of and including the counties of Alleghany, Wilkes, Alexandria, Burke and Cleveland; all that portion of South Carolina west of and including the counties of Cherokee, Union, Newberry, Saluda and Edgefield; all that portion of Georgia west of and including the counties of Columbia, McDuffie, Glascock, Washington, Johnson, Laurens, Dodge, Wilcox, Ben Hill, Irwin, Tift, Colquitt and Thomas; all that portion of Alabama south of and including the counties of Pickens, Tuscaloosa, Jefferson, Blount, Marshall and DeKalb; all that portion of Mississippi south of and including the counties of Warren, Hinds, Rankin, Scott, Leake, Winston, Noxbee, all that portion of Florida west of and including the counties of Gadsen Liberty and Franklin.

(p) *Zone 14N.* Zone 14N means the following area: The entire states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Delaware, Maryland and New Jersey; all that portion of New York east of and including the counties of Jefferson, Lewis, Herkimer, Otsego and Delaware; all that portion of Pennsylvania east of and including the counties of Tioga, Lycoming, Union, Mifflin, Juaniata and Franklin; that portion of Virginia included in the following counties: Loudon, Fairfax and Arlington; and the District of Columbia.

(q) *Zone 14S.* Zone 14S means the following area: All that portion of Virginia east of and including the counties of Frederick, Shenandoah, Rockingham, Augusta, Rockbridge, Botetourt, Roanoke, Franklin and Patrick, except the counties of Fairfax, Loudon and Arlington; all that portion of North Carolina east of and including the counties of Surry, Yadkin, Iredell, Catawba, Lincoln and Gaston; all that portion of South Carolina east of and including the counties of York, Chester, Fairfield, Lexington and Aikin; all that portion of Georgia east of and including the counties of Richmond, Jefferson, Emanuel, Treutlen, Wheeler, Telfair Coffee, Berrien, Cook, and Brooks; all that portion of Florida east of and including the counties of Leon and Wakulla and that portion north of and including the counties of Pasco, Sumter, Lake, Putnam and Flagler.

(r) *Zone 15.* Zone 15 means the following area: All that portion of Florida south of and including the counties of Pinellas, Hillsborough, Polk, Orange, Seminole and Volusia.

Appendix 3—Wholesale Kosher Beef Cut Definitions

When used in this regulation the term *wholesale kosher beef cut* means and is limited to any of the following, excluding the hindquarter, derived from the beef carcass, but excluding the offal and any item not included herein. Each cut shall be derived from beef slaughtered, approved and stamped as kosher under rabbinical supervision and shall be sold after preparation according to Jewish dietary law. (All measurements prescribed herein shall be made with a rigid straight ruler. All cuts shall be made according to the definite guides and measurements specified. Ribs are designated as 1st to 13th, inclusive, counting as the 1st rib that one which is nearest the neck end of the side). You must cut the beef carcasses, side, quarter or combination cut of beef into the following cuts before you make the standard kosher retail cuts.

(a) *Hindquarter* means the posterior portion of the side remaining after the severance of the 12-rib forequarter from the side, and comprising the round, full loin including the 13th rib, flank, kidney and hanging tender all in one piece, which posterior portion shall be obtained by cutting the beef side between the 12th and 13th ribs, keeping the knife firmly against the 12th rib while cutting down the length of the rib to the point at the end of the rib where the rib joins the rib (costal) cartilage, from which point passing through the cartilage and meat of the flank and short plate in the same straight line, completing the cut.

(b) *Forequarter* means the anterior portion of the side remaining after the severance of the 1-rib hindquarter from the side and comprises the rib, regular chuck, brisket, short plate and fore-shank, all in one piece, which anterior portion contains the first to the twelfth ribs, inclusive. No heart (mediastinal) fat or neck sweetbreads and not more than ½ inch of the fibrous part (centrum tendineum) of the skirt (diaphragm) shall appear in the forequarter and otherwise it shall be dressed in accordance with the specifications applicable to "beef carcass" as set forth in Ceiling Price Regulation 24.

(c) *Cross cut chuck* means the portion of the forequarter remaining after the severance of the rib and short plate from the forequarter, and comprising the regular chuck, brisket, and foreshank all in one piece, which portion shall be obtained by cutting through the forequarter in a straight line between the 5th and 6th ribs, keeping the knife firmly against the 5th rib while cutting to the point where the 5th rib joins the rib (costal) cartilage, at which point the cut shall continue in the same straight line through the cartilage, the breast bone (sternum) and the meat of the brisket and short plate to complete the severance. The cross cut chuck shall contain five (5) ribs (1st to 5th, inclusive).

(d) *Regular chuck* means the portion of the cross cut chuck remaining after the severance of the foreshank and brisket from the cross cut chuck, and containing most of the blade bone (scapula), part of the (humerus) arm bone, parts of the five ribs (1st to 5th, inclusive), that section of the back bone attached to the ribs, and the neck bone (cervical vertebrae from 1 to 7, inclusive), which portion shall be obtained by a cut through the cross cut chuck made in a straight line perpendicular to the contour of the outside or skin surface of the cross cut chuck (thereby separating the brisket and foreshank from the cross cut chuck) starting at a fixed point on the inside of the 5th rib determined by measuring off ten (10) inches along the 5th rib in a straight line from the center of the protruding edge of the 5th thoracic vertebra, continuing in the same straight line to the tip of the forward end of the breast bone (forward end of 1st segment of sternum), and passing through the (humerus) arm bone in the same straight line to complete the cut.

NOTE: The 10-inch measurement shall be made from the center of the protruding edge of the 5th thoracic vertebra and not from the hollow of the chine bone where the 5th rib joins the 5th thoracic vertebra.

(e) *Foreshank* means the portion of the cross cut chuck remaining after the severance of the regular chuck and brisket from the cross cut chuck, which portion shall be obtained (after separation of the regular chuck) by separation from the brisket by a cut following the natural seam and leaving the entire lip, or web muscle on the brisket.

(f) *Brisket* means the portion of the cross cut chuck remaining after the severance of the regular chuck and foreshank from the cross cut chuck, which portion contains parts of four ribs (2d to 5th, inclusive), part of the breast bone and the rib (costal) cartilages which connect the ends of the rib bones with the breast bone. All heart (mediastinal) fat, but no other fat shall be removed from the brisket.

(g) *Rib* means the portion of the forequarter remaining after the severance of the cross cut chuck and short plate from the forequarter, and containing parts of seven ribs (6th to 12th, inclusive), that section of the backbone attached to the ribs, posterior tip and cartilage of the blade bone (scapula), part of the blade bone (scapula) which portion shall be obtained (by separation from the short plate) by a straight cut across the ribs starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside protruding edge of the 12th thoracic vertebra and continuing to and through a fixed point determined by measuring off 10 inches on the inside of the 6th rib along the 6th rib from the center of the inside protruding edge of the 6th thoracic vertebra.

NOTE: The 10-inch measurements shall be made from the centers of the protruding edges of the 6th and 12th thoracic vertebra, and not from the hollow of the chine bone.

(h) *Short plate* means the portion of the forequarter remaining after the severance of the cross cut chuck and the rib from the forequarter, and containing parts of seven ribs (6th to 12th, inclusive), the rib (costal) cartilages attached to them, and part of the breast bone.

(i) *Triangle* means the portion of the forequarter remaining after the severance of the rib from the forequarter, and containing the short plate, brisket, foreshank and regular chuck all in one piece, which portion shall be obtained by removing the rib from the forequarter by a straight cut across the ribs starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside of the protruding edge of the 12th thoracic vertebra and continuing to a fixed point determined by measuring off 10 inches on the inside of the 6th rib along the 6th rib from the center of the inside protruding edge of the 6th thoracic vertebra, and severing the rib from the forequarter by a second cut made in a straight line between the 5th and 6th ribs, keeping the knife firmly against the 5th rib to the point where the second cut meets the end of the first cut.

NOTE: Measurements shall be from the center of the protruding edge of the 12th and 6th thoracic vertebra, and not from the hollow of the chine bone.

Appendix 4—Retail Kosher Beef Cut Definitions

When used in this regulation the term *retail kosher beef cut* means and is limited to any of the following cuts, derived from OPS wholesale kosher beef cuts. Each cut shall be derived from beef slaughtered, approved and stamped as kosher under rabbinical supervision and shall be sold after preparation according to Jewish dietary law. All cuts covered in the following specifications shall be trimmed as described before the cuts may be weighed or sold to the customer. No fat shall be added to any of the cuts before they are weighed and sold to the customer.

(a) *From the standard wholesale rib*—(1) *Rib roast and rib steak, 10-inch rib.* Rib roast, 10-inch ribs and rib steak, 10-inch rib are made from the standard primal rib. The blade bone or blade cartilage shall be removed from roasts or steaks.

(2) *Rib roast and rib steak, 7-inch rib.* Rib roasts or steaks, 7-inch rib or ribs, are cut from the standard primal rib. The rib bone, or bones, in these cuts shall measure no larger than 7 inches in a straight line from the protruding edge of the chine bone.

(3) *Short ribs.* Short ribs are the ends of the ribs which are removed when making a 7-inch rib.

(4) *Rib roast (boneless, rolled—Utility and cutter and canner grade beef only).* Boneless and rolled rib roast refers to the boneless meat of the primal 10-inch rib roast of utility and cutter and canner grades of kosher beef only. All bone, gristle, cartilage and excess fat must be removed. The fat must be trimmed so that no more than one inch of fat is left on any lean muscle. Fat must not be added before the boneless and rolled rib roast is weighed or sold. The boneless rib must be rolled and tied.

(b) *From the standard wholesale short plate*—(1) *Plate (bone in).* Plate (bone in) is made from the standard primal plate without removing the bones. The diaphragm or skirt muscle may or may not be removed, but the membrane on each side of the skirt and on the inside of the plate, and all loose fat shall be removed.

(2) *Plate (boneless).* Boneless plate refers to the boneless meat of the primal plate after all bones, gristle, cartilage, membrane and excess fat have been removed. The boneless meat may be sold as boneless plate pot-roast, stew meat (boneless) or ground beef.

(c) *From the standard wholesale brisket*—(1) *Brisket (bone in) fresh or cured.* Brisket (bone in) is made from the standard primal brisket without removing the bones. No more than 1 inch of fat may be left on the brisket (bone in).

(2) *Brisket (boneless) fresh or cured.* Boneless brisket, fresh or cured, refers to the boneless meat of the primal brisket after all bone, gristle, cartilage and excess fat have been removed. The fat must be trimmed so that no more than one inch of fat is left on any lean muscle. The boneless brisket may be sold as boneless pot-roast, stew meat or ground beef.

(d) *From standard wholesale chuck*—(1) *Blade pot-roast and steak.* Blade pot-roasts and blade steaks are made from the blade bone portion of the standard primal chuck. No portion of the arm knuckle shall be included in any blade pot-roast or blade steak. All fat exceeding one inch in thickness shall be removed from these cuts.

(2) *Arm pot-roast and steak.* Arm pot-roasts and arm steaks are made from the shoulder arm bone portion of the standard primal chuck. The arm knuckle shall not be left in any arm pot-roasts or arm steak. All fat exceeding one inch in thickness shall be removed from these cuts.

(3) *English cut.* The English cut may be made from the standard primal chuck following the usual procedure in each locality.

(4) *Chuck (boneless).* Boneless chuck pot-roasts or arm steak are made from the blade bone and arm bone portions of the standard primal chuck. All fat exceeding one inch in thickness shall be removed from the boneless chuck.

(5) *Neck (bone in).* The arm knuckle bone and the Atlas joint shall be removed from the neck. The throat side of the neck shall be trimmed and all fat in excess of one inch shall be removed, the neck may then be sold in pieces with the bone in.

(6) *Neck (boneless).* The boneless neck is the meat remaining after all the bone, cartilage, fat, tendon, gristle and throat trimmings have been removed from the neck. It may be sold as boneless pot-roast, stew or ground beef.

(e) *From standard wholesale foreshank*—(1) *Foreshank (bone in).* Remove the knee bone. Cut the shank into pieces with the bone in.

(2) *Foreshank (boneless).* The boneless shank meat refers to the boneless meat from the foreshank after all bone, gristle, cartilage and sinews have been removed. The boneless shank meat may be sold as stew meat or as ground beef.

(f) *Ground beef.* Ground beef (hamburger, hamburg steak, hamburger steak, chili meat) is ground, chopped or comminuted fresh lean muscle beef, including skirt, shank, neck, plate, brisket or lean beef trimmings (but not including head meat) which contains no offal, added blood, cartilage, bone, cereal product, water or ice, or any adulterant or other foreign substance except seasoning, and which does not have a fat content in excess of 30 percent by chemical analysis. "Ground beef" shall be ground twice, the final grinding through a plate with holes not more than $^{5}/_{16}$ of an inch in diameter, or $^{3}/_{8}$ of an inch in the case of chili meat, or chopped in a rotary cutter or by other means giving equivalent results.

Appendix 5—Certain Kosher Beef Variety Meats and Beef By-Products Definitions

When used in this regulation, the term *certain kosher beef variety meats and beef by-products* means and is limited to any of the following edible by-products of cattle which is clean, sound, has at all times been handled in a sanitary manner, is free from foreign materials, mucus and hair and is derived from beef slaughtered, approved and stamped as kosher under rabbinical supervision and sold after preparation according to Jewish dietary law. The term:

(a) *Brains* means both brain lobes, the small knob at the base of the brain and a short piece of spinal cord approximately three quarters of an inch in length.

(b) *Cheek meat* of cattle means the lean meat on the inside and outside of the lower jaw, trimmed free of the salivary glands, with no more than 20 percent trimmable fat.

(c) *Head meat* means the lean meat, exclusive of cheek meat, trimmed from the head of cattle.

(d) *Hearts* means bright colored beef hearts, free from blood clots, trimmed free from large gristly blood vessels.

(e) *Kidneys* means kidneys free from spots and reasonably free from fat. They shall be removed by first loosening the suet from the outside surface of the kidney and then cutting off the vein, leaving sufficient fat in the vein so that the fat will be flush with the surface of the kidney.

(f) *Lips* means the meat and tissue from the side of the jaw when removed from cattle.

(g) *Livers* means all beef livers of any weight, bright and uniform in color, from light to chocolate brown, moderately short and plump and which are free from all mutilations other than minor cuts or silent skin breaks caused by the removal of the gall bladder by separating the liver from the carcass by hooks, or caused during the examination of the portal glands by MID inspectors, where such minor cuts or slight skin breaks do not impair the quality of the liver. The large blood vessel lying along the side of the liver should be trimmed even with the surface of the liver.

(h) *Lungs* means the lungs from cattle. The trachea (windpipe) is to be cut off close to the body of the lungs.

(i) *Melts* means the spleens.

(j) *Sweetbreads, heart* means the thymus gland adjacent to the heart (heart sweetbreads). They are to be trimmed reasonably free from fat.

(k) *Sweetbreads, neck* means the thymus gland (neck sweetbreads) removed from the neck only of beef cattle. They are to be trimmed reasonably free from fat.

(l) *Tails* means tails of cattle. Ragged edges of tissue, loose fat and the last two joints of the tip end are to be removed.

(m) *Tongues* means tongues from cattle, cut off at a point that leaves the epiglottis on the tongue. The entire gullet including the soft palate shall be removed and the hinge bone shall not protrude over the end of the tongue. One-half inch of fat may be left on the understide of the tongue, which shall be trimmed smooth in removing the glands. The tip may be cut up to a point where cross section thickness does not exceed one and one-half inches.

(n) *Tripe, cooked* means tripe which has been thoroughly cooked by boiling in water, cooled and washed; any excess fat is to be removed from tripe.

(o) *Tripe, honeycomb* means cooked beef tripe showing the characteristics of honeycomb markings. If the pocket is split, the apron around the open end cannot be more than three inches wide.

(p) *Tripe, scalded* means paunches (stomachs) thoroughly cleaned by washing and scalding according to BAI instructions or similar good commercial methods.

[F. R. Doc. 51-5076; Filed, Apr. 30, 1951; 10:27 a. m.]

[Ceiling Price Regulation 4, Amendment 1]

CPR 4—Anthracite Delivered From Mine or Preparation Plant

Miscellaneous Amendments

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to CPR 4 is hereby issued.

Statement of Considerations

Since Ceiling Price Regulation 4 became effective on February 1, 1951, it has been found desirable to amend the regulation in recognition of two types of transactions which were prevalent in the industry prior to the establishment of price controls. Approval of these pricing practices does not involve substantial relaxation of price control but does serve to remove an obstacle to selling arrangements which were followed in the past.

The first amendment recognizes a situation where a limited number of retail coal dealers had been serving certain customers with a high quality coal in carload lots. Their prices generally were above the mine prices but the customers were willing to pay a higher price for the service offered by the supplier. The amendment recognizes this situation and authorizes these retail coal dealers, only in respect to customers they served in this manner during the calendar year 1950, to continue such practice and to add the same mark-up charged during that period. The amendment does not authorize these dealers to extend this service to new customers nor does it permit dealers who had not previously sold coal on this basis to start doing so now.

The next amendment recognizes the sales of premium and penalty contracts which, when the coal exceeds a certain quality, entitles the seller to premium compensation. This amendment au-

thorizes the seller to demand and receive this additional compensation which would otherwise result in a price above the ceiling price established under the regulation. This type of contract is well recognized in the industry and is desired by consumers since it results in higher quality fuel. Furthermore, the regulation permits new contracts of this type and permits new sellers to sell coal under this arrangement provided the terms are reasonable and are in line with other similar contracts.

The last amendment spells out in detail the records and data which must be preserved and kept available for inspection.

AMENDATORY PROVISIONS

Ceiling Price Regulation 4 is hereby amended, as follows:

1. Section 3 is amended by adding thereto the following paragraphs (d) and (e).

(d) Notwithstanding anything to the contrary contained herein, retail coal dealers who during the calendar year 1950 acted as a distributor by purchasing coal from a mine or mines and resold such coal to certain consumers during the calendar year 1950, at a price calculated by adding a service charge to the f. o. b. mine price of the coal, said retail coal dealers acting as distributors may continue to sell and ship coal directly from a mine to each such consumer at a price calculated by adding a service charge no higher than the highest service charge said retail dealer charged each such consumer during the calendar year 1950 to the f. o. b. mine price of the coal which he buys and ships to each said consumer: *Provided*, Said retail coal dealer acting as a distributor shall file, by letter, with the Solid Fuels Branch of the Office of Price Stabilization, Washington 25, D. C., a statement showing the name and address of each such customer and the amount of the highest mark-up used in sales of coal during the calendar year 1950 to each such customer. This statement shall be filed by letter prior to the sale and shipment of any coal intended to be priced under this paragraph.

(e) Notwithstanding any provision to the contrary, a producer or distributor may sell and deliver or contract to sell and deliver, anthracite coal pursuant to a bona fide written contract which contains a premium and penalty provision based upon the specifications of such coal, and may demand and receive compensation in an amount per ton, in addition to the ceiling price provided by said contract: *Provided, however*, That the basic price contained in such contract does not exceed the ceiling price established under this regulation and in effect at the time of delivery: *And provided further*, That the terms of such premium and penalty provisions are reasonable and are not more favorable to the producer or distributor than premium and penalty provisions contained in similar contracts of the producer or other producers or distributor or other distributors in effect January 25, 1951.

2. Section 12 (a) is hereby amended to read as follows:

(a) Each producer and distributor shall make and keep available for inspection all records showing the price or prices per ton f. o. b. the mine at which he sold and delivered or offered to sell and deliver anthracite coal after February 1, 1951, which records shall contain information, when pertinent, regarding quality standards, size specifications and other information necessary to determine whether the prices charged are in compliance with the ceiling prices established under this regulation. There shall also be maintained and kept available for inspection all records showing the prices charged for special services during the month of January 1951, or if there were no such charges made during that month, the nearest month prior thereto, together with data revealing the type of special services and the occasions for rendering such services or making pocket charges; and there shall also be maintained and kept available for inspection records showing transportation charges and taxes added to the prices charged after February 1, 1951. The Director may require the maintenance and preservation of such other records as he deems necessary in order to effectuate this regulation.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date: The above amendments shall become effective as of February 1, 1951.

NOTE. The record-keeping and reporting requirements of the amendatory provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 30, 1951.

[F. R. Doc. 51-5078; Filed, Apr. 30, 1951; 10:54 a. m.]

[General Overriding Regulation 7]

GOR 7—EXEMPTION OF CERTAIN FOOD AND RESTAURANT COMMODITIES, INEDIBLE PRODUCTS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this General Overriding Regulation 7 is issued.

STATEMENT OF CONSIDERATIONS

This General Overriding Regulation 7 is an across-the-board regulation which exempts certain commodities from any ceiling price restrictions imposed by the Office of Price Stabilization.

The commodities exempted by this regulation are of minor significance which have but a trifling effect upon the cost of living, the cost of the defense effort, or the general current of industrial costs. These commodities are not so related to any other commodities which are important to the cost of living, to the cost of the defense effort, or to the general current of industrial costs as to have effect on the controls of other commodities remaining under ceiling price restrictions. Furthermore, any ceiling price restrictions imposed on these commodities would involve an administrative enforcement burden out of all proportion to the importance of keeping such commodities under price control.

In view of the nature of the commodities exempted, this regulation will not have any material effect on the general level of prices.

REGULATORY PROVISIONS

GENERAL PROVISIONS

Sec.
1. What this regulation does.
2. Exemption.

EXCEPTED COMMODITIES

3. Certain inedible products.

AUTHORITY: Sections 1 to 3 issued under Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

GENERAL PROVISIONS

SECTION 1. *What this regulation does.* This regulation exempts all sales of the commodities hereinafter enumerated from any ceiling price restrictions imposed by the Office of Price Stabilization.

SEC. 2. *Exemption.* No ceiling price regulation heretofore issued or which may hereafter be issued by the Office of Price Stabilization shall apply to sales of the commodities covered by this regulation and amendments thereto.

EXCEPTED COMMODITIES

SEC. 3. *Certain inedible products.* Dead stock or dead animals when sold for the recovery of inedible products.

Effective date. This General Overriding Regulation shall become effective May 5, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 30, 1951.

[F. R. Doc. 51-5080; Filed, Apr. 30, 1951; 10:54 a. m.]

[Ceiling Price Regulation 6, Amdt. 5]

CPR 6—FATS AND OILS

DEAD STOCK

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 5 to Ceiling Price Regulation 6 is hereby issued.

STATEMENT OF CONSIDERATIONS

Under the provisions of Amendment 2 to CPR 6, a difficulty has developed in establishing prices of dead stock. Because of the heterogeneous nature of this commodity, further, because it is impossible for this Agency to impose prices on this dead stock, from an administrative standpoint, and finally since this commodity does not enter significantly into the cost of living, the Director has decided to remove this category of raw material from price control.

AMENDATORY PROVISIONS

Ceiling Price Regulation 6 is amended as follows:

1. In section 16 (d) the following phrase is added: "* * * except dead stock."

2. In section 16 a new paragraph (f) is added to read as follows:

(f) Dead stock means dead animals sold for the recovery of inedible products.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective May 5, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 30, 1951.

[F. R. Doc. 51-5079; Filed, Apr. 30, 1951; 10:54 a. m.]

[Ceiling Price Regulation 24]

CPR 24—CEILING PRICES OF BEEF SOLD AT WHOLESALE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order 2 (16 F. R. 738), Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to the Allocation of Meat (16 F. R. 1272) and Economic Stabilization Agency General Order 5 (16 F. R. 1273) this Ceiling Price Regulation 24 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes specific ceiling prices for all grades of most beef and beef products sold at wholesale.

The beef industry is vital to the farmer, the meat packer, and the consumer. Its importance is enhanced under present conditions by the need for constantly increasing supplies of meat and meat products to satisfy the national food requirements. Beef cattle production accounted for about 17 percent of the farmers' cash income in 1949. Cattle and calves accounted for 57 percent of the total farm cash income of $8,395,000,000 obtained in 1949 from all meat animals, including cattle and calves, hogs, sheep and lamb. The industry engaged in wholesale slaughtering of meat and packing, accounts for a total product value that is surpassed in amount by only the automotive and steel industries. About 44 percent of the consumer's meat diet (excluding poultry) in 1949 consisted of beef. This was equivalent to 63 pounds per capita.

At the time of issuance of the General Ceiling Price Regulation it was recognized that it was not well adapted to the control of some commodities except for a short period of time. This is true in the case of beef. During the base period there were sufficient variations between the prices which different packers and wholesalers charged for beef to establish substantial differences between their ceiling prices. The General Ceiling Price Regulation did not fix ceiling prices for live cattle. Therefore, those slaughterers who had higher ceiling prices for beef were able to bid more for live cattle. This resulted in hardship on those slaughterers who had established lower ceiling prices for their beef. Since their selling prices are lower, they are forced either to curtail operations or to purchase cattle at the higher price and operate at reduced margins. Furthermore, the prices of live cattle have risen since the base period so that the operating margins of many slaughterers have been seriously reduced below normal levels. Under these conditions the issuance of this regulation is of paramount importance as a means of establishing normal margins in the meat business and of stabilizing the cost of beef to retailers and restaurants. On the basis of these relatively uniform wholesale costs to retailers, dollar and cent retail prices will be established for beef.

The contrast between the inadequacies of a freeze regulation such as the General Ceiling Price Regulation and the success of the tailored type of regulation used by OPA makes it imperative that ceiling prices in the beef industry be fixed on a dollar and cent basis at the earliest possible date. Continuing study of the data upon which the ceiling prices established by this regulation are based and of new data may indicate that these prices are either too high or too low. In either event, this regulation will be revised to reflect the results of the study.

Beef Products Covered by the Regulation

The regulation establishes ceiling prices throughout the United States for the following beef and beef products:

	Section
1. Beef carcasses and wholesale cuts	20
2. Fabricated cuts	21
3. Boneless beef cuts	22
4. Boneless processing beef	23
5. Frozen boneless beef (military specifications)	24
6. Beef, processing (military specifications)	25
7. Beef variety meats and by-products	26
8. Prefabricated quick frozen and packaged retail cuts	3

Because of inequities created by the General Ceiling Price Regulation, it is essential that this regulation be issued at the earliest possible time. For that reason it is not possible to include all beef products in this regulation. Thus cured, smoked, cooked, barbecued, and dried beef items and a few beef by-products and beef variety meats are not included at this time, nor, save for the over-all ceiling, have specific ceiling prices been provided for specialty steak products, because sufficient information to fix specific ceiling prices is not readily available. Likewise prices for sausage and canned products containing beef are not fixed because of their more difficult and peculiar pricing problems, requiring separate regulations. These beef products, therefore, remain under the General Ceiling Price Regulation.

Basic Price and Grade Differential

This regulation establishes one set of prices to be effective until August 1, 1951 and another set which lowers prices on August 1, about 4½ percent. A third set of prices which will be lower by an additional 4½ percent, effective October 1, 1951, will be issued later. The August 1 schedules printed herein include only beef carcasses and wholesale cuts and 4-way military beef.

The prices established herein allow a reasonable margin for the slaughterer over live cattle prices. In determining the proper margin for beef slaughterers, three basic factors were considered: (1) The proportion of live weight of cattle that is represented by dressed carcass; (2) the value of the byproducts; and (3) the fair operating margin for slaughterers. Average yields of dressed carcasses and byproducts from each grade of cattle were computed on the basis of data submitted by members of industry. The value of the byproducts was computed on the basis of the ceiling prices established by this and other regulations for these commodities. In computing the slaughterers' cost, a study was made of representative companies and the margin selected was generally fair and equitable to processing and nonprocessing slaughterers.

Standard Wholesale Cuts

Beef is sold at wholesale not only in the form of carcasses, sides and quarters, but also in the form of wholesale or primal cuts. Prices cannot be established for these cuts except in conjunction with precise definitions. If the cuts being priced were not defined with precision, the established prices could be readily evaded by cutting into the higher-priced cuts substantial quantities of meat from the lower-priced cuts. Moreover, the prices fixed by the regulation are nation-wide, and beef is shipped over large areas so that uniformity in the commodity being priced is obviously essential. Therefore, no practicable alternative exists for securing effective price control other than requiring that beef cuts be standardized.

The permitted wholesale cuts represent a reconciliation between the need for anatomically precise description and the customary practices of the industry. Numerous conferences were held with the industry and cutting tests performed before the definitions were finally settled. In the opinion of the Director they can be readily understood and followed, and will satisfy the customary needs of the greater part of the industry. Provision is made for the sale of miscuts at the lowest price for any wholesale cut.

The regulation provides for primary wholesale cuts and additional cuts made by combinations of various primary cuts. The hindquarter is broken from the forequarter by cutting the beef side between the 12th and 13th ribs, leaving only one rib on the hindquarter.

The names of the primary cuts and the percentage that each constitutes of the carcass of beef are shown below:

	Percent
Carcass	100
Forequarter	51.25
Regular chuck	25.0
Rib	9.0
Brisket	5.5
Short plate	7.5
Foreshank	4.0
Hindquarter	48.75
Round	23.75
Sirloin	17.00
Short loin	
Flank	4.50

(Kidney, suet, hanging tenderloin, bone, waste and shrink account for the remainder.)

In addition to the above cuts, certain combinations are permitted. A back may be made by leaving the regular chuck and rib combined; a cross cut chuck by leaving the regular chuck, the brisket and the fore shank in one piece; a triangle may be made by leaving in one piece the regular chuck, fore shank, brisket and short plate; an arm chuck, by combining the foreshank and regular chuck; and a trimmed full loin by combining the sirloin and short loin.

Fabricated Cuts

No other wholesale cut or combination may be sold, except to a purveyor of meals, such as hotels, restaurants, cafeterias, etc., many of whom, like the ordinary housewife, require their meat cut into roasts, steaks, stews, etc., and otherwise made ready for cooking without further preparation. To allow the suppliers to continue to perform the services rendered in the past, the regulation permits the fabrication for sale to hotels, restaurants, and other purveyors of meals of smaller standardized cuts which include the principal types customarily sold in the past to these buyers.

The prices which have been established for the various standard primal cuts were determined by reference to the price relationships between cuts which have existed in the past, and as reported by various packers. With the spreads between cuts given and with a fixed percentage yield of each cut, the prices of the cuts are determined by the level of prices placed upon the carcass.

Boneless Cuts and Processing Beef

Prices are also established for 4-way boneless beef for the Armed Forces on the basis of test information supplied both by members of the industry and by representatives of the Armed Forces. Studies were made to determine the costs involved in the production of this type of meat as well as the amount of the by-product credits obtained in the normal course of producing this meat for the Armed Forces. The yield figures used were obtained from tests on more than 2,000,000 pounds of meat. The costs determined for labor, for supplies, and for freezing represent average costs submitted by several substantial producers of this type of meat.

Special consideration is given to the problem of the non-slaughtering producer of 4-way military beef and other boneless beef, particularly to the expense involved in bringing the carcass beef to the non-slaughterer's boning plant. These special studies indicate that the non-slaughtering producer of 4-way military beef requires a differential over and above the price provided for the slaughtering producer of this type of meat, and, accordingly, a differential of $2.00 per cwt. is provided in the regulation.

Ceiling prices for other types of boneless beef are established for sales to processors for the preparation of products for the armed services. Boneless beef for use in the manufacture of domestic sausage, canned meat products, hamburger, cube steaks, etc., is also priced, as are certain boneless beef cuts from low grade beef carcasses. These prices are established on the basis of data in regard to boning yields and other information supplied by the industry.

Prices for boneless beef and boneless beef cuts as set forth in this regulation are for sales f. o. b. selling establishment only. They are established in relation to prices of the bone-in carcass at point of boning. This method of pricing was used to insure boners a fair margin wherever their selling plant is located. It is believed, therefore, that the prices being established for boneless beef and boneless beef cuts are most equitable when sales are made on an f. o. b. basis.

The Zone Differentials

The regulation provides for fixing prices at any point in the United States in relation to a price in a base zone. In general, a transportation addition is used for determining ceiling prices in zones other than the base zone. The amount of this addition for a delivery at any point may be determined on the basis of the use of a specified percentage of the carload freight rate for shipments of fresh meat. The prices outside of the base zone are to be determined by use of the freight rate from Omaha, Nebraska, or Denver, Colorado, whichever is lower. The proposed map covering the zone structure of the beef regulation was distributed among members of the meat industry which endorsed the principle of the zoning technique used. The Industry Advisory Committee made recommendations for changes in the map and most of these proposed changes have been incorporated into the present zone structure.

The zone structure set forth in this regulation should generally permit vendors to distribute their meats in a normal manner throughout the entire country. The base prices are applicable to the area in the Midwest where supplies of slaughter cattle and slaughtering facilities are most heavily concentrated. The industry is characterized, in general, by the movement of dressed beef carcasses, and to a lesser extent, live cattle, from this zone to the coastal areas. The technique employed in this regulation for the most part reflects the pricing relationships which exist in a normal market.

About 50 percent of the prime and choice grade beef is produced in the States of Iowa, Minnesota, Nebraska, Missouri, Kansas and South Dakota, and an area generally comprising these States is defined as zone 1 for the purpose of pricing these top grades of beef. The lower grades of cattle are produced mostly in the States of Texas, Oklahoma, Arkansas, Louisiana, New Mexico, North Dakota, and parts of Montana, Wyoming, Colorado, and Wisconsin; and this area has been defined as zone 2. There also are substantial numbers of these lower grades of cattle produced in other sections of the country; but, this production is seasonal and, during most of the year, the consumption of beef exceeds production in these areas. Since the only significant movement from zone 1 to zone 2 is beef of prime and choice grades, no freight price differential has been allowed in zone 2 except on those two top grades of beef.

The western part of the country is designated as zone 3. Normally, this region brings in grass fed cattle from zone 2 and places them in the feed lots to be fattened for slaughter in that area. In addition to cattle from their own feed lots, the western packers also purchase live animals from the zone 1 markets, and consequently it is necessary to provide an adequate zone differential to permit the normal movement of these animals to the consuming area on the West Coast. The meat produced in zone 1 which goes to the West Coast normally moves by truck. The truck rate plus icing, is approximately equal to the railroad rate for fresh meat. Consequently the price differential for all grades is the base price plus the rail rates from Denver.

The situation on the East Coast which is designated as zone 4 is somewhat different from the West Coast in that there is very little feeding in that area. Practically all of the two top grades of cattle must be brought in from the Midwest, either in the form of live animals or dressed carcasses. Consequently, the zone differential has been designed so as to permit the flow of both live animals and dressed meat to the large populous areas in the East. The meat moving to the eastern part of the country normally goes by rail shipment and accordingly the zone differential is established at 115 percent of the railroad carload freight rate. The additional 15 percent is intended to cover initial icing and reicings en route.

There is a small area designated as zone 2a in eastern Wisconsin which has a large urban population and which normally competes directly with the Chicago area for the required supplies of prime and choice cattle, but which has only slightly better supplies of other grades of cattle than Illinois and eastern points. Accordingly a special provision is made in the regulation to enable the packers in this area to maintain their normal competitive position with packers in the Chicago area. This is done by allowing an addition to the base price on the basis of 60 percent of the freight rate from Omaha for the lower grades of cattle and 115 percent for the choice and prime cattle.

There is a peculiar problem in the southern part of Florida which requires special consideration. This area is predominately a resort area and during certain months of the year enjoys an influx of visitors from other parts of the country. To obtain supplies for this trade, it is customary for suppliers in that area to buy from the New York and Boston markets. This is due to the fact that the kosher trade in the northeast uses the fore-quarters from the top grades of beef, thereby leaving a substantial surplus of loins and ribs. These prime and choice grade loins and ribs are the principal cuts required by the larger hotels and restaurants. The regulation establishes prices for the eastern part of the country on the basis of freight from Omaha, and the transportation addition for the southern part of Florida is inadequate to cover the cost of slaughtering cattle in New York and Boston and transportation of the meat to Florida. Accordingly, this normal business practice has been recognized in the regulation to the extent that a special differential of $2.00 per cwt. has been authorized on sales of certain cuts derived from the two top grades of beef.

Distribution Points

The distribution point is the key to the determination of the ceiling price for any beef item priced in the regulation. The prices in the base zones are established and specified in the regulation and to these basic prices may be added certain additions. One of the additions is the zone differential which represents the transportation charges normally applicable between Omaha or Denver and the distribution point, in those cases where the distribution point is located outside the base zone. In cases where the distribution point lies within the base zone, there is no permitted zone addition.

Since the beef pricing structure is predicated on carload movements of meat, there is necessarily some difference in handling situations involving carload and less-than-carload sales of beef. There is little difficulty in determining the distribution point with respect to carload sales. The distribution point is the seller's place of business in every case except where the meat is consigned to the buyer and the seller pays the transportation charges to the buyer's place of business. In such a situation the seller may at his option treat his plant as the distribution point and make a local delivery charge for transportation to the buyer, or he may elect to treat the rail unloading point nearest the buyer's place of business as the distribution point.

In the case of L. C. L. sales to buyers other than to purveyors of meals, the distribution point is the seller's place of business in those situations where the buyer comes to the plant to pick up the meat, as well as in those cases where the seller makes a local delivery to the buyer. However, where the seller delivers to the buyer by common or contract carrier, the distribution point must be the unloading point nearest the buyer's place of business. One of the important considerations involved in the establishment of the distribution point near the buyer in L. C. L. sales is to preserve the retailers' and wholesalers' operating margins since their selling prices are predicated on the prices prevailing in the localities in which they are located.

Purveyors of meals have normally and customarily obtained meat supplies by means of express or other fast shipment and frequently have paid the transportation charges incurred in such specialized deliveries. Accordingly, the regulation permits purveyors of meals to buy on an f. o. b. seller's plant basis. Since most of these purchases are in L. C. L. quantities, this proviso represents an exception to the general rule prescribing the distribution point as the unloading point nearest the buyer's place of business on L. C. L. sales.

In the case of boneless beef cuts and boneless processing beef the distribution point is always the seller's place of business. This is necessary in order to prevent suppliers of this type of meat from obtaining substantially higher prices for their products by shipping them to distant markets, than could be realized by sales in the immediate vicinity of the seller's plant. This will tend to preserve the pattern of distribution of this type of meat on a more normal historical basis.

Local Delivery

To permit the continuation of store-door delivery, a specific addition may be made to the base price for local delivery. On sales of no more than 3,000 pounds to one place in one day, a fixed amount has been allowed for each specified distance, this amount being determined on the basis of data obtained from the industry based on average costs. On sales in larger quantities, the seller is permitted to add his actual cost of local delivery to the buyer's place of business, or the lowest commercial rate for such service, or the amount permitted for local delivery of less than 3,000 pounds, whichever is lower. This provision is designed both to fairly compensate for the local delivery and to minimize the freight burden on the purchaser of L. C. L. shipments in excess of 3,000 pounds of beef.

Other Additions to Ease Prices

To assure a continued flow of beef through ordinary channels and in conformity with the customary practices of the industry, certain other price adjustments are necessary. The more important of these adjustments are to cover the costs of specified types of sellers who perform specialized functions.

Wholesalers have usually secured a major part of their operating margin through their ability to purchase beef, generally in large quantities, at prices which would enable them to compete favorably with packers and packer branch houses. However, in a short market the independent wholesaler often finds it difficult, if not impossible, to make such favorable purchases, and accordingly, he would need a higher selling price to provide him with his normal operating margin. The regulation permits the independent wholesaler an addition of $2.25 per cwt. on sales to retailers and purveyors of meals, 75¢ per cwt. on sales to other wholesalers, and $1.25 per cwt. on sales to all other buyers. A study of operating results experienced by wholesalers indicates that these additions will permit them to obtain the normal operating margins which they enjoyed in the past.

Sales to Purveyors of Meals

There are approximately 600 business establishments in the United States whose chief function is that of preparing and fabricating meat cuts and selling them (along with other meat products), to hotels, restaurants, and other purveyors of meals. These establishments are generally known as hotel supply houses. Some meat packing companies and wholesalers also perform this function as a part of their operations, either directly at their plants or branch houses or through subsidiary companies.

Functions performed by sellers of fabricated cuts to purveyors of meals include providing special selections, aging and trimming of primal cuts which may be sold as such or fabricated into steaks, roasts, stews and ground meat to fulfill the varying specifications of different types of purveyors of meals. Frequent and sometimes small deliveries are required. Because of these special services, costs are considerably higher than are involved in the wholesale distribution of meat to retailers, and special pricing provisions on fabricated cuts are necessary to make possible continuation of the services the hotel supply units render.

Establishments which sold less than 25 percent of their volume to purveyors of meals and, also, packer-owned hotel suppliers physically attached to a defined parent or controlling selling establishment, are given ceiling prices on sales of fabricated cuts reflecting the higher costs for these specialized services.

A combination distributor, which during 1950 sold between 25 and 70 percent of its volume of all meats to purveyors of meals is given slightly higher ceiling prices for fabricated cuts. This is to compensate for additional costs over a packer-owned hotel supplier which is physically attached. Operating as a separate selling establishment, the overhead expenses of such a combination distributor are likely to be higher. Since such a combination distributor's operation is part a wholesale and part a fabricated cut operation, it is given an allowance of $2.00 per cwt. on sales of beef carcasses, wholesale cuts or boneless cuts which is more than the amount allowed for hotel supply houses but a lesser markup on the sales of fabricated cuts. A combination distributor owned and controlled by a packer will have expenses greater than those of a hotel supplier owned and controlled by a packer and attached to such packer, but less costs than a hotel supply house. In a period of tight supply, such an establishment will not buy from wholesalers to any great extent.

Ceiling prices for sales of fabricated cuts to purveyors of meals by hotel supply houses are slightly higher than prices

for similar sales by combination distributors. A hotel supply house, whose sales to purveyors of meals must represent at least 70 percent of its total volume of meat sold in 1950, provides these specialized services for most of its sales. Especially in periods of tight supply, it has no parent company upon which to rely for its continued supply, and, therefore, its costs of procuring meat may be higher.

On sales of beef carcasses, wholesale cuts, or boneless cuts, an addition of $1.50 is allowed for hotel supply houses and $2.00 for combination distributors.

Peddler-truck sellers

In some market areas, sales by peddler-trucks operated by driver-salesmen are important elements in the distribution of meat, especially to the smaller retailers in the outlying sections. This form of distribution is distinguished from the usual methods by the fact that sales are made customarily out of stock carried on the truck, so that the sale and delivery are made concurrently. The addition of $2.50 per cwt. allowed for this type of sale of beef is based on information received from representatives of this branch of the industry in various parts of the country and at meetings held by the Office of Price Stabilization.

Kosher Beef

Heavy demand for kosher slaughtered beef is concentrated in the northeastern part of the country, particularly in and around New York and Boston. In response to this demand kosher slaughtering facilities have developed in that area on a sufficiently large scale to draw a substantial quantity of live cattle from the west. In addition to the extra expense necessarily incident to kosher slaughtering methods, these packers experience a loss by tissue shrink as a result of transporting the live cattle long distances. Data covering an extended period shows that kosher beef has commanded a premium at least equal to the extra costs. Accordingly, the regulation allows an addition for kosher beef derived from cattle slaughtered in zone 4a sufficiently high to cover the necessary costs.

Conclusion

In formulating these regulations the Director of Price Stabilization has consulted extensively with industry representatives and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

REGULATORY PROVISIONS

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7. Other beef products definitions.
8. Beef cutting charts.
9. Wholesale zoning map.

AUTHORITY: Sections 1 to 50 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Titles I and IV, Pub. Law 774, 81st Cong. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this regulation does.* This regulation establishes specific ceiling prices for most sales of beef, beef cuts and beef products, except for sales at retail. These ceiling prices supersede those established by the General Ceiling Price Regulation for these items. This regulation does not, however, establish ceiling prices for sterile canned beef, or sausage. In addition, this regulation defines and standardizes the beef cuts which you may sell and prohibits the sale of non-standardized cuts.

SEC. 2. *Where this regulation applies.* This regulation shall be applicable in the forty-eight States and the District of Columbia.

SEC. 3. *Ceiling prices for specifically enumerated beef products.*—(a) *Beef carcasses and wholesale cuts.* Your ceiling price for each grade of beef carcass or beef wholesale cut shall be the price specified in section 20, plus any applicable additions permitted in Article IV.

(b) *Fabricated beef cuts.* Your ceiling price for each grade of fabricated beef cut shall be the price specified in section 21, plus the applicable additions permitted in sections 40 and 41.

(c) *Boneless beef cuts.* Your ceiling price for each boneless beef cut shall be the price specified in section 22, plus the applicable additions permitted in sections 41, 42, 45 and 46.

(d) *Boneless processing beef.* Your ceiling prices for boneless processing beef shall be the prices specified in section 23, plus the applicable additions permitted in sections 41 and 45.

(e) *Boneless beef (military specifications).* Your ceiling prices for frozen boneless beef (4-way, military specifications) and beef, processing (military specifications, JAN–B–617) shall be the prices specified in sections 24 and 25 respectively. You may not include any of the additions specified in Article IV.

(f) *Beef variety meats and by-products.* Your ceiling prices for certain beef variety meats and beef by-products shall be the prices specified in section 26, plus the applicable additions permitted in sections 41, 42, 45 and 46.

(g) *Prefabricated quick frozen and packaged retail cuts.* Your ceiling prices for prefabricated quick frozen and packaged retail cuts, delivered to any retail store, properly equipped with such facilities as are necessary to maintain such cuts in a solid frozen condition, shall be 80 percent of the retail ceiling price (Group 1 and 2 stores as established by Ceiling Price Regulation 25) for the corresponding grade and type of fresh retail cut applicable in the retail zone area in which the buyer's store is located. In determining this figure, the retail ceiling price shall first be converted to a per cwt. basis and the result shall be rounded to the nearest 10 cents per cwt. The weights for determining such ceiling price shall be the net weight of the prefabricated quick frozen retail cut indicated on each package. None of the additions in Article IV may be added.

SEC. 4. *Ceiling prices for certain beef products which are not specifically listed in section 3.*—(a) *Variety meats and edible by-products.* If you sell a beef variety meat or a beef by-product which is not included in section 26, your ceiling price is established by the General Ceiling Price Regulation.

(b) *Cured beef items.* If you sold cured, corned, cooked, smoked, barbecued, or dried beef items during 1950, your ceiling prices are established by the General Ceiling Price Regulation. You must, however, file the report required under section 10 (b). If you did not sell these items during 1950, see section 4 (d).

(c) *Specialty steak products.* If you sold specialty steak products such as chip steaks, frosted steaks, sandwich steaks, French steaks, tenderedy steaks or similar specialty beef products during 1950, your ceiling prices are established by the General Ceiling Price Regulation, but in no event shall they exceed $2.00 per pound. You must, however, file the report required by section 10 (b). If you did not sell these items in 1950, see section 4 (d).

(d) *New cured beef and specialty steak products.* If you desire to sell a beef product listed in section 4 (b) or section 4 (c) which you have not sold during 1950, you may apply in writing to the Director of Price Stabilization in Washington, D. C., for a ceiling price. In your application you shall describe the product and state the same information required in section 10 (b) (1) through (6), inclusive. The Director of Price Stabilization may authorize a ceiling price for such product if your application includes sufficient facts to enable the Director of Price Stabilization to find:

(1) That you have made a substantial financial investment which cannot be utilized except in the sale of such beef product;

(2) That the sale of this product is to constitute at least 10 percent of your dollar volume of business;

(3) That production of this item will not divert an abnormal amount of beef production from low cost to high cost items; and

(4) That approval of your application will be generally fair and equitable, will not adversely affect the price structure established by this regulation, and will not otherwise have an inflationary effect.

SEC. 5. *Exempt sales.* The provisions of this regulation shall not apply:

(a) To sales at retail; or

(b) To sales or deliveries of any beef product to a buyer if, prior to the effective date of this regulation, this beef product has been received for shipment to such buyer by a carrier other than a carrier owned or controlled by the seller.

SEC. 6. *Adjustment for transportation to critical areas.* Upon a finding that a critical shortage of meat has occurred in a specific area because customary sources of supply are unavailable and because the established ceiling prices do not contain a sufficient allowance to cover the cost of transporting meat to that area from other sources of supply, the Director of Price Stabilization may by order designate such area as a critical area for such period as he may prescribe, and may in writing authorize you to charge and receive, for beef products sold to buyers in that area, an amount in excess of the applicable ceiling price.

SEC. 7. *Export sales*—(a) *Ceiling prices.* The ceiling prices at which you may export any beef product shall be your domestic ceiling price for the beef product f. o. b. your place of business (in this instance your distribution point shall be your place of business) plus any of the following costs actually incurred incidental to exportation of the product:

(1) Cost of transportation to the dock.
(2) Export packing costs.
(3) Demurrage or warehouse charges.
(4) Ocean freight costs.
(5) Insurance costs.
(6) Consular fees.
(7) Freight forwarders' fees.

You may not however add any of the additions specified in Article IV of this regulation except the additions set forth in section 40 and section 42, where applicable.

(b) *Records.* You shall make and preserve the records required in section 9 (a) and in addition to the information required to be shown in paragraphs (1) through (4) therein, you shall also separately list any of the actual costs incurred in paragraph (a) (1) through (7) of this section. You shall furnish the buyer a written statement showing all this information.

SEC. 8. *Evasion.* (a) You shall not evade the provisions of this regulation, by direct or indirect methods in connection with an offer, solicitation or agreement relating to the sale, delivery, purchase, transfer or receipt of beef, alone or in conjunction with any other commodity or service, or by way of any commission, service, transportation, wrapping, packaging or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or by changing the selection, grading, or the style of dressing, cutting, trimming, cooking or otherwise processing, or the wrapping or packaging of beef, or otherwise.

(b) Among others, the following practices are considered evasions and are prohibited:

(1) Falsely or incorrectly grading or invoicing beef.

(2) Selling or invoicing kosher beef to purchasers who are not bona fide buyers of kosher meat.

(3) Selling or invoicing fabricated beef cuts to buyers other than purveyors of meals, hotel supply houses, combination distributors, or ship suppliers.

(4) Offering, selling or delivering a beef product on condition that the buyer purchase another beef product or any other commodity or service.

(5) Making or receiving a charge for delivery on the basis of a route different from that actually followed and in excess of that permitted for the route by which the beef was actually delivered.

(6) Selling or transferring to a slaughterer title to live cattle by the owner thereof or buying or receiving title to live cattle by a slaughterer from the owner thereof, on condition, or with any understanding or agreement, that dressed carcasses or wholesale cuts derived from such cattle, or from other cattle, be sold or delivered to any designated person: *Provided, however,* That this prohibition shall not apply to the sale or transfer of title to cattle certified to be club cattle.

(7) Charging, paying, billing, or receiving any consideration for or in connection with any service for which a specific allowance has not been provided in this regulation.

(c) The following payments shall not be construed as evasions of this regulation if made under the following conditions:

(1) A payment of not to exceed 17½ cents per cwt. in excess of the ceiling prices fixed by this regulation, if paid by a buyer to a broker who had, prior to the issuance date of this regulation, rendered services as a broker, for services rendered by the broker to the buyer if the broker has no business affiliation with the seller.

(2) A payment by a buyer to a seller for icing services performed by the seller before delivery of any beef or beef product to a carrier, if the carrier's freight charges are paid directly by the buyer and if the amount paid for such icing services does not exceed the actual commercial rates for such icing services.

(3) Where the distribution point is the seller's place of business and the transportation charges are paid by the seller to the carrier, a payment by a buyer to a seller of the buyer's proportion of that transportation charge, if such payment appears on the seller's invoice.

SEC. 9. *Records*—(a) *Records which must be preserved.* On or after the effective date of this regulation, each of you who sells or transfers and each of you who, in the course of trade or business, buys or receives any beef, beef cut or beef product shall make and preserve for inspection by the Office of Price Stabilization for a period of two years complete and accurate records of each such sale, transfer, purchase or receipt showing:

(1) The date thereof;

(2) The names and addresses of the buyer or the recipient and the seller or the transferor;

(3) The descriptive name or type of cut or item, the grade, including sex identification as to stag or bull, and the quantity and weight of all beef products sold, transferred, delivered or purchased, received or acquired;

(4) The price charged, received, or paid therefor.

You shall also continue to preserve all records required to be preserved by Section 16 of the General Ceiling Price Regulation.

All records required to be preserved under this section 9 may after the expiration of 90 days after the date of the transaction to which they relate be transferred to and preserved thereafter on microfilm.

(b) *Records which must accompany deliveries.* (1) Except as provided in section 9 (b) (2), (3) and (4) each of you who sells, transfers, or delivers any beef product shall furnish to the buyer at the time of delivery a written statement showing information set forth in section 9 (a).

(2) In case of a shipment made to a buyer located beyond a radius of twenty-five miles from the seller's place of business, other than a C. O. D. shipment, you shall send with each such shipment a copy of the written statement referred to in section 9 (a) hereof: *Provided, however,* that if the shipment made to the buyer is commenced before 12 o'clock noon, that portion of the statement with respect to the price charged and received therefor, may be omitted but must be mailed to the buyer on the same day. If the shipment made to the buyer is commenced after 12 o'clock noon, that portion of the statement with respect to the price charged or received therefor, may be omitted but must be mailed to the buyer before 12 o'clock noon the following business day.

(3) Where the shipment made constitutes the entire content of a common carrier freight car or truck, a copy of the statement referred to in section 9 (a) shall be posted in the freight car or truck near or on the door. Where the shipment made constitutes only a part of the

content of a common carrier freight car or truck, the copy shall be securely attached in a conspicuous place to one of the items included within the shipment. Where the shipment made is by vehicle other than a common carrier, the copy referred to shall be given to and carried by the driver and he shall be authorized to display it to any enforcement officer on request.

(4) If you transfer any beef product, which constitutes the entire content of a vehicle, to a business establishment or warehouse controlled or operated by you, you shall send with each vehicle making such transfer, a statement showing the name and address of the owner, the point of destination and that the beef products are not being transferred to a buyer in connection with a sale. The transfer must be identified in the same manner as required in subparagraph (3) of this paragraph.

SEC. 10. *Reports.*—(a) *Kosher slaughter located in Zone 4a.* If you kosher slaughter cattle in a slaughtering plant or plants located in Zone 4a you shall file with the Office of Price Stabilization at Washington, D. C., a true copy of the abattoir stamp together with the name and address of the slaughtering plant at which such abattoir stamp is used.

(b) *Cured beef products and specialty steaks.* If you sell any beef product for which a ceiling price is provided under section 4(b) or (c) you shall file within 30 days of the effective date of this regulation with the Director of Price Stabilization, Washington 25, D. C., a report including:

(1) A description of the product, including the name of the item.

(2) The wholesale cut and grade of beef used therein.

(3) A complete description of its preparation.

(4) The type of wrapping or packaging used.

(5) The manner in which the product differs from the most similar product of the same type for which a ceiling price is provided in section 3 of this regulation.

(6) The cost of each operation which is added to or eliminated from the manufacture of the most similar product of the same type for which a ceiling price is provided in section 3 of this regulation and a ceiling retail price, the cost of the product.

(7) Your ceiling price for that product under the General Ceiling Price Regulation.

(8) The total dollar volume you sold of the product during the calendar year 1950.

(9) The total dollar volume of all your sales of all meat products during the calendar year 1950.

(c) For other reports required by this regulation see sections 21, 42 and 46.

SEC. 11. *Prohibitions.*—(a) *Selling at prices above ceiling.* Regardless of any contract, agreement or other obligation, (1) you shall not sell or deliver any beef product at a price higher than the ceiling price established by this regulation, (2) you shall not buy or receive in the regular course of trade or business any beef product at a price higher than the ceiling price established by this regulation, and (3) you shall not agree, offer, solicit or attempt to do any of the foregoing. You may, however, charge, demand, pay or offer lower prices for beef products than are established by this regulation.

(b) *Selling other than defined cuts.* Regardless of any contract, agreement or other obligation, except for beef products the ceiling prices of which are controlled by section 4, you shall not sell or deliver and you shall not buy or receive in the regular course of trade or business any beef product or any part or portion thereof unless such beef product is listed in Appendixes 2 through 7, inclusive.

SEC. 12. *Enforcement.* On or after the effective date of this regulation, if you violate any provision of this regulation, or any order issued pursuant to it, you are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950. Also, any person, who, in the course of trade or business, buys from you at a price higher than your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that Act.

SEC. 13. *Petitions for amendment.* If you seek an amendment of any provision of this regulation, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, issued by the Office of Price Stabilization.

ARTICLE II—PRICING SCHEDULES

SEC. 20. *Schedule I—Beef carcasses and wholesale cuts.*

(a) Effective through July 31, 1951

[All prices are on a dollars per cwt. basis; the price for any fraction of a cwt. shall be reduced proportionately.]

	Prices by grade						
	Prime	Choice	Good	Commercial	Utility	Cutter and canner	Bulls (all grades)
1. Carcass	$55.20	$54.20	$52.20	$47.20	$42.20	$40.70	$40.70
2. Hindquarter	63.60	59.20	56.70	50.60	44.70	42.00	46.70
3. Forequarter	51.10	49.20	48.00	43.90	39.80	39.50	40.70
4. Round	55.20	53.20	52.20	46.20	40.20	.....	.....
5. Trimmed full loin	91.20	87.20	82.20	62.20	49.20	.....	.....
6. Flank	29.20	29.20	29.20	29.20	29.20	.....	.....
7. Short loin	117.60	99.60	86.60	69.70	54.10	.....	.....
8. Sirloin	71.80	64.60	65.20	56.10	45.20	.....	.....
9. Cross cut chuck	48.80	48.80	48.80	41.00	41.00	.....	.....
10. Regular chuck	53.20	53.20	53.20	49.20	44.20	.....	.....
11. Fore-bank	31.20	31.20	31.20	31.20	31.20	.....	.....
12. Brisket	42.20	42.20	42.20	35.20	28.20	.....	.....
13. Rib	70.20	68.20	61.20	53.20	45.20	.....	.....
14. Short plate	31.20	31.20	31.20	31.20	31.20	.....	.....
15. Hank	60.10	57.20	55.40	50.50	44.50	.....	.....
16. Triangle	45.70	45.70	45.70	42.40	39.20	.....	.....
17. Arm chuck	56.20	56.20	56.20	46.70	42.40	.....	.....

SPECIAL ADJUSTMENTS

(1) If any beef carcass or wholesale cut is not cut in accordance with the specifications prescribed in Appendix 2, you may not sell such cut above the ceiling price prescribed for flanks.

(2) If any beef carcass or wholesale cut does not clearly bear a correct grade mark, you shall not sell the cut above the ceiling price prescribed for the corresponding wholesale cut of the lowest grade.

(3) If you are a hotel supply house, you may add $1.50 per cwt. to the prices listed above.

(4) If you are a combination distributor, you may add $2.00 per cwt. to the prices listed above.

(5) If a buyer sends you a written request in duplicate for tender-ray processing of any beef carcass or wholesale cut, stating therein that he will absorb the expense of the tender-ray processing, you may add an amount not exceeding two percent of the appropriate price listed above to that price. A copy of the buyer's written request must be forwarded to the Office of Price Stabilization, Washington, D. C., before such addition may be taken.

(b) Effective August 1, 1951, the following prices will supersede those in section 20 (a).

[All prices are on a dollars per cwt. basis; the price for any fraction of a cwt. shall be reduced proportionately.]

	Prices by grade						
	Prime	Choice	Good	Commercial	Utility	Cutter and canner	Bulls (all grades)
1. Carcass	53.70	51.70	49.60	44.80	41.70	40.70	46.70
2. Hindquarter	70.50	57.30	54.50	48.10	43.80	42.00	46.70
3. Forequarter	48.50	46.40	44.90	41.70	39.70	39.50	40.70
4. Round	52.80	52.80	52.80	49.20	47.20	.....	.....
5. Trimmed full loin	92.20	81.20	73.20	59.20	49.20	.....	.....
6. Flank	29.20	29.20	29.20	29.20	29.20	.....	.....
7. Short loin	117.60	97.60	84.60	66.40	54.10	.....	.....
8. Sirloin	77.20	67.90	64.10	53.40	46.60	.....	.....
9. Cross cut chuck	46.00	46.00	46.00	43.80	41.40	.....	.....
10. Regular chuck	50.20	50.20	50.20	47.20	45.20	.....	.....
11. Fore-bank	29.20	29.20	29.20	29.20	29.20	.....	.....
12. Brisket	39.20	39.20	39.20	35.20	33.20	.....	.....
13. Rib	77.20	65.20	57.20	49.20	45.20	.....	.....
14. Short plate	29.20	29.20	29.20	29.20	29.20	.....	.....
15. Flank	56.70	54.30	52.10	47.70	44.50	.....	.....
16. Triangle	43.60	43.60	43.60	40.70	39.20	.....	.....
17. Arm chuck	47.50	47.50	47.50	44.70	43.00	.....	.....

SPECIAL ADJUSTMENTS

(1) If any beef carcass or wholesale cut is not cut in accordance with the specifications prescribed in Appendix 2, you may not sell such cut above the ceiling price prescribed for flanks.

(2) If any beef carcass or wholesale cut does not clearly bear a correct grade mark, you shall not sell the cut above the ceiling price prescribed for the corresponding wholesale cut of the lowest grade.

(3) If you are a hotel supply house, you may add $1.50 per cwt. to the prices listed above.

(4) If you are a combination distributor, you may add $2.00 per cwt. to the prices listed above.

(5) If a buyer sends you a written request in duplicate for tender-ray processing of any beef carcass or wholesale cut, stating therein that he will absorb the expense of the tender-ray processing, you may add an amount not exceeding two percent of the appropriate price listed above to that price. A copy of the buyer's written request must be forwarded to the Office of Price Stabilization, Washington, D. C., before such addition may be taken.

SEC. 21. *Schedule II—Fabricated cuts.* Section 21 consists of three schedules, Schedules II (a), II (b) and II (c).

(a) For sales of fabricated beef cuts by a hotel supply house or ship supplier to purveyors of meals.

No hotel supply house shall make sales to purveyors of meals until such selling establishment shall have filed a statement, in duplicate, with the appropriate Regional Office of the Office of Price Stabilization showing: (1) the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it during 1950, excluding sales to defense procurement agencies; (2) the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it during 1950 to purveyors of meals; (3) the percentage obtained by dividing the figure derived in (2) by the figure derived in (1).

(b) For sales of fabricated beef cuts by a combination distributor to purveyors of meals.

No combination distributor shall make sales to purveyors of meals until such selling establishment shall have filed a statement, in duplicate, with the appropriate Regional Office of the Office of Price Stabilization showing: (1) the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it during 1950, excluding sales to defense procurement agencies; (2) the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it during 1950 to purveyors of meals; (3) the percentage obtained by dividing the figure derived in (2) by the figure derived in (1).

Schedule II (a)

[All prices are on a dollars per cwt. basis. The price for any fraction of a cwt. shall be reduced proportionately. The prices set forth herein include the cost of packaging, boxing, and freezing. You may not add the additions set forth in sections 42 through 48, inclusive.]

Fabricated beef cuts	Prices by grade				
	Prime	Choice	Good	Commercial	Utility
1. Round (rump and shank off)	$74.00	$71.60	$71.00	$69.70	$65.40
2. Boneless rump (butt)	81.30	81.30	81.30	77.80	70.50
3. Hind shank	31.20	31.20	31.20	31.20	31.20
4. Boneless round	84.10	83.10	83.10	78.20	73.30
5. Inside (top round)	84.40	84.40	84.40	79.30	74.30
6. Outside (bottom round)	84.40	84.40	84.40	79.30	74.30
7. Knuckle (face)	84.40	84.40	84.40	79.30	74.30
8. Gooseneck (boneless round	141.60	119.60	117.60	92.40	70.20
9. Strip loin (bone in)	203.70	167.70	141.10	110.80	81.60
10. Strip loin (tenderloin)	179.20	166.10	156.70	132.00	101.90
11. Beef tenderloin	104.70	96.80	91.30	76.90	60.80
12. Boneless sirloin (butt)	143.70	123.80	116.90	98.70	77.90
13. Top sirloin (butt)	83.70	77.60	73.20	61.60	48.60
14. Bottom sirloin (butt)	71.60	71.60	71.60	68.00	61.00
15. Boneless chuck	70.00	70.00	70.00	64.70	58.00
16. Boneless chuck (shoulder clod out)	85.80	85.80	85.80	79.30	71.10
17. Shoulder clod	80.20	80.20	80.20	74.20	59.60
18. Boneless brisket (fleckle off)	113.00	99.40	88.80	73.70	61.60
19. Oven-prepared rib	42.40	42.40	42.40	42.40	42.40
20. Short ribs	142.50	113.10	100.90	87.00	73.10
21. Ribs boned, rolled and tied	(1)	(1)	(1)	105.20	86.50
22. Spencer Roll	(1)	(1)	(1)	105.20	86.50
23. Regular roll (rib eye)	(1)	(1)	(1)	162.80	141.10
24. Regular roll (rib eye)	43.30	43.30	43.30	43.30	43.30
25. Boneless short plate	103.40	103.40	103.40	103.40	103.40
26. Cube steaks	68.20	68.20	68.20	68.20	68.20
27. Flank steak	173.00	146.00	125.90	100.30	76.70
28. Club steaks (bone in)	173.00	146.00	125.90	100.30	76.70
29. Porterhouse steaks (bone in)	173.00	146.00	125.90	100.30	76.70
30. T-bone steaks (bone in)	213.90	176.10	148.20	118.40	88.20
31. Boneless strip steaks	166.70	141.70	95.90	80.80	63.60
32. Boneless sirloin steaks	140.50	140.20	122.80	103.40	81.80
33. Top sirloin steaks	55.40	55.40	55.40	55.40	55.40
34. Ground beef (bulk)	56.40	56.40	56.40	56.40	56.40
35. Ground beef in casings	60.40	60.40	60.40	60.40	60.40
36. Ground beef patties	64.40	64.40	64.40	64.40	64.40
37. Ground boneless chuck	65.40	65.40	65.40	65.40	65.40
38. Stewing beef					

[1] This grade of this cut is not permitted to be sold and/or delivered.

SPECIAL ADJUSTMENTS

(1) If you sell to a hotel supply house, a combination distributor, or a ship supplier, you must sell at or below the prices specified in section 21 (c).

(2) If your place of business is located in Zone 4b you may add $2.00 per cwt. to the prices listed above on all fabricated cuts derived from prime and choice grade beef.

(3) You may add to the prices listed above the actual cost of dry icing, if performed, but in no event more than $1.00 per cwt.

Schedule II (b)

All prices are on a dollars per cwt. basis. The price for any fraction of a cwt. shall be reduced proportionately. The prices set forth herein include the cost of packaging, boxing, and freezing. You may not add the additions set forth in sections 42 through 48, inclusive.]

Fabricated Beef Cuts	Prices by grade				
	Prime	Choice	Good	Commercial	Utility
1. Round (rump and shank off)	74.00	71.60	71.00	67.70	63.50
2. Boneless rump (butt)	78.60	78.60	78.60	73.30	67.90
3. Hind shank	31.20	31.20	31.20	31.20	31.20
4. Boneless round	80.70	80.70	80.70	75.90	71.20
5. Inside (top round)	81.90	81.90	81.90	77.00	72.10
6. Outside (bottom round)	81.90	81.90	81.90	77.00	72.10
7. Knuckle (face)	78.80	78.80	78.80	74.20	69.50
8. Gooseneck (boneless round)	137.00	135.90	114.40	89.90	68.20
9. Strip loin (bone in)	198.70	163.10	137.30	107.70	81.60
10. Strip loin (bone in)	174.20	161.40	152.30	128.20	101.90
11. Beef tenderloin	101.60	94.10	88.80	74.70	59.00
12. Boneless sirloin (butt)	139.60	120.40	113.60	95.60	75.60
13. Top sirloin (butt)	81.40	75.40	71.10	59.80	47.20
14. Bottom sirloin (butt)	71.70	71.70	71.70	66.20	59.40
15. Boneless chuck	68.10	68.10	68.10	62.90	56.40
16. Boneless chuck (shoulder clod out)	83.50	83.50	83.50	77.10	69.20
17. Shoulder clod	77.70	77.70	77.70	72.00	57.50
18. Boneless brisket (fleckle off)	109.80	97.60	86.30	71.70	59.70
19. Oven-prepared rib	40.30	40.30	40.30	40.30	40.30
20. Short ribs	138.70	110.00	98.10	84.50	71.00
21. Ribs boned, rolled and tied	(1)	(1)	(1)	102.00	83.70
22. Spencer Roll	(1)	(1)	(1)	102.00	83.70
23. Regular roll (rib eye)	(1)	(1)	(1)	157.30	136.40
24. Regular roll (rib eye)	42.20	42.20	42.20	42.20	42.20
25. Boneless short plate	100.10	100.10	100.10	100.10	100.10
26. Cube steaks	66.40	66.40	66.40	66.40	66.40
27. Flank steak	168.80	142.20	122.60	97.70	74.60
28. Club steaks (bone in)	168.80	142.20	122.60	97.70	74.60
29. Porterhouse steaks (bone in)	168.80	142.20	122.60	97.70	74.60
30. T-bone steaks (bone in)	208.20	171.50	144.20	115.20	85.70
31. Boneless strip steaks	196.70	138.80	93.20	78.40	62.00
32. Boneless sirloin steaks	136.50	136.40	119.40	100.50	79.40
33. Top sirloin steaks	55.40	55.40	55.40	55.40	55.40
34. Ground beef (bulk)	56.40	56.40	56.40	56.40	56.40
35. Ground beef in casings	60.40	60.40	60.40	60.40	60.40
36. Ground beef patties	62.70	62.70	62.70	62.70	62.70
37. Ground boneless chuck	63.70	63.70	63.70	63.70	63.70
38. Stewing beef					

[1] This grade of this cut is not permitted to be sold and/or delivered.

SPECIAL ADJUSTMENTS

(1) If you sell to another combination distributor, a hotel supply house, or a ship supplier, you must sell at or below the prices specified in section 21 (c).

(2) If your place of business is located in Zone 4b you may add $2.00 per cwt. to the prices listed above on all fabricated cuts derived from prime and choice grade beef.

(3) You may add to the prices listed above the actual cost of dry icing, if performed, but in no event more than $1.00 per cwt.

equals $2.51. This amount, when rounded to the nearest 10 cents, is $2.50.) If you wish to determine the price for rounds you refer to the table below and find the price of $64.80 which appears on line 10 in column (7). To this amount you could add, either of the special additions listed at the bottom of the schedule, and/or the additions in sections 41, 42, 45, or 46, whichever are applicable.

Schedule III

[All prices are on a dollars per cwt. basis. The price for any fraction of a cwt. shall be reduced proportionately. You may not add the additions set forth in sections 40, 41, 45, 46, and 48.]

Zone differential	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
		0 to 0.49	0.50 to 0.99	1.00 to 1.49	1.50 to 1.99	2.00 to 2.49	2.50 to 2.99	Over 2.99
1.	Insides, outsides and knuckles	$61.90	$62.80	$62.70	$63.10	$64.10	$64.10	$65.30
2.	Chuck	62.80	62.80	62.70	63.10	64.10	64.10	65.30
3.	Boneless strips	62.80	62.80	62.70	63.10	64.10	64.10	65.30
4.	Sirloin butts	61.90	62.80	62.70	63.10	64.10	64.10	65.30
5.	Regular rolls	61.90	62.80	62.70	63.10	64.10	64.10	65.30
6.	Tenders	74.30	75.20	75.10	75.50	76.50	76.50	77.70
7.	Flank steak	61.90	62.80	62.70	63.10	64.10	64.10	65.30
8.	Plates (cod cut)	55.30	56.20	56.10	56.50	57.50	57.50	58.70
9.	Rounds	55.30	56.20	56.10	56.50	57.50	57.50	58.70
10.	Rounds (boneless)	62.80	63.70	63.60	64.00	65.00	65.00	66.20
11.	Ground beef (bulk)	53.80	54.70	54.60	55.00	56.00	56.00	57.20
12.	Ground beef in cartons	54.40	55.30	55.20	55.60	56.60	56.60	57.80
13.	Ground beef patties	58.50	59.40	59.30	59.70	60.70	60.70	61.90
14.	Stewing beef	50.50	51.40	51.30	51.70	52.70	52.70	53.90
15.	Trimmings	46.30	47.20	47.10	47.50	48.50	48.50	49.70
16.	Sterilized trimmings	39.50	40.40	40.30	40.70	41.70	41.70	42.90

SPECIAL ADDITIONS

(1) If you are a hotel supply house, you may add $1.50 per cwt. to the prices listed above.

(2) If you are a combination distributor, you may add $2.00 per cwt. to the prices listed above.

SEC. 23. *Schedule IV—Boneless processing beef.* Your ceiling price for the following items of boneless processing beef shall be determined by using the same method of computation as provided in section 22.

Schedule IV

[All prices are on a dollars per cwt. basis. The price for any fraction of a cwt. shall be reduced proportionately. You may not add the additions set forth in sections 40, 42, 45, 46, 47, and 48.]

Zone differential: If your compute is between—	Your ceiling price				
	Column 1: Fresh or frozen boneless Kosher cuts derived from rib, chuck, and plate (tenders out)	Column 2: Fresh or frozen boneless Kosher cuts derived from rib, chuck, and plate (tenders in)	Column 3: Fresh or frozen boneless Kosher cuts derived from rib, chuck, and plate other than round (tenders out)	Column 4: Fresh or frozen boneless Kosher cuts derived from rib, chuck, and plate other than round (tenders in)	Column 5: Fresh or frozen boneless Kosher cuts derived from round other than quarter (tenders out)
1. 0 to 0.49	$58.30	$60.40	$55.30	$57.30	$59.40
2. 0.50 to 0.99	59.20	61.30	56.20	58.20	60.30
3. 1.00 to 1.49	59.70	61.80	56.70	58.70	60.80
4. 1.50 to 1.99	60.50	62.60	57.50	59.50	61.60
5. 2.00 to 2.49	61.20	63.30	58.10	60.10	62.20
6. 2.50 to 2.99	62.00	64.10	58.80	60.80	62.90
7. Over 2.99	62.80	64.90	59.50	61.50	63.70

Special additions: If you are not a slaughterer you may add $2.00 per cwt. to the prices listed above.

(1) The prices designated in Columns 2 and 4 for kosher boneless beef cuts are applicable only to sales to bona fide purchasers of kosher products. If you sell to a person other than a bona fide processor of kosher products, your ceiling price for kosher boneless beef components shall be the applicable price determined in Column 1, 3, or 5 and for kosher boneless beef trimmings shall be the applicable price designated in Column 1. Upon further request, the Director of Price Stabilization may designate additional cuts and designations to which only the kosher ceiling prices as set forth in Column 2 and 4 shall apply.

(2) If your place of business is located in Zone 4b you may add $2.00 per cwt. to the prices listed above on all fabricated cuts derived from primal and choice grade beef.

(3) You may add to the prices listed above the actual cost of dry icing, if performed, but in no event more than $1.00 per cwt.

SEC. 24. *Schedule V—Frozen boneless beef (4-way military specifications)* (a) *Your ceiling price for frozen boneless beef (4-way, military specifications)* shall be determined by using the same method of computation as provided in section 22. This is an f. o. b. plant price.

[All prices are on a dollars per cwt. basis, frozen and packed. The price for any fraction of a cwt. shall be reduced proportionately. You may not add the additions set forth in Article IV.]

Zone differential: If your compute is between—	Your ceiling price	
	Choice	Good
0 to 0.49	$81.10	$78.90
0.50 to 0.99	81.90	79.80
1.00 to 1.49	82.70	80.60
1.50 to 1.99	83.50	81.40
2.00 to 2.49	84.30	82.20
2.50 to 2.99	85.10	82.90
Over 2.99	85.90	83.80

Special additions: If you are not a slaughterer, you may add $2.00 per cwt. to the prices listed above.

SEC. 25. *Schedule VI—beef, processing (military specifications,* JAN–B–617) Your ceiling price for Beef, Processing (military specifications, JAN–B–617) shall be determined by using the same method of computation as provided in section 22. These are f. o. b. plant prices.

[All prices are on a dollars per cwt. basis, frozen and packed, the price for any fractions of a cwt. shall be reduced proportionately. You may not add the additions set forth in Article IV]

Zone differential: If your compute is between—	Your ceiling price		
	Column 1: Boneless beef other than bull (quarters tender)	Column 2: Boneless bull meat (quarters tender)	Column 3: Boneless utility meat from round chuck rib and loin only
1. 0 to 0.49	$61.80	$61.80	$62.60
2. 0.50 to 0.99	62.70	62.70	63.50
3. 1.00 to 1.49	63.50	63.50	64.30
4. 1.50 to 1.99	64.30	64.30	65.10
5. 2.00 to 2.49	65.10	65.10	65.90
6. 2.50 to 2.99	65.90	65.90	66.70
7. Over 2.99	66.70	66.70	67.50

Special additions: If you are not a slaughterer, you may add $2.00 per cwt. to the prices listed above.

Special additions: (1) If the boneless beef cuts not designated as "processing beef" and is hereinafter covered by a current price schedule of any of the authorized agents or representatives, you shall deduct $2.00 per cwt. (2) You shall deduct 50¢ per cwt. if this beef is delivered in carcass.

SEC. 26. *Schedule VII—beef variety meats and by-products.**

[All prices are on a dollars per cwt. basis. The price for any fraction of a cwt. shall be reduced proportionately. You may not add the additions set forth in sections 40, 41, 45, 46, 47, and 48. These are f. o. b. plant prices.]

Item	New Zealand	Kosher	Sales to Hotels and Restaurants
1. Tongues	7	26.00	9.00
2. Livers, beef	4.00		
3. Livers, veal	47.00	42.00	
4. Livers, calf	4.00	4.00	
5. Livers, lamb	4.00	4.00	4.00
6. Livers, pork	11.00	14.00	12.00
7. Hearts, ground or chopped	17.00		
8. Hearts, veal	14.00	20.00	
9. Hearts, calf	14.00	20.00	17.00
10. Kidneys	14.00	18.00	
11. Lungs	14.00	18.00	
12. Sweetbreads, beef	14.00	18.00	15.00
13. Sweetbreads, veal	14.00	18.00	15.00
14. Sweetbreads, lamb	14.00	18.00	15.00
15. Sweetbreads, pork	14.00	18.00	15.00
16. Oxtails, ground or chopped	14.00		
17. Oxtails, veal	14.00	20.00	17.00
18. Oxtails, calf	14.00	20.00	17.00
19. Oxtails, lamb	14.00	20.00	17.00
20. Oxtails, pork	14.00	20.00	17.00
21. Tripe, plain	14.00	18.00	15.00
22. Tripe, honeycomb	14.00	18.00	15.00
23. Brains, beef	14.00	18.00	15.00
24. Brains, veal	14.00	18.00	15.00
25. Brains, lamb	14.00	18.00	15.00
26. Brains, pork	14.00	18.00	15.00
27. Kidneys, veal	14.00	18.00	15.00
28. Kidneys, calf	14.00	18.00	15.00
29. Kidneys, lamb	14.00	18.00	15.00
30. Kidneys, pork	14.00	18.00	15.00

[You may add $5 per cwt. to the prices listed above for kosher beef tongues.] If the tongues have not been [illegible] you may add $2.00 per cwt. to the prices listed above for tongues, veal or calf tongues, respectively.

* This grade of this cut is not permitted to be sold and/or delivered.

SPECIAL ADDITIONS

(1) If your place of business is located in Zone 4b you may add $2.00 per cwt. to the prices listed above on all fabricated cuts derived from primal and choice grade beef.

(2) You may add to the prices listed above the actual cost of dry icing, if performed, but in no event more than $1.00 per cwt.

SEC. 27. *Schedule VIII—Boneless processing beef.* Your ceiling price for boneless processing beef shall be determined by using the same method of computation as provided in section 22.

Schedule VIII

[All prices are on a dollars per cwt. basis. The price for any fraction of a cwt. shall be reduced proportionately. You may not add the additions set forth in sections 40, 41, 45, 46, and 48.]

Zone differential: If your compute is between—	Your ceiling price							
	Prime		Choice		Good		Commercial	Utility
	Column 1: Fresh or frozen boneless Kosher cuts derived from rib, chuck, and plate (tenders out)	Column 2: Fresh or frozen boneless Kosher cuts derived from rib, chuck, and plate (tenders in)	Column 3: Fresh or frozen boneless Kosher cuts derived from rib, chuck, and plate (tenders out)	Column 4: Fresh or frozen boneless Kosher cuts derived from rib, chuck, and plate (tenders in)	Column 5: Fresh or frozen boneless Kosher cuts derived from rib, chuck, and plate (tenders out)	Column 6: Fresh or frozen boneless Kosher cuts derived from rib, chuck, and plate (tenders in)		
1. Round rump and shank off	$69.80	$71.90	$69.80	$71.90	$69.80	$71.90	$65.70	$61.60
2. Boneless rump (butt)	70.60	72.70	70.60	72.70	70.60	72.70	66.50	62.40
3. Heel shank	71.50	73.60	71.50	73.60	71.50	73.60	67.30	63.20
4. Boneless rump	75.80	78.00	75.80	78.00	75.80	78.00	71.40	67.00
5. Sirloin butts	75.80	78.00	75.80	78.00	75.80	78.00	71.40	67.00
6. Inside (top round)	75.80	78.00	75.80	78.00	75.80	78.00	71.40	67.00
7. Outside (bottom round)	75.80	78.00	75.80	78.00	75.80	78.00	71.40	67.00
8. Knuckle (face)	75.80	78.00	75.80	78.00	75.80	78.00	71.40	67.00
9. Gooseneck boneless round	75.80	78.00	75.80	78.00	75.80	78.00	71.40	67.00
10. Strip loin (short cut)	102.10	105.20	102.10	105.20	102.10	105.20	96.30	90.50
11. Strip loin (boneless)	102.10	105.20	102.10	105.20	102.10	105.20	96.30	90.50
12. Beef tenderloin	158.60	163.50	158.60	163.50	158.60	163.50	149.50	140.50
13. Top sirloin (butt)	156.90	161.80	156.90	161.80	156.90	161.80	147.90	139.00
14. Bottom sirloin (butt)	121.70	125.40	121.70	125.40	121.70	125.40	114.80	107.90
15. Boneless sirloin (butt)	94.10	97.00	94.10	97.00	94.10	97.00	88.70	83.40
16. Boneless chuck (shoulder clod out)	69.70	71.80	69.70	71.80	69.70	71.80	65.70	61.60
17. Shoulder clod	66.30	68.30	66.30	68.30	66.30	68.30	62.50	58.70
18. Boneless brisket (deckle off)	81.50	84.00	81.50	84.00	81.50	84.00	76.80	72.10
19. Short-cut brisket	102.10	105.20	102.10	105.20	102.10	105.20	96.30	90.50
20. Navel end (pastrami)	39.30	40.50	39.30	40.50	39.30	40.50	37.00	34.80
21. Ribs, backbone (chine bone)	125.00	128.80	116.50	120.00	95.30	98.20	89.80	84.40
22. Spencer roll	64.20	66.10	59.80	61.60	48.90	50.40	46.10	43.30
23. Regular roll (ribeye)	41.00	42.20	41.00	42.20	41.00	42.20	38.70	36.40
24. Boneless short plate	96.90	99.80	96.90	99.80	96.90	99.80	91.30	85.80
25. Inside skirt	64.20	66.10	64.20	66.10	64.20	66.10	60.50	56.80
26. Flank steak	64.20	66.10	64.20	66.10	64.20	66.10	60.50	56.80
27. Club steaks (bone in)	124.30	128.10	118.80	122.40	110.30	113.60	104.00	97.70
28. Porterhouse steaks (bone in)	124.30	128.10	118.80	122.40	110.30	113.60	104.00	97.70
29. T-bone steaks (bone in)	124.30	128.10	118.80	122.40	110.30	113.60	104.00	97.70
30. Boneless sirloin steaks	102.10	105.20	102.10	105.20	102.10	105.20	96.30	90.50
31. Boneless sirloin steaks	102.10	105.20	102.10	105.20	102.10	105.20	96.30	90.50
32. Top sirloin steaks	127.30	131.20	127.30	131.20	127.30	131.20	120.00	112.80
33. Ground beef (bulk)	55.40	57.10	55.40	57.10	55.40	57.10	52.20	49.10
34. Ground beef in casings	55.40	57.10	55.40	57.10	55.40	57.10	52.20	49.10
35. Ground beef patties	60.40	62.20	60.40	62.20	60.40	62.20	56.90	53.50
36. Ground boneless chucks	61.00	62.80	61.00	62.80	61.00	62.80	57.50	54.10
37. Stewing beef	62.00	63.90	62.00	63.90	62.00	63.90	58.40	55.00

[1] This grade of this cut is not permitted to be sold and/or delivered.

SPECIAL ADDITIONS

(1) If your place of business is located in Zone 4b you may add $2.00 per cwt. to the prices listed above on all fabricated cuts derived from primal and choice grade beef.

(2) You may add to the prices listed above the actual cost of dry icing, if performed, but in no event more than $1.00 per cwt.

(c) **For** sales of fabricated beef cuts by packing or slaughtering plants, packer branch houses, wholesalers and other selling establishments to purveyors of meals, hotel supply houses, combination distributors or ship suppliers.

Schedule II (c)

[All prices are on a dollars per cwt. basis. The price for any fraction of a cwt. shall be reduced proportionately. The prices set forth herein include the cost of packaging, boxing and freezing. You may not add the additions set forth in sections 42 through 48 inclusive.]

Fabricated beef cuts	Prices by grade				
	Prime	Choice	Good	Commercial	Utility
1. Round rump and shank off	$69.80	$69.80	$69.80	$65.70	$61.60
2. Boneless rump (butt)	70.60	70.60	70.60	66.50	62.40
3. Heel shank	71.50	71.50	71.50	67.30	63.20
4. Boneless rump	75.80	75.80	75.80	71.40	67.00
5. Sirloin butts	75.80	75.80	75.80	71.40	67.00
6. Inside (top round)	75.80	75.80	75.80	71.40	67.00
7. Outside (bottom round)	75.80	75.80	75.80	71.40	67.00
8. Knuckle (face)	75.80	75.80	75.80	71.40	67.00
9. Gooseneck boneless round	75.80	75.80	75.80	71.40	67.00
10. Strip loin (short cut)	102.10	102.10	102.10	96.30	90.50
11. Strip loin (boneless)	102.10	102.10	102.10	96.30	90.50
12. Beef tenderloin	158.60	158.60	158.60	149.50	140.50
13. Top sirloin (butt)	156.90	156.90	156.90	147.90	139.00
14. Bottom sirloin (butt)	121.70	121.70	121.70	114.80	107.90
15. Boneless sirloin (butt)	94.10	94.10	94.10	88.70	83.40
16. Boneless chuck (shoulder clod out)	69.70	69.70	69.70	65.70	61.60
17. Shoulder clod	66.30	66.30	66.30	62.50	58.70
18. Boneless brisket (deckle off)	81.50	81.50	81.50	76.80	72.10
19. Short-cut brisket	102.10	102.10	102.10	96.30	90.50
20. Navel end (pastrami)	39.30	39.30	39.30	37.00	34.80
21. Ribs, backbone (chine bone)	125.00	116.50	95.30	89.80	84.40
22. Spencer roll	64.20	59.80	48.90	46.10	43.30
23. Regular roll (ribeye)	41.00	41.00	41.00	38.70	36.40
24. Boneless short plate	96.90	96.90	96.90	91.30	85.80
25. Inside skirt	64.20	64.20	64.20	60.50	56.80
26. Flank steak	64.20	64.20	64.20	60.50	56.80
27. Club steaks (bone in)	124.30	118.80	110.30	104.00	97.70
28. Porterhouse steaks (bone in)	124.30	118.80	110.30	104.00	97.70
29. T-bone steaks (bone in)	124.30	118.80	110.30	104.00	97.70
30. Boneless sirloin steaks	102.10	102.10	102.10	96.30	90.50
31. Boneless sirloin steaks	102.10	102.10	102.10	96.30	90.50
32. Top sirloin steaks	127.30	127.30	127.30	120.00	112.80
33. Ground beef (bulk)	55.40	55.40	55.40	52.20	49.10
34. Ground beef in casings	55.40	55.40	55.40	52.20	49.10
35. Ground beef patties	60.40	60.40	60.40	56.90	53.50
36. Ground boneless chucks	61.00	61.00	61.00	57.50	54.10
37. Stewing beef	62.00	62.00	62.00	58.40	55.00

[All prices are on a dollars per cwt. basis, frozen and packed. The price for any fraction of a cwt. shall be reduced proportionately. You may not add the additions set forth in Article IV.]

Zone differential	Your ceiling price	
	Choice	Good
0 to 0.49	$77.60	$75.70
0.50 to 0.99	78.20	76.30
1.00 to 1.49	78.80	76.90
1.50 to 1.99	79.40	77.50
2.00 to 2.49	80.00	78.00
2.50 to 2.99	80.60	78.60
Over 2.99	81.20	79.10

Special addition: If you are not a slaughterer, you may add $2.00 per cwt. to the prices listed above.

SEC. 28. *Schedule IX—Frozen boneless processing beef.* Your ceiling price for frozen boneless processing beef shall be determined by using the same method of computation as provided in section 22.

Schedule IX

[All prices are on a dollars per cwt. basis, frozen and packed. The price for any fraction of a cwt. shall be reduced proportionately. You may not add the additions set forth in Article IV.]

Zone differential: If your compute is between—	Your ceiling price	
	Choice	Good
0 to 0.49	$81.10	$78.90
0.50 to 0.99	81.90	79.80
1.00 to 1.49	82.70	80.60
1.50 to 1.99	83.50	81.40
2.00 to 2.49	84.30	82.20
2.50 to 2.99	85.10	82.90
Over 2.99	85.90	83.80

Special additions: If you are not a slaughterer, you may add $2.00 per cwt. to the prices listed above.

(b) Effective August 1, 1951 the following prices will supersede those in section 24 (a).

ARTICLE III—DISTRIBUTION POINT

SEC. 30. *Distribution point.* The distribution point applicable to each of your sales determines the zone differential (section 40) and the local delivery addition (section 41), if applicable. In determining the distribution point applicable to each sale, you shall be governed as follows:

(a) *Beef products priced under sections 22 through 26, inclusive.* On sales of beef products priced under sections 22 through 26, inclusive, the distribution point is the seller's place of business.

(b) *Beef products priced under sections 20 and 21 sold to purveyors of meals.* On sales of beef products priced under sections 20 and 21 to purveyors of meals, the distribution point may be, at the option of the seller:

(1) The point at which the meat consigned to the purveyor of meals is delivered to a carrier for shipment to the purveyor, who pays the shipping charges directly to the carrier; or

(2) Any of the points designated in paragraphs (c) or (d) of this section.

(c) *Beef products priced under sections 20 and 21—less than carload shipments.* On sales of less than carload shipments of beef products priced under sections 20 and 21, the distribution point may be, at the option of the seller:

(1) The seller's place of business. If the buyer comes to the seller's plant to pick up the meat; or

(2) The seller's place of business if the seller makes a local delivery beginning at his place of business and continuing to the buyer's place of business; or

(3) The unloading station nearest the buyer's place of business.

(d) *Beef products priced under sections 20 and 21—carload shipments.* On sales of carload shipments of beef products priced under sections 20 and 21, the distribution point may be, at the option of the seller:

(1) The point at which the buyer takes actual physical possession of the meat; or

(2) The seller's place of business if the seller makes a local delivery beginning at his place of business and continuing to the buyer's place of business; or

(3) The point from which the meat consigned to the buyer is delivered to a carrier for shipment at the carload rate to the buyer who pays the shipping charges directly to the carrier; or

(4) The unloading station nearest the buyer's place of business.

(e) *Substituted distribution points.* If no carload freight rates are established to the applicable point listed in paragraphs (a), (b), (c), or (d) of this section, the nearest point to which such freight rates are established shall become the applicable distribution point.

ARTICLE IV—ZONE DIFFERENTIALS AND ADDITIONS

SEC. 40. *Addition 1—Zone differentials.*—(a) *Zone 1.* No amount may be added as a zone differential where the distribution point is located in Zone 1.

(b) *Zone 2.* For beef grade prime or choice, the amount to be added as a zone differential where the distribution point is located in Zone 2 shall be the fresh meat railroad carload freight rate from Omaha, Nebraska, to the distribution point, or from Denver, Colorado, to the distribution point, whichever is lower, adjusted to the nearest 10¢ per cwt.

For beef graded good, commercial, utility, cutter or canner, no amount may be added as a zone differential where the distribution point is located in Zone 2.

(c) *Zone 2a.* For beef graded prime or choice, the amount to be added as a zone differential where the distribution point is located in Zone 2a shall be determined by multiplying by 115 percent the fresh meat railroad carload freight rate from Omaha, Nebraska, to the distribution point, adjusted to the nearest 10¢ per cwt.

For beef graded good, commercial, utility, cutter or canner, the amount to be added as a zone differential where the distribution point is located in Zone 2a shall be determined by multiplying by 60 percent the fresh meat railroad carload freight rate from Omaha, Nebraska, to the distribution point, adjusted to the nearest 10¢ per cwt.

(d) *Zone 3.* The amount to be added as a zone differential where the distribution point is located in Zone 3 shall be the fresh meat railroad carload freight rate from Denver, Colorado, to the distribution point, adjusted to the nearest 10¢ per cwt.

(e) *Zone 4, Zone 4a and Zone 4b.* The amount to be added as a zone differential where the distribution point is located in Zone 4, Zone 4a, or Zone 4b shall be determined by multiplying by 115 percent the fresh meat railroad carload freight rate from Omaha, Nebraska, to the distribution point, adjusted to the nearest 10¢ per cwt.

SEC. 41. *Addition 2—Local delivery.* (a) Where you make (or pay a contract carrier to make) a local delivery of not in excess of 3,000 pounds in any one day to the delivery point designated by the buyer, you may add to the prices specified in Schedules I, II, III, IV, and VII, the amount indicated for the distances set forth below:

[The charge for local delivery for any fraction of a cwt. shall be reduced proportionately.]

Amount	Distance of delivery[1]
$0.40	Up to 35 miles.
$0.60	35 to 75 miles.
$1.00	75 to 150 miles.
$1.20	Over 150 miles.

[1] In terms of shortest railroad and/or truck route.

(b) Where you made a local delivery in excess of 3,000 pounds in any one day to the delivery point designated by the buyer, you may add to the prices specified in Schedules I, II, III, IV, and VII, for local delivery, the lowest of the following three amounts:

(1) The regular commercial rate

(2) The actual cost of making the delivery

[1] For fabricated cuts, you may substitute 125 percent of the fresh meat railroad carload freight rate where 115 percent is allowed, 110 percent where actual fresh meat railroad carload freight rate is allowed, and 70 percent where 60 percent is allowed in this section 40.

(3) The amount specified in (a) above for local delivery for a corresponding distance.

SEC. 42. *Addition 3—Wholesaler's addition.* On the sale of any beef product (not obtained through custom slaughtering):

(a) To retailers or purveyors of meals, you may add $2.25 per cwt. to the prices specified in Schedules I, III, and VII, or

(b) To another wholesaler, you may add $.75 per cwt. to the prices specified in Schedules I, III and VII, or

(c) To other buyers, you may add $1.25 per cwt. to the prices specified in Schedules I, III and VII.

You may not add this wholesaler's selling addition unless you are a wholesaler as defined in section 50 and unless you have filed with the appropriate Regional Office of the Office of Price Stabilization a signed statement containing the following:

(1) Your name.

(2) The address of your selling establishment.

(3) The date that you began doing business as a wholesaler.

(4) The type or types of customers to whom you regularly and customarily sell your product.

SEC. 43. *Addition 4—Freezing for defense procurement agencies.* On sales of beef carcasses or wholesale cuts to a defense procurement agency, you may add to the prices specified in Schedule I 65¢ per cwt. for freezing.

SEC. 44. *Addition 5—Wrapping.* If any beef carcass or wholesale cut is wrapped, you may add to the price specified in Schedule I an amount equal to the cost of such wrapping, but such addition shall not be in excess of 35¢ per cwt.

SEC. 45. *Addition 6—Packing in shipping containers.* For packing beef products in the following containers you may add to the prices specified in Schedules I, III, IV and VII the amount specified below opposite the type of container used.

	Cwt.
All returnable containers	$0.50
5/15 Lbs. Wood, metal or solid fibre containers	1.80
16/35 Lbs. Wood, metal or solid fibre containers	1.50
36/65 Lbs. Wood, wire-bound crates, or solid fibre boxes	1.00
65 Lbs./Up Wood, wire-bound crates, or solid fibre boxes	0.80
Barrels	0.70
Sacks	0.50
Corrugated boxes (all)	0.70

No more than one container addition may be made for any one product.

SEC. 46. *Addition 7—Peddler truck selling addition.* On a peddler truck sale to a buyer's store door or place designated by the buyer for delivery, you may add $2.50 per cwt. to the prices specified in Schedules I, III, and VII.

You may not add this addition unless you make a peddler truck sale as defined in section 50 and unless you have filed with the appropriate Regional Office of the Office of Price Stabilization a signed statement containing the following:

(a) Your name.

(b) Your business address

(c) The date you began doing business as a peddler truck operator.

(d) The type or types of customers to whom you regularly and customarily sell your product.

SEC. 47. *Addition 8—Kosher forequarters and kosher wholesale cuts.* For any grade of kosher beef triangle or kosher wholesale cut obtained from the triangle sold to a bona fide purchasher of kosher meat, you may add $1.20 per cwt. to the prices specified in Schedule I.

For any grade of kosher forequarter sold to a bona fide purchaser of kosher meat, you may add $1.00 to the prices specified in Schedule I.

SEC. 48. *Addition 9—Kosher beef from cattle slaughtered in Zone 4a.* For the following kosher beef cuts derived from cattle slaughtered in Zone 4a (in addition to the amount permitted in section 47), you may add the following amounts.

Item	Amount (per cwt.)
Brisket	$4.00
Plate	3.00
Chuck	2.00
Foreshank	2.00
Forequarter	1.50

[You shall not add these amounts unless the meat is sold to a bona fide buyer of kosher meats and clearly shows the appropriate abattoir stamp]

ARTICLE V—GENERAL DEFINITIONS

SEC. 50. *General definitions.* When used in this regulation, the term:

(a) *Affiliated* means the relationship existing between two persons when one is owned or controlled by the other, or both are owned or controlled by the same person, or when one is an employee or agent of the other. Own or control means to own or control directly or indirectly a partnership equity or in excess of 10 percent of any class of outstanding stock, or to have made loans or advances in excess of 5 percent of the other person's monthly sales.

(b) *Beef* means meat graded as beef pursuant to the provisions of Distribution Regulation 2 and in accordance with the "Official U. S. Standards for Grades of Carcass Beef" of the United States Department of Agriculture.

(c) *Beef product* means a product produced in whole or substantial part from beef, except sausage and canned meats.

(d) *Buyer of kosher meat* means a person who maintains a selling establishment at or through which he regularly and generally sells kosher meat as such, or a person who is a purveyor of kosher meals.

(e) *Carload* means

(1) A shipment by rail of fresh or frozen wholesale meat cuts, and/or cured meat cuts, meat or processed products and/or carcasses or any combination of the foregoing to a single delivery point, of at least the minimum weight upon which the railroad carload rate from the point of shipment to the delivery point, as evidenced by the tariff of railroad carriers, is based: *Provided*, That where the transportation charge for shipment of a lesser weight at the railroad carload rate would be less than the transportation charge for that shipment at the railroad less-than-carload rate, that shipment shall be considered a carload, or

(2) A shipment by motor truck or trucks to a single delivery point of 15,000 pounds or more of fresh or frozen wholesale meat cuts and/or cured meat cuts, meat or processed products and or carcasses, or any combination of the foregoing, as a single bulk sale transaction; or

(3) Any single bulk sale transaction wherein the buyer takes delivery at the seller's place of business of 15,000 pounds or more of fresh or frozen wholesale meat cuts and/or cured meat cuts, meat or processed products and/or carcasses or any combination of the foregoing.

(f) *Club cattle* means any cattle which have been bred, raised and fed, or fed only, by a member of a 4-H or F.F.A. club under the supervision of the Extension Service of the United States or by an individual participating in a vocational agricultural project under the supervision of a vocational teacher in any recognized Vocational Agricultural Department, and which have been certified in writing to conform to the provisions hereof by the supervisor, club agent, agricultural County Agent or vocational agricultural project teacher under whose supervision such cattle were bred, raised, or fed.

(g) *Combination distributor* means any establishment

(1) Which sold or delivered to purveyors of meals during 1950 not less than 25 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies, and

(2) Which is not affiliated with a packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment to which it is physically attached.

(h) *Defense procurement agency* means the Department of Defense (including the Department of the Army, the Department of the Navy, and the Department of the Air Force), the Maritime Administration of the Department of Commerce, the Marine Corps, the United States Coast Guard, the Department of Agriculture, the Veterans Administration or any agency of the foregoing.

(i) *Fresh meat carload freight rate* or *carload freight rate* means the charge solely for transportation of a carload of fresh beef (exclusive of any charge for services, e. g. icing) including the federal transportation tax thereon.

(j) *Grades* means the uniform grades required under Distribution Regulation 2.

(k) *Hotel supply house* means any establishment

(1) Which sold or delivered to purveyors of meals during 1950 not less than 70 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies, and

(2) Which is not affiliated with a packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment.

(l) *Local delivery* means delivery commencing at the distribution point and continuing to the buyer's place of business or to the delivery point designated by the buyer.

(m) *Peddler truck sale* means a sale of beef from a truck by a person

(1) Who purchases beef at or below the ceiling price from a seller with whom he has no other financial affiliations or relationships;

(2) Who takes delivery at the seller's place of business;

(3) Who does not sell or deal in meat in any manner other than sales out of stock carried in a truck driven by him; and

(4) Who has sold meat in this manner at any time between Jan. 1, 1950, and the issuance date of this regulation.

(n) *Purveyor of meals* means

(1) Any restaurant, hotel, cafe, cafeteria or establishment which purchases meats and serves meals, food portions or refreshments for a consideration; or

(2) Any hospital, asylum, orphanage, prison or other similar institution; or

(3) Any person who is feeding, pursuant to a written contract with an agency of the United States, personnel of the armed services of the United States, fed under the command of a commissioned or noncommissioned officer or other authorized representative of the armed services of the United States; or

(4) Any person operating an oceangoing vessel or Great Lakes vessel, engaged in the transportation of cargo or passengers in foreign, coastwise, intercoastal trade, or trade upon the Great Lakes, if meat is delivered for consumption aboard such vessels.

(o) *Sales at retail* means a sale to an individual for consumption by himself or his family off the seller's premises. A retailer means a person who sells at retail.

(p) *Shipment*, whenever used in section 9 (b), means commodities which are consigned to a single buyer as part of a single freight car or truck movement or delivery to the place of business or warehouse of the buyer, other than a consignment or delivery of the entire content of a common carrier, freight car or truck to a defense procurement agency.

(q) *Ship supplier* means any person who sells and/or delivers meats and/or other food products to ship operators.

(r) *Slaughterer* means a person who owns or is affiliated with a slaughtering plant or slaughtering facilities, or who has livestock slaughtered for him by another person.

(s) *Slaughtering facilities* means any equipment designed or used for the commercial killing of calves, cattle, lambs, sheep, or hogs.

(t) *Slaughtering plant* means any place equipped or used for the commercial killing of calves, cattle, lambs, sheep or hogs.

(u) *Wholesaler* means a person (other than a hotel supply house, combination distributor, peddler truck seller)

(1) Who buys beef for resale; and

(2) Who is not affiliated with any slaughtering plant or facilities, engaged in the slaughtering of cattle; and

(3) Who maintains and operates a separate selling establishment, equipped with reasonable and adequate storage facilities, in such a manner that the total monthly poundage of meats and meat by-products sold out of stock carried in his separate selling establishment constitutes not less than 90 percent of the total monthly poundage of all meats and meat by-products resold by him; and

(4) Who operated in this manner at any time between Jan. 1, 1950 and the issuance date of this regulation.

(v) *You* or *person* indicates the person subject to this regulation, including any individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing: *Provided*, That no punishment provided by this regulation shall apply to the United States or to any such government, political subdivision, or agency.

Effective date. This regulation shall become effective on May 9, 1951. You may, however, adopt in whole the provisions of this regulation at any time before the effective date.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 30, 1951.

APPENDIX 1—ZONE DEFINITIONS

(a) *Zone 1.* Zone 1 means the area described as follows:

The entire States of Nebraska, Iowa, Kansas, and South Dakota:

The entire State of Missouri, except St. Louis County;

The portion of Colorado included in the following counties: Sedgwick, Phillips, Yuma, Kit Carson, Cheyenne, Logan, Washington, Lincoln, Weld, Morgan, Denver, Adams, Arapahoe, Douglas, Elbert, El Paso, Teller, Pueblo, Crowley, Otero, Bent, Kiowa, and Prowers;

The portion of Wyoming included in the counties of Platte, Goshen and Laramie;

The portion of Wisconsin west of and including the counties of Iron, Price, Taylor, Clark, Jackson, Monroe, Vernon, and Crawford; and

The portion of Minnesota south of and including the counties of Traverse, Grant, Douglas, Todd, Morrison, Mille Lacs, Kanabec, and Pine.

(b) *Zone 2.* Zone 2 means the area described as follows:

The entire States of Oklahoma, Arkansas, Louisiana, Texas, New Mexico, and North Dakota;

The portion of Wyoming which is not included in Zone 1;

The portion of Colorado which is not included in Zone 1;

The portion of Minnesota which is not included in Zone 1; and

The portion of Montana east of and including the Counties of Phillips, Petroleum, Musselshell, Yellowstone, and Big Horn.

(c) *Zone 2a.* Zone 2a means the portion of Wisconsin which is not included in Zone 1.

(d) *Zone 3.* Zone 3 means the area described as follows:

The entire States of California, Utah, Nevada, Washington, Oregon, Arizona, and Idaho; and

The portion of Montana which is not included in Zone 2.

(e) *Zone 4.* Zone 4 means that portion of the United States which is not included in Zones 1, 2, 2a, 3, 4a, or 4b.

(f) *Zone 4a.* Zone 4a means the area described as follows:

The entire States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, and the District of Columbia;

The portion of New York east of and including the Counties of St. Lawrence, Jefferson, Lewis, Herkimer, Otsego and east and southeast of and including the County of Delaware; and

The portion of Pennsylvania east of and including the Counties of Tioga, Lycoming, Union, Mifflin, Juniata, Perry, and Franklin.

(g) *Zone 4b.* Zone 4b means the area described as follows:

The portion of Florida south of and including the counties of Pinellas, Hillsborough, Polk, Orange, Seminole, and Volusia.

APPENDIX 2—BEEF CARCASSES AND WHOLESALE CUTS DEFINITIONS

(a) Section 58 of this regulation contains a chart showing the cuts the technical descriptions of which are given below. When used in this regulation, the term:

(1) *Beef carcass* means and is limited to two sides of beef or two hindquarters and two forequarters derived in either case from the same beef animal which shall be dressed in the following manner: The head shall be removed by disjointing at the socket joint (occipito-atlis). The hide shall be entirely removed. The belly shall be opened by cutting or sawing through the aitch bone (symphysis-pelvis) down the belly in a straight line to the center of the sternum bone and continuing through the sternum bone to the neck. All the viscera (not including the kidneys and the kidney fat) shall be removed. The heart (mediastinal) fat, caul fat and the sweetbreads from the neck shall be entirely removed. The front feet shall be detached at the lower knee (carpo-metacarpal) joint and the hind legs shall be detached at the hock (tarso-metatarsal joint). The tail shall be removed leaving not more than two tail (caudal) vertebrae remaining attached to the carcass.

In dressing cows the udders shall be entirely removed. In dressing steers, stags, and bulls the entire genito-urinary tract shall be removed. The carcass shall be separated into two sides by splitting or sawing the chine bones as nearly as possible through the center of the spinal column and spinous processes so that the spinal cord is fully exposed. The muscular portion of the skirt (diaphragm) shall be left attached to the carcass but the non-muscular part (centrum tendineum) shall be trimmed so as to leave not more than ½ inch of it remaining adjacent to the red (muscle) meat. Bruises and grubs shall be trimmed out. The hanging tender shall be left on the carcass. The inside of the carcass shall be thoroughly cleaned by washing. The beef carcass shall not be broken in any other manner than as provided below.

Side of beef means a hindquarter and forequarter separated or attached which are derived from one side of a beef animal and which have been dressed in accordance with the specifications applicable to "beef carcass".

Beef wholesale cut means and is limited to any of the following cuts meeting the following minimum specifications, derived from the beef carcass, but excluding the offal and any item not included therein. (All measurements prescribed herein shall be made with a rigid straight ruler. All cuts shall be made according to the definite guides and measurements specified. Ribs

are designated as 1st to 13th, inclusive, counting as the 1st rib that one which is nearest the neck end of the side).

(2) *Hindquarter* means the posterior portion of the side remaining after the severance of the 12-rib forequarter from the side, and comprising the round, full loin including the 13th rib, flank, kidney and hanging tender all in one piece, which posterior portion shall be obtained by cutting the beef side between the 12th and 13th ribs, keeping the knife firmly against the 12th rib while cutting down the length of the rib to the point at the end of the rib where the rib joins the rib (costal) cartilage, from which point passing through the cartilage and meat of the flank and short plate in the same straight line, completing the cut.

(3) *Forequarter* means the anterior portion of the side remaining after the severance of the 1-rib hindquarter from the side and comprises the rib, regular chuck, brisket, short plate and fore-shank, all in one piece, which anterior portion contains the first to twelfth ribs, inclusive. No heart (mediastinal) fat or neck sweetbreads and not more than one-half inch of the fibrous part (centrum tendineum) of the skirt (diaphragm) shall appear in the forequarter and otherwise it shall be dressed in accordance with the specifications applicable to "beef carcass" as set forth in Appendix 2 (a) (1).

(4) *Round* means the portion of the hindquarter remaining after the severance of untrimmed full loin, and flank from the hindquarter, which portion shall be obtained as follows: The untrimmed full loin and flank shall be severed from the hindquarter by cutting in a straight line perpendicular to the contour of the outside or skin surface of the hindquarter. The cut shall be made on a straight line formed by and starting from that point on the backbone which is the juncture of the last (5th) sacral vertebra and the first (1st) tail (caudal) vertebra, and passing through the point which just misses the end of the protuberance of the femur bone and exposes the ball of the femur bone, continuing in the same straight line beyond the second point to complete the cut. Two tail vertebrae shall be left on the round. Attached to the tail bone of the round shall be the tip or rear corner of the fifth sacral vertebra. All cod, udder and pelvic fat remaining on the round after its severance from the full loin and flank shall remain on the round.

(5) *Trimmed full loin* means the portion of the hindquarter remaining after the severance of the round, flank, hanging tender (from the open side), kidney knob and excess loin (lumbar) and pelvic (sacral) fat from the inside of the loin, from the hindquarter, and comprising the short loin and sirloin (loin end) in one piece, the backbone of which portion shall include one and one-half ($1\frac{1}{2}$) thoracic vertebrae, six (6) lumbar vertebrae, and five (5) sacral vertebrae (the tip or rear corner of the fifth sacral vertebrae shall have been sawed off in severing the round from the full loin and flank), and which portion shall be obtained as follows:

First, part of the kidney knob, all of the kidney and the fat lying closely around the kidney in open (left) and closed (right) sides shall be removed first by a cut starting at the rear end of the kidney and slanting directly to the front edge of the half of the 13th thoracic vertebra at the point of severance of the hindquarter and forequarter.

Second, the hanging tender, which means the cylindrical shaped piece of lean meat attached at one end under the kidney knob in open (left) side hindquarters shall be removed entirely from open side loins by being severed at a point opposite the juncture of the 1st and 2d lumbar vertebrae.

Third, after the severance of the round from the hindquarter, the flank shall be severed from the full loin by a cut starting at the heavy end of the full loin at the ventral point of severance of the round from the hindquarter and continuing in a straight line to a fixed point on the inside of the 13th rib determined by measuring off ten inches in a straight line from the center of the protruding edge of the 13th thoracic vertebra, but in making the cut no more than one (1) inch of cod or udder fat shall be left on the flank side of the face of the loin.

NOTE: The 10-inch measurement shall be made from the center of the protruding edge of the 13th thoracic vertebra and not from the hollow of the chine bone where the 13th rib joins the 12th thoracic vertebra.

Fourth, the excess loin (lumbar) and pelvic (sacral) fat shall be trimmed from the inside of the full loin by placing the full loin upon a flat surface, with no other support to change its position, meat side down, and removing all fat which extends above a flat plane parallel with the flat surface supporting the full loin and on a level with the full length of the protruding edge of the lumbar section of the chine bone. Then all fat shall be removed which extends above a flat plane using the following two lines as guides for each edge of the plane: an imaginary line parallel with the full length of the protruding edge of the lumbar section of the chine bone which line extends 1 inch directly above such protruding edge; a line on the inside of the loin two inches from the flank edge and running parallel with such edge for the full length of the loin. All fat obstructing the measurement of the second line shall first be removed. In addition to the foregoing all rough fat in the pelvic cavity of the heavy end of the loin (sirloin) shall be trimmed smooth and trimming by a knife shall be apparent. No fat remaining in the pelvic cavity shall exceed one inch in depth.

(6) *Flank* means the portion of the hindquarter remaining after the severance of the round and untrimmed full loin from the hindquarter, which shall be obtained after the removal of the round by separation from the untrimmed full loin, starting the cut at the point at the lower end of the loin end (sirloin) which was the ventral point of separation of the full loin and round, leaving no more than 1 inch of cod or udder fat attached to the flank side of the face of the full loin, and continuing in a straight line to a fixed point on the inside of the 13th rib determined by measuring off ten inches in a straight line along the 13th rib from the center of the protruding edge of the 13th thoracic vertebra.

NOTE: The 10-inch measurement shall be made from the center of the protruding edge of the 13th thoracic vertebra and not from the hollow of the chine bone where the 13th rib joins the 12th thoracic vertebra.

(7) *Short loin* means that portion of the trimmed full loin remaining after the severance of the sirloin (loin end) from the trimmed full loin, which portion shall be obtained by a cut perpendicular to the contour of the outside or skin surface of the trimmed full loin begun at a point which is the juncture on the chine bone of the 5th and 6th lumbar vertebrae and continuing in a straight line perpendicular to the contour of the outside or skin surface of the trimmed full loin to and through a point flush against the end of the hip (pin) bone, but leaving no part of the hip (pin) bone in the short loin. The backbone of the short loin shall include five (5) lumbar vertebrae, one and one-half ($1\frac{1}{2}$) thoracic vertebrae and part of the 13th rib.

(8) *Sirloin* (loin end) means the thick portion of the trimmed full loin remaining after the severance of the short loin from the trimmed full loin. The backbone of the sirloin shall include one ($1\frac{1}{2}$) lumbar vertebra, five (5) sacral vertebrae (the tip or rear corner of the fifth (5th) sacral vertebra shall have been sawed off in separating the round from the trimmed full loin and flank), and the entire hip bone (illum).

(9) *Cross cut chuck* (Kosher or traefer) means the portion of the forequarter remaining after the severance of the rib and short plate from the forequarter, and comprising the regular chuck, brisket and foreshank all in one piece, which portion shall be obtained by cutting through the forequarter in a straight line between the 5th and 6th ribs, keeping the knife firmly against the 5th rib, while cutting to the point where the 5th rib joins the rib (costal) cartilage, at which point the cut shall continue in the same straight line through the cartilage, the breast bone (sternum) and the meat of the brisket and short plate to complete the severance. The cross cut chuck shall contain five (5) ribs (1st to 5th, inclusive).

(10) *Regular chuck* means the portion of the cross cut chuck remaining after the severance of the foreshank and brisket from the cross cut chuck, and containing part of the blade bone (scapula), part of the arm bone (humerus), parts of the five ribs (1st to 5th, inclusive), that section of the backbone attached to the ribs, and the neck bone (cervical vertebrae from 1 to 7, inclusive), which portion shall be obtained by a cut through the cross cut chuck made in a straight line perpendicular to the contour of the outside or skin surface of the cross cut chuck (thereby separating the brisket and foreshank from the cross cut chuck) starting at a fixed point on the inside of the 5th rib determined by measuring off ten (10) inches along the 5th rib in a straight line from the center of the protruding edge of the 5th thoracic vertebra, continuing in the same straight line to the tip of the forward end of the breast bone (forward end of 1st segment of sternum), and passing through the (humerus) arm bone in the same straight line to complete the cut.

NOTE: The 10-inch measurement shall be made from the center of the protruding edge of the 5th thoracic vertebra and not from the hollow of the chine bone where the 5th rib joins the 5th thoracic vertebra.

(11) *Foreshank* means the portion of the cross cut chuck remaining after the severance of the regular chuck and brisket from the cross cut chuck, which portion shall be obtained (after separation of the regular chuck) by separation from the brisket by a cut following the natural seam and leaving the entire lip, or web muscle on the brisket.

(12) *Brisket* means the portion of the cross cut chuck remaining after the severance of the regular chuck and foreshank from the cross cut chuck, which portion contains parts of four ribs (2d to 5th, inclusive), part of the breast bone and the rib (costal) cartilages which connect the ends of the rib bones with the breast bone. All heart (mediastinal) fat, but no other fat shall be removed from the brisket.

(13) *Rib* means the portion of the forequarter remaining after the severance of the cross cut chuck and short plate from the forequarter, and containing parts of seven ribs (6th to 12th, inclusive), that section of the backbone attached to the ribs, part of the tip and cartilage of the blade bone (scapula), part of the blade bone (scapula) which portion shall be obtained by separation from the short plate) by a straight cut across the ribs starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside of the protruding edge of the 12th thoracic vertebra and continuing to a fixed point determined by measuring off 10 inches on the inside of the 6th rib along the 6th rib from the center of the inside protruding edge of the 6th thoracic vertebra, and severing the rib from the forequarter by a second cut made in a straight line between the 5th and 6th ribs, keeping the knife firmly against the 5th rib to the point where the second cut meets the end of the first cut.

NOTE: Measurements shall be from the center of the protruding edge of the 12th and 6th thoracic vertebrae, and not from the hollow of the chine bone.

(14) *Short plate* means the portion of the forequarter remaining after the severance of the cross cut chuck and rib from the forequarter, and containing the

seven ribs (6th to 12th, inclusive), the rib (costal) cartilages attached to them, and part of the breast bone.

(15) *Back* means the portion of the forequarter remaining after severance of the short plate, brisket and foreshank from the forequarter, and containing the rib and regular chuck all in one piece, which portion shall be obtained by one cut made in a straight line starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside protruding edge of the 12th thoracic vertebra, and continuing to a point measured off 10 inches on the inside of the fifth rib along the 5th rib from the center of the inside protruding edge of the 5th thoracic vertebra; and a second cut made in a straight line starting from the termination point of the first cut and continuing through a fixed point at the tip of the forward end of the breast bone, including the cartilage in young cattle or the ossified bone in the older cattle (forward end of the 1st segment of sternum), through the (humerus) arm bone in the same straight line to complete the cut.

NOTE: Measurements shall be made from the center of the protruding edge of the 12th and 5th thoracic vertebrae, and not from the hollow of the chine bone.

(16) *Triangle* (Kosher or traefer) means the portion of the forequarter remaining after the severance of the rib from the forequarter, and containing the short plate, brisket, foreshank and regular chuck all in one piece, which portion shall be obtained by removing the rib from the forequarter by a straight cut across the ribs starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside of the protruding edge of the 12th thoracic vertebra and continuing to a fixed point determined by measuring off 10 inches on the inside of the 6th rib along the 6th rib from the center of the inside protruding edge of the 6th thoracic vertebra, and severing the rib from the forequarter by a second cut made in a straight line between the 5th and 6th ribs, keeping the knife firmly against the 5th rib to the point where the second cut meets the end of the first cut.

NOTE: Measurements shall be from the center of the protruding edge of the 12th and 6th thoracic vertebrae, and not from the hollow of the chine bone.

(17) *Arm chuck* means the portion of the cross cut chuck remaining after the severance of the brisket from the cross cut chuck and containing the regular chuck and foreshank all in one piece.

APPENDIX 3—BONELESS BEEF CUT DEFINITIONS

When used in this regulation the term:

(a) *Boneless beef cut* means and is limited to mean any of the following cuts which are derived from utility, cutter, or canner grades of beef.

Preparatory to making any "boneless beef cut", the carcass must be separated into "hindquarters" and "forequarters", as specified in Appendix 2 (a) (2) and (3).

The foreshank shall be removed from the forequarter in the following manner: Insert a knife in the elbow joint and draw along the side of the upper forearm, as closely to the bone as possible, to the knuckle joint at the base of the blade bone. Draw the knife over the knuckle joint in such a manner to throw the shank out of the socket joint. A complete separation shall then be made by severing the remaining connective tissue and muscle.

Boneless beef cuts from the hindquarter shall be prepared as follows: The hanging tender shall be removed from the hindquarter as prescribed in Appendix 2 (a) (5). The round is separated from the loin by sawing behind and parallel to the aitch pelvic bone, leaving a small piece of the middle portion of the aitch bone on the round. This cut shall continue in a straight line through the bottom portion of the sirloin and the flank muscle at the proper angle to produce a full knuckle.

The flank shall be removed from the full loin as prescribed in Appendix 2 (a) (6).

The rough rump shall be separated from the loin starting at the center of the fifth sacral vertebra sawing through the knuckle bone, approximately one and one-half inches from the large exposed end of the aitch bone.

(1) *Boneless beef inside (top round), outside (bottom round), and knuckle (face)* shall be prepared in the following manner:

The "knuckle" shall be separated from the outside at the natural muscle seams between the knuckle and the outside, on the one side, and from the inside muscles on the other side, leaving one and one-half inches of the wedge-shaped piece of meat from the overlapping inside muscle attached to the knuckle. The knuckle shall be completely "faced"; removing all connective tissue, fat, and outside covering tissue, including the wedge-shaped strip of lean meat left on the knuckle when separating from the beef inside. The patella (knee-cap bone) and all cartilage or connecting tissue shall be removed. It shall be free from bruises and blood clots.

The "inside" and "outside" shall be separated by a cut starting at the termination of the gambrel cord separating the shank end portion equally between the inside and outside muscles and continuing the cut in a straight line to a point on the rump end which is just barely on the outside of the large muscle seam visible at this end. All fat on the skin surface shall be trimmed down to one-eighth inch in thickness. The crotch fat on the inside shall be trimmed down to the connective tissue (fel). The gracilis sinew below the crotch shall be completely removed. The popliteal gland and the fat on the cut surface on both the inside and outside muscles are to be removed and trimmed smooth. The inside shank muscle and the heavy sinew ends of the gambrel cord shall be removed from the inside. The shank muscle imbedded in the shank portion of the outside shall not be removed.

(2) *Boneless beef shoulder clod* shall be prepared in accordance with the same specifications as fabricated "shoulder clod", defined in Appendix 4 (a) (17), and shall be removed in the same manner as prescribed in that paragraph.

The brisket, rib, and short plate are removed in the manner prescribed in Appendix 2 (a) (12), (13) and (14).

(3) *Boneless beef strip* means that part of the strip loin remaining after all the bones have been removed. The strip loin shall be separated from the sirloin in the manner prescribed in Appendix 4 (a) (9). The boneless strip shall be entirely free from bruises, blood clots, and mutilations. The wing (flank side) shall be removed from the strip by a cut running parallel to the chine bone edge starting one and one-half inches beyond the eye of the strip at the rib end. All loose pieces shall be removed.

(4) *Boneless beef sirloin butt* means the boneless meat remaining after removal of all bone from the sirloin. All rough, ragged edges, and semi-loose pieces shall be removed. It shall be free from blood clots and bruises.

(5) *Boneless beef regular roll (rib eye)* means the rib eye muscles with no fat or bones included, free from bruises and blood clots and with the back strap removed. The rib cover shall be removed in such a manner that the wedge-shaped piece of lean meat that lies along the eye of the rib is left attached to the roll.

(6) *Boneless beef tenderloin* shall be removed from the loin in the manner prescribed in Appendix 4 (a) (11), and the same specifications for trimming the tenderloin, as outlined in that paragraph, shall apply.

(7) *Boneless beef flank steak* means the flat oval-shaped lean muscle embedded in the cod or udder end of the flank which shall be obtained by loosening the narrow end of the steak piece at the cod or udder end of the flank, cutting through the membrane along both sides of the steak, then pulling and cutting the steak loose and severing it from the fibrous membrane which lies directly under and to which it is attached. None of the fibrous membrane shall be left on the steak. All fat shall be trimmed from the steak, but the thin membrane on the top surface of the steak shall not be removed.

(8) *Boneless beef chuck (clod out)* means the boneless meat remaining after the clod, back strap and all bones have been removed from the regular chuck in the manner prescribed in Appendix 4 (a) (15) and (16). It shall be free from all cartilage, blood clots and bruises.

(9) *Boneless beef rump* means that part of the rough rump remaining after all of the bones (including the tail bones) have been removed. All the meat and fat on the inside of the rump bone shall be completely removed by running a knife along the edge of the bone beginning at the knuckle bone side and following closely the surface of the bone to the opposite side of the rump. All loose pieces of meat shall be trimmed smooth and it shall be free from bruises, blood clots and bone splinters.

(10) *Boneless beef round* means that portion of the round remaining after the rump and all bones have been removed. The cod or udder fat shall be trimmed so that it will not exceed one-quarter inch in thickness and all ragged pieces of meat and other fat in excess of one-quarter inch shall be removed. It shall be free from visible bruises and blood clots.

(11) *Ground beef* means ground beef as defined in Appendix 4 (a) (33).

(12) *Ground beef in casings* means ground beef in casings as defined in Appendix 4 (a) (34).

(13) *Ground beef patties* means ground beef patties as defined in Appendix 4 (a) (35).

(14) *Boneless stewing beef* means meat prepared from skeletal meat of beef carcasses of any grade except the tenderloin, and kidneys shall not be used. All serous membranes shall be stripped from the flanks, skirts, and short plates. All meat shall be free from bones, cartilage and tendons. Trimmable fat shall not exceed 10 percent. The meat shall be cut into pieces approximately one inch in size and may be formed into loaves (wrapped or plain) of any size from one pound up (quick-frozen or fresh).

The meat shall be packed in a solid fibre, corrugated, or other container. All meat shall be in prime condition at the time of delivery at destination.

(15) *Trimmings* means any pieces of meat derived from the beef carcass in connection with the production of wholesale cuts, fabricated cuts or boneless beef, and which does not include in excess of 25 percent trimmable fat. Trimmings are to be free from bones, splinters, gristle, blood clots and bruises.

(16) *Sterilized trimmings* means trimmings which have been passed for sterilization in accordance with the Meat Inspection Division Regulations issued by the U. S. Department of Agriculture.

APPENDIX 4.—FABRICATED BEEF CUT DEFINITIONS

When used in this regulation the term:

(a) *Fabricated beef cut* means any of the following cuts, meeting the following minimum specifications, and derived from specified beef wholesale cuts, as provided for in Appendix 2. All cuts shall be made according to the specifications provided herein.

(1) *Round (rump and shank off).* Round (rump and shank off), means that part of a round remaining after the shank and rough rump have been removed.

The shank shall be removed by a cut starting at the bottom end of the gambrel cord, following the natural muscle seam to the stifle (knee) joint, passing through the bones of the joint severing the shank from the round. The rough rump shall be removed by a straight cut starting at a point on the outside or skin surface of the round, so as to meet the top part of the aitch bone, then following the curvature of the aitch bone to the protuberance of the femur bone (round bone) leaving no part of the aitch bone in the round. The rump shall then be separated from the round by sawing through the ball of the femur bone (round bone). All cod or udder fat shall be removed from the round, rump and shank off.

(2) *Boneless rump (butt).* The boneless rump means that part of the rough rump remaining after all of the bones (including the tail bones) have been removed. Ragged pieces of meat and fat in excess of one inch on the top or outside skin surface shall be removed.

(3) *Hind shank.* Hind shank means the hind shank of the beef with lean meat attached. It shall be removed from the round as described in Appendix 4 (a) (1).

(4) *Boneless round (rump on).* Boneless round means that part of the round remaining after all bones (including tail bones) and shank have been removed. The shank shall be removed as described in Appendix 4 (a) (1). The ragged pieces of meat, all cod or udder fat, and other fat in excess of one inch shall be removed.

(5), (6) and (7) *Inside (top round), outside (bottom round) and knuckle (face).* Inside (top round), outside (bottom round) and knuckle (face) means the three natural muscle pieces into which the round is separated after the rough rump, shank, and femur bone (round bone) have been removed. The shank and rough rump shall be removed as described in Appendix 4 (a) (1). The knuckle shall be separated by cutting through the natural muscle seams between the knuckle and outside muscles on the one side, and the knuckle and the inside muscles on the other side leaving one and one-half inches of the wedge-shaped pieces of meat from the overlapping inside muscle attached to the knuckle. The patella (knee cap bone) and all cartilage or connecting tissue shall be removed.

The inside and outside pieces shall be separated by a cut starting at the termination of the gambrel cord separating the shank and portion equally between the inside and outside, and continuing the cut in a straight line to a point on the rump and which is just barely on the outside edge of the large muscle seam that is visible at this end.

The gland which lies in the center between the inside and outside muscles shall be cut through so as to leave a portion of this gland in both muscles.

The cod or udder fat and all other fat in excess of one inch shall be removed.

(8) *Gooseneck boneless round.* Gooseneck boneless round means the outside muscle and boneless rump attached. It shall be made by separating the outside muscle with boneless rump attached from the knuckle and inside muscles by the method described in Appendix 4 (a) (5), (6), and (7). All fat in excess of one inch on the top of outside skin surface of the rump shall be removed.

(9) *Strip loin (bone in).* The strip loin means that part of the full loin, after the full tenderloin, sirloin, protruding edge of the chine bone, and the flank edge of the short loin have been removed, or that part remaining of a short loin after the short tenderloin, protruding edge of chine bone and the flank edge of the short loin have been removed. The strip loin shall be cut from the stripped full loin in a straight line perpendicular to the outside or skin surface of the loin from a point which is the juncture of the 5th and 6th lumbar vertebrae and continuing in the same straight line through a point flush against the end of the hip (pin) bone, but leaving no part of the hip (pin) bone in the strip loin.

The protruding edge of the chine bone shall be removed by sawing through the lower extremity of the spinal cord groove when the loin is lying with the flesh side down. The flank edge of the strip loin shall be cut off in a straight line from the sawed end of the 12th rib, which is 10 inches from the center of the protruding edge of the 13th thoracic vertebra and continuing in a straight line with full length of the strip loin parallel to the chine bone and perpendicular to the outside skin surface of the strip loin. Rough fat on the inside of the strip loin shall be trimmed smooth and all fat in excess of one inch on the outside skin surface shall be removed.

(10) *Strip loin (boneless).* Strip loin (boneless) means that part of a strip loin remaining after all bones have been removed. All fat in excess of one inch on the outside skin surface shall be removed.

(11) *Beef tenderloin.* Beef tenderloin means the tenderloin muscle with the attached side strip muscle lying inside of the full loin. The tenderloin shall be removed from the full loin by cutting along the inside of the chine bone following the conformation of this bone from the tip of the loin or at the point where the 13th rib joins the 13th thoracic vertebra at the end of the chine bone or at a point adjacent to the 5th sacral vertebra and by a cut at the butt end of the tenderloin which shall be made along the hip bone following the natural seam (or blue seam) in the sirloin end of the loin. Full beef tenderloin shall be devoid of any head muscle and all the excess fat shall be removed from the back of the tenderloin so as to expose the gland which lies about 6 inches forward from the butt end of the tenderloin. All the fat lying beyond the exposed gland shall be tapered down to a point that in no case shall extend beyond three-quarters of the length of the entire tenderloin.

Beef tenderloin also means the trimmed sirloin tenderloin which is that portion of the tenderloin muscle removed from the sirloin. It shall be devoid of any head muscle and all excess fat shall be removed from the back of the sirloin tenderloin so as to expose the gland as described herein. Beef tenderloin also includes the trimmed tip tenderloin which is the portion of the tenderloin muscle removed from a short loin. The fat on the back of the tenderloin shall be tapered down as described herein and at no point shall exceed one-half inch. All fat from the lower half shall be removed.

(12) *Boneless sirloin (butt).* Boneless sirloin means that part of a sirloin after all the bone and the sirloin tenderloin have been removed. All flank meat and the fat from the flank side of the boneless sirloin shall be removed. All fat in excess of one inch on the outside skin surface shall be removed.

(13) *Top sirloin (butt).* Top sirloin means that part of the boneless sirloin, which is the top lean muscle that covered the hip bone (illium) from the chine bone side of the sirloin to the natural seam (or blue seam) which separates the bottom lean muscle from the top lean muscle.

The top sirloin shall be separated from the bottom sirloin by cutting through the natural muscle seam (or blue tissue) and continuing through the meat with the knife held at a 45 degree angle to the cutting surface of the block. All fat in excess of one inch on the outside skin surface shall be removed.

(14) *Bottom sirloin (butt).* Bottom sirloin means that part of the boneless sirloin remaining after the removal of the top sirloin. All flank meat and the fat from the flank side of the bottom sirloin shall be removed. All fat in excess of one inch on the outside skin surface shall be removed.

(15) *Boneless chuck.* Boneless chuck means that part of the chuck remaining after all bones and the back strap have been removed. Boneless chuck shall be made only from regular chucks (square cut).

No trimming of boneless chuck is required and the intercostal meat may be left attached.

(16) *Boneless chuck (shoulder clod out).* Boneless chuck, shoulder clod out, shall be same as the boneless chuck described in (15) except that the shoulder clod shall be removed.

(17) *Shoulder clod.* Shoulder clod means the thick meaty portion of the regular chuck lying above the blade and rib bones.

It shall be separated from the chuck by a first cut starting at the knuckle joint and continuing in the same line along the ridge of the blade bone through to the chine bone, and by a second cut starting from the extreme corner of the brisket end of the 5th rib following the first natural muscle seam above the rib bones to a point about midway between the knuckle bone and the end of the 5th rib, then upward to the second natural muscle seam above the rib bones and following this natural muscle seam to the knuckle end of the clod. Pull knuckle end of clod upward, separating in the natural muscle seam at the blade bone, then cut along edge of blade bone to enable clod to be pulled loose from the chuck.

(18) *Boneless brisket (deckle off).* Boneless brisket (deckle off) means that part of the green brisket remaining after all the bones, intercostal meat and deckle have been removed. The deckle means the layer of fat, meat and tissues lying between the rib bones, the rib (costal) cartilages, the breast (sternum) bone and the lean principal muscle of the brisket. The deckle shall be removed at the natural seam leaving the thick layer of fat attached to the deckle and exposing the lean meat surface lying directly below. This lean surface shall be free of all fat except minute flakes of fat that adhere closely to the lean after the deckle has been removed. The hard fat along the sternum edge (the area on the bone side of the brisket which is adjacent to and directly under the sternum bone) of the boneless brisket shall be trimmed level with the boned surface of the brisket and to within ½ inch of the lean lying between this hard fat and the border of skin surface fat. All ragged pieces of meat from both bone and skin side of the boneless (deckle off) brisket and all fat in excess of one inch on the outside skin surface, including the breast curve, shall be removed. The web muscle (full lip) shall be left attached with the thin tissue edge, trimmed to expose the narrow portion of lean meat.

(19) *Oven-prepared rib.* Oven-prepared rib means that part of the regular seven-bone rib remaining after the chine bone and short ribs have been removed.

The chine bone, or bodies of the thoracic vertebrae, shall be entirely removed by cutting to the point at which they join the feather bones, exposing the lean meat, but leaving the feather bones attached to the rib cut. The short ribs shall be removed by cutting in a straight line perpendicular to the outside skin surface of the rib from a point measured 8 inches along the 12th rib from the protruding edge of the 12th thoracic vertebra to a point measured eight inches along the 6th rib from the protruding edge of the 6th thoracic vertebra (chine bone). All the blade bone, including the cartilage shall be removed.

(20) *Short ribs.* Short ribs mean that portion of the rib cut off in fabricating oven-prepared ribs, as described in this Appendix 4 (a) (19) and shall include the rib sections of seven ribs.

Plate short ribs means strip pieces cut from the short plate up to and not beyond the point where the ribs join the costal cartilages (rib cartilages).

(21) *Rib—boned, rolled and tied.* Rib, boned, rolled and tied means that part of the regular 7-rib cut remaining after all bones, including the blade bone and cartilage, have been removed. The intercostal meat shall be removed.

Rib, boned, rolled and tied shall be rolled into a cylindrical shape and tied with at least five loops of string. Ragged pieces on the ends shall be trimmed off.

(22) *Spencer roll.* Spencer roll means that part of the regular 7-rib cut remaining after the short ribs, all bones, and the blade bone with the meat attached have been removed.

The short ribs shall be cut off as described in (19), the intercostal meat shall not be included and no further trimming is required.

Spencer rolls shall be made only from commercial and utility grades of beef.

(23) *Regular roll (rib eye).* Regular roll (rib eye) means the rib eye muscles, only, with no fat or bones included. No further trimming is required. Regular rolls (rib eye) shall be made only from commercial and utility grades of beef.

(24) *Boneless short plate.* Boneless short plate means that part of the short plate remaining after the skirt and all bones have been removed. The fell shall be stripped from the flank side of the plate. All fat exceeding ½ inch shall be removed.

(25) *Cube steak.* Cube steaks mean any lean muscle meat (not containing an outer surface of fat in excess of one-quarter of an inch) derived from the boneless sirloin or boneless round of prime, choice, good or commercial grade of beef, cut into steaks of uniform size, tenderized in accordance with normal business practice. Cube steaks can be made either by hand or by machine.

(26) *Flank steak.* Flank steak means the flat, oval-shaped lean muscle of meat embedded in the cod or udder end of the flank which shall be obtained by loosening the narrow end of the steak piece at the cod or udder end of the flank, cutting through the membrane along both sides of the steak, then pulling and cutting the steak loose and severing it from the thick membrane which lies directly under and to which it is attached. None of the thick membrane shall be left on the steak. All fat shall be trimmed from the steak, but the thin membrane on the top surface of the steak shall not be removed.

(27) *Club steaks (bone in).* Club steaks mean steaks cut from that portion of a short loin or strip loin extending from a point opposite the juncture of the first and second lumbar vertebrae to the forward (anterior) end of the short or strip loin.

The cutting of steaks and the trimming of the flank shall be made as described in this Appendix 4 (a) (29).

No further trimming of the flank or removal of chine bone shall be required on club steaks made from strip loins.

The chine bone on club steaks made from short loins shall be removed by chopping or sawing through the inner extremity of the spinal cord groove.

Only complete club steaks shall be made and all fat in excess of one inch on outside skin surface shall be removed.

(28) *Porterhouse steaks (bone in).* Porterhouse steak means steak cut from that portion of a short loin extending from a point opposite the center of the fourth lumbar vertebra to the end of the short loin at the point of severance from the sirloin.

The flank shall be removed at a point measured four inches downward from the lower end of the eye muscle. All fat in excess of one inch on the inside or outside skin surface shall be removed.

(29) *T-Bone steaks (bone in).* T-bone steak means steak cut from that portion of a short loin extending from a point opposite the center of the fourth lumbar vertebra to a point opposite the juncture of the first and second lumbar vertebra. T-bone steaks shall be trimmed as described in this Appendix 4 (a) (28).

(30) *Boneless strip steak.* Boneless strip steaks mean steaks cut from a boneless strip loin. All fat in excess of one inch shall be removed from the outside skin surface.

(31) *Boneless sirloin steaks.* Boneless sirloin steaks mean steaks cut from a boneless sirloin, which has been trimmed as described in this Appendix 4 (a) (13). Only complete steaks shall be made.

(32) *Top sirloin steaks.* Top sirloin steaks mean steaks cut from a top sirloin which has been trimmed as described in this Appendix 4 (a) (4). Only complete steaks shall be made.

(33) *"Ground beef"; bulk (hamburger, hamburger steak, hamburg steak, chili meat),* means ground, chopped, or comminuted fresh beef derived from the skeletal portion of the dressed carcass (but not including headmeat) which contains no offal, added blood, cartilage, bone, cereal product, water or ice, or any adulterant or other foreign substance except seasoning, and which does not have a fat content in excess of 30% by chemical analysis. "Ground beef" shall be ground twice, the final grinding through a plate with holes not more than $^3/_{16}$ of an inch in diameter or $^3/_8$ of an inch in the case of chili meat, or chopped in a rotary cutter or by other means giving equivalent results.

(34) *Ground beef in casings.* Ground beef in casings means ground beef stuffed in natural or artificial casings and the total weight of each piece shall not exceed 15 pounds.

(35) *Ground beef patties.* Ground beef patties means ground beef which has been formed into portions of uniform size and thickness, each of which shall not weigh more than four ounces. They may be formed by hand or machine.

(36) *Ground boneless chuck.* Ground boneless chuck means ground, chopped or comminuted fresh beef derived from boneless beef chuck (shoulder clod cut), (as defined in this Appendix 4 (a) (15)) of prime, choice, good, commercial or utility grade. It shall be entirely free from bone splinters, cartilage, tendons, and coarse fibrous membranes. It shall contain no added blood, water, or ice, or any adulterations or other foreign substances, except seasoning, and the fat content shall not be in excess of 22 per cent by chemical analysis. The meat shall be ground twice, the final grinding through a plate with holes not more than $^3/_{16}$ of an inch in diameter, or $^3/_8$ of an inch in the case of chili meat. In lieu of grinding the meat may be chopped in a rotary cutter or by other means giving equivalent results. The meat may be formed into loaves and packed in suitable solid fibre, corrugated or other containers; or it may be prepared in bulk containers, wax paper lined. The meat shall be quick-frozen immediately after preparation and shall be in prime condition at the time of delivery at destination. Each container shall be inspected and passed for wholesomeness by an inspector of the Meat Grading Service of the U. S. Department of Agriculture.

(37) *Stewing beef.* Stewing beef means boneless stewing beef as defined in Appendix 3 (a) (14).

Appendix 5.—Boneless Beef (Military Specifications) Definitions

When used in this regulation, the term:

(a) *Frozen boneless beef (4-way military specifications)* means beef, frozen and boneless, derived from steers or heifers of choice and good grades and satisfying the specifications and requirements contained in "Military Specification, Beef, boneless, Frozen (4-way)" (MIL-B-10017 (QMC)). Any frozen boneless beef which has been rejected by the purchasing agency of a defense procurement agency shall not be sold as "frozen boneless beef (military specifications)."

The seller shall place a sticker or stencil on the container, certifying the appropriate grade of the product contained therein. By placing an official U. S. inspection stamp on the container, the official inspector shall attest the accuracy of the seller's certification.

(b) *Beef, processing (military specifications, JAN–B–617)* means beef derived from the grades and classes, and satisfying specifications and requirements of the Joint Army-Navy specifications entitled "Beef, Processing" (JAN–B–617). No boneless beef shall be packed as "Beef, Processing (Military Specifications)", except in the presence of an official inspector designated by the U. S. Army or Navy or other U. S. Government Agency.

The seller shall place a sticker or stencil on the container, certifying the appropriate grade of the product contained therein. By placing an official U. S. inspection stamp on the container, the official inspector shall attest the accuracy of the seller's certification.

Appendix 6—Beef Variety Meats and By-Products Definitions

(a) When used in this regulation the term *beef variety meat or by-product* means any of the following edible by-products of cattle which is clean, sound, has at all times been handled in a sanitary manner, and is free from foreign material, mucus and hair. Referring to variety meats and edible by-products derived from livestock slaughter the term:

1. *Brains* means both brain lobes, the small knob at the base of the brain and a short piece of spinal cord approximately three quarters of an inch in length.

2. *Cheek meat* of cattle means the lean muscle on the inside and outside of the lower jaw, trimmed free of the salivary glands, with no more than 20 percent trimmable fat.

3. *Hanging tender* means the cylindrical shaped piece of lean meat attached at one end under the kidney knob in the open (left) side of the hind quarter. It shall be removed from the open side of the loin by being severed at a point opposite the junction of the first and second lumbar vertebrae.

4. *Head meat* means the lean meat, exclusive of cheek meat, trimmed from the head of cattle.

5. *Hearts* means bright colored beef hearts, free from blood clots, trimmed free from large gristly blood vessels.

6. *Kidneys* means kidneys free from spots and reasonably free from fat. They shall be removed by first loosening the suet from the outside surface of the kidney and then cutting off the vein, leaving sufficient fat in the vein so that the fat will be flush with the surface of the kidney.

7. *Lips* means the meat and tissue from the side of the jaw when removed from cattle.

8. *Lips, scalded* means lips thoroughly cleaned by washing and scalding according to B. A. I. instructions—or similar good commercial methods.

9. *Livers* means all beef livers of any weight, bright and uniform in color, from light to chocolate brown, moderately short and plump and which are free from all mutilations other than minor cuts or slight skin breaks caused by the removal of the gall bladder by separating the liver from the carcass by hooks, or caused during the examination of the portal glands by MID inspectors, where such minor cuts or slight skin breaks do not impair the quality of the liver. The large blood vessel lying along the side of the liver should be trimmed even with the surface of the liver.

10. *Lungs* means the lungs from cattle. The trachea (windpipe) is to be cut off close to the body of the lungs.

11. *Melts* means the spleens.

12. *Sweetbreads, heart* means the thymus gland adjacent to the heart (heart sweetbreads). They are to be trimmed reasonably free from fat.

13. *Sweetbreads, neck* means the thymus gland (neck sweetbreads) removed from the neck only of beef cattle. They are to be trimmed reasonably free from fat.

14. *Tails* means tails of cattle. Ragged edges of tissue, loose fat and the last two joints of the tip end are to be removed.

15. *Tongues* means tongues from cattle, cut off at a point that leaves the epiglottis on the tongue. The entire gullet including the soft palate shall be removed and the hinge bone shall not protrude over the end of the tongue. One-half inch of fat may be left on the underside of the tongue, which shall be trimmed smooth in removing the glands. The tip may be cut up to a point where cross section thickness does not exceed one and one-half inches.

16. *Tripe, cooked* means tripe which has been thoroughly cooked by boiling in water, cooled and washed; any excess fat is to be removed from tripe.

17. *Tripe, honeycomb* means cooked beef tripe showing the characteristics of honeycomb markings. If the pocket is split, the apron around the open end cannot be more than three inches wide.

18. *Tripe, scalded* means paunches (stomachs) thoroughly cleaned by washing and scalding according to B. A. I. instructions or similar good commercial methods.

19. *Udders* means the severed mammary glands from cows, and shall be carefully drained by slicing according to good commercial practice.

Appendix 7.—Other Beef Product Definitions

When used in this regulation the term:

(a) *Boneless processing beef* is limited to those items listed in section 23 and means the skeletal portion of carcasses or wholesale cuts of utility, cutter or canner grade, with all bones, cartilage and back strap removed. It shall be free from blood clots and bruises.

(b) *Prefabricated quick frozen and packaged retail beef cuts* means beef steaks, roasts and ground beef derived from beef carcasses or wholesale cuts of prime, choice, good, commercial, or utility grade, which are separately wrapped in transparent, moisture proof paper, thoroughly frozen at quick freezing temperatures and have clearly visible a tag or other marking showing the name of the cut, the grade and the net weight of the meat contained in the package.

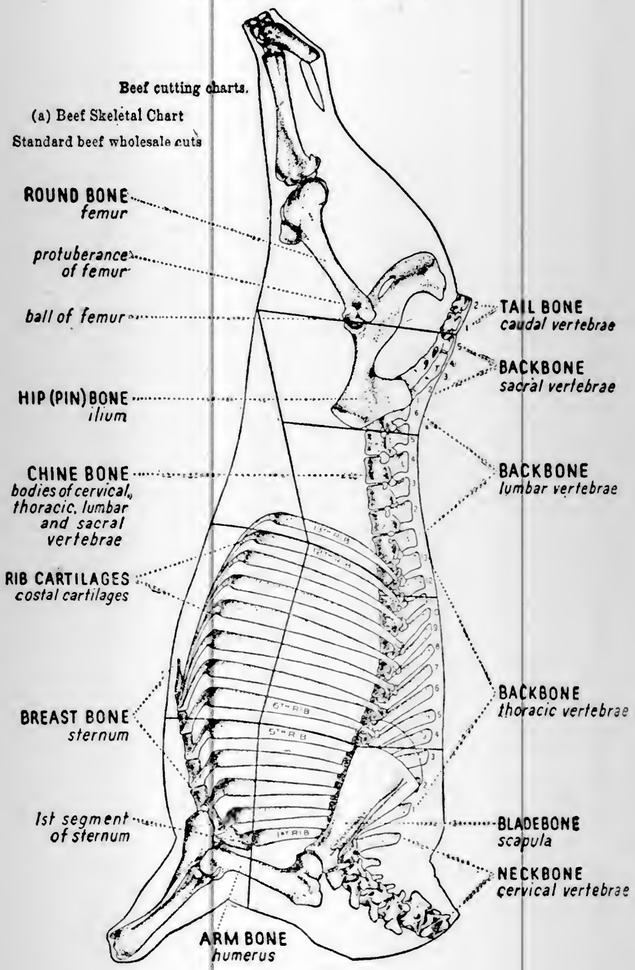
(c) *Kosher beef wholesale cut* means any beef wholesale cut derived from cattle or calves slaughtered, approved and stamped as kosher under rabbinical supervision, and sold under rabbinical supervision.

Appendix 8—Beef Cutting Charts

Beef cutting charts.

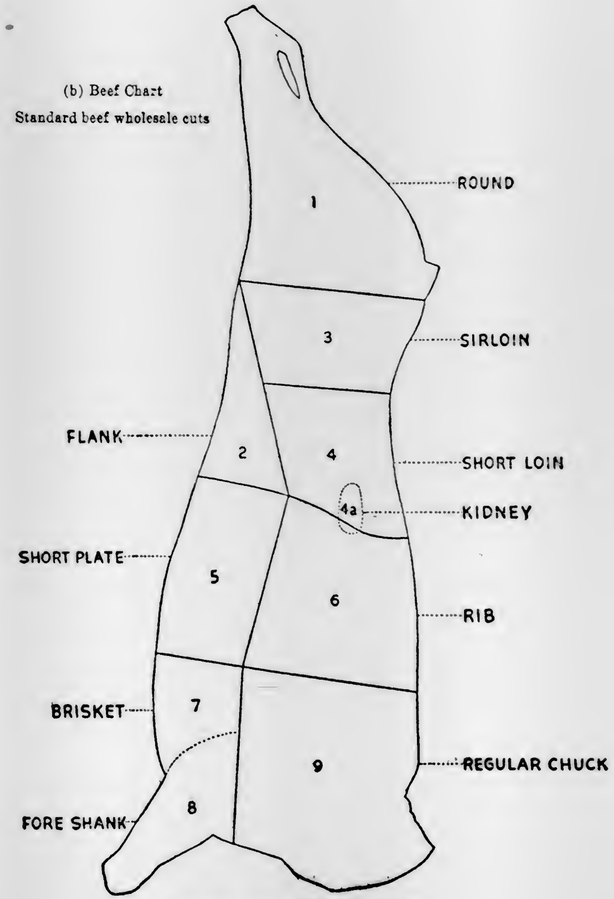
(a) Beef Skeletal Chart

Standard beef wholesale cuts



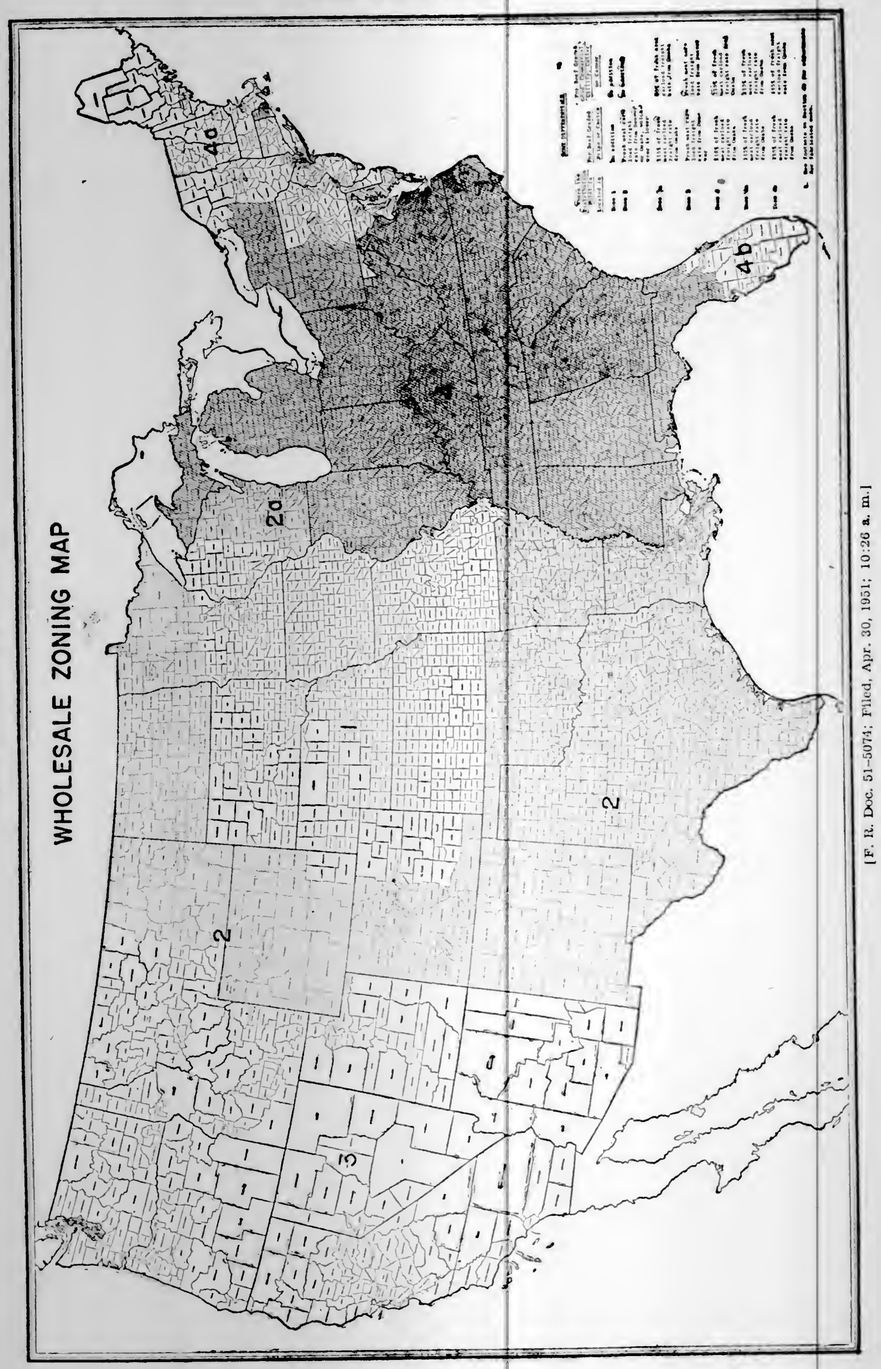
(b) Beef Chart

Standard beef wholesale cuts



COMBINATION PRIMAL CUTS

3,4.....TRIMMED FULL LOIN
7,8,9.....CROSS CUT CHUCK (KOSHER OR TRAEFER)
6,9.....BACK
5,7,8,9...TRIANGLE (KOSHER OR TRAEFER)
8,9.....ARM CHUCK



APPENDIX 9—WHOLESALE ZONING MAP

[F. R. Doc. 51-5074; Filed, Apr. 30, 1951; 10:26 a. m.]

[Ceiling Price Regulation 25]

CPR 25—Ceiling Prices of Beef Items Sold at Retail

Pursuant to the Defense Production Act of 1950 (Pub. Law. 774, 81st Cong.) Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with Respect to the Allocation of Meat, Jan. 26, 1951, 16 F. R. 1272, and Economic Stabilization Agency General Order No. 5, Feb. 8, 1951, 16 F. R. 1273, this Ceiling Price Regulation 25 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes dollar and cent ceiling prices for retail sales of beef cuts and most beef variety meats and beef by-products.

While the General Ceiling Price Regulation was essential to stop the sharp rise in prices since Korea, it created inequities and raised practical problems which require the issuance of tailored regulations for retail beef at the earliest possible time. Under the General Ceiling Price Regulation, beef wholesalers were permitted to charge retailers the highest price at which beef had been delivered during the base period to a purchaser of the same class. Therefore, a wholesaler could raise his price to a retailer over that charged in the base period if he had sold at this higher price to another retailer who was a purchaser of the same class. Many retailers were thus forced to absorb increases in meat cost and suffered reduced margins. In addition, the regulation created many serious administrative and enforcement problems. The existence of thousands of meat retailers all frozen at individual ceiling prices presents in itself a difficult enforcement problem. Finally, there are bound to be large numbers of new meat retailers and the freeze technique is particularly difficult to apply to sellers who had no base period ceiling price.

This regulation fixes dollar and cent retail ceiling prices for beef by grade. Moreover, it standardizes retail beef cuts and relates the specific dollar and cent prices to a particular standard cut. Dollar and cent ceiling prices by grade and cut provide the simplest and most effective type of price control. Since retailers will be required to post the prices established by the regulation, the housewife will have a simple and easily recognizable list of prices available to her in order to determine whether she is being properly charged for her purchases. Moreover, since these regulations base the retail prices by the calculation of a markup over the wholesale prices fixed by Ceiling Price Regulation 24, they provide an equitable markup for the retailer.

Beef Products Not Covered by This Regulation

Because of inequities created by the General Ceiling Price Regulation, it is essential that this regulation be issued at the earliest possible time. For that reason, it is not possible to include all beef products in this regulation. Thus, most cured, corned, smoked, barbecued and dried beef items and a few beef by-products and beef variety meats are not included at this time nor, save for the over-all ceiling, have specific ceiling prices been provided for specialty steak products, because sufficient information to fix specific ceiling prices is not now available. Similarly, prices for sausage and sterile canned beef items are not fixed because of their more difficult and unique pricing problems, requiring separate regulations. These beef products remain under the General Ceiling Price Regulation.

Retail Price and Grade Differentials

The retail prices established by this regulation are based upon a percentage markup from the wholesale prices established by Ceiling Price Regulation 24 for the period through July 31, 1951. In order to issue this regulation at the earliest practicable time, the regulation omits the price lists for the periods beginning August 1 and October 1, 1951. The regulation will be amended to include those lists and will thereby reflect the decreases in livestock and wholesale prices which become effective on those dates.

The retail prices established in this regulation depend largely on the zone prices specified in the wholesale price regulation. Since the wholesale regulation on beef establishes grade differentials based on grade designations established by the Department of Agriculture, these grade prices have been carried through for retail cuts with the exception of ground meats. Since the grade of meat used in pre-ground meat loses its identity a single price is established irrespective of grade. Relatively little prime beef is sold to consumers and, therefore, no separate prices have been provided for such grade. Retailers may sell prime beef at the prices provided for choice beef.

In computing the proper percentage markup, the studies made by the Office of Price Administration and used in fixing the retail beef prices established by MPR 355 were employed as a starting point. Information available to the Director of Price Stabilization indicated that the pre-Korea retail markups on beef were lower than those which had prevailed at the time the Office of Price Administration studies were made and an adjustment was therefore made to reflect this decline. The dollar and cents markup prevailing in the pre-Korea period was then determined and was increased to reflect increases in overhead costs since Korea. This was reconverted to a percentage markup and applied to current wholesale costs. In applying retail markups to retail beef cuts proper allowances have been made for shop fat and bone value. It was also recognized that a considerable shrinkage takes place at the retail level from loss of moisture in the meat and other factors which constitute the expense known in the retail trade as "store shrink." For this reason, margin figures were obtained before shrinkage and a shrinkage factor added. A continuing study of the data upon which the ceiling prices established by this regulation are based and of new data may indicate that these retail prices are either too high or too low. In either event, this regulation will be revised to reflect the results of the study.

In determining the price relationships among the various retail cuts two distinct procedures were followed. In the simplest case where the standardized wholesale cut accurately reflects consumer's preference for certain desired retail cuts no serious problem of establishing ceiling prices exists. In the case of porterhouse steaks, for example, the desired short loin realization for the retailer was computed, the value of shop fat from the short loins was deducted and the number of pounds of salable porterhouse converted into a dollar return which provides the retailer a fair profit. In the more complicated case where the wholesale cut is broken into several retail cuts of different values, historical price relationships among the cuts were generally used. In addition, the advice of retailers was obtained in establishing these relationships, thereby determining fair evaluations for each cut. This procedure was used, for example, in the case of the beef round where there are several retail cuts having different values.

Standard Retail Cuts

Beef is normally sold at retail in the form of a wide variety of retail cuts. Prices cannot be established for these cuts except in conjunction with precise definitions. If the cuts being priced were not defined with precision, the established prices could be readily evaded by cutting into the higher-priced cuts substantial quantities of beef from the lower priced cuts. Uniformity in the commodity being priced is obviously essential when specific dollar and cents ceilings applicable to large areas are being established. Therefore, no practicable alternative exists for securing effective price control other than requiring that retail beef cuts be standardized.

The standardized cuts which are permitted have been defined in this regu-

lation. Generally no other retail cuts than those specified may be sold following the effective date of this regulation. However, retailers who have operated locker plants and have sold primal cuts to consumers are permitted to continue their customary practices and to sell these cuts at the wholesaler's price. As additional data are obtained, the prices of these retailers will be changed if they prove to be too high or too low.

In order to prevent price evasion, the regulation also prohibits pre-grinding, pre-boning, pre-rolling and pre-cubing except for certain grades and types of beef. Special provisions are made for the sale of special orders of ground, boned, rolled, or cubed beef not covered by the standard cuts. This beef may not be placed on display, but the grinding, boning, rolling or cubing must be done from the standard cuts in the presence of the customer and at no extra charge. Telephone orders for these kinds of beef are permitted only when done on order for a particular customer without charge, wrapped immediately, and marked with the customer's name and full pricing information.

Upon consultation with the retail industry, it was agreed that the same standardized cuts used in establishing retail beef prices by the Office of Price Administration should be used in this regulation. The standardized cuts are, therefore, based on a series of cutting tests provided by groups of representative retailers throughout the United States. All kinds and grades of beef were tested in these cutting demonstrations and reliable yield figures obtained for each wholesale cut. Various methods of cutting were also tested and agreement reached with retailers as to which should be retained. In each case yields are based on trimming specifications, used by the Office of Price Administration, which retailer representatives agreed were fair and these trimming specifications have been designated in this regulation. The yield figures arrived at from these demonstrations have been used in determining the allowances for salable meat from each wholesale cut.

Store Group Differentials

Retailers are divided into three groups depending on their relative volume of sales and gross profit margins in 1950. The basic store classifications used in this regulation are the same as those in Ceiling Price Regulations 15 and 16, relating to certain dry groceries and perishables and were used for the same reasons. However, data obtained from the retail meat trade indicates that there are no substantial margin differences between most Group 1 and 2 stores and Group 3 and 4 stores. In addition, since certain stores have historically operated their meat departments at lower gross margins, a separate grouping, Group 3B and 4B, has been established for these stores. Thus, the three groups of retailers for which prices are included in this regulation are:

1. *Group 1 and 2.* Independent stores with annual gross sales of less than $375,000 and with realized gross meat department margins of 17 percent or more during 1950.

2. *Group 3 and 4.* Other than independent stores or independent stores with annual gross sales of $375,000 or more with realized gross meat department margins of 17 percent or more during 1950.

3. *Group 3B and 4B.* Stores with realized gross meat department margins of less than 17 percent during 1950.

In thus grouping meat retailers, the Office of Price Stabilization has achieved a relatively simple and enforceable pricing plan which minimizes the diversity of ceiling prices established among stores while, at the same time, recognizing historical differences in margins due to differences in volume of sales of, and special services rendered by, individual stores.

Zone Differentials

The ceiling prices provided for by this regulation vary from zone to zone. These zone differentials are primarily based on cost differentials established by Ceiling Price Regulation 24. Therefore, zone boundaries have been determined to include roughly all retailers having similar costs and the zone differentials generally reflect the different prices retailers in each area pay for their beef items.

A major cost difference to retailers is that created by distance from the producing center or base wholesale zone. In the beef wholesale regulation a transportation addition is used for determining ceiling prices in zones other than the base zone on most grades of beef. The amount of this addition for delivery to any point is determined by the use of a specified percentage, dependent on the zone and grade of beef, of the carload freight rate from Omaha or Denver, whichever is lower. This produces differing wholesale ceiling prices at various points within any one wholesale zone. In order to transpose these differing wholesale prices into a relatively simple, enforceable retail price structure, generally reflecting historical pricing patterns, it was necessary to divide the country into zones which conform to the wholesale zone differentials. Accordingly, zone lines were drawn around areas which had relatively uniform wholesale transportation differentials. An average wholesale transportation differential was computed for each such area and the retail prices for that area were based on this average differential.

Another cost difference to the retailer which has been reflected in the fixing of zone boundaries is the special wholesaler addition provided by Ceiling Price Regulation 24. The retail zone differentials for Group 1 and 2 stores make appropriate allowance for this wholesaler addition by reflecting the addition in proportion to the percentage of meat customarily purchased in each zone by Group 1 and 2 retailers from wholesalers.

Since Ceiling Price Regulation 24 provides for a local delivery addition of 40 cents per cwt. on all local deliveries within a 35 mile radius, and a great majority of retailers' purchasing prices include this local delivery addition, the ceiling price in each zone reflects the 40-cent local delivery addition.

Special Provisions

1. *Grade prohibitions.* The regulation provides different ceiling prices for different grades of beef cuts. Distribution Regulation 2 requires that carcasses and wholesale cuts be graded and grade marked. This regulation prevents retailers from removing grade marks, which is obviously necessary to prevent evasions of price control. For the same reason retailers are prohibited from buying, selling, or storing any retail or wholesale beef cut obtained from a carcass or wholesale cut which has not been graded and grade marked in accordance with the provisions of Distribution Regulation 2.

2. *Posting requirements.* One of the most essential elements of effective price control is knowledge by the consumer of the ceiling price which may be charged. The regulation, therefore, provides that the dollar and cent ceiling prices prescribed by this regulation be posted in the store. In addition, in order to prevent evasion of the ceiling price by substitution of lower grade meat, the regulation requires that identical beef cuts having different ceiling prices because of difference in grade be kept in separate trays and that the ceiling price for each display be separately posted.

3. *Sales to eating places and other retailers.* Sales to eating places, though not strictly speaking sales at retail, are considered as such when made by a retailer the great preponderance of whose business is retail in character. To call upon the ordinary retailer to differentiate between the customer who runs a small boarding house and the one who does not, is obviously to impose, under ordinary circumstances, a difficult burden on him. Yet unless some limit were imposed upon the amount of business which may be done in this manner, combination distributors and hotel supply houses might suffer from unfair competition or be driven to use retailers as a cover for their operations. The regulation therefore limits sales by retailers to eating places to 25 percent of the total dollar volume of meat sales and permits retailers to charge the price to consumers for sales up to this volume. Retailers who in 1950 sold more than 25 percent of their total dollar volume of meat sales to eating places may sell up to the same proportion per calendar quarter as they sold in 1950 upon filing a report with the Office of Price Stabilization District Office. However, all of the sales of these retailers must be on the basis of lower ceiling prices established by section 42 of this regulation. Sales by one retailer to another retailer are limited to 40 percent of the total dollar volume of meat sales and must be at the lower ceiling prices established by section 42 of this regulation.

4. *Adjustment provision.* The rigid classification of retailers into price groups which is necessary in this fixed price regulation will work a hardship on certain retailers who fall into the lower price group, whereas their services and previous profit margins entitle them to classification in the higher price group. Provision has been made whereby a retailer performing the same service as one

in another class and having a margin as high as one in the other class may be transferred to the other class. These adjustment provisions are not intended for retailers who do not meet these criteria, and adjustments will not be granted unless it can be demonstrated that such reclassification is justified.

Under the Office of Price Administration regulation the criteria for adjustment were based on the total gross margin being more than 25 percent on all sales in the food departments and also, if the store was not an independent store, more than 25 percent on the combined sale of the food departments in all stores of the organization. The percentage figure of more than 25 percent contained in the OPA regulation has been reduced to 23 percent or more in this regulation because the available facts clearly indicated that there had been a lowering of the gross margins for this type of operation. The substantial difference existing between a 23 percent markup and the standard markup of Group 3 and 4 stores should assure that these stores, in fact, have been conducting a different type of operation and that reclassification is justified. To avoid requiring retailers to duplicate their applications under Ceiling Price Regulation 15, it is provided that any order issued under that regulation allowing a Group 3 or 4 store to use Group 1 or 2 ceiling prices permits such a store to use Group 1 or 2 ceiling prices under this regulation. In order to eliminate the need for examining the individual adjustment applications under this section immediately, the regulation provides that all those stores which qualified for such adjustment under the OPA regulation will automatically qualify under this regulation upon the filing of an adjustment application, provided they meet the test that their total gross margin in the fiscal year 1950 was 23 percent or more on all sales in their food department and also, if not independent stores, 23 percent or more on the combined sales of the food departments in all the stores, for which adjustment is sought, of their organization. These applications will be reviewed later and if an applicant is found not to have qualified with the specific provisions of this regulation, the adjustment will be revoked.

Conclusion

In formulating these regulations the Director of Price Stabilization has consulted extensively with industry representatives and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

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2. Where this regulation applies.
3. Ceiling prices for specifically enumerated beef products.
4. Ceiling prices for certain beef items which are not specifically listed in section 3.
5. Limitations on the sale of beef cuts, ground and cubed beef.
6. Display.
7. Posting ceiling prices.
8. Customary sales receipts.
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10. Transfer of business and stock in trade.
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12. Reports.
13. Evasion.
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15. Enforcement.
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17. Less than ceiling prices.
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ARTICLE II—SALES TO EATING PLACES AND OTHER RETAILERS

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31. How to find the "annual gross sales" of your store.
32. How to determine your group in certain special cases.
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41. OPS list of retail ceiling prices for certain variety beef meats and beef by-products.
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50. General definitions.

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1. Zone definitions.
2. Retail pricing zone map for beef cuts.
3. Wholesale beef cut definitions.
4. Beef skeletal chart of OPS wholesale beef cuts.
5. Retail beef cut definitions.
6. Skeletal chart for making standard retail beef cuts.
7. Chart of retail beef cuts and the wholesale cuts from which they are obtained.
8. Certain beef variety meats and beef by-products definitions.

AUTHORITY: Sections 1 to 50 issued under sec. 704, Pub. Law 774, 81st. Cong. Interpret or apply Titles I and IV, Pub. Law 774, 81st. Cong. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this regulation does.* This regulation fixes specific ceiling prices for most retail sales of beef cuts and of certain beef variety meats and beef by-products. It also fixes ceiling prices for sales of these products by stores to eating places and to other retailers for resale purposes and sets forth the conditions under which such sales may be made. The ceiling prices established by this regulation supersede those established by the General Ceiling Price Regulation. This regulation does not establish ceiling prices for retail sales of other types of beef products such as sterile canned beef or sausage, which remain under the General Ceiling Price Regulation. In addition, this regulation defines and standardizes retail beef cuts and prohibits the sale of non-standardized cuts.

SEC. 2. *Where this regulation applies.* This regulation shall be applicable in the 48 States and the District of Columbia.

SEC. 3. *Ceiling prices for specifically enumerated beef products.*—(a) *Beef cuts and certain beef variety meats and beef by-products.* The ceiling price for all retail sales to consumers is the price specified in section 40 for beef cuts, or in section 41 for certain beef variety meats and beef by-products, for your zone and your store group. Your zone is determined by Appendix 1 and your store group by section 30. Your ceiling price for sales of these items to eating places and to other retailers is determined under Article II. You may obtain a copy of the price lists containing your ceiling prices from your Office of Price Stabilization District or Regional Office.

(b) *Prefabricated packaged retail beef cuts.* Your ceiling price for all retail sales of prefabricated packaged retail beef cuts shall be the same as for the corresponding grade and type of fresh beef cut to the same type of customer.

SEC. 4. *Ceiling prices for certain beef items which are not specifically listed in section 3.*—(a) *Variety meats and beef by-products.* If you sell a beef variety meat or beef by-product which is not listed in Appendix 8, your ceiling price is established by the General Ceiling Price Regulation.

(b) *Cured beef items.* Your ceiling prices for cured, corned, cooked, smoked, barbecued, and dried beef items which you sold during the calendar year 1950 or which you purchase for resale, shall be your ceiling prices established therefor by the General Ceiling Price Regulation, if this regulation does not establish a ceiling price for such items. You must, however, file the report and keep the records required for these items by that regulation. If you did not sell these items in 1950 or do not purchase them for resale, see section 4 (d).

(c) *Specialty steak products.* Your ceiling prices for specialty steak products such as chip steaks, frosted steaks, sandwich steaks, French steaks, tenderedy steaks or similar specialty beef products which you sold during the calendar year 1950 or which you purchase for resale shall be your ceiling prices therefor established under the General Ceiling Price Regulation, but in no event more than $2.50 per pound. You must, however, file the reports and keep the records required for such items by that regulation. If you did not sell these items in 1950 or do not purchase them for resale, see section 4 (d).

(d) *New cured beef and specialty steak items.* If you desire to sell a beef item listed in section 4 (b) or section 4 (c) which you did not sell during 1950 and which you do not purchase for resale, you may apply in writing to the Director of Price Stabilization in Washington, D. C., for a ceiling price, if this regu-

lation does not establish a ceiling price for such item. In your application you shall state the information required in section 12 (b). The Director of Price Stabilization may authorize a ceiling price for such item if your application includes sufficient facts to enable him to find that:

(1) You have made a substantial financial investment which cannot be utilized except in the sale of such beef item;

(2) The sale of this product is to constitute at least 10 percent of your dollar volume of business;

(3) Production of this item will not divert an abnormal amount of beef from low cost to high cost items; and

(4) Approval of your application will be generally fair and equitable, will not adversely affect the price structure established by this regulation, and will not otherwise have an inflationary effect.

SEC. 5. *Limitations on the sale of beef cuts, ground and cubed beef*—(a) *Limitations on the sale of retail cuts.* Appendix 5 of this regulation describes the retail cuts of beef which you may sell and how they are to be cut. Except as provided in section 5 (b), you may not sell retail cuts other than those specified in Appendix 5.

(b) *Special limitations on the sale of cubed beef.* You are permitted to precube steaks from boneless top and bottom beef rounds only. A single price has been established for such steaks from boneless top and bottom beef rounds of utility, cutter and canner grades and no pre-cubed steak of any grade may be sold at a price higher than the price fixed for cube steaks of utility, cutter and canner grades.

(c) *Special orders of ground, cubed, boned and rolled beef*—(1) *General limitations.* You may not grind, cube, bone, or roll any cut or grade of beef not authorized to be pre-ground, precubed, pre-rolled or pre-boned, in section 5 (b) or Appendix 5, except in accordance with the provisions of this section. You may on special order from the customer grind, cube, roll or bone beef in a way not authorized by Appendix 5, if it is done in the customer's presence so he can observe it or in accordance with section 5 (c) (3); if you make no charge for the grinding, cubing, rolling and boning; and if you comply with the applicable provisions of section 5 (c) (2).

(2) *Special limitations on the sale of ground beef*—(i) *Limitations on ground beef inventory.* You may not sell any ground beef unless it is ground beef as defined in Appendix 5. Moreover, you shall not have in your store, refrigerator, cooler or warehouse any ground beef except ground beef as defined in Appendix 5 or beef which has been bought by a customer and ground at his request and which is wrapped and marked with his name or, if you are authorized by section 5 (c) (3) to fill telephone orders, beef which has been prepared, wrapped and marked with a customer's name as a result of an order telephoned by him.

(ii) *Observation by customer of grinding operation.* The customer will be permitted to observe the grinding of beef by either of the following methods:

(a) The grinding operation may be performed at the meat counter; or

(b) The grinding operation may be performed in the refrigerator if the meat is shown to the customer immediately before and after grinding, if the right to observe the grinding operation is granted to every customer requesting such grinding, and if printed notice of such right is posted in two or more conspicuous places at or near where your meat sales are made and where your customers can easily see and read it. Such notices shall consist of letters one inch high and shall be in the following form:

Meat grinding equipment kept under refrigeration. We invite you to watch the grinding of your meat. OPS grants you this right. Ask the clerk.

(3) *Special telephone orders.* You may fill bona-fide telephone orders for special ground, boned, rolled or cubed cuts of beef even though the customer is not present to observe the preparation. The authorization granted under the provisions of this section 5 (c) (3) will end on notice to you by your OPS District Office to that effect. Every seller authorized to fill telephone orders for ground, boned, rolled or cubed cuts of beef in accordance with the preceding provisions of this section 5 (c) (3) must comply with the following rules:

Rule 1. The ground, boned, rolled or cubed beef must not be placed on display to the public;

Rule 2. The ground, boned, rolled or cubed beef must be wrapped immediately after preparation;

Rule 3. The wrapper containing the ground, boned, rolled or cubed beef must be marked with the customer's name, the cut, grade and weight of the beef before preparation, the price per pound, and the total charge;

Rule 4. The ground, boned, rolled or cubed beef must not be sold, offered, delivered, or diverted in any manner to any customer other than the one making the telephone order;

Rule 5. You must not pre-grind, prebone, pre-roll, or pre-cube any cut or grade of beef in anticipation of telephone orders except as generally authorized in sections 5 (b) or Appendix 5 of this regulation;

Rule 6. No addition may be charged the customer for the grinding, boning, rolling, cubing or any other special preparation; and

Rule 7. No addition may be charged the customer for delivery service.

SEC. 6. *Display*—(a) *Beef cuts.* You may not display together beef cuts having different ceiling prices, but must put them in separate trays, compartments or sections of your showcase, according to the difference in ceiling price, even though the beef cuts are of the same kind. You must place the appropriate ceiling price on each separate display so that your customers can see and read it. If you fail to make this separation, or if you fail to place the appropriate ceiling price on each separate display so that your customers can see and read it, the price you charge or offer to charge for any such beef cuts must not be more than the maximum price fixed in this regulation for the same retail or wholesale cut of the lowest grade of beef.

(b) *Beef variety meats and beef by-products.* You must not put different types of beef variety meats or beef by-products, or variety meats or edible by-products coming from different kinds of animals, together in your showcase.

SEC. 7. *Posting ceiling prices.* Not later than twenty days after the effective date of this regulation, you must post at your store your "Official OPS List of Retail Beef Prices". You may use an exact copy of the OPS List if the printing is as legible and at least as large. Put it at or near the place where your meat sales are made and where your customers can easily see and read it. You must have at least one list posted for each 20 feet of meat counter space. You may get your official copies of the price list for posting or copying from your District Office. When you display a beef cut or certain beef variety meat or beef by-product the ceiling price of which is specified in this regulation, you must put your selling price for that product on the display.

SEC. 8. *Customary Sales Receipts.* You shall give customers the sales slip, receipt or other record of purchase you have customarily given. In addition, you shall, upon request by any customer, give him a receipt showing the date of sale, your name and address, the name, weight and the price you receive for each beef cut or certain beef variety meat or beef by-product sold and the grade of each beef cut sold.

SEC. 9. *Taxes.* You may collect, in addition to your ceiling price, any tax upon or incident to a retail sale of food covered by this regulation if you state the tax separately, and if the statute or ordinance does not prohibit sellers from stating and collecting the tax separately from the price.

SEC. 10. *Transfer of business and stock in trade.* If, at any time after December 31, 1950, you acquired in any way the business, assets, and stock in trade of any retail store covered by this regulation and you carried on the business or continued to deal in the same type of food products in that same store, you shall be in the same group and your ceiling prices shall be the same as those of the former owner as if no transfer had taken place. You must keep all the records needed to verify your ceiling prices. The former owner must either preserve and make available to you, or give you, all the records of his transactions before you acquired the store which you need to comply with the record provisions of this regulation. If the transfer changes the business from one group of retail stores to another, your ceiling prices shall be those for the group of retailers to which you, rather than the transferor, belong under this regulation.

SEC. 11. *Records*—(a) *General records.* You shall make and preserve, for a period of two years after the effective date of this regulation, the same records you have customarily kept. In addition you must preserve the invoices, freight bills or other written records provided by your meat supplier or suppliers which pertain to purchases of meat made by you and the records you used in determining which group your store is in under section 30. You shall also continue to preserve all records required to be preserved by section 16 of the General Ceiling Price Regulation. Section 16 of the General Ceiling Price Regulation requires you to preserve the following records:

(1) Those records in your possession showing the prices charged by you for the commodities or services which you delivered or offered to deliver during the period from December 19, 1950 to January 25, 1951, inclusive (hereinafter referred to as the "base period"), and also sufficient records to establish the latest net cost incurred by you prior to the end of that period in purchasing the commodities; and

(2) As to all of your deliveries and offers for delivery of commodities, a statement showing the categories of commodities in which you made deliveries and offers for delivery during the base period; or if you sold services, a statement listing the services which you delivered or offered to deliver during the base period; and

(3) As to all of your deliveries and offers for delivery of commodities, a ceiling price list showing the commodities in each category (listing each type, style and kind), or the services, delivered or offered for delivery by you during the base period together with a description or identification of each such commodity or service and a statement of the ceiling price. (Your ceiling price list may refer to an attached price list or catalogue. You may satisfy the requirements of this paragraph (3) by recording on your purchase invoice covering the commodities (including every type, style and kind) delivered or offered for delivery by you during the base period, the price at which you sold, or offered the commodities for delivery, during the base period); and

(4) A statement of your customary price differentials for terms and conditions of sale and classes of purchasers, which you had in effect during the base period.

(b) *Microfilming records.* All records required to be preserved under this section may, after the expiration of 90 days after the date of the transaction to which they relate, be transferred to and preserved thereafter on microfilm.

(c) *Inspection by OPS representatives.* You shall show the records required by this section to be preserved to any OPS representative upon request.

SEC. 12. *Reports*—(a) *Report of store classification.* Within 30 days after the issuance of the regulation, you must notify the OPS District Office for your area of the group of your store (see Article III) using OPS Public Form No. 5, which you may obtain from your OPS District Office. If you open a new retail store after May 15, 1951, you must notify, within 15 days, your OPS District Office of the group of your store, using OPS Public Form No. 5. Any statement filed in accordance with the similar provisions of Ceiling Price Regulations 15 or 16 shall also satisfy the requirements of filing under this section 12 (a). If your store is in Group 3B and 4B, you must file with your OPS District Office a signed statement including:

(1) The name and address of your store.

(2) The name of the owner.

(3) The realized total gross margin of your store's meat department sales in calendar year 1950.

(b) *Reports on cured beef and specialty steak items.* If you apply for a ceiling price on an item described in section 4 (d), your application shall include the following data:

(1) A description of the item, including the name of the item.

(2) The cut and grade of beef used in the item.

(3) A complete description of its preparation.

(4) The type of wrapping or packaging used.

(5) The manner in which the product differs from the most similar type of product of the same type for which a ceiling price is established in section 3.

(6) The cost of any operations which are added to or eliminated from the manufacture of the most similar product of the same type for which a ceiling price is established in section 3.

SEC. 13. *Evasion.* (a) You shall not evade the provisions of this regulation, by direct or indirect methods in connection with an offer, solicitation or agreement relating to the sale, delivery, purchase, transfer or receipt of beef, alone or in conjunction with any other commodity or service, or by way of any commission, service, transportation, wrapping, packaging, or other charge or discount, premium or other privilege, or by tying agreement or other trade understanding, or by changing the selection, grading or the style of dressing, cutting, trimming, cooking or otherwise processing, or the wrapping or packaging of beef or otherwise.

(b) Among others, the following practices are considered evasions and are prohibited:

(1) Boning or rolling of any rib roast of beef other than those of utility or cutter and canner grades, at any time prior to receiving a specific order from a customer for the particular rib roast which is to be boned or rolled.

(2) Boning or rolling of any short loin of beef, other than those of utility or cutter and canner grades, at any time prior to receiving a specific order from a customer for the particular short loin which is to be boned or rolled.

(3) Preparing or selling beef tenders either as a separate meat item, or as one of the incidental products resulting from special fabrication.

(4) Pre-cubing steaks from any beef cut other than boneless top or bottom rounds.

(5) Adding any charge for delivery service.

(6) Selling to consumers wholesale beef cuts for which retail prices have not been established in Section 40 of this regulation, except as provided in section 13 (c).

(7) Keeping in your store, refrigerator, cooler or warehouse any beef which does not have the grade name or grademark on each wholesale cut or on each package containing prefabricated packaged retail beef cuts.

(8) Falsely or incorrectly invoicing or grading beef.

(9) Offering, selling or delivering a beef cut, beef variety meat or beef by-product on condition that the buyer purchase another commodity or service.

(10) Removing the grademark from any carcass or beef cut, except when the removal cannot be avoided in preparing a retail beef cut in accordance with the specifications listed in Appendix 5, or from any package containing prefabricated quick frozen and packaged retail beef cuts.

(11) Buying, receiving, selling or offering for sale any retail beef cut obtained from a carcass or wholesale beef cut which has not been graded or grademarked in accordance with Office of Price Stabilization Distribution Regulation 2.

(12) Buying, receiving, selling or offering for sale any wholesale beef cut which has not been graded or grademarked in accordance with Office of Price Stabilization Distribution Regulation 2.

(c) *Locker plants.* It shall not be considered an evasion for a retailer operating in conjunction with a locker plant, who for six months prior to April 30, 1951, customarily sold to consumers wholesale beef cuts for which retail prices have not been established in section 40 of this regulation, to sell such a wholesale cut to consumers at a price not exceeding the maximum prices established in Ceiling Price Regulation No. 24 for the same grade and wholesale cut if sold by a wholesaler at the location of the retailer's store if such a wholesale cut is a beef carcass, side of beef or beef wholesale cut as defined in Ceiling Price Regulation No. 24. Such retailers may charge, in addition to those ceiling prices, the prices determined under the General Ceiling Price Regulation for such of their customary services—for example, freezing, cutting the wholesale cuts into smaller cuts, packaging, processing, or other similar services—as they provide to their customers.

SEC. 14. *Prohibitions*—(a) *Selling at prices above ceiling.* Regardless of any contract, agreement or other obligation, (1) you shall not sell or deliver any beef item at a price higher than the ceiling price established for such item by this regulation; (2) you shall not buy or receive, in the regular course of trade or business, any beef item at a price higher than the ceiling price established for such item by this regulation; and (3) you shall not agree, offer, solicit or attempt to do any of the foregoing.

(b) *Selling other than defined items.* Regardless of any contract, agreement or other obligation, you shall not sell or deliver or offer to sell or deliver a beef item, unless such item is listed in sections 53, 55 or 58. However, this shall not prevent you from selling cured beef items or specialty steak products described in section 4 (b) and 4 (c) if you sold them during the calendar year 1950 or purchase them for resale, nor shall it prevent you from selling other beef variety meats, beef by-products, sausage or sterile canned beef items. Moreover, this shall not prevent you from selling wholesale cuts, beef carcasses or sides of beef as defined in Ceiling Price Regulation 24, if you sell them in accordance with section 13 (c) of this regulation.

SEC. 15. *Enforcement.* On and after the effective date of this regulation, if you violate any provision of this regulation, or any order issued pursuant to it, you are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Defense Production Act of 1950. Also, any person who in the course of trade or business buys from you at a price higher than your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that Act.

SEC. 16. *Petitions for amendment.* If you seek an amendment of any provision of this regulation, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, issued by OPS.

SEC. 17. *Less than ceiling prices.* You may charge, demand, pay or offer lower prices for beef items than are established by this regulation.

SEC. 18. *Ceiling prices for non-graded and improperly cut cuts.* (a) If, in violation of the requirements of a regulation issued by OPS, a beef cut has either not been graded and grade-marked or the grade mark has been removed (except when such removal cannot be avoided in preparing a retail beef cut in accordance with the specifications listed in Appendix 5), your ceiling price for that cut shall be the price for that same cut of utility grade.

(b) If a beef cut does not satisfy the standard cut specifications provided in Appendixes 3 or 5, your ceiling price for that cut shall be, in the case of a wholesale cut, the ceiling price specified for rib beef (whole) of utility grade, and in the case of a retail cut, the ceiling price specified for rib—10 inch cut of utility grade.

(c) Nothing in paragraphs (a) or (b) of this section shall in any way excuse the violation of the grading, grade marking or cutting requirements of Distribution Regulation 2 or of this regulation.

ARTICLE II—SALES TO EATING PLACES AND OTHER RETAILERS

SEC. 20. *Stores selling less than 25 percent to eating places—(a) Limitation on sales.* You may not during any calendar month sell more than 25 percent of your total dollar volume of meat sales during that month to eating places unless you comply with the provisions of section 21.

(b) *Ceiling prices.* If you do not exceed the 25 percent limit in any calendar month your ceiling prices for sales of beef cuts and certain beef variety meats and beef by-products to eating places shall be the same as the ceiling prices for sales to consumers as set forth in section 3. If, however, during any calendar month you sell more than the 25 percent limit, you shall not only be in violation of section 20 (a) but your ceiling prices for sales to eating places of beef cuts and certain beef variety meats and beef by-products shall be determined in accordance with the provisions of section 42.

SEC. 21. *Stores customarily selling more than 25 percent to eating places—(a) Limitations on sales.* If your store during any calendar quarter in 1950 sold more than 25 percent of its dollar volume of meat sales to eating places, you may sell to eating places the same percentage of dollar sales of meat as you sold in the corresponding quarter in 1950 provided you file the report provided for in section 21 (c) and keep the appropriate records required by section 24. If your total dollar volume of meat sales to eating places during any current 3-month period is in excess of the dollar volume permitted by this section or if you otherwise violate or fail to comply with its requirements, you shall thereafter be subject to the limitations provided in section 20 (a).

(b) *Ceiling prices.* If, in accordance with section 21 (a) you are permitted to sell and you do sell more than 25 percent of your dollar volume of meat sales to eating establishments for any quarter, your ceiling prices for sales of beef cuts and certain beef variety meats and beef by-products to eating places for that quarter and for all subsequent periods, shall be those set forth in section 42 of this regulation.

(c) *Reporting requirements.* If you desire to sell more than 25 percent of your total dollar volume of meat sales to eating places you shall file with your OPS District Office a signed statement containing:

(1) The name and address of your store;

(2) The total dollar volume of your meat sales to eating places during each calendar quarter of 1950; and

(3) The total dollar volume of meat you sold during each calendar quarter.

You shall mail this report to your OPS District Office by registered mail, return receipt requested. You shall retain the receipt for a period of two years. Any statement filed in accordance with this section shall also satisfy the similar filing requirement of Ceiling Price Regulation 26.

SEC. 22. *Adjustment for local shortages.* Notwithstanding the provisions of sections 20 or 21, upon a finding by the Director of Price Stabilization that there is not within an area or areas meat sufficient to supply the requirements of eating places, and that this condition has occurred because of an increase in population in such area or areas by the establishment and maintenance of a project or projects connected directly with the defense effort, the Director of Price Stabilization, Washington, D. C., may, by order, designate such area as a deficiency area for such period as he may prescribe. Upon the Director's designation of any specific area as a deficiency area, the OPS District Director for the District in which that deficiency area is located may authorize any store customarily serving such area to sell beef cuts and certain beef variety meats and beef by-products, at or below the ceiling prices specified in section 42, to eating places located in such area in such volume and subject to such terms and conditions as he deems necessary.

SEC. 23. *Sales to other retailers.* You may sell from your store to other retailers for resale, or buy from the stores of other retailers for resale, beef cuts and certain beef variety meats and edible beef by-products if you comply with the rules set forth in section 23 (a) and (b).

(a) *Rules for selling to other retailers.*

Rule 1. You (the retailer who is selling) must sell to consumers more than 50 percent of the total dollar volume of meat sales from your store during each current month;

Rule 2. During any month you must not sell to other retailers more than 40 percent of the total dollar volume of meat sales from your store;

Rule 3. You must keep records, either weekly or monthly, showing the total dollar volume of meat sales from your store;

Rule 4. You must keep records in the same form as those you keep under Rule 3, showing the total dollar volume of meat sales to other retailers and eating places, if any, from your store;

Rule 5. You must not sell the buying retailer wholesale cuts of beef; and

Rule 6. You must not charge the buying retailer for beef cuts or certain beef variety meats or beef by-products more than the ceiling prices provided in section 42.

(b) *Rules for buying from other retailers.*

Rule 1. You (the retailer who is buying) must not buy wholesale cuts of beef from the selling retailer;

Rule 2. You must keep records, either weekly or monthly, showing the total dollar volume of meat bought from the selling retailer;

Rule 3. You must not pay the selling retailer for beef cuts or certain beef variety meats or beef by-products more than the ceiling prices provided in section 42; and

Rule 4. You must not charge your customers for beef cuts or certain beef variety meats or beef by-products more than the respective ceilings prices provided in sections 40 and 41.

(c) *Violation of rules.* If you violate any one of the foregoing rules provided for you in this section, you may not thereafter sell to, or buy from, other retailers beef cuts and certain beef variety meats and beef by-products.

SEC. 24. *Records of sales to eating places and other retailers.* On all sales of meat to eating places you shall keep records, and give receipts to each buyer, showing the name and address of the buyer, the date of the sale, your name and address, and the details of each order, including the name, weight, grade and price charged for each beef cut, and certain beef variety meats and beef by-products. If you are permitted to sell beef cuts and certain beef variety meats and beef by-products to other retailers for resale purposes, you must keep records of each transaction and give receipts showing the same facts you are required to show on your sales to eating places. Moreover, if you sell meat to eating places or other retailers, you shall keep records, either weekly or monthly, showing the total dollar volume of meat sales to all buyers and the total dollar volume of meat sales to eating places and the total dollar volume of meat sales to other retailers during the same period. You shall also keep the records or data upon which you base the report you submit pursuant to section 21 (c).

ARTICLE III—SPECIAL PROVISIONS

SEC. 30. *How to determine your group—(a) Group 1.* Your store is in Group 1 if it is an "independent store" with "annual gross sales" of less than $75,000, except as provided in section 23 (e). (Your store is an "independent store" if it is not one of four or more stores under one ownership whose combined "annual gross sales" are $750,000 or more.)

(b) *Group 2.* Your store is in Group 2 if it is an "independent store" with "annual gross sales" of $75,000 or more, but less than $375,000, except as provided in section 23 (e).

(c) *Group 3.* Your store is in Group 3 if its "annual gross sales" are less than $375,000 and it is not an "independent store", except as provided in section 23 (e).

(d) *Group 4.* Your store is in Group 4 if its "annual gross sales" are $375,000 or more, except as provided in section 23 (e).

(e) *Group 3B and 4B.* Your store is in Group 3B and 4B, notwithstanding the preceding provisions of this Section, if the realized total gross margin of its meat department sales in 1950 was less than 17 per cent. (To compute the realized total gross margin of your store's meat department sales in 1950, subtract your total dollar cost of beef, veal, lamb, mutton, pork, poultry, sausage, variety meats and edible by-products in 1950 from your total dollar sales of these items in 1950 and divide the difference by your total dollar sales of these items in 1950.)

(f) *When you may choose to treat your store as a Group 3 or 4 store.* If you are a Group 1 or 2 store you may choose to treat your store as a Group 3 or 4 store if you figure your ceiling prices for all the items listed in sections 40 and 41 as a member of the group you choose and notify your OPS District Office.

SEC. 31. *How you find the "annual gross sales" of your store.* (a) To find your "annual gross sales," take your total sales for the calendar year 1950. Include all sales as shown on your books, except sales made by a restaurant operated in conjunction with your store. You can use your Federal Income Tax Return to get your gross sales for all or part of the calendar year 1950 which is covered by such return. If you own more than one store, figure the sales for each store separately, treating each as a separate retailer.

(b) If you were not in business during the entire year 1950 you must divide your total sales from the time you began operation up to April 30, 1951, by the number of weeks you were in business. This will give you your weekly average sales. Multiply this figure by 52, and the result is your "annual gross sales."

SEC. 32. *How you determine your group in certain special cases—(a) Department stores.* If you operate a department store, that is, a store in which the greater volume of sales is general merchandise and not foods, and you sell foods in a separate department or departments, you must determine your group by using only the "annual gross sales" of your food department or departments.

(b) *Stores in which more than one retailer operates.* (1) If you sell food in a retail store in which there are other food retailers, none of whom sells a complete line of the same general class of food, you must find your group by taking the combined "annual gross sales" of all the food retailers in that store. If the total "annual gross sales" of all the food retailers in that store is not readily available, you shall apply, in writing, within thirty days after the issuance of this regulation, to the OPS district office for your area for a determination of your group, stating your own "annual gross sales" figure for the applicable year. Each District Director is authorized to act on requests covering stores located within his district, and action taken shall be by order. If you have applied in writing for the determination of your group under the similar provisions of Ceiling Price Regulation 15 or 16 and if the realized total gross margin of your meat department in 1950 was in excess of 17 percent, you need not apply under this section and any order issued under those regulations determining your group shall be applicable to you under this section. If, however, the realized total gross margin of your meat department in 1950 was 17 per cent or less, then your store is in Group 3B and 4B.

(2) If you sell foods in a retail store in which more than one retailer sells a complete line of the same general class of food, you will be considered as operating a separate retail store of your own, and you must determine your group by using only your own sales.

(c) *New stores.* If you open a retail store after April 30, 1951, you may consider yourself a Group 1 or 2 or Group 3 or 4 retailer, depending upon whether or not at that date your store is an "independent" store, and you must figure your ceiling prices accordingly. However, after you have been in business for 3 months, you must determine again what group your store is in. To do this, take your total sales for the 3-month period and multiply it by 4. If you own 4 or more stores which have been in operation for this 3-month period, you must take your total sales for each of these stores for the 3-month period and multiply by 4. Use the result as your "annual gross sales" in determining the group in which your store belongs.

(d) *Discontinuance of stores.* (1) If you are not an "independent" store and you close one or more of your stores so that you now have less than 4 stores under one ownership, you may find your group for each of the remaining stores by determining the "annual gross sales" under section 31 (a), treating each store as an "independent" store.

(2) If you are not an "independent" store and you close one or more of your stores, but 4 or more stores continue under one ownership, you may refigure the combined "annual gross sales" under section 31 (a) for those remaining in operation. If the combined "annual gross sales" are not $750,000 or more, you may then determine your group for each store, treating each as an "independent" store.

SEC. 33. *How you may, under certain conditions, apply to use Group 1 or 2 ceiling prices.* (a) If your store is in Group 3 or 4, meets the gross margin requirements specified in this section and does business in the manner outlined below, you may apply under paragraph (b) of this section to use the ceiling prices provided in this regulation for Group 1 or 2 stores:

(1) Most of your sales in your meat department are made by employees who assist customers in selecting, collecting, and wrapping merchandise;

(2) Your store generally offers to all its customers the services of taking orders by telephone, carrying monthly charge accounts, and providing delivery service;

(3) The total gross margin in your fiscal year 1950 was at least 23 per cent on all sales in your meat department and also, if you are not an "independent" store, at least 23 per cent on the combined sales of the meat departments in all the stores for which you seek adjustment in your organization. Do not count a restaurant as a meat department. If your store was not in business during all of 1950, use your most recent fiscal period.

(b) Your application must be filed in duplicate with the OPS District Office for your area. You may combine on one form the application of more than one of your stores. If your application is finally approved, OPS will tell you when to begin using the Group 1 or 2 ceiling prices. If you filed an application under the similar provision of Ceiling Price Regulation No. 15 you need not apply under this section. Any order issued under that regulation permitting you to use Group 1 or 2 ceiling prices shall permit you to use Group 1 or 2 ceiling prices under this regulation.

(c) If, however, under Maximum Price Regulation No. 355 or 422 issued in 1943 by the Office of Price Administration (1) you were a Group 3 or 4 store on the basis of sales volume, and (2) you can establish that you were authorized by the Office of Price Administration to use Group 1 or 2 ceiling prices and (3) such authority was never revoked, and (4) you meet the gross margin requirements specified above, and (5) you certify that your method of doing business has not changed in any material respect since the time you were authorized to use Group 1 or 2 ceiling prices, you may consider yourself a Group 1 or 2 store under this regulation as soon as you have filed your application in accordance with this section or the similar provision of Ceiling Price Regulation No. 15. This authority may be withdrawn if it is determined that your store does not qualify for adjustment under this section.

SEC. 34. *Applications for adjustment.* Any Regional Office of the OPS, or such offices as may be authorized by order issued by the appropriate Regional Office, may act on all applications for adjustment under the provisions of section 33. Applications for adjustment are governed by Price Procedural Regulation 1.

ARTICLE IV—CEILING PRICE LISTS

SEC. 40. *Office of Price Stabilization list of retail ceiling prices for beef cuts.*

(a) *Retail ceiling prices for beef—Zone 1.*

[The following ceiling prices per pound apply in all "Groups 1 and 2" stores selling the grades of beef cuts listed below at retail in Zone 1, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951.]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.31	$1.10	$0.84	$0.69
2. T-bone	1.31	1.10	.84	.69
3. Club	1.31	1.10	.84	.69
4. Rib, 10-inch cut	.77	.68	.60	.47
5. Rib, 7-inch cut	.88	.76	.63	.50
6. Sirloin	1.23	1.17	1.04	.87
7. Pin bone	1.23	1.17	1.04	.87
8. Sirloin (boneless)	1.37	1.30	1.11	.89
9. Round (bone in, full cut)	1.13	1.13	1.04	.98
10. Round (boneless, top and bottom)	1.16	1.16	1.09	1.03
11. Round tip	1.16	1.16	1.09	1.03
12. Chuck blade (bone in)	.77	.77	.70	.63
13. Chuck arm (bone in)	.90	.90	.83	.76
14. Flank	1.02	1.02	1.00	1.00
15. Cube				.84
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.77	.68	.57	.47
2. Rib standing (chine bone in, 7-inch cut)	.88	.76	.63	.50
3. Round tip	1.16	1.16	1.09	1.03
4. Rump (bone in)	.89	.89	.85	.82
5. Rump (boneless)	1.16	1.16	1.09	1.03
6. Chuck blade pot roast	.77	.77	.70	.63
7. Chuck arm pot roast (boneless)	.90	.90	.83	.76
8. Chuck or shoulder (boneless)	.98	.98	.91	.81
9. English cut	.97	.97	.90	.82
10. Rib roast (boneless, rolled)				.82
11. Short loin (boneless, rolled)				1.05
III. Stews and other cuts:				
1. Short ribs	.52	.52	.52	.52
2. Plate (bone in) (fresh or cured)	.43	.43	.43	.43
3. Plate (boneless) (fresh or cured)	.60	.60	.60	.60
4. Brisket (bone in) (fresh or cured)	.78	.78	.67	.64
5. Brisket (boneless, fresh or cured, deckle on)	.96	.96	.84	.76
6. Brisket (boneless, cured, deckle off)	1.04	1.04	.87	.83
7. Flank meat	.70	.70	.70	.70
8. Neck (bone in)	.74	.74	.60	.60
9. Neck (boneless)	.96	.96	.90	.82
10. Heel of round (boneless)	.95	.95	.91	.81
11. Shank (bone in, hind and fore)	.49	.49	.49	.49
12. Shank (boneless, hind and fore)	.73	.73	.73	.73
13. Soup bone	.06	.06	.06	.05
14. Suet	.10	.10	.10	.10
IV. Ground beef	.70	.70	.70	.70
V. Wholesale cuts:				
1. Round beef (whole)	.69	.69	.66	.62
2. Sirloin beef (whole)	.86	.81	.70	.58
3. Short loin beef (whole)	1.06	.90	.70	.52
4. Flank beef (whole)	.43	.43	.43	.43
5. Rib beef (whole)	.60	.53	.45	.37
6. Regular chuck (whole)	.63	.63	.57	.50
7. Short plate (whole)	.42	.42	.42	.42
8. Brisket (whole)	.54	.54	.46	.44
9. Shank (whole)	.42	.42	.42	.42

(a) (1) *Retail ceiling prices for beef—Zone 1.*

[The following ceiling prices per pound apply in all "Groups 3 and 4" stores selling the grades of beef cuts listed below at retail in Zone 1, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951.]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.27	$1.07	$0.81	$0.67
2. T-bone	1.27	1.07	.81	.67
3. Club	1.27	1.07	.81	.67
4. Rib, 10-inch cut	.74	.66	.58	.44
5. Rib, 7 inch cut	.84	.74	.61	.49
6. Sirloin	1.19	1.14	1.01	.84
7. Pin bone	1.19	1.14	1.01	.84
8. Sirloin (boneless)	1.33	1.25	1.07	.85
9. Round (bone in, full cut)	1.08	1.08	.99	.93
10. Round (boneless, top and bottom)	1.12	1.12	1.05	.99
11. Round tip	1.12	1.12	1.05	.99
12. Chuck blade (bone in)	.73	.73	.68	.61
13. Chuck arm (bone in)	.86	.86	.81	.74
14. Flank	.93	.93	.93	.93
15. Cube				.71
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.74	.64	.56	.46
2. Rib standing (chine bone in, 7-inch cut)	.84	.74	.61	.49
3. Round tip	1.12	1.12	1.05	.99
4. Rump (bone in)	.84	.84	.84	.77
5. Rump (boneless)	1.12	1.12	1.05	.99
6. Chuck blade pot roast	.73	.73	.68	.61
7. Chuck arm pot roast (boneless)	.86	.86	.81	.74
8. Chuck or shoulder (boneless)	.95	.95	.88	.79
9. English cut	.92	.92	.87	.80
10. Rib roast (boneless, rolled)				.76
11. Short loin (boneless, rolled)				1.03
III. Stews and other cuts:				
1. Short ribs	.51	.51	.51	.51
2. Plate (bone in, fresh or cured)	.42	.42	.42	.42
3. Plate (boneless, fresh or cured)	.57	.57	.57	.57
4. Brisket (bone-in, fresh or cured)	.76	.76	.65	.62
5. Brisket (boneless, fresh or cured, deckle on)	.92	.92	.77	.73
6. Brisket (boneless, cured, deckle off)	.99	.99	.83	.77
7. Flank meat	.67	.67	.67	.67
8. Neck (bone in)	.71	.71	.60	.57
9. Neck (boneless)	.94	.94	.88	.80
10. Heel of round (boneless)	.83	.83	.80	.75
11. Shank (bone in, hind and fore)	.46	.46	.46	.46
12. Shank (boneless, hind and fore)	.70	.70	.70	.70
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.66	.66	.66	.66
V. Wholesale cuts:				
1. Round beef (whole)	.69	.69	.66	.62
2. Sirloin beef (whole)	.86	.81	.70	.58
3. Short loin beef (whole)	1.06	.90	.70	.52
4. Flank beef (whole)	.43	.43	.43	.43
5. Rib beef (whole)	.60	.53	.45	.37
6. Regular chuck (whole)	.63	.63	.57	.50
7. Short plate (whole)	.42	.42	.42	.42
8. Brisket (whole)	.54	.54	.46	.44
9. Shank (whole)	.42	.42	.42	.42

(a) (2) *Retail ceiling prices for beef—Zone 1.*

[The following ceiling prices per pound apply in all "Groups 3B and 4B" stores selling the grades of beef cuts listed below at retail in Zone 1, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951.]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.24	$1.05	$0.79	$0.[illegible]
2. T-bone	1.24	1.05	.79	.[illegible]
3. Club	1.24	1.05	.79	.[illegible]
4. Rib, 10-inch cut	.73	.65	.55	.[illegible]
5. Rib, 7-inch cut	.82	.73	.60	.[illegible]
6. Sirloin	1.17	1.12	.99	.[illegible]
7. Pin bone	1.17	1.12	.99	.[illegible]
8. Sirloin (boneless)	1.30	1.23	1.05	.[illegible]
9. Round (bone in, full cut)	1.06	1.06	.97	.[illegible]
10. Round (boneless, top and bottom)	1.10	1.10	1.04	.[illegible]
11. Round tip	1.10	1.10	1.04	.[illegible]
12. Chuck blade (bone in)	.72	.72	.67	.[illegible]
13. Chuck arm (bone in)	.84	.84	.79	.[illegible]
14. Flank	.91	.91	.91	.[illegible]
15. Cube				.[illegible]
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.73	.65	.55	.[illegible]
2. Rib standing (chine bone in, 7-inch cut)	.82	.73	.60	.[illegible]
3. Round tip	1.10	1.10	1.04	.[illegible]
4. Rump (bone in)	.82	.82	.78	.[illegible]
5. Rump (boneless)	1.10	1.10	1.04	.[illegible]
6. Chuck blade pot roast	.72	.72	.67	.[illegible]
7. Chuck arm pot roast	.84	.84	.79	.[illegible]
8. Chuck or shoulder (boneless)	.93	.93	.86	.[illegible]
9. English cut	.90	.90	.85	.[illegible]
10. Rib roast (boneless, rolled)				.[illegible]
11. Short loin (boneless, rolled)				.[illegible]
III. Stews and other cuts:				
1. Short ribs	.50	.50	.50	.[illegible]
2. Plate (bone in, fresh or cured)	.41	.41	.41	.[illegible]
3. Plate (boneless, fresh or cured)	.56	.56	.56	.[illegible]
4. Brisket (bone in, fresh or cured)	.74	.74	.64	.[illegible]
5. Brisket (boneless, fresh or cured, deckle on)	.90	.90	.75	.[illegible]
6. Brisket (boneless, cured, deckle off)	.97	.97	.81	.[illegible]
7. Flank meat	.66	.66	.66	.[illegible]
8. Neck (bone in)	.70	.70	.59	.[illegible]
9. Neck (boneless)	.92	.92	.86	.[illegible]
10. Heel of round (boneless)	.85	.85	.78	.[illegible]
11. Shank (bone in, hind and fore)	.45	.45	.45	.[illegible]
12. Shank (boneless, hind and fore)	.69	.69	.69	.[illegible]
13. Soup bone	.06	.06	.06	.[illegible]
14. Suet	.10	.10	.10	.[illegible]
IV. Ground beef	.65	.65	.65	.[illegible]
V. Wholesale cuts:				
1. Round beef (whole)	.69	.69	.66	.[illegible]
2. Sirloin beef (whole)	.86	.81	.70	.[illegible]
3. Short loin beef (whole)	1.06	.90	.70	.[illegible]
4. Flank beef (whole)	.43	.43	.43	.[illegible]
5. Rib beef (whole)	.60	.53	.45	.[illegible]
6. Regular chuck (whole)	.63	.63	.57	.[illegible]
7. Short plate (whole)	.42	.42	.42	.[illegible]
8. Brisket (whole)	.54	.54	.46	.[illegible]
9. Shank (whole)	.42	.42	.42	.[illegible]

(b) *Retail ceiling prices for beef—Zone 2.*

[The following ceiling prices per pound apply in all "Groups 1 and 2" stores selling the grades of beef cuts listed below at retail in Zone 2, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951.]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.31	$1.10	$0.83	$[illegible]
2. T-bone	1.31	1.10	.83	.[illegible]
3. Club	1.31	1.10	.83	.[illegible]
4. Rib, 10-inch cut	.77	.68	.57	.[illegible]
5. Rib, 7-inch cut	.87	.76	.62	.[illegible]
6. Sirloin	1.23	1.17	1.03	.[illegible]
7. Pin bone	1.23	1.17	1.03	.[illegible]
8. Sirloin (boneless)	1.36	1.29	1.09	.[illegible]
9. Round (bone in, full cut)	1.12	1.12	1.03	.[illegible]
10. Round (boneless, top and bottom)	1.14	1.14	1.07	.[illegible]
11. Round tip	1.14	1.14	1.07	.[illegible]
12. Chuck blade (bone in)	.75	.75	.70	.[illegible]
13. Chuck arm (bone in)	.88	.88	.83	.[illegible]
14. Flank	1.01	1.01	.99	.[illegible]
15. Cube				.[illegible]
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.77	.68	.57	.[illegible]
2. Rib standing (chine bone in, 7-inch cut)	.87	.76	.62	.[illegible]
3. Round tip	1.14	1.14	1.07	.[illegible]
4. Rump (bone in)	.79	.79	.79	.[illegible]
5. Rump (boneless)	1.14	1.14	1.07	.[illegible]
6. Chuck blade pot roast	.75	.75	.70	.[illegible]
7. Chuck arm pot roast	.88	.88	.83	.[illegible]
8. Chuck or shoulder (boneless)	.97	.97	.89	.[illegible]
9. English cut	.95	.95	.89	.[illegible]
10. Rib roast (boneless, rolled)				.[illegible]
11. Short loin (boneless, rolled)				.[illegible]
III. Stews and other cuts:				
1. Short ribs	.53	.53	.53	.[illegible]
2. Plate (bone in) (fresh or cured)	.44	.44	.44	.[illegible]
3. Plate (boneless) (fresh or cured)	.59	.59	.59	.[illegible]
4. Brisket (bone-in) (fresh or cured)	.78	.78	.67	.[illegible]
5. Brisket (boneless, fresh or cured, deckle on)	.94	.94	.79	.[illegible]
6. Brisket (boneless, cured, deckle off)	1.02	1.02	.85	.[illegible]
7. Flank meat	.70	.70	.70	.[illegible]
8. Neck (bone in)	.72	.72	.61	.[illegible]
9. Neck (boneless)	.90	.90	.83	.[illegible]
10. Heel of round (boneless)	.93	.92	.85	.[illegible]
11. Shank (bone in, hind and fore)	.48	.48	.48	.[illegible]
12. Shank (boneless, hind and fore)	.71	.71	.71	.[illegible]
13. Soup bone	.06	.06	.06	.[illegible]
14. Suet	.10	.10	.10	.[illegible]
IV. Ground beef	.68	.68	.68	.[illegible]
V. Wholesale cuts:				
1. Round beef (whole)	.67	.67	.64	.[illegible]
2. Sirloin beef (whole)	.84	.79	.68	.[illegible]
3. Short loin beef (whole)	1.06	.99	.71	.[illegible]
4. Flank beef (whole)	.41	.41	.41	.[illegible]
5. Rib beef (whole)	.60	.53	.46	.[illegible]
6. Regular chuck (whole)	.62	.62	.57	.[illegible]
7. Short plate (whole)	.40	.40	.40	.[illegible]
8. Brisket (whole)	.52	.52	.44	.[illegible]
9. Shank (whole)	.40	.40	.40	.[illegible]

(b) (1) *Retail ceiling prices for beef—Zone 2.*

[The following ceiling prices per pound apply in all "Groups 3 and 4" stores selling the grades of beef cuts listed below at retail in Zone 2 in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951.]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.26	$1.06	$0.80	$0.65
2. T-bone	1.26	1.06	.80	.66
3. Club	1.26	1.06	.80	.66
4. Rib, 10-inch cut	.74	.65	.55	.45
5. Rib, 7-inch cut	.81	.74	.60	.48
6. Sirloin	1.19	1.13	1.00	.84
7. Pin bone	1.19	1.13	1.00	.84
8. Sirloin (boneless)	1.32	1.25	1.06	.85
9. Round (bone in, full cut)	1.07	1.07	.98	.92
10. Round (boneless, top and bottom)	1.11	1.11	1.05	.98
11. Round tip	1.11	1.11	1.05	.98
12. Chuck blade (bone in)	.72	.72	.67	.60
13. Chuck arm (bone in)	.85	.85	.80	.73
14. Flank	.93	.93	.93	.93
15. Cube				.71
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.74	.66	.55	.45
2. Rib standing (chine bone in, 7-inch cut)	.84	.74	.60	.48
3. Round tip	1.11	1.11	1.05	.98
4. Rump (bone in)	.82	.82	.78	.74
5. Rump (boneless)	1.11	1.11	1.05	.98
6. Chuck blade pot roast	.72	.72	.67	.60
7. Chuck arm pot roast	.85	.85	.80	.73
8. Chuck or shoulder (boneless)	.94	.94	.87	.78
9. English cut	.91	.91	.86	.79
10. Rib roast (boneless, rolled)				.75
11. Short loin (boneless, rolled)				1.02
III. Stews and other cuts:				
1. Short ribs	.50	.50	.50	.50
2. Plate (bone in, fresh or cured)	.41	.41	.41	.41
3. Plate (boneless, fresh or cured)	.56	.56	.56	.56
4. Brisket (bone in, fresh or cured)	.75	.75	.64	.61
5. Brisket (boneless, fresh or cured, deckle on)	.91	.91	.76	.71
6. Brisket (boneless, cured, deckle off)	.98	.98	.82	.76
7. Flank meat	.66	.66	.66	.66
8. Neck (bone in)	.70	.70	.59	.56
9. Neck (boneless)	.91	.91	.85	.78
10. Heel of round (boneless)	.84	.82	.81	.74
11. Shank (bone in, hind and fore)	.46	.46	.46	.46
12. Shank (boneless, hind and fore)	.69	.69	.69	.69
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.65	.65	.65	.65
V. Wholesale cuts:				
1. Round beef (whole)	.67	.67	.64	.60
2. Sirloin beef (whole)	.84	.74	.68	.56
3. Short loin beef (whole)	1.06	.90	.71	.51
4. Flank beef (whole)	.41	.41	.41	.41
5. Rib beef (whole)	.60	.53	.46	.37
6. Regular chuck (whole)	.62	.62	.57	.50
7. Short plate (whole)	.40	.40	.40	.40
8. Brisket (whole)	.52	.52	.44	.42
9. Shank (whole)	.40	.40	.40	.40

(b) (2) *Retail ceiling prices for beef—Zone 2.*

[The following ceiling prices per pound apply in all "Groups 3B and 4B" stores selling the grades of beef cuts listed below at retail in Zone 2, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951.]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.23	$1.04	$0.78	$0.65
2. T-bone	1.23	1.04	.78	.65
3. Club	1.23	1.04	.78	.65
4. Rib, 10-inch cut	.73	.64	.54	.44
5. Rib, 7-inch cut	.82	.73	.59	.47
6. Sirloin	1.17	1.11	.98	.82
7. Pin bone	1.17	1.11	.98	.82
8. Sirloin (boneless)	1.29	1.23	1.04	.83
9. Round (bone in, full cut)	1.05	1.05	.96	.90
10. Round (boneless, top and bottom)	1.09	1.09	1.03	.96
11. Round tip	1.09	1.09	1.03	.96
12. Chuck blade (bone in)	.71	.71	.66	.59
13. Chuck arm (bone in)	.83	.83	.78	.72
14. Flank	.91	.91	.91	.91
15. Cube				.70
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.73	.64	.54	.44
2. Rib standing (chine bone in, 7-inch cut)	.82	.73	.59	.47
3. Round tip	1.09	1.09	1.03	.96
4. Rump (bone in)	.80	.80	.76	.73
5. Rump (boneless)	1.09	1.09	1.03	.96
6. Chuck blade pot roast	.71	.71	.66	.59
7. Chuck arm pot roast	.83	.83	.78	.72
8. Chuck or shoulder (boneless)	.92	.92	.85	.76
9. English cut	.89	.89	.84	.77
10. Rib roast (boneless, rolled)				.74
11. Short loin (boneless, rolled)				1.00
III. Stews and other cuts:				
1. Short ribs	.49	.49	.49	.49
2. Plate (bone in, fresh or cured)	.40	.40	.40	.40
3. Plate (boneless, fresh or cured)	.55	.55	.55	.55
4. Brisket (bone in, fresh or cured)	.74	.74	.63	.60
5. Brisket (boneless, fresh or cured, deckle on)	.89	.89	.74	.70
6. Brisket (boneless, cured, deckle off)	.96	.96	.80	.74
7. Flank meat	.65	.65	.65	.65
8. Neck (bone in)	.69	.69	.58	.55
9. Neck (boneless)	.89	.89	.83	.76
10. Heel of round (boneless)	.84	.82	.79	.73
11. Shank (bone in, hind and fore)	.45	.45	.45	.45
12. Shank (boneless, hind and fore)	.68	.68	.68	.68
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.64	.64	.64	.64
V. Wholesale cuts:				
1. Round beef (whole)	.67	.67	.64	.60
2. Sirloin beef (whole)	.84	.79	.68	.56
3. Short loin beef (whole)	1.06	.90	.71	.51
4. Flank beef (whole)	.41	.41	.41	.41
5. Rib beef (whole)	.60	.53	.46	.37
6. Regular chuck (whole)	.62	.62	.57	.50
7. Short plate (whole)	.40	.40	.40	.40
8. Brisket (whole)	.52	.52	.44	.42
9. Shank (whole)	.40	.40	.40	.40

(c) *Retail ceiling prices for beef—Zone 3.*

[The following ceiling prices per pound apply in all "Groups 1 and 2" stores selling the grades of beef cuts listed below at retail in Zone 3, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951.]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.29	$1.08	$0.81	$0.[illegible]
2. T-bone	1.29	1.08	.81	.[illegible]
3. Club	1.29	1.08	.81	.[illegible]
4. Rib, 10-inch cut	.75	.66	.55	.[illegible]
5. Rib, 7-inch cut	.85	.74	.60	.[illegible]
6. Sirloin	1.21	1.15	1.02	.[illegible]
7. Pin bone	1.21	1.15	1.02	.[illegible]
8. Sirloin (boneless)	1.34	1.26	1.07	.[illegible]
9. Round (bone in, full cut)	1.10	1.10	1.02	.[illegible]
10. Round (boneless, top and bottom)	1.12	1.12	1.06	.[illegible]
11. Round tip	1.12	1.12	1.06	.[illegible]
12. Chuck blade (bone in)	.73	.73	.67	.[illegible]
13. Chuck arm (bone in)	.86	.86	.80	.[illegible]
14. Flank	1.01	1.01	.99	.[illegible]
15. Cube				.[illegible]
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.75	.66	.55	.[illegible]
2. Rib standing (chine bone in, 7-inch cut)	.85	.74	.60	.[illegible]
3. Round tip	1.12	1.12	1.06	.[illegible]
4. Rump (bone in)	.82	.82	.78	.[illegible]
5. Rump (boneless)	1.12	1.12	1.06	.[illegible]
6. Chuck blade pot roast	.73	.73	.67	.[illegible]
7. Chuck arm pot roast	.86	.86	.80	.[illegible]
8. Chuck or shoulder (boneless)	.94	.94	.86	.[illegible]
9. English cut	.93	.93	.87	.[illegible]
10. Rib roast (boneless, rolled)				.[illegible]
11. Short loin (boneless, rolled)				1.05
III. Stews and other cuts:				
1. Short ribs	.51	.51	.51	.[illegible]
2. Plate (bone in, fresh or cured)	.42	.42	.42	.[illegible]
3. Plate (boneless, fresh or cured)	.57	.57	.57	.[illegible]
4. Brisket (bone-in) (fresh or cured)	.76	.76	.65	.[illegible]
5. Brisket (boneless, fresh or cured, deckle on)	.92	.92	.77	.[illegible]
6. Brisket (boneless, cured, deckle off)	1.00	1.00	.84	.[illegible]
7. Flank meat	.70	.70	.70	.[illegible]
8. Neck (bone in)	.70	.70	.59	.[illegible]
9. Neck (boneless)	.91	.91	.85	.[illegible]
10. Heel of round (boneless)	.92	.92	.84	.[illegible]
11. Shank (bone in, hind and fore)	.46	.46	.46	.[illegible]
12. Shank (boneless, hind and fore)	.70	.70	.70	.[illegible]
13. Soup bone	.06	.06	.06	.[illegible]
14. Suet	.10	.10	.10	.[illegible]
IV. Ground beef	.69	.69	.69	.[illegible]
V. Wholesale cuts:				
1. Round beef (whole)	.66	.66	.62	.[illegible]
2. Sirloin beef (whole)	.82	.78	.67	.[illegible]
3. Short loin beef (whole)	1.04	.89	.69	.[illegible]
4. Flank beef (whole)	.40	.40	.40	.[illegible]
5. Rib beef (whole)	.59	.52	.44	.[illegible]
6. Regular chuck (whole)	.60	.60	.55	.[illegible]
7. Short plate (whole)	.38	.38	.38	.[illegible]
8. Brisket (whole)	.51	.51	.44	.41
9. Shank (whole)	.38	.38	.38	.[illegible]

(c) (1) *Retail ceiling prices for beef—Zone 3.*

[The following ceiling prices per pound apply in all "Groups 3 and 4" stores selling the grades of beef cuts listed below at retail in Zone 3, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.26	$1.06	$0.80	$0.[illegible]
2. T-bone	1.26	1.06	.80	.[illegible]
3. Club	1.26	1.06	.80	.[illegible]
4. Rib, 10-inch cut	.74	.65	.55	.[illegible]
5. Rib, 7 inch cut	.82	.73	.60	.[illegible]
6. Sirloin	1.18	1.13	1.00	.[illegible]
7. Pin bone	1.18	1.13	1.00	.[illegible]
8. Sirloin (boneless)	1.32	1.25	1.06	.[illegible]
9. Round (bone in, full cut)	1.06	1.06	.98	.[illegible]
10. Round (boneless, top and bottom)	1.10	1.10	1.04	.[illegible]
11. Round tip	1.10	1.10	1.04	.[illegible]
12. Chuck blade (bone in)	.72	.72	.66	.[illegible]
13. Chuck arm (bone in)	.85	.85	.79	.[illegible]
14. Flank	.93	.93	.93	.[illegible]
15. Cube				.[illegible]
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.74	.65	.55	.[illegible]
2. Rib standing (chine bone in, 7-inch cut)	.83	.74	.60	.[illegible]
3. Round tip	1.10	1.10	1.04	.[illegible]
4. Rump (bone in)	.81	.81	.77	.[illegible]
5. Rump (boneless)	1.10	1.10	1.04	.[illegible]
6. Chuck blade pot roast	.72	.72	.66	.[illegible]
7. Chuck arm pot roast	.85	.85	.79	.[illegible]
8. Chuck or shoulder (boneless)	.94	.94	.86	.[illegible]
9. English cut	.91	.91	.85	.[illegible]
10. Rib roast (boneless, rolled)				.[illegible]
11. Short loin (boneless, rolled)				1.02
III. Stews and other cuts:				
1. Short ribs	.50	.50	.50	.[illegible]
2. Plate (bone in, fresh or cured)	.41	.41	.41	.[illegible]
3. Plate (boneless, fresh or cured)	.56	.56	.56	.[illegible]
4. Brisket (bone-in, fresh or cured)	.75	.75	.64	.[illegible]
5. Brisket (boneless, fresh or cured, deckle on)	.91	.91	.77	.[illegible]
6. Brisket (boneless, cured, deckle off)	.98	.98	.80	.[illegible]
7. Flank meat	.66	.66	.66	.[illegible]
8. Neck (bone in)	.70	.70	.59	.[illegible]
9. Neck (boneless)	.90	.90	.85	.[illegible]
10. Heel of round (boneless)	.84	.82	.80	.[illegible]
11. Shank (bone in, hind and fore)	.46	.46	.46	.[illegible]
12. Shank (boneless, hind and fore)	.68	.68	.68	.[illegible]
13. Soup bone	.06	.06	.06	.[illegible]
14. Suet	.10	.10	.10	.[illegible]
IV. Ground beef	.65	.65	.65	.[illegible]
V. Wholesale cuts:				
1. Round beef (whole)	.66	.66	.62	.[illegible]
2. Sirloin beef (whole)	.82	.78	.67	.[illegible]
3. Short loin beef (whole)	1.04	.89	.69	.[illegible]
4. Flank beef (whole)	.40	.40	.40	.[illegible]
5. Rib beef (whole)	.59	.52	.44	.[illegible]
6. Regular chuck (whole)	.60	.60	.55	.[illegible]
7. Short plate (whole)	.38	.38	.38	.[illegible]
8. Brisket (whole)	.51	.51	.44	.41
9. Shank (whole)	.38	.38	.38	.[illegible]

(c) (1) *Retail ceiling prices for beef—Zone 3.*

[The following ceiling prices per pound apply in all "Groups 3 and 4" stores selling the grades of beef cuts listed below at retail in Zone 3, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.26	$1.06	$0.80	$0.[illegible]
2. T-bone	1.26	1.06	.80	.[illegible]
3. Club	1.26	1.06	.80	.[illegible]
4. Rib, 10-inch cut	.74	.65	.55	.[illegible]
5. Rib, 7 inch cut	.82	.73	.60	.[illegible]
6. Sirloin	1.18	1.13	1.00	.[illegible]
7. Pin bone	1.18	1.13	1.00	.[illegible]
8. Sirloin (boneless)	1.32	1.25	1.06	.[illegible]
9. Round (bone in, full cut)	1.06	1.06	.98	.[illegible]
10. Round (boneless, top and bottom)	1.10	1.10	1.04	.[illegible]
11. Round tip	1.10	1.10	1.04	.[illegible]
12. Chuck blade (bone in)	.72	.72	.66	.[illegible]
13. Chuck arm (bone in)	.85	.85	.79	.[illegible]
14. Flank	.93	.93	.93	.[illegible]
15. Cube				.[

(c) (2) *Retail ceiling prices for beef—Zone 3.*

[The following ceiling prices per pound apply in all "Groups 3B and 4B" stores selling the grades of beef cuts listed below at retail in Zone 3, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.23	$1.04	$0.78	$0.65
2. T-bone	1.23	1.04	.78	.65
3. Club	1.23	1.04	.78	.65
4. Rib, 10-inch cut	.73	.64	.54	.44
5. Rib, 7-inch cut	.81	.72	.60	.47
6. Sirloin	1.16	1.11	.98	.81
7. Pin bone	1.16	1.11	.98	.81
8. Sirloin (boneless)	1.29	1.23	1.01	.83
9. Round (bone in, full cut)	1.04	1.04	.96	.99
10. Round (boneless, top and bottom)	1.08	1.08	1.02	.96
11. Round tip	1.08	1.08	1.02	.96
12. Chuck blade (bone in)	.71	.71	.65	.58
13. Chuck arm (bone in)	.83	.83	.77	.71
14. Flank	.91	.91	.91	.91
15. Cube				.69
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.73	.64	.54	.44
2. Rib standing (chine bone in, 7-inch cut)	.81	.72	.59	.47
3. Round tip	1.08	1.08	1.02	.96
4. Rump (bone in)	.79	.79	.75	.72
5. Rump (boneless)	1.08	1.08	1.02	.96
6. Chuck blade pot roast	.71	.71	.65	.58
7. Chuck arm pot roast	.83	.83	.77	.74
8. Chuck or shoulder (boneless)	.92	.92	.84	.76
9. English cut	.89	.89	.83	.76
10. Rib roast (boneless, rolled)				.74
11. Short loin (boneless, rolled)				1.00
III. Stews and other cuts:				
1. Short ribs	.49	.49	.49	.49
2. Plate (bone in, fresh or cured)	.40	.40	.40	.40
3. Plate (boneless, fresh or cured)	.55	.55	.55	.55
4. Brisket (bone in, fresh or cured)	.74	.74	.63	.60
5. Brisket (boneless, fresh or cured, deckle on)	.89	.89	.74	.70
6. Brisket (boneless, cured, deckle off)	.96	.96	.78	.74
7. Flank meat	.65	.65	.65	.65
8. Neck (bone in)	.60	.60	.58	.55
9. Neck (boneless)	.88	.88	.83	.75
10. Heel of round (boneless)	.82	.80	.78	.73
11. Shank (bone in, hind and fore)	.44	.44	.35	.44
12. Shank (boneless, hind and fore)	.67	.67	.67	.67
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.64	.64	.64	.64
V. Wholesale cuts:				
1. Round beef (whole)	.66	.66	.62	.59
2. Sirloin beef (whole)	.82	.78	.67	.54
3. Short loin beef (whole)	1.04	.89	.69	.50
4. Flank beef (whole)	.40	.40	.40	.40
5. Rib beef (whole)	.59	.52	.44	.36
6. Regular chuck (whole)	.60	.60	.55	.36
7. Short plate (whole)	.38	.38	.38	.38
8. Brisket (whole)	.51	.51	.43	.43
9. Shank (whole)	.38	.38	.38	.38

(d) *Retail ceiling prices for beef—Zone 4.*

[The following ceiling prices per pound apply in all "Groups 1 and 2" stores selling the grades of beef cuts listed below at retail in Zone 4, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.30	$1.09	$0.82	$0.67
2. T-bone	1.30	1.09	.82	.67
3. Club	1.30	1.09	.82	.67
4. Rib, 10-inch cut	.76	.67	.56	.45
5. Rib, 7-inch cut	.86	.75	.61	.48
6. Sirloin	1.22	1.16	1.03	.85
7. Pin bone	1.22	1.16	1.03	.85
8. Sirloin (boneless)	1.35	1.28	1.09	.87
9. Round (bone in, full cut)	1.10	1.10	1.01	.99
10. Round (boneless, top and bottom)	1.13	1.13	1.07	1.01
11. Round tip	1.13	1.13	1.07	1.01
12. Chuck blade (bone in)	.75	.75	.68	.61
13. Chuck arm (bone in)	.88	.88	.81	.74
14. Flank	1.01	1.01	.99	.99
15. Cube				.83
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.76	.67	.56	.45
2. Rib standing (chine bone in, 7-inch cut)	.86	.75	.61	.48
3. Round tip	1.13	1.13	1.07	1.01
4. Rump (bone in)	.83	.83	.79	.75
5. Rump (boneless)	1.13	1.13	1.07	1.01
6. Chuck blade pot roast	.75	.75	.68	.61
7. Chuck arm pot roast	.88	.88	.81	.74
8. Chuck or shoulder (boneless)	.96	.96	.88	.79
9. English cut	.95	.95	.88	.81
10. Rib roast (boneless, rolled)				.81
11. Short loin (boneless, rolled)				1.04
III. Stews and other cuts:				
1. Short ribs	.51	.51	.51	.51
2. Plate (bone in) (fresh or cured)	.42	.42	.42	.42
3. Plate (boneless, fresh or cured)	.58	.58	.58	.58
4. Brisket (bone in, fresh or cured)	.77	.77	.66	.62
5. Brisket (boneless, fresh or cured, deckle on)	.94	.94	.78	.74
6. Brisket (boneless, cured, deckle off)	1.02	1.02	.85	.81
7. Flank meat	.69	.69	.69	.69
8. Neck (bone in)	.73	.73	.59	.58
9. Neck (boneless)	.90	.90	.84	.77
10. Heel of round (boneless)	.93	.92	.85	.79
11. Shank (bone in, hind and fore)	.47	.47	.47	.47
12. Shank (boneless, hind and fore)	.71	.71	.71	.71
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.69	.69	.69	.69
V. Wholesale cuts:				
1. Round beef (whole)	.68	.68	.62	.61
2. Sirloin beef (whole)	.85	.86	.67	.66
3. Short loin beef (whole)	1.05	.89	.69	.50
4. Flank beef (whole)	.42	.42	.42	.42
5. Rib beef (whole)	.67	.52	.44	.36
6. Regular chuck (whole)	.61	.61	.55	.48
7. Short plate (whole)	.40	.40	.40	.40
8. Brisket (whole)	.53	.53	.43	.43
9. Shank (whole)	.40	.40	.40	.40

(d) (1) *Retail ceiling prices for beef—Zone 4.*

[The following ceiling prices per pound apply in all "Groups 3 and 4" stores selling the grades of beef cuts listed below at retail in Zone 4, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.26	$1.05	$0.79	$0.65
2. T-bone	1.26	1.05	.79	.65
3. Club	1.26	1.05	.79	.65
4. Rib, 10-inch cut	.73	.64	.54	.44
5. Rib, 7-inch cut	.83	.73	.59	.47
6. Sirloin	1.18	1.12	.99	.84
7. Pin bone	1.18	1.12	.99	.84
8. Sirloin (boneless)	1.31	1.24	1.05	.85
9. Round (bone in, full cut)	1.05	1.05	.96	.94
10. Round (boneless, top and bottom)	1.09	1.09	1.03	.97
11. Round tip	1.09	1.09	1.03	.97
12. Chuck blade (bone in)	.71	.71	.65	.58
13. Chuck arm (bone in)	.84	.84	.78	.71
14. Flank	.92	.92	.92	.92
15. Cube				.70
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.73	.64	.54	.44
2. Rib standing (chine bone in, 7-inch cut)	.83	.73	.59	.47
3. Round tip	1.09	1.09	1.03	.97
4. Rump (bone in)	.78	.78	.75	.71
5. Rump (boneless)	1.09	1.09	1.03	.97
6. Chuck blade pot roast	.71	.71	.65	.58
7. Chuck arm pot roast	.84	.84	.79	.72
8. Chuck or shoulder (boneless)	.92	.92	.85	.76
9. English cut	.90	.90	.85	.76
10. Rib roast (boneless, rolled)				.73
11. Short loin (boneless, rolled)				1.02
III. Stews and other cuts:				
1. Short ribs	.49	.49	.49	.49
2. Plate (bone in, fresh or cured)	.40	.40	.40	.40
3. Plate (boneless, fresh or cured)	.55	.55	.55	.55
4. Brisket (bone in, fresh or cured)	.74	.74	.63	.60
5. Brisket (boneless, fresh or cured, deckle on)	.90	.90	.74	.70
6. Brisket (boneless, cured deckle off)	.97	.97	.79	.75
7. Flank meat	.66	.66	.66	.66
8. Neck (bone in)	.69	.69	.58	.55
9. Neck (boneless)	.85	.85	.82	.74
10. Heel of round (boneless)	.83	.81	.79	.73
11. Shank (bone in, hind and fore)	.45	.45	.45	.45
12. Shank (boneless, hind and fore)	.68	.68	.68	.68
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.65	.65	.65	.65
V. Wholesale cuts:				
1. Round beef (whole)	.68	.68	.62	.61
2. Sirloin beef (whole)	.85	.80	.67	.66
3. Short loin beef (whole)	1.05	.89	.69	.50
4. Flank beef (whole)	.42	.42	.42	.42
5. Rib beef (whole)	.67	.52	.44	.36
6. Regular chuck (whole)	.61	.61	.55	.48
7. Short plate (whole)	.40	.40	.40	.40
8. Brisket (whole)	.53	.53	.43	.43
9. Shank (whole)	.40	.40	.40	.40

(d) (2) *Retail ceiling prices for beef—Zone 4.*

[The following ceiling prices per pound apply in all "Groups 3B and 4B" stores selling the grades of beef cuts listed below at retail in Zone 4, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.23	$1.03	$0.77	$0.64
2. T-bone	1.23	1.03	.77	.64
3. Club	1.23	1.03	.77	.64
4. Rib, 10-inch cut	.73	.64	.53	.43
5. Rib, 7-inch cut	.81	.72	.58	.46
6. Sirloin	1.16	1.10	.97	.81
7. Pin bone	1.16	1.10	.97	.81
8. Sirloin (boneless)	1.28	1.22	1.03	.82
9. Round (bone in, full cut)	1.03	1.03	.94	.89
10. Round (boneless, top and bottom)	1.07	1.07	1.01	.95
11. Round tip	1.07	1.07	1.01	.95
12. Chuck blade (bone in)	.70	.70	.65	.58
13. Chuck arm (bone in)	.83	.83	.79	.72
14. Flank	.90	.90	.90	.90
15. Cube				.69
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.72	.63	.53	.43
2. Rib standing (chine bone in, 7-inch cut)	.81	.72	.58	.46
3. Round tip	1.07	1.07	1.01	.95
4. Rump (bone in)	.76	.76	.74	.70
5. Rump (boneless)	1.07	1.07	1.01	.95
6. Chuck blade pot roast	.70	.70	.65	.58
7. Chuck arm pot roast	.83	.83	.77	.74
8. Chuck or shoulder (boneless)	.92	.92	.83	.76
9. English cut	.92	.92	.86	.79
10. Rib roast (boneless, rolled)				.74
11. Short loin (boneless, rolled)				1.00
III. Stews and other cuts:				
1. Short ribs	.48	.48	.48	.48
2. Plate (bone in, fresh or cured)	.39	.39	.39	.39
3. Plate (boneless, fresh or cured)	.54	.54	.54	.54
4. Brisket (bone in, fresh or cured)	.73	.73	.62	.59
5. Brisket (boneless, fresh or cured, deckle on)	.88	.88	.73	.69
6. Brisket (boneless, cured, deckle off)	.95	.95	.77	.74
7. Flank meat	.65	.65	.65	.65
8. Neck (bone in)	.68	.68	.57	.54
9. Neck (boneless)	.86	.85	.80	.74
10. Heel of round (boneless)	.81	.79	.77	.72
11. Shank (bone in, hind and fore)	.44	.44	.44	.44
12. Shank (boneless, hind and fore)	.67	.67	.67	.67
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.64	.64	.64	.64
V. Wholesale cuts:				
1. Round beef (whole)	.68	.68	.62	.61
2. Sirloin beef (whole)	.85	.80	.67	.66
3. Short loin beef (whole)	1.05	.89	.69	.50
4. Flank beef (whole)	.42	.42	.42	.42
5. Rib beef (whole)	.67	.52	.44	.36
6. Regular chuck (whole)	.61	.61	.55	.48
7. Short plate (whole)	.40	.40	.40	.40
8. Brisket (whole)	.53	.53	.43	.43
9. Shank (whole)	.40	.40	.40	.40

(e) *Retail ceiling prices for beef—Zone 5.*

[The following ceiling prices per pound apply in all "Groups 1 and 2" stores selling the grades of beef cuts listed below at retail in Zone 5, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.28	$1.07	$0.81	$0.67
2. T-bone	1.28	1.07	.81	.67
3. Club	1.28	1.07	.81	.67
4. Rib, 10-inch cut	.75	.65	.55	.44
5. Rib, 7-inch cut	.84	.73	.60	.48
6. Sirloin	1.20	1.14	1.01	.84
7. Pin bone	1.20	1.14	1.01	.84
8. Sirloin (boneless)	1.33	1.26	1.06	.85
9. Round (bone in, full cut)	1.02	1.09	1.00	.94
10. Round (boneless, top and bottom)	1.11	1.11	1.05	.98
11. Round tip	1.11	1.11	1.05	.98
12. Chuck blade (bone in)	.72	.72	.66	.59
13. Chuck arm (bone in)	.85	.85	.79	.72
14. Flank	1.00	1.00	.98	.98
15. Cube				.79
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.75	.65	.55	.44
2. Rib standing (chine bone in, 7-inch cut)	.84	.73	.60	.46
3. Round tip	1.11	1.11	1.05	.98
4. Rump (bone in)	.79	.79	.75	.71
5. Rump (boneless)	1.11	1.11	1.05	.98
6. Chuck blade pot roast	.72	.72	.66	.59
7. Chuck arm pot roast	.85	.85	.79	.72
8. Chuck or shoulder (boneless)	.92	.92	.85	.76
9. English cut	.92	.92	.86	.79
10. Rib roast (boneless, rolled)				.81
11. Short loin (boneless, rolled)				1.04
III. Stews and other cuts:				
1. Short ribs	.50	.50	.50	.50
2. Plate (bone in) (fresh or cured)	.41	.41	.41	.41
3. Plate (boneless) (fresh or cured)	.56	.56	.56	.56
4. Brisket (bone in) (fresh or cured)	.75	.75	.64	.61
5. Brisket (boneless, fresh or cured, deckle on)	.91	.91	.76	.71
6. Brisket (boneless, cured, deckle off)	.99	.99	.82	.77
7. Flank meat	.69	.69	.69	.69
8. Neck (bone in)	.69	.69	.58	.55
9. Neck (boneless)	.89	.89	.82	.74
10. Heel of round (boneless)	.90	.89	.79	.73
11. Shank (bone in, hind and fore)	.46	.46	.46	.46
12. Shank (boneless, hind and fore)	.69	.69	.69	.69
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.66	.66	.66	.66
V. Wholesale cuts:				
1. Round beef (whole)	.65	.65	.62	.58
2. Sirloin beef (whole)	.82	.78	.66	.54
3. Short loin beef (whole)	1.03	.88	.68	.48
4. Flank beef (whole)	.39	.39	.39	.39
5. Rib beef (whole)	.58	.52	.44	.36
6. Regular chuck (whole)	.59	.59	.54	.47
7. Short plate (whole)	.38	.38	.38	.38
8. Brisket (whole)	.50	.50	.42	.40
9. Shank (whole)	.38	.38	.38	.38

(e) (1) *Retail ceiling prices for beef—Zone 5.*

[The following ceiling prices per pound apply in all "Groups 3 and 4" stores selling the grades of beef cuts listed below at retail in Zone 5, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.25	$1.05	$0.79	$0.65
2. T-bone	1.25	1.05	.79	.65
3. Club	1.25	1.05	.79	.65
4. Rib, 10-inch cut	.73	.64	.54	.44
5. Rib, 7-inch cut	.83	.73	.59	.47
6. Sirloin	1.18	1.12	.99	.84
7. Pin bone	1.18	1.12	.99	.84
8. Sirloin (boneless)	1.31	1.24	1.05	.84
9. Round (bone in, full cut)	1.05	1.05	.96	.94
10. Round (boneless, top and bottom)	1.09	1.09	1.03	.97
11. Round tip	1.09	1.09	1.03	.97
12. Chuck blade (bone in)	.71	.71	.65	.58
13. Chuck arm (bone in)	.84	.84	.78	.71
14. Flank	.92	.92	.92	.92
15. Cube				.70
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.73	.64	.54	.44
2. Rib standing (chine bone in, 7-inch cut)	.83	.73	.59	.47
3. Round tip	1.09	1.09	1.03	.97
4. Rump (bone in)	.78	.78	.74	.70
5. Rump (boneless)	1.09	1.09	1.03	.97
6. Chuck blade pot roast	.71	.71	.65	.58
7. Chuck arm pot roast	.84	.84	.78	.71
8. Chuck or shoulder (boneless)	.92	.92	.85	.76
9. English cut	.90	.90	.84	.77
10. Rib roast (boneless, rolled)				.74
11. Short loin (boneless, rolled)				1.02
III. Stews and other cuts:				
1. Short ribs	.49	.49	.49	.49
2. Plate (bone in, fresh or cured)	.40	.40	.40	.40
3. Plate (boneless, fresh or cured)	.55	.55	.55	.55
4. Brisket (bone in, fresh or cured)	.74	.74	.63	.60
5. Brisket (boneless, fresh or cured, deckle on)	.90	.90	.74	.70
6. Brisket (boneless, cured; deckle off)	.97	.97	.79	.75
7. Flank meat	.66	.66	.66	.66
8. Neck (bone in)	.69	.69	.58	.55
9. Neck (boneless)	.88	.88	.82	.74
10. Heel of round (boneless)	.83	.81	.79	.73
11. Shank (bone in, hind and fore)	.45	.45	.45	.45
12. Shank (boneless, hind and fore)	.67	.67	.67	.67
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.64	.64	.64	.64
V. Wholesale cuts:				
1. Round beef (whole)	.65	.65	.62	.58
2. Sirloin beef (whole)	.82	.78	.66	.54
3. Short loin (beef (whole)	1.03	.88	.68	.48
4. Flank beef (whole)	.39	.39	.39	.39
5. Rib beef (whole)	.58	.52	.44	.36
6. Regular chuck (whole)	.59	.59	.54	.47
7. Short plate (whole)	.38	.38	.38	.38
8. Brisket (whole)	.50	.50	.42	.40
9. Shank (whole)	.38	.38	.38	.38

(e) (2) *Retail ceiling prices for beef—Zone 5.*

[The following ceiling prices per pound apply in all "Groups 3B and 4B" stores selling the grades of beef cuts listed below at retail in Zone 5, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.23	$1.03	$0.77	$0.64
2. T-bone	1.23	1.03	.77	.64
3. Club	1.23	1.03	.77	.64
4. Rib, 10-inch cut	.73	.64	.53	.43
5. Rib, 7-inch cut	.82	.72	.58	.46
6. Sirloin	1.16	1.10	.97	.81
7. Pin bone	1.16	1.10	.97	.81
8. Sirloin (boneless)	1.28	1.22	1.03	.82
9. Round (bone in, full cut)	1.03	1.03	.94	.88
10. Round (boneless, top and bottom)	1.07	1.07	1.01	.95
11. Round tip	1.07	1.07	1.01	.95
12. Chuck blade (bone in)	.70	.70	.64	.57
13. Chuck arm (bone in)	.82	.82	.76	.70
14. Flank	.90	.90	.90	.90
15. Cube				.69
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.72	.63	.53	.43
2. Rib standing (chine bone in, 7 inch cut)	.81	.72	.58	.46
3. Round tip	1.07	1.07	1.01	.95
4. Rump (bone in)	.76	.76	.73	.69
5. Rump (boneless)	1.07	1.07	1.01	.95
6. Chuck blade pot roast	.70	.70	.64	.57
7. Chuck arm pot roast	.82	.82	.76	.70
8. Chuck or shoulder (boneless)	.90	.90	.83	.74
9. English cut	.88	.88	.82	.75
10. Rib roast (boneless, rolled)				.73
11. Short loin (boneless, rolled)				1.00
III. Stews and other cuts:				
1. Short ribs	.48	.48	.48	.48
2. Plate (bone in, fresh or cured)	.39	.39	.39	.39
3. Plate (boneless, fresh or cured)	.54	.54	.54	.54
4. Brisket (bone in, fresh or cured)	.73	.73	.62	.59
5. Brisket (boneless, fresh or cured, deckle on)	.88	.88	.73	.69
6. Brisket (boneless, cured, deckle off)	.95	.95	.77	.74
7. Flank meat	.65	.65	.65	.65
8. Neck (bone in)	.68	.68	.57	.54
9. Neck (boneless)	.86	.85	.80	.74
10. Heel of round (boneless)	.81	.79	.77	.72
11. Shank (bone in, hind and fore)	.44	.44	.44	.44
12. Shank (boneless, hind and fore)	.67	.67	.67	.67
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.63	.63	.63	.63
V. Wholesale cuts:				
1. Round beef (whole)	.65	.65	.62	.58
2. Sirloin beef (whole)	.82	.78	.66	.54
3. Short loin beef (whole)	1.03	.88	.68	.48
4. Flank beef (whole)	.39	.39	.39	.39
5. Rib beef (whole)	.58	.52	.44	.36
6. Regular chuck (whole)	.59	.59	.54	.47
7. Short plate (whole)	.38	.38	.38	.38
8. Brisket (whole)	.50	.50	.42	.40
9. Shank (whole)	.38	.38	.38	.38

(f) *Retail ceiling prices for beef—Zones 6 and 6A.*

[The following ceiling prices per pound apply in all "Groups 1 and 2" stores selling the grades of beef cuts listed below at retail in Zones 6 and 6A, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.26	$1.05	$0.79	$0.64
2. T-bone	1.26	1.05	.79	.64
3. Club	1.26	1.05	.79	.64
4. Rib, 10-inch cut	.73	.64	.53	.43
5. Rib, 7-inch cut	.82	.71	.58	.46
6. Sirloin	1.18	1.12	.99	.82
7. Pin bone	1.18	1.12	.99	.82
8. Sirloin (boneless)	1.31	1.23	1.04	.82
9. Round (bone in, full cut)	1.06	1.06	.97	.91
10. Round (boneless, top and bottom)	1.08	1.08	1.02	.96
11. Round tip	1.08	1.08	1.02	.96
12. Chuck blade (bone in)	.70	.70	.64	.57
13. Chuck arm (bone in)	.83	.83	.77	.70
14. Flank	.99	.99	.97	.97
15. Cube				.77
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.73	.64	.53	.43
2. Rib standing (chine bone in, 7-inch cut)	.82	.71	.58	.44
3. Round tip	1.08	1.08	1.02	.96
4. Rump (bone in)	.72	.72	.68	.64
5. Rump (boneless)	1.08	1.08	1.02	.96
6. Chuck blade pot roast	.70	.70	.64	.57
7. Chuck arm pot roast	.83	.83	.77	.70
8. Chuck or shoulder (boneless)	.89	.89	.82	.73
9. English cut	.90	.90	.84	.77
10. Rib roast (boneless, rolled)				.80
11. Short loin (boneless, rolled)				1.03
III. Stews and other cuts:				
1. Short ribs	.48	.48	.48	.48
2. Plate (bone in, fresh or cured)	.39	.39	.39	.39
3. Plate (boneless, fresh or cured)	.54	.54	.54	.54
4. Brisket (bone in, fresh or cured)	.73	.73	.62	.59
5. Brisket (boneless, fresh or cured, deckle on)	.89	.89	.73	.69
6. Brisket (boneless, cured, deckle off)	.96	.96	.79	.75
7. Flank meat	.68	.68	.68	.68
8. Neck (bone in)	.67	.67	.56	.53
9. Neck (boneless)	.82	.82	.76	.68
10. Heel of round (boneless)	.88	.88	.77	.71
11. Shank (bone in, hind and fore)	.44	.44	.44	.44
12. Shank (boneless, hind and fore)	.67	.67	.67	.67
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.64	.64	.64	.64
V. Wholesale cuts:				
1. Round beef (whole)	.64	.64	.60	.57
2. Sirloin beef (whole)	.81	.76	.65	.52
3. Short loin beef (whole)	1.02	.87	.67	.49
4. Flank beef (whole)	.38	.38	.38	.38
5. Rib beef (whole)	.58	.52	.43	.34
6. Regular chuck (whole)	.57	.57	.52	.45
7. Short plate (whole)	.36	.36	.36	.36
8. Brisket (whole)	.49	.49	.41	.39
9. Shank (whole)	.36	.36	.36	.36

(f) (1) *Retail ceiling prices for beef—Zones 6 and 6A.*

[The following ceiling prices per pound apply in all "Groups 3 and 4" stores selling the grades of beef cuts listed below at retail in Zones 6 and 6A, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

I. Steaks:	Choice	Good	Com'l.	Utility
1. Porterhouse	$1.24	$1.03	$0.77	$0.63
2. T-bone	1.24	1.03	.77	.63
3. Club	1.24	1.03	.77	.63
4. Rib, 10-inch cut	.72	.61	.53	.43
5. Rib, 7-inch cut	.81	.71	.57	.45
6. Sirloin	1.16	1.10	.97	.81
7. Pin bone	1.16	1.10	.97	.81
8. Sirloin (boneless)	1.29	1.22	1.03	.82
9. Round (bone in, full cut)	1.02	1.02	.93	.87
10. Round (boneless, top and bottom)	1.07	1.07	1.01	.94
11. Round tip	1.07	1.07	1.01	.94
12. Chuck blade (bone in)	.69	.69	.63	.55
13. Chuck arm (bone in)	.82	.82	.76	.69
14. Flank	.91	.91	.91	.91
15. Cube				.68
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.72	.61	.53	.43
2. Rib standing (chine bone in, 7-inch cut)	.81	.71	.57	.45
3. Round tip	1.07	1.07	1.01	.94
4. Rump (bone in)	.71	.71	.67	.63
5. Rump (boneless)	1.07	1.07	1.01	.94
6. Chuck blade pot roast	.69	.69	.63	.55
7. Chuck arm pot roast	.82	.82	.76	.69
8. Chuck or shoulder (boneless)	.89	.89	.82	.74
9. English cut	.88	.88	.82	.75
10. Rib roast (boneless, rolled)				.73
11. Short loin (boneless, rolled)				1.01
III. Stews and other cuts:				
1. Short ribs	.47	.47	.47	.47
2. Plate (bone in, fresh or cured)	.38	.38	.38	.38
3. Plate (boneless, fresh or cured)	.52	.52	.52	.52
4. Brisket (bone in, fresh or cured)	.72	.72	.61	.58
5. Brisket (boneless, fresh or cured, deckle on)	.87	.87	.72	.67
6. Brisket (boneless, cured, deckle off)	.93	.93	.77	.72
7. Flank meat	.65	.65	.65	.65
8. Neck (bone in)	.67	.67	.56	.51
9. Neck (boneless)	.82	.82	.76	.68
10. Heel of round (boneless)	.82	.80	.77	.71
11. Shank (bone in, hind and fore)	.43	.43	.43	.43
12. Shank (boneless, hind and fore)	.65	.65	.65	.65
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.63	.63	.63	.63
V. Wholesale cuts:				
1. Round beef (whole)	.64	.64	.60	.57
2. Sirloin beef (whole)	.81	.76	.65	.52
3. Short loin beef (whole)	1.02	.87	.67	.49
4. Flank beef (whole)	.38	.38	.38	.38
5. Rib beef (whole)	.58	.51	.43	.34
6. Regular chuck (whole)	.57	.57	.52	.45
7. Short plate (whole)	.36	.36	.36	.36
8. Brisket (whole)	.49	.49	.41	.39
9. Shank (whole)	.36	.36	.36	.36

(f) (2) *Retail ceiling prices for beef—Zones 6 and 6A.*

[The following ceiling prices per pound apply in all "Groups 3B and 4B" stores selling the grades of beef cuts listed below at retail in Zones 6 and 6A, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

I. Steaks:	Choice	Good	Com'l.	Utility
1. Porterhouse	$1.22	$1.01	$0.75	$0.62
2. T-bone	1.22	1.01	.75	.62
3. Club	1.22	1.01	.75	.62
4. Rib, 10-inch cut	.71	.60	.52	.42
5. Rib, 7-inch cut	.79	.70	.55	.44
6. Sirloin	1.14	1.08	.95	.79
7. Pin bone	1.14	1.08	.95	.79
8. Sirloin (boneless)	1.26	1.20	1.01	.80
9. Round (bone in, full cut)	1.00	1.00	.91	.85
10. Round (boneless, top and bottom)	1.05	1.05	.99	.92
11. Round tip	1.05	1.05	.99	.92
12. Chuck blade (bone in)	.68	.68	.62	.55
13. Chuck arm (bone in)	.80	.80	.74	.68
14. Flank	.89	.89	.89	.89
15. Cube				.67
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.71	.60	.52	.42
2. Rib standing (chine bone in, 7-inch cut)	.79	.70	.56	.44
3. Round tip	1.05	1.05	.99	.92
4. Rump (bone in)	.70	.70	.66	.62
5. Rump (boneless)	1.05	1.05	.99	.92
6. Chuck blade pot roast	.68	.68	.62	.55
7. Chuck arm pot roast	.80	.80	.74	.68
8. Chuck or shoulder (boneless)	.87	.87	.80	.73
9. English cut	.86	.86	.80	.74
10. Rib roast (boneless, rolled)				.72
11. Short loin (boneless, rolled)				.99
III. Stew and other cuts:				
1. Short ribs	.46	.46	.46	.46
2. Plate (bone in, fresh or cured)	.37	.37	.37	.37
3. Plate (boneless, fresh or cured)	.51	.51	.51	.51
4. Brisket (bone in, fresh or cured)	.71	.71	.60	.57
5. Brisket (boneless, fresh or cured, deckle on)	.85	.85	.71	.66
6. Brisket (boneless, cured, deckle off)	.91	.91	.75	.71
7. Flank meat	.64	.64	.64	.64
8. Neck (bone in)	.66	.66	.55	.52
9. Neck (boneless)	.80	.80	.74	.67
10. Heel of round (boneless)	.80	.78	.75	.70
11. Shank (bone in, hind and fore)	.42	.42	.42	.42
12. Shank (boneless, hind and fore)	.64	.64	.64	.64
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.62	.62	.62	.62
V. Wholesale cuts:				
1. Round beef (whole)	.64	.64	.60	.57
2. Sirloin beef (whole)	.81	.76	.65	.52
3. Short loin beef (whole)	1.02	.87	.67	.49
4. Flank beef (whole)	.38	.38	.38	.38
5. Rib beef (whole)	.58	.51	.43	.34
6. Regular chuck (whole)	.57	.57	.52	.45
7. Short plate (whole)	.36	.36	.36	.36
8. Brisket (whole)	.49	.49	.41	.39
9. Shank (whole)	.36	.36	.36	.36

(g) *Retail ceiling prices for beef—Zone 7.*

[The following ceiling prices per pound apply in all "Groups 1 and 2" stores selling the grades of beef cuts listed below at retail in Zone 7 in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

I. Steaks:	Choice	Good	Com'l.	Utility
1. Porterhouse	$1.30	$1.09	$0.83	$0.67
2. T-bone	1.30	1.09	.83	.67
3. Club	1.30	1.09	.83	.67
4. Rib, 10-inch cut	.76	.67	.56	.46
5. Rib, 7-inch cut	.87	.75	.62	.48
6. Sirloin	1.22	1.16	1.03	.86
7. Pin bone	1.22	1.16	1.03	.86
8. Sirloin (boneless)	1.35	1.28	1.09	.87
9. Round (bone in, full cut)	1.11	1.11	1.02	.96
10. Round (boneless, top and bottom)	1.13	1.13	1.07	1
11. Round tip	1.13	1.13	1.07	1
12. Chuck blade (bone in)	.75	.75	.69	.6
13. Chuck arm (bone in)	.88	.88	.82	.7
14. Flank	1.01	1.01	.99	.9
15. Cube				.8
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.76	.67	.56	.4
2. Rib standing (chine bone in, 7-inch cut)	.87	.75	.62	.4
3. Round tip	1.13	1.13	1.07	1
4. Rump (bone in)	.81	.81	.77	.7
5. Rump (boneless)	1.13	1.13	1.07	1
6. Chuck blade pot roast	.75	.75	.69	.6
7. Chuck arm pot roast	.88	.88	.82	.7
8. Chuck or shoulder (boneless)	.96	.96	.88	.7
9. English cut	.95	.95	.89	.8
10. Rib roast (boneless, rolled)				.7
11. Short loin (boneless, rolled)				1.1
III. Stews and other cuts:				
1. Short ribs	.52	.52	.52	.5
2. Plate (bone in, fresh or cured)	.43	.43	.43	.4
3. Plate (boneless, fresh or cured)	.58	.58	.58	.5
4. Brisket (bone in, fresh or cured)	.77	.77	.66	.6
5. Brisket (boneless, fresh or cured, deckle on)	.93	.93	.78	.7
6. Brisket (boneless, cured, deckle off)	1.01	1.01	.85	.7
7. Flank meat	.69	.69	.69	.6
8. Neck (bone in)	.71	.71	.60	.5
9. Neck (boneless)	.89	.89	.84	.7
10. Heel of round (boneless)	.83	.83	.82	.7
11. Shank (bone in, hind and fore)	.48	.48	.48	.4
12. Shank (boneless, hind and fore)	.71	.71	.71	.7
13. Soup bone	.06	.06	.06	.0
14. Suet	.10	.10	.10	.1
IV. Ground beef	.67	.67	.67	.6
V. Wholesale cuts:				
1. Round beef (whole)	.67	.67	.63	.6
2. Sirloin beef (whole)	.83	.79	.68	.5
3. Short loin beef (whole)	1.05	.89	.69	.5
4. Flank beef (whole)	.41	.41	.41	.4
5. Rib beef (whole)	.60	.54	.45	.3
6. Regular chuck (whole)	.61	.61	.56	.5
7. Short plate (whole)	.39	.39	.39	.3
8. Brisket (whole)	.52	.52	.44	.4
9. Shank (whole)	.39	.39	.39	.3

(g) (1) *Retail ceiling prices for beef—Zone 7.*

[The following ceiling prices per pound apply in all "Groups 3 and 4" stores selling the grades of beef cuts listed below at retail in Zone 7, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

I. Steaks:	Choice	Good	Com'l.	Utility
1. Porterhouse	$1.26	$1.06	$0.80	$0.65
2. T-bone	1.26	1.06	.80	.65
3. Club	1.26	1.06	.80	.65
4. Rib, 10-inch cut	.73	.65	.55	.45
5. Rib, 7-inch cut	.83	.73	.60	.47
6. Sirloin	1.18	1.13	1.00	.83
7. Pin bone	1.18	1.13	1.00	.83
8. Sirloin (boneless)	1.31	1.24	1.06	.85
9. Round (bone in, full cut)	1.06	1.06	.97	.91
10. Round (boneless, top and bottom)	1.10	1.10	1.04	.98
11. Round tip	72	72	.66	.59
12. Chuck blade (bone in)	.75	.75	.69	.62
13. Chuck arm (bone in)	.85	.85	.79	.72
14. Flank	.92	.92	.92	.92
15. Cube				.71
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.73	.65	.55	.45
2. Rib standing (chine bone in, 7-inch cut)	.83	.73	.60	.47
3. Round tip	1.10	1.10	1.04	.98
4. Rump (bone in)	.80	.80	.76	.72
5. Rump (boneless)	1.10	1.10	1.04	.98
6. Chuck blade pot roast	.72	.72	.66	.59
7. Chuck arm pot roast	.85	.85	.79	.72
8. Chuck or shoulder (boneless)	.93	.93	.86	.77
9. English cut	.91	.91	.85	.75
10. Rib roast (boneless, rolled)				.73
11. Short loin (boneless, rolled)				1.01
III. Stews and other cuts:				
1. Short ribs	.50	.50	.50	.50
2. Plate (bone in, fresh or cured)	.41	.41	.41	.41
3. Plate (boneless, fresh or cured)	.55	.55	.55	.55
4. Brisket (bone in, fresh or cured)	.74	.74	.63	.60
5. Brisket (boneless, fresh or cured, deckle on)	.90	.90	.75	.70
6. Brisket (boneless, cured, deckle off)	.97	.97	.80	.75
7. Flank meat	.66	.66	.66	.66
8. Neck (bone in)	.69	.69	.58	.55
9. Neck (boneless)	.89	.89	.84	.76
10. Heel of round (boneless)	.83	.83	.79	.72
11. Shank (bone in, hind and fore)	.45	.45	.45	.45
12. Shank (boneless, hind and fore)	.68	.68	.68	.68
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.65	.65	.65	.65
V. Wholesale cuts:				
1. Round beef (whole)	.67	.67	.63	.60
2. Sirloin beef (whole)	.83	.79	.68	.55
3. Short loin beef (whole)	1.05	.89	.69	.51
4. Flank beef (whole)	.41	.41	.41	.41
5. Rib beef (whole)	.60	.53	.45	.35
6. Regular chuck (whole)	.61	.61	.56	.50
7. Short plate (whole)	.39	.39	.39	.39
8. Brisket (whole)	.52	.52	.44	.41
9. Shank (whole)	.39	.39	.39	.39

(g) (2) *Retail ceiling prices for beef—Zone 7.*

[The following ceiling prices per pound apply in all "Groups 3B and 4B" stores selling the grades of beef cuts listed below at retail in Zone 7, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

I. Steaks:	Choice	Good	Com'l.	Utility
1. Porterhouse	$1.23	$1.04	$0.78	$0.63
2. T bone	1.23	1.04	.78	.65
3. Club	1.23	1.04	.78	.65
4. Rib, 10-inch cut	.72	.64	.54	.44
5. Rib, 7-inch cut	.81	.72	.59	.46
6. Sirloin	1.16	1.11	.98	.81
7. Pin bone	1.16	1.11	.98	.81
8. Sirloin (boneless)	1.28	1.22	1.04	.83
9. Round (bone in, full cut)	1.04	1.04	.95	.89
10. Round (boneless, top and bottom)	1.08	1.08	1.02	.96
11. Round tip	1.08	1.08	1.02	.96
12. Chuck blade (bone in)	.71	.71	.65	.58
13. Chuck arm (bone in)	.83	.83	.77	.71
14. Flank	.99	.99	.99	.99
15. Cube				.69
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.72	.64	.54	.44
2. Rib standing (chine bone in, 7 inch cut)	.81	.72	.59	.46
3. Round tip	1.08	1.08	1.02	.96
4. Rump (bone in)	.78	.78	.74	.71
5. Rump (boneless)	1.08	1.08	1.02	.96
6. Chuck blade pot roast	.71	.71	.65	.58
7. Chuck arm pot roast	.83	.83	.77	.71
8. Chuck or shoulder (boneless)	.91	.91	.84	.75
9. English cut	.89	.89	.83	.76
10. Rib roast (boneless, rolled)				.74
11. Short loin (boneless, rolled)				1.03
III. Stews and other cuts:				
1. Short ribs	.49	.49	.49	.49
2. Plate (bone-in, fresh or cured)	.40	.40	.40	.40
3. Plate (boneless, fresh or cured)	.54	.54	.54	.54
4. Brisket (bone-in, fresh or cured)	.73	.73	.62	.59
5. Brisket (boneless, fresh or cured, deckle on)	.88	.88	.74	.69
6. Brisket (boneless, cured, deckle off)	.95	.95	.78	.74
7. Flank meat	.65	.65	.65	.65
8. Neck (bone-in)	.68	.68	.57	.54
9. Neck (boneless)	.87	.87	.82	.74
10. Heel of round (boneless)	.81	.81	.77	.71
11. Shank (bone in, hind and fore)	.44	.44	.44	.44
12. Shank (boneless, hind and fore)	.67	.67	.67	.67
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.64	.64	.64	.64
V. Wholesale cuts:				
1. Round beef (whole)	.67	.67	.63	.60
2. Sirloin beef (whole)	.83	.79	.68	.55
3. Short loin beef (whole)	1.05	.89	.69	.51
4. Flank beef (whole)	.41	.41	.41	.41
5. Rib beef (whole)	.60	.53	.45	.37
6. Regular chuck (whole)	.61	.61	.56	.50
7. Short plate (whole)	.39	.39	.39	.39
8. Brisket (whole)	.52	.52	.44	.41
9. Shank (whole)	.39	.39	.39	.39

(h) *Retail ceiling prices for beef—Zone 8.*

[The following ceiling prices per pound apply in all "Groups 1 and 2" stores selling the grades of beef cuts listed below at retail in Zone 8, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

I. Steaks:	Choice	Good	Com'l.	Utility
1. Porterhouse	$1.28	$1.07	$0.81	$0.67
2. T-bone	1.28	1.07	.81	.67
3. Club	1.28	1.07	.81	.67
4. Rib, 10-inch cut	.75	.66	.55	.45
5. Rib, 7-inch cut	.85	.73	.60	.47
6. Sirloin	1.20	1.14	1.01	.84
7. Pin bone	1.20	1.14	1.01	.84
8. Sirloin (boneless)	1.34	1.27	1.07	.86
9. Round (bone in, full cut)	1.10	1.10	1.01	.95
10. Round (boneless, top and bottom)	1.12	1.12	1.05	.99
11. Round tip	1.12	1.12	1.05	.99
12. Chuck blade (bone in)	.74	.74	.68	.61
13. Chuck arm (bone in)	.87	.87	.81	.74
14. Flank	1.01	1.01	.99	.99
15. Cube				.83
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.75	.66	.55	.45
2. Rib standing (chine bone in, 7-inch cut)	.85	.73	.60	.47
3. Round tip	1.12	1.12	1.05	.99
4. Rump (bone in)	.84	.84	.80	.77
5. Rump (boneless)	1.12	1.12	1.05	.99
6. Chuck blade pot roast	.74	.74	.68	.61
7. Chuck arm pot roast	.87	.87	.81	.74
8. Chuck or shoulder (boneless)	.95	.95	.87	.78
9. English cut	.94	.94	.88	.81
10. Rib roast (boneless, rolled)				.81
11. Short loin (boneless, rolled)				1.04
III. Stews and other cuts:				
1. Short ribs	.50	.50	.50	.50
2. Plate (bone in, fresh or cured)	.41	.41	.41	.41
3. Plate (boneless, fresh or cured)	.57	.57	.57	.57
4. Brisket (bone in, fresh or cured)	.75	.75	.64	.61
5. Brisket (boneless, fresh or cured, deckle on)	.92	.92	.76	.72
6. Brisket (boneless, cured, deckle off)	1.00	1.00	.83	.79
7. Flank meat	.69	.69	.69	.69
8. Neck (bone in)	.73	.73	.58	.58
9. Neck (boneless)	.91	.91	.84	.77
10. Heel of round (boneless)	.92	.91	.85	.77
11. Shank (bone in, hind and fore)	.47	.47	.47	.47
12. Shank (boneless, hind and fore)	.69	.69	.69	.69
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.69	.69	.69	.69
V. Wholesale cuts:				
1. Round beef (whole)	.68	.68	.65	.61
2. Sirloin beef (whole)	.85	.81	.69	.57
3. Short loin beef (whole)	1.03	.87	.67	.49
4. Flank beef (whole)	.42	.42	.42	.42
5. Rib beef (whole)	.58	.51	.43	.35
6. Regular chuck (whole)	.61	.61	.55	.49
7. Short plate (whole)	.41	.41	.41	.41
8. Brisket (whole)	.53	.53	.45	.43
9. Shank (whole)	.41	.41	.41	.41

(h) (1) *Retail ceiling prices for beef—Zone 8.*

[The following ceiling prices per pound apply in all "Groups 3 and 4" stores selling the grades of beef cuts listed below at retail in Zone 8, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

I. Steaks:	Choice	Good	Com'l.	Utility
1. Porterhouse	$1.26	$1.06	$0.80	$0.66
2. T-bone	1.26	1.06	.80	.66
3. Club	1.26	1.06	.80	.66
4. Rib, 10-inch cut	.73	.65	.55	.45
5. Rib, 7-inch cut	.83	.73	.60	.47
6. Sirloin	1.18	1.13	1.00	.83
7. Pin bone	1.18	1.13	1.00	.83
8. Sirloin (boneless)	1.31	1.24	1.06	.85
9. Round (bone in, full cut)	1.06	1.06	.97	.91
10. Round (boneless, top and bottom)	1.10	1.10	1.04	.98
11. Round tip	1.10	1.10	1.04	.98
12. Chuck blade (bone in)	.72	.72	.66	.59
13. Chuck arm (bone in)	.85	.85	.79	.72
14. Flank	.92	.92	.92	.92
15. Cube				.70
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.73	.65	.55	.45
2. Rib standing (chine bone in, 7-inch cut)	.83	.73	.60	.47
3. Round tip	1.10	1.10	1.04	.98
4. Rump (bone in)	.80	.80	.76	.72
5. Rump (boneless)	1.10	1.10	1.04	.98
6. Chuck blade pot roast	.72	.72	.66	.59
7. Chuck arm pot roast	.85	.85	.79	.72
8. Chuck or shoulder (boneless)	.93	.93	.86	.77
9. English cut	.91	.91	.85	.75
10. Rib roast (boneless, rolled)				.75
11. Short loin (boneless, rolled)				1.02
III. Stews and other cuts:				
1. Short ribs	.50	.50	.50	.50
2. Plate (bone in, fresh or cured)	.41	.41	.41	.41
3. Plate (boneless, fresh or cured)	.55	.55	.55	.55
4. Brisket (bone in, fresh or cured)	.74	.74	.63	.60
5. Brisket (boneless, fresh or cured, deckle on)	.90	.90	.75	.70
6. Brisket (boneless, cured, deckle off)	.97	.97	.80	.75
7. Flank meat	.66	.66	.66	.66
8. Neck (bone in)	.69	.69	.58	.55
9. Neck (boneless)	.89	.89	.84	.76
10. Heel of round (boneless)	.83	.83	.79	.72
11. Shank (bone in, hind and fore)	.45	.45	.45	.45
12. Shank (boneless, hind and fore)	.68	.68	.68	.68
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.65	.65	.65	.65
V. Wholesale cuts:				
1. Round beef (whole)	.68	.68	.65	.61
2. Sirloin beef (whole)	.85	.81	.69	.57
3. Short loin beef (whole)	1.03	.87	.67	.49
4. Flank beef (whole)	.42	.42	.42	.42
5. Rib beef (whole)	.58	.51	.43	.35
6. Regular chuck (whole)	.61	.61	.55	.49
7. Short plate (whole)	.41	.41	.41	.41
8. Brisket (whole)	.53	.53	.45	.43
9. Shank (whole)	.41	.41	.41	.41

(h) (2) *Retail ceiling prices for beef—Zone 8.*

[The following ceiling prices per pound apply in all "Groups 3B and 4B" stores selling the grades of beef cuts listed below at retail in Zone 8, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

I. Steaks:	Choice	Good	Com'l.	Utility
1. Porterhouse	$1.23	$1.04	$0.78	$0.65
2. T-bone	1.23	1.04	.78	.65
3. Club	1.23	1.04	.78	.65
4. Rib, 10-inch cut	.72	.64	.54	.44
5. Rib, 7-inch cut	.81	.72	.59	.46
6. Sirloin	1.16	1.11	.98	.81
7. Pin bone	1.16	1.11	.98	.81
8. Sirloin (boneless)	1.28	1.22	1.04	.83
9. Round (bone in, full cut)	1.04	1.04	.95	.89
10. Round (boneless, top and bottom)	1.08	1.08	1.02	.96
11. Round tip	1.08	1.08	1.02	.96
12. Chuck blade (bone in)	.71	.71	.65	.58
13. Chuck arm (bone in)	.83	.83	.77	.71
14. Flank	.99	.99	.99	.99
15. Cube				.69
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.72	.64	.54	.44
2. Rib standing (chine bone in, 7-inch cut)	.81	.72	.59	.46
3. Round tip	1.08	1.08	1.02	.96
4. Rump (bone in)	.78	.78	.74	.71
5. Rump (boneless)	1.08	1.08	1.02	.96
6. Chuck blade pot roast	.71	.71	.65	.58
7. Chuck arm pot roast	.83	.83	.77	.71
8. Chuck or shoulder (boneless)	.91	.91	.84	.75
9. English cut	.89	.89	.83	.76
10. Rib roast (boneless, rolled)				.74
11. Short loin (boneless, rolled)				1.00
III. Stews and other cuts:				
1. Short ribs	.49	.49	.49	.49
2. Plate (bone in, fresh or cured)	.40	.40	.40	.40
3. Plate (boneless, fresh or cured)	.54	.54	.54	.54
4. Brisket (bone in, fresh or cured)	.73	.73	.62	.59
5. Brisket (boneless, fresh or cured, deckle on)	.88	.88	.74	.69
6. Brisket (boneless, curad, deckle off)	.95	.95	.78	.74
7. Flank meat	.65	.65	.65	.65
8. Neck (bone in)	.68	.68	.57	.54
9. Neck (boneless)	.87	.87	.82	.74
10. Heel of round (boneless)	.81	.81	.77	.71
11. Shank (bone in, hind and fore)	.44	.44	.44	.44
12. Shank (boneless, hind and fore)	.67	.67	.67	.67
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.64	.64	.64	.64
V. Wholesale cuts:				
1. Round beef (whole)	.68	.68	.65	.61
2. Sirloin beef (whole)	.85	.81	.69	.57
3. Short loin beef (whole)	1.03	.87	.67	.49
4. Flank beef (whole)	.42	.42	.42	.42
5. Rib beef (whole)	.58	.51	.43	.35
6. Regular chuck (whole)	.61	.61	.55	.49
7. Short plate (whole)	.41	.41	.41	.41
8. Brisket (whole)	.53	.53	.45	.43
9. Shank (whole)	.41	.41	.41	.41

(i) *Retail ceiling prices for beef—Zone 9.*

[The following ceiling prices per pound apply in all "Groups 1 and 2" stores selling the grades of beef cuts listed below at retail in Zone 9, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.29	$1.08	$0.81	$0.65
2. T-bone	1.29	1.08	.81	.65
3. Club	1.29	1.08	.81	.65
4. Rib, 10-inch cut	.77	.66	.55	.44
5. Rib, 7-inch cut	.85	.71	.60	.47
6. Sirloin	1.21	1.15	1.02	.85
7. Pin bone	1.21	1.15	1.02	.85
8. Sirloin (boneless)	1.34	1.27	1.08	.85
9. Round (bone in, full cut)	1.09	1.09	1.00	.94
10. Round (boneless, top and bottom)	1.12	1.12	1.06	.99
11. Round tip	1.12	1.12	1.06	.99
12. Chuck blade (bone in)	.74	.74	.67	.60
13. Chuck arm (bone in)	.87	.87	.80	.74
14. Flank	1.00	1.00	.98	.82
15. Cube				
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.75	.66	.55	.44
2. Rib standing (chine bone in, 7-inch cut)	.85	.74	.60	.47
3. Round tip	1.12	1.12	1.06	.99
4. Rump (bone in)	.79	.79	.75	.72
5. Rump (boneless)	1.12	1.12	1.06	.99
6. Chuck blade pot roast	.74	.74	.67	.60
7. Chuck arm pot roast	.87	.87	.80	.74
8. Chuck or shoulder (boneless)	.94	.94	.86	.77
9. English cut	.94	.94	.87	.80
10. Rib roast (boneless, rolled)				.81
11. Short loin (boneless, rolled)				1.04
III. Stews and other cuts:				
1. Short ribs	.50	.50	.50	.50
2. Plate (bone in, fresh or cured)	.41	.41	.41	.41
3. Plate (boneless, fresh or cured)	.57	.57	.57	.57
4. Brisket (bone in, fresh or cured)	.76	.76	.65	.61
5. Brisket (boneless, fresh or cured, deckle on)	.92	.92	.77	.72
6. Brisket (boneless, cured, deckle off)	1.00	1.00	.84	.78
7. Flank meat	.69	.69	.69	.69
8. Neck (bone in)	.72	.72	.58	.57
9. Neck (boneless)	.87	.87	.81	.73
10. Heel of round (boneless)	.92	.91	.82	.76
11. Shank (bone in, hind and fore)	.46	.46	.46	.46
12. Shank (boneless, hind and fore)	.70	.70	.70	.70
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.68	.68	.68	.68
V. Wholesale cuts:				
1. Round beef (whole)	.67	.67	.64	.60
2. Sirloin beef (whole)	.84	.80	.68	.56
3. Short loin beef (whole)	1.04	.88	.68	.50
4. Flank beef (whole)	.41	.41	.41	.41
5. Rib beef (whole)	.58	.51	.44	.36
6. Regular chuck (whole)	.60	.60	.54	.46
7. Short plate (whole)	.40	.40	.40	.40
8. Brisket (whole)	.52	.52	.44	.42
9. Shank (whole)	.40	.40	.40	.40

(i) *Retail ceiling prices for beef—Zone 9.*

[The following ceiling prices per pound apply in all "Groups 3 and 4" stores selling the grades of beef cuts listed below at retail in Zone 9, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.25	$1.04	$0.78	$0.64
2. T-bone	1.25	1.04	.78	.64
3. Club	1.25	1.04	.78	.64
4. Rib, 10-inch cut	.72	.61	.54	.44
5. Rib, 7-inch cut	.82	.72	.58	.46
6. Sirloin	1.17	1.11	.98	.82
7. Pin bone	1.17	1.11	.98	.82
8. Sirloin (boneless)	1.30	1.23	1.04	.83
9. Round (bone in, full cut)	1.04	1.04	.95	.89
10. Round (boneless, top and bottom)	1.08	1.08	1.02	.95
11. Round tip	1.08	1.08	1.02	.95
12. Chuck blade (bone in)	.70	.70	.64	.57
13. Chuck arm (bone in)	.83	.83	.77	.70
14. Flank	.92	.92	.92	.62
15. Cube				.69
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.72	.64	.54	.44
2. Rib standing (chine bone in, 7-inch cut)	.82	.72	.58	.46
3. Round tip	1.08	1.08	1.02	.95
4. Rump (bone in)	.75	.75	.71	.67
5. Rump (boneless)	1.08	1.08	1.02	.95
6. Chuck blade pot roast	.70	.70	.64	.57
7. Chuck arm pot roast	.83	.83	.77	.70
8. Chuck or shoulder (boneless)	.91	.91	.84	.75
9. English cut	.89	.89	.83	.76
10. Rib roast (boneless, rolled)				.74
11. Short loin (boneless, rolled)				1.01
III. Stews and other cuts:				
1. Short ribs	.48	.48	.48	.48
2. Plate (bone in, fresh or cured)	.39	.39	.39	.39
3. Plate (boneless, fresh or cured)	.54	.54	.54	.54
4. Brisket (bone in, fresh or cured)	.73	.73	.62	.59
5. Brisket (boneless, fresh or cured, deckle on)	.88	.88	.73	.69
6. Brisket (boneless, cured, deckle off)	.94	.94	.78	.74
7. Flank meat	.65	.65	.65	.65
8. Neck (bone in)	.68	.68	.57	.54
9. Neck (boneless)	.85	.85	.79	.69
10. Heel of round (boneless)	.82	.81	.79	.71
11. Shank (bone in, hind and fore)	.44	.44	.44	.44
12. Shank (boneless, hind and fore)	.66	.66	.66	.66
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.64	.64	.64	.64
V. Wholesale cuts:				
1. Round beef (whole)	.67	.67	.64	.60
2. Sirloin beef (whole)	.84	.80	.68	.56
3. Short loin beef (whole)	1.04	.88	.68	.50
4. Flank beef (whole)	.41	.41	.41	.41
5. Rib beef (whole)	.58	.51	.44	.36
6. Regular chuck (whole)	.60	.60	.54	.46
7. Short plate (whole)	.40	.40	.40	.40
8. Brisket (whole)	.52	.52	.44	.42
9. Shank (whole)	.40	.40	.40	.40

(i) (2) *Retail ceiling prices for beef—Zone 9.*

[The following ceiling prices per pound apply in all "Groups 3B and 4B" stores selling the grades of beef cuts listed below at retail in Zone 9, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.23	$1.02	$0.76	$0.64
2. T-bone	1.23	1.02	.76	.64
3. Club	1.23	1.02	.76	.64
4. Rib, 10-inch cut	.76	.67	.56	.45
5. Rib, 7-inch cut	.86	.74	.61	.48
6. Sirloin	1.21	1.16	1.02	.85
7. Pin bone	1.21	1.16	1.02	.85
8. Sirloin (boneless)	1.35	1.28	1.09	.87
9. Round (bone in, full cut)	1.11	1.11	1.02	.94
10. Round (boneless, top and bottom)	1.13	1.13	1.07	1.00
11. Round tip	1.13	1.13	1.07	1.00
12. Chuck blade (bone in)	.77	.77	.69	.62
13. Chuck arm (bone in)	.88	.88	.82	.76
14. Flank	1.00	1.00	.98	.82
15. Cube				
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.76	.67	.56	.45
2. Rib standing (chine bone in, 7-inch cut)	.86	.75	.62	.48
3. Round tip	1.13	1.13	1.07	1.00
4. Rump (bone in)	.80	.80	.76	.72
5. Rump (boneless)	1.13	1.13	1.07	1.00
6. Chuck blade pot roast	.75	.75	.69	.62
7. Chuck arm pot roast	.88	.88	.82	.76
8. Chuck or shoulder (boneless)	.96	.96	.89	.80
9. English cut	.95	.95	.89	.82
10. Rib roast (boneless, rolled)				.81
11. Short loin (boneless, rolled)				1.04
III. Stews and other cuts:				
1. Short ribs	.52	.52	.52	.52
2. Plate (bone in) (fresh or cured)	.43	.43	.43	.43
3. Plate (boneless) (fresh or cured)	.58	.58	.58	.58
4. Brisket (bone in) (fresh or cured)	.77	.77	.66	.63
5. Brisket (boneless, fresh or cured, deckle on)	.93	.93	.78	.73
6. Brisket (boneless, cured, deckle off)	1.01	1.01	.85	.78
7. Flank meat	.69	.69	.69	.69
8. Neck (bone in)	.72	.72	.60	.58
9. Neck (boneless)	.89	.89	.83	.73
10. Heel of round (boneless)	.93	.92	.84	.77
11. Shank (bone in, hind and fore)	.47	.47	.47	.47
12. Shank (boneless, hind and fore)	.71	.71	.71	.71
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.68	.68	.68	.68
V. Wholesale cuts:				
1. Round beef (whole)	.67	.67	.64	.60
2. Sirloin beef (whole)	.84	.80	.68	.56
3. Short loin beef (whole)	1.05	.89	.69	.51
4. Flank beef (whole)	.41	.41	.41	.41
5. Rib beef (whole)	.59	.52	.45	.37
6. Regular chuck (whole)	.61	.61	.56	.50
7. Short plate (whole)	.40	.40	.40	.40
8. Brisket (whole)	.52	.52	.44	.42
9. Shank (whole)	.40	.40	.40	.40

(j) *Retail ceiling prices for beef—Zone 10.*

[The following ceiling prices per pound apply in all "Groups 1 and 2" stores selling the grades of beef cuts listed below at retail in Zone 10, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.30	$1.09	$0.82	$0.66
2. T-bone	1.30	1.09	.82	.66
3. Club	1.30	1.09	.82	.66
4. Rib, 10-inch cut	.76	.67	.56	.45
5. Rib, 7-inch cut	.86	.74	.61	.48
6. Sirloin	1.22	1.16	1.03	.85
7. Pin bone	1.22	1.16	1.03	.85
8. Sirloin (boneless)	1.35	1.28	1.09	.87
9. Round (bone in, full cut)	1.11	1.11	1.02	.94
10. Round (boneless, top and bottom)	1.13	1.13	1.07	1.00
11. Round tip	1.13	1.13	1.07	1.00
12. Chuck blade (bone in)	.77	.77	.69	.62
13. Chuck arm (bone in)	.88	.88	.82	.76
14. Flank	1.00	1.00	.98	.82
15. Cube				
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.76	.67	.56	.45
2. Rib standing (chine bone in, 7-inch cut)	.86	.75	.62	.48
3. Round tip	1.13	1.13	1.07	1.00
4. Rump (bone in)	.80	.80	.76	.72
5. Rump (boneless)	1.13	1.13	1.07	1.00
6. Chuck blade pot roast	.75	.75	.69	.62
7. Chuck arm pot roast	.88	.88	.82	.76
8. Chuck or shoulder (boneless)	.96	.96	.89	.80
9. English cut	.95	.95	.89	.82
10. Rib roast (boneless, rolled)				.81
11. Short loin (boneless, rolled)				1.04
III. Stews and other cuts:				
1. Short ribs	.52	.52	.52	.52
2. Plate (bone in) (fresh or cured)	.43	.43	.43	.43
3. Plate (boneless) (fresh or cured)	.58	.58	.58	.58
4. Brisket (bone in) (fresh or cured)	.77	.77	.66	.63
5. Brisket (boneless, fresh or cured, deckle on)	.93	.93	.78	.73
6. Brisket (boneless, cured, deckle off)	1.01	1.01	.85	.78
7. Flank meat	.69	.69	.69	.69
8. Neck (bone in)	.72	.72	.60	.58
9. Neck (boneless)	.89	.89	.83	.73
10. Heel of round (boneless)	.93	.92	.84	.77
11. Shank (bone in, hind and fore)	.47	.47	.47	.47
12. Shank (boneless, hind and fore)	.71	.71	.71	.71
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.68	.68	.68	.68
V. Wholesale cuts:				
1. Round beef (whole)	.67	.67	.64	.60
2. Sirloin beef (whole)	.84	.80	.68	.56
3. Short loin beef (whole)	1.05	.89	.69	.51
4. Flank beef (whole)	.41	.41	.41	.41
5. Rib beef (whole)	.59	.52	.45	.37
6. Regular chuck (whole)	.61	.61	.56	.50
7. Short plate (whole)	.40	.40	.40	.40
8. Brisket (whole)	.52	.52	.44	.42
9. Shank (whole)	.40	.40	.40	.40

(j) (1) *Retail ceiling prices for beef—Zone 10.*

[The following ceiling prices per pound apply in all "Groups 3 and 4" stores selling the grades of beef cuts listed below at retail in Zone 10, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.25	$1.04	$0.78	$0.64
2. T-bone	1.25	1.04	.78	.64
3. Club	1.25	1.04	.78	.64
4. Rib, 10-inch cut	.82	.72	.59	.46
5. Rib, 7-inch cut	.92	.78	.65	.47
6. Sirloin	1.17	1.11	.99	.82
7. Pin bone	1.17	1.11	.99	.82
8. Sirloin (boneless)	1.30	1.23	1.04	.83
9. Round (bone in, full cut)	1.04	1.04	.95	.89
10. Round (boneless, top and bottom)	1.08	1.08	1.02	.95
11. Round tip	1.08	1.08	1.02	.95
12. Chuck blade (bone in)	.70	.70	.65	.58
13. Chuck arm (bone in)	.83	.83	.78	.71
14. Flank	.92	.92	.92	.62
15. Cube				.69
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.72	.64	.54	.44
2. Rib standing (chine bone in, 7-inch cut)	.82	.72	.59	.46
3. Round tip	1.08	1.08	1.02	.95
4. Rump (bone in)	.75	.75	.71	.67
5. Rump (boneless)	1.08	1.08	1.02	.95
6. Chuck blade pot roast	.70	.70	.65	.58
7. Chuck arm pot roast	.83	.83	.78	.71
8. Chuck or shoulder (boneless)	.91	.91	.84	.75
9. English cut	.89	.89	.84	.77
10. Rib roast (boneless, rolled)				.74
11. Short loin (boneless, rolled)				1.01
III. Stews and other cuts:				
1. Short ribs	.49	.49	.49	.49
2. Plate (bone in, fresh or cured)	.40	.40	.40	.40
3. Plate (boneless, fresh or cured)	.54	.54	.54	.54
4. Brisket (bone in, fresh or cured)	.73	.73	.62	.59
5. Brisket (boneless, fresh or cured, deckle on)	.89	.89	.73	.69
6. Brisket (boneless, cured, deckle off)	.96	.96	.78	.74
7. Flank meat	.65	.65	.65	.65
8. Neck (bone in)	.68	.68	.57	.54
9. Neck (boneless)	.85	.85	.79	.72
10. Heel of round (boneless)	.84	.82	.80	.72
11. Shank (bone in, hind and fore)	.44	.44	.44	.44
12. Shank (boneless, hind and fore)	.67	.67	.67	.67
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.64	.64	.64	.64
V. Wholesale cuts:				
1. Round beef (whole)	.67	.67	.64	.60
2. Sirloin beef (whole)	.84	.80	.68	.56
3. Short loin beef (whole)	1.05	.89	.69	.51
4. Flank beef (whole)	.41	.41	.41	.41
5. Rib beef (whole)	.59	.52	.45	.37
6. Regular chuck (whole)	.61	.61	.56	.50
7. Short plate (whole)	.40	.40	.40	.40
8. Brisket (whole)	.52	.52	.44	.42
9. Shank (whole)	.40	.40	.40	.40

(k) *Retail ceiling prices for beef—Zone 11.*

[The following ceiling prices per pound apply in all "Groups 1 and 2" stores selling the grades of beef cuts listed below at retail in Zone 11, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.30	$1.09	$0.82	$0.66
2. T-bone	1.30	1.09	.82	.66
3. Club	1.30	1.09	.82	.66
4. Rib, 10-inch cut	.76	.67	.56	.45
5. Rib, 7-inch cut	.86	.74	.61	.48
6. Sirloin	1.21	1.16	1.02	.85
7. Pin bone	1.21	1.16	1.02	.85
8. Sirloin (boneless)	1.35	1.27	1.08	.87
9. Round (bone in, full cut)	1.10	1.10	1.01	.95
10. Round (boneless, top and bottom)	1.12	1.12	1.06	.99
11. Round tip	1.12	1.12	1.06	.99
12. Chuck blade (bone in)	.74	.74	.68	.61
13. Chuck arm (bone in)	.87	.87	.81	.74
14. Flank	1.00	1.00	.98	.82
15. Cube				.80
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.76	.67	.56	.45
2. Rib standing (chine bone in, 7-inch cut)	.86	.74	.61	.48
3. Round tip	1.12	1.12	1.06	.99
4. Rump (bone in)	1.12	1.12	1.06	.99
5. Rump (boneless)	.74	.74	.68	.61
6. Chuck blade pot roast	.87	.87	.81	.74
7. Chuck arm pot roast	.95	.95	.87	.78
8. Chuck or shoulder (boneless)	.94	.94	.88	.81
9. English cut				.81
10. Rib roast (boneless, rolled)				1.01
11. Short loin (boneless, rolled)				
III. Stews and other cuts:				
1. Short ribs	.51	.51	.51	.51
2. Plate (bone in, fresh or cured)	.42	.42	.42	.42
3. Plate (boneless, fresh or cured)	.57	.57	.57	.57
4. Brisket (bone in, fresh or cured)	.77	.77	.65	.62
5. Brisket (boneless, fresh or cured, deckle on)	.92	.92	.77	.73
6. Brisket (boneless, cured, deckle off)	1.00	1.00	.84	.78
7. Flank meat	.69	.69	.69	.69
8. Neck (bone in)	.71	.71	.59	.58
9. Neck (boneless)	.92	.91	.82	.74
10. Heel of round (boneless)	.92	.91	.82	.76
11. Shank (bone in, hind and fore)	.47	.47	.47	.47
12. Shank (boneless, hind and fore)	.70	.70	.70	.70
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.67	.67	.67	.67
V. Wholesale cuts:				
1. Round beef (whole)	.66	.66	.63	.59
2. Sirloin beef (whole)	.83	.79	.67	.55
3. Short loin beef (whole)	1.05	.89	.69	.51
4. Flank beef (whole)	.40	.40	.40	.40
5. Rib beef (whole)	.59	.52	.45	.37
6. Regular chuck (whole)	.61	.61	.55	.49
7. Short plate (whole)	.39	.39	.39	.39
8. Brisket (whole)	.51	.51	.43	.41
9. Shank (whole)	.39	.39	.39	.39

(k) (1) *Retail ceiling prices for beef—Zone 11.*

[The following ceiling prices per pound apply in all "Groups 3 and 4" stores selling the grades of beef cuts listed below at retail in Zone 11, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.25	$1.05	$0.79	$0.65
2. T-bone	1.25	1.05	.79	.65
3. Club	1.25	1.05	.79	.65
4. Rib, 10-inch cut	.73	.64	.54	.44
5. Rib, 7-inch cut	.82	.73	.59	.47
6. Sirloin	1.18	1.12	.99	.83
7. Pin bone	1.18	1.12	.99	.83
8. Sirloin (boneless)	1.31	1.24	1.05	.84
9. Round (bone in, full cut)	1.05	1.05	.96	.90
10. Round (boneless, top and bottom)	1.09	1.09	1.03	.97
11. Round tip	1.09	1.09	1.03	.97
12. Chuck blade (bone in)	.71	.71	.65	.58
13. Chuck arm (bone in)	.84	.84	.78	.71
14. Flank	.92	.92	.92	.62
15. Cube				.73
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.73	.64	.54	.44
2. Rib standing (chine bone in, 7-inch cut)	.82	.73	.59	.47
3. Round tip	1.09	1.09	1.03	.97
4. Rump (bone in)	.77	.77	.74	.70
5. Rump (boneless)	1.09	1.09	1.03	.97
6. Chuck blade pot roast	.71	.71	.65	.58
7. Chuck arm pot roast	.83	.83	.78	.71
8. Chuck or shoulder (boneless)	.92	.92	.85	.76
9. English cut	.90	.90	.84	.77
10. Rib roast (boneless, rolled)				.74
11. Short loin (boneless, rolled)				1.02
III. Stews and other cuts:				
1. Short ribs	.49	.49	.49	.49
2. Plate (bone in, fresh or cured)	.40	.40	.40	.40
3. Plate (boneless, fresh or cured)	.55	.55	.55	.55
4. Brisket (bone in, fresh or cured)	.74	.74	.63	.61
5. Brisket (boneless, fresh or cured, deckle on)	.89	.89	.74	.70
6. Brisket (boneless, cured, deckle off)	.96	.96	.79	.75
7. Flank meat	.66	.66	.66	.66
8. Neck (bone in)	.69	.69	.58	.55
9. Neck (boneless)	.88	.88	.82	.73
10. Heel of round (boneless)	.88	.87	.82	.73
11. Shank (bone in, hind and fore)	.45	.45	.45	.45
12. Shank (boneless, hind and fore)	.67	.67	.67	.67
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.64	.64	.64	.64
V. Wholesale cuts:				
1. Round beef (whole)	.66	.66	.63	.59
2. Sirloin beef (whole)	.83	.79	.67	.55
3. Short loin beef (whole)	1.05	.89	.69	.51
4. Flank beef (whole)	.40	.40	.40	.40
5. Rib beef (whole)	.59	.52	.45	.37
6. Regular chuck (whole)	.61	.61	.55	.49
7. Short plate (whole)	.39	.39	.39	.39
8. Brisket (whole)	.51	.51	.43	.41
9. Shank (whole)	.39	.39	.39	.39

(k) (2) *Retail ceiling prices for beef—Zone 11.*

[The following ceiling prices per pound apply in all "Groups 3B and 4B" stores selling the grades of beef cuts listed below at retail in Zone 11, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

I. Steaks:	Choice	Good	Com'l.	Utility
1. Porterhouse	$1.23	$1.03	$0.77	$0.64
2. T-bone	1.23	1.03	.77	.64
3. Club	1.23	1.03	.77	.64
4. Rib, 10-inch cut	.72	.63	.53	.43
5. Rib, 7-inch cut	.80	.72	.68	.46
6. Sirloin	1.16	1.10	.97	.81
7. Pin bone	1.16	1.10	.97	.81
8. Sirloin (boneless)	1.28	1.22	1.03	.82
9. Round (bone in, full cut)	1.03	1.03	.94	.88
10. Round (boneless, top and bottom)	1.07	1.07	1.01	.95
11. Round tip	1.07	1.07	1.01	.95
12. Chuck blade (bone in)	.70	.70	.64	.57
13. Chuck arm (bone in)	.82	.82	.76	.70
14. Flank	.90	.90	.90	.90
15. Cube				.69
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.72	.63	.53	.43
2. Rib standing (chine bone in, 7-inch cut)	.80	.72	.58	.46
3. Round tip	1.07	1.07	1.01	.95
4. Rump (bone in)	.75	.75	.75	.69
5. Rump (boneless)	1.07	1.07	1.01	.95
6. Chuck blade pot roast	.70	.70	.64	.57
7. Chuck arm pot roast	.82	.82	.76	.70
8. Chuck or shoulder (boneless)	.99	.99	.83	.74
9. English cut	.88	.88	.82	.75
10. Rib roast (boneless, rolled)				.73
11. Short loin (boneless, rolled)				1.00
III. Stews and other cuts:				
1. Short ribs	.48	.48	.48	.48
2. Plate (bone in, fresh or cured)	.39	.39	.39	.39
3. Plate (boneless, fresh or cured)	.54	.54	.54	.54
4. Brisket (bone in, fresh or cured)	.77	.77	.62	.59
5. Brisket (boneless, fresh or cured, deckle on)	.87	.87	.73	.69
6. Brisket (boneless, cured, deckle off)	.94	.94	.77	.74
7. Flank meat	.65	.65	.65	.65
8. Neck (bone in)	.68	.68	.57	.54
9. Neck (boneless)	.86	.86	.80	.73
10. Heel of round (boneless)	.82	.80	.80	.72
11. Shank (bone in, hind and fore)	.44	.44	.44	.44
12. Shank (boneless, hind and fore)	.66	.66	.66	.65
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.63	.63	.63	.63
V. Wholesale cuts:				
1. Round beef (whole)	.66	.66	.63	.59
2. Sirloin beef (whole)	.83	.79	.67	.55
3. Short loin beef (whole)	1.05	.89	.69	.51
4. Flank beef (whole)	.40	.40	.40	.40
5. Rib beef (whole)	.59	.52	.45	.37
6. Regular chuck (whole)	.61	.61	.55	.49
7. Short plate (whole)	.39	.39	.39	.39
8. Brisket (whole)	.51	.51	.43	.41
9. Shank (whole)	.39	.39	.39	.39

(l) *Retail ceiling prices for beef—Zone 12.*

[The following ceiling prices per pound apply in all "Groups 1 and 2" stores selling the grades of beef cuts listed below at retail in Zone 12, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

I. Steaks:	Choice	Good	Com'l.	Utility
1. Porterhouse	$1.31	$1.10	$0.84	$0.67
2. T-bone	1.31	1.10	.84	.67
3. Club	1.31	1.10	.84	.67
4. Rib, 10-inch cut	.77	.68	.57	.47
5. Rib, 7-inch cut	.88	.76	.63	.50
6. Sirloin	1.23	1.17	1.04	.87
7. Pin bone	1.23	1.17	1.04	.87
8. Sirloin (boneless)	1.37	1.30	1.10	.89
9. Round (bone in, full cut)	1.13	1.13	1.04	.99
10. Round (boneless, top and bottom)	1.15	1.15	1.09	1.02
11. Round tip	1.15	1.15	1.09	1.02
12. Chuck blade (bone in)	.76	.76	.71	.63
13. Chuck arm (bone in)	.89	.89	.84	.76
14. Flank	1.01	1.01	.99	.90
15. Cube				.83
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.77	.68	.57	.47
2. Rib standing (chine bone in, 7-inch cut)	.88	.76	.63	.50
3. Round tip	1.15	1.15	1.09	1.02
4. Rump (bone in)	.85	.85	.81	.77
5. Rump (boneless)	1.15	1.15	1.09	1.02
6. Chuck blade pot roast	.76	.76	.71	.63
7. Chuck arm pot roast	.89	.89	.84	.76
8. Chuck or shoulder (boneless)	.98	.98	.91	.82
9. English cut	.96	.96	.91	.83
10. Rib roast (boneless, rolled)				.82
11. Short loin (boneless, rolled)				1.05
III. Stews and other cuts:				
1. Short ribs	.53	.53	.53	.53
2. Plate (bone in, fresh or cured)	.44	.44	.44	.44
3. Plate (boneless, fresh or cured)	.60	.60	.60	.60
4. Brisket (bone in, fresh or cured)	.78	.78	.67	.64
5. Brisket (boneless, fresh or cured, deckle on)	.95	.95	.80	.75
6. Brisket (boneless, cured, deckle off)	1.03	1.03	.87	.82
7. Flank meat	.70	.70	.70	.70
8. Neck (bone in)	.73	.73	.61	.59
9. Neck (boneless)	.94	.94	.88	.80
10. Heel of round (boneless)	.91	.91	.89	.74
11. Shank (bone in, hind and fore)	.49	.49	.49	.49
12. Shank (boneless, hind and fore)	.72	.72	.72	.72
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.69	.69	.69	.69
V. Wholesale cuts:				
1. Round beef (whole)	.68	.68	.65	.61
2. Sirloin beef (whole)	.88	.81	.69	.57
3. Short loin beef (whole)	1.06	.90	.70	.52
4. Flank beef (whole)	.42	.42	.42	.42
5. Rib beef (whole)	.60	.53	.45	.38
6. Regular chuck (whole)	.63	.63	.58	.51
7. Short plate (whole)	.41	.41	.41	.41
8. Brisket (whole)	.53	.53	.45	.43
9. Shank (whole)	.41	.41	.41	.41

(l) (1) *Retail ceiling prices for beef—Zone 12.*

[The following ceiling prices per pound apply in all "Groups 3 and 4" stores selling the grades of beef cuts listed below at retail in Zone 12, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

I. Steaks:	Choice	Good	Com'l.	Utility
1. Porterhouse	$1.26	$1.06	$0.80	$0.65
2. T-bone	1.26	1.06	.80	.65
3. Club	1.26	1.06	.80	.65
4. Rib, 10-inch cut	.74	.65	.55	.45
5. Rib, 7-inch cut	.83	.73	.69	.47
6. Sirloin	1.18	1.13	1.00	.84
7. Pin bone	1.18	1.13	1.00	.84
8. Sirloin (boneless)	1.32	1.25	1.06	.85
9. Round (bone in, full cut)	1.06	1.06	.97	.91
10. Round (boneless, top and bottom)	1.10	1.10	1.04	.98
11. Round tip	1.10	1.10	1.04	.98
12. Chuck blade (bone in)	.72	.72	.66	.59
13. Chuck arm (bone in)	.85	.85	.79	.72
14. Flank	.93	.93	.93	.83
15. Cube				.79
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.74	.65	.55	.45
2. Rib standing (chine bone in, 7-inch cut)	.83	.73	.60	.47
3. Round tip	1.10	1.10	1.04	.98
4. Rump (bone in)	.80	.80	.77	.73
5. Rump (boneless)	1.10	1.10	1.04	.98
6. Chuck blade pot roast	.72	.72	.66	.59
7. Chuck arm pot roast	.85	.85	.79	.72
8. Chuck or shoulder (boneless)	.93	.93	.86	.75
9. English cut	.91	.91	.85	.75
10. Rib roast (boneless, rolled)				.73
11. Short loin (boneless, rolled)				1.02
III. Stews and other cuts:				
1. Short ribs	.50	.50	.50	.50
2. Plate (bone in, fresh or cured)	.41	.41	.41	.41
3. Plate (boneless, fresh or cured)	.56	.56	.56	.56
4. Brisket (bone in, fresh or cured)	.75	.75	.64	.61
5. Brisket (boneless, fresh or cured, deckle on)	.90	.90	.75	.71
6. Brisket (boneless, cured, deckle off)	.97	.97	.80	.75
7. Flank meat	.66	.66	.66	.66
8. Neck (bone in)	.70	.70	.59	.56
9. Neck (boneless)	.90	.90	.84	.77
10. Heel of round (boneless)	.85	.83	.83	.74
11. Shank (bone in, hind and fore)	.45	.45	.45	.45
12. Shank (boneless, hind and fore)	.68	.68	.68	.65
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.65	.65	.65	.65
V. Wholesale cuts:				
1. Round beef (whole)	.68	.68	.65	.61
2. Sirloin beef (whole)	.85	.81	.69	.57
3. Short loin beef (whole)	1.06	.90	.70	.52
4. Flank beef (whole)	.42	.42	.42	.42
5. Rib beef (whole)	.60	.53	.45	.38
6. Regular chuck (whole)	.63	.63	.58	.51
7. Short plate (whole)	.41	.41	.41	.41
8. Brisket (whole)	.53	.53	.45	.43
9. Shank (whole)	.41	.41	.41	.41

(l) (2) *Retail ceiling prices for beef—Zone 12.*

[The following ceiling prices per pound apply in all "Groups 3B and 4B" stores selling the grades of beef cuts listed below at retail in Zone 12, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

I. Steaks:	Choice	Good	Com'l.	Utility
1. Porterhouse	$1.23	$1.04	$0.78	$0.65
2. T-bone	1.23	1.04	.78	.65
3. Club	1.23	1.04	.78	.65
4. Rib, 10-inch cut	.73	.64	.54	.44
5. Rib, 7-inch cut	.81	.72	.59	.46
6. Sirloin	1.16	1.11	.98	.83
7. Pin bone	1.16	1.11	.98	.83
8. Sirloin (boneless)	1.29	1.23	1.04	.85
9. Round (bone in, full cut)	1.04	1.04	.95	.90
10. Round (boneless, top and bottom)	1.08	1.08	1.02	.96
11. Round tip	1.08	1.08	1.02	.96
12. Chuck blade (bone in)	.71	.71	.65	.58
13. Chuck arm (bone in)	.83	.83	.77	.71
14. Flank	.91	.91	.91	.81
15. Cube				.78
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.73	.64	.54	.44
2. Rib standing (chine bone in, 7-inch cut)	.81	.72	.59	.46
3. Round tip	1.08	1.08	1.02	.96
4. Rump (bone in)	.78	.78	.76	.72
5. Rump (boneless)	1.08	1.08	1.02	.96
6. Chuck blade pot roast	.71	.71	.65	.58
7. Chuck arm pot roast	.83	.83	.77	.71
8. Chuck or shoulder (boneless)	.91	.91	.84	.74
9. English cut	.89	.89	.83	.74
10. Rib roast (boneless, rolled)				.72
11. Short loin (boneless, rolled)				1.00
III. Stews and other cuts:				
1. Short ribs	.49	.49	.49	.49
2. Plate (bone in, fresh or cured)	.40	.40	.40	.40
3. Plate (boneless, fresh or cured)	.55	.55	.55	.55
4. Brisket (bone in, fresh or cured)	.74	.74	.63	.60
5. Brisket (boneless, fresh or cured, deckle on)	.88	.88	.74	.70
6. Brisket (boneless, cured, deckle off)	.95	.95	.78	.73
7. Flank meat	.65	.65	.65	.65
8. Neck (bone in)	.69	.69	.58	.55
9. Neck (boneless)	.88	.88	.82	.76
10. Heel of round (boneless)	.83	.81	.81	.73
11. Shank (bone in, hind and fore)	.44	.44	.44	.44
12. Shank (boneless, hind and fore)	.67	.67	.67	.66
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.64	.64	.64	.64
V. Wholesale cuts:				
1. Round beef (whole)	.68	.68	.65	.61
2. Sirloin beef (whole)	.85	.81	.69	.57
3. Short loin beef (whole)	1.06	.90	.70	.52
4. Flank beef (whole)	.42	.42	.42	.42
5. Rib beef (whole)	.60	.53	.45	.38
6. Regular chuck (whole)	.63	.63	.58	.51
7. Short plate (whole)	.41	.41	.41	.41
8. Brisket (whole)	.53	.53	.45	.43
9. Shank (whole)	.41	.41	.41	.41

(m) *Retail ceiling prices for beef—Zone 13N.*

[The following ceiling prices per pound apply in all "Groups 1 and 2" stores selling the grades of beef cuts listed below at retail in Zone 13N, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

I. Steaks:	Choice	Good	Com'l.	Utility
1. Porterhouse	$1.32	$1.11	$0.84	$0.67
2. T-bone	1.32	1.11	.84	.67
3. Club	1.32	1.11	.84	.67
4. Rib, 10-inch cut	.78	.68	.58	.47
5. Rib, 7-inch cut	.88	.77	.63	.50
6. Sirloin	1.24	1.18	1.05	.87
7. Pin bone	1.24	1.18	1.05	.87
8. Sirloin (boneless)	1.38	1.30	1.11	.89
9. Round (bone in, full cut)	1.14	1.14	1.05	.99
10. Round (boneless, top and bottom)	1.16	1.16	1.09	1.03
11. Round tip	1.16	1.16	1.09	1.03
12. Chuck blade (bone in)	.77	.77	.71	.64
13. Chuck arm (bone in)	.90	.90	.84	.77
14. Flank	1.01	1.01	.99	.99
15. Cube				.85
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.78	.68	.58	.47
2. Rib standing (chine bone in, 7-inch cut)	.88	.77	.63	.50
3. Round tip	1.16	1.16	1.09	1.03
4. Rump (bone in)	.87	.87	.83	.79
5. Rump (boneless)	1.16	1.16	1.09	1.03
6. Chuck blade pot roast	.77	.77	.71	.64
7. Chuck arm pot roast	.90	.90	.84	.77
8. Chuck or shoulder (boneless)	.99	.99	.92	.82
9. English cut	.97	.97	.91	.84
10. Rib roast (boneless, rolled)				1.05
11. Short loin (boneless, rolled)				.71
III. Stews and other cuts:				
1. Short ribs	.54	.54	.54	.54
2. Plate (bone in, fresh or cured)	.45	.45	.45	.45
3. Plate (boneless, fresh or cured)	.60	.60	.60	.60
4. Brisket (bone in, fresh or cured)	.77	.74	.68	.64
5. Brisket (boneless, fresh or cured, deckle on)	.96	.96	.80	.76
6. Brisket (boneless, cured, deckle off)	1.04	1.04	.87	.83
7. Flank meat	.70	.70	.70	.70
8. Neck (bone in)	.73	.74	.62	.59
9. Neck (boneless)	.96	.96	.90	.82
10. Heel of round (boneless)	.96	.95	.94	.74
11. Shank (bone in, hind and fore)	.49	.49	.49	.49
12. Shank (boneless, hind and fore)	.73	.73	.73	.73
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.69	.69	.69	.69
V. Wholesale cuts:				
1. Round beef (whole)	.69	.69	.65	.62
2. Sirloin beef (whole)	.85	.81	.70	.57
3. Short loin beef (whole)	1.07	.90	.70	.52
4. Flank beef (whole)	.42	.42	.42	.42
5. Rib beef (whole)	.61	.54	.45	.38
6. Regular chuck (whole)	.63	.63	.58	.52
7. Short plate (whole)	.41	.41	.41	.41
8. Brisket (whole)	.54	.54	.46	.43
9. Shank (whole)	.41	.41	.41	.41

(m) (1) *Retail ceiling prices for beef—Zone 13N.*

The following ceiling prices per pound apply in all "Groups 3 and 4" stores selling the grades of beef cuts listed below at retail in Zone 13N, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

I. Steaks:	Choice	Good	Com'l.	Utility
1. Porterhouse	$1.27	$1.06	$0.80	$0.66
2. T-bone	1.27	1.06	.80	.66
3. Club	1.27	1.06	.80	.66
4. Rib, 10-inch cut	.74	.68	.55	.45
5. Rib, 7-inch cut	.84	.74	.60	.48
6. Sirloin	1.19	1.13	1.00	.84
7. Pin bone	1.19	1.13	1.00	.84
8. Sirloin (boneless)	1.32	1.25	1.00	.85
9. Round (bone in, full cut)	1.07	1.07	.98	.92
10. Round (boneless, top and bottom)	1.11	1.11	1.05	.98
11. Round tip	1.11	1.11	1.05	.98
12. Chuck blade (bone in)	.72	.72	.67	.60
13. Chuck arm (bone in)	.85	.85	.80	.73
14. Flank	.93	.93	.93	.83
15. Cube				.79
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.74	.65	.55	.45
2. Rib standing (chine bone in, 7-inch cut)	.84	.74	.60	.48
3. Round tip	1.11	1.11	1.05	.98
4. Rump (bone in)	.82	.82	.78	.75
5. Rump (boneless)	1.11	1.11	1.05	.98
6. Chuck blade pot roast	.72	.72	.67	.60
7. Chuck arm pot roast	.85	.85	.80	.73
8. Chuck or shoulder (boneless)	.94	.94	.87	.78
9. English cut	.91	.91	.86	.79
10. Rib roast (boneless, rolled)				.75
11. Short loin (boneless, rolled)				1.02
III. Stews and other cuts:				
1. Short ribs	.51	.51	.51	.51
2. Plate (bone in, fresh or cured)	.42	.42	.42	.42
3. Plate (boneless, fresh or cured)	.56	.56	.56	.56
4. Brisket (bone in, fresh or cured)	.75	.75	.64	.61
5. Brisket (boneless, fresh or cured, deckle on)	.91	.91	.76	.71
6. Brisket (boneless, cured, deckle off)	.98	.98	.82	.76
7. Flank meat	.67	.67	.67	.67
8. Neck (bone in)	.70	.70	.59	.56
9. Neck (boneless)	.92	.92	.86	.78
10. Heel of round (boneless)	.86	.84	.84	.74
11. Shank (bone in, hind and fore)	.46	.46	.46	.46
12. Shank (boneless, hind and fore)	.69	.69	.69	.69
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.65	.65	.65	.65
V. Wholesale cuts:				
1. Round beef (whole)	.69	.69	.65	.62
2. Sirloin beef (whole)	.85	.81	.70	.57
3. Short loin beef (whole)	1.07	.90	.70	.52
4. Flank beef (whole)	.42	.42	.42	.42
5. Rib beef (whole)	.61	.54	.45	.38
6. Regular chuck (whole)	.63	.63	.58	.52
7. Short plate (whole)	.41	.41	.41	.41
8. Brisket (whole)	.54	.54	.46	.43
9. Shank (whole)	.41	.41	.41	.41

(m) (2) *Retail ceiling prices for beef—Zone 13N.*

[The following ceiling prices per pound apply in all "Groups 3B and 4B" stores selling the grades of beef cuts listed below at retail in Zone 13N, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

I. Steaks:	Choice	Good	Com'l.	Utility
1. Porterhouse	$1.24	$1.04	$0.78	$0.65
2. T-bone	1.24	1.04	.78	.65
3. Club	1.24	1.04	.78	.65
4. Rib, 10-inch cut	.76	.67	.56	.45
5. Rib, 7-inch cut	.82	.73	.59	.47
6. Sirloin	1.17	1.11	.98	.82
7. Pin bone	1.17	1.11	.98	.82
8. Sirloin (boneless)	1.29	1.23	1.04	.83
9. Round (bone in, full cut)	1.05	1.05	.96	.90
10. Round (boneless, top and bottom)	1.09	1.09	1.03	.96
11. Round tip	1.09	1.09	1.03	.96
12. Chuck blade (bone in)	.71	.71	.66	.59
13. Chuck arm (bone in)	.83	.83	.78	.72
14. Flank	.91	.91	.91	.81
15. Cube				.79
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.73	.64	.54	.44
2. Rib standing (chine bone in, 7-inch cut)	.82	.73	.59	.47
3. Round tip	1.09	1.09	1.03	.96
4. Rump (bone in)	.80	.80	.76	.71
5. Rump (boneless)	1.09	1.09	1.03	.96
6. Chuck blade pot roast	.71	.71	.66	.59
7. Chuck arm pot roast	.83	.83	.78	.72
8. Chuck or shoulder (boneless)	.92	.92	.85	.75
9. English cut	.89	.89	.84	.72
10. Rib roast (boneless, rolled)				.74
11. Short loin (boneless, rolled)				1.00
III. Stews and other cuts:				
1. Short ribs	.50	.50	.50	.50
2. Plate (bone in, fresh or cured)	.41	.41	.41	.41
3. Plate (boneless, fresh or cured)	.55	.55	.55	.55
4. Brisket (bone in, fresh or cured)	.74	.74	.63	.60
5. Brisket (boneless, fresh or cured, deckle on)	.89	.89	.74	.70
6. Brisket (boneless, cured, deckle off)	.96	.96	.80	.74
7. Flank meat	.66	.66	.66	.66
8. Neck (bone in)	.69	.69	.58	.55
9. Neck (boneless)	.90	.90	.84	.76
10. Heel of round (boneless)	.84	.82	.82	.73
11. Shank (bone in, hind and fore)	.45	.45	.45	.45
12. Shank (boneless, hind and fore)	.68	.68	.68	.65
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.64	.64	.64	.64
V. Wholesale cuts:				
1. Round beef (whole)	.68	.68	.65	.62
2. Sirloin beef (whole)	.83	.79	.67	.55
3. Short loin beef (whole)	1.05	.89	.69	.50
4. Flank beef (whole)	.40	.40	.40	.40
5. Rib beef (whole)	.59	.52	.45	.37
6. Regular chuck (whole)	.60	.60	.55	.49
7. Short plate (whole)	.39	.39	.39	.39
8. Brisket (whole)	.51	.51	.43	.41
9. Shank (whole)	.39	.39	.39	.39

(n) *Retail ceiling prices for beef—Zone 13S.*

[The following ceiling prices per pound apply in all "Groups 1 and 2" stores selling the grades of beef cuts listed below at retail in Zone 13S, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

I. Steaks:	Choice	Good	Com'l.	Utility
1. Porterhouse	$1.29	$1.09	$0.82	$0.67
2. T-bone	1.29	1.09	.82	.67
3. Club	1.29	1.09	.82	.67
4. Rib, 10-inch cut	.76	.67	.56	.45
5. Rib, 7-inch cut	.80	.74	.60	.48
6. Sirloin	1.21	1.16	1.02	.85
7. Pin bone	1.21	1.16	1.02	.85
8. Sirloin (boneless)	1.35	1.27	1.08	.88
9. Round (bone in, full cut)	1.11	1.11	1.03	.97
10. Round (boneless, top and bottom)	1.13	1.13	1.07	1.00
11. Round tip	1.13	1.13	1.07	1.00
12. Chuck blade (bone in)	.74	.74	.68	.61
13. Chuck arm (bone in)	.87	.87	.81	.74
14. Flank	1.01	1.01	.99	.90
15. Cube				.89
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.76	.67	.56	.46
2. Rib standing (chine bone in, 7-inch cut)	.86	.74	.61	.48
3. Round tip	1.13	1.13	1.07	1.00
4. Rump (bone in)	.84	.84	.80	.72
5. Rump (boneless)	1.13	1.13	1.07	1.00
6. Chuck blade pot roast	.74	.74	.68	.61
7. Chuck arm pot roast	.87	.87	.81	.74
8. Chuck or shoulder (boneless)	.96	.96	.87	.78
9. English cut	.94	.94	.88	.81
10. Rib roast (boneless, rolled)				.82
11. Short loin (boneless, rolled)				1.05
III. Stews and other cuts:				
1. Short ribs	.51	.51	.51	.51
2. Plate (bone in, fresh or cured)	.42	.42	.42	.42
3. Plate (boneless, fresh or cured)	.58	.58	.58	.58
4. Brisket (bone in, fresh or cured)	.76	.76	.65	.62
5. Brisket (boneless, fresh or cured, deckle on)	.93	.93	.78	.73
6. Brisket (boneless, cured, deckle off)	1.00	1.00	.85	.79
7. Flank meat	.70	.70	.70	.70
8. Neck (bone in)	.70	.70	.59	.56
9. Neck (boneless)	.94	.93	.88	.80
10. Heel of round (boneless)	.93	.92	.87	.78
11. Shank (bone in, hind and fore)	.47	.47	.47	.47
12. Shank (boneless, hind and fore)	.71	.71	.71	.71
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.67	.67	.67	.67
V. Wholesale cuts:				
1. Round beef (whole)	.66	.66	.63	.59
2. Sirloin beef (whole)	.83	.79	.67	.55
3. Short loin beef (whole)	1.05	.89	.69	.50
4. Flank beef (whole)	.40	.40	.40	.40
5. Rib beef (whole)	.59	.52	.45	.37
6. Regular chuck (whole)	.60	.60	.55	.49
7. Short plate (whole)	.39	.39	.39	.39
8. Brisket (whole)	.51	.51	.43	.41
9. Shank (whole)	.39	.39	.39	.39

(n) (1) *Retail ceiling prices for beef—Zone 13S.*

[The following ceiling prices per pound apply in all "Groups 3 and 4" stores selling the grades of beef cuts listed below at retail in Zone 13S, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951] 7

I. Steaks:	Choice	Good	Com'l.	Utility
1. Porterhouse	$1.27	$1.06	$0.80	$0.66
2. T-bone	1.27	1.06	.80	.66
3. Club	1.27	1.06	.80	.66
4. Rib, 10-inch cut	.74	.65	.55	.45
5. Rib, 7-inch cut	.84	.74	.61	.48
6. Sirloin	1.19	1.13	1.01	.84
7. Pin bone	1.19	1.13	1.01	.84
8. Sirloin (boneless)	1.32	1.25	1.07	.86
9. Round (bone in, full cut)	1.07	1.07	.99	.93
10. Round (boneless, top and bottom)	1.11	1.11	1.05	.99
11. Round tip	1.11	1.11	1.05	.99
12. Chuck blade (bone in)	.73	.73	.67	.60
13. Chuck arm (bone in)	.86	.86	.80	.71
14. Flank	.93	.93	.93	.93
15. Cube				.71
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.74	.65	.55	.45
2. Rib standing (chine bone in, 7 inch cut)	.84	.74	.61	.48
3. Round tip	1.11	1.11	1.05	.99
4. Rump (bone in)	.83	.83	.79	.75
5. Rump (boneless)	1.11	1.11	1.05	.99
6. Chuck blade pot roast	.73	.73	.67	.60
7. Chuck arm pot roast	.86	.86	.80	.73
8. Chuck or shoulder (boneless)	.94	.94	.87	.79
9. English cut	.92	.92	.86	.79
10. Rib roast (boneless, rolled)				.75
11. Short loin (boneless, rolled)				1.03
III. Stews and other cuts:				
1. Short ribs	.51	.51	.51	.51
2. Plate (bone in, fresh or cured)	.42	.42	.42	.42
3. Plate (boneless, fresh or cured)	.56	.56	.56	.56
4. Brisket (bone in, fresh or cured)	.75	.75	.64	.61
5. Brisket (boneless, fresh or cured, deckle on)	.91	.91	.76	.72
6. Brisket (boneless, cured, deckle off)	.98	.98	.82	.77
7. Flank meat	.67	.67	.67	.67
8. Neck (bone in)	.70	.70	.59	.56
9. Neck (boneless)	.92	.92	.87	.79
10. Heel of round (boneless)	.86	.86	.86	.77
11. Shank (bone in, hind and fore)	.46	.46	.46	.46
12. Shank (boneless, hind and fore)	.69	.69	.69	.69
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.66	.66	.66	.66
V. Wholesale cuts:				
1. Round beef (whole)	.66	.66	.63	.59
2. Sirloin beef (whole)	.83	.79	.67	.55
3. Short loin beef (whole)	1.05	.89	.69	.50
4. Flank beef (whole)	.40	.40	.40	.40
5. Rib beef (whole)	.59	.52	.45	.37
6. Regular chuck (whole)	.60	.60	.55	.49
7. Short plate (whole)	.39	.39	.39	.39
8. Brisket (whole)	.51	.51	.43	.41
9. Shank (whole)	.39	.39	.39	.39

(n) (2) *Retail ceiling prices for beef—Zone 13S.*

[The following ceiling prices per pound apply in all "Groups 3B and 4B" stores selling the grades of beef cuts listed below at retail in Zone 13S, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

I. Steaks:	Choice	Good	Com'l.	Utility
1. Porterhouse	$1.24	$1.04	$0.78	$0.65
2. T-bone	1.24	1.04	.78	.65
3. Club	1.24	1.04	.78	.65
4. Rib, 10-inch cut	.73	.64	.54	.44
5. Rib, 7-inch cut	.82	.73	.60	.47
6. Sirloin	1.17	1.11	.99	.82
7. Pin bone	1.17	1.11	.99	.82
8. Sirloin (boneless)	1.29	1.23	1.05	.84
9. Round (bone in, full cut)	1.05	1.05	.97	.91
10. Round (boneless, top and bottom)	1.09	1.09	1.03	.97
11. Round tip	1.09	1.09	1.03	.97
12. Chuck blade (bone in)	.72	.72	.66	.59
13. Chuck arm (bone in)	.84	.84	.78	.72
14. Flank	.91	.91	.91	.91
15. Cube				.70
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.73	.64	.54	.44
2. Rib standing (chine bone in, 7-inch cut)	.82	.73	.60	.47
3. Round tip	1.09	1.09	1.03	.97
4. Rump (bone in)	.81	.81	.77	.74
5. Rump (boneless)	1.09	1.09	1.03	.97
6. Chuck blade pot roast	.72	.72	.66	.59
7. Chuck arm pot roast	.84	.84	.78	.72
8. Chuck or shoulder (boneless)	.92	.92	.87	.77
9. English cut	.90	.90	.84	.77
10. Rib roast (boneless, rolled)				.74
11. Short loin (boneless, rolled)				1.01
III. Stews and other cuts:				
1. Short ribs	.50	.50	.50	.50
2. Plate (bone in, fresh or cured)	.41	.41	.41	.41
3. Plate (boneless, fresh or cured)	.55	.55	.55	.55
4. Brisket (bone in, fresh or cured)	.74	.74	.63	.60
5. Brisket (boneless, fresh or cured, deckle on)	.89	.89	.74	.71
6. Brisket (boneless, cured, deckle off)	.96	.96	.81	.75
7. Flank meat	.66	.66	.66	.66
8. Neck (bone in)	.69	.69	.58	.55
9. Neck (boneless)	.90	.90	.85	.77
10. Heel of round (boneless)	.84	.82	.82	.75
11. Shank (bone in, hind and fore)	.45	.45	.45	.45
12. Shank (boneless, hind and fore)	.68	.68	.68	.68
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.65	.65	.65	.65
V. Wholesale cuts:				
1. Round beef (whole)	.66	.66	.63	.59
2. Sirloin beef (whole)	.83	.79	.67	.55
3. Short loin beef (whole)	1.05	.89	.69	.50
4. Flank beef (whole)	.40	.40	.40	.40
5. Rib beef (whole)	.59	.52	.45	.37
6. Regular chuck (whole)	.60	.60	.55	.49
7. Short plate (whole)	.39	.39	.39	.39
8. Brisket (whole)	.51	.51	.43	.41
9. Shank (whole)	.39	.39	.39	.39

(o) *Retail ceiling prices for beef—Zone 14N.*

[The following ceiling prices per pound apply in all "Groups 1 and 2" stores selling the grades of beef cuts listed below at retail in Zone 14N, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

I. Steaks:	Choice	Good	Com'l.	Utility
1. Porterhouse	$1.32	$1.12	$0.85	$0.66
2. T-bone	1.32	1.12	.85	.66
3. Club	1.32	1.12	.85	.66
4. Rib, 10-inch cut	.78	.69	.58	.48
5. Rib, 7-inch cut	.89	.78	.64	.51
6. Sirloin	1.24	1.19	1.05	.88
7. Pin bone	1.24	1.19	1.05	.88
8. Sirloin (boneless)	1.39	1.31	1.12	.90
9. Round (bone in, full cut)	1.15	1.15	1.06	1.01
10. Round (boneless, top and bottom)	1.17	1.17	1.11	1.04
11. Round tip	1.17	1.17	1.11	1.04
12. Chuck blade (bone in)	.78	.78	.72	.65
13. Chuck arm (bone in)	.91	.91	.85	.78
14. Flank	1.02	1.02	1.00	1.00
15. Cube				.81
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.78	.69	.58	.48
2. Rib standing (chine bone in, 7 inch cut)	.89	.78	.64	.51
3. Round tip	1.17	1.17	1.11	1.04
4. Rump (bone in)	.90	.90	.86	.82
5. Rump (boneless)	1.17	1.17	1.11	1.04
6. Chuck blade pot roast	.78	.78	.72	.65
7. Chuck arm pot roast	.91	.91	.85	.78
8. Chuck or shoulder (boneless)	1.00	1.00	.93	.84
9. English cut	.98	.98	.92	.85
10. Rib roast (boneless, rolled)				.82
11. Short loin (boneless, rolled)				1.05
III. Stews and other cuts:				
1. Short ribs	.55	.55	.55	.55
2. Plate (bone in, fresh or cured)	.46	.46	.46	.46
3. Plate (boneless, fresh or cured)	.61	.61	.61	.61
4. Brisket (bone in, fresh or cured)	.80	.80	.68	.65
5. Brisket (boneless, fresh or cured, deckle on)	.97	.97	.81	.75
6. Brisket (boneless, cured, deckle off)	1.05	1.05	.88	.81
7. Flank meat	.70	.70	.70	.70
8. Neck (bone in)	.75	.75	.62	.60
9. Neck (boneless)	.99	.99	.92	.85
10. Heel of round (boneless)	.97	.96	.93	.75
11. Shank (bone in, hind and fore)	.50	.50	.50	.50
12. Shank (boneless, hind and fore)	.74	.74	.74	.74
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.70	.70	.70	.70
V. Wholesale cuts:				
1. Round beef (whole)	.69	.69	.66	.62
2. Sirloin beef (whole)	.86	.82	.70	.58
3. Short loin beef (whole)	1.07	.91	.71	.53
4. Flank beef (whole)	.43	.43	.43	.43
5. Rib beef (whole)	.61	.54	.46	.39
6. Regular chuck (whole)	.64	.64	.59	.52
7. Short plate (whole)	.42	.42	.42	.42
8. Brisket (whole)	.54	.54	.46	.44
9. Shank (whole)	.42	.42	.42	.42

(o) (1) *Retail ceiling prices for beef—Zone 14N.*

[The following ceiling prices per pound apply in all "Groups 3 and 4" stores selling the grades of beef cuts listed below at retail in Zone 14N, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

I. Steaks:	Choice	Good	Com'l.	Utility
1. Porterhouse	$1.27	$1.07	$0.81	$0.67
2. T-bone	1.27	1.07	.81	.67
3. Club	1.27	1.07	.81	.67
4. Rib, 10-inch cut	.75	.66	.56	.46
5. Rib, 7-inch cut	.84	.75	.61	.49
6. Sirloin	1.19	1.14	1.01	.85
7. Pin bone	1.19	1.14	1.01	.85
8. Sirloin (boneless)	1.33	1.26	1.07	.86
9. Round (bone in, full cut)	1.08	1.08	.99	.94
10. Round (boneless, top and bottom)	1.12	1.12	1.06	1.00
11. Round tip	1.12	1.12	1.06	1.00
12. Chuck blade (bone in)	.73	.73	.68	.61
13. Chuck arm (bone in)	.86	.86	.81	.74
14. Flank	.93	.93	.93	.93
15. Cube				.72
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.75	.66	.56	.46
2. Rib standing (chine bone in, 7-inch cut)	.84	.75	.61	.49
3. Round tip	1.12	1.12	1.06	1.00
4. Rump (bone in)	.85	.85	.81	.78
5. Rump (boneless)	1.12	1.12	1.06	1.00
6. Chuck blade pot roast	.73	.73	.68	.61
7. Chuck arm pot roast	.86	.86	.81	.74
8. Chuck or shoulder (boneless)	.95	.95	.88	.79
9. English cut	.92	.92	.87	.78
10. Rib roast (boneless, rolled)				.82
11. Short loin (boneless, rolled)				1.05
III. Stews and other cuts:				
1. Short ribs	.51	.51	.51	.51
2. Plate (bone in, fresh or cured)	.42	.42	.42	.42
3. Plate (boneless, fresh or cured)	.57	.57	.57	.57
4. Brisket (bone in, fresh or cured)	.77	.76	.65	.62
5. Brisket (boneless, fresh or cured, deckle on)	.93	.92	.77	.72
6. Brisket (boneless, cured, deckle off)	.99	.99	.83	.77
7. Flank meat	.67	.67	.67	.67
8. Neck (bone in)	.71	.71	.60	.57
9. Neck (boneless)	.94	.94	.88	.81
10. Heel of round (boneless)	.87	.87	.86	.75
11. Shank (bone in, hind and fore)	.46	.46	.46	.46
12. Shank (boneless, hind and fore)	.70	.70	.70	.70
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.66	.66	.66	.66
V. Wholesale cuts:				
1. Round beef (whole)	.68	.68	.64	.61
2. Sirloin beef (whole)	.84	.80	.69	.56
3. Short loin beef (whole)	1.04	.88	.68	.50
4. Flank beef (whole)	.42	.42	.42	.42
5. Rib beef (whole)	.60	.53	.45	.37
6. Regular chuck (whole)	.64	.62	.56	.49
7. Short plate (whole)	.42	.42	.42	.42
8. Brisket (whole)	.53	.53	.45	.43
9. Shank (whole)	.40	.40	.40	.40

(o) (2) *Retail ceiling prices for beef—Zone 14N.*

The following ceiling prices per pound apply in all "Groups 3B and 4B" stores selling the grades of beef cuts listed below at retail in Zone 14N, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

I. Steaks:	Choice	Good	Com'l.	Utility
1. Porterhouse	$1.24	$1.05	$0.79	$0.66
2. T-bone	1.24	1.05	.79	.66
3. Club	1.24	1.05	.79	.66
4. Rib, 10-inch cut	.74	.65	.55	.45
5. Rib, 7-inch cut	.82	.74	.60	.48
6. Sirloin	1.17	1.12	.99	.83
7. Pin bone	1.17	1.12	.99	.83
8. Sirloin (boneless)	1.30	1.23	1.05	.84
9. Round (bone in, full cut)	1.06	1.06	.97	.92
10. Round (boneless, top and bottom)	1.10	1.10	1.04	.98
11. Round tip	1.10	1.10	1.04	.98
12. Chuck blade (bone in)	.72	.72	.67	.60
13. Chuck arm (bone in)	.84	.84	.79	.73
14. Flank	.91	.91	.91	.91
15. Cube				.71
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.74	.65	.55	.45
2. Rib standing (chine bone in, 7-inch cut)	.82	.74	.60	.48
3. Round tip	1.10	1.10	1.04	.98
4. Rump (bone in)	.83	.83	.79	.76
5. Rump (boneless)	1.10	1.10	1.04	.98
6. Chuck blade pot roast	.72	.72	.67	.60
7. Chuck arm pot roast	.84	.84	.79	.73
8. Chuck or shoulder (boneless)	.93	.93	.86	.77
9. English cut	.90	.90	.85	.78
10. Rib roast (boneless, rolled)				.74
11. Short loin (boneless, rolled)				1.01
III. Stews and other cuts:				
1. Short ribs	.50	.50	.50	.50
2. Plate (bone in, fresh or cured)	.41	.41	.41	.41
3. Plate (boneless, fresh or cured)	.56	.56	.56	.56
4. Brisket (bone in, fresh or cured)	.74	.74	.64	.61
5. Brisket (boneless, fresh or cured, deckle on)	.90	.90	.75	.71
6. Brisket (boneless, cured, deckle off)	.97	.97	.81	.75
7. Flank meat	.66	.66	.66	.66
8. Neck (bone in)	.70	.70	.59	.56
9. Neck (boneless)	.92	.92	.86	.79
10. Heel of round (boneless)	.85	.84	.83	.74
11. Shank (bone in, hind and fore)	.45	.45	.45	.45
12. Shank (boneless, hind and fore)	.69	.69	.69	.69
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.65	.65	.65	.65
V. Wholesale cuts:				
1. Round beef (whole)	.69	.69	.66	.62
2. Sirloin beef (whole)	.86	.82	.70	.58
3. Short loin beef (whole)	1.07	.91	.71	.53
4. Flank beef (whole)	.43	.43	.43	.43
5. Rib beef (whole)	.61	.54	.46	.39
6. Regular chuck (whole)	.64	.64	.59	.52
7. Short plate (whole)	.42	.42	.42	.42
8. Brisket (whole)	.54	.54	.46	.44
9. Shank (whole)	.42	.42	.42	.42

(p) *Retail ceiling prices for beef—Zone 14S.*

The following ceiling prices per pound apply in all "Groups 1 and 2" stores selling the grades of beef cuts listed below at retail in Zone 14S, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

I. Steaks:	Choice	Good	Com'l.	Utility
1. Porterhouse	$1.30	$1.09	$0.82	$0.68
2. T-bone	1.30	1.09	.82	.68
3. Club	1.30	1.09	.82	.68
4. Rib, 10-inch cut	.77	.67	.57	.46
5. Rib, 7-inch cut	.86	.74	.62	.50
6. Sirloin	1.21	1.16	1.02	.85
7. Pin bone	1.21	1.16	1.02	.85
8. Sirloin (boneless)	1.35	1.28	1.09	.87
9. Round (bone in, full cut)	1.12	1.12	1.03	.96
10. Round (boneless, top and bottom)	1.14	1.14	1.08	1.01
11. Round tip	1.14	1.14	1.08	1.01
12. Chuck blade (bone in)	.75	.75	.69	.61
13. Chuck arm (bone in)	.88	.88	.82	.74
14. Flank	1.02	1.02	1.00	1.00
15. Cube				.82
II. Roasts:				
1. Rib standing (chine bone in 10-inch cut)	.77	.67	.57	.46
2. Rib standing (chine bone in 7-inch cut)	.86	.74	.61	.48
3. Round tip	1.14	1.14	1.08	1.01
4. Rump (bone in)	.86	.86	.82	.79
5. Rump (boneless)	1.14	1.14	1.08	1.01
6. Chuck blade pot roast	.75	.75	.69	.61
7. Chuck arm pot roast	.88	.88	.82	.74
8. Chuck or shoulder (boneless)	.96	.96	.89	.79
9. English cut	.95	.95	.89	.81
10. Rib roast (boneless, rolled)				.82
11. Short loin (boneless, rolled)				1.05
III. Stews and other cuts:				
1. Short ribs	.52	.52	.52	.52
2. Plate (bone in, fresh or cured)	.43	.43	.43	.43
3. Plate (boneless, fresh or cured)	.59	.59	.59	.59
4. Brisket (bone in, fresh or cured)	.77	.77	.65	.62
5. Brisket (boneless, fresh or cured, deckle on)	.94	.94	.79	.74
6. Brisket (boneless, cured, deckle off)	1.02	1.02	.86	.80
7. Flank meat	.70	.70	.70	.70
8. Neck (bone in)	.73	.73	.59	.58
9. Neck (boneless)	.95	.95	.87	.82
10. Heel of round (boneless)	.94	.93	.87	.75
11. Shank (bone in, hind and fore)	.48	.48	.48	.48
12. Shank (boneless, hind and fore)	.72	.72	.72	.72
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.68	.68	.68	.68
V. Wholesale cuts:				
1. Round beef (whole)	.68	.68	.64	.61
2. Sirloin beef (whole)	.84	.80	.69	.56
3. Short loin beef (whole)	1.04	.88	.68	.50
4. Flank beef (whole)	.42	.42	.42	.42
5. Rib beef (whole)	.60	.53	.45	.37
6. Regular chuck (whole)	.64	.62	.56	.49
7. Short plate (whole)	.40	.40	.40	.40
8. Brisket (whole)	.53	.53	.45	.43
9. Shank (whole)	.40	.40	.40	.40

(p) (1) *Retail ceiling prices for beef—Zone 14S.*

[The following ceiling prices per pound apply in all "Groups 3 and 4" stores selling the grades of beef cuts listed below at retail in Zone 14S, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

I. Steaks:	Choice	Good	Com'l.	Utility
1. Porterhouse	$1.27	$1.07	$0.81	$0.67
2. T-bone	1.27	1.07	.81	.67
3. Club	1.27	1.07	.81	.67
4. Rib, 10-inch cut	.75	.66	.56	.46
5. Rib, 7-inch cut	.84	.75	.61	.49
6. Sirloin	1.19	1.14	1.01	.85
7. Pin bone	1.19	1.14	1.01	.85
8. Sirloin (boneless)	1.33	1.26	1.07	.86
9. Round (bone in, full cut)	1.08	1.08	.99	.94
10. Round (boneless, top and bottom)	1.12	1.12	1.06	1.00
11. Round tip	1.12	1.12	1.06	1.00
12. Chuck blade (bone in)	.73	.73	.68	.61
13. Chuck arm (bone in)	.86	.86	.81	.74
14. Flank	.93	.93	.93	.93
15. Cube				.72
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.75	.66	.56	.46
2. Rib standing (chine bone in, 7-inch cut)	.84	.75	.61	.49
3. Round tip	1.12	1.12	1.06	1.00
4. Rump (bone in)	.85	.85	.81	.78
5. Rump (boneless)	1.12	1.12	1.06	1.00
6. Chuck blade pot roast	.73	.73	.68	.61
7. Chuck arm pot roast	.86	.86	.81	.74
8. Chuck or shoulder (boneless)	.95	.95	.88	.79
9. English cut	.92	.92	.87	.80
10. Rib roast (boneless, rolled)				.76
11. Short loin (boneless, rolled)				1.03
III. Stews and other cuts:				
1. Short ribs	.51	.51	.51	.51
2. Plate (bone in, fresh or cured)	.42	.42	.42	.42
3. Plate (boneless, fresh or cured)	.57	.57	.57	.57
4. Brisket (bone in, fresh or cured)	.76	.76	.65	.62
5. Brisket (boneless, fresh or cured, deckle on)	.92	.92	.77	.72
6. Brisket (boneless, cured, deckle off)	.99	.99	.83	.77
7. Flank meat	.67	.67	.67	.67
8. Neck (bone in)	.71	.71	.60	.57
9. Neck (boneless)	.94	.94	.88	.81
10. Heel of round (boneless)	.87	.87	.86	.75
11. Shank (bone in, hind and fore)	.46	.46	.46	.46
12. Shank (boneless, hind and fore)	.70	.70	.70	.70
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.66	.66	.66	.66
V. Wholesale cuts:				
1. Round beef (whole)	.68	.68	.64	.61
2. Sirloin beef (whole)	.84	.80	.69	.56
3. Short loin beef (whole)	1.04	.88	.68	.50
4. Flank beef (whole)	.42	.42	.42	.42
5. Rib beef (whole)	.60	.53	.45	.37
6. Regular chuck (whole)	.64	.62	.56	.49
7. Short plate (whole)	.40	.40	.40	.40
8. Brisket (whole)	.53	.53	.45	.43
9. Shank (whole)	.40	.40	.40	.40

(p) (2) *Retail ceiling prices for beef—Zone 14S.*

[The following ceiling prices per pound apply in all "Groups 3B and 4B" stores selling the grades of beef cuts listed below at retail in Zone 14S, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

I. Steaks:	Choice	Good	Com'l.	Utility
1. Porterhouse	$1.24	$1.05	$0.79	$0.66
2. T-bone	1.24	1.05	.79	.66
3. Club	1.24	1.05	.79	.66
4. Rib, 10-inch cut	.74	.65	.55	.45
5. Rib, 7-inch cut	.82	.74	.60	.48
6. Sirloin	1.17	1.12	.99	.83
7. Pin bone	1.17	1.12	.99	.83
8. Sirloin (boneless)	1.30	1.23	1.05	.84
9. Round (bone in, full cut)	1.06	1.06	.97	.92
10. Round (boneless, top and bottom)	1.10	1.10	1.04	.98
11. Round tip	1.10	1.10	1.04	.98
12. Chuck blade (bone in)	.72	.72	.67	.60
13. Chuck arm (bone in)	.84	.84	.79	.73
14. Flank	.91	.91	.91	.91
15. Cube				.71
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.74	.65	.55	.45
2. Rib standing (chine bone in, 7-inch cut)	.82	.74	.60	.48
3. Round tip	1.10	1.10	1.04	.98
4. Rump (bone in)	.85	.85	.79	.76
5. Rump (boneless)	1.10	1.10	1.04	.98
6. Chuck blade pot roast	.72	.72	.67	.60
7. Chuck arm pot roast	.84	.84	.79	.73
8. Chuck or shoulder (boneless)	.93	.93	.86	.77
9. English cut	.90	.90	.85	.78
10. Rib roast (boneless, rolled)				.74
11. Short loin (boneless, rolled)				1.01
III. Stews and other cuts:				
1. Short ribs	.50	.50	.50	.50
2. Plate (bone in, fresh or cured)	.41	.41	.41	.41
3. Plate (boneless, fresh or cured)	.56	.56	.56	.56
4. Brisket (bone in, fresh or cured)	.74	.74	.64	.61
5. Brisket (boneless, fresh or cured, deckle on)	.90	.90	.75	.71
6. Brisket (boneless, cured, deckle off)	.97	.97	.81	.75
7. Flank meat	.66	.66	.66	.66
8. Neck (bone in)	.70	.70	.59	.56
9. Neck (boneless)	.92	.92	.86	.79
10. Heel of round (boneless)	.85	.84	.83	.74
11. Shank (bone in, hind and fore)	.45	.45	.45	.45
12. Shank (boneless, hind and fore)	.69	.69	.69	.69
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.65	.65	.65	.65
V. Wholesale cuts:				
1. Round beef (whole)	.68	.68	.64	.61
2. Sirloin beef (whole)	.84	.80	.69	.56
3. Short loin beef (whole)	1.04	.88	.68	.50
4. Flank beef (whole)	.42	.42	.42	.42
5. Rib beef (whole)	.60	.53	.45	.37
6. Regular chuck (whole)	.64	.62	.56	.49
7. Short plate (whole)	.40	.40	.40	.40
8. Brisket (whole)	.53	.53	.45	.43
9. Shank (whole)	.40	.40	.40	.40

(q) *Retail ceiling prices for beef—Zone 15.*

[The following ceiling prices per pound apply in all "Groups 1 and 2" stores selling the grades of beef cuts listed below at retail in Zone 15, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.32	$1.12	$0.85	$0.67
2. T-bone	1.32	1.12	.85	.67
3. Club	1.32	1.12	.85	.67
4. Rib, 10-inch cut	.78	.69	.58	.48
5. Rib, 7-inch cut	.89	.78	.61	.51
6. Sirloin	1.24	1.19	1.05	.88
7. Pin bone	1.24	1.19	1.05	.88
8. Sirloin (boneless)	1.59	1.32	1.12	.91
9. Round (bone in, full cut)	1.15	1.15	1.06	1.00
10. Round (boneless, top and bottom)	1.17	1.17	1.11	1.04
11. Round tip	1.17	1.17	1.11	1.04
12. Chuck blade (bone in)	.78	.78	.71	.64
13. Chuck arm (bone in)	.91	.91	.84	.77
14. Flank	1.02	1.02	1.00	1.00
15. Cube				.85
II. Roasts:				
1. Rib standing (chine bone in) 10-inch cut)	.78	.69	.58	.48
2. Rib standing (chine bone in) 7-inch cut)	.89	.78	.64	.51
3. Round tip	1.17	1.17	1.11	1.04
4. Rump (bone in)	.94	.94	.90	.86
5. Rump (boneless)	1.17	1.17	1.11	1.04
6. Chuck blade, pot roast	.78	.78	.71	.64
7. Chuck arm, pot roast	.91	.91	.84	.77
8. Chuck or shoulder (boneless)	1.00	1.00	.92	.83
9. English cut	.98	.98	.91	.84
10. Rib roast (boneless, rolled)				.88
11. Short loin (boneless, rolled)				1.06
III. Stews and other cuts:				
1. Short ribs	.54	.54	.54	.54
2. Plate (bone in, fresh or cured)	.45	.45	.45	.45
3. Plate (boneless, fresh or cured)	.62	.62	.62	.62
4. Brisket (bone in, fresh or cured)	.86	.79	.68	.65
5. Brisket (boneless, fresh or cured, deckle on)	.97	.97	.82	.77
6. Brisket (boneless, cured, deckle off)	1.05	1.05	.89	.84
7. Flank meat	.71	.71	.71	.71
8. Neck (bone in)	.75	.75	.61	.61
9. Neck (boneless)	1.00	1.00	.94	.88
10. Heel of round (boneless)	.97	.97	.95	.75
11. Shank (bone in, hind and fore)	.50	.50	.50	.50
12. Shank (boneless, hind and fore)	.74	.74	.74	.74
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.71	.71	.71	.71
V. Wholesale cuts:				
1. Round beef (whole)	.70	.70	.67	.63
2. Sirloin beef (whole)	.87	.82	.71	.58
3. Short loin beef (whole)	1.07	.91	.71	.53
4. Flank beef (whole)	.44	.44	.44	.44
5. Rib beef (whole)	.61	.54	.46	.38
6. Regular chuck (whole)	.64	.64	.58	.52
7. Short plate (whole)	.42	.42	.42	.42
8. Brisket (whole)	.55	.55	.47	.47
9. Shank (whole)	.42	.42	.42	.42

(q) (1) *Retail ceiling prices for beef—Zone 15.*

[The following ceiling prices per pound apply in all "Groups 3 and 4" stores selling the grades of beef cuts listed below at retail in Zone 15, in accordance with Ceiling Price Regulation 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.28	$1.08	$0.82	$0.68
2. T-bone	1.28	1.08	.82	.68
3. Club	1.28	1.08	.82	.68
4. Rib, 10-inch cut	.75	.67	.57	.47
5. Rib, 7-inch cut	.85	.76	.62	.50
6. Sirloin	1.20	1.15	1.02	.85
7. Pin bone	1.20	1.15	1.02	.85
8. Sirloin (boneless)	1.34	1.27	1.08	.88
9. Round (bone in, full cut)	1.10	1.10	1.01	.95
10. Round (boneless, top and bottom)	1.13	1.13	1.07	1.01
11. Round tip	1.13	1.13	1.07	1.01
12. Chuck blade (bone in)	.74	.74	.69	.62
13. Chuck arm (bone in)	.87	.87	.82	.75
14. Flank	.94	.94	.84	.94
15. Cube				.72
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.75	.67	.57	.47
2. Rib standing (chine bone in, 7-inch cut)	.85	.76	.62	.50
3. Round tip	1.13	1.13	1.07	1.01
4. Rump (bone in)	.89	.89	.85	.81
5. Rump (boneless)	1.13	1.13	1.07	1.01
6. Chuck blade pot roast	.74	.74	.69	.62
7. Chuck arm pot roast	.87	.87	.82	.75
8. Chuck or shoulder (boneless)	.97	.94	.90	.81
9. English cut	.93	.93	.88	.81
10. Rib roast (boneless, rolled)				.76
11. Short loin (boneless, rolled)				1.04
III. Stews and other cuts:				
1. Short ribs	.52	.52	.52	.52
2. Plate (bone in, fresh or cured)	.43	.43	.43	.43
3. Plate (boneless, fresh or cured)	.58	.58	.58	.58
4. Brisket (bone in, fresh or cured)	.77	.77	.66	.63
5. Brisket (boneless, fresh or cured, deckle on)	.94	.94	.78	.74
6. Brisket (boneless, cured, deckle off)	1.01	1.01	.84	.79
7. Flank meat	.68	.68	.68	.68
8. Neck (bone in)	.72	.72	.61	.57
9. Neck (boneless)	.98	.98	.92	.81
10. Heel of round (boneless)	.89	.87	.87	.76
11. Shank (bone in, hind and fore)	.47	.47	.47	.47
12. Shank (boneless, hind and fore)	.71	.70	.71	.71
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.67	.67	.67	.67
V. Wholesale cuts:				
1. Round beef (whole)	.70	.70	.67	.63
2. Sirloin beef (whole)	.87	.82	.71	.58
3. Short loin beef (whole)	1.07	.91	.71	.53
4. Flank beef (whole)	.44	.44	.44	.44
5. Rib beef (whole)	.61	.54	.46	.38
6. Regular chuck (whole)	.64	.64	.58	.52
7. Short plate (whole)	.42	.42	.42	.42
8. Brisket (whole)	.55	.55	.47	.47
9. Shank (whole)	.42	.42	.42	.42

(q) (2) *Retail ceiling prices for beef—Zone 15.*

[The following ceiling prices per pound apply in all "Groups 3B and 4B" stores selling the grades of beef cuts listed below at retail in Zone 15, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.25	$1.06	$0.80	$0.67
2. T-bone	1.25	1.06	.80	.67
3. Club	1.25	1.06	.80	.67
4. Rib, 10-inch cut	.74	.66	.56	.46
5. Rib, 7-inch cut	.83	.74	.61	.49
6. Sirloin	1.18	1.13	1.00	.83
7. Pin bone	1.18	1.13	1.00	.83
8. Sirloin (boneless)	1.31	1.21	1.06	.87
9. Round (bone in, full cut)	1.08	1.08	.99	.95
10. Round (boneless, top and bottom)	1.11	1.11	1.05	.99
11. Round tip	1.11	1.11	1.05	.99
12. Chuck blade (bone in)	.73	.73	.68	.61
13. Chuck arm (bone in)	.85	.85	.80	.73
14. Flank	.92	.92	.92	.92
15. Cube				.71
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.74	.66	.56	.46
2. Rib standing (chine bone in, 7-inch cut)	.83	.74	.61	.49
3. Round tip	1.11	1.11	1.05	.99
4. Rump (bone in)	.87	.87	.83	.79
5. Rump (boneless)	1.11	1.11	1.05	.99
6. Chuck blade pot roast	.73	.73	.68	.61
7. Chuck arm pot roast	.85	.85	.80	.73
8. Chuck or shoulder (boneless)	.95	.92	.88	.79
9. English cut	.91	.91	.86	.77
10. Rib roast (boneless, rolled)				.74
11. Short loin (boneless, rolled)				1.02
III. Stews and other cuts:				
1. Short ribs	.51	.51	.51	.51
2. Plate (bone in, fresh or cured)	.42	.42	.42	.42
3. Plate (boneless, fresh or cured)	.57	.57	.57	.57
4. Brisket (bone in, fresh or cured)	.75	.75	.65	.62
5. Brisket (boneless, fresh and cured, deckle on)	.92	.92	.76	.72
6. Brisket (boneless, cured, deckle off)	.99	.99	.82	.77
7. Flank meat	.67	.67	.67	.67
8. Neck (bone in)	.71	.71	.60	.56
9. Neck (boneless)	.96	.96	.90	.82
10. Heel of round (boneless)	.87	.85	.85	.74
11. Shank (bone in, hind and fore)	.46	.46	.46	.46
12. Shank (boneless, hind and fore)	.70	.70	.70	.70
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.66	.66	.66	.66
V. Wholesale cuts:				
1. Round beef (whole)	.70	.70	.67	.63
2. Sirloin beef (whole)	.87	.82	.71	.58
3. Short loin beef (whole)	1.07	.91	.71	.53
4. Flank beef (whole)	.44	.44	.44	.44
5. Rib beef (whole)	.61	.54	.46	.38
6. Regular chuck (whole)	.64	.64	.58	.52
7. Short plate (whole)	.42	.42	.42	.42
8. Brisket (whole)	.55	.55	.47	.47
9. Shank (whole)	.42	.42	.42	.42

SEC. 41. *Office of Price Stabilization list of retail ceiling prices for certain variety beef meats and beef byproducts—*

(a) *Retail ceiling prices for certain variety beef meats and beef byproducts.*

[The following ceiling prices per pound apply in all "Groups 1 and 2" stores selling the variety beef meats and edible beef byproducts listed below at retail in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Zones								
	1	2	3	4	5	6	6A	7	8
Brains	$0.16	$0.16	$0.15	$0.15	$0.15	$0.13	$0.13	$0.15	$0.15
Cheek meat	.61	.61	.60	.60	.60	.58	.58	.60	.60
Head meat	.61	.61	.60	.60	.60	.58	.58	.60	.60
Hearts	.54	.54	.53	.53	.53	.51	.51	.53	.53
Kidneys	.24	.24	.23	.23	.23	.21	.21	.23	.23
Lips	.30	.29	.29	.29	.28	.27	.27	.29	.29
Livers	.90	.90	.90	.89	.89	.87	.87	.89	.89
Lungs	.19	.18	.18	.18	.17	.16	.16	.18	.18
Melts	.19	.18	.18	.18	.17	.16	.16	.18	.18
Sweetbreads (neck)	.56	.55	.55	.55	.54	.53	.53	.55	.55
Sweetbreads (heart)	.28	.27	.27	.26	.26	.24	.24	.26	.26
Tails	.40	.39	.39	.39	.38	.37	.37	.39	.39
Tripe, scalded (bellies)	.22	.22	.21	.21	.21	.19	.19	.21	.21
Tripe, cooked	.27	.27	.26	.26	.26	.24	.24	.26	.26
Tripe, honeycomb	.39	.38	.38	.37	.37	.35	.35	.37	.37
Udders	.16	.15	.15	.14	.14	.13	.13	.15	.15

	Zones							
	9	10	11	12	13N	13S	14N	14S	15
Brains	$0.14	$0.14	$0.15	$0.15	$0.16	$0.16	$0.16	$0.16	$0.17
Cheek meat	.59	.59	.60	.60	.61	.61	.61	.61	.62
Head meat	.59	.59	.60	.60	.61	.61	.61	.61	.62
Hearts	.52	.52	.53	.53	.54	.54	.54	.54	.55
Kidneys	.22	.22	.23	.23	.24	.24	.25	.25	.25
Lips	.28	.28	.28	.29	.29	.30	.30	.30	.31
Livers	.88	.88	.89	.89	.90	.90	.91	.91	.91
Lungs	.17	.17	.17	.18	.18	.19	.19	.19	.20
Melts	.17	.17	.17	.18	.18	.19	.19	.19	.20
Sweetbreads (neck)	.54	.54	.54	.55	.55	.56	.56	.56	.57
Sweetbreads (heart)	.25	.25	.26	.27	.27	.27	.27	.28	.28
Tails	.38	.38	.38	.39	.39	.40	.40	.40	.41
Tripe, scalded (bellies)	.20	.20	.21	.21	.22	.22	.22	.22	.23
Tripe, cooked	.25	.25	.25	.26	.27	.27	.27	.27	.28
Tripe, honeycomb	.36	.36	.37	.38	.38	.38	.29	.29	.40
Udders	.14	.14	.14	.15	.15	.15	.16	.16	.17

(a) (1) *Retail ceiling prices for certain variety beef meats and beef byproducts.*

The following ceiling prices per pound apply in all "Groups 3 and 4" stores selling the variety beef meats and beef byproducts listed below at retail in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Zones								
	1	2	3	4	5	6	6A	7	8
Brains	$0.16	$0.15	$0.15	$0.14	$0.14	$0.13	$0.13	$0.15	$0.15
Cheek meat	.59	.59	.58	.58	.58	.56	.56	.58	.58
Head meat	.59	.59	.58	.58	.58	.56	.56	.58	.58
Hearts	.52	.52	.51	.51	.51	.49	.49	.51	.51
Kidneys	.23	.23	.23	.23	.22	.20	.20	.22	.22
Lips	.29	.28	.28	.28	.27	.26	.26	.28	.28
Livers	.87	.87	.86	.86	.86	.84	.84	.86	.86
Lungs	.18	.18	.17	.17	.17	.15	.15	.17	.17
Melts	.18	.18	.17	.17	.17	.15	.15	.17	.17
Sweetbreads (neck)	.54	.53	.53	.53	.53	.51	.51	.53	.53
Sweetbreads (heart)	.27	.26	.26	.25	.25	.24	.24	.26	.26
Tails	.39	.38	.38	.37	.37	.35	.35	.37	.37
Tripe, scalded (bellies)	.21	.21	.21	.20	.20	.18	.18	.20	.20
Tripe, cooked	.26	.26	.25	.25	.25	.23	.23	.25	.25
Tripe, honeycomb	.37	.37	.36	.36	.36	.34	.34	.36	.36
Udders	.12	.15	.14	.14	.14	.12	.12	.14	.14

(a) (2) *Retail ceiling prices for certain variety beef meats and beef byproducts.*

[The following ceiling prices per pound apply in all "Groups 3B and 4B" stores selling the variety beef meats and edible beef byproducts listed below at retail in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Zones								
	1	2	3	4	5	6	6A	7	8
Brains	$0.16	$0.15	$0.15	$0.14	$0.14	$0.13	$0.13	$0.15	$0.15
Cheek meat	.58	.58	.57	.57	.57	.55	.55	.57	.57
Head meat	.58	.58	.57	.57	.57	.55	.55	.57	.57
Hearts	.51	.51	.50	.50	.50	.48	.48	.50	.50
Kidneys	.22	.23	.23	.22	.22	.20	.20	.22	.22
Lips	.28	.27	.27	.27	.26	.25	.25	.27	.27
Livers	.85	.85	.84	.84	.84	.82	.82	.84	.84
Lungs	.18	.18	.17	.17	.17	.15	.15	.17	.17
Melts	.18	.18	.17	.17	.17	.15	.15	.17	.17
Sweetbreads (neck)	.53	.52	.52	.52	.52	.50	.50	.52	.52
Sweetbreads (heart)	.26	.25	.25	.25	.25	.24	.24	.25	.25
Tails	.38	.37	.37	.36	.36	.34	.34	.36	.36
Tripe, scalded (bellies)	.21	.21	.21	.20	.20	.18	.18	.20	.20
Tripe, cooked	.25	.25	.25	.25	.25	.23	.23	.25	.25
Tripe, honeycomb	.36	.36	.35	.35	.35	.33	.33	.35	.35
Udders	.15	.15	.14	.14	.14	.12	.12	.14	.14

SEC. 42. *Office of Price Stabilization list of retail ceiling prices on specially authorized sales to eating places or other retailers—*

(a) *Retail ceiling prices for beef—Zone 1.*

The following ceiling prices per pound apply in all stores selling the grades of beef cuts listed below to eating places or other retailers in Zone 1, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.11	$0.95	$0.75	$0.57
2. T-bone	1.11	.95	.75	.57
3. Club	1.11	.95	.75	.57
4. Rib, 10-inch cut	.65	.58	.50	.42
5. Rib, 7-inch cut	.73	.65	.54	.43
6. Sirloin	1.05	1.00	.88	.72
7. Pin bone	1.05	1.00	.88	.72
8. Sirloin (boneless)	1.15	1.09	.92	.73
9. Round (bone in, full cut)	.99	.99	.90	.85
10. Round (boneless, top and bottom)	.97	.97	.91	.85
11. Round tip	.97	.97	.91	.85
12. Chuck blade (bone in)	.68	.68	.62	.55
13. Chuck arm (bone in)	.81	.81	.75	.68
14. Flank	.84	.84	.84	.84
15. Cube				.69
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.65	.58	.50	.42
2. Rib standing (chine bone in, 7-inch cut)	.73	.65	.54	.43
3. Round tip	.97	.97	.91	.85
4. Rump (bone in)	.77	.77	.73	.70
5. Rump (boneless)	.97	.97	.91	.85
6. Chuck blade pot roast	.68	.68	.62	.55
7. Chuck arm pot roast	.81	.81	.75	.68
8. Chuck or shoulder (boneless)	.90	.87	.80	.72
9. English cut	.88	.88	.82	.75
10. Rib roast (boneless, rolled)				.64
11. Short loin (boneless, rolled)				.91
III. Stews and other cuts:				
1. Short ribs	.43	.43	.43	.43
2. Plate (bone in, fresh or cured)	.34	.34	.34	.34
3. Plate (boneless, fresh or cured)	.49	.49	.49	.49
4. Brisket (bone in, fresh or cured)	.69	.69	.59	.57
5. Brisket (boneless, fresh or cured, deckle on)	.83	.83	.69	.65
6. Brisket (boneless, cured, deckle off)	.90	.90	.75	.71
7. Flank meat	.64	.64	.64	.64
8. Neck (bone in)	.65	.65	.55	.53
9. Neck (boneless)	.85	.85	.80	.73
10. Heel of round (boneless)	.85	.85	.80	.73
11. Shank (bone in, hind and fore)	.41	.41	.41	.41
12. Shank (boneless, hind and fore)	.63	.63	.63	.63
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.70	.70	.70	.70
V. Wholesale cuts:				
1. Round beef (whole)	.69	.69	.66	.62
2. Sirloin beef (whole)	.86	.81	.70	.58
3. Short loin beef (whole)	1.06	.90	.70	.52
4. Flank beef (whole)	.43	.43	.43	.43
5. Rib beef (whole)	.60	.53	.45	.37
6. Regular chuck (whole)	.63	.63	.57	.50
7. Short plate (whole)	.42	.42	.42	.42
8. Brisket (whole)	.54	.54	.46	.44
9. Shank (whole)	.42	.42	.42	.42

(b) *Retail ceiling prices for beef—Zone 2.*

[The following ceiling prices per pound apply in all stores selling the grades of beef cuts listed below to eating places or other retailers in Zone 2, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.11	$0.95	$0.75	$ 0.59
2. T-bone	1.11	.95	.75	.56
3. Club	1.11	.95	.75	.56
4. Rib, 10-inch cut	.65	.58	.51	.42
5. Rib, 7-inch cut	.74	.65	.57	.44
6. Sirloin	1.05	1.00	.88	.72
7. Pin bone	1.05	1.00	.88	.72
8. Sirloin (boneless)	1.15	1.08	.91	.72
9. Round (bone in, full cut)	.97	.97	.89	.83
10. Round (boneless, top and bottom)	.95	.95	.89	.82
11. Round tip	.95	.95	.89	.82
12. Chuck blade (bone in)	.67	.67	.62	.55
13. Chuck arm (bone in)	.80	.80	.75	.68
14. Flank	.83	.83	.83	.83
15. Cube				.67
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.65	.58	.51	.42
2. Rib standing (chine bone in, 7-inch cut)	.74	.65	.55	.44
3. Round tip	.95	.95	.89	.82
4. Rump (bone in)	.67	.67	.65	.60
5. Rump (boneless)	.95	.95	.89	.82
6. Chuck blade pot roast	.67	.67	.62	.55
7. Chuck arm pot roast	.80	.80	.75	.68
8. Chuck or shoulder (boneless)	.89	.86	.79	.71
9. English cut	.87	.87	.82	.75
10. Rib roast (boneless, rolled)				.64
11. Short loin (boneless, rolled)				.91
III. Stews and other cuts:				
1. Short ribs	.41	.44	.44	.41
2. Plate (bone in) (fresh or cured)	.35	.38	.35	.35
3. Plate (boneless) (fresh or cured)	.48	.48	.48	.48
4. Brisket (bone in) (fresh or cured)	.69	.69	.59	.56
5. Brisket (boneless, fresh or cured, deckle on)	.82	.82	.68	.64
6. Brisket (boneless, cured, deckle off)	.89	.89	.74	.70
7. Flank meat	.64	.64	.64	.64
8. Neck (bone in)	.63	.63	.54	.51
9. Neck (boneless)	.80	.80	.74	.67
10. Heel of round (boneless)	.84	.84	.74	.67
11. Shank (bone in, hind and fore)	.41	.41	.41	.41
12. Shank (boneless, hind and fore)	.62	.62	.62	.62
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.68	.68	.68	.68
V. Wholesale cuts:				
1. Round beef (whole)	.67	.67	.64	.60
2. Sirloin beef (whole)	.81	.79	.68	.56
3. Short loin beef (whole)	1.06	.86	.70	.51
4. Flank beef (whole)	.41	.41	.41	.41
5. Rib beef (whole)	.60	.53	.45	.37
6. Regular chuck (whole)	.62	.62	.57	.50
7. Short plate (whole)	.40	.40	.40	.40
8. Brisket (whole)	.52	.52	.44	.42
9. Shank (whole)	.40	.40	.40	.40

(c) *Retail ceiling prices for beef—Zone 3.*

[The following ceiling prices per pound apply in all stores selling the grades of beef cuts listed below to eating places or other retailers in Zone 3, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:	$1.09	$0.94	$0.74	$0.55
1. Porterhouse	1.09	.94	.74	.55
2. T-bone	1.09	.94	.74	.55
3. Club	.64	.57	.49	.41
4. Rib, 10-inch cut	.72	.64	.54	.43
5. Rib, 7-inch cut	1.04	.99	.87	.71
6. Sirloin	1.03	.98	.86	.71
7. Pin bone	1.13	1.06	.84	.71
8. Sirloin (boneless)	.95	.95	.87	.81
9. Round (bone in, full cut)	.95	.95	.87	.81
10. Round (boneless, top and bottom)	.93	.93	.85	.81
11. Round tip	.65	.65	.60	.53
12. Chuck blade (bone in)	.78	.78	.74	.66
13. Chuck arm (bone in)	.83	.83	.83	.83
14. Flank				.66
15. Cube				
II. Roasts:	.64	.57	.49	.41
1. Rib standing (chine bone in, 10-inch cut)	.72	.63	.54	.44
2. Rib standing (chine bone in, 7-inch cut)	.93	.93	.88	.81
3. Round tip	.60	.60	.55	.53
4. Rump (bone in)	.93	.93	.88	.81
5. Rump (boneless)	.65	.65	.60	.53
6. Chuck blade pot roast	.78	.78	.74	.66
7. Chuck arm pot roast	.83	.83	.76	.68
8. Chuck or shoulder (boneless)	.85	.85	.80	.74
9. English cut				.64
10. Rib roast (boneless, rolled)				.90
11. Short loin (boneless, rolled)				
III. Stews and other cuts:	.42	.42	.42	.42
1. Short ribs	.33	.33	.33	.33
2. Plate (bone in, fresh or cured)	.47	.47	.47	.47
3. Plate (boneless, fresh or cured)	.67	.67	.57	.55
4. Brisket (bone in, fresh or cured)	.80	.80	.67	.63
5. Brisket (boneless, fresh or cured, deckle on)	.87	.87	.73	.68
6. Brisket (boneless, cured, deckle off)	.63	.63	.63	.63
7. Flank meat	.61	.61	.51	.49
8. Neck (bone in)	.74	.74	.68	.61
9. Neck (boneless)	.74	.74	.68	.61
10. Heel of round (boneless)	.40	.40	.40	.40
11. Shank (bone in, hind and fore)	.61	.61	.61	.61
12. Shank (boneless, hind and fore)	.06	.06	.06	.06
13. Soup bone	.10	.10	.10	.10
14. Suet	.69	.69	.69	.69
IV. Ground beef				
V. Wholesale cuts:	.66	.66	.62	.59
1. Round beef (whole)	.82	.78	.67	.54
2. Sirloin beef (whole)	1.01	.89	.69	.50
3. Short loin beef (whole)	.40	.40	.40	.40
4. Flank beef (whole)	.50	.52	.44	.36
5. Rib beef (whole)	.61	.63	.55	.36
6. Regular chuck (whole)	.38	.38	.38	.38
7. Short plate (whole)	.51	.51	.43	.41
8. Brisket (whole)	.38	.38	.38	.38
9. Shank (whole)				

(d) *Retail ceiling prices for beef—Zone 4.*

[The following ceiling prices per pound apply in all stores selling the grades of beef cuts listed below to eating places or other retailers in Zone 4, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:	$1.10	$0.94	$0.74	$0.55
1. Porterhouse	1.10	.94	.74	.55
2. T-bone	1.10	.94	.74	.55
3. Club	.64	.57	.49	.41
4. Rib, 10-inch cut	.72	.64	.54	.43
5. Rib, 7-inch cut	1.04	.99	.87	.71
6. Sirloin	1.04	.99	.87	.71
7. Pin bone	1.14	1.07	.90	.71
8. Sirloin (boneless)	.97	.97	.88	.82
9. Round (bone in, full cut)	.95	.95	.89	.82
10. Round (boneless, top and bottom)	.95	.95	.89	.82
11. Round tip	.66	.66	.60	.53
12. Chuck blade (bone in)	.79	.79	.73	.66
13. Chuck arm (bone in)	.83	.83	.83	.83
14. Flank				.68
15. Cube				
II. Roasts:	.64	.57	.49	.41
1. Rib standing (chine bone in, 10-inch cut)	.72	.64	.54	.43
2. Rib standing (chine bone in, 7-inch cut)	.95	.95	.89	.82
3. Round tip	.71	.71	.67	.64
4. Rump (bone in)	.95	.95	.89	.82
5. Rump (boneless)	.66	.66	.60	.53
6. Chuck blade pot roast	.79	.79	.73	.66
7. Chuck arm pot roast	.88	.85	.78	.69
8. Chuck or shoulder (boneless)	.86	.86	.80	.74
9. English cut				.63
10. Rib roast (boneless, rolled)				.90
11. Short loin (boneless, rolled)				
III. Stews and other cuts:	.42	.42	.42	.42
1. Short ribs	.33	.33	.33	.33
2. Plate (bone in, (fresh or cured)	.47	.47	.47	.47
3. Plate (boneless), (fresh or cured)	.68	.68	.58	.55
4. Brisket (bone in), (fresh or cured)	.81	.81	.67	.63
5. Brisket (boneless, fresh or cured, deckle on)	.88	.88	.81	.69
6. Brisket (boneless, cured, deckle off)	.63	.63	.63	.63
7. Flank meat	.64	.64	.54	.51
8. Neck (bone in)	.80	.80	.75	.68
9. Neck (boneless)	.80	.80	.75	.68
10. Heel of round (boneless)	.40	.40	.40	.40
11. Shank (bone in, hind and fore)	.61	.61	.61	.61
12. Shank (boneless, hind and fore)	.06	.06	.06	.06
13. Soup bone	.10	.10	.10	.10
14. Suet	.69	.69	.69	.69
IV. Ground beef				
V. Wholesale cuts:	.68	.68	.62	.61
1. Round beef (whole)	.85	.78	.67	.56
2. Sirloin beef (whole)	1.05	.89	.69	.50
3. Short loin beef (whole)	.42	.42	.42	.42
4. Flank beef (whole)	.67	.52	.44	.36
5. Rib beef (whole)	.61	.61	.55	.48
6. Regular chuck (whole)	.40	.40	.40	.40
7. Short plate (whole)	.53	.53	.43	.43
8. Brisket (whole)	.40	.40	.40	.40
9. Shank (whole)				

(e) *Retail ceiling prices for beef—Zone 5.*

[The following ceiling prices per pound apply in all stores selling the grades of beef cuts listed below to eating places or other retailers in Zone 5, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:	$1.08	$0.93	$0.73	$0.54
1. Porterhouse	1.08	.93	.73	.54
2. T-bone	1.08	.93	.73	.54
3. Club	.63	.57	.49	.41
4. Rib, 10-inch cut	.71	.62	.52	.43
5. Rib, 7 inch cut	1.02	.98	.86	.71
6. Sirloin	1.02	.98	.86	.71
7. Pin bone	1.12	1.05	.85	.71
8. Sirloin (boneless)	.94	.94	.86	.80
9. Round (bone in, full cut)	.93	.93	.86	.80
10. Round (boneless, top and bottom)	.93	.93	.86	.80
11. Round tip	.64	.64	.59	.52
12. Chuck blade (bone in)	.77	.77	.72	.65
13. Chuck arm (bone in)	.83	.83	.83	.83
14. Flank				.65
15. Cube				
II. Roasts:	.63	.57	.49	.41
1. Rib standing (chine bone in, 10-inch cut)	.71	.62	.52	.43
2. Rib standing (chine bone in, 7-inch cut)	.93	.93	.86	.80
3. Round tip	.58	.58	.53	.50
4. Rump (bone in)	.93	.93	.86	.80
5. Rump (boneless)	.64	.64	.59	.52
6. Chuck blade pot roast	.77	.77	.72	.65
7. Chuck arm pot roast	.82	.82	.75	.67
8. Chuck or shoulder (boneless)	.84	.84	.79	.72
9. English cut				.63
10. Rib roast (boneless, rolled)				.90
11. Short loin (boneless, rolled)				
III. Stews and other cuts:	.41	.41	.41	.41
1. Short ribs	.32	.32	.32	.32
2. Plate (bone in), (fresh or cured)	.46	.46	.46	.46
3. Plate (boneless), (fresh or cured)	.67	.67	.57	.54
4. Brisket (bone in), (fresh or cured)	.79	.79	.66	.62
5. Brisket (boneless, fresh or cured, deckle on)	.86	.86	.72	.65
6. Brisket (boneless, cured, deckle off)	.63	.63	.63	.63
7. Flank meat	.61	.61	.51	.48
8. Neck (bone in)	.71	.71	.66	.59
9. Neck (boneless)	.71	.71	.66	.59
10. Heel of round (boneless)	.39	.39	.39	.39
11. Shank (bone in, hind and fore)	.60	.60	.60	.60
12. Shank (boneless, hind and fore)	.06	.06	.06	.06
13. Soup bone	.10	.10	.10	.10
14. Suet	.66	.66	.66	.66
IV. Ground beef				
V. Wholesale cuts:	.65	.65	.62	.58
1. Round beef (whole)	.82	.78	.66	.54
2. Sirloin beef (whole)	1.03	.88	.68	.48
3. Short loin beef (whole)	.39	.39	.39	.39
4. Flank beef (whole)	.58	.52	.44	.36
5. Rib beef (whole)	.59	.59	.54	.47
6. Regular chuck (whole)	.38	.38	.38	.38
7. Short plate (whole)	.50	.50	.42	.40
8. Brisket (whole)	.38	.38	.38	.38
9. Shank (whole)				

(f) *Retail ceiling prices for beef—Zones 6 and 6A.*

[The following ceiling prices per pound apply in all stores selling the grades of beef cuts listed below to eating places and other retailers in Zones 6 and 6A, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:	$1.07	$0.92	$0.72	$0.54
1. Porterhouse	1.07	.92	.72	.54
2. T-bone	1.07	.92	.72	.54
3. Club	.63	.56	.48	.40
4. Rib, 10-inch cut	.70	.61	.51	.43
5. Rib, 7 inch cut	1.01	.96	.84	.69
6. Sirloin	1.01	.96	.84	.69
7. Pin bone	1.09	1.03	.86	.69
8. Sirloin (boneless)	.91	.91	.82	.77
9. Round (bone in, full cut)	.90	.90	.83	.77
10. Round (boneless, top and bottom)	.90	.90	.83	.77
11. Round tip	.62	.62	.57	.50
12. Chuck blade (bone in)	.75	.75	.70	.63
13. Chuck arm (bone in)	.82	.82	.82	.82
14. Flank				.64
15. Cube				
II. Roasts:	.63	.56	.48	.39
1. Rib standing (chine bone in, 10-inch cut)	.70	.61	.51	.41
2. Rib standing (chine bone in, 7-inch cut)	.90	.90	.83	.77
3. Round tip	.56	.56	.51	.47
4. Rump (bone in)	.90	.90	.83	.77
5. Rump (boneless)	.62	.62	.57	.50
6. Chuck blade pot roast	.75	.75	.70	.63
7. Chuck arm pot roast	.80	.80	.73	.65
8. Chuck or shoulder (boneless)	.82	.82	.77	.70
9. English cut				.62
10. Rib roast (boneless, rolled)				.87
11. Short loin (boneless, rolled)				
III. Stews and other cuts:	.40	.40	.40	.39
1. Short ribs	.31	.31	.31	.31
2. Plate (bone in), (fresh or cured)	.44	.44	.44	.44
3. Plate (boneless), (fresh or cured)	.65	.65	.55	.52
4. Brisket (bone in), (fresh or cured)	.77	.64	.64	.60
5. Brisket (boneless, fresh or cured, deckle on)	.84	.84	.70	.63
6. Brisket (boneless, cured, deckle off)	.62	.62	.62	.62
7. Flank meat	.59	.59	.49	.47
8. Neck (bone in)	.69	.69	.64	.57
9. Neck (boneless)	.69	.69	.64	.57
10. Heel of round (boneless)	.38	.38	.38	.38
11. Shank (bone in, hind and fore)	.58	.58	.58	.58
12. Shank (boneless, hind and fore)	.06	.06	.06	.06
13. Soup bone	.10	.10	.10	.10
14. Suet	.64	.64	.64	.64
IV. Ground beef				
V. Wholesale cuts:	.64	.64	.60	.57
1. Round beef (whole)	.81	.76	.65	.52
2. Sirloin beef (whole)	1.02	.87	.67	.47
3. Short loin beef (whole)	.38	.38	.38	.38
4. Flank beef (whole)	.57	.51	.43	.35
5. Rib beef (whole)	.57	.57	.53	.45
6. Regular chuck (whole)	.37	.37	.37	.37
7. Short plate (whole)	.49	.49	.41	.39
8. Brisket (whole)	.36	.36	.36	.36
9. Shank (whole)				

(g) *Retail ceiling prices for beef—Zone 7.*

[The following ceiling prices per pound apply in all stores selling the grades of beef cuts listed below to eating places and other retailers in Zone 7, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:	$1.10	$0.94	$0.74	$0.56
1. Porterhouse	1.10	.94	.74	.56
2. T-bone	1.10	.94	.74	.56
3. Club	.65	.58	.50	.42
4. Rib, 10-inch cut	.73	.64	.54	.44
5. Rib, 7-inch cut	1.04	.99	.87	.72
6. Sirloin	1.04	.99	.87	.72
7. Pin bone	1.14	.99	.87	.72
8. Sirloin (boneless)	1.14	1.07	.90	.72
9. Round (bone in, full cut)	.96	.96	.88	.82
10. Round (boneless, top and bottom)	.94	.94	.89	.81
11. Round tip	.94	.94	.89	.81
12. Chuck blade (bone in)	.66	.66	.61	.55
13. Chuck arm (bone in)	.79	.79	.74	.68
14. Flank	.83	.83	.83	.83
15. Cube				.67
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.65	.58	.50	.42
2. Rib standing (chine bone in, 7-inch cut)	.73	.64	.54	.44
3. Round tip	.94	.94	.89	.81
4. Rump (bone in)	.65	.65	.61	.55
5. Rump (boneless)	.94	.94	.89	.81
6. Chuck blade pot roast	.66	.66	.61	.55
7. Chuck arm pot roast	.79	.79	.74	.68
8. Chuck or shoulder (boneless)	.85	.85	.78	.70
9. English cut	.86	.86	.81	.75
10. Rib roast (boneless, rolled)				.63
11. Short loin (boneless, rolled)				.90
III. Stews and other cuts:				
1. Short ribs	.43	.43	.43	.43
2. Plate (bone in), (fresh or cured)	.34	.34	.34	.34
3. Plate (boneless), (fresh or cured)	.47	.47	.47	.47
4. Brisket (bone in), (fresh or cured)	.68	.68	.59	.56
5. Brisket (boneless, fresh or cured, deckle on)	.81	.81	.67	.63
6. Brisket (boneless, cured, deckle off)	.88	.88	.73	.68
7. Flank meat	.63	.63	.63	.63
8. Neck (bone in)	.62	.62	.53	.50
9. Neck (boneless)	.78	.78	.72	.65
10. Heel of round (boneless)	.78	.78	.72	.65
11. Shank (bone in, hind and fore)	.41	.41	.41	.41
12. Shank (boneless, hind and fore)	.61	.61	.61	.61
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.67	.67	.67	.67
V. Wholesale cuts:				
1. Round beef (whole)	.67	.67	.63	.60
2. Sirloin beef (whole)	.83	.79	.68	.55
3. Short loin beef (whole)	1.05	.89	.69	.51
4. Flank beef (whole)	.41	.41	.41	.41
5. Rib beef (whole)	.60	.63	.45	.37
6. Regular chuck (whole)	.63	.61	.55	.50
7. Short plate (whole)	.39	.39	.39	.39
8. Brisket (whole)	.52	.52	.44	.41
9. Shank (whole)	.39	.39	.39	.39

(h) *Retail ceiling prices for beef—Zone 8.*

The following ceiling prices per pound apply in all stores selling the grades of beef cuts listed below to eating places and other retailers in Zone 8, in accordance with Ceiling Price Regulation 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:	$1.08	$0.92	$0.72	$0.54
1. Porterhouse	1.08	.92	.72	.54
2. T-bone	1.08	.92	.72	.54
3. Club	.63	.56	.48	.40
4. Rib, 10-inch cut	.70	.62	.52	.42
5. Rib, 7-inch cut	1.02	.97	.85	.69
6. Sirloin	1.02	.97	.85	.69
7. Pin bone	1.12	1.05	.89	.69
8. Sirloin (boneless)	.96	.96	.87	.82
9. Round (bone in, full cut)	.94	.94	.87	.81
10. Round (boneless, top and bottom)	.94	.94	.87	.81
11. Round tip	.64	.64	.87	.81
12. Chuck blade (bone in)	.66	.66	.60	.54
13. Chuck arm (bone in)	.79	.79	.73	.67
14. Flank	.83	.83	.83	.83
15. Cube				.68
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.63	.56	.48	.40
2. Rib standing (chine bone in, 7-inch cut)	.70	.62	.52	.42
3. Round tip	.94	.94	.87	.81
4. Rump (bone in)	.72	.72	.68	.65
5. Rump (boneless)	.94	.94	.87	.81
6. Chuck blade pot roast	.66	.66	.60	.54
7. Chuck arm pot roast	.79	.79	.73	.67
8. Chuck or shoulder (boneless)	.85	.84	.77	.69
9. English cut	.86	.86	.80	.74
10. Rib roast (boneless, rolled)				.63
11. Short loin (boneless, rolled)				.90
III. Stews and other cuts:				
1. Short ribs	.41	.41	.41	.41
2. Plate (bone in) (fresh or cured)	.32	.32	.32	.32
3. Plate (boneless) (fresh or cured)	.46	.46	.46	.46
4. Brisket (bone in) (fresh or cured)	.66	.66	.56	.54
5. Brisket (boneless, fresh or cured, deckle on)	.79	.79	.66	.62
6. Brisket (boneless, cured, deckle off)	.86	.86	.72	.68
7. Flank meat	.63	.63	.63	.63
8. Neck (bone in)	.64	.64	.54	.52
9. Neck (boneless)	.80	.80	.75	.68
10. Heel of round (boneless)	.80	.80	.75	.68
11. Shank (bone in, hind and fore)	.39	.39	.39	.39
12. Shank (boneless, hind and fore)	.59	.59	.59	.59
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.69	.69	.69	.69
V. Wholesale cuts:				
1. Round beef (whole)	.68	.68	.65	.61
2. Sirloin beef (whole)	.85	.81	.69	.57
3. Short loin beef (whole)	1.03	.87	.67	.49
4. Flank beef (whole)	.42	.42	.42	.42
5. Rib beef (whole)	.58	.61	.43	.35
6. Regular chuck (whole)	.61	.61	.55	.49
7. Short plate (whole)	.41	.41	.41	.41
8. Brisket (whole)	.53	.53	.45	.43
9. Shank (whole)	.41	.41	.41	.41

(i) *Retail ceiling prices for beef—Zone 9.*

[The following ceiling prices per pound apply in all stores selling the grades of beef cuts listed below to eating places and other retailers in Zone 9 in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:	$1.09	$0.94	$0.74	$0.55
1. Porterhouse	1.09	.94	.74	.55
2. T-bone	1.09	.94	.74	.55
3. Club	.63	.56	.48	.41
4. Rib, 10-inch cut	.72	.64	.54	.43
5. Rib, 7-inch cut	1.03	.98	.86	.71
6. Sirloin	1.03	.98	.86	.71
7. Pin bone	1.13	1.06	.84	.71
8. Sirloin (boneless)	.95	.95	.87	.81
9. Round (bone in, full cut)	.95	.95	.87	.81
10. Round (boneless, top and bottom)	.93	.93	.85	.81
11. Round tip	.65	.65	.60	.53
12. Chuck blade (bone in)	.78	.78	.74	.66
13. Chuck arm (bone in)	.83	.83	.83	.83
14. Flank				.66
15. Cube				
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.64	.57	.49	.41
2. Rib standing (chine bone in, 7-inch cut)	.72	.63	.54	.44
3. Round tip	.93	.93	.88	.81
4. Rump (bone in)	.67	.67	.64	.60
5. Rump (boneless)	.93	.93	.88	.81
6. Chuck blade pot roast	.65	.65	.59	.52
7. Chuck arm pot roast	.78	.78	.72	.65
8. Chuck or shoulder (boneless)	.85	.83	.79	.72
9. English cut	.85	.85	.79	.72
10. Rib roast (boneless, rolled)				.63
11. Short loin (boneless, rolled)				.89
III. Stews and other cuts:				
1. Short ribs	.41	.41	.41	.41
2. Plate (bone in, fresh or cured)	.32	.32	.32	.32
3. Plate (boneless, fresh or cured)	.46	.46	.46	.46
4. Brisket (bone in, fresh or cured)	.67	.67	.57	.54
5. Brisket (boneless, fresh or cured, deckle on)	.80	.80	.66	.62
6. Brisket (boneless, cured, deckle off)	.87	.87	.72	.68
7. Flank meat	.62	.62	.62	.62
8. Neck (bone in)	.63	.63	.53	.50
9. Neck (boneless)	.77	.77	.72	.65
10. Heel of round (boneless)	.77	.77	.72	.65
11. Shank (bone in, hind and fore)	.39	.39	.39	.39
12. Shank (boneless, hind and fore)	.61	.61	.61	.61
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.68	.68	.68	.68
V. Wholesale cuts:				
1. Round beef (whole)	.67	.67	.64	.60
2. Sirloin beef (whole)	.84	.80	.68	.56
3. Short loin beef (whole)	1.04	.88	.68	.50
4. Flank beef (whole)	.41	.41	.41	.41
5. Rib beef (whole)	.58	.51	.44	.36
6. Regular chuck (whole)	.60	.60	.54	.48
7. Short plate (whole)	.40	.40	.40	.40
8. Brisket (whole)	.52	.52	.44	.42
9. Shank (whole)	.40	.40	.40	.40

(j) *Retail ceiling prices for beef—Zone 10.*

[The following ceiling prices per pound apply in all stores selling the grades of beef cuts listed below to eating places and other retailers in Zone 10 in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:	$1.10	$0.94	$0.74	$0.56
1. Porterhouse	1.10	.94	.74	.56
2. T-bone	1.10	.94	.74	.56
3. Club	1.10	.94	.74	.56
4. Rib, 10-inch cut	.64	.57	.50	.42
5. Rib, 7-inch cut	.73	.64	.54	.44
6. Sirloin	1.04	.99	.87	.71
7. Pin bone	1.04	.99	.87	.71
8. Sirloin (boneless)	1.14	1.07	.90	.71
9. Round (bone in, full cut)	.97	.97	.88	.82
10. Round (boneless, top and bottom)	.95	.94	.89	.81
11. Round tip	.65	.94	.89	.81
12. Chuck blade (bone in)	.66	.66	.61	.54
13. Chuck arm (bone in)	.79	.79	.74	.68
14. Flank	.82	.82	.82	.82
15. Cube				.67
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.64	.57	.50	.42
2. Rib standing (chine bone in, 7-inch cut)	.73	.64	.54	.44
3. Round tip	.94	.94	.89	.81
4. Rump (bone in)	.67	.67	.64	.61
5. Rump (boneless)	.94	.94	.89	.81
6. Chuck blade pot roast	.66	.66	.61	.55
7. Chuck arm pot roast	.79	.79	.74	.68
8. Chuck or shoulder (boneless)	.86	.85	.78	.72
9. English cut	.86	.86	.81	.75
10. Rib roast (boneless, rolled)				.63
11. Short loin (boneless, rolled)				.90
III. Stews and other cuts:				
1. Short ribs	.43	.43	.43	.43
2. Plate (bone in, fresh or cured)	.43	.43	.43	.43
3. Plate (boneless, fresh or cured)	.58	.58	.58	.58
4. Brisket (bone in, fresh or cured)	.68	.68	.58	.56
5. Brisket (boneless, fresh or cured, deckle on)	.81	.81	.67	.64
6. Brisket (boneless, cured, deckle off)	.88	.88	.73	.69
7. Flank meat	.62	.62	.62	.62
8. Neck (bone in)	.63	.63	.53	.50
9. Neck (boneless)	.79	.79	.74	.67
10. Heel of round (boneless)	.79	.79	.74	.67
11. Shank (bone in, hind and fore)	.40	.40	.40	.40
12. Shank (boneless, hind and fore)	.61	.61	.61	.61
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.68	.68	.68	.68
V. Wholesale cuts:				
1. Round beef (whole)	.67	.67	.64	.60
2. Sirloin beef (whole)	.84	.80	.68	.56
3. Short loin beef (whole)	1.04	.88	.68	.50
4. Flank beef (whole)	.41	.41	.41	.41
5. Rib beef (whole)	.58	.51	.44	.36
6. Regular chuck (whole)	.60	.60	.54	.48
7. Short plate (whole)	.40	.40	.40	.40
8. Brisket (whole)	.52	.52	.44	.42
9. Shank (whole)	.40	.40	.40	.40

(k) *Retail ceiling prices for beef—Zone 11.*

[The following ceiling prices per pound apply in all stores selling the grades of beef cuts listed below to eating places and other retailers in Zone 11, in accordance with Ceiling Price Regulations No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.10	$0.94	$0.74	$0.56
2. T-bone	1.10	.94	.74	.56
3. Club	1.10	.94	.74	.56
4. Rib, 10-inch cut	.64	.57	.50	.43
5. Rib, 7-inch cut	.73	.64	.54	.44
6. Sirloin	1.04	.99	.87	.71
7. Pin bone	1.04	.99	.87	.71
8. Sirloin (boneless)	1.14	1.06	.90	.72
9. Round (bone in, full cut)	.93	.95	.87	.81
10. Round (boneless, top and bottom)	.93	.93	.88	.80
11. Round tip	.93	.93	.88	.80
12. Chuck blade (bone in)	.66	.66	.60	.54
13. Chuck arm (bone in)	.79	.79	.73	.67
14. Flank	.83	.83	.83	.83
15. Cube				.66
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.64	.57	.50	.42
2. Rib standing (chine bone in, 7-inch cut)	.73	.64	.54	.44
3. Round tip	.93	.93	.88	.80
4. Rump (bone in)	.63	.63	.59	.55
5. Rump (boneless)	.93	.93	.88	.80
6. Chuck blade pot roast	.66	.66	.60	.54
7. Chuck arm pot roast	.79	.79	.73	.67
8. Chuck or shoulder (boneless)	.84	.84	.77	.69
9. English cut	.86	.86	.80	.74
10. Rib roast (boneless, rolled)				.63
11. Short loin (boneless, rolled)				.90
III. Stews and other cuts:				
1. Short ribs	.43	.43	.43	.43
2. Plate (bone in, fresh or cured)	.34	.34	.34	.34
3. Plate (boneless, fresh or cured)	.47	.47	.47	.47
4. Brisket (bone in, fresh or cured)	.68	.68	.58	.55
5. Brisket (boneless, fresh or cured, deckle on)	.80	.80	.67	.63
6. Brisket (boneless, cured, deckle off)	.87	.87	.73	.68
7. Flank meat	.63	.63	.63	.63
8. Neck (bone in)	.62	.62	.52	.49
9. Neck (boneless)	.76	.76	.70	.64
10. Heel of round (boneless)	.76	.76	.70	.64
11. Shank (bone in, hind and fore)	.40	.40	.40	.40
12. Shank (boneless, hind and fore)	.60	.60	.60	.60
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.67	.67	.67	.67
V. Wholesale cuts:				
1. Round beef (whole)	.66	.66	.63	.59
2. Sirloin beef (whole)	.83	.79	.67	.55
3. Short loin beef (whole)	1.05	.89	.69	.51
4. Flank beef (whole)	.40	.40	.40	.40
5. Rib beef (whole)	.59	.52	.45	.37
6. Regular chuck (whole)	.61	.61	.55	.49
7. Short plate (whole)	.39	.39	.39	.39
8. Brisket (whole)	.51	.51	.43	.41
9. Shank (whole)	.39	.39	.39	.39

(l) *Retail ceiling prices for beef—Zone 12.*

[The following ceiling prices per pound apply in all stores selling the grades of beef cuts listed below to eating places and other retailers in Zone 12, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.11	$0.95	$0.75	$0.57
2. T-bone	1.11	.95	.75	.57
3. Club	1.11	.95	.75	.57
4. Rib, 10-inch cut	.65	.58	.50	.43
5. Rib, 7-inch cut	.73	.65	.55	.45
6. Sirloin	1.05	1.00	.88	.73
7. Pin bone	1.05	1.00	.88	.73
8. Sirloin (boneless)	1.15	1.08	.92	.72
9. Round (bone in, full cut)	1.00	1.00	.90	.85
10. Round (boneless, top and bottom)	.98	.97	.90	.84
11. Round tip	.98	.97	.90	.84
12. Chuck blade (bone in)	.68	.68	.63	.56
13. Chuck arm (bone in)	.81	.81	.76	.69
14. Flank	.83	.83	.83	.83
15. Cube				.69
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.65	.58	.50	.43
2. Rib standing (chine bone in, 7-inch cut)	.73	.65	.55	.45
3. Round tip	.98	.97	.90	.84
4. Rump (bone in)	.73	.73	.70	.65
5. Rump (boneless)	.98	.97	.90	.84
6. Chuck blade pot roast	.68	.68	.63	.56
7. Chuck arm pot roast	.81	.81	.76	.69
8. Chuck or shoulder (boneless)	.88	.87	.80	.72
9. English cut	.88	.88	.83	.76
10. Rib roast (boneless, rolled)				.64
11. Short loin (boneless, rolled)				.90
III. Stews and other cuts:				
1. Short ribs	.44	.44	.44	.44
2. Plate (bone in, fresh or cured)	.35	.35	.35	.35
3. Plate (boneless, fresh or cured)	.49	.49	.49	.49
4. Brisket (bone in, fresh or cured)	.69	.69	.59	.57
5. Brisket (boneless, fresh or cured, deckle on)	.83	.83	.69	.65
6. Brisket (boneless, cured, deckle off)	.90	.90	.75	.71
7. Flank meat	.63	.63	.63	.63
8. Neck (bone in)	.64	.64	.54	.52
9. Neck (boneless)	.81	.81	.75	.71
10. Heel of round (boneless)	.84	.84	.78	.71
11. Shank (bone in, hind and fore)	.42	.42	.42	.42
12. Shank (boneless, hind and fore)	.63	.63	.63	.63
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.69	.69	.69	.69
V. Wholesale cuts:				
1. Round beef (whole)	.68	.68	.65	.61
2. Sirloin beef (whole)	.85	.81	.69	.57
3. Short loin beef (whole)	1.06	.90	.70	.52
4. Flank beef (whole)	.42	.42	.42	.42
5. Rib beef (whole)	.60	.53	.45	.38
6. Regular chuck (whole)	.63	.63	.58	.51
7. Short plate (whole)	.41	.41	.41	.41
8. Brisket (whole)	.53	.53	.45	.43
9. Shank (whole)	.41	.41	.41	.41

(m) *Retail ceiling prices for beef—Zone 13N.*

[The following ceiling prices per pound apply in all stores selling the grades of beef cuts listed below to eating places and other retailers in Zone 13N, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.12	$0.95	$0.75	$0.57
2. T-bone	1.12	.95	.75	.57
3. Club	1.12	.95	.75	.57
4. Rib, 10-inch cut	.66	.59	.50	.43
5. Rib, 7-inch cut	.74	.65	.55	.45
6. Sirloin	1.05	1.01	.88	.73
7. Pin bone	1.05	1.01	.88	.73
8. Sirloin (boneless)	1.16	1.10	.92	.73
9. Round (bone in, full cut)	1.00	1.00	.91	.85
10. Round (boneless, top and bottom)	.98	.97	.91	.84
11. Round tip	.98	.97	.91	.84
12. Chuck blade (bone in)	.68	.68	.63	.56
13. Chuck arm (bone in)	.83	.83	.83	.69
14. Flank				.83
15. Cube				.69
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.66	.59	.50	.43
2. Rib standing (chine bone in, 7-inch cut)	.74	.65	.55	.45
3. Round tip	.98	.97	.91	.84
4. Rump (bone in)	.75	.75	.71	.67
5. Rump (boneless)	.98	.97	.91	.84
6. Chuck blade pot roast	.68	.68	.63	.56
7. Chuck arm pot roast	.81	.81	.76	.69
8. Chuck or shoulder (boneless)	.88	.88	.81	.72
9. English cut	.88	.88	.83	.77
10. Rib roast (boneless, rolled)				.64
11. Short loin (boneless, rolled)				.91
III. Stews and other cuts:				
1. Short ribs	.45	.45	.45	.45
2. Plate (bone in, fresh or cured)	.36	.36	.36	.36
3. Plate (boneless, fresh or cured)	.49	.49	.49	.49
4. Brisket (bone in, fresh or cured)	.70	.70	.60	.57
5. Brisket (boneless, fresh or cured, deckle on)	.81	.83	.70	.66
6. Brisket (boneless, cured, deckle off)	.90	.90	.76	.72
7. Flank meat	.64	.64	.64	.64
8. Neck (bone in)	.65	.65	.55	.52
9. Neck (boneless)	.85	.85	.80	.73
10. Heel of round (boneless)	.85	.85	.80	.73
11. Shank (bone in, hind and fore)	.42	.42	.42	.42
12. Shank (boneless, hind and fore)	.63	.63	.63	.63
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.69	.69	.69	.69
V. Wholesale cuts:				
1. Round beef (whole)	.69	.69	.65	.62
2. Sirloin beef (whole)	.85	.81	.70	.57
3. Short loin beef (whole)	1.07	.90	.70	.52
4. Flank beef (whole)	.42	.42	.42	.42
5. Rib beef (whole)	.61	.54	.45	.38
6. Regular chuck (whole)	.63	.63	.58	.52
7. Short plate (whole)	.41	.41	.41	.41
8. Brisket (whole)	.41	.41	.41	.41
9. Shank (whole)	.41	.41	.41	.41

(n) *Retail ceiling prices for beef—Zone 13S.*

[The following ceiling prices per pound apply in all stores selling the grades of beef cuts listed below to eating places and other retailers in Zone 13S, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.10	$0.94	$0.74	$0.55
2. T-bone	1.10	.94	.74	.55
3. Club	1.10	.94	.74	.55
4. Rib, 10-inch cut	.64	.57	.50	.42
5. Rib, 7-inch cut	.73	.63	.54	.44
6. Sirloin	1.04	.99	.87	.71
7. Pin bone	1.04	.99	.87	.71
8. Sirloin (boneless)	1.13	1.05	.90	.71
9. Round (bone in, full cut)	.96	.96	.88	.82
10. Round (boneless, top and bottom)	.94	.94	.89	.81
11. Round tip	.94	.94	.89	.81
12. Chuck blade (bone in)	.65	.65	.60	.54
13. Chuck arm (bone in)	.78	.78	.73	.67
14. Flank	.84	.84	.84	.84
15. Cube				.66
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.64	.57	.50	.42
2. Rib standing (chine bone in, 7-inch cut)	.73	.63	.54	.43
3. Round tip	.94	.94	.89	.81
4. Rump (bone in)	.62	.62	.59	.55
5. Rump (boneless)	.94	.94	.89	.81
6. Chuck blade pot roast	.65	.65	.60	.54
7. Chuck arm pot roast	.78	.78	.73	.67
8. Chuck or shoulder (boneless)	.84	.84	.77	.69
9. English cut	.85	.85	.80	.74
10. Rib roast (boneless, rolled)				.64
11. Short loin (boneless, rolled)				.91
III. Stews and other cuts:				
1. Short ribs	.43	.43	.43	.43
2. Plate (bone in, fresh or cured)	.34	.34	.34	.34
3. Plate (boneless) (fresh or cured)	.48	.48	.48	.48
4. Brisket (bone in, fresh or cured)	.68	.68	.58	.55
5. Brisket (boneless, fresh or cured, deckle on)	.81	.81	.67	.63
6. Brisket (boneless, cured, deckle off)	.88	.88	.73	.69
7. Flank meat	.64	.64	.64	.64
8. Neck (bone in)	.62	.62	.52	.49
9. Neck (boneless)	.76	.76	.70	.64
10. Heel of round (boneless)	.76	.76	.70	.64
11. Shank (bone in, hind and fore)	.40	.40	.40	.40
12. Shank (boneless, hind and fore)	.61	.61	.61	.61
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.67	.67	.67	.67
V. Wholesale cuts:				
1. Round beef (whole)	.66	.66	.63	.59
2. Sirloin beef (whole)	.83	.79	.67	.55
3. Short loin beef (whole)	1.05	.89	.69	.51
4. Flank beef (whole)	.40	.40	.40	.40
5. Rib beef (whole)	.59	.52	.45	.37
6. Regular chuck (whole)	.60	.60	.55	.49
7. Short plate (whole)	.39	.39	.39	.39
8. Brisket (whole)	.51	.51	.43	.41
9. Shank (whole)	.39	.39	.39	.39

(o) *Retail ceiling prices for beef—Zone 14N.*

[The following ceiling prices per pound apply in all stores selling the grades of beef cuts listed below to eating places and other retailers in Zone 14N, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.12	$0.96	$0.76	$0.58
2. T-bone	1.12	.96	.76	.58
3. Club	1.12	.96	.76	.58
4. Rib, 10-inch cut	.66	.59	.51	.44
5. Rib, 7-inch cut	.74	.68	.56	.46
6. Sirloin	1.06	1.01	.89	.74
7. Pin bone	1.06	1.01	.89	.74
8. Sirloin (boneless)	1.16	1.11	.93	.74
9. Round (bone in, full cut)	1.02	1.02	.92	.87
10. Round (boneless, top and bottom)	1.00	.98	.92	.86
11. Round tip	1.00	.98	.92	.86
12. Chuck blade (bone in)	.69	.69	.64	.57
13. Chuck arm (bone in)	.82	.82	.77	.70
14. Flank	.84	.84	.84	.84
15. Cube				.70
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.66	.59	.51	.44
2. Rib standing (chine bone in, 7-inch cut)	.74	.66	.56	.46
3. Round tip	1.00	.98	.92	.86
4. Rump (bone in)	.77	.77	.74	.71
5. Rump (boneless)	1.00	.98	.92	.86
6. Chuck blade pot roast	.69	.69	.64	.57
7. Chuck arm pot roast	.82	.82	.77	.70
8. Chuck or shoulder (boneless)	.90	.89	.82	.74
9. English cut	.89	.89	.84	.77
10. Rib roast (boneless, rolled)				.64
11. Short loin (boneless, rolled)				.91
III. Stews and other cuts:				
1. Short ribs	.45	.45	.45	.45
2. Plate (bone in, fresh or cured)	.36	.36	.36	.36
3. Plate (boneless, fresh or cured)	.50	.50	.50	.50
4. Brisket (bone in, fresh or cured)	.70	.70	.61	.58
5. Brisket (boneless, fresh or cured, deckle on)	.84	.84	.71	.67
6. Brisket (boneless, cured, deckle off)	.91	.91	.77	.73
7. Flank meat	.64	.64	.64	.64
8. Neck (bone in)	.65	.65	.56	.53
9. Neck (boneless)	.88	.88	.82	.75
10. Heel of round (boneless)	.88	.88	.82	.75
11. Shank (bone in, hind and fore)	.43	.43	.43	.43
12. Shank (boneless, hind and fore)	.65	.64	.64	.64
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.70	.70	.70	.70
V. Wholesale cuts:				
1. Round beef (whole)	.69	.69	.66	.62
2. Sirloin beef (whole)	.86	.82	.70	.58
3. Short loin beef (whole)	1.07	.91	.71	.53
4. Flank beef (whole)	.43	.43	.43	.43
5. Rib beef (whole)	.61	.54	.46	.39
6. Regular chuck (whole)	.64	.64	.59	.52
7. Short plate (whole)	.42	.42	.42	.42
8. Brisket (whole)	.54	.54	.46	.44
9. Shank (whole)	.42	.42	.42	.42

(p) *Retail ceiling prices for beef—Zone 14S.*

[The following ceiling prices per pound apply in all stores selling the grades of beef cuts listed below to eating places and other retailers in Zone 14S, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.09	$0.93	$0.73	$0.55
2. T-bone	1.09	.93	.73	.55
3. Club	1.09	.93	.73	.55
4. Rib, 10-inch cut	.65	.58	.50	.42
5. Rib, 7-inch cut	.72	.63	.54	.44
6. Sirloin	1.03	.99	.85	.71
7. Pin bone	1.03	.99	.85	.71
8. Sirloin (boneless)	1.14	1.06	.90	.71
9. Round (bone in, full cut)	.99	.99	.89	.84
10. Round (boneless, top and bottom)	.96	.96	.89	.83
11. Round tip	.96	.96	.89	.83
12. Chuck blade (bone in)	.67	.67	.61	.54
13. Chuck arm (bone in)	.80	.80	.74	.67
14. Flank	.84	.84	.84	.84
15. Cube				.68
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.65	.58	.50	.42
2. Rib standing (chine bone in, 7-inch cut)	.72	.63	.54	.43
3. Round tip	.97	.96	.89	.83
4. Rump (bone in)	.71	.71	.66	.63
5. Rump (boneless)	.97	.96	.89	.83
6. Chuck blade pot roast	.67	.67	.61	.54
7. Chuck arm pot roast	.80	.80	.74	.67
8. Chuck or shoulder (boneless)	.87	.87	.78	.70
9. English cut	.87	.87	.81	.74
10. Rib roast (boneless, rolled)				.64
11. Short loin (boneless, rolled)				.91
III. Stews and other cuts:				
1. Short ribs	.43	.43	.43	.43
2. Plate (bone in, fresh or cured)	.34	.34	.34	.34
3. Plate (boneless, fresh or cured)	.48	.48	.48	.48
4. Brisket (bone in, fresh or cured)	.68	.68	.58	.54
5. Brisket (boneless, fresh or cured, deckle on	.82	.82	.68	.64
6. Brisket (boneless, cured, deckle off)	.89	.89	.74	.70
7. Flank meat	.64	.64	.64	.64
8. Neck (bone in)	.64	.64	.54	.51
9. Neck (boneless)	.80	.80	.75	.68
10. Heel of round (boneless)	.80	.80	.75	.68
11. Shank (bone in, hind and fore)	.41	.41	.41	.41
12. Shank (boneless, hind and fore)	.62	.62	.62	.62
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.68	.68	.68	.68
V. Wholesale cuts:				
1. Round beef (whole)	.68	.68	.64	.61
2. Sirloin beef (whole)	.84	.80	.69	.56
3. Short loin beef (whole)	1.04	.88	.68	.50
4. Flank beef (whole)	.42	.42	.42	.42
5. Rib beef (whole)	.60	.53	.45	.37
6. Regular chuck (whole)	.64	.62	.56	.49
7. Short plate (whole)	.40	.40	.40	.40
8. Brisket (whole)	.53	.53	.45	.43
9. Shank (whole)	.40	.40	.40	.40

(q) *Retail ceiling prices for beef—Zone 15.*

[The following ceiling prices per pound apply in all stores selling the grades of beef cuts listed below to eating places and other retailers in Zone 15, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Choice	Good	Com'l.	Utility
I. Steaks:				
1. Porterhouse	$1.12	$0.96	$0.76	$0.58
2. T-bone	1.12	.96	.76	.58
3. Club	1.12	.96	.76	.58
4. Rib, 10-inch cut	.66	.59	.51	.44
5. Rib, 7-inch cut	.74	.68	.56	.46
6. Sirloin	1.07	1.01	.89	.74
7. Pin bone	1.07	1.01	.89	.74
8. Sirloin (boneless)	1.16	1.11	.93	.74
9. Round (bone in, full cut)	1.01	1.01	.92	.87
10. Round (boneless, top and bottom)	.99	.99	.92	.87
11. Round tip	.99	.99	.92	.87
12. Chuck blade (bone in)	.69	.69	.64	.57
13. Chuck arm (bone in)	.82	.82	.76	.70
14. Flank	.85	.85	.85	.85
15. Cube				.70
II. Roasts:				
1. Rib standing (chine bone in, 10-inch cut)	.66	.59	.51	.43
2. Rib standing (chine bone in, 7-inch cut)	.74	.66	.55	.46
3. Round tip	.99	.99	.92	.87
4. Rump (bone in)	.82	.82	.77	.74
5. Rump (boneless)	.99	.99	.92	.87
6. Chuck blade pot roast	.69	.69	.63	.57
7. Chuck arm pot roast	.82	.82	.76	.70
8. Chuck or shoulder (boneless)	.92	.89	.82	.73
9. English cut	.89	.89	.83	.77
10. Rib roast (boneless, rolled)				.66
11. Short loin (boneless, rolled)				.92
III. Stews and other cuts:				
1. Short ribs	.44	.44	.44	.44
2. Plate (bone in, fresh or cured)	.35	.35	.35	.35
3. Plate (boneless, fresh or cured)	.50	.50	.50	.50
4. Brisket (bone in, fresh or cured)	.70	.70	.60	.58
5. Brisket (boneless, fresh or cured, deckle on)	.84	.84	.71	.67
6. Brisket (boneless, cured, deckle off)	.91	.91	.77	.73
7. Flank meat	.65	.65	.65	.65
8. Neck (bone in)	.66	.66	.56	.54
9. Neck (boneless)	.89	.89	.83	.76
10. Heel of round (boneless)	.89	.89	.83	.76
11. Shank (bone in, hind and fore)	.42	.42	.42	.42
12. Shank (boneless, hind and fore)	.64	.64	.64	.64
13. Soup bone	.06	.06	.06	.06
14. Suet	.10	.10	.10	.10
IV. Ground beef	.71	.71	.71	.71
V. Wholesale cuts:				
1. Round beef (whole)	.70	.70	.67	.63
2. Sirloin beef (whole)	.87	.82	.71	.58
3. Short loin beef (whole)	1.07	.91	.71	.53
4. Flank beef (whole)	.44	.44	.44	.44
5. Rib beef (whole)	.61	.54	.46	.38
6. Regular chuck (whole)	.64	.64	.58	.52
7. Short plate (whole)	.42	.42	.42	.42
8. Brisket (whole)	.55	.55	.47	.45
9. Shank (whole)	.42	.42	.42	.42

(r) *Retail ceiling prices for certain variety beef meats and beef byproducts.*

[The following ceiling prices per pound apply in all stores selling certain variety beef meats and beef byproducts on specially authorized sales to eating places or other retailers, in accordance with Ceiling Price Regulation No. 25, effective May 14, 1951]

	Zones								
	1	2	3	4	5	6	6A	7	8
Brains	$0.15	$0.15	$0.15	$0.14	$0.14	$0.13	$0.13	$0.15	$0.15
Cheek meat	.50	.49	.49	.48	.48	.47	.47	.49	.49
Head meat	.50	.49	.49	.48	.48	.47	.47	.49	.49
Hearts	.50	.49	.49	.48	.48	.47	.47	.49	.49
Kidneys	.24	.23	.22	.22	.22	.21	.21	.22	.22
Lips	.24	.24	.24	.23	.23	.22	.22	.23	.23
Livers	.90	.90	.90	.89	.89	.88	.88	.90	.90
Lungs	.15	.15	.15	.14	.14	.13	.13	.14	.14
Melts	.15	.15	.15	.14	.14	.13	.13	.14	.14
Sweetbreads, neck	.55	.54	.54	.53	.53	.52	.52	.54	.54
Sweetbreads, heart	.27	.26	.26	.26	.24	.24	.26	.26	.26
Tripe, scalded (bellies)	.18	.17	.17	.17	.17	.15	.15	.17	.17
Tripe, cooked	.22	.22	.21	.21	.21	.19	.20	.21	.21
Tripe, honeycomb	.37	.36	.36	.36	.36	.34	.34	.36	.36
Udders	.13	.12	.12	.12	.12	.10	.10	.12	.12
Tails	.38	.38	.37	.37	.37	.36	.36	.37	.37

	Zones								
	9	10	11	12	13N	13S	14N	14S	15
Brains	$0.14	$0.14	$0.14	$0.14	$0.15	$0.15	$0.16	$0.16	$0.16
Cheek meat	.48	.48	.48	.49	.49	.49	.50	.50	.50
Head meat	.48	.48	.48	.49	.49	.49	.50	.50	.50
Hearts	.48	.48	.48	.49	.49	.49	.50	.50	.50
Kidneys	.21	.21	.22	.22	.22	.22	.23	.24	.24
Lips	.22	.23	.23	.24	.24	.24	.24	.24	.25
Livers	.89	.89	.89	.90	.90	.90	.91	.91	.91
Lungs	.14	.14	.14	.15	.15	.15	.15	.16	.16
Melts	.14	.14	.14	.15	.15	.15	.17	.17	.16
Sweetbreads, neck	.52	.53	.53	.54	.54	.54	.55	.55	.55
Sweetbreads, heart	.25	.25	.26	.26	.27	.27	.27	.27	.28
Tripe, scalded (bellies)	.16	.16	.17	.18	.18	.18	.18	.18	.17
Tripe, cooked	.20	.20	.21	.21	.22	.22	.22	.22	.22
Tripe, honeycomb	.35	.35	.36	.36	.37	.38	.37	.37	.37
Udders	.11	.11	.12	.12	.13	.13	.13	.13	.13
Tails	.36	.36	.37	.38	.38	.38	.38	.38	.39

ARTICLE V—DEFINITIONS, MAPS AND CHARTS

SEC. 50. *General definitions.* When used in this regulation, the term:

(a) *Beef* means meat graded as beef pursuant to the provisions of OPS Distribution Regulation 2 and in accordance with the "Official U. S. Standards for Grades of Carcass Beef" of the United States Department of Agriculture.

(b) *Beef cut* means any wholesale beef cut listed in Appendix 3 of this regulation and any retail beef cut listed in Appendix 5 of this regulation.

(c) *Consumer* means an individual who purchases for off-the-store consumption by himself or his family.

(d) *Eating place* means any restaurant, hotel, cafe, cafeteria, hospital, or other establishment which purchases meat and serves meals, food portions, or refreshments.

(e) *Grade* and *grade mark* mean, respectively, the uniform grades and grade marks required by OPS Distribution Regulation 2.

(f) *Meat* means each and every edible product that is derived from cattle, sheep, lambs, and swine, whether or not such product is specified herein, including sausage and kosher meat, but not sterile canned meat.

(g) *OPS* means the Office of Price Stabilization.

(h) *Prefabricated packaged retail beef cuts* means beef steaks, roasts and ground beef derived from beef carcasses or wholesale cuts of prime, choice, good, commercial or utility grade, which are separately wrapped in transparent, moisture proof paper, whether or not thoroughly frozen at quick freezing temperatures, and have clearly visible a tag or other marking showing the name of the cut, the grade and the net weight of the meat contained in the package.

(i) *Retail* means a sale to a consumer.

(j) *Retailer* means a person who sells to consumers.

(k) *Store* means a place where meat is sold at retail.

(l) *You* indicates the person subject to this regulation, including any individual, corporation, partnership, association, or any other organized group of persons, or the legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any government, or any of its political subdivisions, or any agency of any of the foregoing: *Provided*, That no punishment provided for in this regulation shall apply to the United States or to any such government, political subdivision or agency.

Effective date. This regulation shall become effective on May 14, 1951. You may, however, adopt all of the provisions of this regulation at any time before the effective date.

NOTE: The record-keeping and reporting provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 30, 1951.

APPENDIX 1—ZONE DEFINITIONS

(a) *Zone 1.* Zone 1 means the following area: The entire states of Washington, Oregon, California, Nevada, Idaho; all that portion of Montana west of and including the counties Flathead, Lewis and Clark, Broadwater, and Gallatin.

(b) *Zone 2.* Zone 2 means the following area: The entire states of Arizona and Utah.

(c) *Zone 3.* Zone 3 means the following area: All that portion of Montana east of and including the counties of Glacier, Pondera, Teton, Cascade, Meagher and Park.

(d) *Zone 4.* Zone 4 means the following area: All that portion of Colorado west of and including the counties of Larimer, Boulder, Jefferson, Teller, Fremont, Custer, Huerfano, Las Animas and Baca.

(e) *Zone 5.* Zone 5 means the following area: The entire states of North Dakota and Oklahoma; all that portion of Minnesota north of and including the counties of Wilkin, Otter Tail, Wadena, Cass, Crow Wing, Aitkin, Carlton, St. Louis, Lake and Cook; the entire state of Wyoming except the counties Platte, Goshen and Laramie.

(f) *Zone 6.* Zone 6 means the following area: All that portion of South Dakota north and west of and including the counties of Gregory, Brule, Buffalo, Hyde, Potter, Edmunds, Brown, Day and Grant; all that portion of Minnesota south of and including the counties of Traverse, Grant, Douglas, Todd, Morrison, Mille Lacs, Kanabec and Pine; all that portion of Wisconsin north and west of and including the counties Polk, Barron, Rusk, Taylor, Price and Iron; all that portion of Nebraska west of and including the counties of Keyapaha, Rock, Loup, Custer, Dawson, Phelps and Harlan; all that portion of Kansas west and south of and including the counties of Phillips, Rooks, Ellis, Barton, Ellsworth, Saline, Dickinson, Morris, Lyon, Osage, Franklin, Miami; all that portion of Missouri south of and including the counties of Cass, Johnson, Pettis, Cooper, Monliteau, Cole, Callaway, Montgomery and Lincoln with the exception of St. Louis county.

(g) *Zone 6A.* Zone 6A means the following area: All that portion of South Dakota south and east of and including the counties of Charles Mix, Aurora, Jerauld, Hand, Faulk, Spink, Clark, Codington and Deuel; all that portion of Minnesota south of and including the counties of Lac, Qui Parle, Chippewa, Renville, McLeod, Wright, Hennepin, Ramsay and Washington; all that portion of Wisconsin south and west of and including the counties of St. Croix, Dunn, Chippewa, Clark, Jackson, Monroe, Vernon, and Crawford; all that portion of Nebraska east of and including the counties of Boyd, Holt, Carfield, Valley, Sherman, Buffalo, Kearney, and Franklin; all or that portion of Kansas east and north of and including the counties of Smith, Osborne, Russell, Lincoln, Ottawa, Clay, Geary, Wabaunse, Shawnee, Douglas, and Johnson; all that portion of Missouri north of and including the counties of Jackson, Lafayette, Saline, Howard, Boone, Audrain, and Pike; the entire state of Iowa.

(h) *Zone 7.* Zone 7 means the following area: The entire states of Arkansas and Texas and New Mexico.

(i) *Zone 8.* Zone 8 means the following area: The entire state of Louisiana; all that portion of Kentucky east of and including the counties of Hardin, Grayson, Butler, and Logan, and all that portion west of and including the counties of Greenup, Carter, Elliott, Morgan, Wolfe, Lee, Owsley, Clay, Knox and Whitley; all that portion of Tennessee east and south of and including the counties of Lauderdale, Haywood, Madison, Henderson, Decatur, Humphreys, Dickson, Cheat and Robinson, and all that portion west of and including the counties of Campbell, Scott, Morgan, Cumberland, Bledsoe, Sequatchie and Marion; all that portion of Alabama north of and including the counties of Lamar, Fayette, Walker, Cullman, Morgan, Madison and Jackson; all that portion of Mississippi north of and including the counties of Issaquena, Yazoo, Madison, Attala, Choctaw, Oktibbeha and Lowndes.

(j) *Zone 9.* Zone 9 means the following area: All that portion of Wisconsin east of and including the counties of Vilas, Oneida, Lincoln, Marathon, Wood, Juneau, Sauk, Richland and Grant.

(k) *Zone 10.* Zone 10 means the following area: All that portion of Missouri in the county of St. Louis (only); all that portion of Illinois north of and including the counties of Monroe, St. Clair, Madison, Bond, Fayette, Effingham, Shelby, Coles, Douglas and Vermillion; all that portion of Indiana, including the counties of Lake, Newton, Porter and Benton.

(l) *Zone 11.* Zone 11 means the following area: All that portion of Illinois south of and including the counties of Randolph, Washington, Clinton, Marion, Clay, Jasper, Cumber, Clark and Edgar; all that portion of Indiana south and west of and including the counties of Jasper, Starke, Marshall, Kosclusko, Whitley, Huntington, Grant, Madison, Hancock, Shelby, Bartholomew, Jackson, Washington and Harrison; all that portion of Kentucky west of and including the counties of Meade, Breck, Ohio, Muhlenberg and Todd; all that portion of Tennessee west and north of and including the counties of Montgomery, Houston, Benton, Carroll, Gibson, Crockett and Dyer.

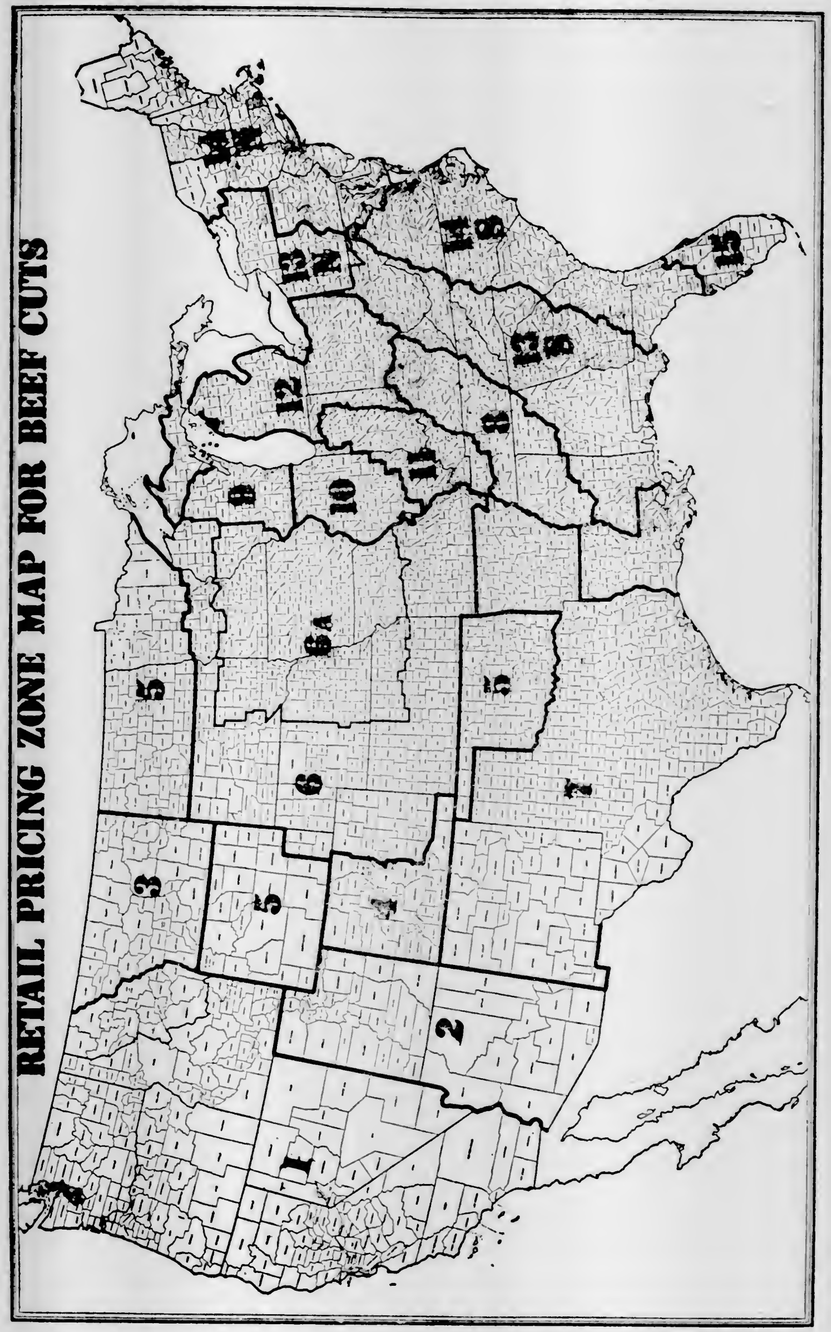
(m) *Zone 12.* Zone 12 means the following area: The entire states of Michigan and Ohio; all that portion of Indiana north and east of and including the counties of La Porte, St. Joseph, Elkhart, Noble, Allen, Wells, Blackford, Delaware, Henry, Rush, Decatur, Jennings, Scott, Clark and Floyd.

(n) *Zone 13N.* Zone 13N means the following area: All that portion of New York west of and including the counties of Oswego, Oneida, Madison, Chenango and Broom; all that portion of Pennsylvania west of and including the counties of Potter, Clinton, Centre, Huntington and Fulton.

(o) *Zone 13S.* Zone 13S means the following area: The entire state of West Virginia; all that portion of Virginia west of and including the counties of Highland, Bath, Alleghany, Craig, Montgomery, Floyd and Carroll; all that portion of Kentucky east of and including the counties of Boyd, Lawrence, Johnson, Magoffin, Breathitt, Perry, Leslie and Bell; all that portion of Tennessee east of and including the counties of Claiborne, Union, Anderson, Roane, Rhea, and Hamilton; all that portion of North Carolina west of and including the counties of Alleghany, Wilkes, Alexandria, Burke and Cleveland; all that portion of South Carolina west of and including the counties of Cherokee, Union, Newberry, Saluda and Edgefield; all that portion of Georgia west of and including the counties of Columbia, McDuffie, Glascock, Washington, Johnson, Laurens, Dodge, Wilcox, Ben Hill, Irwin, Tift, Colquitt and Thomas; all that portion of Alabama south of and including the counties of Pickens, Tuscaloosa, Jefferson, Blount, Marshall and DeKalb; all that portion of Mississippi south of and including the counties of Warren, Hinds, Rankin, Scott, Leake, Winston, Noxbee; all that portion of Florida west of and including the counties of Gadsden, Liberty and Franklin.

(p) *Zone 14N.* Zone 14N means the following area: The entire states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Delaware, Maryland and New Jersey; all that portion of New York east of and including the counties of Jefferson, Lewis, Herkimer, Otsego and Delaware; all that portion of Pennsylvania east of and including the counties of Tioga, Lycoming, Union, Mifflin, Juniata and Franklin; that portion of Virginia included in the following counties: Loudon, Fairfax and Arlington; and the District of Columbia.

APPENDIX 2—RETAIL PRICING ZONE MAP FOR BEEF CUTS



Appendix 1—*Continued*

(q) *Zone 14S.* Zone 14S means the following area: All that portion of Virginia east of and including the counties of Frederick, Shenandoah, Rockingham, Augusta, Rockbridge, Botetourt, Roanoke, Franklin and Patrick, except the counties of Fairfax, Loudoun and Arlington; all that portion of North Carolina east of and including the counties of Surry, Yadkin, Iredell, Catawba, Lincoln and Gaston; all that portion of South Carolina east of and including the counties of York, Chester, Fairfield, Lexington and Aiken; all that portion of Georgia east of and including the counties of Richmond, Jefferson, Emanuel, Treutlen, Wheeler, Telfair, Coefee, Berrien, Cook, and Brooks; all that portion of Florida east of and including the counties of Leon and Wakulla and that portion north of and including the counties of Pasco, Sumter, Lake, Putnam and Flagler.

(r) *Zone 15.* Zone 15 means the following area: All that portion of Florida south of and including the counties of Pinellas, Hillsborough, Polk, Orange, Seminole and Volusia.

Appendix 3—Wholesale Beef Cut Definitions

When used in this regulation the term *wholesale beef cut* means and is limited to any of the following cuts, derived from the beef carcass, but excluding the offal and any item not included therein. (All measurements prescribed herein shall be made with a rigid straight ruler. All cuts shall be made according to the definite guides and measurements specified. Ribs are designated as 1st to 13th, inclusive, counting as the 1st rib that one which is nearest the neck end of the side). You must cut the beef carcasses, side, quarter or combination cut of beef into the following cuts before you make the standard retail cuts. (See the chart, Appendix 4, for a simple, non-technical description of most wholesale beef cuts.)

(a) *Hindquarter* means the posterior portion of the side remaining after the severance of the 12-rib forequarter from the side, and comprising the round, full loin including the 13th rib, flank, kidney and hanging tender all in one piece, which posterior portion shall be obtained by cutting the beef side between the 12th and 13th ribs, keeping the knife firmly against the 12th rib while cutting down the length of the rib to the point at the end of the rib where the rib joins the rib (costal) cartilage, from which point passing through the cartilage and meat of the flank and short plate in the same straight line, completing the cut.

(b) *Forequarter* means the anterior portion of the side remaining after the severance of the 1-rib hindquarter from the side and comprises the rib, regular chuck, brisket, short plate and fore-shank, all in one piece, which anterior portion contains the first to the twelfth ribs, inclusive. No heart (mediastinal) fat or neck sweetbreads and not more than ½ inch of the fibrous part (centrum tendineum) of the skirt (diaphragm) shall appear in the forequarter and otherwise it shall be dressed in accordance with the specifications applicable to "beef carcass" as set forth in Ceiling Price Regulation 24.

(c) *Round* means the portion of the hindquarter remaining after the severance of the untrimmed full loin, and flank from the hindquarter, which portion shall be obtained as follows: The untrimmed full loin and flank shall be severed from the hindquarter by cutting in a straight line perpendicular to the contour of the outside or skin surface of the hindquarter. The cut shall be made on a straight line formed by and starting from that point on the backbone which is the juncture of the last (5th) sacral vertebra and the first (1st) tail (caudal) vertebra, and passing through the point which just misses the end of the protuberance of the femur bone and exposes the ball of the femur bone, continuing in the same straight line beyond the second point to complete the cut. Two tail vertebrae shall be left on the round. Attached to the tail bone of the round shall be the tip or rear corner of the fifth sacral vertebra. All cod, udder and pelvic fat remaining on the round after its severance from the full loin and flank shall remain on the round.

(d) *Trimmed full loin* means the portion of the hindquarter remaining after the severance of the round, flank, hanging tender (from the open side), kidney knob and excess loin (lumbar) and pelvic (sacral) fat from the inside of the loin, from the hindquarter, and comprising the short loin and sirloin (loin end) in one piece, the back bone of which portion shall include one and one-half (1½) thoracic vertebrae, six (6) lumbar vertebrae, and five (5) sacral vertebrae (the tip or rear corner of the fifth sacral vertebra shall have been sawed off in severing the round from the full loin and flank), and which portion shall be obtained as follows:

First, part of the kidney knob, all of the kidney and the fat lying closely around the kidney in open (left) and closed (right) sides shall be removed first by a cut starting at the rear end of the kidney and slanting directly to the front edge of the half of the 12th thoracic vertebra at the point of severance of the hindquarter and forequarter.

Second, the hanging tender, which means the cylindrical shaped piece of lean meat attached at one end under the kidney knob in open (left) side hindquarters shall be removed entirely from open side loins by being severed at a point opposite the juncture of the 1st and 2d lumbar vertebrae.

Third, after the severance of the round from the hindquarter, the flank shall be severed from the full loin by a cut starting at the heavy end of the full loin at the ventral point of severance of the round from the hindquarter and continuing in a straight line to a fixed point on the inside of the 13th rib determined by measuring off ten inches in a straight line from the center of the protruding edge of the 13th thoracic vertebra, but in making the cut no more than one (1) inch of cod or udder fat shall be left on the flank side of the face of the loin.

NOTE: The 10-inch measurement shall be of the 13th thoracic vertebra and not from the hollow of the chine bone where the 13th rib joins thre 13th thoracic vertebra.

Fourth, the excess loin (lumbar) and pelvic (sacral) fat shall be trimmed from the inside of the full loin by placing the full loin upon a flat surface, with no other support to change its position, meat side down, and removing all fat which extends above a flat plane parallel with the flat surface supporting the full loin and on a level with the full length of the protruding edge of the lumbar section of the chine bone. Then all fat shall be removed which extends above a flat plane using the following two lines as guides for each edge of the plane: an imaginary line parallel with the full length of the protruding edge of the lumbar section of the chine bone which line extends 1 inch directly above such protruding edge; a line on the inside of the loin two inches from the flank edge and running parallel with such edge for the full length of the loin. All fat obstructing the measurement of the second line shall first be removed. In addition to the foregoing all rough fat in the pelvic cavity of the heavy end of the loin (sirloin) shall be trimmed smooth and trimming by a knife shall be apparent. No fat remaining in the pelvic cavity shall exceed one inch in depth.

(e) *Flank* means the portion of the hindquarter remaining after the severance of the round and untrimmed full loin from the hindquarter, which shall be obtained after the removal of the round by separation from the untrimmed full loin, starting the cut at the point at the lower end of the loin end (sirloin) which was the ventral point of separation of the full loin and round, leaving no more than one inch of cod or udder fat attached to the flank side of the face of the full loin, and continuing in a straight line to a fixed point on the inside of the 13th rib determined by measuring off ten inches in a straight line along the 13th rib from the center of the protruding edge of the 13th thoracic vertebra.

NOTE: The 10-in. measurement shall be made from the center of the protruding edge of the 13th thoracic vertebra and not from the hollow of the chine bone where the 13th rib joins the 13th thoracic vertebra.

(f) *Short loin* means that portion of the trimmed full loin remaining after the severance of the sirloin (loin end) from the trimmed full loin, which portion shall be obtained by a cut perpendicular to the contour of the outside or skin surface of the trimmed full loin begun at a point which is the juncture on the chine bone of the 5th and 6th lumbar vertebrae and continuing in a straight line perpendicular to the contour of the outside or skin surface of the trimmed full loin to and through a point flush against the end of the hip (pin) bone, but leaving no part of the hip (pin) bone in the short loin. The backbone of the short loin shall include five (5) lumbar vertebrae, one and one-half (1½) thoracic vertebrae and part of the 13th rib.

(g) *Sirloin* (loin end) means the thick portion of the trimmed full loin remaining after the severance of the short loin from the trimmed full loin. The backbone of the sirloin shall include one (1) lumbar vertebrae, five (5) sacral vertebrae (the tip or rear corner of the fifth (5th) sacra vertebrae shall have been sawed off in separating the round from the trimmed full loin and flank), and the entire hip bone (ilium).

(h) *Cross cut chuck* (Kosher or traefer) means the portion of the forequarter remaining after the severance of the rib and short plate from the forequarter, and comprising the regular chuck, brisket and foreshank all in one piece, which portion shall be obtained by cutting through the forequarter in a straight line between the 5th and 6th ribs, keeping the knife firmly against the 5th rib while cutting to the point where the 5th rib joins the rib (costal) cartilage, at which point the cut shall continue in the same straight line through the cartilage, the breast bone (sternum) and the meat of the brisket and short plate to complete the severance. The cross cut chuck shall contain five (5) ribs (1st to 5th, inclusive).

(i) *Regular chuck* means the portion of the cross cut chuck remaining after the severance of the foreshank and brisket from the cross cut chuck, and containing most of the blade bone (scapula), part of the (humerus) arm bone, parts of the five ribs (1st to 5th, inclusive), that section of the back bone attached to the ribs, and the neck bone (cervical vertebrae from 1 to 7, inclusive), which portion shall be obtained by a cut through the cross cut chuck made in a straight line perpendicular to the contour of the outside or skin surface of the cross cut chuck (thereby separating the brisket and foreshank from the cross cut chuck) starting at a fixed point on the inside of the 5th rib determined by measuring off ten (10) inches along the 5th rib in a straight line from the center of the protruding edge of the 5th thoracic vertebra, continuing in the same straight line to the tip of the forward end of the breast bone (forward end of 1st segment of sternum), and passing through the (humerus) arm bone in the same straight line to complete the cut.

NOTE: The 10-inch measurement shall be made from the center of the protruding edge of the 5th thoracic vertebra and not from the hollow of the chine bone where the 5th rib joins the 5th thoracic vertebra.

(j) *Foreshank* means the portion of the cross cut chuck remaining after the severance of the regular chuck and brisket from the cross cut chuck, which portion shall be obtained (after separation of the regular chuck) by separation from the brisket by a cut following the natural seam and leaving the entire lip, or web muscle on the brisket.

(k) *Brisket* means the portion of the cross cut chuck remaining after the severance of the regular chuck and foreshank from the cross cut chuck, which portion contains parts of four ribs (2d to 5th, inclusive), part of the breast bone and the rib (costal) cartilages which connect the ends of the rib bones with the breast bone. All heart (mediastinal) fat, but no other fat shall be removed from the brisket.

(l) *Rib* means the portion of the forequarter remaining after the severance of the cross cut chuck and short plate from the forequarter, and containing parts of seven ribs (6th to 12th, inclusive), that section of the backbone attached to the ribs, posterior tip and cartilage of the blade bone (scapula), part of the blade bone (scapula) which portion shall be obtained (by separation from the short plate) by a straight cut across the ribs starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside protruding edge of the 12th thoracic vertebra and continuing to and through a fixed point determined by measuring off 10 inches on the inside of the 6th rib along the 6th rib from the center of the inside protruding edge of the 6th thoracic vertebra.

NOTE: The 10-inch measurements shall be made from the centers of the protruding edges of the 6th and 12th thoracic vertebrae, and not from the hollow of the chine bone.

(m) *Short plate* means the portion of the forequarter remaining after the severance of the cross cut chuck and the rib from the forequarter, and containing parts of seven ribs (6th to 12th, inclusive), the rib (costal) cartilages attached to them, and part of the breast bone.

(n) *Back* means the portion of the forequarter remaining after severance of the short plate, brisket and foreshank from the forequarter, and containing the rib and regular chuck all in one piece, which portion shall be obtained by one cut made in a straight line starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside protruding edge of the 12th thoracic vertebra, and continuing to a point measured off 10 inches on the inside of the fifth rib along the 5th rib from the center of the inside protruding edge of the 5th thoracic vertebra; and a second cut made in a straight line starting from the termination point of the first cut and continuing through a fixed point at the tip of the forward end of the breast bone, including the cartilage in young cattle or the ossified bone in the older cattle (forward end of the 1st segment of sternum), through the (humerus) arm bone in the same straight line to complete the cut.

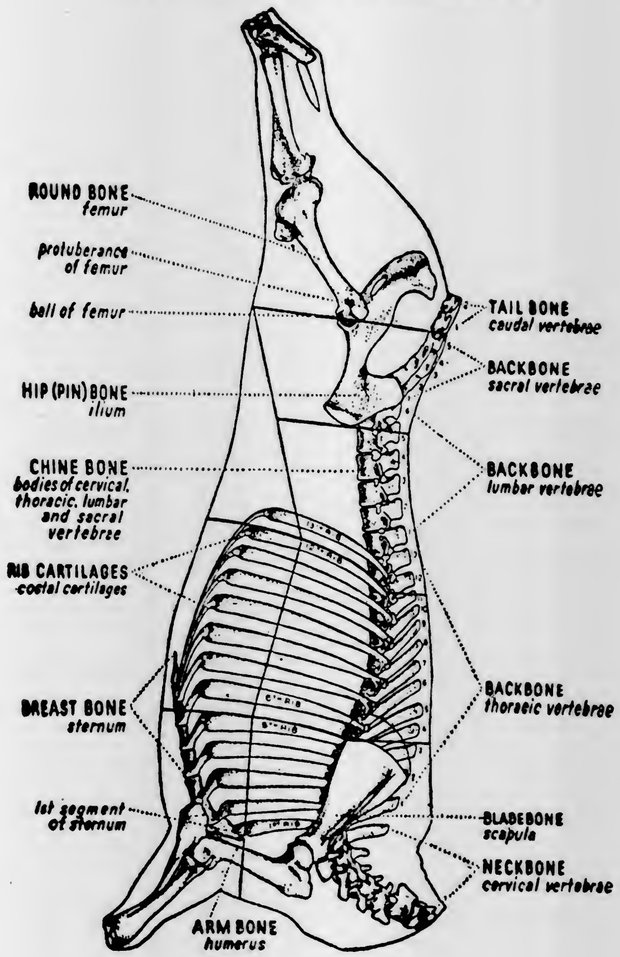
NOTE: Measurements shall be made from the center of the protruding edge of the 12th and 5th thoracic vertebrae, and not from the hollow of the chine bone.

(o) *Triangle* (Kosher or traefer) means the portion of the forequarter remaining after the severance of the rib from the forequarter, and containing the short plate, brisket, foreshank and regular chuck all in one piece, which portion shall be obtained by removing the rib from the forequarter by a straight cut across the ribs starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside of the protruding edge of the 12th thoracic vertebra and continuing to a fixed point determined by measuring off 10 inches on the inside of the 6th rib along the 6th rib from the center of the inside protruding edge of the 6th thoracic vertebra, and severing the rib from the forequarter by a second cut made in a straight line between the 5th and 6th ribs, keeping the knife firmly against the 5th rib to the point where the second cut meets the end of the first cut.

NOTE: Measurements shall be from the center of the protruding edge of the 12th and 6th thoracic vertebra, and not from the hollow of the chine bone.

(p) *Arm chuck* means the portion of the cross cut chuck remaining after the severance of the brisket from the cross cut chuck and containing the regular chuck and foreshank all in one piece.

Appendix 4—Beef Skeletal Chart of OPS Wholesale Beef Cuts



APPENDIX 5—RETAIL BEEF CUT DEFINITIONS

When used in this regulation the term *retail beef cut* means and is limited to any of the following cuts, derived from OPS wholesale beef cuts. All retail beef cuts covered in the following specifications shall be trimmed as described before the cuts may be weighed or sold to the customer. No fat shall be added to any of the cuts before they are weighed or sold to the customer. (See the charts, Appendixes 6 and 7, for a simple, non-technical description of most retail beef cuts.)

(a) *From the standard round*—(1) *Standing rump (bone in).* The standing rump (bone in) shall contain part of the rump (aitch) bone but no rump knuckle bone or tail vertebrae. Not more than one inch of fat shall be left on the outside, or within the pelvic cavity, of this cut.

(2) *Boneless rump.* The boneless rump is the meat remaining after all the bones, cartilage, gristle and excess fat have been removed from the standing rump. (See paragraph (a) (1).)

(3) *Round steak (full cut).* Each round steak (full cut) includes a part of (i) the top (inside) round, (ii) the bottom (outside) round, (iii) the eye of round, (iv) the tip, and (v) the round bone. All fat exceeding one inch in thickness shall be trimmed from each steak. Round steaks (full cut) shall contain the round bone but no part of the knee cap or double bone. They may be cut into two or more pieces in line with the customary procedure in the past.

(4) *Tip roast (boneless).* The tip shall be removed from the flank side of the round in accordance with the customary procedure in each locality. All bone, including the knee cap, and all fat exceeding one inch in thickness must be removed.

(5) *Tip steak (boneless).* Tip steaks (boneless) are cut from the tip roast (paragraph (a) (4)).

(6) *Top (inside) round, roast or steak.* The top (inside) round may be removed from the round according to the usual procedure in each locality. The shank end of this cut, however, shall contain no part of the heel of round. (See the bone structure chart, Appendix 6.) All fat exceeding one inch in thickness shall be trimmed from the outside of the roasts or steaks made from this cut. The top (inside) round shall contain no bone.

(7) *Bottom (outside) round, pot roast or steak.* The bottom (outside) round, like the top round (paragraph (a) (6)) may be made according to the usual procedure in each locality. It may contain part of the rump but the shank end of this cut shall contain no part of the heel of round (see the bone structure chart, Appendix 6). The bottom round shall contain no bone. It may be sold as pot roasts or steaks.

(8) *Heel of round (boneless).* The heel of round may be separated from the hind shank according to the usual practice in each locality; however, it shall not include the front muscle of the shin bone and it must be entirely boneless. (See bone structure chart, Appendix 6.)

(9) *Hind shank (bone in).* The hind shank (bone in) is the section of the round remaining after the rump, round steaks (or tip, inside and outside), heel of round and hock have been removed.

(10) *Hind shank (boneless).* The hind shank (boneless) refers to the boneless meat from the hind shank. (For stew, ground beef.)

(b) *From standard wholesale sirloin (loin end)*—(1) *Sirloin steak (bone in).*

(2) *Pin bone steak (bone in).* Sirloin steaks (bone in) and pin bone steaks (bone in) shall be made from the standard primal sirloin (loin end). All fat exceeding one inch in thickness shall be trimmed from these steaks.

(3) *Sirloin steak (boneless).* Boneless sirloin steaks are made from the standard primal sirloin (loin end). They shall contain no bone and no fat in excess of one inch in thickness.

(c) *From standard wholesale short loin*—(1) *Porterhouse steaks.*

(2) *T-Bone steaks.*

(3) *Club steaks.*

(4) *Short loin (boneless, rolled—Utility and cutter and canner grade beef).* Boneless and rolled short loin roast refers to the boneless meat of the primal short loins of utility and cutter and canner grades of beef. All bone, gristle, cartilage and excess fat must be removed. The fat must be trimmed so that no more than one inch of fat is left on any lean muscle. Fat must not be added before the boneless and rolled short loin roast is weighed or sold. The tenderloin from the short loin must not be removed and sold separately. The boneless short loin including the tenderloin must be rolled and tied.

Porterhouse, T-Bone and club steaks are made from the standard primal short loin. Porterhouse steaks contain a large portion of the tenderloin. T-Bone steaks contain a small portion of tenderloin. Club steaks contain no tenderloin. All fat exceeding one inch in thickness shall be trimmed from these steaks.

(5) *Trimmed full beef tenderloin (cutter and canner grade beef only)* means the tenderloin muscle of cutter and canner grade, meeting the specifications and requirements as set forth in Ceiling Price Regulation 24.

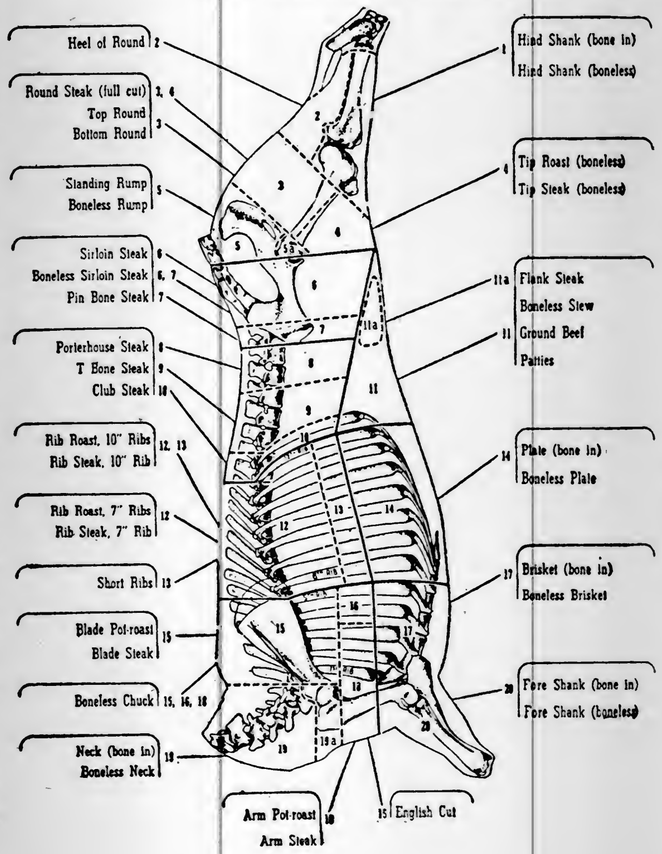
(d) *From standard wholesale flank*—(1) *Flank steak.* All membrane and fat must be trimmed from the flank steak. This steak shall not be cut into more than two pieces before selling.

(2) *Flank meat (boneless).* Boneless flank meat is the meat remaining after the flank steak, bone, gristle, membrane, and cod fat have been removed from the rough flank. It may be sold as rolled pot-roast, stew meat or ground beef.

APPENDIX 6—SKELETAL CHART FOR MAKING STANDARD RETAIL BEEF CUTS

BONE CHART

FOR STANDARD RETAIL BEEF CUTS



Appendix 5—*Continued*

(e) *From the standard wholesale rib*—(1) *Rib roast, 10-inch ribs.*

(2) *Rib steak, 10-inch ribs.* Rib roast, 10-inch ribs and rib steak, 10-inch rib are made from the standard primal rib. (See illustration, Appendix 6, for the manner in which the 10-inch rib roasts and steaks are measured.) The blade bone or blade cartilage shall be removed from roasts or steaks.

(3) *Rib roast, 7-inch ribs.*

(4) *Rib steak, 7-inch rib.* Rib roasts or steaks, 7-inch rib or ribs, are cut from the standard primal rib. The rib bone, or bones, in these cuts shall measure no larger than 7 inches in a straight line from the protruding edge of the chine bone.

(5) *Short ribs.* Short ribs are the ends of the ribs which are removed when making a 7-inch rib.

(6) *Rib roast (boneless, rolled—utility and cutter and canner grade beef only).* Boneless and rolled rib roast refers to the boneless meat of the primal 10-inch rib roast of utility and cutter and canner grades of beef only. All bone, gristle, cartilage and excess fat must be removed. The fat must be trimmed so that no more than one inch of fat is left on any lean muscle. Fat must not be added before the boneless and rolled rib roast is weighed or sold. The boneless rib must be rolled and tied.

(f) *From the standard wholesale short plate*—(1) *Plate (bone in).* Plate (bone in) is made from the standard primal plate without removing the bones. The diaphragm or skirt muscle may or may not be removed, but the membrane on each side of the skirt and on the inside of the plate, and all loose fat shall be removed.

(2) *Plate (boneless).* Boneless plate refers to the boneless meat of the primal plate after all bones, gristle, cartilage, membrane and excess fat have been removed. The boneless meat may be sold as boneless plate pot-roast, stew meat (boneless) or ground beef.

(g) *From the standard wholesale brisket*—(1) *Brisket (bone in) fresh or cured.* Brisket (bone in) is made from the standard primal brisket without removing the bones. No more than one inch of fat may be left on the brisket (bone in).

(2) *Brisket (boneless) fresh or cured.* Boneless brisket, fresh or cured, refers to the boneless meat of the primal brisket after all bone, gristle, cartilage, and excess fat have been removed. The fat must be trimmed so that no more than one inch of fat is left on any lean muscle. The boneless brisket may be sold as boneless pot-roast, stew meat or ground beef.

(h) *From standard wholesale chuck*—(1) *Blade pot-roast.*

(2) *Blade steak.* Blade pot-roast and blade steaks are made from the blade bone portion of the standard primal chuck. No portion of the arm knuckle shall be included in any blade pot-roast or blade steak. All fat exceeding one inch in thickness shall be removed from these cuts.

(3) *Arm pot-roast.*

(4) *Arm steak.* Arm pot-roasts and arm steaks are made from the shoulder arm bone portion of the standard primal chuck. The arm knuckle shall not be left in any arm pot-roast or arm steak. All fat exceeding one inch in thickness shall be removed from these cuts.

(5) *English cut.* The English cut may be made from the standard primal chuck following the usual procedure in each locality.

(6) *Chuck (boneless).* Boneless chuck pot-roasts are made from the blade bone and arm bone portions of the standard primal chuck. All fat exceeding one inch in thickness shall be removed from the boneless chuck.

(7) *Neck (bone in).* The arm knuckle bone and the Atlas joint shall be removed from the neck. The throat side of the neck shall be trimmed and all fat in excess of 1 inch shall be removed. The neck may then be sold in pieces with the bone in.

(8) *Neck (boneless).* The boneless neck is the meat remaining after all the bone, cartilage, fat, tendon, gristle, and throat trimmings have been removed from the neck. (See paragraph (g) (7).) It may be sold as boneless potroast, stew or ground beef.

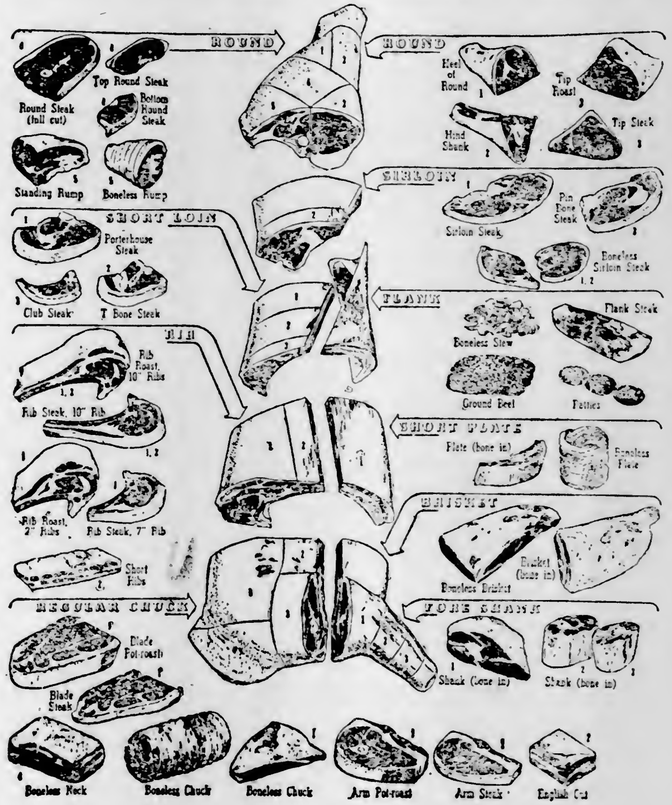
(h) *From standard wholesale foreshank*—(1) *Foreshank (bone in).* Remove the knee bone. Cut the shank into pieces with the bone in.

(2) *Foreshank (boneless).* The boneless shank meat refers to the boneless meat from the foreshank after all bone, gristle, cartilage and sinews have been removed. The boneless shank meat may be sold as stew meat or as ground beef.

(i) *Ground beef.* Ground beef (hamburger, hamburg steak, hamburger steak, chili meat) is ground, chopped or comminuted fresh beef only derived from the skeletal portion of the dressed carcass (but not including head meat) which contain no offal, added blood, cartilage, bone, cereal product, water or ice, or any adulterant or other foreign substance except seasoning, and which does not have a fat content in excess of 30 percent by chemical analysis. "Ground beef" shall be ground twice, the final grinding through a plate with holes not more than $3/16$ of an inch in diameter, or $\frac{3}{8}$ of an inch in the case of chili meat, or chopped in a rotary cutter or by other means giving equivalent results.

APPENDIX 7—CHART OF RETAIL BEEF CUTS AND THE WHOLESALE CUTS FROM WHICH THEY ARE OBTAINED

STANDARD BEEF CUTS



PRIMAL (WHOLESALE) BEEF CUTS AND THE RETAIL CUTS MADE FROM EACH

APPENDIX B—CERTAIN BEEF VARIETY MEATS AND BEEF BY-PRODUCTS DEFINITIONS

When used in this regulation, the term *certain beef variety meats and beef by-products* means and is limited to any of the following edible by-products of cattle which is clean, sound, has at all times been handled in a sanitary manner, and is free from foreign materials, mucus, and hair. Referring to variety meats and edible by-products derived from livestock slaughter the term:

(a) *Brains* means both brain lobes, the small knob at the base of the brain and a short piece of spinal cord approximately three quarters of an inch in length.

(b) *Cheek meat* of cattle means the lean muscle on the inside and outside of the lower jaw, trimmed free of the salivary glands, with no more than 20 percent trimmable fat.

(c) *Hanging tender* means the cylindrical shaped piece of lean meat attached at one end under the kidney knob in the open (left) side of the hind quarter. It shall be removed from the open side of the loin by being severed at a point opposite the junction of the first and second lumbar vertebrae.

(d) *Head meat* means the lean meat, exclusive of cheek meat, trimmed from the head of cattle.

(e) *Hearts* means bright colored beef hearts, free from blood clots, trimmed free from large gristly blood vessels.

(f) *Kidneys* means kidneys free from spots and reasonably free from fat. They shall be removed by first loosening the suet from the outside surface of the kidney and then cutting off the vein, leaving sufficient fat in the vein so that the fat will be flush with the surface of the kidney.

(g) *Lips* means the meat and tissue from the side of the jaw when removed from cattle.

(h) *Lips, scalded* means lips thoroughly cleaned by washing and scalding according to B. A. I. instructions—or similar good commercial methods.

(i) *Livers* means all beef livers of any weight, bright and uniform in color, from light to chocolate brown, moderately short and plump and which are free from all mutilations other than minor cuts or slight skin breaks caused by the removal of the gall bladder by separating the liver from the carcass by hooks, or caused during the examination of the portal glands by MID inspectors, where such minor cuts or slight skin breaks do not impair the quality of the liver. The large blood vessel lying along the side of the liver should be trimmed even with the surface of the liver.

(j) *Lungs* means the lungs from cattle. The trachea (windpipe) is to be cut off close to the body of the lungs.

(k) *Melts* means the spleens.

(l) *Sweetbreads, heart* means the thymus gland adjacent to the heart (heart sweetbreads). They are to be trimmed reasonably free from fat.

(m) *Sweetbreads, neck* means the thymus gland (neck sweetbreads) removed from the neck only of beef cattle. They are to be trimmed reasonably free from fat.

(n) *Tails* means tails of cattle. Ragged edges of tissue, loose fat and the last two joints of the tip end are to be removed.

(o) *Tongues* means tongues from cattle, cut off at a point that leaves the epiglottis on the tongue. The entire gullet including the soft palate shall be removed and the hinge bone shall not protrude over the end of the tongue. One-half inch of fat may be left on the underside of the tongue, which shall be trimmed smooth in removing the glands. The tip may be cut up to a point where cross section thickness does not exceed one and one-half inches.

(p) *Tripe, cooked* means tripe which has been thoroughly cooked by boiling in water, cooled and washed; any excess fat is to be removed from tripe.

(q) *Tripe, honeycomb* means cooked beef tripe showing the characteristics of honeycomb markings. If the pocket is split, the apron around the open end cannot be more than three inches wide.

(r) *Tripe, scalded* means paunches (stomachs) thoroughly cleaned by washing and scalding according to B. A. I. instructions or similar good commercial methods.

(s) *Udders* means the severed mammary glands from cows, and shall be carefully drained by slicing according to good commercial practice.

[F. R. Doc. 51-5075; Filed, Apr. 30, 1951; 10:27 a. m.]

[Distribution Regulation 1, Amdt. 4]

DR 1—FAIR DISTRIBUTION OF LIVESTOCK AND MEAT

QUOTA PERCENTAGES FOR LIVESTOCK

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), this Amendment 4 to Distribution Regulation 1[1] (16 F. R. 1273) is hereby issued.

Preamble. At the time Distribution Regulation 1 was issued, it was intended that quotas on all livestock covered by the regulation would be effective April 1, 1951. For the reason set forth in the Preamble to Amendment 3, quotas were established on cattle for the period beginning April 1, 1951, and ending April 28, 1951, and were postponed for the other species of livestock.

Information available on the expected marketings of livestock during the quota period beginning April 29, 1951 indicates that it will be necessary, in order to bring about an orderly distribution of available livestock among registered slaughterers, to establish quotas on all species of livestock. Accordingly, registered slaughterers, both Class 1 (Federally inspected) and Class 2 (non-Federally inspected commercial slaughterers) will determine their quotas for the period beginning April 29, 1951 by the methods prescribed in this Amendment 4 and Supplement 1 to the regulation issued simultaneously. Generally, these quotas will represent the following percentages of slaughter of the various species of livestock in the comparable period during 1950:

Cattle 90 percent.
Calves 80 percent.
Sheep and lambs 80 percent.
Swine 110 percent.

A slaughterer of cattle who did not use his entire quota for cattle during the period April 1–28, 1951, may carry over the unused portion of his cattle quota, not to exceed 5% of his cattle quota for the April 1–28 period and make it a part of his cattle quota for the period April 29–May 26, 1951. A slaughterer of cattle in the period April 1–28, 1951, who exceeded his cattle quota for that period must deduct twice the amount of the excess in live weight pounds from his quota for the ensuing quota period.

[1] Formerly designated Distribution Order 1.

Provision has also been made in this amendment so that if a slaughterer's quota is less than the live weight of one animal he may slaughter one animal of that species. Some small slaughterers' quota bases for particular periods represent only one head of livestock and, obviously, it is not possible for them to slaughter less than a single head of livestock.

All Class 1 and Class 2 slaughterers are required to report their slaughter of all livestock for the 4-week period April 1 to April 28, 1951, and for all subsequent quota periods.

This amendment also continues the provisions pertaining to "club" livestock. Provision will be made by subsequent amendment to the regulation which will require certain record-keeping provisions concerning the slaughter of "club" livestock.

Distribution Regulation 1 is amended in the following respects:

1. Section 3 (c) is amended by substituting the date May 27, 1951 for the date April 29, 1951, appearing in the fifth sentence and substituting the following for the first four sentences: "For the period beginning April 29, 1951 and ending May 26, 1951 you will have a quota on all species of livestock. The quota for each species of livestock will be the number of pounds live weight of each species you slaughtered during the period from April 30, 1950 to May 27, 1950, inclusive, multiplied by the applicable percentage set forth in Supplement 1 to this regulation. If you received a weekly adjustment for your slaughter of any species of livestock for any of the four weeks from April 30, 1950 to May 27, 1950 you may use the adjustment as the number of pounds live weight of the species you slaughtered during those weeks. If you received an adjustment on your slaughter of any species for the April–June 1950, calendar quarter, you may use 31 percent of the adjusted amount as the number of pounds live weight of the species you slaughtered during the period from April 30, 1950 to May 27, 1950, inclusive. If you began slaughtering any species after April 30, 1950, you may determine the amount of that species you may slaughter during the period beginning April 29, 1951 and ending May 26, 1951 by dividing the total live weight of the particular species slaughtered between April 30, 1950 and February 9, 1951 by the number of weeks in which you slaughtered the particular species, multiplying the result by four and multiplying the resulting figure by the applicable percentage set forth in Supplement 1 to this regulation. The multiplier for May 1951 furnished to you by the OPS will not apply for the period April 29, 1951 to May 26, 1951. You may not slaughter more than 60 percent of your quota for any specie (including your carry-over on cattle from the April 1, 1951 to April 28, 1951, quota period) during the first half of your quota period."

2. Section 3 (d) is amended by deleting the first sentence and substituting therefor the following: "If you did not use your entire quota for cattle during the period April 1, 1951 to April 28, 1951 you may use the unused portion, not to exceed five percent of that quota, in the period beginning April 29, 1951 and ending May 26, 1951. After May 27, 1951 if you did not use your entire quota for any species during any given week you may use the unused portion, not to exceed 10 percent of that quota, in the next week only."

3. Section 4 (c) is amended to read as follows:

(c) *Quotas.* For each quota period (accounting period or calendar month or similar period of not less than four or more than five weeks used by you instead of calendar months in keeping your own books and records) beginning on or after April 29, 1951 you must have a quota before you may slaughter any species of livestock. The completed and signed OPS Form DO1–2 furnished to you by the Regional Office will show by species the live weight of livestock which you slaughtered during each accounting period of 1950. This is your quota base. Supplement 1 to this regulation contains a list of percentages for use by you and other Class 2 slaughterers in determining your quotas. To determine your quota for each quota period, you apply the appropriate percentage in the Supplement to the quota base for each species. If the resulting quota is less than the live weight of one animal, you may slaughter one animal of that species. If your quota period does not begin on April 29, 1951 you will have an interim quota period from April 29, 1951 to the date that your quota period begins. The quota for the interim quota period is computed as follows:

(1) Determine the quota for each species of livestock for the quota period in which the date April 29, 1951, occurs by multiplying the quota base for that quota period for each species of livestock by the applicable percentage set out in Table I of Supplement 1 to this regulation.

(2) Divide the quota for each species obtained in subparagraph (1) of this paragraph by the number of days in the quota period in which the date April 29, 1951 occurs.

(3) Multiply the result in subparagraph (2) of this paragraph for each species by the number of days between April 28, 1951, and the date of the first quota period beginning on or after April 29, 1951. The resulting amounts are your quotas for each species for the interim quota period.

You may not slaughter more than 60 percent of your quota for any species (including your carry-over from the preceding quota period) during the first half of your quota period.

If you began slaughtering any species after April 30, 1950, and you have not had your quota bases adjusted on your Form DO 1–2, you may use as your quota base the average monthly slaughter of that species between April 30, 1950, and February 9, 1951. After determining your quota base for the period you must apply the applicable percentages set forth in Supplement 1 to this regulation.

4. Section 7 is amended to read as follows:

SEC. 7. *Slaughter of "Club" livestock.* (a) Notwithstanding the provisions of section 2 (b) of this regulation if you purchase livestock at a sale conducted by members of 4–H Clubs, Future Farmers of America, or other recognized youth organizations, you may have such livestock slaughtered for you until the effective date of an amendment to this regulation which will set forth the conditions under which such livestock may be slaughtered.

5. Section 8 (a) is amended to read as follows:

(a) If you had livestock slaughtered for you during 1950 by a slaughterer who is designated Class 1 by this order you are a Class 1A slaughterer. You are entitled to have your livestock slaughtered by the same slaughterer and he is required to continue slaughtering livestock for you. There will be a quota on the amount of livestock he may slaughter for you for the period beginning April 29, 1951, and ending May 27, 1951. This quota is determined by multiplying the number of pounds live weight of each species of livestock which he slaughtered for you during the corresponding period in 1950 by the applicable percentages set forth in Supplement 1 to this regulation. Your Class 1 slaughterer is prohibited from slaughtering for you, and you are prohibited from giving him for slaughter, in any quota period, a greater number of pounds of any species of livestock than is provided for in the quota for that period. However, if the resulting quota is less than the live weight of one animal for any species, he may slaughter one animal of that species for you.

6. Section 8 (b) is amended by deleting the third, fourth and fifth sentence and substituting therefor the following sentence: "There will be a quota on the amount of livestock he may slaughter for you beginning April 29, 1951."

7. Section 8 (b) is further amended by adding to the end thereof the following sentence: "However, if the resulting quota is less than the live weight of one animal for any species, he may slaughter one animal of that particular species for you."

8. Section 12 (a) is amended to read as follows:

(a) (1) If you are a Class 1 slaughterer you must within ten (10) days after the end of each quota period mail a report. The U. S. Department of Agriculture will furnish you with Form LS–149 for the purpose of supplying certain information. You may use this form as your reporting form under this regulation by furnishing the information required by the OPS and mailing the form to the Department of Agriculture. For the quota periods April 1, 1951, to April 28, 1951, inclusive, and April 29, 1951, to May 26, 1951, inclusive, you must file the reports for OPS on Form LS–149 on the basis of two four-week operations instead of your usual accounting periods.

(2) If you are a Class 2 slaughterer and your quota bases for all species combined on an annual basis are 100,000 pounds live weight or over (as shown on your DO 1–2), you must within ten (10) days after the end of each quota period mail a report to the OPS Regional Office where you are registered. The report must be made in duplicate on OPS Form DO 1–6 and must contain all the information required by the form. For the quota period April 1, 1951 to April 28, 1951, inclusive, you must file your report on the basis of that four-week operation instead of your usual accounting period. For all subsequent periods you must report on the basis of your regular quota periods. If you have an interim quota period you must show separately on your report the amount of slaughter during the interim quota period.

NOTE: The record keeping and reporting requirements contained in this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment is effective April 30, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

APRIL 30, 1951.

[F. R. Doc. 51-5110; Filed, Apr. 30, 1951; 11:54 a. m.]

[Distribution Regulation 1, Supplement 1]

DR 1—FAIR DISTRIBUTION OF LIVESTOCK AND MEAT

SUPP. 1—QUOTA PERCENTAGES FOR LIVESTOCK

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), this Supplement 1 to Distribution Regulation 1[1] (16 F. R. 1273) is hereby issued.

Preamble. The purpose of this supplement is set forth in the preamble of Amendment 4 to Distribution Regulation 1, issued simultaneously with this supplement.

Supplement 1 is issued with respect to Distribution Regulation 1:

TABLE I—QUOTA PERCENTAGES FOR ALL CLASS 1 AND CLASS 2 SLAUGHTERERS (UNDER SECTIONS 3 AND 4 OF DISTRIBUTION REGULATION 1)

(a) For quota periods beginning on or after April 29, 1951:

	Percent
Cattle	90
Calves	80
Sheep and Lambs	80
Swine	110

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This supplement is effective April 30, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

APRIL 30 1951.

[F. R. Doc. 51-5111; Filed, Apr. 30, 1951; 11:55 a. m.]

[1] Formerly designated Distribution Order 1.

[Distribution Regulation 2]

DR2—Allocation Records

This regulation is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of Sections 101 and 704 of the Defense Production Act of 1950.

In the formulation of this regulation, industry representatives have been consulted and consideration has been given to their recommendations.

I

In Distribution Regulation 1, we undertook to channel movements of livestock to the slaughterer. This regulation is a preliminary to a program designed to regulate the flow of meat from the slaughterer to those persons who sell or serve meat to ultimate consumers or who use meat in the manufacture of food or pharmaceuticals.

The present supply situation is not in our judgment so acute as to require immediate imposition of such a program. But experience in World War II demonstrates the necessity of preparing against such an eventuality. Particularly in the latter part of the war there were serious shortages of meat in whole areas of the country. This was especially true in the Northeast, Southeast, Southwest, and Far West—areas which always consume a great deal more meat than they produce. Also large numbers of distributors and even whole classes of distributors did not receive their proportionate share of the meat supply.

This maldistribution of meat had a number of unfortunate consequences. Even under a rationing program many consumers did not receive their fair share of meat. Many enterprises engaged in the business of meat distribution suffered serious financial hardship. The difficulty experienced by such enterprises in getting a proportionate share of the meat supply coupled with the lack of controls on slaughter led to evasion of the price regulations and a rise in the actual cost of meat to consumers.

These consequences were bad enough on their own account. But they also contributed to a lack of confidence in and respect for the meat price control program which made effective enforcement all the more difficult. In view of the World War experience, it would be rash not to take steps now to prepare against the possibility that in the not too remote future the supply situation at least in certain areas or among certain distributors will require the allocation of meat.

First, meat historically has accounted for the expenditure of about five and one-half percent of consumer expendable income. The vast program of our Government for increased production for national defense with its consequent increases in total employment will obviously tend to increase consumer expendable income. Shortages of consumer durable goods incident to the defense production program will have the effect of diverting consumer expenditures from those goods into the field of food and particularly of meat.

It is true that there may be countervailing factors tending to reduce demand such as increased taxes. But particularly in view of the experience in the last war it would be rash to ignore the possibility that the demand for meat will increase more rapidly than the supply.

Second, in view of these considerations there may be a "shortage" of meat even if the total supply is higher than last year in terms of absolute amount as has been estimated by the Department of Agriculture. Moreover, these estimates are predicated on certain assumptions, e. g., as to volume of Government purchases which may not be borne out by events.

Purchases of meat for the armed forces may because of an unfavorable turn in the international situation run higher than is presently anticipated. Again, there may be substantial Government purchases of meat for delivery to our allies abroad.

Third, the fact that total supplies of meat may be adequate does not mean that there may not be area shortages or that particular customers or classes of customers will get their fair share. These localized shortages can have very serious consequences.

Fourth, the prudent course is to anticipate a shortage and prepare for it rather than to await the crisis and when it arrives take hasty and desperate measures to repair the situation. Accordingly, it seems to us that the decisive consideration is that there may well be shortages and it is desirable to prepare for them now.

If supplies of meat should decline substantially in ratio to demand and if, as a result, there should be a serious maldistribution of meat the equitable way to deal with the problem is by an allocation program. Such a program would assure meat distributors and indirectly consumers of their fair share of the total supply. In addition it would facilitate the administration of the price controls on meat by destroying or at least narrowing the basis for the black market.

Section 4 of this regulation provides that the Director of the Office of Price Stabilization may where there are shortages in certain areas direct the movement of meat to those areas. This is a power which would prove helpful in particular situations. But it obviously would be exercised only in unusual circumstances and if the supply situation became serious it would probably have to be dealt with in a regulation of general applicability rather than by a series of orders covering individual cases.

II

One problem which is presented by any allocation program is that of base period records. Ordinarily such a program would require a supplier to deliver to a purchaser the same proportion or roughly the same proportion of his total supply of meat as was delivered in the base period. If 1950 is selected as the base period, suppliers would in many and perhaps in practically all cases be required to review their invoices to determine the volume of their deliveries to each purchaser to whom they were required to make an allocation as well as the volume of their total deliveries. This is a substantial administrative burden and one which should be avoided if possible.

Also allocation of meat by grades will be difficult to do on the basis of 1950 records. This is so for two reasons. The first is that in many cases the 1950 invoices do not show the grades of meat delivered to buyers. The second is that grades in use in 1950 do not in many cases correspond to the grades presently in use.

One way to avoid these difficulties is to require suppliers to start now to build up data on their deliveries of meat which can be used as base period records. To keep such records currently would involve a great deal less work than going back to the 1950 invoices.

Accordingly, this regulation requires that an invoice be made covering each sale of meat at wholesale by persons who regularly sell meat at wholesale. The invoice must show the type, class (when applicable), grade (when applicable), kind, cut, and weight range (when applicable), of each cut of meat sold.

The reasons for preparing now for an allocation program by type and grade are evident. An allocation order which resulted in suppliers delivering lamb to a pork processor would certainly not serve its purpose in that particular case. From the point of view of many purchasers, different grades of beef are no more equivalent to each other than are lamb and pork. A manufacturer of canned foods or soups who uses one of the lower grades of beef would not have his needs met by an offer of choice beef because it would be too expensive for the purpose to which he intended to put it. Again a large chain store which customarily sold beef of choice grade and had built its reputation and its public acceptance on that basis would not have its needs met by an offer of utility beef. The same considerations apply to other types of meat which have different qualities or grades.

At the present time a number of different grading systems are used by various suppliers. More important, these grading systems are changed from time to time and there is frequently no clear correspondence between grades used by a supplier at one time and grades used by the same supplier at another time. Even the grading systems of the Department of Agriculture have been recently revised. A standardization of meat grading would be necessary to assure that a purchaser would receive the same or substantially the same quality of meat under the allocation program that he had received in the base period. Accordingly, in preparation for this allocation program, this regulation requires the adoption of the standard Department of Agriculture grades for beef, veal, calf, lamb, yearling mutton and mutton.

III

It is recognized that a proposal to adopt 1951 distribution patterns as a base for an allocation program has two disadvantages. The first is that there may already be some distortion of normal distribution patterns. The second is that some suppliers may be tempted to discontinue deliveries to certain purchasers.

It should be made clear that this regulation does not foreclose the agency from requiring either generally or in individual cases the use of 1950 deliveries as a base for deliveries under an allocation program. If suppliers do not continue normal patterns of distribution it will be necessary to do just that in spite of the work which it would entail.

The policy of the Office of Price Stabilization is that each distributor of meat should receive from each supplier the same proportion of that supplier's total deliveries that he received in 1950. If suppliers maintain a distribution pattern in accord with this policy it will be possible to avoid a detailed allocation regulation.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Geographical applicability.
3. Records and inspection.
4. Deliveries required by the Director of the Office of Price Stabilization.
5. Grading and grade marking.
6. Additional prohibitions.
7. Penalties.
8. Definitions.

Authority: Sections 1 to 8 issued under sec. 704, Pub. Law 774, 81st. Cong. Interpret or apply sec. 101, Pub. Law 774, 81st. Cong.; Sec. 101, Executive Order 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

Note: See delegation of Authority by Secretary of Agriculture to Economic Stabilization Agency with respect to Allocation of Meat, Jan. 26, 1951, 16 F. R. 1272; Economic Stabilization Agency, General Order 5, Feb. 8, 1951, 16 F. R. 1273.

Section 1. *What this regulation does.* This regulation takes the following initial steps necessary for a detailed allocation program:

First, it establishes a system of record-keeping with respect to deliveries of meat by sellers of meat at wholesale.

Second, it provides for uniform grading of carcasses and wholesale cuts of beef, veal, calf, lamb, yearling mutton and mutton in conformity with the standard grading system of the United States Department of Agriculture and requires that such carcasses and wholesale cuts be graded and grade marked.

Sec. 2. *Geographical applicability.* The provisions of this regulation shall be effective in each of the 48 States of the United States and in the District of Columbia.

Sec. 3. *Records and inspection*—(a) *Invoices.* If you are a seller of meat at wholesale you must make for each sale, delivery or transfer of meat to a civilian buyer who is not an ultimate consumer, an invoice, sales slip or memorandum of sale setting forth the following information:

(1) The date of the sale, delivery or transfer to the buyer.

(2) Your name and address and the name and address of the buyer.

(3) The type, kind and cut of all meat sold, delivered or transferred, the grade of each cut if it is beef, veal, calf, lamb, yearling mutton or mutton, the class of each such cut if it is beef and the weight range of each such cut if it is pork.

(4) The price paid, charged or received for each cut of meat and the weight of each such cut.

You must deliver a copy of such invoice, memorandum of sale or sales slip to the buyer and you must keep a copy.

(b) *Schedules.* If you are a seller of meat at wholesale you must keep schedules showing for each accounting period for each of your civilian buyers the date of each invoice covering sales, deliveries or transfers of meat to each such buyer and such other information as is necessary to enable you readily to locate such invoice and showing the dollar value of the meat sold, delivered or transferred during such accounting period to each such buyer. In addition, you must keep schedules showing for each accounting period the weight of your total deliveries to all civilian buyers of:

(1) beef, veal, calf, lamb, yearling mutton and mutton, by grade; and

(2) pork, by the following cut classifications: loins, shoulders, hams, bellies, backs, butts, trimmings, and all other pork (except offal).

(c) *1950 records.* If you are a seller of meat at wholesale, you must keep all your records for the year 1950 relating to the purchase, sale or delivery of meat.

(d) *Meat grade certificates.* You must keep the certificates furnished you by official graders of the United States Department of Agriculture in accordance with section 5 (b) of this regulation.

(e) *Preservation of records.* You must keep all records required under this regulation for a period of two years after the effective date of this regulation.

(f) *Inspection.* All records kept by you under this regulation may be inspected by the Office of Price Stabilization through any authorized representative. The inspection may be made at your place of business during regular business hours. If you are required to keep records under this regulation you must keep them available for such inspection.

(g) *Disclosure.* Information and documents obtained from you under this regulation will not be disclosed, whether in response to a subpoena or in any other way, unless the Director of the Office of Price Stabilization (or a representative of the Office of Price Stabilization designated by him) finds that the requested disclosure is necessary under the Defense Production Act of 1950.

Sec. 4. *Deliveries required by the Director of the Office of Price Stabilization.* The Director of the Office of Price Stabilization may from time to time, upon a finding that there is a critical shortage of meat in a certain area require you by order if you are a seller of meat at wholesale to deliver meat to such areas in such amounts up to ten per cent of your total available supply and upon such reasonable terms and conditions as he may determine.

Sec. 5. *Grading and grade marking*—(a) *Requirement of Grading.* You may not sell, offer for sale, ship or deliver, and you may not unless you are a resident operator of a farm or a livestock raiser who has slaughtered livestock for home consumption in accordance with section 6 of Distribution Regulation 1, break, and you may not in the course of trade or business buy or receive any carcass or wholesale cut of beef, veal, calf, lamb, yearling mutton or mutton, and you may not agree, offer or attempt or solicit another to do any of the foregoing, unless each such carcass and wholesale cut has been graded and grade marked in accordance with the requirements of this section, and unless you preserve the grade marks on each carcass and wholesale cut. This requirement applies to each veal or calf carcass with skin on and, upon removal of the skin, to each veal or calf carcass and wholesale cut. For the purposes of this section, ribbing shall not constitute breaking.

(b) *Grading by official graders.* Grading and grade marking shall, except in the cases covered in paragraphs (c), (d) and (e) of this section be performed by officials graders of the Federal Meat Grading Service of the United States Department of Agriculture. Grades shall be determined and grade marks shall be applied in accordance with the provisions of Appendices A, B and C. The official grader will furnish you with a certificate covering products graded by him. You must pay the regu-

larly established rates for the services of official graders.

(e) *Application for grading service.* If, after application for the services of an official grader pursuant to the "Rules and Regulations of the Secretary of Agriculture Governing the Grading of Meats, Prepared Meats and Meat Products" (Code of Federal Regulations, Title 7, Chapter 1, Subchapter C, Part 53, sections 53.1–53.42) you have received from a duly authorized representative of the Department of Agriculture a letter advising you that until further notice the services of an official grader will not be available you may perform the grading and grade marking of carcasses and wholesale cuts of beef, veal, calf, lamb, yearling mutton or mutton, yourself until such time as you have been advised thereafter that the services of an official grader will be available. The letter may, notwithstanding the provisions of paragraph (a) of this section, authorize you, if you do not wish to perform the grading and grade marking yourself, to ship such carcass to a place specified therein for grading and grade marking by an official grader.

(d) *Grading for Class 3 slaughterers.* If you are a Class 3 slaughterer you may (1) perform the grading and grade marking of beef, veal, calf, lamb, yearling mutton or mutton carcasses and wholesale cuts, yourself, or (2) deliver said carcasses to a commercial freezer or cooler plant, and have the owner or operator of such plant perform the grading and grade marking of the carcasses which you deliver to him. Grading and grade marking by you or by such owner or operator shall be performed in accordance with the provisions of Appendices A, B and C.

(e) *Grading of veal and calf carcasses.* If a veal or calf carcass has been graded and grade marked with skin on by an official grader you may, if an official grader is not available, upon removal of the skin, grade mark the carcass and each wholesale cut. In such case, numeral grade marks must be applied in the manner specified in Appendix B.

(f) *Familiarity with standards.* If you perform the grading of any beef, veal, calf, lamb, yearling mutton or mutton carcass, or wholesale cut, yourself, you must apply the provisions of this section, the provisions of Appendices A, B, and C, and the applicable official standards of the Department of Agriculture for the grading of carcasses of the type which you are grading.

(g) *Limitation on non-official graders.* If you perform the grading and grade marking of any beef, veal, or calf carcass or wholesale cut, yourself, you may not grade any such carcass or wholesale cut better than "Commercial" and you may not grade mark it better than "40" except that you may in the cases covered in subsection (e) of this section grade mark a veal or calf carcass or wholesale cut upon removal of the skin in accordance with the grade determined by the official grader. If you perform the grading and grade marking of any lamb, yearling mutton or mutton carcass or wholesale cut yourself, you may not grade any such carcass or wholesale cut better than "Utility" and you may not grade mark it better than "50".

(h) *Appeal grading.* If you have a financial interest in any beef, veal, calf, lamb, yearling mutton or mutton carcass which has been graded and grade marked by an official grader in accordance with this section and you are dissatisfied with the determination of such official grader, you may appeal the grading and grade marking by making an application for appeal grading in the manner provided in the "Rules and Regulations of the Secretary of Agriculture Governing the Grading and Certification of Meats, Prepared Meats, and Meat Products" (Code of Federal Regulations, Title 7, Chapter 1, Subchapter C, Part 53, sections 53.1–53.42).

(i) *Private grades or brands.* You are permitted to use a private grading and branding system in addition to that required by this section provided that you identify your private grading and branding system in such a manner as to distinguish it from the official grade marks as specified in Appendices A, B, and C, and provided that your private mark or brand is physically separated from the grade marks and provided that you may not use any of the words comprising an official grade mark in your private brand or mark.

SEC. 6. *Additional prohibitions.* You may not

(a) Place false or misleading information on any invoice, sales slip, memorandum of sale schedule or other record;

(b) Alter, deface, mutilate, or destroy any record specified herein;

(c) Forge or counterfeit any record specified herein;

(d) Acquire, use, transfer or possess a forged, counterfeited, altered, defaced, or mutilated record specified herein;

(e) Wrongfully withhold a record specified herein;

(f) Bribe, hinder, or interfere with authorized Office of Price Stabilization officials; or

(g) Attempt to do any act in violation of this regulation, directly or indirectly, or aid or encourage another to do so.

SEC. 7. *Penalties.* If you violate any provision of this regulation you are subject to the criminal penalties and the civil remedies provided by the Defense Production Act of 1950.

SEC. 8. *Definitions.* When used in this regulation the term

(a) "Meat" means skeletal meat, that part of the striated muscle, with or without attached overlying fat, which is part of a dressed carcass of beef, veal, calf, lamb, yearling mutton, mutton or pork in good health at the time of slaughter. It does not include variety meat, canned meat or sausage.

(b) "Type of meat" means (1) beef, (2) veal, (3) calf, (4) lamb, (5) yearling mutton, (6) mutton or (7) pork.

(c) "Beef", "veal", "calf", "lamb", "yearling mutton" and "mutton" mean meat graded as such pursuant to the provisions of this regulation and in accordance with the "Official U. S. Standards for Grades of Carcass Beef", the "Official U. S. Standards for Grades of Veal and Calf Carcasses" and the "Official U. S. Standards for Grades of Lamb, Yearling Mutton and Mutton Carcasses" of the United States Department of Agriculture. "Pork" means meat derived from the carcasses of swine.

(d) "Class of meat" means with respect to beef carcasses, "stag" or "bull".

(e) "Grade of meat" means one of the standard Department of Agriculture grades of beef, veal, calf, lamb, yearling mutton or mutton, the use of which is required by this regulation.

(f) "Kind of meat" means meat of a given condition, of boning, trimming and/or stage of processing such as bone-in, boneless, trimmed, untrimmed, fresh, frozen, cured, smoked, cooked, dried, etc.

(g) "Cut of meat" means a dressed carcass or any given part thereof.

(h) "Weight range" means the range of weights within which you sell cuts of pork at the same price per pound.

(i) "Seller of meat at wholesale" means every person who regularly sells meat to persons who are not ultimate consumers.

(j) "Ultimate consumer" means an individual who purchases meat for his own consumption or that of his household.

(m) "Civilian buyer" means any buyer other than the United States or any agency thereof.

(n) "Accounting period" means the customary accounting period of a calendar month or a period of a least four weeks and not more than five weeks in length used by you in keeping your books and records, and shall be the same period used by you in making reports, if any, to the United States Department of Agriculture or to the Office of Price Stabilization, pursuant to Distribution Regulation 1.

(o) "You" means any individual, corporation, partnership, association or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof or any other government, or any of the political subdivisions or any agency of the foregoing, provided that no punishment shall apply to the United States or to any such government, political subdivision or agency.

Effective date. The provisions of this regulation shall be effective on and after May 7, 1951.

NOTE: All record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 30, 1951.

APPENDIX A—BEEF

1. GRADES

Beef carcasses and the wholesale cuts therein contained derived from steers, heifers, cows, bulls and stags shall be graded in the following uniform grades: Prime, choice, good, commercial, utility, cutter and canner, except that no cow, or bull, or stag carcass or wholesale cut shall be graded prime. In determining the grade of each beef carcass, the "Official U. S. Standards for Grades of Carcass Beef" (Code of Federal Regulations, Title 7, Chapter 1, Subchapter C, Part 53, sections 53.102–104) shall be used, and the grade for such carcass shall apply to each wholesale cut derived therefrom.

2. GRADE MARKS

The appropriate grade mark for each grade of beef shall be as follows:

Grade	Grade mark	
	By official graders	By other than official graders
Prime	Prime	
Choice	Choice	
Good	Good	
Commercial	Commercial	40
Utility	Utility	50
Cutter	Cutter	60
Canner	Canner	70

The word "BULL" or "STAG" where applicable shall be stamped on each wholesale cut.

3. APPLICATION OF GRADE MARKS

Grade marks shall be applied in the following manner:

(a) *By official graders.* Grade marks applied by official graders shall be applied in accordance with the procedures specified in Instruction No. 918 (LS–S & G)–3 of the Production and Marketing Administration of the United States Department of Agriculture or any amendment or revision thereof.

(b) *By other than official graders.* Grade marks applied by persons other than official graders shall be stamped (i) with edible violet meat branding fluid, (ii) in numerals at least ½ inch in height, (iii) not more than two inches apart, and (iv) along both sides of the chine bone and continuing down the outside of the round or leg to the beginning of the gambrel cord, and also along the belly on each side of the carcass, across the shoulder and along the fore shank. The grade stamping device shall include only the grade numerals. Class identification ("BULL" or "STAG") shall be made with a hand stamp at least once on each wholesale cut in letters at least one inch in height.

APPENDIX B—VEAL AND CALF

1. GRADES

Veal and calf carcasses and the wholesale cuts therein contained shall be graded in the following uniform grades: Prime, choice, good, commercial, utility and cull. In determining the grade of each such carcass the "Official U. S. Standards for Grades of Veal and Calf Carcasses" (Code of Federal Regulations, Title 7, Chapter 1, Subchapter C, Part 53, sections 53.107–53.111) shall be used and the grade for such carcass shall apply to each wholesale cut derived therefrom, provided that if grading is performed by other than official graders no carcass shall be graded as veal or calf if it weighs more than 275 pounds, skin off, chilled, or 315 pounds, skin on, chilled. Such carcasses shall be graded as beef.

2. GRADE MARKS

The appropriate grade marks for each grade of veal or calf shall be as follows:

Grade	Grade mark	
	By official graders	By other than official graders
Prime	Prime	[1] 10
Choice	Choice	20
Good	Good	30
Commercial	Commercial	40
Utility	Utility	50
Cull	Cull	60

[1] Not to be used except when carcass with skin on has been graded by an official grader.

The words "VEAL" or "CALF" where applicable shall be stamped on each wholesale cut.

3. APPLICATION OF GRADE MARKS

Grade marks shall be applied in the following manner:

(a) *By official graders.* Grade marks applied by official graders shall be applied in accordance with the procedures specified in Instruction No. 918 (LS–S & G)–3 of the Production and Marketing Administration of the United States Department of Agriculture or any amendment or revision thereof.

(b) *By other than official graders.* Grade marks applied by other than official graders shall be stamped (i) with edible violet meat branding fluid and (ii) in numerals at least ½ inch in height. A veal or calf carcass sold with the skin on shall be stamped only on the flanks and briskets. Upon removal of the skin, the grade marks shall be stamped not more than two inches apart along both sides of the chine bone and continuing down the outside of the round or leg to the beginning of the gambrel cord, and also not more than two inches apart along the belly on each side of the carcass, across the shoulder and along the shank. The grade stamping device shall include only the grade numerals. Class identification ("VEAL" or "CALF") shall be made with a hand stamp at least once on each wholesale cut in letters at least one inch in height.

APPENDIX C—LAMB, YEARLING MUTTON AND MUTTON

1. GRADES

Lamb, yearling mutton and mutton carcasses and the wholesale cuts therein contained shall be graded in the following uniform grades: Prime, choice, good, utility and cull, except that no mutton carcass shall be graded prime. In determining the grade of each lamb, yearling mutton and mutton carcass, the "Official U. S. Standards for Grades of Lamb, Yearling Mutton, and Mutton Carcasses" (Code of Federal Regulations, Title 7, Chapter I, Subchapter C, Part 53, sections 53.114–118) shall be used, and the grade for such carcass shall apply to each wholesale cut derived therefrom.

2. GRADE MARKS

The appropriate grade mark for each grade of lamb, yearling mutton or mutton shall be as follows:

Grade	Grade mark	
	By official graders	By other than official graders
Prime	Prime	
Choice	Choice	
Good	Good	
Utility	Utility	50
Cull	Cull	60

The word "YEARLING" or "MUTTON" where applicable shall be stamped on each wholesale cut.

3. APPLICATION OF GRADE MARKS

Grade marks shall be applied in the following manner:

(a) *By official graders.* Grade marks applied by official graders shall be applied in accordance with the procedures specified in Instruction No. 918 (LS–S & G)–3 of the Production and Marketing Administration of the United States Department of Agriculture or any amendment or revision thereof.

(b) *By other than official graders.* Grade marks applied by persons other than official graders shall be stamped (i) with edible violet meat branding fluid, (ii) in numerals at least ¼ inch in height, (iii) not more than two inches apart, and (iv) along both sides of the chine bone and continuing down the outside of the round or leg to the beginning of the gambrel cord, and also along the belly on each side of the carcass, across the shoulder and along the shank. The grade stamping device shall include only the grade numerals. Class identification ("YEARLING" or "MUTTON") shall be made with a hand stamp at least once on each wholesale cut in letters at least one inch in height.

[F. R. Doc. 51–5072; Filed, Apr. 30, 1951; 10:26 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M–51, Schedule 1]

M–51—GLASS CONTAINERS; SIMPLIFICATION AND USE

SCHED. 1—GLASS CONTAINERS; SIMPLIFIED DESIGNS

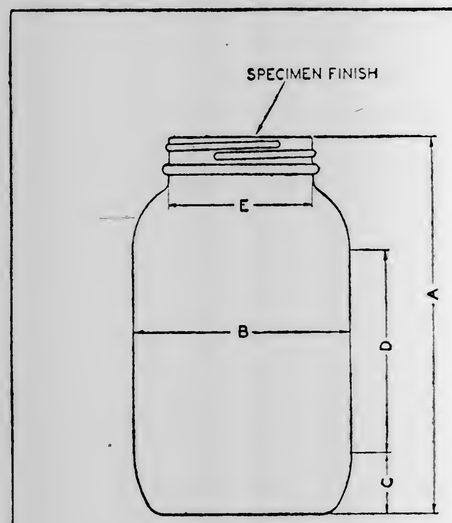
As provided in section 4 (a) of NPA Order M–51, the designs of glass containers shown in the drawings appearing at the end of this schedule and by the particular specifications set forth opposite the design numbers in the tables of specifications accompanying such drawings, are, by the issuance of this schedule, established as simplified designs.

This Schedule 1 of NPA Order M–51 shall take effect on April 27, 1951.

(Sec. 704, Pub. Law 774, 81st Cong.)

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

DRAWING No. 1.—Plain round jar.



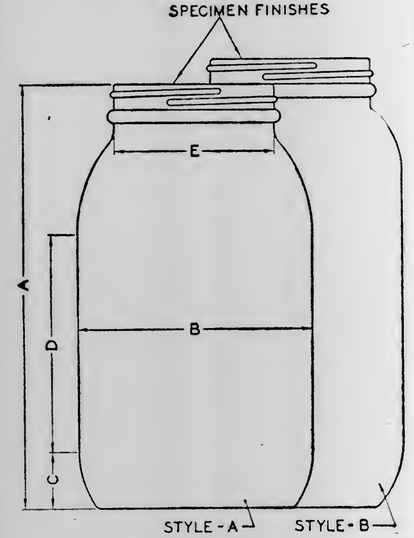
DESIGN NO.	CAPACITY OVERFLOW FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	C	D	E	COM'L FINISH NO.
10-14	4 1/4	3 3/4	3 25/64	2 3/32	35/64	1 49/64	1 49/64	48-400
10-20	6 1/4	4 1/4	3 55/64	2 19/64	5/8	2 1/16	1 31/32	53-400
10-25	7 3/4	4 3/4	4 1/8	2 7/16	11/16	2 1/8	1 31/32	53-400
10-26	8 3/8	5 1/4	4 9/32	2 35/64	11/16	2 9/64	1 31/32	53-400
10-27	8 3/8	5 1/2	4 9/32	2 1/2	11/16	2 3/8	2 1/8	58-400
10-28	8 3/4	5 3/4	4 11/32	2 17/32	5/8	2 31/64	2 1/8	58-400
10-30	9 1/2	6	4 21/64	2 37/64	41/64	2 9/16	2 1/8	58-400
10-36	11 1/2	6 1/4	4 25/32	2 49/64	49/64	2 7/16	2 1/8	58-400
10-40	12 1/2	6 1/2	4 27/32	2 55/64	49/64	2 1/2	2 1/8	58-400
10-48	15 1/2	7 7/8	5 1/8	3 1/16	13/16	2 11/16	2 3/8	63-400
10-51	15 1/2	8	5 7/32	3 5/32	27/32	2 47/64	2 3/8	63-400
10-52	17	8 1/4	5 11/32	3 11/64	27/32	2 55/64	2 3/8	63-400
10-53	18 5/16	8 1/2	5 3/8	3 17/64	29/32	2 49/64	2 3/8	63-400
10-60	22 3/4	10	5 7/8	3 15/32	15/16	3 11/64	2 3/8	63-400
10-63	24 1/2	10 5/8	5 61/64	3 37/64	31/32	3 7/32	2 3/8	63-400
10-67	27 1/2	11 1/4	6 1/4	3 45/64	1	3 25/64	2 3/8	63-400
10-72	31	12 1/4	6 9/16	3 53/64	1 1/32	3 39/64	2 3/8	63-400
10-75	32 5/8	12 1/2	6 3/4	3 55/64	1 1/16	3 45/64	2 3/8	63-400
10-77	34	12 3/4	6 13/16	3 61/64	1 3/32	3 45/64	2 3/8	63-400
10-81	48 3/4	19	7 11/16	4 27/64	1 1/4	4 17/64	2 5/8	70-400

NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
3. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
4. CONTAINER SHALL BE ROUND.
5. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

PLAIN ROUND JAR | DRAWING NO.-1

DRAWING No. 2.—Quart jar.



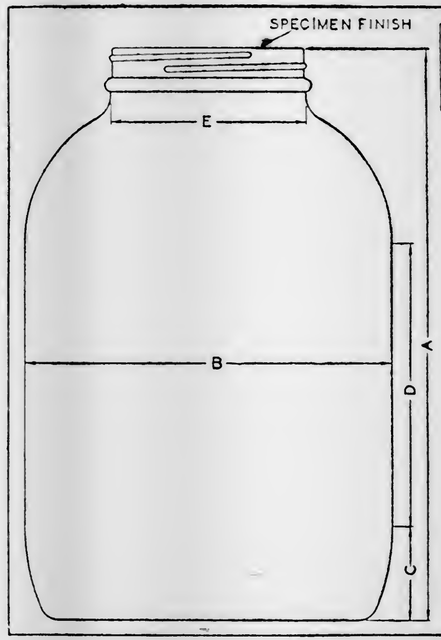
DESIGN NO.	STYLE	CAPACITY OVERFLOW FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	C	D	E	COM'L FINISH NO.
11-75	A	32 5/8	12	6 3/4	3 27/32	15/16	3 7/16	2 5/8	70-400
11-76	B	32 5/8	12 1/2	7 9/64	3 43/64	1 1/8	4 1/4	2 5/8	70-400

NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
3. THE PROFILES ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGNS.
4. CONTAINER SHALL BE ROUND.
5. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

QUART JAR | DRAWING NO.-2

DRAWING No. 3.—Large size jar.



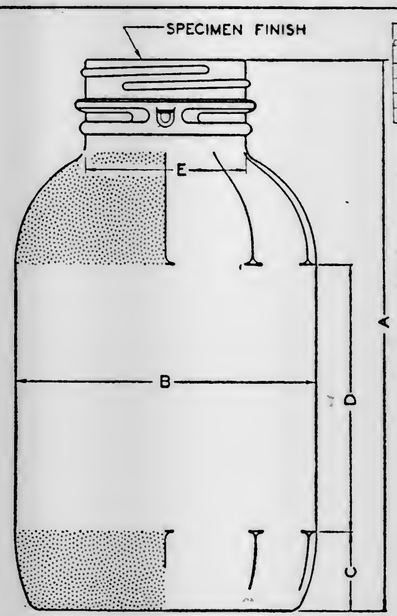
DESIGN NO.	SIZE	CAPACITY OVERFLOW FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	C	D	E	COM'L FINISH NO.
12-86	1/2 GAL.	65 1/4	25	8 3/8	4 55/64	1 3/8	4 1/2	3 1/8	83-400
12-91	NO. 10	135 5/8	34	9 3/32	5 63/64	1 1/2	4 1/2	3 1/8	83-400
12-96	1 GAL.	130 1/2	42	10 1/16	6 10/64	1 3/4	5 5/16	3 3/8	89-400

NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
3. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
4. CONTAINER SHALL BE ROUND.
5. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

LARGE SIZE JAR | DRAWING NO.-3

DRAWING No. 4.—Wide mouth pail.



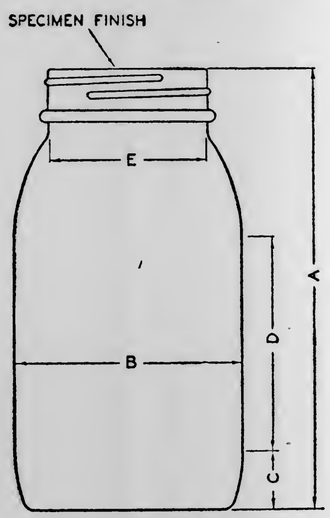
DESIGN NO.	SIZE	CAPACITY OVERFLOW FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	C	D	E	COM'L FINISH NO.
14-85	5 LB.	58 1/2	23	8 9/32	4 13/16	1 1/16	4 1/4	2 5/8	G-450-910
14-87	1/2 GAL.	66	24 3/4	8 23/32	5 1/64	1 1/4	4 1/4	2 5/8	G-450-910
14-90	No. 10	103	35	10	5 57/64	1 1/2	4 1/2	2 5/8	G-450-910
14-96	1 GAL.	130	44	10 5/8	6 11/32	1 3/4	4 61/64	2 5/8	G-450-910

NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
3. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
4. DECORATED AREAS SHOWN AT SHOULDER AND HEEL SHALL BE FLUTED OR STIPPLED, NEVER PLAIN.
5. CONTAINER SHALL BE ROUND.
6. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

WIDE MOUTH PAIL | DRAWING NO.-4

Drawing No. 5.—Wide mouth jar.



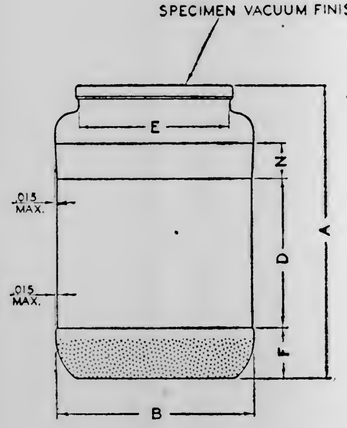
DESIGN NO.	CAPACITY OVERFLOW FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	C	D	E	GCMI FINISH NO.
20-51	16 1/2	8 1/2	5 3/64	3 7/32	7/8	2 3/32	2 5/8	E-450
20-75	32 5/8	12 1/2	7 1/16	3 3/4	15/16	3 7/16	2 5/8	E-450

NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
3. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
4. CONTAINER SHALL BE ROUND.
5. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

WIDE MOUTH JAR | DRAWING NO.-5

Drawing No. 6.—Shoulder type fruit and vegetable jar.



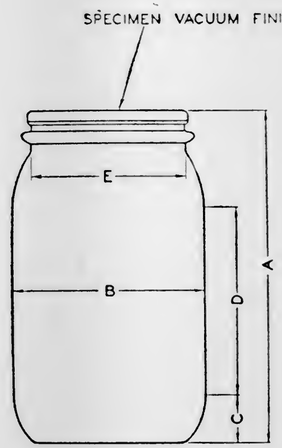
DESIGN NO.	CAPACITY OVERFLOW FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	D	E	F	N	GCMI FINISH SIZE
15-47	15	6 5/8	4 1/2	3 1/8	2 1/4	2 15/32	3/4	15/32	66 MM
15-53	17	7 1/4	4 11/16	3 1/4	2 3/8	2 15/32	13/16	9/16	66 MM
15-21	28 3/8	11 1/4	4 7/8	4 3/32	2 1/4	3 9/64	1 3/64	41/64	83 MM

NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
3. THE PROFILE ILLUSTRATED, INCLUDING THE LABEL RECESS, SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "D", "F", AND "N" DIMENSIONS.
4. HEEL OF JAR SHALE BE STIPPLED OR KNURLED AS INDICATED.
5. CONTAINER SHALL BE ROUND.
6. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

SHOULDER TYPE FRUIT&VEGETABLE JAR | DRAWING NO.-6

Drawing No. 7.—Bead type fruit and vegetable jar.



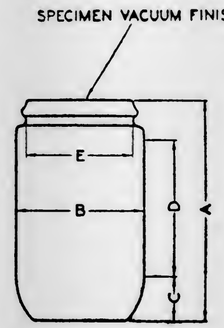
DESIGN NO.	CAPACITY OVERFLOW FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	C	D	E	GCMI FINISH SIZE
10-53	17	8 1/2	5 10/64	3 7/64	3/4	3	2 17/32	66 MM

NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
3. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
4. CONTAINER SHALL BE ROUND.
5. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

BEAD TYPE FRUIT&VEGETABLE JAR | DRAWING NO.-7

Drawing No. 8.—Baby food jar.



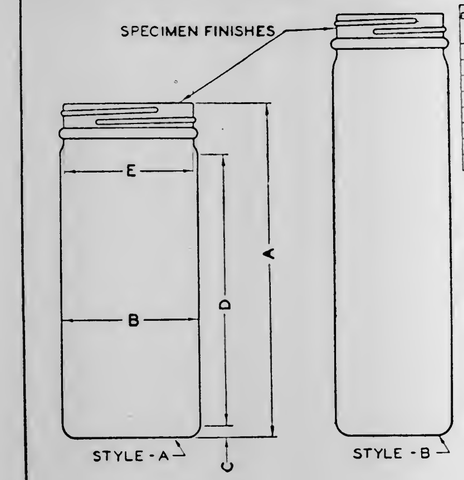
DESIGN NO.	CAPACITY OVERFLOW FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	C	D	E	GCMI FINISH SIZE
20-16	5	3 9/16	3 17/32	2 7/64	11/16	2 7/32	1 49/64	48 MM
20-25	8.2	4 15/16	3 7/8	2 33/64	41/64	2 39/64	2 5/32	58 MM

NOTES:

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
3. CONTAINER SHALL BE ROUND.
4. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

BABY FOOD JAR | DRAWING NO.-8

DRAWING No. 9.—Olive bottle.



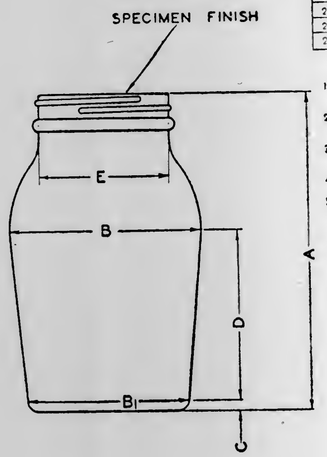
DESIGN NO.	STYLE	CAPACITY OVERFLOW FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	C	D	E	COMM. FINISH NO.
17-26	A	8 1/4	8 1/16	5 21/64	2 1/4	9/32	4 7/32	2 1/8	58-400
17-38	A	12 1/8	10	6 1/64	2 35/64	5/15	4 21/32	2 1/8	58-400
17-50	A	16 1/8	11 1/4	6 41/64	2 47/64	11/32	5 7/32	2 3/8	63-400
17-56	A	20 1/8	14 1/2	7 1/8	2 31/32	3/8	5 1/2	2 3/8	63-400
17-11	B	3 1/2	4 3/8	5 1/64	1 9/16	5/32	3 61/64	1 3/8	38-400
17-17	B	5 3/8	5 3/4	5 15/16	1 3/4	7/32	4 51/64	1 17/32	43-400
17-23	B	7 7/16	7 3/8	6 23/32	1 29/32	1/4	5 19/32	1 3/4	48-400
17-33	B	10 1/4	10 1/4	7 7/16	2 1/8	9/32	6 11/64	1 15/16	53-400

NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
3. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
4. CONTAINER SHALL BE ROUND.
5. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

OLIVE BOTTLE | DRAWING NO.-9

DRAWING No. 10.—Wide mouth cherry line.



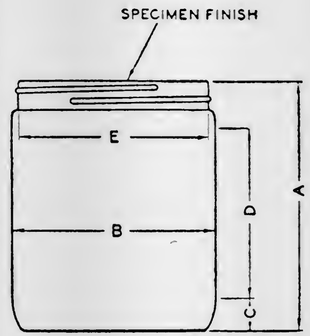
DESIGN NO.	CAPACITY OVERFLOW FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	B1 MAX.	C	D	E	COMM. FINISH NO.
23-11	3 3/4	3 1/4	3 7/16	2 9/64	1 47/64	5/32	1 45/64	1 17/32	43-400
23-22	7 1/4	4 3/4	4 3/32	2 41/64	2 7/64	7/32	2 3/32	1 15/16	53-400
23-43	14	7 1/8	5 1/32	3 11/64	2 47/64	1/4	2 39/64	2 1/8	58-400
23-63	24 1/2	11 1/4	6 5/16	3 23/32	3 3/32	5/16	3 9/32	2 5/8	70-400

NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" AND "B1" DIMENSIONS.
3. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
4. CONTAINER SHALL BE ROUND.
5. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

WIDE MOUTH CHERRY LINE | DRAWING NO.-10

DRAWING No. 11.—Wide mouth peanut butter jar.



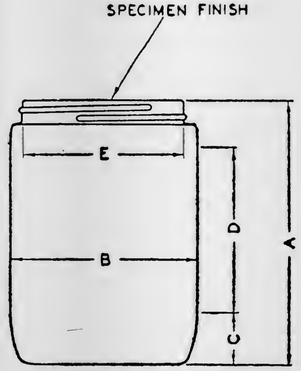
DESIGN NO.	CAPACITY OVERFLOW FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	C	D	E	COMM. FINISH NO.
26-24	7 3/4	5 1/2	3 33/64	2 19/32	41/64	2 7/32	2 3/8	63-400
26-38	11 3/4	7 3/4	4 17/64	2 15/16	5/8	2 63/64	2 5/8	70-400
26-45	14 3/8	8 1/2	3 47/64	3 27/64	13/16	2 3/16	3 1/8	83-400
26-48	15 1/2	8 3/4	4	3 11/32	33/64	2 3/4	3 1/8	83-400

NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
3. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
4. CONTAINER SHALL BE ROUND.
5. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

WIDE MOUTH PEANUT BUTTER JAR | DRAWING NO.-11

DRAWING No. 12.—Wide mouth pickle jar.



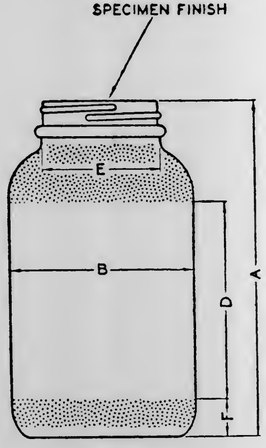
DESIGN NO.	CAPACITY OVERFLOW FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	C	D	E	COMM. FINISH NO.
30-40	12 5/8	8 3/8	4 7/32	3 1/16	13/16	2 5/8	2 5/8	70-400
30-50	16 1/4	9 1/2	4 13/64	3 27/64	13/16	2 17/32	3 1/8	83-400

NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
3. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
4. CONTAINER SHALL BE ROUND.
5. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

WIDE MOUTH PICKLE JAR | DRAWING NO.-12

DRAWING No. 13.—Soluble coffee line.



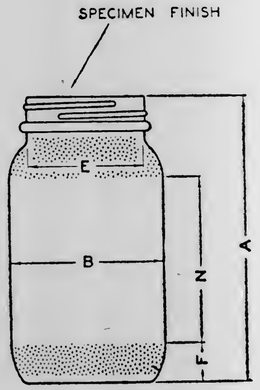
DESIGN NO.	CAPACITY OVERFLOW FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	D	E	F	GOVT FINISH NO.
27-24	7 3/4	4 3/4	4 9/32	2 13/32	2 1/2	1 3/4	33/64	48-400
27-47	15 9/64	7 7/8	5 3/8	3	3 1/8	1 15/16	5/8	53-400
27-60	22 3/4	10	5 7/8	3 15/32	3 11/64	2 3/8	15/16	63-400

NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
3. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "E" AND "D" DIMENSIONS.
4. CONTAINER SHALL BE ROUND.
5. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.
6. SHOULDER AND HEEL MAY BE PLAIN OR STIPPLED OR KNURLED AS INDICATED.

SOLUBLE COFFEE LINE | DRAWING NO.-13

DRAWING No. 14.—Soluble tea line.



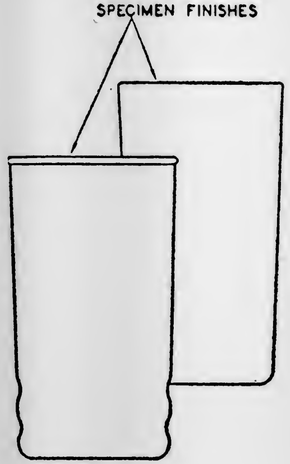
DESIGN NO.	CAPACITY OVERFLOW FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	E	F	N	GOVT FINISH NO.
31-16	5 1/32	3 5/8	3 9/16	2 11/64	1 3/4	33/64	2 3/16	48-400
31-20	6 3/4	4 1/4	4	2 1/4	1 3/4	33/64	2 3/8	48-400
31-31	9 5/8	5 3/4	4 9/16	2 9/16	1 15/16	5/8	2 21/32	53-400

NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
3. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "F" AND "N" DIMENSIONS.
4. CONTAINER SHALL BE ROUND.
5. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.
6. SHOULDER AND HEEL MAY BE PLAIN OR STIPPLED OR KNURLED AS INDICATED.

SOLUBLE TEA LINE | DRAWING NO.-14

DRAWING No. 15.—Tumblers and tumbler shaped jars.



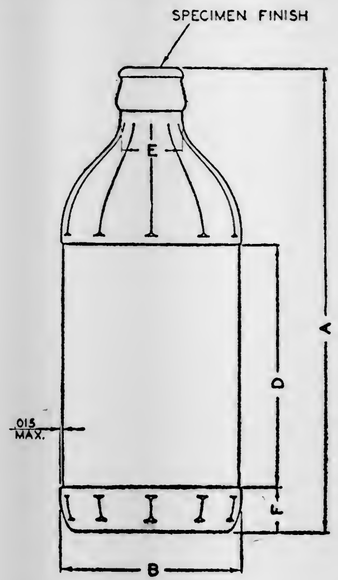
DESIGN NO.	CAPACITY OVERFLOW FLUID OUNCES	GOVT FINISH SIZE MAX.
25-10	UP TO AND INCLUDING 3	53 mm
25-14	OVER 3 TO AND INCLUDING 4 1/2	58 mm
25-22	OVER 4 1/2 TO AND INCLUDING 7	63 mm
25-31	OVER 7 TO AND INCLUDING 9 3/4	68 mm
25-41	OVER 9 3/4 TO AND INCLUDING 13	73 mm
25-50	OVER 13 TO AND INCLUDING 16	80 mm

NOTES:-

1. THE ACCOMPANYING ILLUSTRATIONS SHOW TYPICAL TUMBLER AND TUMBLER SHAPED JAR DESIGNS AND NEED NOT BE FOLLOWED EXACTLY.
2. CONTAINER SHALL BE ROUND.
3. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

TUMBLERS & TUMBLER SHAPED JARS | DRAWING NO.-15

DRAWING No. 16.—Round food line bottle (short neck).



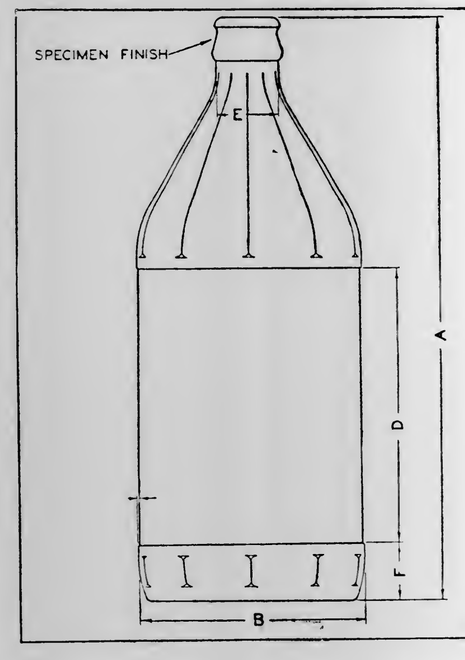
DESIGN NO.	CAPACITY OVERFLOW FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	D	E	F	GOVT FINISH NO.
50-08	2 1/4	3	4 3/32	1 37/64	2 5/32	11/16	3/8	20-400
50-14	4 1/4	4 1/4	5	1 7/8	2 9/16	1	7/16	26-660
50-21	6 19/32	5 1/2	5 5/8	2 5/32	2 27/32	1	1/2	26-660
50-28	8 3/4	6 1/2	5 31/32	2 13/32	3 1/16	1	17/32	26-660
50-40	12 3/4	8 1/2	6 49/64	2 11/16	3 1/2	1	5/8	26-660
50-50	16 9/16	10 1/2	7 3/8	2 29/32	3 7/8	1	11/16	26-660
50-51	16 7/8	10 1/2	7 3/8	2 61/64	3 7/8	1	11/16	26-660
50-52	17 3/8	10 1/2	7 3/8	2 63/64	3 7/8	1	11/16	26-660
50-64	25 3/8	14	8 3/8	3 11/32	4 7/16	1	25/32	26-660
50-75	32 3/4	17	9 3/8	3 35/64	5	1	29/32	26-660
50-76	33 7/16	17	9 5/16	3 39/64	5	1	29/32	26-660

NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
3. THE PROFILE ILLUSTRATED, INCLUDING THE LABEL RECESS, SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "E" AND "D" DIMENSIONS.
4. SHOULDER OF BOTTLE SHALL BE FLUTED AS SHOWN. FLUTING ON HEEL OPTIONAL.
5. CONTAINER SHALL BE ROUND.
6. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

ROUND FOOD LINE BOTTLE | SHORT NECK | DRAWING NO.-16

DRAWING No. 17.—Round food line bottle (long neck).



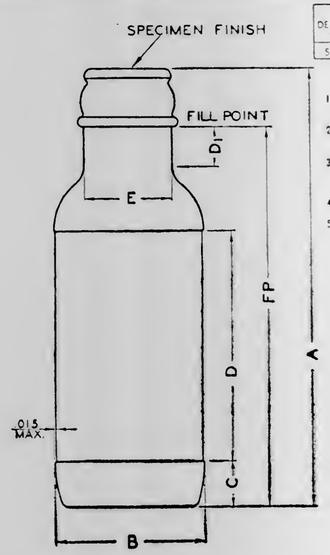
DESIGN NO.	CAPACITY OVERFLOW FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	D	E	F	COMI FINISH NO.
54-52	17 3/8	10 1/4	7 3/8	3 1/32	3 11/32	1	3/4	26-250
54-64	25 3/8	13 1/2	8 3/8	3 25/64	3 3/4	1	27/32	26-250
54-77	34	17	9 5/16	3 43/64	4 7/16	1	29/32	26-250

NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
3. THE PROFILE ILLUSTRATED, INCLUDING THE LABEL RECESS, SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "E" AND "D" DIMENSIONS.
4. SHOULDER OF BOTTLE SHALL BE FLUTED AS SHOWN. FLUTING ON HEEL OPTIONAL.
5. CONTAINER SHALL BE ROUND.
6. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

ROUND FOOD LINE BOTTLE | LONG NECK | DRAWING NO.-17

DRAWING No. 18.—Chili sauce bottle.



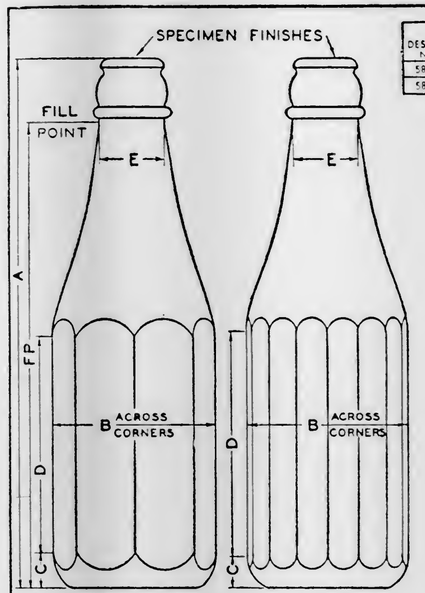
DESIGN NO.	CAPACITY TO FILL POINT FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	C	D	D_1	E	FP	COMI FINISH NO.
59-33	10 1/4	9 1/4	7	2 29/64	3/4	3 21/32	5/8	1 7/16	6 1/16	36-250

NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
3. THE PROFILE ILLUSTRATED, INCLUDING THE LABEL RECESS, SHALL BE MAINTAINED FOR THE ABOVE DESIGN CONSISTENT WITH THE "C", "D" AND "D_1" DIMENSIONS.
4. CONTAINER SHALL BE ROUND.
5. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

CHILI SAUCE BOTTLE | DRAWING NO.-18

DRAWING No. 19.—Small neck catsup bottle.



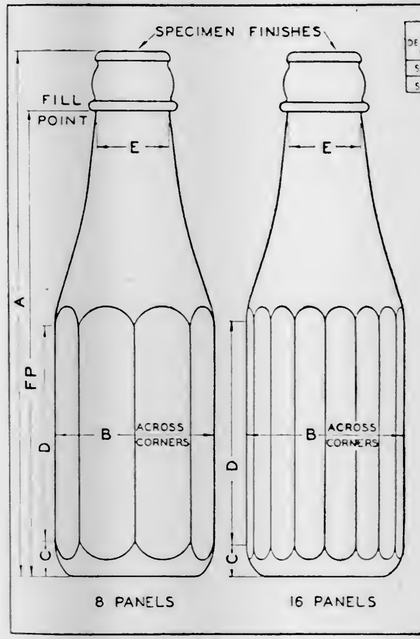
DESIGN NO.	CAPACITY TO FILL POINT FL. OZ.	WEIGHT MAXIMUM OZ.	NO. OF PANELS	A	B MAX.	C	D	E	FP	COMI FINISH NO.
58-38	12 1/4	10 1/4	8	8 3/8	2 39/64	9/16	3 7/16	1 1/16	7 3/8	26-250
58-39	12 1/4	10 1/4	16	8 3/8	2 19/32	1/2	3 9/16	1 1/16	7 3/8	26-250

NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
3. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
4. CONTAINER SHALL BE ESSENTIALLY ROUND WITH 8 OR 16 PANELS, AS SPECIFIED.
5. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

SMALL NECK CATSUP BOTTLE | DRAWING NO.-19

DRAWING No. 20.—Large neck catsup bottle.



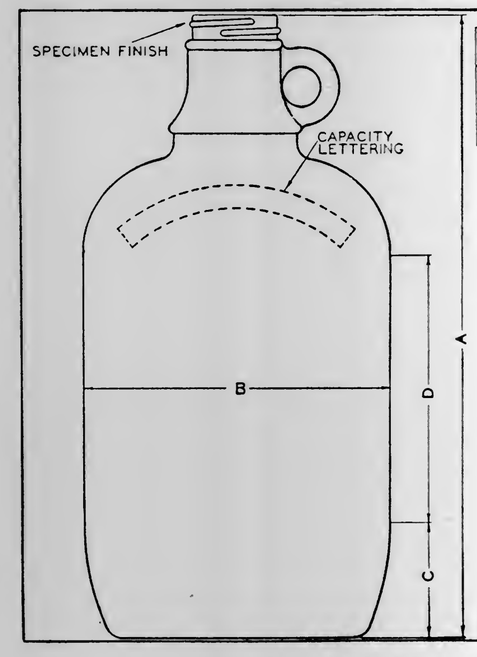
DESIGN NO.	CAPACITY TO FILL POINT FL. OZ.	WEIGHT MAXIMUM OZ.	NO. OF PANELS	A	B MAX.	C	D	E	FP	COMI FINISH NO.
59-38	12 1/16	10 1/4	8	8 3/8	2 37/64	9/16	3 7/16	1 3/16	7 3/8	31-250
59-39	12 1/16	10 1/4	16	8 3/8	2 35/64	1/2	3 9/16	1 3/16	7 3/8	31-250

NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
3. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
4. CONTAINER SHALL BE ESSENTIALLY ROUND WITH 8 OR 16 PANELS, AS SPECIFIED.
5. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

LARGE NECK CATSUP BOTTLE | DRAWING NO.-20

DRAWING No. 21.—Glass jug.



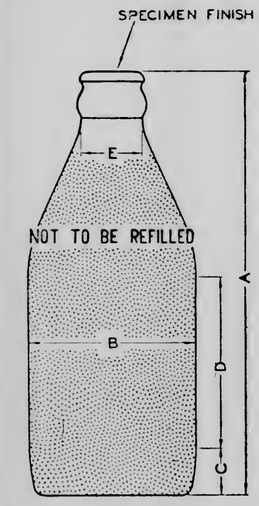
DESIGN NO.	SIZE	CAPACITY OVERFLOW FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	C	D	GCMI FINISH NO.
51-86	1/2 GAL.	66	31	9 7/8	4 31/32	1 47/64	4 9/32	38-400
51-88	1/2 GAL.	67	31	9 7/8	5	1 47/64	4 9/32	38-400
51-93	1 GAL.	130 1/2	46	11 17/32	6 15/32	1 3/4	4 1/2	38-400
51-94	1 GAL.	131 1/2	46	11 17/32	6 1/2	1 3/4	4 1/2	38-400
51-96	1 GAL.	134 1/2	48	11 17/32	6 19/32	1 3/4	4 1/2	38-400

NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
3. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
4. CONTAINER SHALL BE ROUND.
5. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

GLASS JUG | DRAWING NO.-21

DRAWING No. 22.—Single trip beer bottle.



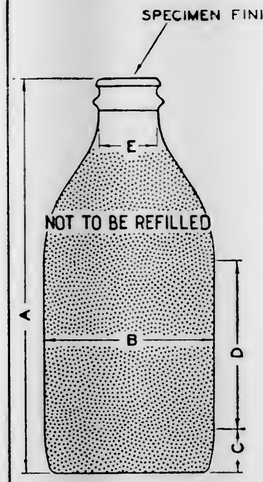
DESIGN NO.	SIZE	CAPACITY OVERFLOW FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	C	D	E	GCMI FINISH NO.
60-38	12	12 63/32	7 3/8	6 3/4	2 47/64	11/16	2 3/4	1	26-620
60-76	32	33 3/4	17 1/2	9 1/2	3 45/64	3/4	4 1/4	1	26-620

NOTES:-

1. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
2. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
3. BOTTLE SHALL BE ROUND WITH LETTERING SHOWN.
4. BODY AND BOTTOM OF BOTTLE TO BE STIPPLED OR KNURLED.

SINGLE TRIP BEER BOTTLE | DRAWING NO.-22

DRAWING No. 23.—One-way beer bottle.



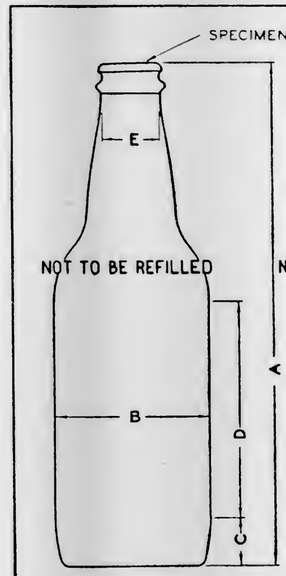
DESIGN NO.	SIZE	CAPACITY OVERFLOW FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	C	D	E	GCMI FINISH NO.
61-38	12	12 93/32	7	6 9/32	2 25/32	11/16	2 11/16	31/32	26-650

NOTES:-

1. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
2. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGN CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
3. BOTTLE SHALL BE ROUND WITH LETTERING SHOWN.
4. BODY AND BOTTOM OF BOTTLE TO BE STIPPLED OR KNURLED.

ONE-WAY BEER BOTTLE | DRAWING NO.-23

DRAWING No. 24.—Tall one-way beer bottle.



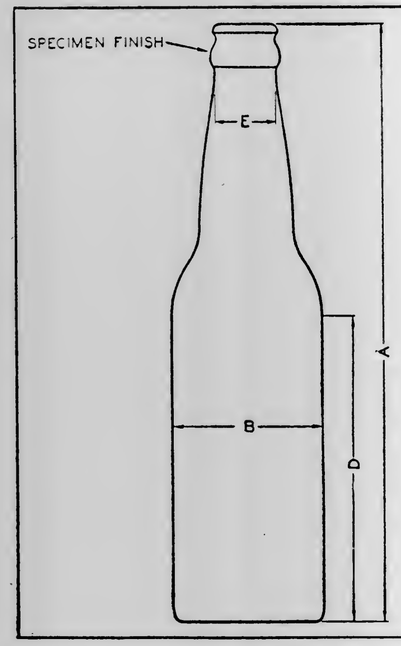
DESIGN NO.	SIZE	CAPACITY OVERFLOW FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	C	D	E	GCMI FINISH NO.
63-38	12	12 23/32	8 1/4	8	2 35/64	23/32	3 15/32	31/32	26-650
63-75	32	33 1/4	19	10 3/4	3 30/64	1	4 27/64	31/32	26-650

NOTES:-

1. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
2. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
3. BOTTLE SHALL BE ROUND WITH LETTERING SHOWN.
4. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

TALL ONE-WAY BEER BOTTLE | DRAWING NO.-24

DRAWING No. 25.—Export shape beer bottle.



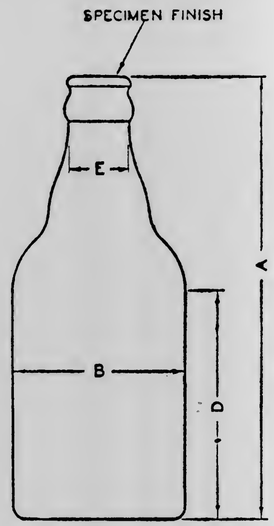
DESIGN NO.	SIZE	CAPACITY OVERFLOW FL. OZ.	WEIGHT MAXIMUM OZ.	A	B	D	E	COM'L FINISH NO.
65-38	12	12 23/32	12	9 1/2	2 15/32	4 27/32	1	26-600

NOTES:-

1. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGN CONSISTENT WITH THE "D" DIMENSION.
2. CONTAINER SHALL BE ROUND.
3. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

EXPORT SHAPE BEER BOTTLE | DRAWING NO.-25

DRAWING No. 26.—Steinie beer bottle.



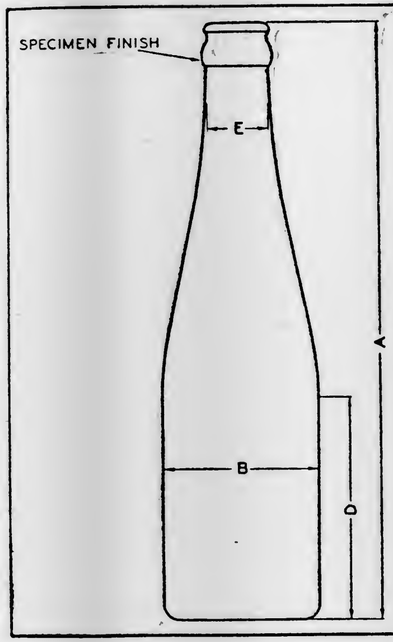
DESIGN NO.	SIZE	CAPACITY OVERFLOW FL. OZ.	WEIGHT MAXIMUM OZ.	A	B	D	E	COM'L FINISH NO.
66-38	12	12 23/32	9 3/4	7	2 13/16	3 5/8	1	26-610
66-76	32	33 3/4	20	9 7/8	3 11/16	5 15/32	1	26-610

NOTES:-

1. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "D" DIMENSION.
2. CONTAINER SHALL BE ROUND.
3. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

STEINIE BEER BOTTLE | DRAWING NO.-26

DRAWING No. 27.—Select shape beer bottle.



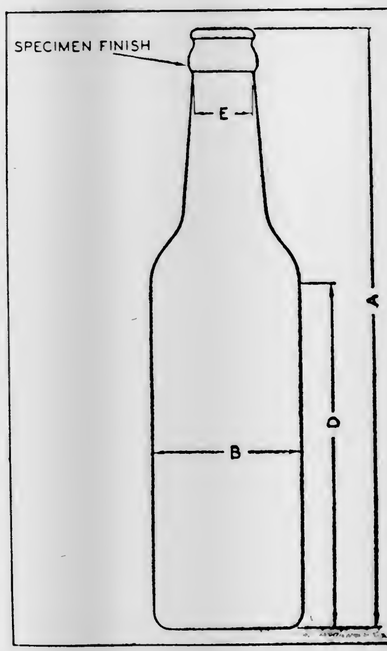
DESIGN NO.	SIZE	CAPACITY OVERFLOW FL. OZ.	WEIGHT MAXIMUM OZ.	A	B	D	E	COM'L FINISH NO.
67-37	12	12 23/32	10 1/2	9 1/2	2 33/64	3 23/64	1	26-600
67-38	12	12 23/32	12	9 1/2	2 17/32	3 33/64	1	26-600

NOTES:-

1. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGN CONSISTENT WITH THE "D" DIMENSION.
2. CONTAINER SHALL BE ROUND.
3. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

SELECT SHAPE BEER BOTTLE | DRAWING NO.-27

DRAWING No. 28.—Ale bottle.



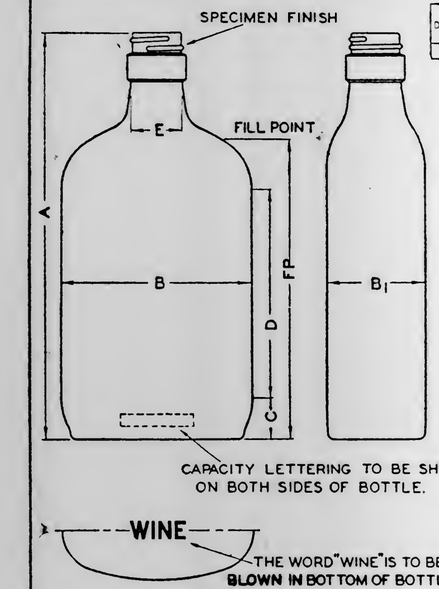
DESIGN NO.	SIZE	CAPACITY OVERFLOW FL. OZ.	WEIGHT MAXIMUM OZ.	A	B	D	E	COM'L FINISH NO.
68-38	12	12 23/32	12	9 1/2	2 27/64	3 29/64	1	26-600

NOTES:-

1. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGN CONSISTENT WITH THE "D" DIMENSION.
2. CONTAINER SHALL BE ROUND.
3. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

ALE BOTTLE | DRAWING NO.-28

DRAWING No. 29.—Oval wine flask.



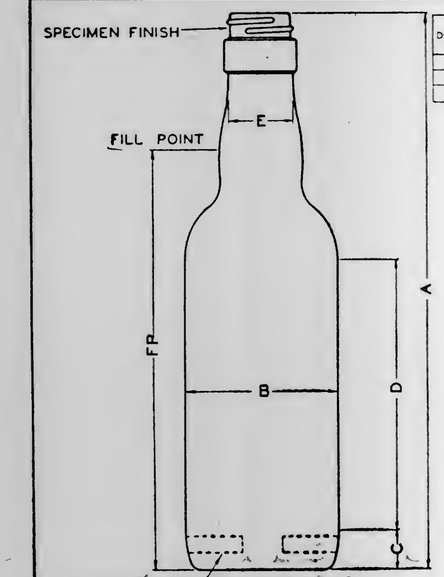
DESIGN NO.	CAPACITY FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	B_1 MAX.	C	D	FP	E	GCMI FINISH NO.
72-50	16	13 1/2	8 3/32	3 7/8	2	13/16	4 7/32	6 1/32	1 1/16	28-A-400-900

NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" AND "B_1" DIMENSIONS.
3. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGN CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
4. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED.

OVAL WINE FLASK | DRAWING NO.-29

DRAWING No. 30.—Bulb neck flat bottom wine bottle.



DESIGN NO.	CAPACITY FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	C	D	E	FP	GCMI FINISH NO.
75-40	12.8	11	8 7/8	2 33/64	5/8	4 5/16	1 1/16	6 11/16	28-A-400-900
75-64	25.6	19	11 15/64	3 3/32	5/8	5 25/32	1 1/8	9	28-B-400-900
75-75	32	20	11 1/2	3 3/8	5/8	5 15/16	1 1/8	9 3/32	28-B-400-900

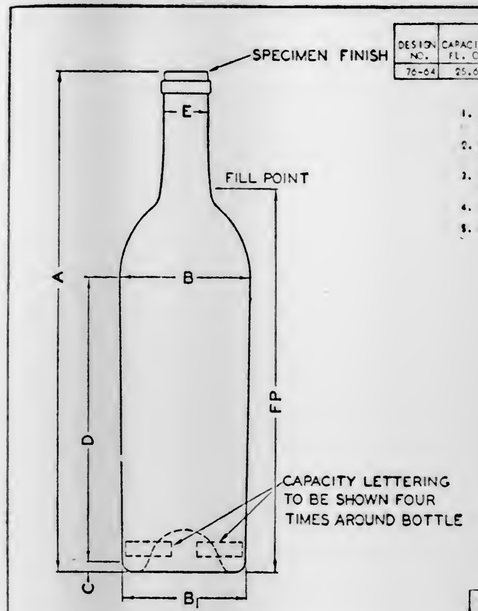
NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
3. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
4. CONTAINER SHALL BE ROUND.
5. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

BULB NECK FLAT BOTTOM WINE BOTTLE | DRAWING NO.-30

Com—NPA 820—p. 17

DRAWING No. 31.—Straight neck push-up bottom wine bottle.



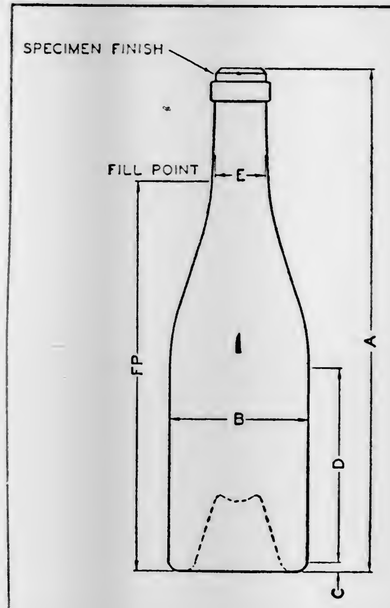
DESIGN NO.	CAPACITY FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	B_1 MAX.	C	D	E	FP	GCMI FINISH NO.
76-64	25.6	20	11 13/16	3 9/64	2 61/64	1/4	5 11/16	1 1/16	9 1/16	30-A-3110

NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" AND "B_1" DIMENSIONS.
3. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGN CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
4. CONTAINER SHALL BE ROUND.
5. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

STRAIGHT NECK PUSH-UP BOTTOM WINE BOTTLE | DRAWING NO.-31

DRAWING No. 32.—Champagne bottle.



DESIGN NO.	CAPACITY	WEIGHT MAXIMUM OZ.	A	B MAX.	C	D	E	FP	GCMI FINISH NO.
77-41	4/5 PT.	29	10	2 27/32	3/16	3 27/32	1 1/16	7 3/4	30-3140
77-65	4/5 QT.	37	12	3 15/32	1/4	4 13/32	1 3/16	8 17/32	30-3140

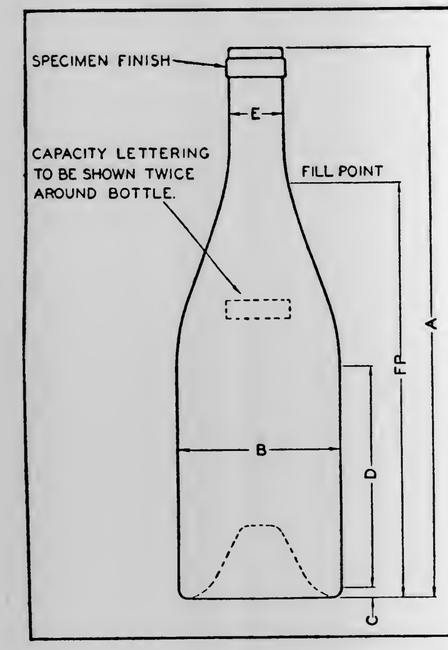
NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
3. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
4. CONTAINER SHALL BE ROUND.
5. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

CHAMPAGNE BOTTLE | DRAWING NO.-32

Com—NPA 820—p. 17

DRAWING No. 33.—Burgundy bottle.



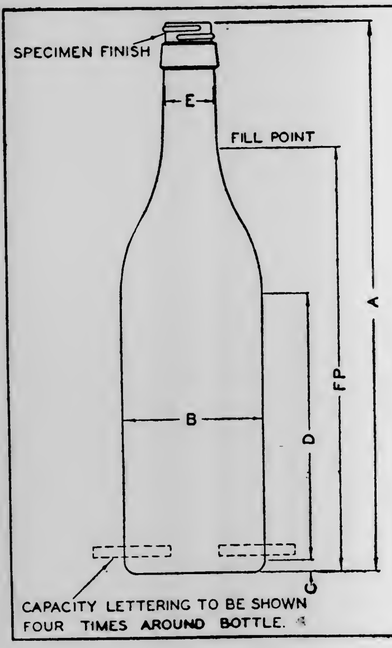
DESIGN NO.	CAPACITY FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	C	D	E	FP	COMI FINISH NO.
79-64	25.6	23 1/2	11 1/4	3 27/64	3/16	4 17/32	1 1/8	8 1/2	32-3110

NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
3. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGN CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
4. CONTAINER SHALL BE ROUND.
5. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

BURGUNDY BOTTLE | DRAWING NO.-33

DRAWING No. 34.—Round vermouth bottle.



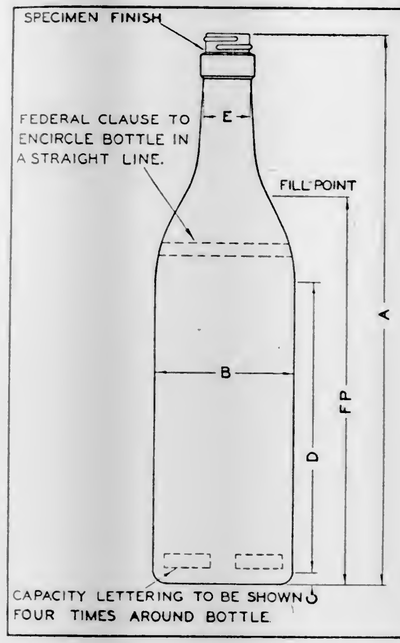
DESIGN NO.	CAPACITY FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	C	D	E	FP	COMI FINISH NO.
71-64	25.6	19	11 27/32	3 7/64	1/4	5 3/4	1 1/8	9 1/16	28-B-400-900

NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
3. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGN CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
4. CONTAINER SHALL BE ROUND.
5. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

ROUND VERMOUTH BOTTLE | DRAWING NO-34

DRAWING No. 35.—4/5 quart round brandy bottle.



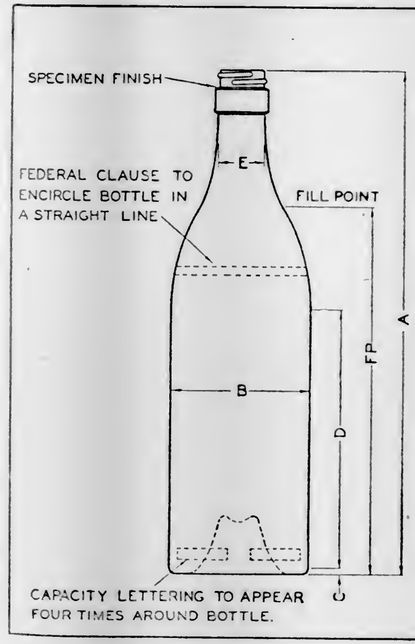
DESIGN NO.	CAPACITY FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	C	D	E	FP	COMI FINISH NO.
93-64	25.6	19	11 13/16	3 1/16	1/4	6 1/4	1 1/16	9 3/8	28-A-400-900

NOTES-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
3. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGN CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
4. CONTAINER SHALL BE ROUND.
5. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.
6. BOTTLES SHALL BE PLAIN AND WITHOUT DECORATION EXCEPT FOR CAPACITY DESIGNATION, FEDERAL INDICIA, GLASS MAKER'S IDENTIFICATION.

4/5 QUART ROUND BRANDY BOTTLE | DRAWING NO.-35

DRAWING No. 36.—4/5 quart round rum bottle.



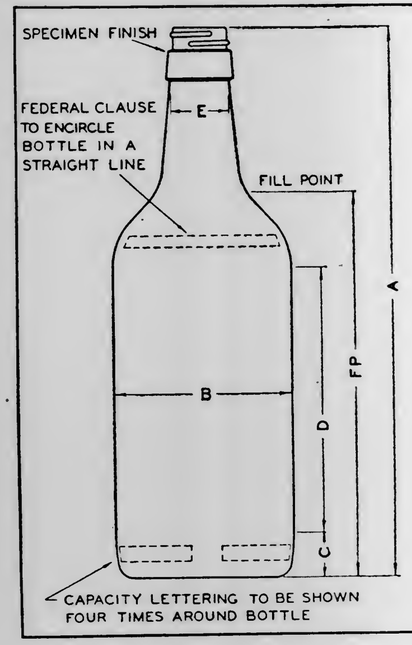
DESIGN NO.	CAPACITY FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	C	D	E	FP	COMI FINISH NO.
94-64	25.6	20	11 9/64	3 5/32	1/8	5 45/64	1 1/16	E 1/8	28-A-400-900

NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
3. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGN CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
4. CONTAINER SHALL BE ROUND.
5. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.
6. BOTTLES SHALL BE PLAIN AND WITHOUT DECORATION EXCEPT FOR CAPACITY DESIGNATION, FEDERAL INDICIA, GLASS MAKER'S IDENTIFICATION.

4/5 QUART ROUND RUM BOTTLE | DRAWING NO-36

DRAWING No. 37.—Round distilled spirits bottle.



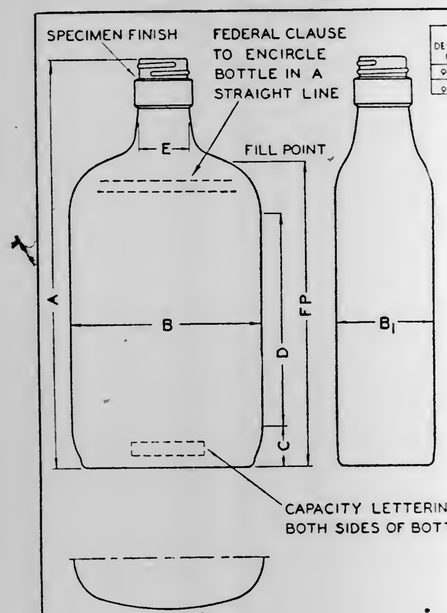
DESIGN NO.	CAPACITY FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	C	D	E	FP	GCMI FINISH NO.
95-64	25.6	17	10	3 5/16	25/32	4 7/8	1 1/8	7	28-B-400-900
95-75	32	19	10 17/32	3 9/16	45/64	5 9/32	1 1/8	7 3/8	28-B-400-900

NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
3. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
4. CONTAINER SHALL BE ROUND.
5. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.
6. BOTTLES SHALL BE PLAIN AND WITHOUT DECORATION EXCEPT FOR CAPACITY DESIGNATION, FEDERAL INDICIA, GLASS MAKER'S IDENTIFICATION.

ROUND DISTILLED SPIRITS BOTTLE | DRAWING NO.-37

DRAWING No. 38.—Half pint and pint oval distilled spirits flask.



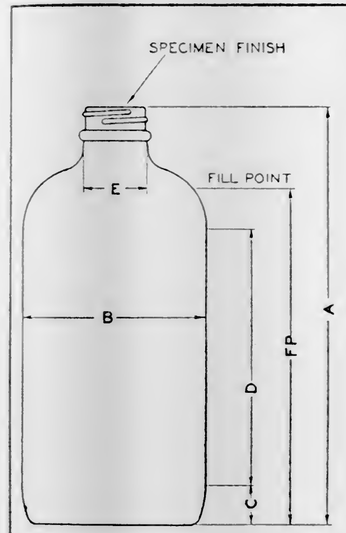
DESIGN NO.	CAPACITY FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	B_1 MAX.	C	D	E	FP	GCMI FINISH NO.
96-25	8	8 1/2	6 3/4	3 3/16	1 33/64	11/16	3 17/32	1 1/16	5	28-A-400-900
96-50	16	13 1/2	8 3/32	3 7/8	2	13/16	4 7/32	1 1/16	6 1/32	28-A-400-900

NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" AND "B_1" DIMENSIONS.
3. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
4. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED.
5. BOTTLES SHALL BE PLAIN AND WITHOUT DECORATION EXCEPT FOR CAPACITY DESIGNATION, FEDERAL INDICIA, GLASS MAKER'S IDENTIFICATION.

HALF PINT AND PINT OVAL DISTILLED SPIRITS FLASK | DRAWING NO.-38

DRAWING No. 39.—Boston round bottle.



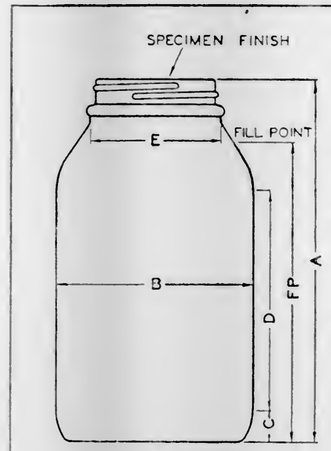
DESIGN NO.	CAPACITY TO FILL POINT FL. OZ.	APPROX. CAPACITY OVERFLOW FL. OZ.	WEIGHT MAX. OUNCES	A INCHES	B MAX. INCHES	C INCHES	D INCHES	E INCHES	FP INCHES	GCMI FINISH NO.
BO-02	1/2	37/64	1 1/8	2 11/16	1 3/64	3/8	1 11/32	5/8	1 7/8	18-400
BO-04	1	1 9/64	1 5/8	3 3/32	1 19/64	3/8	1 17/32	11/16	2 3/16	20-400
BO-07	2	2 1/8	2 5/8	3 11/16	1 37/64	13/32	2	11/16	2 7/8	20-400
BO-10	3	3 3/16	3 1/4	4 3/32	1 51/64	7/16	2 5/16	25/32	3 7/32	20-400
BO-13	4	4 1/8	4	4 7/16	1 15/16	1/2	2 1/2	25/32	3 15/32	24-400
BO-19	6	6 3/8	5 1/4	5 1/64	2 7/32	17/32	2 29/32	7/8	3 59/64	24-400
BO-25	8	8 1/2	6 1/4	5 7/16	2 27/64	9/16	3 3/16	7/8	4 19/64	24-400
BO-31	10	10 5/8	7 1/4	5 25/32	2 30/64	37/64	3 13/32	7/8	4 9/16	24-400
BO-38	12	12 23/32	8 1/4	6 1/8	2 23/32	19/32	3 23/32	1	4 7/8	28-400
BO-46	14	14 27/32	9 1/4	6 3/8	2 7/8	39/64	3 27/32	1	5 1/16	28-400
BO-50	16	16 31/32	10 1/4	6 41/64	2 63/64	5/8	4 1/16	1	5 21/64	28-400
BO-56	20	21 3/16	11 3/4	7 3/32	3 3/16	11/16	4 3/8	1 1/16	5 21/32	28-400
BO-62	24	25 7/16	13 1/2	7 13/32	3 21/64	23/32	4 19/32	1 1/16	5 29/32	28-400
BO-75	32	33 59/64	16 1/2	8 1/8	3 47/64	23/32	5 1/8	1 1/16	6 29/64	28-400
BO-76	32	33 59/64	16 3/4	8 1/8	3 47/64	23/32	5 1/8	1 3/16	6 35/64	33-400
BO-86	64	67 27/32	32	10 9/32	4 3/4	1	6 1/16	1 3/8	8 1/16	38-400
BO-89	80	84 13/16	38	10 31/32	5 1/8	1 3/32	6 3/8	1 15/32	8 11/16	38-400
BO-96	128	135 5/8	55	14 9/16	5 63/64	1 1/4	7	1 15/32	9 13/16	38-400

NOTES:-

1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
3. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
4. CONTAINER SHALL BE ROUND.
5. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

BOSTON ROUND BOTTLE | DRAWING NO.-39

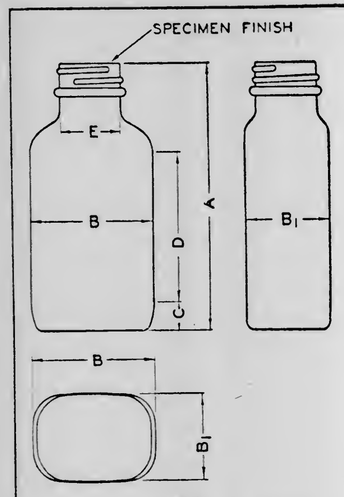
DRAWING No. 40.—Round W/M drug and chemical packer.



DESIGN NO.	CAPACITY TO FILL POINT CC	CAPACITY TO FILL POINT FL. OZ.	APPROX. CAPACITY OVERFLOW FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	C	D	E	FP	GCMI FINISH NO.
B1-01	2	1/16	3/32	1/2	1 15/32	45/64	7/64	25/32	9/16	1	15-405
B1-02	3	3/32	5/32	10/32	1 31/64	57/64	7/64	41/64	9/16	13/16	15-405
B1-03	6	13/64	5/16	27/32	1 13/16	31/32	3/16	13/16	23/32	1 15/64	20-400
B1-04	10	11/32	7/16	1	1 15/16	1 9/64	1/8	15/16	23/32	1 11/32	20-400
B1-05	15	1/2	23/32	1 7/16	2	1 9/32	11/64	1 1/16	1 1/16	1 9/16	28-400
B1-06	20	43/64	51/64	1 1/2	2 3/32	1 21/64	3/16	1 3/32	1 1/16	1 9/16	28-400
B1-07	30	1 1/64	1 17/64	1 3/4	2 5/16	1 1/2	1/4	1 1/4	1 5/16	1 9/16	33-400
B1-08	40	1 11/32	1 19/32	2	2 21/32	1 17/32	9/32	1 1/32	1 5/16	1 15/16	33-400
B1-09	50	1 11/16	1 27/32	2 1/2	2 3/4	1 43/64	13/64	1 11/16	1 5/16	2 7/32	33-400
B1-10	60	2 1/32	2 25/64	2 3/4	3	1 25/32	17/64	1 11/16	1 5/16	2 5/32	33-400
B1-11	75	2 17/32	2 63/64	3 1/4	3 1/4	1 55/64	3/16	2 3/16	1 17/32	2 1/2	38-400
B1-12	100	3 3/8	3 27/32	3 1/2	3 7/16	2	1/4	2 3/16	1 17/32	2 23/32	38-400
B1-13	120	4 1/16	4 21/32	4 1/4	3 3/4	2 5/32	3/8	2 1/4	1 17/32	2 27/32	38-400
B1-18	150	5 1/16	5 51/64	5	3 15/16	2 9/32	3/8	2 3/8	1 25/32	3 3/16	45-440
B1-24	200	6 48/64	7 39/64	5 1/2	4 5/16	2 31/64	3/8	2 3/4	1 25/32	3 15/32	45-440
B1-30	250	8 29/64	9 9/32	6 3/4	4 11/16	2 19/32	13/32	2 25/32	1 25/32	3 27/32	45-440
B1-36	300	10 9/64	11 13/32	7 5/8	4 31/32	2 45/64	11/32	3 3/8	2 1/8	4 1/8	53-400
B1-46	400	13 33/64	14 7/8	9	5 3/8	3	1/2	3 3/8	2 1/8	4 15/32	53-400
B1-54	500	16 59/30	18 13/32	10	5 3/4	3 7/32	1/2	3 1/2	2 1/8	4 45/64	53-400
B1-58	605	21 1/8	22 9/16	11	6 1/8	3 27/64	13/32	3 25/32	2 1/8	5 7/32	53-400
B1-67	750	25 11/30	27 5/32	13	6 1/2	3 5/8	5/16	4	2 1/8	5 15/32	53-400
B1-76	950	32 7/64	33 25/30	16 1/2	7	3 15/16	5/8	4 3/8	2 1/8	5 11/16	53-400
B1-80	1250	42 1/4	43 1/64	19	7 1/2	4 11/64	11/16	4 3/4	2 13/16	7 1/8	70-400
B1-89	1500	50 45/64	54 1/4	23	8	4 9/16	23/32	5 1/16	2 13/16	6 13/16	70-400
B1-97	2000	67 10/32	71 1/4	27 1/2	8 5/8	5 1/64	25/32	5 1/2	2 13/16	7 7/16	70-400
B1-99	2500	84 1/2	94 1/4	32 1/2	9 3/8	5 17/21	7/8	6	2 13/16	7 7/16	70-400
B1-91	3000	101 13/32	107	35	9 5/8	5 47/64	7/8	6 1/16	3 1/2	8 7/16	160-400
B1-22	4000	135 13/64	148 3/8	47	10 1/2	6 31/64	15/16	6 11/16	3 1/2	8 17/32	160-400

ROUND W/M DRUG & CHEMICAL PACKER | DRAWING NO.-40

DRAWING NO. 41.—Blake bottle.

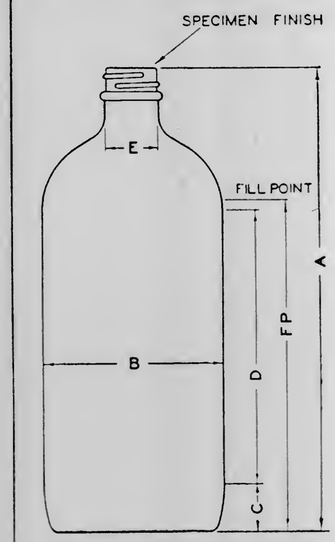


DESIGN NO.	CAPACITY FL. OZ. NOMINAL	CAPACITY FL. OZ. OVERFLOW	WEIGHT MAXIMUM OZ.	A	B MAX.	B1 MAX.	C	D	E	COMM. FINISH NO.
80-00	1/6	7/32	5/8	1 23/32	29/32	3/4	3/16	3/4	5/8	18-400
80-01	1/4	19/64	11/16	1 25/16	31/32	3/4	13/64	15/16	5/8	18-400
80-02	5/16	23/64	3/4	2 1/8	1 1/32	3/4	1/4	31/32	5/8	18-400
80-03	1/3	25/64	13/16	2 3/16	1 3/64	51/64	5/32	1 1/32	5/8	18-400
80-05	1/2	9/16	1 1/8	2 1/2	1 5/32	55/64	19/64	1 9/32	11/16	20-400
80-06	5/8	11/16	1 5/16	2 21/32	1 1/4	29/32	5/16	1 3/8	11/16	20-400
80-07	3/4	27/32	1 1/2	2 25/32	1 5/16	63/64	5/16	1 15/32	25/32	22-400
80-08	1	1 3/32	1 7/8	3 31/32	1 27/64	1 1/32	21/64	1 9/16	25/32	22-400
80-09	1 1/4	1 3/32	2	3 9/32	1 17/32	1 3/64	23/64	1 13/16	25/32	22-400
80-10	1 1/2	1 21/32	2 1/4	3 13/32	1 13/32	1 9/64	3/8	1 31/32	7/8	24-400
80-11	2	2 15/64	2 3/4	3 27/32	1 3/4	1 13/64	3/8	2 7/32	1	28-400
80-12	2 1/2	2 3/4	3 1/4	4 1/16	1 7/8	1 15/64	13/32	2 5/16	1	28-400
80-13	3	3 1/4	3 5/8	4 1/4	2	1 3/8	7/16	2 13/32	1	28-400
80-14	3 1/2	3 25/32	4 1/8	4 13/32	2 5/64	1 29/64	1/2	2 15/32	1 1/16	30-400
80-15	4	4 5/16	4 1/2	4 9/16	2 5/32	1 33/64	1/2	2 9/16	1 1/16	30-400
80-16	5	5 21/64	5 1/4	4 29/32	2 21/64	1 5/8	17/32	2 3/4	1 1/16	30-400
80-19	6	6 15/32	6	5 3/16	2 7/16	1 11/16	9/16	3	1 3/16	33-400
80-20	7	7 13/32	7	5 13/32	2 17/32	1 51/64	9/16	3 1/8	1 3/16	33-400
80-25	8	8 7/16	7 1/2	5 5/8	2 21/32	1 27/32	23/32	3 7/32	1 3/16	33-400
80-32	10	10 27/64	9 5/8	6 3/32	2 51/64	1 15/16	3/4	3 13/16	1 3/16	33-400
80-38	12	12 13/32	10	6 1/2	2 29/32	2 1/32	3/4	4 1/32	1 3/8	38-400
80-41	13	13 25/64	10 3/4	6 11/16	2 31/32	2 3/32	25/32	4 1/8	1 3/8	38-400
80-44	14	14 19/32	11	6 7/8	3 3/64	2 11/64	13/16	4 1/4	1 3/8	38-400
80-47	15	15 5/8	11 1/2	7 1/32	3 7/64	2 13/64	13/16	4 3/8	1 3/8	38-400
80-50	16	16 19/32	12	7 3/16	3 11/64	2 15/64	27/32	4 1/2	1 3/8	38-400
80-53	18	18 3/4	13 1/4	7 1/2	3 19/64	2 5/16	7/8	4 3/4	1 3/8	38-400
80-56	20	21 5/32	14 1/2	7 13/16	3 27/64	2 3/8	31/32	4 7/8	1 17/32	42-400
80-62	24	25 7/32	17 1/2	8 1/4	3 5/8	2 25/64	1	5 1/8	1 17/32	42-400
80-68	28	29 5/16	20	8 15/32	3 27/32	2 3/4	1 1/16	5 7/32	1 17/32	42-400
80-75	32	33 9/32	22	8 11/16	4 3/64	2 13/16	1 1/16	5 3/8	1 17/32	42-400

NOTES:-
1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" AND "B1" DIMENSIONS.
3. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
4. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED.

BLAKE BOTTLE | DRAWING NO.-41

DRAWING NO. 42.—Round hydrogen peroxide bottle.



DESIGN NO.	CAPACITY TO FILL POINT FL. OZ.	WEIGHT MAXIMUM OZ.	A	B MAX.	C	D	E	FP	COMM. FINISH NO.
86-25	8	6 7/8	5 31/32	2 13/32	5/8	3 3/8	7/8	4 3/16	24-400
86-50	16	11 1/2	7 3/8	2 61/64	3/4	4 11/32	7/8	5 1/4	24-400

NOTES:-
1. FINISHES ARE INTERCHANGEABLE IN ACCORDANCE WITH PROVISIONS OF THE ORDER.
2. WHEN LOWER GLASS WEIGHTS ARE USED, ADJUSTMENT TO MAKE CORRECT CAPACITY SHALL BE MADE IN THE "B" DIMENSION.
3. PROFILES SIMILAR TO THAT ILLUSTRATED SHALL BE MAINTAINED FOR THE ABOVE DESIGNS CONSISTENT WITH THE "C" AND "D" DIMENSIONS.
4. CONTAINER SHALL BE ROUND.
5. BOTTOM OF CONTAINER MAY BE PLAIN OR STIPPLED OR KNURLED.

ROUND HYDROGEN PEROXIDE BOTTLE | DRAWING NO.-42

[F. R. Doc. 51-5055; Filed, Apr. 27, 1951; 4:14 p. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52712]

PART 20—DISPOSITION OF UNCLAIMED AND ABANDONED MERCHANDISE

ADVERTISING NOTICE OF SALE

Standard Form 1053, Advertising Order, has been superseded by a new standard form which is printed on the back of the public voucher for advertising. Accordingly, § 20.5 (e), Customs Regulations of 1943 (19 CFR 20.5 (e)), is hereby amended by deleting the words and numerals "standard Form 1053" in the second sentence, and substituting therefor "the standard form provided for that purpose."

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624. Interprets or applies secs. 491, 559, 46 Stat. 726, as amended, 744, as amended, 19 U. S. C. 1491, 1559)

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: April 24, 1951.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51-4993; Filed, Apr. 30, 1951; 8:55 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 372]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 367]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

COLORADO, ILLINOIS, AND MICHIGAN

Amendment 372 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 367 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 43, is amended to describe the counties in the Defense-Rental Area as follows:

Adams County; Arapahoe County, except the City of Englewood, and the Town of Littleton; Denver County; and Jefferson County, except the City of Golden, and the Town of Morrison.

This decontrols the Town of Morrison in Jefferson County, Colorado, a portion of the Denver, Colorado, Defense-Rental Area.

2. Schedule A, Item 83, is amended to describe the counties in the Defense-Rental Area as follows:

Cook County, except the Cities of Blue Island and Des Plaines, and the Villages of Mt. Prospect, Westchester and Winnetka; Du Page, Kane and Lake Counties.

This decontrols the Village of Mt. Prospect in Cook County, Illinois, a portion of the Chicago, Illinois, Defense-Rental Area.

3. Schedule A, Item 102, is amended to describe the counties in the Defense-Rental Area as follows:

Lake County, except the Cities of Crown Point, East Chicago, Hammond and Hobart, and the Townships of Cedar Creek, Eagle Creek, Hanover, West Creek and Winfield.

This decontrols the City of East Chicago in Lake County, Indiana, a portion of the Gary-Hammond, Indiana, Defense-Rental Area.

4. Schedule A, Item 149, is amended to describe the counties in the Defense-Rental Area as follows:

Oakland County, except (i) the Townships of Addison, Bloomfield, Brandon, Groveland, Highland, Holly, Independence, Milford, Oakland, Orion, Oxford, Rose, Springfield and West Bloomfield, (ii) the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford, Rochester and that portion of Orthville located in Oakland County, and (iii) the Cities of Birmingham, Bloomfield Hills, Farmington, Ferndale, Hazel Park, Pontiac, Royal Oak, South Lyon and Sylvan Lake; Wayne County, except (i) the Cities of Grosse Pointe, Grosse Pointe Farms and Plymouth, (ii) the Village of Wayne, and (iii) that portion of the Village of Northville located in Wayne County; and Macomb County, except the City of Mount Clemens, and the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

In Washtenaw County, the Township of Ann Arbor and the City of Ann Arbor.

This decontrols the City of Ferndale in Oakland County, Michigan, a portion of the Detroit, Michigan, Defense-Rental Area.

5. Schedule A, Item 151, is amended to read as follows:

(151) [Revoked and decontrolled.]

This decontrols (1) the City of Jackson in Jackson County, Michigan, a portion of the Jackson, Michigan, Defense-Rental Area, and all unincorporated localities in said Defense-Rental Area, said City of Jackson being the major portion of said Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Defense-Rental Area, consisting of the remaining incorporated portions of Jackson County, if any, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

All decontrols effected by this amendment, except Item 5 thereof, are based entirely on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective May 1, 1951.

Issued this 26th day of April 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-4990; Filed, Apr. 30, 1951; 8:54 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

SUBPART C—TRAINING FACILITIES

1. In the Provisional Regulations of Subpart A, paragraphs (a) (2), (3), (4), and (5) of § 21.189 are canceled, so that § 21.189 is now canceled in its entirety.

2. In Subpart C, § 21.400 (a) (1) and the title of paragraph (b) are amended to read as follows:

§ 21.400 *Manager, regional office, authorized to approve institutions.* The manager of a regional office is authorized, with the exception of correspondence courses, to approve public or private educational institutions in his territory to provide courses of training under provisions of Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), subject to the following conditions:

(a) *Inspection and accreditation.* The chief, vocational rehabilitation and education division, will certify in writing to the manager on the basis of adequate investigation that the institution is clearly qualified as to space, equipment, instructional material, and personnel to give the course or courses, and that the institution has agreed to cooperate fully with the Veterans' Administration by reporting trainees' attendance, performance, and progress in training.

(1) Adequate investigation will include a personal investigation of the educational institution by a qualified staff member of the education and training section. Where the educational institution is recommended favorably by the education and training section for approval under Part VII, the training facilities section will prepare a contract for Part VII training or amend an existing Part VIII contract to include provisions for Part VII training.

* * * * * *

(b) *Use of schools for Part VII training, when the institution has not been approved for use under Part VIII.* * * *

3. Sections 21.401, 21.402, 21.403, and 21.404 are canceled.

§ 21.401 *Authority to approve and to make arrangements with establishments for training on the job.* [Canceled.]

§ 21.402 *Establishments; inclusion of joint apprenticeship committees.* [Canceled.]

§ 21.403 *When to make approvals; Public Law 16, 78th Congress.* [Canceled.]

§ 21.404 *Approval must precede induction into training.* [Canceled.]

4. New cross references are added immediately following § 21.400 to read as follows:

CROSS REFERENCES: Authority to make arrangements with establishments for training on the job under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12). See § 21.200.

Conditions to be met before induction into training. See § 21.220.

5. The centerhead immediately preceding § 21.412 is amended to read as follows: "Approval of Institutions and Establishments under Public Law 346, 78th Congress, as amended, for Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12) training."

6. In § 21.412, the title and paragraph (b) are amended to read as follows:

§ 21.412 *Institutions and establishments for education and training; inclusion of schools and colleges and business, industrial, and other establishments.* • • •

(b) Establishments to be used for training on the job will consist of business, agricultural, and industrial enterprises; governmental agencies; educational and medical institutions; or other establishments which provide apprentice training or other training on the job, including especially those under the supervision of any State apprenticeship agency or Federal Bureau of Apprenticeship when the enrollee's course leads to the development of the desired skills and knowledges.

• • • • •

7. In § 21.413, paragraph (d) is amended and paragraph (l) is deleted as follows:

§ 21.413 *Policy governing approval of institutional on-farm courses.* • • •

(d) The term "farm or other agricultural establishment" shall mean any place on which the basic activity is the cultivation of the ground such as the raising and harvesting of crops, including fruits, vegetables, pastures, and/or the feeding, breeding and managing of livestock, including poultry, and other specialized farming commonly followed in the area. Such "farm or other agricultural establishment" shall be of a size and character which, together with the group instruction part of the course, will occupy the full time of the veteran, will permit instruction in all aspects of the managing of the farm of the type for which the veteran is being trained, and which if the veteran intends to continue operating such "farm or other agricultural establishment" at the conclusion of his course, will assure him a satisfactory income under normal conditions. Within the meaning of Public Law 377, institutional on-farm training will not apply to training in those establishments which are engaged primarily in the processing, distribution, or sale of agricultural products, or combinations thereof, such as dairy processing plants, grain elevators, packing plants, hatcheries, stockyards, florist shops, and so forth. Establishments desiring to offer such training must qualify under Public Law 679, 79th Congress.

• • • • •

(l) [Deleted.]

8. Section 21.418 is amended to read as follows:

§ 21.418 *Approval and disapproval of educational institutions and business or industrial establishments by State approving agency or Administrator.* Institutions and establishments in which education or training is provided must be approved by the appropriate State approving agency of the State in which they are located, or by the Administrator of Veterans' Affairs, as being qualified and equipped to furnish education or training in accordance with Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12).

(a) *Approval by State approving agency.* The appropriate State approving agency, or agencies, designated by the proper State authority for that purpose, will have authority to approve educational or training institutions and/or establishments within its State, under Part VIII, other than Federal agencies and establishments and except as provided in paragraphs (b) and (c) of this section:

(1) The appropriate State approving agency will certify and transmit in duplicate direct to the manager of the Veterans' Administration regional office having jurisdiction over the veterans' affairs within the area in which the institution or establishment is located, the name and address of each institution of each establishment which is approved as qualified and equipped to furnish education or training under Part VIII, together with the following:

(i) For training on-the-job courses: The title of the course, the course outline. For establishments offering "other training on the job," the Veterans' Administration will request from the State approving agency the written application of the establishment and the survey report of the State approving agency upon which the approval was based.

(ii) For institutional courses: The title of the course and the description of the course. For institutions subject to the provisions of section 5, Public Law 610, 81st Congress, the Veterans' Administration will request from the State approving agency the written application of the institution and the survey report of the State approving agency upon which the approval action was taken.

(iii) All actions of the State approving agency which modify or cancel prior approvals.

(2) The appropriate State approving agency, or agencies, will transmit direct to the Director, Training Facilities Service. Vocational Rehabilitation and Education, Veterans' Administration Washington 25, D. C., the name and address of each educational institution within the State which has been approved to offer correspondence courses under Part VIII and will indicate the specific course or courses for which the institution has been approved to offer training through correspondence. Likewise, the appropriate State approving agency, or agencies, will furnish the Director, Training Facilities Service, Vocational Rehabilitation and Education, Veterans' Administration, Washington 25, D. C., the names and addresses of any educational institutions offering correspondence courses, approval of which has been withdrawn.

(b) *Approval by Administrator (not including actions under Public Law 610, 81st Cong.).* Authority given the Administrator to approve educational institutions and establishments under paragraph 4, Part VIII, Veterans Regulation 1 (a), as amended, will be exercised only under extraordinary circumstances.

(1) It is the policy of the Administrator not to exercise his authority to approve institutions offering courses of instruction in residence or correspondence study except in those special cases where the State approving agency has withdrawn its approval and the regional office takes appropriate action under paragraph (d) (2) of this section.

(2) In requesting the Administrator's approval of establishments to provide training on the job to veterans under Part VIII, as amended, the manager shall submit to the assistant administrator for vocational rehabilitation and education, central office, through the special assistant to the director, training facilities service for vocational rehabilitation and education, for the area concerned, the following information and material:

(i) A copy of the application of the establishment to the State approving agency prepared in accordance with the provision of paragraph 11 (b) 1 of Part VIII.

(ii) A statement from the State approving agency as to the basis for determining that the establishment was not to be approved and was not qualified and equipped to furnish training under Part VIII, together with a copy of the survey report upon which the State approving agency's determination was based.

(iii) A summary prepared by the regional office which will clearly set forth the justification for the request to the Veterans' Administration, the recommendation of the regional office, and the basis for such recommendation.

(c) *Limitations on the use of educational institutions under Public Law 610, 81st Congress*—(1) *General.* Under the provisions of section 1, Public Law 610, 81st Congress, the Administrator shall disapprove a course in any institution which has been in operation for a period of less than 1 year immediately prior to the date of enrollment in such course unless such enrollment was prior to August 24, 1949, but this shall not require or permit the disapproval of (i) any course in a public school or other tax-supported school, (ii) any course in an institution which has been in operation for a period of more than 1 year which does not completely depart from the whole character of the instruction previously given by such institution or, (iii) any course in an institution which has been in operation for a period of more than 1 year by reason of a change in the location of such institution from one point to another within the same general locality: *Provided*, That upon the certification of any State approval agency that a new or existing institution is essential to meet the requirements of veterans in such State, the Administrator, in his discretion, may approve such an institution notwithstanding the provisions of this section.

(2) *Institutions and courses in operation less than one year.* Under the provisions of section 1, Public Law 610, 81st Congress, the following is for application for courses in institutions which have been in operation for a period of less than 1 year.

(i) Benefits under Part VIII, Veterans Regulation 1 (a), as amended, will not be authorized for any veteran who, on or subsequent to August 24, 1949, commences a course which has been in operation for a period of less than 1 year in either a new or an existing institution, unless such enrollment is in:

(*a*) An institution of higher learning operated as a public tax-supported or religious or charitable corporation or agency or under the control of a public tax-supported or religious or charitable corporation or agency; or a branch or extension of such institution if the branch or extension is of the same general type as the institution or as the branches or extensions established by the institution prior to August 24, 1949, or

(*b*) A public or other tax-supported school which is operated under the control and supervision of local, municipal, county, or State boards of education, or

(*c*) An apprenticeship or other on-the-job training course, or

(*d*) A course in an institution which has been in operation for a period of more than 1 year, which course although not having been in operation for a period of 1 year, does not depart completely from the whole character of the instruction previously given by the institution. (A course will be considered not to depart from the whole character of instruction previously given by the institution when it is intended to provide training in the same general occupational field as courses previously furnished by the institution for a period of more than 1 year and involves the same or related instructional processes, facilities, and equipment. For example, a course in television servicing does not depart from the whole character of instruction in radio servicing, whereas a course in carpentry does depart from the whole character of instruction provided in a course of automobile mechanics. Each case of a new course commenced by an institution which has been in operation for a period of more than 1 year which is alleged not to depart completely from the whole character of the instruction previously given by the institution will be submitted by the regional office through the special assistant to the director, training facilities service, to the assistant administrator for vocational rehabilitation and education for consideration of approval before action is taken by the regional office to recognize the award of benefits to veterans enrolling in such course.), or

(*e*) A course given by an institution which, although having moved to a new location in the same general locality (a point within a radius of 25 miles of the original location), or changed ownership or management, remained essentially the same institution with the same courses, and which as now or previously constituted has been in existence and operation more than 1 year, or

(*f*) A course given by an institution, which course has been established for more than 1 year, notwithstanding the fact that the institution, because of space limitations, gives the course or courses in classes in another building or buildings in the same city or metropolitan area, or

(*g*) A course offered or established prior to August 24, 1949, in an institution which as of that date had operated for more than 1 year.

(ii) For the purpose of Public Law 610, 81st Congress, an institution is defined as a school when it operates in one location. A subsidiary branch or extension of an existing school in the same or different general locality is considered to be a separate institution, except in the case of an institution established for more than 1 year which, because of space limitations, gives the course or courses in classes in another building or buildings in the same city.

(iii) An institution is considered to have been in operation 1 year when it has given for 12 calendar months a full schedule of instruction to a minimum of 25 full-time students, or the equivalent thereof in part-time students, for which the school has collected tuition. The new institution must have been in continuous operation for a full 12-month period, including reasonable vacation and holiday periods, and must have provided continuously to a minimum of 25 students, or the equivalent thereof in part-time students, during that full 12-month period, the course or courses of substantially the same length and character as those offered following the 12-month period.

(iv) A course is considered to have been in operation for 1 year when there has been provided a full schedule of instruction for a full 12-month period, including reasonable vacation and holiday periods to a minimum of 25 full-time students or the equivalent thereof in part-time students for which the school has collected tuition.

(3) *Administrator's action upon the certification of any State approving agency that a course in a new or existing institution is essential to meet the requirements of veterans in such State.* Notwithstanding the provisions of subparagraph (2) of this paragraph, benefits under Part VIII, may be authorized for an otherwise eligible veteran who on or subsequent to August 24, 1949, commences a course which has not been in operation for a period of 1 year in a new or existing institution: *Provided*, That the appropriate State approving agency certifies to the Administrator, in accordance with the provisions prescribed in subdivisions (i) through (v) of this subparagraph, that the course in the new or existing institution is essential to meet the requirements of veterans in such State, and the Administrator concurs in the State's certification and thereby authorizes such benefits.

(i) When a State approving agency receives a request for approval from a new or existing institution for a course which has been in operation for a period of less than 1 year and the State approving agency determines that the institution or course is essential to meet the requirements of veterans in that State, the State approving agency will certify its findings to the Administrator.

(ii) The certification of the State approving agency will be submitted in duplicate to the regional office in whose area the institution is located. The certification of the State approving agency must include, but is not limited to, the following:

(*a*) The school's written application to the State approving agency prepared on the same basis as required under paragraph 11 (e) 1, Part VIII, Veterans Regulation 1 (a) as amended (added by section 5, Public Law 610, 81st Congress),

(*b*) The determination of the State approving agency that the school has been found upon investigation to have met the criteria set forth in paragraph 11e (2), Part VIII, Veterans Regulation 1 (a) as amended (added by section 5, Public Law 610, 81st Congress), and a copy of the survey report upon which such finding is based.

(*c*) The determination of the State approving agency that the occupation for which the course is intended to provide training is not crowded in the State where the training is to be given and that existing training facilities are inadequate, together with the basis upon which each of these determinations were made.

(*d*) The certification of the State approving agency that the school or course is essential to meet the requirements of veterans who are residents of that particular State, together with a statement as to the basis upon which the State approving agency made its determination of essentiality.

(*e*) Such additional information or materials the State approving agency deems important as a basis for administrative decision.

(iii) Under the provisions of subdivisions (i) and (ii) of this subparagraph, the Administrator, in his discretion, may concur in the State approving agency's certification that a new course in a new or existing institution is essential to meet the requirements of veterans in a particular State. This authority is retained by the Administrator and is not delegated to the managers of field stations. Upon receipt of the certification, in duplicate, from the State approving agency, the regional office will review the material submitted and will forward one copy of it to the director, training facilities service, central office, through the special assistant to the director, training facilities service, for the area, together with the recommendation of the regional office for favorable or unfavorable action by the Administrator and the reasons therefor. The special assistant to the director, training facilities service, will review the file and forward it immediately to central office with his recommendation.

(iv) Upon action by the Administrator, the Veterans' Administration regional office will be promptly notified of such action and the chief, training facilities section, regional office, will advise the State approving agency of the Administrator's action. It will be the responsibility of the State approving agency to notify the school of the Administrator's decision.

(v) Upon receipt by the regional office of notification that the Administrator has concurred with the certification of the State approving agency that a school or course is essential to meet the requirements of veterans in the State, the training facilities section will provide the registration and research section with notification of such action, including information concerning the course or courses to be provided by the school, and the effective date of such action.

(d) *Disapproval by State approving agency.* When the State approving agency determines that a course of instruction in an institution or establishment in which veterans are enrolled under Part VIII is disapproved and, therefore, is removed from the approved list by the State approving agency, appropriate notice, in duplicate, will be provided to the manager of the regional office concerned. Upon receiving such a notice, the training facilities section will request a statement from the State approving agency, through the Veterans' Administration liaison representative, as to the reason or reasons for such action, if not already provided.

(1) Where the removal action of the State approving agency was based upon the failure of an institution to meet the provisions of paragraph 11 (e) 2 of Part VIII, or of the failure of an establishment to meet the provision of paragraph 11 (b) 2 of Part VIII (where such institution or establishment is subject to such provisions), the determination of the State approving agency will be final.

(2) Where the removal action of the State approving agency was based upon reasons other than the failure of the institution to meet the provisions of paragraph 11 (e) 2 of Part VIII, or of the failure of the establishment to meet the provisions of paragraph 11 (b) 2 of Part VIII, regardless of whether such institution or establishment is subject to such provisions, the following is for application:

(i) Where there is evidence which indicates a definite intention and effort on the part of the institution or establishment to correct the inadequacies which necessitated revocation of its approval, and the evidence shows that the institution or establishment has the ability to correct such inadequacies within a reasonable length of time, the manager, upon recommendation of the chief, vocational rehabilitation and education, will set a specific date, not to exceed 60 days from the date of revocation of approval, which date will become the effective date of disapproval unless reapproval is received in the regional office by the expiration date.

(ii) In addition, where exceptional conditions warrant such action, the manager will submit a full report to the assistant administrator for vocational rehabilitation and education, central office, requesting authority to continue subsistence allowances and payments, if any, for a specified period, beyond the 60-day period.

(3) In the event that the institution or establishment which has been disapproved by the State approving agency is also approved for training under Part VII, the manager will determine whether the Veterans' Administration is to revoke its approval of the institution or establishment. If such action is taken, each Part VII veteran in training therein will be notified of such action and every effort will be made by the regional office to effect a prompt transfer of each veteran to another institution or establishment offering the same course of training, so that each Part VII veteran may be continued in a training status without interruption.

(e) *Limitations concerning educational institutions or establishments which have excess enrollment.* In the case of each school operated for profit which is subject to the provisions of section 5, Public Law 610, 81st Congress, the State approving agency is required to certify to the Veterans' Administration the maximum number of students authorized to be trained in each approved course in each school at any one time. In addition, for any other type of school (those profit or nonprofit schools not affected by section 5, Public Law 610, 81st Cong.), the State approving agency may set a limitation on the number of approved trainees in an approved course and certify such data to the Veterans' Administration, similarly, the State approving agency may set a limitation on the number of approved trainees for each objective in a job training establishment and certify such data to the Veterans' Administration. Where the institution has trainees in a course in excess of the number for which the course was approved by the State approving agency, the institution has violated the conditions under which approval was granted. Likewise, where a job-training establishment has trainees in a job objective in excess of the number for which the objective was approved by the State approving agency, the establishment has violated the conditions under which approval was granted. The Veterans' Administration will take immediate action to notify the State approving agency of the enrollment in excess of its approval and request that the Veterans' Administration be informed at the earliest practicable date as to the action of the State approving agency. When the State approving agency determines that a course of instruction in an institution or establishment in which veterans are enrolled under Part VIII is disapproved, the provisions of paragraph (d) of this section are for application. In addition, in view of the question of payment for tuition, fees, etc., where enrollment in an approved course in an educational institution is found to be in excess of the number specified in the State's approval and the contract (and retroactive reapproval is not made by the State), any subsistence or tuition paid for such excess enrollment subsequent to the effective date of this section (May 1, 1951) shall constitute a liability of the school and shall be recovered by offsetting sums against amounts, if any, otherwise payable to it, or as otherwise authorized by law.

9. Section 21.419 is amended to read as follows:

§ 21.419 *Relation to State approving agency.* "No department, agency, or officer of the United States, in carrying out the provisions of this part, shall exercise any supervision or control, whatsoever, over any State educational agency, or State apprenticeship agency, or any educational or training institution. * * *" (par. 8, Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12)). Therefore, no supervision or control may be exercised by any representative of the Veterans' Administration over any State approving agency. In all dealings with State approving agencies, Veterans' Administration personnel will refrain from any intimation which may be construed as an attempt to supervise or control the agency.

(a) Cooperation, when requested, will be given State approving agencies by Veterans' Administration regional office personnel wherever possible. Such information as may be desired by the State approving agency concerning any educational or training institution and any standards being used in connection with selecting training facilities under Public Law 16, 78th Congress, will be supplied upon request. It must not be assumed by the State approving agency, however, that the Veterans' Administration will be responsible for approving such institutions under Public Law 346, 78th Congress, as amended.

(b) Full information concerning the inadequacies of any Part VIII institution or establishment approved by the State approving agency which has been called to the attention of the regional office will be immediately transmitted to the training facilities section for routing to the State approving agency, through the Veterans' Administration liaison representative, for investigation. Upon investigation at the institution or establishment by a qualified representative of the State approving agency, the State approving agency will be requested to submit a report thereof, in duplicate, to the manager of the regional office. A copy of such report will be transmitted to the director, training facilities service, central office.

(1) Where the State approving agency's investigation report indicates that the institution or establishment is qualified or equipped to offer education or training under Part VIII despite the charges of inadequacies, the determination of the State approving agency will be final. (However, this does not mean that payments will continue to be made to such school notwithstanding fraud.)

(2) Where the State approving agency's investigation report indicates that the institution or establishment is not now qualified or equipped to offer education or training under Part VIII, the State approving agency is expected to inform the regional office of such condition and of the action taken thereon, together with the effective date of such action. In such cases, § 21.418 (d) (1) and (2) is for application.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. and Sup. 11a, 701, 707, ch. 12 note. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. and Sup. 693g, 697–697d, 697 f, g, ch. 12 note)

This regulation is effective May 1, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-4981; Filed, Apr. 30, 1951; 8:53 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 3—MISCELLANEOUS PROVISIONS RELATING TO THE DEPARTMENT AND THE POSTAL SERVICE

DAMAGE TO PERSON OR PROPERTY BY POSTAL OPERATION

In § 3.5 *Damage to person or property by postal operations* (39 CFR 3.5), subparagraph (2) of paragraph (n) is rescinded.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, 5 U. S. C. 22, 369)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 51-4961; Filed, Apr. 30, 1951; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter E—Alaska Wildlife Protection

PART 46—TAKING ANIMALS, BIRDS, AND GAME FISHES

MISCELLANEOUS AMENDMENTS

Basis and purposes. Investigations by the Fish and Wildlife Service and the Alaska Game Commission and personal observations of citizens and agencies within Alaska indicate that changing conditions within the Territory, including changes in both human and wildlife populations, still require further protection to wildlife in some instances and permit some relaxation of regulatory protection in other instances. Following the public meetings held at Juneau and elsewhere in the Territory on proposed regulation amendments the Commission has recommended the changes herein to conserve the wildlife resources of Alaska and still permit such utilization thereof as is consistent with the preservation of breeding stocks of game and fur animals, birds, and game fishes.

Having taken into consideration the said observations, investigations, proposals, and recommendations, I have determined that the following amendments of existing regulations will effectuate the purposes of the Alaska Game Law:

1. Sections 46.21 and 46.56 are amended to read as follows:

§ 46.21 *General provisions.* No person shall take, possess, or transport game animals, wild fur animals (except wolves, coyotes and wolverines), game birds, or game fishes, or purchase or sell wild fur animals or parts thereof, except as provided in §§ 46.81 to 46.87, inclusive, nor act as a guide in the Territory unless he is in possession of a valid license bearing his signature written in ink on the face thereof (if he is required by the Alaska Game Law or regulations of the Commission thereunder to have such a license), and shall have his license on his person when taking such animals, birds or game fish, or when acting as a guide and shall produce it for inspection by any enforcement agent or other person requesting to see it.

§ 46.56 *General provisions.* Each fur dealer, including Indian or Eskimo cooperative stores operated exclusively by and for native Indians and Eskimos, and stores operated by missions exclusively for native Indians or Eskimos, at all reasonable hours shall allow any member of the Commission, any enforcement agent, or any authorized employee of the United States Department of the Interior to enter and inspect the premises where operations are being carried on under the Alaska Game Law and the regulations thereunder, and to inspect the books and records relating thereto.

2. A new section designated as § 46.59 is added as follows:

§ 46.59 *Taxidermists.* No person shall receive and possess, or transport any dead game or fur bearing animal, game bird, or game fish for processing, stuffing or mounting unless he keeps a detailed and accurate record of the name, address, and license number of the person from whom such animal, bird, fish, or part thereof was received, and such records, as well as the premises where the business of processing, stuffing, or mounting is carried on shall, at all reasonable hours, be open to inspection by any member of the Commission or enforcement agent or any authorized employee of the United States Department of the Interior.

3. Sections 46.65, 46.100, 46.101, 46.103 to 46.108 inclusive, 46.110, and 46.126 are amended to read as follows:

§ 46.65 *Export by resident.* No resident shall export from the Territory any game animal or game bird, or part thereof, except in accordance with the terms of an export permit issued under the direction of the Executive Officer of the Commission. Such permit shall be obtained upon payment of the required fee from any Fish and Wildlife Service enforcement agent and from collectors of customs designated by the Commission, and the shipping tags furnished therewith shall be securely attached on the outside of each package in the shipment by the shipper at the point of origin and accompany it to final destination.

§ 46.100 *General provisions.* The animals, birds, and game fishes listed in §§ 46.100 to 46.113, inclusive, §§ 46.126 to 46.135, inclusive, §§ 46.140 to 46.142, inclusive, §§ 46.150 and 46.151, and §§ 46.155 and 46.156, but none other, may be taken in the open seasons (dates inclusive), by the methods and means, in the areas, and in numbers not exceeding the respective daily bag and seasonal bag limits, or possession limits prescribed in §§ 46.103 to 46.113, inclusive, §§ 46.129 to 46.135, inclusive, §§ 46.142 and 46.143, §§ 46.151 and 46.156, but not at any other time, by any other method, aid, or means, nor in any other areas or numbers: *Provided*, That no birds or animals may be taken by shooting from, on, or across or within 33 feet of the center line of any highway; nor, may any big game animal, except black bear, be taken by shooting from within the one-quarter mile area on each side of the Alaska Railroad, or any public highway, or within the one mile area on each side of any public highway on the Kenai Peninsula.

§ 46.101 *Methods and means.* May be taken only with a shotgun (not larger than No. 10 gauge and not capable of holding more than three shells), rifle or pistol using center fire cartridges only, but not with aid or use of a dog, machine or submachine gun, set gun of any description, bow and arrow, or spear, pit, deadfall, fire, jacklight, searchlight, or other artificial light, two-way radio communications or artificial salt licks, or from or by means, or aid, of a motor vehicle, aircraft, steam or power launch, or any boat except that propelled by paddle, oars, or pole, nor while such animals are swimming; *Provided*, That hares and rabbits may be taken by aid of a dog, bow and arrow, and by snares not larger than No. 1, rifles and pistols using rim fire cartridges: *Except and provided*, That the taking of hare and rabbits and game birds in the Anchorage area as described in § 46.193 is permitted by use of bow and arrow or shotgun only: *And provided further*, That no aircraft shall be used for the purpose of driving, circling, molesting, spotting, or in aiding in the taking of big game animals except as a means of transportation between a settlement or point of outfitting and a camp site on which a camp must be erected and established prior to hunting: *And provided further*, That no helicopter shall be used for the purpose of transporting any big game animal nor may it be used as a means of transportation in any manner connected with taking of such animals.

§ 46.103 *Deer.* Bucks (with antlers not less than 3 inches above the top of the skull).

East of longitude 138° W. (except in the Sullivan Island-Taiya, area, as described in § 46.194), September 1 to November 15. Limit, by a resident, 2 a season; by a nonresident, 1 a season. West of longitude 138° W. (except on the Kodiak-Afognak Island group, as described in § 46.194), September 15 to October 15. Limit, 1 a season.

§ 46.104 *Moose.* Bulls (with forked horn or larger).

East of longitude 139° W., September 15 to October 14. Limit, 1 a year. On the Kenai Peninsula, September 1 to September 20. Limit, 1 a year. Elsewhere west of longitude 141° W. (except in the Copper River Delta, Turnagain Arm, Northwest Arctic Slope and Alaska Peninsula areas as described in §§ 46.195 to 46.198, inclusive), September 1 to September 20 and December 1 to December 10. Limit, 1 a year. In addition not exceeding 75 bull moose may be taken from December 11 through December 23 in that portion of the Palmer area west of Knik Arm and the Matanuska River under permit issued by the Commission pursuant to § 165.3.

There shall be no open season between meridians 138° W. and 141° W. longitude.

§ 46.105 *Caribou.* (Except calves.)

South of a line formed by the Alaska Range and Ahklun Mountains from the Canadian

border on the east to Cape Newenham on the west (but not in the Alaska Peninsula and Mt. Sanford areas as described in §§ 46.198 and 46.199), September 1 to September 30 only. Limit, 1 a year. In the area bounded by the Alaska Range and Ahklun Mountains on the south and the Arctic Circle on the north (but not in the Mt. Sanford and Steese Highway areas as described in §§ 46.199 and 46.200), September 1 to October 15 and December 1 to December 10. Limit, 1 a year. North of the Arctic Circle, August 20 to February 28. Limit, 3 a year.

§ 46.106. *Elk.* In the Territory, no open season.

§ 46.107 *Mountain goat.* (Except kids.)

East of longitude 138° W. (but not on Chichagof Island in Southeastern Alaska), August 20 to November 15. Limit, by a resident, 2 a season; by a nonresident, 1 a season. West of longitude 138° W. (but not in the Sheep Mountain and Day Harbor areas as described in §§ 46.201 and 46.202, or on Kodiak Island), September 1 to October 31. Limit, in the drainage to Prince William Sound, east of longitude 148° W., by a resident, 2 a season; by a nonresident, 1 a season; elsewhere, 1 a season. (NOTE: See § 46.68 regarding retaining horns for identity of goats.)

§ 46.108 *Mountain sheep.* (Rams with ¾ curl or larger.)

In the Territory (except on the Kenai Peninsula, the drainage into Lake Clark above Nondalton, and in the Sheep Mountain, Tanana Hills-White Mountains and Mentasta Pass areas as described in §§ 46.202, 46.203 and 46.204), August 20 to August 31; *Provided*, That hunting for sheep in the Talkeetna-Chugach Mountains controlled areas, as stated in § 165.1, shall be by permit only and in accordance with regulations of the Commission stated in that section. Limit, 1 a year.

§ 46.110 *Bear.* (Large brown and grizzly.)

In the Territory, but not in the Thayer Mountain or Pack Creek areas as described in §§ 46.205 and 46.206, September 1 to June 20. Limit, on the Kodiak-Afognak Island group and in the Alaska Peninsula area as described in §§ 46.194 and 46.198, a year. Elsewhere in the Territory, 2 a year.

§ 46.126 *Methods and means.* May be taken by any means, except by means, aid or use of a set gun, a shotgun, artificial light of any kind, a steel bear trap or other trap with jaws having a spread exceeding 9 inches, poison, a dog (except wolves and coyotes in Fur Districts 5, 6, 7, and 8), a fish trap or net, or by setting any trap or snare within 25 feet of a beaver home or den or within 100 feet of a fox den, or by use of smoke or chemicals; or by destroying or disturbing homes, houses, dens, dams, or runways of such animals: *Provided*, That mink and otter may be taken only by means of a steel trap or snare and that beaver may be taken only by means of a steel trap or snare and by persons over the age of 11 years: *And provided further*, That snares larger than No. 1 are prohibited on the Kenai Peninsula, except in the taking of beaver, and that wolves and coyotes may be killed at any time by means of a rifle, shotgun, or pistol, by any person permitted to carry firearms: *And provided further*, That no aircraft shall be used in taking fur animals, other than polar bear, except as a means of transportation between a settlement or point of outfitting and a single base camp, and except in the taking of wolves and coyotes by authorized predator control agents or under authority of a permit: *And provided further*, That no helicopter shall be used for the purpose of taking fur animals, including polar bear, or for transporting any such animals.

4. A new section designated as § 46.128 is added as follows:

§ 46.128 *Permits to take wolves, coyotes and wolverines during closed season on other fur animals.* During the closed season on mink, land otter, weasel, fox, lynx, and marten, in the respective fur districts, no person shall set, maintain, or attend traps for wolves, coyotes, or wolverines without first procuring a permit, issuable at the discretion of the Commission, authorizing him to do so. Applications for such permit shall be addressed to the nearest Fish and Wildlife Service field office and shall contain a statement of the nature and extent and locality of the proposed operation and the species of animals to be taken.

5. Sections 46.129 to 46.132 inclusive, and 46.134 are amended to read as follows:

§ 46.129 *Seasons for mink and land otter.*

Fur District 1: December 16 to January 15. No limit.

Fur District 2 (except on the Kenai Peninsula and in the drainage into Prince William Sound), 3, 4, 5, 6, 7, and 8: November 16 to January 31. No limit.

§ 46.130 *Seasons for fox, lynx, and weasel (ermine).*

Fur District 1: December 16 to January 15. No limit.

Fur District 2 (except on the Kenai Peninsula and in the drainage into Prince William Sound), 3, 4, 5, 6, 7, and 8: November 16 to January 31. White fox: December 1 to March 15; *Provided*, That any fox may be killed at any time when molesting or about to molest domestic fowl or animals. No limit.

§ 46.131 *Seasons for muskrat.*

Fur District 1: No open season.

Fur District 2 (except on the Kenai Peninsula and in the drainage into Prince William Sound), 3, 4, 6, and 7: November 16 to May 31. No limit.

Fur District 5: North of the Unalakleet River, November 16 to June 7, and south of the Unalakeet River, November 16 to May 31. No limit.

Fur District 8: November 16 to June 7. No limit.

§ 46.132 *Seasons for beaver.*

Fur District 1: No open season.

Fur District 2 (except in the drainage into Prince William Sound and within a strip one-half mile wide on each side of the Copper River Road from Eyak Bridge to Mile 15): February 1 to March 31. Limit, 10 a season.

Fur District 3: February 1 to March 31. Limit, 10 a season.

Fur District 4 (except in the drainage of the Kvichak River from Illamna Lake to a line between the north banks of the mouths of the Alagnak River and Bear Creek): February 1 to March 31. Limit, 10 a season.

Fur District 5 (in the Kobuk River drainage only): February 1 to March 31. Limit, 10 a season. (No open season in the remainder of Fur District 5.)

Fur District 6 (except in the Clearwater area as described in § 46.200 or in the Chena River and its tributary sloughs from its confluence with the Little Chena River to the Tanana River): February 1 to March 31. Limit, 10 a season.

Fur District 7: February 1 to March 31. Limit, 10 a season.

§ 45.134 *Seasons for marten.*

Fur District 1: No open season.

Fur District 2 (except on the Kenai Peninsula and in the drainage into Prince William Sound), 3, 4, 5 (except in the Kobuk and Selawik River drainages), 6 and 7: November 16 to January 31. No limit.

6. A new section designated as § 46.144 is added as follows:

§ 46.144 *Migratory Bird Hunting Stamp (Duck Stamp).* No person over 16 years of age may take migratory waterfowl unless at the time of such taking he has on his person an unexpired Federal Migratory Bird Hunting Stamp (Duck Stamp) validated by his signature written across the face thereof in ink, as required by the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended.

7. Sections 46.151, 46.155, 46.156, 46.172, 46.175, 46.189, 46.193, 46.194, 46.195, 46.198, and 46.200 are amended to read as follows:

§ 46.151 *Closed areas.* No nongame bird may be taken at any time in any national park, monument, or posted national forest area, nor in any of the areas described in §§ 46.168 to 46.171, inclusive, and in § 46.187.

§ 46.155 *Methods and means.* May be taken by angling with a line held in the hand or attached to a rod so held, but each line shall at no time have attached to it more than two flies or hooks, nor more than one plug, spoon, or spinner: *Provided*, That the use of snag or gang hooks is prohibited. *Provided further*, That only artificial lures may be used in Kenai River from the outlet of Skilak Lake to a point 200 yards below the outlet of Moose River. Lake trout and Dolly Varden trout may be taken by use of net, trap or seine in the glacial waters of Trail, Kenai, Skilak and Tustamena Lake on the Kenai Peninsula and in all drainages into the Arctic Ocean north of Cape Krusenstern, and in salt water; but no game fish may be taken by any means within 500 feet of any operating fish weir or fish ladder.

§ 46.156 *Seasons and limits.* Rainbow, steelhead, cutthroat, eastern brook and Dolly Varden trout, Mackinaw or lake trout, and grayling.

Dewey Lake near Skagway and Salmon Creek Reservoir near Juneau, May 15 to September 30.

Davidof, Plotnikof, Khvostof, and Rezanof Lakes on Baranof Island, July 1 to March 15.

The drainages of Cottonwood, Fish, Fire, and Wolverine Creeks in the Matanuska Valley, Nancy Lake and outlet to a point one mile below the lake, all of the Kenai Peninsula, June 1 to March 15.

Elsewhere, no closed season. Except, that lower Russian River shall be closed to all fishing: *And provided further*, That fishing is prohibited in the Territory in all waters where game fish planting or restocking is being conducted, whenever such waters are so designated by appropriate posted signs.

Limits. In the Territory (except in Katmai National Monument and Mt. McKinley National Park), daily limit, 15 fish or 15 pounds and 1 fish, except in the drainages to Cook Inlet, Bristol Bay and Clearwater Creek above Big Delta, where the limit shall be 10 fish or 10 pounds and 1 fish. Possession limit east of Cape Spencer, 2 daily bag limits; elsewhere, one daily bag limit in possession; *Provided*, There shall be no limit on Dolly Varden trout in salt water or in the drainages into Bristol Bay and in streams of the Second Judicial Division (except the Nome, Snake Flambeau, and Eldorado Rivers).

NOTE: In Katmai National Monument, fishing is permitted in accordance with National Park Service regulations—see 36 CFR 20.46. In Mt. McKinley National Park, consult local National Park Service regulations.

(See also §§ 46.61 and 46.72 and §§ 46.81 to 46.87, covering transportation, possession and sale.)

§ 46.172 *Charley Creek.* All of the drainage of Charley Creek, also known as the Kandik River, from the Canadian boundary to the mouth of Judge Creek, approximately 14 miles above the Yukon River.

§ 46.175 *Chestochina River.* All of the drainage of the Chestochina River upstream from and including the Middle Fork in Fur District 6.

§ 46.189 *Shoemaker Bay.* Embracing that portion of Wrangell Island draining into Zimovia Strait from Polk Point to Chichagof Peak. The southern boundary shall be a line from Chichagof Peak to the extreme southern end of Zimovia Highway. (Closed on all game animals and beaver).

§ 46.193 *Anchorage.* All of the drainage on the east and south shores of Turnagain and Knik Arms between Potter and the Knik River Highway bridge. (Closed to all hunting except for goats and sheep; and for hare, rabbit and game birds with bow and arrow and shotgun, only).

§ 46.194 *Kodiak-Afognak Island group: Sullivan Island-Taiya area.* All of the islands in the Kodiak-Afognak Island group, and in all of the drainage into Lynn Canal north of the latitude of Pt. Sherman in Southeastern Alaska. (Closed on deer) (reduced limit on bear on Kodiak-Afognak Islands).

§ 46.195 *Copper River Delta area.* Beginning at Point Whiteshed, thence north and east along the coast to the head of Orca Bay (also known as Nelson Bay), and the mouth of Rude River; thence along the easterly bank of said river to its headwaters; thence easterly to the head of Childs Glacier; thence down the center line of said glacier to the center of the C. R. & N. W. Railway bridge across the Copper River; thence up the center line of Miles Glacier to the summit of Mt. Hawkins; thence along the summit of the Chugach Range to Mt. St. Elias; thence southwesterly to the head of Icy Bay; thence westerly along the coast of the Gulf of Alaska to Point Whiteshed, the point of beginning. (Closed on moose).

§ 46.198 *Alaska Peninsula.* South and west of Naknek River, Naknek Lake, and the Katmai National Monument. (Closed on moose and caribou; reduced limit on bear).

§ 46.200 *Steese Highway.* The area lying within 5 miles of the west side of the Steese Highway between Mileposts 84 and 89 on 12 Mile Summit, and between Mileposts 102 and 112 on Eagle Summit; and the area lying within 20 miles of the east side of the Steese Highway between Mileposts 70 (Faith Creek) and 112. (Closed on caribou).

(Sec. 9, 57 Stat. 506; 48 U. S. C. 198)

These amendments shall become effective on July 1, 1951.

MASTIN G. WHITE,
Acting Secretary of the Interior.

APRIL 24, 1951.

[F. R. Doc. 51-4944; Filed Apr. 30, 1951; 8:45 a. m.]

Chapter III—International Regulatory Agencies (Fishing and Whaling)

Subchapter A—International Fisheries Commission

PART 301—PACIFIC HALIBUT FISHERIES

Regulations of the International Fisheries Commission adopted pursuant to the Pacific Halibut Fishery Convention between the United States of America and the Dominion of Canada, signed January 29, 1937.

Sec.
301.1 Regulatory areas.
301.2 Limit of catch in each area.
301.3 Length of closed season.
301.4 Issuance of licenses and conditions limiting their validity.
301.5 Retention of halibut taken with other fish under permit.
301.6 Issuance of permits and conditions limiting their validity.
301.7 Statistical return by vessels.
301.8 Statistical return by dealers.
301.9 Closed small halibut grounds.
301.10 Dory gear prohibited.
301.11 Nets prohibited.
301.12 Retention of tagged halibut.
301.13 Responsibility of master.
301.14 Supervision of unloading and weighing.

AUTHORITY: §§ 301.1 to 301.14 issued under Art. III, 50 Stat. Part 2, 1353.

§ 301.1 *Regulatory areas.* Convention waters which include the territorial waters and the high seas off the western coasts of Canada and the United States of America including the southern as well as the western coasts of Alaska, shall be divided into the following areas, all directions given being magnetic unless otherwise stated.

(a) Area 1A shall include all convention waters southeast of a line running northeast and southwest through Cape Blanco Light, as shown on Chart 5952, published in February 1935, by the United States Coast and Geodetic Survey, which light is approximately latitude 42°50'14" N., longitude 124°33'45" W.

(b) Area 1B shall include all convention waters between Area 1A and a line running northeast and southwest through Willapa Bay Light on Cape Shoalwater, as shown on Chart 6185, published in July 1939, by the United States Coast and Geodetic Survey, which light is approximately in latitude 46°43'17" N., longitude 124°04'15" W.

(c) Area 2A shall include all convention waters off the coasts of the United States of America and of Alaska and of the Dominion of Canada between Area 1B and a line running through the most westerly point of Glacier Bay, Alaska, to Cape Spencer Light as shown on Chart 8304, published in June 1940, by the United States Coast and Geodetic Survey, which light is approximately latitude 58°11'57" N., longitude 136°38'18" W., thence south one-quarter east and is exclusive of Area 2B and Area 2C and of the nursery areas closed to all halibut fishing in § 301.9.

(d) Area 2B shall include all convention waters in the southern part of Hecate Straits off the coast of British Columbia within the following boundary: from the eastern extremity of Cumshewa Head on Moresby Island, approximately latitude 53°02'00" N., longitude 132°36'20" W., to the northern extremity of the second largest island of the Moore Islands group, approximately latitude 52°40'05" N., longitude 129°25'32" W.; thence to the northern extremity of Conroy Island, approximately latitude 52°32'05" N., longitude 129°24'15" W.; thence to McInnes Island Light on McInnes Island, approximately latitude 51°15'45" N., longitude 128°43'22" W.; thence southwest by south approximately 99 miles to a point approximately latitude 51°28'55" N., longitude 131°00'56" W.; thence true north through Cape St. James Light to a point on the southern end of Kunghit Island, approximately latitude 51°56'42" N., longitude 131°00'54" W.; thence along the eastern shore of Kunghit Island to Moore Head, approximately latitude 52°09'02" N., longitude 131°03'00" W.; thence to Point Langford, approximately latitude 52°09'48" N., longitude 131°02'36" W., on Moresby Island; thence along the eastern shore of Moresby Island to the point of origin on Cumshewa Head. The point on Cumshewa Head shall be determined from Chart 294, as published May 1941 by the Department of Mines and Resources, Ottawa; the points on Moore Islands and McInnes Island shall be determined from Chart 3725, as published August 1942 by the Department of Mines and Resources, Ottawa; and the points on St. James Island, Kunghit Island and Moresby Island shall be determined from Chart 3853, as published June 1949 by the Department of Mines and Resources, Ottawa, provided that the duly authorized officers of the Dominion of Canada may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such marks shall thereafter be considered as correctly defining said boundary line defined herein.

(e) Area 2C shall include all convention waters off the coast of southeastern Alaska within the following boundary: from southern extremity of Cape Addington, Noyes Island, latitude 55°26'11" N., longitude 133°49'12" W., to the southern extremity of Granite Point, approximately latitude 55°18'57" N., longitude 133°41'25" W., on Baker Island; thence along the southern shore of Baker Island to Cape Bartolome, ap-

proximately latitude 55°14′13″ N., longitude 133°36′42″ W.; thence to Cape Augustine, approximately latitude 54°56′56″ N., longitude 133°09′58″ W., on Dall Island; thence along the shore of Dall Island to Point Cornwallis, approximately latitude 54°42′03″ N., longitude 132°52′30″ W.; thence southwest fifty miles to a point approximately latitude 54 27′20″ N., longitude 132°14′10″ W.; thence northwest fifty-three miles to a point approximately latitude 55°17′43″ N., longitude 134°40′00″ W.; thence northeast to the point of origin on Cape Addington. The boundary lines herein indicated shall be determined from Chart 8152 as published March 1933 by the United States Coast and Geodetic Survey, Washington, D. C., except that the points on Cape Addington, Granite Point and Cape Bartolome shall be determined from Chart 8158, as published September 1941 by the United States Coast and Geodetic Survey, Washington, D. C., and the point on Cape Augustine shall be determined from Chart 8148, as published June 1925 by the United States Coast and Geodetic Survey, Washington, D. C., and the point on Point Cornwallis shall be determined from Chart 8146 as published February 1925 by the United States Coast and Geodetic Survey, Washington, D. C., provided that the duly authorized officers of the United States of America may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such mark or marks shall thereafter be considered as correctly defining said boundary.

(f) Area 3 shall include all the convention waters off the coast of Alaska that are between Area 2A and a straight line running from the light on Cape Kabuch at the head of Ikatan Bay as shown on Chart 8701 published in February 1943, by the United States Coast and Geodetic Survey which light is approximately latitude 54°49′03″ N., longitude 163°21′42″ W., thence to Cape Sarichef Light at the western end of Unimak Island as shown on Chart 8860 published in December 1942, (12th Edition) by the United States Coast and Geodetic Survey which light is approximately latitude 54°36′09″ N., longitude 164°55′45″ W., thence true west.

(g) Area 4 shall include all convention waters in Bering Sea which are not included in Area 3.

§ 300.2 *Limit of catch in each area.* (a) The catch of halibut to be taken during the halibut fishing season of the year 1951 from Area 2A shall be limited to approximately 25,500,000 pounds of salable halibut, and from Area 3 to approximately 28,000,000 pounds of salable halibut, and from Area 4 to approximately 500,000 pounds of salable halibut, the weights in each or any such limit to be computed as with heads off and entrails removed.

(b) The catch of halibut to be taken from all areas during the halibut fishing season of the year 1951 shall also be limited to halibut which with the head on are 26 inches or more in length as measured from the tip of the lower jaw to the extreme end of the middle of the tail or to halibut which with the head off and entrails removed are 5 pounds or more in weight, and the possession of any halibut of less than the above length or the above weight, according to whether the head is on or off, by any vessel or by any master or operator of any vessel or by any person, firm or corporation, is prohibited.

(c) The International Fisheries Commission shall as early in the said year as is practicable determine the date on which it deems each limit of catch defined in paragraph (a) of this section will be attained, and the limit of each such catch shall then be that which shall be taken prior to said date, and fishing for or catching of halibut in the area or areas to which such limit applies shall at that date be prohibited until after the end of the closed season as defined and modified in § 301.3, except as provided in § 301.5 and in Article I of the Convention, and provided that if it shall at any time become evident to the International Fisheries Commission that the limit will not be reached by such date, it may substitute another date.

§ 301.3 *Length of closed season.* (a) Under the authority of Article I of aforesaid Convention the closed season as therein defined shall be modified in Areas 1A, 1B, 2A, 3, and 4 so as to end at 12 midnight of the 30th day of April of the year 1951 and to begin at 12 midnight of the 30th day of November unless an earlier date is determined upon for any area under the provisions of paragraph (b) of this section and shall be modified in Areas 2B and 2C so as to end at 12 midnight of the 25th day of July and to begin at 12 midnight of the 4th day of August.

(b) Under authority of Article I of the Convention, the closed season as therein defined shall begin in Areas 2A, 3 and 4 on the dates on which their limits are reached as provided in paragraph (c) of § 301.2 and the closing of such area or areas shall be taken to have been duly approved unless before the said date either the President of the United States of America or the Governor General of Canada shall have signified his disapproval (the burden of proving any such signification being upon the person alleging it), and provided that the closing date of Area 2A or of Area 3, whichever shall be later, shall apply to Areas 1A and 4, unless Area 4 shall have been previously closed under this section of these regulations, and that the closing date of Area 2A shall apply to Area 1B.

(c) Nothing contained in the regulations in this part shall prohibit the fishing for species of fish other than halibut or prohibit the International Fisheries Commission from conducting fishing operations as provided for in Article I of the Convention.

§ 300.4 *Issuance of licenses and conditions limiting their validity.* (a) All vessels of any tonnage which shall fish for halibut in any manner or hold halibut in possession in any area, or which shall transport halibut otherwise than as a common carrier documented by the Government of the United States or of Canada for the carriage of freight, must be licensed by the International Fisheries Commission, provided that vessels of less than five net tons or vessels which do not use set lines need not be licensed unless they shall require a permit as provided in § 301.5.

(b) Each vessel licensed by the International Fisheries Commission shall carry on board at all times while at sea the halibut license thus secured whether it is validated for halibut fishing or endorsed with a permit as provided in § 301.6 and this license shall at all times be subject to inspection by authorized officers of either of said Governments or by representatives of the International Fisheries Commission.

(c) The halibut license shall be issued without fee by the customs officers of either of said Governments or by representatives of the International Fisheries Commission or by fishery officers of either of said Governments at places where there are neither customs officers nor representatives of the International Fisheries Commission. A new license may be issued by the officer accepting statistical return at any time to vessels which have furnished proof of loss of the license form previously issued, or when there shall be no further space for record thereon, providing the receipt of statistical return shall be shown on the new form for any halibut or other species taken during or after the voyage upon which loss occurred. The old license form shall be forwarded in each case to the International Fisheries Commission.

(d) The halibut license of any vessel shall be validated before departure from port for each halibut fishing operation for which statistical returns are required. This validation of a license shall be by customs officers or by fishery officers of either of said Governments when available at places where there are no customs officers and shall not be made unless the area in which the vessel will fish is entered on the license form and unless the provisions of § 301.7 have been complied with for all landings and all fishing operations since issue of the license, provided that if the master or operator of any vessel shall fail to comply with the provisions of § 301.7, the halibut license of such vessel may be validated by customs officers or by fishery officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

(e) The halibut license of any vessel fishing for halibut in Area 1A as defined in § 301.1 (a) regulations after the closure of Areas 1B and 2A must be validated at a port or place within Area 1A prior to each such fishing operation.

(f) No halibut license shall be validated for departure for halibut fishing in Areas 1A or 1B or 2A before midnight of the 27th day or April or for departure for halibut fishing in Areas 2B and 2C before midnight of the 23rd day of July; or for departure for halibut fishing in Areas 3 or 4 from any port or place outside Areas 3 or 4 before midnight on the 26th day of April or from any port or place within Areas 3 or 4 before midnight of the 28th day of April.

(g) No halibut license shall be valid for halibut fishing in more than one area, as defined in § 301.1, during any one trip nor shall it be revalidated for halibut fishing in another such area while the vessel has any halibut on board.

(h) The halibut license shall not be valid for halibut fishing in any area closed to halibut fishing or for the possession of halibut in any area closed to halibut fishing except while in actual transit to or within a port of sale.

(i) The halibut license shall not be valid for halibut fishing in any area while a permit endorsed thereon is in effect, nor shall it be validated while halibut taken under such permit is on board.

(j) The halibut license of any vessel when validated for halibut fishing in Area 3 shall not be valid for the possession of any halibut in Areas 2A, 2B or 2C if said vessel is in possession of baited gear more than 25 miles from Cape Spencer Light, Alaska; and the halibut license of any vessel when validated for halibut fishing in Area 2B or Area 2C shall not be valid for the possession of any halibut in Area 2A if said vessel is in possession of baited gear more than 20 miles by navigable water route from the boundaries of the respective areas.

(k) No person on any vessel which is required to have a halibut license under paragraph (a) of this section shall fish for halibut or have halibut in his possession, unless said vessel has a valid license issued and in force in conformity with the provisions of this section.

§ 301.5 *Retention of halibut taken with other fish under permit.* (a) There may be retained for sale on any vessel which shall have a permit as provided in § 301.6 such halibut as is caught incidentally to fishing by that vessel in any area after it has been closed to halibut fishing under § 301.2 or § 301.3 with set lines (of the type commonly used in the Pacific Coast halibut fishery) for other species, not to exceed at any time one pound of halibut for each seven pounds of salable fish, actually utilized, of other species not including salmon or tuna, and such halibut may be sold as the catch of said vessel, the weight of all fish to be computed as with heads off and entrails removed, provided that it shall not be a violation of this part for any such vessel to have in possession halibut in addition to the amount herein allowed to be sold if such additional halibut shall not exceed thirty per cent of such amount and shall be forfeited and surrendered at the time of landing as provided in paragraph (d) of this section.

(b) The catch of halibut taken and retained under such permit shall be limited to halibut which with head on are 26 inches or more in length as measured from the tip of the lower jaw to the extreme end of the middle of the tail or to halibut which with the head off and entrails removed are 5 pounds or more in weight, and the possession of any halibut of less than the above length or the above weight, according to whether the head is on or off, by any vessel or by any master or operator of any vessel or by any person, firm or corporation, is prohibited.

(c) Halibut retained under such permit shall not be landed or otherwise removed or be received by any person, firm or corporation from the catching vessel until all halibut on board shall have been reported to a customs, fishery or other authorized enforcement officer of either of said Governments by the captain or operator of said vessel and also by the person, firm or corporation receiving the halibut, and no halibut or other fish shall be landed or removed or be received from the catching vessel except with the permission of said officer and under such supervision as the said officer may deem advisable.

(d) Halibut retained under such permit shall not be purchased or held in possession by any person other than the master, operator or crew of the catching vessel in excess of the proportion allowed in paragraph (a) of this section until such excess whatever its origin shall have been forfeited and surrendered to the customs, fishery or other authorized officers of either of said Governments. In forfeiting such excess, the vessel shall be permitted to surrender any part of its catch of halibut, provided that the amount retained shall not exceed the proportion herein allowed.

(e) Permits for the retention and landing of halibut in the year 1951 shall become invalid at 12 midnight of the 15th day of November of said year or at such earlier date as the International Fisheries Commission shall determine.

§ 301.6 *Issuance of permits and conditions limiting their validity.* (a) Any vessel which shall be used in fishing for other species than halibut in any area after it has been closed to halibut fishing under § 301.2 or § 301.3 must have a halibut license and a permit if it shall retain, land or sell any halibut caught incidentally to such fishing or possess any halibut of any origin during such fishing, as provided in § 301.5.

(b) The permit shall be shown by endorsement of the issuing officer on the face of the halibut license form held by said vessel and shall show the area or areas for which the permit is issued.

(c) The permit shall terminate at the time of first landing thereafter of fish of any species and a new permit shall be secured before any subsequent fishing operation for which a permit is required.

(d) A permit shall not be issued to any vessel which shall have halibut on board taken while said vessel was licensed to fish in an open area unless such halibut shall be considered as taken under the issued permit and is thereby subject to forfeiture when landed if in excess of the proportion permitted in paragraph (a) of § 301.5.

(e) A permit shall not be issued to, or be valid if held by, any vessel which shall fish with other than set lines of the type commonly used in the Pacific Coast halibut fishery.

(f) The permit of any vessel shall not be valid unless the permit is granted before departure from port for each fishing operation for which statistical returns are required. This granting of a permit shall be by customs officers or by fishery officers of either of said Governments when available at places where there are no customs officers and shall not be made unless the area in which the vessel will fish is entered on the halibut license form and unless the provisions of § 301.7 have been complied with for all landings and all fishing operations since issue of the license or permit: *Provided*, That if the master or operator of any vessel shall fail to comply with the provisions of § 301.7, the permit of such vessel may be granted by customs or fishery officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

(g) The permit of any vessel shall not be valid if said vessel shall have in its possession at any time halibut in excess of the amount allowed under paragraph (a) of § 301.5.

(h) No person shall retain, land or sell any halibut caught incidentally to fishing for other species of fish in any area closed to halibut fishing under § 301.2 or § 301.3, or shall have halibut of any origin in his possession during such fishing, unless such person is a member of the crew of and is upon a vessel with a halibut license and with a valid permit issued and in force in conformity with the provisions of §§ 301.5 and 301.6.

§ 301.7 *Statistical return by vessels.* (a) Statistical return as to the amount of halibut taken during fishing operations must be made by the master or operator of any vessel licensed under the regulations in this part and as to the amount of halibut and other species by the master or operator of any vessel operating under permit as provided for in §§ 301.5 and 301.6, within 96 hours of landing, sale or transfer of halibut or of first entry thereafter into a port where there is an officer authorized to receive such return.

(b) The statistical return must state the port of landing and the amount of each species taken within the area defined in the regulations in this part, for which the vessel's license is validated for halibut fishing or within the area or areas for which the vessel's license is endorsed as a permit.

(c) The statistical return must include all halibut landed or transferred to other vessels and all halibut held in possession on board and must be full, true and correct in all respects herein required. A copy of such return must be forwarded to the International Fisheries Commission at such times as the latter shall require.

(d) The master or operator and or any person engaged on shares in the operation of any vessel licensed or holding a permit under the regulations in this part may be required by the International Fisheries Commission or by any officer of either of said Governments authorized to receive such return to certify to its correctness to the best of his information and belief and to support the certificate by a sworn statement. Validation of a halibut license or issu-

ance of a permit after such sworn return is made shall be provisional and shall not render the license or permit valid in case the return shall later be shown to be false or fraudulently made.

(e) The master or operator of any vessel holding a license or permit under the regulations in this part shall keep an accurate log of all fishing operations including therein date, locality, amount of gear used, and the amount of halibut taken daily in each such locality. This log record shall be open to inspection by representatives of the International Fisheries Commission authorized for this purpose.

(f) The master, operator and/or any other person engaged on shares in the operation of any vessel licensed under the regulations in this part may be required by the International Fisheries Commission or by any officer of either of said Governments to certify to the correctness of such log record to the best of his information and belief and to support the certificate by a sworn statement.

§ 301.8 *Statistical return by dealers.* (a) All persons, firms or corporations that shall buy halibut or receive halibut for any purpose from fishing or transporting vessels or other carrier shall keep and on request furnish to customs officers or to any enforcing officer of either of said Governments or to representatives of the International Fisheries Commission, records of each purchase or receipt of halibut, showing date, locality, name of vessel, person, firm or corporation purchased or received from and the amount in pounds according to trade categories of the halibut and other species landed with the halibut.

(b) All persons, firms or corporations receiving fish from a vessel fishing under permit as provided in § 301.5 shall within 48 hours make to an authorized enforcing officer of either of said Governments a signed statistical return showing the date, locality, name of vessel received from and the amount of halibut and of other species landed with the halibut and certifying that permission to receive such fish was secured in accordance with paragraph (c) of § 301.5. Such persons, firms or corporations may be required by any officer of either of said Governments to support the accuracy of the above signed statistical return with a sworn statement.

(c) All records of all persons, firms or corporations concerning the landing, purchase, receipt and sale of halibut and other species landed therewith shall be open at all times to inspection by any enforcement officer of either of said Governments or of any authorized representative of the International Fisheries Commission. Such persons, firms or corporations may be required to certify to the correctness of such records and to support the certificate by a sworn statement.

(d) The possession by any person, firm or corporation of halibut which such person, firm or corporation knows to have been taken by a vessel without a valid halibut license or a vessel without a permit when such license or permit is required, is prohibited.

§ 301.9 *Closed small halibut grounds.* (a) The following areas have been found to be populated by small, immature halibut and are closed to halibut fishing, and no person shall fish for halibut in either of such areas, or shall have halibut in his possession while fishing for other species therein, or shall have halibut of any origin in his possession therein excepting in the course of a continuous transit across such area.

(b) First, that area in the waters off the coast of Alaska within the following boundary as stated in terms of the magnetic compass unless otherwise indicated: from the north extremity of Cape Ulitka, Noyes Island, approximately latitude 55°33'48" N., longitude 133°43'35" W., to the south extremity of Wood Island, approximately latitude 55°39'44" N., longitude 133°42'29" W.; thence to the east extremity of Timbered Islet, approximately latitude 55°41'47" N., longitude 133°47'42" W.; thence to the true west extremity of Timbered Islet, approximately latitude 55°41'46" N., longitude 133°48'01" W.; thence southwest three-quarters south sixteen and five-eighths miles to a point approximately latitude 55°34'46" N., longitude 134°14'40" W.; thence southeast by south twelve and one-half miles to a point approximately latitude 55°22'23" N., longitude 134°12'48" W.; thence northeast thirteen and seven-eighths miles to the southern extremity of Cape Addington, Noyes Island, latitude 55°26'11" N., longitude 133°49'12" W.; and to the point of origin on Cape Ulitka. The boundary lines herein indicated shall be determined from Chart 8157, as published by the United States Coast and Geodetic Survey at Washington, D. C., in June 1929, and Chart 8152, as published by the United States Coast and Geodetic Survey at Washington, D. C., in March 1933, and reissued March 1939, except for the point of Cape Addington which shall be determined from Chart 8158, as published by the United States Coast and Geodetic Survey in December 1923, provided that the duly authorized officers of the United States of America may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such mark or marks shall thereafter be considered as correctly defining said boundary.

(c) Second, that area lying in the waters off the northern coast of Graham Island, British Columbia, within the following boundary, and including the waters of Sturgess Bay, Masset Sound, Masset Inlet, and bays and inlets thereof: from the northwest extremity of Wiah Point, latitude 54°06'50" N., longitude 132°19'18" W., true north five and one-half miles to a point approximately latitude 54°12'20" N., longitude 132°19'18" W.; thence true east approximately sixteen and three-tenths miles to a point which shall lie northwest (according to magnetic compass at any time) of the highest point of Tow Hill, Graham Island, latitude 54°04'24" N., longitude 131°48'00" W.; thence southeast to the said highest point of Tow Hill. The points on the shoreline of the above mentioned island shall be determined from Chart 3754, published at the Admiralty, London, April 11, 1911, provided that the duly authorized officers of the Dominion of Canada may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such marks shall thereafter be considered as correctly defining said boundary.

§ 301.10 *Dory gear prohibited.* The use of any hand gurdy or other appliance in hauling halibut gear by hand power in any dory or small boat operated from a vessel licensed under the provisions of the regulations in this part is prohibited in all convention waters.

§ 301.11 *Nets prohibited.* It is prohibited to retain halibut taken with a net of any kind or to have in possession any halibut while using any net or nets other than bait nets for the capture of other species of fish, nor shall any license or permit held by any vessel under the regulations in this part be valid during the use or possession on board of any net or nets other than bait nets, provided that the character and the use of said bait nets conform to the laws and regulations of the country where they may be utilized and that said bait nets are utilized for no other purpose than the capture of bait for said vessel.

§ 301.12 *Retention of tagged halibut.* Nothing contained in the regulations in this part shall prohibit any vessel at any time from retaining and landing any halibut which bears an International Fisheries Commission tag at the time of capture, provided that such halibut with the tag still attached is reported at the time of landing to representatives of the International Fisheries Commission or to enforcement officers of either of said Governments and is made available to them for examination.

§ 301.13 *Responsibility of master.* Wherever in the regulations in this part any duty is laid upon any vessel, it shall be the personal responsibility of the master or operator of said vessel to see that said duty is performed and he shall personally be responsible for the performance of said duty. This provision shall not be construed to relieve any member of the crew of any responsibility with which he would otherwise be chargeable.

§ 301.14 *Supervision of unloading and weighing.* The unloading and weighing of the halibut of any vessel licensed or holding a permit under the regulations in this part shall be under such supervision as the customs or other authorized officer may deem advisable in order to assure the fulfillment of the provisions of the regulations in this part.

Previous regulations superseded. These regulations shall supersede all previous regulations adopted pursuant to the Convention between the United States of America and the Dominion of Canada for the preservation of the halibut fishery of the northern Pacific Ocean and Bering Sea, signed January 29, 1937, except as to offenses occurring prior to the approval of these regulations. These regulations shall be effective as to each succeding year, with the dates herein specified changed accordingly, until superseded by subsequently approved regulations. Any determination made by the International Fisheries Commission pursuant to these regulations shall become effective immediately.

EDWARD W. ALLEN,
Chairman.
G. W. NICKERSON,
MILTON C. JAMES,
G. R. CLARK,
Secretary.

Approved:

HARRY S. TRUMAN,
April 6, 1951.

[F. R. Doc. 51-4968; Filed, Apr. 30, 1951; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF COMMERCE

Federal Maritime Board
[46 CFR, Ch. II]

[No. 712]

CARRIER-IMPOSED TIME LIMITS ON PRESENTATION OF CLAIMS FOR FREIGHT ADJUSTMENTS

NOTICE OF PROPOSED RULE MAKING

The Board has instituted a rule-making proceeding under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), section 204 of the Merchant Marine Act 1936 (46 U. S. C. 1114) and sections 14, 14a, 15, 16, 17, 18 and 22 of the Shipping Act 1916 (46 U. S. C. 812–817, 821) to consider the adoption of a rule governing the right of common carriers by water subject to the Board's jurisdiction, to limit the time for presentation by shippers and consignees of claims for freight adjustments. Public hearings relative thereto will be held before a hearing examiner at a time and place to be hereafter announced. At such hearings interested persons may submit evidence and argument as to (1) the necessity or desirability of such rule, and (2) the provisions to be incorporated therein.

The hearings will be conducted under the Board's rules of procedure except that (1) the examiner will transmit his recommendations and the record of proceedings directly to the Board, and such recommendations will not be subject to exceptions or oral argument; (2) interested persons not attending the hearings may submit verified statements to the Board relative to the proposed rule, which statements will become a part of the record without regard to the requirements of § 201.125 (b) of the Board's rules of procedure.

The questions as to which evidence and argument are desired are:

(a) Whether any time limitation allowing less than two years within which to file any claim for freight adjustment conflicts with section 22, Shipping Act, 1916, in that such shorter period deprives the shipper of the statutory time in which to claim reparation.

(b) Whether, if no such conflict exists, it is reasonable and otherwise lawful for carriers to require claims for freight adjustments to be filed within six months of shipment, and, if not, what constitutes a reasonable and lawful time.

(c) Whether, if no such conflict exists, it is reasonable and otherwise lawful for carriers to require the shipper to file claims based upon wrong weight or measurement, or on misdescription, before the shipment is delivered by the carrier; and, if not, what constitutes a reasonable and lawful time.

(d) All other questions relevant to a determination of a proper time limitation within which shippers may be required by carriers to file claims for adjustments of freight charges.

Persons wishing to participate in the hearings are requested to notify the Board on or before May 31, 1951.

Persons submitting verified statements for inclusion in the record should do so on or before June 15, 1951. Such statements should refer to this proceeding by Docket No. 712, and be mailed to A. J. Williams, Secretary, Federal Maritime Board, Washington 25, D. C.

Dated: April 23, 1951.

By order of the Federal Maritime Board.

[SEAL] R. L. MCDONALD,
Assistant Secretary.

[F. R. Doc. 51-4985; Filed, Apr. 30, 1951; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52710]

FUR FELT BERETS IN CHIEF VALUE OF ANIMAL FUR

ASSESSMENT OF DUTY

In the case of Ecuadorian Panama Hat Co., Inc., et al-v. United States, published as T. D. 48038, 68 Treas. Dec. 817, the United States Customs Court held that berets in chief value of rabbit fur were dutiable under the provision in paragraph 1519 (e), Tariff Act of 1930, for articles wholly or in chief value of fur, as opposed to the Government's contention that they were classifiable under paragraph 1526 as hats in chief value of animal fur. Following this decision it has been the practice to classify fur felt berets under paragraph 1519 (e).

The court in the course of its opinion in the above-mentioned case observed that: "If the issue had been tried in open court instead of being submitted on stipulation satisfactory evidence might have been presented to show either that the terms 'hats,' 'bonnets,' 'caps,' or 'hoods' and 'berets' were interchangeable or that they were separate and distinct articles commonly known by different names." Information has now been presented as to the availability of evidence indicating that berets are commonly or commercially known as hats or caps.

Therefore, fur felt berets shall be classified under the provision for "Hats, caps, bonnets, and hoods * * * in chief value of fur of the rabbit, beaver, or other animals" in paragraph 1526 (a), Tariff Act of 1930, as modified. However, as this ruling will result in the assessment of duty at a higher rate than heretofore has been assessed under an established and uniform practice, it shall be applied only to such or similar merchandise entered for consumption or withdrawn from warehouse for consumption after 30 days after the publication of this decision in the weekly Treasury Decisions.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: April 24, 1951.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51-4994; Filed, Apr. 30, 1951; 8:55 a. m.]

DEPARTMENT OF DEFENSE

Department of the Army

STATEMENT OF ORGANIZATION AND FUNCTIONS

AGENCIES DEALING WITH THE PUBLIC; OFFICE OF THE CHIEF CHEMICAL OFFICER

The statement of organization and functions published in 15 F. R. 546, February 1, 1950, and amended in 15 F. R. 6766, October 6, 1950, is further amended by changing paragraph (f) of section 2 to read as follows:

SEC. 2. *Organization and functions of agencies dealing with the public.* * * *

(f) *Office of the Chief Chemical Officer*—(1) *Mission.* Under the direction and control of Assistant Chief of Staff, G-4, to study and investigate toxicological warfare, including chemical, biological and radiological warfare; to provide technical advice and assistance to the General Staff, Army Field Forces, and other agencies of the Department of the Army on matters pertaining to training in these fields; and in the organization, equipping and allocation of chemical service and combat troops; and to develop, manufacture, procure, and supply material and equipment pertaining to these types of warfare, except as specifically assigned to other agencies.

(2) *History.* (i) During the early part of World War I, gas warfare activities in the United States Army were dispersed among five agencies, the Medical Department, the Ordnance Department, the Signal Corps and the Corps of Engineers of the Army, and the Bureau of Mines. On September 3, 1917 a Gas Service was established in the A. E. F. in France, and on the first of November there was established in the War Department the Chemical Service Section, National Army.

(ii) All chemical warfare activities in the zone of interior were consolidated on June 28, 1918 when the Chemical Warfare Service, National Army, was established. By the terms of the National Defense Act of June 4, 1920, the Chemical Warfare Service became a permanent branch of the Military Establishment.

(iii) The designation of the Chemical Warfare Service was changed to "Chemical Corps" by Public Law 607—79th Congress, August 2, 1946

(iv) The Army Organization Act of 1950 repealed Section 12a of the National Defense Act, as amended, and continued the Chemical Corps as a basic branch of the Army. The act also changed the title of the Chief of the Corps to "Chief Chemical Officer."

(3) *Scope of activity.* (i) The original mission of the Chemical Corps, as set forth in the National Defense Act, AR 50–5, and WD General Orders 54, 1920, has been augmented from time to time by the assignment of additional responsibilities. Its present functions connected with chemical, biological, and radiological warfare are far removed from those of the Gas Service established in World War I.

(ii) The agents developed by the Chemical Corps are substances which, when dispersed, are capable of producing a toxic effect, a screening smoke, or an incendiary action. The Chemical Corps is responsible for developing the weapons and equipment for dispersal and dissemination of all toxicological warfare agents developed, and providing protective materials and equipment. Chemical Corps items are for use of all departments of the armed forces.

(4) *Dual role of the Chief Chemical Officer*—(i) *Staff advice.* The Chief Chemical Officer serves as technical staff adviser to the Secretary of the Army, the Chief of Staff, and all elements of the Army on matters pertaining to chemical, biological, and radiological warfare.

(ii) *Command.* For the execution of the Chemical Corps mission, the Chief Chemical Officer exercises full command functions with respect to assigned troops, activities and installations.

(5) *Legal basis.* The authority for assignment of the general powers and duties to the Chief Chemical Officer by these regulations is sec. 206, Pub. Law 581, 81st Congress (Army Organization Act of 1950).

(6) *Major functions*—(i) *Research and development.* Plans and directs the investigation, research, design, development, determination of military characteristics and standardization of toxicological warfare agents, matériel and equipment, in coordination with the using department and in accordance with guidance furnished by the Department of the Army and the Research and Development Board.

(ii) *Procurement and supply.* Plans and directs the procurement, manufacture, inspection, maintenance, storage and issue of Chemical Corps matériel, and the purchase and inspection of other matériel assigned to the Chemical Corps for procurement.

(iii) *Planning and requirements.* Determines requirements for Chemical Corps items, except for those items peculiar to the Air Force or the Navy; prepares Chemical Corps operational and mobilization plans and plans for industrial mobilization.

(iv) *Training.* Plans and directs the training of troops and individuals assigned to the control of the Chemical Corps and, in coordination with other agencies, prepares training plans, programs, standards and tests for units and MOS's; prepares training doctrine on Chemical Corps functions in the form of field manuals and other publications; and provides technical advice and assistance to the General Staff, Army Field Forces, and other elements of the Army on matters pertaining to training in chemical, biological, and radiological warfare.

(v) *Intelligence.* In accordance with Department of the Army policies, produces and maintains intelligence concerning foreign chemical, biological, and radiological warfare research and development, organizations, matériel, and operations; prepares and maintains Chemical Corps sections of the Strategic Vulnerability Survey; exercises technical supervision over the collection and exploitation of chemical, biological, and radiological intelligence information in the theaters of operation.

(vi) *Field activities.* Supervises the operation of Chemical Corps procurement and procurement planning officers; training facilities, manufacturing arsenals, plants, depots, laboratories and proving grounds engaged in operations essential to the accomplishment of the Chemical Corps mission.

(7) *Organization*—(i) *Comptroller.* (*a*) Advises and assists the Chief Chemical Officer on all matters pertaining to budgeting, accounting, progress and statistical reporting, internal audit, organization structure and managerial procedures.

(*b*) Is responsible for execution of policies and functions prescribed in AR 35–850, for promoting efficiency and economy in the operation of all activities of the Chemical Corps and for continuing development of the management improvement program.

(*c*) Exercises staff supervision over management, fiscal, cost, and property accounting activities at field installations under the jurisdiction of the Chief Chemical Officer.

(*d*) Coordinates the planning activities of the Office of the Chief Chemical Officer with respect to potential financial support or possible budgetary and manpower limitations.

(*e*) Consolidates over-all Chemical Corps military and civilian personnel requirements and estimates for submission to higher authority, and makes allotments to Chemical Corps elements in accordance with established policies and approved requirements.

(*f*) Prepares budget estimates and justifications for fund and manpower requirements of the Chemical Corps and assists in the defense of budget estimates before the Bureau of the Budget and the Congress.

(*g*) Prescribes and effectuates the technical standards, qualifications, training and assignment of personnel required for the performance of management and fiscal functions at Chemical Corps field installations.

(*h*) Acts for the Chief Chemical Officer in reviewing and approving or disapproving methods and procedures followed in computing unit costs used by the Chemical Corps for budget, sale and transfer purposes to assure the accuracy and integrity of unit costs.

(ii) *Legal adviser.* (*a*) Advises the Chief Chemical Officer and all elements of the Corps on legal matters, including the legal aspects of procurement, purchasing policy, labor relations, property disposal, contracts, termination, renegotiation, patent and related matters, and, prepares legal actions in connection therewith.

(*b*) Supervises: (*1*) Legal activities at field installations, including review of legal actions, which are the responsibility of the Chief Chemical Officer.

(*2*) Contract termination activities of the Chemical Corps.

(*c*) Participates in the formulation of contracting procedures.

(*d*) Processes: (*1*) Claims, appeals, and litigation pertaining to Chemical Corps contracts and activities.

(*2*) Legislative matters.

(*e*) Prepares and prosecutes patent applications, investigates patent infringement claims, and negotiates royalty agreements.

(iii) *Administrative Service Office.* (*a*) Operates message center, maintains classified and unclassified mail and record files, supervises mail control desks, and controls departmental supply and service activities.

(*b*) Maintains administrative and fiscal control over printing, forms and publications, and procures and distributes within the Chemical Corps, and maintains files of, Department of the Army, Chemical Corps and other official publications.

(iv) *Information Office.* (*a*) Prepares informational material relative to the Chemical Corps for public release to press and radio through Department of the Army and Department of Defense channels.

(*b*) Maintains an information center at the Office of the Chief Chemical Officer.

(v) *Safety Office.* (*a*) Supervises and directs technical safety measures at Class II installations and activities under the command of the Chief Chemical Officer.

(*b*) Prescribes basic safe practice policy for the handing, storing, demilitarization, and salvage of Chemical Corps materials at Army installations and activities, and incorporates safe practices in operating procedures, manuals, directives and other instructions pertaining to operations and activities.

(*c*) Analyzes technical accident experience trends and hazards of all elements of the Chemical Corps, and determines remedial and preventive action to be taken.

(*d*) Performs technical safety inspections at Chemical Corps installations and determines precautionary measures to be applied; furnishes professional assistance to installations on technical safety problems.

(*e*) Supervises the training and operations of the Technical Escort Detachment, handling decontamination, transportation, and disposal of toxic materials for the Chemical Corps.

(vi) *Research and Engineering Division.* (*a*) Plans, directs and coordinates the research and development programs of the Chemical Corps, encompassing the entire field of chemical, biological and radiological warfare.

(*b*) Supervises the testing and field evaluation through the engineering stage of all Chemical Corps agents, matériel and equipment.

(*c*) Conducts liaison activities pertaining to research and development with other agencies of the Department of Defense, other Government departments, and commercial and foreign agencies.

(vii) *Plans, Training and Intelligence Division.* (*a*) Reviews strategic and tactical studies, plans and policies, and prepares plans and recommendations pertaining to utilization of Chemical Corps troops and materiel; prepares operational logistic studies; and coordinates development of Chemical Corps mobilization plans.

(*b*) Reviews Chemical Corps Board projects and prepares recommendations pertaining to the military characteristics of Chemical Corps matériel.

(*c*) Prepares tables of organization and equipment for Chemical Corps units for which specific responsibility has been assigned to the Chief Chemical Officer, and reviews chemical sections of tables of organization and equipment.

(*d*) Provides technical advice and assistance to the General Staff, Army Field Forces, and other agencies of the Army on matters pertaining to training in chemical, biological, and radiological warfare; supervises the training of troops assigned to the Chemical Corps; plans, supervises, and coordinates the development and promulgation of official training doctrines on the tactics and techniques of chemical, biological, and radiological warfare; supervises the Chemical Corps School.

(*e*) Produces and maintains intelligence concerning foreign chemical, biological, and radiological warfare research and development, organizations, matériel, and operations; prepares and maintains Chemical Corps sections of the Strategic Vulnerability Surveys; exercises technical supervision over the collection and exploitation of chemical, biological, and radiological intelligence information in the theaters of operation.

(*f*) Supervises and coordinates the administration of counterintelligence and security functions assigned to the Chief Chemical Officer.

(*g*) Determines basis of requirements of items for future plans and furnishes basis of requirements to Supply Division for the purpose of computing requirements.

(*h*) Recommends policies on mobilization reserves, peacetime operating reserves, and overseas stock levels.

(viii) *Personnel Division.* (*a*) Conducts over-all program relative to the administration of military and civilian personnel under the jurisdiction of the Chief Chemical Officer.

(*b*) Advises Chemical Corps installation commanders, and operating officials in the Office of the Chief Chemical Officer, on matters pertaining to military and civilian personnel.

(*c*) Recommends policies and procedures relating to and exercises staff supervision over enlisted personnel activities and the administration, classification, demotion, transfer, retirement, and discharge of officer personnel under control of the Chief Chemical Officer.

(*d*) Initiates or renders assistance in the establishment of field training programs and conducts necessary departmental training.

(*e*) Performs inspections of civilian personnel administration at field installations to determine adherence to Chemical Corps, Department of the Army and Civil Service Commission rules and regulations in problems.

(ix) *Assistant Chief Chemical Officer for Matériel.* Is responsible to the Chief Chemical Officer for all functions of the Corps pertaining to matériel requirements, procurement, inspection, maintenance, supply and real property; supervises and coordinates these activities at Chemical Corps field installations.

(x) *Supply Division.* (*a*) Computes for the Army and obtains from other elements of the Armed Forces and other agencies requirements for Chemical Corps matériel. Prepares supply and demand studies, calculates the over-all stock levels, and makes timely submission to the appropriate authorities of requests for procurement.

(*b*) Edits all requisitions for regulated and controlled chemical items, and authorizes issue of such matériel.

(*c*) Plans, establishes and supervises policies and procedures for the receipt, classification, storage, care and preservation, maintenance, issue, and movement of authorized Chemical Corps matériel in the zone of interior depot system.

(*d*) Supervises administrative and operational functions in Chemical Corps supply installations and technical operations in Chemical Sections of General Depots.

(*e*) Exercises staff supervision over Chemical Corps cataloging operations.

(*f*) Maintains centralized stock records for all authorized Chemical Corps items including spare parts.

(*g*) Exercises supervision over the care, servicing, repair, overhaul and reclamation of all Chemical Corps matériel.

(*h*) Coordinates and supervises all disposal, demilitarization and destruction of excess, surplus, contract termination and salvaged Chemical Corps property.

(*i*) Is responsible for the acquisition of government excess material.

(xi) *Industrial Division.* (*a*) Plans and establishes policies and procedures for, and supervises all Chemical Corps activities involved in procurement, application of National Production Authority regulations, contracting, manufacture, production, industrial mobilization preparedness and industrial engineering, industrial plant protection, computation of basic and processed material requirements and the leasing, maintenance, construction, acquisition, reclassification and disposal of facilities.

(*b*) Accomplishes special studies, investigations and other assignments as directed.

(xii) *Inspection Division.* (*a*) Plans and establishes policies and procedures for and supervises all Chemical Corps activities involved in inspection and field surveillance and the inspection phases of industrial mobilization and procurement planning.

(*b*) Supervises the training and utilization of inspection personnel and the maintenance of inspection records, expedites inspection action consistent with supply and industrial activities.

(*c*) Reviews inspection reports to insure the adequacy of inspection performed and to determine the effect of inspection results on the supply mission, and recommends design changes where appropriate.

(*d*) Recommends and supervises the establishment of such proofing facilities, laboratory facilities, and other inspection testing facilities, and gage production, manufacturing, and supply facilities as may be required for the performance of the inspection mission.

(xiii) *Field installations and activities.* Field installations and activities of the Chemical Corps are as follows:

Army Chemical Center, Md.
Chemical Corps School.
Eastern Chemical Depot.
Edgewood Arsenal.

Edgewood Proving Ground.
Chemical Corps Board.
Chemical Corps Engineering Agency.
Chemical Corps Historical Office.
Chemical Corps Procurement Agency.
Inspection Equipment Agency.
Technical Escort Detachment.
Chemical Corps Medical Laboratories.
Chemical Corps Chemical and Radiological Laboratories.
Pine Bluff Arsenal, Arsenal, Ark.: Midwest Chemical Depot.
Rocky Mountain Arsenal, Denver 2, Colo.
Atlanta Chemical Procurement District, 44 Broad Street NW., Atlanta, Ga.
Boston Chemical Procurement District, Boston Army Base, Boston 10, Mass.
Chicago Chemical Procurement District, 226 West Jackson Boulevard, Chicago 6, Ill.
Dallas Chemical Procurement District, 1114 Commerce Street, Dallas 2, Tex.
New York Chemical Procurement District, 111 East Sixteenth Street, New York 3, N. Y.
San Francisco Chemical Procurement District, Building 1, Wing 3, Oakland Army Base, Oakland 14, Calif.
Dugway Proving Ground, Tooele, Utah.
Camp Detrick, Frederick, Md., Chemical Corps Biological Laboratories.
Army Chemical Training Center, Fort McClellan, Ala.: Chemical Replacement Training Center, Chemical Corps School (to be transferred from Army Chemical Center, Md., August 15, 1951).
Deseret Chemical Depot, Tooele, Utah.
Chemical sections at the following depots:
Atlanta General Depot, Atlanta, Ga.
Memphis General Depot, Memphis, Tenn.
New Cumberland General Depot, New Cumberland, Pa.
San Antonio General Depot, San Antonio, Tex.
Utah General Depot, Ogden, Utah.

(xiv) *Chemical Corps Engineering Agency.* Effective May 15, 1951, the Chemical Corps established the Chemical Corps Engineering Agency at Army Chemical Center, Maryland. The mission of the Chemical Corps Engineering Agency is to engineer items and processes developed by Chemical Corps developing agencies, maintaining the ability to meet military characteristics; to prepare final designs for all Chemical Corps matériel and provide design criteria for technical facilities, incorporating those engineering features that will insure producibility of quantities required with the maximum utilization of commercially available materials and products and the minimum use of critical materials; and to furnish technical engineering assistance on Chemical Corps matériel and plants as required. Chemical Corps Engineering Agency will perform the cataloging functions required under Department of the Army and Munitions Board cataloging programs, formerly discharged by the Chemical Corps Cataloging Agency which has been discontinued.

(xv) *Chemical Corps procurement.* (*a*) Chemical Corps procurement is performed in the following field installations and activities:

Chemical Corps Procurement Agency.
Atlanta Chemical Procurement District.
Boston Chemical Procurement District.
Chicago Chemical Procurement District.
Dallas Chemical Procurement District.
New York Chemical Procurement District.
San Francisco Chemical Procurement District.
Pine Bluff Arsenal.
Rocky Mountain Arsenal.
Camp Detrick.
Dugway Proving Ground.
Deseret Chemical Depot.

Each of these installations and activities is authorized to make purchases in accordance with law and regulation of such supplies and services as are necessary for the performance of its assigned mission, except as provided in (*b*) below.

(*b*) No single purchase action by the following installations may exceed the aggregate amount or $5,000.00 without specific authority from the Chief Chemical Officer:

Pine Bluff Arsenal.
Rocky Mountain Arsenal.
Camp Detrick.
Dugway Proving Ground.
Deseret Chemical Depot.

The aggregate amount of a purchase action, for the purpose of this $5,000.00 limitation, is the total price of all items which should properly be grouped together in a single transaction and would be included in a single Invitation For Bids, if advertised. This $5,000.00 limitation does not apply to contracts for experimental, developmental and research work issued by Camp Detrick.

(*c*) All purchases for Army Chemical Center, and those purchases in excess of $5,000.00 for the five installations listed in the preceding paragraph (except purchases for experimental research and development work for Camp Detrick), will generally be made by Chemical Corps Procurement Agency on requisition from the requiring installation.

(8) *Special relationships*—(i) *Boards and committees*—(*a*) *Chemical Corps Technical Committee.* Coordinates development work between the Chemical Corps and other branches of the Army, the Departments of the Navy and the Air Force, and foreign governments in connection with the development and type classification of equipment.

(*b*) *Representation on boards and committees.* The Chemical Corps supplies representation on the following boards and committees:

Research and Development Board (Committees of).
Federal Specifications Board (Committees of).
Munitions Board (Committees of).
Federal Fire Council, Committee on Fire Records.
Air Force Technical Committee.
Army Security Agency Technical Committee.
Technical Committees of the Army Technical Services.
Armed Services Petroleum Board Technical Committee.
Air Standardization Coordination Committee (Working Party).
Armed Services Patent Advisory Board.
Armed Services Explosives Safety Board.
Committees of the American Society of Testing Materials (liaison representation).
Committees of the American Standards Association (Liaison representation).

(ii) *Other relationships.* (*a*) Various functions of the Office of the Chief Chemical Officer require that constant liaison be maintained with the Department of the Navy and Air Force, the United States Public Health Service, Department of Agriculture, Atomic Energy Commission, and other Government and private agencies.

(*b*) Liaison representatives of the Department of the Air Force and Navy and the United States Public Health Service are integrated into the Chemical Corps activities and programs.

* * * * *

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-4989; Filed, Apr. 30, 1951; 8:54 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[1919712]

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY

APRIL 25, 1951.

Notice is given that the plat of original survey of the following described lands, accepted July 22, 1947, will be officially filed in the Land Office, Anchorage, Alaska; effective at 10:00 a. m. on the 35th day after the date of this notice:

COPPER RIVER MERIDIAN

T. 4 N., R. 2 W.,
Secs. 20 to 24, inclusive;
Sec. 30.

The area described aggregates 3,804.57 acres.

The E½SE¼ sec. 22, W½SW¼ sec. 23, were withdrawn by Executive Order No. 9035 of January 21, 1942, and the E½SW¼ of sec. 23 was withdrawn by Executive Order No. 9085 of March 4, 1942, as administrative sites.

No applications for the remainder of the described lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public land law unless the land has already been classified as valuable or suitable for such application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(*a*) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(*b*) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51-4954; Filed, Apr. 30, 1951; 8:46 a. m.]

ALASKA

IR-NAVIGATION SITE WITDRAWAL NO. 267

APRIL 25, 1951.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. sec. 214), and in accordance with Departmental Order No. 2303, sec. 2.22 (a) of August 16, 1950 (15 F. R. 5643), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Adminstration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 267:

FAIRBANKS MERIDIAN

T. 4 S., R. 8 W.,
Sec. 11, SE¼ and NE¼SW¼;
Sec. 12, S½.

The areas described aggregate 520 acres.

It is intended that the above-described lands shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51-4955; Filed, Apr. 30, 1951; 8:46 a. m.]

[1646292]

UTAH

NOTICE OF FILING OF PLAT OF SURVEY

APRIL 25, 1951.

Notice is given that the plat of original survey of the following described lands, accepted October 23, 1943, will be officially filed in the Land & Survey Office, Salt Lake City, Utah effective at 10:00 a. m. on the 35th day after the date of this notice:

SALT LAKE MERIDIAN

T. 30 S., R. 15 W.,
Secs. 1 to 36 inclusive.
T. 29 S., R. 16 W.,
Secs. 1 to 36 inclusive.

The areas described, exclusive of segregations, aggregate 46,712.99 acres.

No applications for the lands described may be allowed under the homestead, desert-land, small tract, or any other non-mineral public land law unless the land has already been classified as valuable or suitable for such application or shall be so classified upon consideration of an application.

According to the field notes and as shown by the plats, there are springs in the NW¼NE¼ sec. 18, SW¼SE¼ sec. 21, T. 30 S., R. 15 W., the SW¼SE¼ sec. 2, NW¼SE¼ sec. 12, NW¼SW¼ sec. 14, and NW¼SE¼ sec. 16, T. 29 S., R. 16 W., S. L. M.

The legal subdivision containing springs may be affected by the general withdrawal made by Executive order of April 17, 1926 (43 CFR 292.1), creating Public Water Reserve No. 107, but the question of whether the springs are of such size or value or so needed by the public as to bring the lands within the scope of the withdrawal is left for future determination.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(*a*) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(*b*) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that

such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Salt Lake City, Utah.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51-4962; Filed, Apr. 30, 1951; 8:49 a. m.]

[1730268]

UTAH

NOTICE OF FILING OF PLAT OF SURVEY

APRIL 25, 1951.

Notice is given that the plat of original survey of the following described lands, accepted April 27, 1949, will be officially filed in the Land and Survey Office, Salt Lake City, Utah, effective at 10:00 a. m. on the 35th day after the date of this notice:

SALT LAKE MERIDIAN

T. 1 N., R. 11 E.,
All of secs. 5 to 9 inclusive;
All of secs. 16 to 21, inclusive;
All of secs. 28 to 33 inclusive.

The area described aggregates 10,914.86 acres.

All of the lands described are within the exterior boundaries of the Wasatch National Forest pursuant to proclamations of January 16, May 29, October 6, 1906, July 1, 1908 and June 30, 1915.

Anyone having a valid settlement or right to any of these lands initiated prior to the date of the withdrawal of the lands should assert the same within three months from the date on which the plat is officially filed by filing an application under appropriate public land law setting forth all facts relevant thereto.

All inquiries relating to these lands should be addressed to the Manager, Land and Survey Office, Salt Lake City, Utah.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51-4964; Filed, Apr. 30, 1951; 8:49 a. m.]

[1833201]

UTAH

NOTICE OF FILING OF PLATS OF DEPENDENT RESURVEY AND EXTENSION SURVEY

APRIL 25, 1951.

Notice is given that the plats accepted December 17, 1947, of (1) resurvey comprising secs. 1 to 36 inclusive, T. 23 S., R. 3 E., and secs. 25 to 28 inclusive, secs. 33 to 36 inclusive, T. 23 S., R. 4 E., delineating a retracement and reestablishment of the lines of the original survey, and (2) extension survey of lands hereinafter described will be officially filed in Land and Survey Office, Salt Lake City, Utah, effective at 10:00 a. m., on the 35th day after the date of this notice.

The lands affected by this notice are described as follows:

SALT LAKE MERIDIAN

T. 23 S., R. 4 E.,
All of secs. 1 to 24 inclusive;
All of secs. 29 to 32 inclusive.
T. 23 S., R. 5 E.,
All of secs. 3 to 9 inclusive;
All of secs. 17, 18, 19.

The area described aggregates 23,589.89 acres.

Available information indicates that the lands described are desert mountainous lands.

All of the lands described in T. 23 S., R. 4 E., are within the exterior boundaries of the Fish Lake Forest Reserve by proclamations of January 22, 1906 and March 30, 1911.

No applications for the remainder of the described lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public land laws unless the land has already been classified as valuable or suitable for such application or shall be so classified upon consideration of an application.

According to the field notes and as shown by the plat, there are springs of water in lot 6, sec. 6, and lot 4, sec. 19, T. 23 S., R. 5 E., S. L. M.

The legal subdivision containing springs and the lands within a quarter of a mile of such springs may be affected by the general withdrawal made by Executive order of April 17, 1926 (43 CFR 292.1), creating Public Water Reserve No. 107, but the question of whether this spring is of such size or value or so needed by the public as to bring the lands within the scope of the withdrawal is left for future determination.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragrapn shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragrapn either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Salt Lake City, Utah.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51-4963; Filed, Apr. 30, 1951; 8:49 a. m.]

[Misc. 1990824]

WASHINGTON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS RELEASED FROM POWER SITE CLASSIFICATION NO. 349 OF JUNE 22, 1944

APRIL 25, 1951.

The order of the Acting Director, Geological Survey, of March 28, 1949, entitled "Power Site Cancellation No. 93" (14 F. R. 1620), having canceled in part Power Site Classification No. 349 approved June 22, 1944, the following-described public lands are hereby restored to disposition under the applicable public-land laws as hereinafter indicated:

WILLAMETTE MERIDIAN

T. 27 N., R. 23 E.,
Sec. 1, lot 4 and SW¼NW¼;
Sec. 2, lot 1, SE¼NE¼, NE¼SE¼ and SW¼SE¼;
Sec. 3, lot 1;
Sec. 8, N½NE¼, SW¼NE¼, E½SW¼, and NW¼SE¼;
Sec. 11, SE¼NW¼;
Sec. 21, SE¼SW¼;
Sec. 28, NE¼NW¼, S½NW¼, and W½SW¼;
Sec. 30, lots 3 and 4;
Sec. 32, NE¼NE¼, S½NE¼, and N½SE¼.

The areas described aggregate 1,079.77 acres.

The above-described lands are steep and rough, and are primarily suitable for grazing. They will not be subject to occupancy or disposition until they have been classified. It is unlikely that they will be classified as suitable for homestead, desert-land, or small-tract use.

The lands described shall be subject to application by the State of Washington for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act, as amended.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 91st day after the date of publication. At that time the said lands shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Manager, Land and Survey Office, Spokane, Washington.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 51-4965; Filed, Apr. 30, 1951; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. M-29]

PONCE CEMENT CORP.

NOTICE OF HEARING ON APPLICATION TO BAREBOAT CHARTER A GOVERNMENT-OWNED WAR-BUILT, DRY-CARGO VESSEL

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held at Washington, D. C., on May 8, 1951, at 10 o'clock a. m., in Room 4823; Department of Commerce Building, before Examiner F. J. Horan, upon the application of Ponce Cement Corporation to bareboat-charter a Liberty-type vessel for use in applicant's cement trade between ports in Puerto Rico and Florida.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessel is proposed to be chartered is required in the public interest and would not be adequately served without the use therein of such vessel, and with respect to the availability of privately owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service.

All persons having an interest in such application will be given an opportunity to be heard if present.

The parties may have oral argument before the examiner immediately following the close of the hearing, in lieu of briefs, and the examiner will issue a recommended decision. Parties may have seven (7) days within which to file exceptions to or memoranda in support of the examiner's recommended decision, but, due to the urgency of the matter, oral argument on exceptions before the Board will be dispensed with.

Dated: April 23, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-4986; Filed, Apr. 30, 1951; 8:53 a. m.]

MEMBER LINES OF PACIFIC COAST-AUSTRALASIAN TARIFF BUREAU, ET AL.

NOTICE OF APPROVAL OF AGREEMENTS

Notice is hereby given that the Board by order dated April 23, 1951, approved the following described agreements pursuant to Section 15 of the Shipping Act, 1916, as amended:

Agreements 50–10, between the member lines of the Pacific Coast-Australasian Tariff Bureau; 4294–13, between the member lines of the Pacific Coast/Caribbean Sea Ports Conference; 4630–11, between the member lines of the Pacific/West Coast of South America Conference; 6170–6, between the member lines of the Capca Freight Conference; 7170–4, between the member lines of the Pacific Coast/Panama Canal Freight Conference; and 7570–4, between the member lines of the Pacific Coast/Mexico Freight Conference, provide for the cancellation of those provisions of the respective basic conference agreements which prohibit the payment of brokerage fees. These agreements were filed in order to comply with the United States Maritime Commission's decision and order in Docket 657, Agreements and Practices Pertaining to Brokerage and Related Matters.

Interested parties may obtain copies of these agreements at the Regulation Office, Federal Maritime Board, Washington, D. C.

Dated: April 25, 1951.

By order of the Federal Maritime Board.

[SEAL] R. L. MCDONALD,
Assistant Secretary.

[F. R. Doc. 51-4987; Filed, Apr. 30, 1951; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3868]

PENINSULAR AIR TRANSPORT; EXEMPTION APPLICATION

NOTICE OF HEARING

In the matter of the application of Peninsular Air Transport for an exemption filed pursuant to § 291.16 of the Board's Economic Regulations and section 416 (b) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 1001 of said act that a hearing in the above-entitled proceeding is assigned to be held on May 7, 1951 at 10 a. m. in Room 1011, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner William F. Cusick.

Without limiting the scope of the issues presented by the application, particular attention will be directed to the following matters and questions:

1. Is the present enforcement of the requirements of Title IV of the Civil Aeronautics Act, as amended, or any provision thereof, or any rule, regulation, terms, condition or limitation prescribed thereunder, as it affects Peninsular Air Transport, an undue burden on that air carrier by reason of the limited extent of, or unusual circumstances affecting the operation of such carrier and not in the public interest?

2. Subsidiary issues to a determination of whether the enforcement of the requirements of Title IV of the act and the rules and regulations of the Board prescribed thereunder is not in the public interest are:

(a) Will the operation of the air service proposed by Peninsular meet the statutory standards of section 416 (b) of the act and the tests in this respect set forth in an opinion of the Board issued on May 25, 1950, accompanying Orders, Serial Nos. E–4240 through E–4252?

(b) Is there a need for irregular air transportation by Peninsular?

(c) Do the past operations of Peninsular indicate that it can be trusted with the exemption authority sought, and operate within such authority?

3. If the foregoing issues are determined in the affirmative, what is the proper scope of exemption of Peninsular from the requirements of Title IV of the act, and what terms, conditions and limitations should be imposed on such exemption.

Notice is further given that any person desiring to be heard in opposition to the application, other than parties of record, must file with the Board on or before May 7, 1951, a statement setting forth the issues of fact or law which he desires to controvert and such person may appear and participate at the hearing in accordance with § 285.6 (a) of the rules of practice under Title IV of the Civil Aeronautics Act of 1938, as amended.

For further details of the service proposed and the relief requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., April 25, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-4991; Filed, Apr. 30, 1951; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9787]

FRANCIS J. MATRANGOLA

ORDER CONTINUING HEARING

In re application of Francis J. Matrangola, Wildwood, New Jersey, for construction permit; Docket No. 9787, File No. BP-7659.

The Commission having under consideration a motion filed April 16, 1951, by Francis J. Matrangola, requesting indefinite continuance of the hearing in the above-entitled proceeding, presently scheduled for April 24, 1951, pending action by the Commission on a petition for reconsideration and grant without hearing which applicant will shortly file with the Commission; and

It appearing, that since favorable action upon the petition for grant without hearing would remove the necessity for a hearing, a continuance of the hearing in order to permit consideration of such petition by the Commission would serve the public interest; and

It further appearing, that no opposition has been filed to the petition for continuance;

It is ordered, This 20th day of April 1951, that the hearing in the above-entitled proceeding, now scheduled for April 24, 1951, be, and it is hereby, continued to a date to be hereafter fixed.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4947; Filed, Apr. 30, 1951; 8:45 a. m.]

[Docket No. 9877, 9878]

R. W. TOWERY AND PULASKI BROADCASTING CO. (WKSR)

ORDER CONTINUING HEARING

In re applications of R. W. Towery, Iuka, Mississippi, Docket No. 9877, File No. BP-7893; John R. Crowder and James Porter Clark d/b as Pulaski Broadcasting Company (WKSR), Pulaski, Tennessee, Docket No. 9878, File No. BP-7922; for construction permits.

The Commission having under consideration a petition filed on April 10, 1951, on behalf of John R. Crowder and James Porter Clark d/b as Pulaski Broadcasting Company, requesting that the hearing herein presently scheduled for April 26, 1951, be continued for a period of approximately sixty days; and

It appearing, that the time within which an opposition to said petition could be filed has expired and that no opposition thereto has been received; and good cause having been shown therefor;

It is ordered, This 20th day of April 1951, that the petition herein of Pulaski Broadcasting Company is hereby granted and the hearing herein is hereby continued to June 25, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4946; Filed, Apr. 30, 1951; 8:45 a. m.]

[Docket Nos. 9900, 9936]

RADIO CALIFORNIA AND CAPITOL RADIO ENTERPRISES

ORDER CONTINUING HEARING

In re application of Knox LaRue and Arnold C. Werner, d/b as Radio California, Sacramento, California, Docket No. 9900, File No. BP-7726; Irving James Schwartz, William Stephen George, John Matranga and Samuel A. Melnicoe, d/b as Capitol Radio Enterprises, Sacramento, California, Docket No. 9936, File No. BP-7998; for construction permits.

The Commission having under consideration a petition, filed April 13, 1951, by Capitol Radio Enterprises, requesting a 60-day continuance of the hearing in the above-entitled proceeding presently scheduled for May 2, 1951, in Washington, D. C.; and

It appearing, that good and sufficient cause has been shown for the granting of such petition and no opposition to the grant thereof has been filed;

It is ordered, this 20th day of April 1951, that the hearing in the above-entitled proceeding, now scheduled for May 2, 1951, be and it is hereby, continued to July 9, 1951, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4948; Filed, Apr. 30, 1951; 8:45 a. m.]

[Docket No. 9904]

COMMONWEALTH BROADCASTING CORP. (WLOW)

ORDER CONTINUING HEARING

In re application of Commonwealth Broadcasting Corporation (WLOW), Norfolk, Virginia, for modification of license to change main studio location; Docket No. 9904, File No. BML-1438.

The Commission having under consideration a petition filed on March 30, 1951, on behalf of Commonwealth Broadcasting Corporation, requesting that the hearing herein, presently scheduled for April 12, 1951, be continued for a period of approximately sixty days; and

It appearing, that the time within which an opposition to said petition could be filed has elapsed and no such opposition has been received, and good cause therefor having been shown;

It is ordered, This 6th day of April 1951, that the petition of Commonwealth Broadcasting Corporation herein for continuance is hereby granted and the hearing herein is hereby continued to June 11, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-4945; Filed, Apr. 30, 1951; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1619]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

On February 23, 1951, El Paso Natural Gas Company (Applicant), a Delaware corporation, having its principal place of business in El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of a meter station in Pinal County, Arizona, for the transportation and sale of natural gas by Applicant for resale in the towns of Ray and Sonora, Arizona, as fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on March 13, 1951 (16 F. R. 2371).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on May 17, 1951, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: April 24, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4959; Filed, Apr. 30, 1951; 8:48 a. m.]

[Docket No. G-1634]

LOUISVILLE GAS AND ELECTRIC CO.

ORDER FIXING DATE OF HEARING

On March 12, 1951, Louisville Gas and Electric Company (Applicant), a Kentucky corporation, having its pricipal place of business in Louisville, Kentucky, filed an application, as supplemented on March 14, 1951, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to make available to Pittsburgh and West Virginia Gas Company (Pittsburgh) natural gas when possible, by reducing its purchases of natural gas from Kentucky West Virginia Gas Company (Kentucky) in order to enable Kentucky to have additional gas available for delivery to its affiliate, Pittsburgh.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on March 29, 1951 (16 F. R. 2769-2770).

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on May 14, 1951, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Date of isuance: April 24, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4958; Filed, Apr. 30, 1951; 8:48 a. m.]

[Docket No. G-1636]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

On March 19, 1951, El Paso Natural Gas Company (Applicant), a Delaware corporation, having its principal place of business in El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of approximately 2.25 miles of pipeline near Joseph City, Arizona, for the transportation and sale of natural gas by Applicant as fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on April 4, 1951 (16 F. R. 2942).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on May 17, 1951, at 9:45 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: April 24, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4960; Filed, Apr. 30, 1951; 8:48 a. m.]

[Docket No. G-1646]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

ORDER FIXING DATE OF HEARING

APRIL 24, 1951.

In the matter of Texas Eastern Transmission Corporation, The East Ohio Gas Company and New York State Natural Gas Corporation; Docket No. G-1646.

On March 30, 1951, Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation of Shrevesport, Louisiana, The East Ohio Gas Company (East Ohio), an Ohio corporation of Cleveland, Ohio, and New York State Natural Gas Corporation (New York State Natural), a New York corporation of Pittsburgh, Pennsylvania, filed a joint application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing, for a limited period, the emergency delivery, exchange and transportation of natural gas for storage in the Oakford Storage Pool in Westmoreland County, Pennsylvania, through the existing pipelines of East Ohio and New York State Natural pending the completion by Texas Eastern of its lateral pipeline to such storage pool, all as more fully described in such joint application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicants having requested that their application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on April 12, 1951 (16 F. R. 3240).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on May 18, 1951, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such joint application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: April 25, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4957; Filed, Apr. 30, 1951; 8:48 a. m.]

[Docket No. G-1666]

CENTRAL KENTUCKY NATURAL GAS CO.

NOTICE OF APPLICATION

APRIL 25, 1951.

Take notice that Central Kentucky Natural Gas Company (Applicant), a Kentucky corporation, address, Charleston, West Virginia, filed on April 16, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of approximately 18.6 miles of $12\frac{3}{4}$-inch loop pipeline paralleling that portion of its existing 10-inch transmission pipeline which extends westward from a point near Winchester, Kentucky, to Lexington, Kentucky.

Applicant proposes, by means of said facilities, to increase the capacity of its existing facilities in order to maintain and provide adequate service to its present customers in its Southern Division during the next winter period and to permit increased volumes of natural gas to be withdrawn from its Menifee Storage Pool. No new markets are proposed

to be served by means of the proposed facilities.

The estimated cost of the proposed facilities is $700,000 and Applicant proposes to finance the proposed construction by the issuance and sale of securities to its parent company, The Columbia Gas System, Inc.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 14th day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4969; Filed, Apr. 30, 1951; 8:50 a. m.]

[Docket No. G-1667]

UNITED FUEL GAS CO.

NOTICE OF APPLICATION

APRIL 25, 1951.

Take notice that United Fuel Gas Company (Applicant), a West Virginia corporation, address, Charleston, West Virginia, filed on April 16, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of a 2,640 h. p. compressor station with dehydration plant, auxiliary units and appurtenant equipment near Lanham, West Virginia; approximately 45 miles of natural gas transmission pipeline consisting of 1 mile of $6\frac{5}{8}$-inch pipe, 3.5 miles of $8\frac{5}{8}$-inch pipe, 12.5 miles of $10\frac{3}{4}$-inch pipe and 28 miles of 20-inch pipe; and the removal from Applicant's Walgrove compressor station of one 1,000 hp. compressor unit and the installation of the same at Applicant's Kanawha compressor station.

Applicant proposes to utilize said facilities to develop and expand its storage operations and transmission facilities in order to provide capacity and facilities sufficiently flexible to the demands of its markets. Applicant states that it proposes to acquire and activate three storage pools in addition to ten such pools now operated in depleted gas fields in close proximity to Applicant's transmission lines and markets. The proposed facilities will be used in connection with such storage operations and Applicant states that said facilities are necessary for the adequacy and continuity of service to its present markets. Applicant does not intend to serve additional markets through the proposed facilities.

The estimated cost of the proposed facilities, including the cost of acquiring and activating the proposed storage fields is $4,755,830. Applicant proposes to finance the proposed construction by the issuance and sale of securities to its parent company, The Columbia Gas System, Inc.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 14th day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4970; Filed, Apr. 30, 1951; 8:50 a. m.]

[Docket No. G-1670]

NATURAL GAS PIPELINE CO. OF AMERICA

NOTICE OF APPLICATION

APRIL 25, 1951.

Take notice that Natural Gas Pipeline Company of America (Applicant), a Delaware corporation, address, Chicago, Illinois, filed on April 17, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 3.69 miles of 10-inch loop pipeline paralleling Applicant's existing 8-inch lateral pipeline extending from its main pipelines in Rock Island County, Illinois, to a connection with Applicant's existing pipelines crossing the Mississippi River.

Applicant proposes, commencing November 1, 1951, to increase the total daily quantities of natural gas which it will deliver to Iowa-Illinois Gas & Electric Company at Davenport, Iowa, from 54,296 Mcf to an ultimate 97,645 Mcf per day. It is proposed that deliveries of the 97,645 Mcf per day ultimate, will be made commencing November 1, 1952. Applicant has entered into a new service agreement providing for such increased deliveries, and states that its present facilities are not adequate to enable it to make the deliveries which are desired by Iowa-Illinois Gas & Electric Company at the present point of delivery.

The estimated cost of construction of the proposed facilities is $100,720. Said cost of construction is proposed to be paid for from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 14th day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4971; Filed, Apr. 30, 1951; 8:50 a. m.]

[Docket No. G-1672]

LOUISVILLE GAS AND ELECTRIC CO.

NOTICE OF APPLICATION

APRIL 25, 1951.

Take notice that on April 18, 1951, Louisville Gas and Electric Company (Louisville) a Kentucky corporation with principal place of business in Louisville, Kentucky, filed an application pursuant to section 7 (b) of the Natural Gas Act for permission and approval to abandon certain facilities hereinafter described and to terminate service presently rendered by means of such facilities to Indiana Gas and Water Company, Inc. (Indiana).

Louisville states in its application that it presently owns and operates approximately 1.46 miles of 6-inch pipeline from Louisville's Jackson Street gas plant to a point of connection with Indiana's system near the north end of George Rogers Clark Memorial Bridge through which it supplies Indiana with natural gas for resale and distribution in and around New Albany, Jeffersonville, Clarksville and Clayburg, Indiana. Louisville states that Texas Gas Transmission Corporation (Texas) will undertake to serve Indiana with the gas needed for distribution in these communities if the facilities proposed by Texas in its application, Docket No. G-1578, are authorized by the Commission. Louisville states further that, if the abandonment is not permitted, its customers, including those in the four communities, will suffer gas shortages at periods of peak demand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 14th day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4972; Filed, Apr. 30, 1951; 8:50 a. m.]

[Docket No. G-1678]

MICHIGAN-WISCONSIN PIPE LINE CO.

ORDER SUSPENDING RATE SCHEDULE

APRIL 24, 1951.

On March 30, 1951, Michigan-Wisconsin Pipe Line Company (Michigan-Wisconsin) filed its First Revised Sheet No. 5 to its FPC Gas Tariff, comprising its Rate Schedule G-1, proposing changes in such rate schedule to be made effective as of May 1, 1951.

Said First Revised Sheet No. 5, as filed, provides for an increase in the rate contained in Rate Schedule G-1 from twenty-eight (28) cents per Mcf of natural gas sold thereunder to thirty-one and one-half ($31\frac{1}{2}$) cents per Mcf. The proposed increase in rate would result in increased payments by Michigan-Wisconsin's customers amounting to $3,771,755, which is an increase of twelve and one-half percent ($12\frac{1}{2}\%$), based upon the estimated sales during the twelve-months period ending March 31, 1952.

Previously, at the time of the proceedings before the Commission at Docket Nos. G-1156 and G-1302, Michigan-Wisconsin had estimated that, upon completion of construction and commencement of operation of the facilities therein involved, a reduction in the presently effective rate provided in Rate Schedule G-1 would be in order (see FPC Supplemental Opinion No. 180-A and Opinion No. 196, and the order accompanying the latter opinion). Now, however, Michigan-Wisconsin states that revised cost-of-service estimates, including a return, indicate the necessity for the increased rate presently proposed.

The increased rate provided in said First Revised Sheet No. 5 to Michigan-Wisconsin's FPC Gas Tariff has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

Unless the operation of said First Revised Sheet No. 5, comprising Michigan-Wisconsin's Rate Schedule G-1, is suspended by order of the Commission, it will become effective as of May 1, 1951, pursuant to the provisions of the Natural Gas Act and the Regulations thereunder.

As required by § 154.16 of the Commission's regulations under the Natural Gas Act, a copy of said First Revised Sheet No. 5 to Michigan-Wisconsin's FPC Gas Tariff has been sent to each customer which would be affected thereby, and also to various State, county, and municipal authorities. Comments have been received from some of such parties.

The Public Service Commission of Wisconsin, the City of Milwaukee, Wisconsin, the City of Detroit, Michigan, and the County of Wayne, Michigan, have filed objections to the proposed increased rate, and have requested that such First Revised Sheet No. 5 be suspended and a hearing held with respect to the reasonableness of the increased rate therein proposed. Comments have also been received from the Wisconsin Power and Light Company, Wisconsin Michigan Power Company, Wisconsin Natural Gas Company, Wisconsin Public Service Corporation, Keokuk Gas Service Company, and Wisconsin Fuel and Light Company, each of which is a customer of Michigan-Wisconsin, which question certain aspects of the proposed increased rate.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of Michigan-Wisconsin's FPC Gas Tariff First Revised Sheet No. 5, and that said First Revised Sheet No. 5 and the rate schedule therein contained be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision herein.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of the rates, charges, and classifications contained in the aforesaid First Revised Sheet No. 5 to Michigan-Wisconsin Pipe Line Company's FPC Gas Tariff.

(B) Pending such hearing and decision thereon, said First Revised Sheet No. 5 to Michigan-Wisconsin's FPC Gas Tariff be and the same is hereby suspended and the use thereof is deferred until October 1, 1951, and until such further time thereafter as said First Revised Sheet No. 5 may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: April 25, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4956; Filed, Apr. 30, 1951; 8:47 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

ORGANIZATION AND FUNCTIONS

REVISED LIST OF FIELD SERVICE

The description of the organization, functions, and procedures of the Food and Drug Administration as published in the FEDERAL REGISTER of November 27, 1948 (13 F. R. 6983), and amended in the FEDERAL REGISTER of May 6 and November 16, 1949 (14 F. R. 2363, 6959) and July 18, 1950 (15 F. R. 4565) is amended in the following respect:

In section I, *Organization*, paragraph C, *Field service*, the list of addresses of district headquarters, subdistricts, and inspection stations is revised to read as follows:

ATLANTA DISTRICT: Room 416, Federal Annex, Atlanta 3, Ga.

Inspection stations: U. S. Engineers Building No. 1, Second Floor, Customhouse Wharf, Charleston 40, S. C. (P. O. Box 711). Room 233, Post Office Building, Charlotte 1, N. C. (P. O. Box 1516). Room 334, Customhouse and Post Office Building, Jacksonville 1, Fla. (P. O. Box 4937). Pier 2, Municipal Docks, c o U. S. Custom Inspectors, Miami 17, Fla. (P. O. Box 2776). Room 117, U. S. Appraiser's Stores, Platt and Water Streets, Tampa 1, Fla. (P. O. Box 1166).

BALTIMORE DISTRICT: Room 890, 103 South Gay Street, Baltimore 2, Md.

Inspection stations: Room 323, State Capitol Building, Charleston 23, W. Va. (P. O. Box 641). Room 415-B, U. S. Post Office and Courthouse, Norfolk 10, Va. (P. O. Box 1222). Room 304, Post Office Building, Roanoke 3, Va. (P. O. Box 437). Room 4175, South Agriculture Building, Washington 25, D. C.

BOSTON DISTRICT: Room 805, U. S. Appraiser's Stores, 408 Atlantic Avenue, Boston 10, Mass.

Inspection stations: Room 11, U. S. Custom Building, 312 Fore Street, Portland 3, Maine. Room 509, Main Post Office Building, Providence 3, R. I. Room 312, Federal Building, Springfield 3, Mass.

BUFFALO DISTRICT: Room 415, Federal Building, South Division and Ellicott Streets, Buffalo 3, N. Y.

Subdistrict: Room 303, Old Post Office Building, Fourth and Smithfield Streets, Pittsburgh 19, Pa.

Inspection station: Room 56, Federal Building, Rochester, N. Y.

CHICAGO DISTRICT: Room 1222, Post Office Building, Van Buren and Canal Streets, Chicago 7, Ill.

Inspection stations: Room 908, Federal Building, 231 West Lafayette Boulevard, Detroit 26, Mich. Room 363, Post Office Building, Milwaukee 2, Wis. (P. O. Box 850).

CINCINNATI DISTRICT: Room 501, Post Office Building, Cincinnati 2, Ohio.

Inspection stations: Room 2, New Post Office Building, Cleveland 13, Ohio. Room 302, Old Post Office Building, South Third and State Streets, Columbus 15, Ohio. Room 241, State Board of Health Building, 1098 West Michigan, Indianapolis, Ind. Room 205-A, U. S. Courthouse, Nashville 3, Tenn.

DENVER DISTRICT: Room 531, U. S. Customhouse, Denver 2, Colo.

Inspection station: Room AO B, Federal Building, Salt Lake City 1, Utah.

KANSAS CITY DISTRICT: Room 323, U. S. Courthouse, 811 Grand Avenue, Kansas City 6, Mo.

Inspection stations: Room 104, Municipal Building, 200 North Walker Street, Oklahoma City 2, Okla. Room 413, Federal Office Building, Omaha 2, Nebr.

LOS ANGELES DISTRICT: Room 514, California Medical Building, 1401 South Hope Street, Los Angeles 15, Calif.

Inspection stations: Pier A, Berth 5, Long Beach, Calif. Room 305, Federal Office Building, Phoenix, Ariz. Room 138, U. S. Customs and Courthouse Building, San Diego 1, Calif.

MINNEAPOLIS DISTRICT: Room 201, Federal Office Building, Washington and Third Avenue South, Minneapolis 1, Minn.

Inspection station: Room 218, Old Federal Building, Des Moines 9, Iowa.

NEW ORLEANS DISTRICT: Room 223, U. S. Custom House, 423 Canal Street, New Orleans 16, La.

Subdistrict: Room 1018, Federal Office Building, Houston 14, Texas (P. O. Box 4240).

Inspection stations: Room 203, Social Security Building, Third Avenue and Twenty-third Street North, Birmingham 1, Ala. (P. O. Box 1649). 103 Norman Building, Dallas 2, Tex. 753 Gladstone Avenue, Shreveport, La. (P. O. Box 4267, Centenary Station).

NEW YORK DISTRICT: Room 1200, U. S. Appraiser's Stores, 201 Varick Street, New York 14, N. Y.

Inspection stations: Room B-99, Post Office Building, Newark 1, N. J. (P. O. Box 204). Room 208, Post Office Building, Waterbury 51, Conn.

PHILADELPHIA DISTRICT: Room 1204, New Customhouse, Second and Chestnut Streets, Philadelphia 6, Pa.

Inspection stations: Room 4, 201 State Street, Harrisburg, Pa. Select Building, Scranton, Pa. (P. O. Box 901).

ST. LOUIS DISTRICT: Room 1007, New Federal Building, St. Louis 1, Mo.

Inspection stations: 309 State Board of Health Building, Little Rock, Ark. Room 326, U. S. Customhouse, Memphis 1, Tenn. Room 204, City Hall, Peoria, Ill. (P. O. Box 217). Room 225, Post Office Building, Springfield, Mo. (P. O. Box 267).

SAN FRANCISCO DISTRICT: Room 512, Federal Office Building, Fulton and Leavenworth Streets, San Francisco 2, Calif.

Inspection stations: Room 308, Post Office Building, Fresno, Calif. Room 477, Post Office Building, Ninth and I Streets, Sacramento, Calif.

SEATTLE DISTRICT: Room 501, Federal Office Building, Seattle 4, Wash.

Subdistrict: Room 315, U. S. Customhouse, Portland 9, Oreg.

Inspection stations: 215 Federal Building, Butte, Mont. (P. O. Box 247). Room 321, Federal Building, Spokane 8, Wash.

Dated: April 25, 1951.

[SEAL] OSCAR R. EWING,
Administrator.

[F. R. Doc. 51-4990; Filed, Apr. 30, 1951; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26047]

LIQUEFIED PETROLEUM GAS FROM THE SOUTHWEST TO SPRINGFIELD, VT.

APPLICATION FOR RELIEF

APRIL 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3651.

Commodities involved: Liquefied petroleum gas, in tank-car loads.

From: Points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma and Texas.

To: Springfield, Vt.

Grounds for relief: Circuitous routes and competition with rail carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3651, Supp. 258.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4973; Filed, Apr. 30, 1951; 8:51 a. m.]

[4th Sec. Application 26048]

LUMBER, FENCE POSTS AND RELATED ARTICLES FROM COUSINS, KANS., TO CERTAIN POINTS

APPLICATION FOR RELIEF

APRIL 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to tariffs listed below.

Commodities involved: Lumber, fence posts, and other forest products, carloads.

From: Cousins, Kans.

To: Points in southwestern, Illinois, and western trunk-line territories, and Mississippi River crossings.

Grounds for relief: Circuitous routes, competition with rail carriers, and market competition.

Schedules filed containing proposed rates: D. Q. Marsh's tariffs I. C. C. No. 3805, Supp. 55, No. 3806, Supp. 26, No. 3954, Supp. 3, No. 3261, Supp. 152, No. 3924, Supp. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4974; Filed, Apr. 30, 1951; 8:51 a. m.]

[4th Sec. Application 26049]

PIG IRON FROM NEW YORK AND PENNSYLVANIA TO THE SOUTH

APPLICATION FOR RELIEF

APRIL 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-911.

Commodities involved: Pig iron, carloads.

From: Buffalo, N. Y., Bethlehem, Pa., and other producing points in New York and Pennsylvania.

To: Specified points in southern territory.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-911, Supp. 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4975; Filed, Apr. 30, 1951; 8:51 a. m.]

[4th Sec. Application 26050]

D. D. T. FROM NEW JERSEY, DELAWARE AND PENNSYLVANIA, TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

APRIL 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-911.

Commodities involved: D. D. T. (dichlorodiphenyl - trichloroethane), carloads.

From: Newark, N. J., Marcus Hook, Pa., North Claymont, Del., and Natrona, Pa.

To: Specified points in southern territory.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-911, Supp. 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-4976; Filed, Apr. 30, 1951; 8:51 a. m.]

[Rev. S. O. 874, 2d Rev. General Permit 2]

LIQUID STARCH, LIQUID DEXTRINE, CORN SYRUP, AND OR GLUCOSE

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act, to disregard the provisions of Revised Service Order No. 874 insofar as they apply to any car loaded with liquid starch, liquid dextrine, corn syrup and/or glucose in bottles or in 55 gallon barrels or metal drums when any consignor advises that service would be denied because of inability to meet loading requirements of Revised Service Order 874 because meeting such minimum requirements would constitute hazardous loading.

The waybills shall show reference to this revised general permit and any consignor forwarding cars under this revised general permit shall furnish the Permit Agent with the car numbers, initials, weights, and destinations of the cars shipped under this revised general permit, as well as the car numbers, initials, and weights of all cars loaded with liquid starch, liquid dextrine, corn syrup, and/or glucose shipped; such information to be furnished on the first day of each month.

This general permit shall become effective at 12:01 a. m., April 25, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this Permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of April 1951.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 51-4977; Filed, Apr. 30, 1951; 8:51 a. m.]

[Rev. S. O. 874, Rev. General Permit 15]

CORN GLUTEN FEED

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act, to disregard the provisions of Revised Service Order No. 874 insofar as they apply to any car loaded with corn gluten feed when any consignor advises that service would be denied because of its inability to meet the minimum requirements because of tendency of commodity to cake and heat in warm weather.

The waybills shall show reference to this general permit and any consignor forwarding cars under this general permit shall furnish the Permit Agent the car numbers, initials, and destinations of the cars shipped under this permit, and also the car numbers, initials, and weights of all cars of corn gluten feed shipped; such information to be furnished on the first of each month.

This general permit shall become effective at 12:01 a. m., April 25, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this Permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of April 1951.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 51-4978; Filed, Apr. 30, 1951; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839 Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17652]

KINTARO YAMAMOTO

In re: Bank account and cash owned by Kintaro Yamamoto. D-39-13019-E-1/2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kintaro Yamamoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a Savings Account, account number 588, entitled Kintaro Yamamoto, maintained at the Laurel Sunset Branch Office of the aforesaid association located at 7966 Sunset Boulevard, Hollywood, California, and any and all rights to demand, enforce and collect the same, and

b. Cash in the amount of $30.60 presently in the custody of Federal Reserve Bank of New York, New York, New York, owned by Kintaro Yamamoto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-4995; Filed, Apr. 30, 1951; 8:55 a. m.]

[Vesting Order 17653]

HILDEGARD ACKMANN

In re: Stock owned by Hildegard Ackmann. F-28-31174.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hildegard Ackmann whose last known address is Lenbachstrasse 77, Hannover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Fifty (50) shares of no par value common capital stock of United States Steel Corporation, 71 Broadway, New York, New York, evidenced by the certificates numbered and in the amounts listed below:

Certificate Nos:	Number of shares
X149550 3 (each)	10
Q64828	10

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hildegard Ackmann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4996, Filed, Apr. 30, 1951; 8:55 a. m.]

[Vesting Order 17654]

GESINE DIEKMANN

In re: Bonds owned by the personal representatives, heirs, next of kin, legatees and distributees of Gesine Diekmann, deceased. D-28-12980.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Gesine Diekmann, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation, matured or unmatured, evidenced by one (1) Denver & Rio Grande Railroad Company First Consolidated Mortgage Gold Bond 4% Bond, due 1936, of $1,000.00 face value, bearing the number 3573, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and all rights in, to and under the aforesaid bond, including particularly but not limited to any and all rights under a Reorganization Plan effective April 1947, and

b. Those certain debts or other obligations, matured or unmatured, evidenced by five (5) Missouri Kansas & Texas Railway Company First Mortgage Gold 4% Bonds, due 1990, each of $500.00 face value, bearing the numbers 36126, 36127, 37001, 39427 and 41088, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and all rights in, to and under the aforesaid bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Gesine Diekmann, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Gesine Diekmann, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4997; Filed, Apr. 30, 1951; 8:55 a. m.]

[Vesting Order 17660]

CREDITANSTALT-BANKVEREIN

In re: Accounts maintained in the name of Creditanstalt-Bankverein, Vienna, Austria, and owned by persons whose names are unknown. F-6-8; A-1 and E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Creditanstalt-Bankverein, Vienna, Austria]

Column I	Column II
Name and address of institution which maintains account	Designation of account
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	Creditanstalt-Bankverein, Vienna, Austria, a/c "B Clients a/c" [S 8631], as described by The Chase National Bank of the City of New York in its report on Form OAP-70c bearing its Serial No. 229.

[F. R. Doc. 51-4998; Filed, Apr. 30, 1951; 8:56 a. m.]

[Vesting Order 17662]

THEODOOR GILISSEN (BANK)

In re: Accounts maintained in the name of Theodoor Gilissen (Bank), Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1277.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by, persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Theodoor Gilissen (Bank), Amsterdam, The Netherlands]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Laidlaw & Co., 25 Broad St., New York 4, N. Y.	Accumulated dividends on various blocked shares, as described by Laidlaw & Co. in its report on Form OAP-700.

[F. R. Doc. 51-4999; Filed, Apr. 30, 1951; 8:56 a. m.]

[Vesting Order 17664]

SOCIETE BANCAIRE GENEVE

In re: Accounts maintained in the name of Societe Bancaire Geneve, Geneva, Switzerland, and owned by persons whose names are unknown. F-34-481.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in the attached Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Societe Bancaire Geneve, Geneva, Switzerland]

Column I	Column II	Column III
Name and address of institution which maintains account	Designation of account	Property, rights and interests in the account as of Oct. 2, 1950, excluded from this vesting order [1]
Swiss Bank Corp., New York Agency, 15 Nassau St., New York, N. Y.	Bank deposit, as described by Swiss Bank Corp., New York Agency, in its report on Form OAP-700, bearing its Serial No. 0095.	$1,968.60 which, according to OAP-700 bearing serial No. 0095 of Swiss Bank Corp., New York Agency, represents the interest of Beh. Toth.

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since October 2, 1950, and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in Column III or excluded under (a) of this footnote.

[F. R. Doc. 51-5000; Filed, Apr. 30, 1951; 8:56 a. m.]

[Vesting Order 17665]

N. V. HOLLANDSCHE KOOPMANSBANK

In re: Accounts maintained in the name of N. V. Hollandsche Koopmansbank, Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-505.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of N. V. Hollandsche Koopmansbank, Amsterdam, The Netherlands]

Column I Name and address of institution which maintains account	Column II Designation of account
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	(a) Miscellaneous portfolios of securities, payable in dollars and in foreign currencies—N. V. Hollandsche Koopmansbank, Amsterdam C, Netherlands, Dutch Residents, a/c, as described by The Chase National Bank of the City of New York in its report on Form OAP-700 bearing its Serial No. 278.

[F. R. Doc. 51-5001; Filed, Apr. 30, 1951; 8:56 a. m.]

[Vesting Order 17666]

FERDINAND KAUFMANN BANKGESCHAFT

In re: Accounts maintained in the name of Ferdinand Kaufmann Bankgeschaft, Basle, Switzerland, and owned by persons whose names are unknown. F-63-3432.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Ferdinand Kaufmann Bankgeschaft, Basle, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
Halle & Stieglitz, 52 Wall St., New York 5, N.Y.	(a) Credit balance, and (b) stocks, as described by Halle & Stieglitz in its report on Form OAP-700.

[F. R. Doc. 51-5002; Filed, Apr. 30, 1951; 8:56 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 85

Washington, Wednesday, May 2, 1951

TITLE 3—THE PRESIDENT

PROCLAMATION 2925

ENLARGING THE LAVA BEDS NATIONAL MONUMENT CALIFORNIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS certain lands adjacent to the Lava Beds National Monument in the State of California, established by Proclamation No. 1755 of November 21, 1925, contain cliffs with petroglyphic carvings from a prehistoric period; and

WHEREAS a large cinder cone, important to the geologic interpretation of the Lava Beds National Monument, is partially outside the present boundaries of the monument; and

WHEREAS it appears that the public interest would be promoted by adding the lands described in the preceding paragraphs to the Lava Beds National Monument in order to insure permanent protection to these prehistoric and geologic phenomena:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U. S. C. 431), do proclaim that, subject to valid existing rights, the lands within the following-described areas in California owned by the United States are hereby added to and reserved as a part of the Lava Beds National Monument, and that the privately-owned lands within such areas shall become a part of such monument upon the acquisition of title thereto by the United States:

MOUNT DIABLO MERIDIAN

T. 46 N., R. 5 E.,
Sec. 3, lots 9, 10, and 32;
Sec. 10, lots 1, 2, 4, 11, 12, 20, and 21, and N½NW¼SE¼.
T. 44 N., R. 4 E.,
Sec. 6, N½ of lot 1.

The areas described aggregate 211.13 acres.

The reservation made by this proclamation is not intended to prevent the use of the lands in T. 44 N., R. 4 E., for national-forest purposes for which they were reserved by the proclamation establishing the Shasta National Forest, and both reservations shall be effective on such lands, but the reservation for the national-monument purposes shall be the dominant reservation and any use of the lands which interferes with their preservation or protection as a part of the national monument is hereby forbidden.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this monument as hereby extended and not to settle upon any of the lands reserved as a part of this monument.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of these lands as provided in the act of Congress entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535, 16 U. S. C. 1-3), and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 27th day of April in the year of our Lord nineteen hundred and [SEAL] fifty-one and of the Independence of the United States of America the one hundred and seventy-fifth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 51-5013; Filed, Apr. 30, 1951; 1:51 p. m.]

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REORGANIZATION PLAN NO. 1 OF 1951

Prepared by the President and Transmitted to the Senate and the House of Representatives in Congress Assembled, February 19, 1951, Pursuant to the Provisions of the Reorganization Act of 1949, Approved June 20, 1949 [1]

RECONSTRUCTION FINANCE CORPORATION

Correction

In Federal Register Doc. 51-5070 appearing at page 3690 of the issue for Tuesday, May 1, 1951, footnote 1 should read as follows:

[1] Effective May 1, 1951, under the provisions of section 6 of the act; published pursuant to section 11 of the act (Pub. Law 109, 81st Cong.)

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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; GEORGIA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth. The average value and the investment limit heretofore established for said county, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average value and the investment limit set forth below for said county.

GEORGIA

County	Average value	Investment limit
Brantley	$9,000	$9,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 26th day of April 1951.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51-5037; Filed, May 1, 1951; 8:48 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; GEORGIA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth; and § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), is amended by adding said counties, average values, and investment limits to the tabulations appearing in said section under the State of Georgia.

GEORGIA

County	Average value	Investment limit
Camden	$8,500	$8,500
Charlton	12,000	12,000
Chatham	12,000	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 26th day of April 1951.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51-5038; Filed, May 1, 1951; 8:49 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENTS LIMITS; WISCONSIN

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 8381), are hereby superseded by the average values and investment limits set forth below for said counties.

WISCONSIN

County	Average value	Investment limit
Adams	$11,000	$12,000
Ashland	11,000	11,000
Barron	16,000	12,000
Bayfield	11,000	11,000
Brown	18,000	12,000
Buffalo	16,000	12,000
Burnett	14,000	12,000
Calumet	20,000	12,000
Chippewa	16,000	12,000
Clark	13,000	12,000
Columbia	20,000	12,000
Crawford	18,000	12,000
Dane	21,000	12,000
Dodge	20,000	12,000
Door	18,000	12,000
Douglas	11,000	11,000
Dunn	16,000	12,000
Eau Claire	16,000	12,000
Florence	11,000	11,000
Fond du Lac	20,000	12,000
Forest	11,000	11,000
Grant	21,000	12,000
Green	21,000	12,000
Green Lake	20,000	12,000
Iowa	21,000	12,000
Iron	11,000	11,000
Jackson	15,000	12,000
Jefferson	21,000	12,000
Juneau	14,000	12,000
Kenosha	21,000	12,000
Kewaunee	18,000	12,000
La Crosse	18,000	12,000
Lafayette	21,000	12,000
Langlade	15,000	12,000
Lincoln	14,000	12,000
Manitowoc	20,000	12,000
Marathon	15,000	12,000
Marinette	14,000	12,000
Marquette	14,000	12,000
Milwaukee	21,000	12,000
Monroe	15,000	12,000
Oconto	14,000	12,000
Oneida	14,000	12,000
Outagamie	18,000	12,000
Ozaukee	20,000	12,000
Pepin	16,000	12,000
Pierce	16,000	12,000
Polk	15,000	12,000
Portage	15,000	12,000
Price	14,000	11,000
Racine	21,000	12,000
Richland	18,000	12,000
Rock	21,000	12,000
Rusk	14,000	12,000
Saint Croix	16,000	12,000
Sauk	18,000	12,000
Sawyer	11,000	11,000
Shawano	15,000	12,000
Sheboygan	20,000	12,000
Taylor	14,000	12,000
Trempealeau	16,000	12,000
Vernon	18,000	12,000
Vilas	11,000	11,000
Walworth	21,000	12,000
Washburn	14,000	12,000
Washington	20,000	12,000
Waukesha	21,000	12,000
Waupaca	15,000	12,000
Waushara	14,000	12,000
Winnebago	20,000	12,000
Wood	15,000	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C., 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C., 1003, 1018)

Issued this 26th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-5039; Filed, May 1, 1951; 8:49 a. m.]

Subchapter E—Account Servicing

PART 361—ROUTINE

SUBPART E—SERVICING ACCOUNTS OF BORROWERS ENTERING THE ARMED FORCES

Part 361 of Title 6, Code of Federal Regulations (13 F. R. 9436), is hereby amended to add Subpart E as follows:

Sec.
361.81 General.
361.82 Operating loan borrowers.
361.83 Farm Ownership and Farm Housing borrowers.

AUTHORITY: §§ 361.81 to 361.83 issued under sec. 41, 60 Stat. 1066, sec. 510, 63 Stat. 438; 7 U. S. C. 1015, 42 U. S. C. 1480. Interpret or apply secs. 41, 48, 60 Stat. 1065, 1066, 1070, sec. 510, 63 Stat. 437; 7 U. S. C. 1015, 1022, 42 U. S. C. 1480.

DERIVATION: §§ 361.81 to 361.83 contained in FHA Instruction 451.5.

§ 361.81 *General.* Section 48 of the Bankhead-Jones Farm Tenant Act, as amended, requires annual payments of installments on loans made under Title I and Title II of the act. This provision prohibits an agreement with the borrower for the postponement or modification of the annual installments due under his promissory note, but it is not the policy of the Farmers Home Administration to enforce scheduled payments by a borrower in the armed forces when such payments are beyond his ability to pay.

§ 361.82 *Operating loan borrowers*—(a) *Policy.* An Operating loan borrower entering the armed forces will be permitted to retain his security property when arrangements can be worked out which will be satisfactory to the borrower and the Farmers Home Administration. However, because of the nature of security for Operating loans, such a borrower will be informed of the usual depreciation of such security property and will be encouraged to sell the property and apply the proceeds on his loan(s). In most cases, the interests of both the borrower and the Government can be served better by arranging for a voluntary sale of the security property. A borrower retaining security property will be expected to make payments on his loan(s) equal to scheduled payments.

(b) *Methods of handling.* In carrying out the above policy, the cases of borrowers entering the armed forces will be handled in accordance with one of the following methods:

(1) *Voluntary sale of security property.* When it is determined that the security property will be liquidated, the borrower will be urged to sell the property through the use of Form FHA–851, "Statement of Conditions on which Lien will be Released," for a private sale, or Form FHA–217, "Agreement for Public Sale," for a public sale. If for any reason it is more desirable or necessary for the property to be sold by the Farmers Home Administration, the sale will be through the use of Form FHA–209, "Agreement for Voluntary Liquidation of Mortgaged Chattels," executed by the borrower (i) before he is accepted for service in the armed forces if the sale is to be completed before the borrower is accepted for service, or (ii) after he is accepted for service if the sale cannot be completed before the borrower is so accepted. For this purpose, an individual will be considered as accepted for service after he is ordered to report for induction, or if in the enlisted reserve, after he is ordered to report for service in the armed forces.

(2) *Assumption of indebtedness.* When the borrower arranges with a person satisfactory to the Farmers Home Administration to purchase the security property and to assume the Operating loan indebtedness secured thereby, the State Director is authorized to approve an assumption agreement for this purpose between the borrower, the person assuming the debt, and the Farmers Home Administration. In such a case, the original borrower will not be released from liability.

(3) *Arrangements with third persons.* When the borrower arranges with a relative or other reliable person to maintain the security property in a satisfactory manner and to make scheduled payments, the State Director is authorized to approve the arrangement. In such a case, the borrower will be required to execute a power of attorney, prepared or approved by the representative of the Office of the Solicitor, authorizing an attorney-in-fact to act for him during his absence.

(c) *Statements of accounts.* Borrowers entering the armed forces will be requested to designate mailing addresses for statements of account.

§ 361.83 *Farm Ownership and Farm Housing borrowers*—(a) *Power of attorney.* Farm Ownership and Farm Housing borrowers entering the armed forces who retain ownership of their farms should be encouraged to execute a power of attorney authorizing the person of their choice to take any actions necessary to insure proper operation and maintenance of the farm, payment of insurance and taxes, and repayment of the loan. No employee of the Farmers Home Administration will act as attorney-in-fact for a borrower. A power of attorney should not be used in conveying title to the farm except in those States where the power is good until actual notice is received of the death of the person granting the power.

(b) *When the borrower wishes to retain ownership of the farm.* When a borrower wishes to retain ownership of his farm, the Farmers Home Administration will assist him in making arrangements for the operation of the farm which will protect the interests of both the Government and the borrower.

(1) *Leasing.* It will be more satisfactory if the farm is leased under a written lease in accordance with equitable leasing policies and applicable Farmers Home Administration procedures. The County Supervisor should assist the borrower in securing a dependable tenant who is a good farmer, who will secure maximum production, and who will maintain the farm in good condition. The borrower should make arrangements for the rental income to be used for regular payments on the loan in order to avoid the accumulation of unpaid interest. The borrower also should make arrangements for the payment of taxes and insurance and maintenance of the farm to avoid having these charges paid by the Government and charged to his account. It would be desirable to provide that the lease will continue for the duration of the borrower's military service, unless either party gives written notice of earlier cancellation of the lease. In the case of an insured Farm Ownership loan, it is necessary under the terms of the security instrument to obtain the consent of the holder of the insured mortgage when the farm is leased.

(2) *Operation by family.* When the farm is to be operated by relatives, the hazards and disadvantages to the borrower and the Government which are inherent in unwritten contracts will be discussed, and every effort will be made to induce the borrower to enter into formal contractual arrangements whenever possible to do so.

(c) *When the borrower does not desire to retain ownership of the farm.* When a borrower feels that the burden of managing the farm and continuing with payment of the indebtedness will be too great for him and his family, he may wish to transfer the farm to another approved applicant or to sell it outside the program. In any such case, the Farmers Home Administration will cooperate with the borrower in effecting a sale or transfer of the farm in accordance with applicable procedures.

(d) *Contribution agreements in cases of section 503 Farm Housing borrowers*—(1) *When the borrower desires to retain ownership of the farm.* Whenever a section 503 Farm Housing borrower plans to retain ownership of his farm and have it operated by his family or a dependable tenant, the borrower will be required, as a condition to continuation of the contribution agreement, to give the farm operator or other competent person a power of attorney authorizing the attorney-in-fact to agree on behalf of the borrower to a farm plan for each forthcoming year of the period covered by the contribution agreement and to execute on behalf of the borrower Form FHA–528, "Annual Income Return," for each such year. In each such case, for the purpose of determining whether a contribution credit is justified for any given year, consideration will be given to the borrower's entire income from the farm and all other sources. Therefore, if the attorney-in-fact is to execute Form FHA–528 under his power of attorney, he will be required to obtain a signed statement from the borrower as to his nonfarm income for the year under consideration and to submit the statement with Form FHA–528.

(i) *Leasing.* Where the mortgage prohibits transfer of the farm or any interest therein without the Government's consent, consent to a lease will be given or withheld by the State Director after considering the facts of the case. If, in such a case, the State Director does not consent to the lease, he will give written notice to the borrower and the lessee that the contribution will be inoperative for the duration of the lease. In a case where the transfer of an interest in the property is not subject to the Government's consent, a determination will be made by the State Director as to whether, under the terms of the lease, the benefits of the contribution agreement will accrue to the lessee. If the benefits will accrue to the lessee, a further determination will be made by the State Director as to whether it would be proper in all the circumstances for the lessee to receive the benefits of the contribution agreement. If the decision is in favor of having the benefits accrue to the lessee, the contribution agreement will remain in effect. If the decision is not in favor of having the benefits accrue to the lessee, the contribution agreement will be declared inoperative by the State Director for the duration of the lessee's tenure and written notice to that effect will be sent to the borrower and to the lessee.

(2) *When the borrower does not desire to retain ownership of the farm.* When a section 503 Farm Housing borrower desires to transfer his farm subject to the Farm Housing mortgage, a determination will be made as to whether the proposed transfer is to be made to a person eligible for a section 503 loan. If such a transfer is to be made to a person who is not eligible, the contribution agreement will be canceled. If the farm and the loan are to be transferred to an eligible borrower, the Government and the transferee will execute an agreement conferring upon him the rights and obligations of the original borrower under the contribution agreement.

(e) *Statements of account.* Borrowers entering the armed forces who retain ownership of their farms will be requested to designate mailing addresses for statements of account.

Dated: April 9, 1951.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: April 26, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-5040; Filed, May 1, 1951; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 70—GRADING AND INSPECTION OF POULTRY AND DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF; UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

MISCELLANEOUS AMENDMENTS

On April 21, 1951, a notice of a proposed amendment to the regulations governing the grading and inspection of poultry and domestic rabbits and edible products thereof; and United States specifications for classes, standards, and grades with respect thereto (7 CFR Part 70) was published in the FEDERAL REGISTER (16 F. R. 3488), pursuant to the authority contained in the Agricultural and Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951. (Pub. Law 759, 81st Cong., approved Sept. 6, 1950). The regulations currently provide that on and after May 1, 1951, only dressed poultry and dressed domestic rabbits which were produced in official plants may be brought into other official plants for processing under grading or inspection service. The amendment hereinafter set forth will permit processors who are operating under the services provided in the aforesaid regulations to bring into their official plants such dressed poultry as is owned by them prior to July 1, 1951, for further processing under inspection service or grading service. The amendment will extend until July 1, 1951, the period of exemption of dressed poultry and dressed domestic rabbits, as such, from the provisions of §§ 70.16 and 70.17 of the regulations. It will also provide authority for the Administrator to grant conditional approval to processing plants as official plants under emergency conditions of restricted availability of facilities, construction materials, and equipment provided suitable sanitary practices are employed to effect adequate sanitation in such plants. This amendment is deemed necessary because of the shortage of materials needed to bring poultry processing plants into compliance with § 70.16 of the regulations and to provide a supply of dressed poultry which is eligible for processing under the regulations immediately following the effective date of this amendment so that the services may be continued without interruption.

The poultry processing trade has requested the proposed extension to enable poultry dressing plants to complete the requisite changes in facilities without undue hardship, and no written data, views, or arguments were submitted during the period prescribed therefor in the

notice of proposed rule making, for consideration by the Department with respect to this action.

Therefore it is deemed impracticable, unnecessary, and contrary to the public interest to give a 30-day notice of the effective date hereof, because (1) those plants which are currently operating under the services provided for in the aforesaid regulations will not be able to continue to operate without interruption or hardship unless relieved from the present requirement which would become effective May 1, 1951; and (2) in view of the current scarcity of necessary materials, the poultry dressing plants need additional time for compliance; and (3) a proposed general revision of the aforesaid regulations is currently being processed, wherefore, it has been determined that the amendment set forth herein be made effective upon the date of publication in the FEDERAL REGISTER.

1. The regulations are hereby amended by revising the heading and provisions of § 70.3 (h) *Exemption for one year from the provisions of § 70.16 and § 70.17* to read as follows:

§ 70.3 *Grading and inspection programs and services.* • • •

(h) *Exemption from the provisions of § 70.16 and § 70.17.* The provisions of §§ 70.16 and 70.17 shall not become applicable to the production of dressed poultry and dressed domestic rabbits, as such, until July 1, 1951. Prior to July 1, 1951, dressed poultry and dressed domestic rabbits which have been produced in other than official plants may be brought into official plants for grading, inspection, or processing thereof. On and after July 1, 1951, except with respect to dressed poultry which is owned by the applicant prior to that date, only dressed poultry and dressed domestic rabbits from an official plant may be brought into another official plant for grading, inspection, or processing thereof.

2. Revise the provisions of § 70.4 (e) (3) *Final survey and plant approval* to read as follows:

§ 70.4 *Application for inspection service or grading service.* • • •

(e) *Application for inspection service or grading service in official plants; approval.* • • •

(3) *Final survey and plant approval.* Prior to the inauguration of the grading service, or inspection service, a final survey of the plant and premises shall be made by the regional supervisor or his assistant to determine if the plant is constructed and facilities are installed in accordance with the approved drawings and the regulations in this part. The plant may be approved only when these requirements have been met, except that conditional approval for a specified limited time may be granted only under emergency conditions of restricted availability of facilities and construction materials, provided practices suitable to the Administrator are employed to effect adequate sanitary conditions in the plant.

(Sec. 205, 60 Stat. 1090, Pub. Law 759, 81st Cong.; 7 U. S. C. 1624)

Issued in Washington, D. C., this 30th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-5116; Filed, May 1, 1951; 9:22 a. m.]

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

PART 319—FOREIGN QUARANTINE NOTICES

REVOCATION OF QUARANTINES PROHIBITING IMPORTATION OF BANANA PLANTS AND PORTIONS THEREOF EXCEPT THE FRUIT AND PROHIBITING INTERSTATE MOVEMENT OF BANANA PLANTS AND PORTIONS THEREOF FROM HAWAII AND PUERTO RICO

Notice of proposed rule making was published on February 1, 1951, in the FEDERAL REGISTER (16 F. R. 934) pursuant to section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) regarding the revocation of the quarantine prohibiting the importation, from all foreign countries and localities into the United States, of any variety of banana plants (Musa spp.) or portions thereof, except the fruit (7 CFR 319.31), and also regarding the revocation of the quarantine prohibiting the movement, from Hawaii and Puerto Rico into or through any other State, Territory, or District of the United States, of all species and varieties of banana plants (Musa spp.) or portions thereof (7 CFR 301.32). After consideration of all relevant matter presented, the Secretary of Agriculture hereby revokes, effective May 2, 1951, the said quarantine designated as 7 CFR 319.31 and the said quarantine designated as 7 CFR 301.32.

Inasmuch as these revocations relieve restrictions heretofore imposed, they are within the exception in section 4 (c) of the Administrative Procedure Act and may properly be made effective less than 30 days after their publication in the FEDERAL REGISTER.

(Secs. 7, 8, 37 Stat. 317, 318, as amended; 7 U. S. C. 160, 161)

Done at Washington, D. C., this 26th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-5036; Filed, May 1, 1951; 8:48 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 373]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 368]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MARYLAND

Amendment 373 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 368 to the rent regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respect:

Schedule A, Item 139, is amended to describe the counties in the Defense-Rental Area as follows:

City of Baltimore; Counties of Baltimore and Harford; in Cecil County, Election District 3, containing the City of Elkton; Howard County, except Election Districts 3, 4 and 5; and Anne Arundel County, except Election Districts 1, 7 and 8.

This decontrols Carroll County, Maryland, a portion of the Baltimore, Maryland, Defense-Rental Area in accordance with the provisions of section 204 (j) (2) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894.)

This amendment shall be effective May 2, 1951.

Issued this 27th day of April 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-5061; Filed, May 1, 1951; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 1, Amdt. 2]

CPR 1—NEW PASSENGER AUTOMOBILES

EXTENSION OF REGULATION AND MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Congress), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency Order No. 2 (16 F. R. 738), this Amendment 2 to Ceiling Price Regulation 1 (15 F. R. 9061) is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 1, as originally issued on December 18, 1950, established manufacturers' ceiling prices for new passenger automobiles at the December 1, 1950, level. At that time the regulation was to remain in effect for a period ending March 1, 1951. On March 1, 1951, Amendment 1 to the Regulation was issued. By the terms of this Amendment Ceiling Price Regulation 1 was to remain in effect for a period ending May 1, 1951.

On April 21, 1951, Mr. Eric Johnston, Economic Stabilization Administrator, directed the Office of Price Stabilization that, "The basic policy shall be to allow no price increases above the level set by interim regulations except to the minimum extent required by law, or for exceptional reasons of public policy." Mr. Johnston further directed that, "The basic standard reflecting the minimum requirement of law (apart from certain farm and food commodities) shall be as follows:

(1) The level of price ceilings for an industry shall normally be considered "generally fair and equitable" under the Defense Production Act if the dollar profits of the industry amount to 85 percent of the average for the industry's best three years during the period 1946–1949, inclusive. The profits should be figured before federal income and excess profits taxes and after normal depreciation only, with adjustments made for any changes in net worth.

Therefore, until sufficient data is obtained to enable this Agency to establish ceiling prices for the automobile manufacturing industry in accordance with this Directive, ceiling prices for the automobile manufacturing industry will remain frozen at present levels.

The National Production Authority, on April 1, 1951, issued an amendment to Order M-2 which prohibited automobile manufacturers from equipping new automobiles with spare tires and tubes. This amendment provides the method the manufacturer must use in determining the amount by which he must reduce his ceiling prices to compensate for the elimination of such standard equipment. Where the manufacturer had a standard charge for such equipment on December 1, 1950, he must deduct that charge from his net price for the automobile complete with standard equipment on that date. Where the manufacturer had no charge for such equipment in effect on December 1, 1950, he determines his standard charge for the equipment eliminated by increasing his reduction in cost because of the elimination of the standard equipment by the same percentage markup he applied on December 1, 1950, to his cost of the entire automobile, less general administrative and selling expense. As to eliminated standard equipment for which the manufacturer had a standard charge in effect on December 1, 1950, this method will continue the manufacturer's December 1, 1950, practice. As to eliminated standard equipment for which the manufacturer had no standard charge in effect on December 1, 1950, ceiling prices determined in this manner will result in the manufacturer's receiving no more than the same markup on manufacturing cost than he did before the equipment was eliminated.

The invoicing provisions of the regulation have been amended to require the manufacturer to show separately on his invoice, an amount equal to the net price (f. o. b. factory) in effect on February 28, 1951, less the actual amount of the reduction in this net price resulting from the removal of standard equipment, and the amount of any increase in price permitted under this regulation since February 28, 1951. This has been done in order to facilitate computation by new car dealers of their ceiling prices.

AMENDATORY PROVISIONS

Ceiling Price Regulation 1 is amended in the following respects:

1. Section 4 (b) (1) is amended to read as follows:

(1) The ceiling price established by paragraph (a) of this section shall include all equipment that was standard for each make and model on December 1, 1950, or, if the ceiling price is established on the basis of a counterpart model in the previous line, the equipment that was standard for such counterpart model. In the event that a new automobile is sold without such standard equipment, the ceiling price shall be determined as follows: The manufacturer shall first determine the net price (f. o. b. factory) which he had in effect to a purchaser of the same class on December 1, 1950, for the same make and model, or if the manufacturer has brought out a new line since December 1, 1950, or brings out a new line thereafter, the net price (f. o. b. factory) which the manufacturer had in effect to the same class of purchaser on December 1, 1950, for the counterpart model in the previous line. The manufacturer shall then deduct from his net price the standard charge he had in effect on December 1, 1950, to a purchaser of the same class, for any standard equipment which has been eliminated. The manufacturer shall then multiply this reduced net price by 103.5 percent. The result will be his ceiling price. If the manufacturer had no standard charge in effect on December 1, 1950, to a purchaser of the same class, for the standard equipment which has been eliminated, he shall determine his standard charge as follows:

(i) The manufacturer shall first determine the net price he had in effect on December 1, 1950, for sale of the automobile with the standard equipment to the same class of purchaser.

(ii) He shall then divide this price by his cost, exclusive of general selling and administrative expense, of the complete automobile as of December 1, 1950.

(iii) He shall then multiply the quotient obtained in subdivision (ii) of this subparagraph by his cost of the eliminated standard equipment on December 1, 1950. The product is the standard charge which the manufacturer must deduct from the net price (f. o. b. factory) which he had in effect to the same class of purchaser on December 1, 1950.

2. Section 7 (b) is amended to read as follows:

(b) *Invoicing.* Each manufacturer of new automobiles shall furnish to each person to whom he sells a new automobile, an invoice showing the following items separately:

(1) An amount equal to the net price (f. o. b. factory) in effect on February 28, 1951, to a purchaser of the same class, less any deduction therefrom required by this regulation because of the discontinuance of any standard equipment.

(2) The amount of any increase which the regulation permits the manufacturer to make in his February 28, 1951, net price (less any deduction for the elimination of standard equipment required by this regulation).

3. The second paragraph of section 8 is amended to read as follows:

This regulation shall become effective immediately.

(Sec. 704, Pub. Law 774, 81st Cong.)

This amendment shall become effective May 1, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

MAY 1, 1951.

[F. R. Doc. 51-5141; Filed, May 1, 1951; 8:45 a. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 1]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 1—IMPORTED PULPWOOD AND WOODPULP

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 1 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

Since June 1950, the prices of imported woodpulp, quoted on a quarterly basis, have risen rapidly and by substantial amounts. Swedish producers have raised their prices for bleached sulphite pulp from $118.00 per ton in June 1950 to $175.00 per ton in the first quarter of 1951 and to $250.00–$290.00 per ton for the second quarter of 1951; prices of unbleached sulphate have been increased from $85.00 in June 1950 to $153.00 per ton in the first quarter of 1951 and to $225.00–$275.00 per ton in the second quarter of 1951. The prices of woodpulp from Canada have not increased at the same rate. From June 1950 to the second quarter of 1951, prices of bleached sulphite rose from $126.00–$135.00 to $160.00–$175.00 per ton and the prices of unbleached sulphate rose from $82.00–$85.00 to $145.00–$170.00 per ton.

Imported woodpulp represents about 55 percent of the total quantity of woodpulp annually sold in the United States and is chiefly consumed by non-integrated mills located in the Lake and Northeastern states. The woodpulp inventories of non-integrated mills have remained relatively constant at about 5 weeks supply and, consequently, paper and paperboard produced from imported woodpulp in the second quarter will to a large extent be made from woodpulp received during the same period.

A similar price-supply situation exists for woodpulp producing mills located in the Lake and Northeastern states. Mills in these areas are dependent on pulpwood from Canada for between 25 and 30 percent of their requirements and some individual mills are almost wholly dependent on imported wood. Since June 1950, the prices of all Canadian wood have rapidly increased as a result of competition with Canadian mills for the available supply. Pulpwood price increases have been particularly sharp in New Brunswick, the most important source of wood for Northeastern mills, where, in addition to competing with Canadian mills, United States mills have been forced to also compete for wood with European mills. Further, wood inventories in both these areas have been substantially reduced and current pulpwood prices are directly reflected in the cost of producing pulp, paper and paperboard made therefrom.

Under these circumstances, manufacturers in these industries would sustain serious hardship if they were not permitted to compute their cost increases for these materials on the basis of second quarter prices. For this reason, April 16, 1951, is established as the cut-off date for computing these increases

in materials costs. This action is taken with specific reference to the price level prevailing in April 1951. It is not to be inferred that similar actions will be taken with reference to later quarterly pricing periods in recognition of any future increases in woodpulp and pulpwood prices.

It should also be emphasized that this action in no respect places any stamp of approval on, or implies any continued acceptance of, the woodpulp prices allowed to be reflected by this action. These prices are clearly inflationary, and their acceptance in this action merely a temporary expedient in recognition of the fact that many mills have already contracted to receive woodpulp at the current prices. This is an interim solution, awaiting more appropriate action with respect to the whole structure of pulp and paper prices.

Finally, it should be recognized that this action does not imply that in other cases in which current replacement cost exeeeds that reflected in the calculation of a manufacturer's ceiling price under CPR 22, any similar change in cut-off date will be made. The change in this instance is allowed only because the cost increase for imported pulp and pulpwood after March 15 has been of such tremendous magnitude as to make operations impossible under the ceilings otherwise calculated for a mill that uses a large percentage of imported pulp and pulpwood.

In the judgment of the Director of Price Stabilization, the provisions of this Supplementary Regulation 1 to the Ceiling Price Regulation 22 are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Cut-off date which may be used in calculating "the material cost adjustment".

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This Supplementary Regulation 1 modifies Ceiling Price Regulation 22 by providing that manufacturers of woodpulp, paper, paperboard and converted paper and paperboard products, who are otherwise subject to the provisions of Ceiling Price Regulation 22, may use in determining their ceiling prices, increases in their material costs of imported pulpwood and imported woodpulp up to and including April 16, 1951.

All other provisions of Ceiling Price Regulation 22 are unaffected by this Supplementary Regulation 1.

SEC. 2. *Cut-off date which may be used in calculating "the material cost adjustment".* Wherever reference is made in Ceiling Price Regulation 22 to a cut-off date for calculating "the materials cost adjustment" in section 13 through section 16 of Ceiling Price Regulation 22, manufacturers of woodpulp, paper, paperboard and converted paper and paperboard products may use instead a cut-off date no later than April 16, 1951 for imported pulpwood and imported woodpulp only.

Effective date. This Supplementary Regulation 1 to Ceiling Price Regulation 22 shall become effective May 28, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 30, 1951.

[F. R. Doc. 51-5119; Filed, Apr. 30, 1951; 4:00 p. m.]

[Ceiling Price Regulation 22, Interpretation 1]

CPR 22, INT. 1—INCREASES IN TRANSPORTATION COSTS

Section 28 of CPR 22 permits an adjustment of ceiling prices quoted on a delivered basis to reflect any increases, between the end of the base period and March 15, 1951, in transportation costs actually incurred. This does not include increases in rail or water freight rates authorized by the Interstate Commerce Commission in its decision of March 12, 1951 in Ex Parte No. 175 (and Sub-No. 1). None of the increases so authorized became effective until after March 15, 1951.

HAROLD LEVENTHAL,
Chief Counsel,
Office of Price Stabilization.

MAY 1, 1951.

[F. R. Doc. 51-5152; Filed, May 1, 1951; 10:38 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 11, Revision 1]

GCPR, SR 11, REV. 1—SOFT SURFACE FLOOR COVERINGS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this revised Supplementary Regulation No. 11 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

This revision of Supplementary Regulation No. 11 to the General Ceiling Price Regulation makes a number of minor changes in the original regulation which became effective March 13, 1951.

The revised regulation makes it clear that manufacturers may not add the 15 percent permitted increase to the list price of any zone other than the mill zone. Since the percentage increase is intended to compensate for increase in raw materials, primarily wool, it would be inflationary to allow the percentage addition to be added to zone prices which include freight. The permitted increase is therefore made applicable to the mill zone price.

The revised regulation makes specific provision that in pricing new merchandise which did not appear in any manufacturer's list, the distinction between a basic price and permitted increase is maintained. The permitted increase is the amount which the seller at a subsequent level of distribution adds onto his ceiling price. To conform to the nomenclature adopted in Amendment 2 to CPR 7 the term "basic cost" is substituted for the term "original cost" formerly used.

The pass-through provisions which previously were applicable only to retailers under Ceiling Price Regulation 7 are by the current revision made applicable to all GCPR sellers. These include decorator supply houses and carpet contractors, as well as some retailers who will remain under the General Ceiling Price Regulation until they have filed their pricing chart.

The provisions with respect to notification to retailers are made applicable to the interior decorator supply houses in their sales to persons other than consumers.

GENERAL CEILING PRICE REGULATION

Supplementary Regulation 11, Revision 1

Sec.
1. What this revised supplementary regulation does.
2. Sale by a manufacturer or wholesaler.
3. Sale to a wholesaler.
4. New floor coverings.
5. Sellers other than a manufacturer or wholesaler.
6. Notification.
7. Applicability of General Ceiling Price Regulation.

AUTHORITY: Sections 1 to 7 issued under sec. 704, Public Law 774, 81st Cong. Interpret or apply Title IV, Public Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *What this revised supplementary regulation does.* This revised supplementary regulation supersedes Supplementary Regulation 11, effective March 13, 1951. It establishes new ceiling prices for sales of soft surface floor coverings with pile fabrics of wool, synthetic materials, or a blend of both.

SEC. 2. *Sale by a manufacturer or wholesaler.* The ceiling price for sales by manufacturers and wholesalers of any unit of floor covering is the applicable mill or zone price for that unit of floor covering contained in the manufacturer's price list in effect for deliveries at any time between December 19, 1950, and January 15, 1951, plus 15 percent of the applicable manufacturer's mill price. The added amount is referred to as "permitted increase." The term "wholesaler" for the purpose of this revised supplementary regulation does not include any seller commonly referred to as a decorator supply house or carpet contractor or to any person customarily buying at manufacturers' list prices.

SEC. 3. *Sale to a wholesaler.* The ceiling price for any sale by a manufacturer to a wholesaler is the ceiling price established in section 2 of this regulation, less discount of a percentage no smaller than the discount in effect during the period from December 19, 1950, to January 26, 1951.

SEC. 4. *New floor coverings.* A manufacturer or wholesaler establishes his ceiling price for a new unit of floor covering, not included in a manufacturer's price list in effect between December 19, 1950; and January 15, 1951, by first computing his price under section 4 of the General Ceiling Price Regulation if a manufacturer and under section 5 of the General Ceiling Price Regulation if a wholesaler and then adding 15 percent to the resulting figure. The figure arrived at under section 4 or section 5 of the General Ceiling Price Regulation is the "basic price." The amount added is the "permitted increase." The total is the ceiling price.

SEC. 5. *Sellers other than a manufacturer or wholesaler.* Any seller whose sales are covered by the General Ceiling Price Regulation, other than a manufacturer or wholesaler, may add to his ceiling price, established without the benefit of this revised supplementary regulation, an amount equal to the manufacturer's "permitted increase". The result becomes his new ceiling price.

SEC. 6. *Notification.* Any seller of floor coverings, selling to any person other than an ultimate consumer, must break down his invoice price for each commodity sold, into two component parts. One part, called the "basic price" is the ceiling price established under the General Ceiling Price Regulation, computed without the benefit of this revised supplementary regulation. The other part is the "permitted increase".

To each invoice rendered in connection with a sale to a retailer, including an interior decorator, shall be affixed (by rubber stamp or other convenient means) this statement:

> The amount on this invoice shown as the "basic price" is the cost on which you apply your mark-up under OPS Ceiling Price Regulation 7. The amount shown as "permitted increase" may be added to your price *after* applying your mark-up. The total becomes your ceiling price.

SEC. 7. *Applicability of General Ceiling Price Regulation.* All provisions of the General Ceiling Price Regulation, not inconsistent with the provisions of this revised supplementary regulation, shall remain in effect.

Effective date. This revised supplementary regulation to the General Ceiling Price Regulation shall become effective May 5, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 30, 1951.

[F. R. Doc. 51-5120; Filed, Apr. 30, 1951; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 22]

GCPR, SR 22—CEILING PRICES FOR CERTAIN MACHINERY LEASED BY AMERICAN CAN COMPANY AND CONTINENTAL CAN COMPANY, INC.

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 22 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation permits the American Can Company and Continental Can Company, Inc., to increase their prices in effect on January 25, 1951, for the lease of container closing machines, related or auxiliary equipment, or for machine service furnished in connection with such leased machines and equipment, by the amount required from time to time to conform with the judgment of the District Court for the Northern District of California, (Southern Division), in United States of America vs. Continental Can Company, Inc., civil action #26346, and United States of America vs. American Can Company, civil action #26345-H.

In the case of Continental Can Company, Inc., the United States of America filed a complaint on August 27, 1946, and its amended complaint on June 7, 1948, alleging violations of the Sherman and Clayton Acts. Pursuant to stipulation between the parties, the Court entered its judgment on June 26, 1950. In the case of American Can Company, the United States of America filed its complaint on August 27, 1946, and its amended complaint on May 25, 1948. The Court filed its opinion on November 10, 1949, finding that the American Can Company had violated sections 1 and 2 of the Sherman Anti-Trust Act and section 3 of the Clayton Act and issued its judgment on June 22, 1950. According to the finding of the Court, the companies leased container closing machines and related or auxiliary equipment at nominal rentals, well below the cost of doing business, as an inducement for lessees to purchase cans from them, rather than their competitors. The Court entered a final judgment against each of these companies requiring them to raise their rental rates for this machinery and their rates for servicing this machinery, to compensatory levels. This action was designed to assist in making the operation of these companies competitive with other companies engaged in the same business.

The Court appointed a Special Master whose duty it is to evaluate the efforts of the Companies to comply with the judgments, specifically including the required increase of rental rates to a compensatory level. The Office of Price Stabilization has received the oral assurance of the Special Master that he will notify the Court and the Office of Price Stabilization of any proposed increase in rental rates of either Company which, from the information at his disposal, may appear to be in excess of compensatory rates as defined in the judgments.

Under the provisions of the General Ceiling Price Regulation, these companies could not increase their prices for rentals or for furnishing services in accordance with the final judgment, without being in violation of the provisions of the General Ceiling Price Regulation.

The situation presented by the conflict between the regulations of this Agency and the decrees of the Court is a novel one. In view of the fact that the ultimate objective of the Court's judgments is the restoration of competition in the can manufacturing industry, it is the opinion of the Director of Price Stabilization that enforcement of the Court's judgments in these cases would be consistent with the policies expressed by the General Ceiling Price Regulation and with the purposes of the Defense Production Act of 1950.

At any time when it appears that rentals will be in excess of compensatory rates as defined in the judgments, the Office of Price Stabilization will take such action as may under the circumstances appear to be necessary.

Accordingly, this supplementary regulation permits the American Can Company and the Continental Can Company, Inc., to comply with the provisions of the Court's judgments.

REGULATORY PROVISIONS

Sec.
1. Applicability.
2. Definitions.
3. Ceiling prices for leases and certain machine services.
4. Service training schools.
5. Reports.

AUTHORITY: Sections 1 to 5 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *Applicability.* (a) This supplementary regulation establishes the ceiling prices for leases of container closing machines, related equipment and auxiliary equipment, and for services in connection with the leased machines by American Can Company and Continental Can Company, Inc. These ceiling prices supersede the ceiling price for these leases and services established under the General Ceiling Price Regulation.

(b) The provisions of this regulation are applicable in the United States, its territories and possessions, and the District of Columbia.

SEC. 2. *Definitions.* The following terms used in this regulation shall have the following meanings:

(a) The term "container closing machine" means any integral machine which performs as its primary function the final double seaming, clinching, seating or crimping of metal or fiber covers to metal or fiber containers.

(b) The term "related equipment" means any integral machine (other than container closing machines) which is used to supplement the operation of a container closing machine, or used in the preparing, filling or weighing of the contents prior to the final seaming, clinching, seating, or crimping of the metal or fiber covers, or in the unsealing, filling, and resealing of containers, or in the subsequent marking, identification, weighing, or handling of the closed container, including but not limited to key clinchers, spout clinchers and can opening machines.

(c) The term "auxiliary equipment" means:

(1) Supplementary non-integral mechanisms which may be directly at-

tached to container closing machines or related equipment to perform functions other than the double seaming, clinching, seating or crimping of metal or fiber covers to metal or fiber containers, including, but not limited to, can feeds, non-spill devices, take-away conveyors, discharge devices, but shall not include any particular special device made to one customer's specifications, and not manufactured thereafter.

(2) Sets of change parts for container closing machines and related equipment, and all other devices and equipment which will enable any container closing machine or related equipment to accommodate the containers of various types and sizes within the range of the particular container closing machine or related equipment.

(d) The term "machine services" means any form of technical services in connection with the installation, repair, overhaul, reconditioning, maintenance and related services of container closing machines, related equipment, and auxiliary equipment.

(e) The term "American Can Company" means that corporation and its domestic subsidiaries and the term "Continental Can Company, Inc." means that corporation and its domestic subsidiaries.

SEC. 3. *Ceiling prices for leases and certain machine services.* The ceiling price for the lease of any container closing machine, related equipment or auxiliary equipment or for machine services furnished in connection with such leased machines and equipment by American Can Company or by Continental Can Company, Inc., shall be the price in effect on January 25, 1951 (adjusted to reflect customary differentials, including discounts, allowances, premiums and extras, based upon difference in classes or location of purchasers or in terms or conditions of lease) increased by the amount required from time to time to conform to section 10 of Part III of the judgment of the District Court for the Northern District of California (Southern Division) filed June 26, 1950 in United States of America v. Continental Can Company, Inc., Civil Action No. 26346, and the judgment of the District Court for the Northern District of California (Southern Division) filed June 22, 1950 in United States of America v. American Can Company, Civil Action No. 26345-H.

SEC. 4. *Service training schools.* The ceiling price for the leasing of any container closing machine, related equipment or auxiliary equipment under this regulation shall include the maintaining of service training schools as required by section 18 of Part III of said judgments and no separate charge may be made for such training.

SEC. 5. *Reports.* American Can Company and Continental Can Company, Inc., shall each file a report with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., each and every time that they increase their lease prices for the lease of machines or the furnishing of services covered by this regulation pursuant to the provisions of section 3 of this regulation, stating the last price for each class of customer and the amount of the increase to each class of customer.

This regulation shall become effective April 30, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APRIL 30, 1951.

[F. R. Doc. 51-5121; Filed, Apr. 30, 1951; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 23]

GCPR, SR 23—ADJUSTMENT OF CEILING RATES OF MOTOR CARRIERS SUBJECT TO MINIMUM RATE ORDERS OF CERTAIN STATES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 23 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

The California Public Utilities Commission and the Colorado Public Utilities Commission recently have issued orders prescribing certain rates to be observed as minimum by motor carriers other than common carriers operating intrastate in those jurisdictions. The Massachusetts Department of Public Utilities has advised that similar action by that body is contemplated. These actions by the state regulatory bodies have been taken or are being considered, of course, pursuant to existing statutory authority or requirements of the respective states.

The rates of carriers other than common carriers are subject to the General Ceiling Price Regulation, and compliance by the motor carriers subject to the aforementioned state minimum rate orders would result in their charging rates higher than the ceiling rates permitted under the General Ceiling Price Regulation. An accommodation of the conflicting requirements of the State and Federal regulations in these instances is necessary and consistent with the policy and purposes of the Defense Production Act of 1950. To enable this, this supplementary regulation makes a direct delegation of authority to the appropriate Regional Directors of the Office of Price Stabilization to adjust the ceiling rates of those motor carriers who are subject to the General Ceiling Price Regulation and at the same time subject to minimum rate orders in the states named.

The regulation requires that certain evidence substantiating the minimum rate proposal or order be submitted by the state regulatory authority to the OPS Regional Director. The evidence thus required is of substantially the same character as the evidence which the regulatory bodies themselves customarily require and consider before issuing their minimum rate orders.

Consultation has been had with the state authorities involved and, so far as practicable, with the carriers affected or to be affected by this supplementary regulation. In the judgment of the Director of Price Stabilization the provisions of this Supplementary Regulation 23 to the General Ceiling Price Regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

REGULATORY PROVISIONS

Sec.
1. Applicability.
2. Delegation of authority to Regional Directors to adjust rates.
3. Required findings by Regional Directors.
4. What the petition must include.

AUTHORITY: Sections 1 to 4 issued under Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *Applicability.* This regulation applies only to ceiling rates for the intrastate services of motor carriers other than common carriers, in the States of California, Colorado, and Massachusetts, whose minimum rates are regulated by the statutes or by the orders, rules, or regulations of the appropriate state regulatory body.

SEC. 2. *Delegation of authority to Regional Directors to adjust ceiling rates.* The respective Regional Directors for Regions 1, 11 and 12 of the Office of Price Stabilization are hereby delegated authority to adjust ceiling rates established under the General Ceiling Price Regulation for the intrastate services of motor carriers other than common carriers, performing operations, respectively, in the States of Massachusetts, Colorado and California, upon petition filed with the appropriate Regional Director by the Massachusetts Department of Public Utilities, the Colorado Public Utilities Commission, or the California Public Utilities Commission.

SEC. 3. *Required findings by Regional Directors.* Adjustments under the authority of section 2 of this regulation may be made only upon specific findings by the appropriate Regional Director:

(a) That the adjustment is necessary to effectuate the purposes of the Defense Production Act of 1950.

(b) That the adjustment is necessary to eliminate a conflict between the provisions of the General Ceiling Price Regulation, or amendments and regulations supplementary thereto, and the statutes of the particular State or the orders, rules or regulations of the regulatory body for the State concerned with the petition under consideration.

(c) That the adjustment is necessary to effectuate the purposes of the law under which the particular regulatory body operates.

SEC. 4. *What the petition must include.* When any of the regulatory bodies hereinbefore named petitions the appropriate Regional Director for an adjustment in the ceiling rates of motor carriers other than common carriers, subject to its jurisdiction, it shall submit with its petition the following information:

(a) A certified copy of the law, statute or other authorization under which it exercises jurisdiction and regulates the intrastate minimum rates of motor carriers other than common carriers.

(b) A schedule or statement of the intrastate minimum rates of the motor carriers concerned which were in effect during the period December 19, 1950, to January 25, 1951.

(c) A schedule or statement showing the minimum rates ordered or contemplated for the motor carriers concerned.

(d) The data considered by the regulatory body in making its findings concerning any adjustment in the intrastate minimum rates of the motor carriers involved in the petition.

(e) A statement of the findings or proposed findings of the regulatory body upon which the adjustment in rates is based and a copy of any order issued or proposed for issuance by the regulatory body pursuant thereto.

Effective date. This Supplementary Regulation 23 to the General Ceiling Price Regulation is effective May 1, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 1, 1951.

[F. R. Doc. 51-5153; Filed, May 1, 1951; 10:38 a. m.]

[General Overriding Regulation 6, Amdt. 1]

GOR 6—EXEMPTIONS OF CERTAIN SALES OF MERCHANDISE BEARING BRAND OR INSIGNIA OF SPECIFIED NON-PROFIT ORGANIZATIONS

SALES OF CARE RELIEF PACKAGES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Amendment to General Overriding Regulation 6 is hereby issued.

STATEMENT OF CONSIDERATIONS

General Overriding Regulation 6, issued April 20, 1951, exempted from any ceiling price restrictions imposed by the Office of Price Stabilization certain sales of articles bearing the insignia or brand of the Girl Scouts of the U. S. A. or Boy Scouts of America and sales by the Future Farmers of America. These exemptions were based on the recognition that the organizations affected are nonprofit in character, that the manner of distribution and the prices of the merchandise are strictly controlled by the organizations and any profits realized are used to further the work of the respective organizations. Subjecting these sales to price control was considered of no appreciable benefit to the program of price stabilization and tending to impose an unnecessary burden upon the Office of Price Stabilization.

Since the issuance of General Overriding Regulation 6, the Office of Price Stabilization has considered the operations of Cooperative for American Remittances to Europe, Inc., better known as CARE, an organization devoted to the task of shipping primarily food and clothing packages to needy persons abroad. It is a charitable organization, and so recognized by the Bureau of Internal Revenue, under section 101(6) of the Internal Revenue Code. Its principal operation consists of the packaging and shipping of food and clothing packages and their delivery abroad in response to contributions, orders and payments received from the public. Any margin of profit remaining after discharge of costs is used for charitable purposes, such as the free distribution of food and other relief assistance to needy persons.

Moreover, the total delivered cost to the donor of a package is, because of economies in purchasing and shipping, considerably less than if he purchased the contents of the package and mailed it himself. The work that CARE has done is well recognized as an important charitable undertaking and it is a continuing task in view of world conditions existing at this time. Subjecting sales of CARE packages to price control, which of necessity cannot reflect some of the intangible values inherent in CARE's system of selective assembling and distribution of relief items would have no appreciable benefit to the program of price stabilization and would impose an unnecessary burden upon the Office of Price Stabilization. In the judgment of the Director of Price Stabilization, it is not necessary for ceilings to be applied to these transactions. Accordingly, this amendment adds sales of CARE relief packages to the transactions exempted from price control by General Overriding Regulation 6.

AMENDATORY PROVISIONS

General Overriding Regulation 6 is amended by adding the following:

SEC. 3. *Sales of CARE relief packages.* No price regulation issued by the Office of Price Stabilization shall apply to sales and distribution of CARE relief packages by Cooperative for American Remittances to Europe, Inc., as long as that organization continues to be organized as a corporation organized and operated exclusively for charitable purposes within the meaning of section 101 (6) of the Internal Revenue Code.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date: This amendment shall become effective May 5, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 1, 1951.

[F. R. Doc. 51-5151; Filed, May 1, 1951; 10:38 a. m.]

[General Overriding Regulation 9]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this General Overriding Regulation 9 is issued.

STATEMENT OF CONSIDERATIONS

This General Overriding Regulation is an across-the-board regulation which exempts certain transactions from any ceiling price regulations imposed by the Office of Price Stabilization. At the present time only sales of raw mica, mica parts, and tungsten ores, and sales to any agency of the United States Government of tungsten concentrates processed from ore produced outside of the United States, its Territories or Possessions are included in the regulation, but it is anticipated that other items will be added from time to time.

Raw mica and mica parts. Raw mica consists of mica block, film, and splittings, and punch and circle mica while mica parts are items fabricated from raw mica for use as component parts in the manufacture of electrical and electronic equipment and other miscellaneous products. Mica parts include such things as electronic tube bridges, condenser film, toaster segments, mica plate, mica rings, mica tape, and gauge glass gaskets.

Almost all of the raw mica used in the United States is imported, with over 90 percent of the total supply coming from India. Mica fabricators purchase their material from foreign sources either directly or through importers who maintain some inventory and perform some sorting and grading. Generally, fabrication is a relatively simple process consisting of slitting, gauging, and punching operations. The cost of raw mica constitutes anywhere from 30 to 70 percent of the total cost of parts fabrication while the cost of parts seldom exceeds 5 percent of the price of the products in which they are incorporated.

Furthermore, raw mica is not a standardized product and there is a wide diversity in quality from lot to lot with a consequent substantial difference in yield. Because of the nonuniformity in raw materials, mica fabricators have difficulty in determining their costs in advance and ordinarily set their prices according to rough formulas which are based upon more or less informed guesses as to yields which can be obtained from the raw mica available or which may be procured to fill a given order.

In view of the lack of any effective control over the prices for almost all raw mica, the fact that the cost of mica parts is only a relatively small portion of the cost of the products in which they are used, and the difficulty of devising adequate ceiling pricing techniques for mica parts, it has been determined that the administrative burden of maintaining ceiling prices for raw mica and mica parts would outweigh the benefits to be derived from such control.

Tungsten ores. Tungsten ores, which normally contain from 0.5 percent to 2.5 percent tungsten trioxide (the basic tungsten compound) vary widely with respect to quality and the number of impurities which they contain. Before such ores can be used they are processed into tungsten concentrates containing approximately 60 percent tungsten trioxide. Customarily, the price paid for tungsten ores by a processor are determined by reference to the prices for

tungsten concentrates. Since ceiling prices have been established for sales of tungsten concentrates, it is unnecessary to assume the administrative burden involved in establishing ceiling prices for tungsten ores.

Sales to agencies of the United States Government of imported concentrates. Tungsten is one of the strategic materials vitally needed in the defense program and a substantial portion of our requirements must come from foreign sources. Because supplies from China are no longer freely available, there is a severe shortage of tungsten and prices in the world market exceed the ceiling prices which have been established for sales in the United States. In order to enable the agencies of the United States Government to procure tungsten which we need, sales to such agencies of tungsten concentrates processed from ore produced outside of the United States, its Territories, or possessions have been exempted from all ceiling price restrictions. This action will have little, if any, effect upon the stabilization program since any sales by the agencies concerned will be governed by the applicable ceiling price regulation.

A provision is also made in the regulation for the eventual inclusion of suspension from price control of certain sales and certain commodities. These suspensions will be announced at a future date by amendment which will incorporate the suspensions in this general overriding regulation.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Exemptions.

AUTHORITY: Sections 1 and 2 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *What this regulation does.* This regulation exempts certain commodities or transactions from any ceiling price restrictions imposed by the Office of Price Stabilization. It also suspends the operation of any ceiling price restrictions imposed by the Office of Price Stabilization as to certain other commodities or transactions.

SEC. 2. *Exemptions and suspensions from price control—(a) Exemptions.* No ceiling price regulation heretofore issued or which may hereafter be issued by the Office of Price Stabilization shall apply to the following:

(1) *Sales of raw mica.* "Raw mica" includes all grades of mica block, film, and splittings and punch and circle mica. It does not include mica scrap or wet and dry ground mica.

(2) *Sales of mica parts.* "Mica parts" are items fabricated from raw mica for use as component parts in the manufacture of electrical and electronic equipment and other miscellaneous products. The term "mica parts" as used herein includes, but is not limited to, such items as electronic tube bridges, condenser film, toaster segments, mica plate, mica rings, mica tape, and gauge glass gaskets.

(3) *Sales of tungsten ores.* "Tungsten ores" include any tungsten bearing ore which is sold for processing into tungsten concentrates.

(4) *Sales to any agency of the United States Government of tungsten concentrates processed from ore produced outside of the United States, its Territories, or Possessions.* "Tungsten concentrates" include wolframite, Hubnerite, ferberite or natural or synthetic scheelite which has been separated from gangue or associated rocks by physical or chemical processes.

(b) *Suspensions.* (Reserved.)

Effective date. This General Overriding Regulation shall become effective May 1, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

MAY 1, 1951.

[F. R. Doc. 51-5142; Filed, May 1, 1951; 8:45 a. m.]

Chapter XVII—Housing and Home Finance Agency

[CR 1]

CR 1—RESIDENTIAL CREDIT CONTROLS: POLICY AND PROCEDURE FOR PROCESSING AND APPROVAL OF EXCEPTIONS AND TERMS FOR CRITICAL DEFENSE HOUSING AREAS

The policy and procedure statement, originally issued at 16 F. R. 2231-2232 (March 10, 1951) and amended at 16 F. R. 3302-3303 (April 14, 1951), pursuant to sections 601 through 605 and section 704 of Public Law 774, 81st Cong. (64 Stat. 813, 814, 815, 816), sections 501, 502, and 902 of Executive Order 10161, September 9, 1950 (15 F. R. 6106), and the approval and authorization by the Board of Governors of the Federal Reserve System immediately following that statement, are hereby amended to read as follows:

Sec.
1. Programming exceptions from residential credit controls.
2. Areas of certain Atomic Energy Commission installations.
3. Other critical defense housing areas.
4. Conditions to credit control exceptions.

AUTHORITY: Sections 1 to 4 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title VI, Pub. Law 774, 81st Cong., secs. 501, 502, 902, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *Programming exceptions from residential credit controls.* For areas designated by the Housing and Home Finance Administrator with the concurrence of the Board of Governors of the Federal Reserve System, the restrictions on residential real estate construction credit contained in Regulation X of the Board and in the related regulations of the Federal Housing Commissioner and the Administrator of Veterans' Affairs have been relaxed to assist in meeting the need for housing accommodations for in-migrant defense workers and military personnel and their families where the failure to provide such housing would impede national defense activities. The designations of these areas are based on housing market field surveys. Exceptions from credit restrictions will be issued generally in accordance with area program schedules adopted from time to time by the Housing and Home Finance Agency. Such program schedules relate to the location of the housing within the area, the number, types and sizes of rental, sales, and other units required, the levels of rental or sales prices which must be achieved if the housing is to meet the needs of the in-migrant defense workers and military personnel and their families for whom it is to be made available, and similar factors.

With respect to housing so programmed by the Housing and Home Finance Administrator, real estate credit restrictions of the Board of Governors of the Federal Reserve System, the Federal Housing Commissioner, and the Administrator of Veterans' Affairs have been relaxed to the extent announced by such Board and agencies, respectively, subject to such conditions and requirements as are found necessary by the Housing and Home Finance Administrator to assure that the housing will serve the purpose for which the credit restrictions were relaxed.

SEC. 2. *Areas of certain Atomic Energy Commission installations.* With respect to housing programmed for rent in accordance with this procedure in the areas of the Savannah River (S. C. and Ga.), Paducah (Ky.), and Reactor Testing Station (Idaho) installations of the Atomic Energy Commission, the relaxed credit restrictions will be made available only upon the approval by the Housing and Home Finance Administrator of an application submitted to the local field office of the Housing and Home Finance Agency on a form prescribed by the Administrator. This application must be submitted by the persons proposing to construct the housing and will be approved only if the housing is found by the Administrator to meet the conditions and requirements prescribed by him.

With respect to housing programmed for sale in such areas in accordance with the proposed procedure, such housing may be sold for the purchaser's own occupancy or built for the owner-occupant only if the prospective purchaser or owner-occupant has been issued a certificate from the Atomic Energy Commission indicating his eligibility as a person engaged or to be engaged in national defense activities.

SEC. 3. *Other critical defense housing areas.* With respect to housing programmed in accordance with this procedure for critical defense housing areas (other than the areas designated in the preceding section), the relaxed credit restrictions will be made available only upon the approval of an application submitted to the appropriate local field office of the Federal Housing Administration on a form prescribed by the Housing and Home Finance Administrator, and such application will be approved only if the housing is found to meet the conditions and requirements prescribed by him. With respect to housing so programmed for rent or for sale, this application must be submitted by the person proposing to construct the housing. With respect to other housing so programmed for owner-occupancy this application must be submitted by the proposed owner-occupant.

SEC. 4. *Conditions to credit control exceptions.* Any person making application for the relaxation of credit restrictions in accordance with section 2 or section 3, and his successors in interest, must agree to such conditions and requirements as are prescribed in the application form and in appropriate regulations or procedures of the Housing and Home Finance Administrator. These conditions and requirements are for the purpose of assuring that the housing will be so built, rented, sold, or occupied as to meet most effectively the housing needs of persons engaged in national defense activities and to best support such activities.

Dated: April 30, 1951.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

The Board of Governors of the Federal Reserve System hereby approves, for application in the areas of Savannah River (S. C. and Ga.), Paducah (Ky.), and Idaho Reactor Testing Station (Idaho) installations of the Atomic Energy Commission and in the additional critical defense housing areas designated by the Housing and Home Finance Administrator with the concurrence of the Board of Governors of the Federal Reserve System, the policy and procedure described above, and, for the purpose of making the policy and procedure applicable to residential real estate construction credit subject to Regulation X, authorizes the Housing and Home Finance Administrator or his designee to take such administrative action as he determines to be appropriate in carrying out such policy and procedure, including the issuance of specific forms, applications, and regulations.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

APRIL 30, 1951.

[F. R. Doc. 51-5125; Filed, May 1, 1951; 12:00 p. m.]

[CR 3]

CR 3—RELAXATION OF RESIDENTIAL CREDIT CONTROLS: REGULATION GOVERNING PROCESSING AND APPROVAL OF EXCEPTIONS AND TERMS FOR CRITICAL DEFENSE HOUSING AREAS

The following regulation (HHFA Regulation CR 3) is issued pursuant to sections 601 through 605 and section 704 of Pub. Law 774, 81st Cong. (64 Stat. 813, 814, 815, 816), sections 501, 502, and 902 of Executive Order 10161, September 9, 1950 (15 F. R. 6106), and the approval and authorization by the Board of Governors of the Federal Reserve System of HHFA CR 1:

GENERAL

Sec.
1. Statement of purpose.
2. What this regulation does.

Sec.
3. Geographical areas affected.
4. Type of housing eligible.
5. Programming by HHFA.
6. Beginning of construction; time limit.
7. Definitions.

HOUSING TO BE HELD FOR RENT

8. Who may apply for exception from credit restrictions.
9. Where and how builders should apply.
10. Approval of applications.
11. Rules and conditions applicable.
12. Eligibility for tenancy.

SALES HOUSING AND OTHER HOUSING TO BE BUILT FOR OWNER-OCCUPANCY

13. Who may apply for exception from credit restrictions.
14. Where and how builders should apply.
15. Approval of applications.
16. Rules and conditions applicable.
17. Eligibility for purchase.

SPECIAL CREDIT EXCEPTIONS FOR PURCHASERS OF OTHER HOUSING

18. Approval of special credit exceptions.
19. Conditions and requirements.

AUTHORITY: §§ 1 to 19 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title VI, Pub. Law 774, 81st Cong., secs. 501, 502, 902, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

GENERAL

SECTION 1. *Statement of purpose.* In order to reduce serious inflationary pressures and to limit the volume of new residential construction to a level which can be maintained with the materials and labor available in the light of national defense requirements, restrictions on residential real estate credit (applicable where construction was started after noon of August 3, 1950) have been imposed, with the concurrence of the Housing and Home Finance Administrator, by Regulation X (Chapter XV of this title) issued by the Board of Governors of the Federal Reserve System (hereinafter called the "Board"). Related credit restrictions (applicable to both new and old residential property) are contained in regulations of the Federal Housing Commissioner and the Administrator of Veterans' Affairs. Actions restricting residential credit were taken under the authority of Title VI of the Defense Production Act of 1950, approved September 8, 1950, and of Executive Order 10161, issued September 9, 1950. In order to assist, to the maximum possible extent under existing legislation, the provision of housing needed for in-migrant defense workers or military personnel and their families where the failure to provide such housing would impede national defense activities, residential credit restrictions are relaxed or modified in critical defense housing areas designated by the Housing and Home Finance Administrator. Residential credit controls in such areas continue to be administered by the Board with respect to real estate construction credit which is subject to said Regulation X and by the Federal Housing Administration and the Veterans' Administration, respectively, with respect to residential real estate credit assisted under the programs of those two agencies. Accordingly, the schedules showing relaxed or modified credit terms made available in critical defense housing areas are announced by those agencies for their respective spheres of administrative responsibility.

It is the purpose of this Regulation CR 3, issued by the Housing and Home Finance Administrator, to prescribe uniform conditions and procedures under which such relaxed credit terms are made available in the designated critical defense housing areas in order to assure that the housing finance under the relaxed credit terms announced by the Board, the Federal Housing Administration and the Veterans' Administration will meet the needs of the in-migrant defense workers or military personnel and their families and in order to avoid contributing unduly to inflationary pressures, particularly insofar as they may affect the price or rental of new or existing houses or of building materials.

This regulation does not supersede or in any way modify HHFA Regulation CR 2, which concerns relaxed credit terms for areas affected by the Savannah River, Paducah (Kentucky), and Idaho Reactor Testing Station installations of the Atomic Energy Commission.

SEC. 2. *What this regulation does.* This regulation defines and lists critical defense housing areas and prescribes, among other things, who may apply for exceptions from residential credit restrictions in such areas; the type of housing eligible; where and how to apply; the basis on which applications will be approved; the rules which applicants and their successors in interest must abide by with respect to holding and offering certain housing for rent or sale to persons engaged in national defense activities and with respect to rents or sales prices which may be charged; and the manner in which eligibility will be determined for the occupancy or purchase of housing for which credit restrictions have been relaxed.

SEC. 3. *Geographical areas affected.* The special exceptions from residential credit restrictions which are authorized under this regulation will be applicable only to credit with respect to residential property located in "critical defense housing areas" as that term is defined in section 7 of this regulation. A critical defense housing area will be designated as such by the Housing and Home Finance Administrator only where such area has previously been designated as a "critical defense area" by the Defense Production Administrator. Among the criteria applied by the Defense Production Administrator in designating critical defense areas is the requirement that there be a serious shortage of housing for defense workers or military personnel required to be brought into such areas to carry out essential national defense activities.

SEC. 4. *Type of housing eligible.* The special exceptions from residential credit restrictions which are authorized under this regulation for critical defense housing areas will be applicable only to credit with respect to family dwellings which are suitable and intended for year round occupancy. Only single-family dwellings may be financed pursuant to the exceptions for sales housing and other housing to be built for owner-occupancy referred to in sections 13 through 17 of

this regulation. Housing to be held for rent and to be financed pursuant to the exceptions governing rental housing set out in sections 8 through 12 of this regulation may be of any type which meets the requirements of the first sentence of this section. Thus, it may consist of a single-family home or single-family homes (whether detached, semi-detached, or row houses), two- to four-family structures, or other multi-family structures.

SEC. 5. *Programming by HHFA.* Relaxations of residential real estate credit restrictions will be programmed for each critical defense housing area by the Housing and Home Finance Agency on the basis of housing market field surveys, and exceptions from credit restrictions will be approved in accordance with schedules of housing needed from time to time to serve in-migrant defense workers or military personnel employed or stationed at defense plants or installations in the area. Detailed program schedules will be announced for each critical defense housing area. Such schedules will relate to the general location of the housing within such critical defense housing area, the number and types of rental, sales or other units required, the size (by number of bedrooms) of such units, the levels of rentals or sales prices which must be achieved if the housing is to meet the needs of the persons for whom it is intended and similar factors. Exceptions from credit restrictions will be approved pursuant to the detailed procedures, standards, and conditions set out below.

SEC. 6. *Beginning of construction; time limit.* When an application for an exception from credit restrictions is approved under sections 8 through 12 or sections 13 through 17 of this regulation, construction of the housing described in the application should be begun not later than sixty calendar days after the date of the approval, and should be continued with reasonable diligence thereafter. This approval automatically expires unless construction is begun either (a) within such sixty-day period or (b) within any extension of that period which shall have been approved by the local office of the Federal Housing Administration, and is continued with reasonable diligence.

SEC. 7. *Definitions.* As used in this regulation, the following words, terms, and phrases shall have the meaning set out in this section:

(a) *Beginning of construction.* For the purposes of this regulation, construction shall be deemed to be begun when any essential materials which are to be an integral part of the structure have been incorporated into the site in a permanent form (for example, when footings or other foundations have been poured or placed).

(b) *Completion of construction.* For the purposes of this regulation a dwelling unit shall be deemed to be completed when, in conformity with general practice in the community, it is ready for occupancy.

(c) *Critical defense housing area.* A "critical defense housing area" (for purposes of this regulation) means an area designated as such by the Housing and Home Finance Administrator in the Appendix to this regulation. Unless a different standard is specified in the Appendix with respect to a particular area listed, each area named in the Appendix shall be deemed to include surrounding areas within a maximum practicable commuting distance of a defense plant or installation listed in a "defense activity list" for the area. (This definition does not determine where housing may be located within a critical defense housing area for which exceptions from credit restrictions are issued. The general location of such housing is determined by program schedules announced in accordance with section 5.)

(d) *Defense activity list.* The "defense activity list" means the list of defense plants or installations for each critical defense housing area on file in the FHA office for the district in which the such area is located.

(e) *Eligible defense worker.* An "eligible defense worker" means a civilian or a member of the armed forces employed or stationed at a defense plant or installation listed on the defense activity list for the particular critical defense housing area who is an in-migrant as defined herein and who requires and is without adequate family housing. However, a member of the armed forces otherwise eligible is an eligible defense worker notwithstanding that he moved, or brought his family, from beyond maximum practicable commuting distance prior to December 19, 1950.

(f) *Family dwelling.* A "family dwelling" means a house or apartment designed for residential occupancy by two or more persons and which contains kitchen facilities or space designed for kitchen facilities. It does not include hotels, motels, rooming houses, club houses, fraternity or sorority houses, dormitories, or any other structure designed or used either for transient accommodations or for occupancy by single persons or by non-family groups.

(g) *In-migrant.* An "in-migrant" is a person (1) whose residence is beyond maximum practicable commuting distance from his place of work or (2) who has since December 19, 1950 (or such later date as announced for the critical defense housing area) moved, or brought his family, from beyond maximum practicable commuting distance from his place of work.

(h) *Maximum practicable commuting distance.* "Maximum practicable commuting distance" means a distance within which it is possible to commute daily to the place of employment by established common carrier or by private transportation at a cost per person of not more than $1.00 per round trip and with normal traveling time of not more than three hours per round trip, unless another cost or time shall have been announced for the critical defense housing area.

(i) *Sales price.* "Sales price" means the total consideration paid (including any charge made a condition to the sale) by the buyer for the dwelling accommodations with accompanying land and improvements. The only items which are excluded are those incidental charges, such as closing costs and brokerage fees or commissions or charges, which buyers of such dwelling accommodations customarily assume in the community where such accommodations are located, and which actually have been incurred for services rendered at the buyer's or seller's request in connection with the sale.

HOUSING TO BE HELD FOR RENT

SEC. 8. *Who may apply for exception from credit restrictions.* With respect to housing programmed by the Housing and Home Finance Administrator for rental occupancy, application for a special defense exception from residential credit restrictions may be made only by a person (including a corporation, partnership, trust, or other legal entity) who is the owner of, or otherwise has effective control over, the land on which there is proposed to be erected a new family dwelling or dwellings which will be held for rental to eligible occupants as defined below. Effective control over the land, for the purposes of this section, includes control through ownership, a firm contract to purchase, an option to purchase which may be exercised at the will of the applicant, or a long-term lease for a term of not less than 50 years.

SEC. 9. *Where and how builders should apply.* Application for an exception from credit restrictions with respect to housing to be held for rental should be made to the appropriate local office of the Federal Housing Administration on HHFA Form No. H–1052. (Local offices of the Federal Housing Administration, which is a constituent agency of the Housing and Home Finance Agency, will receive and process such applications on behalf of the Housing and Home Finance Administrator without regard to whether or not the housing in question will be financed with the aid of FHA mortgage insurance.) An original and three signed copies of the application form must be submitted for each application. Each application must contain a statement that the applicant has a commitment or other assurance from a lending institution or other lender that such lender will, if the application is approved, provide the financing for the residential property, including the proposed improvements, described in the application. If the application is approved, two copies of the application form will be returned to the applicant endorsed to indicate that an exception from the credit restrictions has been approved. One of these copies must be submitted to the lending institution or other lender making the loan. Such lender need not necessarily be the lending institution or proposed lender referred to in the application. The applicant will also be notified if the application is rejected.

SEC. 10. *Approval of application.* Applications made under sections 8 through 12 may be approved in accordance with this regulation and program schedules and procedures adopted from time to time by the Housing and Home Finance Administrator. Unless otherwise specifically approved in writing by the local office of the FHA, exceptions from credit restrictions in accordance with an approved application under this regulation shall apply only to credit extended to the applicant named in such approved application.

SEC. 11. *Rules and conditions applicable.* (a) In the event that an application for an exception from credit restrictions is approved pursuant to sections 8 through 12, the applicant is hereby required to notify the appropriate local office of the Federal Housing Administration in writing when the construction of the dwelling units described in the application is begun and when any such dwelling unit is completed and, for a period of five years after the completion of the housing, to:

(1) Publicly offer any such dwelling unit for rent, for a period of at least thirty calendar days after the FHA has been given notification of completion with respect to such unit as required by this paragraph and for a period of at least thirty calendar days after such unit subsequently becomes vacant, to eligible defense workers unless the unit is sooner rented to such a worker;

(2) Require, upon the renting of any such dwelling unit to an eligible defense worker, that such worker fill out in duplicate and submit to the applicant an occupancy eligibility affidavit on HHFA Form No. H–1054 (which shall be further executed by the applicant, as indicated therein, who shall forward one copy to the local office of FHA and retain one copy);

(3) Fill out in duplicate a landlord's affidavit on HHFA Form No. H–1056 in case such dwelling unit has been publicly offered in good faith for rent to eligible defense workers, as required by subparagraph (1) of this paragraph, but subsequently rented to a person other than an eligible defense worker (one copy of such affidavit shall be forwarded to the local office of FHA and one copy shall be retained by the applicant);

(4) Charge not more than the rent or rents specified in the application or not more than such higher rents as the Housing and Home Finance Administrator or his designee shall have approved on the basis of hardship to the applicant or subsequent owner;

(5) Hold the dwelling unit or units for rent unless (i) the property is being sold to a purchaser for investment purposes rather than for his own occupancy, or (ii) a period of at least sixty calendar days has elapsed after the FHA has been given notification of completion of such unit as required by this paragraph or after the unit has subsequently become vacant, and the public offer of such unit for rent at the approved rental during said sixty days has not produced a tenant;

(6) Comply with any agreements or conditions made a part of the application, HHFA Form No. H–1052, as approved; and

(7) Require that the purchaser, if the property is sold pursuant to subdivision (i) of subparagraph (5) of this paragraph, agree in writing to abide by all the applicable provisions and conditions set forth in this regulation, including this paragraph, which shall be applicable to all successive sales pursuant to said subdivision (i) of subparagraph (5) of this paragraph made by the first and all successive purchasers for investment purposes. Written notifications required by this paragraph to be given to the FHA shall be deemed to be given as of the date they are received by the Federal Housing Administration or, if mailed, as of the date they are postmarked.

(b) No purchaser of property for investment purposes (pursuant to paragraph (a) (5) (i) of this section) shall occupy a dwelling unit in such property unless it contains two or more family dwelling units and such purchaser is himself eligible for occupancy of a dwelling pursuant to section 12 of this regulation or unless such occupancy is pursuant to paragraph (c) of this section.

(c) Notwithstanding any provision of this section, if a parcel of real property contains five or more family dwelling units required to be held for rent under sections 8 through 12 of this regulation, the owner of said parcel, or a person actually employed as a resident manager or janitor of said dwelling units, may occupy one of such units. Two such units may be occupied by such owners, resident managers, or janitors if the property required to be held for rent pursuant to said sections contains not less than 20 family dwelling units, and an additional unit may be so occupied for every additional 30 family dwelling units above 20.

(d) Sales in the course of judicial or statutory proceedings in connection with foreclosures are not subject to the provisions of this section.

SEC. 12. *Eligibility for tenancy.* Except as otherwise provided in section 11, above, for five years after the completion of a dwelling unit which is required to be held for rent under sections 8 through 12 of this regulation no person other than an "eligible defense worker", as defined in paragraph (e) of section 7 of this regulation, or his family shall be eligible for tenancy or occupancy of such dwelling unit.

SALES HOUSING AND OTHER HOUSING TO BE BUILT FOR OWNER-OCCUPANCY

SEC. 13. *Who may apply for exception from credit restrictions.* With respect to housing in a critical defense housing area which may be programmed by the Housing and Home Finance Administrator for sale to, or construction by, prospective owner-occupants, application for a special defense exception from residential credit restrictions may be made only by (i) an "eligible defense worker" (as defined in paragraph (e) of section 7 of this regulation) who is the owner of, or otherwise has effective control over, the land on which he proposes to erect a new family dwelling for his own occupancy or (ii) a person (including a corporation, partnership, trust, or other legal entity) who is the owner of, or otherwise has effective control over, the land on which he proposes to erect a new family dwelling or dwellings for sale to eligible defense workers. Effective control over the land, for the purposes of this section, includes control through ownership, a firm contract to purchase, an option to purchase which may be exercised at the will of the applicant, or a long-term lease for a term of not less than 50 years.

SEC. 14. *Where and how builders should apply.* Application for an exception from credit restrictions with respect to a dwelling or dwellings to be erected for owner-occupancy should be made to the appropriate local office of the Federal Housing Administration on HHFA Form No. H–1053. Procedures for the submission, processing and subsequent disposition of such applications will be the same as those set forth in section 9 of this regulation for applications for exceptions from credit restrictions with respect to housing to be held for rental.

SEC. 15. *Approval of applications.* Applications made under sections 13 through 17 may be approved in accordance with this regulation and program schedules and procedures adopted from time to time by the Housing and Home Finance Administrator. Unless otherwise specifically approved in writing by the local office of the FHA, exceptions from credit restrictions in accordance with an approved application under this regulation shall apply only to credit extended to the applicant named in such approved application.

SEC. 16. *Rules and conditions applicable.* (a) In any case where an application for an exception from credit restrictions is approved pursuant to sections 13 through 17, with respect to the erection of a dwelling or dwellings for sale, the applicant is hereby required to notify the appropriate local office of the Federal Housing Administration in writing when the construction of the dwelling or dwellings described in the application is begun and when each such dwelling is completed and, for a period of five years after the completion of the dwelling or dwellings, to:

(1) Publicly offer each such dwelling for sale for a period of at least sixty calendar days after the FHA has been given notification of completion of such dwelling as required by this paragraph, to eligible defense workers unless the dwelling is sooner purchased by such a worker;

(2) Require, upon the sale of any such dwelling to an eligible defense worker, that such worker fill out in duplicate and submit to the applicant an occupancy eligibility affidavit on HHFA Form No. H–1054 (which shall be further executed by the applicant, as indicated therein, who shall forward one copy to the local office of FHA and retain one copy);

(3) Fill out in duplicate a seller's affidavit on HHFA Form No. H–1057 in case any such dwelling has been publicly offered in good faith for sale to eligible defense workers, as required by subparagraph (1) of this paragraph, but subsequently sold on excepted credit terms to a person other than an eligible defense worker (one copy of such affidavit shall be forwarded to the local office of FHA and one copy retained by the applicant or subsequent owner);

(4) Charge not more than the sales price or prices specified in the application for such dwelling or dwellings or such higher price or prices as the Housing and Home Finance Administrator or his designee shall have approved on the basis of hardship to the applicant or subsequent owner.

(5) Comply with any agreements or conditions made a part of the application, HHFA Form No. H-1053, as approved; and

(6) Require that each purchaser agree in writing in the event of subsequent sale by him to abide by all the applicable provisions and conditions set forth in this regulation, including this paragraph, which shall be applicable to all successive sales of said dwelling or dwellings.

(b) In any case where an application for an exception from credit restrictions is approved pursuant to sections 13 through 17 with respect to the erection of a dwelling for occupancy by the applicant, the applicant is hereby required to notify the appropriate local office of the Federal Housing Administration with respect to the beginning and completion of construction as required in paragraph (a) of this section and, in the event of sale by him within a period of five years after the completion of the dwelling, to give advance notification in writing to such local office of the FHA that he proposes to sell such dwelling and thereafter to comply with subparagraphs (1), (2), (3), (5), and (6) of paragraph (a) of this section except that the notification to FHA of completion referred to in said subparagraph (1) shall be deemed to mean the notification to FHA required by this paragraph (b). Written notifications required by this section to be given to the FHA shall be deemed to be given as of the date they are received by the Federal Housing Administration or, if mailed, as of the date they are postmarked.

(c) Sales in the course of judicial or statutory proceedings in connection with foreclosures are not subject to the provisions of this section.

SEC. 17. *Eligibility for purchase.* Except as otherwise provided in section 16, above, for five years after the completion of a dwelling for which an exception from credit restrictions has been issued under the provisions of sections 13 through 17 of this regulation no person except an "eligible defense worker" as defined in paragraph (e) of section 7 of this regulation shall be eligible for purchase of such dwellings.

SPECIAL CREDIT EXCEPTIONS FOR PURCHASERS OF OTHER HOUSING

SEC. 18. *Approval of special credit exceptions.* In addition to the exceptions from credit restrictions approved on the application of builders in accordance with the preceding sections of this regulation, the Housing and Home Finance Agency may, under unusual circumstances in some areas, program or approve exceptions from credit restrictions for the purchase, by eligible defense workers, of housing which shall have been built in a critical defense housing area without such approved applications by builders. This will be limited to cases where the Housing and Home Finance Agency determines that the housing needs of such defense workers cannot otherwise be met and that such exceptions will not result in undue inflationary pressures upon the prices of existing housing in the area or in other housing programmed for the area under this regulation being made available to persons other than defense workers.

SEC. 19. *Conditions and requirements.* Any relaxation of credit restrictions under the special circumstances referred to in section 18 shall be approved in accordance with such procedures and subject to such conditions and requirements as shall be determined by the Housing and Home Finance Agency to be consistent with the provisions of this regulation and announced for the critical defense housing area, and compliance with conditions and requirements imposed pursuant to this section is hereby required.

The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation is effective as of the 2d day of May 1951.

[SEAL] RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

APPENDIX 1 TO CR 3, MAY 2, 1951

CRITICAL DEFENSE HOUSING AREAS[1]

Critical defense housing area, State, and date designated
1. San Diego, California, May 2, 1951.

[F. R. Doc. 51-5126; Filed, May 1, 1951; 12:00 m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

MAILABILITY OF WARFARIN

Amend § 35.15 *Mailable, nonintoxicating, noninflammable, and noninjurious matter,* by adding a new paragraph (i) to read as follows:

(i) *Mailability of warfarin.* (1) Warfarin, an anti-coagulant rodenticide, has been admitted to the mails in the concentrate form (0.5 percent) in quantities not exceeding eight ounces in one parcel if labeled in accordance with the Federal Insecticide, Fungicide and Rodenticide Act. This amount will make 10 pounds of the bait form (0.025 percent). However, the bait form may be accepted in quantities not exceeding 12 one pound packages in one parcel.

(2) The packages must be individually cushioned in a strong tight mailing carton such as a 200 pound test fiberboard carton, with partitions, inner liner and top and bottom pads of doubleface corrugated fiberboard which will bear safe transmission in the mails. All seams of the carton must be tightly sealed and the carton marked "Poisonous Composition."

(R. S. 161, 396, sec. 24, 20 Stat. 361, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 250)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-5021; Filed, May 1, 1951; 8:45 a. m.]

[1] These areas are in addition to three areas of Atomic Energy Commission installations in which exceptions from residential credit restrictions are issued pursuant to CR 2 of the Housing and Home Finance Agency.

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter D—Freight Forwarders

[No. 29493]

PART 400—AGREEMENTS, FORWARDERS—MOTOR COMMON CARRIERS

REVOCATION OF PART

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 24th day of April A. D. 1951.

In the matter of vacating and setting aside the order and discontinuing the proceeding.

It appearing, that with its report of September 24, 1948, the Commission pursuant to the then effective section 409 of the Interstate Commerce Act, 60 Stat. 21, entered its order prescribing certain terms and conditions under which freight forwarders subject to part IV of the act might utilize the services and instrumentalities of common carriers by motor vehicle subject to part II of the act, which order, as subsequently modified, is to become effective May 1, 1951;

It further appearing, that the said section 409 was amended December 29, 1950, by Public Law 881, 81st Congress, 64 Stat. 1113, said amendment having the effect of repealing the statutory provisions under which this proceeding was instituted, and that pursuant to said Public Law 881 the Commission, on March 5, 1951, by a separate procedure, issued a notice of proposed rule making (16 F. R. 2367) looking to the prescription of rules and regulations for the filing with the Commission of contracts between freight forwarders and motor common carriers subject to the act governing the utilization by such forwarders of the services and instrumentalities of such common carriers;

And it further appearing, that the enactment of Public Law 881 has removed the statutory basis for further proceedings herein; that the said order of September 24, 1948, as subsequently modified, should therefore be vacated and set aside; and that the proceeding should be discontinued:

It is ordered, That the order (§§ 400.1 and 400.2) entered herein on September 24, 1948 (13 F. R. 5861), prescribing terms and conditions, as subsequently modified (13 F. R. 8713; 14 F. R. 1824, 3918, and 5806; and 15 F. R. 1105, 3285, 5849, and 6858), be, and it is hereby, vacated and set aside; and that the proceeding be, and it is hereby, discontinued.

Notice of this order shall be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D. C., and by filing with the Director of the Federal Register.

(56 Stat. 285; 49 U. S. C. 1003. Interpret or apply 56 Stat. 290, as amended; 49 U. S. C. 1009)

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-5050; Filed, May 1, 1951; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Parts 19, 29]

TAXATION OF EMPLOYEE BENEFICIARIES OF CERTAIN PENSION TRUSTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62) and pursuant to the provisions of Public Law 378 (81st Cong., 1st Sess.) approved October 25, 1949.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29), and Regulations 103 (26 CFR Part 19), relating to the income tax, to Public Law 378 (81st Cong., 1st Sess.), approved October 25, 1949, relating to taxation of employee beneficiaries of certain pension trusts, such regulations are amended as follows:

PARAGRAPH 1. Section 29.22 (b) (2)-5 is amended as follows:

(A) By amending the third sentence of such section to read as follows: "Except as provided in section 165 (d), if an employer purchases an annuity contract which is not under a plan with respect to which his contribution is deductible under section 23 (p) (1) (B), the amount of such contribution shall be included in the income of the employee in the taxable year during which such contribution is made, if the employee's rights under the annuity contract are nonforfeitable, except for failure to pay future premiums, at the time the contribution is made."

(B) By inserting immediately after the first paragraph of such section the following new paragraph:

If an employer has purchased annuity contracts and transferred the same to a trust or if an employer has made contributions to a trust for the purpose of providing annuity contracts for his employees as provided in section 165 (d) (see § 29.165-7), the amount so paid or contributed is not required to be included in the income of the employee, but any amount received or made available to the employee under the annuity contract shall be includible in the gross income of the employee in the taxable year in which received or made available. In such case the amount paid or contributed by the employer shall not constitute consideration paid by the employee for such annuity contract in determining the amount of annuity payments required to be included in his gross income under section 22 (b) (2) unless the employee has paid income tax for any taxable year beginning prior to January 1, 1949, with respect to such payment or contribution by the employer for such year and such tax is not credited or refunded to the employee. In the event such tax has been paid and not credited or refunded the amount paid or contributed by the employer for such year shall constitute consideration paid by the employee for the annuity contract in determining the amount of the annuity required to be included in the income of the employee under section 22 (b) (2) (A). For example, an employer in 1939 purchased and transferred to a trust meeting the requirements of section 165 (d) a life annuity contract (payable in annual installments of $5,000) for an employee at a cost to the employer of $50,000. If the employee included the $50,000 in his gross income for such year and paid a tax with respect thereto and if it be assumed that such year is closed so that the amount so paid cannot be credited or refunded, only $1,500 of each $5,000 yearly annuity payment to the employee will be required to be included in his gross income (3 percent of $50,000), $3,500 being exempt. If the employee should live long enough to receive as exempt $50,000, then all amounts he receives thereafter under the annuity contract would be included in gross income. If, in the foregoing case, the employee's taxable year 1939 was not closed and the employee secured a refund or credit of the tax previously paid with respect to the $50,000 premium payment made by his employer then all amounts received under the annuity contract will be required to be included in his gross income.

PAR. 2. There is inserted immediately preceding § 29.165-1 the following:

PUBLIC LAW 378 (EIGHTY-FIRST CONGRESS, FIRST SESSION), APPROVED OCTOBER 25, 1949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * *

SEC. 5. EMPLOYEE ANNUITY CONTRACTS.

(a) Section 165 of the Internal Revenue Code (relating to employee trusts) is hereby amended by adding at the end thereof the following new subsection:

"(d) *Certain employees' annuities.* Notwithstanding subsection (c) or any other provision of this chapter, a contribution to a trust by an employer shall not be included in the income of the employee in the year in which the contribution is made if:

"(1) Such contribution is to be applied by the trustee for the purchase of annuity contracts for the benefit of such employee;

"(2) Such contribution is made to the trustee pursuant to a written agreement entered into prior to October 21, 1942, between the employer and the trustee, or between the employer and the employee; and

"(3) Under the terms of the trust agreement the employee is not entitled during his lifetime, except with the consent of the trustee, to any payments under annuity contracts purchased by the trustee other than annuity payments.

The amount so contributed by the employer shall not constitute consideration paid by the employee for such annuity contract in determining the amount of annuity payments required to be included in his gross income under section 22 (b) (2); except that if the tax imposed by this chapter for any taxable year beginning before January 1, 1949, has been paid by the employee with respect to such contribution for such year, and not credited or refunded, the amount so contributed for such year shall constitute consideration paid by the employee for such annuity contract. This subsection shall have no application with respect to amounts contributed to a trust after June 1, 1949, if the trust on such date was exempt under subsection (a). For the purposes of this subsection, amounts paid by an employer for the purchase of annuity contracts which are transferred to the trustee shall be deemed to be contributions made to a trust or trustee and contributions applied by the trustee for the purchase of annuity contracts; the term 'annuity contracts purchased by the trustee' shall include annuity contracts so purchased by the employer and transferred to the trustee; and the term 'employee' shall include only a person who was in the employ of the employer, and was covered by the agreement referred to in paragraph (2), prior to October 21, 1942."

(b) The amendment made by subsection (a) shall be applicable to taxable years beginning after December 31, 1938.

PAR. 3. The first sentence of § 29.165-6 is amended to read as follows: "Section 165 (b), (c) and (d) relates to the taxation of the beneficiary of an employee's trust."

PAR. 4. Section 29.165-7 is amended as follows:

(A) By striking out the heading and the first sentence of such section and inserting in lieu thereof the following:

§ 29.165-7 *Treatment of beneficiary of a trust not exempt under section 165 (a)*—(a) *In general.* Generally, any contribution made by an employer on behalf of an employee to a trust during a taxable year of the employer which ends within or with a taxable year of the trust for which the trust is not exempt under section 165 (a), shall be included in income of the employee for his taxable year during which the contribution is made if the employee's beneficial interest in the contribution is nonforfeitable at the time the contribution is made. But see section 165 (d) and paragraph (b) of this section.

* * *

(B) By adding at the end of such section the following new paragraph:

(b) *Effect of section 165 (d).* If the requirements of section 165 (d) are met, a contribution made by an employer on behalf of an employee to a trust which is not exempt under section 165 (a) shall not be included in the income of the employee in the year in which the con-

tribution is made. Such contribution will be taxable to the employee, when received in later years, as an annuity. (See § 29.22 (b) (2)–5.) The intent and purpose of section 165 (d) is to give those employees, covered under certain nonexempt trusts to which such section applies, essentially the same tax treatment as those covered by trusts qualifying under section 165 (a).

Every person claiming the benefit of section 165 (d) must be able to demonstrate to the satisfaction of the Commissioner that all of the provisions of such section are met. The taxpayer must produce sufficient evidence to prove:

(1) That, prior to October 21, 1942, he was employed by the particular employer making the contribution in question and was at such time definitely covered by a written agreement, entered into prior to October 21, 1942, between himself and the employer, or between the employer and the trustee of a trust established by the employer prior to October 21, 1942, and that the contribution by the employer was made pursuant to such agreement. The fact that an employee may have been potentially covered is not sufficient. Evidence that the employment was entered into, or the agreement executed, "as of" a date prior to October 21, 1942, or that the agreement or trust instrument which did not theretofore meet the requirements of section 165 (d) was modified or amended after October 20, 1942, so as to come within the provisions of such section, will not satisfy the requirements of section 165 (d).

(2) That such contribution, pursuant to the terms of such agreement, was to be applied for the purchase of an annuity contract for the taxpayer. In the case of a contribution by the employer of an annuity contract purchased by such employer and transferred by him to the trustee of the trust, evidence should be presented to prove that such contract was purchased for the taxpayer by the employer pursuant to the terms of a written agreement between the employer and the employee or between the employer and the trustee, entered into prior to October 21, 1942.

(3) That under the written terms of the trust agreement the taxpayer is not entitled during his lifetime, except with the consent of the trustee, to any payments other than annuity payments under the annuity contract or contracts purchased by the trustee or by the employer and transferred to the trustee, and that the trustee may grant or withhold such consent free from control by the taxpayer, the employer or any other person (for definition of annuity payments, see § 29.22 (b) (2)–2). As used in section 165 (d) the phrase "if * * * under the terms of the trust agreement the employee is not entitled" means that the trust instrument must definitely and affirmatively make it impossible for the prohibited distribution to occur, whether by operation or natural termination of the trust, by power of revocation or amendment, by the happening of a contingency, by collateral arrangement, or by any other means. It is not essential that the employer relinquish all power to modify or terminate the trust but it must be impossible, except with the consent of the trustee, for any payments under annuity contracts purchased by the trust, or by the employer and transferred to the trust, to be received by the taxpayer, directly or indirectly, other than as annuity payments.

(4) The nature and amount of such contribution and the extent to which income taxes have been paid thereon prior to January 1, 1949, and not credited or refunded.

(5) If it is claimed that section 165 (d) applies to amounts contributed to a trust after June 1, 1949, the taxpayer must prove to the satisfaction of the Commissioner that the trust did not, on June 1, 1949, qualify for exemption under section 165 (a). Where an employer buys an annuity contract which is transferred to the trustee, the date of the purchase of the annuity contract and not the date of the transfer to the trustee is the controlling date in determining whether or not the contribution was made to the trust after June 1, 1949.

PAR. 5. The above amendments to Regulations 111 (26 CFR Part 29), which regulations are applicable to taxable years beginning after December 31, 1941, are hereby made applicable to any taxable year beginning after December 31, 1938, and prior to January 1, 1942, which is covered by Regulations 103 (26 CFR Part 19).

[F. R. Doc. 51–5066; Filed, May 1, 1951; 8:53 a. m.]

[26 CFR, Part 192]

FERMENTED MALT LIQUOR

NOTICE OF PROPOSED RULE-MAKING

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under authority of 53 Stat. 375; 26 U. S. C. 3176.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

1. Regulations 18, approved May 20, 1940 (26 CFR Part 192), as amended, are further amended by adding Article XXXV and §§ 192.273 through 192.280, as follows:

SAMPLES OF FERMENTED MALT LIQUOR

§ 192.273 *General.* Samples of fermented malt liquor may be removed, without payment of tax, as provided in §§ 192.274–192.278, by brewers, either from the brewery or from the bottling house to a laboratory for analytical purposes (including organoleptic examination) to determine the character or quality of the product.

(53 Stat. 375; 26 U. S. C. 3176)

§ 192.274 *Application.* Whenever a brewer desires to remove samples of fermented malt liquor without payment of tax, for analytical purposes, he shall file application, in triplicate, with the district supervisor. The application shall be serially numbered, beginning with number "1" and running consecutively thereafter. The application shall set forth specifically the size, kind and number of samples to be removed, the period during which the samples shall be removed, and the name and address of the laboratory to which the samples will be removed for analysis. Where it is desired to remove samples regularly the application may be made for that purpose. The number and size of the samples must be restricted to the minimum necessary for the purpose. A statement of the necessity for the analysis of samples and for the number and size of such samples shall be incorporated in the application. The brewer shall also incorporate in the application a statement that the samples covered thereby will not be used for purposes other than laboratory analysis.

(53 Stat. 375; 26 U. S. C. 3176)

§ 192.275 *Approval of application.* The district supervisor must satisfy himself as to the need for the number and size of samples desired and the legitimacy of the purpose for which they are to be used before approving the application. The district supervisor, upon approval or disapproval of the application, shall return one copy to the brewer, forward one copy to the Commissioner, and retain the original in his office. Any approved application may be terminated if the Commissioner or the district supervisor determines that such action is warranted: *Provided*, That, except in cases involving willfulness or where the public interest requires otherwise, the brewer shall be notified in writing of the facts or conduct warranting such action and be accorded an opportunity to demonstrate or achieve compliance with all lawful requirements.

(53 Stat. 375; 26 U. S. C. 3176)

§ 192.276 *Labeling.* Each bottle or other immediate container of fermented malt liquor to be removed, without payment of tax, for analytical purposes shall be labeled to show the nature and quantity of the contents, the name and address of the laboratory to which it will be removed, and the name and address of the brewer. The label shall bear the statement, "Sample for laboratory analysis only—not for sale."

(53 Stat. 375; 26 U. S. C. 3176)

§ 192.277 *Records.* A separate record shall be maintained showing by date, the quantity of fermented malt liquor removed pursuant to an approved application and the serial number of such application. Proper credit entry for the total quantity so removed during the month must be made in the summary on Form 103.

(53 Stat. 375; 26 U. S. C. 3176)

§ 192.278 *Residues of samples.* Residues or remnants of samples remaining after laboratory analysis which are not to be retained as laboratory specimens or for comparative purposes must be destroyed or returned to the brewery premises. The samples or the residues thereof may not, in any event, be sold, or disposed of otherwise.

(53 Stat. 375; 26 U. S. C. 3176)

§ 192.279 *Analysis on brewery premises.* Applications need not be filed where samples are to be taken for analysis in the brewer's laboratory located on the brewery premises.

(53 Stat. 375; 26 U. S. C. 3176)

§ 192.280 *Taxpayment.* Any samples of fermented malt liquor removed or used otherwise than as authorized in §§ 192.273–192.279 shall be subject to taxpayment in accordance with this part.

(53 Stat. 375; 26 U. S. C. 3176)

2. The purposes of the proposed amendment are to authorize brewers to remove samples of fermented malt liquor, without payment of tax, either from the brewery or bottling house, for analytical purposes (including organoleptic examination), and to prescribe the procedure governing such removals.

3. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[F. R. Doc. 51–5064; Filed, May 1, 1951; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Part 151]

RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

HOGS

Notice is hereby given that the Secretary of Agriculture, pursuant to the authority vested in him by section 201, paragraph 1606 of the Tariff Act of 1930, as amended (19 U. S. C. and Supp. III, sec. 1201, par. 1606), proposes to recognize the Wessex Saddleback Section of the book of record entitled "Herd Book of the National Pig Breeders' Association," published under the auspices of the National Pig Breeders' Association, Victoria House, Southampton Row, London, W. C. 1, England (A. R. Bennett, secretary), and to amend the regulations governing the recognition of breeds and books of record of purebred animals (9 CFR Part 151, as amended) by adding under the subheading "Hogs" in 9 CFR 151.10 (a), as amended, the name "Wessex Saddleback" to the list of breeds in the said herd book which are currently so recognized.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Chief of the Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within thirty days after the date of publication of this notice in the FEDERAL REGISTER.

(Sec. 201, Par. 1606, 46 Stat. 673 as amended by 62 Stat. 161; 19 U. S. C. and Supp. III, Sec. 1201, Par. 1606)

Done at Washington, D. C., this 26th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–5035; Filed, May 1, 1951; 8:48 a. m.]

Production and Marketing Administration

[7 CFR, Part 907]

[Docket No. AO–212–A2]

MILK IN THE MILWAUKEE, WIS., MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER NOW IN EFFECT REGULATING THE HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Milwaukee, Wisconsin, on April 17, 1951, pursuant to notice thereof which was issued on April 11, 1951 (16 F. R. 3229).

The material issues of record related to:

1. The proposed deletion of provisions relating to the computation of "base milk," and "excess milk," and payment therefor.

2. The emergency character of marketing conditions and the need for immediate change in the order provisions.

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

1. The order should be amended by deletion of all provisions for computation and payment of base and excess prices. Amended in this way the order will then require handlers to pay to each producer not less than a uniform price based upon the handlers utilization of producer milk. From the record it is clear that under existing circumstances this basis of payment will be more satisfactory and equitable to all concerned than base and excess pricing and payment as presently provided. All other provisions of the order relating to the base and excess plan are retained. These have to do with the formation of bases by producers: These provisions should remain intact because the testimony shows no intent to eliminate the base plan and it appears that the unsatisfactory effects of the plan come from the price computation and payment sections. Deletion of the latter will free producer prices from the serious distortion which would in some cases result from their application during the period that may transpire until further hearing.

Both producers and handlers urged that the computation and payment of base and excess prices be suspended until the relevant order provisions can be re-examined and revised. The provisions for pricing base and excess milk during the April–July 1951 period would result in extreme and unreasonable disparity in prices received by producers. This is caused by the fact that in some plants the excess milk would be greatly over-priced with reference to its utilization value while in other plants it would be considerably under-priced.

In extreme cases excess milk might bring more than base milk. While such an inversion of the base and excess plan might not occur, it was estimated that in one or more plants prices for excess milk would likely be disproportionately high in relation to prices paid for base milk. This could result from the order provision setting a ceiling price on base milk at the Class I price with a classification and price scheme that may result in a handler's blend or weighted average price exceeding his Class I price. The evidence indicates the blend price may exceed—sometimes by considerable amount—the Class I price in a plant receiving relatively high test milk and having relatively high Class I and Class II utilization, when Class I utilization happens to be inflated by considerable excess shrinkage or when an unusual spread exists between the Class I price and the Class IV price which affects the blend price through the classification reconciliation process. At this time, the Class IV price is from 50–60 cents per hundredweight lower relative to basic formula prices for Class I and Class II milk than it was last November when the order became effective.

In other cases, low prices of excess milk threaten market supplies. Excess milk is priced at Class IV prices which, as above noted, are abnormally low relative to basic prices. Much of the milk priced as excess is used in classes priced above Class IV. At the same time prices paid by evaporating plants and cheese factories in the milkshed are higher than the Class IV price. In addition, the Chicago blended price at locations in the Milwaukee milkshed would be higher than Milwaukee handler prices to producers with considerable excess milk. With the tightening supply and increasing demand all such producers are needed in the market. It is necessary, therefore, that the depressing effects of returning producers prices for excess milk at Class IV levels be removed.

2. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exceptions thereto.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the order below effective would defeat the purpose of such amendments. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would make such relief ineffective. The omission of the recommended decision and filing of exceptions

thereto was requested by producers and handlers on the record.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of February 1951 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area, in the manner set forth in the amending order below is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in the Milwaukee, Wisconsin, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Milwaukee, Wisconsin, marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered. That all of this decision, except the marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the order which will be published with this decision.

This decision filed at Washington, D. C., this 27th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area*

§ 907.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendment thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Milwaukee, Wisconsin, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 907.72, paragraph (b) of § 907.30, and paragraph (b) of § 907.80.

2. In § 907.31 (a) delete the words "including for the months of April through July such producer's deliveries of base milk and excess milk,".

3. In § 907.71 delete, in its entirety, the introductory language following the title and prior to the first colon (:) therein and substitute the following: "For each month the market administrator shall compute for each handler the uniform price per hundredweight of producer milk in the following manner".

4. In § 907.80 (a) delete the phrase "of the months of August through March" and substitute the word "month."

5. Delete § 907.90 and substitute the following:

§ 907.90 *Producer handlers.* Sections 907.40 to 907.47, 907.50 to 907.51, 907.60 to 907.61, 907.70 to 907.71, and 907.80 to 907.85, inclusive, shall not apply to a producer handler.

[F. R. Doc. 51-5967; Filed, May 1, 1951; 8:54 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR, Parts 941, 969, 991]

HANDLING OF MILK IN CHICAGO, SUBURBAN CHICAGO, AND ROCKFORD-FREEPORT, ILLINOIS, MARKETING AREAS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR 900.1 et seq.), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the respective tentatively approved marketing agreements and orders, as amended, regulating the handling of milk in the Chicago, Illinois, Suburban Chicago, Illinois, and Rockford-Freeport, Illinois, marketing areas, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 12th day after its publication in the FEDERAL REGISTER.

A public hearing was called by the Production and Marketing Administration, United States Department of Agriculture, following a request of the Pure Milk Association, and was held January 22 through 31, 1951. The major issues presented on the record of the hearing and covered by this decision were whether the orders should be amended to provide for:

(1) The merger of the terms and provisions of orders 69 and 91 regulating the handling of milk in the Suburban Chicago and Rockford-Freeport, Illinois, marketing area with those of order No. 41 (Chicago, Illinois, marketing area);

(2) Further expansion of the present Chicago, Illinois, marketing area to include certain additional townships not under regulation previously;

(3) Location adjustments to handlers and producers to apply to milk received at plants within 55 miles of the City Hall in Chicago and a change in the location adjustment rate for milk in zones beyond 70 miles from the City Hall in Chicago;

(4) The qualification and suspension of plants as "pool plants" based upon certain delivery requirements;

(5) Revision of the price differentials over the basic formula price for Class I milk and Class II milk (Grade A milk and Grade B milk);

(6) Revision of the formula for pricing Class IV milk;

(7) Revision of the classification of (a) ice cream and frozen dessert mixes, (b) skim milk disposed of in fluid form, and (c) certain other products;

(8) The inclusion of a "base rating" plan providing for the computation and announcement of uniform prices to be paid for "base" and "excess" milk separately; and

(9) Certain changes of an administrative character.

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

(1) The milk orders for the Chicago and Suburban Chicago marketing areas should be amended for the purpose of their consolidation into one order to be known as the "Order, as Amended, Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area."

It was proposed by a producers' organization that a merger of the orders for the Chicago and Suburban Chicago marketing areas be effected.

The milk supply area for plants serving the Suburban Chicago marketing area overlaps the close-in zones of the Chicago milkshed. Farms of Suburban Chicago producers are intermingled with those of Chicago producers. Large quantities of fluid milk distributed in the Suburban Chicago market are received from Chicago approved producers at plants primarily serving the Chicago market. Such milk is sold both by Chicago handlers operating routes in the Suburban Chicago market or by Suburban Chicago handlers who buy in bulk lots as a supplement to farm receipts and distribute from their own plants. Suburban handlers have become increasingly dependent on the Chicago market for supplemental milk supplies. The quantities of Chicago approved milk finding an outlet in the suburban market have increased substantially in recent years. Suburban handlers carry a lesser percentage of producer milk in Classes III and IV than do Chicago handlers.

In recent years health regulations have been made more stringent in most communities in the Suburban market and practically all milk now sold there is sold under a "Grade A" label. While to enter the city of Chicago milk for fluid use must meet the specific approval of the Chicago health authorities, Chicago approved (Grade A) milk may be distributed in all segments of the Suburban Chicago marketing area and competes freely with Grade A milk approved by the several health authorities in the latter area. Such differences as do exist in the specific health standards for the production of Grade A milk in the two marketing areas involved are not sufficient, however, to necessitate a difference in the price systems used for milk so termed.

In the past the class prices for Grade A milk of the Chicago and Suburban marketing areas have been for all practical purposes identical with the exception of slight differences in the application of such class prices to milk in specific products and the application of location differentials to plants more than 70 miles from Chicago. The Chicago order has prorated returns to producers by means of a market-wide pool whereas the Suburban order has employed individual-handler pools for this purpose. Mainly because of the larger proportions of milk used in the higher-valued classes in Suburban plants individual-handler prices under such order generally have been higher than prices at plants under the Chicago order for similar locations within the 70-mile zone from the Chicago City Hall. These price differences have resulted in intensive competition for supply at some locations in this zone with a tendency for producers to be attracted to plants with the most favorable prices and the growth of a network of premiums and hauling subsidies paid by handlers to retain milk supplies. In this situation the burden of maintaining supplies in such area has tended to fall more heavily upon handlers under the Chicago order. The proponent association which represents about 78 percent of the producers whose farms are in such area, has found it necessary to operate special pools with respect to member milk by groups of plants under the two orders to effect a higher degree of uniformity in pricing in different localities and to prevent producers from shifting unnecessarily between markets. Price differences among Suburban handlers and between the two markets have been increasingly significant in recent years as greater quantities of Grade A milk have been needed in Suburban Chicago communities. The Suburban area covers a number of rather widely separately communities with individual marketing and hauling problems calling for adjustments to be made among markets in net returns to producers.

At present there is no common price "base" from which these adjustments by localities can be made in any logical pattern. The present variations in minimum uniform prices under the two orders (and even within the framework of the Suburban order itself) require revision of such necessary adjustments outside the order individually as relationships of order prices vary. This results in continuous price problems within the close-in production area. In contrast, a uniform minimum price to all producers in this area would provide an opportunity for making whatever supplementary adjustments may be appropriate without the necessity of having to allow also for marked variations in minimum order prices and would result in more orderly marketing.

The hearing record substantiates the proposed deletion of the following townships from the newly defined marketing area: Channahon, Jackson, Manhattan, Green Garden, Monee, Crete, Wilmington, Florence, Milton, Peotone, Will, Washington, Reed, Custer, and Wesley, all in Will County, Illinois. These townships, which have been a part of the marketing area covered by the Suburban Chicago order, are mostly rural in character and the quantities of milk distributed there by handlers to be regulated are not substantial. Except for such townships the merger necessitates the inclusion of the present Suburban Chicago marketing area in the expanded Chicago marketing area.

To accomplish the merger effectively and in an equitable manner it is determined also that the monies on hand as the result of the administrative assessment provisions (§ 941.9 and § 969.9) of Orders 41 and 69 should be combined to be included in the administrative fund to be established under § 941.86 of the consolidated order. Similarly, the monies on hand as the result of the marketing services provisions of such two orders should be included in the marketing services fund established under § 941.87 of the consolidated order.

An additional proposal of the Rockford handlers for the merger of Order 91 (Rockford-Freeport, Illinois, marketing area) with Order 41 also was covered by the notice of hearing. Proponents, however, abandoned the proposal and no testimony was offered in its support. This proposal is denied.

A suggestion was made at the hearing that a market-wide pool might be adopted under the Suburban Chicago marketing area in lieu of the consolidation of Order 69 with Order 41. It is concluded, however, that the price difficulties referred to cannot be resolved satisfactorily merely by the adoption of a market-wide pool under Order 69.

(2) The expanded Chicago, Illinois, marketing area should include certain additional townships not previously under regulation.

It was proposed by the proponents of the consolidated order that certain additional townships, namely Waukegan, Shields, West Deerfield, Deerfield, Zion, Newport, Warren, Libertyville, and Vernon, be included in the marketing area. The principal community located in this area is the city of Waukegan, Illinois. Such townships have not been under an order previously.

It is apparent from the record that supply and marketing conditions in this general area are not appreciably different from those found to exist to the south which make it desirable to consolidate Orders 41 and 69. There is a highly competitive situation between Waukegan and Chicago handlers in the procurement of milk. Farms of producers supplying the added townships are intermingled with those of Chicago producers. The proponent association sells substantial quantities of Chicago-approved milk to handlers in this area who

compete with Chicago handlers for sales there. In distributing returns to producers in the Waukegan area it has been necessary for the association to include in its "Waukegan pool", for member producers, milk of certain Order No. 41 plants in order to achieve greater uniformity in producer prices in the supply area adjacent to the Waukegan market and to prevent unnecessary shifting of producers between the Waukegan and Chicago markets. Grade A ordinances have been adopted by the principal communities in such townships. Inclusion of such area would not increase costs to local handlers substantially since it has been the practice of the association to sell them milk on the basis of the Chicago price level.

Extension of the area would provide greater price uniformity between the newly added communities and the Chicago market and should create more orderly marketing conditions for producer milk. Only the first four of the above-named townships are included in the defined marketing area since the remaining five are substantially rural in character and there is no competitive element in the latter group of townships not covered by the order.

(3) Location adjustments applicable to milk originating within the 55-mile zone from the City Hall in Chicago should be provided; location adjustment rates in effect beyond the 70-mile zone should not be revised.

Prices under the Chicago order begin at a point 70 miles from the City Hall in Chicago. Suburban order prices begin at the plant or receiving station from which milk is distributed in the marketing area. With two exceptions (plants located more than 70 miles from Chicago) such prices under the Suburban order have applied to milk received at distributing plants located within the defined marketing area. Within the 70-mile zone from Chicago there are a number of receiving stations serving distributing plants under the Chicago order most of which are located beyond 55 miles from the City Hall in Chicago. Because of differences in local marketing and hauling problems involved in supplying the widespread area to be covered, it is deemed preferable, in combining the orders, to establish class and uniform prices at the 55–70 mile zone rather than f. o. b. plants in the marketing area, with location adjustments to apply with respect to milk received at plants either nearer or farther away from the marketing area. Such adjustments are already in effect in the Chicago order for more distant zones.

It was proposed by the proponents of the merger that handlers be required to pay, in addition to the class prices, 4 cents per hundredweight of milk received from producers at plants located within the marketing area and 2 cents per hundredweight with respect to any such receipts at plants located outside the marketing area but not more than 55 miles from the City Hall in Chicago.

Location adjustments with respect to milk received from farms at plants located nearer to or within the marketing area are necessary to provide an appropriate graduation of prices from the 55–70 mile zone to points within the marketing area. It appears that the near-in supplies historically have commanded premiums over the more distant milk by more than the actual difference in transportation cost from the two general locations on the principal grounds that such supplies are better adjusted to the requirements of the fluid milk market, are more readily accessible, are less subject to weather and transportation hazards, and do not require country station handling.

Under the provisions of the Chicago order the present location adjustment rate with respect to milk moved into the marketing area from plants beyond 70 miles from the City Hall in Chicago is 2 cents per hundredweight per 15-mile zone. Since the class prices are fixed at the 70-mile line milk moved from points beyond the 70-mile line to points closer to the Chicago City Hall is transported at the handler's expense from the 70-mile line to the closer-in point. Actual prices received by producers under the two orders who deliver to plants within 55 miles of Chicago (including plants located in the proposed marketing area) have been higher on the average than prices announced for the 70-mile zone under the Chicago order by more than the proposed maximum location adjustment rate of 4 cents per hundredweight for this segment of the milkshed. These differences have been accounted for by price premiums and hauling subsidies paid by handlers to the producers amounting to about 17 cents per hundredweight of milk received at plants inside the expanded marketing area and approximately 3.5 cents per hundredweight of milk received at plants outside the expanded marketing area but not more than 55 miles from the City Hall in Chicago. Such premiums and subsidies have been paid by individual handlers as a supplement to minimum uniform prices required to be paid under the two orders and without regard to the particular uses of such milk. Substantial payments of this kind have been made over and above order minimum prices in this general area for many years but such payments have varied to some extent because of differences in marketing problems in various segments of the zone. The proposed rates to be paid by handlers at plants within the 55-mile zone in addition to 55–70 mile zone prices appear reasonable and are well within the pattern of rates already employed in the Chicago order. Proponents suggest a tolerance over and above the proposed differential rates to be left to the bargaining process because of such local marketing problems.

Adjustments in the uniform prices to be received by producers delivering to plants closer than 55 miles also are necessary to reflect their location advantage. Proponents suggested a 10-cent differential above the 55–70 mile zone uniform price for milk delivered to plants within the marketing area and a 2-cent differential over such price for milk delivered to plants between the 55–70 mile zone and the marketing area. Of the 10-cent differential to be required 6 cents would become a charge against the pool and the remaining 4 cents would represent the 4 cents paid by handlers at plants in the marketing area.

For several years minimum uniform prices received by Order 69 producers generally have been higher in the area within 70 miles of Chicago than the minimum prices to Chicago producers although there has been a wide variation among the uniform prices of individual handlers (individual-handler pools) regulated under Order 69. Attempts of the producers' association to operate pools within the association by groups of plants in various segments of the 70-mile zone have not eliminated the marked price variations since there are independent producers receiving different prices than member producers and Order 41 producers receiving different prices than Order 69 producers. Market-wide pooling under Orders 69 would reduce the number of price variations to be contended with but would not eliminate the differences existing between the minimum uniform prices in the two orders which, on a market-wide basis, has averaged 17 cents per hundredweight. Such premium is being received at present by suburban order producers who provide 39 percent of the milk shipped directly to plants in the consolidated marketing area. This is equivalent to 6 cents per hundredweight on the total volume so shipped under both orders.

In view of historical considerations which show an intensive competition among such plants for supplies which have resulted in premium prices to producers supplying marketing area plants as compared with prices received by producers at more distant plants, proponents contend that the proportion (10 cents per hundredweight) of such premiums to be included under the minimum price provisions be reserved for the producers supplying the inside plants and not be shared with all producers by distribution through the uniform price. Under the proposal made Order 69 producers would receive a 6-cent lower price as a result of their inclusion in the pool. The amount represented by this difference would inure to the benefit of neighboring producers at present under Order 41 to bring about uniformity of pricing to all producers within the close-in production area. Minimum uniform prices to producers in zones from 70 miles and beyond would not be changed in relation to the minimum uniform price for the 55–70 mile zone.

Limitation of the 10-cent location adjustment to milk received at plants located in the marketing area was questioned in the record by Chicago handlers. A counter proposal was made that such rate should apply to milk received at any plant located within 55 miles of the City Hall in Chicago. The record discloses, however, that producers delivering to plants within the marketing area have longer hauls. Also, to extend this premium to receiving station milk would tend to encourage additional but unnecessary receiving station facilities at close-in locations at some expense to producers.

The 2-cent rate would be applicable to plants closer than 55 miles but outside the marketing area. Plants in this area

are receiving stations established to serve bottling plants located inside the marketing area. The rate proposed would extend the rate in effect for zones beyond 70 miles to an area one zone closer. It is not practical to extend such rate to additional 15-mile zones less than 55 miles since the marketing area extends nearly such distance from the City Hall in Chicago in certain directions.

A proposal was made to increase the zone rate to 3 cents per hundredweight in zones beyond 70 miles from Chicago. It is concluded that such proposal should not be adopted since it was not supported by testimony on which a sufficient appraisal of its property can be made.

Producers in the 18th to 22d zones suggested the placing of a "floor" under the uniform price for such zones. This was discussed principally in connection with the proposals to increase the zone location adjustment rate to 3 cents per hundredweight in such zones and to provide a supply-demand adjustment with respect to the Class I and Class II prices differentials. It is stated above that the 3-cent location adjustment rate is denied. The supply-demand adjustment included in connection with the class price differentials does not operate to reduce such differentials below their lowest seasonal level (50 cents and 30 cents, respectively) as now in effect under the present Chicago order. The record does not provide sufficient basis for altering the application of the present 2-cent location adjustment rate to all zones beyond 70 miles from Chicago.

(4) A "pool plant" definition should be adopted which will cover, for pricing purposes, the milk received from producers at plants that (a) bottle milk, all or a part of which is disposed of in the marketing area as Class I milk (§ 941.41 (a) (1)), (b) are approved by the Chicago Board of Health for the receiving of milk which may be disposed of as Class I milk or Class II milk in the marketing area, or (c) ship a specified minimum percentage of milk or cream in fluid form to bottling plants supplying the marketing area but not under Chicago inspection.

One of the proposals involved a definition of a pool plant. In part this was offered in lieu of the "approved plant" definition now contained in Order No. 41, and that part of the "handler" definition now contained in Order 69 which specifies the plants covered by that order. The proposed pool plant definition, however, was expanded in such manner as to include under the combined order, plants not previously covered by either order but which ship to bottling plants serving the suburban portion of the marketing area at least 50 percent of the milk received from producers during each of the months of October and November.

Order 41 at present includes in the market-wide pool any plant approved by the applicable health authority for the receiving of milk which may be disposed of as Class I milk in the marketing area. Some of these plants are engaged in bottling Class I milk, part or all of which is disposed of in the marketing area while others are country plants which are included in the pool whether or not they ship milk or cream to the marketing area. All such country plants are approved by the Chicago Board of Health. Under Order 69, only milk received from dairy farmers at a plant which bottles Class I milk, part or all of which is disposed of in the marketing area, is priced as producer milk. Milk or cream received in bulk at such a bottling plant from another plant which is not under Order 69 or 41 is deducted from the handler's total utilization and is not priced even though the supplying plant may be operated primarily for the purpose of shipping milk and cream to the suburban Chicago marketing area.

Milk received from producers at bottling plants should be included in the pool at all times inasmuch as such plants obviously are serving the market regularly. On the other hand, in connection with the proposed consolidation of orders, and for other reasons as set forth below, there is need to establish certain requirements for pool participation with respect to plants which supply bottling plants with milk or cream.

During the last few years the sale of Chicago inspected milk to distant markets during the short production season has presented a supply problem. This milk which has been shipped to plants outside of the surplus milk manufacturing area has been of considerable volume and at times the supply available for the Chicago market has been jeopardized because of these outside shipments. The situation became acute during the fall of 1947 as a result of which an emergency hearing was held for the purpose of finding a solution to alleviate a shortage of supply due in substantial measure to the outside sales. The period of lowest milk production usually begins in early fall and continues throughout the fall months with the upturn coming in December. It is during these months that handlers in the Chicago marketing area at times have experienced difficulty and additional expense in filling their requirements for Class I and Class II milk. Some plants apparently ship to outside markets even though the milk is needed for the Chicago marketing area. However, under the present terms of the order they are permitted to remain in the Chicago pool and to obtain the benefits therefrom during the flush production periods when their milk is not needed in distant markets or in the Chicago market. Part of the spring surplus volume results from supplies developed to cover fall requirements which include these outside sales. If production for the Chicago market is lower during the coming fall months (and there was considerable evidence in the record indicating that a short supply situation may be expected), as compared with the same period in 1950 supplies of milk available for the marketing area may fall below adequate levels, especially if the outside sales continue at the high rate for the fall months in recent years. All parties testifying at the hearing were in agreement that milk produced under Chicago inspection should be made available for disposition in the Chicago market when needed.

Solution to the problem was suggested at the hearing through two proposals, one of which would increase the price applicable to the outside milk. Such proposal is discussed elsewhere in this decision. The other sought to provide pool plant provisions with suspension aspects which, it was contended, would serve to make milk produced for the Chicago market first available for that market when needed.

Considerable opposition developed to the particular plan presented at the hearing. A major objection was that it provided for too much discretion on the part of the market administrator in fulfilling the various duties placed upon him and that proper standards were not set forth to guide him in the actions which he would be expected to take. Further opposition developed on the grounds that the plan proposed had not been included in the notice of the hearing and therefore could not appropriately be considered. With respect to the latter contention, it would appear that the pool plant requirements proposed merely expanded upon the pool plant definition set forth in the hearing notice (§ 941.5) and provided mainly for the suspension of plants from the pool under certain circumstances. The proposed requirements related closely to such definition and to price problems considered at length under the various price proposals. It is concluded that such proposed requirements were within the scope of the notice of the hearing.

There appears to be merit in pool plant provisions which will assist in channeling milk produced for the Chicago market to that market in the months when production is lowest. Certain provisions to accomplish this purpose have been included in the attached order. The requirements adapted should not be difficult of compliance and will avoid the proposed discretionary powers of the market administrator which were found to be objectionable by various parties. The plan employed would designate as a pool plant, in addition to bottling or distributing plants, each country receiving station which has Chicago Board of Health approval. To maintain such status, however, such a country plant must either ship during each of the months of September, October and November as milk or cream in fluid form not less than 50 percent of its producer butterfat receipts to bottling or distributing plants serving the marketing area or, in lieu thereof, offer to ship said amounts to the latter plants at announced prices and terms to be filed with the market administrator who would make information concerning such prices and terms available to all handlers. Under the above shipment requirement, however, a country plant would be given credit (as a shipment) for any disposition therefrom of Class I milk for Class II milk to outlets within the surplus milk manufacturing area other than regulated plants. Failure to ship or to offer to ship at announced prices and terms would result in automatic suspension from the pool for the delivery periods from February to July, inclusive, of the following year.

Although it is not probable that this plan will in itself settle completely the problem raised by the large volume of

outside sales in the fall months, it should serve as a starting point from which additional experience can be gained. It is recognized that a Chicago approved plant may be able to avoid its responsibility to serve the Chicago market under the requirements outlined. However, it is believed that impact of public opinion resulting from publication of the conditions of shipment to Chicago bottling or distributing plants will serve as a strong deterrent for any country plant to evade such responsibility.

Plants not previously covered by either Order 41 or 69 which service only that portion of the marketing area outside the present Chicago marketing area but in a substantial degree during the short supply season also should be permitted to participate in the pool throughout the year. This requires the inclusion of a separate provision. It is provided that any such plant which ships as milk or cream in fluid form to bottling or distributing plants serving the marketing area at least 50 percent of the butterfat received from its dairy farmers during any delivery period will be in the pool for that delivery period. However, the plant may remain in the pool through August by the delivery of such percentage of receipts in each of the months of September, October and November immediately preceding. The provision adopted differs slightly from the original proposal covering such plants in that shipment of the required percentage of its dairy farm supply must be made in three of the low production months and that an election may be made by the plant to withdraw from the pool if it so desires. The basis for granting pool plant status to these plants necessarily must differ from that on which Chicago approved plants are given such status. With the exception of one plant located within the marketing area, it is not known from past experience what plants may expect to gain status under the requirements. Also, it would not be appropriate to include as a pool plant a plant serving the market only on a temporary basis, or as an emergency supply source, when it is not the intention of the plant to identify itself as a regular source of supply for the marketing area. To avoid inclusion of plants of the latter type the requirement is made that the plant must actually supply milk or cream in fluid form. This is in contrast to the requirements placed on Chicago approved country plants which may either supply or be able and willing to supply at least 50 percent of the butterfat (as milk or cream) received from dairy farmers. In the case of Chicago approved country plants, identity with the market has been established in the past through Chicago Board of Health approval. Such plants already are included in the market pool under the Chicago order and the evidence indicates that most of such plants have the Chicago market as their primary outlet. In view of their close identity with the Chicago market in the past it would appear appropriate to give immediate pool status to such plants and to continue such status on indication of their ability and willingness to ship the quantities required of new plants entering the market, as well as on actual shipments while requiring actual shipment by other plants.

(5) The price differentials added to the basic formula price for Class I and Class II milk should be revised to provide for (i) an increase in the differentials for July, (ii) the adoption of a supply-demand adjustment, (iii) an increase in the differentials for Class I milk and Class II milk, disposed of outside the surplus milk manufacturing area during the delivery periods of August, September, October, and November, and (iv) pricing Grade B milk classified as Class I milk and Class II milk at a lower level than Grade A milk.

Several proposals affecting the differentials for Class I and Class II milk were offered. One of these provided that no change should be made in April, May, and June differentials but that the Class I price differentials for August, September, October, and November should be increased $0.40 per hundredweight of milk and the Class II price differentials increased $0.20. The Class I price differentials for December, January, February, March and July would be increased $0.20 per hundredweight and the Class II price differentials would be increased $0.10. Another proposal made in connection with a base and excess plan provided that the Class I price differential should be $1.10 per hundredweight and the Class II price differential should be $0.60 per hundredweight throughout the year. The proponents of the latter proposal submitted an alternative to be considered in the event the base-excess plan was not adopted, to the effect that the Class I and Class II price differentials, respectively, should be $0.90, and $0.50 per hundredweight during January through April; $0.75 and $0.40 during May and June; and $1.50 and $0.70 during July through December. A third proposal offered would set the Class I differential at $0.60 per hundredweight during May and June; $1.10 during August through November; and $0.90 during all other months. The Class II price differentials would be $0.40 per hundredweight during May and June; $0.70 during August through November; and $0.60 during all other months.

A "flexible premium" proposal also was presented. This would employ the present seasonal Class I and Class II price differentials as a base and would increase or decrease such differentials in relationship to changes between the supply of and demand for milk for Class I and Class II uses during comparable specified seasons of the previous year. If this proposal were currently in effect, it would increase the 1951 Class I price differentials during August, September, October and November by $0.30 and decrease the differentials during all other months this year in amounts ranging from 11 to 12.3¢ per hundredweight.

In addition to the evidence in support of proposals to change the level of Class I and Class II price differentials, there was also testimony supporting the position that there should be no change in the differentials at this time.

In connection with the problem of the highly seasonal demand by distant markets for bulk milk and cream, a proposal was introduced to increase the differentials during August, September, October, and November on Class I and Class II milk disposed of to plants outside the surplus milk manufacturing area by about $0.75 per hundredweight over and above the prices in effect for the marketing area.

The proponents of the consolidation of Orders 41 and 69 took cognizance of the fact that Grade B producer milk, classified as Class I or Class II milk, has been priced separately under Order 69 at a level $0.10 per hundredweight below the Grade A prices. They proposed that under the consolidated order, Class I and Class II milk prices for these two grades of milk continue to maintain this relationship. A handler currently under Order 69 proposed that the class prices for Grade B milk be lowered in relation to the Grade prices to result in a Grade B uniform price at least $0.25 per hundredweight under the Grade A uniform price.

The Chicago market obtains milk from one of the largest and most concentrated milk producing areas in the United States. During the first nine months of 1950 over 62 percent of the milk priced under Order 41 was received at plants located in Wisconsin where the production of manufactured dairy products is carried on in substantial volume. All segments of the Chicago fluid milk industry have long recognized that the level of milk prices paid producers who furnish milk to the Chicago metropolitan area must be closely related to the prices received by dairy farmers, shipping milk to manufacturing plants. Since the inception of Order 41 in September 1939 the Class I and Class II price differentials have been related directly to prices for milk used for manufacturing purposes. Although there continues to be a unanimity of opinion in the Chicago milk industry as to the desirability of relating Chicago milk prices to manufactured milk prices, there was considerable disagreement at the hearing as to whether or not the existing levels of Class I and Class II differentials are high enough to attract an adequate supply of approved milk to the Chicago market.

Under the present pricing provisions of both Orders 41 and 69 the Class I price differentials (for Grade A milk) per hundredweight of milk are $0.50 during May and June; $0.90 during August, September, October and November; and $0.70 during all other months. The Class II price differentials per hundredweight of milk are $0.30 during May and June; $0.50 during August, September, October, and November and $0.40 during all other months. These Class I and Class II price differentials have been in effect since September 1, 1947, at which time the average level of differentials were increased by about 7 to 10 cents the levels existing immediately prior to that date and the seasonal differences in the Class I price differentials were widened as much as $0.20. During the three full years that these differentials have been in effect, the Order 41 uniform prices per hundredweight of 3.5 percent milk received at plants in the 70-mile zone have averaged $0.63 higher than the condensary-pay price for 1948; $0.69 for 1949; and $0.51 for 1950.

From 1947 through 1950 there has been a rather substantial increase in the amount of milk received at plants under Order 41. The average monthly receipts during 1947 were 236.6 million pounds and in 1950 were 292.3 million pounds, an increase of almost 25 percent. This increase has been due to both an increase in the number of producers and an increase in production per herd. The number of producers on the market has increased since about the middle of 1946, when there were approximately 17,000 producers. For September 1950 the latest period for which data were available at the time of the hearing, there were over 21,300 producers. In contrast with the increased supply of milk on the market, the demand for Class I and Class II milk (excluding shipments to distant markets) under Order 41 has been relatively steady during the most recent 3½ year period. What increase there has been in the demand for Class I milk has been offset largely by a decrease in the demand for Class II milk.

Producer representatives acknowledge this change in the over-all relationship between the supply of and demand for milk. However, they emphasized that production started decreasing during the latter part of 1950 and they forecast a further decrease during the coming months, as compared with last year's level. They pointed to the fact that the price of milk has been relatively low in relation to certain other agricultural commodities such as beef animals and hogs, which are competitive with milk in part of the Chicago milkshed. They indicated that the prices of things farmers buy, such as feeds and machinery, have been increasing rather sharply. Attention was called to the tightening labor market resulting from high industrial activity in nearby cities, the high wage rates in industry, and the need for manpower by the armed services. It was contended that numerous dairy farmers in the Chicago market are disbursing their herds as a result of these factors.

The relationship between prices for milk as compared with other agricultural commodities, the current prices of things that farmers buy, and the short supply of farm labor, are not problems confined to the Chicago market or to any other fluid milk market alone, but rather are problems confronting the dairy industry as a whole. They indicate the propriety of a readjustment in the general level of dairy prices. In the past few months such a readjustment has been taking place. It was pointed out at the hearing that the prices paid by condenseries and certain other manufacturing milk plants had advanced materially in recent weeks. Official notice is taken of the recently announced increase in support prices for dairy products designed to encourage additional milk production nationally. These increases had not been reflected to any large extent in the prices that the producers serving the Chicago metropolitan area had received up to the time of the hearing. However, the effects have been felt since that time. To the extent that subsequent changes occur in the prevailing prices of manufactured dairy products, they will of course be reflected in the prices that producers supplying Chicago will receive for their milk because of the basic formula price provisions.

The seasonality of the supply-demand relationship is a factor that also must be considered in determining the appropriate level of the Class I and Class II price differentials. During the period Order 41 has been in effect, the production of milk consistently has varied more than the consumption of Class I and Class II milk products in the Chicago marketing area. An adequate supply of milk during the low production months of August, September, October and November has generally been accompanied by a substantial seasonal surplus of milk during the other months of the year. In this connection it may be noted that the relationship between the supply and demand for milk in the Chicago area in the season of low production has been aggravated by the fact that a number of fluid milk markets located a considerable distance from Chicago have purchased fluid milk and cream from handlers under Order 41 to supplement local sources of supply. These purchases are heavily concentrated in the fall months of production, with sales in the spring months being nearly negligible as a percentage of total market sales. Furthermore, the quantities of milk disposed of to distant markets during the fall months vary greatly in volume from year to year.

Order 41 provides seasonal variations in Class I and Class II price differentials to encourage producers to change their pattern of production to conform more closely with the pattern of demand. The seasonal variation in the Class II price differentials also is designed to encourage handlers to store frozen cream during the flush season for use in ice cream during the short production season to assist in easing the fall demands on current milk production. A difference of opinion exists among representatives of the industry as to whether or not the seasonal Class I and Class II price differentials employed in the past have significantly affected the seasonal pattern of production. Some producer representatives contended that data for recent years indicate that production is becoming more uniform throughout the year. Each proposal, except the proposal made in connection with the base-excess plan, would widen the difference in prices between the season of peak production and the season of low production. Other producer representatives contend that seasonal differentials have not worked satisfactorily and that a base and excess plan should be adopted (a discussion of this proposed plan is contained elsewhere in this decision).

From an examination of the record, it appears that the prices received by Chicago area producers since the fall of 1947 have been sufficiently above those received by farmers shipping milk to manufacturing plants to attract and maintain an adequate supply of milk for the Chicago metropolitan area. This does not mean, of course, that the prevailing Class I and Class II price differentials necessarily will be sufficient to produce this result in the future. The change in the trend in production during the latter part of 1950 and the concern of producers over the possibility that an adequate supply of milk will not be available during the fall of 1951 unless the Class I and Class II differentials are increased, points to the need for a method of adjusting these differentials promptly in the event the relationship between supply and demand indicates that supplies may not be adequate.

A reliable indicator of the relationship between supply and demand is the experience of recent months. After examining a number of flexible premium differential plans, it has been concluded that one based upon experience during the most recent 6-months for which data are available would be the most satisfactory for adoption in the Chicago market at this time. Such a period of time would reflect trends in the supply-demand relationship; a shorter period would at times give undue weight to short-time factors, such as abnormal weather conditions, whereas a longer period of time would result in a considerable lag in price changes following the appearance of a change in the trend of the relationship between supply and demand. The plan provides that the market administrator shall determine, during the latter part of each month, the relationship between receipts of milk from producers and the actual utilization of milk in Class I and Class II products during the most recent 6-months period. Sales of Class I and Class II milk outside the surplus milk manufacturing area would be excluded in this computation since they do not reflect the demands of the marketing area and are highly seasonal and irregular. The problems created by those sales are being dealt with separately. The quantity of milk contained in frozen cream or plastic cream moving into storage also would be excluded from the computation inasmuch as any milk used in the production of ice cream or other Class I or Class II products would be reflected in the utilization data at that time.

The percentage obtained by dividing the receipts of milk during the most recent 6-months period into the Class I and Class II utilization will be compared with a percentage specified in the order for a comparable 6-months period for previous years. There are 12 of these "base percentages" which have been obtained by computing a moving average relationship between the supply of milk and the utilization for Class I and Class II milk products beginning with August 1949–January 1950 and ending with July 1950–December 1950. Data for both the Order 41 and Order 69 marketing areas have been included in these computations. During 1949 and 1950 the combined supply of milk under both orders was reasonably adjusted to the combined demand for Class I and Class II milk products. Based upon experience during 1947 and 1948 the general level of production during the 1949 and 1950 period could have decreased somewhat before the market would have been extremely

short of milk. On the other hand, if additional supplies of substantial volume had been available during 1949 and 1950, they would have indicated an oversupply and would have been somewhat burdensome to the market.

It is provided that for each percentage point that the "current supply and demand ratio" is above or below the base percentage, the following adjustments shall be made to the Class I and Class II price differentials for the applicable months: May and June, $0.02; July, August, September, October and November, $0.04; all other months $0.03. Such adjustments, however, are limited in their effect to a 30 cents per hundredweight increase or decrease and will not result in differentials of less than 50 cents for Class I milk and 30 cents for Class II milk at any time. In view of market experience lesser differentials would not be practicable in the foreseeable future. In addition, it is concluded that any change in price greater than 30 cents under the formula adjustment should result from review of the circumstances in hearing.

The experience of the past few years indicates gradual adjustments in the relationship between supply and demand. Assuming that the downward trend in production continues, this plan would result in higher Class I and Class II differentials during the middle and latter part of 1951. The seasonal variations in the amounts to be added to or subtracted from the Class I and Class II price differentials under the plan are designed to conform generally with the seasonal relationships existing in the present class price differentials. Under this plan the adjustments to the differentials can vary from one month to another. This should not result in difficulty, however, since monthly fluctuations in the Class I and Class II prices have been customary in the market. The basic formula price changed 46 times during the 48 months from January 1947 through December 1950; 26 of the changes were less than $0.10; 11 were between $0.10 and $0.20; and 9 were greater than $0.20. These changes resulted in corresponding changes in Class I and Class II prices. In view of this experience, it does not appear that any changes in the differential to result from the supply and demand adjustment should complicate the problems which confront handlers in establishing retail prices in relationship to order prices.

The present Class I and Class II price differentials for July are $0.20 and $0.10, respectively, lower than those for August through November. Milk production in the Chicago market reaches a maximum level for the year during May and June and decreases rather sharply during July and August. Production normally has reached a relatively low point during September and has remained at a low level during October and November. By December production is on the increase. The July Class I and Class II differentials therefore are being increased in line with those during August through November as an additional inducement to producers to follow the breeding and feeding practices necessary to accomplish relatively greater production in the season of low production.

The problem created by the seasonality and irregularity of sales to distant markets have been discussed at most of the recent hearings held in connection with Order 41. Although numerous proposals have been suggested as solutions to these problems Order 41 at present does not contain provisions specifically designed to alleviate them. Two proposals were presented in this connection. One of these provides that to be included in the Chicago pool a plant should be required to supply the needs of the Chicago market before shipments to distant markets might be made. Certain features of this proposal are being incorporated in the pool plant provisions adopted. The second proposal advocates that the Class I and Class II price differentials on milk disposed of outside the surplus milk manufacturing area be increased sufficiently to compensate producers for carrying the extra volume of surplus which occurs during the spring months if the supply of milk is to be adequate to fulfill the needs of the outside markets during the fall months. Based upon experience during 1950, proponents of the second proposal calculated that an additional $0.72 per hundredweight of Class I and II milk would have to be charged during the months of August, September, October and November to properly compensate producers for carrying such volume of surplus milk.

The evidence indicates that Chicago handlers have been at a disadvantage from a price standpoint in competing with distant markets for the available supply of Chicago approved milk, due in large measure to the premiums paid by purchasers in the distant areas. Such buyers, on the other hand, have been in a position to avoid responsibility for the seasonal surpluses associated with their short season purchases from Chicago plants. The price structure under the order should be designed to provide a sufficient supply of pure and wholesome milk for the marketing area. A shortage of milk for the marketing area appears likely if sales to distant markets are not retarded.

Although the figure suggested by producers necessarily would vary somewhat from year to year, it is concluded that $0.70 per hundredweight of milk disposed of as Class I milk or Class II milk to markets outside the surplus milk manufacturing area during the four months referred to is a reasonable amount above the price level for the marketing area to obtain for the pool an appropriate value for the milk utilized to cover such distant sales and to remove a competitive disadvantage to Chicago handlers in procuring adequate supplies to meet the needs of the marketing area.

At the present time some Grade B milk is being disposed of under Order 69 and is priced separately from Grade A milk. Under the consolidation of Orders 41 and 69 this milk would be included in a separate pool. Some provision, therefore, must be made for pricing such milk. Order 69 provides that the Class I and Class II prices for Grade B milk shall be $0.10 lower than the corresponding prices for Grade A milk.

One objection to the continuation of this price difference was raised on the grounds that the resulting Grade B uniform price may not be sufficiently lower than the Grade A uniform price to induce producers to meet Grade A requirements in the future.

When Order 69 became effective in September 1944, less than 25 percent of the producers shipped Grade A milk. Seven years later, over 85 percent of the producers were delivering Grade A milk. The above price differential was in effect during all this period. It is concluded that under the combined order the existing relationship between Grade A and grade B Class I and Class II price differentials should be continued.

(6) The formula for pricing Class IV milk should be revised to employ prices of spray process nonfat dry milk solids in lieu of the average of prices of such solids by spray and roller process, but an automatic adjustment in the operating allowance in such formula based on a "labor-coal" index should not be provided.

Class IV milk under the Chicago (also the Suburban Chicago) order is priced by means of a formula based upon the yields and market prices of butter and nonfat dry milk solids with an operating allowance of 67 cents per hundredweight of milk used in such class. Class IV milk is principally milk utilized for butter and cheese manufacture.

Certain producer organizations proposed that the present formula be revised to provide for the automatic revision of the operating allowance as the price of coal and the wages of dairy plant labor change. Changes in the costs of labor and coal in the production of butter and nonfat dry milk solids would be reflected in the formula through the monthly application of certain index numbers to the designated manufacturing allowance. In support of the inclusion of a "labor-coal" index it was stated that there is a close relationship between the total cost of manufacturing butter and nonfat dry milk solids and creamery labor and fuel costs. Certain statistical exhibits were offered to support this contention. It was contended also that the varying "spread" between the effective prices for spray and roller process nonfat dry milk solids and their average should be taken into account in the formula by the inclusion of a further adjustment to the manufacturing allowance (the formula at present employs the average of spray and roller process nonfat dry milk solids prices). The latter contention was supported by reference to the discussion of such spread in the decision underlying the adoption of the formula now in effect.

It is recognized that the cost element may play an important part in the determination of individual plants to handle milk for Class IV purposes in any given period. It is likewise probable that for some plants engaged in the manufacture of butter and nonfat dry milk solids a high correlation may be shown between changes in labor-coal index numbers, such as proposed for use in the order, and changes in absolute costs for such plants, which correlation may extend over a period of several years. However, as stated in the Secretary's decision of February 24, 1950, official notice of which is taken, in which the basis for the current Class IV formula is discussed at length, it may be expected that "in the market such as Chicago, differences will exist between handlers in the cost of manufacturing surplus milk, in the yields they will obtain, and in the prices which are received for the same products. A handler with low yields, receiving low prices for his products, and having high costs of operation will receive a considerably lower return for surplus milk than a handler with high yields, higher prices, and low manufacturing costs. If the Class II price is such that the least efficient plant can break even then the most efficient plant may be in a position to make substantial profits". As in the case of the hearing record of November 1949, on which the present formula was adopted, the record now under consideration does not show for any plant on the market the overall returns recovered from Class IV operations or provide a basis for enabling a comparison of various plants engaged in a substantial way in the handling of milk for Class IV uses.

The proponents of the "labor-coal" index as a reflector of a changing cost position do not claim, and rightly so, that such an index would reflect absolute costs for any single plant or representative group of plants engaged in the manufacture of the products referred to in the formula. To the extent that costs are an element of consideration in the adoption of a formula or its revision, however, the absolute costs at representative plants are significant. Absolute costs are affected, however, by changes in operational efficiency which may result from various factors such as changes in plant techniques, improvements in machinery, changes in the volume of milk handled, or changes in allied operations such as the production of other products or the sale of milk or cream in fluid form.

Cost data for butter and nonfat dry milk solids manufacture may not be relied upon solely as the determinant of a reasonable operating margin for Class IV milk. In this connection it should be noted that the present operating allowance of 67 cents is not based entirely upon the cost data presented in the hearing of November 1949. The level of pricing appropriate for the products included in Class IV milk was considered also in light of returns for milk at unregulated plants making butter and powder and in relation to the need for milk supplies at regulated plants in other than Class IV uses. It is significant also that substantial quantities of milk are made into cheese, a Class IV product. Such factors have only an indirect, if any, relationship to actual costs of manufacturing butter and nonfat dry milk solids in regulated plants or to changes in the cost factors under consideration.

In establishing the present formula allowance consideration was given to the fact that the support price program for nonfat dry milk solids announced December 22, 1949 provided for a 2-cent spread between the support prices for roller and spray process nonfat dry milk solids in the period January 1950 through March 1951. The previous spread provided under the program had been 1.25 cents. It was pointed out at the time that "Under these circumstances, the use of an average spray-roller powder price is open to considerable question as an accurate indication of prospective returns to handlers. Both types of powder are made by handlers of Class IV milk under the order, although the record indicates that the volume of spray process powder may be larger than that of roller process powder. It is concluded that the average price should continue to be used in the formula as a measure of returns, but that some adjustment of the manufacturing allowance to be included in the formula should be made to recognize the fact that handlers of a considerable volume of Class IV milk will have available to them outlets more favorable than the average price by a greater amount than has previously been the case." For this reason a decrease of two cents per hundredweight was made in arriving at the amount of the allowance.

The present record indicates an accelerated trend within the milkshed in the direction of greater spray powder production as compared with the volume of roller powder made. In order to adapt the present formula to this condition it is concluded that prices of spray process nonfat dry milk solids should be used in lieu of the average of prices of spray and roller process nonfat dry milk solids. This change requires, of course, a compensating revision of the stated operating allowance. Since the present formula has been in effect, the spread between spray and roller powder prices has averaged 1.982 cents per pound (March-December 1950 data). The spray powder price has averaged higher than the average of spray and roller prices by approximately 1 cent per pound in this period. From this it is concluded that an offsetting increase from 67 to 75.2 cents per hundredweight in the stated operating allowance would be appropriate. Inclusion of spray powder prices alone in the formula removes the necessity for a formula adjustment based on monthly changes in the spread between spray and roller powder prices.

(7) (a) Ice cream, ice cream mix and other frozen dessert mixes produced from Grade A milk as defined in the order should be Class II milk.

It was proposed that ice cream, ice cream mix and other frozen dessert mixes be included in Class II milk if disposed of within the city of Chicago, but be included in Class III milk when disposed of in that part of the marketing area outside the city limits of Chicago. It was stated by the proponents of this proposal that a Class III milk classification for ice cream and such mixes sold outside Chicago is necessary to enable ice cream manufacturers using Chicago inspected (Grade A) milk, or products derived therefrom, in the production of their ice cream to compete in the suburban area on an equal price basis with ice cream manufacturers not required to use supplies of milk or products under Chicago inspection.

Cream and other milk ingredients for disposition in the form of ice cream and frozen desserts within the city of Chicago must be derived from Chicago inspected milk. Ice cream for disposition outside the city of Chicago but in communities within the defined marketing area under the consolidated order may be made from milk produced under less rigid health inspection requirements. Chicago ice cream manufacturers sell ice cream both in the city of Chicago and in suburban markets beyond the city limits. Chicago ice cream manufacturers compete for business in markets where ice cream makers do maintain Chicago inspection, but such outside ice cream makers may not compete for ice cream business within the city of Chicago. The Chicago ice cream maker operates with respect to the bulk of his ice cream sales on a market protected against outside competitors not handling Chicago approved ice cream.

It is concluded that ice cream, ice cream mix, and frozen desserts which are made from Grade A milk should be included in Class II milk. To classify the subject products produced from Chicago Grade A milk in Class III milk when sold outside the city limits of Chicago would return to producers for the milk therein less than an equivalent amount of milk utilized at a country manufacturing plant for evaporated milk or other Class III uses, since by use in Class III milk at the country location transportation costs to the marketing area on the volumes of milk (or cream) involved would be avoided. It would not be reasonable to permit Grade A milk which might be available for ice cream to be priced as Class III milk when it would return as much or more in manufacturing uses in the country. Prices to producers for milk meeting the Grade A standard should be designed to bring forth a sufficient supply of such milk to meet the demands for which it is required, but not to create undue surpluses of high quality milk or to provide regular supplies for milk products for which milk of different quality may be used. Similarly, ice cream made from Grade A milk under the inspection of other health authorities in the marketing area also should be classified as Class II milk.

(7) (b) Fluid skim milk which originates at a pool plant and is moved to a point outside the surplus milk manufacturing area, or to a plant where milk is priced under another Federal order or agreement issued pursuant to the act, or to an unregulated plant which is not engaged in processing butter, cheese, evaporated milk, condensed milk, whole milk powder, nonfat dry milk solids, casein, or ice cream powder, should be classified as Class I milk.

At the present time, skim milk disposed of in bulk in fluid form by handlers under Order 41 or Order 69 to plants of nonhandlers, is not classified as Class I milk unless the selling handler claims butterfat in skim milk. Under the latter circumstance, the quantity of Class I milk is determined by converting

the amount of butterfat to its 3.5 percent milk equivalent. It was proposed that any skim milk disposed of to nonhandlers who are not engaged in manufacturing dairy operations should be classified as Class I milk on a volume basis. This procedure would be comparable to that now being followed in pricing fluid skim milk disposed of by handlers to the trade in the Chicago metropolitan area.

It is reasonable to assume that nonhandlers with plants located outside the surplus milk manufacturing area or in another Federal milk marketing area would not purchase fluid skim milk from Chicago handlers and transport it to their plants unless it was being used for Class I milk purposes. Similarly a non-handler whose plant is located closer to the market but who is engaged in fluid milk operations, probably would use fluid skim milk purchased from a handler in Class I milk products. At the present time producers do not receive any compensation for such sales over what they receive when skim milk is used for manufacturing purposes except in those cases where a very negligible quantity of butterfat is claimed in skim milk. The inclusion of such skim milk sales in the Class I milk definition and accounting for the quantities on a volume basis would result in producers receiving the same compensation for this skim milk as they received from handlers serving the Chicago area.

Much of the skim milk available to handlers serving the Chicago area is utilized in manufactured milk products covered by the Class III milk definition. The plants engaged in processing skim milk into these products are located in the surplus milk manufacturing area. Such skim milk should not be classified as Class I milk and provision is made that skim milk moved to an unregulated plant which manufactures certain milk products, including condensed skim milk, nonfat dried milk solids and casein, shall not be so classified.

(7) (c) The classification provisions should be revised to specify as Class II milk any bulk condensed or evaporated milk product containing more than 12 percent butterfat disposed of outside the surplus milk manufacturing area.

At the present time Order 41 provides that any cream product in fluid form which moves outside the surplus milk manufacturing area shall be classified as Class II milk. A mixture of cream and milk or skim milk is being condensed by handlers under such order. The final product tests more than 12 percent butterfat and normally is used in the production of ice cream mix. In order to clarify the basis for the classification of such a condensed product disposed of outside the surplus milk manufacturing area in accordance with the form in which it moves, it is deemed advisable to specify at what test such product would be considered as a cream product. Whole milk is normally condensed at a ratio of three to one, i. e., three parts of whole milk results in one part of bulk condensed milk. The resulting product usually contains less than 12 percent butterfat. It is reasonable to distinguish for classification purposes between condensed or evaporated milk in Class III milk and the cream product in question on the basis of whether its butterfat test is above or below 12 percent.

The Class II milk definition should be revised to include "powdered cream" and should not be revised to exclude "powdered ice cream mix."

Some cream is being powdered in plants located in the Chicago milkshed. There is no evidence that this product is being disposed of in the Chicago marketing area, although some Chicago approved milk may be used in its manufacture. The Chicago Board of Health has not yet made a definite ruling as to whether or not powdered cream sold in the city of Chicago must be made from Chicago approved milk but there is indication that this product will be required to be made from approved milk in order to be sold in the city. Inasmuch as the use of powdered cream is closely associated with fluid cream and fluid cream products in the trade and the latter are classified as Class II milk, powdered cream should be classified similarly.

A proposal was made to remove powdered ice cream mix from the Class II milk definition. In connection with this proposal it was stated that the Chicago Board of Health does not permit the commercial use of powdered ice cream mixes within the city limits. Since it has been concluded that all ice cream made from Grade "A" milk should be Class II milk, there does not appear to be reasonable basis for classifying powdered ice cream mix made from Grade "A" milk in a different class than fluid ice cream mix made from such milk. Consequently, the request for a change in classification is denied.

The Class IV milk definition should be revised to specify the classification of milk contained in products lost or destroyed in transit.

From time to time tank loads of milk or truck loads of cream become involved in highway accidents with the result that the product is spilled or destroyed. Similarly, packaged goods are sometimes lost or destroyed when being conveyed from the handler's plant to consumers or distribution outlets. Such losses do not fall within the category of normal losses encountered in operating a dairy plant. The quantities of milk or butterfat involved are subject to verification from police reports, insurance company investigations, and other information independent of the handler's books and records. It is not uncommon for handlers incurring such losses to base insurance claims upon the class price at which the milk is classified. Such losses would not usually result in a decrease in the quantity of Class I or Class II milk since the amounts lost are replaced by milk which otherwise would be used for manufacturing purposes.

The Class I milk definition should be revised to include fluid milk, flavored milk, or flavored milk drinks which have been concentrated but not sterilized.

During recent months a product referred to as "concentrated milk" has been introduced in a number of markets. This product is made by concentrating milk at low temperatures with a high vacuum. The product is not sterilized and is disposed of to consumers for consumption in fluid form by the addition of water or it may be used in the concentrated form as a cream substitute for coffee, cereals, etc. However, there can be no question but that promoters of the product foresee it as a direct and acceptable substitute for fresh milk sold in fluid form as a beverage. Promotional advertising emphasizes that it is pure, fresh milk with nothing but water removed. Further, it is contended that when water is added, the resulting product has all of the properties of and is indistinguishable from fresh fluid milk. At the time of the public hearing in January, this product had not been introduced into the Chicago area, but it was anticipated that an early introduction might be made inasmuch as some handlers had been doing experimental work with it. One of the large producer associations suggested that the Class I milk definition should be revised to specify this product. In support of such classification, it was testified that the concentrated milk obviously is designed to replace regular bottled milk in the trade and that producers should be compensated accordingly. In view of the above it is concluded that a Class I milk classification is proper.

The record indicates that fresh milk and a chocolate flavored milk drink are being concentrated by using low temperatures with a high vacuum, packaged in hermetically sealed cans, and then frozen, on an experimental basis. There was some disagreement as to the appropriate classification of these products. The handler experimenting with the frozen products proposed that they be classified as Class II milk. It was testified, however, that Chicago approved milk would be preferred for these products. Producer representatives proposed that they be classified as Class I milk on the basis presented in support of the classification of unfrozen concentrated milk.

It would be difficult to infer from the testimony that frozen concentrated milk, flavored milk, or flavored milk drinks would be more competitive with manufactured milk products made from milk from unapproved sources than with fresh fluid milk, flavored milk and flavored milk drinks. Moreover, a Class II classification would not be sufficiently high to warrant the cost of delivery of whole milk from country locations to the marketing area for concentrating. These frozen products are in form and are highly similar to regular bottled milk, chocolate milk, and chocolate milk drinks, and it is concluded they should be included in Class I milk.

In order to arrive at the amount of Class I milk in such products on a comparable basis with fluid milk or chocolate milk, it is necessary to revise the provisions dealing with the determination of the volume of milk in such class. It is provided that the amount of milk used to produce the concentrated frozen or unfrozen products be taken as the basis for determining the quantity in Class I milk. For the purpose of computing the location differential on such milk concentrated at country locations, however, the volume after concentration should be used in order that producers' price will not be reduced by allowances

on a quantity not actually shipped. The revised Class I milk definition is not intended to change the classification of "evaporated milk" disposed of to the trade as a sterilized product in hermetically sealed cans, or "plain or sweetened condensed milk" disposed of to commercial food processors or in hermetically sealed cans. These products have been classified as Class III milk in the past and will continue to be so computed.

(8) The "base-excess" plan for making payments to producers should not be adopted.

A producers' organization proposed the inclusion of a base-excess method of payment to producers. Under the plan separate uniform prices would be computed for "base milk" and "excess milk."

A base-excess plan was employed in certain segments of the Chicago milkshed at one time by voluntary action of producers. Although the plan now proposed undoubtedly differs in its details and effect from the plan used several years ago, the record indicates that there would be strong opposition by a substantial proportion of the producers to the introduction at the present time of any base-excess plan in light of past experience. Spokesmen of producer associations representing a large majority of the producers at the hearing were opposed to adoption of the plan. Before such a plan of distributing returns to producers is adopted on a market-wide basis there should be full discussion among producers in the various parts of the milkshed. From the record there does not appear to be any substantial area of agreement among producer representatives concerning either adoption of the plan in principle or the specific provisions such a plan should contain. It does not appear that the particular plan proposed has been studied by producers generally as to its application in a milkshed as large as that of the Chicago market where marked differences in production conditions prevail between near-in and far-out sources, the zoning aspects of pricing, administrative workability, and related considerations. There is nothing in the order, however, to prevent any cooperative association from making payment to its member producers in accordance with a base and excess plan of its own design.

A representative of certain producer organizations expressing opposition to the plan presented the opinion of his group that some improvement toward more even production had been made under the seasonal plan of Class I and Class II price differentials, but that such differential plan had not had favorable opportunity to prove its effect in this respect because of the interference of war-time controls and the entrance of new producers into the market whose volume of milk has overshadowed the impact of such price differentials on the seasonability of production of the established producers.

In view of the above it is concluded that a base-excess should not be adopted as a result of this hearing.

(9) Certain changes of an administrative character should be made.

The classification provisions should be revised to limit the extent to which the market administrator must trace the utilization of milk disposed of to an unregulated plant located within the surplus milk manufacturing area.

Very few manufacturing facilities are maintained in the regulated plants of handlers under the order. Consequently surplus milk normally is disposed of to a plant where the pricing of milk is not subject to this regulation. The classification of milk disposed of to such an unregulated plant located within the surplus milk manufacturing area is presently determined on the basis of the ultimate utilization of the milk. Some milk is initially utilized in products such as condensed milk which is in the nature of an intermediary product and is ultimately used in a variety of finished products. The determination of ultimate use frequently must be made several months after the milk is received from producers since some products are stored during the flush production season and utilized later. Furthermore, it is not uncommon for such products to be distributed to a number of widely scattered users.

The present basis of determining the classification of milk disposed of to unregulated plants can result in charges to handlers which may be difficult to anticipate. A handler who has surplus milk to dispose of can determine within reasonable limits the first use of the milk. However, he frequently is not in a position to determine what use will be made of the product after it has been disposed of to subsequent processing plants. If the product is reused in another product of a higher classification, the milk is subject to reclassification and must be priced accordingly. In order to simplify the administration of the order and to give handlers assurance of a final classification of their milk within a reasonable time, the order is revised to specify that the classification of milk moving from a regulated plant to an unregulated plant located within the surplus milk marketing area shall be based upon its utilization at the first unregulated plant where the whole milk is processed into a product. After the milk moves from a regulated plant to an unregulated plant it cannot come back into Chicago to be sold for any product covered by the Chicago milk ordinance, and for most of the marketing area outside of Chicago this milk can be used only in certain manufactured products. In any case if milk moves to a handler in the market from an unregulated plant it would be under the other source milk provisions of the order.

The order should be revised to specify that in certain instances determination of the "rail distance" from the City Hall in Chicago to a regulated plant shall take into account a combination of rail and highway distances.

Since July 1940, Order 41 has provided that the zone location of plants shall be determined by the rail or highway distances, whichever is shorter, between the plant and the City Hall in Chicago. In determining rail distance, it is necessary to take into account the highway distance between the City Hall in Chicago and the appropriate city rail terminal in order to establish a common basis for ascertaining mileage to a central point in the marketing area. Also, not all country plants are located on rail lines and unless a combination of rail and highway mileage is used in determining their zone location from Chicago, some plants located equally distant from Chicago could be in different zones.

The market administrator has used a combination of highway and rail mileages in some cases in determining the location of country plants under Order No. 41. However, the highway distance from a plant to a railway loading point has been limited to short distances. Where alternative rail lines are available for shipping milk or cream to the market, the shorter rail distance has been used in the mileage determination. It has been found that, as a matter of practice, a combination of rail lines is not used for the shipment of milk or cream since the cost of this method of transportation is exorbitant. The order is revised to specify that under certain conditions highway mileage shall be taken into account in determining the rail mileage between a plant and the City Hall in Chicago. Distances up to 25 miles by highway for this purpose appear reasonable.

From time to time the distance between a plant and the City Hall may be changed due to revisions in the highway system or railway lines. The zone location of a plant should be subject to redetermination at all times, either on the market administrator's own initiative or upon the request of a handler. It would be unreasonable, however, to make such a change effective retroactively. The order should specify therefore that a retroactive determination shall not be made.

The producer definition should provide for the diversion of milk directly from the farm where produced to an unregulated plant during certain months of the year.

At the present time the producer definition under Order 41 permits milk to be diverted from the farm to unregulated plants at any time of the year. One proposal made would eliminate this feature of the definition. It was stated that in the past such provisions had been abused to some extent. A counter proposal was offered to maintain the diversion feature in the producer definition under the combined order. It was contended in support of the latter proposal that during the flush season of production it is more economical to transfer milk directly from the farm to unregulated plants. It was contended that during the short supply season occasional emergencies have arisen when it has been impossible to deliver the milk to a pool plant whereas delivery could be made to an unregulated plant.

In the past producers have been assigned to pool plants which did not receive the milk; rather the milk has been diverted regularly to unregulated plants. Such producers received the uniform price even though this milk at no time was used for Class I or Class II purposes. It is reasonable under present circumstances to require that milk be received at a pool plant during the

months when it is most likely to be needed for Class I and Class II purposes. The producer definition should provide that diversion of milk from the farm to unregulated plants may be practiced only during the months of January through July. During the remaining five months of the year, a dairy farmer should be considered as a producer only on those days on which his milk is received at a pool plant.

The order should provide for a definition of "other source milk" and the manner in which such receipts would be deducted from the handler's total utilization of milk and milk products.

Order 41 and Order 69 both contain provisions for deducting from a handler's total utilization of milk the receipts of milk or milk products from sources other than producers or other handlers. Although Order 41 does not contain a definition of other source milk as such, it has a provision which requires that any receipts of such other source milk shall be deducted in series beginning with the lowest-priced milk. In the event the receipts are used for purposes which violate any regulations issued by the various health authorities in the marketing area, the handler is required to pay the difference between the value of such milk in accordance with its allocation and the value of such milk at the lowest announced price per hundredweight of milk applicable for the delivery period. In other words, there is a "compensatory payment" to producers through the market pool if a handler receives other source milk and uses it in violation of the applicable health requirements.

Order 69 contains two definitions entitled "other source milk" and "emergency milk" which cover the receipts of milk from sources other than producers, other handlers, and handlers under any marketing agreement or order issued pursuant to the act for any fluid milk marketing area. The difference between these two definitions relate to the delivery periods covered and the basis of allocation: the emergency milk definition applies to the delivery periods of September through January and the other source milk definition applies to all other periods. Emergency milk is deducted from a handler's utilization on a pro rata basis whereas other source milk is deducted from a handler's utilization in series beginning with Class IV milk. Under Order 69 there is no compensatory payment to producers for either emergency milk or other source milk.

Proponents of the merger of Orders 41 and 69 proposed that the essential features of both orders pertaining to receipts of milk from sources other than producers or other handlers be incorporated in the resulting regulation. They proposed that the order contain a definition of emergency milk as well as a definition of other source milk. The proposed definitions were identical except that the emergency milk definition would apply to receipts during the delivery periods of August through November and the other source milk definition would apply to receipts during all other periods. Emergency milk would be subtracted from a handler's utilization on a pro rata basis, whereas other source milk would be deducted in series beginning with the lowest priced milk. These proposals were supported also by a representative of a group of handlers under Order 69. It was proposed that the compensatory payment feature of Order 41 be included to apply to any milk received from sources other than producers or other handlers used in violation of the applicable health requirements.

Certain data presented at the hearing show that during each month that Order 69 has been in effect, handlers under that order have received milk from producers, milk and cream from handlers under Order 41, and milk and milk products from sources other than those previously mentioned. The latter sources are plants where milk is not priced under any milk order issued pursuant to the act. At times Order 69 handlers have received considerable quantities of milk and cream from such unregulated sources. There was testimony, however, indicating that some of these receipts were obtained for manufacturing purposes and not as a supplement to the normal sources of supply for the purpose of meeting Class I and Class II milk requirements. The record indicates that the quantities of such receipts have tended to diminish during the most recent two-year period when receipts from Order 41 handlers were relied upon to a greater extent than previously to supplement the receipts from producers and other handlers under Order 69.

Provision is made in the order for a definition of other source milk. It does not appear necessary to include in addition a definition of emergency milk. It is provided that other source milk shall be deducted from a handler's utilization on a pro rata basis during the delivery periods of August through November. During all other months, other source milk will be deducted from a handler's utilization in series beginning with the lowest-priced milk. In the event a handler either uses other source milk for purposes which violate the requirements of an applicable health authority in the marketing area or receives other source milk from a pool plant under suspension, and such other source milk is allocated to Class I milk or Class II milk, the handler will be required to pay to producers through the pool an amount determined by multiplying the pounds of such Class I or Class II milk by the difference between the value as the appropriate class price and the value of such milk at the lowest announced price per hundredweight applicable for the delivery period. This is in part the same provision as is now contained in Order 41 and is designed to compensate producers for milk received from unregulated sources which is used for Class I or Class II purposes in violation of the applicable health requirements. Such compensation is appropriate inasmuch as producers under the order have incurred the necessary expense of meeting the applicable health requirements and the use of such other source milk in Class I or Class II products has the effect of reducing the producer returns since less of their milk is classified in the higher-priced classes and a larger quantity must be classified at manufacturing milk prices. The remainder of the provision is necessitated by the interaction of the provisions providing for the designation and suspension of pool plants.

A provision should be included to clarify the effect of the Chicago order with respect to milk which may be diverted also by another Federal order.

Milk may be disposed of within the Chicago marketing area (other than by milk processing or distributing plants) from a plant where milk received is covered by a marketing agreement or order in effect in another marketing area. Also, milk may be disposed of in a similar manner within another Federal marketing area from a plant regulated by this order. In such instances it is desirable to prevent duplication of regulation to the greatest possible extent and avoid possible conflict in the application of more than one order to the same milk. Instances have occurred in which milk originating in plants under the Chicago and Suburban Chicago orders has been sold in other regulated marketing areas. It appears from the record that handlers regulated under other orders may establish routes within the revised Chicago marketing area in the future. For these reasons a provision, which is self-explanatory, has been included under this section on application of provisions to deal with such situations.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended and as hereby further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on briefs. Briefs were filed on behalf of the Pure Milk Association (proponent), the Baldwin Cooperative Creamery et al., the Consolidated Badger Cooperative et. al., the Pure Milk Products Cooperative, the Associated Milk Dealers, Inc., the Committee for Order 69 Handlers, the Borden Company, the City Products Corporation, the Blochowiak Dairy et al., the Ice Cream Manufacturers' Association of Cook County, and the Pet Milk Company. The briefs contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended Marketing Agreement and Order

The following order is recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order:

DEFINITIONS

§ 941.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 941.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 941.3 *Chicago, Illinois, marketing area.* "Chicago, Illinois, marketing area", hereinafter called the "marketing area" means the territory lying within the townships of Waukegan, Shields, West Deerfield, Deerfield and the city of Barrington, in Lake County; Cook and Du Page Counties; the townships of Dundee, Elgin, St. Charles, Geneva, Batavia, and Aurora in Kane County; the townships of Wheatland, Du Page, Plainfield, Lockport, Homer, Troy, Joliet, New Lenox and Frankfort in Will County, all in the State of Illinois; and the townships of North, Calumet and Hobart in Lake County, Indiana.

§ 941.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 941.5 *Dairy farmer.* "Dairy farmer" means any person who produces milk.

§ 941.6 *Pool plant.* "Pool plant" means any plant which meets the requirements of § 941.66 and is not under suspension pursuant to § 941.67.

§ 941.7 *Producer.* "Producer" means a dairy farmer whose milk is:

(a) Received at a pool plant directly from the farm where produced, or

(b) Qualified, upon satisfactory proof furnished to the market administrator, to be received at a pool plant and is caused by a handler to be delivered during part or all of the months of January through July, inclusive, for his account to a non-pool plant. Milk caused to be delivered pursuant to this paragraph shall be deemed to have been received at the pool plant from which diverted.

§ 941.8 *Handler.* "Handler" means any person who, on his own behalf or on behalf of others:

(a) Operates a pool plant,

(b) Processes or packages any Class I milk product, part or all of which is disposed of in the marketing area for consumption in fluid form,

(c) Processes or packages any Class II milk product which any applicable health authority requires to be made from approved milk, part or all of which is disposed of in the marketing area, or

(d) In a brokerage capacity, engages in buying milk, in bulk, from a person named in paragraphs (a), (b), or (c) of this section.

§ 941.9 *Regulated plant.* "Regulated plant" means a pool plant or a plant where any Class I milk product or Class II milk product which any applicable health authority requires to be made from approved milk, part or all of which is processed or packaged, part or all of which is disposed of in the marketing area.

§ 941.10 *Market Administrator.* "Market Administrator" means the agency which is described in § 941.20 for the administration hereof.

§ 941.11 *Delivery period.* "Delivery period" means the current marketing period from the first to the last day of each month, both inclusive.

§ 941.12 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines to have its entire activities under the control of its members, and to have and to be exercising full authority in the sale of milk of its members.

§ 941.13 *Frozen cream.* "Frozen cream" means cream which is held in an approved cold storage warehouse at an average temperature below zero degrees Fahrenheit for seven (7) consecutive days, as shown by charts of a recording thermometer.

§ 941.14 *Grade A milk.* "Grade A milk" means milk in fluid form labeled Grade A and milk from which milk in fluid form labeled Grade A may be obtained.

§ 941.15 *Grade B milk.* "Grade B milk" means milk other than Grade A milk.

§ 941.16 *Other source milk.* "Other source milk" means any milk or milk product (except those milk products covered by the Class III milk, Class III (a) milk, or Class IV milk definitions which are not reused in another product) received by handlers from sources other than (a) producers, (b) pool plants of other handlers not under suspension pursuant to § 961.67, or (c) plants where milk is priced under another order issued pursuant to the act for any other milk marketing area.

MARKET ADMINISTRATOR

§ 941.20 *Selection, removal, and bond.* The agency for the administration hereof shall be a market administrator who shall be a person selected and subject to removal by the Secretary. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

§ 941.21 *Compensation.* The market administrator shall be entitled to such reasonable compensation as shall be determined by the Secretary.

§ 941.22 *Powers.* The market administrator shall have the power to:

(a) Administer the terms and provisions hereof;

(b) Report to the Secretary complaints of violations hereof;

(c) Make rules and regulations to effectuate the terms and provisions hereof; and

(d) Recommend to the Secretary amendments hereto.

§ 941.23 *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(a) Keep such books and records as will clearly reflect the transactions provided for in this part;

(b) Submit his books and records to examination by the Secretary at any and all times;

(c) Furnish such information and such verified reports as the Secretary may request;

(d) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(e) Publicly disclose, after reasonable notice, the name of any person who has not made reports pursuant to § 941.30, or made payments required by §§ 941.80 through 941.84, 941.86, 941.87, 941.88 (b).

(f) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation hereof as do not reveal confidential information;

(g) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part; and

(h) Pay, out of the funds received pursuant to § 941.86, the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses, except those incurred under § 941.87, which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties.

§ 941.24 *Announcement of prices.* The market administrator shall compute and publicly announce prices as follows:

(a) Not later than the 5th day after the end of each delivery period, the prices for all classes of milk pursuant to § 941.52 and the differential pursuant to § 941.82.

(b) Not later than the 14th day after the end of each delivery period, the uniform prices computed pursuant to § 941.71.

REPORTS OF HANDLERS

§ 941.30 *Submission of reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(a) On or before the 10th day after the end of each delivery period:

(1) The pounds and butterfat test of and the butterfat pounds in milk and

milk products received from producers (including his own farm production), from other handlers, from plants under other Federal marketing agreements and orders, and as other source milk; and

(2) The utilization of all receipts of milk and milk products for the delivery period.

(b) On or before the 25th day after the end of each delivery period, his producer payroll, which shall show for each producer:

(1) The total delivery of milk with the average butterfat test thereof,

(2) The net amount of payment to such producer made pursuant to § 941.80 (b),

(3) Any deductions and charges made by the handler, and

(4) Such other information with respect thereto as the market administrator may request.

§ 941.31 *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose disposition of milk such handler claims classification, and by such investigation as the market administrator deems necessary. Each handler shall keep adequate records of receipts and utilization of milk and, during the usual hours of business, shall make available to the market administrator such records and facilities as will enable him to:

(a) Verify the receipts and disposition of all milk required to be reported pursuant to § 941.30, and, in case of errors or omissions, ascertain the correct figures;

(b) Weigh, sample, and test for butterfat content the milk received from producers and any product of milk upon which classification depends; and

(c) Verify the payments to producers and to associations of producers as prescribed in §§ 941.80 and 941.88 (b).

§ 941.32 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 941.40 *Basis of classification.* All milk and milk products received by a handler (including his own farm production) shall be reported by the handler in the classes set forth in paragraph (b) of this section: *Provided*, That:

(a) Any milk moved as milk or skim milk in fluid form from a regulated plant to a plant at which the handling of milk is subject to pricing and payment under any marketing agreement or order issued pursuant to the act for any other fluid milk marketing area shall be classified as Class I milk, and any milk so moved as cream in fluid form shall be classified as Class II milk. If satisfactory proof is furnished to the market administrator that such milk, skim milk, or cream was in excess of the total amount used in Class I milk or Class II milk, respectively (as defined in § 941.41), at the latter plant, such excess shall be classified according to its utilization. If this paragraph is applicable, then paragraphs (b), (c), (d), (e), and (f) of this section do not apply.

(b) Any milk moved as milk or skim milk in fluid form from a regulated plant to any place located outside the following area (hereinafter referred to as "surplus milk manufacturing area"), shall be classified as Class I milk, any milk so moved as cream in fluid form, frozen cream, other cream frozen, plastic cream, powdered cream, or any cream product in fluid form, including any bulk condensed or evaporated milk product containing more than 12 percent butterfat, shall be classified as Class II milk, and any milk so moved as any other milk product containing butterfat shall be classified according to the form in which it leaves the plant of shipment: the State of Wisconsin; the counties of Stark, Marshall, Woodford, Livingston, Ford, Iroquois, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Lake, Carroll, Ogle, De Kalb, Kane, Cook, Du Page, Whiteside, Lee, Rock Island, Henry, Bureau, Putnam, La Salle, Kendall, Grundy, Will, Kankakee, Peoria, McLean, Champaign, and Shelby, in the State of Illinois; the counties of Benton, White, Cass, Miami, Howard, Carroll, Tippecanoe, Tipton, Clinton, Fountain, Warren, Parks, Vermillion, Vigo, Sullivan, Lake, Newton, Porter, Jasper, La Porte, Starke, Pulaski, St. Joseph, Marshall, Fulton, Kosciusko, Wabash, and Elkhart, in the State of Indiana; the counties of Ottawa, Kent, Allegan, Barry, Calhoun, St. Joseph, Van Buren, Kalamazoo, Cass, and Berrien, in the State of Michigan, and the county of Van Wert in the State of Ohio.

(c) Any milk moved as milk, skim milk, or cream in fluid form from a regulated plant to an unregulated plant located within the surplus milk manufacturing area, which manufactured during the delivery period butter, cheese (except cottage cheese), evaporated milk, condensed milk or skim milk, whole milk powder, nonfat dry milk solids, casein or ice cream powder shall be classified under § 941.41 according to its utilization at the latter plant, as shown by adequate daily records: *Provided*, That: (1) If in the unregulated plant such receipts from a regulated plant are commingled with its other receipts, the receipts of the regulated milk or skim milk shall be allocated, according to such daily records, to the available quantity of Class III (a) milk, Class III milk, Class IV milk, Class II milk, and Class I milk, in that sequence; and any such receipts of regulated cream shall be allocated to Class IV milk, Class III milk, Class III (a) milk, Class II milk, and Class I milk, in that sequence; and (2) if the unregulated plant does not make available to the market administrator adequate utilization records on a daily basis, but does make available to the market administrator adequate utilization records on a monthly basis, the milk received from a regulated plant shall be allocated to the available quantity of Class I milk, Class II milk, Class III milk, Class III (a) milk and Class IV milk, in that sequence; and the cream received from a regulated plant shall be allocated to the available quantities of Class II milk, Class III milk, Class III (a) milk, Class IV milk, and Class I milk, in that sequence.

(d) Any milk moved as milk or skim milk in fluid form from a regulated plant to any unregulated plant located within the surplus milk manufacturing area which did not manufacture any of the products named in paragraph (c) of this section during the delivery period shall be classified as Class I milk, and any milk so moved as cream in fluid form shall be classified as Class II milk.

(e) Any milk moved from a regulated plant to a regulated plant of another handler shall be reported as Class I milk if moved as milk or skim milk in fluid form, and shall be reported as Class II milk if moved as cream in fluid form, unless utilization in another class is indicated in writing to the market administrator by both handlers on or before the 10th day after the end of the delivery period within which such transfer was made, but in no event shall the amount so reported in any class exceed the total used in such class by the receiving handler.

§ 941.41 *Classes of utilization.* Subject to the conditions set forth in §§ 941.40, 941.42, 941.43, 941.44, and 941.45, the classes of utilization of milk shall be as follows:

(a) Class I milk shall be all milk and milk products (1) disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, or flavored milk drinks, (2) disposed of as concentrated (including frozen) milk, flavored milk, or flavored milk drinks not sterilized and not otherwise specified under paragraph (c) of this section, and (3) not accounted for (i) under subparagraphs (1) and (2) of this paragraph, and (ii) as Class II milk, Class III milk, Class III (a) milk, and Class IV milk, except that this definition shall not include milk disposed of in bulk as any product mentioned in subparagraph (1) or (2) of this paragraph to bakeries, soup companies, and candy manufacturing establishments in their capacity as such.

(b) Class II milk shall be all milk and milk products the butterfat from which is contained in sweet or sour cream and cream product in fluid form having more than 6 percent butterfat, butter cream filled cream, frozen cream, plastic cream, powdered cream, eggnog, yogurt, ice cream, ice cream mix (liquid or powder), cottage cheese, and any other milk product of composition and texture similar to any of the products named in this paragraph, except that this definition shall not include butterfat

(1) In cream or cream products in fluid form, powdered cream, filled cream, and cottage cheese disposed of in bulk to bakeries, soup companies, and candy manufacturing establishments in their capacity as such; and

(2) Derived from Grade B milk and used in frozen cream, plastic cream, ice cream, and ice cream mix (liquid or powder) if such use is not in violation of the applicable health requirements.

(c) Class III milk shall be all milk and milk products the butterfat from which is contained in:

(1) Condensed milk or skim milk (sweetened or unsweetened) disposed of to commercial food processors, sweetened condensed milk in hermetically sealed cans, evaporated milk, and nonfat dry milk solids (the products specified in this subparagraph are referred to hereinafter as Class III (a) milk);

(2) Any other product not included in Class I milk, Class II milk, or Class IV milk;

(3) Products disposed of in bulk to bakeries, soup companies and candy manufacturing establishments pursuant to the exceptions in paragraphs (a) and (b) (1) of this section; and

(4) Frozen cream, plastic cream, ice cream, and ice cream mix (liquid or powder) referred to in the exception in paragraph (b) (2) of this section.

(d) Class IV milk shall be all milk and milk products the butterfat from which is:

(1) Contained in butter, cheese (except cottage cheese), inventory variations, and products lost in transit by a handler; and

(2) Actual shrinkage, but in an amount not to exceed one-half percent of the total pounds of butterfat received directly from producers plus 1½ percent of the total pounds of butterfat in bulk milk, skim milk, and cream in fluid form received at a regulated plant from all sources which were not disposed of in bulk to a regulated plant of another handler: *Provided*, That such shrinkage shall be allowed in this class only if records of utilization satisfactory to the market administrator are available.

§ 941.42 *Responsibility of handlers.* In establishing classification the responsibility of handlers shall be as follows: Any milk received from producers shall be classified as Class I milk unless the handler who receives such milk directly from producers proves to the satisfaction of the market administrator that such milk should be classified in another class without regard to whether such milk has been used or disposed of (whether in original or other form) by such handler(s), or by any unregulated plant(s).

§ 941.43 *Correction of classification and reclassification.* (a) The classification of any milk or milk product shall be corrected by the market administrator if upon his audit it is found that such classification was reported incorrectly or incompletely by the handler.

(b) Any milk or milk product reported by a handler as having been used or disposed of in any class which is found by the market administrator to have been reused or redisposed of (whether in original or other form) in a different class by such handler, by any other handler, or by the first unregulated plant engaged in processing milk products, located within the surplus milk manufacturing area to which such milk or product was moved, shall be reclassified by the marketing administrator in accordance with such latter use or disposition: *Provided, however*, That any classification made pursuant to § 941.40 (a), (b), (c), and (d) shall not be subject to reclassification.

(c) If, in the application of paragraph (a) or (b) of this section, the ultimate use or disposition of the affected milk or milk product was at a plant receiving milk or milk products from more than one handler, the market administrator may assign the change, or correction, in classification to the major supplying handler(s), but not to an extent greater than the amount received from such supplying handler(s).

(d) If the application of paragraph (a), (b), or (c) of this section discloses a higher classification than that reported pursuant to § 941.30 (a) with respect to milk or milk products received by a handler from a cooperative association, the market administrator shall notify the receiving handler of such change and of the amount of money involved and such handler within five days thereafter shall pay such amount to the cooperative association.

§ 941.44 *Computation of milk in each class.* For each delivery period, each handler, with respect to all milk and milk products received by him (including his own farm production), shall compute, in the manner and on forms prescribed by the market administrator, the amounts in each class, as follows:

(a) Determine the total pounds of milk and milk products received from producers (including such handler's own farm production), from other handlers, from plants under other Federal marketing agreements or orders, and as other source milk, and add together the resulting amounts;

(b) Determine the total pounds of butterfat received as follows: Multiply by their respective average butterfat test the weights of milk and milk products received from producers (including such handler's own farm production), from other handlers, from plants under other Federal marketing agreements or orders, and as other source milk, and add together the resulting amounts;

(c) Determine the total pounds of Class I milk as follows:

(1) Convert to pounds on the basis of 2.15 pounds per quart (in case of nonconcentrated flavored milk and flavored milk drinks 2 pounds per quart) the volume disposed of in each of the several items of Class I milk, except in the case of converting milk, flavored milk or flavored milk drinks in concentrated form such conversion shall apply to the volume of milk used in the production of the concentrated product rather than to the volume of finished product.

(2) Multiply each of the resulting amounts by its average butterfat test (in the case of flavored milk and flavored milk drinks the test to be used shall be the average fat test of the finished product if the handler's production records do not show the amount of butterfat contained therein); and add the results so obtained.

(3) If the total pounds of butterfat so computed when added to the sum of the pounds of butterfat computed pursuant to paragraphs (d) (2), (e) (2), and (f) (7) of this section are less than the total pounds of butterfat computed pursuant to paragraph (b) of this section, divide the difference by .035; and

(4) Add together the results obtained pursuant to subparagraphs (1) and (3) of this paragraph;

(d) Determine the total pounds of Class II milk as follows:

(1) Multiply the actual weight of each of the several items of Class II milk by its average butterfat test;

(2) Add together the resulting amounts; and

(3) Divide the result obtained in subparagraph (2) of this paragraph by .035;

(e) Determine the total pounds of Class III milk (with Class III (a) milk items computed separately) as follows:

(1) Multiply the actual weight of each of the several items of Class III milk by its average butterfat test;

(2) Add together the resulting amounts; and

(3) Divide the result obtained in subparagraph (2) of this paragraph by .035;

(f) Determine the total pounds in Class IV milk as follows:

(1) Multiply the actual weight of each of the several items of Class IV milk (other than inventory variation) by its average butterfat test;

(2) Determine the difference in pounds of butterfat contained in inventories at the beginning and end of the delivery period;

(3) Add together the pounds of butterfat obtained in subparagraphs (1) and (2) of this paragraph;

(4) Add the total pounds of butterfat computed pursuant to paragraphs (c) (2), (d) (2), and (e) (2) of this section to the total pounds of butterfat computed pursuant to subparagraph (3) of this paragraph;

(5) Subtract the total pounds of butterfat computed pursuant to subparagraph (4) of this paragraph from the total pounds of butterfat computed pursuant to paragraph (b) of this section, and the difference is the pounds of butterfat in actual shrinkage unless such difference is a minus quantity, in which case the butterfat shrinkage is zero for purposes of all computations required by this section;

(6) Determine the maximum number of pounds of butterfat shrinkage in Class IV milk by multiplying by 1½ percent the pounds of butterfat in bulk milk, skim milk, or cream in fluid form received at a regulated plant from all sources which were not disposed of in bulk to other handlers, and adding such amount to the result obtained by multiplying by ½ percent the pounds of butterfat received directly from producers: *Provided*, That the pounds determined pursuant to this subparagraph shall be zero if records of utilization satisfactory to the market administrator are not available;

(7) Add to the amount computed pursuant to subparagraph (3) of this paragraph the smaller of the amounts determined pursuant to subparagraphs (5) and (6) of this paragraph;

(8) Divide the pounds of butterfat obtained in subparagraph (7) of this paragraph by .035; and

(g) Determine the pounds of overrun as follows: In the event the pounds of butterfat computed pursuant to paragraph (f) (4) of this section are greater than the pounds of butterfat computed pursuant to paragraph (b) of this section, subtract the smaller amount from the larger amount and divide the result by .035.

§ 941.45 *Allocation of classified milk.* The pounds remaining in each class after making the following computations shall be the pounds of producer milk in such class:

(a) Subtract pro rata from the pounds in each class, the pounds of milk received from the handler's own farm production;

(b) Subtract from the remaining pounds in each class, the pounds of milk and milk products received from other handlers and assigned to such class (§ 941.40 (e));

(c) Subtract from the remaining pounds in each class, the pounds of milk equivalent of frozen cream or any other product that has been classified in an earlier delivery period and used in such class in the current delivery period;

(d) Subtract from the remaining pounds in each class, the pounds of milk and milk products received in packaged form from a handler under another Federal order and used in such class; the pounds of bulk milk and skim milk in fluid form received from such source, from Class I milk; and the pounds of milk equivalent of bulk cream in fluid form received from such source, from Class II milk;

(e) Subtract, in the case of other source milk received in the form of a product named in Class III milk, Class III (a) milk or Class IV milk, the pounds of such other source milk used as Class I milk and Class II milk, respectively, from the remaining pounds in the class of use;

(f) Subtract for the delivery periods of December through July, inclusive, from the remaining pounds in each class (except the pounds in inventory variation and shrinkage) in series beginning with the lowest-priced class, the pounds of other source milk not deducted pursuant to paragraph (e) of this section;

(g) Subtract for the delivery periods of August through November, inclusive, pro rata from the remaining pounds in Classes II, III, III (a) and IV (except the pounds in inventory variation and shrinkage) the pounds of other source milk received in products other than milk in fluid form and those items deducted pursuant to paragraph (e) of this section;

(h) Subtract, for the delivery periods of August through November, inclusive, pro rata from the remaining pounds in each class (except the pounds in inventory variation and shrinkage) the pounds of other source milk received in the form of milk;

(i) Subtract from the remaining pounds in each class in series beginning with the lowest-priced class, the pounds of overrun;

(j) If after making the applicable deductions pursuant to paragraphs (a) through (i) of this section, inclusive, the amount of Class I milk plus the 18 percent cream equivalent of butterfat remaining in the pounds in Class II, III, III (a), and IV milk is greater than the amount of milk received from producers, deduct the difference from the remaining amount of Class I milk; and

(k) In the event the total pounds remaining in the several classes are greater, or less, than the pounds of milk received from producers (excluding the handler's own production) reconciliation shall be effected by respectively deducting such difference from, or adding such differences to, the class to which the lowest announced price is applicable.

MINIMUM PRICES

§ 941.50 *Basic formula price.* The basic formula price to be used in computing the prices for Class I milk and Class II milk for each delivery period shall be the higher of the prices for Class III milk and Class IV milk as computed by the market administrator pursuant to paragraphs (c) and (d) of § 941.52 for the delivery period next preceding.

§ 941.51 *Supply and demand ratio.* On or before the last day of each delivery period the market administrator shall make the following computations based upon information obtained from handlers' reported receipts and utilization:

(a) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 6-month period and divide the result by 6;

(b) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 6-month period and subtract therefrom (1) the amount of Class I and Class II milk disposed of in bulk outside the surplus milk marketing area, and (2) the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 6-month period, and divide the result by 6;

(c) Divide the amount obtained in paragraph (b) by the amount obtained in paragraph (a) of this section and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio";

(d) Determine the number of percentage points that the current supply-demand ratio is above or below the percentage for the corresponding 6 months' period appearing in the following schedule:

Months included in supply-demand ratio computation	Percent	Delivery period subject to adjustment
January through June	62	August.
February through July	62	September.
March through August	64	October.
April through September	67	November.
May through October	71	December.
June through November	76	January.
July through December	81	February.
August through January	79	March.
September through February	76	April.
October through March	72	May.
November through April	68	June.
December through May	64	July.

(e) In making the computations specified in paragraphs (a) and (b) of this section, the market administrator shall use the reported receipts and utilization of handlers of Grade A milk under both Orders 41 and 69 when it is necessary to use data for delivery periods prior to the effective date of this section.

§ 941.52 *Class prices.* Subject to the appropriate location adjustment credits, as set forth in § 941.53, each handler, at the time and in the manner set forth in § 941.80, shall pay per hundredweight of milk received during each delivery period from producers or from cooperative associations, not less than the prices set forth below in this section:

(a) *Class I milk.* (1) The price for Grade A Class I milk, except as set forth in subparagraph (3) of this paragraph, shall be the basic formula price plus the following amount for the delivery periods indicated: May and June, $0.50; July, August, September, October, and November, $0.90; all others, $0.70: *Provided*, That for each percent that the most recently computed supply-demand ratio is greater or less than the applicable percentage contained in the schedule in § 941.51 (d), the Class I price shall be increased or decreased, respectively, by the following amount for the delivery period indicated: May and June, $0.02; July, August, September, October, and November, $0.04; all others $0.03: *Provided further*, That any adjustment made pursuant to the above proviso in this subparagraph shall be limited to 18 cents in May and June; 30 cents in the July–November period; and 24 cents in all other delivery periods; but in no event shall the Class I price differential computed pursuant to this subparagraph be less than 50 cents.

(2) The price for Grade B Class I milk, except as set forth in subparagraph (3) of this paragraph, shall be the price for Grade A Class I milk less $0.10.

(3) Grade A or Grade B Class I milk moved in bulk to any place outside the surplus milk manufacturing area during any of the delivery periods of August, September, October, or November, shall be classified separately and its price shall be $0.70 higher than the prices otherwise computed pursuant to subparagraphs (1) and (2), respectively, of this paragraph.

(b) *Class II milk.* (1) The price for Grade A Class II milk, except as set forth in subparagraph (3) of this paragraph, shall be the basic formula price plus the following amount for the delivery periods indicated: May and June, $0.30; July, August, September, October, and November, $0.50; all others, $0.40; *Provided*, That such amount for the delivery period shall be adjusted by the amount of any adjustment made in the Class I price differential pursuant to the provisos of subparagraph (1) of this paragraph; but in no event shall the Class II price differential computed pursuant to this subparagraph be less than 40 cents in the July–November period or less than 30 cents in all other delivery periods.

(2) The price for Grade B Class II milk, except as set forth in subparagraph (3) of this paragraph, shall be the price for Grade A Class II milk less $0.10.

(3) Grade A or Grade B Class II milk moved in bulk to any place outside the surplus milk manufacturing area during any of the delivery periods of August, September, October, or November, shall be classified separately and its price shall be $0.70 higher than the price otherwise computed pursuant to subparagraphs (1) and (2), respectively, of this paragraph.

(c) *Class III milk.* The price per hundredweight for Class III milk shall be the highest of the prices resulting from the respective formulas set forth in (1) and (2) of this paragraph and in paragraph (d) of this section: *Provided*, That the price resulting from the formula set forth in subparagraph (1) of this paragraph shall apply at all times to Class III (a) milk.

(1) The average of the prices per hundredweight reported to have been paid, or to be paid, for such delivery period to farmers for milk containing 3.5 percent butterfat delivered during such delivery period at each of the following listed manufacturing plants or places for which prices are reported to the United States Department of Agriculture or to the market administrator:

Companies and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed from the following formula:

(i) Multiply the simple average as computed by the market administrator, of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture during the delivery period, by 6;

(ii) Add 2.4 times the simple average, as published by the United States Department of Agriculture, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(iii) Divide by 7;

(iv) Add 30 percent thereof; and

(v) Multiply by 3.5.

(d) *Class IV milk.* The price per hundredweight for Class IV milk shall be that computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture during the delivery period: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the United States Department of Agriculture; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents.

§ 941.53 *Location adjustment credits to handlers.* (a) The location adjustment credit with respect to that portion of milk received directly from producers at a pool plant (1) which is moved as milk or skim milk in fluid form from such pool plant to a regulated plant which is located less than 70 miles from the City Hall in Chicago, or (2) which is classified as Class I milk but did not move in the manner described in subparagraph (1) of this paragraph or in paragraph (b) (1) of this section, shall be 2 cents per hundredweight (in the case of milk or skim milk shipped in concentrated form as a product under § 941.41 (a) (2) the allowance shall be computed on the volume of concentrated product) for each 15 miles or fraction thereof that such plant shipping is located more than 70 miles from the City Hall in Chicago, but not to exceed a total credit of 42 cents per hundredweight: *Provided*, That there shall be no location adjustment credit with respect to Class I milk pursuant to § 941.41 (a) (3).

(b) The location adjustment credit with respect to that portion of milk received directly from producers at a pool plant (1) which is moved as cream in fluid form from such pool plant to a regulated plant engaged in the processing of any Class I milk or Class II milk product which is located less than 70 miles from the City Hall in Chicago, or (2) which is classified as Class II milk but did not move in the manner described in paragraph (a) (1) of this section or in subparagraph (1) of this paragraph, shall be ascertained by dividing the pounds of butterfat contained therein by 0.36 and applying to the result the applicable rate per hundredweight specified in the following table:

Distance from the Pool Plant to the City Hall in Chicago:	*Cents per hundredweight*
0 to 70 miles (zone 1)	0
70.1 to 85 miles (zone 2)	5
85.1 to 115 miles (zones 3 and 4)	10
115.1 to 160 miles (zones 5, 6, and 7)	20
160.1 to 220 miles (zones 8, 9, 10, and 11)	30
220.1 to 250 miles (zones 12 and 13)	35
250.1 to 310 miles (zones 14, 15, 16, and 17)	40
310.1 and over (zones 18 and over)	50

(c) The burden rests upon the handler who receives the milk from producers to prove to the market administrator that the conditions required for the receiving of location adjustment credits have been fulfilled.

APPLICATIONS OF PROVISIONS

§ 941.60 *Handlers who are also producers.* No provision hereof shall apply to a handler whose sole sources of supply are receipts from his own production and from other handlers, except that such handlers shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 941.61 *Payment for other source milk.* In the event a handler uses other source milk for purposes which violate the requirements of an applicable health authority in the marketing area or other source milk originating from a plant under suspension pursuant to § 941.67, and such other source milk is allocated to Class I milk or Class II milk pursuant to § 941.55 (e), (f), (g), or (h), the market administrator in computing the net pool obligation for such handler pursuant to § 971.70 shall add an amount determined by multiplying the pounds of other source milk so allocated to Class I milk or Class II milk by the difference between the value at the appropriate class price and the value at the lowest announced price per hundredweight applicable for the delivery period.

§ 941.62 *Payment for overrun.* The market administrator, in computing the net pool obligation for each handler pursuant to § 941.70 shall add an amount determined by multiplying the pounds of overrun pursuant to § 941.44 (g) by the appropriate price pursuant to its allocation in § 941.45 (i): *Provided*, That if the handler did not receive milk directly from producers, an amount obtained by multiplying the quantity of overrun by the lowest announced price per hundredweight shall be subtracted from the amount obtained above in this section.

§ 941.63 *Butterfat in skim milk.* A handler may claim, for classification purposes pursuant to §§ 941.40 through 941.45 butterfat in skim milk disposed of to others or used in the manufacture of milk products by including the butterfat content of such skim milk in his report for the delivery period filed pursuant to § 941.30 (a) or by giving prior notification to the market administrator of his desire to do so. In the event that a handler does not have adequate records of the butterfat content of such skim milk, the market administrator shall use 0.06 percent as the butterfat content per hundredweight of such skim milk: *Provided*, That if the handler desires to discontinue accounting for butterfat in skim milk, or after discontinuing the accounting therefor desires to again account for the same, he may do so by notifying the market administrator in writing at least 30 days prior to the first day of the delivery period during which such change shall become effective.

§ 941.64 *Separate classification of Grade A milk and Grade B milk.* (a) Subject to paragraphs (b) and (c) of this section, Grade A milk and Grade B milk shall be separately classified.

(b) All milk received from producers at a plant from which any Grade A milk

is disposed of shall be deemed to be Grade A milk unless such milk is identified and handled in accordance with the conditions set forth in paragraph (c) of this section.

(c) In the case of milk received from producers at a plant which an applicable health authority has approved for receiving, processing, and distributing both Grade A milk and Grade B milk and the Grade A milk is received from producers specifically designated by the health authority as qualified to produce such milk, the market administrator shall determine the classification of Grade A milk and Grade B milk, respectively, in the following manner:

(1) If the handler operating such a plant maintains adequate accounts and records of quantities of each grade of milk and practices complete segregation of Grade A milk and Grade B milk receipts, the market administrator, in applying §§ 941.40 through 941.45, shall determine separate classifications for Grade A milk and Grade B milk in such plant.

(2) In the event adequate records are not maintained or complete segregation is not practiced, the receipts of Grade A milk shall be allocated to the available quantity of Class I milk, Class II milk, Class III milk, Class III (a), and Class IV milk, in that sequence.

§ 941.65 *Determination of mileages.* All mileages relating to location adjustment credits to handlers pursuant to § 941.53, location adjustments to producers pursuant to § 941.81, and payment for milk pursuant to § 941.80, shall be computed by the market administrator by rail or highway distance, whichever is shorter: *Provided*, That the rail distance shall be the sum of the following:

(a) The highway distance between the handler's plant and the railroad loading point (but not to exceed 25 miles);

(b) The rail distance by the most direct single rail line between the loading point and the rail terminal in Chicago; and

(c) The highway distance between the appropriate rail terminal and the City hall in Chicago.

(1) Mileage shall be subject to redetermination at all times and in the event a handler requests a redetermination of the mileages pertaining to any plant, the market administrator shall notify the handler of his findings within 30 days after receipt of such request.

(2) Any financial obligations resulting from a change in mileage shall not be retroactive for any period prior to the redetermination announced by the market administrator.

§ 941.66 *Pool plant.* "Pool plant" means any plant which receives milk from dairy farmers and which:

(a) Processes and packages any Class I milk product specified in § 941.41 (a) (1), all or a part of which is disposed of in the marketing area for consumption in fluid form, or

(b) Is approved by the Board of Health for receiving milk which may be disposed of as Class I milk or Class II milk in Chicago, Illinois, and which is not the type of plant described in paragraph (a) of this section and is not under suspension as a pool plant pursuant to § 941.67; or

(c) Is not approved by the Board of Health of Chicago, Illinois, and which ships at least 50 percent of the butterfat received from dairy farmers as milk or cream in fluid form to a plant(s) described in paragraph (a) of this section. Any plant which fulfills this requirement for the months of September, October, and November of the same year shall be a pool plant until September 1 of the following year: *Provided*, That the milk received at the plant continues to be qualified under the applicable health requirements as a source of milk for the plants supplied by it during said months: *And provided further*, That the plant operator does not notify the market administrator that the plant should be withdrawn from the pool; in the event such notification is given, the plant will no longer be a pool plant, starting with the beginning of the delivery period following receipt of the notification by the market administrator, except during delivery period(s) in which the condition set forth in the first sentence of this paragraph is fulfilled.

§ 941.67 *Suspension of pool plants.* (a) Beginning in 1952 any plant described in § 941.66 (b) shall be suspended automatically as a pool plant, such suspension to be effective during each of the delivery periods of February through July inclusive of the next succeeding year, unless

(1) At least 50 percent of the butterfat in milk received from dairy farmers at such plant during each of the delivery periods of September, October, and November is (i) shipped as milk or cream in fluid form to a plant(s) which processes and packages Class I milk or Class II milk, all or part of which is disposed of in the marketing area, or (ii) disposed of from such plant as Class I milk or Class II milk within the surplus milk manufacturing area other than to a regulated plant.

(2) Such plant notifies the market administrator in writing not later than the 10th day of the delivery period in each of the delivery periods of September, October, and November that it is able and willing to ship as milk or cream in fluid form to any plant(s) which processes and packages Class I milk or Class II milk all or part of which is disposed of in the marketing area, at prices and terms therein stated, a specified amount of milk or cream in fluid form during the remaining portion of the delivery period covered by said notice, which together with such amount as it may have already utilized on its own premises or shipped to any such plant(s) in said delivery period, shall be not less than 50 percent of the butterfat received by it from dairy farmers during the preceding delivery period. Upon receipt of said notice, the market administrator shall forthwith make the offer and terms thereof public by transmitting the same to all handlers.

(b) The market administrator shall maintain at his office a list of plants (including plant location and name of operator) suspended pursuant to this section which shall be made available to any interested person upon request.

(c) Any milk received at a pool plant or by a handler from a suspended pool plant during the period of its suspension shall be other source milk.

§ 941.68 *Milk under more than one Federal order.* (a) Milk disposed of within the Chicago, Illinois, marketing area (other than to a regulated plant) as any item of Class I milk or Class II milk from a plant receiving milk subject to the class price provisions of a marketing agreement or order issued pursuant to the act for another marketing area shall not be subject to the class price provisions or to § 941.80 through § 941.88 of this part, except that if the price per hundredweight for the class of utilization under the other order is less than the price per hundredweight of the applicable class of utilization under this order with respect to such item(s) (each price to be adjusted to 3.5 percent butterfat content and by any applicable location differential), an amount of money representing the difference in such prices multiplied by the quantity (in the case of Class II milk items the 3.5 percent milk equivalent of butterfat) so disposed of within the Chicago, Illinois, marketing area shall be paid to the market administrator by the handler operating such plant on or before the 16th day after the delivery period for deposit in the producer settlement fund (§ 941.83).

(b) Milk received from producers at a pool plant shall be exempt from the class price provisions and §§ 941.80 through 941.88 of this part if (1) the Secretary determines that the quantity of Class I milk, as defined in § 941.41 (a), disposed of from such plant to any outlet(s), other than a milk processing or milk distributing plant, in a marketing area defined in a marketing agreement or order issued pursuant to the act for another marketing area is greater than the quantity of Class I milk disposed of from such plant within the Chicago, Illinois, marketing area, and (2) the milk at such plant would be subject to the class price and payment provisions of the other marketing agreement or order upon being made exempt from this order.

DETERMINATION OF UNIFORM PRICE

§ 941.70 *Net pool obligation(s) of handlers.* On or before the 14th day of each delivery period the market administrator shall examine for mathematical correctness and obvious errors the report of receipts and utilization submitted by each handler for the preceding delivery period and shall make such corrections as such examination shall indicate to be appropriate. A separate net pool obligation for Grade A milk and Grade B milk received from producers shall be computed for each handler (based upon his reports) as follows:

(a) Multiply the producer milk in each class by the applicable class price and add together the resulting amounts.

(b) Add the amount of any payments required to be made pursuant to §§ 941.61 and 941.62;

(c) Subtract all location adjustment credits computed pursuant to § 941.53; and

(d) Subtract 6¢ per hundredweight on all milk received from producers at a regulated plant located within the marketing area.

§ 941.71 *Computation of uniform prices.* The market administrator shall compute separate uniform prices per hundredweight of Grade A milk and Grade B milk for each delivery period. Each computation shall be made in the following manner:

(a) Combine into one total the net pool obligation of all handlers computed pursuant to § 941.70;

(b) Add the aggregate of all allowable location adjustments computed pursuant to § 941.81;

(c) Add an amount representing the unobligated cash balance in the applicable producer-settlement fund on hand at the close of business on the last day of the delivery period;

(d) Divide the result by the total hundredweight of producer milk of all handlers whose net pool obligations are included pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4¢ nor more than 5¢ as a producer-settlement fund reserve. The result shall be the uniform price per hundredweight (for the grade of milk involved) of milk containing 3.5 percent of butterfat received from producers at pool plants located more than 55 miles but not more than 70 miles from the City Hall in Chicago, Illinois.

PAYMENTS

§ 941.80 *Time and method of payment for producer milk.* (a) On or before the 15th day after the end of each delivery period each handler shall pay to each cooperative association which is also a handler for milk received from it during the delivery period not less than the total value of such milk computed by multiplying the pounds of such milk in each class by the applicable class price subject to the location adjustment credit pursuant to § 941.53 and to a butterfat differential computed as in § 941.82, plus 4¢ per hundredweight if the milk was received from producers at a pool plant located within the marketing area and 2¢ if received at a pool plant located outside the marketing area and not more than 55 miles from the City Hall in Chicago.

(b) On or before the 18th day after the end of each delivery period each handler shall pay to each producer per hundredweight of milk received from him during such delivery period not less than the uniform price, subject to the location adjustment and butterfat differential provided by §§ 941.81 and 941.82: *Provided*, That if the milk was received from such producer at a pool plant located within the marketing area, an additional payment of 10¢ per hundredweight of such milk shall be made, and if the milk was received from such producer at a pool plant located outside the marketing area but not more than 55 miles from the City Hall in Chicago, an additional payment of 2¢ per hundredweight of such milk shall be made.

§ 941.81 *Location adjustments to producers.* In making payments to producers pursuant to § 941.80 (b), each handler shall deduct per hundredweight of milk received from producers at a pool plant located more than 70 miles from the City Hall in Chicago, 2¢ for each 15 miles, or fraction thereof, greater than 70 miles.

§ 941.82 *Butterfat differential on producer milk.* For each one-tenth of 1 percent above or below 3.5 percent in average butterfat content of milk delivered by any producer during any delivery period, the uniform price paid to such producer shall be plus or minus, as the case may be, an amount computed as follows: To the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the delivery period during which the milk was received, add 20 percent, divide the result obtained by 10, and adjust to the nearest $\frac{1}{10}$ cent.

§ 941.83 *Producer-settlement funds.* The market administrator shall establish and maintain separate funds known as "Producer-settlement funds" for Grade A milk and Grade B milk, respectively, into which he shall deposit all payments made by handlers pursuant to § 941.84 (including any adjustments thereto pursuant to § 941.88 (b) (1)); and out of which he shall make all payments to handlers pursuant to § 941.85 (including any adjustments thereto pursuant to § 941.88 (b) (2)). Immediately after computing the uniform prices for each delivery period, the market administrator shall compute the amount(s) by which each handler's net pool obligation(s) is greater or less than the sum obtained by multiplying such handler's producer milk by the applicable uniform price for Grade A milk or Grade B milk, subject to the location adjustment pursuant to § 941.81, and shall enter such amount(s) on such handler's account(s) as a pool debit or pool credit, as the case may be, and shall render such handler a transcript(s) of his account(s).

§ 941.84 *Payments to the producer-settlement funds.* On or before the 16th day after the end of each delivery period, each handler shall make full payment to the market administrator for deposit in the appropriate producer-settlement fund of any pool debit balance(s) shown on the account(s) rendered, pursuant to § 941.83, for such delivery period.

§ 941.85 *Payments out of the producer-settlement funds.* On or before the 17th day after the end of each delivery period, the market administrator shall pay to each handler from the appropriate producer-settlement fund the pool credit balance(s) shown on the account(s) rendered, pursuant to § 941.83, for such delivery period, less any unpaid obligations of the handler, pursuant to §§ 941.84, 941.86, 941.87 (a), and 941.88 (b) (1). If at such time the balance(s) in the appropriate producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler, who, on the 18th day of the month, has not received such payments in full from the market administrator shall not be deemed to be in violation of § 941.80 (b), if he reduces his total payments for milk delivered by producers during the preceding delivery period by not more than the reduction in payment from the producer-settlement fund; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to § 941.80 (b) next following that on which such balance of payment was received from the market administrator.

§ 941.86 *Expense of administration.* As his prorata share of the expense of administration hereof each handler shall pay to the market administrator, on or before the 18th day after the end of each delivery period, an amount not exceeding 2¢ per hundredweight as the Secretary may prescribe, with respect to all milk received by him during such delivery period from producers, from his own farm production, and as other source milk allocated to Class I milk and Class II milk pursuant to § 941.45 (f), (g), and (h): *Provided*, That each handler which is a cooperative association shall pay such prorata share of expense of administration only on that milk of producers actually received at a pool plant of such cooperative association or caused to be delivered by such cooperative association to an unregulated plant.

§ 941.87 *Marketing services.* (a) In making payments to producers pursuant to § 941.80 (b), each handler, with respect to all milk received from each producer during each delivery period, at a plant not operated by a cooperative association of which such producer is a member, shall, except as set forth in paragraph (b) of this section, deduct an amount not exceeding 3 cents per hundredweight as the Secretary may prescribe, and shall, on or before the 18th day after the end of such delivery period, pay such deductions to the market administrator. Such monies shall be expended by the market administrator for verification of weights, samples, and tests of milk received from such producers and in providing for market information to such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to, the milk received from such producers.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members and for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from payments

made pursuant to § 941.80 (b) as may be authorized by such producers, and pay over on or before the 18th day after the end of each delivery period such deductions to the associations rendering such service of which such producers are members.

§ 941.88 *Adjustment of accounts.* (a) Whenever audit by the market administrator of any handler's reports, records, or accounts discloses adjustments to be made, for any reason, which result in monies due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due.

(b) Payments resulting from adjustments pursuant to (a) of this section shall be made on or before the next date for making payments to producers following notification by the market administrator or within 5 days following notification by the market administrator if payment is due (1) the market administrator from a handler, (2) a handler from the market administrator, or (3) any cooperative association which is a handler from another handler.

§ 941.89 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted prior to August 1, 1949, under section 9c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the two year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION OF ORDER

§ 941.90 *Effective time.* The provisions of this part, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to § 941.91.

§ 941.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision hereof whenever he finds that this part or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 941.92 *Continuing power and duty of the market administrator.* If upon the suspension or termination of any or all provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(a) The market administrator, or such other person as the Secretary may designate, shall:

(1) Continue in such capacity until removed by the Secretary;

(2) From time to time account for all receipts and disbursements, and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator or such person, to such person, as the Secretary shall direct; and

(3) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 941.93 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 941.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions of this part.

Filed at Washington, D. C., this 27th day of April 1951.

Dated: April 27, 1951, in Washington, D. C.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 51-5068; Filed, May 1, 1951, 8:54 a. m.]

[7 CFR, Part 988]

[Docket No. AO-195-A3]

HANDLING OF MILK IN KNOXVILLE, TENN., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Correction

In Federal Register Doc. 51-3906, published at page 2852 of the issue for Saturday, March 31, 1951, the fourth sentence in the fourth paragraph of paragraph 2 of Findings and Conclusions should read as follows: "Producers proposed that the factor 1.2 used in determining the Class II butterfat differential be reduced to 1.12 during the months of March through August and 10 cents per hundredweight added to the Class II price during other months of the year."

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 230]

PREPARATION AND FILING OF REGISTRATION STATEMENTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration proposals for the amendment of the following rules under the Securities Act of 1933 dealing with the preparation and filing of registration statements.

I. It is proposed to amend paragraph (b) of § 230.402 so as to provide that where a registration statement is typewritten, one of the signed copies filed with the Commission shall be the original "ribbon" copy. The rule as so amended would read as follows:

§ 230.402 *Number of copies; binding; signatures.* (a) Three copies of the complete registration statement, including exhibits and all other papers and documents filed as a part of the statement, shall be filed with the Commission. Each copy of the registration statement so filed shall be bound, in one or more parts, without stiff covers. The binding shall be made on the left-hand side and in such manner as to leave the reading matter legible.

(b) At least one copy of every registration statement filed with the principal office of the Commission and two copies of every statement filed with a regional office pursuant to § 230.455 (b) shall be manually signed by the persons specified in section 6 (a) of the act. If the registration statement is typewritten, one of the signed copies filed shall be the original "ribbon" copy. Unsigned copies shall be conformed.

(c) If any name is signed to the registration statement pursuant to a power of attorney, copies of such power of attorney shall be filed with the registration statement. In addition, if the name of any officer signing on behalf of the registrant is signed pursuant to a power of attorney, certified copies of a resolution of the registrant's board of directors authorizing such signature shall also be filed with the registration statement.

II. Section 230.403 (Rule 403), as presently in effect, requires that registration statements shall be printed, mimeographed or typewritten. It is proposed to amend paragraph (b) so as to permit statements to be lithographed or prepared by other processes which, in the opinion of the Commission, produce copies of the requisite clarity and permanence. This paragraph would also be amended to make it clear that photocopies of material will not be accepted for filing except where strict adherence to such requirement would cause hardship. The rule as so amended would read as follows:

§ 230.403 *Requirements as to paper, printing and language.* (a) Registration statements shall be filed on good quality, unglazed, white paper 8½ x 13 inches in size, insofar as practicable. However, tables, charts, maps and financial statements may be on larger paper if folded to that size, and the prospectus may be on smaller paper if the registrant so desires.

(b) The registration statement and, insofar as practicable, all papers and documents filed as a part thereof, shall be printed, lithographed, mimeographed or typewritten. However, the statement or any portion thereof may be prepared by any similar process which, in the opinion of the Commission, produces copies suitable for a permanent record. Irrespective of the process used, all copies of any such material shall be clear, easily readable and suitable for repeated photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies. Photocopies of material will not be accepted for filing except upon a showing that refusal to accept such photocopies would cause undue effort or expense.

(c) The registration statement proper shall be in the English language. If any exhibit or other paper or document filed with the registration statement is in a foreign language, it shall be accompanied by a translation into the English language.

III. Section 230.420 (Rule 420) provides that the body of all printed prospectuses, except for the financial data, shall be in type at least as legible as ten-point leaded type. It is proposed to amend the rule so as to make it clear that ten-point roman type is the minimum size of type which may be used and that such type must be at least two points leaded. The rule as so amended would read as follows:

§ 230.420 *Legibility of prospectuses.* The body of all printed prospectuses shall be in roman type at least as large as ten-point type and at least two points leaded. However, to the extent necessary for convenient presentation, financial statements and notes may be in roman type at least as large as eight-point type, at least two points leaded.

IV. Sections 230.425 and 230.426 (Rules 425 and 426) require certain statements to be set forth in the prospectus in capital letters in type at least as legible as ten-point boldface leaded type. It is proposed to amend these rules so as to make it clear that the required statements are to be in boldface roman type at least as large as ten point type and at least two points leaded. The rules as so amended would read as follows:

§ 230.425 *Statement required in all prospectuses.* There shall be set forth on the outside front cover page of every prospectus the following statement in capital letters printed in boldface roman type at least as large as ten-point type and at least two points leaded:

THESE SECURITIES HAVE NOT BEEN APPROVED OR DISAPPROVED BY THE SECURITIES AND EXCHANGE COMMISSION NOR HAS THE COMMISSION PASSED UPON THE ACCURACY OR ADEQUACY OF THIS PROSPECTUS. ANY REPRESENTATION TO THE CONTRARY IS A CRIMINAL OFFENSE.

§ 230.426 *Statement as to stabilizing.* If the registrant or any of the underwriters knows or has reasonable grounds to believe that the price of any security may be stabilized to facilitate the offering of the registered securities, there shall be set forth, either on the outside front cover page or on the inside front cover page of the prospectus, a statement in substantially the following form, subject to appropriate modifications where circumstances require. Such statement shall be in capital letters, printed in boldface roman type at least as large as ten-point type and at least two points leaded.

IN CONNECTION WITH THIS OFFERING, THE UNDERWRITERS MAY EFFECT TRANSACTIONS WHICH STABILIZE OR MAINTAIN THE MARKET PRICE OF (IDENTIFY EACH CLASS OF SECURITIES IN WHICH SUCH TRANSACTIONS MAY BE EFFECTED) AT A LEVEL ABOVE THAT WHICH MIGHT OTHERWISE PREVAIL IN THE OPEN MARKET. SUCH TRANSACTIONS MAY BE EFFECTED ON (IDENTIFY EACH EXCHANGE ON WHICH STABILIZING TRANSACTIONS MAY BE EFFECTED. IF NONE, OMIT THIS SENTENCE). SUCH STABILIZING, IF COMMENCED, MAY BE DISCONTINUED AT ANY TIME.

All interested persons are invited to submit data, views and comments on the above-mentioned proposals, in writing, to the Securities and Exchange Commission at its principal office, 425 Second Street NW., Washington 5, D. C., on or before May 24, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 20, 1951.

[F. R. Doc. 51-5030; Filed, May 1, 1951; 8:47 a. m.]

[17 CFR, Part 240]

REGISTRATION AND REPORTING

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration proposals to amend the following rules under the Securities Exchange Act of 1934 dealing with the preparation and filing of applications and reports under that act:

I. Section 240.12b-11 (Rule X-12B-11) would be amended to require only three copies of applications and reports to be filed with the Commission unless additional copies are required by the instructions contained in the particular form. The existing rules require four copies of all such material to be filed with the Commission. The rule as so amended would read as follows:

§ 240.12b-11 *Number of copies; signatures; binding.* (a) Except as provided in a particular form, three complete copies of each application or report, including exhibits and all other papers and documents filed as a part thereof, shall be filed with the Commission. At least one complete copy of each application shall be filed with each exchange on which the securities covered thereby are being registered. At least one complete copy of each report under section 13 of the act shall be filed with each exchange on which the registrant has securities listed and registered.

(b) At least one copy of the application or report filed with the Commission and one copy thereof filed with each exchange shall be manually signed in the

manner prescribed by the appropriate form. If the application or report is typewritten, one of the signed copies filed with the Commission shall be the original "ribbon" copy. Unsigned copies shall be conformed. If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of such power of attorney or other authority shall also be filed with the application or report.

(c) Each copy of an application or report filed with the Commission or with an exchange shall be bound in one or more parts. Copies filed with the Commission shall be bound without stiff covers. The application or report shall be bound on the left side in such manner as to leave the reading matter legible.

II. Section 240.12b–12 (Rule X-12B–12) at present requires applications and reports to be printed, mimeographed or typewritten. It is proposed to amend the rule so as to permit them to be lithographed or prepared by any similar process which produces copies of the requisite clarity and permanence. Further amendments would make clear that photocopies of material ordinarily will not be accepted for filing and would clarify the requirements with respect to the size of type to be used. The rule as so amended would read as follows:

§ 240.12b–12 *Requirements as to paper, printing and language.* (a) Applications and reports shall be filed on good quality, unglazed, white paper $8\frac{1}{2}$ x 13 inches in size, insofar as practicable. However, tables, charts, maps and financial statements may be on larger paper if folded to that size.

(b) The application or report and, insofar as practicable, all papers and documents filed as a part thereof, shall be printed, lithographed, mimeographed or typewritten. However, the application or report or any portion thereof may be prepared by any similar process which, in the opinion of the Commission, produces copies suitable for a permanent record. Irrespective of the process used, all copies of any such material shall be clear, easily readable and suitable for repeated photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies. Photocopies of material will not be accepted for filing except upon a showing that refusal to accept such photocopies would cause undue effort or expense.

(c) The body of all printed applications and reports shall be in roman type at least as large as ten-point type and at least two points leaded. However, to the extent necessary for convenient presentation, financial statements and notes may be in type at least as large as eight-point type, at least two point leaded.

(d) Applications and reports shall be in the English language. If any exhibit or other paper or document filed with an application or report is in a foreign language, it shall be accompanied by a translation into the English language.

III. Sections 240.13a–13 and 240.15d–13 (Rules X-13A–13 and X-15D–13), which relate to the filing of quarterly reports of gross sales and operating revenues, would be amended so as to make it clear that such reports are required to be filed by title insurance companies. They now provide that such quarterly reports need not be filed by an "insurance company". This language would be changed to read any "insurance company (other than title insurance companies)". The rules as so amended would read as follows:

§ 240.13a–13 *Quarterly reports of other companies.* (a) Every issuer which has securities listed and registered on a national securities exchange and which is required to file annual reports on Form 10–K (17 CFR 249.310) or U5S (17 CFR 259.5s) or to file a report on one of such forms as Part II of Form 16–K (17 CFR 249.316), shall file a quarterly report on Form 9–K (17 CFR 249.309) for each fiscal quarter ending after the close of the latest fiscal year for which financial statements were filed in the issuer's application for registration.

(b) Such reports shall be filed not more than 45 days after the end of the fiscal quarter for which they are filed. However, the report for any fiscal quarter ending prior to the date on which securities of the issuer first become effectively registered on a national securities exchange may be filed not more than 45 days after the effective date of such registration.

(c) This section shall not apply to any bank, bank holding company, insurance company (other than title insurance companies), investment company, common carrier, public utility company, or any company primarily engaged in the production and sale of a seasonal, single-crop agricultural commodity.

§ 240.15d–13 *Quarterly reports of other companies.* (a) Every issuer which is required to file annual reports on Form 10–K (17 CFR 249.310) or U5S (17 CFR 259.5s) shall file a quarterly report on Form 9–K (17 CFR 249.309) for each fiscal quarter ending after the close of the latest fiscal year for which financial statements were included in the issuer's registration statement.

(b) Such reports shall be filed not more than 45 days after the end of the fiscal quarter for which they are filed. However, the report for any quarter ending prior to the effective date of the registration statement may, unless the issuer was subject to this section prior to such date, be filed not more than 45 days after the effective date of the registration statement.

(c) This section does not apply to foreign governments or political subdivisions thereof; foreign private issuers other than Canadian, Cuban, Mexican or Philippine issuers; issuers of American certificates against foreign issues; or to any bank, bank holding company, insurance company (other than title insurance companies), investment company, common carrier, public utility company, or any company primarily engaged in the production and sale of a seasonal, single-crop agricultural commodity.

All interested persons are invited to submit data, views and comments on the above-mentioned proposals, in writing, to the Securities and Exchange Commission at its principal office, 425 Second Street NW., Washington 25, D. C., on or before May 24, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 20, 1951.

[F. R. Doc. 51–5031; Filed, May 1, 1951; 8:47 a. m.]

[17 CFR, Parts 240, 249]

FORMS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration the proposed amendment of the following forms under the Securities Exchange Act of 1934.

I. Item 15 of Form 8–K (17 CFR 249.308) would be amended so as to make it clear that registrants under the Securities Act of 1933 which are required to file reports on this form need keep up to date only those exhibits which are required to be kept up to date by a company having securities listed and registered on a national securities exchange.

The proposed amendment would also provide that where previously filed exhibits are amended or modified, copies of the entire exhibits as amended or modified shall be filed. The filing of entire exhibits as amended or modified is now permitted but not required.

The amended item would read as follows:

Item 15. *Exhibits.*

(a) If any exhibit previously filed has been materially amended or modified, identify such exhibit, state the general effect of the amendment or modification and file copies of the amended or modified exhibit with the report.

(b) If any document which would be required as an exhibit to an original application for registration of securities on an exchange has been executed or otherwise put into effect, identify the document and attach copies thereof as an exhibit to the report.

(c) If any contract or indenture, any bonus, profit-sharing or pension plan or any voting trust agreement previously filed has been terminated otherwise than in the course, identify the document and state the date and manner of its termination.

Instruction. Registrants filing reports pursuant to section 15 (d) of the act need not answer this item with respect to any document which would not be required as an exhibit to an original application for registration of securities on an exchange.

II. Form 10–K (17 CFR 249.310).

1. Under the existing requirements, a registrant is required to file with the Commission four copies of all applications and reports. It is proposed to amend the general instructions to Form 10–K so as to require the filing with the Commission of four copies only of reports on that form. Section 240.12b–11 (Rule X–12b–11) would be concurrently amended so as to require the filing with the Commission of only three copies of applications and reports other than those on Form 10–K. The amended instruction to Form 10–K would read as follows:

B *Application of general rules and regulations.* (a) The general rules and regulations under the act contain certain general requirements which are applicable to reports on any form. These general requirements should be carefully read and observed in the preparation and filing of reports on this form.

(b) Particular attention is directed to Regulation X–12B which contains general requirements regarding matters such as the kind and size of paper to be used, the legibility of the report, the information to be given whenever the title of securities is required to be stated, and the filing of the report. The definitions contained in § 240.12b–2 should be especially noted.

(c) Four complete copies of each report on this form, including exhibits and all papers and documents filed as a part thereof, shall be filed with the Commission, except that only three copies of reports filed pursuant to General Instruction F need be filed with the Commission.

2. It is proposed to amend Instruction 7 of the instructions as to financial statements in Form 10–K to make it clear that financial statements filed for title insurance companies must be certified and, therefore, are not within the general provisions that the financial statements of insurance companies need not be certified. The proposed amendment would merely continue the requirement heretofore in effect with respect to the certification of financial statements of title insurance companies. The proposed amendment would read as follows:

7. *Statements of banks and insurance companies.* Notwithstanding the requirements of the foregoing instructions, financial statements filed for banks or insurance companies (other than title insurance companies) need not be certified.

3. It is proposed to amend the instructions as to exhibits in Form 10–K so as to make it clear that registrants under the Securities Act of 1933 which are required to file reports on this form need keep up to date only those exhibits which would be required as exhibits to an original application for registration of securities on a national securities exchange. The instructions as so amended would read as follows:

INSTRUCTIONS AS EXHIBITS

Subject to the rules regarding incorporation by reference, the following exhibits shall be filed as a part of the report:

(a) If any exhibit previously filed has been amended or modified, file copies of such exhibit as so amended or modified.

(b) File copies of any document not previously filed which would be required as an exhibit to an original application for registration of securities on an exchange.

Registrants filing reports pursuant to section 15 (d) of the act need not file copies of any document which would not be required as an exhibit to an original application for registration of securities on an exchange.

III. Form 10 (17 CFR 249.210).

It is proposed to amend Instruction 18 of the instructions as to financial statements in Form 10 to make it clear that financial statements filed for title insurance companies must be certified and, therefore, are not within the general provisions that financial statements of insurance companies need not be certified. The proposed amendment would merely continue the requirement heretofore in effect with respect to the certification of financial statements of title insurance companies. The proposed amendment would read as follows:

18. *Statements of banks and insurance companies.* Notwithstanding the requirements of the foregoing instructions, financial statements filed for banks or insurance companies (other than title insurance companies) need not be certified.

All interested persons are invited to submit data, views and comments on the above-mentioned proposals, in writing, to the Securities and Exchange Commission at its principal office, 425 Second Street, N. W., Washington 25, D. C., on or before May 24, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 20, 1951.

[F. R. Doc. 51–5032; Filed, May 1, 1951; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

SMALL TRACT CLASSIFICATION ORDER NO. 267, AMENDED

APRIL 20, 1951.

California Small Tract Classification Order No. 267, dated March 15, 1951 (16 F. R. 2811), is hereby amended to correct the complete description of the lands classified and to describe part of the land by Tracts in accordance with the supplemental plat of survey filed November 6, 1950, as follows, viz:

T. 6 N., R. 1 W., S. B. M.,
Sec. 7, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$, and Tracts numbered 5 to 104, both inclusive (formerly Lots 2, 3 and 4)

Paragraph 6 of of the order is amended for the same reason as above to describe Lots 2 and 3, as Tracts numbered 5 to 84, both inclusive, and Lot 4 as Tracts numbered 85 to 104, both inclusive.

Paragraph 8 of the order is amended for the same reason as above to describe Lot 2 as Tracts numbered 5 to 44; Lot 3 as Tracts numbered 45 to 84; and Lot 4 as Tracts numbered 85 to 104, all inclusive.

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 51–5054; Filed, May 1, 1951; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the Regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701, 6326).

A. C. M. Corp., Winder, Ga., effective 4–19–51 to 4–18–52; 10 percent for normal labor turnover (men's and boys' pants).

Ajay Manufacturing Corp., 33 Francis Place, Keansburg, N. J., effective 4–16–51 to 4–15–52; six learners for normal labor turnover (children's dresses).

Alpha Manufacturing Co., 18 Front Street, Hammonton, N. J., effective 4–13–51 to 4–12–52, for normal labor turnover, 10 percent or 10 learners, whichever is greater (ladies' and misses' dresses).

Ethan Ames, Deane and Brock Streets, New Bedford, Mass., effective 4–13–51 to 4–12–52; 10 percent for normal labor turnover (boys' novelty clothing).

Angelica Uniform Co., Mountain View, Mo., effective 4–11–51 to 4–10–52; 10 percent for normal labor turnover (men's washable service apparel).

Angelica Uniform Co., Mountain View, Mo., effective 4–12–51 to 10–10–51; 15 learners for expansion purposes (men's washable service apparel).

Bosco Shirt Co., Inc., 600 Fulton Street, Elizabeth, N. J., effective 4–10–51 to 4–9–52; 10 percent for normal labor turnover (men's dress shirts, Army shirts).

Blue Grass Manufacturing Plant, Asheboro, N. C., effective 4–20–51 to 10–25–51; 15 learners for expansion purposes (denim dungarees).

Bobby Dress Co., 1716 Main Street, Dickson, Pa., effective 4–12–51 to 4–12–52; 10 percent for normal labor turnover (ladies' dresses).

Brown & Jennings Manufacturing Co., Kerens, Tex., effective 4–18–51 to 4–15–52; five learners for normal labor turnover (women's dresses, blouses and sportswear).

Bruce Co., Inc., 1–3 East Eleventh Street, Ottawa, Kans., effective 4–15–51 to 10–12–51;

10 learners for expansion purposes (men's work clothing).

Lupton Sportswear Co., Oak and Walnut Streets, Treichow, Pa., effective 4-19-51 to 4-18-52; 10 learners for normal labor turnover (blouses and dresses).

Carmella Dresses, Inc., 411 West Sixteenth Street, Hazleton, Pa., effective 4-18-51 to 4-17-52, for normal labor turnover, 10 percent or 10 learners, whichever is greater (women's dresses).

Choctaw Manufacturing Co., Inc., Silas, Ala., effective 4-13-51 to 4-12-52; 10 learners for normal labor turnover (dungarees and work pants).

Choctaw Manufacturing Co., Inc., Silas, Ala., effective 4-13-51 to 10-12-51; 20 learners for expansion purposes (dungarees and work pants).

Elder Manufacturing Co., Bloomfield, Mo., effective 4-11-51 to 4-10-52; 10 percent for normal labor turnover (boys' wearing apparel).

The Emerson Co., 1304 Arch Street, Philadelphia, Pa., effective 4-17-51 to 4-16-52; five learners for normal labor turnover, (Nurses' and maids' uniforms).

Louis Giordana & Louis Bisignani, 663 Sanderson Street, Throop, Pa., effective 4-10-51 to 10-9-51; 25 learners for expansion purposes (men's and boys' trousers).

Harvic Manufacturing Co., Inc., Sweet Valley, Pa., effective 4-19-51 to 4-18-52; 10 learners for normal labor turnover (dresses).

Hollywood Garter Belt Co., (Hollywood Maxwell Co.) 24 West Fifth South Street, Salt Lake City, Utah, effective 4-13-51 to 4-12-52; 10 learners for normal labor turnover (brassieres and garter belts).

Irene Manufacturing Co., 648 North Damen Avenue, Chicago, Ill., effective 4-13-51 to 4-12-52; three learners for normal labor turnover (cotton dresses).

Irene Sportswear Co., Inc., Main Street, Nicholas, Pa., effective 4-13-51 to 10-12-51; 16 learners for expansion purposes (blouses).

Rose Jay Dress Co., Inc., Main Street, Stanhope, N. J., effective 4-11-51 to 4-10-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (women's dresses).

The Joanie Jan Co., Walnut Ridge, Ark., effective 4-13-51 to 10-12-51; 86 learners for expansion purposes only (wash frocks).

The Joanie Jan Co., Walnut Ridge, Ark., effective 4-13-51 to 4-12-52; 10 learners for normal labor turnover (wash frocks).

Charles Komaw & Sons, 259 North Stevens Avenue, South Amboy, N. J., effective 4-16-51 to 4-15-52; 10 percent normal labor turnover (ladies' slips of woven fabric).

Lineville Manufacturing Co., Lineville, Ala., effective 4-11-51 to 4-10-52; 10 percent for normal labor turnover (men's and boys' pants).

Leeta Mae Corp., 79 Essex Street, Boston, Mass., effective 4-16-51 to 10-15-51; 26 learners for expansion purposes (ladies' blouses and dresses).

Mar-Ann Dress Co., Inc., 120 North State Street, Ephrata, Pa., effective 4-12-51 to 4-11-52; 10 learners for normal labor turnover.

Marie's Dress Shop, 62 Franklin Street, New Haven, Conn., effective 4-19-51 to 4-18-52; four learners for normal labor turnover (ladies' dresses and skirts).

Mauston Manufacturing Co., 424 East La Crosse Street, Mauston, Wis., effective 4-11-51 to 4-10-52; 10 percent for normal labor turnover (ladies' and children's cotton dresses).

Arthur Monk Dress Co., 144 Hazle Street, Wilkes-Barre, Pa., effective 4-13-51 to 4-12-52; six learners for normal labor turnover (women's dresses, blouses, and children's wear).

Mode O'Day Corp., Plant No. 9, 419 East South Street, Hastings, Nebr., effective 4-19-51 to 4-18-52; 10 learners for normal labor turnover (ladies' blouses).

Mode O'Day Corp., Plant No. 9, 419 East South Street, Hastings, Nebr., effective 4-19-51 to 10-18-51; 10 learners for expansion purposes (ladies' blouses).

S. Mover & Son, Inc., 33 Harrison Avenue, Boston, Mass., effective 4-11-51 to 4-10-52; 10 percent for normal labor turnover (ladies' blouses).

Nelly Ann Dress Co., Inc., 546 Edgar Street, York, Pa., effective 4-16-51 to 4-15-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (ladies' dresses).

Nickels Manufacturing Co., 617 Broad Street, Bristol, Tenn., effective 4-13-51 to 4-12-52; 10 percent for normal labor turnover (women's dresses).

O'Connell Sportswear, 117 Main Street, Dalton, Pa., effective 4-13-51 to 4-12-52; eight learners for normal labor turnover (blouses).

Pacific Undergarment Co., Inc., 283 Plymouth Avenue, Fall River, Mass., effective 4-13-51 to 4-12-52; 10 percent for normal labor turnover (ladies' nightwear).

Sacony of Pageland, Inc., Pageland, S. C., effective 4-18-51 to 4-17-52; 10 percent for normal labor turnover (women's sportswear).

I. Schneierson & Sons, Inc., Siler City, N. C., effective 4-12-51 to 4-11-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (women's and children's slips).

I. Schneierson & Sons, Inc., Siler City, N. C., effective 4-12-51 to 10-11-51; 20 learners for expansion purposes (women's and children's slips).

Shenan Dress Corp., Washington and Bower Streets, Shenandoah, Pa., effective 4-19-51 to 4-18-52; 10 percent for normal labor turnover (ladies' and misses' dresses).

Silverstine Garment Co., Inc., 36 South Throop, Chicago, Ill., effective 4-13-51 to 10-12-51; 10 learners for expansion purposes (women's housecoats, brunchcoats, and sun back dresses).

Silverstine Garment Co., Inc., 36 South Throop, Chicago, Ill., effective 4-13-51 to 4-12-52; 10 percent for normal labor turnover (women's housecoats, brunchcoats and sun back dresses).

Southern Manufacturing Co., 1202 Broad Street, Nashville, Tenn., effective 4-11-51 to 4-10-52; 10 percent for normal labor turnover (men's and boys' sport shirts).

The Turner Manufacturing Co., 107 Twelfth Avenue North, Nashville, Tenn., effective 4-16-51 to 4-15-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (sport shirts).

Vidalia Garment Co., Vidalia, Ga., effective 4-11-51 to 4-10-52; 10 percent for normal labor turnover (men's and boys' sport shirts).

Vidalia Garment Co., Vadalia, Ga., effective 4-11-51 to 10-10-51; 20 learners for expansion purposes (men's and boys' sport shirts).

Womble-Campbell Manufacturing Co., 117 West Second, Hereford, Tex., effective 4-12-51 to 10-11-51; 12 learners for expansion purposes (women's and children's cotton and rayon lingerie).

J. M. Wood Manufacturing Co., Inc., 224-26 South Sixth Street, Waco, Tex., effective 4-17-51 to 10-16-51; 10 learners for expansion purposes (women's and children's cotton and rayon lingerie).

Wilson Manufacturing Co., Amory, Miss., effective 4-17-51 to 4-16-52; 10 percent for normal labor turnover (men's dress pants).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended January 25, 1950; 15 F. R. 400).

Amb-A-Tip Cigar Co., Inc., Manchester, Md., effective 4-10-51 to 10-9-51; 12 learners for expansion purposes only, to be employed in the following occupations: cigar machine operating 320 hours, machine stripping 160 hours, packing cigars retailing for 6 cents and less, 180 hours, and packing cigars retailing for more than 6 cents, 320 hours; 60 cents per hour.

General Cigar Co., Inc., Division and Brook Streets, Kingston, Pa., effective 4-10-51 to 10-9-51; 132 learners for expansion purposes only, to be employed in the following occupations: cigar machine operating 320 hours, packing cigars retailing for more than 6 cents each 320 hours, and machine stripping 160 hours; 60 cents per hour.

Knitted Wear Industry Learner Regulations (29 CFR 522.09 to 522.09, as amended January 25, 1950; 15 F. R. 338).

Allendale Mills, Inc., Mount Airy, N. C., effective 4-20-51 to 4-19-52; five learners for normal labor turnover.

Allendale Mills, Inc., Mount Airy, N. C., effective 4-20-51 to 10-19-51; five learners for expansion purposes (supplemental certificate).

The Bernhard Altmann Texas Corp., 400 Centennial Boulevard, San Antonio, Tex., effective 4-12-51 to 4-11-52; 5 percent for normal labor turnover.

The Bernhard Altmann Texas Corp., 400 Centennial Boulevard, San Antonio, Tex., effective 4-12-51 to 10-11-51; 30 learners for expansion purposes.

The Atlas Underwear Co., Richmond, Ind., effective 4-12-51 to 10-11-51; 12 learners for expansion purposes.

The Atlas Underwear Co., Richmond, Ind., effective 4-12-51 to 4-11-52; 5 percent for normal labor turnover.

Kessler Undies and Woolies Co., 145 Main Street, Wayland, Mich., effective 4-12-51 to 10-11-51; eight learners for expansion purposes.

Marvin Manufacturing Co., 61 South Pennsylvania Avenue, Wilkes-Barre, Pa., effective 4-13-51 to 10-12-51; 35 learners for expansion purposes only.

Union Underwear Co., Inc., Bowling Green, Ky., effective 4-10-51 to 4-9-52; 5 percent for normal labor turnover.

Puerto Rico: The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiring dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rate are indicated, respectively.

Puerto Rico Textiles, Inc., Ponce, P. R., effective 4-2-51 to 7-2-51; 40 learners to be employed in the occupation of pinning and printing; 180 hours; 24 cents per hour (screen printing of textiles).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Bainbridge Furniture Corp., Army Air Base, Bainbridge, Ga., effective 4-16-51 to 10-15-51; 15 learners for expansion purposes, upholstering and woodworking, each 300 hours; 60 cents per hour (upholstered furniture).

The Fotolith Corp., 1111 South St. Mary's Street, San Antonio, Tex., effective 4-16-51 to 10-13-51; two learners for normal labor turnover; photolithographer and vari-typographer, each 480 hours; 60 cents per hour for the first 320 hours and 65 cents per hour for remaining 160 hours (printing equipment).

Jack Land, 1 South Eutaw Street, Baltimore, Md., effective 4-13-51 to 4-12-52, five learners for normal labor turnover, machine operators and trimmers, and hand sewers each 240 hours; 65 cents per hour (leather hats).

The Lobl Manufacturing Co., Cambridge Street, Middleboro, Mass., effective 4-20-51 to 10-19-51; 10 learners for normal labor turnover; electrical assemblers, 400 hours; 60 cents per hour for first 300 hours and 65 cents per hour for remaining 100 hours (heaters and electric heating pads).

Modern Coat Shop, Inc., Twenty-sixth and Reed Streets, Philadelphia, Pa., effective 4-16-51 to 4-15-52; 7 percent for normal labor turnover; machine operators, handsewers and pressers each 480 hours; 60 cents per hour for first 240 hours and 65 cents per hour for remaining 240 hours (topcoats and overcoats).

Richards and Associates, Fort Myers, Fla., effective 4-20-51 to 10-19-51; 15 learners for normal labor turnover; sewing machine operator 480 hours; 60 cents per hour for first 320 hours and 65 cents per hour for remaining 160 hours (plastic film).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 24th day of April 1951.

VERL E. ROBERTS,
Authorized Representative of the Administrator.

[F. R. Doc. 51-5019; Filed, May 1, 1951; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1951, 53d Supp.]

CONNECTICUT INDEMNITY CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

APRIL 25, 1951.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the act of Congress approved July 30, 1947 (6 U. S. C. secs. 6–13), as an acceptable surety on Federal bonds. An underwriting limitation of $492,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-5063; Filed, May 1, 1951; 8:52 a. m.]

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1951, 52d Supp.]

SECURITY INSURANCE CO. OF NEW HAVEN

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

APRIL 25, 1951.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the act of Congress approved July 30, 1947 (6 U. S. C. secs. 6–13), as an acceptable surety on Federal bonds. An underwriting limitation of $947,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-5065; Filed, May 1, 1951; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1663]

SOUTHERN UNION GAS CO.

NOTICE OF APPLICATION

APRIL 26, 1951.

Take notice that Southern Union Gas Company (Applicant) a Delaware corporation having its principal office at 1104 Burt Building, Dallas, Texas, filed on April 17, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of the facilities hereinafter described.

Applicant proposes to construct and operate a 300 hp. Compressor Station at a point immediately east of Clovis, New Mexico on its existing natural gas transportation line extending from Clovis to Tucumcari, New Mexico.

Applicant further proposes to construct and operate a new 8⅝" natural gas transportation pipeline, said line to be approximately 10 miles in length and to loop that portion of Applicant's existing 5½" pipeline extending from Clovis to Portales, New Mexico.

The purpose of the proposed construction and operation is to increase Applicant's capacity to deliver natural gas to its customers in its Clovis, New Mexico District.

The cost of the proposed new facilities is estimated to be $202,240.00.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with its rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5020; Filed, May 1, 1951; 8:45 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO SHOW CAUSE ORDER ISSUED BY CALIFORNIA PUBLIC UTILITIES COMMISSION

Order to show cause in re the present and potential demands for and availability of natural gas in California, and the need for and propriety of emergency modification of current rules or practices to facilitate the supplying of natural gas service.

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, authority to represent the interests of the executive agencies of the Federal Government and to appear as witnesses and counsel for the executive agencies of the Federal Government in the matter of show cause order issued by the California Public Utilities Commission in connection with natural gas in California is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of the date hereof.

Dated: April 26, 1951.

JESS LARSON,
Administrator.

[F. R. Doc. 51-5060; Filed, May 1, 1951; 8:54 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

COMMISSIONER OF FEDERAL HOUSING ADMINISTRATION AND HIS DESIGNEES

DELEGATION OF AUTHORITY WITH RESPECT TO PERFORMING FUNCTIONS IN CONNECTION WITH CR 3

The Federal Housing Commissioner and such persons as he shall designate in the Federal Housing Administration are hereby authorized to process, approve, withhold approval, or reject, in accordance with the provisions of HHFA Regulation CR 3, 16 F. R. 3635, *supra*, applications for exceptions from residential credit restrictions submitted to the local offices of the Federal Housing Administration pursuant to that regulation.

(62 Stat. 1268, 1283–85 (1948), 12 U. S. C. 1701c (Supp. 1951), as amended, Pub. Law 475, 81st Cong., 2d sess., sec. 403 (a) (Aug. 20, 1950); Titles VI and VII, Pub. Law 774, 81st Cong., 64 Stat. 832–852, secs. 601, 602 and 902. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; sec. 6 (a), Part X, as amended, 15 F. R. 6817, 7381 (1950); 16 F. R. 308, 1087, 2574, 2575, 2963 (1951); HHFA CR 3, May 2, 1951, 16 F. R. 3635)

Effective as of the 2d day of May 1951.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 51-5127; Filed, May 1, 1951; 12:00 m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26051]

FINE COAL FROM ILLINOIS AND INDIANA TO HUMBOLDT, IOWA

APPLICATION FOR RELIEF

APRIL 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to the tariffs shown on the attached list.

Commodities involved: Bituminous coal which has passed through a bar screen not exceeding one and one-half inches between bars or its equivalent, carloads.

From: Points in Illinois and Indiana.

To: Humboldt, Iowa.

Grounds for relief: Circuitous routes, market competition, and to maintain grouping.

Schedules filed containing proposed rates:

	Tariff I. C. C. No.	Supp. No.
AT&SF	14324	45
B&O	W1-10709	142
C&EI	2	151
CAIM	B-7305	4
CB&Q	19670	181
C&EI	4798	5
CMStP&P	B-7246	97
M&StL	2	86
MP	A-10201	7
NYC	164	296
PRR	2759	85
Wabash	7160	95

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5043; Filed, May 1, 1951; 8:49 a. m.]

[4th Sec. Application 26053]

GRAIN FROM WESTERN TRUNK-LINE, ILLINOIS AND SOUTHWESTERN TERRITORIES TO BATON ROUGE, LA.

APPLICATION FOR RELIEF

APRIL 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to the tariffs shown on the attached list.

Commodities involved: Grain, grain products and related articles, carloads.

From: Western trunk-line, Illinois and southwestern territories.

To: Baton Rouge, La.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates:

	Tariff I. C. C. No.	Supp. No.
C&NW	11153	9
CB&Q	20186	12
	20295	5
	20167	14
CGW	5605	4
CMStP&P	B-7029	8
CRI&P	C-13049	18
	C-13115	
IC	A-11542	12
KCS	5903	----
Mo. Pac	A-10020	17
	A-10223	
	A-10224	
StL-SF	A-185	24
	A-186	17
StLSW	5084	2
U. P.	5130	18
Wabash	7548	26
	7589	3

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5045; Filed, May 1, 1951; 8:50 a. m.]

[4th Sec. Application 26052]

GRAIN FROM CERTAIN POINTS TO TEXAS POINTS

APPLICATION FOR RELIEF

APRIL 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for the Fort Worth and Denver City Railway Company and other carriers named in the application.

Commodities involved: Grain, grain products and related articles, carloads.

From: Arkansas, Colorado, Illinois, Kansas, Missouri, Nebraska, Oklahoma, and Memphis, Tenn.

To: Points in Texas.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3941, Supp. 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5044 Filed, May 1, 1951; 8:50 a. m.]

[4th Sec. Application 26054]

GLASSWARE FROM WICHITA FALLS, TEX., TO DENVER

APPLICATION FOR RELIEF

APRIL 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3886.

Commodities involved: Glassware, in carloads.

From: Wichita Falls, Tex.

To: Denver, Colo.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3886, Supp. 38.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5046; Filed May 1, 1951; 8:50 a. m.]

[4th Sec. Application 26055]

SULPHURIC ACID FROM DUBUQUE TO SIOUX CITY, IOWA

APPLICATION FOR RELIEF

APRIL 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for the Chicago, Burlington & Quincy Railroad Company.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Dubuque, Iowa.

To: Sioux City, Iowa.

Grounds for relief: Circuitous routes and to meet intrastate rates.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5047; Filed, May 1, 1951; 8:50 a. m.]

[Rev. S O 874, Rev. General Permit 3]

CONDENSED BUTTERMILK FEEDS

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act to disregard the provisions of Revised Service Order No. 874 insofar as they apply to any car loaded with Condensed Buttermilk Feeds in wooden barrels, steel pails, fibre drums, and corrugated boxes with pliofilm or polyethylene bags, because of the tendency of condensed buttermilk feeds to mold, cake, and become unsalable when exposed to air.

The waybills shall show reference to this revised general permit and any consignor forwarding cars under this revised general permit shall furnish the permit agent with the car numbers, initials, weights, and destinations of the cars shipped under this revised general permit, as well as the car numbers, initials, and weights of all cars loaded with Condensed Buttermilk Feeds shipped; such information to be furnished on the first day of each month.

This general permit shall become effective at 12:01 a. m., April 27, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended, or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 25th day of April 1951.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 51-5048, Filed, May 1, 1951; 8:50 a. m.]

[Rev. S. O. 874, Corrected General Permit 18]

EVANS MILLING CO. AND DECATUR MILLING CO.

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act serving Evans Milling Company, Indianapolis, Indiana, and Decatur Milling Company, Decatur, Illinois, to disregard the provisions of Revised Service Order No. 874 insofar as it applies to corn grits, corn meal, and or hominy feed in bulk when Evans Milling Company or Decatur Milling Company advise that service would be denied because of its inability to meet the minimum requirements because of inability of loading device to load to within 24 inches of roof of cars, except at ends of car. However, the total weight of such shipments shall be or exceed 80,000 pounds.

The waybills shall show reference to this general permit and Evans Milling Company or Decatur Milling Company shall furnish the permit agent the car numbers, initials, weights, and destinations of the cars shipped under this permit and also car numbers, initials, and weights of all cars loaded with corn grits, corn meal, and/or hominy feed in bulk shipped; such information to be furnished on the first of each month.

This general permit shall become effective at 12:01 a. m., April 27, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 25th day of April 1951.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 51-5049; Filed, May 1, 1951; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2589]

WEST PENN ELECTRIC CO. AND MONONGAHELA POWER CO.

SUPPLEMENTAL ORDER GRANTING AND PERMITTING JOINT APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 25th day of April 1951.

The West Penn Electric Company ("West Penn Electric"), a registered holding company, and its direct subsidiary, Monongahela Power Company ("Monongahela"), a public utility company and an exempt holding company, having filed a joint application-declaration, with amendments thereto, under the Public Utility Holding Company Act of 1935 ("act"), with respect to inter alia: (i) The issuance and sales by Monongahela, pursuant to the competitive bidding provisions of Rule U-50 under the act of $10,000,000 principal amount of its First Mortgage Bonds, -- Percent Series, due 1981, and (ii) the issuance and sale by Monongahela of 615,400 additional shares of its common stock and the purchase of such shares by West Penn Electric for a cash consideration of $4,000,100; and

The Commission having, by order dated April 16, 1951, granted and permitted to become effective said amended joint application-declaration except that the issuance and sale of said bonds were not to be consummated until the results of competitive bidding pursuant to Rule U-50 were made a matter of record in this proceeding and a further order issued, for which purpose jurisdiction was reserved; and

Jurisdiction also having been reserved in respect of all fees and expenses incurred in connection with the proposed transactions; and

Monongahela having filed a further amendment to the joint application-declaration in which it is stated that, in

accordance with the permission granted by the said order of the Commission dated April 16, 1951, it offered such bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and received the following bids:

Bidding group headed by—	Annual interest rate (percent)	Price to company[1] (percent of principal)	Annual cost to company (percent)
Union Securities Corp. and Salomon Bros. & Hutzler	3¼	101.085	3.317624
W. C. Langley & Co. and The First Boston Corp.	3¾	100.4999	3.342847
Halsey, Stuart & Co., Inc.	3¾	100.5151	3.345059
Kuhn, Loeb & Co.	3¾	100.339	3.350895
Kidder, Peabody & Co. and White, Weld & Co.	3¾	100.289	3.350236
Lehman Bros.	3¾	100.2889	3.504178
Merrill Lynch, Pierce, Fenner & Beane	3¾	100.2091	3.393881
Glore, Forgan & Co.	3¾	100.174	3.365796
Equitable Securities Corp.	3½	102.26	3.379550
Harriman Ripley & Co., Inc.	3½	102.2059	3.382183

[1] Exclusive of accrued interest from Apr. 1, 1951.

Said amendment further stating that Monongahela has accepted the bid of Union Securities Corp. and Salomon Bros. & Hutzler for the bonds, as set forth above, and that the bonds will be offered for sale to the public at a price of 101.625 percent of their principal amount plus accrued interest, resulting in an underwriters' spread of .54 percent of the principal amount aggregating $54,000; and

Said amendment also setting forth the expenses and fees incurred in connection with the proposed transactions including the following:

To be paid by Monongahela:

Sullivan & Cromwell (legal services):	
For the bonds	$5,750
For the stock	100
Steptoe & Johnson (legal services)	350
Price Waterhouse & Co.	2,150
To be paid by the underwriters:	
Cahill, Gordon, Zachry & Reindel (legal services)	5,000
To be paid by West Penn Electric:	
Sullivan & Cromwell (legal services)	150

The Commission having examined said amendment and having considered the record herein and finding no reason for imposing terms and conditions with respect to said matter:

It is ordered, That the joint application-declaration, as further amended, be granted and permitted to become effective forthwith, and that the jurisdiction heretofore reserved over the issuance and sale of the bonds with respect to the results of competitive bidding, and over the fees and expenses incurred in connection with the proposed transactions, be, and the same hereby is, released, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5022; Filed, May 1, 1951; 8:45 a. m.]

[File No. 70-2590]

PUBLIC SERVICE CO. OF OKLAHOMA

SUPPLEMENTAL ORDER GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of April A. D. 1951.

Public Service Company of Oklahoma ("Public Service"), a public utility subsidiary of Central and South West Corporation, a registered holding company, having filed an application-declaration, and an amendment thereto, pursuant to sections 6 (a) (2) and 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder, regarding, inter alia, the issuance and sale, at competitive bidding, of $10,000,000 principal amount of First Mortgage Bonds, Series C, -- percent, due 1981; and

The Commission, by order dated April 16, 1951, having granted the application and permitted the declaration to become effective, as amended, subject to the condition that the proposed issuance and sale of bonds should not be consummated until the results of competitive bidding, pursuant to Rule U-50, had been made a matter of record in this proceeding and a further order entered by the Commission in the light of the record so completed; and

Public Service, on April 26, 1951, having filed a further amendment to said application-declaration setting forth the action taken by it to comply with the requirements of Rule U-50, and stating that, pursuant to the invitation for competitive bids, the following bids for its bonds have been received:

Bidder	Annual interest rate (percent)	Price to company (percent of principal)[1]	Annual cost to company (percent)
Salomon Bros. & Hutzler	3¼	98.934	3.18052
Halsey, Stuart & Co. Inc.	3¼	98.881	3.18928
White, Weld & Co. and Shields & Co.	3¼	98.789	3.18407
Kuhn, Loeb & Co.	3¼	101.176	3.18017
Glore, Forgan & Co.	3¼	98.639	3.19688
Harriman Ripley & Co., Inc.	3¼	98.4869	3.20028
The First Boston Corp.	3¼	98.4999	3.20708

[1] Exclusive of accrued interest from Apr. 1, 1951.

Said amendment further stating that Public Service has accepted the bid of Salomon Bros. & Hutzler, as set out above, and that said bonds will be offered for sale to the public at a price of 99.709 percent of their principal amount, plus accrued interest from April 1, 1951, resulting in an underwriting spread of 0.775 percent of the principal amount of the bonds or an aggregate of $77,500; and

The Commission having examined said amendment and having considered the record herein and observing no basis for imposing terms and conditions with respect to the price to be received for said bonds, the interest rate thereon, the redemption prices thereof, or the underwriter's spread;

It is ordered, That the jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said bonds be, and the same hereby is, released, and that said application-declaration as further amended, be, and the same hereby is, granted and permitted to become effective, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That this order shall become effective upon its issuance

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5029; Filed, May 1, 1951; 8:47 a. m.]

[File No. 70-2599]

NORTHERN NATURAL GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of April 1951.

Northern Natural Gas Company ("Northern"), a registered holding company, having filed an application-declaration, and an amendment thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"), with respect to the following transactions:

Northern has arranged a line of credit in the amount of $30,000,000 with a group of 8 commercial banks, pursuant to which it will issue and sell to such banks, from time to time but not later than March 22, 1952, a maximum of $30,000,000 principal amount of its promissory notes. Said notes will bear interest at the "prime rate" in effect at the time each note is issued and each note will mature on or before nine months from the date of its issue. Said notes may be prepaid at any time prior to maturity without penalty or premium.

Northern, pursuant to the exemption provided in section 6 (b) of the act, heretofore issued and sold on March 27, 1951, $5,100,000 principal amount of such notes and now proposes the issuance and sale of the balance of $24,900,000 principal amount of such notes, as above stated. The proceeds of the sale of the notes are to be utilized to defray, in part, the cost of Northern's construction program for the year 1951, which is estimated at approximately $60,000,000. Completion of the construction program is dependent on the availability of materials and certain other factors.

The long term financing of Northern's 1951 construction program will require the sale of securities to the public in the aggregate amount of approximately $51,000,000 which Nothern states will consist of debentures and common stock. The bank notes herein proposed will be repaid by Northern out of the proceeds of the sale of such securities.

Said application-declaration and the amendment thereto having been duly filed, and notice of said filing having

been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said amended application-declaration within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said amended application-declaration, that the requirements of the applicable provisions of the act are satisfied and that no adverse findings are necessary, and the Commission deeming it appropriate that said amended application-declaration, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said amended application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5027; Filed, May 1, 1951; 8:46 a. m.]

[File No. 70-2603]

MILWAUKEE SOLVAY COKE CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of April A. D. 1951.

Milwaukee Solvay Coke Company ("Coke Company"), a non-utility subsidiary of Milwaukee Gas Light Company, which in turn is a public utility subsidiary of American Natural Gas Company, a registered holding company, having filed an application pursuant to the provisions of section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") for exemption from the provisions of section 6 (a) thereof of the issue and sale of notes to the First Wisconsin National Bank of Milwaukee and the Marine National Exchange Bank of Milwaukee in the aggregate amounts of $800,000 and $400,000, respectively, from time to time prior to December 31, 1951, such notes to be taken down in amounts of $300,000 or multiples thereof as funds are needed and to mature in the order of the dates of their creation in the amount of $300,000 on March 1st of each of the years 1953 through 1956, the notes maturing in 1953 and 1954 to bear interest at 3 percent per annum and the notes maturing in 1955 and 1956 to bear interest at 3¼ percent per annum, the proceeds from the sale of said notes to be applied by Coke Company to the expansion of its coke production facilities; and

Said application having been filed on March 29, 1951, and an amendment thereto having been filed on April 23, 1951, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application be granted;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said application be, and hereby is, granted forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5028; Filed, May 1, 1951; 8:46 a. m.]

[File No. 70-2607]

GRANITE STATE ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of April A. D. 1951.

Notice is hereby given that Granite State Electric Company ("Granite State"), a subsidiary of New England Electric System, a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935. Declarant has designated section 7 of the act as applicable to the proposed transactions.

Notice is further given that any person may, not later than May 7, 1951, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Granite State proposes to issue to The First National Bank of Boston a promissory note in the principal amount of $250,000 due six months after the date of issue and bearing the prime rate of interest for such notes at the time of issuance. It is stated in said declaration that the company expects that such interest rate will not exceed 2¾ percent. In the event that the interest rate on the proposed note exceeds 2¾ percent per annum, Granite State will file an amendment to its declaration at least five days prior to the execution of said note and unless this Commission notifies Granite State to the contrary within said five day period, said amendment will be considered by Granite State to be effective at the end of such period.

Granite State proposes to use the proceeds from such borrowing to pay for construction through June 30, 1951, and to pay off its promissory notes presently outstanding in the aggregate principal amount of $190,000 and bearing interest at the rate of 2¼ percent per annum.

The declaration indicates that the expenses in connection with the proposed transactions, consisting of payments to be made to New England Power Service Company, an affiliated service company, for services to be performed at cost, are estimated not to exceed $600.

The declaration states that no state commission has jurisdiction over the proposed transactions.

Granite State requests that the Commission's order herein become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5023; Filed, May 1, 1951; 8:46 a. m.]

[File No. 811-478]

TOBACCO PRODUCTS EXPORT CORP.

NOTICE OF APPLICATION AND OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 26th day of April A. D. 1951.

Notice is hereby given that Tobacco Products Export Corporation (hereinafter referred to as the Applicant) has filed an application with this Commission requesting that the Commission issue an order pursuant to section 8 (f) of the Investment Company Act of 1940 (hereinafter referred to as the act) declaring the Applicant has ceased to be an investment company within the meaning of the act and that its registration under the act be terminated.

The Applicant requests this relief based upon the following reasons and facts:

The Applicant was organized under the laws of the State of New York on February 19, 1919; its principal office is located at No. 175 Fifth Avenue, New York, New York. Applicant is registered with this Commission as a closed-end management non-diversified investment company. This registration was effected on February 24, 1943 subsequent to a hearing and pursuant to an order issued by this Commission denying an application for exemption except that the Applicant was exempted from the provisions of section 8 (b) of the act and partially exempted from the requirements of subsections (b) and (d) of section 30 of the act to the extent that the Applicant was—

not required to issue or file certain reports and statements required by those subsections more often than annually. At the time of Applicant's registration, it held 25,087 shares of common stock of Philip Morris & Company, Ltd., having a market value of approximately $1,398,600 and 30,400 shares of British-American Tobacco Company (China), Ltd., carried on Applicant's books at $1,500,000. The Commission's opinion recited that for a number of years these investment securities had constituted over 98 percent of Applicant's total assets and that income therefrom had constituted between 75 and 86 percent of its total net income.

The Applicant states that during 1947, pursuant to a vote of stockholders at a special meeting held November 27, 1946, all of the shares of Philip Morris stock held by the Applicant with the exception of five shares were distributed in kind to stockholders of the Applicant pro rata. Applicant has received no income from the shares of British-American Tobacco Company since 1941.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that the Commission will issue an order, pursuant to section 8 (f) of the act, granting the application on or at any time after May 14, 1951, unless prior thereto a hearing upon the application is ordered by the Commission. Any interested person may submit to the Commission in writing not later than May 11, 1951, his views or any additional facts bearing upon the application or the desirability of a hearing thereon or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5026; Filed, May 1, 1951; 8:46 a. m.]

[File No. 812-722]

SECURED UNDERWRITERS, INC.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of April A. D. 1951.

Notice is hereby given that Secured Underwriters, Inc., a registered face amount certificate company, so registered by notification of registration duly filed, under the Investment Company Act of 1940, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order relieving said applicant from filing a registration statement on Form N-8B-4.

Unless relieved from so doing, the applicant must file a registration statement on Form N-8B-4 pursuant to the requirements of section 8 (b) and Rule N-8B-2 of the Investment Company Act of 1940 within ninety (90) days from January 31, 1951.

Applicant states, among other things, that it has not sold or offered for sale any face amount certificates since March 1941; that such certificates sold previous to said date began to mature in August 1950, and all maturity benefits have been and are being paid as and when they fall due; and that all remaining outstanding Trust Fund Certificates will mature during the year 1951, and it is not proposed, by the said applicant, to offer or issue any further face amount certificates, nor to continue any trust fund for any such face amount certificates.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after the 10th day of May 1951, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than the 10th day of May 1951, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS. *Secretary.*

[F. R. Doc. 51-5024; Filed, May 1, 1951; 8:46 a. m.]

[File No. 813-14]

SCOTT PAPER CO. EMPLOYEES' STOCK PURCHASE PLAN

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of April A. D. 1951.

Notice is hereby given that Scott Paper Company (hereinafter sometimes referred to as Scott), of Chester, Pennsylvania, for itself and on behalf of Scott Paper Company Employees' Stock Purchase Plan (hereinafter sometimes referred to as Plan), an employees' security company, has filed an application pursuant to section 6 (b) of the Investment Company Act of 1940 for an order pursuant to said section of said act exempting said plan from the provisions of the act. The filing of said application exempts the plan from all provisions of the act, pending final determination of such application by the Commission, as provided by Rule N-6B-1 of the general rules and regulations under the Investment Company Act of 1940.

It appears from the application that the plan is an employees' security company, organized by Scott Paper Company, a Pennsylvania corporation, for the purpose of acquiring and distributing to the members of the plan Scott Paper Company common shares.

For many years it has been the policy of Scott to make available each year to its employees and employees of its subsidiary companies a stock purchase plan. It is the continuing year-to-year plan for which application for an exemption is made, and not just the plan for the year 1951 which is described in some detail hereinafter. Each yearly stock purchase plan is scheduled to operate for a specified number of consecutive weekly periods during the calendar year (42 weeks under the plan for 1951). Its operation usually commences in the first quarter of the year and terminates in November. Liquidation by distribution to employees participating as members is completed before the end of the calendar year.

Any employee in the service of Scott or its subsidiaries on the date when the yearly plan commences operation, except employees then classified as temporary, may become a member of the Plan by subscribing to it. Subscriptions authorize weekly payroll deductions, which may not exceed a designated percentage of the subscriber's weekly pay, for the period of operation of the yearly plan then being offered, and direct the deposit of such deductions to the member's credit under the yearly plan. Scott contributes to the credit of each such member an amount equal to a designated percentage, or percentages, of his deposits, such contributions being the net amount after deductions for all income, social security and other taxes or charges required to be withheld. Under the plan for 1951 each member's weekly deposit is limited to 10 percent of his weekly earnings, and the Scott contribution is a sum equal to 20 percent of that portion of each member's deposit up to $30 per week and 10 percent of any portion in excess of that amount.

Each yearly plan is administered by a Committee composed of designated employees of Scott. Under the plan for 1951 the Cashier, Controller and Treasurer of Scott are the designated employees.

The funds received from members' deposits and contributions from Scott are placed in a suitably designated separate bank account and are applied, generally as and when sufficient for the purchase of a hundred share lot, to the purchase of common shares of Scott Paper Company on the New York Stock Exchange or the Philadelphia-Baltimore Stock Exchange. The common shares so purchased are distributed to members upon

the liquidation of each yearly plan together with cash covering any distributive interest of a member, or balance of such interest, amounting to the value of less than one full common share.

Members may be permitted to withdraw their deposits on a written request to the Committee submitted prior to a specified date (September 15, 1951 under the plan for 1951).

The plan is subject to no load or service charge. Expenses of its operation are for the most part assumed by Scott, and those not assumed are negligible in amount.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after the 16th day of May 1951, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the general rules and regulations promulgated under the act. Any interested person may not later than the 16th day of May 1951, at 5:30 p. m. submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5025; Filed, May 1, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17667]

NATIONAL CITY BANK OF NEW YORK

In re: Accounts maintained in the name of The National City Bank of New York, Brussels, Belgium, and owned by persons whose names are unknown. F-7-2823.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

[Accounts maintained in the name of The National City Bank of New York, Brussels, Belgium]

Column I	Column II
Name and address of institution which maintains account	Designation of account
The National City Bank of New York, 55 Wall St., New York 5, N. Y.	(a) Current account, funds held for the payment of drafts advised and outstanding, as described by The National City Bank of New York in its report on form OAP-700 bearing its Serial No. 6154. (b) Current account, funds held for the payment of drafts advised and outstanding, as described by The National City Bank of New York in its report on form OAP-700 bearing its Serial No. 6450. (c) Current account, funds held for the payment of drafts advised and outstanding, as described by The National City Bank of New York in its report on form OAP-700 bearing its Serial No. 6149.

[F. R. Doc. 51-5003; Filed, Apr. 30, 1951; 8:56 a. m.]

[Vesting Order 17668]

BOESCH & CO.

In re: Accounts maintained in the name of Boesch & Co., Lucerne, Switzerland, and owned by persons whose names are unknown. F-63-1773; A-1; E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if

individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Boesch & Co., Lucerne, Switzerland]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Brown Bros. Harriman & Co., 59 Wall St., New York 5, N. Y.	(a) Boesch & Co., Lucerne, Switzerland, general ruling No. 6 account, as described by Brown Bros. Harriman & Co. in its report on Form OAP-709 bearing its Serial No. 20. (b) Boesch & Co., Lucerne, Switzerland, ordinary account, blocked account, as described by Brown Bros. Harriman & Co., in its report on Form OAP-709 bearing its serial No. 21.

[F. R. Doc. 51-5004; Filed, Apr. 30, 1951; 8:57 a. m.]

[Vesting Order 17672]

STOCKHOLMS ENSKILDA BANK AKTIEBOLAG

In re: Accounts maintained in the name of Stockholms Enskilda Bank Aktiebolag, Stockholm, Sweden, and owned by persons whose names are unknown. F-62-472.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Stockholms Enskilda Bank Aktiebolag, Stockholm, Sweden]

Column I	Column II
Name and address of institution which maintains account	Designation of account
J. & W. Seligman & Co., 65 Broadway, New York 6, N. Y.	Foreign bonds payable in francs, as described by J. & W. Seligman & Co. in its report on Form OAP-709 bearing its Serial No. 8

[F. R. Doc. 51-5056; Filed, May 1, 1951; 8:51 a. m.]

[Vesting Order 17673]

STOCKHOLMS ENSKILDA BANK A. B.

In re: Accounts maintained in the name of Stockholms Enskilda Bank A. B., Stockholm, Sweden, and owned by persons whose names are unknown. F-62-472.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in the attached Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Stockholms Enskilda Bank A. B., Stockholm, Sweden]

Column I	Column II	Column III
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	$2,0[illegible] which, according to the supplemental report on Form OAP-709 filed by Brown Bros. Harriman & Co., bearing Serial No. 82 is owned by Count Mörner Fideikom.

[illegible]

[F. R. Doc. 51-5057; Filed, May 1, 1951; 8:51 a. m.]

[Vesting Order 17668]

SHINICHI MINAMI

In re: Cash owned by Shinichi Minami. F-39-6993.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shinichi Minami, whose last known address is 160 Kirimemura, Hidake-gun, Wakayama-ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash, in the amount of $417.95, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158881, "Unclaimed Monies of Individuals Whose Whereabouts Are Unknown", in the name of Shinichi Minami and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5058; Filed, May 1, 1951; 8:51 a. m.]

[Vesting Order 17669]

SEIICHI TANJI

In re: Cash owned by Seiichi Tanji. F-39-6994.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Seiichi Tanji, whose last known address is 29 Shinden Kamitoriwata, Torikawa-mura, Shinobu-gun, Fukushima-ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash, in the amount of $258.80, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158881, "Unclaimed Monies of Individuals Whose Whereabouts are Unknown", in the name of Seiichi Tanji, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Seiichi Tanji, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5059; Filed, May 1, 1951; 8:51 a. m.]

[Return Order 211]

ALBERTO BALDOCCHI ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the

administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., Notice of Intention To Return Published, and Property

Alberto Baldocchi, Lucca per Parezzana, Toscana, Italy, Claim No. 13055; Anna Fedeli, Lucca per Toringo, Toscana, Italy, Claim No. 13081; Lola Fedeli Mori, Antioch, California, Claim No. 13082; Marino Fedeli, Lucca per Toringo, Toscana, Italy, Claim No. 13083; Renzo Fedeli, Lucca per Toringo, Toscana, Italy, Claim No. 13084; Veneranda Giovannoni, Lucca per Sorbano del Vescovo, Toscana, Italy, Claim No. 13085; March 8, 1951 (16 F. R. 2178); $3,748.99 in the Treasury of the United States, 1/3 to Alberto Baldocchi, 1/3 to Veneranda Giovannoni, 1/12 to Anna Fedeli, 1/12 to Lola Fedeli Mori, 1/12 to Marino Fedeli and 1/12 to Renzo Fedeli. The right, title and interest of the claimants in and to the trust created under the will of Luigi Baldocchi, deceased; trust administered by Bank of America National Trust and Savings Association, San Francisco, California.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5060; Filed, May 1, 1951; 8:52 a. m.]

[Return Order 945]

WALLACE M. LARSON AND J. R. JOHANSSON

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Wallace M. Larson and J. R. Johansson, Tokyo, Japan; Claim No. 2188; February 17, 1951 (16 F. R. 1792); $2,419.52 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5055; Filed, Apr. 30, 1951; 8:57 a. m.]

SOCIETE NOBEL FRANCAISE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Nobel Francaise, Paris, France; Claim No. 43869; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 2,105,208; 2,211,266 and 2,245,123.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5006; Filed, Apr. 30, 1951; 8:57 a. m.]

GEORGES SAUERWEIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Georges Sauerwein, Paris, France; Claim No. 30233; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,230,655.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5007; Filed, Apr. 30, 1951; 8:57 a. m.]

ELSA KLIER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Elsa Klier, Georg Lorenz Klier, Oskar Klier, Hof on the Saale, Germany; Else Kunzel, nee Klier, Hanau on the Main, Germany; Claim No. 40906; returnable to Elsa Klier; $10,054.32 in the Treasury of the United States and her interest in the estate and the trust created under the Will of Oskar Ludwig, deceased, returnable to the other claimants in equal shares: The interest of the issue of Elsa Klier in the said estate and trust.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5008; Filed, Apr. 30, 1951; 8:58 a. m.]

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LITTERA SCRIPTA MANET
OF THE UNITED STATES
1934

FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 C. C. C Grain Price Support Bulletin 1, Supp. 1, Flaxseed]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1951-CROP FLAXSEED LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1951 crop of flaxseed. The 1951 C. C. C. Grain Price Support Bulletin 1 (16 F. R. 1987), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1951, is supplemented as follows:

Sec.
601.875 Purpose.
601.876 Availability of price support.
601.877 Eligible flaxseed.
601.878 Warehouse receipts.
601.879 Determination of quantity.
601.880 Determination of quality.
601.881 Maturity of loans.
601.882 Support rates.
601.883 Warehouse charges.
601.884 Settlement.

AUTHORITY: Secs. 601.875 to 601.884 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1447, 1421.

§ 601.875 *Purpose.* Sections 601.875 to 601.884 state additional specific requirements which, together with the general requirements contained in the 1951 C. C. C. Grain Price Support Bulletin 1 (16 F. R. 1987), apply to loans and purchase agreements under the 1951-Crop Flaxseed Price Support Program.

§ 601.876 *Availability of price support.* (a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever flaxseed is grown in the continental United States, except in Texas counties designated under the 1951 Texas Flaxseed Purchase Program (16 F. R. 3425). Farm-storage loans will not be available in areas where the PMA State committee determines that flaxseed cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through October 31, 1951, in Arizona, California, and in the Texas counties not designated under the 1951 Texas Flaxseed Purchase Program, and from the time of harvest through January 31, 1952, in all other States; the applicable documents must be signed by the producer and delivered to the county committee not later than such final dates.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing flaxseed in 1951 as landowner, landlord, tenant or sharecropper.

§ 601.877 *Eligible flaxseed.* Eligible flaxseed must meet the following requirements:

(a) The flaxseed must have been produced in the continental United States (excluding the Texas counties designated under the 1951 Texas Flaxseed Purchase Program) in 1951 by an eligible producer.

(b) The beneficial interest in the flaxseed must be in the producer tendering the flaxseed for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the flaxseed was harvested.

(c) The flaxseed must grade No. 1 or No. 2. Flaxseed which contains more than 30 percent damage or more than 11 percent moisture or which is musty, sour, heating, hot, or which has any commercially objectionable odor, or which is otherwise of low quality, shall not be eligible.

(d) If offered as security for a farm-storage loan, the flaxseed must have been stored in the bin or granary at

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FEDERAL REGISTER

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least 30 days prior to its inspection for measurement, sampling, and sealing unless otherwise approved by the PMA State committee.

§ 601.878 *Warehouse receipts.* Warehouse receipts, representing flaxseed in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the requirements below:

(a) Warehouse receipts must indicate that the flaxseed is insured, must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder and must be issued by a warehouse approved by CCC under the Uniform Grain Storage Agreement, (insured by the warehouseman in accordance with the terms of the Uniform Grain Storage Agreement) or warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (1) Gross weight or bushels, (2) grade, (3) test weight, (4) dockage, and (5) percentage of damage when such factor, and not test weight, determines the grade. The warehouse receipt or the warehouseman's supplemental certificate must show whether the flaxseed arrived by rail, truck or barge. In the case of warehouse receipts issued for flaxseed delivered by rail or barge, the grading factors on the warehouse receipt must agree with the inbound inspection certificate for the car or barge when such certificate is issued.

(c) A separate warehouse receipt must be submitted for each grade of flaxseed.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.883.

(e) Warehouse receipts representing flaxseed which has been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point and stored in transit to a designated terminal point, must be accompanied by registered freight bills, or by (1) a statement as indicated below signed by the warehouseman, (2) a certificate of the warehouseman containing such information or (3) such form of certificates as may be approved by CCC.

FREIGHT CERTIFICATE

The flaxseed represented by attached warehouse receipt No. ____ issued by _____ on warehouse located at _____ was received by rail freight from _____ _____ _____
(Station) (County) (State)
_____ point of origin as evidenced by freight bill described as follows:
Way-bill, date _____
No. _____
Car Initials and No. _____
Freight bill, date _____
No. _____
Origin Carrier _____
Full inbound route and junction points _____ _____ _____ _____
Transit Weight _____
Freight rate in _____
Amount collected _____
Guaranteed transit balance, if any, of through freight to _____ of _____ _____ per 100 pounds _____
Number unused transit stops _____
Penalty, if any, to guarantee minimum proportional rate on outbound billing of _____ cents per 100 pounds _____
Where paid-in freight is based on other than domestic interstate freight rate basis, the difference in rates between the freight paid (plus tax), and the domestic interstate freight rate (plus tax), is _____
The above-described paid freight bill has been officially registered for transit and will be held in accordance with the applicable provisions of the Uniform Grain Storage Agreement.

_____
(Warehouseman's Signature)
_____
(Address)
_____
(Date of Signature)

§ 601.879 *Determination of quantity.* (a) The quantity of flaxseed placed under farm-storage loan may be determined either by weight or by measurement. The quantity of flaxseed placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 56 pounds of flaxseed free of dockage. In determining the quantity of sacked flaxseed by weight, a deduction of $^{2}/_{3}$ of a pound for each sack shall be made.

(c) When the quantity of flaxseed is determined by measurement, a bushel shall be 1.25 cubic feet of flaxseed to ting 56 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 56-pound flaxseed.

For flaxseed testing	*Perc*
56 pounds or over	1
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	94
52 pounds or over, but less than 53 pounds	92
51 pounds or over, but less than 52 pounds	90
50 pounds or over, but less than 51 pounds	88
49 pounds or over, but less than 50 pounds	85
48 pounds or over, but less than 49 pounds	83
47 pounds or over, but less than 48 pounds	81

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the flaxseed in determining the net quantity available for loan or purchase.

§ 601.880 *Determination of quality.* The grade, grading factors, and all other quality factors shall be determined in accordance with the method set forth in the Official Grain Standards of the United States for Flaxseed, whether or not such determinations are made on the basis of an official inspection.

§ 601.881 *Maturity of loans.* Loans mature on demand but not later than January 31, 1952 in Arizona, California, and Texas, and not later than April 30, 1952 in all other States.

§ 601.882 *Support rates.* Support rates have been established for flaxseed stored in approved warehouse storage at designated terminal markets, and for flaxseed stored in approved country warehouses and in approved farm storage. The support rate for the quality of flaxseed placed under loan or delivered under a purchase agreement shall be the applicable basic support rate adjusted in accordance with the provisions of this section.

(a) *Basic support rates at designated terminal markets.* (1) The 1951 basic support rates per bushel for No. 1 flaxseed stored in approved warehouses at

the terminal markets listed below shall be as follows:

	Basic support rates per bushel
Minneapolis and Duluth, Minn.; Chicago, Ill.; and Portland, Oreg	$2.90
Los Angeles and San Francisco, Calif	3.09
Fredonia, Kans	2.70
Corpus Christi and Houston, Tex	2.65

(2) For loan or purchase at the full basic support rates shown in the above schedule, the flaxseed must have been shipped on a domestic interstate freight rate basis. On any flaxseed shipped at other than the domestic interstate freight rate, the support rate at the designated terminal market shall be reduced by the difference between the freight paid (plus tax) and the domestic interstate freight rate (plus tax).

(3) The foregoing schedule of basic support rates applies to flaxseed which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by aid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight.

(4) When shipped by rail or water and stored at any designated terminal market, flaxseed for which neither registered freight bills nor such freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the terminal rate minus 8 cents per bushel. For flaxseed received by truck and stored at any designated terminal market, the support rate shall be the terminal rate minus $12\frac{1}{2}$ cents per bushel.

(b) *Support rates for flaxseed in approved warehouse-storage at other than designated terminal markets.* (1) The rate for flaxseed stored in approved warehouses (other than those situated in the designated terminal markets) which is shipped by rail shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax), of the through-freight rate from point of origin for such flaxseed to such terminal market: *Provided*, That in the case of flaxseed stored at any railroad transit point taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing flaxseed in such position.

(2) The warehouse receipts must be accompanied by the original paid freight bills or certificates of the warehouseman and other required documents as set forth in § 601.878.

(c) *County support rates for No. 1 Flaxseed.* Both farm-storage and county warehouse-storage loans will be made at the support rate established for the county in which the flaxseed is stored. The 1951 county support rates for No. 1 Flaxseed, determined in accordance with this section shall be as follows:

ARIZONA

County	Rate per bushel for No. 1	County	Rate per bushel for No. 1
Maricopa	$2.84	Yuma	$2.85
Pinal	2.84		

CALIFORNIA

Fresno	$2.91	Sacramento	$2.93
Imperial	2.89	San Benito	2.93
Kern	2.91	San Mateo	2.97
Kings	2.91	Santa Clara	2.96
Los Angeles	2.96	Santa Cruz	2.94
Madera	2.93	Siskiyou	2.59
Merced	2.93	Sutter	2.92
Napa	2.95	Yola	2.94
Riverside	2.88		

COLORADO

Arapahoe	$2.44	Moffat	$2.29
Boulder	2.44	Morgan	2.44
Elbert	2.44	Routt	2.29
Kit Carson	2.46	Washington	2.44
Lincoln	2.44	Weld	2.44

IDAHO

Adams	$2.50	Fremont	$2.39
Benewah	2.57	Idaho	2.56
Boundary	2.54	Jefferson	2.38
Butte	2.39	Kootenai	2.58
Camas	2.42	Latah	2.59
Canyon	2.50	Lemhi	2.40
Clark	2.36	Lewis	2.57
Clearwater	2.58	Nez Perce	2.58
Custer	2.39	Power	2.42

ILLINOIS

Cass	$2.63	La Salle	$2.71
Cook	2.74	Lee	2.71
De Kalb	2.73	Livingston	2.71
Ford	2.69	Logan	2.70
Henry	2.69	McLean	2.69
Iroquois	2.71	Tazewell	2.68
Kane	2.73	Vermilion	2.71
Kankakee	2.74	Will	2.73
Kendall	2.73		

IOWA

Adair	$2.61	Fremont	$2.61
Adams	2.60	Greene	2.65
Allamakee	2.67	Grundy	2.66
Appanoose	2.62	Guthrie	2.64
Audubon	2.62	Hamilton	2.66
Benton	2.66	Hancock	2.68
Black Hawk	2.66	Hardin	2.66
Boone	2.65	Harrison	2.63
Bremer	2.67	Henry	2.66
Buchanan	2.66	Howard	2.69
Buena Vista	2.66	Humboldt	2.67
Butler	2.67	Ida	2.64
Calhoun	2.66	Iowa	2.65
Carroll	2.64	Jackson	2.67
Cass	2.61	Jasper	2.65
Cedar	2.67	Jefferson	2.64
Cerro Gordo	2.68	Johnson	2.66
Cherokee	2.65	Jones	2.67
Chickasaw	2.67	Keokuk	2.64
Clarke	2.61	Kossuth	2.68
Clay	2.67	Lee	2.66
Clayton	2.66	Linn	2.66
Clinton	2.68	Louisa	2.66
Crawford	2.63	Lucas	2.62
Dallas	2.65	Lyon	2.65
Davis	2.64	Madison	2.64
Decatur	2.60	Mahaska	2.63
Delaware	2.66	Marion	2.63
Des Moines	2.67	Marshall	2.66
Dickinson	2.67	Mills	2.61
Dubuque	2.66	Mitchell	2.69
Emmet	2.69	Monona	2.64
Fayette	2.66	Monroe	2.62
Floyd	2.68	Montgomery	2.61
Franklin	2.67	Muscatine	2.67

IOWA—Continued

County	Rate per bushel for No. 1	County	Rate per bushel for No. 1
O'Brien	$2.66	Story	$2.66
Osceola	2.67	Tama	2.66
Page	2.60	Taylor	2.59
Palo Alto	2.67	Union	2.60
Plymouth	2.65	Van Buren	2.65
Pocahontas	2.66	Wapello	2.63
Polk	2.65	Warren	2.62
Pottawattamie	2.62	Washington	2.65
Poweshiek	2.64	Wayne	2.62
Ringgold	2.59	Webster	2.66
Sac	2.65	Winnebago	2.69
Scott	2.68	Winneshiek	2.67
Shelby	2.63	Woodbury	2.65
Sioux	2.65	Worth	2.69
		Wright	2.67

KANSAS

Allen	$2.51	Leavenworth	$2.47
Anderson	2.49	Linn	2.46
Bourbon	2.47	Lyon	2.49
Brown	2.41	Marion	2.46
Butler	2.48	Marshall	2.42
Chase	2.47	Miami	2.49
Chautauqua	2.49	Montgomery	2.53
Cherokee	2.49	Morris	2.47
Clay	2.44	Nemaha	2.41
Cloud	2.41	Neosho	2.52
Coffey	2.50	Osage	2.49
Crawford	2.49	Pottawatomie	2.44
Dickinson	2.46	Reno	2.46
Douglas	2.49	Riley	2.45
Franklin	2.49	Sedgwick	2.47
Geary	2.47	Shawnee	2.48
Greenwood	2.51	Sumner	2.47
Jackson	2.44	Wabaunsee	2.46
Jefferson	2.49	Wilson	2.54
Johnson	2.49	Woodson	2.52
Labette	2.51		

MICHIGAN

Alpena	$2.53	Iosco	$2.57
Cass	2.66	Lice	2.55
Cheboygan	2.54	Mackinac	2.55
Chippewa	2.55	Midland	2.60
Crawford	2.57	St. Clair	2.59

MINNESOTA

Aitkin	$2.72	Le Sueur	$2.72
Anoka	2.74	Lincoln	2.68
Becker	2.68	Lyon	2.69
Beltrami	2.66	McLeod	2.72
Benton	2.71	Mahnomen	2.65
Big Stone	2.67	Marshall	2.64
Blue Earth	2.71	Martin	2.69
Brown	2.70	Meeker	2.72
Carlton	2.73	Mille Lacs	2.72
Carver	2.74	Morrison	2.70
Cass	2.69	Mower	2.69
Chippewa	2.69	Murray	2.68
Chisago	2.73	Nicollet	2.72
Clay	2.66	Nobles	2.67
Clearwater	2.67	Norman	2.66
Cottonwood	2.69	Olmsted	2.70
Crow Wing	2.70	Otter Tail	2.68
Dakota	2.74	Pennington	2.65
Dodge	2.71	Pine	2.71
Douglas	2.69	Pipestone	2.67
Faribault	2.69	Polk	2.64
Fillmore	2.68	Pope	2.70
Freeborn	2.70	Red Lake	2.65
Goodhue	2.72	Redwood	2.70
Grant	2.68	Renville	2.70
Hennepin	2.75	Rice	2.73
Houston	2.68	Rock	2.66
Hubbard	2.67	Roseau	2.63
Isanti	2.73	St. Louis	2.71
Itasca	2.69	Scott	2.74
Jackson	2.68	Sherburne	2.73
Kanabec	2.72	Sibley	2.72
Kandiyohi	2.72	Stearns	2.71
Kittson	2.62	Steele	2.71
Koochiching	2.64	Stevens	2.69
Lac Qui Parle	2.68	Swift	2.69
Lake	2.73	Todd	2.70
Lake of the Woods	2.64	Traverse	2.67
		Wabasha	2.71

MINNESOTA—Continued

County	Rate per bushel for No. 1	County	Rate per bushel for No. 1
Wadena	$2.69	Winona	$2.70
Waseca	2.71	Wright	2.73
Washington	2.74	Yellow Medicine	2.69
Watonwan	2.69		
Wilkin	2.67		

MISSOURI

Barton	$2.46	Johnson	$2.44
Bates	2.46	Lawrence	2.45
Benton	2.43	Linn	2.37
Cass	2.46	Pettis	2.42
Cedar	2.44	Saline	2.40
Henry	2.44	Vernon	2.46

MONTANA

Beaverhead	$2.35	Madison	$2.43
Big Horn	2.36	Meagher	2.43
Blaine	2.43	Mineral	2.47
Broadwater	2.43	Missoula	2.46
Carbon	2.40	Musselshell	2.43
Carter	2.51	Park	2.43
Cascade	2.43	Petroleum	2.43
Chouteau	2.43	Phillips	2.45
Custer	2.48	Pondera	2.43
Daniels	2.47	Powder River	2.49
Dawson	2.50	Powell	2.44
Deer Lodge	2.43	Prairie	2.50
Fallon	2.51	Ravalli	2.44
Fergus	2.43	Richland	2.51
Flathead	2.47	Roosevelt	2.50
Gallatin	2.43	Rosebud	2.46
Garfield	2.46	Sanders	2.50
Glacier	2.44	Sheridan	2.50
Golden Valley	2.43	Silver Bow	2.43
Granite	2.45	Stillwater	2.43
Hill	2.43	Sweet Grass	2.43
Jefferson	2.43	Teton	2.43
Judith Basin	2.43	Toole	2.43
Lake	2.47	Treasure	2.44
Lewis and Clark	2.43	Valley	2.47
Liberty	2.43	Wheatland	2.43
Lincoln	2.49	Wibaux	2.52
McCone	2.49	Yellowstone	2.42

NEBRASKA

Antelope	$2.59	Madison	$2.60
Box Butte	2.49	Pierce	2.61
Burt	2.63	Polk	2.59
Cedar	2.63	Sarpy	2.61
Cuming	2.62	Sheridan	2.50
Dakota	2.65	Sioux	2.47
Dawes	2.49	Stanton	2.61
Dixon	2.64	Thurston	2.64
Douglas	2.61	Washington	2.62
Knox	2.60	Wayne	2.63

NORTH DAKOTA

Adams	$2.55	McLean	$2.58
Barnes	2.64	Mercer	2.56
Benson	2.60	Morton	2.57
Billings	2.55	Mountrail	2.56
Bottineau	2.57	Nelson	2.62
Bowman	2.55	Oliver	2.58
Burke	2.56	Pembina	2.61
Burleigh	2.60	Pierce	2.59
Cass	2.65	Ramsey	2.61
Cavalier	2.60	Ransom	2.64
Dickey	2.63	Renville	2.56
Divide	2.54	Richland	2.66
Dunn	2.55	Rolette	2.59
Eddy	2.62	Sargent	2.65
Emmons	2.59	Sheridan	2.60
Foster	2.62	Sioux	2.57
Golden Valley	2.53	Slope	2.55
Grand Forks	2.63	Stark	2.56
Grant	2.56	Steele	2.64
Griggs	2.63	Stutsman	2.63
Hettinger	2.56	Towner	2.60
Kidder	2.61	Traill	2.64
La Moure	2.62	Walsh	2.62
Logan	2.61	Ward	2.57
McHenry	2.59	Wells	2.61
McIntosh	2.60	Williams	2.55
McKenzie	2.52		

OKLAHOMA

County	Rate per bushel for No. 1	County	Rate per bushel for No. 1
Alfalfa	$2.44	Muskogee	$2.42
Canadian	2.39	Noble	2.44
Choctaw	2.35	Nowata	2.50
Craig	2.47	Okfuskee	2.40
Delaware	2.45	Okmulgee	2.41
Grant	2.44	Osage	2.46
Haskell	2.41	Ottawa	2.46
Hughes	2.40	Pittsburg	2.40
Johnston	2.37	Pontotoc	2.38
Kay	2.46	Pushmataha	2.37
Latimer	2.39	Rogers	2.47
Le Flore	2.39	Seminole	2.40
Love	2.36	Sequoyah	2.41
McCurtain	2.34	Tillman	2.35
McIntosh	2.41	Tulsa	2.46
Major	2.40	Wagoner	2.46
Marshall	2.37	Washington	2.48
Mayes	2.46	Woods	2.43
Murray	2.37	Woodward	2.39

OREGON

Baker	$2.57	Lake	$2.50
Benton	2.71	Lane	2.69
Clackamas	2.74	Linn	2.71
Clatsop	2.71	Malheur	2.50
Columbia	2.73	Marion	2.73
Crook	2.65	Morrow	2.70
Deschutes	2.65	Multnomah	2.76
Douglas	2.65	Polk	2.73
Gilliam	2.71	Sherman	2.73
Grant	2.70	Umatilla	2.65
Harney	2.46	Union	2.57
Hood River	2.73	Wallowa	2.56
Jackson	2.59	Wasco	2.72
Jefferson	2.68	Washington	2.76
Josephine	2.60	Yamhill	2.75
Klamath	2.59		

SOUTH DAKOTA

Aurora	$2.61	Jackson	$2.55
Beadle	2.64	Jerauld	2.64
Bennett	2.52	Jones	2.57
Bon Homme	2.62	Kingsbury	2.66
Brookings	2.66	Lake	2.65
Brown	2.64	Lawrence	2.51
Brule	2.59	Lincoln	2.65
Buffalo	2.62	Lyman	2.57
Butte	2.51	McCook	2.65
Campbell	2.61	McPherson	2.62
Charles Mix	2.60	Marshall	2.64
Clark	2.66	Meade	2.53
Clay	2.64	Mellette	2.54
Codington	2.66	Miner	2.65
Corson	2.58	Minnehaha	2.66
Custer	2.49	Moody	2.66
Davison	2.63	Pennington	2.53
Day	2.65	Perkins	2.55
Deuel	2.67	Potter	2.61
Dewey	2.57	Roberts	2.66
Douglas	2.60	Sanborn	2.64
Edmunds	2.63	Shannon	2.51
Fall River	2.47	Spink	2.64
Faulk	2.63	Stanley	2.58
Grant	2.66	Sully	2.60
Gregory	2.57	Todd	2.54
Haakon	2.56	Tripp	2.55
Hamlin	2.66	Turner	2.65
Hand	2.64	Union	2.65
Hanson	2.64	Walworth	2.61
Harding	2.55	Washabaugh	2.55
Hughes	2.61	Yankton	2.63
Hutchinson	2.63	Ziebach	2.55
Hyde	2.62		

TEXAS

Bowie	$2.30	Hockley	$2.27
Carson	2.31	Moore	2.31
Culberson	2.23	Pecos	2.23
Floyd	2.27	Zapata	2.31
Glasscock	2.27		

WASHINGTON

Asotin	$2.60	Skagit	$2.63
Clark	2.76	Snohomish	2.64
Lewis	2.71	Whitman	2.59

WISCONSIN

County	Rate per bushel for No. 1	County	Rate per bushel for No. 1
Adams	$2.66	Marathon	$2.66
Ashland	2.68	Marinette	2.63
Barron	2.70	Marquette	2.66
Bayfield	2.69	Milwaukee	2.72
Brown	2.66	Monroe	2.67
Buffalo	2.70	Oconto	2.65
Burnett	2.71	Oneida	2.62
Calumet	2.67	Outagamie	2.67
Chippewa	2.69	Ozaukee	2.69
Clark	2.67	Pepin	2.70
Columbia	2.67	Pierce	2.72
Crawford	2.66	Polk	2.72
Dane	2.69	Portage	2.65
Dodge	2.68	Price	2.67
Door	2.63	Racine	2.75
Douglas	2.72	Richland	2.66
Dunn	2.71	Rock	2.70
Eau Claire	2.70	Rusk	2.69
Florence	2.62	St. Croix	2.73
Fond du Lac	2.68	Sauk	2.67
Forest	2.63	Sawyer	2.70
Grant	2.66	Shawano	2.65
Green	2.69	Sheboygan	2.68
Green Lake	2.67	Taylor	2.67
Iowa	2.66	Trempealeau	2.69
Iron	2.66	Vernon	2.67
Jackson	2.69	Vilas	2.63
Jefferson	2.69	Walworth	2.70
Juneau	2.66	Washburn	2.70
Kenosha	2.73	Washington	2.69
Kewaunee	2.65	Waukesha	2.70
La Crosse	2.67	Waupaca	2.66
Lafayette	2.67	Waushara	2.66
Langlade	2.63	Winnebago	2.67
Lincoln	2.62	Wood	2.66
Manitowoc	2.67		

WYOMING

Albany	$2.31	Laramie	$2.44
Big Horn	2.26	Lincoln	2.37
Campbell	2.37	Natrona	2.36
Carbon	2.29	Niobrara	2.43
Converse	2.41	Park	2.28
Crook	2.43	Platte	2.42
Fremont	2.30	Sheridan	2.35
Goshen	2.44	Washakie	2.26
Hot Springs	2.27	Weston	2.40
Johnson	2.35		

(d) *Variations for grades.* The support rate for No. 2 flaxseed shall be 5 cents per bushel less than the support rate for No. 1 flaxseed.

§ 601.883 *Warehouse charges.* Warehouse receipts and the flaxseed represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the grain is deposited in the warehouse for storage.

(a) *In Arizona, California and Texas.* Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing flaxseed stored in warehouses operating under the Uniform Grain Storage Agreement is on or before January 31, 1952, the storage charges per bushel shown in accordance with the following table shall be deducted in computing the loan or purchase price.

Date of deposit:	Cents
Prior to July 9, 1951	$11\frac{1}{2}$
July 9–July 28, inclusive	11
July 29–Aug. 17, inclusive	10
Aug. 18–Sept. 6, inclusive	9
Sept. 7–Sept. 26, inclusive	8

Date of deposit:	Cents
Sept. 27–Oct. 16, inclusive	7
Oct. 17–Oct. 31, inclusive	6
Nov. 1–Nov. 15, inclusive	5
Nov. 16–Nov. 30, inclusive	4
Dec. 1–Dec. 15, inclusive	3
Dec. 16–Dec. 30, inclusive	2
Dec. 31–Jan. 14, 1952, inclusive	1
Jan. 15–Jan. 31, inclusive	0

(b) *In all other States.* (1) Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing flaxseed stored in warehouses operating under the Uniform Grain Storage Agreement is on or before April 30, 1952, the storage charges per bushel shown in accordance with the following table shall be deducted in computing the loan or purchase price.

Date of Deposit:	Cents
Prior to Oct. 7, 1951	11½
Oct. 7–Oct. 26, inclusive	11
Oct. 27–Nov. 15, inclusive	10
Nov. 16–Dec. 5, inclusive	9
Dec. 6–Dec. 25, inclusive	8
Dec. 26–Jan. 14, 1952, inclusive	7
Jan. 15–Jan. 29, inclusive	6
Jan. 30–Feb. 13, inclusive	5
Feb. 14–Feb. 28, inclusive	4
Feb. 29–Mar. 14, inclusive	3
Mar. 15–Mar. 29, inclusive	2
Mar. 30–Apr. 13, inclusive	1
Apr. 14–Apr. 30, inclusive	0

(2) Warehouse receipts and the flaxseed represented thereby stored in approved warehouses operated by eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission.

(3) For flaxseed stored in approved warehouses operated by eastern common carriers, there shall be deducted in computing the loan or purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit to the program maturity date. The county committee shall request the PMA commodity office to determine the amount of such charges. Where the producer presents evidence showing that the elevation has been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charge prepaid by the producer.

§ 601.884 *Settlement*—(a) *Farm-storage loans.* (1) In the case of flaxseed delivered to CCC from farm-storage under the loan program, settlement shall be made at the applicable support rate for the approved point of delivery. The support rate shall be applied to the grade and quality of the total quantity of flaxseed delivered.

(2) If the flaxseed under farm-storage loan is, upon delivery, of a grade and/or quality for which no support rate has been established, the settlement value shall be the support rate established for the grade and/or quality of the flaxseed placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and/or quality placed under loan and the market price of the flaxseed delivered, as determined by CCC. In no event shall flaxseed for which the grade and/or quality is lower than the lowest grade and/or quality for which settlement rates are established, have a settlement value in excess of the settlement value of the lowest grade and/or quality of such flaxseed for which settlement rates are established.

(3) If farm-stored flaxseed is delivered to CCC prior to January 31, 1952, in Arizona, California and Texas, or prior to April 30, 1952, in all other States, upon request of the producer and with the approval of CCC, the loan settlement rate shall be reduced by the applicable rate of storage charges per bushel, determined according to the date of such delivery to CCC as set forth in the appropriate table in § 601.883.

(b) *Purchase agreement.* Flaxseed delivered to CCC under a purchase agreement must meet the requirements of flaxseed eligible for loan. The purchase rate per bushel of eligible flaxseed shall be the support rate established for the approved point of delivery, subject to deduction of warehouse charges in accordance with § 601.883.

(c) *Track-loading.* A track-loading payment of 2 cents per bushel will be made to the producer on flaxseed delivered to CCC on track at a country point.

Issued this 27th day of April 1951.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

G. F. GEISSLER,
President.
Commodity Credit Corporation.

[F. R. Doc. 51-5105; Filed, May 2, 1951; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter A—Commodity Standards and Standard Container Regulations

PART 27—COTTON CLASSIFICATION UNDER THE UNITED STATES COTTON FUTURES ACT

REPACKED COTTON AND MIXED PACKED COTTON

On March 6, 1951, a notice of rule making was published in the FEDERAL REGISTER (16 F. R. 2084) regarding the proposed amendment of paragraphs (e) and (g) of § 27.38 of the regulations dealing with cotton classification (7 CFR 27.38) under the United States Cotton Futures Act, as amended (26 U. S. C. 1920 et seq.). After due consideration of all relevant material furnished, pursuant to the notice, and pursuant to the authority of the said act, the said paragraphs are hereby amended as indicated below:

1. Paragraph (e) of § 27.38. *Terms defined for purposes of classification,* is hereby amended to read as follows:

(e) *Repacked cotton.* Cotton that is composed of factors', brokers', or other samples, or of loose or miscellaneous lots collected and rebaled, or cotton in a bale which is composed of cotton from two or more smaller bales or parts of bales.

2. Paragraph (g) of § 27.38 is hereby amended to read as follows:

(g) *Mixed packed cotton.* Cotton in a bale which, in the samples drawn therefrom, shows (1) a difference of three or more grades, or (2) a difference of three or more color gradations, or (3) a difference of two or more grades and two or more color gradations, or (4) a difference in length of staple of one-eighth inch or more.

(Sec. 10, 42 Stat. 1519; 7 U. S. C. 61)

The foregoing amendments shall become effective on the 5th day of June 1951.

Done at Washington, D. C., this 30th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-5139; Filed, May 2, 1951; 8:54 a. m.]

PART 28—COTTON STANDARDS

REPACKED COTTON AND MIXED PACKED COTTON

On March 6, 1951, a notice of rule making was published in the FEDERAL REGISTER (16 F. R. 2084) regarding the proposed amendment of paragraphs (e) and (g) of § 28.44 of the regulations dealing with cotton standards (7 CFR 28.44) under the United States Cotton Standards Act (7 U. S. C. 51 et seq.). After due consideration of all relevant material furnished pursuant to the notice, and pursuant to the authority of the said act, the said paragraphs are hereby amended as indicated below:

1. Paragraph (e) of § 28.44, *Terms defined; cotton classification,* is hereby amended to read as follows:

(e) *Repacked cotton.* Cotton that is composed of factors', brokers', or other samples, or of loose or miscellaneous lots collected and rebaled, or cotton in a bale which is composed of cotton from two or more smaller bales or parts of bales.

2. Paragraph (g) of § 28.44 is hereby amended to read as follows:

(g) *Mixed packed cotton.* Cotton in a bale which, in the samples drawn therefrom, shows (1) a difference of three or more grades, or (2) a difference of three or more color gradations, or (3) a difference of two or more grades and two or more color gradations, or (4) a difference in length of staple of one-eighth inch or more.

(Sec. 10, 42 Stat. 1519; 7 U. S. C. 61)

The foregoing amendments shall become effective on the 5th day of June 1951.

Done at Washington, D. C., this 30th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-5140; Filed, May 2, 1951; 8:55 a. m.]

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

REVISED U. S. STANDARDS FOR ROUGH RICE, BROWN RICE, AND MILLED RICE

On January 27, 1951, a notice of proposed rule making was published in the FEDERAL REGISTER (16 F. R. 771) regarding proposed changes in the United States standards for rough rice, brown rice, and milled rice under the Agricultural Marketing Act of 1946 (60 Stat. 1087, 7 U. S. C. 1621 et seq.), and the items for Market Inspection of Farm Products and Marketing Farm Products recurring in the annual appropriation act for the Department of Agriculture and currently found in the Department of Agriculture Appropriation Act, 1951 (Ch. VI, Pub. Law 759, 81st Congress, 64 Stat. 595; 7 U. S. C. Supp. 414). After consideration of all relevant matters presented pursuant to the aforesaid notice, and under the authority conferred by said statutory provisions, the United States standards for rough rice, brown rice, and milled rice are hereby revised to appear in 7 CFR Part 68, as follows:

SUBPART C—UNITED STATES STANDARDS FOR ROUGH RICE

Sec.
68.201 Terms defined.
68.202 Principles governing application of standards.
68.203 Grades, grade requirements, and grade designations.

SUBPART D—UNITED STATES STANDARDS FOR BROWN RICE

68.251 Terms defined.
68.252 Principles governing application of standards.
68.253 Grades, grade requirements, and grade designations.

SUBPART E—UNITED STATES STANDARDS FOR MILLED RICE

68.301 Terms defined.
68.302 Principles governing application of standards.
68.303 Grades, grade requirements, and grade designations.

AUTHORITY: §§ 68.201 to 68.303 issued under sec. 205, 60 Stat. 1090; 7 U. S. C. 1624. Interpret or apply sec. 203, 60 Stat. 1087, Ch. VI, Pub. Law 759; 81st Cong.; 7 U. S. C. 1622.

SUBPART C—UNITED STATES STANDARDS FOR ROUGH RICE [1]

§ 68.201 *Terms defined.* The following definitions shall apply for the purposes of the United States standards for rough rice.

(a) *Rough rice.* Rough rice shall be rice which consists of 50 percent or more of kernels of rice from which the hulls have not been removed.

(b) *Classes.* [2] (1) Rough rice shall be divided into the following classes:

Rexoro rough rice, including the variety known as Rexark;
Patna rough rice;
Blue Bonnet rough rice;
Nira rough rice;
Fortuna rough rice;
Blue Rose rough rice, including the varieties known as Improved Blue Rose, Greater Blue Rose, Kamrose, and Arkrose;
Magnolia rough rice;
Zenith rough rice;
Calrose rough rice;
Early prolific rough rice;
Pearl rough rice; and
Mixed rough rice.

(2) Except with respect to the class Mixed rough rice, each class shall contain more than 25.0 percent of whole kernels of rough rice of the designated class, and may contain not more than 10.0 percent of rice of contrasting classes, and the percentage of whole and broken kernels of a designated class in any lot of rice of such class shall exceed the percentage therein of kernels of any other class.

(3) Mixed rough rice shall be any mixture of rough rice which contains more than 10.0 percent of rice of contrasting classes.

(4) Rough rice that is not specifically classified in this Subpart shall be classified according to the commonly accepted commercial name of such rough rice.

(c) *Grades.* Grades shall be the numerical grades, Sample grade, and special grades provided for in § 68.203.

(d) *Contrasting classes.* Contrasting classes shall be other classes of rice than the class designated, in which the size, length, or shape of the kernels differs distinctly from these characteristics of the kernels of the class designated.

(e) *Chalky kernels.* Chalky kernels shall be kernels and pieces of kernels of rice of which one half or more of each is chalky.

(f) *Red rice.* Red rice shall be kernels and pieces of kernels of rice which are distinctly red in color or which have any appreciable amount of red bran thereon.

(g) *Damaged kernels.* Damaged kernels shall be kernels and pieces of kernels of rice which are distinctly damaged by water, insects, heat, or any other means.

(h) *Heat-damaged kernels.* Heat-damaged kernels shall be kernels and pieces of kernels of rice which are materially discolored and damaged by heat.

(i) *Seeds.* Seeds shall be unhulled kernels of rice; and grains, kernels, or seeds, either whole or broken, of any plant other than rice.

(j) *Objectionable seeds.* Objectionable seeds shall be all seeds other than unhulled rice and seeds of the varieties of Echinochloa crusgalli commonly known as barnyard grass, watergrass, and Japanese millet.

(k) *Head rice.* Head rice shall be that product of rice milling which, after the usual screening or sizing, consists of whole kernels of milled rice and not more than 4.0 percent of broken kernels of milled rice which are not removed in such screening or sizing.

(l) *Milling yield.* Milling yield of rough rice shall be the estimate of the quantity of head rice and of total milled rice that can be produced from a unit of rough rice.

(m) *Removable foreign material (dockage).* Removable foreign material (dockage) shall be all matter other than rough rice which can be removed readily from the rough rice by the use of appropriate sieves and cleaning devices, and underdeveloped, shriveled, and small pieces of kernels of rough rice which are removed in properly separating the foreign material and cannot be recovered by properly rescreening or recleaning.

(n) *Test weight per bushel.* Test weight per bushel shall be the weight per Winchester bushel, as determined by the testing apparatus and the method of use thereof described in bulletin No. 1065, dated May 18, 1922, issued by the United States Department of Agriculture, or as determined by any device and method which give equivalent results.

§ 68.202 *Principles governing application of standards.* The following principles shall apply in the determination of the classes and grades of rough rice:

(a) *Basis of determinations.* Each determination of seeds, objectionable seeds, damaged kernels, heat-damaged kernels, red rice, chalky kernels, rice of contrasting classes, and color and general appearance, shall be on the basis of the head rice. All other determinations shall be on the basis of the rough rice as a whole.

(b) *Percentages.* Percentages shall be determined upon the basis of weight.

(c) *Percentage of moisture.* Percentage of moisture shall be that ascertained by the use of the air-oven method described in Service and Regulatory Announcements No. 147 (revised August 1941) of the Agricultural Marketing Service (now Production and Marketing Administration) of the United States Department of Agriculture, or ascertained by the use of any method which gives equivalent results.

(d) *Determination of milling yield.* The determination of milling yield of rough rice shall be made with equipment and methods prescribed by the United States Department of Agriculture. The milling yield shall be expressed in terms of whole percent and any fraction of a percent shall be disregarded.

§ 68.203 *Grades, grade requirements, and grade designations.* The following grades, grade requirements, and grade designations are applicable under this subpart:

[1] The specifications of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] The use of a variety name in the designation of a class of rough rice does not imply any guarantee of varietal purity.

(a) *Grades and grade requirements for all classes of rough rice.* (See also paragraph (c) of this section.)

Grade[1]	Maximum limits of—				
	Seeds and heat-damaged kernels		Red rice and damaged kernels (singly or combined)	Chalky kernels[2]	Rice of contrasting classes[3]
	Total (singly or combined)	Heat-damaged kernels and objectionable seeds (singly or combined)			
	Number in 500 grams	*Number in 500 grams*	*Percent*	*Percent*	*Percent*
U. S. No. 1	2	1	0.5	1.0	1.0
U. S. No. 2	4	2	1.5	2.0	2.0
U. S. No. 3	7	5	2.0	4.0	3.0
U. S. No. 4	15	10	3.0	6.0	5.0
U. S. No. 5	30	30	6.0	10.0	10.0
U. S. No. 6	75	75	[4] 15.0	15.0	10.0
U. S. sample grade	U. S. sample grade shall be rough rice which does not meet the requirements for any of the grades from U. S. No. 1 to U. S. No. 6, inclusive; or which contains more than 15.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which is otherwise of distinctly low quality.				

[1] Color and general appearance, minimum requirements: U. S. No. 1 shall be white or creamy. U. S. No. 2 may be slightly gray. U. S. No. 3 may be light gray. U. S. No. 4 may be gray or slightly rosy. U. S. No. 5 may be gray or rosy. U. S. No. 6 may be dark gray or rosy.

[2] The rice in grade U. S. No. 1 of the class Pearl rough rice may contain not more than 2.0 percent, in grade U. S. No. 2 not more than 4.0 percent, in grade U. S. No. 3 not more than 6.0 percent, and in grade U. S. No. 4 not more than 8.0 percent of chalky kernels.

[3] These limits do not apply to the class Mixed rough rice.

[4] The rice in grade U. S. No. 6 may contain not more than 6.0 percent of damaged kernels.

(b) *Grade designations—(1) Rough rice except Mixed rough rice.* The grade designation for all classes of rough rice, except Mixed rough rice, shall include, in the order named, the letters "U. S.;" the number of the grade or the words "Sample grade," as the case may be; the name of the class; and the name of each applicable special grade; and, in the case of rough rice which contains not more than 18.0 percent of moisture, there shall be added thereto a statement of the milling yield; provided that the word "California" may be added to the grade designation, preceding the name of the class, when it is determined that the rice was grown in the State of California.

(2) *Mixed rough rice.* The grade designation for Mixed rough rice shall include, in the order named, the letters "U. S."; the number of the grade or the words "Sample grade," as the case may be; the words "Mixed rough rice," followed by the name and approximate percentage of the predominant class of rough rice and of each contrasting class of rough rice in the mixture; and the name of each applicable special grade; and, in the case of rough rice which contains not more than 18.0 percent of moisture, there shall be added thereto a statement of the milling yield; provided that the word "California" may be added to the grade designation, preceding the words "Mixed rough rice," when it is determined that the rice was grown in the State of California.

(c) *Special grades, special grade requirements, and special grade designations for rough rice—(1) Damp rough rice—(i) Requirements.* Damp rough rice shall be rough rice which contains more than 14.0 percent but not more than 18.0 percent of moisture.

(ii) *Grade designation.* Damp rough rice shall be graded and designated according to the grade requirements of the standards otherwise applicable to such rough rice, and there shall be added to and made a part of the grade designation the word "Damp."

(2) *Weevily rough rice—(i) Requirements.* Weevily rough rice shall be rough rice which is infested with live weevils or other live insects injurious to stored rice.

(ii) *Grade designation.* Weevily rough rice shall be graded and designated according to the grade requirements of the standards otherwise applicable to such rough rice and there shall be added to and made a part of the grade designation the word "Weevily."

SUBPART D—UNITED STATES STANDARDS FOR BROWN RICE[1]

§ 68.251 *Terms defined.* The following definitions shall apply for the purposes of the United States standards for brown rice:

(a) *Brown rice.* Brown rice shall be rice which consists of more than 50.0 percent of kernels of rice from which the hulls only have been removed.

(b) *Classes.*[2] (1) Brown rice shall be divided into the following classes:

Rexoro brown rice, including the variety known as Rexark;
Patna brown rice;
Blue Bonnet brown rice;
Nira brown rice;
Fortuna brown rice;
Blue Rose brown rice, including the varieties known as Improved Blue Rose, Greater Blue Rose, Kamrose, and Arkrose;
Magnolia brown rice;
Zenith brown rice;
Calrose brown rice;
Early Prolific brown rice;
Pearl brown rice; and
Mixed brown rice.

[1] The specifications of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] The use of a variety name in the designation of a class of brown rice does not imply any guarantee of varietal purity.

(2) Except with respect to the classes Mixed brown rice, each class shall contain more than 25.0 percent of whole kernels of brown rice of the designated class, and may contain not more than 10.0 percent of rice of contrasting classes, and the percentage of whole and broken kernels of a designated class in any lot of rice of such class shall exceed the percentage therein of kernels of any other class.

(3) Mixed brown rice shall be any mixture of brown rice which contains more than 10.0 percent of rice of contrasting classes.

(4) Brown rice that is not specifically classified in this Subpart shall be classified according to the commonly accepted commercial name of such brown rice.

(c) *Grades.* Grades shall be numerical grades and Sample grade provided for in § 68.253.

(d) *Contrasting classes.* Contrasting classes shall be other classes of rice than the class designated, in which the size, length, or shape of the kernels differs distinctly from these characteristics of the kernels of the class designated.

(e) *Chalky kernels.* Chalky kernels shall be kernels and pieces of kernels of rice of which one half or more of each is chalky.

(f) *Broken kernels.* Broken kernels shall be pieces of kernels of rice which are less than three-fourths of the length of whole kernels, and split kernels of rice.

(g) *Red rice.* Red rice shall be kernels and pieces of kernels of rice which are distinctly red in color or on which the bran is red.

(h) *Damaged kernels.* Damaged kernels shall be kernels and pieces of kernels of rice which are distinctly damaged by water, insects, heat, or any other means.

(i) *Heat-damaged kernels.* Heat-damaged kernels shall be kernels and pieces of kernels of rice which are materially discolored and damaged by heat.

(j) *Seeds.* Seeds shall be unhulled kernels of rice; and grains, kernels, or seeds, either whole or broken, of any plant other than rice.

(k) *Objectionable seeds.* Objectionable seeds shall be all seeds other than unhulled rice and seeds of the varieties of Echinochloa crusgalli commonly known as barnyard grass, watergrass, and Japanese millet.

(l) *Foreign material.* Foreign material shall be all matter other than rice and seeds.

(m) *6½/64 sieve.* A metal sieve 0.072 inch thick perforated with round holes 6½/64 inch in diameter.

(n) *Head rice.* Head rice shall be that product of rice milling which, after the usual screening or sizing, consists of whole kernels of milled rice and not more than 4.0 percent of broken kernels of milled rice which are not removed in such screening or sizing.

(o) *Milling yield.* Milling yield of brown rice shall be the estimate of the quantity of head rice and of total milled rice that can be produced from a unit of brown rice.

§ 68.252 *Principles governing application of standards.* The following principles shall apply in the determination of the classes and grades of brown rice:

(a) *Basis of determinations.* All determinations shall be upon the basis of the brown rice as a whole.

(b) *Percentages.* Percentages shall be determined upon the basis of weight.

(c) *Percentage of moisture.* Percentage of moisture shall be that ascertained by the use of the air-oven method described in Service and Regulatory Announcements No. 147 (revised August 1941) of the Agricultural Marketing Service (now Production and Marketing Administration) of the United States Department of Agriculture, or ascertained by the use of any method which gives equivalent results.

(d) *Determination of milling yield.* The determination of milling yield of brown rice shall be made with equipment and methods prescribed by the United States Department of Agriculture. The milling yield shall be expressed in terms of whole percent and any fraction of a percent shall be disregarded.

§ 68.253 *Grades, grade requirements, and grade designations.* The following grades, grade requirements, and grade designations are applicable under this subpart:

(a) *Grades and grade requirements for all classes of brown rice.*

Grade[1]	Maximum limits of—						
	Seeds and heat-damaged kernels			Red rice and damaged kernels (singly or combined)	Chalky kernels	Broken kernels	Rice of contrasting classes[2]
	Total (singly or combined)	Heat-damaged kernels	Objectionable seeds			Total / Through 6½/64 sieve	
	Number in 500 grams	*Number in 500 grams*	*Number in 500 grams*	*Percent*	*Percent*	*Percent* / *Percent*	*Percent*
U. S. No. 1	25	1	2	1.0	1.0	5.0 / 1.0	1.0
U. S. No. 2	50	2	10	2.0	3.0	10.0 / 2.0	2.0
U. S. No. 3	75	4	20	4.0	5.0	15.0 / 3.0	5.0
U. S. No. 4	100	8	35	8.0	8.0	25.0 / 4.0	10.0
U. S. sample grade	U. S. Sample grade shall be brown rice which does not meet the requirements for any of the grades from U. S. No. 1 to U. S. No. 4, inclusive; or which contains more than 14.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse, or which is otherwise of distinctly low quality.						

[1] The brown rice in grade U. S. No. 1 may contain not more than 1.0 percent, in grade U. S. No. 2 not more than 3.0 percent, and in grades U. S. No. 3 and U. S. No. 4 not more than 10.0 percent of milled rice.

[2] These limits do not apply to the class Mixed brown rice.

(b) *Grade designations—(1) Brown rice except Mixed brown rice.* The grade designation for all classes of brown rice, except Mixed brown rice, shall include, in the order named, the letters "U. S."; the number of the grade or the words "Sample Grade," as the case may be; and the name of the class; and, in the case of brown rice which contains not more than 18.0 percent of moisture, there may be added thereto a statement of the milling yield, provided that the word "California" may be added to the grade designation, preceding the name of the class, when it is determined that the rice was grown in the State of California.

(2) *Mixed brown rice.* The grade designation for Mixed brown rice shall include, in the order named, the letters "U. S."; the number of the grade or the words "Sample Grade," as the case may be; the words "Mixed brown rice," followed by the name and approximate percentage of the predominant class of brown rice and of each contrasting class of brown rice in the mixture; and, in the case of brown rice which contains not more than 18.0 percent of moisture, there may be added thereto a statement of the milling yield; provided that the word "California" may be added to the grade designation, preceding the words "Mixed brown rice," when it is determined that the rice was grown in the State of California.

SUBPART E—UNITED STATES STANDARDS FOR MILLED RICE[1]

§ 68.301 *Terms defined.* The following definitions shall apply for the purposes of the United States standards for milled rice:

(a) *Milled rice.* Milled rice shall be whole or broken kernels of rice from which, (1) in the case of milled rice other than milled rice of the special grade Unpolished milled rice, the hulls and practically all of the germs and bran layers have been removed; or (2) in the case of milled rice of the special grade Unpolished milled rice, the hulls, a part of the germs, and the outer bran layers, but not the inner bran layers, have been removed; and which contains not more than 10.0 percent of seeds or foreign material, either singly or combined.

(b) *Classes.*[2] (1) Milled rice shall be divided into the following classes:

Rexoro milled rice, including the variety known as Rexark;
Patna milled rice;
Blue Bonnet milled rice;
Nira milled rice;
Fortuna milled rice;
Blue Rose milled rice, including the varieties known as Improved Blue Rose, Greater Blue Rose, Kamrose, and Arkrose;
Magnolia milled rice;
Zenith milled rice;
Calrose milled rice;
Early prolific milled rice;
Pearl milled rice;
Mixed milled rice;
Second Head milled rice;
Screenings milled rice; and
Brewers milled rice.

[1] The specifications of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] The use of a variety name in the designation of a class of milled rice does not imply any guarantee of varietal purity.

(2) Except with respect to the classes Mixed milled rice, Second Head milled rice, Screenings milled rice, and Brewers' milled rice, each class shall contain more than 25.0 percent of whole kernels of milled rice of the designated class, and may contain not more than 10.0 percent of milled rice of contrasting classes, and the percentage of whole and broken kernels of a designated class in any lot of rice of such class shall exceed the percentage therein of kernels of any other class.

(3) Mixed milled rice shall be any mixture of milled rice which contains more than 25.0 percent of whole kernels of milled rice and more than 10.0 percent of rice of contrasting classes.

(4) Second Head milled rice shall be any milled rice which contains not more than 25.0 percent of whole kernels, not more than 50.0 percent of broken kernels that will pass readily through a 6½/64 sieve, and not more than 10.0 percent of broken kernels that will pass readily through a 6/64 sieve.

(5) Screenings milled rice shall be any milled rice which contains not more than 25.0 percent of whole kernels, which does not meet the kernel-size requirements for the class Second Head milled rice, and which contains not more than 15.0 percent of broken kernels that will pass readily through a 5½/64 sieve.

(6) Brewers milled rice shall be any milled rice which contains not more than 25.0 percent of whole kernels and which contains more than 15.0 percent of broken kernels that will pass readily through a 5½/64 sieve.

(7) Milled rice that is not specifically classified in this Subpart shall be classified according to the commonly accepted commercial name of such milled rice.

(c) *Grades.* Grades shall be the numerical grades, Sample grades, and special grades provided for in § 68.303.

(d) *Contrasting classes.* Contrasting classes shall be other classes of rice than the class designated, in which the size, length, or shape of the kernels differs distinctly from these characteristics of the kernels of the class designated.

(e) *Chalky kernels.* Chalky kernels shall be kernels and pieces of kernels of rice of which one-half or more of each is chalky.

(f) *Broken kernels.* Broken kernels shall be pieces of kernels of rice which are less than three-fourths of the length of whole kernels, and split kernels of rice.

(g) *Red rice.* Red rice shall be kernels and pieces of kernels of rice which are distinctly red in color or which have an appreciable amount of red bran thereon.

(h) *Damaged kernels.* Damaged kernels shall be kernels and pieces of kernels of rice which are distinctly damaged by water, insects, heat, or any other means.

(i) *Heat-damaged kernels.* Heat-damaged kernels shall be kernels and pieces of kernels of rice which are materially discolored and damaged by heat.

(j) *Seeds.* Seeds shall be unhulled kernels of rice; and grains, kernels, or seeds, either whole or broken, of any plant other than rice.

(b) *Grades and grade requirements for the class Second Head milled rice.* (See also paragraph (f) of this section.)

Grade[1]	Maximum limits of—					
	Seeds and heat-damaged kernels		Red rice and damaged kernels (singly or combined)	Chalky kernels	Broken kernels	
	Total (singly or combined)	Heat-damaged kernels and objectionable seeds (singly or combined)			Through 6/64 sieve	Through 615/64 sieve
	Number in 500 grams	*Number in 500 grams*	*Percent*	*Percent*	*Percent*	*Percent*
U. S. No. 1	15	5	1.0	3.0	3.0	15.0
U. S. No. 2	20	10	2.0	5.0	5.0	25.0
U. S. No. 3	35	15	3.0	10.0	10.0	50.0
U. S. No. 4	75	25	5.0	15.0	15.0	50.0
U. S. No. 5	75	40	10.0	20.0	10.0	50.0
U. S. sample grade	U. S. sample grade shall be milled rice of this class which does not meet the requirements for any of the grades from U. S. No. 1 to U. S. No. 5, inclusive; or which contains more than 15.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which has a badly damaged or extremely red appearance; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.					

[1] Color and general appearance, minimum requirements: U. S. No. 1 shall be white or creamy, and shall be well milled. U. S. No. 2 may be slightly gray, and shall be well milled. U. S. No. 3 may be light gray, and shall be reasonably well milled. U. S. No. 4 may be gray or slightly rosy, and shall be reasonably well milled. U. S. No. 5 may be dark gray or rosy, and shall be reasonably well milled.

(c) *Grades and grade requirements for the class Screenings milled rice.* (See also paragraph (f) of this section.)

Grade[1]	Maximum limits of—							
	Seeds		Red rice and damaged kernels (singly or combined)	Chalky kernels	Broken kernels			
	Total	Objectionable seeds			Through 5½/64 sieve	Through 6/64 sieve	Through 6/61 sieve	Rice of contrasting classes[2]
	Number in 500 grams	*Number in 500 grams*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U. S. No. 1	20	5	0.5	5.0	4.0	30.0	50.0	4.0
U. S. No. 2	75	50	2.0	12.0	8.0	40.0	60.0	8.0
U. S. No. 3	125	100	3.0	20.0	16.0	50.0	60.0	16.0
U. S. No. 4	175	150	4.0	30.0	24.0	60.0	60.0	24.0
U. S. No. 5	250	200	5.0	40.0	32.0	60.0	60.0	32.0
U. S. sample grade	U. S. sample grade shall be milled rice of this class which does not meet the requirements for any of the grades from U. S. No. 1 to U. S. No. 5, inclusive; or which contains more than 15.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which has a badly damaged or extremely red appearance; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.							

[1] Color and general appearance, minimum requirements: U. S. No. 1 shall be white or creamy, and shall be well milled. U. S. No. 2 may be slightly gray, and shall be well milled. U. S. No. 3 may be light gray, and shall be reasonably well milled. U. S. No. 4 may be gray or slightly rosy, and shall be reasonably well milled. U. S. No. 5 may be dark gray or very rosy, and shall be reasonably well milled.

[2] The milled rice in grade U. S. No. 1 of the class Head milled rice may contain not more than 2.0 percent, in grade U. S. No. 2 not more than 4.0 percent, in grade U. S. No. 3 not more than 6.0 percent, and in grade U. S. No. 4 not more than 8.0 percent of chalky kernels.

[3] These limits do not apply to the class Mixed milled rice.

[4] The milled rice in grade U. S. No. 6 may contain not more than 6.0 percent of damaged kernels.

(k) *Objectionable seeds.* Objectionable seeds shall be all seeds other than unhulled rice and seeds of the varieties of Echinochloa crusgelli commonly known as barnyard grass, watergrass, and Japanese millet.

(l) *Foreign material.* Foreign material shall be all matter other than rice and seeds.

(m) *5½/64 sieve.* A metal sieve 0.032 inch thick perforated with round holes 5½/64 inch in diameter.

(n) *6/64 sieve.* A metal sieve 0.032 inch thick perforated with round holes 6/64 inch in diameter.

(o) *6½/64 sieve.* A metal sieve 0.032 inch thick perforated with round holes 6½/64 inch in diameter.

§ 68.302 *Principles governing application of standards.* The following principles shall apply in the determination of the classes and grades of milled rice:

(a) *Basis of determinations.* All determinations shall be upon the basis of the milled rice as a whole.

(b) *Percentages.* Percentages shall be determined upon the basis of weight.

(c) *Percentage of moisture.* Percentage of moisture shall be that ascertained by the use of the air-oven method described in Service and Regulatory Announcements No. 147 (revised August 1941) of the Agricultural Marketing Service (now Production and Marketing Administration) of the United States Department of Agriculture, or ascertained by the use of any method which gives equivalent results.

§ 68.303 *Grades, grade requirements, and grade designations.* The following grades, grade requirements, and grade designations are applicable under this subpart:

(a) *Grades and grade requirements for all classes of milled rice, except Second Head milled rice, Screenings milled rice, and Brewer's milled rice.* (See also paragraph (f) of this section.)

Grade[1]	Maximum limits of—						
	Seeds and heat-damaged kernels		Red rice and damaged kernels (singly or combined)	Chalky kernels[2]	Broken kernels		Color and general appearance, minimum requirements
	Total (singly or combined)	Heat-damaged kernels and objectionable seeds (singly or combined)			Through 5½/64 sieve	Through 6/64 sieve	
	Number in 500 grams	*Number in 500 grams*	*Percent*	*Percent*	*Percent*	*Percent*	
U. S. No. 1	2	2	0.1	1.0	1.0	4.0	Shall be white or creamy, and shall be well milled.
U. S. No. 2	4	4	.5	2.0	2.0	7.0	May be slightly gray, and shall be well milled.
U. S. No. 3	7	5	1.0	4.0	4.0	15.0	May be light gray or slightly rosy, and shall be reasonably well milled.
U. S. No. 4	13	10	2.0	6.0	6.0	25.0	May be gray or rosy, and shall be reasonably well milled.
U. S. No. 5	30	20	3.0	8.0	8.0	50.0	May be dark gray or very rosy, and shall be reasonably well milled.
U. S. No. 6	75	40	4.0	15.0	10.0	50.0	May be dark gray or very rosy, and shall be reasonably well milled.
U. S. sample grade	U. S. sample grade shall be milled rice of any of these classes which does not meet the requirements for any of the grades from U. S. No. 1 to U. S. No. 6, inclusive; or which contains more than 15.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which has a badly damaged or extremely red appearance; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.						

(b) *Grades and grade requirements for the class Brewers milled rice.* (See also paragraph (f) of this section.)

Grade	Seeds (maximum limits)		Color and general appearance, minimum requirements
	Total	Objectionable seeds	
	Percent	*Percent*	
U. S. No. 1	0.5	0.05	Shall be white or creamy, and shall be well milled.
U. S. No. 2	1.0	.1	May be slightly gray, and shall be well milled.
U. S. No. 3	1.5	.2	May be light gray or slightly rosy, and shall be reasonably well milled.
U. S. No. 4	3.0	.4	May be gray or rosy, and shall be reasonably well milled.
U. S. No. 5	5.0	1.5	May be dark gray or very rosy, and shall be reasonably well milled.
U. S. sample grade	U. S. sample grade shall be milled rice of this class which does not meet the requirements for any of the grades from U. S. No. 1 to U. S. No. 5, inclusive; or which contains more than 15.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which has a badly damaged or extremely red appearance; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.		

(c) *Grade designations*—(1) *Milled rice except Mixed milled rice.* The grade designation for all classes of milled rice, except Mixed milled rice, shall include, in the order named, the letters "U. S.;" the number of the grade or the words "Sample grade," as the case may be; the name of the class; and the name of each applicable special grade; *Provided*, That the word "California" may be added to the grade designation, preceding the name of the class, when it is determined that the rice was grown in the State of California.

(2) *Mixed milled rice.* The grade designation for the class Mixed milled rice shall include, in the order named, the letters "U. S.;" the number of the grade or the words "Sample grade," as the case may be; the words "Mixed milled rice," followed by the name and approximate percentage of the predominant class of milled rice and of each contrasting class of milled rice in the mixture; and the name of each applicable special grade; provided that the word "California" may be added to the grade designation, preceding the words "Mixed milled rice," when it is determined that the rice was grown in the State of California.

(f) *Special grades, special grade requirements, and special grade designations for milled rice*—(1) *Unpolished milled rice*—(i) *Requirements.* Unpolished milled rice (sometimes referred to as undermilled rice) shall be rice from which the hulls, a part of the germs, and the outer bran layers, but not the inner bran layers, have been removed. Unpolished milled rice in grades U. S. No. 1 and U. S. No. 2 may contain not more than 2.0 percent, in grades U. S. No. 3 and U. S. No. 4 not more than 5.0 percent, and in grades U. S. No. 5 and U. S. No. 6 not more than 10.0 percent, of milled rice other than unpolished milled rice, and the factor "color and general appearance" shall be disregarded.

(ii) *Grade designation.* Unpolished milled rice shall be graded and designated according to the special grade requirements for unpolished milled rice and to the grade requirements of the standards otherwise applicable to such milled rice, and there shall be added to and made a part of the grade designation the word "Unpolished."

(2) *Parboiled milled rice*—(i) *Requirements.* Parboiled milled rice shall be milled rice which, before being milled, was processed by soaking, steaming, and drying. Parboiled milled rice in grades U. S. Nos. 1 to 6, inclusive, may contain not more than 10.0 percent of kernels of parboiled milled rice that have ungelatinized areas; and parboiled milled rice in grades U. S. No. 1 and U. S. No. 2 may contain not more than 0.1 percent, in grades U. S. No. 3 and N. S. No. 4 not more than 0.2 percent, and in grades U. S. No. 5 and U. S. No. 6 not more than 0.5 percent of nonparboiled milled rice.

(ii) *Grade designation.* Parboiled milled rice shall be graded and designated according to the special grade requirements for parboiled milled rice and to the grade requirements of the standards otherwise applicable to such milled rice, except that the factor "chalky kernels" shall be disregarded, and there shall be added to and made a part of the grade designation the words "Parboiled Light" if the milled rice is not colored or is slightly colored, the word "Parboiled" if the milled rice is distinctly but not materially colored, and the words "Parboiled Dark" if the milled rice is materially colored from the parboiling treatment.

(3) *Coated milled rice*—(i) *Requirements.* Coated milled rice shall be milled rice which, in whole or in part, is coated with glucose and talc.

(ii) *Grade designation.* Coated milled rice shall be graded and designated according to the grade requirements of the standards otherwise applicable to such milled rice, and there shall be added to and made a part of the grade designation the word "Coated."

Effective date: The foregoing standards shall become effective July 1, 1951, and on that date they shall supersede the United States Standards for rough rice which became effective May 15, 1942, for brown rice which became effective May 15, 1942, and for milled rice which became effective September 4, 1946 (7 CFR 60.75 et seq.).

Done at Washington, D. C., this 30th day of April 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-5138; Filed, May 2, 1951; 8:54 a. m.]

Chapter II—Production and Marketing Administration (School Lunch Program), Department of Agriculture

PART 210—REGULATIONS AND PROCEDURE

SECOND APPORTIONMENT OF FOOD ASSISTANCE FUNDS PURSUANT TO NATIONAL SCHOOL LUNCH ACT, FISCAL YEAR 1951

Pursuant to section 4 of the National School Lunch Act (60 Stat. 230), food assistance funds available for the fiscal year ending June 30, 1951, are reapportioned among the several States as follows:

State	Total	State agency	Private schools
Alabama	$2,451,758	$2,306,045	$55,713
Arizona	409,279	387,145	22,134
Arkansas	1,688,500	1,628,936	29,564
California	3,111,314	3,111,314	
Colorado	506,732	462,553	44,179
Connecticut	590,681	590,681	
Delaware	85,037	79,059	5,978
District of Columbia	215,783	215,783	
Florida	1,296,436	1,191,583	44,853
Georgia	2,379,996	2,379,996	
Idaho	302,747	293,854	8,893
Illinois	2,396,248	2,396,248	
Indiana	1,594,754	1,594,754	
Iowa	958,046	860,324	97,722
Kansas	815,068	815,068	
Kentucky	2,224,937	2,224,937	
Louisiana	1,775,653	1,775,653	
Maine	421,471	373,343	48,128
Maryland	705,733	623,050	82,683
Massachusetts	1,519,807	1,230,093	289,714
Michigan	2,384,994	2,094,571	290,423
Minnesota	1,250,198	1,077,071	173,127
Mississippi	2,179,304	2,179,304	
Missouri	1,666,215	1,666,215	
Montana	186,561	169,854	16,707
Nebraska	493,496	442,612	50,884
Nevada	47,172	46,502	670
New Hampshire	226,556	226,556	
New Jersey	1,450,427	1,175,954	274,473
New Mexico	302,263	302,263	
New York	3,697,709	3,697,709	
North Carolina	3,017,194	3,017,194	
North Dakota	274,607	248,481	26,126
Ohio	2,764,655	2,388,420	376,235
Oklahoma	1,467,912	1,467,912	
Oregon	647,409	647,409	
Pennsylvania	3,371,503	2,869,569	501,934
Rhode Island	242,349	242,349	
South Carolina	1,805,440	1,789,285	17,555
South Dakota	186,532	165,894	20,638
Tennessee	2,283,928	2,228,362	55,266
Texas	3,946,314	3,946,314	
Utah	380,033	380,701	5,332
Vermont	181,824	181,824	
Virginia	1,698,641	1,646,321	52,320
Washington	904,567	853,146	51,421
West Virginia	1,245,788	1,218,524	27,264
Wisconsin	1,329,636	1,049,997	279,639
Wyoming	115,493	115,493	
Alaska	10,551	10,551	
Hawaii	73,320	57,521	15,799
Puerto Rico	2,377,490	2,377,490	
Virgin Islands	43,639	43,639	
Total	67,625,000	64,650,666	2,974,334

(60 Stat. 230; 42 U. S. C. 1751–1760)

Dated: April 30, 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-5102; Filed, May 2, 1951; 8:48 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1023 (Fire, Air, and Sun-51).3, Supp. 1]

PART 726—FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1951–52 MARKETING YEAR; TRANSFER OF FARM ACREAGE ALLOTMENTS

The amendment herein is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U. S. C. 1311–1314), and is made for the purpose of amending the fire-cured, dark air-cured, and Virginia sun-cured tobacco marketing quota regulations, 1951–52 marketing year, relating to the establishment of 1951 farm acreage allotments and normal yields for fire-cured, dark air-cured, and Virginia sun-cured tobacco.

Farmers throughout the tobacco producing areas are now completing their plans and preparing the land for the production of fire-cured, dark air-cured, and Virginia sun-cured tobacco in 1951. In order that tobacco farmers who are affected by the amendment set forth herein may make the necessary changes in their plans and operations, it is essential that the amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest, and the amendment contained herein shall be effective upon publication in the FEDERAL REGISTER.

The fire-cured, dark air-cured, and Virginia sun-cured tobacco marketing quota regulations, 1951–52 marketing year (15 F. R. 5874), are hereby amended by adding the following new section:

§ 726.229 *Transfer of farm acreage allotments.* Notwithstanding the foregoing provisions of the regulations in this part except § 726.227, the owner and operator of a farm for which both a fire-cured tobacco and a dark air-cured tobacco acreage allotment, or both a fire-cured tobacco and a Virginia sun-cured tobacco acreage allotment are established under these regulations may voluntarily and permanently surrender in writing to the county committee not later than May 31, 1951, either of such farm acreage allotments. The acreage surrendered for each kind of tobacco shall, upon request in writing to the county committee not later than May 31, 1951, and in the order requested, be used by the county committee for equivalent increases in the acreage allotments for other farms producing such kind of tobacco which surrendered acreage to the county committee under this section. Such increase in the acreage allotment for any farm shall not exceed the acreage surrendered from such farm to the county committee. Acreage surrendered under this section shall, to the extent that it is not transferred hereunder, be returned to the farms from which it was surrendered.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 313, 52 Stat. 47, as amended; 7 U. S. C. 1313)

Done at Washington, D. C., this 30th day of April 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-5103; Filed, May 2, 1951; 8:48 a. m.]

[1026—(Peanuts-50)—2]

PART 729—PEANUTS

DISTRIBUTION OF PROCEEDS RECEIVED BY COMMODITY CREDIT CORPORATION FROM SALE OF VIRGINIA AND VALENCIA TYPES OF EXCESS PEANUTS OF 1950 CROP FOR CLEANING AND SHELLING

GENERAL

Sec.
729.180 Basis and purpose.
729.181 Definitions.
729.182 Instructions and forms.
729.183 Total pounds delivered.
729.184 Cost of proration.
729.185 Rate per pound.
729.186 Producers percentage shares.
729.187 Producers poundage shares.
729.188 Amount due each producer.
729.189 Application for payment.
729.190 Method of payment.
729.191 Payment of amounts due persons who have died, disappeared or have been declared incompetent.
729.192 Payment computed and made without regard to claims.

AUTHORITY: §§ 729.180 to 729.192 issued under Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 359, 55 Stat. 91, as amended; 7 U. S. C. 1359.

GENERAL

§ 729.180 *Basis and purpose.* The regulations contained in §§ 729.180 to 729.192 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the method to be used in prorating the proceeds received by the designated agency from the sale of excess Virginia and Valencia peanuts for cleaning and shelling pursuant to section 359 (g) of such act, as amended. Virginia and Valencia types of peanuts were declared to be in short supply by the president, Commodity Credit Corporation on October 6, 1950 (15 F. R. 6833) pursuant to authority delegated to him by the Secretary.

Public notice of the proposed regulations governing distribution of proceeds received from the sale for cleaning and shelling of Virginia and Valencia types of 1950-crop excess peanuts was given (16 F. R. 2799) in accordance with the Administrative Procedure Act (60 Stat. 237). The regulations are issued after due consideration of recommendations submitted in response to such notice.

The marketing of the 1950 crop of Virginia and Valencia types of peanuts is practically complete. In order that the necessary determinations under these regulations and payments thereunder to producers may be made with reasonable promptness, it is essential that the regulations be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest, and the regulations contained in §§ 729.180 to 729.192 shall be effective upon filing of this document with the Director, Division of the Federal Register.

§ 729.181 *Definitions.* As used in §§ 729.180 to 729.192 the words and phrases used herein have the meaning assigned to them in § 729.141 of the Marketing Quota Regulations for the 1950 Crop of Peanuts (15 F. R. 4739).

§ 729.182 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions for the guidance of the State and county committees as are necessary for carrying out §§ 729.180 to 729.192. The forms and instructions shall be approved by, and the instructions shall be issued by the Assistant Administrator for Commodity Operations, Production and Marketing Administration, United States Department of Agriculture.

§ 729.183 *Total pounds delivered.* In determining the total pounds of excess Virginia or Valencia type peanuts delivered to or marketed through the designated agency, the following shall not be included:

(1) Excess Virginia type peanuts marketed after June 15, 1951.

(2) Excess Valencia type peanuts marketed after May 15, 1951.

(3) Shelled excess Virginia or Valencia type peanuts retained by seed shellers as a toll for shelling peanuts for seed.

Totals of the pounds of excess Virginia and Valencia type peanuts delivered to or marketed through the designated agency shall be determined by obtaining totals of the pounds delivered for oil as shown on all memoranda of sale issued from excess oil marketing cards and covering Virginia or Valencia type peanuts.

§ 729.184 *Costs to be deducted.* The estimated cost of storing, handling, and selling, and the estimated cost of proration, with respect to each type of excess peanuts (i. e., Virginia and Valencia types of peanuts) shall be determined by the Assistant Administrator for Commodity Operations, Production and Marketing Administration, United States Department of Agriculture.

§ 729.185 *Rate per pound.* For each type of peanuts (i. e., Virginia and Valencia types of peanuts), the total amount paid to producers for excess peanuts of such type delivered to or marketed through the designated agency, the estimated cost of storing, handling, and selling excess peanuts of such type, and the estimated cost of proration, shall be deducted from the proceeds received by the designated agency from the sale of excess peanuts of such type for cleaning and shelling to determine the total amount to be prorated to persons who delivered to or marketed through the designated agency excess peanuts of such type. A flat rate per pound for each such type of peanuts shall be determined by dividing the total pounds of excess peanuts of such type delivered to or marketed through a designated agency into the total amount to be prorated for such type.

§ 729.186 *Producers percentage shares.* For each type of peanuts, each producer's percentage share of the picked and threshed acreage shall be determined by the county committee from the 1950 Performance Report (Form PMA–578). If, before all producers on the farm have signed the application for payment or before a final determination of the percentage and poundage shares by the county committee without the signatures of all producers on the farm, as provided in § 729.189, the county committee determines, on the basis of evidence submitted by any producer on the farm, that the percentage shares determined from the 1950 Performance Report are incorrect, the county committee shall redetermine the percentage shares for all producers on the farm on the basis of evidence submitted by the producers and any other information available to the county committee.

§ 729.187 *Producers poundage shares.* For each type of peanuts on each farm, each producer's poundage share of the excess peanuts delivered to or marketed through a designated agency shall be determined by the county committee by multiplying the producer's percentage share of the picked and threshed acreage of Virginia or Valencia type peanuts, as the case may be, on the farm by the total number of pounds of excess peanuts of such type produced on the farm that were delivered to or marketed through a designated agency. If, before all producers on the farm have signed the application for payment or before a final determination of the percentage and poundage shares by the county committee without the signatures of all producers on the farm, as provided in § 729.189, the county committee determines, on the basis of evidence submitted by any producer on the farm, that the poundage shares determined as provided in this section are incorrect, the county committee shall redetermine the poundage shares for all producers on the farm on the basis of evidence submitted by the producers and any other information available to the county committee.

§ 729.188 *Amount due each producer.* On each farm and for each type of peanuts, the amount due each producer shall be determined by multiplying the producer's poundage share by the rate per pound determined in accordance with § 729.185.

§ 729.189 *Application for payment.* In order to receive payment, each producer must sign an application for payment (CCC Peanut Form 836) certifying the correctness of his percentage and poundage shares. The applicable provisions of the "General Procedure for Applications for Payment," PMA Instruction No. 1066.1 (formerly ACP–207), a copy of which shall be available for public inspection in the office of each county committee, shall apply to the signing of applications for payment or other documents under the regulations in this part. The county committee shall make the application for payment with respect to each farm available for signature by the producer(s) either in the office of the county committee or by mailing such application for payment to the farm operator with a request that he obtain each producer's signature on such application. The county committee shall mail to each producer, at his last known address, a notice informing him whether the application for payment is available in the office of the county committee for signature or is being mailed to the farm operator for signature by each producer. Such notice shall specify the time within which all producers must sign such application and, if the application was mailed to the farm operator, the notice shall also specify the time within which the application must be returned to the county committee. No payment shall be made to any producer on the farm until all producers on the farm have signed the application for payment, except that, if the county committee determines, after expiration of the time for signature specified in the notice to each producer, that any producer cannot be located or that he has failed or refused to sign such application without good cause, the county committee may determine the percentage and poundage share for each producer in accordance with §§ 729.186 and 729.187 and payment may be made on the basis of such determination to each producer who has signed such application, and such determination and payments made thereunder shall be final and conclusive with respect to all producers on the farm.

§ 729.190 *Method of payment.* Payments to producers will be made by means of sight drafts on Commodity Credit Corporation issued by the State or county committee.

§ 729.191 *Payment of amounts due persons who have died, disappeared, or have been declared incompetent.* In case of death, disappearance, or incompetency of any producer, his share of the payment shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (7 CFR 716.1–716.7).

§ 729.192 *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to question of title under State law, without deduction of claims for advances (except for indebtedness to the United States or any agency thereof, subject to set-off under regulations issued by the Secretary (7 CFR 718.1–718.4)) and without regard to any claim or lien against any crop or proceeds thereof in favor of the owner or any other creditor.

Done at Washington, D. C. this 30th day of April 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-5104; Filed, May 2, 1951; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 3]

PART 34—FLIGHT NAVIGATOR CERTIFICATES

CONTENTS AND SCOPE OF WRITTEN AND PRACTICAL EXAMINATIONS REQUIRED IN PROOF OF AERONAUTICAL KNOWLEDGE AND SKILL

The following policies are hereby adopted. The sections of the regulations being implemented is repeated here to assist the public in understanding how the Administrator's policies apply to it.

Sec.
34.7 Knowledge.
34.7–1 The content and scope of the written examination required for a flight navigator certificate in proof of aeronautical knowledge (CAA policies which apply to § 34.7).
34.8 Skill.
34.8–1 The content and scope of the practical examination required for a flight navigator certificate in proof of aeronautical skill (CAA policies which apply to § 34.8).

AUTHORITY: §§ 34.7 to 34.8–1 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 602, 52 Stat. 1008; 49 U. S. C. 552.

§ 34.7 *Knowledge.* Applicant shall pass a written examination on the following subjects:

(a) Those provisions of the regulations in this subchapter pertinent to the duties of a navigator in the navigation of aircraft;

(b) The fundamentals of flight navigation, including flight planning and cruise control;

(c) Practical meteorology, including the analysis of weather maps, weather reports, and weather forecasts; weather sequence abbreviations, symbols, and nomenclature;

(d) Types of air navigation facilities and procedures in general use;

(e) The calibration and use of instruments used in air navigation;

(f) Navigation by dead reckoning;

(g) Navigation by celestial means;

(h) Navigation by means of radio aids;

(i) Pilotage and map reading;

(j) Interpretation of navigational aid identification signals.

§ 34.7–1 *The content and scope of the written examination required for a flight navigator certificate in proof of aeronautical knowledge (CAA policies which apply to § 34.7).* The flight navigator written examination is designed for the purpose of determining whether or not an applicant possesses sufficient knowledge to perform safely the duties of a flight navigator.

Since the holder of a valid flight navigator certificate is privileged to navigate any type of aircraft to any part of the world, he must be thoroughly familiar with numerous navigational methods and aids. The examination, therefore,

covers the subject of navigation very broadly.

NOTE: The Administrator has compiled a study guide to aid applicants in preparing for the flight navigator certificate written examination. This guide is contained in Appendix A of Civil Aeronautics Manual 34, not filed with the Federal Register Division.

§ 34.8 *Skill.* (a) Applicant shall pass a practical examination in the operation of flight navigational equipment.

(b) Applicant shall accomplish practical tests in aircraft navigation by:

(1) Dead reckoning;

(2) Celestial means; and

(3) Radio aids to navigation.

§ 34.8–1 *The content and scope of the practical examination required for a flight navigator certificate in proof of aeronautical skill (CAA policies which apply to § 34.8).* The practical examination is designed for the purpose of determining whether or not an applicant possesses sufficient skill to perform safely the duties of flight navigator.

NOTE: The administrator has compiled a guide to aid applicants in preparing for the flight navigator certificate practical examination. This guide is contained in Appendix B of Civil Aeronautics Manual 34, not filed with the Federal Register Division.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 602, 52 Stat. 1008; 49 U. S. C. 552)

These policies shall become effective May 4, 1951.

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51–5117; Filed, May 2, 1951; 8:51 a. m.]

[Supp. 2]

PART 51—GROUND INSTRUCTOR RATING

PRACTICAL TEST REQUIREMENT FOR ORIGINAL ISSUANCE

Proposed rules regarding compliance with § 51.17–1 were published on November 7, 1950, in 15 F. R. 7486. Interested persons were afforded an opportunity to submit data, views, or arguments. Consideration has been given to all relevant matter presented. The following rules are hereby adopted. The section of the regulations being implemented is repeated here to assist the public in understanding how the Administrator's rules apply to it.

§ 51.17 *Standard of performance.* All practical and theoretical examinations and tests shall be accomplished to the satisfaction of the Administrator and the passing grade in each subject shall be 70 percent.

§ 51.17–1 *Practical test requirements for original issuance of a ground instructor certificate and rating (CAA rules which apply to § 51.17)*—(a) *General.* In the interest of uniformity in application of examination procedures, to effect a better standardization of test requirements, and to raise the general quality of instruction, a practical examination shall be given to all applicants for original issuance of a ground instructor certificate and rating, except those applicants who hold a currently effective teacher's certificate issued by a city, county, or state.

(b) *Date of implementation of practical test.* On and after January 1, 1951, all applicants for original issuance of a ground instructor certificate, except those holding currently effective teacher's certificates issued by a city, county, or state, shall be required to successfully accomplish a practical examination on the fundamentals of instructing. Holders of ground instructor certificates issued prior to January 1, 1951, whose certificates are currently effective on that date shall not be required to take the practical examination.

(c) *Practical examination.* The examination shall consist of a demonstration of the practical application of the fundamentals of instructing, in which the applicant will be tested for his ability to present the subject matter to a student in clear and understandable terms. This practical examination may be accomplished either by having the applicant instruct a representative of the Administrator in the subject matter for which he seeks a rating or by a representative of the Administrator observing the applicant teach a group of students.

A grade of at least 70 percent must be obtained in order to pass the practical examination.

(Sec. 205, 52 Stat. 984, as amended, 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, 49 U. S. C., 551)

These rules shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51–5118; Filed, May 2, 1951; 8:51 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 516—RECORDS TO BE KEPT BY EMPLOYERS

INDUSTRIAL HOMEWORKERS

The regulations contained in this part have been issued by the Administrator of the Wage and Hour and Public Contracts Divisions pursuant to section 11 (c) of the Fair Labor Standards Act of 1938, as amended.

Section 516.21 of these regulations provides for certain records to be kept by employers who employ industrial homeworkers. Section 516.21 (a) defines "industrial homeworker" as "any person producing in or about a home, for an employer, goods from material furnished directly by or indirectly for such employer."

In the administration and enforcement of the Fair Labor Standards Act the Administrator and the Secretary of Labor construe this definition, and the definitions of industrial home work contained in other regulations under the act, as being applicable to homeworkers producing goods for or on behalf of an employer, regardless of the source of the materials used by the homeworkers. The act and regulations have for years been enforced on this basis.

In a recent decision by the United States Court of Appeals for the Second Circuit in the case of Tobin v. Wagner Company, Inc. (March 21, 1951) the court questioned the intended scope of the regulations of the Administrator prohibiting industrial home work on the ground that the language defining "industrial home work" contained in such regulations is not sufficiently clear in the absence of a published administrative construction of such language as being applicable to situations where the homeworkers obtain their materials from a source independent of the person for whom the goods are being produced.

Accordingly, in order to clarify the record-keeping requirements concerning industrial homeworkers contained in § 516.21, such section is amended as set forth below. Inasmuch as this amendment merely undertakes to clarify, not to change the consequences intended by the present regulations, advance notice and public procedure thereon as well as delay in the effective date are unnecessary (Administrative Procedure Act, sec. 4, 60 Stat. 237; 5 U. S. C. 1004).

Now, therefore, pursuant to authority vested in me by section 11 (c) of the Fair Labor Standards Act of 1938, as amended, § 516.21 is amended to read as follows:

§ 516.21 *Industrial homeworkers*—(a) *Definitions.* (1) "Industrial homeworker" and "homeworker," as used in this section, mean any employee employed or suffered or permitted to perform industrial home work for an employer.

(2) "Industrial home work," as used in this section, means the production by any person in or about a home, apartment, tenement, or room in a residential establishment of goods for an employer who suffers or permits such production, regardless of the source (whether obtained from an employer or elsewhere) of the materials used by the homeworker in such production.

(3) The terms "person," "employ," "employer," "employee," "goods," and "production" as used in this section is the same as in the act.

(b) *Items required.* Every employer shall maintain and preserve payroll or other records containing the following information and data with respect to each and every industrial homeworker employed by him (excepting those homeworkers in Puerto Rico to whom Part 545 or Part 681 of this chapter apply, or in the Virgin Islands to whom Part 695 of this chapter applies).

(1) Name in full, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records. This shall be the same as that used for Social Security record purposes.

(2) Home address,

(3) Date of birth if under 19,

(4) With respect to each lot of work:

(i) Date on which work is given out to worker, or begun by worker, and amount of such work given out or begun,

(ii) Date on which work is turned in by worker, and amount of such work,

(iii) Kind of articles worked on and operations performed,

(iv) Piece rates paid,

(v) Hours worked on each lot of work turned in,

(vi) Wages paid for each lot of work turned in,

(vii) Deductions for Social Security taxes,

(viii) Date of wage payment and pay period covered by payment,

(5) With respect to each week:

(i) Hours worked each week,

(ii) Wages earned for each week at regular piece rates,

(iii) Extra pay due each week for overtime worked,

(iv) Total wages earned each week,

(v) Deductions for Social Security taxes,

(6) With respect to any agent, distributor, or contractor: the name and address of each such agent, distributor, or contractor through whom home work is distributed or collected and name and address of each homeworker to whom home work is distributed or from whom it is collected by each such agent, distributor or contractor.

(c) *Home work handbook.* In addition to the information and data required in paragraph (b) of this section, a separate handbook (to be obtained by the employer from the Wage and Hour Division and supplied by him to each worker) shall be kept for each homeworker. The information required therein shall be entered by the employer or the person distributing or collecting home work on behalf of such employer each time work is given out to or received from a homeworker. Except for the time necessary for the making of entries by the employer, the handbook must remain in the possession of the homeworker until such time as the Wage and Hour Division may request it. Upon completion of the handbook (that is, no space remains for additional entries) or termination of the homeworker's services, the handbook shall be returned to the employer for preservation in accordance with the regulations in this part. A separate record and a separate handbook shall be kept for each person performing home work.

This amendment shall become effective immediately on publication in the FEDERAL REGISTER.

(Sec. 11, 52 Stat. 1066, as amended; 29 U. S. C. 211)

Signed at Washington, D. C., this 26th day of April 1951.

WM. R. MCCOMB,
Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 51–5115; Filed, May 2, 1951; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Supplementary Regulation 2]

CPR 22, SR 2—ALTERNATIVE METHOD FOR DETERMINING CEILING PRICES BY ADJUSTING CEILING PRICES ESTABLISHED UNDER THE GENERAL CEILING PRICE REGULATION RATHER THAN BASE PERIOD PRICES

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 2 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

The Statement of Considerations accompanying Ceiling Price Regulation 22 emphasized that a primary objective of the regulation was to remedy the distorted price structure which had been frozen by the General Ceiling Price Regulation. It is expected that Ceiling Price Regulation 22 will aid materially in restoring a more balanced price relationship between the prices of commodities at different stages of manufacturing and processing.

In accomplishing this essential objective, however, existing relationships between the prices of different commodities sold by the same manufacturer may be substantially altered. Under the terms of Ceiling Price Regulation 22, the adjustment of pre-Korean prices to reflect post-Korean labor and materials cost increases can be made in a number of ways. The adjustments can be calculated separately for each commodity, or a uniform percentage increase can be applied to all commodities in a product line or a category or to all the commodities produced in a unit of a business or even in an entire business. For most companies covered by the regulation, these alternative methods of calculation should provide sufficient flexibility to yield a structure of ceiling prices which is satisfactory, not only in its average level, but also in the relationship between the prices of the different commodities sold. There are cases, however, in which this is not true, particularly for multi-product companies producing a wide range of products, using many different materials which have experienced greatly varying cost increases. In these cases, calculation of individual adjustments for each commodity may prove too burdensome, while the application of a uniform factor to all the items in a category or unit of the business may cause an undesirable disturbance of the existing price pattern.

The purpose of this supplementary regulation is to provide an alternative method of pricing which would permit companies in the position just described to adjust their general price level in strict accordance with the principles underlying Ceiling Price Regulation 22, but with minimum disruption to their current price relationships. Under this supplementary regulation, the manufacturer first computes the total increase in certain of his manufacturing costs since Korea for all the products in his business, a unit of his business, a category or a product line. He then calculates the average amount by which his ceiling prices under GCPR exceed those he charged in his pre-Korean base period. On the basis of these two ratios, he adjusts his current ceiling prices, either upward or downward, by a uniform percentage, so as to yield him the same average increase over his base period prices as he would obtain by applying the adjustment factors to his base period prices directly.

The manufacturer who avails himself of this alternative method of determining his ceiling prices, should neither gain nor lose in total revenue as compared with the manufacturer who adjusts his base period prices. It simply makes it possible for him to maintain the existing price relationships between his different products.

It may be that the method prescribed in this supplementary regulation for obtaining a uniform percentage to be applied to current ceiling prices is not practicable in some situations. Where this is the case, a manufacturer is permitted to propose his own method for calculating a uniform percentage. Any such proposed method must be consistent with the method prescribed in this regulation, must yield the same basic results and cannot be used unless and until approved in writing by the Director of Price Stabilization.

REGULATORY PROVISIONS

Sec.

1. What this supplementary regulation does.
2. Applicability of this supplementary regulation.
3. How to adjust your GCPR ceiling prices for all of your commodities.
4. How to adjust your GCPR ceiling prices for all commodities produced in a particular unit of your business, category or product line.
5. Applicability of provisions of CPR 22.
6. Option to propose an alternative method for obtaining your price adjustment ratio.
7. Records.
8. Definitions.

AUTHORITY: Sections 1 to 8 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation permits you to determine your ceiling prices by adjusting your ceiling prices established under the GCPR rather than your base period prices under CPR 22. Consequently this pricing method can be used only for (a) commodities in which you dealt between July 1, 1949 and June 24, 1950 and which can be priced under section 3 of CPR 22 or (b) minor change commodities which can be priced under section 30 of CPR 22. You may wish to use this supplementary regulation if a uniform percentage increase applied to your base

period prices for all of your commodities or for all of your commodities produced in a particular unit of your business or included in a particular category or product line would be inappropriate because materials costs of your individual commodities have increased in varying proportions. Although, under Method 2 (section 14) of CPR 22, "the materials cost adjustment" could be calculated separately for each commodity, it may be that you manufacture so many different commodities that use of that method would not be practicable.

Under this supplementary regulation you first calculate the average percentage increase over your base period prices which you would be permitted under CPR 22. You then compare this percentage with the percentage by which your GCPR ceiling prices actually exceed your base period prices. The difference is a percentage adjustment, up or down, which you apply to your GCPR ceiling prices. In addition, this supplementary regulation permits you to propose your own method for arriving at such a percentage adjustment. There are prescribed limitations upon the use of any such proposed method.

This section is intended only as a general description to aid in understanding this supplementary regulation; the following sections are controlling.

SEC. 2. *Applicability of this supplementary regulation.* This supplementary regulation applies only to commodities which can be priced under sections 3 or 30 of CPR 22. Therefore, any reference to "commodity" in this supplementary regulation means only a commodity which can be so priced.

SEC. 3. *How to adjust your GCPR ceiling prices for all of your commodities.* If you do not operate more than one plant you may determine your ceiling prices for all of your commodities in the following manner:

(a) Add your labor cost adjustment factor derived under section 8 (e) of CPR 22 and your materials cost adjustment factor derived under either section 13 (d), 15 (c) or 16 (d) of CPR 22, depending upon which you used. (You will have used section 15 (c) only if all of your commodities are in the same product line and section 16 (d) only if all of your commodities are in the same category or product line.) The resulting toial is referred to as your "total cost adjustment factor."

(b) Find the number of units of each commodity sold by you during your last fiscal year ended not later than December 31, 1950.

(c) Multiply the number of units of each commodity found under paragraph (b) of this section by the base period price for that commodity. The base period price is obtained under section 6 of CPR 22 and is based upon a price to your largest buying class of purchaser. Add these amounts to find the total value of your sales at base period prices.

(d) Multiply the number of units of each commodity found under paragraph (b) of this section by your GCPR ceiling price for that commodity to the same largest buying class of purchaser you used in paragraph (c) of this section. Add these amounts to obtain the total value of your sales at GCPR prices.

(e) Divide the GCPR value found under paragraph (d) of this section by the base period value found under paragraph (c) of this section. This will give you the average ratio between your GCPR prices and your base period prices. This percentage is referred to as your "actual price ratio".

(f) Add 100 percent to your total cost adjustment factor derived under paragraph (a) of this section. The resulting percentage is referred to as your "permissible ceiling price ratio".

(g) Divide your permissible ceiling price ratio by your actual price ratio. The resulting percentage is referred to as your "price adjustment ratio".

(h) Apply your price adjustment ratio to your GCPR ceiling prices for the commodities you are pricing. The GCPR ceiling price you use is that to the same largest buying class of purchaser you used in paragraph (c) of this section. This will give your ceiling prices for these commodities to that class of purchaser. Your ceiling prices to each of your other classes of purchaser shall be determined in accordance with section 3 (c) of CPR 22.

(i) If you use this section, it must be used for all of your commodities.

Example 1: Your labor cost adjustment factor calculated in accordance with section 8 (e) of CPR 22 is 3 percent. Your materials cost adjustment factor calculated in accordance with section 13 (d) of CPR 22 is 7 percent. Your total cost adjustment factor is therefore 10 percent. 100 percent plus 10 percent is 110 percent. This is your permissible ceiling price ratio. Your actual price ratio derived under paragraph (e) of this section is 115 percent. 110 percent divided by 115 percent is 95.65 percent. This is your price adjustment ratio. Multiply your GCPR ceiling prices for the commodities being priced by 95.65 percent (or decrease each price by 4.35 percent). This will give your new ceiling prices for these commodities. (Also see sample work sheet in Appendix A.)

Example 2: Your permissible ceiling price ratio is 110 percent, the same as in Example 1. However, your actual price ratio derived under paragraph (e) of this section is 105 percent. 110 percent divided by 105 percent is 104.76 percent. This is your price adjustment ratio. You therefore multiply your GCPR ceiling prices for the commodities being priced by 104.76 percent (or increase each price by 4.76 percent). This will give your new ceiling prices for these commodities.

SEC. 4. *How to adjust your GCPR ceiling prices for all commodities produced in a particular unit of your business, category or product line.* If you wish to determine your ceiling prices for all commodities produced in a particular unit of your business for which you regularly maintain separate accounts, or in a particular category or product line, you make the calculations prescribed in section 3 of this supplementary regulation, except that your labor cost adjustment factor may be derived under either sections 8 or 9 of CPR 22 and your other calculations will be based upon that particular unit of your business, category or product line, rather than upon your entire business. Thus, in calculating your materials cost adjustment factor you will use section 13 (d) of CPR 22 for a unit of your business, section 15 (c) of CPR 22 for a product line or section 16 (d) of CPR 22 for a category or product line. The price adjustment ratio you derive will be applied only to the GCPR ceiling prices for the commodities produced in that particular unit of your business, category or product line. If you use this section, it must be used for all commodities produced in that particular unit of your business, product line or category.

SEC. 5. *Applicability of provisions of CPR 22.* Except to the extent expressly modified or supplemented by this supplementary regulation, all provisions of CPR 22 shall be applicable to any manufacturer subject to CPR 22 who uses this supplementary regulation. Thus, by way of illustration, reports on Public Form No. 8 must be filed in accordance with sections 46 and 48 of CPR 22; the 15-day waiting period prescribed by those sections in cases where a ceiling price higher than that under the General Ceiling Price Regulation is reported, must be observed; and the limitations upon the use of sections 13 and 16 of CPR 22 must be complied with.

SEC. 6. *Option to propose an alternative method for obtaining your price adjustment ratio.* (a) If you believe that your situation makes desirable the use of a pricing method under which your GCFR ceiling prices would be adjusted rather than your base period prices under CPR 22, but you consider that the method prescribed in this supplementary regulation for obtaining your price adjustment ratio cannot practicably be used by you, you may propose an alternative method in the manner specified in paragraph (b) of this section. Your proposed method must take account of the same factors as the method prescribed in this supplementary regulation and must achieve the same basic results.

(b) You should submit your proposed method in writing to the Director of Price Stabilization, stating the reasons why you believe it to be appropriate and why you consider use of the method prescribed in this supplementary regulation is not practicable; and setting forth in detail each of the steps to be taken. You may, if you prefer, submit your proposed method without actually calculating your ceiling prices under it. You must nevertheless indicate what the change would be in the general level of your GCPR ceiling prices and your base period prices for the particular commodities to which your proposed method will be applied; and what your new ceiling prices would be for at least the best selling commodity in your more important product lines. In addition, you must indicate your base period prices and your ceiling prices as determined under CPR 22 for each such best selling commodity. Unless and until the Director of Price Stabilization approves in writing your proposed method, you may not use it. If you have submitted your proposed method without calculating your ceiling prices under it, you may not use that method until you have submitted your ceiling prices as determined thereunder and the Director of Price Stabilization has given you written approval.

SEC. 7. *Records.* Section 46 (a) (2) (ii) of CPR 22 requires that the records to be preserved must include appropriate work sheets. In addition to the work sheets referred to therein, there must also be preserved the additional work sheets required for your calculations under this supplementary regulation. Appendix A contains a suggested work sheet for these additional calculations. The work sheets to be preserved may be in the form shown in Appendix A, or they may be in any other convenient form so long as they include all data and calculations required to determine your ceiling prices under this supplementary regulation.

SEC. 8. *Definitions.*—(a) *GCPR.* This term means the General Ceiling Price Regulation issued by the Director of Price Stabilization on January 26, 1951 (16 F. R. 809), as amended.

(b) *CPR 22.* This term means Ceiling Price Regulation 22 issued by the Director of Price Stabilization on April 25, 1951.

All definitions used in CPR 22 which are pertinent to this supplementary regulation are incorporated in this supplementary regulation by this reference.

Effective date. The effective date of this supplementary regulation is May 28, 1951.

NOTE.—The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 1, 1951.

APPENDIX A

This appendix contains a "work sheet" with illustrative figures inserted for certain calculations required for determining ceiling prices under this supplementary regulation. Copies of this work sheet will not be distributed by OPS. It is shown only to indicate the content and arrangement of data appropriate for certain important calculations, for a record of these calculations for your own use, for examination by OPS representatives and for submittal on request to OPS. Any other arrangement which records the same basic data and calculations is acceptable.

Work Sheet
Supp. Reg. 2, CPR-22

PRICE ADJUSTMENT RATIO WORK SHEET

Instruction: The calculations, as shown below, may be made for an entire plant (or your entire business if you do not operate more than one plant), or for a smaller unit of your business, category or product line, as provided in sections 3 or 4 of Supplementary Regulation 2.

Name of Firm .....
Street Address .....
City, postal zone, state .....
.....

Calculations Below Are For:

1. ☐ Entire business consisting of one plant
☐ Unit of business located at ..... and identified as .....
☐ Product line identified as .....
☐ Category identified as .....

2. CALCULATION OF PRICE ADJUSTMENT RATIO

(a) Commodity. (You must indicate the unit of measure, e. c., dozen, pound, gallon, ton, if other than a single physical unit.)	(b) Number of units sold in your last fiscal year ended not later than December 31, 1950	(c) Base period price (to largest buying class of purchaser)	(d) Value of sales in (b) at base period prices: (b) x (c)	(e) Ceiling price under GCPR (to the same largest buying class of purchaser)	(f) Value of sales in (b) at GCPR ceiling prices: (b) x (e)
A	100	$10	$1,000	$14	$1,400
B	1,000	5	5,000	7	7,000
C	500	20	10,000	20	10,000
Total			16,000		18,400

	Percent
3. Actual price ratio. (Total column (f) divided by total column (d), 18,400/16,000)	115
4. Labor cost adjustment factor (from Work Sheet 1 shown in Appendix E to CPR 22)	3
5. Materials cost adjustment factor (from Work Sheet 2 or 3 shown in Appendix E to CPR 22)	7
6. Total cost adjustment factor (line 4 plus line 5)	10
7. Permissible ceiling price ratio (line 6 plus 100%)	110
8. Price adjustment ratio (line 7 divided by line 3)	95.65

[F. R. Doc. 51-5166; Filed, May 1, 1951; 4:00 p. m.]

[Ceiling Price Regulation 27]

CPR 27—LAKE COAL DOCK OPERATORS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 27 is hereby issued.

STATEMENT OF CONSIDERATIONS

The coal docks located on the United States bank of Lake Superior and on that part of the west bank of Lake Michigan north of and including Waukegan, Illinois, have been aptly referred to as the coal mines of the Northwest. Elaborate facilities are utilized by such docks to handle, prepare and size coal to meet the varied needs of the Northwest area supplied by the docks. Except for the physical distance of such a dock from the coal mines which supply it, the dock and its facilities might well be considered "a preparation plant which is an adjunct of a mine or mines" within the meaning of Ceiling Price Regulation No. 3 (Coal, except Pennsylvania Anthracite, Delivered from Mine or Preparation Plant).

Since the overwhelming preponderance of the solid fuel tonnage handled or prepared on these docks and sold from them is the coal subject to Ceiling Price Regulation No. 3 (when sold by the producer f. o. b. the mine to the dock operator) it is appropriate that the pattern of this regulation should follow so far as practicable the pattern of Ceiling Price Regulation No. 3. In this way, the ceiling prices for coal sold from the docks will be reasonably related to the ceiling prices which the dock operators may have to pay to the producer under Ceiling Price Regulation No. 3. The basic pattern of Ceiling Price Regulation No. 3 in respect to base period, the period on the basis of which ceilling prices are determinable, and ceiling weighted average realization are substantially followed in this regulation. Some reasonable modifications in the basic pattern have been made in order to accommodate it to the distinguishing features of the lake dock coal trade, including (a) the problems incident to the fact that the lake docks handle normally coals from many different mines which produce coals of varying grades and sizes and (b) the fact that the ceiling prices at the mine, one of the principal components of the lake coal dock operators' prices, have advanced pursuant to the authority of Ceiling Price Regulations Nos. 3 and 4, which became effective on February 1, 1951.

The early and orderly establishing of ceiling prices will permit the lake dock operators to proceed efficiently to make the arrangements which now have to be made for the purchase of coal and for water transportation facilities in order to assure that the 1951 season of lake navigation will be utilized effectively to provide for the coal needs of the industries and other consumers of the Northwest who are dependent on the lake dock operators for their supply.

A relatively small amount of Pennsylvania anthracite, coke, briquets and packaged fuel is sold from the lake docks and adjacent facilities and those solid fuels are also covered by this regulation.

The regulation provides that the ceiling prices shall be the highest prices charged for any size, grade, grouping or other classification of coal sold at a dock during the base period or the period January 1 to 15, 1951, and that the ceiling weighted average realization shall be that obtained during the base period. These ceilings may be increased by the per-ton amount of increase in the f. o. b. mine cost of the principal supplier in the base period or the 1950 season of lake navigation resulting from recognized wage and salary advances which become effective on or after January 1, 1951, and prior to June 30, 1951.

Transportation costs represent an important component in the cost of solid fuels at the lake docks. Substantial increases in transportation rates have occurred since the base period, including a recent increase in railroad freight rates up to six cents per net ton (seven cents per gross ton). Furthermore, lake vessel rates are likely to increase to some extent as a result of a Supplementary Regulation 12 to the General Ceiling Price Regulation, which became effective on

March 14, 1951. However, this regulation does not authorize these transportation cost increases to be reflected in the ceiling prices.

Increases in labor and other costs incurred by the lake coal dock operator, likewise, may not be added to the ceiling prices. The industry is not prejudiced, however, from applying in the future for increases to reflect transportation or other cost increases in the light of the prevailing standards in effect for granting adjustments.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the provisions of Ceiling Price Regulation No. 27 are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

In formulating this regulation the Director has consulted with representatives of the industry to the extent practicable under the circumstances, and has given consideration to their recommendations.

REGULATORY PROVISIONS

Sec.
1. Applicability of regulation.
2. Definitions.
3. Prohibition against selling, delivering or otherwise disposing of coal at prices above the ceiling.
4. Ceiling prices and ceiling weighted average realization.
5. Retail sales and dock handling services.
6. Procedure for establishing ceilings on new products.
7. Transportation charges.
8. Taxes.
9. Interest rates on overdue accounts.
10. New operator or owner.
11. Less than ceiling prices.
12. Evasion.
13. Sales agents and distributors.
14. Reporting, invoicing and record-keeping requirements.
15. Petitions for amendment.
16. Enforcement.

AUTHORITY: Sections 1 to 16 issued under Sec. 704, Public Law 774, 81st Cong. Interpret or apply Title IV, Public Law 774, 81st Cong., E. O. 10151, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Applicability of regulation.* This regulation establishes ceiling prices and ceilings on weighted average realization for solid fuels received at and sold from docks on the United States bank of Lake Superior and on that part of the west bank of Lake Michigan north of and including Waukegan, Illinois, except that it shall not apply to sales of vessel fuel or retail sales, nor does it cover pricing of coke, briquetts or packaged fuel at the producing level.

SEC. 2. *Definitions.* When used in this regulation, the term:

(a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing;

(b) "Lake Dock Operator" means any person (including an operator who is the same person as the producer) who (in person or by an agent) handles, stores and/or prepares solid fuel on a lake dock or at facilities which are an adjunct of such dock and sells such solid fuel for its own account in not less than cargo or carload lots, or the equivalent thereof, at or for delivery from such lake dock or facilities.

(c) "Retail coal dealer" means any person (including the retail outlet, branch or department of one who is also a lake dock operator) to the extent that he sells, delivers or disposes of solid fuel in a transaction involving the disposal of solid fuel physically handled in a truck, wagon or other less-than-carload facility without regard to quantity or frequency of delivery. "Retail sales" mean sales of solid fuel by a retail solid fuel dealer.

(d) "Producer" means a person engaged in the business of mining or preparing coal at a preparation plant which is an adjunct of a mine or mines, or in producing coke, semi-distilled coal, briquets, packaged fuel or petroleum coke; and any person acting as an agent of a producer.

(e) "Distributor", as used herein, means a person who purchases solid fuel from a lake dock operator for resale, and resells the same in not less than cargo or railroad carload lots, or the equivalent thereof, without physically handling such solid fuel; and any person acting as an agent of such distributor in the sale of solid fuel;

(f) "Sales Agent", as used herein, is a person who as agent of a lake dock operator sells solid fuel for or on behalf of the lake dock operator;

(g) "Coal" means (1) bituminous coal, including all bituminous, semi-bituminous and sub-bituminous; (2) Virginia anthracite; and (3) Pennsylvania anthracite;

(h) "Solid fuel" means (1) coal; (2) coke; (3) briquets and semi-distilled coal; and (4) packaged fuel;

(i) "Ton" means a short or net ton of 2,000 pounds;

(j) "Base period" means: the period from July 1, 1948, to June 30, 1949, inclusive;

(k) "Realization" is the gross amount of money or value received or debited to the account of the lake dock operator in the sale of solid fuel and shall include the total price charged by the lake dock operator (including commissions to sales agents and discounts to distributors);

(l) "Open market sales" shall include solid fuel sold, delivered or otherwise disposed of by rail, truck, barge or other method of transportation pursuant to an arms-length transaction and shall not include solid fuel sold or transferred to the retail yard and/or department of a lake dock operator, or controlled sales. "Controlled sales" means sales for consumption by the buyer (1) where the relationship between lake dock operator and buyer is that of a wholly-owned or controlled subsidiary and parent corporation, or (2) where there is common ownership or control of the lake dock operator and buyer in a third party, or (3) where the relation between lake dock operator and buyer for any similar reason is such that the sale is non-competitive, and is generally termed "captive" sales;

(m) "Ceiling price" means the highest price applicable to a particular size grade, grouping or other classification of solid fuel determined in accordance with the provisions of this regulation. Such ceiling price shall include commissions to sales agents and discounts to distributors and shall be an f. o. b. dock price.

(n) "F. o. b. mine" and "f. o. b. plant" mean free on board transportation facilities at a mine, a preparation plant, ovens and other plant or loading facilities (not including ground storage facilities).

SEC. 3. *Prohibition against selling, delivering or otherwise disposing of solid fuel at prices above the ceiling.* On and after the 1st day of May, 1951, regardless of any contract, agreement, lease or other obligation:

(a) No person who is a lake dock operator or distributor shall sell, dispose, deliver or ship solid fuel from a lake dock or facilities operated as an adjunct of a lake dock at prices higher than the ceiling prices determined in accordance with the provisions of this regulation.

(b) No person shall, in the course of trade or business, buy or receive such solid fuel so delivered or shipped at higher prices than the ceiling prices determined in accordance with the provisions of this regulation.

(c) No person shall agree, offer, solicit, or attempt to do anything prohibited in paragraphs (a) and (b) of this section.

SEC. 4. *Ceiling prices and ceiling weighted average realization.* (a) The ceiling price for each lake dock (to which this regulation is applicable) for any size, grade, grouping or other classification of solid fuel, as established by previous marketing practices, which may be charged under this regulation shall be the highest price received for solid fuel in the same size, grade, grouping, or other classification in the base period or in the period January 1–15, inclusive, 1951. Each lake dock operator shall file a certified statement, by letter, of the ceiling prices, to include such ceiling prices, as are derived from distributors' sales, with the Director and with the regional office or offices of the Office of Price Stabilization in the area or areas to which the lake dock operator's solid fuel is shipped, within 30 days after such prices become effective, in accordance with instructions issued by the Director, as provided in section 14 of this regulation.

(b) On and after the effective date of this regulation the prices charged for the solid fuel sold from a lake dock (to which this regulation is applicable) shall be such that the weighted average realization per ton by the lake dock operator for the 12-month period commencing May 1, 1951, and ending April 30, 1952, and for each 12-month period beginning on the first day of each succeeding month, commencing June 1, 1951, shall not exceed the weighted average realization obtained by the lake dock operator from the sale, delivery or other disposal of solid fuel during the base period.

(c) The lake dock operator shall determine his ceiling weighted average realization for the base period for any such dock (1) by dividing the realization received from sales of solid fuel on the open market by the number of tons so sold or (2) by dividing the realization received from the sale of the sizes, grades, groupings or other classifications of solid fuel on the open market by the number of tons so sold. The lake dock operator shall file a certified statement of the ceiling weighted average realization so determined with the Director, as required by section 14 (a) of this regulation.

(d) The ceiling prices and ceiling weighted average realization determined for a lake dock in accordance with the provisions of this regulation may be increased as follows:

(1) For each size, grade, grouping or other classification of solid fuel sold and delivered by a lake dock operator by an amount not exceeding the actual dollar-and-cents per ton amount of increase in the f. o. b. mine or f. o. b. plant cost on each such size, grade, grouping, or other classification permitted to be charged by the supplier who furnished the principal supply of each such size, grade, grouping, or other classification to the lake dock operator during the lake dock operator's base period or the 1950 season of lake navigation; provided such increased cost of solid fuel resulted from any wage and salary advances and other items related to the payroll which became effective on or after January 1, 1951, and which the supplier is authorized to add to his ceiling prices under the provisions of any regulation, supplementary regulation or amendment thereto issued by the Director.

(2) Each lake dock operator who is the same person as the supplier may add for each size, grade, grouping or other classification of solid fuel he sells and delivers the per ton amount of increase in the f. o. b. mine or f. o. b. plant price on each such size, grade, grouping, or other classification permitted to be charged (with the same limitation as provided in subparagraph (1) of this paragraph) by the supplier to an independent lake dock operator under the authority of any regulation, supplementary regulation or amendment thereto issued by the Director.

(3) The authority to increase the ceiling prices and ceiling weighted average realization as set forth in subparagraphs (1) and (2) of this paragraph on any size, grade, grouping or other classification of solid fuel shall be effective upon receipt by the lake dock operator of a written notice of shipment of solid fuel mined or otherwise produced on or after February 1, 1951 from the lake dock operator's principal supplier during the lake dock operator's base period or the 1950 season of lake navigation and a written statement, which shall be furnished by such supplier to the lake dock operator at the dock operator's request, showing the authorized per ton amount of cost increase which such supplier may add to the price of the applicable sizes, grades, groupings, or other classifications of solid fuel under the authority of the aforesaid regulations and within the limitations of subparagraphs (1) and (2) of this paragraph.

(e) The highest price referred to in paragraph (a) of this section shall be separately determined by the lake coal dock operator in accordance with such classification as established by previous marketing practices.

(f) The ceiling prices to be determined in paragraph (a) of this section and the ceiling weighted average realization to be determined under paragraph (b) of this section may, at the option of the lake coal dock operator, be determined and established for a group of docks operated or controlled by a single operator (as distinguished from a particular dock).

SEC. 5. *Retail sales and dock handling services.* (a) A lake dock operator who also sells solid fuels as a retail coal dealer shall exclude all retail sales in determining ceiling weighted average realization and ceiling prices under this regulation.

(b) Lake coal dock operators who, as a service to other persons, handle, store, and/or prepare solid fuel, charging therefor a service fee on a per-net ton basis, may continue to perform such service: *Provided*, That the service fee he is authorized to charge shall not be higher than the gross margin he obtains or is permitted to obtain on the sale of his most nearly similar size, grade, grouping or other classification of solid fuel under the terms of this regulation. The amount received from such transactions may be excluded in determining the ceiling weighted average realization in the base period to this regulation; if such amount received is excluded, it shall also be excluded in the reports of monthly realization on future transactions.

SEC. 6. *Procedure for establishing ceilings on new products.* (a) If a particular size, grade, grouping, or other classification of solid fuel was not sold during the base period or during the period January 1–15, inclusive, 1951, and therefore no specific ceiling price is established therefor, the ceiling price for such size, grade, grouping, or other classification shall be determined as follows:

(1) If the particular unpriced size, grade, grouping or other classification of solid fuel is a lump size, the ceiling price shall be not more than the lowest ceiling price established for the nearest comparable size of lump solid fuel of the same grade, grouping or other classification.

(2) If the particular unpriced size is a double-screened solid fuel, the ceiling price shall be not more than the lowest ceiling price established for the nearest comparable double-screened size of the same grade, grouping or other classification.

(3) If the particular unpriced size is a resultant (run of pile, unscreened stoker, slack or screening) size, the ceiling price shall be not more than the lowest ceiling price for the nearest comparable resultant (run of pile, unscreened stoker, slack or screening) size of the same grade, grouping or other classification.

(b) In the event of the mixture of two or more sizes, grades, groupings or other classifications of solid fuel to which different ceiling prices are applicable, which mixture was not made during the base period or the period January 1–15, 1951, the ceiling price for such mixture shall be not more than the weighted average of the ceiling prices for each of the component sizes, grades, groupings or other classifications of solid fuel in said mixture, on a per net ton basis.

(c) If a particular size, grade, grouping or other classification of solid fuel was not sold during the base period and therefore no specific ceiling weighted average realization is established therefore, the lake dock operator may file an application seeking the establishment of a ceiling weighted average realization that is fair and equitable. The applicant shall clearly set forth the information and data deemed necessary to support the application. The Director may request any other information deemed necessary by him to a fair and reasonable determination of the issues raised in the application.

SEC. 7. *Transportation charges.* Where solid fuel is delivered from a lake dock in any transportation facilities owned or subject to the control of the lake dock operator or distributor, or subsidiary or affiliate of the lake dock operator or distributor, in any transportation facilities hired by the lake dock operator or distributor, there may be added to the applicable ceiling price established herein a sum not in excess of the actual transportation costs incurred by such lake dock operator or distributor, or subsidiary or affiliate thereof, determined in a reasonable manner, but in no event to exceed the lowest common carrier rate, if any, for a haul between the same points: *Provided*, That there may also be added by a producer or distributor, to the applicable maximum price established herein, an amount not in excess of the transportation tax imposed by section 620 of the Revenue Act of 1942 if said lake dock operator or distributor incurred such tax and if he separately states the amount of the tax in sales to all purchasers except the United States or any agency thereof, the District of Columbia, any state government or any political subdivision thereof.

SEC. 8. *Taxes.* There may be added to the applicable ceiling price the amount of any sales, gross receipts, gross proceeds or use tax levied by any statute or ordinance, under which the tax is measured by gross proceeds or units of sale, only if the statute or ordinance permits or requires the seller to state the tax separately and the seller does state it separately on his invoice or other memorandum of sale, and only if the seller customarily added the amount of such tax to the ceiling price and separ-

ately stated the tax on his invoices prior to January 15, 1951.

SEC. 9. *Interest rate on overdue accounts.* The rate of interest on overdue accounts or on a note, trade acceptance or other form of indebtedness accepted in payment of an account shall not exceed the rate charged by the seller on similar transactions during the base period.

SEC. 10. *New operator or owner.* Any purchaser, lessee or transferee of a lake coal dock for which ceiling prices and a ceiling weighted average realization have been established shall take the ceiling prices or ceiling weighted average realization previously assigned to the lake coal dock or other seller, lessor or transferor thereof.

SEC. 11. *Less than ceiling prices.* Lower prices than those established under this regulation may be charged, demanded, paid or offered.

SEC. 12. *Evasion.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to solid fuel alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tie-in agreement or other trade understanding or by the making of excessive charges for trucking or otherwise. Persons subject to the regulation shall continue to observe their customary and standard cash discount practices.

SEC. 13. *Sales agents and distributors.* No sales agent or distributor shall charge a price f. o. b. dock in excess of the ceiling price or prices established for such dock or docks under the provisions of this regulation: *Provided*, That in the event a distributor purchased solid fuel from a dock or docks during the lake coal dock operator's base period or the period January 1–15, 1951, and resold such solid fuel, said distributor may buy and resell solid fuel from said dock or docks and charge the highest price or prices he received for each size, grouping, grade, or other classification of solid fuel during the aforesaid periods plus any adjustments in price applied to the f. o. b. dock price of such solid fuel: *Provided, further*, That the distributor files with the Director such reports or records as may be required on forms prescribed and according to instructions issued by the Director. The distributor shall preserve his records to support such reports for a period of two years.

SEC. 14. *Reporting, invoicing and record-keeping requirements.* (a) Each lake coal dock operator shall compute and establish its weighted average realization during the base period and shall report such realization base to the Director within thirty days after the date ceiling prices became effective under this regulation. The report shall be made on forms prescribed and according to instructions issued by the Director.

(b) The basis for setting up ceiling prices on particular sizes, groupings, grades and classifications of solid fuels shall be submitted to the Director on forms provided by him in accordance with his instructions within thirty days after this regulation becomes effective.

(c) Each lake coal dock operator shall compute its increase or increases in costs in accordance with sections 4 (d) (3) of this regulation on a form and in accordance with the instructions to be issued by the Director within 30 days after this regulation becomes effective.

(d) Ceiling price schedules shall be filed by letter by the lake dock operator with the Director and with the regional office or offices of the Agency in the region or regions where the operator's solid fuel is shipped, within thirty days after the day such prices become effective. Copies of such price schedules shall be open for public inspection. All changes in or new ceiling prices shall be similarly filed.

(e) Each lake coal dock operator shall report monthly its monthly realization to the Director on forms provided by him and in accordance with his instructions on or before the last day of the month following the month for which the report is being filed.

(f) Each person subject to this regulation shall furnish to each person to whom he sells solid fuel an invoice stating the ceiling price established by this part separately from any other charge or a certified statement that the prices charged do not exceed the ceiling prices established under this regulation.

(g) Each person subject to this regulation shall preserve and keep available for inspection by the Director, or his duly authorized representative, for a period of two years, invoices and other sales data and all other records necessary to substantiate base prices, ceiling prices, base period realization, ceiling weighted average realization and monthly average realization established pursuant to this regulation.

(h) Whenever a lake coal dock operator or distributor increases his price or prices on any size, grade, grouping or other classification of solid fuel above the price or prices charged in the last such sale to a retail coal dealer, the lake coal dock operator or distributor shall, upon request, furnish to each retail coal dealer to whom he sells or delivers solid fuel a statement showing the exact dollar-and-cents amount the lake coal dock operator or distributor has added to the price or prices of such size, grade, grouping or other classification of solid fuel.

SEC. 15. *Petitions for amendment.* (a) Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with Subpart D of Price Procedural Regulation 1 issued by the Economic Stabilization Administrator.

SEC. 16. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, and enforcement actions, and suits for damages provided for by the Defense Production Act of 1950.

Effective date. This regulation shall become effective on the 1st day of May 1951.

NOTE. The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 1, 1951.

[F. R. Doc. 51-5164; Filed, May 1, 1951 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 12, Amendment 1]

GCPR, SR 12—SEASONAL WATER CARRIERS ON GREAT LAKES AND OTHER INLAND WATER CARRIERS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Supplementary Regulation 12 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 12 was issued specifically in the light of evidence brought forward by water carriers operating on the Great Lakes who were affected by the "frozen-in" season in that particular trade. It has now been called to our attention that water carriers operating on inland waters of the northern part of the United States—such as the New York State Barge Canal and the upper Mississippi River and tributaries—are faced with the same problems as were the Great Lakes carriers. These northern waterways are generally frozen over and closed to navigation from late fall until dates even later than the beginning of the "open season" on the Great Lakes. The water carrier trade on these inland waterways is characterized by the same seasonal basis of operations and the same trade practices in the fixing of contracts during the "closed season" which prevailed in the Great Lakes trade. Accordingly, this amendment is issued to extend the coverage of Supplementary Regulation 12 so that the pricing provisions and other conditions therein will apply generally to water carriers operating on inland waters of the United States whose services were suspended during the winter season when the waters were closed to navigation with the result that no "base period" operations were conducted, thus making it impossible for them to establish ceiling rates under section 3 or 6 of the General Ceiling Price Regulation.

AMENDATORY PROVISIONS

Supplementary Regulation 12 to the General Ceiling Price Regulation is amended in the following respects:

1. The title is changed to read: "Seasonal Water Carriers on Great Lakes and Other Inland Waterways".

2. Section 1 is amended to read as follows:

SECTION 1. *Purpose.* The purpose of this supplementary regulation is to establish ceiling rates for water carriers engaged in transportation between United States ports on the Great Lakes and on other inland waters of the United States, whose operations were suspended during the 1950–1951 winter "closed season."

3. Section 2 is amended to read as follows:

SEC. 2. *Applicability.* The provisions of this supplementary regulation shall apply to any water carrier in the transportation, under individual contract or agreement, of commodities in bulk or otherwise, between United States ports on the Great Lakes, their connecting and tributary waters, and all other inland waters of the United States, which were closed to navigation during the period December 19, 1950 to January 25, 1951.

4. Section 3 (a) is amended to read as follows:

(a) The highest rate agreed with any shipper on or before January 25, 1951, for the same service or for the service most nearly like it to be performed during the navigation season of 1951.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective May 2, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 2, 1951.

[F. R. Doc. 51-5198; Filed, May 2, 1951; 10:12 a. m.]

[Ceiling Price Regulation 28]

CPR 28—NEW COTTON, LINEN AND UNDERWEAR CUTTINGS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation No. 28 is hereby issued.

STATEMENT OF CONSIDERATIONS

I. *Summary of provisions.* This regulation establishes specific dollars and cents prices, on a delivered basis, for 87 grades of sorted new cotton, linen and underwear cuttings and sets forth the procedure to be followed in determining the price of non-specified sorted grades. It also establishes the method for computing the price of unsorted or mixed cuttings sold to a consumer and the formula for determining the f. o. b. depot price of cuttings sold by Army, Navy, and Marine Depots. A dealer's commission is permitted on sales conforming to specified requirements; this commission may not be in excess of 10 percent on cuttings having an established price of not more than 10 cents per pound nor in excess of 7½ percent on cuttings having an established price of more than 10 cents per pound. Provision has been made in this regulation to permit a dealer to share his commission with another dealer. Imported cuttings; pound goods and similar materials when sold for reuse as new textiles; cotton hooked rug materials, and mill rags are not subject to this regulation. These are now subject to the General Ceiling Price Regulation. The prices of unsorted cotton cuttings sold to purchasers other than consumers are removed from all price controls by General Overriding Regulation No. 8 issued simultaneously herewith.

II. *Description of commodity and industry—A. Importance and use of commodity.* New cotton, linen and underwear cuttings are essential raw materials to producers of fine writing paper, blueprint and certain high grade specialty papers, such as carbonizing tissue. They also are essential to the manufacture of vulcanized fiber and are used to some extent in producing plastics. Vulcanized fiber, produced by the regulated action of zinc chloride or sulphuric acid on the cellulose content of cuttings, is made in the form of sheets, rods, and tubes for further manufacture into such diverse articles as waste paper baskets, trunks, laundry cases, athletic guards, washers, bearings, bushings, and gears.

Prior to the development in the second half of the 19th century of methods for pulping wood, all paper was made from rags. Since the development of mechanical techniques and chemical processes for preparing wood fiber, wood pulp has to a very large degree replaced rags as a raw material of the paper industry. In 1947 cuttings of the kinds here considered represented 0.6 percent of the fibrous materials consumed by the paper industry; wood pulp comprised 58.3 percent; waste paper 35.1 percent; and other fibrous materials 6.0 percent. Although cuttings are but a small percentage of the industry's total fiber requirements, the absorbent paper, for conversion into vulcanized fiber, and the bond, ledger, map, blueprint, and other high quality papers made from them are essential to our economy and the producing mills are an important segment of the industry.

United States consumption in 1950 of the cuttings covered by this regulation is estimated to have been about 135 thousand tons. Thirty-two fine paper mills consumed approximately 55 thousand tons; about 15 vulcanized fiber mills consumed approximately 40 thousand tons; and other paper mills and the plastics industry are believed to have consumed about 40 thousand tons. The fine paper mills, and other users to whom color is an important factor, use bleachable cuttings; vulcanized fiber producers, and others to whom color is not an important factor, use unbleachable cuttings. The paper mills are chiefly located in Massachusetts, Wisconsin, Ohio, Michigan, and Pennsylvania. The vulcanized fiber mills are chiefly located in Delaware and Pennsylvania.

Mills producing fine paper consume some quantity of nearly all the specified grades of new cuttings listed in this regulation, but 70 percent of their consumption is comprised of about 15 grades of which No. 1 white backed overalls, No. 1 unbleached muslin, No. 1 white shirt cuttings, No. 1 light prints, bleached underwear cuttings, and No. 1 light percale cuttings are consumed in the largest quantities.

Data on consumption of cuttings by other users are not available, but the principal grades consumed by the vulcanized fiber mills, and other users to whom color is not important, are No. 1 washables, sun tan khaki cuttings, herringbone green twill cuttings, mixed khaki cuttings, corduroy cuttings, and cottonades.

B. *Structure of the industry.* New cotton, linen and underwear cuttings originate in the plants of textile manufacturers, who also engage in the making of garments, and in non-integrated garment mills located throughout the country but principally in the Southeastern, Middle Atlantic, and New England Regions.

The cuttings are purchased from garment manufacturers by packers who prepare them for shipment to consumers; only in rare instances does the consumer buy direct from the original source. Ordinarily, new cuttings are placed in bags or baled by the garment manufacturer to facilitate collection by or shipment to the packer. When the cuttings arrive at the packer's warehouse, they are sorted into the grades which will bring the highest return and machine-pressed into bales varying in weight from 700 to 1,300 pounds.

About 300 packers and dealers, most of whom are located in the East and commonly deal in more than one waste material, are in the business of selling new cuttings. However, about 10 large packers and dealers, located in New York, Philadelphia, Rochester, Hartford, Baltimore, and St. Louis, ship between one-third and one-half the quantity annually sold. In New York and Philadelphia the large packers and dealers obtain from small packers and dealers a high percentage of the quantity needed by them to fulfill their contracts, but those located in other parts of the country obtain the major part of their requirements direct from garment manufacturers.

III. *The necessity for Ceiling Price Regulation No. 28—A. The General Ceiling Price Regulation.* Prior to the issuance of this regulation, the price of new cotton, linen and underwear cuttings has been controlled by the General Ceiling Price Regulation. The present ceiling prices, based on the prices prevailing during the December 19, 1950–January 25, 1951 period, are not satisfactory because, as shown below, they embody inflationary price increases. In this instance, therefore, the General Ceiling Price Regulation has frozen prices at an inflationary level.

B. *Demand and supply factors.* The prices of new cotton, linen and underwear cuttings are highly susceptible to changes in their demand, and the rapid increase in prices paid for them since June 1950 is a direct reflection of the manner in which the increased demand of paper and fiber mills has heightened competition for the available supply. Under normal conditions the price of rag-content papers is influenced by and related to the price of paper made from wood pulp. However, in the period since June 1950, this influence has diminished in importance because the high demand for paper and the increased price of wood pulp to mills selling in the same market have greatly improved the competitive position of mills producing paper from cuttings. The improved competitive position and an increase in their rate of operations have enabled rag-

paper mills to pay the higher prices asked for these cuttings, absorbing part of the increased cost and regaining the balance by increasing their prices.

During the last six months of 1950, as compared with the first six months of that year, writing paper mills raised their operating ratio from 90 to 100 percent of theoretical capacity and their consumption of cuttings by 7.1 percent; inventories in December were 18 percent larger than in June. During the same period fiber mills also operated at a high level and increased their consumption of cuttings by 20.0 percent; inventories in December were 7.3 percent more than in June.

C. *Price history.* Since June 1950 the prices of cuttings, for reasons previously indicated, have rapidly increased. Price data are not available for all the grades of these cuttings, but the grades for which data are available represent about 60 percent of the cuttings consumed by the writing paper mills. Price changes which have occurred within these grades are believed to be representative of price changes which have occurred within the entire group of cuttings covered by this regulation.

TABLE 1

New cotton, linen and underwear cuttings: Changes in average price of principal grades consumed by writing paper mills, June 1950 to January 27, 1951

	June 1950	Jan. 27, 1951	Percent increase, June 1950 to Jan. 27, 1951
	Cents per lb.	*Cents per lb.*	
No. 1 white backed overalls	8.42	18.66	121.6
No. 1 unbleached muslin	12.55	26.44	110.7
No. 1 white shirt cuttings	12.35	26.60	115.4
No. 1 light prints	6.82	13.90	103.8
Bleached underwear cuttings	12.92	25.00	93.5
No. 1 percale	7.24	15.22	110.2
No. 1 light flannelette or domets	8.65	17.54	102.8

A study of these price data indicates that between June 1950 and January 27, 1951, the prices of these principal grades of cuttings advanced at an inflationary rate, and were from 93 to 122 percent above their June level.

IV. *Economic justification of Ceiling Prices*—A. *Level of Ceiling Prices.* In view of the inflationary prices for cuttings prevailing in January 1951 and the distorted price relationship between grades which had developed by reason of the high demand, it was the consensus of representative sellers and consumers consulted that (1) the price of No. 1 white shirt cuttings should, as was historically true, serve as the base to which the prices of all other grades should be related, and (2) a price of 21 cents a pound for No. 1 white shirt cuttings would permit the establishment of a price structure which would develop an adequate supply of cuttings and permit a normal return to the seller.

By application of this technique, this regulation establishes prices which, for the most important grades, will be more than 20 percent below their level on January 27, 1951 and which, for somewhat less important grades, will be from 16 to 18 percent below the level of January 27. Ceiling prices will continue to be substantially above what they were in June 1950, but on the basis of consultation with representative producers and consumers, this is necessary to maintain the present flow and encourage additional collection of this material.

TABLE 2

New cotton cuttings: Ceiling prices and January 27, 1951 prices of principal grades consumed by writing paper mills

Grade	Jan. 27, 1951	Ceiling prices	Percent change, Jan. 27 to ceiling price
	cts. per lb.	*cts. per lb.*	
No. 1 White backed blue overalls	18.66	14.50	−22.3
No. 1 Unbleached muslin	26.44	21.00	−20.6
No. 1 White shirt cuttings	26.60	21.00	−21.1
No. 1 Light prints	13.90	11.50	−17.3
Bleached underwear cutters	25.00	21.00	−16.0
No. 1 Percale	15.22	12.50	−17.9
No. 1 Light flannelette or domets	17.54	14.50	−17.3

Ceiling prices have, with the exception of shipments from Army, Navy, and Marine Depots, been quoted on a delivered basis. Since the consumers are highly concentrated in particular areas, there is no danger that supplies would be contingent upon the dealers proximity to the mill. Moreover, the location of the dealers' plants have been predicated upon a delivered price structure. Army, Navy, and Marine Depots are not now important sources of cuttings but would become very important in the event of total mobilization. The price of cuttings from such establishments is on an f. o. b. basis to enable all dealers, regardless of their location, to bid upon such material and will result in the equitable distribution of waste originating in Depots. The method set forth in this regulation for determination of the f. o. b. price of cuttings sold by Army, Navy, and Marine Depots was established after consideration of the average freight on shipments of cuttings sold on a delivered basis.

B. *Other provisions*—1. *Commissions.* It is an established practice of the industry that packers supplement materials they have packed with the pack of others to fulfill contracts with consumers. Sometimes the purchased material is sorted and repacked before final shipment is made; other times it is shipped without any processing. Representative producers and consumers agree that a continuation of the practice whereby a dealer, or packer acting as a dealer, purchases cuttings from another packer or dealer and ships them to the consumer is necessary and that a commission should be allowed the seller in lieu of his normal merchandising profit to cover his cost of handling. This regulation provides, therefore, that the ceiling prices for sales by dealers, as defined in this regulation, when certain conditions are fulfilled, shall be no more than 10 percent in excess of the ceiling price of cuttings selling for not more than 10 cents per pound, nor more than 7½ percent in excess of the ceiling prices of cuttings selling for more than 10 cents per pound. A dealer may share this commission with another dealer. A commission to the amount specified may be paid only by a consumer to a dealer on sales of new cuttings which have been completely prepared for delivery by a person other than the dealer. This regulation further provides that a person cannot receive a commission on cuttings packed by another pursuant to any contract, agreement, or understanding of any sort whatsoever between the two whereby each is to sell, and charge commission upon the pack of the other. This provision is aimed at unnecessary and inflationary commission transactions entered into by dealers for the purpose of realizing illegitimate profits.

2. *Unsorted cuttings and unspecified grades.* The price of unsorted or mixed cotton, linen and underwear cuttings sold to purchasers other than consumers is being excluded from all price controls. Decontrol of unsorted or mixed cuttings is necessary because the setting of specific dollars and cents prices or the establishment of a uniform pricing formula for such cuttings is administratively impracticable in view of their non-uniform quality and the frequent inclusion of cuttings not suitable for use by consumers of the cuttings covered by this regulation. Further, since the prices of cuttings sold to consumers and the end-products (paper, fiber, and plastics) are controlled, it is believed that this action will not result in inflationary increases in the price of unsorted or mixed cuttings sold to non-consumers. When unsorted or mixed cuttings are sold to consumers their ceiling price is the price established in this regulation for the lowest grade of cuttings contained in the packing. Directions are provided for arriving at ceiling prices for grades of new cuttings which are not listed in this regulation. The great variety of grades marketed makes it impracticable to list those which are infrequently handled and for which little or no price information is available. Consequently, when unlisted grades are sold, the seller must obtain approval of the Office of Price Stabilization. This provision will cause unsorted or mixed cuttings to move to packers for proper sorting and packing and will assure consumers of a supply of uniformly graded cuttings; to that end it is consistent with established industry practices and will benefit producers and consumers.

3. *Import-export provisions.* Provision has been made in the regulation for adding to the ceiling price of cuttings for export a sum not to exceed the charges or differentials for such shipments in effect by the seller during the base period (May 24, 1950–June 24, 1950, inclusive). If such charges or differentials were not in effect during the base period, the seller may apply to the Office of Price Stabilization for the establishment of maximum charges or differentials.

Imports of new cuttings are not subject to the ceiling prices of this regulation. This exception is made to allow consumers of certain kinds of cuttings not always readily available in the United States to augment their supply when necessary to maintain production by making purchases abroad under the provisions of the General Ceiling Price Regulation, or such other regulation as may be issued applicable thereto.

CONCLUSION

In formulating this regulation, the Director of Price Stabilization has consulted extensively with industry representatives and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability.

To the extent that this regulation compels changes in business practices, cost practices or methods, or means or aids of distribution established in the industry, such changes are necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec

1. What this regulation does.
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11. Ceiling prices for sales of sorted new cotton, linen and underwear cuttings by persons other than Army, Navy and Marine Depots.
12. Ceiling prices for sales of sorted new cotton, linen and underwear cuttings by Army, Navy and Marine Depots.
13. Ceiling prices for sales of unsorted or mixed new cotton, linen and underwear cuttings.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Public Law 774, 81st Cong. Interpret or apply Title IV; Public Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation supersedes the General Ceiling Price Regulation and Supplementary Regulation No. 1 to the General Ceiling Price Regulation by establishing specific ceiling prices for new cotton, linen and underwear cuttings except with respect to imports as provided in section 2 (d) of this regulation. For the purposes of simplicity and clarity the term "cuttings" is used hereafter in place of "cotton, linen and underwear cuttings".

SEC. 2. *Applicability of this regulation*—(a) *General coverage.* This regulation is applicable to all sales and purchases of sorted and unsorted or mixed new cuttings, except as provided in sections 2 (d) and 10 of this regulation.

(b) *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight States of the United States and the District of Columbia, but shall not be applicable to the territories and possessions of the United States.

(c) *Applicability to exports.* The provisions of this regulation shall be applicable to transactions in new cuttings, exported or to be exported out of the continental limits of the United States.

(d) *Applicability to imports.* The provisions of this regulation shall not be applicable to transactions in new cuttings imported or to be imported into the continental limits of the United States. Such imports are now subject to the provisions of the General Ceiling Price Regulation.

SEC. 3. *Prohibitions.* (a) On and after the effective date of this regulation, regardless of any contract or other obligation:

(1) You shall not sell or deliver any new cuttings at prices higher than the ceiling prices established by this regulation.

(2) You shall not buy or receive new cuttings, in the course of trade or business, at prices higher than the ceiling prices established by this regulation.

(3) You shall not agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 4. *Less than ceiling prices.* Lower prices than those established by this regulation may be charged, demanded, paid, or offered.

SEC. 5. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1 issued by the Office of Price Stabilization, 15 F. R. 9055.

SEC. 6. *Definitions.* (a) When used in this regulation, the term:

(1) "Consumer" means a person who acquires new cuttings for his own use.

(2) "Dealer" means any person who purchases from a packer and sells to a consumer new cuttings not packed by such person and purchased by such person in the condition in which they are to be delivered to the consumer.

(3) "Foreign materials" include every substance, other than new cuttings, as the case may be.

(4) "Mill rags" are waste materials produced by cotton mills, bleacheries, print goods and textile finishing plants except knitting mills, and generally consist of wiping materials, carpet strips, remnants, and shorts.

(5) "New cotton, linen and underwear cuttings" include all kinds and grades of new cotton cuttings, linen cuttings and underwear cuttings, and new linen thread waste, regardless of the use for which they are sold, excepting, however, pound goods and similar materials when sold for reuse as new textiles, cotton hooked rug materials, and mill rags.

(6) "New cuttings" means "new cotton, linen and underwear cuttings."

(7) "Packer" means a person who acquires, collects, sorts, packs, and offers for sale in the course of trade or business new cuttings.

(8) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor, or representative of any of the foregoing, and includes the United States, or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(9) "Tare" means the covering on a bale, including wires.

(10) "You" means the person subject to this regulation.

(b) Unless the content otherwise requires, the definitions set forth in section 702 of the Defense Production Act of 1950 shall apply to other terms used herein.

SEC. 7. *Records and reports.* (a) On and after the effective date of this regulation, every person making purchases or sales of new cuttings shall, in addition to the base period records required by section 16 (a) of the General Ceiling Price Regulation, keep for inspection by the Office of Price Stabilization for a period of 2 years his records of each purchase or sale of new cuttings showing the following:

(1) Date of purchase or sale.

(2) Name and address of the buyer or seller.

(3) Grade of new cuttings purchased or sold.

(4) Quantity of each grade purchased or sold.

(5) Price, including discounts paid or received, all other direct or indirect considerations given or received, and rebates made or taken.

(6) Warranties, if any, received or given.

(7) Origin and destination of the shipment, means of transportation used, and amount of transportation charges, insofar as known to the person keeping the record.

SEC. 8. *Evasion.* Any practice which results in obtaining indirectly a higher price than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie in agreements and trade understandings.

SEC. 9. *Enforcement.* If you violate any provision of this regulation, you are subject to the criminal penalties, civil enforcement actions, suits for damages as provided by the Defense Production Act of 1950.

SEC. 10. *Exempted sales.* Sales of unsorted or mixed new cuttings to a person other than a consumer, which are otherwise subject to this regulation, are exempted from this regulation and from the General Ceiling Price Regulation by General Overriding Regulation No. 8.

SEC. 11. *Ceiling prices for sales of sorted new cotton, linen and underwear cuttings by persons other than Army, Navy and Marine Depots.* (a) The respective ceiling prices set forth below are established for the listed grades of sorted new cuttings. These ceiling prices are per pound, delivered to consumer's mill. In the case of sales to persons other than consumers, these ceiling prices are per pound, delivered to the buyer's plant. All grades as defined herein must be clean, dry, and free of rubber, leather, slasher, wool, silk and rayon rags, wood, paper, muss, pasted stock, paint, acetate, grease, oil, paraffin, latex, or other waterproofed materials and other foreign materials, unless otherwise specified. Tare weight in

excess of 3 percent must be deducted from the weight of the bale in computing the ceiling price for the bale. Note that ceiling prices for pound goods and similar materials when sold for reuse as new textiles, cotton hooked rug materials and mill rags are subject to the provisions of the General Ceiling Price Regulation.

Grades	Ceiling delivered prices in cents per pound
1. *No. 1 White Shirt Cuttings and/or Bleached White Duck Cuttings.*—Table cuttings of white shirts, b. v. d.'s, bleached twill, drill or duck materials, accumulated from shirt factories or other garment factories, free of color, starched or loaded materials and lawns	21.00
2. *No. 1 White Headings and/or Bleached White Duck Headings.*—Headings of white shirts, b. v. d.'s or sheeting material, bleached twill, drill or duck materials, free of color, starched or loaded materials, lawns and thrums	21.00
3. *White Gauze Cuttings.*—Cuttings of clean gauze bandaging materials	17.50
4. *No. 2 White Shirt Cuttings and/or Headings.*—Same as No. 1 white shirt cuttings, and or No. 1 white headings but may include lawns, starched or loaded materials, colored threads, stringy or soiled materials	16.75
5. *White Lawn Cuttings and or Headings.*—Table cuttings of white materials of lighter weight than No. 1 white shirt cuttings, and/or headings, including embroidered materials, which must be free of starched or loaded materials and laces	14.50
6. *White Shrunk Cuttings and/or Headings.*—White cuttings and/or headings which may be loaded or starched	14.50
7. *No. 1 Unbleached Muslin Cuttings.*—Table cuttings of unbleached sheeting of drill or twill or muslin construction; the packing must be free of colored selvages, starched or loaded cuttings, canton flannel glove cuttings, heavily shived materials, heavy canvas, osnaburgs and thrums	21.00
8. *No. 1 Unbleached Headings.*—Headings of unbleached sheeting of drill or twill construction; the packing must be free of colored selvages, starched or loaded cuttings, canton flannel glove cuttings, heavily shived materials, heavy canvas, osnaburgs and thrums	21.00
9. *No. 1 Unbleached Thrums.*—New unbleached strips, mill rags with threads attached and may contain mill and weaver knots but must be free of slasher and colored selvages	18.00
10. *Heavy Unbleached Canvas Cuttings.*—Heavy unbleached canvas cuttings, with or without colored stripes	19.00
11. *No. 2 Unbleached Cuttings and/or Headings.*—Unbleached cuttings and/or headings of unbleached sheeting or drill or twill construction which may include starched or loaded cuttings, colored threads, stringy, soiled or slightly oily materials, but which must be free of thrums	16.75
12. *No. 2 Unbleached Thrums.*—Unbleached strips, mill rags with threads attached, and may contain mill and weaver knots, soiled materials and colored selvages but must be free of greasy and oil-saturated materials	16.00
13. *Osnaburg Cuttings.*—The same materials defined in No. 1 unbleached cuttings, except that they may contain shivy cuttings	17.50
14. *Bleached Canton Flannel Cuttings and/or Headings.*—Table cuttings of bleached canton flannel or flannelette linings and/or headings which must be free of silk, black threads and glove cuttings	21.00
15. *Unbleached Canton Flannel Glove Cuttings.*—Table cuttings of unbleached canton flannel or flannelette linings and/or headings which must be free of silk and black threads	21.00
16. *Bleached and/or Unbleached Wiggin Cuttings.*—Cuttings of starched, openweave buckram materials	14.50
17. *No. 1 Bleached Shoe Cuttings.*—Table cuttings of bleached materials from shoe linings. The materials may be starched or drilled or fleece-backed, but free of pasted stock	17.50
18. *No. 1 Unbleached Shoe Cuttings.*—Table cuttings of unbleached materials from shoe linings. The material may be starched and either smooth or fleece-backed in type	17.50
19. *Heavy Drill Unbleached Shoe Cuttings.*—Table cuttings of unbleached materials from shoe linings which may be starched, but which must be free of fleece-backed shoe cuttings, and pasted stock	17.50
20. *Unbleached Fleece-backed Shoe Cuttings.*—Table cuttings of unbleached fleece-backed materials from shoe linings which may be starched; the packing may contain heavy drill unbleached shoe cuttings, but must be free of pasted stock	17.50
21. *Eastern Canton Flannel Glove Cuttings.*—Table cuttings of unbleached material accumulated by cotton or canvas glove factories, and which must be free of colored rags	21.00
22. *Yellow and/or Blue Striped Glove Cuttings.*—Table cuttings of yellow and/or blue striped glove materials, free of all other colors	15.25
23. *Tan and/or Grey Glove Cuttings.*—Table cuttings of tan and/or grey glove materials, free of all other colors	14.00
24. *Mixed Glove Cuttings.*—Table cuttings of mixed colored gloves	11.00
25. *Wine Brown Jersey Glove Cuttings.*—Table cuttings of wine brown jersey gloves, free of all other colors	13.00
26. *Pink and/or Peach and/or Blue Muslin Cuttings.*—Bleachable pink and/or peach and/or blue woven table cuttings or crinkly pajama cuttings which must be free of rubber and corset cuttings	16.00
27. *No. 1 Light Silesias.*—Table cuttings of linings from men's clothing, but which must be free of black threads, heavily starched or loaded materials and dark colors	16.00
28. *Cream Silesias.*—Table cuttings of linings from men's clothing, but which must be free of black threads, heavily starched or loaded materials and dark colors	18.00
29. *No. 1 Light Flannelettes.*—Flannelette table cuttings, free of bathrobe cuttings, wool shoddy materials, Kasha cloth and dark or unbleachable materials	14.50
30. *No. 1 Dark Flannelettes and or Bathrobe Cuttings.*—Flannelette table cuttings of dark color, free of wool shoddy materials	10.00
31. *Gray Flannelette Cuttings.*—Interlinings of coats which may include tan Kasha	14.50
32. *Tan Kasha.*—Interlining of coats	14.00
33. *Bathrobe Cuttings and/or Headings.*—Table cuttings and/or headings of colored fleece bathrobe materials	12.50
34. *No. 1 Percales.*—Table cuttings of light colored print rags from shirts, shorts and pajamas; the packing may contain pastel solid colors but must be free of woven materials and dark colors	12.50
35. *No. 1 Light Prints.*—Printed table cuttings of ladies garments; the packing may contain pastel solid colors but must be free of woven materials	11.50
36. *No. 1 Pink and/or Peach Corset Cuttings.*—Table cuttings of pink and/or peach corsets which may contain silk and alkali soluble synthetic fiber design. The packing must be free of lace, netting, open-weave or mesh fabrics, buckram and other heavily loaded materials, commercially free of rubber and alkali insoluble materials	8.00
37. *No. 1 White-backed or Express-striped Blue Overall Cuttings.*—Table cuttings of white-backed blue overall materials or blue overall materials with express-stripes. The packing must be free of colored threads and thrums. They must be bleachable	14.50
38. *No. 1 Blue Overall Cuttings.*—Table cuttings of white-backed, express-striped or bleachable blue overall materials, free of colored threads and thrums	14.50
39. *Blue Denim Thrums.*—New, white-backed blue overall, express-striped blue overall or bleachable blue overall strips, mill rags with threads attached. The packing may contain mill and weaver knots but must be free of slasher	13.50
40. *Indigo Blue Cuttings.*—Table cuttings of indigo blue materials	10.00
41. *Black and White Coverts.*—Table cuttings of black and white cotton covert materials	12.50
42. *Grey Coverts.*—Table cuttings of grey cotton covert materials	12.50
43. *Blue Coverts.*—Table cuttings of blue cotton covert materials	14.50
44. *Grey Cheviots.*—Table cuttings of grey cheviot shirt materials	12.50
45. *Blue Cheviots.*—Table cuttings of blue cheviot shirt materials	15.00
46. *Blue Chambray Cuttings.*—Table cuttings of blue chambray materials	15.00
47. *Soft Black Silesias.*—Table cuttings of soft black rags which must be free of wood, delaines, black buckrams, black flannels, shoe cuttings and other foreign materials	10.00

Grades	Ceiling delivered prices in cents per pound
48. *Ticking Cuttings (Mattress Cuttings).*—Table cuttings of light colored mattress cuttings which must be free of feathers, hair, metallic substances, dark colored materials and treated materials	14.00
49. *Fancy Shirt Cuttings.*—Table cuttings of woven and printed cotton materials accumulated from shirt factories	10.00
50. *No. 1 Washables.*—Colored cuttings in print or solid colors. Woven materials may be included	6.50
51. *Sun Tan Khaki Cuttings.*—Table cuttings from pants and shirting materials of sun tan shades	11.50
52. *Herringbone Green Twill Cuttings.*—Table cuttings of herringbone green twill materials	10.50
53. *Mixed Khaki Cuttings.*—Table cuttings of any and all shades of khaki cuttings but must be free of treated materials	8.00
54. *Corduroy Cuttings.*—Table cuttings from corduroy garments free of cottonades and unions	8.00
55. *Cottonades.*—Table cuttings of all work garments or similar materials of all colors, free of unions	8.00
56. *Bleached Underwear Cutters (Free of Fleece-lined Cutters).*—Table cuttings of bleached underwear, free of fleece-lined cutters, trimmings, noodles, seamers, and synthetic materials	21.00
57. *Bleached Underwear Cutters (with Fleece-lined Cutters).*—Table cuttings of bleached underwear, free of trimmings, noodles, seamers, and synthetic materials, but which may contain fleece-lined underwear cutters	21.00
58. *Mixed Underwear Cutters.*—Table cuttings of bleached, unbleached, silver grey, random of cream colored underwear of fleeced and unfleeced materials, but which must be free of trimmings, noodles, seamers, and synthetic materials	21.00
59. *Unbleached or Egyptian Underwear Cutters (Free of Fleece-lined Cutters).*—Table cuttings of unbleached underwear, free of fleece-lined cutters, trimmings, noodles, seamers and synthetic materials	21.00
60. *Unbleached or Egyptian Underwear Cutters (with Fleece-lined Cutters).*—Table cuttings of unbleached underwear, free of trimmings, noodles, seamers and synthetic materials but which may contain fleece-lined underwear cutters	21.00
61. *Bleachable Pastel Underwear Cutters.*—Table cuttings of bleachable pastel shades of underwear, free of trimmings, noodles, loopers, seamers and synthetic materials	17.50
62. *Pastel Underwear Cutters.*—Table cuttings of pastel shades of underwear, free of trimmings, noodles, loopers, seamers and synthetic materials	16.00
63. *Silver Grey or Random Underwear Cutters (Free of Fleece-lined Cutters).*—Table cuttings of bleachable silver grey or random underwear cutters, free of fleece-lined cutters, trimmings, noodles, loopers, seamers and synthetic materials	21.00
64. *Silver Grey or Random Underwear Cutters (with Fleece-lined Cutters).*—Table cuttings of bleachable silver grey or random cutters which may contain fleece-lined underwear cutters but which must be free of trimmings, noodles, loopers, seamers and synthetic materials	21.00
65. *Mixed Silver Grey and/or Random Cutters.*—Table cuttings of bleachable silver grey or random underwear cutters, free of noodles, loopers and seamers, containing fleeced and unfleeced materials	21.00
66. *Dark Colored Knitted Underwear Cutters.*—Table cuttings of colored underwear or knitted materials, which must be free of seamers	9.50
67. *Cream Silk or Rayon Striped Underwear Cutters.*—Table cuttings of cream colored underwear cutters which may contain silk or rayon stripes, free of trimmings, noodles, loopers and seamers	20.00
68. *Bleached Underwear Seamers Free of Fleece-lined.*—Table cuttings of bleached trimmings from underwear, may contain facings, free of fleece-lined	16.00
69. *Bleached Underwear Seamers.*—Table cuttings of bleached trimmings from underwear	18.00
70. *Mixed Underwear Seamers.*—Table cuttings of white, unbleached, random or silver grey trimmings from underwear, which must be free of rubber	18.00
71. *Cream Silk or Rayon Striped Seamers.*—Cream colored trimmings from underwear which may contain silk stripes or rayon stripes and facings	17.00
72. *Light Colored Underwear Seamers.*—Light colored trimmings from underwear, free of unbleachable materials and rubber	15.50
73. *Dark Colored Underwear Seamers*—Colored trimmings from underwear, free of rubber	9.50
74. *Unbleached Loopers and Pieces.*—Unbleached hosiery loopers and pieces, free of rubber	20.00
75. *Colored Loopers and Pieces.*—Colored hosiery loopers and pieces, free of rubber	9.50
76. *White or Cream Domestic Linen Cuttings.*—Table cuttings of white or cream materials of domestic origin, woven from flax, free of colored selvages	21.00
77. *Grey or Unbleached Domestic Linen Cuttings.*—Table cuttings of grey or unbleached materials of domestic origin, woven from flax, free of red selvages	21.00
78. *White or Cream Domestic Linen Cuttings with Colored Selvages.*—Table cuttings of white or cream colored materials, of domestic origin, woven from flax, with colored selvages	18.00
79. *Grey or Unbleached Domestic Linen Cuttings with Colored Selvages.*—Table cuttings of grey or unbleached materials of domestic origin, woven from flax, with colored selvages	18.00
80. *American Linen.*—Padding from men's clothing which may contain linen	14.50
81. *No. 1 Linen or Hemp Threads,* clean untreated threads of white and/or cream and/or grey linen or hemp, free of soiled or oily material, or colored threads and containing no more than a slight trace of shive	21.00
82. *No. 1 Linen or Hemp Threads, with Color,* the same grade as No. 1 Linen or Hemp Threads except that the packing may contain a maximum of 5% cotton threads or colored linen threads	18.00
83. *No. 1 Mixed Linen or Hemp Threads,* clean, untreated threads of white and/or cream and/or grey linen or hemp, free of soiled or oily threads and containing no more than a trace of shive or colored linen or hemp threads	19.50
84. *No. 2 Linen or Hemp Threads,* white and/or cream and/or grey linen or hemp threads of a coarser grade than No. 1 Linen or Hemp Threads. The packing may contain soiled and oily threads and shive but must be free of colored and cotton threads. No. 1 Linen or Hemp Threads may be included in the packing	16.50
85. *No. 2 Linen or Hemp Threads, with Color,* the same grade as No. 2 Linen or Hemp Threads except that the packing may contain a maximum of 10% cotton threads or colored linen threads	13.50
86. *No. 1 Mixed Colored Linen or Hemp Threads,* clean, untreated colored linen or hemp threads, free of soiled and oily threads. The packing may contain a maximum of 10% cotton threads and a trace of shive	13.50
87. *No. 2 Mixed Colored Linen or Hemp Threads,* colored threads which may be soiled or oily. The packing may contain cotton threads and a trace of shive	10.50

(b) The ceiling price for any sorted grade of new cuttings not listed in paragraph (a) of this section, shall be a price in line with the ceiling prices enumerated in that paragraph for the nearest related grades of new cuttings. A ceiling price for an unlisted grade so determined by you need not be reported to and approved by the Office of Price Stabilization, except where the sale is to a consumer. However, upon a sale of such an unlisted grade to a consumer, you must obtain approval from the Office of Price Stabilization that the ceiling price determined by you is in line with these enumerated ceiling prices. If this approval is not obtained prior to the time of making the sale, you must agree to refund to the purchaser any amount paid in excess of the ceiling price finally established. Approval of a ceiling price determined under this paragraph shall be obtained as follows:

Either before or at the time you make your first sale of an unlisted grade to a consumer, you must submit to the Office of Price Stabilization, Washington 25, D. C. representative samples of the material, together with a statement setting forth all of the relevant facts, including the following:

(1) Name of grade and of purchaser.

(2) Detailed statement of characteristics of the grade. This statement shall also show how uniform the characteristics of this grade have been in your past purchases and sales of this grade.

(3) Ceiling delivered price per pound at which you propose to sell such grade.

(4) Detailed statement concerning all your purchases and sales of this grade since June 24, 1950, including name of buyer or seller, date of transaction, price paid or received, and quantity purchased or sold.

A copy of the above statement or a certification that the same has been mailed to the Office of Price Stabilization shall be furnished by you to the purchaser. Where the ceiling price proposed by you is not approved, disapproved or adjusted or more information requested by the Office of Price Stabilization within twenty days, it shall be considered approved, subject to non-retroactive adjustment at any time.

After the ceiling price for sales of a particular unlisted grade has been approved, you may make future sales of that grade at the approved ceiling price without reporting such sales or submitting the above described data.

(c) *Special packing, packaging or service.* (1) You may not add to the ceiling prices established by this regulation any charge or differential for any special packing, packaging or service in connection with the sale of new cuttings except with respect to new cuttings which are to be exported.

(2) When you export or sell for export new cuttings, you may add to the ceiling prices established by this regulation, a sum not to exceed the charges or differentials which you had in effect during the period from May 24, 1950 to June 24, 1950, inclusive, for special packing, packaging or services.

(3) If you are unable to determine the maximum charges or differentials which you may add to the ceiling prices established by this regulation for special packing, packaging or service in connection with new cuttings for export, you may apply in writing to the Office of Price Stabilization, Washington 25, D. C. for the establishment of such charges or differentials. This application shall contain an explanation of why you are unable to determine such maximum charges and differentials under subparagraph (2) of this paragraph; all pertinent information describing the packing, packaging or service; your proposed maximum charges or differentials and the method used by you in determining them. You may not use the proposed charges or differentials until the Director of Price Stabilization, in writing, notifies you of the maximum charges or differentials you may use.

(d) *Commission.* (1) Where sales are made to a consumer by a "dealer", as defined in section 6 (a) (2) of this regulation, there may be added to the ceiling prices set forth in this section 11 an amount, as commission, not in excess of 10 percent when the ceiling prices established in this section 11 are from 1 cent to and including 10 cents per pound and 7½ percent when the ceiling prices established in this section are from and including 10.01 cents per pound and up. No commission may be charged by you for new cuttings packed by you. You may not receive commission on the pack of another person pursuant to any contract, agreement, or understanding of any sort whatsoever between the two whereby each is to sell, and charge commission upon the pack of the other. In no event may commission be charged unless the following requirements are met:

(i) The dealer must keep a record, for a period of two years, of the names of his suppliers of the new cuttings, the quantity thereof purchased by him, the prices paid by him, the name of his purchaser, the method of shipment to the purchaser, and the price paid by the purchaser.

(ii) The dealer must have taken title to the material and have sold it and passed the title thereto to the consumer. The materials must have been commercially sorted and baled by a person other than the dealer. Where the material has been sorted and baled both by the packer and another person, the packer may only charge a commission with respect to the tonnage of cuttings sorted and baled by such other person.

(iii) The dealer must guarantee the merchantable quality of the material.

(iv) The dealer's commission must be shown as a separate item in the billing or invoice. The billing or invoice shall contain a statement that the material was resorted and repacked after leaving the factory and that the material was not packed by the dealer.

(v) The dealer's commission may be split with another dealer including a packer who is operating as a dealer, but must not be split or divided with any other person, nor may any commission payment inure directly or indirectly to the benefit of any person other than the dealer or dealers making the sale.

(vi) Commission may not be accepted or paid on new cuttings which are delivered to the consumer without sorting or repacking, in the original factory or government packing, regardless of how many persons are involved in the transaction.

SEC. 12. *Ceiling prices for sales of sorted new cotton, linen and underwear cuttings by Army, Navy and Marine Depots.* Sales of sorted new cuttings by Army, Navy and Marine Depots shall be priced f. o. b. depot and ceiling prices for the respective grades, f. o. b. depot, shall be 0.50 cents per pound less than the corresponding delivered prices for the grades specified in section 11 of this regulation. All other provisions of section 11 shall apply to sales under this section, including commissions but such commissions must be computed upon the ceiling prices established in this section.

SEC. 13. *Ceiling prices for unsorted or mixed new cotton, linen and underwear cuttings.* (a) Your ceiling price for sales of unsorted or mixed new cuttings to a consumer shall not exceed the ceiling price established in section 11 or section 12 of this regulation, whichever is applicable, for the lowest grade contained in the pack.

(b) If you are unable to establish a ceiling price for unsorted or mixed new cuttings under paragraph (a) of this section, you must file an application for approval of a ceiling price with the Office of Price Stabilization, Washington 25, D. C. prior to any sale. You must submit to the Office of Price Stabilization representative samples of the materials, together with a statement setting forth all of the relevant facts including the following:

(1) Names of grades and of purchaser.

(2) Detailed statement of characteristics of the grades. This statement shall also show how uniform the characteristics of these grades have been in your past purchases and sales of this grade.

(3) Ceiling delivered price per pound at which you propose to sell such grades.

(4) Detailed statement concerning all your purchases and sales of this grade since June 24, 1950, including name of buyer or seller, date of transaction, price paid or received, and quantity purchased or sold.

You may not use the proposed ceiling price until the Director of Price Stabilization, in writing, notifies you of your ceiling price.

This Ceiling Price Regulation No. 28 shall become effective May 7, 1951.

NOTE: All record and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 2, 1951.

[F. R. Doc. 51-5196; Filed, May 2, 1951, 10:12 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 4, Amendment 1]

GCPR, SR 4—TIDEWATER COAL DOCK DEALERS

TRANSPORTATION COSTS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Congress), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Supplementary Regulation No. 4 to the General Ceiling Price Regulation (16 F. R. 809) is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 4 to the General Ceiling Price Regulation was issued as an interim regulation, pending the preparation and issuance of a permanent regulation tailored to the needs of the industry, to permit tidewater coal dock dealers to increase their ceiling prices by the exact dollar-and-cents amount of the increase in prices of coal they were required to pay as a result of price increases permitted coal producers. No authority was given to reflect transportation cost increases in the ceiling prices of the tidewater coal, which previously had been frozen under the GCPR.

The Interstate Commerce Commission, by its decision in Ex Parte 175, issued on March 13, 1951, has given authority to the bulk of common carriers to increase interstate rates on coal and coke, effective upon 15 days' notice, generally by 2 percent with a maximum of six cents per net ton and seven cents per gross ton. Such freight increases became effective on April 4, 1951. This increase in transportation costs is in all cases a direct charge upon the tidewater coal dock dealer which, if he is not permitted to add to his price, must be absorbed by him.

The tidewater coal dock industry is a highly competitive one among the coal dealers, but even more so with other forms of fuel such as oil and natural gas. The competitive situation in this industry is strikingly reflected in the coal loadings at Hampton Roads for shipment to New England via tidewater. In the years 1940, 1941, 1947, and 1948 those loadings ran between 12 and 13 million tons per year. During the war years they ran between 7 and 10 million tons. In 1949 the loadings amounted to only 6,460,000 tons and in 1950 to 6,800,000 tons. On account of such competition, the industry during the past two years has operated at a loss or at an exceedingly low profit. This condition has not improved since the Korean outbreak.

During World War II, the Office of Price Administration recognized the inability of the tidewater coal dock dealers to absorb increased transportation costs attributable to a shift in the movement from water to rail transportation, by granting such dealers a subsidy to compensate them for such increased transportation costs. This regulation, "Compensatory Adjustment Regulation No. 1," became effective May 19, 1942. Furthermore, OPA found it necessary, and provided in its Maximum Price Regulation 122 applying to the tidewater coal dock industry, to permit the dock dealers to add to their maximum prices all increases in transportation costs made effective during the Office of Price Administration period not compensated for by subsidies.

Information presently available indicates that the tidewater coal dock industry is in a seriously depressed financial condition. The absorption of the 2 percent or six cents per net ton increase (seven cents per gross ton), or any further increase, would have the effect of forcing serious financial hardship upon the tidewater coal dock dealers. The Director is convinced that, in the case of this particular industry, it would be inequitable to compel the tidewater coal dock industry to absorb the amount of the freight rate increases.

This amendment to Supplemental Regulation 4 permits tidewater coal dock ceiling price increases based entirely upon actual increases in transportation costs paid by the tidewater coal dock dealers.

Authorization has been granted to add transportation cost increases which become effective on or before June 30, 1951, to ceiling prices because it usually requires several months for State agencies to reflect interstate rate increases in intrastate rates.

AMENDATORY PROVISIONS

Supplementary Regulation 4 to the GCPR is hereby amended as follows:

1. Section 3 is amended by adding thereto paragraph (d), reading as follows:

(d) Each tidewater coal dock dealer may also increase the ceiling prices of each size and grade of any coal he sells and delivers under this supplementary regulation by the exact amount of increase in transportation costs, rail and/or water that have or may become effective since January 1, 1951, and on or before June 30, 1951: *Provided*, Such increased transportation costs were authorized by the Director, or by an order of the Interstate Commerce Commission or any other agency of the Government of the United States, or of any regulatory body of a State, territory or possession of the United States: *And provided further*, That the authority to increase the ceiling prices of each size or kind of coal by the exact amount of increase in transportation costs shall be effective only upon receipt by the tidewater coal dock dealer of a carrier's invoice, freight bill or other statement of transportation charges, for each such size or grade of coal, reflecting the increased freight charges required to be paid by the tidewater coal dock dealer.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective May 1, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 1, 1951.

[F. R. Doc. 51-5165; Filed, May 1, 1951; 4:00 p. m.]

[General Overriding Regulation 8]

GOR 8—PAPER, PAPERBOARD, CONVERTED PAPER AND PAPERBOARD PRODUCTS, ALLIED PRODUCTS AND SERVICES, NEW COTTON, LINEN, AND UNDERWEAR CUTTINGS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this General Overriding Regulation 8 is hereby issued.

STATEMENT OF CONSIDERATIONS

This General Overriding Regulation 8 will create exemptions for specific, paper, paperboard, converted paper and paperboard products, allied products and services from, or set forth special provisions applicable to, some or all of the price regulations issued by the Office of Price Stabilization, including the General Ceiling Price Regulation, and its supplementary regulations, as well as numbered ceiling price regulations with their supplementary regulations, and any amendments thereto.

The need for this regulation arises from the experience gathered during the past history of price control and current information concerning the advisability of exemption of or special provisions for enumerated commodities or services. This regulation serves as the clearing house for all paper, paperboard, converted paper and paperboard products, allied products and services involving exemptions or special provisions.

There is exempted from all price control by incorporation in this action all sales of unsorted or mixed new cotton, linen and underwear cuttings sold to persons other than consumers. Decontrol of such sales is necessary because the setting of specific dollars and cents prices or the establishment of a uniform pricing formula for such cuttings is administratively impracticable in view of their non-uniform quality and the frequent inclusion of cuttings not suitable for use by consumers of the cuttings covered by Ceiling Price Regulation 28. Further, since the prices of cuttings sold to consumers, and their end products are controlled, it is believed that this action will not result in inflationary increases in the price of unsorted or mixed cuttings sold to non-consumers.

REGULATORY PROVISIONS

Sec.

1. Sales of commodities or services exempted from price control.
2. Definitions.

AUTHORITY: Sections 1 and 2 issued under sec. 704, Public Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp.

SECTION 1. *Sales of commodities and services exempted from price control or specially treated.*—(a) *Exemptions.* No price regulation issued heretofore by the Office of Price Stabilization shall apply to the sales of the following commodities or services. No price regulation which may be issued in the future shall apply to such sales unless they are specifically mentioned in the regulation.

(1) Sales of unsorted or mixed new cotton, linen and underwear cuttings to a person other than a consumer.

(2) [Reserved.]

(b) *Special treatment.* [Reserved].

SEC. 2. *Definitions.* (a) When used in section 1 (a) (1) of this regulation, the term: (1) "Consumer" means a person who acquires new cotton, linen and underwear cuttings for his own use.

(2) "New cotton, linen and underwear cuttings" include all kinds and grades of new cotton, linen and underwear cuttings, and new linen thread waste, regardless of the use for which they are sold, excepting, however, pound goods and similar materials when sold for reuse as new textiles, and excepting also cotton hooked rug materials and mill rags.

(3) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor, or representative of any of the foregoing, and includes the United States, or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

This General Overriding Regulation No. 8 shall become effective May 7, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 2, 1951.

[F. R. Doc. 51-5197; Filed, May 2, 1951; 10:12 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-33, as amended May 1, 1951]

M-33—MOLYBDENUM—DISTRIBUTION AND USE

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this amendment consultation with industry representatives was impracticable because of the necessity for immediate action. However, in the formulation of the amendment of March 27, 1951, there was consultation with industry representatives and consideration was given to their recommendations.

This amendment affects NPA Order M-33 as amended March 27, 1951, as follows: It substitutes a new section 4, a new paragraph (c) to section 5, and a new section 7.

NPA Order M-33, as amended, reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Relation to other regulations and orders.
4. Substitution required.
5. Allocation authorization required.
6. Exceptions to allocation requirements.
7. Conservation of scrap.
8. Limitations on inventory.
9. Records to be kept.
10. Audit and inspection.
11. Reports.
12. Adjustments and exceptions.
13. Communications.
14. Violations.

AUTHORITY: Sections 1 to 14 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Con.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to conserve and to provide for the distribution and use of molybdenum, as hereinafter defined, so as best to serve the interests of the national defense program and of defense supporting activities. It makes molybdenum subject to allocation. It prohibits, subject to certain exceptions, deliveries of molybdenum, except by authorizations to be issued monthly by the National Production Authority (hereinafter called "NPA").

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Molybdenum" means and includes molybdenum metal powder, wire, rod, or sheet; ferro-molybdenum; molybdenum oxide; all primary molybdates; all primary molybdenum compounds used as a source of molybdenum in any manufacturing process; all scrap molybdenum metal; and all other scrap, waste materials, and residues containing commercially recoverable molybdenum.

SEC. 3. *Relation to other regulations and orders.* The provisions of this order supersede all NPA regulations and orders to the extent that they are in conflict herewith, but in all other respects such regulations and orders continue in full force and effect. NPA may, from time to time, issue directives as to deliveries or use of molybdenum and, unless otherwise provided therein, such directives will prevail over the provisions of this order.

SEC. 4. *Substitution required.* No person, whether pursuant to a DO rated order or otherwise, shall incorporate any molybdenum into any product or material when substitution for molybdenum is practicable, considering the required processing characteristics and the properties of the product or material, and the available supply of the substitute or substitutes.

SEC. 5. *Allocation authorization required.* (a) After May 1, 1951, no person shall deliver or accept delivery of or use molybdenum (except scrap molybdenum metal or other scrap, waste materials, and residues containing molybdenum) in any month except in accordance with the terms of an allocation authorization issued for such month by NPA in accordance with this section. In the case of a person who keeps separate inventory records for any separate operating or producing units, each such separate operating or producing unit shall be deemed a person for purposes of this section.

(b) NPA may, from time to time, allocate the supply of molybdenum and specifically direct the manner and quantities in which deliveries to particular persons or for particular uses may be made or withheld. Any person seeking to place a purchase order for molybdenum may be required to place the same with one or more specified suppliers.

(c) An application for an allocation of molybdenum metal powder, wire, rod, or sheet must be filed with NPA by the applicant on Form NPAF-15 and Form NPAF-48 not later than 45 days preceding the first day of the month in which delivery is sought. An application for an allocation of any other form of molybdenum subject to allocation must be filed with NPA by the applicant on Form NPAF-15 and Form NPAF-48 not later than the seventh day of the month preceding the month in which delivery is sought. Each application must furnish all information required by said forms, including information concerning scrap, waste materials, and residues.

(d) The authorization allocation (Form NPAF-48) issued will be sent by NPA to the appropriate supplier or suppliers and a copy furnished to the purchaser. The authorization will require a supplier to make delivery to the extent of the purchaser's orders within the limits of the authorization.

SEC. 6. *Exceptions to allocation requirements.* The provisions of section 5 of this order shall not apply to:

(a) Deliveries to the General Services Administration, or any other duly authorized governmental agency, for the purposes of stockpiling.

(b) Deliveries to any person whose total receipts from all sources during the calendar month in which such deliveries are received are not thereby made to exceed 200 pounds of contained molybdenum, and who delivers a signed certification to his supplier as follows:

Certified under M-33

Such certification constitutes a representation to the supplier and to NPA that the purchaser is authorized under the provisions of this order to accept delivery of molybdenum as permitted in this order, and that his receipt of the shipment in the amount requested, during the month of specified delivery, will not bring his total receipts of molybdenum during that month above 200 pounds of contained molybdenum. The exception afforded by this paragraph (b) to the requirements of section 5 of this order shall not extend to deliveries of molybdenum metal powder, wire, rod, or sheet, every delivery, receipt or use of which or of any of which shall, except as provided in paragraph (a) of this section, be subject to the requirements of section 5 of this order.

(c) Deliveries of molybdenum-bearing ores and concentrates.

(d) Deliveries of scrap molybdenum metal.

(e) Deliveries of other molybdenum-bearing scrap.

SEC. 7. *Conservation of scrap.* No person shall dispose of or accept any scrap, waste material, or residue (other than scrap molybdenum metal) containing commercially recoverable molybdenum which is fit for remelting, except for use in the manufacture of products in which molybdenum is required.

SEC. 8. *Limitations on inventory.* No person shall place an order for or shall accept delivery of molybdenum metal powder, wire, rod, or sheet at a time when his inventory exceeds, or by acceptance of such delivery would be made to exceed, 60 days' requirements at his then scheduled rate and method of operation. No person shall place an order for or shall accept delivery of any other form of molybdenum at a time when his inventory exceeds, or by acceptance of such delivery would be made to exceed, 45 days' requirements at his then scheduled rate and method of operation. Any person who, on the effective date of this order or at any other time, has outstanding orders for molybdenum for delivery in quantities greater than he would be permitted to receive under this section shall forthwith notify his supplier of the extent to which delivery cannot be accepted as scheduled, and such orders shall be adjusted accordingly. Imported as well as domestic molybdenum, except when such imported molybdenum has been purchased for resale, is subject to this section and is therefore to be included in computing inventory. Molybdenum which has been subjected to minor processing, but has not yet been actually incorporated into a finished or partially finished product, is likewise to be included in computing inventory. This section is applicable irrespective of whether or not any such orders or deliveries are made in accordance with an allocation authorization. In the case of a person who keeps separate inventory records for any separate operating or producing units, each such separate operating or producing unit shall be deemed a person for purposes of this section.

SEC. 9. *Records to be kept.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 10. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 11. *Reports.* (a) Every person who at any time in a calendar month had in his possession or under his control or who during a calendar month consumed more than 200 pounds of molybdenum (i.e., molybdenum content) shall report to NPA on Form NPAF-15 on or before the 15th day of the following month. However, if he applies on such form for an allocation of molybdenum for delivery during a succeeding month, his application serves also as the required report.

(b) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act (5 U. S. C. 139–139F).

SEC. 12. *Adjustments and exceptions.* Any person affected by any provision of this order may file a request for an adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 13. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref. M-33.

SEC. 14. *Violations.* Any person who wilfully violates any provision of this order, or furnishes false information or conceals any material fact in the course of operation under it, is guilty of a crime and upon conviction may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on May 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-5190; Filed, May 1, 1951; 4:55 p. m.]

[NPA Order M-2 as Amended May 1, 1951]

M-2—RUBBER

This order as amended is found necessary and appropriate to promote the national defense. It is issued pursuant to both the Defense Production Act of 1950 and the Rubber Act of 1948. In the formulation of this order, as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

NPA Order M-2, as last amended April 6, 1951, is amended to read as follows:

EXPLANATORY PROVISIONS

Sec.
1. Purpose and effect.
2. Definitions.

RESTRICTIONS ON CONSUMPTION

3. Limit on total new rubber consumption (except natural rubber latex).
4. Limit on natural rubber latex consumption.
5. Rubber to fill rated orders.
6. Orders rated "DO-97".

IMPORTATION AND DISTRIBUTION OF NATURAL RUBBER

7. Private importation of natural rubber prohibited.
8. Purchase of natural rubber.

ALLOCATION OF SYNTHETIC RUBBER

9. Limitation on acquisition of synthetic rubber.
10. Allocation procedure.
11. Basis of allocation.

RUBBER PRODUCT REQUIREMENTS AND LIMITATIONS

12. Camelback production required.
13. Tires or tubes for new passenger automobiles.
14. Required production of certain tires or tubes.
15. Rubber product simplification and manufacturing specifications.

GENERAL PROVISIONS

16. Monthly reports of rubber consumption and stocks.
17. Reports by tire, tube, and camelback manufacturers.
18. Reports by latex importers.
19. Records and reports.
20. Inventory limitations.
21. Applications for adjustment or exception.
22. Communications.
23. Violations.

AUTHORITY: Sections 1 to 23 issued under sec. 10, 62 Stat. 105, as amended, sec. 704, Pub. Law 774, 81st Cong.; 50 U. S. C. App. Sup. 1929. Interpret or apply sec. 3, 62 Stat. 102, sec. 101, Pub. Law 774, 81st Cong.; 50 U. S. C. App. Sup. 1922. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61, E. O. 9942, Apr. 1, 1948, 13 F. R. 1823.

EXPLANATORY PROVISIONS

SECTION 1. *Purpose and effect.* The purpose of this order is to conserve the supply of rubber for the needs of national defense and to provide for its equitable distribution. It places over-all limits on the consumption of new rubber (including both natural and synthetic). It prohibits private importation of natural rubber, provides for allocation of Government-produced synthetic rubber, and for the distribution of natural rubber. Provisions are also made for increasing production of camelback, for directing production of rubber products into standard lines, and for restricting the use of natural rubber in certain listed products, for limiting inventories of tires and tubes and for restricting their delivery for installation on new passenger automobiles.

SEC. 2. *Definitions.* As used in this order:

(a) "Natural rubber" means all new RHC (rubber hydrocarbon) forms and types of tree, vine, or shrub rubber, both dry and latex, including the following grades of wild rubber (cut, uncut, washed or dried): upriver fine, acre fine, Bolivian fine, beni fine, island fine, and all other types of fine pará, which are of equivalent quality regardless of name or origin; but excluding all other South or Central American grades of wild rubber and all rubber from guayule, balata or gutta percha, as well as reclaimed natural rubber.

(b) "Dry natural rubber" means all natural rubber in solid form.

(c) "Natural rubber latex" means the dry latex solids contained in natural rubber liquid latex.

(d) "Synthetic rubber" means all new RHC products of chemical synthesis similar in general properties and applications to natural rubber and specifically

capable of vulcanization, including synthetic rubber latex but excluding reclaimed synthetic rubber.

(e) "GR–S" means a general-purpose synthetic rubber of the butadiene styrene type produced in the United States generally suitable for use in the manufacture of transportation items such as tires or camelback, as well as any other type of synthetic rubber equally or better suited for use in the manufacture of transportation items such as tires or camelback, as determined from time to time by the NPA, but excluding reclaimed general-purpose synthetic rubber.

(f) "Butyl" or "GR–I" means a special-purpose synthetic rubber produced in the United States, suitable for use in the manufacture of transportation items such as pneumatic inner tubes, but excluding reclaimed special-purpose synthetic rubber.

(g) "New RHC" means total new rubber hydrocarbon. This is the total RHC content of dry natural rubber, natural rubber latex, synthetic rubber, uncured scrap rubber, and uncured in-process materials.

(h) "Consume" means, in the case of dry natural rubber, natural rubber latex or synthetic rubber, to compound, expend, formulate, or in any manner make any substantial change in the form, shape, or chemical composition.

(i) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(j) "Reclaimed rubber" means any rubber derived from the processing or treatment of vulcanized rubber or cured scrap rubber.

(k) "NPA" means the National Production Authority in the Department of Commerce.

RESTRICTIONS ON CONSUMPTION

SEC. 3. *Limit on total new rubber consumption (except natural rubber latex).* (a) No person shall (except on prior written authorization of the NPA) consume in any calendar month a total amount of new rubber (including all synthetic both dry and latex and all natural except latex) in excess of 100 percent of his base monthly new rubber consumption as computed under paragraph (b) of this section: *Provided, however,* That no person shall consume in the manufacture of any item listed in appendix B of this order, in any calendar month, any new rubber in excess of 90 percent of the proportion of his base monthly new rubber consumption devoted to the manufacture of each such item during the year ending June 30, 1950: *And provided further,* That no person may consume more rubber in the manufacture of tires and tubes for delivery as original equipment for new passenger automobiles than is required to supply the manufacturers of new passenger automobiles with four tires and tubes for each of such automobiles.

(b) Each person's base monthly new rubber consumption shall be one-twelfth of his actual new rubber consumption (including all synthetic both dry and latex and all natural except latex) during the year ending June 30, 1950, as adjusted by the NPA.

(c) The limitation provided in this section shall not apply to any person during any calendar quarter in which his total consumption of new rubber (including all synthetic both dry and latex and all natural except latex) does not exceed 25,000 pounds.

SEC. 4. *Limit on natural rubber latex consumption.* (a) No person shall (except on prior written authorization of the NPA) consume during any calendar quarter, a total quantity of natural rubber latex in excess of one-fourth of his consumption during the year ending June 30, 1950, as adjusted by the NPA.

(b) In the event that imports of natural rubber latex are of such volume that an excess remains available for consumption, after deducting from total imports (1) the base-period consumption allowed by paragraph (a) of this section, (2) the stockpile requirements of the Government, and (3) a reasonable reserve for adjustments under section 21 of this order. Such excess will be allocated quarterly to consumers by the NPA on the basis of their pro rata allocation of natural rubber latex during the first calendar quarter of 1951. Any allocations made under this paragraph may be consumed in addition to the amounts permitted by paragraph (a) of this section.

SEC. 5. *Rubber to fill certain rated orders.* (a) Such quantities of new rubber as are used in making products to fill DO rated orders (other than those rated "DO–87" or "DO–97") are hereby exempted from the limitations on consumption contained in sections 3 and 4 of this order. All such quantities shall accordingly be excluded in computing consumption under those sections. Allocations of synthetic rubber will be made for such purposes, upon application in writing to the NPA, in addition to the allocations for which provision is made in sections 9, 10, and 11 of this order.

(b) Any person filing an application for an allocation of 500 pounds or more of new rubber to fill a DO rated order must show (1) the DO rating number or symbol applied to the order, (2) the Government contract or purchase order numbers, (3) the identity and quantity of the product ordered, (4) the Government specifications for the product insofar as they concern the rubber content, (5) the name and address of the customer, and (6) the types and quantities of rubber required, by month, to fill the order.

(c) Any person filing an application for an allocation of rubber to fill any DO rated orders where each of such orders requires less than 500 pounds of new rubber must set forth (1) the number of orders with each DO rating, (2) the types and quantities or rubber required to fill each group of DO rated orders, and (3) a statement signed by an authorized officer or member of the company to the effect that he has received DO rated orders, which are on file and which require the amount of rubber applied for.

SEC. 6. *Orders rated "DO–97."* (a) No person shall apply or extend the rating "DO–97" to any order for any pneumatic tires or tire tubes or other transportation products as listed under code 1 and codes 3 through 8 in appendix A, and no such rating applied or extended to such orders shall be deemed a valid rating.

(b) Insofar as necessary and practicable, new rubber will be made available once a month, in addition to the quantities otherwise permitted by this order, to manufacturers of those products listed under Code 2 and Codes 9–24 in appendix A, to replace rubber used to fill orders for such products rated "DO–97." No additional rubber will be authorized for such purpose, however, except to the extent that the applicant demonstrates that he has filled "DO–97" rated orders for the product in the previous month requiring a greater proportion of his then permitted new rubber consumption than he devoted to the manufacture of that product out of his total new rubber consumption in the year ending June 30, 1950 (exclusive of such units as were manufactured and sold as parts of new equipment or for incorporation in new equipment). Application for such additional new rubber shall be made before the 10th day of each month. The quantities approved under this section will be authorized and allocated for use during the remainder of that month. (For example: If a company used rubber in April for orders rated "DO–97" in excess of the above-described proportion, it may report such excess use before the 10th of May, and additional rubber will be authorized or allocated in May). The applicant must state (if he has not previously submitted the same information) his consumption of new rubber during the year ending June 30, 1950, in making the product involved (broken down to show what proportion went into new equipment), the volume of orders filled for the product during the previous month (broken down to show those rated "DO–97"), the types and quantities of rubber used or required therefor, the new rubber authorization requested, and any other data necessary to demonstrate that the applicant has satisfied the above requirements entitling him to additional rubber.

IMPORTATION AND DISTRIBUTION OF NATURAL RUBBER

SEC. 7. *Private importation of natural rubber prohibited.* (a) On and after December 29, 1950, no person other than the Administrator of General Services shall import into the United States (including its territories and possessions) any natural rubber as defined in section 2 (a) of this order, except as specifically authorized in writing by the Administrator of General Services: *Provided, however,* That this prohibition shall not apply to any private importation required by a contract which was made prior to December 29, 1950, and which is registered with the General Services Administration on or before January 5, 1951, except as any such private importation may be disapproved by said Administrator. For purposes of this section, the term "import" includes any physical movement of rubber into the United States, whether placed in general order or in a foreign-trade zone, or whether entered for consumption, bonded customs custody or otherwise, except where the rubber moves through the United States in transit, under bond, from a consignor in one foreign country to a consignee in another foreign country.

(b) The prohibition in paragraph (a) of this section does not apply to the types and grades of natural rubber excluded from the definition in section 2 (a) of this order.

SEC. 8. *Purchase of natural rubber.* (a) A person may in any calendar month purchase as much but no more natural rubber than he is permitted to consume in that month: *Provided, however,* That at the time of such purchase his total inventory of natural rubber does not exceed, or by the delivery of such purchase would not be made to exceed, the amount of natural rubber which he may under this Order consume during the next succeeding 60 days (except that, if his inventory of any particular grade is less than his requirements for such grade for that calendar month, he may purchase the balance of his requirements for that grade for that month).

(b) Each person who desires to purchase any natural rubber shall furnish the Administrator of General Services a certificate reading substantially as follows:

I hereby certify, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, that I am authorized to consume all of the natural rubber called for by this purchase order during the current calendar month. I further certify that after receipt of the rubber called for by this Order, my inventory will not exceed the limitations of NPA Order M–2.

ALLOCATION OF SYNTHETIC RUBBER

SEC. 9. *Limitation on acquisition of synthetic rubber.* No person shall acquire more Government-produced GR–S or butyl (GR–I) than is allocated to him by the NPA. No person shall sell or transfer any synthetic rubber acquired from the Government to any person other than the Office of Rubber Reserve, Reconstruction Finance Corporation: *Provided, however,* That this prohibition shall not apply to any transfer of Government-produced synthetic rubber which is part of a bona fide subcontracting arrangement by which the transferee is required to return the equivalent amount of synthetic rubber to the transferor, or where there is no transfer of the right ultimately to dispose of or sell the rubber or rubber product made therefrom.

SEC. 10. *Allocation procedure.* The NPA will allocate quarterly, to each consumer of GR–S or butyl, the amounts of Government-produced GR–S and butyl that he may purchase during a specified calendar quarter. The allocation will reflect the total quantity of hot rubber and the total quantity of cold rubber which the consumer may purchase, but will not specify particular types within these two categories. The NPA will notify the Office of Rubber Reserve, Reconstruction Finance Corporation, of such allocations and the Office of Rubber Reserve will not issue purchase permits to anyone for more GR–S or butyl than is allocated to him. Persons desiring to purchase GR–S or butyl will submit purchase requests to the Office of Rubber Reserve in accordance with its established procedure.

SEC. 11. *Basis of allocation.* GR–S and butyl for nondefense purposes will be separately allocated by the NPA for each calendar quarter on the following basis:

(a) *GR–S.* Subject to the provisions of paragraphs (d) and (e) of this section, each consumer of GR–S will be allocated a fair and proportionate share of the total available Government-produced GR–S (after a reasonable amount has been reserved for DO rated orders, for such other programs as may be approved by the NPA, and for adjustments under section 21 of this order).

(b) *Butyl for tire tubes.* Subject to the provisions of paragraphs (d) and (e) of this section, each manufacturer of tire tubes will be allocated his pro rata share of total available Government-produced butyl (after a reasonable amount has been reserved for DO rated orders, for such other programs as may be approved by the NPA, and for adjustments under section 21 of this order), based on the proportion which his total new rubber consumption for tire tubes during the year ending June 30, 1950, bears to the total new rubber consumption of the industry for tire tubes during that period as determined by the NPA.

(c) *Butyl for other uses.* Subject to the provisions of paragraphs (d) and (e) of this section, each consumer of butyl for purposes other than the manufacture of tire tubes will be allocated for each calendar quarter, his average quarterly consumption of butyl for such other purposes during the year ending June 30, 1950, as determined by the NPA.

(d) *Imports to be considered.* In making allocations described in paragraphs (a), (b), and (c) of this section, the NPA will ascertain the quantities of imported GR–S and butyl acquired by each consumer, and will reduce by the amounts of such imported rubber the allocations which would otherwise be made.

(e) *Inventories to be considered.* In making the allocations described in paragraphs (a), (b), and (c) of this section, the NPA will ascertain and take into account each consumer's inventory of GR–S and butyl, and will adjust the allocations insofar as practicable so that inventories (including rubber in warehouse and in transit) will not be increased beyond a 20-working-day supply.

(f) *GR–S plant clean-up and dried latex drainings, coagulum, and preflox materials.* Only 50 percent of the quantity of GR–S plant clean-up material purchased from the Office of Rubber Reserve, and only 25 percent of the GR–S dried latex drainings, coagulum, and preflox purchased from the Office of Rubber Reserve, need be considered in computing and reporting the total quantity of synthetic rubber acquired or consumed.

RUBBER PRODUCT REQUIREMENTS AND LIMITATIONS

SEC. 12. *Camelback production required.* Every person who produced camelback during the year ending June 30, 1950, shall produce in each month of 1951, an amount of camelback which by RHC weight is at least one and a half times as great in proportion to his total new rubber consumption in the manufacture of transportation products during such months, respectively, as the proportion which his production of camelback during the year ending June 30, 1950, bore by weight on RHC basis to his total new rubber consumption in transportation products during that year. For example, if a person's production of camelback on RHC basis accounted for 5 percent of his new rubber RHC consumption in transportation products during the year specified, his production of camelback in each month must account for at least 7.5 percent of his new rubber RHC consumption in transportation products during each month of 1951. This means that consumers who produce transportation products other than camelback must sacrifice sufficient RHC from other transportation products to achieve the above result, since no extra allocation of RHC will be made to compensate for increased camelback production. Those who produce camelback and no other transportation items, must increase their production only to the extent that they have received a special adjustment from NPA for camelback production.

SEC. 13. *Tires or tubes for new passenger automobiles.* No person shall deliver any tires or tubes to any manufacturer of new passenger automobiles unless such manufacturer furnishes to him a signed certificate reading substantially as follows:

I hereby certify, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, That, except in fulfillment of DO-rated orders, after April 1, 1951, I will not install on or use for any new passenger automobile more than four tires or tubes and that no more than four tires and tubes will be delivered by me with any new passenger automobile.

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(Date) (Signed)

SEC. 14. *Required production of certain tires or tubes.* (a) No person, who, during the first calendar quarter of 1951, manufactured any tires or tubes for use on trucks, buses, and truck trailers, in sizes 8.25 and up, or on tractors or farm equipment, shall, during any month, devote less than the same proportion of his total new rubber consumption as limited by section 3 of this order to the manufacture of each of these items than he did in the first calendar quarter of 1951.

(b) In addition, the saving in new RHC resulting from the reduction in original passenger car tire and tube deliveries due to the elimination of the fifth tire and tube, shall be used by each tire manufacturer in the production of truck and bus tires and tubes, in sizes 8.25 and up, and for farm tires and tubes. Insofar as natural rubber may be used in producing such tires and tubes in ac-

cordance with the specifications in appendix A, such use in lieu of synthetic rubber is permitted, subject to the limitation on total new rubber consumption in section 3 of this order.

SEC. 15. *Rubber product simplification and manufacturing specifications*—(a) *Manufacture except in accordance with appendix A prohibited.* No person shall manufacture any rubber product except in accordance with the specifications and other terms and conditions prescribed in the attached appendix A. More specifically, (1) no person shall consume any natural rubber (dry or latex) in the manufacture of any product not listed in column II of appendix A; (2) no person shall consume more natural rubber (dry or latex) in the manufacture of any listed product than prescribed in column III (as qualified by column IV) of appendix A, and (3) no person shall consume any new RHC (natural or synthetic) in the manufacture of any listed product in more or different lines, types, qualities, styles or colors than those prescribed in column IV of appendix A: *Provided, however,* That any person who has received an allocation of synthetic rubber, for a given period, which is of a lesser proportion of his total new rubber consumption, as limited by section 3 of this order, than he is required by the specifications contained in appendix A to use in the manufacture of his usual line of products, may (within the limits of section 3) use such additional natural rubber as is necessary to make up the difference: *And provided further,* That any person who so uses additional natural rubber shall prepare a statement setting forth all of the facts and statistics upon which such additional use was based. This statement, signed by an officer of the company, shall be retained in the files of the company and made available to the NPA upon request.

(b) *Exceptions to limitations of appendix A*—(1) *Defense orders.* Notwithstanding the provisions of appendix A, any product manufactured to fill a DO rated order may be manufactured to the specifications of the order if and to the extent that such specifications are required by the Government. Efforts will be made, however, to obtain maximum standardization of rubber products for Government defense requirements as well as between defense and nondefense requirements.

(2) *Tire experimentation.* Notwithstanding the provisions of appendix A, any person may use up to a total of 2,000 pounds of dry natural rubber during any calendar quarter for experimentation in the manufacture of those sizes and types of tires for which specifications are provided in appendix A.

GENERAL PROVISIONS

SEC. 16. *Monthly reports of rubber consumption and stocks.* Every person who consumes or owns, at any time during any month, any type of rubber listed below shall file a monthly report on Form NPAF-3 with the NPA in accordance with the instructions accompanying the form. This report form covers consumption, stocks, receipts, production, and shipments.

Types to be reported

Dry natural rubber.
Natural rubber latex.
Reclaimed rubber.
GR-S Types, excluding latex.[1]
GR-S Type latex.[1]
Butyl types.[1]
Neoprene, excluding latex.
Neoprene, latex.
Butadiene-Acrylonitrile types (N-Type) excluding latex.
Butadiene-Acrylonitrile types (N-Type), latex.
Scrap rubber, uncured.

SEC. 17. *Reports by tire, tube, and camelback manufacturers*—(a) *Monthly reports.* Each manufacturer of tires, tubes, and camelback shall file a report of his production, shipments, and inventory for each calendar month on Form NPAF-5 with the NPA in accordance with the instructions accompanying the form. Such report shall be filed by the 10th of the month following the month to which it relates.

(b) *Weekly reports of cured tires.* Each manufacturer of tires shall file a report of his production of cured tires for each week on Form NPAF-6 with the NPA in accordance with the instructions accompanying the form.

SEC. 18. *Reports by latex importer.* Every importer of natural rubber latex shall report by letter to the NPA by the 15th of each month in long tons of dry latex solids (a) his imports for the current month (actual receipts plus material due to arrive), (b) his scheduled imports for the next succeeding month, and (c) his estimate of his imports for the second and third succeeding months.

SEC. 19. *Records and reports.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries and inventories, production, and use, in sufficient detail to permit an audit that determines that the provisions of this order have been met. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who have or who may maintain such microfilm or other photographic records in the regular and usual course of business. All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority. All persons subject to this order shall keep such records and file such other reports as may be required subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 20. *Inventory limitations.* (a) No person shall in the course of trade or business receive delivery of any new tires or tubes if his inventory of such items exceeds, or by such receipt would be made to exceed, his minimum requirements for the operation of his business during the succeeding 30 days (or, in the case of passenger car manufacturers, 15 days). No person shall deliver tires or tubes (1) if he has reason to believe that his customer is not permitted to receive delivery under this section, nor (2) unless his customer furnishes to him a signed certificate reading substantially as follows:

I hereby certify, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, that after receipt of the tires or tubes covered by this order my inventory will not exceed the quantity permitted by NPA Order M-2.

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(Date) (Signature)

(b) All of the materials subject to this order are also subject to NPA Reg. 1 which prohibits the accumulation of materials in excess of a practicable minimum working inventory.

SEC. 21. *Applications for adjustment and exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, in duplicate, and shall set forth all pertinent facts, the nature of relief sought, and the justification therefor.

SEC. 22. *Communications.* All applications, reports, and other communications relating to this order should be addressed to the National Production Authority, Washington 25, D. C., Ref: Order M-2.

SEC. 23. *Violations.* Any person who wilfully violates any provision of this order, or furnishes false information or conceals any material fact in the course of operation under it, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to compel necessary adjustment of his inventories or consumption or to suspend his privilege of making or receiving further deliveries of, or from processing or using, materials subject to this order.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on May 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[1] Includes all types whether obtained from Government or other sources, including imports.

APPENDIX A—RUBBER PRODUCTS SUBJECT TO SIMPLIFICATION AND MANUFACTURING SPECIFICATIONS AS PROVIDED IN SECTION 13 OF NPA ORDER M-2

EXPLANATION OF COLUMNS AND SYMBOLS

Column 1: The code number indicated in Column 1 is the numerical identification of a similar class of products.

Column 2: The product or product class to which the restrictions apply is described in Column 2.

Column 3: The figures and symbols in Column 3 specify the amount of natural rubber, if any, that may be used in the listed products.

For product codes 1 through 8 and 14, 15, 16, 17, 23, and 24, the figures in Column 3 represent maximum percent of dry natural rubber and/or natural rubber latex to the total weight of new RHC. For product codes 9 through 13 and 18 through 22, such figures represent maximum percent of dry natural rubber and/or natural rubber latex to the total volume of the compound *except* where provided in Column 4 that the percent is expressed in terms of total weight of new RHC.

The figure "0" in Column 3 means that the use of dry natural rubber or natural rubber latex is prohibited except as may be provided in Column 4.

The symbol "X" in Column 3 means that dry natural rubber or natural rubber latex may be used in the minimum amount required except as may be provided in Column 4.

Column 4: The provisions in Column 4 are in some instances qualifications on the use of dry natural rubber or natural rubber latex as otherwise permitted by Column 3. These qualifications take precedence over Column 3 where there is any apparent inconsistency. Column 4 also contains the simplification and standardization provisions governing the manufacture of the product or product class. These latter provisions do not relate merely to the use of natural rubber but limit the lines, types, qualities, styles, and colors in which the listed products may be manufactured with the use of any kind of rubber. There are no such limitations on the manufacture of listed products except as indicated in Column 4.

Code No. (1)	Product (2)	Percent natural rubber to total new RHC (3)	Special restrictions or provisions (4)
1	Pneumatic tires	(1)	The group average of any product in Code 1 may be exceeded, provided the aggregate natural rubber consumed in all products in this code does not exceed the total amount of natural rubber which would have been consumed if calculated on the maximum group averages for Code 1.
	Airplane tires	100	Max. individual tire—100%.
	Bicycle tires	13	Black side-wall construction only. Maximum individual tire—95%.
	Motorcycle tires	15	Black side-wall construction only. Maximum individual tire—95%.
	Passenger car highway, mud-snow, taxi		Passenger car tire production is restricted as follows: All types—black side-walls only. Standard tread depth highway tires—one line and one quality only. Extra tread depth highway tires—one line only; and no greater quantity may be produced by any manufacturer in any calendar quarter, in proportion to his total production of passenger car tires in that quarter, than the proportion of his extra depth highway passenger car tire production to his total passenger car tire production in the last 6 months of 1950. Special purpose tires—no more or different lines may be produced by any manufacturer than he was producing on Feb. 19, 1951.
	Thru 7.10 and 6.50	15	Max. individual tire—95%.
	Over 7.10 and 6.50	22	Max. individual tire—95%.
	Industrial pneumatic	13	Max. individual tire—95%.
	Tractor implement	13	Max. individual tire—95%. Restricted to one line of tires.
	Truck: highway, heavy highway, traction, off-the-road trailer, flotation type, trailer type.		Truck tire production is restricted as follows: Standard tread depth highway tires—one line only. Extra tread depth highway tires—one line only. Special purpose tires—no more or different lines may be produced by any manufacturer than he was producing on Feb. 19, 1951.
	7.50 and under	28	Max. individual tire—95%.
	8.25 thru 9.00	75	Max. individual tire—99%.
	10.00 thru 12.00	90	Max. individual tire—99%.
	Over 12.00	92	Max. individual tire—99%.
2	Solid tires	XXX	
	Airplane tires	XX	
	Bogie, idler, and support rollers	50	
	Pressed on	50	
	Cured on, 4 x 1½ and up		
3	Tire tubes:		Any color, but one color only, except that every tube containing butyl must be marked with one or more circumferential light blue stripes, applied on the base section of the tubes, any one of which stripes must be 3/16" minimum width. No other tube shall be so marked.
	Airplane	100	
	Bicycle	5	Including valves.
	Industrial pneumatic	50	
	Passenger	0	
	Puncture seal	XX	
	Safety tubes	XX	
	Tractor implement	0	
	Truck, 8.25 cross-section and under	0	
	Above 8.25 and up to 14.00	5	
	14.00 cross-section and over	80	
4	Tire tube valves and curing bags:		
	Tire tube valves (including repair valves)	XX	
	Tire tube valve inside washers	XX	
	Curing bags	50	May be averaged with groups in Code 1.
5	Tire flaps		May be averaged with groups in Code 1.
	10.00 and up	100	
	All others	50	
6	Tire retreading materials:		
	Air bags, full circle for retreading	X	
	Camelback for airplane tires	100	
	Camelback for 9.00 cross-sections and larger, in die sizes 6½" crown width and 1⁹⁄₃₂" ga. and up	X	
	Camelback, die sizes under 6½" crown width and under 1⁹⁄₃₂" ga.	0	
	Camelback cushion gum	100	1/32" ga. max. for synthetic camelback.
	Padding stock	XXX	
	Stripping stock	XXX	
	Filler stock	100	
	Cushion repair gum	XX	
	Tread repair gum	XX	
	Tire vulcanizing cement	XX	
7	Tire and tube repair materials:		
	Air bags, sectional	XXX	
	Bulk tire repair materials	XXXXX	
	Tire patches	XXXXX	
	Tube patches	XXXXX	
	Patching cement	XXXXX	
8	Tank blocks, treads, and band tracks	X	

[1] Maximum group average.

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
9	Belting: Belting must be manufactured in accordance with the following regulations: Rubber belting utilizing a solid woven carcass is permitted, provided such construction uses no more natural rubber than is permitted in laminated belting of equivalent size and thickness. Constructions using combinations of fabric and other reinforcing materials such as cord or wire are permitted provided total natural rubber does not exceed that which is used in an equivalent grade, cotton fabric ply construction belt.		Color black throughout, except where otherwise specified. No manufacturer shall produce by any single manufacturing process more than one line, type, quality or style for any one purpose. For interpretation of purpose in this Order the commonly accepted service classifications used by industry shall apply.
9-A	Conveyor and elevator belting:		
	For severe service only	25	
	For moderate service	15	
	For hot material	X	Operating temp. 200° F. and over.
	For conveying unpackaged food materials and materials that would be discolored with black belts.	25	Black friction, amber or tan cover.
9-B	Misc. belt and related products:		
	Hay baler	X	
	Other agricultural implement	15	
	Belt splicing and repair material	X	
	Chute lining	25	
	Conveyor skirting or skirt board	25	
	Cigar machine aprons		Same restrictions as first grade flat transmission belt (Code 9-C).
	Concentrator belts	25	
	Escalator hand rails	30	
	Food belts for paper box machinery	X	
	Hatter belts	X	
	Hog beater belts	40	
	Last puller	X	Color optional.
	Package	25	
	Paper machine aprons	25	
	Paper making screen diaphragms	15	
	Postal meter and letter opening feed belts	X	
	Powder explosives	15	
	Pulley lagging	25	
	Rubber scrapers for conveyor belts	25	
	Safety belts, linemen's	0	Color optional.
	Sling or lifting	25	
	Special molded conveyor belts	X	
	Street sweeper belts	X	Tan or amber.
	Tube winding	X	Natural rubber color permitted.
	Tobacco stemmer belts	25	
	Molded discs for conveyor belt idlers	X	Color optional.
	Ozalid seals		Natural rubber lb. maximum per 1,200 sq. in. per ply. Color of seaming strip optional.
9-C	Flat transmission belting		0.65 lbs.
	For severe service, or high speed or to operate over small pulleys		0.30 lbs.
	For moderate service		0.65 lbs.
	Hammermill belt		0.65 lbs.
	Axle generator belt		Color optional, one color only.
	Rubber covers for above, maximum thickness 3/64"	10	0.65 lbs.
	Sheeting type, slab belting		0.30 lbs.
	Using fabric weighing between 10 and 16.50 oz. per sq. yd		Percent based on total volume of belt. In determining belt volume, the published nominal cross-sectional dimensions shall be used where these exist and mold cross-sectional dimensions shall be used in all other cases.
	Using fabric weighing less than 10 oz. per sq. yd		All belts black, except as otherwise specified. Buff color permitted for non-marking and food handling.
9-D	"V" Belts		
	Fractional H. P	20	
	Household equipment	20	
	Automotive:		
	Passenger cars for pulley groove top width more than .500"	20	
	Trucks under 1½ ton for pulley groove top width more than .500"	20	
	Passenger and truck for pulley groove top width .500" or less	25	
	Trucks 1½ tons and over	25	
	Busses	25	
	Police cars and taxis	25	
	Airplane	25	
	Stationary gas and diesel engines		
	Industrial, including agricultural:		
	Heavy duty	30	
	Standard	30	
	Speed changers	25	
	Double "V"	20	
	Open end	25	
	Round belts	25	
	Railroad axle-drive	60	
10	Hose		All hose to be black throughout, except where specified. Color permitted in frictions, liners and cements to identify and differentiate between oil resisting and non-oil resisting rubbers. No manufacturer shall produce by any single manufacturing process more than one line, type, quality or style for any one purpose. For interpretation of purpose the commonly accepted service classifications used by industry shall apply.
10-A	Aircraft hose.		
	Crash truck AAF 26011 (−65° F.)	X	
	Ducts	XXX	Govt. or commercial plane use only.
	Oxygen hose		Govt. or commercial plane use only.
	Airbrake (20-147) (a)	5	Govt. or commercial plane use only.
	Aircraft hose not elsewhere listed	0	
10-B	Automotive hose:		
	Air brake	5	
	Air cleaner	5	
	Hydraulic actuating boot	X	
	Car heater	0	
	Coolant (radiator):		
	Curved	10	
	All other radiator	5	
	Defroster	15	
	Hydraulic brake, S. A. E. R-41	0	
	Windshield wiper	0	
	Vacuum brake	0	
	Automotive hose not elsewhere listed	0	
10-C	General industrial hose		All hose to be black throughout, except where specified.
	Acid	X	
	Air and air tool: Air drill for mining and quarrying and heavy duty industrial	30	
	Gas mask air hose	40	
	All other air hose not elsewhere listed	5	Red and green cover permitted on 3/8" and under for identification purposes.
	Alcohol, beverage, brewers wine, vinegar, food and milk conveying	40	Buff colored tube and cover permitted.
	Ammonia	20	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
10-C	General industrial hose—Continued		
	Arbor pipe forming	25	
	Booster and chemical engine	10	
	Braided cover tubing	0	
	Cable covering, electric	30	
	Cloth inserted tubing	5	
	Coupling, flexible	5	
	Creamery	20	Buff color cover permitted.
	Divers':		
	Floating	X	Natural rubber color permitted.
	Sinking	5	
	Dredging sleeves	40	
	Expansion joints	40	
	Fire:		
	Cotton rubber lined and R. C	25	
	Wrapped duck	25	
	Fire engine suction:		
	Hard	10	
	Soft	25	
	Fire extinguisher tubing	5	
	Flanged flexible pipe	40	
	Garden and lawn	0	Red and green cover permitted.
	Jetting	10	
	Marine exhaust	0	
	Material handling—including grain	40	
	Cement and concrete	40	
	Phosphate flexibles	40	
	Rock dusting	40	
	Insulation blowing	5	
	Paint spray, fluid line	0	5% natural rubber by volume permitted when Thiokol is used;
	Paper mill hose	10	
	Petroleum products:		
	Gasoline service station	0	
	Oil suction and discharge	15	Both rough and smooth bore permitted.
	Butane and propane	5	
	Tank wagon	0	
	All other not elsewhere listed	0	
	Pinch valve	X	
	Rotary drilling:		
	Vibrator	15	Color stripe or band permitted.
	Mud suction	15	
	Sand blast	X	
	Sand placing and sand suction	40	20" and over I. D. X. natural rubber permitted.
	Shaft covering, flexible	5	
	Spray, horticultural and car washing		For car washing service where pressure exceeds 250 P. S. I.
	Over 400 lbs. working pressure	5	
	Under 400 lbs. working pressure	5	
	Steam:		
	Over 50 lbs. working pressure	X	
	50 lbs. and under working pressure	X	
	Steam ironing	20	
	Suction, water:		
	Hard rubber and rough bore	5	
	Smooth bore up to 6"	10	
	Smooth bore 6" and over	20	
	Vacuum:		
	Household, theatres, hotels, office buildings, etc	25	
	Industrial dust collector and blower exhaust	X	
	Washing machine	0	
	Water:		
	Radiator filling	0	
	Industrial:		
	Severe service	10	
	Moderate service	5	
	Welding	5	Hose may be black, red, and/or green as required for safety identification.
	Hose not elsewhere listed	0	
10-D	Railroad hose:		
	Air brake and signal, M-601	20	
	Air pneumatic tool, M-608	5	
	Paint spray, M-610	5	
	Pantograph	10	
	Sand, M-615 and M-616	XXX	
	Sand pipe nozzles	XXX	
	Steam, hot water and car heat, M-605	XXX	
	Tender tank, M-609	10	
	Water, cold, M-604	5	
	Welding, M-603	5	Hose cover may be black, red, and/or green as required for safety identification.
	Railroad hose not elsewhere listed	0	
11	Packing and gaskets not elsewhere listed		Color optional. Restriction on one line, type, quality, and style do not apply.
11-A	Packings without fabric or high percent of fiber, including sheet and also strip, discs, gaskets, rings, cups, U packings, V rings, O rings, nonfabric diaphragms, etc., made by extruding, cutting, or molding:		
	Below 45 durometer	0	
	45 durometer and above	0	
	Pipe coupling gaskets	0	
	Molded and extruded gaskets spliced endless after initial vulcanization	0	
	Electrical transformer sheet rubber for packing seals	40	
	O rings for sliding contact against steam and chemicals	XXX	
	Air brake gaskets	XXX	
	Vulcanizer door gaskets	XXX	
	All others not elsewhere listed	0	
11-B	Packings with high fiber content sheet (generally known as "compressed asbestos sheet") and gaskets cut from same.	5	By weight.
	Molded gaskets, discs, rings, etc	5	By weight.
	Rod packing coil, spiral ring form (generally known as "rubber-bonded plastic packing").	5	By weight.
11-C	Packing with fabric or wire insertion sheet gasketing (generally known as "C. I. or B. W. I. sheet") and gaskets cut from same:		
	Cotton insert	5	
	Wire insert	10	
	Asbestos insert	20	
	Rolled or molded gaskets:		
	Cotton insert	25	
	Asbestos insert	25	
	Diaphragm sheet including diaphragms cut from same or molded:		
	Supersensitive gas regulation	X	
	Molded other than above	25	
	Cut other than above	15	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
11-C	Rectangular piston packing	20	
	Rod packing including molded cups, U packings, and V rings:		
	Cotton insert	25	
	Asbestos insert	15	
11-D	Valve and valve parts:		
	Valve and valve discs—45 durometer and under	X	
	Loaded ball valves	X	
	All other valves and valve parts	0	
11-E	Sealing compounds for food containers:	0	
	Beverage container gaskets (molded, extruded or lathe-cut)		15% natural rubber by weight of compound permitted.
	Food container gaskets (extruded and lathe-cut)		5% natural rubber by weight of compound permitted.
	Gasket-lined home canning lids	25	
	Jar rings, cut rings	0	
	Molded stoppers for food and beverage containers		30% natural rubber by weight of compound permitted for food gaskets formed and vulcanized in the closure. Natural rubber latex permitted.
	Food closure gasket	X	
	Sealing compounds, food closures and can ends ("flowed-in" type for glass and metal containers).		All products in Code 12, color optional, unless otherwise specified. Restrictions on line, type, quality, and style do not apply.
12	Other mechanicals		
12-A	Aircraft equipment:		
	Boots, de-icer and integral parts including hose	X	
	Bumpers	X	
	Cords, alighting gear	X	
	Conductive rubber parts	X	
	Flexible couplings, functional	X	
	Engine instrument mountings and vibration insulators	X	
	Oxygen mask, pilot	0	
	All parts 45 durometer or less	0	
	All other parts not elsewhere listed		
12-B	Automotive equipment:	X	
	Windshield wiper blade		25
	Bumper—retaining and check (molded)		25
	Bumpers—functional:		25
	Suspension		10
	Crash		
	Bushing:	X	
	Suspension	X	
	Torque rod	X	
	Coupling—flexible		0
	Weatherstrips and body seals, extruded, under 50 durometer	X	
	Weatherstrip, injection compound for splicing and forming		25
	Molded ventilator strips		10
	Glass run	X	
	Crankshaft torsion dampers		0
	Transmission and engine mountings:		40
	50 durometer and over	X	
	Under 50 durometer		0
	Body and chassis mountings:		0
	50 durometer and over		
	Under 50 durometer	X	
	Tail pipe insulator—under 50 durometer	X	
	Torsion springs		
	Grommet, core-molded-retaining, for dashboard insulation		
	Fuel tank—filler neck seal		
	Mats:		30 A color spray containing no natural rubber may be applied to one side. New rubber other than natural may be used in the spray.
	Contour, rear compartment only		25
	Sill with retaining buttons		0 A color spray containing no natural rubber may be applied to one side. New rubber other than natural may be used in the spray.
	All other automotive mats		0
	Cowl and dash liners		
	Seal beam headlights	X	
	Pads—X, I, with retaining buttons		25
	Fender flaps or splash guards		0
	Silencers—coil spring		0
	Rear spring seat insulator	X	
	Tubing:		
	Drain		X
	Windshield wiper, non-reinforced		X
	Spring tying suspension seat cord		25
	Molded diaphragms	X	
	Hydraulic, air brake, and vacuum brake cups, diaphragms, valves and seals.		
	Seals:	X	
	Valve stem—tire		25
	Valve stem—motor		0
	All other parts not elsewhere listed		
12-C	Railroad and streetcar equipment:	X	
	Car spring snubbers		0
	Refrigerator friction drive wheel		0
	Refrigerator car door seal	X	
	Molded seal for double-glazed windows		Same as automotive.
	Bumpers	X	
	Streetcar wheel	X	
	Windshield wiper blades		5
	Door shoes	X	
	Draft gears	X	
	Vibrational insulators—functional		0
	All other parts not elsewhere listed		
12-D	Farm equipment:	X	
	Flax roll (50 durometer or under)		5 For adhesion.
	Corn husking roll		5 For adhesion.
	Feed conveyor		5 For adhesion.
	Corn snapper roll		5 For adhesion.
	Draper apron roll		5 For adhesion.
	Cotton rubber roll		5 For adhesion.
	Hay baler roll		0
	Rubber covered canvas		0
	Cotton picker doffer	X	
	Press wheel tires	X	
	Gauge wheel tires		
	Shoe pitman arm torque bushing and torsion bushings	X	
	Bearing cushion cups, non-oil-resisting		0
	Cotton drier flaps		0
	Pneumatic seats		10
	Steering wheels	X	
	Rubber covered beater bars		0
	All other parts not elsewhere listed		

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
12-E	Electrical products and industrial equipment:		
	Telephone and telegraph insulators	0	
	Lineman protective devices	X	
	Friction tape		5 lbs. of natural rubber for 100 sq. yds.
	Splicing compound	35	
	Underground cable connectors	X	
	Flexible connections for vacuum and exhaust equipment	X	
	Mandrels for surgical tubing	X	
	Molds	X	
	Sand and shot blast equipment	X	
	Press die pads, draw sheets and embossing beds	X	
	Bulging rubbers	X	
12-F	Household and appliance products:		
	Refrigerator and freezer parts:		
	Gasket, door	X	
	Gasket, liner opening	X	
	Collars, throat		40
	Glass and panel seals		40
	Tubing, beverage dispensing		40
	Tubing, drain—molded		25
	Terminal seal bushings for compressors	X	
	Rollers, tray		0
	Freezer lid assembly		0
	All other parts not elsewhere listed		0
	Vacuum cleaner and sweeper parts:		
	Extensible drive belt	X	
	Bag seal		0
	Flexing bellows and diaphragms		40
	Brush guards, collars, and holders		40
	Sweeper tires and wheels		0
	Electrical conducting parts	X	
	Grips		0
	Functional bumper guards with undercuts and retaining buttons		25
	All other parts not elsewhere listed		0
	Clothes-washing, dish-washing, drying, and ironing machine parts:		
	Wringer rolls		0
	Agitators		25
	Tub and lid gaskets		25
	Extensible belts—drive	X	
	Drive pulley	X	
	Collapsible tubs	X	
	Flexing boots and diaphragms	X	
	Extruded drain hose or tubing		0
	Formed pressure tubing		30
	Couplings and nozzles		15
	Unconfined lip door gasket	X	
	Water seals		0
	Flexible pump rotors		40
	Pump valves—flexing	X	
	All other parts not elsewhere listed		0
	Miscellaneous houseware accessories:		
	Strain relief grommets—electric irons, etc		40
	Light colored molded parts		0
	Chair tips		0
	Strainers, sink and drain		0
	Pans, dust		0
	Water aerator		0
	Sewing machine drive pulley and belts	X	
	All other parts not elsewhere listed		0
	Plumbing specialties:		
	Ball cock washers		10
	Force cups		0
	Gaskets and valves designed for back flow preventors	X	
	Tank balls designed for flush valves core molded:		
	With base opening ¾" and less		45
	With base opening over ¾"		25
	Floor flange gaskets		0
	All other plumbing specialties		0
12-G	Milk and food handling equipment:		
	Milk and milking equipment:		
	Bottle filler rubbers		0
	Bowl rings		25
	Parlor milking gasket	X	
	Gaskets, washers, and couplings:		
	45 durometer or under		35
	Over 45 durometer		0
	Milking inflations and cup caps	X	
	Teats for calf feeder pails	X	
	Tubing including duplex, milk, vacuum, air, and stanchion:		
	45 durometer or under	X	
	Over 45 durometer		0
	Straps, surcingle		5
	Milk—pasteurizer plate gaskets	X	
	Food and beverage processing and dispensing equipment:		
	Chicken pickers		50
	Cherry pitters	X	
	Corn husking roll—(canning) under 45 durometer	X	
	Can testers	X	
	Molded fittings for beverage handling	X	
	Stop for ice cream cone dispenser	X	
	Rice polishing blocks	X	
	All other parts not elsewhere listed		0
12-H	Mining equipment:		
	Air chambers for conset jigs	X	
	Flotation parts, including liners for cells, impellers, and shafts	X	
	Stator & rotor tubes	X	
	Ore car liners		25
	All other parts not elsewhere listed		0
12-I	Oil field specialties:		
	Drill pipe protectors		45
	Packers—production and test without fabric		35
	With fabric		20
	Packers, open hole	X	
	Packers, cement retaining	X	
	Packers, casing		35
	Blowout preventers	X	
	Gland packings	X	
	Slush pump, pistons and liners for fluid packed pumps	X	
	Stabilizers and wire line guides		0
	Stuffing box rings—polished rod	X	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
12-I	**Oil field specialties—Continued**		
	Slip pads	25	
	Strippers (pressure pack off)	X	
	Pipe and wire line wipers	10	
	Swab rubbers and lining bumpers	25	
	Testing and cementing equipment	X	
	Valves, cups and discs	0	
	Valve inserts	0	
	All other parts not elsewhere listed	X	
12-J	Miscellaneous mechanical goods and textile industry equipment:		
	Parts for manufacture of rayon:		
	Parts that come in contact with rayon filament	X	
	All other parts	0	
	Parts for Cellophane	0	
	Textile equipment:	X	
	Pickers, all types	45	
	Lug straps	0	
	T-strap	X	
	Card clothing	X	
	Draw rolls—20 durometer	X	
	Jobsters, fabric shrinking	X	
	Take-up roll covering	12	
	Hold-ups, and sweep sticks	0	
	All other parts not elsewhere listed	X	
	Miscellaneous mechanical goods:		
	Laboratory supplies:		
	Tubing:	X	
	45 durometer and under	0	
	Over 45 durometer	1	
	All other parts not elsewhere listed	X	
	Industrial tubing:		
	45 durometer and under	0	
	Over 45 durometer	X	
	Traffic counter tubing	0	
	Soft rubber alkaline storage batteries and parts	X	
	Billiard and pool table cushions	X	
	Brake and hydrant expander tubing	X	
	Brush setting compounds	X	
	Building strips	50	Natural rubber latex only permitted.
	Cast rubber products	0	
	Casters and molded wheels:		
	Under 4 inches diameter	5	By weight.
	4 inches and over	X	
	Conductive caster wheels	25	
	Core molded parts not elsewhere listed	0	
	Cutting rubbers not elsewhere listed	0	
	Dam and lock-gate seals	X	
	Fish net floats or bladders	X	
	Flexible bags and parts for forming operations in manufacturing plants	X	
	Flexible couplings—torque	0	
	Flexible sanding and buffing pads	X	
	Gas main bags	25	
	Goggles and parts	X	For vibration screens and ball mills.
	Industrial balls:		
	45 durometer and under	0	
	Over 45 durometer	X	For use in manufacturing operations only.
	Industrial vacuum or suction cups	25	Cork or fiber loaded.
	Insulation tubing	X	
	Labels	X	
	Mine safety lamp parts		Black only.
	Molded annular tires	0	
	Light and medium duty	40	
	Heavy duty	0	
	Molded boots and dust seals	X	
	Rebound discs for well drilling	27	
	Molded parts attached to adjacent parts by integral undercut buttons, and grommets. Not elsewhere listed	X	
	Mountings, shock absorbers, dampers and vibration insulators:		
	Under 50 durometer	40	
	50 durometer and over	10	
	Pressure sensitive signal controls	25	
	Sun blast stencil sheet for monument work	X	
	Seals for electrolytic condensers	0	
	Tubular grips, including cork or fiber-loaded	X	
	Windshield wiper blades, squeegee rubber and wiper dies	X	
	X-ray sheets	0	
	Belt filler channel	0	
	Parts for ladders	0	
	Mallets	0	
	Traffic cones and markers	0	
	All other parts not elsewhere listed	X	
	Tires, parts for bicycles, toy vehicles, and lawn mowers		Black only.
	Handle grips	0	Same as automotive, Code 12-B.
	Fender flaps or splash guards	0	
	Pedal pads	25	
	Dodgem bumpers	0	
	All other parts not elsewhere listed	X	
12-K	Printing rubber products:		
	Printing rollers:		
	Newspaper rollers:	X	
	Form	X	
	Ductor	X	
	Letter press rollers	X	
	Gravure & impression	20	
	Printing rolls to be coated with composition having durometer less than 20	0	
	All other printing rollers not elsewhere listed	X	
	Printing rubbers:	X	
	Cutting rubbers	15	
	Pottery dies	15	
	Engraving rubbers	X	
	Plate backing friction and filler	X	
	Stiff plate backing	X	
	Etching plates	X	
	Molded stencil sheet for sand or grit blasting	X	
	Adhesive fabric, including brass adhesive	X	
	Band dater fabric	X	
	Printing blankets for offset, newspaper and lithograph	X	For printing press only.
	Rubber solution for wet plate negative	X	
	Paper pick-up suction cups	0	
	All other printing rubbers not elsewhere listed		

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
12-L	Rolls and roll coverings:		
	Suction press roll covering	X	
	Paper mill roll covering	X	
	Natural crepe rubber shoe cleaning rolls	X	For use only in cleaning soil and cement from shoes.
	Textile	X	
	Other industrial roll covering	X	25% of the total new rubber used in any month may be natural rubber.
	All other roll coverings not elsewhere listed	0	
12-M	Rubber protected or lined equipment:		
	Tank cars, barges and trucks	X	
	All other	X	
12-N	Mats and matting:		
	Switchboard—not less than 1/4" thick for 3,000 volts and over	30	Black only.
	Roll matting and stair treads	0	
	Perforated mat	0	
	Link and molded door mats	0	
	Path mats	0	
	All other mats not elsewhere listed	0	
12-O	Safety respiratory equipment: Breathing apparatus, safety masks and respirators, including parts	X	
12-P	Hard rubber products		Restrictions on line, type, quality or style do not apply.
	Ball gauges and molded tie rods	50	
	Baskets (etching), beakers, buckets, dippers, frames, funnels, measures, pails, packs, and trays	15	
	Bleaching rods	X	
	Blown work	X	
	Combs	60	
	Component hard rubber parts for the manufacture and handling of rayon, explosives, and corrosive chemicals	60	
	Knife handles	35	
	Dye sticks	X	
	Bowling balls	10	
	Industrial flashlight parts	45	
	Insulated tools	20	
	Jack strips	20	
	Microporous battery separators	X	
	Mouth pieces for musical instruments	X	
	Parts not elsewhere listed for storing, conveying, and processing corrosive chemicals	60	
	Pipe and fittings	10	
	Pipe bits	15	
	Plating barrels and parts	30	
	Potentiometer cards	X	
	Refrigerator parts	X	
	Rod and tubing for fountain pen parts	X	
	Rods up to .040" diam	X	
	Rods .040" diam. incl	35	
	Rods over 1/2" diam	20	
	Sheets 1/16" thick or less	X	
	Sheets over 1/16" to 1/4" thick incl	50	
	Sheets over 1/4" thick	30	
	Tubing up to and incl. 1/32" wall	X	
	Tubing over 1/32" to 1/8" wall incl	50	
	Tubing over 1/8" wall	30	
	Cafeteria trays	50	
	Steering wheels	10	
	Hard rubber parts for alkaline storage batteries	35	
	Heavy duty battery cases over 15#	50	
	Hand wrapped battery cases	30	
	Submarine battery jars	50	
	Storage battery cases where product of tensile and elongation is 10,000 pounds or more	60	
	Ventilating parts for submarines—hand wrapped	X	
	Ventilating parts for submarines—molded	50	
	Parts for submarines not elsewhere listed	50	
	Telephone commutator inserts	50	
	Tubular retainers	60	
	Parts for water meters	X	
	X-ray and photo tanks	30	
	Forming tanks	40	
	Connecter stocks	20	
	Parts not elsewhere listed	0	
12-Q	Industrial equipment: Industrial abrasive implements		The over-all monthly consumption of natural rubber shall not exceed 60% of the total new RHC consumed. Restrictions on line, type, quality, style, and color do not apply.
12-R	Brake linings, brake blocks and clutch facings		The over-all monthly consumption of natural rubber shall not exceed 40% of the total new RHC consumed. Restrictions on line, type, quality, style, or color do not apply.
13	Wire and cable		Except where required for circuit identification, rubber compounds used in the manufacture of wire and cable shall be furnished as: Insulation compounds in natural or black color only; jacket compounds black color only. Restrictions on line, type, quality and style do not apply.
13-A	Insulation compounds:		
	Insulation for power and control cable or for building wire rated at 2000 V (phase to phase) or less and which has insulation wall thickness of more than 25 mils	0	
	Insulation compounds having thickness of 25 mils or less	X	
	For all types of insulated wire and cable in excess of 2000 V (phase to phase)	70	
13-B	Sheaths and jackets:		
	Sheaths and jackets for operation at temperature of −40° C or higher	0	
	Sheaths and jackets for operation at temperatures lower than −40° C	X	
13-C	Cements and nonreinforced tapes incidental to manufacture, repair, or installation of cables	70	
14	Rubber footwear	70	Group average percent. No type rubber footwear shall contain more than 98% natural rubber. Line, type, quality, style, or color optional.
15	Shoe products		Line, type, quality, style, or color optional.
15-A	Heels and soles:		
	Heels, soles and other specialized materials, manufactured by rubber heel and sole manufacturers, used in the manufacture and repair of shoes, and excluding those items covered by other subsections of this code	5	
	Soles	X	DO orders for black, full length, cleated soles for "Tropical Army Combat Boots" and "Ski-Mountain Army Boots."
	Heels	60	DO orders for tan, neutral, white, and nonmarking black heels, except whole heels. For the Armed Forces, Fed. Spec. ZZH141A.
	Soling	85	DO orders for Arctic boot soling for the Armed Forces (U. S. Army Spec. MIl-B-2289).

Code No. (1)	Product (2)	Percent natural rubber to total new RHC (3)	Special restrictions or provisions (4)
15-A	Heels and soles—Continued		
	Heels	65	DO orders for Arctic Boot Toplifts for the Armed Forces (U. S. Army Spec. Mil-B-2289).
	Crepe soles, heels, welting and wrappers	0	The consumption, production or sale (other than to G. S. A.) of natural RHC, for crepe soles, heels, welting and wrappers is prohibited. Only exception: Existing inventories as of March 15, 1951, in the actual possession of shoe manufacturers and shoe repairmen may be consumed.
15B	Inner shoe cushions and pads:		
	Rubber, molded or sheet		Natural rubber content to be no greater than that in a comparable product produced during the base period.
	Sponge rubber, nitrogen blown, molded or sheet		60% natural rubber to total RHC permitted. Maximum monthly average.
	Sponge rubber, chemically blown, molded or sheet		Gas chamber method only.
	Latex Foam, uncored slab sheets		45% natural rubber to total RHC permitted. Maximum monthly average.
	Latex Foam, molded	0	60% natural rubber to total RHC permitted.
	Sponge rubber-cork granule sheets		75% natural rubber to total RHC permitted.
15C	Orthopedic appliances	X	For corrective devices required for deformed, injured, and crippled feet only.
15D	Impregnated non-woven fiberous shoe components:		
	Insole materials	0	Natural rubber latex only may be used.
	Welting and stripping		
	Midsole materials		Natural rubber latex only may be used.
	Sockliners, heel pad, plumper and backing materials, high strength stay and reenforcing materials	X	Natural rubber content to be no greater than that in a comparable product produced during the base period.
	Hair and fulled felts		Natural rubber latex only may be used.
	Box toes	X	Natural rubber content to be no greater than that in a comparable product produced during the base period.
15E	Combining cements and rubberized woven fabrics for shoes		The over-all monthly consumption of natural rubber shall not exceed 50% of the total new RHC consumed in all Code 15E products.
	Cements for custom combining piece goods		
	Cements and compounds for coating, finishing, laminating, impregnating and proofing fabrics used as uppers, linings, sock linings, heel pads, reenforcements and backers in shoes.		
15F	Shoe tapes:		
	Pindines, including French cord	X	
	Reenforcing and stay tapes	X	
	Tapes for applied sewing ribs and economy lips	X	
	Pressure sensitive tapes, cloth backed		20% of natural rubber by volume permitted.
	Pressure sensitive tapes, paper backed		50% of natural rubber by volume permitted.
15G	Cements for manufacture and repair of shoes and component parts:		
	Shoe factory cements	X	
	Shoe repair cements	X	
	Cements for manufacture of shoe components	X	Except custom combining cements, Code 15E; and cement for welting, Code 15H.
	Cements and adhesives for anchoring flock	X	Natural rubber content to be no greater than that in a comparable product produced during the base year.
15H	Cements for manufacturing welting for shoes	0	Natural rubber latex only may be used.
15I	Protective coatings for shoes during manufacture		Production, consumption and sale of protective coatings to keep shoes clean during manufacture containing natural rubber is prohibited. Only exception: Existing inventories as of the date of this order, in actual possession of shoe manufacturers may be consumed.
15J	Bonded cork granule: material for shoes:		
	Composition cork sheets, not sponge rubber bonded	0	
15K	Elastic Fabric and tape for shoes:		
	Elasticized fabrics for uppers and linings	X	
	Goring and elastic shoe tapes	X	
15L	Bottom filler for shoes:		
	Hot type thermoplastic fillers	0	Natural rubber content to be no greater than that in a comparable product produced during the base period.
	Cold type fillers		Color options.
16	Cements		The over-all monthly consumption of natural rubber shall not exceed 65% of the total new RHC.
16-A	Cements for all purposes		
16-B	Miscellaneous uses: For manufacture of products covered by all code numbers in this Appendix A.	X	
17	Proofing, combining or coating of fabric		In products where natural rubber is permitted, no product shall contain a higher percent of natural rubber than a comparable product produced during the base period. Color optional. Restrictions on one line, type, quality and style do not apply.
	Covering material for transportation equipment	0	
	Film and coated materials for medical, health, and safety products	40	
	Anchor coats; spread, frictioned, or impregnated directly on fabric, or other material to be later calendered or spread	100	
	Seaming tapes and strapping	100	
	Cements used in assembly of other products here listed	100	
	Diving and life-saving equipment	40	
	Industrial and protective apparel	50	
	Industrial specialty products	100	
	Except low temperature diaphragm material	0	
	Flocked and imitation sueded materials	100	
	Except adhesive coating for anchoring the flock	40	
	Aprons or liners for handling in-process stock	0	
	Civilian utility products	0	
18	Drug sundries, medical, surgical, dental, veterinary and mortuary		Line, type, quality, style, or color optional.
18-A	Adhesive products:		
	Bunion pads and plasters	50	
	Corn plasters	50	
	Medicated foot pads and plasters	50	
	Surgical adhesive tape	10	
	Self-adhering tape and gauze bandage	X	
18-B	Bulbs—Including parts	60	
	Medicine dropper bulbs	65	
	Household bulbs	50	
18-C	Dental products:		
	Dental dam	X	
	Dental polishing tips	X	
	Denture rubber	65	
	Orthodontic bands	X	
	Denture suction and model formers	60	
18-D	Flat goods:		
	Fountain syringe bags, molded, and tubing	45	Average.
	Fountain syringe bags, hand-made, and tubing	75	
	Ice bags—molded	45	
	Ice bags—hand-made	60	
	Invalid cushions—molded	45	
	Invalid cushions—hand-made	60	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
18-D	Flat goods—Continued		
	Operating cushions	60	
	Water bottles and combinations, molded and tubing	45	
	Water bottles—hand-made	60	
	Latex fountain syringe bags and tubing, ice bags and bulbs	0	Natural rubber latex permitted.
18-E	Gloves and cots:		
	Finger cots—including industrial and agricultural	X	
	Surgeons gloves	X	
	Net-lined hand-made gloves	75	
	Electricians' gloves, sleeves and climber guards	X	
	Industrial and general purpose gloves	X	
18-F	Infant goods:		
	Infant feeding nipples	X	
	Nurser bottle caps	X	
	Pacifiers	X	
	Breast shields	X	
	Teethers and teething rings	35	
	Baby pants	X	
	Parts for baby bath seats	X	
	Unsupported rubber sheeting	45	By weight of compound.
18-G	Miscellaneous sundries:		
	Bath caps	60	40% of base period monthly average of natural rubber (dry or latex) consumed in bath caps permitted monthly.
	Blood pressure bags	X	
	Catheters, glass molded	65	
	Catheters, latex	X	
	Castrator rings	45	
	Garter buttons		
	Hard rubber pipes, connections and accessories	30	60% natural rubber of the total RHC permitted.
	Penrose tubing	X	
	Colostomy outfits	X	
	Crutch bags	X	
	Crutch bags, sponge	60	
	Crutch tips (reinforced with metal or cloth)	35	For crutches only.
	Dilators	X	
	Inhalation bags and face pieces	X	
	Miscellaneous medical instrument parts	X	
	Prostatic bags	X	
	Prosthetic devices	X	
	Orthopedic parts, sponge	60	
	Respirator seal for iron lungs, sponge	X	
	Rubber bands and cushions for artificial limbs	X	
	Medical stopples	X	
	Tourniquets	X	
	Truss pads	X	
	Urinals	X	
	Vaccine caps	X	
	Veterinary sleeves	X	
	Bath sprays and parts	18	Average.
	Toilet and bath sponges	25	
	Bath socks	X	
	Tension tape	75	
	Rubber sheets for mortuary garments	X	
18-H	Pessaries and prophylactics	X	
18-I	Sheet goods:		
	Bandage cum	X	
	Oxygen tent canopies	X	
18-J	Tubing: Surgical tubes and tubing	X	
18-K	Ladies personal sanitary items:		
	Dress shields	X	
	Bloomer protective plates	X	
	Sanitary aprons	X	
	Unsupported girdles	X	
	Supported girdles	X	
	All items not elsewhere listed	0	
19	Flotation equipment: Pontoons, rafts, boats, buoys, etc		Government orders only. Natural rubber permitted as required.
20	Life-saving equipment: Suits, jackets, vests, belts, etc		Government orders only. Natural rubber permitted as required.
21	Bullet sealing fuel cells	X	
22	Miscellaneous		
22-A	Athletic goods		Line, type, quality, style or color optional.
	Golf balls	85	
	Golf club grips	25	
	Tennis balls	81	
	Inflatable athletic balls	53	
	Inflatable playground balls	53	Maximum diameter 10 inches.
	Squash balls	60	
	Hand balls	60	
	Lacrosse balls	60	
	Rubber-covered baseballs	60	
	Baseball centers	10	
	Rubber-covered softballs	60	
	Ear and nose protective plugs	X	
	Cement for repair kits	X	
	Boxers' teeth protectors	80	
	Athletic bladders	10	Maximum monthly average.
	Athletic bladder valves	85	
	Gun pads	10	
	Lead tennis racquet weights	40	
	Swim fins	35	
	Nose clips		Natural rubber latex permitted.
	All items not elsewhere listed	0	
22-B	Balloons		Line, type, quality, style, or color optional. Natural rubber latex only permitted.
22-C	Sponge rubber		Line, type, quality, style, or color optional.
	Nitrogen blown		60% natural rubber to total RHC permitted. Maximum monthly average. Gas chamber method only.
	Chemically blown		45% natural rubber to total RHC permitted. Maximum monthly average.
	Kneeling pads	0	
	Church kneeler	0	
	Wallpaper cleaners	0	
	Floor mops	0	
	Seat cushions	0	
	Firemen's landing pads	0	
	Typewriter pads	0	
	Breast pads	0	
	Sponge balls	0	
	Sponge toys	0	
	Sponge novelties	0	

Code No. (1)	Product (2)	Percent natural rubber to total RHC (3)	Special restrictions or provisions (4)
22–E	Miscellaneous products:		
	Radio, radar and fire control instruments	X	
	Parachute bands and ventilating rings	X	
	Chlorinated and cyclized rubber	X	
	Flavored masticating gum		Line, type, quality, style, or color optional.
22–F	Pressure sensitive tape		For household use sold in lengths less than 1,200 inches.
	Color decorative tapes	0	
	General purpose cloth-backed tapes	20	Adhesive only.
	Double-faced cloth-backed tapes	20	Adhesive only.
	Nonfibrous film-backed tapes	40	Adhesive plus backing.
	Sand blast stencil tapes	36	Combined adhesive and impregnating composition.
	Cloth-backed photographic tapes	50	Combined adhesive and impregnating compositions.
	Paper-backed tapes, as follows:		
	General purpose masking tapes		
	Frozen food packaging tapes		
	Photographic tapes		
	Double-faced tapes		
	Drafting tapes		
	Shoe tapes		
	Extra-strength tapes		
	Super-strength tapes		
	Printed utility tapes and sheets		
	Tapes with backings of nonfibrous film laminated to paper	20	Combined adhesive laminating and impregnating compositions.
	Electrical tapes	X	Not elsewhere listed.
	High-temperature tapes	X	
	Non-staining tapes	X	
	High-strength tapes	X	Tensile strength more than 100 lbs. per inch width.
	Protective paper tapes	X	
	Other tapes	X	Purchased by Government to Federal specifications.
22–G	Stationer's supplies:		
	Erasers	20	Line, type, quality, style, or color optional. Percent of natural rubber to total new rubber hydro-carbon.
	Pen sacs	X	Natural rubber latex only permitted.
	Rubber bands	75	
	Finger tips	85	
	Mucilage spreaders	35	
22–H	Thread and related products:		
	Rubber thread	X	Natural rubber latex permitted. 6 colors and 11 sizes permitted.
	Garment tape	X	Color optional.
22–K	Toys		Line, type, quality, style, or color optional.
	Latex toys	X	Natural rubber latex only permitted.
	Doll skins		
	Dipped beach balls	70	
	Slush-molded toys	70	
	Crib toys	X	
	Molded (dry rubber) toys		40% base period monthly average of rubber consumed in molded (dry rubber) toys permitted monthly.
	Core-molded dolls and parts	45	
	Inflated dolls	45	
	Inflated balls	45	
	Hand made water toys	45	
	All items not elsewhere listed	0	
22–L	Rubber flooring, floor covering, wall covering		Line, type, quality, style, or color optional.
	Rubber tile flooring	0	
	Coating for fiber floor covering	0	Natural rubber latex permitted.
	Wall covering	0	
22–M	Rubberized fiber and hair cushioning	0	Color optional. Natural rubber latex only permitted.
23	Latex foam products		Line, type, quality, style or color optional.
	Bedding:		
	Mattresses	X	
	Mattress toppers	X	
	Pillows	X	
	Automotive toppers	55	
	Furniture—transportation seating	75	
	Uncored slab	50	
	Miscellaneous molded parts	75	
24	Any product other than products listed in codes 1 to 23 inclusive	0	

APPENDIX B

The following is the list of products referred to in section 3:

Appendix A

Code No.	*Product*
1	Replacement tires, passenger, highway, mud-snow, taxi.
1	Bicycle tires.
1	Motorcycle tires.
3	Tubes, passenger, including puncture-seal and safety tubes).
3	Tubes, bicycle and motorcycle.
10–C	Garden and lawn hose.
12–B	Automotive equipment (including each item listed thereunder in appendix A).
12–F	Household and appliance products (including each item listed therein in appendix A).
12–G	Bath caps.
12–J	Billiard and pool-table cushions.
12–N	Mats and matting (including all items listed thereunder in appendix A except switchboard matting).
12–P	Bowling balls, knife handles, cafeteria trays, pipe bits, mouth pieces for musical instruments, rods and tubing for fountain pen parts, and steering wheels.
18–K	Ladies personal sanitary items (including all items listed thereunder in appendix A).
22–A	Athletic goods (including all items listed thereunder in appendix A).
22–B	Balloons.
22–C	Sponge rubber products (including all items listed thereunder in appendix A, except firemen's landing pads).
22–E	Flavored masticating gum.
22–G	Stationers' supplies (including all items listed thereunder in appendix A).
22–K	Toys (including all items listed thereunder in appendix A).
22–L	Rubber flooring, floor covering, wall covering (including all items listed thereunder in appendix A).
22–M	Rubberized fiber and hair cushioning.

[F. R. Doc. 51-5187; Filed, May 1, 1951; 4:55 p. m.]

[NPA Order M–7, as Amended May 1, 1951]

M–7—ALUMINUM FOR CIVILIAN USE

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, in the formulation of this amendment, consultation with representatives of all trades and industries affected has been rendered impracticable by the fact that the order affects a very substantial number of different trades and industries.

This amendment affects NPA Order M–7 as amended April 20, 1951, as follows: It substitutes a new paragraph (c) of section 5 and a new paragraph (c) of section 6, and makes certain changes in list A. As so amended, NPA Order M–7 reads as follows:

Sec.
1. Purpose and scope.
2. Definitions.
3. Aluminum forms and products to which this order applies.
4. Application of order.
5. Use of aluminum.

Sec.
6. Use of aluminum for certain purposes.
7. Maintenance, repair, and operating supplies.
8. Exemptions.
9. Inventories.
10. Application for adjustment.
11. Records and reports.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *Purpose and scope.* The purpose of this order is to describe how the aluminum remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy. It is the policy of the National Production Authority that aluminum and articles made of aluminum, not required to fill rated orders, shall be distributed equitably through normal channels of distribution, and that due regard shall be given by suppliers to the needs of new and small business.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the 6-month period ending June 30, 1950.

(c) "Manufacture" means to put into process, machine, fabricate, or otherwise alter materials by physical or chemical means: *Provided, however,* That as applied to "castings (foundry products as shipped by the producer)" specified in section 3 of this order the word "manufacture" also means the assembly of said items into components or end products, and that as applied to "powder (including atomized, flake, paste, and pigments)," the word "manufacture" also means segregating, weighing, or packaging for sale or resale by persons other than producers.

(d) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment or facility in sound working condition, and "repair" means the restoration of a building, machine, piece of equipment, or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like: *Provided, however,* Neither maintenance nor repair includes the improvement of any such item with material of a better kind, quality, or design.

(e) "Operating supplies" means any aluminum forms or products listed in section 3 of this order which are normally carried by a person as operating supplies according to established accounting practice and are not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies.

SEC. 3. *Aluminum forms and products to which this order applies.* The word "aluminum" as used in this order means only the following aluminum forms and products obtained from either domestic or foreign sources:

Rod and bar.
Wire (under ⅜ inch).
Cables (electrical transmission only).
Rivets.
Forgings and pressings (before machining).
Impact extrusions.
Castings (foundry products as shipped by the producer).
Rolled structural shapes (angles, channels, zees, tees, etc.).
Extruded shapes.
Sheet (coiled and flat), plate, circles and blanks.
Slugs.
Plain coil foil.
Tubing (extruded, drawn, and roll formed).
Tube blooms.
Powder (including atomized, flake, paste, and pigments).
Ingot, pig, billets, slabs, granulated.
Purchased scrap.

SEC. 4. *Application of order.* Subject to the exemptions stated in section 8 of this order, this order applies to the use of aluminum for purposes of manufacture or construction, or for maintenance, repair, or operating supplies. It does not apply to (a) the production of aluminum in or the conversion of aluminum to the forms and products listed in section 3 of this order; or (b) the use of aluminum in the production of other metals (including aluminized steel), or of metal alloys, the chief constituent of which is not aluminum, or of chemical salts of aluminum and compositions of aluminum used as a catalyst.

SEC. 5. *Use of aluminum.* Subject to the exemptions stated in section 8 of this order, and unless specifically directed by the National Production Authority, no person shall use in manufacture or construction:

(a) During December 1950, a quantity by weight of aluminum in excess of 100 percent of his average monthly use of aluminum during the base period.

(b) During the following months a total quantity by weight of aluminum in excess of the percentages specified with respect to each month of his average monthly use of aluminum during the base period:

	Percent
January 1951	80
February 1951	75
March 1951	65

(c) During the calendar quarter commencing April 1, 1951, a total quantity by weight of aluminum in excess of 65 percent of his average quarterly use of aluminum during the base period: *Provided, however,* That no person shall use during each of the months of May and June 1951, in the manufacture of nonresidential type windows (excluding architectural type, curved head windows) a total quantity by weight of aluminum in excess of 65 percent of his average monthly use of aluminum for that purpose during the base period. Any person who was authorized by the National Production Authority to use an adjusted monthly base to determine permitted use of aluminum during January, February, or March 1951, shall not use during the second calendar quarter of 1951 a quantity by weight of aluminum in excess of 65 percent of three times such adjusted monthly base; and no manufacturer of nonresidential windows who was authorized by the National Production Authority to use such an adjusted base to determine permitted use of aluminum during January, February, or March 1951 shall use during either of the months of May or June 1951 a quantity by weight of aluminum in excess of 65 percent of such adjusted monthly base. The National Production Authority reserves the right to review and modify or revoke any such adjustment. An authorization by the National Production Authority to use a specific quantity of aluminum in any specified month or months or in the first quarter of 1951 shall not be considered an adjusted base for the purposes of this paragraph.

SEC. 6. *Use of aluminum for certain purposes.* In addition to the limitations on the use of aluminum set forth in section 5 of this order:

(a) No person shall use in manufacture, assembly, or construction a greater quantity or better grade of aluminum than is necessary for functional or operational purposes.

(b) No person shall use aluminum in manufacture, assembly, or construction for decorative or ornamental purposes.

(c) Subject to the exemptions stated in section 8 of this order, or unless specifically directed by the National Production Authority, no person shall use during each of the months of May and June 1951, in the manufacture of any item included in list A or, in construction for any item in list A, a total quantity by weight of aluminum in excess of 50 percent of his average monthly use of aluminum in such item during the base period. However, any person who, during the months of May or June 1951, purchases parts made wholly or partly of aluminum for incorporation in an item in list A, which parts he manufactured during the base period, shall deduct, to the extent that he purchases such parts, the quantity of aluminum he used in such manufacture during the base period in computing his permitted use during said months. During each of the months of May and June 1951, any person who does not use aluminum in the manufacture of an item in list A, but who assembles parts made wholly or partly of aluminum into such item in list A, shall not assemble a total number of units of such item in excess of 50 percent of the average monthly number of such units which he assembled during the base period.

(d) Any person who was authorized by the National Production Authority to use an adjusted monthly base to determine permitted use of aluminum during January, February, or March 1951, shall not use during either of the months of May or June 1951, in the manufacture of any item in list A, a total quantity by weight of aluminum in excess of 50 percent of such adjusted monthly base. The National Production Authority reserves the right to review and modify or revoke any such adjustment. An authorization by the National Production Authority to use a specific quantity of aluminum in any specified month or

months or in the first quarter of 1951 shall not be considered an adjusted base for the purposes of this paragraph.

(e) Any person who has placed an order with a supplier for aluminum for use in the manufacture of an item in list A, which order is included in such supplier's mill schedule for the second quarter, may accept delivery thereof after the end of the quarter, and may use such aluminum during the third quarter of 1951 subject to such restrictions as the National Production Authority may prescribe.

SEC. 7. *Maintenance, repair, and operating supplies.* Unless specifically directed by the National Production Authority, during the 6-month period commencing on December 1, 1950, and each 6-month period thereafter, no person shall use for maintenance, repair, and operating supplies a quantity by weight of aluminum in excess of the quantity of aluminum that he used for such purposes during the base period.

SEC. 8. *Exemptions.* (a) The use of aluminum required by any person to fill an order that is rated under the priorities system established by NPA Reg. 2 (excluding orders for items included in list A), or to meet any other mandatory order of the National Production Authority, is permitted in addition to the use of aluminum authorized by the provisions of sections 5 or 7 of this order. The use of aluminum required by any person to fill a rated order for any item included in list A which is marked by an asterisk is permitted in addition to the use of aluminum authorized by the provisions of section 5, 6, or 7 of this order where such item is for the use of the Armed Forces of the United States, including the United States Coast Guard, in the construction, fitting, or furnishing of ships (other than pleasure craft), aircraft, and hospitals, or to supply military specification organizational equipment items. The use of aluminum required to fill an order, whether or not rated, for any item in list A which is not marked by an asterisk shall be subject to the limitations on use stated in section 6 of this order.

(b) The procurement and use by electric utilities of aluminum conductor and aluminum conductor accessories as those terms are defined in NPA Order M-50, is subject to order M-50 and is accordingly exempt from this order. The use by electric utilities of forms and shapes of aluminum listed in section 3 of this order, other than aluminum conductor and aluminum conductor accessories, remains subject to the restrictions of this order, and in computing permitted use of such other forms and shapes of aluminum, use of aluminum conductor and conductor accessories during the base period shall be excluded.

(c) The provisions of sections 5, 6, and 7 of this order do not apply to persons who use less than 1,000 pounds of aluminum during any period of 12 consecutive months: *Provided, however,* That persons who by reason of the provisions of section 5 or 6 would be permitted to use less than 1,000 pounds during any period of 12 consecutive months may use during such period a quantity up to 1,000 pounds.

(d) The provisions of section 5 of this order will not apply, commencing on February 1, 1951, to the use of aluminum in the manufacture of collapsible tubes as defined in NPA Order M-27, nor, commencing on April 6, 1951, to the use of aluminum in the manufacture of packaging closures as defined in NPA Order M-26.

SEC. 9. *Inventories.* In addition to the provisions of NPA Reg. 1 (15 F. R. 6253), relating to inventory control, it is considered that a more exact requirement applying to users of aluminum is necessary. No person obtaining aluminum for use in manufacture or construction, or for maintenance, repair, or operating supplies, may receive or accept delivery of a quantity of aluminum if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 60-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less. For the purpose of this section, aluminum shapes and forms listed in section 3 of this order in which only minor changes or alterations have been effected shall be included in inventory. NPA Reg. 1 will apply to aluminum except as modified by this section.

SEC. 10. *Application for adjustment.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue and exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of the national defense or in the public interest. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 11. *Records and reports.* (a) Persons subject to this order shall preserve the records which they have maintained and will maintain of inventories, receipts, deliveries, and uses of aluminum forms and products commencing with January 1, 1950.

(b) Persons subject to this order shall make records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (P. L. 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref.: M-7.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect on May 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

LIST A

See section 6 of this order as to the limitations on the use of aluminum in manufacture and construction in connection with the items on the following list.

See section 8 (a) of this order as to the effect of a rated order for items on the following list which are marked by an asterisk.

Airfoil (tubing) for windmills.
Aluminum wool.
Andirons, screens, and fireplace fixtures.
Animal cages.
Animal training equipment.
Animal traps.
Applicators for moistening envelopes.
Arbors and trellises.
Architectural and other building ornamentation.
Ash trays.
Automobile hardware and trim (except functional parts).
Awnings.
Badges.
Balloon molds.
Bar rails, fixtures, and equipment.
Barber chairs.
Batons.
Bathtubs.
Beauty parlor equipment.
Beer equipment: all items.
Bells (except parts where nonmagnetic gong material is required for electrically operated signaling devices used as adjuncts to communication systems).
Beverage mixing and serving equipment, such as bottle coolers, cocktail shakers, ice buckets and pails, ice chippers and shavers.
Bicycles and accessories.
Bird and pet cages, houses, aquariums, accessories and equipment.
Blackboard frames and chalk troughs.
Boards: shampoo, tanning.
Book covers.
Book stacks
*Boxes, including match, cigarette, typewriter ribbon (except instrument cases that require nonmagnetic properties)
*Brackets: light, shelf and wall
*Brooms and brushes (except toothbrushes and industrial)
*Buckles, all types
Buckets, household
*Burglar alarms and protective systems (except where essential to the proper servicing or functioning of the parts)
Burial vaults and urns
*Buttons (except for work clothing where necessary to resist corrosion)
*Cabinets: kitchen, medicine
Calendars, calendar pads and parts
Cameras, amateur box type still picture, fixed focus (except reflex)
Candle molds
Canes
Canopies
*Cans, including ignition coil and motion picture humidor
Caps: chimney and vent flue (except for industrial)
Card tables
Cards, greeting
Carriages: baby, luggage, strollers, scooters (except functional parts)
Cases:
  Cigar
  Film
  Radio, home type
  Soft drink
  Spectacle
  Vanity
Caskets, and accessory devices
Caster cups, wheel casters and glides (except for industrial and materials handling equipment)
Chicken crates
*Chutes: coal, package, and waste
Cigarette lighters
Cleaning accessories, such as carpet sweepers, dust pans and scrubbing sets
Clothespins
Coasters
Combs
*Containers, foil-lined
Coops: brooder, chicken, quail, etc.
*Copings
*Cornices
Crayon molds
*Cups
Curtain, drapery, and carpet hardware
Cutlery handles
Cuspidors
Desk pads
Dispensers, fixed or portable, for soap, lotion, papers, straws, etc. (except where necessary to resist corrosion for hospital, scientific laboratory, and industrial use)
Dolls
Door chimes
*Doors, including, but not limited to:
  Coal
  Door frames
  Dumbwaiter
  Incinerator
  Screen
  Storm
Draperies
Dresser sets
*Ducts, air conditioning, warm air, ventilating
Emblems, medals (except religious), crestings and plates
Fences, wire
Flag poles, stanchions, and sockets.
Flower boxes, stands, and pot holders.
Forms, concrete vault casting, wax
Fountains
Frames:
  Electric sign
  Picture
Frozen fruit sticks
*Furniture (except medical, dental, and hospital)
*Furniture, hardware (except functional parts)
Games
Garden tools and equipment
Garment hooks, brackets, racks, rods, trees, and hangers
Giftware
Gutters, leaders and downspouts.
Hair curlers
Hand-tool handles (except portable electric tools)
Hedge clipping machines
Highway markers, signals, and signs (except electrically operated traffic control signals)
Holders:
  Brush
  Pen
  Soda fountain cup
*Hollow ware
Horse shoes
Ice cream freezers for home use
Jewelry, all types (except religious goods)
Ladders and step stools (except industrial, fire, and marine)
Laundry accessories, domestic, such as tubs and boilers, washboards, drain board and tub covers, clothes hampers, ironing boards and tables, garment stretchers and dryers, clothes drying frames, and clothes-line hardware
Lawn and garden hose accessories, such as sprinklers, nozzles, couplings, clamps, menders, and reels
Lawn mowers, seeders, rollers, and tampers
Letter openers
Lightning rods
Luggage, fittings, rim, and hardware
Machines: rowing, voting
Mail boxes
Maps and globes (world)
Marine construction: pleasure craft and fittings of all kinds, including but not limited to:
  Boats
  Canoes
  Rowboats
  Sailboats
Markers:
  Grave
  License plates
  Price
  Tee
  Traffic
  Tree
Memorials and tablets
Mesh bags
Metal lath, and accessories
*Metal letters and numbers (except for industrial or public utility control identification)
Mops
*Mouldings and trim (except functional retaining mouldings, shapes, or forms)
Mud scrapers
Nursing bottles
Oil cloth, foil-covered
Ornaments, Christmas tree
Packaging:
  Containers for:
    Bath salts
    Cosmetics, except collapsible tubes
    Gifts
    Powder
    Shoe polish
  Tubes, for cigars
  Jars, beauty cream
  Shakers, talcum powder
  Foil for:
    Capsules (except therapeutical)
    Cartons, liquor
    Florist
    Household
    Labels
    Over wraps (except food)
    Wraps: gift, cosmetic, liquor
    Wine bottles
Paper clips
*Plates: name, scuff, push, kick (except instruction and identification plates on equipment)
Playground equipment
Pleasure boat fastenings, fittings and hardware
Portable bleachers
Roofing, and accessories, residential type (including shingles)
*Rulers (except technical rulers such as slide rules and others used in engineering)
Saddlery, and harness hardware
*Screening (except insect and that used in technical and scientific equipment)
Shoe heels (except orthopedic)
Shovels, scoops, scrapers and pushers, (except as required for handling food, chemical products and grain in processing and distribution)
Siding and accessories (except industrial)
*Signs, including advertising
Smokers' accessories
*Soap dishes and bathroom accessories
Souvenirs and novelties, advertising specialties
Spandrels
Spools such as wire (except magnet), adhesive tape, solder
Sporting goods, all kinds (except commercial fishery goods, life raft equipment, fishing rod offset handles, and firearms components)
Spray guns (except paint spraying equipment and agricultural sprays)
Spurs, climbing
Statuary (except religious and artists' originals)
Stencils
Store fronts, (except glass holding members)
Stove pipe and other flue connections
*Tent poles, frames, and pegs.
*Thermostatic containers (except shoulders and cups on vacuum bottles of one quart and under size, and special laboratory and hospital equipment)
Toilet seats and covers
Tokens (except where necessary for electrical operation)
Tombstones
*Tooth brush and tumbler holders
*Towel bars
Toys
Tricycles and other children's vehicles
Umbrellas and parasols
Venetian blinds, fittings, and accessories
Vending machines (except functional parts)
Waste baskets
Wheelbarrows (except as required for handling chemicals)
*Whistles (except safety devices, air raid, and fire alarms)
Windows, storm (except sash slides)
Windows, architectural type, curved head.

[F. R. Doc. 51-5195, Filed, May 1, 1951; 4:56 p. m.]

[NPA Order M-25, Direction 1, as amended May 1, 1951]

M-25—CANS

DIR. 1.—DETERMINATION OF ADJUSTMENT

Sec.
1. Effect of this direction.
2. Type of case where applicable.
3. Direction.
4. Conditions.
5. Modification or revocation of individual adjustments.

AUTHORITY: Sections 1 to 5 issued under sec. 704, Pub. Law 774, 81st Cong.

SECTION 1. *Effect of this direction.* Direction 1, dated March 12, 1951, to NPA Order M-25, is superseded in its entirety by this Direction 1, as amended May 1, 1951 (hereinafter called "this direction"). On and after the effective date of this direction no further determination of adjustment shall be made under Direction 1, dated March 12, 1951. Any determination of adjustment heretofore made by a packer pursuant to section 1 (b) of Direction 1, dated March 12, 1951, and subject to the conditions of said direction, relating to packing during the first quarter at less than the customary volume, shall continue in effect and be used by such packer during the succeeding quarters of 1951, unless otherwise ordered by NPA. Any determination of adjustment made by a packer pursuant to any other provision of said Direction 1, dated March 12, 1951, shall apply only to the first calendar quarter of 1951 and be discontinued thereafter. In any such case a packer may make application on Form NPAF-38 for adjustment of his quota for the second and succeeding quarters of 1951 pursuant to section 11 of NPA Order M-25.

Definitions as used in NPA Order M-25, including the definition of the term "amount of cans" contained in section 6 (b) thereof, are applicable to this direction, This direction provides a standard with respect to quotas for the second and third quarters which, if applicable, may be applied by a packer pursuant to NPA Order M-25 without making application for adjustment to NPA. Reference to NPA Order M-25 means NPA Order M-25 as now or hereafter amended.

SEC. 2. *Type of case where applicable.* This direction applies to those cases where a packer was packing in cans (excluding cans made wholly of black plate) less than the customary volume of a particular product during either the second or third calendar quarters of 1951 of his selected base calendar year.

SEC. 3. *Direction*—(a) *As to second quarter.* Instead of using the amount of cans which he used for packing a particular product during the second quarter of his selected base year as provided in section 6 (b) of NPA Order M-25, he may use an amount of cans determined by dividing by 9 the amount of cans which he used for packing such product during the last 9 months of the calendar year which he selects as his base year, and multiplying the result of such division by 3. Every packer relying on such determination shall continue to use the same during the succeeding quarters of the calendar year 1951, unless otherwise ordered by NPA.

Illustration: The packer selects 1950 as his base year. During the last 9 months of the calendar year 1950 he used a total of 18,000 base boxes for packing product X. The result of dividing by 9 is 2,000 base boxes. When multiplied by 3 this results in a quarterly base under this direction of 6,000 base boxes. If product X is permitted a percentage quota of 100 percent under Schedule I during the second quarter of 1951, the packer using this direction may use a maximum of 100 percent of 6,000 base boxes during said quarter, and if the percentage quota is continued at 100 percent during the third and fourth quarters, the packer may use a maximum of 100 percent of 6,000 base boxes during the third and fourth quarters. If, however, the percentage quota is changed for the third and fourth quarters to 75 percent, then the packer may use a maximum of only 75 percent of 6,000 base boxes, or 4,500 base boxes.

(b) *As to third quarter.* Instead of using the amount of cans which he used for packing a particular product during the third quarter of his selected base year as provided in section 6 (b) of NPA Order M-25, he may use an amount of cans determined by dividing by 6 the amount of cans which he used for packing such product during the last 6 months of the calendar year which he selects as his base year and multiplying the result of such division by 3. Every packer relying on such determination shall continue to use the same during the fourth quarter of the calendar year 1951, unless otherwise ordered by NPA.

SEC. 4. *Conditions.* The above determination of adjustment with respect to the case described is subject to the following conditions:

(a) There shall be applied against the amount of cans as determined under section 3 of this direction, the quota percentage at any time applicable for the particular product as set out in Schedule I of NPA Order M-25, as amended April 6, 1951, or as hereafter amended.

(b) Every person relying on such determination shall prepare a detailed written record of the facts relating to the application of the determination to his operations and preserve the same.

(c) A copy of such record shall be promptly transmitted to NPA upon its request.

(d) Such record shall be made available at the person's usual place of business for inspection and audit by duly authorized representatives of the NPA.

SEC. 5. *Modification or revocation of individual adjustments.* NPA reserves the right to modify or revoke any individual adjustment made pursuant to this direction by mailing notice of such modification or revocation to any person whose adjustment is being modified or revoked. NPA may amend or revoke this direction and by so doing modify with respect to subsequent calendar quarters of 1951 all adjustments made hereunder.

This direction shall take effect on May 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-5189; Filed, May 1, 1951; 4:55 p. m.]

[NPA Order M-32 as Amended May 1, 1951]

M-32—CHEMICALS

LIMITATION FOR DO RATED ORDERS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this amendment there has been consultation with industry representatives including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-32 by amending sections 1, 2, 4, 5, 6, and 7 to include distributors within the terms of the order; by changing the section headnote of section 8 and by adding seven items to Schedule A. As amended, this order now reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Chemicals to which this order applies.
4. Required shipment dates.
5. Rejection of rated orders.
6. Limitation for acceptance of rated orders.
7. NPA assistance in placing rated orders.
8. Applications for adjustment and exception.
9. Communications.
10. Records.
11. Audit and inspection.
12. Reports.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to producers and distributors of each chemical listed in Schedule A appearing at the end of this order and provides rules for placing, accepting, and scheduling rated orders for such chemical. Its purpose is to provide equitable distribution of rated orders among all producers and distributors thereof, in order to make possible maximum production and to reduce to a minimum disruption of normal distribution. It supplements NPA Reg. 2 but only those provisions of Reg. 2 which are inconsistent with this order are superseded and all other provisions of Reg. 2 continue to apply to the chemical industry.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes agencies of the United States or any other government.

(b) "Producer" means any person engaged in the business of producing for sale any chemical listed in Schedule A.

(c) "Distributor" means any person who buys and receives from a producer any chemical listed in Schedule A and who resells or holds for resale such chemical.

(d) "Schedule A" means the list of chemicals marked "Schedule A" appearing at the end of this order.

(e) "NPA" means National Production Authority.

SEC. 3. *Chemicals to which this order applies.* This order applies only to the chemicals listed in Schedule A, as amended from time to time. It is the intention of NPA that if and when the need arises, additional chemicals will be added to Schedule A.

SEC. 4. *Required shipment dates.* A rated order for any chemical listed in Schedule A must specify shipment on a particular date or dates or during a particular month, which in no case may be earlier than required by the person placing the order. The producer of such chemical must schedule the order for shipment within the requested month as close to the requested shipment date as is practicable, considering the need for maximum production. The distributor must schedule the order for shipment within the requested month as close to the requested shipment date as is practicable.

SEC. 5. *Rejection of rated orders.* Unless otherwise specifically directed by NPA, no producer or distributor need accept a rated order for any chemical listed in Schedule A which is received by him less than the number of days (lead time), if any, set forth in Schedule A opposite the name of such chemical, prior to the first day of the month in which shipment is requested. Rated orders for any such chemical as to which no such period of time is specified in Schedule A are not subject to the provisions of this section.

SEC. 6. *Limitation for acceptance of rated orders.* Unless otherwise specifically directed by NPA, no producer or distributor shall be required to accept rated orders for shipment of any chemical listed in Schedule A in any one month in excess of the percentage specified in Schedule A.

SEC. 7. *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for any chemical listed in Schedule A due to the limitation imposed by section 6 should apply to NPA, Ref: Order M-32, specifying the producers or distributors who refused to accept the order. NPA will arrange to assist him in locating sources of supply.

SEC. 8. *Applications for adjustment and exception.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 9. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M-32.

SEC. 10. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 11. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 12. *Reports.* Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on May 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

SCHEDULE A

Name of chemical	Limitation for acceptance of rated order		Number of days (lead time) if any	
	By producers	By distributors	For producers	For distributors
Ethyl ether of cellulose (known as "ethyl cellulose").	40 percent by weight of the producer's scheduled production for the month of shipment.	None	15	None
DDT (Dichlorodiphenyl trichloroethane)	20 percent by weight of the producer's scheduled production for the month of shipment.	None	15	None
Barium carbonate	20 percent by weight of the producer's scheduled production for the month of shipment.	None	None	None
Melamine and melamine-containing compounds	None	None	15	None
Anthraquinoic vat dyes of the following types: Brown G—CI 1052. Brown R—CI 1051. Khaki 2G—Pr 129. Olive Green B—Pr 250. Olive GGL. Olive R—CI 1050. Olive T. Yellow GC—Pr 9. Orange RRT—CI 1098.	50 percent by weight of the producer's scheduled production for the month of shipment of each of the specified types.	None	None	None
Carbon tetrachloride	None	None	15	30
Methylene chloride	None	None	15	30
Perchlor-ethylene	None	None	15	30
Dichloro-difluoro-methane (known as "Freon-12").	None	None	15	None
Trichloro-monofluoro-methane (known as "Freon-11").	None	None	15	None
Monochloro-difluoro-methane (known as "Freon-22").	None	None	15	None

[F. R. Doc. 51-5192; Filed, May 1, 1951; 4:55 p. m.]

[NPA Order M-50 as amended May 1, 1951]

M-50—ELECTRIC UTILITIES

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-50 by amending paragraphs (b) and (g) of section 2, paragraph (a) of section 23, sections 31, 32, 35, and 36, paragraph 1 of Appendix A, paragraphs 2 and 3 of Appendix B, and paragraph 6 of Appendix C; and by adding a new paragraph 6 to Appendix B. As so amended this order reads as follows:

ARTICLE I—GENERAL PROVISIONS

Sec.
1. What this order does.
2. Definitions.
8. Applications for adjustment.
4. Records and reports.
5. Communications.
6. Violations.

ARTICLE II—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

Sec.
21. Modification of NPA Reg. 4 (MRO).
22. Quarterly MRO quotas.
23. Quantity restrictions.
24. Applications for increased MRO quotas.

ARTICLE III—PROGRAM MATERIALS

31. Procurement of program materials generally.
32. Major plant additions.
33. Minor requirements.
34. Form of certification.
35. Quarterly program material quotas for minor requirements.
36. Inventory restrictions.
37. Filing of forms.
38. Applications for increased program material quotas.

AUTHORITY: Sections 1 to 38 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this order does.* (a) This order provides rules of special application to the procurement and use of materials by electric utilities.

(b) Article II modifies the application of NPA Reg. 4 to electric utilities and

supersedes any conflicting provisions in NPA Reg. 4. All the provisions of NPA Reg. 4 apply to electric utilities except as modified by this order.

(c) Article III authorizes electric utilities to apply DO-48 ratings to orders for program materials to be used in major plant additions upon DEPA approval. In addition, it provides that electric utilities may not use any program materials in major plant additions after May 1, 1951, unless authorized by DEPA. The procurement of program materials for minor requirements, that is, requirements for all purposes except use in major plant additions, is governed by a self-rating procedure. Subject to certain inventory controls and quota limitations, each electric utility is authorized to apply DO-48 (Minor) ratings to certain orders for program materials for minor requirements.

SEC. 2. *Definitions.* (a) "Electric utility" means any individual, partnership, association, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, located in the United States, its territories or possessions, supplying, or having facilities built for supplying electric power, directly or indirectly, for general use by the public or for use by its members. In the case of an electric utility engaged in the supply of electric power and in other activities, this order shall apply only to the procurement and use of materials required directly or indirectly for the supply of electric power.

(b) "DEPA" means the administrator of Defense Electric Power Administration.

(c) "Maintenance" means maintenance as defined in NPA Reg. 4 and "repair" means repair as defined in NPA Reg. 4. However, "maintenance" and "repair" include the replacement of any equipment regardless of its accounting classification, but neither "maintenance" nor "repair" includes the improvement of any plant, facility, or equipment or the replacement of material which is in sound working condition with material of a better kind, quality, design, or greater capacity.

(d) "Operating supplies" means material, other than fuel, which is consumed in the course of an electric utility's operations, except in maintenance, repair, and plant additions.

(e) "Plant addition" means the construction or installation of new facilities or the replacement of existing facilities with facilities of greater capacity. Single plant additions may not be combined or subdivided for purposes of affecting their classification as "major plant additions," as defined in this section. To assist in determining whether particular construction constitutes one, or more than one, plant addition, it shall be considered that a single plant addition consists of:

(1) Any construction of related facilities, excluding maintenance and repair work, which is completed during a continuous period of construction, not interrupted by periods of time such as months or years, except where such interruption is caused by uncontrollable forces, such as adverse weather conditions.

(2) In the case of line construction, a single continuous integrated system of lines, with necessary connected substations. (Thus, several sections of line emanating from different points on a utility's system would be several plant additions, not one plant addition.)

(f) "Major plant addition" means any plant addition constructed by an electric utility which involves one or more of the following:

(1) Line construction designed for operation at more than 15 kv where the plant addition requires more than 10,000 pounds gross weight of conductor, or

(2) Line construction designed for operation at 15 kv or less where the plant addition has a net material cost exceeding $50,000, or

(3) Non-line construction, including but not limited to construction or of additions to generating plant, sub-stations, or buildings, where the plant addition has a net material cost over $50,000, except that non-line construction shall not include construction for which specific NPA authorization is required under NPA Order M-4.

(g) "Minor requirements" means electric utility requirements of program materials for all purposes (including MRO) except major plant additions, and except construction for which NPA authorization is required under NPA Order M-4.

(h) "Gross weight of conductor" means, in the case of overhead lines, the weight of conductor as installed, including steel content in the case of conductor containing steel, without deduction for material salvaged; and in the case of underground lines the copper and aluminum content only, without deduction for material salvaged.

(i) "Line construction" means construction of both overhead and underground lines.

(j) "Net material cost" means the cost of all material, including any commodity, equipment, accessory, part, assembly, or product of any kind, incorporated in plant, less the cost of all material removed from plant, priced in accordance with the electric utility's regular accounting practice.

(k) "Inventory of program material" means all new or salvaged program material in the possession of an electric utility, unless physically incorporated in plant, without regard to its accounting classification, excluding, however:

(1) Program material specifically set aside on the effective date of this order for use in time of emergency and replacement thereof, and

(2) Program material set aside for use in any major plant addition. Program material set aside for use in such major plant addition which will not be used in such major plant addition shall be included in inventory.

(l) "Program material" means any material which is the subject of an appendix to this order.

SEC. 3. *Applications for adjustment.* (a) Any electric utility affected by any provision of this order may file a request for adjustment or exception on the ground that such provision works an undue or exceptional hardship upon such utility not suffered generally by other electric utilities, or that its enforcement against such utility would not be in the interest of national defense or in the public interest. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

(b) Each such request shall be addressed to DEPA and, if approved, DEPA will grant an appropriate adjustment or exception.

SEC. 4. *Records and reports.* (a) Each electric utility participating in any transaction covered by this order shall retain in its possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met, including the amounts of quarterly quotas, the method of computation, factual justification, methods of figuring quotas and charges against them. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) Each electric utility shall make such further records and submit such further reports to DEPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 5. *Communications.* All communications concerning this order and NPA Reg. 4, as modified by this order, and all requests for forms shall be addressed to the Defense Electric Power Administration, Department of the Interior, Washington 25, D. C.

SEC. 6. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

ARTICLE II—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

SEC. 21. *Modification of NPA Reg. 4 (MRO).* This article modifies the application of NPA Reg. 4 (MRO) to electric utilities and supersedes any conflicting provisions in NPA Reg. 4. All the provisions of NPA Reg. 4 and all other applicable orders and regulations of NPA apply to electric utilities except as modified by this order.

SEC. 22. *Quarterly MRO quotas*—(a) *Computation of quota.* Subject to the exclusions provided in paragraph (b) of this section, an electric utility, in computing its quarterly MRO quotas, may include all expenditures for operating supplies and for materials used for maintenance and repair, as those terms are defined in this order.

(b) *Exclusions from quota.* In computing its quarterly MRO quota, no electric utility shall include any expenditure for:

(1) Any electric utility program material subject to Article III of this order.

(2) Any item included in Schedule A of NPA Order M-44.

(3) Any other item costing more than $10,000.

SEC. 23. *Quantity restrictions* — (a) *Charges against quota.* No electric utility shall obtain by use of the DO-97 rating any material excluded in paragraph (b) of section 22 of this order from its quarterly MRO quota, nor shall any utility charge against its quarterly MRO quota any order or receipt of such material.

(b) *Emergency excess of quota.* Subject to the restrictions of paragraph (a) of this section, if an electric utility has so far exhausted its MRO quota that an insufficient quota remains in any quarter to procure necessary material for maintenance or repair of its equipment or property, other than buildings, which is damaged or destroyed by extraordinary cause such as explosion, fire, sabotage, act of the public enemy, flood, storm or similar catastrophe, the utility may exceed its quota for that quarter to the extent necessary to procure such emergency materials: *Provided however,* That any such excess of quota must be immediately reported, together with the reasons therefor, to DEPA.

SEC. 24. *Applications for increased MRO quotas.* An electric utility's application for an increased MRO quota, to be submitted as provided in section 3 of this order, shall show such utility's existing MRO quota, any prior adjustments thereof, the amount of increase requested, the necessity for such increase, such utility's output per quarter in kilowatt hours commencing with the first quarter of 1950, and any other information pertinent to proper evaluation of such application.

ARTICLE III—PROGRAM MATERIALS

SEC. 31. *Procurement of program materials generally.* Subject to the quantity restrictions provided by this article, the ratings authorized by this article shall be applied to all orders for any program material including outstanding unrated orders, scheduled for delivery in or prior to a quarter for which a program material quota or authorization is effective, and no utility shall place unrated orders for any program material scheduled for delivery in such a quarter. Accordingly, all outstanding orders for any program material, except those calling for delivery in a subsequent quarter, shall be either rated, rescheduled for delivery in a subsequent quarter, or canceled within 15 days after such material becomes subject to the provisions of this order.

SEC. 32. *Major plant additions.* In order to obtain any program material for any major plant addition, an electric utility is hereby authorized to apply the DO-48 rating to orders for the quantity of such program material specified by DEPA for that purpose. In addition, when authorized by DEPA, an electric utility may apply the DO-48 (Minor) rating to orders for any program material for major plant additions not otherwise authorized by DEPA: *Provided,* That its minor requirements quota is charged with the quantities covered by such orders: *And provided further,* That no increase of such electric utility's minor requirements quota shall thereafter be granted which would replace for use for minor requirements purposes, the quantities of materials so diverted for use in major plant additions. As to program materials already on hand, no electric utility, after June 1, 1951, shall use any such program material in a major plant addition unless such use is expressly authorized by DEPA.

SEC. 33. *Minor requirements.* Subject to the restrictions contained in sections 36 and 37 of this order, each electric utility is hereby authorized to apply DO-48 (Minor) ratings to order any program material for its minor requirements: *Provided,* That no electric utility may exceed its quota for such program material.

SEC. 34. *Form of certificate.* The DO-48 or DO-48 (Minor) rating shall be applied by placing on the orders for any program material, or on a separate piece of paper attached thereto, the symbol "DO-48" or "DO-48 (Minor)" together with the words "Certified under NPA Order M-50". Such certification shall be signed as prescribed in section 8 of NPA Reg. 2.

SEC. 35. *Quarterly program material quotas for minor requirements.* Unless DEPA has prescribed otherwise, an electric utility may elect to use either a standard quota or an alternative quota but may not thereafter change from one quota to the other without the express approval of DEPA.

(a) *Standard quota.* An electric utility's standard quota for any program material for any calendar quarter is the percentage specified in the applicable appendix to this order of the quantity of such material which it used for minor requirements in the calendar year 1950 (or, if it operated on a fiscal year basis, in its fiscal year ending nearest to December 31, 1950).

(b) *Alternative quota.* An electric utility's alternative quota for any program material for any calendar quarter is the percentage specified in the applicable appendix to this order of the quantity of such material which it used in the corresponding calendar quarter of 1950 (or, if it operated on a fiscal year basis, in the corresponding quarter of its fiscal year ending nearest to December 31, 1950).

(c) *Quota where 1950 base inapplicable.* An electric utility not in operation throughout the year 1950 (calendar or fiscal) shall establish its standard or alternative program material quota in accordance with this section by adjusting, in direct proportion, its actual use of such program material for part of the year to an annual basis. To determine an alternative quota in such cases, the adjusted annual use may be unequally distributed among 4 quarters to reflect seasonal variations. An electric utility not in operation throughout 1950 shall report to DEPA the program material quota which it establishes in accordance with this section. If an electric utility was not in operation during any part of the year 1950 (calendar or fiscal) it may apply to DEPA for a program material quota, supplying in detail information pertinent to a proper evaluation of its application.

(d) *Special provisions.* DEPA may, by notice addressed to individual electric utilities, prescribe quarterly program material quotas for minor requirements greater or less than such utility's standard or alternative quotas.

SEC. 36. *Inventory restrictions.* No electric utility shall order any program material if, after the receipt of such program material, its inventory of such program material would be or become in excess of 25 percent of the weight of such program material which it used for its minor requirements during the year 1950 (calendar or fiscal), except that an electric utility may order for delivery in any quarter a quantity of any particular item of such program material equal to the amount by which its required use of such item in such quarter exceeds the quantity of such items which it has or will have on hand at the beginning of such quarter. This provision shall not authorize any electric utility to exceed its quota for minor requirements.

SEC. 37. *Filing of forms.* Prior to its first application of the DO-48 (Minor) rating to an order for delivery of any program material in the second quarter of 1951 for use for minor requirements, each electric utility must file with DEPA the applicable form in the DEPA-4 series. Forms in the DEPA-4 series shall be deemed to be filed when addressed to DEPA and deposited for mailing in any United States post office.

SEC. 38. *Applications for increased program material quotas.* Each application for an increased program material quota shall contain the following information:

(a) Statement of the amount of any special authorization which the utility has received.

(b) Statement of the total amount of each program material requested to be authorized for use in minor requirements during each quarter, including the base period quota permitted by the applicable appendix to this order.

(c) Detailed statement of necessity for larger quota.

(d) Any additional information which may be pertinent to proper evaluation of the application.

NOTE: All reporting and record-keeping requirements of this order have been approved

by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on May 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

APPENDIX A—ALUMINUM CONDUCTOR

1. *Definition.* "Aluminum conductor" means any wire, cable, or bus bar which contains aluminum. Aluminum conductor should be measured in terms of gross weight of conductor.

2. *Standard aluminum conductor quota for minor requirements:* 20 percent.

3. *Alternative aluminum conductor quota for minor requirements:* 80 percent.

4. *Exemption from quantity restrictions.* The quantity restrictions applicable to aluminum conductor shall not apply to any electric utility which orders for delivery in any calendar quarter a gross weight of aluminum conductor which does ont exceed 5,000 pounds.

5. *Applicable forms.* The form which an electric utility is required to file prior to its first application of the DO–48 (Minor) rating to an order for aluminum conductor as provided in section 37 of this order is Form DEPA–4A.

6. *Effect on NPA Order M–7.* The provisions of this order supersede NPA M-7 with respect to the procurement and use of aluminum conductor by electric utilities. The use by electric utilities of forms and shapes of aluminum listed in section 3 of NPA Order M–7, other than aluminum conductor and aluminum conductor accessories, remains subject to the restrictions of NPA Order M–7.

APPENDIX B—ALUMINUM CONDUCTOR ACCESSORIES

1. *Definition.* "Aluminum conductor accessories" means any accessories containing aluminum or steel, such as clamps, twisting sleeves, and armor rods, which are used for the installation of aluminum conductor.

2. *Quantity authorized for major plant additions.* Each electric utility which has been authorized to order aluminum conductor for delivery in the second quarter of 1951 for use in any major plant addition, as provided in section 32 of this order, is hereby authorized to order for delivery in such quarter the quantity of aluminum conductor accessories necessary for use in connection with such aluminum conductor, and is authorized to apply the DO–48 rating to such orders.

3. *Quantity authorized for minor requirements.* There are no quotas applicable to the procurement of aluminum conductor accessories. Each electric utility is authorized to apply DO–48 (Minor) ratings to orders for the quantity of aluminum conductor accessories necessary for use in connection with the aluminum conductor which such electric utility is authorized to order for its minor requirements for delivery in such quarter and for such additional quantity which it requires for use in such quarter in maintenance and repair. No electric utility may order for delivery in any quarter a quantity of aluminum conductor accessories for minor requirements which exceeds the quantity authorized in this paragraph.

4. *Effect on NPA Order M–7.* The provisions of this order supersede NPA Order M–7 with respect to the procurement and use of aluminum conductor accessories by electric utilities. The use by electric utilities of forms and shapes of aluminum listed in section 3 of NPA Order M–7, other than aluminum conductor and aluminum conductor accessories, remains subject to the restrictions of NPA Order M–7.

5. *Filing of forms not required.* No forms are required to be filed prior to application of the DO–48 (Minor) rating to orders for aluminum conductor accessories.

6. *Extension of ratings.* The DO–48 and DO–48 (Minor) ratings shall not be extended by manufacturers of accessories so long as such manufacturerers are permitted under NPA Order M–44 to apply the DO–45 rating to order materials for manufacturing aluminum conductor accessories.

APPENDIX C—COPPER

COPPER WIRE MILL PRODUCTS, BRASS MILL PRODUCTS, AND FOUNDRY PRODUCTS

1. *Definitions.* (a) "Copper wire mill product" means bare wire, insulated wire and cable whatever the outer protective coverings may be, and uninsulated wire and cables, where the conductors are made from copper, copper-base alloy, or copper-clad steel containing over 20 percent copper by weight. All copper wire mill products should be measured in terms of pounds of copper content. Accordingly, minor requirements quotas and charges against such quotas must be computed on the basis of net weight of copper in copper wire mill products.

(b) "Brass mill product" means sheet, including strip and plate; rod, including bars, and extruded shapes; wire; or tube, including pipe, made from copper or copper-base alloy. This does not include copper wire mill products.

(c) "Foundry products" means cast copper and copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (Includes the removal of gates, risers and sprues, and sandblasting, tumbling, or dipping, but excludes any further machining or processing.)

2. *Standard copper wire mill products, brass mill products, and foundry products quota for minor requirements:* 18¾ percent.

3. *Alternative copper wire mill products, brass mill products, and foundry products quota for minor requirements:* 75 percent.

4. *Exemption from quantity restrictions.* The quantity restrictions applicable to copper wire mill products, brass mill products, and foundry products shall not apply to any electric utility which orders for delivery in any calendar quarter a quantity of copper wire mill products, brass mill products, and foundry products which does not exceed 5,000 pounds in the aggregate.

5. *Applicable forms.* The form which an electric utility is required to file prior to its first application of the DO–48 (Minor) rating to an order for copper wire mill products, brass mill products, and foundry products, as provided in section 37 of this order, is Form DEPA–4C.

6. *Rating or cancellation of outstanding orders.* Notwithstanding the requirement in section 31 of this order with reference to rating or cancellation of outstanding orders within 15 days, it shall be sufficient if outstanding orders for copper wire mill products, brass mill products, and foundry products be rated or cancelled by May 15, 1951.

7. *Effect on NPA Order M–12.* This order supersedes NPA Order M–12 with respect to procurement and use by electric utilities of copper wire mill products, brass mill products, and foundry products.

[F. R. Doc. 51–5193; Filed, May 1, 1951; 4:56 p. m.]

[NPA Order M–59]

M–59—STRAPPING

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable by the fact that the order affects a very substantial number of different trades and industries.

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on use of strapping.
4. Inventories.
5. Effect of this order on NPA Reg. 1.
6. Other restrictions.
7. Exceptions.
8. Certification of delivery of strapping.
9. Applications for adjustment or exception.
10. Communications.
11. Records, audit, inspection, and reports.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order places limitations on inventories, and restrictions upon the use of strapping.

SEC. 2. *Definitions.* As used in this order:

(a) "Strapping" means any wire, steel or other metal wire or band reinforcements or closures, 12 inches or more in length, used for reinforcement on shipping containers, not including stitching wire.

(b) "Person" means any individual, corporation, partnership, association, or other organized group of persons, and includes any agency of the United States or any other government.

SEC. 3. *Restrictions on use of strapping.* Effective May 1, 1951, no person shall use commercially any strapping, unless:

(a) The weight of the shipping container and contents, on which the strapping is used, exceeds 90 pounds; or

(b) The net weight of the contents of the container exceeds 0.058 pounds per cubic inch; or

(c) The use of the strapping is required by regulation or order of the Interstate Commerce Commission, or under the provisions of the Consolidated Freight Classification; or

(d) The shipment is for delivery outside of the continental limits of the United States and Canada; or

(e) The strapping is for shipping containers for fresh fruits, vegetables, meats, fish, or poultry, provided the strapping is essential to the safe delivery of the contents and has been customarily used for the same type of shipment and container; or

(f) The strapping is for wooden lard or butter tubs, and wooden buckets or pails, or for wire-bound boxes or barrel hoops, or hoops for fibre paper, or plywood drums, or reinforcement edging on returnable delivery cases or tote boxes; or

(g) The strapping is for closing fibre drums or hexagonal or octagonal fibre containers; or

(h) The strapping is for bundling deliveries of new newspapers, magazines, or periodicals; or

(i) The strapping is for baling of compressed materials; or

(j) The strapping is for telescope boxes by a clothing manufacturer for the shipment of clothing, if such manufacturer has customarily used strapping for the same type of container and shipment; or

(k) The strapping is for bundling of filled containers or packages into a single shipping unit; or

(l) The strapping is for bundling of knock-down wood, fibre, or veneer boxes or shooks, dimension stock, flooring and millwork, or on any product which by bundling will make the use of a shipping container unnecessary; or

(m) The strapping is for fastening or securing of material to skids or pallets, or for fastening or securing material in vehicles or vessels; or

(n) The use of strapping is by transportation companies and is required by them to reinforce containers, bundles, or packages, damaged in transit.

SEC. 4. *Inventories.* No person shall receive or accept delivery of any strapping if his inventory of strapping is, or by such receipt would become, more than the smallest quantity of such strapping which he reasonably requires to maintain his normal rate of operation during the next succeeding 45-day period: *Provided, however,* That in no case shall a person be required to maintain an inventory of less than 1,000 pounds of strapping.

SEC. 5. *Effect of this order on NPA Reg. 1.* To the extent that the provisions of section 4 of this order are in conflict with the provisions of NPA Reg. 1, the provisions of this order shall prevail. Otherwise, the provisions of NPA Reg. 1 continue to apply to strapping.

SEC. 6. *Other restrictions.* No person shall sell or deliver any strapping which he knows or has reason to believe will be accepted or used in violation of the terms of this order, or any other order or regulation of the NPA.

SEC. 7. *Exceptions.* (a) Orders having DO ratings applied by the Department of Defense, Department of State, Department of the Interior, National Advisory Committee for Aeronautics, Civil Aeronautics Administration, Atomic Energy Commission, or the United States Coast Guard, or applied in accordance with NPA Reg. 3 by any Department of the Canadian Government charged with the responsibility for direct defense or defense supporting procurement, are exempt from the use limitations of this order. The foregoing agencies are also exempt from the inventory restriction of section 4 of this order.

(b) The use restrictions of this order shall not apply to the sale or delivery of strapping for export, where the person selling or delivering the same has received a validated export license therefor from the Office of International Trade, or has received from another person a certificate signed manually. This certificate shall be in substantially the following form (the purchaser striking therefrom the inapplicable words), and shall be filed with each purchase order with the person selling or delivering strapping to such other person for export:

To ----------, Seller:

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that (he has received a certification from another person that) the Office of International Trade has issued to (him) (such other person) validated export license No. -------- for export shipment of all of the items included in the attached purchase order.

SEC. 8. *Certification of delivery of strapping.* No person shall sell or deliver strapping unless he has received from the purchaser a certificate signed manually in substantially the following form:

The undersigned, subject to statutory penalties, certifies that acceptance of delivery and use by the undersigned of the strapping herein ordered will not be in violation of NPA Order M–59.

This certification constitutes a representation by the purchaser to the seller and to the National Production Authority that delivery of such strapping may be accepted by the purchaser under this order, and that such materials will not be used by the purchaser in violation of this order.

SEC. 9. *Applications for adjustment or exception.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 10. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C. Ref: M–59.

SEC. 11. *Records, audit, inspection, and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act (5 U. S. C. 139–139F).

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on May 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–5191; Filed, May 1, 1951; 4:55 p. m.]

[NPA Reg. 4, Direction 2]

REG. 4—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

DIR. 2—REPLACEMENT PARTS AND ACCESSORIES FOR EXPORT

This direction to NPA Reg. 4 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, because of the need for immediate action and because the direction affects many exporters in a wide variety of trades and industries, it has been impracticable to consult with representatives of all affected trades and industries.

Sec.
1. Purpose and effect.
2. Items subject to this direction.
3. Assignment of rating authority.
4. How to apply the rating.
5. Reports of 1950 MRO exports.
6. Establishment of May-June MRO export quota.
7. Use of rating before approval of quota.
8. Charges against quota.
9. Excess of quota prohibited.
10. Exports requiring validated license.
11. Relation to other NPA regulations.
12. Records to be kept.

Sec.
13. Applications for adjustment or exception.
14. Communications.
15. Violations.
16. Expiration.

AUTHORITY: Sections 1 to 16 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *Purpose and effect.* This direction establishes a procedure whereby exporters, during the months of May and June 1951, may obtain the right to use a DO–97 rating to secure specified types and quantities of replacement parts and accessories for machinery and equipment, or the materials and components with which to manufacture such replacement parts and accessories, for shipment to all countries except Canada and those countries in subgroup A as defined in the export regulations of the Office of International Trade. This direction does not include delivery of replacement parts or accessories for installation on vessels in United States ports but does include shipment thereof for installation on vessels in foreign ports. It is necessary to issue this direction because NPA Reg. 4 has no application to procurement of materials for use as maintenance, repair, and operating supplies outside of the United States, its territories, and possessions. Although issued as a direction to NPA Reg. 4, this direction is a completely independent document, and no part of NPA Reg. 4 is to be construed as applicable to procurement for export of the items subject to this direction.

SEC. 2. *Items subject to this direction.* The only items to which this direction applies are replacement parts and accessories used directly for maintenance, repair, or operation of agricultural, industrial, or other commercially employed machinery or equipment but not including materials or components incorporated in or delivered with the product of such machinery or equipment. All such items to which this direction applies are hereinafter collectively referred to as "MRO" but it will be noted that the term "MRO" as used in this direction has a more limited meaning than as used in NPA Reg. 4. This direction does not apply, however, to procurement of any items appearing in List A of NPA Reg. 2 (other than farm equipment) nor any items appearing in Table I of NPA Reg. 4. These excluded items are the following:

LIST A OF NPA REG. 2

Electric power.
Fertilizer, commercial.
Food.
Fuels, solid.
Gas.
Petroleum.
Source and fissionable materials.
Transportation services, domestic, storage and port facilities.
Communications services.
Ice.
Mineral aggregates:
  Sand.
  Gravel.
  Crushed stone.
  Slag.
Ores and scrap.
Steam heating, central.
Transportation services, other.
Waste paper.
Water.
Wood pulp.

TABLE I, OF NPA REG. 4

All basic, organic, or inorganic chemicals, their intermediates and derivatives other than compounded end-products not customarily sold as chemicals.
Items appearing in List A of NPA Order M–47, as the same may be amended from time to time.
Nylon fibers and yarns.
Packaging materials and containers.
Paint, lacquer, and varnish.
Paper and paper products.
Paperboard and paperboard products.
Photographic film.
Rails, tie plates, track spikes, splice bars, rail joints, frogs, and switches.
Rubber tires and tubes.

SEC. 3. *Assignment of rating authority.* Exporters are hereby authorized, during the months of May and June 1951, to apply a DO–97 rating, subject to the quantity limitations and other provisions set forth in subsequent sections of this direction, to obtain for export (as permitted by applicable export controls) to any country except Canada and subgroup A countries, any MRO items to which this direction applies and for which such exporters then hold firm export orders, or, in the case of manufacturing exporters, any materials or components (except those included in List A of NPA Reg. 2 and in Table I of NPA Reg. 4) incorporated or to be incorporated in any such items. In any case where an exporter might properly apply this rating to secure such items for export (or their constituent materials or components), but instead supplies them from inventory during May or June 1951, he may apply the rating to replace in inventory such items (or their constituent materials or components). Exporters remain subject, however, to the inventory controls of NPA Reg. 1.

SEC. 4. *How to apply the rating.* To apply the rating authorized by section 3, the exporter places on his order, or on a separate piece of paper attached to the order or clearly identifying it, the symbol "DO–97" together with the words "Certified under Direction 2 to NPA Reg. 4." This certification, which must be signed by an authorized person, constitutes a representation to the supplier and to NPA that the exporter is authorized to use the rating to secure the materials ordered.

SEC. 5. *Reports of 1950 MRO exports.* In order to qualify for the right to use the DO–97 rating, and before making any use of it, an exporter must prepare and submit to the Office of International Trade, Department of Commerce, Washington 25, D. C., a signed report in duplicate, on OIT Form IT–818 showing the total dollar value (computed f. a. s., not c. i. f.) of his exports of MRO in 1950 to all countries except Canada and subgroup A countries. Only those replacement parts and accessories which are subject to this direction, as provided in section 2, may be included in such calculation and statement. The total dollar value shown must be broken down into the categories set forth below (as provided in the form):

(a) Replacement parts for the following types of machinery and equipment:

Agricultural.
Construction.
General industrial.
Metalworking.
Mining (including oil field).
All other types of machinery and equipment.

(b) Accessories:

Cutting tools.
All other accessories.

SEC. 6. *Establishment of May–June MRO export quota.* Upon receipt of the exporter's report described in section 5, the Office of International Trade, after making such revisions and adjustments as may be appropriate, will compute and certify to the exporter, as his combined MRO export quota for the 2 months, May and June 1951, one-sixth of the total dollar value (as revised or adjusted) of his 1950 MRO exports to all countries except Canada and subgroup A countries. Such certification, duly authenticated by the Office of International Trade, will be made on the duplicate copy of the exporter's report (OIT Form IT–818) which will then be returned to him, and will take the following form:

Your MRO export quota for May–June 1951 is hereby approved and established under Direction 2 to NPA Reg. 4 in the aggregate amount of $_____.

SEC. 7. *Use or rating before approval of quota.* Upon filing with the Office of International Trade his report of 1950 MRO exports pursuant to section 5, an exporter may proceed (subject to section 10 of this direction) to apply the DO–97 rating assigned by section 3 of this direction without waiting for certification of his approved MRO export quota under section 6 of this direction, but he may make such advance use of the rating only to obtain MRO items (and their constituent materials or components) having an aggregate export sales value (f. a. s.) not exceeding one-twelfth of his reported total MRO exports for 1950. He may make no further use of the rating until he has received the certified approval of his MRO export quota for the May–June period.

SEC. 8. *Charges against quota.* An exporter for whom an MRO export quota is established under section 6 of this direction must charge against such quota, in the dollar amount of their export sales value (f. a. s.), all MRO items subject to this direction which he orders (or for the manufacture of which he orders constituent materials or components) in the months of May and June 1951 for export to countries other than Canada and subgroup A countries. He must charge all such items against his quota regardless of whether or not he uses the DO–97 rating to procure them or their constituent materials or components: *Provided, however,* That if he uses the DO–97 rating to procure for export items (or constituent materials or components for items) having an aggregate export sales value not exceeding 20 percent of his approved MRO export quota, he need not charge against such quota the items which he procures (or for which he procures constituent materials or components) without use of a rating.

SEC. 9. *Excess of quota prohibited.* An exporter for whom an export MRO quota is established under section 6 of this direction may not place orders in May and June 1951 for MRO items for export, or for materials or components to be incorporated in MRO items for export, which are chargeable against his quota, having an aggregate export sales value (f. a. s.) in excess of the amount of his quota. Orders for replacement of inventory are to be treated in the same way as orders for items for direct export or as orders for materials or components to be incorporated in items for direct export.

SEC. 10. *Exports requiring validated license.* No person may use the DO–97 rating to procure any item (or materials or components for any item) requiring a validated license for its export unless such person has been granted and then holds an unexpired validated license for its export issued by the Office of International Trade.

SEC. 11. *Relation to other NPA regulations.* NPA Reg. 2, which sets forth the basic rules of the priorities system, governs the use and extendability of the DO–97 rating assigned by this direction. In general, when an exporter applies the DO–97 rating to an order pursuant to this direction, his supplier may extend the rating to secure the item rated or the materials and components needed for its manufacture. The DO–97 rating may not be extended, however, to secure materials included in List A of NPA Reg. 2 nor the materials included in Table I of NPA Reg. 4. Nothing in this direction shall be construed as relieving any person from the obligation of complying with such limitations on acquisition or use of materials or such other provisions as may be contained in any applicable regulation or order of the NPA or with any order of any other competent authority.

SEC. 12. *Records to be kept.* Each person for whom an approved MRO quota is established pursuant to section 6 of this direction must make and preserve for 2 years accurate and complete records showing all orders, receipts, and shipments of MRO for export during May and June 1951, regardless of whether rated or not, and all other relevant data, in sufficient detail to permit an audit that determines for each transaction that the provisions of this direction have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records disclose the above data and supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals. All records required by this direction shall be made available at the usual place of busines where maintained for inspection and audit by duly authorized representatives of the NPA.

SEC. 13. *Applications for adjustment or exception.* Any person affected by any provision of this direction may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this direction, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be submitted in writing, in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 14. *Communications.* All communications concerning this direction shall be addressed to the Office of International Trade, Washington 25, D. C., Ref: Dir. 2 to NPA Reg. 4.

SEC. 15. *Violations.* Any person who wilfully violates any provision of this direction or who wilfully conceals a material fact or furnishes false information in the course of operation under this direction is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

SEC. 16. *Expiration.* This direction expires June 30, 1951. After that date no DO–97 rating may be applied by any person to secure MRO items for export (or their constituent materials or components) under the authority of this direction. It is contemplated, however, that a new procedure for procurement of MRO items for export, applicable after June 30, 1951, will be announced well in advance of that date.

NOTE: All reporting and record-keeping requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 USC 139–133F).

This direction shall take effect on May 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–5188; Filed, May 1, 1951; 4:55 p. m.]

Chapter XI—Defense Electric Power Administration, Department of the Interior

[DEPA Order EO–1, as Amended April 13, 1951, Amendment 1]

EO–1—PLANT ADDITIONS: INFORMATION TO BE FILED

This amendment to DEPA Order EO–1, as amended April 13, 1951, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

Paragraph (a) of section 3 is hereby amended by adding a new subparagraph (5), reading as follows:

(5) Form DEPA 4–S, "Electricity Utility Statement of Minor Requirements of Steel". This form shall be filed not later than May 21, 1951.

(Sec. 704, Pub. Law 774, 81st Cong.)

This amendment shall take effect on May 3, 1951.

KEN G. WHITAKER,
Acting Administrator,
Defense Electric Power Administration.

[F. R. Doc. 51–5225; Filed May 2, 1951; 11:06 a. m.]

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter III—Government Patents Board

[Admin. Order 5]

PART 300—ADMINISTRATION OF A UNIFORM PATENT POLICY WITH RESPECT TO THE DOMESTIC RIGHTS IN INVENTIONS MADE BY GOVERNMENT EMPLOYEES

APRIL 26, 1951.

This part supersedes the former Part 300, 15 F. R. 6124.

Sec.
300.1 Purpose.
300.2 Authority.
300.3 Scope.
300.4 Definitions.
300.5 Determination of invention.
300.6 Determination of rights in and to inventions.
300.7 Appeals by employees.
300.8 Patent protection.
300.9 Report forms.
300.10 Liaison.
300.11 Dissemination of order.

AUTHORITY: §§ 300.1 to 300.11 issued under sec. 4, E. O. 10096, Jan. 23, 1950, 15 F. R. 391.

§ 300.1 *Purpose.* The purpose of this part is to provide for the administration of a uniform patent policy for the Government with respect to the domestic rights in inventions made by Government employees and to prescribe rules and regulations for implementing and effectuating such policy.

§ 300.2 *Authority.* Authority for the administration of a uniform patent policy is provided in Executive Order 10096, dated January 23, 1950 (15 F. R. 389).

§ 300.3 *Scope.* This part applies to any invention made by a Government employee on or after January 23, 1950, and to any action taken with respect thereto.

§ 300.4 *Definitions.* (a) The term "Government agency", as used in this part, means any Executive department or independent establishment of the Executive branch of the Government (including any independent regulatory

commission or board, any corporation wholly owned by the United States, and the Smithsonian Institutions), but does not include the Atomic Energy Commission.

(b) The term "Government employee", as used in this part, means any officer or employee, civilian or military, of any Government agency, including any part-time consultant or part-time employee except as may otherwise be provided for by agency regulation approved by the Chairman.

(c) The term "invention", as used in this part, means any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the patent laws of the United States.

(d) The term "Chairman", as used in this part, means the Chairman of the Government Patents Board.

§ 300.5 *Determination of invention.* Each Government agency will determine whether the results of research, development, or other activity within the agency constitute invention within the purview of Executive Order 10096.

§ 300.6 *Determination of rights in and to inventions.* (a) Subject to review by the Chairman as provided for in this part, each Government agency will determine the respective rights of the Government and of the inventor in and to any invention made by a Government employee while under the administrative jurisdiction of such agency.

(b) The following rules shall be applied in determining the respective rights of the Government and of the inventor in and to any invention that is subject to the provisions of this part:

(1) The Government shall obtain the entire domestic right, title and interest in and to all inventions made by any Government employee (i) during working hours, or (ii) with a contribution by the Government of facilities, equipment, materials, funds, or information, or of time or services of other Government employees on official duty, or (iii) which bear a direct relation to or are made in consequence of the official duties of the inventor.

(2) In any case where the contribution of the Government, as measured by any one or more of the criteria set forth in subparagraph (1) of this paragraph, to the invention is insufficient equitably to justify a requirement of assignment to the Government of the entire domestic right, title, and interest in and to such invention, or in any case where the Government has insufficient interest in an invention to obtain the entire domestic right, title, and interest therein (although the Government could obtain same under subparagraph (1) of this paragraph), the Government agency concerned, subject to the approval of the Chairman, shall leave title to such invention in the employee, subject, however, to the reservation to the Government of a nonexclusive, irrevocable, royalty-free license in the invention with power to grant licenses for all governmental purposes, such reservation, in the terms thereof, to appear, where practicable, in any patent, domestic or foreign, which may issue on such invention.

(3) In applying the provisions of subparagraphs (1) and (2) of this paragraph to the facts and circumstances relating to the making of any particular invention, it shall be presumed that an invention made by an employee who is employed or assigned (i) to invent or improve or perfect any art, machine, manufacture, or composition of matter, (ii) to conduct or perform research, development work, or both, (iii) to supervise, direct, coordinate, or review Government financed or conducted research, development work, or both, or (iv) to act in a liaison capacity among governmental or non-governmental agencies or individuals engaged in such work, falls within the provisions of subparagraph (1) of this paragraph, and it shall be presumed that any invention made by any other employee falls within the provisions of subparagraph (2) of this paragraph. Either presumption may be rebutted by the facts or circumstances attendant upon the conditions under which any particular invention is made and, notwithstanding the foregoing, shall not preclude a determination that the invention falls within the provisions of subparagraph (4) of this paragraph.

(4) In any case wherein the Government neither (i) obtains the entire domestic right, title and interest in and to an invention pursuant to the provisions of subparagraph (1) of this paragraph nor (ii) reserves a nonexclusive, irrevocable, royalty-free license in the invention, with power to grant licenses for all governmental purposes, pursuant to the provisions of subparagraph (2) of this paragraph, the Government shall leave the entire right, title and interest in and to the invention in the Government employee, subject to law.

(c) In the event that a Government agency determines, pursuant to subparagraph (2) or subparagraph (4) of paragraph (b) of this section, that title to an invention will be left with an employee, the agency shall, subject to considerations of national security, or public health, safety, or welfare, report to the Chairman, promptly upon making such determination, the following information concerning the invention:

(1) Description of the invention in sufficient detail to permit a satisfactory review;

(2) Name of inventor and his employment status; and

(3) Statement of agency determination and reasons therefor.

The report in a case falling within the provisions of subparagraph (2) of paragraph (b) of this section shall be made after the expiration of the period prescribed in § 300.7 for the taking of an appeal, or it may be made prior to the expiration of such period if the employee acquiesces in the agency determination. The Chairman thereupon shall review the determination of the Government agency, and his decision respecting the matter shall be final, subject to the right of the inventor to submit to the Chairman within 30 days (or such longer period as the Chairman may, for good cause, fix in any case) after receiving notice of such decision, a petition for the reconsideration of the decision if it gives to the Government greater rights than the agency determination. A copy of any such petition must also be filed by the inventor with the employing agency within the prescribed period.

§ 300.7 *Appeals by employees.* (a) Any Government employee who is aggrieved by an agency determination pursuant to subparagraph (1) or subparagraph (2) of paragraph (b) of § 300.6 may obtain a review of the agency determination by filing, within 30 days (or such longer period as the Chairman may, for good cause, fix in any case) after receiving notice of such determination, a written appeal with the Chairman and a copy of the appeal with the Government agency.

(b) In the event of the filing of an appeal pursuant to paragraph (a) of this section, the Government agency which made the determination shall, subject to considerations of national security, or public health, safety, or welfare, furnish the Chairman in writing, promptly upon the filing of the appeal, the following information concerning the invention involved in the appeal:

(1) Description of the invention in sufficient detail to permit a satisfactory review;

(2) Name of the inventor and his employment status, including a detailed statement of his official duties and responsibilities at the time of making the invention; and

(3) Detailed statement of the nature of the dispute or controversy, together with copies of the agency determination, of any briefs or written arguments that may have been filed, of any statements or other evidence that may have been considered by the agency, and of other relevant material.

(c) The decision of the Chairman upon any appeal taken pursuant to this section shall be final.

§ 300.8 *Patent protection.* (a) A Government agency, upon determining that an invention coming within the scope of subparagraph (1) or subparagraph (2) of paragraph (b) of § 300.6 has been made, shall thereupon determine whether patent protection will be sought in the United States by the agency for such invention. A controversy over the respective rights of the Government and of the inventor in any case shall not delay the taking of the actions provided for in this section. In cases coming within the scope of subparagraph (2) of paragraph (b) of § 300.6, agency action looking toward such patent protection shall be contingent upon the consent of the inventor.

(b) Where there is a dispute as to whether subparagraph (1) or subparagraph (2) of paragraph (b) of § 300.6 applies in determining the respective rights of the Government and of an employee in and to any invention, the agency will determine whether patent protection will be sought in the United States pending the Chairman's decision on the dispute, and, if it decides that an application for patent should be filed, will take such rights as are specified in subparagraph (2) of paragraph (b) of § 300.6, but this shall be without prejudice to acquiring the rights specified in subparagraph (1) of that paragraph should the Chairman so decide.

(c) Where an agency has determined to leave title to an invention with an employee under subparagraph (2) of paragraph (b) of § 300.6, the agency will, upon the filing of an application for patent and pending review of the determination by the Chairman, take the rights specified in that subparagraph without prejudice to the subsequent acquisition by the Government of the rights specified in subparagraph (1) of that paragraph should the Chairman so decide.

(d) In the event that patent protection is sought by an agency for an invention made by a Government employee, the agency shall, subject to considerations of national security, or public health, safety, or welfare, report to the Chairman, promptly upon the filing of an application for patent, the following information concerning the invention:

(1) Brief description of the invention;

(2) Name of the inventor and his employment status; and

(3) Serial number, title of invention, and date on which the application was filed.

(e) In the event that a Government agency determines that an application for patent will not be filed on an invention made under the circumstances specified in subparagraph (1) of paragraph (b) of § 300.6, giving the United States the right to title thereto, the agency shall, subject to considerations of national security, or public health, safety, or welfare, report to the Chairman, promptly upon making such determination, the following information concerning the invention:

(1) Description of the invention in sufficient detail to permit a satisfactory review;

(2) Name of the inventor and his employment status; and

(3) Statement of agency determination and reasons therefor. The Chairman may, if he determines that the interest of the Government so requires and subject to considerations of national security, or public health, safety, or welfare, cause an application for patent to be filed or cause the invention to be fully disclosed by publication thereof: *Provided, however,* That no application for patent respecting any variety of plant invented by an employee of the Department of Agriculture shall be filed without the approval of the Secretary of Agriculture.

(f) Whenever a patent hereafter issues on an invention made by a Government employee, in respect to which the Government has any right, title, or interest, including a license, the Government agency concerned shall, promptly upon the issuance of the patent, furnish to the Chairman:

(1) An abstract of the invention;

(2) Name of the inventor and his employment status;

(3) A copy of the patent; and

(4) Statement of the nature and extent of the right, title, or interest of the Government in the invention.

§ 300.9 *Report forms.* The Chairman will prescribe the forms to be used by Government agencies in submitting the reports specified in this part.

§ 300.10 *Liaison.* Each Government agency shall designate a liaison officer at the agency level to deal with the Office of the Chairman: *Provided, however,* That the Departments of the Army, the Navy, and the Air Force may each designate a liaison officer.

§ 300.11 *Dissemination of this part.* Each Government agency shall make appropriate arrangements for the dissemination to its employees of the provisions of this part.

Administrative Order No. 1, dated September 6, 1950, is superseded by the provisions of this part, which shall remain in effect until further notice.

ARCHIE M. PALMER,
Chairman.

Approved: April 26, 1951.

HARRY S. TRUMAN,
President.

[F. R. Doc. 51-5137; Filed, May 2, 1951; 8:54 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[2d Rev. S. O. 856]

PART 95—CAR SERVICE

INCLUSION OF SATURDAYS IN COMPUTING DEMURRAGE ON ALL FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of April A. D. 1951.

It appearing, that railroad freight cars are being delayed unduly in loading and unloading; or while held for orders, surrender of order bill of lading, payment of freight charges, reconsignment, diversion, reshipment, inspection, or forwarding directions; or while held for any other purpose of consignee, consignor or owner, causing a shortage of equipment and impeding and diminishing the use, control, supply, movement, distribution, exchange, interchange, and return of such cars; in the opinion of the Commission an emergency requiring immediate action to promote National Defense and car service in the interest of the public and the commerce of the people exists in all sections of the country: It is ordered, that:

§ 95.856 *Saturdays to be included in computing demurrage on all freight cars.* (a) Each common carrier by railroad subject to the Interstate Commerce Act shall include all Saturdays when computing demurrage on all freight cars whether or not they are subject to monthly average agreement or any other regular settlement period.

(b) Application: The provisions of this section shall apply to intrastate, interstate and foreign commerce, including commerce with insular possessions and the territories of Alaska and Hawaii.

(c) Cars exempted: This section shall not apply to the free time on cars loaded with import, coastwise, or intercoastal traffic at ports, and to the free time on unloading box cars containing export, coastwise, or intercoastal traffic at ports.

(d) Regulations suspended; announcement required: The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended and each railroad subject to this section, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

(e) Effective date: This section shall become effective at 7:00 a. m., May 1, 1951.

(f) Expiration date: This section shall expire at 7:00 a. m., October 15, 1951, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this order vacates and supersedes Service Order No. 856, and that a copy of this order and direction shall be served upon the railroad regulatory body of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and all other carriers by railroad; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-5123; Filed, May 2, 1951; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1951, 50th Supp.]

TRANSCONTINENTAL INSURANCE CO.

SURETY COMPANY ACCEPTABLE ON FEDERAL BONDS

APRIL 27, 1951.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the act of Congress approved July 30, 1947 (6 U. S. C. secs. 6–13), as an acceptable surety on Federal bonds. An underwriting limitation of $483,000 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-5122; Filed, May 2, 1951; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF OPENING OF LAND TO ENTRY UNDER THE SMALL TRACT ACT

APRIL 27, 1951.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management under § 2.21 of Order No. 427, approved by the Secretary of the Interior, August 16, 1950 (15 F. R. 5641), the following described public lands embracing approximately 7 acres as well as other public lands in the Fairbanks, Alaska land district were classified by Alaska Small Tract Classification Order 39 dated April 16, 1951 as chiefly valuable for lease and sale for cabin sites under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C., sec. 682a), as amended, to become effective for filing under the act after due notice by publication:

FAIRBANKS MERIDIAN

T. 5 S., R. 4 E.

Sec. 22: Lot 1, that portion which would be if described in terms of normal subdivision: $E\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$ north of Salcha River, and $SE\frac{1}{4}NE\frac{1}{4}$ north of Salcha River (embraced in petition for classification and offer to lease under the Small Tract Act, of Robert B. Haight, Fairbanks 08439, containing approximately 2 acres).

Sec. 23: $W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$ (embraced in the petition for classification and offer to lease of Edgar S. Philco Fairbanks 08438, containing 5 acres).

Small Tract Classification Order No. 39, being made pursuant to the petitions for classification above listed, the applicants are accorded a preference right to a lease for a cabin site, a type for which the land subject thereunder has been classified (43 CFR 257.6). The Manager may proceed to process the applications in accordance with the regulations (43 CFR, Part 257) and the procedure contained in Part 181 of the Bureau of Land Management Manual, Order No. 323, August 3, 1948. As for the remainder of the lands classified by Alaska Small Tract Classification Order No. 39 this notice of opening of land to entry shall not change the status of the land or permit the leasing thereof under the Small Tract Act of June 1, 1938, cited above until it is so provided by a notice to be given by publication subject to the preference right of veterans of World War II accorded by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. sec. 279), and other qualified persons entitled to credit for service under the said act.

Lessees under the Small Tract Act of June 1, 1938, will be required within the life of the lease to construct upon the leased land to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances are presentable, substantial and appropriate for the use which the lease is issued before favorable consideration will be given for purchase of the tract. The leases will be for a period of three years at an annual rental of $5.00. Applicants will be required to pay in advance a filing fee of $10.00 and the annual rental charge for the entire lease period. The leases will contain an option to purchase the tract at or after the date the approved supplemental plat of survey is officially filed but not sooner than one year from the effective date of the leases provided the terms and conditions of the leases have been met.

All wells and sewage disposal facilities will be located not less than 75 feet from the exterior boundaries of the tract described in the lease: *Provided, however,* That if said tract abuts upon any stream, lake or other body of fresh water no well or sewage disposal facility shall be placed within 100 feet of such water. If the tract described in the lease is located upon sloping lands, lessee should locate any well or sewage disposal facility according to the recommendation of the Alaska Territorial Department of Health.

The leases will be made subject to rights-of-way for road purposes and public utilities, of 33 feet in width on each side of the tract or as shown on the classification maps on file in the Land Office, Fairbanks, Alaska. Such rights-of-way may be utilized by the Federal Government, or the State, or Territory, county or municipality, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 51-5081; Filed, May 2, 1951; 8:45 a. m.]

ALASKA

SHORE SPACE RESTORATION NO. 461

APRIL 27, 1951.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and in accordance with 43 CFR, § 4.275 (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), and Order No. 319 of July 19, 1948 (43 CFR 50.451, 13 F. R. 4278), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands:

A tract of land located on Favorite Channel, Alaska, identified as Lot 10, U. S. Survey 3051 containing approximately 60 acre (home site application and petition for shorespace restoration of Wellman Holbrook Anchorage 016480).

A tract of land located on Auke Lake, Alaska, identified as Lot R, U. S. Survey 2391 containing approximately 4.23 acres (home site application of William H. Ryan Anchorage 017540).

A tract of land located on Clover Passage, Alaska, identified as Lot 5, U. S. Survey 2806 containing approximately 5 acres (home site application and petition for shorespace restoration of William Francis Stiven Anchorage 015058).

A tract of land located on Clover Passage, Alaska, identified as Lot 8, U. S. Survey 2806 comprising approximately 4.83 acres (home site application and petition for shorespace restoration of Bert E. Black Anchorage 016887).

A tract of land located on Tongass Narrows, Alaska identified as Lot 23, U. S Survey 2604 containing approximately 3.29 acres (home site application and petition for shorespace restoration of Harvey W. Christilaw Anchorage 015243).

A tract of land located on Tongass Narrows, Alaska identified as Lot 7, U. S. Survey 2804 containing approximately 4.64 acres (home site settlement claim of Clarence Charles Ashton Anchorage 018018).

A tract of land located on Clover Passage, Alaska identified as Lot I, U. S. Survey 2554 containing approximately 4.18 acres (home site application and petition for shorespace restoration of Harriman Theodore McKinstry Anchorage 015460).

A tract of land located on Tongass Narrows, Alaska identified as Lot 33, U. S Survey 2604 containing 2.69 acres (home site application and petition for shorespace restoration of Charles F. Winscott Anchorage 010624).

A tract of land located on Orca Inlet, Alaska identified as Lot 2, U. S. Survey 2762 containing 3.63 acres (home site application of Paul S. DuVal Anchorage 015057).

A tract of land located on Clover Passage, Alaska identified as Lot T, U. S. Survey 2554 containing 2.23 acres (home site application and petition for shorespace restoration of Edward H. McLean Anchorage 016742).

A tract of land located on Auke Bay, Alaska identified as Lot 14B, U. S. Survey 2673 containing .32 acre (home site application and petition for shorespace restoration of William D. Schoeppe Anchorage 016762).

A tract of land located on Auke Bay, Alaska identified as Lot 2, U. S. Survey 2909 comprising .69 acre (home site application of George Francis Cantillon Anchorage 016739).

A tract of land located on Tongass Narrows, Alaska identified as Lot 27, U. S. Survey 2604 containing approximately 3.48 acres (home site application of Clarence Milton Pollock Anchorage 015271).

A tract of land located on Clover Passage, Alaska identified as Lot X, U. S. Survey 2556 containing approximately 3.08 acres (home site application and petition for shorespace restoration of Robert Hind Anchorage 015362).

Aggregating approximately 42.89 acres.

LOWELL M. PUCKETT,
Regional Administrator

[F. R. Doc. 51-5082; Filed, May 2, 1951; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Defense Production Administration

MARINE CORP. AND EASTERN STATES PETROLEUM CO., INC.

ADDITIONAL COMPANIES ACCEPTING REQUESTS TO PARTICIPATE IN VOLUNTARY PLAN TO CONTRIBUTE TANKER CAPACITY

Pursuant to section 708 of the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) the following supplemental list of companies is herewith published which have accepted the request to participate in the voluntary plan, entitled "Voluntary Plan under Public Law 774, 81st Congress for the Contribution of Tanker Capacity for National Defense Requirements," dated January 18, 1951, which request, original list of companies accepting such request, and voluntary plan were published on March 1, 1951, in 16 F. R. 1964. An additional list of companies accepting such request was published on April 14, 1951, in 16 F. R. 3315.

Marine Corporation,
11 Broadway, New York 4, New York
Eastern States Petroleum Co., Inc.,
Houston 12, Texas

(Sec. 708, Pub. Law 774, 81st Cong.; E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

W. H. HARRISON,
Administrator.

[F. R. Doc. 51-5194; Filed, May 1, 1951; 4:56 p. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 412), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14), are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Carlisle Manufacuring Co., 164 East Third Street, Salt Lake City, Utah, effective 4–17–51 to 10–16–51; 10 learners for expansion purposes (pants).

Carlisle Manufacturing Co., 164 East Third Street, Salt Lake City, Utah, effective 4–17–51 to 4–16–52; 10 learners for normal labor turnover (pants).

Charmac, Inc., 227 Newcastle Street, Brunswick, Ga., effective 4–20–51 to 10–19–51; 15 learners for expansion purposes (juvenile boys' sportswear).

Clyde Shirt Co., Northampton, Pa., effective 4–27–51 to 4–26–52; 10 percent normal labor turnover (men's dress and sport shirts; women's blouses).

Coronet Manufacturing Co., Inc., Garnett, Kan., effective 4–19–51 to 4–18–52; for normal labor turnover, 10 percent of productive factory workers or 5 learners, whichever is greater (army shirts).

Coronet Manufacturing Co., Inc., Garnett, Kan., effective 4–19–51 to 10–18–51; 25 learners for expansion purposes (army shirts).

Dickson Manufacuring Co., Dickson, Tenn., effective 4–27–51 to 4–26–52; 10 percent normal labor turnover (work shirts).

Samuel Dion & Son., Southeast Corner Third and Chestnut Streets, Philadelphia, Pa., effective 4–27–51 to 4–26–52; four learners normal labor turnover (aprons and house dresses).

Fly & Walker Factory, Salem, Mo., effective 4–20–51 to 4–19–52; for normal labor turnover, 10 learners to be employed in the manufacture of apparel items only (men's underwear and pajamas).

Exeter Dress Co., Inc., 15 Pennsylvania Avenue, Exeter, Pa., effective 4–27–51 to 4–26–52; for normal labor turnover, 10 percent of productive factory workers or five learners, whichever is greater (ladies' better dresses).

Globe Manufacturing Co., 217 North Main Street, Vidalia, Ga., effective 4–27–51 to 10–26–51; 20 learners for expansion purposes (boys' trousers and jackets).

Halmer Manufacturing Division, Ore Street, Bomanstown, Pa., effective 4–27–51 to 4–26–52; 10 percent normal labor turnover (women's and misses' dresses).

Kresgeville Manufacturing Co., Inc., Kresgeville, Pa., effective 4–27–51 to 4–26–52; 10 percent normal labor turnover (ladies' wearing apparel).

Lyons Manufacturing Co., Lyons, Ga., effective 4–27–51 to 4–26–52; 10 percent normal labor turnover (men's shirts).

Mark Jay Dress Co., Riverside, Pa., effective 4–18–51 to 4–17–52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (ladies' dresses).

McAdoo Manufacturing Co., Inc., South Hancock Street, McAdoo, Pa., effective 5–1–51 to 4–30–52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (knitted outerwear).

The Newton Co., Newton, Miss., effective 4–27–51 to 4–26–52; 10 percent normal labor turnover (slacks and pants).

Northampton Dress Co., Inc., 1059 Main Street, Northampton, Pa., effective 4–27–51 to 4–26–52; 10 percent normal labor turnover (dresses and polo shirts).

Oberman & Co., Arkadelphia, Ark., effective 4–20–51 to 10–19–51; 30 learners for expansion purposes (men's and boys' single pants).

Oberman & Co., Fayetteville, Ark., effective 4–20–51 to 10–19–51; 23 learners for expansion purposes (men's and boys' single pants).

Oberman & Co., Harrison, Ark., effective 4–20–51 to 10–19–51; 24 learners for expansion purposes (men's and boys' single pants).

Phillips-Jones Corp., Ozark, Ala., effective 5–1–51 to 4–30–52; 10 percent normal labor turnover (men's pajamas).

Quality Manufacturing Co., 1013 Viand Street, Point Pleasant, W. Va., effective 4–27–51 to 4–26–52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (cotton dresses).

Tanger Manufacturing Co., Inc., 67 Franklin Street, New Haven, Conn., effective 4–17–51 to 4–16–52; 10 percent normal labor turnover (men's shirts).

Wear Well Garment Co., Inc., New Ulm, Minn., effective 5–1–51 to 4–30–52; 10 percent normal labor turnover (men's and women's slacks).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended January 25, 1950; 15 F. R. 400).

Consolidated Cigar Corp., Boyd and Gravity Streets, Pittston, Pa., effective 4–25–51 to 4–24–52; 10 percent of total number of workers engaged in the occupation of machine stripping; 160 hours; 60 cents per hour.

M & N Cigar Manufacturers, Inc., 1390 Thirtieth Street, Cleveland, Ohio, effective 5–1–51 to 4–30–52; 10 percent of productive factory workers engaged in each of the authorized occupations; cigar machine operating, 320 hours; packing cigars retailing for more than 6 cents, 320 hours; packing cigars retailing for 6 cents or less, 160 hours; machine stripping, 160 hours; 60 cents per hour.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Brookville Glove Co., Indiana, Pa., effective 4–24–51 to 4–23–52; 10 learners for normal labor turnover.

Killington Manufacturing Co., Inc., Rutland, Vt., effective 4–19–51 to 10–18–51; 30 learners for expansion purposes.

Wells Lamont Corp., Fort Morgan, Colo., effective 4–17–51 to 10–16–51; eight learners for expansion purposes.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Auburn Hosiery Mills, Inc., No. 2, Adairville, Ky., effective 4–25–51 to 4–24–52; five learners for normal labor turnover.

The W. E. Isle Co., 1121 Grand Avenue, Kansas City, Mo., effective 4–18–51 to 4–17–52; five learners for normal labor turnover.

Macon Hosiery Mills, Inc., Macon, Ga., effective 4–25–51 to 4–24–52; five learners for normal labor turnover.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Albert & Sons, Inc., Sybertsville, Luzerne County, Pa., effective 4–19–51 to 4–18–52; five learners for normal labor turnover.

Allendale Mills, Inc., Mount Airy, N. C., effective 4–20–51 to 10–19–51; five learners for expansion purposes only.

Ashland Knitting Mills, Front and Chestnut Street, Ashland, Pa., effective 4–18–51 to 4–17–52; five percent normal labor turnover.

Coopers, Inc., Millen, Ga., effective 4–18–51 to 10–17–51; 40 learners for expansion purposes only.

Curney Manufacturing Co., Prattville, Ala., effective 5–1–51 to 4–30–52; five percent normal labor turnover.

Ely & Walker Factory, Salem, Mo., effective 4–20–51 to 4–19–52; for normal labor turnover, five learners to be employed in manufacture of knitted wear products only.

Louis Gallet Knitting Mills, Inc., E. Millsboro, Pa., effective 5–1–51 to 4–30–52; five learners for normal labor turnover.

Geissler Knitting Mills, Hemlock Street and Sherman Court, Hazleton, Pa., effective 4–20–51 to 4–19–52; 5 percent normal labor turnover.

Hampton Underwear Co., Greenwood, S. C., effective 4–18–51 to 10–17–51; 10 learners for normal labor turnover.

I. Mathews & Bro., 274 Belleville Avenue, New Bedford, Mass., effective 5–1–51 to 4–30–52; two learners for normal labor turnover.

Pottsville Mills, Inc., Pottsville, Pa., effective 4–19–51 to 4–18–52; 5 percent normal labor turnover.

Sondra Undergarments Co., Inc., Allentown, Pa., effective 5–1–51 to 4–30–52; 5 percent normal labor turnover.

Taylor Manufacturing Co., West Main Street, Campbellsville, Pa., effective 4–19–51 to 10–18–51; 20 learners for expansion purposes only.

School-Operated Industries. The following special learner certificate was issued to the school-operated industry listed below:

Enterprise Academy, Enterprise, Kans., effective 3–6–51 to 9–15–51; four learners; print shop, skilled and semiskilled operations; 360 hours at 50 cents, 325 hours at 55 cents, and 325 hours at 65 cents.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Mead Aviation Equipment Co., 457 Mulberry Street, Trenton, N. J., effective 4–30–51 to 10–29–51; 10 learners normal labor turnover; sewing machine operators, 480 hours; 60 cents per hour for first 200 hours and not less than 70 cents per hour for remaining 280 hours (parachutes, component parts, etc.).

Palm Beach Co., Somerset, Ky., effective 4–18–51 to 4–17–52; 7 percent normal labor turnover; machine operating (except cutting), handsewing, and pressing each 480 hours; 60 cents per hour for first 240 hours and 65 cents per hour for remaining 240 hours (coats).

The Weber Likelike Fly Co., 133 West Ellis Street, Stevens Point, Wis., effective 4–23–51 to 10–22–51; 10 percent normal labor turnover; fly tiers, 480 hours and solderers, 240 hours; 60 cents per hour for first 240 hours and 65 cents per hour for remaining 240 hours (wingless and winged flies, snelled hooks and leaders).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 26th day of April 1951.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 51-5114; Filed, May 2, 1951; 8:50 a. m.]

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Defense Mobilization

[Defense Mobilization Order 9]

DMO–9—ESTABLISHING A LABOR-MANAGEMENT MANPOWER POLICY COMMITTEE

By virtue of the authority vested in me by Executive Order 10193 and in order to assist the Director of Defense Mobilization to improve the coordination and effectiveness of federal policies and programs relating to manpower, it is hereby ordered:

1. There is hereby established in the Office of Defense Mobilization a Labor-Management Manpower Policy Committee consisting of representatives to be selected from the fields of labor, and industrial and agricultural management.

2. The members of the Committee shall be appointed by the Director of the Office of Defense Mobilization.

3. The Labor-Management Manpower Policy Committee will have referred to it all questions of policy relative to the mobilization, training and maximum utilization of manpower in the defense program, and shall make recommendations as to the action which in its judgment should be taken by the Office of Defense Mobilization. The Committee may also, on its own motion, make recommendations on policies relating to the mobilization, training and maximum utilization of manpower in the defense program, which in its judgment should be considered by the Office of Defense Mobilization.

4. The Assistant to the Director of Defense Mobilization in charge of manpower problems shall serve as Co-Chairman of the Committee and shall be responsible for relating the work of this Committee to the duties and responsibilities of the Office of Defense Mobilization in the manpower field.

5. The Secretary of Labor may designate a Co-Chairman of this Committee who will share the duties and responsibilities of the Chairmanship, and who in addition shall be responsible for presenting to the Committee such matters as may be referred to it by the Secretary of Labor.

6. The Committee may make such rules relative to time and place of meeting, attendance at meetings and order of business as are in its judgment necessary for the successful carrying out of the duties and responsibilities assigned to it.

7. Defense Mobilization Orders No. 5 and No. 6, insofar as they are in conflict with this order, are hereby modified to conform to the provisions of this order.

8. This order shall take effect on May 3, 1951.

OFFICE OF DEFENSE MOBILIZATION,
C. E. WILSON,
Director.

[F. R. Doc. 51-5163; Filed, May 1, 1951; 4:02 p. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1447]

UNITED GAS PIPE LINE CO.

NOTICE OF ORDER MODIFYING PREVIOUS ORDER AND OPINION

APRIL 27, 1951.

Notice is hereby given that, on April 26, 1951, the Federal Power Commission issued its order entered April 24, 1951, in the above-designated matter, dismissing application for modification of its order and Opinion No. 206, issued February 27, 1951, published in the FEDERAL REGISTER on March 7, 1951 (16 F. R. 2131).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5085; Filed, May 2, 1951; 8:45 a. m.]

[Docket No. G-1587]

DELAWARE POWER & LIGHT CO.

NOTICE OF FINDINGS AND ORDER

APRIL 27, 1951.

Notice is hereby given that, on April 24, 1951, the Federal Power Commission issued its findings and order entered April 24, 1951, authorizing and approving abandonment of facilities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5086; Filed, May 2, 1951; 8:46 a. m.]

[Docket No. G-1588]

PHILADELPHIA ELECTRIC CO.

NOTICE OF FINDINGS AND ORDERS

APRIL 27, 1951.

Notice is hereby given that, on April 24, 1951, the Federal Power Commission issued its findings and order entered April 24, 1951, issuing a certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5087; Filed, May 2, 1951; 8:46 a. m.]

[Docket No. G-1605]

SOUTHERN COUNTIES GAS CO. OF CALIFORNIA

NOTICE OF ORDER APPROVING TRANSFER OF AMOUNTS IN DEPRECIATION RESERVE

APRIL 27, 1951.

Notice is hereby given that, on April 25, 1951, the Federal Power Commission issued its order entered April 24, 1951, in the above-designated matter, approving transfer of amounts in depreciation reserve to earned surplus and to other reserve accounts.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5088; Filed, May 2, 1951; 8:46 a. m.]

[Docket No. G-1644]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

APRIL 27, 1951.

Take notice that on March 27, 1951, Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation with its principal office at Kansas City, Missouri, filed an application in the alternative seeking (a) a disclaimer by the Commission of its jurisdiction or (b) a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to sell and deliver natural gas to the Illinois Rural Electric Company (Illinois Rural).

The application states that no additional facilities will be required to be constructed by Applicant.

Applicant proposes to make deliveries to Illinois Rural through facilities of the City of Pittsfield, Illinois, for the use of which Illinois Rural has contracted with the City of Pittsfield. The contract between Applicant and Illinois Rural calls for the delivery of a maximum daily delivery of 1000 Mcf.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of May 1951.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5084; Filed, May 2, 1951; 8:45 a. m.]

[Docket No. G-1674]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

APRIL 27, 1951.

Take notice that on April 19, 1951, El Paso Natural Gas Company (Applicant), a Delaware corporation, of El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the installation of a meter station, at a point on its transmission line near Laveen, Maricopa County, Arizona. Applicant proposes by these facilities to sell and deliver natural gas to Central Arizona Light and Power Company, for resale and distribution in the town of Laveen, Arizona. This community has no gas utility service at present.

Through the proposed facility, Applicant expects to deliver a maximum of 16,400 Mcf per year with a daily maximum of about 164 Mcf of natural gas in the fifth year of operation. The cost of these facilities is estimated to be $3,100, which will be paid from general funds of Applicant.

Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5083; Filed, May 2, 1951; 8:45 a. m.]

[Docket No. E-6343]

GULF STATES UTILITIES CO.

NOTICE OF ORDER SUPPLEMENTING PREVIOUS ORDER AUTHORIZING ISSUANCE OF SECURITIES

APRIL 27, 1951.

Notice is hereby given that, on April 25, 1951, the Federal Power Commission issued its order entered April 24, 1951, supplementing its order issued April 3, 1951, published in the FEDERAL REGISTER on April 10, 1951 (16 F. R. 3142), authorizing issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5090; Filed, May 2, 1951; 8:46 a. m.]

[Docket No. E-6348]

IDAHO POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SHORT-TERM NOTES

APRIL 27, 1951.

Notice is hereby given that, on April 25, 1951, the Federal Power Commission issued its order entered April 24, 1951, authorizing issuance of short-term notes in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5091; Filed, May 2, 1951; 8:46 a. m.]

[Dockets Nos. ID-976, ID-1059]

IRWIN L. MOORE AND BENJAMIN H. BRISTOL

NOTICE OF ORDER AUTHORIZING HOLDING OF CERTAIN POSITIONS

APRIL 27, 1951.

In the matters of Irwin L. Moore, Docket No. ID-976; Benjamin H. Bristol, Docket No. ID-1059.

Notice is hereby given that, on April 26, 1951, the Federal Power Commission issued its orders entered April 24, 1951, in the above-designated matters, authorizing Applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5093; Filed, May 2, 1951; 8:47 a. m.]

[Project No. 591]

RUBY H. CUNNINGHAM

NOTICE OF ORDER AUTHORIZING ISSUANCE OF NEW LICENSE (MINOR)

APRIL 27, 1951.

Notice is hereby given that, on April 26, 1951, the Federal Power Commission issued its order entered April 24, 1951, authorizing issuance of new license (minor) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5092; Filed, May 2, 1951; 8:47 a. m.]

[Project No. 596]

UTAH POWER & LIGHT CO.

NOTICE OF ORDER APPROVING EXHIBITS AS PART OF LICENSE

APRIL 27, 1951.

Notice is hereby given that, on April 26, 1951, the Federal Power Commission issued its order entered April 24, 1951, approving exhibits as part of license in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5089; Filed, May 2, 1951; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26056]

WOODPULP FROM COOSA PINES, ALA., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

APRIL 30, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1051, pursuant to fourth-section order No. 16101.

Commodities involved: Woodpulp, carloads.

From: Coosa Pines, Ala.

To: Points in official territory.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon

a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5106; Filed, May 2, 1951; 8:49 a. m.]

[4th Sec. / ication 26057]

SALT FROM TEXAS . LOUISIANA TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

APRIL 30, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3668.

Commodities involved: Salt, common, carloads.

From: Texas and Louisiana.

To: Points in trunk-line and New England territories.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3668, Supp. 38.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5107; Filed, May 2, 1951; 8:50 a. m.]

[4th Sec. Application 26058]

ALUMINA FROM BAUXITE, ARK., TO CHICAGO, ILL., GROUP

APPLICATION FOR RELIEF

APRIL 30, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3908.

Commodities involved: Alumina, calcined or hydrated, carloads.

From: Bauxite, Ark.

To: Chicago, Ill., and points taking same rates.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3908, Supp. 50.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5108; Filed, May 2, 1951; 8:50 a. m.]

[4th Sec. Application 26059]

STONE DUST FROM PLUM RUN, OHIO, TO SPECIFIED POINTS IN WEST VIRGINIA

APPLICATION FOR RELIEF

APRIL 30, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for Norfolk and Western Railway Company and Virginian Railway Company.

Commodities involved: Stone dust, unburnt, carloads.

From: Plum Run, Ohio.

To: Specified points in West Virginia.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5109; Filed, May 2, 1951; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1283]

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of April A. D. 1951.

The Philadelphia-Baltimore Stock Exchange pursuant to section 1 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Chicago, Milwaukee, St. Paul & Pacific Railroad Company, a security listed and registered on the New York Stock Exchange and on the Midwest Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to May 24, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5096; Filed, May 2, 1951; 8:47 a. m.]

[File No. 7-1284]

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of April A. D. 1951.

The Philadelphia-Baltimore Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the 5 percent Non-Cumulative Series A Preferred Stock, $100 Par Value, of Chicago, Milwaukee, St. Paul & Pacific Railroad Company, a security listed and registered on the New York Stock Exchange and on the Midwest Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to May 24, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5095; Filed, May 2, 1951; 8:47 a. m.]

[File Nos. 54-193, 54-140, 54-65, 59-6]

UNITED GAS IMPROVEMENT CO. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING ON FILED PLAN AND ORDER CONSOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of April A. D. 1951.

In the matter of the United Gas Improvement Company, File Nos. 54-193, 54-140, 54-65; the United Gas Improvement Company and Subsidiary Companies, Respondents, File No. 59-6.

Notice is hereby given that the United Gas Improvement Company ("UGI"), a registered holding company, has filed an application for approval of a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 proposing action described as necessary to effectuate the provisions of section 11 (b) of the act. UGI owns all or a majority of the common stock of various gas utility companies and one electric and gas utility company operating in eastern Pennsylvania, and of two non-utility subsidiaries. In addition to its holdings in its utility subsidiaries, UGI owns the following securities representing minority interests in non-subsidiary companies:

Name of company	Security	Shares or amount
Central Illinois Light Co.	Common stock	*Shs.* 35,340
Consumers Power Co.	do	107,900
Delaware Power & Light Co.	do	37,355
Niagara Mohawk Power Corp.	Class A stock	748,000
Philadelphia Electric Co.	Common stock	217,970
Public Service Electric and Gas Co.	Preference common	36,801
Public Service Electric Gas Co.	Common stock	4,861
Delaware Coach Co.	Note	$1,000,000

All interested persons are referred to said plan, which is on file in the offices of the Commission, for a full statement of the transactions therein proposed, which may be summarized as follows:

(1) UGI purposes to offer to exchange, for each unit of five shares of its outstanding capital stock (par value $13.50), to the extent of but not exceeding 363,285 shares of such stock, the following securities:

3 shares of common stock of Philadelphia Electric Company.

2 shares of common stock of Consumers Power Company.

(2) The plan is voluntary and no stockholder is required to accept the offer. The offer will be open to stockholders for a period of fifteen days.

(3) Stockholders owning 1 to 4 shares of UGI stock, and therefore being unable to tender a 5-share unit, may tender their stock under the plan and will receive in exchange cash in lieu of stock on an equivalent basis. Such cash equivalent will be computed on the basis of the market value of the common stocks of Philadelphia Electric Company and Consumers Power Company (in their respective proportions under the plan) determined by the average daily closing sale prices on the New York Stock Exchange for the five-day period immediately following the termination of the period during which the offer will be open. The plan states that UGI proposes to sell on the New York Stock Exchange such shares of common stock of Philadelphia Electric Company and Consumers Power Company as may be necessary to provide the cash required for payment of such cash equivalent.

(4) Subject to the provisions in the preceding paragraph, the offer under the plan is open only to stockholders who tender UGI stock in units of five shares or multiples thereof. In the event that more than 363,285 shares of UGI stock are tendered for exchange, all shares tendered under the preceding paragraph for cash equivalents will be accepted, after which a pro rata selection of shares to be accepted for exchange shall be made from those shares tendered in units of five shares or multiples thereof, provided that UGI shall accept for exchange at least one unit of UGI stock from each stockholder who has tendered one or more such units. The plan provides that any factional units resulting from the pro rata selection shall be disregarded, subject to each stockholder receiving such one-unit minimum. No more than one tender will be accepted from any stockholder of record.

(5) Acceptance of the offer of exchange may be made only by delivery of certificates to UGI representing the number of UGI shares tendered, accompanied by the "Form of Acceptance" of the offer of exchange prescribed by UGI.

(6) The plan provides that deposits of UGI stock for exchange shall be irrevocable and not subject to withdrawal by stockholders. It provides that depositing stockholders will receive non-transferable deposit receipts evidencing their deposits. Depositing stockholders will be notified, within one week after the termination of the period during which the offer will be open, as to the number of their units which have been accepted for exchange.

(7) Under the plan, all shares of UGI stock which are accepted for exchange will be cancelled and retired at the earliest appropriate time, and in the interim will be held by UGI as treasury stock.

(8) UGI proposes to pay such fees, expenses and remuneration in connection with the plan and any amendments thereof as the Commission may duly approve, determine, award, allow or allocate.

The Commission being required by the provisions of section 11 (e) of the act, before approving any plan submitted thereunder, to find after notice and opportunity for hearing that such plan, as submitted or as modified, is necessary to effectuate the provisions of subsection (b) of section 11, and is fair and equitable to the persons affected by such plan; and it appearing appropriate in the public interest and in the interests of investors and consumers that notice be given and a hearing be held with respect to said plan;

It appearing to the Commission that some of the evidence in the consolidated proceedings under sections 11 (b) (1) and 11 (e) of the act with respect to UGI and its subsidiaries (File Nos. 59-6, 54-65 and 54-140) is or may be relevant to the issues presented by the proposed plan and that the prior proceedings and the proceedings in respect of the proposed plan may involve common questions of law and fact and should be consolidated;

It is ordered, That the consolidated proceedings under File Nos. 59-6, 54-65 and 54-140, and the proceedings with respect to the instant application be, and the same hereby are, consolidated, without prejudice however, to the Commission's right, upon its own motion or the motion of any interested party, to strike such portions of the record of the prior proceedings as may be deemed irrelevant to the issues raised with respect to the pending plan.

It is further ordered, That a hearing under the applicable provisions of the act and the rules thereunder be held at 10:00 a. m., on the 15th day of May 1951, in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., in such room as may be designated on that day by the hearing room clerk in Room 193.

It is further ordered, That William W. Swift or any other officer or officers of

the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said act and to a Trial Examiner under the Commission's rules of practice.

It is further ordered, That notice of said hearing be given to UGI by mailing a copy of this notice and order by registered mail, and that notice be given to all other persons by a general release of the Commission distributed to the press and mailed to the mailing list for releases under the act, and by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That UGI shall give appropriate notice of this hearing, the form thereof to be submitted to this Commission prior to mailing, to all of the holders of its capital stock (insofar as the identity of such holders is known or available to UGI) at least fourteen days prior to the date hereinbefore fixed for such hearing.

It is further ordered, That any person desiring to be heard or otherwise wishing to participate in these proceedings shall notify the Commission on or before two days prior to the date hereinbefore fixed for such hearing, in the manner provided by Rule XVII of the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the proposed plan and that on the basis thereof the following matters and questions are presented for consideration by the Commission, without prejudice to the presentation of additional matters and questions upon further examination:

(1) Whether the proposed plan, as submitted or as modified, is necessary to effectuate the provisions of section 11 (b) of the act;

(2) Whether the proposed plan, as submitted or as modified, is fair and equitable to the persons affected thereby;

(3) Whether the transactions proposed in said plan comply with all the requirements of the applicable provisions of the act and the rules promulgated thereunder;

(4) Whether, under the provisions of section 11 (b), an order should be entered by the Commission pursuant to the provisions of section 11 (b) (1), requiring further action by UGI to comply with the standards of such statute, by disposition of further securities or otherwise;

(5) Whether any approval of the proposed plan under section 11 (e) should be conditioned upon the taking of any other action to meet the standards of section 11 (b) of the act, either by dispositions or exchanges of additional securities or otherwise;

(6) Whether, and to what extent, the proposed plan should be modified or terms and conditions imposed in any other respects to ensure adequate protection of the public interest and the interests of investors and consumers and compliance with all applicable provisions of the act.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That jurisdiction be reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters herein set forth or which may arise in these proceedings or to consolidate with these proceedings other filings or matters pertaining to the subject matter of these proceedings, and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-5100; Filed, May 2, 1951; 8:48 a. m.]

[File No. 70-2602]

CENTRAL VERMONT PUBLIC SERVICE CORP.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of April A. D. 1951.

Central Vermont Public Service Corporation ("the Company"), an operating public utility and a direct subsidiary of New England Public Service Company, a registered holding company which in turn is a direct subsidiary of Northern New England Company, also a registered holding company, having filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("the act") and Rules U-23 and U-24 thereunder, with respect to the following proposed transactions:

The Company seeks authorization to issue or renew from time to time until September 30, 1951, or until the Company shall have received at least $2,000,000 from permanent financing, whichever shall first occur, unsecured notes (including notes now outstanding) with maturity of nine months or less, up to the maximum amount of $2,250,000, which amount is stated to be less than the maximum amount permitted by the Company's Articles of Association as amended. Said maximum amount exceeds the limitation of "5 percent of principal amount and par value of the other securities of such Company then outstanding," as specified in section 6 (b) (3) of the act.

The Company states that it now has outstanding $700,000 of unsecured indebtedness evidenced by notes bearing interest at the rate of 2¾ percent per annum, maturing 90 days from date of issue, $450,000 of which is payable to The First National Bank of Boston and the balance of $250,000 to Bankers Trust Company; that such borrowings were made for interim financing of the Company's construction program and other corporate purposes; that further borrowings will be required as herein proposed; and that the interest rate on such additional borrowings will probably not exceed 2¾ percent per annum, although the Company has no commitment as to interest rate.

The Company states that in case the interest rate of any of the notes should exceed 2¾ percent per annum, it will file an amendment to its application setting out the name of the bank or banks, the terms of the note and the rate of interest at least five days prior to the execution and delivery of said note; and the Company requests that, unless the Commission shall notify it to the contrary within said five-day period, the amendment shall become effective at the end of such period.

The Company further states the issue and sale of the proposed securities are solely for the purpose of financing the business of the Company; that such issue and sale are not subject to authorization by the Vermont Public Service Commission, the State Commission of the State in which the Company is organized and doing business, and that there are no expenses to the Company in connection therewith other than legal and other incidental expenses, estimated at not more than $500.

The Company requests that the order of the Commission herein be made effective upon issuance.

Said application having been filed on March 29, 1951, and amendments thereto having been filed on April 9 and April 16, 1951, and notice of said filing having been given in the form and manner required by Rule U-23, and no request for a hearing with respect thereto having been received within the period specified in said notice or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that said application as amended satisfies the requirements of the applicable provisions of the act and the rules and regulations thereunder, that it is not necessary to impose any conditions other than as set forth below, and that it is appropriate in the public interest and in the interest of investors and consumers that the application as amended be granted;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed by Rule U-24, that the application as amended be and the same hereby is granted, effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-5094; Filed, May 2, 1951; 8:47 a. m.]

[File No. 70-2605]

COLUMBIA GAS SYSTEM, INC. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of April A. D. 1951.

In the matter of the Columbia Gas System, Inc., the Manufacturers Light and Heat Company, Natural Gas Company of West Virginia, and the Ohio Fuel Gas Company; File No. 70-2605.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "act") by the Columbia Gas System, Inc. ("Columbia"), a registered holding company, and by the Manufacturers Light and Heat Company ("Manufacturers"), Natural Gas Company of West Virginia ("Natural Gas") and the Ohio Fuel Gas Company ("Ohio Fuel"), each of which is a gas utility subsidiary of Columbia. All of the outstanding securities of such subsidiaries, except 15 shares of common stock of Manufacturers, is owned by Columbia. The application-declaration designates sections 6, 7, 9, and 10 of the Act and Rules U-43 and U-44 promulgated thereunder as being applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 7, 1951, at 5:30 p. m., e. s. t. or e. d. s. t., whichever is then currently in effect, request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. At any time after said date, this application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, N. W., Washington 25, D. C.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Natural Gas proposes to sell to Manufacturers all of its property located in the states of West Virginia and Pennsylvania which is used or useful in the production, purchase, transportation and distribution of natural gas. Manufacturers serves some of the same communities served by such property and supplies most of the gas distributed thereby. The price to be paid by Manufacturers for such property will be the book value thereof at original cost, less book reserves for depreciation and depletion, computed to the date of consummation of the transaction.

Manufacturers also propose, in connection with the acquisition of such property, to acquire from Natural Gas the accounts receivable, inventory of materials and supplies and other current assets (except cash) applicable to such natural gas property, and to assume the accounts payable and other current liabilities applicable to such property. Such current assets will be paid for at the net book amount shown on the balance sheet of Natural Gas as of the consummation date of the transaction.

As of December 31, 1950, the purchase price for the foregoing assets is estimated by the Company at $3,723,095, including $2,959,674 for the net property and $763,421 for the net current assets. Manufacturers proposes to pay the purchase price by assuming $3,168,000 principal amount of 3¼ percent notes of Natural Gas presently outstanding (payable serially from 1951 to 1976), all of which are held by Columbia, and the balance of the purchase price in cash.

Ohio Fuel proposes to sell to Natural Gas certain natural gas production property located in eastern Ohio. Such property is connected to the transmission system of Natural Gas and the gas obtained therefrom is used by Natural Gas. The price proposed to be paid for such property is to be the net original cost to Ohio Fuel as of November 1, 1949, plus expenditures for construction work in progress, and less retirements made subsequent to that date. The applicants estimate that the purchase price for these properties will approximate $159,492 subject to certain possible adjustments. Such purchase price will be paid for in cash by Natural Gas.

The application-declaration states that the proposed acquisition by Manufacturers of property from Natural Gas has been approved by the Public Utility Commission of Pennsylvania and the Public Service Commission of West Virginia, that the proposed sale of such property by Natural Gas to Manufacturers has been approved by both of such Commissions, and that the assumption by Manufacturers of the Natural Gas notes has been approved by the Public Utility Commission of Pennsylvania. The application-declaration also states that the sale by Ohio Fuel of its property in Ohio to Natural Gas, and the acquisition thereof by Natural Gas, has been approved by the Public Utilities Commission of Ohio. The application-declaration also states that certain of the transactions are the subject of an application now pending before the Federal Power Commission.

The application-declaration requests that the order of the Commission be issued as soon as possible in order to permit the consummation of the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-5097; Filed, May 2, 1951; 8:47 a. m.]

[File No. 70-2617]

F. M. CANTRELL ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of April A. D. 1951.

In the matter of F. M. Cantrell, Rhoton P. Clift, and Phil B. Whitaker; File No. 70-2617.

Notice is hereby given that an application has been filed by F. M. Cantrell, Rhoton P. Clift and Phil B. Whitaker, pursuant to section 9 (a) (2) of the Public Utility Holding Company Act of 1935, requesting the Commission to approve the acquisition of shares of common stock of Chattanooga Gas Company ("Chattanooga"), a gas utility Company, by applicants who presently own, control, or hold with power to vote 5 percent or more of the voting securities of another public utility holding company.

All interested persons are referred to said application, which is on file in the office of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

The application indicates that the applicants own or control with power to vote 5 percent or more of the voting securities of Tennessee Natural Gas Lines, Inc., a public utility holding company, which company has on file with the Commission an application for exemption as a holding company pursuant to section 5 (a) (1) of the act. Applicants, along with approximately 53 other individuals who for the most part reside in Chattanooga, Tennessee, propose to acquire 195,000 shares (30 percent) of the common stock of Chattanooga from Equitable Securities Corporation at a price of $3.30 per share. Of the 195,000 shares of common stock of Chattanooga, applicants propose to acquire an aggregate amount of 27,500 shares (which represents about 4.2 percent of the total outstanding common stock of Chattanooga) as follows: F. M. Cantrell, 7,500 shares; Rhoton P. Clift, 10,000 shares; and Phil B. Whitaker, 10,000 shares. The applicants state that such purchase is for investment only and that no brokerage fees or commissions will be paid, but that the expenses of Phil B. Whitaker and the Trustees' fee for delivering the stock will be paid by adding one cent per share to the purchase price of all the members of the group.

The application further indicates that, after the proposed acquisition is effected, the applicants, together with Thomas W. Goodloe, Chairman of the Board of Directors of the Chattanooga, will own in excess of 5 percent of the voting securities of Chattanooga and at least 5 percent of the voting securities of Tennessee Natural Gas Lines, Inc., of which Thomas W. Goodloe is Vice-President and a Director. In the event the Commission approves the proposed transaction, applicants state that they, together with Thomas W. Goodloe, will file an exemption statement on Form U-3A-2, pursuant to Rule U-2 under the act, for exemption as a holding company by reason of the stock interests held by such applicants and Thomas W. Goodloe in Tennessee Natural Gas Lines, Inc.

Notice is further given that any interested person may, not later than May 7, 1951, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Sec-

ond Street NW., Washington 25, D. C. At any time after May 7, 1951, said application as filed, or as amended, may be granted as provide in Rule U-23 of the rules and regulations promulgated under the Act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5098; Filed, May 2, 1951; 8:48 a. m.]

LAWRENCE R. LEEBY & CO.

ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of April A. D. 1951.

In the matter of Lawrence R. Leeby, doing business as Lawrence R. Leeby & Co., 305 Blount Building, Fort Lauderdale, Florida.

Proceedings having been instituted to determine whether it is in the public interest to revoke the registration as a broker and dealer of Lawrence R. Leeby, doing business as Lawrence R. Leeby & Co., a sole proprietorship, and to expel the said Leeby from National Association of Securities Dealers, Inc.; and

A hearing having been held, at which Leeby filed a notice to withdraw from registration; and the Commission having this day issued its findings and opinion; on the basis of said findings and opinion.

It is ordered, That the notice to withdraw from registration filed by Lawrence R. Leeby, doing business as Lawrence R. Leeby & Co., be and it hereby is not permitted to become effective; and

It is further ordered, That the registration as a broker and dealer of Lawrence R. Leeby, doing business as Lawrence R. Leeby & Co., be, and it hereby is, revoked, and that the said Lawrence R. Leeby be, and he hereby is, expelled from membership in National Association of Securities Dealers, Inc.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5099; Filed, May 2, 1951; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17649]

HUBERTUS PLAZEK ET AL.

In re: Stock owned by Hubertus Plazek, Horst Plazek and Rose Plazek. F-28-26163-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hubertus Plazek, Horst Plazek and Rose Plazek, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. These certain shares of stock evidenced by the certificates described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of the banking department of The Bowery Savings Bank, 110 East 42nd Street, New York 17, New York, together with all declared and unpaid dividends thereon,

b. Three hundred (300) shares of common stock of the Derby Oil Company, 420 West Douglas Avenue, Wichita, Kansas, a corporation organized under the laws of the State of Kansas, evidenced by two (2) certificates of the Derby Oil and Refining Corporation, numbered NY 2114 and NY 2112 for 100 shares each, registered in the name of Dorothea Wittkowski, presently in the custody of the banking department of The Bowery Savings Bank, 110 East 42nd Street, New York 17, New York, together with all declared and unpaid dividends thereon, and any and all rights to receive a new certificate for shares of the Derby Oil Company, and

c. Twenty-two and one-half (22½) shares of common stock of Republic Pictures Corporation, 1790 Broadway, New York, New York, a corporation organized under the laws of the State of New York, evidenced by a certificate for thirty (30) shares of Consolidated Film Industries, Inc., numbered CO 10524, registered in the name of Pearl & Co., and presently in the custody of the banking department of The Bowery Savings Bank, 110 East 42d Street, New York 17, New York, together with all declared and unpaid dividends thereon, and any and all rights to receive a new certificate for shares of the Republic Pictures Corporation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hubertus Plazek, Horst Plazek and Rose Plazek, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

Name of issuing corporation	Certificate No.	Number of shares	Type of stock	Registered owner
Baird Television, Ltd.	13640	50	Preferred ordinary	Ernest Shaw.
Do	12943	25	do	Edward Lucien Hardy.
Do	12941	25	do	Do.
Dome Mines, Ltd.	NY 057329	60	Common	Dorothea Wittkowski.
Commercial Solvents Corp.	AO 41260	35	Common	Do.
Ardsley Butte Corp.	1487	400	Capital	Do.
Alvarez Mining Co.	21212	100	do	Do.
Roxy Theatres Corp.	A 1107	10	Voting trust certificate	
Do	C 2004	10	Common	Do.
Northampton Brewery Corp.	P0294	25	Preferred	Do.
Do	P0307	25	do	Do.

[F. R. Doc. 51-5124; Filed, May 2, 1951; 8:52 a. m.]

[Vesting Order 17671]

CREDIT SUISSE

In re: Accounts maintained in the name of Credit Suisse, Basle, Switzerland, and owned by persons whose names are unknown. F-63-60 (Basle).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in the attached Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

[Accounts maintained in the name of Credit Suisse, Basle, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights and interests in the account as of Oct. 2, 1950, excluded from this vesting order [1]
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	(a) Credit Suisse, Basle, Switzerland clients a/c FS80000, as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its Serial No. 63; (b) general ruling No. 6 a/c blocked, Switzerland, as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its Serial No. 388.	All securities in clients a/c FS80000, except 175 shares of common stock of International Paper Co., which, according to license application No. NY 80004, bearing Serial No. 65188 of The Chase National Bank of the City of New York, are claimed by Kurt Wolfgang Blumenthal; $1,880.97 of the general ruling No. 6 a/c blocked, Switzerland, which, according to license application No. NY 80004, bearing Serial No. 65188 of The Chase National Bank of the City of New York, is claimed by Kurt Wolfgang Blumenthal.

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since Oct. 2, 1950 and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in Column III or excluded under (a) of this footnote.

[F. R. Doc. 51-5129; Filed, May 2, 1951; 8:52 a. m.]

[Vesting Order 17684]

MISUYE KAWAMOTO AND HARRY HIRAMA

In re: Funds owned by Misuye Kawamoto and Harry Hirama. F-39-6897; D-39-17845.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9198, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Misuye Kawamoto, whose last known address is 1375 Hakuzan-Cho, Isumi-Machi, Kumamoto-shi, Japan, and Harry Hirama, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: All funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", representing the proceeds of withheld checks drawn by the United States Treasury Department for Misuye Kawamoto (Guardian of Takayuki Kawamoto entitled as heir of Goichi Kawamoto, deceased) in the amount of $345.66 as of January 1, 1947 and for Harry Hirama in the amount of $132.12 as of January 1, 1947, and any and all rights to demand, enforce and collect the aforesaid funds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-5135; Filed, May 2, 1951; 8:53 a. m.]

[Vesting Order 17675]

SOCIETE ANONYME DE GERANCES ET DE DEPOTS

In re: Accounts maintained in the name of Societe Anonyme de Gerances et de Depots, Geneva, Switzerland, and owned by persons whose names are unknown. F-63-8484.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and

all declared and unpaid dividends on any shares of stock, in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in the attached Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by, persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Societe Anonyme de Gerances et de Depots, Geneva, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights and interests in the account as of Oct. 2, 1950, excluded from this vesting order [1]
1. J. P. Morgan & Co., Inc., 23 Wall St., New York, N. Y.	Societe Anonyme de Gerances et de Depots, subaccount No. 391, general ruling No. 6 account (C-2011) as described by J. P. Morgan & Co., Inc., in its report on Form OAP-700 bearing its Serial No. 36.	$1,989.33 which, according to license application No. NY 86758, filed by J. P. Morgan & Co., Inc., on behalf of Societe Anonyme de Gerances et de Depots and bearing its Serial Number 8730, is owned by persons residing in Hungary.
2. The National City Bank of New York, 55 Wall St., New York, N. Y.	Miscellaneous portfolios of stocks and bonds (payable both in dollars and foreign currencies), as described by The National City Bank of New York in its report on Form OAP-700 bearing its Serial No. B 24.	$2,000 Lautaro Nitrate Co., Ltd., 4 percent 1975 and 50 shares Vertientes Camaguey Sugar Co. of Cuba common stock which, according to license application No. NY 86768, filed by The National City Bank of New York on behalf of Societe Anonyme de Gerances et de Depots is owned by persons residing in Hungary.

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights, and interests, since Oct. 2, 1950, and (b) any and all rights in, to, and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip, and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in Column III or excluded under (a) of this footnote.

[F. R. Doc. 51-5131; Filed, May 2, 1951; 8:52 a. m.]

[Vesting Order 17655]

UNION BANK OF SWITZERLAND

In re: Accounts maintained in the name of Union Bank of Switzerland, Basle, Switzerland, and owned by persons whose names are unknown. F-63-139-(Basle).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Union Bank of Switzerland, Basle, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
1. Brown Bros. Harriman & Co., 59 Wall St., New York 5, N. Y.	Union Bank of Switzerland, Basle, blocked account, as described by Brown Bros. Harriman & Co. in its report on Form OAP-700, bearing its Serial No. 55.
2. The National City Bank of New York, 55 Wall St., New York 15, N. Y.	Miscellaneous portfolios of stocks and bonds, as described by The National City Bank of New York in its report on Form OAP-700, bearing its Serial No. B38.
3. Guaranty Trust Co. of New York, 140 Broadway, New York 15, N. Y.	Miscellaneous portfolio of stocks and bonds, as described by the Guaranty Trust Co. of New York in its report on Form OAP-700, bearing its Serial No. CU 6[illegible], as amended.

[F. R. Doc. 51-5128; Filed, May 2, 1951; 8:52 a. m.]

[Vesting Order 17674]

SOCIETE ANONYME DE GERANCES ET DE DEPOTS

In re: Accounts maintained in the name of Societe Anonyme de Gerances et de Depots, Geneva, Switzerland, and owned by persons whose names are unknown. F-63-8484.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Societe Anonyme de Gerances et de Depots, Geneva, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
1. J. P. Morgan & Co., Inc., 23 Wall St., New York, N. Y.	(a) Societe Anonyme de Gerances et de Depots General ruling No. 6 account (C-2743) and (b) Societe Anonyme de Gerances et de Depots (90138); as described by J. P. Morgan & Co., Inc., in its report on Form OAP-700 bearing its Serial No. 35.
2. The National City Bank of New York, 55 Wall St., New York, N. Y.	(a) Deposits, proceeds of coupons and the various coupons as described by The National City Bank of New York in its report on Form OAP-700 bearing its Serial No. 9990.

[F. R. Doc. 51-5130; Filed, May 2, 1951; 8:52 a. m.]

[Vesting Order 17677]

MERCHANTS & MANUFACTURERS INSURANCE CO. LTD.

In re: Accounts maintained in the name of Merchants & Manufacturers Insurance Co. Ltd., London, England, and owned by persons whose names are unknown. F-49-1336 (Amsterdam).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Merchants & Manufacturers Insurance Co., Ltd., London, England]

Column I Name and address of institution which maintains account	Column II Designation of account
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	(a) Merchants & Manufacturers Insurance Co., Ltd. (US-87665), custody funds, and (b) Merchants & Manufacturers Insurance Co., Ltd., (US-8766), miscellaneous portfolio of securities, as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its Serial No. 250.

[F. R. Doc. 51-5133; Filed, May 2, 1951; 8:53 a. m.]

[Vesting Order 17676]

BANQUE COMMERCIALE DE BALE

In re: Accounts maintained in the name of Banque Commerciale de Bale, Basle, Switzerland, and owned by persons whose names are unknown. F-63-2258.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts, excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Banque Commerciale, de Bale, Basle, Switzerland]

Column I	Column II
Name and address of institution which maintains account	Designation of account
1. Brown Bros. Harriman & Co., 59 Wall St., New York 5, N. Y.	(a) Banque Commerciale de Bale, Basle, ordinary account, blocked account, and (b) Banque Commerciale de Bale, Basle, general ruling No. 6 account; as described by Brown Bros. Harriman & Co., in its report on Form OAP-700, bearing its Serial No. 12; (c) Banque Commerciale de Bale, Basle, ordinary account, blocked account, and (d) Banque Commerciale de Bale, Basle, general ruling No. 6 account; as described by Brown Bros. Harriman & Co., in its report on Form OAP-700, bearing its Serial No. 13.
2. The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	(a) Miscellaneous portfolio of securities, a/c (FS 8500), Banque Commerciale de Bale, Basle, Switzerland (containing bonds payable in dollars and foreign currencies), as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its Serial No. 17; (b) bank deposit, Banque Commerciale de Bale, Basle, Switzerland, old account, and (c) bank deposit, Banque Commerciale de Bale, Basle, Switzerland, general ruling No. 6 a/c as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its Serial No. 29.

[F. R. Doc. 51-5132; Filed, May 2, 1951; 8:52 a. m.]

[Vesting Order 16715, Amdt.]

HILAR VOITH ET AL.

In re: Real property and bank account owned by Hilar Voith and others. F-28-4602.

Vesting Order 16715, dated December 26, 1950, is hereby amended as follows and not otherwise:

By deleting Exhibit A, attached thereto and by reference made a part thereof and substituting therefor Exhibit A, attached hereto and by reference made a part hereof.

All other provisions of said Vesting Order 16715 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON.
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that plot of land lying and being in the Township of Empire, County of Leelanau, State of Michigan, described as follows:

A part of Government Lots 1, 2, and 3 of Section 3 Township 28 North, Range 14 West of the Michigan Meridian more fully described as follows: Beginning at the south west corner of Government Lot 2 of said Section 3; thence north along the west line of said Government Lot (2) 1333.65 feet to the south east corner of Government Lot 3 of said Section 3; thence west along the south line of said Government Lot (3) 353.5 feet; thence north 28 degrees 41 minutes east (new bearing north 26 degrees 45 minutes east) 797.10 feet to the shore of Glen Lake; thence south 45 degrees 45 minutes east along said shore 105.8 feet; thence south 49 degrees 27 minutes east along said shore 89.9 feet; thence south 67 degrees 45 minutes east along said shore 109.0 feet; thence south 48 degrees 06 minutes east along said shore 87.6 feet; thence south 62 degrees 51 minutes east along said shore 144.0 feet; thence south 42 degrees 01 minutes east along said shore 140.9 feet; thence south 58 degrees 20 minutes east along said shore 7.3 feet; thence south 48 degrees 45 minutes west 173.8 feet to the north line of a public road; thence south 48 degrees 51 minutes east along the north line of said public road 762.00 feet to a point of curve; thence to the right along the north and east line of said public road and being along a curve convex northeasterly and having a radius of 233.0 feet a distance of 351.50 feet; thence north 46 degrees 05 minutes east 410.8 feet to the shore of Glen Lake; thence south 42 degrees 58 minutes east along said shore 113.20 feet; thence south east following said shore the chord line of which bears south 51 degrees 44 minutes east 1515.7 feet to the south line of said Section 3; thence west along the said south line 2611.0 feet to the point of beginning. Containing 60.26 acres more or less.

[F. R. Doc. 51-5136; Filed, May 2, 1951; 8:53 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 87

Washington, Friday, May 4, 1951

TITLE 3—THE PRESIDENT

PROCLAMATION 2926

NATIONAL FARM SAFETY WEEK, 1951

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS preventable accidents continue to kill thousands and injure hundreds of thousands of farm residents each year; and

WHEREAS such accidents deprive the Nation of needed manpower and destroy property vital to our defense; and

WHEREAS a careless or imprudent act is a factor in almost every accident on the farm; and

WHEREAS experience has established the fact that observance of safe practices in working and living can greatly reduce these losses:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby call upon the Nation to observe the week commencing July 22, 1951, as National Farm Safety Week, and I urgently request each member of every farm family to adopt safe practices in every activity; to drive safely, work safely, and live safely. I also request all organizations and persons interested in farm life to join in a continuing program to encourage the idea that farming the safe way is farming the right way.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 2d day of May in the year of our Lord nineteen hundred and fifty-one, and of the Independence of the United States of America the one hundred and seventy-fifth.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 51-5286; Filed, May 3, 1951; 12:28 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 15]

PART 61—SCHEDULED AIR CARRIER RULES

RADIO GROUND CHECK

The following interpretations are hereby adopted. The section of the regulations being implemented is repeated here in small type to assist the public in understanding how the Administrator's interpretations apply to it.

§ 61.231 *Radio ground check.* Before departure from the originating terminal on any scheduled air carrier operation, at least one check shall be made by the pilot of the radio system to be used in flight.

§ 61.231-1 *Radio ground check (CAA interpretation which applies to § 61.231).* The radio system is interpreted to include all radio devices, the use of which is contemplated in flight. The predeparture check should consist of an operational test and an inspection of the aircraft logbook. The operational test should be made by the pilot of all radio devices which can be tested satisfactorily without recourse to ground test apparatus or to the services of a ground technician. Radio equipment contemplated for use in flight which cannot be adequately checked by pilot conducted operational tests should have been tested for operational adequacy within the twenty-four hours immediately preceding the departure of an originating flight. Information concerning such tests should have been entered previously in the aircraft logbook by the technician conducting the tests. The pilot should inspect the logbook to verify that such tests have been conducted within the specified time and that subsequent entries do not indicate any increased malfunctioning of such equipment. Radio devices which fall within the category which cannot be given a satisfactory operational predeparture check by the pilot are considered to be marker beacon receivers, instrument landing

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FEDERAL REGISTER

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1949 Edition

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system receiving equipment, and related devices.

This interpretation shall become effective May 4, 1951.

(Sec. 205, 52 Stat. 984, as amended; 49 U S C 425. Interpret or apply secs. 601, 604, 52 Stat 1007, 1010; 49 U. S. C. 551, 554)

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-5168; Filed, May 3, 1951; 8:47 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 50]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Doc. 51-4897, appearing at page 3693 of the issue for Tuesday, May 1, 1951, the section referred to in Item 19 should read "§ 601.670" in both instances.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 29]

CPR 29—PURE NICKEL SCRAP, MONEL METAL SCRAP, STAINLESS STEEL SCRAP, AND OTHER SCRAP MATERIALS CONTAINING NICKEL

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), and Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This ceiling price regulation establishes specific ceiling prices for pure nickel scrap, Monel metal scrap, stainless steel scrap, and other scrap materials containing nickel. Such scrap is used principally in the production of stainless steel and other iron and steel alloys and to some extent in the production of copper alloys. It thus finds its way into the manufacture of many products designed for civilian use, as well as into products essential to the national defense program.

Pure nickel scrap customarily sells for a price below the price of primary nickel, the discount depending on the level of demand for nickel in all forms. In periods of nickel shortage the differential is small, widening when demand declines. The price differentials between pure nickel scrap and other forms of nickel and nickel alloy scrap also customarily take into account both the value of the nickel contained and that of the other elements contained in the scrap, such as copper and cobalt, where these elements are significant.

The levels of nickel and nickel alloy scrap prices in the early part of 1950 did not reflect fully the value of the contained metals, after allowance for processing losses, because the demand for nickel had been depressed in 1949 and early 1950. The Korean incident had the effect of greatly increasing the demand for nickel and other products for use in the defense program, creating a world-wide nickel shortage. In consequence prices for nickel and nickel alloy scrap quickly rose to levels more closely approximating the net value of the metals contained in the scrap. When restrictions on the use of primary nickel were imposed by the National Production Authority on December 1, 1950, the demand for nickel scrap, which was not similarly controlled, began to reflect this abnormal situation. Nickel scrap prices in December 1950 and January 1951 reached levels equal to $2.00 per pound or more as compared with a primary nickel price of $0.505 per pound.

This abnormal price relationship, now reflected in ceiling prices under the General Ceiling Price Regulation, is causing serious distortion in the normal flow of nickel scrap and this, together with the high prices which may be charged by some sellers of such material, is causing hardship to industrial consumers. These circumstances, and the accompanying uncertainty and confusion among both buyers and sellers, constitute a serious threat to the continued output of needed civilian items and materials and equipment essential to our defense program.

The dollars-and-cents ceiling prices set forth in this regulation are designed to correct this situation by rolling back the ceiling prices for nickel and nickel alloy scrap to a level which reflects a price differential between primary nickel and scrap typical of a period of high demand, but which avoids recognition of abnormalities resulting from an unusually large increase in demand and restrictions on use of primary nickel. The new ceiling price for pure nickel scrap is $0.405 per pound f. o. b. shipping point; ceiling prices for other grades and types have been set at levels which, after consultation with various interests in the industry, appear to reflect customary differentials as between types and grades appropriate to a period of high demand for nickel. Provision is also made for customary quantity and preparation premiums.

It is believed that the new ceiling prices will permit consumers to purchase nickel scrap materials at a cost consistent with ceiling prices applicable to their finished products and will in large measure redirect the flow of nickel and nickel alloy scrap to normal channels from which they have been diverted by price abnormalities.

It is recognized that the level of ceiling prices for nickel scrap material established by this regulation has been determined by reference to prices for primary nickel which are well above the prices prevailing during the period from May 24, 1950 to June 24, 1950. In the event that action is hereafter taken to change ceiling prices for primary nickel, the ceiling prices established by this regulation will be reconsidered to determine whether a change is necessary and appropriate in the light of the purposes and standards set forth in the Defense Production Act of 1950.

In order to avoid undue hardships, particularly in the case of dealers who have imported scrap, the regulation permits, for 30 days, deliveries at prices in excess of ceiling prices in order to carry out contracts entered into before the issuance of the regulation. Such deliveries may be made, however, only if the material so delivered was acquired by the seller at prices in excess of the ceiling and if before the issuance date it was received by, or was in transit to, the seller.

In the judgment of the Director of Price Stabilization, the provisions of Ceiling Price Regulation 29 are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

In formulating Ceiling Price Regulation 29, the Director consulted with industry representatives, including trade association representatives, to the extent practicable under existing circumstances, and has given full consideration to their recommendations.

The provisions of Ceiling Price Regulation 29 and their effect upon business practices, cost practices, or means or aids to distribution in the industry have been considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of the regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and to effectuate the policies of the act.

REGULATORY PROVISIONS

Sec.
1. Coverage of the regulation.
2. Applicability, prohibitions, and permission to carry out certain contracts.
3. Ceiling prices, f. o. b. point of shipment.
4. Ceiling delivered prices.
5. Definitions.
6. Excise, sales, and similar taxes.
7. Record-keeping requirements.
8. Adjustable pricing.
9. Enforcement.
10. Amendment.

AUTHORITY: Sections 1 to 10 issued under sec. 704, Public Law 774, 81st Cong. Interpret or apply Title IV, Public Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp.

SECTION 1. *Coverage of the regulation.* (a) This regulation establishes ceiling prices for pure nickel scrap, Monel metal scrap, stainless steel scrap, and other scrap materials containing nickel except those set forth in paragraph (b) of this section. It applies to sales and deliveries by any person, including importers and exporters.

(b) This regulation does not apply to: (1) Brass mill nickel scrap which, for the purposes of this regulation, includes new cupro-nickel scrap containing a maximum of 31 percent nickel and new nickel-silver scrap which are the waste or by-product of any fabrication of new sheet, tube, rod, or other brass mill product; it also includes any unused sheet, tube, rod, or other brass mill product sold for remelting regardless of whether such products are in the form originally sold by a brass mill or have been further fabricated, processed, altered or assembled. Brass mill nickel scrap, however, does not include any of the material described in this subparagraph which is unsuitable for brass mill use and such unsuitable material is covered by this regulation;

(2) Nickel steel scrap, ceiling prices for which are set forth in Ceiling Price Regulation No. 5—Iron and Steel Scrap.

SEC. 2. *Applicability, prohibitions and permission to carry out certain contracts*—(a) *Applicability.* This regulation applies to the 48 States of the United States, its Territories and Possessions, and the District of Columbia.

(b) *Prohibitions*—(1) *Against transactions above ceiling prices.* Regardless of any contract or other obligation (except as provided in paragraph (c) of this section) on and after the effective date

of this regulation no person shall sell or deliver any of the scrap covered by this regulation at a price in excess of the applicable ceiling price, and no person shall buy or receive, in the regular course of trade or business, any of such scrap at a price in excess of the applicable ceiling price. No person shall offer, solicit, attempt, or agree to do any of the foregoing.

Lower prices than those set forth in the regulation may be charged, demanded, paid, or offered.

(2) *Against evasion.* No person shall evade or circumvent the provisions of this regulation by direct or indirect methods in connection with the sale, purchase, delivery, or transfer of the scrap covered, alone or in conjunction with any other commodity, or by way of any commission, service, or transportation charge or discount, premium, or other privilege, or by up-grading, tie in agreement, trade understanding, or otherwise.

(c) *Permission to carry out certain contracts.* Regardless of any other provisions of this regulation, until June 7, 1951, any person may deliver scrap covered by this regulation at a price in excess of the ceiling price established herein in order to carry out any contract entered into before May 3, 1951, if the material so delivered was purchased at a price in excess of the ceiling price established herein and if before May 3, 1951, it was received by, or was in transit to, the person making delivery.

SEC. 3. *Ceiling prices, f. o. b. point of shipment*—(a) *Pure nickel scrap, ferro-nickel-chrome-iron scrap, Monel metal scrap, and cupro-nickel alloy scrap.* (1) The ceiling price, f. o. b. point of shipment, for each kind or grade of scrap material described in column 1 of Table A of this section, unprepared and unsuitable for industrial consumption, is the applicable price set forth in column 2 in Table A. Columns 1 and 2 also set forth premiums which may be charged for certain quantity shipments.

(2) The ceiling price, f. o. b. point of shipment, for converted scrap of each kind or grade described in column 1 in Table A is the applicable ceiling price set forth in column 2, plus the applicable converter's premium set forth in column 3. A converter's premium may be charged only by a person who is not the maker of the scrap and who does all of the following:

(i) Sells the scrap for which he proposes to charge a premium directly to the consumer thereof;

(ii) Determines, by chemical test or assay, the metal constituents of the scrap;

(iii) On the basis of such test or assay sorts, grades, treats, packages, or briquettes by power press, and otherwise prepares, the scrap so that it is suitable for direct industrial consumption; and

(iv) Guarantees the delivery of scrap in an agreed amount and analysis.

TABLE A

Column 1 Kind or grade of scrap material	Column 2 Price f. o. b. point of shipment	Column 3 Converter's premium
Pure nickel scrap: Containing 95% or more nickel and not more than 1.5% copper	40½¢ per pound of material	4¢ per pound of material.
Containing from 90% up to 95% nickel	40½¢ per pound of nickel contained; no payment for any other metals contained. 1½¢ per pound of material	4¢ per pound of material.
Premiums on shipments of 2,000 pounds or more of pure nickel scrap at one time.		
Ferro-nickel-chrome-iron scrap containing from 20% up to 60% nickel	40½¢ per pound of nickel contained; 12¢ per pound of chrome contained; no payment for any other metals contained. 1½¢ per pound of material	2½¢ per pound of material.
Premium on shipments of 10,000 pounds or more of ferro-nickel-chrome-iron scrap.		
Ferro-nickel-iron scrap containing from 14% up to 60% nickel and no chrome	40½¢ per pound of nickel contained; no payment for any other metals contained. 1½¢ per pound of material	2½¢ per pound of material.
Premium on shipments of 10,000 pounds or more of ferro-nickel-iron scrap at one time.		
Edison Batteries A & B free of wood cases and lugs, containing a minimum of 18% nickel	5¢ per pound of material	2½¢ per pound of material.
Premium on shipments of 20,000 pounds or more of Edison Batteries A & B at one time.	1¢ per pound of material	
Monel metal scrap, standard grades: New Monel metal clippings and rods	33¢ per pound of material	4¢ per pound of material.
Old and sel fed Monel metal sheet	28¢ per pound of material	4¢ per pound of material.
No. 1 grade, Monel castings and turnings, containing a minimum of 62% nickel, 30% copper, and not more than 3% free iron, clean and dry.	26¢ per pound of material	4¢ per pound of material.
K and S grades of new Monel metal scrap:		
Clippings and rods	21¢ per pound of material	4¢ per pound of material.
Turnings	24¢ per pound of material	4¢ per pound of material.
Premium on shipments of 20,000 pounds or more of Monel metal scrap, standard and K and S grades, at one time.	3¢ per pound of material	
Cupro-nickel alloy scrap, containing 60% or more of combined nickel and copper.	33¢ per pound of nickel contained; 15¢ per pound of copper contained; no payment for any other metals contained.	4¢ per pound of material.
Miscellaneous nickel copper or nickel copper iron scrap containing not less than 10% nickel:		
40% to 49.99% nickel	32¢ per pound of nickel contained; no payment for any other metals contained.	4¢ per pound of material.
50% to 59.99% nickel	36¢ per pound of nickel contained; no payment for any other metals contained.	4¢ per pound of material.
60% and over nickel	40¢ per pound of nickel contained; no payment for any other metals contained.	4¢ per pound of material.
Premium on shipments of 20,000 pounds or more at one time of miscellaneous nickel copper or nickel copper iron scrap containing not less than 10% nickel.	1½¢ per pound of material	
All grades of miscellaneous nickel copper or nickel copper iron scrap containing less than 40% nickel.	32¢ per pound of nickel contained; no payment for any other metals contained.	None.

(b) *Stainless steel scrap.* (1) The ceiling price, f. o. b. point of shipment, for each kind or grade of stainless steel scrap described in column 1 of Table B of this section is the applicable price set forth in column 2 or 3.

The prices set forth in Table B for chrome nickel grades apply to carload shipments whether made up of chrome nickel grades alone or of such grades and straight chrome grades. For less than carload shipments, a deduction of not less than $10.00 per gross ton shall be made from the prices for chrome nickel grades. The prices in Table B for straight chrome grades apply regardless of the quantity shipped.

In addition to the prices set forth in Table B, under certain circumstances a seller may charge the preparation premium set forth in subparagraph (2) of this paragraph, and a consumer may pay, and any person may receive, the brokerage commission set forth in subparagraph (3) of this paragraph.

TABLE B

Column 1 Kind or grade of scrap material	Column 2 Sheets, clippings and solids	Column 3 Turnings and borings
Chrome nickel:		
Containing 16%–20% chrome and 7%–10% nickel	$130 per gross ton	$110 per gross ton.
All other grades or types of chrome nickel stainless steel scrap containing over 20% chrome and 10% nickel.	40¢ per pound of nickel contained; 12¢ per pound of chrome contained; no payment for any other metals contained.	$21 per gross ton less than the applicable price for sheets, clippings and solids.
Straight chrome:		
Containing 11%–14% chrome	$62.50 per gross ton	$52.50 per gross ton.
Containing 14%–18% chrome	$72.50 per gross ton	$62.50 per gross ton.
Containing over 18% chrome	$72.50 per gross ton plus 12¢ per pound for each pound of chrome in excess of 20%	$60.00 per gross ton less than the applicable maximum price for sheets, clippings and solids.

(2) *Preparation premium.* In addition to the ceiling prices set forth in subparagraph (1) of this paragraph, a premium not exceeding $12.00 per gross ton may be charged for stainless steel scrap which has been prepared in the form of power compressed bundles, bales or briquettes or cut to charging box size and which is suitable without further preparation for direct charging into an electric furnace.

(3) *Brokerage commissions.* In addition to the applicable ceiling prices set forth in subparagraph (1) of this paragraph, a consumer who employs an agent or broker to purchase stainless steel scrap for the consumer's use may pay the agent or broker, and such person may receive, a commission not exceeding the following:

(i) *For chrome nickel grades.* Five percent of the applicable ceiling price set forth in subparagraph (1) of this paragraph. This percentage shall not be applied to any brokerage commission.

(ii) *For straight chrome grades.* $5.00 per gross ton.

Such commission may be paid and received only if: The agent or broker guarantees the grade and delivery of a specific tonnage of scrap; the commission is shown as a separate item in invoicing and billing;

The agent or broker does not split or divide the commission with the seller, or sellers, of the scrap or the consumer and does not split or divide the commission with a sub-agent or sub-broker to an extent greater than 50 percent; and

The agent or broker does not hold a substantial financial interest in the seller, either directly or indirectly, and the seller does not hold such interest, either directly or indirectly, in the agent or broker.

SEC. 4. *Ceiling delivered prices.* When any of the scrap covered by this regulation is sold on a delivered basis, the ceiling price is the applicable ceiling price, f. o. b. point of shipment, determined in accordance with section 3 of this regulation, plus whichever of the following charges is applicable:

(a) When delivery is made to the buyer's receiving point by way of a public (common or contract) carrier, an amount not in excess of the actual charge (including transportation taxes) made by such carrier;

(b) When delivery is made to the buyer's receiving point by a vehicle owned or controlled by the seller, or by private carrier not owned or controlled by the buyer, an amount, not in excess of the published and applicable motor common carrier charge (not including transportation taxes) for transporting the material being priced from the point of shipment to the buyer's receiving point.

SEC. 5. *Definitions.* When used in this regulation the term:

(a) "Carload" means the minimum quantity required to obtain the carload freight rate from the point of shipment to destination. In the case of stainless steel scrap a carload may be made up of both chrome nickel and straight chrome grades. If delivery is made by truck the minimum carload quantity shall be considered to be made if such quantity is delivered to the buyer within two calendar days exclusive of Saturdays, Sundays, and legal holidays.

(b) "Consumer" includes any person whose business consists in whole or in part of smelting, refining, melting, or otherwise processing any of the scrap materials covered by this regulation into a form other than scrap or of having such scrap so processed for his account by another person under a toll or conversion agreement.

(c) "Exporter" means a person who sells scrap covered by this regulation which is transported from a point in the United States, its Territories, or Possessions to a point outside thereof.

(d) "Importer" means a person who first sells scrap covered by this regulation which is transported from a point outside of the United States, its Territories, or Possessions to a point inside thereof.

(e) "Maker" means any manufacturer, fabricator, or other person who, as an incident to, or in the course of, a manufacturing process, fabrication, or other industrial operation, produces any of the scrap materials covered by this regulation and any person who, as an incident to, or in the course of, his business demolishes or dismantles structures, machinery, vehicles or equipment, and thereby obtains scrap covered by this regulation.

(f) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or one of its political subdivisions, or any agency of any of the foregoing.

(g) "Point of shipment" means the actual point at which the material is loaded for shipment to the buyer. In the case of scrap sold by an importer and delivered into the Continental United States, its Territories, or Possessions by water, the point of shipment shall be deemed to be the place within the limits of the Continental United States, its Territories and Possessions where the material is loaded on a conveyance for transportation directly to the buyer, and in the case of scrap sold by an importer and transported directly to the buyer overland from Mexico or Canada, it shall be deemed to be the freight station in the United States at or nearest to the point on the boundary between the United States and Mexico or Canada, as the case may be, at which the shipment first enters the United States.

(h) "Scrap" and "scrap materials" include all materials which are the waste or by-product of any kind of metal working, as well as materials which have been discarded on account of obsolescence, failure, or any other reason. It does not include articles which are useful in their existing state when sold and purchased for re-use in such state.

SEC. 6. *Excise, sales and similar taxes.* Any person may collect, in addition to the ceiling price established by this regulation, any excise, sales, or similar tax imposed upon him by reason of his sales of scrap covered by this regulation if he is not prohibited by law from making such collection and if he states separately from his selling price the amount of the tax collected.

SEC. 7. *Record-keeping requirements.* Every person selling or purchasing any scrap covered by this regulation shall keep for inspection by the Director of Price Stabilization, for a period of two years, complete and accurate records of: (a) Every purchase and sale of such scrap, showing the name and address of the person by or to whom each such sale was made; the date thereof; the price paid or received; the taxes, if any, collected or paid; the preparation premium or brokerage commission, if any, paid or received; the quantity, in pounds or tons, of each kind or grade sold or purchased; and the point of shipment and disposition of freight charges; and (b) the quantity, in pounds or tons, of such scrap materials on hand and on order as of the close of each month.

SEC. 8. *Adjustable pricing.* Any person may agree to sell, or buy, scrap covered by this regulation at a price which can be increased up to the ceiling price in effect at the time of delivery, but no person may, unless authorized by the Office of Price Stabilization, deliver or agree to deliver, or receive or agree to receive, such scrap at a price to be adjusted upward in accordance with action taken by the Office of Price Stabilization after delivery. Such authorization may

be given only if a request for a change in the applicable ceiling price is pending and it will not interfere with the purposes of Title IV of the Defense Production Act of 1950. The authorization will be given by order and may be given by the Director or any official authorized to act upon the pending request for a change in ceiling price.

SEC. 9. *Enforcement.* Persons violating any of the provisions of this regulation shall be subject to the criminal penalties, civil enforcement actions, and suits for damages provided for by the Defense Production Act of 1950.

SEC. 10. *Amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1.

Effective date. This regulation shall become effective May 8, 1951.

NOTE: All record-keeping and reporting provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 3, 1951.

[F. R. Doc. 51-5283; Filed, May 3, 1951; 10:45 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 24]

GCPR, SR 24—PUERTO RICAN AND VIRGIN ISLAND BLACKSTRAP MOLASSES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Supplementary Regulation 24 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

The commodity designated as blackstrap molasses is the liquid residue of the manufacture of sugar from sugarcane. This commodity contains varying quantities of sucrose, glucose, fructose, various reducing sugars, minerals, water and other materials. The molasses of Puerto Rico and the Virgin Islands is customarily sold on a basis of percentage content of 52 percent total sugars. The combined Puerto Rican and Virgin Island 1950–1951 production of blackstrap molasses is a quantity in excess of 60,000,000 gallons.

The chief commercial uses of this commodity are as a raw material used in the production of industrial alcohol and as an ingredient in mixed livestock feeds.

The outbreak of hostilities in Korea precipitated a rapid and sustained advance in the market price of blackstrap molasses. This advance was further reinforced recently by reason of the historical season of short supply during the months of December and January.

The season of production of blackstrap molasses in Puerto Rico and the Virgin Islands runs approximately from the latter part of the month of January through the month of July. Customarily this molasses is sold under contracts entered into during the late fall and winter months of the preceding year. The current crop of Puerto Rican and Virgin Island molasses was sold in this manner so that a very substantial portion of the crop is subject to contracts entered into between September 1950 and January 26, 1951. Further, because of this seasonal production factor Puerto Rican and Virgin Island processors, almost without exception, neither delivered nor offered for delivery any molasses during the base period so as to establish a ceiling price for this commodity under the General Ceiling Price Regulation. Deliveries were made in a few isolated instances at widely divergent prices. The quantities involved were of very small volume and the deliveries were, for the most part, made to local purchasers for local consumption. To establish ceiling prices for all processors under General Ceiling Price Regulation, Section 6, by using the sales figures of these few deliveries would produce an inequitable result. Because of the foregoing facts this regulation departs from the general policy of the Office of Price Stabilization in that it permits written contracts for the sale of blackstrap molasses entered into prior to January 26, 1951, to be carried out according to their terms.

The ceiling price for the sale of Puerto Rican and Virgin Island blackstrap molasses is established at 22 cents per gallon f. o. b. steamer at Puerto Rico port of shipment. This figure approximates the weighted average of the contract prices used in the contracts mentioned above. This price also is comparable to the price at which most molasses from Cuba is being shipped to this country for sale for feed purposes.

It appears that the ceiling prices of many distributors on the mainland are out of line with the price established by this regulation. However, data available to the Director is not adequate at this time to establish dollar and cents ceiling prices for blackstrap molasses at all levels of distribution. Cost data must be assembled and consultations will be held with representatives of the industry at an early date with the view of establishing ceiling prices to conform generally to the ceiling price established herein.

The Director has concluded that the action taken by this regulation is the most practical course at his disposal at the present time for clarifying the existing confusion with respect to ceiling prices in these areas of production so that the flow of molasses from such areas will not be seriously disrupted. This action will not result in any increase in the prices to consumers and is the first step in establishing a uniform and more reasonable price for blackstrap molasses.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the provisions of Supplementary Regulation 24 to General Ceiling Price Regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Applicability and exemptions.
3. Ceiling prices for sellers of Puerto Rican and Virgin Island blackstrap molasses.
4. Records.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under Section 704, Pub. Law 774, 81st Cong. Interpret or apply title IV, Public Law 774, 81st Cong., E. O. 10161, September 9, 1950, 15 F. R. 6105.

SECTION 1. *What this regulation does.* The purpose of this regulation is to establish ceiling prices for sales by Puerto Rican and Virgin Island processors of blackstrap molasses produced in Puerto Rico and the Virgin Islands. The regulation allows written contracts for the sale of such molasses legally entered into by these processors prior to January 26, 1951, to be carried out at the contract price.

SEC. 2. *Applicability and exemptions—*(a) *Applicability.* The provisions of this regulation apply to sales by Puerto Rican and Virgin Island processors of blackstrap molasses produced in Puerto Rico and the Virgin Islands.

(b) *Exemptions.* If, prior to January 26, 1951, you legally entered into a written contract for the sale of blackstrap molasses for which ceiling prices are provided by this regulation, you may carry out the contract according to its terms.

SEC. 3. *Ceiling prices for sales by Puerto Rican and Virgin Island processors of blackstrap molasses produced in Puerto Rico and the Virgin Islands.* Your ceiling price for the sale of blackstrap molasses shall be as follows:

(a) *Blackstrap molasses in bulk.* F. O. B. steamer at Puerto Rican ports of shipment, 52 per cent sugar content: Twenty-two cents per gallon.

(1) *Differential for delivery at processor's mill.* If you sell the molasses described in this regulation for delivery at your mill, your ceiling price will be the price set forth in (a) of this section less the cost of delivering the molasses free on board a steamer at the nearest Puerto Rican port suitable for the marine export shipment of blackstrap molasses.

(2) *Differential for delivery in containers.* If you sell the molasses in drums you may add two cents per gallon to the price otherwise authorized under this regulation.

(3) *Differential for variations in percentage content of total sugars.* The customary differential for variations in percentage content of total sugars above or below 52 per cent shall continue to apply.

SEC. 4. *Records.* If you are a seller of Puerto Rican or Virgin Island blackstrap molasses for which ceiling prices are established by this regulation or a seller to whom the exemption provisions of section 2 (b) of this regulation apply, then you must preserve and keep available for examination by the Director of Price Stabilization, while the Defense Production Act of 1950 remains in force and for a period of two years thereafter, accurate records of each sale. These records must include:

(a) The date of the sale.
(b) The name of the purchaser.
(c) The price received.
(d) The quantity sold.

SEC. 5. *Definitions.* (a) Terms used in this regulation shall, unless defined herein, or unless the context requires a different meaning, have the same meaning as when used in the General Ceiling Price Regulation.

(b) The term "blackstrap molasses" as used in this regulation means the final by-product liquid incident to the manufacture of sugar after the extraction of all commercially available sucrose.

Effective date: This supplementary regulation shall become effective May 8, 1951.

NOTE: The record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 3, 1951.

[F. R. Doc. 51-5852; Filed, May 3, 1951; 10:45 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter I—Irrigation Projects; Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA, CHARGES

APRIL 30, 1951.

On March 29, 1951, there was published in the daily issue of the FEDERAL REGISTER notice of intention to modify §§ 130.24, 130.26 and 130.28 prescribing annual operation and maintenance assessments applicable to lands within the jurisdiction of three irrigation districts on the Flathead Indian Irrigation Project, Montana. Interested persons were thereby given opportunity to participate in preparing the proposed amendments by submitting their views and data, in writing, within 30 days from the date of publication of the notice. No written comments, data or arguments having been received within the prescribed period, the said sections are hereby amended as follows and are effective for the calendar year 1952 and thereafter until further notice:

Charges applicable to all irrigable lands of the Flathead Indian Irrigation Project that are included in the irrigation district organizations and are subject to the jurisdiction of the three irrigation districts.

§ 130.24 *Charges.* Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Montana, on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929; March 28, 1934; August 26, 1936, and April 5, 1950, notice is hereby given of intention to fix an assessment of $165,400 for the season of 1952 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 67,924 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 130.26 *Charges.* Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Montana, on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented by later contracts June 2, 1934, and August 26, 1936, notice is hereby given of intention to fix an assessment of $31,500 for the season of 1952 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 12,736 acres; does not include any land held in trust for Indians, and covers all proper general charges and project overhead.

§ 130.28 *Charges.* Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Montana on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936 and April 18, 1950, notice is hereby given of an intention to fix an assessment of $14,200 for the season of 1952 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 5,579 acres; does not include any land held in trust for Indians, and covers all proper general charges and project overhead.

(Secs. 1, 3, 36 Stat. 270, 272, as amended, 25 U. S. C. 385)

F. M. HAVERLAND,
Acting Area Director.

[F. R. Doc. 51-5143; Filed, May 3, 1951; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter E—Alaska Wildlife Protection

PART 46—TAKING ANIMALS, BIRDS, AND GAME FISHES

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 51-4944, appearing at page 3801 of the issue for Tuesday, May 1, 1951, § 46.110 should read as follows:

§ 46.110 *Bear.* (Large brown and grizzly.)

In the Territory, but not in the Thayer Mountain or Pack Creek areas as described in §§ 46.205 and 46.206, September 1 to June 20. Limit, on the Kodiak-Afognak Island group and in the Alaska Peninsula area as described in §§ 46.194 and 46.198, 1 a year. Elsewhere in the Territory, 2 a year.

NOTICES

DEPARTMENT OF THE INTERIOR

Defense Electric Power Administration

[Delegation of Authority 2]

RURAL ELECTRIFICATION ADMINISTRATOR

DELEGATION OF AUTHORITY WITH RESPECT TO THE EXERCISE OF FUNCTIONS AND POWERS UNDER NPA ORDER M-50

In accordance with the Memorandum of Agreement between the Secretary of the Interior and the Secretary of Agriculture dated April 14, 1951, and pursuant to Executive Orders 10161 and 10200 and Defense Production Administration Delegation No. 1, issued under the Defense Production Act of 1950, and to National Production Authority Delegation No. 11,[1] the following functions and powers of the Defense Electric Power Administrator in the administration of National Production Authority Order M-50 are hereby delegated, with respect to electrification borrowers from the Rural Electrification Administration, to the Administrator of the Rural Electrification Administration:

1. To authorize the use of program materials in major plant additions and to specify the quantities of program materials for major plant additions for which the DO-48 and DO-48 (Minor) ratings may be applied. The quantities of program materials for which the DO-48 rating may be applied shall be within such aggregate quantities as the Defense Electric Power Administrator may des-

[1] See F. R. Doc. 51-5294, Commerce Department, National Production Authority, *infra*.

ignate. The Defense Electric Power Administrator may direct that program materials be devoted to certain major plant additions in the REA program which are determined by DEPA to be especially important to the defense program.

2. To adjust or prescribe minor requirements quotas under Section 35 of NPA Order M-50 within such percentage limitations, applied to the electrification borrowers collectively, as are designated from time to time for application to all electric utilities.

3. Subject to such standards and procedures as the Defense Electric Power Administrator may prescribe from time to time, to grant adjustments or exceptions in respect to MRO quotas and inventory restrictions, and to receive and to require records and reports.

This delegation shall take effect on July 1, 1951.

C. B. McMANUS,
Administrator,
Defense Electric
Power Administration.

[F. R. Doc. 51-5295; Filed, May 3, 1951; 12:09 p. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF ATLANTIC AND GULF-INDONESIA CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED WITH BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 125-2 provides that the membership of Ellerman & Bucknall Steamship Co., Limited, in the Atlantic and Gulf-Indonesia Conference will be replaced by the four carriers comprising the Ellerman & Bucknall Associated Lines joint service as a single party only with one vote pursuant to the provisions of their joint service agreement (No. 7788).

Agreement No. 5870-3 provides that the membership of Ellerman & Bucknall Steamship Co., Limited, in the Atlantic and Gulf-Straits Settlements, Malay States and Siam Conference will be replaced by the four carriers comprising the Ellerman & Bucknall Associated Lines joint service as a single party only with one vote pursuant to the provisions of their joint service agreement (No. 7788).

Agreement No. 7548-1 modifies the approved American Mediterranean Levant Line joint service agreement (No. 7548) between Ellerman's Wilson Line Ltd. and Ellerman and Bucknall Steamship Co., Ltd., by substituting for the latter company the four carriers comprising the Ellerman and Bucknall Associated Lines.

Agreement No. 7623-2, between the five carriers comprising the Knutsen Line joint service, modifies their approved joint service agreement (No. 7623) by extending the geographical scope thereof to include the trade between U. S. and Canadian Pacific Coast ports and ports in the Far East. Agreement 7623 as presently in effect covers the trades between U. S. and Canadian Pacific Coast ports and ports in Central America, Canal Zone, Colombia, Ecuador, Peru, Chile, United Kingdom and Ireland; between Scandinavian and Continental European ports and ports in Venezuela, Colombia, Caribbean Sea, Canal Zone, Ecuador, Peru and Chile; and between Mediterranean ports and ports in Venezuela, Colombia, Caribbean Sea, West Indies, Canal Zone, Central America, Ecuador, Peru and Chile.

Agreement No. 8090-1, between the member lines of the Mediterranean-North Pacific Coast Freight Conference, modifies the approved basic agreement of said conference (No. 8090) to provide that each member shall deposit with the Conference Secretary a Bank Guarantee of $5,000 in U. S. Currency, or its equivalent in Italian Lire to guarantee the faithful performance of the agreement and to meet any possible arbitration award. The basic agreement presently provides that such deposit shall be in U. S. Currency only.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: May 1, 1951.

[SEAL] R. L. McDONALD,
Assistant Secretary.

[F. R. Doc. 51-5150; Filed, May 3, 1951; 8:46 a. m.]

National Production Authority

[NPA Delegation 11]

DEFENSE ELECTRIC POWER ADMINISTRATOR

AUTHORIZATION TO DELEGATE CERTAIN FUNCTIONS AND POWERS UNDER NPA ORDER M-50

Pursuant to Executive Orders 10161 and 10200, and Defense Production Administration Delegation No. 1, issued under the Defense Production Act of 1950, the Defense Electric Power Administrator is hereby authorized to delegate to the Administrator of the Rural Electrification Administration the functions and powers vested in the Defense Electric Power Administrator by NPA Order M-50 insofar as they relate to priorities assistance for the electric utility borrowers of the Rural Electrification Administration.

This delegation shall take effect on May 4, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-5294; Filed, May 3, 1951; 12:08 p. m.]

DEFENSE TRANSPORT ADMINISTRATION

[DTA Delegation 5]

DEPUTY ADMINISTRATOR, EXECUTIVE ASSISTANT, AND GENERAL COUNSEL

DELEGATIONS OF AUTHORITY AS ACTING ADMINISTRATOR

Pursuant to the authority of the Defense Production Act of 1950 (64 Stat. 798), and Executive Orders 10161 (15 F. R. 6105) and 10219 (16 F. R. 1983):

SECTION 1. The Deputy Administrator of the Defense Transport Administration is hereby authorized to and shall serve as Acting Administrator of the Administration and shall perform the duties and exercise the powers of the Administrator during the disability or absence from official headquarters in Washington, D. C., of the Administrator, or during any vacancy in the office of the Administrator.

SEC. 2. The Executive Assistant to the Administrator is hereby authorized to and shall serve as Acting Administrator of the Defense Transport Administration and shall perform the duties and exercise the powers of the Administrator during the disability or absence from official headquarters in Washington, D. C., of the Administrator and the Deputy Administrator, or during vacancies in the offices of the Administrator and the Deputy Administrator.

SEC. 3. The General Counsel of the Defense Transport Administration is hereby authorized to and shall serve as Acting Administrator of the Administration and shall perform the duties and exercise the powers of the Administrator during the disability or absence from official headquarters in Washington, D. C., of the Administrator, the Deputy Administrator, and the Executive Assistant, or during vacancies in the offices of the Administrator, the Deputy Administrator, and the Executive Assistant.

This delegation shall take effect on May 4, 1951.

JAMES K. KNUDSON,
Administrator,
Defense Transport Administration.

[F. R. Doc. 51-5257; Filed, May 3, 1951; 9:39 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 7]

FORMFIT CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, The Formfit Company has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of brassieres, girdles, and combinations manufactured by The Formfit Company, 400 South Peoria Street, Chicago 7, Illinois, having the brand names "Formfit", "Life", and "Skippies" and described in the manufacturer's application dated March 2, 1951. The manufacturer's prices, listed below, are subject to a discount of 8/10 EOM or 6/70.

BRASSIERES

Manufacturer's selling price (per dozen)	*Ceiling price at retail* (per unit)
$9.00	$1.25
10.80	1.50
12.75	1.75
14.40	2.00
18.00	2.50
21.00	3.00
24.00	3.50
27.00	4.00
36.00	5.00
42.00	5.95
45.00	6.50

GIRDLES AND COMBINATIONS

$9.00	$1.25
10.80	1.50
12.75	1.75
15.00	2.00
24.00	3.50
30.00	3.95
36.00	5.00
42.00	5.95
45.00	6.50
48.00	7.50
54.00	8.50
57.00	8.95
66.00	10.00
72.00	10.95
81.00	12.50
87.00	13.50
96.00	15.00
108.00	16.50
120.00	18.50
132.00	20.00

2. (a) Brassieres having the item numbers 441AA and 441A in the manufacturer's printed price list dated December 4, 1950, so long as they have a manufacturer's selling price of $10.50 per dozen shall have a ceiling price at retail of $1.50 per unit.

(b) Girdles and combinations having the item numbers 724 and 828X in the manufacturer's printed price list dated December 4, 1950, so long as they have a manufacturer's selling price of $27.00 per dozen shall have a ceiling price at retail of $3.95 per unit.

(c) Girdles and combinations having the item numbers 875, 876, 975, 976, 979, 1573, 1574, 1673, 2573, 2673, 4570, 4770 in the manufacturer's printed price list dated December 4, 1950, so long as they have a manufacturer's selling price of $78.00 per dozen shall have a ceiling price at retail of $12.50 per unit.

(d) Girdles and combinations having the item numbers 1783, 2571, 2671, 2771, 3580, 4672, 5570 B, 5570 C, 5770 B in the manufacturer's printed price list dated December 4, 1950, so long as they have a manufacturer's selling price of $84.00 per dozen shall have a ceiling price at retail of $13.50 per unit.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after June 2, 1951, The Formfit Company must mark each article listed in paragraphs 1, 2a, 2b, 2c, and 2d of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after July 2, 1951 no retailer may offer or sell the article unless it is marked or tagged in the form stated above.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1, 2a, 2b, 2c, and 2d of this special order or changes the retail ceiling price of a listed article, The Formfit Company must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraphs 1, 2a, 2b, 2c, and 2d of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 4, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 3, 1951.

[F. R. Doc. 5154; Filed, May 3, 1951; 8:46 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 8]

MICHAELS, STERN & CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Michaels, Stern & Company, Incorporated, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the

level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of men's clothing manufactured by Michaels, Stern & Company, Incorporated, 87 Clinton Avenue North, Rochester 2, New York, having the brand names "Courier Cloth," "Worstasheen," "Granada," and "Kulan" and described in the manufacturer's three separate applications, all dated March 7, 1951. The manufacturer's prices listed below are sold on terms of Net 10 EOM, 30 Extra.

MEN'S CLOTHING

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
$7.60	$12.95
26.35	45.00
37.90	65.00

2. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 2, 1951, Michaels, Stern & Company, Incorporated, must mark each article listed in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after July 2, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraph 1 of this special order or changes the retail ceiling price of a listed article, Michaels, Stern & Company, Incorporated, must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 4, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 3, 1951.

[F. R. Doc. 51-5155; Filed, May 3, 1951; 8:46 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 9]

PADI CLOTHES, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Padi Clothes, Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of men's clothing manufactured by Padi Clothes, Inc., Broad Street and Ridge Avenue, Philadelphia 23, Pennsylvania, having the brand name "Berkeley Square" and described in the manufacturer's application, dated March 21, 1951. The manufacturer's prices listed below are sold on terms of Net 30.

MEN'S CLOTHING

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
$36.00	$60.00

2. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 2, 1951, Padi Clothes, Inc., must mark each article listed in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after July 2, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraph 1 of this special order or changes the retail ceiling price of a listed article, Padi Clothes, Inc., must comply, as to each such article with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 4, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 3, 1951.

[F. R. Doc. 51-5156; Filed, May 3, 1951; 8:46 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 10]

CATALINA, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Catalina Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this Special Order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of swimwear manufactured by Catalina Inc., 443 South San Pedro Street, Los Angeles 13, California, having the brand name "Catalina", and described in the manufacturer's application, dated March 5, 1951. The manufacturer's prices listed below are sold at a discount of 3/10 EOM.

MEN'S SWIMWEAR

Manufacturer's selling price (per dozen)	*Ceiling price at retail (per unit)*
$22.50	$2.95
25.20	3.50
28.80	3.95
32.64	4.50
36.00	4.95
43.20	5.95
46.80	6.50
48.00	6.95
57.00	7.95
63.00	8.95
69.00	9.95
84.00	11.95
90.00	12.95
96.00	13.95
108.00	14.95
120.00	16.95
126.00	17.95
138.00	19.95
210.00	30.00

BOYS' SWIMWEAR

Manufacturer's selling price (per dozen)	*Ceiling price at retail (per unit)*
$15.75	$1.95
18.00	2.50
21.60	2.95
25.20	3.50
28.80	3.95
32.40	4.50
36.00	4.95
43.20	5.95
48.00	6.95

TODDLERS' SWIMWEAR

$12.00	$1.65
15.75	1.95
18.00	2.50
22.50	2.95
25.20	3.50
30.00	3.95
32.40	4.50
36.00	4.95
43.20	5.95
48.00	6.95

GIRLS' SWIMWEAR

$30.00	$3.95
36.00	4.95
43.20	5.95
46.80	6.50
48.00	6.95
54.00	7.50

LADIES' SWIMWEAR

$14.25	$1.95
36.00	4.95
43.20	5.95
48.00	6.95
54.00	7.95
63.00	8.95
69.00	9.95
78.00	10.95
84.00	11.95
90.00	12.95
96.00	13.95
105.00	14.95
114.00	15.95
120.00	16.95
126.00	17.95
135.00	18.95
138.00	19.95
174.00	25.00
240.00	35.00

2. (a) Men's swimwear having the item numbers 5302, 5308, 5341 in the manufacturer's printed spring 1951 price list, so long as they have a manufacturer's selling price of $21.60 per dozen, shall have a ceiling price at retail of $2.95 per unit.

(b) Boys' swimwear having the item number 2254 in the manufacturer's printed spring 1951 price list, so long as they have a manufacturer's selling price of $15.00 per dozen, shall have a ceiling price at retail of $1.95 per unit.

(c) Toddlers' swimwear having the item numbers 1202, 1204, 1206, 1227, 1229, 1230, 1237, and 1293 in the manufacturer's printed spring 1951 price list, so long as they have a manufacturer's selling price of $15.00 per dozen, shall have a ceiling price at retail of $1.95 per unit.

(d) Toddler's swimwear having the item number 1208 in the manufacturer's printed spring 1951 price list, so long as they have a manufacturer's selling price of $15.75 per dozen, shall have a ceiling price at retail of $2.50 per unit.

(e) Toddlers' swimwear having the item numbers 1320, 1322, 1324, 1326, 1332, 1348, 12, 14, 16, 20, and 22 in the manufacturer's printed spring 1951 price list, so long as they have a manufacturer's selling price of $21.60 per dozen, shall

have a ceiling price at retail of $2.95 per unit.

(f) Toddlers' swimwear having the item numbers 1492, 1496 in the manufacturer's printed spring 1951 price list, so long as they have a manufacturer's selling price of $30.00 per dozen, shall have a ceiling price at retail of $4.50 per unit.

(g) Toddlers' swimwear having the item number 1494 in the manufacturer's printed spring 1951 price list, so long as they have a manufacturer's selling price of $32.00 per dozen, shall have a ceiling price at retail of $4.50 per unit.

(h) Girls' swimwear having the item number 6881 in the manufacturer's printed spring 1951 price list, so long as they have a manufacturer's selling price of $48.00 per dozen, shall have a ceiling price at retail of $7.95 per unit.

(i) Girls' swimwear having the item numbers 6882, 6884, and 6886 in the manufacturer's printed spring 1951 price list, so long as they have a manufacturer's selling price of $54.00 per dozen, shall have a selling price at retail of $7.95 per unit.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after June 2, 1951, Catalina Inc., must mark each article listed in paragraphs 1, 2 (a), 2 (b), 2 (c), 2 (d), 2 (e), 2 (f), 2 (g), 2 (h), and 2 (i) of this special order with the retail ceiling price under this special order, or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $------

On and after July 2, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1, 2 (a), 2 (b), 2 (c), 2 (d), 2 (e), 2 (f), 2 (g), 2 (h), and 2 (i) of this special order or changes the retail ceiling price of a listed article, Catalina Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraphs 1, 2 (a), 2 (b), 2 (c), 2 (d), 2 (e), 2 (f), 2 (g), 2 (h), and 2 (i) of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 4, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 3, 1951.

[F. R. Doc. 51-5266; Filed, May 3, 1951; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1671]

WASHINGTON GAS LIGHT CO.

NOTICE OF APPLICATION

APRIL 27, 1951.

Take notice that Washington Gas Light Company, a corporation organized and existing under the laws of the United States with its principal office at 11th and H Streets NW., Washington 1, D. C., filed on April 17, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a standby gas storage plant.

The proposed gas storage plant is to be constructed north of the Town of Rockville, Maryland. It will have a capacity of 100,000 Mcf of gas consisting of 70,000 Mcf of natural gas stored at a pressure of 2,240 pounds and 30,000 Mcf of propane-air gas. It is contemplated that construction of the plant will be completed during the spring of 1952, and that part of the storage facilities will be available for use January 1, 1952.

The purpose of the proposed construction is to augment Applicant's present standby facilities for distribution of gas in the metropolitan area of Washington, D. C. The additional gas required for the proposed gas storage plant will be purchased under Applicant's contract dated May 1, 1937, as amended, with its supplier, Atlantic Seaboard Corporation.

It is estimated that the cost of the proposed construction will be $7,100,000, including the cost of land. The plant is to be operated as an integral part of the gas storage and transmission system of Washington Gas Light Company and its subsidiaries. The cost of operation and maintenance of the proposed storage plant will constitute part of the cost of the transmission and storage of gas for the system.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 17th day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5144; Filed, May 3, 1951; 8:45 a. m.]

[Project No. 1930]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE (MAJOR)

APRIL 30, 1951.

Public notice is hereby given, pursuant to the provisions of the Federal Power Act (16 U. S. C. 791a–825r), that Southern California Edison Company of Los Angeles, California, has made application for amendment of license for major Project No. 1930 to authorize certain relatively minor changes in the project works and to authorize the installed capacity of the project to be increased from 31,500 to 33,500 horsepower.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before June 15, 1951, to the Federal Power Commission at Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5157; Filed, May 3, 1951; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26060]

SAND FROM KERN, IND., TO FARMER CITY ILL.

APPLICATION FOR RELIEF

MAY 1, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for The New York Central Railroad Company.

Commodities involved: Sand, carloads.

From: Kern, Ind.

To: Farmer City, Ill.

Grounds for relief: Market competition and wayside pit competition.

Schedules filed containing proposed rates: NYC RR. tariff I. C. C. No. 429, Supp. 268.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-5158; Filed, May 3, 1951; 8:47 a. m.]

[4th Sec. Application 26061]

FIBREBOARD CANS FROM THE EAST TO BORDER TERRITORY

APPLICATION FOR RELIEF

MAY 1, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to Agent Boin's tariff I. C. C. No. A-726.

Commodities involved: Cans, fibreboard, paper or pulpboard, carloads.

From: Trunk-line, Buffalo-Pittsburgh and New England territories.

To: Points in North Carolina, Kentucky, southern Virginia and northeastern Tennessee.

Grounds for relief: Carrier competition, to maintain grouping, circuity, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-726, Supp. 225.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-5159; Filed, May 3, 1951; 8:47 a. m.]

[4th Sec. Application 26062]

SODA ASH FROM CORPUS CHRISTL AND HOUSTON, TEX., TO KANSAS CITY

APPLICATION FOR RELIEF

MAY 1, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3752.

Commodities involved: Soda Ash, carloads.

From: Corpus Christi and Houston, Tex.

To: Kansas City, Mo.-Kans.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supp. 571.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-5160; Filed, May 3, 1951; 8:47 a. m.]

[4th Sec. Application 26063]

TANKAGE FROM LAFAYETTE, LA., TO ATLANTA, GA., GROUP

APPLICATION FOR RELIEF

MAY 1, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3746.

Commodities involved: Tankage, other than feeding, carloads.

From: Lafayette, La.

To: Atlanta, Ga., and points taking same rate.

Grounds for relief: Market competition and competition with rail carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3746, Supp. 66.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-5161; Filed, May 3, 1951; 8:47 a. m.]

[4th Sec. Application 26064]

SAND FROM VINCENNES, IND., TO TEXAS CITY, ILL.

APPLICATION FOR RELIEF

MAY 1, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for The New York Central Railroad Company.

Commodities involved: Sand, carloads.

From: Vincennes, Ind.

To: Texas City, Ill.

Grounds for relief: Market competition and wayside pit competition.

Schedules filed containing proposed rates; NYC RR. tariff I. C. C. No. 429, Supp. 268.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without fur-

ther or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5162; Filed, May 3, 1951; 8:47 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. D-7-7]

CHICAGO METAL HOSE CORP.

DISMISSAL OF COMPLAINT

MAY 1, 1951.

Complaint as listed below heretofore filed with the Tariff Commission for investigation under the provisions of section 337 of the Tariff Act of 1930 has been dismissed.

Name of article	Purpose of request	Dated received	Name and address of complainant
Machines for manufacturing corrugated flexible metal tubing or hose, and	Exclusion from entry.	Aug. 1, 1949	Chicago Metal Hose Corp., 1315 South 3d St., Maywood, Ill.
Corrugated flexible metal tubing or hose	do	Nov. 23, 1949 (amendment)	

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 51-5186; Filed, May 3, 1951; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-177, 59-91]

PENNSYLVANIA GAS & ELECTRIC CORP. ET AL.

ORDER APPROVING PROPOSED TRANSACTIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of April A. D. 1951.

In the matter of Pennsylvania Gas & Electric Corporation, North Penn Gas Company, Allegany Gas Company, Dempseytown Gas Company, Alum Rock Gas Company, Penn-Western Service Corporation (Applicants), File No. 54-177; Pennsylvania Gas & Electric Corporation and its subsidiary companies (Respondents), File No. 59-91.

Pennsylvania Gas & Electric Corporation ("Penn Corp"), a registered holding company, and five of its subsidiary companies, North Penn Gas Company ("North Penn"), Allegany Gas Company ("Allegany"), Alum Rock Gas Company ("Alum Rock"), Dempseytown Gas Company ("Dempseytown") and Penn-Western Service Corporation ("Penn-Western") having filed a plan for compliance with the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 (the "act"), and a portion of said plan, namely Step A of Part II thereof, containing proposals with respect to, among other things: (a) The merger of Allegany, Alum Rock and Dempseytown into North Penn, which will become the surviving company, and (b) the issuance by North Penn to Penn Corp of 450,000 shares of new capital stock of North Penn, of $5 par value per share, in exchange for the 100,000 shares of presently outstanding capital stock of North Penn, all of which is owned by Penn Corp; and

The proceedings relating to such plan having been consolidated for the purpose of hearing with proceedings heretofore instituted by the Commission under sections 11 (b) (1), 11 (b) (2), 15 (a), 15 (f) and 20 (a) of the act with respect to Penn Corp and its subsidiaries; and

Penn Corp having requested that the Commission enter an order finding that the transactions proposed in Step A of Part II of the plan are necessary or appropriate to effectuate the provisions of section 11 (b) of the act, and having requested that the Commission's order approving the transactions, shall contain recitals conforming to the requirements of the Internal Revenue Code, including section 1808 (f) and Supplement R thereof and shall become effective forthwith; and

Further public hearings having been held in the consolidated proceedings after appropriate notice, and the Commission having issued its findings and opinion herein:

It is ordered, That the transactions proposed in the aforesaid Step A of Part II of the plan, as amended, are hereby approved and permitted to be consummated, forthwith, subject to the terms and conditions prescribed in Rule U-24, the reservation of jurisdiction over all fees and expenses which have been or may be incurred in connection with Step A of Part II of the plan, the continuance of our prior reservation of jurisdiction over fees and expenses in connection with Part I of the plan, and to the further condition that jurisdiction be, and it hereby is, reserved to: (a) Decide all questions pertaining to the retainability of Penn-Western under common control with other assets of the present Penn Corp holding company system; (b) decide all questions relating to Step B of Part II of Penn Corp's plan of liquidation and dissolution and such supplemental plans as may be filed pursuant to section 11 (e) of the act, and (c) enter such other and further orders and take such further action as the Commission may deem necessary or appropriate to secure compliance by Penn Corp and its subsidiaries with the provisions of the act and the rules, regulations, and orders thereunder.

It is further ordered and recited, That all steps and transactions embraced within Step A of Part II of the plan, and all issuances, transfers, exchanges and conveyances made in accordance with the terms and provisions thereof, including but not limited to those referred to below, are necessary or appropriate to the integration or simplification of the holding company system of which Penn Corp, North Penn, Allegany, Dempseytown and Alum Rock are members and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, 49 Stat. 820 (U. S. C. Title 15, section 79 K (b)) within the meaning of Supplement R and sections 371 (f) and 1808 (f) of the Internal Revenue Code and are hereby authorized, approved and directed:

1. The domestication, under the applicable laws of the Commonwealth of Pennsylvania, of Dempseytown, a corporation organized and existing under the laws of the State of West Virginia.

2. The merger and consolidation, in accordance with applicable law, of Alum Rock, Dempseytown and Allegany into North Penn and the transfer and conveyance to North Penn of all the assets of Alum Rock, Dempseytown and Allegany and the assumption by North Penn of all of the debts and liabilities of Alum Rock, Dempseytown and Allegany. The assets of Alum Rock, Dempseytown and Allegany to be transferred and conveyed to North Penn, in accordance with the provisions of this paragraph numbered 2 include, among other things, 222 shares of capital stock of Penn-Western, 2,639 shares of capital stock of Crystal City Gas Company and the real and personal property of Alum Rock, Dempseytown and Allegany located or situated in the following Counties in the Commonwealth of Pennsylvania: Potter, Lycoming, McKean, Tioga, Clinton, Bradford, Venango, Cameron, Clarion and Forest, and in Steuben and Chemung Counties in the State of New York and all other property of Alum Rock, Dempseytown and Allegany, real or personal, wheresoever situated or located.

3. The cancellation and retirement of 1,000 shares of the presently outstanding capital stock of Dempseytown held by North Penn.

4. The cancellation and retirement of 42,805 shares of the presently outstanding capital stock of Allegany held by North Penn.

5. The cancellation and retirement of 5,000 shares of the presently outstanding capital stock of Alum Rock, 4,000 shares of which are held by North Penn and 1,000 shares of which are held in the treasury of Alum Rock.

6. The issuance to Penn Corp by North Penn of 450,000 shares of capital stock having a par value of $5 per share, pursuant to Step A of Part II of the plan, in exchange for the presently outstanding 100,000 shares of capital stock without par value of North Penn held by Penn Corp and the surrender of such presently outstanding capital stock of North Penn by Penn Corp for cancellation.

It is further ordered, That this order shall be effective immediately upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5147; Filed, May 3, 1951; 8:45 a. m.]

[File No. 70-2606]

CONSOLIDATED NATURAL GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of April A. D. 1951.

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, having filed a declaration, and an amendment thereto, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") with respect to the issue and sale by Consolidated, pursuant to the competitive bidding requirements of Rule U-50, of $50,000,000 principal amount of debentures due 1976, the proceeds of which will be added to the general funds of Consolidated and, along with other cash resources, will be used for the purchase, from time to time, of securities of its operating subsidiaries which will use the funds so secured for the construction of additional plant facilities and for other corporate purposes; and

Said declaration having been duly filed on March 30, 1951, and the last amendment thereto having been filed on April 24, 1951 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said declaration within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective,

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said declaration, as amended, be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of debentures shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

It is further ordered, That jurisdiction be, and hereby is, reserved over the payment of all fees and expenses to be incurred in connection with the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5148; Filed, May 3, 1951; 8:45 a. m.]

[File No. 70-2608]

TAYLOR INVESTMENT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of April A. D. 1951.

In the matter of Taylor Investment Co., William H. Taylor, John M. Taylor, Ellis P. Taylor, John M. Taylor, Jr., File No. 70-2608.

Notice is hereby given that a joint application has been filed pursuant to the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder by Taylor Investment Co. ("Investment"), which is neither a registered holding company nor a subsidiary of a registered holding company, and William H. Taylor, John M. Taylor, and John M. Taylor, Jr., officers and stockholders of Investment, and Ellis P. Taylor, a stockholder of that company, regarding the proposed acquisition by Investment of shares of common stock of Allied Gas Company ("Allied"), a public utility company. The applicants designate sections 9 (a) (2) and 10 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 15, 1951, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application which he proposes to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter, such application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized below:

Investment proposes to purchase from William H. Taylor, and William H. Taylor proposes to sell to Investment, 4,036 shares (representing 28.7 percent of the outstanding shares) of the common stock of Allied. The consideration to be paid for said shares of stock is cash in the amount of $72,648 based upon the market price ($18 per share) of said shares of stock at the date of the agreement of sale between said parties. Upon such acquisition Investment will become a holding company within the meaning of section 2 (a) (7) (A) of the act.

Allied, an Illinois corporation, is a gas utility company engaged in the distribution at retail of propane-air gas in the communities of Paxton, Gibson City, and Rantoul, Illinois, and distributes manufactured gas at retail in Rochelle, Illinois. It serves a total of approximately 3,020 customers. For the calendar year 1950 Allied's gross operating revenues amounted to $225,283; as of December 31, 1950, the net utility plant of Allied amounted to $465,803, and as of that date, the company's capital stock consisted of common stock, of the par value of $10 per share, of which a total of 14,072 shares was outstanding. Applicants, William H. Taylor, John M. Taylor, and John M. Taylor, Jr., own, respectively, 4,036 shares, 400 shares and 223 shares or 28.7, 2.8, and 1.6 percent, respectively, of the outstanding shares of the capital stock of Allied.

The filing indicates that Investment, a Delaware corporation, is primarily engaged in the business of investing and trading in securities of various companies; that its outstanding securities consist of 128,554 shares of 4 percent preferred stock of the par value of $10 per share and 338,300 shares of common stock of the par value of $1 per share; and that of each class of said shares of stock, William H. Taylor, John M. Taylor, Ellis P. Taylor (Mrs. John M. Taylor) and John M. Taylor, Jr., own, respectively, approximately 27 percent, 26 percent, 16 percent, and 12 percent. Investment and applicants, William H. Taylor, John M. Taylor, Ellis P. Taylor and John M. Taylor, Jr., represent that they do not, individually nor in the aggregate, directly or indirectly own, control or hold with power to vote as much as 5 percent of the outstanding voting securities of any public utility company or public utility holding company other than Allied.

Investment states that it proposes to acquire said shares of stock for investment purposes and not for resale, and applicants represent that they will give notice to the Commission of any substantial acquisition of additional utility assets either through direct purchase of assets or through the acquisition of stock.

Investment has filed a Statement pursuant to Rule U-9 claiming exemption from the provisions of the act for itself and for all of its subsidiaries, including Allied.

Applicants request that the Commission's order issue herein at the earliest possible date.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5149; Filed, May 3, 1951; 8:46 a. m.]

[File No. 70-2610]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of April A. D. 1951.

In the matter of New England Electric System, Beverly Gas and Electric Company, Gloucester Electric Company, Haverhill Electric Company, Malden Electric Company, Northern Berkshire Gas Company, Quincy Electric Light and Power Company, Southern Berkshire Power & Electric Company, Suburban Gas and Electric Company, Weymouth Light and Power Company, File No. 70-2610.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its above named subsidiary companies, hereinafter individually referred to as "Beverly", "Gloucester", "Haverhill", "Malden", "Northern Berkshire", "Quincy", "Southern Berkshire", "Suburban Gas" and "Weymouth" and collectively referred to as "the borrowing companies", have filed applications-declarations, pursuant to the Public Utility Holding Company Act of 1935. The filing has designated sections 7, 10 and 12 (f) of the act and Rules U-23, U-42 (b) (2), U-43 (a), and U-45 (b) (3) promulgated thereunder as being applicable to the transactions described therein.

Notice is further given that any interested person may, not later than May 10, 1951, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. At any time after said date, said applications-declarations, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 and Rule U-100 thereof. Any such request should be addressed to: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said applications-declarations, which are on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

The borrowing companies propose to issue to NEES, from time to time but not later than June 30, 1951, promissory notes in an aggregate principal amount, up to but not exceeding, $4,700,000. Said notes will mature April 1, 1952, and bear interest at the prime interest rate charged by banks for such notes at the time said notes are issued. It is stated in the applications-declarations that if the prime interest rate for any of such notes is in excess of 2¾ percent at the time any of such notes is proposed to be issued, NEES and the particular borrowing company or companies will file an amendment to the applications-declarations setting forth therein the amount involved and the proposed rate of interest at least five days prior to the proposed issue date of any such note. It is further requested that unless the Commission notifies NEES or the particular company or companies to the contrary within said five day period, NEES and such company or companies will consider the amendment effective, without further order, at the end of such period.

The following table shows the aggregate face amount of promissory notes proposed to be issued by each of the borrowing companies and the application by such companies of the proceeds therefrom during the period April 1, 1951, to June 30, 1951:

TABLE

Company	Aggregate amount of notes proposed to be issued to NEES	Application of proceeds		
		Notes payable to banks	Notes and advances payable to NEES	For construction
Beverly	$1,270,000	$550,000	$575,000	$145,000
Gloucester	455,000	380,000		75,000
Haverhill	300,000	300,000		
Malden	600,000	450,000		150,000
Northern Berkshire	310,000	200,000		110,000
Quincy	280,000	195,000	35,000	50,000
Southern Berkshire	775,000	400,000	375,000	
Suburban Gas	580,000	320,000		260,000
Weymouth	150,000	150,000		
Total	4,700,000	2,945,000	985,000	790,000

Malden's and Quincy's presently outstanding notes payable to banks are due on or before May 1, 1951. The applications-declarations state that in the event the Commission's order has not been issued on or prior to the maturity date of said notes, NEES will make non-interest bearing advances to said companies which advances will be repaid from the proceeds of the notes Malden and Quincy propose to issue.

The applications-declarations state that incidental services in connection with the proposed transactions will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $100 for NEES and each of the borrowing companies, or the aggregate sum of $1,000.

The applications-declarations further state that no state commission has jurisdiction over the proposed transactions.

NEES and the borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5145; Filed, May 3, 1951; 8:45 a. m.]

[File No. 70-2611]

GEORGIA POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of April 1951.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Georgia Power Company ("Georgia Power"), a public utility subsidiary of the Southern Company, a registered holding company. Applicant has designated section 6 (b) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 17, 1951, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 17, 1951, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, and which are summarized as follows:

Georgia Power proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50 under the act, $20,000,000 principal amount of its First Mortgage Bonds, ____ percent series, due 1981, to be issued under and secured by Georgia Power's present indenture dated as of March 1, 1941, as heretofore supplemented, and to be supplemented by an indenture to be dated as of June 1, 1951. The interest rate and the price to the company for the bonds will be determined by competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than 100 percent nor more than 102.75 percent of the principal amount. The proceeds of the sale of the bonds will be utilized in connection with Georgia Power's construction program which the company estimates will require expenditures aggregating $99,220,000 during the three year period 1951 through 1953. The company also estimates that in order to finance its construction program it will be necessary to raise from the sale of additional securities the sum of $24,000,000 in 1952 and $15,000,000 in 1953.

The proposed issuance and sale of bonds has been submitted to the Georgia Public Service Commission for its approval.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5146; Filed, May 3, 1951; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17683]

HERMANN DEICKE ET AL.

In re: Funds owned by Hermann Deicke and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are listed in Exhibit A, set forth below and by reference made a part hereof, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: All funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", and representing the proceeds of withheld checks, drawn by the United States Treasury Department for the persons whose names and identification numbers are listed on the aforesaid Exhibit A, and in the amounts as of January 1, 1947, as set forth opposite each such name, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

Name	Last known address	Identification No.	Amount deposited as of Jan. 1, 1947	Office of Alien Property File No.
Hermann Deicke	Berlin, Germany	Certificate settlement No. 0-653-481.	$100.00	F 28-31260
Franz Hossemann	Germany		20.00	F 28-28145
Andrew Ksenich	Baumen 31 Mayen, Rhld., Germany.	A-2408030	1,759.57	F 28-31263

[F. R. Doc. 51-5134; Filed, May 2, 1951; 8:50 a. m.]

[Vesting Order 17637]

ROBERT W. POMMER

In re: Trust under the will of Robert W Pommer, deceased. File No. D-28-12892.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names are set forth below, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany):

Names

Inge Gerstein.
Gisela Gerstein.
Klaus Ludwig Gerstein.
Gerd (Gert) Adolf Gerstein.
Eckart (Eckhart) Gerstein.
Hans Gerstein.
Karl Gerstein.
Elfriede Gerstein.
Arnulf-Gernort Gerstein.
Adelheid Gerstein.
Olaf Gerstein.
Annemarie Gerstein Schulze-Steinen
Fritz Gerstein.
Margarete Schmemann Winkhaus.
Dodo Schmemann Fellinger.
Ruth Schmemann Vogelsang.
Ursula Schmemann Juttner (G ttner).
Helene Bert.
Hedwig Bert.
Matilde (Mathilde) Bert.
Alfred Schmemann, Jr.
Irmgard Schmemann Von Buttler.
Hedwig Schmemann.
Martha Ostermann.
Achnes Flach.
Elisabeth Kleine Hilgenstock
Max Kleine.
Adolf Kleine.
Louise Schmemann.
Herta Goerlich Brand.
Clara Schoening.
Gustav Schmemann, Jr.
William Pommer, Jr.
Margarete Bert Schulz.

2. That the heirs-at-law and the spouse, names unknown, of each of the persons named in subparagraph 1 hereof, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created by the codicil dated May 9, 1938 to the will-dated April 6, 1932 of Robert W. Pommer, deceased, presently being administered by Mercantile-Commerce Bank and Trust Company and by Carl Robert Pommer, as trustees, 721 Locust Street, St. Louis, Missouri, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the heirs-at-law and the spouse, names unknown, of each of the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-5169; Filed, May 3, 1951; 8:48 a. m.]

[Vesting Order 17669]

CREDIT SUISSE

In re: Accounts maintained in the name of Credit Suisse, Geneva, Switzerland, and owned by persons whose names

are unknown. F–63–60 (Geneva), F–28–31412.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Credit Suisse, Geneva, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
1. The Commercial National Bank & Trust Co. of New York, 46 Wall St., New York, N. Y.	Bank deposit general ruling No. 6 account, as described by The Commercial National Bank & Trust Co. of New York in its report on Form OAP-700, bearing its Serial No. 3.
2. Credit Suisse, New York Agency, 30 Pine St., New York 5, N. Y.	(a) Current account, (b) General ruling No. 6 account, (c) blocked coupon account, (d) $20,000.00 Imperial Japanese Government 5½% 1965, and (e) $40.50 coupons due January 1, 1940 on $2,700.00, conversion office for German foreign debts 3 percent 1946; as described by Credit Suisse, New York Agency, in its report on Form OAP-700, bearing its Serial No. 21.
3. The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	General ruling No. 6 a/c blocked Switzerland, as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its Serial No. 358.

[F. R. Doc. 51–5170; Filed, May 3, 1951; 8:48 a. m.]

[Vesting Order 17685]

HEDWIG NEUHAUS

In re: Bonds owned by Hedwig Neuhaus. F–28–31427.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Neuhaus, whose last known address is 17/I Oststrasse, Bad Harzburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations matured or unmatured, evidenced by two (2) Southern Pacific Railroad Company 4% 1st Refunding Mortgage Gold bonds, due January 1, 1955, each of $1000.00 face value, bearing numbers 27580 and 69309, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Hedwig Neuhaus, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–5175; Filed, May 3, 1951; 8:48 a. m.]

[Vesting Order 17678]

FIDES UNION FIDUCIAIRE

In re: Accounts maintained in the name of Fides Union Fiduciaire, Basle, Switzerland, and owned by persons whose names are unknown. F–63–177 (Basle).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Fides Union Fiduciaire, Basle, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
Bankers Trust Co., 16 Wall St., New York, N. Y.	(a) Custodian cash account, (b) custodian cash account general ruling No. 6, (c) custodian cash account French Swiss account, and (d) miscellaneous stocks; as described by the Bankers Trust Co., in its report on Form OAP-700, bearing its Serial No. CU 13.

[F. R. Doc. 51–5171; Filed, May 3, 1951; 8:48 a. m.]

[Vesting Order 17679]

FIDES UNION FIDUCIAIRE

In re: Accounts maintained in the name of Fides Union Fiduciaire, Zurich, Switzerland, and owned by persons whose names are unknown. F–63–177 (Zurich).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A as set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Fides Union Fiduciaire, Zurich, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
1. Bankers Trust Co., 16 Wall St., New York, N. Y.	(a) Custodian cash account general ruling No. 6, (b) stock, and (c) miscellaneous coupons; as described by the Bankers Trust Co. in its report on Form OAP-700, bearing its Serial No. CU No. 15.
2. The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	(a) Fides Union Fiduciaire Old a/c, Zurich, Switzerland, and (b) Fides Union Fiduciaire general ruling No. 6 a/c; as described by the Chase National Bank of the City of New York in its report on Form OAP-700, bearing its Serial No. 80.

[F. R. Doc. 51–5172; Filed, May 3, 1951; 8:48 a. m.]

[Vesting Order 17682]

MINNIE N. CARLIN ET AL.

In re: Funds owned by and claims of Minnie N. Carlin and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are listed in Exhibit A, set forth below and by reference made a part hereof, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. All funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", and representing the proceeds of withheld checks, drawn for the payment of Social Security benefits to the persons whose names and Social Security numbers are listed on the aforesaid Exhibit A, and in the amounts as of January 1, 1947, as set forth opposite each such name, and any and all rights to demand, enforce and collect the aforesaid funds, and

b. Any and all rights and claims to Social Security benefits under the Social Security Act approved August 14, 1935, as amended (Pub. Law 271, 74th Cong., 1st Sess., 49 Stat. 620) to January 1, 1947 of the persons whose names are listed in the aforesaid Exhibit A, and further identified by the Social Security number, listed opposite each such name, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany),

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name	Last known address	Social Security No.	Amount deposited as of January 1, 1947	Office of Alien Property File No.
Bank Kaethe	Lutherstr. 16, Wesermuende-Lehe, Germany.	097-03-5323	$141.12	F-28-3125
Minnie N. Carlin	Rosengartenstr. 32, Mannheim, Germany.	082-03-3882	139.84	F-28-31227
Emmy Cyriacia	Germany	568-03-8652	67.44	F-28-18212
Katherinia G. Degen	95 Nibelungenstr., Lorsch Hessen, Germany.	133-09-1642	49.26	F-28-31228
Bertha Ebenau	22 Alter Markt, Sangerhausen, Germany	561-09-9468	74.28	F-28-31229
Friedrich Ebenau	22 Alter Market, Sangerhausen, Germany.	561-09-9468	74.28	F-28-31230
Elfrieda Faselt	Haspe-Hagen Odeweg 8 Westfallen, Germany.	335-05-3263	127.99	F-28-31231
Josefine Glokler a/k/a Mrs. Adolph Glocker.	Viktoriastrasse 34, Gaggenau-Murgtal, Germany.	347-03-9994 E	102.36	F-28-31232
Max O. Goehler	37 Eleonorenstr., Gonsendeim-bei-Mainz, Germany.	156-09-3174	124.80	D-28-9023
Wilhemine Griesenbeck	Adolph Hitlerstr. 30 Gevelsberg, Germany.	156-09-5484 B	148.44	F-28-31233
Margarete Grosse	Mauerstrasse 8, Ilshopen, Wurtemberg, Germany.	533-09-7764	180.00	F-28-31234
Hilde Alma Koehler	Horst-Wesselstr. 10, Thalheim, Erzebirge, Germany.	136-10-9571	100.98	F-28-31235
G. Alwin Koenig	Viederochonhausen, Berlin, Germany	072-12-4350 A	483.60	F-28-17702
Paula L. Kurz, a/k/a Mrs. Julius Kurz.	1 Koenigstrasse, Wasseralfingen, Wurtemberg, Germany.	363-03-4681 E	569.40	F-28-17805
Julius C. Kurz	1 Koenigstrasse, Wasseralfingen, Wuerttemberg, Germany.	363-03-4681 C	379.50	F-28-17699
Karl F. Kurz	1 Koenigstrasse, Wasseralfingen, Wuerttemberg, Germany.	363-03-4681 C	379.50	F-28-17142
Anna B. Kutkuhn	63 Hermann Goring Strasse, Legenfeld, Rhineland, Germany.	373-10-7162	107.22	F-28-31236
Carl Ludwig	Clemda Strasse, 1 IV, Eisenach, Germany.	545-07-3309	184.44	F-28-31237
Anna Mader	140 Freiberrerstrasse, Woekenstein, Saxony, Germany.	165-05-2947	92.16	F-28-16570
Albin Mader	140 Freiberrerstrasse, Woekenstein, Saxony, Germany.	165-05-2947	92.16	F-28-16570
Ilse Hilda Roth	Rothebach 21, Hamm in Westfallen, Germany.	089-03-2112	92.78	F-28-3413
John Schindler	Dr. Leystr. 113, Homburg Nord, Germany.	112-05-4790	93.90	F-28-31239
Lena Schindler	Dr. Leystr. 113, Homburg Nord, Germany.	112-05-4790	93.90	F-28-31240
Emma Fabian Schirrmacher	Gottschadstr. 38A, Koenigsburg, Province of Prussia, Germany.	140-01-9526	206.40	F-28-31241
Rosa Schoener	Munich 8 Aub, Wienerstrasse 127/IV, Bavaria, Germany.	062-05-3461	171.12	F-28-31242
Anna Schreiber	Grosse, Bergstrasse 75, Greenberg, Germany.	269-01-8589	106.92	F-28-31248
Katharina Schumann	Bulsfelderwerg H. S. 500 Gerolzhofen, Germany.	072-09-5287	148.08	F-28-31243
Magda Simonson	Wyk-Fohr, Schleswig, Germany	545-07-1309	237.12	F-28-28724
Berta S. Sommer	Jobststrasse 25 Herne, Westfallen, Germany.	381-03-8859	76.86	F-28-31244
Carl H. Sommer	Jobststrasse 25 Herne, Westfallen, Germany.	381-03-8859	76.86	F-28-31245
Johann Reinhard Diedrich Stahr.	Kleistrasse 3, Oldenburg, Germany	478-07-2422	169.50	F-28-31246

[F. R. Doc. 51-5174; Filed, May 3, 1951; 8:48 a. m.]

[Vesting Order 17691]

TAKEHIKO TERAOKA

In re: Bank account owned by Takehiko Teraoka. D-39-1484-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Takehiko Teraoka, whose last known address is Shimosata Cho. No. 776, Higashi Muro-Gun Wakayama Ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Takehiko Teraoka, by The United States National Bank, San Diego, California, arising out of a Savings Account, account number 14108, entitled Takehiko Teraoka, maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5176; Filed, May 3, 1951; 8:49 a. m.]

[Vesting Order 17680]

ISOMATSU ABE ET AL.

In re: Funds owned by and claims of Isomatsu Abe and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are listed in Exhibit A, as set forth below and by reference made a part hereof, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. All funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks" and representing the proceeds of withheld checks, drawn for the payment of railroad retirement benefits to the persons whose names and Railroad Retirement Board numbers are listed on the aforesaid Exhibit A, and in the amounts as of January 1, 1947, as set forth opposite each such name, and any and all rights to demand, enforce and collect the aforesaid funds, and

b. Any and all rights and claims to railroad retirement benefits under the Railroad Retirement Act of 1935, as amended (Pub. Law 399, 74th Cong., 1st Sess., 49 Stat. 967), to January 1, 1947, of the persons whose names are listed in the aforesaid Exhibit A, and further identified by the Railroad Retirement Board number, listed opposite each such name, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name	Last known address	Railroad Retirement Board No.	Amount deposited as of Jan. 1, 1947	Office of Alien Property File No.
Isomatsu Abe	489 Mannaricho, Okayama City, Japan	A-135041	$3,101.04	F-39-4249
Kiyoharu Abe	Japan	A-178853	3,112.69	F-39-4251
Tomonori Roy Asahina	Komei-Cho Fuji-Machi Fuji-Gun, Shizuoka Ken, Japan.	A-137250	2,100.00	F-39-4243
Nabukachi Fujiyama	102 Jinnai Jinnai-Mura Kikuchi-Gun, Kumamoto Ken, Japan.	H-14233	146.36	F-39-2195
Montao Handa also known as Moutaro Handa	At the residence of I. Nacahama 1102-3 Chyo Matsubara Setagaya-Ku, Tokyo, Japan	A-180565	2,807.71	F-39-4249
Kihachi Hikida	Shizuken Imiramicun Isoiamura, Mitsuya via Yokoiama, Japan.	A-142630	1,801.20	F-39-4242
Kentaro Kazeyama	303 Tukayama Imakemura Okuzun, Okayama Ken, Japan.	A-118803	2,821.97	F-39-4232
Takajiro Kaneda	812-2 Kudamatsu Town Tsuno District, Yamauchi Prefecture, Japan.	A-55419	4,078.67	F-39-4245
Isao Kuwabara	Hiroshima-Ken Asa-Gun, Midori-Jura, Japan.	A-170009	4,323.39	F-39-4255
Gito Matsuichi	Tomiyoshi Oaza Mayakami-Mura Mitsu-Gun Okayama-Ken, Japan.	A-114888	3,977.78	F-39-4228
Fukutaro Matsumura	4233 Mitsukawa, Yonetomi-Mura, Tamana-Gun, Yumamoto, Japan	H-35548	1,220.00	F-39-4227
Tsunekichi Miyazawa	Shiba Ken Imisami koori Tasamura, Aza Tsuchida 581, Japan.	A-72123	1,607.40	F-39-4225
Kikuji Moriyasu	Oi Omura Kitagun, Okayamaken, Japan.	A-132961	2,605.62	F-39-4223
Keikichi Murata	Maemo Kamono Mura Yamauchi, Ken Oshima Gun, Japan.	A-90155	1,341.60	F-39-4221
Tsunejiro Murato	Hijata-Mura Fukuoka City, Fukuoka-Ken, Japan.	A-83127	2,761.79	F-39-4220
Wakataro Nagashi	2169 3-Chome Horjo Ashikaza, Shi Tonchigiken, Japan.	A-93587	2,581.79	F-39-4219
Rinzo Nagato	1778 Kamiashimori Ashimori-Cho, Kibi-Gun Okayama, Japan.	A-88570	2,260.16	F-39-4218
Makazo Nishi	Wakayama Ken Hidaka Gun Yukawa, Mura Komaishiaza, Japan.	A-156556	1,560.80	F-39-4215
Yosojiro Nishimura	7 Chome Okurucho, Akashi, Japan	A-75014	1,528.10	F-39-4214
Noboru Obara	1239 No. 4 Aza Sakaishita Oaza Beppu, Beppu Shi Oitaken, Japan.	A-112708	3,020.21	F-39-4211
Tom Ryoso	Kawanchi Mura Asa Gun, Hiroshima-Ken, Japan	A-120128	127.60	F-39-4205
Masutaro Sakamoto	Taro Gaza, Wabuka Village, Nishi-Muro County, Wakayama Prefecture, Japan.	A-132212	5,271.60	F-39-4266
Yuta Sakuma	Nacano Mura Matsuzawa Nihyaku, Kari 127, Omura Gun Fukushima, Prefectura, Japan.	H-27598	2,028.00	F-39-1268
Shigekichi Tadokoro	At the residence of Tazo Tadokoro, Kochi Shi Gai Gomen Machi 36 Bai Kochi, Ken, Japan.	A-135011	1,788.88	F-39-4273
Sumao Tagami	5 Oura-Macho Nagasaki, Japan	A-5960	1,601.85	F-39-4274
Yenta Tahara	At the office of Yokohama Specie Bank Ltd., 24 Kyomachi Kobe-Ku, Kobe, Japan.	A-119873	3,821.44	F-39-4275
Katsutaro Takamoto	Kumamoto Ken Kikuchi Gun Gin Naimura Aza Zonai, Japan.	A-81749	2,360.00	F-39-4276
Toraji Tanhara	Sayama Hiratsumura Mitsugun, Okayamaken, Japan.	A-168151	2,482.15	F-39-4281
Hitoshi Terada	At residence of Yoshino 30 Hujimicho, Azabuku Tokyo, Japan.	A-133076	2,561.40	F-39-4285
Senpei Watanabe	1 Chome Uto Machi Uto Gun, Kumamoto Ken, Japan.	A-81769	2,360.53	F-39-4260
Kyusayemon Yamasaki	Shizuken Enukami-Gun Wakimabata-Mura, Aza Tzuki P o Tana Kyoku, Japan.	A-100271	32.48	D-39-18751
Shichitaro Yamasaki	1049 Kannon Honmachi, Hiroshima, Japan.	A-101233	2,518.12	F-39-2219
Ryokichi Yoshimoto	268 Kunitsugucho Higashi, Yodogawaku Osaka, Japan.	A-35721	1,660.80	F-39-4297
Tom Ihara	Japan	A-66492	714.49	F-39-6892
Kumataro Kuratomi	Obi Minomira Ukiha, Gun Fukuoka, Ken, Japan.	A 153432	2,535.44	F-39-6864
Torazo Kurita	615 Shibukawa Udomura, Aitogun, Shizuoka Ken, Yokohama, Japan	A-148339	2,400.00	F-39-4256
Keishiro Nada	Kumamoto Ken Hotaku Gun Kawashiri, Post Office, Japan.	A-111883	2,439.06	F-39-421
Miyo Osuka (designated Beneficiary of Rikizo Otsuka).	Kunda Mura Yosa-Gun Kyoto-Ku, Japan.	A-97424	28.65	F-39-6893
Thomas Takeichi Sasaki	Japan	A-215545	281.40	D-39-11263
Kozo Takahashi (designated beneficiary of Shun Takahashi.	1901 Kamemeguro-Meguro Machi, Tokyo, Japan.	D-40922	264.59	F-39-6896
Tatsuya Tamura	347 Numata-Machi Tonegun, Gunmaken, Japan.	A-120772	2,400.00	F-39-6894
Saichi Tateshima	Katsumura-Cho Higashimurogun, Wakayamaken, Japan.	A-109833	1,948.80	F-39-4284
Tosaburo T. Uchiyama	Fukuoka Ken Ukiha Gun Funagoshi, Mura Aza Hachiryu Number 1208, Japan.	A-219105	29.76	F-39-6895
Soji Watanabe	63 Aza-Kawa Harada O-Aza, Yonezawa Shibukawa-Mura Adachi Gun, Fukushima-Ken, Japan.	A-144530	4,108.20	F-39-4291
Ukichi Yoshimoto	At the residence of Takashi Yoshimoto, 529 Sinawara Hahunmura Hotakugun, Kumamoto Ken, Japan.	A-154610	143.98	F-39-6885

[F. R. Doc. 51-5173; Filed, May 3, 1951; 8:48 a. m.]

[Vesting Order 17693]

ASSOCIATIE CASSA

In re: Accounts maintained in the name of Associatie Cassa, Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1338.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Associatie Cassa, Amsterdam, The Netherlands]

Column I	Column II
Name and address of institution which maintains account	Designation of account
The New York Trust Co., 100 Broadway, New York 15, N. Y.	Deposit account a/c A 5007, as described by The New York Trust Co. in its report on Form OAP-700, bearing its Serial No. FD 4.

[F. R. Doc. 51-5177; Filed, May 3, 1951; 8:49 a. m.]

[Vesting Order 17694]

N. V. NEDERLANDSCHE STANDAARDBANK

In re: Accounts maintained in the name of N. V. Nederlandsche Standaardbank, Amsterdam, Netherlands, and owned by persons whose names are unknown. F-49-501.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of N. V. Nederlandsche Standaardbank, Amsterdam, Netherlands]

Column I	Column II
Name and address of institution which maintains account	Designation of account
1. Amsinck, Sonne & Co., 99 Wall St., New York 5, N. Y.	Credit balance, as reported by Amsinck, Sonne & Co., in its report on Form OAP-700, dated Nov. 14, 1950.
2. The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	N. V. Nederlandsche Standaardbank, Amsterdam, Netherlands, Blocked non-resident customers' account No. 1 (Transferred from account described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its Serial No. 27).

[F. R. Doc. 51-5178; Filed, May 3, 1951; 8:49 a. m.]

[Vesting Order 17697]

SWISS BANK CORP.

In re: Accounts maintained in the name of Swiss Bank Corporation, St. Gall, Switzerland, and owned by persons whose names are unknown. F-63-2748 (St. Gall).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Swiss Bank Corp., St. Gall, Switzerland]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Swiss Bank Corp., New York Agency, 15 Nassau St., New York, N. Y.	(a) Ordinary account certified, (b) general ruling 6(7) account, and (c) general ruling 6 shipment as described by Swiss Bank Corp., New York Agency, in its report on Form OAP-700, bearing its Serial No. 0074.

[F. R. Doc. 51-5179; Filed, May 3, 1951; 8:49 a. m.]

[Vesting Order 17714]

RUDOLF OLTMANNS

In re: Estate of Rudolf Oltmanns, deceased. File No. D-28-12979 G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gretchen Oltmanns and Hanna Oltmanns, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of Gretchen Oltmanns in and to Account No. 204624 in the name of Rudolf Oltmanns, trustee for Gretchen Oltmanns, maintained in the Hoboken Bank for Savings, in the City of Hoboken, corner Washington at First Streets, Hoboken, New Jersey, and the proceeds thereof is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by Gretchen Oltmanns, a national of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Rudolf Oltmanns, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That the property described in subparagraph 3 hereof is in the process of administration by William Oltmanns, as administrator, acting under the judicial supervision of the County Court of Hudson County, New Jersey, Probate Division.

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5180; Filed, May 3, 1951; 8:49 a. m.]

[Vesting Order 17715]

KIYOJI ONO ET AL.

In re: Rights of Kiyoji Ono et al. under insurance contract. File No. D-39-9723-H-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiyoji Ono, Nomiye Ono, and Hideo Ono, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Kiyoji Ono, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,653,601, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Kiyoji Ono, and any all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada together with the right to demand, enforce, receive and collect the

same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Kiyoji Ono, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan),

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5181; Filed, May 3, 1951; 8:49 a. m.]

[Vesting Order 17716]

JOSEPH (JOSEF) SCHMID, JR., ET AL.

In re: Rights of Joseph (Josef) Schmid, Jr., et al. under annuity contracts. Files Nos. F-28-563-H-2, 3, 4.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph (Josef) Schmid, Jr. and Joseph Schmid, Sr., whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. B 16,566, B 16,567 and B 16,568, issued by The Canada Life Assurance Company, Toronto, Canada, to Joseph Schmid, Jr., and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid The Canada Life Assurance Company, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Joseph (Josef) Schmid, Jr. or Joseph Schmid, Sr., the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5182; Filed, May 3, 1951; 8:49 a. m.]

[Vesting Order 17717]

IWAO YAMAGUCHI

In re: Rights of Iwao Yamaguchi under insurance contract. File No. D-39-16813-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Iwao Yamaguchi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Iwao Yamaguchi, under a contract of insurance evidenced by policy No. 2529547, issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to Iwao Yamaguchi, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Hideo Yamaguchi, a resident of the United States and of the aforesaid John Hancock Mutual Life Insurance Company, together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5183; Filed, May 3 1951; 8:49 a. m.]

SOCIETE CENTRALE DE CHEMINS DE FER ET D'ENTERPRISES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Centrale de Chemins de Fer et d'Enterprises, Le Mans (Sarthe), France; Claim No. 41903; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,134,628.

Executed at Washington, D. C., on April 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5184; Filed, May 3, 1951; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 88

Washington, Saturday, May 5, 1951

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; VERMONT

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth; and § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), is amended by adding said county, average value, and investment limit to the tabulations appearing in said section under the State of Vermont.

VERMONT

County	Average value	Investment limit
Grand Isle	$11,500	$11,500

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 2d day of May, 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-5258; Filed, May 4, 1951; 8:58 a. m.]

Subchapter F—Miscellaneous Regulations

PART 381—DISASTER LOAN PROGRAM

MAKING AND SERVICING OF DISASTER LOANS

Part 381 in Title 6, Code of Federal Regulations (14 F. R. 4895, 15 F. R. 2053, 5547), is revised to read as follows: To (1) empower the Administrator to designate areas in which disaster loans may be made as a result of a subsequent disaster occuring in an area previously designated by the Secretary; (2) authorize subsequent loans to disaster loan borrowers; (3) authorize additional loans to applicants in designated areas who have paid their previous disaster loans, provided the need for additional assistance is related directly to the disaster; (4) change terms for repayment of loans; and (5) change security requirements and servicing.

SUBPART A—LOANS UNDER SECTION 2, PUBLIC LAW 38, 81ST CONGRESS

Sec.
381.1 General.
381.2 Purpose and scope of program.
381.3 Designation of disaster areas.
381.4 Eligibility and certifications.
381.5 Loan purposes.
381.6 Rates and terms.
381.7 Security requirements.
381.8 Advances resulting in permanent real estate improvements.
381.9 Loan forms and routines.
381.10 Loan approval authority.
381.11 Servicing disaster loans.

SUBPART B—SERVICING LOANS MADE UNDER ITEM "LOANS TO FARMERS, PROPERTY DAMAGE," IN PUBLIC LAW 71, 81ST CONGRESS

381.21 General.
381.22 Loan servicing procedures.

AUTHORITY: §§ 381.1 to 381.22 issued under R. S. 161; 5 U. S. C. 22.

DERIVATION: §§ 381.1 to 381.11 contained in FHA Instruction 445.1.

SUBPART A—LOANS UNDER SECTION 2, PUBLIC LAW 38, 81ST CONGRESS

§ 381.1 *General.* Public Law 38, enacted by the 81st Congress, authorized the making of disaster loans in areas designated by the Secretary of Agriculture in which production disasters have occurred. Sections 381.2 to 381.11 provide the policies and procedures for making and servicing such loans.

§ 381.2 *Purpose and scope of program.* The primary purpose of the disaster loan program is the extension of credit to farmers and stockmen, in designated areas, who have suffered substantial damage as a result of a production disaster and who are unable to obtain from commercial banks, cooperative lending agencies, or other responsible sources the credit required to carry on their farming or livestock operations. The Disaster loan program is not designed to enable farmers and stockmen

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FEDERAL REGISTER

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1949 Edition

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to reorganize their farming or stock-raising operations and, therefore, Disaster loans will not be made for that purpose. In connection with some Disaster loans involving the repair or replacement of buildings, other real estate improvements, and orchard and other specialized operations, technical assistance may be required in order to make sound loans and to insure the wise use of funds advanced. In such cases applicants will utilize the services provided by Federal and state agencies and, when feasible, the services of qualified persons or firms, in obtaining needed technical assistance. The Farmers Home Administration will assist applicants in obtaining such services from other sources, and may provide minimum technical services available within its organization to applicants whenever personnel is available.

§ 381.3 *Designation of disaster areas.* Disaster loans will be made only in those areas designated by the Secretary of Agriculture. A disaster area may consist of a State or county or any combination of States, counties, or subdivisions thereof in which a disaster has reduced substantially agricultural production and created a need for emergency credit not otherwise available. When a subsequent disaster occurs within a previously designated area and the period during which original applications for loans may be accepted in the area has not expired and it will not be necessary to extend that period because of the later disaster, the Administrator may authorize the making of Disaster loans in connection with the later disaster upon a finding that the need for agricultural credit continues to exist, or has increased, by reason of the subsequent disaster.

§ 381.4 *Eligibility and certifications.* Any farm owner, farm operator, or stockman (including a partnership or corporation engaged primarily in farming or stock-raising operations) who has suffered substantial damage as a result of a production disaster is eligible to receive a Disaster loan, provided he is unable to obtain from commercial banks, cooperative lending agencies or other responsible sources the credit necessary for continuing his farming operations. Before a loan is made, the County Committee and loan approving official will

determine from the facts in the case that the applicant (1) has suffered production losses substantially greater than those which may be expected from normal fluctuations in yields or (2) if in a storm damaged area, has suffered losses in property which will reduce substantially future production on the farm.

(a) *Subsequent loans.* A subsequent loan to an applicant already indebted for a Disaster loan may be made when necessary to protect the Government's investment in Disaster loans previously made, provided there is reasonable assurance that the subsequent loan and the outstanding balances on the previous loans will be repaid.

(b) *Loans to paid-up borrowers.* Additional loans may be made to applicants in designated areas who have repaid their previous Disaster loans, provided the need for additional assistance is related directly to the disaster and such applicants are unable to obtain from commercial banks, cooperative lending agencies, or other responsible sources the credit necessary to continue their farming operations.

(c) *Certification by applicant.* Before a Disaster loan may be made the applicant must certify on Form FHA–202, "Application and Certifications for Disaster Loan," that he has suffered substantial damage as a result of a production disaster and that he is unable to obtain from commercial banks, cooperative lending agencies, or other responsible sources the credit necessary for continuing his farming operations.

(d) *Certification by County Committee.* Before a loan may be made the County Committee must certify on Form FHA–202 that, to the best of its knowledge and belief:

(1) The applicant has suffered substantial damage as a result of a production disaster,

(2) The applicant is unable to obtain from commercial banks, cooperative lending agencies, or other responsible sources the credit necessary for continuing his farming operations, and

(3) The applicant has the necessary experience and ability and will honestly endeavor to carry out the undertakings and obligations required of him under the loan.

§ 381.5 *Loan purposes.* (a) Disaster loans may be made for any of the agricultural purposes indicated in this section. However, the exact purposes for which loan funds will be advanced in a given area will be determined by the type of farming carried on in that area, the nature of the disaster which occurred, and the nature and extent of losses suffered by applicants for loans. Simultaneously with the designation of a disaster area the State Director will be notified of the specific purposes for which Disaster loans may be made in that area. Such purposes may include:

(1) The purchase of feed, seed, fertilizer, and insecticides, and for other essential farm and home operating expenses.

(2) The purchase of livestock.

(3) The purchase of orchard and citrus nursery stock.

(4) The purchase of farm and home equipment, or the repair thereof.

(5) The replacement or repair of buildings, fences, drainage and irrigation systems on individual farms.

(6) The leveling of land and the clearing of debris therefrom necessary as a direct result of the disaster.

(7) The payment of current taxes on real and personal property, water charges, and current interest on real estate obligations where it appears that anticipated income will support such obligations.

(8) Other agricultural purposes not inconsistent with the limitations set forth in connection with any of the above purposes.

(9) Expenses incident to the making of such loans.

(b) Disaster loans will not be made for the purpose of refinancing existing debts, either secured or unsecured, or for the payment of cash rent.

§ 381.6 *Rates and terms.* Disaster loans will bear interest from the date of the advance at the rate of 3 percent per annum on the unpaid principal balance. Such loans will be scheduled for repayment in accordance with the following policies:

(a) Except as provided in paragraph (c) of this section advances made for annual operating expenses, including advances for the production or purchase of feed for livestock, and the purchase of livestock to be fed for the market, will be scheduled for repayment when the principal income from the year's operations normally will be received or when the principal income from the sale of the livestock or livestock products normally can be expected.

(b) Except as provided in paragraph (c) of this section, advances for purposes other than annual operating expenses will be scheduled for repayment over the minimum period of time consistent with the anticipated ability of the borrower to repay, but in no instance may the repayment schedule extend beyond the useful life of the principal items of security property. Ordinarily, such advances will not be scheduled for repayment over a period in excess of five years from the date of the advances, if secured by liens on chattel property, or ten years from such date if secured by liens on real estate. In exceptional cases, however, when justified because of the nature of the disaster and the extent of losses suffered by the applicant, a longer repayment period (not to exceed ten years if the loans are secured by liens on chattel property, or twenty years if secured by liens on real estate) may be allowed upon the prior approval of the Administrator.

(c) Advances will be scheduled for repayment in at least annual installments, except that any part or, if necessary, all of the first installment on advances made for purposes other than annual operating expenses may be scheduled for repayment at the end of the second crop year following the date of the loan when the borrower's anticipated expenses will be abnormally high because of the disaster and the balance available for debt payment is not sufficient to enable the borrower to make payments on his Disaster loan at the end of the first crop year. If the borrower's anticipated income will be abnormally low because of the disaster, such as in a fruit producing area where little or no fruit production is expected the first year, deferments on advances for annual operating expenses may be granted for the same period and under the same circumstances. If unusual conditions exist with respect to any individual case, a longer period of deferment may be authorized upon the prior approval of the Administrator.

§ 381.7 *Security requirements.* Except as provided in this section, each Disaster loan will be secured for the full amount of the loan by the following:

(a) A first lien on all livestock, farm machinery and farm equipment purchased with proceeds of the loan.

(b) A first lien on all crops growing or to be grown. However, if the Farmers Home Administration will make no advance in connection with a particular crop which is under lien as security for advances made by another creditor, the best lien obtainable will be taken on such crop. When a loan is made to a tenant, the landlord will be required to subordinate all his interest in crops being financed with proceeds of the loan unless the Government's lien on crops will be junior only to the landlord's claim for reasonable and customary share rent for the current year as provided for in a written lease, or as evidenced by memorandum on Form FHA–32, "Subordination Agreement," or similar form. State Directors are authorized to waive the requirement that the landlord subordinate his interest with respect to borrowers paying cash or standing rent when (1) a loan is being made to an applicant already indebted on a Disaster loan which was obtained prior to January 1, 1951, and amortized over more than one year and (2) the borrower will operate the same farm under the same lease.

(c) A first lien on livestock to be fed for market and productive livestock, other than that used for subsistence purposes, if loans are made to purchase or produce feed for such livestock. However, if it is not possible to obtain a first lien on such livestock, a junior lien will be acceptable provided the applicant has sufficient equity in the property to justify such action, nondisturbance agreements are obtained from prior lien holders, and prior lien holders agree in writing to a division of the income to be received from the livestock which will permit the borrower to repay his Disaster loan in accordance with the policies expressed herein.

(d) The best lien obtainable on as much of the livestock, farm machinery and farm equipment of security value owned by the applicant at the time the loan is made as the loan approving official determines necessary to secure reasonably the Disaster loan.

(e) An assignment of sufficient proceeds from the sale of agricultural products to assure repayment in accordance with the policies prescribed herein, if the loan is to be repaid from proceeds which can be assigned. In addition, assignments of crop insurance policies, if carried by the borrower, will be required.

(f) Disaster loans made primarily for real estate repairs and improvements, including the rehabilitation of orchards and groves, which require longer periods for repayment than would be prudent to encumber livestock and equipment will be secured only by real estate liens, provided the applicants have sufficient equity in their real estate to secure adequately their Disaster loans. Liens on real estate, in addition to liens on crops and chattel property, will be taken in other cases if required by the loan approving official because of the amount of the loan, the financial condition of the applicant, or other peculiar circumstances, and the applicant has sufficient equity in his real estate to justify such action. When a Disaster loan is to be secured by a lien on real estate, the applicant will be required to provide, at his expense, a certificate of title prepared by a title company or a local practicing attorney covering a period of time determined by the representative of the Office of the Solicitor as being sufficient to provide satisfactory evidence of title, a mortgagee's title insurance or an abstract of title. If a certificate of title is to be accepted and the real estate to be offered as security is subject to a lien securing an advance made by an established real estate lending institution, or has been transferred recently by the Federal Government, the certificate need cover only the period of time since the date of the encumbrance or transfer, but it must show all later encumbrances against the property. Any evidence of title presented pursuant to this section will be examined by the representative of the Office of the Solicitor to determine adequacy of title and to prepare loan closing instructions.

(g) Before a Disaster loan is closed, the applicant will be required to obtain nondisturbance agreements from creditors holding liens on workstock and equipment essential to the farming operations to be financed with proceeds of the loan, provided the debts owed such creditors are delinquent or payments will fall due before the next harvest. In such cases the creditors will agree for the applicant to retain the property involved over a sufficient period of time to protect the interest of the Government. Similar agreements will be obtained from other creditors whose debts are likely to jeopardize the applicant's farming operations.

§ 381.8 *Advances resulting in permanent real estate improvements.* Loans made primarily for the purpose of making permanent improvements to real estate will be made generally to the owner of the real estate. In exceptional cases, however, a loan for this purpose may be made to a tenant when adequate chattel security can be obtained, but in such cases the landlord will be required to compensate the tenant for the improvements to the real estate.

§ 381.9 *Loan forms and routines*—(a) *Application and certifications.* Applications for Disaster loans and certifications by the County Committee in connection therewith will be obtained on Form FHA–202. Applications may be made at the County Office of the Farmers Home Administration.

(b) *Promissory note.* The applicant will be required to execute Form FHA–203, "Promissory Note," for the full amount of each advance.

(c) *Loan voucher.* The applicant will be required to execute Form FHA–5, "Loan Voucher," for the total amount of each advance as indicated in Form FHA–203.

(d) *Security instruments.* (1) When chattels are to be taken as security for a loan, the applicant will execute Form FHA–30.—, "Crop and Chattel Mortgage."

(2) When real estate is to be taken as security for a loan, the applicant will execute Form FHA–76.—, "Real Estate Mortgage."

(3) Form FHA–80, "Assignment of Proceeds from the Sale of Agricultural Products," or other form approved by the representative of the Office of the Solicitor will be used to obtain an assignment of proceeds from the sale of farm, dairy, or other agricultural products.

(4) When necessary to meet the requirements of § 381.7, the applicant will be required to obtain a subordination agreement from his landlord and other creditors. Form FHA–32, or similar form approved by the representative of the Office of the Solicitor, will be used for this purpose. When the landlord is required to subordinate his interest in the borrower's crops for rent and Form FHA–32 is used for this purpose, the words "except that this subordination does not apply to the landlord's(s') interest in the crops for rent for the crop year for which the loan is made," will be deleted.

(e) *Lien searches.* Applicants are required to obtain and pay the cost of lien searches. The cost of lien searches may be paid from the proceeds of loan checks when necessary.

(f) *Advances.* Disaster loan dockets may be submited to the Area Finance Office for (1) immediate disbursement of the full amount of the loan, or (2) as limited herein, disbursement in more than one advance, but not to exceed four advances. Disaster loans may be disbursed in more than one advance only if (i) the circumstances in an individual case necessitate such action to protect properly the interest of the Government and the borrower, and (ii) all of the advances for operating expenses are related to the same crop year, but in no event will any of the future payment vouchers be scheduled for payment more than twelve months from the date of the first advance.

§ 381.10 *Loan approval authority.* (a) Subject to the policies and procedures contained in §§ 381.2 to 381.9, State Directors are authorized to approve disaster loans in amounts which will not cause the outstanding principal balance on such loans to exceed $12,000 for any one borrower. State Directors may redelegate to State Field Representatives and County Supervisors authority to approve Disaster loans subject to the following limitations:

(1) State Field Representatives may be authorized to approve Disaster loans in amounts which will not cause the outstanding principal balance on such loans to exceed $5,000 for any one borrower.

(2) County Supervisors may be authorized to approve Disaster loans in amounts which will not cause the outstanding principal balance on such loans to exceed $2,500 for any one borrower.

(b) Other indebtedness owed the Farmers Home Administration (Farm Ownership, Farm Housing, Water Facilities, or other Operating loans) by an applicant for a Disaster loan will not affect the monetary limitations established in this section for the approval of Disaster loans or the applicant's eligibility therefor. However, such debts will be considered along with other indebtedness owed by the applicant in determining soundness of the loan and repayment ability.

§ 381.11 *Servicing Disaster loans*—(a) *General.* Farmers Home Administration regulations, except those contained in Part 364 and § 371.5 (b) of this chapter, containing the policies and procedures for the servicing of other operating loans under the Production and Subsistence Loan program will be followed in the servicing of Disaster loans.

(b) *Release of security other than real estate.* (1) County Supervisors and Disaster Loan Supervisors are authorized to release mortgaged property, and proceeds derived from the sale thereof, when the security property has been sold for its fair market value; provided the proceeds are used for one or more of the following purposes:

(i) To make payments on debts due the Farmers Home Administration.

(ii) To pay necessary harvesting and marketing expenses not provided for in the loan or otherwise, in connection with crops, livestock, and similar items mortgaged to the Farmers Home Administration which are sold in the usual course of operating the farm business. The amount released for this purpose, however, will be limited to a fixed amount per unit of sale (box, ton, hundredweight, and so forth) as agreed upon between the County Supervisor or Disaster Loan Supervisor and the borrower at the time the loan was made or prior to the harvest season, and the borrower should be required to account for the proceeds of each sale before a further release for the above purposes is approved.

(iii) To make payments on debts owed to other creditors and to make capital purchases, as agreed upon when the loan was made, and to meet farm and home operating expenses for the succeeding crop year; provided (*a*) amounts due the Farmers Home Administration and creditors with liens superior to those in favor of the Farmers Home Administration have been paid the amounts due for the year, and (*b*) the income released for these purposes is normal farm income.

(iv) To pay necessary farm and home operating expenses and other essential expenses which must be met prior to receipt of the primary income for the year's operations; provided no loan has been made for the current year; a com-

plete budget for the year, including such expenses, has been developed and approved by the State Director or his authorized delegatee; and, the income released is normal farm income.

(v) To purchase or acquire through exchange property more suitable to the borrower's needs, subject to the following conditions:

(*a*) The new property must be made subject to a lien in favor of the Farmers Home Administration by the execution of a new security instrument (or by the operation of the "replacement" or "after-acquired property" clauses, in accordance with State Instructions). The new property, together with any additional proceeds that may be applied on the indebtedness, will have security value to the Farmers Home Administration at least equal to that of the lien formerly held by the Farmers Home Administration on the old property. However, when the newly acquired property is not valued at more than $25, a new security instrument covering such property will not be required.

(*b*) When a new security instrument is necessary, it will be taken at the time of acquisition of the new property. However, in individual cases, the County Supervisor or Disaster Loan Supervisor may delay the taking of a new security instrument not to exceed one year or until a new mortgage is necessary for other reasons, whichever is earlier, when (*1*) adequate security (the present value, as determined by a conservative appraisal, of the borrower's property remaining under mortgage to the Farmers Home Administration is substantially greater than the amount of the debt) will continue to exist, and (2) the borrower's account due the Farmers Home Administration is current during such period of delay.

(c) If the property being acquired is valued in excess of $2,500, the transaction must be reviewed by the State Field Representative prior to approval of the release.

(vi) To make payments to other creditors having liens on the property sold which are superior to the liens of the Farmers Home Administration, provided the property is sold for its fair market value and any amount remaining after payments are made to the other creditors is applied on the borrower's indebtedness with the Farmers Home Administration, or is released under the conditions and for one or more of the purposes specified herein.

(2) State Directors are authorized to release mortgaged property, and proceeds derived from the sale thereof, for one or more of the following purposes:

(i) To pay from normal farm income necessary farm and home operating expenses which must be met before the due date of the next unpaid installment on the loan and prior to receipt of the primary income for the year's operations, provided such expenses were included in the budget developed in connection with the loan, and the loan was made with the understanding that funds would be released for this purpose. This would be appropriate, for example, where a borrower's primary income will be from the sale of lambs, and the loan was made with the understanding that wool income would be released to meet farm and home operating expenses which had to be paid prior to the due date of the next unpaid installment on the loan and prior to the time the lamb income would be received.

(ii) To pay costs (not normally recurring) that are directly necessary for the preservation of the remaining security property.

(c) *Other releases.* In truck or specialty crop areas when prior approval has been obtained from the National Office authorizing the financing of successive or later maturing crops through the use of crop income rather than by advancing additional loan funds, the Administrator or his authorized delegatee will issue appropriate authorizations to be exercised in such areas for the release of crops for such purposes.

SUBPART B—SERVICING LOANS MADE UNDER ITEM "LOANS TO FARMERS, PROPERTY DAMAGE", IN PUBLIC LAW 71, 81ST CONGRESS

§ 381.21 *General.* Under the First Deficiency Appropriation Act, 1949, funds originally appropriated by the Second Deficiency Appropriation Act of 1948 for making loans through June 30, 1949, were made available until June 30, 1950, and were used for making loans to farmers whose property was destroyed as a result of floods, storms or other natural calamity occurring during the 1948 and 1949 calendar years.

§ 381.22 *Loan servicing procedures.* Farmers Home Administration regulations, except those contained in Part 364 of this chapter, containing the policies and procedures for the servicing of other operating loans under the Production and Subsistence Loan program, will be followed in the servicing of property damage loans.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

APRIL 17, 1951.

Approved: May 1, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-5230; Filed, May 4, 1951; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

OVERTIME, NIGHT, AND HOLIDAY INSPECTION AND QUARANTINE ACTIVITIES AT BORDER, COASTAL, AND AIR PORTS

Pursuant to the authority vested in the Secretary of Agriculture by Public Law 735, 81st Congress, approved August 28, 1950, to pay employees of the Department performing inspection, certification or quarantine services relating to imports into and exports from the United States for all overtime, night, or holiday work performed by them and to accept reimbursement for such payment from persons for whom such work is performed, Chapter III of Title 7 of the Code of Federal Regulations is amended by adding thereto the following Part 354.

§ 354.1 *Overtime work at border ports, seaports, and airports.* Any person, firm, or corporation having ownership, custody or control of plants, plant products, or other commodities or articles subject to inspection, certification, or quarantine under this chapter, and who requires the services of an employee of the Bureau of Entomology and Plant Quarantine on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime request the Bureau inspector in charge to furnish inspection, quarantine, or certification service during such overtime period and shall pay the Secretary of Agriculture therefor at the rate of $2.40 per man hour for service so furnished, provided that a minimum charge of $2.40 shall be made for any such service rendered. It will be administratively determined from time to time which days constitute holidays.

The rates prescribed herein shall also be applicable to overtime work heretofore furnished pursuant to this statute under any contract or other arrangement.

The purpose of this amendment is to establish a uniform hourly rate of payment for all overtime services furnished in accordance with the act of August 28, 1950. Determination of the costs of such overtime inspection depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of those who require such overtime service, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication.

(Pub. Law 735, 81st Cong.)

Effective date. The foregoing amendment shall be effective upon publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 1st day of May 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-5229; Filed, May 4, 1951; 8:51 a. m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 3]

PART 421—DRY EDIBLE BEAN CROP INSURANCE

SUBPART—REGULATIONS FOR 1950 AND SUCCEEDING CROP YEARS

The above-identified regulations, as amended (14 F. R. 7684, 15 F. R. 2485, 9034), are hereby amended with respect to bean crops insured for the 1951 and succeeding crop years as follows:

1. Section 1 of the policy shown in § 421.32, as amended, is amended to read as follows:

1. *Classes of beans insured.* The class(es) of beans insured shall be shown on the county actuarial table. The class(es) of beans insured the first crop year of the contract shall be those designated by the Corporation for that year and shall be shown on the county actuarial table on file in the county office at the time the application for insurance is submitted. For each subsequent crop year, the class(es) shall be shown on the county actuarial table on file in the county office at least 15 days prior to the applicable cancellation date preceding the crop year for which such class(es) apply.

2. Section 7 of the policy shown in § 421.32 is amended to read as follows:

7. *Predetermined price for valuing production.* In determining any loss under the contract, the value of the production shall be determined on the basis of the applicable price(s) which the Corporation shall establish annually. The price(s) for the first crop year of the contract shall be those established by the Corporation for that year and shall be shown on the county actuarial table on file in the county office at the time the application for insurance is submitted. For each subsequent crop year, the price(s) shall be shown on the county actuarial table on file in the county office at least 15 days prior to the applicable cancellation date preceding the crop year for which such price(s) apply.

In any year, any production which is of such poor quality that it will not meet any U. S. Grade or pick shown on the county actuarial table shall be valued at the lesser of the lowest price shown on the county actuarial table for that class of beans or the local market value of such beans as determined by the Corporation. Any appraised production shall be valued on the basis of the Corporation's estimate of the applicable grade or pick.

3. Section 17 of the policy shown in § 421.32 is amended by changing paragraph (a) to read as follows:

(a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre, (2) subtracting therefrom the value (based on the applicable price(s) set forth on the county actuarial table) of the total production, and (3) multiplying the remainder by the insured interest in such unit. However, if the planted acreage on the insurance unit exceeds the insured acreage on the insurance unit, or if the premium computed for the planted acreage is more than the premium computed for the acreage and interest as approved by the Corporation on the acreage report, the amount of loss so determined shall be reduced. This reduction shall be made on the basis of the ratio of the insured acreage to the planted acreage except that the Corporation may elect to make the reduction on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for an insurance unit shall include all production determined in accordance with the following production schedule.

PRODUCTION SCHEDULE

Acreage classification	*Total production (cwt.—Net weight)*
1. Acreage on which beans are threshed.	Actual production of beans threshed.
2. Acreage released by the Corporation and not pulled or cut.	That portion of the appraised production for such acreage which is in excess of the number of cwt. determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if the acreage were threshed, and (2) dividing the result thus obtained by the applicable base price shown on the county actuarial table.
3. Acreage released by the Corporation after pulling or cutting but before threshing.	That portion of the appraised production for such acreage which is in excess of the number of cwt. determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if the acreage were threshed and (2) dividing the result thus obtained by the applicable base price shown on the county actuarial table.
4. Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the cwt. equivalent of the coverage per acre for threshed acreage determined on the basis of the applicable price shown on the county actuarial table.
5. Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of cwt. by which production for such acreage has been reduced, but not less than the product of (1) such acreage and (2) the cwt. equivalent of the coverage per acre for threshed acreage determined on the basis of the applicable price shown on the county actuarial table, minus any threshed beans.
6. Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of cwt. by which production has been reduced because of cause(s) not insured against.

Adopted by the Board of Directors on April 25, 1951.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interprets or applies secs. 507-509, 52 Stat. 73-75, as amended; 7 U. S. C. 1507-1509)

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved: May 1, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-5231; Filed, May 4, 1951; 8:51 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 197]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.524 *Orange Regulation 197*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 7, 1951. Shipments of oranges, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 11, 1950, and will so continue until May 7, 1951; the recommendation and supporting information for continued regulation subsequent to May 6 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 1; such meeting was

held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., May 7, 1951, and ending at 12:01 a. m., e. s. t., June 4, 1951, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 or U. S. No. 2 Bright unless such oranges (*a*) are in the same container with oranges which grade at least U. S. No. 1 Russet and (*b*) are not in excess of 50 percent, by count, of the number of all oranges in such container;

(iv) Any oranges, except Temple oranges, grown in Regulation Area I or Regulation Area II which are of a size larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack in a standard nailed box; or

(v) Any Temple oranges, grown in Regulation Area I or Regulation Area II, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade.

(2) As used in this section, the terms "handler," "ship," "Regulation Area I," "Regulation Area II," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," standard pack," "container," and "standard nailed box" shall each have the same meaning as when used in the revised United States Standards for Oranges (7 CFR 51.192).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 2d day of May 1951.

[SEAL] S. R. SMITH
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-5263; Filed, May 4, 1951; 9:00 a. m.]

[Grapefruit Reg. 141]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.525 *Grapefruit Regulation 141*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 7, 1951. Shipment of grapefruit grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 11, 1950, and will so continue until May 7, 1951; the recommendation and supporting information for continued regulation subsequent to May 6 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 1; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit this section including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., May 7, 1951, and ending at 12:01 a. m., e. s. t., June 4, 1951, no handler shall ship:

(i) Any grapefruit of any variety, grown in Florida which grade U. S. No. 3 or lower than U. S. No. 3 grade;

(ii) Any white seeded grapefruit, grown in Regulation Area I which grade U. S. No. 2 Russet;

(iii) Any white seeded grapefruit, grown in Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any pink seeded grapefruit, grown in Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(v) Any seedless grapefruit, grown in Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "Regulation Area I," "handler," "variety," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Grapefruit (7 CFR 51.191).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 2d day of May 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-5262; Filed, May 4, 1951; 8:59 a. m.]

[Lemon Reg. 380, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.487 (Lemon Regulation 380, 16 F. R. 3640) are hereby amended to read as follows:

(ii) District 2: 475 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 3d day of May 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-5320; Filed, May 4, 1951; 9:03 a. m.]

[Lemon Reg. 381]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.488 *Lemon Regulation 381*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on May 2, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 6, 1951, and ending at 12:01 a. m., P. s. t., May 13, 1951, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 500 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 3d day of May 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 2

[Storage date: Apr. 29, 1951]

[12:01 a. m. May 6, 1951, to 12:01 a. m. May 20, 1951]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.525
American Fruit Growers, Inc., Fullerton	1.188
American Fruit Growers, Inc., Upland	.389
Eadington Fruit Co	1.105
Hazeltine Packing Co	.821
Ventura Coastal Lemon Co	1.173
Ventura Pacific Co	1.591
Glendora Lemon Growers Association	1.933
La Verne Lemon Association	.847
La Habra Citrus Association	2.126

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Yorba Linda Citrus Association	0.937
Escondido Lemon Association	4.634
Alta Loma Heights Citrus Association	.625
Etiwanda Citrus Association	.329
Mountain View Fruit Association	.460
Old Baldy Citrus Association	.964
San Dimas Lemon Association	1.901
Upland Lemon Growers Association	5.775
Central Lemon Association	1.414
Irvine Citrus Association	1.163
Placentia Mutual Orange Association	1.020
Corona Citrus Association	.793
Corona Foothill Lemon Co	3.403
Jameson Co	1.703
Arlington Heights Citrus Co	1.681
College Heights Orange & Lemon Association	2.287
Chula Vista Citrus Association	1.061
El Cajon Valley Citrus Association	.171
Escondido Cooperative Citrus Association	.330
Fallbrook Citrus Association	2.596
Lemon Grove Citrus Association	.476
Carpinteria Lemon Association	1.604
Carpinteria Mutual Lemon Association	1.759
Goleta Lemon Association	3.203
Johnston Fruit Co	4.030
North Whittier Heights Citrus Association	1.024
San Fernando Heights Lemon Association	1.390
Sierra Madre-Lamanda Citrus Association	1.564
Briggs Lemon Association	1.898
Culbertson Lemon Association	1.386
Fillmore Lemon Association	1.581
Oxnard Citrus Association	4.354
Rancho Sespe	1.229
Santa Clara Lemon Association	2.602
Santa Paula Citrus Fruit Association	3.352
Saticoy Lemon Association	2.063
Seaboard Lemon Association	3.292
Somis Lemon Association	2.431
Ventura Citrus Association	.591
Ventura County Citrus Association	.011
Limoneira Co	2.258
Teague-McKevett Association	.994
East Whittier Citrus Association	1.372
Leffingwell Rancho Lemon Association	.982
Murphy Ranch Co	1.877
Chula Vista Mutual Lemon Association	.579
Index Mutual Association	.957
La Verne Cooperative Citrus Association	3.019
Orange Belt Fruit Distributors	.858
Ventura County Orange & Lemon Association	1.670
Whittier Mutual Orange & Lemon Association	.155
Ayoob, Fred	.003
Evans Bros. Packing Co	.009
Johnson, Fred	.049
Knapp, John C., Packing Co	.009
Latimer, Harold	.076
MacDonald Fruit Co	.004
Paramount Citrus Association, Inc.	.300
San Antonio Orchard Co	.047
Uyeji, Kikuo	.001

[F. R. Doc. 51-5319; Filed, May 4, 1951; 9:03 a. m.]

[Orange Reg. 370]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.516 *Orange Regulation 370*—(a) *Findings.* (1) Pursuant to the pro-

visions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on May 3, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., May 6, 1951, and ending at 12:01 a. m., P. s. t., May 13, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: 500 carloads;

(*b*) Prorate District No. 2: 100 carloads;

(*c*) Prorate District No. 3: 100 carloads;

(*d*) Prorate District No. 4: Unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: 700 carloads;

(*c*) Prorate District No. 3: No movement;

(*d*) Prorate District No. 4: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR § 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 4th day of May 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., May 6, 1951, to 12:01 a. m., P. s. t., May 13, 1951]

VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	2.0144
A. F. G. Porterville	1.7970
Ivanhoe Cooperative Association	.5238
Sandilands Fruit Co	.8183
Dofflemyer & Son, W. Todd	.4277
Earlibest Orange Association	1.7343
Elderwood Citrus Association	.8452
Exeter Citrus Association	2.1428
Exeter Orange Growers Association	.6482
Hillside Packing Association	2.2435
Ivanhoe Mutual Orange Association	.8607
Klink Citrus Association	4.5654
Lemon Cove Association	1.5401
Lindsay Citrus Growers Association	3.0312
Lindsay Cooperative Citrus Association	2.0905
Lindsay Fruit Association	2.4719
Lindsay Orange Growers Association	1.1121
Orange Cove Citrus Association	3.1915
Orange Packing Co	.9422
Orosi Foothill Citrus Association	1.6681
Paloma Citrus Fruit Association	.6440
Rocky Hill Citrus Association	3.1590
Sanger Citrus Association	2.3725
Sequoia Citrus Association	.8431
Stark Packing Corp	4.3795
Visalia Citrus Association	3.0984
Waddell & Son	2.4939
Baird Neece Corp	1.7519
Grand View Heights Citrus Association	4.5833
Magnolia Citrus Association	2.7584
Porterville Citrus Association, The	.7977

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Richgrove-Jasmine Citrus Association	1.3360
Strathmore Cooperative Association	8.0994
Strathmore District Orange Association	1.1589
Strathmore Fruit Growers Association	1.4016
Strathmore Packing House	1.4907
Sunflower Packing Association	2.7553
Sunland Packing House Co	3.7079
Tule River Citrus Association	.8575
La Verne Cooperative Citrus Association	.1014
Lindsay Mutual Groves	1.4876
Martin Ranch	.8666
Orange Cove Orange Growers	1.8119
Webb Packing Co	.1787
Woodlake Packing House	1.0487
Anderson Packing Co., R. M	.6750
Baker Bros	1.0392
Bear State Packers, Inc	.0080
California Citrus Groves, Inc., Ltd	2.6682
Campbell, Ralph D. & P. Agnes	.0267
Chess Co., Meyer W	.2936
Darby Fred J	.1748
Dotts, Vern	.0480
Dubendorf, John W	.1308
Far West Produce Distributors	.5336
Foran, Pat	.1281
Hass, W. H	.0801
Harding & Leggett	2.5567
Independent Growers, Inc	2.2831
Kim, Chas. N	.0054
Kroells Packing Co	2.2071
Lo Bue Bros	.7284
Maas, W. A	.0820
Marks, W. & M	.2454
Randolph Marketing Co	1.5635
Reimers, Don H	.1658
Schilling, Joseph	.1601
Sky Acres Ranch	.2267
Smith, E. L	.0534
Swenson, L. W	.0039
Terry, Flyod	.0027
Woodlake Heights Packing Corp	.5618
Zaninovich Bros, Inc	.4901

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.0918
A. F. G. Corona	.0569
A. F. G. Fullerton	.8467
A. F. G. Orange	.3773
A. F. G. Riverside	.1395
A. F. G. San Juan Capistrano	.5909
A. F. G. Santa Paula	.4718
Eadington Fruit Co., Inc	5.6313
Hazeltine Packing Co	.3980
Krinard Packing Co	.2156
Placentia Cooperative Orange Association	.5124
Placentia Pioneer Valencia Growers Association	.6555
Signal Fruit Association	.1097
Azusa Citrus Association	.5306
Covina Citrus Association	1.2112
Covina Orange Growers Association	.6078
Damerel-Allison Association	.7831
Glendora Citrus Association	.5331
Glendora Mutual Orange Association	.3325
Valencia Heights Orchard Association	.4385
Gold Buckle Association	.4929
La Verne Orange Association	.6775
Anaheim Valencia Orange Association	1.3138
Fullerton Mutual Orange Association	2.6311
La Habra Citrus Association	1.1505
Yorba Linda Citrus Association, The	1.0131

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Escondido Orange Association	2.4353
Alta Loma Heights Citrus Association	.0510
Citrus Fruit Growers	.1992
Etiwanda Citrus Fruit Association	.0278
Mountain View Fruit Association	.0471
Old Baldy Citrus Association	.1171
Rialto Heights Orange Growers	.0644
Upland Citrus Association	.3561
Upland Heights Orange Association	.1469
Consolidated Orange Growers	1.8498
Frances Citrus Association	1.2021
Garden Grove Citrus Association	1.7406
Goldenwest Citrus Association	1.7989
Irvine Valencia Growers	3.1649
Olive Heights Citrus Association	2.1152
Santa Ana-Tustin Mutual Citrus Association	.9167
Santiago Orange Growers Association	3.8710
Tustin Hill Citrus Association	1.9468
Villa Park Orchards Association, The	2.1403
Bradford Bros., Inc	.9281
Placentia Mutual Orange Association	3.6688
Placentia Orange Growers Association	3.4148
Yorba Orange Growers Association	.8687
Call Ranch	.0766
Corona Citrus Association	.4974
Jameson Co	.0840
Orange Heights Orange Association	.6332
Crafton Orange Growers Association	.2705
East Highlands Citrus Association	.0673
Redlands Heights Groves	.1795
Redlands Orangedale Association	.1448
Rialto-Fontana Citrus Association	.0849
Break & Son, Allen	.0508
Bryn Mawr Fruit Growers Association	.1029
Mission Citrus Association	.1332
Redlands Cooperative Fruit Association	.2867
Redlands Orange Growers Association	.1582
Redlands Select Groves	.2638
Rialto Orange Co	.1902
Southern Citrus Association	.1510
Zilen Citrus Co	.0577
Arlington Heights Citrus Co	.1473
Brown Estate, L. V. W	.1363
Gavilan Citrus Association	.1546
Highgrove Fruit Association	.0659
McDermont Fruit Co	.1318
Monte Vista Citrus Association	.2457
National Orange Co	.0543
Riverside Heights Orange Growers Association, The	.0377
Sierra Vista Packing Association	.0470
Victoria Ave. Citrus Association	.2134
Claremont Citrus Association	.0976
Indian Hill Citrus Association	.2037
Walnut Fruit Growers Association	.5619
West Ontario Citrus Association	.1844
El Cajon Valley Citrus Association	.2343
Escondido Cooperative Citrus Association	.3159
San Dimas Orange Growers Association	.8451
Canoga Citrus Association	.9405
North Whittier Heights Citrus Association	1.0087
San Fernando Heights Orange Association	.8056
Sierra Madre-Lamanda Citrus Association	.8477
Camarillo Citrus Association	1.4084
Fillmore Citrus Association	3.2088
Mupu Citrus Association	2.0954
Ojai Orange Association	.6963
Piru Citrus Association	2.2219

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Rancho Sespe	0.8157
Santa Paula Orange Association	1.1021
Tapo Citrus Association	1.0208
Ventura County Citrus Association	.3794
Limoneira Co	.4226
East Whittier Citrus Association	.3881
Murphy Ranch Co	.8445
Anaheim Cooperative Orange Association	1.8516
Bryn Mawr Mutual Orange Association	.1409
Chula Vista Mutual Lemon Association	.0919
Euclid Avenue Orange Association	.6893
Foothill Citrus Union, Inc	.1025
Golden Orange Groves, Inc	.2321
Garden Grove Orange Cooperative, Inc	1.0772
Highland Mutual Groves, Inc	.0095
Index Mutual Association	.4364
La Verne Cooperative Citrus Association	1.7437
Mentone Heights Association	.0421
Olive Hillside Groves, Inc	.5705
Orange Cooperative Citrus Association	1.5284
Redlands Foothill Groves	.4534
Redlands Mutual Orange Association	.1926
Ventura County Orange & Lemon Association	1.2244
Whittier Mutual Orange & Lemon Association	.1613
Babijuice Corp. of California	.8327
Banks, L. M	.7275
Becker, Samuel Eugene	.0115
Bennett Fruit Co	.1258
Borden Fruit Co	.4993
Cherokee Citrus Co., Inc	.1642
Chess Co., Meyer W	.4310
Dunning Ranch	.0515
Evans Bros. Packing Co	1.0088
Gold Banner Association	.1965
Granada Hills Packing Co	.0284
Granada Packing House	1.2323
Hill Packing House, Fred A	.0031
Johnson, Fred	.0060
Knapp Packing Co., John C	.5213
L Bar S Ranch	.1149
Lawson, William J	.0072
Lima & Sons, Joe	.1315
Orange Belt Fruit Distributors	1.3325
Orange Hill Groves	.0072
Otts, Arnold	.0678
Panno Fruit Co., Carlo	1.0345
Patitucci, Frank L	.0065
Placentia Orchard Co	.5509
Riverside Citrus Association	.0382
Ronald, P. W	.0222
Ronneberg	.0048
Schwoer, Erwin & Arthur	.0153
Summit Citrus Packers	.0172
Treesweet Products Co	.2766
Wall, E. T.—Grower-Shipper	.1230
Western Fruit Growers, Inc	.6181

Prorate District No. 3

Total	100.0000
A. F. G. Vernon	.0291
Allen & Allen Citrus Packing Co	1.0745
Consolidated Citrus Growers	17.6608
McKellips Citrus Co., Inc	7.8825
Phoenix Citrus Packing Co	1.7693
Arizona Citrus Growers	12.4282
Chandler Heights Citrus Growers	2.4318
Desert Citrus Growers Co	5.6920
Mesa Citrus Growers	12.7773
Tempe Citrus Co	1.5101
Imperial Valley Grapefruit Growers Association	1.9651
Redlands Heights Groves	.0000
Southern Citrus Association	1.4938
United Citrus Growers	1.0622

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 3—Continued

Handler	Prorate base (percent)
Yuma Mesa Fruit Growers Association	8.3848
Leppla-Henry Produce Co	10.0390
Maricopa Citrus Co	1.0136
Pioneer Fruit Co	2.7266
Clark & Sons Produce Co., J. H	.3318
Commercial Citrus Packing Co	1.0849
Hi Jolly Citrus Packing House	.3956
Hill Packing House, Fred A	.0000
Ishikawa, Paul	.0529
Macchiaroli Fruit Co., James	1.1254
Mattingly, Charles A	.2903
Messina & Sons, Mike	.0707
Orange Belt Fruit Distributor	.4687
Panno Fruit Co., Carlo	.1192
Paramount Citrus Association, Inc	.0346
Potato House, The	.4619
Russo Bros	.4846
Sharp Co., K. K	.2403
Sunny Valley Citrus Packing Co	2.5606
Terracciano Fruit Co	.2625
Valley Citrus Packing Co	1.9953

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.2904
A. F. G. Corona	.3254
A. F. G. Fullerton	.0000
A. F. G. Orange	.0000
A. F. G. Riverside	.7783
A. F. G. Santa Paula	.0574
Eadington Fruit Co., Inc	.0000
Hazeltine Packing Co	.0588
Krinard Packing Co	2.1035
Placentia Coop. Orange Association	.9879
Placentia Pioneer Valencia Growers Association	.0761
Signal Fruit Association	.6551
Azusa Citrus Association	.0000
Covina Citrus Association	.0000
Covina Orange Growers Association	.0000
Damerel-Allison Co	.0118
Glendora Citrus Association	.0000
Glendora Mutual Orange Association	.0000
Valencia Heights Orchard Association	.0536
Gold Buckle Association	3.4907
La Verne Orange Association	5.1636
Anaheim Valencia Orange Association	.0000
Fullerton Mutual Orange Association	.0000
La Habra Citrus Association	.0000
Yorba Orange Citrus Association, The	.0000
Escondido Orange Association	.0000
Alta Loma Heights Citrus Association	.4476
Citrus Fruit Growers	1.1759
Etiwanda Citrus Fruit Association	.2161
Mountain View Fruit Association	.1814
Old Baldy Citrus Association	.5736
Rialto Heights Orange Growers	.3865
Upland Citrus Association	8.6100
Upland Heights Orange Association	1.8043
Consolidated Orange Growers	.0000
Graden Grove Citrus Association	.0380
Goldenwest Citrus Association	.0000
Olive Heights Citrus Association	.0000
Santiago Orange Growers Association	.0000
Villa Park Orchards Association, The	.0000
Bradford Bros., Inc	.0000
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.0000
Yorba Orange Growers Association	.0000

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Call Ranch	0.9348
Corona Citrus Association	1.0485
Jameson Co	.7905
Orange Heights Orange Association	3.4398
Crafton Orange Growers Association	1.3046
East Highlands Citrus Association	.4103
Redlands Heights Groves	.0000
Redlands Orangedale Association	.4199
Rialto-Fontana Citrus Association	.4543
Break & Son, Allen	.2791
Bryn Mawr Fruit Growers Association	.1190
Mission Citrus Association	.9616
Redlands Cooperative Fruit Association	1.5707
Redlands Orange Growers Association	1.0350
Redlands Select Groves	.4286
Rialto Orange Co	.5814
Southern Citrus Association	.7173
United Citrus Growers	.7783
Zilen Citrus Co	.2473
Arlington Heights Citrus Co	.8488
Brown Estate, L. V. W	2.2399
Gavilan Citrus Association	2.7806
Highgrove Fruit Association	.6947
McDermont Fruit Co	2.0415
Monte Vista Citrus Association	1.8200
National Orange Co	1.4186
Riverside Heights Orange Growers Association	1.2068
Sierra Vista Packing Association	.9560
Victoria Ave. Citrus Association	4.0385
Claremont Citrus Association	1.3392
College Heights Orange & Lemon Association	2.7011
Indian Hill Citrus Association	1.8382
Pomona Fruit Growers Exchange	2.4237
Walnut Fruit Growers Association	.9206
West Ontario Citrus Association	1.6361
El Cajon Valley Citrus Association	.0000
Escondido Cooperative Citrus Association	.0000
San Dimas Orange Growers Association	1.6372
Canoga Citrus Association	.0000
North Whittier Heights Citrus Association	.0000
San Fernando Heights Orange Association	.4246
Sierra Madre-Lamanda Citrus Association	.1862
Camarillo Citrus Association	.0147
Fillmore Citrus Association	.0543
Ojai Orange Association	.0000
Piru Citrus Association	.0000
Rancho Sespe	.0000
Tapo Citrus Association	.0120
Ventura County Citrus Association	.0000
East Whittier Citrus Association	.0110
Murphy Ranch Co	.0000
Anaheim Cooperative Orange Association	.0000
Bryn Mawr Mutual Orange Association	.6653
Chula Vista Mutual Lemon Association	.1052
Euclid Avenue Orange Association	3.7588
Foothill Citrus Union, Inc	.6958
Garden Grove Orange Cooperative, Inc	.0000
Golden Orange Groves, Inc	.3589
Highland Mutual Groves, Inc	.0000
Index Mutual Association	.0000
La Verne Cooperative Citrus Association	5.3302
Mentone Heights Association	.6689
Olive Hillside Groves, Inc	.0052
Orange Cooperative Citrus Association	.0000
Redlands Foothill Groves	2.5869

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Redlands Mutual Orange Association	1.0993
Ventura County Orange & Lemon Association	.5091
Whittier Mutual Orange & Lemon Association	.0000
Allec Bros	.0062
Babijuice Corp. of California	.0030
Banks, L. M	.0000
Becker, Samuel Eugene	.0264
Bennett Fruit Co., Inc	.0000
Book, Maynard C	.0003
Borden Fruit Co	.0000
Cherokee Citrus Association	.0125
Chess Co., Meyer W	.6863
Christian, Guy	.0019
Dozier, Paul M	.0051
Dunning Ranch	.0000
Evans Bros. Packing Co	1.3810
Gold Banner Association	1.2907
Granada Hills Packing Co	.0000
Granada Packing House	.1144
Hill Packing Co., Fred A	.6920
Holland, M. J	.0285
Knapp Packing Co., John C	.0000
Orange Belt Fruit Distributors	1.6404
Orange Hill Groves	.0245
Panno Fruit Co., Carlo	.0000
Paramount Citrus Association, Inc	.1021
Placentia Orchard Association	.0000
Prescott, John A	.0000
Pulos, James J	.0489
Redlands Fruit Association, Inc	.0204
Riverside Citrus Association	.1577
Ronald, P. W	.0595
San Antonio Orchards Co	2.1086
Stephens, T. F	.2577
Summit Citrus Packers	.0761
Wall, E. T., Grower-Shipper	2.5836
Western Fruit Growers, Inc	3.5374

[F. R. Doc. 51-5350; Filed, May 4, 1951; 11:12 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter I—Overtime Services

PART 165—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

OVERTIME, NIGHT, AND HOLIDAY INSPECTION AND QUARANTINE ACTIVITIES AT BORDER, COASTAL, AND AIR PORTS

Pursuant to the authority vested in the Secretary of Agriculture by Public Law 735, 81st Congress, approved August 28, 1950, to pay employees of the Department performing inspection, certification or quarantine services relating to imports into and exports from the United States for all overtime, night, or holiday work performed by them and to accept reimbursement for such payment from persons for whom such work is performed, Chapter I of Title 9 of the Code of Federal Regulations is amended by adding thereto the following new Subchapter I and Part 165.

§ 165.1 *Overtime work at border ports, seaports, and airports.* Any person, firm, or corporation having ownership, custody or control of animals, animal by-products, or other commodities subject to inspection, certification, or quarantine under Subchapters B and F of this chapter, and who requires the services of an employee of the Bureau of Animal Industry on a holiday, or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime request the Bureau inspector in charge to furnish inspection, quarantine, or certification service during such overtime period and shall pay the Secretary of Agriculture therefor at the rate of $2.40 per man hour for service so furnished: *Provided*, That a minimum charge of $2.40 shall be made for any such service rendered. It will be administratively determined from time to time which days constitute holidays.

The rates prescribed herein shall also be applicable to overtime work heretofore furnished pursuant to this statute under any contract or other arrangement.

The purpose of this amendment is to establish a uniform hourly rate of payment for all overtime services furnished in accordance with the Act of August 28, 1950. Determination of the costs of such overtime inspection depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of those who require such overtime service, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication.

(Pub. Law 735, 81st Cong.)

Effective date. The foregoing amendment shall be effective upon publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 1st day of May 1951.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51-5228; Filed, May 4, 1951; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 3, Amdt. 12]

PART 60—AIR TRAFFIC RULES

STANDARD INSTRUMENT APPROACH PROCEDURES

Under sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board is empowered to delegate to the Administrator of Civil Aeronautics the authority to prescribe rules, regulations, and standards which promote safety of flight in air commerce, and the Administrator of Civil Aeronautics is empowered to make and amend such general or special rules, regulations, and procedures as he deems necessary to exercise and perform his powers and duties under the act. Under § 60.46 of the Civil Air Regulations the Civil Aeronautics Board has authorized the Administrator of Civil Aeronautics to prescribe standard instrument approach procedures.

Acting pursuant to the foregoing statutes and regulations, standard instrument approach procedures were prescribed. Those procedures are hereby amended. This amendment is made effective without delay, in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

1. The low frequency range procedures prescribed in § 60.46-4 are amended to read in part:

LOW FREQUENCY RANGE PROCEDURES

Station; frequency; identification; class	Minimum initial approach altitude from the direction and radio fix indicated	Final approach course	Procedure turn minimum or distance from radio range station	Minimum altitude over ramp—final approach (ft.)	Station to airport: Magnetic bearing (deg.)	Station to airport: Distance (mi.)	Field elevation (ft.)	Ceiling and visibility minimums: Day:	Ceiling (ft.)	Day: Visibility (mi.)	Night:	Ceiling (ft.)	Night: Visibility (mi.)	If related point not established over airport at authorized landing minimums, or if landing not accomplished, remarks
ALEXANDRIA, La. Alexandria AFB 250 kc HLGR 25 MHAZ-DTV	NE—Minimum en route altitude 1,500' (Baton Rouge Range) SE—1,500' (Baton Rouge) SW—1,500' (G crs Shreveport)	SE	10 mi—1,500' E side SE crs 15 mi—1,500' E side SE crs 20 mi—1,500' E side SE crs 25 mi—1,500' E side SE crs	900	311	5.7	88	R (E) S A T	900 500 500 800 200	1.5 1.0 2.0 1.0		500 500 500 800 200	1.5 1.0 2.0 1.0	Climb to 1,500' on NW crs.
ATLANTA, GA. Atlanta Airport 33 kc ATL 25 MHAZ-DTXV	NE—2,500' (Starrsburg Range) SE—2,500' (Monticello FM) SE—2,000' (Macon Range) SW—2,000' (Jonesboro FM) (final) SW—2,000' (Maxwell Range) NW—4,000' (Chattanooga Range) NW—2,500 (Smyrna FM)	SE	10 mi—2,000' E side SE crs 15 mi—2,000' E side SE crs 20 mi—2,000' E side SE crs 25 mi—2,000' E side SE crs	1,600	317	1.9	1,021	R (E) S A T	500 500 500 800 200	1.5 1.0 2.0 1.0		500 500 500 800 200	1.5 1.0 2.0 1.0	Climb to 2,500' on NW crs via the Campbellton fringe. Via NW crs of Atlanta and E crs of Campbellton; or aircraft proceeding to Atlanta, directed by ATC, climb to 3,500' on NW crs of Atlanta. •Runway 33.
AUGUSTA, GA. Daniel Field 33 kc AGS 25 MHAZ-DTV	N—1,900' (W crs Columbia) E—1,500' (Charleston Range) Minimum en route altitude W—1,500' (Atlanta Range)	S	10 mi—1,000' S side S crs 15 mi—1,000' S side S crs 20 mi—1,000' S side S crs 25 mi—1,000' S side S crs	1,100	46	2.1	427	R (E) S A T	500 500 500 800 200	1.5 1.0 2.0 1.0		500 500 500 800 200	1.5 1.0 2.0 1.0	Climb to 2,500' on S crs. Note: Flares will not be authorized for night operations. Caution: 632' rwl radio tower located 2 mi NE of airport.
BANGOR, MAINE Dow AFB 250 kc BGR 25 MHAZ-DTV	NE—2,500' (S crs Houlton) SE—Minimum en route altitude SW—2,500' (S crs Millinocket) NW—1,200' (E. Corinth FM) (final)	NW	10 mi—1,700' W side NW crs 15 mi—2,000' W side NW crs 20 mi—2,000' W side NW crs 25 mi—2,000' W side NW crs	1,200	183	2.2	192	R (E) S A T	700 500 500 800 300	1.5 1.0 2.0 1.0		700 500 500 800 300	1.5 1.0 2.0 1.0	Climb to 2,500' on SE crs. Note: Flares will not be authorized for night operations. Caution: 632' rwl radio tower located 2 mi NE of airport.
BATON ROUGE, LA. Ryan Field 34 kc BTR 25 MHAZ-DTV	NE—Minimum en route altitude SE—1,500' (Lafayette Rbn) SW—1,500' (Lafayette Rbn) NW—1,500' (Alexandria Range)	NW	10 mi—1,100' W side NW crs 15 mi—1,200' W side NW crs 20 mi—1,200' W side NW crs 25 mi—1,200' W side NW crs	700	125	3.1	70	R (E) S A T	500 500 500 800 300	1.5 1.0 2.0 1.0		500 500 500 800 300	1.5 1.0 2.0 1.0	Climb to 5,500' on W crs with in 15 miles.
BILLINGS, MONT. Billings Airport 46 kc BIL 25 MHAZ-DTV	NE—5,600' (Miles City Range) NE—4,500' (Nibbe FM) (final) SE—8,000' (Sheridan Range) W—9,000' (Livingston Range) W—5,500' (Park City FM) N—5,000' (Three Forks FM.) N—4,000' (Laurel FM)	NE	10 mi—5,000' N side NE crs 15 mi—5,000' N side NE crs 20 mi—5,000' N side NE crs 25 mi—5,000' N side NE crs	4,500	256	1.3	3,612	R (E) A T	500 500 500 800 200	1.5 1.0 2.0 1.0		500 500 500 800 200	1.5 1.0 2.0 1.0	Climb to 1,500' on W crs with in 25 miles.
COLUMBIA, S. C. Columbia Airport 27 kc CAE 25 MHAZ-DTV	E—1,500' (SW crs Florence) SE—1,500' (SW crs Charleston) W—1,500' (SE crs Spartanburg) NW—Minimum en route altitude	E	10 mi—1,500' N side E crs 15 mi—1,500' N side E crs 20 mi—1,500' N side E crs 25 mi—1,500' N side E crs	1,200	268	7.3	284	R (E) S A T	500 500 500 800 200	1.5 1.0 2.0 1.0		500 500 500 800 200	1.5 1.0 2.0 1.0	Climb to 1,500' on W crs with in 25 miles.
DAGGETT, CALIF. (MARINE) Daggett Field 25 MHAZ-DTV	N—Minimum en route altitude E—9,000' (Needles Range) SE—Minimum en route altitude W—6,000' (Telfordale Range)	W	10 mi—6,000' S side W crs 15 mi—6,000' S side W crs 20 mi—6,000' S side W crs 25 mi—6,000' S side W crs	3,500	76	6.0	1,927	R A T	2,000 (E) 2,000 (E)	4.0 4.0		2,000 (E) 2,000 (E)	4.0 4.0	If not contact over ramp, climb to 9,000' on E crs. •500 ft for take-offs to E and NE only.
GREAT FALLS, MONT. Great Falls Airport 31 kc GTF 25 MHAZ-DTV	NE—Minimum en route altitude E—9,000' (Lewistown Range) SE—5,500' (Cascade FM) SW—5,500' (N. crs Helena) SW—5,900' (Cascade FM) (final) NW—6,500' (Cut Bank Range)	SW	10 mi—5,500' S side SW crs 15 mi—5,500' S side SW crs 20 mi—5,500' S side SW crs 25 mi—7,500' S side SW crs	1,200	18	1.5	3,671	R (E) S A T	500 500 500 800 300	1.5 1.0 2.0 1.0		500 500 500 800 300	1.5 1.0 2.0 1.0	Climb to 5,500' on NE crs within 25 miles. •Runway 4.

LOW FREQUENCY RANGE PROCEDURES—Continued

Station; frequency; identification; class	Minimum initial approach altitude from the direction and radio fix indicated	Final approach range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range—final approach (ft.)	Station to airport: Magnetic bearing (deg.)	Station to airport: Distance (mi.)	Field elevation (ft.)		Ceiling and visibility minimums: Day Ceiling (ft.)	Day Visibility (mi.)	Night Ceiling (ft.)	Night Visibility (mi.)	If visual contact not established over airport at authorized landing minimums, or if landing not accomplished, remarks
LAWSON (Columbus), GA. Lawson AFB 335 kc; LSF, MRLWZ	NE—3,000' (SW crs Campbellton) SE—No approach—Danger area* SW—3,000' (NW crs Dothan) NW—3,000' (E crs Maxwell)	SW	10 mi.—2,000' E side SW crs 15 mi.—2,000' E side SW crs 20 mi.—2,000' E side SW crs 25 mi.—2,000' E side SW crs	1,000	22	3.3	232	R A T	700 800 300	2.0 2.0 1.0	700 800 300	3.0 2.0 2.0	Climb to 3,000' on NE crs and contact Lawson tower for further instructions. *No approach on SE crs due to Fort Benning Danger Area. SHUTTLE: To 3,000' on SW crs within 25 miles.
LOUISVILLE, KY. Standiford Field 379 kc; LOU; SBMRLZ-DTXV	N—Minimum en route altitude E—2,100' (N crs Lexington VAR) E—1,700' (Eastwood FM) (final) S—2,200' (NE crs Bowling Green) S—2,000' (Shepherdsville FM) W—2,100' (Lanesville Int.)	E	10 mi.—2,000' S side E crs 15 mi.—2,000' S side E crs 20 mi.—2,100' S side E crs 25 mi.—2,400' S side E crs	1,500	242	6.1	497	R (R) S* A T	600 700 500 800 300	1.5 1.0 1.5 2.0 1.0	600 500 500 800 300	2.0 2.0 2.0 2.0 1.0	Climb to 2,100' on W crs. CAUTION: 1,440' msl radio tower on N side of E crs, 12 mi. from range. 1,032' msl radio tower on S side of E crs, 6.5 mi. from range. *Runway 24.
Bowman Field	N—Minimum en route altitude E—2,400' (N crs Lexington VAR) E—1,700' (Eastwood FM) (final) S—2,200' (NE crs Bowling Green) S—2,000' (Shepherdsville FM) W—2,100' (Lanesville Int.)	E	10 mi.—2,000' S side E crs 15 mi.—2,400' S side E crs 20 mi.—2,400' S side E crs 25 mi.—2,400' S side E crs	1,500	282	1.5	549	R (R) A T	600 700 800 300	1.5 1.0 2.0 1.0	600 500 800 300	1.5 1.5 2.0 1.0	Climb to 2,100' on W crs. CAUTION: 1,440' msl radio tower on N side of E crs, 12 mi. from range. 1,032' msl radio tower on S side E crs, 6.5 mi. from range.
McCHORD (Tacoma), WASH. McChord AFB 272 kc; TCM; SBMRAZ	E—8,000' (W crs Ellensburg) S—5,000' (E crs Toledo) W—Minimum en route altitude W—2,000' (S crs Shelton) N—3,000' (NW crs Seattle) N—2,000' (NE crs Shelton)	S	10 mi.—4,000' *W side S crs 15 mi.—NA 20 mi.—NA 25 mi.—NA	2,000	338	7.2	286	R A T	600 800 300	2.0 2.0 1.0	600 800 300	3.0 2.0 2.0	Climb to 2,000' on N crs within 5 mi. of field, return to McChord Range and shuttle to 4,000' on W side of S crs between range and 1 min S in nonstandard elliptical pattern, all turns left. *All turns W side S crs—high terrain E side. Emergency altitude: 16,500'. SHUTTLE: W side S crs between range and 1 min S (all turns left).
MILLVILLE, N. J. Millville Airport 305 kc; MIV; SBRAZ-DTV	NE—1,500' (SE crs North Philadelphia) SE—1,500' (SW crs Atlantic City VAR) SW—1,500' (E crs Baltimore) NW—1,800' (W crs Philadelphia) NW—1,600' (E crs Wilmington)	NW	10 mi.—1,600' W side NW crs 15 mi.—1,600' W side NW crs 20 mi.—1,600' W side NW crs 25 mi.—1,600' W side NW crs	1,100	111	4.3	88	R (R) A T	500 500 800 300	1.5 1.0 2.0 1.0	500 500 800 300	1.5 1.0 2.0 1.0	Climb to 1,500' on SE crs within 25 miles. NOTE: Night take-offs and landings authorized on Runway 14/32 only.
MONROE, LA. Selman Field 359 kc; MLU; SBMRLZ-DTV	NE—Minimum en route altitude E—1,500 (Jackson Range) SW—Minimum en route altitude W—1,500' (Shreveport Range)	SW	10 mi.—1,200' S side SW crs 15 mi.—1,200' S side SW crs 20 mi.—1,200' S side SW crs 25 mi.—1,200' S side SW crs	700	25	2.8	79	R (R) S A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 500 800 300	1.5 1.0 1.5 2.0 1.0	Climb to 1,400' on NE crs within 25 miles.
NORTH PLATTE, NEBR. Lee Bird Field 256 kc; LBF; SBRAZ-DTV	N—Minimum en route altitude E—4,200' (Grand Island Range) S—4,200' (E crs Hayes Center) W—5,000' (SE crs Scottsbluff) W—4,300' (N crs Hayes Center)	S	10 mi.—4,200' E side S crs 15 mi.—4,200' E side S crs 20 mi.—4,200' E side S crs 25 mi.—4,200' E side S crs	3,700	352	2.2	2,779	R (R) A T	500 500 800 300	1.5 1.0 2.0 1.0	500 500 800 300	1.5 1.0 2.0 1.0	Climb to 4,500' on N crs within 25 miles.
OMAHA, NEBR. Omaha Airport 320 kc; OMA; SBRAZ-DTV	N—2,500' (Sioux City Range) N—1,800' (California FM) (final) E—2,500' (Des Moines Range) SE—2,700' (E crs Lincoln) (Glenwood Int.) W—2,700' (N crs Lincoln) (Weston Int.)	N	10 mi.—2,300' W side N crs 15 mi.—2,300' W side N crs 20 mi.—2,300' W side N crs 25 mi.—2,300' W side N crs	1,800	139	5.1	982	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 500 800 300	2.0 1.5 1.5 2.0 1.0	Climb to 2,500' on SE crs. Upon reaching 2,500', proceed to E crs Omaha on heading of 45°, or alternate procedure (when directed by ATC), climb to 2,500' on SE crs. CAUTION: 1,192' msl stack located 4 mi. NW of arpt. 1 mi W of SE crs, 1,260' msl bluff located 1.5 mi NE of arpt. 1,730' msl radio tower located 4.5 mi. SW of range station. *Runway 14 L.

LOW FREQUENCY RANGE PROCEDURES—Continued

Station; frequency; identification; class	Minimum initial approach altitude from the direction and radio fix indicated	Final approach range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range—final approach (ft.)	Station to airport: Magnetic bearing (deg.)	Station to airport: Distance (mi.)	Field elevation (ft.)		Ceiling and visibility minimums: Day Ceiling (ft.)	Day Visibility (mi.)	Night Ceiling (ft.)	Night Visibility (mi.)	If visual contact not established over airport at authorized landing minimums, or if landing not accomplished; remarks
PERRIN (Sherman), TEX. Perrin AFB 335 kc; PNX; SMRAZ	NE—Minimum en route altitude SE—3,000' (E crs Fort Worth) SW—3,000' (N crs Dallas) NW—3,000' (N crs Fort Worth)	SE	10 mi.—2,500' E side SE crs 15 mi.—2,500' E side SE crs 20 mi.—2,500' E side SE crs 25 mi.—2,500' E side SE crs	1,700	311	3.7	753	R A T	600 800 300	1.0 2.0 1.0	600 800 300	2.0 2.0 2.0	Climb to 3,000' on NE crs.
PIERRE, S. DAK. Pierre Airport 317 kc; PIR; SBRAZ-DTV	N—3,300' (Bismarck Range) E—3,200' (SW crs Huron) (Virgil Int.) S—Minimum en route altitude W—3,500' (Phillip Rbn)	E	10 mi.—2,900' N side E crs 15 mi.—3,100' N side E crs 20 mi.—3,100' N side E crs 25 mi.—3,100' N side E crs	2,400	249	3.5	1,742	R (R) A T#	700 700 800 300	1.5 1.0 2.0 1.0	700 700 800 300	2.0 1.5 2.0 1.0	Climb to 3,500' on W crs within 25 miles. #All take-offs to the NW will be restricted to 100-1.
POCATELLO, IDAHO Phillips Field 257 kc; PIH; BMRLZ-DTV	N—Minimum en route altitude E—Minimum en route altitude S—11,000' (Malad City Range) W—7,000' (N crs Burley)	W	10 mi.—6,500' *N side W crs 15 mi.—6,500' *N side W crs 20 mi.—6,500' *N side W crs 25 mi.—6,500' *N side W crs	4,940	326	0.5	4,446	R (R) A T	600 700 800 300	1.5 1.0 2.0 1.0	600 500 800 300	2.0 2.0 2.0 1.0	If not contact over range, turn left and climb to 7,000' on W crs within 25 miles. *NOTE: Procedure turn NA on S side of W crs due to high terrain.
POPE (Ft. Bragg), N. C. Pope AFB 338 kc; FTB; SBMRAZ	NE—1,900' (S crs Raleigh) S—1,900' (S crs Raleigh) SW—Minimum en route altitude N—Minimum en route altitude	S	10 mi.—1,500' E side S crs 15 mi.—1,500' E side S crs 20 mi.—1,500' E side S crs 25 mi.—1,500' E side S crs	1,000	355	2.3	220	R A T	600 800 300	1.0 2.0 1.0	600 800 300	2.0 2.0 1.0	Climb to 2,000' on N crs. NOTE: 599' msl tower located 0.5 mi. SW of range.
RAPID CITY, S. DAK. Rapid City Airport 221 kc; RAP; SBRAZ-DTV	N—Minimum en route altitude E—4,400' (Phillip Rbn or VOR) S—5,500' (NE crs Scottsbluff) W—5,000' (SE crs Sheridan)	E	10 mi.—4,400' N side E crs 15 mi.—4,400' N side E crs 20 mi.—4,400' N side E crs 25 mi.—4,400' N side E crs	3,500	*91	1.7	3,172	R (R) A T	700 700 800 300	1.5 1.0 2.0 1.0	700 700 800 300	1.5 1.0 2.0 1.0	If not contact over range, climb to 5,000' on N crs within 25 mi. *Field is located between procedure turn and the range.
UTICA, N. Y. Oneida County Airport 359 kc; UCA; BMRLZ-DTV	NE—Minimum en route altitude SE—Minimum en route altitude SW—4,000' (S crs Syracuse) NW—3,000' (N crs Syracuse)	NE	10 mi.—3,000' N side NE crs 15 mi.—3,000' N side NE crs 20 mi.—NA 25 mi.—NA	2,300	218	3.6	736	R (R) A T	600 500 800 300	1.5 1.0 2.0 1.0	600 500 800 300	1.5 1.0 2.0 1.0	Climb to 2,500' on SW crs, make a standard rate climbing turn to right and return to station at 3,000'.

2. The automatic direction finding procedures prescribed in § 60.46–7 are amended to read in part:

AUTOMATIC DIRECTION FINDING PROCEDURES

Station; frequency; identification; class	Initial approach to station: From—	To—	Magnetic course (deg.)	Distance (mi.)	Minimum altitude (ft.)	Final approach track; depress inbound; outbound	Procedure turn minimum at distances from station	Minimum altitude over station on final approach (ft.)	Distance from station to approach end of runway (mi.)	Field elevation (ft.)	Minimums	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
NIAGARA FALLS, N. Y. Niagara Falls Airport 291 kc; GF; LOM	Buffalo Range	LOM	338	12.2	2,000	278 98	10 mi.—2,000' N side track 15 mi.—2,000' N side track 20 mi.—2,000' N side track 25 mi.—2,000' N side track	1,800	4.6	590	R (R) S* A T	500 500 500 1,000 (IFCOH) 500	1.5 1.5 1.0 2.0 1.0	Climb to 2,000' on track of 278° within 25 mi. *Runway 27R.
	Wolcottsville FM	LOM	286	13.9	2,000									
	Int. SE crs Toronto and 223° bearing on LOM	LOM	223	4.0	2,000									
OFFUTT (Omaha), NEBR. Offutt AFB 266 kc; OFF; MHW	Omaha Range	Rbn	165	18.0	2,700	30 210	10 mi.—2,500' S side track 15 mi.—2,500' S side track 20 mi.—2,500' S side track 25 mi.—2,500' S side track	2,000	348°, 0.26	1,019	R • A • T •	1,000 1,000 1,000 1,000 300 300	1.5 2.0 1.5 2.0 2.0 3.0	If not contact over Rbn, make right turn and climb to 2,500' on track of 200° within 25 mi. NOTE: Contact Omaha Approach Control on channel "B" for all clearances. CAUTION: 1,620' msl radio tower located 4 mi, 267° from Rbn. *Night minimums.
	Glenwood FM	Rbn	299	12.9	2,500									
	Weeping Water Rbn	Rbn	20	20.0	2,500									

AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

Station; frequency; identification; class	Initial approach to station: From—	To—	Magnetic course (deg.)	Distance (mi.)	Minimum altitude (ft.)	Final approach track; degrees inbound; outbound	Procedure turn minimum at distances from station	Minimum altitude over station on final approach (ft.)	Distance from station to approach end of runway (mi.)	Field elevation (ft.)	Minimums	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
OKLAHOMA CITY, OKLA. Will Rogers Field (Procedure No. 1—Using Tulakes Rbn) 311 kc, TWO, MHW	Int. N ers Oklahoma City and W ers Tinker (final)	Rbn	152	2.8	1,960	170 / 350	10 mi.—2,500′ W side track 15 mi.—2,500′ W side track 20 mi.—2,500′ W side track 25 mi.—2,500′ W side track	1,960	4.54	1,283	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,500′ on track of 170° within 25 mi of Tulakes Rbn. *Runway 17.
	Int. E ers Oklahoma City and S ers Tinker	Rbn	279	13.3	2,700									
	Oklahoma City Rng	Rbn	15	5.2	2,900									
	Mustang FM	Rbn	52	11.6	2,900									
	ILS LOM	Rbn	350	10.0	2,500									
PITTSBURGH, PA. Allegheny Co. Airport (Using McKeesport Rbn) 287 kc; MKP, MHW	Pittsburgh Range	Rbn	92	9.8	2,600	275 / 95	10 mi.—2,600′ N side track 15 mi.—2,600′ N side track 20 mi.—2,600′ N side track 25 mi.—2,600′ N side track	2,500	6.3	1,272	R (R) S* A T	500 500 500 1,000 (BCOB) 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,500′ on track of 267° within 20 mi. of Rbn and proceed to Cecil holding pattern; or alternate procedure (when directed by ATC), climb to 2,500′ on track of 308° from Pittsburgh range and proceed to Clinton holding pattern. *Runway 27.
	Int. SE ers Pittsburgh and NE ers Morgantown	Rbn	322	16.0	2,500									
	New Alexandria FM	Rbn	263	21.2	2,600									
SAGINAW, MICH. Tri-Cities Airport 212 kc; SGW; BMH–TV	Flint Rbn	Rbn	340	43	2,000	170 / 350	10 mi.—2,000′ W side track 15 mi.—2,000′ W side track 20 mi.—2,000′ W side track 25 mi.—2,000′ W side track	1,160	0	667	R (R) A T	500 500 1,000 (BCOB) 300	1.5 1.0 2.0 1.0	Climb to 2,000′ on track of 170° within 25 mi. of Saginaw Rbn. CAUTION: Rbn must be monitored continuously during an ADF approach. 800′ msl radio tower, 3.5 mi., 170° from arpt., 780′ msl elevator, 2.5 mi. W of arpt.
	Gladwin Rbn	Rbn	150	36	2,500									
	Lansing Range	Rbn	26	57	2,000									
SANTA FE, N. MEX. Santa Fe Airport (New) 205 kc; SAF; BMH–DTV	Las Vegas Range	Rbn	258	51.5	12,500	56 / 236	10 mi.—8,200′ S side track 15 mi.—8,200′ S side track 20 mi.—NA 25 mi.—NA	7,500	0	6,311	R * (R) * A	1,000 1,000 1,000 1,000 2,000 (BCOB)	1.5 #2.0 1.0 #2.0 2.0	Immediately turn right and climb to 8,200′ on track of 236° within 15 mi. of Rbn. SHUTTLE: To S.200′ on track of 236° outbound, 56° inbound within 15 mi.
	Otto Range	Rbn	340	38.0	10,000						T *	1,000 1,000	1.0 #2.0	*Night minimums. #Night take-offs on Rwy 29 and night landings on Rwy 11 not authorized.

3. The instrument landing system procedures prescribed in § 60.49–9 are amended to read in part:

INSTRUMENT LANDING SYSTEM PROCEDURES

ILS location and range from which initial approach to ILS shall be made.	Transition to ILS: From—	To—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)	Final ILS approach course, degrees inbound, outbound	Procedure turn minimum on ILS	Minimum altitude at glide path intercept (ft.)	Glide path altitude over markers (ft.): Outer	Middle	Distance from markers to approach end of runway (mi.): Outer	Middle	Field elevation (ft.)	Minimums	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums, or if landing not accomplished, remarks
ATLANTA, GA. Atlanta Airport Freq. 109.9 mc Ident. ATL	Atlanta Range	Outer marker	284	6.9	2,500	W / 88 / 268	2,450′—S side W ers	2,450	2,450	1,330	4.70	.62	1,024	R S* A T	500 600 800 300	1.5 3/4 • 2.0 1.0	Turn right, climb to 2,000′ on SE ers of Atlanta and proceed to Walnut Int.; or alternate procedure (when directed by ATC) climb to 3,000′ on back course of ILS heither, then proceed to Walnut Int. * Runway 9R.
	Campbellton Range	Outer marker	94	8.8	2,500												
	Int. E ers ILS and NE ers Atlanta	Outer marker	208	9.5	2,500												
	Madras FM	Outer marker	33	19.0	2,700												
	Walnut Int.	Outer marker	311	20.3	2,500												
	Atlanta NAS Range	Outer marker	208	18.0	3,000												
	Smyrna FM	Outer marker	174	18.0	2,500												
BEDFORD, MASS. Hanscom Field Freq. 108.3 mc Ident. BED	Boston Range	LOM	302	21.5	1,700	W / 112 / 292	#1,600′—N side —W ers	1,600	1,520	390	4.50	.69	135	R (R) S* A T	500 500 600 800 300	1.5 1.0 3/4 2.0 1.0	Turn left and climb to 1,600′ on W ers of ILS within 15 miles. *Runway 11. #Within 10 mi.; 20 mi. 2,000′, 25 mi. 3,000′.
	Int. SW ers Boston and N ers Providence	LOM	12	27.0	1,300												
	Int. NE ers Westover and W ers Boston	LOM	116	33.0	3,000												
	Int W ers Boston and N ers Providence	LOM	311	7.0	1,600												
BILLINGS, MONT. Billings Airport Freq. 110.3 mc Ident. BIL	Billings Range	E ers ILS (outbound)	73	*	5,000	E / 253 / 73	5,000′—N side E ers	5,000	4,660	3,720	4.30	.60	3,612	R ** (R) ** S# A T	500 500 500 500 600 800 300	1.5 2.0 1.0 2.0 1.0 2.0 1.0	Climb to 5,500′ on W ers of Billings within 15 mi. of range. *Billings range station is adjacent to N side of E ers of ILS. **Night minimums. #Runway 25. SHUTTLE: On E ers ILS between LOM and 10 mi. E. All turns on N side of E ers. Min. alt.—5,000′.
	Nibbe FM	E ers ILS (inbound)	215	17	5,000												
	Park City FM	W ers ILS (inbound)	62	5	5,500												
BOSTON, MASS. Logan Airport Freq. 110.3 mc. Ident. BOS	Boston Range	LOM	217	8.7	1,800	SW / 55 / 235	1,800′—S side SW ers	1,800	1,775	220	5.67	.06	19	R (R) S# A T	600 *500 600 800 500	1.5 1.0 3/4 2.0 1.0	Climb to 1,500′ on NE ers ILS, or alternate procedure (when directed by ATC), make right turn, climb to 1,500′ on E ers Boston. #Runway 4R. *600-1 when circling W of arpt. CAUTION: Point of touchdown approx. 3,500′ down runway from actual beginning of pavement to allow clearance of ship channel.
	Int. SW ers Boston and N ers Providence	SW ers ILS	85	14.0	1,800												
	Int. W ers Boston and N ers Providence	LOM	150	16.3	1,800												
	Int. E ers Boston and NE ers Squantum	LOM	267	19.0	1,800												
CLEVELAND, OHIO Cleveland Airport Freq. 109.9 mc Ident. CLE	Cleveland Range	Outer marker	224	4.3	2,100	SW / 54 / 234	2,100′—S side SW ers	2,100	2,070	1,020	4.70	.71	789	R (R) S# A T	500 500 600 800 300	1.5 1.0 3/4 2.0 1.0	Climb to 2,000′ on E ers of Cleveland. #Runway 5L.
	Elyria FM	SW ers ILS	135	8.4	2,100												
	Avon Lake FM	Outer marker	171	9.7	2,100												
	North Royalton FM	Outer marker	303	10.9	2,600												
	Int. NW ers Akron and SW ers ILS	Glide path interception	54	8.0	2,200												

INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

ILS location and range from which initial approach to ILS shall be made	Transition to ILS					Final ILS approach course, degrees inbound, outbound	Procedure turn minimum on ILS	Minimum altitude at glide path intercept (ft.)	Glide path altitude over markers (ft.)		Distance from markers to approach end of runway (mi.)		Field elevation (ft.)	Minimums			If visual contact not established at authorized landing minimums, or if landing not accomplished, remarks
	From—	To—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)				Outer	Middle	Outer	Middle			Ceiling (ft.)	Visibility (mi.)	
CHICAGO, ILL., Chicago-Midway Airport Freq. 109.9 mc Ident. CHI	Int. SW ers Glenview and 132° bearing on Chicago Range	Glide path interception (Final)	132	17.5	2,500	NW 132 312	2,300'—W side NW ers	2,260	2,260	873	5.80	.79	618	R (R) * S# A T	500 500 500 400 800 300	1.5 1.0 1.5 3/4 2.0 1.0	Climb to 2,500' and proceed S on the N and S courses of Harvey to Momence Int., or as directed by ATC. *Night minimums. #Runway 13R.
	Chicago Range	NW ers ILS	290	2.2	2,300												
	Int. SE ers Chicago and NW ers ILS	Outer marker	312	5.8	2,360												
	Int. NE ers Joliet and NW ers Chicago	NW ers ILS	180	6.7	2,300												
	Int. NE ers Joliet and ILS localizer ers	Outer marker	132	6.6	2,300												
DENVER, COLO. Stapleton Field Freq. 110.3 mc Ident. DEN	Int. W ers Denver VAR and N ers Denver LF	LOM	128	5.3	6,500	NE 206 26	6,500'—S side NE ers	6,500	6,500	5,520	4.19	.65	5,325	R (R) * S# A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Climb to 8,500' on S ers Denver LF range, or alternate procedure (when directed by ATC), climb to 8,500', intercepting an ADF track of 120° outbound from Denver LF range within 25 miles. *CAUTION: 6,715' msl hill, 6 mi. NW of Franktown. #Runway 21.
	Int. E ers Denver VAR and NE ers Denver LF	NE ers ILS	261	5.9	6,500												
	Franktown FM (northbound only)	NE ers ILS	351	34.0	*7,660												
	Henderson FM	NE ers ILS	93	8.1	6,500												
	Denver LF Range	NE ers ILS	59	4.3	6,500												
DES MOINES, IOWA Des Moines Airport Freq. 110.3 mc Ident. DSM	Des Moines VOR	Outer marker	43	4.7	2,300	SE 301 121	2,500'—E side SE ers	2,300	2,300	1,170	4.77	.61	957	R (R) * S A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Climb to 2,500' on N ers Des Moines within 25 mi., or alternate procedure (when directed by ATC), climb to 2,500' on NW ers of ILS within 25 miles. *Runway 31.
	Des Moines Range	Outer marker	98	3.3	2,300												
	Martensdale FM	SE ers ILS	30	7.5	2,300												
	Int. SE ers ILS and N ers Des Moines	Outer marker	121	4.2	2,300												
	Int. E ers Des Moines and SE ers ILS	Outer marker	124	1.5	2,300												
DETROIT, MICH. Willow Run Airport Freq. 109.5 mc Ident. YIP	Ann Arbor FM	Outer marker	92	7.5	2,000	SW 50 230	2,300'—S side SW ers	2,300	2,260	940	5.80	.65	716	R (R) * S A T	500 500 400 800 300	1.5 1.0 3/4 2/6 1.0	Climb to 2,000' on NE ers of ILS to N ers of Detroit. *Runway 18.
	Int. N ers Detroit and NE ers ILS	Outer marker	230	13.6	2,000												
	Detroit Range	Outer marker	255	12.4	2,000												
	Int. N ers Toledo and SW ers ILS	Outer marker	50	5.0	2,000												
FORT WORTH, TEX. Meacham Field (Procedure No. 2—using back course ILS localizer) Freq. 109.9 mc Ident. FTW	Haslet Rbn	N ers ILS	216	2.0	2,000	S 354 174	2,000'—E side S ers	*	1,500 (over Fort Worth FM)	*	2.6 (from Fort Worth FM)	*	692	R (R) S# A T	600 500 400 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,000' on N ers Fort Worth, or alternate procedure (when directed by ATC), climb to 2,000' on N ers ILS. *No glide path facility. #Runway 35.
	Fort Worth Range	Fort Worth FM	174	6.0	2,000												
	Int. W ers Dallas and S ers ILS (final)	Fort Worth FM	354	5.0	1,500												

INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

ILS location and range from which initial approach to ILS shall be made	Transition to ILS					Final ILS approach course, degrees inbound, outbound	Procedure turn minimum on ILS	Minimum altitude at glide path intercept (ft.)	Glide path altitude over markers (ft.)		Distance from markers to approach end of runway (mi.)		Field elevation (ft.)	Minimums			If visual contact not established at authorized landing minimums, or if landing not accomplished, remarks
	From—	To—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)				Outer	Middle	Outer	Middle			Ceiling (ft.)	Visibility (mi.)	
KANSAS CITY, MO. Kansas City Airport Freq. 109.9 mc Ident. MKC	Kansas City VOR	Outer marker	142	1.7	2,500	N 174 353	2,500'—E side N ers	2,500	2,500	1,505 (790' boundary marker)	6.35	2.60	741	R (R) * S# A T	700 500 400 800 *300	1.5 1.0 1.0 2.0 1.0	If not contact within 2 mi. after passing MM, immediately execute right climbing turn to 2,500', intercept ADF track of 275° outbound from Kansas City range, proceed to and hold at Fairmount Int., or alternate procedure (when directed by ATC), immediately climb to 2,200' on SW ers of Kansas City. CAUTION: 902' msl cracking plant and 869' msl stack—0.6 mi. NW of approach end of runway 17. 1,650' msl tower—2.9 mi. S of airport and directly in line with N/S runway. *Take-offs to S and SW, when weather is below 1,000-3, will assume heading of at least 210° as soon as practicable after take-off and maintain heading until reaching 2,500' prior to making left turn. #Runway 17.
	Kansas City Range	Outer marker	13	4.2	2,500												
	Linkville FM	N ers ILS	95	6.2	2,500												
	Liberty FM and Rbn	N ers ILS	252	12.3	2,500												
Fairfax Field (Kansas City, Kans.)	Kansas City VOR	Outer marker	142	1.7	2,500	N 173 353	2,500'—E side N ers	2,500	2,500	1,505	187° (From MM to nearest edge of field)	.9	746	R (R) A T	700 500 800 300	1.5 1.0 2.0 1.0	Immediately execute right climbing turn to 2,500', intercept ADF track of 275° outbound from Kansas City range, proceed to and hold at Fairmount Int., or alternate procedure (when directed by ATC). Immediately climb to 2,200' on SW ers of Kansas City. CAUTION: 902' msl cracking plant and 869' msl stack—0.5 mi. ESE of approach end of runway 35. 1,650' msl tower—4.2 mi. SSE of airport. 1,430' msl obstructions located 2.5 mi. SE of airport. adhere strictly to pull-up procedure.
	Kansas City Range	Outer marker	13	4.2	2,500												
	Linkville FM	N ers ILS	95	6.2	2,500												
	Liberty FM and Rbn	N ers ILS	252	12.3	2,500												

These procedures shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-5167; Filed, May 4, 1951; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 538—ALLOTMENTS OF PAY

CLASS Q ALLOTMENTS

Paragraph (i) is added to § 538.1, paragraph (c) is added to § 538.3, subparagraph (3) is added to paragraph (a) of § 538.6, and a new § 538.13 is added to Part 538, as follows:

§ 538.1 *Definitions.* • • •

(i) *Class Q allotment.* An allotment made to provide assistance for dependents of enlisted members.

§ 538.3 *Eligible allottees and authorized purposes.* • • •

(c) *Class Q allotment.* (1) The following categories of dependents will be designated as allottees for class Q allotments:

(i) Wife or children.

(ii) Child or children of former wife, divorced, who are not in custody of service member.

(iii) Parent or parents.

(2) Separate allotments will be made to or on behalf of the above categories of dependents but will not be required to be made to each of the dependents in the same category.

§ 538.6 *Allotment offices*—(a) *Active duty personnel.* • • •

(3) *Class Q allotments.* Class Q allotments are processed by the Class Q Allotment Division, Army Finance Center, Building 205, St. Louis 20, Missouri.

• • • • •

§ 538.13 *Class Q allotment*—(a) *Requirements*—(1) *Amount.* On and after November 1, 1950, before an enlisted member is entitled to credit for basic allowance for quarters for dependents he must have in effect an allotment of pay to be known as class Q to his dependent or dependents in an amount equal to the applicable rate for basic allowance for quarters plus:

(i) $40, if service member is in grade E–1, E–2, or E–3;

(ii) $60, if service member is in grade E–4, or E–5; or

(iii) $80, if service member is in grade E–6 or E–7.

The allotment required for any month shall be based on the lowest rate of basic allowance for quarters to which the member is entitled and the lowest pay grade in which the member is serving during such month; however, no change in allotment will be made for such month to meet this requirement. Therefore, if member is promoted or demoted or acquires or loses a dependent after first day of month, he will be credited with applicable amount for basic allowance for quarters for such period, but no change in allotment is required for that month; however, a new class Q allotment will be required, effective the first of the following month in applicable amount. Any necessary adjustment will be made on the pay record. Whenever change in grade or dependency occurs which will affect amount of class Q allotment or allotments, forms necessary to cancel old allotment and initiate new allotment (effective first day of following month) will be submitted. If a member acquires or loses a dependent on the first day of the month or is promoted or demoted effective on the first day of the month, or both, the applicable increase or decrease in the minimum amount required to be allotted must be effective for such month instead of the first of the succeeding month. The total class Q allotment or allotments of any Army member must equal the total amount required to be established. The total class Q allotment or allotments of an Air Force member must not be less than the amount of class Q allotment or allotments required to be established, but may exceed such figure.

(2) *Court order or written agreement.* In those cases where the member's dependency obligations have been fixed by court order or other written agreement, the amount required to be allotted may be reduced to an amount not less than the basic allowance for quarters or the amount fixed in such court order or agreement, whichever amount is greater.

(3) *Months not required.* No class Q allotment or allotments will be required for the calendar month:

(i) In which the member enters on active duty in a pay status if the allotment is effective from the first day of the following month;

(ii) In which such member is released from active duty or is discharged if not immediately reenlisted (class Q allotment will be discontinued the end of the month preceding separation; however, should there be insufficient time for WD AGO Form 30–S (Allotment Discontinuance) to reach the Army Finance Center by the 20th of the month, amount of class Q allotment will be debited on the military pay record and WD AGO Form 30–S will be prepared to discontinue allotment at end of month in which separation occurs);

(iii) In which such member is assigned Government quarters for himself and his dependents or assignment of such quarters is terminated;

(iv) In which dependency ceases;

(v) In which dependency commences if the allotment is effective from the first day of the following month;

(vi) In which death occurred, in the event of death of the service member;

(b) *Application by or on behalf of dependent.* (1) The question of whether or not an enlisted member desires to claim the basic allowance for quarters for his dependent or dependents generally should be resolved by such enlisted member. However, the Commanding General, Army Finance Center, may authorize and direct the payment of the basic allowance for quarters for dependents and the establishment and payment of the class Q allotment or allotments as he shall determine to be in conformity with these regulations for any enlisted member who does not claim such allowance.

(2) (i) Upon application by or on behalf of any dependent of an enlisted member, the enlisted member will be advised by his immediate commanding officer that an application has been received by or on behalf of his dependent or dependents and the enlisted member will be requested to initiate a class Q allotment to provide for the support of his dependent or dependents. The enlisted member also will be advised that the Secretary of the service concerned has the authority to make such class Q allotments for the support of his dependents if he does not do so. The commanding officer will notify the Commanding General, Army Finance Center, of the circumstances, giving information such as a statement that the enlisted member refuses to initiate the required class Q allotment, a statement of the reason given by the enlisted member for not authorizing the class Q allotment, or any pertinent information regarding the situation. The Commanding General, Army Finance Center, after assuring himself that the application by or on behalf of the dependent of the enlisted member is a valid application, will initiate a Form 234, and will validate the allotment authorization in the space ordinarily provided for the enlisted member's signature. Form 234, with appropriate letter of explanation and statement of credit for basic allowance for quarters to be entered on the military pay record, will be forwarded to the disbursing office for processing through the commanding officer of the enlisted member concerned. The enlisted member will not be permitted to modify or stop a class Q allotment which has been established by the Commanding General, Army Finance Center, but he may furnish such information as he desires if he wishes to contest the establishment and payment of the class Q allotment. The information of the service member, over his signature, together with any additional information the commanding officer may have, will be submitted to the Dependency Division, Army Finance Center. The Commanding General, Army Finance Center, then will take such action as may be necessary to stop, modify, or restrict the class Q allotments.

(ii) The procedure prescribed in this subparagraph does not apply to dependents of enlisted members who are missing, missing in action, interned in a neutral country, captured by an enemy, beleaguered, or besieged.

(3) Upon application by or on behalf of any dependent of an enlisted member who has in effect a class Q allotment, the Commanding General, Army Finance Center, will modify such class Q allotments as may be necessary under this section and will follow the procedure outlined in this paragraph.

[C3, AR 35–1900, April 16, 1951, and SR 35–1465–15, March 13, 1951] (Sec. 302, 63 Stat. 812, as amended; 37 U. S. C. 252)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 51-5233; Filed, May 4, 1951; 8:52 a. m.]

Subchapter G—Procurement

ARMY PROCUREMENT PROCEDURE

The Army Procurement Procedure, hereby issued as Parts 590–603 of this chapter by the Department of the Army, prescribes policies, methods, and standards governing the procurement of supplies and services for the Army Establishment under the Armed Services Procurement Regulation (Parts 400–414 of Chapter IV of this title), and the Armed Services Procurement Act of 1947. Specifically, the Army Procurement Procedure implements, and is supplementary to, the Armed Services Procurement Regulation. Since the material published in the Regulation is not duplicated in the Procedure, both publications must be reviewed to obtain full coverage on any particular subject.

For those using this set of procurement rules, it must be borne in mind that in light of the magnitude of the Army's enlarged purchasing mission, it is highly imperative that procurement be accomplished swiftly, effectively, and to the best interests of the Government. Although the objectives of the procurement program must be expeditiously attained, economy and productive efficiency cannot be ignored. We are committed to obtain the maximum use of funds, and to secure the largest possible quantity of supplies of a requisite quality which can be purchased with those funds.

To avoid the dangers to free, competitive enterprise which may arise during a period of continuing mobilization, it is necessary for those involved in procurement to be watchful for factors which can be recommended for elimination because of any tendency to suppress competition unduly, create or strengthen monopolies, injure small business, or otherwise promote undue concentration of economic power. In furtherance of the small business policy, it is not only desirable but essential that an increasing proportion of Army contracts be placed with small firms, due to the necessity of using all available resources. To this end, restrictions which might prevent small business participation will be eliminated from proposed procurements to the maximum extent possible.

In issuing this Army Procurement Procedure, it is emphasized that each individual having procurement responsibility or authority is responsible for properly safeguarding the interests of the United States, and that each and every procurement action must be above reproach and not subject to unfavorable criticism.

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army, The Adjutant General.

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AUTHORITY: §§ 590.100 to 590.809 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161.

DERIVATION: Army Procurement Procedure, March 15, 1951.

SUBPART A—INTRODUCTION

§ 590.100 *Scope of part.* Supplementary to, but consistent with part 400 of this title, this part sets forth (a) introductory information, (b) definitions, (c) basic policies, (d) procurement authority and responsibility, (e) general policies pertaining to military construction, (f) administrative procedures, (g) small purchases procedure, and (h) procurement action reporting.

§ 590.101 *Purpose of Procedure.* (Parts 590–603 of this chapter.) This Procedure, issued by the Department of the Army, pursuant to § 400.106 of this title, establishes for the Army Establishment uniform policies and procedures, consistent with and supplementary to Subchapter A, Chapter IV of this title (Armed Services Procurement Regulation), relating to the procurement of supplies and services under the authority of the Armed Services Procurement Act of 1947 (Pub. Law 413, 80th Cong.; 41 U. S. C. 151–161) or under other statutory authorization.

§ 590.102 *Applicability of Procedure—*(a) *General applicability.* This Procedure shall apply to all purchases and procurement contracts made by any Procuring Activity or Contracting Officer of the Army Establishment which obligate appropriated funds (whether direct appropriations, allocations of appropriated funds, or contract authorizations) for the procurement of supplies and services and which are entered into as of a date on or after the effective date of this Procedure. This Procedure is supplementary to, and does not in any way supersede Subchapter A, Chapter IV of this title. This Procedure, however, does supersede (1) the Joint Procurement Regulations, originally issued November 1, 1947 (formerly published as Parts 801–811, Chapter VIII, Title 10 of the Code of Federal Regulations), and all amendments and additions made thereto through the issuance of procurement circulars, and (2) those portions of War Department Procurement Regulations in effect as of the date of this Procedure. This Procedure is not intended to cover the detailed implementing instructions of the respective Procuring Activities of the Army Establishment, all of which instructions may be prescribed as provided in § 590.107.

(b) *Oversea commands, attachés, and foreign missions.* Procurement outside the United States, its territories and possessions, and construction work outside the continental United States, including procurement effected under the jurisdiction of major oversea commanders, military attachés, and foreign missions, will be made in accordance with Subchapter A, Chapter IV of this title and this Procedure. Authority to deviate from prescribed provisions, in those specific cases which are inapplicable to procurement outside the United States, its territories and possessions, will be specifically set forth in this Procedure. If such authority is not contained herein, requests will be processed as prescribed in § 590.108.

(c) *Combat areas.* Major tactical commanders are authorized to waive the provisions of Subchapter A, Chapter IV of this title and this Procedure in the immediate areas engaged in active combat, subject to any instructions which may be issued by the Head of the Procuring Activity involved.

(d) *Government and Relief in Occupied Areas.* Subchapter A, Chapter IV of this title, and this Procedure are applicable to procurement in oversea areas for Government and Relief in Occupied Areas (GARIOA) chargeable to annual appropriations for such purposes. As stated in paragraph (b) of this section, authority to deviate will be expressly stated or request for authority to deviate will be processed as prescribed in § 590.108.

(e) *Civil works, Corps of Engineers.* Procurement of supplies and services for civil works, Corps of Engineers, will be made in accordance with Subchapter A, Chapter IV of this title, and, rather than this Procedure, such instructions as may be issued by the Chief of Engineers, pursuant to authority granted by the Secretary of the Army.

§ 590.103 *Effective date.* This Army Procurement Procedure (Parts 590–603 of this chapter) shall be effective on and after April 1, 1951.

§ 590.104 *Arrangement of Procedure.*

§ 590.104–1 *General plan.* This Procedure is intended to cover the general policies and procedures of the Army Establishment with respect to procurement; it implements and is supplementary to Subchapter A, Chapter IV of this title. The Procedure is divided into parts, each one of which deals with a separate aspect of procurement; each part is further subdivided into subparts and sections. In general, the parts, subparts, and sections conform to parallel provisions of Subchapter A, Chapter IV of this title. For example: § 590.104–1 is parallel to § 400.104–1 of Subchapter A, Chapter IV of this title. Additional subparts and sections have been added to cover subjects not treated in Subchapter A, Chapter IV of this title. Since material published in Subchapter A, Chapter IV of this title is not duplicated in this Procedure, both publications must be reviewed to obtain full coverage on most subjects.

§ 590.104–4 *Citation.* This Procedure shall be referred to as the Army Procurement Procedure (Parts 590-603 of this chapter) and cited by appropriate part or section of the Code of Federal Regulations.

§ 590.105 *Amendment of Armed Services Procurement Regulation and Army Procurement Procedure.* Recommendations for amendment of subchapter A, chapter IV of this title, or of this Procedure shall be submitted through channels to the Assistant Chief of Staff, G–4, Department of the Army (Attn.: Chief, Current Procurement Branch).

§ 590.106 *Department procedures under Regulation.* Subchapter A, chapter IV of this title (Armed Services Procurement Regulation) is a statement of uniform procurement policies which are in effect throughout the Department of Defense. Parts 590-603 of this chapter (Army Procurement Procedure) constitute an implementation of Subchapter A, Chapter IV of this title and sets forth uniform procurement policies and procedures which are in effect throughout the Army Establishment.

§ 590.107 *Procuring Activity instructions under Army Procurement Procedure.* The Head of any Procuring Activity may implement this Procedure by prescribing for his Activity (and for any field installations thereof) detailed procurement operating instructions which are not inconsistent with the Armed Services Procurement Regulation or the Army Procurement Procedure.

§ 590.108 *Deviations from Armed Services Procurement Regulation and Army Procurement Procedure—*(a) *Deviations from Armed Services Procurement Regulation.* Requests for deviations from the provisions of subchapter A chapter IV of this title shall be submitted to the Assistant Chief of Staff, G–4, Department of the Army (Attn.: Chief, Current Procurement Branch). The Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch) is authorized to grant any such deviation in any individual case in which special circumstances justify the deviation or deviations and will make a report thereof to the Departments of the Navy and Air Force. The Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch) is authorized to grant class deviations from Armed Services Procurement Regulation with the concurrence of duly authorized representatives of the Departments of the Navy and Air Force.

(b) *Deviations from Army Procurement Procedure.* Requests for deviations from this Procedure shall be submitted to the Assistant Chief of Staff, G–4, Department of the Army (Attn.: Chief, Current Procurement Branch). Deviations from this Procedure will be made only by and with the approval of the Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch).

§ 590.109 *Administration and interpretation.* (a) The administration of subchapter A, chapter IV of this title and this Procedure will be the responsibility of the Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch).

(b) It will be the responsibility of the Heads of Procuring Activities to determine whether or not instructions and interpretations issued by their Activities in implementation of subchapter A, chapter IV of this title and this Procedure properly reflect and are consistent with the policies of the Department of Defense and the Department of the Army.

§ 590.110 *Periodic report of purchases and contracts.* Reports in connection with § 400.110 of this title will be made in accordance with the requirements of Subpart H of this part.

§ 590.111 *Reports of suspected criminal conduct.* Reports of possible violations of Federal criminal statutes in connection with procurement and related matters, including reports of possible fraud, will be made in accordance with the requirements of § 590.303.

§ 590.150 *Distribution of Regulation and Procedure.* Copies of the Armed Services Procurement Regulation or the Army Procurement Procedure are not available for free distribution to private firms or individuals; however, these publications may be purchased from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C., as printed in the FEDERAL REGISTER or in separate pamphlet form.

SUBPART B—DEFINITIONS OF TERMS

§ 590.201 *Definitions.* As used throughout Subchapter A, Chapter IV of this title and this Procedure, the following terms shall have the meanings set forth below.

§ 590.201–2 *Secretary.* The term "Secretary" means the Secretary of the Army, or the Under or Assistant Secretary of the Army responsible for procurement and industrial matters for the Army Establishment.

§ 590.201–5 *Contracting Officer.* The term "Contracting Officer," when used in Subchapter A, Chapter IV of this title, and this Procedure is construed to include his duly appointed successor or authorized representative acting with the limits of his authority. (See §§ 590.402 and 590.450 through 590.453.)

§ 590.201–9 *Sources of supplies—*(a) Within the geographic limits of the continental United States, Alaska, Hawaii, Puerto Rico, the Virgin Islands, and the District of Columbia, the term "sources of supplies" shall include only (1) manufacturers of or (2) regular dealers in the supplies to be procured, as defined in § 400.201–9 of this title.

(b) Outside the geographic limits of the continental United States, Alaska, Hawaii, Puerto Rico, the Virgin Islands, and the District of Columbia, the term "sources of supplies" shall include (1) manufacturers, (2) regular dealers, as defined in § 400.201–9 of this title, and (3) intermediaries, provided such sources are not prohibited by local foreign law. An "intermediary" shall be deemed to be any one of the following:

(i) A person (or firm) who owns, operates or maintains a place of business, regularly engaged in performing certain services which directly or indirectly increase the value of the materials, supplies, articles, or equipment being procured (services to consist of such functions as the recovery from consignees and redistribution to manufacturers and producers of containers and packing materials; the receiving, storing, repacking, and reshipping of items being procured; the collection, consolidation, assembling, packing, and shipping of items being procured, etc.; and not the functions of mere soliciting of business, taking of orders, rendering assistance to manufacturers or producers by the preparation of receiving and payment documents, arranging for transportation facilities, etc.).

(ii) A person (or firm) who owns, operates or maintains a place of business, regularly engaged in the importing and exporting business, provided that the items procured are not being imported from within the geographical limits of the continental United States, Alaska, Hawaii, Puerto Rico, the Virgin Islands, and the District of Columbia.

(iii) Agencies or instrumentalities of a foreign government.

§ 590.250 *Chief officer responsible for procurement.* The term "chief officer responsible for procurement" when used in Subchapter A, Chapter IV of this title, and this Procedure is construed to mean the Head of any Procuring Activity.

§ 590.251 *Appropriated funds.* The term "appropriated funds" comprises all funds available to Army Establishment installations and agencies by allotment to or authorization to obligate appropriated funds irrespective of the Governmental department or agency administering the appropriation. Welfare, organizational, unit, or similar funds are not included under this definition.

§ 590.252 *Change orders and supplemental agreements.* Change orders and supplemental agreements are types of contract modifications. A change order is ordinarily the proper medium for effecting changes under a contract containing provisions permitting such changes under specified circumstances similar to the Changes Clause in § 406.103–2 of this title. Such change orders are confined to changes which the contract authorized the Government to make, and since the contract authorizes such changes to be made and since the contractor has agreed that the Government can make such changes (including, under certain circumstances, an equitable adjustment in price), change orders may be issued without the consent of the contractor. Conversely, a supplemental agreement is the proper medium for effecting changes to a contract which the contract does not authorize the Government to make (i. e., changes not covered by the Changes Clause or other clause of the contract) and which accordingly cannot be made without the consent of the contractor. A supplemental agreement is, therefore, in effect a new contract which, being with the same contractor and for performance under substantially the same terms and conditions is, for convenience, added as a supplement to an existing contract. Regardless of the form of contract employed, the distinction as to whether a supplemental agreement or a change order is required, therefore, rests upon whether the contractor is bound by existing contract to perform the proposed change or whether such change cannot be required of him without his consent and acceptance. In connection with change orders and supplemental agreements, it is a requirement that contracts can be modified only in the interests of the United States.

SUBPART C—BASIC POLICIES

§ 590.301 *Methods of procurement.* Department of the Army policies with respect to procurement by formal advertising or by negotiation are set forth in §§ 591.102 and 592.101 of this chapter. In connection with the placement of contracts during a period of national emergency, it is essential that contracts be spread across industry as widely as possible in order to broaden the industrial base of the procurement program. All Procuring Activities and agencies will give particular attention to the following in effecting procurement:

(a) The greatest possible integration of current procurement contracts with the industrial mobilization program and the accepted schedules of production.

(b) The equitable distribution of procurement contracts among the maximum number of competent suppliers. The concentration of contracts with a few leader suppliers is to be avoided unless the necessity therefor is clear.

(c) The utilization of existing open industrial capacity to the maximum. Expansion of facilities should not be authorized when open capacity can be found. Whenever time permits, and in order to broaden the mobilization base, additional contractors should be utilized in lieu of multi-shift or overtime operation.

(d) The fullest possible use of small business concerns.

(e) The utilization in negotiation of competition and multiple awards, whenever possible.

(f) The aggressive encouragement or requirement of subcontracting by prime contractors.

(g) The provision of maximum incentive to the producer for the reduction of his costs.

(h) The placement of contracts with a view to economies in the use of transportation facilities.

(i) The availability of manpower in distressed employment areas or in areas of manpower shortages.

(j) The reservation of special skills and abilities for the more difficult production tasks.

§ 590.302 *Sources of supply.*

§ 590.302–2 *Sources outside the Government*—(a) *Sources of supply for foods of animal origin.* Procurement of foods of animal origin, including meat and meat food products, poultry and poultry products, milk and dairy products, fish and fishery food products, fats and cooking oils, game, and all food supplies of which any of the foregoing foods of animal origin form a significant part, will be made from only those sources which are approved with respect to sanitation in accordance with standards and procedures prescribed in Part 608 of this chapter.

§ 590.302–3 *Small business concerns.* (a) Heads of Procuring Activities will encourage, so far as consistent with law, the participation of small business in the procurement programs of their respective Activities.

(b) Procuring Activities will publicize, to the maximum extent practicable (1) that it is not necessary for prospective suppliers to employ agents, counselors, advisers, or any agencies on a commercial basis in order to obtain Government business, and (2) that such persons or agencies cannot obtain Government busines for prospective suppliers which these suppliers cannot obtain themselves through appropriate Government channels.

(c) Procuring Activities will publicize, to the maximum extent practicable, that prospective suppliers should write direct to the appropriate purchasing office for inclusion of their names on a bidders' mailing list.

(d) Procuring Activities, whenever practicable, will assist in advising small business concerns in the methods of doing business with the Army and in finding the proper channels of information. In this connection a pamphlet has been prepared entitled, "How to Sell to the United States Army," for distribution to small business concerns and those firms which are not accustomed to doing business with the Army. Purchasing offices desiring copies of this pamphlet should direct their request to the Assistant Chief of Staff, G–4, Department of the Army (Attn.: Chief, Current Procurement Branch) through command channels.

(e) The report of contracts placed with small business concerns referred to in § 400.302–3 of this title will be made in accordance with the requirements of Subpart H of this part.

(f) This section is not applicable to procurement outside the United States, its territories and possessions.

§ 590.303 *Ineligible contractors and disqualified bidders.* Contractors against whom certain specific prohibitions have been effected in connection with their contractual relationship with the Army Establishment and the procedures to be followed in connection therewith are divided into three general classifications: Disqualifications under certain statutes (paragraph (a) of this section), suspensions due to allegations or suspicions of fraud and criminal conduct (paragraph (b) of this section), and debarment by administrative action (paragraph (c) of this section).

(a) *Disqualifications under certain statutes.* Contracts shall not be placed with persons or firms who are indicated to be in any of the following categories of disqualified bidders:

(1) Persons and firms listed by the Comptroller General in accordance with section 3 of the Walsh-Healey Public Contracts Act (41 U. S. C. 37) which have been found by the Secretary of Labor to have violated any of the representations and stipulations required by that act.

(2) Persons and firms listed by the Department of Labor which have been held ineligible to be awarded contracts subject to the Walsh-Healey Public Contracts Act for the reason that they do not qualify as "manufacturers" or "regular dealers" within the meaning of section 1 (a) of said act.

(3) Persons and firms listed by the Comptroller General in accordance with section 3 of the Davis-Bacon Act (40 U. S. C. 276a–2) found by the Comptroller General to have violated said act.

(4) Persons and firms which have violated any of the provisions of the Buy American Act (41 U. S. C. 10a–d).

Inquiries from contractors or individuals listed as ineligible or disqualified by the Comptroller General and the Department of Labor under the Walsh-Healey or Davis-Bacon Acts shall be answered by indicating the nature of the prohibition as indicated on the consolidated list and requesting that the inquirer communicate with:

Wage and Hour and Public Contracts Divisions,
Department of Labor,
Fourteenth Street and Constitution Avenue NW.,
Washington 25, D. C.

(b) *Suspension due to allegations or suspicions of fraud and criminal conduct*—(1) *General.* The prompt reporting of suspected fraud or criminal conduct is of extreme importance. All persons concerned with negotiation, execution, administration, and settlement of Army contracts will be on the alert for the possibility or evidence of fraud or criminal conduct at all times. Generally, most reports or accusations relating to fraud or criminal conduct will result first in a suspension by Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch) under this paragraph and investigation by the Department of Justice before any consideration will be given to administrative debarment as set forth under paragraph (c) of this section.

(2) *Reporting procedure.* All reports and exhibits, and all supplements thereto, including letters of transmittal and interim correspondence, will be transmitted through channels, in quadruplicate, to the Assistant Chief of Staff, G–4, Department of the Army (Attn.: Chief, Current Procurement Branch). Reports should contain a full statement of the pertinent facts indicating alleged criminal conduct, fraudulent activity, or suspicion thereof and will be supported by appropriate exhibits. All such reports initiated by disposal, inspection, audit, engineering, and other advisory or technical personnel, under Department of the Army contracts, will be addressed to the Contracting Officer concerned and will be adequately documented by initiating personnel. The Contracting Officer will take whatever action he deems necessary and appropriate consistent with the protection of the interests of the Government. Such reports, accompanied by the remarks, conclusions, and recommendations of the Contracting Officer, will then be forwarded, through channels, to the above indicated addressee. Reports of suspected collusion between contractor and Government personnel will be made direct to the Assistant Chief of Staff, G–4, Department of the Army (Attn.: Chief, Current Procurement Branch) by the initiating agency.

(3) *Suspensions.* The determination to suspend a suspected contractor will be the responsibility and within the authority of the Assistant Chief of Staff, G–4, (Chief, Current Procurement Branch). Formal suspension directives, when determined necessary and requiring the responsibilities and prohibitions contained in subparagraphs (5) through (11) of this paragraph, will be issued by the Assistant Chief of Staff, G–4, (Chief, Current Procurement Branch). Such determinations will be coordinated with the Assistant Judge Advocate General, Procurement Division, and The Inspector General, when appropriate.

(4) *Liaison with the Department of Justice and other military departments.* (i) The Assistant Judge Advocate General has been designated as the representative of the Under Secretary of the Army to effect necessary liaison between the Department of the Army and the Department of Justice. In accordance with established procedures, reports of suspicion of fraud will be forwarded in triplicate to that office by the Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch) for coordination and necessary action with the Department of Justice when appropriate.

(ii) The Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch) will effect the required liaison with the other military departments.

(5) *Responsibility of Heads of Procuring Activities.* The Heads of Procuring Activities will be responsible for taking the appropriate administrative actions indicated in subparagraphs (6) through (12) of this paragraph upon receipt of notice of suspension or when reporting suspicion or evidence of fraud or criminal conduct.

(6) *Preliminary report.* As soon as possible after receipt of the notice of suspension and within 30 days, or concurrent with the reporting of suspicion of fraud, the Heads of Procuring Activities will submit a brief report to the Assistant Chief of Staff, G–4, Department of the Army (Attn.: Chief, Current Procurement Branch) (Report on Contractual Status of Suspended Contractors, Reports Control Symbol CSGLD–228), indicating the current contractual relationship between the suspended contractor and the agency submitting the report. This report will consist of a brief statement of the status of outstanding contracts, if any, either proposed, current, or terminated but unsettled. Information relating to going current contracts will be reported as outlined in subparagraph (7) of this paragraph. The extent to which such persons or firms are considered necessary and essential suppliers will be indicated. Negative reports indicating no current or presently proposed contracts are required.

(7) *Procurement*—(i) *Current contracts.* The administration of contracts on which performance is current is within the responsibility and authority vested in the Head of a Procuring Activity.

(ii) *Service reporting suspicion of fraud.* It will be the additional responsibility of the Head of a Procuring Activity reporting suspicion or evidence of criminal conduct, and administering a current contract, to determine whether it will be in the best interests of the Government to (*a*) continue contract administration in any of its phases (such as acceptance of deliveries, inspection at contractor's plants, issuance of certain instructions), except payment, where specifically required by the provisions of the contract and to avert a technical or actionable breach of contract by the Government; or (*b*) to exercise any contract right (such as termination for default or convenience, rejection or recovery due to latent defects). In making such determination, full consideration will be given to the nature of and the circumstances surrounding the suspicion or evidence of fraud being reported. The facts, circumstances, requirements, and provisions considered in reaching such determination will be included in the Preliminary Report required in subparagraph (6) of this paragraph. In cases where doubt exists as to the effect of continuation of any phase of administration on the investigation and possible prosecution of the suspected contractor, it will be appropriate to refer the determination of the matter to the Chief, Current Procurement Branch, Office, Assistant Chief of Staff, G–4, Department of the Army, together with the recommendations of the Head of the Procuring Activity.

(iii) *Services receiving notice of suspension.* In cases where a current contract(s) is (are) being administered by a Procuring Activity not the initiating agency of the report of suspected criminal conduct, a statement of the minimum contract administration immediately required by the contract (such as acceptance of deliveries, rejection, price analyses, etc.) will be included in the Preliminary Report (subparagraph (6) of this paragraph).

(iv) In both subdivisions (ii) and (iii) of this subparagraph, contract administration at the minimum required will be continued in operation, with the exception of payment, until final determination of the matter has been accomplished by the Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch) who will coordinate such final determination with the Office of the Under Secretary of the Army (Assistant Judge Advocate General, Litigation Division) and the Department of Justice, if appropriate.

(v) *Procurement with suspended contractors.* No additional procurement will be made from, nor any commitments of any nature given to, firms or individuals suspected of having defrauded the Government and who have been placed in suspension, until written clearance for each individual procurement has been obtained from the Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch) who will coordinate the matter with the Office of the Under Secretary of the Army (Assistant Judge Advocate General, Litigation Division) and the Department of Justice, if appropriate. However, bids submitted by suspended contractors will be received, recorded and retained in accordance with established procedures. In cases where a suspended contractor is the low bidder (or in the case of surplus or salvage sales, the high bidder), information relating to the low (or high) bid and the next higher bid will be furnished to the Assistant Chief of Staff, G–4 (Chief, Current Procurement Branch), for determination as to the necessity of placement of any awards with the suspended contractor. Bids from suspended contractors will not be automatically rejected by Contracting Officers solely because of the suspension.

(8) *Terminations.* Negotiation towards settlement of terminated contracts will cease with the suspension of a contractor. Negotiations must likewise cease with respect to terminated subcontracts either let or held by the suspended contractor. All delegations of authority, if any, under JTR 642 (PR 15) or under any like regulation will be immediately revoked without explanation.

(9) *Payments.* (i) No payments of any type will be made to any suspended contractor either under procurement or termination unless specifically directed. Upon receipt of notice of suspension, disbursing officers will promptly forward any administratively approved vouchers in or coming into their possession to the Office, Chief of Finance (Attn: Receipts and Disbursement Division). Procuring agencies, holding or in receipt of properly certified invoices covering amounts properly due the suspended contractor, will prepare and process (administratively approve) the necessary vouchers and will forward the certified vouchers to the Office, Chief of Finance (Attn.: Receipts and Disbursement Division), through their assigned Disbursing Officers inviting attention to the fact that the contractor concerned is under suspension. This procedure will be followed whenever any additional or new amounts become due during the period of suspension.

(ii) In cases where, in the opinion of the Contracting Officer, it is believed that circumstances surrounding either the procurement or the suspicion of criminal conduct are of such a nature as to permit or require complete or partial release of withheld funds due and owing the suspended contractor, recommendation for such release, including a full statement of the particulars supporting such recommendation may be made by the Contracting Officer, through channels, to the Assistant Chief of Staff, G–4, Department of the Army (Attn.: Chief, Current Procurement Branch), who will coordinate the determination of the matter, through the Office of the Under Secretary of the Army (Assistant Judge Advocate General, Litigation Division), with the Department of Justice, if appropriate.

(10) *Release from suspension.* After a contractor has been placed in suspension, as indicated above, such suspension will not be lifted until such action has been directed by the Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch), who will coordinate the release through the Assistant Judge Advocate General, Litigation Division, with the Department of Justice.

(11) *Departmental inquiries.* When a firm or individual has been suspended because of suspicion of fraud, the Contracting Officer will ordinarily address his own inquiries, in quadruplicate, as to status and progress of the case in question, through channels, to Assistant Chief of Staff, G–4, Department of the Army (Attn.: Chief, Current Procurement Branch), and will not contact the local offices of the Department of Justice, the U. S. Attorney, or the Federal Bureau of Investigation in such connection.

(12) *Contact with suspended contractors.* Reports required by these regulations and all actions accomplished relating thereto are confidential. In the event a suspended contractor makes inquiry as to reason or cause of prohibitions indicated above, or for any other reason, the supplying of any information relating to the suspension, either by reference or detail, is prohibited. Instead, the contractor will be advised that consideration is being given his contract, or contractual relationship, by the Office of the Under Secretary of the Army (Assistant Judge Advocate General, Litigation Division) and that all contractor inquiries regarding such matters should be addressed in writing direct to that office.

(c) *Debarment by administrative action*—(1) *General.* Debarment of a contractor for acts constituting fraud or attempted fraud against the United States or deliberate and gross violation of contract provisions may be effected by the Department of the Army but must be based on adequate evidence rather than on allegation or accusation. The Comptroller General states:

When the interests of the United States require the debarment of a bidder no question will be raised by this office with respect thereto, provided the length of time of such debarment is definitely stated and not un-

reasonable, and the reasons for the debarment, with a statement of the specific instances of the bidder's dereliction, are made of record and a copy thereof furnished the bidder and this office.

(2) *Determination of debarment.* The determination to debar a bidder from future bidding on Army Establishment contracts will be the responsibility and within the authority of the Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch). Recording of the debarment and furnishing advice of the action to the contractor and the Comptrolier General will also be a function of the Assistant Chief of Staff, G–4 (Chief, Current Procurement Branch).

(3) *Request for debarment.* Debarment action may be initiated by any Procuring Activity and forwarded through appropriate channels to the Assistant Chief of Staff, G–4, Department of the Army (Attn: Chief, Current Procurement Branch), for determination.

(4) *Adequacy of request for debarment; responsibility.* A request for debarment will be submitted in triplicate and contain a complete certified statement of the facts concerning the bidder's dereliction, including affidavits, depositions, records of action, if applicable, and any other relevant data. Names and addresses of all persons having knowledge of the circumstances will be included. The Head of a Procuring Activity will be responsible for the adequacy and propriety of all requests initiated under his command, particularly as to basis and adequacy of evidence. Care should be taken not to usurp the prerogatives of the Department of Justice in concluding that certain acts constitute fraud against the Government.

(5) *Procedure after debarment.* When the Assistant Chief of Staff, G–4 (Chief, Current Procurement Branch), after consideration of all of the evidence submitted, determines that it is in the best interests of the Government to debar a contractor from future bidding on Army contracts and so notifies the Procuring Activities, the following procedure will become effective:

(i) Debarred contractors will not be carried on any bidders' mailing list and bids will not be invited from them.

(ii) No awards will be made to any debarred contractor during the period specified for debarment.

(iii) In the event that a bid is tendered by any debarred contractor, it shall be received and recorded with the other bids offered on the purchase. If the bid is low, it will then be rejected, and the reason therefor shall be stated in the certificate to the General Accounting Office as follows:

> In accordance with the decision of the Comptroller General of the United States contained in his letter to the Secretary of War, dated 23 July 1929, the bid of -------- is rejected because of previous unsatisfactory business dealings with the Department of the Army.

(iv) All inquiries relating to debarred bidders will be forwarded, in triplicate, to the Assistant Chief of Staff, G–4, Department of the Army (Attn.: Chief, Current Procurement Branch).

(d) *Consolidated listing of suspended and ineligible contractors and disqualified bidders.* In conjunction with the information and actions contained in the preceding subparagraphs, a consolidated confidential list will be issued by the Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch) for the use and guidance of all interested agencies of the Army Establishment. The comprehensive list will be composed of an alphabetical listing of all firms or persons suspended, ineligible, or disqualified from entering into contractual relationships with the Government. Information will be supplied indicating the reason for and the extent of the suspension or prohibition. Care will be taken by contracting personnel to give full effect to modifications of or releases from suspension. The listing shall comprise the following groups of persons and firms which are subject to the prohibitions indicated:

(1) *Suspensions initiated by the Army and affecting Army contracts.* Contractors who have been placed in suspension or debarred by administrative determination in accordance with the procedures and prohibitions prescribed in paragraph (b) (5)–(12) of this section and in paragraph (c) of this section or suspended or debarred under like circumstances by the other military departments.

(2) *Disqualifications initiated by agencies other than the military and prohibitions effected.* (i) Persons and firms listed by the Comptroller General in accordance with section 3 of the Walsh-Healey Public Contracts Act which have been found by the Secretary of Labor to have violated any of the representations and stipulations required by that act. No contracts will be awarded to such persons or firms or to any firm, corporation, partnership, or association in which such persons have a controlling interest, for a period of 3 years from the dates on which it was determined such breaches occurred. (See Part 411 of this title for specific provisions of Walsh-Healey Act.)

(ii) Persons and firms listed by the Department of Labor which have been held ineligible to be awarded contracts subject to the Walsh-Healey Public Contracts Act for the reason that they do not qualify as "manufacturers" or "regular dealers" within the meaning of section 1 (a) of said act. Such persons, corporations, or firms will not be awarded any contract unless a change in status is shown and so determined by the Department of Labor prior to the award of any such contract.

(iii) Persons and firms listed by the Comptroller General in accordance with section 3 of the Davis-Bacon Act found by the Comptroller General to have violated said act. No contract is to be awarded to any contractor, or any firm, in which the contractor has an interest for a period of 3 years from the publication of the list containing the names of the violators.

(iv) Sections 590.303, 590–303–1, and 590.303–2 are applicable to procurement outside the United States, its territories and possessions in principle and policy, but Contracting Officers will be guided by the laws of the local foreign government of the country in which procurement is to be effected and by such procedural instructions (based on the policies and procedures contained herein) as may be issued by the Head of the Procuring Activity. Suspensions by major overseas commanders will be coordinated with local authorities of the other military departments. A report, in triplicate, setting forth the basis for and the action being taken in any case of suspected fraud or criminal conduct will be furnished the Assistant Chief of Staff, G–4, Department of the Army (Attn: Chief, Current Procurement Branch), for information as the incidents occur. A closing report of completed action will be furnished also.

§ 590.303–1 *Additions to and removals from Consolidated List of ineligible or suspended contractors and disqualified bidders.* Interim notices indicating additions to, modifications of, or removals from the Consolidated List will be issued by the Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch), when appropriate.

§ 590.303–2 *Exchange of lists.* The Assistant Chief of Staff, G–4 (Chief, Current Procurement Branch), will supply the Departments of the Navy and the Air Force with copies of the Consolidated List, and any interim changes thereto, for information and guidance and will publish additional information received from those Departments.

§ 590.305 *Specifications; general.* Every item procured either on an invitation for bids or by negotiation shall be described by referencing the applicable specifications or, in lieu thereof, shall contain a description when authorized as prescribed in paragraph (c) of this section; except that no specification in accordance with this section is required in connection with the purchase of items for authorized resale when, to satisfy customer preference, the purchase is being made upon the basis of a brand-name; or the procurement falls within the provisions of § 402.210–2 (m) of this title.

(a) *Specifications authorized for procurement.* The following types of specifications are authorized for use in procurement, in the order or preference as listed:

(1) Federal specifications.

(2) Military (MIL, JAN) specifications.

(3) Air Force-Navy Aeronautical specifications.

(4) Uncoordinated Military (MIL) specifications.

(5) United States Army specifications.

(6) United States Air Force specifications.

(7) Navy specifications.

(8) Tentative specifications.

(9) Other Government departmental specifications.

(10) Purchase descriptions.

(b) *Use of tentative specifications.* Tentative specifications are authorized for purchase of items, materials, processes, or services as follows:

(1) Those required for research and development projects, including experimental, engineering, user (service), and troop tests, provided the technical and quantity requirements of the items are approved for these purposes by appropriate technical committee action.

(2) Those required for the current military procurement program, provided the applicable tentative specification is actually in process of conversion to a Military or Federal specification.

(3) Those required for components, spare parts, or materials required for maintenance of existing stocks of matériel or for items required for maintenance and operation of established installations.

(4) Requests for authority to use tentative specifications for purposes other than those listed above shall be made to the Assistant Chief of Staff, G–4, Department of the Army (Attn.: Chief, Standards Branch), and shall fully justify the necessity for making an exception. Normally, approval will be given only for purchases required to meet emergency or special requirements.

(c) *Description in lieu of specifications*—(1) *Spare parts.* The use of purchase descriptions in lieu of specifications is authorized for procurement of spare parts necessary for maintenance of existing stocks of matériel or for items required for maintenance and operation of established installations.

(2) *Supplies other than spare parts.* If the item required is not covered by an authorized specification, and preparation of a specification is not justified, a drawing and/or a description containing all of the essential requirements to be met by the article shall be used instead. If, because of technically involved construction, or other sufficient reasons, such description cannot be made, the name of one or more makes of the item, including the words "or equal," shall be specified so as not to limit competition to the particular makes named. The use of "or equal" is authorized as an expedient only, and is not considered normal procedure. Repeated use of a purchase description for the purchase of any item indicates a need for a specification and shall be reported to the Assistant Chief of Staff, G–4, Department of the Army (Attn.: Chief, Standards Branch).

(d) *Oversea purchases.* Contracting Officers are authorized to deviate from this section, subject to any instructions which may be issued by the Head of the Procuring Activity involved, for procurement effected outside the United States, its territories and possessions, to the extent of using where necessary such specifications, standards, and purchase descriptions of foreign governments and foreign trade associations, which will be readily understood by foreign vendors, provided that adequate measures are taken to insure satisfactory and acceptable products, including standard and interchangeable items, where required. Reports prescribed by this section will not be required for such procurement.

(e) *Supply of specifications to activities outside the Government.* A liberal attitude shall be taken in complying with requests for specifications from prospective bidders and possible manufacturers of supplies, whether for the purpose of broadening the peacetime market or for establishing new sources of supply in case of emergency.

(f) *Options permitted by specifications.* Many adopted specifications cover several grades or types and provide for several optional methods of inspections, packaging, etc. When such specifications are used in conformity with paragraph (a) of this section, the invitation or request for proposal shall specifically state the grade, type, or method of inspection, etc., on which bids or quotations are to be based.

§ 590.350 *F. o. b. purchasing policy.* Unless there are valid reasons to the contrary (such as, but not restricted to, industry practice, or destination unknown) all supply contracts shall provide for delivery as follows:

(a) When it is estimated that no shipment to a single destination will equal a minimum carload lot (a minimum carload lot shall be deemed to weigh approximately 20,000 pounds), delivery shall be made on the basis of all transportation charges paid to destination (within the continental United States).

(b) When it is estimated that any single contract will require a shipment of minimum carload lot, delivery and acceptance may be either on the basis of f. o. b. plant or on the basis of all transportation charges paid to destination (within the continental United States), whichever is more advantageous to the Government.

§ 590.350–1 *Formal advertising.* In furtherance of this policy in the case of formal advertising, bids for supplies will be invited as follows:

(a) When it is estimated that no shipment to a single destination will equal a minimum carload lot, bids shall be invited on the basis of delivery by the contractor, all transportation charges paid to destination (within the continental United States).

(b) When it is estimated that a single contract (to be awarded) will provide for a shipment to a single destination of a carload lot or more, bids shall be invited as follows:

> Bid A—All transportation charges paid to destination (within the continental United States), and
>
> Bid B—F. o. b. carriers' equipment, wharf or freight station at a specified city or shipping point.

The Invitation for Bids will provide that bidders may bid on either or both bases A and B.

§ 590.350–2 *Evaluation of bids and proposals.* (a) Bids and proposals will be evaluated on the basis of over-all cost to the Government. In connection with bids or proposals submitted on an f. o. b. origin basis, transportation costs between the source of supply and the designated destination point or points will be considered in determining the lowest estimated cost to the Government.

(b) To facilitate the evaluation of bids and proposals and to assure accurate analyses, Contracting Officers will request the advisory services of local transportation officers to assist in determining the lowest possible transportation costs to a given point.

§ 590.350–3 *Furnishing of freight rates.* (a) The function of furnishing freight rates for use by Contracting Officers for the evaluation of bids and proposals as required by § 590.350–2 has been assigned to continental army commanders. Continental army commanders will establish procedures within their respective areas for furnishing rates and will maintain centralized tariff files in the Office of the Army Transportation Officer in order to provide a rate quoting service to purchasing offices. The rate quoting service operated by continental army commanders for purchasing offices is under the technical supervision of the Chief of Transportation.

(b) Purchasing offices will obtain freight rates from the Army Transportation Officer in the headquarters of the continental army command within whose geographical limits the purchasing offices are located regardless of the origin and destination points of the intended purchases, except that a rate quoting service will be provided in the Office of the Chief of Transportation for purchasing offices assigned within the Military District of Washington.

§ 590.350–4 *Oversea purchases.* Subject to any instructions which may be issued by the Head of the Procuring Activity involved, Contracting Officers are authorized to deviate from §§ 590.350–590.350–4 in effecting procurement outside the continental United States.

§ 590.352 *Limitation on purchase and maintenance of motor vehicles or aircraft.* Section 16 of the act approved 2 August 1946 (60 Stat. 810; 5 U. S. C. 78) includes definite restrictions on the purchase of passenger motor vehicles (exclusive of buses, ambulances, and station wagons) or aircraft, and their maintenance, operation, and repair. Since such restrictions also cover matters other than purchase, the restrictions and prescribed procedures to be followed, including the certificate to be placed on procuring instruments, are published from time to time in Special Regulations.

§ 590.353 *Public release of long-range procurement estimates.* To assist industry to plan its production and to better serve the requirements of the Armed Services, from time to time it may be necessary to announce publicly unclassified long-range (9-months or over) procurement estimates on certain items, groups, or types of items or materials procured by the Armed Services.

(a) Public releases of long-range procurement estimates may be made by technical services when the head of technical service determines that—

(1) The information to be released will, in fact, actually assist industry in its planning and facilitate the meeting of the procurement requirements of the Armed Services.

(2) The announcement will not adversely affect procurement of Armed Services requirements by encouraging such malpractices as attempts to corner

the market or the hoarding of industrial materials.

(3) The information to be released will not indicate the extent of industrial mobilization of the industry as a whole or its potential mobilization capacity.

(b) The procedures set forth below will be followed in the preparation and making of public releases of long-range procurement estimates:

(1) The head of the technical services concerned will be responsible for the determination of the need for, and the preparation of, the proposed announcements.

(2) Only unclassified information will be released.

(3) The information will be publicized as widely as possible, consistent with the needs of the individual case, and will be released so as to reach all potential suppliers as nearly simultaneously as possible.

(4) In each release a statement will be made that the forecast is based on the best information available at the time of publication, but is always subject to modification.

(5) Each release will contain information as to the names and addresses of the purchasing offices that should be contacted by prospective suppliers regarding the forthcoming procurements.

(6) Major modifications in the original announced estimate will be publicized as expeditiously as possible and in the same manner as the original.

(7) Proposed announcements will be addressed to the Chief of Information (Public Information Division, Department of the Army).

(8) No actual releases will be made by the head of the technical service unless authorized by the Chief of Information, Department of the Army.

SUBPART D—PROCUREMENT RESPONSIBILITY AND AUTHORITY

§ 590.401 *Responsibility of each Procuring Activity.* (a) Heads of Procuring Activities are responsible for the procurement of all supplies and services as assigned in accordance with the policy prescribed in Part 593 of this chapter.

(b) Purchases will be made only by Contracting Officers duly designated as such (see §§ 590.402 and 590.450).

(c) Chief, Current Procurement Branch, Office of the Assistant Chief of Staff, G–4, Department of the Army, will exercise the functions of Head of a Procuring Activity for all Contracting Officers of the Army Establishment not under the jurisdiction of a Head of a Procuring Activity as listed in § 400.201–4 of this title.

(d) Authority is hereby delegated to the following to make necessary procurement of supplies and services required to carry out their functions:

(1) Attachés.

(2) Chiefs of foreign missions (Army).

(3) Chiefs of Army sections of any joint military mission not operating under the jurisdiction of a major oversea command.

(4) Superintendent, U. S. Military Academy, West Point, N. Y.

(5) Such others as may be specifically designated in writing from time to time.

§ 590.402 *General authority of contracting officers.* Properly designated Contracting Officers are granted all authority conferred by law, the Armed Services Procurement Regulation, this Procedure and by Procuring Activity instructions, but only to the extent as limited therein and as that authority may be limited in the orders designating them as Contracting Officers.

(a) Contracting Officers are agents of the Government and must act in accordance with the law and within their prescribed duties and limited authority. Contracting Officers must insure that their acts are in full accord with their authority. The acts of a Contracting Officer bind the Government only when the action is authorized.

(b) Contracting Officers may enter into, amend, modify and take other action with respect to contracts provided (1) approval of award has been obtained, if approval is required by this Procedure, and the contract embodies the award as approved, (2) the contract is written on a standard or an approved form of contract, (3) the contract is authorized by law and complies with the provisions of the Armed Services Procurement Regulation and this Procedure with respect to the use of contract clauses and does not contain any clause or involve matters in conflict with the established policy of higher authority and, (4) compliance has been effected with all other requirements of law, the Armed Services Procurement Regulation, this Procedure, and the applicable Procuring Activity instructions.

§ 590.403 *Requirements to be met before entering into contracts.* Irrespective of whether procurement is to be effected by formal advertising or by negotiation, a contract may be entered into by a Contracting Officer only if—

(a) All applicable requirements of law, of the Armed Services Procurement Regulation, of this Procedure, and of the appropriate Procuring Activity instructions, have been met.

(b) Such business clearances or approvals as are prescribed by this Procedure and by applicable Procuring Activity instructions have been obtained.

(c) The contract is written on a standard or an approved form of contract.

(d) The contract does not contain any unauthorized clauses or involve any matter which is inconsistent or in conflict with the established policy of higher authority.

§ 590.450 *Designation of Contracting Officer.* (a) Contracting Officers, as defined in § 400.201–5 of this title, shall be those designated by the persons listed below, or by persons who are authorized by the persons listed below to designate Contracting Officers. When so designated, they shall have the authority set forth in § 590.402 and the general responsibilities set forth in § 590.453.

(1) The Secretary of the Army.

(2) The Under or Assistant Secretary of the Army responsible for procurement.

(3) The Assistant Chief of Staff, G–4, Department of the Army.

(4) Chief, Current Procurement Branch, Assistant Chief of Staff, G–4, Department of the Army.

(5) Head of any Procuring Activity.

(6) Attachés.

(7) Chiefs of foreign missions (Army).

(8) Chiefs of Army sections of any joint military mission not operating under the jurisdiction of a major oversea command.

(9) Superintendent, U. S. Military Academy, West Point, N. Y.

(10) Such others as may be specifically designated in writing from time to time.

(b) The designation of Contracting Officers shall be in writing and may be accomplished by general or special instructions.

§ 590.451 *Designation of representatives.* A Contracting Officer may designate any officer or civilian official to act as his authorized representative. Such designation shall be in writing and shall define the scope and limitations of the authorized representative's authority.

§ 590.452 *Authority of representatives.* A designation authorized by § 590.451 may be made by instructions referring to particular contractual instruments, and may, to the extent not specifically prohibited by the terms of the contractual instrument involved, empower the authorized representative to take any or all action thereunder which could be lawfully taken by the Contracting Officer. In no event, however, shall an authorized representative, by virtue only of his designation as such, be empowered to execute or agree to any contract or modification thereof.

§ 590.453 *General responsibility of contracting officers.* (a) Contracting Officers are primarily responsible for the execution and administration of contracts, to safeguard the interests of the United States in contractual relationships, and to determine the facts under contracts.

(b) Contracting Officers shall personally sign all contracts and modifications entered into by them. This authority cannot be delegated to others. The signing of contractual documents will not be accomplished by facsimile stamps or by proxy.

(c) Contracting Officers are responsible under law and regulation for their acts as Contracting Officers.

(d) Contracting Officers shall be bound in all their actions to exercise reasonable care, skill, and judgment.

(e) Contracting Officers must assure themselves that the contract is authorized by law, that funds are available, and of their authority to subject the Government or its property to any risk.

(f) Contracting Officers are responsible for maintaining constant cognizance with respect to contract compliance on the part of the contractor.

(g) Contracting Officers are responsible for the legal, technical, and administrative sufficiency of the contracts they make. They should not hesitate to secure legal and technical advice within the Army Establishment.

(h) Contracting Officers are responsible for performing or having performed any legal or administrative actions necessary to properly assure the satisfactory performance of their contracts.

(i) Contracting Officers are responsible for knowing the scope and limitation of their authority.

§ 590.454 *Delegation of authority.* Authority conferred upon any of the Heads of Procuring Activities under any paragraph of the Armed Services Procurement Regulation and in this Procedure may be exercised by the Heads of the Procuring Activities, or by redelegation, through such officer or officers or civilian official or officials of the Army Establishment as may be designated by them or by any person authorized by them to make such designation, with such powers of delegation or successive redelegation as they may deem appropriate; subject, however, to any provisions in the particular section of the Armed Services Procurement Regulation or this Procedure:

(a) Forbidding the assignment or delegation of the authority mentioned in such section, or

(b) Imposing limitations upon the assignment, delegation or exercise of such authority.

The exercise prior to the date of this Procedure of any such authority by any such officer or officers or civilian official or officials of the Army Establishment is hereby ratified and confirmed, providing such authority could have been granted in the first instance.

§ 590.455 *Standards of conduct.* In all procurement functions stress shall be placed on the importance of protecting the interests of the Government. It shall be the responsibility of all persons, military and civilian, engaged in procurement and related duties to be guided by the standards and instructions set forth below.

(a) *General policy.* The broad general policy with regard to conflicting private interests of military and civilian personnel assigned to procurement and related duties is as follows: All personnel of the Army, military or civilian, are bound to refrain from all business and professional activities and interests not directly connected with their duties which would tend to interfere with or hamper in any degree their full and proper discharge of such duties or which would normally give rise to a reasonable suspicion that such participation would have that effect. Any departure from this underlying principle would constitute conduct subject to disciplinary action. If such persons find that their duties require them to act as agents of the Unted States in a manner from which they may derive financial profit or other benefits, they will report the facts immediately to higher authority with a view to their relief from their assignments or such other action as may be deemed appropriate. Agents of the Government must not accept gratuities intended to influence the strict impartiality that must prevail in all business contacts.

(1) It is imperative that personnel engaged in Army procurement activities maintain the highest standards of personal conduct in their relations with commercial firms, organizations, and individuals having business dealings with the Government. Because of the position of trust in which Army procurement personnel have been placed, they bear a heavy responsibility for protection of the Government's interests with absolute integrity and strict impartiality.

(2) When civilian employees or military personnel, including Reserve personnel on temporary duty, are assigned to Army procurement work, their attention will be directed to the provisions of this section and AR 600–205.

(3) Personnel assigned to duties relating to Army procurement shall inform their immediate superiors of any business affiliations they may have in order to insure that they are not placed in positions which may involve business dealings between the Government and any firms with which they are affiliated.

(4) Appropriate measures shall be taken by all concerned to avoid any grounds for possible criticism of Army procurement on the basis of favoritism.

(5) Army procurement personnel shall not accept from any business firm any money, gift, or favor of value which might influence or be suspected as influencing their conduct in representing the Government in procurement or related transactions. Individuals shall courteously decline to accept or shall return any such gift or favor offered them and shall report to their immediate superiors full information regarding the offer or receipt of any such gift of more than nominal value. In any case where return of a gift is not feasible because of its nature, such as perishability, disposition may be made to a local charitable institution and the donor informed of the disposition.

(6) Procurement personnel shall avoid personal business transactions with firms with which they are dealing in behalf of the Government. Personal loans must not be accepted from such firms on any basis.

(7) Army personnel shall not confer special benefits upon particular suppliers, such as by giving them information of proposed purchases, unless such information is also made available to all competing suppliers (paragraph (e) of this section).

(8) Although hard and fast rules applicable to every incident cannot be laid down covering all contacts with business firms and their representatives, the acceptance of entertainment or hospitality from such firms may tend to compromise both the Army and the recipient and thus impair public confidence in the integrity of business relations between Government and industry. Consequently, procurement personnel must conform to the highest dictates of common sense and good judgment and must consistently take the course that is absolutely sure to be beyond criticism. Individuals should not allow themselves to be placed in situations where unnecessary embarrassment may result from an offer or refusal of the hospitality or business courtesy of a contractor or potential contractor. In the long run it is generally safer to decline any sort of entertainment, hospitality, or other favor than it is to accept with the possibility of overstepping the bounds of propriety. In short, the standards of personal conduct of Army procurement personnel and their relationships with the commercial firms with whom the Army deals must be above reproach at all times.

(b) *Selection and evaluation of procurement personnel.* The importance of the procurement function to the Army Establishment makes the selection and instruction of procurement personnel a matter of major importance to appointing officials. Such personnel are not only responsible for protecting the Government's interest but also for maintaining the reputation of the Army Establishment for honesty, courtesy, and fair dealing in all relations with contractors.

(c) *Ethics of procurement personnel.* The business ethics of all persons charged with the administration and expenditure of Government funds must be above reproach and suspicion in every respect at all times. The Supreme Court has aptly stated that as a general rule all men have a moral obligation to refrain from placing themselves in relations which excite conflict between self-interest and integrity.

(d) *Limitations on procurement activities.* There are certain statutes which make it a criminal offense for an officer or agent of the United States to engage in practices or activities which are at variance with the full measure of duty which he owes to the United States as such an officer or agent. Certain other practices or activities of officers and other personnel are forbidden either by other law or as a matter of policy by the Department of the Army. Applicable criminal statutes are as follows:

(1) *Interested persons acting as Government agents.* Section 434 of the act of June 25, 1948 (62 Stat. 703; 18 U. S. C. 434).

(2) *Officers or employees interested in claims against the Government.* Section 283 of the act of June 25, 1948 (62 Stat. 697), as amended by sec. 2 (b) of the act of June 28, 1949 (63 Stat. 280; 18 U. S. C. 283).

(3) *Procurement of contract by officer or Member of Congress.* Section 216 of the act of June 25, 1948 (62 Stat. 694; 18 U. S. C. 216).

(4) *Compensation to Members of Congress, officers and others in matters affecting the Government.* Section 231 of the act of June 25, 1948 (62 Stat. 697), as amended by sec. 6 of the act of May 24, 1949 (63 Stat. 90; 18 U. S. C. 281).

(e) *Unauthorized release of procurement information.* It is the individual responsibility of all personnel, both military and civilian, of the Army Establishment to refrain from releasing to any individual or any individual business concern or its representatives any preknowledge such personnel may possess or have acquired in any way concerning proposed procurements or purchases of supplies by any Procuring Activity of the Army Establishment. Such information will be released to all potential contractors as nearly simultaneously as possible and only through duly designated agencies, so that one potential source of supply may not be given an advantage over another. All dissemina-

tion of such information will be in accordance with existing authorized procedures and only in connection with the necessary and proper discharge of official duties. (See also §§ 590.353, 591.202–5, 591.407, 591.451 and 592.150 of this chapter.)

§ 590.456 *Responsibility for insuring the availability of funds.* Contracting Officers will, prior to the incurrence of an obligation, obtain from the Fiscal Officer a citation of the proper funds to be charged. The Fiscal Officer who is accounting for the funds will be responsible for determining the proper funds to be charged and the sufficiency thereof and for reserving in the fiscal accounts an amount sufficient to pay the obligation to be incurred.

SUBPART E—CONSTRUCTION

§ 590.500 *Scope of subpart.* This subpart sets forth the general procurement policies of the Army Establishment with respect to military construction and implements Subchapter A, Chapter IV of this title generally rather than a specific section or part thereof.

§ 590.501 *New construction.* The term "new construction" as used in this Procedure includes the advance planning, preparation of plans, specifications and estimates, design, erection, budgeting and allocation of funds, issuance of directives and provisions of necessary labor, material, equipment, supplies and transportation necessary for: initial erection or installation of any building structure, plant, ground facility, utility system, wharves, airfields, etc., or other real property for the Army built separately or apart from existing facilities.

§ 590.502 *Responsibility.* The Chief of Engineers is charged with the direction of all work pertaining to new construction for the Army Establishment except as otherwise directed. In the execution of new construction he is charged with the application of Army Establishment construction policies including conformance with construction standards, suitability of the project and for technical and engineering accuracy.

§ 590.503 *Authorization.* All work under the supervision of the Corps of Engineers, including new work and modifications to work previously authorized, will be accomplished by formal directive issued by the Chief of Engineers. The following, however, are authorized to accomplish emergency construction and necessary repair work for all activities under their jurisdiction:

(a) Major oversea commanders.

(b) Major commanders in United States territories and possessions.

(c) Attachés.

(d) Chiefs of foreign missions (Army).

(e) Chiefs of Army sections of any joint military missions not operating under the jurisdiction of a major oversea command.

§ 590.504 *Formal advertising.* Unless within the authorizations set forth in Parts 402 and 592 of this title, or unless authorized by law, all construction contracts shall be entered into after formal advertising on a lump sum or unit price basis.

SUBPART F—ADMINISTRATIVE PROCEDURES

§ 590.600 *Scope of subpart.* This subpart sets forth administrative requirements and procedures in connection with (a) documentary evidence of purchases, (b) execution of contracts, (c) numbering of contracts, (d) approval of awards and contracts, (e) information to be furnished in requesting approval of awards and contracts, (f) distribution of contracts, (g) audits by the Army Audit Agency, and (h) contractor's statement of contingent or other fees. It implements Subchapter A, Chapter IV of this title generally rather than a specific part or section thereof.

§ 590.601 *Documentary evidence of purchases*—(a) *Requirement.* All purchase transactions made by a Contracting Officer, other than those in which payments are made coincidentally with receipt of the supplies or services, will be evidenced by written contracts (§ 400.201–6 of this title) on approved contract forms, as prescribed by Parts 406 and 596 of this title, and applicable Procuring Activity instructions.

(b) *Negotiated purchases not in excess of $1,000.* Negotiated purchases not exceeding $1,000, which are based on an oral quotation and involve only one payment, shall not require a written agreement, but shall require a written acceptance (Purchase Order) signed by the Contracting Officer. If the purchase order is based upon a written quotation signed by the contractor, or if the contractor delivered some written instrument evidencing the contractor's assent, the original of such written quotation or instrument must be attached to the original purchase order intended for the General Accounting Office. (See Subpart G of this part.)

§ 590.602 *Execution of contracts, requirements*—(a) *Statements as to availability of funds.* A statement as to the availability of funds, funds chargeable, and sufficiency thereof will be made on all contracts. In case of formal advertising, this statement should be inserted in the "Accounting and Appropriation Data" block of U. S. Standard Forms 31 and 33. In negotiated contracts such as DD Form 351, 351–1 and 351–2, the statement should appear in the "Appropriation and other Administrative Data" block. In DA AGO Form 383 (Small purchases procedure), the completion of the block under "Accounting Classification" suffices for such statement.

(b) *Contracting Officer's signature.* In the case of formal advertising, the personal signature of the Contracting Officer on the award consummates the contract. In the case of negotiated contracts, the Contracting Officer will personally sign on behalf of the United States after the contractor has signed, except where otherwise required by the particular contract form, as for example when WD Form 47 is used. In addition, the Contracting Officer's rank or title will be indicated. Proxy and facsimile signatures are not permissible.

(c) *Signature by agents of contractors.* Contracts executed on behalf of contractors by agents must be accompanied by evidence, satisfactory to the Contracting Officer, of the agent's authority so to do. In the case of corporations, a certificate in the form included in DD Form 351–2 will be executed; the same officer of the corporation, however, will not execute both the contract and the certificate.

§ 590.603 *Numbering of contractual documents.*

§ 590.603–1 *Purpose.* Contracts are numbered with approved letter symbols and serial numbers primarily for use of the General Accounting Office for identification, audit, and filing.

§ 590.603–2 *Scope.* (a) Documents coming within the purview of §§ 590.602–590.603–8 will include purchase orders, contracts, letter orders, letters of intent, leases, easements, proposal and acceptance documents or other documents evidencing in whole or in part an agreement between the parties, which involves the payment of appropriated funds or collection of funds for credit to the Treasurer of the United States, and hereinafter referred to as contracts.

(b) Purchase agreements utilizing DA AGO Form 383 (Purchase Order or Delivery Order and Voucher for Purchases and Services Other Than Personal) do not come within the purview of §§ 590.603–590.603–8 and as such are not subject to any of the provisions contained in §§ 590.603–590.603–8.

§ 590.603–3 *Contracts required to be numbered.* (a) Contracts involving an amount determined at the time of making the agreement to be $5,000 or more will be numbered.

(b) Contracts involving more than one payment and/or collection regardless of amount will be numbered.

(c) All other contracts shall be unnumbered except in the following instances:

(1) When any related supplemental document, required to be deposited with the General Accounting Office, is transmitted in connection with an unnumbered contract, and if such related supplemental document serves to remove the contract from the category of contracts not required to be numbered, a number will be assigned to the original contract and will be shown on such supplemental document in addition to the voucher citation in the event any payments have been made prior to the issuance of the supplemental document.

(2) When later determination is made that more than one payment and or collection is involved or that the amount to be paid or collected equals $5,000 or more, a number must also be assigned to such contract.

(d) In instances cited in paragraph (c) (1) and (2) of this section, in which payments have been made, a citation to the name of the Disbursing Officer, period of account, and number of the disbursement or collection voucher to which the original unnumbered contract was attached will be promptly furnished to the General Accounting Office by the Contracting Officer concerned.

§ 590.603–4 *System of numbering*—(a) *Contracts.* Contract numbers, when required, will be placed in the space provided therefor on the printed contract form, or, if no such space is provided, in the upper right-hand corner of the contract separate from all other information. A typical example of the general scheme of numbering is illustrated below.

DA–09–177 AIII–1

(1) The capital letters "DA" represent the Army Establishment.

(2) "09–177" represents the station number of the contracting installation. SR 35–218–5 (Special Regulations of the Department of the Army) contains a list of domestic and foreign station numbers which will be used. Request for assignment of station numbers not included in the publications cited herein will be addressed to the Office, Chief of Finance (Attn.: Accounting Procedures Division).

(3) "AIII" represents letter symbols assigned to the agency (in this case, Third Army) that normally would receive allocations of funds from the Comptroller of the Army and under whose jurisdiction the installation commander has received authority to obligate funds and execute a contract.

(i) Letter symbols for use in numbering contracts must be approved by the Comptroller General of the United States prior to use.

(ii) Requests for assignment of letter symbols to activities not included herein will be by letter addressed to the Office, Chief of Finance (Attn.: Receipts and Disbursements Division), which will secure the necessary approval from the Comptroller General of the United States.

(iii) The following letter symbols have been approved by the Comptroller General of the United States for use by the agencies indicated below:

Agency	Symbol
Finance Corps	FD
Signal Corps	SC
Ordnance Corps	ORD
Quartermaster Corps	QM
Transportation Corps	TC
Adjutant General's Corps	AG
Chief of Staff	CSA
Judge Advocate General's Corps	JAG
National Guard Bureau	NG
Military Attaché	ID
Secretary of the Army	OSA
Budget Office, Department of the Army	BUD
Military District of Washington	MDW
Chemical Corps	CML
Army Medical Service	MD
Corps of Engineers	ENG
United States Military Academy	MA
National Board for the Promotion of Rifle Practice	N
Provost Marshal General	PMG
Chief of Chaplains	CH
Information and Education Division	IE
Medical Procurement Agency	MPA
Special Weapons Project	XZ
First Army	AI
Second Army	AII
Third Army	AIII
Fourth Army	AIV
Fifth Army	AV
Sixth Army	AVI
United States Army, Alaska	ASK
United States Army, Caribbean	CAR
Army Advisory Group, China	AGC
Far East Command	FEC
United States Army, Europe	EUC
United States Army, Pacific	PAC
Trieste United States Troops	TRC
United States Forces, Austria	USFA
Joint Brazil-United States Military Commission	BMC

(4) The figure "1" represents the first contract made by the particular installation. Contracts will be numbered by each installation in numerical sequence beginning with number 1 and going through 999,999 without regard to the fiscal year, type of contract, or contracting activity. Contracts issued at each installation beyond 999,999 will be identified by a new series of numbers distinguished by the use of the capital letter "A" at the end thereof. Likewise, any additional series necessary beyond the same symbol will be distinguished by additional capital letters "B," "C," "D," etc. This subparagraph, of itself, does not require that a new series of numbers beginning with No. 1 be instituted.

(b) *Supplemental Agreements and Change Orders.* Supplemental agreements and change orders will bear the same identification as the contract which is modified or amended thereby. In addition thereto, such supplemental agreements and change orders will be identified further by adding the numerals 1, 2, 3, etc., respectively, following the words "Supplemental Agreement" or "Change Order." The same series of consecutive numbers will be used for both supplemental agreements and change orders. Example: 1st Modification—Supplemental Agreement No. 1 to Contract DA–09–177 AIII–1; 2d Modification—Change Order No. 2 to Contract DA–09–177 AIII–1.

(c) *Subcontracts.* Contracting Officers will urge contractors holding prime contracts with the Army Establishment to include in their subcontracts a reference to the number of the prime contract involved. Prime contractors will also be asked to urge their subcontractors to include a reference to the number of the applicable prime contract in sub subcontracts, and so on down the line. This practice will materially assist in accounting and auditing and particularly in the settlement of terminated subcontracts of all tiers.

§ 590.603–5 *Determination of numbering agency* (a) *General.* Letter symbols are a requirement of the Comptroller General of the United States to indicate command control rather than appropriation chargeable. Contracts which are executed under supervision of a Procuring Activity, regardless of the source of funds used to finance the contracts, are to be regarded and designated by numbering as that Activity's responsibility.

(b) *Commanding officer acting in dual capacity.* Where the commanding officer of an installation is acting in a dual capacity as commanding officer of a class II installation and commanding officer of a class I activity and the installation has only one station number which is assigned for the class II installation, a request may be submitted to the Chief of Finance (Attn.: Accounting Procedures Division) for the assignment of a station number to be used in connection with procurement relating to post activities (class I). The request must contain the correct title of the Procuring Activity, which title must be different from the one presently assigned. If desirable, the title may be changed by the addition of the word "Post" to the present title.

§ 590.603–6 *Delivery orders.* Section 590.603–3 is not applicable to delivery orders (DA AGO Form 383 or other form of delivery order) evidencing interbranch or interdepartmental purchases. As to delivery orders not in excess of $1,000 and thus permitted to be executed on DA AGO Form 383, see subpart G of this part. As to delivery orders in excess of $1,000 and thus required to be executed on other form of delivery order, such delivery orders shall not be numbered pursuant to the system described in § 590.603–4, but may be given such other identification as may be prescribed by the Heads of Procuring Activities. When partial payments through unforeseen contingencies later become necessary, the total number of all payments will not exceed four, and similar action will be taken as indicated in § 590.705–6 (b) (2).

§ 590.603–7 *Assignment, cancellation, or alternation of contract number.* The elements of a contract number (including letter symbol and station number) shall not be altered in any way without the express approval of the Chief of Finance. Requests for assignment, cancellation, or alteration of letter symbols should be addressed to the Office of the Chief of Finance (Attn.: Receipts and Disbursements Division), which will secure the necessary approval from the Comptroller General of the United States. Generally, only those agencies which receive allocations of funds direct from the Comptroller of the Army will be approved.

§ 590.603–8 *Miscellaneous provisions.* (a) For the purpose of identification and control, a separate numbering system may be established by the installation concerned. This number will not be used as an integral part of, or be in conflict with, the numbering system established herein.

(b) All changes or modifications to contracts now in effect or those hereinafter executed shall be governed, with respect to contract numbering, by regulations in effect at time original contract was executed.

§ 590.604 *Approval of awards of contracts.* Subject to any further instructions which may be issued by the Head of a Procuring Activity, awards of contracts (including supplemental agreements, change orders and other contract modifications) may be made by Contracting Officers without the approval of the award by higher authority, except as stated below. Information to be included with requests for approvals is set forth in § 590.605.

§ 590.604–1 *Personal or professional services.* Contracts (including supplemental agreements, change orders, and any other type of modification) for personal or professional services will be submitted for approval by the Secretary in accordance with § 592.204 of this chapter, regardless of amount and regardless of the authority used to negotiate. Requests for approval will be addressed to the Chief, Current Procurement Branch,

Assistant Chief of Staff, G–4, Department of the Army. Approval of award requirements for Architect-Engineer contracts are set forth in § 590.604–4.

§ 590.604–2 *Leases of Government property.* Leases of Government property, regardless of amount, except as heretofore or hereafter may be delegated by the Secretary will be submitted for approval by the Secretary. Requests for approval will be addressed to the Chief, Current Procurement Branch, Assistant Chief of Staff, G–4, Department of the Army.

§ 590.604–3 *Construction and rehabilitation of installations.* (a) *Chief, current procurement branch.* Awards of negotiated contracts for the construction and rehabilitation of installations for use in connection with the program to expand the United States Armed Forces will be submitted to the Chief, Current Procurement Branch, Assistant Chief of Staff, G–4, Department of the Army, for approval when (1) entered into by a Contracting Officer under the jurisdiction of the Chief of Engineers and the amount involved exceeds $15,000,000 or (2) entered into by the continental armies or the Military District of Washington and the amount involved exceeds $1,000,000.

(b) *Chief of Engineers.* Awards of negotiated contracts entered into by the Chief of Engineers for construction and rehabilitation of installations for use in connection with the program for expansion of the United States Armed Forces will be approved by the Chief of Engineers, or personally selected members of his organization designated by him so to do, when the amount involved does not exceed $15,000,000. Such selected members are not authorized to redelegate this authority. Subject to any further instructions which may be issued by the Chief of Engineers, awards of contracts included in this paragraph amounting to less than $100,000 do not require approval of higher authority.

(c) *Continental Army Commanders.* Awards of negotiated contracts entered into by the continental armies or the Military District of Washington for construction and rehabilitation of installations for use in connection with the program for expansion of the United States Armed Forces will be approved personally by continental Army Commanders or their Deputies, or the Commanding General of the Military District of Washington or his Deputy when the amount involved exceeds $250,000 but does not exceed $1,000,000. Awards of such contracts may be approved personally by subordinate commanders or their deputies, provided that such subordinate commanders or their deputies have been granted such authority personally by the respective Army Commander or the Commanding General of the Military District of Washington, when the amount involved exceeds $100,000 but does not exceed $250,000. Continental Army Commanders and the Commanding General of the Military District of Washington may also personally select alternates for the subordinate commanders to exercise this authority personally.

(d) *Commanding Generals of Major Oversea Commands.* Awards of negotiated contracts entered into by major oversea commands for the construction and rehabilitation of installations for use in connection with the program for expansion of the United States Armed Forces will be submitted to the Commanding Generals of major oversea commands for approval when the amount exceeds $1,000,000. The authority to approve awards of such contracts amounting to $1,000,000 or less may be delegated by Commanding Generals of major oversea commands to the extent deemed necessary to selected individuals within their commands. Such selected individuals are not authorized to redelegate this authority.

§ 590.604–4 *Architect-Engineer contracts.* (a) Awards of Architect-Engineer contracts under which the Government is to acquire a finished design job or engineering report, including all required drawings, plans, and specification, and under which there is little, if any, direct Government supervision of the contractor, and the fee is based upon the results to be accomplished, will be submitted to the Chief, Current Procurement Branch, Assistant Chief of Staff, G–4, Department of the Army, for approval, except that until June 30, 1951 (1) the Chief of Engineers and such other officers and individuals as he may personally designate to procure such services, under the provisions of the act of August 2, 1946 Public Law 600, 79th Cong.; 5 U. S. C. 55a), may approve such awards when the contract amount does not exceed $500,000, and (2) the following major oversea commanders: Commanding General, United States Army, Europe; Commander-in-Chief, Far East and Commanding General, United States Forces, Austria, and such other officers and individuals, as each may personally designate, to procure such services, under the provisions of the act of August 2, 1946, supra, may approve such awards when the contract amount does not exceed $300,000.

(b) Awards of Architect-Engineer contracts for services other than those described in paragraph (a) of this section will be submitted for approval of the Secretary, except that until June 30, 1951 (1) the Chief of Engineers and such other officers and individuals as he may personally designate to procure such services, under the provisions of the act of August 2, 1946 (Public Law 600, 79th Cong.; 5 U. S. C. 55a) may approve such awards when the contract amount does not exceed $500,000, and (2) the following major oversea commanders: Commanding General, United States Army, Europe; Commander-in-Chief, Far East and Commanding General, United States Forces, Austria, and such other officers and individuals, as each may personally designate, to procure such services, under the provisions of the act of August 2, 1946, *supra*, may approve such awards when the contract amount does not exceed $300,000. Requests for approval, except those which may be approved under (1) or (2) of this paragraph, will be addressed to the Chief, Current Procurement Branch, Assistant Chief of Staff, G–4, Department of the Army.

§ 590.604–5 *Research and development contracts*—(a) *Chief, Current Procurement Branch.* Awards of negotiated contracts for research and development within the scope of an approved research and development project will be submitted to the Chief, Current Procurement Branch, Assistant Chief of Staff, G–4, Department of the Army, for approval when the total contract amount involved exceeds $100,000.

(b) *Heads of technical services.* Awards of negotiated contracts for research and development within the scope of an approved research and development project will be approved personally by heads of technical services or their deputies when the amount involved exceeds $25,000 but does not exceed $100,000.

(c) *Chiefs of Field Purchasing Offices.* Awards of negotiated contracts for research and development within the scope of an approved research and development project when the amount involved does not exceed $25,000 may be approved personally by the chief or acting chief of an appropriate field purchasing office, provided that such chief or acting chief has been granted such authority by his head of technical service personally. Heads of technical services may also select personally alternates for the chiefs of field purchasing offices to exercise this authority personally. Subject to any further instructions which may be issued by the head of a technical service, contracts included in this paragraph amounting to less than $1,000 do not require approval by higher authority.

§ 590.604–6 *Utility service contracts.* The Chief of Engineers, acting for the Secretary of the Army, is the Department of the Army Power Procurement Officer. The Chief of the Repairs and Utilities Division, Office, Chief of Engineers, is the Deputy Department of the Army Power Procurement Officer. The purchase of utility services is governed by SR 420–470–1 (special regulations governing utilities contracts), as changed. The following utility service contracts and modifications entered into within the United States, its territories and possessions, shall be submitted for approval to the Department of the Army Power Procurement Officer (Office of the Chief of Engineers), including the information required by § 590.605 (b)—

(a) Contracts or modifications of existing contracts for electric service where the service to be procured involves a demand of 500 kilowatts or more.

(b) Modifications of electric service contracts where the basic contract, or as it may have been modified previously is for 500 kilowatts or more, or where the modification increases the basic contract with any previous modifications thereof to 500 kilowatts or more, or where the basic contract use may have increased automatically to 500 kilowatts or more.

(c) All other utility service contracts where the service to be procured is of an estimated cost of $10,000 per year or more; contract modifications where the basic contract, or as it may have been modified previously, entails an estimated cost of $10,000 a year or more; or where the modification increases the estimated annual cost under the basic contract with any previous modifications thereof to $10,000 a year or more; or where the basic cost may have increased automatically to $10,000 a year or more; or which contain a provision that they are entered into subject to the approval of the Department of the Army Power Procurement Officer and will not be binding until so approved.

(d) Contracts and modifications thereto for utility services which provide that they are entered into subject to the approval of the Department of the Army Power Procurement Officer and will not be binding until so approved.

(e) All utility service contracts which deviate from approved contract forms.

§ 590.604–7 *Negotiated contracts in general.* Award approvals required for all negotiated contracts for supplies, services or construction, not included in §§ 590.604–1 through 590.604–6 are as indicated below.

(a) *Chief, Current Procurement Branch.* Awards of negotiated contracts not included in §§ 590.604–1 through 590.604–6, except as otherwise specifically delegated in writing, will be submitted to the Chief, Current Procurement Branch, Assistant Chief of Staff, G–4, Department of the Army, for approval when (1) the amount exceeds $5,000,000 and the contract is being entered into by a Contracting Officer under the jurisdiction of a technical service, or (2) the amount exceeds $100,000 and the contract is being entered into by a Contracting Officer not under the jurisdiction of a technical service.

(b) *Heads of technical services.* Heads and acting heads of technical services are authorized to approve awards of negotiated contracts not included in §§ 590.604–1 through 590.604–6 in amounts not in excess of $5,000,000. This authority may be redelegated by heads of technical services to the extent deemed necessary to personally selected members of their organizations. Such selected members are not authorized to redelegate this authority. Subject to any further instructions which may be issued by the chief of a technical service, contracts included in this paragraph amounting to less than $100,000 do not require approval by higher authority.

§ 590.604–8 *Major oversea commands.* The authority, set forth in § 592.604–7 (a), of the Chief, Current Procurement Branch, Office of the Assistant Chief of Staff, G–4, Department of the Army, to grant approval of certain awards of contracts is delegated to, and will be exercised by, Commanding Generals of major oversea commands for those contracts entered into by Contracting Officers under their jurisdiction. This authority may be redelegated by Commanding Generals of major oversea commands to the extent deemed necessary to personally selected personnel of their headquarters and subordinate commands or offices. Such selected personnel are not authorized to redelegate this authority.

§ 590.604–9 *Modifications of contracts.* Any supplemental agreement, change order, or any other type of modification of a contract coming within the purview of §§ 590.604–1 through 590.604–5 and 590.604–7, which has the effect of increasing the original contract price so that the total amount exceeds the monetary limitation beyond which the Head of the Procuring Activity is authorized to approve the award of a contract will be submitted to the Chief, Current Procurement Branch, Assistant Chief of Staff, G–4, Department of the Army, for approval.

§ 590.604–10 *Exigency and competition impracticable.* Requests requiring approval of higher authority of contracts or awards of contracts negotiated under the authority of §§ 402.202 and 592.202 of this title (Public Exigency) may be submitted by telegraph or radio. In addition to the information required by § 590.605, requests for approval of awards of contracts negotiated under the authority of §§ 402.210 and 592.210 of this title will set forth the specific grounds upon which impracticability of competition was based.

§ 590.604–11 *Contract review.* At least one competent person, whether or not presently assigned to such office, will be assigned to the duty of reviewing in an advisory capacity all contracts prior to contract approval by the subordinate commanders or chiefs of field offices. In those instances wherein this is impracticable this provision may be waived upon determination made to that effect by the army commander, major oversea commander, Commanding General, Military District of Washington, or the head of a technical service, as appropriate.

§ 590.604–12 *Approval clause.* If approval of a contract, supplemental agreement, or change order by any officer or official of the Army Establishment other than the Contracting Officer is required pursuant to this Procedure (a) the "Approval of Contract" clause set forth in § 406.105–2 of this title will be included, (b) all changes and deletions will have been made before such approval is requested, and (c) the contract will not be valid until such approval has been obtained.

§ 590.605 *Information to be furnished when requesting approval of contracts or awards*—(a) *Information required by the Chief, Current Procurement Branch.* Requests for approval of contracts or awards of contracts, including supplemental agreements, change orders, or other modifications, referred to in §§ 590.604–1 through 590.604–5 and 590.604–7, will include the following information in accordance with the particular type of contract being entered into, in the order shown and to the extent practicable in the particular procurement. (Requests for approval of contracts or awards, including supplemental agreements, change orders, or other modifications, will be submitted in sufficient copies to assure that they will be received in quadruplicate in the Current Procurement Branch, Office, Assistant Chief of Staff, G–4, Department of the Army.)

(1) Name and address of contractor.

(2) Location of plant where contract is to be performed.

(3) Contract number, if assigned. (The number of the supplemental agreement, change order, or modification, in addition to the basic contract number will be shown, if applicable.)

(4) Supplies or services being procured, showing quantities, unit costs, and total cost. (If request for approval is for a supplemental agreement, change order, or other modification, include the amount of the basic contract and the amount of each change made to date, by whom approved, date of such approval, and the cumulative total.)

(5) Contract placement.

(i) Cite authority under which negotiated.

(ii) If award is being made without competition, state justification therefor.

(iii) Number of companies invited to submit proposals.

(iv) Total number of responsive quotations received, plus number of incomplete or unresponsive quotations.

(v) If it is proposed to make the award to other than the low offeror or offerors, give complete reasons therefor.

(vi) Comparison of all offers received for each item by company, item, quantity, and unit price.

(6) Prices paid on last previous procurement.

(i) Date.

(ii) Quantity.

(iii) Unit price.

(iv) Justification for increase in price, if applicable.

(7) Current market price, if applicable, plus or minus adjustments for packing, changes from commercial article, etc.

(8) Realistic cost breakdown, showing:

(i) Amount of estimated material (including percentage of material handling expense and estimated total amount).

(ii) Amount of estimated labor (estimated number of hours for each class, cost per hour for each class, and total for each class).

(iii) Percentage and amount of labor overhead for each class of labor.

(iv) Estimated total amount for special tools, dies, jigs, etc., and statement as to the special tooling clause to be included in the contract.

(v) Estimated amount of other direct costs, other than facilities, subcontracting, purchased parts, and "off-the-shelf" items. (List separately each item amounting to 5 percent or more of the total estimated cost.)

(vi) Estimated amount of other indirect costs. (List separately each item amounting to 5 percent or more of the total estimated cost.)

(vii) Percent of cost and total general and administrative expense.

(viii) Total (excluding facilities, subcontracting, purchased parts, "off-the-shelf" items, profit, or fixed-fee).

(ix) Percent of and total profit on cost or percent of and total fixed-fee.

(x) Names and addresses of all subcontractors and estimated amount to be awarded to each subcontractor when subcontracts are estimated to amount to

either $25,000 or more, or 5 percent or more, of the total estimated cost of the prime contract.

(xi) Estimated total amount of purchased parts.

(xii) Estimated total amount of "off-the-shelf" items to be billed at prices which include profit.

(xiii) Percent of and total general and administrative expense on subcontracting, purchased parts, and "off-the-shelf" items.

(xiv) Percent of and total profit or fixed-fee on subcontracting, purchased parts, and "off-the-shelf" items.

(xv) Estimated total amount of facilities to be procured.

(xvi) Total estimated definitive contract amount.

(xvii) Form of price redetermination or escalation clause to be included in the contract.

(xviii) Percent of maximum upward revision under price redetermination or escalation clause.

(9) Amount of Government estimate of costs in form shown in (8) above.

(NOTE: All information listed in (6), (7), (8) and (9) need not be furnished in each case if determined by the Contracting Officer to be inapplicable to the procurement being effected.)

(10) Number of contract form to be used.

(11) List any deviations from standard or approved contract clauses, and reasons for such deviations.

(12) List all Patent and Copyright clauses to be included in the contract.

(13) Brief description of delivery or performance schedule.

(14) List all estimated royalty payments, if any, and to whom to be paid.

(15) Estimated amount of Federal excise tax to be paid per unit.

(16) Description and value of Government property to be furnished contractor.

(17) Statement as to whether the financial condition of the proposed contractor is considered satisfactory. If performance bond is to be furnished, state amount.

(18) Statement as to whether the past performance record of the proposed contractor is considered satisfactory. If contractor is engaged in current contract or contracts with the Procuring Activity concerned, state the estimated contract amount and status of deliveries.

(19) Funds to be expended.

(i) Total allocated.

(ii) Total obligated, exclusive of this contract.

(20) Priority of project or procurement involved.

(21) Statement as to whether the aggregate number of employees of the contractor, including its affiliates, is less than 500.

(22) Specifications under which procurement is being effected. (If other than authorized specifications, complete justification therefor.)

(23) In addition to the above, any pertinent data in the form of explanations, comparisons, or comments concerning the unusual phases of the procurement.

(b) *Information required by the Department of the Army Power Procurement Officer.* Requests for approval of utility contracts and modifications referred to in § 590.604–6 will include the following information:

(1) Complete load data.

(2) Estimated maximum demand in kilowatts.

(3) Estimated average monthly demand in kilowatts.

(4) Estimated average monthly usage in kilowatt-hours.

(5) Estimated power factor.

(6) Similar applicable information for estimated usage of water, gas, sewage disposal, and steam contracts.

(7) Any other available pertinent information that will facilitate review, including but not limited to, analysis of available rates and charges, supporting data for estimates of demand and use, and difficulties experienced in negotiation.

§ 590.606 *Distribution of contracts.* Contracts will not be distributed until properly signed by all parties, and approved, if approval is required, and U. S. Standard Form 1036 (Statement and Certificate of Award) is attached in those cases where required. In the case of those contracts which require approval and such approval does not appear on the contract itself or the cover sheet, there will be attached a statement or certificate by the Contracting Officer that the award or the contract has been approved and the name, title, and office of the person by whom approved, together with a reference to the date thereof and/or to the administrative file containing the original approval. In the case of those contracts (whether numbered or unnumbered) made as a result of formal advertising, U. S. Standard Form 1036 will be executed and attached.

§ 590.606–1 *Definitions.* The following terms are used in connection with the distribution of contracts:

(a) *Signed number.* A signed number is the contractual instrument with the required signatures.

(b) *Authenticated copy.* An authenticated copy is a copy of the contractual instrument shown to be authentic by any one of the following:

(1) Certification as a true copy,

(2) Official seal, or

(3) Photostatic process.

The signatures on such copies may be either facsimile, stamped, or typed. In lieu of copying the signature of the parties, signing the contract or supplemental agreement and of the witnesses thereto, and the corporate certification or certificate, if any, as to the authority of the persons who signed the original for the corporate contractor, the Contracting Officer or his authorized representative may execute the following certificate on the copies furnished the Fiscal Office and the Financing Disbursing Office for their use:

"I certify that this is a true copy of the document properly signed and witnessed ---------- and that the corporate certification therein was properly executed.
(Date)

(c) *Copy.* A copy is a copy of the contractual instrument, including the names of the contracting parties, but lacking authentication.

§ 590.606–2 *Secret and confidential contracts.* All instructions relating to distribution of contracts are subject to the provisions of Part 505 of this chapter, and all other current instructions governing the safeguarding and disclosing of information affecting the national security of the United States. Copies of secret or confidential contracts submitted to the General Accounting Office will be transmitted under two covers. In the case of lump sum (fixed price) contracts, each cover is to be addressed to the General Accounting Office, Army Audit Branch, Building 203, 4300 Goodfellow Boulevard, St. Louis 20, Missouri. In the case of cost-plus-fixed-fee contracts, each cover is to be addressed to Contract Service Section, Audit Division, General Accounting Office, Washington 25, D. C. The inner cover only will be marked "Personal Confidential."

§ 590.606–3 *Numbered contracts.* Subject to such special instructions as may be issued by the Head of the Procuring Activity concerned, numbered contracts will be distributed as follows:

(a) The original signed number of each lump sum (fixed price) contract will be forwarded to the General Accounting Office, Army Audit Branch, Building 203, 4300 Goodfellow Boulevard, St. Louis 20, Missouri. The original signed number of each cost or cost-plus-fixed-fee contract will be forwarded to the General Accounting Office, Washington 25, D. C., Attention: Contract Service Section, Audit Division. If a surety bond or bonds are required in support of a contract whether lump sum or cost-plus-fixed-fee, see § 599.108 of this chapter. When the contract covers purchases made for one or more of the other military departments of the Department of Defense, with payment to be made by the military department or military departments receiving the supplies or services, there also will be forwarded with the original signed number additional certified or photostatic exact copies of the contract in a number equal to the number of receiving military departments.

(b) The duplicate signed number will be filed with the Contracting Officer or as directed by the Head of the Procuring Activity concerned.

(c) The triplicate signed number will be forwarded to the contractor.

(d) An authenticated copy will be forwarded to the Disbursing Officer for his files.

(e) Additional authenticated copies or unauthenticated copies will be distributed as directed in appropriate Department of the Army publications or by the Head of the Procuring Activity concerned. Such copies may be distributed prior to the distribution of the signed numbers, provided each is plainly marked as an "Advance Copy," and other adequate safeguards are taken to insure that there will be no improper fiscal charges due to contracts not being carried through to execution.

§ 590.606–4 *Unnumbered contracts.* (a) The original signed number will be furnished the Disbursing Officer and will be attached to the voucher on which payment is made and will accompany such voucher to the General Accounting Office, Army Audit Branch, Building 203, 4300 Goodfellow Boulevard, St. Louis 20, Missouri. If a surety bond or bonds were required in support of a contract, whether lump sum or cost-plus-fixed-fee, a suitable notation, by rubber stamp or otherwise, that a bond has been executed (e. g., "Performance Bond Executed"; "Payment Bond Executed") will be placed on the contract for the information of the General Accounting Office.

(b) The duplicate signed number will be forwarded to the contractor.

(c) An authenticated copy will be furnished the Disbursing Officer for his files.

(d) Additional copies will be prepared and distributed as directed in appropriate Department of the Army publications or by the Head of the Procuring Activity concerned. Such copies may be distributed prior to the distribution of the signed numbers, provided each is plainly marked as an "Advance Copy," and other adequate safeguards are taken to insure that there will be no improper fiscal charges due to contracts not being carried through to execution.

§ 590.606–5 *Bread contracts.* One copy of each contract for the purchase of bread which covers a period of 30 days or longer, and provides for an average daily delivery in excess of 300 pounds, will be forwarded to the Office of The Quartermaster General (Attn.: Subsistence Branch, Supply Division).

§ 590.606–6 *Supplemental agreements and change orders.* Signed numbers and copies of supplemental agreements and change orders will be distributed in the same manner as is prescribed for the contracts to which they pertain and the Contracting Officer will note on his retained copy of the supplemental agreement or change order the date on which the contractor's number was delivered or mailed to him.

§ 590.606–7 *Purchases under contracts of other military departments and other government agencies.*

(a) Delivery orders covering such purchases will be distributed in accordance with § 590.606–4.

(b) The Head of the Procuring Activity concerned will secure compliance with all special instructions of the respective agencies which make the contracts.

(c) Vouchers submitted to the General Accounting Office, Army Audit Branch, may relate to less than all of the items covered by the delivery order. If the original signed number of the delivery order has not already been so submitted, it will be submitted with the first voucher; and when vouchers are submitted covering subsequent payments, a reference will be made to the first voucher. The reference should contain the date on which the invoice covered by the first voucher was paid and the name of the Disbursing Officer by whom such payment was made.

§ 590.606–8 *Distribution of procurement contracts to the regional offices of the Army Audit Agency.* (a) Contracting Officers of the Army Establishment will distribute authenticated copies of signed contracts and other necessary information as enumerated below to the regional offices of the Army Audit Agency in order that the Army Audit Agency may plan for the performance of the independent audits.

(1) Four copies of all cost (or cost-sharing), cost-plus-a-fixed-fee, and time and materials contracts (including letter contracts); also four copies of all changes, amendments, and supplements to such contracts.

(2) Four copies of any other type of negotiated contract (including letter contracts), where the total compensation to be paid the contractor is based, in whole or in part, on the actual costs incurred, the quantity of work or service performed, the time element in performing the work or service, or on other similar variable factors and the Government has the contractual right of audit; also four copies of all changes, amendments, and supplements to such contracts.

(3) Three copies of all letter contracts and fixed-price contracts which provide for price redetermination, price escalation, advance payments, partial payments, or Government furnished property; also three copies of all changes, amendments, and supplements to such contracts.

(b) In addition to the contractual documents required by paragraph (a) of this section, the Contracting Officer will forward promptly an original and one copy of all cost statements, financial data, and other information furnished by the contractor in accordance with each contract referred to in the above subparagraphs, or requested by the Contracting Officer. The copy of the cost statements and other data furnished will be retained by the Army Audit Agency and filed with the audit work papers, and the original returned at the time of submission of the audit report or at the time the Army Audit Agency determines an audit is not to be initiated.

(c) Distribution of the above indicated contractual documents and supplemental information will be made by the procuring office to the audit regional office of the area in which the performance will be accomplished. Special arrangements may be made by agreement between a procuring office and the audit agency.

(d) Distribution will not be made to regional offices of the Army Audit Agency of contracts entered into by the technical services or army commands for the purchase of services not covered in paragraph (a) of this section.

§ 590.607 *Audits of procurement contracts by the Army Audit Agency.* Requirements and procedures pertaining to audits of procurement contracts are set forth in §§ 590.607–1—590.607–3.

§ 590.607–1 *Cost-reimbursement type contracts*—(a) *Mandatory audits.* The Army Audit Agency will schedule and perform audits on the types of contracts included under § 590.606–8 (a) (1).

(b) *Differences and disputes.* (1) Where questions arise during the course of an audit of a cost-reimbursement type contract which appear to be in need of either amplification, substantiation, or clarification by the Contracting Officer prior to the submission of the formal report, the Auditor, without delay, will attempt to obtain such amplification, substantiation, or clarification from the Contracting Officer. The Contracting Officer, in turn, will cooperate fully in the prompt resolution of any such problem.

(2) If the audit referred to above discloses any costs which, in the Auditor's opinion, do not appear to be reimbursable under the terms of the contract, or because they appear to be excessive or otherwise unreasonable, the Auditor will recommend such costs for nonacceptance. If the Contracting Officer does not concur in the recommendations, he will, within 5 days after receipt thereof, advise the Regional Auditor in writing of his reasons for nonconcurrence and, pending resolution of differences, will not approve the disputed items for payment in whole or in part. The costs on which the Regional Auditor and the Contracting Officer are in agreement may be paid pending disposition of the differences. The Regional Auditor will consider the comments of the Contracting Officer and will reappraise his original recommendations in the light thereof. If the Regional Auditor believes that his original recommendations should be changed, he will revise or supplement his recommendations accordingly. However, should the Regional Auditor still believe that his original recommendations are proper, he will prepare and submit to the Contracting Officer any additional information and data in support thereof as he may consider pertinent under the circumstances. In either case the Regional Auditor's written reply will be transmitted within 5 days of receipt of the Contracting Officer's comments.

(3) Generally any differences in opinion with respect to allowability of costs should be capable of resolution at the Contracting Officer and Regional Auditor level. However, if agreement cannot be reached after the exchange of correspondence required in subparagraph (2) of this paragraph, the Contracting Officer, within 5 days after receiving the Regional Auditor's reply to his previous comments, will transmit the complete file direct to the Head of the Procuring Activity involved, forwarding a copy of the transmittal letter to the Regional Auditor. Upon receipt of copy of the transmittal letter, the Regional Auditor will forward his complete file, including the audit work papers, to the Chief, Audit Division, Office of the Comptroller of the Army, sending a copy of his transmittal letter to the Contracting Officer.

(4) Within 7 days after receipt of the files, the designated representative of the Head of the Procuring Activity concerned and the designated representative of the Comptroller of the Army, acting as an informal board, will make a final decision on the items in dispute and jointly will advise the Contracting Officer direct with respect thereto with an information copy to the Regional

Auditor. All decisions of the informal board will have the written approval of the Head of the Procuring Activity concerned and of the Comptroller of the Army.

(5) In the event that the Head of the Procuring Activity and the Comptroller of the Army are unable to agree, the dispute will be referred direct to the Under Secretary of the Army, who will render a final decision on the issues involved.

(6) Determination reached by the informal board will have the effect of a directive and will be so recognized by both the Contracting Officer and the Regional Auditor. Decisions by the Under Secretary of the Army will also be in the form of a directive and will have the same effect. Payment will then be made in accordance with the decisions reached. Such decisions do not preclude a contractor from seeking redress under any applicable provisions of the contract.

§ 590.607–2 *Fixed-price contracts*—(a) *When audits will be performed.* Audits of cost data submitted by contractors in connection with the negotiation of or revision of prices (or settlements) under fixed-price contracts will be performed—

(i) When requested by the Contracting Officer. As a matter of policy, Contracting Officers should request and obtain audits of actual or estimated costs in connection with negotiation of prices under all fixed-price contracts where cost is an important element to be considered, except where—

(a) Contracts are not large enough to justify the cost of an audit, or

(b) Special contingencies may arise, such as time limitations in establishing prices. Exceptions to audit, as outlined above, shall be held to the minimum.

(2) Whenever the Regional Auditor deems it advisable (provided the Government has a contractual right of audit) after giving full consideration to the amount involved, the nature and acceptability of the cost data furnished by the contractor, knowledge (or lack thereof) of the contractor's accounting policies and procedures, the adequacy of the contractor's cost system, unusual circumstances that might adversely affect the Government's interest, or any other available information that would be of value in arriving at the decision. The Contracting Officer will be advised promptly of any such decision by the Regional Auditor, and the reasons therefor, no later than 10 days after receipt of any of the financial data set forth in § 590.606–8 (b).

(b) *Action required upon receipt of request for or the initiation of an audit.* Promptly upon receipt of the audit request set forth in paragraph (a) (1) of this section or when initiating an audit under paragraph (a) (2) of this section, but no later than 10 days after receipt of an audit request or receipt of the data set forth in § 590.606–8 (b), the Army Audit Agency will advise the Contracting Officer of the approximate date the audit will be started and within 5 days after the actual starting date, the Auditor will further advise the Contracting Officer of the estimated date of submission of the audit report. In the event that conditions which arise during the performance of the audit indicate the audit report cannot be completed within the estimated period and in order not to delay unduly any needed payment of acceptable items of cost to the contractor, the Auditor will promptly advise the Contracting Officer of the cause of the extension of the estimated date of completion and will furnish a brief interim report indicating the amount which, in the Auditor's opinion, and subject to the Contracting Officer's approval may be provisionally paid at that time; in the case of pending precontract negotiations, the Contracting Officer may, in his discretion, proceed with negotiations without delay until completion of the audit report, should the situation so warrant.

(c) *Scope of audits.* The scope of each audit requested by a Contracting Officer will be the minimum required in the opinion of the Auditor under the circumstances to justify him in giving an opinion regarding the reasonableness and fairness of the contractor's claims regarding costs actually incurred or estimated to be incurred, either as a basis for actual contract settlement or for price negotiation, as the case may be. The scope of the audit will depend upon the Auditor's judgment regarding the contractor's financial and accounting policies and procedures, including the reliability of his cost system and internal controls; in no case will a detailed audit of transactions or price estimates be made beyond the extent necessary under the circumstances. Whenever the Auditor determines to expand the scope of auditing to include extensive detailed work, an explanation of the reasons therefor will be furnished in the audit report.

(d) *Action of contracting officer upon receipt of audit report.* Contracting Officers are primarily responsible for determination of prices negotiated under fixed-price contracts, including those containing price redetermination clauses. Audit reports on negotiated fixed-price contracts, while advisory only, are necessary and important in that they furnish Contracting Officers adequate information with which to negotiate fairly with the contractor's representatives, and must be fully considered. In accordance with the requirements of § 590.606–8 (a) copies of contractual documents reflecting the determination of prices or settlements must be furnished promptly by the Contracting Officer to appropriate regional officers of the Army Audit Agency.

(e) *Action of Army Audit Agency upon receipt of contractual documents indicating settlement of price redeterminations, etc.* Upon receipt of the contractual documents indicating revision of prices (or final settlements), the Army Audit Agency will evaluate the new prices in the light of the advisory audit report and other available information for overall reasonableness. A reaudit or reexamination of the contractor's accounts will not be performed. In those cases where the new prices appear largely disproportionate to the information available, a report will be submitted through the Comptroller of the Army to the AC of S, G–4, GSUSA (Chief, Current Procurement Branch), for information and investigation, which office will take necessary corrective action, if deemed appropriate. The Comptroller of the Army will be furnished with information indicating disposition of the report.

§ 590.607–3 *General*—(a) *Accounting counsel.* Contracting Officers may utilize, and the Army Audit Agency will furnish accounting counsel at the request of the Contracting Officer, whenever the Contracting Officer determines that such counsel is desirable and appropriate in the negotiation of a contract either in its initial pricing stage or during or at the completion of its performance.

(b) *Reports of irregularities.* If the basis for an audit request, or if discovered in the course of an audit, information as to irregularities or unusual matters will be promptly furnished to the Auditor, or to the Contracting Officer, for appropriate consideration. Reports by the Auditor indicating suspicion of fraud will be furnished to the Contracting Officer who will be governed by § 590.303.

§ 590.608 *Contractor's statement of contingent or other fees.* The prescribed procedure with respect to obtaining information concerning contingent or other fees paid by contractors for soliciting or securing Government contracts is set forth below.

§ 590.608–1 *Contracts subject to §§ 590.608 to 590.608–9*—(a) *Definition of contract.* As used throughout §§ 590.608—590.608–9, the term "contract" means any contract for—

(1) The purchase of real property, personal property, or services (except services which are required to be performed by an individual contractor in person under Government supervision and paid for on a time basis and except public utilities services by public utility companies);

(2) The construction or repair of public buildings or works;

(3) The lease of real or personal property for Government use; or

(4) The sale or lease of Government-owned real or personal property.

(b) *Applicability.* Sections 590.608—590.608–9 apply to every contract except a contract—

(1) Awarded pursuant to formal advertising in which the contract price at the time of award does not exceed $25,000;

(2) Negotiated for perishable subsistence supplies in which the contract price at the time of execution does not exceed $25,000; or

(3) Negotiated (other than for perishable subsistence supplies) in which the contract price at the time of execution does not exceed $1,000.

§ 590.608–2 *Form*—(a) *Definition.* As used throughout §§ 590.608—590.608–9, the term "form" means U. S. Standard Form 119 (Contractor's Statement of Contingent or Other Fees for Soliciting or Securing Contract), which is prescribed for use.

(b) *Use of form.* The form shall be used without deviation in cases in which—

(1) Sections 590.608—590.608–9 require its use and

(2) The Contracting Officer desires to obtain information from contractors or prospective contractors with respect to whether they have employed or retained any company or person (other than a full-time employee) to solicit or secure contracts.

When, after use of the form, further information is required, it may be obtained in any appropriate manner.

(c) *Additional instruction.* See § 596.580 of this chapter.

§ 590.608–3 *Covenant Against Contingent Fees*—(a) *Procurement contracts.* Every contract, defined by § 590.608–1 (a) (1), (2), or (3), is required to contain the "Covenant Against Contingent Fees" clause set out in § 406.103–20 of this title.

(b) *Disposition contracts.* Every contract defined by § 590.608–1 (a) (4) will contain the following clause:

COVENANT AGAINST CONTINGENT FEES

The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to require the Contractor to pay, in addition to the contract price or consideration, the full amount of such commission, percentage, brokerage, or contingent fee.

§ 590.608–4 *Procurement and disposition by formal advertising.* Every invitation for bids shall contain the following representation checked in the appropriate box:

Bidder represents that he ☐ has, ☐ has not, employed or retained a company or person (other than a full-time employee) to solicit or secure this contract, and agrees to furnish information relating thereto as requested by the Contracting Officer.

(a) *Negative representation.* If the otherwise successful bidder makes such representation in the negative, the Contracting Officer may accept such representation and make the award in accordance with regularly established procedures.

(b) *Affirmative representation.* If the otherwise successful bidder makes such representation in the affirmative, the Contracting Officer, without delay in the making of the award in accordance with regularly established procedures, will request a completed form, executed in triplicate by such bidder.

(c) *Failure or refusal to make representation.* If the otherwise successful bidder fails to check the appropriate box, such failure will be considered a minor informality and, prior to award, such bidder will have an opportunity to check the appropriate box or otherwise to make such representation. A refusal by such bidder, after such opportunity has been afforded, will require rejection of his bid. Such refusal will be reported to the Head of the Procuring Activity concerned or his duly authorized representative.

(d) *Failure or refusal to furnish form.* If the otherwise successful bidder fails or refuses to furnish a completed form upon request of the Contracting Officer, the matter will be referred to the Head of the Procuring Activity concerned or his duly authorized representative for instructions.

(e) *Action by Contracting Officer.* If the Contracting Officer, after award, believes that the otherwise successful bidder has made misrepresentations or has acted in a manner inconsistent with the "Covenant Against Contingent Fees" clause, he shall request (if he has not already received) a completed form from such bidder, and shall report the matter for determination by the Head of the Procuring Activity concerned or his duly authorized representative. If the Contracting Officer is satisfied that the completed form and any other available information does not evidence any action inconsistent with the "Covenant Against Contingent Fees" clause or any misrepresentations, he may accept the form, without further action with respect thereto.

§ 590.608–5 *Procurement or disposition by negotiation.* In the course of the negotiation of every contract, the contractor, prior to the execution of such contract, will be required to file a signed statement containing a representation identical with that required by § 590.608–4 and a completed form where such representation is in the affirmative. Otherwise, the procedures described in § 590.608–4 shall be followed except that no contract shall be executed if a determination is required by the Head of the Procuring Activity concerned or his duly authorized representative. If the Contracting Officer considers that the interest of the Government will be prejudiced by the suspension of negotiations pending such determination, he shall so advise the Head of the Procuring Activity concerned and request immediate instructions with respect thereto.

§ 590.608–6 *Statement instead of form.* In lieu of the requirement of a completed form in each case where a bidder or proposed contractor has made an affirmative representation by checking the appropriate box, it is considered administratively desirable to permit such bidder or proposed contractor to furnish one completed form to each purchasing office with which it deals. Accordingly, the schedule of every invitation for bids shall contain a provision as follows:

If the bidder, by checking the appropriate box provided therefor in his bid, has represented that he has employed or retained a company or person (other than a fulltime employee) to solicit or secure this contract, he may be requested by the Contracting Officer to furnish a complete Standard Form 119, "Contractor's Statement of Contingent or Other Fees for Soliciting or Securing Contract." If the bidder has previously furnished a completed Standard Form 119 to the office issuing this invitation for bids, he may accompany his bid with a signed statement, (a) indicating when such completed form was previously furnished, (b) identifying by number the previous invitation for bids or contract, if any, in connection with which such form was submitted, and (c) representing that the statements in such form are applicable to this bid. In the course of negotiating a contract the Contracting Officer may accept a similar statement from the proposed contractor.

§ 590.608–7 *Authority of Head of a Procuring Activity.* The Head of a Procuring Activity or his duly authorized representative, shall, in any case forwarded by a Contracting Officer pursuant to §§ 590.608—590.608–9, take or cause to be taken one or more of the following actions as appropriate:

(a) If award, or execution of a negotiated contract, has not occurred, determine whether the bidder or proposed contractor should be rejected.

(b) Recover the amount of any improper fee.

(c) Annul contract, if awarded or executed.

(d) Determine the future eligibility, as a contractor, of the bidder or proposed contractor, in accordance with § 590.303.

(e) Determine whether the case should be referred in accordance with § 590.303 with respect to determining matters of fraud.

§ 590.608–8 *Presentation of representations and completed forms.* The Contracting Officer shall preserve at least one executed copy of any representation made or completed form, or statement in lieu of form furnished, together with any other records for the purpose of making such reports as may be required.

§ 590.608–9 *Contracts in foreign countries.* In effecting procurement outside the United States, its territories and possessions, mandatory use of the form is not required.

SUBPART G—SMALL PURCHASES PROCEDURE

§ 590.700 *Scope of subpart.* This subpart sets forth the small purchases procedure for the Army Establishment. It implements subchapter A, chapter IV of this title generally rather than a specific part or section thereof.

§ 590.701 *Definition.* Small purchases may be defined as purchases of supplies or services (other than personal) in an amount not exceeding $1,000.

§ 590.702 *Formal advertising.* Small purchases may be effected by the use of formal advertising (Parts 401 and 591 of this title); that is, by the use of U. S. Standard Form 33 (Invitation, Bid, and Acceptance) or other appropriate form, when the Contracting Officer determines that it is to the interest of the Government to obtain maximum competition by means of formal advertising.

§ 590.703 *Negotiation.* Section 2 (c) (3), Armed Services Procurement Act of 1947, authorizes the negotiation of purchases and contracts without advertising if the aggregate amount involved does not exceed $1,000. Section 2 (c) (1) of the Armed Services Procurement Act of 1947, however, will be used as authority to negotiate purchases and contracts not exceeding $1,000 during a period of

national emergency declared by the President or by Congress and when the Secretary has made a determination in accordance with §§ 402.201 and 592.201 of this title to negotiate under section 2 (c) (1). §§ 402.203 and 592.203 of this title set forth additional requirements and instructions with respect to purchases not exceeding $1,000 which are applicable even though the procurement is negotiated under the provisions of §§ 402.201 and 592.201 of this title, except for the citation of statutory authority.

§ 590.704 *Methods of consummating small purchases by negotiation.* (a) Small purchases effected by negotiation will be consummated by the method requiring the use of the Order and Voucher for Purchase of Supplies or Services Other Than Personal (DA AGO Form 383), except (1) as otherwise excluded by this subpart, and (2) when, in the opinion of the Contracting Officer, local circumstances make the use of this method impracticable. Maximum use, however, will be made of this method in all possible instances. This method, requiring the use of DA AGO Form 383, is set forth in detail in § 590.705.

(b) In those instances where the method requiring the use of DA AGO Form 383 cannot be used, small purchases effected by negotiation may be consummated by use of one of the following methods:

(1) Government's Order and Contractor's Acceptance (WD Form 47).

(2) Purchase Order (WD Form 18).

(3) Other appropriate authorized forms.

§ 590.705 *Order and Voucher for Purchase of Supplies or Services Other Than Personal (DA AGO Form 383).*

(a) The Order and Voucher for Purchase of Supplies or Services Other Than Personal (DA AGO Form 383) is used only in connection with purchases which do not exceed $1,000 and the purpose of the form is to effect such purchases in the simplest manner. It provides in one document a purchase (or delivery) order a receiving and inspection report, a property voucher, and when supported by a vendor's invoice, a payment voucher. The use of this form and DA AGO Form 383b (continuation sheet) according to the procedure herein will simplify purchasing procedure, will increase efficiency by simple actions, will effect economy in personnel and overhead, will reduce quantities of forms used and attendant paper work, and will expedite payments to vendors.

(b) Form 383 is comprised of the following parts: 383, part 1; 383c, parts 2 through 10; 383a is the reverse of all 10 parts. Form 383b (continuation sheet) is comprised of the following parts: 383b, part 1; 383d, parts 2 through 10. These forms are being furnished as 10-part manifold forms, snap-out construction.

§ 590.705–1 *Approval of the Comptroller General.* The Comptroller General of the United States has authorized the use in the Department of the Army of DA AGO Forms 383 and 383b (revised July 1, 1949) under the following conditions:

(a) These forms shall be limited to purchases which do not exceed $1,000.

(b) These forms will not be used where more than one payment is initially expected to be made. When partial payments through unforeseen contingencies later become necessary, the total number of all payments will not exceed four.

§ 590.705–2 *Use of Form 383 as a purchase order—*(a) *General.* Form 383 is authorized for use at stations, depots, and other procuring offices in procuring any supplies or services (other than personal) where:

(1) The amount of the purchase order does not exceed $1,000.

(2) Only one payment and one delivery are initially expected to be made.

(3) No special contract form is required.

(4) No special contract clauses are necessary. (See § 590.705–10 (f).)

(b) *Authority for negotiation.* (1) Although the purchase of supplies by negotiation may be authorized by some other subparagraph of section 2 (c), Armed Services Procurement Act of 1947, when the amount thereof does not exceed $1,000, section 2 (c) (3) will be utilized as the authority, except as indicated in subparagraph (2) of this paragraph. For example, the purchase of medical supplies by negotiation is authorized by section 2 (c) (7), but if the aggregate amount does not exceed $1,000, section 2 (c) (3) will be utilized as the authority, except as indicated in subparagraph (2) of this paragraph.

(2) During a period of a national emergency declared by the President or by Congress and when the Secretary has made a determination in accordance with §§ 402.201 and 592.201 of this title, section 2 (c) (1) of the Armed Services Procurement Act of 1947 will be used as authority to negotiate purchases and contracts when the amount does not exceed $1,000. During such periods contracts will bear the citation prescribed in subparagraph (3) of this paragraph.

(3) During the period of the present national emergency, declared by the President on December 16, 1950, contracts for amounts not exceeding $1,000 will cite as authority, section 2 (c) (1), Armed Services Procurement Act of 1947 (Pub. Law 413, 80th Cong.) and Presidential Proclamation 2914. DA AGO FORM 383 will be modified accordingly.

§ 590.705–3 *Use of Form 383 as a delivery order.* (a) Form 383 is authorized for use in making purchases under all "open end" or "term" contracts which provide that deliveries will be made upon call of contracting officers, where:

(1) The aggregate amount of the delivery order does not exceed $1,000.

(2) Only one payment and one delivery is initially expected to be made.

(b) Proper reference will be made to the basic purchase agreement against which the purchase is made in the space provided.

§ 590.705–4 *Use of Form 383 as a receiving and inspection report.* (a) Form 383 is designed for use as a tally-in, an inspection report, and a receiving report.

(b) When inspection and/or acceptance is to be other than at destination, the place of such inspection and/or acceptance will be shown in the "Supplies or Services" column on the form. (See clause 6 on reverse of Form 383.)

(c) Upon receipt of the items provided for in the order, the accountable officer or his authorized representative will complete the following on Form 383:

(1) Quantity accepted (face of form).
(2) Date received (reverse of form).
(3) Delivered by (reverse of form).
(4) Stock record account voucher number (reverse of form).
(5) Signature with grade and designation (reverse of form).
(6) Account serial number (reverse of form), and
(7) Date signed (reverse of form).

The accountable officer will request disposition instructions from the contracting officer for nonacceptable items and overages.

(d) If inspection is made other than at destination, appropriate copies of Form 383 will be furnished to the inspection office. Accomplished inspection reports will be transmitted to the consignee unless otherwise indicated in each specific case by the Contracting Officer.

(e) The accomplished receiving report will be forwarded within 24 hours after receipt of shipment.

§ 590.705–5 *Use of Form 383 as a vendor's invoice.*

(a) Special care will be exercised to have each vendor follow the instructions on Form 383 regarding preparation of vendor's invoice.

(b) When it is desired to utilize Form 383 as a vendor's invoice, the following certificate will be typed or stamped in the "Supplies or Services" column on the original copy for the General Accounting Office, copy for the Disbursing Officer, and copy for the Fiscal Officer: "I certify that the above bill is correct and just and that payment therefor has not been received." Only the original will be signed by the vendor.

§ 590.705–6 *Use of Form 383 as a voucher—*(a) *One payment.* Form 383 will be completed and processed as any other payment voucher.

(b) *More than one payment.* (1) Where more than one payment becomes necessary, original Form 383 will be completed for those supplies or services accepted and will be processed for payment in the normal manner.

(2) Subsequent payments not exceeding three will be made on additional Forms 383 citing same order number as the original and indicating in the "Order No." block of the Form 383 the number of the partial shipment (i. e., 1st partial, 2d partial, and final). Prior to or at the time of processing original Form 383 (mentioned in subparagraph (1) of this paragraph) for payment, an additional Form 383 will be prepared, setting forth the balance of the undelivered supplies and distributed in the normal manner, except that no copy will be distributed to the vendor. The above procedure will be repeated until final delivery is received. A citation to the name of the Disbursing Officer, period of account, and

Disbursing Officer's voucher number will be made to the original and subsequent vouchers on subsequent vouchers respectively. For example, first subsequent voucher will cite original voucher, second subsequent voucher will cite original voucher and first subsequent voucher, etc. Each voucher will be a complete transaction within itself and the cross reference will allow the General Accounting Office to reconcile the entire purchase.

(c) Standard Form 1034, Revised (Public Voucher for Purchase of Supplies and Services Other Than Personal) will not be used in connection with Form 383 and vice versa.

§ 590.705–7 *Use of Form 383b.* (a) Form 383b is the continuation sheet for Form 383.

(b) It will be used when the space for the list of articles or services on Form 383 is not sufficient for the listing of all the supplies or services (other than personal) covered by the purchase.

(c) Appropriate copies will be attached securely to the corresponding copies of Form 383 and distribution will be accomplished with Form 383.

§ 590.705–8 *Use of Forms 383c and 383d.* (a) Form 383c (yellow) is the memorandum copy for Form 383.

(b) Form 383d (yellow) is the memorandum copy for Form 383b.

§ 590.705–9 *Distribution of copies of Form 383.* (a) The copies of Form 383 which are numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 at the bottom of the form, will be distributed as follows and as shown on the flow chart in § 590.705–13.

(1) *Copy 1 (original).* General Accounting Office (white).
(2) *Copy 2.* Finance Officer (yellow).
(3) *Copy 3.* Vender (yellow).
(4) *Copy 4.* Contracting Officer (yellow).
(5) *Copy 5.* Fiscal Officer (yellow).
(6) *Copy 6.* Fiscal Officer (yellow).
(7) *Copy 7.* Accountable Property Officer (yellow).
(8) *Copy 8.* Receiving report (yellow).
(9) *Copy 9.* Army Audit Agency (yellow).
(10) *Copy 10.* Optional local use (yellow).

Additional copies of Forms 383c and 383d, when authorized in each specific case by the appropriate Head of a Procuring Activity, will be prepared on yellow paper.

(b) Reference is made to the flow chart in § 590.705–13, which indicates the processing of the several copies of Form 383.

§ 590.705–10 *General instructions.* The following general instructions are applicable whether the form is used as a purchase order or as a delivery order:

(a) The "Item No." column will be used for assigning a reference or a sequence number to the supplies or services (other than personal) being procured.

(b) Such numbers (stock number, part number, etc.) as are necessary for identification will be included as a part of the nomenclature of the supplies being procured.

(c) Local reproduction of Forms 383, 383a, 383b, 383c, and 383d, is not authorized.

(d) When more than one payment or one delivery are initially contemplated, Form 383 will not be used, but the purchase will be effected by the use of other appropriate form.

(e) Form 383 will not be given a contract number under any circumstances. The "order number" space provided is for such local identification as is necessary.

(f) The contract clauses printed on the reverse of Form 383 and on Form 383a are deemed sufficient for all purchases accomplished by use of Form 383. In the event additional contract clauses or deviations are required for specific purposes, prior approval for their use will be obtained from the Assistant Chief of Staff G–4, Department of the Army (Chief, Current Procurement Branch). Approval is granted to delete the following clauses from Form 383a in effecting procurement outside the United States, its territories and possessions:

(1) Convict Labor.
(2) Nondiscrimination in Employment.

(g) These procedures are deemed sufficient for all purchases accomplished by use of Form 383. In the event that additional forms or instructions are necessary for attachment to Forms 383, 383a, 383b, 383c, and 383d, prior approval will be secured from the Assistant Chief of Staff, G–4 (Chief, Current Procurement Branch). The attaching of vendor's invoices which are required for payment; specifications, drawings, packaging and marking instructions, and other similar data which are considered an adjunct or a part of the description of the supplies listed on the face of Form 383 or 383b are permissible without approval. Similarly, the attachment of foreign language translations for use of this form in foreign countries, is authorized, provided both the standard forms and the foreign language translations contain a statement that in the event of a disagreement in the text of the English and foreign translations, the English text will govern.

(h) Such supplemental operating procedures as may be necessary in connection with routing of copies of Form 383 by a purchasing office may be issued by that purchasing office if deemed essential. No additional supplemental operating or similar procedures or instructions other than those contained herein will be issued by Heads of Procuring Activities without prior approval of the Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch).

(i) Form 383 will not be utilized for the acceptance of bids after formal advertising.

(j) Supplemental agreements and change orders, other than notice of termination for default, will not be issued in connection with a purchase made on Form 383.

(l) If all of the supplies or services ordered on Form 383 are terminated for default, notice of termination for default to the vendor will be by letter and a copy of the letter will be filed with the original (white) copy in the Contracting Officer's file, and copy will be furnished each addressee on the original distribution list.

(2) If any or a part of the supplies or services ordered by use of Form 383 are terminated for default, notice of termination for default will be by letter, and a copy will be furnished to each addressee on the original distribution list.

(3) When situations arise which make modifications necessary, such as an increase or decrease in quantities or prices, or a change in name of vendor, time of delivery, discount terms, or any other change other than termination for default, the change will be made by canceling the original order of Form 383, including all copies thereof, and issuing a new order on Form 383 showing the desired terms and necessary information.

(k) If the purchase is based on a written quotation, the original of the quotation will be processed with the original (white) of Form 383 to the General Accounting Office. (See flow chart, § 590.705–13.)

(l) Overages and shortages in the quantities called for on an order, which are caused by conditions of loading, shipping, packing, or allowances in manufacturing processes, may be accepted provided the aggregate amount of the order (including any accepted overages and shortages) does not exceed $1,000. When any such overages or shortages are accepted, an adjustment of the total dollar amount for payment will be made in the "Differences" section of DA Forms 383 and 383c after the "Quantity Accepted" column has been completed.

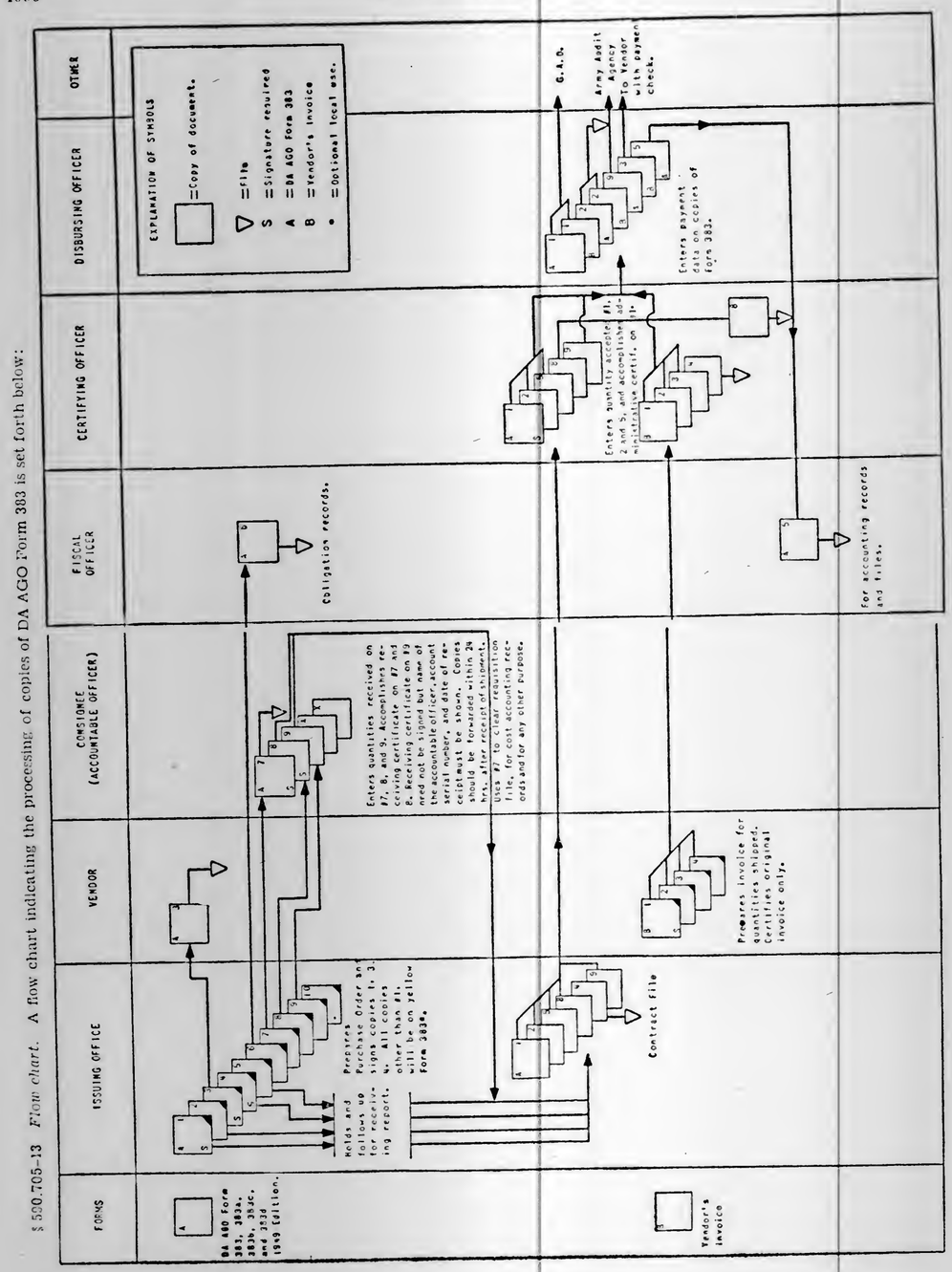
(m) The Contracting Officer is responsible for obtaining from the Fiscal Officer a citation of the proper funds to be charged. The signature of the Contracting Officer on copy No. 1 of Form 383 will constitute the certification that funds are available under the appropriation and allotment cited in the accounting classification.

(n) Form 383 will not be used in making purchases when shipment of supplies are to be consigned to a water or aerial port of embarkation for transhipment to an oversea destination. In such instances, purchase will be accomplished by use of other appropriate purchase forms in conjunction with the Matériel Inspection and Receiving Report (Oversea) (DA AGO Form 604).

§ 590.705–11 *Use of master mats.* Installations which are unable to utilize the 10-part forms furnished may utilize master mats only after specific approval is obtained from the Assistant Chief of Staff, G–4 (Chief, Current Procurement Branch). Procurement or supply of master mats will be as directed by the Assistant Chief of Staff, G–4 (Chief, Current Procurement Branch).

§ 590.705–12 *Additional instructions.* See § 590.512 of this chapter.

§ 590.705-13 *Flow chart.* A flow chart indicating the processing of copies of DA AGO Form 383 is set forth below:



SUBPART H—PROCUREMENT ACTION REPORTING

§ 590.800 *Scope of subpart.* This subpart sets forth instructions for the preparation of the Procurement Action Report. It implements the Armed Services Procurement Regulation generally rather than a specific part or section thereof.

§ 590.801 *General.* To conform with the provisions of Public Law 413, 80th Congress, Armed Services Procurement Act of 1947, and with instructions of the President of the United States, and to provide the Assistant Chief of Staff, G–4, Department of the Army, with management data essential to staff control over Army procurement, procurement action reports will be prepared on the forms and submitted at the times herein prescribed. Heads of Procuring Activities (as defined in § 400.201–4 of this title) may issue implementing instructions, as required, to their Contracting Officers. A copy of each such implementation will be forwarded, as issued, to the Assistant Chief of Staff, G–4, Department of the Army (Attn.: Chief, Current Procurement Branch).

§ 590.802 *Data to be included.* Data reported will cover all procurement actions (see § 590.807) transacted under the provisions of the Armed Services Procurement Regulation and this Procedure by all Contracting Officers of the Army Establishment. Procurement actions for civil functions, such as Engineers Civil Works and Alaskan Communications System, are not included in this reporting requirement.

§ 590.803 *Forms.* Reports will be prepared on DA AGO Form 377 (Procurement Action Report, Monthly Summary), (Reports Control Symbol CSGLD–190) (R–2)), and DD Form 350 (Individual Procurement Action Report) (Reports Control Symbol DD–MB–245). Supply of forms will be requisitioned through normal publications supply channels.

§ 590.804 *Number of copies and routing.* (a) The original of DA AGO Form 377 and the original of each DD Form 350 will be forwarded direct to the Assistant Chief of Staff, G–4, Department of the Army (Attn.: Chief, Current Procurement Branch). A copy of DA AGO Form 377 will be forwarded through channels to the appropriate Heads of Procuring Activities. Letters of transmittal to accompany these reports are not necessary and will not be used. Heads of Procuring Activities may require copies of DD Form 350 to be furnished by their Contracting Officers.

(b) For each unclassified or restricted procurement action having a value over $10,000 and subject to the Walsh-Healey Public Contracts Act (Subpart F of Part 411 of this title), two additional copies of DD Form 350 will be prepared and forwarded with the original to the Assistant Chief of Staff, G–4, Department of the Army (Attn.: Chief, Current Procurement Branch), who will transmit the pertinent parts thereof to the Department of Labor in lieu of Standard Form 99 (Notice of Award of Contract). These additional copies will not be prepared for actions bearing a security classification higher than restricted.

(c) An additional copy of DD Form 350 will be submitted to the Assistant Chief of Staff, G–4, Department of the Army, (Attn.: Chief, Current Procurement Branch) when the dollar value of the action reported is $500,000 or more.

§ 590.805 *Frequency and due dates.* The procurement action reporting forms (DD Form 350 and DA AGO Form 377) will be submitted as follows:

(a) Class I Installations and Activities will forward the original DA AGO Form 377 and the original of each DD Form 350 at the same time. These forms for the completed calendar month will be forwarded not later than the 5th day of the following month.

(b) Class II Installations and Activities will prepare DD Form 350 for each reportable procurement action and forward this form within four working days after the date an individual action as described in § 590.807 is transacted. DA AGO Form 377 will be forwarded not later than the 10th day of the following month. (See § 590.809 (a)).

(c) Oversea Purchasing Offices will forward the original DA AGO Form 377 and the original of each DD Form 350 at the same time. These forms for the completed calendar month will be forwarded not later than the 10th day of the following month.

(d) Negative DA AGO Forms 377 will be submitted by all reporting activities when appropriate.

§ 590.806 *Reporting activities.* The Procurement Action Report (DA AGO Form 377 and DD Form 350) will be prepared by all Contracting Officers of the Army Establishment (in the continental United States, its territories and possessions, major oversea commands, attaches and foreign missions), designated as such pursuant to § 590.450, transacting purchases, procurements or executing contracts payable from appropriated funds (§ 590.251).

§ 590.807 *Procurement actions to be reported.* (a) A "procurement action" means any type of agreement or order for the procurement of supplies or services which obligates funds as set forth in § 590.806. It includes, by way of description and without limitation, awards and preliminary notices of awards; contracts of a fixed-price, costs, cost-plus-a-fixed-fee, exchange, or time and material; delivery orders, job orders, task orders or task letters issued against open end or indefinite quantity contracts; letter orders, letters of intent, and purchase orders. It includes modifications (amendments, change orders, and supplemental agreements) with respect to any of the foregoing (see Subpart D of Part 402 of this title). It also includes the purchasing, renting, leasing, or otherwise obtaining supplies or services from either private sources or Governmental agencies outside of the Department of Defense. (For interdepartmental procurement, see § 590.808 (r).) It excludes requisitions transferring supplies or services within, or between the military departments or the joint procurement agencies of the Department of Defense. (For interservice procurement, see § 590.808 (r).)

(b) Term contracts, open-end contracts, indefinite quantity contracts, or agreements for obtaining supplies, which do not include specific quantities or total dollar value, will not be reported by the activity which executes such contract. Activities which execute individual purchase instruments or orders against such contracts will report each individual action of $10,000 or over on DD Form 350 and will report the sum of all purchases irrespective of dollar value on DA AGO Form 377. Similarly, job orders against Army Establishment manufacturing installations will not be reported, but contracts for materials necessary to accomplish the job order will be reported.

(c) DD Form 350 will be submitted only for individual procurement actions having a value of $10,000 or over. DD Form 350 will be submitted for each modification (amendment, change order, or supplemental agreement) increasing or decreasing the value of a contract by $10,000 or more, regardless of value of basic contract and regardless of whether basic contract was executed prior to effective date of Public Law 413, 80th Congress (May 19, 1948.) As an exception to the above instructions, every procurement action negotiated under sections 2 (c) (11) and 2 (c) (16) of Public Law 413 will be reported on DD Form 350 without regard to any dollar value limitation. No modifying actions having a dollar value of less than $10,000 will be reported on either DD Form 350 or DA AGO Form 377 except those modifying contracts negotiated under authority of sections 2 (c) (11) and 2 (c) (16) of Public Law 413.

§ 590.808 *Instructions for preparation of DD Form 350 (Individual Procurement Action Report).* The instructions contained herein supplement the specific instructions printed on the reverse side of DD Form 350.

(a) *Item 1: report number.* This number will represent the serial number of DD Form 350 submitted by each office, installation, activity, or individual within the current fiscal year. The report covering the first procurement action taken in fiscal year 1951 by each office will bear the number "1", and consecutively thereafter for subsequent procurement actions. The report covering the first procurement action taken in each succeeding fiscal year, beginning July 1, will again bear the number "1". The numbering will be in accordance with the date of the report, Item 26, and not according to the date of the procurement action, Item 11.

(b) *Item 2: department.* Enter "Army" if not so pre-printed.

(c) *Item 3: bureau, technical service, or command.* Enter the name of the Procuring Activity having responsibility for the procurement action; such as Quartermaster Corps, European Command, Third Army, National Guard, etc. (See § 590.809 (d))

(d) *Item 4; Procuring office and address.* Enter title, address, and station number in sufficient detail to establish readily the identity of the office, instal-

lation, activity, or individual preparing the report.

(e) *Item 5a; contractor name and business address.* Enter the name and business address, including street or post office box, of the contractor or vendor with whom the procurement action was transacted.

(f) *Item 5b; division of.* In cases where the contractor or vendor identifies himself as a division of a parent company, enter the name of the parent company concerned.

(g) *Item 6; place of manufacture.* Enter the actual location of the vendor's place of business from which the items will be supplied or the plant in which the items will be produced. If the items are to be supplied from a vendor or plant to which the contractor subcontracts the order, or for which the contractor acts as a broker or factor, the name and location of the vendor or plant from which the items will be supplied will be entered. If the supply or production source is unknown, not available, or identical with item 5a, so indicate. Completion of the form will not be delayed for lack of this information.

(h) *Item 7; contractual instrument number.* Enter the complete number of the contract to which this report pertains in accordance with § 590.603.

(i) *Item 8; kind of procurement action.* Place an "X" mark in the appropriate box to show whether:

(1) Action is a preliminary instrument such as a letter of intent or letter order;

(2) Action is a new definitive contract (includes Purchase Order);

(3) Action is a definitive contract (includes Purchase Order) superseding a preliminary instrument; if this is the case, record under item 10 only the change (debit or credit) from value reported for preliminary instrument;

(4) Action is an order other than Purchase Order such as Job Order, Task Order, or Delivery Order; or

(5) Action is a modification to a previous contract; if action is a modification, place another "X" mark in the appropriate box to show whether it is an amendment, change order or supplemental agreement, and enter the number thereof.

(j) *Item 9; description of commodity or service.* Enter a brief, explicit description of the major items being procured. This description must be in sufficient detail to permit identification of the commodity for determining purchase assignment. In making this determination, the use of the commodity is frequently a deciding factor, especially in the case of spare parts for trucks, for radios, for clocks, etc. Accordingly, the use of the commodity will be indicated, where applicable, in addition to the brief description of the item. Heads of Procuring Activities may require, by supplemental instructions, detailed lists of all the separate items to be appended. If the description of the item (s) bears a security classification, enter only the word "classified" in this space. When the dollar value of the procurement action is $100,000 or more, a notation will be made in Item 9 showing the Department of Defense Claimant Program Code Number (applicable to use of DO ratings); this may be abbreviated as DDCP–04, etc.

(k) *Item 9a; unit.* Enter, if practicable, the unit of measure of the item being procured: viz, each, ton, square feet (sq. ft.), etc.

(l) *Item 9b; quantity.* Enter, if practicable, the quantity of the item being procured.

(m) *Item 10; value of procurement action.* Enter the total value (in whole dollars only omitting cents) of the procurement action being reported on the form. If the action is a modification (amendment, change order, or supplemental agreement), enter for this item only the value of the specific action being reported. If an increase, indicate by the symbol DD (for debit); if a decrease, indicate by the symbol CR (for credit). Contracts terminated for any reason will be reported as decreases. The new contract or purchase against a defaulting contractor will then be reported in the usual manner.

(n) *Item 11; date of procurement action.* Enter the day, month, and year the procurement action (as defined in § 590.807) was taken. This should be the date upon which a binding agreement was reached.

(o) *Item 12; estimated completion date.* Enter month and year provided in the contract for the completion of the contract or, if such date is not included in the contract, an estimated date on which performance under the contract is expected to be completed.

(p) *Item 13; contract subject to Walsh-Healey Act.* Place an "X" mark in appropriate box to show whether contract is subject to Walsh-Healey Public Contracts Act in accordance with Subpart F of Part 411 of this title. If contract is subject to Walsh-Healey Public Contracts Act, place an "X" in appropriate box to show whether contractor is manufacturer or regular dealer in accordance with § 400.201–9 of this title and § 590.201–9. Generally, the Walsh-Healey Public Contracts Act is not applicable to procurement effected outside the United States, its territories and possessions (see § 596.001 (b) (1) (iv)).

(q) *Item 14; appropriation identification.* Enter the appropriation identifications to include serial numbers of appropriation, allotment, project, and object class. Enter opposite each appropriation identification the corresponding dollar obligation. Where more than five different appropriation symbols are involved, enter only the five against which the largest obligations are being made. When there is insufficient space to enter the appropriation identification in Item 14, the space provided in Item 24—Remarks, may be used.

(r) *Item 15; contract placement.* Place an "X" mark in appropriate box to show whether action is:

(1) *Interservice.* The term "interservice" refers to procurements within the Department of Defense only. It covers:

(i) Orders placed by one military Department against contracts entered into by another military Department.

(ii) Orders placed by activities of one military Department against contracts entered into by other activities of the same military Department.

(iii) Orders placed against contracts entered into by joint procuring agencies, viz: ASPPA, ASMPA.

(2) *Interdepartmental.* The term "interdepartmental" refers to procurements from or through Federal departments, agencies, institutions, and corporations other than those of the Department of Defense. It covers—

(i) Orders placed by a military Department, or agency thereof, against contracts entered into by any Federal department, agency, institutions, or corporation outside the Department of Defense.

(ii) Contracts placed by a military Department, or agency thereof, with any Federal department, agency, institution, or corporation outside the Department of Defense. If sub-item (1) Interservice or (2) Interdepartmental has been checked in item 15, do not fill out remainder of form except for date of report and signature, item 26.

(3) *Advertised.* Secured on bids as a result of formal advertising. (See § 401.101 of this title.

(4) *Negotiated.* Negotiated in accordance with the exceptions authorized by Public Law 413, 80th Congress and described in §§ 402.201 through 402.217 and 592.201 through 592.217 of this title.

(5) Modification authorized by existing contract, which was advertised.

(6) Modification authorized by existing contract, which was negotiated. Unless the modifying action being reported is authorized by the provisions of the basic contract and has been transacted pursuant to such provisions (viz, change order authorized by changes clause), do not check either subparagraph (5) or (6) of this paragraph.

(s) *Item 16; type of contract.* Place an "X" mark in appropriate box to show whether contract is:

(1) Fixed price;

(2) Fixed price, including price redetermination clause in accordance with §§ 596.152–1 or 596.152–3 of this chapter ((2a) fixed price, with downward revision only in accordance with § 596.152–2);

(3) Fixed price, including price escalation clause in accordance with § 596.151 of this chapter;

(4) Fixed-price, incentive;

(5) Cost;

(6) Cost-plus-a-fixed-fee;

(7) Time and material; or

(8) Other. (Specify if contract is of another price characteristic not listed above.)

(t) *Item 17; negotiated under exception Public Law 413.* (1) If item 15 (4) or item 15 (6) has been checked to indicate a negotiation, then place an "X" mark in appropriate box to show the most applicable exception, as authorized by the cited paragraphs of Public Law 413, 80th Congress, under which the action was negotiated. The exceptions are listed in the same sequence as they appear in Public Law 413 and in Part 402 of this title. Guidance in the application of the exceptions to specific negotiated procurement actions is given in Parts 402 and 592 of this title.

(2) Sub-item (1) National Emergency will be used only when it is determined by the Secretary to be necessary in the public interest during a period of national emergency declared by the President or by the Congress.

(3) No entry will be made for sub-item (3) (Not over $1,000) because no action less than $10,000 will be reported on this form except under sub-items (11) (Research and Development) and (16) (Industrial Mobilization).

(4) No entry will be made under sub-item (4) (Personal or Professional Services) unless the contract was negotiated under this exception and complies with the requirements and limitations of §§ 402.204–2 and 592.204–2 of this title. Attention is directed to § 592.204–2 (a) of this chapter, which requires all contracts negotiated under this exception to be executed subject to the approval of the Secretary of the Army.

(5) A contract negotiated under sub-item (10) (Competition Not Practicable) should specifiy the reason. Examples of instances when competition would not be practicable are set forth in § 402.210 of this title.

(6) A contract negotiated under sub-item (17) (Otherwise Authorized By Law) must specify the law, other than Public Law 413, which authorized such negotiation.

(7) If a contract has been negotiated under sub-items (11) through (16) inclusive, which are further identified by the symbol,' place an additional "X" in appropriate box to show the source of authority for negotiation. (See Subpart C of Part 402 of this title.)

(8) Procuring Activities of the Army Establishment will not use sub-item (18) (sec. 2 (c), Armed Services Procurement Act of 1947) but where a construction contract has been negotiated, sub-item number (2), (6), (10), (11), (12), or (15), as applicable, will be checked.

(u) *Item 18; contractor represents that* (1) Place an "X" mark in appropriate box to show whether contractor represents that the aggregate number of employees of his organization and its affiliates is less than 500 or is 500 or more. This item is not applicable to procurement effected outside the United States, its territories and possessions.

(2) Place an "X" mark in appropriate box to show whether contractor represents he has employed or retained a company or person (other than a full-time employee) to solicit or secure this contract.

(v) *Item 19; contract purpose.* Place an "X" mark in the appropriate box to show purpose of contract in accordance with listing. Descriptions of the general purposes of different types of contracts are given below, but such examples are not to be construed as being restrictive to the matter set forth. They include other purposes related to the general classification given. It is left to the discretion of the Contracting Officer to determine and check the most applicable purpose if two or more purposes are involved.

(1) *Supply.* Applies when procurement is for supplies and is accomplished with appropriated funds.

(2) *Architectural-engineering.* Applies to contracts for the performance of architectural and engineering services.

(3) *Construction.* Applies to the construction, alteration or repair of buildings, bridges, roads, or other real property.

(4) *Lease.* Applies to the lease of real or personal property which involves the expenditure of appropriated funds.

(5) *Maintenance.* Applies to supplies and non-personal services involving maintenance of equipment, munitions and supplies (excluding construction).

(6) *Industrial mobilization.* For application, see §§ 402.216 and 592.216 of this title.

(7) *Research and development.* For application, see §§ 402.211 and 592.211 of this title, and §§ 402.205 and 592.205 of this title.

(8) *Personal services.* For application, see §§ 402.204 and 592.204 of this title.

(9) *Transportation.* Applies to tug services, stevedoring, freight handling, drayage, ship repair, ocean transportation, motor van services, repair of railroad equipment, towage, lighterage, truck services, salvage services, and lumber handling. Does not apply to Government bills of lading, transportation services procured by transportation request, various forms of transportation agreements which do not involve receipt of or expenditure of funds such as switching agreements, rate and traffic agreements, track and interchange agreements, participation in railroad codes and rules and acceptance of quotations under section 22 of the Interstate Commerce Act.

(10) *Utilities.* Applies to electric power, water, gas, etc.

(11) *Other.* Any procurement with appropriated funds which does not fall in any of the above categories will be listed under this purpose and specified.

(w) *Item 20; type of contract.* Place an "X" mark in appropriate box to show type of contractor in accordance with the listing.

x. *Item 21; does contract contain renegotiation clause?* Place an "X" mark in appropriate box to show whether contract includes renegotiation clause in accordance with §§ 406.104–10 and 596.104–10 of this title.

(y) *Item 22; has this commodity been assigned by Munitions Board under single department purchase assignment program?* (See §§ 403.109 and 593.150 of this title.) Place an "X" mark in appropriate box to show whether commodity has been assigned by the Munitions Board under the single department purchase assignment program. If sub-item (1) (yes) is checked, then indicate by an additional "X" the department to which the commodity has been assigned.

(z) *Item 23; security classification.* Place an "X" mark in appropriate box to show the security classification of the contract described. The security classification indicated herein will correspond to the highest classification appearing on the Security Requirements Check List (DD Form 254). See paragraph (ee) of this section.

(aa) *Item 24; remarks.* (1) When procurement action is effected under Mutual Defense Assistance Program, the following information will be entered under this item.

(i) MDAP Procurement.

(ii) Date schedule of first delivery and partial deliveries thereafter through contract completion.

(iii) The dollar value of the MDAP procurement when the total value of the contract being reported (item 10) includes procurement for requirements other than MDAP.

(2) Letter orders for obligation or payment of funds will be identified in Item 24 by a remark showing the approving authority (by title), the estimated contract cost and the expiration date of the letter order (day, month, year). Upon formalization of a contract which was initiated by a Letter Order, reference to the original report of the letter order will be made in Item 24 of the subsequent report as follows: "Ltr O $-------- previously reported on report No. -------- dated ----------."

(3) Information regarding the approving authority should be reported in Item 24 for the following negotiated contracts:

(i) *Construction and rehabilitation at installations.* When contract exceeds $100,000 enter remark as follows: "Negotiated Award (CRI) approved by ----------
(Title)

(ii) *Architect-engineer contracts.* When such contract is otherwise required to be reported on DD Form 350 enter remark as follows: "Negotiated Award (AE) approved by ----------
(Title)

(iii) *Research and development contracts.* When contract exceeds $25,000 enter remark as follows: "Negotiated Award (R & D) approved by ----------
(Title)

(iv) *Negotiated contracts in general.* When contracts exceed $100,000 enter remark as follows: "Negotiated Award (Gen) approved by ----------
(Title)"

(4) One of the following remarks will be entered in Item 24 of DD Form 350 for each contract in excess of $100,000.

(i) *Planned item; planned producer.* (To be used when contractor is supplying a planned item for which he is the planned producer.)

(ii) *Planned item; not planned producer.* (To be used when the contractor is supplying a planned item for which he is not the planned producer.)

(iii) *Not planned item.* (To be used when item is not a planned item: No remark is required concerning planned producer regardless of whether or not the supplier may be a planned producer of some other item which may be a planned item.)

(5) Enter any other comments to supplement or amplify the information shown in the body of the report which are considered essential to a proper un-

derstanding of the report, in addition to the information specified in subparagraph (1) of this paragraph, if applicable. This space may also be used for additional data when required by the Heads of Procuring Activities or major oversea commanders.

(6) On the copy of each DD Form 350 forwarded to the Assistant Chief of Staff, G–4, Department of the Army, enter a statement to the effect that the procurement is or is not exempt from the General Ceiling Price Regulation issued by the Economic Stabilization Agency, and if not exempted, to indicate, when applicable, if the procurement was made under the emergency or hardship provisions of section 9 or 13 respectively of Supplemental Regulation 1 to the General Ceiling Price Regulation.

(bb) *Item 25; optional for departmental use.* Preparing officers will complete under this item only the following:

(1) Under sub-item (4) place an "X" mark in appropriate box to show if procurement was made under an exception to the Buy American Act in accordance with Subpart A, Part 405 of this title.

(2) Under sub-item (6) place an "X" mark in appropriate box to show type of transportation costs in the contract value in accordance with the listing.

(cc) *Item 26; date of report.* Enter the day, month, and year on which the report is prepared.

(dd) The form will be signed by the Contracting Officer or his authorized representative and name of signing individual typed in spaces provided therefor.

(ee) *Security classification of DD Form 350.* DD Form 350 will be stamped in the upper and lower margins with the appropriate security classification in accordance with Part 505 of this chapter. The security classification so stamped need not necessarily correspond to the security classification of the contract (item 23) but is rather a matter for the discretion of the preparing officer and is dependent upon the information appearing on the form.

§ 590.809 *Instructions for preparation of DA AGO Form 377 (procurement action report monthly summary).* (a) This summary will include every new procurement action, as defined in § 590.807, transacted during the month covered by this report, irrespective of the dollar value of any such action. It will include every modification (amendment, change order, or supplemental agreement) to contracts negotiated under paragraphs 2c (11) or 2c (16) of Public Law 413, irrespective of the dollar value of any such contract or modification thereto. This summary will also include every modification involving an increase or decrease of $10,000 or more. Modifications not pertaining to paragraphs 2c (11) or 2c (16) of Public Law 413 which involve an increase or decrease of less than $10,000 will be completely excluded from this summary.

(b) For the purpose of this summary only those reportable modifications made pursuant to the provisions of the basic contract will be reported in the columns headed "number of modifications." New actions and reportable modifications not made pursuant to the provisions of the basic contract will be reported in the columns headed "number of new actions."

(c) The dollar value entries in this summary will reflect the net total of all debit and credit procurement actions reportable under paragraph (a) of this section. If during the month the credit actions exceed the debit actions for any item, a credit entry will be shown. Such entry will be preceded by the symbol CR (for credit). Dollar value entries will not include cents. (Example: $500 not $500.25 nor $500.00.)

(d) Monthly summaries will be consolidated at the following levels and in the following manner prior to submission to the Assistant Chief of Staff, G–4, Department of the Army.

(1) At Class I installations all reportable actions will be consolidated each month on one DA AGO Form 377 regardless of the source of the funds involved in any of the actions. The appropriate Army Area having responsibility for the Class I installation will be indicated in the space for "Technical Service or Command."

(2) At Class II installations those reportable actions which have been transacted for the purpose of Class I activities will be consolidated on one DA AGO Form 377, and the appropriate Army Area having responsibility for the Class I activities will be indicated in the space for "Technical Service or Command." All other reportable actions at Class II installations will be consolidated on one DA AGO Form 377, and the technical service having responsibility for the Class II installation will be indicated in the space for "Technical Service or Command." The governing factor in the aforementioned breakdown will be whether the action was executed for the purpose of Class I activities or for the purpose of Class II activities. Where the contractual instrument has been assigned a number pursuant to SR 35–218–5 (special regulations regarding fiscal station numbers) the letter symbol of this number may be used as a guide. As an exception to the above, general depots will submit one DA AGO Form 377 for each Procuring Activity located at the depot.

(3) Within continental United States all Class II activities, except general depots, will submit to the head of the technical service concerned the total dollar value of Procurement Actions to be reported in line 3, column A, of DA AGO Form 377. The head of each technical service will consolidate such reports and on the eighth of each month forward to the Assistant Chief of Staff, G–4, Current Procurement Branch, the sum of such reports which will be the total procurement for the month for each technical service. (RCS CSGLD 339)

(4) General depots in the continental United States will submit by telephone or teletype a report direct to the Assistant Chief of Staff, G–4, Current Procurement Branch by the eighth day of the month giving the dollar value of Procurement Actions for the previous month by each Procuring Activity located at the depot.

(e) *Date of report.* Enter the day, month, and year on which the report is prepared.

(f) *From.* Enter the title and address of the Procuring Activity in sufficient detail to readily establish the identity of the office, installation, activity, or individual preparing the report.

(g) *Station number.* Enter the fiscal code station number. Where a Class II installation has been assigned a separate station number to identify its Class I activities (§ 590.603–5 (b)) this latter station number will be entered on the Army Area report from this installation (paragraph (d) of this section).

(h) *Month ending.* Enter the month covered by the report. Where information for DA AGO Form 377 is obtained from DD Form 350, the date of report (Item 26, DD Form 350) will be the controlling factor in determining which monthly summary (DA AGO Form 377) will include the action reported. For example, a procurement action executed 28 November but having a "date of report" of 2 December will be reported in the monthly summary of December actions.

(i) *Technical Service or Command.* Enter the name of the Technical Service, Army Area, or Command having responsibility for the Procuring Activity; such as Quartermaster Corps, Third Army, Far East, National Guard Bureau, etc. At Class I and Class II installations the instructions set forth in paragraph (d) of this section will govern.

(j) *Column (A) total.* Enter in the appropriate spaces the totals of the figures in all columns to the right of Column (A).

(k) *Column (B) with "small business."* Enter in this column the appropriate figures to show the "small business" breakdown in accordance with the listing on the left of the form, and excluding any interdepartmental or interservice procurement. For the purpose of this report a "small business" is one in which the aggregate number of employees of the contracting organization and its affiliates is less than 500 (Item 18, DD Form 350 where such form has been submitted). This column will not be used by Procuring Activities outside the United States, its territories and possessions.

(l) *Column (C) other than "small business."* Enter in this column the appropriate figures to show the "other than small business" breakdown in accordance with the listing on the left of the form and excluding any interdepartmental or interservice procurement. Procuring Activities outside the United States, its territories and possessions, will use this column to indicate all procurement other than interdepartmental or interservice.

(m) *Column (D) interdepartmental.* Enter in this column the total interdepartmental figures in accordance with the listing on the left of the form.

(n) *Column (E) interservice.* Enter in this column the total interservice figures in accordance with the listing on the left of the form.

(o) *Remarks.* Enter the DD Form 350 report numbers of those actions reported in line 5 (11) (Research and Development) and line 5 (16) (Industrial Mobilization). Enter any other comments to supplement or amplify the information shown in the body of the report which are considered essential to a proper understanding of the report. This space may also be used for additional data when required by the Heads of Procuring Activities.

(p) The report will be signed by a Contracting Officer or his authorized representative and the appropriate name and title typed in the space provided. Where a consolidated monthly summary is being prepared pursuant to paragraph (d) of this section, the consolidated report will be prepared and signed by an officer so designated by the commanding officer of the installation concerned.

PART 591—PROCUREMENT BY FORMAL ADVERTISING

Sec.

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591.501 Authority for qualified products.
591.504 Qualified Products Lists.

AUTHORITY: §§ 591.000 to 591.504 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161.

DERIVATION: Army Procurement Procedure, March 15, 1951.

§ 591.000 *Scope of Part.* Supplementary to, but consistent with, Part 401 of this title, this part sets forth (a) the basic requirements for the procurement of supplies and services by means of formal advertising, (b) the information to be contained in forms used for the solicitation of bids, (c) methods of soliciting bids, (d) policies with respect to the submission of bids, (e) requirements for the opening and evaluation of bids and for the awarding of contracts, and (f) requirements for the procurement of qualified products.

SUBPART A—USE OF FORMAL ADVERTISING

§ 591.101 *Meaning of formal advertising.* As used throughout Parts 590 through 603 of this chapter, formal advertising means that method of procurement prescribed in Part 401 of this title, and in this part with respect to competitive bids and awards.

§ 591.102 *Use of formal advertising.*—(a) *Policy.* Subject to such further instructions as may be issued by the Heads of Procuring Activities, during a period of national emergency declared by the President or by Congress procurement may be effected by formal advertising only when time permits and delivery requirements are not jeopardized by such action and only when (see also § 590.301 of this chapter):

(1) Procuring standard commercial supplies or services; or

(2) Adequate specifications or any other adequately detailed description of the required supplies or services are readily available; or

(3) Procurement by formal advertising will expedite the consummation of the transaction or will obtain the required items more rapidly than by negotiation; or

(4) There are no important factors to be considered in making the award, such as time of delivery, etc., other than price and it is anticipated that the supplies or services can be purchased more economically by formal advertising; or

(5) The list of suppliers to be solicited is extensive, full competition is desired and purchase by formal advertising will be accomplished more efficiently and expeditiously than by negotiation; or

(6) In such additional instances as are deemed to be necessary and as prescribed by the Head of a Procuring Activity.

(b) *Lists of bidders.* Current lists of bidders will be maintained. Requests for inclusion on such lists will receive prompt and courteous attention. Lists of bidders will be maintained in accordance with § 401.202 of this title and shall not include the name of any person or firm appearing in the "Consolidated Listing of Suspended and Ineligible Contractors and Disqualified Bidders" (§ 590.303 (d) of this chapter).

(c) *Classified contracts.* Procurements classified as confidential, or higher, shall not be effected by formal advertising, except when the Head of a Procuring Activity considers this method to be in the interest of the Government.

SUBPART B—SOLICITATION OF BIDS

§ 591.201 *Preparation of forms.*—(a) *Prescribed forms.* Forms prescribed for the procurement of supplies by formal advertising are set forth in Subpart E of part 596 of this chapter.

(b) *Invitation for bids number.* Every invitation for bids will be assigned and will contain in the upper right-hand corner (unless otherwise provided for on standard forms):

(1) The letter symbol of the Procuring Activity, followed by a dash.

(2) A number consisting of the station number of the office issuing it, if one has been assigned, a dash.

(3) The last two numerals of the fiscal year in which the invitation is issued, regardless of the fiscal year funds to be expended, a dash.

(4) The serial number of the invitation.

Only one series will be used under any one station number for any Procuring Activity for each fiscal year, and the first invitation issued in each fiscal year will bear 1 as its serial number. Subsequent serial numbers will be assigned consecutively, in their order of issuance. A serial number once assigned to an invitation which has been distributed will not be used in the same fiscal year for any other invitation. For example, the first invitation for bids issued by Philadelphia Quartermaster Depot in the fiscal year 1951 will be numbered QM–36–030–51–1. Other numbers or letters may be prefixed to this number if such action is desired by the Head of a Procuring Activity.

(c) *Discount provisions.* If the discount provisions contained on the prescribed forms are not suitable, the following changes therein may be made:

(1) The discount provision on the bid form relating to "10 calendar days," "20 calendar days," etc., may be deleted whenever it is definitely known that final acceptance cannot be accomplished, or that payment cannot be effected, within the period of time from date of delivery. In order to take advantage of any discounts offered, this authority will be used sparingly. If, for example, commercial practice for a certain class of material is to use a 10-day discount period, the deletion will not be made. (See §§ 535.28 through 535.30 of the chapter.)

(2) In special cases where a prolonged acceptance test is necessary, and the invitations or specifications set a limiting date for acceptance that is more than 20 days after date of delivery, the provision in the form as to computation of discount time may be changed to read as follows: "Time, in connection with the discount offered, will be computed from the limiting date set herein for final acceptance." When this change is made, the limiting date for final acceptance must be stated in the invitation.

(d) *Place of contract performance.* For the purpose of evaluating bids and for assistance in performing survey, inspection, and expediting functions, every invitation for bids will require bidders to state the location of the manufacturing or processing plant or factory or the warehouse or other establishment from which the supplies are to be furnished. Similarly in the case of services, the location at which the services are to be performed will be shown.

(e) *Delivery clause.* Each Invitation for Bids will contain an appropriate delivery clause suitable to the circum-

stances involved in the particular procurement.

(f) *Place of delivery.* When transportation costs are important and the exact destination of the supplies being purchased is not known at the time bids are solicited, but the general geographical section in which delivery will be made is known, as East Coast, Middle West, or West Coast, for purposes of evaluation of bids only, a definite place may be designated in the known geographical sector as the point to which transportation costs will be computed in determining the low bidder. In order that prospective bidders may understand the method of evaluation to be used, the following clause should be incorporated in the Schedule:

For the purpose of evaluating bids (and for no other purpose), the final destination(s) for the supplies will be considered to be as follows • • •

(g) *F. o. b. purchase policy.* The policy with respect to the purchase of supplies on an f. o. b. destination or origin basis is set forth in § 590.350 of this chapter.

(h) *Increase or decrease in specified quantity.* When it is considered necessary, in the interest of the Government, to provide for an increase or decrease in the quantity specified in the invitation, at the option of the Government, the maximum percentage of such increase or decrease shall be specified by the Contracting Officer in the invitation. Such percentage will only, in rare cases, exceed 25 percent and shall not in any case exceed 50 percent.

§ 591.202 *Methods of soliciting bids.*—(a) *Issue of invitations for bids.* Invitations for bids shall be issued by the Contracting Officer charged with the procurement of the supplies involved. When authorized by the Contracting Officer, invitations may be issued by others, but in such cases the award shall be made, and the contract shall be signed by the Contracting Officer.

(b) *Time allowed before opening.* Invitations for bids will, as a rule, allow 30 days to intervene between the date of issuance and the date of opening bids. A shorter period may be allowed, but no period of less than 10 days will be designated, except in case of emergency. The existence of such emergency will be determined by the Contracting Officer, and the copy of the invitation furnished the Procurement Information Center, Office of the Under Secretary of the Army (§ 591.251 (a)), will bear on its face the following certificate and appropriate reasons signed by the Contracting Officer:

I certify that the date shown hereon for the opening of bids cannot be a later date for the following reasons—

§ 591.202–1 *Mailing or delivering to prospective bidders.* (a) The extent of the distribution of invitations for bids to qualified prospective bidders will be determined by the Contracting Officer but must be wide enough to assure full and free competition on all items.

(b) Invitations for bids will not be issued to those firms and persons whose names appear in the "Consolidated Listing of Suspended and Ineligible Contractors and Disqualified Bidders." (§ 590.303 (d) of this chapter.)

(c) Bidders' lists will contain only the names of persons or firms qualifying as "sources of supply," as defined in §§ 400.201–9 and 590.201–9 of this title, and such other persons, firms, and agencies authorized by Parts 400 through 414 and 590 through 603 of this title, or the Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch).

§ 591.202–4 *Publishing in newspapers.* The publication of essential details of invitations for bids in newspapers as paid advertisements may be authorized, as indicated below, when this is necessary in order to secure effective competition, or in view of the quantity, character, or value of the supplies or services to be procured, and if time will permit.

(a) *Authority.* (1) Authority to approve the publication of paid advertisements in newspapers, magazines, and other periodicals in connection with the dissemination of procurement information (invitations for bids and proposed purchases), recruitment of both military and civilian personnel, and all other forms of advertising authorized by law has been delegated by the Secretary to:

(i) The Under Secretary of the Army.

(ii) The Assistant Chief of Staff, G–4, Department of the Army.

(iii) The Chief, Current Procurement Branch, Office of the Assistant Chief of Staff, G–4, Department of the Army.

(iv) Commanding generals, continental armies, for recruiting purposes only.

(v) Division Engineers, Corps of Engineers, for civil works and construction only.

(vi) The Director, Procurement and Supply Division, Office of the Secretary of the Army.

Such delegated authority shall not be redelegated.

(2) No advertisement, notice, or proposal shall be published in any newspaper except in pursuance of written authority for such publication from the Secretary or the appropriate official named above, or of a person to whom administrative duties have been duly assigned by the Secretary or the appropriate official named above, and no bill for any such advertising or publication shall be paid unless there be presented, with such bill, a copy of such written authority.

(3) The administrative duties involved in accomplishing such advertising may be assigned by the appropriate official named above to subordinates by name or position (or by name and position, if appropriate) by suitable instruments in writing setting forth the extent of the administrative duties involved and authorized to be performed by or through such subordinates (28 Comp. Gen. 305). Copies of instruments assigning administrative duties hereunder:

(i) Must either be attached to the first voucher submitted for payment and accompany same to the Army Audit Branch, General Accounting Office; or

(ii) Such instruments assigning administrative duties may be forwarded direct to that branch immediately upon the issuance of same.

(4) Standard Form 1143—Revised (Advertising Order) will be signed by the person to whom authority to advertise has been delegated as indicated in subparagraph (1) of this paragraph, or by the person to whom authority to place the advertising order has been assigned in accordance with subparagraph (3) of this paragraph. When the person signing is acting under an instrument assigning him authority as to administrative duties, reference will be made to the date and number of such instrument of assignment in the box on the revised standard form to the left of his signature, in addition to the reference to § 591.202–4 (a), delegating authority to advertise by the Secretary in the box in the upper right-hand corner of the form. The Comptroller General has directed that the present supply of Standard Form 1143 (Advertising Order) on hand and at the Government Printing Office will continue to be used until exhausted, and has indicated that at the next reprint of the form a box to the left of the line for signature will be provided thereon for a reference to the instrument of assignment. Until the revised form is available, such reference to the instrument of assignment should be made on Standard Form 1143 in the space under the title (Advertising Order) of that form.

(b) *Requests for authority to place advertisements.* (1) Requests for authority to place advertisements in newspapers will be made on WD AGO Form No. 192 (Request for Authority to Advertise), in accordance with instructions set forth in paragraph (h) (1) of this section, except that in case of emergency, the nature of which will be stated in the request, authority to advertise may be requested directly by telegraph to the proper official, who will, in such cases, secure the necessary coordination with others concerned.

(2) In making application for authority to advertise, those newspapers in which it is deemed advantageous to advertise, will be specified. Due economy will be observed, both as to the number of newspapers and the number of insertions, whether advertising under special or general authority, no greater number being used in any case than may be necessary to give proper and sufficient public notice.

(i) Special authority authorizes the publication of a given advertisement a specified number of times in a designated newspaper or newspapers.

(ii) General authority authorizes the publication during a fiscal year, as designated, of such advertisements for proposals as may be required by the duties of officers engaged in making frequent purchases or contracts.

(3) In all cases, authority to advertise must be secured in advance. Such authority will not be granted retroactively.

(c) *Preparation of advertisements.* (1) Except as provided in subparagraph (2) of this paragraph, all advertisements will be solid line, a sample of which, set up in accordance with the usual Government requirements, is shown on Standard Form No. 1143—Revised (Advertising Order).

(2) When advertising to be set other than solid is authorized, care should be exercised to insure that the specifications are definite, clear, and specific, since no allowance will be made for paragraphing or for display or leaded or prominent headings, unless specifically ordered, or for additional space required by the use of type other than that specified in the sworn statement of advertising rates on file in the General Accounting Office. Specifications for advertising other than solid will accompany the advertisement copy submitted to the publisher with the advertising order, and copies of both documents will be transmitted to the General Accounting Office with the voucher.

(3) Any unnecessary expense to the Government resulting from failure to observe the requirements of §§ 591.202—591.202–5 may be made a charge against the pay of the officer responsible therefor.

(d) *Insertions and limitations thereon.* (1) Ordinarily advertisements will be given six insertions in daily or four in weekly papers. When more than 10 days are to intervene between the date of the first publication and the date of opening of bids, those in the daily newspapers inviting bids will at once be given four consecutive insertions, and immediately before the date of opening, two consecutive insertions. In construction projects, such insertions will be placed in sufficient time prior to the date of opening to allow interested bidders to secure plans and specifications and prepare bids. In case of emergency, advertisements may be given one or more insertions, as time and circumstances permit.

(2) No officer will authorize the publication of an advertisement beyond the morning of the day on which the opening of bids is to occur, and no payments will be made for continuing such publication beyond the period authorized.

(e) *Rates.* (1) Advertising may be paid for at a price not to exceed the commercial rates charged to private individuals, with the usual discounts.

(2) Rates to be paid will be ascertained from sworn statements of commercial rates furnished by the proprietors, publishers, or authorized representatives of the newspapers or other publications in which the Government advertisements are to be placed, as specified in paragraph (h) (2) of this section.

(3) All advertising in newspapers, however, shall be audited and paid at rates not higher than those charged the general public; but lower prices may be secured whenever the public interest requires it.

(f) *Proof of publication.* (1) Every account for official advertising rendered should be accompanied by a copy of each issue of the publication in which the advertisement appeared. If copies of the publications are not available, however, it will be satisfactory if an affidavit of publication is furnished in lieu thereof.

(2) Copies of newspapers or affidavits in lieu thereof submitted as proof of publication will not be attached to the original voucher, but will be attached to the duplicate voucher and retained in the disbursing office files until settlement of the Disbursing Officer's account has been effected by the General Accounting Office.

(3) Sections 591.202—591.202–5 shall not be construed to preclude the attaching of the tear sheet to the Public Voucher for Advertising (Standard Form No. 1144—Revised), in the designated place.

(g) *Forms.* (1) WDAGO Form No. 192 (Request for Authority to Advertise).

(2) The following Standard Forms for Government advertising are hereby prescribed and published for general use, in lieu of all other forms of like character previously used for this purpose:

Standard Form No. 1142—Revised (Statement of Advertising Rates).

Standard Form No. 1142a—Revised (Statement of Advertising Rates—Memorandum).

Standard Form No. 1143—Revised (Advertising Order).

Standard Form No. 1143a—Revised (Advertising Order—Memorandum).

Standard Form No. 1144—Revised (Public Voucher for Advertising).

Standard Form No. 1144a—Revised (Public Voucher for Advertising—Memorandum).

The Comptroller General has directed that, in the interest of economy, the present supply of unused Standard Forms Nos. 1142, 1142a, 1143, 1143a, 1144, and 1144a on hand and at the Government Printing Office will be used, until exhausted.

(h) *Use of forms.* (1) WD AGO Form No. 192 (Request for Authority to Advertise) will be prepared in triplicate and forwarded through channels to the appropriate official to whom authority has been delegated by the Secretary to authorize such advertising.

(i) The original of the Authority to Advertise must be filed with the first voucher making payment thereunder. A copy will be filed with the duplicate voucher.

(ii) Reference to the Authority to Advertise will be made, in the space provided for that purpose, on all subsequent advertising orders placed during the period embraced in the authorization.

(2) Sworn statements of commercial advertising rates, rendered on Standard Form No. 1142—Revised, and two memorandums therefor, Standard Form 1142a—Revised, must be furnished by the proprietors, publishers, or authorized representatives of newspapers or other publications in which Government advertisements are placed, and the rates so furnished shall govern the amount to be paid.

(i) Sworn statements of commercial advertising rates need not be renewed until rates are changed, or unless specifically required.

(ii) The original statement of advertising rates must support the first voucher (Standard Form No. 1144—Revised) paid to the publisher for advertising under those rates. Of the two memorandum copies, one will be filed with the duplicate voucher (Standard Form No. 1144a—Revised) and the remaining memorandum copy retained in the files of the office which placed the advertisements, for reference in certification of rates for subsequent vouchers.

(3) Standard Form No. 1143—Revised and memorandum therefor, Standard Form No. 1143a—Revised, are the forms used to place advertisements with the publishers. The qualifications set forth in paragraph (c) of this section, with reference to the composition of advertising copy, should be noted in connection with the preparation of this form.

(4) The Public Voucher for Advertising (Standard Form No. 1144—Revised) and memorandum therefor (Standard Form No. 1144a—Revised), will be used by publishers to bill their charges against the Department for advertising published in accordance with the advertising order (Standard Form No. 1143—Revised). The original voucher for advertising (Standard Form No. 1144—Revised), is printed on the reverse of the original advertising order (Standard Form No. 1143—Revised). The memorandum voucher for advertising (Standard Form No. 1144a—Revised), is printed on the reverse of the memorandum advertising order (Standard Form No. 1143a—Revised). In no case will separate instruments be used for the ordering of advertising and the payment therefor. In connection with the use of this form instructions as set forth in paragraph (f) of this section should be followed.

(i) *Payment of accounts.* Upon receipt of Standard Forms Nos. 1144—Revised and 1144a—Revised, supported by proof of publication, rendered by a publisher, the office placing the advertisement will assemble and attach necessary supporting documents as circumstances dictate, certifying to the second certificate on the original Standard Form No. 1144—Revised, and submit the account in duplicate to the local Finance Officer for prompt payment to the publisher.

§ 591.202–5 *Synopses of invitations for bids.* Synopses of invitations for bids will be prepared by the principal purchasing offices listed in § 591.451–3 immediately upon completion of final approved drafts of invitations for bids.

(a) A synopsis of invitations for bids shall not include any invitations scheduled to be opened less than 18 days from date of issue.

(b) A synopsis of invitations for bids will be teletyped at the end of each day (or as they occur) to the following addressee:

Synopsis
Commerce Department
Field Service
Chicago, Illinois

(c) Teletype synopses will be prepared for transmission as follows:

(1) The first line of the text of the message will state the number of the synopsis being sent. The first synopsis on conversion will be numbered one, with each synopsis thereafter numbered consecutively.

(2) The second line of the text of the message will state the name of the purchasing office straight across the page (not to exceed 70 typewriter spaces) continuing on the next line if necessary.

(3) The description of the material will be in capital letters, using the dash

for commas, and will not exceed 31 typewriter spaces. If 31 spaces are insufficient, additional lines may be used. The description will be clear, concise, abbreviated whenever possible, with a minimum number of words for description but sufficient for understanding by interested parties. Include citation to specification and/or drawing numbers or other identifying data, if this information will assist prospective bidders in determining whether or not they are interested in the procurement.

(4) The column designating the quantity begins on typewriter space 32 and will not exceed 10 spaces. Every effort should be made to center the quantity between spaces 32 and 41.

(5) The column designating the invitation number begins on typewriter space 42 and will not exceed 16 spaces. Every effort should be made to center the invitation number between spaces 42 and 57.

(6) The column designating the opening date begins on typewriter space 58 and will not exceed 13 spaces. Every effort should be made to center the opening date between spaces 58 and 70.

(7) Columnar headings have been omitted since it will not be necessary to transmit the headings if instructions in subparagraphs (3), (4), (5), and (6) of this paragraph are followed.

(8) Strict adherence to the above instructions will be required of each reporting office inasmuch as the receiving machines will automatically cut stencils at the time the message is received. Deviations will cause the format of the synopsis printed by the Department of Commerce to be out of line.

(d) Each reporting office will discuss the instructions contained in paragraph (c) of this section with their communications office so that the manner in which the message is to be transmitted is thoroughly understood by the office preparing the message and the communications office.

(e) Copies of synopses of invitations for bids, containing the information prescribed in paragraph (c) of this section, will be provided at purchasing offices for those who wish to pick them up. In addition to the information prescribed above, copies of synopses will contain appropriate columnar headings and a statement that any additional information desired and, if available, individual copies of invitations for bids may be obtained directly from the purchasing office issuing the synopsis.

(f) Information to bidders concerning awards is set forth in § 401.407 of this title and § 591.407. Instruction pertaining to synopses of awards are set forth in § 591.451.

(g) This section will apply only to procurement within the continental United States (48 States and the District of Columbia).

(h) Requirements for the distribution of single copies of invitations for bids are set forth in § 591.251.

§ 591.203 *Retention of records.* (a) Each procurement transaction file will be complete and copies of all documents, certified if necessary, will be included therein. Procurement transaction files will be maintained in such a manner as to present a complete résumé of the transaction for historical record or such other purposes as may be required.

(b) Invitations for bids and abstracts of bids will be retained in the purchasing office for at least 6 years after date of award, unless retired sooner under special regulations.

§ 591.250 *Identification of specifications.* Each invitation for bids shall list for each item included therein the applicable specifications as authorized for procurement in § 590.305 (a) of this chapter, or will contain a description as provided in § 590.305 (c) of this chapter. Such reference to specifications shall include the title and symbols, with revision letters if any, and dates, including amendments if any, identified by numbers and dates.

§ 591.251 *Distribution of invitation for bids.* In addition to the distribution of invitations for bids to prospective bidders referred to in § 401.202–1 of this title and § 591.202–1, the following distribution shall be made.

(a) *Procurement Information Center.* One copy of every invitation for bids and one copy of every amendment to an invitation for bids shall be sent on the date issued directly to the Office of the Under Secretary of the Army, Procurement Information Center, The Pentagon, Washington 25, D. C. Letters of transmittal are not necessary. If an invitation is cancelled or is substantially changed by the issuance of an amendment which affects specifications, quantity requirements, delivery schedules, qualification of bidders, etc., a complete summary of the reasons for such cancellation or change will be furnished with the copy of the amendment forwarded to the Procurement Information Center. This statement should be detachable from the amendment.

(b) *Department of Commerce.* Single copies of invitations for bids (less copies of specifications, drawings, etc.) will be dispatched promptly by regular mail by each of the purchasing offices listed in § 591.451–3 to:

Small Business Division,
U. S. Department of Commerce,
Room 6427, Commerce Building,
Washington 25, D. C.

(c) *Equal or identical bids.* See § 591.406–4 (c) for distribution of copies of invitations for bids in connection with the procedure on the submission of information on equal or identical bids.

(d) *Classified purchases.* See Part 505 of this chapter for instructions as to the distribution of classified documents. In such cases, instead of the action indicated in paragraph (a) of this section, a letter will be forwarded to the office named therein, in substance as follows: This office has issued invitation for bids No. ------, dated ----------, bids to be opened on ----------, under Top Secret, Secret, Confidential or Restricted Project No. ------.

(e) *Other internal distribution.* Heads of Procuring Activities may direct such additional internal distribution of invitations for bids as may be considered necessary.

§ 591.252 *Amendments to invitations for bids.* (a) Amendments to invitations for bids must be distributed to all recipients of the invitation, and such amendments shall provide that bidders are to sign and return the amendments prior to the opening of the bids. The date set for opening of bids shall be postponed when necessary to afford bidders sufficient time to return the amendments.

(b) Any information given to a prospective bidder on an invitation for bids shall be furnished promptly to all other prospective bidders as an amendment to the invitation if such information is necessary to bidders in submitting bids on the invitation, or if lack of such information would be prejudicial to uninformed bidders No award shall be made on the invitation unless such amendment has been issued in sufficient time to permit all prospective bidders to consider such information in submitting or modifying their bids.

(c) Amendments, if issued, will refer to the number, date of issue, and opening date of the original invitation, will clearly indicate the nature of the changes made therein, and will be numbered serially as issued. For example, the first amendment would be "Amendment 1."

SUBPART C—SUBMISSION OF BIDS

§ 591.350 *Assistance in preparing bids.* Persons employed by or serving with the Army Establishment will not under any circumstances render assistance to bidders in the preparation of bids.

§ 591.351 *Copies of bids required in submission.* Bidders will be required to submit a sufficient number of signed copies of their bids to meet the requirements for distribution of "signed numbers" of contracts as set forth in § 590.606 of this chapter.

§ 591.352 *Statement of contingent or other fees.* The prescribed procedure with respect to obtaining information concerning contingent or other fees paid by bidders or contractors for soliciting or securing Government contracts, including the use of U. S. Standard Form 119 (Contractor's Statement of Contingent or Other Fees for Soliciting or Securing Contract), is set forth in § 590.608 of this chapter.

SUBPART D—OPENING OF BIDS AND AWARD OF CONTRACT

§ 591.401 *Opening of bids.* (a) All bids received prior to the time of opening will be kept in a locked safe, locked file cabinet, or locked bid box and necessary precautions will be taken to ensure the security of the receptacle used for this purpose.

(b) The Contracting Officer will decide when the specified time has arrived, and will then personally and publicly open all bids received and read them aloud to the bidders present.

(c) The Contracting Officer will personally number one copy of each bid received, serially, in the order in which the bids are read, and will retain these numbered copies in his possession until the accuracy of the abstract has been verified.

(d) The procedure described in paragraphs (b) and (c) of this section may be delegated to an assistant provided that the Contracting Officer retains full responsibilities for the actions of his subordinates.

(e) Pertinent questions asked at the opening will be fully answered, and the examination of bids by interested persons will be permitted as set forth in § 591.401, provided such action does not unduly interfere with the conduct of Government business.

(f) The opening of classified bids shall not be accessible to the general public. However, such opening may be witnessed and the results recorded by those suppliers' representatives who have been previously cleared from a security standpoint, if the supplier concerned submitted a bid. The bids shall be made available only to those persons authorized to attend the opening of the bids. (See Part 505 of this chapter for additional instructions governing classified projects.)

§ 591.402 *Recording of bids*—(a) *Procedure.* Only approved abstract of bid forms will be used for the recording of bids. For every invitation for bids, an abstract of bids form will be prepared as soon as practicable after bids have been opened or as soon as it is decided to cancel the invitation before opening bids. Since the copy of the abstract furnished to the Office of the Under Secretary of the Army, Procurement Information Center, is exhibited to the public, care will be exercised in making the entries on that copy. Information, such as debarment, irresponsibility, or apparent collusion of bidders, will not be entered on the abstract of bids, but will be the subject of a separate classified communication, addressed to the Under Secretary of the Army, Procurement Information Center, through the Assistant Chief of Staff, G–4, Department of the Army.

(b) *Certification of abstract.* (1) The person opening the bids will:

(i) Verify the accuracy of the abstract by comparing it with the numbered copies of the bid retained by him, and

(ii) Sign the certificate on the abstract that he has personally opened and read all bids and that he has verified the abstract and found it correct.

(2) The Contracting Officer canceling the invitation, making the awards or rejecting the bids will sign the appropriate certificate on the abstract as to the action taken by him.

(c) *Classified bids.* The record made of classified bids shall not be made available to the general public.

§ 591.403 *Rejection of bids*—(a) *Failure to conform to essential requirements of invitation.* Any bid which fails to conform to the essential requirements of the Invitation will be rejected, provided that any such bid may be considered when in the interest of the Government and not prejudicial to the other bidders.

(b) *Insertion of improper restrictions or conditions.* Restrictions or conditions in bids which ordinarily require their rejection are those where the bidder (1) attempts to protect himself against future changes in conditions, such as increased costs, to the extent that the total possible cost to the Government cannot be determined, or (2) attempts to limit his liability. To allow the bidder to impose such conditions would make the obligation of the Government uncertain or indefinite and would be prejudicial to other bidders. A low bidder, however, may be requested to delete objectionable conditions from his bid. If a bid fails to state a price and in lieu thereof states that the price shall be "price in effect at time of delivery," or if a bid states a price but qualifies the stated price as being subject to "price in effect at time of delivery" and does not specifically limit the ultimate price to the Government, it shall be rejected; provided that, if such qualification is caused solely by language on a printed form as described in § 591.–404, the bidder may be given the opportunity to state whether or not such qualification was intended. (See §§ 596.151 and 591.406 of this chapter with respect to the use of price escalation in procurements effected by formal advertising.)

(c) *Failure to conform to specifications.* Any bid which does not conform to the specifications shall be rejected unless the supplies offered are similar and equal to those specified in the Invitation. Bids offering supplies not similar and equal to those specified shall be rejected as consideration of such bids would be prejudicial to other bidders. If the results of the bidding indicate that the needs of the Government can be met by a less expensive article with different specifications, all bids for the item should be rejected and the requirement readvertised with appropriately revised specifications.

(d) *Failure to conform to delivery requirements.* A bid will not be rejected for failure to conform to the delivery requirements of the Invitation for Bids unless (1) the Invitation states that time of delivery is an important factor and will be considered in making the award or (2) the Contracting Officer determines that the delivery offered will not meet the needs of the Government or (3) the bid offers an indefinite and uncertain delivery, such as, "60 days after receipt of raw materials."

(e) *When in interest of Government.* All bids for any one item or for all items may be rejected if the Contracting Officer finds that such rejection is in the interest of the Government. Typical cases are those where (1) it is determined, prior to award, that the supplies are no longer required, (2) it appears that the specifications should be revised, or (3) the Invitation did not provide for consideration of all factors of cost to the Government.

(f) *Unreasonable bids.* Bids may be rejected if the Contracting Officer finds in writing that such bids are not reasonable. The Contracting Officer may make partial award to low bidders whose prices are considered reasonable and reject all other bids as unreasonable. All rejections of bids under this paragraph shall be reported through channels to the Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch), with complete information as to the facts thereto.

(g) *Collusive bids.* The Contracting Officer may reject all bids when he determines that the bids were not independently arrived at in open competition, or are collusive, or were submitted in bad faith; and he shall report such bids through channels to the Assistant Chief of Staff, G–4 (Chief, Current Procurement Branch). (See § 591.405–4 (b)).

(h) *Ineligible bidders.* (See § 590.303 (d) of this chapter).

(i) *Not responsible bidders.* (1) The lowest bid as to price may be rejected by the Contracting Officer if no bond has been required and the bidder is unable to furnish satisfactory evidence that he possesses the requisite experience, facilities, technical organization, and financial responsibility to perform the contract satisfactorily in accordance with the terms thereof.

(2) Prior to rejecting the lowest bid when it has been received from a firm believed not to be a source of supply, as defined in §§ 400.201–9 and 590.201–9 of this title, a request will be submitted to the Head of the Procuring Activity concerned for (i) a review of the facts and (ii) authority to reject the bid on the basis that the bidder does not qualify as a "source of supply." In forwarding such requests, Contracting Officers will be careful to verify all statements contained therein which are given as the basis for rejection, in order that there may be no just cause for complaint.

(j) *Notification of rejection of all bids.* When it has been decided to reject all bids and the lowest bid received is in excess of $25,000, the Contracting Officer will, if otherwise expedient, notify each bidder of the fact that all bids have been rejected and the reason for such action.

§ 591.404 *Minor informalities or irregularities in bids.* Contracting officers will give to the bidder an opportunity to cure any deficiency resulting from a minor informality or irregularity in a bid, or in the alternative, when it is not to the disadvantage of the Government, may waive such deficiency when time does not permit the curing thereof. Illustrative examples of minor informalities or irregularities, in addition to those in § 401.404 of this title, are the following:

(a) Suppliers frequently submit with their bids additional information on letterheads or other forms which incorporate printed terms and conditions used by the supplier in his commercial business. These printed terms and conditions are very often in conflict with the General Provisions or may contain language affecting bid prices. Unless it clearly appears on the face of the bid that such terms and conditions are intended to be a part of the bid, the bidder shall be given an opportunity to state whether or not they are so intended. If the bidder submits a written statement that such terms and conditions were not intended to form a part of the bid, they may be disregarded in considering the bid.

(b) A bidder failing to furnish, (1) information regarding his aggregate number of employees, (2) his status as a source of supply as defined in §§ 400.201–

9 and 590.201–9 of this title, or (3) the place of manufacture of the supplies being purchased, will be permitted to make such representations after the bid opening but prior to award.

§ 591.405 *Mistakes in bids*—(a) *Submission to higher authority.* (1) Cases referred to in § 401.405–2 of this title will be forwarded direct, without routing through intermediate channels, to the Assistant Chief of Staff, G–4, Department of the Army, Washington 25, D. C., Attn.: Chief, Current Procurement Branch. Cases referred to in § 401.405–3 of this title will be forwarded through normal channels (except that a direct submission may be made in cases requiring expeditious action) to the Assistant Chief of Staff, G–4, Department of the Army, Attn.: Chief, Current Procurement Branch.

(2) In cases where a time element is involved with respect to the necessity of immediate purchase, limited time allowed for acceptance of other bids, or other circumstances require such prompt action as to preclude the presentation of the matter by mail, Contracting Officers will use telegraphic, telephonic, or radio means, furnishing so far as possible in the statement of the case the information prescribed in § 401.405–2 of this title.

(b) *Instructions to Contracting Officer.* Instructions will be issued by the Assistant Chief of Staff, G–4, to the Head of the Procuring Activity, except that Contracting Officers may be notified directly in cases requiring expeditious action. Where deemed necessary or advisable by the Chief, Current Procurement Branch, Assistant Chief of Staff, G–4, individual cases, prior to the issuance of instructions, will be referred (through the Chief of Finance) to the Comptroller General for decision. Contracting Officers will not request decisions direct from the Comptroller General or prepare drafts of letters for submission to that official.

(c) *Reports by Contracting Officer*—(1) *To Head of Procuring Activity.* Reports of all actions taken and copies of all papers forwarded to the Assistant Chief of Staff, G–4, will be forwarded to the Head of the Procuring Activity concerned.

(2) *To Disbursing Officer.* The Contracting Officer will furnish a copy of such resulting instructions as he may receive, or copy of the decision of the Comptroller General, if any, to the Disbursing Officer making payments under the contract, in order that such instructions or decisions may be used by the Disbursing Officer in support of any payment made by him. In addition, the decision of the Comptroller General will also be cited by number and date on the copy of U. S. Standard Form No. 1036 or a copy of the decision securely attached to the form.

(3) *U. S. Standard Form 1036.* In the event of award involving a mistake in bid, the Statement and Certificate of Award (U. S. Standard Form 1036) will contain the information prescribed in § 591.406–5 (a).

§ 591.406 *Award*—(a) *Making the award.* When a Contracting Officer has invited and received bids, he will make the award and execute the necessary papers, unless all bids are rejected. If an award requires the approval of higher authority, the award will not be made until such approval has been obtained.

(b) *Price escalation.* When bids are received including a provision for price escalation, which if added to the base price will still result in a lesser bid price with maximum escalation than that offered by a bidder submitting a fixed price bid, award will be made to the bidder whose maximum price is lowest to the Government and the bid is otherwise responsive to conditions of the invitation. (Price escalation clauses are set forth in § 596.151 of this chapter.)

(c) *Delivery a factor.* If time of delivery is an important factor in effecting the procurement of a required item, the invitation for bids will so state and delivery terms quoted in the bids will be considered in making the award. If the invitation for bids specified that delivery would be a factor in making award and if award is made to other than the lowest otherwise acceptable bidder, based on a shorter time for delivery, the formal award will state the successful bidder's delivery time and the price and delivery time of the lowest otherwise acceptable bidder.

§ 591.406–1 *Responsible bidder.* If the low bidder's qualifications to perform the proposed contract are not known to the Contracting Officer, the bidder's qualifications should be checked and if found unsatisfactory, award should not be made. Qualification checks should consist of both financial and technical evaluation of a supplier's capacity to perform the contract successfully.

§ 591.406–2 *Discounts.* Even in those cases, as set forth in § 401.406–2 of this title, where the discount is disregarded in the evaluation of bids; the award will state the discount offered as well as the bid price, in order that the Government may take the discount if payment is made within the time specified.

§ 591.406–3 *Other factors to be considered.* When the Contracting Officer determines that an award to other than the lowest responsible bidder would be more advantageous to the Government after a consideration of factors other than price, he will make a full statement in writing of the facts and circumstances and of the reasons for the action taken. The statement made by the Contracting Officer on U. S. Standard Form 1036 will ordinarily be considered sufficient for this purpose unless the circumstances of the case indicate that a fuller documentation, complete with all supporting evidence, should be made for the file.

§ 591.406–4 *Equal bids*—(a) *Witnesses of drawing by lot.* In the event award is made by a drawing by lot, the names and addresses of the three witnesses and the person supervising the drawing shall be placed on all copies of the abstract of bids.

(b) Submission of information on equal or identical bids. (1) Whenever identical or equal bids are received pursuant to formal advertising by any purchasing office located within the continental United States, its Territories and possessions, and directly under the jurisdiction of the head of a technical service, the following procedure is prescribed with respect to the furnishing of information to the Department of Justice in connection with possible violation of the antitrust laws: One copy of each identical bid and one copy of the Abstract of Bids will be furnished to the Assistant Chief of Staff, G–4, Department of the Army (Attn.: Chief, Current Procurement Branch), for transmittal to the Department of Justice when any of the following conditions occur:

(i) When any bid resulting from an advertised procurement is identical on its face to any other bid or bids whether the bidders are successful or not (discounts, delivery dates, distance from destination, and like matters need not be considered in determining whether or not the above-required documents should be submitted);

(ii) When bids arising from invitations which specify f. o. b. origin requiring computations (transportation, etc.) in making an award when the computations indicate that the ultimate price delivered is equal whether the bidders are successful or not.

(2) Any practices which come to the attention of any Contracting Officer in the Army Establishment which, while not indicated by submission of identical or equal bids, are indicative of collusive bidding, follow-the-leader pricing, related low bids, or uniform estimating systems will be referred to the Assistant Chief of Staff, G–4 (Chief, Current Procurement Branch), with the following documents, in single copy: the Invitation for Bids; the Abstract of Bids; the bid(s) of the Contractor(s) suspected of irregular practice; copies of the notice of award, if any, to any such bidder(s); and any other pertinent information available.

§ 591.406–5 *Statement and Certificate of Award.* (a) Where an award involves a mistake in bid and the matter has been resolved by administrative action, U. S. Standard Form 1036 will be accompanied by a copy of the resulting instructions as received in the premises, together with other documents as prescribed in § 401.405–2 of this title.

(b) Where an award involves a mistake in bid on which the Comptroller General has rendered a decision, U. S. Standard Form 1036 will contain a citation by number and date of the decision or a copy thereof securely attached to the form.

§ 591.407 *Information to bidders*—(a) *Unclassified awards.* In the case of all unclassified formally advertised contracts, the purchasing office will (1) notify unsuccessful bidders of the fact that their bids were not accepted, and (2) extend the appreciation of the purchasing office for the interest the unsuccessful bidder has shown in submitting a bid. Should additional information be sought, purchasing offices will either (1) provide the unsuccessful bidder with the name and address of the successful bidder, together with the contract price, or (2) inform the inquirer that a copy of the Abstract of Bids is available for inspection at the purchasing office.

(b) *Classified awards.* In the case of all classified formally advertised contracts, the purchasing office will (1) notify unsuccessful bidders of the fact that their bids were not accepted, and (2) extend the appreciation of the purchasing office for the interest the unsuccessful bidder has shown in submitting a bid. Information with respect to the name of the successful bidder and the contract price will be furnished only to properly cleared representatives of unsuccessful bidders and then only upon written request. This information may be furnished directly to the bidders concerned. No information regarding a classified opening may be furnished by telephone. (See also Part 505 of this chapter.)

(c) *Limitation.* (1) The procedures set forth above are not intended to apply to requests for general information as to purchases made over extended periods of time, such as one for information as to the number of parachutes purchased during a year and the prices paid therefor. Such requests will be returned, and the inquirer informed that it is not the policy of the Army Establishment to compile and disseminate such information.

(2) Mailing lists will not be established whereby certain addressees other than those prescribed in this Procedure will receive automatically information on all awards, or all information on awards in certain commodity fields.

(d) *Synopses of awards.* Procedures for the preparation and dissemination of synopses of awards are set forth in § 591.451.

§ 591.450 *Distribution of bids and abstracts*—(a) *Contracting Officer.* The original of all rejected and unsuccessful bids, a copy of the accepted bid, and a copy of the abstract of bids will be retained by the Contracting Officer. All rejected bids will be kept available for inspection by the duly authorized representatives of the General Accounting Office and will be forwarded to that office upon request therefor, when required in individual cases.

(b) *Head of Procuring Activity.* Abstracts and copies of bids will be forwarded to the Head of the Procuring Activity concerned only when specifically directed by him or when required by the instructions of the Procuring Activity.

(c) *Procurement Information Center.* Within 3 days after bids have been opened and final action taken thereon, a copy of the abstract of bids will be mailed to the Office, Under Secretary of the Army, Procurement Information Center, The Pentagon, Washington 25, D. C. If it is decided to cancel an invitation before the opening of bids, the Procurement Information Center will be advised of the cancellation by letter, amendment to the invitation or telegram. If all bids received are rejected, a complete summary of the reasons for such rejection will be furnished with the copy of the abstract of bids forwarded to the Procurement Information Center. This statement will be detachable from the abstract of bids. In addition, each copy of the abstract of bids furnished the Procurement Information Center will have marked upon it the sum total dollar value of the procurement involved in the award or awards.

(d) *General Accounting Office.* (1) The original of the accepted bid will be attached to the signed number of the contract or award intended for the General Accounting Office.

(2) Where the lowest bid as to price is accepted; i. e., where the lowest bidder is determined from the price alone, no offsetting or equalizing elements being for consideration, and when a certificate (on reverse of U. S. Standard Form No. 1034, or U. S. Standard Form No. 1036, as the case may be) to that effect is furnished by a responsible administrative officer having personal knowledge of the facts, neither the rejected bids nor an abstract of the bids need be forwarded to the General Accounting Office with the contract. When the abstract of bids is not furnished to that office, the items accepted on any particular bid will be indicated on the original number of the bid which is to be furnished to that office.

(3) In all cases where other than the lowest bid as to price is accepted, there will be furnished the General Accounting Office on U. S. Standard Form No. 1036 (Statement and Certificate of Award) a detailed statement giving in full the reasons for the acceptance thereof, together with an abstract of all bids lower than the one accepted.

(e) *Extra copies of bids.* (1) Signed copies of bids not needed to comply with the foregoing requirements may be destroyed.

(2) If all bids are rejected, all but one original signed number of each bid may be destroyed.

§ 591.451 *Synopses of awards.* A weekly "Synopsis of Awards" on unclassified contracts entered into after formal advertising or negotiation in an amount of $25,000 or more will be prepared in accordance with the instructions contained in §§ 591.451—591.451–3 by each of the purchasing offices listed in § 591.451–3.

§ 591.451–1 *Information to be included.* Each synopsis of awards will contain the name of the purchasing office, name and address of the contractor, brief description of the commodity or service being procured.

§ 591.451–2 *Distribution.* One copy of each synopsis of awards will be sent by air mail before the close of business at the end of each week by each reporting office to the addressees listed below:

Procurement Information Center,
Department of the Army,
Room 3D–745, The Pentagon,
Washington 25, D. C.

Administrative Office,
U. S. Department of Commerce,
Room 1014, 610 South Canal Street,
Chicago 7, Ill.

Small Business Division,
U. S. Department of Commerce,
Room 6427, Commerce Building,
Washington 25, D. C.

Office of Public Information,
Office of the Secretary of Defense,
Room 2E–784, The Pentagon,
Washington 25, D. C.

(If past experience indicates that regular mail will insure Monday delivery to any addressee, air mail will not be necessary.)

§ 591.451–3 *Principal purchasing offices.* For the purpose of preparing and disseminating information in connection with synopses of invitations for bids as required by § 591.202–5, and synopses of awards as required by §§ 591.451 through 591.451–3, the following are designated as principal purchasing offices of the Army Establishment:

(a) Chief, Publishing Section, Army Publications Service Branch, The Adjutant General's Office, Washington 25, D. C.

(b) Chief, Chicago Procurement Office, Corps of Engineers, 226 West Jackson Boulevard, Chicago 6, Ill.

(c) Division Engineer, South Atlantic Division, Lumber Branch, Corps of Engineers, P. O. Box 1889, 536 Old Post Office Building, Atlanta 1, Ga.

(d) District Engineer, Portland District, Lumber Branch, Corps of Engineers, 500 Pittock Block SW., Tenth Avenue and Washington Street, Portland 5, Oreg.

(e) Commanding Officer, Marietta Transportation Corps Depot, Marietta, Pa.

(f) Commanding Officer, Oakland Quartermaster Procurement Agency, Purchasing Division, Oakland Army Base, Oakland 14, Calif.

(g) Commanding General, New York Quartermaster Procurement Agency, 111 East Sixteenth Street, New York 3, N. Y.

(h) Quartermaster Supply Officer, Columbus General Depot, U. S. Army, Columbus 15, Ohio.

(i) Commanding Officer, Chicago Quartermaster Depot, Purchasing Division, 1819 West Pershing Road, Chicago 9, Ill.

(j) Commanding Officer, Chemical Corps Procurement Agency, Army Chemical Center, Maryland.

(k) Commanding Officer, Boston Chemical Procurement District, Boston Army Base, Boston 10, Mass.

(l) Commanding Officer, Dallas Chemical Procurement District, 1114 Commerce Street, Dallas 2, Tex.

(m) Commanding Officer, Chicago Chemical Procurement District, 226 West Jackson Boulevard, Chicago 6, Ill.

(n) Commanding Officer, New York Chemical Procurement District, 111 East Sixteenth Street, New York 3, N. Y.

(o) Commanding General, Aberdeen Proving Ground, Aberdeen, Md.

(p) Commanding Officer, Detroit Arsenal, Centerline, Mich.

(q) Commanding General, Ordnance Tank Automotive Center, 1501 Beard Street, Detroit 9, Mich.

(r) Commanding Officer, Frankford Arsenal, Philadelphia 37, Pa.

(s) Commanding Officer, Picatinny Arsenal, Dover, N. J.

(t) Commanding Officer, Raritan Arsenal, Metuchen, N. J.

(u) Commanding Officer, Rock Island Arsenal, Rock Island, Ill.

(v) Commanding Officer, Springfield Armory, Springfield 1, Mass.

(w) Commanding Officer, Watertown Arsenal, Watertown 72, Mass.

(x) Commanding Officer, Watervliet Arsenal, Watervliet, N. Y.

(y) Commanding Officer, Rossford Ordnance Depot, Toledo 1, Ohio.

(z) Commanding Officer, Signal Corps Procurement Agency, 2800 South Twentieth Street, Philadelphia 45, Pa.

(aa) Commanding Officer, Armed Services Medical Procurement Agency, 84 Sands Street, Brooklyn 1, N. Y.

§ 591.452 *Protests.* Protests or objections by bidders, or others having a legitimate interest, to action taken or to

be taken by a Contracting Officer in connection with a particular procurement will be settled by the Contracting Officer subject to such limitations as may be imposed by the Head of the Procuring Activity concerned and subject to the following instructions:

(a) Where protest is made prior to making award, the award will not be made pending resolution of the protest, except that awards may be made in such cases where the items to be procured are urgently required, delivery will be unduly delayed or it is otherwise in the best interests of the Government.

(b) Where in the opinion of the Contracting Officer it is desirable and in the best interests of the Government the Contracting Officer will submit the protest to higher authority for final resolution.

(c) Where the person making the protest has indicated he intends to carry the protest to a certain higher level of authority, the Contracting Officer will submit the protest through channels to the indicated level of authority for final resolution.

(d) Where a protest affects or involves another bidder or any other person, the Contracting Officer will give prompt notice of the protest to such parties, where feasible or desirable, in order that, if the concerned parties so desire, they may take action or offer a statement or evidence in their own behalf.

(e) Protests submitted for final resolution to levels of authority higher than the Head of a Procuring Activity will be forwarded to the Assistant Chief of Staff, G–4, Department of the Army, Attn.: Chief, Current Procurement Branch.

(f) In submitting protests to higher authority, the Contracting Officer will forward a completely documented case, including the following:

(1) A signed statement from the person making the protest setting forth the complete facts on which the protest is based together with any additional supporting evidence.

(2) A signed statement, when relevant, from other persons or bidders affected by or involved in the protest, setting forth the complete facts with respect to their position in the matter, together with any additional supporting evidence.

(3) A copy of the bid of the protesting bidder and a copy of the bid of the bidder to whom the award has been made or who is being considered for award, if relevant to the protest.

(4) A copy of the invitation for bids including, where practicable, pertinent specifications, if relevant to the protest.

(5) A copy of the abstract of bids.

(6) Any other documents which are relevant to the protest.

(7) A signed statement from the Contracting Officer setting forth his findings, actions and recommendations in the matter together with any additional information and evidence deemed to be necessary in determining the validity of the protest.

(g) Protest cases submitted by Contracting Officers to higher levels of authority for forwarding to Assistant Chief of Staff, G–4 (Chief, Current Procurement Branch) will contain the recommendations of such intervening levels of authority through which the protest is transmitted.

§ 591.453 *Cancellation of invitations and readvertisement after opening of bids.* (a) To aid in maintaining the integrity of the competitive bid system in procurement by formal advertising, invitations for bids normally shall not be canceled and readvertised after bids have been opened, since such a procedure discloses the offers of all bidders and may be prejudicial to all bidders, particularly to the low bidder.

(b) Exceptions to this general rule may be made in certain instances, such as, change in specifications after opening of the bids or a determination that a substitute item will best meet the needs of the Government.

(c) As a general rule, invitations for bids should not be canceled and readvertised after the bids have been opened solely due to an increase in the quantity required. In such a case award should ordinarily be made on the original invitation, and the additional quantity should be treated as a new procurement.

(d) In the event of a change in specifications or conditions of the invitation, prior to the date of opening of bids, the invitation should be amended rather than be canceled with subsequent readvertisement. In such instances, the date of opening of bids should be extended sufficiently so that all bidders may have adequate opportunity to examine the amended requirements and submit their bids.

SUBPART E—QUALIFIED PRODUCTS

§ 591.501 *Authority for qualified products.* Requirements for qualification of products may be established in a specification whenever one or more of the conditions listed in § 401.502 of this title exists.

§ 591.504 *Qualified products lists.* Military Qualified Products Lists for items covered by Military Specifications or U. S. Army Specifications containing qualification testing requirements will be subject to the provisions in Subpart E of Part 401 of this title, except that in the case of Military Qualified Products Lists for products covered by uncoordinated Military or U. S. Army Specifications the following will apply:

(a) *Maintenance, reproduction and distribution of lists.* The Current Procurement Branch, Assistant Chief of Staff, G–4, Department of the Army, will maintain a file of approved Military Qualified Products Lists for reference and information purposes. The reproduction and distribution of Military Qualified Products Lists for uncoordinated Military or U. S. Army Specifications, including changes thereto, will be made by the activity having custodianship of the specification concerned. Lists of products, amendments or revisions shall not be distributed until approval has been obtained from the Assistant Chief of Staff, G–4 (Chief, Current Procurement Branch).

(b) *Approval of lists.* The custodian technical service of an uncoordinated Military or a U. S. Army specification containing qualification testing requirements will forward duplicate copies of proposed lists of those products which have been tested and found to meet the qualification requirements of the applicable specifications and amendments or revisions thereof to the Assistant Chief of Staff, G–4, Attn.: Chief, Current Procurement Branch, for approval.

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592.408–3 Supersedure by definitive contract.
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SUBPART E—ADVANCE PAYMENTS

592.502 Authority to make advance payments.
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AUTHORITY: §§ 592.000 to 592.551 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161.

DERIVATION: Army Procurement Procedure, March 15, 1951.

§ 592.000 *Scope of Part.* This part sets forth Army Establishment policies and procedures for the procurement of supplies and services by means of negotiation consistent with and supplementary to the provisions of Part 402 of this title.

SUBPART A—USE OF NEGOTIATION

§ 592.101 *Negotiation as distinguished from formal advertising*—(a) *Competition.* The fact that a procurement is to be negotiated does not relax the requirements for competition. When supplies or services are to be procured by negotiation and when consistent with the accomplishment of procurement objectives, quotations or proposals will be solicited from all such qualified sources of supplies (as defined in §§ 400.201–9 and 590.201–9 of this title) or services as are deemed necessary to insure effective competition in order that the procurement be made to the best advantage of the Government, price and other factors considered, in accordange with the basic policies set forth in Subpart C of Part 400 and Part 590 of this title.

(b) *Conduct of negotiations.* Procurement by negotiation is less automatic than and does not have the rigid limitations of formal advertising, bid and award procedures; it allows to a greater extent than formal advertising the exercise of sound business judgment but in no way decreases the responsibility for properly protecting the interests of the Government.

(1) Contracting Officers should conduct contract negotiations to the best advantage of the Government. They may bargain with any number of interested suppliers at any time prior to the award of a contract, as deemed desirable and practicable. After receipt of the initial proposals, separate negotiations may be conducted with any source of supply submitting an offer. The contract should be placed with the supplier making the best final proposal and who has the requisite ability to perform.

(2) Negotiation in accordance with the provisions of § 592.101 will be accomplished to the end that maximum pricing benefits from all negotiated transactions may be realized. Benefits are obtainable through complete negotiation of transactions, particularly when one or several of the proposals indicate, or it is otherwise evident, that further negotiation may result in better pricing. During negotiations potential suppliers must be informed of the provisions which will appear in the contract to be executed. (See also § 402.401 of this title and § 592.401).

(3) An informal record indicating the firms or persons invited to submit proposals and the quotations offered by those submitting proposals will be retained in the files of the Contracting Officer.

(c) *Requests for proposals.* (1) When a procurement of supplies or services is to be announced in writing to prospective contractors for the purpose of requesting quotations and other terms as a basis for conducting negotiations, a request for proposals similar to WD Form 104 (Request for Proposal and Contractor's Proposal, Short Form) or WD Form 105 (Request for Proposals and Contractor's Proposal, Long Form) will be isued. (See §§ 596.577 and 596.578 of this title.)

(2) Requests for proposals should contain substantially the same information as required for invitations for bids as set forth in § 401.201 of this title, except when inapplicable to negotiated procurements. They should also state that the Government reserves the right to reject all quotations received.

(3) Invitation for Bids forms used in formal advertising, such as U. S. Standard Forms 30 and 33, will not be used in procurement by negotiation for the purpose of soliciting quotations or proposals.

(4) Each written request for proposals should list for each item included therein the applicable specifications as authorized for procurement in § 590.305 (a) of this chapter or will contain a description as provided in § 590.305 (c) of this chapter. Such reference to specifications will include the title and symbols, with revision letters if any, and dates, including amendments if any, identified by numbers and dates.

§ 592.102 *General requirements for negotiation.* No contract shall be entered into as a result of negotiation unless or until the following requirements have been satisfied:

(a) The contemplated procurement comes within one of the circumstances permitting negotiation enumerated in Subpart B of Part 402 of this title.

(b) Any necessary determination and findings prescribed in Subpart C of Part 402 of this title and of this part have been made.

(c) Such clearances or approvals have been obtained as are prescribed by this Procedure and applicable Procuring Activity instructions (see § 590.604 of this chapter).

(d) The requirements of § 590.403 of this chapter have been satisfied.

§ 592.103 *Records and reports of negotiated contracts.* Report required by § 402.103 of this title will be made in the form and manner prescribed in Subpart H of Part 590 of this chapter.

§ 592.150 *Release of price information and notification to unsuccessful suppliers.* (a) In the case of all unclassified negotiated contracts, the purchasing office will notify unsuccessful suppliers who submitted quotations of the fact that their proposals were not accepted and extend the appreciation of the purchasing office for the interest the unsuccessful supplier has shown in submitting a proposal or quotation. Should additional information be sought by suppliers who submitted quotations, purchasing offices will furnish the name and address of the successful supplier and the actual or approximate contract price, if practicable, but, as a general rule, will not reveal the names of other unsuccessful suppliers or the amounts and conditions of their quotations.

(b) In no event shall cost breakdowns or other cost or profit information submitted by any supplier be revealed to any other supplier.

(c) Classified information concerning a negotiated contract will not be furnished by telephone. (See Part 505 of this chapter.)

§ 592.151 *Synopsis of awards.* A weekly Synopsis of Awards on unclassified negotiated contracts in amounts of $25,000 or more will be prepared in accordance with the instructions contained in § 591.451 of this chapter by each of the purchasing offices listed in § 591.451–3 of this chapter.

§ 592.152 *Statement of Contingent or other fees.* The prescribed procedure with respect to obtaining information concerning contingent or other fees paid by suppliers or contractors for soliciting or securing Government contracts, including the use of U. S. Standard Form 119 (Contractor's Statement of Contingent or Other Fees for Soliciting or Securing Contract), is set forth in § 590.608 of this chapter.

§ 592.153 *F. o. b. purchasing policy.* The policy with respect to purchasing f. o. b. origin or destination is set forth in § 590.350 of this chapter.

§ 592.154 *Small business.* To the maximum extent possible, restrictions which might prevent small business participation will be eliminated from proposed procurements. (See §§ 400.302–3 and 590.302–3 of this title.

§ 592.155 *Qualified products.* Qualified Products Lists may be used in procurement by negotiation in accordance with the policy and procedures set forth in Subpart E of Part 401 and Part 591 of this title.

SUBPART B—CIRCUMSTANCES PERMITTING NEGOTIATION

§ 592.200 *Scope of subpart.* Subject to the limitations prescribed in this part and Part 402 of this title, and pursuant to the authority of section 2 (c) of the Armed Services Procurement Act of 1947, procurement may be effected by negotiation, and contracts may be entered as a result of negotiation without formal advertising, under any one of the circumstances set forth in Subpart B of Part 402 of this title and the following sections of this subpart.

§ 592.201 *National emergency.*

§ 592.201–2 *Application.* (a) This authority shall be used only to the extent determined by the Secretary to be necessary in the public interest during a period of national emergency declared by the President or by Congress. During periods of national emergency when such a determination has been made by the Secretary, all negotiated procurement will be accomplished under § 402.201 of this title and this section and will cite as authority section 2 (c) (1) of the Armed Services Procurement Act of 1947.

(b) A national emergency having been declared by the President on 16 December 1950, the Secretary has made the determination set forth below in accordance with paragraph (a) above. Accordingly, all contracts entered into by negotiation will cite as authority section 2 (c) (1) of the Armed Services Procurement Act of 1947 (Pub. Law 413, 80th Cong.) and Presidential Proclamation 2914. During the period of the national emergency, §§ 402.202 through 402.218 of this title and §§ 592.202 through 592.218 will not be used as authority to negotiate.

DEPARTMENT OF THE ARMY

DETERMINATION

Authority To Negotiate During Period of National Emergency

18 DEC. 1950

1. A National Emergency having been declared by the President of the United States on 16 December 1950, I hereby determine in accordance with section 2 (c) (1) of the Armed Services Procurement Act of 1947, that it is necessary in the public interest that, to the extent provided in paragraph 2 hereof, purchases and contracts under said act be negotiated without formal advertising during the period of said National Emergency.

2. Accordingly, I hereby authorize the negotiation of purchases and contracts for supplies and services by the Department of the Army under Section 2 (c) (1) of the Armed Services Procurement Act of 1947 during the period of said National Emergency.

(Signed) ARCHIBALD S. ALEXANDER,
Under Secretary of the Army.

(c) U. S. Standard Form 1036 (Statement and Certificate of Award) will not be used to support contracts negotiated under section 2 (c) (1) of the Armed Services Procurement Act of 1947.

§ 592.202 *Public exigency.* (See § 592.201.)

§ 592.202–2 *Application.* (a) Section 2 (c) (2) of the Armed Services Procurement Act of 1947 may be used as authority for negotiating a contract if the compelling and urgent need for the supplies or services to be purchased is within the limitations of § 402.202 of this title and §§ 592.202—592.202–3. In using this authority, Contracting Officers will assure themselves that the need for negotiating is sufficiently compelling and of unusual urgency, and that the emergency situation requires an immediate purchase for which delivery cannot be effected within the time required by means of formal advertising.

(b) When negotiating under this authority, informal competition to the maximum extent practicable within the time allowed will be obtained.

(c) A procurement of material to effect necessary and emergency repairs to a broken water main would be appropriate under § 402.202 of this title and this section, provided that the emergency conditions require immediate replacement of defective materials. This authority could also properly be cited for the emergency procurement of packing material required to effect an emergency air or rail shipment. Also if a procurement is appropriate and proper and is considered an emergency procurement of a high priority nature and which could not otherwise be procured by formal advertising within the time required for delivery, the circumstances involved in the particular procurement, such as for supplies urgently needed to lend military support in connection with a national or international situation or to meet immediately emergency needs of an Army expansion program, may be used to add support to the justification required to be made by the Contracting Officer. The facts bearing on the emergency situation, however, must clearly be shown in the justification in sufficient detail to explain clearly the necessity for purchasing without formal advertising. The Contracting Officer's justification must be supported by the existence of specific emergency circumstances which in themselves relate to the particular purchase being effected.

(d) A short delivery or performance requirement in itself is not a sole justification for the use of section 2 (c) (2) of the Armed Services Procurement Act of 1947. The reasons for effecting delivery or performance by a certain date must be of such a nature that they will fully support the Contracting Officer's action in the event he finds it necessary to use this authority. When delivery requirements are of the utmost importance, officials supervising the issuance of procurement directives to Contracting Officers will be responsible for clearly indicating in the directives the exigent importance for having the supplies delivered by certain dates, including pertinent data as to the reasons therefor. In this connection, Contracting Officers should not be expected or required to negotiate contracts under this authority unless facts sufficient to support their actions can be presented to them in writing by responsible persons in positions of higher authority.

(e) Section 2 (c) (2), Armed Services Procurement Act of 1947, and § 402.202 of this title will not be used as authority to negotiate when the procurement is such that it can be negotiated properly under the provisions of §§ 402.203, 402.205, 402.211, 402.213, 402.214, or 402.216 of this title.

(f) Section 2 (c) (2), Armed Services Procurement Act of 1947, and § 402.202 of this title will not be used as authority to negotiate supplemental agreements to basic contracts supported by a Determination and Findings signed by the Secretary, except (1) when all the requirements of § 402.202 of this title and this section have been satisfied, and (2) when the supplemental agreement is for the purpose of expediting delivery or performance, such as through the use of overtime or extra-pay shifts.

§ 592.202–3 *Limitation.* A copy of the Contracting Officer's signed statement justifying the use of this authority required by § 402.202–3 of this title will be attached to the request for approval of award, if such approval is required by § 590.604 of this chapter.

§ 592.203 *Purchases not in excess of $1,000.* (See § 592.201.)

§ 592.203–2 *Application.* (a) If the aggregate amount required does not exceed $1,000, the Contracting Officer may procure by negotiation under section 2 (c) of the Armed Services Procurement Act of 1947, or he may effect the procurement by formal advertising in accordance with Parts 401 and 591 of this title.

(b) This authorization does not modify in any respect the fundamental principle that supplies and services will be obtained as the result of competition and, in general, at least two informal quotations of prices will be requested from sources of supply, as defined in §§ 400.201–9 and 590.201–9 of this title. When circumstances permit, quotations will be solicited from all such qualified sources as are deemed necessary by the Contracting Officer to assure full and free competition consistent with the procurement. The order then will be placed with that responsible supplier whose quotation, price and other factors considered, will be most advantageous to the Government. The absence of competition in any particular case will be explained fully and made of record in the retained files of the Contracting Officer. Likewise, such a record also will be maintained of any verbal or telephonic quotations that may be received in connection with purchases made under this authority.

(c) The authorization contained in this section will be used in negotiating purchases aggregating $1,000 or less rather than any of the other authorizations contained in Subpart B of Part 402 of this title and of this part, except when section 2 (c) (1) of the Armed Services Procurement Act of 1947 is authorized for use. (See § 592.201.)

(d) The words "aggregate amount involved" do not require that the purchase should be limited to any particular period of time, as a day, month, or year, or limited to purchases made from a single firm. The aggregate should include all supplies which are grouped together properly in a single transaction and which would be included in a single advertisement for bids if formal advertising were resorted to. Purchases arising from the same need of the same articles should not be made more frequently than the necessities of the service require, in order to limit the aggregate in each case to $1,000, and supplies which are usually purchased together should not be divided simply for the purpose of avoiding advertising for the same. If the character of the supplies is such that good administration would require their purchase in quantities sufficient to last a month, purchases should not be made weekly or daily for the purpose of bringing the amount within the limit authorized. Subject to the above considerations, the matter is one depending upon the sound discretion of the Contracting Officer.

(e) The purchase of similar articles at the same time from different firms or on different dates from the same or different firms when the purchases should have been combined and the aggregate is in excess of $1,000 is not authorized. Hence, when the articles purchased or the amounts of purchases are such that, without explanation, it is not readily discernible why the purchases were not combined, a statement that the Contracting Officer could not have foreseen and combined the requirements in sufficient time to permit formal advertising will be retained in the files of the Contracting Officer pertaining to such transactions.

(f) Instructions covering the small purchases procedure by use of DA AGO Form 383 (Order and Voucher for Purchase of Supplies or Services Other Than Personal) are contained in Part 590, Subpart G, of this chapter.

§ 592.204 *Personal or professional services.* (See § 592.201.)

§ 592.204–2 *Application*—(a) *Services authorized.* Section 2 (c) (4) of the Armed Services Procurement Act of 1947 shall be used as authority to negotiate personal or professional service contracts only when all of the conditions set forth in § 402.204–2 of this title have been satisfied. Architect-Engineer contracts which wholly or partially involve the procurement of personal services will be entered into under the authority of section 15 of the Act approved 2 August 1946 (60 Stat. 810; 5 U. S. C. 55a).

(b) *Approval required.* Each contract for personal or professional services negotiated under this or any other authority and each supplemental agreement or change order making a material change in such contract, will contain a provision stating that it is subject to the approval of the Secretary and will not be binding until so approved; and the contract, award of contract, supplemental agreement or change order will be forwarded by the Head of the Procuring Activity involved to the Assistant Chief of Staff, G–4, Department of the Army (Attn.: Chief, Current Procurement Branch), for approval by the Secretary as required by § 590.604–1 of this chapter. Approval of award requirements for Architect-Engineer contracts are set forth in § 590.604–4 of this chapter.

(1) The Head of the Procuring Activity in recommending approval will refer specifically to the applicable statutory authorizations and will furnish a complete statement of facts supporting the determinations required by statute to be made by the Secretary.

(2) The request for approval will include the information required by § 590.605 of this chapter, if applicable, and will contain a statement as to the availability of funds and include reference to the Project Account Number, Appropriation Symbol, and statutory authority under which appropriated.

(3) The request for approval shall contain a statement or be accompanied by a certificate, substantially as set forth below, and such request or certificate shall be personally signed by the Head of the Procuring Activity, his Deputy or his Chief of Staff:

The proposed contract is advantageous to and necessary for the national defense; existing facilities of the Army are inadequate to accomplish the required services, and compensation specified therein is considered reasonable.

(c) *Specific statutory authorizations.* (1) The following are illustrative of statutory authorizations generally applicable to contracts for personal or professional services.

(i) Section 15 of the act approved August 2, 1946 (5 U. S. C. 55a) which provides:

The head of any Department, when authorized in an appropriation or other act, may procure the temporary (not in excess of one year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, by contract, and in such cases such services shall be without regard to the civil service and classification laws (but as to agencies subject to the Classification Act at rates not in excess of per diem equivalent of the highest rate payable under the Classification Act, unless other rates are specifically provided in the appropriation or other law) and, except in the case of stenographic reporting services by organizations, without regard to section 3709, Revised Statutes, as amended by this act.

(ii) Section 601, Defense Appropriation Act, 1951 (Pub. Law 759, 81st Cong.) approved September 6, 1950, which provides:

During the current fiscal year, the Secretary of Defense and the Secretaries of the Air Force, the Army, and the Navy, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates for individuals not in excess of $50 per day, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty stations and return as may be authorized by law: *Provided*, That such contracts may be renewed annually.

(2) Each personal or professional service contract, supplemental agreement or change order negotiated under this authority will cite the specific authorizations applicable to the procurement in addition to the citations required by § 400.102 of this title.

(d) *Limitation on compensation.* When with an individual, each personal or professional service contract will expressly limit the compensation payable to him to not more than $50 per day, plus travel expenses, including actual transportation and per diem in lieu of subsistence while traveling from his home or place of business to official duty stations and return.

(e) *National emergency.* During a period of national emergency when section 2 (c) (1) of the Armed Services Procurement Act of 1947 has been authorized for use, the requirements of this paragraph with respect to the provisions of section 15 of the act approved August 2, 1946 (Pub. Law 600, 79th Cong.) and the approval required by paragraph (b) of this section are applicable even though the contract is negotiated under the authority of section 2 (c) (1) rather than section 2 (c) (4) of the Armed Services Procurement Act of 1947.

§ 592.205 *Services of educational institutions.* (See § 592.201).

§ 592.205–2 *Application.* (a) For use as a general guide, the phrase "other educational institution," as used in § 402.205 of this title and this section is defined as follows:

Any legal entity in the field of education organized and operated for the purpose of advancement of knowledge through study, training, or investigation, and which is not operated for a profit or no part of the earnings of which inure to the benefit of any individual directly or indirectly, may be considered as an educational institution.

(b) In negotiating a contract under this authority for experimental, developmental, or research work with a prospective contractor who may qualify under the "other educational institution" provision, a statement will be obtained from the prospective contractor as to whether he can qualify as an educational institution, such statement to be supported by conclusive evidence of his contention. The following are illustrative of supporting evidence which may be furnished.

(1) Acceptance by the Bureau of Internal Revenue as an educational institution.

(2) State recognition as an educational institution.

(3) Charter of the institution.

(4) Other evidence of the nonprofit character of the institution.

(c) Contracts negotiated under this authority will be supported by a Determination and Findings signed by the Secretary, as required by § 592.302 and in the form prescribed by § 592.305, when the amount involved exceeds $25,000 and is for other than tuition contracts for military students.

(d) All requests for authority to negotiate contracts for experimental, developmental, or research work submitted for approval and signature of the Secretary will be supplemented by the following information:

(1) If the authority to negotiate pertains to an extension of a contract, the date of original contract, together with total funds obligated under previous contracts, will be stated.

(2) A summary will be furnished of what has been completed to date under previous contracts and what is anticipated under the proposed contract.

(3) An estimate of the time necessary to complete the work.

(4) Department of the Army project number and technical objective classification.

(5) In those cases where the work covered by the proposed contract is in a field for which primary cognizance has been assigned to another technical service, a statement will be required that the cognizant service concurs in the proposed contract.

(6) A statement of the maximum current fiscal year obligation approved by Research and Development Board for the operational category or other controlling element under which the supported project is classified.

(7) The total amount previously obligated in the current fiscal year under the operational category or other controlling element under which the supported project is classified, plus the amount which may be in the process of obligation (i. e., forwarded but not yet approved for negotiation by the Under Secretary or Head of the Procuring Activity), but exclusive of the instant request.

(8) If Army Research and Development funds are not involved, a statement will be included as to what funds are available and will be obligated for the procurement.

(9) If additional extensions are anticipated, a statement will be furnished as to the amount of the estimated additional expenditure. If extensions are not anticipated, it should be so stated.

§ 592.206 *Purchases outside the United States.* (See § 592.201.)

§ 592.206–2 *Application.* Procurements of the types described in §§ 402.205, 402.211, 402.214 and 402.216 of this title and §§ 592.205, 592.211, 592.214, and 592.216 are not contemplated outside the United States, its territories and possessions. If, nevertheless, such procurements are effected outside the United States, its territories and possessions, the limitations and procedures specified in the above mentioned sections will apply and the statutory authority prescribed therein will be used in lieu of the authority prescribed by § 402.206 of this title.

§ 592.207 *Medicines or medical supplies.* (See § 592.201.)

§ 592.207–2 *Application*—(a) *Competition.* In negotiating under this authority, the Contracting Officer will insure that full and free competition is solicited. In cases when supplies identified by brand or trade names are required (no specification being applicable thereto), and when such supplies cannot be purchased direct from the sole manufacturer, the informal solicitation for proposals should extend to as many known wholesale sources of supply handling the particular brand required as practicable.

(b) *Advance publicity.* In those purchases exceeding $10,000 negotiated under this authority, the form and extent of suitable advance publicity (which will be given for a period of at least 15 days whenever practicable) will be determined in accordance with instructions prescribed by each respective Procuring Activity.

§ 592.208 *Supplies purchased for authorized resale.* (See § 592.201.)

§ 592.208–2 *Application*—(a) *Competition.* In negotiating under this authority, the Contracting Officer shall insure that full and free competition is solicited. In cases when supplies identified by brand or trade names are required, and when such supplies cannot be purchased direct from the sole manufacturer, the informal solicitation for proposals should extend to as many known wholesale sources of supply handling the particular brand required as practicable.

(b) *Advance publicity.* In those purchases exceeding $10,000 negotiated under this authority, the form and extent of suitable advance publicity (which will be given for a period of at least 15 days whenever practicable) will be determined in accordance with instructions prescribed by each respective Procuring Activity.

§ 592.209 *Perishable subsistence.* (See § 592.201.)

§ 592.209–2 *Application.* In negotiating under this authority, "perishable subsistence" shall be construed to mean those items of food determined to be of a perishable nature (as distinguished from nonperishable subsistence) by The Quartermaster General.

§ 592.210 *Supplies or services for which it is impracticable to secure competition by formal advertising.* (See § 592.201.)

§ 592.210–2 *Application.* (a) Section 2 (c) (10) of the Armed Services Procurement Act of 1947 may be used as an authority for negotiating a contract if the circumstances involved in the particular procurement are similar to the examples set forth in § 402.210–2 of this title. Care and sound judgment, however, will be exercised to prevent abusive use of this authority.

(b) The signed statement of justification required by § 402.210–3 of this title need not be in the form of a formal Determination and Findings; a simple narrative statement or certificate signed by the Contracting Officer will fulfill the requirement. A copy of such statement or certificate will be attached to requests for approval of awards, if such approval is required by § 590.604 of this chapter.

(c) Contracts negotiated under this authority will be supported by a Determination and Findings signed by the Secretary, as required by § 592.302 and in the form prescribed by § 592.305, when for studies or surveys covering Industrial Mobilization Planning Phase I Studies exceeding $12,000 in lieu of the Contracting Officer's signed statement or certificate referred to in paragraph (b) of this section.

§ 592.210–3 *Limitation.* The authority contained in § 402.210 of this title and §§ 592.210—592.210–3 will not be used when the procurement can be negotiated under §§ 402.201, 402.205, 402.211 through 402.216 of this title, and §§ 592.201, 592.205, and 592.211 through 592.216.

§ 592.211 *Experimental, development, or research work.* (See § 592.201.)

§ 592.211–3 *Limitation.* (a) If the negotiation of a contract pursuant to the authority contained in § 402.211 of this title and this § 592.211–3 is supported by a Determination and Findings, signed in good faith by the Head of a Procuring Activity, which necessarily contemplates the entering into a contract obligating $25,000 or less, but, after negotiations are completed, the contract to be entered into will obligate more than $25,000, such contract must be supported by a Determination and Findings signed by the Secretary as required by § 402.302 of this title.

(b) Any supplemental agreement, change order, or modification of a contract negotiated under this authority, which has the effect of increasing the initial contract price so that the total amount exceeds the monetary limitation beyond which the Head of the Procuring Activity is not delegated authority to sign a Determination and Findings, will be supported by a Determination and Findings signed by the Secretary as required by § 402.302 and § 592.302 of this title and in the form prescribed by § 592.305.

(c) Subsequent to the time a research and development project is initially established and approved by the appropriate technical committee, the Secretary, pursuant to section 7 (a) of the Armed Services Procurement Act of 1947, will consider for approval and signature those Class Determinations and Findings submitted under this authority which pertain to a single unique problem or device and involve one or more negotiated contracts or purchases directly related to the single unique problem or device. At the time of requesting such a determination, the estimated total cost and number of all the negotiated contracts proposed to be executed under the authority of the class determination will be specified. Such determinations will cover a specified period of time and be prepared and submitted in the manner and form prescribed by § 592.305 (b).

(d) All requests for authority to negotiate contracts for experimental, developmental, or research work submitted for approval and signature of the Secretary will be supplemented by the following information:

(1) If the authority to negotiate pertains to an extension of a contract, the date of original contract, together with total funds obligated under previous contracts, shall be stated.

(2) A summary shall be furnished of what has been completed to date under previous contracts and what is anticipated under the proposed contract.

(3) An estimate of the time necessary to complete the work.

(4) Department of the Army project number and technical objective classification.

(5) In those cases where the work covered by the proposed contract is in a field for which primary cognizance has been assigned to another technical service, a statement will be required that the cognizant service concurs in the proposed contract.

(6) A statement of the maximum current fiscal year obligation approved by Research and Development Board for the operational category or other controlling element under which the supported project is classified.

(7) The total amount previously obligated in the current fiscal year under the operational category or other controlling element under which the supported project is classified, plus the amount which may be in the process of obligation (i. e., forwarded but not yet approved for negotiation by the Secretary or Head of the Procuring Activity), but exclusive of the instant request.

(8) If Army Research and Development funds are not involved, a statement will be included as to what funds are available and will be obligated for the procurement.

(9) If additional extensions are anticipated, a statement will be furnished as to the amount of the estimated additional expenditure. If extensions are not anticipated, it will be so stated.

§ 592.211–4 *Records and reports.* Reports required by § 402.211–4 of this title shall be made in the form and manner prescribed by Subpart H of Part 590 of this chapter.

§ 592.212 *Classified purchases.* (See § 592.201.)

§ 592.212–2 *Application.* (a) As a matter of general procurement policy, Contracting Officers shall negotiate, rather than procure by formal advertising, when the proposed contract or purchase order or the supplies or services being procured are classified Confidential or higher. The authority of section 2 (c) (12) of the Armed Services Procurement Act of 1947 will be used, however, only after the use of other negotiation authorities has been considered and found not applicable, and, where either the contract or purchase order for the supplies or services being procured are classified Confidential or higher.

(b) In addition to the requirements of § 596.579 of this chapter, DD Form 254 (Security Requirements Check List) will be used in precontract negotiations when it is necessary for proposed contractors and subcontractors to have access to classified matter.

§ 592.213 *Technical equipment requiring standardization and interchangeability of parts.* (See § 592.201.)

§ 592.213–2 *Application.* (a) The term "standardization," as used in connection with this authority, is that uniformity considered necessary to accomplish maximum interchangeability of parts, as distinguished from the general definition of standardization established in SR 715–50–1 (special regulations relating to specifications and standards).

(b) Negotiation under this authority will be limited to purchases of items of technical equipment which must be taken into the field with troops and will not be applied to items of commercial equipment used exclusively in installations in the United States.

(c) Determinations and Findings supporting procurement by negotiation under this authority will be for a stated period of time, which period, in general, will be in ratio to the life of the item being procured.

§ 592.213–3 *Limitation.* Procurements will not be negotiated under this authority unless the supplies to be purchased have been approved for standardization by the Secretary. Requests for standardization shall be submitted to the Advisory Committee On Procurement Without Advertising of Technical Equipment and Components, which committee will act in an advisory capacity to the Secretary. Additional procedures with respect to the standardization of technical equipment may be issued by the committee.

§ 592.214 *Technical or specialized supplies requiring substantial initial investment or extended period of preparation for manufacture.* (See § 592.201.)

§ 592.214–2 *Application.* The propriety of a proposed negotiation under this authority cannot be adequately judged unless the accompanying justification indicates the relative size of the previous dollar investment compared to the total of the proposed purchase, what the previous dollar investment or previous preparation consists of (with respect to such factors as facilities, tooling, equipment, training and the like), and what the already accomplished period of preparation is (in years and months). The investment and period of preparation necessary should exclude those costs and preparations such as research and development costs and production preparations, which have already been accomplished as a result of previous Department of Defense or commercial contracts provided those results can be made available to other suppliers. In giving weight to the term "substantial initial investment," justification of "substantial" in this respect must be more than the mere fact that a manufacturer accomplished the initial tooling in a particular instance.

§ 592.214–3 *Limitation.* In submitting a request for approval and signature of the Determination and Findings required by § 402.302 of this title, a justification for the use of this authority will be presented. The following are illustrative of facts to be considered and information to be included in such a justification:

(a) The advantages which will accrue to the Government by avoiding the duplication should be emphasized.

(b) The requirement "may require duplication of investment" should be invoked only when the preceding requirement of "substantial investment" has been substantiated.

(c) The requirement "may require duplication of preparation already made" should be invoked only when the preceding requirement of "requiring an extended period of preparation for manufacture" has been substantiated.

(d) The requirement "will unduly delay procurement" should be substantiated by statements that the supplier being considered can deliver by a certain date, other suppliers cannot deliver before a specified later date, delivery by a designated earlier date is necessary for military or logistical reasons, and therefore, the proposed supplier is the only supplier who can meet the required delivery terms of the proposed contract.

(e) The name of the supplier or suppliers with whom negotiations are to be conducted will be furnished.

§ 592.215 *Negotiation after advertising.* (See § 592.201.)

§ 592.215–2 *Limitation.* (a) The authority of section 2 (c) (15) of the Armed Services Procurement Act of 1947 can be invoked for all of or only a portion of a specific procurement. When invoked, two determinations by the Secretary are required. The first determination, to be submitted before negotiation, should state the range of bid prices received and the prices or range of prices which are considered unreasonable or have not been independently arrived at in open competition. The second determination, to be submitted after negotiation, should (1) prove that, prior to negotiation, the Contracting Officer gave a notice of intention to negotiate and a reasonable opportunity to negotiate to each responsible bidder whose bid was rejected, (2) specifically state the lowest negotiated price and identify the supplier offering it, and (3) determine that the negotiated price is lower than the lowest rejected bid price of a responsible bidder, and is the lowest negotiated price offered by any responsible supplier. If, however, all the facts are available at the time a request for approval and signature of the Secretary is submitted, both of the required determinations may be included in the preparation of a single Determination and Findings.

(b) In the event a Contracting Officer believes that the bid prices have not been independently arrived at in open competition, he shall in all cases submit the information required by § 591.406–4 of this chapter to the Assistant Chief of Staff, G–4, Department of the Army (Attn.: Chief, Current Procurement Branch).

§ 592.216 *Purchases in the interest of national defense or industrial mobilization.* (See § 592.201.)

§ 592.216–2 *Application.* Contracts for Phase II and III Industrial Mobilization Planning Studies shall be negotiated under this authority rather than section 2 (c) (10) of the Armed Services Procurement Act of 1947.

§ 592.216–4 *Records and reports.* Reports required by § 402.216–4 of this title shall be made in the form and manner prescribed by Subpart H of Part 590 of this chapter.

§ 592.217 *Otherwise authorized by law.* (See § 592.201).

§ 592.217–2 *Application.* Section 2 (c) (17) of the Armed Services Procure-

ment Act of 1947 preserves the authority to negotiate contracts specifically conferred by statute other than the Armed Services Procurement Act of 1947 and not repealed therein. Contracts will not be negotiated under this authority without the prior approval of the Assistant Chief of Staff, G–4 (Chief, Current Procurement Branch). Requests for such approvals, with respect to either individual or classes of contracts, will contain a statement of pertinent facts and reasons therefor, including the citation of the applicable statute, and will be submitted through the Head of the Procuring Activity concerned to the Assistant Chief of Staff, G–4 (Attn.: Chief, Current Procurement Branch).

§ 592.218 *Construction work.* (See § 592.201.) Since the authority contained in § 402.218 of this title is not completely self-sufficient and can be used only in conjunction with other statutory exceptions to formal advertising, § 402.218 of this title and this section will not be cited as authority for negotiating the procurement of construction work. Only sections 2 (c) (1), (2), (3), (6), (10), (11), (12), or (15) of the Armed Services Procurement Act of 1947 will be used as authority to negotiate construction work.

§ 592.250 *Summary Table.* (a) As a convenience to Contracting Officers, the following summary table sets forth (1) the circumstances under which contracts may be entered into as a result of negotiation and without formal advertising, (2) the citation of the applicable section of Armed Services Procurement Regulations and this Procedure, (3) the citation of the applicable section of the Armed Services Procurement Act of 1947, and (4) certain other data.

(b) Since the statutory exceptions to formal advertising are not all mutually exclusive, the table lists the exceptions in order of preference to assist Contracting Officers in selecting the preferred authority when a procurement can be negotiated properly under more than one authority.

Order of preference	Circumstances	Procurement Act 1947 sec.	Sections of Title 32, CFR	Remarks
1	National emergency	2 (c) (1)	402.201 and 592.201	Use only when directed by Secretary.
2	Purchases not in excess $1,000	2 (c) (3)	402.203 and 592.203	Purchases not to be broken down in order to use this authority.
3	National Defense or Industrial Mobilization.	2 (c) (16)	402.216 and 592.216	Determination and Findings by Secretary necessary. Copy to GAO.
4	Experimental, developmental, or research work.	2 (c) (11)	402.211 and 592.211	Determination and Findings by Secretary necessary if over $25,000. Copy to GAO.
5	Standardization and interchangeability.	2 (c) (13)	402.213 and 592.213	Determination and Findings by Secretary necessary. Copy to GAO.
6	Substantial investment or extended preparation.	2 (c) (14)	402.214 and 592.214	Determination and Findings by Secretary necessary. Copy to GAO.
7	Services of educational institutions.	2 (c) (5)	402.205 and 592.205	Determination and Findings by Secretary necessary except under certain conditions.
8	Personal or professional services.	2 (c) (4)	402.204 and 592.204	Contract must be approved by Secretary. Additional statutory authority required.
9	Medicines or medical supplies	2 (c) (7)	402.207 and 592.207	Special publicity required.
10	Authorized resale	2 (c) (8)	402.208 and 592.208	Special publicity required.
11	Perishable subsistence	2 (c) (9)	402.209 and 592.209	Questions as to perishable or nonperishable determined by TQMG.
12	Competition impracticable	2 (c) (10)	402.210 and 592.210	Statement of justification by Contracting Officer. Copy to GAO.
13	Purchases outside United States.	2 (c) (6)	402.206 and 592.206	Applicability dependent upon geographical area.
14	Public exigency	2 (c) (2)	402.202 and 592.202	Statement of justification by Contracting Officer necessary. Copy to GAO.
15	Negotiation after advertising	2 (c) (15)	402.215 and 592.215	Determination and Findings by Secretary necessary. Copy to GAO.
16	Otherwise authorized by law	2 (c) (17)	402.217 and 592.217	Usually after approval of Asst. Chief of Staff, G–4. Statement of Contracting Officer required.
17	Classified purchases	2 (c) (12)	402.212 and 592.212	Determination and Findings by Secretary necessary. Only confidential or higher. Copy to GAO.

SUBPART C—DETERMINATIONS AND FINDINGS

§ 592.301 *Nature of Determinations and Findings*—(a) *Individual Determinations and Findings.* Each proposed form of an individual Determination and Findings will be prepared in accordance with § 592.305.

(b) *Class Determinations and Findings.* Determinations and Findings, referred to throughout Part 402 of this title and this part, may be made with respect to classes of purchases or contracts only by the Secretary. In each such case the proposed form of a Determination and Findings will provide that such class of purchases or contracts may be negotiated during a specified period only. Each proposed form of a class Determination and Findings will be prepared in accordance with § 592.305. It is the policy of the Department to make determinations with respect to the negotiation of classes of purchases or contracts only under special justifiable circumstances.

§ 592.302 *Determinations and Findings by the Secretary.* In addition to the Determinations and Findings required by § 402.302 of this title, the following determinations, and written findings in support thereof, may be made only by the Secretary:

(a) Determination with respect to negotiated contracts for the services of educational institutions when the amount involved exceeds $25,000 and is for other than tuition contracts for military students (§ 592.205–2 (c)).

(b) Determination with respect to negotiated contracts for supplies or services for which it is impracticable to secure competition by formal advertising when for studies or surveys covering Industrial Mobilization Planning Phase I Studies exceeding $12,000 (§ 592.210–2 (c)).

§ 592.303 *Determinations and Findings by the Head of a Procuring Activity signing as "a Chief Officer Responsible for Procurement."* In addition to the determinations, and written findings in support thereof, authorized to be made by the Head of a Procuring Activity by § 402.303 of this title, the Head of a Procuring Activity signing as "a chief officer responsible for procurement" may make the determination required by § 592.407 (b) with respect to the use of a Time and Materials Contract.

§ 592.304 *Determinations and Findings by a Contracting Officer.* (a) The determinations required by §§ 402.404 through 402.406 of this title with respect to the use of a cost or a cost-plus-a-fixed-fee contract or an incentive type contract may not be made by a Contracting Officer. Such determinations will be made by the Head of a Procuring Activity as provided in § 402.303 (b) of this title.

(b) Contracting Officers may make the determination required by §592.407 (b) with respect to the use of a Time and Materials Contract, if the authority to so do has been delegated by the Head of the Procuring Activity.

§ 592.305 *Forms of Determination and Findings*—(a) *Authority to negotiate an individual contract*—(1) *Form.* Individual Determinations and Findings with respect to the negotiation of contracts under the authority of §§ 402.211 through 402.217 of this title and as otherwise required by this Subchapter G shall be prepared for the signature of the Under Secretary of the Army (or where authorized by § 402.211 of this title for the signature of the Head of the Procuring Activity signing as "a chief officer responsible for procurement") substantially in the form set forth below and in the manner prescribed in § 592.306:

DEPARTMENT OF THE ARMY

DETERMINATION AND FINDINGS

Authority To Negotiate an Individual Contract

1. I hereby find that:

a. The (insert name of Procuring Activity) proposes to procure (describe briefly the scope of the work, or the nature of the supplies or services called for).

b. The estimated cost of the proposed procurement is $------, chargeable to fiscal year ------ funds.

c. The procurement of the above described supplies (services) by formal advertising is not feasible because (summarize such pertinent facts as are available and relevant to support the determination to be made in par. 2).

2. Upon the basis of the findings set forth above, I hereby determine that (insert statement of required determination under applicable section of Part 402 of this title and this part).

3. The above supplies (or services) may, therefore, be procured by negotiation pursuant to section 2 (c) (insert applicable subparagraph) of the Armed Services Procurement Act of 1947 (Pub. Law 413, 80th Congress), and paragraph (insert applicable ASPR authority) of the Armed Services Procurement Regulations.

(Typed signature)
Under Secretary of the Army.

In connection with Determinations and Findings to be signed by the Under Secretary of the Army, the following certificate shall be included on the face of the above form, and such certificate shall be signed by the Head of the Procuring Activity, his Deputy or his Chief of Staff.

I certify that the statements made herein (and in the attachments hereto*) are correct to the best of my knowledge and belief. Signature is recommended.

(2) *Scope of Determinations and Findings.* In general, it is desirable to confine each Determination and Findings to a single page, and in that connection to set forth the necessary findings as briefly as possible and to confine them to only those facts which are necessary and relevant to support the one or more determinations that are being made. It is neither necessary nor desirable to justify the choice of a particular contractor. With respect to the determination or determinations, it is important to set forth only that one (or those) which is responsive to the various findings, and necessarily to confine it to the requirements and the particular language set forth under the applicable exception in the Act; further in this connection, it is important to guard against a determination in the alternative (except possibly for the one relating to "experimental, development, or research work") and to use cumulative language only when more than one determination is in fact supported by the findings (for example, under section 2 (c) (14), "substantial initial investment" and "extended period of preparation for manufacture"). However, if certain requirements are optional, it is desired that the Determination and Findings list only those requirements of the exception which are essential and can be strongly supported. There is no objection, however, if the facts warrant, to substantiating all the requirements. All other pertinent information should be included in the request for approval and signature of the Determination and Findings by the Secretary.

(b) *Authority to negotiate a class of purchases or contracts.* Determinations and Findings with respect to the negotiation of classes of purchases or contracts, as referred to in § 402.301 of this title and § 592.301, shall be prepared as set forth in paragraph (a) of this section, with appropriate modifications to make it applicable to a class of purchases or contracts. All such class Determinations and Findings shall be prepared for the signature of the Under Secretary of the Army.

(c) *Advance payments.* Determinations and Findings with respect to advance payments as set forth in Subpart E of Part 402 of this title, shall be prepared for the signature of the Under Secretary of the Army substantially in the form set forth below and in the manner prescribed in § 592.306.

DEPARTMENT OF THE ARMY

DETERMINATION AND FINDINGS

Authority for Advance Payments

1 I hereby find that:

a. The (insert the name of Procuring Activity) proposes to procure (describe briefly the scope of the work, or the nature of the supplies or services called for).

b. The estimated cost of the proposed procurement is $ ------, chargeable to fiscal year ------ funds.

c. The name of the contractor (or proposed contractor) is ----------.

d. The contractor (or proposed contractor) cannot finance performance of the proposed contract with its own resources and is unable to secure adequate financing through private sources, and, therefore, it is deemed necessary and appropriate in order to procure the required supplies to authorize advance payments in an amount not exceeding $ -------

e. No other contractor is available to furnish the desired supplies (or services), upon terms satisfactory to the Department of the Army, without provision for advance payments.

f. The unliquidated balance of advance payments shall bear interest at the rate of ----------% and shall be subject to such other terms and conditions as may be imposed by the (Head of Procuring Activity) in accordance with policies now existing or hereafter prescribed.

2. Upon the basis of the findings set forth above, I hereby determine that pursuant to section 5 (a) of the Armed Services Procurement Act of 1947 (Pub. Law 413, 80th Cong.) and paragraph 3–502 of the Armed Services Procurement Regulation, the provision for advance payments is in the public interest or in the interest of national defense, and is necessary and appropriate in order to procure the required supplies (or services) under the contract, and such advance payments not exceeding $ -------- are hereby authorized.

(Typed signature)
Under Secretary of the Army.

The following certificate shall be included on the face of the above form, and such certificate shall be signed by the Head of the Procuring Activity, his Deputy or his Chief of Staff:

I certify that the statements made herein (and in the attachments hereto*) are correct to the best of my knowledge and belief. Signature is recommended.

(d) *Method of contracting.* Determinations and Findings with respect to the use of a cost, cost-plus-a-fixed-fee, or incentive type contract, as set forth in Subparts D of Part 402 of this title and of this part, will be prepared for the signature of the Head of the Procuring Activity, signing as "a chief officer responsible for procurement" substantially in the following form. (Heads of Procuring Activities and Contracting Officers may use the form set forth below as a guide in making the determination required by § 592.407. If such use is made of the form, change the citation "section 4 (b)" to "section 4 (a)" in paragraph 2):

DEPARTMENT OF THE ARMY

DETERMINATION AND FINDINGS

Method of Contracting

1. I hereby find that:

a. The (insert name of Procuring Activity) proposes to procure (describe briefly the scope of the works, or the nature of the supplies or services called for).

b. The estimated cost of the proposed procurement is $------ (including, when applicable, a statement as to the percentage of proposed fixed fee), chargeable to fiscal year ------ funds.

c. The use of a (insert type of a contract to be used) contract is the most practicable and likely to be the least costly method of contracting because (summarize such pertinent facts as are available and relevant to support the determination to be made in par. 2).

2. Upon the basis of the findings set forth above, I hereby determine that pursuant to section 4 (b) of the Armed Services Procurement Act of 1947 (Pub. Law 413, 80th Cong.), and paragraph (insert applicable ASPR authority) of the Armed Services Procurement Regulation, that the use of a (insert type of contract) contract (a) is likely to be less costly than other methods of contracting, or (b) that it is impracticable to secure supplies (or services) of the kind or quality required without the use of a (insert type of contract) contract.

Signature of the Head of the Procuring Activity signing as "a chief officer responsible for procurement."

§ 592.306 *Procedure with respect to Determinations and Findings.* (a) Requests for approval of Determinations and Findings, referred to throughout Part 402 of this title and this part and requiring the signature of the Secretary, will contain a complete statement of facts and recommendations and be accompanied by the Determination and Findings prepared for the appropriate signature, as well as such supporting data as are necessary to demonstrate the applicability of the cited section of the Armed Services Procurement Act of 1947. In addition, each request will cite the appropriate funds to be used for the procurement.

(b) The Determination and Findings, request for approval and signature, and all supporting documents will be submitted in quadruplicate (if Military Interdepartmental Purchase Requests or similar documents relating to the transfer of funds are being submitted, duplicate copies of such documents will be sufficient) to the Army Chief of Staff, G–4, Department of the Army (Attn.: Chief, Current Procurement Branch). In the case of advance payments, requests for approval and signature of Determinations and Findings will be submitted through the Chief of Finance.

(c) Requests for approval and signature by the Secretary in connection with Determinations and Findings authorizing procurement by negotiation may be accompanied by a request for approval of award in those cases requiring such award approval pursuant to § 590.604.

§ 592.307 *Distribution of copies of Determinations and Findings*—(a) *Individual Determinations.* One authenticated copy of each Determination and Findings required by Subpart C of Part 402 of this title will be sent to the General Accounting Office with the original signed number of each contract negotiated and executed thereunder. The original signed copy of each Determination and Findings will be filed with the signed copy of the contract retained in the official files of the purchasing office or Procuring Activity concerned. Additional copies may be distributed in accordance with instructions issued by the Head of the Procuring Activity concerned.

(b) *Class Determinations.* One authenticated copy of each Determination and Findings made with respect to

*To be included when applicable.

classes of purchases or contracts will be sent to the General Accounting Office with the original signed number of the first contract negotiated thereunder. Each subsequent contract negotiated thereunder shall refer on its face to the particular class Determination and Findings on file with the General Accounting Office, citing the number of the original contract. The original signed copy of each closs Determination and Findings will be filed with the signed copy of the first contract negotiated thereunder retained in the files of the purchasing office or Procurement Activity concerned. Additional copies may be distributed in accordance with instructions issued by the Head of the Procuring Activity concerned.

(c) *National emergency.* The requirements of this section are waived with respect to contracts negotiated under § 402.201 of this title and § 592.201.

§ 592.308 *Retention of copies of Determinations and Findings and of other records.* (a) Executed originals of all Determinations and Findings, copies of all supporting documents, and complete records with respect to all negotiated contracts shall be preserved in the cognizant purchasing office or Procuring Activity concerned for a period of six years following payment on each respective contract, unless retired earlier under special regulation.

(b) Each procurement transaction file will be complete and copies of all documents, certified if necessary, will be included therein. Procurement transaction files will be maintained in such a manner as to present a complete résumé of the transaction for historical record or such other purpose as may be required. As a minimum in negotiated procurements, a memorandum for record, signed by the Contracting Officer and briefly setting forth the facts, conclusions, and actions regarding the transaction, will be included as part of the file.

SUBPART D—TYPES OF CONTRACTS

§ 592.401 *Authorized types of contracts*—(a) *Basic Policy.* In accordance with the basic policy set forth in § 402.401 of this title the fixed-price type of contract shall generally be used for negotiated contracts; other methods of contracting may be used only when the requirements of Subpart D of Part 402 of this title and of this part have been satisfied.

(b) *Pricing in connection with type of contract selected.* (1) Efficient procurement includes a discriminating use of the various types of authorized contracts. The type of contract selected has an important bearing upon the price to be paid by the Government. When competitive conditions or available cost data are sufficient to indicate reasonableness of the price, the fixed-price type of contract under which the price is not subject to subsequent adjustment affords the most effective means of reducing total cost to the Government. It is under this type of contract that incentives to production efficiency are greatest. It must be recognized, however, that prices under such contracts may include charges for contingencies. Such provisions may be eliminated, at least in part, by the use of price redetermination clauses. Many of the normal risks involved in contract performance are shifted to the Government under the cost-reimbursement type of contract and the fixed-price type of contract under which the price is subject to possible upward adjustment. The relative risk borne by the contractor, the degree of incentive to production efficiency and the administrative cost involved under each type of contract should be given careful consideration in selecting the method of contracting.

(2) It is the policy of the Army to obtain the maximum use of funds, and to secure the largest possible quantities of materials of requisite quality which can be purchased with those funds. To that end, efforts will be directed toward close initial pricing and close pricing on redetermination, rather than to rely on recapture of excessive profit by statutory renegotiation.

(3) It is the policy of the Army to secure "close prices," which will be fair both to the Government and the contractor and which will provide an incentive for efficient performance by establishing an adequate margin of profit and by eliminating allowances for contingencies to the greatest extent possible. The objective of this policy is to keep management alert in an effort to avoid increased costs which would reduce the established profit, and to reduce costs, if possible, in order to increase the opportunity for additional profit.

(4) Profit or fee allowances will be determined separately under each contract, and "across-the-board" agreements with contractors as to rates of profit or fee will not be made. The determination of a fair and reasonable profit or fee is a matter of sound business judgment. There are no conclusive rules or formulas which would be suitable for uniform application; however, in arriving at a fair and reasonable profit or fee, the following factors should be considered:

(i) Type of contract.

(ii) Performance risks.

(iii) Record of efficiency in production.

(iv) Character and extent of subcontracting.

(v) Reliability of contractor's cost estimates.

(vi) Equipment, facilities, or financial assistance furnished by the Government.

(vii) Invested capital.

(viii) Possible present or future benefit to the contractor.

(ix) Value added by the manufacturing processes.

(x) Contingency factors.

§ 592.402 *Fixed-price contract.* (a) The fixed-price contract provides for a firm price or prices for the supplies or services which are being procured. This type of contract may include a provision for price escalation agreed to at the time of entering into a contract. Authorized price escalation clauses are set forth in § 596.151. (See also § 402.401 of this title and § 592.401.)

(b) In a fixed-price contract for architectural or engineering services relating to any public work or utility project, the maximum price for such services shall not exceed 6 percent of the estimated cost of such project (exclusive of the fixed fee for the project).

(c) Part 414 of this title, Contract Cost Principles, will not be used in negotiating prices under fixed-price contracts other than (1) by auditors for the purpose of preparing advisory reports, and (2) by Contracting Officers to the extent they deem it advisable, as a working guide only.

§ 592.403 *Fixed-price contract with provision for redetermination of price.* (a) Pursuant to the policies set forth in § 402.403 of this title, an appropriate price redetermination clause, as authorized in § 596.152, should be used in fixed-price contracts in those instances when:

(1) There are no data to indicate reasonableness of price, such as lack of effective competition or the absence of an independent Government estimate; or

(2) The estimate of the low offeror, or the only offeror, exceeds the independent Government estimate by an unreasonable amount; or

(3) It is necessary or desirable to eliminate charges for contingencies from the contract amount; or

(4) It is necessary or desirable to incorporate incentives to increase production efficiency and to reduce costs; or

(5) Other circumstances require protection of the interests of the Government by use of price redetermination clauses.

(b) In accordance with the above, the forms of price redetermination clauses set forth below may be used in negotiated fixed price contracts without approval of higher authority, except for those approvals as may be required by the Head of a Procuring Activity. Price redetermination clauses not included in subparagraphs (1) through (3) in this paragraph will not be used without the prior approval of the Chief, Current Procurement Branch, Assistant Chief of Staff, G–4, Department of the Army.

(1) Form III in any negotiated contract up to amounts not in excess of $100,000.

(2) Form II–B in any negotiated contract where the delivery schedule calls for deliveries over a prolonged period, regardless of contract amount.

(3) Form IV in any negotiated contract, regardless of contract amount.

(c) Upward revision to be allowed in Forms II–B and IV, price redetermination clauses, will be limited to 10 percent in all possible cases and in any event limited to 25 percent. Only the standard price redetermination clauses, without deviation except as authorized herein, will be used under this excepted authority. In view of the protection afforded to the contractor by the use of a price redetermination clause in reduction of the risks to him, careful consideration will be given in determining the rate of profit to be allowed, with due weight being given to the percentage of the contract consisting of material, subcontracting, standard commercial items ("off-the-shelf" items), and purchased parts. It will not be assumed that a contractor who agrees to inclusion of a Form III price redetermination clause in a proposed contract is assuming appreciable risk, unless it can be determined that the price offered by him does not include contingency provisions. Form IV, price redetermination clause, will be used in lieu of the Form II–B clause in production contracts in all instances, regardless of the contract amount, when the delivery schedule is so short as to preclude completion of price redetermination well in advance of completion of the contract or deliveries thereunder.

(d) Part 414 of this title, Contract Cost Principles, will not be used in negotiating prices under fixed-price contracts containing price redetermination clauses other than (1) by auditors for the purpose of preparing advisory reports, and (2) by Contracting Officers to the extent they deem it advisable, as a working guide only.

§ 592.405 *Cost contract.* (a) Pursuant to the requirements of § 402.405 of this title, the cost (or cost-sharing) type of contract may be used in those cases where fixed-price (with or without provision for price redetermination) contracts are not suitable, where the contractor's cost recording system facilitates audit, and where close scrutiny by Government representatives during performance of the contract will give reasonable assurance that the contractor is not employing wasteful or extravagant methods.

(b) Standards for the determination and allowance of costs in connection with the performance of cost type contracts are set forth in Part 414 of this title.

§ 592.406 *Cost-plus-a-fixed-fee contract.* (a) Pursuant to the requirements of § 402.406 of this title, the cost-plus-a-fixed-fee type of contract may be used in those cases where fixed-price (with or without provisions for price redetermination) contracts are not suitable, where the contractor's cost recording system facilitates audit, and where close scrutiny by Government representatives during performance of the contract will give reasonable assurance that the contractor is not employing wasteful or extravagant methods.

(b) Under a cost-plus-a-fixed-fee type of contract, the contractor is reimbursed for substantially all its costs, and the fixed-fee represents essentially profit without risk. Such fee should be determined not by the amount of the estimated cost, but by the extent and nature of the work supervised or the services to be performed by the contractor. Thus in fixing the fee consideration should be given, among other factors such as those listed in § 592.401 (b) (4), to whether the work or production involved is complicated or simple, the turn-over slow or rapid, how much or little of the work will be subcontracted, and how extensive or difficult the duties of the prime contractor will be in supervising the subcontracted work.

(c) Standards for the determination and allowance of costs in connection with the performance of cost-plus-a-fixed-fee type contracts are set forth in Part 414 of this title.

§ 592.407 *Time and materials contract*—(a) *General.* It is the policy of the Army that time and materials contracts will be awarded only on the basis of sound business practice, and that the expenditure of funds thereunder shall be supervised and controlled to assure maximum return and benefit to the Government. In such type of contracts, charges for material will be reimbursed at contractors' cost without allowance for overhead or profit; however, a material handling charge may be allowed if in accordance with the contractor's established accounting system, and if it is not duplicated in the overhead rate allowed the contractor.

(b) *Limitation on use.* The time and materials type of contract will be used only after a determination by the Head of the Procuring Activity (or by the Contracting Officer, if so delegated in Procuring Activity instructions), that—

(1) Such method of contracting is likely to be less costly than other methods; or

(2) It is impractical to secure supplies or services of the kind or quality required without the use of such type of contract.

(c) *Justification of use.* The official contract file will contain a certificate, accomplished by the Contracting Officer, justifying the use of a time and materials contract, which certificate will include information such as the following:

(1) Hourly rates, including overhead and profit, compared with—

(i) Previous Governmental contracts of this type.

(ii) Rates normally charged on commercial contracts of this type.

(iii) Existing contracts with other agencies.

(2) Complete justification of profit percentages in excess of ten percent of direct labor and labor overhead.

(d) *Reimbursement for material.* All time and material type contracts will provide that material purchased, manufactured, or otherwise procured thereunder shall be reimbursed by the Government to the contractor at cost. For the purpose of this section, the term "at cost" will be construed to mean:

(1) *Standard commercial parts.* When the contractor purchases the material furnished, the net cost (cost clear of anything extraneous, i. e., cash discounts, trade discounts, rebates, commissions, and any other allowances and credits available to the contractor) to the contractor, regardless of date purchased, plus properly identified and supported freight or transportation charges, if any, paid by the contractor. Other costs, such as material handling expense, which must be included as a part of overhead in the unit labor rate, are not allowable under this section.

(2) *Fabricated special parts.* When the contractor manufactures the material furnished as a nonstandard item, the net cost, including direct labor expense direct material expense (clear of all deductions, such as cash discounts, trade discounts, rebates, commissions, and any other allowances and credits available to the contractor) to the contractor, plus allocable freight or transportation charges, other direct charges, if any, and related overhead costs but no allowance for profit.

(3) *Fabricated standard parts.* (i) When the contractor manufactures the parts furnished as a standard item, the net cost (after deducting all discounts, rebates, commissions, and all charges for the contractor's profit) will constitute the charge allowable at date of delivery to the Government; however, (ii) when all or some of the parts furnished appears on a current Federal Supply Schedule the contract will make reference to the applicable schedule(s) and the cost will not exceed the schedule price but will be the lesser price allowed under (i) above.

§ 592.408 *Letter contract.*

§ 592.408–1 *Approval requirement.* Letter contracts, or any other type of preliminary contract, will not be used without prior approval of the Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch), except that, subject to limitations imposed by § 592.408–4, heads and acting heads of technical services are authorized to issue letter contracts as follows:

(a) *Letter contracts for other than research and development.* Heads and acting heads of technical services are authorized to issue letter contracts for other than research and development in amounts not to exceed $2,500,000 when the total estimated definitive contract amount is $5,000,000. When the total estimated amount of the definitive contract is less than $5,000,000 the maximum amount of any letter contract which the heads of technical services may authorize is 50 percent of such total estimated definitive contract amount. When the total estimated definitive contract amount of any procurement exceeds $5,000,000, or it is desired to award a letter contract for an amount in excess of 50 percent of the total estimated amount of the definitive contract, irrespective of such total, prior approval of the Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch), is required before issuance of the letter contract. (For instructions as to information to be furnished in requesting authority to issue letter contracts as herein specified, see § 592.408–5.

(b) *Letter contracts for research and development.* Heads and acting heads of technical services are authorized to issue letter contracts for research and development in amounts not to exceed $50,000 when the total estimated definitive contract amount is $100,000. When the total estimated amount of the definitive contract is less than $100,000, the maximum amount of any letter contract which the heads of technical services may authorize is 50 percent of such total estimated definitive contract amount. When the total estimated definitive contract amount of any procurement exceeds $100,000, or it is desired to award a letter contract for an amount in excess of 50 percent of the total estimated amount of the definitive contract, irrespective of such total, prior approval of

the Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch), is required before issuance of the letter contract. (For instructions as to information to be furnished in requesting authority to issue letter contracts as herein specified, see § 592.408–5.)

§ 592.408–2 *Redelegation of authority.* The authority delegated in § 592.408–1 (a) and (b) may be redelegated by heads of technical services to the extent deemed necessary to personally selected members of their organizations. Such selected members are not authorized to redelegate this authority.

§ 592.408–3 *Supersedure by definitive contract.* Letter contracts shall be superseded as soon as possible by final definitive contracts. Advice as to letter contracts approved by the technical services under the authority of §§ 592.408 to 592.408–6, which have not been superseded by a final definitive contract within 120 days from the date of issue (not date of execution) of such letter contract will be submitted to the Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch) with full justification as to the circumstances precluding the execution of a definitive contract within such period.

§ 592.408–4 *Conditions for use.* Subject to §§ 592.408–1 and 592.408–2, the authority to issue letter contracts is contingent upon compliance with § 402.408 of this title and the conditions set forth below:

(a) That the definitive contracts will contain all required standard clauses, in addition to such standard optional clauses as are necessary to protect fully the interest of the Government, and that this provision will be made a condition of each letter contract.

(b) That all fixed-price contracts, when there is no information upon which to base reasonableness of price, will contain applicable standard price redetermination clauses with upward limitations thereunder held to a minimum, but in no event to exceed 25 percent, and that this provision shall be made a condition of each applicable letter contract.

(1) Irrespective of total estimated definitive contract amount, a definitive contract or letter contract providing for a price redetermination clause with upward revision exceeding 25 percent must have prior approval of the Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch).

(2) Independent Government estimate, prepared prior to receiving estimate from the proposed contractor, may be used to determine reasonableness of price.

(c) That the fixed-fee in a cost-plus-a-fixed-fee type of contract will not exceed the limitations set forth in § 402.406–1 of this title, with further consideration given to the following:

(1) The absence of risk to the contractor.

(2) The estimated quantity of the following as compared with the total estimated definitive contract price: (i) Material, (ii) subcontracting, (iii) purchased parts, and (iv) "Off-the-Shelf" items.

(3) The size of the proposed contract.

(d) That the profit to be paid shall be consistent with the protection afforded to the contractor in the minimizing or removal of risk to him, with due consideration given to the estimated quantity of the following as compared to the total estimated contract price: (1) Material, (2) subcontracting, (3) purchased parts, and (4) "Off-the-Shelf" items.

§ 592.408–5 *Information to be furnished when requesting approval of letter contracts.* Requests for authority to award letter contracts submitted to the Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch), must indicate that the use will be in accordance with the basic policies set forth in § 402.408 of this title, and will include the following:

(a) Statement as to the necessity and advantage to the Government of the use of the proposed letter contract.

(b) Name and address of proposed contractor.

(c) Location where contract is to be performed.

(d) Brief description of supplies and quantities to be furnished or services to be rendered.

(e) Duration of letter contract in number of days from date of execution.

(f) Amount of letter contract.

(g) Total estimated definitive contract amount, including estimated cost of: (1) facilities, (2) special tooling, equipment, etc., (3) activation or reactivation, (4) training of personnel, and (5) subcontracting.

(h) Estimated delivery schedule.

(i) Type of definitive contract proposed (fixed-price, cost-plus-a-fixed-fee, etc.).

(j) Statement as to whether the definitive contract will contain all required standard clauses in accordance with Armed Services Procurement Regulations (chapter IV of this title), this Procedure, and other Department of the Army directives.

(k) List of all standard optional clauses which will be made a part of the definitive contract, including: (1) Patent clauses, (2) Copyright clause, (3) Special Tooling clause, (4) Government Property clause, (5) Facility agreement, and (6) Price Redetermination clause (including form number and percentage of upward revision).

(l) Statement that the provisions of paragraphs (j) and (k) of this section will be made a condition of the subject letter contract.

(m) Statement that the minimization of risk, through inclusion of the price redetermination clause, will be given due consideration in determining the rate of profit to be allowed, with further attention given to the amount of each of the following as compared to the total estimated contract amount: (1) material, (2) subcontracting, (3) purchased parts, and (4) "Off-the-Shelf" items.

(n) Source of funds to be used in the proposed procurement, showing—

(1) Total allocated, and

(2) Total obligated to date, exclusive of the proposed letter contract.

(o) Statement that research and development funds will not be used when the work to be covered is not for research and development.

(p) Statement that the definitive contract will be executed with a minimum of delay.

(q) Statement that the Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch), will be notified through the Head of the respective Procuring Activity, without delay, as to the date of execution of the letter contract.

(r) Statement that request for approval of award, if required, will be forwarded in time to reach the Office of the Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch), no later than fifteen (15) days prior to the expiration of the letter contract.

(s) Statement that the letter contract will be reported on "Individual Procurement Action Report," DD Form 350 in the amount of the letter contract; and that subsequent reports will be submitted, when and if changes are made in the amount of obligation of the letter contract, only in the amount of such change, whether plus or minus. Further, that when formal contract is executed, report will be made only in the amount of the definitive contract, less the cumulative obligation under the letter contract and any changes thereto. (See Subpart H of Part 590 of this chapter.)

§ 592.408–6 *Approval for modification of letter contracts.* Letter contracts approved for issuance by the Assistant Chief of Staff, G–4, will not be extended or amended without prior approval of Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch). Requests for approval of extensions or increases will be submitted in the following form:

(a) Name and address of contractor.

(b) Description of work to be performed, showing quantity of items originally approved.

(1) If quantities have been increased subsequent to original approval, show such quantities, authority, and date.

(2) If additional quantities are to be procured, show such quantities and new total.

(c) Date originally approved.

(d) Date letter contract was executed (accepted by contractor).

(e) Duration originally approved.

(1) If extensions in the duration have been made subsequent to original approval, show such extensions, authority, and dates.

(2) If additional days are required, show number required and new total.

(f) Amount of letter contract originally approved.

(1) If increases have been made subsequent to original approval, show each increase, authority, and dates.

(2) If additional increase is required, show amount and new total, and source of funds, including: (i) Total allocated, and (ii) total obligated to date, exclusive of the proposed increase.

(g) Estimated definitive contract total originally approved.

(1) If increases have been made subsequent to original approval, show each increase, authority, and date.

(2) If additional increase is required, show amount and new total.

(h) Complete justification for extension or increase requested, including reasons as to why definitive contract cannot be executed without such amendment.

NOTE. The requirements of this section shall not be construed to restrict Procuring Activities from approving definitive contracts, within the authority of § 590.604 of this chapter, for which letter contracts were approved by The Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch) prior to the delegation of such authority.

§ 592.409 *Other types of contracts*—(a) *Purchase order.* A Purchase Order is a fixed-price contract, in the form of a written acceptance signed by the Contracting Officer, for the purchase of supplies or services from an established price list or following a written or oral quotation of prices. Purchase Orders shall be used only for negotiated purchases and as prescribed in Part 596 of this chapter. DA AGO Form 383 is a type of Purchase Order authorized for use for purchases not in excess of $1,000 (see Subpart G of Part 590 of this chapter).

(b) *Open-end contract.* An open-end contract is an agreement for supplies or services which contains no or varying limits of time and quantity and which usually involves recurring order and charges in varying degree.

§ 592.411 *Contract forms and provisions.* Authorized contract forms and provisions are set forth or referenced in Parts 406 and 596 of this title.

SUBPART E—ADVANCE PAYMENTS

§ 592.502 *Authority to make advance payments.* It is the policy of the Army to require contractors furnishing supplies and services to be able to perform contracts with their own funds or with private financing. In negotiated procurements, contractors may be assisted in financing needs by providing for expeditious reimbursement for proper expenditures under cost-reimbursement type contracts, and by use of progress payments and/or partial payments in connection with fixed-price contracts. The policy with respect to the use of partial or progress payments is set forth in § 596.150–1. Exceptions to this general policy may be permitted in negotiated procurements in those instances in which the contractor is particularly adapted to the supplying of items or services to be procured, but who is limited in working capital and is unable to obtain private commercial financing. In such cases, consideration may be given to the use of Government financing through advance payments as prescribed in Subparts E of Part 402 of this title and of this part.

(a) Authority to make advance payments is vested in the Secretary. Requests for such authority will, in each instance, be submitted to the Assistant Chief of Staff, G–4 (Attn.: Chief, Current Procurement Branch), through the Head of the Procuring Activity concerned and the Chief of Finance. The request, including all supporting documents, submitted in original and 6 copies, will be supported by the following data:

(1) A statement from the Head of the Procuring Activity concerned that the national interest will be served in making the advance payment.

(2) A statement from the Head of the Procuring Activity concerned that contractors with other means of financing are not available upon terms satisfactory to the Procuring Activity without provision for advance payment.

(3) Information as to the security proposed to protect the Government against loss together with the definite recommendation of the Head of the Procuring Activity involved as to the adequacy thereof and negative covenants, if any, needed for further protection of the Government against loss.

(4) Information as to general character and responsibility as well as technical ability of the contractor to perform the contract.

(5) Dollar amount of the contract, the items to be supplied and a schedule of deliveries.

(6) Information as to whether the contract was awarded on a fixed-price or on a cost-reimbursement basis.

(7) Terms of the proposed advance and method of repayment or liquidation.

(8) Latest available balance sheet and profit and loss statement of contractor.

(9) Copy of the contractor's letter of request and any financial and budgetary data submitted in support of the necessity for the advance payment.

(10) Copy of the Contracting Officer's report on the advance payment request, if any.

(11) Date and identifying symbol of the approval of the award together with the appropriation available.

(12) Six copies of the Determination and Findings, required by § 402.302 (g) of this title in the form set forth in § 592.305 (c), and any other information pertinent to a proper decision in the case.

(b) Requests for approval of the authorization of an advance payment may be presented during the negotiation of a contract and prior to completion thereof. If the proposed contract is available, a copy thereof shall be attached to the request. If copy of the contract is not available at the time the request is forwarded, a copy shall be promptly submitted to the Chief of Finance for review and filing subsequent to execution.

§ 592.503 *Limitations on authority to make advance payments.* A request for authorization to make advance payments shall not be forwarded unless it comes within the provisions of § 402.503 of this title. It should be noted that paragraph (b) of § 402.503 of this title makes an exception which permits advance payments in connection with nonprofit research and development contracts with educational institutions.

§ 592.504 *Security provisions.* (a) Advance payments shall be authorized only on the furnishing of adequate security by the contractor. This security shall be that required under provisions of the contract involved. A guarantee by, or bond of, a parent corporation is desirable if the subsidiary corporation has limited financial responsibility, especially in the case of a newly-formed subsidiary corporation. Whether or not guarantees, subordination agreements, or other security devices shall be required in connection with advance payments is within the discretion of the Secretary. Advance payment bonds shall be required only in the most exceptional circumstances.

(b) When the contract clause prescribed by the Chief, Current Procurement Branch, Assistant Chief of Staff, G–4, provides for deposit of monies from the advance payment to be placed in a special bank account, the contractor shall obtain, execute, and turn over to the Contracting Officer for transmittal, through the Head of the Procuring Activity concerned and the Chief of Finance, to the Chief, Current Procurement Branch, Assistant Chief of Staff, G–4, 6 copies of an agreement executed by each bank in which a control bank account is established. Such an agreement shall be prepared substantially in the following form:

AGREEMENT

Agreement entered into this ------ day of ----------, 1951, between the United States of America, represented by the Contracting Officer executing this Agreement, hereinafter called the Government,

---

(Contractor)

a corporation organized and existing under the laws of the State of ----------, hereinafter called the Contractor, and ----------, a banking corporation of the State of ----------, located ----------, hereinafter called the bank.

RECITALS

(a) Under date of ----------, 195--, the Government and the Contractor entered into Contract No. ------, or a supplemental Agreement thereto, providing for the making of certain advance payments to the Contractor.

(b) Said Contract or Supplemental Agreement requires that amounts advanced to the Contractor thereunder be deposited in a Special Bank Account or accounts at a member bank or banks of the Federal Reserve System or any "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (act of August 23, 1935; 49 Stat. 684, as amended; 12 U. S. C., 264), separate from the Contractor's general or other funds; and, the bank being such a bank, the parties are agreeable to so depositing said amounts with the bank.

(c) It is further agreed that the Government shall have a lien upon the credit balance in said account to secure the repayment of all advance payments made to the Contractor, which lien shall be superior to any lien or claim of the bank with respect to such account. In the event of the service of any writ of attachment, levy of execution or commencement of garnishment proceedings with respect to the Special Bank Account, the bank will promptly notify the office administering the advance payment thereof.

Now therefore, in consideration of the premises and for other good and valuable considerations, the parties hereto agree that the bank will be bound by the provisions of

said contract or contracts relating to the deposit and withdrawal of funds in the Army Special Bank Account, but shall not be responsible for the application of funds withdrawn from said account.

In witness whereof the parties hereto have caused this Agreement to be executed as of the day and year first above written.

THE UNITED STATES OF AMERICA.

By ----------
---------- (Official Title)
---------- (Contractor)
By ----------
---------- (Bank Depository)
By ----------

(c) Upon the liquidation of advance payments, releases and agreements to release mortgages, guarantors in guaranty agreements, sureties on advance payment bonds, and other security devices which may be required in connection with advance payments, will be executed by the Under Secretary of the Army. Requests for such executions, accompanied by a certification of the Contracting Officer that the advance payment has been completely liquidated, will be forwarded to the Secretary (address request to Assistant Chief of Staff, G–4, Department of the Army (Attn. Chief, Current Procurement Branch)), through the Head of the Procuring Activity concerned and the Chief of Finance.

§ 592.505 *Interest on advance payments.* Except when specifically authorized by the Secretary to be made without interest, whenever an advance payment is made to a contractor by the Army, a charge will be made for use of Government money so furnished. The charge will be in the nature of an interest charge, computed on the rate set by the Secretary. In the case of a fixed-price contract, the amount of the charge will be deducted from payments under the contract. In the case of a cost-plus-fixed-fee contract, the charge will be deducted from the amount of the fee otherwise payable to the contractor. In case such fee is not sufficient to take care of such interest, chargeable deduction will be made from any other monies due the contractor. Such interest will not be an item of reimbursable cost under the contract.

§ 592.550 *Contract clauses.* Instructions pertaining to the use of contract clauses providing for advance payments are set forth in § 592.150–2.

§ 592.551 *Reports.* In connection with advance payments, the offices of the Heads of Procuring Activities concerned will make the following described reports:

(a) *Quarterly reports.* Reports on WD AGO Form 14–135 will be submitted to the Chief of Finance not later than the 15th day of the month following the close of the quarterly reporting period. A special statement together with a statement as to the steps being taken to protect the advance payments shall be included in the report as to any contract with respect to which the completion of the contract and liquidation of the advance payments appear to be doubtful. This report shall not merely cover the period from the last report but shall also include data previously furnished. The report will not include contracts upon which complete liquidation of the advance payments has been made and previously reported. When it is intended to terminate a contract without using the advance, or the contract is completed without use of the advance, an appropriate remark to that effect shall be included when listing the advance in order to clear the records of the Chief of Finance; it will then be dropped from the next quarterly report.

(b) *Interim reports.* If at any time during the intervening periods between quarterly reports it appears doubtful that a contractor to whom advance payments have been made will complete the contract, a report shall be submitted to the Chief of Finance immediately. This report shall include a statement of the facts in the case and the action being taken to protect the Government's interest.

PART 593—COORDINATED PROCUREMENT

Sec.
593.000 Scope of part.
593.001 Coordinated procurement of items in short supply.

SUBPART A—SINGLE DEPARTMENT PROCUREMENT

593.150 Pertinen regulations and procedures.

SUBPART B—ARMED SERVICES PETROLEUM PURCHASING AGENCY

SUBPART C—ARMED SERVICES MEDICAL PROCUREMENT AGENCY

AUTHORITY: §§ 593.000 to 593.150 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161.

DERIVATION: Army Procurement Procedure, March 15, 1951.

§ 593.000 *Scope of part.* Supplementary to, but consistent with, Part 403 of this title, this part sets forth instructions relating to the coordinated procurement of supplies and services.

§ 593.001 *Coordinated procurement of items in short supply.* Reports of shortages in supplies or services requiring coordination with other Departments will be forwarded to the Assistant Chief of Staff, G–4, Department of the Army (Attn.: Chief, Current Procurement Branch), together with complete information thereon.

SUBPART A—SINGLE DEPARTMENT PROCUREMENT

§ 593.150 *Pertinent regulations and procedures.* With respect to purchase assignments and transfer of responsibilities for specific items occasioned by such assignments, technical services to which purchase or coordination responsibility has been assigned will prescribe appropriate procedures. These procedures will be formalized and published in Department of the Army directives. Pending publication of official directives, questions regarding procurement of items assigned for single department purchase will be referred to the technical service delegated purchase responsibility under Munitions Board assignments to the Army or coordination under assignments to the Navy or Air Force.

SUBPART B—ARMED SERVICES PETROLEUM PURCHASING AGENCY

NOTE: See Subpart B of Part 403 of this title; no further implementation in this Part.

SUBPART C—ARMED SERVICES MEDICAL PROCUREMENT AGENCY

NOTE: See Subpart B of Part 403 of this title; no further implementation in this Part.

PART 594—INTERDEPARTMENTAL PROCUREMENT

Sec.
594.000 Scope of part.

SUBPART A—PROCUREMENT FROM OR UNDER CONTRACTS OF FEDERAL SUPPLY SERVICE

594.101 Statement of policy.
594.102 Orders under contracts of Federal Supply Service.
594.103 Procurement from Supply Centers of Federal Supply Service.
594.104 Use of Stock Catalog, Federal Supply Service, Washington, D. C.

SUBPART B—PROCUREMENT OF PRINTING AND RELATED SUPPLIES

594.200 Scope of subpart.
594.250 Requirement.
594.251 Pertinent regulations and procedures.
594.252 Sources of procurement for printing and reproduction.
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594.253 Envelopes.
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594.256 Sources of procurement for envelopes.
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SUBPART C—PROCUREMENT OF PRISON-MADE AND BLIND-MADE PRODUCTS

594.301 Prison-made products.
594.302 Blind-made products.

SUBPART D—PROCUREMENT UNDER THE ECONOMY ACT FROM OR THROUGH ANOTHER FEDERAL AGENCY

AUTHORITY: §§ 594.000 to 594.302 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161.

DERIVATION: Army Procurement Procedure, March 15, 1951.

§ 594.000 *Scope of part.* Supplementary to, but consistent with Part 404 of this title, this part sets forth the policy with respect to (a) procurement of supplies and services from or through the Federal Supply Service, (b) procurement of printing and related supplies, and (c) procurement of prison-made and blind-made products.

SUBPART A—PROCUREMENT FROM OR UNDER CONTRACTS OF FEDERAL SUPPLY SERVICE

§ 594.101 *Statement of policy.* In the procurement of supplies or services covered by contracts made by the Federal Supply Service, General Services Administration, it is the policy of the Department of the Army to utilize, to the fullest extent consistent with economy and practicability, the "Federal Supply Schedule."

(a) *Requirement.* Purchases will be made under contracts of the Federal Supply Service, General Services Administration, which are mandatory by the terms of the schedules, or when so directed by the Head of the Procuring Activity concerned, except under the following circumstances:

(1) The item cannot be furnished under such contracts by the time such item is required.

(2) The item can be obtained more economically by another method of purchase.

(b) *Emergency purchase.* In any case when, pursuant to paragraph (a) (1) of this section, purchase of a mandatory item listed in the Federal Supply Schedule is not made from such Schedule, the voucher submitted to the Disbursing Officer for payment shall contain a finding that the purchase was justified as the item could not be furnished under the Federal Supply Schedule by the time such item was required. Such a finding shall be final and conclusive. The authority to make such a finding is vested in the Heads of the Procuring Activities. This authority will be used only when necessary, and will not be construed as authorization to disregard the requirements of the Federal Supply Schedule. In each instance, the finding will set forth the specific reasons why the time element made the purchase necessary.

(c) *Economy.* In any case when, pursuant to paragraph (a) (2) of this section, it is determined that a saving will be effected by the purchase of mandatory items listed in the Federal Supply Schedule from sources other than those listed in such Schedule, the voucher submitted to the General Accounting Office shall contain a finding stating the reason for purchase from other than the Federal Supply Schedule, and citing the amount of the savings effected. The authority to make such a finding is vested in the Heads of the Procuring Activities. This authority will not be construed as authorization to disregard the requirements of the Federal Supply Schedule.

§ 594.102 *Orders under contracts of Federal Supply Service.* (a) Delivery orders for supplies listed in the Federal Supply Schedule will be addressed and forwarded direct to the contractor indicated and shall contain sufficient data to enable prompt identification (by disbursing and auditing agencies) of the correct listing in the proper Federal Supply Schedule. These data will include contract number, item number, and, where applicable, supplement, region or zone number.

(b) All orders issued under contracts of the Federal Supply Service will be effected by "delivery orders." (See § 596.515 of this chapter.)

(c) Each such delivery order will designate the name of the Finance Officer by whom payment is to be made.

(d) Each such delivery order will indicate on its face that prices, if shown, will be subject to the basic contract of the Federal Supply Service.

§ 594.103 *Procurement from Supply Centers of Federal Supply Service—(a) Requirement.* Installations of the Army Establishment are required to purchase items through the Federal Supply Service in accordance with the provisions indicated in § 594.101 (a). Purchase of any item from Warehouse and Supply Centers of the Federal Supply Service, however, is also authorized, subject to any conditions or regulations which the Heads of interested Procuring Activities may prescribe (who, in case purchase responsibility for such item has been assigned to a particular Procuring Activity, will be the Head of such Procuring Activity). Purchase from a Warehouse and Supply Center of the Federal Supply Service of any item listed on a Federal Supply Schedule mandatory on the purchasing office, or on the Schedule of Blind-Made Products, is considered compliance with either of such Schedules.

(b) *Stock catalogs of Supply Centers.* Stock catalogs issued by each Supply Center, Federal Supply Service, list supplies regularly available for issue and contain instructions relative to the use of such catalogs. Supplies handled by these centers are, in general, supplies purchased for stock purposes by the Federal Supply Service. Such catalogs may be obtained from the appropriate supply centers.

(c) *Establishments.* In addition to the establishment in Washington, D. C., the Federal Supply Service has the following Supply Centers:

Atlanta.	Kansas City
Chicago.	New York.
Cleveland.	San Francisco.
Denver.	Seattle.
Fort Worth.	

(d) *Purchasing procedure.* Instructions included in the appropriate stock catalog will be followed in purchasing items, except insofar as such instructions are modified in this subpart.

§ 594.104 *Use of Stock Catalog, Federal Supply Service, Washington, D. C.* This publication of the Federal Supply Service lists only items stocked in its *Washington, D. C., warehouse.* Field installations will not place orders on the Federal Supply Service for items which are stocked in its Washington, D. C., warehouse when shipment is to be made outside the District of Columbia or adjacent counties of Maryland and Virginia.

SUBPART B—PROCUREMENT OF PRINTING AND RELATED SUPPLIES

§ 594.200 *Scope of subpart.* This subpart deals with procurement procedures of the Army Establishment with respect to departmental printing; field printing procured (a) from Army field printing plants, and (b) as contract field printing; and envelopes, paper, and related supplies.

§ 594.250 *Requirement.* Army printing must conform to the policy that publication resources in funds, materials, and equipment shall be conserved to the greatest extent consistent with efficient conduct of official functions. It is also subject to many specific provisions and restrictions, arising from the controls exercised by the Congressional Joint Committee on Printing in accordance with law.

§ 594.251 *Pertinent regulations and procedures.* With respect to departmental printing, printing in Army field printing plants, and contract field printing, Procuring Activities will be guided by AR 310–5, SR 310–5–1, AR 310–10, and other applicable Army and Special Regulations, as amended.

§ 594.252 *Sources of procurement for printing and reproduction.*

§ 594.252–1 *Departmental printing.* All departmental printing shall be obtained through The Adjutant General in accordance with the 310-series of Army and Special Regulations.

§ 594.252–2 *Field printing.* The production of official publications by field printing, as distinguished from contract field printing, is authorized in Army field printing plants (regardless of command jurisdiction) in area of origin, where it may be accomplished without reimbursement, if the work is within the capacity of the productive facilities of the plant selected, and is approved by or for the head of the requesting agency or Army commander, provided, that work and materials for military requirements provided from appropriations for civil functions, or vice versa, are reimbursable at cost. The following is a partial list of authorized class A and B printing plants:

CLASS A PLANTS

Aberdeen Proving Ground, Md.
Alaska Communication System, Seattle, Wash.
Albuquerque, N. Mex. (U. S. Engineer Office).
Army Chemical Center, Md.
Army Language School, Presidio of Monterey, Calif.
Baltimore Signal Depot, Middle River, Md.
Bragg, Fort, N. C.
Counter Intelligence Corps Center, Fort Holabird, Md.
Dallas, Tex. (Division Engineer).
Decatur Signal Depot, Decatur, Ill.
Detroit Arsenal, Center Line, Mich.
Eustis, Fort, Va. (Transportation School).
Fifth Army Headquarters, Chicago, Ill.
First Army Headquarters, Governors Island, N. Y.
Galveston, Tex. (U. S. Engineer Office).
Garrison U. S. Engineer Office, Riverdale, N. Dak.
Granite City Engineer Depot, Granite City, Ill.
Jeffersonville Quartermaster Depot, Jeffersonville, Ind.
Kansas City, Mo. (U. S. Engineer Office).
Letterkenny Ordnance Depot, Chambersburg, Pa.
Lexington Signal Depot, Lexington, Ky.
Little Rock, Ark. (U. S. Engineer Office).
Los Angeles, Calif. (U. S. Engineer Office).
Louisville, Ky. (U. S. Engineer Office).
Marion Engineer Depot, Marion, Ohio.
Memphis Quartermaster Depot, Memphis, Tenn.
Memphis, Tenn. (U. S. Engineer Office).
Mobile, Ala. (U. S. Engineer Office).
Monroe, Fort, Va. (Army Field Forces).
Nashville, Tenn. (U. S. Engineer Office).
New England Division Engineer, Boston, Mass.
New Orleans Port of Embarkation, New Orleans, La.
New York Quartermaster Procurement Agency, New York, N. Y.
New York Port of Embarkation, Brooklyn, N. Y.
New York, N. Y. (U. S. Engineer Office).
Ohio River Division Engineer, Cincinnati, Ohio.
Omaha, Nebr. (U. S. Engineer Office).
Philadelphia Quartermaster Depot, Philadelphia, Pa.
Philadelphia, Pa. (U. S. Engineer Office).

Pittsburgh, Pa. (U. S. Engineer Office).
Portland, Oreg. (U. S. Engineer Office).
Pueblo Ordnance Depot, Pueblo, Colo.
Red River Arsenal, Texarkana, Tex.
Richmond Quartermaster Depot, Richmond, Va.
Rock Island, Ill. (U. S. Engineer Office).
Rossford Ordnance Depot, Toledo, Ohio.
Sacramento Signal Depot, Sacramento, Calif.
San Francisco Port of Embarkation, Fort Mason, Calif.
San Francisco, Calif. (U. S. Engineer Office).
Savannah, Ga. (U. S. Engineer Office).
Seattle Port of Embarkation, Seattle, Wash.
Seattle, Wash. (U. S. Engineer Office).
Second Army Headquarters, Fort George G. Meade, Md.
Sixth Army Headquarters, Presidio of San Francisco, Calif.
Springfield Armory, Springfield, Mass.
Tulsa, Okla. (U. S. Engineer Office).
Worth, Fort, Tex. (U. S. Engineer Office).

CLASS B PLANTS

Belvoir, Fort, Va. (Engineer School).
Benning, Fort, Ga. (The Infantry Center).
Bliss, Fort, Tex. (AAA and GM Center).
Detroit, Mich. (U. S. Lake Survey).
Carlisle, Pa. (Administrative School Center).
Frankford Arsenal, Philadelphia, Pa.
Knox, Fort, Ky. (The Armored School).
Leavenworth, Fort, Kans. (Command and General Staff College).
Lee, Fort, Va. (The Quartermaster School).
McPherson, Fort, Ga. (Third Army Area).
Mississippi River Commission, Vicksburg, Miss.
Monmouth, Fort, N. J. (Signal School).
Ogden, Utah (Defense Printing Service).
Picatinny Arsenal, Dover, N. J.
Raritan Arsenal, Metuchen, N. J.
Riley, Fort, Kans. (The Ground School Center).
Rock Island Arsenal, Rock Island, Ill.
Sill, Fort, Okla. (The Artillery School).
St. Louis, Mo. (AG Publications Center).
West Point, N. Y. (U. S. Military Academy).

§ 594.252–3 *Duplicating.* The production of official publications or material within the definition of "duplicating" may be accomplished by Army facilities, whose equipment and work operations do not require classification and authorization as an Army field printing plant, under the same provisions cited above for field printing.

§ 594.252–4 *Contract field printing.* Contract field printing may be procured from commercial sources, Government Printing Office field service offices, plants of Government departments (other than Army) to which payment is made from the allotments for contract field printing, Defense Printing Service Plants to which payment is made from the allotments for contract field printing, or Federal Prison Industries, Inc., which has facilities for this work. (See paragraph (b) of this section.)

(a) Field service offices of the Government Printing Office are located at:

Chicago, Ill.: 433 West Van Buren Street.
Denver, Colo.: New Customhouse Building, Room 38.
New York, N. Y.: Post Office Building, Morgan Annex, 341 Ninth Avenue.
San Francisco, Calif.: Post Office Building.
Seattle, Wash.: 509 Dexter Avenue.

(b) Purchase orders on Federal Prison Industries, Inc. (with standard convict labor clause deleted) may be directed to:

Warden of Federal Reformatory, El Reno, Okla.
Superintendent of Industries, Leavenworth Penitentiary, Leavenworth, Kans.
Business Manager of Industries, Atlanta Penitentiary, Atlanta, Ga.

§ 594.253 *Envelopes.* Envelopes even though specially printed in the course of manufacture are supply items.

§ 594.254 *Requirement.* (a) As prescribed by law and pertinent regulations and directives, (1) plain envelopes for use in the District of Columbia shall be procured from the Government Printing Office, (2) printed envelopes for use by the Department of the Army in the District of Columbia, and both printed and plain envelopes for use in other installations and activities in Continental United States shall be procured in accordance with current award-of-contract Schedule No. 5, issued by the Post Office Department semiannually.

(b) Excluding departmental requirements at seat of Government, District of Columbia, the following envelopes only are authorized for supply to the military service:

Item No.	Description
17	4⅛ by 9½ inches, Kraft, open side.
26	5 by 11½ inches, Kraft, open side.
49	6½ by 9½ inches, Kraft, open side.
68	8½ by 11½ inches, Kraft, open side or open end.
93	10 by 15 inches, Kraft, open side or open end, 5-inch flap.
104	12 by 16 inches, Kraft, open side, 5-inch flap.
111	2½ by 4½ inches, Kraft, open end.
122	3⅝ by 5⅞ inches, Kraft, open end.
123	3⅝ by 7½ inches, Kraft, tag, strong eyelet at bottom, open end.
189	3⅞ by 8⅞ inches, white, open side.
192	4⅛ by 9½ inches, white, open side.
203	3⅞ by 8⅞ inches, white, open side, with opaquing design inside.
204	4⅛ by 9½ inches, white, open side, with opaquing design inside.
405	3⅝ by 8¾ inches, Kraft, open side, window.
424	5⅜ by 8¾ inches, Kraft, open side, window (for bills of lading).
435	4⅛ by 9½ inches, white, open side, window.
504	4⅛ by 9½ inches, white, air mail, red and blue border.
	4⅜ by 8¼ inches, Kraft, open side, with or without window (for War Bonds).

§ 594.255 *Pertinent regulations and procedures.* With respect to procurement procedures applying to mailing envelopes and related provisions applying to use of penalty indicia, Procuring Activities will be guided by SR 340–10–20, and SR 340–10–1, respectively, and other applicable Army and Special Regulations and directives.

§ 594.256 *Sources of procurement for envelopes.* (a) Departmental requirements are obtainable through established channels for stationery supply.

(b) Requirements other than departmental are obtainable in accordance with provisions and procedures published in SR 340–10–20.

§ 594.257 *Jackets.* The foregoing procedures pertaining to envelopes do not affect present methods of procuring jackets, open and thumb notched, which are obtainable on approved requisitions as are other supplies.

§ 594.258 *Sources of procurement for paper.* (a) Blank paper for use within the District of Columbia carried in stock by the Government Printing Office shall be purchased from that office. Departmental requirements for paper are obtainable through established channels for stationery supply.

(b) Paper required by the military service outside the District of Columbia will be obtained in accordance with current directives or authorizations of The Quartermaster General.

§ 594.259 *Related supplies.* Ink, glues, and other supplies manufactured or carried in stock by the Government Printing Office shall be purchased from that office if required for use within the District of Columbia. Departmental requirements are obtainable through established channels for stationery supply.

(a) Standard items for supply to the military service outside the District of Columbia will be obtained in the normal manner from designated supply sources.

(b) Nonstandard items for supply to the military service outside the District of Columbia will be obtained by requisition on the Quartermaster Corps, citing full description and justification.

SUBPART C—PROCUREMENT OF PRISON-MADE AND BLIND-MADE PRODUCTS

§ 594.301 *Prison-made products*—(a) *Requirement.* All items manufactured by, and all services rendered by, Federal Prison Industries, Inc., shall be purchased from that agency, except in those instances in which a general or special clearance for the purchase of the item or service from commercial sources has been granted.

(b) *Responsibility.* Heads of Procuring Activities are responsible for advising Contracting Officers as to the terms and conditions of the Schedule of Products made in Federal Penal and Correctional Institutions.

(c) *General clearance.* The Department of the Army, in the following cases, has been granted a general clearance (Clearance No. C–27930) for the procurement from commercial sources of items listed in the schedule of products made in Federal Penal and Correctional Institutions:

(1) By contractors or Contracting Officers under cost-plus-fixed-fee construction or supply contracts.

(2) By Contracting Officers under fixed-price (lump sum) construction or supply contracts, wherein the Government is required to furnish certain Government materials.

(3) When immediate delivery or performance is required by the public exigency.

(4) When suitable second-hand, used, or surplus property can be procured.

(5) When required in small quantities and for delivery within 10 days.

(d) *Special clearance.* A special clearance must be obtained from Federal Prison Industries, Inc., for the procurement from commercial sources of any supplies or services listed on such Schedule of Products but not covered by the general clearance. Request by any Procuring Activity for special clearances shall be directed to Federal Prison Industries, Inc., Department of Justice, Washington 25, D. C.

(e) *Procurement procedure.* Procurement of items listed in the Schedule of Products made in Federal Penal and Correctional Institutions shall be in accordance with the detailed instructions and ordering procedures prescribed in such schedule. Current copies of the Schedule of Products may be obtained from the Federal Prison Industries, Inc., U. S. Department of Justice, Washington 25, D. C.

(f) *As additional source of supply.* In procuring items listed in the Schedule of Products, but subject to a general clearance, Contracting Officers will nevertheless consider the Federal Prison Industries as an additional source of supply.

(g) *Reference to clearance.* It is not necessary to attach a copy of the general clearance to the contract or voucher. Reference on either the contract or the voucher to general clearance No. C–27930 is sufficient.

§ 594.302 *Blind-made products*—(a) *General.* Supplies listed in the Schedule of Blind-Made Products issued by the Federal Supply Service, General Services Administration, will be procured from nonprofit making agencies for the blind at prices determined by the Committee on Purchases of Blind-Made Products.

(b) *Exceptions.* Purchases of supplies listed in the Schedule of Blind-Made Products need not be made from nonprofit making agencies for the blind when (1) a general clearance for the purchase of the items from commercial sources has been granted, (2) the procurement does not exceed a single unit as listed in such schedule, (3) the supplies are for use outside the continental United States, or (4) purchased from a Warehouse and Supply Center as indicated in § 594.103 (a).

(c) *General Clearance.* A general clearance, dated June 3, 1942, has been granted the Department by the Committee on Purchases of Blind-Made Products to purchase from commercial sources any item listed in the Schedule of Blind-Made Products when military necessity requires delivery of the article needed within a period of two weeks.

(d) *Special clearance.* The Federal Supply Service, General Services Administration, may grant a special clearance permitting procurement from commercial sources of supplies listed in such Schedule of Blind-Made Products (1) when necessary to meet emergency requirements or (2) when no agency for the blind is in a position to furnish the required supplies.

(e) *Procurement procedure.* Procurement of items listed in the Schedule of Blind-Made Products will be in accordance with the detailed regulations, instructions, and ordering procedures prescribed in such schedule and any amendments or price lists issued in connection therewith. Current copies of such schedule may be obtained from the Federal Supply Service, General Services Administration, Washington, D. C.

(f) *Procurement priority.* When supplies manufactured by nonprofit making agencies for the blind are similar to those manufactured in Federal penitentiaries, procurement priority will be given to the Federal Prison Industries, Inc.

(g) *Clearance reference.* It is not necessary to attach a copy of the general clearance to the procurement contract or voucher. A reference on either the contract or voucher to "General Clearance dated 3 June 1942" is sufficient.

SUBPART D—PROCUREMENT UNDER THE ECONOMY ACT OR THROUGH ANOTHER FEDERAL AGENCY

NOTE: See subpart D of Part 404 of this title; no further implementation in this part.

PART 595—FOREIGN PURCHASES

Sec.
595.000 Scope of part.

SUBPART A—BUY AMERICAN ACT AND OTHER STATUTORY PROHIBITIONS ON FOREIGN PURCHASES

595.103 Applicability of Buy American Act.
595.103–4 Nonavailability of supplies or materials.
595.104 Authority to grant exceptions to Buy American Act.
595.105 Supplies excepted from Buy American Act.
595.105–1 Exceptions based on unreasonable cost.
595.106 Other statutory prohibitions on foreign purchases.
595.106–1 Prohibition of annual appropriation acts.
595.107 References in contractual documents.
595.108 Violation of Buy American Act provision in construction contracts.

SUBPART B—CANADIAN PURCHASES

595.201 Purchases from Canadian suppliers.

SUBPART C—DUTY AND CUSTOMS

AUTHORITY: §§ 595.000 to 595.201 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161.

DERIVATION: Army Procurement Procedure, March 15, 1951.

§ 595.000 *Scope of part.* Supplementary to, but consistent with, Part 405 of this title, this part sets forth policies and procedures in connection with (a) statutory prohibitions on foreign purchases, and (b) purchases from Canadian sources.

SUBPART A—BUY AMERICAN ACT AND OTHER STATUTORY PROHIBITIONS ON FOREIGN PURCHASES

§ 595.103 *Applicability of Buy American Act.* When in doubt as to whether a given purchase is or is not restricted by Title III, section 2, of the act of 3 March 1933, popularly called the Buy American Act (47 Stat. 1520; 41 U. S. C. 10a–d) or by other statutory prohibitions, Contracting Officers will forward the matter through channels to the Assistant Chief of Staff, G–4, Department of the Army (Attn.: Chief, Current Procurement Branch), for decision. Each submission will include complete information upon which a decision may be based.

§ 595.103–4 *Nonavailability of supplies or materials.* (a) The Secretary has delegated to the Chief, Current Procurement Branch, Office, Assistant Chief of Staff, G–4, Department of the Army, authority to determine under the provisions of the Buy American Act upon a proper showing of facts, that certain articles, materials, or supplies, of the class and kind to be used by the Army Establishment, or the articles, materials, or supplies from which they are manufactured, are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality; and to authorize the purchase from foreign sources, and use by the Army Establishment, of such articles, materials, or supplies from which they are manufactured, as are determined after a proper showing of fact, to be not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

(b) Section 405.103–4 of this title will be applied and used only after a determination, in writing, has been made by the Chief, Current Procurement Branch, Office, Assistant Chief of Staff, G–4. Requests for such determinations shall be forwarded through channels and will contain the following information:

(1) Description of the item or items (include unit and quantity).

(2) Estimated cost.

(3) State whether duty is included in estimated cost (if duty is not included but normally would be included therein, give reason for exclusion).

(4) If item is to be procured f. o. b. origin, show transportation costs necessary to deliver to destination.

(5) Country of origin.

(6) Name and address of proposed contractor.

(7) Brief statement as to necessity for procurement.

(8) State what effort was made to procure a similar item of domestic origin (if there is no known domestic item which may be used as a reasonable substitute, so state).

(c) When the Chief, Current Procurement Branch, Office, Assistant Chief of Staff, G–4, has determined that the provisions of the Buy American Act are not applicable to the purchase, the signed copy of such determination will be attached to the voucher upon which payment is made.

§ 595.104 *Authority to grant exceptions to Buy American Act.* When, in the opinion of the Contracting Officer, the conditions cited in § 405.104 of this title are present, a request will be made through channels to the Secretary (address request to the Assistant Chief of Staff, G–4, Department of the Army, Attn.: Chief, Current Procurement Branch) for the issuance of a certificate of exemption. Such requests shall be submitted in complete quadruplicate (4 copies each of basic, indorsements, and inclosures) and will contain the following information:

(a) Description of the item or items (include unit and quantity).

(b) Estimated cost.

(c) State whether duty is included in estimated cost (if duty is not included

but normally would be included therein, give reasons for exclusion).

(d) If item is to be procured f. o. b. origin, show transportation costs necessary to deliver to destination.

(e) Country of origin.

(f) Name and address of proposed contractor(s), if available.

(g) Brief statement as to necessity for procurement.

(h) Funds which are available and will be obligated for the procurement.

(i) Complete justification for purchase of item of foreign source, such as excessive cost of similar items of domestic origin, loss of identification of foreign component, etc.

Accompanying request will be Certificate of Exemption prepared for the signature of the Secretary.

§ 595.105 *Supplies excepted from Buy American Act.*

§ 595.105–1 *Exceptions based on unreasonable cost.* In all cases where the differential referred to in § 405.105–1 of this title is more than $5,000 but less than 25 percent and in all cases where the Contracting Officer considers the differential to be unreasonable, the matter will be submitted in accordance with § 595.104 for determination as to unreasonable cost.

§ 595.106 *Other statutory prohibitions on foreign purchases.*

§ 595.106–1 *Prohibition of annual appropriation acts.* It has been administratively determined that all the articles of food and clothing contained in the list set forth at the end of Subpart A of Part 405 of this title, are exempt from the general prohibition of the annual appropriation act. In the case of the procurement of other items of food and clothing which the Contracting Officer believes should be excepted, request for a certificate of exemption by the Secretary will be submitted in accordance with the procedure set forth in § 595.104.

§ 595.107 *References in contractural documents*—(a) *General.* The contract clause set forth in § 405.103–14 of this title will be inserted in all contracts for the purchase of supplies to which the Buy American Act applies.

(b) *Food and clothing.* In all contracts for the procurement of any article of food or clothing, not excepted from the prohibition of annual appropriation acts, the contract clause set forth in § 406.104–13 of this title will be inserted.

(c) *Special clause for the construction, alteration, or repair of public buildings and public works.* The specifications accompanying the invitation for bids for the construction, alteration, or repair of public buildings or public works in the United States will contain the following:

Because the materials listed below, or the materials from which they are manufactured, are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, their use in the work herein specified (subject to the requirements of the specifications) is authorized, without regard to the country of origin:

Asbestos.	Platinum and related group metals.
Bauxite.	Rubber, crude and latex.
Chrome ore or chromite.	Timber, balsa, greenheart, lignum vitae, mahogany, and teak.
Copper.	Tin.
Damar gum.	Tungsten.
Jute and jute burlaps.	Zinc.
Kaurigum.	
Lac and shellac.	
Lead.	
Nickel.	

§ 595.108 *Violation of Buy American Act provision in construction contracts.* For procedure with respect to placing or removing from the list of ineligible contractors and disqualified bidders the name of any noncomplying contractor or bidder, see § 590.303.

SUBPART B—CANADIAN PURCHASES

§ 595.201 *Purchases from Canadian suppliers.* All Army contracts with suppliers or contractors located in the Dominion of Canada will be made with and administered through the Canadian Commercial Corporation through its Washington Office, except that:

(a) Under circumstances of Public Exigency as described in § 402.202–2 of this title, Procuring Activities are authorized to negotiate directly with suppliers or contractors domiciled in the Dominion of Canada without reference to the Canadian Commercial Corporation.

(b) Subject to applicable restrictions of §§ 592.205 and 592.211, Procuring Activities are authorized to negotiate direct for research services to be rendered by any university, college or educational institution located in the Dominion of Canada without reference to the Canadian Commercial Corporation or other Canadian clearing agency.

(c) When the Canadian Commercial Corporation requests that the procurement be made direct with Canadian suppliers or contractors.

SUBPART C—DUTY AND CUSTOMS

NOTE: See Subpart C of Part 405 of this title. No further implementation in this part.

PART 596—CONTRACT CLAUSES AND FORMS

Sec.
596.000 Scope of part.
596.001 Applicability of contract forms and clauses.

SUBPART A—CLAUSES FOR FIXED-PRICE SUPPLY CONTRACTS

596.102 Applicability.
596.103 Required clauses.
596.103–1 Definitions.
596.103–2 Changes.
596.103–8 Assignment of Claims.
596.103–10 Federal, State, and Local taxes.
596.103–11 Default.
596.103–12 Disputes.
596.103–14 Buy American Act.
596.103–15 Convict labor.
596.103–16 Eight-Hour Law of 1912.
596.103–17 Walsh-Healey Public Contracts Act.
596.103–18 Nondiscrimination in employment.
596.103–21 Termination for convenience of the Government.
596.104 Clauses to be used when applicable.
596.104–1 Davis-Bacon Act.
596.104–2 Copeland Act.
596.104–3 Employment of aliens.
596.104–4 Neutrality Act of 1939.
596.104–10 Renegotiation Act of 1948.
596.104–12 Military security requirements (Security Requirements Check list).
596.104–13 Domestic food or clothing.
596.105 Additional clauses.
596.105–5 Liquidated damages.
596.150 Department of the Army clauses.
596.150–1 Partial payments.
596.150–2 Advance payments.
596.150–3 Plant protection.
596.150–4 Rental of gas cylinders.
596.151 Price Escalation Clauses.
596.151–1 General Price Escalation Clause.
596.151–2 Price Escalation Clauses for standard steel items.
596.151–3 Price Escalation Clause for aluminum.
596.151–4 Price Escalation Clause for open-end contracts and indefinite quantity contracts.
596.152 Price redetermination clauses.
596.152–1 Form II–B Price redetermination clause.
596.152–2 Form III Price redetermination clause.
596.152–3 Form IV Price redetermination clause.

SUBPART E—APPROVED CONTRACT FORMS (STANDARD, DEFENSE, AND ARMY)

596.500 Scope of subpart.
596.501 Applicability.
596.501–1 Contract clauses.
596.501–2 Deviations.
596.501–3 Local reproduction.
596.501–4 Procuring Activity contract forms.
596.501–5 Statutory authority.
596.502 List of forms.
596.502–1 Supply of certain forms.
596.503 Supply Contract; Formal Advertising (Long Form) (U. S. Standard Forms 26, 30, 31, and 32).
596.504 Supply Contract; Negotiated (Long Form) (DD Form 351).
596.511 Supply Contract; Formal Advertising (Short Form) (U. S. Standard Forms 33 and 32).
596.512 Order and Voucher for Purchase of Supplies or Services Other Than Personal (DA AGO Form 383).
596.513 Purchase Order (W. D. Form 18).
596.514 Government's Order and Contractor's Acceptance (W. D. Form 47).
596.515 Delivery Order (DA AGO Form R–5700).
596.515–1 Sample of DA AGO Form R–5700 (Delivery Order).
596.531 Construction Contract (Lump Sum); DA AGO Form R–5701.
596.531–1 Sample of form.
596.532 Cost-Plus-A-Fixed-Fee Construction Contract.
596.533 Cost-Plus-A-Fixed-Fee Architect-Engineer Contract with Optional Supervision.
596.534 Lump Sum Contract for Architect-Engineer Services with Optional Supervision.
596.535 Cost-Plus-A-Fixed-Fee Architect-Engineer-Construction Management Services Contract.
596.536 Rental Agreement; Government-Owned Construction or Road Maintenance Equipment.
596.541 Letter Contract (Cost Type); DA AGO Form R–5702.
596.541–1 Sample of form.
596.542 Letter Contract (Fixed Price Type); DA AGO Form R–5703.
596.542–1 Sample of form.
596.561 Negotiated Utility Services Contract (Short Form).
596.562 Negotiated Utility Services Contract (Long Form).
596.563 Contract for Academic Instruction; DA AGO Form 357.
596.564 Order Form to Contract for Academic Instruction; DA AGO Form 358.
596.565 Contract for Movement of Household Goods and Effects (DD Form 327).
596.566 Master Lump Sum Ship Repair Contract.
596.567 Stevedoring Contract.
596.571 Invitation for Bids (Construction Contract).
596.572 Bid (Construction Contract).
596.573 Plant and Equipment Schedule.
596.574 Unit Price Schedule.
596.577 Request for Proposal and Contractor's Proposal (Short Form); W. D. Form 104.
596.578 Request for Proposal and Contractor's Proposal (Long Form); W. D. Forms 105, 105A, 105B, and 105C.
596.579 Security Requirements Check List; DD Form 254.
596.580 Contractor's Statement of Contingent or Other Fees for Soliciting or Securing Contract (U. S. Standard Form 119).
596.581 Abstract of Bids (Short Form); W. D. Form 14.
596.582 Abstract of Bids (Long Form); W. D. Form 29.
596.583 Abstract of bids (Long Form); Continuation Sheet; W. D. Form 29A.
596.591 Contract of Sale of Property (Negotiated Sale)

AUTHORITY: §§ 596.000 to 596.591 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161.

DERIVATION: Army Procurement Procedure, March 15, 1951.

§ 596.000 *Scope of part.* Supplementary to, but consistent with Part 406 of this title, this part sets forth uniform contract clauses and standard contract forms for use in connection with the procurement of supplies and services by the Army Establishment. Prescribed standard contract forms are listed in Subpart E of this part.

§ 596.001 *Applicability of contract forms and clauses.* (a) *General.* Approved contract forms and clauses currently in use in the respective Procuring Activities, which are not prescribed by and which are not inconsistent with the contract forms and clauses prescribed by Subchapter A, Chapter IV of this title or this Procedure, may be used by any Procuring Activity in accordance with its instructions. If Subchapter A, Chapter IV of this title or this Procedure prescribes a contract form such form must be used in accordance therewith unless the Chief, Current Procurement Branch, Assistant Chief of Staff, G–4, grants a deviation. If Subchapter A, Chapter IV of this title or this Procedure, however, prescribes or approves a contract clause for use, even if for use "when applicable" or "when it is desired to cover the subject matter thereof," no contract clause shall be used in substitution for such clause unless such substitute clause (1) is within the scope of the variations in such prescribed or approved clause expressly permitted by Subchapter A, Chapter IV of this title or this Procedure, or (2) is the prescribed or approved clause plus provisions supplementary to and not inconsistent with any prescribed or approved clause. For example, § 408.107–4 of this title "approves for use" a "Foreign Patent Rights Clause," which grants the Government foreign patent rights concerning any invention financed by the contract. If the contractor and the Contracting Officer agree that the Government should have not only such foreign patent rights but also reproduction rights with respect to certain foreign "background" patents held by the contractor, the contract must contain the clause set out in § 408.107–4 of this title plus a provision concerning such "background" patents. Since the clause for such "background" patent rights set out in § 408.107–3 of this title is expressly subject to the qualification that "the particular wording of a provision granting such rights to the Government is a matter of negotiation in each case," the clause set out in § 408.107–3 of this title need not be used verbatim as the additional provision but the additional provision must be modeled on such clause and must be consistent with the policy expressed in § 408.107–3 of this title.

(b) *Applicability of contract forms and contract clauses to contracts to be performed in foreign countries.* (1) The contract forms and clauses prescribed or approved by subchapter A, chapter IV of this title and this Procedure will be used in all contracts whether performed in whole or in part in the United States, its territories or possessions, or in foreign countries. Certain clauses are applicable only in some areas but not in other areas. For each section of Subchapter A, Chapter IV of this title and this Procedure prescribing or approving the use of a contract form or a contract clause, the corresponding section of this Procedure has been annotated, for use in those areas where the form or clause is not applicable or is not applicable exactly as written, to authorize modification of the form or clause, or the deletion of the form or clause. Where no annotation is made in this Procedure, the modification or deletion is authorized by the applicable section of Subchapter A, Chapter IV of this title or the clause is applicable as written. Care must be exercised in modifying or deleting clauses, where authorized, to insure that proper action is taken as in the following examples:

(i) In view of the provisions of the clauses relating to Inspection and Responsibility for Supplies, appropriate provisions may be necessary for insertion in the Schedule to define or limit the contractor's responsibility and liability where the items are procured in a foreign country and delivered to an Army activity located in that foreign country for subsequent transshipment to a destination in the United States.

(ii) When substituting the clause concerning Federal, State, and Local Taxes, advantage must be taken of tax exemptions possible in the place of performance.

(iii) The deletion of the clause regarding the Buy American Act is authorized where the supplies are procured outside and are used outside the United States, its territories and possessions. Foreign procurement of supplies which are shipped to the United States, its territories and possessions, come under the provisions of the Buy American Act unless specifically excepted by the Secretary of the Army, his duly authorized representative, or the provisions of the Act.

(iv) Clauses relative to the Eight-Hour Law of 1912, Nondiscrimination in Employment, the Davis-Bacon Act, the Copeland Act, the Walsh-Healey Public Contracts Act, and the Fair Labor Standards Act of 1938 were prescribed by various statutes and executive policies in order to protect American labor from certain abuses. Such clauses obviously are not applicable and should not be included in contracts to be performed in foreign countries insofar as native foreign labor is concerned. Note, however, that such clauses may apply to American citizens employed under such contracts in foreign countries.

(2) Determination as to the applicability of a particular contract form or contract clause often can be made only by consulting the various statutes, decisions, and policies which established the requirement and, in many cases, involves obtaining interpretations of various statutes from other executive departments. In those cases where applicability is in doubt, Contracting Officers will forward requests for interpretations to the Assistant Chief of Staff, G–4, Department of the Army (Attn.: Chief, Current Procurement Branch) through the Head of the Procuring Activity involved.

SUBPART A—CLAUSES FOR FIXED-PRICE SUPPLY CONTRACTS

§ 596.102 *Applicability.* Section 406.102 of this title is not intended to apply to those purchase orders amounting to $1,000 or less.

§ 596.103 *Required clauses.* Except as provided in § 596.102, all of the clauses specified in §§ 406.103–1 through 406.103–21 of this title will be inserted in all fixed-price supply contracts subject to the instructions contained in § 406.103 of this title, § 596.001 and in this section. The additional contract clauses, contained in §§ 596.103 through 596.103–21 but not contained anywhere in subchapter A, Chapter IV of this title will also be inserted in all fixed-price supply contracts as specified in this Procedure.

§ 596.103–1 *Definitions.* The "Definitions" clause contained in § 406.103–1 of this title will be inserted but additional definitions may be included in accordance with the instructions of each Procuring Activity when such additional definitions are not inconsistent with such "Definitions" clause.

§ 596.103–2 *Changes.* (a) The "Changes" clause contained in § 406.103–2 of this title will be inserted but with respect to such clause, in accordance with the instructions of each Procuring Activity, the period of "30 days" within which any claim for adjustment must be asserted may be varied. In special cases the "Changes" clause may be made applicable to changes in provisions other than those relating to drawings, designs, specifications, method of shipment or packing, and place of delivery, so long

as such extended applicability of the "Changes" clause would not be inconsistent with the provisions of the clause contained in § 406.103–2 of this title.

(b) Additional quantities of supplies which were not initially contemplated in the contract will not be ordered under the "Changes" clause since such a practice might be used to defeat the requirements for competitive procurement.

(c) Accelerated deliveries will be provided for by a supplemental agreement modifying the contract rather than through the use of the "Changes" clause. However, such a supplemental agreement should not be used to provide additional compensation to the contractor for accelerated deliveries to meet the delivery schedules prescribed in the contract.

§ 596.103–8 *Assignment of claims.* In cases where special circumstances make it advisable in the best interests of the Government, the last sentence of paragraph (a) of the "Assignment of Claims" clause set forth in § 406.103–8 of this title ("no set-off provision") may be deleted with the approval of the Head of a Procuring Activity.

(a) In 1940 by the enactment of the Assignment of Claims Act (54 Stat. 1029; 31 U. S. C. 203 and 41 U. S. C. 15), approved October 9, 1940, the restrictions created by sections 3477 and 3737 of Revised Statutes subject to certain conditions therein specified made inapplicable to any case in which monies due or to become due under a contract providing for payments aggregating $1,000 or more, are assigned to a bank, trust company, or other financing institution including any Federal lending agency. The conditions specified in the act are, in general, as follows:

(1) Claims for monies due or to become due a contractor from the Government under a contract may be assigned to a bank, trust company or other financing institution, including any Federal lending agency. Any such assignment will cover all amounts payable under the contract and not already paid, and will not be made to more than one party, except that any such assignment may be made to one party as agent or trustee for two or more parties participating in such financing.

(2) In the event of any such assignment the assignee will file written notice of the assignment, together with one copy of the instrument of assignment, with each of the following:

(i) General Accounting Office.

(ii) The Contracting Officer.

(iii) The surety or sureties upon the bond or bonds, if any, in connection with the contract.

(iv) The Disbursing Officer designated in the contract to make payments thereunder.

(b) If provided in a contract, payment to an assignee of any claim under the contract shall not be subject to reduction or set-off for any indebtedness of the assignor to the United States arising independently of the contract.

(c) Where direct payment is made to the assignee, the contractor will furnish on each voucher, invoice, or other supporting paper a statement to the effect that he recognizes the assignment, its validity, and the right of the assignee to receive payment.

(d) In connection with the assignment of claims, Contracting Officers will, upon request of the contractor, furnish proposed assignees information regarding the status of the contract at the time of the assignment. In so doing, the Contracting Officer will advise the assignee that the information is so furnished only for confidential use in connection with the assignment.

§ 596.103–10 *Federal, State, and local taxes.* In effecting procurement outside the United States, its territories and possessions, substitute the clause set forth in § 600.401 of this chapter in lieu of the Clause prescribed in § 410.401 of this title. (See § 596.001 (b) (1) (ii).)

§ 596.103–11 *Default.*—(a) *Steps to be taken in event of default.* In any case where a contractor refuses or fails to carry out the terms of the contract or to make progress so as to endanger the performance of the contract, the Contracting Officer may take any of the following courses:

(1) Terminate the contract under the provision permitting termination in event of default, preserving the Government's rights against any surety.

(2) Permit the contractor to proceed and charge contractor with the actual damages resulting from the delays or default. If the contract provides for liquidated damages, such damages and not actual damages must be charged. In this connection see §§ 535.5 through 535.9 of this chapter.

(3) Enter into a supplemental agreement with contractor's surety, if any, providing for the completion of performance of the contract and for payment therefor. Such supplemental agreement should clearly state that all rights against the contractor are preserved so far as the surety does not undertake to cure the effect of the defaults by the contractor. Where the contractor has not given a performance bond, or where the surety under such a bond has pursuant to any requirement thereof been given an opportunity (if such requirement is contained in the bond) to complete the contract but does not elect to do so, the Government may terminate the contract pursuant to any applicable provision thereof, and pursue its remedies against the contractor and/or surety.

(b) *Notification to contractor.* In the event a Contracting Officer takes any of the steps prescribed in (a) above, the contractors will be promptly furnished a copy of the findings of fact in connection with delays in the completion of contracts, but the findings so furnished will be limited to a statement of the facts and the extent of the delay.

(c) *Procedure when remedies under default clause are pursued.* If a contractor defaults and it is determined to pursue the remedies provided by the contract provision, the following procedure will, in general, be followed:

(1) The contractor will be notified in writing that his right to proceed has been terminated.

(2) A copy of the termination notice will be furnished to the Disbursing Officer who will be advised to withhold further payments to the contractor pending additional instructions.

(3) Supplies or materials similar to those called for by the contract will then be procured elsewhere by contract or from Government manufacturer at as reasonable a price as practicable considering the quantity and quality required by the Government and the time in which the supplies or materials are required. In the case of a construction contract, the work will be completed according to the plans and specifications either by such other responsible contractor who offers the lowest price or by Government plant and hired labor. In either construction or supply contracts the excess cost to the Government will be charged to the contractor and the proper Disbursing Officer will be notified to withhold payments to cover the excess costs, pending payment thereof by the contractor.

(4) The Contracting Officer, immediately upon making the contract for the purchase of the materials or supplies, or for the completion of the construction contract, will request immediate remittance of the excess cost from the defaulting contractor.

(5) If the Contracting Officer collects the entire amount of the excess cost, he will furnish a report with reference thereto to the proper Disbursing Officer, transmitting the amount collected for disposition by the Disbursing Officer in accordance with § 535.8 (g) of this chapter.

(6) If the Contracting Officer is unable to make collection of the entire amount of excess cost, he will furnish a complete report of the facts and circumstances to the proper Disbursing Officer. If the contractor was given financial assistance by the Government, appropriate steps will be taken to protect the interest of the Government.

(d) *Report of default.* (1) The report to which reference is made in paragraph (g) of this section will be made in such manner as may be prescribed by the Office, Chief of Finance, or, if the contract in question is a Federal Supply Schedule contract, by letter, in duplicate, addressed to the Federal Supply Service as indicated in paragraph (h) of this section.

(2) The report will be submitted to the Disbursing Officer, in quadruplicate.

(e) *Collection of excess cost.* (1) The Disbursing Officer, upon receipt of the report to which reference is made in paragraph (g) of this section, will effect collection of the excess cost from the defaulting contractor by deducting the amount thereof from any funds payable to the defaulting contractor.

(2) If the Disbursing Officer effects collection of the entire amount of excess cost due the Government in accordance with subparagraph (1) of this paragraph, he will indicate that action on the appropriate report, sign it, and dispose of the report as follows:

(i) The original and quadruplicate copy will be transmitted to the Chief of Finance, the original to be forwarded to the General Accounting Office and the quadruplicate copy to be retained by the Chief of Finance.

(ii) The duplicate copy will be filed in the office of the Disbursing Officer.

(iii) The triplicate and quadruplicate copies, if any, will be transmitted to the Contracting Officer, marked for his information only.

(3) If the Disbursing Officer finds it impracticable to collect the entire amount of excess cost due the Government, he will indicate his action and recommendation on the appropriate report, sign it, and dispose of the report as follows:

(i) The original and quadruplicate copy will be transmitted to the Chief of Finance, the original to be forwarded to the General Accounting Office and the quadruplicate copy to be retained by the Chief of Finance.

(ii) The duplicate copy will be filed in the office of the Disbursing Officer.

(iii) The triplicate copy will be transmitted to the Contracting Officer with a notation to the effect that the excess cost could not be collected and that the matter has been reported to the Chief of Finance, for reference to the General Accounting Office.

(f) *Amount chargeable against defaulting contractor.* A purchase or purchases against the account of a defaulting contractor must not exceed the quantity originally ordered, with consideration given, of course, to the variation clause, if any, in the contract, and must be secured if practicable on the same unit basis, such as each, dozen, pound. However, this does not preclude the Government from entering into one contract with the completing contractor which includes additional needed supplies provided that the excess costs to be charged against the account of the defaulting contractor are determined as provided in the preceding sentence of this paragraph.

(g) *Report procedures*—(1) *Where excess cost involved.* In the event that collection of the excess cost is effected by means of contractor's check, money order, cash, or any means other than set-off against another account due the contractor, Standard Form No. 1044 (Schedule of Collections), properly completed, will be submitted in accordance with AR 35–780 with the required number of copies to be submitted with the report.

(2) *Where no excess cost involved.* If purchase is made against a defaulting contractor under a Department contract and no excess cost is involved, a report on the appropriate form will be made and disposition of the report will be made as indicated in paragraph (e) (3) of this section.

(h) *Federal supply schedule*—(1) *Ordering office.* Before declaring a contractor in default, it is suggested that ordinarily ordering offices should notify the contractor in writing that unless satisfactory performance occurs by a specified date, which should allow a reasonable time for performance, his right to proceed further under the purchase order will be considered terminated and he will be held liable for any excess costs resulting from purchasing the supplies or services elsewhere. This step would not be taken ordinarily when the default involves an attempted fraud on the United States, or when it would be obviously futile, as for example, when the contractor has already declined to perform. Where excess costs are anticipated, the ordering office may likewise decide to withhold sufficient funds due the contractor as offset security. Ordering offices will endeavor to minimize excess costs to be charged against the contractor and to collect, by check or setoff, excess costs owed. Such collected funds are usually for deposit into the Treasury as miscellaneous receipts.

(2) *Federal Supply Service.* Where ordering offices are notified by the Federal Supply Service that it has declared the contractor in default, ordering offices will thereafter refuse to accept further performance by the contractor or place further purchase orders with him. Ordering offices will thereafter purchase against the account of the contractor from replacing contractors designated by the Federal Supply Service or in such other manner as directed by the Federal Supply Service.

(3) *Reports.* Ordering offices will report to the Purchase Branch, Federal Supply Service, Washington 25, D. C., the details concerning all material instances of unsatisfactory performance by the contractor, whether or not properly adjusted and settled. Ordering offices will also report, as may be directed by the Federal Supply Service, all purchases made against the account of a contractor placed in default by the Federal Supply Service.

§ 596.103–12 *Disputes.* The "Disputes" Clause contained in § 406.103–12 of this title will be inserted as specified, except for contracts entered into by major oversea commanders and to be performed outside the United States (48 states and the District of Columbia) (see par. (c) of this section). The "Disputes" Clause may be modified to provide for an intermediate appeal to the Head of a Procuring Activity upon approval of the Head of the Procuring Activity concerned.

(a) *Armed Services Board of Contract Appeals.* The charter and rules of the Armed Services Board of Contract Appeals are set forth in Appendix A of the Armed Services Procurement Regulation.

(b) *Procedure for handling disputes.* Disputes arising under Army contracts should be reviewed and screened to insure, in so far as practicable and consistent with the rights of contractors, that only those appeals which require consideration and determination by the Armed Services Board of Contract Appeals be forwarded to the Board for disposition.

(1) *Correspondence.* All official correspondence with the Board will be addressed "Board of Contract Appeals, Office of the Under Secretary of the Army, Washington 25, D. C."

(2) *Time of filing of appeal to be endorsed.* When the appeal has been received by the Contracting Officer or the Head of a Procuring Activity, as the case may be, he will endorse thereon the date of filing and forward the appeal, as hereinafter provided.

(3) *Findings of fact and decisions.* (i) In rendering a decision on any dispute involving a question of fact, the Contracting Officer or the Head of a Procuring Activity, as the case may be, will prepare and sign findings of fact, a true copy of which with his written decision will be promptly furnished the contractor; and in case of appeal, the officer from whose decision the appeal is taken will forward a true copy of such finding and of the decision, as hereinafter provided.

(ii) *Forwarding by Contracting Officer.* When an appeal is taken from the decision of a Contracting Officer he will promptly forward to the Head of the Procuring Activity concerned, a true copy of his findings of fact and of his decision; the original written appeal and the required copies thereof; a transcript of any evidence taken by him; and all pertinent papers in the case.

(iii) *Forwarding by Heads of Procuring Activities of appeals from Decisions of Contracting Officer.* (a) If the appeal from the Contracting Officer's decision is to the Secretary, the Head of the Procuring Activity receiving the appeal will exercise the utmost care to see that the record is complete; will add to the file, if not already in it, an original duplicate or true copy of the contract, including the plans and specifications and all changes and supplemental agreements; and will promptly forward the complete file to the Board.

(b) If for any reason an appeal cannot be processed by the Procuring Activity in accordance with this section within 10 days from the date of appeal is received by the Activity, the Head of the Procuring Activity will report to the Board the date on which the appeal was received in his office and the reason for the delay in accomplishing the processing.

(4) *Forwarding appeals from Heads of Procuring Activities.* The Head of a Procuring Activity, within 10 days after the receipt of a written appeal from his decision, will forward the original written appeal and the required copies thereof to the Board, together with the following papers: a copy of his findings of fact and decision; the advisory report, if there be one, of the contract settlement board in his office; a transcript of any testimony taken during the course of the proceedings; a duplicate original or a certified copy of the contract, including the plans and specifications and all changes and supplemental agreements; the findings of fact and decision of the Contracting Officer; and all papers and correspondence pertaining to the contract, pertinent to the consideration of the appeal. In cases wherein an appeal under the terms of a contract is filed with a Procuring Activity, the Head of the Activity concerned will, prior to forwarding the appeal to the Armed Services Board of Contract Appeals:

(i) Carefully review the "decision" or "findings of fact" from which the appeal is taken to ascertain that all basic "findings of fact" are complete as to all issues bearing upon the matter in dispute. He will also ascertain that all evidence relied upon (whether documentary or oral testimony) in support of the "decision"

or "findings of fact" does support the Government's position; and that all essential witnesses and documentary evidence will be available to the Board at the time of the hearing of the appeal. When appropriate, the Head of the Procuring Activity will conduct an investigation to accomplish these objectives.

(ii) Refer to the Contracting Officer for supplemental findings cases in which the "decision" does not contain all of the basic findings required to support it, or in which the "findings of fact" are not complete as to all issues bearing upon the matter in dispute.

(iii) Refer to the Contracting Officer for reconsideration all cases wherein a timely appeal has been taken and it is clear from the evidence, contractual provisions and the applicable law, that the Contracting Officer's "decision" or "findings of fact" is erroneous or not supported by competent and available evidence. Attention is invited to the requirement that the Contracting Officer must give his personal and independent consideration to the making of each "decision" or "findings of fact," with the aid of such technical and legal advice as may be available to him, and the exercise of this function can neither be delegated to nor usurped by anyone not authorized by the terms of the contract. Whenever upon such reconsideration the Contracting Officer modifies his "decision" or "findings of fact" so as to eliminate a part or all of issues involved in the appeal, he will request the appellant to furnish, for incorporation in the appeal papers, a statement withdrawing its appeal as to the issues thus eliminated.

(iv) Prepare and forward to the Chief Trial Attorney's office a statement of the factual and legal issues involved in the appeal and a brief summary of the evidence (both documentary and oral testimony) which will be available at the hearing to support the Government's position, together with comments, when pertinent, as to the probable implications on procurement policies of the decision upon the subject appeal.

(5) *Appeals filed with the Secretary or the Board.* In cases wherein an appeal is filed directly with the Office of the Secretary of the Army or the Armed Services Board of Contract Appeals, the Board, pursuant to its rules of procedure, will promptly furnish a copy thereof to the Procuring Activity concerned, through the Chief, Trial Attorney's office. Upon the receipt of such appeal the Procuring Activity will process the same as though it had been initially filed with the Activity.

(6) *New facts or circumstances.* Upon discovery of new facts or circumstances the Chief Trial Attorney is authorized, in appropriate cases, to return appeals to the Procuring Activity for further reconsideration in the light of the additional facts or circumstances disclosed.

(7) *Appeals improperly filed.* If any officer or agency of the Department other than the officer or agency designated in the contract, should receive a written appeal, the recipient will, after endorsing thereon the date of its receipt, immediately transmit the appeal to the Head of the Procuring Activity concerned:

(i) For appropriate action as provided in subparagraph (4) of this paragraph if the appeal is from the decision of the Head of a Procuring Activity, or

(ii) If the appeal is from the decision of a Contracting Officer, then for action as required by subparagraph (3) of this paragraph.

(c) *Major oversea commands.* (1) The following "Disputes" Clause will be inserted in all contracts entered into by major oversea commands and to be performed outside the United States (48 States and the District of Columbia) in lieu of the clause set forth in § 406.103–12 of this title:

DISPUTES

Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. Within 30 days from the date of receipt of such copy, the Contractor may appeal by mailing or otherwise furnishing to the Contracting Officer a written appeal addressed to the Commanding General (----------*) and the decision of the Commanding General (----------*), or that of his duly authorized representative (other than the Contracting Officer under this contract) for the hearing of such appeals, upon personal approval by the Commanding General (----------*) or his designated deputy, shall be final and conclusive upon the parties hereto when the amount involved in the appeal is $50,000 or less; provided that, if no appeal is taken, within the said 30 days, the decision of the Contracting Officer shall be final and conclusive. When the amount involved is more than $50,000 the decision of the Commanding General (----------*) shall be subject to written appeal within 30 days after the receipt thereof by the Contractor to the Secretary of the Army and the decision of the Secretary or his duly authorized representative for the hearing of such appeals shall be final and conclusive; provided that, if no such further appeal is taken, within the said 30 days, the decision of the Commanding General (----------*) shall be final and conclusive. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with Contracting Officer's decision.

(2) Each Commanding General of a major oversea command will appoint within his command a Board to be known as "(name of command) Board of Contract Appeals." The Board will consist of three or more members who will be persons trained in the law, one of whom will be designated by the appointing authority as the President of the Board. There will also be appointed a Recorder of the Board who will perform such duties as the Board may prescribe. The Recorder of the Board may also be a member thereof.

(3) The Board, created pursuant to the provisions of subparagraph (2) of this paragraph, will be designated by the Commanding General as his duly authorized representative to hear, consider, and decide, as fully as he might do, all appeals to him under contracts having such provisions. The Board's final decision, however, will be subject to his personal approval, or that of his deputy designated for such purpose. The Board will be granted all powers necessary and incident to the proper performance of its duties and, with the approval of the appointing authority, will adopt its own methods of procedure, rules, and regulations for its conduct and for the preparation and presentation of appeals and issuance of decisions.

(4) Each commanding general of a major oversea command will designate one or more trial attorneys, who will be qualified attorneys at law, for the preparation and presentation of the contentions of the Procuring Activity in relation to appeals filed with the Board.

§ 596.103–14 *Buy American Act.* In effecting procurement outside the United States, its territories and possessions, this clause will be deleted. (See § 596.001 (b) (1) (iii).)

§ 596.103–15 *Convict labor.* In effecting procurement outside the United States, its territories and possessions, this clause will be deleted.

§ 596.103–16 *Eight-Hour Law of 1912.* In effecting procurement outside the United States, its territories and possessions, this clause will be deleted. (See § 596.001 (b) (1) (iv).)

§ 596.103–17 *Walsh-Healey Public Contracts Act.* In effecting procurement outside the United States, its territories and possessions, this clause will be deleted. See § 596.001 (b) (1) (iv).

§ 596.103–18 *Nondiscrimination in employment.* In effecting procurement outside the United States, its territories and possessions, this clause will be deleted. See § 596.001 (b) (1) (iv).

§ 596.103–21 *Termination for convenience of the government.* Insert the contract clause appropriate for use in fixed-price supply contracts as set forth in Part 407 of this title, provided that prior to the issuance and effective date of Part 407 of this title, there shall be inserted such termination clause as is prescribed by Part 597 of this chapter.

§ 596.104 *Clauses to be used when applicable.* The contract clauses set forth in § 406.104 of this title and in this section shall be used when applicable subject to the instructions contained in § 406.104 of this title; §§ 596.001 and 596.104 through 596.104–13.

§ 596.104–1 *Davis-Bacon Act.* In effecting procurement outside the United States, its territories and possessions, this clause will be deleted. See § 596.001 (b) (1) (iv).

§ 596.104–2 *Copeland Act.* In effecting procurement outside the United States, its territories and possessions, this clause will be deleted. See §596.001 (b) (1) (iv).

§ 596.104–3 *Employment of aliens.* In effecting procurement outside the United States, its territories and possessions,

* Specify name of major oversea command concerned.

this clause will be deleted. Contracting Officers will exercise the utmost care in effecting this type procurement to avoid the compromise of classified data.

§ 596.104–4 *Neutrality Act of 1939.*— (a) *Basic law.* By section 12 of the act of November 4, 1939 (22 U. S. C. 452), also referred to as the "Neutrality Act of 1939," the National Munitions Control Board was established, upon the recommendation of which the President was authorized to proclaim from time to time, a list of articles which shall be considered arms, ammunition and implements of war for the purposes of said Act. The Secretary of State promulgates rules and regulations with regard to said Act and except where otherwise provided by law, the administration was vested in the Department of State. The Neutrality Act further provides for the registration of persons engaged in manufacturing, exporting or importing any arms, ammunition, or implements of war listed in the President's Proclamation; and that no purchase of arms, ammunition, or implements of war shall be made on behalf of the United States from any person who shall have failed to register under the provision of said Act.

(b) *Proclamation of the President.* (1) The President, in Proclamation 2776, March 26, 1948, has proclaimed the articles which are considered arms, ammunition, and implements of war for purposes of basic law as follows:

Category I. Small arms and machine guns, rifles, carbines, revolvers, pistols, machine pistols, and machine guns (using ammunition of caliber .22 or over); barrels, mounts, breech mechanisms, and stocks therefor.

Category II. Artillery and projectors: Guns, howitzers, cannon, mortars, and rocket launchers (of all calibers), military flame throwers, military smoke, gas, or pyrotechnic projectors; barrels, mounts, and other components thereof.

Category III. Ammunition: Ammunition of caliber .22 or over for the arms enumerated under Categories I and II above; cartridge cases, powder bags, bullets, jackets, cores, shells (excluding shotgun); projectiles and other missiles, percussion caps, fuses, primers, and other detonating devices for such ammunition.

Category IV. Bombs, torpedoes, and rockets: Bombs, torpedoes, grenades, rockets, mines, guided missiles, depth charges, and components thereof, apparatus and devices for the handling, control, discharge detonation, or detection thereof.

Category V. Fire control equipment and range finders: Fire control equipment, range, position and height finders, spotting instruments, aiming devices (gyroscopic, optic, acoustic, atmospheric, or flash), bombsights, gun sights, and periscopes for the arms, ammunition, and implements of war enumerated in Proclamation 2776.

Category VI. Tanks and ordnance vehicles: Tanks armed or armored vehicles, armored trains, artillery and small arms repair trucks, military half-tracks, tank recovery vehicles, tank destroyers; armor plate, turrets, tank engines, tank thread shoes, tank bogie wheels, and idlers therefor.

Category VII. Poison gas and toxicological agents: All military toxicological and lethal agents and gases; military equipment for the dissemination and detection thereof and defense therefrom.

Category VIII. Propellants and explosives: Propellants for the articles enumerated in Categories III, IV, and VII; military high explosives.

Category IX. Vessels of war: Vessels of war of all kinds, including amphibious craft, landing craft, naval tenders, naval transports and naval patrol craft, armor plate and turrets therefor; submarine batteries and nets, and equipment for the laying, detection and detonation of mines.

Category X. Aircraft: Aircraft; components, parts, and accessories therefor.

Category XI. Miscellaneous equipment: (i) Military radar equipment, including components thereof, radar countermeasures and radar jamming equipment; (ii) Military stereoscopic plotting and photo interpretation equipment; (iii) Military photo theodolites, telemetering and Doeppler equipment; (iv) Military superhigh speed ballistic cameras; (v) Military radiosondes; (vi) Military interference suppression equipment; (vii) Military electronic computing devices; (viii) Military miniature and subminiature vacuum tubes and photoemissive tubes; (ix) Military armor plate; (x) Military steel helmets; (xi) Military pyrotechnics; (xii) Synthetic training devices for military equipment; (xiii) Military ultrasonic generators; (xiv) all other material used in warfare which is classified from the standpoint of military security.

(2) Proclamation 2776 superseded Proclamation 2717, February 14, 1947, on the same subject, effective April 15, 1948.

(c) *Interpretation of basic law by Department of State.* Munitions Division Bulletin No. 1, Department of State, entitled "New requirements relating to the licensing for export and import of articles defined as arms, ammunition and implements of war," April 1, 1948, indicates the procedure to be followed by those engaged in the business of manufacturing, exporting or importing any of the arms, ammunition, or implements of war enumerated in the President's Proclamation pending issuance of a revised edition of the pamphlet "International Traffic in Arms". Inquiries relative to the application of Proclamation 2776 should be submitted to the Munitions Division, Department of State, Washington 25, D. C.

(d) *Invitations for bids, requests for proposals, and negotiated contracts.* If any item being purchased is listed in any current proclamation issued by the President under section 12 of the Neutrality Act of 1939 (act of November 4, 1939, 54 Stat. 10; 22 U. S. C. 452) the clause prescribed by § 406.104–4 of this title, Neutrality Act of 1939, will be included in all invitations for bids, or in case of negotiation, in the request for proposals if a request for proposals is used. If a request for proposals is not used, the clause will be brought to the attention of prospective contractors during negotiation and the clause incorporated in any resultant contract.

(e) *Overseas.* In effecting procurement of arms, ammunition or implements of war, defined as such by the Neutrality Act of 1939 and subsequent Presidential Proclamations, outside the United States, its territories and possessions, clearance of the procurement, prior to consummation, will be obtained from, and insertion or deletion of the clause will be as dictated by the Munitions Division, Department of State, except that in the following cases, prior clearance need not be obtained and the clause will not be inserted:

(1) In areas of military occupation.

(2) In areas outside the United States and its territories where the Department of State has entered into treaties or other agreements with the countries or authorities concerned with respect to the exporting or importing of arms, ammunition or implements of war.

(3) Those geographical areas or those procurement items in which or for which the Department of State has made a blanket exception or a previous exception to the act.

§ 596.104–10 *Renegotiation Act of 1948.* In addition to the instructions contained in § 406.104–10 of this title, Contracting Officers shall follow the instructions set forth below in determining whether a contract should contain a renegotiation clause.

(a) Section 618 of the Defense Appropriation Act, 1951, extends the coverage of the Renegotiation Act of 1948 to all negotiated contracts for procurement in excess of $1,000 entered into during the fiscal year 1951 by or on behalf of the Department of Defense (including the Department of the Army, Department of the Navy, and Department of the Air Force), and all subcontracts thereunder in excess of $1,000.

(b) Section 618 of the Defense Appropriation Act, 1951, is quoted herewith:

SEC. 618. (a) All negotiated contracts for procurement in excess of $1,000 entered into during the current fiscal year by or on behalf of the Department of Defense (including the Department of the Army, Department of the Navy, and Department of the Air Force), and all subcontracts thereunder in excess of $1,000, here hereby made subject to the Renegotiation Act of 1948 in the same manner and to the same extent as if such contracts and subcontracts were required by such act to contain the renegotiation article prescribed in subsection (a) of such act. Each contract and subcontract made subject to the Renegotiation Act of 1948 by this section shall contain an article stating that it is subject to the Renegotiation Act of 1948. In determining whether the amounts received or accrued to a contractor or subcontractor during his fiscal year from contracts and subcontracts subject to the Renegotiation Act of 1948 amount in the aggregate to $100,000, receipts or accruals from contracts and subcontracts made subject to such act by this section shall be added to receipts or accruals from all other contracts and subcontracts subject to such act.

(b) Notwithstanding any agreement to the contrary, the profit limitation provisions of the act of March 27, 1934 (48 Stat. 503, 505), as amended and supplemented, shall not apply to any contract or subcontract which is subject to the Renegotiation Act of 1948.

(c) The provisions of the above-quoted section 618 do not apply to certain contracts and subcontracts thereunder because of the mandatory exemptions contained in the Renegotiation Act, nor does it apply to certain other contracts and subcontracts by reason of permissive exemptions which have been granted by the Military Renegotiation Policy and Review Board. The mandatory exemptions, which are to be found in § 423.341 of this title (Military Renegotiation Regulations), are hereinafter summarized. The mandatory exemptions are as follows:

(1) Contracts entered into between governmental agencies and subcontracts thereunder are exempt by reference to

subsection (i) (1) (A) of the Renegotiation Act of February 25, 1944, as amended. (See §§ 423.342 to 423.342–2 of this title (Military Renegotiation Regulations).)

(2) Contracts and subcontracts for certain raw materials are exempt by reference to subsection (i) (1) (B) of the Renegotiation Act of February 25, 1944, as amended. (See §§ 423.343 to 423.343–4 of this title (Military Renegotiation Regulations).)

(3) Contracts and subcontracts for certain agricultural commodities are exempt by reference to subsection (i) (1) (C) of the Renegotiation Act of February 25, 1944, as amended. (See § 423.343–2 of this title (Military Renegotiation Regulations).)

(4) Contracts and subcontracts with certain tax-exempt institutions are exempt by reference to subsection (i) (1) (D) of the Renegotiation Act of February 25, 1944, as amended. (See §§ 423.344 to 423.344–2 of this title (Military Renegotiation Regulations).)

(5) Construction contracts awarded as a result of competitive bidding are exempt by reference to subsection (i) (1) (E) of the Renegotiation Act of February 25, 1944, as amended. (See §§ 423.345 to 423.345–2 of this title (Military Renegotiation Regulations).)

(6) Subcontracts under exempt contracts and subcontracts are exempt by reference to subsection (i) (1) (F) of the Renegotiation Act of February 25, 1944, as amended. (See §§ 423.346 to 423.346–2 of this title (Military Renegotiation Regulations).)

(d) The contracts and subcontracts to which the above-quoted section 618 does not apply because of certain permissive exemptions granted by the Military Renegotiation Policy and Review Board are as follows:

(1) *Sale, rental or exchange of certain property*—(i) *Exemption.* (*a*) Contracts for the sale or rental of any interest in existing real estate (see, however, § 423–335–1 of this title, pertaining to subcontracts, Military Renegotiation Regulations).

(*b*) Contracts and subcontracts for the sale or exchange of tangible property used in the trade or business of the vendor, with respect to which depreciation is allowable under section 23 (l) of the Internal Revenue Code (not including stock in trade of the vendor or other property which would properly be included in the inventory of the vendor if on hand at the close of his fiscal year, or property held by the vendor primarily for sale in his trade or business).

NOTE: In addition to the foregoing the Secretary of Defense on June 14, 1948 exempted from the application of the Renegotiation Act of 1948 that portion of the Supplemental National Defense Appropriation Act of 1948, Public Law 547, 80th Congress, entitled "Department of the Army—Military Functions, Corps of Engineers, Engineer Service, Army."

(ii) *Limitation on exemption.* The exemption granted under subdivision (i) of this subparagraph extends only to contracts and subcontracts under which profits can be established with reasonable certainty when the contract or subcontract price is established. The words "when the contract or subcontract price is established" in the preceding sentence of this subdivision are a qualification upon the scope of the exemption, and contemplate that the contract or subcontract price shall be established at the time the contract or subcontract is entered into. Accordingly, this exemption extends only to contracts and subcontracts under which the price is a fixed or determinable amount at the time the contract or subcontract is entered into, and does not apply to any contract or subcontract under which the price, at the time the contract or subcontract is entered into, is contingent upon a subsequent event or is thereafter to be determined by reference to a variable element (as, for example, the lessee's sales or profits).

(2) *Contracts and subcontracts with public utilities for:* (i) The delivery of electric power.

(ii) The delivery of gas.

(iii) The furnishing of water or steam or the removal of sewage; or

(iv) The furnishing of transportation by common carriers by railroad, motor vehicle, pipeline, air or water, when made at published rates or charges, fixed, approved or subject to regulation by a public regulatory body or Governmental agency, or at rates that are no higher than such published rates.

(v) The service of transmitting messages by telephone, telegraph, cable or radio or furnishing other communication services or communication facilities, when made at published rates or charges, fixed, approved or subject to regulation by a public regulatory body or Governmental agency or at rates that are no higher than such published rates.

(3) *Contracts for personal or professional services.* (i) *Exemption.* All contracts entered into pursuant to the authority of section 2 (c) (1), or section 2 (c) (4) of the Armed Services Procurement Act of 1947, Public Law 413, 80th Congress, or other statutory authority, when such contracts call for the performance of services, whether personal or professional, by the individual contractor in person under the supervision of the Government and which are paid for on a time basis.

(ii) *Limitation on exemption.* This exemption shall not apply to contracts which contemplate the performance thereof by a firm or organization, and subcontracts thereunder.

(4) *Supplies purchased for authorized resale.* All contracts subject to the Renegotiation Act of 1948 entered into in the fiscal years 1950 or 1951 pursuant to the authority of section 2 (c) (8) of the Armed Services Procurement Act of 1947, Public Law 413, 80th Congress, or which could have entered into pursuant to the authority of such section 2 (c) (8), (even though the procuring agency actually cites another authority such as section 2 (c) (1), 2 (c) (6) or 2 (c) (10) of the aforementioned act), and subcontracts thereunder.

(5) *Perishable subsistence supplies.* All contracts subject to the Renegotiation Act of 1948 entered into in the fiscal years 1950 and 1951 pursuant to the authority of section 2 (c) (9) of the Armed Services Procurement Act of 1947, Public Law 413, 80th Congress, or which could have been entered into pursuant to the authority of such section 2 (c) (9), (even though the procuring agency actually cites another authority such as section 2 (c) (1), 2 (c) (6) or 2 (c) (10) of the aforementioned act), and subcontracts thereunder.

(6) *Blind-made products.* All contracts made subject to the Renegotiation Act of 1948 entered into the fiscal years 1950 or 1951, for procurement of supplies at prices determined by the Committee on Purchases of Blind-made Products, pursuant to the provisions of section 46–48, inclusive of Title 41 of the United States Code (52 Stat. 1196) from any nonprofit making agency for the blind organized under the laws of the United States or of any State and subcontracts thereunder.

(7) *Subcontracts for items customarily purchased for stock.* All subcontracts subject to the Renegotiation Act of 1948 entered into on or after January 1, 1949 which are for items customarily purchased for stock in the normal course of the purchaser's business, except when such items are specially purchased for use in performing a contract or higher tier subcontract subject to the Renegotiation Act of 1948.

(8) *Collateral items (with respect to the period January 1, 1951, through June 30, 1951)*—(i) *Exemption.* All subcontracts for:

(*a*) The sale, furnishing, or installation, of machinery used in the processing of other machinery to be used in the processing of an end product or of an article incorporated therein.

(*b*) The sale, furnishing, or installation of component parts of, or subassemblies for, machinery included in (*a*) of this subdivision.

(c) The performance of services directly required for the performance of subcontracts included in (*a*) and (*b*) of this subdivision.

As used herein the phrase "used in processing" has the same meaning as set forth in § 423.333 of this title (Military Renegotiation Regulations).

(ii) *Limitations on exemption.* The termination date of this exemption is June 30, 1951.

This exemption does not apply to subcontracts where the purchaser of such machinery has acquired it for the account of the Government. As used herein the phrase "acquired it for the account of the Government" means acquired pursuant to an arrangement between the Government and the purchaser of such machinery, whereby title to such machinery will, or may, at the option of the Government, vest in the Government.

(iii) *Comment.* The scope of the collateral items exemption as it applied prior to January 1, 1951, excluded from renegotiation all subcontracts for items which did not become a part of the end product or of a component incorporated therein. This exemption excludes from renegotiation a narrower group of subcontracts. The termination of the exemption which applied prior to January 1, 1951, has the effect of bringing back within the scope of renegotiation all subcontracts for items of machinery, equipment, and materials which operate directly on an end product or of an article incorporated therein by chemical, physical, or mechanical methods, such as shaping, cutting, constructing, combining, refining, assembling, testing, or inspecting. Furthermore, all subcontracts for components of such machinery, equipment, or materials will likewise be subject to renegotiation. For example, if an aircraft manufacturer buys a machine on or after January 1, 1951, for use in performing a renegotiable contract, the purchase of that machine will be a subcontract subject to renegotiation. Furthermore, purchases made by the manufacturer of the machine of components to be incorporated therein will likewise be subject to renegotiation if such purchases are made on or after January 1, 1951.

(e) The Military Renegotiation Regulations issued by the Military Renegotiation Policy and Review Board are the controlling regulations with respect to renegotiation matters. The following interpretations and opinions have been issued for the guidance of Contracting Officers:

(1) The Renegotiation Act of 1948 is applicable to contracts, and subcontracts thereunder, with either American or foreign contractors regardless of whether the procurement is effected or to be performed within or outside the continental United States, its territories and possessions.

(2) A second contract is renegotiable under the Renegotiation Act of 1948, all other factors being present, for procurement previously contracted for under a non-renegotiable contract which was in default and which had been terminated on behalf of the Government by reason thereof.

(3) The Renegotiation Act of 1948 is construed to apply to contracts made by the Department of the Army regardless of the fact that the funds which will be used to pay for the procurement, were appropriated for the use and benefit of a governmental agency other than the Department of the Army, Navy or Air Force.

(4) The Federal Prison Industries, Inc., is a governmental corporation of the United States. Consequently, purchases from such corporation of items listed in the Schedule of Products, issued by such corporation, are non-renegotiable in view of section 3 (d) of Public Law 547, 80th Congress, which incorporates by reference section 403 (i) (1) (A) of the Renegotiation Act of 1944. Likewise, any other purchase from a corrective institution would be non-renegotiable provided such corrective institution is a department, bureau, agency, or governmental corporation of the United States, or an agency of any State, Territory, possession or foreign government.

(5) Section 423.332–1 of this title (Military Renegotiation Regulations) states:

General. All contracts required to contain a Renegotiation Article are subject to the Renegotiation Act of 1948. The absence of a Renegotiation Article from any contract does not, however, preclude the application of the act if such contract is one required to contain an Article.

(6) Section 423.334–1 of this title (Military Renegotiation Regulations) states:

General. All subcontracts required to contain the Renegotiation Article are subject to the Renegotiation Act of 1948. The absence of the Renegotiation Article from any subcontract does not, however, preclude the application of the act if such subcontract is one required to contain the Article.

(7) Section 423.334–4 of this title (Military Renegotiation Regulations) states:

Patent licenses as subcontracts. Licenses or other agreements for the use of processes or inventions used in performing subject contracts and subcontracts are subcontracts subject to renegotiation unless exempted.

(f) Requests for exemption from the Renegotiation Act of 1948 of individual contracts to be entered into by the Army Establishment, or of subcontracts under any individual contract to be entered into by the Army Establishment, will be submitted to the Secretary through the Assistant Chief of Staff, G–4, Department of the Army (Attn.: Chief, Current Procurement Branch) in sextuplicate (including all inclosures thereto). As adequate justification for the granting of an exemption from the Renegotiation Act of 1948, as extended and amended, must be shown to exist, in submitting such requests for exemption the following information will be included:

(1) Contractor's name, address and plant location, with a description of the supplies or services to be furnished including the total price.

(2) A summary of all facts substantiating the request including supporting data and correspondence.

(3) A statement showing the need and anticipated use of the supplies or services.

(4) A statement as to the availability of a suitable, substitute contractor for the furnishing of such supplies or services, and the time element involved.

(5) A statement showing the contractor's attitude toward renegotiation in the event of his refusal to accept the contract containing the renegotiation clause, and the effect thereof on the procurement involved.

(6) A statement as to the required delivery schedule and its effect, if any, upon the urgency of this procurement.

(7) A statement showing the number of contractors contacted relative to this procurement and the prices offered by each: whether a price redetermination clause is to be inserted in the contract, together with any other facts showing why the proposed price is considered reasonable and that the interests of the Government are fully protected.

(8) A statement showing what effect, if any, the existence of the Renegotiation Act has exerted upon the reasonableness of the price offered.

§ 596.104–12 *Military security requirements (Security Requirements Check List).* (a) DD Form 254 will be prepared, in accordance with the instructions thereon, and be attached to all contracts and subcontracts classified Top Secret, Secret, Confidential, or Restricted, and all contracts and subcontracts involving access to classified matter by a contractor or subcontractor. In addition to the initial completion of the form, necessary changes in security classification will be made as appropriate and will be reflected on the form when lower downgrading action is taken in accordance with applicable regulations. This form will not be considered a part of the contract but shall be used to implement the "Security Requirements Clause" as set forth in § 406.104–12 of this title, and any secrecy agreement which may be existent. (See § 596.579.)

(b) In effecting procurement outside the United States, its territories and possessions, this clause will be used with paragraph (c) of the clause deleted. Contracting Officers will exercise the utmost care in effecting this type procurement to avoid the compromise of classified data.

§ 596.104–13 *Domestic food or clothing.* In effecting procurement outside the United States, its territories and possessions, for any articles of food or clothing excepted from the prohibition of the annual appropriation acts, this clause will be deleted.

§ 596.105. *Additional clauses.* The clauses set forth in § 406.105 of this title will be inserted in fixed-price supply contracts in accordance with the instructions of each Procuring Activity where necessary or desirable to cover the subject matter contained in such clauses.

§ 596.105–5 *Liquidated damages*—(a) *Contract provision.* If a contract is to provide for liquidated damages, a provision will be inserted in accordance with § 406.105–5 of this title.

(b) *Accrual.* Where a contract provides for liquidated damages in the event of default, and a default occurs, liquidated damages accrue to the Government, in accordance with the terms of the contract.

(c) *Mitigation.* If there is a liquidated-damage provision in a contract for the purchase of ordinary supplies and default should occur, time should not be permitted to run indefinitely, the result of which would make the liquidated damages chargeable exceed the contract price of the supplies to be delivered. The law imposes the duty upon a party subjected to injury by the action of another to mitigate the damages which result from such wrongful action, and that must be as true where liquidated damages run as in the ordinary case of actual damages. Efforts must be made to procure supplies elsewhere if delivery is not forthcoming within a reasonable time after the default occurs. While the course to be followed must depend upon the facts in each case, the rule may be stated that damages to run must be conserved and, as promptly as possible, according to what may be the attitude of the contractor respecting delivery, administrative action should be taken to procure the supplies elsewhere.

(d) *Remission.* Whenever any contract includes a provision for liquidated damages for delay, the Comptroller General on the recommendation of the

Secretary is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable. Recommendations submitted by a Contracting Officer to the Head of a Procuring Activity or to the Secretary will not be furnished the contractor.

§ 596.150 *Department of the Army clauses.* The following clauses will be inserted in fixed-price supply contracts when applicable and in accordance with the instructions set forth in §§ 596.150 through 596.150-4.

§ 596.150-1 *Partial payments—(a) When payments are not to exceed 75 percent of the cost of the property.* In those cases where it is contemplated that partial payments in an amount not to exceed 75 percent of the cost to the contractor of the material used by the contractor in manufacturing the supplies or doing the work called for by the contract will be made, the contract will contain the following clause:

PARTIAL PAYMENTS

Partial payments, which are hereby defined as payments prior to delivery, on work in progress for the Government under this contract, may be made upon the following terms and conditions.

(a) The Contracting Officer may, from time to time, authorize partial payments to the Contractor upon property acquired or produced by it for the performance of this contract: *Provided*, that such partial payments shall not exceed 75 percent of the cost to the Contractor of the property upon which payment is made, which cost shall be determined from evidence submitted by the Contractor and which must be such as is satisfactory to the Contracting Officer: *Provided further*, that in no event shall the total of unliquidated partial payments (see (c) below) and of unliquidated advance payments if any, made under this contract, exceed 80 percent of the total contract price of supplies still to be delivered.

(b) Upon the making of any partial payment under this contract, title to all parts, materials, inventories, work in process and nondurable tools theretofore acquired or produced by the Contractor for the performance of this contract, and properly chargeable thereto under sound accounting practice, shall forthwith vest in the Government; and title to all like property thereafter acquired or produced by the Contractor for the performance of this contract and properly chargeable thereto as aforesaid shall vest in the Government forthwith upon said acquisition or production: *Provided*, that nothing herein shall deprive the Contractor of any further partial or final payments due or to become due hereunder; or relieve the Contractor or the Government of any of their respective rights or obligations under this contract.

(c) In making payment for the supplies furnished hereunder, there shall be deducted from the contract price therefor a proportionate amount of the partial payments theretofore made to the Contractor, under the authority herein contained.

(d) It is recognized that property (including, without limitation, completed supplies, spare parts, drawings, information, partially completed supplies, work in process, materials, fabricated parts and other things called for herein) title to which is or may hereafter become vested in the Government pursuant to this clause will from time to time be used by or put in the care, custody or possession of the Contractor in connection with the performance of this contract. The Contractor, either before or after receipt of notice of termination at the option of the Government, may acquire or dispose of property to which title is vested in the Government under this clause, upon terms approved by the Contracting Officer: *Provided*, That after receipt of notice of termination, any such property that is a part of termination inventory may be acquired or disposed of only in accordance with the provisions of the clause of this contract entitled Termination for Convenience of the Government and applicable laws and regulations. The agreed price (in case of acquisition by the Contractor) or the proceeds received by the Contractor (in case of any other disposition), shall, to the extent that such price and proceeds do not exceed the unliquidated balance of partial payments hereunder, be paid or credited to the Government as the Contracting Officer shall direct; and such unliquidated balance shall be reduced accordingly. Current production scrap may be sold by the Contractor without approval of the Contracting Officer but the proceeds will be applied as provided in this paragraph (d), provided that any such scrap which is a part of termination inventory may be sold only in accordance with the provisions of the Termination for Convenience of the Government of this contract and applicable laws and regulations. Upon liquidation of all partial payments hereunder or upon completion of deliveries called for by this contract, title to all property (or the proceeds thereof) which has not been delivered to and accepted by the Government under this contract or which has not been incorporated in supplies delivered to and accepted by the Government under this contract and to which title has vested in the Government under this clause shall vest in the Contractor.

(e) The clause of this contract captioned "Liability for Government-Furnished Property" and any other provision of this contract defining liability for Government-Furnished Property shall be inapplicable to property to which the Government shall have acquired title solely by virtue of the provisions of this clause. The provisions of this clause shall not relieve the Contractor from risk of loss or destruction of or damage to property to which title vests in the Government under the provisions hereof.

(f) If this contract (as heretofore or hereafter supplemented or amended) contains provisions for Advance Payments, and in addition if at the time any partial payment is to be made to the Contractor under the provisions of this partial payments clause any unliquidated balance of advance payments is outstanding, then notwithstanding any other provision of the Advance Payments Clause of this contract the net amount, after appropriate deduction for liquidation of the advance payment, of such partial payment shall be deposited in the special bank account or accounts maintained as required by the provisions of the Advance Payments Clause, and shall thereafter be withdrawn only pursuant to such provisions.

(b) *When payments are not to exceed 90 percent of direct labor and material costs.* In those cases where it is contemplated that partial payments in an amount not to exceed 90 percent of the direct labor and material costs to the contractor will be made, the contract will contain the clause set forth in paragraph (a) of this section, except that in lieu of the words "75 percent of the cost," in subparagraph (a) of the clause, the words "90 percent of the direct labor and direct material costs" will be inserted.

§ 596.150-2 *Advance Payments.* Whenever advance payments have been authorized in accordance with Subpart E, Part 402 of this title and of this Procedure, insert the contract clause appropriate for use in fixed-price supply contracts, as set forth in Subpart E, Part 402 of this title: *Provided*, That prior to the issuance and effective date of such clause, there will be inserted the contract clause authorized for use in the contract concerned at the time the advance payment is approved as provided in Subpart E, Part 402 of this title and this procedure.

§ 596.150-3 *Plant protection.* In those cases where the Contracting Officer deems it necessary to retain some control as to the plant protective devices in a particular plant, the contract will contain one of the following clauses:

PLANT PROTECTION

The Contractor shall maintain in and about his plant adequate plant protective devices and shall employ such watchmen, guards and other personnel as the Contracting Officer may deem necessary to prevent espionage, sabotage, and other malicious destruction or damage.

PLANT PROTECTION

The Contractor shall maintain in and about his plant adequate plant protective devices and shall employ such watchmen, guards and other personnel as the Contracting Officer may deem necessary to prevent espionage, sabotage, and other malicious destruction or damage. If the Contracting Officer from time to time shall require the installation of plant protective devices or the employment of watchmen, guards or other personnel, or both, in addition to those deemed necessary by him on the date the Contractor shall commence performance of this contract, the cost of any such devices installed or the pay of any such personnel employed, or both, at the written request and upon the written authorization of the Contracting Officer, shall be reimbursed to the Contractor upon submission of vouchers approved by the Contracting Officer, provided that no reimbursement of the cost of any such installation or pay of any such personnel, or both, shall be made in excess of the cost thereof, as estimated in advance and approved in writing by the Contracting Officer.[1]

§ 596.150-4 *Rental of gas cylinders.* Every contract for the rental of gas cylinders will contain a clause similar to one of the following:

RENTAL OF GAS CYLINDERS (INDIVIDUAL BASIS)

Cylinders shall remain the property of the Contractor and will be loaned, without charge, to the Government for a period of 30 days after the date of shipment of cylinders from the Contractor's plant. Beginning with the first day after the expiration of the 20-day free loan period to and including the day the cylinders are released to the transportation company for return to the Contractor, there will be charged and the United States agrees to pay the Contractor a rental at the rate of $_____ per cylinder per day for the use of cylinders not returned to the Contractor.

RENTAL OF GAS CYLINDERS

(Quantity basis)

Cylinders shall remain the property of the Contractor and will be loaned, without charge, to the Government for a period of 30 days after the date of shipment of cylinders from the Contractor's plant. Beginning with the first day after the expiration of the 30-day free loan period to and including the day the cylinders are released to the transportation company for return to the Contractor, there will be charged and the United States agrees to pay the Contractor a rental at the rate of $_____ per cylinder per day, computed on a quantity basis, as indicated below, for the use of cylinders not returned to the contractor. This rental charge will be computed separately for oxygen and acetylene cylinders and for each point of delivery named in the contract. A credit of 30 cylinder days will accrue for each cylinder shipped. A debit of one cylinder day will accrue for each cylinder for each day held beginning with the day after date of shipment from Contractor's plant to and including the day the cylinder is released to the transportation company for return to the Contractor. At the end of the contract period, in the event the total number of debits exceeds the total number of credits, rental will be charged for the difference. If the total number of credits equals or exceeds the total number of debits, no charge will be made for the use of the cylinders.

All cylinders not returned to the Contractor on or before the expiration of a 90-day rental period or lost or damaged beyond repair while in the possession of the United States Government shall be paid for by the United States to the Contractor at a replacement value of $_____ for each oxygen cylinder of 100 to 110 cubic feet capacity, $_____ for each oxygen cylinder of 200 to 220 cubic feet capacity, $_____ for each acetylene cylinder of 100 to 150 cubic feet capacity, and $_____ for each acetylene cylinder of 250 to 300 cubic feet capacity.

Cylinders retained or lost and so paid for shall be considered the property of the United States. But if and when located they may, at the option of the Government, be returned to the Contractor, and, in such event, credit shall be allowed to the Government at the replacement value paid, less rental at the rate of $_____ per day beginning at the expiration of the 30-day period as aforesaid to the date upon which cylinders are turned over to carrier for return to Contractor's plant.

§ 596.151 *Price escalation clauses.* Price escalation clauses (as distinguished from price redetermination clauses) may be inserted in contracts entered into after formal advertising or negotiation in accordance with the instructions set forth in this section. (See § 591.406 (b).)

§ 596.151-1 *General price escalation clause.* (a) The general price escalation clause set forth in §§ 596.151—596.151-4 is authorized for inclusion in fixed-price contracts, awarded as a result of either formal advertising or negotiation, for the procurement of all standard and "semi-standard" "off-the-shelf" items. "Semi-standard items" are those items which the contractor customarily offers for sale commercially, but which are being modified under this contract to meet Government specifications. This escalation clause is designed primarily for use in contracts for the purchase of items from other than "integrated steel producers," "operators of a steel foundry," and "producers of aluminum."

(1) *Standard "off-the-shelf" items.* This clause is authorized for use in any contract for the purchase of standard "off-the-shelf" items, without limitation as to the total contract amount.

(2) *Semi-standard items.* This clause is authorized for use in contracts for the procurement of "semi-standard items" where the total contract amount is not less than $1,000, nor more than $100,000, and

(i) The contract specifically designates which item or items (being modified from standard under the terms of the contract) are to be used as a basis for any increase or decrease in contract price.

(ii) The contract provides that such percentage of increase or decrease, as agreed to by the Contractor and the Contracting Officer, shall be applied to the unit prices of all of the items under the contract.

(b) Suitable price redetermination clause, in lieu of this escalation clause will be used in all instances wherein it is desired to redetermine an estimated price based upon all or any of the following, except subparagraph (3) and/or (4) of this paragraph alone:

(1) Quantities of materials.
(2) Hours of labor.
(3) Cost of material.
(4) Rates of labor.
(5) Overheads.
(6) General and administrative expense.
(7) Other direct and indirect costs.

Determination of subparagraph (3) and/or (4) of this paragraph alone may be made through the use of this escalation clause.

(c) When it is planned to include this clause in contracts to be awarded as a result of formal advertising, the invitations for bids will clearly so state, and will further state that all bids will be evaluated after applying the maximum amount of possible escalation.

PRICE ESCALATION

(General)

(a) The Contractor represents and warrants that the prices set forth in this contract do not include any contingency allowance to cover the possibility of increased costs of performance resulting from increases in either (1) the Contractor's rates of pay for labor employed by him; or (2) the prices which the Contractor is required to pay for material. The Contractor further represents and warrants that the net price or prices paid or to be paid by the Government under this contract do not and shall not exceed those paid by any other purchaser or consignee for like quantities of the same or similar supplies. The Contractor also agrees to give the Government any and all discount benefits extended by it to any other purchaser or consignee purchasing or handling like quantities of the same or similar supplies covered by this contract.

(b) In the event that, at any time during the performance of this contract, the Contractor shall pay rates of pay for direct labor employed by him or prices for direct material in excess of or less than those current as of the date of this contract, provided that any such change would result in an increase or decrease of at least three percent (3%) of the then aggregate contract price of the uncompleted units of the contract, then in either such event the unit prices set forth in this contract may be revised upward or downward in accordance with the provisions of paragraph (c) hereof, with respect to the units completed subsequent to the effective date of any such increase or decrease by an amount equivalent to the increase or decrease in cost per uncompleted unit occasioned by the increase or decrease in direct labor wage rates or in prices for material or both.

(c) Not later than twenty (20) days after the effective date of any increase or decrease as referred to in paragraph (b) hereof, the Contractor shall notify the Contracting Officer of any such increase or decrease, and with such notification shall submit a supporting cost break-down. Such cost break-down will—

(1) Be prepared in accordance with recognized commercial accounting principles.

(2) Indicate changes in estimated direct labor and direct material costs resulting from any increase or decrease as referred to in paragraph (b) hereof.

(3) Be signed by a responsible official of the Contractor.

Upon the basis of such notification and cost break-down, and such other data may be available to the Contracting Officer or as shall be furnished to him upon request to the Contractor, a price adjustment to reflect the increase or decrease in costs as referred to in paragraph (b) hereof shall be determined by mutual agreement between the Contractor and the Contracting Officer, and shall be set forth in an amendment to this contract. In the event that the Contractor fails to give notice of any decrease as required herein, a downward adjustment shall be later effected with respect to units completed subsequent to the effective date of any such decrease.

(d) Price adjustment may be agreed upon, at any time and from time to time during the performance of this contract, in accordance with the provisions of this clause. In no event, however, shall any price adjustments be made:

(1) For increased or decreased costs resulting from an increase or decrease as related to the original contract estimates, in number of hours of labor, in amounts of material purchased, or in overhead charges; or

(2) Which would increase or decrease the estimated dollar amount of profit per unit originally included in the contract price.

(e) The increase or accumulated increases in unit prices made under this clause shall not exceed ten percent (10%) of the original contract unit price.

(f) Pending a determination of any price adjustment under this clause the Contractor shall continue deliveries hereunder. Failure of the parties to agree upon a price adjustment pursuant to the provisions of this clause shall be deemed to be a dispute as to a question of fact within the meaning of the clause of this contract entitled "Disputes."

§ 596.151-2 *Price escalation clauses for standard steel items.* The price escalation clauses set forth below are authorized for inclusion in fixed-price contracts for standard steel items, under the following circumstances:

(a) Items being procured are made wholly or in the major part of steel.

(b) Contractor is an "integrated steel producer" or an "operator of a steel foundry."

(c) That, when it is planned to include the appropriate clause in contracts to be awarded as a result of formal advertising, the invitations for bids will clearly so state, and will further state that all bids will be evaluated after applying the maximum amount of possible escalation.

PRICE ESCALATION

(Formal advertising)

(a) The Contractor hereby warrants that the unit prices stated herein on the date set for opening of bids are not in excess of the Contractor's applicable established prices for like quantities of the supplies covered by this contract. The Contractor shall notify the Contracting Officer of each decrease in

[1] If desired an additional proviso may be added, reading substantially as follows:

Provided further, That no reimbursement of the cost of any such installation or pay of any such personnel is being made to the Contractor by other means.

any of such established prices and each applicable contract unit price shall be decreased accordingly. Any decrease in a unit price shall become effective concurrently with the effective date of each applicable decrease in Contractor's established price and the contract shall be amended accordingly.

(b) The Contractor may at any time, or from time to time, after the date set for opening of bids and during the performance of the contract request in writing an upward adjustment in any of the contract unit prices to be effective as from a date to be specified by the Contractor, subject to the following conditions:

(1) No unit price as adjusted shall exceed the Contractor's applicable established price.

(2) The aggregate of the increases in any unit price made under this paragraph shall not exceed 10 percent (10%) of the original applicable contract unit price.

(3) No adjusted unit price shall be effective earlier than the effective date of any increase in the applicable established price and no increase shall be granted unless the Contractor's applicable established price has increased subsequent to the date set for opening of bids.

(c) In the event the requested adjustment in any contract unit price is acceptable to the Contracting Officer, he shall not later than 20 days after the date of receipt by him of the request so notify the Contractor and the contract shall be modified accordingly. If any such requested adjustment in a unit price is not acceptable to the Contracting Officer, he shall notify the Contractor in writing within 20 days from the date of receipt by him of the Contractor's said notice; and unless an agreement can be reached as to the amount of increase, the Government may cancel without liability to either party the Contractor's right to proceed with performance of the portion of the contract which is undelivered at the time of such cancellation, except that the Contractor may make delivery of all or any of the supplies which a duly authorized officer of the company shall certify were completed or in the process of manufacture at the time of receipt of notice of such cancellation, and the Government shall pay for all supplies so delivered at the applicable unit price contained in Contractor's said request and the contract shall be modified accordingly, provided, that such certification is made within 10 days after receipt of notice of such cancellation and such requested increase satisfies all of the conditions and does not exceed the limitations of paragraph (b). Supplies shall be deemed to be in the process of manufacture when the steel therefor is in any state of processing after the beginning of the furnace melt.

(d) During the period prior to such cancellation, the Contractor shall continue deliveries according to the terms of the contract and shall be paid therefor at the applicable increased unit prices so requested, provided, such requested increases satisfy all of the conditions and do not exceed the limitations of paragraph (b).

(e) If notice of cancellation is not sent to the Contractor within 30 days after receipt by the Contracting Officer of the Contractor's request, supplies delivered subsequent to the date specified in such request, and prior to the effective date of any subsequent increase or decrease in Contractor's applicable established prices, shall be paid for at the applicable increased unit prices so requested, provided, such requested increases satisfy all of the conditions and do not exceed the limitations of paragraph (b).

PRICE ESCALATION

(Negotiated purchases)

(a) The Contractor hereby warrants that the unit prices stated herein at the date hereof are not in excess of the Contractor's applicable established prices for like quantities of the supplies covered by this contract. The Contractor shall notify the Contracting Officer of each decrease in any of such established prices and each applicable contract unit be decreased accordingly. Any decrease in a unit price shall become effective concurrently with the effective date of each applicable decrease in Contractor's established price and the contract shall be amended accordingly.

(b) The Contractor may at any time, or from time to time, during the performance of the contract request in writing an upward adjustment in any of the contract unit prices to be effective as from a date to be specified by the Contractor, subject to the following conditions:

(1) No unit price as adjusted shall exceed the Contractor's applicable established price.

(2) For deliveries pursuant to the terms of this contract, the aggregate of the increases in any unit price made under this paragraph shall not exceed 10 percent of the original applicable contract unit price.

(3) No adjusted unit price shall be effective earlier than the effective date of any increase in the applicable established price.

(c) In the event the requested adjustment in any contract unit price is acceptable to the Contracting Officer, he shall not later than 20 days after the date of receipt by him of the request so notify the Contractor, and the contract shall be modified accordingly. If any such requested adjustment in a unit price is not acceptable to the Contracting Officer, he shall notify the Contractor in writing within 20 days from the date of receipt by him of the Contractor's said notice; and unless an agreement can be reached as to the amount of increase, the Government may cancel without liability to either party the Contractor's right to proceed with performance of the portion of the contract which is undelivered at the time of such cancellation, except that the Contractor may make delivery of all or any of the supplies which a duly authorized officer of the company shall certify were completed or in the process of manufacture at the time of receipt of notice of such cancellation, and the Government shall pay for all supplies so delivered at the applicable unit price contained in Contractor's said request and the contract shall be modified accordingly, provided, that such certification is made within 10 days after receipt of notice of such cancellation and such requested increase satisfies all of the conditions and does not exceed the limitations of paragraph (b). Supplies shall be deemed to be in the process of manufacture when the steel therefor is in any state of processing after the beginning of the furnace melt.

(d) During the period prior to such cancellation, the Contractor shall continue deliveries according to the terms of the contract and shall be paid therefor at the applicable increased unit prices so requested, provided, such requested increases satisfy all of the conditions and do not exceed the limitations of paragraph (b).

(e) If notice of cancellation is not sent to the Contractor within 30 days after receipt by the Contracting Officer of the Contractor's request, supplies delivered subsequent to the date specified in such request, and prior to the effective date of any subsequent increase or decrease in Contractor's applicable established prices, shall be paid for at the applicable increased unit prices so requested, provided, such requested increases satisfy all of the conditions and do not exceed the limitations of paragraph (b).

§ 596.151–3 *Price Escalation Clause for aluminum.* The escalation clause set forth below is authorized for inclusion in fixed-price contracts for aluminum, entered into after formal advertising or by negotiation, under the following circumstances:

(a) Contractor is a producer of aluminum.

(b) Items being procured are made wholly or in the major part of aluminum.

(c) That, when it is planned to include this clause in contracts to be awarded as a result of formal advertising the invitations for bids will clearly so state, and will further state that all bids will be evaluated after applying the maximum amount of possible escalation.

PRICE ESCALATION

(Aluminum)

(a) The Contractor hereby warrants that the unit prices stated herein on the date set for opening of bids or offers are not in excess of the Contractor's applicable established prices for like quantities of the supplies covered by this contract. The Contractor shall notify the Contracting Officer of each decrease in any of such established prices and each applicable contract unit price shall be decreased accordingly. Any decrease in a unit price shall become effective concurrently with the effective date of each applicable decrease in Contractor's established price and the contract shall be amended accordingly.

(b) The Contractor may at any time, or from time to time, during the performance of the contract request in writing an upward adjustment in any of the contract unit prices to be effective as from a date to be specified by the Contractor, subject to the following conditions:

(1) No unit price as adjusted shall exceed the Contractor's applicable established price.

(2) The aggregate of the increases in any unit price made under this paragraph shall not exceed 10 percent of the original applicable contract unit price.

(3) No adjusted unit price shall be effective earlier than the effective date of any increase in the applicable established price and no increase shall be granted unless the Contractor's applicable established price has increased subsequent to the date set for opening of bids or offers.

(c) In the event the requested adjustment in any contract unit price is acceptable to the Contracting Officer, he shall not later than 20 days after the date of receipt by him of the request so notify the Contractor and the contract shall be modified accordingly. If any such requested adjustment in a unit price is not acceptable to the Contracting Officer, he shall so notify the Contractor in writing within 20 days from the date of receipt by him of the Contractor's said notice; and unless an agreement can be reached as to the amount of increase, the Government may cancel without liability to either party the Contractor's right to proceed with performance of the portion of the contract which is undelivered at the time of such cancellation, except that the Contractor may make delivery of all or any of the supplies which a duly authorized officer of the company shall certify were completed or in the process of manufacture at the time of receipt of notice of such cancellation, and the Government shall pay for all supplies so delivered at the applicable unit price contained in Contractor's said request and the contract shall be modified accordingly, provided, that such certification is made within 10 days after receipt of notice of such cancellation and such requested increase satisfies all of the conditions and does not exceed the limitations of paragraph (b).

(d) During the period prior to such cancellation, the Contractor shall continue deliveries according to the terms of the contract and shall be paid therefor at the applicable increased unit prices so requested, provided, such requested increases satisfy all of the conditions and do not exceed the limitations of paragraph (b).

(e) If notice of cancellation is not sent to the Contractor within 30 days after receipt by the Contracting Officer of the Contractor's request, supplies delivered subsequent to the date specified in such request, and prior to the effective date of any subsequent increase or decrease in Contractor's applicable established prices, shall be paid for at the applicable increased unit prices so requested, provided, such requested increases satisfy all of the conditions and do not exceed the limitations of paragraph (b).

§ 596.151–4 *Price escalation clause for open-end contracts and indefinite quantity contracts.*

(a) The price escalation clause set forth below is authorized for inclusion in open-end and indefinite quantity contracts, entered into after formal advertising or by negotiation, under the following circumstances:

(1) That items being procured are standard "off-the-shelf" items.

(2) That, when it is planned to include this clause in contracts to be awarded as a result of formal advertising the invitations for bids will clearly so state and will further state that all bids will be evaluated after applying the maximum amount of possible escalation.

PRICE ESCALATION

(Open-end or indefinite quantity contract)

(a) The Contractor hereby warrants that the unit prices stated herein at the date hereof are not in excess of the Contractor's applicable established prices for like quantities of the supplies covered by this contract. The Contractor shall notify the Contracting Officer of each decrease in any such established prices and each applicable contract unit price shall be decreased accordingly. Any decrease in a unit price shall become effective concurrently with the effective date of each applicable decrease in Contractor's established price and the contract shall be amended accordingly.

(b) The Contractor may at any time, or from time to time, during the performance of the contract request in writing an upward adjustment in any of the contract unit prices to be effective as from a date to be specified by the Contractor, subject to the following conditions:

(1) No unit price as adjusted shall exceed the Contractor's applicable established price.

(2) The aggregate of the increases in any unit price made under this paragraph shall not exceed 10 percent of the original applicable contract unit price.

(3) No adjusted unit price shall be effective earlier than the effective date of any increase in the applicable established price.

(c) In the event the requested adjustment in any contract unit price is acceptable to the Contracting Officer, he shall not later than 20 days after the date of receipt by him of the request so notify the Contractor and the contract shall be modified accordingly. If any such requested adjustment in a unit price is not acceptable to the Contracting Officer, he shall so notify the Contractor in writing within 20 days from the date of receipt by him of the Contractor's said notice; and unless an agreement can be reached as to the amount of increase, the Government may cancel without liability to either party the Contractor's right to proceed with performance of the portion of the contract which is undelivered at the time of such cancellation.

(d) If notice of cancellation is not sent to the Contractor within 30 days after receipt by the Contracting Officer of the Contractor's request, supplies delivered subsequent to the date specified in such request, and prior to the effective date of any subsequent increase or decrease in Contractor's applicable established prices, shall be paid for at the applicable increased unit prices so requested, provided such requested increases satisfy all of the conditions and do not exceed the limitations of paragraph (b).

(e) The Contractor also agrees to give the Government any and all discount benefits extended to any company, agency, organization, or individual purchasing or handling like quantities of the supplies covered by this contract.

(b) Paragraphs (d) and (e) of the above clause are optional. Paragraph (d) of the clause clearly provides certain benefits to the Contractor and should not be included unless requested by the Contractor and it is deemed necessary to complete the procurement. Paragraph (e) is a so-called "Preferred Customer" clause and obviously does benefit the Government. Paragraph (e) should be included in all cases; however, authority is granted to delete it in those instances wherein the objections of the Contractor would preclude the possibility of effecting the necessary procurement.

§ 596.152 *Price redetermination clauses.* Price redetermination clauses, as authorized in §§ 596.152 through 596.152–3 or by the Chief, Current Procurement Branch, Assistant Chief of Staff, G–4, Department of the Army, may be included in negotiated fixed-price contracts in accordance with the requirements of §§ 402.401, 402.403, 592.401 and 592.403 of this title.

§ 593.152–1 *Form II–B price redetermination clause*—(a) *Nature and effect.* The Form II–B, price redetermination clause, appearing in paragraph (d) of this section, provides for a negotiated upward or downward redetermination of the prices upon completion of delivery of a specified percentage of the principal items called for by the contract, without a demand by either party. Thereafter there may be upward or downward revision of the price upon written demand of either party, subject to specified limitations on the frequency of the demands. Any redetermination made pursuant to a demand after the initial period has a prospective effect only.

(b) *Conditions for use.* The Form II–B price redetermination clause should be used in instances when the following conditions exist:

(1) The contract is a fixed-price contract for supplies, the quantity being procured is large, no accurate forecast of the cost of production is feasible, and the contract covers a period of at least six months.

(2) Effective competition is not available to indicate reasonableness of price.

(3) There are no data available to indicate reasonableness of price.

(4) The price (i) is negotiated upon the express understanding that the particular price redetermination clause is to be included in the contract and (ii) is a close price containing substantially no charge or allowance for contingencies.

(5) The Contracting Officer is satisfied that the contractor employs methods of estimating its costs which accurately reflect current shop and engineering experience and proper quantity and price allowances for material, labor, machine utilization, and other cost elements.

(6) The Contracting Officer is satisfied that the contractor has a cost accounting system of sufficient accuracy and reliability to show the cost information required by the clause at the time or times provided therein.

(c) *Rules for administration.* In negotiating a price adjustment under the Form II–B, price redetermination clause, the Contracting Officer will adhere to the following rules, in addition to the audit requirements set forth in § 590.607.

(1) The negotiations to redetermine prices should ordinarily take into account all changes in specifications which have been made up to the time of the negotiations.

(2) Negotiations to redetermine prices will be conducted upon substantially the same basis as the original negotiation of a price when like information on costs and estimates is available. The Contracting Officer ordinarily should not give consideration to an increase in price beyond the amount estimated to be the excess of (i) any increases in cost beyond the contractor's control over (ii) any offsetting reductions in the contractor's costs. However, this rule should not be applied to deprive a contractor of a reasonable reward in the form of an increased estimated profit margin for especially efficient and economical production.

(3) The Contracting Officer should take into consideration the fact that increases in certain costs may be offset by decreases in others. The Contracting Officer should also recognize that increases in wages and in the prices of materials will not necessarily increase, immediately or proportionately, the cost of items to be delivered by the contractor. For example, some of the labor on work in process at the time of a wage increase may have been performed while lower rates of wages were in effect. Again, materials included in work in process may have been bought by the contractor before the effective date of a price increase. Similarly, the contractor may have an inventory on hand or materials on order at prices which do not reflect the current increases therein. Also, there may be offsetting savings not attributable to the efficiency of the contractor.

(4) The contractor's estimate of future costs will be considered in the light of all available data, including shop, engineering, accounting and other relevant information, which will help to check the accuracy of the estimate. When any component or components of the estimate are in question, the Contracting Officer should inquire into the physical facts, e. g., the number of men actually engaged in a particular operation or process, the quantity of material actually used, etc. Expense and overhead allocation are based upon an estimated amount of expense spread over an anticipated volume to be obtained. Check of the actual rate of expenditures and the actual volume being obtained should be made so that the rates used may be founded on up-to-date forecasts.

The aggregate of those charges included in the prices of contracts entered into within the current period should be considered in order to avoid excessive prices through over-absorption of such charges.

(5) In addition to consideration of the contractor's cost experience under the contract and its estimates of future production costs, the contracting officer should make use of comparative prices, comparative costs and the trends of such prices and costs. If, since the making of the contract, prices have become competitive, particular weight shall be given to comparative prices, to the end that the effect of competitive forces may be fully realized for the benefit of the Government.

(6) The Contracting Officer should make such use and verification of the estimate and the supporting cost data submitted by the contractor as he would make with respect to similar data upon the negotiation of a price under a new contract.

(7) The negotiations will be promptly instituted and concluded in strict accordance with the provisions of the clause. Every effort will be made to come to an agreement as to revised price or prices. The Disputes clause will be invoked only as a last resort.

(8) Upon the conclusion of each negotiation for price revision, the revised price or prices will be evidenced by a supplemental agreement. The supplemental agreement should clearly indicate what costs, if any, of a non-recurrent nature have been recognized as having been paid for in prices for the preceding period or periods, so as to avoid the possibility of a second payment therefor in the event of termination at the option of the Government.

(9) Wherever a contract containing the Form II–B price redetermination clause is modified by change order or supplemental agreement, so as to affect the rate of deliveries or quantities of items called for, the Contracting Officers will take care to deal with and cover explicitly any modification in the operation of the price redetermination clause which he considers are made necessary by the modification of rates of deliveries or quantities.

(10) Proper administration of the Form II–B clause requires that the Contracting Officer make regular periodic reviews of the contract price to ascertain whether or not a demand should be served. No demand should be made by the Contracting Officer, and the contractor should be discouraged from making such demand, unless a sound basis exists for believing that a redetermination of price is necessary to protect the interest of the Government or the contractor. The need for such a demand may be indicated by factors such as the following:

(i) Comparative prices.

(ii) Movements or trends in such prices.

(iii) Movements or trends in the prices asked by other contractors for the same or similar items.

(iv) Information supplied by the contractor in the ordinary course of business.

(v) Changes in market prices of materials or components.

(vi) Changes in subcontract prices.

(vii) Changes in the contractor's prices under other Government contracts.

(11) The first revised forward price under the Form II–B clause and prices negotiated pursuant to a demand under the clause should be based on projections extending over the remaining life of the contract and should not take into account possible increases in costs.

(d) *Contract clause.* The following Form II–B price redetermination clause may be used in negotiated fixed-price contracts in accordance with the instructions set forth in the preceding paragraphs and if approved for use in accordance with § 592.403:

PRICE REDETERMINATION

(Form II–B)

(a) The prices stated herein may be increased or decreased in accordance with this clause. In no event shall the revised price exceed $_____.

(b) *Times for negotiation.*

(1) Upon completion of delivery of _____ percent of the (here specify the principal items to be furnished under the contract) to be furnished under this contract or upon expenditure of (here specify the percentage of the total contract amount), whichever shall occur last, the parties shall negotiate to revise the prices of all items theretofore and thereafter to be delivered. Within not to exceed thirty (30) days after the completion of delivery or expenditure of funds referred to above, the Contractor shall furnish to the Contracting Officer the statements and data referred to in paragraph (c) of this clause. At any time and from time to time after the completion of delivery or expenditure of funds referred to above, subject to the limitations specified in this clause, either the Government or the Contractor may deliver to the other a written demand that the parties negotiate to adjust the prices under this contract. No demand shall be made prior to 90 days after completion of delivery or expenditure of funds referred to above, and thereafter neither party shall make a demand having an effective date within 90 days of the effective date of any prior demand. Each demand shall specify a date (identical with or subsequent to the date of the delivery of the demand) as of which the revised prices shall be effective as to the deliveries made thereon and thereafter. This date is hereinafter referred to as "the effective date of the price redetermination." For the purposes of the first negotiation contemplated by this paragraph, the date of execution of this contract shall be deemed to be the effective date of the price redetermination. Any demand under this clause, if made by the Contractor, shall state briefly the ground or grounds therefor and shall be accompanied by the statements and data referred to in paragraph (c) of this clause. If the demand is made by the Government, such statements and data will be furnished by the Contractor within 30 days of the delivery of the demand.

(2) In the event all remaining work under this contract, as it may from time to time be amended, shall be terminated pursuant to the clause of this contract entitled "Termination for Convenience of the Government", no demand shall then or thereafter be made and any demand the effective date of which is less than 30 days before the effective date of such termination shall be void and of no effect.

(c) *Submission of data.* At the time or each of the times specified or provided for in paragraph (b) of this clause the Contractor shall submit (i) a new estimate and breakdown of the unit cost and the proposed prices of the items remaining under this contract after the effective date of the price redetermination, itemized so far as is practicable in the manner prescribed by WD Form 105; (ii) an explanation of the differences between the original (or last preceding) estimate and the new estimate; (iii) such relevant shop and engineering data, cost records, overhead absorption reports and accounting statements as may be of assistance in determining the accuracy and reliability of the new estimate; (iv) a statement of experienced costs of production hereunder to the extent that they are available at the time or times of the negotiation of the revision of prices hereunder; and (v) any other relevant data usually furnished in the case of negotiation of prices under a new contract. The Government may make such examination of the Contractor's accounts, records and books as the Contracting Officer may require and may make such audit thereof as the Contracting Officer may deem necessary.

(d) *Negotiations.* (1) Upon the filing of the statements and data required by paragraph (c) of this clause, the Contractor and the Contracting Officer will negotiate promptly in good faith to agree upon prices for items to be delivered on and after the effective date of the price redetermination. Negotiations for price redetermination under this clause shall be conducted on the same basis, employing the same types of data (including, without limitations, comparative prices, comparative costs, and trends thereof) as in the negotiation of prices under a new contract.

(2) After each negotiation the agreement reached will be evidenced by a supplemental agreement stating the redetermined prices to be effective with respect to deliveries on and after the effective date of the price redetermination (or such other later date as the parties may fix in such supplemental agreement).

(e) *Disagreements.* If within 30 days after the date on which the statements and data are required pursuant to paragraph (b) of this clause to be filed (or such further period as may be fixed by written agreement) the Contracting Officer and the Contractor fail to agree to redetermined prices (which term, for the purpose of this clause, shall include direct costs, indirect costs and profit), the failure to agree shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes," and the prices so fixed shall remain in effect for the balance of the contract notwithstanding any other provision of this clause.

(f) *Payments.* Until new prices shall become effective in accordance with this clause, the prices in force at the effective date of the price redetermination shall be paid upon all deliveries, subject to appropriate later redetermination made pursuant to paragraph (d) or (e) or (g) (2) (B) of this clause.

(g) *Termination provisions.* For any of the purposes of the clause of this contract entitled "Termination for Convenience of the Government" (including, without limitation, the computation of "the total contract price" and "the contract price of work not terminated"), the contract price of delivered articles shall be deemed to be,

(1) For all items delivered prior to the effective date of the price redetermination, the contract price (giving effect to any prior revisions under this clause) applicable to each such item.

(2) For all items delivered on or after the effective date of the price redetermination.

(A) The contract price as revised in accordance with this clause if such revision shall have been agreed upon.

(B) If such revision shall not have been agreed upon, then such estimated prices as the Contractor and the Contracting Officer may agree upon as reasonable under all the circumstances and in the absence of such agreement such reasonable prices as may be determined in accordance with the clause of this contract entitled "Disputes."

(h) *Termination during the initial period.* In the event that this contract is terminated pursuant to the clause of this contract entitled "Termination for Convenience of the Government," or the Contractor's right to deliver is terminated pursuant to the clause of this contract entitled "Default," so that the last delivery under the contract as terminated is made prior to the completion of the initial period as specified in paragraph (b) of this clause, the Contractor within _____ days after such last delivery shall furnish the data required by paragraph (c) of this clause and thereupon the parties shall negotiate in good faith to agree upon revised prices under this contract. The agreement reached shall be evidenced by a supplemental agreement to this contract stating the revised prices under the contract. Any disagreement as to the revised prices will be disposed of as a question of fact in accordance with the clause of this contract entitled "Disputes." The following is authorized as an optional paragraph (e) in the Form II–B price redetemination clause:

(e) *Disagreements.* (1) If within 30 days after the date on which the statements and data are required pursuant to paragraph (b) of this clause to be filed (or such further period as may be fixed by written agreement) the Contracting Officer and the Contractor fail to agree to redetermined prices (which term, for the purpose of this clause, shall include direct costs, indirect costs and profit), the Contractor, if he has substantially complied with the requirements of this clause as to the furnishing of statements and data, may give written notice to the Contracting Officer requiring the Government to pay the prices set forth in such notice from the time at which the price redetermination was to be effective under the provisions of this clause.

(2) If the Contracting Officer and the Contractor fail to agree, the Contracting Officer within 30 days after the delivery of the Contractor's notice may serve upon the Contractor a written election by which the Government agrees to pay to the Contractor fair and just compensation from the time at which such price redetermination was to be effective under the provisions of this clause. The written election shall specify the amount which the Contracting Officer deems to be fair and just compensation. If no written election is served upon the Contractor, the prices set forth in the Contractor's notice shall be incorporated in an appropriate supplemental agreement. If a written election is served upon the Contractor as above provided, the contract shall continue in effect as modified by such written election and the Contractor (a) shall be paid currently the amount specified by the Contracting Officer in such written election for all deliveries affected thereby and (b) may recover from the United States, by suit brought within six months after the delivery of such written election or after the completion of deliveries under this contract, whichever shall last occur, the amount, if any, by which such fair and just compensation exceeds the amount so specified.

(3) If the Contracting Officer and the Contractor fail to agree and no notice has been given by the Contractor as contemplated in paragraph (e) (1) of this clause, the Contractor shall be entitled to receive, from the time at which such price redetermination was to be effective under the provisions of this clause, fair and just compensation the amount which shall be determined as a question of fact pursuant to the clause of this contract entitled "Disputes."

§ 596.152–2 *Form III price redetermination clause.*—(a) *Nature and effect.* The Form III price redetermination clause provides for retroactive pricing by mutual agreement. It is designed primarily for use in contracts of $100,000 or less for experimental or developmental items or services. This clause, however, should also be used in contracts for the procurement of any item or service, when it is not possible to determine reasonableness of price at the time of negotiation. By its terms the Contracting Officer is empowered, after completion or termination of the contract, to demand that the parties negotiate to reduce the entire contract price. The redetermination of price effected thereunder is wholly retroactive.

(b) *Conditions for use.* The Form III clause should be used in instances when the following conditions exist:

(1) The amount of the negotiated contract is $100,000 or less.

(2) There are no data available to indicate reasonableness of price.

(3) Contractor's estimate is believed to contain substantial allowance for contingencies. (It will not be assumed that a Contractor who agrees to inclusion of this price redetermination clause is assuming appreciable risk, unless it can be determined that the price offered by him does not include contingency provisions.)

(4) The Contractor's cost accounting system is sufficient to show the costs under the contract.

(5) The price initially fixed in the contract bears a reasonable relationship to the expected final price thereunder.

(c) *Rules for administration.* (1) If the production cost figures indicate that the price was high, the Contracting Officer will make the demand contemplated by the clause and will proceed promptly with and conclude the redetermination of the price in accordance with the clause.

(2) The Contracting Officer should make such use and verification of the cost data as he would make with respect to similar data upon the negotiation of a price under a new contract. The verification may include an examination and audit of the Contractor's books and records.

(3) The profit to be allowed under this contract upon redetermination of price shall be subject to negotiation.

(4) The redetermined price will be evidenced by a supplemental agreement making adequate provision to secure to the Government the benefit of the reduction.

(d) *Contract clause.* The following Form III price redetermination clause may be used in accordance with the instructions set forth in the preceding paragraphs and if approved for use in accordance with § 592.403:

PRICE REDETERMINATION

(Form III)

(a) Within sixty days after the completion or termination of this contract, the Contractor will submit to the Contracting Officer a detailed statement of the costs of performing this contract. Upon the written demand of the Contracting Officer, made at any time within thirty days after the submission of such statement, the Contractor will negotiate to reduce the contract price to an amount representing fair and reasonable compensation for the performance of the contract. In such negotiations the efficiency of the Contractor in production, buying and management will be given due weight.

(b) The Contractor will furnish to the Contracting Officer such other statements of actual costs of production and such other financial statements, at such times and in such form and detail, as the Contracting Officer may prescribe, and will permit such audits and examination of its books, records and accounts as the Contracting Officer may request.

(c) If within thirty (30) days after the making of such demand (or such further period as may be fixed by written agreement) the Contracting Officer and the Contractor fail to agree to a redetermined price (which term, for the purpose of this clause, shall include direct costs, indirect costs and profits), the failure to agree shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(d) The Government shall retain from amounts otherwise due to the Contractor, or the Contractor shall repay to the Government if paid to him, any amount by which the contract price is found as a result of the application of this clause to exceed a fair and reasonable price, as the Contracting Officer may direct.

§ 596.152–3 *Form IV price redetermination clause*—(a) *Nature and effect.* The Form IV price redetermination clause provides for retroactive pricing with a limited upward revision. This clause, providing for upward or downward price revision, is authorized for use in negotiated contracts for supplies or services where the quantity being procured is moderate and the period of the contract does not cover an extended period of time. Under the clause a contract price is agreed upon (target price) which it is believed will tend to compel the Contractor to do as efficient a job as possible in the circumstances, and at the same time a maximum price is fixed as a ceiling (normally not to exceed 10 percent of target price) on any upward redetermination under the clause. The redetermination of price takes place after completion or termination of the contract and is wholly retroactive.

(b) *Conditions for use.* The Form IV clause should be used in instances when the following conditions exist:

(1) The contract is a negotiated fixed-price contract for supplies or services where the quantity being procured is moderate and the period of the contract does not cover an extended period of time.

(2) Effective competition is not available to indicate reasonableness of price.

(3) There are no data available to indicate reasonableness of price.

(4) The price (i) is negoiated upon the express understanding that the particular price redetermination clause is to be included in the contract and (ii) is a close price containing substantially no charge or allowance for contingencies.

(5) The Contracting Officer is satisfied that the Contractor employs methods of estimating its cost which accurately reflect current shop and engineering experience and proper quantity and price allowances for material, labor, machine utilization, and other cost elements.

(6) The Contracting Officer is satisfied that the Contractor has a cost account-

ing system of sufficient accuracy and reliability to show the cost information required by the clause at the time provided therein.

(c) *Rules for administration.* (1) The time limitations prescribed in the clause will be strictly followed.

(2) The Contracting Officer should make such use and verification of the cost data submitted by the Contractor as he would make with respect to similar data upon the negotiation of a price under a new contract. The verification may include the examination and audit of the Contractor's books and record.

(3) The negotiations under the clause may result in a redetermined price which is the same as, or higher or lower than, the contract price but never is a redetermined price in excess of the maximum price.

(4) The redetermined price will be evidenced by a supplemental agreement making adequate provision to secure to the Government the benefit of any price reduction negotiated, or for payment to the Contractor of any price increase, as the case may be.

(5) Profit to be paid on costs determined under the Form IV clause shall be subject to negotiation between the Contracting Officer and the Contractor, with due consideration given to the Contractor's efficiency in performing the contract. Failure to agree shall be deemed to be a disagreement as to a question of fact which shall be disposed of in accordance with the "Disputes" clause.

(d) *Contract clause.* The following Form IV price redetermination clause may be used in accordance with the instructions set forth in the preceding paragraphs and if approved for use in accordance with § 592.403:

PRICE REDETERMINATION

(Form IV)

(a) Because of the nature of the work called for by this contract and the great uncertainty as to the cost of performance hereunder, the parties agree that the contract price fixed in Clause ------ hereof may be increased or decreased in accordance with the provision of this clause.

(b) Within ------ [not exceeding 60] days after the completion or termination of this contract, the Contractor will file with the Contracting Officer a statement showing, in such form and detail as the Contracting Officer may prescribe, the Contractor's cost of producing the supplies or furnishing the services called for hereunder, together with such other information as may be pertinent in the negotiations for a redetermined price pursuant to this clause. Such statement of cost shall fairly reflect the normal operation of the Contractor's cost system. [First optional alternative to preceding sentence: The Contractor will establish and maintain records of the costs of performing this contract, as follows: * * *] [Second optional alternative: The Contractor will establish and maintain such records of the costs of performing this contract as the Contracting Officer may require in writing.] The Contracting Officer shall have the right at all reasonable times to make or cause to be made such examinations and audits of the Contractor's books, records and accounts as he may request.

(c) Upon the filing of the statement and other pertinent information required by paragraph (b) of this clause, the Contractor and the Contracting Officer will promptly negotiate in good faith to agree upon a reasonable redetermined price for the entire contract which, upon the basis of such statement and other pertinent information, will constitute fair and just compensation to the Contractor for the performance of this contract. In determining the extent of any estimated allowance for profit to be taken into account in fixing such redetermined price, consideration will be given to the extent to which the Contractor has performed the contract with efficiency, economy, and ingenuity. In no event shall the redetermined price exceed the sum of $------. The redetermined price shall be evidenced by a supplemental agreement to this contract.

(d) If within ------ [not exceeding 90] days after the completion or termination of this contract, the parties shall fail to agree upon a redetermined price (which term, for the purpose of this clause, shall include direct costs, indirect costs and profit) in accordance with the provisions of this clause, the failure to agree shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(e) In the event of a price increase the Government will pay or credit to the Contractor the amount by which the redetermined price shall exceed the contract price aforesaid. In the event of a decrease in price the Contractor will repay or credit the amount of such decrease to the Government in such manner as the Contracting Officer may direct.

(f) For any of the purposes of the clause of this contract entitled "Termination for Convenience of the Government" (including without limitation, computation of "the total contract price" and "the contract price of work not terminated"), the contract price shall be the redetermined contract price agreed upon under paragraph (c) of this clause or determined under paragraph (d) of this clause, as the case may be.

NOTE: Subparts B, C, and D of this part will be issued subsequent to the publication of Subparts B, C, and D of Part 406 of this title.

SUBPART E—APPROVED CONTRACT FORMS (STANDARD, DEFENSE, AND ARMY)

§ 596.500 *Scope of subpart.* This subpart lists and sets forth instructions for the use of approved contract forms, U. S. Standard, Department of Defense, and Department of the Army, which are prescribed for use within the Army Establishment.

§ 596.501 *Applicability.* Use of the contract forms prescribed herein is governed by Subchapter A, Chapter IV of this title, this Procedure, or such other special regulations or directives as may be indicated for the particular contract concerned.

§ 596.501–1 *Contract clauses*—(a) *General.* Many of the contract clauses to be included when these forms are used are not set forth in full in the forms themselves but are incorporated only by reference to sections of Subchapter A, Chapter IV of this title or particular sections of this Procedure.

(b) *Short forms.* Where, as in the case of some of the short contract forms, for example, DA AGO Form 383 and DD Form 327, the forms themselves contain shorter or modified versions of contract clauses, the use of the shorter or modified versions is authorized notwithstanding the provisions of the preceding parts of this Procedure.

§ 596.501–2 *Deviations.* Deviations in format, size, or contents, of approved contract forms are not permitted except as authorized herein unless prior written approval is obtained in each case from the Chief, Current Procurement Branch, Procurement Division, Office of the Assistant Chief of Staff, G–4.

§ 596.501–3 *Local reproduction.* (a) Those contract forms which bear DA AGO numbers in the 5000 series preceded by "R" (for example, DA AGO Form R–5628), are authorized to be reproduced locally by using agencies as they are not stocked by adjutant general publications depots. Contract forms which do not bear such an indicated "R–5000" number may not be reproduced locally unless specifically authorized by The Adjutant General.

(b) The fact that authority may have been previously secured from The Adjutant General for the local reproduction of certain approved contract forms or the procurement of reproducible masters of such forms, does not of itself authorize deviations in the format or size of such authorized contract forms. Separate authority for such deviations is also necessary as indicated in § 596.501–2. However, approval of The Adjutant General for the first procurement of a contract form reproducible master will suffice for continuous procurement of the same master until otherwise notified by The Adjutant General.

(c) In order to facilitate procurement in foreign countries, authority is granted to reproduce a translation of any form, for attachment to such form provided both the standard form and the foreign language translation contain a statement that in the event of a disagreement in the text of the English and foreign translations, the English text will govern.

§ 596.501–4 *Procuring activity contract forms.* Procuring Activity contract forms which have heretofore been approved for particular use by the Chief, Current Procurement Branch, Assistant Chief of Staff, G–4, and which are excluded from the applicability provisions of this subpart on account of their special nature, may continue to be used by the Procuring Activity concerned in accordance with its instructions if such forms are not inconsistent with the policies of Subchapter A, Chapter IV if this title or this Procedure. (See § 596.001.)

§ 596.501–5 *Statutory authority.* All negotiated contracts will be accomplished under §§ 402.201 and 592.201 of this title and will cite as authority section 2 (c) (1), Armed Services Procurement Act of 1947 (Pub. Law 413, 80th Cong.) and Presidential Proclamation 2914. The necessary changes will be made on printed forms, for example, DA AGO Form 383, DD Form 327, DA AGO Form 357, and any other printed contract form which cites as authority a category of the Armed Services Procurement Act of 1947 other than section 2 (c) (1).

§ 596.502 *List of forms.* The following is a list of the forms set forth in this subpart, grouped under descriptive headings:

Description	Section
Long form supply contract:	
Formal Advertising	596.503
Negotiated	596.504
Reserved	596.505 to 596.510
Short form supply contracts:	
Formal Advertising	596.511
Order & Voucher for Purchase of Supplies or Services Other Than Personal.	596.512
Purchase Order	596.513
Government's Order and Contractor's Acceptance	596.514
Delivery Order	596.515
Reserved	596.516 to 596.530
Construction and related contracts:	
Construction Contract (Lump Sum)	596.531
Cost-Plus-A-Fixed-Fee Construction Contract	596.532
Cost-Plus-A-Fixed-Fee Architect-Engineer Contract with Optional Supervision.	596.533
Lump Sum Contract for Architect-Engineer Services with Optional Supervision.	596.534
Cost-Plus-A-Fixed-Fee Architect-Engineer-Construction Management Services Contract.	596.535
Rental Agreement—Government-Owned Construction or Road Maintenance Equipment.	596.536
Reserved	596.537 to 596.540
Letter contracts:	
Letter Contract (Cost Type)	596.541
Letter Contract (Fixed Price Type)	596.542
Reserved	596.543 to 596.560
Service contracts:	
Negotiated Utility Services Contract (Short Form)	596.561
Negotiated Utility Services Contract (Long Form)	596.562
Contract for Academic Instruction	596.563
Order Form to Contract for Academic Instruction	596.564
Contract for Movement of Household Goods and Effects	596.565
Master Lump Sum Ship Repair Contract	596.566
Stevedoring Contract	596.567
Reserved	596.568 to 596.570
Construction invitation and bid forms:	
Invitation for Bids	596.571
Bid	596.572
Plant and Equipment Schedule	596.573
Unit Price Schedule	596.574
Reserved	596.575 to 596.576
Other forms pertaining to contracts:	
Request for Proposal and Contractor's Proposal (Short Form)	596.577
Request for Proposal and Contractor's Proposal (Long Form)	596.578
Security Requirements Check List	596.579
Contractor's Statement of Contingent or Other Fees for Soliciting or Securing Contract.	596.580
Abstract of Bids (Short Form)	596.581
Abstract of Bids (Long Form)	596.582
Abstract of Bids (Long Form)—Continuation Sheet	596.583
Reserved	596.584 to 596.590
Miscellaneous contracts:	
Contract of Sale of Property (Negotiated Sale)	596.591
Reserved	596.592 to 596.599

§ 596.502–1 *Supply of certain forms*—(a) *Requisitions.* Supply of the forms listed below, printed complete as cut sheets on tissue 9# paper (except U. S. Standard Form 32 which is printed on 16# paper), permitting preparation of an original and nine carbons at a time, should be requisitioned through normal publications supply channels. Requisitions will be held to the absolute minimum stock necessary to meet current requirements to avoid waste upon change in format by the Department of the Army. Requisitions for cut sheet forms will contain nomenclature indicated below:

(1) U. S. Standard Form 26, Nov 1949 edition—tissue 9#.
(2) U. S. Standard Form 30, Nov 1949 edition—tissue 9#.
(3) U. S. Standard Form 31, Nov 1949 edition—tissue 9#.
(4) U. S. Standard Form 33, Nov 1949 edition—tissue 9#.
(5) U. S. Standard Form 36, Nov 1949 edition—tissue 9#.
(6) U. S. Standard Form 1036, 18 Sep 1950 edition—tissue 9#.
(7) U. S. Standard Form 32, Nov 1949 edition—16#.
(8) DD Form 351, 1 Jun 50 edition—tissue 9#.
(9) DD Form 351-1, 1 Jun 50 edition—tissue 9#.
(10) DD Form 351-2, 1 Jun 50 edition—tissue 9#.
(11) WD Form 18, 1 Apr 1946 edition, with reverse side blank—tissue 9#.
(12) WD Form 47, 1 Apr 1946 edition, with reverse side blank—tissue 9#.

(b) *Reproducible masters.* (1) Cut sheet forms indicated in paragraph (a) of this section will be used when 10 copies or less, including original, are required or when the volume of contracts does not justify the use of more expensive reproducible masters and the operation of reproduction equipment. When more than 10 copies, including original, of the forms are required or the volume of contracts justifies such action, the use of reproducible masters (hectograph, stencil, or offset) to produce multiple copies of U. S. Standard Forms 30, 31, 33, and 36, DD Forms 351, 351–1 and 351–2, and WD Forms 18 and 47, is authorized.

(2) Upon specific prior approval of The Adjutant General, reproducible masters will be procured and stocked locally. See § 596.501–3 (b). The Contracting Officer at installations authorized to procure reproducible masters will be responsible for ensuring that such masters do not deviate from the approved format or from an authorized deviation under § 596.501–2, and that the quantity procured is held to a minimum in order to avoid waste upon change in format by the Department of the Army.

(c) *Preprinted backs.* The Terms and Conditions of the Invitation for Bids which appear as the back of U. S. Standard Forms 30 and 33 are identical and have been printed as one standard back. This standard back will be used as run off paper in reproducing multiple copies of U. S. Standard Forms 30 and 33 from hectograph, stencil, or offset reproducible masters. Supplies of the standard backs are available from adjutant general publications depots. Requisitions will contain the following nomenclature: Reverse of U. S. Standard Forms 30 and 33, Jan 50 edition, Universal 16#.

§ 596.503 *Supply Contract; Formal Advertising (Long Form) (U. S. Standard Forms 26, 30, 31, and 32).* (a) This form of contract consists of U. S. Standard Form 26 (Award), U. S. Standard Form 30 (Invitation and Bid), U. S. Standard Form 31 (Schedule), and U. S. Standard Form 32 (General Provisions). U. S. Standard Form 36 (Continuation Sheet) will be used to provide additional space if U. S. Standard Form 26 (Award) does not provide sufficient space.

(b) The decision as to the use of the long form method or the short form method (§ 596.511) for particular procurements is discretionary with the Contracting Officer subject to such limiting instructions as may be issued by the Head of the Procuring Activity concerned. Heads of Procuring Activities should standardize as much as possible, where practicable, on the use of either the long form method or the short form method. See in this connection § 596.502–1 (c) as to the separate form of preprinted back of U. S. Standard Form 30.

(c) The statement of availability of funds and citation of the appropriation allotment will be inserted in the "Accounting and Appropriation Data" block of Standard Form 31. Invitations for bids which will result in indefinite quantity contracts will contain a statement in the "Accounting and Appropriation Data" block to the effect that certification of availability of funds will be made on delivery orders issued under the contract.

(d) General provisions, in addition to those contained in U. S. Standard Form 32 (General Provisions), may be added to the contract as required by Subchapter A, Chapter IV of this title, this Procedure, and directives, with appropriate reference in the Schedule. Any other contract clauses that are approved for use may be added as additional general provisions and incorporated by

reference in the Schedule, or may be placed in the Schedule, provided they are not inconsistent with the General Provisions in the Form.

(e) These forms are available for supply from adjutant general publications depots.

(f) Authority is granted in effecting procurement outside the United States, its territories and possessions to deviate from the following forms to the extent indicated:

(1) *Invitation and Bid: U. S. Standard Form 30.* (i) Delete from face side of form (see § 590.302–3 (f)):

(1) That the aggregate number of employees of the bidder and its affiates is: ☐ 500 or more, ☐ less than 500.

(ii) Insert on face side of form (see § 590.201–9 (b)):

(2) That he is a ☐ regular dealer in, ☐ manufacturer of, the supplies bid upon ☐ intermediary.

(iii) Delete from reverse side of form (see § 596.001 (b) (1) (iv)): Paragraph 2 of Terms and Conditions—Labor Information.

(2) *General Provisions; U. S. Standard Form 32.* (i) Paragraph 10 "Federal, State and Local Taxes." Substitute for this paragraph the alternate tax clause prescribed by § 600.401 (b). See § 596.001 (b) (1) (ii).

(ii) Paragraph 12 "Disputes": Substitute "disputes" clause prescribed by § 596.103–12 (c).

(iii) Paragraph 14 "Buy American Act": Delete paragraph. See § 596.001 (b) (1) (iii).

(iv) Paragraph 15 "Convict Labor": Delete paragraph.

(v) Paragraph 16 "Eight-hour Law of 1912": Delete paragraph. See § 596.001 (b) (1) (iv).

(vi) Paragraph 17 "Walsh-Healey Public Contracts Act": Delete paragraph. See § 596.001 (b) (1) (iv).

(vii) Paragraph 18 "Nondiscrimination in Employment": Delete paragraph. See § 596.001 (b) (1) (iv).

§ 596.504 *Supply Contract; Negotiated (Long Form) (DD Form 351).* (a) This form of contract consists of DD Form 351 (Cover Page), DD Form 351–1 (Schedule Page), and DD Form 351–2 (Signature Page).

(b) The form is authorized for use in negotiated contracts, whether fixed-price or cost-reimbursement, for the procurement of supplies or services other than the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property. There is no monetary limitation on the use of the form and it may, therefore, be used regardless of amount. The form shall be used in conjunction with U. S. Standard Form 32 (General Provisions) or such provisions as may be authorized for incorporation in particular classes of contracts. U. S. Standard Form 36 (Continuation Sheet) may be used to provide additional space if DD Form 351–1 (Schedule Page) is not sufficient.

(c) These forms are available for supply from adjutant general publications depots.

(d) Authority is granted in effecting procurement outside the United States, its territories and possessions to deviate from the following forms to the extent indicated:

(1) *Negotiated Contract (Signature Sheet) DD Form 351–2. Delete the words* (see § 590.302–3 (f)):

The Contractor represents that the aggregate number of employees of the Contractor and its affiliates is: ☐ 500 or more, ☐ less than 500.

(2) *General Provisions; U. S. Standard Form 32.* Same deviations as prescribed in § 596.503 (f) (2).

§ 596.511 *Supply Contract; Formal Advertising (Short Form) (U. S. Standard Forms 33 and 32).* (a) This form of contract consists of U. S. Standard Form 33 (Invitation, Bid, and Award) and U. S. Standard Form 32 (General Provisions). U. S. Standard Form 36 (Continuation Sheet) will be used to provide additional space if the award portion of U. S. Standard Form 33 is not sufficient.

(b) As to the use of this short form method, see § 596.503 (b). See also in this connection § 596.502–1 (c) as to the separate form of preprinted back of U. S. Standard Form 33.

(c) As to statement of availability of funds and citation of the appropriation allotment, see § 596.503 (c).

(d) As to the insertion of additional general provisions, see § 596.503 (d).

(e) These forms are available for supply from adjutant general publications depots.

(f) Authority is granted in effecting procurement outside the United States, its territories and possessions to deviate from the following forms to the extent indicated:

(1) *Invitation, Bid, and Award; U. S. Standard Form 33.* (i) Delete from face side of form (see § 590.302–3 (f)):

(1) That the aggregate number of employees of the bidder and its affiliates is ☐ 500 or more, ☐ less than 500.

(ii) Insert on face side of form (see § 590.201–9 (b)):

(2) That he is a ☐ regular dealer in, ☐ manufacturer of, the supplies bid upon ☐ intermediary.

(iii) Delete from reverse side of form (see § 596.001 (b) (1) (iv)): Paragraph 2 of Terms and Conditions—Labor Information.

(2) *General Provisions; U. S. Standard Form 32.* Same deviations as prescribed in § 596.503 (f) (2).

§ 596.512 *Order and voucher for purchase of supplies or services other than personal (DA AGO Form 383).* (a) This form of contract consists of DA AGO Form 383 (front side) and DA AGO Form 383a (reverse side), with memorandum copies (yellow). It is a 10-copy form, interleaved with carbons, all fastened together. DA AGO Form 383c (yellow) is the carbon copy of DA AGO Form 383 and DA AGO Form 383a (yellow) is the carbon copy of DA AGO Form 383a. The form is used in connection with the Small Purchases Procedure authorized under Subpart G, Part 590 of this title.

(b) A Continuation Sheet is provided for this form consisting of DA AGO Form 383b with reverse side blank. It is also a 10-copy form, interleaved with carbons, with memorandum copies (yellow). DA AGO Form 383d (yellow) is the carbon copy of DA AGO Form 383b.

(c) These forms are available for supply from adjutant general publications depots.

(d) Authority is granted in effecting procurement outside the United States, its territories and possessions to deviate from the DA Form 383a (white and yellow) to the extent indicated:

(1) *Clause 1—Disputes.* Substitute "disputes" clause prescribed in § 596.103–12 (c).

(2) *Clause 2—Convict Labor.* Delete clause.

(3) *Clause 3—Nondiscrimination in Employment.* Delete clause. See § 596.001 (b) (1) (iv).

§ 596.513 *Purchase Order (WD Form 18).* (a) This form consists of WD Form 18 and is used for negotiated purchases only. The Conditions appearing on the reverse side of this form are now obsolete and are replaced by U. S. Standard Form 32 (General Provisions) which form will be used in conjunction with WD Form 18. When it is necessary to reprint the form, the obsolete Conditions will be omitted from the reverse side. U. S. Standard Form 36 (Continuation Sheet) may be used in connection with this form when additional space is required.

(b) This form is available for optional use for procuring any supplies or services, regardless of the number or period of deliveries or of the number of payments involved, where—

(1) The amount of the purchase is less than $100,000.

(2) No special contract provisions are required, the insertion of which in the particular case would unduly complicate the form.

(3) Signature by the contractor evidencing acceptance of the order is not required, and is not desired. Signature by the contractor is not required where (i) the amount of the order is not in excess of $5,000 or (ii) the amount of the order is in excess of $5,000 but is less than $100,000, and the order is preceded by an oral or written quotation or is based upon a price list.

(c) Where the price is not in excess of $5,000, the line reading "In accordance with your price list/oral quotation/written quotation of _____," appearing on the form, may be deleted by the Contracting Officer provided the price is not actually based on a price list, oral quotation, or written quotation. Otherwise the Contracting Officer will delete those words which do not apply, and insert the date.

(d) Where purchases exceed $1,000, U. S. Standard Form 32 (General Provisions) shall be attached to the form as a continuation sheet. Where purchases do not exceed $1,000, a continuation sheet, in lieu of U. S. Standard Form 32, shall be attached containing the following contract clauses:

(1) *Convict Labor.* (§ 406.103–15 of this title)

(2) *Nondiscrimination in Employment.* (§ 406.103–18 of this title)

(3) *Officials Not to Benefit.* (§ 406.103–19 of this title)

(4) *Covenant Against Contingent Fees.* (§ 406.103–20 of this title)

In either event, additional or optional contract clauses shall be inserted on continuation sheets as required by Subchapter A, Chapter IV of this title, this Procedure or Procuring Activity instructions.

(c) Methods of presenting invoices or vouchers, and of packing, marking, and shipping will be as specified in any space on the face of the form or on a continuation sheet, or as otherwise directed by Procuring Activity instructions.

(f) This form is available for supply from adjutant general publications depots.

(g) Authority is granted in effecting procurement outside the United States, its territories and possessions to deviate from paragraph (d) of this section to the extent indicated:

(1) Convict Labor clause not required.

(2) Nondiscrimination in Employment clause not required. See § 596.001 (b) (1) (iv).

(3) General Provisions—U. S. Standard Form 32. Same deviations as prescribed in § 596.503 (f) (2).

§ 596.514 *Government's Order and Contractor's Acceptance (WD Form 47).* (a) This form consists of WD Form 47 and is used for negotiated purchases only. The Conditions appearing on the reverse side of this form are now obsolete and are replaced by U. S. Standard Form 32 (General Provisions) which form will be used in conjunction with WD Form 47. When it is necessary to reprint the form, the obsolete Conditions will be omitted from the reverse side. U. S. Standard Form 36 (Continuation Sheet) may be used with this form when additional space is required.

(b) This form is available for optional use for procuring any supplies or services, regardless of the number or period of deliveries or the number of payments involved, where—

(1) The amount of the purchase is less than $100,000.

(2) No special contract provisions are required the inclusion of which in the particular case would unduly complicate the form.

(c) The form calls for execution both by the Contracting Officer and the contractor. When so executed, it should be a complete agreement in itself, that is, without reference to separate documents such as proposal or quotation forms.

(d) When filled in, signed by the Contracting Officer, and delivered to the contractor, the form (with or without further continuation sheets) constitutes an offer by the Government to contract on the terms set forth. So far as the information is available at the time the form is delivered to the contractor, all applicable blanks should be filled in. Where a particular matter is not known at the time the form is delivered to the contractor (for example, "Ship To" or "Schedule of Deliveries"), the blanks should be filled in with appropriate language indicating how such information will be subsequently furnished.

(e) When signed by the contractor in the space marked "Contractor's Acceptance" and returned to the Government in the time allowed, the form becomes a binding contract provided the contractor has not made any changes by way of deletion, interlineation, or addition, thus departing from the terms of the offer. Contractors should be instructed to inform the Contracting Officer of any changes which appear to be required, so that amendments may be made and initialed by both parties, or a corrected form issued.

(f) U. S. Standard Form 32 (General Provisions) shall be attached to the form as a continuation sheet. Additional or optional contract clauses shall be inserted on continuation sheets as required by Subchapter A, Chapter IV of this title, this Procedure or Procuring Activity instructions.

(g) Methods of presenting invoices or vouchers, and of packing, marking, and shipping will be as specified in any space on the face of the form or on a continuation sheet, or as otherwise directed by Procuring Activity instructions.

(h) This form is available for supply from adjutant general publications depots.

(i) See § 596.513 (g) which is similarly applicable in the case of this form.

§ 596.515 *Delivery Order (DA AGO Form R–5700).* (a) This form consists of DA AGO Form R–5700. It was formerly numbered as WD Contract Form No. 19. The form may be used regardless of amount, however, DA AGO Form 383 should ordinarily be used when the amount involved is $1,000 or less. (See § 596.512.)

(1) Delivery orders are used to place orders—

(i) Under already existing contracts executed by other Procuring Activities or other departments of the Government.

(ii) With other Procuring Activities or other departments of the Government furnishing particular services or supplies.

(2) The term "delivery orders" is used in this Procedure to refer to orders of the character described in subparagraph (1) of this paragraph.

(3) The following forms of delivery order may be used in making interbranch or interdepartmental purchases:

(i) DA AGO Form 383 (Subpart G, Part 590 of this chapter and § 596.512) or

(ii) DA AGO Form R–5700.

(4) DA AGO Form R–5700 and DA AGO Form 383, when used to place orders for services or supplies with other departments (see subparagraph (1) (ii) of this paragraph), will be required to be modified to delete reference to a basic purchase agreement.

(b) This form is not available for supply from adjutant general publications depots.

§ 596.515–1 *Sample of DA AGO Form R–5700 (Delivery Order).* The reverse side of this form is blank.

DEPARTMENT OF THE ARMY

DELIVERY ORDER

Date _____ Delivery Order No. _____

DA establishment, office or station, and address: _____

This delivery order applies to the following basic purchase agreement:
Contract (or purchase order) No. _____

To _____
Address _____
Factory Address _____

For methods of presenting invoices or vouchers, see basic purchase agreement.
Payment will be made by Finance Officer, U. S. Army, at _____

Ship to: _____

Schedule of deliveries: _____

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following allotments, the available balances of which are sufficient to cover the cost thereof:

Please furnish the following on the terms specified in the basic purchase agreement identified above, including delivery, f. o. b. _____
Methods of packing, marking and shipping shall be as provided in the basic purchase agreement, except as otherwise directed by the Contracting Officer.
Inspection points _____

Item No.	Supplies or services	Quantity	Unit	Unit price	Amount
	Total				

Contractor is requested to acknowledge receipt of this Delivery Order to the issuing office.

UNITED STATES OF AMERICA

By _____
Contracting Officer

Title _____

DA AGO Form R–5700

1 Feb. 51—Replaces WD Contract Form No. 19, existing stocks of which may be used.

§ 596.531 *Construction Contract (Lump Sum); DA AGO Form R–5701.* (a) This form of contract was formerly numbered as WD Contract Form No. 2.

(b) Authority is granted in effecting procurement outside the United States, its territories and possessions to deviate from the form to the extent indicated:

(1) Paragraph 6 *"Disputes"* on page 4 of the form: Substitute "disputes" clause prescribed in § 596.103–12 (c).

(2) Paragraph 14 *"Davis-Bacon Act"* on page 6 of the form: Delete paragraph. See § 596.001 (b) (1) (iv).

(3) Paragraph 15 *"Copeland Act"* on page 6 of the form: Delete paragraph. See § 596.001 (b) (1) (iv).

(4) Paragraph 16 *"Eight-Hour Law—Overtime Compensation"* on page 6 of the form: Delete paragraph. See § 596.001 (b) (1) (iv).

(5) Paragraph 18 *"Convict Labor"* on page 6 of the form: Delete paragraph.

(6) Paragraph 19 *"Nondiscrimination in Employment"* on page 7 of the form: Delete paragraph. See § 596.001 (b) (1) (iv).

(7) Paragraph 22 *"Buy American Act"* on page 7 of the form: Delete paragraph. See § 596.001 (b) (1) (iii).

§ 596.531–1 *Sample of form.*

Contract No. ------

CONSTRUCTION CONTRACT

DEPARTMENT OF THE ARMY

Contractor and address ----------

Contract for: ----------

Amount: ----------

Payment to be made by: ----------

Appropriation data: ----------

DA AGO Form R–5701.
1 Feb. 51 Replaces W. D. Contract Form No. 2, which is obsolete.

CONTRACT FOR CONSTRUCTION

This contract, entered into this ------ day of ----------, 19----, by The United States of America (hereinafter called the Government), represented by the Contracting Officer executing this contract, and

•a corporation organized and existing under the laws of the State of ----------

•a partnership consisting of ----------

•an individual trading as ----------

of the city of ---------- in the State of ----------, hereinafter called the Contractor, witnesseth that the parties hereto do mutually agree as follows:

1. *Statement of work.* The Contractor shall furnish the materials, and perform the work for ----------

for the consideration of ----------

in strict accordance with the specifications, schedules, drawings, and conditions all of which are made a part hereof and designated as follows ----------

The work shall be commenced ---------- and shall be completed ----------

•Delete all lines which do not apply.

2. *Specifications and drawings.* The contractor shall keep on the work a copy of the drawings and specifications and shall at all times give the contracting officer access thereto. Anything mentioned in the specifications and not shown on the drawings, or shown on the drawings and not mentioned in the specifications, shall be of like effect as if shown or mentioned in both. In case of differences between drawings and specifications, the specifications shall govern. In any case of difference in the figures, in the drawings, or in the specifications, the matter shall be promptly submitted to the contracting officer who shall promptly make a determination in writing. Any adjustment by the contractor without this determination shall be at his own risk and expense. The contracting officer shall furnish from time to time such detail drawings and other information as he may consider necessary, unless otherwise provided.

3. *Changes and extras.* The contracting officer may at any time, in writing, and without notice to the sureties, order extras or make changes in the drawings and/or specifications of this contract providing such extras or changes are within the general scope thereof. If any such extra or change causes an increase or decrease in the amount due under this contract, or in the time required for its performance, an equitable adjustment shall be made and the contract shall be modified in writing accordingly. Any claim of the contractor for adjustment under this Clause must be asserted in writing within 30 days from the date of receipt by the contractor of the notification of extra or change: *Provided, however,* That the contracting officer, if he decides that the facts justify such action, may receive, and act upon, any such claim asserted at any time prior to the date of final settlement of the contract. If the parties fail to agree upon the adjustment to be made the dispute shall be determined as provided in Clause 6 hereof. But nothing provided in this clause shall excuse the contractor from proceeding with the prosecution of the work as changed.

4. *Changed conditions.* Should the contractor encounter, or the Government discover, during the progress of the work subsurface and or latent physical conditions at the site materially differing from those shown on the drawings or indicated in the specifications, or unknown physical conditions of an unusual nature differing materially from those ordinarily encountered and generally recognized as inhering in work of the character provided for in the drawings and specifications, the contracting officer shall be notified promptly in writing of such conditions before they are disturbed. The contracting officer shall thereupon promptly investigate the conditions, and if he finds that they do so materially differ the contract shall be modified to provide for any increase or decrease of cost and/or difference in time resulting from such conditions. If the parties fail to agree upon the adjustment to be made, the dispute shall be determined as provided in Clause 6 hereof.

5. *Termination for default-damages for delay-time extensions.* (a) If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in Clause 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. In such event the Government may take over the work and prosecute the same to completion, by contract or otherwise, and the contractor and his sureties shall be liable to the Government for any excess cost occasioned the Government thereby, and for liquidated damages for delay, as fixed in the specifications or accompanying papers, until such reasonable time as may be required for the final completion of the work, or if liquidated damages are not so fixed, any actual damages occasioned by such delay. If the contractor's right to proceed is so terminated, the Government may take possession of and utilize in completing the work such materials, appliances, and plant as may be on the site of the work and necessary therefor.

(b) If the Government does not terminate the right of the contractor to proceed, as provided in subparagraph (a) hereof, the contractor shall continue the work, in which event he and his sureties shall be liable to the Government, in the amount set forth in the specifications or accompanying papers, for fixed, agreed, and liquidated damages for each calendar day of delay until the work is completed or accepted, or if liquidated damages are not so fixed, any actual damages occasioned by such delay.

(c) The right of the contractor to proceed shall not be terminated, as provided in subparagraph (a) hereof, nor the contractor charged with liquidated or actual damages, as provided in subparagraph (b), because of any delays in the completion of the work due to causes beyond his control which could not reasonably have been anticipated and were without his fault or negligence, including, but not restricted to, acts of God, or of the public enemy, acts of the Government, either in its sovereign or contractual capacity, acts of another contractor in the performance of a contract with the Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather or delays of subcontractors due to such causes: *Provided, That* the contractor shall, within 10 days from the beginning of any such delay, unless the contracting officer shall grant a further period of time prior to the date of final settlement of the contract, notify the contracting officer in writing of the causes of delay. The contracting officer shall ascertain the facts and the extent of the delay and extend the time for completing the work when in his judgment the findings of fact justify such an extension, and his findings of fact thereon shall be final and conclusive on the parties hereto, subject only to appeal as provided in Clause 6 hereof.

6. *Disputes.* Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the contracting officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the contractor. Within 30 days from the date of receipt of such copy, the contractor may appeal by mailing or otherwise furnishing to the contracting officer a written appeal addressed to the Secretary, and the decision of the Secretary or his duly authorized representative for the hearing of such appeals shall be final and conclusive: *Provided,* That, if no such appeal is taken, the decision of the contracting officer shall be final and conclusive. In connection with any appeal proceeding under this clause, the contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the contractor shall proceed diligently with the performance of the contract and in accordance with the contracting officer's decision.

7. *Payments to contractors.* (a) Unless otherwise provided in the specifications, progress payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, or at more frequent intervals as determined by the contracting officer, on estimates approved by the contracting officer. In preparing estimates the material delivered on the site and preparatory work done may be taken into consideration.

(b) In making such progress payments there shall be retained 10 percent on the estimated amount until final completion and

acceptance of all work covered by the contract: *Provided, however,* That the contracting officer, at any time after 50 percent of the work has been completed, if he finds that satisfactory progress is being made, may make any of the remaining progress payments in full: *And provided further,* That on completion and acceptance of each separate building, vessel, public work, or other division of the contract, on which the price is stated separately in the contract, payment may be made in full, including retained percentages thereon, less authorized deductions.

(c) All material and work covered by progress payments made shall thereupon become the sole property of the Government, but this provision shall not be construed as relieving the contractor from the sole responsibility for all materials and work upon which payments have been made or the restoration of any damaged work, or as a waiver of the right of the Government to require the fulfillment of all of the terms of the contract.

(d) Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor, after the contractor shall have furnished the Government with a release, if required, of all claims against the Government arising under and by virtue of this contract, other than such claims, if any, as may be specifically excepted by the contractor from the operation of the release in stated amounts to be set forth therein. If the contractor's claim to amounts payable under the contract has been assigned under the Assignment of Claims Act of 1940, 54 Stat. 1029 (41 U. S. C. 15), a release may also be required of the assignee at the option of the contracting officer.

8. *Materials and workmanship.* Unless otherwise specifically provided for in the specifications, all workmanship, equipment, materials, and articles incorporated in the work covered by this contract are to be of the most suitable grade of their respective kinds for the purpose. Where equipment, materials, or articles are referred to in the specifications as "equal to" any particular standard, the contracting officer shall decide the question of equality. The contractor shall furnish to the contracting officer for his approval the name of the manufacturer of machinery, mechanical and other equipment which he contemplates incorporating in the work, together with their performance capacities and other pertinent information. When required by the specifications, or when called for by the contracting officer, the contractor shall furnish the contracting officer for approval full information concerning the materials or articles which he contemplates incorporating in the work. Samples of materials shall be submitted for approval when so directed. Machinery, equipment, materials, and articles installed or used without such approval shall be at the risk of subsequent rejection. The contracting officer may in writing require the contractor to remove from the work such employee as the contracting officer deems incompetent, careless, insubordinate, or otherwise objectionable, or whose continued employment on the work is deemed by the contracting officer to be contrary to the public interest.

9. *Inspection.* (a) Except as otherwise provided in subparagraph (d) hereof, all material and workmanship (if not otherwise designated by the specifications) shall be subject to inspection, examination, and test by representatives of the Contracting Officer at any and all times during manufacture and/or construction (and at any and all places where such manufacture and/or construction are carried on.) The Government shall have the right to reject defective material and workmanship or require its correction. Rejected workmanship shall be satisfactorily corrected and rejected material shall be satisfactorily replaced with proper material without charge therefor, and the contractor shall promptly segregate and remove the rejected material from the premises. If the contractor fails to proceed at once with the replacement of rejected material and/or the correction of defective workmanship the Government may, by contract or otherwise, replace such material and/or correct such workmanship and charge the cost thereof to the contractor, or may terminate the right of the contractor to proceed as provided in Clause 5 of this contract, the contractor and surety being liable for any damage to the same extent as provided in said Clause 5 for terminations thereunder.

(b) The contractor shall furnish promptly without additional charge, all reasonable facilities, labor, and materials necessary for the safe and convenient inspection and test that may be required by the contracting officer. All inspection and tests by the Government shall be performed in such manner as not unnecessarily to delay the work. Special, full size, and performance tests shall be as described in the specifications. The contractor shall be charged with any additional cost of inspection when material and workmanship is not ready at the time inspection is requested by the contractor.

(c) Should it be considered necessary or advisable by the Government at any time before final acceptance of the entire work to make an examination of work already completed, by removing or tearing out same, the contractor shall on request promptly furnish all necessary facilities, labor and material. If such work is found to be defective or nonconforming in any material respect, due to fault of the contractor or his subcontractors, he shall defray all the expenses of such examination and of satisfactory reconstruction. If, however, such work is found to meet the requirements of the contract, the actual direct cost of labor and material necessarily involved in the examination and replacement, plus 15 percent, shall be allowed the contractor and he shall, in addition, if completion of the work has been delayed thereby, be granted a suitable extension of time on account of the additional work involved.

(d) Inspection of material and finished articles to be incorporated in the work at the site shall be made at the place of production, manufacture, or shipment, whenever the quantity justifies it, unless otherwise stated in the specifications; and such inspection and acceptance in writing, unless otherwise stated in the specifications, shall be final, except as regards latent defects, departures from specific requirements of the contract and the specifications and drawings made a part thereof, damage or loss in transit, fraud, or such gross mistakes as amount to fraud. Subject to the requirements contained in the preceding sentence, the inspection of material and workmanship for final acceptance as a whole or in part, shall be made at the site. Nothing contained in this paragraph (d) shall in any way restrict the Government's rights under any warranty or guarantee.

10. *Superintendence by contractor.* The contractor shall give his personal superintendence to the work or have a competent foreman or superintendent, satisfactory to the contracting officer, on the work at all times during progress, with authority to act for him.

11. *Permits and responsibility for work.* The contractor shall, without additional expense to the Government, obtain all required licenses and permits and be responsible for all damages to persons or property that occur as a result of his fault or negligence in connection with the prosecution of the work, and shall be responsible for all materials delivered and work performed until completion and final acceptance except for any completed unit thereof which may theretofore have been finally accepted.

12. *Other contracts.* The Government may undertake, or award other contracts for, additional work, and the contractor shall fully cooperate with such other contractors and Government employees and carefully fit his own work to such additional work as may be directed by the contracting officer. The contractor shall not commit or permit any act which will interfere with the performance of work by any other contractor or by Government employees.

13. *Additional security.* Should any surety upon any bond furnished in connection with this contract become unacceptable to the Government, or if any such surety shall fail to furnish reports as to his financial condition from time to time as requested by the Government, the contractor must promptly furnish such additional security as may be required from time to time to protect the interests of the Government or of persons supplying labor or materials in the prosecution of the work contemplated by the contract.

14. *Davis-Bacon Act.* This contract, to the extent that it is of a character specified in the Davis-Bacon Act as amended (40 U. S. Code 276a), is subject to all provisions and exceptions of said Davis-Bacon Act, including in particular the following:

(a) The contractor and his subcontractors shall pay all mechanics and laborers employed directly upon the site of the work, unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such pay-roll deductions as are permitted by applicable regulations prescribed by the Secretary of Labor), the full amounts accrued at time of payment computed at wage rates not less than those stated in the specifications, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics; and the scale or wages to be paid shall be posted by the contractor in a prominent and easily accessible place at the site of the work.

(b) The contracting officer shall have the right to withhold from the contractor so much of accrued payments as may be considered necessary by the contracting officer to pay to laborers and mechanics employed on the work the difference between (i) the rates of wages required by the contract to be paid laborers and mechanics on the work and (ii) the rates of wages received by such laborers and mechanics and not refunded to the contractor, subcontractors, or their agents.

(c) In the event it is found by the contracting officer that any laborer or mechanic employed by the contractor or any subcontractor directly on the site of the work covered by the contract has been or is being paid a rate of wages less than the rate of wages required by the contract to be paid as aforesaid, the contracting officer may (i) by written notice to the contractor, terminate his right to proceed with the work, or such part of the work as to which there has been a failure to pay said required wages, and (ii) prosecute the work to completion by contract or otherwise, whereupon the contractor and his sureties shall be liable to the Government for any excess costs occasioned the Government thereby.

15. *Copeland Act.* To the extent that this contract is of a character specified in the Copeland ("Anti-Kickback") Act as amended (18 U. S. C. 874 and 40 U. S. C. 276c), the contractor agrees to comply with the regulations, rulings, and interpretations of the Secretary of Labor pursuant to said Copeland Act, which act makes it unlawful to induce any person employed in the construction or repair of public buildings or public works to give up any part of the compensation to which he is entitled under his contract of employment; and the contractor agrees to insert a like provision in all subcontracts hereunder.

16. *Eight-Hour Law—Overtime compensation.* This contract, to the extent that it is of a character specified in the Eight-Hour

Law of 1912 as amended (40 U. S. C. 324–326) and is not covered by the Walsh-Healey Public Contracts Act (41 U. S. C. 35–45), is subject to the following provisions and exceptions of said Eight-Hour Law of 1912 as amended, and to all other provisions and exceptions of said law:

No laborer or mechanic doing any part of the work contemplated by this contract, in the employ of the contractor or any subcontractor contracting for any part of the said work, shall be required or permitted to work more than eight hours, in any one calendar day upon such work, except upon the condition that compensation is paid to such laborer or mechanic in accordance with the provisions of this clause. The wages of every such laborer and mechanic employed by the contractor or any subcontractor engaged in the performance of this contract shall be computed on a basic day rate of eight hours per day; any work in excess of eight hours per day is permitted only upon the condition that every such laborer and mechanic shall be compensated for all hours worked in excess of eight hours per day at not less than one and one-half times the basic rate of pay. For each violation of the requirements of this clause a penalty of five dollars shall be imposed upon the contractor for each such laborer or mechanic for every calendar day in which such employee is required or permitted to labor more than eight hours upon said work without receiving compensation computed in accordance with this clause; and all penalties thus imposed shall be withheld for the use and benefit of the Government.

17. *Notice to the Government of labor disputes.* Whenever the contractor has knowledge that any actual or potential labor dispute is delaying or threatens to delay the timely performance of this contract, the contractor shall immediately give notice thereof, including all relevant information with respect thereto, to the contracting officer.

18. *Convict labor.* In connection with the performance of work under this contract, the contractor agrees not to employ any person undergoing sentence of imprisonment at hard labor.

19. *Nondiscrimination in employment.* In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin; and further agrees to insert the foregoing provision in all subcontracts hereunder except subcontracts for standard commercial supplies or for raw materials.

20. *Covenant against contingent fees.* The contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration the full amount of such commission, percentage, brokerage, or contingent fee.

21. *Officials not to benefit.* No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

22. *Buy-American Act.* The contractor agrees that in the performance of the work under this contract the contractor, subcontractors, material men and suppliers shall use only such unmanufactured articles, materials and supplies (which term "articles, materials and supplies" is hereinafter referred to in this clause as "supplies") as have been mined or produced in the United States, and only such manufactured supplies as have been manufactured in the United States substantially all from supplies mined, produced, or manufactured, as the case may be, in the United States. Pursuant to the Buy-American Act (41 U. S. C. 10 a-d), the foregoing provisions shall not apply (i) with respect to supplies excepted by the Secretary from the application of that Act, (ii) with respect to supplies for use outside the United States, or (iii) with respect to the supplies to be used in the performance of work under this contract which are of a class or kind determined by the Secretary or his duly authorized representative not to be mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, or (iv) with respect to such supplies, from which the supplies to be used in the performance of work under this contract are manufactured, as are of a class or kind determined by the Secretary or his duly authorized representative not to be mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, provided that this exception (iv) shall not permit the use in the performance of work under this contract of supplies manufactured outside the United States if such supplies are manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

23. *Assignment of claims.* (a) Pursuant to the provisions of the Assignment of Claims Act of 1940 (31 U. S. C. 203, 41 U. S. C. 15), if this contract provides for payments aggregating $1,000 or more, claims for moneys due or to become due the contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing. Notwithstanding any provision of this contract, payment to an assignee of any claim under this contract shall not be subject to reduction or set-off for any indebtedness of the contractor to the Government arising independently of this contract. (The preceding sentence applies only if this contract is with a military department.)

(b) In no event shall copies of this contract or of any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret", "Secret", "Confidential", or "Restricted", be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same; provided that a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon the prior written authorization of the contracting officer.

24. *Patent indemnity.* Except as otherwise specifically provided with respect to any contract items or parts thereof, which are not standard commercial supplies, the contractor agrees to indemnify the Government and its officers, agents and employees against liability, including costs and expenses, for infringement upon any Letters Patent of the United States (except Letters Patent issued upon an application which is now or may hereafter be, for reasons of national security, ordered by the Government to be kept secret or otherwise withheld from issue) arising out of the performance of this contract or out of the use or disposal by or for the account of the Government of supplies furnished or construction work performed hereunder. The foregoing indemnity shall not apply unless the contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given an opportunity to present recommendations as to the defense thereof; and further, such indemnity shall not apply in any one of the following situations: (i) any infringement resulting from the addition to any such supplies or other supplies not furnished by the contractor for the purpose of such addition; (ii) any settlement of a claim of infringement made without the consent of the contractor, unless required by final decree of a court of competent jurisdiction; (iii) any claim of infringement arising from use or disposal outside the scope of any license limitation under which the contractor is bound, provided that the contractor has notified the Government of the limitation prior to first delivery under this contract; (iv) any infringement necessarily resulting from changes (other than the substitution of another standard commercial part or component manufactured or supplied by the Contractor) ordered pursuant to this contract, or from specific written instructions given by the contracting officer directing a manner of performing the contract not normally utilized by the contractor.

25. *Notice and assistance regarding patent infringement.* (a) The contractor agrees to report to the contracting officer, promptly and in reasonable written detail, each claim of patent infringement based on the performance of this contract and asserted against it, or against any of its subcontractors if it has notice thereof.

(b) In the event of litigation against the Government on account of any claim of infringement arising out of the performance of this contract or out of the use of any supplies furnished or construction work performed hereunder, the contractor agrees that it will furnish to the Government upon request, all evidence and information in its possession pertaining to the defense of such litigation. Such information shall be furnished at the expense of the Government except in those cases in which the contractor has agreed to indemnify the Government against the claim being asserted.

26. *Reporting of royalties.* If this contract is in an amount which exceeds $10,000, the contractor agrees to report in writing to the contracting officer, during the performance of this contract and prior to its completion or final settlement, the amount of any royalties or royalty rates paid or to be paid by it directly to others in connection with the performance of this contract, together with the names and addresses of licensors to whom such payments are made and either the patent numbers involved or such other information as will permit identification of the patents or other basis on which royalties are to be paid. Where the contractor's compliance with the foregoing reporting requirement is found by the contracting officer to be impracticable because of the size of the contractor's business or because of the nature of its accounting procedures, the contractor may furnish one or more reports, based on its established accounting periods and covering the entire contract period, of royalties in excess of $1,000 (if computed on an annual basis) paid or to be paid to each licensor on the contractor's over-all business, together with such other information as will permit identification of the patents or other basis on which royalties are to be paid, in which event the contractor shall furnish the contracting officer, upon his request and at Government expense, an allocation of such royalty payments to Government business or

to the work or supplies covered by this contract; reference to any such periodic royalty reports, previously furnished to any Government agency and covering the period of performance of this contract, shall constitute compliance with the reporting requirements of this clause. If this contract is in an amount which exceeds $10,000, and no royalties or royalty rates are paid or to be paid directly to others under the circumstances set forth above, the contractor agrees so to report in writing to the contracting officer prior to completion or final settlement of this contract.

27. *Definitions.* As used throughout this contract, the following terms shall have the meaning set forth below:

(a) The term "Secretary" means the Secretary, the Under Secretary, or any Assistant Secretary of the Department and the head or any assistant head of the executive agency; and the term "his duly authorized representative" means any person or persons or board (other than the contracting officer) authorized to act for the Secretary.

(b) The term "contracting officer" means the person executing this contract on behalf of the Government, and any other officer or civilian employee who is a properly designated contracting officer; and the term includes, except as otherwise provided in this contract, the authorized representative of a contracting officer acting within the limits of his authority.

28. *Alterations in contract.* The following alterations have been made in the provisions of this contract:

In witness whereof, the parties hereto have executed this contract as of the day and year first above written:

THE UNITED STATES OF AMERICA,

By ----------
---------- (Contracting officer)

---------- (Contractor)

By ----------

---------- (Title)

---------- (Address)

Witnesses:

NOTE: In case of corporation, witnesses not required but certificate below must be completed. Type or print names under all signatures.

NOTE: Contractor, if a corporation, should cause the following certificate to be executed under its corporate seal, provided that the same officer shall not execute both the contract and the certificate.

CERTIFICATE

I, ----------, certify that I am the ---------- of the corporation named as Contractor herein; that ----------, who signed this contract on behalf of the Contractor, was then ---------- of said corporation; that said contract was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

[CORPORATE SEAL] ----------
(Signature)

§ 596.532 *Cost-Plus-A-Fixed-Fee Construction Contract.* (a) This form of contract is numbered WD Contract Form No. 3.

(b) A revised text of the form will be made available at an early date. Interim use, however, of WD Contract Form No. 3 is authorized in the meantime. Local reproduction is authorized.

§ 596.533 *Cost - Plus - A - Fixed - Fee Architect-Engineer Contract With Optional Supervision.* (a) This form of contract is numbered WD Contract Form No. 4.

(b) A revised text of this form will be made available at an early date. Interim use, however, of WD Contract Form No. 4 is authorized in the meantime. Local reproduction is authorized.

§ 596.534 *Lump Sum Contract for Architect-Engineer Services With Optional Supervision.* (a) This form of contract is numbered WD Contract Form No. 16.

(b) A revised text of this form will be made available at an early date. Interim use, however, of WD Contract Form No. 16 is authorized in the meantime. Local reproduction is authorized.

§ 596.535 *Cost - Plus - A - Fixed - Fee Architect-Engineer-Construction Management Services Contract.* (a) This form of contract is numbered WD Contract Form No. 12.

(b) A revised text of this form will be made available at an early date. Interim use, however, of WD Contract Form No. 12 is authorized in the meantime. Local reproduction is authorized.

§ 596.536 *Rental Agreement, Government-Owned Construction or Road Maintenance Equipment.* (a) This form of contract is numbered WD Contract Form No. 14.

(b) A revised text of this form will be made available at an early date. Interim use, however, of WD Contract Form No. 14 is authorized in the meantime. Local reproduction is authorized.

§ 596.541 *Letter Contract (Cost Type); DA AGO Form R–5702.* This is a form of preliminary contract looking to the execution of a cost type formal contract. The appropriate termination clause should be inserted in Exhibit "A" and attached to the form as an inclosure.

§ 596.541–1 *Sample of form.*

(Letterhead)

(Date)

GENTLEMEN:

1. This letter constitutes a contract on the terms set forth herein and signifies the intention of the Department to execute a formal cost type contract with you for the delivery of the supplies and the performance of the services as set forth in the attached enclosure, marked Exhibit "A," upon the terms and conditions therein stated. Said formal contract will be in the form used by the Department for procuring supplies and services of the kind indicated in Exhibit "A." This form will include the clauses required by Federal law, Executive Order, and the procurement regulations and directives applicable to such procurements, which clauses are incorporated herein by reference. Exhibit "A," including the termination clause set forth therein is also made a part hereof.

2. You are directed, upon your acceptance of this letter, to proceed immediately to procure the necessary materials, and to commence the manufacture of the supplies and performance of the services, called for herein, and to pursue such work with all diligence to the end that the supplies may be delivered or services performed within the time specified in Exhibit "A," or if no time is so specified, at the earliest practicable date. In this connection, you shall give advance notification to the Contracting Officer of any proposed subcontract or purchase order hereunder which is either (a) on a cost-plus-a-fixed-fee basis or (b) on a fixed price basis exceeding in dollar amount either $25,000 or five per centum of the amount authorized to be expended hereunder. You shall, in addition, obtain such approvals in respect of commitments hereunder as may be specified in Exhibit "A."

3. You shall enter into negotiation for the execution of the formal contract with the Department without delay. In this connection, you shall submit a quotation of the estimated cost to the Government including fixed fee for the articles and services covered by this letter. Such quotation shall be supported by a cost break-down reflecting the factors outlined in the suggested form enclosed herewith.

4. Unless otherwise provided in Exhibit "A" no payments to you shall be made under this letter except as provided in paragraph 5 below.

5. In the event of a termination of performance of the work or any part thereof under this letter by notice given pursuant to the Termination clause incorporated herein by reference, or in the event that the formal contract is not executed within the time specified in Exhibit "A," or any extension of such time as may be authorized in writing by the Contracting Officer, you shall be paid in accordance with the provisions of such Termination clause, except that no profit will be allowed if the Contracting Officer finds that you have delayed the execution of a formal contract for an unreasonable period; provided, however, that in no event shall the liability of the Government to you hereunder exceed the amount specified in Exhibit "A" or such other amount as may be authorized in writing by the Contracting Officer.

6. Please indicate your acceptance of the foregoing by signing this letter and the enclosed copies thereof. Retain one copy for your files and return the remainder to this office.

This contract is entered into pursuant to the provisions of Section 2 (c) (—) of the Armed Services Procurement Act of 1947 (Public Law 413, 80th Congress) and any required determination and findings have been made.

Sincerely yours.

(Contracting Officer)

Accepted, as of the date of this letter:

By ----------

(Type above, name and position of officer executing this acceptance)

DA AGO Form R–5702
1 Feb. 51

§ 596.542 *Letter Contract (Fixed Price Type); DA AGO Form R–5703.* This is a form of preliminary contract looking to the execution of a fixed price formal contract. The appropriate termination clause should be inserted in Exhibit "A" and attached to the form as an inclosure.

§ 596.542–1. *Sample of form.*

(Letterhead)

(Date)

GENTLEMEN:

1. This letter constitutes a contract on the terms set forth herein and signifies the intention of the Department to execute a formal fixed price contract with you for the delivery of the supplies and the performance of the services as set forth in the attached enclosure, marked Exhibit "A," upon the

terms and conditions therein stated. Said formal contract will be in the form used by the Department for procuring supplies and services of the kind indicated in Exhibit "A." This form will include the clauses required by Federal law, Executive Order, and the procurement regulations and directives applicable to such procurements, which clauses are incorporated herein by reference. Exhibit "A," including the termination clause set forth therein, is also made a part hereof.

2. You are directed, upon your acceptance of this letter, to proceed immediately to procure the necessary materials, and to commence the manufacture of the supplies and performance of the services, called for herein, and to pursue such work with all diligence to the end that the supplies may be delivered or services performed within the time specified in Exhibit "A," or if no time is so specified, at the earliest practicable date.

3. You shall enter into negotiation for the execution of the formal contract with the Department without delay. In this connection, you shall submit a firm quotation for the articles and services covered by this letter. Such quotation shall be supported by a cost breakdown reflecting the price factors outlined in the suggested form enclosed herewith.

4. Unless otherwise provided in Exhibit "A" no payments to you shall be made under this letter except as provided in paragraph 5 below.

5. In the event of a termination of performance of the work or any part thereof under this letter by notice given pursuant to the Termination clause incorporated herein by reference, or in the event that the formal contract is not executed within the time specified in Exhibit "A," or any extension of such time as may be authorized in writing by the Contracting Officer, you shall be paid in accordance with the provisions of such Termination clause, except that no profit will be allowed if the Contracting Officer finds that you have delayed the execution of a formal contract for an unreasonable period; provided, however, that in no event shall the liability of the Government to you hereunder exceed the amount specified in Exhibit "A" or such other amount as may be authorized in writing by the Contracting Officer.

6. Please indicate your acceptance of the foregoing by signing this letter and the enclosed copies thereof. Retain one copy for your files and return the remainder to this office.

This contract is entered into pursuant to the provisions of Section 2 (c) (—) of the Armed Services Procurement Act of 1947 (Public Law 413, 80th Congress) and any required determination and findings have been made.

Sincerely yours,

(Contracting Officer)

Accepted, as of the date of this letter:

By ---

(Type above, name and position of officer executing this acceptance)

DA AGO Form R-5703
1 Feb. 51

§ 596.561 *Negotiated Utility Services Contract (Short Form).* (a) This form consists of DA AGO Form R-5628. The form and instructions for its use are set forth in SR 420-470-2 (Special Regulations governing utility contracts).

(b) The clause for multiple service locations (DA AGO Form R-5635) and the clause for connection charge (DA AGO Form R-5636) are also authorized for use in connection with this short form. See § 596.562.

(c) Authority is granted in effecting procurement outside the United States, its territories and possessions to deviate from this form to the extent indicated:

(1) Paragraph 7 "Convict Labor": Delete paragraph.

(2) Paragraph 8 "Nondiscrimination in Employment": Delete paragraph. See § 596.001 (b) (1) (iv).

(3) Paragraph 9 "Disputes": Substitute "Disputes" clause prescribed in § 596.103-12 (c).

(d) As to the forms listed in paragraphs (a) and (b) of this section, such additional deviations may be approved by the Head of the Procuring Activity concerned. Heads of Procuring Activities will retain as much of the language of the approved forms as local conditions permit and will approve deviations only to the extent necessary to make the standard forms usable in their areas.

§ 596.562 *Negotiated Utility Services Contract (Long Form).* (a) This form consists of the following DA AGO Forms:

(1) Form of Utility Service Contract—DA AGO Form R-5629.

(2) Electric Service Specifications—DA AGO Form R-5630.

(3) Gas Service Specifications—DA AGO Form R-5631.

(4) Water Service Specifications—DA AGO Form R-5632.

(5) Sewage Service Specifications—DA AGO Form R-5633.

(6) Steam Service Specifications—DA AGO Form R-5634.

(7) Multiple Service Locations Clause—DA AGO Form R-5635.

(8) Connection Charge Clause—DA AGO Form R-5636.

(b) These forms and instructions for their use are set forth in SR 420-470-2.

(c) Authority is granted in effecting procurement outside the United States, its territories and possessions to deviate from DA AGO Form R-5629 to the extent indicated:

(1) Paragraph 9 "Convict Labor": Delete paragraph.

(2) Paragraph 10 "Nondiscrimination in Employment": Delete paragraph. See § 596.001 (b) (1) (iv).

(3) Paragraph 11 "Disputes": Substitute "Disputes" clause prescribed in § 596.103-12 (c).

(d) As to the forms listed in paragraph (a) of this section, such additional deviations may be approved by the Head of the Procuring Activity concerned. Heads of Procuring Activities will retain as much of the language of the approved forms as local conditions permit and will approve deviations only to the extent necessary to make the standard forms usable in their areas.

§ 596.563 *Contract for Academic Instruction; DA AGO Form 357.* (a) This form consists of DA AGO Form 357. Instructions for its use are contained in SR 350-230-5 (Special Regulations governing contracts for academic construction).

(b) The form is available for supply from The Adjutant General, Attention: AGAO-R.

(c) Authority is granted in effecting procurement outside the United States, its territories and possessions to deviate from the form to the extent indicated.

(1) Article 8 "Disputes" on page 3 of form: Substitute "Disputes" clause prescribed in § 596.103-12 (c).

(2) Article 12 "Antidiscrimination" on page 3 of form: Delete article. See § 596.001 (b) (1) (iv).

(3) Article 13 "Eight-Hour Law of 1912" on page 3 of form: Delete article. See § 596.001 (b) (1) (iv).

(4) Article 14 "Convict Labor" on page 3 of form: Delete article.

§ 596.564 *Order Form to Contract for Academic Instruction, DA AGO Form 358.* (a) This form consists of DA AGO Form 358. Instructions for its use are contained in SR 350-230-5.

(b) The form is available for supply from The Adjutant General, Attention: AGAO-R.

§ 596.565 *Contract for Movement of Household Goods and Effects (DD Form 327).* (a) This form consists of DD Form 327, and is to be used in accordance with the instructions contained in section II, Commercial Traffic Bulletin 13, 1946.

(b) The form is available for supply from adjutant general publications depots.

(c) This form is not applicable for use in effecting procurement outside the United States, its territories and possessions. Authority is granted for Heads of Procuring Activities to prescribe suitable forms for such procurement, using this form as a general guide.

§ 596.566 *Master Lump Sum Ship Repair Contract.* This contract form is in process of revision. As soon as it is approved, it will be set forth in this section together with instructions for its use.

§ 596.567 *Stevedoring Contract.* This contract form is in process of revision. As soon as it is approved, it will be set forth in this section together with instructions for its use.

§ 596.571 *Invitation for Bids (Construction Contract).* (a) This form is numbered WD Standard Procurement Form No. 116. The form is prescribed for use in the procurement of construction by formal advertising (see § 591.201 (b)).

(b) A revised text of this form will be made available at an early date. Interim use, however, of WD Standard Procurement Form No. 116 is authorized in the meantime. Local reproduction is authorized. In reproducing WD Standard Procurement Form No. 116, the Bureau of the Budget approval notation in the upper right hand corner should be omitted.

§ 596.572 *Bid (Construction Contract).* (a) This form is numbered WD Standard Procurement Form No. 117. The form is prescribed for use in the procurement of construction by formal advertising (see § 591.201 (b)).

(b) A revised text of the form will be made available at an early date. Interim use, however, of WD Standard Procurement Form No. 117 is authorized in the meantime. Local reproduction is authorized. In reproducing WD Standard Procurement Form No. 117, the Bureau of the Budget approval notation in the upper right hand corner should be omitted. The reference also in the second paragraph of the form to "Eng Form 1619" should be changed to "Form 1617."

§ 596.573 *Plant and Equipment Schedule.* (a) This form is numbered WD Standard Procurement Form No. 1617. The form is prescribed for use in the procurement of construction by formal advertising and will be attached to the bid form when required by the invitation for bids.

(b) A revised text of this form will be made available at an early date. Interim use, however, of WD Standard Procurement Form No. 1617 is authorized in the meantime. Local reproduction is authorized. In reproducing WD Standard Procurement Form No. 1617, the Bureau of the Budget approval notation in the upper right hand corner should be omitted.

§ 596.574 *Unit Price Schedule.* (a) This form is numbered WD Standard Procurement Form No. 1618. The form is prescribed for use in the procurement of construction by formal advertising and will be attached to the bid form when required by the invitation for bids.

(b) A revised text of this form will be made available at an early date. Interim use, however, of WD Standard Procurement Form No. 1618 is authorized in the meantime. Local reproduction is authorized. In reproducing WD Standard Procurement Form No. 1618, the Bureau of the Budget approval notation in the upper right hand corner should be omitted.

§ 596.577 *Request for Proposal and Contractor's Proposal (Short Form); WD Form 104.* (a) This short form consists of WD Form 104 and is used for negotiated purchases only. It may be used for procurement by negotiation of supplies (excluding construction work) for small amounts where effective competition exists and where the information to be obtained from suppliers may ordinarily be confined substantially to the quotation of prices.

(b) Changes may be made in this form to accommodate the needs of the particular procurement. This also applies to the statutory authorities now appearing on the form, which should be changed to Public Law 413, 80th Congress. When it is necessary to reprint the form, the statutory citation thereon will be corrected and certain other minor changes made.

(c) This form is available for supply from adjutant general publications depots.

§ 596.578 *Request for Proposal and Contractor's Proposal (Long Form); WD Forms 105, 105A, 105B, and 105C.* (a) This long form consists of WD Forms 105, 105A, 105B, and 105C and is used for negotiated purchases only. These forms may be used for procurement, by negotiation, of supplies other than construction, whenever, in the opinion of the Procuring Activity involved, detailed cost or price information should be obtained from suppliers as an aid to adequate negotiation. Within the scope of the foregoing rule, each Procuring Activity may prescribe more precisely the size and types of procurement for which these forms are to be used.

(b) The use of the related forms with Form No. 105 is discretionary. The procurement office is required to select and specify (within established limits) the data expected. Thus, the procurement office has latitude to use the related forms according to the necessities of particular situations, and may relieve the supplier of the task of compiling information which is not pertinent to the procurement or which is already known to the procurement office. It is of the utmost importance that no contractor be asked to complete the forms related to WD Form 105 with respect to information which will not be pertinent or useful in properly effecting the particular procurement, or which is already on file with the procurement office. Where necessary, the information obtained through use of the form may be clarified or amplified through correspondence or personal negotiation. The information submitted in or with WD Form 105 and related forms will be used as a basis of negotiations with the prospective contractor, in accordance with Subchapter A, Chapter IV of this title and this Procedure and any other instructions that may be in force from time to time. One copy of the "Instructions for Completing War Department Form 105" should be sent to each contractor along with the necessary number of counterparts of Form 105.

(c) Changes may be made in these forms to accommodate the needs of the particular procurement. This also applies to the statutory authorities now appearing on WD Form 105, which should be changed to Public Law 413, 80th Congress. When it is necessary to reprint the form, the statutory citation thereon will be corrected and certain other minor changes made.

(d) These forms are available for supply from adjutant general publications depots.

§ 596.579 *Security Requirements Check List; DD Form 254.* (a) This form consists of DD Form 254. For requirements as to use in precontract negotiations, see § 592.212-2.

(b) DD Form 254 shall be prepared, in accordance with the instructions thereon, and accompany all contracts and subcontracts classified Top Secret, Secret, Confidential, or Restricted, and all contracts and subcontracts involving access to classified matter by a contractor or subcontractor. In addition to the initial completion of the form, necessary changes in security classification will be made as appropriate and will be reflected on the form when lower down-grading action is taken in accordance with applicable regulations. This form shall not be considered a part of the contract but shall be used to implement the "Security Requirements Clause" and any secrecy or security agreement which may be existent.

(c) This form is available for supply from adjutant general publications depots.

§ 596.580 *Contractor's Statement of Contingent or Other Fees for Soliciting or Securing Contract (U. S. Standard Form 119).* (a) U. S. Standard Form 119 shall be used without deviation in cases in which:

(1) Section 590.608 requires its use.

(2) The Contracting Officer desires to obtain information from contractors or prospective contractors with respect to whether they have employed or retained any company or person (other than a full-time employee) to solicit or secure contracts.

(b) This form is available for supply from adjutant general publications depots.

(c) Section 590.608 does not make mandatory the use of this form in effecting procurement outside the United States, its territories and possessions. When Contracting Officers desire to use this form, as prescribed in paragraph (a) (2) of this section, authority is granted in effecting procurement outside the United States, its territories and possessions to deviate from the form to the extent necessary.

§ 596.581 *Abstract of Bids (Short Form); WD Form 14.* (a) This form consists of one sheet printed on both sides. Inapplicable instructions appearing on the reverse side of this form will be disregarded.

(b) This form is available for supply from adjutant general publications depots.

§ 596.582 *Abstract of Bids (Long Form); WD Form 29.* (a) This form consists of one sheet printed on both sides. Inapplicable instructions appearing on the front page of this form will be disregarded.

(b) This form is available for supply from adjutant general publications depots.

§ 596.583 *Abstract of Bids (Long Form); Continuation Sheet; WD Form 29A.* (a) This form consists of one sheet printed on both sides.

(b) This form is available for supply from adjutant general publications depots.

§ 596.591 *Contract of Sale of Property (Negotiated Sale).* This form of contract will be prescribed for use in sales to contractors as authorized by the terms of the contract, and other authorized sales incident to or related to procurement. A form for general use has not as yet been approved; however, in the meantime, cases requiring the use of such a form should be submitted to the Current Procurement Branch, Procurement Division, Office of the Assistant Chief of Staff, G-4. As soon as the form is approved for general use, its text will be made available.

PART 597—TERMINATION

Sec.
597.000 Scope of part.

SUBPART J—CONTRACT CLAUSES

597.1001 Applicability.
597.1002 Settlement of contracts terminated for convenience.
597.1003 Termination clause for fixed-price contracts.
597.1004 Termination clause for subcontracts.
597.1005 Contract clause for cost-reimbursement type contracts.

Sec.
597.1006 Termination clause for research and development contracts.
597.1007 Termination clause for fixed-price construction contracts.
597.1008 Short-form termination clauses.
597.1008–1 Fixed-price supply contracts over $1,000 and under $5,000.
597.1008–2 Fixed-price non-personal service contracts.

AUTHORITY: §§ 597.000 to 597.1008–2 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161.

DERIVATION: Army Procurement Procedure, March 15, 1951.

§ 597.000 *Scope of part.* Pending the issuance of Part 407 of this title, this part sets forth policies with respect to the inclusion of a Termination for Convenience of the Government clause in contracts for the procurement of supplies or services.

NOTE: Subparts A through I of this part are being reserved for implementing Part 407 of this title, subsequent to its issuance.

SUBPART J—CONTRACT CLAUSES

§ 597.1001 *Applicability.* In any contract entered into either by formal advertising or by negotiation, a Termination for Convenience of the Government clause shall be inserted as required by Part 407 of this title: *Provided*, That prior to the issuance and effective date of Part 407 of this title, the appropriate termination clause required by this Procedure will be inserted.

§ 597.1002 *Settlement of contracts terminated for convenience.* In the event of a termination for convenience of the Government under contracts including one of the clauses set forth in this part, Contracting Officers will request instructions through the Head of their respective Procuring Activities as to procedures and policies to be followed from the Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch).

§ 597.1003 *Termination clause for fixed-price contracts.* In accordance with § 406.103–21 of this title, the following clause shall be inserted in all fixed-price supply contracts amounting to more than $1,000:

TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

(a) The performance of work under this contract may be terminated by the Government in accordance with this clause in whole, or from time to time in part, whenever the Contracting Officer shall determine that such termination is in the best interests of the Government. Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective.

(b) After receipt of a Notice of Termination, and except as otherwise directed by the Contracting Officer, the Contractor shall (1) stop work under the contract on the date and to the extent specified in the Notice of Termination; (2) place no further orders or subcontracts for materials, services or facilities except as may be necessary for completion of such portion of the work under the contract as is not terminated; (3) terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination; (4) assign to the Government, in the manner, at the times, and to the extent directed by the Contracting Officer, all of the right, title and interest of the Contractor under the orders and subcontracts so terminated; (5) settle all claims arising out of such termination of orders and subcontracts, subject to the approval or ratification of the Contracting Officer, which approval or ratification shall be final for all the purposes of this clause; (6) transfer title and deliver to the Government, in the manner, at the times, and to the extent, if any, directed by the Contracting Officer, (i) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in connection with the performance of, the work terminated by the Notice of Termination, and (ii) the completed or partially completed plans, drawings, information, and other property which, if the contract had been completed, would have been required to be furnished to the Government; (7) use its best efforts to sell, in the manner, at the times, to the extent, and at the price or prices directed or authorized by the Contracting Officer, any property of the types referred to in provision (6) of this paragraph: *Provided, however*, That the Contractor (i) shall not be required to extend credit to any purchaser, and (ii) may keep any such property at a price or prices approved by the Contracting Officer; and provided further that the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this Contract or shall otherwise be credited to the price or cost of the work covered by this contract or paid in such other manner as the Contracting Officer may direct; (8) complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and (9) take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract which is in the possession of the Contractor and in which the Government has or may acquire an interest.

(c) After receipt of a Notice of Termination, the Contractor shall submit to the Contracting Officer its termination claim, in the form prescribed by the Contracting Officer. Such claim shall be submitted promptly but in no event later than one year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer upon request of the Contractor made in writing within such one year period or authorized extension thereof. Upon failure of the contractor to submit its termination claim within the time allowed, the Contracting Officer shall determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination.

(d) Subject to the provisions of paragraph (c), the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause, which amount or amounts may include a reasonable allowance for profit, but only on work done in connection with the terminated portion of the contract. The contract shall be amended accordingly, and the Contractor shall be paid the agreed amount. Such amendment shall be final and conclusive upon the Contractor and the Government. Nothing in paragraph (e) of this clause, prescribing the amount to be paid to the Contractor in the event of failure of the Contractor and the Contracting Officer to agree upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, shall be deemed to limit, restrict, or otherwise determine or affect the amount or amounts which may be agreed upon to be paid to the Contractor pursuant to this paragraph (d).

(e) In the event of the failure of the Contractor and the Contracting Officer to agree as provided in paragraph (d) upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, the Government, but without duplication of any amounts agreed upon in accordance with paragraph (d), shall pay to the Contractor the amounts determined as follows:

(1) For completed supplies accepted by the Government and not theretofore paid for, a sum equivalent to the aggregate price for such supplies computed in accordance with the price or prices specified in the contract, appropriately adjusted for any saving of freight or other charges;

(2) The total of:

(i) The costs incurred in the performance of the work terminated, exclusive of any costs attributable to supplies paid or to be paid for under paragraph (e) (1) hereof.

(ii) The cost (which may include a reasonable allowance for profit to subcontractors or vendors, but only on work done in connection with the terminated portion of any subcontract or order) of settling and paying claims arising out of the termination of work under subcontracts or orders, as provided in paragraph (b) (5) above, which are properly chargeable to the terminated portion of the contract (exclusive of amounts paid or payable on account of supplies or materials delivered or services furnished by subcontractors or vendors prior to the effective date of the Notice of Termination, which amounts should be included in the costs payable under (i) above), provided that:

(A) Each such claim has been settled with the written approval of the Contracting Officer; or

(B) If a final judgment has been rendered against the Contractor, or a subcontractor or vendor, by a court of competent jurisdiction determining the liability of the Contractor, subcontractor or vendor with respect to any such claim, the Contracting Officer has determined that such judgment or a part thereof is allocable to the terminated portion of the contract.

(In order for a judgment to be allowable under this subparagraph (ii), the Contractor, or subcontractor or vendor concerned, must have given the Contracting Officer prompt notice of the initiation of the proceedings in which such judgment was rendered and offered in writing to give the Government complete control of the defense of the proceedings, and must have diligently defended the suit or, if the Government has assumed control of the defense of the proceedings, must have rendered such reasonable assistance as has been requested by the Government. If such judgment includes amounts for loss of anticipatory profits or consequential damages, such amounts will not be allowable under this subparagraph.)

(iii) A sum equal to 2 percent of that part of the amount determined under (i) which represents the cost of articles and materials not processed by the Contractor, plus a sum equal to 8 percent of the remainder of such amount, but the aggregate of such sums shall not exceed 6 percent of the whole of the amount determined under (i) above.

(3) The reasonable costs of settlement, including accounting, legal, clerical, and other expenses reasonably necessary for the preparation of settlement claims and supporting data with respect to the terminated portion of the contract and for the termination and settlement of subcontracts thereunder, together with reasonable storage, transportation, and other costs incurred in connection with the protection or disposition of termination inventory.

The total sum to be paid to the Contractor under (1) and (2) of this paragraph (e) shall not exceed the total contract price as reduced by the amount of payments otherwise made and as further reduced by the contract price of work not terminated. Except for normal spoilage, and except to the extent that the Government shall have otherwise expressly assumed the risk of loss, there shall be excluded from the amounts payable to the Contractor as provided in paragraph (e) (1) and paragraph (e) (2) (i), any amounts allocable to or payable in connection with property which is destroyed, lost, stolen, or damaged so as to become undeliverable to the Government, or to a buyer pursuant to paragraph (b) (7).

(f) The Contractor shall have the right of appeal, under the clause of this contract entitled "Disputes," from any determination of the amount due to the Contractor made by the Contracting Officer under paragraphs (c) or (e) above, except that if the Contractor has failed to submit its claim within the time provided in paragraph (c) above and has failed to request extension of such time, he shall have no such right of appeal. In any case where the Contracting Officer has made a determination of the amount due under paragraph (c) or (e) above, the Government shall pay to the Contractor the following: (i) if there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer, or (ii) if an appeal has been taken, the amount finally determined on such appeal; any such determination being final and conclusive upon the Contractor and the Government.

(g) In arriving at the amount due the Contractor under this clause there shall be deducted (1) all unliquidated advance or other unliquidated payments on account theretofore made to the Contractor, (2) any claim which the Government may have against the Contractor in connection with this contract, and (3) the agreed price for, or the proceeds of sale of, any materials, supplies or other things kept by the Contractor or sold, pursuant to the provisions of this clause, and not otherwise recovered by or credited to the Government.

(h) If the termination hereunder be partial, prior to the settlement of the terminated portion of this contract, the Contractor may file with the Contracting Officer a request in writing for an equitable adjustment of the price or prices specified in the contract relating to the continued portion of the contract (the portion not terminated by the Notice of Termination), and such equitable adjustment as may be agreed upon shall be made in such price or prices.

(i) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of this contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally agreed or determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand, together with interest computed at the rate of 6 percent per annum, for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government.

(j) Any determination of costs under paragraph (c) or (e) hereof shall be governed by the Cost Principles set forth in section XV of the Armed Services Procurement Regulation as in effect on the date of this contract.

(k) Unless otherwise provided for in this contract, or by applicable statute, the Contractor, from the effective date of termination and for a period of three years after final settlement under this contract, shall preserve and make available to the Government at all reasonable times at the office of the Contractor but without expense to the Government, all its books, records, documents, and other evidence bearing on the costs and expenses of the Contractor under this contract and relating to the work terminated hereunder, or, to the extent approved by the Contracting Officer, photographs, microphotographs, or other authentic reproductions thereof.

§ 597.1004 *Termination clause for subcontracts.* The following form of termination clause is suggested for use by prime contractors in fixed-price subcontracts:

TERMINATION CLAUSE FOR SUBCONTRACTS

(a) The buyer may terminate work under this order, in whole or in part, at any time by written or telegraphic notice whenever (1) the Government requests the termination of this order, or (2) whenever the articles or services of the kind or type covered by this order are no longer required by the buyer in the performance of its contract with the Government (or a higher tier contractor), or the buyer's contract is amended so as to eliminate or reduce such requirements. Such notice shall state the extent and effective date of such termination. Upon the receipt thereof, the seller will, as and to the extent directed by the buyer, stop work under this order and the placement of further orders or subcontracts hereunder, terminate work under orders and subcontracts outstanding hereunder, and take any necessary action to protect property in the seller's possession in which the buyer has or may acquire an interest.

(b) If the parties cannot agree within a reasonable time upon the amount of fair compensation to the seller for such termination, the buyer in addition to making prompt payment of amounts due for articles delivered or services rendered prior to the effective date of termination, will pay to the seller, without duplication of any items, the following amounts:

(1) The contract price for all articles or services which have been completed in accordance with this order and not previously paid for.

(2) (i) The actual costs incurred by the seller which are properly allocable or apportionable to the terminated portion of this order, including the cost of discharging liabilities which are so allocable or apportionable (which cost may include a reasonable allowance for profit but only on work done in connection with the terminated portion of any subcontracts or orders hereunder), but excluding any charge for interest on borrowings, and

(ii) A sum equal to 2 percent of the part of such costs representing the costs of articles or materials not processed by the seller, plus a sum equal to 8 percent of the remainder of such costs, but the aggregate of such sums shall not exceed 6 percent of the whole of such costs. For the purpose of subdivision (ii) such costs shall exclude the cost of discharging liabilities for parts, materials and services not received by the seller before the effective date of termination.

(3) The reasonable costs of the seller in making settlement hereunder and in protecting property in which the buyer has or may acquire an interest.

Payments under this paragraph (b), exclusive of payments under subparagraph (3), shall not exceed the aggregate price specified in this order, less payments otherwise made or to be made.

(c) With the consent of the buyer, and subject to any right or interest which the United States Government may have therein, the seller may keep at an agreed price or sell at an approved price any completed articles, or any articles, materials, work in process or other things the cost of which is allocable or apportionable to this order under paragraph (b) (2) above, and will credit or pay the amounts so agreed or received to the price or cost of the work covered by this order or as the buyer otherwise directs. As directed by the buyer, the seller will transfer title to, and make delivery of, any such articles, materials, work in process or other things not so kept or sold. Appropriate adjustment will be made for delivery costs or savings therein.

(d) Any determination of costs under paragraph (b) hereof shall be in accordance with the Cost Principles set forth in Section XV of the Armed Services Procurement Regulation as in effect on the date of the prime contract.

(e) The provisions of this Clause shall not limit or affect the right of the buyer to cancel this order for the default of the seller.

§ 597.1005 *Contract clause for cost-reimbursement type contracts.* The following clause shall be inserted in all cost-reimbursement type contracts, as defined in §§ 402.405 and 402.406 of this title, for supplies other than (a) construction, alteration or repair of buildings, bridges, roads, or other kinds of real property, or (b) experimental, developmental, or research work:

TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

(a) The performance of work under this contract may be terminated by the Government in accordance with this clause in whole, or from time to time in part, (1) whenever the Contractor shall default in performance of this contract in accordance with its terms (including in the term "default" any such failure by the Contractor to make progress in the prosecution of the work hereunder as endangers such performance), and shall fail to cure such default within a period of ten days (or such longer period as the Contracting Officer may allow) after receipt from the Contracting Officer of a notice specifying the default, or (2) whenever for any reason the Contracting Officer shall determine that such termination is in the best interests of the Government. Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying whether termination is for the default of the Contractor or for the convenience of the Government, the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective.

(b) After receipt of a Notice of Termination and except as otherwise directed by the Contracting Officer, the Contractor shall (1) stop work under the contract on the date and to the extent specified in the Notice of Termination; (2) place no further orders or subcontracts for materials, services or facilities except as may be necessary for completion of such portion of the work under the contract as is not terminated; (3) terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination; (4) assign to the Government, in the manner and to the extent directed by the Contracting Officer, all of the right, title and interest of the Contractor under the orders or subcontracts so terminated; (5) with the approval or ratification of the Contracting Officer, which approval or ratification shall be final and conclusive for all purposes of this clause, settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, the cost of which would be reimbursable, in whole or in part, in accordance with the provisions of this contract; (6) transfer title (to the extent that title has not already been transferred) and, in the manner, to the extent and at the times directed by the Contracting

Officer, deliver to the Government (i) the fabricated or unfabricated parts, work in progress, completed work, supplies, and other material produced as a part of, or acquired in respect of the performance of, the work terminated by the Notice of Termination, (ii) the completed or partially completed plans, drawings, information and other property which, if the contract had been completed, would be required to be furnished to the Government, and (iii) the jigs, dies, and fixtures, and other special tools and tooling acquired or manufactured for the performance of this contract for the cost of which the Contractor has been or will be reimbursed under this contract; (7) use his best efforts to sell in the manner, at the times, to the extent, and at the price or prices directed or authorized by the Contracting Officer, any property of the types referred to in provision (6) of this paragraph: *Provided, however,* That the Contractor (i) shall not be required to extend credit to any purchaser, and (ii) may keep any such property at a price or prices approved by the Contracting Officer; and provided further that the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract or shall otherwise be credited to the price or cost of the work covered by this contract or paid in such other manner as the Contracting Officer may direct; (8) complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and (9) take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract which is in the possession of the Contractor and in which the Government has or may acquire an interest. The Contractor shall proceed immediately with the performance of the above obligations, notwithstanding any delay in determining or adjusting the amount of the fixed fee, or any item of reimbursable cost, under this clause.

(c) The Contracting Officer in his discretion may, and at the request of the Contractor shall, limit the negotiations for settlement to the fixed fee, if any, in which event any costs allocable to the terminated portion of the contract shall continue to be presented for payment by the Contractor on prescribed cost vouchers. Promptly upon issuance of the Notice of Termination, the Contracting Officer shall inform the Contractor in writing either: (i) that the settlement will be limited to the fixed fee; or (ii) that the settlement will include costs and fixed fee unless the Contractor within thirty days, requests in writing that they be limited to the fixed fee.

(d) After receipt of a Notice of Termination and after it has been decided whether or not the settlement is to be limited to the fixed fee, the Contractor shall submit to the Contracting Officer its termination claim. Such claim shall be submitted promptly but in no event later than one year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer upon request of the Contractor made in writing within such one year period or authorized extension thereof. Upon failure of the Contractor to submit its termination claim within the time allowed, the Contracting Officer shall determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination.

(e) Subject to the provisions of paragraphs (c) and (d), the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause. The contract shall be amended accordingly, and the Contractor shall be paid the agreed amount. Such amendment shall be final and conclusive upon the Contractor and the Government.

(f) In the event of the failure of the Contractor and the Contracting Officer to agree in whole or in part, as provided in paragraph (e) above, as to the amounts with respect to costs and fixed fee or as to the amount of the fixed fee, to be paid to the Contactor in connection with the termination of work pursuant to this clause, the Government, but without duplication of any amounts agreed upon in accordance with paragraph (c), shall pay to the Contractor the amounts determined as follows:

(1) If the settlement includes costs and fixed-fee.

(i) There shall be included therein all costs and expenses reimbursable in accordance with this contract, not previously paid to the Contractor for the performance of this contract prior to the effective date of the Notice of Termination, and such of these costs as may continue for a reasonable time thereafter with the approval of or as directed by the Contracting Officer, provided, however, that the Contractor shall proceed as rapidly as practicable to discontinue such costs.

(ii) There shall be included therein the cost, so far as not included under (i) above (which cost may include a reasonable allowance for profit to the subcontractors or vendors, but only on work done in connection with the terminated portion of any subcontract or order), of settling and paying claims arising out of the termination of work under subcontracts or orders, as provided in paragraph (b) (5) above, which are properly chargeable to the terminated portion of the contract provided that,

(A) Each such claim has been settled with the written approval of the Contracting Officer; or

(B) If a final judgment has been rendered against the Contractor, a subcontractor or vendor by a court of competent jurisdiction determining the liability of the Contractor, subcontractor or vendor with respect to any such claim, the Contracting Officer has determined that such judgment or a part thereof is allocable to the terminated portion of the contract.

In order for a judgment to be allowable under this subparagraph (ii), the Contractor, subcontractor, or vendor concerned must have given the Contracting Officer prompt notice of the initiation of the proceedings in which such judgment was rendered and offered in writing to give the Government complete control of the defense of the proceedings, and must have diligently defended the suit or, if the Government has assumed control of the defense of the proceedings, must have rendered such reasonable assistance as has been requested by the Government. If such judgment includes amounts for loss of anticipatory profits or consequential damages, such amounts will not be allowable under this subparagraph.

(iii) There shall be included therein the reasonable costs of settlement, including accounting, legal, clerical, and other expenses reasonably necessary for the preparation of settlement claims and supporting data with respect to the terminated portion of the contract and for the termination and settlement of subcontracts thereunder, together with reasonable storage, transportation, and other costs incurred in connection with the protection or disposition of termination inventory: *Provided, however,* That if the termination is for default of the Contractor there shall not be included any amounts for the preparation of the Contractor's settlement proposal.

(iv) There shall be included therein a portion of the fixed fee payable under the contract, determined as follows:

(A) In the event of the termination of this contract for the convenience of the Government and not for the default of the Contractor, there shall be paid a percentage of the fee equivalent to the percentage of the completion of work contemplated by the contract, less fixed fee payments previously made hereunder.

(B) In the event of the termination of this contract for the default of the Contractor, the total fixed fee payable shall be such proportionate part of the fee (or, if this contract calls for articles of different types, of such part of the fee as is reasonably allocable to the type of article under consideration) as the total number of articles delivered to and accepted by the Government bears to the total number of articles of a like kind called for by this contract.

If the amount determined under this subparagraph is less than the total payment of fixed fee theretofore made to the Contractor, the Contractor shall repay to the Government the excess amount.

(2) If the settlement includes only the fixed fee, the amount thereof will be determined in accordance with subparagraph (f) (1) (iv) above.

(g) The Contractor shall have the right of appeal, under the clause of this contract entitled "Disputes," from any determination of the amount due to the Contractor made by the Contracting Officer under paragraphs (d) and (f) above, except that if the Contractor has failed to submit his claim within the time provided in paragraph (d) above and has failed to request extension of such time, he shall have no such right of appeal. In any case where the Contracting Officer has made a determination of the amount due under paragraph (d) or (f) above the Government shall pay to the Contractor the following: (i) if there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer, or (ii) if an appeal has been taken, the amount finally determined on such appeal; any such determination being final and conclusive upon the Contractor and the Government.

(h) In arriving at the amount due the Contractor under this clause there shall be deducted (1) all unliquidated advance or other unliquidated payments theretofore made to the Contractor, (2) any claim which the Government may have against the Contractor in connection with this contract, and (3) the agreed price for, or the proceeds of sale of, any materials, supplies or other things kept by the Contractor or sold pursuant to the provisions of this clause and not otherwise recovered by or credited to the Government.

(i) In the event of a partial termination, the portion of the fixed fee which is payable with respect to the work under the continued portion of the contract shall be equitably adjusted by agreement between the Contractor and the Contracting Officer, and such adjustment shall be evidenced by an amendment to this contract.

(j) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of the contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand, together with interest computed at the rate of 6 percent per annum, for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government.

(k) The provisions of this clause relating to the fixed fee shall be inapplicable if this contract does not provide for payment of a fixed fee.

(l) Unless otherwise provided for in this contract, or by applicable statute, the Contractor from the effective date of termination and for a period of 5 years after final settlement under this contract, shall preserve and make available to the Government at all reasonable times at the office of the Contractor, but without expense to the Government, all its books, records, documents, and other evidence bearing on the cost and expenses of the Contractor under this contract and relating to the work terminated, or, to the extent approved by the Contracting Officer, photographs, microphotographs, or other authentic reproductions thereof.

§ 597.1006 *Termination clause for research and development contracts.* The following clause shall be inserted in all research and development contracts amounting to more than $1,000:

TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

(a) The performance of work under this contract may be terminated by the Government in accordance with this clause in whole, or from time to time in part, whenever the Contracting Officer shall determine that such termination is in the best interests of the Government. Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective.

(b) After receipt of a Notice of Termination, and except as otherwise directed by the Contracting Officer, the Contractor shall (1) stop work under the contract on the date and to the extent specified in the Notice of Termination; (2) place no further orders or subcontracts for materials, services or facilities except as may be necessary for completion of such portion of the work under the contract as is not terminated; (3) terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination; (4) assign to the Government, in the manner, at the times, and to the extent directed by the Contracting Officer, all of the right, title and interest of the Contractor under the orders and subcontracts so terminated; (5) settle all claims arising out of such termination of orders and subcontracts, subject to the approval or ratification of the Contracting Officer, which approval or ratification shall be final for all the purposes of this clause; (6) transfer title and deliver to the Government, in the manner, at the times, and to the extent, if any, directed by the Contracting Officer, (i) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in connection with the performance of, the work terminated by the Notice of Termination, and (ii) the completed or partially completed reports, plans, drawings, information, and other property which, if the contract had been completed, would have been required to be furnished to the Government; (7) use its best efforts to sell, in the manner, at the times, to the extent and at the price or prices directed or authorized by the Contracting Officer, any property of the types referred to in provision (6) of this paragraph: *Provided, however,* That the Contractor (i) shall not be required to extend credit to any purchaser, and (ii) may keep any such property at a price or prices approved by the Contracting Officer; *And provided further,* That the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract or shall otherwise be credited to the price or cost of the work covered by this contract or paid in such other manner as the Contracting Officer may direct; (8) complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and (9) take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract which is in the possession of the Contractor and in which the Government has or may acquire an interest.

(c) After receipt of a Notice of Termination, the Contractor shall submit to the Contracting Officer its termination claim, in the form prescribed by the Contracting Officer. Such claim shall be submitted promptly but in no event later than one year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer upon request of the Contractor made in writing within such one year period or authorized extension thereof. Upon failure of the Contractor to submit its termination claim within the time allowed, the Contracting Officer shall determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination.

(d) Subject to the provisions of paragraph (c), the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause. The contract shall be amended accordingly, and the Contractor shall be paid the agreed amount. Such amendment shall be final and conclusive upon the Contractor and the Government.

(e) In the event of the failure of the Contractor and the Contracting Officer to agree as provided in paragraph (d) upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, the Government, but without duplication of any amounts agreed upon in accordance with paragraph (d), shall pay to the Contractor the total amount of its costs allocable to the contract up to the time of termination and reasonable costs of settlement including accounting, legal, clerical, and other expenses reasonably necessary for the preparation of settlement claims and supporting data together with reasonable storage, transportation, and other costs incurred in connection with the protection or disposition of termination inventory.

(f) Any determination of costs under paragraph (c) or (e) hereof shall be governed by the Cost Principles set forth in Section XV of the Armed Services Procurement Regulation, as in effect on the date of this contract.

(g) The Contractor shall have the right of appeal, under the clause of this contract entitled "Disputes," from any determination of the amount due to the Contractor made by the Contracting Officer under paragraphs (c) or (e) above, except that if the Contractor has failed to submit its claim within the time provided in paragraph (c) above and has failed to request extension of such time, he shall have no such right of appeal. In any case where the Contracting Officer has made a determination of the amount due under paragraph (c) or (e) above, the Government shall pay to the Contractor the following: (i) if there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer, or (ii) if an appeal has been taken, the amount finally determined on such appeal; any such determination being final and conclusive upon the Contractor and the Government.

(h) In arriving at the amount due the Contractor under this clause there shall be deducted (1) all unliquidated advance or other unliquidated payments on account theretofore made to the Contractor, (2) any claim which the Government may have against the Contractor in connection with this contract, and (3) the agreed price for, or the proceeds of sale of, any materials, supplies, or other things kept by the Contractor or sold, pursuant to the provisions of this clause, and not otherwise recovered or credited to the Government.

(i) Unless otherwise provided for in this contract, or by applicable statute, the Contractor, from the effective date of termination and for a period of three years after final settlement under this contract, shall preserve and make available to the Government at all reasonable times at the office of the Contractor but without expense to the Government, all its books, records, documents and other evidence bearing on the costs and expenses of the Contractor under this contract and relating to the work terminated hereunder, or, to the extent approved by the Contracting Officer, photographs, microphotographs, or other authentic reproductions thereof.

§ 597.1007 *Termination clause for fixed-price construction contracts.* The following clause shall be inserted in all fixed-price construction contracts amounting to more than $1,000, except that Contracting Officers may, at their discretion, omit the termination clause from fixed-price construction contracts under $5,000 when the probability of termination for convenience is remote such as in necessary repair, improvements or additions to existing structures:

TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

(a) The performance of work under this contract may be terminated by the Government in accordance with this clause in whole, or from time to time in part, whenever the Contracting Officer shall determine that such termination is in the best interest of the Government. Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective.

(b) After receipt of a Notice of Termination, and except as otherwise directed by the Contracting Officer, the Contractor shall (1) stop work under the contract on the date and to the extent specified in the Notice of Termination; (2) place no further orders or subcontracts for materials, services, or facilities except as may be necessary for completion of such portion of the work under the contract as is not terminated; (3) terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination; (4) assign to the Government, in the manner, at the times, and to the extent directed by the Contracting Officer, all of the right, title, and interest of the Contractor under the orders and subcontracts so terminated; (5) settle all claims arising out of such termination of orders and subcontracts, subject to the approval or ratification of the Contracting Officer, which approval or ratification shall be final for all the purposes of this clause; (6) transfer title and deliver to the Government, in the manner, at the times, and to the extent, if any, directed by the Contracting Officer, (i) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in connection with the performance of, the work terminated by the Notice of Termination, and (ii) the completed or partially completed plans, drawings, information, and other property which, if the contract had been completed, would have been required to be furnished to the Government; (7) use its best efforts to sell, in the manner, at the times, to the extent, and at the price or prices directed or authorized by the Contracting Officer, any property of the types referred

to in provision (6) of this paragraph: *Provided, however,* That the Contractor (i) shall not be required to extend credit to any purchaser, and (ii) may keep any such property at a price or prices approved by the Contracting Officer: *And provided further,* That the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract or shall otherwise be credited to the price or cost of the work covered by this contract or paid in such other manner as the Contracting Officer may direct; (8) complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and (9) take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract which is in the possession of the Contractor and in which the Government has or may acquire an interest.

(c) After receipt of a Notice of Termination, the Contractor shall submit to the Contracting Officer its termination claim, in the form prescribed by the Contracting Officer. Such claim shall be submitted promptly but in no event later than one year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer upon request of the Contractor made in writing within such one year period or authorized extension thereof. Upon failure of the Contractor to submit its termination claim within the time allowed, the Contracting Officer shall determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination.

(d) Subject to the provisions of paragraph (c), the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause, which amount or amounts may include a reasonable allowance for profit; however, such profit shall be computed only on work done under the contract. The contract shall be amended accordingly, and the Contractor shall be paid the agreed amount. Such amendment shall be final and conclusive upon the Contractor and the Government. Nothing in paragraph (e) of this clause, prescribing the amount to be paid to the Contractor in the event of failure of the Contractor and the Contracting Officer to agree upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, shall be deemed to limit, restrict, or otherwise determine or affect the amount or amounts which may be agreed upon to be paid to the Contractor pursuant to this paragraph (d).

(e) In the event of the failure of the Contractor and the Contracting Officer to agree as provided in paragraph (d) upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, the Government, but without duplication of any amounts agreed upon in accordance with paragraph (d), shall pay to the Contractor the following amounts:

(i) In respect of all contract work performed prior to the effective date of the Notice of Termination, the total (without duplication of any items) of (i) the cost of such work, (ii) the cost of settling and paying claims arising out of the termination of work under subcontracts or orders as provided in paragraph (b) (5) above, exclusive of the amounts paid or payable on account of supplies or materials delivered or services furnished by the subcontractor prior to the effective date of the Notice of Termination of work under this contract, which amounts shall be included in the cost on account of which payment is made under subdivision (i) above, and (iii) a sum, equal to 2 percent of the part of the amount determined under subdivision (i) which represents the cost of articles or materials delivered to the site but not incorporated in the work in place on the effective date of the Notice of Termination, plus a sum equal to 8 percent of the remainder of such amount, but the aggregate of such sums shall not exceed 6 percent of the whole of the amount determined under subdivision (i), which for the purpose of this subdivision (iii) shall exclude any charges for interest on borrowings.

(2) The reasonable cost of the preservation and protection of property incurred pursuant to paragraph (b) (9) hereof; and any other reasonable cost incidental to termination of work under this contract, including expense incidental to the determination of the amount due to the Contractor as the result of the termination of work under this contract.

The total sum to be paid to the Contractor under subdivision (1) of this paragraph (e) shall not exceed the total contract price as reduced by the amount of payments otherwise made and as further reduced by the contract price of work not terminated. Except for normal spoilage, and except to the extent that the Government shall have otherwise expressly assumed the risk of loss, there shall be excluded from the amounts payable to the Contractor as provided in paragraph (e) (1), any amounts allocable to or payable in connection with property which is destroyed, lost, stolen or damaged so as to become undeliverable to the Government, or to a buyer pursuant to paragraph (b) (7).

(f) The Contractor shall have the right of appeal, under the clause of this contract entitled "Disputes," from any determination of the amount due to the Contractor made by the Contracting Officer under paragraphs (c) or (e) above, except that if the Contractor has failed to submit its claim within the time provided in paragraph (c) above and has failed to request extension of such time, he shall have no such right of appeal. In any case where the Contracting Officer has made a determination of the amount due under paragraph (c) or (e) above, the Government shall pay to the Contractor the following: (i) if there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer, or (ii) if an appeal has been taken, the amount finally determined on such appeal; any such determination being final and conclusive upon the Contractor and the Government.

(g) In arriving at the amount due the Contractor under this clause there shall be deducted (1) all unliquidated partial or progress payments or other unliquidated payments on account theretofore made to the Contractor; (2) any claim which the Government may have against the Contractor in connection with this contract, and (3) the agreed price for, or the proceeds of sale of, any materials, supplies or other things kept by the Contractor or sold, pursuant to the provisions of this clause, and not otherwise recovered by or credited to the Government.

(h) If the termination hereunder be partial, prior to the settlement of the terminated portion of this contract, the Contractor may file with the Contracting Officer a request in writing for an equitable adjustment of the price or prices specified in the contract relating to the continued portion of the contract (the portion not terminated by the Notice of Termination), and such equitable adjustment as may be agreed upon shall be made in such price or prices; however, nothing contained herein shall limit the right of the Government and the contractor to agree upon the amount or amounts to be paid to the Contractor for the completion of the continued portion of the contract when said contract does not contain an established contract price for such continued portion.

(i) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of this contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally agreed or determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand, together with interest computed at the rate of 6 percent per annum, for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government.

(j) Any determination of costs under paragraph (c) or (e) hereof shall be governed by the Cost Principles set forth in section XV of the Armed Services Procurement Regulation, as in effect on the date of this contract.

(k) Unless otherwise provided for in this contract, or by applicable statute, the Contractor, from the effective date of termination and for a period of three years after final settlement under this contract, shall preserve and make available to the Government at all reasonable times at the office of the Contractor, but without expense to the Government, all its books, records, documents, and other evidence bearing on the costs and expenses of the Contractor under this contract and relating to the work terminated hereunder, or, to the extent approved by the Contracting Officer, photographs, microphotographs, or other authentic reproductions thereof.

§ 597.1008 *Short form termination clauses.* In order to facilitate (a) the handling of small purchases of standard commercial items under fixed-price contracts above $1,000 but under $5,000, and (b) the obtaining of certain nonpersonal services such as rental of unreserved garage space, meals for inductees, laundry and dry-cleaning services, etc., the "short form" termination clauses set forth below are authorized for use in appropriate contracts.

§ 597.1008–1 *Fixed-price supply contracts over $1,000 and under $5,000.* The following clause may be inserted in fixed-price supply contracts over $1,000 and under $5,000 in lieu of any other termination for convenience of the Government clause:

TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

The furnishing of supplies under this contract may be terminated, in whole or in part, without liability due to such termination on the part of the Government whenever the Contracting Officer shall determine that the termination of this contract is in the best interests of the Government. The Government shall be liable for only the contract price of the supplies furnished or en route prior to the effective date of termination. Termination of the furnishing of supplies hereunder shall be effected by the delivery to the contractor of a Notice of Termination 15 days prior to th date upon which the termination shall become effective.

§ 597.1008–2 *Fixed-price nonpersonal service contracts.* The following clause may be inserted in fixed-price nonpersonal service contracts, such as for the rental of unreserved garage space, meals for inductees, laundry and drycleaning services, etc., in lieu of any other termination for convenience of the Government clause:

TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

The performance of work (services) under this contract may be terminated, in whole or in part, without liability due to such termination on the part of the Government whenever the Contracting Officer shall determine that termination of this contract is in the best interests of the Government. The Government shall be liable only for payment in accordance with the payment provisions of this contract for work (services) performed (furnished) prior to the effective date of termination. Termination of work hereunder shall be effected by delivery to the Contractor of a Notice of Termination ------ days prior to the date upon which termination shall become effective.

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AUTHORITY: §§ 598.000 to 598.506–9 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161.

DERIVATION: Army Procurement Procedure, March 15, 1951.

§ 598.000 *Scope of part.* Supplementary to, but consistent with Part 408 of this title, this part sets forth administrative requirements, procedures, and other pertinent information in connection with (a) securing to the U. S. Government in various types of contracts appropriate patent rights and adequate protection against patent infringement risks; (b) use of copyright clauses in Army Establishment contracts; (c) adjustment of royalties payable by Army contractors and included in the cost price of Army contracts; (d) claims asserted by nationals of the indemnifying government for compensation for use or practice of inventions furnished the other government under the terms of the Patent Interchange Agreement between the United Kingdom Government and the United States; (e) claims arising out of the use by the Army or Army contractors of adversely owned patented and unpatented inventions and the settlement or other disposition of such claims; and (f) procurement by the Army Establishment of invention and patent rights, except as incident to the settlement of claims.

SUBPART A—PATENTS

§ 598.100 *Scope of subpart.* This subpart, excluding §§ 598.109, 598.111, and 598.150, sets forth administrative requirements and procedures in connection with (a) securing to the United States Government in various types of contracts appropriate patent rights and adequate protection against patent infringement risks, and (b) claims asserted by nationals of the indemnifying government for compensation for use or practice of inventions furnished the other government under the terms of the Patent Interchange Agreement between the United Kingdom Government and the United States.

§ 598.101 *Definition; Chief, Patents Division, OJAG.* The term "Chief, Patents Division, OJAG" means the Chief, Patents Division, Office of The Judge Advocate General, Department of the Army, Washington 25, D. C.

§ 598.101–1 *Research or development contract.* The term "experimental, developmental, or research work" shall be deemed to include any work for development of an item or method for the Government either as a sole object of the contract or to an extent beyond that nor-

mally incident to the performance of a supply contract for the class of item involved.

§ 598.102 *Notice and assistance.* For proper action to be taken by technical services with respect to reports, received by them, of claims of patent infringement asserted against a contractor, or its subcontractor, see § 598.405–3.

§ 598.103 *Reporting of royalties*—(a) *Furnishing copy of reports.* The Contracting Officer shall furnish at least one copy of the royalty information, certificate, or report (whether positive or negative) received under the provisions of § 403.103 of this title to the Chief, Patents Division, OJAG.

(b) *Incomplete reports.* Where a contractor presents a royalty report which, upon its face, does not comply with the provisions of § 403.103 of this title, the Contracting Officer will make an effort to secure from the contractor a conforming report prior to forwarding said report as provided in paragraph (a) of this section.

(c) *Additional information to be furnished by Contracting Officer with copy of report.* If the contractor reports that a royalty has been or is to be paid, the Contracting Officer shall also furnish, at the time of submitting the above referred to copy of the royalty information or report received from the contractor, the following additional information:

(1) The type of contract, i. e. whether for Research or Development or for Supplies.

(2) The general subject matter of the contract, i. e. nomenclature or brief description of item of supply.

(3) The dollar amount of the contract.

(d) *Responsibility of Contracting Officer after furnishing copy of report.* After a copy of the report or certificate required by § 408.103 of this title and the additional information required by paragraph (c) of this section has been forwarded to the Chief, Patents Division, OJAG, the Contracting Officer has no further duties or responsibilities in the matter unless some particular further action is specifically requested by the Chief, Patents Division, OJAG.

§ 598.104 *Classified contracts*—(a) *Filing of patent applications.* Any delay in the processing of a request for permission to file a patent application in the United States Patent Office may result in the loss of substantial rights of the contractor. Accordingly, when a contractor submits a patent application, pursuant to the provisions of § 403.104 (a) of this title, for permission to file this application in the United States Patent Office, the Contracting Officer or his designee is charged with the duty of promptly informing the contractor whether this application may be so filed. In making such a decision or recommendation the cognizant section or branch shall make a survey of the proposed application to the extent necessary to determine whether or not, for security purposes, the filing in the United States Patent Office of an application should be denied, taking into consideration the fact that only under extraordinary circumstances of national security should the right to file a United States application be denied. The contractor has the right of appealing this decision direct to the Secretary of the Army. Whether or not a particular patent application should be placed under a Secrecy Order pursuant to Public Law 700, 24 U. S. C. 42, is a separate question which should be deferred until promptly after the application has been filed. In this latter connection, however, the Contracting Officer or his designee has the further duty, in all cases where the filing of an application is authorized, of securing the application serial number and filing date from the contractor and submitting such information to a proper Department of the Army representative promptly after the filing of the application in order that proper steps may be taken to place the application under a Secrecy Order if such action appears to be advisable.

(b) *Applications submitted under contracts classified confidential or lower.* Applications for United States patents submitted to the Contracting Officer pursuant to the provisions of paragraphs (c) and (d) of § 408.104 of this title should be promptly forwarded to the cognizant Department of the Army representative for the purpose of determining whether or not the application should be placed under a Secrecy Order in accordance with established procedures in this matter.

§ 598.105 *Patent indemnification of Government by contractor*—(a) *Standard commercial supplies.* (1) The term "standard commercial supplies" as used in the instructions set forth in § 408.105 of this title means supplies which are normally manufactured or supplied by a manufacturer or dealer for sale to the public in the commercial open market. It is intended to cover commodities which are readily procurable through normal trade channels and includes, by way of description but without limitation, "off the shelf" items, items listed in a manufacturer's standard stock catalog, or supplies for which there is a specified or established commercial price schedule with an offer to supply the same. It does not, as a rule, cover special items that are manufactured solely for the Government unless such items are commercially procurable.

(2) It is intended that, in accordance with the requirements of § 408.105 of this title, the indemnity article shall be used in the procurement of "standard commercial supplies" whether or not such supplies are "standard commercial" with the particular contractor who is awarded the contract. The determining criterion shall be whether or not the items of supply to be procured are "standard commercial" with any potential supplier (whether a bidder or not).

(b) *Exclusion of items from the operation of the indemnity clause.* (1) One or more of the listed items of a contract may not come within the meaning of the term "standard commercial supplies" although such item or items may contain components which do come within such meaning. If separation of the standard commercial components and nonstandard components of the item is impractical or inexpedient, the item should be excluded in its entirety from the indemnity by listing it under paragraph (b) of §408.105 of this title, and if all items of a contract come within this category, the entire indemnity clause may be omitted. If such separation is reasonably possible or expedient, however, only those components or parts of the items that are not "standard commercial" should be excluded and, accordingly, in such case, only the nonstandard components of the item should be listed under paragraph (b) of the indemnity clause as items to be excluded from the operation of the indemnity.

(2) When it is to the interest of the Government to do so, devices, mechanisms, or materials other than those in the category of nonstandard commercial supplies may be excluded from the indemnity by and with the approval of the Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch). Requests for such exclusion should be accompanied by a full statement of facts supporting the request.

(3) When it is in the interest of the Government to do so, specific patents and or applications for patent may be excluded from the indemnity by and with the approval of the Assistant Chief of Staff, G–4 (Chief, Current Procurement Branch).

(c) *Indemnification of contractor by the Government.* No provision whereby the Government expressly agrees to indemnify the contractor against liability for patent infringement shall be included in any contract. Ordinarily any demands of a contractor in this respect can be satisfied by the elimination of the patent indemnity clause (when authorized by § 408.105 of this title) and insertion of the authorization and consent clause (§ 408.106 of this title).

§ 598.106 *Authorization and consent.* This clause is intended merely to set forth affirmatively in a contract the authorization and consent of the Government without which the contractor would, by reason of the law as laid down by Statute and the Court of Claims with regard to patent infringement by or for the Government, be liable to direct suit and injunctive action in the performance of the Government contract. Its use, therefore, is authorized, as set forth in the instructions to § 408.106 of this title, in any contract. Any deviation from the clause as set forth in § 408.106 of this title, or the footnote thereto, however, may enlarge the liability of the Government unless a proper indemnity clause is included in the contract, and strict adherence to § 408.106 of this title is, accordingly, mandatory unless a deviation as provided in § 590.108 of this chapter is obtained.

§ 598.107 *Patent rights under research or development contracts.*

§ 598.107–1 *License under foreground patents*—(a) *Exclusion of invention from general license.* Where special circumstances exist (of which representative examples are set forth in the instructions to § 408.107–1 of this title) for the exclusion of any invention or material from a general license to the Government, the Contracting Officer shall submit the proposal to the Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch), with his recommendations and detailed reasons therefor.

(b) *Submission of disclosures.* With respect to technical services which do not maintain patent prosecution facilities, copies of contractor's reports furnished in accordance with the provisions of paragraph (c) of § 408.107–1 of this title disclosing inventions and electing not to file patent applications thereon, together with a complete disclosure of each such invention, shall be furnished to the Chief, Patents Division, OJAG. A statement shall be furnished by the technical service as to each such invention evaluating the invention from the standpoint of military worth or usefulness and whether it is likely to be used within the Army Establishment.

§ 598.107–2 *Title to foreground patents*—(a) *Use of patent title clause.* The use of the patent title clause is appropriate whenever acquisition of title by the Government is desirable and warranted by special circumstances in accordance with the provisions of § 408.107–2 of this title.

(b) *Processing of material received under § 408.107–2 (c) of this title.* All disclosures, instruments, reports and the like required to be delivered to the Government pursuant to paragraph (c) of the clause set forth in § 408.107–2 of this title should be processed in the manner prescribed in § 598.107–1 (a).

§ 598.107–3 *Reproduction rights under background patents*—(a) *General policy.* Reproduction rights (limited royalty-free license) under contractor's background patents, in addition to title or license under foreground patents as provided in §§ 408.107–1 and 408.107–2 of this title should be requested in any research or development contract where in the opinion of the Contracting Officer there are equitable or other circumstances justifying such request.

(b) *Consideration for administration of the general policy.* In applying the foregoing policy with respect to requesting reproduction rights under contractor's background patents the Contracting Officer shall be governed by the following considerations:

(1) *Under formal advertising.* The reproduction rights clause should not be used in invitations for bids issued under formal advertising in the procurement of supplies normally bought and sold commercially in the open market.

(2) *Negotiated contracts.* In negotiated contracts the question of the acquisition of background rights by the Government is a matter for full and free bargaining between the contracting parties, with the Contracting Officer taking into account the equitable circumstances supporting the Government's request for reproduction rights under the background patents.

§ 598.107–5 *Contracts relating to atomic energy.* The patent rights provision set forth in § 408.107–5 of this title shall be inserted as part of the patent rights clause set forth in § 408.107–1 of this title in all research or development contracts relating to atomic energy.

(a) Disclosures of inventions relating to atomic energy furnished by any contractor shall be forwarded to the Chief, Patents Division, OJAG, for referral to the United States Atomic Energy Commission.

(b) Requests for deviation from the provisions set forth in § 408.107–5 of this title shall be forwarded to the Assistant Chief of Staff, G–4, Department of the Army (Attn.: Chief, Current Procurement Branch) for referral to the United States Atomic Energy Commission for determination by it as to whether the provision must be included in the contract or whether such provision may be modified.

§ 598.108 *Follow-up of patent rights.* An appropriate system shall be maintained by each technical service policing the disclosure provisions of the patent rights clauses included in research or development contracts by means of which inventions made under such contracts may be identified, and formal agreements evidencing the Government's rights under such invention duly obtained. In this connection see the withholding of a portion of the final payment provision contained in § 408.107–1 (e) of this title.

§ 598.109 *Adjustment of royalties.* See Subpart C of this part relating to the adjustment of royalties for the use of inventions for the benefit of the United States.

§ 598.110 *Patent Interchange Agreement and patent problems relating to Mutual Defense Assistance Act of 1949*—(a) *General.* Under the date of 24 August 1942, an agreement was entered into between the United States of America and the United Kingdom with relation to the interchange of patent rights, information, inventions, designs or processes (Executive Agreement Series 268). This agreement, titled "Agreement with the United Kingdom for the Interchange of patent rights and industrial information," was terminated on April 8, 1946, but without prejudice to any liability which then had occurred or which might thereafter arise pursuant to certain continuing obligations undertaken by each Government.

(b) *Terms of agreement.* The following is a summary of the terms of the Agreement remaining in effect:

(1) Each Government agrees to indemnify and save harmless the other Government against claims asserted by nationals of the indemnifying Government for compensation for the use or practice of inventions furnished the other Government under the terms of the *Patent Interchange Agreement.* The obligations of the United States are limited to claims of which the Government of the United States is notified before July 1, 1949. There is no time limit running to the obligations of the British Government.

(2) Each Government agrees to notify the other Government as soon as practicable after receiving notice of any claim by which the liability might fall upon the other Government.

(3) Each Government will give to the other Government all possible information and other assistance required in connection with computing any payments to be made to nationals of the other Government with respect to the use of their patent rights, information, inventions, designs, or processes.

(c) *Questions of policy or procedure under Agreements.* All questions of policy or procedure arising under the Agreement shall be referred to the Chief, Patents Division, OJAG.

(d) *Patent rights as the subject of reciprocal aid by lend-lease beneficiary governments other than the United Kingdom.* (1) Lend-Lease Settlement Agreements have been negotiated by the State Department with France, Belgium, Luxemburg, Norway, and the Netherlands containing provisions generally to the effect that the respective governments will assume the obligations of the United States or its war contractors with respect to claims of patent infringement or other liability for the use of inventions made against the United States by nationals of the respective governments, or to pay royalties to nationals of the respective governments, which claims or royalties are in connection with war production.

(2) Heads of Procuring Activities will report to the Chief, Patents Division, OJAG any patent liability of the United States or its war contractors to nationals of any other lend-lease beneficiary country in sufficient detail to enable that office to base a request to the State Department to make provisions for the assumption by the Government concerned as an item of reciprocal aid of the patent liability involved.

(3) In no event shall any contract of settlement of patent infringement liability, or of other liability for use of inventions, be made with a national of a lend-lease beneficiary government, nor shall payment be authorized of royalties either by the Department or by Department contractors to a national of a lend-lease beneficiary government, without first obtaining a written approval of the Chief, Patents Division, OJAG.

(e) *Proprietary rights in connection with the Mutual Defense Assistance Act of 1949.* The bilateral agreements between the United States and MDAP countries contain a clause to the effect that the two contracting governments will negotiate appropriate arrangements respecting responsibility for claims for the use or infringement of inventions and proprietary information. It is anticipated that these arrangements will be similar to the Patent Interchange Agreement with the British Government. These matters have not progressed to a point where definitive rules and regulations have been formulated. In implementation of the program all claims for the use and infringement of such inventions or proprietary information will be referred to the Chief, Patents Division, OJAG.

§ 598.111 *Processing of infringement claims.* See Subpart D of this part relating to investigation and disposition of claims for the use of inventions by or on

behalf of the Government, and agreements in settlement of such claims.

§ 598.150 *Procurement of invention and patent rights.* See Subpart E of this part pertaining to the procurement of invention and patent rights (except as an incident to the settlement of claims for the use of inventions which is provided for in Subpart D of this part), and agreements for the procurement of such rights.

SUBPART B—COPYRIGHTS

§ 598.200 *Scope of subpart.* This subpart sets forth the administrative requirements and procedures and other pertinent information relating to use of copyright clauses in Army Establishment contracts.

§ 598.202 *License under copyrightable material.* No deviation or modification shall be made in the clause set forth in § 408.202 of this title without the approval of the Assistant Chief of Staff, G–4 Department of the Army (Chief, Current Procurement Branch).

§ 598.204 *Contracts for motion pictures.* (a) The contract clause set forth in § 408.204 of this title shall be used in all contracts for the production of motion pictures, and in all contracts for the preparation (for use in connection with motion pictures) of scripts, translations, sound tracks, musical compositions, or any other copyrightable material. Any request for deviation from this section shall be made as set forth in § 598.202.

(b) In all contracts for the procurement of existing motion pictures, the following instructions apply as to use of the contract clause set forth in § 408.204 of this title.

(1) Paragraph (a) may be modified or omitted by the Procuring Activity.

(2) Paragraph (b) may be modified by the technical service concerned only to the extent of limiting the scope of the license granted by this section to that scope which is consistent with the purposes for which the motion picture covered by the contract is being procured. Examples of such restricted rights are:

(i) Limitation as to the type of audience.

(ii) Limitation as to the geographical location.

(iii) Limitation as to time.

(3) Paragraph (c) of § 408.204 of this title should be used in this type of contract. It may, however, be modified to the extent that the coverage of the indemnity is coextensive with the rights acquired under the modification permitted by subparagraph (2) of this paragraph.

(c) In all contracts for the procurement of a motion picture which is a modification (through the addition of subject matter specified by the contract and not already in existence) of an existing motion picture, the instructions given in paragraph (b) (2) and (3) of this section apply. In this type of contract paragraph (a) of the contract clause set forth in § 408.204 of this title shall be used without modification, except that the word "copyrightable" may, at the discretion of the technical service, be inserted before the word "material" in the first line of this paragraph.

SUBPART C—ADJUSTMENT OF ROYALTIES

§ 598.300 *Scope of subpart.* This subpart sets forth pertinent information with respect to the adjustment of royalties for the use of inventions which are charged as an incident of cost in Department of the Army procurement. (See § 408.109 of this title and § 598.109 pertaining to this subject.) It implements Subchapter A, Chapter IV of this title generally rather than a specific part or section thereof.

§ 598.301 *Adjustment of royalties for the use of inventions.*

§ 598.301–1 *Definitions.* Where used in this subpart, the following terms have the meanings here assigned to them:

(a) "The Act" means the Royalty Adjustment Act 1942 (Pub. Law 768, 77th Cong.; 25 U. S. C. 89–96).

(b) "Delegate" means the offices, boards, agents, and persons specified in § 598.301–10, together with any other office, board, or individual to whom any of the powers, duties, and authorities of the Secretary of the Army under the Act have been or may be delegated.

§ 598.301–2 *Basic statute.* The act makes provision for adjusting royalties for the use of inventions for the benefit of the United States, in aid of the prosecution of the war, and for other purposes. Sections 598.301–3 to 598.301–8, inclusive, contain a summary of the provisions of the act as applied to the Army Establishment.

§ 598.301–3 *Applicability and notice.* Whenever an invention, whether patented or unpatented, is manufactured, used, sold, or otherwise disposed of for the United States under the conditions set forth in the act and the license includes provisions for the payment of royalties, the rates or amounts of which are believed to be unreasonable or excessive by the Secretary of the Army, the Secretary of the Army shall give notice of such fact to the licensor and the licensee. By definition, the manufacture, use, sale, or other disposition of an invention, whether patented or unpatented, by a contractor, subcontractor, or any person, firm, or corporation for the Government and with the authorization or consent of the Government is construed as manufacture, use, sale, or other disposition for the United States.

§ 598.301–4 *Fixing of rates and order.* The act further provides that within a reasonable time after the effective date of the notice, in no event less than ten days, the Secretary of the Army shall by order fix and specify such rates or amounts of royalties, if any, as he shall determine are fair and just, taking into account the conditions of wartime production, and shall authorize the payment thereof by the licensee to the licensor on account of such manufacture, use, sale, or other disposition. Either the licensor or the licensee may, if he so requests within ten days from the effective date of the notice, present within thirty days from the date of his request, in writing or in person, any facts or circumstances which may in his opinion have a bearing upon the rates or amount of royalties, if any, to be determined, fixed, and specified as aforesaid. Any order fixing the rates and amounts of any royalties shall be issued within a reasonable time after such presentation.

§ 598.301–5 *Prohibition against payment of excessive royalties.* The licensee shall not after the effective date of the notice (upon receipt of notice, or five days after the mailing thereof, whichever date is earlier) pay to the licensor, nor charge directly or indirectly to the United States, a royalty in excess of that subsequently specified in the order. It is provided that, whenever a reduction in the rates or amounts of royalties is effected by order, the reduction shall inure to the benefit of the Government by way of a corresponding reduction in the contract price to be paid directly or indirectly for such manufacture, use, sale, or other disposition of such inventions, or by way of refund if already paid to the licensee.

§ 598.301–6 *Remedies of licensor.* The act contains certain provisions as to the remedies of the licensor, which, in general, grant him a cause of action against the United States in the Court of Claims or a District Court of the United States.

§ 598.301–7 *Settlement of claims.* The Secretary of the Army is authorized, before suit has been instituted against the United States, to enter into an agreement with the owner or licensor of an invention, in full settlement and compromise of any claim accruing under the provisions of the act or any other law, and for compensation to be paid such owner or licensor based upon future manufacture, use, sale, or other disposition of said invention.

§ 598.301–8 *Authority of Secretary of the Army and Under Secretary of the Army to delegate powers and issue regulations under act.* The Secretary of the Army is authorized in his discretion and under such rules and regulations as he may prescribe, to delegate any powers, duties and authorities conferred by the act to such qualified and responsible officers, boards, agents or persons as he may designate or appoint. He is also authorized to prescribe such rules and regulations and to require such information as may be necessary and proper to carry out the provisions of the act. The Secretary of the Army has delegated and assigned his powers, duties, and authorities under the act to the Under Secretary of the Army including the authority to prescribe such rules and regulations as the Under Secretary of the Army may from time to time deem proper under the act and the authority to redelegate in whole or in part, such powers, duties, and authorities to such qualified and responsible officers, boards, or employees as he may designate in the Department of the Army, and to authorize such officers, boards, or employees to make or authorize successive redelegations of such powers, duties, and authorities.

§ 598.301–9 *Powers, duties, and authorities under the act which have been delegated by the Under Secretary of the Army with limited authority of redelegation.* The Under Secretary of the Army has delegated to the Assistant Chief of staff, G–4 (with right of redelgation to the Chief, Procurement Division, Office of Assistant Chief of Staff, G–4, and through him to the Chief, Current Procurement Branch, Office of Assistant Chief of Staff, G–4) the power and authority to designate, and appoint, and to revoke any designation and appointment of, any commissioned officer of the Army within his command, or any civilian employee of the Department of the Army within his jurisdiction, whom he deems to be responsible and qualified by reason of having had substantial business or legal experience in procurement or patent matters, for the exercise by such officer or employee, either individually or as a member of a Royalty Adjustment Board, of such of the powers, duties and authorities conferred by the act upon the Secretary of the Army as are set forth in the paragraphs (a), (b), (c), and (d) of this section, the exercise thereof to be pursuant to such rules and regulations under the act as may from time to time be prescribed by the Under Secretary of the Army:

(a) To determine that notice should be given and to give notice of the fact that the rates or amounts of royalties are believed to be unreasonable or excessive; and to withdraw any such notice previously given by the delegate or by a delegate of lower rank in his service under certain circumstances.

(b) After notice, to receive and hear such facts and circumstances as may be presented by the licensee or licensor, and such other facts and circumstances as are relevant to a determination of a fair and just royalty.

(c) To fix and specify, by order, fair and just rates or amounts of royalties, and to authorize the payment thereof, if any royalty be allowed, by the licensee to the licensor, subject, however, to the approval of such order by the Chief, Current Procurement Branch, Office, Assistant Chief of Staff, G–4.

(d) To execute contracts on behalf of the United States, before suit against the United States has been instituted, with the owner or licensor of an invention, or of the Letters Patent therefor, effecting a voluntary adjustment of royalties charged or chargeable to the United States, or in settlement and compromise of any claim against the United States accruing to such owner or licensor under the provisions of the act or any other law by reason of the manufacture, use, sale, or other disposition of an invention or for compensation to be paid such owner or licensor based upon future manufacture, use, sale, or other disposition of such invention, subject, however, to the approval of the Chief, Current Procurement Branch, Office, Assistant Chief of Staff, G–4, in each case under certain circumstances, including those stated in § 598.405–12.

The foregoing power and authority of designation and appointment has been redelegated to the Chief, Procurement Division, Office of the Assistant Chief of Staff, G–4, and through him to the Chief, Current Procurement Branch, Office, Assistant Chief of Staff, G–4.

§ 598.301–10 *Existing delegations under paragraphs (a), (b), (c), and (d) of § 598.301–9.* (a) The powers, duties, and authorities described in paragraphs (a), (b), (c), and (d) of § 598.301–9 have been delegated by the Under Secretary of the Army or by the officers designated in § 598.301–9 to each of the following offices, boards, agents, or persons as indicated in the following tabulation:

Delegate	Powers, duties and authorities described in § 598.301–9			
	(a)	(b)	(c)	(d)
Chiefs of the Technical Services	X	X	X	X
Royalty Board, Office of the Chief of Ordnance	X	X	X	
All District Chiefs of Ordnance Procurement Districts				X
All Deputy District Chiefs of Ordnance Procurement Districts				X
Commanding Officer, Frankford Ordnance Arsenal				X
Commanding Officer, Picatinny Ordnance Arsenal				X
Commanding Officer, Rock Island Ordnance Arsenal				X
Commanding Officer, Springfield Ordnance Armory				X
Commanding Officer, Watertown Ordnance Arsenal				X
Commanding Officer, Watervliet Ordnance Arsenal				X
Chief, Legal Division, Office of the Chief Signal Officer	X	X	X	X
Royalty Adjustment Board, Office of The Quartermaster General	X	X	X	X
Royalty Adjustment Board, Office of the Chief of Engineers	X	X		X
Royalty Adjustment Board, Office of The Surgeon General	X	X		X
Chief, Legal Division, Office of the Chief of Transportation	X	X		

(b) If the chief of a technical service desires that any of the powers, duties, and authorities set forth in § 598.301–9 be further delegated to any officer or employee within his command or jurisdiction, or that a board to receive such delegation be created within his service or command, a request to that effect may be transmitted to the appropriate office specified in § 598.301–9. Such request shall include the name, rank or grade, and a brief statement of qualifications with respect to each officer or employee to whom the delegation is desired.

(c) Where any of the powers, duties, and authorities set forth in § 598.301–9 have been or are hereafter delegated to a board, the said board shall, unless otherwise provided in the instrument of delegation, consist of three officers or employees of the service or command concerned, who shall be designated and appointed as provided in § 598.301–9. Unless otherwise provided in the instrument of delegation (1) a majority of said board shall determine its action, (2) any instrument or contract whatsoever evidencing action taken by the board may be signed in its name by any member of the board, and (3) any two members of such board shall constitute a quorum.

§ 598.301–11 *Duties of the technical services.* Subject to the applicable rules and regulations, the chiefs of the technical services are, in matters properly before them and acting under the direction of the Under Secretary of the Army, under the duty of causing the powers, duties and authorities delegated under the act to be exercised in such manner and at such times as may be necessary to prevent unreasonable or excessive royalties from being charged to the Department of the Army. This duty may be discharged pursuant to such instructions as may be issued by the chiefs of the technical services for the guidance of their respective services and delegates therein.

§ 598.301–12 *Source of information relating to procedure.* Whenever a technical service has reason to believe that the amount of royalties being assessed against any of its procurement is excessive, advice may be obtained as to the procedure to follow in order that the powers and authority of the act may be utilized, by communicating with the Chief, Patents Division, OJAG.

SUBPART D—PROCESSING OF INFRINGEMENT CLAIMS

§ 598.400 *Scope of subpart.* This subpart sets forth the policy of the Department, applicable statutes, administrative requirements and procedures, and other pertinent information relative to (a) investigation and disposition, by settlement or otherwise, of actual and potential claims for compensation for the use of adversely owned patented or unpatented inventions, and (b) contracts or agreements in settlement of such claims, including suggested contract forms and mandatory and suggested articles to be used in such contracts. (See § 408.111 of this title and § 598.111 pertaining to this subject.) This subpart relates to claims by both United States and foreign claimants, except claims presented by nationals of the United Kingdom under the Patent Interchange Agreement, of lend-lease beneficiary countries, and of countries whose Governments are within the scope of the Mutual Defense Assistance Program, for which see § 598.110. It implements Subchapter A, Chapter IV of this title generally rather than a specific part or section thereof.

§ 598.401 *Definitions.* As used in this subpart, the terms in §§ 598.401–1 through 598.401–3 have the meanings set forth therein.

§ 598.401–1 *Chief, Patents Division, OJAG.* The term "Chief, Patents Division, OJAG" means the Chief, Patents Division, Office of The Judge Advocate General.

§ 598.401–2 *Delegate.* The term "Delegate" means any office, board, agency, or officer to whom the powers, duties, and authorities set forth in § 598.404–2 have been delegated.

§ 598.401–3 *Such Claim.* The terms "Such Claim" and "Such a Claim" mean a claim against the United States which has in fact been asserted or a claim

(based upon actual past procurement and not contemplated procurement) which may reasonably be anticipated will be asserted, under any of the applicable statutes (see §§ 598.402–1, 598.402–3, and 598.402–4), for compensation for alleged use of inventions by or for the Army Establishment.

§ 598.402 *Applicable statutes.*

§ 598.402–1 *The Act of 1948.* The act of June 25, 1948, as amended (28 U. S. C. 1498) (hereinafter called "the act of 1948") provides that wherever an invention covered by a patent of the United States is without license or other right used or manufactured by the United States, or by any person, firm or corporation for the United States and with its authorization and consent, the patent owner's remedy shall (except as hereinafter stated) be by suit against the United States in the Court of Claims for recovery of his reasonable and entire compensation for such use or manufacture. The benefits of the foregoing statute do not inure to any patentee or the assignee of any patentee who when he makes Such Claim is in the employment or service of the Government, nor does the foregoing statute apply with respect to any patent based upon an invention made during the time the inventor was in the employment or service of the Government.

§ 598.402–2 *The Patent Marking Statute.* Section 4900, Revised Statutes, as amended (35 U. S. C. 49) (hereinafter called "the Patent Marking Statute"), precludes the recovery by a patent owner of damages or profits for infringement occurring prior to (a) the date of marking the patented article with the word "Patent" together with the number of the patent or with the word "Patented" and the day and year the patent was granted or (b) the date on which the patent owner notified the alleged infringer of the claimed infringement (whichever date is earlier), except (1) in the case of a patent exclusively for a process or (2) in the event neither the owner nor any licensee of the owner has made or sold the patented article.

§ 598.402–3 *The Secrecy Order Act.* The act of October 6, 1917, as amended (35 U. S. C. 42) (hereinafter called "the Secrecy Order Act"), provides that the owner of a patent application, which had been ordered by the Commissioner of Patents to be kept secret, who has faithfully obeyed such order, and who has tendered his invention to the Government for its use, shall, if and when he ultimately receives a patent, have the right to sue for compensation in the Court of Claims, such right to compensation to begin from the date of the use of the invention by the Government.

§ 598.402–4 *The Air Corps Act.* The act of July 2, 1926, as amended (10 U. S. C. 310 (1)) (hereinafter called "the Air Corps Act"), provides that whenever a design, whether or not inventive in character, relating to aircraft or any components thereof, is used or manufactured by or for any Department of the Government without just compensation, the owner of such design may, within four years from the date of such use, file suit against the United States in the Court of Claims for recovery of his reasonable and entire compensation for such use and manufacture.

§ 598.402–5 *The Act Requiring Reports to the Attorney General.* Section 188, Revised Statutes (5 U. S. C. 91) (hereinafter called "the Act Requiring Reports to the Attorney General"), requires that a department, or the officer or agent of a department, which is authorized to adjust a claim, shall, after suit has been brought in the Court of Claims and upon request by the Attorney General, furnish the Attorney General without delay with a full statement, in writing, of all facts, circumstances, and evidence pertinent to the claim in the possession or knowledge of such department, officer, or agent.

§ 598.402–6 *The Royalty Adjustment Act.* The act of October 31, 1942 (35 U. S. C. 91), known as "the Royalty Adjustment Act," provides that the head of any department or agency of the Government, which has ordered, authorized, or consented to the manufacture, use, sale, or other disposition of an invention (whether patented or unpatented) by or for the Government, is authorized to enter into an agreement with the owner thereof, before suit against the United States has been instituted, in full settlemen and compromise of any claims against the United States accruing by reason of such manufacture, use, sale, or other disposition of the invention. This statute grants power and authority to settle claims or liabilities arising under the acts referred to in §§ 598.402–1 and 598.402–3 above, and to settle claims or liabilities arising under the act referred to in § 598.402–4, insofar as they are based upon a design which is believed to be inventive in character.

§ 598.402–7 *Section 3477, Revised Statutes.* Section 3477, Revised Statutes, as amended (31 U. S. C. 203), provides that all transfers and assignments of any claim (except certain contract claims) upon the United States are absolutely null and void unless made, among other things, after the allowance of the claim, the ascertainment of the amount due and the issuing of a warrant for the payment thereof. In view of certain decisions construing the statute, its provisions will, so far only as concerns claims made under the statutes referred to in §§ 598.402–1, 598.402–3, and 598.402–4, be deemed—

(a) Inapplicable to claims arising under the Act of 1948 for compensation on account of articles manufactured for the United States, and articles and methods used in production for the United States (except articles made by the United States).

(b) Applicable to all other claims arising under the statutes referred to in §§ 598.402–1, 598.402–3, and 598.402–4, such, for example, as claims under the Act of 1948 for compensation on account of articles manufactured by the United States, or claims under the Secrecy Order Act or the Air Corps Act for compensation on account of articles manufactured by or for the United States.

§ 598.403 *General policy.* In order to maintain the good will of U. S. industry, to encourage invention and the development of the scientific arts related to the National Defense, to dispose of past and avoid future infringement of privately owned rights in inventions and under U. S. Letters Patent, and to avoid litigation and attendant nonproductive time, it is the policy of the Department to settle claims for compensation for past infringement of such invention rights, and also to obtain necessary rights with respect to such inventions in view of contemplated future Departmental procurement, where it is in the Government's interest to do so and when such rights can be obtained at not more than their fair value. To this end, an investigation of each Such Claim shall be made in accordance with the instructions and procedures set forth in §§ 598.405–3 through 598.405–7 hereof. If any patent upon which Such a Claim is based is found to be infringed and is believed to be valid and enforceable, and it is deemed advisable by the Delegate, efforts to settle Such Claim, before suit against the United States has been instituted, shall be made in accordance with the instructions and procedures set forth in §§ 598.405–8 through 598.405–14. Coordination with the Departments of the Navy and the Air Force in the processing and final disposition of each Such Claim will be effected by the Chief, Patents Division, to such extent as is deemed necessary to avoid unnecessary duplication of work on identical claims received in the Military Establishment, and to settle such of said claims as are valid in a manner in keeping with the interests of each of said Departments involved.

§ 598.404 *Authority and delegation.*

§ 598.404–1 *Statutory authority of the Secretary of the Army.* The Secretary is authorized by section 5 of the act of October 31, 1942 (the Royalty Adjustment Act), in his discretion and under such rules and regulations as he may prescribe, to delegate any powers, duties, and authorities conferred by the act to such qualified and responsible officers, boards, agents, or persons as he may designate or appoint. He is also authorized to prescribe such rules and regulations and to require such information as may be necessary and proper to carry out the provisions of the act. Pursuant to the foregoing, the Secretary of the Army has prescribed the rules and regulations set forth in this subpart and in Subpart C of this part.

§ 598.404–2 *Delegation of authority.* The Secretary of the Army, or the officers to whom he has delegated the authority, has delegated to the chiefs of the technical services and to certain other officers, boards and persons (herein called "Delegates"), as identified and listed in § 598.301–10, the following power and authority under section 3 of the act of October 31, 1942 (the Royalty Adjustment Act):

To execute contracts on behalf of the United States before suit against the United States has been instituted, with the owner or licensor of an invention, or of the Letters Patent therefor, effecting a voluntary adjustment of royalties charged or chargeable to the United States, or in settlement and compromise of any claim against the United States accruing to such owner or licensor under the provisions of the Act or any other law by reason of the manufacture, u e, sale, or other disposition of an invention or for compensation to be paid such owner or licensor based upon future manufacture, use, sale, or other disposition of such invention, • • •

subject, however, to the approval of the Chief, Current Procurement Branch, Office of the Assistant Chief of Staff, G–4, in each case where that approval is required by § 598.405–12.

§ 598.405 *Prescribed regulations.*

§ 598.405–1 *Appointment and composition of boards.* (a) Where the power and authority set forth in §§ 598.404 through 598.404–2 has been or is hereafter delegated to a board, the said board shall, unless otherwise provided in the instrument of delegation, consist of three officers or employees of the Procuring Activity concerned, who shall be designated by name. Unless otherwise provided in the instrument of delegation, (1) a majority of said board shall determine its action, (2) any instrument or contract whatsoever evidencing action taken by the board may be signed in its name by any member of the board, and (3) any two members of such board shall constitute a quorum.

(b) Appointment of all such boards or of new personnel to such boards shall be upon request made to the officer having appointing authority (see § 598.301–9). Such request shall include the name, rank or grade, and a brief statement of qualifications with respect to each officer or employee to whom the delegation is desired. The appointing officer may appoint any commissioned officer of the Department within his command, or any civilian employee in the Department within his jurisdiction, whom he deems to be responsible and qualified by reason of having had substantial business or legal experience in procurement or patent matters.

(c) The name of the board shall be specified in the request for the appointment, and in the instrument appointing such board.

§ 598.405–2 *Duties of chiefs of technical services.* (a) The chief of each technical service, or such other Delegate within his service as he may designate, is charged with the duty of taking appropriate action with respect to each Such Claim pertaining to the procurement responsibilities of his service promptly after knowledge thereof is brought to his attention where either Such a Claim has been made or may be reasonably anticipated. Such action includes the following:

(1) Writing the claimant or his representative acknowledging receipt of the communication in which Such Claim is asserted. An authorized form of acknowledgement is set forth in § 598.405–4.

(2) Transmitting direct to the Chief, Patents Division, OJAG, a copy of the communication in which any Such Claim is asserted or reported.

(3) Requesting clearance from the Chief, Patents Division, OJAG, to investigate and settle each Such Claim pursuant to § 598.405–5.

(4) Investigating each Such Claim upon clearance from the Chief, Patents Division, OJAG, and, if deemed appropriate by the Delegate, settling the same pursuant to §§ 598.405–8 through 598.405–14.

(5) Preparing and transmitting to the Chief, Patents Division, OJAG, pursuant to § 598.405–6, a report containing the full statements required by the act requiring reports to the Attorney General (see § 598.402–5) with respect to each Such Claim in which no settlement is effected.

(6) Making the required distribution of each contract of settlement or partial settlement of Such Claim pursuant to § 598.405–14.

(b) The actions as set forth in paragraph (a) of this section, and wherever referred to in these sections, may be performed by an authorized representative of the Delegate, except for the execution of contracts entered into pursuant to paragraph (a) (4) of this section and the execution of reports prepared pursuant to paragraph (a) (5) of this section.

§ 598.405–3 *Reporting of claims.* The chief of each technical service shall issue necessary instructions to all officers and employees of his service to provide for prompt submission, to the chief legal or patent officer in the headquarters of his service, of (a) all communications received in his service asserting Such Claims, and (b) all reports received by Contracting Officers in his service from contractors under § 598.102 of Such Claims relating to the alleged manufacture, use, sale, or other disposition of inventions by or for the Government. All communications asserting claims received by other agencies of the Department shall be sent to the Chief, Patents Division, OJAG, who will forward the same for processing under this subpart, to the chief legal or patent officer of the technical service which appears to have the dominant interest in the claim.

§ 598.405–4 *Correspondence with claimant.* No Delegate shall concede in writing, addressed to any claimant, potential claimant, or the representative of either, the merit or value of Such Claim, except so far as such concession may be embodied in an agreement executed by the United States in settlement and compromise thereof in compliance with the pertinent sections of this subpart. This is in keeping with the policy of the Department of the Army to furnish no information which might be used as the basis or in support of a claim against the Government. Upon receipt of a notice of infringement, the Delegate shall acknowledge receipt thereof. The following form of letter is authorized for that purpose, subject to such modifications as may be required by the nature of the claim presented:

[Letterhead of Delegate]

[Date]

JOHN DOE,
Title Guarantee Building,
Miami, Florida.

DEAR SIR:

Your letter to ---------- dated----------, 19----, stating that United States Letters Patent No. ------, granted (date of patent), to (patentee's full name), of (city and state), for "(title of invention)", is (are) infringed by (item or process allegedly being used by the Department of the Army), has been referred to this office for necessary action and direct reply.

I am directed by the Secretary of the Army to inform you that the matter presented in your letter will be carefully investigated and that you will be informed of the Department of the Army's conclusions upon completion of such investigation.

To aid in such investigation, it is requested that you furnish this office as promptly as possible the following information and material:

(1) Copy of the file wrapper and contents of the patent(s) in question.

(2) Copies of all patents and publications cited by the Patent Office during the prosecution of the application(s) for such patent(s).

(3) The names and addresses of licensees, if any.

(4) Copies of license agreements.

(5) Brief statement of any litigation in which the patent(s) have been or are now involved.

(6) List of all notices of infringement which you have sent to alleged infringers of the patent (except the alleged infringers included in your statement of litigation), including but not limited to any other departments and agencies of the Government.

Sincerely yours,

(Signature of Delegate)

§ 598.405–5 *Clearance to investigate.* (a) Promptly after receipt of a notice or report of Such a Claim the Delegate shall request in writing, from the Chief, Patents Division, OJAG, clearance to investigate and to settle the same. Insofar as practicable, one Delegate shall represent the Department in the investigation and settlement of each Such Claim.

(b) Each request for clearance shall be submitted in eight copies and shall include the following:

(1) The name and address of each claimant or prospective claimant.

(2) The name and address of each contractor and subcontractor who is believed, to the extent disclosed by a cursory search in the headquarters of the Delegate, to have performed the alleged infringing acts.

(3) The number and date of each patent, and the serial number and filing date of each patent application involved.

(4) Description of the alleged infringing subject matter in sufficient detail to permit other procuring services to determine therefrom whether they have an interest in the matter.

(5) A copy of the communication from the claimant, if any.

(c) The Chief, Patents Division, OJAG, upon receipt of the request for clearance, shall determine (1) from his files, (2) from the Government Register of Patent Rights, U. S. Patent Office

(provided for in Executive Order No. 9424, Feb. 18, 1944, 9 F. R. 1959), and (3) from the Department of Justice, whether the Department of the Army or any other department or agency of the Government has investigated or settled, or received a report or notice of, a claim pertaining to the same subject matter, and shall then grant such clearance in writing as appears proper.

(d) Upon granting of the clearance by the Chief, Patents Division, the Delegate granted clearance shall, in accordance with § 598.405–2 (a) (4), proceed on behalf of the Department of the Army to investigate the claim, and, if deemed appropriate by him, to settle the same pursuant to §§ 598.405–8 through 598.405–14.

(e) The Chief, Patents Division, OJAG, shall send copies of said request for clearance and of said clearance to the chief patent officer (or the chief legal officer, if there be no chief patent officer) of each of the Procuring Activities of the Department, except those which clearly would have no interest in or information pertinent to the matter. Each such officer to whom said copies are sent shall promptly investigate the procurement in his service and notify the Delegate to whom clearance has been issued of the interest, if any, of his service in the matter and of any pertinent information contained in his files. Negative reports should be made when justified by the facts. Where such report by a procuring service to the said Delegate refers to procurement of that service which is pertinent to Such Claim, the report shall include a description (with drawings, where necessary), of the procured matériel sufficient to enable the Delegate to determine whether such procurement constitutes infringement under Such Claim, together with said officer's opinion upon the question of infringement and the reasons therefor. Any chief patent or legal officer notified of the granting of clearance to a Delegate, who fails to make the above-mentioned report promptly to such Delegate shall be requested in writing by the Delegate to render such report. No claim shall be settled by a Delegate or a final report upon a nonsettled claim rendered pursuant to § 598.405–6 until reports are received by said Delegate from each chief patent or legal officer notified of the granting of the clearance, unless adequate explanation for the absence of any such report is presented.

§ 598.405–6 *Final report by delegate where no settlement of claim is made.* A final written report (in duplicate) of the results of the investigation made on behalf of the Department, including recommendations and conclusions of the Delegate on behalf of the Department will be made by him to the Chief, Patents Division, OJAG, with respect to each Such Claim in which (a) settlement is believed to be inadvisable, or (b) the Delegate has been unable to settle upon terms deemed reasonable by him, whether or not Such Claim is covered by an indemnity agreement. Each such report shall be clearly marked "Legal Memorandum for the Guidance of Administrative Officials," and, in addition, shall bear such military classification marking, if any, as shall be deemed appropriate by the technical service of the Delegate in accordance with the provisions of AR 380–5 (see Part 505 of this chapter), as amended. A copy of such report shall be forwarded by the Delegate to the Heads of all the interested Procuring Activities concurrently with transmittal of the original (and duplicate) to the Chief, Patents Division, OJAG. This final report, which is to serve as a basis for compliance with the Act requiring reports to the Attorney General, i. e., section 188, Revised Statutes (see § 598.402–5), will include, so far as is relevant and practicable, all of the following information:

(a) Numbers and dates of all contracts and subcontracts for procurement of the item in question, together with the name and address of each contractor and subcontractor concerned, and the text of each contractor's agreement, if any, to indemnify the Government against liability for infringement, or a statement that there is no such indemnity agreement. This information is to include contracts of other Procuring Activities and other departments or agencies of the Government involved, if any.

(b) Extent and dates of alleged infringement.

(c) Statement as to whether the Government by a duly authorized agent or official has given its authorization or consent to the manufacture or use of the article, material, design, or process upon which Such Claim is or will be based.

(d) Statement of effective date of marking or of notice under the Patent Marking Statute, if pertinent (see § 598.402–2).

(e) Copies of patents alleged to be infringed or, in case Such Claim arises under the Air Corps Act (see § 598.402–4), claimant's disclosure of his design.

(f) Result of title search, including examination of Government Register of Patent Rights (Executive Order 9424, Feb. 18, 1944; par. 4, AR 25–10).

(g) A full and complete disclosure of the alleged infringing device, material, design, or process (including a detailed description thereof, together with drawings, photographs, and specimens in proper cases) sufficient to determine whether infringement is present.

(h) Report of date and extent of prior art searches in each of the following categories:

(1) Prior art patents and publications.

(2) Pending applications filed by the service conducting the investigation.

(3) Prior public uses.

(i) Copies of prior art patents and publications, and full and complete description (and where practicable, a drawing, sketch, photograph, or specimen) of prior uses relied upon by the Delegate.

(j) Statement of the extent to which royalties, if any, have been adjusted by the Department under the Royalty Adjustment Act (see § 598.402–6).

(k) Statement as to whether or not the manufacture or use of the invention occurred while the owner of the patent was in the employment or service of the Government.

(l) Statement as to whether or not the patent was based upon an invention made during the time the inventor was in the employment or service of the Government.

(m) Names and addresses of prospective witnesses (fact and expert) and, where pertinent to validity or infringement, signed statements of witnesses. Where a witness refuses to sign a statement, a statement of the interviewing officer setting forth the facts which the witness may be expected to state if called to testify.

(n) Conclusions regarding infringement (with respect to all departmental procurement involved) and reasons therefor.

(o) Conclusions regarding validity and reasons therefor. No conclusions regarding validity need be stated, if the Delegate's conclusions given under (n) above are that in his opinion there is clearly no infringement present.

(p) Conclusions regarding Government liability, the estimated money value of the claim, and an estimate of future procurement involving possible increase of the claim.

(q) Summary of unsuccessful negotiations for settlement, if any.

(r) Recommendations.

§ 598.405–7 *Action and authority of the Chief, Patents Division, OJAG.* (a) The Chief, Patents Division, OJAG, shall coordinate the processing under this subpart of Such Claims and may request such status reports from the Delegates as are necessary for this purpose.

(b) Upon receipt from a Delegate of a final report under § 598.405–6, the Chief, Patents Division, OJAG, shall promptly review the same. In each case where a communication has been received in which Such a Claim is asserted, the Chief, Patents Division, OJAG, shall write a letter to the claimant, or his representative, stating the final conclusions of the Department with respect to Such Claim, and shall send copies thereof to the Delegate and the Head of each interested Procuring Activity.

(c) If, upon reviewing the final report, the Chief, Patents Division, OJAG, deems it advisable, he shall make a search of one or more of the following possible sources of additional prior art and, if the results of such search so indicate, he shall make a supplemental report, stating conclusions supplemental to the conclusions stated in the Delegate's final report, and send a copy of such supplemental report to the Delegate:

(1) Patent applications which are the subject of secrecy orders under the Secrecy Order Act (see § 598.402–3) in which the inventions disclosed therein have been tendered to the Government for its use.

(2) Patent applications filed by procuring services other than the investigating service.

(3) To the extent available, patent applications filed by other departments or agencies of the Government.

(d) If, upon reviewing the Delegate's final report, the Chief, Patents Division, OJAG, disagrees with the conclusions regarding infringement or validity, he shall make a supplemental report stating his supplemental conclusions and send a copy of such supplemental report to the Delegate.

(e) Upon completion of the final report, the Chief, Patents Division, OJAG, shall advise the Attorney General thereof.

§ 598.405–8 *Available procedure for the settlement of Such Claims and procurement of invention and patent rights incident thereto.* (a) The Delegate to whom the claim has been cleared may, subject to the availability of appropriations and allotments of funds in his service and subject to such rules and regulations governing the exercise of delegated powers as are or may from time to time be prescribed, settle Such Claim—

(1) By causing the United States to execute a contract of release, release and license, or release and assignment with the legal and equitable owner(s) providing for a payment or payments aggregating more than one dollar ($1.00) to be made by the Government under the provisions of §§ 598.405–9—598.405–14 (see § 598.406–9 and form suggested therein).

(2) By receiving from the legal and equitable owner(s), or by causing the United States to execute a contract of release, release and license, or release and assignment which does not provide for payments aggregating more than one dollar ($1.00) to be made to the Government (see § 598.406–8 and form suggested therein).

(b) No contract shall be made which includes a release of Such a Claim, or a license, which will inure to the benefit of a contractor who has agreed to indemnify the Government (see § 408.105 of this title and § 598.105) by releasing or discharging such contractor in whole or in part from his obligation of indemnity, unless such contractor is made a party to the contract and appropriate arrangements are made to the end that the contractor shall pay all money consideration flowing to the claimant or potential claimant which is attributable to that part of the release or license which benefits the contractor.

§ 598.405–9 *Settlement with foreign claimants.* No contract of settlement of patent infringement liability, or other liability for use of inventions, shall be made with a national of lend-lease beneficiary governments, or governments which are within the scope of the Mutual Defense Assistance Program, without first obtaining the written approval of the Chief, Patents Division, OJAG.

§ 598.405–10 *Fiscal procedures.* (a) An agreement to pay a fixed amount for the purchase of a paid up license and release or an assignment and release, or a release either by way of lump sum payment or an amount determinable at the time of execution of the contract, is subject to the provision that allotment of funds made for supplies will not be exceeded. Officers charged with making contracts will submit, prior to the incurrence of obligations, all proposed contracts to the fiscal officer for verification as to the sufficiency of funds for that purpose. The following statement will be included on the face of the contract:

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following allotments, the available balances of which are sufficient to cover the cost of the same.

(b) An agreement to pay running royalties on future procurement proportioned to use is not subject to the provision mentioned in paragraph (a) of this section, nor need the period of payment be limited to the period for which existing appropriations are available. The Comptroller General has ruled (MS. Comp. Gen. A–76676, dated May 5, 1937) that such an agreement takes effect only in connection with, and to the extent of, future procurement under the license, and if such procurement is within appropriations and allotments then existing, they will cover the royalty agreed to be paid in respect thereto.

(c) The annual military appropriations acts for a number of years have contained the following provision, or substantially its equivalent:

The appropriations contained in this Act for the Air Force, Navy, and for the Army, which are available for the procurement or manufacture of supplies, materials, and equipment of special or technical design may be used for the development and procurement of gages, dies, jigs, and other production data, including specifications and detailed drawings, and for the purchase of copyrights and Letters Patent, applications therefor, and licenses thereunder pertaining to such supplies, equipment, and materials for which the appropriations are made.

These funds are available for the payment for releases, licenses, and assignments entered into in accordance with the provisions of these paragraphs; *Provided, however*, That no payment shall be made for the release of Such a Claim or any portion of Such a Claim the liability for which is barred by the statute of limitations or by other statute.

(d) In cases where it is determined to be in the interest of the Government to settle Such a Claim where no funds therefor are available or appropriated, the settlement contract shall be made with the payment being conditioned upon availability of appropriations, and request for appropriations for the purpose shall be made through the appropriate fiscal channels.

§ 598.405–11 *Disclosure of information to claimants and their representatives.* In order that settlements advantageous to the Government may be secured, any Delegate holding the powers, duties, and authorities of § 598.404–2, and any authorized representative of such Delegate, may, in the performance of his official duties and when he has reason to believe that such action would be to the advantage of the United States, disclose to the claimant, potential claimant, or authorized representative of either, any facts or matter of evidence which appear to bear upon his claim or its value, except as considerations of military security may indicate such disclosure would be inadvisable.

§ 598.405–12 *Contracts requiring approval.* Approval by the Chief, Current Procurement Branch, Assistant Chief of Staff, G–4, Department of the Army, is required of all contracts made under the provisions of this subpart whether or not executed by the Government, under the following conditions:

(a) Where the contract provides for total payments by the Government aggregating $25,000 or more.

(b) Where any of the following listed contract clauses are omitted from the class of contract specified for their use, or deviate from the form prescribed or authorized therein:

"Non-Estoppel" Clause (see § 598.406–5).

"Protection Against Unjust Payments" Clause (see § 598.406–6 (f)).

"Reserved Rights" Clause (see § 598.406–6 (g)).

(c) The scope of the license with respect to domestic practice is limited to:

(1) A term less than the life of any patent involved.

(2) Any particular governmental purpose.

(3) Less than all governmental agencies on the same terms.

(4) Disposition rights otherwise than according to law.

(d) Where the rights obtained are a release of past infringement only.

(e) In contracts for payment of running royalties, where no provision for termination by the Government is included, or where the period in which such termination may be made is longer than one year.

(f) If the contract conveys to the Government license rights under an issued patent and does not contain a release of past infringement of substantially the same scope as the contract clause prescribed in § 598.406–4.

§ 598.405–13 *Submission of contracts for approval.* (a) When a contract made under the provisions of this subpart requires the approval of the Chief, Current Procurement Branch, Assistant Chief of Staff, G–4, it shall be submitted to that office, with the number of copies desired approved and returned. There shall also be submitted with the contract a memorandum of facts signed by the Delegate containing the following:

(1) Identification and brief description of the subject matter of the patent, patent application, or invention involved in the claim being settled.

(2) Date of clearance from the Chief, Patents Division, OJAG, to investigate and to negotiate settlement of the claim, if deemed advisable.

(3) A brief statement of the Delegate's conclusions regarding validity and infringement and the reasons therefor.

(4) A statement of the extent of Government use of the invention(s), including the estimated money value of the claim, if any, and an estimate of future procurement, if any, involving possible increase of the amount of the claim.

(5) Specific reference to the sections of this Procedure which require the approval of the contract.

(6) Reasons for omission of, or deviation in, any prescribed contract clause, if such be the fact, together with statement of efforts made to obtain inclusion of such contract clause or acceptance thereof in its prescribed form. If there is a deviation in a prescribed contract clause, the deviation shall be pointed

out preferably by a composite draft of the clause, showing new material added, by underscoring, and matter deleted, by lining out such deleted matter.

(7) Recommendation that the contract be approved and the reasons therefor.

(b) Concurrently with the above action, there shall be forwarded to the Chief, Patents Division, OJAG, a copy of the contract and said memorandum of facts.

§ 598.405–14 *Contract numbering and distribution.* (a) The Department will obtain the original and at least one executed duplicate original of each license, assignment, and release made under the provisions of these paragraphs.

(b) Licenses, assignments, and releases which are executed by the Government shall be numbered, if the actual or estimated amount involved is $5,000 or more, or it is contemplated that more than one payment (or receipt) will be involved, regardless of the amount involved.

(c) The original of every license, assignment, and release, except those which do not involve the payment of money to the contractor, shall be forwarded by the Delegate to the Chief, Audit Division, General Accounting Office, Room 506, Old Office Building, Twelfth and Pennsylvania Avenue NW., Washington 25, D. C.

(d) The original or the executed duplicate original of every license, assignment, and release, together with a second copy (photostatic preferred), shall be transmitted without delay by the Delegate to the Chief, Patents Division, OJAG, for recording in the United States Patent Office under Executive Order 9424, February 18, 1944 (9 F. R. 1959), and for permanent filing thereafter. In transmitting each such instrument for recording, the Delegate will indicate in which of the following three Government registers maintained by the Patent Office, the instrument should be recorded:

(1) The register open to examination by the general public.

(2) The register available for examination and inspection only by duly authorized representatives of the Government.

(3) The secret register, access to which may be had only upon written authority from the head of the department or agency which submitted the instrument and requested secrecy (9 F. R. 4159).

(e) Each instrument shall be forwarded for recording with a memorandum or letter setting forth the following information:

(1) The name of the claimant and the name of the releasor, licensor, or assignor.

(2) The patentee or inventor's name.

(3) The number of the patent or serial number of the patent application involved.

(4) Date of issue of the patent or filing date of the application.

(5) Date of clearance from the Chief, Patents Division, OJAG, to investigate and settle the claim involved (see § 598.405–5).

(6) A statement that the instrument effects settlement of the claim for which the above clearance was granted.

(f) A copy of each license which provides for the payment of running royalties shall be transmitted by the Delegate to each of the Heads of the Procuring Activities for the attention of the chief legal or patent officer thereof. Receipt of such copy shall place the recipient Head of a Procuring Activity on notice that future procurement of the licensed subject matter requires the payment of royalties to the licensor (see § 598.406–6 (c)). Heads of the Procuring Activities shall notify, or cause to be notified, procurement and price analysis offices affected.

§ 598.406 *Contract clauses and forms.* The following contract clauses and forms are applicable to contracts for the settlement of infringement claims.

§ 598.406–1 *Mandatory contract clauses.* The following clauses shall be used in all contracts except as otherwise indicated in the instructions preceding the clause.

(a) The "Officials Not to Benefit" clause (see § 406.103–19 of this title) in every license, assignment, and release which is executed by the Government.

(b) The "Covenant against Contingent Fees" clause (see § 406.103–20 of this title) in every license, assignment, and release which is executed by the Government.

(c) The "Assignment of Claims" clause (see § 406.103–8 of this title) if the contract provides for payments by the Government aggregating $1,000 or more.

(d) The "Nondiscrimination in Employment" clause (see § 406.103–18 of this title) if the performance of the contract involves the employment of persons by the contractor.

(e) The "Disputes" clause (see § 406.103–12 of this title) if the contract calls for payments by the Government aggregating $20,000. This clause is recommended for inclusion in contracts of smaller amount.

§ 598.406–2 *The license grant clauses.* The contract clauses set forth below are suggested forms for expressing the license grant:

(a) The following clause is suggested for all contracts except those for the payment of running royalties:

LICENSE

(a) Contractor agrees to and does hereby grant and convey to the Government, an irrevocable, nonexclusive, nontransferable and paid up license under the following patent(s) [and application(s) for patent] to practice and cause to be practiced for the Government any and all of the inventions thereof in the manufacture, use and disposition of any article or material, and in the use of any method, in accordance with law:

U. S. Patent No. ---------- Date ---------

Application Serial No. ---------- Filing date ----------

[together with corresponding foreign patents and applications for patent, insofar as Contractor has the right to grant licenses thereunder].

(b) Nothing contained herein shall limit any rights which the Government may have obtained by virtue of prior contracts or by operation of law or otherwise.

(b) In contracts requiring the payment of running royalties, the license will ordinarily be limited by licensor to the Department or agency agreeing to pay royalties. The following contract clause is designed for this purpose:

LICENSE

(a) Contractor agrees to and does hereby grant and convey to the Government, as represented by the Secretary of the Army, an irrevocable, nonexclusive, nontransferable license under the following patent(s) [and application(s) for patent] to practice by the Department of the Army and cause to be practiced for the Department of the Army any and all of the inventions thereof in the manufacture, use and disposition of any article or material, and in the use of any method, in accordance with law:

U. S. Patent No. ---------- Date ---------

Application Serial No. ---------- Filing date ----------

[together with corresponding foreign patents and applications for patent, so far as Contractor has the right to grant licenses thereunder].

(b) Nothing contained herein shall limit any rights which the Government may have obtained by virtue of prior contracts or by operation of law or otherwise.

§ 598.406–3 *The license term clauses.* The contract clauses set forth below are suggested forms for expressing the license term:

(a) One or the other of the following alternative clauses is suggested for all contracts except those for the payment of running royalties. Alternate A is for the full term of the patent and Alternate B contains provisions necessary for the protection of the Government where there is a right to terminate the license short of the full term of the patent.

TERMS

[Alternate A]

The license hereby granted shall remain in full force and effect for the full term of the patent(s) referred to above [and any and all patents hereafter issued on applications for patent referred to above].

[Alternate B]

The license hereby granted shall terminate on the ------ day of ---------- 19----; provided, however, that said termination shall be without prejudice to the completion of any contract entered into by the Government prior to said date of termination or to the use or disposition thereafter of any articles or materials manufactured by or for the Government under this license.

(b) The following clause is for use in contracts for the payment of running royalties which must necessarily include the right to terminate on the part of the Government:

TERM

The License hereby granted shall remain in full force and effect for the full term(s) of the patent(s) referred to above [and any and all patents hereafter issued on applications for patent referred to above] unless sooner terminated as elsewhere herein provided.

§ 598.106–4 *Release of past infringement clause.* The following clause shall be included in all contracts granting rights to the Government under a patent already issued, made under the provisions of this subpart:

RELEASE OF PAST INFRINGEMENT

Contractor agrees to and does hereby release each and every claim and demand which

contractor now has or may hereafter have against the Government, its officers, agents, servants and employees, for infringement by or for the Government of [(1)] any of the patents and applications for patent specifically identified in this contract, [(2) and any other patent or application for patent now owned or hereafter acquired by contractor, insofar as and to the extent only as such other patent or patent application covers the manufacture, use or disposition of (description of subject matter)], by reason of the manufacture, use, sale, or other disposition of any article or material, or the use of any process covered by said patents or applications for patent, occurring prior to the date of this contract, and by reason of the use, sale, or other disposition thereafter of any article or material manufactured or contracted for prior to the date of this contract.

NOTE: Bracketed portions of the foregoing clause may be omitted when not appropriate or not encompassed by the release as negotiated.

§ 598.406–5 *Non-estoppel clause.* The following clause shall be included in all contracts made under the provisions of this subpart, except that it may be omitted when the consideration payable by the Government for the contract is not more than $1.00 and the contract conveys to the Government (a) a release of not substantially less scope than that contained in § 598.406–4, and (b) a license for the full term of the licensed patents and patents issued on the patent applications or an assignment of not substantially less scope (except for foreign rights) than that contained in § 598.406–7.

NON-ESTOPPEL

Contractor agrees that the Government shall not be estopped at any time to contest the enforceability, validity or scope of, or the title to, any patent or patent application herein licensed,[1] [but this provision shall not be deemed to modify or avoid the obligation of the Government to pay royalties as elsewhere herein provided].[2]

§ 598.406–6 *Contracts providing for the payment of a running royalty.* The following instructions and provisions are special to contracts providing for the payment of a running royalty:

(a) Since the license requires the payment of royalties based upon procurement, and is not to be available to other agencies of the Government except upon the conditions specified in paragraph (e) of this section, the license grant is appropriately limited to the practice of the invention by or for the Department. For the appropriate "License Grant" Clause, see § 598.406–2 (b).

(b) The license term shall be made terminable by the Government. It may be terminable on conditions such as specified in the "Reserved Rights" Clause (see paragraph (g) below), or on giving of a specified period of notice, or at fixed times. In any event, it shall contain the right to the Government to terminate at the expiration of six months. For the appropriate "License Term" Clause, see § 598.406–3 (b).

[1] The word "licensed" is appropriately changed to "assigned" in assignment contracts.

[2] The bracketed part is to be omitted except in contracts for payment of running royalties.

(c) *Computation of royalties.* The contract clause providing for the computation of royalties may be of varying scope. The following alternative clauses are suggested (Alternate A is based upon a percentage of the cost of the articles or materials; Alternate B is based upon a fixed amount per item):

COMPUTATION OF ROYALTIES

[ALTERNATE A]

Royalties shall accrue under this contract in favor of Contractor, subject to payment thereof at the times and subject to the limitation hereinafter stated on all articles or materials embodying or manufactured by the use of any or all of the inventions licensed herein, upon acceptance thereof by the Department of the Army (whether made by or for the Department of the Army), at the rate of ------ percent of the Cost (as hereinafter defined) of such articles or materials to the Government. "Cost," as used in this paragraph means (1) in respect of articles or materials purchased by or for the Department of the Army, the purchase price of such articles or materials, except that in cost-plus-fixed-fee contracts it means the estimated cost as defined in such contract, and (2) in respect of articles or materials made by the Department of the Army, the actual cost of direct labor and materials without allowance for overhead or supervision.

[ALTERNATE B]

Royalties shall accrue under this contract in favor of Licensor, subject to payment thereof at the times and subject to the limitation hereinafter stated, on all articles and materials embodying or made by the use of any or all of the inventions licensed herein, upon acceptance thereof by the Department of the Army (whether made by or for the Department of the Army), at the rate of ------ (¢) cents per [name of item].

(d) *Reporting and payment of royalties.* (1) The contract must contain a provision designating the chief of the technical service of the Delegate as the officer designated to make reports to the Contractor of the extent of use of the licensed subject matter by the entire Department, and such chief shall be charged with the responsibility of obtaining from all Procuring Activities the information necessary to make the required reports and the corresponding vouchers to make the required payments. The following clause is suggested for this purpose:

REPORTING AND PAYMENT OF ROYALTIES

(a) The [chief of technical service] shall, on or before the 60th day next following the end of each half yearly period ending June 30 and December 31 during which royalties have accrued under this license, deliver to Contractor a report in writing stating the number of articles and the amounts of materials accepted by the Department of the Army during said half yearly period on which royalties have accrued under this contract, and the Cost thereof.

(b) Royalties which have accrued under this contract during each half yearly period ending June 30 and December 31 shall be paid to Contractor, provided appropriations therefor are available, within 60 days next following the end of each such period; provided, however, that the Government shall not be obligated to pay, in respect of any such half yearly period, an amount greater than ---------- (¢------) Dollars.

(2) In the event military security prohibits the disclosure of the quantity of production by reports or payments to the Licensor the Delegate may negotiate an appropriate substitute for the suggested "Royalties" Clause, for example, agreed lump sum yearly or half yearly payments with final settlement in accordance with actual production to be made within six months after termination of hostilities.

(3) Note § 598.405–14 (f) for instructions concerning furnishing copy of license to each Procuring Activity.

(e) *License to other Government agencies.* No department other than the Department of the Army shall be committed to such obligation unless the contract has been signed in behalf of each other department or agency of the Government similarly obligated. The following clause may be included in each contract of this type to accomplish the foregoing purpose:

LICENSE TO OTHER GOVERNMENT AGENCIES

(a) Contractor hereby agrees to grant a separate license under the patents, applications for patents, and improvements referred to in Article 1 hereof, on the same terms and conditions as appear in this license, to any department or agency of the Government other than the Department of the Army at any time on receipt of written request for such a license from such department or agency, provided, however, that as to royalties which accrue under such separate licenses, reports and payments will be made by such department or agency directly to Contractor and not by the [Head of Procuring Activity]. Contractor shall notify the [Head of Procuring Activity] promptly upon receipt of any request for license hereunder.

(b) When two or more departments or agencies shall have subscribed to this license, such agencies shall jointly make the report of royalties called for by subparagraph (a) of Article ------. The royalties payable by such departments or agencies shall be combined for the purpose of computing the Government's total half yearly obligation as set forth in subparagraph (b) of Article ------. When such combined royalties exceed the said total half yearly obligation, each Department or agency shall pay the pro rata share of the said total half yearly obligation as determined by the proportion its accrued royalties bear to the combined total of accrued royalties.

(f) *Protection against unjust payments.* The following clause shall be included in each contract providing for the payment of running royalties:

PROTECTION AGAINST UNJUST PAYMENTS

(a) If any license has been or shall hereafter be granted under substantially the same patents and authorizing substantially the same acts which are authorized under this contract within the United States, on royalty terms which are in any respect more favorable to the licensee than those contained herein, the Government shall be entitled to the benefit of such more favorable terms with respect to all royalties accruing under this license after the date such more favorable terms become effective, and Contractor shall promptly notify the Secretary of the Army in writing of the granting of such more favorable terms.

(b) The Government shall have the right, notwithstanding any other provision of this contract, to terminate the within license by giving notice in writing to Contractor specifying a date when such termination is to be effective; termination of said license in the manner aforesaid may, as specified in such notice, take effect either in whole or insofar as said license applies to any specified service or command of the Department of the Army or to any specified article, material or method, or to the extent that rights are

granted under any specified patent or the specified claims of any patent; and if any part of the said license is thus terminated the rights of the Government to enjoy or to terminate other parts thereof shall be in no wise prejudiced thereby.

(c) In the event any claim of any patent hereby licensed is construed or held invalid by decision of a court of competent jurisdiction, the requirement to pay royalties under this contract insofar as it arises solely by reason of such claim, and any other claim not materially different therefrom, shall be interpreted in conformity with the court's decision as to the scope or validity of such claims; provided, however, that in the event such decision is modified or reversed on appeal, the requirement to pay royalties under this license shall be interpreted in conformity with the final decision rendered on such appeal.

(g) *Reserved rights.* The following clause shall be included in each contract providing for the payment of running royalties:

RESERVED RIGHTS

Nothing herein contained shall limit the right of the head of any other department (as hereinafter defined) to give notice under the Royalty Adjustment Act (Public Law 768—77th Cong., 35 U. S. C. 89–96) if at any time it is believed that royalties payable by others under the patents herein licensed, and which are charged or chargeable to the Government in connection with the procurement of supplies, equipment, or materials by any other department, are unreasonable or excessive, nor shall the head of any other department be deemed to have approved the rates or amounts of royalties specified herein. "Any other department" as used in this paragraph means all departments and agencies of the Government other than the Department of the Army.

(h) *Non-estoppel variation.* See § 598.406–5 for variation in form of this clause for use in contracts providing for the payment of running royalties.

§ 598.406–7 *Assignments.* The following contract provision and instructions are special to contracts of assignment of patent rights to the Government:

(a) A suggested title-transferring or assignment clause is set forth below. The bracketed portions of the clause may be omitted when such portions are not appropriate.

ASSIGNMENT

Contractor agrees to and does hereby sell, assign, and transfer to the Government and its assigns, as represented by the Secretary of the Army, the entire right, title and interest in and to the following patent(s) [and application(s) for patent], in and to the invention(s) thereof, and in and to all claims and demands whatsoever for infringement thereof heretofore occurred, the same to be held and enjoyed by the Government through its duly appointed representatives to the full end of the term of said patent(s) [and to the full end of the term(s) of all patents which may be granted upon said application(s) for patent or upon any division, renewal or continuation thereof] as fully and entirely as the same would have been held by Contractor had this assignment not been made:

U. S. Patent No.	*Date*	*Name of inventor*

U. S. Application Serial No.	*Filing date*	*Name of inventor*

[together with corresponding foreign patents and applications for patent, insofar as Contractor has the right to assign the same.]

(b) To facilitate proof of the contract the acknowledgment of each Contractor should preferably be executed by a notary public or other officer to administer oaths under section 1750 of the Revised Statutes (22 U. S. C. 131) (*See* Rule 331 of the Rules of Practice in the United States Patent Office, March 1, 1949).

§ 598.406–8 *Unilateral contract form; gratuitous grants.* (a) Numerous patent owners, for the purpose of assisting national defense, have, voluntarily and also upon the request of the Government, granted and are continuing to grant releases, royalty-free licenses and assignments to the Government to practice the inventions secured by their patents and applications for patent. Under these conditions or when the payments to be made by the Government under the contract do not aggregate more than $1.00, it is unnecessary for the Government to execute the contract, but in the event it is executed by the Government the appropriate mandatory articles must be included. (See § 598.406–1.)

(b) The following unilateral contract form for such gratuitous grants is suggested:

DEPARTMENT OF THE ARMY

PATENT RELEASE AND LICENSE CONTRACT

This contract, made this ------ day of ---------- 195–, by ----------
(hereinafter called Contractor),[1] a corporation organized and existing under the laws of the State of ----------,[1] a partnership consisting of ----------,[1] an individual trading as ---------- of the City of ---------- in the State of ---------- in favor of the United States of America (hereinafter called the Government), as Promisee, witnesseth that

Whereas, to aid the national defense and promote the common welfare, numerous patent owners have, upon request of the Government, granted and are continuing to grant releases and royalty-free licenses to the Government to practice the inventions secured by their patents and applications for patents (hereinafter called "such inventions"),

Whereas, the Government has utilized many such inventions for the purposes aforesaid and is desirous of obtaining further releases and royalty-free licenses including this release and license, and

Whereas, this contract is authorized by section 3 of the act of October 31, 1942 (Pub. Law 768, 77th Cong. 35 U. S. C. 89–96);

Now, therefore, in consideration of the premises and of the grant by other patent owners of like releases and licenses to the Government, Contractor has agreed as follows:

ARTICLE 1. [License] [Assignment].

(a) Use the clause set forth in § 598.406–2 (a) for a license.

(b) Use the clause set forth in § 598.406–7 (a) for an assignment.

ARTICLE 2. *Term.* Use the clause set forth in § 598.406–3 (a) for a license. A separate "Term" clause is not required when using the "Assignment" clause of § 598.406–7 (a).

ARTICLE 3. *Release of past infringement.* Use the clause set forth in § 598.406–4.

ARTICLE 4. *Nonestopped.* Use the clause set forth in § 598.406–5.

Successors and assigns. This contract shall be binding upon Contractor, its successors[2] and assigns.

In witness whereof, Contractor has executed this contract as of the day and year first above written.

(Name of Contractor)
By ----------
Its ----------

(Business Address)
[CORPORATE SEAL]

Two witnesses:

(Address)

(Address)

NOTE: Bracketed material may be deleted as appropriate.

[1] Delete all lines which do not apply.

[2] When Contractor is an individual, change "successors" to "heirs"; if a partnership, modify appropriately.

§ 598.406–9 *Bilateral contract form.* The following contract form is suggested for use for licenses, releases, or assignments when a consideration of more than $1.00 is to be paid by the Government:

Contract No. ——
Negotiated

DEPARTMENT OF THE ARMY

PATENT RELEASE AND LICENSE CONTRACT

This contract, entered into this ------ day of ----------, 195–, by the United States of America (hereinafter called the Government), and ---------- (hereinafter called Contractor),[1] a corporation organized and existing under the laws of the State of ----------,[1] a partnership consisting of ----------,[1] an individual trading as ---------- of the City of ---------- in the State of ---------- witnesseth that

Whereas, Contractor warrants that it has the right to grant the within license and release, and the Government desires to procure the same,

Whereas, this contract is authorized by section 3 of the act of October 31, 1942 (Pub. Law 768, 77th Cong., 35 U. S. C. 89–96);

Now, therefore, in consideration of the grant release and agreements hereinafter recited the parties have agreed as follows:

ARTICLE 1. [License Grant] [Release] [Assignment]. (Use the clause set forth in § 598.406–2 (a) for paid-up license.)

(Use the clause set forth in § 598.406–2 (b) for a license on a running royalty basis.)

(Use the clause set forth in § 598.406–4 for a Release only.)

(Use the clause set forth in § 598.406–7 for an assignment.)

ARTICLE 2. *Term.* (Use the appropriate alternative clause of § 598.406–3 (a) for a paid-up license.)

(Use the clause of § 598.406–3 (b) for a license on a running royalty basis.)

(A "Term" provision is never required for a Release. In a Contract of Assignment, the "Term" is set forth in the "Assignment" clause required by § 598.406–7 (a).

ARTICLE 3. *Release of past infringement.* Use the clause set forth in § 598.406–4 where this is in addition to a license or an assignment.

ARTICLE 4. *Non-Estoppel.* Use the clause set forth in § 598.406–5.

ARTICLE 5. *Payment.*

(1) Use the following clause for a paid-up license, release or assignment:

ARTICLE 5. *Payment.* Contractor shall be paid the sum of ---------- ($------) Dollars in full compensation for the rights herein granted and agreed to be granted.

(2) For a license on a running royalty basis, use the appropriate alternative clause from § 598.406–6 (c), and also use the clauses as specified in §§ 598.406–4 (d) to 598.406–6 (g).

ARTICLE 6. *Officials not to benefit.* (See § 406.103–19 of this title.)

ARTICLE 7. *Covenants against contingent fees.* (See § 406.103–20 of this title.)

ARTICLE 8. *Assignment of claims.* (See § 406.103–8 of this title.)

ARTICLE 9. *Non-discrimination clause.* (See § 406.103–18 of this title.)

ARTICLE 10. *Disputes clause.* (See § 406.–103–12 of this title.)

ARTICLE 11. *Successors and assigns.* This [agreement] shall be binding upon Contractor, its successors[2] and assigns, but nothing contained in this Article shall authorize an assignment of any claim upon the Government otherwise than as permitted by law.

In witness whereof, the parties hereto have executed this contract as of the day and year first above written.

THE UNITED STATES OF AMERICA,
By ----------
(Signature (and title) of Delegate)

By ----------

(Business Address)
[CORPORATE SEAL]

Two witnesses:

(Address)

(Address)

[1] The foregoing contract is hereby approved in behalf of the Secretary of the Army.

By direction of the Under Secretary of the Army:

(Leave two lines blank)
Chief, Current Procurement Branch, Office of the Assistant Chief of Staff, G–4.

NOTE: Bracketed material may be deleted as appropriate.

[1] Delete all lines which do not apply.

[2] When Contractor is an individual, change "successors" to "heirs"; if a partnership, modify appropriately.

SUBPART E—PROCUREMENT OF INVENTION AND PATENT RIGHTS

§ 598.500 *Scope of subpart.* This subpart sets forth the policy of the Department, applicable statutes, administrative requirements and procedures, and other pertinent information pertaining to the procurement of invention and patent rights, except as an incident to the settlement of claims for the use of inventions which is provided for in Subpart D of this part. This subpart also includes suggested contract forms for the procurement of the aforementioned rights, and mandatory and suggested articles to be used in said contracts. (See § 598.150 pertaining to this subject.) It implements Subchapter A, Chapter IV of this title generally rather than a specific section or part thereof.

§ 598.501 *Definitions.* As used in this subpart, the terms in §§ 598.501–1 through 598.501–4 have the meanings set forth therein:

§ 598.501–1 *Chief, patents Division, OJAG.* The term "Chief, Patents Division, OJAG" means the Chief, Patents Division, Office of The Judge Advocate General, Department of the Army, Washington 25, D. C.

§ 598.501–2 *Delegate.* The term "Delegate" means any office, board, agency or officer to whom the powers, duties, and authorities set forth in § 598.404–2 have been delegated.

§ 598.501–3 *Proffered License or Assignment.* "Proffered License or Assignment" means a license or an assignment which is offered to the Department by the owner of an invention.

§ 598.501–4 *Proposed License or Assignment.* "Proposed License or Assignment" means a license or assignment the acquisition of which is initiated or proposed to the owner by the Department.

§ 598.502 *Applicable statutes.*

§ 598.502–1 *The Royalty Adjustment Act.* This act (see § 598.402–6), among other things, authorizes the head of any department or agency of the Government to enter into an agreement with the owner of an invention (whether patented or unpatented) for compensation to be paid such owner based upon contemplated future manufacture, use, sale, or other disposition of such invention by or for the Government. Such agreements, however, are subject to the approval of the Chief, Current Procurement Branch, Office, Assistant Chief of Staff, G–4, in each case when that approval is required by § 598.505–8.

§ 598.502–2 *Annual National Military Establishment Appropriation Act.* The annual military appropriation act, for a number of years, has contained the provision quoted in § 598.405–10 (c) relating to the availability of funds appropriated thereby for the purchase of licenses (with or without a release from liability for any past infringement) and assignments (with or without a release) entered into in accordance with the provisions of this subpart: *Provided, however,* That no part of any such payment shall be made for a release from liability for any past infringement for which recovery is barred by the statute of limitations or other statute.

§ 598.503 *General policy.* In order to avoid infringement of privately owned rights in inventions and under U. S. patents and to avoid litigation and attendant nonproductive time, the policy of the Department is to obtain necessary rights under patents and applications for patents which are pertinent to contemplated future procurement activities, in cases where it is in the interest of the Government to do so and the desired rights can be obtained at not more than their fair value. In furtherance of this policy (a) each license or assignment of rights under patents or applications for patents proffered to the Department by the owner thereof, and (b) each license or assignment proposed by the Department, shall be processed for consideration on behalf of the Department in accordance with the instructions contained in such of §§ 598.505–2 through 598.505–5 hereof as are applicable to the particular type of license or assignment (proffered or proposed). If, following such consideration, it is believed that any patent included in such license or assignment covers contemplated procurement and is valid and enforceable, and it is deemed advisable by the Delegate or the Contracting Officer to whom the matter has been cleared, efforts shall be made to consummate an appropriate license or assignment with said owner pursuant to the instructions and procedures set forth in §§ 598.505–6 through 598.505–10.

§ 598.504 *Authority and Delegations.* The statutory authority of the Secretary of the Army to delegate his power to enter into license and assignment agreements, as set forth in §§ 598.404–2 and 598.502–1, and to prescribe necessary rules and regulations in this connection, is stated in § 598.404–1. Section 598.301–10 lists the offices, boards, agencies, and officers (herein called "Delegates") to whom such power has been delegated. The prescribed rules and regulations appear in §§ 598 505 through 598.505–10.

§ 598.505 *Prescribed regulations.*

§ 598.505–1 *Duties of the chiefs of technical services.* (a) The chief of each technical service, or such other Delegate within his service as he may designate, is charged with the duty of taking appropriate action with respect to each Proffered or Proposed License or Assignment pertaining to the procurement responsibilities of his service promptly after knowledge thereof has been brought to his attention. Such action includes:

(1) Writing the invention owner or his representative, in the case of a Proffered License or Assignment, acknowledging receipt of the communication in which the license is proffered (a suggested form of acknowledgment appears in § 598.505–3); in the case of a Proposed License or Assignment, writing the invention owner, at the appropriate time, to ascertain the terms upon which the Proposed License or Assignment may be obtained.

(2) Requesting clearance from the Chief, Patents Division, OJAG, to consider each Proffered or Proposed License or Assignment and to procure such License or Assignment on behalf of the Department, pursuant to § 598.505–4.

(3) Considering each such Proffered License or Assignment upon clearance from the Chief, Patents Division, OJAG, and, if deemed appropriate by the Delegate, procuring such Proffered or Proposed License or Assignment pursuant to §§ 598 505–6 through 598 505–10.

(4) Preparing and transmitting to the Chief, Patents Division, OJAG, pursuant to § 598.505–5, a final report with respect to each such Proffered or Proposed License or Assignment which is not procured.

(5) Effecting the required distribution of each such Proffered or Proposed License or Assignment procured, pursuant to § 598.505–10.

(b) The actions specified in paragraph (a) of this section, and wherever referred to elsewhere in this subpart, may be performed by an authorized representative of the Delegate, including Contracting Officers.

§ 598.505–2 *Reporting of proffered and contemplated licenses and assignments.* The chief of each technical service shall issue necessary instructions to all officers and employees of his service to provide for prompt submission to the chief legal or patent officer in the headquarters of his service of (a) all communications received in his service from patent owners proffering licenses and assignments, and (b) all contemplated licenses and assignments initiated in his service which it is proposed be procured from the owners of inventions by the Department. All communications proffering licenses and assignments received by other agencies of the Department (e. g. Office of The Adjutant General, boards and committees not under the jurisdiction of the procuring services, etc.) shall be sent to the Chief, Patents Division, who will forward the same, for processing under this subpart, to the chief legal or patent officer of the procuring service appearing to have the principal interest in the license or assignment. Such other agencies shall issue necessary instructions in this connection.

§ 598.505–3 *Correspondence with invention owner or his representative.* Upon receipt of a communication from an invention owner or his representative, proffering a license or an assignment, the Delegate shall acknowledge receipt thereof. The following form of letter is suggested for such purpose, subject to such modifications and additions as may be required by the nature of the license or assignment offered and the desire, if any, of the Delegate for additional information to aid in considering the offer, such as the names and addresses of any licensees, copies of their license agreements, etc.:

[Letterhead of Delegate]

[Date]

JOHN DOE
Title Guarantee Building,
Miami, Florida.

DEAR SIR:

Your letter to ---------- dated ---------- 19----, offering [to grant a nonexclusive license to (the Department of the Army) under] [1] [to assign to the Government the entire right, title, and interest in] [1] U. S. Letters Patent No. ---------, granted (date of patent), to (patentee's full name), of (city and state), for "(Title of Invention)", at suitable terms to be agreed upon, has been referred to this office for necessary action and direct reply.

I am directed by the Secretary of the Army to inform you that your offer will be carefully considered and that you will be notified of the Department of the Army's conclusions in this connection upon completion of such consideration.

Sincerely yours,

[Signature of Delegate]

[1] The applicable bracketed part should be used.

§ 598.505–4 *Clearance to consider and procure licenses and assignments.* (a) Promptly after (1) receipt of a communication proffering a license or an assignment, or (2) a determination has been reached to endeavor to obtain a license or an assignment from a patent owner, the Delegate shall request in writing from the Chief, Patents Division, OJAG, clearance to consider and procure such Proffered or Proposed License or Assignment on behalf of the Department.

(b) Each request for clearance shall be submitted in eight copies and shall include the following:

(1) The name and address of the invention owner.

(2) The number and date of each patent and the serial number and filing date of each patent application involved, and the inventor's name.

(3) A copy of the communication from the patent owner (or his representative) making the offer, if any.

(4) Description of the subject matter of the patent (or application) in such detail to permit other Procuring Activities to determine therefrom whether they have any interest in the matter.

(5) A résumé of the nature and terms of the Proffered or Proposed License or Assignment, and a copy of such License or Assignment, if any.

(6) The names of any other Procuring Activities of the Department which might be interested in the Proffered or Proposed License or Assignment, and a statement as to the probable interest of the Departments of the Navy and the Air Force in the matter.

(7) Any other pertinent information to aid other possibly interested Department of Defense agencies in determining whether they have any interest in the matter.

(c) The Chief, Patents Division, OJAG, upon receipt of the request for clearance, shall determine from his files whether the Government has any license or other interest in the title to any patent or patent application involved, and shall then grant such clearance in writing as appears proper, including therein any pertinent information in his files.

(d) Upon the granting of such clearance to a Delegate, the Delegate shall, in accordance with § 598.505–1 (a) (3) and on behalf of the Department, proceed to consider the Proffered or Proposed License or Assignment and, if deemed advisable by him, following coordination with any other interested Department of Defense agencies, to procure the same pursuant to the provisions of §§ 598.505–6 through 598.505–10.

(e) The Chief, Patents Division, OJAG, shall send copies of said request for clearance and of the clearance to the chief patent officer (or the chief legal officer if there be no chief patent officer) of each of the Procuring Activities of the Department, excepting those which clearly would have no interest in the matter, but including any such services referred to by the Delegate in the clearance request. Each such officer to whom said copies are sent shall promptly inform the Delegate to whom clearance has been issued of the interest, if any, of his service in the matter and of any pertinent information in his file (negative reports should be made when justified by the facts). The Chief, Patents Division, OJAG, shall also send copies of said clearance request and clearance to the Deputy Chief of Naval Research for Patents, Office of the Chief of Naval Research, Department of the Navy, and to the Chief, Patents Branch, Office of the Judge Advocate General, Department of the Air Force, together with a request that said Delegate be informed promptly of the interest, if any, of their Departments in the matter, and of any pertinent information in their files, in order to avoid unnecessary duplication of work on corresponding Proffered and Proposed Licenses and Assignments in the Department of Defense and to endeavor to procure licenses and assignments in keeping with the interests of all of said Departments involved.

(f) Any chief patent or legal officer notified of the granting of clearance to a Delegate who fails to make the abovementioned report promptly to such Delegate, shall be requested in writing by the Delegate to render such report. The Delegate shall make similar requests of the Departments of the Navy and the Air Force in the absence of prompt reports from said Departments. No Proffered or Proposed License or Assignment shall be procured by a Delegate or a final report rendered (pursuant to § 598.505–5) with respect to such License or Assignment which is not procured, until reports are received by said Delegate from each chief patent or legal officer notified of the granting of the clearance, unless adequate explanation for the absence of any such report is presented.

§ 598.505–5 *Final report by delegate where no license or assignment is procured.* A final report (in duplicate) of the results of the consideration on behalf of the Department, including a statement of the final conclusions and the final action of the Delegate relative thereto on behalf of the Department, will be made by the Delegate to the Chief, Patents Division, OJAG, with respect to each such Proffered or Proposed License or Assignment procurement of which (a) is believed by the Delegate to be inadvisable or, (b) the Delegate is unable to accomplish upon terms deemed reasonable by him. Copies of such report shall be forwarded by the Delegate to the chiefs of all the interested procuring services of the Department and to the Departments of the Navy and the Air Force (i. e. to the officials referred to in § 598.505–4 (e)) concurrently with transmittal of the original to the Chief, Patents Division, OJAG.

§ 598.505–6 *Available procedure for the procurement of licenses and assignments.* The Delegate to whom clearance has been granted by the Chief, Patents Division, OJAG, may procure a desired license or assignment, with or without a release of past infringement, as set forth in § 598.405–8 (a), subject to the restrictions of § 598.405–8 (b).

§ 598.505–7 *Fiscal procedures.* The fiscal procedures, provisions and requirements set forth in § 598.405–10 are applicable to the procurement of a license (with or without a release) or an assignment (with or without a release).

§ 598.505–8 *Contracts of license and assignment requiring approval.* The requirements of § 598.405–12 with respect to approval by the Chief, Current Procurement Branch, Office of the Assistant Chief of Staff, G–4, of all contracts made under the provisions of Subpart D of this part under said specified conditions, are also applicable to all contracts made under the provisions of this subpart under such conditions.

§ 598.505–9 *Submission of contracts for approval.* The requirements of § 598.405–13 relative to the submission for approval of contracts made under the provisions of Subpart D of this part also apply to contracts made under the provisions of this subpart and required to be submitted for approval to the Chief, Current Procurement Branch, Office of the Assistant Chief of Staff, G–4, including the required memorandum of facts from the Delegate with paragraphs (a) (1)–(4) thereof changed to read:

(1) Identification and brief description of the subject matter of the patent or patent application involved in the license or assignment.

(2) Date of clearance from the Chief, Patents Division, to consider the license or assignment and to procure the same, if deemed advisable.

(3) Brief statement of the Delegate's conclusions regarding (i) potential infringement of the patent by contemplated future Department of Defense procurement and (ii) the validity of the patent, including the reasons therefor.

(4) Statement of the estimated extent of contemplated future Department of Defense procurement involving use of the invention, including the estimated money value of a potential claim for infringement of the patent based upon such procurement, broken down according to the Departments of the Army, the Navy and the Air Force.

§ 598.505–10 *Contract numbering and distribution.* The requirements of § 598.405–14, pertaining to contracts made under the provisions of Subpart D of this part, apply to contracts of license and assignment made under the provisions of this part, including the required memorandum or letter referred to in § 598.405–14 (e) with the following items changed to read as indicated below:

(1) The name of the licensor or assignor.

(5) Date of clearance from Chief, Patents Division, OJAG, to consider and procure the license or assignment.

(6) A statement that the instrument procured constitutes the license or assignment for which the above clearance was granted.

§ 598.506 *Contract clauses and forms.* The following contract clauses and forms are applicable to contracts of license and assignment:

§ 598.506–1 *Mandatory contract clauses.* The clauses listed in § 598.406–1 shall be used in all contracts, except as otherwise indicated in the instructions preceding the clause.

§ 598.506–2 *The license grant clauses.* The clauses set forth in § 598.406–2 are suggested forms for expressing the license grant.

§ 598.506–3 *The license term clauses.* The clauses set forth in § 598.406–3 are suggested forms for expressing the license term.

§ 598.506–4 *Release of past infringement clause.* The clause set forth in § 598.406–4 shall be included in all contracts granting rights to the Government under a patent already issued, made under the provisions of this subpart, unless its omission or modification is approved by the Chief, Current Procurement Branch, Office, Assistant Chief of Staff, G–4, pursuant to §§ 598.505–8 and 598.505–9. Bracketed portions of the clause may be omitted when not appropriate or not encompassed by the release as negotiated.

§ 598.506–5 *Non-estoppel clause.* The clause set forth in § 598.406–5 shall be included in all contracts made under the provisions of this subpart, except that it may be omitted under the circumstances stated in said section.

§ 598.506–6 *Contracts providing for the payment of a running royalty.* Reference is made to § 598.406–6 for special instructions and contract provisions relative to contracts providing for the payment of a running royalty.

§ 598.506–7 *Assignments.* Attention is invited to § 598.406–7 for special instructions and contract provisions pertaining to contracts of assignment of patent rights to the Government.

§ 598.506–8 *Unilateral contract form; gratuitous grant.* The comments and requirements of § 598.406–8 (a) with respect to gratuitous grants of licenses and assignments are applicable to gratuitous contracts of license and assignment made under the provisions of this subpart, as is also the suggested unilateral contract form for such gratuitous grants set forth in § 598.406–8 (b).

§ 598.506–9 *Bilateral contract form.* The contract form set forth in § 598.406–9 (a) is suggested for licenses (with or without a release) and assignments (with or without a release) when a consideration of more than $1.00 is to be paid by the Government.

PART 599—BONDS AND INSURANCE

Sec.

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AUTHORITY: §§ 599.000 to 599.360 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161.

DERIVATION: Army Procurement Procedure March 15, 1951.

§ 599.000 *Scope of part.* Supplementary to, but consistent with, Part 409 of this title, this part sets forth policies and procedures in connection with (a) bonds, (b) sureties on bonds, and (c) insurance.

SUBPART A—BONDS

§ 599.101 *Definitions*—(a) *Annual bid bond.* An annual bid bond is a single bond which secures all bids submitted by a contractor to a Procuring Activity, or to such Contracting Officers of a Procuring Activity as may be designated by that Activity, during a specific fiscal year in response to formal advertising. Such bond is furnished in lieu of separate bid bonds. It is used only in connection with contracts other than construction contracts.

(b) *Annual performance bond.* An annual performance bond is a single bond which secures the performance and fulfillment of all undertakings, covenants, terms, conditions, and agreements of all contracts of a contractor entered into with a designated agency, or to such Contracting Officers of a Procuring Activity as may be designated by that Activity, during a specific fiscal year. Such a bond is executed in lieu of executing separate performance bonds for each contract. It is used only in connection with contracts other than construction contracts.

(c) *Fidelity bond (blanket).* A fidelity bond is a bond under which the obligor agrees to indemnify an employer up to an amount stated in the bond for losses caused by dishonesty on the part of all employees except those expressly excluded by written endorsement on the bond.

(d) *Forgery bond or policy (depositor's form).* A forgery bond or policy is a bond or policy under which the obligor agrees to reimburse a purchaser and others named in the bond or policy (the insureds) to an amount stated in the bond or policy:

(1) For losses caused by the forging or altering of a check, draft, or similar instrument issued by or purported to have been issued by any of the insureds named in the bond or policy,

(2) For losses resulting from the fact that a check or draft has been obtained

from the insureds through the device of impersonation.

(e) *License or permit bond.* This is a bond which secures to a municipality or other public authority the payment of fines or the amount of any losses sustained as a result of action taken, or omitted to be taken, in violation of the terms of a license or permit. The indemnity sometimes runs to third persons in addition to the municipality.

(f) *Consent of surety.* A consent of surety is an instrument by which the surety on a bond or bonds supporting a contract consents to a supplemental agreement which goes beyond the scope of the contract, or a change order in excess of $25,000, and agrees that the bond or bonds previously given to support the basic contract shall apply to the contract as modified.

§ 599.103 *Performance bonds.*

§ 599.103–1 *Contracts other than construction contracts.* Authority is given to the Head of the Procuring Activity concerned, and to such other person or classes of persons as he shall designate, to determine whether a performance bond shall be required in connection with a contract other than a construction contract.

§ 599.103–2 *Construction contracts.* The penalty of the performance bond required in connection with a construction contract shall be at least in an amount equal to 50 percent of the contract price. Setting forth of a minimum percentage herein shall not be construed as a bar to fixing a penalty in a greater percentage, up to 100 percent of the contract price, in a case where a greater penalty is deemed advisable for the protection of the United States, and fixing such greater penalty will not eliminate small, otherwise potentially acceptable contractors.

§ 599.103–3 *Additional performance bonds.* (a) If a performance bond has been required in connection with a contract other than a construction contract, and there is executed a change order in excess of $25,000 or a supplemental agreement providing for any increase in the contract price, an additional performance bond to cover the increase shall be furnished, unless it is waived in accordance with law. In lieu of an additional bond, a consent of surety in the form set forth in § 599.203 (a) may be furnished.

(b) When, in connection with a construction contract, there is executed a change order in excess of $25,000 or a supplemental agreement providing for any increase in the contract price, an additional performance bond to cover the increase will be furnished. In lieu of an additional bond, a consent of surety in the form set forth in § 599.203 (a) may be furnished.

§ 599.104 *Payment bonds.*

§ 599.104–1 *Contracts other than construction contracts.* As a general rule, payment bonds shall not be required in connection with contracts other than construction contracts. Authority is granted to the Head of the Procuring Activity concerned, and to such other persons or classes of persons as he may designate, to determine whether a payment bond will be required to support any such contract.

§ 599.104–3 *Additional payment bonds.* (a) If a payment bond has been required in connection with a contract other than a construction contract, and there is executed a change order in excess of $25,000 or a supplemental agreement providing for any increase in the contract price, an additional payment bond to cover the increase shall be furnished, unless it is waived in accordance with law. In lieu of an additional bond, a consent of surety in the form set forth in § 599.203 (a) may be furnished.

(b) When, in connection with a construction contract, there is executed a change order in excess of $25,000 or a supplemental agreement providing for any increase in the contract price, an additional payment bond to cover the increase shall be furnished. In lieu of an additional bond, a consent of surety in the form set forth in § 599.203 (a) may be used.

§ 599.105 *Advance payment bonds.* Section 7b of the Armed Services Procurement Act of 1947 states that the power given to the "agency head" by section 5a thereof to make determinations or decisions with respect to the granting of advance payments shall not be delegable. Therefore, authority to make determinations with respect to advance payment bonds will remain in the Secretary. The Head of the Procuring Activity shall make recommendation to the Secretary as to the type and extent of advance payment bonds when requests for advance payments are under consideration. (See Subpart E of Parts 402 and 592 of this title.)

§ 599.106 *Patent infringement bonds.* (a) A patent infringement bond will not be required with respect to any contract in connection with which a performance bond has been executed.

(b) Even if a performance bond has not been executed, the requirement of a patent infringement bond will be the exception rather than the rule. Where, however, a supply contract or construction contract contains a patent clause of the type set forth in Part 408 of this title, and the financial responsibility of the contractor is unknown or doubtful, a patent infringement bond may, in the discretion of the Head of the Procuring Activity concerned, or his delegee, be required.

(c) On such bonds as are required, the penal sum will be the lowest which, in the exercise of sound judgment, is deemed adequate for the protection of the interests of the United States.

§ 599.107 *Other types of bonds and miscellaneous bond requirements*—(a) *Fidelity bonds.* (1) Fidelity bonds will be required in connection with cost or cost-plus-fixed-fee supply contracts, construction contracts or contracts for the operation of Government-owned plants only in those cases where, in the opinion of the Head of the Procuring Activity concerned, or his delegee, such bonds are considered to be reasonably necessary for the protection of the contractor or the Government.

(2) When a fidelity bond is required, a Primary Commercial Blanket form of bond providing for retroactive reinstatement for prior losses in the penal sum of $10,000 will be considered sufficient. The Primary Commercial Blanket form of fidelity bond as standardized by the Surety Association of America or its equivalent is the approved form of fidelity bond. There should be attached thereto the following:

(i) A rider excluding any claim on the part of the surety company to be subrogated, on payment of loss or otherwise, to any claim against the United States.

(ii) A rider providing for pro rata refund of premium in event of cancellation by the Insured.

(iii) A rider providing for notice to the Procuring Activity concerned in the event of any change in or cancellation of the bond.

(iv) A rider providing for investigation of all Class A employees.

(v) A rider providing for investigation of all claims.

There are a variety of discounts which may be applied to blanket fidelity insurance under certain circumstances. Therefore, when blanket fidelity insurance is purchased, carriers should be cautioned to apply all appropriate discounts.

(b) *Forgery bonds.* (1) This type of bond will be required in connection with cost or cost-plus-fixed-fee supply contracts, construction contracts or contracts for the operation of Government-owned plants only in those cases where, in the opinion of the Head of the Procuring Activity concerned, or his delegee, such bonds are considered to be reasonably necessary for the protection of the contractor or the Government.

(2) If, in such a case, it is determined that a forgery bond or policy is desirable to obtain the investigating and claims facilities of a surety company and is considered reasonably necessary for the protection of the United States or the contractor, a forgery bond or policy with a retroactive reinstatement rider may be approved in the penal sum of $10,000. This sum is considered sufficient. The depositor's form of forgery bond or policy as standardized by the Surety Association of America or its equivalent is the approved form of forgery bond. There should be attached thereto the following:

(i) A rider excluding any claim on the part of the surety company to be subrogated, on payment of loss or otherwise, to any claim against the United States.

(ii) A rider providing for pro rata refund of premium in event of cancellation by the Insured.

(iii) A rider providing for notice to the Procuring Activity concerned in the event of any change in or cancellation of the bond.

(iv) A rider providing for the investigation of all claims.

(c) *Endorsement excluding subrogation to claims against the United States.* In every case where a contract requires the United States to pay the premium either directly or by way of reimbursement on a bond, the bond will contain an endorsement or other recital excluding by appropriate language any claim on the part of the surety to be subrogated, on payment of a loss or otherwise, to any claim against the United States.

(d) *Riders and endorsements particularly applicable to fidelity and forgery bonds*—(1) *Retroactive reinstatement rider.* This rider contains a provision which is available for blanket fidelity and forgery bonds whereby after a loss has been sustained, the penalty of the bond is restored to its original amount notwithstanding prior losses. There is contained in the bond itself a provision which automatically restores the penalty of the bond to the original amount with respect to future losses.

(2) *Waiver of restoration premium rider.* This rider contains a provision which is available for blanket fidelity and forgery bonds which has the effect of eliminating the premium charge for restoring the penalty of the bond after a loss has been sustained.

(3) *Endorsement excluding subrogation to claims against the United States.* This endorsement contains a provision which excludes any claim on the part of the surety company to be subrogated on payment of a loss or otherwise to any claim against the United States. It is required to be placed on any fidelity or forgery bond, the premium for which is either paid by the Government directly or is a reimbursable item under cost-plus-a-fixed-fee contract.

(4) *Cancellation or change notice rider.* This rider contains a provision by which a surety agrees to notify certain named interested parties in the event that the bond is cancelled or changed in any other manner.

§ 599.108 *Execution and administration of bonds*—(a) *Execution.* All bonds will be executed in duplicate.

(b) *Filing and examination of bonds and consent of surety*—(1) *Distribution.* (i) The original of all surety bonds required by the various elements of the Department (except as hereinafter provided in subdivision (iii) of this subparagraph) will be forwarded to The Judge Advocate General, Washington 25, D. C. If such bond was required in support of a contract or modification thereof, the original signed number of the bond should be attached to the original signed number of the contract or modification thereof, as the case may be, and forwarded to The Judge Advocate General. In the event it is not practicable to forward the original number of the contract or modification, a duplicate signed number or an authenticated copy thereof should be attached to the original bond and forwarded to The Judge Advocate General. The Judge Advocate General will examine bonds as to legal sufficiency and as to form and execution. In the case of corporate sureties he will include examination to ascertain whether the corporate officials who purported to execute the bonds on behalf of the corporate sureties had authority to do so; and in the case of individual sureties he will include examination to ascertain whether the affidavits of justification and the certificates of sufficiency of the sureties are in accordance with § 599.210 (b). The Judge Advocate General will then forward the bond, together with any contract or modification thereof which it supports, to the proper office for filing. The duplicate bond will be retained and filed in the office to which it pertains or which authorized its acceptance.

(ii) Consents of surety will be handled in the same manner as bonds, except that for more expeditious handling they may be forwarded in blank to The Judge Advocate General who will have them executed in Washington under the Expediter Plan and then approve them.

(iii) The following bonds will not be forwarded to The Judge Advocate General:

(a) Bid bonds (except annual bid bonds). The original and duplicate numbers will be retained in the office to which they pertain or which authorized their acceptance.

(b) Blanket fidelity and forgery bonds.

(c) *Authority of The Judge Advocate General as to substitute surety bonds.* The Judge Advocate General is authorized to act for the Secretary in accepting a new surety bond in substitution for a bond previously approved by the Department and covering part or all of the same obligation, and in authorizing the notification of the principal and surety on the bond originally furnished that it will not be considered as security for any default occurring subsequently to the date of approval of the new bond. The Judge Advocate General is authorized to delegate such function to whomsoever he may designate within his office.

(d) *Miscellaneous bond forms*—(1) *Bid bond.* Standard Form 24 (November 1950 Edition) will be used in accordance with accompanying instructions.

(2) *Annual bid bond.* Standard Form 34 (November 1950 Edition) will be used in accordance with accompanying instructions.

(3) *Performance bond.* Standard Form 25 (November 1950 Edition) will be used in accordance with accompanying instructions.

(4) *Annual performance bond.* Standard Form 35 (November 1950 Edition) will be used in accordance with accompanying instructions.

(5) *Payment bond.* Standard Form 25A (November 1950 Edition) will be used in accordance with accompanying instructions.

(6) *Patent infringement bond.* The appropriate patent infringement bond form is:

Know all men by these present, That we ---------- as Principal, and ---------- as Surety, are held and firmly bound unto the United States of America, hereinafter called the Government, in the penal sum of ---------- dollars, lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

The condition of this obligation is such, that whereas the principal entered into a certain contract, hereto attached, with the Government, dated ----------, 19----, for ---------- and whereas the said principal has specifically obligated himself in said contract to hold and save the Government, its officers, agents, servants, and employees, harmless from liability of any nature or kind, including cost and expenses, for or on account of any patented or unpatented invention, article, or appliance manufactured or used in the performance of that contract, including their use by the Government of the articles therein contracted for.

Now, therefore, if the principal shall well and truly perform and fulfill the above undertaking and agreement, and shall promptly make payment of any judgment and costs obtained against the United States under the provisions of the act of June 25, 1910 (36 Stat. 851) as amended by the act of July 1, 1918 (40 Stat. 705) or expenses incident thereto, then this obligation to be void; otherwise to remain in full force and effect.

In witness whereof, the above-bounden parties have executed this instrument under their several seals this ------ day of ------- 19----, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

SUBPART B—SURETIES ON BONDS

§ 599.201 *General requirements of sureties*—(a) *Corporate sureties*—(1) *Acceptability.* In order to be acceptable, the corporate surety must have obtained from the Secretary of the Treasury authority to do business under the act of August 13, 1894 (28 Stat. 279), as amended by the act of March 23, 1910 (36 Stat. 241); 6 U. S. C. 8. A list of the corporations approved by the Secretary of the Treasury is published semi-annually by the Treasury Department as Form No. 356 (Section of Surety Bonds). This list indicates the maximum penal sum in which any corporate surety may underwrite any one obligation. Any corporation whose name is on this list is acceptable within the limits of such approval. The Heads of the Procuring Activities are responsible for distributing copies of the list, and may obtain copies thereof through The Judge Advocate General to whom a requisition for the requirements of each Procuring Activity should be sent semi-annually on or before March 15 and September 15.

(2) *Qualifications of agents and corporate sureties.* Corporate sureties should forward to The Judge Advocate General, Washington 25, D. C. for filing: powers of attorney or certified copies of resolutions of their Boards of Directors or Trustees authorizing their officers or agents to execute bonds, and certificates evidencing the revocation of authority previously granted to execute bonds.

(3) *Corporate co-sureties.* More than one corporate surety may be accepted as surety upon any recognizance, stipulation, bond, or undertaking in connection with either supply or construction contracts, provided that in no case will the liability of any such co-surety exceed the maximum penal sum in which the corporate surety is qualified to underwrite any one obligation. On bonds covering supply contracts where the amount of the bond is greater than the underwriting limitation of the corporate surety, the latter may reinsure with a corporation on the acceptable list of corporate sureties and having the required underwriting capacity. Reinsurance agreements are not acceptable in connection with construction contracts. It is not necessary that corporate co-sureties obligate themselves for the full amount of

the bond. Each corporate surety may, by setting forth the limit of its liability in the bond as a definite and specified sum, limit such liability. In all cases the liability shall be limited to the maximum penal sum in which the corporate surety is qualified to underwrite any one obligation. As further indicated by the aforementioned forms, the sureties must, however, bind themselves "jointly and severally" for the purpose of allowing a joint action or actions against any or all of them. When the bond is to be executed by two or more corporate sureties, Standard Form 27 (November 1950 Edition) will be used in the case of a performance bond and Standard Form 27A (November 1950 Edition) will be used in the case of a payment bond, each in accordance with the accompanying instructions.

(b) *Individual sureties*—(1) *Acceptability.* Individual sureties are acceptable for all types of bonds other than fidelity and forgery bonds, provided that they meet the requirements specified in subparagraphs (3) and (5) of this paragraph.

(2) *Number.* If individual sureties are used there shall be at least two responsible individuals on each bond.

(3) *Citizenship.* (i) Except as prescribed in subdivision (ii) of this subparagraph individual sureties will be citizens of the United States.

(ii) Sureties on bonds executed in foreign countries, the Canal Zone, Puerto Rico, Hawaii, Alaska, Guam, or any possession of the United States, to secure the performance of contracts entered into in those places need not be citizens of the United States. However, unless they are citizens of the United States they must be domiciled in the country, territory or possession where the contract is to be performed.

(4) *Extent of liability.* The liability of each individual surety shall extend to the entire penal amount of the bond.

(5) *Justification.* Individual sureties will each justify in an amount not less than the penal amount of the bond.

(6) *Stockholders as sureties.* In connection with any bond of which a corporation is the principal obligor, a stockholder of that corporation is acceptable as co-surety on the bond: *Provided,* That his net worth exclusive of his stock holdings in the corporation is equal to the amount for which he justified and: *Provided further,* That such fact is expressly stated in his affidavit of justification.

(7) *Affidavit of individual surety.* Standard Form 28 (November 1950 Edition) will be used in connection with the justification of an individual surety.

(c) *Partnerships as sureties.* A partnership or other unincorporated association, as such, will not be accepted as a surety. The individual members of the partnership or association may, of course, if they meet the requirements of (b) above qualify as sureties. Individual members of a partnership or association will not, however, be acceptable as sureties on bonds under which the partnership or association, or any co-partner or member thereof, is the principal obligor.

(d) *Substitution or replacement of a surety.* In case of financial embarrassment, failure or other disqualifying cause on the part of a surety under a bond, the Head of the Procuring Activity concerned will require the substitution of a new surety satisfactory to him.

§ 599.203 *Consent of surety.* The following forms of consents of surety are authorized for use:

(a) *Consent of surety to a modification providing for an increase in the penal sums of bonds previously given.*

CONSENT OF SURETY

Date_____

Consent of Surety is hereby given to the foregoing contract modification, and the surety agrees that its bond or bonds shall apply and extend to the contract as modified or amended thereby. The principal and surety further agree that on and after the execution of this consent, the penalty of the aforementioned performance bond or bonds is hereby increased by _____ dollars,[1] and the penalty of the aforementioned payment bond or bonds is hereby increased by _____ dollars.[1]

[SEAL]

_____
(Individual principal) [2]

_____
(Business address)

_____
(Corporate principal) [2]

_____
(Business address)

By_____
[AFFIX CORPORATE SEAL]

_____
(Corporate Surety)

_____
(Business address)

By_____
[AFFIX CORPORATE SEAL]

In presence of—

_____

_____
(Address)

Attest:

_____

_____

[1] Here fix an amount of increase at least in the same proportion that the penalty on the original bond bears to the contract price on the original contract. The penalty of the payment bond shall not be increased beyond two million five hundred thousand dollars.

[2] This consent shall be executed concurrently with the execution of the attached modification by the same person who executes the modification.

(b) *Consent of surety without providing for an increase in the penal sums of bonds previously given.*

Consent of Surety is hereby given to the foregoing contract modification, and the surety agrees that its bond or bonds shall apply and extend to the contract as modified or amended thereby.

SUBPART C—INSURANCE

§ 599.300 *Scope of subpart.* Supplementary to, but consistent with subpart C, Part 409 of this title, this subpart sets forth insurance policies and procedures in connection with procurement contracts.

§ 599.300–1 *General policy.* Insurance coverage will be required in connection with Army Establishment contracts where (a) mandatory by law; or (b) it is considered desirable to utilize the organization, facilities or other services of the insurance industry. (The word "coverage" is here used advisedly, since in some jurisdictions self-insurance by the contractor is permissible in lieu of insurance purchases.) Insurance purchases may be authorized where commingling of property and operations or circumstances of ownership and degree of responsibility imposed by contract make the carrying of insurance rasonably necessary for protection of the several interests concerned.

§ 599.301 *Insurance in connection with fixed-price contracts.* The requirements under applicable laws, such as state laws governing workmen's compensation and employers' liability coverage and Federal laws such as the Federal Longshoremen's and Harbor Workers' Act where applicable, or, in the case of common carriers, cargo insurance as required by Interstate Commerce regulations, are sufficient to compel the contractor to comply with such laws. The Contracting Officer will not therefore impose insurance requirements other than evidence from the contractor that such laws have been complied with. Where a performance bond supports the contract such evidence will not be necessary.

(a) *Insurance on Government property.* Under the degree of responsibility for Government property established by contract clause the purchase or nonpurchase of property insurance is discretionary with the contractor and insurance requirements will not be imposed by the Contracting Officer.

(b) *Insurance in special cases.* In special cases, when it is deemed necessary in connection with the performance of a contract, other types of insurance may be required, to the extent determined to be necessary by the Head of the Procuring Activity.

§ 599.302 *Insurance in connection with cost-reimbursement type contracts.* (a) The kinds of insurance enumerated in §§ 599.302–1, 599.302–2, and 599.302–3, following will ordinarily be required by the Contracting Officer unless the contractor is relieved by statute from liability and elects to invoke such statutory immunity or has an acceptable program of self-insurance already in effect. In special cases other types of insurance may be required to the extent determined to be necessary by the Head of the Procuring Activity.

(b) The Contracting Officer will ascertain and advise the Head of his Procuring Activity, prior to completing the placement of insurance under the contract, as to whether (and if so, to what extent) the contractor has cost-reimbursement type contracts with any other agency of the Department of Defense

at the proposed location or adjacent thereto. This information should be readily obtainable from the contractor and will be used by the Head or Heads of the Procuring Activities concerned to determine whether contracts can be combined for the purposes of insurance in order to be eligible for more favorable rate treatment.

§ 599.302–1 *Workmen's compensation and employers' liability insurance.* (a) Workmen's compensation insurance protects the employer against liability imposed by a workmen's compensation law to pay benefits and furnish care to employees injured, and to pay benefits to dependents of employees killed, in the course of and because of their employment. Employers' liability insurance protects an employer against claims for damages which may arise out of injuries to employees in the course of their work in cases not covered by the compensation law. Such insurance will be required, endorsed to provide:

(1) Occupational disease coverage in jurisdictions where the workmen's compensation law does not cover all occupational diseases, in limits of $50,000 per person in any one case and $100,000 for any one policy year;

(2) In those jurisdictions where there is a "per accident" limitation coverage under paragraph One (b) of the insurance policy, additional limits up to $100,000 for each accident, or, where there is a "per person" limitation under this paragraph, additional limits up to $50,000 per person;

(3) In jurisdictions where workmen's compensation coverage is carried in a State Fund which does not provide the protection afforded by the requirements of subparagraphs (1) and (2) of this paragraph, employers' liability insurance will be purchased, endorsed to provide this coverage.

(b) Where such insurance is purchased for contracts to be performed outside the limits of the United States, its territories and possessions, the endorsements required by paragraph (a) (1), (2), and (3) of this section may be modified in accordance with instructions issued by the Head of the Procuring Activity concerned provided that higher monetary limits are not authorized.

(c) The Longshoremen's and Harbor Workers' Compensation Act, as amended (42 U. S. C. Ch. 11, 12, as amended by 56 Stat. 1035) provides that workmen's compensation benefits are applicable to all employees of any contractor with the United States on any military, air or naval defense base other than contractors or subcontractors engaged exclusively in furnishing materials or supplies. Where it is desired that the benefits under this law be waived with respect to labor employed outside the limits of the United States (48 states and the District of Columbia), the Head of the Procuring Activity will request such waiver by applying to the Bureau of Employees' Compensation, Department of Labor, through Contract Insurance Branch, Special Financial Services Division, Office of the Chief of Finance, Washington 25, D. C.

(d) Workmen's Compensation benefits will be paid to all employees of any contractor with the United States where waiver is obtained as provided by paragraph (c) of this section in accordance with the workmen's compensation or similar laws of the national, state or local government where contract performance occurs.

§ 599.302–2 *Comprehensive general liability insurance.* (a) This insurance protects the insured against loss due to all claims for damages arising from his business premises or operations (except those arising from motor vehicles away from the premises, those covered by any workmen's compensation law, and other exclusions stated in the policy). This insurance will be required with limits of $50,000 per person, $100,000 per accident.

(b) General liability insurance for damage to property of others may be purchased under the general liability policy where, in the opinion of the Contracting Officer, the exposure under the contract operations is such as to warrant obtaining the experienced claims and investigating services of the insurance carrier in the event of extensive damage to property of others. It is contemplated that this form of coverage will be necessary only for contractors engaged in the handling of high explosives or in extra-hazardous research and development activities. Prior approval for the purchase of this type of insurance will be obtained from the Head of the Procuring Activity, and limits of $50,000 per accident with an aggregate limit of $100,000 for each year of policy coverage will be considered adequate. However, where commingling of operations permits the Government's protection at a nominal cost under insurance carried by the contractor in the course of his commercial operations, the participation in such insurance will be deemed in the best interests of the Government.

(c) Products liability insurance protects the insured for damages arising out of the consumption, handling or use of a product. This insurance will be required where a contractor under the authority of his contract operates a commissary or other similar facility for dispensing food. Such insurance, when necessary, will be added by endorsement to the general liability policy with limits of $50,000 per person and $100,000 per accident for each year of policy coverage.

(d) Contractual liability insurance protects the contractor against loss arising under assumption of liability by agreement. This insurance is provided by the comprehensive general liability policy where a contractor has assumed liability under:

(1) A lease of premises;

(2) An easement agreement;

(3) An agreement required by municipal ordinance;

(4) A sidetrack agreement; or

(5) An elevator or escalator maintenance agreement.

The purchase of insurance for other assumed liability may be approved where assumption of such liability by the contractor has been authorized and the Head of the Procuring Activity determines that the purchase of such insurance is necessary.

(e) Where insurance prescribed by this § 599.302–2 is purchased for contracts to be performed outside the limits of the United States, its territories and possessions, the Head of the Procuring Activity is authorized to revise downward the monetary limits prescribed in this section.

§ 599.302–3 *Automobile liability insurance.* Automobile public liability and property damage insurance will be required with limits of $50,000 per person and $100,000 per accident for bodily injury liability and $5,000 for property damage liability on the comprehensive policy form covering all owned, non-owned, hired and Government-furnished motor vehicles which will be used in the contract operations where use will not be limited exclusively to the premises on which the work under such contract is performed. When such insurance is purchased for contracts to be performed outside the limits of the United States, its territories and possessions, the Head of the Procuring Activity is authorized to revise downward the monetary limits prescribed herein.

§ 599.350 *Boiler and machinery insurance.* (a) This type of insurance protects the contractor against loss due to accidents arising from boilers, pressure vessels, or machinery. The chief value of this insurance is the inspection service afforded under the insurance policy by qualified insurance personnel. The purchase of such insurance by Army Establishment cost-reimbursement type contractors is not authorized as an item of reimbursement. The Army maintains within the continental United States for the purpose of obtaining boiler inspection service on certain types of boilers, a contract with a recognized insurance company. Among the types serviced by this contract are the following: "All Government-owned boilers located at military installations operated by private contractors and all privately owned boilers located at military reservations." Accordingly, where steam boilers are placed in initial operation under the contract, the Contracting Officer will so notify his continental Army Commander and request that arangements be made for the boilers to be included for inspection under the Army contract.

(b) In areas outside the continental United States boiler and machinery insurance may be purchased where insurance companies are available and can render adequate inspection service. Where such service is not available, boiler and machinery insurance will not be purchased.

§ 599.351 *Group insurance plans.* Group life insurance plans and such other forms of insurance as are provided voluntarily to employees in order to furnish benefits in the event of death, disability, dismemberment, hospitalization, surgical or medical care will be subject to review by the Head of the Procuring Activity. The purpose of this requirement is to ascertain that greater benefits are not being extended under the cost-reimbursement type contract

than those granted to employees under the contractor's regular commercial operations. When an existing schedule is being increased, such schedule will also be referred to the Head of the Procuring Activity for the same purpose. Where employees under the cost-reimbursement type contract are added to the contractor's already existent group life or similar-type insurance policies, provision should be made at contract termination to see that any experience refund due from the last year of contract operation will be credited proportionately to the contract.

§ 599.352 *Employee retirement, pension, or profit-sharing plans.* The basis for allowability of costs under cost- reimbursement type contracts for such plans is fully set forth in Part 414 of this title (Contract Cost Principles). Such plans will be subject to review and approval by the Head of the Procuring Activity.

§ 599. 353 *Insurance on Government property.* It is the policy of the Department of the Army not to require or approve insurance covering loss of or damage to property, legal title to which is in the United States, used in connection with cost-reimbursement type contracts. This principle of non-insurance rests to a large degree upon savings to the Government obtained by eliminating the cost of insurance which would otherwise be added to the contract cost. Where savings are trivial and the contractor's existent insurance policies may be utilized to afford protection thereunder for Government property in its care, custody, or control, this policy of non-insurance will not be enforced. Ordinarily, however, the contractor will be relieved of liability for loss or damage to Government property in accordance with the provisions contained in the Government Property clause of the contract. Such losses are intended to include those caused by any peril while the property is in transit off the contractor's premises, or caused by any of the following perils while the property is on the contractor's or a subcontractor's or other premises or by removal therefrom because of any of the following perils:

(a) Fire; lightning; windstorm, cyclone, typhoon, tornado, hail; explosion; riot, riot attending a strike, civil commotion; vandalism and malicious mischief; aircraft or objects falling therefrom; vehicles running on land or tracks, excluding vehicles owned or operated by the contractor or any agent or employee of the contractor; smoke; sprinkler leakage; earthquake or volcanic eruption; flood, meaning thereby rising of rivers or streams; enemy attack or any action taken by the military, naval, or air force of the United States or its allies in resisting enemy attack.

(b) Upon the happening of loss or damage to Government property caused by the above-named perils the contractor shall communicate with the Contracting Officer and shall otherwise proceed in accordance with instructions set forth in the governing contract clause. The contractor may, upon direction of the Contracting Officer, employ the services of a loss and salvage organization designated by the Contracting Officer. One or more of these organizations will be found listed in the local telephone directory of the nearest city of reasonably large population. They are known variously as the General Adjustment Bureau, Inc., the Underwriters Adjusting Company, and the Western Adjustment and Inspection Company. The services of these organizations are performed for the Government within the continental United States on a cost plus traveling expense basis.

§ 599.353–1 *Liability for loss.* The contractor's relief from liability for loss of or damage to Government property in his care, custody, or control is intended to place the contractor in the same position he would occupy if comercial insurance policies providing broad protection were procured by him against the named perils.

§ 599.354 *General statement.* The required or permitted forms of insurance and instructions set forth in §§ 599.302 through 599.353 are intended as basic principles to be applied in connection with insurance on cost-reimbursement type contracts where the contract operations are separately insured. Where commingling of commercial and Government operations make separate insurance impracticable, §§ 599.302 through 599.353 will necessarily not remain applicable.

§ 599.355 *War projects insurance rating plan.* For cost-reimbursement type contracts executed within the continental United States (48 States and the District of Columbia) and performed outside the continental United States there is available a special plan for the purchase of workmen's compensation and employers' liability, comprehensive general liability and automobile liability and property damage insurance. This is a comprehensive retrospective rating plan for premium control. The provisions of this plan may not be applicable to all cost-reimbursement type contracts for work performed outside the continental United States, and in arriving at a determination as to its applicability, the Head of the Procuring Activity will give consideration, among other factors, to the following:

(a) Nationality of the employees concerned and the applicability of the Longshoremen's and Harbor Workers' Act as amended, or the propriety of waiving the provisions of that law; (see § 599.302–1 (c))

(b) Laws and customs of the country or countries concerned;

(c) Treaties involved;

(d) Insurance facilities available;

(e) Medical and hospital facilities available.

The formula and administrative procedures involving the use of the special plan may be obtained from the Contract Insurance Branch, Special Financial Services Division, Office of the Chief of Finance, Washington 25, D. C.

§ 599.356 *Insurance carrier.* A cost-reimbursement type contractor will select his own insurance carrier, subject to approval by the Head of the Procuring Activity as to compliance with the following established Department of Defense minimum standards. These standards may be deviated from by the Head of the Procuring Activity in the case of foreign insurance carriers operating outside the continental United States upon assurance of financial responsibility of such carriers.

(a) The carrier must have an unobligated minimum surplus of $350,000;

(b) In the case of a contract of casualty insurance, other than Workmen's Compensation insurance, the financial responsibility of the insurance carrier must be such that the policy will not expose it in a single accident or occurrence to a loss (1) in the case of a fixed-premium carrier of more than 10 percent of its total capital stock and surplus, or (2) in the case of a dividend-paying carrier of more than 10 percent of its net assets.

(c) In the case of Workmen's Compensation insurance, the insurance carrier shall have (1) in the case of a fixed-premium carrier, a total capital and surplus of at least $1,000,000, or (2) in the case of a dividend-paying carrier, at least $1,000,000 of net assets.

§ 599.357 *Approval required.* All plans, policies, and rates for insurance coverages in connection with cost-reimbursement type contracts will be subject to approval by the Head of the Procuring Activity, and it shall be within the authority of such office to require a change of plan if the type selected by the contractor is not deemed to be that most advantageous to the interests of the Government. Copies of all policies will be forwarded by the Head of the Procuring Activity to the Contract Insurance Branch, Special Financial Services Division, Office of the Chief of Finance, Washington 25, D. C.

(a) Where the contract operations are separately insured under any form of retrospective rating plan, losses and final premium costs assigned to the policies involved will be subject to review and approval of the Contract Insurance Branch, Special Financial Services Division, Office of the Chief of Finance, Washington 25, D. C.

(b) Where the contract operations are jointly insured with the contractor's commercial operations, the proportion of Government interest and amount of premium involved will be the governing factors in determining the necessity for maintenance of Government control.

§ 599.358 *Action on termination of contract.* Generally, the contract settlement involved in cost-reimbursement type contracts will have been completed prior to the required lapse of time for final settlement under any form of retrospective rating plan of insurance. Therefore, in such settlement the insurance transactions, where the War Projects Rating Plan or other retrospective plan of insurance is involved, will be excepted and the Contracting Officer will agree that any remaining credits due in connection with the insurance or any outstanding obligations of the contractor with respect to insurance will be assumed by the United States Government.

§ 599.359 *Assignment to Government of premiums due under policies written under the department rating plan or other retrospective rating plan of insurance upon termination or completion of cost-reimbursement type contracts.* (a) The following form will be used for accomplishing the action required by § 599.358 of assigning to Government the interest of a cost-reimbursement type contractor in return premiums, premium refunds, etc., on insurance policies written under the War Projects Insurance Rating Plan § 599.355 or other retrospective rating plan upon termination or completion of the contract, when the Government has assumed the payment of the contractor's obligations for further premium payments under such policies.

ASSIGNMENT TO GOVERNMENT

Under (here name type of contract) Contract No. ------ dated ---------- between the United States of America (hereinafter called the Government) and ---------- (hereinafter called the Contractor).

The Government having assumed and become liable for the obligation of the Contractor for premiums under Policies Nos. -------- issued by the ---------- Insurance Company, the Contractor does hereby assign, transfer, and set over to the Government as of the date hereof, all of his right, title and interest in and to all return premiums, premium refunds, dividends and any other moneys due or to become due the Contractor in connection with such policies.

In witness whereof, the Contractor has executed this Assignment this ------ day of ---------- 195--.

[CORPORATE SEAL] CONTRACTOR,

By ----------

Attest:

Secretary

Accepted:
UNITED STATES OF AMERICA,

By ----------
Contracting Officer

(b) This Assignment to Government will be executed in a sufficient number of copies to serve the purposes of the cognizant Procuring Activity, and the Head of the Activity will forward one copy to the Contract Insurance Branch, Special Financial Services Division, Office of the Chief of Finance, Washington 25, D. C. The Contracting Officer will forward the original by registered mail, return receipt requested, to the home office of the insurance company involved. The letter accompanying this form will specify that all checks to cover premiums, etc., are to be made payable to the Treasurer of the United States.

§ 599.360 *Overseas.* In those areas outside the United States, its territories and possessions, where the insurance coverages required in connection with cost-reimbursement type contracts are not available because of the lack of competent insurance carriers with acceptable financial responsibility as determined by the Head of the Procuring Activity, the Contracting Officer is authorized to waive such insurance requirements. In these cases the Government will assume liability as a self-insurer.

PART 600—FEDERAL, STATE, AND LOCAL TAXES

Sec.
600.000 Scope of part.
600.050 Oversea.

SUBPART A—FEDERAL EXCISE TAXES

600.101 Manufacturers' excise taxes (basis and application).
600.101–14 Lubricating oils.
600.105 Tax on transportation of property (basis and application).

SUBPART B—EXEMPTIONS FROM FEDERAL EXCISE TAXES

600.202 Supplies for exportation.
600.203 Supplies for ships and aircraft.
600.206 Other exemptions.
600.207 Tax exemption forms.
600.250 Exemptions from Federal taxes in general.

SUBPART C—STATE AND LOCAL TAXES

600.301 Applicability.
600.302 Tax exemption forms.
600.303 Questions of applicability of tax laws; negotiations.

SUBPART D—CONTRACT CLAUSES

600.401 Fixed-price contracts.

AUTHORITY: §§ 600.000 to 600.401 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stet. 21; 41 U. S. C. Sup., 151–161.

DERIVATION: Army Procurement Procedure, March 15, 1951.

§ 600.000 *Scope of part.* Supplementary to, but consistent with Part 410 of this title, this part sets forth policies and procedures in connection with (a) Federal excise taxes, (b) exemptions from Federal excise taxes, and (c) State and local taxes. References in this part are to Subchapter A, Chapter IV of this title (Armed Services Procurement Regulation), Internal Revenue Code, and Bureau of Internal Revenue Regulations. Examples: § 410.101–5 of this title; sec. 3797 (a) IRC; and sec. 316.9, Regulations 46.

§ 600.050 *Oversea.* Part 410 of this title and this part are applicable in effecting procurement outside the United States, its territories and possessions, where the articles, materials, and supplies so procured were mined, produced, or manufactured in the United States, its territories, and possessions, and where the cost of such articles, materials, and supplies may include therein Federal, State, and local taxes. Every effort will be made to take advantage of all authorized tax exemptions, credits, and refunds, including such exemptions, credits, and refunds as may be authorized by the laws of the foreign country in which procurement is effected.

SUBPART A—FEDERAL EXCISE TAXES

§ 600.101 *Manufacturers' excise taxes (basis and application).* (a) In general, the manufacturers' excise taxes are based on the sales price. Charges for coverings, containers, and the like, are included in the sales price for purposes of computing the tax. If the amount of the sales price is adjusted upon return of coverings or containers to the seller, the tax should also be adjusted (sec. 316.10, Regulations 46). The tax imposed, however, is not part of the taxable price of the article (sec. 316.11, Regulations 46). Charges for transportation, delivery, insurance, installation, and similar charges also are excluded in computing the tax (sec. 316.12, Regulations 46).

(b) The lease of an article is considered a sale thereof. In the case of leases or installment sales, the tax is paid proportionately upon each payment (sec. 316.9, Regulations 46; sec. 314.4, Regulations 44).

(c) The tax in general attaches when title passes from the manufacturer (sec. 316.5, Regulations 46; sec. 314.4, Regulations 44). If subsequent reduction is made in the sales price, credit or refund may be obtained by the manufacturer (sec. 316.13, Regulations 46). Claim by a manufacturer for credit or refund must show, among other things, that the tax has not been collected from the purchaser or has been repaid to him or that his written consent to the allowance of the credit or refund has been obtained (sec. 316.204, Regulations 46; sec. 314.64, Regulations 44).

(d) No manufacturers' excise tax is imposed under section 3406, IRC (§§ 410.101–5—410.101–9, incl., of this title), with respect to any article subject to the retailers' excise tax on sale of jewelry and other items referred to in § 410.102–1 of this title (sec. 3406, IRC).

§ 600.101–14 *Lubricating oils.* (a) Lubricating oils may be sold tax-free by the manufacturer or producer thereof direct to another such manufacturer or producer for resale, provided the manufacturers are properly registered and bonded and an appropriate certificate in this connection is furnished the seller (sec. 314.42, Regulations 44).

(b) No tax is attached where lubricating oils are sold direct for nonlubricating uses by the purchaser, provided an appropriate certificate in this connection is furnished the seller (sec. 314.13, Regulations 44). Exemptions from tax discussed in this subparagraph (b) will not be claimed, contract prices will not exclude taxes on the basis of those exemptions, and proof of tax exemptions will not be furnished contractors.

§ 600.105 *Tax on transportation of property (basis and application).* (a) *Transportation.* The term "transportation" means the movement of property by a person engaged in the business of transporting property for hire, including interstate, intrastate, and intracity or other local movements, as well as towing, ferrying, switching, and the like. In general, it includes accessorial service furnished in connection with a transportation movement, such as loading, unloading, blocking and staking, elevation, transfer in transit, ventilation, refrigeration, icing, storage, demurrage, lighterage, trimming of cargo in vessels, wharfage, handling, feeding and watering livestock, and similar services and facilities (sec. 143.1 (d), Regulations 113).

(b) *Coal.* The term "coal" includes anthracite, bituminous, semibituminous, and lignite coal, coal dust, and coke and briquettes made from coal (sec. 143.1 (f), Regulations 113).

(c) *Baggage.* An amount paid, in connection with the transportation of persons, for the transportation of baggage, including incidental charges on account of excess weight, excess value, storage, transfer, special delivery, and the like, or an amount so paid for a special baggage or express car or other conveyance is subject to the tax on the transportation of property if separable from the payment for the transportation of persons and separately shown on the records of the carrier. Otherwise, the tax on the transportation of persons applies (see § 410.104 of this title; sec. 143.14 (c), Regulations 113).

SUBPART B—EXEMPTIONS FROM FEDERAL EXCISE TAXES

§ 600.202 *Supplies for exportation*—(a) *Exemption based upon exportation.* Exemption is available (1) from the manufacturers' excise taxes (§ 410.101, et seq., of this title) and the retailers' excise taxes (§ 410.102, et seq., of this title) with respect to sales for export and (2) from the tax on the transportation of property (§ 600.105) with respect to property in course of exportation (secs. 2406, 2705, 3449, I. R. C.; sec. 314.25—314.27, Regulations 44; secs. 316.25—316.27, Regulations 46). (See paragraph (b) of this section); secs. 320–21—320–22, Regulations 51; secs. 143–30—143–35, Regulations 113. These exemptions may be claimed under the circumstances set forth in § 410.202 of this title.

(b) *How to claim export exemptions.* (Sec. 316.25—316.27, Regulations 46, see paragraph (a) of this section.)

(1) *Sales for export.* (i) To exempt from tax a sale for export it is necessary that two conditions be met, namely (*a*) that the article be identified as having been sold by the manufacturer for export and (*b*) that it be exported in due course.

(ii) An article will be regarded as having been sold by the manufacturer for export if the manufacturer has in his possession at the time title passes or at the time of shipment, whichever is prior (*a*) a written order or contract showing that the manufacturer is to ship the article to a foreign destination; or (*b*) where delivery by the manufacturer is to be made within the United States, a sworn statement from the purchaser showing (*1*) that the article is purchased to fill existing or future orders for delivery to a foreign destination; or that the article is purchased for resale to another person engaged in the business of exporting, who will export the article, and (*2*) that such article will be transported to its foreign destination in due course prior to use or further manufacture and prior to any resale except for export.

(iii) The written order or contract of sale or the sworn statement referred to in subdivision (ii) (*a*) and (*b*) of this subparagraph suspends liability for the payment of the tax by the manufacturer on such sales for export for a period of six months from the date when title passes or the date of shipment, whichever is prior. If within such period the manufacturer has not received and attached to the order or contract, or sworn statement, proper "proof of exportation" (see subparagraph (2) of this paragraph), then the temporary suspension of the liability for the payment of the tax ceases and the manufacturer shall include the tax on the sale of such article in his return for the month in which such 6-month period expires.

(iv) The exemption provided herein is limited to sales by the manufacturer for export and is not applicable in cases where sales of taxable articles are made from a dealer's stock for export even though actually exported.

(2) *Proof of exportation.* (i) Exportation may be evidenced by (*a*) a copy of the export bill of lading issued by the delivering carrier, or (*b*) a certificate by the agent or representative of the export carrier showing actual exportation of the article, or (*c*) a certificate of landing signed by a customs officer of the foreign consignee showing receipt of the article.

(ii) In any case where the manufacturer is not the exporter, such manufacturer must have in his possession an affidavit from the person to whom he sold the article stating that the article was in fact exported in due course by him or was sold to another person who in due course exported the article. This affidavit must state what evidence is available to show that the article was in fact exported in due course prior to use or further manufacture and prior to resale in the United States other than for export. Such evidence must be that described in subdivision (i) (*a*), (*b*), or (*c*) of this subparagraph, and the affidavit must show where such evidence is readily available for inspection by Government officers.

(iii) In all cases the sales records together with the evidence of exportation must be preserved by the manufacturer for a period of at least four years from the last day of the month following the sale, and must be readily accessible for inspection by internal revenue officers.

(iv) In any case where the manufacturer does not have in his possession within the 6-month period, proof of exportation as outlined herein, the manufacturer must pay the tax involved. If proof of exportation later becomes available, a claim for refund of any tax paid may be filed on Form 843, or a credit may be taken upon any subsequent monthly return, but such action must be taken within the 4-year period of limitation prescribed by section 3313, IRC.

(c) *Shipments to possessions of the United States.* (1) Sections 2705 and 3449, IRC, and applicable Treasury Regulations authorize an exemption from manufacturers' excise taxes with respect to sales for export or for shipment to a possession of the United States, provided such exportation or shipment is effected within six months after title passes to the purchaser. (Regulations 44, secs. 314.25–314.27; Regulations 46 secs. 316.25–316.27.)

(i) It is the policy of the Department of the Army to purchase from manufacturers, producers, and importers on a tax exclusive basis, as authorized by sections 2705 and 3449, when all of the following conditions are present:

(*a*) The purchase is a substantial one;

(*b*) Exportation or shipment to a possession is intended at the time of purchase and exportation, or shipment will follow immediately after delivery from the manufacturer.

(ii) To exempt from tax a sale for export or shipment to a possession of the United States, it is necessary that two conditions be met:

(*a*) That the article be identified as having been sold by the manufacturer for export or shipment to a possession.

(*b*) That it be exported or shipped to a possession of the United States in due course. (Regulations 44, sec. 314.25.)

(iii) With respect to condition in subdivision (ii) (*a*) of this subparagraph, the words "for export or shipment to a possession" stamped on the contract or written purchase order has been approved by the Bureau of Internal Revenue as satisfactory evidence that the manufacturer's sale of the article has been made for export or shipment to a possession of the United States. With respect to condition in subdivision (ii) (*b*) of this subparagraph, the proof of exportation or shipment to a possession of the United States required under Regulations 44, Section 314.26, shall be furnished the manufacturer by the Contracting Officer. Such proof shall be in the form of an affidavit stating that the articles have in fact been exported or shipped to a possession of the United States. The affidavit shall also state where a copy of the export bill of lading is available for inspection. The Port of Embarkation shall be required to furnish certification of export to the Contracting Officer together with a statement describing where the applicable export bill of lading is being retained.

(2) The term "possession of the United States" as used in this paragraph includes the Panama Canal Zone, Virgin Islands, Guam, Puerto Rico, American Samoa, Wake, and the Midway Islands. (Regulations 46, sec. 316.1; Regulations 44, sec. 314.1). The exemption does not apply with respect to sales of articles for shipment to the territories of Alaska and Hawaii for the reason that these territories are by statutory definition included in the term "United States". (Regulations 46, sec. 316.27; Regulations 44, sec. 314.28.)

(3) Following is the form of affidavit to be used as proof of exportation or shipment to a possession:

_____
(Date)

_____
(Contractor)

The undersigned does hereby certify that

_____
(Quantity and description of articles)

which were purchased for export under

_____
(Contract No.)

were in fact exported to a foreign country or possession of the United States (other than Alaska or Hawaii) and a copy of export bill of lading No. _____ or Loading Manifest No. _____ pursuant to which the articles were shipped, is being retained in the files of

_____
(Indicate office)

_____
Contracting Officer

§ 600.203 *Supplies for ships and aircraft.* (a) The term "vessels of war" of the United States or of any foreign nation includes aircraft owned by the United States or by any foreign nation and constituting a part of the armed forces thereof. The terms "fuel supplies", "ships' stores", "legitimate equipment" includes all articles, materials, supplies, and equipment necessary for the navigation, propulsion, and upkeep of vessels (sec. 3451, I. R. C.; sec. 314.28, Regulations 44, sec. 316.28, Regulations 46).

(b) Under Treasury Regulations this exemption, as it relates to aircraft is available only to purchases made direct from manufacturers or producers, not to purchases from dealers or distributors.

(c) Serious administrative burdens would be imposed if the exemption described in § 410.203 of this title were to be claimed on articles of a character usable either (1) as supplies or legitimate equipment for vessels of war including aircraft, or (2) otherwise.

(d) The exemption will not be claimed, contract prices will not exclude Federal excise taxes on the basis of that exemption, and proof of exemption will not be furnished to contractors, except that the action above may be taken in connection with purchases of the following items:

(1) Aviation gasoline.

(2) Lubricating oil suitable only for aircraft engines.

(3) Aircraft tires and inner tubes.

(4) Aerial photographic cameras including gun cameras, lenses, apparatus, equipment, and films therefor.

§ 600.206 *Other exemptions.* (a) This section applies only to Federal excise taxes imposed by the following chapters of the Internal Revenue Code: Chapter 19 (Retailers' excise taxes—see § 410.102, et seq., of this title); Chapter 25 (pistols and revolvers—see § 410.103 of this title); Chapter 29 (manufacturers' excise taxes—see § 410.101, et seq., of this title); and Chapter 30 (transportation and communication—see §§ 410.104 and 410.107 of this title).

(b) When any Procuring Activity has responsibility for procurement or purchase of any articles subject to Federal excise taxes under any other chapter of the Internal Revenue Code, that Procuring Activity may prescribe such rules, governing the securing of exemption from those taxes, as it may deem proper, following approval of the Assistant Chief of Staff, G–4 Department of the Army (Chief, Current Procurement Branch), who is responsible for coordination with The Judge Advocate General.

§ 600.207 *Tax exemption forms.* The forms and procedures described in this section are applicable, as far as exemptions from Federal excise taxes are concerned, only with respect to the exemptions specified in §§ 410.201, 410.203 and 410.205 of this title.

(a) *Standard tax exemption forms.* The following standard tax exemption forms have been prescribed:

	Standard Form No.
U. S. Government Tax Exemption Certificate	1094
Cover of U. S. Government Tax exemption certificate book (front, outside and inside; back, outside)	1094–A
Tabulation sheet (insert)	1094–B
U. S. Government tax exemption identification card	1094–C

(b) *U. S. Government Tax Exemption Certificate, Form 1094.* U. S. Government Tax Exemption Certificate Form 1094 will be issued by the appropriate officer where required by the contract to supply proof of exemption with respect to those taxes which have been excluded from the contract price, as follows:

(1) All Federal excise taxes from which exemption is available on the basis of purchase for the use of the United States. (See § 410.203 of this title, in connection with exemption under section 3451, Internal Revenue Code.)

(2) All State and local taxes, except when a different form is required by the State or local tax authority. (See § 600.301.)

(c) *Supply and control of standard forms.* (1) Standard Forms 1094, 1094–A, 1094–B, and 1094–C will be requisitioned as prescribed in AR 310–90.

(2) Those forms will be subject to special control as prescribed in paragraph 12, AR 310–100.

(3) In addition to the special control prescribed by paragraph 12, AR 310–100, the following will govern in the situations set forth:

(i) Certificates executed but unused, or erroneously issued, mutilated, or otherwise rendered unserviceable, will be returned to the issuing officer, who will destroy the certificates and account therefore pursuant to paragraph 12*e*, AR 310–100.

(ii) The officer who issued a tax exemption certificate which has been lost or destroyed is authorized to issue a replacing certificate to the contractor or other proper party as follows:

(*a*) Where the certificate is lost or destroyed after it is issued to the contractor, the contractor must (*1*) establish to the satisfaction of the issuing officer that the certificate was lost or destroyed, (*2*) submit an affidavit setting forth the circumstances, (*3*) request the issuance of a replacement certificate.

(*b*) Where the tax exemption certificate is lost or destroyed by an Army activity, the replacing certificate will be requested by and issued to the Army activity cognizant of its loss.

(iii) Replacement certificates will bear the following statement, using the words applicable: This Certificate Is Issued To Replace No. _____ Which Has Been Lost (Destroyed).

(d) *Who may execute tax exemption certificates.* (1) Tax exemption certificates will be executed only by those officers and Federal employees who have been supplied with a Standard Form No. 1094–C, U. S. Government tax exemption identification card.

(2) The identification card of authorized officers and employees of Procuring Activities responsible for purchasing at an installation will be signed by the commanding officer. Identification cards supplied to other officers and Federal employees will be signed by the officer who furnished such officer or employee with tax exemption certificates.

(e) *Aircraft and vessels of war supplies and equipment tax exemption certificate.* (1) The following form is prescribed by sec. 314.23, Regulations 44 and sec. 316.28, Regulations 46:

EXEMPTION CERTIFICATE

(For use by purchasers of articles for use as fuel supplies, ships' stores, sea stores, or legitimate equipment on certain vessels (sec. 3451, IRC)).

_____, 19____
(Date)

The undersigned here certifies that he is ((1) or (2), whichever is appropriate)

(1) _____
(Owner officer, or charterer)

(2) Agent of _____ who is
(Name of principal)

_____ of _____
(Owner or charterer) (Name of vessel)

and that the article or articles specified in the accompanying order, or as specified below or on the reverse side hereof, will be used only for fuel supplies, ships' stores, sea stores, or legitimate equipment on a vessel belonging to the following class:

(Here state whichever of the following classes enumerated in Section 3451, IRC, is appropriate:

(1) Vessels engaged in foreign trade.

(2) Vessels engaged in trade between the Atlantic and Pacific ports of the United States.

(3) Vessels engaged in trade between the United States and any of its possessions.

(4) Vessels employed in the fisheries or whaling business.

(5) Vessels of war of the United States or a foreign nation.

If the articles are purchased for use on civil aircraft engaged in trade as specified in (1) or (3) above, state the name of the country in which the aircraft is registered).

The undersigned understands that if the article is used for any purpose other than as stated in this certificate, or is resold or otherwise disposed of, he must report such fact to the manufacturer. It is understood that this certificate may not be used in purchasing articles tax free for use as fuel supplies, and other like items above named, on pleasure vessels, or on any type of aircraft except (i) civil aircraft employed in foreign trade or trade between the United States and any of its possessions, and otherwise entitled to exemptions, and (ii) aircraft owned by the United States or any foreign country and constituting a part of the armed forces thereof. It is also understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to a penalty equivalent to the amount of tax due on the sale of the article and upon conviction to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution. The undersigned also understands that he must be prepared to establish by satisfactory evidence the purpose for which the article was used.

_____
(Name)

_____
(Address)

(2) The form set forth in subparagraph (1) of this paragraph will be issued by the appropriate officer where required by the contract to supply proof of exemption with respect to the Federal excise taxes from which an exemption is available under section 3451, Internal Revenue Code, such as for fuel supplies, ship stores, and equipment for vessels of war, including aircraft of the armed forces. (See § 600.203, as to the policy with respect to claiming this exemption.)

(f) *Preparation and execution of exemption certificates.* (1) In the preparation of tax exemption certificates the typewriter will be used when practicable; otherwise ink or indelible pencil will be

used. The use of ordinary lead pencil is prohibited. All blank spaces must be properly filled in or lined out. No exemption certificate, unless fully and properly executed, will be delivered to a contractor, except that the Bureau of Internal Revenue has advised that it is not necessary to state the amount of Federal tax upon the exemption certificate. The amount of tax should be stated, however, if readily available. In a case where Federal excise taxes have been excluded from the contract price of articles or supplies purchased, but the exact amount of the tax cannot be determined at that time, a blanket tax exemption certificate may be issued to cover all sales under the contract. The certificate should cover all articles purchased under the contract, including delivery orders placed thereunder by other officers. As to blanket tax exemption certificates covering purchases under contracts of the Federal Supply Schedule, see paragraph (h) of this section.

(2) A separate certificate for each kind of tax (Federal, State or local) involved will be prepared. In the issuance of these certificates care must be exercised to fill in the blank spaces provided for showing on each certificate the separate amounts of the taxes involved, if known, so that the certificates may be used only for the purpose intended.

(3) Where the supplies or work covered by the contract are not taxable as such and the certificate is to be used for the purpose of obtaining exemption on the articles to be incorporated in the supplies or work covered by the contract, the amount of tax to be shown on the certificate should be stated as "None." No tax should be shown on the certificate except the tax imposed directly upon the supplies or work covered by the contract.

(4) Tax Exemption Certificate Form No. 1094 may be modified as may be necessary with respect to contracts for construction, alterations, improvements, and repairs. The person issuing a tax exemption certificate will, in addition to his signature and title, insert on the lines provided therefor, his identification card number. (See paragraph (d) of this section.)

(g) *When exemption certificates are issued to contractors.* At any time after execution of the contract, a tax exemption certificate (Form 1094) will be executed and delivered to the contractor, upon request, covering Federal excise taxes where supplies are taxable as in this section indicated and are purchased by the Government at a price which is exclusive of tax. In that case, the description of the supplies furnished tax free will be inserted on the tax exemption certificate.

(h) *Blanket tax exemption certificates; contracts under Federal Supply Schedule.* (1) Nothing contained in the regulations in this part will be construed as authorizing the issuance of blanket tax exemption certificates by Heads of Procuring Activities or Contracting Officers covering purchases under contracts of the Federal Supply Schedule. Upon application of the contractor, the Procurement and Accounting Division, Office of the Secretary, will issue blanket tax exemption certificates as may be necessary to cover all purchases made by Department agencies in Washington, D. C., and in the field under term contracts of the Federal Supply Schedule, Federal Supply Service, General Services Administration.

(2) Contractors are required to indicate the number of the applicable blanket tax exemption certificate on their invoices.

(3) The purchase order need not contain the number of the applicable tax exemption certificate. It is sufficient that it contain a reference to the Federal Supply Schedule contract number.

§ 600.250 *Exemptions from Federal taxes in general.* Exemptions from Federal taxes which are available under present law and regulations are as follows:

(a) Communications (sec. 3465, I. R. C.).

(b) Transportation of persons (when transportation is furnished on Government transportation requests (sec. 3469, I. R. C.).

(c) Transportation of property (where shipment is on Government bill of lading) (sec. 3475, I. R. C.).

(d) Equipment for use on vessels of war (sec. 3451, I. R. C.).

(e) Purchases for export or shipment to a possession of the United States (sec. 2705 and sec. 3449, I. R. C.).

(f) Supplies sold for further manufacture (sec. 3442, I. R. C.).

(g) Certain petroleum products.

SUBPART C—STATE AND LOCAL TAXES

§ 600.301 *Applicability.* Tax exemption certificates are also used for establishing exemptions from State and local taxes. In applicable cases, certificates should be prepared in accordance with the requirements of the particular State or local tax authority concerned.

§ 600.302 *Tax exemption forms.* (a) In most cases, Form 1094 (see § 600.207 (b), above) will be the appropriate form of tax exemption certificate. Except as provided in paragraph (b) of this section, no tax exemption certificate should be issued with respect to a State or local tax unless the contract shows that the price paid by the Government is exclusive of the tax to which the certificate pertains or unless the contractor consents to the deduction of such tax from the contract price and the acceptance of the tax exemption certificate in lieu thereof.

(b) When impossible for any reason to make a purchase by a contract which excludes the amount of State or local tax for the reason that the tax is deemed to be legally inapplicable to Government purchases, a tax exemption certificate on Form 1094 will be executed and delivered to the disbursing officer to whose accounts the vouchers in the transaction pertain, together with a written statement to the effect that the vendor refused such certificate. Tax exemption certificates executed and delivered as prescribed in this paragraph are for the use of the Office of the Chief of Finance in securing a refund of the amount of the taxes involved. The serial number of the tax exemption certificate will be shown on the payment voucher.

(c) When Form No. 1094 (or other appropriate certificate) executed under the conditions stated above is received in the administrative office (Office of the Chief of Finance), the bureau or office number of the payment voucher will be noted on the certificate and the administrative office (Office of the Chief of Finance) will bill the State or local taxing agency for refund of the taxes paid. The amount collected will be transmitted to the Disbursing Officer for credit to the appropriation from which the vouchers were paid, or to miscellaneous receipts accounts, "4326—Refund, State and Local Taxes," if the appropriation cannot be readily identified. Where the administrative office (Office of the Chief of Finance) fails to secure refund of the amount of taxes paid, it will transmit promptly to the General Accounting Office for use in effecting collection as required by section 236, Revised Statutes, as amended by the Budget and Accounting Act, 1921 (43 U. S. C. 99), the following:

(1) The tax exemption certificates, if available.

(2) All related correspondence with the taxing agency.

(3) Disbursing Officer's voucher number on which payment for the merchandise was made.

§ 600.350 *Questions of applicability of tax laws; negotiations.* (a) It is desired that uniformity of action on behalf of the Army Establishment in tax matters be maintained. Independent conferences or direct negotiations with State and local tax authorities will not be undertaken by Army Establishment or contractor personnel for the purpose of obtaining exemption, refund, or for determining the applicability of any tax, except upon express authority of the Office of The Judge Advocate General.

(b) Where a specific tax problem occurs which cannot be readily determined by reference to the information set out in this part and Part 410 of this title, the matter should be transmitted through channels with appropriate comments to the Office of The Judge Advocate General (Attn.: Procurement Div.) for advice. This procedure is important where—

(1) The applicability of the tax is not specifically discussed in this Procedure;

(2) State and local tax authorities have adopted or may adopt a position at variance with that taken by the Department of the Army;

(3) Measures are contemplated to protect the interests of the Army with respect to payment of taxes; or

(4) From a study of this part and Part 410 of this title and applicable regulations it appears that there exists a possibility of obtaining refunds of taxes already paid, the economic burden of which has been borne by the United States. Where authorized, of course, contractors may apply directly for refunds;

(5) Obtaining of large scale tax exemptions, credits or refunds in foreign countries where the assistance of other executive departments is necessary.

SUBPART D—CONTRACT CLAUSES

§ 600.401 *Fixed-price contracts.*

(a) The clause in § 410.401 of this title, which is approved for use at the option of the Contracting Officer, in fixed-price contracts, will be inserted by all Contracting Officers in all such fixed-price contracts, except where deletion is specifically authorized or where approved printed forms omit such clause.

(b) Authority is granted in effecting procurement outside the United States, its territories, and possessions to substitute the following clause for the clause prescribed in § 410.401 of this title:

TAXES

The contract price includes any and all applicable taxes.

PART 601—LABOR

Sec.
601.000 Scope of part.
601.050 Applicability.

SUBPART A—BASIC LABOR POLICIES

601.101 Labor relations.
601.102 Wage and salary compensation.
601.103 Federal and State labor requirements.

SUBPART B—CONVICT LABOR

601.202 Applicability.

SUBPART C—EIGHT-HOUR LAW OF 1912

601.302 Applicability.

SUBPART D—DAVIS-BACON ACT

601.402 Applicability.
601.403 Department of Labor regulations.
601.450 Predeterminations of prevailing wage rates.
601.451 List of ineligible contractors and disqualified bidders.

SUBPART E—COPELAND ACT

601.502 Applicability.
601.503 Department of Labor regulations.

SUBPART F—WALSH-HEALEY PUBLIC CONTRACTS ACT

601.602 Applicability.
601.603 Responsibilities of Contracting Officers.
601.650 Interpretations not found in publications forwarded Contracting Officers.
601.651 Exceptions not stated in the publications furnished Contracting Officers.
601.652 Other information not found in publications furnished Contracting Officers.
601.653 Procedure for obtaining exemptions with respect to stipulations required by the act.
601.654 List of disqualified persons and firms.
601.655 Wage and Hour and Public Contracts Divisions of the United States Department of Labor Regional Offices; geographical jurisdiction and addresses of Regional Directors.
601.656 Minimum wage determinations.

SUBPART G—FAIR LABOR STANDARDS ACT OF 1938

601.701 Basic statute.
601.750 Regulations of the Administrator.
601.751 Reimbursement of cost-plus-a-fixed-fee contractors for payments in accordance with the act.
601.752 Investigations and inspections.

SUBPART H—NONDISCRIMINATION IN EMPLOYMENT

601.801 Basic requirement.
601.850 Interpretations of Executive Order 9346 by the Committee on Fair Employment Practice.

SUBPART I—EMPLOYMENT RESTRICTIONS FOR SECURITY PURPOSES

601.950 Administration.

AUTHORITY: §§ 601.000 to 601.950 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161.

DERIVATION: Army Procurement Procedure, March 15, 1951.

§ 601.000 *Scope of part.* This part sets forth labor policies and procedures consistent with and supplementary to part 411 of this title.

§ 601.050 *Applicability.* It will be noted that the applicability of the various subparts, and in some cases, of the various sections of a subpart of this part, vary materially. In order to avoid the misapplication of these provisions, the geographical applicability is repeated herein. Guidance in labor matters in those geographical areas for which applicability is not prescribed herein, will be in accordance with labor legislation of the country in which procurement is effected.

SUBPART A—BASIC LABOR POLICIES

§ 601.101 *Labor relations*—(a) *Scope.* All problems arising out of the labor relations of private contractors vitally affect procurement and are an essential part of procurement responsibility. It is requisite, accordingly, that the disposition of these problems receive staff direction and supervision from one source. The Office of The Judge Advocate General is the office designated within the Department of the Army to furnish staff direction and supervision of all contractor labor activities.

(b) *Labor responsibility.* (1) There will be no contacts with national offices of labor organizations or other organizations of the Government in connection with labor matters except after coordination with the Office of The Judge Advocate General. In case of emergency such coordination may be by telephone, in which event the coordination should be direct with the Chief, Industrial Relations Branch of that office.

(2) The Head of the Procuring Activity concerned is authorized to communicate with local labor organizations and the local offices of Federal agencies in connection with labor matters of concern to a particular activity but no action which is not mutually acceptable to the Head of the Procuring Activity and the local organization will be taken without requisite coordination.

(3) The Head of the Procuring Activity is authorized to remove necessary matériel from a strike-bound facility when such action is mutually agreed to by both management and local labor representatives concerned. All such action, however, will be reported, through channels, to the Office of The Judge Advocate General. Failure of the parties to agree to such removal will be similarly reported for appropriate action at the national level.

(4) When any labor dispute significantly affects or threatens to so affect important procurement, the Head of the Procuring Activity will submit a Report of Labor Disputes, Reports Control Symbol JAG–10, by the most expeditious and practical means available to The Judge Advocate General with an informational copy to the Assistant Chief of Staff, G–4, Department of the Army (Attn: Chief, Current Procurement Branch). Such report will include the following data, to the extent pertinent:

(i) Name and location of manufacturer; name and title of company official contacted (if manufacturer is a subcontractor, include the name and location of the prime contractor(s).

(ii) Items being produced (if a subcontractor is involved, identify the prime contract items).

(iii) Name and national affiliation of union locals involved; names of local union officials and result of any contacts with same.

(iv) Effect on production of Army matériel.

(v) Detailed description of critical items (if any) which should be removed from plant or continued to be processed there with mutual consent of contractor and union, if obtainable.

(vi) Date of commencement of the dispute and date of important incidents of the dispute such as notice of strike, strikes, lockouts, settlements, etc.

(vii) Statement of any action taken or contemplated by the manufacturer.

(viii) Contract number(s) and type thereof (fixed-fee, lump-sum, unit price, etc.).

(ix) The issues or probable issues involved.

(x) Estimated number of employees directly and indirectly involved; estimated number who may be involved ultimately, both directly and indirectly; total number of employees at the facility.

(xi) Identity of any cognizant State and or Federal authority engaged in mediation and conciliation activities.

(xii) Adequacy of plant guards and local police for protection of Government property, indicating whether plant-guard personnel are members of a union and, if so, local number and name, national affiliation, and whether it is expected that they will go on strike.

(xiii) Additional pertinent information including, when applicable, the effect on care and maintenance of Government-furnished equipment or matériel.

In urgent cases it will suffice if only information required by subdivisions (i) through (vi) of this subparagraph is furnished in the initial report. Supplemental reports will be submitted as necessary to report important developments.

(5) Where private contractor employees are engaged in contract work on a post, camp, station, or installation and labor representatives request permission to enter such installation to conduct union business during working hours, the commanding officer may admit such labor representatives, provided: (i) The presence and activities of the labor representatives will not interfere with the

progress of the contract work involved, and (ii) the entry of such representatives to the installation will not violate pertinent safety and security regulations. In the event that a commanding officer of an installation denies entry to a labor representative, such commanding officer shall, through appropriate channels, submit to the Chief, Industrial Relations Branch, Office of The Judge Advocate General, Washington 25, D. C., a Report of Denial of Admission of Labor Representatives, Reports Control Symbol JAG–11, which will include—(a) names of the labor representatives denied entry; (b) the union affiliation, if known, of such representatives; and (c) reason for denial of entry.

(c) *Applicability.* Section 411.101 of this title and this section are applicable only within the United States, its Territories and possessions.

§ 601.102 *Wage and salary compensation.* (a) Delivery schedules established in connection with all procurement contracts, particularly those of a cost-reimbursement type, will be predicated upon the contractor working normal workweeks and shifts without recourse to overtime and extra-pay shifts.

(b) Overtime and extra-pay shift deviations may be authorized subject to the following conditions:

(1) The authority for approval of such overtime and extra-pay shift deviations as may be required is hereby delegated, with power of redelegation, to Heads of Procuring Activities.

(2) Utilization of approvals for deviation of the overtime and extra-pay shifts as may be given by the Head of a Procuring Activity, or his designated representative, will be confined to the meeting of essential deadlines necessary to the performance of the contract solely in the interests of the Government.

(3) In granting such approvals, it will be the responsibility of the Head of a Procuring Activity and his designated representative to restrict such overtime and extra-pay shift work to the minimum required for the accomplishment of the specific work for which the deviation was requested and for which the approval was given.

(4) The above policy is not to be construed as forbidding the use of overtime or extra-pay shift work necessitated because of disaster, local operating emergencies, or in the best interests of the Government.

(c) Any case concerning overtime or extra-pay shifts which may arise and which does not fall within the foregoing authorization including cases involving premium rates other than overtime or extra-pay shifts, will be referred to the Assistant Chief of Staff, G–4, Department of the Army (Attn: Chief, Current Procurement Branch), for consideration.

(d) Section 411.102 of this title and this section are applicable world-wide.

§ 601.103 *Federal and State labor requirements.* This requirement applies even where a contractor, by reason of operating a Government-owned facility located on property owned by the United States, might otherwise be exempt.

(a) *Requests for relaxation of State labor legislation.* There may be cases, however, in which manufacturers engaged in the production of vital military supplies deem necessary the relaxation of State labor statutes or administrative orders which are restricting or are allegedly restricting such production. In such cases the following procedure will be observed:

(1) The interested contractor will submit the initial request for such relaxation to the State Labor Commissioner or other State officials charged with the enforcement of labor legislation in the State or region where the plant of the manufacturer involved is located.

(2) In the event the contractor's request for relaxation is denied, the Head of the Procuring Activity concerned, if he deems the contractor's request valid, may refer the matter, with his recommendation in respect thereto, to the Office of The Judge Advocate General, through the Assistant Chief of Staff, G–4, Department of the Army (Attn: Chief, Current Procurement Branch), for action. Such referrals should contain the following information:

(i) Provision or provisions of law the relaxation of which is required.

(ii) Extent of relaxation required.

(iii) Criticalness or relative scarcity of the material.

(iv) Circumstances necessitating the relaxation (such as, for example, a shortage in the local supply of skilled labor).

(v) Remedial action being taken by the manufacturer (for example, training).

(vi) Efforts previously made to obtain the relaxation.

(3) Requests for assistance in obtaining a relaxation will be refused in cases in which—

(i) The contractor has not already requested the proper State authorities for such relaxation.

(ii) Such relaxation is clearly unnecessary to maintain essential production.

(iii) The granting thereof would result in a clearly excessive increase in hours of work, in an unreasonable curtailment of rest and lunch periods, or in an undesirable impairment of working conditions.

(b) *Applicability.* Section 411.103 of this title and this section are applicable only within the United States, its territories and possessions.

SUBPART B—CONVICT LABOR

§ 601.202 *Applicability.* (a) Subpart B, Part 411 of this title, and this subpart are applicable only within the continental United States (the 48 States and the District of Columbia).

(b) The prohibition contained in Executive Order 325A does not apply to contracts entered into between the Government and State prisons for the purchase of manufactured items, subject to all of the following limitations:

(1) That such contracts are not prohibited by the law of the State in which the prison is located.

(2) That exemption from the Walsh-Healey Public Contracts Act be obtained, in accordance with procedures prescribed in § 601.653, in cases of contracts exceeding $10,000.00.

(3) That no purchase from a State prison or other correctional institution will be made of items contrary to the provisions of §§ 404.301 and 594.301 of this title.

(4) That the contract is otherwise proper.

The convict labor clause prescribed by §§ 406.103–15 and 411.203 of this title will be omitted from such contracts.

SUBPART C—EIGHT-HOUR LAW OF 1912

§ 601.302 *Applicability.* The provisions of Subpart C, Part 411 of this title, and this subpart are applicable only within the limits of the United States, its territories and possessions.

SUBPART D—DAVIS-BACON ACT

§ 601.402 *Applicability.* Subpart D, Part 411 of this title, and this subpart are applicable only within the continental United States (the 48 States and the District of Columbia) and its territories (Alaska and Hawaii).

§ 601.403 *Department of Labor regulations.* The regulations of the Secretary of Labor described in § 601.503, where pertinent, are applicable to all contracts subject to the act.

§ 601.450 *Predeterminations of prevailing wage rates.* The Secretary of Labor has discontinued the emergency wartime practice of issuing wage predeterminations on an area basis, and requires a separate request for wage rates for each contract to be awarded by a contracting agency, except where it can be shown that unusual circumstances make it impractical to obtain a wage predetermination for each contract. In each case it will be necessary to explain fully the unusual circumstances which make it necessary to request an area predetermination.

(a) *Responsibility for obtaining predeterminations.* The Chief of Engineers is responsible for obtaining from the Secretary of Labor and for furnishing to the Procuring Activity upon request all predeterminations of prevailing wage rates under the Davis-Bacon Act required in connection with the awarding of contracts of the Army Establishment.

(b) *Responsibility for requesting predeterminations.* The office responsible for the preparation of specifications for projects in excess of $2,000 is responsible for requesting the appropriate predetermination of wage rates to be contained in the contract. The preparing office will forward such request to the Chief of Engineers (Attn.: Legal Division), through appropriate Division Engineer offices, unless direct communication is authorized by appropriate authority. The Chief of Engineers will obtain the predetermination of wage rates from the Secretary of Labor, and forward such predetermination to the requesting office through channels. When contracts specifications are prepared they should include a current wage predetermination. If the wage predetermination is not available when invitations to bid are issued, the specifications will contain a statement that wage rates will be supplied by addendum to the specifications. Contracting Officers will not open bids on projects subject to the provisions of the Davis-Bacon Act until the requested predetermination of wage rates has been incorporated in the specifications.

(c) *Manner of requesting predeterminations.* Requests for predetermination of wage rates will be made as follows:

(1) Requests will be forwarded on Form DB–11, in triplicate, leaving date, first two lines, and signature block blank. (These forms may be obtained from the appropriate Division Engineers office.)

(2) Classifications requested will be limited to those which it is reasonably sure will be used.

(3) Check will be made with local contractors or contractors' associations, unions, Federal, State, and local officials, and authenticated statements regarding wage rates paid locally should be obtained and forwarded. Statements should include the number of employees employed in each classification. Copies of signed collective bargaining agreements should be obtained from union representatives and forwarded.

(4) Copies of payrolls on Federal contract construction in progress or recently performed under the jurisdiction of the office preparing the request, and any available payroll data on other Federal contracts in the locality will be forwarded.

(5) In emergencies, requests may be made by teletype or telephone direct to the Chief of Engineers (Attn.: Legal Division), stating reason why special handling is necessary. Appropriate Division Engineer Offices will be furnished copies or records of such direct communications.

(6) A request for a review of a predetermination must be made if bids are not to be opened by the expiration date of the predetermination. Predeterminations expire 90 days after the date of the original predetermination or modification thereof. Requests for review will be processed and forwarded in the same manner as requests for original predeterminations.

(7) All requests should be forwarded so as to reach the Chief of Engineers (Attn.: Legal Division) at least 4 weeks prior to advertising or expiration date.

(d) *Enforcement responsibility.* Reference is made to § 411.404 (c) of this title, which places on the Contracting Officer the responsibility for obtaining from contractors weekly payroll records so that such records shall be available for determination as to whether the contractor has complied with the statute.

(e) *Copies of payrolls.* Contracting Officers will obtain copies of these payrolls and check the payrolls at such times and to the extent necessary for the purpose of assuring that all contractors and subcontractors are complying with the applicable laws.

(f) *Contracting Officers' visits.* Contracting Officers will also make such visits to the project and make such checks as are necessary to assure that the contractor is not violating the Davis-Bacon Act by misclassification, disproportionate use of apprentices, or other means. Examples: Use of men classified as laborers and receiving laborers' wage rates to do journeymen's work; and the employment of an unusually large number of apprentices as compared to journeymen, with the apprentices actually doing journeymen's work. With regard to apprentices, attention is invited to the fact that the Secretary of Labor is now issuing wage determinations setting up the following prescribed standards for the employment of apprentices for the various building crafts:

Apprentices employed pursuant to this determination of wage rates must be registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Federal Committee on Apprenticeship, U. S. Department of Labor; or if no such recognized agency exists in a State, it shall mean a program registered with the Bureau of Apprenticeship, U. S. Department of Labor.

(g) *Notification to contractor.* In the event misclassification of mechanics or laborers is discovered which results in workers receiving less than the prescribed minimum rate of wage for the work actually being performed, the contractor will be notified immediately of the corrective action to be taken and the Contracting Officer will make a report on Standard Form No. 1093 (Schedule of Deductions from Payments to Contractor) executed as completely as possible from his records to the Disbursing Officer. The amounts to be withheld will be equal to the estimated corrective payments required. Such funds will be withheld until evidence satisfactory to the Contracting Officer is furnished showing that corrective payments have been made to the mechanics or laborers involved.

(h) *Cooperation with the Department of Labor.* In the event an investigation of the work being performed under any contract is made by the Department of Labor and thereafter it is indicated to the Contracting Officer that violations of the Davis-Bacon Act, Copeland Act and/or Eight-Hour Law have been discovered, the Contracting Officer will cooperate to the fullest extent practicable with the representative of the Department of Labor in initiating necessary and appropriate corrective action as outlined herein to insure that such violations will not continue.

§ 601.451 *List of ineligible contractors and disqualified bidders.* The list of persons and firms found by the Comptroller General to have violated the requirements of the Davis-Bacon Act is prepared and issued by the Assistant Chief of Staff, G–4, Department of the Army, for the use and guidance of all interested agencies of the Army Establishment in the Consolidated Listing of Suspended and Ineligible Contractors and Disqualified Bidders. (See § 590.303 (d).)

SUBPART E—COPELAND ACT

§ 601.502 *Applicability.* The provisions of Subpart E of Part 411 of this title, and this subpart are applicable only within the continental United States (the 48 States and the District of Columbia) and its territories (Alaska and Hawaii).

§ 601.503 *Department of Labor regulations*—(a) *Weekly Affidavit with respect to payments of wages.* The affidavit shall be executed and sworn to by the contractor or subcontractor or by an authorized officer or employee of the contractor or subcontractor who supervises the payment of wages, and shall be in the following form:

STATE OF_____
*County of*_____
I,_____ (Name of party signing affidavit) _____ (title), being duly sworn, do depose and say: That I pay or supervise the payment of the persons employed by_____ (contractor or subcontractor) on the_____ (building or work); that during the payroll period commencing on the _____ day of _____ 195____, and ending the_____ day of _____, 195____, all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said_____ (contractor or subcontractor) from the full weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full weekly wages earned by any person, other than permissible deductions, as defined in the regulations under the "Kickback" Act (48 Stat. 948) and described below:

(Paragraph describing deductions, if any.)

_____
(Signature and title)

Sworn to before me this _____ day of _____, 1950____ (29 CFR 3.3 (b))

(b) *Exemptions with respect to weekly affidavits.* Upon a written finding by the Secretary of the Army, the Secretary of Labor may provide reasonable limitations, variations, tolerances, and exemptions from the requirements set forth in paragraph (a) of this section, subject to such conditions as the Secretary of Labor may specify. Request for such finding, accompanied by all necessary supporting documents, will be submitted by the Head of the Procuring Activity concerned through the Assistant Chief of Staff, G–4, Department of the Army (Attn.: Chief, Current Procurement Branch) and The Judge Advocate General, in turn, to the Secretary of the Army for action and submission to the Secretary of Labor (29 CFR 3.3 (c)).

(c) *Submission of weekly affidavits and the preservation and inspection of weekly payroll records.* (1) Each weekly affidavit shall be delivered by the contractor or subcontractor, within 7 days after the regular payment date of the payroll period, to the Contracting Officer or such other officer as may be designated for such purpose by the Head of the Procuring Activity concerned.

(2) After such examination and check as may be made, such affidavit or a copy thereof, together with a report of any violation shall be transmitted to the U. S. Department of Labor, Washington 25, D. C., in accordance with § 411.503 of this title.

(3) Each contractor or subcontractor shall preserve his weekly payroll records for a period of 3 years from date of completion of the contract. The payroll records shall set out accurately and completely the name, occupation, and hourly wage rate of each employee, hours worked by him during the payroll period, the full weekly wages earned by him, any deductions made from such weekly wages, and the actual weekly

wages paid to him. Such payroll records shall be made available at all times for inspection by the Contracting Officer or his authorized representative (29 CFR 3.4 (b)).

(d) *Authorized payroll deductions.* (1) Deductions for the following purposes are permissible:

(i) Where required by Federal, State, or local statutes or ordinances to be made by the employer from the wages earned by the employee.

(ii) Bona fide prepayment of wages without discount or interest.

(iii) Deductions required by court process provided that the contractor or subcontractor will not be permitted to make such a deduction in favor of the contractor, subcontractor, or any affiliated person or where collusion or collaboration exists (29 CFR 3.5 (a)).

(2) Any deduction is also permissible which in fact meets the following standards and with respect to which the contractor or subcontractor shall have made written application by registered mail to the Secretary of Labor, a copy of which application shall be sent to the contracting agency by the contractor or subcontractor, setting forth all the pertinent facts indicating that such deductions will meet the following standards:

(i) That such deduction is not prohibited by other law.

(ii) That such deduction is (*a*) voluntarily consented to by the employee in writing and in advance of the period in which the work was done, and that consent to the deduction is not a condition either for the obtaining of or for the continuance of employment; or (*b*) that such deduction is for the benefit of the employees or their labor organization through which they are represented and is provided for in a bona fide collective bargaining agreement.

(iii) That from such deduction no payment is made to, nor profit or benefit is obtained directly or indirectly by the contractor or subcontractor or any affiliated person, and that no portion of the funds, whether in the form of a commission or otherwise, will be returned to the contractor or subcontractor or to any affiliated person.

(iv) That the convenience and interest of the employees are served thereby, and that such or similar deductions have been customary in this or comparable situations (29 CFR, 3.5 (b)).

(3) After application in good faith, the deduction may be made in accordance with the foregoing standards; provided, however, that if the Secretary of Labor, on his own motion, or on the application of any person or agency affected by the granting of the application, shall conclude at any time, after written notice to the applicant and an opportunity for him to present his views in support of the deduction, that the deduction has not met the foregoing standards, such deduction shall cease to be "permissible" 7 days after the applicant and the Federal agency concerned have been notified of the Secretary's decision.

(4) Upon application to and prior written permission from the Secretary of Labor, and subject to the standards set forth in subparagraph (2) (i), (ii), and (iv) of this paragraph, deductions may be made by a contractor or subcontractor or any affiliated person, for membership fees in group benefit or retirement associations; for board and lodging; or for other purposes where the Secretary of Labor concludes the deduction is required by compelling circumstances; provided, however, the contractor, subcontractor, or any affiliated person does not make a profit or benefit directly or indirectly from the deduction. A copy of the Secretary's decision shall be sent to the applicant and the Federal agency concerned (29 CFR, 3.5 (d)).

(5) In accordance with and subject to the standards set forth in subparagraph (2) (i) through (iv) of this paragraph, general permission is hereby granted to make payroll deductions for—

(i) The payment of the purchase price of United States Defense Stamps and Bonds and United States Tax Savings Notes.

(ii) The repayment of loans to or the purchase of shares in credit unions organized and operated in accordance with District of Columbia, Federal, or State credit union statutes.

(iii) Contributions to a Federal governmental or quasi-governmental agency.

(iv) The payment of dues or premiums to unaffiliated insurance companies or associations for medical or hospitalization insurance where the employer is not required by Federal, State or local laws to supply such insurance or benefits (29 CFR 3.5 (e)).

(6) In any case in which the employee does not have full and actual freedom of disposition of his wage payment, whether made in cash or by check, any restricted payment made to the employee is considered a deduction under the regulations in this part (29 CFR 3.5 (f)).

(7) Nothing herein shall be construed to permit any deduction which the contractor or subcontractor knew, or in the exercise of good faith should have known, did not meet the foregoing standards. In order to insure compliance with this part, the Secretary of Labor may notify the contractor or subcontractor that the deduction will be permitted only if certain conditions with respect thereto are observed. The contractor or subcontractor or any affiliated person shall also comply with such general rules and regulations concerning the deductions as the Secretary of Labor shall make from time to time, notice of which shall have been given to the contractor or subcontractor or any affiliated person making the deduction and to the Federal Agency concerned either directly or through publication in the FEDERAL REGISTER (29 CFR 3.5 (g)).

SUBPART F—WALSH-HEALY PUBLIC CONTRACTS ACT

§ 601.602 *Applicability.* Subpart F, Part 411 of this title, and this subpart are applicable only within the continental United States (the 48 States and the District of Columbia), its Territories (Alaska and Hawaii) and since November 1, 1950 Puerto Rico and the Virgin Islands.

§ 601.603 *Responsibilities of Contracting Officers*—(a) *Publications to be furnished Contracting Officers.* The Secretary of Labor has published a document entitled "Walsh-Healey Public Contracts Act, Rulings and Interpretations No. 3, October 1, 1945." This publication, as amended, contains a compilation of the text of the act, the regulations of the Secretary of Labor relating thereto, and pertinent rulings and interpretations. Amendments to this document are published from time to time. The Heads of the Procuring Activities are responsible for furnishing these publications to each of their Contracting Officers.

(b) *Forms.* By arrangement with the Department of Labor and based on the Procurement Action Reports (see § 590.804 (b)), submitted to the Assistant Chief of Staff, G–4, Department of the Army, the Assistant Chief of Staff, G–4, will forward the necessary Department of Labor forms PC–12 (Rev. 3/49) and PC–13, (Rev. 1/50) to applicable contractors. It will, therefore, not be necessary for Contracting Officers to furnish such forms to applicable contractors. The Contracting Officer, when the Walsh-Healey Act is applicable, will submit to the Assistant Chief of Staff, G–4, (Attn.: Chief, Current Procurement Branch) two additional copies of the Procurement Action Report as required by § 590.804 (b).

(c) *Substitute procedure.* The Department of Labor has agreed that for each unclassified or restricted procurement action having a value over $10,000 and subject to the Walsh-Healey Act, two additional copies of DD Form 350 will be prepared and forwarded with the original to the Assistant Chief of Staff, G–4 (Attn.: Chief, Current Procurement Branch), who will transmit the pertinent parts thereof to the Department of Labor in lieu of Standard Form 99 (Notice of Award of Contract) which has superseded Labor Department Form PC–1. These additional copies will not be prepared for actions bearing a security classification higher than restricted.

(d) *Report of violations of the act.* Report of any violation of representations or stipulations required by the Walsh-Healey Act will be made through channels to The Judge Advocate General for transmission to the Department of Labor.

§ 601.650 *Interpretations not found in publications forwarded contracting Officers.* (a) It has been held that dry powdered whole milk and dry ice cream mix are perishable, except when packed with inert gas in hermetically sealed cans, and that these two products when packed with inert gas in hermetically sealed cans are not perishable.

(b) The Department of Labor, under date of April 11, 1947, amended section 40 (e) (1), page 25 of Rulings and Interpretations No. 3, October 1, 1945, with respect to coverage of truck drivers employed by oil dealers, to read as follows:

Where the contractor is a dealer, the act applies to employees at the central distributing plant, including warehousemen, compounders, and chemists testing the lot out of which the Government order is filled, the crews engaged in loading the materials in vessels, tank cars or tank wagons for shipment, and truck drivers engaged in the activities described in section 37 (m) above. However, the contractor is not required to show that the employees at the bulk stations, including truck drivers, are employed in accordance with the standards of the act. (Bulk stations as the term is used herein are intermediate points of storage between a central distributing plant and service stations.)

(c) The Department of Labor, effective September 17, 1948, added a new Article 105 (following Article 104) on page 56 of Rulings and Interpretations No. 3, reading as follows:

ARTICLE 105 (Protection against unintentional employment of underage minors). An employer shall not be deemed to have knowingly employed an underage minor in the performance of contracts subject to the Act if, during the period of the employment of such minor, the employer has on file an unexpired certificate of age issued and held pursuant to Regulations issued by the Secretary of Labor under section 3 (l) of the Fair Labor Standards Act of 1938 (29 CFR, Part 401), showing that such minor is at least 16 years of age, if a male, or at least 18 years of age, if a female.

(d) The Department of Labor, effective September 17, 1948, amended paragraph (b) of Article 501 (Records of Employment) on page 56 of Rulings and Interpretations No. 3, to read as follows:

(b) Date of birth of each employee under 19 years of age; and if the employer has obtained a certificate of age as provided in Article 105, there shall also be recorded the title and address of the office issuing such certificate, the number of the certificate, if any, the date of its issuance and the name, address and date of birth of the minor, as the same appears on the certificate of age.

(e) The Department of Labor, under the date of October 15, 1948, amended the list of perishables contained in section 11 (h), page 7 of Rulings and Interpretations No. 3, so as to change the item of "Eggs, shell, frozen or dehydrated" to read "Eggs: shell, frozen; dried, powdered or dehydrated (except when packed with inert gas in hermetically sealed cans)." The amendment further adds to the list of nonperishables contained in section 11 (i), page 8 of Rulings and Interpretations No. 3 the item: "Eggs: dried, powdered, or dehydrated when packed with inert gas in hermetically sealed cans."

(f) The Department of Labor, effective January 20, 1949, amended paragraph (b) of Article 101 (Manufacturer or Regular Dealer) beginning on page 54 of Rulings and Interpretations No. 3, by adding subparagraphs (5) and (6) reading as follows:

(5) A regular dealer in raw cotton may be a person who owns, operate or maintains a store, warehouse, or other place of business in which materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought for the account of such persons and sold to the public in the usual course of business, and whose principal business is such purchase and sale of such materials, supplies, articles or equipment.

(6) A regular dealer in green coffee may be a person who owns, operates or maintains a store, warehouse, or other place of business in which materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought for the account of such persons and sold to the public in the usual course of business, and whose principal business is such purchase and sale of such materials, supplies, articles or equipment.

(g) The Department of Labor, under date of March 15, 1949, has amended section 11 (h), page 7 of Rulings and Interpretations No. 3, by adding the commodity "edible tallow" to the list of perishables contained therein.

(h) The Department of Labor, under date of April 1, 1949, has amended the second paragraph of Article 103 (overtime), page 55 of Rulings and Interpretations No. 3 to read as follows:

Until otherwise set by the Secretary of Labor the rate of pay for such overtime shall be one and one-half times the basic hourly rate received by the employee. The basic hourly rate shall be the quotient obtained by dividing the total compensation for the work week, less overtime premium, by the total number of hours worked for which such compensation is paid.

§ 601.651 *Exceptions not stated in the publications furnished Contracting Officers.* Certain of the exceptions stated in the publications furnished Contracting Officers which contain no specific expiration date may have been rescinded by the Secretary of Labor since date of publication. In case of doubt inquiry may be directed to the appropriate Regional Director, Wage and Hour and Public Contracts Divisions, U. S. Department of Labor, indicated in § 601.655, or to The Judge Advocate General.

§ 601.652 *Other information not found in publications furnished Contracting Officers.* The administrative exemption contained in Article 603 (e), page 57 of Rulings and Interpretations No. 3, October 1, 1945, relating to contracts negotiated with States or Territories of the United States, or with corporations, commissions, or authorities wholly owned and controlled by such States or Territories, was rescinded by the Secretary of Labor on April 1, 1947.

§ 601.653 *Procedure for obtaining exemptions with respect to stipulations required by the act.* Section 6 of the act permits the Secretary of Labor to make exceptions to the requirement that the representations and stipulations of section 1 of the act be included in department proposals or contracts which are subject to the act.

(a) *Requests for exceptions and review thereof.* All requests of present or prospective contractors for exceptions under section 6 of the act will be addressed to the Head of the Procuring Activity concerned. Such requests will be in writing, and will be transmitted through the appropriate Contracting Officer, and will set forth all pertinent information, including the nature of the requested exception, the need therefor, and any action already taken by the contractor to avoid the necessity for the exception. The Contracting Officer will review each request received from a contractor for:

(1) The urgency of the particular procurement.

(2) The relation of existing production schedules to Army requirements.

(3) The relation of present and past deliveries to production schedules.

(4) The extent to which labor supply is a limiting factor in production and the reasons therefor.

(5) The steps, if any, which have been taken either by the contractor or by any government agency to resolve the labor supply problem.

(6) The extent to which factors inherent in the production processes involved necessitate the requested exception.

(7) The extent to which the productive capacity of the facility or facilities in question is being utilized for Army procurement; and

(8) Any other pertinent data.

(b) *Consultation with regional directors, Department of Labor, and forwarding requests to Heads of Procuring Activities.* (1) If the Contracting Officer believes that the requested exception is appropriate under the circumstances and necessary to meet vital procurement schedules,

(i) He will inform the appropriate regional director of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, of the request for exception and the necessity therefor (a list of such regional directors is given in § 601.655).

(ii) After joint consideration with such regional director, the Contracting Officer, if still of the opinion that the requested exception is appropriate, will transmit the request, together with (*a*) his written recommendation relative thereto (*b*) a statement of all the information upon which the recommendation is based and (*c*) a recital of the steps taken in compliance with the procedure set forth in paragraph (a) of this section and this paragraph to the Head of the Procuring Activity concerned.

(2) This procedure of consulting with such regional directors will be complied with unless such compliance would result in undue delay. The Contracting Officer, in consulting with appropriate regional director, will furnish the Director any pertinent information in his possession which the Director may require for rendering a report in connection with the need for the exception to the Administrator of the Wage and Hour and Public Contracts Divisions.

(c) *Review and processing of requests by Head of Procuring Activity.* If the Head of the interested Procuring Activity concurs in the recommendation of the Contracting Officer, after review of the request and consideration as to whether the need for an exception can be avoided by utilization of alternative facilities, he will forward the request to The Judge Advocate General, through the Assistant Chief of Staff, G–4, Department of the Army (Attn.: Chief, Current Procurement Branch), together with:

(1) A statement of all pertinent data.

(2) His recommendation.

(3) A draft of a letter setting forth the need for the exception, addressed to the Secretary of Labor and prepared for the signature of the Secretary of the Army.

(4) Accompanying draft of a Findings of Fact as required by section 6 of the

act, prepared for the signature of the Secretary of the Army.

§ 601.654 *Lists of disqualified persons and firms.* (a) This includes the list of—

(1) Persons or firms found by the Secretary of Labor to have breached or violated contractual representations and stipulations required by the Walsh-Healey Act, published by the Comptroller General.

(2) Persons and firms which have been held ineligible to be awarded contracts subject to the Walsh-Healey Act, published by the Department of Labor.

(b) These lists are prepared and issued, from time to time, by the Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch), for the use and guidance of all interested agencies of the Department of the Army (§ 590.303 (d) of this chapter).

§ 601.655 *Wage and Hour and Public Contracts Divisions of the United States Department of Labor Regional Offices; geographical jurisdictions and addresses of Regional Directors.*

Region I:[1] Massachusetts, New Hampshire, Maine, Vermont, Connecticut, Rhode Island—18 Oliver Street, Boston 10, Mass.

Region II: New York and New Jersey—341 Ninth Avenue, New York 1, N. Y.

Region III:[2] Delaware, Maryland, Pennsylvania, West Virginia—1216 Widener Building, Chestnut and Juniper Streets, Philadelphia 7, Pa.

Region IV: Alabama, Florida, Georgia, Mississippi, South Carolina, Tennessee, Virginia—2026 Second Avenue North, Birmingham 3, Ala.

Region V: Kentucky, Michigan, Ohio—4237 Main Post Office, West Third and Prospect Avenue, Cleveland 13, Ohio.

Region VI: Illinois, Indiana, Minnesota, Wisconsin—1200 Merchandise Mart, Merchandise Mart Plaza, Chicago 54, Ill.

Region VII:[3] Colorado, Iowa, Kansas, Missouri, Nebraska, North Dakota, South Dakota, Wyoming—911 Walnut Street, Kansas City 6, Mo.

Region VIII: Arkansas, Louisiana, New Mexico, Oklahoma, Texas—1114 Commerce Street, Dallas 2, Tex.

Region IX:[4] Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington—150 Federal Office Building, Fulton and Leavenworth Streets, San Francisco 2, Calif.

North Carolina: Not included in any region. Information may be obtained through North Carolina Department of Labor, State Department Building, Salisbury and Edenton Streets, Raleigh, N. C.

Hawaii: Territorial Representative—Federal Building, King and Richards Streets, Honolulu, T. H.

Alaska: Territorial Representative—201–202 Federal Building, Post Office Box 1030, Juneau, Alaska.

Puerto Rico and Virgin Islands: Territorial Director—Post Office Box 3906, Santurce 29, P. R.

District of Columbia: Room 5415, Department of Labor Building, Fourteenth and Constitution Avenue, Washington 25, D. C.

§ 601.656 *Minimum wage determinations.* The latest compilation of minimum wage determinations of the Secretary of Labor under the Walsh-Healey Public Contracts Act as set forth in 15 F. R. 4634, et seq., dated July 20, 1950.

SUBPART G—FAIR LABOR STANDARDS ACT OF 1938

§ 601.701 *Basic statute.* Section 6 (a) of the act requires every employer to pay to each of his employees "who is engaged in commerce or in the production of goods for commerce" not less than 75 cents per hour. Section 7 (a) of the act prohibits every employer from employing any of his employees "who is engaged in commerce or in the production of goods for commerce" for a workweek longer than 40 hours, unless such employee receives compensation for his employment in excess of such 40-hour workweek at a rate not less than one and one-half times the regular rate at which he is employed. The act is applicable within the United States, its territories and possessions. The United States Supreme Court also has ruled that the act is applicable to the Bermuda defense area leased to this country in 1940. The provisions of sections 6 and 7 of the act, however, do not apply with respect to certain categories of employees enumerated in the act, nor under certain circumstances also enumerated in the act.

§ 601.750 *Regulations of the Administrator.* The act provides that the Administrator shall by regulation define certain terms used in the act and may grant certain exemptions from its provisions. Regulations issued by the Administrator, as revised from time to time, should be consulted in these respects.

§ 601.751 *Reimbursement of cost-plus-a-fixed-fee contractors for payments in accordance with the act.* (a) Any employer who violates the provisions of sections 6 or 7 of the act is liable to the employee or employees affected in the amount of their unpaid minimum wages, or their unpaid overtime compensation, and may be liable in an additional equal amount as liquidated damages; and in the event the employee institutes suit therefor, the costs of the action and a reasonable attorney's fee as allowed by the court. Violations also may be restrained by injunction and may subject the employer to criminal penalties. In this connection, however, attention is invited to the Portal-to-Portal Act of 1947 (act of May 14, 1947; 29 U. S. C. 251) which limits the liability of an employer under certain circumstances.

(b) Determinations of the liability of the Government to reimburse contractors for any amounts paid in settlement of claims under the act will be made by the Head of the Procuring Activity after appropriate coordination with The Judge Advocate General. Attention is invited to the Comptroller General's decision of December 15, 1943 (B–38642, 23 Comp. Gen. 439) to the effect that amounts paid in settlement of such claims may be reimbursed even though the settlements necessitated a compromise of disputed questions of law or fact, provided that such settlements are in amounts less than the total amounts (including liquidated damages, court costs, and attorneys' fees) which would be required to be paid in the event the employee sued and obtained judgment and that it is administratively determined that the settlement in each instance was fully warranted as being in the best interest of the Government. Vouchers covering such payments should be supported by evidence setting forth the basis for such administrative determination and any questions of law with respect to the application of the act should be determined only after thorough consideration has been given the matter by competent Government attorneys and a showing to that effect should also be made a part of the evidence submitted with the vouchers.

§ 601.752 *Investigations and inspections.* (a) The act provides that each employer subject to the act must make and preserve certain records of the persons employed by him and of the wages, hours and other conditions and practices of employment maintained by him. The act also provides that the Administrator, or his designated representatives, may investigate and gather data regarding the wages, hours and other conditions and practices of employment in any industry subject to the act and may enter and inspect such places and such records, question such employees and investigate such facts, conditions, practices or matters as he may deem necessary or appropriate to determine whether any person has violated any provision of the act, or which may aid in the enforcement of the act.

(b) With respect to cost-plus-a-fixed-fee contractors, to the extent consistent with security and other regulations governing admission of visitors to plants and projects, representatives of the Administrator should be accorded access to the facilities and records of Army contractors for the purpose of making investigations to determine applicability of and compliance with the act. Investigations will be conducted at such time and in such manner as to interrupt or interfere least with operations. They should be confined whenever possible to the inspection of records in the office of the contractor. Inspections of the areas in the facility where construction or production is in progress will be held to a minimum. Necessary interviewing of employees should, whenever possible, be conducted outside work hours or at such other times as will interfere least with construction or production operations. The Administrator has stated that his investigators will advise cost-plus-a-fixed-fee contractors approximately one week before they plan to arrive at the project to make an investigation under the act.

(c) If the Administrator is of the opinion that any such investigation discloses violation of section 6 or 7 of the act he will transmit a report of the investigation to The Judge Advocate General who will transmit it to the appropriate Procuring Activity. The Head of the Procuring Activity will cause the matter to be examined and, if such examination confirms such violation, will advise the contractor to take appropriate steps to comply with the law. The Head of the Procuring Activity promptly will report to The Judge Advocate General as to his examination of the matter and as to the action taken. If the question as to whether a violation exists depends upon a construction of the provision of the act which has not been construed by the courts or by the Attorney General, The Judge Advocate General will be consulted as to the construction to be followed:

(d) Cost-plus-a-fixed-fee contractors and subcontractors should be advised that immediately upon receipt of process in any legal action filed against them they must furnish a copy of all papers to the Contracting Officer. The Contracting Officer will make immediate report of the legal action direct to The Judge Advocate General, Washington 25, D. C.

SUBPART H—NONDISCRIMINATION IN EMPLOYMENT

§ 601.801 *Basic requirement.* The requirement is applicable in the United States, its territories and possessions, except as indicated in § 601.850 (j).

§ 601.850 *Interpretations of Executive Order 9346 by the Committee on Fair Employment Practice.* Pursuant to the authority vested in it by Executive Order 9346, the Committee on Fair Employment Practice has issued the following interpretations under the Order (29 CFR, 1202.1):

(a) The words "all contracts hereafter negotiated or renegotiated" include all contracts made, amended or modified.

(b) A nondiscrimination provision is required in leases, grants or easements, rights of way, etc., to the same extent that it is required in other contracts.

(c) The obligation to include the nondiscrimination clause exists even though the contract involves non-war (or non-defense) activity.

(d) The obligation to include the nondiscrimination clause exists even though the contract is required to be awarded to the lowest bidder.

(e) The obligation to include the nondiscrimination clause exists even though the contract is between a Federal Government agency and a State agency or subdivision of a State.

(f) The obligation to include the nondiscrimination clause does not depend on the amount of money or other consideration involved in the performance of the contract.

(g) The nondiscrimination provision required does not refer to, extend to or cover the activities or business of the contractor which are not related to or involved in the performance of the contract entered into.

(h) Inclusion of a nondiscrimination provision is not required in contracts the performance of which does not involve the employment of persons.

(i) Inclusion of a nondiscrimination provision is not required in contracts with foreign contractors for work to be performed outside the continental or territorial limits of the United States where no recruitment of workers within the said limits of the United States is involved.

(j) The nondiscrimination clause is not required in contracts renewed pursuant to an option to renew, in accordance with the terms, conditions and provisions contained in the original contract.

(k) The requirement that parties to contracts with the Government of the United States (or agencies of said Government) include a nondiscrimination clause "in all subcontracts" is not applicable to lessors of space in buildings except in cases where the Government of the United States (or any agency thereof) is the only tenant involved, or unless a subcontract is entered into solely for the purpose of performing an obligation (or obligations) imposed by the Government lease.

(l) The requirement that parties to contracts with the Government of the United States (or agencies of said Government) include a nondiscrimination clause "in all subcontracts" is applicable only in those cases in which the subcontract is entered into solely for the purpose of enabling the prime contractor to fulfill an obligation (or obligations) imposed by the Government contract.

SUBPART I—EMPLOYMENT RESTRICTIONS FOR SECURITY PURPOSES

§ 601.950 *Administration.* Administrative implementation of the policy governing the security clearance of private contractor employees and industrial facilities is set forth in detail in SR 380–405–1 (special regulations governing security clearance of private contractor employees and industrial facilities).

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[1] New Hampshire is serviced by an itinerant station located in Manchester. Vermont is serviced by an itinerant station located in Rutland.

[2] Delaware is serviced by an itinerant station located in Wilmington.

[3] North Dakota is serviced by an itinerant station located in Fargo. South Dakota is serviced by an itinerant station located in Sioux Falls.

[4] Arizona is serviced by an itinerant station located in Phoenix. Nevada is serviced by an itinerant station located in Reno. Idaho is serviced by an itinerant station located in Boise. Montana is serviced by an itinerant station located in Butte. Utah is serviced by an itinerant station located in Salt Lake City.

PART 602—GOVERNMENT PROPERTY

Sec.
602.000 Scope of part.
602.001 Policy.

SUBPART A—GENERAL

602.101 Definitions.
602.101–1 Contractor inventory.

SUBPART B—MATERIAL

SUBPART C—SPECIAL TOOLINGS

SUBPART D—INDUSTRIAL FACILITIES

602.400 Scope of subpart.
602.450 Contractor operated motor vehicles.

SUBPART E—CONTRACT CLAUSES

SUBPART F—SALE OF PROPERTY

602.600 Scope of subpart.
602.601 Sales of materials and special items.
602.602 Exchange or sale of personal property and application of proceeds to purchase of similar items.
602.602–1 Scope.
602.602–2 General authorization.
602.602–3 Restrictions and limitations.
602.603 Exchanges and transfers between executive agencies.

SUBPART G—RESEARCH AND DEVELOPMENT

602.700 Scope of subpart.
602.701 Loan of equipment.

AUTHORITY: §§ 602.000 to 602.701 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161.

DERIVATION: Army Procurement Procedure, March 15, 1951.

§ 602.000 *Scope of part.* This part applies to property provided by the Army Establishment for use by contractors in connection with military procurement.

§ 602.001 *Policy.* It is the policy of the Department of the Army that contractors will be required to furnish materials, special tooling, and industrial facilities, except that the Government may furnish such materials and industrial facilities when it is considered essential to meet necessary production or program schedules, or when otherwise considered to be in the best interest of the Government. When determined to be necessary or in the interest of national defense, the furnishing of materials, special tooling, and industrial facilities may be in the form of (a) Government property for incorporation in an end item, (b) for installation in the contractor's plant to aid in the production of supplies or services, (c) sales, gifts, and loans by the Army Establishment of property related to national defense, (d) sales of property by contractors, and (e) sale and/or exchange of property for like items. Paragraphs (a) and (b) of this section will be furnished with appropriate reduction in contract price; paragraphs (c) and (d) of this section are authorized by appropriate statutes and utilized only when applicable; paragraph (e) of this section is authorized by P. L. 152, 81st Congress, and is utilized when in the best interests of the Government for replacement of items obsolete or in an unusable condition. As a general policy, available special tooling shall be furnished contractors only when such furnishing does not interfere with essential production or program schedules. This section will be subdivided in accordance with Part 412 of this title, and will be implemented from time to time for the inclusion of those provisions not included in this basic regulation. Until such time as Part 412 of this title, is published, existing regulations and implementing instructions contained in this Procedure will govern.

SUBPART A—GENERAL

§ 602.101 *Definitions.* As used in this part, the term in § 602.101–1 has the meaning stated therein.

§ 602.101–1 *Contractor inventory.* The term "contractor inventory" means (a) any property acquired by and in the possession of a contractor or subcontractor (including Government-furnished property) under a contract pursuant to the terms of which title is vested in the Government, and in excess of the amounts needed to complete full performance under the entire contract; and (b) any property which the Government is obligated or has the option to take over under any type of contract as a result either of any changes in the specifications or plans thereunder or of the termination of such contract (or subcontract thereunder), prior to com-

pletion of the work, for the convenience or at the option of the Government.

NOTE: The balance of this subpart will be published subsequent to the issuance of Part 412 of this title.

SUBPART B—MATERIAL

NOTE: To be issued subsequent to the publication of Part 412 of this title.

SUBPART C—SPECIAL TOOLING

NOTE: To be issued subsequent to the publication of Part 412 of this title.

SUBPART D—INDUSTRIAL FACILITIES

§ 602.400 *Scope of subpart.* This subpart sets forth policies governing industrial facilities provided by the Government for use by contractor in the performance of contracts for supplies or services.

§ 602.450 *Contractor operated motor vehicles.* Certain Government installations are being operated by private contractors who are given full operating control of the plant facilities, including vehicles, by the terms of their contracts with the Government. Vehicles which are thus operated by private contractors, but are owned by the Government, are classed as "Contractor Vehicles," in order to distinguish them from "Military Vehicles." The operation, maintenance, supply, and control of contractor vehicles are, by provisions of contract, in the hands of the private contractor, and fall within the category of Government-furnished property. The term "Contractor Vehicle" as used herein is defined as any vehicles, supplied under written contract to contractors, for use at Class II contractor-operated installations and other Government-owned Army Establishment controlled industrial facilities, and/or contractor-owned facilities under contract with the Army Establishment.

(a) It is the basic policy of the Department of the Army that contractors will, to the greatest practicable extent, procure their vehicles, fuels, lubricants, tires, and repair items in the open market. However, when necessary, Army Establishment items may be reclassified and supplied as Government-furnished property. Prior to the negotiation of contracts or amendments thereto, Contracting Officers will ascertain through their command channels probable availability of the necessary vehicles within the Army Establishment. Request for the furnishing of any of the items listed in this section will be made by the Contracting Officer, through channels to the appropriate supply source. Nothing in this section shall preclude a contractor from being reimbursed for such items which he may procure when properly allocable to the contract.

(b) When a standby industrial installation is reactivated and operated by a contractor under a contract, the terms of which require and authorize the furnishing of vehicles by the Government, the Army Commander shall transfer such vehicles as are on hand at the installation and which have been determined by the technical service concerned as suitable for the functions to be performed by the contractor. Vehicles transferred will be reclassified as Contractor Vehicles and transferred to the contract account as Government-furnished property. Vehicles which are not authorized under the terms of the contract or are not suitable for use thereunder will be declared excess to the needs of the installation and returned to appropriate supply channels.

(c) When an industrial installation is placed in a stand-by status the owning technical service shall prepare and furnish the Army Commander a list of the vehicles at the installation which are necessary to its operational activities and which should not be removed or replaced unless authorized by the technical service concerned. The disposition of all other vehicles which have not been included in the above list will be made in the following order, (1) as requested by the Army Commander concerned, for use in the maintenance of the installation, (2) as required by the owning technical service for use in the performance of other contracts, (3) turned into appropriate supply channels. Vehicles which have been determined by the Army Commander as suitable for the purpose of maintaining the installation in a stand-by status will be reclassified as Military Vehicles and transferred to the appropriate account. Vehicles which the owning technical service requires for use in the performance of other contracts will be transferred to such contract accounts if authorized by the terms thereof. All remaining vehicles will be turned into appropriate supply channels.

(d) Contractor vehicles will not be included in the bulk allowances of administrative vehicles. When applicable, requests for changes in these allowances caused by compliance with paragraphs (a) and (b) of this section will be made by Army Commanders in accordance with SR 700–105–2 (Special Regulations pertaining to supply and reporting of vehicles for administrative use).

(e) When Military Vehicles are transferred to Contractor Vehicle classification, their Army Establishment registrations will be suspended, for possible reinstatement in case of reversion to military control. These vehicles, when properly classified as contractor vehicles, are not under the control of the Army Commander but are the responsibility of the technical service administering the contract. The supervision and accomplishment of all functions and obligations assumed by the contractor in connection with the operation, utilization of minimum essential vehicles, maintenance, storage, etc., as well as the protection of the Government's interest with respect to contractor vehicles rests with the Contracting Officer.

(f) Whenever license plates are required for Government-owned contractor-operated vehicles and existing laws prohibit the purchase of same by the contractor, arrangements may be made through channels to procure United States Government license plates. The request will be directed to the Chief of Transportation, Attention: Highway Transport Service. Information to be forwarded with the request will include the name of the technical service administering the contract, name and location of project and/or name and address of the contractor, proper nomenclature of vehicle(s), and the U. S. A. registration number(s) if previously assigned and known.

(g) Statutory restrictions limiting the use of Government-owned vehicles to official business are equally applicable to contractor vehicles. Information governing the use of such vehicles under Army Establishment control is contained in Army Regulation pertaining to motor vehicles. Contractor vehicles including buses will not be used to transport employees or any other personnel between their places of residence and employment. In the absence of adequate public transportation facilities, service can be augmented or inaugurated under AR 55–90 (Army Regulation pertaining to bus transportation to and from employment), provided the other conditions therein set forth are satisfied.

NOTE: The balance of this subpart will be published subsequent to the issuance of Part 412 of this title.

SUBPART E—CONTRACT CLAUSES

NOTE: To be issued subsequent to the issuance of Part 412 of this title.

SUBPART F—SALE OF PROPERTY

§ 602.600 *Scope of subpart.* This subpart sets forth policies governing the sale of Government property to contractors.

§ 602.601 *Sales of materials and special items.* The Heads of Procuring Activities are authorized, when it is determined by them that such action is necessary in the interest of the national defense, to make contracts by negotiation for the sale of, and to sell to contractors, manufacturers, and suppliers of Army Establishment contractors, and to employees of the Government engaged in military production or construction, any uniforms, safety clothing and equipment, plant protective clothing, and other special articles necessary to persons employed in or otherwise connected with national defense industry or establishments. The furnishment and sale of safety clothing and equipment, etc., was approved by the Comptroller General, Decision B–23306, January 30, 1942.

§ 602.602 *Exchange or sale of personal property and application of proceeds to purchase of similar items.* Sections 602.602 through 602.602–3 prescribe rules under which the Army Establishment may exchange or sell similar items and apply the exchange allowance or proceeds of sale in whole or in part payment for the property acquired. The transaction shall be evidenced in writing.

§ 602.602–1 *Scope.* Exchange of personal property by the Army Establishment and the application of the exchange allowance or proceeds of sale of personal property in the acquisition of personal property by the Army Establishment under section 201 (c), Public Law 152, 81st Congress, shall be made only in accordance with the provisions of this section.

§ 602.602–2 *General authorization.* Subject to the provisions of §§ 602.602 through 602.602–3, heads of technical services are hereby authorized, in acquiring personal property within the United States or elsewhere, to exchange or sell similar items and apply the exchange allowance or the proceeds of sale in such cases, in whole or in part payment for the property acquired.

§ 602.602–3 *Restrictions and limitations.* (a) Sections 602.602 through 602.602–3 authorize the application of exchange allowances or proceeds of sale in whole or part payment for personal property acquired only when:

(1) The items sold or exchanged are similar to the items acquired (see paragraph (b) of this section for clarification of the word similar);

(2) The items acquired are to be used (whether or not intended for additional uses) in the performance of all or substantially all of the tasks or operations in which the items exchanged or sold would otherwise be used, but the items acquired need not be the same in number nor used in the same location as the items sold or exchanged: *Provided*, That the limitation prescribed in this section shall not apply with respect to parts or containers: *And provided further*, That detailed cross-identification between old and new items will not be required in the absence of specific requirements of law, but in the absence of such cross-identification, there shall be furnished to the General Accounting Office sufficient accounting data to establish that the items acquired were similar to the items exchanged or sold, that any exchange allowances or proceeds of sale applied in whole or part payment of property acquired were in fact available for such application, and that the transaction was otherwise in accordance with the provisions of this part; and

(3) There has been at the time of transfer or sale an administrative determination to apply the exchange allowance or proceeds of sale in acquiring property in accordance with §§ 602.602 through 602.602–3, which determination shall support each schedule of collections covering such proceeds of sale.

(b) Items shall be deemed "similar" for the purpose of §§ 602.602 through 602.602–3 when:

(1) They are substantially alike in all material aspects and characteristics, excluding, however, condition, year, model, size or capacity, and manufacturer; or

(2) The chiefs of the technical services, or their representative duly authorized for the purpose, finds in writing that they resemble each other in most material aspects and characteristics and are adaptable to the same or comparable uses, which finding shall support each purchase document covering property acquired pursuant thereto; or

(3) They constitute parts of or for assembled items, or containers for items, which items are similar within the meaning of subparagraph (1) or (2) of this paragraph.

(c) Sections 602.602 through 602.602–3 shall not be construed to authorize:

(1) The acquisition of personal property by a technical service when such acquisition is not otherwise authorized by law;

(2) The acquisition of personal property by a technical service in contravention of (i) any restriction upon the procurement of a commodity or commodities, or (ii) any replacement policy or standard, prescribed by the President or by the Administrator of General Services Administration pursuant to the act.

(3) The purchase or acquisition of personal property otherwise than under a consolidated purchasing or stores program or Federal Supply Schedule contract where procurement under such program or contract is required by regulations or other directives prescribed by the Administrator: *Provided*, That a technical service acquiring an item or items under and in accordance with such program or contract may sell or exchange similar items and apply the exchange allowance or proceeds of sale as provided in §§ 602.602 through 602.602–3; or

(4) The sale, transfer, or exchange of excess or surplus property in connection with the purchase or acquisition of personal property: *Provided*, That a Department obtaining items of excess or surplus property as authorized by law may thereafter exchange or sell such items and apply the exchange allowance or proceeds of sales in accordance with §§ 602.602 through 602.602–3.

§ 602.603 *Exchanges and transfers between Executive Agencies.* In acquiring personal property Executive Agencies may exchange similar items with, and transfer similar items to, other departments upon such terms as may be agreed upon by the agencies concerned, transfer funds in accordance with such terms, and apply the exchange allowance or proceeds of transfer in whole or part payment for personal property acquired. Funds transferred as representing the difference in value between items so exchanged shall be covered into miscellaneous receipts by the transferee agency unless (a) other disposition is authorized by law, or (b) acquisition of items in addition to the items received in exchange is required for the performance of the tasks or operations in which the similar items exchanged would otherwise have been used.

SUBPART G—RESEARCH AND DEVELOPMENT

§ 602.700 *Scope of subpart.* This subpart sets forth policies and special procedures governing material, special tooling, and equipment provided by the Government for the use in research and development contracts or projects.

§ 602.701 *Loan of equipment.* Government property acquired for research and development may be loaned to private industrial firms and educational institutions for use in privately financed research and development programs, if such programs are of interest to the Government, and the results of the research will be furnished the Government without cost to the Government. Any such loan should be reflected in a written agreement setting forth the terms of the loan, and the benefits to be derived by the Government.

PART 603—INSPECTION AND ACCEPTANCE

Sec.

603.000 Scope of part.
603.002 General policy.
603.003 Inspection requirements.
603.004 Points of inspection.
603.005 Responsibility for inspection.
603.006 Acceptance.
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SUBPART A—INSPECTION ORGANIZATION

603.100 Scope.
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SUBPART B—INSPECTION PERSONNEL

603.200 Scope.
603.201 Procurement.
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SUBPART C—INSPECTION OPERATIONS

603.300 Scope.
603.301 Documents essential for inspection.
603.302 Amount of inspection.
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SUBPART D—INSPECTOR-CONTRACTOR RELATIONS

603.400 Scope.
603.401 General responsibilities.
603.402 Compliance with contractor's rules and regulations.
603.403 Standards of conduct.

AUTHORITY: §§ 603.000 to 603.403 issued under R. S. 161, 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161.

DERIVATION: Army Procurement Procedure, March 15, 1951.

§ 603.000 *Scope of part.* Supplementary to, but consistent with Part 413 of this title, this part deals with requirements for the inspection and acceptance of supplies and services procured by the technical services and all other authorized Procuring Activities of the Army Establishment.

§ 603.002 *General policy.* All supplies and services procured by the Army Establishment (including those manufactured in the plants owned and operated by it) shall be inspected and accepted in accordance with the procedures set forth in this part, with the exception of those instances where it has been determined to be in the best interest of the Government to utilize the inspection services of another Government Agency (see § 603.005). In arranging for inspection, consideration will be given to the utilization of the inspection services of other Government Agencies to assure that inspection operations are carried out in the most economical fashion consistent with the best interest of the Government. Supplies and services shall be inspected by or under the supervision of an inspector representing the Government unless otherwise expressly provided in the contract.

§ 603.003 *Inspection requirements.* Inspection shall be conducted in accordance with (a) provision of the contract; (b) Subchapter A, Chapter IV of this title; (c) this Procedure; and (d) instructions issued by the Procuring Activity. A manufacturer's certificate

or other statement of quality or quantity may be considered, at the discretion of the Procuring Activity, a proper element in determining whether supplies and services are in conformance with the contract, but such certificate or other statement shall not be considered as eliminating the necessity for inspection. When a public exigency will not permit all required inspection, the Procuring Activity may reduce inspection to a level consistent with the circumstances. When the contract provides for inspection at source and it has been determined to be in the best interest of the Government to ship prior to inspection, such shipment may be made if the contractor agrees to bear the costs which may be incurred as a result of a rejection upon completion of the required inspection.

§ 603.004 *Points of inspection.* Inspection on behalf of the Government shall be conducted in all cases prior to acceptance, except as otherwise permitted by Part 413 of this title, as implemented by this part. To the extent practicable, inspection of supplies shall be made at such times and places (including the stage and period of manufacture and including subcontractors' plant) as are necessary to determine that the supplies will conform to the contract.

(a) Purchases will normally be inspected at origin when the situation meets one or more of the following descriptions:

(1) Items in continuous volume production at a given plant.

(2) Where plants are so grouped geographically as to make visits by inspectors practicable and economical.

(3) Where quality control and inspection are inseparably related to the production methods at a particular plant;

(4) Where it is necessary to determine compliance with contract requirements as items are produced, or as soon thereafter as possible, to eliminate considerable expense to the contractor or to the Government resulting from delay in correcting the item and from manufacture and shipment of unacceptable products.

(5) Products where hidden defects could be located only during process of manufacture.

(6) Where special instruments, gages, or facilities for inspection are available only at the manufacturer's plant.

(7) Where it would be necessary to replace costly special packaging and packing which would be destroyed by destination inspection.

(8) Such other purchases as may be determined by the Procuring Activity to be in the best interest of the Government.

(b) Purchases will normally be inspected at destination, provided the interest of the Government is adequately protected thereby when the situation meets one or more of the following descriptions:

(1) Off-the-shelf purchases from distributors rather than manufacturers.

(2) Small onetime purchases that do not require special equipment for inspection.

(3) Plants where the volume of procurement is not sufficient to justify a full time inspector and the increase in cost caused by inspection at origin would be unwarranted.

(4) Where necessary specialized testing equipment is located only at destination.

(5) Biologicals processed under direct control of National Institute of Health or the Federal Food and Drug Administration.

(6) Perishable subsistence.

(7) Such other purchases as may be determined by the Procuring Activity to be in the best interest of the Government.

(c) Perishable subsistence destined for oversea shipment will be inspected for condition and quantity at ports of embarkation. The Transportation Corps will call on the Quartermaster Corps to make such arrangements as may be necessary to provide the technical inspection required.

(d) Brand name items purchased for authorized resale normally will be inspected and accepted at destination. Inspection of such supplies at ports of embarkation will be accomplished by Contracting Officers on the basis of a tally-sheet signed by the Port Transportation Officer evidencing receipt of shipment.

§ 603.005 *Responsibility for inspection.* Inspection is the responsibility of the Procuring Activity concerned. In instances where it is desirable to have inspection performed at destination, arrangements will normally be made to have the activity requiring the supplies perform the necessary inspection. Ports of embarkation will not be required to perform procurement inspections of a technical nature for other activities on supplies received in transit for oversea shipment. Inspection at installations or bases normally will be limited to quantity checks and checks of quality not requiring technical training or special equipment. The activity responsible for inspection may utilize the inspection services of other Government activities provided satisfactory agreement may be reached with the other activity concerned. Such agreements will be in accordance with the following polfcies and procedures:

(a) When made with other military department activities they will normally be on a reimbursement-in-kind basis.

(b) When made between Procuring Activities of the Army Establishment and Government activities outside the military departments they will be on a reimbursement basis acceptable to the activities concerned.

(c) They will include agreements on the following procedural matters:

(1) Inspection practices.

(2) Reporting of shipments.

(3) Accomplishment of paper work.

(4) Processing of shipping documents.

(5) A definite understanding concerning which agency is to furnish the inspection gages, measuring instruments, and laboratory facilities; the location of such facilities as well as the expected delivery date of inspection gages and measuring instruments, if such devices are required.

§ 603.006 *Acceptance.* Acceptance is the act of an authorized agent of the Government by which the Government acknowledges and agrees that the supplies or services are in conformance with the contract as to quality and quantity. Inspection prior to acceptance shall be for the convenience of the Government and should not be construed as indicating acceptance. Acceptance is the responsibility of the Procuring Activity. Where desirable, for reasons of urgency or economy, supplies which fail to meet all contract requirements may be accepted under special circumstances, subject to equitable adjustment of the contract price or such other adjustments as may be provided for by the contract. If, as a result of inspection, supplies are not accepted, they will be returned to the contractor or held for his disposition at no cost to the Government.

§ 603.007 *Joint procedures.* All inspection of supplies and services by Army Procuring Activities will be consistent with approved standards promulgated by the Department of Defense.

§ 603.008 *Contract provisions.* The contract clauses required for use in this part are set forth in parts 406 and 596 of this title.

SUBPART A—INSPECTION ORGANIZATION

§ 603.100 *Scope.* This subpart sets forth the general policy of the Department of the Army as to organization within the technical services regarding procurement inspection activities.

§ 603.101 *Responsibilities for inspection staffs in the technical services.* (a) The Headquarters Inspection organization of each technical service will be staffed to perform the following:

(1) Maintain continuous and close liaison with Standards Branch, Procurement Division, G–4, Department of the Army.

(2) Formulate and supervise technical service inspection policies and procedures adhering to Department of Defense and Department of the Army policies to effect:

(i) Elimination of duplication of inspection.

(ii) Adequate quality assurance of all defense procurement.

(iii) Uniformity of standards of quality assurance and quality control.

(iv) Simplification of relations with industry.

(v) Facilitation of rapid expansion in emergency.

(vi) Training of inspection personnel.

(3) Serve as contact point with inspection organizations of other technical services of the Army Establishment, Navy and Air Force.

(b) The inspection organization of each technical service, either locally or centrally will be staffed to accomplish the following:

(1) Inspect the supplies and services procured by the technical service.

(2) Establish inspection point.

(3) Select and train personnel to whom the task of determining acceptability of supplies and services procured will be assigned.

(4) Properly assign inspection personnel to specific tasks in accordance with qualifications.

(5) Maintain historical records of the assignment of each inspector.

(6) Maintain continuous liaison with procurement authorities for determining inspection requirements in future procurement.

(7) Determine inspection requirement for mobilization planning.

(8) Determine adequacy of contractor's inspection methods and procedures for maintaining acceptable quality.

(9) Cooperation with Research and Development and Engineering organizations in determining sampling inspection and test requirements in specifications.

(10) Preparation of written standard inspection procedures for all standard items of procurement.

(11) Recommendation of approval or disapproval of requests for deviation from specification requirements.

(12) Visit bidder's plant, upon request of the Contracting Officer, to make preaward surveys of their capacity to produce supplies and services in accordance with requirements of Invitation for Bids.

(13) Disseminate information regarding rights and obligations of the Government and the contractors, respectively, with regard to performance of the inspection mission.

(14) Determine and present all facts pertinent to the inspection mission relative to claims for refund or remission of liquidated damages or in connection with the Disputes or Default Clauses of the contract when requested by the Contracting Officer.

(15) Recommend new contract clauses and revisions of old contract clauses insofar as may be deemed necessary in the light of experience in the field of Government inspection.

(16) Initially report frauds, suspected frauds, and other suspected criminal conduct in connection with Government contracts to the Contracting Officer.

(17) Report noncompliance with Government contracts such as improper employment or inadequate compensation of labor, improper labor, improper maintenance of records, etc. to the Contracting Officer.

SUBPART B—INSPECTION PERSONNEL

§ 603.200 *Scope.* This subpart establishes the over-all Army policy for the procurement, training, and assignment of inspection personnel.

§ 603.201 *Procurement.* Vacancies in inspection organizations will be filled whenever possible by procurement of surplus inspectors from other technical services.

§ 603.202 *Training.* Each technical service will prepare and publish an organized program for the training of inspectors. This program shall be applicable to both peacetime and emergency situations.

(a) *Types of inspectors to be trained.* The training program shall include the material needed for training line inspectors, technical inspectors, and administrative and supervisory inspectors.

(b) *Types of training.* Normally maximum use should be made of "on-the-job" training procedures in order that:

(1) Rapid expansion will be possible in the event of an emergency.

(2) No transitional period will be required from classroom to the actual job.

§ 603.203 *Assignment and administration of inspectors.* (a) Certain principles that apply particularly to the assignment and administration of inspectors are set forth in the belief that careful observance will result in more effective utilization of trained manpower and a greater concentration of the inspection effort along productive lines.

(b) Assignment of the inspection personnel to any given job will be most effectively carried out if those responsible for planning are able to specify the number and types of inspectors needed, and furnish details about the work that will permit analysis of each position from the standpoint of qualifications necessary for fulfillment.

(c) To assist in the proper placement of qualified personnel, and to provide records of current assignments, each inspection office of the technical service having assignment jurisdiction over inspectors will keep a historical record of the assignments of each inspector. In addition to recording previous experience and training, this record will contain such information as present assignment, estimate of when next available, status regarding clearance to handle classified information, and any other data that will be helpful in determining proper placement of personnel.

(d) Assignment should be based on both geographical and technical qualifications. By placing authority and responsibility near points of action, closer administrative supervision will be exercised, savings in inspection man-hours, per diem and travel expense through reduced travel will be effected, and inspector morale will be improved through the more satisfactory working conditions thus established.

(e) When, by reason of lessening of work at one inspection level point, a surplus of inspection personnel occurs and the inspection authority having jurisdiction indicates that the surplus cannot be effectively utilized, information of the available personnel will be given by the personnel office of the Procuring Activity involved to the personnel officers of the other Procuring Activities in the same vicinity for possible utilization. Similarly, when additional personnel are needed, the personnel officers of the Procuring Activities involved will make inquiry of other such personnel officers to ascertain if trained inspection personnel are available before additional personnel are employed and trained. This liaison between personnel offices, to determine the current availability of personnel, is essential to the effective utilization of inspection manpower in the various Activities, and shall be established as a continuing method of operation.

SUBPART C—INSPECTION OPERATIONS

§ 603.300 *Scope.* This subpart establishes those phases of the inspection of procured supplies and services wherein uniformity in the operation of the various technical services is essential if maximum efficiency and economy of the over-all Army Establishment inspection function is to be achieved. It implements Subchapter A, Chapter IV of this title generally rather than a specific part or section thereof.

§ 603.301 *Documents essential for inspection.* (a) The inspection organization of each technical service shall prepare and supply the inspectors such manuals, handbooks, and such Standard Inspection Procedures as are needed for the efficient performance of the job to manuals, handbooks, and such other Standard Inspection Procedures shall be considered tentative until reviewed and approved by the Assistant Chief of Staff, G–4, Department of the Army (Chief, Standards Branch).

(b) Each inspector in charge of inspection operations in a plant shall be supplied with the following:

(1) Extract of the contract, letters of intent, memorandum of awards, change orders, etc., that include all the data necessary for the performance of inspection.

(2) Copies of the applicable specifications.

§ 603.302 *Amount of inspection.* (a) The amount of inspection will vary depending upon the importance of items and dimensions and the past quality history of the contractor from a very thorough inspection of each item or dimension to the inspection of relatively small samples drawn from the items offered for inspection and acceptance.

(b) Under certain conditions it is uneconomical to have inspection performed each time a shipment is made from a contractor's plant. When the monetary value and functional importance of the supplies shipped are relatively low and the contractor's past quality history is high, inspection may consist of inspections made, without prior announcement to the contractor, at such times as deemed necessary by the cognizant inspection agency. Shipments of such supplies made between inspection visits will be certified as acceptable by the inspection agency on the basis of vendors' invoices supported by a receipted bill of lading, a prepaid railway express slip or an insured Government parcel post receipt, and on the basis of the quality history of the contractor as judged by the past inspection visits.

(c) Sampling procedures, when utilized, will in general be of the following types:

(1) Samples drawn and tested in accordance with specification requirements.

(2) Sampling procedures in accordance with MIL–STD–105. The use of sampling inspection plans with their associated Acceptable Quality Levels and Classifications of Defects has an effect on the cost of producing and delivering

supplies contracted for by the Government, therefore, all invitations for bids and subsequent contracts shall include or reference the applicable Acceptable Quality Levels and Classifications of Defects when they are to be used in the inspection of the supplies being procured.

(3) Sampling procedures that utilize analysis of the results of inspection on a variable basis. (Standardization of this method is in process currently in Munitions Board Material Inspection Agency. Until such time as a Military Standard is published covering this method, locally developed plans should be utilized when applicable and in the best interest of the Government.)

§ 603.303 *Place of inspection.* (a) Wherever feasible, Government inspection of the end product will be employed, and in-process inspection by Government inspectors will be minimized without excessive loss of quality assurance.

(b) Normally Government inspection will be conducted at points of final assembly of prime contractor.

(c) The prime contractor is responsible for the quality of the raw materials, components, parts, and subassemblies incorporated in his finished product, except as to items of Government Furnished Property or where contrary contract provisions exist. However, in many cases it will be found to be in the interest of the Government to apply inspection to such raw materials as steel, copper, brass, etc., at the plant of the producer. Likewise, in some cases, it will be found essential or highly desirable to apply inspection at the plant of the manufacturer of parts and subassemblies under subcontract. The technical services will establish the detailed procedures for determining when and where such subcontractor inspection will take place. Whenever inspection is performed prior to final inspection for acceptance purposes, the stamps, tags, and other marking devices used to indicate such inspection shall be designed and/or their meaning so defined as to indicate without question that the inspection was entirely for the convenience of the Government and that such approval implied or otherwise is provisional in nature. This provisional approval requirement is essential in order that the Government will never be in the position of interfering with the prime-subcontractor relationship and further so that the Government will never be in such position that it is unable to reject supplies not in accordance with requirements of the contract at the time final inspection for acceptance purposes is made.

(d) When raw material, components, parts, or assemblies have been subjected to earlier Government inspection and approval, they are not to be Government inspected again upon being received at the plant of the contractor, unless specifically provided for, except when check inspection indicates evidence of possible damage or deterioration in transit. Such check inspection to determine proper identity, quantity, and condition will always be made upon receipt of shipments.

(e) The principle that will govern inspection at Government manufacturing installations is that those responsible for process inspection of production will not be responsible for approving Government acceptability of product.

§ 603.304 *Deviations and modifications.* Each Procuring Activity will clearly define the extent to which its subdivisions are authorized to approve deviations from contract requirements and will prescribe the procedures and channels for obtaining such approvals.

§ 603.305 *Rejections.* (a) Notification of rejections will be given the contractor and will include the reasons for the rejection, and if deemed advisable, any suggestions that might help him in correcting the cause of rejection.

(b) Suitable methods for properly identifying rejected material will be established by the Procuring Activity and will be employed by inspectors in order to eliminate any possibility of the contractor's resubmitting rejected supplies on which the deficiencies have not been corrected. Such methods will also include provisions for tagging, marking, or isolating provisionally rejected supplies until accepted or finally rejected.

(c) Each procuring Activity will clearly define the extent to which its subdivisions are authorized to suspend work on contracts involving the use of Government Furnished Property when it appears that considerable spoilage will result. The technical service will prescribe in detail the channels for reporting such conditions. In each case, the contractor shall be notified in writing to suspend any work on the item which includes or follows the operation responsible for the defect until the dispute is resolved by higher authority.

§ 603.306 *Marking and shipping.* (a) Each service will prepare and disseminate to their inspection organizations detailed instructions covering proper handling of shipments at Government expense, Government bills-of-lading, parcel post shipments, shipment by Government owned transportation, emergency shipments, guarding of shipments containing classified supplies and services (see AR–380–5 (Parts 505 and 509 of this chapter)), shipment at contractor's expense, and all other necessary instructions.

(b) At the time supplies are finally accepted by the inspector, they will be adequately marked with the stamp of the inspecting technical service to show evidence of acceptance (see § 596.303 (c) of this chapter).

§ 603.307 *Security.* (a) The importance of strict observance of security regulations imposed for the safeguarding of vital information will be impressed upon inspection personnel at all levels.

(b) Whenever the development, production, or procurement of an article of supplies and services is classified, information regarding these projects will be considered to be information affecting the national defense within the meaning of the provisions of the Espionage Act. Contract, specifications, drawings, correspondence, and reports pertaining to a classified project, as well as many other papers containing information requiring classification, bear the marking—Secret, Confidential, or Restricted. Provisions for handling, transmitting, and storing such papers are made in AR 380–5, of which copies or pertinent extracts are obtainable. (See also § 596.104–12.)

(c) Extreme care will be taken by all inspection personnel who are required to use such papers in the course of their work to prevent unauthorized individuals from obtaining access to them or the information contained therein. Inspectors are to be particularly careful not to discuss their work with nor give any information concerning it to anyone except authorized persons.

SUBPART D—INSPECTOR-CONTRACTOR RELATIONS

§ 603.400 *Scope.* This subpart establishes the general rules for the conduct of inspectors as regards their relations with contractors.

§ 603.401 *General responsibilities.* The inspector at a contractor's plant will be responsible for those Government inspection operations, records, and personnel under his jurisdiction within the plant. He will take all necessary steps to insure compliance with the principles and policies set forth in Parts 590–603 of this chapter and procedures prescribed in the inspection manuals and related publications of his technical service. After inspection begins in a contractor's plant, the inspector is to be considered as the contact point for the service on all inspection matters. He will be advised promptly of any contract interpretations or other official changes affecting the discharge of the inspection functions. These will be sent to the contractor through the inspector, or to the inspector at the time the contractor is notified. During the course of inspection in a contractor's plant, the inspector will pay particular attention to the following:

(a) The contractor's inspection methods will be observed continually to detect any laxity or other factors which might adversely affect the quality of supplies and services to be submitted to Government inspectors for acceptance.

(b) The inspector, having in mind the contractor's inspection procedures necessary for maintaining quality, may assist him, in a cooperative and advisory manner only, in making improvements in his inspection methods and procedures.

(c) The inspector will assure that a clear understanding exists with the contractor on all inspection matters in which they are mutually interested, and he will endeavor at all times to build up a spirit of cooperation.

(d) The inspector will promptly and discreetly report to his superiors all information on conditions in the plant of a contractor which are detrimental to the interest of the Government. Such reports should state the source(s) of the information and will cover the following subjects:

(1) Use of substandard quality of supplies.

(2) Any treatment or manipulation of supplies or equipment inconsistent with approved practice.

(3) Factors contributing to a falling off in production.

(4) Failures to meet delivery schedules.

(5) Interference with prompt and effective Government inspection.

(6) Actual or potential labor troubles detrimental to the Government's interest.

(7) Evidence of sabotage, espionage, subversive activities, or intent to defraud.

(8) Deliberate and repeated manufacture of substandard supplies, with a view toward supplying rejects to civilian customers.

(9) Bribes or attempted bribes.

(10) Offering of favors of any kind with intent to influence an inspector's decision.

(11) Threats of violence or action to remove an inspector with intent to intimidate an inspector or to influence an inspector's decisions.

§ 603.402 *Compliance with contractor's rules and regulations.* The inspector will observe the applicable rules and regulations pertaining to personal conduct, safety, and security established in the contractor's plant, and will not make inspection where proper safety precautions are not observed by the contractor.

§ 603.403 *Standards of conduct.* In all phases of the inspector's activities the following rules of conduct policy will be followed:

(a) The inspector will be tactful and courteous and will cooperate with the contractor within the limits of his duties and responsibilities.

(b) The inspector will be impartial in action and judgment and render prompt decisions on inspection problems.

(c) The inspector will avoid undue familiarity with officials and employees of the contractor.

(d) The inspector will not disclose to any unauthorized person any information whatsoever concerning the design, production, movement, quantity, condition, or disposition of supplies.

(e) The inspector will not discuss the contractor's affairs or plant operations, except as authorized by his organization.

(f) The inspector will not accept from the contractor contributions of any kind for the benefit of himself or any other person, firm, or organization. He will not accept gifts, loans, favors, meals, beverages, tickets of admission to theaters or sporting events, housing accommodations, facilities for week-end trips, transportation, etc.

(g) Where plants are located in such places and under such conditions that meals and housing accommodations are available only at contractor-owned or contractor-sponsored facilities, inspectors may arrange for meals, and housing at such facilities upon payment of adequate reimbursement therefor.

(h) The inspector will not accept any other thing of value or service from persons or firms transacting business with the Army Establishment or from persons or firms with which the inspector might have been concerned in any way.

(i) An employee of the inspection organization will not suffer or permit any member of his immediate family to accept or do any of the things which are prohibited with respect to the employee himself, and which might bring discredit to the Army Establishment.

(j) Such other standards of conduct as given in § 590.455 of this chapter.

[F. R. Doc. 51–5334; Filed, May 4, 1951; 8:54 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. P. L. 46]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:[1]

1. The following revisions are made to clarify the wording of the commodity descriptions without making substantive changes:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
735500	Pumping equipment: Centrifugal pumps (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) designed delivery pressures at pump discharge of 300 pounds per square inch and over; (b) designed to operate continuously at temperatures of 220 degrees Fahrenheit and over; (c) fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A."[1]	No.....	CONS	None	RO
735500	Centrifugal pumps (delivering liquids separately or in combination with solids and/or gases) with all of the following characteristics: (a) designed delivery pressures at pump discharge of 75 to 300 pounds per square inch; (b) designed to operate continuously at temperatures under 220 degrees Fahrenheit; and (c) not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A."[1]	No.....	CONS	None	R
735600	Rotary pumps (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) designed delivery pressures at pump discharge of 300 pounds per square inch and over; (b) designed to operate continuously at temperatures of 220 degrees Fahrenheit and over; (c) fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A."[1]	No.....	CONS	None	RO
735600	Rotary pumps (delivering liquids separately or in combination with solids and/or gases) with all of the following characteristics: (a) designed delivery pressures at pump discharge of 75 to 300 pounds per square inch; (b) designed to operate continuously at temperatures under 220 degrees Fahrenheit; and (c) not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A."[1]	No.....	CONS	None	R
735700	Deep-well turbine pumps (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) designed delivery pressures at pump discharge of 300 pounds per square inch and over as calculated by the manufacturer under the assumed condition that the bowl assembly is directly connected to the drive head assembly without intervening column pipe; (b) designed to operate continuously at temperatures of 220 degrees Fahrenheit and over; (c) fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A."[1]	No.....	CONS	None	RO
735700	Deep-well turbine pumps (delivering liquids separately or in combination with solids and/or gases) with all of the following characteristics: (a) designed delivery pressures at pump discharge of 75 to 300 pounds per square inch as calculated by the manufacturer under the assumed condition that the bowl assembly is directly connected to the drive head assembly without intervening column pipe; (b) designed to operate continuously at temperatures under 220 degrees Fahrenheit; and (c) not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A."[1]	No.....	CONS	None	R
735800	Reciprocating steam pumps (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) designed delivery pressures at pump discharge of 300 pounds per square inch and over; (b) designed to operate continuously at temperatures of 220 degrees Fahrenheit and over; (c) fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A."[1]	No.....	CONS	None	RO

[1] This revision affects characteristic (a) only.

[1] This part of the amendment was published in Current Export Bulletin No. 617, dated April 27, 1951.

3. The following revisions are made in commodity descriptions. The revisions include changes in validated license control.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
735800	Pumping equipment—Continued. Reciprocating steam pumps (delivering liquids separately or in combination with solids and/or gases) with all of the following characteristics: (a) designed for delivery pressures at pump discharge of 75 to 300 pounds per square inch; (b) designed to operate continuously at temperatures under 250 degrees Fahrenheit; and (c) not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A".[1]	No.	COS3	None	R
736150	Other reciprocating power pumps (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) designed for delivery pressures at pump discharge of 75 to 300 pounds per square inch; (b) designed to operate continuously at temperatures under 250 degrees Fahrenheit and over; (c) fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A".[1]	No.	COS3	None	R
736190	Other reciprocating power pumps (delivering liquids separately or in combination with solids and/or gases) with all of the following characteristics: (a) designed for delivery pressures at pump discharge of 75 to 300 pounds per square inch; (b) designed to operate continuously at temperatures under 250 degrees Fahrenheit and over; (c) not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A".[1]	No.	COS3	None	R
736910	Pumps, n.e.s. (delivering liquids separately or in combination with solids and/or gases) with all of the following characteristics: (a) designed for delivery pressures at pump discharge of 75 to 300 pounds per square inch; (b) designed to operate continuously at temperatures under 250 degrees Fahrenheit and over; (c) not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A".[1]	No.	COS3	None	RO
736990	Pumps, n.e.s. (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) designed for delivery pressures at pump discharge of 75 to 300 pounds per square inch; (b) designed to operate continuously at temperatures under 250 degrees Fahrenheit and over; (c) fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A".[1]	No.	COS3	None	RO
736990	Pumps for pumps included on the Positive List under Schedule B Nos. 735800 through 736990 for which validated license is required to R and O country destinations.	.....	COS3	100	R
736990	Parts for pumps included on the Positive List under Schedule B Nos. 735800 through 736990 for which validated license is required to R country destinations.	.....	COS3	None	RO

[1] This revision affects characteristic (a) only.

This part of the amendment shall become effective as of April 27, 1951.

2. Certain commodities are changed from R to RO commodities as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
20r 60 70r 120	Natural and synthetic rubber manufactures, n.e.s.: Water-fabricated bearings ..... Electrical industrial annealing and heat-treating furnaces, and parts.	.....	RUBR ELME 1	250 100	RO RO

This part of the amendment shall become effective as of 12:01 a. m., May 2, 1951.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
775050	Chemical and pharmaceutical machinery and parts: Complete processing equipment installations or unit components thereof, operating at pressures over 300 psi, including special designed items of processing equipment installations, e.g., autoclaves and digesters.[1]	.....	GIEQ 2	None	RO
775050	Complete processing equipment installations for concentrating mineral acids or unit components thereof, n. e. s., and including specially designed items of equipment for same.[10]	.....	GIEQ 2	None	RO
775050	Destructive distillation equipment and parts.[11]	.....	GIEQ 1	None	R
775050	Driers for chemical processes of the following types: continuous screen; cylinder; drum; rotary; spray; vacuum; and parts.[12]	.....	GIEQ	25	R
775050	Fractionating, rectifying and dephlegmation columns, and parts.[13]	.....	GIEQ 1	None	R
775050	Liquid solvent, extraction equipment, and parts, other than centrifugal counter-current solvent extractors, and parts.[14]	.....	GIEQ 1	None	R
775050	Pyrites roasters.[15]	.....	GIEQ 1	None	RO
775050	Sulfur burners.[15]	.....	GIEQ	None	RO
775050	Tanks, vats, kettles, piping and allied fixtures made of or lined with any corrosion-resistant material as defined in the "General Notes to Appendix A" (report steel storage tanks in 604300 if unlined; 620915 if lined).[16]	.....	GIEQ	None	RO
775050	Vacuum stills (report operating vacuum in millimeters mercury pressure absolute).[16]	.....	GIEQ 1	None	R
775098	Industrial machinery and parts, n.e.s.: Complete processing equipment installations or unit components thereof, operating at pressures over 300 pounds per square inch including specially designed items of processing equipment installations, e. g., autoclaves and digesters.[2]	.....	GIEQ	None	RO
775098	Tanks, vats, kettles, piping and allied fixtures made of or lined with any corrosion-resistant material as defined in the "General Notes to Appendix A" (report steel storage tanks in 604300 if unlined; 620915 if lined).[3]	.....	GIEQ	None	RO
775098	Jacks, industrial, and parts, with lifting capacity of 10 tons or more (report jacks for construction use in 725100; jacks for garage use in 783180; and jacks, hand-operated in 617898).[17]	.....	GIEQ	25	R
783180	Other automobile service appliances, and parts (report air compressors under 770100 and 770500 according to capacity): Jacks for garage use, and parts, with lifting capacity of 10 tons or more (report jacks for construction use in 725100; jacks for industrial use in 775098, and jacks, hand-operated, in 617898).[3]	.....	GIEQ	25	R

[1] The above revised entry is substituted for the seventh and twenty-fourth entries under Schedule B No. 775050. The effect of this amendment is the same as noted in footnote 7 above.

[2] The above revised entry is substituted for the first entry under Schedule B No. 775050. The effect is to change from R to RO control unit components, n.e.s., of the equipment covered by this revised entry; and to reduce the GLV dollar-value limit from $150 to "None."

[3] The above revised entry is substituted for the sixteenth entry under Schedule B No. 775050. The effect is to remove the limitations as to pressure and metals; to delete from this entry distillation equipment other than "destructive"; and to reduce the GLV dollar-value limit from $100 to "None."

[4] This amendment establishes a separate entry for certain commodities included in the last entry under Schedule B No. 775050, other chemical and pharmaceutical machinery and parts, validated license required, R. The effect is to reduce the GLV dollar-value limit for the commodities in the above new listing from $100 to $25.

[5] The above revised entry is substituted for the twenty-second entry under Schedule B No. 775050. The effect of this amendment is to remove the limitations of pressure on fractionating columns; and to reduce the GLV dollar-value limit for the commodities in the above revised entry from $100 to "None."

[6] The above revised entry is substituted for the thirty-second and thirty-third entries under Schedule B No. 775050. The effect of this amendment is to reduce the GLV dollar-value limit for solvent recovery machinery from $100 to "None."

[7] The two above revised entries are substituted for the thirty-fourth entry under Schedule B No. 775050. The effect of this amendment is to clarify the description; to change the controls for both of the revised entries from R to RO; and to reduce the GLV dollar-value limits from $100 to "None."

[8] The above revised entry is substituted for the second and fifth entries under Schedule B No. 775050. The effect of this amendment is to extend the coverage to include all tanks, vats, kettles, piping and allied fixtures made of or lined with any corrosion-resistant material; to change the controls for the commodities included in the above revised entry from R to RO; and to reduce the GLV dollar-value limits from $100 to "None."

[9] The above revised entry is substituted for the thirty-sixth entry under Schedule B No. 775050. The effect is to reduce the GLV dollar-value limit for vacuum stills from $100 to "None."

[10] The above revised entry is substituted for the second entry under Schedule B No. 775098. The effect is to add to the Positive List as RO commodities complete processing equipment installations or unit components thereof, operating at pressures over 200 pounds per square inch, including specially designed items of processing equipment installations except autoclaves and digesters which are included in the second entry presently on the Positive List; to delete autoclaves and digesters between 100 up to and including 200 pounds per square inch, and to reduce the GLV dollar-value limit for the commodities in the present entry from $100 to "None."

[11] The above revised entry is substituted for the first entry under Schedule B No. 775098. The effect is to change the controls for the commodities included in the present entry from R to RO; to extend the coverage to include all tanks, vats, kettles, piping and allied fixtures made of or lined with any corrosion-resistant material; and to reduce the GLV dollar-value limit from $100 to "None."

[12] The above revised entry is substituted for the fifteenth entry under Schedule B No. 775098. The effect of this amendment is to add to the Positive List parts for jacks covered by this entry, and to increase the GLV dollar-value limit for such jacks from "None" to $25.

[13] The above revised entry is substituted for the third entry under Schedule B No. 783180, "jacks for garage use." The effect of this amendment is to add parts for jacks covered by this entry, and to delete from the Positive List jacks with lifting capacity of less than 10 tons; and to increase the GLV dollar-value limit from "None" to $25.

In the foregoing notes, some entries are identified as, for example, "the second and third entries," "the sixteenth entry," etc., under a single Schedule B number. This identification is a reference to the sequence in which the entries appear on the Positive List as published in the Comprehensive Export Schedule immediately prior to Apr. 27, 1951.

This part of the amendment shall become effective as of 12:01 a. m., May 2, 1951.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, or whose GLV dollar-value limits were reduced, as a result of changes set forth in Parts 2 and 3 above which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., May 2, 1951, may be exported under the previous general license provisions up to and including May 27, 1951. Any such shipment not laden aboard the exporting carrier on or before May 27, 1951, requires a validated license for export.

Section 399.2 *Appendix B—Interpretations: Positive List of Commodities* is amended by adding thereto the following new interpretation: [2]

Interpretation 3: Ball and roller bearings and parts

(1) A ball or roller bearing physically incorporated in a segment of a machine or in a complete machine prior to shipment loses its identity as a bearing and the machine or segment of machinery containing the bearing is the item subject to export license requirements.

(2) A ball or roller bearing not incorporated in a segment of a machine prior to shipment but shipped as a component of a complete unassembled (knocked-down) machine is considered a component of the machine, and the complete machine is the item subject to export license requirements.

(3) Ball and roller bearings shipped as spares or replacements are classified in Schedule B Nos. 769100–769315 (Ball and roller bearings and parts). This applies to separate shipments of ball and roller bearings and ball and roller bearings shipped with machinery or equipment for which they are intended to be used as spares or replacement parts.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51–5224; Filed, May 4, 1951; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 655—NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

MINIMUM WAGE ORDER

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C., Sup., 1001) notice was published in the FEDERAL REGISTER on April 11, 1951, (16 F. R. 3191–3194) of the Administrator's decision to approve the minimum wage recommendations of Special Industry Committee No. 8 for Puerto Rico for the needlework and fabricated textile products industry in Puerto Rico, and the wage order which he proposed to issue to carry such recommendations into effect was published therewith. Interested parties were given an opportunity to submit exceptions.

Exceptions have been filed by several interested parties. The arguments and materials presented in the exceptions were considered at the time the Administrator made the decision to approve the recommendations of the industry

[2] This part of the amendment was published in Current Export Bulletin No. 616, dated April 19, 1951.

committee. The exceptions raise no new matters requiring any change or modification of the previous decision.

It has been requested that approval of the recommended rates be withheld until action is taken by the Office of Price Stabilization with reference to the ceiling prices applicable to the products of this industry. The matter of such ceiling prices is presently under consideration by the Office of Price Stabilization. That agency will take such action in the matter as it considers appropriate.

Under the circumstances, the requests which have been received for a postponement of the effective date of this order or for a reopening of the hearing in this matter are hereby denied.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), the said decision is hereby affirmed and made final and the said wage order is hereby issued, to become effective June 4, 1951.

Sec.
655.1 Approval of recommendations of industry committee.
655.2 Wage rates.
655.3 Notices of order.
655.4 Definitions of the needlework and fabricated textile products industry in Puerto Rico and its divisions.

AUTHORITY: § 655.1 to 655.4 issued under sec. 8, 52 Stat. 1064; 29 U. S. C. 208.

§ 655.1 *Approval of recommendations of industry committee.* The Committee's recommendations are hereby approved.

§ 655.2 *Wage rates.* (a) (1) Wages at a rate of not less than 21 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the woven and knitted fabric glove division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 45 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the woven and knitted fabric glove division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in machine operating or in operations known to the industry as cutting, laying off, sizing, banding, and boxing, and who is engaged in commerce or in the production of goods for commerce.

(3) Wages at a rate of not less than 29 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the woven and knitted fabric glove division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in operations other than hand sewing, machine operating, and operations known to the industry as cutting, laying off, sizing, banding, and boxing, and who is engaged in commerce or in the production of goods for commerce.

(b) (1) Wages at a rate of not less than 25 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the leather glove division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 52 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the leather glove division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in machine operating, or in any operations known to the industry as cutting, laying off, sizing, banding, and boxing, and who is engaged in commerce or in the production of goods for commerce.

(3) Wages at a rate of not less than 29 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the leather glove division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in operations other than hand sewing, machine operating, and operations known to the industry as cutting, laying off, sizing, banding, and boxing, and who is engaged in commerce or in the production of goods for commerce.

(c) (1) Wages at a rate of not less than 21 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the silk, rayon, and nylon underwear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 34 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the silk, rayon, and nylon underwear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, cleaning, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

(d) (1) Wages at a rate of not less than 17½ cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the cotton underwear and infants' underwear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the cotton underwear and infants' underwear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, stamping, machine operating, sorting, washing, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

(e) (1) Wages at a rate of not less than 17½ cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the infants' wear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the infants' wear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, pinning, washing, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

(f) (1) Wages at a rate of not less than 17½ cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the needlepoint division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, embroidering and embellishing by hand and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the needlepoint division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, stamping, sorting, finishing, and packing, and who is engaged in commerce or in the production of goods for commerce.

(g) (1) Wages at a rate of not less than 17½ cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the household art linen division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the household art linen division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, ribboning, washing, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

(h) (1) Wages at a rate of not less than 17½ cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the handkerchief and square scarf division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the handkerchief and square scarf division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, ribboning, washing, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

(i) (1) Wages at a rate of not less than 28 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the children's dresses division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 31 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the children's dresses division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, cleaning, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

(j) Wages at a rate of not less than 33 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the corsets, brassieres, and allied garments division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(k) Wages at a rate of not less than 32 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the crochet slipper division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(l) Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the crochet beading division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(m) Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the bullion embroidery division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(n) Wages at a rate of not less than 36 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the corde and bonnaz embroidery and corde handbag division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(o) (1) Wages at a rate of not less than 28 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the women's blouses, dresses, and neckwear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the women's blouses, dresses, and neckwear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, cleaning, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

(p) Wages at a rate of not less than 45 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the fur garment division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(q) (1) Wages at a rate of not less than 21 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the miscellaneous division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the miscellaneous division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, cleaning, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

§ 655.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the needlework and fabricated textile products industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed, from time to time, by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 655.4 *Definition of the needlework and fabricated textile products industry in Puerto Rico and its divisions.* (a) The needlework and fabricated textile products industry in Puerto Rico, to which this part shall apply, is hereby defined as follows: The manufacture from any material of all apparel and apparel furnishings and accessories may by the knitting, crocheting, cutting, sewing, embroidering or other processes, and the manufacture of all textiles and textile products except the manufacture of hooked rugs and products or activities included in the following industries in Puerto Rico as defined in the wage orders for such industries: The shoe manufacturing and allied industries, the textile and textile products industry, the button, buckle, and jewelry industry, the hosiery industry, the hairnet industry, the artificial flower industry, the men's and boys' clothing and related products industry, and the handicraft products industry. This definition includes, but without limitation, handkerchiefs, scarves and mufflers; gloves; women's,

misses', girls' and infants' outerwear, underwear, and nightwear; women's and misses' corsets and allied garments; millinery; handbags (except handbags made by hand out of raffia, maguey, straw, or similar materials); household art linens; needlepoint; embroideries and trimmings; curtains, draperies, and bedspreads; and miscellaneous fabricated textile products.

This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

(b) The separable divisions of the industry, as defined in paragraph (a) of this section, to which this part and its several provisions shall apply, are hereby defined as follows:

(1) *Woven and knitted fabric glove division.* The term woven and knitted fabric glove division shall mean the manufacture of all gloves and mittens from woven or knitted fabrics.

(2) *Leather glove division.* The term leather glove division shall mean the manufacture of all gloves and mittens from leather or from leather in combination with woven or knitted fabrics.

(3) *Silk, rayon and nylon underwear division.* The term silk, rayon and nylon underwear division shall mean the manufacture, from any woven or knitted fabric except cotton or from any woven or knitted fabric containing a mixture of cotton and other fibers, of women's, misses' and children's underwear and nightwear, including, but not by way of limitation, slips, nightgowns, negligees, panties, step-ins, pajamas, and similar articles.

(4) *Cotton underwear and infants' underwear division.* The term cotton underwear and infants' underwear division shall mean the manufacture from cotton of women's, misses' and children's underwear and nightwear, including, but not by way of limitation, slips, nightgowns, negligees, panties, step-ins, pajamas, and similar articles, and the manufacture of underwear and nightwear for infants under three years of age.

(5) *Infants' wear division.* The term infants' wear division shall mean the manufacture of dresses, rompers, creepers, sportswear and play apparel, for infants under three years of age.

(6) *Needlepoint division.* The term needlepoint division shall mean the manufacture of needlepoint on canvas or other material.

(7) *Household art linen division.* The term household art linen division shall mean the manufacture of household art linens including, but not by way of limitation, table cloths, napkins, bridge sets, luncheon cloths, table covers, sheets, pillow cases, and towels.

(8) *Handkerchief and square scarf division.* The term handkerchief and square scarf division shall mean the manufacture of plain, scalloped or ornamented handkerchiefs and square scarves.

(9) *Children's dresses division.* The term children's dresses division shall mean the manufacture of dresses for children over three years of age.

(10) *Corsets, brassieres, and allied garments division.* The term corsets, brassieres, and allied garments division shall mean the manufacture of corsets, brassieres, brassiere pads, girdles, sanitary belts, foundation garments, and similar items.

(11) *Crochet slipper division.* The term crochet slipper division shall mean the manufacture of slippers, slipper socks, mukluks, and similar types of footwear (except infants' bootees) made by a crocheting or knitting process.

(12) *Crochet beading division.* The term crochet beading division shall mean the embroidery of any article by a crochet beading process and all operations directly incidental to such embroidery.

(13) *Bullion embroidery division.* The term bullion embroidery division shall mean the manufacture of emblems and insignia made of bullion embroidery and the embroidery of any other articles with bullion threads and all operations directly incidental to such embroidery.

(14) *Corde and bonnaz embroidery and corde handbag division.* The term corde and bonnaz embroidery and corde handbag division shall mean the manufacture of corde handbags, corde plates for handbags, and other articles or trimmings made on a bonnaz embroidery machine.

(15) *Women's blouses, dresses, and neckwear division.* The term women's blouses, dresses and neckwear division shall mean the manufacture of women's and misses' blouses, waists, dresses, smocks, aprons, neckwear (including collar and cuff sets) and scarves (except square scarves).

(16) *Fur garment division.* The term fur garment division shall mean the manufacture of fur coats and other fur garments, accessories and trimmings.

(17) *Miscellaneous division.* The term miscellaneous division shall mean all products and activities included in the needlework and fabricated textile products industry, as defined in paragraph (a) of this section, which are not included in any of the other divisions of the industry as defined in this section.

Signed at Washington, D. C., this 3d day of May 1951.

F. GRANVILLE GRIMES, JR.,
Acting Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 51-5303; Filed, May 4, 1951; 9:03 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 6, Amdt. 6]

CPR 6—FATS AND OILS

RAW AND ACIDULATED SOAPSTOCKS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 6 to Ceiling Price Regulation 6 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment establishes specific ceiling prices for raw and acidulated soapstocks derived from domestic vegetable oils. Soapstock is the residue resulting from the refining of vegetable oils and is used principally in the production of fatty acids. The key price is 6¢ a pound for raw soapstock which is on a 50 percent total fatty acid basis. Corresponding to this 6¢ price for raw soapstock is a ceiling of 12½¢ a pound for acidulated soapstock. This differential reflects concentration to a 95 percent total fatty acid basis and the cost of acidulation and recovery. Provision is also made for differentials for point of delivery, grade and type of container.

Two major considerations were involved in selecting the 6¢ level.

To the refiner of vegetable oils, soapstock is a by-product obtained in the alkali refining process. The higher the value of the soapstock, the lower the cost of refining. Savings in refining costs mean savings to the consumer on such important end products as shortening, margarine, salad oil and salad dressings. This consideration was taken into account when the specific ceilings were established on refined cottonseed oil, soybean oil and corn oil and the 6¢ ceilings on soapstock established by a number of refiners under the General Ceiling Price Regulation, were used in calculating refining differentials. It was recognized by the refiners and the OPS that in no sense was a by-product credit equal to 6¢ a pound a guarantee, but rather was only permitted.

To the manufacturer of fatty acids, on the other hand, soapstock is one of several alternative raw materials. The degree of interchangeability of fatty acids made from vegetable oil soapstock and those made from tallows and greases differs from product to product in which fatty acids are used. Where vegetable and animal fatty acids are closely competitive, the former will be at a disadvantage provided soapstock sells at the 12½¢ ceiling (acidulated basis). This is the case since when fatty acids are made from acidulated soapstocks, no glycerine is obtained as a by-product. When, on the other hand, fatty acids are manufactured from tallow, for which the ceiling price is 15¢ on the fancy grade, about 4¢ worth of glycerine is obtained as a by-product. In the manufacture of products in which vegetable fatty acids are superior, no problem will arise because of their higher cost as against animal fatty acids. After full discussion of these considerations with representative groups of both refiners and vegetable fatty acid producers, it was concluded by this Office that market factors would obviate any dangers of substantial hardships.

AMENDATORY PROVISIONS

Ceiling Price Regulation 6 is amended in the following respects:

1. A new section 17 is added to the regulation to read as follows:

SEC. 17. *Vegetable oil soapstocks.*—(a) *Ceiling prices of raw soapstocks.* The ceiling prices of the following raw soapstocks, delivered in tank cars or tank wagons, shall be the following prices:

RAW SOAPSTOCKS—BASIS 50 PERCENT T. F. A.

[Cents per pound]

	New York	Chicago and Cincinnati	Los Angeles and San Francisco
Domestic vegetable oil soapstock (foots) including but not necessarily limited to cottonseed, soya, corn, peanut or any mixture thereof	6.125	6	6

(1) Where any of the above soapstocks (foots) are delivered to other destinations, the ceiling price shall be the price set forth above for the city nearest the point to which the soapstock is delivered, plus or minus the usual normal differential that prevailed prior to January 1, 1951, between the point to which the soapstock is delivered and the nearest city named in the above schedule.

(2) The usual or normal differentials for grade, above or below the listed grades, shall continue to apply.

(b) *Ceiling prices of acidulated soapstocks.* The ceiling prices of acidulated soapstocks, delivered in tank cars or tank wagons shall be the following prices:

ACIDULATED SOAPSTOCKS—BASIS 95 PERCENT T. F. A.

	New York	Chicago and Cincinnati	Los Angeles and San Francisco
Domestic vegetable oil acidulated soapstock including but not necessarily limited to cottonseed, soya, corn, peanut or any mixture thereof	12.625	12.5	12.5

(1) Where any of the above acidulated soapstocks are delivered to other destinations, the ceiling price shall be the price set forth above for the city nearest the point to which the acidulated soapstock is delivered, plus or minus the usual or normal differential that prevailed prior to price control between the point to which the acidulated soapstock is delivered and the nearest city named in the above schedule.

(2) The usual or normal differentials for grade, above or below the listed grades, shall continue to apply.

(3) The usual or normal differential for type of container shall continue to apply.

(4) The terms "domestic vegetable oil soapstock" and "domestic vegetable oil acidulated soapstock" mean soapstocks derived from fats and oils not enumerated in section 14 of General Ceiling Price Regulation.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date: This amendment shall be effective May 3, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 3, 1951.

[F. R. Doc. 51-5302; Filed, May 3, 1951; 4:00 p. m.]

[Ceiling Price Regulation 22, Amdt. 1]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

ADDITIONAL INSTRUCTIONS FOR COMPLETING OPS PUBLIC FORM NO. 8

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment is an addition to the Instructions for completing OPS Public Form 8. By the use of appropriate codes, selected from the list set forth in this amendment, each manufacturer reporting in accordance with the provisions of sections 46 and 48 of CPR–22 will fill in the box in the upper right-hand corner, labelled "Code for item 1." The prior insertion of designated codes by manufacturers will facilitate analysis and examination of reports by the Office of Price Stabilization. It should be noted that the codes cover the entire range of manufacturing industries, which means that a number of commodity classifications not subject to CPR–22 are also included. Appendix A is, therefore, still controlling as to commodities and transactions exempt from CPR–22.

AMENDATORY PROVISIONS

Ceiling Price Regulation 22 is amended by this addition to instructions for completing OPS Public Form No. 8, contained in Appendix D of CPR–22.

ITEM 9 CODE NUMBER. (a) When you complete this form, insert in the box in the upper right-hand corner the appropriate 6-digit code for the category or product line covered by the report. Determine the code applicable to your report from the list of codes given below.

(b) The first two digits represent the OPS price branch concerned with your category or product line and the next four digits represent the industry class in the Standard Industrial Classification now widely used by private as well as Government agencies.

(c) Your careful selection of the appropriate 6-digit code from the list will expedite the sorting, classification, and analysis of the forms upon receipt in this office.

(d) Although a number of commodity classifications not subject to CPR–22 are included in the codes, Appendix A is nevertheless controlling as to commodities and transactions exempt from CPR–22.

NOTE: If prior to May 4, 1951, the date of issuance of this amendment, you mailed to the Office of Price Stabilization, Washington 25, D. C., Public Form No. 8, you need not mail another form relating to the same category or product line solely for the purpose of inserting the code.

LIST OF CODES TO BE USED BY MANUFACTURERS IN CODING ITEM 1 (CATEGORY OR PRODUCT LINE) ON PUBLIC FORM 8

FOOD AND KINDRED PRODUCTS

26–2011	Meat packing.
31–2012	Custom slaughtering.
26–2013	Sausages and other prepared meat products.
26–2014	Sausage casings.
27–2015	Poultry and small game dressing and packing.
32–2021	Creamery butter.
32–2022	Natural cheese.
32–2023	Condensed and evaporated milk.
32–2024	Ice cream and ices.
32–2025	Special dairy products.
26–2031	Canned sea food.
26–2032	Cured fish.
23–2033	Canned fruits, vegetables, and soups; preserves, jams, and jellies.
23–2034	Dried and dehydrated fruits and vegetables.
23–2035	Pickled fruits and vegetables; vegetable sauces and seasonings, salad dressings.
23–2037	Frozen fruits, vegetables, and sea foods.
24–2041	Flour and other grain-mill products.
24–2042	Prepared feeds for animals and fowls.
24–2043	Cereal preparations.
24–2044	Rice cleaning and polishing.
24–2045	Blended and prepared flour.
24–2051	Bread and other bakery products (except biscuit, crackers, and pretzels).
24–2052	Biscuit, crackers, and pretzels.
25–2061	Cane sugar (except refining only).
25–2062	Cane-sugar refining.
25–2063	Beet sugar.
25–2071	Candy and other confectionery products.
25–2072	Chocolate and cocoa products.
25–2073	Chewing gum.
25–2081	Bottled soft drinks and carbonated waters.
25–2082	Malt liquors.
25–2083	Malt.
25–2084	Wines.
25–2085	Distilled, rectified, and blended liquors.
25–2091	Baking powder, yeast, and other leavening compounds.
22–2092	Shortening and other cooking and edible fats and oils, not elsewhere classified.
22–2093	Oleomargarine.
25–2094	Corn sirup, corn sugar, corn oil, and starch.
25–2095	Flavoring extracts and flavoring sirups, not elsewhere classified.
25–2096	Vinegar and cider.
25–2097	Manufactured ice.
25–2098	Macaroni, spaghetti, vermicelli, and noodles.
25–2099	Food preparations, not elsewhere classified.

TOBACCO MANUFACTURES

25–2111	Cigarettes.
25–2121	Cigars.
25–2131	Tobacco (chewing and smoking) and snuff.
25–2141	Tobacco stemming and redrying.

TEXTILE MILL PRODUCTS

52–2211	Scouring and combing plants.
52–2221	Yarn mills.
52–2222	Yarn throwing mills.
52–2223	Thread mills.
52–2231	Broad-woven fabric mills (cotton, silk, and synthetic fiber).
52–2232	Broad-woven fabric mills (woolen and worsted).
52–2241	Narrow fabrics and other smallwares mills (cotton, wool, silk, and synthetic fiber).
53–2251	Full-fashioned hosiery mills.
53–2252	Seamless-hosiery mills.
53–2253	Knit outerwear mills.
53–2254	Knit underwear mills.
53–2255	Knit glove mills.
52–2256	Knit-fabric mills.
52–2259	Knitting mills, not elsewhere classified.
52–2261	Dyeing and finishing textiles (except woolen and worsted textiles and knit goods).
52–2262	Dyeing and finishing woolen and worsted goods.
73–2271	Wool carpets, rugs, and carpet yarn.
73–2273	Carpets, rugs, and mats from fiber (except wool).

73-2274 Linoleum, asphalted-felt-base, and other hard-surface floor coverings, not elsewhere classified.
53-2281 Fur-felt hats and hat bodies.
53-2282 Wool-felt hats and hat bodies.
53-2283 Straw hats.
53-2284 Hatters' fur.
54-2291 Felt goods (except woven felts and hats).
73-2292 Lace goods.
73-2293 Paddings and upholstery filling.
52-2294 Processed waste and recovered fibers.
93-2295 Artificial leather, oilcloth, and other impregnated and coated fabrics (except rubberized).
52-2296 Linen goods.
52-2297 Jute goods (except felt).
52-2298 Cordage and twine.
52-2299 Textile goods, not elsewhere classified.

APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

53-2311 Men's, youths', and boys' suits, coats, and overcoats.
53-2312 Suit and coat findings.
53-2321 Men's, youths', and boys' shirts (except work shirts), collars, and nightwear.
53-2322 Men's, youths', and boys' underwear.
53-2323 Men's, youths', and boys' neckwear.
53-2325 Men's, youths', and boys' cloth hats and caps.
53-2326 Hat and cap materials.
53-2327 Men's, youths', and boys' separate trousers.
53-2328 Work shirts.
53-2329 Men's, youths', and boys' work, sport, and other clothing, not elsewhere classified.
53-2331 Women's and misses' blouses and waists.
53-2333 Women's and misses' dresses.
53-2334 Household apparel.
53-2337 Women's and misses' suits, coats (except fur coats), and skirts.
53-2338 Women's neckwear and scarfs.
53-2339 Women's and misses' outerwear, not elsewhere classified.
53-2341 Women's, misses', children's, and infants' underwear and nightwear.
53-2342 Corsets and allied garments.
53-2351 Millinery.
53-2361 Children's and infants' dresses.
53-2363 Children's and infants' coats.
53-2369 Children's and infants' outerwear, not elsewhere classified.
53-2371 Fur goods.
53-2381 Dress and semidress gloves and mittens (fabric, fabric and leather combined).
53-2382 Work gloves and mittens (fabric, fabric and leather combined).
53-2383 Suspenders, garters, and related products.
53-2384 Robes and dressing gowns.
53-2385 Raincoats and other waterproof outer garments.
53-2386 Leather and sheep-lined clothing.
53-2387 Belts.
53-2388 Handkerchiefs.
53-2389 Apparel, not elsewhere classified.
73-2391 Curtains and draperies.
73-2392 Housefurnishings (except curtains and draperies).
52-2393 Textile bags.
73-2394 Canvas products.
53-2395 Pleating, stitching, and tucking for the trade.
53-2396 Trimmings, stamped arts goods, and art needlework.
53-2397 Schiffli-machine embroideries.
53-2398 Embroideries, except Schiffli-machine.
73-2399 Fabricated textile products, not elsewhere classified.

LUMBER AND WOOD PRODUCTS (EXCEPT FURNITURE)

12-2411 Logging camps and logging contractors.
12-2421 Sawmills and planing mills, general.
12-2422 Veneer mills.
12-2423 Shingle mills.
12-2424 Cooperage stock mills.
12-2425 Excelsior mills.
12-2429 Special-product sawmills, not elsewhere classified.
12-2431 Millwork plants.
12-2432 Plywood plants.
12-2433 Prefabricated wooden buildings and structural members.
12-2441 Fruit and vegetable baskets.
74-2442 Rattan and willow ware (except furniture and fruit and vegetable baskets).
12-2443 Cigar boxes.
12-2444 Wooden boxes (except cigar boxes).
12-2445 Cooperage.
12-2491 Wood preserving.
12-2492 Lasts and related products.
74-2493 Mirror frames and picture frames.
74-2499 Wood products, not elsewhere classified.

FURNITURE AND FIXTURES

73-2511 Wood household furniture, except upholstered.
73-2512 Wood household furniture, upholstered.
73-2513 Reed and rattan furniture.
73-2514 Metal household furniture.
73-2515—Mattresses and bedsprings.
73-2519 Household furniture, not elsewhere classified.
72-2521 Wood office furniture.
72-2522 Metal office furniture.
72-2531 Public-building and related furniture.
72-2532 Professional furniture.
72-2541 Partitions, shelving, lockers, and office and store fixtures.
42-2561 Window and door screens and weather strip.
73-2562 Window shades.
73-2563 Venetian blinds.
72-2591 Restaurant furniture.
73-2599 Furniture and fixtures, not elsewhere classified.

PAPER AND ALLIED PRODUCTS

13-2611 Pulp mills.
13-2612 Paper and paperboard mills (except building-paper and building-board mills).
13-2613 Building-paper and building-board mills.
13-2641 Paper coating and glazing.
13-2651 Envelopes.
13-2661 Paper bags.
13-2671 Paperboard boxes: folded, set-up, and corrugated.
13-2674 Fiber cans, tubes, drums, and similar products.
13-2691 Die-cut paper and paperboard; and cardboard.
13-2693 Wall paper.
13-2694 Pulp goods, pressed and molded.
13-2699 Converted paper products, not elsewhere classified.

PRINTING, PUBLISHING, AND ALLIED INDUSTRIES

13-2711 Newspapers.
13-2721 Periodicals.
13-2731 Books: publishing, publishing and printing.
13-2732 Book printing.
13-2741 Miscellaneous publishing.
13-2751 Commercial printing.
13-2761 Lithographing.
13-2771 Greeting cards.
13-2781 Bookbinding.
13-2782 Blankbook making and paper ruling.
13-2783 Library and loose-leaf binder manufacturing.
13-2789 Miscellaneous work related to bookbinding.
13-2791 Typesetting.
13-2792 Engraving and plate printing.
13-2793 Photoengraving.
13-2794 Electrotyping and stereotyping.

CHEMICALS AND ALLIED PRODUCTS

93-2811 Sulfuric acid.
93-2812 Alkalies and chlorine.
93-2819 Industrial inorganic chemicals, not elsewhere classified.
64-2821 Cyclic (coal-tar) crudes.
93-2822 Intermediates, dyes, color lakes and toners.
93-2823 Plastics materials and elastomers, except synthetic rubber.
92-2824 Synthetic rubber.
52-2825 Synthetic fibers.
93-2826 Explosives.
93-2829 Industrial organic chemicals, not elsewhere classified.
93-2831 Biological products.
93-2832 Botanical products.
93-2833 Inorganic and organic medicinal chemicals.
93-2834 Pharmaceutical preparations.
22-2841 Soap and glycerin.
22-2842 Cleaning and polishing preparations.
22-2843 Sulfonated oils and assistants.
42-2851 Paints, varnishes, lacquers, japans, and enamels.
93-2852 Inorganic color pigments.
42-2853 Whiting, putty, wood fillers, and allied paint products.
93-2861 Hardwood distillation.
93-2862 Softwood distillation.
93-2863 Gum naval stores.
93-2864 Natural dyeing materials.
93-2865 Natural tanning materials.
24-2871 Fertilizers (manufacturing and mixing).
24-2872 Fertilizers (mixing only).
22-2881 Cottonseed oil mills.
22-2882 Linseed oil mills.
22-2883 Soybean oil mills.
22-2884 Vegetable oil mills, not elsewhere classified.
22-2885 Marine animal oils.
22-2886 Grease and tallow.
22-2687 Fatty acids.
22-2889 Animal oils, not elsewhere classified.
93-2891 Printing ink.
93-2892 Essential oils.
93-2893 Perfumes, cosmetics, and other toilet preparations.
93-2894 Glue and gelatin.
93-2895 Bone black, carbon black, and lamp black.
93-2896 Compressed and liquefied gases.
24-2897 Insecticides and fungicides.
93-2898 Salt.
93-2899 Chemicals and chemical products, not elsewhere classified.

PRODUCTS OF PETROLEUM AND COAL

63-2911 Petroleum refining.
64-2931 Beehive coke ovens.
64-2932 Byproduct coke ovens.
42-2951 Paving mixtures and blocks.
42-2952 Roofing felts and coatings.
64-2991 Fuel briquets and packaged fuel.
63-2992 Lubricating oils and greases not made in petroleum refineries.
63-2999 Products of petroleum and coal, not elsewhere classified.

RUBBER PRODUCTS

92-3011 Tires and inner tubes.
92-3021 Rubber footwear.
92-3031 Reclaimed rubber.
92-3099 Rubber industries, not elsewhere classified.

LEATHER AND LEATHER PRODUCTS

54-3111 Leather tanning and finishing.
44-3121 Industrial leather belting and packing.

54-3131 Boot and shoe cut stock and findings.
54-3141 Footwear (except house slippers and rubber footwear).
54-3142 House slippers.
53-3151 Dress and semidress leather gloves.
53-3152 Leather work gloves and mittens.
74-3161 Suitcases, briefcases, bags, trunks, and other luggage.
53-3171 Women's handbags and purses.
74-3172 Small leather goods.
54-3192 Saddlery, harness, and whips.
54-3199 Leather goods, not elsewhere classified.

STONE, CLAY AND GLASS PRODUCTS

42-3211 Flat glass.
42-3221 Glass containers.
74-3229 Pressed and blown glass and glassware, not elsewhere classified.
74-3231 Glass products made of purchased glass.
42-3241 Cement, hydraulic.
42-3251 Brick and hollow tile.
42-3253 Floor and wall tile, except quarry tile.
42-3254 Sewer pipe.
42-3255 Clay refractories.
42-3259 Structural clay products, not elsewhere classified.
42-3261 Vitreous and semivitreous plumbing fixtures.
74-3262 Vitreous-china table and kitchen articles.
74-3263 Fine earthenware (whiteware) table and kitchen articles.
42-3264 Porcelain electrical supplies.
74-3265 China decorating for the trade.
74-3269 Pottery products, not elsewhere classified.
42-3271 Concrete products.
42-3272 Gypsum products.
42-3274 Lime.
42-3275 Mineral wool.
44-3291 Abrasive products.
42-3292 Asbestos products.
42-3293 Steam and other packing, and pipe and boiler covering.
43-3294 Natural graphite: ground, refined, or blended.
43-3295 Minerals and earths: ground or otherwise treated.
43-3296 Sand-lime brick, block and tile.
43-3297 Nonclay refractories.
43-3298 Statuary and art goods (factory production).

PRIMARY METAL INDUSTRIES

43-3311 Blast furnaces.
43-3312 Steel works and rolling mills.
43-3313 Electrometallurgical products.
43-3321 Gray-iron foundries.
43-3322 Malleable-iron foundries.
43-3323 Steel foundries.
43-3331 Primary smelting and refining of copper.
43-3332 Primary smelting and refining of lead.
43-3333 Primary smelting and refining of zinc.
43-3334 Primary refining of aluminum.
43-3335 Primary refining of magnesium.
43-3339 Primary smelting and refining of nonferrous metals, not elsewhere classified.
43-3341 Secondary smelting and refining of nonferrous metals and alloys.
43-3351 Rolling, drawing, and alloying of copper.
43-3352 Rolling, drawing, and alloying of aluminum.
43-3359 Rolling, drawing, and alloying of nonferrous metals, not elsewhere classified.
43-3361 Nonferrous foundries.
43-3391 Iron and steel forgings.
43-3392 Wire drawing.
43-3393 Welded and heavy-riveted pipe.
43-3399 Primary metal industries, not elsewhere classified.

FABRICATED METAL PRODUCTS (EXCEPT ORDNANCE, MACHINERY AND TRANSPORTATION EQUIPMENT)

43-3411 Tin cans and other tinware.
74-3421 Cutlery.
74-3422 Edge tools.
74-3423 Hand tools (except edge tools, machine tools, files, and saws).
74-3424 Files.
74-3425 Hand saws and saw blades.
74-3429 Hardware, not elsewhere classified.
42-3431 Enameled-iron and metal sanitary ware and other plumbers' supplies.
42-3432 Oil burners, domestic and industrial.
42-3439 Heating and cooking apparatus (except electric), not elsewhere classified.
42-3441 Fabricated structural steel and ornamental metal work.
42-3442 Metal doors, sash, frames, molding, and trim.
44-3443 Boiler shop products.
42-3444 Sheet-metal work.
74-3461 Vitreous-enameled products.
45-3462 Automobile stampings.
44-3463 Stamped and pressed metal products (except automobile stampings).
43-3464 Powder metallurgy.
44-3465 Enameling, japanning, and lacquering.
44-3466 Galvanizing and other hot-dip coating.
74-3467 Engraving on metal.
44-3468 Electroplating, plating, and polishing.
42-3471 Lighting fixtures.
43-3481 Nails and spikes.
43-3489 Wirework, not elsewhere classified.
43-3491 Metal shipping barrels, drums, kegs, and pails.
72-3492 Safes and vaults.
44-3493 Steel springs.
43-3494 Bolts, nuts, washers, and rivets.
43-3495 Screw-machine products.
43-3496 Collapsible tubes.
43-3497 Gold, silver, tin, aluminum, and other foil.
74-3499 Fabricated metal products, not elsewhere classified.

MACHINERY (EXCEPT ELECTRICAL)

44-3511 Steam engines, turbines, and water wheels.
44-3519 Diesel and semi-Diesel engines; and other internal-combustion engines, not elsewhere classified.
44-3521 Tractors.
44-3522 Agricultural machinery (except tractors).
44-3531 Construction, mining and similar machinery (except oil-field machinery and tools).
44-3532 Oil-field machinery and tools.
44-3541 Machine tools.
44-3542 Metalworking machinery (except machine tools).
44-3543 Machine-tool accessories, other metalworking-machinery accessories, and machinists' precision tools.
44-3551 Food-products machinery.
44-3552 Textile machinery.
44-3553 Woodworking machinery.
44-3554 Paper-industries machinery.
44-3555 Printing-trades machinery and equipment.
44-3559 Special-industry machinery, not elsewhere classified.
44-3561 Pumps, air and gas compressors, and pumping equipment.
44-3562 Elevators and escalators.
44-3563 Conveyors and conveying equipment.
44-3564 Blowers, exhaust and ventilating fans.
44-3565 Industrial trucks, tractors, trailers, and stackers.
44-3566 Mechanical power-transmission equipment (except ball and roller bearings).
44-3567 Industrial furnaces and ovens.
42-3568 Mechanical stokers, domestic and industrial.
44-3569 General industrial machinery and equipment, not elsewhere classified.
72-3571 Computing machines and cash registers.
72-3572 Typewriters.
72-3575 Vending, amusement, and other coin-operated machines.
72-3576 Scales and balances.
72-3579 Office and store machines and devices, not elsewhere classified.
72-3581 Domestic laundry equipment.
44-3582 Commercial laundry, dry-cleaning, and pressing machines.
72-3583 Sewing machines.
72-3584 Vacuum cleaners.
72-3585 Refrigerators, refrigeration machinery, and complete air-conditioning units.
45-3586 Measuring-and-dispensing pumps.
72-3589 Service-industry and household machines, not elsewhere classified.
44-3591 Valves and fittings (except plumbers' valves).
42-3592 Fabricated pipe and fittings.
44-3593 Ball and roller bearings.
44-3599 Machine shops (jobbing and repair).

ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

44-3611 Wiring devices and supplies.
44-3612 Carbon and graphite products for use in the electrical industry.
44-3613 Instruments for indicating, measuring, and recording electrical quantities and characteristics.
44-3614 Motors, generators, and motor-generator sets.
44-3615 Power and distribution transformers.
44-3616 Switchgear, switchboard apparatus, and industrial controls.
44-3617 Electrical welding apparatus.
44-3619 Electrical equipment for industrial use, not elsewhere classified.
72-3621 Electrical appliances.
44-3631 Insulated wire and cable.
44-3641 Electrical equipment for motor vehicles, aircraft, and railway locomotives and cars.
74-3651 Electric lamps.
74-3661 Radios, radio and television equipment (except radio tubes), radar and related detection apparatus, and phonographs.
44-3662 Radio tubes.
74-3663 Phonograph records.
44-3664 Telephone and telegraph equipment.
44-3669 Communication equipment, not elsewhere classified.
44-3691 Storage batteries.
44-3692 Primary batteries (dry and wet).
44-3693 X-ray and therapeutic apparatus and non-radio electronic tubes.
74-3699 Electrical products, not elsewhere classified.

TRANSPORTATION EQUIPMENT

45-3711 Motor vehicles.
45-3712 Passenger-car bodies.
45-3713 Truck and bus bodies.
45-3714 Motor-vehicle parts and accessories.
45-3715 Truck trailers.
45-3716 Automobile trailers (for attachment to passenger cars).
44-3721 Aircraft.
44-3722 Aircraft engines and engine parts.
44-3723 Aircraft propellers and propeller parts.
44-3729 Aircraft parts and auxiliary equipment, not elsewhere classified.
44-3731 Ship building and repairing.

74–3732 Boat building and repairing.
44–3741 Locomotives and parts.
44–3742 Railroad and street cars.
45–3751 Motorcycles, bicycles, and parts.
74–3799 Transportation equipment, not elsewhere classified.

PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS

72–3811 Laboratory, scientific, and engineering instruments (except surgical, medical, and dental).
44–3821 Mechanical measuring and controlling instruments.
72–3831 Optical instruments and lenses.
72–3841 Surgical and medical instruments.
72–3842 Surgical and orthopedic appliances and supplies; and personal safety devices, not elsewhere classified.
72–3843 Dental equipment and supplies.
72–3851 Ophthalmic goods.
74–3861 Photographic equipment and supplies.
74–3871 Watches, clocks, and parts (except watchcases).
74–3872 Watchcases.

MISCELLANEOUS MANUFACTURING INDUSTRIES

74–3911 Jewelry (precious metal).
74–3912 Jewelers' findings and materials.
74–3913 Lapidary work.
74–3914 Silverware and plated ware.
74–3931 Pianos.
74–3932 Organs.
74–3933 Piano and organ parts and materials.
74–3939 Musical instruments, parts, and materials, not elsewhere classified.
73–3941 Games and toys (except dolls, and children's vehicles).
73–3942 Dolls.
74–3943 Children's vehicles.
74–3949 Sporting and athletic goods, not elsewhere classified.
72–3951 Pens, mechanical pencils, and pen points.
72–3952 Lead pencils and crayons.
72–3953 Hand stamps, stencils, and brands.
72–3954 Artists' materials.
72–3955 Carbon paper and inked ribbons.
74–3961 Costume jewelry and costume novelties (except precious metal).
74–3962 Feathers, plumes, and artificial flowers.
74–3963 Buttons.
74–3964 Needles, pins, hooks and eyes, and similar notions.
74–3971 Fabricated plastics products, not elsewhere classified.
74–3981 Brooms and brushes.
42–3982 Cork products.
13–3983 Matches.
74–3984 Candles.
93–3985 Fireworks and pyrotechnics.
74–3986 Jewelry cases and instrument cases.
74–3987 Lamp shades.
72–3988 Morticians' goods.
72–3991 Beauty-shop and barber-shop equipment.
54–3992 Furs, dressed and dyed.
72–3993 Signs and advertising displays.
74–3994 Hair work.
74–3995 Umbrellas, parasols, and canes.
74–3996 Tobacco pipes and cigarette holders.
72–3997 Soda-fountain and beer-dispensing equipment.
44–3998 Models and patterns (except paper patterns).
74–3999 Miscellaneous fabricated products, not elsewhere classified.

ORDNANCE AND ACCESSORIES

44–1911 Guns, howitzers, mortars, and related equipment.
44–1921 Artillery ammunition.
44–1922 Ammunition loading and assembling.
44–1929 Ammunition, not elsewhere classified.
44–1931 Tanks and tank components.
44–1941 Sighting and fire-control equipment.
74–1951 Small arms.
74–1961 Small arms ammunition.
44–1999 Ordnance and accessories, not elsewhere classified.

(Sec. 704, Pub. Law 774, 81st Cong.)

This amendment will become effective May 28, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

MAY 4, 1951.

[F. R. Doc. 51–5347; Filed, May 4, 1951; 10:39 a. m.]

[Ceiling Price Regulation 30]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

In general this regulation covers the following types of commodities: Prime movers, industrial power apparatus, material working and fabricating machinery, machine tools, farm equipment, automotive equipment and parts (with the exception of passenger automobiles), insulated electric wire and cable, construction and mining machinery, electrical equipment, railroad and street railway equipment, auxiliary industrial equipment, forgings, screw machine products, stampings, fabricated structural steel shapes, plates and bars, industrial, pharmaceutical, optical and laboratory glassware, marine equipment, aircraft parts, related equipment of various kinds, and adjuncts, subassemblies and parts for the foregoing. While the industries dealing in these types of commodities are comprised of many groups, each with special problems, these industries are so closely integrated by force of common marketing practices and production problems that a uniform treatment for these industries as a whole is appropriate. This regulation also covers installation and erection services performed by the manufacturer, or a parent, affiliate or subsidiary of the manufacturer, of the particular commodity which is being installed or erected. This has been done because of the practice of the affected industries of pricing both the commodity and the installation or erection services in substantially the same manner.

This regulation is a companion measure to CPR 22, the Manufacturers General Ceiling Price Regulation. The pricing methods used in this regulation are substantially the same as those used in CPR 22 with certain exceptions which are made necessary by the nature of the industries covered by this regulation. Accordingly, the Statement of Considerations involved in the issuance of CPR 22 is equally applicable to this regulation.

The only substantial area of difference between the pricing technique of this regulation and of CPR 22 is in the determination of base period prices. In the first place, because of the fact that a very substantial number of manufacturers in this area have customarily published list prices, the first base period price, which is required to be used, is the published list price. Beyond that the base period price technique recognizes the long cycle operations common to a majority of the industries and provides for the use of the delivered price only if there was no contract price or written offering price available to the manufacturer as a basis for his price determinations.

One of the most important characteristics of the industries covered by this regulation is that a large proportion of the production is devoted to specially engineered or specially designed commodities. Accordingly, it is necessary in devising price controls for these industries to establish a method by which such commodities may be priced in accordance with industry practice. The pricing methods of this regulation are designed to price such commodities. Further, the pricing method used by this regulation for both modifications of base period commodities and entirely new commodities is adapted to the special problems of the industries producing the commodities covered by this regulation.

For commodities that are modified, the regulation provides that the manufacturer shall determine his base period price by adding or subtracting the increase or decrease in factory cost due to the modification. These costs are determined on the basis of costs in effect to the manufacturer during his base period. For entirely new commodities, the manufacturer determines his base period price by use of the costs and the method of determining price by relation to cost which were in effect during his base period for similar commodities. The additions for increases in costs of manufacturing materials and labor from the end of the base period are made to these base period prices.

The elements of permitted "labor costs" which are recognized for the purpose of determining additions to the pre-Korea base period prices differ from CPR 22 in that field erection and installation labor and product engineering, which is expended directly in the production of a particular commodity, are recognized as elements of "labor costs". This is done because this regulation covers these services and because of the widespread use of such product engineering and its importance as a cost factor in the industries covered by this regulation.

This regulation, like CPR 22, recognizes the cost of expendable tools, dies, jigs, fixtures, and like items as an element of manufacturing materials costs, and for sake of clarity specifically lists these items, which are important to the manufacturers of the commodities covered by this regulation.

Ceiling prices at the resellers' level are not established by this regulation. However, resellers' ceiling prices for the commodities covered by this regulation will be established by a supplementary regulation following closely upon the issuance of this regulation. Until such a supplementary regulation is issued, ceiling prices for sales by resellers of commodities covered by this regulation will continue to be established by the General Ceiling Price Regulation.

While this regulation is designed to meet the problems of the industries it covers, it is recognized that there may be problems peculiar to some of these industries which may require some variation from the standard methods. Where this necessity is demonstrated by an affected industry, it is proposed to issue a supplementary regulation to treat with such problems.

The wide coverage of this regulation made it impossible to consult in detail with representatives of all the industries affected. However, in the preparation of this regulation conferences were held with many industry and trade association representatives.

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable to buyers and sellers alike and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

REGULATORY PROVISIONS

COVERAGE

Sec.
1 Sellers and sales covered by this regulation.

CEILING PRICES ESTABLISHED

2 Ceiling prices established by this regulation.
3 General description of the pricing technique.

BASE PERIOD PRICES

4 Base period.
5 Category.
6 How to obtain your base period price.
7 Base period prices for commodities offered or delivered during the base period.
8 Base period prices for modified commodities.
9 Base period prices computed by formula.
10 Computation of ceiling price where you are unable to determine your base period cost.

HOW TO CALCULATE THE LABOR COST ADJUSTMENT

11 General description of how to calculate the "labor cost adjustment."
12 How to calculate the "labor cost adjustment" upon the basis of your entire business.
13 How to calculate the "labor cost adjustment" upon the basis of a unit of your business.

HOW TO CALCULATE THE MATERIALS COST ADJUSTMENT

14 Manufacturing material.
15 General description of the methods available.
16 Omission of certain manufacturing materials from your calculations.
17 Method 1 (Aggregate method).
18 Method 2 (Individual commodity method).
19 Method 3 (Product line method using best selling commodity).
20 Method 4 (Composite bill of materials method).

SPECIAL INSTRUCTIONS TO BE FOLLOWED IN CALCULATING THE MATERIALS COST ADJUSTMENT

21 General nature of these instructions.

Sec.
22 How to compute the net cost to you of a manufacturing material as of a prescribed date.
23 How to compute net cost as of the applicable prescribed dates where you are using a substitute material not used during the base period.
24 Inclusion of transportation costs in the computation of net cost of a manufacturing material as of a prescribed date.
25 How to calculate the "materials cost adjustment" for joint products or by-products.
26 How to calculate the change in net cost of a manufacturing material which is produced in one unit of your business and transferred to another unit of your business.

SPECIAL PROVISIONS RELATING TO CEILING PRICES

27 General nature of these provisions.
28 Rounding ceiling prices.
29 Retention of GCPR ceiling price where the change in price is less than 1%.
30 Requirement for reduction of your ceiling price as otherwise determined for any increase in value of scrap or waste material.
31 Adjustment of ceiling prices quoted on a delivered basis for increases in transportation costs.
32 Optional method for determining a uniform ceiling price for a commodity manufactured in more than one plant.

MISCELLANEOUS PROVISIONS

33 Export sales.
34 Excise, sales and other similar taxes.
35 Prohibition against redetermination of ceiling prices.
36 Modification of ceiling prices by the Director of Price Stabilization.
37 Recalculation of ceiling prices and announcement of "materials cost increase factors".
38 Adjustable pricing.
39 Petitions for amendment.
40 Supplementary regulations.
41 Adjustment of ceiling prices where overall loss in operations results.
42 Use of "conversion steel" in calculating the "materials cost adjustment".
43 Temporary adjustments to carry out existing contracts.
44 Records and reports.
45 Definitions and explanations.
46 Prohibitions.
47 Transfers of business or stock in trade.
48 Charges lower than ceiling prices.
49 Evasion.
50 Violation.

AUTHORITY: Sections 1 to 50 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

COVERAGE

SECTION 1. *Sellers and sales covered by this regulation*—(a) *Commodities.* This regulation covers you if you are a manufacturer located in the United States, its territories or possessions, or the District of Columbia. It applies to any sale of any new and unused commodity listed in Appendix A as to which you are the manufacturer, except sales at retail. With this exception, this regulation supersedes any regulation previously issued by the OPS, in so far as transactions covered by this regulation are concerned.

(b) *Installation or erection services.* If you are a manufacturer of a commodity covered by this regulation, or a parent, affiliate, or wholly owned subsidiary of the manufacturer, and you both sell that commodity and furnish the services required to install or erect that commodity, your ceiling price for the installation or erection service, when performed by you, is also established by this regulation.

CEILING PRICES ESTABLISHED

SEC. 2. *Ceiling prices established by this regulation.* This regulation establishes ceiling prices for commodities dealt in between July 1, 1949 and June 24, 1950, for modifications of such commodities, for new commodities introduced subsequent to June 24, 1950 and for the services of installation and erection of those commodities. There are also special provisions relating to (a) rounding ceiling prices, (b) retention of ceiling prices established under the General Ceiling Price Regulation where the change is less than 1 percent, (c) reduction of ceiling prices to reflect any increase in the value of scrap or waste material, (d) adjustment of ceiling prices quoted on a delivered basis for increases in transportation costs, and (e) adjustment of ceiling prices for commodities manufactured in more than one of your plants.

SEC. 3. *General description of the pricing technique.* (a) Your ceiling price to your largest buying class of purchaser for sale of any commodity covered by this regulation is your base period price for the commodity, plus the "labor cost adjustment" and the "materials cost adjustment". Section 45 (Definitions) explains the meaning of your "largest buying class of purchaser". Sections 4 through 9 tell you how to obtain your base period price. Sections 11 through 13 tell you how to calculate the "labor cost adjustment". Sections 14 through 26 tell you how to calculate the "materials cost adjustment". If you do not wish to make either of these calculations, you may use your base period price as your ceiling price to your largest buying class of purchaser. If you wish to calculate only one of the adjustments, you may do so, in which case you will add only the amount of that one adjustment to your base period price.

(b) Your ceiling price for the sale of the commodity to your largest buying class of purchaser must be consistent in every respect with your base period price; that is, it must carry all customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale.

(c) Your ceiling price for sale of the commodity to your other classes of purchasers to whom you made sales during your base period is determined by applying your price differentials last used during your base period. In the event you made no base period sales to a particular class of purchaser, you apply your customary differentials in effect during your base period, or if none, then those last in effect before your base period. If you are selling to an entirely new class of purchaser you determine your base period price for that class of purchaser under section 9 of this regulation. For each class of purchasers you must maintain all delivery terms, cash, trade and volume discounts, allowances,

premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale last in effect prior to the end of your base period. An explanation of what is meant by "class of purchaser" is found in section 45 (Definitions).

BASE PERIOD PRICES

SEC. 4. *Base period.* "Base period" refers to the period April 1, through June 24, 1950 or any previous calendar quarter ended not earlier than September 30, 1949, which you may elect to use. Whatever base period you elect must be used for all commodities in the same category. There is an exception in case of a commodity for which you cannot establish a base period price under sections 7, 8 or 9 during the base period you select. In that case, you may use for that commodity any other base period permitted under this section during which you can establish a base period price under the provisions of sections 7, 8 or 9.

SEC. 5. *Category.* "Category" refers to a group of commodities which are normally classed together in your industry for purposes of production, accounting or sales. This is the same definition as used in section 4 (c) of the General Ceiling Price Regulation. You may, however, exclude from any category any commodity or group of related commodities for which the base period you have elected to use for the category is unrepresentative because of special seasonal characteristics of that commodity or group of related commodities. In that case, treat the commodity or related group of commodities as constituting a separate category.

SEC. 6. *How to obtain your base period price.* The following sections 7, 8 and 9 tell you how to establish your base period price. You must use the first of these sections which is applicable to the commodity being priced. You should note in particular that you may use section 9 only in the event that it is impossible for you to obtain a base period price under the provisions of sections 7 or 8 at any time between July 1, 1949 and June 24, 1950. The following provisions of this section must be applied to every base period price.

(a) If your base period price includes any excise, sales, or other similar tax which is not separately stated, you must follow the instructions contained in section 34.

(b) If your base period price is expressed as a list price less discounts, you make the adjustments of the base period price under section 3 (a) upon the basis of the net price to your largest buying class of purchaser.

Example: Your base period "list" price for commodity A is $12.00 less a 20 percent discount to your largest buying class of purchaser. The "labor cost adjustment" and the "materials cost adjustment" which you are permitted to add to your base period price total $3.84. You first take 80 percent of $12.00, thus applying the 20 percent discount. The resulting amount, $9.60, plus $3.84 equals $13.44, your "net" ceiling price to your largest buying class of purchaser. You can figure your "list" ceiling price by dividing your "net" ceiling price ($13.44) by the same percentage (80 percent), giving $16.80. Applying the 20 percent discount to your largest buying class of purchaser gives you $13.44, or your "net" ceiling price to that class of purchaser.

(c) If, during the base period, you customarily produced the same commodity from two or more manufacturing establishments of your business and sold it at different prices depending upon the place of production, you must obtain a separate base period price and determine a separate ceiling price for each such establishment.

SEC. 7. *Base period prices for commodities offered or delivered during the base period.* This section refers to prices which you established during the base period by delivering or offering to deliver to a buyer a commodity or an erection or installation service. For these commodities and services you establish your base period price by selecting the first of the following prices which is available with respect to the commodity or service you are pricing:

(a) The highest published list price which you had in effect for your sale of the commodity or service during the base period, adjusted to reflect all applicable extra charges, discounts, or other allowances to your largest buying class of purchaser last in effect prior to the end of your base period.

(b) The highest price at which you either contracted to sell the commodity or service during your base period or made a written offer during your base period to sell the commodity or service. However, such a written offer may be used only if it was accepted in writing prior to October 1, 1950. This price must be adjusted to reflect all applicable extra charges and discounts or other allowances to your largest buying class of purchaser last in effect prior to the end of your base period.

(c) The highest price at which you delivered the commodity or service during your base period, adjusted to reflect all applicable extra charges and discounts or other allowances to your largest buying class of purchaser last in effect prior to the end of your base period.

SEC. 8. *Base period prices for modified commodities.* The provisions of this section refer only to a commodity (new and unused) for which you are able to establish a base period price under section 7 and which you have substantially modified subsequent to the end of your base period. (If the modification constitutes only a minor change in design or construction which does not substantially affect unit manufacturing materials cost or materially alter the services given by the commodity, your base period price for the modified commodity shall be the same as your base period price for the commodity before modification.) The increase or decrease in your cost resulting from any substantial change in design, specifications or equipment which you make in such a commodity shall be figured under this section and shall be added to or subtracted from your base period price of the commodity before modification. The resulting figure shall be your base period price for the modified commodity to your largest buying class of purchasers. The method for computing this change in cost is as follows:

(a) You first figure the increase and decrease in the costs listed in this paragraph (a) which are attributable to the change in design, specifications, or equipment. This change in costs shall be figured by using:

(1) Factory labor cost at straight time labor rates in effect in your plant at the end of your base period for the labor cost added or eliminated. (In this computation you must use the method set forth in section 9 (d)).

(2) Direct material cost determined by using material and parts prices in effect to you at the end of your base period for the materials and parts both added and eliminated. (In this computation you must use the method set forth in section 9 (e). If you are unable to determine your base period cost for any material in accordance with the provisions of section 9 (h), you must apply the provisions of section 10.)

(3) Your base period cost for subcontracted services, determined under the method set forth in section 9 (f), plus transportation costs which you paid for shipment to you from the subcontractor. These transportation costs must not be in excess of the cost of transportation determined on the basis of the rates in effect at the end of your base period.

(4) Royalty payments, if any, determined at the rate you actually paid.

(5) If you sell the commodity on a freight allowed or a delivered price basis, transportation charges not in excess of those you had in effect at the end of your base period. These charges must be computed on the basis of the practice you had last in effect prior to the end of your base period.

(6) Where you sell the commodity on an installed or erected basis, the increase or decrease in the cost of installation or erection due to the modification of the commodity, figured in accordance with subparagraphs (1), (2), and (3), inclusive, of this paragraph.

(b) You shall then add or subtract the net increase or decrease in cost calculated under the provisions of paragraph (a) to or from your base period price for the commodity before modification.

SEC. 9. *Base period prices computed by formula.* This section is applicable only to a commodity (new and unused) or to an installation or erection service for which you cannot determine the base period price under sections 7 or 8 of this regulation. You determine your base period price for such a commodity or service by using either the price determining method which you last had in effect during your base period, or if you had no price determining method in effect during your base period, by using a price determining method approved by OPS. You use this price determining method to determine a base period price for the commodity or service to your largest buying class of purchasers.

(a) *Price determining method where you had one in effect during your base period.* You shall use the method of determining price by relation to cost that you last had in effect during your base period for determining the selling prices of commodities or services of the same or a similar type. This means that you must use the overhead rates, machine hour rates, if any, rates for general administrative and selling expenses, profit markup, discounts, and allowances, and any other bases of computing price by relation to cost that were last in use in your plant, or in your field operations, during your base period and are applicable to the commodity or service being priced.

(b) *Price determining method where you had none in effect during your base period.* If you had no method of determining price by relation to cost in effect during your base period for commodities or services of the same or a similar type, you must file a proposed price determining method with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., before you deliver any commodity, or furnish any service, which is covered by this section. This price determining method must relate to labor and material costs, shop overhead rates, administrative and selling expenses, other cost factors, and profit margins, insofar as they are applicable, which you had in effect in your plant, or in your field operations, during your base period, for comparable commodities or services. As soon as you decide upon such a price determining method, you shall file a report by registered mail with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C.

(1) *Report.* This report shall set forth a detailed description of the proposed price determining method; a detailed explanation of all factors included in the proposed price determining method and the manner in which they were determined and are applied; and a representative sample of prices computed in accordance with the proposed price determining method, showing in detail how they were computed.

After receipt of this report, OPS may approve the proposed price determining method, require you to file a revised price determining method, or establish a different price determining method. If the OPS fails to act within thirty days after it receives the required report (or any verification of the facts stated in the report that may be requested), the proposed price determining method shall be deemed to be approved. However, OPS may disapprove this price determining method at any time. Such disapproval will not be retroactive as to any deliveries made before the date of the disapproval. In the event that the OPS finds that your production experience does not yet warrant the establishment of a permanent price determining method, it may either establish, or give temporary approval to, a price determining method and require further filing under this paragraph at a later date.

(2) *Interim pricing.* Prior to receipt of approval by the OPS of the proposed price determining method, or prior to the expiration of the thirty day period after receipt by the OPS of the required report (or of any verification of the facts stated in the report that may be requested), you may quote or charge prices determined in accordance with the proposed price determining method. However, until a price determining method has been established under this paragraph (b) not more than 75 percent of this price may be paid or received.

(c) *Application of price determining method.* You must apply your base period price determining method, or the price determining method approved by the OPS, in accordance with paragraphs (d) to (j), inclusive, of this section 9.

(d) *Direct labor costs*—(1) *Method of determining base period direct labor costs.* You shall determine direct labor costs by multiplying the straight-time labor rate for each classification of labor last in effect during your base period (see subparagraph (2) of this paragraph) by the estimated number of clock hours of that classification of labor. This estimate of the number of clock hours shall be based on previous production experience. If, during your base period, you used an average rate to determine labor costs, you shall determine labor costs by using the method of computing the average, last in effect during your base period, and labor rates determined in accordance with subparagraph (2).

(2) *Labor rates.* The rates used in determining allowable direct labor costs shall be the rate in your plant, or in your field operations, for each classification of labor that was last prevailing during your base period. If you require the use of labor of a classification not employed by you in your plant or in your field operation during your base period, you shall use as the rate for that classification of labor, the rate last prevailing during your base period in the locality in which the manufacturing, or erection or installation, is to be performed. If labor of that classification was not employed in that locality during your base period, you shall use the rate last prevailing during your base period in the most comparable locality, as accurately as you are able to determine that rate by the use of reasonable diligence.

(3) *Overtime and shift premium.* In calculating a base period price computed by formula, generally you are required to use as elements of the formula only straight-time labor rates. After you have calculated a base period price in this way, you may add an amount for overtime or shift premium, if that will be required to produce the commodity. You may not add overtime or shift premium, however, where the commodity is one which will be sold by you pursuant to a published list price or will be sold by you to a person who will resell the commodity without substantially altering its form.

The amount to be added for overtime or shift premium shall be determined by multiplying the estimated number of overtime or shift premium hours, which you expect will be required to produce the commodity, by the overtime or shift premium rate in your plant, or in your field operations, for each classification of labor that was last prevailing during your base period. If you require the use of labor of a classification not employed by you in your plant, or in your field operations, during your base period, you shall use as the rate for that classification of labor, the rate last prevailing during your base period in the locality in which the manufacturing, or erection or installation, is to be performed. If labor of that classification was not employed in that locality during your base period, you shall use the rate last prevailing during your base period in the most comparable locality, as accurately as you are able to determine that rate by the use of reasonable diligence.

(e) *Material costs.* You shall determine the allowable cost of purchased raw materials, processed and fabricated materials, and parts or subassemblies as follows: Multiply the base period cost for each material, part or subassembly by the estimated quantity of that material, part or subassembly. This estimate of the quantity of the material, part or subassembly, which is to be used in the production, or installation or erection, of the commodity shall be based upon your previous production experience.

(f) *Subcontracted services.* If, during the base period, you processed a material or produced a part in your own plant, you may not use in your computations any cost for subcontracting of the processing of the material or the making of the part in excess of your base period cost of the processing of the material or the making of the part in your own plant. In all other cases, if you have materials processed or parts made by a subcontractor, you shall use your base period cost for such subcontracted services.

(g) *Expendable tools, etc.* To the extent that your base period price determining method includes, or is based upon, prices paid for expendable tools, dies, jigs, fixtures, moulds, patterns or work-holding devices, you must use your base period cost for such items in calculating your base period price.

(h) *Base period cost.* To determine the base period cost to you for materials, parts, subassemblies, subcontracted services, or expendable tools, dies, jigs, fixtures, moulds, patterns or work-holding devices, you use the first of the following prices available to you. In no event may the price you use be in excess of the ceiling price under the applicable ceiling price regulation. If you use subparagraphs (2), (3) or (4) of this paragraph, you must disregard any price based upon a departure from your normal buying practices. Such a departure would include quantities smaller than those you usually purchase or contract for, or use of a more distant or different class of supplier (other than the United States), or use of subcontracted services in an amount in excess of that used in your base period. For example, you must disregard any price based upon a change in your source of supply from a manufacturer to a reseller or warehouseman or from a domestic to a foreign source of supply. Likewise, you must disregard any price which is based upon a purchase of conversion steel, except as permitted in section 42. If you are unable

to determine your base period cost in accordance with the methods set forth in subparagraphs (1) to (4), inclusive, you must apply the provisions of section 10.

(1) The exchange quotation for the nearest monthly contract as of the close of business on the last date in your base period (or the nearest preceding date for which such a quotation is available) for any commodity traded regularly upon a commodity exchange operating under the jurisdiction of the Commodity Exchange Authority.

(2) The net price per unit of the material, part, subassembly, or expendable tool, die, jig, fixture, mould, pattern or work-holding device shown on the invoice for the last delivery of the particular commodity or service to you prior to the end of your base period. If, however, the delivery was received more than thirty days prior to the end of your base period or was pursuant to a contract bearing a firm price entered into more than sixty days prior to the end of your base period, you need not use this subparagraph (2). If within thirty days prior to the end of your base period, you received more than one delivery of the same commodity or service, you must use an average cost. You obtain this average cost by dividing the net amount you paid for all deliveries of the commodity or service during the thirty-day period preceding the end of your base period by the total number of units of the commodity or service delivered to you during that period.

(3) The net price per unit of the commodity or service stipulated in the written contract for the commodity or service last prior to the end of your base period, provided that it was entered into not more than sixty days prior thereto.

(4) The net price per unit of the commodity or service stipulated in the written offer for sale of the commodity or service to you made last prior to the end of your base period, provided that the offer was made within sixty days of the end of your base period and that you still have the written offer or obtain a copy of it from the offeror.

(i) *Transportation costs.* If you pay any transportation costs for inbound shipments, you may add these costs to the materials cost or cost of subcontracted services determined by you under (e) and (f). In determining these transportation costs you must use freight rates last in effect during your base period. If during your base period you had in effect a method of averaging transportation costs, you may continue to use that method of averaging transportations costs. The addition of transportation costs is, of course, subject to the limitations in paragraph (h) with respect to obtaining commodities or services from normal sources of supply.

(j) *Purchaser's allowance for scrap or waste.* Where your base period price determining method included an allowance to the purchaser for scrap or waste, generated during the manufacturing process, this allowance shall be determined as follows:

(1) If, during the base period, you determined the amount of this allowance by the current market price, you shall multiply the estimated quantity of scrap or waste by its last market price during your base period.

(2) If, during the base period, you determined the amount of this allowance by a percentage of the current market price, you shall first multiply the last market price in effect for the scrap or waste during your base period by the percentage of the market price you were using during your base period, and then multiply the result by the estimated quantity of scrap or waste.

SEC. 10. *Computation of ceiling price where you are unable to determine your base period cost.* This section applies if you are unable to determine your base period cost of any material, part, subassembly, subcontracted service, or expendable tool, die, jig, fixture, mould, pattern or work-holding device, which you use in the production of a commodity for which you must obtain a base period price under sections 8 or 9. This material, part, subassembly, subcontracted service, or expendable tool, die, jig, fixture, mould, pattern or work-holding device will be referred to in this section as the "item". You must apply paragraph (a) of this section if you are using section 8 and you must apply paragraph (b) if you are using section 9.

(a) If you are obtaining a base period price for a modified commodity under section 8:

(1) You compute the increase or decrease in cost attributable to the modification under the applicable provisions of section 8 but you disregard the cost of the "item" in calculating this increase or decrease in costs.

(2) Using the figure you find under subparagraph (1), you complete the calculations required by section 8.

(3) Using the figure you derive under subparagraph (2) as your base period price for the modified commodity, you compute your ceiling price under section 3 (a).

(4) You determine your current cost, not in excess of the applicable ceiling price, for the "item" you disregarded in subparagraph (1).

(5) You add the figures you find under subparagraph (3) and (4). This is your ceiling price for the modified commodity.

(b) If you are obtaining a base period price for a new commodity under section 9:

(1) You compute the base period price of the commodity in accordance with your base period price determining method or your OPS approved price determining method, as the case may be, but you disregard the cost of the "item" in computing your base period price.

(2) Using the figure you derive under subparagraph (1) as your base period price, you compute your ceiling price under section 3 (a).

(3) You determine your current cost, not in excess of the applicable ceiling price, of the "item" you disregarded in the computation under subparagraph (1) and add to this your markup over total costs, less selling and general administrative expense, which is provided in the price determining method you used in subparagraph (1).

(4) You add the totals found under subparagraphs (2) and (3). This is your ceiling price for the new commodity.

HOW TO CALCULATE THE LABOR COST ADJUSTMENT

SEC. 11. *General description of how to calculate the "labor cost adjustment."* Sections 12 and 13 tell how to calculate the "labor cost adjustment." The calculations under both sections are designed to yield an average percentage increase in your factory labor cost based upon net sales and factory payroll data for your last fiscal year ended not later than December 31, 1950. The percentage is referred to as your "labor cost adjustment factor." Under section 12, the net sales and factory payroll data are for your entire business and the labor cost adjustment factor will be applied uniformly to the base period prices for all of your commodities. Under section 13, the net sales and factory payroll data are for a unit of your business and the labor cost adjustment factor will be applied uniformly to the base period prices of all commodities produced in that unit. If the commodities produced in the several units of your business have experienced significantly different labor cost increases, it will probably be to your advantage to use section 13 so as to reflect these differences more appropriately.

SEC. 12. *How to calculate the "labor cost adjustment" upon the basis of your entire business.* To calculate the "labor cost adjustment" upon the basis of your entire business, you do the following:

(a) Find the dollar amount of your net sales, and of your factory payroll for your entire business for your last fiscal year ended not later than December 31, 1950. You may not include in factory payroll labor costs which are part of general and administrative expenses, sales and advertising expenses, distribution costs, purchasing costs, cost of major repairs or replacement of plant or equipment, cost of expansion of plant or equipment, or general research not directly applied to current production. You may include in factory payroll, however, such items as—direct labor, factory supervision, factory service labor (including ordinary maintenance of plant or equipment), factory stores labor (including materials control), factory quality control labor (including testing or inspection), painting, packaging, and crating labor, field erection and installation labor, and product engineering and development labor which is directly applied to current production or to current installation or erection.

(b) Divide the dollar amount of your factory payroll found under (a) by the dollar amount of your net sales found under (a). This will show what percentage your factory payroll is of your net sales. This percentage is referred to as your "labor cost ratio."

(c) Find the dollar amount of your factory payroll, as limited in paragraph (a) of this section, for your last payroll period ended not later than the end of your base period (if your base period is April 1 through June 24, 1950, you should use your last payroll period ended not later than June 30, 1950). The term "end of your base period" is explained in section 45 (Definitions). This payroll is referred to as "your base period payroll." Compute what the dollar amount of your base period payroll would have been upon the basis of your wage rates in effect on March 15, 1951. This is referred to as "your recomputed payroll." You may add to your recomputed payroll a dollar amount to reflect, for the labor covered by that payroll, any increase between the end of your base period and March 15, 1951, in the cost to you of insurance plans, pension contributions for current work, paid vacations and similar "fringe benefits." You may make the calculations called for by this paragraph in whatever appropriate way is best adapted to your accounting records and your basis of wage payments, e. g., hourly rates, piecework, or any other system of wage payments used by you.

(d) Divide the dollar amount of the difference between your recomputed payroll and your base period payroll by your base period payroll. The resulting percentage is referred to as your "wage increase factor".

(e) Multiply your labor cost ratio derived under (b) by your wage increase factor derived under (d). The resulting percentage is referred to as your "labor cost adjustment factor".

(f) Multiply the base period price of the commodity being priced by your labor cost adjustment factor. The resulting amount is the "labor cost adjustment" to be added to the base period price in accordance with section 3 (a).

(g) If you use this section, it must be used for all of your commodities.

Example:

(1) Your fiscal year is the calendar year. Your net sales for the twelve months ended December 31, 1950, were $1,000,000. Your factory payroll for the year was $300,000 (the required exclusions having been made in arriving at this figure).

(2) $300,000 divided by $1,000,000 is 30 percent. This is your "labor cost ratio".

(3) Your factory payroll for the week ended June 24, 1950, was $6,000 (the required exclusions having been made in arriving at this figure). At wage rates in effect March 15, 1951, the payroll would have been $6,500. In addition, you have also granted longer paid vacations and a more liberal insurance plan which amounts to the equivalent of two and one-half cents per hour. The number of hours covered by your base period payroll was 4,000. Consequently the increased "fringe benefits" add an extra $100 per week to your factory labor cost for the March 15, 1951, period. This makes your recomputed payroll at March 15, 1951, wage rates $6,600, or a total increase of $600.

(4) $600 divided by $6,000 is 10 percent. This is your "wage increase factor".

(5) 30 percent multiplied by 10 percent is 3 percent. This is your "labor cost adjustment factor."

(6) If your base period price was $100, you multiply $100 by 3 percent, giving $3, the "labor cost adjustment".

SEC. 13. *How to calculate the "labor cost adjustment" upon the basis of a unit of your business.* To calculate the "labor cost adjustment" upon the basis of a unit of your business, you do the following:

(a) Find the dollar amount of your net sales, and of your factory payroll for your last fiscal year ended not later than December 31, 1950, relating to a unit of your business for which you regularly maintain separate accounts and in which the commodity being priced is produced. You must include in net sales the value, as shown on your records, of any transfer of a commodity or material from that unit to another unit of your business. If your records do not show a value you may not use this section. The provisions of section 12 (a) as to what may be included in factory payroll apply.

(b) Using the data found under (a) you make the calculations prescribed in paragraphs (b), (c), (d), (e) and (f) of section 12, for the unit of your business to which the data relate. This will give you the "labor cost adjustment" to be added to the base period price in accordance with section 3 (a).

(c) This section may be used only for commodities produced in the particular unit of your business to which the net sales and factory payroll data relate, and must be used for all commodities produced in that unit.

HOW TO CALCULATE THE MATERIALS COST ADJUSTMENT

SEC. 14. *Manufacturing material.* You will need to become familiar with the term "manufacturing material" in the following sections. The term "manufacturing material" does not include materials or subcontracted industrial services used in replacing, maintaining or expanding your plant or equipment, or other materials or supplies, the use of which is not directly dependent upon the rate at which you manufacture the commodity being priced or install or erect the commodity. It refers to a material entering directly into the commodity being priced or used directly in the manufacturing processes from which the commodity results, or used directly in the installation or erection of the commodity, together with packaging materials, containers (other than returnable containers), purchased fuel, steam or electric energy, and subcontracted industrial services which are directly related to the manufacture of the commodity, or which are directly related to the installation or erection of the commodity. It also includes the following tools, supplies and materials if they are expended directly in the production of the commodity being priced or in the installation or erection of the commodity:

Binders (such as oil, pitch, paste, etc.).
Chalk.
Core sand and core oil.
Cutting oils and compounds used in processing departments.
Cutting tools (such as drills, saws, reamers and grinding wheels).
Deoxidizing agents (such as aluminum, copper chromium, beryllium, phosphorus, etc.).
Facings (such as graphite, soap stone, sea-coal, etc.).
Flux.
Laboratory supplies or photographic supplies used for quality control purposes.
Molders sand.
Polishing compounds.
Slushing oil.
Timber.
Welding rods and supplies.

It also includes the following commodities only if they are permitted to be included as expense items for Federal tax purposes:

Core boxes.
Dies.
Foundry flasks.
Jigs or fixtures.
Patterns.
Plate shop and sheet metal holders.
Templates.

SEC. 15. *General description of the methods available.* (a) There are four alternative methods available to you for calculating the "materials cost adjustment". You should use the one best suited to your particular situation. Only manufacturing materials may be taken into account in your calculations and you will measure their change in cost to you between prescribed dates. You are permitted, however, to omit any manufacturing material which is not significant or whose cost has not decreased between the prescribed dates. This section only contains general descriptions, as an aid to understanding. The exact provisions which are in the following sections are controlling.

(1) *Method 1.* Method 1 allows you to measure the increase in your manufacturing materials costs upon the basis of a unit of your business not larger than a plant, or, if you have only one plant, upon the basis of your entire business. Under this method, which is set forth in section 17, you calculate a percentage increase in your manufacturing materials costs upon the basis of net sales and materials put into production during a yearly accounting period. If you make the calculations upon the basis of your entire business, you apply the percentage increase uniformly to all of your commodities. If the calculations are upon the basis of separate units of your business, you apply the percentage increase for each unit uniformly to all of the commodities produced in that unit. There are specific limitations upon the use of this method where you have had significant substitution of materials.

(2) *Method 2.* Method 2 is for an individual commodity and is based upon the increase in your unit manufacturing materials cost for that commodity. Under this method the "materials cost adjustment" will ordinarily differ for each commodity. You should probably use this method, therefore, if the various commodities you produce have had substantially different material cost increases since the end of your base period, or vary widely from each other in the ratio between unit manufacturing materials cost and sales price. This method, however, is more burdensome because it requires a separate calculation for each commodity.

(3) *Method 3.* Method 3 is for a product line and is based upon the increase in your unit manufacturing materials cost for the best selling commodity in the product line. A percentage figure for this increase is derived which is applied to the base period price of each commodity in the product line. This method may be more appropriate than Method 2 if you have a number of closely related commodities whose material cost increases have been about the same.

(4) *Method 4.* Method 4 may also be used for a product line, or it may be used for a category. It is based upon the increase in the cost of the bill of materials used in producing the goods sold during an accounting period of three months or less. Like Methods 1 and 3 it yields a uniform materials cost ad-

justment factor for all commodities in the product line or category. If your records are in a form which permits you to use this method, you may find it simpler to apply than Method 1.

(b) You may select whichever one of the four methods you consider best suited to the nature of your business and most adaptable to the records you maintain. If you select the first, third or fourth method, you must use it for each commodity in the particular unit of your business (or for all of your commodities if your calculations are based upon your entire business), product line or category involved.

SEC. 16. *Omission of certain manufacturing materials from your calculations.* Under any of the four alternative methods which you use for calculating the "materials cost adjustment" you may omit from your calculations any manufacturing material which is not significant or whose cost to you has not increased between the prescribed dates. Consequently, a reference to "each manufacturing material" under any of the four methods means each such material you are including in your calculations.

SEC. 17. *Method 1 (Aggregate method).* To calculate the "material cost adjustment" under this method, you do the following:

(a) Find the dollar amount of your net sales for your last fiscal year ended not later than December 31, 1950, for your entire business, or for a unit of your business for which you regularly maintain accounts and in which the commodity being priced is produced. You may not, however, use your entire business for this calculation if you operate more than one plant. Nor may you use a unit of your business which includes the output of more than one plant, although you may use a unit less inclusive than a plant. If you use a unit of your business, you must include in net sales the value of any commodity or material transferred from that unit to another unit of your business. The value shall be that shown in your records. If your records do not show a value, you may not use that unit of your business for making your calculations.

(b) Multiply the physical amount of each manufacturing material which you used during the same fiscal year either in your entire business or in a unit of your business, whichever you are calculating on, by the dollars-and-cents amount of the change in net cost per unit of the material to you between the end of your base period and December 31, 1950. The term "end of your base period" is explained in section 45 (Definitions). For any material listed in Appendix B you may figure the change to March 15, 1951. Before starting to figure the change in net cost per unit of the material, you should read carefully the instructions contained in sections 21 through 26.

(c) Add together the resulting figures derived under (b) which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. Subtract the total of the decreases from the total of the increases.

(d) Divide the final figure derived under (c) by the amount of your net sales found under (a). The resulting percentage is referred to as your "materials cost adjustment factor".

(e) Multiply the base period price of the commodity being priced by your materials cost adjustment factor. This will give the "materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

(f) If you use this section and your calculations are based upon your entire business, the materials cost adjustment factor which you derive must be used for all of your commodities. If your calculations are based upon a particular unit of your business, the materials cost adjustment factor which you derive must be used for all commodities produced in that unit and may not be used for commodities produced in any other unit of your business.

(g) You may not use this section if you have replaced, in any significant degree, the materials used by you during the base period with lower-priced substitute materials. (For example, if you are a manufacturer of automotive parts and you are now using a significantly large percentage of steel to replace the copper and brass you used during your base period, you may not use this method.)

SEC. 18. *Method 2 (individual commodity method).* To calculate the "materials cost adjustment" under this method, you do the following:

(a) Find the physical amount of each manufacturing material which you normally used in the base period per unit of the commodity being priced.

(b) Multiply this physical amount of each of these manufacturing materials by the change in its net cost per unit to you between (1) the last day of the base period you elected for the commodity being priced and (2) December 31, 1950. For any material listed in Appendix B you may figure the change to March 15, 1951. Before starting to figure the change in net cost, you should read carefully the instructions contained in sections 21 through 26.

(c) Add together the resulting figures derived under (b) which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. The difference between these totals is the "materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

Example: The commodity you are pricing uses three different manufacturing materials. For each unit of the commodity, you require 5 pounds of material A, 10 pounds of material B, and 1 pound of material C. Before the end of your base period material A cost you $1.00 per pound, material B $2.00 per pound and material C $0.50 per pound. Your net cost per unit of material A on your last invoice before December 31, 1950, was $1.50 and for material B it was still $2.00. Material C is listed in Appendix B; your last invoice prior to March 15, 1951, was $1.00 per pound. Your increase for material A was, therefore, 5 multiplied by 50 cents (the difference between $1.50 and $1.00) or $2.50. Material B has not changed in price and may, therefore, be omitted. For material C, 1 pound multiplied by 50 cents equals 50 cents. In addition, the commodity was heat treated for you by an outside contractor at a cost of $1.00 per unit before the end of your base period and the price for this service as of March 15, 1951, was $1.25, a difference of 25 cents. Your materials cost increase for the commodity is, therefore, $2.50 for material A, 50 cents for material C, and 25 cents for the heat treating service, or a total of $3.25. This is the "materials cost adjustment".

SEC. 19. *Method 3 (product line method using best selling commodity).* This method is essentially the same as Method 2 except that the calculations are made for the best selling commodity in a product line. To calculate the "materials cost adjustment" under this method, you do the following:

(a) Select the best selling commodity in the product line of which the commodity being priced is a part.

(1) "Product line" refers to a group of closely related commodities which differ in such respects as model, size or brand name and which are normally classed together as a product line in your industry. Generally speaking, each commodity in the same product line must serve the same purpose and must be made by the same manufacturing process from substantially the same materials. A product line may never be broader than a category and usually will be narrower. The relationship between the commodities will normally be substantially closer in a product line than in a category. For example, milling machines, lathes and screw machines are separate product lines, but a single category of machine tools.

(2) The "best selling commodity" refers to the commodity in a product line which accounted for the greatest dollar volume of sales in the product line in your base period.

(b) Using the best selling commodity, make the calculations prescribed in section 18. This will give the "materials cost adjustment" for the best selling commodity, i. e., the amount to be added to its base period price.

(c) Divide the "materials cost adjustment" by the base period price of the best selling commodity. The resulting percentage is referred to as your "materials cost adjustment factor".

(d) Apply your materials cost adjustment factor to the base period price of each commodity in the product line. The resulting figure for each commodity is the "materials cost adjustment" to be added to the base period price of that commodity in accordance with section 3 (a).

(e) If you use this section it must be used for each commodity in the product line for which you have made your calculations.

Example: You have three commodities in a product line, whose base period prices were $8, $10 and $12, respectively. The best selling item was the $10 commodity. The "materials cost adjustment" for that commodity calculated under section 18 was $2, or 20%. The "materials cost adjustment" for the $8 commodity is, therefore, 20% of $8, or $1.60, and for the $12 commodity, 20% of $12, or $2.40.

SEC. 20. *Method 4 (composite bill of materials method).* Under this method you make your calculations for the increase in your manufacturing materials cost for a product line or a category. To calculate the "materials cost adjustment" under this method, you do the following:

(a) Find the total net sales of all commodities in the product line or category for your last complete accounting period of three months or less ended not later than the last day of your base period (or if your base period is April 1 through June 24, 1950, ended not later than June 30, 1950). You must include in net sales the value, as shown in your records, of any transfer of a commodity in that product line or category to another unit of your business. If your records do not show a value, you may not use this section for that product line or category.

(b) Find the total physical amount of each manufacturing material used in producing the commodities in that product line or category sold in that accounting period. (Note that, in contrast to Method 1, you find here the physical bill of materials used in producing the goods sold in a short accounting period; while, under Method 1, you find the aggregate quantities of materials used, i. e., put into the production process, in an annual accounting period.)

(c) Multiply this total physical amount by the dollars-and-cents change, between (1) the end of your base period and (2) December 31, 1950, in net cost to you per unit of the material used. For any material listed in Appendix B you may figure the change to March 15, 1951. Add together the resulting figures which represent increases in net cost. Do the same with the resulting figures which represent decreases in the net cost. The difference between these totals is your increase in manufacturing materials cost. Before starting to figure the change in net cost you should read carefully the instructions contained in sections 21 through 26.

(d) Divide your increase in manufacturing materials cost derived under (c) by the amount of your net sales found under (a). This percentage is referred to as your "materials cost adjustment factor."

(e) Apply your materials cost adjustment factor derived under (d) to the base period price of the commodity being priced. The resulting figure is the "materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

(f) You may use this section only if you use it for each commodity included in the product line or category.

SPECIAL INSTRUCTIONS TO BE FOLLOWED IN CALCULATING THE MATERIALS COST ADJUSTMENT

SEC. 21. *General nature of these instructions.* Section 22 will apply to your calculations irrespective of which of the four alternative methods you use. Sections 23 through 26 may be applicable to you depending upon whether you are covered by certain described situations which are briefly indicated by the section headings and opening sentence of the section.

SEC. 22. *How to compute the net cost to you of a manufacturing material as of a prescribed date.* Under any of the four alternative methods you may use for calculating the "materials cost adjustment," you must figure the change, between prescribed dates, in the net cost to you per unit of each manufacturing material included in your calculations. (The earlier "prescribed date" is June 24, 1950, or another date depending on the base period you elected. The later "prescribed date" is December 31, 1950, or March 15, 1951.) To determine the net cost to you per unit of a manufacturing material as of a prescribed date, you use the *first* of the following prices available to you. In no event may the price you use be in excess of the ceiling price under a ceiling price regulation in effect on the date of issuance of this regulation. If you use paragraphs (c), (d) or (e) of this section, you must disregard any price based upon a departure from your normal buying practices. Such a departure would include quantities smaller than those you usually purchase or contract for, or use of a more distant or different class of supplier (other than the United States) or use of subcontracted industrial services in an amount in excess of that used in your base period. For example, you must disregard any price based upon a change in your source of supply from a manufacturer to a reseller or warehouseman or from a domestic to a foreign source of supply. Likewise you must disregard any price which is based upon a purchase of conversion steel, except as permitted in section 42.

(a) The exchange quotation for the nearest monthly contract as of the close of business on the prescribed date (or the nearest preceding date for which such a quotation is available) for any commodity traded regularly upon a commodity exchange operating under the jurisdiction of the Commodity Exchange Authority and you must use the quotation for both of the prescribed dates. Also, you must use the same commodity exchange for both of the prescribed dates. If the commodity is one which is not itself quoted on such an exchange but another grade of that commodity is so quoted, you may use the exchange quotation for such other grade provided you do so for both of the prescribed dates.

(b) The net price per unit of the material shown on the invoice for the last delivery of the material to you prior to the prescribed date. If, however, the delivery was received more than 30 days prior to the prescribed date or was pursuant to a contract bearing a firm price entered into more than 60 days prior to the prescribed date, you may not use this paragraph (b). If within 30 days prior to each of the applicable prescribed dates, you received more than one delivery of the same manufacturing material, you must use an average price for each such date. You obtain this average price by dividing the net amount you paid for all deliveries of the material during each of the 30-day periods by the total number of units of the material delivered to you during each period. The average price for each period is the price you use for each of the respective prescribed dates.

(c) The net price per unit of the material stipulated in the written contract for the material which you entered into last prior to the prescribed date, provided that it was entered into not more than 60 days prior thereto.

(d) The net price per unit of the material stipulated in the written offer for sale of the material to you made last prior to the prescribed date provided that the offer was made within 60 days prior to the prescribed date and that you still have the written offer or obtain a copy of it from the offeror.

(e) If none of the foregoing is available to you for one or both of the applicable prescribed dates, you may apply to the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., for an appropriate increase in the cost of the manufacturing material for use in your calculations. If you make such an application, you must refer specifically to this paragraph; you must describe the commodity being priced and the manufacturing material; you must propose the amount of increase per unit of the manufacturing material you consider appropriate based upon what you would have paid for the material if you had purchased it on each of the applicable prescribed dates, you must set forth in detail supporting reasons and why this paragraph is applicable; and you must state the base period price of the commodity and the ceiling price you propose. You must file this application before using the increase you propose. Although you need not await a reply from the Director of Price Stabilization before using the increase you propose, he may at any time disapprove the increase you propose, stipulate the amount of increase which he will approve or request additional information.

SEC. 23. *How to compute net cost as of the applicable prescribed dates where you are using a substitute material not used during the base period.* In the case of a substitute material not used by you during the base period (or used in lesser quantities or proportions) in the manufacture of the commodity being priced, you must, if you are using Methods 2, 3 or 4 for calculating the "materials cost adjustment," compute the net cost to you as of the end of your base period of the physical amounts of the materials normally used by you in your base period and the net cost to you as of December 31, 1950, or March 15, 1951, whichever date is applicable, of the physical amounts of the materials normally used by you now. Since this calculation cannot be made accurately under Method 1 (section 17), you may not use that method for any unit of your business in which you are now using significant quantities of a substitute material whose current unit cost is lower than the current unit cost of the material used by you during the base period. However, if the current unit cost of the substitute material is the same or higher than the current unit cost of the material used by you during the base period, you may use Method 1 but without making any allowance for the higher cost of the substitute material.

SEC. 24. *Inclusion of transportation costs in the computation of net cost of a manufacturing material as of a pre-*

scribed date. If a quotation, invoice, contract or written offer which you use under section 22 did not include transportation costs for delivery of the material to you, you may add the actual amount of the transportation costs which you paid or would have paid for delivery of the material to you, provided that you include them in your determination of the net price of the material as of both dates.

SEC. 25. *How to calculate the "materials cost adjustment" for joint products or by-products.* This section will concern you only if you manufacture joint products or by-products. If two or more commodities result from the same manufacturing operation or from common materials and you are unable to compute the unit manufacturing materials costs for each under section 18, you calculate the "materials cost adjustment" for each as follows:

(a) Establish an appropriate combined unit of production in which are represented the several commodities in the proportions in which they result from the same manufacturing operation or from common materials.

(b) Find the dollar value of the combined unit of production using base period prices for each commodity, determined in accordance with sections 7, 8 or 9, as the case may be.

(c) Using the same calculations as in section 18 (substituting, of course, the combined unit of production for the unit referred to therein), compute the increase in manufacturing materials cost per combined unit of production.

(d) Divide the increase in manufacturing materials cost per combined unit of production by the dollar value of that unit as determined under (b) above.

(e) Apply this percentage to the base period price of each of the commodities being priced. The resulting figure for each commodity is the "materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

SEC. 26. *How to calculate the change in net cost of a manufacturing material which is produced in one unit of your business and transferred to another unit of your business.* (a) You will be concerned with this section if you are a multiunit organization and in your operations you transfer products for further processing or assembly between units of your business for which you regularly maintain separate records. By way of illustration, such transfers may be between departments, plants, branches or divisions. This section deals specifically with a manufacturing material which you produce in one unit of your business and transfer to another unit of your business where it is used in producing the commodity being priced. Such a manufacturing material (which is referred to as a "transferred material") may also be sold to another person. This section provides three methods for figuring the change in cost of a transferred material in your calculations of the "materials cost adjustment" for the commodity being priced. The method you use depends first on how you calculated the "labor cost adjustment" for the commodity being priced and second, on whether you also sell the transferred material to other persons.

(b) If you calculated the "labor cost adjustment" for the commodity being priced upon the basis of your entire business or of a unit of your business that included the unit in which the transferred material is produced, you may not in calculating the change in cost of that material include any increase in your factory labor cost. Your calculation of the change in cost of the transferred material will therefore only take into account changes in the costs of the manufacturing materials directly related to the transferred material. Such change in cost of the transferred material will be included in your calculation of the "material cost adjustment" for the commodity being priced.

(c) If your calculation of the "labor cost adjustment" for the commodity being priced was not based upon your entire business or upon a unit of your business that included the unit in which the transferred material is produced and if the transferred material is one you sell to other persons, you calculate its change in cost as follows:

(1) Find its base period price (i. e., to your largest buying class of purchaser).

(2) Find its ceiling price under this regulation or other applicable regulation to your largest buying class of purchaser.

(3) The difference between the figure found under (2) and that found under (1) is the increase or decrease in the cost of the transferred material which you use in calculating the "materials cost adjustment" for the commodity being priced.

(d) If your calculation of the "labor cost adjustment" for the commodity being priced was not based upon your entire business or upon a unit of your business that included the unit in which the transferred material is produced, and if that material is not one you sell to other persons, you calculate its change in cost as follows:

(1) Find the value as shown in your records at which the transferred material was transferred, last prior to the end of your base period (i. e., the base period for the commodity being priced), to the unit of your business in which the commodity being priced is produced.

(2) Using that transfer price as your base period price, determine what the ceiling price would be under this regulation or other applicable regulation.

(3) The difference between the figure found under (2) and that found under (1) is the increase or decrease in cost of the material to be used in calculating the "materials cost adjustment" for the commodity being priced.

Example: You are pricing a motor for which you produce the wire. The following paragraph illustrates the application of the three methods prescribed in section 26:

(a) You have treated the department in which the motor is produced and the department in which the wire is produced as a single unit in computing the "labor cost adjustment" for the motor. You purchase on the outside the copper and insulating materials used in producing the wire. The "material cost adjustment" for the wire may include, as far as the wire is concerned, only the change in cost of the purchased copper and insulating materials.

(b) In calculating the "labor cost adjustment" for the motor you used only the department in which the motor is produced. You also sell the wire to others and calculated the "labor cost adjustment" for the wire upon the basis of the wire department. Therefore, in calculating the "materials cost adjustment" for the motor, the change in cost of the wire will be the difference between your ceiling price for the wire under this regulation to your largest buying class of purchaser, and your base period price for the wire to that class of purchaser.

(c) Assume the same facts as in (b) except that you produce the wire exclusively for your own use. You must compute what the ceiling price for the wire would be under this regulation, using the value at which the transfer between departments was made on your books last prior to the end of the base period. The difference between your computed ceiling price and your base period transfer value is the amount you use in calculating the "materials cost adjustment" for the motor.

SPECIAL PROVISIONS RELATING TO CEILING PRICES

SEC. 27. *General nature of these provisions.* Sections 28 through 32 relate to adjustments of your ceiling prices under certain circumstances. Section 28 relates to rounding ceiling prices. Section 29 relates to retention of ceiling prices established under the General Ceiling Price Regulation where the change in price is less than 1 percent. Section 30 requires that you reduce your ceiling prices to reflect any increase in the value of scrap or waste material generated in your manufacturing processes. Section 31 permits you to adjust your ceiling prices quoted on a delivered basis for certain increases in transportation costs. Section 32 provides an optional method for adjusting your ceiling prices for commodities manufactured in more than one of your plants.

SEC. 28. *Rounding ceiling prices.* You may round your ceiling prices determined under this regulation so that they will be expressed in the nearest cents or fraction of a cent you normally employ. If you elect to do so you must similarly round the ceiling prices for all your commodities normally priced by you upon the same basis, to reflect decreases as well as increases. In no event may the increase be greater than 1% of your ceiling price prior to rounding. For example, if you normally quote to the nearest quarter of a cent and your ceiling price for commodity A is 21.20 cents, you may round that ceiling price to 21¼ cents. However, if you round your ceiling price for commodity A and your ceiling price for commodity B is 27.30 cents you must round its ceiling price to 27¼ cents.

SEC. 29. *Retention of GCPR ceiling price where the change in price is less than 1 percent.* If your ceiling price for a commodity as determined under section 3 differs by less than 1 percent from that under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price. However, you may use this section only if you apply it to all your ceiling prices determined under section 3 differing by less than 1 percent from the GCPR ceiling prices, regardless of whether decreases or increases result. For example, your GCPR ceiling price for commodity A is $10 and your ceiling price under section 3 is $9.95. Your GCPR ceiling price for commodity B is $8 and your ceiling price under section 3 is $8.05. You may continue to use $10 as your ceiling price for Commodity A, but if you do so you must continue to use $8 as your ceiling price for commodity B.

SEC. 30. *Requirement for reduction of your ceiling prices as otherwise determined for any increase in value of scrap or waste material.* (a) You will be concerned with this section if in the manufacturing process relating to the commodity being priced you generate any scrap or waste material which you will sell to other persons or which is transferred from one unit of your business to another, and if, between the end of your base period and March 15, 1951, there has been an increase in the value of such scrap or waste material. However, you need not make the adjustment called for in this section unless your sales of scrap or waste material are significant. They will be considered significant if, for the plant or other unit of your business in which the commodity being priced is produced, the value of your sales or transfers of scrap or waste material exceeded 3 percent of the total value of your sales or transfers of all commodities, during your most recent fiscal year ended not later than December 31, 1950.

(b) In the circumstances described in paragraph (a) where your sales of scrap or waste material are significant you must make an appropriate reduction in the ceiling prices for each of the commodities resulting from your manufacturing process to reflect the dollars-and-cents amount by which the value of the scrap or waste material generated in the manufacturing process has increased between the end of your base period and March 15, 1951. In calculating this increase in value you should use a method comparable to the one you employed for your calculation of the "materials cost adjustment" for the commodity being priced. For instance, if you used Method 2 (section 18) you should calculate the increase in value of your scrap or waste material per unit of the commodity being priced; if you used Method 1 (section 17) you should calculate the increase in value of your scrap or waste material by an aggregate method. The resulting dollars-and-cents amount reflecting the increase in value of your scrap or waste material per unit must be subtracted from your ceiling price as otherwise determined under this regulation.

SEC. 31. *Adjustment of ceiling prices quoted on a delivered basis for increases in transportation costs.* If your base period price was, and therefore your ceiling price is, a delivered price, you may adjust your ceiling price to reflect any increase, between the end of your base period and March 15, 1951, in transportation costs incurred by you (not including warehousing charges). You may include in this adjustment only increases resulting from transportation charges paid by you to other persons (excluding any person who is an employee, subsidiary or affiliate of yours or of whom you are a subsidiary or affiliate). This adjustment is made in the following manner:

(a) Where your base period price for the commodity being priced included full transportation costs from point of shipment to point of delivery, you may adjust your ceiling price by the exact amount of the increase in transportation rates to you between such points, charged by the same carrier or class of carrier for the same class of transportation. You may not include any increase due to changing the class of carrier (e. g., from water or highway to rail) or to changing your customary method or quantity of shipment.

(b) Where your base period price was uniform within defined geographical zones but you maintained an established differential between each zone, you may calculate a transportation cost increase adjustment to be applied to the ceiling price for sales to each zone. This calculation is made in the following manner:

(1) Find the average transportation charge paid by you for deliveries of the commodity being priced to each zone during your last accounting period of not less than three months, ended not later than the end of your base period. If your base period is April 1 through June 24, 1950, you should use your last accounting period of not less than three months, ended not later than June 30, 1950.

(2) Find what the average transportation charge paid by you for deliveries of that commodity to each zone would be, using the transportation rates actually in effect on March 15, 1951.

(3) The dollars-and-cents amount of the difference between the average transportation charge found under (2) and that found under (1) for each zone may be added to your ceiling price for sales to that zone.

(c) Where your base period price was uniform for all sales of the commodity being priced to any destination within the United States, you may calculate a single transportation cost increase adjustment to be applied to the ceiling price for all sales within the United States in the same manner as under paragraph (b) of this section, treating the United States as a single zone.

SEC. 32. *Optional method for determining a uniform ceiling price for a commodity manufactured in more than one plant.* If the commodity being priced is manufactured in more than one of your plants and is customarily sold by you at a uniform price, but in adjusting the base period price for each plant different ceiling prices result, you may compute a uniform ceiling price. To do this, you first determine the ceiling price for each plant and multiply it by the number of units of the commodity sold from that plant during the last quarter of 1950. You then divide the total dollar amount of such sales from all plants by the total number of units sold from all plants. The resulting figure is your uniform ceiling price for the commodity. If sales from any of your plants in the last quarter of 1950 were not substantial, you may use the last three consecutive months of substantial sales in 1950, provided that you use the same period for all of your plants.

Example: You are producing the same commodity in two plants, and customarily charge the same price from each. However, due to a difference in your wage rate changes, your ceiling price for plant A is $2.00, and for plant B is $2.10. Sales during the last quarter of 1950 were 1500 units from plant A and 1000 units from plant B. 1500 multiplied by $2.00 is $3000; 1000 multiplied by $2.10 is $2100; 1500 plus 1000 is 2500; $3000 plus $2100 is $5100; $5100 divided by 2500 is $2.04. You may therefore use the uniform ceiling price of $2.04 for sales from both plants.

MISCELLANEOUS PROVISIONS

SEC. 33. *Export sales.* Your sales for export are subject to the provisions of this regulation.

SEC. 34. *Excise, sales and other similar taxes*—(a) *Where the tax is included in your base period price.* If your base period price for a commodity you are using to determine your ceiling price either for that commodity or another commodity includes any excise, sales or other similar tax which is not separately stated, you must first ascertain the amount of any such tax and exclude it from your base period price. Your base period price, with any such tax so excluded, may then be used in making any appropriate computations for determining your ceiling price. After completing the computations, you may then add on the appropriate amount of any such tax for inclusion as part of your ceiling price. In the case of any increase in such a tax subsequent to the end of your base period, you may include the appropriate amount of any such increase as part of your ceiling price. Likewise, in the case of any similar tax first imposed subsequent to the end of your base period and included in your selling price thereafter, you may include the appropriate amount of such tax as part of your ceiling price.

(b) *Where the tax is separately stated and collected.* In addition to your ceiling price determined under this regulation, you may collect the amount of any excise, sales or other similar tax paid by you as such only if it has been your practice to state and collect such taxes separately from your selling price for the same or similar commodities. In the case of such a tax imposed by law which is not effective until after the effective date of this regulation, or of any increase in such a tax subsequent to the effective date of this regulation, you may collect the amount of the tax actually paid as such by you, if not prohibited by the tax law. You must in all such cases state separately the amount of the tax.

SEC. 35. *Prohibition against redetermination of ceiling prices.* Once you have reported your ceiling price or proposed ceiling price for a commodity as required by this regulation, you may not thereafter redetermine it. A purely arithmetical error may, however, be corrected, but the correction must be reported to the Director of Price Stabilization.

SEC. 36. *Modification of ceiling prices by the Director of Price Stabilization.*

The Director of Price Stabilization may at any time disapprove or revise downward ceiling prices proposed to be used or being used under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation. Such downward revisions may, of course, be accompanied by upward revisions—as in a case where the Director of Price Stabilization requires an apportionment of the "materials cost increase" for a unit of your business to avoid any inequities resulting from the application of sections 17 or 20.

SEC. 37. *Recalculation of ceiling prices and announcement of "materials cost increase factors".* The Director of Price Stabilization expects in due course to issue an amendment to this regulation providing for a recalculation of your ceiling prices hereunder. The primary purpose of this recalculation would be to reflect more accurately the materials prices established by this and other ceiling price regulations. The Director of Price Stabilization may also from time to time announce "materials cost increase factors" for certain materials in order to provide greater uniformity in the calculation of their change in price since the end of your base period. These factors will be percentage figures based on studies of some categories of important basic materials and parts. If such a factor is announced, it must be used in place of any change you have had in the price of the material covered by the factor, regardless of whether the factor is higher or lower. These "materials cost increase factors" may be announced by amendments or by supplementary regulations to this regulation.

SEC. 38. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit your making a contract or offer to sell a commodity at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver a commodity at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 39. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1 (15 F. R. 9955).

SEC. 40. *Supplementary regulations.* The Director of Price Stabilization may issue supplementary regulations modifying or implementing this regulation as he deems appropriate.

SEC. 41. *Adjustment of ceiling prices where over-all loss in operations results.* (a) This section permits you to apply for an upward adjustment of your ceiling prices established by this regulation, if as a result of these ceiling prices, you would operate at a loss.

(b) You may apply under this section if:

(1) Your total manufacturing operations have been conducted at a net loss for a period of operation under this regulation of at least one month, or would have been conducted at a loss if you had manufactured the commodities covered by this regulation in your customary quantities and proportions;

(2) The loss was attributable to the level of prices established by this regulation, and not to any of the following:

(i) Seasonal, non-recurring or temporary factors affecting your operations; or

(ii) A reduction in volume of production below the normal economical capacity of your plant; or

(iii) The payment of unlawful wages or excessive salaries or of unlawful or excessive prices for materials; or

(iv) The incurring of factory overhead costs or of selling, administrative and general costs which are abnormally high relative to sales or other costs unless such excess is demonstrated by clear and convincing evidence to have been unavoidable in the exercise of sound business judgment and management; or

(v) Any transactions with affiliated corporations or businesses which either are of a kind which would not result from arm's-length bargaining or differ from the transactions which you have customarily had with such affiliated corporations or businesses; or

(vi) Reserves for contingencies.

(3) The adjusted prices for which you apply will not be substantially out-of-line with the ceiling prices for similar commodities established for other sellers under this regulation.

(c) If you make application under this section, you must supply:

(1) Your name, address, a description of your manufacturing facilities and of the commodities you manufacture, and a statement of the principal types of customers to whom you sell;

(2) A detailed annual profit and loss statement for your firm for the years 1946 through 1949, and both an annual profit and loss statement, and if you regularly prepare them, quarterly profit and loss statements covering the year 1950 and each quarter since then;

(3) A detailed profit and loss statement covering a period of operations of one month or more under this regulation, together with a careful explanation of how it was prepared, including particularly a justification of any estimating procedures used in its preparation;

(4) For commodities covered by this regulation, either (i) a statement of your base period and ceiling prices to your largest buying class of purchaser (including delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale) and a schedule of your price differentials to your other classes of purchasers; or (ii) a copy of the report required and submitted to the Office of Price Stabilization; together with (iii) a statement of the section or sections under which you establish your ceiling prices.

(5) A showing that the loss in your current operations was not due to any of the six factors in paragraph (b) (2) of this section.

(6) A list of your principal competitors, and a statement of their ceiling prices under this regulation for commodities similar to yours, together with data showing the past relationship of your prices to those they have charged for the same or similar commodities.

(7) A proposed schedule of adjusted ceiling prices for commodities covered by this regulation, and a demonstration that, if these prices were charged, your operations would be at a break-even position.

(8) The application must refer specifically to this section of the regulation, must be signed by a responsible officer of your company, and must be sent to the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C.

(d) Within thirty days of the receipt of your application, the Director of Price Stabilization will grant or deny your application in full or in part, or request further information. The Director of Price Stabilization may, as a condition of granting your application in full or in part, require you to submit reports of subsequent operations and may revoke or modify the adjustment at any time. If, thirty days after the acknowledgement or receipt of your application (or of any additional information that may have been requested), none of the actions listed above has been taken, you may sell at your proposed ceiling prices until such time as the Director of Price Stabilization shall notify you that these prices have been disapproved.

SEC. 42. *Use of "conversion steel" in calculating the "materials cost adjustment".*—(a) *Purpose of this section.* In calculating the "materials cost adjustment" for a commodity under this regulation, you are not permitted to reflect in your calculations any increase in materials cost occasioned by use of so-called "conversion steel". However, if you believe that this requirement imposes upon you a serious inequity because you are required by NPA Order M-47 (16 F. R. 3130) of the National Production Authority to use more conversion steel than you used in your base period, you may apply for permission to reflect such increase in your calculation of the "materials cost adjustment".

(b) *How to apply.* Under the circumstances described above, you may make application, signed by a responsible officer of your company, and sent by registered mail, to the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., referring specifically to this section and supplying the following information:

(1) A statement describing the nature of your manufacturing operations, and, particularly the commodities in which conversion steel is used.

(2) A detailed statement showing all of your purchases of steel (whether conversion steel or not) in your base period, and in the three months ended March 31, 1951, listing, for each such purchase, the date, the name and address of the supplier, the exact specifications of the steel purchased, the price paid (including all discounts, extras, terms, delivery charges, etc.), and the amount purchased.

If you sold any steel in either of these periods, you must give full details as to such sales.

(3) A detailed statement establishing the amount of "conversion steel" you are required to use under NPA Order M-47 of the National Production Authority.

(4) A detailed statement showing how you propose to reflect in your calculation of the "materials cost adjustment" the increase, since the end of your base period, in the cost of steel (including conversion steel), in the amount and to the extent that you are required to use such steel under NPA Order M-47 of the National Production Authority.

(c) *Action on your application.* Within thirty days after the receipt of the application described above, the Director of Price Stabilization will grant or deny, in whole or in part, your application, or notify you that further information is required. If, at the end of thirty days, the Director of Price Stabilization has done none of the above, you may begin to sell at ceiling prices calculated in accordance with the "materials cost adjustment" you propose. (In the meantime you may, after the effective date of this regulation, sell at a ceiling price calculated without reference to your use of conversion steel.) At any time thereafter, the Director of Price Stabilization may notify you that further information is required or may deny your application, in whole or in part, but such denial shall not be retroactive as to deliveries previously made.

SEC. 43. *Temporary adjustments to carry out existing contracts.*—(a) *Who may apply for adjustment.* If at any time prior to the issuance date of this regulation, you entered into a bona fide contract for delivery of a commodity at a firm price subsequent to the effective date of this regulation, and if your ceiling price as determined under this regulation is lower than the contract price, you may apply to the Director of Price Stabilization for an adjustment of your ceiling price, provided:

(1) The contract for future delivery was required by seasonal demands or normal business practices.

(2) The contract, if entered into subsequent to January 26, 1951, called for deliveries at a price which was lawful under ceiling price regulations in effect at that time.

(3) You acquired needed raw materials or component parts after the date of the contract at lawful prices in reliance upon and in order to fulfill the terms of the contract.

(b) *Calculation of the amount of the adjustment.* The adjusted ceiling price will be fixed in the following way:

(1) Take the total price of the quantity of raw materials or component parts acquired in reliance upon, and necessary in order to fulfill, the contract.

(2) Compute what the total price of the same quantity of raw materials or component parts would be as of the later of the two applicable prescribed dates used for your calculation of the "materials cost adjustment". In computing what the total price would be, you will, of course, apply the provisions of section 22.

(3) Subtract the figure arrived at in subparagraph (2) from the figure in subparagraph (1). The result is the total amount of the adjustment. If the figure arrived at in subparagraph (1) is no higher than that arrived at in subparagraph (2), you cannot apply for adjustment under this section.

(4) Divide the total amount of the adjustment by the number of units of the commodity called for by the contract. This gives you the adjustment per unit of the commodity. If the contract calls for the delivery of more than one commodity, the total amount of the adjustment may be distributed in any appropriate way among the several commodities.

(5) Add the adjustment per unit of the commodity under (4) to your ceiling price for that commodity. The result is your adjusted ceiling price. In no event, however, may you obtain an adjusted ceiling price higher than the contract price.

Example: You contracted in January, 1951, to supply a mail-order house 1,000 units of a commodity at $10.00 per unit, delivery to be made during the months of June, July, and August of 1951. Your ceiling price under this regulation is $9.00. In order to comply with the terms of your contract, you purchased raw material sufficient to produce 600 units at a total cost of $4,200. The cost of acquiring the same raw material as of December 31, 1950 (the later of the two applicable dates used in your calculation of the "materials cost adjustment") would be $3500. The total adjustment is $700 ($4200 minus $3500 equals $700). The total number of units called for in the contract was 1000. Divide $700 by 1000. This gives you 70 cents. The adjustment per commodity becomes 70 cents and your adjusted ceiling price for the contract $9.70. Subsequent sales to the contract purchaser and all sales to other purchasers must be at the regular ceiling price of $9.00.

(c) *What your application must contain.* Applications for adjustment under this section must be filed on or before August 1, 1951, with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C. Attached to the application should be the following:

(1) A copy of the contract;

(2) Copies of invoices covering the raw materials or component parts acquired in reliance upon and in order to fulfill the contract;

(3) Copies of invoices or other supporting data which indicate your net cost as of the later of the two applicable dates you used in computing the "materials cost adjustment".

(4) A copy of the work sheets used in the calculation of your ceiling price.

(5) A report of your adjusted ceiling price and a detailed calculation showing how this price was determined.

(d) *Action on your application.* You may not receive payment of any amount in excess of your ceiling price until 30 days after receipt by the Office of Price Stabilization of any application filed under this section. If the Director of Price Stabilization does not revise or modify the adjusted ceiling price reported by you or notify you that further information is requested, you may after these 30 days have elapsed receive payment at the adjusted ceiling price for all deliveries made since the date of filing, or modify the adjusted ceiling price, but such revision or modification will not apply to deliveries already made.

SEC. 44. *Records and reports.*—(a) *Record-keeping requirements.* (1) With respect to any commodity covered by this regulation the provisions of section 16 of the General Ceiling Price Regulation are hereby continued in effect insofar as they apply to the preparation and preservation of "base period records" and such "current records" as have been made as a result of sales between January 26, 1951, and the effective date of this regulation.[1]

SEC. 16. (a) *Base period records.* (1) You must preserve and keep available for examination by the Director of Price Stabilization those records in your possession showing the prices charged by you for the commodities or services which you delivered or offered to deliver during the base period • • •

(2) In addition, on or before March 22, 1951, you must prepare and preserve a statement showing the categories of commodities in which you made deliveries and offers for delivery during the base period • • •

(3) On or before March 22, 1951, you must also prepare and preserve a ceiling price list, showing the commodities in each category (listing each model, type, style, and kind), or the services, delivered or offered for delivery by you during the base period together with a description or identification of each such commodity or service and a statement of the ceiling price. Your ceiling price list may refer to an attached price list or catalogue • • •

(4) You must also prepare and preserve a statement of your customary price differentials for terms and conditions of sale and classes of purchasers, which you had in effect during the base period.

(b) *Current records.* If you sell commodities or services covered by this regulation you must prepare and keep available for examination by the Director of Price Stabilization for a period of two years, records of the kind which you customarily keep showing the prices which you charge for the commodities or services. In addition, you must prepare and preserve records indicating clearly the basis upon which you have determined the ceiling price for any commodities or services not delivered by you or offered for delivery during the base period • • •

"Base period" as used in section 16 of the General Ceiling Price Regulation means December 19, 1950, to January 25, 1951, inclusive.

(2) You shall prepare and preserve for the life of the Defense Production Act of 1950 and for two years thereafter all records necessary to determine whether you have computed your ceiling prices correctly, including (but not limited to) records showing base period prices and material and labor costs, and records showing costs, prices and sales, for the other applicable periods and dates referred to in the regulation.

The records to be preserved under this paragraph must include appropriate work sheets. The work sheets to be preserved must include all data and calculations required to determine your ceiling prices.

(3) You shall preserve for a period of two years all records showing the prices at which sales of commodities subject to the regulation have been made.

(b) *Reports.* (1) You must file with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., on or

[1] The portions of the General Ceiling Price Regulation here referred to applicable to manufacturers, are as follows:

before the effective date of this regulation one or more reports on Public Form No. 8 in accordance with the instructions contained in Appendix C. Copies of the form may be obtained from any Regional or District Office of the Office of Price Stabilization. If you report a ceiling price for any commodity higher than your ceiling price under the General Ceiling Price Regulation, you must file your report by registered mail, and you must wait fifteen days before selling as provided in section 46.

(2) The Director of Price Stabilization may from time to time require additional information or reports subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942.

SEC. 45. *Definitions and explanations*—(a) *Automotive parts.* This term means all engine parts, body parts, chassis parts, motors, electric equipment and wheels, and all other component parts and subassemblies, of automobiles, trucks, busses, trailers, semi-trailers, and motorcycles (except rebuilt bodies of trucks, busses, trailers or semi-trailers) and all accessories and optional, extra and special equipment designed for use on, or with, such motor vehicles, and unfinished parts and components thereof, when in such form as to permit their use only as automotive parts, but does not mean any service or maintenance accessories such as anti-freeze, body polish, tools, etc., or tires, tubes, sheet or other non-processed glass.

(b) *Category.* This term is defined in section 5.

(c) *Class of purchaser or purchaser of the same class.* Class of purchaser is determined in the first instance by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. The practice may (but need not) be based on the characteristics or distributive level of the buyer (for instance, manufacturer, wholesaler, individual retail store, retail chain, mail order house, government agency, public institution). It may (but need not) be based on the location of the purchaser or the quantity purchased by him. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

If in your industry a practice prevails of charging different prices for sales to groups of buyers based on their characteristics or distributive level, any such group to whom you did not make sales during your base period and for whom you did not have a customary differential in effect during or before your base period, is a separate class of purchaser as to you.

(d) *Commodity.* This term includes any item, object, material, article, product or supply.

(e) *Delivered.* A commodity shall be deemed to have been delivered if it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

(f) *Director of Price Stabilization.* This term also applies to any official (including officials of Regional or District offices) to whom the Director of Price Stabilization by order delegates a function, power or authority referred to in this regulation.

(g) *End of your base period.* This term means June 24, 1950, if your base period is April 1 through June 24, 1950, or if you elected a previous calendar quarter as your base period in accordance with section 4, it means the last day of that quarter. If, however, you have elected different base periods for different commodities or categories in accordance with sections 4 or 5, the date you will use as the end of your base period is determined as follows:

(1) If you are calculating the "labor cost adjustment" or the "materials cost adjustment" upon the basis of your entire business or of a unit of your business and your base period is the same for all commodities produced in that unit, the last day of that base period is the end of your base period.

(2) If you are calculating the "labor cost adjustment" upon the basis of your entire business or of a unit of your business and your base period for all of the commodities being priced is not the same, the last day of the particular base period you have elected which covers the group of commodities having the largest aggregate dollar volume of sales in calendar or fiscal year 1950 is the end of your base period for your calculation of the "labor cost adjustment."

(3) If you are calculating the "materials cost adjustment" upon the basis of your entire business or a unit of your business and your base period for all of the commodities being priced is not the same, the last day of the particular base period you have elected for the group of commodities having the largest aggregate dollar volume of sales in calendar or fiscal year 1950 is the end of your base period for your calculation of the "materials cost adjustment".

(4) If you are calculating the "materials cost adjustment" for a commodity under method 2 (section 18) or method 3 (section 19) the end of your base period is the last day of the particular base period you are using.

(h) *Farm equipment.* This term means any mechanical equipment, attachment or part used primarily in connection with the production and farm processing for market and farm use of agricultural products, and also the categories of non-mechanical equipment, attachments and parts included in the partial list of farm equipment mentioned below. The term "farm equipment" does not include automobiles, trucks, general purpose tools, hardware items, hand tools, prefabricated farm buildings, grain bins, building materials, electrical equipment (except electrically motivated farm equipment and fence controllers), lawn mowers, sprays or other chemicals, commercial processing machinery, livestock, seeds, feeds or any other agricultural products. A partial list of "farm equipment" follows: farm tractors; garden tractors; planting, seeding and fertilizing machinery; plows and listers; harrows, rollers, pulverizers, and stalk cutters; cultivators and weeders; harvesting machinery (combines, binders, pickers, potato diggers, pea and bean harvesters, beet lifters, etc.); haying machinery (mowers, rakes, hay loaders, stackers, balers, etc.); manure loaders; dairy farm equipment (milking machines, farm milk coolers (except mechanically refrigerated), farm cream separators, etc.); poultry farm equipment (incubators, brooders, feeders, waterers, etc.); bee keepers' equipment; agricultural spraying equipment; weed burners for farm use; barn and barnyard equipment; mechanical hog feeders; ironed singletrees, doubletrees and neck yokes; electrical fence controllers; farm water pumps and water systems; irrigation systems and equipment for farm use; windmills; windmill generating sets; portable farm grain elevators; wood slat corn cribbing woven with wire; silos; wood-sawing machines intended for farm use; machines for farm processing for market or farm use (farm size cane mills, cider mills, corn shellers, corn huskers and shredders, ensilage cutters, feed cutters, feed grinders and crushers, fruit presses, grain cleaners and graders, grain threshers, hammer mills, hay pressers, peanut pickers, potato sorters and graders, syrup evaporators, etc.); farm wagons; and attachments and parts for all the foregoing.

(i) *Installation or erection service.* This term means the service of installation or erection required to install or erect a commodity covered by this regulation, where such service is performed by the manufacturer of the commodity, which is installed or erected, or by a parent, affiliate or a wholly owned subsidiary of the manufacturer of that commodity.

(j) *Largest buying class of purchaser.* This term refers to the "class of purchaser" of a commodity which bought from you the largest dollar amount of that commodity during your base period. It does not, however, include the United States or any agency thereof, any foreign purchaser, or any person to whom the only sales made during your base period were made under a written contract of at least 6 months' duration entered into prior to the base period, unless the United States or any agency thereof, any foreign purchaser or such contract purchaser was your only class of purchaser.

(k) *Manufacturer.* This term means any one of the following:

(1) Any person engaged in one or more operations in the fabrication, processing or assembly of the commodity being priced, including subcontractors.

(2) Any person who sells a commodity which has been produced on his account from materials or parts owned by him.

(3) Any person who sells a commodity under his own brand or trade name.

(l) *Manufacturing material.* This term is explained in section 14.

(m) *Net cost or net price.* Each of these terms refers to the cost or price to you of a manufacturing material, less any discount (other than a customary cash discount) or allowance you took or could have taken. It does not include separately stated charges such as freight, taxes, etc.

(n) *Net sales.* This term refers to gross sales after trade discounts, less returns and allowances. In the case of sales where the selling price is a delivered price, transportation charges should not be deducted.

(o) *OPS.* This means the Office of Price Stabilization.

(p) *Person.* This term includes any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other Government or their political subdivisions or agencies.

(q) *Plant.* This term refers to a single physical location where business is conducted or industrial operations are performed, for example, a factory or a mill. If such a single physical location comprises two or more units, with separate payroll and inventory records, engaged in distinct industrial activities, each unit shall be treated as a plant.

This definition of "plant" is based on the definition of "manufacturing establishment" in the Standard Industrial Classification which is consistent with that used by the Bureau of Census in the 1947 Census of Manufacturers and subsequent surveys.

(r) *Product line.* This term is explained in section 19.

(s) *Records.* This term means books or accounts, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(t) *Sale at retail.* Sale at retail means any sale to an ultimate user, other than an agricultural, commercial, industrial, governmental or institutional user.

(u) *Sell.* This term includes sell, supply (with respect to either commodities or services), dispose, barter, exchange, transfer and deliver, and contracts and offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed accordingly.

(v) *Service.* This term includes any service rendered or supplied otherwise than by an employee.

(w) *Written offer or written offer for sale.* Each of these terms refers to an offer for sale made by means of the seller's price list or, if he has no price list, a written offer otherwise made in the seller's customary manner. The term does not include an offer at a price intended to withhold a commodity or service from the market or used as a bargaining price by a seller who usually sells at a price lower than his asking price.

(x) *You.* "You" means the person subject to this regulation. "Your" and "yours" are construed accordingly.

SEC. 46. *Prohibitions.* (a) On and after the effective date of this regulation, regardless of any contract or other obligation, (1) you shall not sell any commodity or service subject to this regulation at a price exceeding your ceiling price as determined under this regulation, and (2) no person shall buy from you, in the regular course of business or trade, any commodity or service subject to this regulation at a price exceeding your ceiling price as determined under this regulation.

(b) On and after the effective date of this regulation you shall not sell any commodity or service subject to this regulation unless you have complied with the report requirements of section 44, where you are required to do so.

(c) In the event your ceiling price for a commodity or service under this regulation is higher than your ceiling price under the General Ceiling Price Regulation you shall not sell the commodity or service at a price exceeding your ceiling price under the General Ceiling Price Regulation, except under the following conditions:

(1) You must send by registered mail a report, relating to that commodity or service, on Public Form No. 8 (in accordance with the instructions shown in Appendix C) to the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C. Copies of this form can be obtained from any Regional or District office of the Office of Price Stabilization.

(2) You must wait 15 days after the date of receipt by the Office of Price Stabilization of the report, as shown on your return receipt.

(3) At the end of that 15-day period, or on or after the effective date of this regulation, whichever is later, you may deliver that commodity or service at your ceiling price as determined under this regulation, unless and until notified by the Director of Price Stabilization to continue using your GCPR ceiling price, or such higher ceiling price as he may permit, either because your ceiling price proposed under this regulation has been disapproved in whole or in part, or because more information is required.

SEC. 47. *Transfers of business or stock in trade.* If the business, assets or stock in trade are sold, or otherwise transferred, after the issue date of this regulation, and the transferee carries on the business, or continues to deal in the same type of commodity or service, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 48. *Charges lower than ceiling prices.* Lower prices than those established under this regulation may be charged, demanded, paid or offered.

SEC. 49. *Evasion*—(a) *In general.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, lease of, or relating to, commodities or services covered by this regulation, alone or in conjunction with any other commodity or service, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) *Specific practices.* The following practices are, specifically but not exclusively, among the practices prohibited by paragraph (a) and are itemized here only to lessen the frequency of interpretative inquiries which experience indicates are likely to be raised under the general evasion provision:

(1) Paying a purchase commission, if the sum of the commission and the purchase price exceeds the ceiling price.

(2) Requiring a customer to furnish material for processing not in accordance with previous practice.

(3) Entering into a joint venture with any other person subject to this regulation for cross-selling, cross-purchasing or cross-servicing.

(4) Reducing the period of any guaranty or warranty of performance in effect during your base period.

(5) Eliminating or reducing any maintenance, repair, replacement or installation service in effect during your base period.

(6) Granting less than a reasonable allowance for commodities received in trade.

(7) Eliminating or reducing rental or trade-in credits on purchases.

(8) Renting or leasing a commodity with an option to purchase, when the sum of the rental and the sale price exceeds the ceiling price established by this regulation for the sale of the commodity.

SEC. 50. *Violation*—(a) *Civil and criminal action.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Defense Production Act of 1950.

(b) *Record-keeping and filing violations.* If any person subject to this regulation fails to keep the records or file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing ceiling prices for the commodities or services such person sells. Any ceiling price fixed in this manner will be in line with ceiling prices established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

Effective date. The effective date for this regulation is May 28, 1951.

NOTE—The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 4, 1951.

APPENDIX A—COMMODITIES COVERED BY THIS REGULATION

The commodities covered by this regulation are listed below:

Abrasive products, including coated, bonded, natural stone and artificial abrasives.

Air-conditioning equipment, condensing units of 25 tons capacity and over.
Anchors, marine, earth and rock.
Antennas, radio and television, except built-in antennas included within the cases of domestic radio or television receivers.
Anvils, except jewelers' anvils.
Arresters, lightning, including lightning rods.
Asphalt mixing plants and attendant plants.
Attachments and accessories for machinery and machine tools, including the following illustrative list:
- Adapters.
- Arbors.
- Blocks, machine tool.
- Brakes, spindle.
- Centers, bench.
- Centers, lathe.
- Chucks, all types.
- Clamps.
- Collets.
- Die heads.
- Die sets.
- Dogs, work driving.
- Edges, straight.
- Electric etchers and de-magnetizers.
- Feeding devices.
- Glass, level.
- Grinders.
- Ground steel stock for punches, dies, jigs, fixtures, etc.
- Guides, adjustable.
- Heads.
- Holders, tool and work.
- Mandrels, all types.
- Plates, all types.
- Posts, tool.
- Saw accessories (sets, swages, guides, clamps, bracing tools).
- Sockets.
- Stops, machine.
- Templates.
- Torque wrenches.
- Wheels, buffing and polishing.

Augers, earth.
Automotive parts (See definition in section 45).
Automotive testing and maintenance equipment, mechanical and electrical.
Automotive trucks (including fire trucks), motorcycles, busses and house and truck trailers.
Batteries, storage.
Battery chargers.
Bearings, antifriction (ball, roller, needle, etc.).
Bearings and bushings, ferrous and nonferrous.
Belting, leather and textile.
Bimetallic thermal strips, fabricated.
Blocks and tackle.
Boilers, power, industrial and marine, 100 p. s. i. and higher working pressure.
Broom-making machinery.
Brushes, industrial, power-driven.
Brush-making machinery.
Bushings, porcelain, glass and steatite, for electrical uses.
Cable, insulated, electrical.
Cable accessories, electrical.
Can-making machinery and equipment.
Capacitors, electrical.
Carbon graphite and metal graphite for electrical uses.
Carriers, lumber, steel, etc., specifically designed for industrial or commercial use.
Cars, freight, including all types of flanged wheel mining and industrial cars.
Cars, passenger, for surface, subway or elevated lines.
Casters.
Cement-making machinery.
Ceramics machinery.
Chain, power transmission, including chain fittings and assemblies.
Chemical processing machinery.
Circuit breakers, electrical.
Clamps of the C and bar type, except those used for medical or dental purposes.
Clevises.
Clockwork systems, industrial, used in connection with mechanical instruments.
Coal preparation equipment.
Compressors, except those used with condensing units under 25 horsepower or 25 tons.
Concrete products machinery and equipment.
Condensers, synchronous, electrical.
Conduit fittings.
Conduit.
Control equipment, electrical, industrial.
Convertors, synchronous, electrical.
Conveyors and conveying systems, industrial.
Core drilling and core making machinery.
Cotton-ginning machinery.
Cranes, crawler, overhead bridge, locomotive, revolving, truck and others.
Cutting tools, including the following illustrative list:
- Augers, machine.
- Bits, machine.
- Blades, hacksaw—all types.
- Blades, power-driven saw.
- Blades, machine, shear, etc.
- Broaches.
- Chasers.
- Chisels, machine.
- Counterbores.
- Countersinks, machine.
- Cutters.
- Dies, cutting and threading.
- Dressers, abrasive wheel.
- Drills.
- Extractors.
- Files, rasps and burrs.
- Form tools.
- Hobs.
- Knives, machine.
- Knurling tools.
- Punches, machine.
- Reamers.
- Rules, creasing, cutting and perforating.
- Scraper blades, machine.
- Taps.
- Tips: tool, tungsten carbide, stellite, etc.

Cylinders, power, hydraulic, pneumatic and hydropneumatic.
Derricks.
Diamond tools: core bits, dies .002" and larger, dressing tools, shaped tools, wheels, etc.
Dies, jigs, and fixtures.
Die-casting machinery.
Distribution boards, electrical.
Doilies, industrial.
Dozers, angle, bull and push.
Dredging machinery.
Dry-cleaning and clothes-pressing machinery, except domestic.
Ducts for electrical uses, except those manufactured from asbestos, cement, ceramic materials or clay.
Dust-collecting equipment, industrial, portable and stationary, including industrial vacuum cleaners.
Economizers, steam, industrial and marine.
Electrodes.
Electroplating and hot-dip metal coating equipment, including preparatory and finishing equipment used in connection with metal coating processes.
Electro-therapeutic apparatus and supplies.
Electronic devices, equipment and parts (other than radio and television receivers).
Elevators, passenger and freight.
Engines, diesel and oil.
Engines, gas.
Engines, gasoline and kerosene, except toy and portable and outboard motors.
Engines, steam, except toy.
Engine-generator sets.
Escalators (moving inclined stairways for raising or lowering passengers).
Excavating and earth-moving machinery, including power shovels, ditchers, draglines and power scrapers.
Fabricated structural steel shapes, plates and bars.
Fans and blowers, industrial, excluding unit heaters or unit ventilators, hand blowers, and desk, pedestal, portable, ceiling and wall-bracket type fans, but including warm air furnace fans, attic ventilating fans, pressure fans and blowers and built-in fans.
Farm equipment (see definition in section 45).
Feed-water heaters, industrial and marine.
Floor surfacing and floor maintenance machinery, industrial.
Food and beverage machinery, including baking, bottling, brewing, canning, confectionery, grain milling, meat packing, edible oil, sugar and dairy machinery and equipment.
Forgings (all ferrous and non-ferrous metal products commonly known as "forgings" which are formed by the use of power-actuated hammers, pressers, or forging machines, including "forgings" upon which supplementary operations, such as trimming, coining, testing, inspecting, heat treating, welding, machining, plating, or other surface coating, have been performed).
Foundry machinery, including ladles not over 40-ton capacity.
Furnaces and ovens, industrial and laboratory, except space heating, warm air furnaces, stoves, blast furnaces, open hearth furnaces, Bessemer converters and soaking pits, coke ovens, and industrial furnaces used solely for the manufacture of pig iron and steel.
Fuses for the protection of electrical equipment.
Galvanometer and pyrometer movements.
Gas burners designed for use with products covered by this regulation.
Gaskets and packings, except those made in whole or in part of rubber.
Gauges, specifically designed for industrial or commercial use.
Gears, pinions, sprockets and speed reducers, including gear motors, motorized speed reducers and variable speed and other machine drives.
Generators, electrical.
Generators, gas.
Generator sets, diesel-electric, gas engine, electric and motor or engine driven.
Glass-making machinery.
Governors, engine.
Glass products, industrial, scientific and technical which are listed below:
- Electrical glassware:
  - Bulbs, glass portion (incandescent, fluorescent, indicator, auto lamp, radio, television, X-ray, radar and power tube).
  - Bushings.
  - Capacitors.
  - Coil forms.
  - Flares (glass base portion for lighting, radio, indicator, auto lamp, television, X-ray, radar and power tube).
  - Fuse plugs.
  - Insulators.
  - Resistor tubes.
  - Tubing (electrical, fluorescent).
- Industrial glassware:
  - Cylinders.
  - Flat gauge glasses.
  - Glass bulbs.
  - Gauge cup and oil cup glasses.
  - Meter and relay covers.
  - Miscellaneous industrial glassware which is to be further fabricated by others or which is to be incorporated as a component part of an industrial product.
- Laboratory and pharmaceutical glassware:
  - Apparatus ware.
  - Chemical ware.
  - Instrument tubing.
  - Laboratory apparatus tubing.
  - Vials and ampules.
- Optical glass:
  - Rough glass blanks for optical, opthalmic and scientific use.

Glass products, industrial, scientific and technical—continued
- Signal glassware:
  - Airplane running lights.
  - Battery jars.
  - Explosion resisting globes.
  - Fresnels.
  - Front glasses.
  - Lenses.
  - Obstruction lights.
  - Optical ware (color and light filters).
  - Roundels.

Ground steel stock for punches, dies, jigs, fixtures, etc.
Gyroscopes.
Hat-making and repairing machinery.
Heat exchanger equipment (when designed for use with products covered by this regulation).
Heaters, sand, stone or bitumen.
Heating, melting, burning and thawing equipment, portable, for industrial and transportation purposes, except mechanics' fire pots and blow torches.
Heating units and devices, electrical, industrial.
Hoists.
Hose and tubing, metal, flexible.
Hydraulic machinery.
Instruments, electrically or mechanically operated for measuring, testing, indicating or recording electrical quantities.
Instruments, mechanical, for indicating, measuring, recording and testing, including aircraft, laboratory, marine, precision and scientific mechanical instruments, but excluding tire gauges, carpenters' tools, clinical, dental, household, optical and surgical instruments, low pressure heating controls (such as thermostatic traps, blast traps and strainers), water level controls (all types), air temperature and humidity controls (all types), coin-operated devices and household refrigeration controls.
Insulators, porcelain, glass and steatite, for electrical uses.
Inter-communicating systems, electronic.
Jacks and jack screws.
Kilns (except brick), coolers and dryers, specifically designed for industrial or commercial use.
Laundry machinery, except domestic.
Leather-working machinery.
Lighting equipment, electrical, for airway, commercial, flood-lighting, industrial, marine, seadrome, and street and highway uses.
Lighting fixtures, not portable.
Line material, transmission or trolley.
Loading and unloading equipment, specifically designed for industrial or commercial use.
Lock and dam machinery, which is designed exclusively for the control of water flow in locks, dams and structures when such locks, dams, and structures are designed for flood control, irrigation, power generation or transportation purposes.
Locomotives and tenders, including mining and industrial.
Logging and lumbering machinery and equipment.
Lubricating systems and devices, industrial, stationary.
Machinery, industrial, not listed elsewhere in this Appendix. The term "industrial machinery" means any machinery or equipment, not specifically excluded from the coverage of this regulation, which is used in the extraction, production or processing of commodities.
Machine tools (power driven machines used for shaping metal by cutting, abrading, straightening, forcing, forging or forming under pressure).
Machine tool attachments (any accessory equipment furnished with a machine tool, or separately for use on a machine tool).
Machines, tools, devices and appliances designed specifically for the installation, operation, maintenance and protection of tracks, yards, signals, rolling stock and motive power of surface, subway or elevated rail lines.
Magnetos.
Magnets, lifting, industrial.
Marine equipment listed below:
- Anchors.
- Boat hooks without handles.
- Buoys, pontoons and rafts, metallic.
- Capstans.
- Chocks.
- Cleats.
- Controls, bulkhead and throttle.
- Deck and manhole plates, machined.
- Fog horns and whistles, manually operated.
- Gooseneck and boom bands.
- Hatch covers, metal.
- Lights, oil.
- Marlin spikes and belaying pins, metal.
- Mooring and riding bitts.
- Port lights.
- Pumps, marine, manually operated.
- Reels, hawser, manually operated.
- Rope guides and leaders.
- Rowlocks.
- Shackles.
- Snaps.
- Sockets.
- Steering apparatus, manually operated.
- Ventilators.

Metals and alloys, special, electrical (except steel with less than 6% alloy content, in any fabricated form) used for electrical, magnetic or glass-sealing purposes, including special contact alloys and special coated iron wire.
Mining and quarrying machinery, including mine cars and trucks.
Molds and patterns.
Motion picture equipment, 35 millimeter, including sound equipment and parts for recording, reproducing and projecting, for studio, theatre, commercial or industrial use.
Motors, electrical.
Neon indicator attachments.
Numbering and marking machines for use on metal, except office machines.
Oil burners, industrial and marine, burning No. 5 oil or heavier, except horizontal, rotary and gun type burners.
Oil mill machinery and equipment.
Oil-well and oil-field machinery and equipment.
Optical processing machinery.
Ore-crushing and concentrating machinery.
Ovens, industrial and laboratory, except coke ovens.
Packaging, wrapping, filling and labeling machinery.
Paint-making and ink-making machinery.
Panelboards, electrical.
Parts and subassemblies of any item listed in this Appendix except mechanical rubber goods.
Petroleum refining machinery.
Pharmaceutical machinery.
Pile drivers.
Pipe wrapping and coating machinery.
Pistons and piston rings.
Plants, stationary, for railroad use in handling cinders, fuel, sand or water.
Plastics fabricating and molding machinery.
Pole-line hardware and line construction specialties.
Power transmission equipment, industrial, including belt-tighteners, blocks and bearing housings, brackets, clutches, collars, couplings, hangers, motor bases, pillow blocks, pulleys, sheaves, shifters, universal joints and variable speed and other machine drives.
Presses, specifically designed for industrial or commercial use.
Printing machinery and equipment.
Public address apparatus.
Pulp, paper and paper products machinery.
Pulverized fuel burners.
Pumps, power operated, with or without power.
Pumps, hand-operated except store fixtures.
Railroad car and locomotive parts, and specialties for elevated, subway or surface lines, including:
- Axles.
- Bearings, truck side.
- Boilers, fireboxes, front ends and cabs, fittings, fixtures, devices, or appliances mounted thereon.
- Brakes and brake gears.
- Coupler devices or attachments.
- Devices and appliances mounted on locomotives for treatment, distribution or control of water, fuel, steam, sand or electricity.
- Doors and fixtures.
- Draft gears, buffers, and attachments.
- Driving, foundation, or running gear.
- Grain control apparatus.
- Journal boxes, assembled.
- Heating, lighting, ventilation, and air-conditioning equipment.
- Lubricating devices.
- Miscellaneous fittings, fixtures, specialties, devices or appliances designed specifically for use on railroad cars or locomotives, except artillery or other exclusively military or naval equipment.
- Safety appliances and warning devices.
- Sides, roofs, ends, running boards, and brake steps.

Spring rigging, snubbers and shock absorbers.
- Tires, steel.
- Trucks, complete.
- Underframes.
- Wheels, iron and steel.

Rectifiers, power, industrial.
Refrigeration equipment, condensing units of 25 horsepower and over.
Regulators, feeder voltage.
Regulators and dampers, power operated, except those designed for domestic heating systems.
Replacement units and assemblies for mechanical refrigerators having a refrigerated volume of 16 cubic feet or less, when sold by the manufacturer.
Reproduction machinery, architectural and engineering, such as blueprinting, black and white printing, and brown printing machinery.
Road and airport building and maintenance machinery, including graders, pavers, rollers, sprayers, mechanical road cleaning equipment, etc.
Rock-crushers and plants.
Rod, wire and tube-working machinery and equipment.
Rolling mill machinery and auxiliary equipment.
Rope fittings, manila and wire.
Rubber and allied products machinery.
Rubber tire and tube machinery and equipment, including tire recapping and retreading molds and necessary parts (full circle and sectional molds, matrices, etc.), tire buffers and spot vulcanizers for tubes.
Saws, specifically designed for industrial or commercial use.
Scaffolds and towers.
Scales, weighing, industrial and laboratory, except coin operated, counter, household, office and store types.
Screw machine products, when sold by the manufacturer, except those for which the manufacturer issues a catalog or price list. The term "screw machine product" means any product that is made complete or in its first operation on a hand or automatic screw machine.
Searchlights.
Separators, steam, industrial and marine.
Sewing machines, industrial.
Sharpening and filing equipment.
Shoe manufacturing and repairing machinery.
Signal equipment, railroad, including highway crossing signals.
Signalling apparatus.

Siren blowers.
Skid platforms and pallets, all metal.
Snow plows.
Soot blowers and tube cleaners, power operated, industrial and marine.
Sound recording and reproducing equipment and parts, including portable recorders and recording and transcription turntables, except home or office recording or reproducing equipment.
Spraying devices, industrial, power-operated, for the application of any material.
Spreaders for construction and road-building use.
Springs, except furniture and bed springs.
Spring winding and forming machinery.
Sprockets, power transmission.
Stackers, industrial.
Stampings, metal, when sold by the manufacturer, except non-ferrous mill products, wire goods, steel mill products, or any product for which the manufacturer has issued a catalog or price list. The term "metal stampings" means stamped or pressed metal products which are mechanically processed by the use of dies and upon which further finishing operations may or may not have been performed, when sold unassembled. A metal stamping may consist of two or more stamped pieces which have been permanently joined by methods such as brazing, riveting, soldering or welding.
Steam cleaning and degreasing equipment and parts, washing and cleaning equipment, except commercial and domestic dish and utensil washing and cleaning equipment.
Steam specialties.
Stokers, industrial and marine, with a capacity of 1200 pounds per hour or more.
Stone working machinery.
Sub-stations, unit (power distribution).
Superheaters, industrial and marine.
Surveying instruments, such as alidades, levels and transits.
Switchboxes.
Switches, electrical, knife and enclosed.
Switchgear and switchgear accessories.
Tanks and vessels, pressure, made of metal 10 B. W. G. and heavier, regardless of capacity, or of a capacity in excess of 192 gallons, regardless of gauge, except field erected storage tanks or cylinders which are designed primarily for the transportation of liquids or gases under pressure and which are not designed to be permanently attached to the vehicle transporting such tanks.
Tanks and vessels, non-pressure, made of metal heavier than 10 B. W. G., regardless of capacity, or of a capacity in excess of 585 gallons, regardless of gauge, except all obround tanks; field erected tanks or vessels; products commonly known as plumbing fixtures, such as flush tanks and laundry trays; products commonly known as pans and cans, such as pails and buckets; non-returnable shipping retainers; refuse receptacles, drip and waste receivers; and septic tanks.
Telegraph apparatus.
Telephone apparatus, including sound and powered telephone and non-electronic intercommunicating equipment.
Testing sets for electronic equipment.
Textile machinery, including equipment and accessories designed exclusively for use with such machinery.
Tobacco working machinery.
Tools, manually operated, for the cutting, forming and punching of metals.
Tools, pipe and tube, manually operated, including beading, belling, banding, cleaning, cutting, expanding, and flaring and wrenches for operating.
Tools, power-driven, portable or non-portable.
Tractors.
Trailers.
Transformers, including specialty transformers.
Trucks, industrial, hand.
Trucks, power-operated, lift, platform and straddle.
Turbine generator sets.
Turbines and governors, gas, hydraulic and steam.
Turnbuckles.
Vises, all types, vise mounts, stands and supports.
Water conditioning and purifying equipment, industrial.
Water power equipment.
Welding apparatus and supplies, electrical, including electrodes.
Welding and cutting apparatus and supplies, gas, including generators, welding rods and welding wire.
Well-drilling equipment.
Wheels.
Winches and windlasses, manually or power operated.
Wire accessories, electrical.
Wire, insulated, electrical.
Wire machinery.
Wiring devices, electrical.
Woodworking machinery.
X-ray and electro-therapeutic apparatus and supplies.

APPENDIX B

With respect to the following manufacturing materials, the change in net cost may be calculated up to March 15, 1951.

(a) Stumpage, logs, pulpwood, and other raw forest products.
(b) Gas, electricity, and steam.
(c) All scrap and waste materials.
(d) The following textile mill products:
(1) All wool fibers which have been processed beyond the scouring stage.
(2) Wool yarn and fabrics as defined in Ceiling Price Regulation 18, together with all other yarns and fabrics containing 25% or more wool by weight, however manufactured.
(e) Lumber, plywood, veneers, shooks, millwork, wood containers, ties, posts, poles, piling, and other allied products, such as, but not limited to, handles, shuttle points, and picker sticks.
(f) The following chemicals and allied products:
(1) Crude and synthetic rubber.
(2) Snythetic textile fibers and yarns.
(3) Fermentation ethyl alcohol, acetone, and butyl alcohol.
(4) Synthetic butyl alcohol made from fermentation ethyl alcohol.
(5) Natural and synthetic glycerin.
(6) Fatty acids.
(7) Paints, varnishes, and lacquers.
(8) Naval stores.
(9) All natural gums and resins.
(10) All vegetable waxes.
(11) All natural dyeing materials.
(12) All essential or distilled oil.
(13) Fats and oils for which ceiling prices are provided in Ceiling Price Regulation 6.
(14) The following oilseeds or nuts, their oils and fatty acids or combinations of these oils so long as in normal trade practice they retain their identity:

Babassu kernels.	Muru-muru kernels.
Babassu oil.	Muru-muru oil.
Cacao butter.	Oiticica oil.
Cashew nut shell liquid.	Olive oil, edible, sulphur and other inedible.
Castor beans.	Ouricury kernels.
Castor oil.	Ouricury oil.
Cocoanut oil.	Palm kernel oil.
Cohune kernels.	Palm kernels.
Cohune oil.	Palm oil.
Copra.	Perilla seeds.
Coquito kernels.	Perilla seed oil.
Coquito oil.	Poppyseed.
Corozo kernels.	Poppyseed oil.
Corozo oil.	Rapeseed.
Hempseed.	Rapeseed oil.
Hempseed oil.	Rubberseed.
Kapok seed.	Rubberseed oil.
Kapok seed oil.	Sesame oil.
Sesame seed.	Tucum kernels.
Sunflower seed.	Tucum oil.
Sunflower seed oil.	Tung oil.

(15) Whale oil.
(16) Sperm oil.
(17) Fish oils, including cod oil and shark oil.
(18) Peanut oil.
(19) Rice bran oil.
(20) Oleo stock, oil and stearine.
(21) Inedible tallows, greases and fat-bearing and oil-bearing animal waste materials as defined in Ceiling Price Regulation 6, Amendment 2.
(22) Wool grease.
(23) Glue stock.
(24) Casein.
(25) Cotton linters.
(g) Crude petroleum and petroleum fuels and lubricants, including petroleum coke when used as fuel, and natural gas.
(h) Coke, coal chemicals, coke oven gas, as defined in General Ceiling Price Regulation, Supplementary Regulation 13.
(i) Bituminous coal, anthracite coal, coal briquettes, charcoal, and fuel processed from anthracite or bituminous coal.
(j) Cattle hide, kips, and calfskins, as defined in Ceiling Price Regulation 2.
(k) Hogskins, woolskins, sheep and lamb shearlings, pickled lambskins, pickled sheepskins, horsehides, deerskins, alligator skins, and snakeskins.
(l) Leather, tanned and finished.
(m) The following stone, clay, and glass products:
(1) Glass containers and glass closures.
(2) Portland cement.
(3) Ready-mixed concrete.
(4) Calcined gypsum plasters.
(5) Lime (construction, metallurgical, chemical, agricultural, plastic).
(6) Sand, gravel, and crushed stone, both aggregates and industrial.
(7) Light weight aggregates.
(8) Merchant clays.
(n) Primary metals and metallic alloys.
(o) All secondary metals and scrap.
(p) All metal powders.
(q) All metallic ores.
(r) All non-metallic minerals.
(s) All cast, rolled, drawn, or extruded metals and alloys which have not been further fabricated.
(t) Fabricated structural steel and steel plate and fabricated reinforcing bars.
(u) Wood pulp, paper, paper board, and converted paper and paperboard products.
(v) All imported materials, when purchased from a foreign supplier, or from a seller in the United States in substantially the same form as that in which imported (except for services normally performed by importers such as sorting or packaging), or after simple processing operations only, such as wool scouring.
(w) All jute products containing more than 50 per cent by weight of jute.
(x) All industrial services.

APPENDIX C—CHANGES IN USE OF OPS PUBLIC FORM NO. 8 WITH THIS REGULATION

OPS Public Form 8 and instructions for its use have been filed with the Division of the Federal Register as part of this regulation. Copies of this form and its instructions may be obtained from any District or Regional Office of the Office of Price Stabilization.

In using OPS Public Form 8, which is required to be filed by sections 44 and 46 of this regulation, you must make the following changes in the instructions which accompany OPS Public Form 8.

1. The report under this regulation must be filed with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., instead of with the Office of Price Stabilization, Washington 25, D. C.

2 In filing OPS Public Form 8 for commodities covered by this regulation, you may disregard items 8 (e) and (g) in the instructions, and the corresponding portions of the report, for any commodity for which, prior to the effective date of this regulation, you have not had a ceiling price established under sections 3, 6 or 7 of the General Ceiling Price Regulation.

3. The examples of "categories" contained in the instructions for OPS Public Form 8 are not applicable to the commodities covered by this regulation. Examples of "categories" under this regulation would be: machine tools, electric motors and electric storage batteries.

4. The definition of "product line" in this regulation differs from that contained in the instructions for OPS Public Form 8. A "product line" is defined in this regulation (Section 19 (a) (1)) as "a group of closely related commodities which differ in such respects as model, size or brand name and which are normally classed together as a product line in your industry. Generally speaking, each commodity in the same product line must serve the same purpose and must be made by the same manufacturing process from substantially the same materials".

5. The examples of "product line" contained in the instructions for OPS Public Form 8 are not applicable to the commodities covered by this regulation. Examples of "product line" under this regulation would be: fractional horsepower motors, automotive fan belts and crawler tractors.

6. The section number references in items 4 and 5 of the instructions for use of OPS Public Form 8 are incorrect for this regulation. For this regulation the reference in item 4 should be to sections 12 (e) or 13 (b), instead of to 8 (e) or 9 (b); and the section references for item 5 should be to 17 (d), 19 (c), 20 (d) and 18 (c), instead of to 13 (d), 15 (c), 16 (d) and 14 (c).

[F. R. Doc. 51-5344; Filed, May 4, 1951; 10:38 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 25]

GCPR, SR 25—COUPON EXCHANGE RATES AND OTHER PREMIUM PROGRAMS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation No. 25 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation provides a method for determining the conditions of redemption or the rate at which premium articles offered by certain companies may be exchanged for coupons or for other similar tokens issued by such companies in connection with the sale of merchandise of these same companies. The cost of these premiums has risen since the base period. Unless this increase in cost is absorbed by the companies involved, a larger number of coupons or an enlargement of the conditions of redemption would be required in exchange for each premium article whose price has so increased. The purpose of this regulation is to ensure that any increase in the amount of consumer purchases necessary to secure a coupon, or in the number of coupons required for a premium, or any other change, direct or indirect, in the conditions for redemption must be directly proportioned to the cost of the premium article.

This Agency recognizes that two general objectives may be achieved by a program of giving away coupons or other tokens which may be later exchanged for valuable premium articles. The first objective is short-term promotions of specific articles; the second, the creation of a consumer loyalty for a line of products. A short-term promotion program frequently takes the form of a package containing some merchandise and a premium, for instance, two bars of soap and a dish towel for twenty cents. Unless this is a real bargain to the intended consumer, the package has no point. In this type of promotional activity, this Agency has only a minor interest. The other type of premium program is the subject of this regulation. When the producer is seeking to establish a regular patronage for his products and to induce the continued purchase of his products by the inducement of valuable premiums that can only be secured by the collection of coupons in such quantities as are attainable only through extensive purchases or by a long continued use of such products, then any inducement to purchase must be considered as being included in the price of such products. Such a producer may not directly or indirectly vary the price of his goods by changes in his coupon exchange program except as permitted in this regulation.

This regulation will require those companies who operate such coupon exchange plans (1) not to increase the amount of their merchanidse which must be bought in order to secure one coupon above the highest amount required during the base period, and (2) to calculate their coupon exchange rate on the basis of the lowest number of coupons required for redemption per unit of premium cost to the company during the base period of December 19, 1950 to January 25, 1951. The companies will be permitted by this regulation to increase their redemption conditions by the increase in the cost of the premium article since the base period. This change in conditions may not include a decrease in the number of coupons required. Thus, if the company gave a $1.00 premium for each 100 coupons and the cost of the same premium article has now risen to $1.10, the company may now, under this regulation, require 110 coupons, but no more, for that same article on the basis of maintaining the same coupon exchange rate as it had during the base period. In another fashion, if a company gave a $1.00 dish away upon the presentation to the retailer of 10 coupons and ten cents and the cost of the dish is now $1.10, the company may now require for the dish either 10 coupons and 20 cents, or 11 coupons and 11 cents, but under no circumstances may it decrease the required number of coupons from ten.

REGULATORY PROVISIONS

Sec.
1. Applicability of this supplementary regulation.
2. Ceiling for coupon exchange rate.
3. Determination of new coupon exchange rates.
4. Reports.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Applicability of this supplementary regulation.* This regulation shall apply to you if you are a seller who in connection with the sale of your merchandise distributed, during the base period, coupons, certificates, stamps, or other tokens that in specified quantities or under stated conditions are redeemable for premium articles.

SEC. 2. *Ceiling for coupon exchange rate.* If you are such a seller you shall continue to offer your buyers, as has been your custom, such coupons to be redeemable for such premium articles at a rate of redemption which shall be at least equal to the highest exchange rate (that is, the lowest number of coupons or coupons plus cash required for a stated premium article) per unit of cost of premium article that you had in effect during the base period of December 19, 1950 to January 25, 1951, inclusive. If such coupons had a cash surrender value during the base period, you shall not lower this value from the highest value offered by you for the surrender of such coupons during such base period. You may not increase the amount of your merchandise that must be purchased in order to secure one coupon over the highest amount required by you to secure such coupon during the base period.

SEC. 3. *Determination of new coupon exchange rates.* (a) If you are such a seller and the cost of your premium articles has increased since the base period established in the General Ceiling Price Regulation, you may increase the number of coupons or the coupons plus cash required to secure such premiums by either the dollars and cents increase or in the percentage increase, but no more, in the cost of the premium article to you over the highest cost to you during the base period of such premium article or, if you made no such purchases during such base period, the highest cost of a representative purchase prior to such base period. In any adjustment of redemption conditions, you may not decrease the required number of coupons.

(b) If you sell the premium article to the retailer who in turn redeems upon stated conditions the coupons, certificates or other tokens issued in connection with the sale of your merchandise, and the cost of the premium has now risen, you may:

(1) Increase the cost of the premium article to the retailer by the dollars and cents increase in the cost to you of that article over the cost to you during the base period for the same article; and

(2) Increase the conditions of redemption which the retailer may exact from his customer by either the dollars and cents increase or in the percentage increase in the cost of your premium article over the cost to you during the base period of the same article. The conditions may not be changed so as to require a fewer number of coupons.

Thus, if a company gave a $1.00 dish away upon the presentation to the retailer of 10 coupons and ten cents and the cost of the dish is now $1.10, the conditions of redemption may now be varied so that you may require the retailer to collect from his consumer either 10 coupons and 20 cents or 11 coupons and 11 cents, but in no case may the required number of coupons be less than ten.

SEC. 4. *Reports.* Before you may effect any change in the operation of your coupon exchange plan, you must file with the Director of Price Stabilization, Washington 25, D. C., a report (with one copy) stating:

(a) Your name and address;

(b) A description of your coupon exchange plan; and

(c) A statement of the changes in the exchange plan that you intend to make. For example:

(1) If you intend to increase the number of coupons or enlarge upon the stated conditions required to redeem a premium article, as authorized in section 3 of this regulation, you must state the exact changes you intend to make and also the changes in the cost of the premium articles that bring your proposed increase in the redemption conditions within the terms of this regulation. You may not make such change until the Director has advised you, in writing, of his approval.

(2) If you wish to add a premium article to your list of those articles redeemable by the coupons you have distributed to your buyers, you must advise the Director, in writing, of your proposed addition. You must state the cost of the new article to you and its proposed redemption value. In such written communication, you shall advise the Director of your current average redemption value per unit of cost of the premium articles. You may not add such articles to your list until the Director has advised you, in writing, of his approval.

(3) If you wish to abandon the practice of redeeming with premium articles the coupons you have distributed to your buyers, you must advise the Director, in writing, of your intention. In such cases, you must further state the effect of such abandonment upon your business and the adjustments required in your ceiling prices to compensate for the withdrawal of your coupon exchange plan. You may not abandon your exchange program until the Director has advised you, in writing, of his approval.

SEC. 5. *Definitions.* If you purchase the premium article from another manufacturer, "cost of premium" shall include only the delivered cost to you of the premium product. If you manufacture the premiums article, "cost of premium" shall include only such labor and material costs as enter directly into the product. This term shall not include advertising, factory, administrative or selling expenses, or any indirect expense.

Effective date: This supplementary regulation shall become effective May 9, 1951.

NOTE: The record keeping and reporting requirements of this Supplementary Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 4, 1951.

[F. R. Doc. 51-5343; Filed, May 4, 1951; 10:39 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 26]

GCPR, SR 26—ADJUSTMENT OF CEILING PRICES OF COMMODITIES SOLD UNDER SPECIAL DEAL

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.) Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation No. 26 to the General Ceiling Price Regulation (16 F. R. 809) is hereby issued.

STATEMENT OF CONSIDERATIONS

In a few instances manufacturers and wholesalers during the base period for the General Ceiling Price Regulation had in effect special deals of various sorts, under which sales were temporarily made at a lower price than the one theretofore prevailing. For example, the necessity for immediate capital might have forced liquidation of inventory at less than normal prices or advertising or promotional considerations might have led to the adoption of a reduced price for a temporary period. Sellers affected by such deals find their prices frozen at an abnormally reduced level. Since the special low price so established is, in many instances, too low to permit them to operate at a profit and was intended as a purely temporary measure, the result has been that sellers in this category are permanently prevented from resuming their operations. Today's regulation provides relief from this situation. It provides that manufacturers and wholesalers whose prices were frozen under special deals may revert to the prices which were in effect prior to such deal.

It is not intended to permit price increases in instances where the price reduction which was in effect during the base period was predicated upon competitive factors and was not intended to be temporary. A special deal is defined as one which was intended to have a duration of not more than 123 days. A manufacturer or wholesaler who wishes to claim the benefits of the regulation is required to submit to the Office of Price Stabilization information which substantiates the temporary character of the deal. In no event will sellers whose present ceiling prices are the result of a special deal be permitted to establish prices higher than those which were in effect prior to the beginning of the deal.

This regulation provides substantially the same kind of relief to persons involved in special deals as was given by section 4 (b) of the General Maximum Price Regulation issued by the Office of Price Administration. As was done there, provision is made for adjusting the ceiling price of any resellers of a commodity whose ceiling prices under the General Ceiling Price Regulation were affected by a special deal so that such resellers will not be caught in a squeeze. However, most retailers of commodities which were the subject of special deals by the manufacturer or wholesaler are already protected against that possibility by Ceiling Price Regulation No. 7 which will automatically give them substantially their normal margin on the increased cost occasioned by their suppliers' resumption of his former price.

The reporting requirements imposed by the Office of Price Administration have been eliminated from this regulation; the only report required is the initial application by the manufacturer or wholesaler to the Office of Price Stabilization for permission to adjust his ceiling price to the level prevailing prior to the special deal.

The number of commodities which it is anticipated will be affected by this regulation is very small since the situations in which it is applicable are exceedingly limited.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. What a special deal is.
3. How to obtain an adjustment.
4. Order of adjustment.

AUTHORITY: Sections 1 to 4 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation permits ceiling prices established under the General Ceiling Price Regulation for manufacturers and wholesalers to be adjusted if they are abnormally low because of a "special deal" in effect during the period from December 19, 1950 to January 25, 1951.

SEC. 2. *What a special deal is.* A "special deal" means a reduction in the price of a commodity from the price last in effect prior to the day the special deal started. The reduction must have been announced and intended to be in effect for a period of time not exceeding 123 days. Offers of free goods, combination sales, increased quantities and additional discounts are all reductions in price.

SEC. 3. *How to obtain an adjustment.* If you are a manufacturer or wholesaler and your ceiling price for any commodity under the General Ceiling Price Regulation is the result of a special deal, you may apply for a price adjustment permitting you to establish as your ceiling price for that commodity the price last in effect prior to the special deal. The application may also request an adjustment in the ceiling price for resellers of the commodity if the ceiling price of such re-sellers is established under the General Ceiling Price Regulation and is affected by the special deal. Your application, which should be sent to the Office of Price Stabilization, Washington, 25, D. C., should contain the following information:

(a) The ceiling prices for the commodity affected by the special deal;

(b) A description of the special deal which should include its terms, the classes of purchasers affected, and copies of price lists, advertisements or announcements used in conection with it:

(c) The prices last in effect for the commodity before the special deal, and copies of price lists, advertisements or announcements showing such prices.

SEC. 4. *Order of adjustment.* If the Office of Price Stabilization finds that you are entitled to an adjustment of your ceiling price under this regulation, it will issue a letter order to you establishing as your ceiling price the price last in effect prior to the beginning of the special deal. The order may make provision for appropriate notification to your purchasers of the terms of the adjustment and of any corresponding adjustment in their ceiling price.

Effective date. This supplementary regulation to the General Ceiling Price Regulation shall become effective on May 4, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 4, 1951.

[F. R. Doc. 51-5346; Filed, May 4, 1951; 10:39 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation 1]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

GENERAL

This regulation is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all industries affected in advance of the issuance of this regulation has been rendered impracticable because the regulation affects almost all industries.

EXPLANATORY PROVISIONS

Sec.
1. What this regulation does.
2. Definitions.
3. General production schedule and allotment procedure.
4. Statements of requirements.
5. Applications for authorized production schedules and allotments.

AUTHORIZED PRODUCTION SCHEDULES

6. How production schedules are authorized.
7. Reconciliation of conflicting schedules.
8. Rejection of schedules in excess of capacity.
9. Meeting authorized production schedules.

ALLOTMENTS AND DELIVERY ORDERS FOR CONTROLLED MATERIALS

10. How allotments are made.
11. Designation and use of allotment numbers.
12. Allotments by consumers.
13. How to cancel or reduce allotments.
14. Transfer of allotments.
15. Special provisions regarding manufacturers and distributors of class A products.
16. Alternative procedure for simultaneous allotments.
17. Restrictions on placing authorized controlled material orders, and on use of allotments and materials.
18. Adjustments for changes in requirements.
19. How to place orders with controlled materials producers and distributors.

CONTROLLED MATERIALS PRODUCERS

20. Rules applicable to controlled materials producers.
21. Production requirements of controlled materials producers.

GENERAL PROVISIONS

22. Applicability of other regulations and orders.
23. Records and reports.
24. Applications for adjustment or exception.
25. Communications.
26. Violations.

AUTHORITY: Sections 1 to 26 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950, Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

EXPLANATORY PROVISIONS

SECTION 1. *What this regulation does.* The purpose of this regulation is to define rights and obligations under the Controlled Materials Plan. It explains how production schedules are authorized for manufacturing operations and how materials are obtained to complete such production schedules. This regulation and other CMP regulations to be issued from time to time make effective the "Controlled Materials Plan," a general description of which was issued by the National Production Authority, for informational purposes only, on April 13, 1951. In case of any inconsistency between such announcement, or any other descriptive literature which may be issued from time to time, and any CMP regulation, the provisions of the latter shall govern. Other CMP regulations cover, or will cover, inventory controls; preference status of delivery orders; deliveries of controlled materials by distributors; maintenance, repair, and operating supplies; construction; and additional matters. This regulation will also be supplemented from time to time by the issuance of procedures, forms, interpretations, directions, and instructions.

SEC. 2. *Definitions.* As used in this regulation and any other CMP regulation (unless otherwise indicated):

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "NPA" means the National Production Authority.

(c) "Controlled material" means steel, copper, and aluminum, in the forms and shapes indicated in Schedule I of this regulation.

(d) "Controlled Materials Division" means the Iron and Steel Division, the Copper Division, or the Aluminum and Magnesium Division of NPA.

(e) "Industry Division" means the Division or other unit of NPA which is charged with supervision over the operations of the producers of particular products.

(f) "Claimant Agency" means any Government agency or subdivision thereof designated as such by the Defense Production Administration.

(g) "Prime consumer" means any person who receives an allotment of controlled material from a Claimant Agency or an Industry Division.

(h) "Secondary consumer" means any person who receives an allotment of controlled material from a person other than a Claimant Agency or an Industry Division.

(i) "Allotment" means (1) an authorization by the Requirements Committee of the Defense Production Administration, of the amount of controlled materials which a Claimant Agency may receive and/or allot during a specified period, or (2) an authorization by the Requirements Committee of the Defense Production Administration, of the amount of controlled materials which an Industry Division may allot during a specified period, or (3) an authorization by a Claimant Agency or an Industry Division, of the amount of controlled materials which may be received and/or allotted by one of its prime consumers during a specified period, or (4) an authorization by a prime or secondary consumer, of the amount of controlled materials which may be received and/or allotted by one of its secondary consumers during a specified period.

(j) "Class A product" means any product which is not a class B product (as defined in paragraph (k) of this section), and which contains any controlled material, fabricated or assembled beyond the forms and shapes specified in Schedule I of this regulation, other than any controlled material which may be contained in class B products incorporated in it.

(k) "Class B product" means any product designated as such in the "Official CMP Class B Product List" issued by NPA, as the same may be modified from time to time.

(l) "Program" means a statement of the amounts of an item or class of items to be provided in specified periods of time.

(m) "Authorized program" means a program specifically approved by the Requirements Committee of the Defense Production Administration.

(n) "Production schedule" means a statement of the amounts of an item or class of items to be produced by an individual consumer in specified periods of time.

(o) "Authorized production schedule" means a production schedule specifically approved by a Claimant Agency or by an Industry Division with respect to a prime consumer, or specifically approved by a prime or secondary consumer with respect to a secondary consumer.

(p) "Delivery order" means any purchase order, contract, shipping, or other instruction calling for delivery of any material or product on a particular date or dates or within specified periods of time.

(q) "Authorized controlled material order" means any delivery order for any controlled material (as distinct from a product containing controlled material) which is placed pursuant to an allotment

as provided in section 19 of this regulation or which is specifically designated to be such an order by any regulation or order of NPA.

SEC. 3. *General production schedule and allotment procedure.* (a) Each Claimant Agency or Industry Division shall authorize production schedules of prime consumers pursuant to authorized programs. Each prime consumer who has an authorized production schedule shall, pursuant thereto, authorize production schedules of secondary consumers producing class A products for it; and each secondary consumer who has an authorized production schedule shall, pursuant thereto, authorize production schedules of secondary consumers producing class A products for it.

(b) Each Claimant Agency or Industry Division shall make allotments to prime consumers, for the purpose of fulfilling related authorized production schedules, pursuant to allotments which it has received. Each prime consumer who has received an allotment shall, pursuant thereto, make allotments to secondary consumers producing class A products for it, to fulfill related authorized production schedules; and each secondary consumer who has received an allotment shall, pursuant thereto, make allotments to secondary consumers producing class A products for it, to fulfill related authorized production schedules.

(c) No person who has received an authorized production schedule shall produce more than the quantity of the particular product or products provided for in such authorized production schedule, except where expressly permitted, and to the extent and under the conditions specified, by any other regulation or order of NPA.

(d) Nothing in this regulation shall be interpreted to prohibit the production of any product by a person who does not have an authorized production schedule for such product: *Provided, however,* That such production must comply with the provisions and limitations of all applicable regulations and orders of NPA.

SEC. 4. *Statements of requirements.* (a) The basis for an allotment to a consumer shall be his actual requirements for controlled materials in connection with the fulfillment of an authorized production schedule, after taking inventories into account to the extent required by CMP Regulation No. 2. A statement of requirements is to be furnished only when requested. Such statement is ordinarily submitted as an application for allotment or a bill of materials.

(b) An application for allotment includes only (1) the quantities of controlled materials required by the submitting consumer for his own production, and (2) the quantities of controlled materials required by his secondary consumers supplying class A products to him for incorporation in his product.

(c) A bill of materials is a statement of the total amounts of materials (including controlled materials) required for physical incorporation in one unit or a specified number of units of a given product.

(d) When a consumer who has furnished a bill of materials or other statement of requirements ascertains that he has substantially overstated his requirements or those of his secondary consumers for any material or product, he shall report such error immediately to the person to whom the statement of requirements was furnished.

(e) If any consumer receives any statement of requirements which he knows or has reason to believe to be substantially excessive, with respect to controlled materials, he shall withhold any allotment based thereon in an amount sufficient to correct such excess and shall report the facts immediately to the appropriate Claimant Agency or Industry Division.

SEC. 5. *Applications for authorized production schedules and allotments.* (a) Production schedules may be authorized and related allotments made on the basis of information furnished by applications on Form CMP–4A and Form CMP–4B.

(b) Any producer of class A products, upon the request of a Claimant Agency or of a consumer for whom he produces class A products, shall furnish to such Claimant Agency or consumer, the information called for in Form CMP–4A. Such information shall be submitted on Form CMP–4A or in such other manner as may be prescribed.

(c) Any producer of class B products which are designated as class B products for which Form CMP–4B applications are required, in the "Official CMP Class B Product List" issued by NPA, as the same may be modified from time to time, shall furnish the information called for in Form CMP–4B by submitting such form to the appropriate Industry Division or Claimant Agency (as indicated in such list). NPA may request any producer of a class B product not so designated to furnish such information on such form.

(d) Any producer of controlled materials may apply for an allotment as provided in section 21 of this regulation.

AUTHORIZED PRODUCTION SCHEDULES

SEC. 6. *How production schedules are authorized.* (a) A production schedule for each prime consumer producing a class A product pursuant to an authorized program will be authorized by the appropriate Claimant Agency on such form as may be prescribed. A Claimant Agency may, in particular cases, authorize a production schedule through an Industry Division.

(b) A production schedule for each secondary consumer producing a class A product shall be authorized by the consumer for whom such class A product is to be produced, pursuant to an authorized production schedule, on such form as may be prescribed. A consumer having several authorized production schedules bearing the same allotment number may, pursuant thereto, authorize a single production schedule for a secondary consumer.

(c) A production schedule for each consumer producing a class B product pursuant to an authorized program will be authorized by the appropriate Industry Division or Claimant Agency on such form as may be prescribed.

(d) A consumer receiving allotments from several persons shall obtain separate authorized production schedules from each.

(e) Except where otherwise specifically provided by NPA, no person shall authorize a production schedule unless at the same time he makes an allotment as provided in section 10 of this regulation, and no person shall make an allotment unless at the same time he authorizes a related production schedule as provided in this section.

(f) When the production schedule of a consumer is authorized and a related allotment is made to him, a DO rating shall be assigned or applied to such schedule by the person authorizing the production schedule, for use in accordance with the provisions of CMP Regulation No. 3.

SEC. 7. *Reconciliation of conflicting schedules.* In any case where, for any reason, a manufacturer of class A or class B products is unable to fulfill conflicting authorized production schedules which he has accepted from different persons, he shall, if the conflict involves only schedules relating to a single Claimant Agency, report immediately to that Claimant Agency for instructions. In all other cases involving conflicting authorized production schedules he shall report immediately to the appropriate Industry Division or Industry Divisions for instructions.

SEC. 8. *Rejection of schedules in excess of capacity.* A prime or secondary consumer shall reject an authorized production schedule for a class A or class B product to be manufactured by him which calls for delivery or deliveries after June 30, 1951, if he does not expect to be able to fulfill the same by the specified delivery date or dates. If the person whose order is rejected is unable to find another manufacturer who will accept it, he shall report the facts to the appropriate Claimant Agency or Industry Division. NPA may from time to time issue directives requiring individual manufacturers to reschedule or rearrange their production and/or delivery schedules.

SEC. 9. *Meeting authorized production schedules.* (a) Each consumer who has accepted an authorized production schedule shall fulfill the same unless prevented by circumstances beyond his control. In the event he cannot fulfill such schedule on the specified delivery date or dates, he shall promptly notify the person from whom he received it stating the reasons therefor.

(b) No consumer who has accepted an authorized production schedule shall exceed such schedule in any quarter with the use of the related allotment and DO rating, except that (1) an authorized production schedule may be exceeded in any quarter to the extent necessary to make up for a failure to meet such schedule in any prior quarter, (2) production authorized for any quarter may be completed at any time after the fifteenth of the month preceding such quarter and, (3) where a delivery order calls for deliveries, in successive months, of Class A products in quantities which are less than the minimum practicable production quantity, and compliance with monthly delivery dates would result in substantial interruption of production and consequent interference with production to fill other delivery orders, the consumer may produce (and his customer may order and accept) in the first or a subsequent month the minimum practicable quantity which may be made without such interference.

ALLOTMENTS AND DELIVERY ORDERS FOR CONTROLLED MATERIALS

SEC. 10. *How allotments are made.* (a) Each Claimant Agency, Industry Division, or consumer authorizing a production schedule as provided in section 6 of this regulation shall concurrently make a related allotment, pursuant to allotments which it has received, to the consumer whose production schedule has been authorized, on such form as may be prescribed.

(b) The allotment shall specify the quantities and the kinds of controlled materials needed for delivery in specified calendar quarters to complete the related authorized production schedule. Allotments shall be made in terms of (1) carbon steel (including wrought iron), (2) alloy steel (except stainless steel), (3) stainless steel, (4) copper and copper-base alloy brass mill products, (5) copper wire mill products, (6) copper and copper-base alloy foundry products and powder, and (7) aluminum, in each case without further breakdown.

(c) The allotment shall be identified by an allotment number as provided in section 11 of this regulation.

(d) Advance allotments by Claimant Agencies or Industry Divisions to prime consumers may be made within such limits as may be specified by the Requirements Committee of the Defense Production Administration. Prime consumers receiving such advance allotments shall, in turn, make advance allotments to their secondary consumers, and secondary consumers shall make advance allotments, in the same manner as in the case of regular allotments, but no consumer shall make any allotment before receiving his own allotment.

(e) A Claimant Agency, Industry Division, or consumer may make allotments only in the same kinds of controlled materials in which it has received its allotment.

SEC. 11. *Designation and use of allotment numbers.* (a) Allotments shall be identified by an allotment number consisting of a Claimant Agency letter symbol and one digit designating the authorized program of such Claimant Agency. In cases where a Claimant Agency is not involved, the appropriate symbol designated by any NPA regulation or order as a CMP allotment symbol shall be used. For example, in the case of maintenance, repair and operating supplies, the symbol MRO shall be used as provided in CMP Regulation No. 5.

(b) Authorized controlled material orders shall show the related allotment number and the calendar quarter for which the allotment is valid. For example, a delivery order for controlled materials placed pursuant to an allotment identified by allotment number K–2 which is valid for the fourth quarter of 1951 shall be designated as follows: K–2–4Q51. The date or dates on which delivery is required must also be specified on such delivery order.

(c) Delivery orders for products and materials other than controlled materials required for completion of an authorized production schedule shall show the DO rating and the related allotment number, for example, DO–K–2. The date or dates on which delivery is required must also be specified on such delivery order.

SEC. 12. *Allotments by consumers.* (a) Each prime consumer receiving an allotment may use that portion of the allotment which he requires to obtain controlled materials as such for his authorized production schedule, and shall allot the remainder to his secondary consumers producing class A products for him to cover their requirements for controlled materials for related authorized production schedules. Allotments by secondary consumers to secondary consumers supplying them shall be made in the same fashion. A secondary consumer producing class A products for several consumers shall obtain separate allotments from each.

(b) No consumer shall make any allotment in an amount which exceeds the related allotment received by him, after deducting all other allotments made by him and all orders for controlled materials placed by him pursuant to his related allotment.

(c) No consumer shall make any allotment in excess of the amount required, to the best of his knowledge and belief, to fulfill the related authorized production schedule of the secondary consumer to whom the allotment is made (including the schedules of any secondary consumers supplying the latter).

(d) Allotments for production of class B products shall only be made by appropriate Industry Divisions or by appropriate Claimant Agencies as specified in the "Official CMP Class B Product List," and no consumer shall accept any allotment from any other person for the production of class B products.

(e) No consumer who has received his allotment for an authorized production schedule shall place any delivery order for any class A product required to fulfill said schedule, unless concurrently therewith, he makes an allotment to the person with whom the order is placed, in the amount required by such person to fill said order: *Provided, however,* That if he purchases a class A product from a distributor under the conditions specified in section 15 of this regulation, he need make no allotment but must deduct the appropriate amount from his own allotment balance.

(f) A consumer may make an allotment to his secondary consumer on such form (including Form CMP–5 set forth in Schedule II of this regulation) as may be prescribed for the purpose. Allotments may be made by telegraphing or telephoning the information required by the appropriate form and confirming the same with such form, within 15 days.

SEC. 13. *How to cancel or reduce allotments.* A person who has made an allotment may cancel or reduce the same by notice in writing to the person to whom it was made. A person who has received an allotment may cancel or reduce the same by making an appropriate notation thereon and notifying the person from whom he received it. In either case, if an allotment received by a person is cancelled, he must cancel all allotments which he has made, and all authorized controlled material orders which he has placed, on the basis of the allotment; and, if an allotment received by a person is reduced, he must cancel or reduce allotments which he has made, or authorized controlled material orders which he has placed, to the extent that the same exceed his allotment as reduced. If and to the extent that cancellation or reduction is impracticable because of shipments already made to him pursuant to such allotment, he may use or dispose of controlled materials or class A products which he gets with such allotment in the manner provided in section 17 of this regulation.

SEC. 14. *Transfer of allotments.* (a) No consumer shall transfer or assign any allotment (as distinct from making an allotment) in any way unless: (1) delivery orders for class A products placed with him, in connection with which the allotment was made to him, have been transferred or assigned to another consumer; (2) the authorized production schedules of the respective consumers have been duly adjusted; and (3) the transfer or assignment is approved in writing by the person who made the allotment.

(b) Transfers or assignments of allotments may be made without complying with paragraph (a) of this section in connection with the transfer or assignment of a business as a going concern where the transferee continues to operate substantially the same business in the same plant. The transferee may use the allotment and ratings of the transferor but the transferee must notify NPA of the details of the transaction, giving the names of the persons involved and furnishing one extra copy of such notification for each authorized production schedule that he has received.

SEC. 15. *Special provisions regarding manufacturers and distributors of class A products.* (a) For the purposes of this section "distributor" means any person engaged in the business of buying and taking physical delivery of class A products which he does not manufacture and selling the same, for his own account, but only to the extent that he is so engaged.

(b) A distributor may buy and sell class A products without making or receiving allotments. A manufacturer of class A products selling them to a distributor may obtain an allotment for such manufacture from the appropriate Industry Division or Claimant Agency by submitting an application on Form CMP–4B, in the same manner as if they were class B products. If the manufacturer makes physical delivery directly

to a distributor's customer, the latter (unless he is also a distributor) shall make an allotment directly to the manufacturer in the same manner and subject to the same conditions as if the distributor had no part in the transaction.

(c) A manufacturer of class A products who sells them for use as maintenance, repair, or operating supplies (except items purchased from him by a Claimant Agency and for which he has received an allotment) shall obtain allotments for such manufacture in the manner provided in paragraph (b) of this section. Applications pursuant to said paragraph (b) and this paragraph (c) may be combined in a single Form CMP–4B.

(d) Notwithstanding paragraph (a) of this section, a manufacturer who also sells purchased class A products to round out his line, which do not represent more than 10 percent of his estimated total sales receipts in a calendar quarter for which he files an application for allotment, shall be deemed the manufacturer of such products and not a distributor for purposes of this section.

SEC. 16. *Alternative procedure for simultaneous allotments.* A prime or secondary consumer who has several secondary consumers in different degrees of remoteness, may, at his option, authorize individual production schedules and make simultaneous direct allotments to all such secondary consumers of all degrees of remoteness. The person who is to make the allotment under this alternative procedure (the originating consumer) may request each supplier of all degrees of remoteness to furnish him directly with information regarding such supplier's requirements for controlled materials, and each such supplier shall comply with such request. If this procedure is followed, each supplier shall include in the information he furnishes to the originating consumer only his own requirements for controlled materials and not those of his suppliers. In no event shall a person who uses this alternative procedure make an allotment of more controlled materials than he has received. All the provisions of this regulation regarding authorized production schedules and allotments shall apply to the alternative procedure for simultaneous allotments, except as specifically provided in this section.

SEC. 17. *Restrictions on placing authorized controlled material orders, and on use of allotments and materials.* (a) In no event shall a consumer request delivery of any controlled material in a greater amount or on an earlier date than required to fulfill his authorized production schedule, or in an amount so large or on a date so early that receipt of such amount on the requested date would result in his having an inventory of controlled materials in excess of the limitations prescribed by CMP Regulation No. 2 or by any other applicable regulation or order of NPA. If the quantity of any controlled material required by a consumer is less than the minimum mill quantity specified in Schedule IV of this regulation, and is not procurable from a distributor, he may accept delivery of the full minimum shown in such schedule.

(b) No consumer shall use an allotment, or any controlled material or class A product obtained pursuant to an allotment for any purpose except: (1) To fulfill the related authorized production schedule, or (2) to fulfill any of his other authorized production schedules for class A products, within the same plant or operating unit, which bear the same allotment number, or (3) to fulfill any of his other authorized production schedules, within the same plant or operating unit, for class B products which are in the same Product Class Code as shown in the "Official CMP Class B Product List" issued by NPA, or (4) to replace in inventory, controlled materials or class A products used to fulfill any of such authorized production schedules, subject to the provisions of CMP Regulation No. 2 or any other applicable regulation or order of NPA. Where an allotment made for one schedule is used in filling another schedule as provided in this paragraph, no charge need be made against the allotment account of the second schedule, but an appropriate record must be made, on the allotment accounts or otherwise, describing the circumstances.

(c) If a consumer's needs for a controlled material or class A product are reduced before he has ordered or received delivery of them he must immediately return the allotment as explained in section 18 of this regulation unless he uses the allotment for the purposes permitted in paragraph (b) of this section. If he has already placed authorized controlled material orders or delivery orders for class A products, he must cancel them. If cancellation of such orders is impracticable because of shipments already made, he may accept delivery of the controlled materials and class A products, in which case his use of them is covered by paragraph (d) of this section.

(d) If it develops, after a consumer has received delivery of controlled materials or class A products, that he cannot use them for a purpose permitted under paragraph (b) of this section, he may use or dispose of them subject to restrictions of other orders or regulations of NPA.

(e) If, before using or disposing of controlled materials or class A products in a way permitted by this section, the consumer receives instructions from NPA as to disposition or use of the same, he must comply with such instructions. Also, he must comply with any instructions he receives from a Claimant Agency with respect to his use of controlled materials or class A products which he obtained by use of an allotment from that Claimant Agency, in any program of the same Claimant Agency, or with respect to their sale to any other person for use in a program of the same Claimant Agency, subject always to whatever rights he may have to reimbursement.

(f) A consumer need not segregate inventories of controlled materials or class A products which he obtained by use of his allotments, even though different allotment numbers are used in ordering them, nor does he have to earmark them for a particular schedule. Although a consumer must charge the appropriate allotment account when placing an authorized controlled material order or making an allotment, he may keep all controlled materials and class A products received in a common inventory and in withdrawing from inventory he does not have to charge the withdrawal against the allotment account. A consumer who is operating under several authorized production schedules need not maintain separate records of the production obtained from the allotment received for each schedule if the records which he normally keeps show that his use of material for his respective schedules is substantially proportionate to the amounts of material allotted for each, and that his aggregate production of any product does not exceed the aggregate of the production schedules authorized for that product.

SEC. 18. *Adjustments for changes in requirements.* (a) If a consumer's requirements for controlled materials or class A products needed to fulfill an authorized production schedule are increased after he receives his allotment, he may apply for an additional allotment to the person who made the allotment for that schedule.

(b) If a consumer finds that he has been allotted substantially more than he needs, he must return the excess. As of the first of each month, each consumer must check up on his anticipated requirements for the quarter and determine whether he has been allotted more than he anticipates he needs. If he has, he must return the excess by the tenth of the month. He need not take a physical inventory for this purpose, but must merely check up on the effect of known changes in his requirements or errors which he has discovered in his statement of requirements.

(c) The return of an unneeded allotment must be made to the person from whom the allotment was received on such form as may be prescribed. If it is impracticable to obtain the prescribed form, the return may be made by letter setting forth the facts.

(d) In those cases where it is impracticable for a secondary consumer to return an allotment to the person from whom he received it, he may make the return directly to the appropriate Claimant Agency or Industry Division.

SEC. 19. *How to place orders with controlled materials producers and distributors.* (a) A delivery order placed with a controlled materials producer or a controlled materials distributor (as defined in CMP Regulation No. 4) for controlled material shall be deemed an authorized controlled material order only if (1) it contains an allotment number and the calendar quarter for which the allotment is valid, as provided in section 11 of this regulation, and complies with the provisions of this section, or (2) it is specifically designated as an authorized controlled material order by any regulation or order of NPA.

(b) A consumer who has received an allotment may place an authorized controlled material order with any controlled materials producer or distributor unless otherwise specifically directed. An allotment to a prime consumer may include an instruction to place delivery orders for controlled materials with one or more designated controlled materials producers. In such event the consumer shall use the allotment only to obtain controlled materials from the designated controlled materials producer or producers or to make allotments to secondary consumers, designating therein only producers named in the allotment received by him. Except as required by the allotment which he has received, no consumer shall impose any such restriction in any allotment made by him.

(c) Every authorized controlled material order must contain a certification in addition to an allotment number. Unless another form of certification is specifically prescribed by an applicable order or regulation of NPA, such certification shall be in the following form: "Certified under CMP Regulation No. 1," and shall be signed manually or as provided in NPA Reg. 2. This certification shall constitute a representation to the supplier and to NPA that the purchaser is authorized to place an authorized controlled material order under the provisions of this regulation to obtain the controlled materials covered by the delivery order.

(d) An authorized controlled material order must be in sufficient detail to permit entry on mill schedules and must be received by the controlled materials producer at such time in advance as is specified in Schedule III of this regulation, or at such later time as the controlled materials producer may find it practicable to accept the same, provided that no controlled materials producer shall discriminate between customers in rejecting or accepting late orders.

(e) A delivery order for controlled materials placed by a consumer before he has received his authorized production schedule and allotment, calling for delivery after June 30, 1951, may be converted into an authorized controlled material order, after receipt of such schedule and allotment, either by furnishing a revised copy of the order conforming to the requirements of this section or by furnishing in writing information clearly identifying the order and bearing the certification required by paragraph (c) of this section.

(f) No person shall place an authorized controlled material order unless the amount of controlled material ordered is within the related allotment received by him, after deducting all allotments made by him and all orders for controlled material placed by him pursuant to the same allotment, or unless he is expressly authorized to place such an order by any applicable regulation or order of NPA.

(g) Authorized controlled materials orders shall take precedence over other orders for controlled materials to the extent provided in CMP Regulation No. 3. A delivery order for controlled materials not covered by an allotment shall not be combined with an authorized controlled material order. However, such orders shall be combined if the total of both does not exceed the minimum mill quantity specified in Schedule IV of this regulation, provided that the controlled materials involved are not procurable from a distributor. Where such orders are combined, the portion covered by allotment must be specifically identified by the appropriate allotment number and such delivery order must contain the certification provided in paragraph (c) of this section.

CONTROLLED MATERIALS PRODUCERS

SEC. 20. *Rules applicable to controlled materials producers.* (a) Each controlled materials producer shall comply with such production and other directives as may be issued from time to time by NPA and with the provisions of all other applicable regulations and orders of NPA regarding production and delivery of controlled materials.

(b) Each controlled materials producer shall accept all (1) authorized controlled material orders, except as provided in this section, (2) orders for controlled materials bearing a DO rating calling for delivery before October 1, 1951, except as provided in this section, and (3) orders which he is required to accept pursuant to NPA directive: *Provided, however,* That nothing in this section shall prevent any controlled materials producer from accepting any other orders for controlled materials to the extent that such acceptance would be in conformity with the provisions of this section and all other applicable regulations and orders of NPA.

(c) A controlled materials producer shall be required to accept authorized controlled material orders, orders for controlled materials bearing a DO rating and all other orders for controlled materials only in conformity with the appropriate quantity limitations and other conditions specified in NPA Order M–1 (steel), NPA Order M–5 (aluminum), NPA Order M–6 (steel), and NPA Order M–11 (copper), or in any other applicable regulation or order of NPA.

(d) A controlled materials producer may reject orders for less than the minimum mill quantities specified in Schedule IV of this regulation, but shall not discriminate between customers in rejecting or accepting such orders.

(e) In any case where a controlled materials producer is of the opinion that the filling of an order which he is required to accept pursuant to this section would substantially reduce his over-all production owing to the large or small size of the order, unusual specifications, or otherwise, he shall notify the appropriate Controlled Materials Division setting forth the pertinent facts. NPA may direct that the order be placed with another supplier or take other appropriate action.

(f) To the extent necessary to make deliveries on time with respect to orders which he is required to accept pursuant to this section, a controlled materials producer must reject or defer any orders which he is not required to accept pursuant to this section: *Provided, however,* That if at the time the order is to be deferred it is scheduled for delivery within less time than the "lead times" specified in Schedule III of this regulation, he need not defer such order if in so doing his production or operations would be stopped or interrupted in a way which would cause a substantial loss of total production or a substantial delay in operation.

(g) A controlled materials producer shall make delivery on each authorized controlled material order as close to the requested delivery date as is practicable. He may make delivery during the 15 days prior to the requested delivery month, but not before then, provided such delivery does not interfere with delivery on other authorized controlled material orders, and provided production to meet such delivery would not violate any production directive. If a producer, after accepting an order within the limits provided in this section finds that, due to contingencies which he could not reasonably have foreseen, he is obliged to postpone the delivery date, he must promptly advise his customer of the approximate date when delivery can be scheduled, and keep his customer advised of any changes in that date. Delivery of any such carry-over order must be scheduled and made in preference to any order originally scheduled for such later date. When the new date for delivery on a carry-over order falls within a later quarter than that indicated on the original order, the producer must make delivery on the basis of the original order even if that order shows that the allotment was valid for delivery in a quarter earlier than the one in which delivery is actually made.

(h) If a controlled materials producer takes controlled materials which he has produced and processes them into a form other than a controlled materials form, or if he uses controlled materials which he has produced to make a product or a material other than a controlled material, such processing or use shall be considered a delivery for the purposes of this section.

(i) If a controlled materials producer is not required to or is unable to accept an authorized controlled material order for delivery in the month requested because of the provisions of this section, but has open space available in either of the two following months, he must accept and schedule the order for delivery as early as possible during the two following months and must promptly notify the customer of the proposed delivery date and tell him that the order has been accepted, subject to written confirmation within 7 days. If the customer does not have written confirmation of the new delivery date in the producer's hands within 7 days after the date on which the notice of tentative acceptance was sent, the producer may cancel the order.

(j) If the controlled material delivered pursuant to an authorized controlled material order varies from the exact amount specified in such order, the making and acceptance of such delivery shall not be deemed a violation of this regulation by the controlled materials producer or his customer, provided such variation does not exceed the commercially recognized shipping tolerance, or allowance for excess or shortage.

(k) An authorized controlled material order shall not constitute an allotment of controlled material to the controlled materials producer with whom it is placed. If a controlled materials producer requires delivery of controlled materials from other controlled materials producers, to be processed by him and sold to his customers in another form or shape constituting a controlled material, such delivery may be made or accepted only pursuant to a specific instruction of NPA, or pursuant to allotment as provided in section 21 of this regulation.

SEC. 21. *Production requirements of controlled materials producers.* This section provides the procedures under which controlled materials producers may obtain production materials required in the production of controlled materials. For the purposes of this section, "production material" means, with respect to any controlled materials producer, any material (including controlled material) or product which will be physically incorporated into his product, and includes the portion of such material normally consumed or converted into scrap in the course of processing. It includes containers and packaging materials required to make delivery of the materials he produces, and also chemicals used directly in the production of the materials he produces. It does not include any items purchased by him as manufacturing equipment, or for maintenance, repair, or operating supplies as defined in CMP Regulation No. 5.

(a) Except in those cases handled by directives pursuant to section 20 (a) of this regulation, if a controlled materials producer requires delivery, after June 30, 1951, of controlled materials or of class A products to be incorporated in a controlled material produced by him, he may apply for an allotment on Form CMP-4B or such other form as may be prescribed for the purpose. Such applications shall be sent to the Controlled Materials Division charged with supervision over the operations of the controlled materials producer, even if a different controlled material is involved.

(b) Allotments will be made to controlled materials producers applying under paragraph (a) of this section in the manner provided in section 10 of this regulation, except that in lieu of authorized production schedules, the controlled materials producer will receive from his Controlled Materials Division production instructions or authorizations. Controlled materials producers who have received allotments pursuant to this paragraph may place authorized controlled material orders in accordance with the provisions of section 19 of this regulation.

(c) When a Controlled Materials Division has made an allotment to a controlled materials producer, a DO rating shall be assigned to the related production instructions or authorizations for use in obtaining production materials, other than controlled materials, in accordance with the provisions of CMP Regulation No. 3.

GENERAL PROVISIONS

SEC. 22. *Applicability of other regulations and orders.* Nothing in this regulation shall be construed to relieve any person from complying with all other applicable regulations and orders of NPA. In case compliance by any person with the provisions of any such regulation or order would prevent fulfillment of an authorized production schedule, he shall immediately report the matter to the appropriate Industry Division, and to the Claimant Agency whose schedule is affected. NPA will thereupon take such action as is deemed appropriate, but unless and until otherwise expressly authorized or directed by NPA, such person shall comply with the provisions of such regulation or order.

SEC. 23. *Records and reports.* (a) Each consumer making or receiving any allotment of controlled materials shall maintain at his regular place of business accurate records of all allotments received, of procurement pursuant to all allotments, and of the subdivision of all allotments among his direct secondary consumers. Such records shall be kept separately by allotment numbers, pursuant to section 11 of this regulation, and shall include separate entries under each number for each customer, Claimant Agency, or Industry Division from whom allotments are received under such number, except as otherwise specifically provided in this regulation.

(b) Each consumer and each controlled materials producer shall retain for at least 2 years at his regular place of business all documents on which he relies as entitling him to make or receive an allotment or to deliver or accept delivery of controlled materials or class A products, segregated and available for inspection by representatives of NPA, or Claimant Agencies authorized by NPA, or filed in such manner that they can be readily segregated and made available for such inspection.

(c) The provisions of this regulation do not require any particular accounting method, provided the records maintained supply the information specified by this regulation and furnish an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(d) Persons subject to this regulation shall maintain such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942.

SEC. 24. *Applications for adjustment or exception.* (a) Any person subject to any provision of this regulation, or any other regulation, order, direction or other action under the Controlled Materials Plan, may file a request for adjustment, exception, or other relief upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests claiming that the public interest is prejudiced, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing submitted in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

(b) A producer of class A products making a large variety of items which are sold to many customers and whose allotments originate from several Claimant Agencies, may file a request to be treated as a producer of class B products. Such request shall be in writing submitted in triplicate, shall set forth all pertinent facts, and shall state the justification therefor.

SEC. 25. *Communications.* All communications concerning this regulation, except as otherwise specified in this regulation, shall be addressed to the National Production Authority, Washington 25, D. C., Ref: CMP Regulation No. 1.

SEC. 26. *Violations.* Any person who wilfully violates any provision of this regulation or any other regulation or order of the National Production Authority, or who wilfully conceals a material fact or furnishes false information in the course of operation under this regulation, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation shall take effect on May 3, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

SCHEDULE I—CONTROLLED MATERIALS

(See sections 2 (c) and 2 (j))

CARBON STEEL (INCLUDING WROUGHT IRON)[1]

(a) Bar (including bar shapes).
Includes:
Bar, hot-rolled projectile and shell quality.
Bar, hot-rolled, other (including light shapes).
Bar, reinforcing.
Bar, cold-finished.
Bar, tool steel.
(b) Sheet, strip (uncoated and coated).
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Sheet, galvanized.
Sheet, all other coated.
Sheet, enameling.
Strip, hot-rolled.
Strip, cold-rolled.
Strip, galvanized.
Electrical sheet and strip.
Tin mill black plate.
Tin plate, hot-dipped.
Ternes, special coated manufacturing.
Tin plate, electrolytic.
(c) Plate.
(d) Structural shapes (heavy), piling.
(e) Pipe, tubing.
Includes:
Standard pipe (including couplings).
Oil-country goods (casings, tubular goods, couplings furnished by mill).
Line pipe.
Pressure tubing—seamless and welded.
Mechanical tubing—seamless and welded.
(f) Wire, wire products.
Includes:
Nails and staples.
Barbed and twisted wire.
Woven wire fence.
Bale ties.
(g) Other mill forms and products (do not include forgings).
Includes:
Ingots.
Billets, projectile and shell quality.
Blooms, slabs, other billets, tube rounds, sheet bars.
Skelp.
Wire rod.
Rails.
Joint bars (track).
Tie plates (track).
Track spikes.
Wheels, rolled or forged (railroad).
Axles (railroad).
(h) Castings (not including cast iron).

ALLOY STEEL[2] (EXCEPT STAINLESS STEEL)

(a) Bar, bar shapes.
Includes:
Bar, hot-rolled projectile and shell quality.
Bar, hot-rolled, other (including light shapes).
Bar, cold-finished.
Bar, tool steel.

[1] "Carbon steel (including wrought iron)" means any steel customarily so classified.

[2] "Alloy steel" contains any one or more of the following elements in the following amounts: Manganese, maximum of range in excess of 1.65 percent. Silicon, maximum of range in excess of 0.60 percent. Copper, maximum of range in excess of 0.60 percent. Aluminum, chromium, cobalt, columbium, molybdenum, nickel, tantalum, titanium, tungsten, vanadium, zirconium, or any other alloying elements in any amount specified or known to have been added to obtain a desired alloying effect.

ALLOY STEEL—Continued
(b) Sheet, strip.
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Sheet, galvanized.
Strip, hot-rolled.
Strip, cold-rolled.
Electrical sheet and strip.
(c) Plate.
Includes:
Rolled armor.
Other.
(d) Structual shapes (heavy).
(e) Pipe, tubing.
Includes:
Oil-country goods.
Pressure tubing—seamless and welded.
Mechanical tubing—seamless and welded.
(f) Wire.
(g) Other mill forms and products (do not include forgings).
Includes:
Ingots.
Billets, projectile and shell quality.
Blooms, slabs, other billets, tube rounds, sheet bars.
Wire rods.
Rails.
Wheels, rolled or forged (railroad).
Axles (railroad).
(h) Castings.

STAINLESS STEEL[3]

(a) Seamless tubing.
(b) Other mill forms and products (do not include forgings).
Includes:
Bar, bar shapes.
Includes:
Bar, hot-rolled (including light shapes).
Bar, cold-finished.
Sheet, strip.

[3] "Stainless steel" means heat and corrosion resisting steel containing 10 percent or more of chromium either with or without nickel, molybdenum, or other elements. Stainless clad steel is considered to be solid stainless. AISI types 501 and 502 and other alloy steel containing 4 percent to but not including 10 percent chromium, which previously was considered as stainless steel, should now be included as alloy steel.

STAINLESS STEEL—Continued
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Strip, hot-rolled.
Strip, cold-rolled.
Plate.
Structural shapes (heavy).
Tubing (except seamless).
Wire, drawn.
Wire nails and staples.
Ingots, blooms, billets, tube rounds, sheet bars, wire rods.
(c) Castings.

COPPER AND COPPER-BASE ALLOY BRASS MILL PRODUCTS

Copper (unalloyed):
(a) Bar, rod, shapes, wire (except electrical).
(b) Sheet, strip, plate, rolls.
(c) Pipe, tubing.
Copper-base alloy:
(d) Bar, rod, wire, shapes.
(e) Sheet, strip, plate, rolls.
(f) Pipe, tubing.

COPPER WIRE MILL PRODUCTS

Includes: Wire and cable for electrical conduction only:
Bare and tinned.
Weatherproof.
Magnet wire.
Insulated building wire products.
Paper and lead power cable.
Paper and lead telephone cable.
Asbestos cable.
Portable and flexible cord and cable.
Communication wire and cable.
Shipboard cable.
Automotive and aircraft wire and cable.
Insulated power cable products.
Signal and control cable.

COPPER AND COPPER-BASE ALLOY FOUNDRY PRODUCTS AND POWDER

Includes:
Castings.
Powder.

ALUMINUM

Rolled bar, rod, wire, structural shapes.
Extruded bar, rod, shapes, tubing (including drawn tubing).
Sheet, plate, foil (including strip).
Powder (atomized or flake, including paste).
Pig or ingot, granular or shot.

SCHEDULE II—SHORT FORM OF ALLOTMENT

(See section 12 (f))

Controlled material	Allotment (specify short tons or pounds)			
	....Quarter 195..	....Quarter 195..	....Quarter 195..	....Quarter 195..
Carbon steel (including wrought iron)				
Alloy steel (except stainless steel)				
Stainless steel				
Copper and copper-base alloy brass mill products				
Copper wire mill products				
Copper and copper-base alloy foundry products and powder				
Aluminum				

Allotment No.----------

Signature and title

Date.----------

Above allotments are made for use in filling this delivery order in compliance with CMP Regulation No. 1.

SCHEDULE III—TIME FOR PLACING AUTHORIZED CONTROLLED MATERIAL ORDER—Continued

(See sections 19 (d) and 20 (f))

Name of product	Number of days in advance of first day of month in which shipment is required: Carbon [1]	Low alloy [2]	Stainless [3]	Full alloy [4]
Steel (including wrought iron)—Continued				
Pressure tubing (seamless and welded)	10 15		120	120
	11 15	75	90	75
Wire—drawn	45			
Wire—flat, cold-rolled strips	45			
Wire—barbed and twisted	45			
Wire—woven wire fence	45			
Wire—bale ties	45			
Tin mill black plate	45			
Tin plate, hot-dipped	45			
Terneplate, hot-dipped	45			
Tin plate, electrolytic	45	75	90	75
Sheets—hot-rolled	45	75	105	90
Sheets—cold-rolled	45	75		
Sheets—galvanized	45	75		
Sheets—all other coated	45			
Sheet piling	(12)			
Electrical sheets and strip	45	75	90	75
Strip—hot-rolled	45	75	105	90
Strip—cold-rolled	12 60	12 90	12 90	12 90
Castings				

11 Wire drawn: low carbon, 15 percent; high carbon, 16 percent.
12 For electrical sheets and strip, use this table:

Lead time	Definition
Low grade, 15	AISI M50, M43, M36.
Medium grade, 45	AISI M27, M22, M19.
High grade, 60	AISI M17, M15, M14, and oriented.

13 Lead times apply to unmachined castings after approval of patterns for production.

Name of product	Number days in advance of first day of month in which shipment is required
Copper and copper-base alloys:	
Brass mill copper and copper-base alloy products:	45
Copper and fabricators' alloys	60
Wire mill products:	35
Bare wire and cable	35
Weatherproof wire and cable	35
Magnet wire	60
Building wire and cable	60
Varnished cambric cable	60
Asbestos cable (types U-F)	60
Rubber insulated wire and cable (braid or lead cured)	7
Foundry copper and copper-base products:	14
Castings (rough or semi-finished, not machined—assuming patterns are available):	
Castings that will simple enstines to fit 12 by 16 inch flask	
Large intricate and centrifugal castings	
Aluminum	

INSTRUCTIONS FOR USE OF SHORT FORM OF ALLOTMENT—FORM CMP-5

The above short form of allotment may be used by any consumer who has received an allotment for the purpose of making an allotment to a secondary consumer producing Class A products for him. The short form of allotment must be either placed on or physically attached to the delivery order calling for delivery of the Class A products. If it is attached, the delivery order number or other identification must be indicated on the form.

The form must be signed by an authorized official of the consumer making the allotment, but need not be separately signed if it is placed on the delivery order in such a position that the signature of the delivery order by such an authorized official clearly applies to the allotment as well as to the order itself.

The size of the form may be varied, but all information called for by the form must be supplied and the general arrangement and wording of the form must be followed.

SCHEDULE III—TIME FOR PLACING AUTHORIZED CONTROLLED MATERIAL ORDER

(See sections 19 (d) and 20 (f))

Name of product	Number of days in advance of first day of month in which shipment is required: Carbon [1]	Low alloy [2]	Stainless [3]	Full alloy [4]
Steel (including wrought iron):				
Ingots	45	75	75	75
Billets, projectile and shell quality	45	75	75	75
Blooms, billets (except projectile and shell quality)	45	75	75	75
Tube rounds	45	75	75	
Sheet bars	45			75
Skelp	45	75	90	90
Wire rods	45	75	5 120	
Structural shapes (heavy)	45			(7)
Steel piling	45	75	90	75
Plates—rolled armor	45			90
Plates—other	45			90
Rails—standard (over 60 pounds)	45			90
Rails—all other	45			
Track accessories (track)	45			
Tie plates	45			90
Track spikes	45			
Wheels, rolled and forged (railroad)	45			90
Axles (railroad)	45	75		75
Bars—hot-rolled, projectile and shell quality (includes all pre-machined components such as fuze, adapters, and base plugs)	45	8 75	90	8 75
Bars—hot-rolled, other (including light shapes)	45			
Bars—reinforcing	45	75	105	9 105
Bars—cold-finished	101			90
Bars—tool steel	45		120	
Oil-country goods (including couplings)	45			
Line pipe	45			
Mechanical tubing (seamless and welded)	10 45		120	120

1 "Carbon steel (including wrought iron)" means any steel customarily so classified.
2 "Low-alloy high-strength steel" means only the proprietary grades promoted and sold for this purpose.
3 "Stainless steel" means heat and corrosion resisting steel containing 10 percent or more of chromium either with or without nickel, molybdenum, or other elements. Stainless clad steel is considered to be solid stainless. AISI types 501 and 502 and other alloy steel containing 4 percent to but not including 10 percent chromium, which previously was considered as stainless steel, should now be included as full-alloy steel.
4 "Full-alloy steel" means any alloy steel not classified as "stainless" or "low-alloy high-strength." "Alloy steel" contains any one or more of the following elements in the following amounts: Manganese, maximum of range in excess of 1.65 percent. Silicon, maximum of range in excess of 0.60 percent. Copper, maximum of range in excess of 0.60 percent. Aluminum, chromium, cobalt, columbium, molybdenum, nickel, tantalum, titanium, tungsten, vanadium, zirconium, or any other alloying elements in any amount specified or known to have been added to obtain a desired alloy effect.
5 Subject to special rolled shapes including angles and channels.
6 Subject to negotiation between mill and its customer. If no acceptable arrangements are worked out, NPA should be notified.
7 Includes less quantities for pilering.
8 If cold-finished, add an additional 15 days.
9 If cold-finished, add an additional 60 days.
10 If cold-drawn or cold-finished, 60 days; for welded tubing, 75 days.

SCHEDULE IV—MINIMUM MILL QUANTITIES

(See sections 17 (a), 19 (g) and 20 (d))

Name of product	Minimum quantity for each size and grade of any item for mill shipment at any 1 time to any 1 destination
Steel (special grades, shapes, specifications, processes, and similar factors must be handled by negotiation):	
Carbon [1] and low alloy [2] steel:	
Ingots, blooms, billets, slabs, and tube rounds, skelp, etc., rerolling quality	25 net tons.
Blooms, billets, and slabs, forging quality	Product of 1 ingot.
Wire rods, hot-rolled	5 net tons.
Structural shapes (heavy)	5 net tons.
Plates:	
Rolled armor	By negotiation.[3]
Continuous strip mill production	10 net tons.
Sheared, universal, or bar mill production	3 net tons.
Rails	5 net tons.
Track accessories (joint bars, tie plates, track spikes)	5 net tons.
Bars, hot-rolled:	
Projectile and shell quality	Product of 1 heat.[4]
Round bars up to and including 3 inches and squares, hexagons, half rounds, ovals, etc., of approximately equivalent sectional area	5 net tons.
Round and square bars over 3 inches to, but not including, 8 inches	15 net tons.
Bar size shapes (angles, tees, channels and zees under 3 inches)	5 net tons.
Bars, cold-finished	3 net tons.
Bars, tool steel	500 pounds.
Pipe, published carload minimum (mixed sizes and grades)	
Tubing:	
Seamless cold-drawn (O. D. in inches):	
Up to ¾ inclusive	1,000 feet.
Over ¾ to 1½ inclusive	800 feet.
Over 1½ to 3 inclusive	600 feet.
Over 3 to 6 inclusive	400 feet.
Over 6	250 feet.
Seamless hot-rolled	By negotiation.[3]
Welded	By negotiation.[3]
Wire rods. (See above.)	
Wire, drawn, for further fabrication and manufacturing:	
Low-carbon	1 net ton.
High carbon (0.40 carbon and higher):	
0.0475 inch and heavier	1 net ton.
Under 0.0475 inch to 0.021 inch inclusive	1,000 pounds.
Under 0.021 inch	500 pounds.
Wire merchant trade products, assorted	5 net tons
Tin mill products—any 1 gauge	5,000 pounds.
Sheet, hot- and cold-rolled	5 net tons.
Strip, hot- and cold-rolled	3 net tons.
Stainless steel: [5] No minimum on standard grades and sizes. For unusual grades or sizes the minimum order is to be worked out by negotiation.[3]	
Full-alloy steel: [6]	
Ingots	Product of 1 heat.[4]
Billet, projectile and shell quality	By negotiation.[3]
Blooms, slabs, billets (except projectile and shell quality), tube rounds, sheet bars, etc.:	
7 inches square (or equivalent cross sectional area) and under	5 net tons.
Larger than 7 inches square (or equivalent cross sectional area)	10 net tons.
Both of the above may be modified because of a mill's ingot size and/or rolling schedules.	
Wire rods	5 net tons.
Structural shapes (heavy)	By negotiation.[3]
Plates:	
Rolled armor	By negotiation.[3]
Other, whether rolled on continuous strip, sheared, universal or bar mill. (A steel producer need not accept an order unless the total quantity ordered is sufficient to make a heat of steel or unless ingots or slabs are available in stock or unless similar material is regularly being produced.)	
Rails	By negotiation.
Wheels, rolled or forged (railroad)	By negotiation.[3]
Axles (railroad)	By negotiation.[3]
Bars, hot-rolled, projectile and shell quality	By negotiation.[3]
Bars, hot-rolled, other:	
Rounds and squares 3½ inches and smaller	5 net tons.
Rounds and squares larger than 3½ inches	By negotiation.
Hexagons and flats	5 net tons.
Bars, cold-finished	3 net tons.
Bars, tool steel	500 pounds.
Oil-country goods	By negotiation.[3]
Mechanical tubing	5 net tons.
Pressure tubing	By negotiation.
Sheet and strip	By negotiation.[3]
Steel castings	(7).
Copper and copper-base alloys:	
Brass mill products:	
Nickel-silver and phosphor bronze	200 pounds.
Other	500 pounds.
Wire mill products	Standard package quantities as published by each mill.
Aluminum:	
Sheet, plate, foil (including strip)	1,000 pounds.
Rolled rod, bar, structural shapes, wire	300 pounds.
Extruded shapes and tubing (including drawn tubing)	300 pounds.
Other forms	None.

1 "Carbon Steel (including wrought iron)" means steel customarily so classified.
2 "Low-alloy high-strength steel" means only the proprietary grades promoted and sold for this purpose.
3 "By negotiation" means negotiation between mill and its customer. If no acceptable arrangements are worked out, NPA should be notified.
4 "1 heat" means one batch of metal made in one furnace.
5 "Stainless steel" means heat and corrosion resisting steel containing 10 percent or more of chromium either with or without nickel, molybdenum, or other elements. Stainless clad steel is considered to be solid stainless. AISI types 501 and 502 and other alloy steel containing 4 percent to but not including 10 percent chromium, which previously was considered as stainless steel, should now be included as full-alloy steel.
6 "Full-alloy steel" means any alloy steel not classified as "stainless" or "low-alloy high-strength." "Alloy steel" contains any one or more of the following elements in the following amounts: Manganese, maximum of range in excess of 1.65 percent. Silicon, maximum of range in excess of 0.60 percent. Copper, maximum of range in excess of 0.60 percent. Aluminum, chromium, cobalt, columbium, molybdenum, nickel, tantalum, titanium, tungsten, vanadium, zirconium, or any other alloying elements in any amount specified or known to have been added to obtain a desired alloy effect.
7 2,500 pounds or less from any one pattern or mold, or a minimum production run by the producing foundry.

[F. R. Doc. 51-5300; Filed, May 3, 1951; 3:37 p. m.]

[CMP Regulation 3]

CMP REG. 3—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

PREFERENCE STATUS OF DELIVERY ORDERS

This regulation is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all industries affected in advance of the issuance of this regulation has been rendered impracticable because the regulation affects almost all industries.

Sec.
1. What this regulation does.
2. Definitions.
3. General status of delivery orders.
4. Status of delivery orders for controlled materials.
5. Status of delivery orders for products or materials other than controlled materials.
6. How DO ratings and allotment numbers are assigned and used to obtain products or materials other than controlled materials.
7. Applicability of other regulations and orders.
8. Records and reports.
9. Applications for adjustment or exception.
10. Communications.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this regulation does.* The purpose of this regulation is to define, under the Controlled Materials Plan, the preference status of delivery orders for controlled materials and delivery orders for products and materials other than controlled materials.

SEC. 2. *Definitions.* As used in this regulation and any other CMP regulation (unless otherwise indicated):

(a) "Production material" means, with respect to any person, any product (including fabricated parts and subassemblies) or any material (excluding controlled material) which will be physically incorporated into his product, and includes the portion of such material normally consumed or converted into scrap in the course of processing. It also includes: (1) Containers and packaging materials required to make delivery of his products, (2) chemicals used directly in the production of his products, and (3) items which he purchases for resale to round out his line, if such items do not represent more than 10 percent of his estimated total sales receipts in a calendar quarter for which he files an application for allotment. It does not include any items purchased by him as manufacturing equipment, or for maintenance, repair, or operating supplies as defined in CMP Regulation No. 5.

(b) "Allotment number" or "allotment symbol" means an allotment number or symbol placed on a delivery order pursuant to this regulation or any other regulation or order of NPA which ex-

pressly provides for the use of such allotment number or symbol.

SEC. 3. *General status of delivery orders.* (a) To the extent consistent with this regulation, the provisions of NPA Reg. 2 apply to all delivery orders except authorized controlled material orders.

(b) A delivery order pursuant to a directive issued by NPA shall take precedence over any other delivery order (including an authorized controlled material order) previously or subsequently received, unless a contrary instruction appears in the directive.

SEC. 4. *Status of delivery orders for controlled materials.* (a) All authorized controlled material orders (as defined in section 2 (q) of CMP Regulation No. 1) shall have equal preferential status and shall take precedence over other delivery orders for controlled material previously or subsequently received.

(b) All delivery orders for controlled material bearing DO ratings, calling for delivery before October 1, 1951, shall have equal preferential status and shall take precedence over other delivery orders for controlled material previously or subsequently received, except authorized controlled material orders.

(c) A delivery order for controlled material (whether or not it bears a DO rating) calling for delivery after June 30, 1951, may be converted into an authorized controlled material order in accordance with the provisions of section 19 of CMP Regulation No. 1, except that where an allotment symbol (such as the symbol MRO provided for in CMP Regulation No. 5) is to be applied to a delivery order under this paragraph, the certification provided in the applicable regulation or order of NPA shall be used. A delivery order for controlled material calling for delivery after June 30, 1951, which has been converted into an authorized controlled material order shall be scheduled for delivery on the original delivery date, unless the person who placed such order agrees to a different delivery date.

SEC. 5. *Status of delivery orders for products or materials other than controlled materials.* (a) All delivery orders for products or materials other than controlled materials to which both a DO rating and an allotment number or symbol have been applied, calling for delivery before October 1, 1951, shall have equal preferential status and shall take precedence over other delivery orders for products or materials other than controlled materials previously or subsequently received.

(b) All delivery orders for products or materials other than controlled materials bearing a DO rating, whether or not an allotment number or symbol has been applied, calling for delivery on or after October 1, 1951, shall have equal preferential status and shall take precedence over other delivery orders for products or materials other than controlled materials previously or subsequently received.

(c) A delivery order for products or materials other than controlled materials (whether or not it bears a DO rating) calling for delivery after June 30, 1951, may be converted into a delivery order bearing a DO rating with an allotment number or symbol either by (1) furnishing a revised copy of the order showing a DO rating with the appropriate allotment number or symbol, or (2) furnishing in writing information clearly identifying the order and setting forth a DO rating with the appropriate allotment number or symbol. Such delivery order or confirmation having a DO rating with an allotment number must also bear the certification provided in section 6 (d) of this regulation, and such delivery order or confirmation having a DO rating with an allotment symbol (such as the symbol MRO provided for in CMP Regulation No. 5) must also bear the certification provided in the applicable regulation or order of NPA. A delivery order for products or materials other than controlled materials calling for delivery after June 30, 1951, which has been converted into a delivery order bearing a DO rating with an allotment number or symbol shall be scheduled for delivery on the original delivery date, unless the person who placed such order agrees to a different delivery date.

SEC. 6. *How DO ratings and allotment numbers are assigned and used to obtain products or materials other than controlled materials.* (a) When a production schedule of a prime consumer making class A or class B products is authorized and a related allotment is made to him by a Claimant Agency or an Industry Division, a DO rating shall be assigned to such schedule by such Claimant Agency or Industry Division for use with the related allotment number.

(b) When a production schedule of a secondary consumer making class A products is authorized and a related allotment is made to him by the prime or secondary consumer for whom such products are to be made, the consumer making the allotment shall apply or extend a DO rating to such schedule for use with the related allotment number.

(c) A prime or secondary consumer who has received a DO rating for an authorized production schedule as provided in this section, and a controlled materials producer who has received a DO rating pursuant to section 21 of CMP Regulation No. 1, may use such rating with the related allotment number on delivery orders, only to acquire production materials in the minimum practicable amounts required, and on a date or dates no earlier than required, to fulfill such schedule, or to replace in his inventory production materials used to fulfill authorized production schedules.

(d) A delivery order placed pursuant to paragraph (c) of this section must contain, in addition to a DO rating with an allotment number, a certification in the following form: "Certified under CMP Regulation No. 3," which shall be signed manually or as provided in NPA Reg. 2. This certification shall constitute a representation to the supplier and to NPA that the purchaser is authorized to place an order under the provisions of this regulation to obtain the products or materials covered by the delivery order.

(e) A person placing a delivery order for products or materials other than controlled materials, required for maintenance, repair, or operating supplies, or for minor capital additions, pursuant to CMP Regulation No. 5, shall place thereon a DO rating with the allotment symbol MRO together with the certification provided in CMP Regulation No. 5.

(f) A manufacturer of class B products who has received an authorized production schedule with a DO rating and an allotment number from an Industry Division or a Claimant Agency shall not extend any rating received by him from a customer for such production.

(g) A person who receives a delivery order bearing a DO rating with an allotment number or symbol for any product or material (other than controlled material) which is not manufactured by him, or which is manufactured by him but for the manufacture of which he has received no authorized production schedule, may extend such DO rating to the extent permitted by NPA Reg. 2, and if he does so he shall use such allotment number or symbol and the form of certification prescribed in paragraph (d) of this section.

(h) Purchase requirements for products or materials other than controlled materials covered by a DO rating with an allotment number or symbol may be combined with those which are unrated and/or which are covered by a DO rating without an allotment number or symbol. If this procedure is followed each item covered by a rating must be specifically identified by placing the applicable rating alongside the related item, and such delivery order must contain the certification provided in paragraph (d) of this section. Such single certification shall constitute a representation to the supplier and to NPA that the purchaser is authorized to place the order under all applicable regulations and orders of NPA.

(i) No person shall place any allotment number or symbol on any delivery order for products or materials other than controlled materials, except as provided in this section or as specifically provided in any other regulation or order of NPA.

SEC. 7. *Applicability of other regulations and orders.* Nothing in this regulation shall be construed to relieve any person from complying with all other applicable regulations and orders of NPA.

SEC. 8. *Records and reports.* Persons subject to this regulation shall maintain such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942.

SEC. 9. *Applications for adjustment or exception.* Any person subject to any provision of this regulation may file a request for adjustment, exception, or other relief upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests claiming that the public interest is prejudiced, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing submitted in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 10. *Communications.* All communications concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C., Ref: CMP Regulation No. 3.

SEC. 11. *Violations.* Any person who wilfully violates any provision of this regulation or any other regulation or order of the National Production Authority, or who wilfully conceals a material fact or furnishes false information in the course of operation under this regulation, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation shall take effect on May 3, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-5301; Filed, May 3, 1951; 3:37 p. m.]

Chapter XVIII — National Shipping Authority, Maritime Administration, Department of Commerce

[NSA ORDER No. 4 (OPR-1)]

OPR-1—SLOP CHESTS

Sec.
1. What this order does.
2. General Agent's requirements.
3. Master's requirements.
4. General provisions.

AUTHORITY: Sections 1 to 4 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114. Interpret or apply sec. 11, 23 Stat. 56; 46 U. S. C. 670.

SECTION 1. *What this order does.* In accordance with the provisions of section 11 of the act of Congress approved June 26, 1884, 23 Stat. 56; 46 U. S. C. 670, this order requires all vessels operated by the National Shipping Authority under General Agency Agreement 3-19-51 to be provided with a slop chest subject to all limitations contained in said act.

SEC. 2. *General Agent's requirements.* The General Agent shall:

(a) Obtain from the Master, a requisition for slop chest items required for the intended voyage. Purchase for the account of the NSA, from recognized bona fide slop chest suppliers, at prices not in excess of the fair and reasonable level prevailing at the respective domestic ports, only such items and quantities reflecting past experience of actual requirements.

(b) Arrange for delivery on board to the custody of the Master all slop chest items purchased, together with a copy of the vendor's invoice showing items, units, unit cost and totals.

(c) Furnish the Master with a Slop Chest Statement showing on hand at the beginning of each voyage the items, units, unit cost, totals and selling price per unit of each item. The selling price shall approximate but not exceed 110 percent of the reasonable wholesale value of the same at the port at which the voyage commenced. The Slop Chest Statement shall also provide spaces for:

(1) Quantities and total value sold.

(2) Quantities and total cost value on hand, end of voyage.

(3) Quantities of each item required for next voyage.

(d) Submit to the Division of Operations, NSA, Washington 25, D. C., upon termination of each voyage, a copy of the Slop Chest Statement obtained from the Master, as provided for in section 3 (b) of this order and a copy of all invoices for slop chest purchases showing items by brand or trade name, unit cost and total.

(e) Account to the Division of Operations, NSA, Washington 25, D. C., if required, for the purchase, delivery to the Master, receipts from sales, condemnations, transfers and all other transactions in connection with slop chests.

SEC. 3. *Master's requirements.* The Master shall:

(a) Receive and receipt for the quantities of slop chest items delivered on board.

(b) Upon the termination of each voyage complete the Slop Chest Statement referred to in section 2 (c) of this order, as to quantities and total value sold, quantities and total cost value on hand at end of voyage and quantities of each item required for the next voyage.

(c) Sell, from time to time as specified by him, any of the contents of the slop chest to any or every seaman applying therefor, at the unit price, specified by the Slop Chest Statement furnished the Master by the General Agent as provided in section 2 (c) of this order.

(d) Account to the General Agent for all slop chest items received on board, for all receipts and for all other slop chest transactions engaged in during the voyage.

(e) Cause entry to be made in the ship's log authenticated by the person designated by the Master to be in charge of the slop chest, together with signatures of two other witnesses, for all losses sustained due to fire, water or other damage which renders articles unsaleable. Such log entries shall itemize the quantities damaged and the cost thereof.

(f) Submit a detailed written report to the General Agent covering losses incurred due to damage, theft or pilferage of slop chest items. The report shall be submitted at the termination of the voyage during which the damage, theft or pilferage occurred.

(g) Retain on board, all damaged slop chest items, for survey, removal and disposition by the General Agent at a domestic port.

SEC. 4. *General provisions.* (a) All slop chest items, damaged or otherwise, shall be removed or transferred only in compliance with applicable regulations dealing with Property Removals.

(b) In the transfer of a vessel from one General Agent to another General Agent the physical transfer of the complete slop chest shall also be accomplished between the respective General Agents. The General Agents participating in such transfer shall complete and have their respective representatives sign, a joint inventory containing the unit cost price and extensions of all slop chest items, a copy of which shall be submitted to the Division of Operations, NSA, Washington 25, D. C., together with a copy of the Slop Chest Statement for the voyage terminated prior to transfer of the vessel. An additional copy of the Slop Chest Statement shall be submitted to the Comptroller's Office, Division of Accounts, Maritime Administration, Washington 25, D. C.

(c) In pricing the contents of the slop chest, the General Agent shall comply with all applicable regulations of the Office of Price Stabilization, Economic Stabilization Agency.

(d) It shall be the responsibility of each General Agent and Master to exercise reasonable care and diligence in the compliance with the Owner's obligations hereunder and in the protection and disposition of slop chest items.

(e) Neither the General Agent nor the Master shall place insurance on the contents of the slop chest purchased for the account of the NSA.

All slop chests purchased on or after the effective date of this regulation shall conform to the instructions contained in this order.

Effective date: This order shall be effective on date of publication in the FEDERAL REGISTER.

Dated: April 26, 1951.

[SEAL] C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-5265; Filed, May 4, 1951; 9:00 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 717]

ARIZONA AND NEW MEXICO

PARTIAL REVOCATION OF CERTAIN EXECUTIVE ORDERS CREATING PUBLIC WATER RESERVES

By virtue of the authority vested in the President by the act of June 25, 1910, 36 Stat. 847 (43 U. S. C. 141), and pur-

suant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

1. The Executive order of April 28, 1917, creating Public Water Reserve No. 50, is hereby revoked so far as it affects the following-described land in New Mexico:

NEW MEXICO PRINCIPAL MERIDIAN

T. 14 S., R. 17 W.,
Sec. 26, NE¼.

The area described contains 160 acres. This land is isolated from other Federally-owned lands and is suitable for disposition under section 2455 of the Revised Statutes, as amended.

2. The Executive order of July 10, 1919, creating Public Water Reserve No. 65, is hereby revoked so far as it affects the following-described lands in New Mexico:

NEW MEXICO PRINCIPAL MERIDIAN

T. 1 S., R. 20 E.,
Sec. 34, SW¼SE¼ and SE¼SW¼.
T. 2 S., R. 20 E.,
Sec. 15, NE¼.

The areas described aggregate 240 acres. These lands are primarily suitable for grazing and are within New Mexico Grazing District No. 6, established by order of the Secretary of the Interior dated April 8, 1935.

3. The Executive order of April 17, 1926, creating Public Water Reserve No. 107, is hereby revoked so far as it affects the following-described land in Arizona:

GILA AND SALT RIVER MERIDIAN

T. 9½ N., R. 2 E.,
Sec. 25, W½NW¼.

The area described contains 80 acres. This land is primarily grazing in character.

No applications for these lands may be allowed under the homestead, small-tract, or desert-land laws, or any other nonmineral public-land laws unless the land in question has already been classified as valuable or suitable for such types of application or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Offices in Phoenix, Arizona, and Santa Fe, New Mexico, respectively, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Land and Survey Offices in Phoenix, Arizona, and Santa Fe, New Mexico, respectively.

OSCAR L. CHAPMAN,
Secretary of the Interior.

MAY 1, 1951.

[F. R. Doc. 51–5200; Filed, May 4, 1951; 8:45 a. m.]

[Public Land Order 716]

ALASKA

REVOKING EXECUTIVE ORDER NO. 8223 OF AUGUST 21, 1939, WHICH MADE CERTAIN TOWN SITE LANDS AVAILABLE FOR THE USE OF ALASKA ROAD COMMISSION FOR AVIATION FIELD PURPOSES

By virtue of the authority vested in the President by the acts of June 25, 1910, 36 Stat. 847 (43 U. S. C. 141), and March 12, 1914, 38 Stat. 305, 306 (43 U. S. C. 303), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 8223 of August 21, 1939, which modified Executive Order No. 1919½ of April 21, 1914, reserving certain lands in Alaska for town site purposes, to the extent necessary to permit the S½ block 38 and all of block 45 in Nenana Town Site to be used by the Alaska Road Commission for aviation field purposes, is hereby revoked.

The lands affected by this revocation will be reappraised and offered at public sale pursuant to the laws and regulations relating to railroad town sites in Alaska.

OSCAR L. CHAPMAN,
Secretary of the Interior.

MAY 1, 1951.

[F. R. Doc. 51–5200; Filed, May 4, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 2, 3]

[Docket Nos. 8736, 8975, 8976, 9175]

TELEVISION BROADCAST SERVICE

NOTICE OF PROPOSED RULE MAKING

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations, and Engineering Standards Concerning the Television Broadcast Service, Docket No. 9175; Utilization of frequencies in the band 470 to 890 Mcs for Television Broadcasting, Docket No. 8976.

1. Paragraph "II–B–1" of Appendix A attached to the third notice of further proposed rule making (FCC 51–244) (16 F. R. 3072) issued by the Commission herein on March 22, 1951, provides as follows:

(1) A channel assigned to a community in the Commission's Table of Television Assignments shall be available, without the necessity of rule making proceedings, to any other community located within 15 miles of the assigned community provided the minimum separations set forth in paragraphs "E" and "G" herein are maintained.*

The purpose of the above proposal was to permit unassigned communities to apply for channels in assigned communities situated within 15 miles thereof without the necessity of first initiating a rule making proceeding. When the above third notice was issued, the Commission believed that such intention was evident from the use of the distinguishing words "assigned community."

2. From the inquiries received by the Commission it appears that written clarification of the above proposal may prove helpful in understanding the Commission's intentions in the matter. Accordingly, pargaraph "II–B–1" of Appendix A attached to the third notice of further proposed rule making herein is amended to read as follows:

1. A channel assigned to a community in the Commission's Table of Television Assignments shall be available, without the necessity of rule making proceedings, to any other community which is located within 15 miles of the assigned community and which has no assignment of its own provided the minimum separations set forth in paragraph "E" and "G" herein are maintained.*

3. Authority to issue the above amendment is vested in the Commission by sections 4 (i); 301, 303, (b), (c), (d), (e), (f), (g), (h), (r) and 307 (b) of the Communications Act of 1934, as amended.

Adopted: April 25, 1951.

Released: April 25, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–5204; Filed May 4, 1951; 8:46 a. m.]

[47 CFR, Parts 7, 8]

[Docket No. 9954]

COASTAL AND MARINE RELAY SERVICES; SHIP SERVICE

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 7.58 (c) of Part 7, and § 8.81 (c) of Part 8 of the Commission's rules governing Coastal and Marine Relay Services, and Ship Service, respectively; Docket No. 9954.

Notice is hereby given of proposed rule making in the above entitled matter.

The Commission has heretofore in Docket 9797 (§ 7.306 (a) and (b), and § 8.354 (a) (1)) proposed amendments of Parts 7 and 8 of the Commission's rules governing Coastal and Marine Relay Services, and Ship Service, respectively, which, among other matters, expressly restricted the use of certain frequencies to coast stations located at or in the vicinity of specific places and to ship radiotelephone stations for communication with coast stations located at or in the vicinity of specific places. The Commission now desires to propose additional locations at which frequencies in the 2–3.5 megacycle band may be used by coast and ship radiotelephone stations (under certain specified limitations) and an additional frequency which may be used by coast and ship radiotelephone stations. The proposed rule changes involve amendments to present § 7.58 (c) and 8.81 (c) of the Commission's rules governing Coastal and Marine Relay Services, and Ship Service, respectively, and are set forth below.

In order to expedite the availability of the frequencies involved herein, the earlier relevant portion of the proposals set forth in Docket 9797 are reflected herein as well as the new proposals dealing with those frequencies. Comments heretofore submitted in Docket 9797 in connection with the previous proposals will be considered in connection with this new docket. Accordingly, comments in the instant proceeding should be confined to such new issues as may have been introduced by this docket as compared to Docket 9797 in respect to the same rule content.

The proposed amendment is issued under the authority of sections 301 and 303 (c), (f), and (r) of the Communications Act of 1934, as amended.

Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before May 28, 1951, a written statement or brief setting forth his comments. At the same time, any person who favors the rules as set forth may file a statement in support thereof. Comments or briefs in reply to the original comments or briefs may be filed within seven days from the last day for filing the said original comments or briefs. If any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given such interested parties.

In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: April 25, 1951.

Released: April 26, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Proposed amendment of § 7.58 (c) of Part 7 of the Commission's rules governing Coastal and Marine Relay Services with regard to the following frequencies:

(c) Coastal-harbor stations:

2506	Boston, Mass. San Francisco, Calif.
	Eureka, Calif.
	Galveston, Tex.
2514	Miami, Fla.
	Great Lakes area.
2522	Seattle, Wash.
	New York, N. Y.
	Tampa, Fla. (day only)
	Los Angeles or San Diego, Calif. (day only).
	Galveston, Tex.
2530	Hawaiian Islands.
	San Juan, P. R.
2534	Norfolk, Va.
2538	Quantico, Va.
	San Francisco and Eureka, Calif. (day only).
	Tampa, Fla.
2550	Great Lakes area.
	Boston, Mass. (day only).
	Wilmington, Del.
2558	New York, N. Y.
	New Orleans, La. (day only).
2566	Charleston, S. C.
	Jacksonville, Fla.
	Los Angeles, Calif.
	Seattle, Wash. (day only)
2572	Mobile, Ala.
2582	Great Lakes area
	Hawaiian Islands
2590	New York, N. Y.
	Miami Beach, Fla. (day only).
	New Orleans, La.
2598	Portland, Oreg.
	Astoria, Oreg.
	San Diego and Los Angeles, Calif. (day only).

[2] The use, when assigned, of the frequency 2506 kilocycles designated for use at Galveston, Texas, and the use, when assigned, of the frequencies designated for use on a "day only" basis, is authorized only upon the condition that no harmful interference will be caused to any government station operating on the same or adjacent frequency. The frequencies 2522, 2558, 2566, and 2598 kilocycles, where designated for use on a "day only" basis, shall, when assigned, be used subject to interference by government stations.

[2a] The use of the frequency 2558 kilocycles at San Francisco and Eureka, California shall be coordinated with the Naval Commandant of the 12th Naval District, prior to operation thereon.

[2b] The use of the frequency 2566 kilocycles at San Diego or Los Angeles, California shall be coordinated with the Naval Commandant of the 11th Naval District, prior to operation thereon.

2. Proposed amendment of § 8.81 (c) of Part 8 of the Commission's rules governing Ship Service with regard to the following frequencies:

(c) To ship telephone stations for communication with coastal-harbor stations:

2110	Boston, Mass. San Francisco, Calif.
	Eureka, Calif.
	Galveston, Tex.
2118	Miami, Fla.
	Great Lakes (U. S. and Canada)
2130	Seattle, Wash.
	New York, N. Y.
	Tampa, Fla. (day only)
	Los Angeles or San Diego, Calif. (day only)
	Galveston, Tex.
2134	Hawaiian Islands.
	San Juan, P. R.
2142	Norfolk, Va.
	Quantico, Va.
	San Francisco and Eureka, Calif. (day only).
2158	Tampa, Fla.
	Great Lakes, (U. S. only).
	Boston, Mass. (day only).
	Wilmington, Del.
2166	New York, N. Y.
	New Orleans, La. (day only).
	Charleston, S. C.
2174	Jacksonville, Fla.
	Los Angeles, Calif.
	Seattle, Wash. (day only)
2572	Mobile, Ala.
2188	New York, N. Y.
	Hawaiian Islands.
	Miami Beach, Fla. (day only).
2206	New Orleans, La.
	Portland, Oreg.
	Astoria, Oreg.
	San Diego or Los Angeles, Calif. (day only).

[1] The use, when assigned, of the frequencies 2110 kilocycles designated for communication with Galveston, Texas, and the use, when assigned, of the frequencies designated for use on a "day only" basis, is authorized only upon the condition that no harmful interference will be caused to any government station operating on the same or adjacent frequency. The frequencies 2142, 2158, and 2206 kilocycles where designated for use on a "day only" basis, shall, when assigned, be used subject to interference by government stations.

[F. R. Doc. 51–5203; Filed, May 4, 1951; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Parts 944, 970]

[AMA Docket No. AO-105-A8, Quad Cities]

[AMA Docket No. AO-174-A5, Clinton, Iowa]

HANDLING OF MILK IN QUAD CITIES AND CLINTON, IOWA, MILK MARKETING AREAS

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a joint public hearing to be held in the Council Chambers, Rock Island City Hall, Rock Island, Illinois, beginning at 10:00 a. m., c. s. t., May 21, 1951, for the purpose of receiving evidence with respect to economic and marketing conditions in each of the marketing areas specified above which relate to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreements heretofore approved by the Secretary of Agriculture and to the orders, as amended, now in effect, regulating the handling of milk in such marketing areas.

It has been proposed by the Clinton Milk Producers Association, the Illinois-Iowa Milk Producers Association and the Quality Milk Association that a merger of the order (No. 44) regulating the handling of milk in the Quad Cities marketing area and the order (No. 70) regulating the handling of milk in the Clinton, Iowa, marketing area be made for the purpose of (1) extending the Quad Cities marketing area to include, in addition to the territory now covered, all of the present Clinton, Iowa, marketing area, and (2) revising certain other provisions now contained in either or both orders.

In the event the merging of the two areas is not adopted, they propose amending the separate orders in accordance with the proposed amendments they have submitted. Such associations further propose the termination of all provisions of Order No. 70, if the proposed merger is adopted.

A complete order for the Quad Cities market is set forth below as it would appear if amended in accordance with the proposals of the three associations. In the event the merger is not approved and the orders are amended separately in accordance with the proposals of the three associations, both orders would be virtually identical to that set forth below except for the descriptions of the separate marketing areas.

Additional amendment proposals which have been submitted by the Dubuque Cooperative Dairy Marketing Association, the Rock River Dairy and the Sturtevant Dairy Products Company, are also set forth below. The proposal of the Dubuque Cooperative Dairy Marketing Association would extend the Quad Cities marketing area to include the territory now covered by the Dubuque, Iowa, marketing area, now regulated by Order No. 12. Presumably, if this proposal were adopted, it would be necessary to terminate all the provisions of Order No. 12, regulating the handling of milk in the Dubuque, Iowa, marketing area.

None of the proposed amendments to be considered has received the approval of the Secretary of Agriculture.

Order No. 44, Including Amendments Proposed by the Clinton Milk Producers Association, the Illinois-Iowa Milk Producers Association and the Quality Milk Association[1]

DEFINITIONS

§ 944.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 944.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States as may be authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

[§ 944.3 *Quad Cities marketing area.* "Quad Cities marketing area", hereinafter called the "Marketing Area," means the territory lying within the corporate limits of the city of Clinton and that part of Camanche Township, including the city of Camanche, lying east of sections 2, 11, 14, 23, 26 and 35. All in Clinton County, Iowa; the territory lying within the corporate limits of the cities of Davenport and Bettendorf, Iowa, and Rock Island, Moline, East Moline and Silvis, Illinois; together with the territory lying within the following townships: Davenport, Rockingham and Pleasant Valley in Scott County, Iowa; and South Moline, Moline, Blackhawk, Coal Valley, Hampton, and South Rock Island in Rock Island County, Illinois.]

§ 944.4 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 944.5 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 944.6 *Delivery period.* "Delivery period" means the calendar month or the total portion thereof during which this part is in effect.

§ 944.7 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines: (a) is qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) has full authority in the sale of milk of its members; and (c) is engaged in making collective sales of or marketing milk or its products for its members.

[§ 944.8 *Producer.* "Producer" means any person who, in conformity with the requirements of the health authorities of any of the several municipalities in the marketing area or the Grade A milk and Grade A milk products law of the State of Illinois for the production of milk for consumption as milk, produces milk which (a) is received at a plant from which milk is disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area, or (b) is caused by a cooperative association to be diverted from a plant described in paragraph (a) of this section to a plant from which no Class I milk is disposed of within the marketing area. This definition shall not include a person with respect to milk produced by him which is received by a handler who is subject to another Federal Marketing Order and who is partially exempt from the provisions of this part pursuant to § 944.56.]

§ 944.9 *Handler.* "Handler" means (a) any person with respect to all milk received at a plant operated by him, from which milk is disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area, or (b) a cooperative association with respect to the milk of any producer which it causes to be delivered to a plant described in paragraph (a) of this section, or which it causes to be diverted from such a plant to a plant from which no milk is disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area.

§ 944.10 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk directly from the farms of other producers: *Provided*, That the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging, and distribution of the milk are the personal enterprise and the personal risk of such person.

§ 944.11 *Producer-milk.* "Producer-milk" means all skim milk and butterfat which is produced by a producer, other than a producer-handler, and which is received by a handler either directly from producers or from other handlers.

[§ 944.12 *Other sources of milk.* "Other source milk" means all skim milk and butterfat except that contained in producer milk and in nonfluid milk products disposed of in the form in which received without further processing or packaging.]

[§ 944.1 (l) and (m) would be deleted.]

MARKET ADMINISTRATOR

§ 944.20 *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

[1] Proposed amendments to the orders as now in effect are shown with brackets.

§ 944.21 *Powers.* The market administrator shall:

(a) Administer the terms and provisions of this part;

(b) Make rules and regulations to effectuate the terms and provisions of this part;

(c) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions of this part; and

(d) Recommend to the Secretary amendments to this part.

§ 944.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date upon which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 944.75, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 944.76, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided, for herein, and, upon request by the Secretary, surrender the same to such person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the date upon which he is required to perform such acts has not made (1) reports pursuant to § 944.30, or (2) payments pursuant to §§ 944.65 to 944.70;

(h) On or before the 10th day after the end of each delivery period, report to each cooperative association the amount and classification of milk caused to be delivered by such cooperative association to any handler, if such amount or classification reported by the handler differs from that reported by the cooperative association;

(i) Audit each handler's records and payments by inspection of such handler's records and the records of any other person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

[(1) On or before the 5th day of each delivery period, (i) The minimum price for Class I milk computed pursuant to § 944.50 (a) for the current delivery period and the butterfat differential computed pursuant to § 944.51 (a) for the current delivery period, and (ii) the minimum prices for Class II milk and Class III milk computed pursuant to § 944.50 (b) and (c) for the previous delivery period and the butterfat differentials computed pursuant to § 944.51 (b) and (c) for the previous delivery period, and]

(2) On or before the 10th day of each delivery period the uniform price computed pursuant to § 944.61 and the butterfat differential computed pursuant to § 944.66, both for the previous delivery period; and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 944.30 *Delivery period reports of receipts and utilization.* On or before the 5th day of each delivery period each handler, except a producer-handler, shall report to the Market Administrator in the detail and on the forms prescribed by the market administrator:

[(a) The quantities of skim milk and butterfat contained in (or used in the production of) all receipts within the delivery period of (1) producer milk, (2) skim milk and butterfat in any form from other handlers, and (3) other source milk and the sources thereof;]

(b) The utilization of all receipts required to be reported pursuant to paragraph (a) of this section; and

(c) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

§ 944.31 *Other reports.* Each producer-handler shall make reports to the Market Administrator at such time and in such manner as the Market Administrator may prescribe.

§ 944.32 *Records and facilities.* Each handler shall maintain and make available to the Market Administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization, in whatever form, of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing or packaging;

(b) The weights and tests for butterfat and for other content of all skim milk, milk, cream, and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all skim milk, milk, cream, and milk products on hand at the beginning and end of each delivery period.

§ 944.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period the Market Administrator notifies the handler in writing that the retention of such records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the Market Administrator. In either case the Market Administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

[§ 944.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received during the delivery period by a handler from producers or other handlers or as other source milk shall be classified by the Market Administrator pursuant to §§ 944.41 to 944.47.]

[§ 944.41 *Classes of utilization.* Subject to the conditions set forth in §§ 944.43 and 944.44, the classes of utilization shall be as follows:

[(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk, cream, or any mixture (except ice cream mix) of cream and milk or skim milk containing more than 6 percent of butterfat, Yoghurt, Reddi-wip, Superwhip and similar products, and all skim milk and butterfat not specifically accounted for under paragraphs (b) and (c) of this section.

[(b) Class II milk shall be all skim milk and butterfat used to produce evaporated milk, condensed milk, condensed skim milk, ice cream, ice cream mix, cottage cheese, or any other milk product not specified in paragraphs (a) and (c) of this section.

[(c) Class III milk shall be all skim milk and butterfat (1) used to produce butter, American-type cheddar cheese, animal feed, casein, and nonfat dried milk solids; (2) in shrinkage up to 2 percent of receipts from producers; and (3) in shrinkage of other source milk.]

[§ 944.42 *Shrinkage.* The Market Administrator shall allocate shrinkage over a handler's receipts as follows:

[(a) Compute the total shrinkage of skim milk and butterfat for each handler.

[(b) Prorate the resulting amounts between the receipts of skim milk and butterfat received from producers and from other sources.]

§ 944.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat received by a handler shall be Class I milk, unless the handler who first receives such skim milk or butterfat can prove to the market administrator that it should be classified otherwise.

(b) Any skim milk or butterfat (except that transferred to a producer-handler) shall be reclassified if verification by the Market Administrator discloses that the original classification was incorrect.

[§ 944.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

[(a) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to another handler, except a producer-handler, unless utilization in another class is mutually indicated in writing to the Market Administrator by both handlers on or before the 5th day after the end of the delivery period within which such transaction occurred, but in no event shall the amount classified in any class exceed the total use in such class by the transferee handler: *Provided*, That if either or both handlers have received other source milk such milk so disposed of shall be classified at both plants so as to return the higher class utilization to producer milk.

[(b) As Class I milk if transferred to a producer-handler in the form of milk, skim milk, or cream.

[(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a nonhandler's plant unless (1) The handler claims other utilization on the basis of utilization mutually indicated in writing to the Market Administrator by both the handler and nonhandler on or before the 5th day after the end of the delivery period within which such transfer or diversion occurred, (2) such nonhandler maintains books and records showing the utilization of all skim milk and butterfat at his plant, which are made available if requested by the Market Administrator for the purpose of verification, and (3) such nonhandler's plant had actually used not less than the equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided*, That if verification of such nonhandler's records discloses that an equivalent amount of skim milk and butterfat had not been used in such indicated utilization, the remaining pounds shall be classified in series beginning with the next higher price classification in which such nonhandler had utilization.]

[§ 944.45 *Receipts from a cooperative association.* Skim milk and butterfat caused to be delivered from a producer to any other handler by a cooperative association shall be ratably apportioned over the receiving handler's total utilization of milk remaining after the subtraction of other source milk and receipts from other handlers which are not cooperative associations.]

[§ 944.46 *Computation of skim milk and butterfat in each class.* For each delivery period the Market Administrator shall correct mathematical and other obvious errors in the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.]

[§ 944.47 *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler pursuant to § 944.46, the Market Administrator shall determine the classification of milk received from producers as follows:

[(a) Skim milk shall be allocated in the following manner:

[(1) Subtract for the total pounds of skim milk in Class III the pounds of skim milk determined pursuant to § 944.41 (c) (2);

[(2) Subtract from the remaining pounds of skim milk in each class in series beginning with the lowest-priced class in which the handler has use, the pounds of skim milk contained in other source milk;

[(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk contained in receipts from other handlers in accordance with its classification as determined pursuant to § 944.44 (a);

[(4) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

[(5) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received from producers, an amount equal to the difference shall be subtracted from the pounds of skim milk in each class in series beginning with the lowest-priced class in which the handler has use. Any amount so subtracted shall be called "Overrun."

[(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.]

MINIMUM PRICES

§ 944.50 *Class prices.* Subject to the provisions of §§ 944.51 and 944.52 the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the delivery period shall be as follows:

[(a) *Class I milk.* The price for Class II milk for the preceding delivery period plus $1.25 during the months of January, February and March; plus $0.80 during the months of April, May and June; and plus $1.55 during the remaining months of each year.

[(b) *Class II milk.* The higher of the prices resulting from the computations made pursuant to subparagraphs (1) and (2) of this paragraph.

[(1) The average of the basic or field prices reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during such delivery period at each of the following listed manufacturing plants or places for which prices are reported to the Market Administrator or to the Department of Agriculture:

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

[(2) The price resulting from the following computation:

[(i) Multiply by 6 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the delivery period;

[(ii) Add an amount equal to 2.4 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of the cheese known as "Twins" at Chicago as reported by the Department of Agriculture during the delivery period;

[(iii) Divide the resulting sum by 7;

[(iv) Add 30 percent thereof; and

[(v) Multiply the resulting sum by 3.5.

[(c) *Class III milk.* The higher of the prices resulting from the following computations by the Market Administrator:

[(1) Multiply by 2.4 the simple average, as published by the Department of Agriculture, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, during the delivery period in which such milk was received and multiply such result by 3.5. If there are no sales on the exchange during any week the last previously quoted price shall be used as the price for that week in making these computations;

[(2) From the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the delivery period, deduct 6 cents, multiply the resulting sum by 1.2, and then multiply that result by 3.5; and add the result of the following: from the simple average of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, for human consumption, f. o. b., manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, deduct 6½ cents and multiply the result by 8.2 and that result by .965: *Provided*, That, if such f. o. b. manufacturing plant prices for nonfat dry milk solids are not reported, there shall be used for the purpose of such computation the average of carlot prices for nonfat dry milk solids for human consumption, both spray and roller process, delivered at Chicago as reported by the Department of Agriculture during the delivery period; and in the latter event 8½ cents shall be used in lieu of the 6½ cent deduction in arriving at the computation.]

[§ 944.51 *Butterfat differentials to handlers.* If the average butterfat content of the milk allocated to any class by any handler pursuant to § 944.48 is more or less than 3.5 percent, there shall be added to the respective class price computed pursuant to § 944.50 for each one-tenth of 1 percent that the average butterfat content is above 3.5 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.5 percent, an amount equal to the applicable butterfat differential computed as follows:

[(a) *Class I milk.* Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the delivery period preceding that in which the milk was received by 1.40 and divide the resulting amount by 10.

[(b) *Class II Milk.* Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the delivery period in which the milk was received by 1.20 and divide the resulting amount by 10.

[(c) *Class III Milk.* From the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the delivery period in which the milk was received subtract 6 cents, multiply the result by 1.20 and divide the result by 10.]

§ 944.52 *Emergency price provisions.* (a) Whenever the provisions of this part require the Market Administrator to use a specific price or prices for any milk product for the purpose of determining class prices or for any other purpose the Market Administrator shall add to the specified price the amount of any subsidy or other similar payments being made by any Federal agency in connection with the milk, or product, associated with the prices specified.

(b) If the specified price which the Market Administrator is required to use for the purpose of determining class prices or for any other purpose is not reported or published, the Market Administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

§ 944.55 *Producer-handler.* Sections 944.40 to 944.48, 944.50 to 944.52, 944.60 and 944.61, 944.65 to 944.70, 944.75 and 944.80 shall not apply to a producer-handler.

[§ 944.56 *Handlers subject to other Federal orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this part shall not apply except as follows:

[(a) The handler shall, with respect to his total receipts and utilization of skim milk and butterfat, make reports to the Market Administrator at such time and in such manner as the Market Administrator may require and allow verification of such reports in accordance with the provisions of § 944.32.

[(b) If the price which such handler is required to pay under the other order to which he is subject for skim milk and butterfat which would be classified as Class I milk under this part, is less than the price provided by this part, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this part and its value as determined pursuant to the other order to which he is subject.]

DETERMINATION OF UNIFORM PRICE

[§ 944.60 *Computation of the value of milk received from producers.* The value of the milk received from producers during each delivery period by each handler shall be a sum of money computed by the Market Administrator by multiplying the pounds of milk in each class by the applicable class prices and adding together the resulting amounts: *Provided*, That, if the handler had overrun of either skim milk or butterfat there shall be added to the above value an amount computed by multiplying the pounds of overrun by the applicable class price.]

[§ 944.61 *Computation of uniform price.* For each delivery period the Market Administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

[(a) Combine into one total the values computed pursuant to § 944.60 for all handlers who made the reports prescribed by § 944.30 and who made the payments pursuant to §§ 944.65 to 944.68 for the preceding delivery period.

[(b) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of contingent obligations to handlers pursuant to §§ 944.69 and 944.70;

[(c) Subtract if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed by: multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 944.66, and multiplying the resulting figure by the total hundredweight of such milk;

[(d) Divide the resulting amount by the total hundredweight of milk included in these computations; and

[(e) Subtract not less than 4 cents nor more than 5 cents from the amount per hundredweight computed pursuant to paragraph (d) of this section. The resulting figure shall be known as the uniform price for milk received from producers.]

PAYMENT FOR MILK

[§ 944.65 *Time and method of payment.* Each handler shall make payment as follows:

[(a) On or before the 15th day after the end of the delivery period during which the milk was received, to each producer for milk which was not caused to be delivered to such handler by a cooperative association, at not less than the uniform price computed pursuant to § 944.61.

[(b) On or before the 12th day after the end of the delivery period during which the milk was received, to a cooperative association for milk which was caused to be delivered to such handler by such cooperative association, at not less than the value of such milk computed by multiplying the pounds of such milk allocated to each class pursuant to § 944.47 by the applicable class prices provided in § 944.50.]

[§ 944.66 *Butterfat differential to producers.* In making payments pursuant to § 944.65 (a) there shall be added to or subtracted from the uniform price per hundredweight for each one-tenth of 1 percent that the average butterfat content of the milk received from producers is above or below 3.5 percent an amount representing the weighted average butterfat differential to handlers for all classes of milk pursuant to § 944.51.]

[§ 944.67 *Producer-settlement fund.* The Market Administrator shall establish and maintain a separate fund known as the "Producer-Settlement Fund" into which he shall deposit all payments made by handlers pursuant to §§ 944.56, 944.68, and 944.70, and out of which he shall make all payments to handlers pursuant to §§ 944.69 and 944.70.]

§ 944.68 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the delivery period during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the Market Administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 944.60 is greater than the amount required to be paid producers by such handler pursuant to § 944.65.

§ 944.69 *Payments out of the producer-settlement fund.* On or before the 15th day after the end of the delivery period during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the delivery period, as determined pursuant to § 944.60 is less than the amount required to be paid producers by such handler pursuant to § 944.65: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such

payments as soon as the necessary funds are available. No handler who has not received the balance of such payments from the market administrator shall be considered in violation of § 944.65 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 944.70 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due; and payment thereof shall be made on or before the next date for making payment set forth in the provisions under which such error occurred.

§ 944.71 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part, shall except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the Market Administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligations exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the Market Administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the Market Administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the Market Administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

OTHER PAYMENTS

[§ 944.75 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the Market Administrator, on or before the 15th day after the end of the delivery period during which the milk was received, 3 cents per hundredweight or such lesser amount as the secretary from time to time may prescribe, with respect to all receipts within the delivery period from producers (including such handler's own production and receipts from cooperative associations) and with respect to other source milk which is classified as Class I milk: *Provided*, That a handler which is a cooperative association shall pay such pro rata share of expense on only that milk of producers received by such cooperative association or caused by such cooperative association to be delivered to a plant from which no milk is disposed of as Class I milk on wholesale or retail routes (including plant stores within the marketing area).]

§ 944.76 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 944.65 shall make a deduction of 6 cents per hundredweight of milk or such lesser deduction as the Secretary from time to time may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such cooperative association.

Such deductions shall be paid by the handler to the Market Administrator on or before the 15th day after the end of the delivery period during which the milk was received. Such moneys shall be expended by the Market Administrator for verification of weights and tests of milk received from such producers and in providing market information to such producers.

(b) In the case of each producer who is a member of, or who has given written authorization for the rendering of marketing services and the taking of a deduction therefor to a cooperative association, which the Secretary has determined is performing the services described in paragraph (a) of this section, such handler, in lieu of the deduction specified under paragraph (a) of this section, shall deduct from the payments made pursuant to § 944.65 the amount per hundredweight authorized by such producer and shall pay such deduction to the cooperative association entitled to receive it on or before the 15th day after the end of the delivery period during which such milk was received.

EFFECTIVE TIME, SUSPENSION AND TERMINATION

§ 944.80 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 944.81 *Suspension or termination.* The Secretary shall, whenever he finds this part, or any provision of this part, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision of this part.

§ 944.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations under this part the final accrual or ascertainment of which require further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 944.83 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the Market Administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all accounts, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the Market Administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 944.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 944.91 *Separability of provisions.* If any provision of this part or its application to any person or circumstance, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Proposed by Rock River Dairy:

Amend § 944.3 (§ 944.1 (c) of present Order No. 44) to include the township of Port Byron in Rock Island County, Illinois.

Proposed by Sturtevant Dairy Products Company:

1. Delete § 944.3 (§ 944.1 (c) of present Order No. 44 and § 970.1 (c) of present Order No. 70) and substitute therefor the following:

§ 944.3 *Quad Cities-Clinton-Muscatine marketing area.* Quad Cities-Clinton-Muscatine marketing area, hereinafter called "marketing area" means the territory lying within the limits of Clinton, Scott and Muscatine Counties, all in the State of Iowa, and Rock Island County, Illinois.

2. Delete § 944.22 (h) (§ 944.2 (c) (8) of present Order No. 44) and substitute therefor the following:

(h) On or before the 12th day after the end of each delivery period, report to each cooperative association the total pounds of skim milk and butterfat caused to be delivered by such cooperative association to any handler, and the total value of such skim milk and butterfat.

3. Delete § 944.41 (b) and (c) (§ 944.4 (b) (3) and (4) of present Order No. 44 and § 970.3 (b) (2) and (3) of present Order No. 70) and substitute therefor the following:

(b) Class II milk shall be all skim milk and butterfat used to produce evaporated milk, condensed or concentrated milk, ice cream and ice cream mix, cottage cheese, butter, casein, American-type Cheddar cheese, all milk or butterfat which is contained in products disposed of in bulk to bakeries, soup companies and candy manufacturing establishments, and all skim milk disposed of as animal feed, and shrinkage up to 2 percent of receipts from producers and cooperative associations and of emergency milk; and in shrinkage of other source milk.

Proposed by the Dubuque Cooperative Dairy Marketing Association:

Delete § 944.3 (§ 944.1 (c) of present Order No. 44) and substitute therefor the following:

§ 944.3 *Quad Cities marketing area.* Quad Cities marketing area hereinafter called the "marketing area," means the territory within the corporate limits of the City of Dubuque and the township of Dubuque, sections 1, 2, 3, 11 and 12 of the township of Table Mound, and sections 5 and 6 of the township of Mosalem, all in Dubuque County, Iowa; the territory lying within the corporate limits of the City of Clinton and that part of Camanche township, including the City of Camanche, lying east of sections 2, 11, 14, 23, 26, and 35, all in Clinton County, Iowa; the territory lying within the corporate limits of the Cities of Davenport and Bettendorf, Iowa, and Rock Island, Moline, East Moline, and Silvis, Illinois, together with the territory lying within the following townships: Davenport, Rockingham and Pleasant Valley in Scott County, Iowa, and Hampton and South Rock Island in Rock Island County, Illinois.

Copies of this notice of hearing may be procured from E. H. McGuire, 325 Federal Building, Sixteenth Street and Second Avenue, Rock Island, Illinois, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: May 2, 1951.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator.*

[F. R. Doc. 51-5260: Filed, May 4, 1951; 8:59 a. m.]

[7 CFR, Part 954]

[Docket No. AO 153-A6]

HANDLING OF MILK IN DULUTH-SUPERIOR MARKETING AREA

PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Court Room 3, Federal Building, Duluth, Minnesota, beginning at 10:00 a. m., c. s. t., May 15, 1951, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Duluth-Superior marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order (No. 54), as amended, for the Duluth-Superior marketing area were proposed as follows:

1. Amend § 954.41 (a) by adding concentrated milk disposed of for fluid milk consumption to the list of products specified therein.

2. Delete § 954.50 (a) and substitute therefor the following:

(a) *Class I milk.* For each delivery period the Class II price for such delivery period plus $1.50.

3. Delete § 954.51 and substitute therefor the following:

§ 954.51 *Butterfat differential to handlers*—(a) *Class I milk.* If the average butterfat content of the milk disposed of as Class I milk by any handler is more or less than 3.5 percent, there shall be added to the Class I price computed pursuant to § 954.50 (a) for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.5 percent, an amount computed by multiplying by 1.40 the simple average of the daily wholesale selling prices per pound of Grade A (92-score) bulk creamery butter as reported by the U. S. Department of Agriculture for the Chicago market during the period from the 25th day of the month second preceding such delivery period through the 24th day of the month immediately preceding such delivery period, and divide the result by 10.

(b) *Class II milk.* If the average butterfat content of the Class II milk disposed of by any handler is more or less than 3.5 percent there shall be added to the class price computed pursuant to § 954.50 (b) for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.5 percent, an amount computed by multiplying by 1.25 the simple average of the daily wholesale selling prices per pound of Grade A (92-score) bulk creamery butter as reported by the U. S. Department of Agriculture for the Chicago market during the period from the 25th day of the month second preceding such delivery period through the 24th day of the month immediately preceding such delivery period and divide the result by 10.

4. Make such other changes as may be required to make the entire order conform with any amendment thereto which may result from this hearing.

Copies of this notice of hearing may be procured from the Market Administrator, 2002 West Superior Street, Duluth 2, Minnesota, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: May 2, 1951.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator.*

[F. R. Doc. 51-5261: Filed, May 4, 1951; 8:59 a. m.]

[7 CFR, Part 962]

FRESH PEACHES GROWN IN THE STATE OF GEORGIA

EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1951-52 FISCAL PERIOD

Consideration is being given to the following proposals which were submitted by the Industry Committee, established under the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962; 15 F. R. 4105), regulating the handling of fresh peaches grown in the State of Georgia, as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $23,220.00 will be necessarily incurred by the aforesaid Industry Committee for its maintenance and functioning during the fiscal period beginning on March 1, 1951,

under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first ships peaches shall pay in accordance with the provisions of the aforesaid amended marketing agreement and order during the aforesaid fiscal period, the rate of assessment at $0.015 per bushel basket of peaches (net weight 50 pounds), or its equivalent of peaches in other containers or in bulk, shipped by him as the first handler thereof during said fiscal period.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposals may do so by submitting the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than the 10th day following publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(48 Stat. 31, as amended: 7 U. S. C. 601 et seq.; 7 CFR Part 962; 15 F. R. 4105)

Issued this 2d day of May 1951.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 51-5264; Filed, May 4, 1951; 9:00 a. m.]

[7 CFR, Part 988]

[Docket No. AO 195-A3]

HANDLING OF MILK IN KNOXVILLE, TENN., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER NOW IN EFFECT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Knoxville, Tennessee, January 16-20, 1951, pursuant to notice thereof which was issued on December 29, 1950 (15 F. R. 9396).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on March 28, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on March 31, 1951.

The material issues and the findings and conclusions of the recommended decision (16 F. R. 2852; F. R. Doc. 51-3905) are hereby approved and adopted as the material issues and findings and conclusions of this decision as if set forth in full herein.

Ruling on exceptions. In arriving at the findings and conclusions included in this decision each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of February 1951 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Knoxville, Tennessee, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Knoxville, Tennessee, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Knoxville, Tennessee, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 2d day of May 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Knoxville, Tennessee, Marketing Area

§ 988.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Knoxville, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Knoxville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 988.5 (b) delete subparagraph (1) and substitute the following:

(1) *Class I milk.* The price for Class I milk prior to August 1, 1951, shall be the basic formula price plus $1.30 per hundredweight. Effective August 1, 1951, the price for Class I milk shall be the basic formula price plus $1.50 per hundredweight: *Provided,* That, if during the 12 months prior to the month immediately preceding each delivery period, the total volume of milk received from producers by all handlers was more than 110 percent of the total Class I utilization of all handlers during such 12-month period, the Class I price shall be decreased 2.5 cents per hundredweight for each full percentage point that such percentage is more than 110 percent.

2. In § 988.5 (b) delete from subparagraph (2) "Scott Cheese Co., Sweetwater, Tenn."

3. In § 988.5 (c) delete from subparagraph (1) "1.4" and substitute "1.3" therefor.

4. In § 988.5 (c) delete from subparagraph (2) "1.2" and substitute "1.15" therefor.

5. In § 988.4 (d) add the following proviso at the end of subparagraph (3):

Provided further, That if such plant disposes of fluid cream to another nonfluid milk plant which plant conforms with the requirements of subdivisions (i), (ii), and (iii) of this subparagraph, such cream shall be classified as Class II milk.

Order of Secretary Directing That Referendum Be Conducted Among the Producers Supplying Milk to Knoxville, Tenn., Marketing Area; and Designation of Agent to Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, regulating the handling of milk in the Knoxville, Tennessee, marketing area) who, during the month of February 1951 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order, to determine whether such producers favor the issuance of the order amending the order, as amended, which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

Cleo C. Taylor is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

[F. R. Doc. 51-5259; Filed, May 4, 1951; 8:59 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 700]

SEMI-VITREOUS AND VITREOUS-CHINA FOOD UTENSILS DIVISION OF CLAY AND CLAY PRODUCTS INDUSTRY IN PUERTO RICO

MINIMUM WAGE RATE

Pursuant to section 5 (a) of the Fair Labor Standards Act of 1938, as amended (hereinafter called the act), the Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 403 dated October 19, 1950 (15 F. R. 7125), as amended by Administrative Order No. 404 dated November 17, 1950 (15 F. R. 8054), and Administrative Order No. 406 dated December 8, 1950 (15 F. R. 9077), appointed Special Industry Committee No. 9 for Puerto Rico (hereinafter called the Committee), and directed the Committee to investigate conditions in a number of industries in Puerto Rico specified and defined in said orders, including the semi-vitreous and vitreous-china food utensils division (hereinafter called the "chinaware division") of the clay and clay products industry, and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wage rates for the chinaware division of the clay and clay products industry in Puerto Rico, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the chinaware division, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico.

After investigating economic and competitive conditions in the chinaware division in Puerto Rico, the Committee filed with the Administrator a report containing its recommendation for a minimum wage rate of 40 cents an hour to be paid to employees in the chinaware division who are engaged in commerce or in the production of goods for commerce.

Pursuant to notice published in the FEDERAL REGISTER on February 13, 1951 (16 F. R. 1478) and circulated to all interested persons, a public hearing upon the Committee's recommendation was held before Hearing Examiner Clifford P. Grant, as presiding officer, in Washington, D. C., on March 13, 1951, at which all interested parties were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to the Administrator by the presiding officer.

Upon reviewing all the evidence in this proceeding and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof I, as Acting Administrator, have concluded that the recommendation of the Committee for a minimum wage rate in the chinaware division of the clay and clay products industry in Puerto Rico, as defined, was made in accordance with law, is supported by the evidence adduced at the hearing and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and Opinion of the Administrator" in the matter of the recommendation of Special Industry Committee No. 9 for Puerto Rico of a minimum wage rate in the semi-vitreous and vitreous-china food utensils division of the clay and clay products industry in Puerto Rico, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding (15 F. R. 1478), that I propose to approve said recommendation of the Committee and, to carry it into effect, I propose to amend the wage order covering the clay and clay products industry in Puerto Rico dated November 28, 1950, which was published on December 1, 1950 (15 F. R. 8217) (29 CFR, Chapter V, Part 700), in the following respects:

1. Change the heading of § 700.1 from "*Wage rate*" to "*Wage rates.*"

2. Add the following new paragraph to § 700.1 immediately after paragraph (a) thereof:

(b) Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the semi-vitreous and vitreous-china food utensils division of the clay and clay products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

3. Delete in its entirety the "Note" under § 700.3 (b) (1) thereof.

Within 15 days from publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the proposed action above described. Exceptions should be addressed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate and should include supporting reasons for any exceptions.

Signed at Washington, D. C., this 30th day of April 1951.

F. GRANVILLE GRIMES, JR.,
Acting Administrator,
Wage and Hour Division.

[F. R. Doc. 51-5202; Filed, May 4, 1951; 8:46 a. m.]

Division of Public Contracts

[41 CFR, Part 202]

ENVELOPE INDUSTRY

NOTICE OF HEARING ON PREVAILING MINIMUM WAGE

The Secretary of Labor, in an amended minimum wage determination issued

pursuant to the provisions of the Walsh-Healey Public Contracts Act (act of June 30, 1936, 49 Stat. 2036, 41 U. S. C. secs. 35-45) and effective January 25, 1950 (15 F. R. 382), determined that the minimum wage for persons employed in the performance of contracts with agencies of the United States Government subject to the act for the manufacture or furnishing of the products of the envelope industry shall be not less than 75 cents an hour. This amended determination was based upon information indicating that substantially all employees in the envelope industry are engaged in commerce or in the production of goods for commerce, as defined in the Fair Labor Standards Act, and that as a consequence the Fair Labor Standards Amendments of 1949 require payment of a wage rate of not less than 75 cents an hour to substantially all employees in the industry. This amended determination also provided that learners and handicapped workers might be employed at subminimum rates in accordance with regulations of the Administrator of the Wage and Hour Division of the Department of Labor under section 14 of the Fair Labor Standards Act (29 CFR Parts 522, 524, and 525, respectively).

A wage survey of selected envelope manufacturing establishments made as of October 1950 by the Bureau of Labor Statistics indicates that the 75-cent rate now in effect may not reflect the prevailing minimum wages in the industry; and it is proposed, therefore, to hold a hearing for the purpose of consideration by the Secretary of Labor of an amendment of the current determination.

The envelope industry is defined in the current determination as that industry which manufactures or furnishes envelopes.

Now, therefore, notice is hereby given that a public hearing will be held on June 6, 1951, at 10:00 a. m., in Room 5406 of the Department of Labor, Constitution Avenue and 14th Street Northwest, Washington, D. C., before the Administrator of the Wage and Hour and Public Contracts Divisions or a representative designated to preside in his place, at which hearing all interested persons may appear and submit data, views and argument: (1) As to what are the prevailing minimum wages in the envelope industry; (2) as to whether there should be included in any amended determination for this industry provision for employment of learners and/or apprentices at subminimum rates, and if so, in what occupations, at what subminimum rates, and with what limitations, if any, as to length of period and number or proportion of such subminimum rate employees; and (3) as to the propriety of the present definition of the industry.

Persons intending to appear are requested to notify the Administrator of their intention in advance of the hearing. Written statements in lieu of personal appearance may be filed by mail at any time prior to the date of the hearing, or may be filed with the presiding officer at the hearing. An original and four copies of any such statement should be filed.

Tabulations of wage data prepared by the Bureau of Labor Statistics at the request of the Wage and Hour and Public Contracts Divisions will be made available to interested persons upon request to the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D. C. Interested persons are invited to submit wage data, including data as to changes which have taken place in the wage structure of the industry since the time of the survey.

In the discretion of the Presiding Officer, a period of not to exceed 30 days may be allowed for the filing of comment on the evidence and statements introduced into the record of the hearing. In the event such supplemental statements are received an original and four copies of each such statement should be filed.

Signed at Washington, D. C., this 1st day of May 1951.

F. GRANVILLE GRIMES, JR.,
Acting Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 51-5227; Filed, May 4, 1951; 8:51 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 383, Amdt.]

SPECIAL CERTIFICATES FOR EMPLOYMENT OF LEARNERS AND APPRENTICES

DELEGATION OF AUTHORITY TO AUTHORIZED REPRESENTATIVE OF ADMINISTRATOR TO GRANT OR DENY APPLICATIONS

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, hereby amend Administrative Order 383 by adding the name of Milton Brooke, who, in addition to those listed therein, is hereby designated as my authorized representative to grant or deny applications for, and to sign, issue and cancel, special certificates authorizing the employment of learners and apprentices at subminimum wages, and to take such other action as may be necessary or appropriate in connection therewith, pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended, and 29 CFR Parts 520, 521 and 522.

Signed in Washington, D. C., this 27th day of April 1951.

WM. R. MCCOMB,
Administrator, Wage and Hour Division.

[F. R. Doc. 51-5226; Filed, May 4, 1951; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2036 et al.]

ALASKA AIRLINES, INC., ET AL.; KENAI PENINSULA SERVICE CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the applications of Alaska Airlines, Inc., Hakon Christensen, d/b/a Christensen Air Service, Gentry S. Shuster, d/b/a Safeway Airways, and Vern Dale Trakowski, d/b/a Alaska Scenic Air Service, for certificates of public convenience and necessity or amendments thereof, or exemption orders, authorizing air transportation between points on the Kenai Peninsula, Alaska, and a proceeding instituted by the Board to determine whether the certificate of Pacific Northern Airlines, Inc., shall cease to be effective, insofar as it authorizes air transportation of persons and property to and from Seward, Alaska, for failure to provide service within the period designated by the Board.

Notice is hereby given that oral argument in the above-entitled proceeding, which was assigned to be held before the Board on May 15, 1951, is postponed to a date to be later assigned.

Dated at Washington, D. C., May 1, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-5235; Filed, May 4, 1951; 8:58 a. m.]

[Regs., Serial No. SR-362]

REEVE ALEUTIAN AIRWAYS, INC.

PILOT FLIGHT TIME LIMITATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of April 1951.

Reeve Aleutian Airways, Inc. (RAA), has filed a request, as amended, for authority to deviate from the flight time limitations of paragraph (a) of § 41.54 of the Civil Air Regulations over its route between Anchorage and Adak, Alaska. Section 41.54 (a) currently provides that in aircraft having a crew of one or two pilots a pilot may be scheduled to fly 8 hours or less during any 24 consecutive hours without a rest period; that, if he is scheduled to fly in excess of 8 hours during any 24 consecutive hours, he must be given an intervening rest period at or before the termination of 8 scheduled hours of flight duty; and that this rest period must equal at least twice the number of hours flown since the last preceding rest period, and in no case will this rest period be less than 8 hours.

At present RAA maintains regular flight schedules between Anchorage and Adak which require flights from Anchorage to Dutch Harbor on one day, from Dutch Harbor to Adak the next day, and from Adak direct to Anchorage on the third day, averaging less than 8½ hours in flight in each direction. These flights are being made under the flight time limitations of § 41.55 which permits a pilot to be scheduled to fly in aircraft having 2 pilots and one additional flight crew member 12 hours during any 24 consecutive hours. Each crew on these flights consists of 2 pilots, a co-pilot, and a mechanic who holds both aircraft and engine mechanic certificates. In effect, RAA seeks appropriate authority to make these flights of a duration of not more than 8 hours and 30 minutes with a crew of 2 pilots and a mechanic certificated as above.

In support of its proposal RAA contends that, if authorized to schedule pilots to fly in either direction over this route in excess of 8 hours but not more than 8 hours and 30 minutes in any 24 consecutive hours, its operations would improve in efficiency and economy without adversely affecting safety. It claims that the extension of pilot flight time would obviate the requirement for intermediate overnight stops at which military facilities are limited and in some respects unsuitable to the civilian needs of passengers and crew and, in addition, would eliminate the need for the services of a third pilot who at present performs approximately 20 minutes of relief duty on each round trip. Finally, RAA claims that the services of the A & E certificated mechanics compensate for the extra pilot flight time requested, since their duties, in addition to those exercised in flight, include some responsibility for the care of passengers, security of aircraft, computation of weight and balance, and preflight preparation.

The Board recognizes that the operating conditions in Alaska differ in certain material respects from those in other parts of the United States. Accordingly, this regulation, among others, affords flexibility in our regulations, consistent with the best interests of safety, to meet such special conditions. RAA's experience over a four-month period indicates that the average one-way flight on its Anchorage-Adak schedule was 8 hours and 10 minutes in duration. Without an intermediate overnight stop an authorized schedule of similar duration would reduce civilian demands on military facilities and would avoid a layover period in the interest of all persons concerned. The assignment of an A & E mechanic in the crew permits compensation for additional flight time, particularly if such A & E mechanic possesses qualifications which would enable him to assist the pilot in flight as well as in the pre-flight preparation. Each A & E certificated mechanic, therefore, should be held to special standards of knowledge and skill appropriate to the aircraft flown. We find that safety will not be adversely affected if pilots are permitted to exceed briefly the flight time limitations of § 41.54 (a) and if the A & E certificated mechanics are properly qualified for both flight and ground duties.

This regulation waives the requirements of § 41.54 (a) to permit RAA to schedule 2 pilots, accompanied by an A & E certificated mechanic, to fly without a rest period not more than 8 hours and 30 minutes between Anchorage and Adak during any 24 consecutive hours. If a pilot is scheduled to fly in excess of 8 hours and 30 minutes during any 24 consecutive hours, he shall be given an intervening rest period at or before the termination of 8 hours and 30 minutes of such flight duty. This rest period must comply with the requirements of § 41.54 (a) and, where a pilot has flown in excess of 8 hours and 30 minutes, of § 41.54 (b).

This regulation further provides that an A & E certificated mechanic, to be eligible for flight duty in these operations, shall meet certain knowledge and skill requirements appropriate to the aircraft flown. The Administrator is to examine each such applicant with respect to (1) his knowledge of aircraft performance, aircraft engine operation, and their limitations, mathematical computations of engine and fuel consumption, including an understanding of basic meteorology as it affects engine operations, and mathematical computations pertaining to aircraft loading and center of gravity, and (2) his skill in recognizing and remedying the malfunctioning of aircraft, aircraft engines, propellers, and appliances, and performing emergency duties and procedures relating to aircraft engines, propellers, and appliances.

The Civil Aeronautics Administration is of the opinion that the proposed operation would not adversely affect safety. A number of RAA pilots, dispatchers, and A & E mechanics, those principally responsible for the safety of the proposed operations, have submitted comments urging approval of this request. Due consideration has been given these comments.

For reasons stated above, notice and public procedure hereon are unnecessary, and the Board finds that good cause exists for making this Special Civil Air Regulation effective on less than 30 days' notice.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates a Special Civil Air Regulation, effective immediately, to read as follows:

1. In lieu of the provisions of paragraph (a) of § 41.54 of the Civil Air Regulations, Reeve Aleutian Airways, Inc., is authorized to schedule a pilot to fly, without a rest period in the course of flight, 8 hours and 30 minutes or less during any 24 consecutive hours between Anchorage and Adak, Alaska. If a pilot is scheduled to fly in excess of 8 hours and 30 minutes during any 24 consecutive hours, he shall be given an intervening rest period at or before the termination of 8 hours and 30 minutes of his scheduled flight duty. This rest period must comply with the requirements of § 41.54 (a) and, where a pilot has flown in excess of 8 hours and 30 minutes, of § 41.54 (b). On these flights the crew shall consist of 2 pilots and an A & E certificated mechanic approved by the Administrator for this duty.

2. The Administrator shall examine each A & E certificated mechanic applying for this duty before certifying to his competency in respect of his special knowledge and skill appropriate to the aircraft used by RAA in operations over this route. The results of this examination shall be a permanent part of RAA's company records.

(a) The knowledge requirements for each applicant shall include the following subjects: aircraft performance, aircraft engine operation and their limitations; mathematical computations of aircraft engine operation and fuel consumption, together with basic meteorology as it affects aircraft engine operations; and mathematical computations pertaining to aircraft loading and center of gravity.

(b) The skill requirements for each applicant shall include the following abilities: recognition and repair of malfunctioning aircraft, aircraft engines, propellers, and appliances; and performance of emergency duties and procedures in respect of aircraft engines, propellers, and appliances.

3. Prior to commencing operations in accordance with the prescribed limitations, Reeve Aleutian Airways, Inc., shall notify the Board in writing of the date on which such service is to begin.

This regulation shall terminate on April 1, 1952, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 604, 605, 52 Stat. 1007, as amended, 1008, 1010; 49 U. S. C. 551, 552, 554, 555)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-5199; Filed, May 4, 1951; 8:45 a. m.]

DEFENSE TRANSPORT ADMINISTRATION

[DTA Delegation 6]

PETROLEUM ADMINISTRATION FOR DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO FACILITIES FOR BULK STORAGE OF PETROLEUM AND GAS

Pursuant to the Defense Production Act of 1950 (64 Stat. 798), Executive Orders Nos. 10161 (15 F. R. 6105), 10200 (16 F. R. 61), and 10219 (16 F. R. 1983), Defense Production Administration Delegation No. 1 (16 F. R. 738), and Organization Order DTA 1 (15 F. R. 6728):

There is hereby delegated to the Administrator of the Petroleum Administration for Defense, an agency created by Order No. 2591 of the Secretary of the Interior (15 F. R. 6767, 16 F. R. 932, 16 F. R. 2896), the authority to perform the functions and exercise the powers with respect to facilities required for bulk storage of petroleum and gas conferred by said Organization Order DTA 1 upon the Administrator of the Defense Transport Administration reserving unto the said Administrator the Authority, whenever in his judgment the use of any such facilities are required for bulk storage of commodities other than petroleum and gas by reason of the unavailability of other facilities for such storage, to allocate, after consultation with the Administrator of the Petroleum Administration for Defense, the use for temporary periods of any such bulk storage facilities for the storage of such other commodities as in the judgment of the

Administrator of the Defense Transport Administration may be necessary.

The authority hereby delegated shall be exercised consistently with the plans, policies, and programs of the Defense Transport Administration pertaining to transportation facilities and their use.

The authority herein delegated may be redelegated within the Petroleum Administration for Defense in the discretion of the Administrator of the Petroleum Administration for Defense.

As used in this delegation, the terms "petroleum" and "gas" shall mean "petroleum" and "gas" as defined in sections 901 (c) and (d) of Executive Order No. 10161 as amended.

This delegation shall take effect on May 7, 1951.

Issued at Washington, D. C., this 4th day of May 1951.

JAMES K. KNUDSON,
Administrator.

[F. R. Doc. 51-5351; Filed, May 4, 1951; 11:18 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 11]

HASPEL BROTHERS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Haspel Brothers, Inc , has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during that period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of men's or boys' wear manufactured by Haspel Brothers, Inc., 2527 St. Bernard Avenue, New Orleans, Louisiana having the brand name "Refreshable" and described in the manufacturer's application dated March 6, 1951. The manufacturer's prices listed below are sold on terms of Net 30.

MEN'S AND BOYS' WEAR

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
$2.35	$3.95
2.70	4.50
2.95	4.95
3.55	5.95
4.15	6.95
4.50	7.50
5.40	9.00
5.65	9.50
6.00	10.00
6.30	10.50
6.85	11.25
6.90	11.50
8.10	13.50
9.00	15.00
9.90	16.50
11.70	19.50
12.00	21.00
12.45	20.75
15.00	25.00
16.50	27.50
16.95	28.25
19.50	32.50
21.90	36.50

2. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

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3. On and after June 4, 1951, Haspel Brothers, Inc., must mark each article listed in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $------

On and after July 5, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraph 1 of this special order of changes the retail ceiling price of a listed article, Haspel Brothers, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 5, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 4, 1951.

[F. R. Doc. 51-5325; Filed, May 4, 1951; 8:45 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 12]

JOSEPH & FEISS CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, The Joseph & Feiss Co., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during that period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of men's suits manufactured by The Joseph & Feiss Co., 2149 West 53d Street, Cleveland 1, Ohio, having the brand name "Mohara" and described in the manufacturer's application dated March 15, 1951. The manufacturer's prices listed below are sold at Net 30.

MEN'S SUITS

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
$27.00	$45.00
35.85	59.75

2 The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 4, 1951, The Joseph & Feiss Co., must mark each article listed in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $------

On and after July 5, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraph 1 of this special order or changes the retail ceiling price of a listed article, The Joseph & Feiss Co., must comply as to each such article, with the preticketing

requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 5, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 4, 1951.

[F. R. Doc. 51-5326: Filed, May 4, 1951; 8:45 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 13]

J. SCHOENEMAN, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, J. Schoeneman, Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during that period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of men's and young men's clothing manufactured by J. Schoeneman, Inc., 412 West Redwood Street, Baltimore 1, Maryland, having the brand name "Coronado" and described in the manufacturer's application dated April 12, 1951. The manufacturer's prices listed below are sold on net terms to all customers.

MEN'S AND YOUNG MEN'S CLOTHING

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
$32.53	$55.00

2. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 4, 1951, J. Schoeneman, Inc., must mark each article listed in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $------

On and after July 5, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraph 1 of this special order or changes the retail ceiling price of a listed article, J. Schoeneman, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order 13 establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 5, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 4, 1951.

[F. R. Doc. 51-5327; Filed, May 4, 1951; 8:45 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 14]

FLEXEES, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Flexees, Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of women's bathing suits manufactured by Flexees, Inc., 417 Fifth Avenue, New York 16, New York, having the brand name "Sea Molds," and described in the manufacturer's application, dated March 9, 1951. The manufacturer's prices listed below are sold at a discount of 8/10 EOM.

WOMEN'S BATHING SUITS

Manufacturer's selling price (per dozen)	*Ceiling price at retail (per unit)*
$90.00	$12.95

2. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 4, 1951, Flexees, Inc., must mark each article listed in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $------

On and after July 5, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraph 1 of this special order or changes the retail ceiling price of a listed article, Flexees, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 19 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months' period following the effective date of this special order and within 45 days of the expiration of each successive 6 months' period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months' period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 5, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 4, 1951.

[F. R. Doc. 51-5328; Filed, May 4, 1951; 8:45 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 6]

S. AUGSTEIN & CO., INC.

CEILING PRICES AT RETAIL

EDITORIAL NOTE: In Federal Register Document 51-4879, appearing at page 3599 of the issue for Thursday, April 26, 1951, the original document has been corrected as follows:

In paragraph 1, the word "women's" has been substituted for the word "men's" wherever it appears so that paragraph 1 now reads as follows:

1. The following ceiling prices are established for sales after the effective date of the special order by any seller at retail of women's suits, women's slacks, and women's shorts manufactured by S. Augstein & Co., Inc., 15-58 One Hundred Twenty-seventh Street, College Point, New York, having the brand name "Sacony" and described in the manufacturer's application dated March 16, 1951. The manufacturer's prices listed below are subject to a discount of 8/10 EOM.

WOMEN'S SUITS, SLACKS, AND SHORTS

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
$3.00	$4.95
4.25	6.95
5.00	7.95
5.50	8.95
14.50	24.50
17.75	29.95

[Delegation of Authority 6, Supp. 2]

CHIEFS OF BRANCHES OF TRANSPORTATION, PUBLIC UTILITIES AND FUEL DIVISION

REDELEGATION OF AUTHORITY TO REQUEST FURTHER INFORMATION CONCERNING PROPOSED CEILING PRICES

By virtue of the authority vested in me as Director of the Transportation, Public Utilities and Fuel Division of the Office of Price Operations, Office of Price Stabilization by Delegation of Authority No. 6, Supplement 1 (16 F. R. 3672), this delegation of authority is hereby issued.

Authority is hereby delegated to the Chiefs of the Branches of the Transportation, Public Utilities and Fuel Division of the Office of Price Operations, Office of Price Stabilization to request further information from a seller who has submitted a proposed ceiling price for approval. This delegation applies wherever a Ceiling Price Regulation permits the seller to operate at the ceiling price proposed by him, whether immediately or after the expiration of a prescribed period of time, unless and until he is notified by the Director of Price Stabilization that the proposed ceiling price has been disapproved or that more information is required.

This delegation of authority shall take effect on May 5, 1951.

RICHARD L. BOWDITCH,
Director, Transportation, Public Utilities and Fuel Division, Office of Price Operations.

MAY 4, 1951.

[F. R. Doc. 51-5356; Filed, May 4, 1951; 11:54 a. m.]

Office of Price Stabilization

[Delegation of Authority 6, Supp. 3]

CHIEFS OF BRANCHES OF CONSUMER DURABLE GOODS DIVISION

REDELEGATION OF AUTHORITY TO REQUEST FURTHER INFORMATION CONCERNING PROPOSED CEILING PRICES

By virtue of the authority vested in me as Director of the Consumer Durable Goods Division of the Office of Price Operations, Office of Price Stabilization by Delegation of Authority No. 6, Supplement 1 (16 F. R. 3672) this delegation of authority is hereby issued.

Authority is hereby delegated to the Chiefs of the Branches of the Consumer Durable Goods Division of the Office of Price Operations, Office of Price Stabilization to request further information from a seller who has submitted a proposed ceiling price for approval. This delegation applies wherever a Ceiling Price Regulation permits the seller to operate at the ceiling price proposed by him, whether immediately or after the expiration of a prescribed period of time, unless and until he is notified by the Director of Price Stabilization that the proposed ceiling price has been disapproved or that more information is required.

This delegation of authority shall take effect on May 5, 1951.

HAROLD B. WESS,
Director, Consumer Durable Goods Division, Office of Price Operations.

MAY 4, 1951.

[F. R. Doc. 51-5357; Filed, May 4, 1951; 11:54 a. m.]

[Delegation of Authority 6, Supp. 4]

CHIEFS OF BRANCHES OF SERVICES, EXPORT-IMPORT DIVISION

REDELEGATION OF AUTHORITY TO REQUEST FURTHER INFORMATION CONCERNING PROPOSED CEILING PRICES

By virtue of the authority vested in me as Director of the Services, Export-Import Division of the Office of Price Operations, Office of Price Stabilization by Delegation of Authority No. 6, Supplement 1 (16 F. R. 3672) this delegation of authority is hereby issued.

Authority is hereby delegated to the Chiefs of the Branches of the Services, Export-Import Division of the Office of Price Operations, Office of Price Stabilization to request further information from a seller who has submitted a proposed ceiling price for approval. This delegation applies wherever a Ceiling Price Regulation permits the seller to operate at the ceiling price proposed by him, whether immediately or after the expiration of a prescribed period of time, unless and until he is notified by the Director of Price Stabilization that the proposed ceiling price has been disapproved or that more information is required.

This delegation of authority shall take effect on May 5, 1951.

MAX L. FEINBERG,
Acting Director Services, Export-Import Division, Office of Price Operations.

MAY 4, 1951.

[F. R. Doc. 51-5358; Filed, May 4, 1951; 11:54 a. m.]

[Delegation of Authority 6, Supp. 5]

CHIEFS OF BRANCHES OF FOOD AND RESTAURANT DIVISION

REDELEGATION OF AUTHORITY TO REQUEST FURTHER INFORMATION CONCERNING PROPOSED CEILING PRICES

By virtue of the authority vested in me as Director of the Food and Restaurant Division of the Office of Price Operations, Office of Price Stabilization by Delegation of Authority No. 6, Supplement 1 (16 F. R. 3672), this delegation of authority is hereby issued.

Authority is hereby delegated to the Chiefs of the Branches of the Food and Restaurant Division of the Office of Price Operations, Office of Price Stabilization to request further information from a seller who has submitted a proposed ceiling price for approval. This delegation applies wherever a Ceiling Price Regulation permits the seller to operate at the ceiling price proposed by him, whether immediately or after the expiration of a prescribed period of time, unless and until he is notified by the Director of Price Stabilization that the proposed ceiling price has been disapproved or that more information is required.

This delegation of authority shall take effect on May 5, 1951.

J. B. HUTSON,
Director, Foods and Restaurant Division, Office of Price Operations.

MAY 4, 1951.

[F. R. Doc. 51-5359; Filed, May 4, 1951; 11:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

COOPERATION REQUESTED OF AMATEURS TO MAKE FREQUENCIES AVAILABLE FOR MILITARY MANEUVERS

APRIL 25, 1951.

The Federal Communications Commission has been advised by the United

States Army of large-scale military maneuvers to be staged in North and South Carolina from August 6, 1951, to September 7, 1951. Because of the size and nature of these maneuvers, the use of the frequency band 3700–3900 kc will be required in addition to frequencies outside this amateur band to be made available temporarily for military use.

The problem is essentially one of interference from amateur operations to low-power military training operations in the southeast portion of the United States. Therefore, on behalf of the Army and with the concurrence of the American Radio Relay League, the Commission requests the voluntary cooperation of radio amateurs within interference range of the maneuver area to observe the conditions set forth below:

1. For amateurs in North Carolina, South Carolina, Georgia, Delaware, Maryland, Virginia, West Virginia, the District of Columbia, and in Tennessee east of and including Hamilton, Rhea, Roane, Anderson and Campbell counties: No operation in the band of frequencies 3700–3900 kc during the period of the maneuvers.

2. For amateurs outside the area defined in (1) above and east of the Mississippi River:

(a) No special limitations during daylight hours.

(b) No night time operation (local sunset to local sunrise), in the band of frequencies 3700–3900 kc during the period of the maneuvers.

3. For amateurs west of the Mississippi River or outside the Continental United States: No special limitations.

The Commission and the United States Army officials are of the opinion that careful observance of the limitations proposed herein will permit essential radiocommunication in connection with the maneuvers to be conducted with a minimum of harmful interference. Since the military operations will be conducted with low power, the absence of any signal should not be construed as indication that maneuver operations are not in progress.

The Commission wishes to emphasize that this public notice is a request for the cooperation of the radio amateurs and an opportunity to further enhance the excellent reputation for cooperation which that group already enjoys.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5208; Filed, May 4, 1951; 8:47 a. m.]

EXPERIMENTAL CLASS 2 (MARITIME) STATIONS

ORDER EXTENDING LICENSE TERM

In the matter of extension of the license term of certain outstanding Experimental Class 2 (Maritime) station licenses.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of April 1951;

The Commission having before it a proposal to extend the license term of Experimental Class 2 (Maritime) stations of the Petroleum Industry authorized for operation on Maritime Mobile frequencies in the 2–3 megacycle band which term will expire on May 1, 1951; and

It appearing, that an extension period of a duration of that proposed will permit the problem of the ultimate disposition of the above-referred to stations to be resolved and will also permit a reasonable period thereafter within which licensees may take such action regarding their outstanding authorizations as may be appropriate; and

It further appearing, that a general extension as herein ordered of the term of such stations is desirable in order to avoid the necessity of individual modification of authorizations covering these stations with the attendant burden on both the licensees and the Commission;

It is ordered, That the license term of every outstanding Experimental Class 2 station of the Petroleum Industry which operates on Maritime Mobile frequencies in the 2–3 megacycle band which normally would expire on May 1, 1951, be extended to August 1, 1951 and that each license as extended be in exact accordance with all other terms contained therein;

It is further ordered, That this order shall become effective immediately.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5205; Filed, May 4, 1951; 8:46 a. m.]

VHF SPECIALIZED OPERATIONAL RADIOTELEPHONE MARITIME EXPERIMENTAL CLASS 2 STATIONS

ORDER EXTENDING LICENSE TERM

In the matter of extension of the license term of outstanding VHF Specialized Operational Radiotelephone Maritime Experimental Class 2 stations until November 1, 1951.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of April 1951:

The Commission having before it a proposal to extend the license term of Experimental Class 2 VHF Specialized Operational Radiotelephone Maritime stations authorized for the purpose of conducting experimentations in connection with the development and testing of ship to shore and ship to ship radiotelephone systems designed to serve the business and operational needs of ships, which term will end on May 1, 1951; and

It appearing, that it is anticipated that the operation of VHF Specialized Operational Radiotelephone Maritime stations will, within the extension period set forth herein, be removed from the Experimental Service and placed in a "regular" service and that within such period all outstanding experimental licenses for such stations which will be eligible to be converted into "regular" licenses will be required to be so converted; and

It further appearing, that pending such "regularization" and conversion, and in order to minimize the workload on both the licensees of the stations and the Commission, it would be desirable to extend for a temporary period the license term of all such experimental stations;

It is ordered, That the license term of every outstanding Experimental Class 2 Specialized Operational Radiotelephone Maritime station license which normally would expire May 1, 1951, be extended to November 1, 1951, and that each license as extended be in exact accordance with all other terms contained herein;

It is further ordered, That this order shall become effective immediately.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5206; Filed, May 4 1951; 8:46 a. m.]

[Docket No. 9552]

THEATRE TELEVISION SERVICE

NOTICE OF HEARING DATE

In the matter of allocation of frequencies and promulgation of rules and regulations for a Theatre Television Service; Docket No. 9552.

1. On January 11, 1950, the Commission issued a notice of hearing on petitions for rule making (FCC 50-41) in the above-entitled proceeding advising that a fact-finding hearing would be held upon the following issues:

(a) To determine whether the existing and proposed transmission requirements for theatre television can be satisfied by existing and proposed common carrier wire facilities or by existing and proposed common carrier fixed station facilities operated in bands of frequencies now allocated to such stations.

(b) To determine the orders of frequencies and the spectrum space required, if any, at each order of frequency which would be necessary to establish a theatre television service.

(c) To obtain full information concerning existing or proposed methods or systems for exhibiting television programs on large screens in motion picture theatres or elsewhere.

(d) To obtain full information concerning existing or proposed methods or systems for transmitting or relaying television programs from the point of pickup to the exhibiting theatre, by use of radio frequencies, coaxial cable, wire, or other means, including intra-city and inter-city transmission.

(e) To obtain full information concerning any technical data obtained in experimental operations conducted in the theatre television field, or otherwise available.

(f) To obtain full information concerning any non-technical data obtained in experimental operations conducted in the theatre television field, or otherwise available, including public need or demand for the proposed service, public need or desires in theatre television programs, approximate uses for the service, and commerc[illegible] feasibility of the service.

(g) To obtain full information concerning plans or proposals looking toward the establishment of theatre television on a commercial or noncommercial basis.

(h) To determine whether persons engaged in furnishing theatre television services would be engaged as common carriers for hire in interstate communications by wire or radio, within the meaning of section 3 (h) of the Communications Act of 1934, as amended.

(i) To determine whether, if frequencies are to be allocated for the purpose of providing a theatre television service, such service should be established on a common carrier or non-common carrier basis, and if on a non-common carrier basis, the conditions under which such service would be made available.

(j) In the light of the evidence adduced under the foregoing issues, to determine whether or not the public interest would be served by the issuance of a proposal for allocation of frequencies to a theatre television service and by the promulgation of proposed rules and engineering standards governing such a service.

2. Notice is hereby given that a hearing will be held in the above-entitled proceeding before the Commission en banc commencing on September 17, 1951, at 10:00 a. m., in Washington, D. C. (at a place to be designated by subsequent notice) for the purpose of hearing testimony and receiving evidence regarding the aforementioned issues. Parties who have heretofore filed timely appearances in this proceeding and who desire to participate in the hearing should file a statement with the Commission on or before August 15, 1951, setting forth a list of their witnesses who will testify at the hearing together with the subjects with respect to which testimony will be adduced and evidence offered.

Adopted: April 25, 1951.

Released: April 25, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5207; Filed, May 4, 1951; 8:47 a. m.]

[Docket No. 9683]

STATION KFTM

ORDER CONTINUING HEARING

In the matter of revocation of license of Station KFTM, Fort Morgan, Colorado; Docket No. 9683.

At a session of the Federal Communications Commission held at its offices in Washington, D. C.:

The Commission having under consideration a petition filed April 25, 1951, by Fort Morgan Broadcasting Company, licensee of Station KFTM, Fort Morgan, Colorado, requesting a postponement of the oral argument in the above-entitled proceeding involving the revocation of license of Station KFTM, now scheduled for April 27, 1951; and

It appearing, that the General Counsel of the Commission, the only other participant in this proceeding, has no objection to a grant of the petition; that good cause has been shown by the petitioner; and that the oral argument herein can be held on May 4, 1951, following the oral arguments now scheduled for that date;

It is ordered, This 26th day of April 1951, that the above-described petition of Fort Morgan Broadcasting Company is granted and that the oral argument in the above-entitled proceeding now scheduled for April 27, 1951, is continued to May 4, 1951, to follow the oral arguments now scheduled for that date.

Released: April 27, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5210; Filed, May 4, 1951; 8:47 a. m.]

[Docket No. 9916]

CENTERVILLE BROADCASTING CO. (KCOG)

ORDER CONTINUING HEARING

In re application of Centerville Broadcasting Company (KCOG), Centerville, Iowa, for modification of license; Docket No. 9916, File No. BML-1439.

The Commission having under consideration a petition filed April 10, 1951, by Galesburg Broadcasting Company, licensee of Radio Station WGIL, Galesburg, Illinois, a party respondent in the above-entitled proceeding, requesting a continuance of the hearing presently scheduled for May 4, 1951, at Washington, D. C., in the proceeding upon the above-entitled application for modification of license; and

It appearing, that no opposition to the granting of the instant petition has been filed with the Commission;

It is ordered, This 20th day of April 1951, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Thursday, July 5, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5211; Filed, May 4, 1951; 8:47 a. m.]

[Docket No. 9917]

MENDOCINO COAST BROADCASTING CO. (KDAC)

ORDER CONTINUING HEARING

In re application of Tony R. Amarante, John A. Brush, Edward Mertle and Mathew Thompson, d/b as Mendocino Coast Broadcasting Co., permittee of Station KDAC Fort Bragg, California, for license to cover construction permit; Docket No. 9917, File No. BL-3190.

The Commission having under consideration a petition filed April 17, 1951, by Mendocino Coast Broadcasting Company (KDAC), Fort Bragg, California, requesting an indefinite continuance of the hearing presently scheduled for May 7, 1951, at Fort Bragg, California, in the proceeding upon its above-entitled application;

It is ordered, This 20th day of April 1951, that the petition is granted; and that the hearing in the above-entitled application is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5212; Filed, May 4, 1951; 8:47 a. m.]

[Docket No. 9918]

STATION KTXC

ORDER CONTINUING HEARING

In the matter of renewal of license of Station KTXC, Big Spring, Texas; Docket No. 9918, File No. BR-2332.

The Commission having under consideration a petition filed April 16, 1951, by Big State Broadcasting Company, licensee of Station WTXC, Big Spring, Texas, requesting a continuance of the hearing to July 16, 1951, in the proceeding upon its above-entitled application for renewal of license;

It is ordered, This 20th day of April, 1951, that the petition is granted; and that the hearing in the above-entitled matter is continued to 10:00 a. m., Monday, July 16, 1951, at Big Spring, Texas.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5213; Filed, May 4, 1951; 8:47 a. m.]

[Docket No. 9918, 9945]

BIG STATE BROADCASTING CORP. (KTXC) AND LEONARD R. LYON

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Big State Broadcasting Corporation (KTXC) Big Spring, Texas, for renewal of license, Docket No. 9918, File No. BR-2332; Leonard R. Lyon, El Reno, Oklahoma, for construction permit, Docket No. 9945, File No. BP-7869.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 25th day of April 1951.

The Commission having under consideration the above-entitled application of Leonard R. Lyon requesting a permit to construct a new standard broadcast station to operate on frequency 1490 kilocycles, with 100 watts power, daytime only at El Reno, Oklahoma;

It appearing, that the said application for construction permit was designated for hearing by Commission order of April 5, 1951 on engineering issues only and that said order found that the applicant is legally, technically, finan-

cially and otherwise qualified to operate the proposed station; and

It further appearing, that the above-entitled application of Big State Broadcasting Corporation for renewal of license of Station KTXC, Big Spring, Texas was designated for hearing by Commission order of March 14, 1951 on issues specified therein which may affect the legal, technical, financial and other qualifications of Leonard R. Lyon, an officer and stockholder of Big State Broadcasting Corporation to construct and operate the proposed station at El Reno, Oklahoma;

It is ordered, That the Commission's action of April 5, 1951 designating for hearing the above-entitled application of Leonard R. Lyon for construction permit is set aside; and

It is further ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Leonard R. Lyon is designated for hearing in a consolidated proceeding with the said application of Big State Broadcasting Corporation at 10:00 a. m., on July 16, 1951, at Big Spring, Texas, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the individual applicant to construct and operate the proposed station particularly in the light of evidence adduced under the issues in the Commission's order of March 14, 1951, designating for hearing the above-entitled application of Big State Broadcasting Corporation for renewal of license of Station KTXC.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with station KBIG, Guthrie, Oklahoma, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

6. To determine whether the public interest, convenience or necessity would be served by a grant of the above-entitled application for construction permit.

It is further ordered, That the order of March 14, 1951, designating for hearing the said application for renewal of license of Station KTXC is amended to include the said application of Leonard R. Lyon for construction permit; and

It is further ordered, That Leader Publishing Company, permittee of Station KBIG, Guthrie, Oklahoma, is made a party to the proceeding with reference to the application of Leonard R. Lyon only.

Released: April 26, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5209; Filed, May 4, 1951; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1594]

OHIO FUEL GAS CO.

ORDER FIXING DATE OF HEARING

On January 23, 1951, The Ohio Fuel Gas Company (Applicant), an Ohio corporation, with its principal place of business at Columbus, Ohio, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the conversion, construction and operation of certain natural-gas transmission facilities, subject to the jurisdiction of the Commission, all as more fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 16, 1951 (16 F. R. 1643).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on May 28, 1951, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: May 1, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5215; Filed, May 4, 1951; 8:48 a. m.]

[Docket No. G-1610, G-1611]

MONTANA-DAKOTA UTILITIES CO. AND BILLINGS GAS CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Montana-Dakota Utilities Co., Docket No. G-1610; Billings Gas Company, Docket No. G-1611.

On February 13, 1951, Montana-Dakota Utilities Co. (Montana-Dakota), a Delaware corporation having its principal place of business at 831 Second Avenue South, Minneapolis, Minnesota, filed an application as supplemented on February 23, April 9, and April 16, 1951, in Docket No. G-1610 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the acquisition, construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission as fully described in the application and the supplements thereto on file with the Commission and open to public inspection.

On February 13, 1951, Billings Gas Company (Billings), a Montana corporation having its principal place of business at Billings, Montana, filed an application in Docket No. G-1611 pursuant to section 7 (b) of the Natural Gas Act for permission and approval to abandon by sale to Montana-Dakota all of its facilities, subject to the jurisdiction of the Commission, and the service rendered by means of facilities as fully described in the application on file with the Commission and open to public inspection.

The Commission finds:

(1) The applicants have requested that their applications be heard under the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for non-contested proceedings, and it appears to be a proper one for disposition under the aforesaid rule, no request to be heard, protest or petition raising an issue of substance having been filed subsequent to the giving of due notice of the filing of the applications including publications in the FEDERAL REGISTER on March 6, 1951 (16 F. R. 2103).

(2) Orderly procedure requires that the proceedings in Docket Nos. G-1610 and G-1611 be consolidated for purpose of hearing and disposition, as hereinafter ordered.

The Commission orders:

(A) The proceedings in Docket Nos. G-1610 and G-1611 be and they are hereby consolidated for the purpose of hearing and disposition.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on May 16, 1951, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania NW., Washington, D. C., concerning the matters involved and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 of the Commission's rules of practice and procedure.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: May 1, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5214; Filed, May 4, 1951; 8:48 a. m.]

[Docket No. G-1638]

MANUFACTURERS LIGHT AND HEAT CO.

ORDER FIXING DATE OF HEARING

APRIL 30, 1951.

On March 21, 1951, the Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation of Pittsburgh, Pennsylvania, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of approximately 172 miles of natural-gas transmission pipeline together with appurtenant facilities extending from a point of interconnection with the 6-inch gas pipeline of Trans-Penn Transit Corporation in Clinton County, Pennsylvania, through Clinton, Centre, Clearfield, Indiana, Westmoreland and Allegheny Counties in as direct a line as possible to a point in Allegheny County on the west side of the Monongahela River within the northern limits of the City of Clairton, and thence to a junction of certain existing pipelines of Applicant on the Tannehill farm northwest of Canonsburg in Chartiers Township, Washington County, Pennsylvania, all as more fully described in the application.

Applicant stated that if it obtains a certificate of public convenience and necessity at an early date it will be able to complete the proposed construction during the present construction season.

The Commission finds: Good cause exists and it is reasonable to set this application for hearing with less than the normal 15 days' notice.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on May 8, 1951, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: May 1, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5218; Filed, May 4, 1951; 8:48 a. m.]

[Project Nos. 2005, 2018, 2028]

OAKDALE IRRIGATION DISTRICT ET AL.

NOTICE OF ORDER DISMISSING APPLICATIONS FOR PRELIMINARY PERMITS AND ISSUING AMENDMENT TO LICENSE

MAY 1, 1951.

In the matters of Oakdale Irrigation District and South San Joaquin Irrigation District, Project Nos. 2005 and 2018; and Tuolumne County Water District No. 2, Project No. 2028.

Notice is hereby given that, on March 19, 1951, the Federal Power Commission issued its order entered March 13, 1951, in the above-entitled matters, dismissing applications for preliminary permits for Project No. 2018 and for Project No. 2028 (in part); and, issuing amendment to license (Major) in Project No. 2005.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5216, Filed, May 4, 1951; 8:48 a. m.]

[Project No. 2030]

NORTHWEST POWER SUPPLY CO.

ORDER FIXING HEARING

APRIL 24, 1951.

On May 23, 1949, Northwest Power Supply Company, of Portland, Oregon, filed an application for a license under the Federal Power Act to authorize the construction, operation and maintenance of a proposed hydroelectric development designated in the records of the Commission as Project No. 2030 and known as the Pelton power project to be located in and along the Deschutes River in the vicinity of Madras, Oregon.

The proposed project, if constructed, would be in Jefferson County, Oregon, and would affect lands of the United States and tribal and allotted lands within the Warm Springs Indian Reservation.

On April 9, 1951, the applicant filed supplemental application proposing additional project works.

The proposed project, as described in the application as supplemented, would consist of a concrete arch dam approximately 190 feet high with crest length of about 850 feet; a separate spillway structure, a reservoir approximately 7.2 miles long and less than one-quarter mile wide at its widest point with storage capacity of 26,000 acre-feet and surface area of 460 acres; penstocks; a powerhouse immediately downstream from the dam containing three 52,000-horsepower turbines connected to three 40,000-kilovolt ampere generators; a switch yard; transmission lines; and appurtenant facilities. In addition, the applicant proposes to construct a re-regulating dam about 3 miles downstream from the main dam for the purpose of re-regulating the discharge from the generating units and thus provide a relatively uniform stream flow below the project; an egg-taking station with holding pools and an adequate water supply at the site of the re-regulating dam; fish traps in the re-regulating dam and a fish ladder leading from the traps to the holding pools; to expand the Metolius hatchery or construct a new hatchery wherever desired by the Fish Commission of Oregon; provide trucks for the transportation of eggs and fingerlings; and provide whatever land may be needed for the above-described fish facilities.

Substantial public interest in the applicant's proposal to construct the project is indicated by the number of communications urging approval or disapproval of the application. In addition, requests for a public hearing have been received.

The Commission finds: It is in the public interest to hold a public hearing respecting the matters involved and the issues presented in this proceeding.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by the Federal Power Act, particularly sections 4, 6 and 308 thereof, and the Commission's rules of practice and procedure (in force January 1, 1948 as amended and supplemented), a public hearing be held commencing on the 4th day of June, 1951 at 10:00 a. m. (P. s. t.) in Room 596, U. S. Post Office, Broadway and Glisan Streets, Portland, Oregon.

(B) As provided in Rule 30 (18 CFR 1.30) of the Commission's rules of practice and procedure, the officer hereafter designated to preside at the hearing shall certify the record of the hearing, including his report thereon, to the Commission for its decision and the presiding officer's report shall constitute a recommended decision.

Date of issuance: May 1, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5217; Filed, May 4, 1951; 8:48 a. m.]

TEXAS GAS TRANSMISSION CORP. AND LOUISVILLE GAS AND ELECTRIC CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Texas Gas Transmission Corporation, Docket Nos. G-1570, G-1578, and G-1657; Louisville Gas and Electric Company, Docket No. G-1672.

On December 26, 1950, Texas Gas Transmission Corporation (Texas Gas), a Delaware corporation having its principal place of business at Owensboro, Kentucky, filed an application at Docket No. G-1570, for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of a new compressor station to be located on Texas Gas' existing 20-inch main natural-gas transmission pipe line extending from the Carthage Field in Texas to the Lisbon Field in Louisiana, as described in the application, and the supplement thereto filed on March 12, 1951, and the notice thereof published in the FEDERAL REGISTER on January 20, 1951 (16 F. R. 555).

On January 3, 1951, Texas Gas filed an application at Docket No. G-1578 for a certificate of public convenience and

necessity authorizing the construction and operation, among other things, of a main pipe line extension of about 189 miles, approximately 425 miles of 26-inch main line loops, and 14,620 horsepower of additional compressor capacity as described in the application, and the amendment thereto filed on March 12, 1951, and the notice thereof published in the FEDERAL REGISTER on January 18, 1951 (16 F. R. 477).

Texas Gas, on April 6, 1951, filed an application at Docket No. G-1657 for a certificate of public convenience and necessity authorizing the construction and operation of a metering and regulating station for the direct sale of natural gas on an interruptible basis to a new plant of the Mathieson Hydrocarbon Chemical Corporation located at Brandenburg, Kentucky, as described in the application, and the notice thereof published in the FEDERAL REGISTER.

On April 18, 1951, Louisville Gas and Electric Company, a Kentucky corporation with its principal place of business at Louisville, Kentucky, filed an application at Docket No. G-1672, pursuant to section 7 (b) of the Natural Gas Act, for permission and approval to abandon its present natural-gas service to the Indiana Gas & Water Company for resale in the communities of New Albany, Jeffersonville, Clarksville, and Claysburg, all in Indiana, as described in the application, and the notice thereof published in the FEDERAL REGISTER.

At Docket No. G-1578, Texas Gas requests, among other things, that it be authorized to construct and operate a lateral pipeline for the sale of natural gas to Indiana Gas & Water Company for resale in New Albany and Jeffersonville, Indiana. These are two of the communities presently served by Indiana Gas & Water Company with natural gas purchased from Louisville Gas and Electric Company, which service is proposed to be abandoned by the latter company according to its application at Docket No. G-1672.

The Commission finds: Orderly procedure requires that the above-mentioned applications filed in Docket Nos. G-1570, G-1578, G-1657, and G-1672 be consolidated for purposes of hearing.

The Commission orders:

(A) The said applications at Docket Nos. G-1570, G-1578, G-1657, and G-1672 be and they are hereby consolidated for the purposes of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held commencing on May 21, 1951, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the applications at Docket Nos. G-1570, G-1578, G-1657, and G-1672.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: May 1, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-5232; Filed, May 4, 1951; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-191, 59-66, 54-173]

STANDARD GAS AND ELECTRIC CO. ET AL.

ORDER SEPARATING PROCEEDINGS, DENYING APPLICATION TO BE MADE PARTIES, AND DENYING MOTION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of April 1951.

In the matter of Standard Gas and Electric Company and Philadelphia Company, File No. 54-191; Standard Gas and Electric Company, File No. 59-66; Philadelphia Company and Standard Gas and Electric Company, File No. 54-173.

The Commission, by order dated March 1, 1951 (Holding Company Act Release No. 10413), having, inter alia, consolidated for the purpose of hearing certain matters (File Nos. 54-173, 54-191 and 59-66) involving proceedings under section II of the Public Utility Holding Company Act of 1935 ("act") concerning Standard Gas and Electric Company and its subsidiary, Philadelphia Company, both registered holding companies under the act; and the Commission having reserved the right to separate such consolidated proceedings; and

An application having been filed by Thomas Kilpatrick, Josef Auerbach and Max Wilk requesting that they be admitted as parties in such proceedings; and

The Hearing Officer designated to preside at the hearing in such consolidated proceedings having certified to the Commission a motion on behalf of a Protective Committee for Philadelphia Company 6 percent Cumulative Preferred Stock praying that such aforesaid hearing be enlarged for the purpose of receiving additional expert testimony with respect to the investment values of the Philadelphia Company 6 percent Cumulative Preferred Stock and the 4 percent Preferred Stock of Duquesne Light Company; and

Hearings having been held in such consolidated proceedings pursuant to the aforesaid order dated March 1, 1951, and the Hearing Officer having granted the motion of the applicant, Standard Gas and Electric Company, to close the record in File No. 54-173; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers and conducive to the orderly and economical disposition of the matters involved in such consolidated proceeding to separate for further disposition the proceedings in Files Nos. 54-191 and 59-66 from the proceedings in File No. 54-173; and

The Commission having considered the aforesaid application of Thomas Kilpatrick, Josef Auerbach and Max Wilk and the statement set forth thereunder as Exhibit A and having determined that the granting of such application is not required in the public interest and having further determined that leave to be heard pursuant to Rule XVII of the Commission's rules of practice heretofore granted to such applicants by the Hearing Officer is adequate for the protection of the interests of such applicants, and deeming it appropriate in the public interest and in the interest of investors and consumers that such application to be made parties herein should be denied; and

The Commission having considered the motion on behalf of the aforesaid Protective Committee in the light of the entire record and having determined that it would not be appropriate in the public interest or in the interest of investors and consumers again to reopen the record in the proceedings in File No. 54-173 for the purpose of taking additional expert testimony on investment values as requested in such motion:

It is therefore ordered, That the proceedings in File No. 54-173, be, and the same hereby are, separated from the proceedings in File Nos. 54-191 and 59-66

It is further ordered, That the application of Thomas Kilpatrick, Josef Auerbach and Max Wilk to be made parties herein be, and the same hereby is, denied

It is further ordered, That the notice on behalf of the Protective Committee for Philadelphia Company 6 percent Cumulative Preferred Stock to reopen the record in File No. 54-173 for the purpose of receiving additional expert testimony with respect to investment values be, and the same hereby is, denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5219; Filed, May 4, 1951; 8:48 a. m.]

[File No. 60-21]

ELLIS L. PHILLIPS ET AL.

ORDER TERMINATING PROCEEDING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of April A. D. 1951.

In the matter of Ellis L. Phillips, Empire Power Corporation, Eastern Seaboard Securities Corporation, Lauridel Corporation, Delaware Olmsted Company, jointly and severally, respondents; File No. 60-21.

The Commission having, by orders dated November 2, 1944, and December 9, 1944, pursuant to section 2 (a) (7) (B) of the Public Utility Holding Company Act of 1935 ("act"), instituted a proceeding to determine whether Ellis L. Phillips, Empire Power Corporation, Eastern Seaboard Securities Corporation, Lauridel Corporation, and Delaware Olmsted Company, or any one or more of them, directly or indirectly exercise (either alone or pursuant to an arrangement or understanding with one or more other persons) such a controlling influence over the management or policies of Long Island Lighting Company and its subsidiary companies as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that said persons, or any one or more of them, be subject to the obligations, duties and liabilities imposed in said act upon holding companies; and

It appearing that since the institution of such proceeding Empire Power Corporation and Lauridel Corporation have been dissolved, and that Ellis L. Phillips has ceased to be an officer or director of Long Island Lighting Company; and

It further appearing that since the institution of said proceeding a plan of consolidation of Long Island Lighting Company and its subsidiary companies, Queens Borough Gas and Electric Company and Nassau & Suffolk Lighting Company, and the recapitalization of the resultant consolidated corporation, which is called Long Island Lighting Company ("Consolidated Corporation"), has been consummated pursuant to the provisions of section 11 (e) of the act; and

It further appearing that pursuant to such plan 3,149,696.6 shares of common (voting) stock of the Consolidated Corporation have been issued and that the respondents named above, together with the members of their families and the officers of their personal holding companies and trusts hold 18.853 (9/10 of 1 percent) of such stocks; and

It further appearing that pursuant to the provisions of said section 11 (e) plan, a special election of the initial board of directors of the Consolidated Corporation was held on January 31, 1951, and that the respondents named above, together with the members of their families and the officers of their personal holding companies and trusts, cast less than 9/10 of 1 percent of the shares voted at said meeting, and that none of such persons are directors of the Consolidated Corporation; and

It further appearing that the respondents do not, directly or indirectly (either alone or pursuant to an arrangement or understanding with one or more other persons), exercise any controlling influence over the management or policies of the Consolidated Corporation; and

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that this proceeding be dismissed;

It is hereby ordered, That this proceeding be, and hereby is, dismissed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5223; Filed, May 4, 1951; 8:50 a. m.]

[File No. 70-2600]

NATIONAL FUEL GAS CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of April A. D. 1951.

In the matter of National Fuel Gas Company, United Natural Gas Company, Iroquois Gas Corporation, Pennsylvania Gas Company; File No. 70-2600.

National Fuel Gas Company ("National"), a registered holding company and its gas utility subsidiaries, United Natural Gas Company ("United"), Iroquois Gas Corporation ("Iroquois"), and Pennsylvania Gas Company ("Pennsylvania"), having filed with the Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 (the "act"), particularly sections 6, 7, 9 (a), 10, and 12 (f) of the act and Rule U-43 of the rules and regulations promulgated thereunder, with respect to the following proposed transactions:

National proposes the issuance and sale to The Chase National Bank of the City of New York, from time to time prior to December 31, 1951, of its promissory notes in the aggregate amount not to exceed $11,000,000, pursuant to a Credit Agreement entered into between National and the said Bank. National agrees to issue and sell $6,300,000 of such notes within ten days of receiving the order of this Commission permitting the transactions herein proposed, and on the date of such sale to apply said $6,300,000 to the repayment without premium of the promissory notes of National presently outstanding in the same aggregate amount and held by The Chase National Bank. National further agrees to issue and sell an additional $2,000,000 of such notes prior to July 1, 1951. All notes will be payable on or before July 1, 1952, with interest at the rate of 2½ percent per annum. National will apply the proceeds from the sale of the notes, other than the $6,300,000 previously mentioned, together with treasury funds, to purchase (a) installment promissory notes of Iroquois in an aggregate amount not to exceed $2,000,000; (b) installment promissory notes of Pennsylvania in an aggregate amount not to exceed $2,000,000; and (c) installment promissory notes of United in an aggregate sum not to exceed $1,000,000.

Iroquois has entered into a Credit Agreement with National, providing that Iroquois shall issue and sell to National from time to time during 1951 a series of installment promissory notes, each in the principal amount of $100,000, with the aggregate principal amount not to exceed $2,000,000. Such notes will be unsecured. The first note of the series will mature on June 1, 1953, and each succeeding note in the series will mature on June 1 of the calendar year following maturity date of the next prior note in the series. Each note will bear interest at the rate of 3 percent per annum. Iroquois will have the option to prepay any of said notes at any time, or from time to time, in whole or in part, without premium.

Pennsylvania has entered into a Credit Agreement with National, providing that Pennsylvania will issue and sell to National from time to time during 1951 a series of installment promissory notes, each in the principal amount of $125,000, with the aggregate principal amount not to exceed $2,000,000. Such notes will be unsecured. The first note of the series will mature on June 1, 1959, and each succeeding note in the series will mature on June 1 of the calendar year following the maturity date of the next prior note in the series. Each note will bear interest at the rate of 3 percent per annum. Pennsylvania will have the option to prepay any of said notes at any time, or from time to time, in whole or in part, without premium.

United has entered into a Credit Agreement with National, providing that United will issue and sell to National from time to time during 1951 a series of installment promissory notes, each in the principal amount of $100,000, with the aggregate principal amount not to exceed $1,000,000. Such notes will be unsecured. The first note of the series will mature on June 1, 1953, and each succeeding note in the series will mature on June 1 of the calendar year following the maturity date of the next prior note commencing with 1953 until the entire series is paid. Each note will bear interest at 3 percent per annum. United will have the option to prepay any of said notes at any time, or from time to time, in whole or in part, without premium.

Iroquois, Pennsylvania and United propose to use the proceeds from the sale of such notes, together with certain funds becoming available from current operations, to make additions to their utility plants in 1951, and to provide additional working funds to purchase additional gas for underground storage.

The Pennsylvania Public Utility Commission having authorized the proposed issuance and sale of the promissory notes by Pennsylvania and United and the Public Service Commission of the State of New York having authorized the proposed issuance and sale of the promissory notes by Iroquois; and

National having represented its intention to finance the payment of any bank loans, outstanding after the present period of large construction needs is over, through the issuance and sale of common stock or long term debenture bonds, when and if conditions are favorable; and

Said joint application-declaration having been filed on March 27, 1951, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for a hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission observing that National has indicated its intention to finance the payment of any bank loans outstanding after the present period of large construction needs is over through the issuance and sale of common stock

and/or long term debenture bonds, when and if conditions are favorable; the Commission finding that the proposed transactions have the tendency required by section 10 of the act and observing no basis for adverse findings, and having determined that it is not necessary to impose any terms or conditions other than those prescribed by Rule U-24; and the Commission deeming it appropriate in the public interest and for the protection of investors and consumers to grant the request of the joint applicants-declarants that our order authorizing the proposed transactions become effective upon issuance;

It is ordered, Pursuant to Rule U-23 and the applicable sections of the act, and subject to the terms and conditions contained in Rule U-24, that the said joint applications-declarations be, and the same hereby are, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5220; Filed, May 4, 1951; 8:49 a. m.]

[File No. 70-2614]

ALLENTOWN-BETHLEHEM GAS CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 30th day of April A. D. 1951.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Allentown-Bethlehem Gas Company ("Allentown"), a gas utility subsidiary of The United Gas Improvement Company, a registered holding company. Applicant has designated section 6 (b) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transaction.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Allentown proposes to issue and sell for $1,500,000 in cash, $1,500,000 principal amount of its First Mortgage Bonds, ____ percent series due 1976. Such bonds are to be issued under and secured by the First Mortgage dated April 1, 1924 of Allentown to Fidelity Trust Company, Trustee (under which Fidelity-Philadelphia Trust Company is successor trustee) and the various indentures supplemental thereto, including specifically a supplemental indenture to be dated as of June 1, 1951, to be entered into between Allentown and said Trustee.

The proceeds from the sale of such bonds will be used by Allentown to repay short term bank loans, presently totaling $470,000; to repay the balance of certain advances made by The United Gas Improvement Company, presently totaling $595,000; and to apply toward Allentown's 1951 construction program estimated to cost in the aggregate $1,238,770.

Allentown's presently outstanding bonded indebtedness amounts to $3,744,000, of which $2,259,000 principal amount of 3¾ percent series bonds due 1965 (interest rate reduced to 3 percent by agreement of bondholders effective March 1, 1947) is held by two savings banks, a university, and four insurance companies, and $1,485,000 principal amount of 3¼ percent series bonds due 1968 is held in equal amounts by two insurance companies.

Allentown, for reasons set forth in the application, requests the Commission to except the proposed issuance and sale from the competitive bidding requirements of Rule U-50.

Allentown states that the proposed transaction is subject to the jurisdiction of the Pennsylvania Public Utility Commission and that approval of that body will be filed herein by amendment.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said application and that said application should not be granted or permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on said application, pursuant to the applicable provisions of the act and the rules and regulations thereunder, be held on May 15, 1951 at 2:00 p. m., at the office of this Commission, 425 Second Street NW., Washington 25, D. C. On such date, the hearing room clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of this Commission, on or before May 14, 1951, a written request relative thereto as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the said application, and that, on the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether it is appropriate in the public interest or for the protection of investors or consumers that the proposed issue and sale of bonds be excepted from the competitive bidding requirements of Rule U-50;

(2) Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all the applicable requirements of the act and the rules and regulations thereunder, and, if not, what modifications or terms or conditions should be required, or imposed, to meet such requirements.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on Allentown, The United Gas Improvement Company, and the Public Utility Commission of the Commonwealth of Pennsylvania, and that notice be given to all other persons by publication of a copy of this notice and order in the FEDERAL REGISTER and by a general release of the Commission distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5222; Filed, May 4, 1951; 8:50 a. m.]

[File No. 70-2619]

COLUMBIA GAS SYSTEM, INC., ET AL.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of April A. D. 1951.

In the matter of Columbia Gas System, Inc., Atlantic Seaboard Corporation, Amere Gas Utilities Company, Virginia Gas distribution Corporation, Virginia Gas Transmission Corporation; File No. 70-2619.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by the Columbia Gas System, Inc. ("Columbia"), a registered holding company, its subsidiary, Atlantic Seaboard Corporation ("Seaboard"), also a registered holding company, and Amere Gas Utilities Company ("Amere"), Virginia Gas Distribution Corporation ("Distribution"), and Virginia Gas Transmission Corporation ("Transmission"), subsidiaries of Seaboard. Applicants-declarants have designated sections 6 (b), 7, 9, 10, and 12 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 14, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 14, 1951 said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said joint application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Seaboard proposes to issue and sell and Columbia proposes to purchase, at par, 122,000 shares of Seaboard's $25 par value common stock. Of the $3,050,000 of proceeds to be realized therefrom, Seaboard will use $1,525,000 to complete its 1951 construction program and will use the balance of $1,525,000 to purchase at par 13,200 shares of Amere's $25 par value common stock and $795,000 principal amount of Amere's 3¼ percent installment promissory notes; $125,000 principal amount of Distribution's 3¼ percent notes; and 11,000 shares of Transmission's $25 par value common stock. The notes to be issued by Amere and Distribution are to be paid in equal annual installments on February 15th of each of the years 1953 to 1977, inclusive. The proceeds of $1,125,000 to be realized by Amere of $125,000 by Distribution and of $275,000 by Transmission from the sales of said securities to Seaboard will be used to finance their 1951 construction program.

The joint application-declaration states that the issue and sale of the proposed common stock and notes of Amere are subject to the jurisdiction of the Public Service Commission of West Virginia, and that the issue and sale of notes by Distribution and of common stock by Transmission are subject to the jurisdiction of the State Corporation Commission of Virginia. According to the filing, the orders of said Commissions approving the proposed issue and sale of securities will be supplied by amendment to the instant application-declaration upon issuance of such orders.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5221; Filed, May 4, 1951; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17690]

SEIICHI YAMAMOTO AND YOICHIRO OTA

In re: Debts owing to Seiichi Yamamoto and Yoichiro Ota. D-39-600-E-1, F-39-6692-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Seiichi Yamamoto and Yoichiro Ota, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of the Sumitomo Bank, Ltd., 80 Spring Street, New York 12, New York, arising out of an accepted account payable for the unused face amount of Letter of Credit No. HS-10, issued in favor of Seiichi Yamamoto by the Sumitomo Bank of Hawaii on or about May 19, 1941, and which accepted account payable is in the name of Sumitomo Bank of Hawaii and/or holders or owners of drafts as their interests may appear, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Seiichi Yamamoto, the aforesaid national of a designated enemy country (Japan);

3. That the property described as follows: That certain debt or other obligation of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of the Sumitomo Bank, Ltd., 80 Spring Street, New York 12, New York, arising out of an accepted account payable for the unused face amount of Letter of Credit No. HS-11, issued in favor of Yoichiro Ota by the Sumitomo Bank of Hawaii on or about June 9, 1941 and which accepted account payable is in the name of Sumitomo Bank of Hawaii and/or holders or owners of drafts as their interests may appear, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Yoichiro Ota, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-5236; Filed, May 4, 1951; 8:54 a. m.]

[Vesting Order 17692]

DEN DANSKE LANDMANDSBANK HYPOTHEKOG-VEKSELBANK, A. S.

In re: Accounts maintained in the name of Den Danske Landmandsbank Hypothek-og Vekselbank A. S., Copenhagen, Denmark, and owned by persons whose names are unknown. F-19-315.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Den Danske Landmandsbank Hypothek-og Vekselbank A. S., Copenhagen, Denmark]

Column I	Column II
Name and address of institution which maintains account	Designation of account
1. Irving Trust Co., 1 Wall St., New York 15, N. Y.	Demand deposit account, as described by the Irving Trust Co. in its report on Form OAP-700, bearing its Serial No. 0988.
2. The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	Bank deposit Den Danske Landmandsbank Hypothek-og Vekselbank A.S. and/or Copenhagen, Denmark, as described by The Chase National Bank of the City of New York, in its report on Form OAP-700, bearing its Serial No. 70.

[F. R. Doc. 51-5237; Filed, May 4, 1951; 8:54 a. m.]

[Vesting Order 17695]

L. REIN & Co.

In re: Accounts maintained in the name of L. Rein & Company, Amsterdam, Holland, and owned by persons whose names are unknown. F-49-1242.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of L. Rein & Company, Amsterdam, Holland]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Shields & Co., 44 Wall St., New York, N. Y.	(a) Cash, and (b) securities; as described by Shields & Co. in its report on Form OAP-700, dated Nov. 15, 1950.

[F. R. Doc 51-5238; Filed, May 4, 1951; 8:54 a. m.]

[Vesting Order 17696]

JOHANN WEHRLI & CIE, A. G.

In re: Accounts maintained in the name of Johann Wehrli & Cie, A. G., Zurich, Switzerland, and owned by persons whose names are unknown. F-63-863-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Johann Wehrli & Cie, A. G., Zurich, Switzerland]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Guaranty Trust Co., of New York, 140 Broadway, New York 15, N. Y.	(a) Johann Wehrli & Cie, A. G., general ruling, No. 6 account Lowenstrasse 19, Zurich 1, Switzerland, as described by Guaranty Trust Co. of New York in its report on Form OAP-700, bearing its Serial No. FC-9525, and (b) $1,500 conversion office for German foreign debts 3½% dollar bonds due Jan. 1, 1946, with July 1, 1941, and S. C. A.; as described by Guaranty Trust Co. of New York in its report on Form OAP-700, bearing its Serial No. CU 0996.

[F. R. Doc. 51-5239; Filed, May 4, 1951; 8:54 a. m.]

[Vesting Order 17698]

SOCIEDAD COMMERCIAL DEL PLATA, S. A.

In re: Accounts maintained in the name of Sociedad Commercial del Plata, S. A., Buenos Aires, Argentina, and owned by persons whose names are unknown. F-63-13053.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Sociedad Comercial del Plata, S. A., Buenos Aires, Argentina]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Central Hanover Bank & Trust Co., 70 Broadway, New York, N. Y.	Sociedad Commercial del Plata, Buenos Aires, Argentina, as described by the Central Hanover Bank & Trust Co. in its report on Form OAP-700, bearing its Serial No. 4.

[F. R. Doc. 51-5240; Filed, May 4, 1951; 8:54 a. m.]

[Vesting Order 17699]

HAMBROS BANK LTD.

In re: Accounts maintained in the name of Hambros Bank Limited, London, England, and owned by persons whose names are unknown. F-27-10349.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock, in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Mambros Bank Limited, London, England]

Column I	Column II
Name and address of institution which maintains account	Designation of account
The New York Trust Co., 100 Broadway, New York, N. Y.	(a) Bank deposit, and (b) miscellaneous portfolio of stocks, bonds, as described by The New York Trust Co. in its report on Form OAP-700 bearing its Serial No. FD 16.

[F. R. Doc. 51-5241; Filed, May 4, 1951; 8:54 a. m.]

[Vesting Order 17700]

PICTET & CIE

In re: Accounts maintained in the name of Pictet & Cie, Geneva, Switzerland, and owned by persons whose names are unknown. F-63-5686.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Pictet & Cie, Geneva, Switzerland]

Column I	Column II
Name and address of institution which maintains account	Designation of Account
J. P. Morgan & Co., Inc., 23 Wall St., New York, N. Y.	(a) Pictet & Cie., regular a/c, (S-2039), and (b) Pictet & Cie., regular a/c, G. R. No. 6 a/c (C-2665); as described by J. P. Morgan & Co., Inc., in its report on Form OAP-700, bearing its Serial No. 34.

[F. R. Doc. 51-5242; Filed, May 4, 1951; 8:55 a. m.]

[Vesting Order 17701]

AMSTERDAMSCHE EFFECTEN & COMMISSIEBANK N. V.

In re: Accounts maintained in the name of Amsterdamsche Effecten & Commissiebank N. V., Amsterdam, Holland, and owned by persons whose names are unknown. F-49-1343.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Amsterdamsche Effecten & Commissiebank N. V., Amsterdam, Holland]

Column I	Column II
Name and address of institution which maintains account	Designation of account
H. Heintz & Co., 60 Beaver St., New York 4, N. Y.	(a) Credit balance, and (b) miscellaneous portfolio of stocks, as described by H. Heintz & Co. in its report on Form OAP-700, bearing its Serial No. 1.

[F. R. Doc. 51-5243; Filed, May 4, 1951; 8:55 a. m.]

[Vesting Order 17703]

HENTSCH & CIE

In re: Accounts maintained in the name of Hentsch & Cie, Geneva, Switzerland, and owned by persons whose names are unknown. F-63-4293.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Hentsch & Cie., Geneva, Switzerland]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Dominick & Dominick, 14 Wall St., New York 5, N. Y.	(a) Hentsch & Cie., Geneva, and (b) Hentsch & Cie., Geneva, general ruling No. 6 a/c; as described by Dominick & Dominick in its report on Form OAP-700, bearing its Serial No. 19, (c) Hentsch & Cie., Geneva, and (d) Hentsch & Cie., Geneva, general ruling No. 6 a/c; as described by Dominick & Dominick in its report on Form OAP-700, bearing its Serial No. 20.

[F. R. Doc. 51-5244; Filed, May 4, 1951; 8:55 a. m.]

[Vesting Order 17704]

AMSTERDAMSCHE BANK, N. V.

In re: Accounts maintained in the name of Amsterdamsche Bank, N. V., The Hague, The Netherlands, and owned by persons whose names are unknown. F-49-822 (The Hague),

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended,

and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Amsterdamsche Bank N. V., The Hague, The Netherlands]

Column I Name and address of institution which maintains account	Column II Designation of account
Brown Bros. Harriman & Co., 59 Wall St., New York 5, N. Y.	(a) Amsterdamsche Bank N. V., The Hague, residents Netherlands blocked account, and (b) Amsterdamsche Bank N. V., The Hague, nonresidents Netherlands blocked account; as described by Brown Bros. Harriman & Co., New York, N. Y., in its report on FORM OAP-700, bearing its Serial No. 3.

[F. R. Doc. 51-5245; Filed, May 4, 1951; 8:55 a. m.]

[Vesting Order 17750]

TOSHIHIKO ONO ET AL.

In re: Real and personal property, property insurance policies, postal savings account and bank account owned by Toshihiko Ono, also known as Toshikiko Ono and as Henry T. Ono, and others. D-39-9701, D-39-19240-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Toshihiko Ono, also known as Toshikiko Ono and as Henry T. Ono, Fumiko Ono and Mojiro Ono, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. Real property situated in the County of Clark, State of Washington, particularly described in Exhibit A, set forth below and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property, and

b. All right, title, interest and claim of Toshihiko Ono, also known as Toshikiko Ono and as Henry T. Ono, and Fumiko Ono in and to all insurance policies covering the premises described in subparagraph 2-a hereof, and any and all extensions or renewals thereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Toshihiko Ono, also known as Toshikiko Ono and as Henry T. Ono, and Fumiko Ono, the aforesaid nationals of a designated enemy country (Japan);

3. That the property described as follows: Personal property owned by the persons named in subparagraph 1 hereof, located within the premises described in Exhibit A, set forth below and by reference made a part hereof, which said personal property is particularly described in Exhibit B, set forth below and by reference made a part hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons named in subparagraph 1 hereof, the aforesaid nationals of a designated enemy country (Japan);

4. That the property described as follows: That certain debt or other obligation arising out of a postal savings account, account number 11285, maintained in the name of Mojiro Ono, with the United States Post Office at Vancouver, Washington, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mojiro Ono, the aforesaid national of a designated enemy country (Japan);

5. That the property described as follows: That certain debt or other obligation of Vancouver Federal Savings and Loan Association, 1001 Main Street, Vancouver, Washington, arising out of an account, account number 2619, maintained at the aforesaid Association, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Toshihiko Ono, also known as Toshikiko Ono and as Henry T. Ono, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

6. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b, 3, 4 and 5 hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Real property situated in Clark County, Washington, described as follows:

The East half of the following described real estate, to wit: Beginning at a point in the center of the County Road on the North boundary of the Philip Christ Donation Land Claim, said point being 60.56 chains West and 26.12 chains North, more or less, from the corner to Sections 20, 21, 28, and 29 in Township 2 North of Range 2 East of the Willamette Meridian, said point being also North 83° West 50.95 chains from the Northeast corner of said Donation Land Claim; running thence North 83° West 15.00 chains; thence South 1°40' West 42.96 chains, more or less, to intersection with the South line of said Donation Land Claim; thence East along said South line 13.75 chains, more or less, to the South West corner of Tract No. 3 of the subdivision of said Donation Land Claim; thence North 3°20' East along the West line of Tract No. 3 of said subdivision, 41.19 chains, more or less, to the place of beginning,

Subject to that easement shown in Book 137 at Page 24, Deed Records of aforesaid county.

EXHIBIT B

1 Piano.
1 Radio (RCA).
1 Washing machine.
1 Film projector.
2 Cameras.
1 Binocular.
1 Table and chairs.
Porch settees.

[F. R. Doc. 51-5248; Filed, May 4, 1951; 8:56 a. m.]

[Vesting Order 17751]

EMMA STAHL ET AL.

In re: Mortgage owned by Emma Stahl and others. F-28-31395.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Stahl, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Carl Gottlob Stahl, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: A mortgage executed on June 26, 1934, by Hermann Neiheiser and Frida Neiheiser, his wife, as mortgagors to Carl Gottlob Stahl and Emma Stahl, his wife, as mortgagees, in the amount of $3,500.00, with interest thereon at 6 percent per annum, and recorded in the Office of the County Clerk of Richmond County, State of New York, on July 10, 1934, in Liber 708 of Mortgages at page 312, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations, and the right to enforce and collect such obligations, and the right to possession of the aforesaid mortgage, and any and all notes, bonds and other instruments evidencing such obligations,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5249; Filed, May 4, 1951; 8:56 a. m.]

[Vesting Order 17705]

AMSTERDAMSCHE BANK N. V.

In re: Accounts maintained in the name of Amsterdamsche Bank N. V., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-822 (Amsterdam).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Accounts maintained in the name of Amsterdamsche Bank N. V., Amsterdam, The Netherlands

Column I Name and address of institution which maintains account	Column II Designation of account
1. Brown Bros., Harriman & Co., 59 Wall St., New York 5 N. Y.	(a) Amsterdamsche Bank N. V., Amsterdam, ordinary account, Blocked Account, (b) Amsterdamsche Bank N. V., Amsterdam, number account, blocked account, (c) Amsterdamsche Bank N. V., Amsterdam, "F" account blocked account, and (d) Amsterdamsche Bank N. V., Amsterdam, Sub Dossier No. 12821 blocked account; as described by Brown Bros., Harriman & Co., in its report on Form OAP-700, bearing its Serial No. 1; (e) Amsterdamsche Bank N. V., Amsterdam, residents Netherlands blocked account, (f) Amsterdamsche Bank N. V., Amsterdam, nonresidents, Netherlands, blocked account, (g) Amsterdamsche Bank N. V., Amsterdam, number account nonresidents Netherlands, blocked account, and (h) Amsterdamsche Bank N. V., Amsterdam, number account residents Netherlands, Blocked Account; as described by Brown Bros., Harriman & Co., in its report on Form OAP-700, bearing its Serial No. 2.
2. Bankers Trust Co., 16 Wall St., New York, N. Y.	Deposit account, as described by the Bankers Trust Co. in its report on Form OAP-700, bearing its Serial No. BK-2.
3. Guaranty Trust Co., of New York, 140 Broadway, New York, N. Y.	(a) Miscellaneous portfolio of stocks and bonds a/c XC-2057, and (b) 2M German Government 7 percent external loan of 1924 gold bonds due December 15, 1949, with Apr. 15, 1940, and S. C. A.; as described by the Guaranty Trust Co. of New York in its report on Form OAP-700, bearing its Serial No. CU-040.
4. The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	Amsterdamsche Bank N. V. old account, Amsterdam, Netherlands, as described by The Chase National Bank of the City of New York, in its report on Form OAP-700, bearing its Serial No. 18.
5. The National City Bank of New York, 55 Wall St., New York 5, N. Y.	Current account, uncertified account, as described by the National City Bank of New York in its report on Form OAP-700, bearing its Serial No. 0115.

[F. R. Doc. 51-5246; Filed, May 4, 1951; 8:56 a. m.]

[Vesting Order 17706]

OVERSEAS TRADE AND FINANCE CORP.

In re: Accounts maintained in the name of Overseas Trade and Finance Corp. (organized in Panama), c/o Mr. Jean E. Donna, 66 Rue Stand, Geneva, Switzerland, and owned by persons whose names are unknown. F-63-13052.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however,

all property, rights and interests which are expressly excluded in the attached Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Overseas Trade & Finance Corp. (organized in Panama), c/o Mr. Jean E. Dompmartin, 66 Rue Stand, Geneva, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights and interests in the account as of Oct. 2, 1950, excluded from this vesting order [1]
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	(a) Overseas Trade & Finance Corp., General ruling No. 6 account, as described by The Chase National Bank of the City of New York in its report on Form OAP-700 bearing its Serial No. 329, and (b) Overseas Trade & Finance Corp. (FS 84334), as described by The Chase National Bank of the City of New York in its report on Form OAP-700 bearing its Serial No. 281.	22134 blocked French francs which, according to the report on Form OAP-700 filed by The Chase National Bank of the City of New York and bearing its Serial No. 281, are held abroad for its account.

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since Oct. 2, 1950, and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in Column III or excluded under (a) of this footnote.

[F. R. Doc. 51-5247; Filed, May 4, 1951; 8:56 a. m.]

[Vesting Order 17752]

CARL TIEDEMANN

In re: Real property, property insurance policies and claim owned by Carl Tiedemann. D-28-12974.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Tiedemann is a citizen of Germany who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941 was domiciled and resident in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in the City of Jersey City, County of Hudson, State of New Jersey, particularly described in Exhibit A, set forth below and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. All right, title, interest and claim of the person named in subparagraph 1 hereof in and to all insurance policies covering the premises described in subparagraph 2 hereof and any and all extensions or renewals thereof, and

c. That certain debt or other obligation owing to the person named in subparagraph 1 hereof by Hans Tiedemann, arising out of the net income by reason of the collection of rents from the real property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain tract or parcel of land and premises situate in the City of Jersey City, County of Hudson and State of New Jersey, being part of lots 112 and 113 in Block 2 on Map of property situated in Bergen Heights, filed in January 1864, by Charles N. Buck and being also known as 536½ Westside Ave., more particularly described as follows:

Beginning at a point in the easterly side of Westside Avenue, distant sixty-six and seventy-one hundredths (66.71) feet northerly from the northeasterly corner of Westside Avenue and Clendenny Avenue; thence running (1) easterly and parallel with Clendenny Avenue, to, through and beyond the center of a party wall standing partly on the premises hereby described and partly on the premises adjoining southerly thereto, ninety-seven and twenty hundredths (97.20) feet; thence running (2) northerly and parallel with Westside Avenue, sixteen and fifty hundredths (16.50) feet; thence running (3) westerly and parallel with the first course, to, through and beyond the center of a party wall standing partly on the premises hereby described and partly on the premises adjoining northerly thereto, ninety-seven and twenty hundredths (97.20) feet to the easterly line of West Side Avenue; thence running (4) southerly along the same, sixteen and fifty hundredths (16.50) feet to the point or place of beginning.

[F. R. Doc. 51-5250; Filed, May 4, 1951; 8:56 a. m.]

[Vesting Order 12665, Amdt.]

JOSEPHINE WEBER MILLER ET AL.

In re: Interest in real property, property insurance policy and claims owned by Josephine Weber Miller, and others. F-28-23993-B-1.

Vesting Order 12665, dated January 12, 1949, is hereby amended as follows and not otherwise:

A. By deleting from said Vesting Order 12665, subparagraph 1 thereof, and substituting therefor the following:

1. That the persons whose names and last known addresses appear below are residents of Germany and nationals of a designated enemy country (Germany);

Name and Last Known Address

Rudolph Weber, Senior, Entengasse 2, Salmunster-Soden, Grosse Hessen, Germany.
Josephine Weber Miller, Wallert, near Bad Soden, Germany.
Elizabeth Hilde Ruppel, also known as Elizabeth Ludwig, Bad Soden, Germany.
Joseph Hilde, also known as Joseph Ludwig, Bad Soden, Germany.
Louise Noll, Bad Soden, Germany.
Marie Kloberdanz, Bad Soden, Germany.
Karl Kloberdanz, Bad Soden, Germany.
Elsie Kloberdanz, Bad Soden, Germany.
Louise Bingel, Frankfort am Main, Germany.
Joseph Kirchner, Bad Soden, Germany.
Rosa Josephine Botsch, Bad Soden, Germany.
Heinrich Karl Kirchner, Bad Soden Germany.
Rudolph Johann Kirchner, Bad Soden, Germany.
Anna Josepha Yockel, Salmunster, Germany.

B. By deleting from said Vesting Order 12665, subparagraph 2-a thereof, and substituting therefor the following:

2. That the property described as follows:

a. An undivided thirteen twentieths (13/20ths) interest in real property situated in the Town of Irvington, County of Essex, State of New Jersey, particularly described in Exhibit A, set forth below and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

C. By deleting from said Vesting Order 12665, the last part of subparagraph 2 thereof, commencing with the words "is property within the United States" and ending with the words "the aforesaid nationals of a designated enemy country (Germany);" and substituting therefor the following:

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Rudolph Weber, Senior, Josephine Weber Miller, Elizabeth Hilde Ruppel, also known as Elizabeth Ludwig, Joseph Hilde, also known as Joseph Ludwig, Louise Noll, Marie Kloberdanz, Karl Kloberdanz, Elsie Kloberdanz, Louise Bingel, Joseph Kirchner, Rosa Josephine Botsch, Heinrich Karl Kirchner, Rudolph Johann Kirchner, and Anna Josepha Yockel, the aforesaid nationals of a designated enemy country (Germany);

All other provisions of said Vesting Order 12665 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5251; Filed, May 4, 1951; 8:57 a. m.]

[Vesting Order 17129, Amdt.]

REBHOLZ BANKIERSKANTOOR

In re: Securities and bank accounts owned by and debts owing to Rebholz Bankierskantoor, also known as Rebholz Effectenkantoor and as F. Leeser.

Vesting Order 17129, dated January 19, 1951, is hereby amended as follows and not otherwise:

1. By deleting from Exhibit B, set forth thereunder and made a part thereof, the Certificate No. 794087 set forth with respect to six (6) shares of common stock of United States Steel Corporation, and substituting therefor the Certificate No. J 794087.

All other provisions of said Vesting Order 17129 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5252; Filed, May 4, 1951; 8:57 a. m.]

[Vesting Order 17436, Amdt.]

OTTO G. JANSSEN

In re: Real property owned by Otto G. Janssen. F-28-8903.

Vesting Order 17436, dated February 26, 1951, is hereby amended as follows and not otherwise:

By deleting subparagraph 2 from said Vesting Order 17436 and substituting therefore the following:

2. That the property described as follows: Real property situated in the County of Anne Arundel, State of Maryland, particularly described as Lot Twenty-six (26) Block Eleven (11), Lots Nineteen (19) and Twenty (20) Block Fourteen (14), Lots Two (2), Four (4), Five (5) and Six (6) Block Seventeen (17), all in Severn Grove, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

All other provisions of said Vesting Order 17436 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5253; Filed, May 4, 1951; 8:57 a. m.]

CHARLES NICOLLE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Charles Nicolle, Paris, France; Claim No. 29501; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to Patent Application Serial No. 206,498 (now United States Letters Patent No. 2,358,246), Patent Application Serial No. 268,442 (now United States Letters Patent No. 2,363,014) and Patent Application Serial No. 293,601.

Executed at Washington, D. C., on April 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5185; Filed, May 3, 1951; 8:49 a. m.]

[Return Order 949]

FRANCESCO CASTELLI

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Francesco Castelli, a/k/a Frank Castelli, Pieve del Cairo (Pavia), Italy; Claim No. 38456; October 13, 1950 (15 F. R. 6899); real property known as Nos. 830 and 832 Poplar St. and No. 199 North Dunlap St., situated in the City of Memphis, Shelby County, Tennessee, being lot number five (5) of the Holmes Subdivision; $10,034.78 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 1, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 51-5254; Filed, May 4, 1951; 8:57 a. m.]

[Return Order 951]

ETABLISSEMENTS BOUDIOS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Etablissements Boudios, Romilly-sur-Seine (Aube), France; Claim No. 42011; March 9, 1951 (16 F. R. 2206); property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,173,775. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 1, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 51-5256; Filed, May 4, 1951; 8:58 a. m.]

[Return Order 952]

MARION C. FAUSTEN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Marion C. Fausten, Philadelphia, Pa.; Claim No. 13154; March 20, 1951 (16 F. R. 2556); $6,504.61 cash in the Treasury of the United States. The right, title and interest of Marion C. Fausten in and to the Trust created under the Will of Jane E. Triebels, deceased; trust terminated in 1946. The right, title and interest of Marion C. Fausten in and to a Trust created under the Will of Walther Fausten, deceased, National Bank of Germantown & Trust Company, Philadelphia, Pennsylvania, Trustee.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 1, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 51-5255; Filed, May 4, 1951; 8:58 a. m.]

MAY 11 '51

FEDERAL REGISTER

VOLUME 16 NUMBER 89

Washington, Tuesday, May 8, 1951

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 419—COTTON CROP INSURANCE

[Amdt. 2]

SUBPART—REGULATIONS FOR THE 1951 AND SUCCEEDING CROP YEARS

MISCELLANEOUS AMENDMENTS

The above-identified regulations, as amended, (15 F. R. 6740, 9033) are hereby amended as follows:

1. Section 419.1 is amended by adding the following paragraph:

(d) The counties for the 1951 crop year and the type(s) of coverage applicable in each county are as follows:

State and county	Type(s) of coverage
Alabama:	
Cherokee	Commodity.
Chilton	Monetary.
Cullman	Commodity.
DeKalb	Commodity.
Etowah	Commodity.
Houston	Commodity.
Jackson	Commodity.
Limestone	Commodity.
Madison	Commodity.
Marshall	Commodity.
Morgan	Commodity.
Tuscaloosa	Commodity.
Arizona:	
Pinal	Commodity.
Arkansas:	
Chicot	Monetary and commodity.
Crittenden	Monetary.
Desha	Monetary.
Faulkner	Monetary and commodity.
Hempstead	Monetary and commodity.
Lawrence	Monetary.
Lincoln	Monetary.
Monroe	Monetary.
Pulaski	Monetary.
Georgia:	
Bartow	Monetary.
Burke	Commodity.
Carroll	Monetary.
Dooly	Commodity.
Gordon	Monetary.
Jackson	Commodity.
Whitfield	Monetary.
Louisiana:	
Bienville	Commodity.
Caddo	Commodity.
Catahoula	Monetary.
East Carroll	Monetary.
Morehouse	Monetary.
Natchitoches	Commodity.
Richland	Commodity.
Washington	Monetary.
Mississippi:	
Attala	Commodity.
Bolivar	Commodity.
Coahoma	Commodity.
Covington	Commodity.
Holmes	Commodity.
Humphreys	Commodity.
Jefferson Davis	Commodity.
Lee	Commodity.
Marion	Commodity.
Quitman	Commodity.
Sharkey	Monetary.
Sunflower	Commodity.
Tallahatchie	Monetary.
Tunica	Commodity.
Walthall	Commodity.
Washington	Commodity.
New Mexico:	
Chaves	Commodity.
Dona Ana	Commodity.
Eddy	Commodity.
North Carolina:	
Cleveland	Monetary.
Gaston	Monetary.
Lincoln	Monetary.
Mecklenburg	Commodity and monetary.
Polk	Monetary.
Rutherford	Monetary.
Oklahoma:	
Bryan	Commodity.
Hughes	Commodity.
South Carolina:	
Anderson	Commodity.
Chesterfield	Commodity.
Greenville	Commodity.
Lee	Monetary.
Newberry	Commodity.
Orangeburg	Commodity.
Pickens	Commodity.
Spartanburg	Commodity.
York	Monetary.
Tennessee:	
Hardeman	Monetary.
Lake	Monetary.
Lauderdale	Monetary.
McNairy	Monetary.
Texas:	
Bell	Commodity.
Burleson	Monetary.
Collin	Commodity.
Crosby	Monetary.
Delta	Monetary.
Ellis	Commodity.
Falls	Monetary.

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1949 Edition

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(For use during 1951)

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Grayson	Monetary.
Hale	Monetary.
Hill	Commodity.
Hunt	Monetary.
Lamar	Monetary.
Lamb	Monetary.
Lubbock	Monetary.
Lynn	Monetary.
McLennan	Monetary.
Milam	Monetary.
Navarro	Monetary.
Red River	Monetary.
Runnels	Monetary.
Taylor	Monetary.
Williamson	Commodity.

2. Section 419.4 is amended to read as follows:

§ 419.4 *Application for insurance.* Application for insurance on a Corporation form entitled "Application for Crop Insurance on Cotton" may be made by any person to cover his interest as landlord, owner-operator, tenant or sharecropper in a cotton crop. For any crop year applications shall be submitted to the county office on or before the following applicable closing date preceding such crop year.

(a) January 31 for Crosby, Floyd, Hale, Lamb, Lubbock, and Lynn counties, Texas.

(b) February 28 for Taylor County, Texas.

(c) March 25 for all counties in Arizona and New Mexico.

(d) March 31 for Houston County, Alabama; Burke and Dooly Counties, Georgia; all parishes in Louisiana; Covington, Jefferson Davis, Marion, and Walthall Counties, Mississippi; Orangeburg County, South Carolina; and Bell, Burleson, Collin, Delta, Ellis, Falls, Fannin, Grayson, Hunt, Hill, Lamar, Milam, McLennan, Navarro, Red River, and Williamson Counties, Texas.

(e) April 10 for all other counties.

3. Section 419.15, *The monetary coverage policy*, as amended, is amended to change section 6 thereof to read:

6. *Predetermined price.* In determining any loss under the contract, production shall be evaluated at a predetermined price per pound which the Corporation shall establish annually. The predetermined price for the first crop year of the contract shall be that established by the Corporation for that year and shall be shown on the county actuarial table on file in the county office at the time the application for insurance is submitted. For each subsequent crop year, the predetermined price shall be shown on the county actuarial table on file in the county office at least 15 days prior to the applicable cancellation date preceding the crop year for which such price applies.

Adopted by the Board of Directors on April 25, 1951.

(Secs. 506, 516, 52 Stat. 73, 77; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507, 1508, 1509)

[SEAL] R. J. POSSON,
Secretary, Federal Crop Insurance Corporation.

Approved: May 2, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–5290; Filed, May 7, 1951; 8:48 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter I—Determination of Prices

[Sugar Determination 871.4]

PART 871—SUGAR BEETS

1951 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948 (herein referred to as "act"), after investigation, and due consideration of evidence presented at the several public hearings held in September 1950 (for southern Oregon, California and southwestern Arizona), and during January 1951 (for States other than those regions), the following determination is hereby issued:

§ 871.4 *Fair and reasonable prices for the 1951 crop of sugar beets.* A processor-producer of sugar beets who applies for a payment under the act shall be deemed to have complied with the provisions of section 301 (c) (2) of said act with respect to the 1951 crop of sugar beets, if such processor-producer shall have paid or contracted to pay for sugar beets purchased from other producers and processed by said processor-producer, prices not less than those provided for in the 1951 crop purchase contract between said parties: *Provided*, That the processor-producer shall not reduce returns to producers below those determined herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes fair and reasonable prices which a processor-producer (i. e., a producer who is also, directly or indirectly, a processor of sugar beets—hereinafter referred to as "processor") must pay, as a minimum, for 1951 crop sugar beets purchased from other producers as one of the conditions for payment under the act. In this statement the foregoing determination, as well as determinations for prior years, will be referred to as "price determination," identified by the crop year for which effective.

(b) *Requirements of the act and standards employed.* (1) In determining fair and reasonable prices, the act requires that public hearings be held and investigations made. Accordingly, public hearings were held at Berkeley, California, on September 20, 1950; Detroit, Michigan, on January 3, 1951; St. Paul, Minnesota, on January 5, 1951; Billings, Montana, on January 8, 1951; Salt Lake City, Utah, on January 10, 1951; and Greeley, Colorado, on January 12, 1951.

(2) In the 1951 crop price determination, consideration has been given to such testimony as was presented at the public hearings, comparative returns, costs and profits of processors and producers, relative investments, contracts negotiated between the parties, and to other pertinent economic factors.

(c) *Background.* (1) Purchase contracts covering the terms and conditions of growing and purchasing sugar beet crops have been in use for many years. These contracts have been developed through negotiations between representatives of processors and producers. Many changes have been effected in the contracts throughout the years.

(2) Contracts used in the beet area are of two types, generally known as (i) percentage sharing contracts and (ii) scale type contracts. The former, used largely in the Great Lakes area and in a few other factory districts, provides, with some variations, that processors and producers shall share equally in the total net proceeds derived from the sale of sugar, beet pulp and molasses actually recovered from the beets. The second and more widely used type of contract provides a scale under which the effective price for sugar beets is determined from (*a*) the net proceeds (per one hundred pounds) derived from the sale of sugar produced, and (*b*) the percentage of sugar in the beets. Under scale type contracts, prices for sugar beets are customarily expressed in terms of fixed prices per ton and are calculated on the basis of assumed recoveries of sugar. The actual recovery of sugar from the crop is not used as a basis for payment. In general, the producers' share ranges from 50 to 60 percent of total net sugar proceeds per ton of beets delivered, depending upon sugar content and the level of net returns.

(3) Determinations of fair and reasonable prices for sugar beets have been issued each year since 1937, and except for the 1940 and 1941 crops in areas using scale type contracts, the prices payable in purchase contracts entered into between processors and producers have been determined to be fair and reasonable. The 1940 and 1941 price determinations established specific prices per ton of sugar beets at various levels of net returns and percentages of sugar in the beets; eliminated the clause contained in some contracts under which provision was made for an accelerating rate of reduction in payments to producers when net proceeds from sugar fell below $3.25 per 100 pounds; and eliminated the use of a net return, for settlement purposes, obtained by averaging the net proceeds from the sale of sugar by more than one processor.

(4) Although the 1948, 1949, and 1950 crop price determinations approved prices payable in purchase contracts, such approval did not constitute an evaluation of those provisions of the contracts applicable to net return levels resulting from sugar prices materially higher or lower than the prices prevailing at the time of issuance of such determinations. The prices provided in these purchase contracts for sugar beets differed significantly from previous years. Except for the war years when price support programs were in effect, prices in the scale type contracts generally were more favorable at net return levels of 6 cents or more per pound of sugar and generally less favorable at net return levels below six cents. In most of the percentage sharing contracts used in the Great Lakes area, contracts in 1948, 1949 and 1950 provided for an additional 15 percent of the sugar proceeds from net returns between 6.7 and 9 cents per pound.

(d) *1951 fair price determination.* (1) The 1951 price determination provides that processors shall be deemed to have complied with the fair price provisions of the act if they pay or contract to pay for sugar beets purchased from other producers prices not less than those provided for in 1951 crop purchase contracts.

(2) Most of the 1951 crop purchase contracts are the same as those used for the 1950 crop. The price scales are identical to those used last year with the exception of one company which has revised the prices payable per ton of sugar beets upward by a few cents at and above sugar net returns of $7.50 per 100 pounds. In three contracts of one company a change has been made in the settlement area used for determining net returns from sales of sugar. Heretofore, net returns had been based on sales of sugar produced by all districts of the company but in 1951 the net returns of one district will be based on sales of sugar produced in that district only and the other districts will constitute a separate settlement area. The net effect of this change on all districts is almost negligible, although producers in the district set apart will receive slightly more for beets inasmuch as a slightly higher net return is received on sugar sold from that district.

(3 Several of the 1951 purchase contracts contain minor changes in other respects. These include restrictions with respect to the use of mechanical beet toppers, a slight increase in the price of beet seed and a revision of that provision of the contracts wherein growers agree that all beets will be produced and delivered in accordance with applicable laws relating to the employment of minors. An examination of the 1951 contracts and available information on the changes which have been made indicates that the returns to producers will not be significantly affected by the modifications.

(4) At the fair price hearings neither processors nor producers made any recommendation with respect to this determination. In a brief presented by a producer representative following the hearings, however, it was suggested that the Department recommend to sugar processors that, for settlement purposes, net returns be calculated on the basis of the daily published base price of sugar less the customary sales expenses rather than on the basis of actual net returns. It is believed that continued study of this problem by the industry would be to the best interests of both processors and producers.

(5) In analyzing the 1951 crop purchase contracts careful consideration has been given to economic conditions, volume of production, and price levels which are likely to exist during the production and marketing of the 1951 crop of sugar beets. Also, consideration has been given to comparative operating results of processors and producers which, for this purpose, have been computed by restating data obtained in a study for a previous crop to reflect probable 1951 crop conditions. The analysis indicates that prices payable for sugar beets in 1951 crop purchase contracts are fair and reasonable at the present level of sugar prices (8.05 cents per pound, seaboard basis refined cane sugar) and at levels of sugar prices reasonably above and below the present levels. In accordance with the policy adopted in prior price determinations, no attempt has been made in this determination to evaluate prices payable for sugar beets at sugar prices materially higher or lower than those which now exist.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup., 1131)

Issued this 3d day of May 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-5321; Filed, May 7, 1951, 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 3-5]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

STALLING REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of April 1951.

Section 3.120 (e) of the current Civil Air Regulations contains stalling requirements which are stated in more objective language than the previous stalling requirements. Certain specific values of the prior regulation were not retained in the current regulation, particularly those relating to the allowable roll of an airplane subsequent to the stall. Experience has shown that the current language is not susceptible to uniform interpretation and that the tests presently applied in implementing the regulation are more strict than was intended. This amendment is therefore, in the interest of clarity, intended to revert to the language of the prior regulation and to its application.

Since this regulation clarifies existing requirements and imposes no burden on anyone, notice and public procedure hereon are impracticable and contrary to the public interest, and the Board finds that good cause exists for making this regulation effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 3 (14 CFR, Part 3, as amended) effective April 30, 1951:

By amending paragraph (e) of § 3.120 to read as follows:

§ 3.120 *Stalling demonstration.* • • •

(e) During the recovery portion of the maneuver, pitch shall not exceed 30° below level, there shall be no loss of altitude in excess of 100 feet, and not more than 15° roll or yaw shall occur when controls are not used for one second after pitch starts and are used thereafter only in a normal manner.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-5275; Filed, May 7, 1951; 8:46 a. m.]

[Civil Air Regs., Amdt. 20-11]

PART 20—PILOT CERTIFICATES

AIRMAN IDENTIFICATION CARD

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of April 1951.

No provisions of the currently effective Civil Air Regulations require the possession of positive identification data by certificated airmen while exercising the privileges of their airman certificates. This amendment provides for such identification and requires each holder of a pilot certificate, after September 1, 1951, to have in his possession an airman identification card (Form ACA 2135) issued by the Administrator.

This airman identification card shall contain, among other data, the airman's signature, picture, and one fingerprint. Each certificated airman shall complete an application for identification card (Form ACA 2134) and shall furnish documentary evidence of his personal identification, citizenship, place and date of birth, and the type of airman certificate held. It should be noted that an expired airman identification card (Form ACA 935) issued during World War II may serve as sufficient evidence in these matters. An applicant who has once possessed this expired identification card but is unable to produce it at the time of application may substitute a letter from the Airman Records Branch, Civil Aeronautics Administration, Washington 25, D. C., which, in effect, attests to the issuance and contents of the expired card.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. For the reasons stated above the Board finds that good cause exists for making this regulation effective immediately.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 20 of the Civil Air Regulations (14 CFR Part 20, as amended) effective immediately, as follows:

By adding a new § 20.58 to read as follows:

§ 20.58 *Identification.* After September 1, 1951, the holder of a certificate issued under the provisions of this part shall not exercise the privileges conferred by the certificate unless he has in his possession a current airman identification card which duly describes him. This identification card may be obtained from the Administrator who shall prescribe its form and the manner of applying for it.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-5276; Filed, May 7, 1951; 8:46 a. m.]

[Civil Air Regs., Amdt. 22-5]

PART 22—LIGHTER-THAN-AIR PILOT CERTIFICATES

AIRMAN IDENTIFICATION CARD

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of April 1951.

No provisions of the currently effective Civil Air Regulations require the possession of positive identification data by certificated airmen while exercising the privileges of their airman certificates. This amendment provides for such identification and requires each holder of a lighter-than-air pilot certificate, after September 1, 1951, to have in his possession an airman identification card (Form ACA 2135) issued by the Administrator.

This airman identification card shall contain, among other data, the airman's signature, picture, and one fingerprint. Each certificated airman shall complete an application for identification card (Form ACA 2134) and shall furnish documentary evidence of his personal identification, citizenship, place and date of birth, and the type of airman certificate held. It should be noted that an expired airman identification card (Form ACA 935) issued during World War II may serve as sufficient evidence in these matters. An applicant who has once possessed this expired identification card but is unable to produce it at the time of application may substitute a letter from the Airman Records Branch, Civil Aeronautics Administration, Washington 25, D. C., which, in effect, attests to the issuance and contents of the expired card.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. For the reasons stated above the Board finds that good cause exists for making this regulation effective immediately.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 22 of the Civil Air Regulations (14 CFR Part 22, as amended) effective immediately, as follows:

By adding a new § 22.32 (g) to read as follows:

§ 22.32 *Miscellaneous.* • • •

(g) *Identification.* After September 1, 1951, the holder of a certificate issued under the provisions of this part shall not exercise the privileges conferred by the certificate unless he has in his possession a current airman identification card which duly describes him. This identification card may be obtained from the Administrator who shall prescribe its form and manner of applying for it.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-5277; Filed, May 7, 1951; 8:47 a. m.]

[Civil Air Regs., Amdt. 24-4]

PART 24—MECHANIC CERTIFICATES

AIRMAN IDENTIFICATION CARD

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of April 1951.

No provisions of the currently effective Civil Air Regulations require the possession of positive identification data by certificated airmen while exercising the privileges of their airman certificates. This amendment provides for such identification and requires each holder of a mechanic certificate, after September 1, 1951, to have in his possession an airman identification card (Form ACA 2135) issued by the Administrator.

This airman identification card shall contain, among other data, the airman's signature, picture, and one fingerprint. Each certificated airman shall complete an application for identification card (Form ACA 2134) and shall furnish documentary evidence of his personal identification, citizenship, place and date of birth, and the type of airman certificate held. It should be noted that an expired airman identification card (Form ACA 935) issued during World War II may serve as sufficient evidence in these mat-

ters. An applicant who has once possessed this expired identification card but is unable to produce it at the time of application may substitute a letter from the Airman Records Branch, Civil Aeronautics Administration, Washington 25, D. C., which, in effect, attests to the issuance and contents of the expired card.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. For the reasons stated above the Board finds that good cause exists for making this regulation effective immediately.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 24 of the Civil Air Regulations (14 CFR Part 24, as amended) effective immediately, as follows:

By adding a new § 24.47 to read as follows:

§ 24.47 *Identification.* After September 1, 1951, the holder of a certificate issued under the provisions of this part shall not exercise the privileges conferred by the certificate unless he has in his possession a current airman identification card which duly describes him. This identification card may be obtained from the Administrator who shall prescribe its form and the manner of applying for it.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-5278; Filed, May 7, 1951; 8:47 a. m.]

[Civil Air Regs., Amdt. 25-1]

PART 25—PARACHUTE RIGGER CERTIFICATES

AIRMAN IDENTIFICATION CARD

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of April 1951.

No provisions of the currently effective Civil Air Regulations require the possession of positive identification data by certificated airmen while exercising the privileges of their airman certificates. This amendment provides for such identification and requires each holder of a parachute rigger certificate, after September 1, 1951, to have in his possession an airman identification card (Form ACA 2135) issued by the Administrator.

The airman identification card shall contain, among other data, the airman's signature, picture, and one fingerprint. Each certificated airman shall complete an application for identification card (Form ACA 2134) and shall furnish documentary evidence of his personal identification, citizenship, place and date of birth, and the type of airman certificate held. It should be noted that an expired airman identification card (Form ACA 935) issued during World War II may serve as sufficient evidence in these matters. An applicant who has once possessed this expired identification card but is unable to produce it at the time of application may substitute a letter from the Airman Records Branch, Civil Aeronautics Administration, Washington 25, D. C., which, in effect, attests to the issuance and contents of the expired card.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. For the reasons stated above the Board finds that good cause exists for making this regulation effective immediately.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 25 of the Civil Air Regulations (14 CFR Part 25) effective immediately, as follows:

By adding a new § 25.86 to read as follows:

§ 25.86 *Identification.* After September 1, 1951, the holder of a certificate issued under the provisions of this part shall not exercise the privileges conferred by the certificate unless he has in his possession a current airman identification card which duly describes him. This identification card may be obtained from the Administrator who shall prescribe its form and the manner of applying for it.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-5279; Filed, May 7, 1951; 8:47 a. m.]

[Civil Air Regs., Amdt. 26-4]

PART 26—AIR-TRAFFIC CONTROL-TOWER OPERATOR CERTIFICATES

AIRMAN IDENTIFICATION CARD

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of April 1951.

No provisions of the currently effective Civil Air Regulations require the possession of positive identification data by certificated airmen while exercising the privileges of their airman certificates. This amendment provides for such identification and requires each holder of an air-traffic control-tower operator certificate, after September 1, 1951, to have in his possession an airman identification card (Form ACA 2135) issued by the Administrator.

The airman identification card shall contain, among other data, the airman's signature, picture, and one fingerprint. Each certificated airman shall complete an application for identification card (Form ACA 2134) and shall furnish documentary evidence of his personal identification, citizenship, place and date of birth, and the type of airman certificate held. It should be noted that an expired airman identification card (Form ACA 935) issued during World War II may serve as sufficient evidence in these matters. An applicant who has once possessed this expired identification card but is unable to produce it at the time of application may substitute a letter from the Airman Records Branch, Civil Aeronautics Administration, Washington 25, D. C., which, in effect, attests to the issuance and contents of the expired card.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. For the reasons stated above the Board finds that good cause exists for making this regulation effective immediately.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 26 of the Civil Air Regulations (14 CFR Part 26, as amended) effective immediately, as follows:

By adding a new § 26.37 to read as follows:

§ 26.37 *Identification.* After September 1, 1951, the holder of a certificate issued under the provisions of this part shall not exercise the privileges conferred by the certificate unless he has in his possession a current airman identification card which duly describes him. This identification card may be obtained from the Administrator who shall prescribe its form and the manner of applying for it.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-5280; Filed, May 7, 1951; 8:47 a. m.]

[Civil Air Regs., Amdt. 51-2]

PART 51—GROUND INSTRUCTOR RATING

AIRMAN IDENTIFICATION CARD

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of April 1951.

No provisions of the currently effective Civil Air Regulations require the possession of positive identification data by certificated airmen while exercising the privileges of their airman certificates. This amendment provides for such identification and requires each holder of a ground instructor certificate, after September 1, 1951, to have in his possession an airman identification card (Form ACA 2135) issued by the Administrator.

This airman identification card shall contain, among other data, the airman's signature, picture, and one fingerprint. Each certificated airman shall complete an application for identification card (Form ACA 2134) and shall furnish documentary evidence of his personal identification, citizenship, place and date of birth, and the type of airman certificate held. It should be noted that an expired airman identification card (Form ACA 935) issued during World War II may serve as sufficient evidence in these matters. An applicant who has once possessed this expired identification card but is unable to produce it at the time of application may substitute a letter from the Airman Records Branch, Civil Aeronautics Administration, Washington, 25, D. C., which, in effect, attests to the issuance and contents of the expired card.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. For the reasons stated above the Board finds that good cause exists for making this regulation effective immediately.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 51 of the Civil Air Regulations (14 CFR Part 51, as amended) effective immediately, as follows:

By adding a new § 51.6 to read as follows:

§ 51.6 *Identification.* After September 1, 1951, the holder of a certificate issued under the provisions of this part shall not exercise the privileges conferred by the certificate unless he has in his possession a current airman identification card which duly describes him. This identification card may be obtained from the Administrator who shall prescribe its form and the manner of applying for it.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-5281; Filed, May 7, 1951; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Barley]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1951-CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for 1951-crop barley. The 1951 C. C. C. Grain Price Support Bulletin 1 (16 F. R. 1987) issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1951, is supplemented as follows:

Sec.
601.701 Purpose.
601.702 Availability of price support.
601.703 Eligible barley.
601.704 Warehouse receipts.
601.705 Determination of quantity.
601.706 Determination of quality.
601.707 Maturity of loans.
601.708 Determination of support rates.
601.709 Warehouse charges.
601.710 Settlement.

AUTHORITY: §§ 601.701 to 601.710 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. Sup., 714, 7 U. S. C. Sup., 1447, 1421.

§ 601.701. *Purpose.* This supplement states additional specific requirements which, together with the general requirements contained in the 1951 C. C. C. Grain Price Support Bulletin 1, 16 F. R. 1987, apply to loans and purchase agreements under the 1951-Crop Barley Price Support Program.

§ 601.702 *Availability of price support*—(a) *Method of support.* Price support will be available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever barley is grown in the continental United States, except that farm-storage loans will not be available in areas where the PMA State committee determines that barley cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1952, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing barley in 1951, as landowner, landlord, tenant, or sharecropper.

§ 601.703 *Eligible barley.* Eligible barley must meet the following requirements:

(a) The barley must have been produced in the continental United States in 1951 by an eligible producer.

(b) The beneficial interest in the barley must be in the person tendering the barley for loan or for delivery under a purchase agreement and must always have been in him, or must have been in him and a former producer whom he succeeded before the barley was harvested.

(c) The barley must be of any class grading No. 5 or better (or No. 5 Garlicky, or better), except that Class III Western Barley, shall not have a test weight of less than 40 pounds per bushel.

(d) The barley must not grade weevily, tough, stained, blighted, bleached, ergoty, or smutty.

(e) If offered as security for a farm-storage loan, the barley must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the PMA State committee.

§ 601.704 *Warehouse receipts.* Warehouse receipts representing barley in approved warehouse-storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must indicate that the barley is insured, must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by a warehouse approved by CCC under the Uniform Grain Storage Agreement (the barley must be insured by the warehouseman in accordance with the terms of the Uniform Grain Storage Agreement) or warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt must show: (1) Gross weight or bushels, (2) class, (3) grade (including special grades), (4) test weight, (5) dockage, and (6) any other grading factor(s) when such factor(s), and not test weight, determine the grade. The warehouse receipt or the supplemental certificate must show whether the barley arrived by rail, truck or barge. In the case of warehouse receipts issued for barley delivered by rail or barge, the grading factors on the warehouse receipt must agree with the inbound inspection certificate for the car or barge when such certificate is issued.

(c) A separate warehouse receipt must be submitted for each grade and class of barley.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.709.

(e) Warehouse receipts representing barley which has been shipped by rail or water from a country shipping point to a designated terminal point or shipped by rail or water from a country shipping point and stored in transit to a designated terminal point, must be accompanied by registered freight bills, or by (1) a statement as indicated below signed by the warehouseman, (2) a certificate of the warehouseman containing such information or (3) such form of certificate as may be approved by CCC.

FREIGHT CERTIFICATE

The _____ represented
(Name of commodity)
by attached warehouse receipt No. _____
issued by _____ on warehouse
located at _____ was received
by rail freight from _____
(Station) (County)
_____ point of origin as
(State)
evidenced by freight bill described as follows:

Way-bill, date_____
No. _____
Car Initials and No. _____
Freight bill, date_____
No. _____
Origin carrier_____
Full in-bound route and junction points_____
_____
_____
Transit weight_____
Freight rate in_____
Amount collected_____
Guaranteed transit balance, if any of through freight to _____ of _____ per 100 pounds_____
Number unused transit stops_____
Penalty, if any, to guarantee minimum proportional rate on out-bound billing of _____
_____
cents per 100 pounds_____.

Where paid-in freight is based on other than domestic interstate freight rate basis, the difference in rates between the freight paid (plus tax), and the domestic interstate freight rate (plus tax), is----------

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the applicable provisions of the Uniform Grain-Storage Agreement.

(Warehouseman's signature)

(Address)

(Date of signature)

§ 601.705 *Determination of quantity.* (a) The quantity of barley placed under farm-storage loan may be determined either by weight or by measurement. The quantity of barley placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 48 pounds of clean barley free of dockage. In determining the quantity of sacked barley by weight, a deduction of $\frac{3}{4}$ of a pound for each sack shall be made.

(c) When the quantity of barley is determined by measurement, a bushel shall be 1.25 cubic feet of barley testing 48 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 48-pound barley:

For barley testing	*Percent*
48 pounds or over	100
47 pounds or over, but less than 48 pounds	98
46 pounds or over, but less than 47 pounds	96
45 pounds, or over, but less than 46 pounds	94
44 pounds or over, but less than 45 pounds	92
43 pounds or over, but less than 44 pounds	90
42 pounds or over, but less than 43 pounds	88
41 pounds or over, but less than 42 pounds	85
40 pounds or over, but less than 41 pounds	83
39 pounds or over, but less than 40 pounds	81
38 pounds or over, but less than 39 pounds	79
37 pounds or over, but less than 38 pounds	77
36 pounds or over, but less than 37 pounds	75
35 pounds or over, but less than 36 pounds	73

(d) The percentage of dockage shall be detemined and the weight of such dockage shall be deducted from the gross weight of the barley in determining the net quantity available for loan or purchase.

§ 601.706 *Determination of quality.* The grade, class, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Barley, whether or not such determinations are made on the basis of an official inspection.

§ 601.707 *Maturity of loans.* Loans mature on demand but not later than April 30, 1952.

§ 601.708 *Determination of support rates.* Basic support rates for barley will be set forth in 1951 CCC Grain Price Support Bulletin 1, Supplement 2, Barley, and will be established for No. 1 barley, of the Classes I, II, and III. These support rates will be established for barley stored in approved warehouse storage at designated terminal markets, and for barley stored in approved country warehouses and in approved farm storage. The support rate for the quality of barley placed under a loan or delivered under a purchase agreement shall be the applicable basic support rate adjusted in accordance with the provisions of this section.

(a) *Support rates at designated terminal markets.* (1) Barley eligible for loan or purchase at the support rates established for designated terminal markets must have been shipped on a domestic interstate freight rate basis. On any barley shipped at other than the domestic interstate freight rate, the support rate at the designated terminal market shall be reduced by the difference between the freight paid (plus tax) and the domestic interstate freight rate (plus tax).

(2) The support rates established for designated terminal markets apply to barley which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(3) When shipped by rail or water and stored at any designated terminal market, barley for which neither registered freight bills nor freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the terminal rate minus 7 cents per bushel.

(4) When received by truck and stored at any designated terminal market, the support rate shall be the terminal rate minus 10½ cents per bushel.

(b) *Support rates for barley in approved warehouse-storage at other than designated terminal markets.* The support rate for barley stored in approved warehouses (other than those situated in the designated terminal markets) which is shipped by rail or water, shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax) of the through freight rate from point of origin for such barley to such terminal market: *Provided*, That in the case of barley stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing barley in such position.

(c) *Discounts.* The discount for barley which grades No. 2 shall be 2 cents per bushel; No. 3, 5 cents per bushel; No. 4, 8 cents per bushel; and No. 5, 12 cents per bushel. An additional discount of 10 cents per bushel shall be applied to barley grading "Garlicky." The support rates for "mixed barley" (Class IV) shall be 2 cents per bushel less than the support rates for barley of the Classes I, II, and III.

§ 601.709 *Warehouse charges.* (a) Warehouse receipts and the barley represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the grain is deposited in the warehouse for storage.

(b) Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing barley stored in warehouses operating under the Uniform Grain Storage Agreement is on or before April 30, 1952, the storage charges per bushel shown in the following table shall be deducted in computing the amount of the loan or purchase price.

Date of deposit:	*Amount of deduction (cents per bushel)*
Prior to Oct. 13, 1951	10
Oct. 13–Nov. 1, inclusive	9
Nov. 2–Nov. 21, inclusive	8
Nov. 22–Dec. 11, inclusive	7
Dec. 12–Dec. 31, inclusive	6
Jan. 1–Jan. 20, inclusive, 1952	5
Jan. 21–Feb. 9, inclusive	4
Feb. 10–Mar. 1, inclusive	3
Mar. 2–Mar. 21, inclusive	2
Mar. 22–Apr. 10, inclusive	1
Apr. 11–Apr. 30, inclusive	0

(c) Warehouse receipts and the barley represented thereby stored in approved warehouses operated by eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission.

(d) For barley stored in approved warehouses operated by eastern common carriers, there shall be deducted in computing the loan or purchase price the amount of the approved tariff rates for storage (not including elevation), which will accumulate from the date of deposit to the program maturity date. The county committee shall request the PMA commodity office to determine the amount of such charges. Where the producer presents evidence showing that the elevation has been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charge prepaid by the producer.

§ 601.710 *Settlement*—(a) *Farm-storage loans.* (1) In the case of barley delivered to CCC from farm-storage under the loan program, settlement shall be made at the applicable support rate for the approved point of delivery. The support rate shall be applied to the grade and quality of the total quantity of barley delivered.

(2) If the barley under farm-storage loan is, upon delivery, of a grade and/or quality for which no support rate has been established, the settlement value shall be the support rate established for the grade and/or quality of the barley placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and/or quality placed under loan and the market price of the barley delivered, as determined by CCC.

(3) In no event shall barley for which the grade and/or quality is lower than the lowest grade and/or quality for which settlement rates are established, have a settlement value in excess of the settlement value of the lowest grade and/or quality of such barley for which settlement rates are established.

(4) If farm-stored barley is delivered to CCC prior to April 30, 1952, upon request of the producer and with the approval of CCC, the loan settlement shall be reduced by the applicable rate of storage charges per bushel, determined according to the date of such delivery to CCC, as set forth in the table in § 601.709.

(b) *Purchase agreement.* Barley delivered to CCC under a purchase agreement must meet the requirements of barley eligible for loan. The purchase rate per bushel of eligible barley shall be the support rate established for the approved point of delivery, subject to deduction of warehouse charges in accordance with § 601.709.

(c) *Track-loading.* A track-loading payment of 2 cents per bushel shall be made to the producer on barley delivered to CCC on track at a country point.

Issued this 3d day of May 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-5322; Filed, May 7, 1951; 8:53 a. m.]

[1951 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Grain Sorghums]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1951-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1951 crop of grain sorghums. The 1951 C. C. C. Grain Price Support Bulletin 1 (16 F. R. 1987), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1951, is supplemented as follows:

Sec.
601.901 Purpose.
601.902 Availability of price support.
601.903 Eligible grain sorghums.
601.904 Warehouse receipts.
601.905 Determination of quantity.
601.906 Determination of quality.
601.907 Maturity of loans.
601.908 Determination of support rates.
601.909 Warehouse charges.
601.910 Settlement.

AUTHORITY: §§ 601.901 to 601.910 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053; 15 U. S. C. Sup., 714, 7 U. S. C. Sup., 1447, 1421.

§ 601.901 *Purpose.* This supplement states additional specific requirements which, together with the general requirements contained in the 1951 C. C. C. Grain Price Support Bulletin 1 (16 F. R. 1987), apply to loans and purchase agreements under the 1951-Crop Grain Sorghums Price Support Program.

§ 601.902 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever grain sorghums are grown in the continental United States, except that farm-storage loans will not be available in areas where the PMA State committee determines that grain sorghums cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1952, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing grain sorghums in 1951 as landowner, landlord, tenant or sharecropper.

§ 601.903 *Eligible grain sorghums.* Eligible grain sorghums must meet the following requirements:

(a) The grain sorghums must have been produced in the continental United States in 1951 by an eligible producer.

(b) The beneficial interest in the grain sorghums must be in the person tendering the grain sorghums for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the grain sorghums were harvested.

(c) Grain sorghums of any class grading No. 4 or better, or No. 4 "Smutty" or better, and containing not in excess of 13 percent moisture shall be eligible.

(d) The grain sorghums must not grade discolored, or weevily.

(e) If offered as security for a farm-storage loan, the grain sorghums must have been stored in the bin or granary at least 30 days prior to inspection for measurement, sampling, and sealing unless otherwise approved by the PMA State committee.

§ 601.904 *Warehouse receipts.* Warehouse receipts, representing grain sorghums in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the requirements below:

(a) Warehouse receipts must indicate that the grain sorghums are insured, must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder and must be issued by a warehouse approved by CCC under the Uniform Grain Storage Agreement (the grain sorghums must be insured by the warehouseman in accordance with the terms of the Uniform Grain Storage Agreement), or warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt must show: (1) Gross weight, (2) class, (3) grade (including special grades), (4) test weight, (5) moisture, (6) dockage, and (7) any other grading factor(s) when such factor(s) and not test weight, determine the grade.

The warehouse receipt or the warehouseman's supplemental certificate must show whether the grain sorghums arrived by rail, truck or barge. In the case of warehouse receipts issued for grain sorghums delivered by rail or barge, the grading factors on the warehouse receipt must agree with the inbound inspection certificate for the car or barge when such certificate is issued.

(c) A separate warehouse receipt must be submitted for each grade, class, and subclass of grain sorghums.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.909.

(e) Warehouse receipts representing grain sorghums which have been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point and stored in transit to a designated terminal point, must be accompanied by registered freight bills, or by (1) a statement as indicated below signed by the warehouseman, (2) a certificate of the warehouseman containing such information or (3) such form of certificates as may be approved by CCC.

FREIGHT CERTIFICATE

The grain sorghums represented by attached warehouse receipt No. ------ issued by ---------- on warehouse located at ---------- were received by rail freight from ----------
(Station)

(County) (State)
point of origin as evidenced by freight bill described as follows:
Way-bill, date ----------
No. ----------
Car Initials and No. ----------
Freight bill, date ----------
No. ----------
Origin carrier ----------
Full inbound route and junction points----

Transit weight ----------

Freight rate in _____
Amount collected _____
Guaranteed transit balance, if any, of through freight to _____ of _____ per 100 pounds _____
Number unused transit stops_____
Penalty, if any, to guarantee minimum proportional rate on outbound billing of _____ cents per 100 pounds _____
Where paid-in freight is based on other than domestic interstate freight rate basis, the difference in rates between the freight paid (plus tax), and the domestic interstate freight rate (plus tax), is _____

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the applicable provisions of the Uniform Grain Storage Agreement.

_____
(Warehouseman's signature)
_____
(Address)

_____
(Date of signature)

§ 601.905 *Determination of quantity.* (a) The quantity of grain sorghums placed under farm-storage loan may be determined either by weight or by measurement. The quantity of grain sorghums placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When a quantity is determined by weight, a unit of 100 pounds shall be determined to be 100 pounds of grain sorghums free of dockage. In determining the quantity of sacked grain sorghums by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) When the quantity of grain sorghums is determined by measurement, 100 pounds shall be 2.25 cubic feet of grain sorghums testing 56 pounds per bushel. The quantity determined by measurement of grain sorghums having a test weight of less than 56 pounds per bushel shall be adjusted by:

For grain sorghums testing	*Percent*
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	95
52 pounds or over, but less than 53 pounds	93
51 pounds or over, but less than 52 pounds	91
50 pounds or over, but less than 51 pounds	89
49 pounds or over, but less than 50 pounds	87

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the grain sorghums in determining the net quantity available for loan or purchase.

§ 601.906 *Determination of quality.* The class, subclass, grade, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Grain Sorghums, whether or not such determinations are made on the basis of an official inspection.

§ 601.907 *Maturity of loans.* Loans mature on demand but not later than March 31, 1952.

§ 601.908 *Determination of support rates.* Basic support rates for grain sorghums will be set forth in 1951 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Grain Sorghums. These support rates will be established for grain sorghums of the Classes I to IV, inclusive, grading No. 2 or better, and containing not in excess of 13 percent moisture. The support rates will be established for grain sorghums stored in approved warehouse storage at designated terminal markets, and for grain sorghums stored in approved country warehouses and in approved farm storage. The support rate for the quality of grain sorghums placed under a loan or delivered under a purchase agreement shall be the applicable basic support rate adjusted in accordance with the provisions of this section.

(a) *Basic support rates at designated terminal markets.* (1) Grain sorghums eligible for loan or purchase at the support rate established for designated terminal markets must have been shipped on a domestic interstate freight rate basis. On any grain sorghums shipped at other than the domestic interstate freight rate, the support rate at the designated terminal market shall be reduced by the difference between the freight paid (plus tax) and the domestic interstate freight rate (plus tax).

(2) The support rates established for designated terminal markets apply to grain sorghums which have been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid-in-freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(3) When shipped by rail or water and stored at any designated terminal market, grain sorghums for which neither registered freight bills nor such freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the terminal rate minus 14 cents per 100 pounds.

(4) For grain sorghums received by truck and stored at any designated terminal market, the support rate shall be determined by making a deduction from the terminal rate as follows:

Terminal located in—	*Amount of deduction (cents per 100 lb.)*
Area I: Arizona, California, Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, South Dakota, Washington, Utah	22
Area II: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin	23
Area III: Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia	25
Area IV: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas	25

(b) *Support rates for grain sorghums in approved warehouse-storage at other than designated terminal markets.* (1) The support rate for grain sorghums stored in approved warehouses (other than those situated in the designated terminal markets) which are shipped by rail shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax), of the through-freight rate from point of origin for such grain sorghums to such terminal market: *Provided*, That in the case of grain sorghums stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing grain sorghums in such position.

(2) The warehouse receipts must be accompanied by the original paid freight bills or certificates of the warehouseman and other required documents as set forth in § 601.904.

(c) *Discounts.* (1) The discount for grain sorghums which grade No. 3 and containing not in excess of 13 percent moisture shall be 8 cents per 100 pounds; and for grain sorghums which grade No. 4 and containing not in excess of 13 percent moisture, 16 cents per 100 pounds.

(2) Grain sorghums which grade "smutty" shall be discounted 5 cents per 100 pounds.

(3) The support rates for mixed grain sorghums (Class V) shall be 3 cents per 100 pounds less than the support rates for grain sorghums of the classes I to IV, inclusive.

§ 601.909 *Warehouse charges.* (a) Warehouse receipts and the grain sorghums represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the grain is deposited in the warehouse for storage.

(b) Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing grain sorghums stored in warehouses operating under the Uniform Grain Storage Agreement is on or before March 31, 1952, the storage charges per 100 pounds shown in accordance with the following table shall be deducted in computing the amount of the loan or purchase price.

Date of deposit	Area I: Ariz., Calif., Idaho, Minn., Mont., Nev., N. Dak., Oreg., S. Dak., Wash., Utah	Area II: Colo., Ill., Iowa, Kans., Mo., Nebr., Wyo., Wis.	Area III: Conn., Del., Ind., Ky., Maine, Md., Mass., Mich., N. H., N. J., N. Y., Ohio, Pa., R. I., Vt., Va., W. Va.	Area IV: Ala., Ark., Fla., Ga., La., Miss., N. Mex., N. C., Okla., S. C., Tenn., Tex.
	Cents per 100 lb.	*Cents per 100 lb.*	*Cents per 100 lb.*	*Cents per 100 lb.*
Prior to Aug. 10, 1951	17.8	19.2	19.6	20.5
Aug. 10–Aug. 20, inclusive	17.8	19.2	19.6	20
Aug. 21–Aug. 31, inclusive	17.8	19	19	19
Sept. 1–Sept. 11, inclusive	17.8	18	18	18
Sept. 12–Sept. 22, inclusive	17	17	17	17
Sept. 23–Oct. 3, inclusive	16	16	16	16
Oct. 4–Oct. 14, inclusive	15	15	15	15
Oct. 15–Oct. 25, inclusive	14	14	14	14
Oct. 26–Nov. 5, inclusive	13	13	13	13
Nov. 6–Nov. 16, inclusive	12	12	12	12
Nov. 17–Nov. 27, inclusive	11	11	11	11
Nov. 28–Dec. 8, inclusive	10	10	10	10
Dec. 9–Dec. 19, inclusive	9	9	9	9
Dec. 20–Dec. 30, inclusive	8	8	8	8
Dec. 31–Jan. 10, 1952, inclusive	7	7	7	7
Jan. 11–Jan. 21, inclusive	6	6	6	6
Jan. 22–Feb. 1, inclusive	5	5	5	5
Feb. 2–Feb. 12, inclusive	4	4	4	4
Feb. 13–Feb. 23, inclusive	3	3	3	3
Feb. 24–Mar. 5, inclusive	2	2	2	2
Mar. 6–Mar. 16, inclusive	1	1	1	1
Mar. 17–Mar. 31, inclusive	0	0	0	0

(c) Warehouse receipts and the grain sorghums represented thereby stored in approved warehouses operated by eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission.

(d) For grain sorghums stored in approved warehouses operated by eastern common carriers, there shall be deducted in computing the loan or purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit to the program maturity date. The county committee shall request the PMA commodity office to determine the amount of such charges. Where the producer presents evidence showing that the elevation has been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charge prepaid by the producer.

§ 601.910 *Settlement* — (a) *Farm-storage loans.* (1) In the case of grain sorghums delivered to CCC from farm storage under the loan program, settlement shall be made at the applicable support rate for the approved point of delivery. The support rate shall be applied to the grade and quality of the total quantity of grain sorghums delivered.

(2) If the grain sorghums under farm-storage loan are, upon delivery, of a grade and/or quality for which no support rate has been established, the settlement value shall be the support rate established for the grade and/or quality of the grain sorghums placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and/or quality placed under loan and the market price of the grain sorghums delivered, as determined by CCC.

(3) In no event shall grain sorghums for which the grade and/or quality is lower than the lowest grade and/or quality for which settlement rates are established, have a settlement value in excess of the settlement value of the lowest grade and/or quality of such grain sorghums for which settlement rates are established.

(4) If farm-stored grain sorghums are delivered to CCC prior to March 31, 1952, upon request of the producer and with the approval of CCC, the loan settlement shall be reduced by the applicable rate of storage charges per 100 pounds, determined according to the date of such delivery to CCC as set forth in § 601.909.

(b) *Purchase agreement.* Grain sorghums delivered to CCC under a purchase agreement must meet the requirements of grain sorghums eligible for loan. The purchase rate per 100 pounds of eligible grain sorghums shall be the support rate established for the approved point of delivery, subject to deduction of warehouse charges in accordance with § 601.909.

(c) *Track-loading.* A track-loading payment of 4 cents per 100 pounds will be made to the producer on grain sorghums delivered to CCC on track at a country point.

Issued this 3d day of May 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-5323; Filed, May 7, 1951; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-424]

PART 197—RELATING TO THE INSTALLMENT SALE AND FINANCING OF MOTOR VEHICLES

NOTICE OF FURTHER POSTPONEMENT OF EFFECTIVE DATE

In the matter of trade practice rules relating to the installment sale and financing of motor vehicles.

The Commission, after due consideration, has postponed the effective date of the trade practice rules on the above-entitled subject for a period of thirty (30) days from May 8, 1951.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46)

By direction of the Commission.

Issued: May 3, 1951.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-5299; Filed, May 7, 1951; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52717]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

CLAIMS; UNPAID COMPENSATION OF DECEASED EMPLOYEES AND DEATH BENEFITS

The purpose of the following amendment is to inform interested persons of the proper manner of filing claims for unpaid compensation of a deceased customs officer or employee under Public Law 636, 81st Congress, which became effective December 1, 1950, and claims for death benefits either in the form of an annuity or a lump-sum payment of the amount to the credit of a deceased officer or employee in the Retirement and Disability Fund.

Section 24.32, Customs Regulations of 1943 (19 CFR 24.32), is amended to read as follows:

§ 24.32 *Claims; unpaid compensation of deceased employees and death benefits.* (a) A claim made by a designated beneficiary or a surviving spouse for unpaid compensation due an officer or employee at the time of his death shall be executed on standard Form 1153, Claim of Designated Beneficiary and/or Surviving Spouse for Unpaid Compensation of Deceased Civilian Employee. A claim made by anyone other than a designated beneficiary or surviving spouse for unpaid compensation due an officer or employee at the time of his death shall be executed on standard Form 1155, Claim for Unpaid Compensation of Deceased Civilian Employee. The claims shall be forwarded to the customs office where the deceased was employed.

(b) Claims for death benefits, either in the form of an annuity or lump-sum payment of the amount to the credit of the deceased officer or employee in the Retirement and Disability Fund shall be

executed on standard Form 100, Application for Death Benefit, and forwarded together with a certified copy of the public record of death directly to the Civil Service Commission, Washington 25, D. C.

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 11, 41 Stat. 619, as amended; Pub. Law 636, 81st Cong.; 5 U. S. C. 724)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: May 1, 1951.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51-5267; Filed, May 7, 1951; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

AUREOMYCIN SURGICAL POWDER; BACITRACIN-POLYMYXIN OINTMENT

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. and Sup., 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141.1 et seq., and 1949 Supp.; 15 F. R. 9446) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq., and 1949 Supp.; 15 F. R. 9464) are amended as indicated below:

1. Section 141.112 (b) (1) (vi) is amended by changing the period at the end of the subdivision to a comma and by adding the following new clause: "except allow the agar for the secondary layer to cool to 48° C.–50° C. before adding the inoculum."

2. Part 141 is amended by adding the following new sections:

§ 141.211 *Aureomycin surgical powder—(a) Potency.* Proceed as directed in § 141.201 (a).

(b) *Sterility.* Proceed as directed in § 141.108 (c).

(c) *Moisture.* Proceed as directed in § 141.5 (a).

§ 141.409. *Bacitracin-polymyxin ointment—(a) Potency—(1) Bacitracin content.* Proceed as directed in § 141.402 (a). Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units per gram that it is represented to contain.

(2) *Polymyxin content.* Proceed as directed in § 141.112 (b) (1), except in lieu of the directions in subdivision (vii) for the preparation of the sample, prepare the sample as follows: Accurately weigh approximately 5 grams and transfer to a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake with two 25-milliliter portions of the glycine buffer and combine the extracts. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units per gram that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.8 (b).

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

3. Part 146 is amended by adding the following new sections:

§ 146.211 *Aureomycin surgical powder (aureomycin hydrochloride surgical powder)—(a) Standards of identity, strength, quality, and purity.* Aureomycin surgical powder is crystalline aureomycin, with or without suitable and harmless diluents and lubricants. Its content of aureomycin is not less than 200 milligrams per gram of powder. It is sterile. Its moisture content is not more than 2 percent. The aureomycin used conforms to the requirements of § 146.201 (a), except subparagraphs (4) and (5) of that paragraph. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity thereof beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of aureomycin surgical powder shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of milligrams of aureomycin per gram of powder in the immediate container; and

(iii) The statement "Expiration date _____," the blank being filled in with the date which is 24 months after the month during which the batch was certified.

(2) On the outside wrapper or container:

(i) Unless it is intended solely for veterinary use and is conspicuously so labeled, the statement: "*Caution*: To be dispensed only by or on the prescription of a _____," the blank being filled in with the words "physician" or "dentist" or "veterinarian" or with any combination of two or all of these words, as the case may be.

(ii) Unless it is intended solely for veterinary use and is conspicuously so labeled, a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such aureomycin surgical powder; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure or printed matter will be sent on request.

(3) On the circular or other labeling within or attached to the package, if it is intended solely for veterinary use, directions and precautions adequate for the use of such aureomycin surgical powder, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration. If two or more such immediate containers are in such package, the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of aureomycin surgical powder shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the aureomycin used in making such batch was completed, the number of milligrams of aureomycin in each immediate container, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, moisture.

(ii) The aureomycin used in making the batch; potency, sterility, toxicity, moisture, pH, crystallinity.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 20 immediate containers or more than 100 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The aureomycin used in making the batch; ten packages, each containing approximately equal portions of not less than 60 milligrams, packaged in accordance with the requirements of § 146.201 (b).

(iii) In case of an initial request for certification, each other substance used in making the batch; one package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of aureomycin surgical powder under the regulations in this part shall be:

(1) $1.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the sample submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.409 *Bacitracin-polymyxin ointment.* (a) Bacitracin-polymyxin ointment conforms to all requirements prescribed by § 146.402 for bacitracin ointment, and is subject to all procedures prescribed by § 146.402 for bacitracin ointment, except that:

(1) Its content of bacitracin is not less than 400 units per gram.

(2) It contains not less than 8,000 units of polymyxin B per gram. The polymyxin B used conforms to the requirements prescribed for polymyxin B by § 146.107 (a).

(3) Its moisture content is not more than 0.5 percent.

(4) In lieu of the labeling prescribed by § 146.402 (c) (1) (ii) and (iv), each package shall bear on the outside wrapper or container and the immediate container the number of units of bacitracin and the number of units of polymyxin B in each gram of the batch and the statement "Expiration date _____," the blank being filled in with the date which is 12 months after the month during which the batch was certified.

(5) In addition to complying with the requirements of § 146.402 (d), a person who requests certification of a batch of bacitracin-polymyxin ointment shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and date of the latest tests and assays of the polymyxin used in making the batch for potency and toxicity. He shall also submit in connection with his request a sample consisting of not less than 6 packages of bacitracin-polymyxin ointment and (unless it was previously submitted) a sample consisting of 5 packages containing equal portions of not less than 0.5 gram each of the polymyxin used in making the batch.

(b) The fee for the services rendered with respect to each immediate container in the sample of polymyxin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

This order, which provides for a change in the method of assay for polymyxin used in the manufacture of streptomycin-polymyxin-bacitracin tablets and for tests and methods of assay and certification of two new antibiotic preparations, aureomycin surgical powder and bacitracin-polymyxin ointment, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay providing for the modification of the method of assay for polymyxin used in the manufacture of streptomycin-polymyxin-bacitracin tablets and for tests and methods of assay and certification of aureomycin surgical powder and bacitracin-polymyxin ointment.

Dated: May 2, 1951.

[SEAL] OSCAR R. EWING,
Administrator.

[F. R. Doc. 51-5297; Filed, May 7, 1951; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 24, Amendment 1]

CPR 24—CEILING PRICES OF BEEF SOLD AT WHOLESALE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order 2 (16 F. R. 738), Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to the Allocation of Meat (16 F. R. 1272) and Economic Stabilization Agency General Order 5 (16 F. R. 1273) this Amendment 1 to Ceiling Price Regulation 24 is hereby issued.

STATEMENT OF CONSIDERATIONS

To permit sellers who bought ungrade-marked beef prior to May 7, 1951, an additional period of time within which to dispose of this beef, this amendment provides that such sellers shall sell and deliver such beef through May 11, 1951, at the prices established by the General Ceiling Price Regulation. Similarly, to permit sellers who bought grade-marked beef prior to May 7, 1951, an additional period of time to dispose of such beef at a price which may reflect higher costs than the price provided by Ceiling Price Regulation 24, this amendment provides that such sellers may sell and deliver such beef through May 11, 1951, either at the prices provided in Ceiling Price Regulation 24 or at their ceiling prices established by the General Ceiling Price Regulation.

AMENDATORY PROVISIONS

The "Effective date" paragraph of Ceiling Price Regulation 24 is amended by inserting, after the words "May 9, 1951", the following sentences. "However, through and including May 11, 1951, if (1) you sell and deliver a beef product for which a ceiling price is established by this regulation by grades (2) this beef product left the slaughtering plant prior to May 7, 1951, and (3) such beef product does not bear the grade mark provided for in Distribution Regulation 2 for such beef products leaving the slaughtering plant on and after May 7, 1951, then your ceiling price for such products shall be your ceiling price established by the General Ceiling Price Regulation. Moreover, through and including May 11, 1951, if (1) you sell and deliver a beef product for which a ceiling price is established by this regulation by grades and (2) such beef product bears the grade mark provided for in Distribution Regulation 2 for such beef products leaving the slaughtering plant after May 7, 1951, your ceiling prices for such of those products as are not derived from cattle you slaughtered shall be, at your option, the ceiling prices established by this regulation or your ceiling prices established by the General Ceiling Price Regulation."

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective on May 4, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization

MAY 4, 1951.

[F. R. Doc. 51-5369; Filed, May 4, 1951; 3:53 p. m.]

[Ceiling Price Regulation 25, Corr.]

CPR 25—CEILING PRICES OF BEEF ITEMS SOLD AT RETAIL

CORRECTIONS

1. Due to an error, there was omitted from Zone 6 in Appendix 1 (f) of Ceiling Price Regulation 25 certain portions of Colorado and Wyoming. Accordingly, Zone 6, appearing in Appendix 1 (f) of Ceiling Price Regulation 25, is corrected as follows:

Omit the period following the words "St. Louis county." and add in lieu thereof the following: "; all that portion of Colorado north and east of and including the counties of Weld, Adams, Denver, Arapahoe, Douglas, El Paso, Pueblo, Otero, Bent and Prowers; and that portion of Wyoming included in the following counties: Platte, Goshen and Laramie."

2. Due to an additional error the number "23", appearing in sections 30 (a), 30 (b), 30 (c) and 30 (d) of Ceiling Price Regulation 25, was used instead of the number "30". Accordingly, sections 30 (a), 30 (b), 30 (c) and 30 (d) of Ceiling Price Regulation 25 are corrected as follows:

Wherever the words "except as provided in section 23 (e)" appear, substi-

tute therefor the words "except as provided in section 30 (e)".

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Titles I and IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

MAY 7, 1951.

[F. R. Doc. 51-5411; Filed, May 7, 1951; 11:21 a. m.]

[Ceiling Price Regulation 26, Corr.]

CPR 26—CEILING PRICES OF KOSHER BEEF ITEMS SOLD AT RETAIL

CORRECTION

Due to an error, there was omitted from Zone 6 in Appendix 1 (f) of Ceiling Price Regulation 26 certain portions of Colorado and Wyoming. Accordingly, Zone 6, appearing in Appendix 1 (f) of Ceiling Price Regulation 26, is corrected as follows:

Omit the period following the words "St. Louis county." and add in lieu thereof the following: "; all that portion of Colorado north and east of and including the counties of Weld, Adams, Denver, Arapahoe, Douglas, El Paso, Pueblo, Otero, Bent and Prowers; and that portion of Wyoming included in the following counties: Platte, Goshen and Laramie."

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Titles I and IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

MAY 7, 1951.

[F. R. Doc. 51-5412; Filed, May 7, 1951; 11:21 a. m.]

[Ceiling Price Regulation 31]

CPR 31—IMPORTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 31 is hereby issued.

STATEMENT OF CONSIDERATIONS

It was anticipated when the General Ceiling Price Regulation was issued that subsequent regulations would be issued to deal more specifically with the pricing problems encountered in different segments of the United States economy. Foreign trade of the nation is a most important segment of our economy.

Although this country is well balanced economically, it has always been a large importer of foreign raw materials and goods, usually standing in either first or second place among the nations of the world where the total value of imports is concerned.

Control over prices in the import trade differs considerably from price control on sales of domestic articles and is much more difficult to achieve. Domestic price control, operating at the level of the manufacturer and at the level of the producer of raw material, serves as the basis for the establishment of ceiling prices for subsequent levels of distribution.

But the foreign manufacturer or producer of raw material is not subject to the jurisdiction of the United States Government. And the Director of the Office of Price Stabilization does not have access to the foreign seller's costs, sales and profits data which are governed by conditions that do not prevail in the United States as also are foreign transportation and insurance charges on ocean shipping.

Therefore, the usual standards of the Office of Price Stabilization in determining maximum prices at the manufacturer's level cannot be used in determining selling prices for imported goods and raw materials. Import price policies are therefore based on different considerations from those usually recognized by the Office of Price Stabilization in establishing maximum prices.

The basic considerations for pricing imported commodities are the continued flow of these commodities into the United States to meet the (1) strategic needs of the United States and (2) the demand in the civilian economy for certain essential imported commodities.

In determining prices for each of these import categories the basic consideration is to obtain such goods at the lowest price which will permit the importation and sale in sufficient quantity to meet our military demands, the needs of our war industries and the essential civilian requirements, as well as the needs of the economy in non-essentials.

During World War II in those cases where foreign supply prices rose to such an extent as to make impossible the importation and sale of essential commodities, the Office of Price Administration adjusted ceilings or utilized subsidy programs. Where subsidy programs were inaugurated, a government agency, such as the United States Commercial Company, bought strategic and essentially needed goods in foreign markets at whatever price was necessary to obtain an adequate supply of such commodities and resold them in the United States within the ceiling prices established by the Office of Price Administration.

The Office of Price Stabilization, together with related agencies of the executive branch, is currently formulating programs which will provide for specific ceilings for strategic materials and essential commodities and permit a flow of these commodities in sufficient quantity to meet our military demands, the needs of our war industries and the essential civilian requirements. This Ceiling Price Regulation provides a pricing formula for importers of other commodities to fulfill the needs of our economy.

It is clearly undesirable to eliminate imports by regulations which would make their entry impossible. First, the sale of these other commodities in the United States need not affect the cost of living. Secondly, it is desirable to maintain as far as possible the Nation's established foreign trade.

As the foreign seller's costs, sales and profits are governed by conditions that do not prevail in the United States, a marginal control for the import trade is the only fair and equitable method of control which can be effectively administered and will achieve results comparable to those obtained under controls on domestically produced goods. Furthermore, prices charged by foreign sellers and the costs of foreign transportation and insurance charges on ocean shipping are not subject to the jurisdiction of the United States Government. The application of certain of the provisions of the General Ceiling Price Regulation has interrupted the flow of these imported goods to the detriment of the American importers. For all these reasons, and in order to assure a continued flow, a marginal control is imposed upon these non-essential commodities.

The formulas in this order require sellers of imported commodities, in determining their ceiling prices, not to exceed the markup which they obtained on deliveries to the same class of buyers during the base period July 1, 1949 to June 30, 1950, inclusive. This base period does not reflect the inflationary pressures subsequent to the outbreak in Korea and the rearmament program. For importers such base period markup is to be added to the landed cost of the commodity. However, in recognition of the well established importing practice of selling goods prior to their arrival in this country, the regulation provides a procedure whereby the anticipated landed cost of the commodity, as estimated by the importer, may be used as a basis for computing a ceiling price in such cases. It is understood that this ceiling price regulation is issued as a temporary measure to encourage immediately the flow of imports to the greatest extent possible until conditions necessitate and permit the issuance of regulations tailored to the requirements of the different commodities.

From time to time, as the need arises, specific commodity price regulations will be issued to maintain the principle of stabilization and to prevent undue dislocation of American industrial economy. It has been the consistent policy of the United States to encourage the development of international trade. Consequently, where it can be established that any provision of this regulation threatens to impede the flow of imports, consideration will be given to the issuance of appropriate supplemental or amendatory regulations thereto.

Prior to the formulation of this regulation, the Director of Price Stabilization consulted with an industry committee established in accordance with the requirements of the Defense Production Act of 1950 (Public Law 774, 81st Cong.).

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

ARTICLE I—SCOPE OF REGULATION

Sec.
1. What this regulation does.
2. Applicability and prohibitions.

ARTICLE II—PRICING METHOD

3. Formula for sales by importers.
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5. Formula for sales at retail.
6. Calculation of base period dollar and cents import markup.
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ARTICLE III—GENERAL PROVISIONS

10. Taxes.
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13. Records.
14. Exemptions.
15. Enforcement.
16. Evasion.
17. Petitions for amendment.
18. Definitions.
19. Appendix.

AUTHORITY: Sections 1 to 19 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

ARTICLE I—SCOPE OF REGULATION

SECTION 1. *What this regulation does.* This regulation provides a formula whereby importers, wholesalers, and retailers of imported commodities shall compute their ceiling prices for sales thereof on the basis of prices in effect during a base period extending from July 1, 1949, to June 30, 1950, inclusive. All of the provisions of the General Ceiling Price Regulation, except section 14, heretofore applicable to importers and to the sale of imported commodities are superseded hereby except with respect to the sale of the commodities listed in Appendix A. Sales of the commodities listed in Appendix A shall continue to be governed by the provisions of the General Ceiling Price Regulation unless or until otherwise covered by specific ceiling price regulations. With respect to the sale by other than importers of imported commodities at wholesale and retail levels, Ceiling Price Regulation 7 shall govern the pricing at the retail level of all imported non-food commodities specifically covered thereby, and Ceiling Price Regulations 14, 15, and 16 shall govern the pricing at the wholesale and retail level of all imported food commodities specifically covered thereby. Any imported commodity which does not specifically fall within the coverage of Ceiling Price Regulations 7, 14, 15, and 16 shall be priced for wholesale or retail sale under sections 4 and 5 of this regulation, respectively.

SEC. 2. *Applicability and prohibitions*—(a) *Applicability.* This regulation is applicable to the continental United States.

(b) *Prohibitions.* On and after the effective date of this regulation, regardless of any contract or other obligation, excepting as set forth in section 14 (c) of this regulation, (1) you shall not sell or deliver any imported commodities covered by this regulation at prices higher than the ceiling prices fixed by this regulation; (2) you shall not buy or receive in the course of trade or business any imported commodities covered by this regulation at prices higher than the ceiling prices fixed by this regulation; and (3) you shall not agree, offer, solicit, or attempt to do anything prohibited in this regulation.

Prices lower than the ceiling prices may be charged, demanded, paid, or offered.

SEC. 3. *Formula for sales by importers.* (a) If you are an importer, your ceiling price for the sale of any commodity covered by this regulation to any class of buyer (except retail customers) shall be the landed cost of the commodity, plus a dollar and cents markup based on sales by you of such commodity to that class of buyer during the base period, as calculated under section 6 of this regulation. If you made no sales of the commodity during the base period to buyers of that class, your markup shall be calculated under section 6 of this regulation but by reference to other sales as provided for in section 7 of this regulation.

(b) Where the commodity you are pricing is owned by you but has not arrived in the United States, you may estimate your landed cost of the commodity. Such estimated landed cost shall reflect your purchase contract cost and the costs of importation reasonably to be anticipated and not already included in the purchase contract cost. In the event such estimated costs exceed your actual costs, as finally determined, you shall either remit or credit the difference to your purchaser.

(c) You may not receive a commission from a foreign seller higher than that which you received during the base period, nor may you receive both a commission from a foreign seller and a markup on the same transaction, without prior application to and approval thereof by the Office of Price Stabilization, Exports-Imports Branch, Washington 25, D. C. In your application you must set forth in detail all of the facts relating to, as well as the historical background for, such a request.

SEC. 4. *Formula for sales by wholesalers.* If you are a wholesaler of imported commodities which you sell in essentially the same form in which imported, your ceiling price for the sale of any such commodity covered by this regulation, except food commodities specifically covered by name or category by Ceiling Price Regulation 14, to any class of buyer shall be your cost of acquisition plus a base period dollar and cents markup based on sales by you of such commodity to that class of buyer during the base period, as calculated under section 6 of this regulation. If you made no sales of the commodity during the base period to buyers of that class, your markup shall be calculated under section 6 of this regulation but by reference to other sales as provided for in section 7 of this regulation.

SEC. 5. *Formula for sales at retail*—(a) *Retailer.* If you are a retailer (but not the importer) of imported commodities which you sell in essentially the same form in which imported, your ceiling price for the sale of any such commodity, except imported non-food commodities specifically covered by name or category by Ceiling Price Regulation 7, and except imported food commodities specifically covered by name or category by Ceiling Price Regulations 15 and 16, shall be as follows:

(1) For any sale to retail customers your ceiling price shall be your cost of acquisition plus a base period percentage markup calculated as follows:

You determine from your records all of the sales to retail customers which you made of the commodity being priced during a representative quarter of the base period of your choosing. You then determine your total dollar sales value of such sales and calculate the weighted average percentage markup per unit over the cost of acquisition of the commodity reflected in such sales. Such weighted average percentage markup per unit shall be determined by subtracting total costs of acquisition from total sales price, which gives you gross margin, and dividing that gross margin by total cost of acquisition. You may use the result of this calculation as your base period percentage markup for the commodity you are pricing.

(2) For any sale to wholesale customers your ceiling price shall be computed under the provisions of Section 4 of this regulation governing the computation of ceiling prices for sales by wholesalers.

(b) *Importer retailer.* If you are an importer and also sell at retail in essentially the same form in which imported the commodities you import, your ceiling price for the sale of any such commodity, except imported non-food commodities specifically covered by name or category by Ceiling Price Regulation 7, and except imported food commodities specifically covered by name or category by Ceiling Price Regulations 15 and 16, shall be as follows:

(1) For any sale to retail customers your ceiling price shall be the landed cost of the commodity plus a base period percentage markup calculated as follows:

You determine from your records all of the sales to retail customers which you made of the commodity being priced during a representative quarter of the base period of your choosing. You then determine your total dollar sales value of such sales and calculate the weighted average percentage markup per unit over the landed cost of the commodity reflected in such sales under the formula prescribed in Section 5 (a) (1). You may use the result of this calculation as your base period percentage markup for the commodity you are pricing.

(2) Your ceiling price for any such sale to customers other than retail customers shall be computed under the provisions of Section 3 of this regulation.

(c) If you are computing your ceiling price under the provisions of paragraph (a) (1) or (b) (1) of this section and

made no base period sales of the commodity you are pricing to the class of buyer for which you are pricing, your markup shall be calculated in accordance with the provisions of paragraph (a) (1), or (b) (1) of this section but such markup shall be based on other base period sales as provided for in section 7 of this regulation.

(d) In every case where you calculate for the first time the percentage markup per unit you are going to use or do use in the sale or offering of an imported commodity, unless the commodity be one that shall be priced under Ceiling Price Regulations 7, 15, or 16, you shall promptly furnish the Office of Price Stabilization, Exports-Imports Branch, Washington 25, D. C., with the following information in duplicate:

(1) The commodity
(2) The quantity
(3) The class of buyer
(4) The percentage markup per unit you are permitted to use under this regulation.

Once you have furnished such information for the sale of a particular commodity to a particular class of buyer, you need not again advise the Office of Price Stabilization with respect to your pricing of that type of sale.

SEC. 6. *Calculation of base period dollar and cents import markup.* (a) If you are an importer, wholesaler or a processor of imported commodities, unless you are a wholesaler pricing an imported food commodity under Ceiling Price Regulation 14, your base period dollar and cents markup for a commodity shall be calculated under this regulation as follows:

(1) You ascertain from your records all of your base period sales of the type upon which your base period markup is to be calculated, i. e., either base period sales of the commodity you are pricing to the class of buyer for which you are pricing, or base period sales of a kind you are permitted to use under the provisions of section 7 of this regulation.

(2) You then determine the total dollar sales value of all such base period sales.

(3) You then select, from such base period sales, any sale or sales which represent at least ten percent of the total dollar sales value of all such base period sales and calculate the weighted average dollars and cents markup per unit, over landed cost of the commodity, if you are an importer, or over your cost of acquisition, if you are a wholesaler or a processor, yielded by those selected sales. Such weighted average may be determined, as illustrated in the example below, by computing the total dollar and cents markup for those selected sales (total sales price minus total of landed costs for an importer, or total costs of acquisition, for a wholesaler or processor), and dividing that total markup by the total number of units. The result is your weighted average dollar and cents markup per unit for sales of the commodity you are pricing to the class of buyer involved. (If you selected a single sale, which accounts for ten percent of your total dollar sales value of such base period sales, you may use the dollar and cents markup yielded by that single sale.

(i) *Example:* Suppose your base period sales upon which you are calculating your markup under the provisions of this section were as follows:

Sale	Units	Sales price	Percentage of total sales	Cost of acquisition or landed cost	Dollars and cents markup	Dollars and cents markup per unit
#1	2,500	$250.00	5%	$225.25	$24.75	$0.0099
#2	4,000	400.00	8%	364.00	36.00	.009
#3	11,000	1,100.00	22%	1,012.00	88.00	.008
#4	12,500	1,250.00	25%	1,150.00	100.00	.008
#5	20,000	2,000.00	40%	1,850.00	150.00	.00755
			100%			

(ii) You may select sales #1 and #2 in order to determine the markup. You may not select either sale #1 or sale #2 alone, since neither sale alone accounts for ten percent of the total dollar sales value of base period sales. Taking the weighted average of the dollar and cents markups yielded by the two sales, you obtain a unit markup of $.009346 ($24.75+$36.00÷2,500+4,000=$.009346).

(b) In every case where you calculate for the first time the dollar and cents markup per unit you are going to use or do use in the sale or offering of an imported commodity, you shall promptly furnish the Office of Price Stabilization, Exports-Imports Branch, Washington, 25, D. C., with the following information in duplicate:

(1) The commodity
(2) The quantity
(3) The class of buyer
(4) The dollar and cents markup per unit you are permitted to use under this regulation.

Once you have furnished such information for the sale of a particular commodity to a particular class of buyer, you need not again advise the Office of Price Stabilization with respect to your pricing of that type of sale.

SEC. 7. *Formula where no sales of the type being priced were made during the base period.* (a) If you are either an importer, a wholesaler or a retailer and did not sell during the base period the commodity you are pricing to a buyer of the class for which you are pricing, your ceiling price for such sale shall be the landed cost or cost of acquisition, as the case may be, plus a base period markup as calculated under section 5 or section 6 of this regulation, whichever is applicable, based on sales during the base period of the type set forth below in the following order of preference:

(1) Sales of the commodity you are pricing to buyers of the next most closely related class;

(2) Sales of a comparison commodity to buyers of the class for which you are pricing;

(3) Sales of a comparison commodity to buyers of the next most closely related class.

In this event you must advise the Office of Price Stabilization, Exports-Imports Branch, Washington 25, D. C., in writing, in duplicate, by registered letter, of the price you propose as your ceiling price for the commodity, showing in detail how it was computed, the markup you propose to use, and naming the "comparison commodity" and/or "class of buyer" you used. Unless this proposed ceiling price is rejected by the Office of Price Stabilization within ten days of the postmarked date of your letter, you may proceed with sales accordingly, until notified by the Office of Price Stabilization that your proposed ceiling price has been disapproved.

(b) If you, the seller, either importer, wholesaler or retailer, did not sell during the base period the commodity you are pricing, nor did you sell a comparison commodity, or if you are a new seller, you shall compute your ceiling price by reference to the ceiling price of the "most closely competitive seller of the same class". In this event you must advise the Office of Price Stabilization, Exports-Imports Branch, Washington 25, D. C., in writing, in duplicate, by registered letter, of the price you propose as your ceiling price for the commodity and show in detail how it was determined, and naming the "most closely competitive seller of the same class" whose price you used, together with his address. Unless this proposed ceiling price is rejected by the Office of Price Stabilization within ten days of the postmarked date of your letter, you may proceed with sales accordingly, until notified by the Office of Price Stabilization that your proposed ceiling price has been disapproved.

(c) For the sales of imported commodities for which you are unable to compute ceiling prices under the provisions of paragraphs (a) or (b) of this section, or under any provisions of this regulation, you may apply in writing, in duplicate, to the Office of Price Stabilization, Exports-Imports Branch, Washington 25, D. C. for establishment of a ceiling price for such imported commodity. This application shall contain (1) an explanation of why you are unable to compute your ceiling price for the imported commodity under this regulation; (2) a complete description of the imported commodity involved; and (3) the nature of your business. In addition, your application shall contain a proposed ceiling price for the imported commodity, together with an explanation of the basis upon which such proposed ceiling price was computed by you. You shall not sell such imported commodity until the Office of Price Stabilization notifies you, in writing, of the ceiling price you may use.

(d) Once you have determined under the provisions of this section a markup which has not been disapproved by the Office of Price Stabilization, you may continue to use that markup for future sales of the same commodity to the same class of buyer.

SEC. 8. *Processing.* If you are an importer and also process (as defined in section 18 of this regulation) commodities you import, you may, in determining your ceiling price, add the actual costs of processing to your landed costs. If you process imported commodities purchased from an importer, you may, in determining your ceiling price, add the actual costs of processing to your cost

of acquisition: *Provided*, That if your markup as calculated under section 6 of this regulation included the costs of processing, you may add only those costs of processing which were in excess of the cost of processing during the base period.

SEC. 9. *Sale of imported commodities in a related range or line.* (a) If you are a seller of imported commodities in a related range or line, you may maintain your customary price differentials on those imported commodities, provided that their total sales value does not exceed that which would otherwise be their total sales value if you sold the items in the range or line separately at their respective ceiling prices.

(b) Where you have an inventory or purchase commitment of a commodity at a different ceiling price than the ceiling price of the same commodity received in a different shipment, you may use a uniform selling price (for that commodity), provided that in such case you shall compute a ceiling price for the entire inventory and purchase commitments by using properly weighted average costs of your inventory and purchase commitments, and provided that the total sales value shall not exceed that which would otherwise be the total sales value at ceiling prices for each item in such lot if sold separately.

ARTICLE III—GENERAL PROVISIONS

SEC. 10. *Taxes.* In addition to your ceiling price, you may collect the amount of any excise, sales or similar taxes paid by you only if, during the base period, you stated and collected such taxes separately from your selling price. In the case of such a tax imposed by law which is not effective until after June 30, 1950, you may collect the amount of the tax actually paid by you, in addition to your ceiling price, if not prohibited by the tax law. You must in all such cases state separately the amount of the tax.

SEC. 11. *Restrictions on multiple handling.* For the purposes of this Ceiling Price Regulation, markups shall be allowed only when the following sequences of distribution are followed. These are (a) sales by importers to industrial users, to processors, to wholesalers, or to retailers; (b) sales by wholesalers to industrial users, or to retailers; (c) sales by processors to wholesalers, to retailers or to consumers; (d) sales by retailers to consumers. If you are a wholesaler who buys commodities from another wholesaler, no markup may be added, unless specifically authorized by order of the Office of Price Stabilization. Such authorization may be granted upon application to the Office of Price Stabilization, Exports-Imports Branch, Washington 25, D. C., when it can be established that the second wholesaler performs a recognized distributive function in accordance with the usual practice of the trade.

SEC. 12. *Transfer of business or stock in trade.* If the business, assets or stock in trade of any business were sold or otherwise transferred since July 1, 1949, or are sold or transferred after the effective date of this regulation, and the transferee carries on the business, or continues to deal in the same type of commodities, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 13. *Records.* (a) This section tells you what records you shall preserve and what additional records you must prepare and keep available for examination by the Office of Price Stabilization for so long as the Defense Production Act of 1950 is in effect and for two years thereafter.

(b) You must preserve and keep available as required in paragraph (a) of this section those records in your possession showing the prices charged by you for the commodities you delivered during the base period, and those records you used to establish the markups you charged during the base period, and those records you used showing how you calculated your base period markup. You must also prepare and preserve a statement of your customary price differentials, terms and conditions of sale, and classes of purchasers, which you had in effect during the base period.

(c) You shall prepare and keep available, as required in paragraph (a) of this section, records of the kind you customarily keep; specifically you must also keep records showing the date of each sale or contract, the names of the parties thereto, the prices charged, the landed cost or the cost of the commodity to you. If you are a retailer, however, you are required only to preserve your purchase invoices and to record thereon your selling price.

(d) If you are a seller who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase, you shall continue to do so. Upon request from a purchaser, any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the name of each commodity or service sold, and the price received for it.

SEC. 14. *Exemptions.* (a) This regulation does not apply to sales of commodities for which import ceiling prices have been or hereafter will be established under other regulations or supplements, or to sales of commodities which are specifically exempted from the application of ceiling prices by other regulations or orders of the Office of Price Stabilization.

(b) This regulation does not apply to sales of hand knotted oriental rugs and imported handicraft objects which are sold for household or personal use in substantially the same form as imported, and which are the product of individuals, families, tribes, or other small groups.

(c) Nothing in this regulation shall operate to prevent the performance of a written contract for the sale of an imported commodity entered into prior to the effective date of this regulation and executed in strict compliance with the provisions of the General Ceiling Price Regulation, provided (1) that such contract covers a commodity which the seller as of the date of the contract had in inventory or under purchase commitment, and (2) that such contract covers a specified quantity of a described commodity at a fixed price per unit.

(d) This regulation does not apply to the sale of the commodities listed in Appendix A.

(e) This regulation does not apply to the sales of commodities transported into the continental United States for transshipment abroad and which do not enter into the domestic commerce of the United States and which are either,

(1) Entered at Customs in transit on a "Transportation and Exportation (TE) entry" or on an "Exportation (Exp.) entry" or

(2) Stored in transit in a bonded warehouse or stored in a foreign trade zone.

SEC. 15. *Enforcement.* If you violate any provision of this Ceiling Price Regulation you are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950.

SEC. 16. *Evasion.* Any practice which results in obtaining indirectly a higher price than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie-in agreements or combination sales, and trade understandings.

SEC. 17. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1 (15 F. R. 9055).

SEC. 18. *Definitions.* This Ceiling Price Regulation and the terms which appear in it shall be construed in the following manner:

(a) *Classes of sellers and buyers*—(1) *Importer.* This term means the person by whom a commodity is imported and who first sells it after importation.

(2) *Wholesaler.* This term means any person who performs a recognized distributive function, purchases imported commodities directly from an importer and who sells or delivers them in essentially the same form as imported to another wholesaler, industrial user, or a retailer in accordance with established trade practice.

(3) *Retailer.* This term means any person who buys or receives imported commodities and who actually sells them in essentially the same form as imported to an ultimate consumer other than an industrial or commercial user.

(4) *Supplier.* This term means the person from whom an importer covered by this regulation procures a commodity.

(5) *Industrial user.* This term means a person who uses an imported commodity or commodities in fabrication, manufacture, or production.

(6) *Retail customer.* This term means the person who buys commodities from a retailer in customary retail quantities and at customary retail prices for the purpose of normal individual or household consumption rather than for resale, fabrication, processing or manufacture.

(7) *Wholesale customer.* This term means the person who is not a "retail customer" and who buys commodities in customary wholesale quantities and at customary wholesale prices for purposes other than for normal individual or household consumption.

(8) *Seller.* This term includes the seller of any commodity. Where a seller at retail makes sales through more than one selling unit or place of business (other than salesmen making sales at uniform prices) each such selling unit or separate place of business shall be deemed to be a separate seller.

(9) *Class of buyer.* This term means that group of persons to which you sell imported products and which you distinguish from other groups of buyers with respect to price or terms and conditions of sale by reason of location, quantity purchased, or functions in distribution, i. e., manufacturer, wholesaler, retailer, processor or end user.

(b) *Pricing*—(1) *Commodity.* This term includes not only those items or groups of items generally called commodities, but also materials, articles, or products.

(2) *Comparison commodity.* This term means a commodity which is one with the same or next lowest or highest current unit direct cost, whichever is closer to the cost of the new commodity, and which has the same essential characteristics as does the new commodity for which you are computing a ceiling price.

(3) *Cost of acquisition.* This term means the actual cost of the commodity to a buyer, which shall not exceed the ceiling price of the supplier at the point of delivery plus such costs of delivery actually incurred by the buyer.

(4) *Foreign invoice cost.* This term means the amount stated on your foreign invoice less any discount or allowances, but including separately stated charges except such charges as are included in costs of importation as herein defined.

(5) *Costs of importation.* This term means those costs actually incurred or to be incurred by you in moving the goods from the place of foreign origin to the place of destination and include, but are not necessarily limited to, foreign export and other taxes directly related to the transaction, foreign ocean and domestic transportation costs, customs duties, dock charges, clearance, insurance, letter of credit or other finance charges, and any customary buying commission to a purchasing agent outside the continental United States.

(6) *Landed cost.* This term means the foreign invoice cost plus the costs of importation. If your foreign invoice states charges included in the costs of importation, you shall not include the same item more than once.

(7) *Purchase contract cost.* This term means the price the importer paid for the commodity including any charges and expenses incurred in, or in connection with, the moving of the commodity to destination which are borne by the foreign seller.

(8) *Next most closely related class of buyer.* This term means the class of buyer to which you sold, during the base period, the commodity you are pricing, or a "comparison commodity," and which in terms of quantity and conditions of sale is most similar to the class of buyer for which you are pricing.

(9) *Most closely competitive seller of the same class.* This term means the seller with whom you are in most direct competition even though he may perform a different function with respect to the commodity. You are in direct competition with another seller who sells the same types of commodities to the same classes of purchaser in similar quantities, in similar terms and, if you are selling a commodity, you supply approximately the same amount of service.

(10) *Inventory.* This term means the sum total of stocks or goods owned by the importer which are in the United States, its territories and possessions, or which are afloat destined for the United States, its territories and possessions.

(11) *Purchase commitment.* This term means an agreement between the foreign seller and American buyer for a specified quantity of a described article for definite shipment to the United States, its territories or possessions at a stated fixed price.

(c) *General*—(1) *Base period.* This term means the period from July 1, 1949 to June 30, 1950, inclusive.

(2) *Ceiling price.* This term means the highest price at which an imported commodity covered by this regulation may be sold.

(3) *General Ceiling Price Regulation.* This term means the General Ceiling Price Regulation issued on January 26, 1951 by the Director of Price Stabilization as amended and supplemented.

(4) *You or Person.* This term includes any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other government or their political subdivision or agencies.

(5) *Records.* This term includes but is not limited to books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(6) *Sell.* This term includes sell, supply, dispose, barter, exchange, transfer or deliver.

(7) *Imported.* A commodity is imported which is transported from a place outside the continental limits of the United States to a place inside the continental limits of the United States, its territories and possessions. However, commodities shipped into the United States, its territories and possessions from outside thereof and entered in a foreign trade zone or under general order or in a bonded warehouse for transshipment and actually transshipped to a destination outside the continental limits of the United States shall not be deemed to be "imported".

(8) *Delivered.* A commodity shall be deemed to have been delivered during a specified period if during that period it was received by the purchaser or his agent or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

(9) *Processing.* This term means the sorting, grading, cleaning, repacking, assembling, or otherwise manipulating of a commodity but not to the extent that there results therefrom a new and different article having a distinctive character.

SEC. 19. *Appendix.* The appendix to this regulation entitled "Appendix A" and listing the commodities excluded from the application of this regulation, is incorporated herein and made a part hereof.

Effective date: This regulation shall become effective on May 9, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 4, 1951.

APPENDIX A

TO CEILING PRICE REGULATION NO. 31

1. The important strategic commodities that are today excepted from this regulation are as follows:

	Paragraph
Abaca	1001
Aluminum—	
Metal, ore, scrap, foil, alloys	207, 374, 382
Antimony—	
Metal (regulues) ore, concentrates, needle	376, 1608
Arsenic, metallic	379
Asbestos Fibers that conform to standard commercial Grade B–1, Grade B–3, Grade D–3, or Grade 3/DM–1 Transvaal Amosite. Also those grades of Rhodesian Chrysotile suitable for spinning that conform to commercial standard Grade C & G–1 or Grade C & G–2	1616
Bauxite	6, 207
Beryl	17, 19
Bismuth	22, 377
Bristles, Hog	1507, 1637
Brass scrap	1634
Burlap	1008
Cadmium	378
Celestite	1776
Chrome—	
Ore, salts, metal and alloys	5, 301, 302 305, 1647
Cobalt—	
Metal, ore, compounds and salts	29, 1652
Columbite	1719
Copper—metal, concentrates, blister, compounds, and salts	5, 76, 302 367, 1657, 1658, 1659, 381
Corundum and emery	1514, 1672
Ferro-alloys	802
Flax	1001
Fluorspar	207
Graphite or plumbage	213
Hemp (not including crin vegetal)	1001, 1002, 1004, 1005
Henequen	1005
Iron ore	1700
Iodine, radioactive	1749
Jute	1003
Kyanite, crude and calcined	1719
Lead—metal, ores, concentrates, compounds and alloys	46, 391, 392
Magnesite	201, 204
Magnesium	373
Manganese—ores, concentrates, metal	214, 302
Mercury (including compound mixtures and salts thereof)	386
Mica	208
Molybdenum—metal, ore, concentrates	301, 302, 305, 316
Monazite sand	1721
Naval stores	90
Nickel—ores, concentrates, metal, alloys	302, 380, 389, 1734
Opium and derivatives	59
Platinum	1734, 1744
Quartz crystals	1636
Quinine sulphate, all alkaloids and salts of alkaloids derived from cinchona bark	1748
Radium, salts and radioactive substitutes	1749
Shellac	1707
Spiegeleisen	301, 302
Talc, steatite	209
Tallow	701
Thorium—metal, ores, alloys, nitrate, oxides and other salts	87, 302, 1721
Titanium—metal, ore, compound and mixtures	89, 302, 1719
Tungsten—metal, ore, concentrates, powder, alloys and compounds	302
Uranium—ores, metal, alloys, oxides, salts and compounds	302, 1719, 1792
Vanadium—metal, ore, alloys, compounds, mixtures and salts	91, 302, 1719
Zaffer	1814
Zinc—metal, ore, concentrates, scrap	393, 394

2. Important commodities that are highly essential to the basic cost of living that are today excepted from this regulation are as follows:

	Paragraph
Butter and substitutes	709
Cocoa—specifically covered by Supplemental Regulation No. 3 to the General Ceiling Price Regulation.	
Coffee—specifically covered by Supplemental Regulation No. 3 to the General Ceiling Price Regulation.	
Eggs	713
Hides and skins—	
Calf	1530 (a)
Cattle	1530 (a)
Buffalo	1530 (a)
Cabretta	1765
Deer	1765
Goat	1765
Horse	1765
Kangaroo	1765
Kid	1765
Kipskins	1530 (a)
Lamb, including cooled and shearlings	1765
Sheep	1765
Leather—including tanned and finished, semi-tanned or rough tanned or otherwise partly finished	1530 (b), 1530 (d)
Leather, made from goat or sheep skins, raw, semi-tanned, rough-tanned or pickled	1530 (c)
Lumber, including logs	401, 402, 404, 1803
Meats, fresh, chilled or frozen	701, 702, 703, 704
Milk—fresh or sour, whole or skimmed, condensed, evaporated, dried, malted	707, 708
Molasses and sugar syrup	502
Tea	1783 (b)
Wood pulp	1716
Wool—and animal hairs (not including carpet wool)	1101, 1102, 1105, 1106
Woven fabrics, containing 25 percent or more of woolen fabric by weight	1108, 1109 (a)

3. Important commodities that are excepted from this regulation because they are covered by a United States Government purchase program today include the following:

	Paragraph
Rubber, crude, latex and synthetic	1558, 1697
Tin—metal, ore, concentrates, powder, scrap alloys	88, 382, 392, 1785, 1786

NOTE: The paragraphs referred to and as shown above opposite each category or commodity are the pertinent paragraphs from the current U. S. Tariff Schedule as published by the U. S. Tariff Commission. The purpose of specifying these paragraph numbers is to fully describe the item, and the description given in the Tariff Schedule is the governing factor per item, to the extent such paragraph applies to the item as stated in the list.

[F. R. Doc. 51–5371: Filed, May 4, 1951; 4:07 p. m.]

[Ceiling Price Regulation 32]

CPR 32—CRUDE PETROLEUM

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 32 is hereby issued.

STATEMENT OF CONSIDERATIONS

When the General Ceiling Price Regulation was issued on January 26, 1951, it was realized that a single, comprehensive regulation could hardly cope with the multitude of prices and the diverse practices of many sellers and industry. It was, therefore, the express intent of the Director of Price Stabilization to replace the General Ceiling Price Regulation as rapidly as possible with specific price regulations tailored to meet the needs of different industries. Essentially, this regulation provides for the establishment of ceiling prices for all sales and deliveries of crude petroleum by producers, sellers, refiners, or by any other person.

The regulation establishes the ceiling price at the receiving tank for crude petroleum from any given pool as the posted purchase price on January 25, 1951, for such pool, or where there was for any pool more than one posted purchase price then the ceiling price is the highest of the posted purchase prices. Use of the posted purchase price on this date to determine ceiling prices is believed equitable, and in conformity with the customary pricing practices of this segment of the petroleum industry. A provision is included which requires every purchaser of crude petroleum to file a report thirty days after the issuance of this regulation with the Director of Price Stabilization listing the purchase prices he posted or paid for crude petroleum purchased from each pool.

Where no posted purchase price existed on January 25, 1951, alternative methods of determining ceiling prices are provided. Special provision is made for certain contract sales in excess of the posted purchase price, provided the contract was made prior to December 9, 1950, and was in effect on January 25, 1951. The ceiling price so established is applicable only to the production covered by the contract. The reason that December 9, 1950, was selected as the initial date is that it marked the start of the voluntary freeze on crude petroleum prices requested of the refiners by the Economic Stabilization Agency.

Prior to the formulation of this regulation the Director of Price Stabilization consulted with a large number of persons representing a substantial part of the industry and the regulation has been reviewed by the National Petroleum Advisory Committee and the Petroleum Administration for Defense.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; to relevant factors of general applicability.

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3. Imports.
4. Transfers of business or stock in trade.
5. Adjustable pricing.
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14. Posted purchase price.
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20. Where no differential at points other than receiving tanks.

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21. Transportation.
22. Taxes.

AUTHORITY: Sections 1 to 22 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SCOPE OF REGULATION

SECTION 1. *Applicability of regulation.* (a) This regulation establishes

ceiling prices for all sales and deliveries of crude petroleum by producers, sellers, refiners, or by any other person except:

(1) When sold to a processor as gas enrichment oil;

(2) When sold to a consumer for a purpose other than the production of more than one petroleum fraction; or

(3) When sold to a tank wagon reseller by sellers, other than crude oil operators or royalty owners, for resale to a consumer for a purpose other than the production of more than one petroleum fraction therefrom.

(4) This regulation shall in all cases be applicable to sales of crude petroleum to a refiner or to a person using such crude petroleum in oil and gas field operations, notwithstanding that otherwise subparagraphs 1, 2 and 3 of this paragraph would provide an exception.

(5) Sales between corporations when one is a wholly owned subsidiary of the other, or when both are wholly owned subsidiaries of a third corporation, and sales between such other affiliated or controlled corporations as are especially excepted by order in writing of the Director of Price Stabilization or his duly authorized representative.

(6) Exchanges of crude petroleum between refiners or other petroleum sellers, providing such exchanges conform to customary practices of the industry during the base period. The Office of Price Stabilization will not grant any increases in the ceiling prices of crude oil or refined petroleum products where the requested revision in price is due to the price at which crude oil has been exchanged.

(b) Transactions excepted from the coverage of this regulation are also exempt from the provisions of the General Ceiling Price Regulation. However, certain products and transactions excepted from this regulation are covered by Ceiling Price Regulation No. 17, Gasolines, Naphthas, Fuel Oils and Liquefied Petroleum Gases.

(c) The provisions of this regulation are applicable to the United States, its territories and possessions and the District of Columbia.

SEC. 2. *Exports.* The ceiling price at which a person may export crude petroleum shall be determined by this regulation unless an export regulation shall be issued by this office, in which case ceiling prices for these sales shall be covered by such export regulation.

SEC. 3. *Imports.* [Reserved]

SEC. 4. *Transfers of business or stock in trade.* If the business, assets or stock in trade of any seller or any person are sold or otherwise transferred after January 25, 1951, the ceiling prices of the transferee shall be the same as those to which his tranferor would have been subject if no such transfer had taken place, and his obligation to keep records and make reports shall be the same. The transferor shall either preserve and make available, or turn over to the transferee records of all transactions prior to the transfer which are necessary to enable the transferee to comply with the records and reports provisions of this regulation and amendments thereto.

SEC. 5. *Adjustable pricing.* Any person may agree to buy or sell at a price which can be increased up to the maximum price in effect at the time of delivery. Where a petition for adjustment or amendment is pending the buyer and seller may agree that prices for deliveries made during the pendency of the petition shall be determined in accordance with the disposition of the petition.

SEC. 6. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1.

SEC. 7. *Applications for adjustment*—(a) *Local shortages.* The Office of Price Stabilization may adjust by order any ceiling price established under this regulation for a seller or group of sellers or for a general area when it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of crude petroleum which aids directly in the present defense program or is essential to a standard of living consistent with the maintenance of the defense program; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the ceiling prices of such seller and of like sellers for such products; and

(3) That such adjustment will not create or tend to create a shortage, or a need for increase in prices, in another locality, and will effectuate the purposes of the Defense Production Act of 1950.

(b) *Filing of Applications.* Application for adjustment for local shortage shall be filed with the Petroleum Branch of the Office of Price Stabilization, Washington 25, D. C.

SEC. 8. *Price revisions incident to orders establishing specific prices.* Notwithstanding the provisions of this regulation, the Director of Price Stabilization may by written order provide specific ceiling prices to replace ceilings established by this regulation.

SEC. 9. *Reporting and record-keeping requirements.*—(a) *Reporting.* Thirty days after the issuance of this regulation, every purchaser of crude petroleum shall file with the Director of Price Stabilization, Washington 25, D. C., a report listing the following information for each pool:

(1) Posted purchase prices in effect on January 25, 1951, and date said prices first became effective.

(2) Prices paid for purchases during the period December 9, 1950, to January 25, 1951, inclusive, at other than the purchaser's "posted purchase prices." This shall include:

(i) Prices paid for purchases where the purchaser did not post purchase prices for the production involved.

(ii) Prices paid for purchases in excess of purchaser's "posted purchase price." In this connection the information filed shall specify the production involved and if purchased under a contract the date of execution of such contract and the period of such contract.

(b) *Records.* (1) Each producer and purchaser of crude petroleum shall preserve and keep available for examination by the Office of Price Stabilization all records necessary to substantiate ceiling prices established under this regulation.

(2) Compliance with these record keeping provisions shall be deemed compliance with the record keeping requirements of the General Ceiling Price Regulation during the period when crude oil was covered by that regulation.

SEC. 10. *Prohibitions against selling or delivering crude petroleum at prices above the ceiling.* After the date of this order, regardless of any contract or other obligation, no person shall sell or deliver and no person shall buy or receive in the regular course of trade or business any crude petroleum at a price higher than the ceiling price established by this regulation.

SEC. 11. *Evasion.* The ceiling prices established by this regulation shall not be evaded whether by direct or indirect methods in connection with the purchase, sale, delivery or transfer of crude petroleum alone or in conjunction with any other materials, or by way of any commission, service, transportation, or other charge, or discount, premium or other privilege, or by tie-in-agreement or other trade understanding, or by a change in the quality of the product, or otherwise.

SEC. 12. *Enforcement.* Any person who violates any provision of this regulation is subject to the criminal penalties, civil enforcement actions, and suits for damage provided for by the Defense Production Act of 1950.

SEC. 13. *Definitions.* When used in this regulation the term:

(a) "Person" includes any individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and the United States or any other government or their political subdivisions or agencies.

(b) "Crude petroleum" is considered to be crude petroleum for the purpose of this regulation until put through a bona fide refinery process which results in the production of more than one petroleum fraction. Crude petroleum includes distillates and condensates from a well which moves as crude petroleum.

(c) "Posted purchase price" means a price schedule posted by a purchaser who, during the period December 9, 1950, to January 25, 1951, inclusive actually purchased crude petroleum produced from any pool to which the posted price was applicable.

(d) "Pool" means any underground accumulation of crude petroleum or associated hydrocarbon substances constituting a single and separate reservoir or source of supply within a field, area, or horizon whether or not presently discovered or developed.

(e) "Producer" means an operator of an oil lease or royalty owner or any other seller of crude petroleum.

(f) "Receiving tank" means the tank of the producer of crude petroleum, sometimes called stock tank or shipping tank, in which the oil from one or more wells is first gauged or measured for sale, delivery or storage.

(g) "Contract" means an agreement, the existence of which is established by written evidence.

CEILING PRICES

SEC. 14. *Posted purchase price.* The ceiling price at the receiving tank for crude petroleum from any given pool shall be the posted purchase price as of January 25, 1951, for such pool.

SEC. 15. *Two or more posted purchase prices.* Where there was for any pool more than one posted purchase price, the ceiling price at the receiving tank for crude petroleum from such pool shall be the highest of the posted purchase prices.

SEC. 16. *Contract in excess of posted purchase price.* Where a contract was in effect on January 25, 1951, and was made prior to December 9, 1950, for the purchase of crude petroleum at the receiving tank at a price in excess of the highest posted purchase price for the given pool and deliveries were made prior to January 25, 1951, such contracts may be carried out in accordance with the terms of the contract, notwithstanding any other provision of this regulation. On termination of the contract it may be extended by the buyer and seller on the same terms, and payments made by the buyer and received by the seller under such circumstances shall not be deemed in excess of ceiling prices notwithstanding any other provisions of this regulation.

SEC. 17. *Where no posted purchase price.* Where there was no posted purchase price for a pool but sales of crude petroleum were made by a producer from the pool, the ceiling price at the receiving tank shall be the highest price paid during the period December 9, 1950, to January 25, 1951, inclusive, at any receiving tank of that producer in the same pool for crude petroleum of the same quality. If, however, this price was paid pursuant to a contract which did not reflect current market conditions on January 25, 1951, the ceiling price shall be determined by the next pricing section (18).

SEC. 18. *Where no ceiling price.* (a) If the ceiling price for any sale of crude petroleum at the receiving tank cannot be determined under sections 14 through 17 of this regulation, the seller or purchaser shall set a tentative price for crude petroleum at the particular receiving tank or tanks which shall be in line with the ceiling prices of comparable crude patroleum in the same general area. Within 15 days after setting such tentative price the seller or purchaser shall file with the Petroleum Branch of the Office of Price Stabilization, Washington 25, D. C., a written request for approval of such tentative price. The person filing such request shall file in connection therewith a statement setting forth:

(1) Such tentative price.

(2) An explanation as to why it is impossible to determine his ceiling price under sections 14, 15, 16, or 17 of this regulation.

(3) A description of the available transportation facilities, and a description of the gravity, characteristics and source of the crude petroleum in question.

(b) Such tentative price shall be the ceiling price for crude petroleum produced from the same pool until a different ceiling price is set in writing by the Director of Price Stabilization. If a seller and purchaser have agreed upon a price for the sale of crude petroleum subject to the approval of the Director of Price Stabilization, a ceiling price determined in accordance with this Section 18 shall be effective retroactively to the effective date of this regulation, or the date of the agreement, whichever is later.

SEC. 19. *Sales at points other than receiving tank.* The ceiling price for any seller or purchaser of crude petroleum sold at a point other than the receiving tank shall be at no greater differential at such point over the ceiling price for such crude petroleum at the receiving tank than the highest differential that existed on January 25, 1951, between the price at the receiving tank and the price at such point. If, however, a contract in effect on January 25, 1951 established a differential for crude petroleum sold at a point other than the receiving tank which did not reflect current market conditions on or about January 25, 1951, the differential shall be subject to revision by order of the Director of Price Stabilization so that it will reflect current market conditions on or about January 25, 1951.

SEC. 20. *Where no differential at points other than receiving tanks.* (a) Where a ceiling price at a point other than at the receiving tank cannot be determined under section 19 of this regulation, the seller or purchaser shall establish a tentative differential based on differences in quality and transportation costs for a sale of crude petroleum at such point. Within 15 days after setting such tentative differential the seller shall file with the Director of Price Stabilization, Washington 25, D. C., a written request for approval for such tentative differential accompanied by a statement setting forth:

(1) Such tentative differential.

(2) An explanation as to why it is impossible to determine his ceiling prices at the particular point under section 19 of this regulation.

(3) The location of the source of the crude petroleum in question and of the particular delivery point, and

(4) An itemized statement of the costs involved in transporting the crude petroleum from the receiving tank to the particular delivery point and of any other items comprising the tentative differential.

(b) Such tentative differential shall be the seller's maximum differential for the particular sale and for all subsequent sales of crude petroleum from the same receiving tank delivered at that point until a different maximum differential is set in writing by the Director of Price Stabilization. If a seller and purchaser have agreed upon a price for a sale of crude petroleum at a point other than at the receiving tank subject to the approval of the Director of Price Stabilization, a maximum differential determined in accordance with this section 20 shall be effective retroactively to January 25, 1951, or the date of the agreement, whichever is later.

INCREASES PERMITTED OR REDUCTIONS REQUIRED

SEC. 21. *Taxes.* There may be added to the applicable ceiling prices determined under other sections of this regulation an amount not in excess of any tax increase, or new tax effective after January 25, 1951, imposed upon or incident to the production, severance, gathering, sale, transportation, delivery, processing, or use of crude petroleum, except import duties.

Effective date: This Ceiling Price Regulation shall become effective on May 12, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 7, 1951.

[F. R. Doc. 51-5414; Filed, May 7, 1951; 4:00 p. m.]

[Distribution Regulation 2, Amendment 1]

DR 2—ALLOCATION RECORDS

CHANGE IN EFFECTIVE DATES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), this Amendment 1 to Distribution Regulation 2 (16 F. R. 3772) is hereby issued.

Preamble. Since the issuance of Distribution Regulation 2, the Office of Price Stabilization has been advised that there is not now available a sufficient number of graders to grade and grade mark beef, veal, calf, lamb, yearling mutton and mutton which has left slaughtering establishments prior to May 7.

This amendment therefore extends the time for compliance with the grading and grade marking requirements of section 5. The regulation has been amended so as to change the effective dates of the record keeping requirements accordingly.

This amendment is also designed to make clear that the limitation on non-official graders contained in section 5 (g) applies to owners or operators of commercial freezer or cooler plants who grade and grade mark carcasses for Class 3 slaughterers.

Amendatory provisions. Distribution Regulation 2 is amended in the following respects:

1. Section 3 (a) is amended so as to add thereto immediately prior to section 3 (b) the following paragraph:

This requirement shall be effective on May 14, 1951, except with respect to un-

graded fabricated beef cuts and ungraded boneless beef cuts (as those cuts are defined in Ceiling Price Regulation 24) prepared prior to May 7, 1951.

2. Section 3 (b) is amended so as to add thereto immediately prior to section 3 (c) the following paragraph:

This requirement shall be effective for each accounting period commencing on or after May 20, 1951.

3. Section 5 (a) is amended to read as follows:

(a) *Requirement of grading.* Each carcass and wholesale cut of beef, veal, calf, lamb, yearling mutton and mutton must be graded and grade marked in accordance with the requirements of this section and the grade mark must be preserved on each such carcass and wholesale cut. This requirement applies to each veal or calf carcass with skin on and, upon removal of the skin, to each veal or calf carcass and wholesale cut derived therefrom. For the purposes of this section, ribbing shall not constitute breaking.

On and after May 7, 1951, you may not, if you are a Class 1, Class 1A, Class 2 or Class 2A slaughterer, ship or deliver from one of your slaughtering establishments any carcass or wholesale cut of beef, veal, calf, lamb, yearling mutton or mutton, and you may not, if you are such a slaughterer, break any such carcass or wholesale cut located in one of your slaughtering establishments, unless each such carcass and wholesale cut has been graded and grade marked in accordance with the requirements of this section and unless the grade mark has been preserved on each such carcass and wholesale cut.

On and after May 12, 1951, you may not sell, offer for sale, ship or deliver and you may not, unless you are a resident operator of a farm or a livestock raiser who has slaughtered livestock for home consumption in accordance with section 6 of Distribution Regulation 1, break, and you may not in the course of trade or business buy or receive any carcass or wholesale cut of beef, veal, calf, lamb, yearling mutton or mutton unless each such carcass and wholesale cut has been graded and grade marked in accordance with the requirements of this section and unless the grade mark has been preserved on each such carcass and wholesale cut. This requirement shall not apply until May 31, 1951, to fabricated beef cuts or boneless beef cuts (as those cuts are defined in Ceiling Price Regulation 24) prepared prior to May 7, 1951.

In addition, you may not agree, offer, attempt or solicit another to do any act in violation of this section.

4. Section 5 (g) is amended by adding at the end thereof the following sentence: "These limitations also apply to the owner or operator of a commercial freezer or cooler plant if he performs grading and grade marking of carcasses which you delivered to him in accordance with section 5 (d)."

5. Section 8 is amended to add at the end thereof the following paragraph:

(p) "Slaughtering establishment" means each separate plant within the 48 States of the United States or the District of Columbia where livestock is slaughtered.

Effective date. This amendment shall be effective May 7, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 4, 1951.

[F. R. Doc. 51-5370; Filed, May 4, 1951; 3:53 p. m.]

[GCPR, Interpretations 3-43]

INTERPRETATIONS UNDER GENERAL CEILING PRICE REGULATION

The following interpretations under the General Ceiling Price Regulation were issued through May 1, 1951.

GCPR, INT. 3—TYPICAL "SQUEEZE" SITUATIONS (SEC. 3)

(1) Seller issued a new price list of increased prices during the base period, but for one reason or another made it effective after January 25, 1951.

(2) Seller's costs had gone up, but for one reason or another he did not prior to January 26, raise his prices to reflect his increased costs.

(3) Seller, A, purchased a commodity from his supplier, X, early in the base period at $1 and resold it at $1.25. However, his supplier, X, made deliveries to other purchasers of the same class later in the base period at $1.25, which thus became supplier's ceiling price. Seller, therefore, now has to pay $1.25 for the commodity but his ceiling price for resale remains $1.25, the highest price at which he delivered the commodity during the base period.

(4) Seller had decided to raise his prices or did actually raise his prices during the base period, but because of commitments under a long-term contract all his deliveries during the base period continued at the old low price.

In all such "squeeze" situations, involving sellers who are still subject to the GCPR and whose problem is not solved by Amendment 5, the answer is that the seller's ceiling price is determined under section 3 as the highest price at which the commodity was delivered during the base period to a purchaser of the same class, regardless of any resulting hardship.

GCPR, INT. 4—DETERMINATION OF CEILING PRICE (SECS. 3-7)

In determining ceiling price under GCPR, section 3 must be used if applicable if not, then sec. 4 or 5; if these sections do not apply, then section 6; and if none of those sections are applicable seller must apply for establishment of a ceiling price under section 7. Each section must be exhausted in order, before a later section can be used.

GCPR, INT. 5 -DETERMINATION OF CEILING PRICE (SECS. 3-6)

Ceiling prices under GCPR must be determined in strict compliance with sections 3, 4, 5 or 6, whichever is applicable. Catalog prices become ceiling price only where ceiling price as properly determined under applicable GCPR section happens to be same price which appears in catalog.

GCPR, INT. 6—SALES OUTSIDE UNITED STATES (SEC. 2)

Commodities which while en route from a foreign seller to a foreign purchaser are stored in a bonded warehouse without any customs entry for United States consumption are not considered as being within the continental limits of the United States and are, therefore, not subject to the GCPR, since under section 2 (a) the regulation is applicable only to the United States, its Territories and possessions and the District of Columbia.

GCPR, INT. 7—SALES NOT IN REGULAR COURSE OF BUSINESS (SEC. 2)

The prohibition in section 2 (c) against selling any commodity or service at a price exceeding the ceiling price established under the GCPR applies to all sales regardless of whether the sale is in the regular course of business or trade. The limiting phrase "in the regular course of business or trade" applies only to purchasers.

GCPR, INT. 8—CONTRACT PRICE (SEC. 3)

Under section 3, GCPR, the ceiling price for sale of a commodity is the highest price at which it was delivered during the base period, regardless of contract price. Where deliveries of the commodity were actually made during the base period at a low price, a higher contract price on subsequent sales may not be used as the ceiling price unless deliveries were actually made at such price.

GCPR, INT. 9—CONTRACT PRICE (SEC. 3)

Where deliveries were made under a contract containing an escalator clause, which permitted increases in price under stated conditions, the ceiling price of a seller under section 3, GCPR, remains the highest price at which he actually made deliveries during the base period, regardless of such escalator clause.

GCPR, INT. 10—OFFER FOR BASE PERIOD DELIVERY (SEC. 3)

Where a commodity was not delivered during the base period, a price list in effect during such period does not establish a ceiling price under section 3, if the seller could not possibly have made, and did not contemplate or intend to make deliveries pursuant to the price list before the expiration of the base period.

GCPR, INT. 11—CUSTOMARY PRICING METHODS (SEC. 3)

Under section 3 of the GCPR, except insofar as amended by Amendment 5, the ceiling price for the sale of any commodity is the highest price at which it was actually delivered during the base period, regardless of the method which the seller employed to arrive at such price. Ceiling prices under section 3 cannot be determined by applying the same pricing method which the seller used in the base period, or by adding to his present costs the same markup which he enjoyed during the base period. If the seller did not deliver the same commodity during the base period or offer it for base period delivery, and if he cannot determine his ceiling price under sections 4, 5, or 6, he must apply for the establishment of a ceiling price under section 7. He cannot, under such circumstances, establish his ceiling price by simply adhering to his customary pricing methods.

GCPR, INT. 12—FAIR TRADED ITEMS (SEC. 3)

Where a seller's ceiling prices, as determined under section 3, GCPR, are in conflict with its minimum prices as set forth in a fair traded contract under a state fair trade law, the General Ceiling Price Regulation controls. Under section 402 (d) (1) of Defense Production Act of 1950 and section 2 (c) GCPR, ceiling price regulations control, regardless of any contract or other obligation. However, the OPS has provided for observance of fair trade items in cases governed by CPR 7, under the conditions set forth in section 43 of that regulation.

NOTE: Since the issuance of this interpretation, SR 19 to the GCPR was issued, effective April 21, 1951. SR 19 provides for ceiling prices of wholesalers and retailers to be adjusted in certain situations to minimum prices established under state Fair Trade Acts.

GCPR, INT. 13—DELIVERED PRICE (SEC. 3)

Where a seller notified his purchasers during the base period that his prices were being increased, but where the customers were not provided with information from which the exact prices in dollars and cents were ascertainable at the time the commodity was delivered or prior to the end of the base period, no delivery was made at an increased price during the base period within the meaning of section 3.

GCPR, INT. 14—DELIVERED PRICE (SEC. 3)

Where deliveries of a commodity are made during the base period with the understanding that the price is to be increased, but with the actual price being left to subsequent negotiation between the seller and the purchaser, no delivery has been made at a higher price within the meaning of section 3, GCPR.

GCPR, INT. 15—DELIVERED PRICE (SEC. 3)

A wholesaler or manufacturer during the base period sold a commodity at a "list" price less certain "promotional" discounts, with all sales of the commodity being made at the lower price and discounts being allowed regardless of the performance of any services by the purchaser to justify the discount. Such discounts, even though designated as "promotional", actually constitute a reduction in price and the lower price is the ceiling price under section 3.

GCPR, INT. 16—DELIVERED PRICE (SEC. 3)

Where selling price of a commodity was determined during base period under a formula such as cost plus a fixed fee or percentage, or by a percentage of proceeds from resale, the ceiling price of the same commodity under section 3 GCPR is still the highest price at which the base period delivery was made, regardless of the manner in which the base period price was arrived at or computed.

GCPR, INT. 17—DELIVERED PRICE (SEC. 3)

Where seller raised prices and delivered and invoiced at new high prices on or after December 19th, but prior to receiving payment seller notified such customers that price increases were cancelled and reinvoiced them at old low prices, there was no effective delivery at higher price and that price does not become his ceiling price.

GCPR, INT. 18—DELIVERED PRICE (SEC. 3)

The price paid after January 25th on a delivery made during the base period may establish a ceiling price if such price was agreed upon at time of delivery.

GCPR, INT. 19—SAME COMMODITY (SEC. 3)

In determining whether two commodities are the same commodity for the purpose of establishing a ceiling price under section 3, the following tests should be applied:

(a) Two commodities will be considered the "same" where there is a physical identity of the two items as to source, size, weight, physical outline, color, etc., so that any one examining them objectively and with a view to their source would have no doubt that they were identical.

(b) Where two commodities vary slightly in minute physical details and therefore do not meet the test set forth in paragraph (a) above, they may nevertheless, depending largely upon trade practice and customer acceptance, be considered the "same" for purposes of pricing under section 3 if all four of the following conditions are satisfied:

(1) All basic elements of the two commodities must be identical.

(2) Both commodities must be made from the same materials.

(3) Both commodities must be regarded as identical by the trade.

(4) In actual practice both commodities, when sold by the same seller, must have been invariably sold at the same price under the same conditions.

GCPR, INT. 20—CURRENT UNIT DIRECT COST (SEC. 4)

Under section 4 "current unit direct cost" for both the new commodity being priced and the comparison commodity is defined as the "total unit direct labor and direct material cost" for each. By "total unit direct labor and material cost" is meant the present replacement cost for labor and material, and not the actual out-of-pocket cost incurred on the commodity already on hand in the manufacturer's inventory. This applies to both the comparison commodity and the new commodity being priced. The percentage markup for the comparison commodity is therefore not necessarily the normal markup enjoyed on such commodity during the base period.

GCPR, INT. 21—NET INVOICE COST (SEC. 5)

"Net invoice cost" is defined in section 22 as excluding separately stated freight charges. Therefore the term "net invoice cost," as used in section 5 (a), does not include such charges and they may not be added to the ceiling price of a new commodity as determined under section 5. Inasmuch as such freight charges are likewise omitted in determining net invoice cost of the comparison commodity, thereby increasing the percentage markup determined for such comparison commodity, the inclusion of such freight charges in the net invoice cost of the new commodity would operate to include them twice.

GCPR, INT. 22—CUSTOMARY DIFFERENTIALS (SEC. 9)

If the seller's customary practice was to give a discount to new customers, he must, under section 9, maintain such discount to all new buyers in the future. However, a new buyer who received such a discount in the base period, need not be given such a discount in the future when he ceases to be a "new customer".

GCPR, INT. 23—CUSTOMARY DIFFERENTIAL (SEC. 9)

Service station which during the base period followed its usual practice of providing free parking to customers who have their automobiles lubricated at the station may not subsequently discontinue this free parking service for such customers, since under section 9, GCPR, customary extras must be continued.

GCPR, INT. 24—IMPORTERS (SEC. 10 (b))

GCPR is not applicable to purchases or sales made entirely outside the jurisdiction of the United States, its territories and possessions. However, the resale of such commodities after they are imported into the United States is subject to the GCPR. The importer's ceiling price for any such commodity, as determined under section 3, may not be adjusted to reflect any increases in the price charged by his foreign supplier, except to the extent permitted under section 10 (c).

GCPR, INT. 25—IMPORTER'S ADJUSTMENT FOR INCREASE IN LANDED COSTS (SEC. 10 (c))

Where an importer has adjusted his ceiling price under the limited adjustment provision of section 10 (c) (1), a seller purchasing from such importer cannot adjust his own ceiling price accordingly.

GCPR, INT. 26—IMPORTER'S ADJUSTMENT FOR INCREASE IN LANDED COSTS (SEC. 10 (c))

In the case of importers reselling an imported commodity in substantially the same form, if they do not qualify for an adjustment under the limited provision of section 10 (c) (1) there is no other provision under which they may offset increases in their landed costs.

GCPR, INT. 27—IMPORTER'S ADJUSTMENT FOR INCREASE IN LANDED COSTS (SEC. 10 (c))

Section 10 (c) (2) is only a reporting requirement for certain commodities as to which an adjustment is permitted under section 10 (c) (1). It does not in any way broaden the scope of section 10 (c) (1).

GCPR, INT. 28—IMPORTER'S ADJUSTMENT FOR INCREASE IN LANDED COSTS (SEC. 10 (c))

Even where section 10 (c) (1) does permit adjustment to effect increases in landed costs, such increased price may be used only in resale of items imported under the pre-January 26 contract. After such contract deliveries are completed, commodities subsequently imported go back to unadjusted ceiling price.

GCPR, INT. 29—IMPORTER'S ADJUSTMENT FOR INCREASE IN LANDED COSTS (SEC. 10 (c))

Section 10 (c) (1), permitting adjustment to offset an increase in landed costs on commodity delivered under contract dated prior to January 26, applies only to commodity whose ceiling price is established under section 3.

GCPR, INT. 30—PARITY ADJUSTMENTS (SEC. 11)

Where a distributor resells in substantially the same form a commodity, the cost of which has been increased by the processor or manufacturer under section 11 (b), and if the cost to the distributor of a current purchase of such commodity exceeds the highest price he paid for it during the base period, such distributor may increase his ceiling price under the parity adjustment provision of section 11 (c). The adjustment taken may equal the dollars and cents difference per unit between the highest price paid by such distributor for a customary purchase during the base period and the cost to him of the most recent customary purchase.

GCPR, INT. 31—PARITY ADJUSTMENTS (SEC. 11)

Where the ceiling price of a processor or distributor has been increased under section 11 (b) or (c) by use of the parity adjustment, such recomputed ceiling price is not limited to the commodity processed from the higher cost raw material, but is also thereafter applicable to existing inventories.

GCPR, INT. 32—PARITY ADJUSTMENTS (SEC. 11)

Where the processing of one of the listed agricultural commodities results in a number of co-products, the processor may increase his ceiling price for each of the co-products under the parity adjustment provision of section 11 (b). However, the increase in the cost of the agricultural commodity must be allocated to each of the co-products in the same manner as the cost of such agricultural commodity was customarily allocated to such co-products.

GCPR, INT. 33—PARITY ADJUSTMENTS (SEC. 11)

Where the ceiling price of a processor or distributor has been increased by the parity adjustment under section 11 (b) or (c), the ceiling price thus adjusted need not be lowered if a lower price is subsequently paid for the listed agricultural commodity or the commodity processed therefrom.

GCPR, INT. 34—PARITY ADJUSTMENTS (SEC. 11)

Where a commodity being priced is the end product of an operation in which one of the listed agricultural commodities is used or employed, such end product is considered as "processed" from the agricultural commodity and therefore within the scope of the parity adjustment provision in section 11 (b), without regard to precise or technical definitions of the word "process". For example, where a petroleum company makes various grades of foundry core oil by mixing or blending varying quantities of linseed oil (which is processed from flaxseed) with other petroleum products, that is considered "processing" within the meaning of section 11 (b).

GCPR, INT. 35—REAL PROPERTY (SEC. 14 (a))

A lease of pasture land is a rental of real property and therefore exempt from control under section 402 (e) (i) of the Defense Production Act of 1950 and section 14 (a) of the GCPR, which exempt prices or rentals for real property.

GCPR, INT. 36—REAL PROPERTY (SEC. 14 (a))

Owner of realty, A, grants exclusive license to coal operator, B, to mine, dig and carry away coal from certain described property, in return for agreed royalties. Such royalties are not a price or rental for real property, but are considered as the price for the sale of a commodity. Accordingly, they are not exempt from control under section 402 (e) (i) of the Defense Production Act of 1950 and section 14 (a) of the GCPR.

GCPR, INT. 37—PROFESSIONAL SERVICES (SEC. 14 (b))

Services performed by beauty shops and barber shops are not considered "professional services" and are therefore not exempt under section 14 (b), GCPR.

GCPR, INT. 38—FROZEN FOODS (SEC. 14 (s))

Frozen fish and frozen foods are not "fresh" foods within meaning of section 14 (s) (7) and (8) of the GCPR, and are therefore not exempt.

GCPR, INT. 39—RAW AGRICULTURAL COMMODITIES (SEC. 14 (s) (1))

Pasteurized, homogenized bottled milk is not exempt under section 14 (s) (1), GCPR, as amended by Amendment 1, since such milk is not in its raw or natural state, in which it is customarily sold by producers generally.

GCPR, INT. 40—TIE-IN SALES (SEC. 18)

Where a wholesaler compels a retailer to purchase a commodity he does not want in order to obtain a commodity he desires, such a practice falls within the purview of section 18, GCPR, and is prohibited, since the effect of such practice is to force the retailer to do something in addition to paying the ceiling price in order to obtain the commodity he wants.

GCPR, INT. 41—SELLER (SEC. 22)

Under the definition of "seller" in section 22 of the GCPR, where a seller makes sales through branch outlets or establishments, each such separate place of business is deemed to be a separate seller and must determine its own ceiling prices, regardless of whether such establishment is a wholesaler or a retailer, and regardless of whether or not the central office gave any discretion to such branch outlet in the fixing of prices. The original GCPR determines this result for retailers; Amendment 2 for other sellers. The only exception to this is the provision of section 12 as to retail sellers under common control.

GCPR, INT. 42—SELLER (SEC. 22)

A manufacturer delivered a certain commodity to ten different industrial users during the base period at different prices. The variation in price resulted from the fact that long-term contracts were involved, with the contract price being based upon the market situation at the time each contract was negotiated. If all such contracts had been negotiated on the same date, each of the purchasers would have received the same price, subject to the normal differentials based on the terms of sale. Under such circumstances, such purchasers are all considered as purchasers of the same class, as defined in section 22.

GCPR, INT. 43—SELLER (SEC. 22)

Where a wholesaler established different prices to retailers in different zones, on the basis of location, his retail customers in each zone are considered a different class of purchaser, since "class of purchaser" is defined in section 22, GCPR, as referring to the practice adopted by a seller in setting different prices for sales to purchasers located in different areas.

(Sec. 704, Pub. Law 774, 81st Cong.)

HAROLD LEVENTHAL,
Chief Counsel, Office of Price Stabilization.

MAY 4, 1951.

[F. R. Doc. 51-5403; Filed, May 7, 1951; 11:17 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 9, Revision 1]

GCPR, SR 9, REV. 1—EXEMPTION OF SALES AND DELIVERIES OF EXPORTED COMMODITIES UNDER EXISTING CONTRACTS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 9, Revision 1 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 9, Revision 1, regarding contracts for export sales entered into prior to January 26, 1951, extends to all exporters the authority to fulfill such contracts originally granted only to merchant exporters by the original Supplementary Regulation 9. There are a number of considerations which indicate why contracts for export sales should be permitted to be fulfilled at the contract price. In the case of the merchant exporter there is an extra time lag between contract date and delivery in the case of exports, which does not obtain for purely domestic transactions due to the special packaging, shipping arrangements, license clearances, and other requirements. In addition, merchant exporters customarily operate at a smaller margin over invoice costs than do domestic distributors and wholesalers, thus, in many cases, merchant exporters find that the ceiling prices of their suppliers are higher than their own ceilings. Furthermore, merchant exporters, in some instances, have been required to make part payments for export sales, particularly with respect to special purpose equipment for use abroad and not readily salable here.

With respect to producer exporters, similar problems are involved. The producer exporter has, in many cases, committed himself to the manufacture or production of special commodities for export sale, the market for which is peculiar to one or several foreign countries. Unless the producer exporter is also allowed to fulfill contracts entered into prior to January 26, 1951, to the performance of which he is firmly committed, he, too, may well suffer substantial hardship. There are a number of considerations applying equally to merchant exporters and producer exporters which in a larger sense make desirable the honoring of export contracts. If exporters decline to ship on contracts because of the lower price required by the ceiling regulation, the purchasers abroad unfamiliar with the price impact of the regulations might believe there was an effort to avoid any supply of the article, all to the detriment of the Nation's foreign trade and reputation for honoring international contracts, and perhaps to foreign relations in a larger sense. Delay in delivery on existing contracts for export sales pending issuance of tailored regulations, may jeopardize the transactions due to the difficulties of renewing letters of credit and governmental licenses. Cancellation of export contracts would have an unfortunate impact, contrary to the over-all national interests.

REGULATORY PROVISIONS

Sec.
1. Applicability of revised supplementary regulation.
2. Execution of contract.
3. Commodities covered.
4. Preservation of records.
5. GCPR governs all other transactions.
6. Definitions.

AUTHORITY: Sections 1 to 6 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E.O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Applicability of revised supplementary regulation.* This revised supplementary regulation grants authority to exporters to fulfill at the contract price those written contracts for the export sale of commodities remaining under the General Ceiling Price Regulation and not covered by specific "tailored regulations", which contracts (a) were entered into prior to January 26, 1951, or (b) entered into on or before February 2, 1951, and based on firm written offers made by such exporters prior to January 26, 1951.

SEC. 2. *Execution of contract.* If a written contract for an export sale (including exchange of written or cabled offers and acceptance) was entered into by a merchant exporter having an office or place of business in the United States, or by a producer exporter on or before January 26, 1951, or on or before February 2, 1951, but pursuant to a firm written offer for an export sale made by such merchant exporter or producer exporter on or before January 26, 1951, and such contract provides for delivery to a foreign buyer, such delivery may be made pursuant thereto at the contract price, provided that in the case of the merchant exporter the price paid by him in acquiring the commodity does not exceed the applicable ceiling price of his supplier, and provided that in the case of a producer exporter the price paid by him for the components of the exported product shall not exceed the ceiling price applicable to such components.

SEC. 3. *Commodities covered.* This revised supplementary regulation is limited in application to contracts for export sales of those commodities which remain under the General Ceiling Price Regulation and which are not otherwise covered by tailored regulations designed for particular industries.

SEC. 4. *Preservation of records.* All exporters making deliveries in accordance with this revised supplementary regulation shall preserve for examination by the Office of Price Stabilization, all documents and records which will substantiate that each such contract complied fully with the requirements as set forth in sections 2 and 3 of this regulation.

SEC. 5. *GCPR governs all other transactions.* Deliveries pursuant to this revised supplementary regulation shall not establish a ceiling price for any commodity or for any exporter, nor relieve any exporter from compliance with the General Ceiling Price Regulation or with any other regulation except as specifically set forth herein.

SEC. 6. *Definitions.* When used in this regulation, the term:

(a) "Merchant exporter" means any person, firm, corporation or other legal entity which purchases a commodity or commodities from a supplier, takes title to same and resells to a foreign buyer.

(b) "Producer exporter" means a manufacturer or prime producer of the commodity to be exported, or a wholly owned subsidiary corporation of the manufacturer or prime producer, which sells or delivers to a foreign buyer.

(c) "Export sale" is a sale to a person located outside the continental United States, its territories or possessions, by a seller who invoices it and who directly or through the seller's or the buyer's agent effects delivery to a carrier for transportation from the continental United States, its territories or possessions, to a point outside thereof, regardless of whether the invoicing is done within or outside the continental United States, its territories or possessions, by the seller or his agent.

(d) "Exporter" means merchant exporter and/or producer exporter.

(e) "Firm offer" means an offer which states price and quantity and the acceptance of which is not subject to confirmation by the offeror before he becomes bound.

All definitions used in the General Ceiling Price Regulation issued by the Director on January 26, 1951, which are pertinent to this revised supplementary regulation, are incorporated in this revised supplementary regulation by this reference, except those which are more particularly defined and used herein.

Effective date: This revised supplementary regulation to the General Ceiling Price Regulation is effective May 12, 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 7, 1951.

[F. R. Doc. 51-5413; Filed, May 7, 1951; 11:21 a. m.]

[General Ceiling Price Regulation, Amendment 2 to Supplementary Regulation 15]

GCPR, SR 15—EXCEPTIONS FOR CERTAIN SERVICES

SERVICES IN CONNECTION WITH FRESH FRUITS, VEGETABLES, BERRIES AND TREE NUTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to Supplementary Regulation 15 (16 F. R. 2908), is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment 2 to Supplementary Regulation 15 suspends control over the rates, charges and compensation for services performed in connection with harvesting, preparing for market and marketing of fresh fruits, vegetables, berries and tree nuts pending formulation of regulations applicable to all phases of marketing these commodities.

These commodities in general are selling below effective legal minimum prices. Fresh fruits, vegetables, berries and tree nuts were exempted from price control under the provision of section 14 (s) (7) of the General Ceiling Price Regulation. However, services performed on a fee or compensation basis in harvesting, packing and marketing of these commodities are subject to price control under the provisions of section 3 of that regulation. The same services when performed by the owner or by any person who takes title to these fresh commodities are not subject to price control as they are merely a part of the operations of marketing the commodities which are exempt from price control. This situation, if allowed to continue, threatens to

disrupt the normal distribution of these commodities and to enhance marketing costs. Inequities have already resulted. There are also administrative problems hereinafter mentioned. These reasons induce the Director of Stabilization to believe that these services should be suspended from control until such time as it is found feasible to impose ceiling prices on the commodities themselves. At that time, consideration will be given to fixing ceiling prices for the services which are being suspended from price control at this time.

Due to increases in cost of labor and in packing and packaging materials since the previous marketing season, custom packers are put at a competitive disadvantage with cooperative packing and marketing organizations and with commercial packers who purchase these commodities for packing. Custom packers compete in the same areas with packers and handlers who are not now subject to price control for the reason that services are considered a cost of operation rather than a charge, inasmuch as ownership of the commodities does not pass from the producer or grower. Faced with these increases in cost of operation, the custom or commission operator, both at the shipping point and at the terminal market, is threatened with such an unprofitable position that he will be disinclined to render services in packing, packaging and preparing these commodities for market on a fee basis. Furthermore, he will be able to decline this method of operation in favor of buying the grower's products for his own account. In this way many growers would be left with no packing and marketing facilities, and would be forced to sell their products to the operator performing the services. Thus a major change in their customary manner of doing business would result.

Many marketing agencies, at all stages of the marketing process, conduct part of their business on a fee basis for the account of growers or other dealers; in the same enterprise, part of the business is done for the marketing agency's own account and with products to which it has acquired title. The latter part of the agency's business is now exempted from price control; the former part remains controlled. The same disruption of normal trade patterns and the same adverse impact upon growers are implicit in this situation. Handlers normally operating partly for their own account and partly for the account of growers will almost certainly abandon the latter form of operation. Growers will thus be denied a traditional method of marketing established over many decades. Maintenance of alternative and competing channels of marketing in these industries has always served as protection to growers and as an influence restraining increases in marketing costs.

The fact that most of the fresh fruits, vegetables and berries—which will be moving into marketing channels within the next few weeks—were not being marketed during the December 19, 1950, to January 25, 1951, base period set by the GCPR presents many administrative problems. Most agencies performing such customs services would have to resort to the provisions of section 7 to determine their ceilings. A heavy burden would thus be put upon the Office of Price Stabilization in establishing individual ceilings pursuant to this provision of the regulation.

In summary, this suspension of regulation over rates for custom or commission marketing services is temporary. General regulations governing all fresh fruits and vegetables and tree nuts cannot be promulgated prior to commencement of the 1951 shipping season. In the meantime, maintenance of regulation over custom and commission charges with no regulation over costs for the same services performed by commercial operators acquiring title would divert marketing to the latter type of enterprise. Traditional channels of sale would be closed. Competition would be lessened. The growers' right to market on their own account would be threatened. Since diversion is so easy, marketing costs in uncontrolled channels would probably rise as competition decreased. Secondly, the GCPR base period is entirely inappropriate for these operations. To the extent that business was not shifted from traditional custom and commission channels, individual applications for ceiling price determination would be necesitated. Thirdly, there is an inherent invitation to evasion where one or a few channels are controlled and others remain free of any restriction.

The services which are suspended from price control by this amendment include harvesting; packing and prepackaging (including such services as washing, trimming, grading, sizing, and so forth); car and truck pre-cooling and top icing (excepting services performed under general transportation tariff rates); and buying and selling services (performed generally for growers' accounts by country and carlot shippers, country and terminal brokers, auction sales companies and commission merchants).

Persons who perform any of the services covered by this amendment are, however, required to keep the records provided for by section 16 (b) of the GCPR. In the judgment of the Director of Price Stabilization, this suspension from price control will effectuate the purposes of the Defense Production Act of 1950.

AMENDATORY PROVISION

Section 2 (a) of Supplementary Regulation 15 to the General Ceiling Price Regulation is hereby amended by adding subparagraph (3), as follows:

(3) *Services in connection with fresh fruits, vegetables, berries and tree nuts.* The provisions of the General Ceiling Price Regulation shall not apply to rates, fees, and charges for services performed in connection with harvesting; car and truck pre-cooling and top-icing; packing and pre-packaging; and buying and selling of fresh fruits, vegetables, berries and tree nuts pending formulation of regulations applicable generally to fresh fruits, vegetables, berries and tree nuts, but in no event to exceed a period of six (6) months from the effective date of this amendment: *Provided however,* That during the period of this suspension, persons performing these services shall maintain the current records required to be maintained by section 16 (b) of the General Ceiling Price Regulation.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This Amendment 2 to Supplementary Regulation 15 to the General Ceiling Price Regulation shall become effective May 4, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 4, 1951.

[F. R. Doc. 51-5360; Filed, May 4, 1951; 12:10 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-4, as Amended May 3, 1951]

M-4—CONSTRUCTION

This order as amended is found necessary and appropriate to promote the national defense, and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-4 as amended April 16, 1951, as follows: It deletes the second sentence of section 1; it substitutes a new paragraph (c) to section 3; it deletes paragraph (h) of section 3 and reletters the following paragraphs of section 3 accordingly; it substitutes a new paragraph (b) of section 4; it substitutes new paragraphs (b), (c), and (e) of section 5, and deletes paragraphs (f) and (g) of section 5; it deletes the item "Outdoor advertising sign" from section 16 (list B) and adds it to section 15 (list A); and it adds a new section 17 (list C). It also makes other minor changes.

As amended, NPA Order M-4 reads as follows:

Sec.
1. What this order does.
2. Policy of the National Production Authority.
3. Definitions.
4. Prohibited construction.
5. Exemptions.
6. Authorization for certain construction.
7. Multiple use of buildings, structures or projects.
8. Scope of this order.
9. Prohibited deliveries.
10. Defense against claims for damages.
11. Applications for adjustment or exception.
12. Communications.
13. Reports.
14. Violations.
15. List A—Prohibited construction.
16. List B—Construction where NPA authorization is required.
17. List C—Additional construction where NPA authorization is required.

AUTHORITY: Sections 1 to 17 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* In order to further the purposes of the Defense Production Act of 1950 by conserving critical materials and services needed for the defense program, this order prohibits the commencement of construction of certain types of buildings, structures and projects unless specific exception is made, or authorization issued, by the National Production Authority. The order allows, within specified limits, small construction jobs, and necessary maintenance and repair of buildings, structures or projects, and also permits, under specified circumstances, the restoration of buildings, structures, or projects in the event of a disaster, act of God, or an act of war.

SEC. 2. *Policy of the National Production Authority.* In the event that increasing shortages clearly indicate the necessity for such action, in the national interest, the National Production Authority may further limit the commencement of construction of additional types of buildings, structures or projects which do not support the defense effort, or increase the Nation's production capacity for defense.

SEC. 3. *Definitions.* For the purpose of this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Construction" means the erection of any building, structure, or project, or addition or extension thereto, or alteration thereof, through the incorporation-in-place on the site of materials which are to be an integral and permanent part of the building, structure or project.

(c) "Commence construction" means substantial site clearance (including demolition of buildings or structures), preliminary to the start of or incident to the work on a new building, structure, or project; or to incorporate into a building, structure, or project, substantial quantities of materials which are to be an integral and permanent part of such building, structure, or project.

(d) "Construction cost" means the total expense for demolition of existing structures in connection with a new construction, for site preparation, and for building materials, building equipment, labor and services used in the construction of the particular building, structure, or project, by whomever spent. It does not include the cost of personal property, or the expense for land acquisition, attorneys, architects, and financing.

(e) "Consumer goods" means articles or commodities that directly satisfy human wants or desires, and which are capable of use without further processing (for example, clothing, food, furniture, floor covering, household appliances, motor vehicles, etc.). They are distinguished from capital goods (for example, dynamos, industrial ovens, generators, etc.). They are distinguished also from production goods that satisfy wants only indirectly as factors in the production of other articles or commodities (for example, machine tools, heavy duty press, etc.).

(f) "Damage restoration" means restoring to substantially the same size and condition on the same site, any building, structure or project which has been damaged by storm, fire, flood, or other disaster, or by act of God, or act of war.

(g) "Maintenance and repair" means such work as is necessary to keep a building, structure, or project in sound working condition or to rehabilitate a building, structure, or project or any portion thereof, when the same has been rendered unsafe or unfit for service by wear and tear, or other similar causes. The term does not include any building operation or job where substantial structural alterations or changes in design are made.

(h) "Office building" means any building the principal use of which is to provide office space or office facilities, regardless of whether it is designed for the exclusive or partial use of its owner or is to be used commercially and rented to prospective tenants, including buildings for use by government agencies. The size of the building is not a determinative factor in deciding whether a building is an office building as the term includes both one-story and multi-storied structures; but the term does not include a private residence with incidental office space located therein for the use of the occupant.

(i) "Hotel" means either or both an establishment furnishing sleeping accommodations for transient guests, or an establishment classified as a hotel under applicable State, municipal, or other local law.

SEC. 4. *Prohibited construction.* (a) (1) Except as permitted in section 5 of this order, or pursuant to an adjustment or exception granted under section 11 of this order, after midnight October 26, 1950, no person shall commence construction of any building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 15 of this order.

(2) Since October 26, 1950, the National Production Authority has issued exceptions to permit the commencement of construction of specific buildings, structures, or projects of the type prohibited by section 15 of this order. All such exceptions granted prior to January 13, 1951, will cease to be effective 120 days after the date of issuance, unless construction has been commenced within that time; and construction of any such building, structure, or project may not be commenced thereafter without a further authorization from the National Production Authority.

(b) (1) After midnight, January 13, 1951, with respect to construction specified in section 16 (list B), and after midnight, May 3, 1951, with respect to construction specified in section 17 (list C), no person shall commence construction of any building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 16 (list B) or section 17 (list C), until a specific authorization therefor has been issued by the National Production Authority. The conditions which must exist before an authorization will be issued are set forth in section 6.

(2) In matters involving unreasonable hardship, or when required in the interest of the national defense, the National Production Authority may grant an exception from this order, pursuant to section 11, with respect to types of construction specified in section 16 (list B) and section 17 (list C).

SEC. 5. *Exemptions.* The following construction in connection with the buildings, structures, or projects to be used in connection with any of the purposes specified in sections 15, 16, and 17 of this order is exempted from this order:

(a) Maintenance and repair on any building, structure, or project.

(b) Small jobs of new construction or in connection with any such building, structure, or project including, but not limited to, alterations, additions, improvements, and modernization, where the cost of all such work shall not exceed:

(1) In the case of interior alterations, additions, improvements, or modernization of hotels, store space of department stores, office buildings, and loft buildings, 25 cents per square foot of occupied space for any consecutive 12-month period. (In computing this cost, both construction cost and all other expenses or charges incident to the work shall be taken into consideration.)

(2) In the case of any type of construction of all other buildings, structures, or projects specified in section 15 (list A), section 16 (list B), and section 17 (list C), $5,000 for any consecutive 12-month period. (In computing this cost, only construction cost shall be considered.)

(c) Reconstruction of any such building, structure, or project following a fire, flood, storm, disaster, act of God, or act of war, which occurred on or after July 29, 1950: *Provided, however,* That the reconstruction work will not require the use of more than a total quantity of 25 tons of steel, both in the forms and shapes as defined in NPA Order M-1 and also reinforcing steel.

(d) Construction by, or for the account of, the Department of Defense, the Atomic Energy Commission, or the National Advisory Committee for Aeronautics.

(e) Installation of personal property, fixtures or equipment where the total cost incurred for installation in any consecutive 12-month period does not exceed $2,000.

SEC. 6. *Authorization for certain construction.* (a) Any person desiring to erect a building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 16 or section 17 of this order, may apply for a National Production Authority authorization to commence such construction. The application shall be made on NPA Form NPAF-24, copies of which are available at all field offices of the Department of Commerce, and should be addressed to the field office of the Department of Commerce in the region of the site of the proposed construction.

(b) Authorization under this section will be granted if the National Pro-

duction Authority is satisfied that the desired construction conforms to the following requirements:

(1) It furthers the defense effort by providing facilities of the type specified in section 16 of this order in areas adjacent to military establishments or defense plants and projects, which construction the National Production Authority considers necessary to furnish or to supplement facilities in connection with the activities of the Defense Production Administration, the Department of Defense or the Atomic Energy Commission, including their programs for increasing production capacity; or

(2) It is essential to maintenance of public health, safety or welfare.

(c) Further, with respect to an application for authorization to construct a facility not directly related to the defense effort, the NPA will consider the type and quantity of materials on hand, and needed, for the facility, and the effect on the community at large if the authorization were denied.

SEC. 7. *Multiple use buildings, structures, or projects.* Where a building, structure, or project to be constructed is designed for a number of different uses and occupants, no portion thereof shall be constructed for use or occupancy in connection with any of the purposes specified in sections 15, 16, or 17 of this order where the construction cost apportionable to such use or occupancy will exceed the small job exemption provided for in section 5 (b) of this order.

SEC. 8. *Scope of this order.* This order shall apply to construction in the 48 States, the District of Columbia, and in the territories and insular possessions of the United States.

SEC. 9. *Prohibited deliveries.* No person shall accept an order for, sell, deliver, or cause to be delivered, material, equipment, or supplies which he knows, or has reason to believe, will be used in violation of the provisions of this order.

SEC. 10. *Defense against claims for damages.* No person shall be held liable for damages or penalties for any default under contract or order which shall result directly or indirectly from compliance with any regulation or order of the National Production Authority (including any direction, directive or other instruction), notwithstanding that any such regulation or order shall thereafter be declared by a judicial or other competent authority to be invalid.

SEC. 11. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that:

(a) Such provision works an unreasonable hardship upon him not suffered generally by others in the same trade, industry, or other relative position; or that enforcement of such provision against him would not be in the interest of the national defense. In determining whether unreasonable hardship exists, the National Production Authority will consider, among other things:

(1) The extent of the work done by the applicant incident to the proposed construction.

(2) Whether the building, structure, or project requires reconstruction as a result of a fire, flood, storm, disaster, act of God, or act of war.

(3) Whether a building, structure, or project of the applicant has been seized by legal action under eminent domain, or condemned by responsible governmental authorities; and the applicant requests permission to replace such facility.

(b) Each request shall be made on NPA Form NPAF-24, copies of which are available at all field offices of the Department of Commerce, and should be addressed to the field office of the Department of Commerce in the region of the site of the proposed construction.

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the Field Offices of the Department of Commerce, Ref: NPA, M-4.

SEC. 13. *Reports.* Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (5 U. S. C. 139–13$F).

SEC. 14. *Violations.* Any person who wilfully violates any provisions of this order, or any other order or regulation of the National Production Authority, or who wilfully conceals a material fact, or furnishes false information in the course of operation under this order, is guilty of a crime, and upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend any authority to commence or complete construction or such other assistance as may be rendered pursuant to this order.

SEC. 15. *List A—Prohibited contruction.*

Outdoor advertising sign.

All buildings, structures, or projects to be used for, or in connection with, any recreational, amusement, or entertainment purpose, whether public or private (unless authorized pursuant to section 6 of this order), including, but not limited to:

Amphitheater.
Amusement arcade.
Amusement device built into place on the site such as a roller coaster, merry-go-round, or similar device or kind. This shall not include demountable or portable equipment.
Amusement park.
Arena.
Assembly hall used primarily for recreation or amusement.
Athletic field house.
Band stand.
Bars and buildings or structures where the predominant business carried out therein or in connection therewith shall be the sale for consumption on the premises of alcoholic liquors.
Baseball park.
Bath house.
Billiard or pool parlor.
Bleachers and similar seating arrangements when they are built in place as a permanent part of the building, structure or project.
Boardwalk used primarily for recreation or amusement.
Boat or canoe club.
Bowling alley establishment.
Cabana.
Camp (except for public or social welfare).
Carnival.
Club building except for social welfare purposes.
Country club.
Dance hall.
Dance studio.
Dude ranch used primarily for recreation or amusement.
Exposition or exhibition building or structure for recreational, amusement or entertainment displays or purposes.
Flood lighting (including piers, poles, towers, framework or foundation with fixed equipment) in connection with any recreational, amusement, or entertainment purpose.
Gambling establishment.
Golf course.
Golf club.
Golf driving range.
Grandstand.
Gymnasium (except where it is a part of an educational institution and is to be used primarily for instructional purposes in physical education and training).
Lodge hall.
Music shell.
Night club.
Pier used primarily for recreation or amusement.
Race track, any kind.
Riding academy.
Rodeo.
Shooting gallery.
Skating rink.
Ski lodge.
Slot machine establishment.
Stadium.
Swimming pool.
Theater, any kind (including drive-in theater).
Yacht basin or marine railway primarily for the use of pleasure craft.

SEC. 16. *List B—Construction where NPA authorization is required.* Any building, structure or project to be used for, or in connection with, any of the following specified purposes:

Bank, credit institution, or brokerage establishment.
Community or neighborhood building.
Furnishing of personal services (e. g., barber shop, beauty shop, undertaking and mortuary establishment, cemetery building, mausoleum, crematory, garage, service station, shoe repair shop, laundry, dry cleaning establishment, tailor shop).
Hotel, motel, motor court, tourist camp, trailer camp.
Loft building.
Office building.
Printing or duplicating establishment.
Restaurant.
Storage, distribution, display or sale of consumer goods (for example, retail store, shopping center, wholesale establishment, gasoline filling station, drugstore, soda fountain, florist shop, greenhouse), except wholesale food establishment, wholesale supply facility for fuel oil, gasoline or coal, gas distribution system, pipeline.
Storage warehouse for personal effects.
Tobacco auction warehouse.

SEC. 17. *List C—Additional construction where NPA authorization is required.*

Multiunit residential building in excess of three stories and basement.

Residential unit for single-family occupancy where the construction cost exceeds $35,000.

Building, structure, or project for radio broadcasting or television broadcasting.

Terminal warehouse.

Any and all other public or private buildings, structures, or projects of a type not listed above in this list C, and not listed in list A or in list B, of every kind (including but not limited to an industrial plant, facility or factory), which will require the use of more than a total quantity of 25 tons of steel, both in the forms and shapes as defined in NPA Order M-1 and also reinforcing steel.

(Sec. 704, Pub. Law 774, 81st Cong.)

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect at midnight, May 3, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-5375; Filed, May 4, 1951; 4:46 p. m.]

[NPA Order M-26, Interpretation 1]

M-26—PACKAGING CLOSURES

INTERPRETATION 1

SECTION 1. Section 4 of NPA Order M-26, as amended April 6, 1951, establishes a limitation on a packer's permitted inventory of packaging closures, and provides that the receipt or the acceptance of delivery of packaging closures must conform to such limitation.

SEC. 2. Questions have arisen with respect to the method of determining inventory and with respect to the necessity for a packer's adjusting an order for closures which have already been put into production.

SEC. 3. To answer such questions, this interpretation respecting the intent and effect of section 4 of NPA Order M-26 is issued pursuant to authority granted by the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.).

(a) In figuring his inventory of packaging closures, a packer must include all such closures in his possession or held for his account by others. A closure is considered to be in inventory until actually used in packaging by being applied or affixed to a container.

(b) A "75-day supply" means that quantity of packaging closures which a packer schedules for use during a period of 75 consecutive calendar days.

(c) The limitation as to a 75-day supply is to be applied on an item by item basis; thus, a packer is permitted to maintain a "75-day supply" of each size and type of packaging closure which he uses for packaging.

(d) The provisions of section 4 of NPA Order M-26 requiring the adjustment of outstanding orders for packaging closures apply only when the closures covered by an outstanding order had not been produced or were not in process of production prior to April 6, 1951. Accordingly, in any case in which the packaging closures covered by a packer's outstanding order had been produced or were in process of production prior to April 6, 1951, the packer is not warranted under the provisions of section 4 of NPA Order M-26 in refusing to accept delivery. Such closures so produced or in process of production are to be included in the packer's inventory, irrespective of his then inventory position, but the packer shall so schedule the deliveries under subsequent orders for packaging closures that his inventory will conform, at the earliest practicable date, to the requirements of section 4 of NPA Order M-26. Any adjustment of an outstanding order made between a packer and his supplier prior to the issuance of this interpretation of section 4 of NPA Order M-26 shall, if at variance with this interpretation, be further adjusted in conformity herewith.

(e) Nothing in this interpretation is intended or shall be construed in any way to relieve a packer from the restrictions on the use of aluminum packaging closures imposed by section 3 (b) of NPA Order M-26. A packer whose use of aluminum packaging closures is thus restricted may, subject to the provisions of section 3 (a) of NPA Order M-26, use packaging closures made of tin plate to maintain his scheduled method and rate of operation; his supply of packaging closures made of tin plate and of packaging closures made of aluminum shall, for inventory purposes, be considered as separate items in accordance with paragraph (c) of this interpretation.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

Issued this 4th day of May 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-5376; Filed, May 4, 1951; 4:46 p. m.]

[NPA Order M-47, amendment of May 4, 1951]

M-47—USE OF IRON AND STEEL

This amendment to NPA Order M-47, as amended April 24, 1951, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-47, as amended April 24, 1951, as follows:

[Paragraph (b) of section 5 is hereby redesignated paragraph (c) of that section.]

[A new paragraph (b) is hereby added to section 5, providing as follows:]

(b) Notwithstanding the provisions of paragraph (a) of this section, subject to the exemptions stated in section 6 of this order and unless specifically authorized in writing by the National Production Authority, no person shall use during the month of June 1951 in the manufacture of item 1 of group VII of list A attached hereto, a total quantity by weight of iron and steel products in excess of 25 percent of his average quarterly use of such materials in said manufactured item during the base period. However, if such person manufactured one or more units of a part made wholly or partly from iron or steel products during the base period, and uses one or more purchased units of that part during said month in said item 1 of group VII, he shall include the weight of the iron and steel products used in the manufacture of each such part, whether by himself or another, in computing his use of iron and steel products during the base period and during said month. During said month any person who does not use any iron and steel product in the manufacture of said item, but who assembles parts made wholly or partly from such material into said item, shall not assemble a total number of units of said item in excess of 12½ percent of the number of such units which he assembled during the base period.

This amendment shall take effect on May 4, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-5377; Filed, May 4, 1951; 4:46 p. m.]

Chapter XVII—Housing and Home Finance Agency

[CR 3, Appendix 1]

CR 3—RELAXATION OF RESIDENTIAL CREDIT CONTROLS; REGULATION GOVERNING PROCESSING AND APPROVAL OF EXCEPTIONS AND TERMS FOR CRITICAL DEFENSE HOUSING AREAS

APP. 1—CRITICAL DEFENSE HOUSING AREAS

Appendix 1 to CR 3, Relaxation of Residential Credit Controls: Regulation Governing Processing and Approval of Exceptions and Terms for Critical Defense Housing Areas, originally issued at 16 F. R. 3838 (May 2, 1951) is hereby amended to read as follows:

APPENDIX 1—CRITICAL DEFENSE HOUSING AREAS [1]

Critical defense housing area and State:	*Date designated*
1. San Diego, Calif.	May 2, 1951
2. Corona, Calif.	May 8, 1951
3. Colorado Springs, Colo.	May 8, 1951

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 51-5383; Filed, May 7, 1951; 8:55 a. m.]

[1] These areas are in addition to three areas of Atomic Energy Commission installations in which exceptions from residential credit restrictions are issued pursuant to CR 2 of the Housing and Home Finance Agency.

Chapter XVIII — National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 5 (DRO–1)]

DRO–1—RATES ON GRAIN IN BULK BETWEEN UNITED STATES PORTS AND THE PORTS OF INDIA

Sec.
1. What this order does.
2. Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order authorizes freight rates and charter terms and conditions for the transportation of full cargoes of Grain in bulk under "Warshipvoy" form of charter as revised August 15, 1944, in vessels operated for account of the National Shipping Authority, from one Atlantic, Gulf or Pacific Coast port of the United States to a port of discharge in India, effective on vessels commencing to load on and after March 13, 1951.

SEC. 2. *Freight rates and charter terms and conditions required under "Warshipvoy" form of charter as revised August 15, 1944.*

HEAVY GRAIN IN BULK, I. E., WHEAT, CORN OR RYE

[All rates in United States currency per ton of 2,240 pounds]

From—	To—	
	West coast India ports	East coast India ports
United States Atlantic ports	$21.50	$23.50
United States Gulf ports	23.00	25.00
United States Pacific ports	22.00	20.50

On cargoes of Light Grains (i. e. Barley, Millet, and Linseed), in bulk, excluding Oats, a 10 percent differential shall be added to the above rates.

NOTE: Foregoing rates apply to cargoes loaded at one port and discharged at one port; for more than one port of loading or discharge, within the same general area or range, add fifty cents (50 cents) United States currency per ton for each additional port to the highest applicable rate, the total rate thus formed to apply on the entire cargo. Cargoes for more than one port of loading or discharge shall be subject to negotiation and mutual agreement between the owners and charterers.

The following clauses are to be inserted in Paragraphs E, F, G, H, and I of Part I of warshipvoy:

E. *Freight rate.* (Insert applicable rate in United States currency per ton of 2,240 pounds as above set forth.)

Freight fully prepaid in the United States on bill-of-lading quantity and to be considered due and payable and earned on the cargo as taken aboard, vessel and/or cargo lost or not lost.

Demurrage. Charterers to pay demurrage for each and every day, or pro rata for part of a day, for all time used in loading or discharging in excess of allowed laytime. The demurrage rate, per day, shall be Fifteen Hundred Dollars ($1,500) for Liberty type vessels and Eighteen Hundred Dollars ($1,800) for Victory type vessels.

Despatch. No despatch payable at loading port. Despatch if earned at discharging port will be payable at the rate of one-half (½) of the demurrage rate per day, or pro rata for part of a day, for all laytime saved in discharging.

F. *Stevedoring.* Loading and trimming to be for the vessel's account. Discharging expenses to be for the charterer's account.

G. *Loading time.* A maximum of five (5) days, Sundays and holidays excepted unless used, shall be allowed for loading. Time lost in loading due to weather preventing loading shall not count as laytime.

H. *Discharging time.* Cargo shall be discharged at the rate of 750 tons of 2,240 pounds per day, Sundays and holidays excepted unless used. Time lost in discharging due to weather preventing discharge shall not count as laytime.

I. *Special provisions.* 1. Laydays not reversible.

2. Any bags and/or bagging required for safe stowage to be for vessel's account.

3. *General average clause.* The adjustment and settlement of general average claims, pursuant to Clause 21, Part II shall be governed by the York-Antwerp Rules of 1950, exclusive of Rule 22.

4. Wherever the words "United States Maritime Commission" appear in Part II hereof, same shall be understood to mean "National Shipping Authority".

5. This contract is subject to the approval of the National Shipping Authority.

[SEAL] C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51–5363; Filed, May 7, 1951; 8:55 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter II—Children's Bureau, Social Security Administration, Federal Security Agency

PART 201—CHILD WELFARE SERVICES

EXPENDITURES: DEFINITIONS

By virtue of the authority vested in the Commissioner for Social Security by sec. 1102, 49 Stat. 647, as amended by secs. 1, 4, Reorganization Plan No. 2 of 1946, 60 Stat. 1095, 11 F. R. 7873, and sec. 403 (c), 64 Stat. 559, 42 U. S. C. Supp. 1302; sec. 521, 49 Stat. 633 as amended by sec. 507 (c), 53 Stat. 1381, sec. 401 (b) 7, 60 Stat. 986, and sec. 331 (c), 64 Stat. 552, 42 U. S. C. Supp. 721; sec. 1, Reorganization Plan No. 2 of 1946, 60 Stat. 1095, 11 F. R. 7873; Agency Order No. 9, 12 F. R. 479; sec. 401 (a), 64 Stat. 558, Part 201 of the regulations relating to Child Welfare Services is hereby amended as follows:

1. Section 201.6 of Part 201 is hereby amended to read as follows:

§ 201.6 *Expenditures.* (a) Funds paid to a State under Part 3 of Title V of the act shall be expended, in accordance with the State's approved plan and with the act and the regulations in this part only where such expenditures are:

(1) For one or more of the following purposes:

(i) For payment of part of the cost of district, county or other local child welfare services in areas predominantly rural; or,

(ii) For developing State services for the encouragement and assistance of adequate methods of community child welfare organization in areas predominantly rural and other areas of special need; or,

(iii) For paying the cost of returning any runaway child who has not attained the age of sixteen to his own community in another State in cases in which such return is in the interest of the child and the cost cannot otherwise be met; and,

(2) In accordance with policies issued from time to time by the Bureau with the approval of the Commissioner designed to utilize most effectively the funds granted in establishing, extending or strengthening child welfare services, under the conditions specified in subparagraph (1) of this paragraph: *Provided*, That policies heretofore issued by the Chief of the Children's Bureau shall continue to remain in effect unless superseded by new policies issued by the Children's Bureau with the approval of the Commissioner: *Provided further*, That State plans heretofore approved shall continue to be governed by such policies which were in effect at the time such State plans were approved.

(b) Except as specifically stated in the act and in the regulations in this part, State laws, rules, regulations and standards governing the custody and disbursement of State funds shall govern the custody and disbursement of Federal funds paid to the State.

2. The following new section is added at the end of Part 201:

§ 201.10 *Definitions.* (a) "Child Welfare Services" means public welfare services for the protection and care of homeless, dependent, and neglected children, and children in danger of becoming delinquent.

3. The word "Commissioner" is hereby substituted for the word "Secretary" in §§ 201.1 and 201.5.

4. These regulations shall become effective on the date of their publication in the FEDERAL REGISTER.

(Sec. 1102, 49 Stat. 647, as amended; 42 U. S. C. 1302)

Dated: April 27, 1951.

[SEAL] A. J. ALTMEYER,
Commissioner.

Approved: May 2, 1951.

OSCAR R. EWING,
Federal Security Administrator.

[F. R. Doc. 51–5274; Filed, May 7, 1951; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 33—CENTRAL REGION

SUBPART—CRAB ORCHARD NATIONAL WILDLIFE REFUGE, ILLINOIS

COMMERCIAL FISHING

Basis and purpose. On the basis of observations and reports by field representatives of the Fish and Wildlife Service it has been determined that more rough fish should be removed from refuge waters and that this can best be accomplished by extending the season during which commercial fishing is allowed on the Refuge.

Inasmuch as the following is a relaxation of existing regulations, publication prior to the effective date thereof is not required. (60 Stat. 237, 5 U. S. C. 1001 et seq.)

Effective immediately upon publication in the FEDERAL REGISTER, § 33.55 is revised to read as follows:

§ 33.55 *Period of fishing.* Area I shall be open to commercial fishing during the period from January 1 to May 15, inclusive, of each year. Area II shall be open to commercial fishing during the period from March 1 to May 15, inclusive, of each year.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715f.)

Dated: April 30, 1951.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 51–5268; Filed, May 7, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR, Parts 71, 72, 73, 74, 75, 77, 78]

[Notice No. 1, Docket No. 3666]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF PROPOSED RULE MAKING

MARCH 27, 1951.

The Commission is in receipt of applications for early amendment of the above entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway, as published in orders pursuant to section 835, of the Criminal Code, and Part II of the Interstate Commerce Act;

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached, and it is proposed that the applications be disposed of by modified procedure.

Any party desiring to be heard upon any of the proposed amendments shall advise the Commission in writing within 20 days from the date of this notice; otherwise, the Commission may proceed to investigate and determine the matters involved in the application, or may suspend action pending formal hearing in this docket.

[SEAL] W. P. BARTEL,
Secretary.

PART 71—GENERAL INFORMATION AND REGULATIONS

1. Amend § 71.13 paragraph (a) (3) (49 CFR 71.13, 1950 Rev.) to read as follows:

(3) Shipments of explosive bombs and unfuzed explosive projectiles when not packed in wooden boxes, and large metal containers of incendiary bombs weighing 500 pounds or more, each, may be loaded in stock cars or in gondola cars (flat bottom) when adequately braced. Wooden boxed bombs which, due to size, cannot be loaded in closed cars may be loaded in open top cars but must be protected against accidental ignition.

2. Amend § 71.13 paragraph (b) (3) (15 F. R. 8263, Dec. 2, 1950) to read as follows:

(3) Shipments of explosive bombs and unfuzed explosive projectiles when not packed in wooden boxes, and large metal containers of incendiary bombs weighing 500 pounds or more, each, may be loaded in stock cars or in gondola cars (flat bottom) when adequately braced. Wooden boxed bombs which, due to size, cannot be loaded in closed cars may be loaded in open top cars but must be protected against accidental ignition.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5, Commodity list (15 F. R. 8263, Dec. 2, 1950) (49 CFR 72.5, 1950 Rev.) as follows:

Article	Classed as—	Exemption and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Acetyl benzoyl peroxide, solution	Oxy. M.	No exemption, 73.222.	Yellow	1 quart.
Magnesium peroxide, solid	Oxy. M.	73.153, 73.154	Yellow	100 pounds.
Peracetic acid	Oxy. M.	73.223	Yellow	5 pints.
*Rubber shoddy, reclaimed rubber, or reclaimed rubber.	F. S.	73.153, 73.201	Yellow	10 pounds.
Zinc peroxide	Oxy. M.	73.153, 73.154	Yellow	100 pounds.
Add				
Antimony pentachloride, solution	Cor. L.	73.242, 73.245	White	5 pints.
Charged oil well jet perforating guns (total explosive contents in guns exceeding 12 pounds per motor vehicle).	Expl. A.	No exemption, 73.53 (a), 73.80.		Not accepted.
Charged oil well jet perforating guns (total explosive contents in guns not exceeding 12 pounds per motor vehicle).	Expl. C.	No exemption, 73.53 (a), 73.110.		Not accepted.
Chlorpicrin and methyl chloride, mixture	Pois. A.	No exemption, 73.329 (c).	Poison Gas.	75 pounds.
Formic acid, solution	Cor. L.	73.241, 73.245, 73.289	White	5 gallons.
Tetraethyldithio pyrophosphate and compressed gas mixture.	Pois. A.	No exemption, 73.203	Poison Gas.	Not accepted.
Tetranitromethane	Oxy. M.	No exemption, 73.203	Yellow	25 pounds.
Thiocarbonyl chloride (see thiophosgene).				
Thiophosgene (thiocarbonyl chloride)	Pois. B.	No exemption, 73.356	Poison	1 gallon

PART 73—SHIPPERS

1. Cancel first three paragraphs and Note 1 appearing under authority citation for Part 73 (15 F. R. 8275, Dec. 2, 1950) (15 F. R. 8824, Dec. 12, 1950) (49 CFR 73, 1950 Rev.).

2. Add Note 1 to § 73.8 paragraph (a), (15 F. R. 8276, Dec. 2, 1950) (49 CFR 73.8, 1950 Rev.) to read as follows:

NOTE 1: Because of the present emergency and until further order of the Commission, compressed gas cylinders 40 inches in length and 8 inches in diameter, charged with not more than 40 pounds of carbon dioxide and shipped by or to the Canadian Department of National Defense in accordance with Board of Transport Commissioners for Canada Order No. 76253 dated Mar. 10, 1951, may be shipped to destinations in the United States or through the United States to points in Canada.

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

3. Amend § 73.28 paragraph (h) (15 F. R. 8277, Dec. 2, 1950) (49 CFR 73.28, 1950 Rev.) to read as follows:

(h) Single-trip containers made under specifications prescribed in Part 78 of this chapter from which contents have once been removed following use for shipment of any article, must not be again used as shipping containers for explosives, flammable liquids, flammable solids, oxidizing materials, corrosive liquids, or poisons, class B or C, as defined in this part: *Provided*, That during the present emergency and until further order of the Commission, single-trip containers may be reused if retested and approved for service by the Bureau of

Explosives. Containers reused under Bureau of Explosives' approval must be plainly marked "Authorized for Reuse by Bureau of Explosives" and must show the date of last retest. Applications for permission for reuse should be made to the Bureau of Explosives, 30 Vesey Street, New York 7, N. Y.

4. Amend § 73.29 paragraph (a) (15 F. R. 8277, Dec. 2, 1950) (49 CFR 73.29, 1950 Rev.) to read as follows:

§ 73.29 *Empty containers.* (a) Empty cylinders, barrels, kegs, drums, or other containers, previously used for the shipment of any explosive or other dangerous article, as defined in this part, if authorized for reuse must have all openings including removable heads, filling and vent holes, tightly closed before being offered for transportation. Small quantities of the material with which containers were loaded may remain in "empty" containers and when the vapors remaining therein are unstable, it is permissible to add sufficient inert gas to render the vapors stable.

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

5. Amend § 73.53 paragraph (j) (15 F. R. 8286, Dec. 2, 1950) (49 CFR 73.53, 1950 Rev.) to read as follows:

(j) *Ammunition for cannon.* Ammunition for cannon is fixed, semi-fixed or separate loading ammunition which is fired from a cannon, mortar, gun, howitzer or recoilless rifle.

6. Add Paragraph (u) to § 73.53 (15 F. R. 8286, Dec. 2, 1950) (49 CFR 73.53, 1950 Rev.) to read as follows:

(u) Charged oil well jet perforating guns are steel tubes in which are installed one or more commercial shaped charges of the type described in paragraph (h) (1) of this section except that each charge shall contain not over 28 grams of high explosives and each must be protected by a metal cover. Charged oil well jet perforating guns must not be transported with detonating devices or other firing assemblies affixed to or installed in the guns. The guns are used in oil well operations and transporting is restricted to motor vehicles operated by private motor carriers and used only in such service.

7. Amend § 73.65 paragraph (b) (2) (15 F. R. 8289, Dec. 2, 1950) (49 CFR 73.65, 1950 Rev.) to read as follows:

(2) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums. Net weight not to exceed 200 pounds.

8. Add § 73.80 (15 F. R. 8292, Dec. 2, 1950) (49 CFR 73.80, 1950 Rev.) to read as follows:

§ 73.80 *Charged oil well jet perforating guns.* (a) Charged oil well jet perforating guns, when transported by motor vehicles operated by private carriers and used only in oil well operations, in which the total weight of explosive contents of shaped charges assembled to guns does not exceed 12 pounds per such vehicles, are classified as class C explosives. See § 73.110.

(b) Charged oil well jet perforating guns must be packed without detonating devices or other firing assemblies affixed to or installed in the guns, in substantial fully-enclosed especially-constructed compartments of motor vehicles operated by private motor carriers and used only in oil well operations. Shaped charges installed in the guns must be of the type described in § 73.53 (h) (1), except that each charge must not contain over 28 grams of high explosives and each must be protected by a metal cover after installation in the gun. The guns and the compartments of such motor vehicles must be so constructed that accidental damage to guns or shaped charges will be avoided. The assembled gun or guns must be secured in the compartments so as to prevent movement relative to each other or in the compartment.

(1) Detonating devices or other firing assemblies transported on any motor vehicle operated by private motor carriers transporting charged oil well jet perforating guns shall be segregated; each kind from every other kind, and from jet perforating guns, tools or other supplies. Any detonating devices or other firing assemblies shall be carried in a cloth container having individual pockets for each such device or assembly, or by at least equally safe means. No greater number of any such devices or assemblies shall be transported with the guns than is necessary for use on any particular trip.

(c) Charged oil well jet perforating guns must not be offered for transportation by rail freight, rail express, rail baggage, water, or by common or contract carriers by public highway.

9. Amend § 73.93 paragraph (a) (5) (15 F. R. 8294, Dec. 2, 1950) (49 CFR 73.93, 1950 Rev.) to read as follows:

(5) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums. Use of these containers will be permitted because of the present emergency and until further order of the Commission.

10. Amend § 73.94 paragraph (e) (15 F. R. 8295, Dec. 2, 1950) (49 CFR 73.94, 1950 Rev.) to read as follows:

(e) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums. Drums having wooden heads must be provided with a strong, sift-proof liner. Use of these containers will be permitted because of the present emergency and until further order of the Commission.

11. Amend § 73.100 paragraphs (b), (p), and (r), (1) (10), and (11) (15 F. R. 8295, 8296, Dec. 2, 1950) (49 CFR 73.100, 1950 Rev.) to read as follows:

(b) Small-arms ammunition, designed to be fired from a pistol, revolver, rifle, or shotgun held by the hand or by the hand and shoulder, or machine guns of caliber .60 or less, is fixed ammunition consisting of a metallic or paper cartridge case, a primer and a propelling charge, with or without bullet, shot, tear gas material, or tracer components, but not including bullets loaded with high explosives or incendiary compositions or mixtures.

(p) Toy paper caps, consisting of paper cap ammunition for toy pistols, in sheets, strips, rolls, or individual caps, must not contain more than an average of twenty-five hundredths of a grain of explosive composition per cap and must be packed in inside packages constructed of cardboard not less than 0.013 inch in thickness, metal not less than 0.008 inch in thickness, or noncombustible plastic not less than 0.015 inch in thickness, which shall provide a complete enclosure and the minimum dimensions of each side or end of such package shall be not less than ⅛ inch in height. Unless greater weight of composition is approved by the Bureau of Explosives, the number of caps in these inside packages shall be limited so that not more than 10 grains of explosive composition shall be packed into one cubic inch of space and not exceeding 17.5 grains of the explosive composition of toy caps shall be packed in any inside container. These inner containers must be packed in outside containers as specified in § 73.109.

(r) Common fireworks are manufactured articles designed primarily for the purpose of producing visible or audible pyrotechnic effects by combustion or explosion. Fireworks other than those specifically enumerated in this paragraph are classed as special fireworks (see § 73.88 (d)). Common fireworks must be in the finished state exclusive of mere ornamentation, as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation. No component part of any article listed in this paragraph which is designed to produce an audible effect (other than propelling or expelling charges) shall contain pyrotechnic composition in excess of 2 grains in weight.

(1) Roman candles, not exceeding ten balls spaced uniformly in the tube, total pyrotechnic composition in each candle not to exceed 20 grams in weight.

* * * * * *

(10) Mines and shells of which the mortar is an integral part, total pyrotechnic composition not to exceed 40 grams each in weight.

(11) Firecrackers and salutes with casings, the external dimensions of which do not exceed one and one-half inches in length or one quarter inch in diameter, total pyrotechnic composition not to exceed two grains each in weight.

12. Amend § 73.107 paragraph (c) (15 F. R. 8296, Dec. 2, 1950) (49 CFR 73.107, 1950 Rev.) to read as follows:

(c) Small-arms primers containing anvils must be packed in cellular inside packages, with partitions separating the layers and columns of the primers, so that the explosion of a portion of the primers in the completed shipping package will not cause the explosion of all the primers. They must be packed as prescribed in paragraph (a) of this section or in fiberboard boxes, spec. 12B (§ 78.205 of this chapter), and equipped with corrugated fiberboard liners having Mullen or Cady test equal to or exceeding that of the box. Not more than 5000 primers shall be packed in each fiberboard box.

13. Add § 73.110 (15 F. R. 8297), Dec. 2, 1950) (49 CFR 73.110, 1950 Rev.) to read as follows:

§ 73.110 *Charged oil well jet perforating guns total explosive content in guns not exceeding twelve pounds per motor vehicle operated by private motor carriers.* (a) Charged oil well jet perforating guns, transported by motor vehicles operated by private motor carriers and used only in oil well operations, in which the total weight of explosive contents does not exceed 12 pounds per such vehicles, must be packed as prescribed in § 73.80 (b).

(b) Charged oil well jet perforating guns must not be offered for transportation by rail freight, rail express, rail baggage, water, or by common or contract carriers by public highway.

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

14. Amend § 73.116 paragraph (h) (15 F. R. 8298, Dec. 2, 1950) (49 CFR 73.116, 1950 Rev.) to read as follows:

(h) No cargo tank or compartment thereof used for the transportation of any flammable liquid shall be liquid full. The vacant space (outage) in a cargo tank or compartment thereof used in the transportation of flammable liquids shall be not less than 1 percent; sufficient space (outage) shall be left vacant in every case to prevent leakage from or distortion of such tank or compartment by expansion of the contents due to rise in temperature in transit.

15. Add paragraphs (d) and (e) to § 73.118 (15 F. R. 8298, Dec. 2, 1950) (49 CFR 73.118, 1950 Rev.) to read as follows:

(d) *Exemptions for private carriers by motor vehicle of flammable liquids in interstate and foreign commerce.* Because of the present emergency and until further order of the Commission, the following regulations shall apply to transportation of flammable liquids by private carriers by motor vehicle in interstate or foreign commerce:

(1) All regulations in Parts 71–78 of this chapter applying to common, contract, and private carriers by motor vehicle in interstate commerce shall apply to such private carriers, except:

Cargo tanks of tank motor vehicles constructed previous to June 15, 1943, may be continued in service if maintained in safe operating condition and sufficiently frequent inspections are maintained to determine compliance with all requirements as specified below.

Any defect or deficiency, due to accident or otherwise, that is likely to cause serious hazard must be corrected before any such tank is continued in or returned to service; see, however, § 77.856 of this chapter.

Requirements applying to tests of tanks, and provisions for markers thereon except that indicating the flammable nature of the cargo, are waived.

Outages for shipments shall be those provided for in this part, except that filling of tanks to outage markers already incorporated in tanks, having due regard for safety in the transportation of the flammable liquids, need not be changed.

Section 77.815 of this chapter, labels, and § 77.819 of this chapter, certification of packages, need not be complied with by such private carriers, except as to packages transferred from one carrier to another.

(e) *Exemptions for common, contract, and private carriers by motor vehicle of flammable liquids in intrastate commerce.* Because of the present emergency and until further order of the Commission, the following regulations shall apply to transportation of flammable liquids by common, contract, and private carriers by motor vehicle in intrastate commerce:

(1) All regulations in Parts 71–78 of this chapter applying to common, contract, and private carriers by motor vehicle in intrastate commerce shall apply to such carriers, except:

That common, contract, and private carriers by motor vehicle transporting flammable liquids in intrastate commerce shall not be subject to Parts 71–78 of this chapter.

16. Amend § 73.119 paragraphs (a) (9) and (a) (12), (15 F. R. 8298, Dec. 2, 1950) (49 CFR 73.119, 1950 Rev.) to read as follows:

(9) Spec. 21A, 21B, 22A, or 22B (§§ 78.222, 78.223, 78.196, or 78.197 of this chapter). Fiber drums and plywood drums with a single inside glass, earthenware, or metal container of not over 1 gallon capacity in each drum. Inside container must be so cushioned at top, sides, and bottom, as to prevent breakage or leakage in transit.

(12) Spec. 103, 103–W, 103AL–W, 104, 104–W, 104A, 104A–W, 105A300, 105A-300–W, 105A400, 105A400–W, 105A500, 105A500–W, 105A600, 105A600–W, ARA–II,[2] ARA–III,[2] ARA–IV,[2] or ARA–IV–A.[2] Tank cars. (§§ 78.265, 78.280, 78.291, 78.269, 78.284, 78.270, 78.285, 78.271, 78.286, 78.272, 78.287, 78.273, 78.288, 78.274, and 78.289 of this chapter.) For cars equipped with expansion domes, manhole closures must be so designed that pressure will be released automatically by starting the operation of removing the manhole cover. (See § 73.432 for shipping instructions.)

17. Amend § 73.119 paragraph (e) (2) (15 F. R. 8299, Dec. 2, 1950) (49 CFR 73.119, 1950 Rev.) to read as follows:

(2) Spec. 103, 103–W, 103AL–W, 104, 104–W, 104A, 104A–W, 105A300, 105A300–W, 105A400, 105A400–W, 105A500, 105A500–W, 105A600, 105A600–W, ARA–II,[2] ARA–III,[2] ARA–IV,[2] or ARA–IV–A.[2] Tank cars. (§§ 78.265, 78.280, 78.291, 78.269, 78.284, 78.270, 78.285, 78.271, 78.286, 78.272, 78.287, 78.273, 78.288, 78.274, and 78.289 of this chapter). Cars having expansion domes must be equipped with manhole closures, identification marks, and dome placards as prescribed in paragraphs (f) (4), (g), (h), and (h) (1) of this section. (See Note 1 of paragraph (f) (3) of this section).

18. Amend § 73.119 paragraph (f) (4) (15 F. R. 8299, 8300, Dec. 2, 1950) (49 CFR 73.119, 1950 Rev.) to read as follows:

(4) Spec. 103, 103–W, 103AL–W, 104, 104–W, ARA–II,[2] ARA–III,[2] or ARA–IV.[2] Tank cars. (§§ 78.265, 78.280, 78.291, 78.269, and 78.284 of this chapter). Cars must have their manhole closures equipped with approved safeguards making removal of closures from manhole openings practically impossible while car interior is subjected to vapor pressure of lading. These cars must be stenciled on each side of domes in line with the ladders, and in a color contrasting to the color of the dome, with the identification mark as prescribed in paragraph (g) of this section.

19. Amend § 73.119 paragraph (h) (15 F. R. 8300, Dec. 2, 1950) (49 CFR 73.119, 1950 Rev.) to read as follows:

(h) *Dome placards.* Spec. 103, 103–W, 103AL–W, 104, 104–W, ARA–II,[1] ARA–III,[1] or ARA–IV.[1] Tank cars. (§§ 78.265, 78.280, 78.291, 78.269, 78.284, 78.270, 78.285, 78.271, 78.286, 78.272, 78.287, 78.273, 78.288, 78.274, and 78.289 of this chapter). Cars loaded with materials described in paragraphs (e) and (f) of this section must, in addition to the "Dangerous" placards, be protected by special dome placards, at least 4⅛ by 10⅞ inches, with legible wording as follows: (No change in dome placard).

20. Add paragraph (a) (6) to § 73.124 (15 F. R. 8301, Dec. 2, 1950) (49 CFR 73.124, 1950 Rev.) to read as follows:

(6) Spec. 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, or 105A600W. Tank cars. (§§ 78.271, 78.286, 78.272, 78.287, 78.273, 78.288, 78.274, or 78.289 of this chapter). Tanks must be restenciled 104A or 104A–W and be equipped with safety valves of the type and size used on 104A and 104A–W tank cars. See Note 1 in § 73.119 (f) (3). (See § 73.432 for shipping instructions.)

21. Amend § 73.138 paragraph (a) (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.138, 1950 Rev.) to read as follows:

§ 73.138 *Pentaborane.* (a) Pentaborane must be packed in specification cylinders as prescribed for any compressed gas, except acetylene. Cylinders must be protected with valve protection caps or must be packed in strong wooden boxes and blocked therein so as to protect the valves from injury under conditions ordinarily incident to transportation.

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

22. Cancel paragraph (c) (27) of § 73.153 (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.153, 1950 Rev.).

23. Add paragraphs (c) (27) and (c) (60) to § 73.153, (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.153, 1950 Rev.) to read as follows:

(27) Tetranitromethane.

(60) Acetyl benzoyl peroxide, solution.

24. Amend § 73.154 paragraph (a) (9) (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.154, 1950 Rev.) to read as follows:

(9) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums.

25. Amend § 73.156 paragraph (a) (5) (15 F. R. 8304, Dec. 2, 1950) (49 CFR 73.156, 1950 Rev.) to read as follows:

(5) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums.

26. Amend § 73.163 paragraph (a) (3) (15 F. R. 8305, Dec. 2, 1950) (49 CFR 73.163, 1950 Rev.) to read as follows:

(3) Spec. 21A, 21B, 22A, or 22B (§§ 78.222, 78.223, 78.196, or 78.197 of this chapter). Fiber or plywood drums with inside metal drums, Spec. 2F (§ 78.25 of this chapter).

27. Amend § 73.168 paragraph (a) (2) (15 F. R. 8306, Dec. 2, 1950) (49 CFR 73.168, 1950 Rev.) to read as follows:

(2) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums with inside metal drums, Spec. 2F (§ 78.25 of this chapter).

28. Amend § 73.175 paragraph (a) (4) (15 F. R. 8306, Dec. 2, 1950) (49 CFR 73.175, 1950 Rev.) to read as follows:

(4) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums.

29. Amend § 73.178 paragraph (a) (6) (15 F. R. 8307, Dec. 2, 1950) (49 CFR 73.178, 1950 Rev.) to read as follows:

(6) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums.

30. Amend § 73.195 paragraph (a) (5) (15 F. R. 8309, Dec. 2, 1950) (49 CFR 73.195, 1950 Rev.) to read as follows:

(5) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums. Must be externally treated to provide protection against moisture.

31. Amend § 73.197 paragraph (a) (3) (15 F. R. 8309, Dec. 2, 1950) (49 CFR 73.197, 1950 Rev.) to read as follows:

(3) Sheets, rolled, in fiber drums, spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter), having 2 straps applied lengthwise and 1 or more circumferentially; straps at least ½ by 0.02 inch steel.

32. Amend § 73.201 paragraph (a) (4) (5) and (8) and paragraph (b) (15 F. R. 8310, Dec. 2, 1950) (49 CFR 73.201, 1950 Rev.) to read as follows:

§ 73.201 *Rubber scrap, rubber buffings, rubber shoddy, regenerated rubber or reclaimed rubber.* (a) Rubber scrap, if ground, powdered, or granulated, and the rubber content of which exceeds 45 percent, as determined by subtracting the sum of the percentage of ash and the percentage of acetone extract from 100; rubber buffings from any grade of rubber, irrespective of the percentage of rubber content; and rubber shoddy, regenerated rubber, or reclaimed rubber, must be packed in specification containers as follows (see paragraph (b) of this section):

• • • • •

(4) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes.

(5) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums.

• • • • •

(8) Spec. 36A, 36B, or 44B (§§ 78.230, 78.231, or 78.236 of this chapter). Bags.

(b) Rubber scrap, rubber shoddy, regenerated rubber, or reclaimed rubber are not subject to Parts 71–78 of this chapter if shipped in the following forms:

(1) Rubber scrap, not ground or ground with cord or fabric insertion.

(2) Rubber shoddy, regenerated rubber, or reclaimed rubber when in the form of dense homogeneous nonporous sheets or rolls, the sheets of thickness of ⅛ inch or greater, packed flat or in rolls, and properly cooled before shipment.

33. Cancel § 73.203 paragraphs (a) and (b) (15 F. R. 8310, Dec. 2, 1950) (49 CFR 73.203, 1950 Rev.).

34. Add § 73.203 paragraph (a) (15 F. R. 8310, Dec. 2, 1950) (49 CFR 73.203, 1950 Rev.) to read as follows:

§ 73.203 *Tetranitromethane.* (a) Tetranitromethane must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes, gross weight not exceeding 150 pounds, with inside containers which must be: glass bottles not more than 1 quart capacity each, with closures securely fastened and of a type not deteriorated by the contents, each bottle individually packed in a tight metal container and cushioned therein with absorbent incombustible material; or aluminum cans or polyethylene bottles, not more than 5 pounds capacity each, with opening not more than 1.25 inches diameters, fitted with securely fastened screw type closures and gaskets of material not deteriorated by contact with the contents, cushioned with not less than 2 inches of absorbent incombustible cushioning material between the inside containers and any part of the wooden box.

(2) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums, with inside stainless steel or aluminum drum (or drums) having no opening exceeding 2.5 inches diameter, openings to be securely closed by a screw type gasketed device, with gaskets of material not deteriorated by contact with the contents. The inside drum (or drums) must be cushioned with not less than 2 inches of absorbent incombustible cushioning material; inside drums shall be of not less than 20 gauge metal and shall be tested for leakage before packing in the outside drum.

35. Amend § 73.204 paragraphs (a) (5) and (a) (6) (15 F. R. 8310, Dec. 2, 1950) (49 CFR 73.204, 1950 Rev.) to read as follows:

(5) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums with inside metal drums.

(6) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums, net weight not over 250 pounds; drums must have a metal foil (laminated between two sheets of kraft paper with thermoplastic adhesive) moisture and water barrier wound into the sidewall of the drum and located not more than 2 plies from the interior of drum but not to be wound as the first ply; a metal foil moisture and water barrier must also be present in the fiber or wood heading; exterior of drum sidewall must be protected with a water resistant coating; in addition to the tests prescribed by §§ 78.222–4 and 78.223–4 of this chapter, a drum having been given a 4-foot diagonal bottom chime drop must, after being emptied, withstand complete immersion of the bottom in 6 inches of water for 4 hours without leakage to the interior; drums must not be offered for transportation by carriers by water.

36. Amend § 73.206 (paragraph (c) (2), (15 F. R. 8310, Dec. 2, 1950) (49 CFR 73.206, 1950 Rev.) to read as follows:

(2) Spec. 17H or 37D (§§ 78.118 or 78.125 of this chapter). Metal drums (single-trip) authorized for cylindrical blocks at least 2 inches in diameter and not less than 6 inches in length, or rectangular blocks not less than 6 inches in length and not less than 2 inches in any other dimension. Net weight not over 30 pounds.

37. Amend § 73.207 paragraph (b) (5) (15 F. R. 8311, Dec. 2, 1950) (49 CFR 73.207, 1950 Rev.) to read as follows:

(5) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums which must be lined or coated, or otherwise treated so as to prevent the entrance of moisture in quantities sufficient to create a hazardous condition in transportation; drums to withstand two drops from height of 4 feet in same spot or one 6 foot drop in place of drop test as provided in Spec. 21A or 21B (§§ 78.222–4 or 78.223–4 of this chapter); maximum loaded capacity 250 pounds net. Use of this container will be permitted because of the present emergency and until further order of the Commission.

38. Amend § 73.222 paragraph (a) (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.222, 1950 Rev.) to read as follows:

§ 73.222 *Acetyl peroxide and acetyl benzoyl peroxide, solution.* (a) Acetyl peroxide must be shipped in solution in a non-volatile solvent and must contain not more than 25 percent by weight of the peroxide. Acetyl benzoyl peroxide must be shipped in solution in a non-volatile solvent and must contain not more than 40 percent by weight of the peroxide. They must be packed in specification containers as follows:

39. Amend paragraph (b) to § 73.223 (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.223, 1950 Rev.) to read as follows:

(b) Peracetic acid solutions not exceeding 40 percent strength packed in strong wooden or fiberboard boxes, with not more than one inside glass container not exceeding 1 pint or 1 pound capacity, cushioned with sterile absorbent cotton or other cushioning material which will not react with the contents to generate heat, and with such cushioning material in sufficient quantity to completely absorb the contents of the bottle, are exempt from specification packaging, marking, other than name of contents, and labeling requirements.

40. Amend § 73.227 paragraph (a) (2) (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.227, 1950 Rev.) to read as follows:

(2) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums completely coated on the inside with a suitable wax; or fiber drums having a metal foil (laminated) between two sheets of kraft paper with thermoplastic adhesive moisture and water barrier wound into the sidewall of the drum and located not more than 2 plies from the interior of drum but not be wound as the first ply; a metal foil moisture and water barrier must also be present in the fiber or wood heading; exterior of drum sidewall must be protected with a water resistant coating; in addition to the tests prescribed by §§ 78.222–4 or 78.223–4 of this chapter, a drum having been given a 4-foot diagonal bottom chime drop must, after being emptied, withstand complete immersion of the bottom in 6 inches of water for 4 hours without leakage to the interior.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS: DEFINITION AND PREPARATION

41. Add paragraph (a) (5) to § 73.254 (15 F. R. 8315, Dec. 2, 1950) (49 CFR 73.254, 1950 Rev.) to read as follows:

(5) Spec. MC 310 (§ 78.330 of this chapter). Tank motor vehicles.

42. Amend § 73.261 paragraph (a) (2), (15 F. R. 8316, Dec. 2, 1950) (49 CFR 73.261, 1950 Rev.) to read as follows:

(2) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums with a single inside container consisting of a glass bottle not over 64 fluid ounces capacity filled with not over six pounds by weight of sulfuric acid (approximately 50 fluid ounces by volume). Bottle must be suspended in center of outside container by means of adequate supports and surrounded by bicarbonate of soda in sufficient quantity to fill drum and neutralize contents in the event of breakage.

43. Amend § 73.266 paragraph (f) (15 F. R. 8319, Dec. 2, 1950) (49 CFR 73.266, 1950 Rev.) to read as follows:

(f) Hydrogen peroxide solution in water exceeding 52 percent hydrogen peroxide by weight may also be packed in specification containers as follows:

(1) Spec. 103A–AL–W (§ 78.292 of this chapter). Tank cars. Venting arrangement must be approved by the Bureau of Explosives.

44. Add paragraph (g) to § 73.266 (15 F. R. 8319, Dec. 2, 1950) (49 CFR 73.266, 1950 Rev.) to read as follows:

(g) Hydrogen peroxide solution in water exceeding 52 percent hydrogen peroxide by weight may also be shipped in tank motor vehicles subject to Parts 71–78 of this chapter provided that such shipments are for ultimate use by the Departments of the Army, Navy, and Air Force of the United States Government. Tank motor vehicles must be of design and venting arrangement approved by the Bureau of Explosives.

45. Amend § 73.275 paragraph (a) (1) (15 F. R. 8321, Dec. 2, 1950) (49 CFR 73.275, 1950 Rev.) to read as follows:

(1) Spec. 15A, 12B, 21A, or 21B (§§ 78.168, 78.205, 78.222, or 78.223 of this chapter). Wooden boxes, fiberboard boxes, or fiber drums with inside containers which must consist of polystyrene or polyethylene bottles not over 2 pounds capacity each, closed by means of threaded acid-resistant caps with a resilient gasket or lining impervious to the acid; caps must have at least one complete continuous thread and be wired or sealed to the bottle to prevent turning of cap after bottle is closed for shipment.

46. Amend § 73.289 paragraph (a) (15 F. R. 8323, Dec. 2, 1950) (49 CFR 73.289, 1950 Rev.) to read as follows:

§ 73.289 *Formic acid and formic acid solutions.* (a) Formic acid and formic acid solutions must be packed in specification containers as follows:

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

47. Amend § 73.301 paragraph (f) (2) (15 F. R. 8324, Dec. 2, 1950) (49 CFR 73.301, 1950 Rev.) to read as follows:

(2) Manifolding is authorized for containers of the following gases, provided individual containers are equipped with approved safety devices as required by § 73.34 (f) and further provided that each container is equipped with individual shut-off valve, or valves, which shall be tightly closed while in transit. Manifold branch lines to these individual shut-off valves shall be sufficiently flexible to prevent injury to the valves which otherwise might result from the use of rigid branch lines. When a temperature measuring device is used on a cylinder the manifold shut-off valve shall be deemed the equivalent of the individual shut-off valve; boron trifluoride; hydrogen; hydro-carbon gases (nonliquefied); methane.

48. Amend § 73.309 paragraph (a) (15 F. R. 8327, Dec. 2, 1950) (49 CFR 73.309, 1950 Rev.) to read as follows:

§ 73.309 *Acetylene gas.* (a) Acetylene gas must be shipped in cylinders, spec. 8 or 8AL (§§ 78.59 or 78.60 of this chapter). The cylinders must be filled with a porous material that has been tested with satisfactory results by the Bureau of Explosives, and this material must be charged with a suitable solvent.

49. Amend § 73.314 paragraph (a) Table, (15 F. R. 8328, Dec. 2, 1950) (49 CFR 73.314, 1950 Rev.) to read as follows:

Kind of gas	Maximum permitted filling density, note 1	Required type of tank car, note 2
Change		
Dichlorodifluoromethane	119 123	ICC–105A500, ICC–110A500–W, note 12, ICC–105A300.
Monochlorodifluoromethane	105 110	ICC–105A500, ICC–110A500–W, note 12, ICC–105A300.

50. Amend § 73.314 paragraph (a) Table Note 3 paragraph (b) (15 F. R. 8328, Dec. 2, 1950) (49 CFR 73.314, paragraph (a) Table Note 3 paragraph (b), 1950 Rev.) to read as follows:

(b) Because of the present emergency and until further order of the Commission, and only for shipments made during the months of November to March, inclusive, the following filling densities may be used in lieu of those specified in the table in Note 3 (a).

(No change in table.)

51. Amend § 73.314 paragraph (a) Table Note 12, (15 F. R. 8329, Dec. 2, 1950) (49 CFR 73.314 paragraph (a) Table Note 12, 1950 Rev.) to read as follows:

NOTE 12: tanks complying with specification 106A500 (§ 78.275 of this chapter), containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, difluoromonochloroethane, dispersant gas, n. o. s., or dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), tanks complying with specification 110A500W (§ 78.293 of this chapter), containing dichlorodifluoromethane or monochlorodifluoromethane, or tanks complying with specification 106A800 (§ 78.276 of this chapter), containing hydrogen sulfide, may be transported on trucks or semitrailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 of this chapter, for rail freight-motor vehicle shipments.

52. Amend § 73.314 paragraph (g) (15 F. R. 8329, Dec. 2, 1950) (49 CFR 73.314, 1950 Rev.) to read as follows:

(g) The maximum quantity of any liquefied gas, except crude nitrogen fertilizer solution, fertilizer ammoniating solution containing free ammonia, methyl chloride, and vinyl chloride, inhibited, loaded into tanks mounted on one car structure must not exceed 60,000 pounds: *Provided*, That for single-unit tank car tanks having water weight capacities not less than 86,240 pounds nor over 90,640 pounds, lagged with 4 inches of corkboard, equipped with one or more safety valves set to open at a pressure of 225 pounds per square inch, the total discharge capacity of which must be sufficient to prevent building up of pressure in the tank in excess of 225 pounds per square inch, mounted on one car structure, tank jackets stenciled ICC–105A300 (§ 78.271 of this chapter) if tanks are forge-welded and ICC–105A300W (§ 78.286 of this chapter) if tanks are fusion-welded, and in all other respects constructed and maintained in full compliance with I. C. C. shipping container specification 105A500 or 105A500W (§§ 78.273 or 78.288 of this chapter), the quantity of liquefied chlorine gas or liquefied sulfur dioxide gas loaded into such tanks must be not more than 110,000 pounds and the quantity of liquefield chlorine gas loaded into such tanks must be at least 107,800 pounds. (See Appendix D to Subpart I of Part 78 of this chapter.)

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

53. Amend § 73.329 paragraph (c) (15 F. R. 8332, Dec. 2, 1950) (49 CFR 73.329, 1950 Rev.) to read as follows:

(c) Chlorpicrin, mixture of chlorpicrin and methyl chloride, or mixtures of chlorpicrin with nonpoisonous liquid, in addition to containers prescribed in paragraphs (a) and (b) of this section,

when offered for transportation by carriers by rail freight, highway, or water may be shipped in specification containers as follows:

54. Amend § 73.334 paragraph (a) (15 F. R. 8333, Dec. 2, 1950) (49 CFR 73.334, 1950 Rev.) to read as follows:

§ 73.334 *Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate mixtures.* (a) Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate mixtures with compressed gas, containing no more than 10 percent by weight of hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate mixtures must be packed in specification containers as follows:

55. Add paragraph (b) (7) to § 73.345 (15 F. R. 8334, Dec. 2, 1950) (49 CFR 73.345, 1950 Rev.) to read as follows:

(7) Thiophosgene.

56. Amend § 73.353 paragraph (a) (2) (15 F. R. 8335, Dec. 2, 1950) (49 CFR 73.353, 1950 Rev.) to read as follows:

(2) Spec. 15A, 15B, 15C, 16A, 19A, or 12B (§§ 78.168, 78.169, 78.170, 78.185, 78.190, or 78.205 of this chapter). Wooden, wire-bound wooden, or fiberboard boxes, with inside metal cans containing not over 1 pound each; outage required so can shall not become liquid-full at 130° F. Cans must be of tinplate or lined with suitable material and must have concave or pressure ends. Cans must be able to withstand an interior pressure of 130 pounds per square inch gauge without evidence of leakage or permanent distortion.

57. Add § 73.356 paragraph (a) (15 F. R. 8336, Dec. 2, 1950) (49 CFR 73.356, 1950 Rev.) to read as follows:

§ 73.356 *Thiophosgene.* (a) Thiophosgene must be packed in specification containers as follows:

(1) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes, with inside containers which must be tightly closed glass bottles not exceeding 1 pint capacity each, securely packed in absorbent incombustible cushioning material must be capable of absorbing entire contents of the container.

(2) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes, with inside containers which must be tightly closed glass bottles not exceeding 1 quart capacity each, securely packed in absorbent incombustible cushioning material. Cushioning material must be capable of absorbing entire contents of container.

58. Amend § 73.373 paragraph (a) (3) (15 F. R. 8338, Dec. 2, 1950) (49 CFR 73.373, 1950 Rev.) to read as follows:

(3) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums, gross weight 400 pounds; side walls must be of at least 10-ply construction having strength not less than 1,200 pounds Mullen or Cady test; in addition to tests prescribed by §§ 78.222–4 or 78.223–4 of this chapter, a drum must withstand two drops from a height of 6 feet to solid concrete, the first drop to be made diagonally on bottom chime and the second drop diagonally on the top chime; when heads are made of wood, the grain of the wood must run parallel to concrete surface.

59. Amend § 73.374 paragraph (a) (2), (15 F. R. 8338, Dec. 2, 1950) (49 CFR 73.374, 1950 Rev.) to read as follows:

(2) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter). Fiber drums, authorized only for nitrochlorbenzene, para, flaked, gross weight 400 pounds; side walls must be of at least 10-ply construction having strength not less than 1,200 pounds Mullen or Cady test; in addition to tests prescribed by §§ 78.222–4 and 78.223–4 of this chapter, a drum must withstand two drops from a height of 6 feet to solid concrete, the first drop to be made diagonally on the bottom chime and the second drop diagonally on the top chime; when heads are made of wood, the grain of the wood must run parallel to concrete surface.

60. Amend § 73.392 paragraph (c) (15 F. R. 8339, Dec. 2, 1950) (49 CFR 73.392, 1950 Rev.) to read as follows:

(c) Radioactive materials such as ores, residues, etc., of low activity packed in strong tight containers are exempt from specification packaging and labeling requirements for shipment in carload lots by rail freight only provided the gamma radiation or equivalent will not exceed 10 milliroentgens per hour at a distance of 12 feet from any surface of the car and that the gamma radiation or equivalent will not exceed 10 milliroentgens per hour at a distance of 5 feet from either end surface of the car. There must be no loose radioactive material in the car, and the shipment must be braced so as to prevent leakage or shift of lading under conditions normally incident to transportation. The car must be placarded by the shipper as provided in §§ 74.541 (b) and 74.553 of this chapter. Shipment must be loaded by consignor and unloaded by consignee.

PART 74—CARRIERS BY RAIL FREIGHT

1. Amend § 74.501 paragraph (a) (15 F. R. 8344, 8345, Dec. 2, 1950) (49 CFR 74.501, 1950 Rev.) to read as follows:

§ 74.501 *Acceptable articles.* (a) Explosives, including samples of explosives and explosive articles not exceeding 5 pounds net weight and other dangerous articles may be accepted and transported, provided they are in proper condition and are certified, for transportation by rail, highway, or water. Articles must be loaded, stayed, and handled in transit according to regulations applying to service or services used. Methods of manufacture, packing, and storage, in so far as they affect safety in transportation, must be open to inspection by a duly authorized representative of the initial carrier or by the Bureau of Explosives.

2. Add Note 1 to § 74.505 paragraph (a) (15 F. R. 8345, Dec. 2, 1950) (49 CFR 74.505, 1950 Rev.) to read as follows:

NOTE 1: Because of the present emergency and until further order of the Commission, compressed gas cylinders 40 inches in length and 8 inches in diameter, charged with not more than 40 pounds of carbon dioxide and shipped by or to the Canadian Department of National Defense in accordance with Board of Transport Commissioners for Canada Order No. 76253 dated Mar. 10, 1951, may be shipped to destinations in the United States or through the United States to points in Canada.

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

3. Amend § 74.526 paragraph (b) (1) (15 F. R. 8346, 8347, Dec. 2, 1950) (49 CFR 74.526, 1950 Rev.) to read as follows:

(b) Shipments of explosive bombs and unfuzed explosive projectiles when not packed in wooden boxes, and large metal containers of incendiary bombs weighing 500 pounds or more, each, may be loaded in stock cars or in gondola cars (flat bottom) when adequately braced. Wooden boxed bombs which, due to size, cannot be loaded in closed cars may be loaded in open top cars but must be protected against accidental ignition.

(1) Explosives, class A, must not be loaded, transported, or stored in cars equipped with lighted heaters.

4. Amend § 74.529 paragraph (a) (15 F. R. 8347, Dec. 2, 1950) (49 CFR 74.529, 1950 Rev.) to read as follows:

§ 74.529 *Cars for class B explosives.* (a) Explosives, class B, must not be loaded, transported, or stored in cars equipped with lighted heaters.

5. Amend § 74.532 paragraphs (b), (d), and (e) (15 F. R. 8347, Dec. 2, 1950) (49 CFR 74.532, 1950 Rev.) to read as follows:

(b) Flammable liquids (red label) and flammable gases (red gas label) must not be loaded, transported, or stored in cars equipped with lighted heaters.

(d) Metal barrels or drums containing flammable liquids may be loaded on steel gondola or flat cars or into stock cars, but must not be loaded into hopper bottom cars.

(Note 1 to paragraph (d) remains unchanged.)

(e) Empty cylinders, barrels, kegs, or drums, previously used for the shipment of any dangerous article, as defined in Part 73 of this chapter, must have all openings including removable heads, filling and vent holes properly closed before being offered for transportation. Small quantities of the material with which containers were loaded may remain in "empty" containers and when the vapors remaining therein are unstable, it is permissible to add sufficient inert gas to render the vapors stable.

SUBPART B—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

6. Amend § 74.538, chart, footnotes a, b, c, and Notes 1, 2, and 3 (15 F. R. 8349, 8350, Dec. 2, 1950) (49 CFR 74.538, 1950 Rev.) to read as follows:

§ 74.538 *Loading and storage chart of explosives and oth er dangerous articles.* (a) Explosives or other dangerous articles must not be loaded, transported, or stored together, except as provided in this section.

The following table shows the explosives and other dangerous articles which must not be loaded or stored together. The letter X at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stored together, for example: Detonating fuzes, boosters (explosive) 7 horizontal column must not be loaded or stored with high explosives 2 vertical column.

Footnotes at bottom of the chart apply only to the items making reference to them.

		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
		Low explosives or black powder	High explosives, and smokeless powder for small arms in quantity exceeding 50 pounds net weight	Initiating or priming explosives, wet: diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitroguanidine, pentaerythrite tetranitrate, tetrazene	Blasting caps, with or without safety fuse (including electric blasting caps) detonating primers	Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell, ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles or illuminating projectiles	Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), Class A	Detonating fuzes, boosters (explosive)	Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles	Smokeless powder for cannon, or not exceeding 50 pounds net weight of smokeless powder for small arms, or jet thrust units (jato), Class B	Fireworks, special	Small arms ammunition	Primers for cannon or small arms, empty cartridge cases—black powder igniters, empty cartridge cases, primed, empty cartridge cases, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets	Fuzes, detonating fuzes, tracer fuzes or tracers	Time or combination fuzes	Cordeau detonant fuse, safety spills, fuse lighters, fuse igniters, delay electric igniters, electric squibs or instantaneous fuse	Fireworks, common	Flammable liquids or compressed flammable gases, red label	Flammable solids or oxidizing materials, yellow label	Acids, corrosive liquids, and alkaline caustic liquids, white label	Compressed nonflammable gases, green label	Poisonous gases or liquids, in cylinders, projectiles or bombs, poison gas label (see note 1)	Radioactive materials (Class D poisons) blue or red radioactive material label
CLASS A EXPLOSIVES																							
Low explosives or black powder	1	....	(a)	X	(c)	(c)	(c)	(c)	(c)	(c)	X	....	.....	.....	.....	.....	X	X	X	X	X	d X	X
High explosives, and smokeless powder for small arms in quantity exceeding 50 pounds net weight	2	(c)	....	X	X	(c)	(c)	X	(c)	(c)	X	....	.....	.....	.....	.....	X	X	X	X	X	d X	X
Initiating or priming explosives, wet: diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitroguanidine, pentaerythrite tetranitrate, tetrazene	3	X	X	.....	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Blasting caps, with or without safety fuse (including electric blasting caps) detonating primers	4	(c)	X	X	....	X	X	(c)	(c)	(c)	c X	....	.....	.....	.....	.....	c X	c X	c X	c X	c X	d X	X
Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell, ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles or illuminating projectiles	5	(c)	(c)	X	X	.....	(c)	X	(c)	(c)	X	....	.....	.....	.....	.....	X	X	X	X	X	d X	X
Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), class A	6	(c)	(c)	X	X	(c)	.....	X	(c)	(c)	X	....	.....	.....	.....	.....	X	X	X	X	X	d X	X
Detonating fuzes, boosters (explosive)	7	(c)	X	X	(c)	X	X	....	(c)	(c)	X	....	.....	.....	.....	.....	X	X	X	X	X	d X	X
CLASS B EXPLOSIVES																							
Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles	8	(c)	(c)	X	(c)	(c)	(c)	(c)	.....	(c)	(c)	....	.....	.....	.....	.....	.....	.....	.....	b X	....	d X	2b
Smokeless powder for cannon, or not exceeding 50 pounds net weight of smokeless powder for small arms, or jet thrust units (jato), class B	9	(c)	(c)	X	(c)	(c)	(c)	(c)	(c)	.....	(c)	....	.....	.....	.....	.....	.....	.....	.....	b X	....	d X	....
Fireworks, special	10	X	X	X	c X	X	X	X	(c)	(c)	....	....	.....	.....	.....	.....	.....	.....	.....	.....	.....	d X	....
CLASS C EXPLOSIVES																							
Small arms ammunition	11	.....	.....	X	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Primers for cannon or small arms, empty cartridge cases—black powder igniters, empty cartridge cases, primed, empty cartridge cases, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets	12	.....	.....	X	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Fuzes, detonating fuzes, tracer fuzes or tracers	13	.....	.....	X	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Time or combination fuzes	14	.....	.....	X	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Cordeau detonant fuse, safety spills, fuse lighters, fuse igniters, delay electric igniters, electric squibs or instantaneous fuse	15	.....	.....	X	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Fireworks, common	16	X	X	X	c X	X	X	X	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	d X	.....

See footnotes at end of table.

The following table shows the explosives and other dangerous articles which must not be loaded or stored together.
The letter X at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stored together, for example: Detonating fuses, boosters (explosive) 7 horizontal column must not be loaded or stored with high explosives 2 vertical column.
Footnotes at bottom of the chart apply only to the items making reference to them.

		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
		Low explosives or black powder	High explosives, and smokeless powder for small arms in quantity exceeding 50 pounds net weight	Initiating or priming explosives, wet: diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitroguanidine, penta erythrite tetranitrate, tetrazene	Blasting caps, with or without safety fuse (including electric blasting cap); detonating primers	Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles, or shell, ammunition for small arms with explosive projectiles, or rocket ammunition for small arms with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles or illuminating projectiles	Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), Class A	Detonating fuzes, boosters (explosive)	Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles	Smokeless powder for cannon, or not exceeding 50 pounds net weight of smokeless powder for small arms, or jet thrust units (jato), Class B	Fireworks, special	Small arms ammunition	Primers for cannon or small arms, empty cartridge bags, black powder igniters, empty cartridge cases, primed, empty primers, combination primers of percussion caps, toy caps, explosive cable cutters, explosive rivets	Percussion fuzes, tracer fuzes or tracers	Time or combination fuzes	Cordeau detonant fuse, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs or instantaneous fuse	Fireworks, common	Flammable liquids or compressed flammable gases, red label	Flammable solids or oxidizing materials, yellow label	Acids, corrosive liquids, and alkaline caustic liquids, white label	Compressed nonflammable gases, green label	Poisonous gases or liquids, in cylinders, projectiles or bombs, poison gas label (see note 1)	Radioactive materials (class D poisons) blue or red radioactive material label
OTHER DANGEROUS ARTICLES																							
Flammable liquids or compressed flammable gases, red label	17	X	X	X	a X	X	X	X	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	f X	.....
Flammable solids or oxidizing materials, yellow label	18	X	X	X	a X	X	X	X	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	b X	.....	f X	.....
Acids, corrosive liquids, and alkaline caustic liquids, white label	19	X	X	X	a X	X	X	X	b X	b X	.....	.....	.....	.....	.....	.....	.....	.....	b X	.....	.....	f X	.....
Compressed nonflammable gases, green label	20	X	X	X	a X	X	X	X	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Poisonous gases or liquids, in cylinders, projectiles or bombs, poison gas label (see note 1)	21	d X	d X	X	d X	d X	d X	d X	d X	d X	d X	.....	.....	.....	.....	.....	.....	d X	d X	d X	d X	.....	.....
Radioactive materials (class D poisons) blue or red radioactive material label	22	X	X	X	X	X	X	X	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

a Blasting caps or electric blasting caps in quantities not exceeding 1,000 caps may also be loaded and transported with articles named in columns 10, 16, 17, 18, 19 and 20.
b Acids, corrosive liquids, and alkaline caustic liquids, white label, must not be loaded above or adjacent to articles named in columns 8, 9 and 18.
c Explosives, class A, and explosives, class B, columns 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 must not be loaded or stored with chemical ammunition containing incendiary charges either with or without bursting charges. Chemical ammunition of the same classification containing incendiary charges may be loaded and stored together.
d Gas identification sets may also be loaded and transported with articles named in columns 1, 2, 4, 5, 6, 7, 8, 9, 10, 16, 17, 18 and 19.
Note 1: Cyanides or cyanide mixtures must not be loaded or stored with acids, corrosive liquids, or alkaline caustic liquids.

SUBPART E—HANDLING BY CARRIERS BY RAIL FREIGHT

7. Amend § 74.584 paragraph (a) Table (15 F. R. 8354, Dec. 2, 1950) (49 CFR 74.584, 1950 Rev.) to read as follows:

	Label notation to follow entry of the article on the billing	Placard notation to follow entry of the article on the billing	Placard endorsement must be 3/4 high and appear on the billing near the space provided for the car number
For high explosives, initiating explosives, class A, and smokeless powder for small arms in quantity exceeding 50 pounds net weight.	None	"Explosives Placard".	"Explosives".
For explosive chemical ammunition containing class A poison gas.	Poison gas label	"Explosives and Poison Gas Placard".	"Explosives" and "Poison Gas".
For explosives, class B, except smokeless powder for small arms in quantity exceeding 50 pounds net weight.	None	"Dangerous Placard".	"Dangerous".
For explosives, class C	None	None	None.
For flammable liquids	Red label	"Dangerous Placard".	"Dangerous".
For flammable solids	Yellow label	"Dangerous Placard".	"Dangerous".
For oxidizing materials	Yellow label	"Dangerous Placard".	"Dangerous".
For corrosive liquids	White label	"Dangerous Placard".	"Dangerous".
For compressed nonflammable gases in containers other than tank cars.	Green label	None	None.
For compressed nonflammable gases in tank cars	None	"Dangerous Placard".	"Dangerous".
For compressed flammable gases	Red gas label	"Dangerous Placard".	"Dangerous".
For poisonous gases or liquids, class A	Poison gas label	"Poison Gas Placard".	"Poison Gas".
For poisonous liquids or solids, class B	Poison label	"Dangerous Placard".	"Dangerous".
For tear gases, class C	Tear gas label	None	None.
For radioactive materials, class D, poison	Radioactive materials label.	"Dangerous class D Poison Placard".	"Dangerous class D Poison".

8. Amend § 74.589 paragraph (g) (7), (15 F. R. 8356, Dec. 2, 1950) to read as follows:

(7) Loaded flat car.

NOTE: Flat cars equipped with permanently attached ends of rigid construction shall be considered as open-top cars. See subparagraph (8) of this paragraph.

9. Amend § 74.589 paragraph (h) (7) (49 CFR 74.589, 1950 Rev.) to read as follows:

(7) Loaded flat car.

NOTE: Flat cars equipped with permanently attached ends of rigid construction shall be considered as open-top cars. See subparagraph (8) of this paragraph.

10. Amend § 74.589 paragraph (i) (7) (15 F. R. 8356, Dec. 2, 1950) to read as follows:

(7) Loaded flat car.

NOTE: Flat cars equipped with permanently attached ends of rigid construction shall be considered as open-top cars. See subparagraph (8) of this paragraph.

11. Amend § 74.589 paragraph (j) (7) (49 CFR 74.589, 1950 Rev.) to read as follows:

(7) Loaded flat car.

NOTE: Flat cars equipped with permanently attached ends of rigid construction shall be considered as open-top cars. See subparagraph (8) of this paragraph.

12. Add paragraph (a) (1) to § 74.595 (15 F. R. 8357, 8358, Dec. 2, 1950) (49 CFR 74.595, 1950 Rev.) to read as follows:

(1) Small quantities of the material with which the tank car was loaded may remain in the "empty" tank car and when the vapors remaining therein are unstable it is permissible to add sufficient inert gas to render the vapors stable.

PART 75—CARRIERS BY RAIL EXPRESS

13. Amend § 75.651 paragraph (a) (15 F. R. 8359, Dec. 2, 1950) (49 CFR 75.651, 1950 Rev.) to read as follows:

§ 75.651 *Acceptable articles.* (a) Explosives and other dangerous articles, except such as will not be accepted, may be offered for transportation to rail express carriers engaged in interstate or foreign commerce and transported provided they are in proper condition for transportation and are certified that the regulations in Parts 71–78 of this chapter have been complied with, and provided their method of manufacture, packing, and storage, in so far as they affect safe transportation, are open to inspection by a duly authorized representative of the initial carrier or of the Bureau of Explosives.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

1. Amend first four paragraphs appearing under authority citation for Part 77 (15 F. R. 8361, Dec. 2, 1950) (15 F. R. 8824, Dec. 13, 1950) (49 CFR 77, 1950 Rev.) to read as follows:

[The regulations with respect to transportation of explosives and other dangerous articles as defined in Parts 71–78 of this chapter are applicable to every common,[1] contract,[2] and private[3] carrier by motor vehicle in interstate or foreign commerce, and also to every common,' contract,' and private' carrier by motor vehicle engaged solely in intrastate commerce.]

2. Cancel Note 1 appearing under authority citation for Part 77 (15 F. R. 8361, Dec. 2, 1950) (49 CFR 77, 1950 Rev.).

[1] Prescribed under authority of Public Law 772, 80th Congress (62 Stat. 738, sections 831–835 of Title 18 of the United States Code approved June 25, 1948.
[2] Prescribed under authority of the Interstate Commerce Act, Part II, section 204 (a) (2) and by order of the Interstate Commerce Commission, Docket No. 3666, dated November 8, 1941.
[3] Prescribed under authority of the Interstate Commerce Act, Part II, section 204 (a) (3) and by orders of the Interstate Commerce Commission, Dockets Ex Parte No. MC-3 and MC-13, and No. 3666, dated April 20, June 14, and August 27, 1943.
' Prescribed by orders of the Interstate Commerce Commission, in Dockets Ex Parte No. MC-3 and MC-13, and No. 3666, dated April 20, June 14, and August 27, 1943.

SUBPART A—GENERAL INFORMATION AND REGULATIONS

3. Amend § 77.800 paragraph (a) (15 F. R. 8361, Dec. 2, 1950) (49 CFR 77.800, 1950 Rev.) to read as follows:

§ 77.800 *Purpose of regulations in Parts 71–78 of this chapter.* (a) To promote the uniform enforcement of law and to minimize the dangers to life and property incident to the transportation of explosives and other dangerous articles, by common, contract, and private carriers, by motor vehicles engaged in interstate, intrastate, or foreign commerce, the regulations in Parts 71–78 of this chapter are prescribed to define these articles for motor vehicle transportation purposes, and to state the precautions that must be observed by the carrier in handling them while in transit. It is the duty of each such carrier to make the prescribed regulations effective and to thoroughly instruct employees in relation thereto.

4. Amend § 77.801 paragraph (a) (15 F. R. 8361, Dec. 2, 1950) (49 CFR 77.801, 1950 Rev.) to read as follows:

§ 77.801 *Scope of regulations in Parts 71–78 of this chapter.* (a) Explosives and other dangerous articles, except such as may not be accepted and transported under Parts 71–78 of this chapter, may be accepted and transported by common, contract, and private carriers by motor vehicle engaged in interstate, intrastate, or foreign commerce, provided they are in proper condition for transportation and are certified as being in compliance with Parts 71–78, and provided the method of manufacture, packing, and storage, so far as they affect safety in transportation, are open to inspection by a duly authorized representative of the initial carrier or of the Bureau of Explosives.

5. Amend § 77.802 paragraph (a) (15 F. R. 8361, Dec. 2, 1950) (49 CFR 77.802, 1950 Rev.) to read as follows:

§ 77.802 *Application of regulations in Parts 71–78 of this chapter.* (a) The regulations in Parts 71–78 of this chapter apply to all common, contract, and private carriers by motor vehicle transporting explosives and other dangerous articles as defined in Parts 71–78 of this chapter in interstate, intrastate, or foreign commerce, except as follows:

(1) *Exemptions for private carriers of flammable liquids in interstate or foreign commerce.* Because of the present emergency and until further order of the Commission, the following regulations shall apply to transportation of flammable liquids by private carriers by motor vehicle in interstate or foreign commerce:

All regulations in Parts 71–78 of this chapter applying to common, contract, and private carriers by motor vehicle in interstate or foreign commerce shall apply to such private carriers, except:

Cargo tanks of tank motor vehicles constructed previous to June 15, 1943, may be continued in service if maintained in safe operating condition and sufficiently frequent inspections are maintained to determine compliance with all requirements as specified below.

Any defect or deficiency, due to accident or otherwise, that is likely to cause serious hazard must be corrected before any such tank is continued in or returned to service; see, however, § 77.856.

Requirements applying to tests of tanks, and provisions for markers thereon except that indicating the flammable nature of the cargo, are waived.

Outages for shipments shall be those provided for in Part 73 of this chapter, except that filling of tanks to outage markers already incorporated in tanks, having due regard for safety in the transportation of the flammable liquids, need not be changed.

Section 77.815 labels, and § 77.819 certification of packages, need not be complied with by such private carriers, except as to packages transferred from one carrier to another.

(2) *Exemptions for common, contract, and private carriers by motor vehicle of flammable liquids in intrastate commerce.* Because of the present emergency and until further order of the Commission, the following regulations shall apply to transportation of flammable liquids by common, contract, and private carriers by motor vehicle in intrastate commerce:

All regulations in Parts 71–78 of this chapter applying to common, contract, and private carriers by motor vehicle in intrastate commerce shall apply to such carriers, except:

That common, contract, and private carriers by motor vehicle transporting flammable liquids in intrastate commerce shall not be subject to Parts 71–78 of this chapter.

(3) *Shipments accepted by motor vehicle for further transportation by other carriers.* When shipments are accepted by motor vehicle for further transportation by rail express (see also paragraph (c) of this section), rail baggage (see also paragraph (d) of this section), rail freight, or by water on board vessel, they must, in addition to Parts 71–78 of this chapter, comply with the applicable regulations for the service by which they are to be transported.

6. Amend § 77.804 paragraph (a) (15 F. R. 8362, Dec. 2, 1950) (49 CFR 77.804, 1950 Rev.) to read as follows:

§ 77.804 *Export shipments by domestic carriers by motor vehicle.* (a) Explosives and other dangerous articles authorized to be exported from the United States when packed, marked, labeled, and described, in accordance with rules and regulations in force at destination ports, must not be offered to any common, contract, or private carrier by motor vehicle for domestic transportation unless in full accordance with Parts 71–78 of this chapter.

7. Add Note 1 to § 77.805 paragraph (a) (15 F. R. 8362, Dec. 2, 1950) (49 CFR 77.805, 1950 Rev.) to read as follows:

NOTE 1: Because of the present emergency and until further order of the Commission, compressed gas cylinders 40 inches in length and 8 inches in diameter, charged with not more than 40 pounds of carbon dioxide and shipped by or to the Canadian Department of National Defense in accordance with Board of Transport Commissioners for Canada Order No. 76253, dated March 10, 1951, may be shipped to destinations in the United States or through the United States to points in Canada.

8. Amend § 77.807 paragraph (a) (3) (15 F. R. 8362, Dec. 2, 1950) (49 CFR 77.807, 1950 Rev.) to read as follows:

§ 77.807 *Emergency shipments.* (a) for the protection of the public against fire, explosion, or other or further hazard, with respect to shipments of explosives or other dangerous articles offered for transportation or in transit by any common, contract, or private carrier by motor vehicle, such carrier shall make immediate report to the Bureau of Explosives, 30 Vesey Street, New York, N. Y., for handling, any of the following emergency matters coming to their attention (see also §§ 77.853 to 77.870 for handling shipments in transit):

* * * * *

(3) Other like emergencies in which any common, contract, or private carrier by motor vehicle is or is likely to become involved, or may offer aid at its command.

9. Amend § 77.814 paragraph (a) Report Form (15 F. R. 8362, 8363, Dec. 2, 1950) (49 CFR 77.814, 1950 Rev.) to read as follows:

No. 3666

Report to

BUREAU OF SERVICE

INTERSTATE COMMERCE COMMISSION
WASHINGTON, D. C.

Fires, Explosions, and Leaking, Broken, or Seriously Damaged Containers

[that can be attributed in whole or in part to the transportation or storage of explosive or other dangerous articles]

Submitted by ----------
(Name of carrier—corporate or business name)

---------- (Date) 19----

Address ----------
(Street and number)

(City—town)

(State)

Common carrier, I. C. C. certificate No. ----
Contract carrier, I. C. C. permit No. ----
Private carrier ----------
Date of accident or discovery of damage ----

Place ----------
Commodity and quantity ----------
Quantity destroyed ----------
What marking or placards were on motor vehicle? ----------
If a tank motor vehicle, what sign or other marking to indicate contents? ----------
Show package markings:
Name of contents ----------
I. C. C. Spec. No. ----------
Label ----------
Serial Nos. ---------- Code Nos. ----------
If carboy, show box maker's name------
---------- and whether straight sided ----------or ballon shaped ----------
Name and address of shipper----------
Name of address of consignee ----------
T. L. or L. T. L. shipment ----------

RESULTS OF ACCIDENT

(State whether in transportation or storage)

Number of persons injured ----- killed -----
Property loss:
Reporting-carrier's vehicle ------ $------
Other vehicles---------- $------
Reporting-carrier's cargo--------- $------
Other cargoes ---------- $------
Other property (described)------- $------
Total loss ---------- $------

Give all essential facts and details of handling (use additional sheet if necessary, stating: (1) Part of package damaged or leaking, and what was done to stop leak; (2) rate of leakage; (3) probable cause of fire, explosion, or leaking, broken, or seriously damaged container; (4) distance between source of ignition and point of leakage of flammable liquid or vapor; (5) description of package, packing or cushioning material, and method of loading and bracing in vehicle; (6) for tank motor vehicle, speed of vehicle, condition of highway, degree and elevation of curve, if any; (7) any defective condition of vehicle likely to contribute directly to accident; and (8) specification number, type, or other identifying description of tank, and date built, if shown.

Is this accident also being reported to the Commission on Form BMC-50? ----------
(Yes or No)

This report is required by § 77.814 of regulations in Docket 3666. Information furnished on this form will not be open to public inspection.

(Signed) ----------

SUBPART B—LOADING AND UNLOADING

10. Amend § 77.835 paragraphs (g), (h), and (k) (15 F. R. 8365, Dec. 2, 1950) (49 CFR 77.835, 1950 Rev.) to read as follows:

(g) *Blasting caps or electric blasting caps in the same motor vehicle with other high explosives.* Except as provided in paragraph (k) of this section, no blasting caps or electric blasting caps may be transported in or on a motor vehicle with any high explosive.

(h) *Lading within body covered, tailgate closed.* Except as provided in paragraph (k) of this section, all of that portion of the lading of any motor vehicle which consists of explosives shall be contained entirely within the body of the motor vehicle, and if such motor vehicle has a tailboard or tailgate, it shall be closed and secured in place during such transportation. Every motor vehicle transporting explosives must have a closed body or have the body thereof covered with a tarpaulin, and in either event care must be taken to protect the load from moisture and sparks.

(k) *Transportation of liquid nitroglycerin, desensitized liquid nitroglycerin, and diethylene glycol dinitrate, other than desensitized liquid explosives as defined in § 73.53 (e) of this chapter.* Liquid nitroglycerin, desensitized liquid nitroglycerin, and diethylene glycol dinitrate, other than desensitized liquid explosives as defined in § 73.53 (e) of this chapter, may be accepted for transportation and transported only by motor carriers other than common carriers. Such explosives must be loaded into or on a motor vehicle having the type of body specified in spec. MC–200 (§ 78.315 of this chapter). Liquid nitroglycerin, desensitized liquid nitroglycerin, and diethylene glycol dinitrate must not be loaded in excess of 10 quarts in any individual container nor shall the total quantity of such explosives exceed 900 quarts on one motor vehicle.

(1) Motor carriers, other than common carriers, engaged in geophysical, geological, seismograph, or well shooting operations transporting such explosives in accordance with this paragraph may also transport in the same motor vehicle in no greater quantity than is necessary for use on any particular trip, other explosives including percussion caps, detonators, blasting caps, electric blasting caps and tools or other supplies necessary for preparing and firing charges thereof: *Provided,* That such other explosives are packed as prescribed in the following table and are segregated, each kind from every other kind, and from tools and other supplies and are carried in a closed and covered bed or body which is firmly bolted or fastened above the lid of the compartment containing the liquid nitroglycerin, desensitized liquid nitroglycerin, or diethylene glycol dinitrate: *Provided further,* That in no case shall the net load exceed 7,500 pounds.

Materials for preparing and firing charges	Packing required
Other explosives.	1. Authorized outside shipping containers.
Percussion caps or detonators.	1. Cloth container having individual pockets for each percussion cap or detonator. 2. Container prescribed by Spec. MC–201.
Blasting caps or electric blasting caps.	1. Cloth container having individual pockets for each such cap. 2. Container prescribed by Spec. MC–201. 3. Authorized ICC outside shipping containers prescribed in § 73.66. 4. Authorized ICC inside shipping containers in an outside box made of 1 inch lumber lined with suitable padding material not less than ½ inch thick, or in an outside box made of not less than 12 gauge sheet metal lined with plywood or other suitable material not less than ¾ inch thick so that no metal is exposed; either type of box must have hinged cover and fastening device and must be so loaded in the motor vehicle so that contents or box will be immediately accessible for removal.
Tools and other supplies.	Shall be properly secured in place so as to prevent their coming in contact with the percussion caps, detonators, blasting caps or electric blasting caps.

(2) Motor carriers, other than common carriers, engaged in geophysical, geological, seismograph, or well shooting operations transporting desensitized liquid explosives as defined in § 73.53 (e) of this chapter (see also § 73.62 of this chapter), or high explosives (see §§ 73.63, 73.64, and 73.65 of this chapter), may also transport in the same motor vehicle, in no greater quantity than is necessary for use on any particular trip, other explosives including percussion caps, detonators, blasting caps, electric blasting caps and tools or other supplies necessary for preparing and firing charges thereof: *Provided,* That such other explosives are packed as prescribed in the table in subparagraph (1) of this paragraph and are segregated each kind from every other kind, and from tools and other supplies and are carried in a closed and covered box which is firmly bolted or fastened to the motor vehicle body and separated from the desensitized liquid explosives or high explosives by not less than 3 feet: *Provided, further,* That the intervening space of 3 feet must be filled with dry sand or earth in bags or in a crib so constructed or lined as to prevent sifting of the sand or earth. The crib must be secured against movement.

11. Cancel Paragraphs (l) and (m) of § 77.835 (15 F. R. 8365, 8366, Dec. 2, 1950) (49 CFR 77.835, 1950 Rev.).

12. Amend § 77.840 paragraph (c) (15 F. R. 8367, Dec. 2, 1950) (49 CFR 77.840, 1950 Rev.) to read as follows:

(c) Tanks complying with specification 106A500 (§ 78.275 of this chapter), containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, difluoromonochloroethane, dispersant gas, n. o. s., or dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), tanks complying with specification 110A500W (§ 78.293 of this chapter), containing dichlorodifluoromethane or monochlorodifluoromethane, or tanks complying with specification 106A800 (§ 78.276 of this chapter), containing hydrogen sulfide, may be transported on trucks or semitrailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 (b) (1) of this chapter, for rail freight-motor vehicle shipments.

SUBPART C—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

13. Amend § 77.848, chart, footnotes a, b, c, and Notes 1, 2, and 3, (15 F. R. 8368, 8369, Dec. 2, 1950) (49 CFR 77.848, 1950 Rev.) to read as follows:

§ 77.848 *Loading and storage chart of explosives and other dangerous articles.* (a) Explosives or other dangerous articles must not be loaded, transported, or stored together, except as provided in this section.

The following table shows the explosives and other dangerous articles which must not be loaded or stored together. The letter X at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stored together, for example: Detonating fuzes, boosters (explosive) 7 horizontal column must not be loaded or stored with high explosives 2 vertical column.

Footnotes at bottom of the chart apply only to the items making reference to them.

		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
		Low explosives or black powder	High explosives, and smokeless powder for small arms in quantity exceeding 50 pounds net weight	Initiating or priming explosives, wet: diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitrosoguanidine, pentaerythrite tetranitrate, tetrazene	Blasting caps, with or without safety fuse (including electric blasting caps), detonating primers	Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell, ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles or illuminating projectiles	Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), Class A	Detonating fuzes, boosters (explosive)	Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles	Smokeless powder for cannon, or not exceeding 50 pounds net weight of smokeless powder for small arms, or jet thrust units (jato), Class B	Fireworks, special	Small arms ammunition	Primers for cannon or small arms, empty cartridge bags, black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets	Percussion fuzes, tracer fuzes or tracers	Time or combination fuzes	Cordeau detonant fuse, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, or instantaneous fuse	Fireworks, common	Flammable liquids or compressed flammable gases, red label	Flammable solids or oxidizing materials, yellow label	Acids, corrosive liquids, and alkaline caustic liquids, white label	Compressed nonflammable gases, green label	Poisonous gases or liquids, in cylinders, projectiles or bombs, poison gas label (see note 1)	Radioactive materials (Class D poisons) blue or red radioactive material label
CLASS A EXPLOSIVES																							
Low explosives or black powder	1	----	(c)	X	(c)	(c)	(c)	(c)	(c)	(c)	X	----	----	----	----	----	X	X	X	X	X	•X	X
High explosives, and smokeless powder for small arms in quantity exceeding 50 pounds net weight	2	(c)	----	X	d X	(c)	(c)	X	(c)	(c)	X	----	----	----	----	----	X	X	X	X	X	•X	X
Initiating or priming explosives, wet: diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitrosoguanidine, pentaerythrite tetranitrate, tetrazene	3	X	X	----	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	•X	X
Blasting caps, with or without safety fuse (including electric blasting caps), detonating primers	4	(c)	d X	X	----	X	X	(c)	(c)	(c)	•X	----	----	----	----	----	•X	•X	•X	•X	•X	•X	X
Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell, ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles or illuminating projectiles	5	(c)	(c)	X	X	----	(c)	X	(c)	(c)	X	----	----	----	----	----	X	X	X	X	X	•X	X
Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), class A	6	(c)	(c)	X	X	(c)	----	X	(c)	(c)	X	----	----	----	----	----	X	X	X	X	X	•X	X
Detonating fuzes, boosters (explosive)	7	(c)	X	X	(c)	X	X	----	(c)	(c)	X	----	----	----	----	----	X	X	X	X	X	•X	X
CLASS B EXPLOSIVES																							
Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles	8	(c)	(c)	X	(c)	(c)	(c)	(c)	----	(c)	(c)	----	----	----	----	----	----	----	----	b X	----	•X	38
Smokeless powder for cannon, or not exceeding 50 pounds net weight of smokeless powder for small arms, or jet thrust units (jato), class B	9	(c)	(c)	X	(c)	(c)	(c)	(c)	(c)	----	(c)	----	----	----	----	----	----	----	----	b X	----	•X	----
Fireworks, special	10	X	X	X	•X	X	X	X	(c)	(c)	----	----	----	----	----	----	----	----	----	----	----	•X	----

See footnotes at end of table.

The following table shows the explosives and other dangerous articles which must not be loaded or stored together.

The letter X at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stored together, for example: Detonating fuzes, boosters (explosive) 7 horizontal column must not be loaded or stored with high explosives 2 vertical column.

Footnotes at bottom of the chart apply only to the items making reference to them.

		Low explosives or black powder			High explosives, and smokeless powder for small arms in quantity exceeding 50 pounds net weight																		
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
CLASS C EXPLOSIVES				Initiating or priming explosives, wet: diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitrosoguanidine, pentaerythrite tetranitrate, tetrazene	Blasting caps, with or without safety fuse (including electric blasting caps), detonating primers	Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles, or shell, ammunition for small arms with explosive bullets, or rocket ammunition for small arms with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles or illuminating projectiles	Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), Class A	Detonating fuzes, boosters (explosive)	Ammunition for cannon with empty, inert-loaded or solid projectiles, or with ball, propelling charge, or tracer ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles	Smokeless powder for cannon, or not exceeding 50 pounds net weight of smokeless powder for small arms, or jet thrust units (jato), Class B	Fireworks, special	Small arms ammunition	Trimers for cannon or small arms, empty cartridge bags-black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers of percussion caps, toy caps, explosive cable cutters, explosive rivets	Percussion fuzes, tracer fuzes or tracers	Time or combination fuzes	Cordeau detonant fuse, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs or instantaneous fuse	Fireworks, common	Flammable liquids or compressed flammable gases, red label	Flammable solids or oxidizing materials, yellow label	Acids, corrosive liquids, and alkaline caustic liquids, white label	Compressed nonflammable gases, green label	Poisonous gases or liquids, in cylinders, projectiles or bombs, poison gas label (see note 1)	Radioactive materials (class D poisons) blue or red radioactive material label
Small arms ammunition	11			X																			
Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets	12			X																			
Percussion fuzes, tracer fuzes or tracers	13			X																			
Time or combination fuzes	14			X																			
Cordeau detonant fuse, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, or instantaneous fuse	15			X																			
Fireworks, common	16	X	X	X	•X	X	X	X															
OTHER DANGEROUS ARTICLES																							
Flammable liquids or compressed flammable gases, red label	17	X	X	X	•X	X	X	X														•X	
Flammable solids or oxidizing materials, yellow label	18	X	X	X	•X	X	X	X													bX	•X	
Acids, corrosive liquids, and alkaline caustic liquids, white label	19	X	X	X	•X	X	X	X	bX	bX										bX		•X	
Compressed nonflammable gases, green label	20	X	X	X	•X	X	X	X															
Poisonous gases or liquids, in cylinders, projectiles or bombs, poison gas label (see note 1)	21	•X	•X	X	•X	•X	•X	•X	•X	•X	•X							•X	•X	•X	•X		
Radioactive materials (class D poisons) blue or red radioactive material label	22	X	X	X	X	X	X	X															

• Blasting caps or electric blasting caps in quantities not exceeding 1,000 caps may also be loaded and transported with articles named in columns 10, 16, 17, 18, 19, and 20.
b Acids, corrosive liquids, and alkaline caustic liquids white label, must not be loaded above or adjacent to articles named in columns 8, 9 and 18.
• Explosives, Class A, and explosives, Class B, columns 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 must not be loaded or stored with chemical ammunition containing incendiary charges either with or without bursting charges. Chemical ammunition of the same classification containing incendiary charges may be loaded or stored together.
• Blasting caps, electric blasting caps, or detonators, column 4, may also be transported in the same motor vehicle with liquid nitroglycerin, desensitized liquid nitroglycerin, and diethylene glycol dinitrate, including desensitized liquid explosives as defined in § 73.53 (e) of this chapter, and high explosives, column 2, by motor carriers, other than common carriers, engaged in geophysical, geological, seismograph, or well shooting operations in conformity with § 77.805 (k).
• Gas identification sets may also be loaded and transported with articles named in columns 1, 2, 4, 5, 6, 7, 8, 9, 10, 16, 17, 18 and 19.

NOTE 1: Cyanides or cyanide mixtures must not be loaded or stored with acids, corrosive liquids, or alkaline caustic liquids.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART C—SPECIFICATIONS FOR CYLINDERS

1. Amend § 78.51-10 paragraph (c) (15 F. R. 8406, Dec. 2, 1950) (49 CFR 78.51-10, 1950 Rev.) to read as follows:

(c) Cylinders with wall thickness less than 0.100 inch, the ratio of tangential length to outside diameter shall not exceed 4.0.

2. Amend § 78.51-17 paragraph (d) (15 F. R. 8407, Dec. 2, 1950) (49 CFR 78.51-17, 1950 Rev.) to read as follows:

(d) *Alternate guided-bend test.* An alternate guided-bend test jig, as illustrated in § 78.51-23 (a) and (b), may be used for testing the soundness of fillet welded lap joints and joggle butt joints. The test specimen shall be bent across the weld as illustrated in sketch A or B for fillet welded lap joints and as illustrated in sketches C and D for joggle butt joints. The specimen shall be bent until the elongation at the outer surface, adjacent to the root of the weld, between the lightly scribed gauge lines—a to b, shall be at least 20 percent; except that this percentage may be reduced for steels having a tensile strength in excess of 50,000 pounds per square inch, as provided in § 78.51-16. No tested specimen shall show a crack, or other defect, as specified in § 78.51-17 (c). The gauge lines shall be lightly scribed before bending. The amount of elongation may be conveniently determined with a Brinell microscope or any other suitable method may be employed.

TABLE I—AUTHORIZED MATERIALS

Designation	Chemical analysis—limits in percent					
	1315 [1]	1132 [2]	MAY [3]	NAX [4]	COR [5]	
Carbon	0.10/0.20	0.12 max	0.12 max	0.20 max	0.12 max.	
Manganese	1.10/1.65	0.50/0.90	0.50/1.00	0.45/.75	0.20/0.50.	
Phosphorus	0.045 max	0.05/0.12	0.08/0.12	0.045 max	0.07/0.15.	
Sulfur	0.045 max	0.05 max	0.05 max	0.05 max	0.06 max.	
Silicon	0.15/0.35	0.15 max	0.10/0.50	0.20/0.90	0.20/0.75.	
Chromium			0.10/1.50	0.45/0.70	0.50/1.25.	
Molybdenum		0.08/0.18	0.40/1.00		0.40/1.25.	
Zirconium				0.05/0.25		
Nickel		0.15/0.75	0.25/0.75		0.65 max.	
Copper	0.40 max	0.15/0.30	0.50/0.70		0.25/0.55.	
Aluminum		0.12/0.27		0.05/0.20		
Heat treatment authorized		(6)	(6)	(6)	(6)	
Maximum stress	35,000	35,000	35,000	35,000	35,000.	
	8617 [1]	4037 [2]	4137 [3]	8637 [4]	8740 [5]	
Carbon	0.15/0.20	0.35/0.40	0.35/0.40	0.35/0.40	0.38/0.43.	
Manganese	0.70/0.90	0.70/0.90	0.70/0.90	0.70/0.90	0.75/1.00.	
Phosphorus	0.045 max	0.04 max	0.04 max	0.04 max	0.04 max.	
Sulfur	0.045 max	0.04 max	0.04 max	0.04 max	0.04 max.	
Silicon	0.15/0.30	0.15/0.35	0.15/0.35	0.15/0.35	0.20/0.35.	
Chromium	0.40/0.60	0.20/0.35		0.35/0.55	0.35/0.60.	
Molybdenum	0.15/0.25		0.20/0.30	0.20/0.30	0.15/0.25.	
Zirconium						
Nickel	0.20/0.50		0.30/0.70	0.50/1.00	0.40/0.70.	
Copper						
Aluminum						
Heat treatment authorized	(6)	(6)	(6)	(6)	(6)	
Maximum stress	35,000	35,000	35,000	35,000	35,000.	

[1] A heat of steel made under any of the above specifications, checked analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the standard permissible variations from specified chemical ranges and limits published in the American Iron and Steel Institute Products Manual, section 10, dated June 1948, are not exceeded or are approved by the Bureau of Explosives.
[2] The steel shall not be restricted to the composition limited in analysis shown in the table.
[3] Any suitable heat treatment in excess of 1,000° F. except that liquid quenching is not permitted.
[4] Addition of other elements to obtain alloying effect is not authorized.
[5] Grain size 6 or finer according to A. S. T. M. Spec. E 19-46.
[6] Only fully killed steel authorized.

3. Amend § 78.51-20 paragraph (a) Table I (15 F. R. 8407, Dec. 2, 1950) (49 CFR 78.51-20, 1950 Rev.) to read as follows:

TABLE I—AUTHORIZED MATERIALS

Designation	Chemical analysis—limits in percent					
	1315 [1]	1132 [2]	MAY [3]	NAX [4]	COR [5]	
Carbon	0.10/0.20	0.12 max	0.12 max	0.20 max	0.12 max.	
Manganese	1.10/1.65	0.50/0.90	0.50/1.00	0.45/.75	0.20/0.50.	
Phosphorus	0.045 max	0.05/0.12	0.08/0.12	0.045 max	0.07/0.15.	
Sulfur	0.05 max	0.05 max	0.05 max	0.05 max	0.06 max.	
Silicon	0.15/0.35	0.15 max	0.10/0.50	0.20/0.90	0.20/0.75.	
Chromium			0.10/1.50	0.45/0.70	0.50/1.25.	
Molybdenum		0.08/0.18	0.40/1.00		0.40/1.25.	
Zirconium				0.05/0.25		
Nickel		0.15/0.75	0.25/0.75		0.65 max.	
Copper	0.40 max	0.15/0.30	0.50/0.70		0.25/0.55.	
Aluminum		0.12/0.27		0.05/0.20		
Heat treatment authorized		(6)	(6)	(6)	(6)	
Maximum stress	35,000	35,000	35,000	35,000	35,000.	
	8617 [1]	4037 [2]	4137 [3]	8637 [4]	8740 [5]	
Carbon	0.15/0.20	0.35/0.40	0.35/0.40	0.35/0.40	0.38/0.43.	
Manganese	0.70/0.90	0.70/0.90	0.70/0.90	0.70/0.90	0.75/1.00.	
Phosphorus	0.045 max	0.04 max	0.04 max	0.04 max	0.04 max.	
Sulfur	0.045 max	0.04 max	0.04 max	0.04 max	0.04 max.	
Silicon	0.15/0.30	0.15/0.35	0.15/0.35	0.15/0.35	0.20/0.35.	
Chromium	0.40/0.60	0.20/0.35		0.35/0.55	0.35/0.60.	
Molybdenum	0.15/0.25		0.20/0.30	0.20/0.30	0.15/0.25.	
Zirconium						
Nickel	0.20/0.50		0.30/0.70	0.50/1.00	0.40/0.70.	
Copper						
Aluminum						
Heat treatment authorized	(6)	(6)	(6)	(6)	(6)	
Maximum stress	35,000	35,000	35,000	35,000	35,000.	

[1] A heat of steel made under any of the above specifications, checked analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the standard permissible variations from specified chemical ranges and limits published in the American Iron and Steel Institute Products Manual, section 10, dated June 1948, are not exceeded or are approved by the Bureau of Explosives.
[2] The steel shall not be restricted to the composition limited in analysis shown in the table.
[3] Any suitable heat treatment in excess of 1,000° F. except that liquid quenching is not permitted.
[4] Addition of other elements to obtain alloying effect is not authorized.
[5] Grain size 6 or finer according to A. S. T. M. Spec. E 19-46.
[6] Only fully killed steel authorized.

4. Amend § 78.55-2 paragraph (c) (15 F. R. 8417, Dec. 2, 1950) (49 CFR 78.55-2, 1950 Rev.) to read as follows:

(c) *Size.* The maximum water capacity of this type shall not exceed 12 pounds or 333 cubic inches. The maximum outside diameter of the shell shall be five inches and maximum length of shell 21 inches.

5. Amend § 78.59-12 paragraph (b) (15 F. R. 8420, Dec. 2, 1950) (49 CFR 78.59-12, 1950 Rev.) to read as follows:

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat-treatment and previous to the official test must not exceed 90 percent of the test pressure.

6. Amend § 78.59-16 paragraph (a) (15 F. R. 8420, Dec. 2, 1950) (49 CFR 78.59-16, 1950 Rev.) to read as follows:

§ 78.59-16 *Porous filling.* (a) Cylinders must be filled with an approved porous material of such structure that it will not disintegrate or sag when wet with solvent or when subjected to normal service. The porous filling material shall be uniform in quality and free of voids, except that a well drilled into the filling material beneath the valve is authorized: *Provided*, That such a well be filled with a material of such type that the functions of the filling material are not impaired. Overall shrinkage of the filling material is authorized, provided the total clearance between the cylinder shell and filling material, after solvent has been added, does not exceed ½ of 1 percent of the respective diameter or length but in no case to exceed ⅛ inch measured diametrically and lowitudinally and that such clearances do not impair the functions of the filling material. In all cases, the filling material as installed in the cylinder must be approved by the Bureau of Explosives.

7. Amend § 78.60-4 paragraph (a) Table 1 (15 F. R. 8422, 8423, Dec. 2, 1950) (49 CFR 78.60-4, 1950 Rev.) to read as follows:

17. Amend § 78.127–5 paragraph (a) Table and footnote (15 F. R. 8452, Dec. 2, 1950) (49 CFR 78.127–5, 1950 Rev.) to read as follows:

Marked capacity not over (gallons)	Authorized gross weight (pounds)	Type of container	Welded side seam required	Minimum thickness in the Black (gage, United States Standard)	
				Body sheet	Head sheet
55	80	Straight side	Yes	26	26
55	160	do	Yes	24	24
55	275	do	Yes	22	22
55	425	do	Yes	20	20
55	650	do	Yes	18	18
55	800	do	Yes	16	16

[1] Because of the present emergency and until further order of the Commission.

18. Amend § 78.128–5 paragraph (a) Table (15 F. R. 8453, Dec. 2, 1950) (49 CFR 78.128–5, 1950 Rev.) to read as follows:

Marked capacity not over (gallons)	Authorized gross weight (pounds)	Type of container	Welded side seam required	Minimum thickness in the Black (gage, United States standard)	
				Body sheet	Head sheet
55	80	Straight side	Yes	28	28
55	160	do	Yes	26	26
55	275	do	Yes	24	24
55	425	do	Yes	22	22
55	650	do	Yes	20	20
55	800	do	Yes	18	18

19. Amend § 78.129–5 paragraph (a) Table (15 F. R. 8453, Dec. 2, 1950) (49 CFR 78.129–5, 1950 Rev.) to read as follows:

Marked capacity not over (gallons)	Authorized gross weight (pounds)	Type of container	Minimum thickness in the Black (gage, United States standard)	
			Body sheet	Head sheet
10	45	Straight side	26	26
35	145	do	24	24
30	245	do	22	22
55	245	do	22	22

20. Amend § 78.136–9 paragraph (a) (3) (15 F. R. 8454, Dec. 2, 1950) (49 CFR 78.136–9, 1950 Rev.) to read as follows:

(3) Gauge of metal, Brown and Sharpe, at start of fabrication; rated capacity in gallons; year of manufacture (for example, 7–30–50).

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS AND MAILING TUBES

21. Amend § 78.205–28 paragraph (a) (15 F. R. 8476, Dec. 2, 1950) (49 CFR 78.205–28, 1950 Rev.) to read as follows:

§ 78.205–28 *Special box; authorized only for wet electric storage batteries of impregnated rubber, asphaltum composition, wooden-battery-box type, or aluminum-case type, having a net weight greater than 75 pounds.* (a) Must comply with this specification except as follows: Must be one-piece type of double wall corrugated fiberboard at least 400-pound test, or solid fiberboard testing at least 400 pounds; boxes may or may not have hand holes provided for in ends of box providing same will not materially weaken box, top of battery to be protected by wood frame, corrugated trays or scored sheets of corrugated fiberboard having minimum test of 200 pounds, top protection must bear evenly on connectors of battery to facilitate stacking of batteries; bottom of batteries to be protected by minimum of one excelsior pad or double wall corrugated fiberboard pad; sides and ends to be cushioned between batteries and walls of box; combined thickness of cushioning material and walls of box must be not less than ½", cushioning to be of excelsior pads, corrugated fiberboard or other suitable cushioning material; no more than one battery to be packed per box, authorized gross weight 190 pounds.

22. Amend § 78.214–14 paragraph (a) (15 F. R. 8479, 8480, Dec. 2, 1950) (49 CFR 78.214–14, 1950 Rev.) to read as follows:

§ 78.214–14 *Flap closures.* (a) Flaps must butt or have full overlap excepting that inner flaps may overlap ½ inch.

SUBPART I—SPECIFICATIONS FOR TANK CARS

23. Add § 78.291 (15 F. R. 8523, Dec. 2, 1950) (49 CFR 78.291, 1950 Rev.) to read as follows:

§ 78.291 *Specification for tank cars having fusion-welded aluminum tanks Class ICC–103–AL–W.* This specification covers Class ICC–103–AL–W tank cars having fusion-welded aluminum tanks to which have been added Association of American Railroads details which are not inconsistent therewith. Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads' Committee on Tank Cars as prescribed in § 78.259 (b), (c), (d), and (e)—Procedure.

ICC–1. *Type.* (a) Tanks built under this specification must be cylindrical, with heads dished convex outward, and must have at least one expansion dome with manhole, and such other external projections as are prescribed herein.

AAR–1. *Lagging.* (a) Not a specification requirement. If applied, the tank shell and dome must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.225 B. t. u. per square foot, per degree Fahrenheit differential in temperature, per hour.

AAR–1. (b) Before lagging is applied the tank surfaces to be lagged and the inside surface of the metal jacket shall be painted.

AAR–1. (c) The barrel, ends and dome of tank, except seatings of tanks on bolster and pads of fixtures, shall be lagged with insulating material.

AAR–1. (d) The lagging throughout shall be covered with a metal jacket not less than ⅛ inch in thickness.

AAR–1. (e) Openings through lagging shall be flashed around projections to prevent admission of water. Top of dome shall be so constructed that liquids cannot enter between dome wall and outer shell.

ICC–2. *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 300 pounds per square inch.

AAR–2. *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula but in no case shall the wall thickness be less than that specified in paragraph ICC–1.

$$t=\frac{Pd}{2SE},$$

where

t = thickness in inches of thinnest plate.
P = specified min. bursting pressure pounds per square inch.

d = inside diameter in inches.
S = minimum ultimate tensile strength in pounds per square inch in zone adjacent to welds as given below.
E = efficiency of longitudinal welded joint=90 percent.

Alloy 996A = 9,500 p. s. i.
Alloy 990A = 11,000 p. s. i.
Alloy M1A = 14,000 p. s. i.
Alloy GS11A=24,000 p. s. i.

ICC–3. *Material.* (a) All plates for tank and expansion dome shall be of an aluminum alloy suitable for fusion welding and not subject to rapid deterioration by the lading.

ICC–3. (b) All rivets must be of aluminum alloy of suitable composition. They must be handled and driven in a manner that will insure the requisite strength.

AAR–3. *Material.* (a) All plates for the tank and expansion dome must conform to Specification A. S. T. M. No. B–178, latest issue (Aluminum and Aluminum Alloy Sheet and Plate for Use in Pressure Vessels).

AAR–3 (b) Aluminum alloy castings must conform to Specification A. S. T. M. No. B–26, latest issue (Aluminum[3] Base Alloy Sand Castings) or B–108, latest issue (Aluminum-Base Alloy Permanent Mold Castings).

AAR–3. (c) Aluminum alloy forgings must be of suitable composition.

ICC–4. *Thickness and width of plates.* (a) The minimum thickness of plates must be as follows:

	Inch
Bottom sheet	5/8
Shell sheet	½
Expansion dome sheet	½
Tank head (dished)	5/8
Tank head (ellipsoidal)	½
Expansion dome head (dished or ellipsoidal)	½

ICC–4. (b) The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the cradle.

AAR–4. (a) For extreme diameter A. A. R. clearance requirements govern.

AAR–4. (b) For tanks built of one piece cylindrical sections, the thickness specified for bottom sheet must apply to the entire cylindrical shell.

AAR–4. (c) Car must have underframe.

ICC–5. *Tank heads.* (a) Tank heads must be of approved contour.

AAR–5. *Tank heads.* (a–1) Tank heads may be dished or ellipsoidal for pressure on concave side.

AAR–5. (a–2) Dished heads must have main inside radius not exceeding ten feet. The inside knuckle radius must be not less than five inches.

AAR–5. (a–3) Ellipsoidal tank head shapes shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be one-half of this.

AAR–5. (b–1) The thickness of tank head must be determined by the following formulas but shall in no case be less than that specified in paragraph ICC–4 (a). The following formula shall be used in computing thickness of dished heads:

$$t=\frac{5PL}{6SE},$$

where

t = thickness of plate, inches.
P = bursting pressure, pounds per square inch.
L = main inside radius to which head is dished measured on concave side of head, inches.
S = minimum ultimate tensile strength in pounds per square inch in zone adjacent to welds. (See par. AAR–2 (a).)
E = efficiency of welded joint to shell = 90 percent.

AAR–5. (b–2) The thickness of an ellipsoidal head shall be determined by the following formula:

$$t=\frac{Pd}{2SE},$$

where

t = thickness of plate, inches.
P = specified minimum bursting pressure, pounds per square inch.
d = inside diameter, inches.
S = minimum ultimate tensile strength in pounds per square inch in zone adjacent to welds. (See par. AAR–2 (a).)
E = efficiency of welded joint to shell = 90 percent.

ICC–6. *Welding.* (a) All joints must be fusion welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results.

ICC–6 (b) Manhole ring, safety valve flange, and bottom outlet nozzle flange or other attachments may be riveted or fusion welded. Riveted joints must be made metal to metal without interposition of other material. Rivets must be calked inside. For computing rivet areas the effective diameter of a driven rivet is the diameter of its reamed hole, which hole must in no case exceed nominal diameter of rivet by more than 1/16 inch. Use of rivets of less than ⅝" nominal diameter prohibited. Fusion welding for securing these attachments in place must be of double welded butt joint type or double full-fillet lap joint type.

ICC–6. *Calking.* (c) All attachments riveted to the tank must have the rivets and the joints formed by attachments calked on the inside of tank.

AAR–6. *Welding.* (a) Fusion welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion welding in accordance with the following requirements:

AAR–6. *Definitions*—(b–1) *Fusion welding.* A process of welding metals in the molten, or molten and vaporous state without the application of mechanical pressure or blows.

AAR–6. (b–2) *Double-welded butt joint.* A joint formed by the fusion of two abutting edges with a filler metal added from both sides of the joint and with reinforcement on both sides. (For permission to remove reinforcements see par. AAR–6 (m–1).)

NOTE: A joint with filler metal added from one side only is considered equivalent to a double-welded butt joint when and if means are provided for accomplishing complete penetration and reinforcement on both sides of the joint.

AAR–6 (b–3) *Full-fillet joint.* A fusion weld of approximately triangular cross section the throat of which lies in a plane disposed approximately 45 degrees with respect to the surface of the parts joined, and built up to the full thickness of the plate or nozzle flange that is being joined to a parallel plate, having the throat not less than 0.7 the thickness of the edge of the plate being welded.

AAR–6. (b–4) *Throat.* The minimum thickness of a weld along a straight line passing through the bottom of the cross sectional space provided to contain a fusion weld.

AAR–6. (b–5) *Single full-fillet lap joint.* A single full-fillet-lap joint is one in which the overlapped edges of two plates are full-fillet welded along one edge only.

AAR–6. (b–6) *Double full-fillet lap joint.* A double full-fillet lap joint is one in which the overlapped edges of the plates to be

joined are full-fillet welded at the edge of each plate.

NOTE: When attachments, referred to in paragraph ICC–6 (b) have flanges thicker than the plates to which they are joined, and are secured in place by fillet welds, such welds shall be of the double full-fillet-lap-joint type in which the throat is not less than 0.7 the thickness of the plate to which the attachment is joined.

AAR–6. (b–7) *Plug weld.* A plug weld is one used to join two plates by welding through a hole in one of them to secure a bond and subsequently filling the hole with weld metal. Plug welds to be used only in conjunction with fillet welds.

AAR–6. (c) *Joint efficiency, maximum.* The efficiencies for computing the value of the various types of fusion-welded joints in tanks constructed in conformity with requirements of this specification shall not exceed the following:

Types of joints	Efficiency of Joint (percent)
Double-welded butt joint	90.0
Full-fillet joint:	
Single full-fillet lap joint without plug welds. (See fig. 21)	55.0
Single full-fillet lap joint with plug welds. (See fig. 20)	65.0
Double full-fillet lap joint	65.0

NOTE: Strength of fillet welds shall be computed on the throat dimension of the triangular section, using the strength in shear and in conjunction with the stresses given below, multiplied by the joint efficiency given above.

For end welds, the maximum shear stresses shall be 80.0 percent of the minimum ultimate tensile strength given in paragraph AAR–2 (a).

For side welds, the maximum shear stresses shall be 60.0 percent of the minimum ultimate tensile strength given in paragraph AAR–2 (a).

Plug-weld. The maximum load on each plug weld shall be computed for either shear or tension by the following formula:

$$L = 0.63\ (d - \tfrac{1}{4})^2 \times s,$$

where

L = total maximum load in shear or tension on each plug weld in pounds.
d = diameter of the bottom of the hole in which the plug is made in inches.
s = maximum stress in shear or tension, as the case may be, in pounds per square inch.
s for shear = 80 percent of minimum ultimate tensile strength. (See par. AAR–2 (a).)
s for tension = minimum ultimate tensile strength. (See par. AAR–2 (a).)

Welding must meet the following test requirements:

AAR–6. *Test plates.* (d–1) A test plate of the dimensions shown in figure 10 from aluminum of the same specifications and thickness as the shell plates prepared for welding may be attached to the shell plate being welded, as in figure 9, on one end of one longitudinal joint of each tank so that the edges to be welded in the test plate are a continuation of and duplication of the corresponding edges of the longitudinal joint. In this case the weld metal shall be deposited in the test plates continuously with the weld metal deposited in the longitudinal joint. The plates for test samples may be taken from any part of one or more plates of the same lot of material that is used in the fabrication of welded tanks and without reference to the direction of the mill rolling. As an alternate method, a detach-test plate may be welded as provided for in AAR–6 (d–2). When more than one welding operator is employed on a tank, the required test plates for the individual tanks shall be made by welding operator designated by the inspector.

AAR–6. (d–2) When a test plate is welded for the longitudinal joints, none need be furnished for circumferential joints in the same tank, providing the welding process, procedure, and technique are the same.

AAR–6. (d–3) When there are several tanks being welded in succession, or at any one time, the plate thicknesses of which fall within a range of ¼ inch, each 200 feet of longitudinal and circumferential seams may be considered as the equivalent of one tank and only the test plates required by paragraphs AAR–6 (d–1) and AAR–6 (d–2) need be made, provided they are welded in the same way as the joints in question. When the manufacturer is in the regular and continuous production of ICC–103–AL–W or ICC–103–A–AL–W tanks, only one test plate need be made for one tank out of twenty (20) of any of these classes, provided a minimum of one (1) test plate per week for any of these classes is made.

The test plates shall be so supported that warping due to welding shall not throw the finished test plate out of line by an angle of over five degrees.

AAR–6. *Test specimens.* (e) The coupons for tension and bend test shall be removed as shown in figure 10 and be of the dimensions shown in figures 10 and 11.

AAR–6. *Tension tests.* (f–1) Two types of tension-test specimens are required, one of the joint and the other of the weld metal. The tension specimen of the joint shall be transverse to the welded joint, and shall be the full thickness of the welded plate after the outer and inner surfaces of the weld have been machined to a plane surface flush with the plate.

AAR–6. (f–2) The tensile strength of the joint specimen in figure 10 shall not be less than the minimum ultimate tensile strength in zone adjacent to welds. (See par. AAR–2 (a).)

AAR–6. (f–3) The tension-test specimen of the weld metal shall be taken entirely from the deposited weld metal and shall meet the following requirements:

Tensile strength = at least that of the minimum ultimate tensile strength in zone adjacent to welds. (See par. AAR–2 (a).)

Elongation, minimum in 2", or 4D (D = diameter) for each aluminum alloy must be as follows:

	Percent
Alloy 996A	25
Alloy 990A	28
Alloy M1A	23
Alloy GS11A	5

For plate thicknesses less than ⅝ inch, the all-weld-metal tension test may be omitted.

AAR–6. *Bend tests.* (g–1) The bend-test specimen shall be transverse to the welded joint of the full thickness of the plate and shall be of rectangular cross section with the width 1½ times the thickness of the specimen. The inside and outside surfaces of the weld shall be machined to a plane surface flush with the plate. The edges of this surface shall be rounded to a radius not over 10 percent of the thickness of the plate. The specimen shall be bent cold under free bending conditions until the least elongation measured within or across approximately the entire weld on the outside fibers of the bend-test specimen is not less than the percentages specified in paragraph AAR–6 (f–3).

AAR–6. g–2) When a crack is observed in the convex surface of the specimen between the edges the specimen shall be considered to have failed and the test shall be stopped. Cracks at the corners of the specimen shall not be considered as a failure. The appearance of small defects in the convex surface shall not be considered as a failure if the greatest dimension does not exceed 1/16 inch.

AAR–6. *Specific gravity of weld metal.* (h) No specific gravity test required.

AAR–6. *Retests.* (i–1) Should any of the tests fail to meet the requirements by more than 10 percent, no retests shall be allowed. (See par. AAR–2 (a).)

AAR–6. (i–2) Should any of the tests fail to meet the requirements by 10 percent or less, retests shall be allowed. A second test plate shall be welded by the same operator who welded the plate which failed to meet the test requirements. The retest shall be made on specimens cut from the second plate.

AAR–6. (i–3) The retests shall comply with the requirements. For either of the tension retests, two specimens shall be cut from the second test plate, and both of these shall meet the requirements.

AAR–6. (i–4) When there is more than one specimen of the same type and when one or more of the group specimens fail to meet the requirements, the retest shall be made on an entire group of specimens which shall meet the requirements.

AAR–6. (i–5) If the percentage of elongation of any tension test specimen is less than that specified and any part of the fracture is more than ¾ inch from the center of the gauge length of the two-inch specimen, or is outside of the middle third of the gauge length of the full-size specimen as indicated by the scribe scratches marked on the specimen before testing, a retest shall be allowed.

AAR–6. *Nondestructive tests.* (j–1) All longitudinal and circumferential welded joints of the tank shell shall be examined throughout their entire length by the X-ray method of radiography. When a nozzle, expansion dome or fitting is attached to a tank by a flange or saddle inserted in and butt welded to the shell at the edge of the flange as shown in figure 22, the weld so made shall be radiographed. Radiographic examination of welds attaching other designs of nozzles, expansion domes or fittings to the tank shell may be omitted.

AAR–6. (j–2) Where excess metal is removed welded joints shall be prepared as follows: The weld reinforcements on both the inside and outside shall be ground, chipped and ground, or suitably machined to remove the irregularities of the weld surface so that it merges smoothly into the plate surface. The finished surface of the reinforcement may have a crown of uniform amount not to exceed approximately 1/16 inch.

ARR–6. (j–3) The films obtained by the use of X-rays shall be known as "exographs" or "radiographs".

AAR–6. (j–4) The weld shall be radiographed with a technique which will determine quantitatively the size of defects with thicknesses equal to and greater than two percent of the thickness of the base metal. To determine whether the radiographic technique employed is detecting defects of a thickness equal to and greater than two percent of the thickness of the base metal, suitable thickness gauges or penetrameters shall be placed on the side of the plate nearest the source of radiation and used in the following manner:

AAR–6. (j–4) (1) To determine whether the radiographic technique employed is detecting defects of a thickness equal to and greater than two percent of the thickness of the base material, thickness gauges or penetrameters of the type shown in figure 12 shall be placed on the side of the plate nearest the source of radiation and used as directed.

AAR–6. (j–4) (2) The material of the penetrameter shall be substantially the same as that of the plate under examination.

AAR–6. (j–4) (3) The thickness of the penetrameter shall not be more than two percent of the thickness of the plate.

AAR–6. (j–4) (4) There shall be three holes in each penetrameter of diameters equal respectively to two, three, and four times the penetrameter thickness, but in no case less than 1/16 inch. The smallest hole must be distinguishable on the radiograph.

AAR–6. (j–4) (5) Each penetrameter shall carry an identifying number representing, to two significant figures, the minimum thickness of plate for which it may be used.

AAR–6. (j–4) (6) The images of these identifying numbers shall appear clearly on the radiograph.

AAR–6. (j–4) (7) Each penetrameter shall be 1½ inches long and ½ inch wide. (See fig. 12.)

AAR–6. (j–5) Two penetrameters shall be used for each exposure, one at each end of the exposed length, parallel and adjacent to the weld seam with the small holes at the outer ends.

AAR–6. (j–6) The film during exposure shall be as close to the surface of the weld as is practicable. The distance of the film from the surface of the weld on the side opposite the source of radiation shall, if possible, be not greater than one inch. With the film not more than one inch from the weld surface the minimum distance between the source of radiation and the back of the weld shall be not less than 14 inches.

AAR–6. (j–7) There shall also be a plain indication on each film showing the job number, the shell, or shell section, and seam, as well as the manufacturer's identification, symbol or name.

AAR–6. (j–8) If it is necessary to expose the film at a distance greater than one inch from the weld, the following ratio of:

$$\frac{\text{Distance from source of radiation to weld surface toward radiation}}{\text{Distance from weld surface toward radiation to film}}$$

shall be at least 7 to 1.

AAR–6. (j–9) All radiographs shall be free from excessive mechanical processing defects which would interfere with proper interpretation of the radiograph.

AAR–6. (j–10) Identification markers, the images of which will appear on the film, shall be placed adjacent to the weld and their location accurately and permanently stamped near the weld on the outside surface of the shell, or shell section, so that a defect appearing on the radiograph may be accurately located in the actual weld.

AAR–6. (j–11) The radiographs shall be submitted to the inspector. If the inspector requests, the following data shall be submitted with the radiographs: (1) The thickness of the base metal, (2) the distance of the film from the surface of the weld, (3) the distance of the film from the source of radiation.

AAR–6. (j–12) The acceptability of welds examined by radiography shall be judged by comparing the radiographs with a standard set of radiographs for aluminum tanks, which may be obtained by purchase from Secretary, Mechanical Division, Association of American Railroads. In general, the standards of judgment shall be:

(1) Welds in which the radiographs show elongated inclusions or cavities shall be unacceptable if the length of any such imperfection is greater than $\frac{1}{3}T$, where T is the thickness of the weld. If the lengths of such imperfections are less than $\frac{1}{3}T$ and are separated from each other by at least $6L$ of acceptable weld metal, where L is the length of the longest imperfection, the weld shall be judged acceptable if the sum of the lengths of such imperfections is not more than T in a weld length of $12T$.

(2) Welds in which the radiographs show any type of crack or zones of incomplete fusion shall be unacceptable.

(3) Welds in which the radiographs show porosity shall be judged as acceptable or unacceptable by comparison with the standard set of radiographs.

AAR–6. (j–13) A complete set of radiographs for each tank shall be retained for not less than 20 years by the tank builder or by the car owner if he so requests.

AAR–6. *Qualification of welders.* (k–1) The manufacturer shall be responsible for the quality of the welding done by his organization and shall conduct tests of welding operators to determine their ability to produce welds of the required quality.

AAR–6. (k–2) The manufacturer shall satisfy the inspector that all the welding operators employed on a car tank have previously made test plates which comply with the requirements of this specification. Such test plates shall have been made within a period of six months, except that when the welding operator is regularly employed on production work embracing the same process and type of welding the tests may be effective for one year.

AAR–6. (k–3) It is the duty of the inspector to satisfy himself that only welding operators who are proved competent by these tests are used to weld any car tank and that all welding complies with the requirements of this specification.

AAR–6. (k–4) The inspector has the right at any time to call for and witness the making of welding operator's qualification test plates described in this paragraph by any welding operator, employed in connection with the inspector's contract and to observe the physical tests of the test plates. For such qualification tests the thickness of the test plate shall be approximately the thickness of the plate or parts on which the welding operator is to work.

AAR–6. (k–5) The tests conducted by one manufacturer shall not qualify a welding operator to do work for any other manufacturer.

AAR–6. *Preparation for welding.* (l–1) The plates may be cut to size and shape by machining, shearing or saw cutting. Oxygen Arc Method of cutting is allowed providing burned surface is cut back to clean up all evidence of burned edge. The plates or sheets to be joined shall be accurately cut to size and formed. In all cases the forming shall be done by pressure and not by blows, including the edges of the plates forming longitudinal joints of tanks.

AAR–6. (l–2) Particular care should be taken in the layout of joints in which fillet welds are to be used so as to make possible the fusion of the weld metal at the bottom of the fillet. Great care must also be exercised in the deposition of the weld metal so as to secure satisfactory penetration.

AAR–6. (l–3) If the thickness of the flange of a head to be attached to a tank shell by a butt joint exceeds the shell thickness by more than 25 percent (maximum ¼ inch), the flange thickness shall be reduced at the abutting edges either on the inside or the outside, as shown in figure 13 (b), or on both sides, as shown in figure 13 (a). Reduction of abutting edges as illustrated in figure 13 (c) is not permissible.

AAR–6 (l–4) The edges of the plates at the joints shall not have an offset from each other at any point in excess of 25 percent of the thickness of the plate (maximum ⅛ inch for longitudinal seams) and (maximum ¼ inch for girth joints).

AAR–6. (l–5) In all cases where plates of unequal thicknesses are abutted, and have offsets exceeding 25 percent of the plate thickness or ⅛" whichever is lesser, the edge of the thicker plate shall be reduced in some manner so that it is approximately the same thickness as the other plate. In longitudinal tank joints the middle lines of the plate thickness shall be in alignment, within the fabricating tolerances specified in paragraph AAR–6 (l–4).

AAR–6. (l–6) Bars, jacks, clamps, or other appropriate tools may be used to hold the edges to be welded in line. Tack welds may also be used to hold the edges in line, provided these tack welds are removed so that they do not become a part of the joint. The edges of butt joints shall be so held that they will not overlap during welding. Where fillet welds are used, the lapped plates shall fit closely and be kept together during welding.

AAR–6. (l–7) The surfaces of sheets or plates to be welded shall be cleaned thoroughly. When it is necessary to deposit metal over a previously welded surface, any foreign matter thereon shall be removed by a roughing tool, a chisel, an air chipping hammer, or other suitable means to prevent inclusion of impurities in the weld metal.

AAR–6. (l–8) The dimensions and shape of the edges to be joined shall be such as to allow thorough fusion and complete penetration.

AAR–6. (l–9) For double-welded butt joints the reverse sides shall be chipped or ground out so as to secure a clean surface of the originally deposited weld prior to the application of the first bead of welding on the second side. Such chipping or grinding out shall be done in a manner that will insure proper fusion of the weld metal. These requirements are not intended to apply to any process of welding by which proper fusion and penetration are otherwise obtained and no impurities remain at the base of the weld.

AAR–6. (l–10) If the welding is stopped for any reason, extra care shall be taken in restarting to get full penetration to the bottom of the joint and thorough fusion between the weld metal and the plates, and to the weld metal previously deposited.

AAR–6. *Longitudinal joints.* (m–1) Longitudinal joints shall be of the double-welded butt type and shall be reinforced at the center of the weld on each side of the plate by at least 1/16 inch up to and including ⅝-inch plate, and up to ⅛ inch for heavier plates. The reinforcement may be removed but if not removed shall be built up uniformly from the surface of the plate to a maximum at the center of the weld. Particular attention is called, however, to the importance of the provision that there shall be no valley or groove along the edge of or in the center of the weld, but that the deposited metal must be fused smoothly and uniformly into the plate surface. (If the reinforcement is built up so as to form a ridge with a valley or depression at the edge of the weld next to the plate, the result is a notch which causes concentration of stress and reduces the strength of the joint.) The finish of the welded joint shall be reasonably smooth and free from irregularities, grooves, or depressions. Where a welded butt joint is made the equivalent of a double-welded butt joint (see note in paragraph AAR–6 (b–2)) by using a backing-up strip and adding filler metal from one side only, the reinforcement shall not be less than 1/16 inch.

AAR–6. (m–2) Where tanks are made up of two or more courses with welded longitudinal joints, the joints of adjacent courses shall be not less than 60 degrees apart.

AAR–6. *Circumferential joints.* (n) Circumferential joints shall be of double-welded butt type. The details of all of these joints shall conform to the requirements of longitudinal joints given in AAR–6 (m–1).

AAR–6. *Inspection.* (o–1) Purchaser of tanks must provide for inspection by a competent inspector. The manufacturer shall submit the tank for inspection at such stages as may be designated by the inspector.

AAR–6. (o–2) Each tank must also be inspected at the time of the hydrostatic-pressure test by the inspector.

AAR–6. (o–3) The manufacturer shall certify that the welding on the tank has been done only by welding operators who have passed the test requirements and that the same material and technique used in making the tests were employed in fabricating the tank.

AAR–6. *Distortion.* (p) The shell of the completed tank shall be circular within a limit of plus or minus one percent of the inside diameter of the tank.

AAR–6. *Repairs during original welding.* (q–1) Pinholes, cracks, or other defects in welded joints shall be repaired only by chipping or machining out defect and rewelding.

AAR–6. (q–2) After repairs have been made the tank shall again be tested in the regular way, and if it passes the test the inspector shall accept it. If it does not pass the test the inspector can order supplementary repairs, or, if in his judgment the tank is not suitable for service, he may permanently reject it.

ICC–7. *Stress relieving.* Not a specification requirement.

ICC–8. *Tank mounting.* (a) The manner in which tank is supported on and securely attached to the car structure must be approved.

AAR–8. *Anchorage.* (a) See § 78.263 (m) to (p). The requirements of this section must be met by providing aluminum anchors. The total shear value of anchor must not be less than 1,320,000 pounds for cars with rail load limit of 169,000 pounds (single piece anchor). When multiple-piece anchorage is used, the minimum requirements prescribed for a single-piece anchorage shall be increased by 20 percent. When the rail load limit of a tank car is more than 169,000 pounds but does not exceed 210,000 pounds, all minimum requirements for a single-piece anchorage specified herein shall be increased by 25 percent. When the rail load limit of a tank car is over 210,000 pounds, all minimum requirements for single-piece anchorage specified herein shall be increased by 50 percent.

AAR–8. (b) Designs of anchorage employing other means of securement to tank than rivets, as described in § 78.263 may be used if approved.

ICC–9. *Expansion dome.* (a) The expansion dome must have a capacity, measured from the inside top of shell of tank to the inside top of dome or bottom of any vent pipe projection inside of dome, of at least two percent of the total capacity of the tank and dome combined, except that when safety valve or safety vent is applied to side of dome, the effective capacity of dome must be measured from top of safety valve or safety vent opening in the side of dome to inside top of shell of tank.

ICC–9. (b) The opening in manhole ring must be at least 16 inches in diameter. The opening in the tank shell within the dome must be at least 29 inches in diameter, and when the inside diameter of the dome exceeds 29 inches, the opening in the tank shell may be cut out to a diameter sufficiently greater than that of the dome to permit welding of tank shell to the base of the dome or to a tank shell reinforcing plate. Shell of tank about dome must be adequately reinforced.

ICC–9. (c) The dome head must be of approved contour.

AAR–9. (a) The dome shell thickness shall be calculated by the formula, paragraph AAR–2 (a).

AAR–9. (b) The dome head, if dished, must be dished to a radius not exceeding 96 inches. Thickness of the dished dome head shall be calculated by the formula, paragraph AAR–5 (b–1).

AAR–9. (c) Dome head may be an ellipsoid of revolution in which the major axis shall be equal to the diameter of the dome shell and the minor axis shall be one-half of this. The thickness in this case shall be determined by using formula of the main head. (See par. AAR–5 (b–2).)

AAR–9. (d) Tank shell shall be reinforced by the addition of a plate equal to or greater than shell in thickness and the cross sectional area shall exceed metal removed for dome opening, or tank shell shall be reinforced by a seamless saddle plate equal to or greater than shell in thickness and butt welded to tank shell. The reinforcing saddle plate shall be provided with a flued opening having a vertical flange of the diameter of the dome for butt welding shell of dome to the flange. The reinforcing saddle plate shall extend about the dome a distance measured along shell of tank at least equal to the extension at top of tank. Other approved designs may be used. Reinforcement should be computed as shown on figure 24A or figure 24B.

ICC–10. *Closure for manholes.* (a) The manhole cover must be of approved type and designed to make it practically impossible to remove the cover while the interior of the tank is subjected to pressure.

ICC–10. (b) Manhole covers and rings must be of aluminum alloys or other approved materials, cast or wrought.

ICC–10. (c) All covers not hinged to tank must be attached to outside of the dome head, by at least ⅜ inch chain or its equivalent.

ICC–10. (d) All joints between manhole covers and their seats must be made tight against leakage of vapor and liquid by use of gaskets of suitable material.

AAR–10. (a) Bolted type, bolted and hinged type or other approved type manhole cover must be used. See figures 5 and 6.

ICC–11. *Gaging, bottom outlet valve operating, venting, loading, and discharging, and air inlet devices extending through domes of tanks.* (a) Not specification requirements. When installed, these devices, including their valves, must be protected from accidental injury by being set into a securely covered recess, or by means of a cast, pressed, or forged housing of suitable material with cover securely attached. Housing, if welded to dome of tank, must be made of cast, forged or pressed metal and be of good weldable quality in conjunction with metal of dome. Openings in wall of housing must be equipped with screw plugs or other closures. Drain holes permitted. Discharging siphon pipe must be securely anchored.

AAR–11. (a) These devices must be of approved design.

ICC–12. *Venting, loading and discharging, and air inlet devices.* (a) These devices, when installed, must be closed by efficient valves or fittings made of approved materials not subject to rapid deterioration by the lading. Provision must be made for closing the openings of the valves or fittings.

AAR–12. (a) These devices must be of approved design.

ICC–13. *Bottom discharge outlets.* (a) The bottom discharge outlet, when installed, must be made of approved metals not subject to rapid deterioration by the lading, be of approved construction, and be provided with a valve at its upper end and a liquid-tight closure at its lower end.

ICC–13. (b) The valve operating mechanism and outlet nozzle construction must be such as to insure against unseating of valve due to stresses or shocks incident to transportation.

ICC–13. (c) Tanks used for the transportation of poisonous solids, when designed for bottom unloading, must have the openings securely closed against leakage.

AAR–13. (a) Bottom discharge outlet nozzle may be cast, pressed, forged, or built up of plates, pipe or tubing welded together. The nozzle must be of good weldable quality in conjunction with metal of tank.

AAR–13. (b) To provide for the attachment of unloading connections, the outlet valve nozzle, or some affixed attachment thereto, must be equipped with a flange or with external U. S. F. threads, four threads per inch.

AAR–13. (c) For outlet nozzles that project six inches or more from shell of tank a "V" groove must be cut (not cast) in the upper part of outlet valve nozzle at a point immediately below the lowest part of valve to a depth that will leave thickness of nozzle wall at the root of the "V" not over ⅜ inch. In the case of steam jacketed outlet nozzles this groove must be below the steam chamber but above the bottom of center sill construction. Where outlet nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

AAR–13. (d) The flange on the outlet nozzle must be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of lading, or other causes, and which will insure that accidental breakage of the outlet nozzle will occur at or below the "V" groove.

AAR–13. (e) The valve must have no wings or stem projecting below the "V" groove in the outlet nozzle, unless they are scored or designed to break or bend without unseating valve. The valve and seat must be readily accessible or removable for repairs, including grinding.

AAR–13. (f) The valve operating mechanism must have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of the liquid contents, or other causes, and should operate from the interior of the tank, but in the event the rod is carried through the dome, leakage must be prevented by packing in stuffing box and cap nut.

AAR–13. (g) In no case must extreme projection of bottom discharge outlet equipment extend to within twelve inches above top of rail. All bottom discharge outlet reducers and closures and their attachments must be secured to car by at least ⅜ inch chain or its equivalent, except that outlet closure plugs may be attached by ¼ inch chain. When the bottom discharge outlet closure is of the combination cap and valve type, the pipe connection to the valve must be closed by a plug or cap.

ICC–14. *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved materials mounted on expansion dome. Total valve discharge capacity must be sufficient to prevent building up of pressure in the tank in excess of 45 pounds per square inch.

ICC–14. (b) One safety valve must be provided for each tank of 6,650 gallons capacity or less, and two safety valves for each tank of over 6,650 gallons capacity.

ICC–14. (c) Each safety valve must be set to open at a pressure of 25 pounds per square inch. (For tolerance see paragraph ICC–18).

ICC–14. (d) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped must have one safety vent made of approved material at least two inches inside diameter closed with a frangible disc of suitable material, of a thickness that will hold a pressure of 45 pounds per square inch for a period of at least one hour, but will rupture within eight hours. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. An additional sealed vent of approved design, to prevent use of unloading pressures in excess of 45 pounds per square inch, may be applied. All tanks equipped with vents must be stenciled "Not for Flammable Liquids."

AAR–14. (a) Safety valve must be of approved design. See paragraph AAR–18. For safety vent, closure of bolted type preferable, see figure 3–A. For screw type safety vent closure, see figure 3.

AAR–14. (b) Safety valves or safety vent flanges, if welded to dome, must be of cast, forged, or pressed metal and be of good weldable quality in conjunction with metal of dome.

ICC–15. *Fixtures, reinforcements, and attachments not otherwise specified.* (a) All attachments to tank and dome must be applied by approved means. When attachments are riveted the edges of plates must be beveled so that the angle of the calking edge will be between 60 and 70 degrees with the flat surface of the attachment. The extreme calking edge distance, measured from center line of rivet hole, must be at least one and one-half times the diameter of the hole and not more than that distance plus ¼ inch. The joints formed by attachment of all riveted external projections must be calked on the inside. Split calking prohibited. Interior heater systems, when installed, must be so constructed that the braking off of their external connections will not cause leakage of contents of tanks.

AAR–15. *Heater systems.* (a) See §§ 78.260 to 78.262, inclusive, Tank Car Heater Systems.

AAR–15. (b) Heater system and plug flanges, if welded to tank or dome, must be of cast, forged, or pressed metal and be of good weldable quality in conjunction with metal of tank or dome.

ICC–16. *Plugs for openings.* (a) All plugs must be solid, of cast, rolled or forged metal of approved material with standard pipe thread, and when in contact with lading must be of a length which will screw at least six threads inside the face of fitting or tank. Plugs when inserted from the outside of tank must have the letter "S" at least ¾ inch in size stamped with steel stamp or cast on the outside surface to indicate the plug is solid.

ICC–17. *Test of tanks.* (a) Each tank must be tested, before being put into service, by completely filling tank and dome with water, or other liquid having similar viscosity, of a temperature which must not exceed 100° F. during the test, and applying a pressure of 60 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All rivets and closures, except safety valves or safety vents, must be in place while test is made.

ICC–17. (b) Calking of welded joints to stop leaks developed during the foregoing tests prohibited. Repairs in welded joints must be made as prescribed in paragraph ICC–6 (a).

ICC–17. (c) *Test of interior heater systems.* Before interior heater systems are placed in service, they must be tested with hydrostatic pressure and must be tight at 200 pounds per square inch.

AAR–17. *Hammer tests.* (a) Not a specification requirement.

AAR–17. (b) If tanks are to be lagged, the hydrostatic test of tank must be made before lagging is applied.

ICC–18. *Tests of safety valves.* (a) Each valve must be tested, before being put into service, by attaching to an air line and applying pressure. The valve must not leak below 20 pounds pressure (see § 73.31 (1), Note 1, of this chapter). The valve must open at the pressure prescribed in paragraph ICC–14 (c) with a tolerance of plus or minus 5 pounds.

AAR–18. (a) The above referred to note in § 73.31 (1) of this chapter reads in part as follows: "Safety valves now used on tank cars are reported to permit slow leakage of vapor and it appears that material changes in the design and construction of these valves are necessary to make them tight * * * the necessary changes must be made with the least possible delay".

ICC–19. *Retests of tanks, safety valves, and interior heater systems.* (a) Tanks, safety valves, and interior heater systems must be retested, as prescribed for original tests in paragraphs ICC–17 and ICC–18, at intervals of ten years or less after the original test. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting, or calking of rivets. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC–21.

AAR–19. (a) For lagged tanks, if the jacket and lagging are not removed, the tank must hold the prescribed pressure for at least 20 minutes. A drop in pressure shall be evidence of leakage, and such portion of the jacket and lagging must be removed as may be necessary to locate the leak and make repairs.

ICC–20. *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

ICC–20. (b) ICC–103–AL–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stencilled on the tank, or jacket if lagged, in letters and figures at least two inches high by the party assembling the completed car.

ICC–20. (c) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in paragraph ICC–20 (b).

ICC–20. (d) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in paragraph ICC–20 (c) by the party assembling the completed car. These marks must also be stencilled on the tank, or jacket if lagged, in letters and figures at least two inches high immediately below the stencilled mark specified in paragraph ICC–20 (b) by the party assembling the completed car.

ICC–20. (e) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stencilled on the tank, or jacket if lagged.

ICC–20. (f) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stencilled on the tank, or jacket if lagged.

ICC–20. (g) Date on which interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stencilled on tank, or jacket if lagged.

ICC–20. (h) Identification mark, illustrated herein, for approved manhole closures must be stencilled on each side of dome, or jacket if lagged, in line with the ladders and in a color contrasting to color of dome.

ICC–20. (i) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only," or such other wording as may be required to indicate the limits of usage of the car, must be stencilled on each side of the tank, or jacket if lagged, in letters at least two inches high, immediately above the stencilled mark specified in paragraph ICC–20 (b).

AAR–20. (a) For all other markings, see figure 1.

ICC–21. *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of or additions to tanks or equipment therefore from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and and car owner.

AAR–21. *Application for approval.* (a) See § 78.259 (f), *Application for approval.*

AAR–21. *Certificate of construction.* (b) See § 78.259 (g), *Certificate of construction.*

AAR–22. *Car structure.* (a) See § 78.263 *Car structure.*

24. Add § 78.292 (15 F. R. 8523, Dec. 2, 1950) (49 CFR 78.292, 1950 Rev.) to read as follows:

§ 78.292 *Specification for tank cars having fusion-welded aluminum tanks Class ICC–103–A–AL–W.* This specification covers Class ICC–A–AL–W tank cars having fusion-welded aluminum tanks to which have been added Association of American Railroads details which are not inconsistent therewith. Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads' Committee on Tank Cars as prescribed in § 78.259 (b), (c), (d), and (e)—Procedure.

(a) *General requirements.* Tanks built under this specification must comply with all provisions of Specification ICC–103–AL–W, except as modified in the following paragraphs (paragraph numbers refer to like numbers in § 78.291 Specification ICC–103–AL–W):

ICC–6. (b) Manhole ring, safety vent flange, and bottom washout nozzle flange or other attachments may be riveted or fusion-welded. Riveted joints must be made metal to metal without interposition of other materials. Rivets, if used, must be calked inside. For computing rivet areas, the effective diameter of a driven rivet is the diameter of its reamed hole, which hole must in no case exceed nominal diameter of rivet by more than 1/16". Use of rivets of less than ⅝" nominal diameter prohibited. Fusion-welding for securing these attachments in place must be of double-welded butt joint type or double full-fillet lap joint type.

ICC–9. *Expansion dome.* (a) The expansion dome must have a capacity, measured from the inside top of shell of tank to the inside top of dome or bottom of any vent pipe projecting inside of dome, of at least one percent of the total capacity of the tank and dome combined, except that when safety vent is applied to side of dome, the effective capacity of dome must be measured from top of safety vent opening in the side of dome to inside top of shell of tank.

ICC–9. (b) The opening in manhole ring must be at least 16 inches in diameter. The opening in the tank shell within the dome must be at least 29 inches in diameter, and when the inside diameter of the dome exceeds 29 inches, the opening in the tank shell may be cut out to a diameter sufficiently greater than that of the dome to permit welding of tank shell to the base of the dome or to a tank shell reinforcing plate. Shell of tank about dome must be adequately reinforced. When the tank shell is not cut out to permit welding and the opening in the tank does not exceed 30 inches in diameter, dome pocket drain holes must be provided with nipples projecting inside the tank at least one inch.

ICC–9. (c) The dome head must be of approved contour. The dome head must be of aluminum alloys or other approved materials, cast or wrought.

ICC–10. *Closure for manholes.* (a) The manhole cover must be of approved type and designed to provide a secure closure of the manhole.

ICC–10. (b) Requirements of this paragraph optional.

AAR–10. (a) Bolted type. bolted and hinged type, or other approved type manhole cover must be used.

ICC–11. *Gaging, venting, loading and discharging, and air inlet devices extending through domes of tanks.* (a) These devices when installed must be tightly closed as prescribed in paragraph ICC–12. Protective housing not required, except when the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves to provide for the loading, and unloading of the contents. Discharging siphon pipe must be securely anchored.

ICC–12. *Gaging, venting, loading and discharging, and air inlet devices.* (a) These devices when installed must be tightly closed with approved caps, plugs, valves, or other fittings. Provision must be made for closing pipe connections of valves. The venting device must be equipped as prescribed in paragraph ICC–14.

ICC–13. *Bottom discharge outlets.* (a) Bottom outlet for discharge of lading prohibited, but tank may be equipped with a bottom wash-out nozzle of aluminum alloy not subject to rapid deterioration by the lading, which must be of approved construction complying with the following requirements.

ICC–13. (b) The construction and closure of the bottom wash-out nozzle must be such that it is liquid tight and should the nozzle be broken, loss of contents will not occur.

ICC–13. (c) The extreme projection of the bottom wash-out nozzle must be at least 12 inches above the top of rail.

AAR–13. (a) Bottom wash-out nozzle may be cast, pressed, forged, or built up of plates, pipe or tubing welded together. The nozzle must be of good weldable quality in conjunction with metal in tank.

AAR–13. (b) This paragraph does not apply.

AAR–13. (c) For bottom wash-out nozzles that project 6 inches or more from shell of tank, a "V" groove must be cut (not cast) in the upper part of bottom wash-out nozzle at a point immediately below lowest part of inside closure seat to a depth that will leave thickness of nozzle wall at the root of the "V" not over ⅜ in. Where bottom wash-out nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

AAR–13. (d) The flange on the bottom wash-out nozzle must be of a thickness which will prevent distortion of the inside closure seat or closure casting by any change in contour of the shell, resulting from expansion of lading, or other causes, and which will insure that accidental breakage of the wash-out nozzle will occur at or below the "V" groove.

AAR–13. (e) The closure casting must not project below the "V" groove in the wash-out nozzle. The closure casting and seat must be readily accessible for repairs, including grinding.

AAR–13. (f) This paragraph does not apply.

AAR–13. (g) This paragraph does not apply.

ICC–14. *Safety devices.* (a) The tank must be equipped with a safety valve or safety vent at least 2 inches inside diameter mounted on top of expansion dome.

ICC–14. (b) At least one safety valve or vent must be provided for each tank.

ICC–14. (c) The safety valve, if used, must be set to open at a pressure of 45 pounds per square inch. (For tolerances see paragraph ICC–18).

ICC–14. (d) If tank is equipped with a safety vent it must be closed with a frangible disc of suitable material of a thickness that will hold a pressure of 45 pounds per square inch for a period of at least one hour but will rupture within eight hours. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. An additional sealed vent of approved design, to prevent use of unloading pressures in excess of 45 pounds per square inch, may be applied. Tanks may also be equipped with an approved device that will permit continuous venting.

AAR–14. (a) Safety valve must be of approved design. For safety vent, closure of bolted type preferable, see figure 3A. For screw type safety vent closure, see figure 3.

AAR–14. (b) Safety valve or safety vent flanges, if welded to dome, must be of cast, forged, or pressed metal and be of good weldable quality in conjunction with metal of dome.

ICC–15. *Fixtures, reinforcements, and attachments not otherwise specified.* (a) All attachments to tank and dome must be applied by approved means. When attachments are riveted, the edges of plates must be beveled so that the angle of the calking edge will be between 60 and 70 degrees with the flat surface of the attachment. The extreme calking edge distance, measured from center line of rivet hole, must be at least one and one-half times the diameter of the hole and not more than that distance plus ¼ inch. The joints formed by attachment of all riveted external projections must be calked on the inside. All rivet heads on the inside and outside of tank and dome must be calked. Split calking prohibited. Heater systems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks.

ICC–18. *Tests of safety valves.* (a) Valve must be tested before being put into service, by attaching to an air line and applying pressure. The valve must open at the pressure prescribed in paragraph ICC–14 (c), with a tolerance of minus 3 pounds.

AAR–18. (a) This paragraph does not apply.

ICC–19. *Retests of tanks, safety valves and interior heater systems.* (a) Tanks, safety valves and interior heater systems must be retested as prescribed for original tests in paragraphs ICC–17 and ICC–18, except that commodity to be transported may be used for filling the tank and dome when testing tanks which have not been in service more than 12 years. The first retest must be conducted within four years after the original test, and subsequent retests at four-year intervals up to 12 years of service, thereafter at two-year intervals up to 20 years of service, and annually after 20 years of service. Tanks in service over 12 years must be internally inspected and interior heater systems inspected for defects which would make leakage or failure probable during transit and must be tested with water only. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting or calking of rivets. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC–21.

ICC–20. (b) ICC–103–A–AL–W in letters and figures at least ⅜" high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2" high by the party assembling the completed car.

ICC–20. (h) This paragraph does not apply.

25. Add § 78.293 (15 F. R. 8523, Dec. 2, 1950) (49 CFR 78.293, 1950 Rev.) to read as follows:

§ 78.293 *Specification for tank cars having metallic arc fusion-welded steel tanks Class ICC–110A–500–W.* This specification covers Class ICC–110A–500–W tank cars having metallic arc fusion-welded tanks to which have been added Association of American Railroads details which are not inconsistent therewith. Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads' Committee on Tank Cars as prescribed in § 73.259 (b), (c), (d), and (e)—Procedure.

ICC–1. *Type and general requirements.* (a) Tanks built under this specification must be cylindrical with dished heads, one of which may be dished convex to the pressure. All operating fittings must be located in one of the heads, and no openings of any sort are permitted in the cylindrical shell. Tanks must be securely attached to the car structure in a manner such that they may be removed for filling by the consignor and emptying by the consignee. Each tank must have a capacity of at least 1,600 pounds of water and not more than 2,600 pounds of water.

ICC–1. (b) The tanks must be fabricated by approved methods.

ICC–1. (c) For tanks made in foreign countries, a chemical analysis of material and all tests as specified must be carried out within the limits of the United States under the supervision of a competent and disinterested inspector.

ICC–2. *Material.* (a) All plates for the tank must be made of open-hearth or electric furnace boiler plate steel of flange quality, the carbon content of which does not exceed 0.30 percent. The steel shall otherwise conform to the requirements of either the current A. A. R. Specification M–115, entitled Steel, Carbon and Carbon-Silicon, Boiler and Firebox, for Locomotives, Stationary Boilers, and Other Pressure Vessels, or to the current A. S. T. M. Specification A–212, entitled High Tensile Strength Carbon-Silicon Steel Plates for Boilers and Other Pressure Vessels, Grades A and B, Flange and Firebox, or A. S. T. M. Standard Specification A–201 titled Carbon-Silicon Steel Plates of Intermediate Tensile Ranges for Fusion Welded Boilers and Other Pressure Vessels, Grade A, or A. S. T. M. Standard Specifications A–285 titled Low and Intermediate Tensile Strength Carbon Steel Plates of Flange and Firebox Qualities, Grade C. These plates may also be clad with other metals such as nickel, etc.

ICC–2. (b) All plates must have their heat number and the name or brand of the manufacturer legibly stamped on them at the rolling mill.

ICC–2. (c) Tanks made of clad plates must be stenciled "Tank clad with (naming material)."

AAR–2. *Lining.* (a) Not a specification requirement. If applied, must be approved as to material and method of application.

ICC–3. *Thickness of plates.* (a) The wall thickness of the cylindrical portion of the tank must be not less than 11/32" and, in addition, must be not less than that calculated by the following formula:

$$t = \frac{PR}{SE - 0.6P}$$

where

t = thickness in inches of thinnest plate.
P = calculated bursting pressure in pounds per square inch, 1,250 psig min.
R = inside radius in inches.
S = minimum specified ultimate tensile strength of plate in pounds per square inch.
E = efficiency of longitudinal welded joint (see par. AAR–5. (c).)

ICC–4. *Tank heads.* (a) The tank heads must be hot pressed with a straight flange of at least 1½" and with a radius of dish not greater than the diameter of the tank. The inside knuckle radius must be not less than 6 percent of the inside diameter of the vessel.

ICC–4. (b) The heads may be either torispherical or ellipsoidal in form and one may be reversed dished convex to the pressure, if desired. The thickness of the heads shall be not less than that determined by the following formulae:

(1) For torispherical heads concave to pressure

$$t = \frac{5PL}{6SE}$$

(2) For ellipsoidal heads concave to pressure and having a ratio of major to minor axis of 2 to 1

$$t = \frac{PR}{SE - 0.6P}$$

where

t = minimum thickness in inches of finished head.
P = minimum bursting pressure 1,250 psig.
S = minimum specified ultimate tensile strength of plate material in pounds per square inch.
R = inside radius of vessel.
L = inside radius of dish.
E = 1.0 for heads made from one plate.

The thickness of heads convex to the pressure shall be 1¾ times the thickness as calculated by the above formulae.

ICC–4. (c) Threads for openings in tank heads must be American Standard Taper, tapped to gauge, clean cut, even and without checks to insure tight joints. If the thickness of the heads is not sufficient to give an adequate length of thread, the thickness must be increased by welding into the head a plate of sufficient thickness and of the same material as the head. The outside diameter of such plate must be at least twice the nominal diameter of the threaded opening.

ICC–5. *Welding.* (a) All joints must be fusion welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results.

AAR–5. *Welding.* (a) Fusion welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion welding in accordance with the following requirements:

AAR–5. *Definitions*—(b–1) *Fusion welding.* A process of welding metals in the molten, or molten and vaporous state without the application of mechanical pressure or blows.

AAR–5. (b–2) *Double-welded butt joint.* A joint formed by the fusion of two abutting edges with a filler metal added from both sides of the joint and with reinforcement on both sides. (For permission to remove reinforcement see paragraph AAR–5 (m–1)).

NOTE: A joint with filler metal added from one side only is considered equivalent to a double-welded butt joint when and if means are provided for accomplishing complete penetration and reinforcement on both sides of the joint.

AAR–5. (b–3) *Full-fillet joint.* A fusion weld of approximately triangular cross section the throat of which lies in a plane disposed approximately 45 degrees with respect to the surfaces of the parts joined, and built up to the full thickness of the plate or nozzle flange that is being joined to a parallel plate, having the throat not less than 0.7 the thickness of the edge of the plate being welded.

AAR–5. (b–4) *Throat.* The minimum thickness of a weld along a straight line passing through the bottom of the cross sectional space provided to contain a fusion weld.

AAR–5. (b–5) *Single full-fillet lap joint.* A single full-fillet lap joint is one in which the overlapped edges of two plates are full-fillet-welded along one edge only.

AAR–5. (b–6) *Double full-fillet lap joint.* A double full-fillet lap joint is one in which the overlapped edges of two plates are full-fillet-welded at the edge of each plate.

NOTE: When attachment having flanges thicker than the plates to which they are jointed, are secured in place by fillet welds, such welds shall be of the double full-fillet lap joint type in which the throat is not less than 0.7 the thickness of the plate to which the attachment is joined.

AAR–5. (b–7) *Plug weld.* A plug weld is one used to join two plates by welding through a hole in one of them to secure a bond and subsequently filling the hole with weld metal. Plug welds are to be used only in conjunction with fillet welds.

AAR–5. *Joint efficiency, maximum.* (c) The efficiencies for computing the value of the various types of fusion-welded joints in tanks constructed in conformity with requirements of this specification shall not exceed the following:

Type of joint	Efficiency of joint (percent)
Double-welded butt joint:	
With 100 percent radiographic examination	90.0
With radiograph examination of longitudinal joints only	80.0
Full-fillet joint:	
Single full-fillet lap joint without plug welds (see fig. 21)	55.0
Single full-fillet lap joint with plug welds (see fig. 20)	65.0
Double full-fillet lap joint	65.0

NOTE: Strength of fillet welds shall be computed on the throat dimension of the triangular section, using the strength in shear and in conjunction with the stresses given below, multiplied by the joint efficiency given above.

For end welds, the maximum shear stresses shall be 80 percent of the tensile strength of the plate used.

For side welds, the maximum shear stresses shall be 60 percent of the tensile strength of the plate used.

Plug weld. The maximum load on each plug weld shall be computed for either shear or tension by the following formula:

$$L = 0.63\ S\ (d - \tfrac{1}{4})^2$$

where

L = total maximum load in shear or tension on each plug weld, in pounds.
d = diameter of the bottom of the hole in which the plug is made, in inches.
S = maximum stress in shear or tension, as the case may be, in pounds per square inch.

S for shear = 44,000
S for tension = 55,000

Welding must meet the following test requirements:

AAR–5. *Test plates.* (d–1) A test plate of the dimensions shown in figure 10 from steel of the same specification and thickness as the shell plates prepared for welding, may be attached to the shell plate being welded, as in figure 9, on one end of one longitudinal joint of each tank so that the edges to be welded in the test plate are a continuation of and duplication of the corresponding edges of the longitudinal joint. In this case the weld metal shall be deposited in the test plates continuously with the weld metal deposited in the longitudinal joint. The plates for test samples may be taken from any part of one or more plates of the same lot of material that is used in the fabrication of welded tanks and without reference to the direction of the mill rolling. As an alternate method, a detached test plate may be welded as provided for in AAR–5 (d–2). When more than one welding operator is employed on a tank, the required test plates for the individual tanks shall be made by the welding operator designated by the inspector.

AAR–5. (d–2) When a test plate is welded for the longitudinal joints, none need be furnished for circumferential joints in the same tank, providing the welding process, procedure, and technique are the same.

AAR–5. (d–3) When there are several tanks being welded in succession, or at any one time, the plate thicknesses of which fall within a range of ¼", each 200 ft. of longitudinal and circumferential seams may be considered as the equivalent of one tank and only the test plates required by paragraph AAR–5 (d–1) and AAR–5 (d–2) need be made, provided they are welded in the same way as the joints in question. The test plates shall be so supported that warping due to welding shall not throw the finished test plate out of line by an angle of over 5 degrees.

AAR–5. (d–4) Where the welding has warped the test plates they shall be straightened before being stress relieved. The test plates shall be subjected to the same stress-relieving operation as required by AAR–5 (p). At no time shall the test plates be heated to a temperature higher than that used for stress relieving the tank.

AAR–5. *Test specimens.* (e) The coupons for tension and bend tests shall be removed as shown in figure 10 and be of the dimensions shown in figures 10 and 11.

AAR–5. *Tension test.* (f–1) Two types of tension test specimens are required, one of the joint and the other of the weld metal. The tension specimen of the joint shall be transverse to the welded joint, and shall be the whole thickness of the welded plate after the outer and inner surfaces of the weld have been machined to a plain surface flush with the plate.

AAR–5. (f–2) The tensile strength of the joint specimen in figure 10 shall not be less than the minimum of the specified tensile range of the plate used. (The tension test of the joint specimen as specified herein is intended as a test of the welded joint and not of the plate. If the specimen breaks in the plate and the weld shows no sign of weakness, the test may be accepted as meeting the requirements even though the stress at which failure occurs is less than the minimum of the specified range.)

AAR–5. (f–3) The tension test specimen of the weld metal shall be taken entirely from the deposited weld metal and shall meet the following requirements:

Tensile strength = at least that of the minimum of the range of the plate which is welded.

Elongation, minimum = 20 percent in 2 inches.

For plate thicknesses less than ⅝ inch, the all-weld-metal tension test may be omitted.

AAR–5. *Bend tests.* (g–1) The bend-test specimen shall be transverse to the welded joint of the full thickness of the plate and shall be of rectangular cross-section with the width one and one-half times the thickness of the specimen. The inside and outside surfaces of the weld shall be machined to a plain surface flush with the plate. The edges of this surface shall be rounded to a radius not over 10 percent of the thickness of the plate. The specimen shall be bent cold under free bending conditions until the least elongation measured within or across approximately the entire weld on the outside fibers of the bend-test specimen is 30 percent.

AAR–5. (g–2) When a crack is observed in the convex surface of the specimen between the edges, specimens shall be considered to have failed and the test shall be stopped. Cracks at the corner of the specimen shall not be considered as a failure. The appearance of all defects in the convex surface shall not be considered as a failure if the greatest dimension does not exceed $\frac{1}{16}$ inch.

AAR–5. *Specific gravity of welded metals.* (h) No specific gravity test required.

AAR–5. *Retests.* (I–1) Should any of the tests fail to meet the requirements by more than 10 percent, no retests shall be allowed.

AAR–5. (I–2) Should any of the tests fail to meet the requirements by 10 percent or less, retests shall be allowed. A second test plate shall be welded by the same operator who welded the plate which failed to meet the test requirements. The retest shall be made on specimens cut from the second plate.

AAR–5. (I–3) The retest shall comply with the requirements. For either of the tension retests, two specimens shall be cut from the second test plate, and both of these shall meet the requirements.

AAR–5. (I–4) When there is more than one specimen of the same type and when one or more of the group specimens fail to meet the requirements by 10 percent or less, the retest shall be made on an entire group of specimens, which shall meet the requirements.

AAR–5. (I–5) If the percentage of elongation of any tension test specimen is less than that specified and any part of the fracture more than ¾ inch from the center of the gauge length of the 2-inch specimen, or is outside of the middle third of the gauge length of the full-size specimen as indicated by the scribe scratches marked on the specimen before testing, a retest shall be allowed.

AAR–5. *Nondestructing tests.* (J–1) All longitudinal welded joints in the vessel shall be examined throughout their entire length by the X-ray or the gamma ray method of radiography. Other welded joints need not be examined by radiographic methods provided an efficiency of 80 percent is used in the design of the vessel. If an efficiency of 90 percent is used in the design of the vessel, the circumferential welded joints of the tanks shall also be radiographed. When a fitting is attached to a tank by a flange or plate inserted in and butt-welded to the head at the edge of the flange, the weld so made shall be radiographed. Radiographic examination of welds attaching other designs of nozzles or fittings to the tank head may be omitted.

AAR–5. (J–2) Where excess metal is removed welded joints shall be prepared as follows: The weld reinforcements on both the inside and outside shall be ground, chipped and ground, or suitably machined to remove the irregularities of the weld surface so that it merges smoothly into the plate surface. The finished surface of the reinforcement may have a crown of uniform amount not to exceed approximately 1/16 inch.

AAR–5. (J–3) The films obtained by the use of X-rays shall be known as "exographs", and those obtained by the use of gamma rays as "gamma graphs". Both types of film shall be generally termed "radiographs".

AAR–5. (J–4) The weld shall be radiographed with a technique which will determine quantitatively the size of defects with thicknesses equal to and greater than 2 percent of the thickness of the base metal. To determine whether the radiographic technique employed is detecting defects of a thickness equal to and greater than 2 percent of the thickness of the base metal, suitable thickness gauges or penetrameters shall be placed on the side of the plate nearest the source of radiation and used in the following manner:

AAR–5. (J–4) (1) To determine whether the radiographic technique employed is detecting defects of a thickness equal to and greater than 2 percent of the thickness of the base material, thickness gauges or penetrameters of the type shown in figure 12 shall be placed on the side of the plate nearest the source of radiation and used as directed.

AAR–5. (J–4) (2) The material of the penetrameter shall be substantially the same as that of the plate under examination.

AAR–5. (J–4) (3) The thickness of the penetrameter shall be not more than 2 percent of the thickness of the plate.

AAR–5. (J–4) (4) There shall be three holes in each penetrameter of diameters equal respectively to two, three, and four times the penetrameter thickness, but in no case less than 1/16 inch. The smallest hole must be distinguishable on the radiograph.

AAR–5. (J–4) (5) Each penetrameter shall carry an identifying number representing, in two significant figures, the minimum thickness of plate for which it may be used.

AAR–5. (J–4) (6) The images of these identifying numbers shall appear clearly on the radiograph.

AAR–5. (J–4) (7) Each penetrameter shall be 1½ inches long and ½ inch wide. (See figure 12.)

AAR–5. (J–5) Two penetrameters shall be used for each exposure, one at each end of the exposed length, parallel and adjacent to the weld seam with the small holes at the outer ends.

AAR–5. (J–6) The film during exposure shall be as close to the surface of the weld as is practicable. The distance of the film from the surface of the weld on the side opposite the source of radiation shall, if possible, be not greater than 1 inch. With the film not more than 1 inch from the weld surface the minimum distance between the source of radiation and the back of the weld shall not be less than 14 inches.

AAR–5. (J–7) There shall also be a plain indication on each film showing the job number, the shell, or shell section, and seam, as well as the manufacturer's identification, symbol, or name.

AAR–5. (J–8) If it is necessary to expose the film at a distance greater than 1 inch from the weld, the following ratio of:

$$\frac{\text{Distance of source from radiation to weld surface toward radiation}}{\text{Distance from weld surface toward radiation to film}}$$

shall be at least 7 to 1. When a grid of the Buckey type is employed to reduce scattered radiation, the above ratio may be reduced to 5. These conditions are imposed so as to limit the allowable distortion and magnification of any defects in the welded seam.

AAR–5. (J–9) All radiographs shall be free from excessive mechanical processing defects which would interfere with proper interpretation of the radiograph.

AAR–5 (J–10) Identification markers, the images of which will appear on the film, shall be placed adjacent to the weld and their location accurately and permanently stamped near the weld on the outside surface of the shell, or shell section, so that a defect appearing the radiograph may be accurately located in the actual weld.

AAR–5. (J–11) The radiographs shall be submitted to the inspector. If the inspector requests, the following data shall be submitted with the radiographs: (1) The thickness of the base metal, (2) the distance of the film from the surface of the weld, (3) the distance of the film from the source of radiation.

AAR–5. (J–12) Acceptability of welds examined by radiography shall be judged by comparing the radiographs with a standard set of radiographs which may be obtained by purchase from Secretary, Mechanical Division, Association of American Railroads. In general, the standard of judgment shall be:

(1) Welds in which the radiographs show elongated slag inclusions or cavities shall be unacceptable if the length of any such imperfection is greater than ⅓ T, where T is the thickness of the weld. If the lengths of such imperfections are less than ⅓ T and are separated from each other by at least 6 L of acceptable weld metal, where L is the length of the longest imperfection, the weld shall be judged acceptable if the sum of the lengths of such imperfections is not more than T in a weld length of 12 T.

(2) Welds in which the radiographs show any type of crack or zones of incomplete fusion shall be unacceptable.

(3) Welds in which the radiographs show porosity shall be judged as acceptable or unacceptable by comparison with the standard set of radiographs.

AAR–5. (J–13) A complete set of radiographs for each tank shall be retained for not less than 20 years by the tank builder or by the car owner if he so requests.

AAR–5. *Qualification of welders.* (K–1) The manufacturer shall be responsible for the quality of the welding done by his organization and shall conduct tests of welding operators to determine their ability to produce welds of the required quality.

AAR–5. (K–2) The manufacturer shall satisfy the inspector that all the welding operators employed on a car tank have previously made test plates which comply with the requirements of this specification. Such test plates shall have been made within a period of six months, except when the welding operator is regularly employed on production work embracing the same process and type of welding the tests may be effective for one year.

AAR–5. (K–3) It is the duty of the inspector to satisfy himself that only welding operators who are proved competent by these test plates are used to weld any car tank and that all welding complies with the requirements of this specification.

AAR–5. (K–4) The inspector has the right at any time to call for and witness the making of welding operator's qualification test plates described in this paragraph by any welding operator employed in connection with the inspector's contract, and to observe the physical tests of the test plates. For such qualification tests the thickness of the test plate shall be approximately the thickness of the plate or parts on which the welding operator is to work.

AAR–5. (K–5) The tests conducted by one manufacturer shall not qualify a welding operator to do work for any other manufacturer.

AAR–5. *Preparation for welding.* (L–1) The plates may be cut to size and shape by machining or shearing, or by flame cutting. If shaped by flame cutting, the edges must be uniform and smooth and must be free of all loose scale and slag accumulations before welding. The discoloration which may remain on the flame-cut surface is not considered to be a detrimental oxidation. The plates or sheets to be joined shall be accurately cut to size and formed. In all cases the forming shall be done by pressure and not by blows, including the edges of the plates forming longitudinal joints of tanks.

AAR–5. (L–2) Particular care should be taken in the layout of joints in which fillet welds are to be used so as to make possible the fusion of the weld metal at the bottom of the fillet. Great care must also be exercised in the deposition of the weld metal so as to secure satisfactory penetration.

AAR–5. (L–3) If the thickness of the flange of a head to be attached to a tank shell by a butt joint exceeds the shell thickness by more than 25 percent (maximum ¼ inch), the flange thickness shall be reduced at the abutting edges either on the inside or the outside, as shown in figure 13 (b), or on both sides, as shown in figure 13 (a). Reduction of abutting edges as illustrated in figure 13 (c) is not permissible. For vessels 36 inches in inside diameter or smaller, the head to shell joints may be a single-welded butt joint with a backing-up strip, or, in cases where the head thickness is at least ⅛ inch greater than the shell thickness, the backing-up strip may be integral with the head flange machined in such a manner as to have the inner edge of the head flange project beyond the end of the shell plate to form a backing-strip as shown in figure 26 (a). The head shall be a snug fit into the shell. If the thickness of the head exceeds the thickness of the shell by more than ¼ inch, the thickness of the integral backing-strip shall not exceed ¼ inch and the additional flange thickness shall be reduced on the outside, as shown in figure 26 (b).

AAR–5. (L–4) The edges of the plates at the joints shall not have an offset from each other at any point in excess of 25 percent of the thickness of the plate (maximum ⅛ inch).

AAR–5. (L–5) In all cases where plates of unequal thicknesses are abutted, and have offsets exceeding 1/16 inch, the edge of the thicker plate shall be reduced in some manner so that it is approximately the same thickness as the other plate except as noted for head to shell joints in paragraph AAR–5. (I–3). In longitudinal tank joints the middle lines of the plate thickness shall be in alignment, within the fabricating tolerances specified in paragraph AAR–5. (I–4).

AAR–5. (L–6) Bars, jacks, clamps, or other appropriate tools may be used to hold the edges to be welded in line. Tack welds may also be used to hold the edges in line, provided the tack welds are removed so that they do not become a part of the joints. The edges of butt joints shall be so held that they will not overlap during welding. Where fillet welds are used, the lapped plates shall fit closely and be kept together during welding.

AAR–5. (L–7) The surfaces of the sheets or plates to be welded shall be cleaned thoroughly of all scale, rust, or oil and grease for a distance of not less than ½ inch from the welding edge. Grease or oil may be removed with gasoline, lye, or the equivalent. A steel wire scratch brush may be used for removing light rust or scale, but for heavy scale, slag, and the like, a grinder, chisel, air hammer, or other suitable tool shall be used to obtain clean and bright metal. When it is necessary to deposit metal over a previously welded surface, any scale or slag therefrom shall be removed by a roughing tool, chisel, air chipping hammer, or other suitable means to prevent inclusion of impurities in the weld metal.

AAR–5. (L–8) The dimensions and shape of the edges to be joined shall be such as to allow thorough fusion and complete penetration.

AAR–5. (L–9) For double welded butt joints the reverse sides shall be chipped, ground, or melted out so as to secure a clean surface of the originally deposited weld prior to application of the first bead of welding on the second side. Such chipping, grinding, or melting out shall be done in a manner that will insure proper fusion of the weld metal. These requirements are not intended to apply to any process of welding by which proper fusion and penetration are otherwise obtained and no impurities remain at the base of the weld.

AAR–5. (L–10) If the welding is stopped for any reason, extra care shall be taken in restarting to get full penetration to the bottom of the joint and thorough fusion between the weld metal and the plates, and to the weld metal previously deposited.

AAR–5. *Longitudinal joints.* (M–1) Longitudinal joints shall be of the double-welded butt type and shall be reinforced at the center of the weld on each side of the plate by at least 1/16 inch up to and including ⅝ inch plate and up to ⅛ inch for heavier plates. The reinforcement may be removed, but if not removed shall be filled up uniformly from the surface of the plate to a maximum at the center of the weld. Particular attention is called, however, to the importance of the provision that there shall be no valley or grooves along the edge of or in the center of the weld, but that the deposited metal must be fused smoothly and uniformly into the plate surface. (If the reinforcement is built up so as to form a ridge with a valley or depression at the edge of the weld next to the plate, the result is a notch which causes concentration of stress and reduces the strength of the joints.) The finish of the welded joint shall be reasonably smooth and free from irregularities, grooves, or depressions. Where a welded butt joint is made the equivalent of a double-welded butt joint (see note in paragraph AAR–5 (d–2)) by using a backing-up strip and adding filler metal from one side only, the reinforcements shall not be less than 1/16 inch.

AAR–5. (m–2) Where tanks are made up of two or more courses with welded longitudinal joints, the joints of adjacent courses shall be not less than 60° apart.

AAR–5. *Circumferential joints.* (n) Circumferential joints shall be of the double-welded butt type. The details of all of these joints shall conform to the requirements of longitudinal joints given in AAR–5 (m–1) except as specified in AAR–5 (I–3).

AAR–5. *Stress relieving.* (o) Each tank must be stress relieved by heating uniformly to at least 1100° F. The tank shall be brought slowly up to the specified temperature and held at that temperature for a period of time proportioned on the basis of at least one hour per inch of maximum thickness, minimum 1 hour, and shall be allowed to cool slowly in a still atmosphere. Welded attachments must be welded in place before tank is stress relieved. Fusion welded anchors, if applied, must be welded in place before tank is stress relieved. The entire tank must be stress relieved by heating the complete tank as a unit.

AAR–5. *Inspection.* (p–1) Purchaser of tanks must provide for inspection by a competent inspector. The manufacturer shall submit the tank for inspection at such stages as may be designated by the inspector.

AAR–5. (p–2) Each tank must also be inspected at the time of hydrostatic pressure and hammer tests by the inspector.

AAR–5. (p–3) The manufacturer shall certify that the welding on the tank has been done only by welding operators who have had passed the test requirements and that the same material and technique used in making the test were employed in fabricating the tank.

AAR–5. *Distortion.* (q) The shell of the completed tank shall be circular within a limit of plus or minus one percent of the inside diameter of the tank.

AAR–5. *Repairs during original construction.* (r–1) Pin holes, cracks, or other defects in welded joints shall be repaired only by chipping, machining, or burning out the defect and rewelding. For metallic arc welding preheating or reheating is not required.

AAR–5. (r–2) Tanks shall be stress relieved after any welding repairs have been made.

AAR–5. (r–3) After repairs have been made the tank shall again be tested in the regular way, and, if it passes the test, the inspector shall accept it. If it does not pass the test the inspector can order supplementary repairs, or, if in his judgment the tank is not suitable for service, he may permanently reject it.

ICC–6. *Stress relieving.* (a) All welding of the tank and of attachments welded directly thereto must be stress relieved as a unit.

AAR–6. *Stress relieving.* (a) See paragraph AAR–5 (o).

ICC–7. *Anchorage.* (a) The manner in which tanks are supported on and securely attached to the car structure must be approved.

ICC–7. *Protective rings.* (b) A plate ring flange must be welded to the outside of each head and extending a greater distance beyond the head than any fitting or attachment to the head, including the housing referred to in the following paragraph. This flange must be at least as thick as the shell plates and must slope or curve inward toward the axis such that the diameter at the outboard end is at least 2 inches less than the maximum diameter.

ICC–8. *Protective housing and cover.* (a) All operating fittings shall be located in one head. Valves and other closures of openings in tank heads, except fusible plug vents and drain plugs, must be protected against accidental injury by a detachable cast or pressed steel housing at least 7/16 inch thick, which must not project beyond the protective ring on the end of the tank and must be securely fastened to tank head. This housing must be provided with an opening having an area equal to the total safety valve or vent discharge area.

ICC–8. (b) The upper head of tanks mounted vertically on the car structure must be completely covered by a light metal cover designed to exclude moisture, cinders, and other foreign matter, and to be displaced by pressure of gas discharged through safety valves or vent.

ICC–9. *Venting, and loading and discharging valves.* (a) These valves must be of approved type, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 500 pounds per square inch without leakage. The valves must be screwed directly into tank heads or attached to tank heads by other approved methods. Provision must be made for closing the pipe connections of the valves.

ICC–9. (b) Tanks must not be equipped with safety valves or vents, if prohibited for the service in which they are used.

ICC–10. *Safety valves and vents.* (a) The tank must be equipped with one or more safety valves or vents of approved type, made of metal not subject to rapid deterioration by the lading and screwed directly into tank heads or attached to tank heads by other approved methods. The total value of vent discharge capacity must be sufficient to prevent building up of pressure in tank in excess of ¾ of the test pressure; when safety vents of the fusible plug type are used, the required discharge capacity must be available in each head.

ICC–10. (b) Tanks mounted vertically on the car structure must have safety valves, or vents of the frangible disc type, which must be located on the upper head.

ICC–10. (c) Safety valves must be set to open and vents of the frangible disc type must function at a pressure of not exceeding 375 pounds per square inch. Vents of the fusible plug type must function at a temperature of not exceeding 175° F. (for tolerance see paragraph ICC–13).

ICC–11. *Fixtures.* (a) Siphon pipes and their couplings on the inside of the tank head and lugs on the outside of the tank head for attaching the valve protection housing may be fusion welded in place, provided they are properly heat-treated at the time the entire tank is heat-treated. All other fixtures and appurtenances, except as provided for in paragraphs ICC–7, ICC–8, ICC–9, ICC–10, and ICC–11 (b) are prohibited.

ICC–11. (b) A threaded drain plug for cleaning purposes made of metal not subject to rapid deterioration by the lading, not to exceed 2 inches nominal pipe size, may be included in the head concave to the pressure. (See par. ICC–4 (c).)

ICC–12. *Tests of tanks.* (a) After heat treatment each tank must be subjected to a hydrostatic test in a water jacket, or by other accurate method, operated so as to obtain reliable data. No tank shall have been subjected previously to internal pressure within 100 pounds of the final test pressure.

ICC–12. (b) The tank must be prepared for testing by completely filling with water, or other liquid having similar viscosity, having a temperature not exceeding 100° F. during the test.

ICC–12. (c) While subject to a hydrostatic pressure of 375 pounds per square inch, the tank shall be given a thorough hammer impact test. This impact test shall consist of striking the metal at 6 inch intervals on both sides of all butt welded joints and for

the full length of the joints. The weight of the hammer in pounds shall approximately equal the thickness of the thinnest plate of the joint in tenths of an inch, but not to exceed 10 pounds. The plates shall be struck with a sharp swinging blow. The edges of the hammer shall be rounded so as to prevent defacing the plate.

ICC–12. (d) Following the impact test the tank shall be hydrostatically tested at a final test pressure of 500 pounds per square inch. The tank must hold this pressure for at least 10 minutes without leakage or evidence of distress.

ICC–12. (e) The pressure gauge must permit reading to an accuracy of 1 percent. The expansion gauge must permit reading of the total expansion to an accuracy of 1 percent. The expansion must be recorded in cubic centimeters.

ICC–12. (f) The permanent volumetric expansion must not exceed 10 percent of the total volumetric expansion at final test pressure.

ICC–12. (g) Following the hydrostatic test each tank must be subjected to an internal air pressure test of at least 100 pounds per square inch under conditions favorable to detection of any leakage. No leaks shall appear.

ICC–12. (h) Caulking of welded joints to stop leaks developed during foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in paragraph ICC–5 (a).

ICC–13. *Tests of safety valves and vents.* (a) Each valve must be tested by air or gas before being put into service and also at intervals as prescribed in paragraph ICC–14. The valve must open at a pressure of not exceeding 375 pounds per square inch and be vapor tight at 300 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination.

ICC–13. (b) For safety vents of the frangible disc type, a sample of the discs used must burst at a pressure of not exceeding 375 pounds per square inch and be vapor tight at 300 pounds per square inch.

ICC–13. (c) For safety vents of the fusible plug type, a sample of the fusible plugs used must function at a temperature of not exceeding 175° F. and be vapor tight at a temperature of 130° F.

ICC–14. *Retests, alterations, and upkeep of tanks, safety valves, and vents.* (a) Each tank must be subjected, at least once every five years, to the hydrostatic test as prescribed in paragraph ICC 12 (b) and the volumetric expansion test prescribed in paragraphs ICC 12 (d) and 12 (e). A tank must be condemned when it leaks or when the permanent expansion exceeds 10 percent of the total expansion. Report giving data showing the results of these tests must be rendered by party making tests to the owner of the tank and to the Bureau of Explosives, and each tank passing the test must be marked with the date (month and year) plainly and permanently stamped into the metal of one head or flange ring. For example, 1–51 for January, 1951. Dates of previous tests must not be obliterated.

ICC–14. (b) Safety valves must be retested, at least once every 2 years, in the manner prescribed in paragraph ICC–13 (a). Safety vents of the frangible disc and fusible plug types must be inspected after each loaded trip of tank as follows: Remove at least one vent for visual inspection and, if it shows signs of deterioration, all the vents on the tank must be removed and inspected and those which do not meet the requirements must be renewed.

ICC–14. (c) All prescribed markings on tanks must be kept legible. Copy of the said markings, in letters and figures of the prescribed size stamped on a brass plate secured to the tank, is authorized. Markings must not be changed except as follows:

(1) By application of additional marks not affecting the test pressure or water capacity; these must not obliterate previously applied marks.

(2) By application of test pressure marks, or alteration of such marks, to indicate a reduced test pressure; authorized only for tanks that have not failed in the 5-year test.

(3) By change of serial numbers or ownership marks, or both; report in sufficient detail so that previous serial number and ownership mark can be determined for each tank, arranged by lot numbers or by consecutive serial numbers, must be filed with the Bureau of Explosives.

ICC–15. *Marking.* (a) Each tank must be plainly and permanently marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be stamped into the metal of one head or flange ring, in letters and figures at least ⅜ inch high, as follows:

ICC–15. (b) ICC–110A500–W.

ICC–15. (c) Serial number (immediately below foregoing).

ICC–15 (d) Inspector's official mark (immediately below serial number).

ICC–15. (e) Name, mark (other than a trade mark) or initials of company or person for whose use the tanks are being made, which must be recorded with the Bureau of Explosives.

ICC–15. (f) Date of tank test (month and year), such as 1–51 for January, 1951, so placed that dates of subsequent tests may easily be added thereto.

ICC–15. (g) Water capacity—0000 pounds.

ICC–15. (h) When a tank and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity, followed by the word "only" or such other wording which may be required to indicate the usage of the tank, must be stenciilled on head of the tank containing operating fittings, in letters at least 1 inch high.

AAR–15. (a) For determining water capacity of tank in pounds the weight of a gallon (231 cu. in.) of water at 60° F. in air shall be 8.32828 pounds.

ICC–16. *Inspection and report.* (a) Purchaser of tank must provide for inspection by a competent inspector as follows:

(1) The inspector must carefully inspect all plates from which tanks are to be made and records pertaining thereto, and plates which do not comply with the requirements of this specification must be rejected.

(2) The inspector must secure complete certified records, including chemical analyses and physical tests on samples taken from each heat and steel used in the manufacture of the plate.

(3) The inspector must report capacity in pounds of water and tare weight of each tank and the minimum thickness of tank wall noted.

(4) The inspector must make such inspection as may be necessary to see that all the requirements of this specification are fully complied with, must see that the finished tanks are properly heat treated, and must witness all air and hydrostatic tests.

(5) The inspector must stamp his official mark on each accepted tank immediately below the Serial No. and make certified report (see paragraph ICC–16 (b)), to the builder, to the company or person for whose use the tanks are being made, to the builder of the car structure on which the tanks are to be mounted, if any, to the Bureau of Explosives, and to the Secretary, Mechanical Division, Association of American Railroads.

ICC–16. (b) Inspector's report required herein must be in the following form:

(Place) ----------
(Date) ----------

STEEL TANKS

It is hereby certified that drawings were submitted for these tanks under A. A. R. Application for Approval No. ------ and approved by the A. A. R. Committee on Tank Cars under date of ----------
Built for ---------- Company
Location at ----------
Built by ---------- Company
Location at ----------
Consigned to ---------- Company
Location at ----------
Quantity ----------
Size ----- inches outside diameter by ----- inches long.
Marks stamped into the head or chime of the tank are:
Specification ICC ----------
Serial numbers ---------- to ---------- inclusive.
Inspector's mark ----------
Test date ----------
Water capacity (see record of Hydrostatic Tests).
Tare Weights (Yes or No). (See Record of Hydrostatic Tests).
These tanks were made by process of ----------

The steel used was identified as indicated by the attached list showing the serial number of each tank, followed by the heat number of the plate, head, and bottom used in the tank.

The steel used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers were stamped into the metal.

All material, such as plates, billets, and seamless tubing, was inspected and each tank was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the tank. The processes of manufacture and heat treatment of tanks were supervised and found to be efficient and satisfactory.

The tank walls were measured and the minimum thickness noted was ------ inch. The outside diameter was determined by a close approximation to be ------ inches. The wall stress was calculated to be ------ pounds per square inch under an internal pressure of ------ pounds per square inch.

Hydrostatic tests, bend and tensile tests of material, and other tests as prescribed in this specification were made in the presence of the inspector and all material and tanks accepted were found to be in compliance with the requirements of this specification. Records thereof are attached hereto.

I hereby certify that all of these tanks proved satisfactory in every way and comply with the requirements of Interstate Commerce Specification No. ----------

(Signed) ----------
Inspector.

ICC–16. (c) Before a tank built under this specification is placed in service, the builder must furnish to the owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in proper form certifying that the tank and its equipment comply with all the requirements of this specification, including information as to the serial numbers, date of test, and ownership marks on the tanks.

In the event the owner of the tank instead of the builder elects to furnish appurtenances such as valve protection caps, loading and unloading valves, and safety valves or vents of the frangible disc or fusible plug type, the owner must furnish to the Bureau of Explosives and to the Secretary, Mechanical Division, Association of American Railroads, a report in proper form certifying that these appurtenances comply with all the requirements of this specification.

In case of alterations of or additions to tank or equipment therefor from original design and construction or of repairs, there must be furnished to the owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in detail of the repairs, alterations, or additions made to each tank covered by a particular application, showing the serial number of each tank involved and stating that heat treatment called for by the particular type of repair authorized has been performed and, that after repairs, alterations, or additions, the tests prescribed in paragraph ICC–12 were made, results of hydrostatic tests reported, and tanks marked as prescribed in paragraph ICC–14.

Reports of retests must be rendered to the Bureau of Explosives and tank owner.

AAR–16. *Applications for approval.* (a) See § 78.259 (f) *Application for approval.*

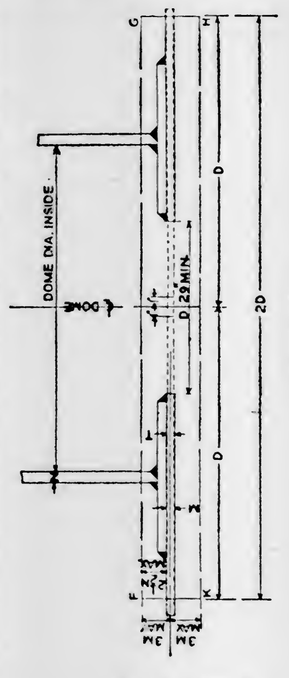
AAR–16. *Certificate of construction.* (b–1) See paragraph ICC–16 (b) for forms of certificates to be filed covering tanks only.

AAR–16. (b–2) For form of certificate covering car structure, see § 78.259 (g), *Certificate of construction.*

AAR–17. *Car structure.* (a) See § 78.263 *Car structure.*

26. Add Figures 24A, 24B, and 26, to Appendix C, Part 78, Subpart I (15 F. R. 8538, Dec. 2, 1950) (49 CFR Appendix C, Part 78, Subpart I, 1950 Rev.) as follows:

SECTION 35. Chart of retail beef cuts and the wholesale cuts from which they are obtained.



D = Diameter of cut out in tank shell (29" min.).
T = Shell thickness required by specification.
M = Actual shell thickness.
N = Actual dome shell thickness.
E = Efficiency of weld at top seam.
Cross section area available equals actual area in rectangle *FGHK*. Use 3*M* or 2½" *N*—whichever is less)
Cross section area required equals $2T(D-1)E$ excess area over requirements

FIGURE 24A. Dome reinforcement formula I. C. C. 103 AL-W-tanks.

(Place) ----------
(Date) ----------

Certificate of Chemical Analysis of Steel for Tanks

Numbered ---------- to ---------- inclusive.
Size ---------- Inches outside diameter by ---------- Inches long.
Made by ---------- Company.
For ---------- Company.

Heat No.	Chemical analysis							
	C	P	S	Si	Mn	Ni	Cr	

The analyses were made by ----------

(Signed) ----------

Record of Tensile Tests of Material in Tanks

Numbered ---------- to ---------- inclusive.
Size ---------- Inches outside diameter by ---------- Inches long.
Made by ---------- Company.
For ---------- Company.

Heat No.	Yield point (pounds per square inch)	Tensile strength (pounds per square inch)	Elongation (percent in 8 inches)	Reduction of area (percent)	Bend test

(Signed) ----------

(Place) ----------
(Date) ----------

Record of Hydrostatic Tests on Tanks

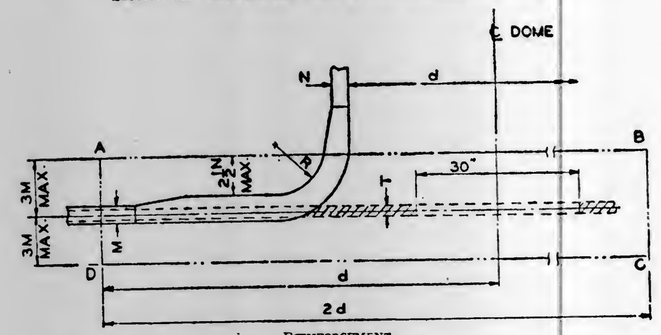
Numbered ---------- to ---------- inclusive.
Size ---------- Inches outside diameter by ---------- Inches long.
Made by ---------- Company.
For ---------- Company.

Serial Nos. of tanks tested	Actual test pressure (pounds per square inch)	Total expansion (c. c.) [1]	Permanent expansion (c. c.) [1]	Percent ratio of permanent expansion to total expansion	Tare weight (pounds) [2]	Capacity in pounds of water

(Signed) ----------

[1] If the test are made by a method involving the measurement of the amount of liquid forced into the tank by the test pressure then the base data on which the calculations are made, such as the pump factors, temperature of liquid and coefficient of compressibility of liquid, etc., must also be given.
[2] Do not include protective housing and cover but state whether with or without valves.

SECTION 32. Beef skeletal chart of OPS wholesale beef cuts.



d = Inside diameter of dome.
T = Shell thickness required by specification.
M = Actual shell thickness.
N = Dome shell thickness.
E = Efficiency of welded joint at top seam in shell of tank.

Cross section area available equals actual area in rectangle $ABCD$. (Use $3M$ or $2\frac{1}{2}N$—whichever is less) =
Additional area required equals $T\ (2d-30)\ E$ =
Excess area over requirements =

FIGURE 24–B. Dome reinforcement formula I. C. C. 103 AL–W.

SECTION 34. Skeletal chart for making standard retail beef cuts.

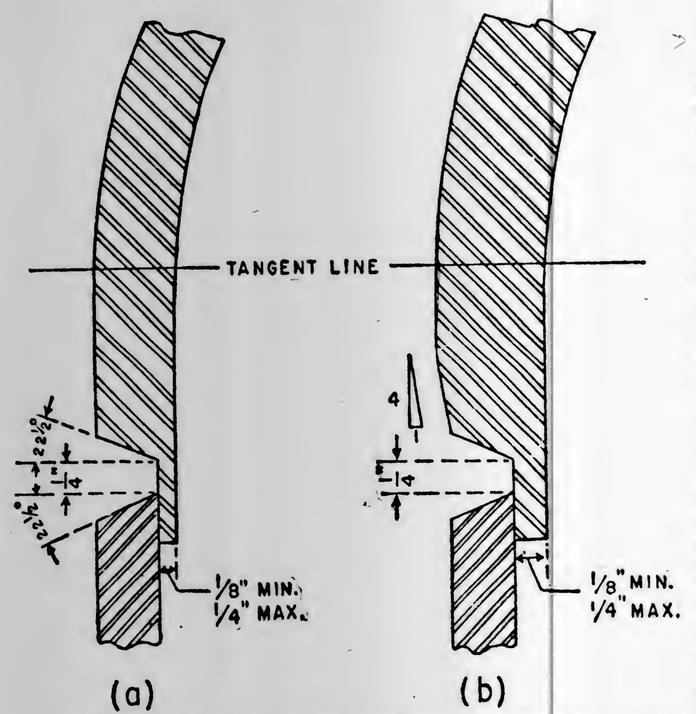


FIGURE 26. Optional welding for head-shell joints (when inside diameter is not over 96 inches).

[F. R. Doc. 51-4422; Filed, May 7, 1951; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 24]

CONSOLIDATED INCOME AND EXCESS PROFITS TAX RETURNS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 141 of the Internal Revenue Code (53 Stat. 58; 26 U. S. C. 141).

[SEAL] GEORGE J. SCHOENEMAN,
Commissioner of Internal Revenue.

[Regulations 129]

PART 24—CONSOLIDATED INCOME AND EXCESS PROFITS TAX RETURNS

GENERAL PROVISIONS

Sec.
24.0 Introductory.
24.1 Privilege of making consolidated returns.
24.2 Definitions.
24.3 Applicability of other provisions of law.

ADMINISTRATIVE PROVISIONS

24.10 Exercise of privilege.
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COMPUTATION OF TAX, RECOGNITION OF GAIN OR LOSS, AND BASIS

24.30 Computation of tax, recognition of gain or loss, and basis.
24.31 Bases of tax computation.
24.32 Method of computation of income for period of less than twelve months.
24.33 Gain or loss from sale of stock or bonds.
24.34 Sale of stock; basis for determining gain or loss.
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24.36 Limitation on allowable losses on sale of stock or bonds.
24.37 Liquidations; recognition of gain or loss.
24.38 Basis of property.
24.39 Inventories.
24.40 Bad debts.
24.41 Sale and retirement by corporation of its bonds.
24.42 Capital loss limitation and carry-over.
24.43 Credit for foreign taxes.
24.44 Methods of accounting.

SEC. 141, I. R. C. CONSOLIDATED RETURNS.

(a) *Privilege to file consolidated returns.* An affiliated group of corporations shall, subject to the provisions of this section, have the privilege of making a consolidated return for the taxable year in lieu of separate returns. The making of a consolidated return shall be upon the condition that all corporations which at any time during the taxable year have been members of the affiliated group consent to all the consolidated return regulations prescribed under subsection (b) prior to the last day prescribed by law for the filing of such return. The making of a consolidated return shall be considered as such consent. In the case of a corporation which is a member of the affiliated group for a fractional part of the year, the consolidated return shall include the income of such corporation for such part of the year as it is a member of the affiliated group.

(b) *Regulations.* The Secretary shall prescribe such regulations as he may deem necessary in order that the tax liability of any affiliated group of corporations making a consolidated return and of each corporation in the group, both during and after the period of affiliation, may be returned, determined, computed, assessed, collected, and adjusted, in such manner as clearly to reflect the income- and excess-profits-tax liability and the various factors necessary for the determination of such liability, and in order to prevent avoidance of such tax liability.

(c) *Computation and payment of tax.* In any case in which a consolidated return is made or is required to be made, the tax shall be determined, computed, assessed, collected, and adjusted in accordance with the regulations under subsection (b) prescribed prior to the last day prescribed by law for the filing of such return; except that the tax imposed under section 15 or section 204 shall be increased by 2 per centum of the consolidated corporation surtax net income of the affiliated group of includible corporations. If the affiliated group includes one or more Western Hemisphere trade corporations (as defined in section 109), the increase of 2 per centum provided in the preceding sentence shall be applied only on the amount by which the consolidated corporation surtax net income of the affiliated group exceeds the portion (if any) of the consolidated corporation surtax net income attributable to the Western Hemisphere trade corporations included in such group. For the purposes of the tax imposed by section 430, the sum of the excess profits credit and the unused excess profits credit adjustment of the affiliated group shall not be increased under the last sentence of section 431 to an amount in excess of $25,000 for the entire group.

(d) *Definition of "Affiliated Group".* As used in this section, an "affiliated group" means one or more chains of includible corporations connected through stock ownership with a common parent corporation which is an includible corporation if—

(1) Stock possessing at least 95 per centum of the voting power of all classes of stock and at least 95 per centum of each class of the nonvoting stock of each of the includible corporations (except the common parent corporation) is owned directly by one or more of the other includible corporations; and

(2) The common parent corporation owns directly stock possessing at least 95 per centum of the voting power of all classes of stock and at least 95 per centum of each class of the nonvoting stock of at least one of the other includible corporations.

As used in this subsection, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends.

(e) *Definition of "includible corporation".* As used in this section, the term "includible corporation" means any corporation except—

(1) Corporations exempt from taxation under section 101.

(2) Insurance companies subject to taxation under section 201 or 207.

(3) Foreign corporations.

(4) Corporations entitled to the benefits of section 251, by reason of receiving a large percentage of their income from sources within possessions of the United States.

(5) Corporations organized under the China Trade Act, 1922.

(6) Regulated investment companies subject to tax under Supplement Q.

(7) Any corporation described in section 449, or in section 454 (d), (f), and (g) (without regard to the exception in the initial clause of section 454), but not including such a corporation which has made and filed a consent, for the taxable year or any prior taxable year ending after June 30, 1950, to be treated as an includible corporation. Such consent shall be made and filed at such time and in such manner as may be prescribed by the Secretary.

(8) Regulated public utilities described in section 448 (d) which compute their excess profits credit under section 448 but not including any such regulated public utility which has made and filed a consent, applicable to the taxable year, to compute its excess profits credit without regard to section 448. The consent shall be made and filed at such time and in such manner as may be prescribed by the Secretary. The consent shall be applicable to the taxable year for which filed and to each consecutive subsequent taxable year for which a consolidated return is filed.

(f) *Includible insurance companies.* Despite the provisions of paragraph (2) of subsection (e), two or more domestic insurance companies each of which is subject to taxation under the same section of this chapter shall be considered as includible corporations for the purpose of the application of subsection (d) to such insurance companies alone.

(g) *Subsidiary formed to comply with foreign law.* In the case of a domestic corporation owning or controlling, directly or indirectly, 100 per centum of the capital stock (exclusive of directors' qualifying shares) of a corporation organized under the laws of a contiguous foreign country and maintained solely for the purpose of complying with the laws of such country as to title and operation of property, such foreign corporation may, at the option of the domestic corporation, be treated for the purpose of this chapter as a domestic corporation.

(h) *Suspension of running of statute of limitations.* If a notice under section 272 (a) in respect of a deficiency for any taxable year is mailed to a corporation, the suspension of the running of the statute of limitations, provided in section 277, shall apply in the case of corporations with which such corporation made a consolidated return for such taxable year.

(i) *Allocation of income and deductions.* For allocation of income and deductions of related trades or businesses, see section 45.

(j) *Includible regulated public utilities.* Despite the provisions of paragraph (8) of subsection (e), two or more regulated public utilities each of which has made and filed a consent, applicable to the taxable year, to compute its excess profits credit under section 448 only, shall be considered as includible corporations for the purpose of the application of subsection (d) to such regulated public utilities alone. The consent shall be made and filed at such time and in such manner as may be prescribed by the Secretary. The consent shall be applicable to the taxable year for which filed and to each consecutive subsequent taxable year for which a consolidated return is filed.

GENERAL PROVISIONS

§ 24.0 *Introductory.* (a) The regulations in this part, authorized by section 141 (b)[1] of the Internal Revenue

[1] In connection with the revision of section 141 of the Code as enacted by section 301 of the Excess Profits Tax Act of 1950, the report of the Committee on Ways and Means (Rept. No. 3142, 81st Cong., 2d Sess., p. 74), after describing certain substantive changes proposed, states:

"Aside from these substantive changes in section 141 for taxable years ending after June 30, 1950, and several clerical amendments to the section, the other general rules and provisions of the section are continued unchanged."

With respect to the corresponding section of the Revenue Act of 1928, the report of the Committee on Finance (S. Rept. No. 960, 70th Cong., 1st sess., p. 15) accompanying the revenue bill of 1928 contains the following statement (a similar statement being contained also in the statement of the managers on the part of the House, accompanying the conference report upon the bill, see H. Rept. No. 1882, 70th Cong., 1st sess., pp. 16–17):

"Among the regulations which it is expected that the Commissioner will prescribe are: (1) The extent to which gain or loss shall be recognized upon the sale by a member of the affiliated group of stock issued by any other member of the affiliated group or upon the dissolution (whether partial or complete) of a member of the group; (2) the basis of property (including property included in an inventory) acquired, during the period of affiliation, by a member of the affiliated group, including the basis of such property after such period of affiliation; (3) the extent to which and the manner in which net losses sustained by a corporation before it became a member of the group shall be deducted in the consolidated return; and the extent to which and the manner in which net losses sustained during the period for which the consolidated return is filed shall be deducted in any taxable year after the affiliation is terminated in whole or in part; (4) the extent to which and the manner in which gain or loss is to be recognized, upon the withdrawal of one or more corporations from the group, by reason of transactions occurring during the period of affiliation; and (5) that the corporations filing the consolidated return must designate one of their members as the agent for the group, in order that all notices may be mailed to the agent, deficiencies collected, refunds made, interest computed, and proceedings before the Board of Tax Appeals conducted as though the agent were the taxpayer."

The report of the Committee on Ways and Means (Rept. No. 1860, 75th Cong., 3d sess., p. 44) accompanying the revenue bill of 1938 (the pertinent provisions of which were reenacted without change in substance in the Internal Revenue Code) contains the following statement:

"Among the matters to be detailed in regulations which the Commissioner is expected to prescribe under the provisions of subsection (b) of this section are (a) the treatment of inter-company dividend distributions, (b) definitions of the 'net income,' the 'adjusted net income,' and the 'special class net income,' of the affiliated group, and (c) the computation of the 'net operating loss,' the 'basic surtax credit,' the 'dividend carry-over,' the 'dividends paid credit,' and the 'capital gains and losses,' insofar as these several factors may pertain to the case of an affiliated group."

In connection with the original enactment authorizing the filing of consolidated excess profits tax returns, the report of the Committee on Finance (Rept. No. 2114, 76th Cong., 3d sess., p. 17) accompanying the

Code, are prescribed as a supplement to the income tax regulations and the excess profits tax regulations applicable generally under the Code. They are applicable, in the case of all corporations (with certain statutory exceptions), to all taxable years ending after December 31, 1949. With respect to taxable years to which these regulations are applicable, they supersede all prior consolidated returns regulations.

(b) The several sections of the regulations in this part, have been given numbers corresponding respectively to the section numbers of prior consolidated returns regulations but with the Code number 24.

§ 24.1 *Privilege of making consolidated returns.* (a) Section 141 gives to the corporations of an affiliated group the privilege of making a consolidated income and excess profits tax return for the taxable year in lieu of separate returns. This privilege is given, however, upon the condition that all corporations which have been members of the affiliated group at any time during the taxable year for which the return is made consent to these regulations, and any amendments thereof duly prescribed prior to the last day prescribed by law for the filing of the return; and the making of the consolidated return is considered as such consent. The last day prescribed by law for the filing of the return includes the last day of the period of any extension of time granted by the Commissioner.

(b) The tax liability of the members of the affiliated group for the taxable year involved will be determined in accordance with the provisions of the regulations to which consent is given and without regard to any changes of the rules therein prescribed made subsequent to the last day prescribed by law for the filing of the return for such year.

§ 24.2 *Definitions*—(a) *Code.* The term "Code" means the Internal Revenue Code, as amended, and the sections of statutory law referred to in these regulations, unless otherwise stated, are sections of that Code.

(b) *Affiliated group.* (1) The term "affiliated group" includes the common parent corporation and every other corporation for the period during which such corporation is a member of the affiliated group within the meaning of section 141 of the Code as amended; it does not include (i) any corporation which, under section 141, as amended, cannot be included in a consolidated return, (ii) an insurance company taxable under section 201 or 207 in the case of a consolidated return for corporations taxable under section 13, 14, or 204, (iii) a corporation taxable under section 13, 14, or 204 in the case of a consolidated return for insurance companies taxable under section 201 or 207, (iv) an insurance company taxable under section 201 in the case of a consolidated return for insurance companies taxable under section 27, (v) an insurance company taxable under section 207 in the case of a consolidated return for insurance companies taxable under section 201, (vi) a regulated public utility computing its excess profits credit under section 448 in the case of a consolidated return for corporations other than such regulated public utilities, or (vii) a corporation other than a regulated public utility consenting under section 141 (j) to compute its excess profits credit under section 448 in the case of a consolidated return for such regulated public utilities.

(2) In the case of a domestic corporation owning or controlling, directly or indirectly, 100 percent of the capital stock (exclusive of directors' qualifying shares) of a corporation organized under the laws of Canada or of Mexico and maintained solely for the purpose of complying with the laws of such country as to title and operation of property, such foreign corporation may, at the option of the domestic corporation, be treated for income tax purposes as a domestic corporation. The option to treat such foreign corporation as a domestic corporation so that it may be included in a consolidated return must be exercised at the time of making the consolidated return, and cannot be exercised at any time thereafter. If the election is exercised to treat such foreign corporation as a domestic corporation, it must be included in the consolidated return of the affiliated group of which it is a member for each consecutive year thereafter for which such group makes or is required to make a consolidated return.

(3) An affiliated group of corporations, within the meaning of section 141 of the Code, is formed at the time that the common parent corporation, which is an includible corporation, becomes the owner directly of stock possessing at least 95 percent of the voting power of all classes of stock and at least 95 percent of each class of nonvoting stock (not including nonvoting stock which is limited and preferred as to dividends) of another includible corporation; a corporation becomes a member of such an affiliated group at the time that one or more members of such group become the owners directly of stock possessing at least 95 percent of the voting power of all classes of its stock and at least 95 percent of each class of its nonvoting stock (not including nonvoting stock which is limited and preferred as to dividends); and a corporation ceases to be a member of such an affiliated group at the time that the members of such group cease to own directly stock possessing at least 95 percent of the voting power of all classes of its stock, or at least 95 percent of each class of its nonvoting stock (not including nonvoting stock which is limited and preferred as to dividends).

(4) In the determination of the includible corporations of the affiliated group for a taxable year ending after June 30, 1950, a personal service corporation as described in section 449 or a corporation otherwise entitled to exemption from excess profits tax under section 454 (d), (f), or (g) shall be treated as an includible corporation only if it has made and filed pursuant to section 141 (e) (7) its consent to be treated as an includible corporation for such year or for a prior taxable year ending after June 30, 1950.

(5) A regulated public utility as described in section 448 (d) shall be treated as an includible corporation only if it has made and filed—

(i) In the case of an affiliated group consisting wholly of regulated public utilities or of one or more regulated public utilities together with other corporations, a consent to compute its excess profits credit without regard to section 448; or

(ii) In the case of an affiliated group consisting wholly of regulated public utilities, a consent to compute its excess profits credit under section 448 only, and without regard to sections 435 and 436.

(c) *Consolidated return period.* The term "consolidated return period" means the taxable year 1929, or any subsequent taxable year, for which a consolidated return is made or is required, income tax return, excess profits tax return, or both, including the period during which a subsidiary corporation is engaged in distributing its assets in liquidation.

(d) *Subsidiary.* The term "sudsidiary" means a corporation (other than the common parent corporation) which is a member of the affiliated group during any part of the consolidated return period.

(e) *Tax.* The term "tax" means the normal tax, the excess profits tax, and any surtax imposed by chapter 1, and the surtax imposed by subchapter A of chapter 2, and includes any interest, penalty, additional amount, or addition to the tax, payable in respect thereof.

(f) *Excess profits tax taxable year.* For excess profits tax purposes, in the case of an affiliated group filing a consolidated return for the taxable year, the prior taxable years of the group shall be the prior taxable years of the common parent corporation, whether or not consolidated returns were filed and whether or not the members of the group were affiliated for such prior taxable years. For any period during which the common parent was not in existence, the taxable year of the group shall be determined with respect to such members of the group as were in existence on the basis of the annual accounting period established by the common parent for its first taxable year. If the common parent was in existence on July 1, 1950, the first excess profits tax taxable year of the group is the first taxable year of the common parent ending after June 30, 1950. If the common parent was not in existence on July 1, 1950, the first excess profits tax taxable year of the group is the first taxable year of the group ending after June 30, 1950, determined under this paragraph, during which any member of the group was in existence.

(g) *Terms defined in Internal Revenue Code.* Terms which are defined in the Code shall, when used in the regulations in this part, have the meaning assigned to them by the Code, unless specifically otherwise defined.

§ 24.3 *Applicability of other provisions of law.* Any matter in the determination of which the provisions of the regulations in this part are not applicable shall be determined in accordance with the provisions of the Code or other law applicable thereto.

ADMINISTRATIVE PROVISIONS

§ 24.10 *Exercise of privilege*—(a) *When privilege must be exercised.* The privilege of making a consolidated return under these regulations for any taxable year of an affiliated group must be exercised at the time of making the return of the common parent corporation for such year. Under no circumstances can such privilege be exercised at any time thereafter. The filing of separate returns for a taxable year does not constitute an election binding upon the corporations in subsequent years. If the privilege is exercised at the time of making the return, separate returns cannot thereafter be made for such year. (See, however, § 24.18, relating to failure to comply with the regulations in this part.)

(b) *Effect of tentative returns.* In no case will the privilege under paragraph (a) of this section be considered as exercised at the time of making a so-called "tentative return" (made, for example, in order to obtain an extension of time for making the return required by law). However, if any such tentative return is made upon the basis of a consolidated return or a separate return, the return required by law must be made upon the same basis, unless upon the making of the return required by law (either a separate return or a consolidated return, as the case may be) the payments theretofore made and to be made are adjusted in a manner satisfactory to the Commissioner.

§ 24.11 *Consolidated returns for subsequent years*—(a) *Consolidated returns required for subsequent years.* If a consolidated return is made under the regulations in this part for any taxable year, a consolidated return must be made for each subsequent taxable year during which the affiliated group remains in existence unless (1) a corporation (other than a corporation created or organized, directly or indirectly, by a member of the group) has become a member of the group during such subsequent taxable year, or (2) subsequent to the exercise of the election to make consolidated returns, chapter 1 of the Code to the extent applicable to corporations, or these regulations which have been consented to, have been amended and any such amendment is of a character which makes less advantageous to affiliated groups as a class the continued filing of consolidated returns, regardless of the effective date of such amendment, or (3) the Commissioner, prior to the time of making the return, upon application made by the common parent corporation and for good cause shown, grants permission to change.

(b) *Effect of separate returns when consolidated return is required.* If the making of a consolidated return is required for any taxable year, the tax liability of the members of the affiliated group shall be computed in the same manner as if a consolidated return had been made, even though separate returns are made; amounts assessed upon the basis of separate returns shall be considered as having been assessed upon the basis of a consolidated return; and amounts paid upon the basis of separate returns shall be considered as having been paid by the common parent corporation. In such cases the making of separate returns shall not be considered as the making of a return for the purpose of computing any period of limitation or any deficiency. If a consolidated return for such taxable year is thereafter made, such return shall, for the purpose of computing periods of limitation and any deficiency be considered as the return for such year.

(c) *When affiliated group remains in existence.* For the purpose of the regulations in this part, an affiliated group shall be considered as remaining in existence if the common parent corporation remains as a common parent and at least one subsidiary remains affiliated with it, whether or not such subsidiary was a member of the group at the time the group was formed and whether or not one or more corporations have become subsidiaries or have ceased to be subsidiaries at any time after the group was formed.

(d) *When affiliated group terminates.* For the purpose of the regulations in this part, an affiliated group shall be considered as terminated if the common parent corporation ceases to be the common parent or if there is no subsidiary affiliated with it.

§ 24.12 *Making consolidated return and filing other forms*—(a) *Consolidated return made by common parent corporation.* A consolidated return shall be made on Form 1120 by the common parent corporation for the affiliated group. Such return shall be filed at the time, and in the office of the collector of the district, prescribed for the filing of a separate return by such common parent corporation.

(b) *Authorizations and consents.* (1) Each subsidiary must prepare duplicate originals of Form 1122, consenting to these regulations and authorizing the common parent corporation to make a consolidated return on its behalf for the taxable year and authorizing the common parent (or, in the event of its failure, the Commissioner or the collector) to make a consolidated return on its behalf (as long as it remains a member of the affiliated group), for each year thereafter for which, under § 24.11 (a), the making of a consolidated return is required. One of such forms as prepared by each subsidiary shall be attached to the consolidated return, as a part thereof; and the other shall be filed, at or before the time the consolidated return is filed, in the office of the collector for the district prescribed for the filing of a separate return by such subsidiary. No such consent can be withdrawn or revoked at any time after the consolidated return is filed.

(2) The filing of Form 1122 for a taxable year ending after June 30, 1950, by a subsidiary which is either a personal service corporation as described in section 449 or a corporation described in section 454 (d), (f), or (g) shall constitute the making and filing of its consent to be treated as an includible corporation under section 141 (e) (7).

(3) If the common parent corporation is a personal service corporation as described in section 449 or a corporation described in section 454 (d), (f), or (g), the making and filing of the consolidated return for a taxable year ending after June 30, 1950, shall constitute the making and filing of its consent to be treated as an includible corporation under section 141 (e) (7).

(4) A corporation which consents under section 141 (e) (7) to be treated

"Second Revenue Act of 1940" contains the following statement:

"The regulations which the Commissioner is authorized to prescribe are such regulations as he may deem necessary in order that the tax liability of any affiliated group of corporations making a consolidated return and of each corporation in the group, both during and after the period of affiliation, may be returned, determined, computed, assessed, collected, and adjusted, in such manner as clearly to reflect the excess-profits tax liability and the various factors necessary for the determination of such liability, and in order to prevent avoidance of such tax liability in addition to the matters which, in the light of current and previous consolidated returns regulations, are expected to be covered in detail in the regulations to be issued by the Commissioner, are the extent to which and the manner in which the following items, among others, will be computed and given effect in determining the excess-profits-tax liability of an affiliated group: (a) Equity invested capital, borrowed capital, and invested capital, (b) admissible and inadmissible assets, and excluded capital, (c) net capital additions and reductions, (d) consolidated net operating losses, net operating losses incurred by members of the group in taxable years prior to that for which the consolidated return is filed, and the net operating loss deduction of members of the group in taxable years following that for which the consolidated return was filed, and (e) excess-profits net income and adjusted excess-profits net income."

The report of the Committee on Finance (Rept. No. 1631, 77th Cong., 2d sess., p. 133) accompanying the revenue bill of 1942, amending section 141, contains the following statement:

"The consolidated normal tax net income, the consolidated corporation surtax net income, and the consolidated capital gains and losses of the group are among those factors with respect to which the Commissioner, in view of experience with current and past consolidated returns regulations, is expected to prescribe regulations in order to reflect clearly the income and excess profits tax liability of the group and of each member thereof and the various factors necessary for the determination of such liability. In addition to these matters, your committee expects that such regulations will provide for the application of the excess profits relief provisions, and the provisions of section 710 (a) (1) (B) limiting excess profits taxes, in cases where consolidated returns are filed. Although the present regulations with respect to the determination of consolidated net income quite properly limit the deduction of the net operating loss carry-over of a member of a group from years prior to that in which its income is first included in a consolidated return to the amount of the separate income of such member, this section provides that such limitation shall not be applied to prevent the portion of the net operating loss carry-over which is attributable to a 1941 war loss of the member (see sec. 158 of the bill) being taken into account in computing consolidated net income."

as an includible corporation for a taxable year ending after June 30, 1950, shall be treated as an includible corporation for all subsequent years, regardless of whether the affiliated group of which such corporation is a member during such subsequent years is the same as the affiliated group of which such corporation was a member when such consent was filed. No consent to be treated as an includible corporation under section 141 (e) (7) can be withdrawn or revoked at any time after the consolidated return is filed for the first taxable year for which the consent is filed.

(5) A subsidiary which is a regulated public utility as described in section 448 (d) shall indicate on its Form 1122 filed for a taxable year ending after June 30, 1950, whether it consents, pursuant to section 141 (e) (8), to compute its excess profits credit without regard to section 448, or, pursuant to section 141 (j), to compute such credit under section 448 only.

(6) If the common parent corporation is a regulated public utility as described in section 448 (d) or (e), the making and filing of a consolidated return for a taxable year ending after June 30, 1950, subject to the provisions of section 141 (e) (8), or to the provisions of section 141 (j), shall constitute the making and filing of its consent to compute its excess profits credit without regard to section 448, or to compute such credit under section 448, respectively.

(7) A consent made by a regulated public utility under either of the two preceding paragraphs cannot be withdrawn or revoked at any time after the consolidated return is filed, and shall be applicable to the taxable year for which such consent is made and to each consecutive subsequent taxable year for which a consolidated return is made or is required.

(c) *Affiliations schedule filed by common parent corporation.* The common parent corporation shall prepare Form 851 (Affiliations Schedule), which shall be attached to and made a part of the consolidated return.

(d) *Persons qualified to swear to returns and forms.* Each return or form required to be made or prepared by a corporation must be sworn to by the persons authorized under section 52 to swear to returns of separate corporations. In cases where receivers or trustees in bankruptcy are operating the property or business of corporations, each return or form required to be made or prepared by such corporation must be executed by the receiver or trustee, as the case may be, pursuant to an order or instructions of the court, and be accompanied by a copy of such order or instructions.

(e) *Signatures in case subsidiary has left affiliated group.* Since Form 1122 is required even though, during the taxable year of the common parent corporation, the subsidiary (because of a dissolution or sale of stock, or otherwise) has ceased to be a member of the affiliated group, it may be advisable for the common parent to obtain the proper signatures to the form prior to the time the subsidiary ceases to be a member of the group.

§ 24.13 *Change in affiliated group during taxable year*[1]—(a) *General rule.* Except as hereinafter provided, a consolidated return must include the income of the common parent corporation and of each subsidiary for the entire taxable year of the affiliated group.

(b) *Formation of affiliated group after beginning of year.* If an affiliated group is formed after the beginning of the taxable year of the corporation which becomes the common parent corporation, the consolidated return must include the income of the common parent for its entire taxable year (excluding any portion of such year during which its income is included in the consolidated return of another affiliated group) and the income of each subsidiary from the time it became a member of the affiliated group.

(c) *Complete termination of affiliated group prior to close of taxable year.* If an affiliated group is terminated prior to the close of the taxable year of the group, the consolidated return must include the income of the common parent corporation for its entire taxable year (excluding any portion of such year during which its income is included in the consolidated return of another affiliated group) and of each subsidiary for the period prior to the termination. (See paragraphs (c) and (d) of § 24.11, in determining whether the group has terminated.)

(d) *Addition to affiliated group of a subsidiary during year.* If a corporation becomes a member of the affiliated group during the taxable year of the group, the consolidated return must include its income from the time when it became a member of the group.

(e) *Elimination from affiliated group of a subsidiary during year.* If a subsidiary ceases to be a member of the affiliated group during the taxable year of the group, the consolidated return must include its income for the period during which it was a member of the group.

(f) *Period of 30 days or less may be disregarded.* A subsidiary may at its option be considered as having been a member of the affiliated group during the entire taxable year of the group (or during the entire period of the existence of the subsidiary, whichever is shorter) if the period during which it was not a member of such group does not exceed 30 days. If a corporation has been a member of the affiliated group for a period of less than 31 days during the taxable year of the group, it may at its option be considered as not having been a member of the group during the taxable year. An option under this paragraph must be exercised at or before the time when the consolidated return is made.

(g) *Separate returns for periods not included in consolidated return.* If a corporation, during its taxable year (determined without regard to the affiliation), becomes a member of an affiliated group, its income for the portion of such taxable year not included in the consolidated return of such group must be included in a separate return (or, if a member of another affiliated group which makes a consolidated return for such period, then in such consolidated return). If a corporation ceases to be a member of the affiliated group during the taxable year of the group, its income for the period after the time when it ceased to be a member of the group must be included in a separate return (or, if it becomes a member of another affiliated group which makes a consolidated return for such period, then in such consolidated return).

(h) *Time for making separate returns for periods not included in consolidated return.* If a corporation, during its taxable year (determined without regard to the affiliation), becomes a member of an affiliated group, the separate return required for the portion of such taxable year during which it was not a member of the group must be made on or before the 15th day of the third month following the close of its taxable year (determined without regard to the affiliation). For example, Corporation P, reporting its income on a calendar year basis, acquires on January 1, 1951, all the stock of Corporation S, which reports its income on a fiscal year basis ending March 31. P and S elect to make a consolidated return for the calendar year 1951. The separate return of S for the taxable period April 1, 1950, to December 31, 1950, should be made on or before June 15, 1951.

§ 24.14 *Accounting period of an affiliated group.* (a) The taxable year of an affiliated group which makes a consolidated return shall be the same as the taxable year of the common parent corporation; and, upon having elected to file consolidated returns, each subsidiary corporation shall, not later than the close of the first consolidated taxable year ending thereafter, adopt an annual accounting period, fiscal year or calendar year as the case may be, in conformity with that of the common parent.

(b) If a change of accounting period is necessary in order to conform the accounting periods of the common parent and of its subsidiaries, and if the requirements of § 29.46–1 of this chapter (Regulations 111), relating to notice of change, cannot otherwise be complied with, such notice shall be furnished at or before the time of filing the consolidated return.

(c) With respect to computations for years involved in the change to the consolidated basis, see § 24.32.

§ 24.15 *Liability for tax—(a) Several liability of members of affiliated group.* Except as provided in paragraphs (b) and (c) of this section, the common parent corporation and each subsidiary, a member of the affiliated group during any part of a consolidated return period, shall be severally liable for the tax (including any deficiency in respect thereof) computed upon the consolidated net income of the group.

[1] This section has no bearing upon the question whether a consolidated return may or must be made, but relates only to the effect of changes in the affiliated group during the taxable year.

(b) *Liability of a corporation in bankruptcy or receivership.* If, at the time of filing a consolidated return, one or more, but not all, of the members of the affiliated group are in bankruptcy under the laws of the United States or in receivership in any court of the United States or of any State, Territory, or the District of Columbia, then the liability under paragraph (a) of this section of each such member of the group with respect to the period covered by such return shall not exceed such portion of the consolidated tax liability for such period as the several corporations included in the consolidated return may, subject to the approval of the Commissioner, agree upon, or, in the absence of such an agreement, an amount equal to its liability for such year computed as if a separate return had been filed.

(c) *Liability of subsidiary after withdrawal.* If a subsidiary has ceased to be a member of the affiliated group, its liability under paragraph (a) of this section shall remain unchanged, except that if such cessation occurred prior to the date upon which any deficiency is assessed and resulted from a bona fide sale of stock for fair value, the Commissioner may, if he believes that the assessment or collection of the balance of the deficiency will not be jeopardized, make assessment and collection of such deficiency from such former subsidiary in an amount not exceeding the portion thereof allocable to it upon the bases of income used in the computations respectively of the normal tax, any surtax, and the excess profits tax, included in such deficiency.

(d) *Effect of intercompany agreements.* Any agreement entered into by one or more members of the affiliated group with any other members of such group or with any other person shall in no case have the effect of reducing the liability prescribed under this section.

(e) *Liability of transferee not affected.* This section shall not be considered as extinguishing or diminishing any liability, at law or in equity, of a transferee of property of a taxpayer, including any liability under any provision of law, State or Federal, relating to liabilities pursuant to corporate dissolution or transfer or distribution of assets, whether or not in connection with a merger or consolidation.

§ 24.16 *Common parent corporation agent for subsidiaries—(a) Scope of agency of common parent corporation.* Except as provided in paragraphs (b) and (c) of this section—

The common parent corporation shall be for all purposes (other than the making of the subsidiary consent required by § 24.12 (b)), in respect of the tax for the taxable year for which a consolidated return is made or is required, the sole agent, duly authorized to act in its own name in all matters relating to such tax, for each corporation which during any part of such year was a member of the affiliated group. The corporations, other than the common parent, shall not have authority to act for or to represent themselves in any such matter. For example, all correspondence will be carried on directly with the common parent; notices of deficiencies will be mailed only to the common parent, and the mailing to the common parent shall be considered as a mailing to each such corporation; notice and demand for payment of taxes will be given only to the common parent, and such notice and demand shall be considered as a notice and demand to each such corporation; the common parent will file petitions and conduct proceedings before The Tax Court of the United States, and any such petition shall be considered as having also been filed by each such corporation; the common parent will file claims for refund or credit; refunds will be made directly to and in the name of the common parent and will discharge any liability of the Government in respect thereof to any such corporation; and the common parent in its name will give waivers, give bonds, and execute closing agreements, offers in compromise, and all other documents, and any waiver or bond so given, or agreement, offer in compromise, or any other document so executed, shall be considered as having also been given or executed by each such corporation. Notwithstanding the provisions of this paragraph, however, any notice of deficiency, in respect of the tax for a consolidated return period, will name each corporation which was a member of the affiliated group during any part of such period, and any assessment (whether of the original tax or of a deficiency) will be made in the name of each such corporation (but a failure to include the name of any such corporation will not affect the validity of the notice of deficiency or the assessment as to the other corporations); any notice and demand for payment will name each corporation which was a member of the affiliated group during any part of such period (but a failure to include the name of any such corporation will not affect the validity of the notice and demand as to the other corporations); and any distraint (or warrant in respect thereof), any levy (or notice in respect thereof), any notice of a lien, or any other proceeding to collect the amount of any assessment, after the assessment has been made, will name the corporation from which such collection is to be made. The provisions of this paragraph shall apply whether or not a consolidated return is made for any subsequent year, and whether or not one or more subsidiaries have become or have ceased to be members of the group at any time. Notwithstanding the provisions of this paragraph, the Commissioner may, if he deems it advisable, deal directly with any member of the group in respect of its liability, in which event such member shall have full authority to act for itself.

(b) *Effect of withdrawal of subsidiary.* For the purpose of the assertion, assessment, and collection of any deficiency, and of a credit or refund of any amount paid by a former subsidiary as a deficiency determined under § 24.15 (c), but for no other purpose, the agency of the common parent corporation in respect of any subsidiary which has ceased to be a member of the affiliated group shall be terminated upon the expiration of 30 days (or prior thereto if the Commissioner consents) from the date upon which such subsidiary files written notice with the Commissioner that it has ceased to be a member of the affiliated group and that it is terminating such agency. For example, if a subsidiary has ceased to be a member of the group (and if the 30-day period has expired) prior to the mailing of a notice of deficiency to the common parent, a separate notice of deficiency will be mailed in due course to the subsidiary in respect of its deficiency if it becomes necessary to enforce its liability.

(c) *Effect of dissolution of common parent corporation.* If the common parent corporation contemplates dissolution, or is about to be dissolved, or if for any other reason its existence is about to terminate, it shall forthwith notify the Commissioner of such fact and designate, subject to the approval of the Commissioner, another member of the affiliated group to act as agent in its place, to the same extent and subject to the same conditions and limitations as are applicable to the common parent. If the notice thus required is not given by the common parent, the remaining members of the group may, subject to the approval of the Commissioner, designate another member of the group to act as such agent, and notice of such designation shall be given to the Commissioner. Until a notice in writing designating a new agent has been received by the Commissioner, any notice of deficiency or other communication mailed to the common parent shall be considered as having been properly mailed to the agent of the group; or, if the Commissioner has reason to believe that the existence of the common parent has terminated, he may, if he deems it advisable, deal directly with any member of the group in respect of its liability.

§ 24.17 *Waivers—(a) Effect of waiver given by common parent corporation.* Any consent given by the common parent corporation (or by an agent in accordance with paragraph (c) of § 24.16) extending the time within which an assessment may be made or distraint or proceeding in court begun, in respect of the tax for a consolidated return period, shall be applicable (1) to each corporation which was a member of the affiliated group during any part of such period (whether or not any such corporation has ceased to be a member of the group), and (2) to each corporation the income of which was included in the consolidated return, or which filed Form 1122, for such period, even though it is subsequently determined that such corporation was not a member of the group.

(b) *Acceptance of waivers from common parent corporation and alleged subsidiary.* In no case will a separate waiver be accepted from a corporation the income of which was included in the consolidated return (for example, a corporation which the Commissioner determines was not a member of the affiliated group), or which filed Form 1122, unless a waiver is also obtained from the common parent, or unless the Commissioner is dealing directly with such corporation to enforce its liability.

§ 24.18 *Failure to comply with regulations*—(a) *Exclusion of a subsidiary from consolidated return.* If there has been a failure to include in the consolidated return the income of any subsidiary, or a failure to file any of the forms required by the regulations in this part, notice thereof shall be given the common parent corporation by the Commissioner, and the tax liability of each member of the affiliated group shall be determined on the basis of separate returns unless such income is included or such forms are filed within the period prescribed in such notice, or any extension thereof, or unless under § 24.11 a consolidated return is required for such year.

(b) *Common parent corporation incorrectly designated in consolidated return.* If a consolidated return includes a corporation as the common parent and such corporation was not (under the provisions of section 141) the common parent, the tax liability of each corporation included in the return will be computed in the same manner as if separate returns had been made, unless, upon application, the Commissioner approves the making of a consolidated return, or unless under § 24.11 a consolidated return is required for such year.

(c) *Inclusion of one or more subsidiaries not members of affiliated group.* If a consolidated return includes a corporation as a subsidiary and such corporation was not a member of the affiliated group during the consolidated return period, the tax liability of such corporation will be determined upon the basis of a separate return (but see paragraph (a) of this section), and the consolidated return shall be considered as including only the corporations which were members of the group during such period. If the consolidated return includes two or more corporations which are not members of the group but which constitute a separate affiliated group, the tax liability of the corporations constituting the separate group will be computed in the same manner as if separate returns had been made by such corporations, unless the Commissioner, upon application, approves the making of a consolidated return for the separate group, or unless under § 24.11 a consolidated return is required for the separate group.

(d) *Effect of authorization and consent filed pursuant to notice.* If Form 1122 is filed by any corporation, pursuant to a notice under paragraph (a) of this section, such corporation shall be considered for all purposes as having joined in the making of the consolidated return.

(e) *Allocation of payments in the event of change by one or more corporations to separate returns.* In any case in which amounts have been assessed and paid upon the basis of a consolidated return and the tax liability of one or more of the corporations included in the consolidated return is to be computed in the same manner as if separate returns had been made, the amounts so paid shall be allocated between the affiliated group composed of the corporations properly included in the consolidated return and each of the corporations the tax liability of which is to be computed on a separate basis, in such manner as the corporations included in the consolidated return may, subject to the approval of the Commissioner, agree upon, or, in the absence of an agreement, upon the bases used in the respective computations of the normal tax, any surtax, and the excess profits tax, as shown upon the consolidated return.

§ 24.19 *Tentative carry-back adjustments*—(a) *Groups with constant membership; consolidated returns only.* In the case of an affiliated group the membership of which remains unchanged and for which consolidated returns are made or are required for the taxable years involved, any statement filed under section 3779 of the Code with respect to an expected carry-back and any application for a tentative carry-back adjustment filed under section 3780 shall be filed by the common parent corporation and shall disclose all material facts and circumstances relating to the group as a whole. Such statement or application shall be filed on the appropriate form prescribed for such purpose, Form 1138 or Form 1139, as the case may be. Any refunds allowable under any such application will be made directly to and in the name of the common parent. The making of any such refund will discharge any liability of the Government in respect thereof to the several affiliated corporations. The common parent corporation and its several subsidiaries shall be severally liable for any amounts assessed pursuant to section 3780 (b) or (c) or 294 (e), together with any interest or penalty assessed in connection therewith.

(b) *Groups with changing membership; cases involving a separate return period.* (1) The membership of an affiliated group may change during a taxable year for which a net operating loss or an unused excess profits credit arises, or in the preceding taxable year affected by such net loss or unused credit. Or an affiliated group making a consolidated return for the year of such net loss or unused credit may have made separate returns for the preceding year; or a group making separate returns for the year of the net loss or unused credit may have made a consolidated return for the preceding year. In any such case, the statement provided for in section 3779 (b) of the Code and the application for the tentative carry-back adjustment provided for in section 3780 (a) shall be a joint statement or application concurred in and executed by each corporation which was a member of the group at any time during either of the taxable years involved in the deferment or adjustment sought. The time for the payment of taxes shall be extended under section 3779 and the adjustment provided for in section 3780 shall be made only in accordance with an agreement of the several corporations involved to be made a part of such statement or application. Any refund allowable under any such application with respect to a consolidated return period will be made directly to and in the name of the common parent corporation, and the making of any such refund will discharge any liability of the Government in respect thereof to the several affiliated corporations. The common parent corporation and its several subsidiaries shall be severally liable for any amounts assessed pursuant to section 3780 (b) or (c) or 294 (e), together with any interest or penalty assessed in connection therewith.

(2) In the absence of an agreement between the several corporations, or in the event of their failure to set forth the provisions of such an agreement as a part of their statement or application, no extension of time for the payment of any tax under the provisions of section 3779 shall be granted, and no tentative adjustment shall be made under section 3780.

(3) Nothwithstanding any agreement between the several affiliated corporations, no tentative adjustment shall be made with respect to either a consolidated or a separate return period in disregard of the several liability of the several corporations with respect to any taxable year for which a consolidated return was made or was required.

COMPUTATION OF TAX, RECOGNITION OF GAIN OR LOSS, AND BASIS

§ 24.30 *Computation of tax*—(a) *General rule.* In the case of an affiliated group which makes, or is required to make, a consolidated return for any taxable year, the tax liability of each corporation for the period during such year that it was a member of such group shall be computed, subject to the provisions of paragraph (b) of this section, upon the consolidated normal-tax net income and the consolidated corporation surtax net income of the group, or, in the case of the taxes imposed by section 102, section 201, subchapter A, and subchapter D, upon the consolidated undistributed section 102 net income, the consolidated adjusted normal-tax net income and the consolidated adjusted corporation surtax net income, the consolidated undistributed subchapter A net income, or the consolidated adjusted excess profits net income, as the case may be, determined in each case in accordance with the regulations in this part. In the case of an affiliated group realizing long-term capital gains and computing its tax under the alternative tax provisions of section 117 (c), the tax shall be computed with reference to the consolidated net income, and the excess of the consolidated net long-term capital gain over the consolidated net short-term capital loss.

(b) *Special rules.* The general rule prescribed in paragraph (a) of this section is subject to the following special rules:

(1) *In the case of Western Hemisphere trade corporations*—(i) *Years beginning after June 30, 1950, and calendar year 1950.* If the affiliated group filing a consolidated return for a taxable year beginning after June 30, 1950, or for the calendar year 1950, includes a Western Hemisphere trade corporation, as defined in section 109, the increase of 2 percent provided in section 141 (c) in the corporation surtax rate shall be applied only on that portion of the consolidated corporation surtax net income attributable to the members of the group other than the Western Hemisphere trade corporation.

(ii) *Other taxable years.* In the case of an affiliated group filing a consolidated return for a taxable year other than one subject to the provisions of subdivision (i) of this subparagraph, and including as a member of the group a Western Hemisphere trade corporation, as defined in section 109, the surtax of the group shall be an amount which bears the same ratio to the surtax computed on the consolidated corporation surtax net income as the portion of the consolidated corporation surtax net income attributable to the other members of the group bears to the entire consolidated corporation surtax net income.

(2) *In case of abnormalities.* If the affiliated group for any taxable year is subject to the provisions of section 456 (relating to abnormalities)—

(i) The excess profits tax liability of the group for the taxable year in which the whole of the abnormal income would, without regard to section 456, be includible shall not exceed the sum of (*a*) the excess profits tax computed upon the consolidated adjusted excess profits net income of the group computed without the inclusion in gross income of the portion of the net abnormal income which is attributable to any other taxable year, plus (*b*) the aggregate of the increase in the excess profits tax which would have resulted for the taxable year (computed under subdivision (*a*)) and for each previous taxable year to which any portion of such net abnormal income is attributable, computed as if an amount equal to such portion had been included in the gross income for such previous taxable year of the corporation deriving such portion;

(ii) The excess profits tax liability of the group for any future taxable year shall be the excess profits tax computed upon the consolidated adjusted excess profits net income of the group computed with the inclusion in gross income of the net abnormal income attributable to such future taxable year, but shall not exceed the sum of (*a*) the excess profits tax computed upon the consolidated adjusted excess profits net income of the group computed without the inclusion in excess profits net income of the portion of the net abnormal income which is attributable to such year, and (*b*) the decrease in the excess profits tax for the previous taxable year in which the whole of such abnormal income would, without regard to section 456, be includible, which decrease resulted by reason of the exclusion of the whole or a part of the abnormal income from the gross income for such previous taxable year; but the amount of such decrease shall be diminished by the aggregate of the increases in the excess profits tax which would have resulted for the future taxable year (computed under subdivision (*a*)) and for the taxable years intervening between such previous taxable year and such future taxable year because of the inclusion in gross income of the portions of such net abnormal income attributable to such intervening years.

(iii) Whether or not an abnormality within the meaning of section 456 exists shall be determined in the light of the aggregate business and of the collective experience during the four previous taxable years of the several members of the group.

(3) *In case of Merchant Marine contracts.* If the affiliated group for any taxable year includes a corporation subject to the provisions of section 457, relating to corporations completing contracts under the Merchant Marine Act of 1936, the excess profits tax liability of the group shall be the tax under section 430 computed on the consolidated adjusted excess profits net income or the tax computed in accordance with the provisions of section 457 (b), whichever is the lesser. The computation under section 457 (b) shall be made as if the consolidated adjusted excess profits net income and the payments made or to be made to the Federal Maritime Board were the adjusted excess profits net income of and payments made or to be made by a separate corporation.

(4) *In case of profits from mining strategic minerals.* If the affiliated group for any taxable year includes a corporation a portion of the income of which is, pursuant to section 450, exempt from excess profits tax by reason of such corporation having engaged in the mining of strategic minerals, the excess profits tax liability of the group shall be an amount which bears the same ratio to the excess profits tax computed on the consolidated adjusted excess profits net income as the portion of the consolidated adjusted excess profits net income not exempt from excess profits tax bears to the entire consolidated adjusted excess profits net income. The portion of the consolidated adjusted excess profits net income not exempt from excess profits tax shall be determined in the same manner as if the consolidated adjusted excess profits net income were the adjusted excess profits net income of a separate corporation.

(c) *Limitation on excess profits tax.* The consolidated excess profits tax liability shall be whichever of the following amounts is the lesser:

(1) An amount equal to 30 percent of the consolidated adjusted excess profits net income, or

(2) An amount equal to the excess of 62 percent of the consolidated section 433 (a) excess profits net income for the taxable year over the tax which would be imposed for the taxable year under sections 13, 14, and 15, supplement G, and supplement Q, whichever are applicable to the affiliated group, computed (subject to section 108, if applicable, and to section 141 (c)) as if the amount of the consolidated normal-tax net income and the amount of the consolidated corporation surtax net income (or the amount subject to the rate of tax in such supplement) were equal to the amount of the consolidated section 433 (a) excess profits net income for such year.

(d) *Several liability.* With respect to the liability of the several members of the group, see § 24.15.

§ 24.31 *Bases of tax computation.* In the case of an affiliated group of corporations which makes, or is required to make, a consolidated return for any taxable year, and except as otherwise provided in the regulations in this part, the tax liability determined under § 24.30 shall be determined subject to the definitions and rules of computation set forth in paragraphs (a) and (b) of this section.

(a) *Definitions*—(1) *Consolidated net income.* The consolidated net income shall be the combined net income of the several affiliated corporations—

(i) Minus the sum of—

(*a*) Any consolidated net operating loss deduction,

(*b*) Any consolidated section 117 (j) net loss, relating to net losses from involuntary conversions and from sales or exchanges of property subject to the provisions of section 117 (j), and

(*c*) The aggregate amount of any contributions or gifts made by the several affiliated corporations during the taxable year, subject to the provisions of section 23 (q), but not in excess of 5 percent of the consolidated net income computed without regard to such contributions or gifts, and

(ii) Plus any consolidated net capital gain, or

(iii) Minus, in the case of an affiliated group including as members one or more corporations subject to the tax imposed by section 204, the combined additional capital loss deductions of such corporations authorized by section 204 (c) (5), but in an amount not in excess of the consolidated net capital loss.

(2) *Consolidated net operating loss deduction.* The consolidated net operating loss deduction shall be an amount equal to the aggregate of the consolidated net operating loss carry-overs and of the consolidated net operating loss carry-back to the taxable year reduced by the amount, if any, by which the consolidated net income (computed with the exceptions and limitations provided in section 122 (d) (1), (2), (3), and (4)) exceeds the consolidated normal-tax net income (computed without any net operating loss deduction and without the credits provided in section 26 (h), relating to dividends paid by public utilities on certain preferred stock, and section 26 (i), relating to western hemisphere trade corporations).

(3) *Consolidated net operating loss carry-overs.* The consolidated net operating loss carry-overs to the taxable year shall consist of—

(i) The consolidated net operating losses, if any, for the five preceding taxable years (not including as a third, fourth, or fifth preceding taxable year any taxable year beginning prior to January 1, 1950) to the extent that the consolidated net operating loss for any such preceding taxable year was not attributable to a corporation making a separate return, or joining in a consolidated return filed by another affiliated group, for the taxable year, and was not absorbed as a carry-over or carry-back by the consolidated or separate net income for preceding or intervening taxable years,

and, with respect to a net operating loss sustained by a corporation in a taxable

year for which a separate return was filed, or for which such corporation joined in a consolidated return filed by another affiliated group, but subject to the limitations prescribed in section 24.31 (b) (3),

(ii) The amount of the net operating losses, if any, of such corporation for the five preceding taxable years (not including as a third, fourth, or fifth preceding taxable year any taxable year beginning prior to January 1, 1950) to the extent that the net operating loss for any such preceding taxable year was not absorbed as a carry-over or carry-back by consolidated or separate net income for preceding or intervening taxable years.

(4) *Consolidated net operating loss carry-back.* The consolidated net operating loss carry-back to the taxable year shall consist of—

(i) The amount of the consolidated net operating loss, if any, for the succeeding taxable year to the extent not attributable to a corporation making a separate return, or joining in a consolidated return filed by another affiliated group, for the taxable year,

and with respect to a net operating loss sustained by a corporation which, for the succeeding taxable year, files a separate return or joins in a consolidated return filed by another affiliated group but subject to the limitations prescribed in § 24.31 (b) (3),

(ii) The amount of the net operating loss, if any, of such corporation for the succeeding taxable year.

(5) *Consolidated net operating loss.* The consolidated net operating loss, computed for the purpose of the net operating loss deduction, shall be an amount equal to the excess of the sum of—

(i) The combined net operating losses of the several affiliated corporations having net operating losses (computed subject to the exceptions, additions, and limitations provided in section 122 (d)), and

(ii) The consolidated section 117 (j) net loss, over the sum of—

(iii) The combined net income of the several affiliated corporations having net income (adjusted with respect to the exceptions, additions, and limitations provided in section 122 (d) in connection with the computation of net operating losses), and

(iv) The consolidated net capital gain.

(6) *Consolidated section 117 (j) net loss.* The consolidated section 117 (j) net loss shall be the excess of the aggregate of the recognized losses of the character described in section 117 (j) sustained by the several affiliated corporations over the aggregate of the recognized gains of the character described in section 117 (j) realized by the several affiliated corporations.

(7) *Consolidated net capital gain.* The consolidated net capital gain shall be the excess of the sum of—

(i) The aggregate of the capital gains of the several affiliated corporations, and

(ii) The consolidated section 117 (j) net gain, over the sum of—

(iii) The aggregate of the capital losses of such corporations, and

(iv) The aggregate of the consolidated net capital loss carry-overs to the taxable year.

(8) *Consolidated section 117 (j) net gain.* The consolidated section 117 (j) net gain shall be the excess of the aggregate of the recognized gains of the character described in section 117 (j) realized by the several affiliated corporations over the aggregate of the recognized losses of the character described in section 117 (j) sustained by the several affiliated corporations.

(9) *Consolidated net capital loss carry-over.* The consolidated net capital loss carry-overs to the taxable year shall consist of—

(i) The consolidated net capital losses, if any, for the five preceding taxable years to the extent that such losses were not attributable to a corporation making a separate return, or joining in a consolidated return filed by another affiliated group, for the taxable year, and were not absorbed by net capital gains for intervening taxable years pursuant to the provisions of section 117 (e) (1), consolidated or separate, as the case may be,

and, with respect to net capital losses sustained by a corporation for taxable years for which separate returns were filed, or for which such corporation joined in a consolidated return filed by another affiliated group—

(ii) The net capital losses, if any, sustained by such corporation for its five preceding taxable years to the extent that such losses were not absorbed by the net capital gains of such corporation (or, if the income of such corporation was included in a consolidated return, by the consolidated net capital gain) for intervening taxable years pursuant to the provisions of section 117 (e) (1).

(10) *Consolidated net capital loss.* The consolidated net capital loss shall be the excess of the aggregate of the capital losses of the several affiliated corporations over the sum of—

(i) The aggregate of the capital gains of such corporations, and

(ii) The consolidated section 117 (j) net gain,

reduced, in the case of an affiliated group including as members one or more corporations subject to the tax imposed by section 204, but only for the purpose of net capital loss carry-over computations, by whichever of the following amounts is the lesser:

(iii) The combined additional capital loss deductions of such corporations authorized by section 204 (c) (5), or

(iv) The consolidated corporation surtax net income computed without regard to capital gains and losses.

(11) *Consolidated normal-tax net income.* The consolidated normal-tax net income shall be the consolidated adjusted net income minus—

(i) The consolidated section 26 (b) credit, relating to dividends received,

and, for taxable years beginning after June 30, 1950, and for the calendar year 1950—

(ii) In the case of an affiliated group including as a member a public utility as defined in section 26 (h) (2) (A), the consolidated section 26 (h) credit; and

(iii) In the case of an affiliated group including as a member a western hemisphere trade corporation as defined in section 109, the consolidated section 26 (i) credit.

(12) *Consolidated adjusted net income.* The consolidated adjusted net income shall be the consolidated net income minus the consolidated section 26 (a) credit, relating to interest on certain obligations of the United States and Government corporations.

(13) *Consolidated section 26 (a) credit.* The consolidated section 26 (a) credit, relating to interest on certain obligations of the United States and Government corporations, shall be an amount equal to the aggregate of the interest, of the class with respect to which credit is allowed by section 26 (a), received by the several affiliated corporations.

(14) *Consolidated section 26 (b) credit.* The consolidated section 26 (b) credit, relating to dividends received, shall be—

(i) An amount equal to 85 percent of the aggregate dividends, of the class with respect to which credit is allowed by section 26 (b) received by the several affiliated corporations, not including dividends on preferred stock of public utilities subject to the provisions of (ii), and

(ii) With respect to the aggregate dividends received by the several affiliated corporations on the preferred stock of a public utility described in section 26 (h)—

(*a*) For taxable years beginning after June 30, 1950, an amount equal to 59 percent of the aggregate of such dividends received in such year, or

(*b*) For the calendar year 1950, an amount equal to 57 percent of the aggregate of such dividends received in such year,

but in an amount not greater than 85 percent of the consolidated adjusted net income computed without regard to the consolidated net operating loss deduction.

(15) *Consolidated section 26 (h) credit.* The consolidated section 26 (h) credit, relating to dividends paid by public utilities on preferred stock, shall be—

(i) With respect to a taxable year beginning after June 30, 1950, and the calendar year 1950, an amount equal to 30 percent (33 percent for the calendar year 1950) of the lesser of—

(*a*) The aggregate of the dividends paid by members of the affiliated group which are public utilities within the meaning of section 26 (h) (2) (A) on preferred stock within the meaning of section 26 (h) (2) (B), or

(*b*) The portion of the consolidated adjusted net income attributable to such members minus the portion of the consolidated section 26 (b) credit attributable to such members; and

(ii) With respect to other taxable years, an amount equal to the aggregate of the dividends paid by members of the affiliated group which are public utilities within the meaning of section 26 (h) (2) (A) on preferred stock within the meaning of section 26 (h) (2) (B), but in an amount not greater than that portion of the consolidated corporation

surtax net income (computed without regard to this credit) attributable to such members.

(16) *Consolidated section 26 (i) credit.* For taxable years beginning after June 30, 1950, and the calendar year 1950, the consolidated section 26 (i) credit shall be an amount equal to 30 percent (33 percent for the calendar year 1950) of the portion of the consolidated normal-tax net income, computed without regard to this credit, attributable to those members of the affiliated group which are western hemisphere trade corporations.

(17) *Consolidated corporation surtax net income.* The consolidated corporation surtax net income shall be the consolidated net income minus the sum of—

(i) The consolidated section 26 (b) credit relating to dividends received (computed for taxable years beginning prior to July 1, 1950, other than the calendar year 1950, without regard to dividends received of the class with respect to which a public utility is allowed a dividends paid credit under section 26 (b));

(ii) In the case of an affiliated group including as a member a public utility as defined in section 26 (h) (2) (A), the consolidated section 26 (h) credit; and

(iii) In the case of an affiliated group including as a member a western hemisphere trade corporation as defined in section 109, for taxable years beginning after June 30, 1950, and for the calendar year 1950, the consolidated section 26 (i) credit.

(18) *Consolidated net long-term capital gain.* The consolidated net long-term capital gain shall be the excess of the sum of—

(i) The aggregate of the long-term capital gains of the several affiliated corporations, and

(ii) The consolidated section 117 (j) net gain, over

(iii) The aggregate of the long-term capital losses of such corporations.

(19) *Consolidated net short-term capital loss.* The consolidated net short-term capital loss shall be the sum of—

(i) The aggregate of the short-term capital losses of the several affiliated corporations, and

(ii) The consolidated net capital loss carry-over, minus

(iii) The aggregate of the short-term capital gains of such corporations.

(20) *Consolidated section 102 net income.* The consolidated section 102 net income shall be the consolidated net income, computed without regard to any capital loss carry-over and without regard to any net operating loss deduction, minus the sum of—

(i) The combined Federal income, war-profits, and excess-profits taxes (other than a tax imposed by subchapter E of Chapter 2 of the Code for taxable years beginning after December 31, 1940) paid or accrued during the taxable year by the several affiliated corporations, to the extent not allowed as a deduction by section 23, but not including the tax imposed by section 102 of the Code, or by a corresponding section of prior income tax laws,

(ii) The combined contributions or gifts of the several affiliated corporations, payment of which is made within the taxable year, not otherwise allowed as a deduction, to or for the use of donees described in section 23 (o) of the Code for the purposes therein specified, and

(iii) The excess of the sum of the capital losses of the several affiliated corporations (computed without regard to any capital loss carry-over) over the sum of the capital gains of such corporations.

(21) *Consolidated undistributed section 102 net income.* The consolidated undistributed section 102 net income shall be the consolidated section 102 net income minus the consolidated basic surtax credit.

(22) *Consolidated subchapter A net income.* The consolidated subchapter A net income shall be the consolidated net income computed with the adjustments provided in section 505.

(23) *Consolidated undistributed subchapter A net income.* The consolidated undistributed subchapter A net income shall be the consolidated subchapter A net income minus the sum of—

(i) The consolidated dividends paid credit with the exceptions and limitations provided in section 504 (a),

(ii) The aggregate amount, subject to the provisions of section 504 (b), used or irrevocably set aside by the several affiliated corporations to pay or to retire indebtedness incurred prior to January 1, 1934, not including such portion of any such indebtedness as was owned on January 1, 1934, or at any time thereafter, directly or indirectly, by another member of the group, and

(iii) The aggregate amount of dividends paid by the several affiliated corporations after the close of the taxable year, subject to the provisions of section 504 (c).

(24) *Consolidated dividends paid credit.* The consolidated dividends paid credit shall be the sum of—

(i) The consolidated basic surtax credit, and

(ii) The consolidated dividend carry-over.

(25) *Consolidated basic surtax credit.* The consolidated basic surtax credit shall be the sum of—

(i) The excess of the aggregate amount of dividends paid by the several affiliated corporations during the taxable year (computed, in the case of the tax imposed by subchapter A, of Chapter 2, with the qualifications provided in section 504 (a), relating to dividends paid after the close of the taxable year) over the consolidated section 26 (h) credit, relating to dividends paid by public utilities on certain preferred stock, and

(ii) The combined consent dividends credit of the several affiliated corporations provided in section 28,

and, in an aggregate amount not exceeding the consolidated section 102 net income or the consolidated subchapter A net income, as the case may be, the sum of—

(iii) The consolidated net operating loss credit, and

(iv) In the case of an affiliated group including one or more holding company affiliates of a bank as defined in section 2 of the Banking Act of 1933, the consolidated section 26 (d) credit, relating to earnings or profits devoted to the acquisition of readily marketable assets other than bank stock.

(26) *Consolidated dividend carry-over.* The consolidated dividend carry-over for the taxable year shall be the sum of—

(i) The amount, if any, by which the consolidated basic surtax credit for the first preceding taxable year exceeds the consolidated subchapter A net income for such year, to the extent that such credit and such income are not attributable to a corporation making a separate return or joining in a consolidated return filed by another affiliated group, for the taxable year,

(ii) The amount of the consolidated basic surtax credit for the second preceding taxable year reduced by the consolidated subchapter A net income for such year and further reduced by the amount, if any, by which the consolidated subchapter A net income of the first preceding taxable year exceeds the sum of—

(*a*) The consolidated basic surtax credit for such year, and

(*b*) The excess, if any, of the consolidated basic surtax credit for the third preceding taxable year over the consolidated subchapter A net income for such year,

to the extent that any such basic surtax credit and any such subchapter A net income are not attributable to a corporation making a separate return, or joining in a consolidated return filed by another affiliated group, for the taxable year,

and, with respect to the unused basic surtax credit of a corporation for taxable years for which separate returns were filed, or for which such corporation joined in a consolidated return filed by another affiliated group—

(iii) The amount, if any, by which the basic surtax credit of such corporation for the first preceding taxable year exceeds the subchapter A net income of such corporation for such year, and

(iv) The amount of the basic surtax credit of such corporation for the second preceding taxable year reduced by the subchapter A net income of such corporation for such year and further reduced by—

(*a*) The excess, if any, of the subchapter A net income of such corporation for the first preceding taxable year over the sum of—

(*1*) The basic surtax credit of such corporation for such year, and

(*2*) The amount, if any, by which the basic surtax credit of such corporation for the third preceding taxable year exceeds the subchapter A net income of such corporation for such year, or

(*b*) If the income of such corporation is included in the consolidated return for the first preceding taxable year, the excess, if any, of the consolidated subchapter A net income for the first preceding taxable year over the sum of—

(*1*) The consolidated basic surtax credit for such year, and

(*2*) The amount, if any, by which the basic surtax credit of such corporation

for the third preceding taxable year exceeds the subchapter A net income of such corporation for such year.

(27) *Consolidated net operating loss credit.* The consolidated net operating loss credit shall be an amount equal to the sum of—

(i) The consolidated net operating loss for the preceding taxable year, computed for the purpose of the credit, to the extent not attributable to those corporation making a separate return, or joining in a consolidated return filed by another affiliated group, for the taxable year,

and, with respect to a corporation which filed a separate return or joined in a consolidated return filed by another affiliated group for the preceding taxable year,

(ii) The net operating loss of such corporation for such preceding taxable year, computed subject to the exceptions and limitations provided in section 26 (c) (2), and further limited, as the case may be, to that portion of the consolidated section 102 net income, or the consolidated subchapter A net income, attributable to such corporation for the taxable year,

but not in excess of the consolidated section 102 net income for the taxable year, or the consolidated subchapter A net income, as the case may be.

(28) *Consolidated net operating loss for purpose of credit.* The consolidated net operating loss, computed for the purpose of the net operating loss credit, shall be the excess of the sum of—

(i) The combined net operating losses of the several affiliated corporations having net operating losses, computed subject to the exceptions and limitations provided in section 26 (c) (2),

(ii) The consolidated section 117 (j) net loss, and

(iii) In the case of an affiliated group including as members one or more corporations subject to the tax imposed by section 204, the combined additional capital loss deductions of such corporations authorized by section 204 (c) (5),

over the sum of—

(iv) The combined net income, computed with respect to the exceptions and limitations provided in section 26 (c) (2) in connection with the computation of net operating losses, of the several affiliated corporations having net income, and

(v) The consolidated net capital gain.

(29) *Consolidated section 26 (d) credit.* The consolidated section 26 (d) credit, relating to bank affiliates, shall be an amount equal to the aggregate of the earnings or profits of members of the group which are holding company affiliates of a bank as defined in section 2 of the Banking Act of 1933 devoted to the acquisition of readily marketable assets other than bank stock (not including any asset acquired, directly or indirectly, from another member of the group), subject, in the case of each such affiliate, to the limitations imposed by section 26 (d) determined without regard to the qualifications expressed in (b) (1) (ii) and (iii) of this section.

(30) *Consolidated adjusted normal-tax net income of life insurance companies.* The consolidated adjusted normal-tax net income, in the case of an affiliated group consisting of corporations subject to the tax imposed by section 201, shall be the consolidated normal-tax net income minus the consolidated section 202 (b) credit, and plus the consolidated section 202 (c) adjustment.

(31) *Consolidated adjusted corporation surtax net income of life insurance companies.* The consolidated adjusted corporation surtax net income, in the case of an affiliated group consisting of corporations subject to the tax imposed by section 201, shall be the consolidated corporation surtax net income minus the consolidated section 203 (b) credit, and plus the consolidated section 202 (c) adjustment.

(32) *Consolidated section 202 (b) credit.* The consolidated section 202 (b) credit, relating to reserve and other policy liabilities, shall be the consolidated normal-tax net income multiplied by a figure to be determined and proclaimed by the Secretary for each taxable year pursuant to section 202 (b).

(33) *Consolidated section 202 (c) adjustment.* The consolidated section 202 (c) adjustment, relating to certain reserves provided in section 202 (c), shall be an amount equal to 3½ percent of the combined unearned premiums and unpaid losses of the several affiliated corporations on contracts other than life insurance or annuity contracts, computed in the case of each corporation pursuant to the provisions of section 202 (c), but the combined unearned premiums shall not be considered to be less than 25 percent of the combined net premiums on such other contracts written during the taxable year.

(34) *Consolidated section 203 (b) credit.* The consolidated section 203 (b) credit, relating to reserve and other policy liabilities, shall be the consolidated corporation surtax net income multiplied by a figure to be determined and proclaimed by the Secretary for each taxable year pursuant to section 202 (b).

(35) *Consolidated section 433 (a) excess profits net income.* The consolidated section 433 (a) excess profits net income for any taxable year ending after June 30, 1950, shall be the consolidated normal-tax net income increased or decreased, as the case may be, by the consolidated section 433 (a) adjustment.

(36) *Consolidated section 433 (a) adjustment.* The consolidated section 433 (a) adjustment shall be the net amount of the aggregate adjustments provided in section 433 (a) (1) (D), (E), (F), (G), (I), (K), (L), (M), (N), (O), (P), and (Q), computed and determined in the case of the several affiliated corporations, except as otherwise provided in (b) of this section, in the same manner and subject to the same conditions as if separate returns were filed, increased or decreased, as the case may be, with respect to—

(i) The excess of the aggregate amount of the dividends received by the several corporations of the class with respect to which adjustment is provided for in section 433 (a) (1) (A), computed subject to the limitation relating to dividends in kind, over the consolidated section 26 (b) credit;

(ii) The sum of the consolidated section 26 (h) credit, relating to dividends paid by a public utility, and the consolidated section 26 (i) credit, relating to western hemisphere trade corporations;

(iii) The amount of—

(a) The consolidated net capital gain, or

(b) The combined additional capital loss deductions authorized by section 204 (c) (5), but not in excess of the consolidated net capital loss.

(iv) In the case of life insurance companies subject to the tax imposed by section 201—

(a) If the consolidated excess profits credit is based on income, the excess of the product of the figure determined and proclaimed under section 202 (b) and the consolidated section 433 (a) excess profits net income, computed without regard to this adjustment over the consolidated section 202 (c) adjustment, relating to certain reserves, or

(b) If the consolidated excess profits credit is based on invested capital, 50 percent of the excess of the product of the figure determined and proclaimed under section 202 (b) and the consolidated section 433 (a) excess profits net income, computed without regard to this adjustment, over the consolidated section 202 (c) adjustment;

(v) The consolidated net operating loss deduction adjustment.

(37) *Consolidated net operating loss deduction adjustment.* The consolidated net operating loss deduction adjustment shall be the difference between the amount of the consolidated net operating loss deduction for the taxable year otherwise computed under these regulations and the amount of such consolidated net operating loss deduction computed subject to the provisions of section 433 (a) (1) (J).

(38) *Consolidated adjusted excess profits net income.* The consolidated adjusted excess profits net income shall be the consolidated section 433 (a) excess profits net income minus whichever is the greater—

(i) The amount of $25,000, or

(ii) An amount equal to the sum of—

(a) The consolidated excess profits credit, and

(b) The consolidated unused excess profits credit adjustment.

(39) *Consolidated excess profits credit.* The consolidated excess profits credit shall be—

(i) In general—

(a) The consolidated excess profits credit based on invested capital, or

(b) In the case of an affiliated group one or more of the members of which would have been entitled in a separate return to an excess profits credit based on income, either the consolidated excess profits credit based on income or the consolidated excess profits credit based on invested capital, whichever results in the lesser excess profits tax; or

(ii) In the case of an affiliated group consisting wholly of regulated public utilities, in conformity with consents made under section 141 (e) (2) of section 141 (j) applicable to the taxable year, either a credit determined under the general rule of this paragraph, or the consolidated section 448 excess profits credit.

(40) *Consolidated excess profits credit based on invested capital.* The consolidated excess profits credit based on invested capital shall be the sum of—

(i) The consolidated invested capital credit reduced by the consolidated inadmissible asset adjustment, and

(ii) The consolidated new capital credit.

(41) *Consolidated invested capital credit.* The consolidated invested capital credit shall be the sum of—

(i) Twelve precent of that portion of the consolidated invested capital not in excess of $5,000,000,

(ii) Ten percent of that portion of the consolidated invested capital in excess of $5,000,000 but not in excess of $10,000,000, and

(iii) Eight percent of that portion of the consolidated invested capital in excess of $10,000,000.

(42) *Consolidated invested capital.* The consolidated invested capital for the taxable year shall be—

(i) In general—

(a) The consolidated adjusted invested capital for such year, or

(b) At the election of the affiliated group exercised by the common parent corporation at the time of the making of the consolidated return for the taxable year, the consolidated historical invested capital for such year, or

(ii) In the case of an affiliated group of mutual insurance companies taxable under section 207, the sum of—

(a) The mean of the combined surplus of the several affiliated corporations, and

(b) Fifty percent of the mean of the aggregate of all reserves of the several affiliated corporations required by law,

such surplus and reserves being computed in the case of each affiliated corporation pursuant to the provisions of section 437 (b) (3) and as if such corporation were making a separate return.

(43) *Consolidated adjusted invested capital.* The consolidated adjusted invested capital for the taxable year shall be the sum of—

(i) The consolidated equity capital as of the beginning of the taxable year,

(ii) The combined capital addition for the taxable year of the several affiliated corporations,

(iii) Seventy-five percent of the consolidated average borrowed capital for the taxable year, and

(iv) The consolidated recent loss adjustment,

minus the sum of—

(v) The combined capital reduction for the taxable year of the several affiliated corporations, and

(vi) If the amount of the consolidated adjusted invested capital so determined, but without regard to this subdivision (subdivision (vi)), exceeds $5,000,000, the consolidated net new capital addition.

(44) *Consolidated equity capital.* The consolidated equity capital as of any time shall be—

(i) The aggregate of the total assets of the several affiliated corporations held at such time in good faith for the purpose of the business, reduced by the aggregate of the total liabilities of such corporations at such time, or

(ii) In the case of an affiliated group including one or more insurance companies (other than mutual and other than life or marine), an amount determined under (i) increased by the sum of—

(a) Fifty percent of the combined reserves of such insurance companies required by law (other than reserves used in computing borrowed capital under section 439 (b) (2)), and

(b) The combined organization expenses of such insurance companies.

(45) *Consolidated recent loss adjustment.* The consolidated recent loss adjustment shall be the excess of the combined net operating losses of the several affiliated corporations for the taxable years in the consolidated recent loss period, computed under section 437 (f), over the combined net income of such corporations for the taxable years in such period, computed under section 437 (f).

(46) *Consolidated recent loss period.* The consolidated recent loss period shall be whichever of the following results in the higher consolidated recent loss adjustment:

(i) The consolidated base period, or

(ii) The period beginning on January 1, 1940, and ending December 31, 1949.

(47) *Consolidated net new capital addition.* The consolidated net new capital addition for the taxable year shall be—

(i) The excess, divided by the number of days in the taxable year, of the aggregate of the consolidated daily new capital additions for each day of the taxable year, over the aggregate of the consolidated daily new capital reductions for each such day, reduced (but not below zero) by

(ii) The consolidated increase in inadmissible assets for the taxable year, less 25 percent of the excess, if any, of such consolidated increase in inadmissible assets over an amount computed under (i) without regard to the amounts determined under (48) (iii) and (49) (iii), relating to borrowed capital.

(48) *Consolidated daily new capital addition.* The consolidated daily new capital addition for any day of the taxable year shall be the sum of—

(i) The aggregate of the amounts of money and property (other than excluded equity capital) paid in to the several members of the affiliated group for stock or as paid-in surplus or as a contribution to capital, after the beginning of such taxable year and prior to such day;

(ii) The amount, if any, by which the consolidated equity capital at the beginning of the taxable year minus the amount of the aggregate of the excluded equity capital paid in to the several members of the group before the beginning of the taxable year and after the beginning of the first excess profits tax taxable year of the group exceeds the consolidated equity capital at the beginning of such first excess profits tax taxable year; and

(iii) Seventy-five percent of the excess of—

(a) The amount by which the consolidated daily borrowed capital for such day is greater than the consolidated daily borrowed capital for the first day of the first excess profits tax taxable year of the group, over

(b) The amount by which the consolidated excluded borrowed capital for such day is greater than the consolidated excluded borrowed capital for the first day of the first excess profits tax taxable year.

(49) *Consolidated daily new capital reduction.* The consolidated daily new capital reduction for any day of the taxable year shall be the sum of—

(i) The aggregate of the distributions by the several members of the affiliated group to shareholders (other than members of the group) previously made during such taxable year which are not out of the earnings and profits of such taxable year;

(ii) The amount, if any, by which the consolidated equity capital at the beginning of the first excess profits tax taxable year of the group plus the amount of the aggregate of the excluded equity capital paid in to the several members of the group after the beginning of such first excess profits tax taxable year and before the beginning of the taxable year exceeds the amount of the consolidated equity capital at the beginning of the taxable year; and

(iii) Seventy-five percent of the amount, if any, by which the consolidated daily borrowed capital for the first day of the first excess profits tax taxable year of the group exceeds the consolidated daily borrowed capital for such day.

(50) *Consolidated daily borrowed capital.* The consolidated daily borrowed capital for any day shall be the aggregate of the daily borrowed capital of the several members of the affiliated group for such day.

(51) *Consolidated excluded borrowed capital.* The consolidated excluded borrowed capital for any day shall be the aggregate of the excluded borrowed capital of the several members of the affiliated group for such day.

(52) *Consolidated increase in inadmissible assets.* The consolidated increase in inadmissible assets shall be the excess of the consolidated average inadmissible assets for the taxable year over the consolidated original inadmissible assets.

(53) *Consolidated average inadmissible assets.* The consolidated average inadmissible assets for the taxable year shall be the aggregate of the average inadmissible assets of the several members of the affiliated group for the taxable year.

(54) *Consolidated original inadmissible assets.* The consolidated original inadmissible assets shall be the aggregate of the original inadmissible assets of the several members of the affiliated group.

(55) *Consolidated historical invested capital.* The consolidated historical in-

vested capital for the taxable year shall be the sum of—

(i) The combined average invested capital for the taxable year of the several affiliated corporations computed in the case of each corporation without including any accumulated earnings and profits, and

(ii) The consolidated accumulated earnings and profits as of the beginning of such taxable year.

(56) *Consolidated accumulated earnings and profits.* The consolidated accumulated earnings and profits as of the beginning of the taxable year shall be an amount equal to the excess of the combined accumulated earnings and profits as of the beginning of such year of the several affiliated corporations having accumulated earnings and profits over the combined deficit in accumulated earnings and profits as of the beginning of such year of the several affiliated corporations having such deficits.

(57) *Consolidated inadmissible asset adjustment.* The consolidated inadmissible asset adjustment shall be an amount which bears the same ratio to the consolidated invested capital credit as the aggregate inadmissible assets of the several affiliated corporations bears to the aggregate admissible and inadmissible assets of such corporations.

(58) *Consolidated new capital credit.* The consolidated new capital credit for any taxable year shall be an amount equal to 12 percent of the consolidated net new capital addition for the taxable year except that such credit shall not be allowed—

(i) If the consolidated invested capital for the taxable year (computed without reduction by the amount of the consolidated net new capital addition) is $5,000,000 or less;

(ii) If the consolidated invested capital is the consolidated historical invested capital; or

(iii) If the affiliated group is composed of mutual insurance companies (other than life or marine).

(59) *Consolidated excess profits credit based on income.* The consolidated excess profits credit based on income for any taxable year shall be the sum of—

(i) Eighty-five percent of the consolidated average base period net income,

(ii) If the consolidated average base period net income is the consolidated section 435 (d) average base period net income or the consolidated alternative average base period net income, 12 percent of the amount of the consolidated base period capital addition, and

(iii) Twelve percent of the consolidated net capital addition for the taxable year,

minus 12 percent of the consolidated net capital reduction for the taxable year.

(60) *Consolidated average base period net income.* The consolidated average base period net income shall be the consolidated section 435 (d) average base period net income unless the affiliated group is entitled to the benefits of sections 435 (e), 442, 443, 444, 445, or 446, in which case the consolidated average base period net income shall be whichever of the following, applicable to the group, results in the lowest excess profits tax for the taxable year:

(i) The consolidated section 435 (d) average base period net income,

(ii) The consolidated section 435 (e) average base period net income,

(iii) The consolidated alternative average base period net income.

(61) *Consolidated section 435 (d) average base period net income.* The consolidated section 435 (d) average base period net income shall be one-third of the aggregate of the consolidated section 433 (b) excess profits net income for each month in the consolidated selected base period.

(62) *Consolidated selected base period.* The consolidated selected base period shall be—

(i) The 36 months in the consolidated base period remaining after eliminating the 12 consecutive months having the lowest aggregate consolidated section 433 (b) excess profits net income, or

(ii) The 36 consecutive months in the consolidated base period having the highest aggregate consolidated section 433 (b) excess profits net income,

whichever produce the higher aggregate consolidated section 433 (b) excess profits net income.

(63) *Consolidated base period.* The consolidated base period shall be the base period of the common parent corporation.

(64) *Consolidated section 433 (b) excess profits net income.* The consolidated section 433 (b) excess profits net income for any month shall be an amount equal to the excess of the combined excess profits net income of the several affiliated corporations for such month determined under section 433 (b) over the combined deficits in excess profits net income of such corporations for such month determined under section 433 (c).

(65) *Consolidated section 435 (e) average base period net income.* The consolidated section 435 (e) average base period net income shall be whichever of the following is the highest:

(i) The aggregate, divided by two, of the consolidated section 433 (b) excess profits net income for the last 24 months in the consolidated base period; or

(ii) The aggregate of the consolidated section 433 (b) excess profits net income for the last 12 months in the consolidated base period; or

(iii) The sum of the aggregate of the consolidated section 433 (b) excess profits net income for the six months beginning July 1, 1949, and ending December 31, 1949, and the aggregate of the consolidated weighted excess profits net income for the six months beginning January 1, 1950, and ending June 30, 1950; or

(iv) In the case of an affiliated group entitled to the benefits of section 435 (e) (2) (G), the sum of the aggregate of the consolidated section 433 (b) excess profits net income for the six months beginning July 1, 1948, and ending December 31, 1948, and the aggregate of the consolidated weighted excess profits net income for the six months beginning January 1, 1950, and ending June 30, 1950.

(66) *Consolidated weighted excess profits net income.* The consolidated weighted excess profits net income for any month shall be an amount equal to the excess of the combined weighted excess profits net income of the several affiliated corporations for such month over the combined weighted deficit in excess profits net income of such corporations for such month.

(67) *Consolidated base period capital addition.* The consolidated base period capital addition shall be the sum of—

(i) The amount by which the consolidated yearly base period capital for the first excess profits tax taxable year of the affiliated group exceeds, whichever is greater, the consolidated yearly base period capital for the immediately preceding taxable year or the consolidated yearly base period capital for the second preceding taxable year, and

(ii) Fifty percent of the amount by which the consolidated yearly base period capital for such first excess profits tax taxable year or the consolidated yearly base period capital for the immediately preceding taxable year, whichever is lesser, exceeds the consolidated yearly base period capital for the second preceding taxable year.

(68) *Consolidated yearly base period capital.* The consolidated yearly base period capital for a taxable year shall be the sum of—

(i) The consolidated equity capital at the beginning of the first day of such taxable year, and

(ii) An amount equal to 75 percent of the consolidated daily borrowed capital for such first day, reduced by the sum of—

(iii) The aggregate of the inadmissible assets of the several members of the affiliated group at the beginning of such first day minus 25 percent of the excess, if any, of such aggregate over the consolidated equity capital at the beginning of such first day,

(iv) Seventy-five percent of the consolidated controlled group indebtedness for such first day, and

(v) Seventy-five percent of the aggregate of the adjustments for interest on borrowed capital under section 435 (f) (5) of the several members of the group for such first day.

(69) *Consolidated controlled group indebtedness.* The consolidated controlled group indebtedness for any day shall be the aggregate of the indebtedness owed to each of the several members of the affiliated group by other corporations which are members on such day of the same controlled group, as defined in section 435 (g) (6), as such member of the affiliated group.

(70) *Consolidated net capital addition.* The consolidated net capital addition for the taxable year shall be—

(i) The excess, divided by the number of days in the taxable year, of the aggregate of the consolidated daily capital addition for each day of the taxable year over the aggregate of the consolidated daily capital reduction for each such day, reduced (but not below zero) by

(ii) The consolidated increase in inadmissible assets for the taxable year, less 25 percent of the excess, if any, of such consolidated increase in inadmissible assets over an amount computed under (i) without regard to section 435 (g) (3) (C), relating to borrowed capital.

(71) *Consolidated net capital reduction.* The consolidated net capital reduction for the taxable year shall be—

(i) The excess, divided by the number of days in the taxable year, of the aggregate of the consolidated daily capital reduction for each day of the taxable year over the aggregate of the consolidated daily capital addition for each such day, reduced (but not below zero) by

(ii) The consolidated decrease in inadmissible assets for the taxable year, less 25 percent of the excess, if any, of such consolidated decrease in inadmissible assets over an amount computed under (i) without regard to section 435 (g) (4) (C) and (E), relating to borrowed capital and loans to members of a controlled group.

(72) *Consolidated daily capital addition.* The consolidated daily capital addition for any day of the taxable year shall be the sum of—

(i) The aggregate of the amounts of money and property paid in to the several members of the affiliated group for stock or as paid-in surplus or as a contribution to capital, after the beginning of such taxable year and prior to such day;

(ii) The amount, if any, by which the consolidated equity capital at the beginning of the taxable year exceeds the consolidated equity capital at the beginning of the first excess profits tax taxable year of the group; and

(iii) Seventy-five percent of the excess of the consolidated average borrowed capital for the taxable year over the consolidated daily borrowed capital for the first day of the first excess profits tax taxable year of the group.

(73) *Consolidated daily capital reduction.* The consolidated daily capital reduction for any day of the taxable year shall be the sum of—

(i) The aggregate of the distributions by the several members of the affiliated group to shareholders (other than members of the group) previously made during such taxable year which are not out of the earnings and profits of such taxable year;

(ii) The amount, if any, by which the consolidated equity capital at the beginning of the first excess profits tax taxable year of the group exceeds the consolidated equity capital at the beginning of the taxable year;

(iii) Seventy-five percent of the amount, if any, by which the consolidated daily borrowed capital for the first day of the first excess profits tax taxable year of the group exceeds the consolidated average borrowed capital for the taxable year;

(iv) The consolidated section 435 (g) (6) adjustment, relating to increase in certain inadmissible assets; and

(v) Seventy-five percent of the consolidated section 435 (g) (7) adjustment, relating to increase in certain loans to members of a controlled group.

(74) *Consolidated average borrowed capital.* The consolidated average borrowed capital for the taxable year shall be the aggregate of the consolidated daily borrowed capital for each day of the taxable year divided by the number of days in the taxable year.

(75) *Consolidated decrease in inadmissible assets.* The consolidated decrease in inadmissible assets shall be the excess of the consolidated original inadmissible assets over the consolidated average inadmissible assets for the taxable year.

(76) *Consolidated section 435 (g) (6) adjustment.* The consolidated section 435 (g) (6) adjustment for any day shall be whichever of the following amounts is the lesser:

(i) The excess of the consolidated controlled group stock for such day over the consolidated original controlled group stock; or

(ii) The excess of the aggregate of the inadmissible assets held by the several members of the group at the beginning of such day over the consolidated original inadmissible assets.

(77) *Consolidated controlled group stock.* The consolidated controlled group stock for any day of the taxable year shall be the aggregate of the adjusted basis of the stock held by the several members of the affiliated group at the beginning of such day which is stock in a corporation included in a controlled group (as defined in section 435 (g) (6)) which also includes a member of the affiliated group.

(78) *Consolidated original controlled group stock.* The consolidated original controlled group stock shall be the consolidated controlled group stock for the first day of the first excess profits tax taxable year of the group.

(79) *Consolidated section 435 (g) (7) adjustment.* The consolidated section 435 (g) (7) adjustment shall be the excess of the consolidated controlled group indebtedness for such day over the consolidated original controlled group indebtedness.

(80) *Consolidated original controlled group indebtedness.* The consolidated original controlled group indebtedness shall be the consolidated controlled group indebtedness for the first day of the first excess profits tax taxable year of the group.

(81) *Consolidated alternative average base period net income.* The consolidated alternative average base period net income shall be one-third of the aggregate of the consolidated alternative excess profits net income for each month in the consolidated alternative selected base period.

(82) *Consolidated alternative selected base period.* The consolidated alternative selected base period shall be—

(i) The 36 months in the consolidated base period remaining after eliminating the 12 consecutive months having the lowest aggregate consolidated alternative excess profits net income, or

(ii) The 36 consecutive months in the consolidated base period having the highest aggregate consolidated alternative excess profits net income,

whichever produce the higher aggregate consolidated alternative excess profits net income.

(83) *Consolidated alternative excess profits net income.* The consolidated alternative excess profits net income for any month shall be an amount equal to the sum of—

(i) The combined excess profits net income for such month determined under section 433 (b) for the several affiliated corporations other than the affiliated corporations described in (ii) and other than the affiliated corporations to which (iii) is applicable for such month,

(ii) In the case of any member of the affiliated group to which section 442 (d), 443, 444, 445, or 446 is applicable, one-twelfth of the average base period net income separately computed under such section for such member, and

(iii) In the case of any member of the group (other than a member described in (ii)) to which section 442 (c) is applicable, and for which such month is a month identified under section 442 (c) (3) the substitute excess profits net income for such month separately computed under section 442 (c) for such member,

minus the combined deficits in excess profits net income for such month determined under section 433 (c) for the several affiliated corporations other than the corporations described in (ii) and other than the affiliated corporations to which (iii) is applicable for such month.

(84) *Consolidated section 448 excess profits credit.* The consolidated section 448 excess profits credit shall be the sum of—

(i) The tax imposed upon the affiliated group by sections 13, 14, 15, and 141 (c) for the taxable year, and

(ii) The excess of the consolidated section 448 (b) gross amount over the consolidated section 448 inadmissible asset adjustment.

(85) *Consolidated section 448 (b) gross amount.* The consolidated section 448 (b) gross amount shall be the excess of an amount determined by multiplying the applicable percentage prescribed by section 448 (c) (determined as if the affiliated group were a single corporation) by the sum of—

(i) The consolidated adjusted invested capital for the taxable year computed without regard to the consolidated net new capital addition and without regard to the consolidated average borrowed capital, and

(ii) The consolidated average borrowed capital for the taxable year,

over the aggregate of the amount of the interest deduction of the several members of the group for the taxable year with respect to indebtedness included in the consolidated average borrowed capital.

(86) *Consolidated section 448 inadmissible asset adjustment.* The consolidated section 448 inadmissible asset adjustment shall be an amount which bears the same ratio to the consolidated section 448 (b) gross amount as the aggregate inadmissible assets of the several affiliated corporations bear to the aggregate admissible and inadmissible assets of such corporations.

(87) *Consolidated unused excess profits credit adjustment.* The consolidated unused excess profits credit adjustment shall be an amount equal to

the sum of the consolidated unused excess profits credit carry-overs and the consolidated unused excess profits credit carry-back to the taxable year.

(83) *Consolidated unused excess profits credit carry-over.* The consolidated unused excess profits credit carry-overs to the taxable year shall consist of—

(i) The consolidated unused excess profits credits, if any, for the five preceding taxable years (not including any taxable year ending prior to July 1, 1950) to the extent that the consolidated unused excess profits credit for any such preceding taxable year was not attributable to a corporation making a separate return, or joining in a consolidated return filed by another affiliated group, for the taxable year, and was not absorbed as a carry-over or carry-back by the consolidated or separate adjusted excess profits net income for preceding or intervening taxable years,

and, with respect to an unused excess profits credit of a corporation for a taxable year for which a separate return was filed, or for which such corporation joined in a consolidated return filed by another affiliated group, but subject to the limitations prescribed in section 24.31 (b) (21),

(ii) The amount of the unused excess profits credits, if any, of such corporation for the five preceding taxable years (not including any taxable year ending prior to July 1, 1950) to the extent that the unused excess profits credit for any such preceding taxable year was not absorbed as a carry-over or carry-back by consolidated or separate adjusted excess profits net income for preceding or intervening taxable years.

(89) *Consolidated unused excess profits credit carry-back.* The consolidated unused excess profits credit carry-back to the taxable year shall consist of—

(i) The amount of the consolidated unused excess profits credit, if any, for the succeeding taxable year, to the extent not attributable to a corporation making a separate return, or joining in a consolidated return filed by another affiliated group, for the taxable year,

and, with respect to an unused excess profits credit of a corporation which, for the succeeding taxable year, files a separate return or joins in a consolidated return filed by another affiliated group, but subject to the limitations prescribed in § 24.31 (b) (21),

(ii) The amount of the unused excess profits credit, if any, of such corporation for the succeeding taxable year.

(90) *Consolidated unused excess profits credit.* The consolidated unused excess profits credit for any taxable year ending after June 30, 1950, shall be an amount equal to the excess of the consolidated excess profits credit over the consolidated section 433 (a) excess profits net income for such taxable year, both computed on the basis of the consolidated excess profits credit applicable to such taxable year, and computed without the allowance of any consolidated net operating loss deduction for such taxable year, except that—

(i) In the case of a taxable year of the affiliated group of less than 12 months, such amount shall be reduced to an amount which is such part thereof as the number of days in the taxable year of the group is of the number of days in the 12 months period ending with the close of such taxable year;

(ii) In the case of a taxable year of the group beginning before July 1, 1950, and ending after June 30, 1950, such amount shall be reduced to an amount which is such part thereof as the number of days in such taxable year after June 30, 1950, is of the total number of days in such taxable year;

(iii) In the case of a taxable year of the group beginning before July 1, 1953, and ending after June 30, 1953, such amount shall be reduced to an amount which is such part thereof as the number of days in such taxable year before July 1, 1953, is of the total number of days in such taxable year; and

(iv) In the case of a taxable year for which the group is exempt from the excess profits tax, such amount shall be zero.

(b) *Computations.* In the case of affiliated corporations which make, or are required to make, a consolidated return, and except as otherwise provided in the regulations in this part—

(1) *Net income.* The net income of each corporation shall be computed in accordance with the provisions covering the determination of net income of separate corporations, except—

(i) There shall be eliminated unrealized profits and losses in transactions between members of the affiliated group and dividend distributions from one member of the group to another member of the group (referred to in these regulations as intercompany transactions);

(ii) No net operating loss deduction shall be taken into account;

(iii) No capital gains or losses shall be taken into account;

(iv) There shall be disregarded all gains and losses from involuntary conversions and from sales and exchanges of property subject to the provisions of section 117 (j);

(v) In the computation of the deduction under section 23 (v), relating to amortizable bond premium, there shall be disregarded the bonds of one member of the group owned by another member of the group during the taxable year;

(vi) In the computation of the net income of a corporation for the taxable year in which it became the common parent corporation of the affiliated group filing a consolidated return, the aggregate deductions of such corporation for such year otherwise allowable in excess of the gross income of such corporation for such year shall be excluded to the extent that such excess is attributable to that portion of such year preceding the date upon which such corporation became the common parent corporation of the group. Any amount excluded under this subdivision shall, to the extent that it constitutes a net operating loss within the provisions of section 122 or a net capital loss within the provisions of section 117, be considered as a net operating loss or a net capital loss, as the case may be, separately sustained by such corporation and subject to the provisions of (a) (3) (ii) or (a) (9) (ii) of this section;

(vii) In the case of a corporation which became a member of the affiliated group subsequent to March 14, 1941, common parent corporation or subsidiary, as the case may be, allowable deductions shall be determined subject to the qualifications prescribed in subparagraph (11) of this paragraph; and

(viii) No deduction under section 23 (q) with respect to charitable or other contributions shall be taken into account.

Intercompany profits and losses which have been realized by the group through final transactions with persons other than members of the group, and intercompany transactions which do not affect the consolidated net income, consolidated normal-tax net income, consolidated corporation surtax net income, or consolidated adjusted excess profits net income, shall not be eliminated. As used in this paragraph, the term "net income" includes the case in which the allowable deductions of a member (not including any net operating loss deduction) exceed its gross income.

(2) *Other computations on separate basis.* The various other computations required by the regulations in this part to be made by the several affiliated corporations shall be made in the case of each such corporation in the same manner and under the same conditions as if a separate return were to be filed, but with the following exceptions:

(i) *Net income.* The net income used in any such computation shall be the net income of the corporation determined in accordance with the provisions of this section.

(ii) *Dividends received.* In the computation of the dividends received, there shall be excluded all dividends received from other members of the affiliated group.

(iii) *Capital gains and losses.* Capital gains and losses, short-term capital gains and losses, long-term capital gains and losses, and the additional capital loss deduction authorized by section 204 (c) (5) shall be determined without regard to

(a) Gains or losses arising in intercompany transactions,

(b) Gains or losses from involuntary conversions and from sales or exchanges of property subject to the provisions of section 117 (j),

(c) The net capital loss carry-overs provided in section 117 (e) (1), and,

(d) In the case of a corporation which became a member of the affiliated group subsequent to March 14, 1941, common parent corporation or subsidiary, as the case may be, capital losses to the extent disallowed pursuant to the provisions of subparagraph (11) of this paragraph.

(iv) *Net operating loss.* In the computation of the net operating loss as defined, either in section 26 (c) (2) or in section 122 (a), the provisions of this section pertaining to the determination of net income shall apply.

(v) *Dividends paid.* In the computation of dividends paid, there shall be excluded all dividends paid by one member of the group to another.

(vi) *Consent dividends credit.* In the computation of the consent dividends credit, no amounts shall be included with respect to consents given by other members of the group.

(vii) *Federal income tax.* In the computation of the Federal income tax, there shall be used the consolidated tax, or a proportionate part thereof, if the tax payable is properly computed on the basis of the consolidated return.

(viii) *Dividends paid by public utility.* In the computation of dividends paid on the preferred stock of a public utility, there shall be excluded all dividends paid by such public utility to another member of the group.

(ix) *Gains or losses under section 117 (j).* Gains and losses from involuntary conversions and from sales or exchanges of property subject to the provisions of section 117 (j) shall be determined without regard to—

(a) Gains or losses from intercompany transactions, and

(b) In the case of a corporation which became a member of the affiliated group subsequent to March 14, 1941, common parent corporation or subsidiary, as the case may be, such portion of any such loss as is disallowed pursuant to the provisions of subparagraph (11) of this paragraph.

(x) *Capital addition.* In the computation of the capital addition under section 437 (d), there shall be disregarded money and property paid in during the taxable year for stock, or as paid-in surplus, or as a contribution to capital, by one member of the group to another member of the group.

(xi) *Capital reduction.* In the computation of the capital reduction under section 437 (e), there shall be disregarded distributions made during the taxable year by one member of the group to another member of the group.

(xii) *Borrowed capital.* In the computation of the average borrowed capital under section 439 (a), in the computation of the daily borrowed capital under section 439 (b), and in the computation of excluded borrowed capital under section 438 (f), there shall be excluded from borrowed capital the amount of any outstanding indebtedness of the corporation owing to another member of the affiliated group.

(xiii) *Total assets for equity capital purposes.* In the computation of the total assets for consolidated equity capital purposes, the following rules shall apply:

(a) In the case of a corporation owning stock of another member of the affiliated group, there shall be subtracted an amount equal to the adjusted basis of such stock for determining gain.

(b) In the case of a corporation the stock of which is held by other members of the group with a basis for equity capital purposes determined to be a cost basis, the adjusted basis of its assets attributable to the stock so held on the date on which such corporation became a member of the group (whether such date falls before, on, or after July 1, 1950, and whether such date falls within a consolidated or separate return period) shall be determined as if, on such date, the adjusted basis of its assets were equal to the fair market value of such assets as of such date. If the aggregate cost basis of the stock of such corporation held by other members of the group as of the date on which such corporation became a member of the group differs, plus or minus, from the aggregate fair market value of all assets of such corporation (other than goodwill) reduced by the aggregate of its liabilities as of such date, the difference, to the extent attributable to such stock, shall be considered as an intangible asset of such corporation, positive goodwill or negative goodwill, as the case may be, which shall be taken into account in determining total assets. The adjusted basis of any assets held by such corporation during the taxable year with a basis fixed, in whole or in part, by reference to the basis of other assets held by such corporation as of the date on which it became a member of the group shall be properly adjusted, for such purposes, so as to reflect the unrealized appreciation or depreciation in the value of such other assets recognized for consolidated equity capital purposes as of such date.

(c) If additional stock of a corporation is acquired by other members of the group subsequent to the date on which the corporation became a member of the group and is held by such other members with a basis determined for consolidated equity capital purposes to be a cost basis, an adjustment similar to that prescribed in (b) shall be made in determining the adjusted basis of the assets of such corporation attributable to such stock as of the date on which such stock was acquired.

(d) In the case of assets subject to the provisions of (b) or (c) which are transferred, either in a consolidated or separate return period, from one member of the group to another member of the group in a transaction in which the basis to the transferee is determined, in whole or in part, by reference to the basis of such assets in the hands of the transferor, the basis determined and adjusted under (b) or (c) in the case of the transferor shall be given effect for consolidated equity capital purposes in the determination of the basis of such assets in the hands of the transferee.

(xiv) *Net income and net operating loss for consolidated recent loss period.* In computing the net income and net operating loss for the consolidated recent loss period—

(a) In the case of two or more members of the affiliated group (including any component corporation of any such member as defined in section 461) affiliated with each other within the meaning of section 141 during any of the years in the consolidated recent loss period, whether or not consolidated returns were filed for any of such years, there shall be excluded intercompany profits and losses resulting from transactions between such corporations to the extent that such profits and losses would otherwise be taken into account;

(b) In the case of a corporation which became a member of the group after the beginning of the consolidated recent loss period, there shall be excluded its net income and net operating losses for the period prior to the date on which it became a member of the group, to the extent attributable to its stock held with a cost basis on such date;

(c) In the case of a corporation, additional stock of which is acquired with a cost basis after the date on which such corporation became a member of the group and after the beginning of the consolidated recent loss period, there shall be excluded its net income and net operating losses for the period prior to the date of acquisition of such stock, to the extent attributable to such stock.

(xv) *Money and property paid in for stock, etc., and excluded equity capital.* In computing (for the purpose of the consolidated adjusted invested capital, the consolidated net new capital addition, and the consolidated net capital addition and reduction) the amount of money and property paid in for stock or as paid-in surplus or as a contribution to capital, and in the computation of excluded equity capital—

(a) There shall be disregarded any amount paid in by one member of the affiliated group to another member of the group;

(b) In the case of a corporation which became a member of the group after the beginning of the first excess profits tax taxable year of the group, there shall be disregarded the amount paid in prior to the date on which it became a member of the group, to the extent attributable to its stock held with a cost basis on such date;

(c) In the case of a corporation, additional stock of which is acquired with a cost basis after the date on which such corporation became a member of the group and after the beginning of the first excess profits tax taxable year of the group, there shall be disregarded the amount paid in prior to the date of the acquisition of such stock, to the extent attributable to such stock;

(d) There shall be disregarded any amount paid in which consists of the stock of a corporation which is already a member of the group; and

(e) For the purpose only of computing the consolidated net capital addition or reduction, if a corporation becomes a member of the group during the taxable year, and if, during the taxable year and on or before the date on which it became a member of the group, stock of such corporation was paid in to other members of the group, the amount so paid in shall be disregarded for each day after such date.

(xvi) *Distributions of stock of members of affiliated group.* For the purpose of computing the consolidated adjusted invested capital, the consolidated net new capital addition, and the consolidated net capital addition or reduction, a distribution of stock of a member of the group shall be disregarded if such distribution does not break the affiliation.

(xvii) *Distributions prior to affiliation.* For the purpose of computing the consolidated adjusted invested capital, the consolidated net new capital addition, and the consolidated net capital addition or reduction, in the case of a corporation

which becomes a member of the group after the beginning of the taxable year, there shall be disregarded distributions made by such corporation during the taxable year and prior to the date such corporation became a member of the group, to the extent attributable to its stock held with a cost basis on such date.

(xviii) *Admissible and inadmissible assets.* In the computation of admissible and inadmissible assets—

(*a*) There shall be excluded all intercompany items;

(*b*) Inventories shall be computed pursuant to the provisions of § 24.39;

(c) Except for the purpose described in (*d*), such assets shall be determined under the rules applicable in determining total assets for consolidated equity capital purposes;

(*d*) For the purpose of computing the consolidated invested capital credit based upon the consolidated historical invested capital, proper adjustment shall be made with respect to any unrealized appreciation and depreciation in assets reflected in consolidated historical invested capital; and

(*e*) In determining the consolidated increase in inadmissible assets for the purpose of computing the consolidated net capital addition, the inadmissible assets of a corporation, a member of the affiliated group, for any day shall be decreased by the portion of the consolidated section 435 (g) (6) adjustment for such day attributable to such corporation.

(xix) *Average invested capital.* In the computation of average invested capital (which, under this section, may be a minus amount), the following rules shall apply:

(*a*) There shall be excluded any accumulated earnings and profits.

(*b*) Intercompany distributions made during the taxable year shall be disregarded.

(*c*) Money or property paid in for stock or as paid-in surplus or as a contribution to capital during the taxable year by one member of the group to another member of the group shall be disregarded.

(*d*) With respect to the stock of another member of the affiliated group held with a basis for consolidated invested capital purposes determined to be a basis other than cost, there shall be subtracted from equity invested capital otherwise computed an amount equal to such basis adjusted by an amount equal to the adjustments proper under section 115 (l) for determining earnings and profits, except that no adjustment shall be made with respect to—

(*1*) Transactions referred to in (*b*) and (*c*), and

(2) Losses of the issuing corporation subsequent to the acquisition of such stock which losses were included in a consolidated income or excess profits tax return.

(*e*) In the case of a member of the affiliated group the stock of which is held by other members of such group with a basis for consolidated invested capital purposes determined to be a cost basis, there shall be excluded as of the date on which such corporation became a member of the group that portion of its equity invested capital attributable to the shares of stock so held; there shall also be excluded, as of the date of any subsequent acquisition, that portion of its equity invested capital attributable to shares of stock similarly acquired and held by other members of the group; no addition shall be made on account of money or property (not including stock of another member of the group held with a basis determined to be a basis other than cost) thereafter paid in for stock held by any other member of the group or as paid-in surplus or a contribution to capital paid in with respect to shares of stock subject to the provisions of this sentence; and no reduction shall be made on account of any distribution thereafter made to any other member of the group.

(*f*) With respect to distributions made in a consolidated income or excess profits tax return period prior to the taxable year by one member of the affiliated group to another member of the group, the average invested capital of the distributee shall not be increased by any amount in excess of the amount by which the average invested capital of the distributor or its earnings and profits, accumulated before March 1, 1913, were decreased.

(*g*) The average invested capital of a corporation which is a member of the affiliated group for only a part of the taxable year shall be its aggregate daily invested capital computed with the adjustments set forth in this section for each day of such taxable year during which it is a member of the group (excluding the day on which it became a member) divided by the number of days in the taxable year of the group.

(xx) *Accumulated earnings and profits.* In the computation of accumulated earnings and profits or the deficit in accumulated earnings and profits as of the beginning of the taxable year, the following rules shall apply:

(*a*) In the case of a member of the affiliated group the stock of which is held by other members of such group with a basis for consolidated invested capital purposes determined to be a cost basis, there shall be excluded as of the date on which such corporation became a member of the group that portion of its earnings and profits, or deficit in earnings and profits, previously accumulated and properly allocable to the shares of stock so held; there shall also be excluded, as of the date of any subsequent acquisition, any earnings and profits, or deficit in earnings and profits, previously accumulated and properly allocable to any shares of stock similarly acquired and held by other members of the group.

(*b*) There shall be excluded profits and losses unrealized by the affiliated group reflected in the opening inventory of the taxable year, whether or not a consolidated return was filed for the preceding taxable years, together with all other unrealized profits and losses reflected in transactions between members of the affiliated group in prior taxable years for which a return was made or was required on a consolidated basis, whether under section 141 or under the provisions of any prior income or excess profits tax law.

(*c*) With respect to distributions from such accumulated earnings and profits made during the taxable year by one member of the affiliated group to another member of the group, such accumulated earnings and profits of the distributee shall be increased in an amount equal to that by which such accumulated earnings and profits of the distributor are decreased.

(*d*) With respect to distributions in stock, as defined by section 458 (f) (1), made prior to the taxable year by one member of the affiliated group to another member of the group, the accumulated earnings and profits of the distributee shall not be increased in any amount in excess of that by which the sum of the average invested capital and the accumulated earnings and profits of the distributor is decreased.

(*e*) With respect to distributions made in a prior taxable year for which a return was made or was required on a consolidated basis, whether under section 141 or under the provisions of any prior income or excess profits tax law, by one member of the group to another member of the group, the accumulated earnings and profits of the distributee shall not be increased by any amount in excess of the amount by which either the average invested capital or the earnings and profits of the distributor were decreased.

(*f*) If the invested capital of the affiliated group is computed pursuant to the provisions of subdivision (xix) (*e*) of this subparagraph, proper adjustment shall be made with respect to the amount of any realizations prior to the beginning of the taxable year upon any unrealized appreciation or depreciation in assets previously reflected in consolidated historical invested capital.

(*g*) In the case of a corporation which is a member of the affiliated group for only a part of the taxable year, the accumulated earnings and profits or the deficit in accumulated earnings and profits as of the beginning of the taxable year shall be an amount equal to its accumulated earnings and profits or its deficit in accumulated earnings and profits as of the beginning of the taxable year of the group or the beginning of the day following the day on which it becomes a member of the group, as the case may be, multiplied by the number of days of such year during which it is a member of the group (excluding the day on which it becomes a member) and divided by the total number of days in such year.

(*h*) In the case of distributions from earnings and profits made by a member of the group with respect to stock held by another member of the group with a cost basis, there shall be subtracted from the earnings and profits of the distributee an amount equal to the aggregate of such distributions as were made between the date of acquisition of such stock and the date as of which the distributor became a member of the group.

(xxi) *Equity invested capital.* In the computation of equity invested capital (which, under this section, may be a minus amount), effect shall be given to the adjustments prescribed in subdivision (xix) of this subparagraph (relating to the computation of average invested capital) to the extent that such adjustments pertain to the computation of equity invested capital.

(xxii) *Determination of excess profits net income under section 433* (b) and (c). In computing the excess profits net income under section 433 (b) or the deficit in excess profits net income under section 433 (c) of a corporation, the following rules shall apply:

(*a*) The excess profits net income under section 433 (b) for any month or the deficit in excess profits net income under section 433 (c) for any month shall be the excess profits net income under section 433 (b), or the deficit in excess profits net income under section 433 (c), as the case may be, for the taxable year of the corporation in which such month falls, divided by the number of full calendar months in such taxable year.

(*b*) If two or more members of the affiliated group (including any component corporation of any such member within the meaning of section 461) were affiliated with each other during any taxable year, whether or not a consolidated return was filed for such year, there shall be excluded intercompany profits and losses resulting from transactions between such corporations to the extent that such profits and losses would otherwise be taken into account.

(*c*) The amount of the adjustment under section 433 (b) (5), relating to repayment of processing taxes to vendees, shall be computed without regard to any repayment or credit to another member of the affiliated group.

(*d*) In the case of an affiliated group of life insurance companies determining the adjustment under section 433 (b) (14), there shall be computed a tentative adjustment as if such corporations were affiliated and were filing a consolidated return for such taxable year, and the adjustment of each corporation shall be the portion thereof attributable to such corporation.

(*e*) In the case of a corporation which is a member of the affiliated group for only a part of a taxable year for which the excess profits credit is being computed, the amount to be included with respect to the taxable year for which excess profits net income is being computed shall be limited to an amount which bears the same ratio to its excess profits net income or its deficit in excess profits net income for such year, as the case may be, as the number of days of the taxable year for which the credit is being computed during which it was a member of the group (excluding the day on which it becomes a member) bears to the total number of days in such taxable year.

(*f*) If the stock of a subsidiary corporation owned by other members of the group at any time during the taxable year for which the credit is being computed was acquired by such members, or by other members of the group, at any time on or after the first day of the taxable year for which excess profits net income is being computed, but only to the extent to which the consideration for such acquisition was not the issuance of the stock of the acquiring corporation (not including an acquisition from another member of the group which was affiliated with the acquiring corporation at the time of such acquisition, whether or not a consolidated return was filed for the year in which such acquisition occurred), or if the stock of another subsidiary owned at any time during the taxable year for which the credit is being computed was owned by such first subsidiary, the stock of which was so acquired, as of the date of such acquisition, there shall be excluded in the computation of the excess profits net income of each such subsidiary corporation, or of its deficit in excess profits net income, a proportionate part of the amount thereof otherwise computed, such proportionate part to be determined pursuant to the provisions of section 462 (j) (1), as if such subsidiaries were component corporations within the provisions of section 461 (b).

(xxiii) *Weighted excess profits net income and weighted deficit in excess profits net income.* The weighted excess profits net income and the weighted deficit in excess profits net income of a corporation for any month shall be the weighted excess profits net income, or the weighted deficit in excess profits net income, for the taxable year in which such month falls, divided by the number of full calendar months in such taxable year. The weighted excess profits net income and the weighted deficit in excess profits net income for any taxable year shall be the excess profits net income determined under section 433 (b), or the deficit in excess profits net income determined under section 433 (c), as the case may be, for such taxable year, reduced to an amount which is the same percentage thereof as the percentage, applicable to such taxable year, specified in section 435 (e) (2) (E).

(xxiv) *Controlled group indebtedness.* The indebtedness included in computing consolidated controlled group indebtedness for any day shall be determined under the following rules:

(*a*) The amount of such indebtedness shall be ascertained under the rules applicable in determining total assets for consolidated equity capital purposes;

(*b*) The indebtedness of one member of the affiliated group owed to another member of the group shall be disregarded; and

(*c*) There shall be included only indebtedness which constitutes daily borrowed capital for such day of the corporation owing such indebtedness.

(xxv) *Stock in member of controlled group.* For the purpose of determining the consolidated section 435 (g) (6) adjustment for any day, the adjusted basis of stock held by a member of an affiliated group in a corporation included in a controlled group (as defined in section 435 (g) (6)) which also includes a member of the affiliated group, shall be determined under the following rules:

(*a*) The adjusted basis of such stock shall be determined under the rules applicable in determining total assets for consolidated equity capital purposes; and

(*b*) Stock of a member of the affiliated group shall be disregarded.

(xxvi) *Average base period net income computed under section 442, 443, 444, 445, or 446.* In computing the average base period net income of any member of the affiliated group under section 442, 443, 444, 445, or 446, the following rules shall apply:

(*a*) In computing total assets as of any day after December 1, 1950 (the date of introduction in the House of Representatives of the Excess Profits Tax Bill of 1950)—

(*1*) The total assets otherwise computed shall be reduced by an amount equal to—

(i) The cash, and

(ii) The adjusted basis of those assets having a basis determined in whole or in part by reference to their basis in the hands of another member of the group,

acquired from another member of the group after December 1, 1950, properly adjusted with respect to any money paid or property (other than stock or securities of a member of the group) exchanged for such cash or assets; and

(2) The total assets otherwise computed shall be reduced by the outstanding indebtedness incurred after December 1, 1950, to another member of the group, properly adjusted with respect to any such indebtedness incurred in the transactions described in (*1*).

(*b*) If total assets are determined for any day after December 1, 1950, the total interest paid or incurred by such member for any period including such day shall be determined without regard to the amount paid or incurred to another member of the group with respect to indebtedness which reduced such total assets under (*a*) (2).

(*c*) In determining total facilities for the purpose of applying section 444 to a member of the group, any facility held by such member on the last day of the consolidated base period which was acquired from another member of the group with a basis determined in whole or in part by reference to its basis in the hands of such other member shall be deemed to have been held by the member to which section 444 is applicable from the date of its acquisition by a member of the group.

(*d*) If the stock of a subsidiary corporation owned by other members of the group at any time during the taxable year for which the credit is being computed was acquired by such members, or by other members of the group, at any time on or after the first day of the consolidated base period, but only to the extent to which the consideration for such acquisition was not the issuance of the stock of the acquiring corporation (not including an acquisition from another member of the group which was affiliated with the acquiring corporation at the time of such acquisition, whether or not a consolidated return was filed for the year in which such acquisition occurred), or if the stock of another subsidiary owned at any time during the taxable year for which the credit is being computed was owned by such first subsidiary, the stock of which was so acquired, as of the date of such acquisition, there shall be excluded in the computation of the average base period net income under such section of each such

subsidiary corporation, a proportionate part of the amount thereof otherwise computed, such proportionate part to be determined pursuant to the provisions of section 462 (j) (1), as if such subsidiaries were component corporations within the provisions of section 461 (b).

(c) For the purpose of such computations, if the taxable year of the member is different from the taxable year of the group, the taxable year of the group shall be used.

(xxvii) *Base period capital addition and net capital addition or reduction if alternative average base period net income is used.* In computing the base period capital addition or the net capital addition or reduction of a member of the group for the purpose of determining the consolidated base period capital addition or the consolidated net capital addition or reduction if the consolidated alternative average base period net income is used, the items involved in such computation shall be properly adjusted to reflect the amounts thereof which would be included in computing the consolidated base period capital addition or the consolidated net capital addition or reduction if such consolidated alternative average base period net income were not used. For the purpose of such computations, if the taxable year of the member is different from the taxable year of the group, the taxable year of the group shall be used.

(3) *Limitations on net operating loss carry-overs and carry-backs from separate return years.* In no case shall there be included in the consolidated net operating loss deduction for the taxable year as consolidated net operating loss carry-overs under paragraph (a) (3) (ii) of this section (relating to the net operating losses sustained by a corporation in years for which separate returns were filed, or for which such corporation joined in a consolidated return filed by another affiliated group), and as a consolidated net operating loss carry-back under paragraph (a) (4) (ii) of this section (relating to a net operating loss sustained by a corporation in the year subsequent to the last taxable year in respect of which its income is included in the consolidated return), an amount exceeding in the aggregate the net income of such corporation (computed with the exceptions and limitations provided in section 122 (d) (1), (2), (3), and (4)) included in the computation of the consolidated net income for the taxable year increased by its separate net capital gain and increased or decreased, as the case may be, with respect to its separate gains or losses from involuntary conversions and from sales or exchanges of property subject to the provisions of section 117 (j).

(4) *Minimum deduction involving carry-overs and carry-backs from separate return years.* If a portion of the consolidated net operating loss deduction arises as a carry-over pursuant to the provisions of paragraph (a) (3) (ii) of this section (relating to net operating losses sustained by a corporation in years for which separate returns were filed, or for which such corporation joined in a consolidated return filed by another affiliated group), or as a carry-back pursuant to the provisions of paragraph (a) (4) (ii) of this section (relating to a net operating loss sustained by a corporation in the year subsequent to the last taxable year in respect of which its income is included in the consolidated return), the consolidated net operating loss deduction shall not be less than the amount of such portion reduced by the amount, if any, by which the net income of such corporation (computed with the exceptions and limitations provided in section 122 (d) (1), (2), (3), and (4)) exceeds the normal-tax net income of such corporation (computed without any net operating loss deduction, but taking into account the additional capital loss deduction authorized by section 204 (c) (5)), or, in the case of two or more such corporations, the sum of such portions so reduced.

(5) *Limitation on absorption of net operating loss carry-overs.* In the computation of the consolidated net operating loss deduction for the taxable year, if there is involved a net operating loss sustained in a prior year by a corporation filing a separate return for such prior year, or joining in a consolidated return for such prior year filed by another affiliated group, together with a consolidated net income for a consoli there are involved net operating losses of two or more members of the group so separately sustained, no portion of the consolidated net operating loss, or, if dated return period of the group intervening between the year of the loss and the taxable year shall be taken into account more than once in giving effect to the provisions of paragraph (a) (3) (ii) of this section, relating to the computation of the consolidated net operating loss carry-overs originating in separate return years.

(6) *Limitation on absorption of unused basic surtax credits.* If, in the computation of the consolidated dividend carry-over for the second consolidated return period in respect of which the income of a corporation is included in the consolidated return of the group, there is involved a separate unused basic surtax credit of such corporation for the second preceding taxable year together with a consolidated unused basic surtax credit for the second preceding taxable year, or if, for the second consolidated return period in respect of which the income of two or more members of the group is included in the consolidated return of the group, there are involved the separate unused basic surtax credits of such corporations for the second preceding taxable year, no portion of the excess of the consolidated subchapter A net income over the consolidated basic surtax credit for the first preceding taxable year shall be taken into account more than once in giving effect to the provisions of paragraph (a) (26) (ii) and (iv) of this section (relating to the computation of that part of the consolidated dividend carry-over attributable to the unused basic surtax credits of the second preceding taxable year).

(7) *Apportionment of consolidated net operating loss.* If an affiliated group filing a consolidated return sustains a consolidated net operating loss within the provisions of section 26 (c), relating to the net operating loss credit, or within the provisions of section 122, relating to the net operating loss deduction, and if there are included as members of such group one or more corporations which made separate returns, or joined in a consolidated return filed by another affiliated group, either in the preceding taxable year or in a succeeding taxable year, the portion of such consolidated net operating loss attributable to such corporations severally shall be determined, such portion in the case of any such corporation being determined in an amount proportionate to the net losses (capital net losses and ordinary net losses alike) of the several affiliated corporations having net losses, to the extent that such losses were taken into account in the computation of the consolidated net operating loss.

(8) *Apportionment of consolidated net capital loss.* If an affiliated group filing a consolidated return sustains a consolidated net capital loss, and if there are included as members of such group one or more corporations which make separate returns, or join in a consolidated return filed by another affiliated group, in a succeeding taxable year, the portion of such consolidated net capital loss attributable to such corporations severally shall be determined, such portion in the case of any such corporation being an amount which bears the same ratio to the consolidated net capital loss which the net capital loss of such corporation bears to the aggregate of the net capital losses for the taxable year sustained by the several affiliated corporations having net capital losses.

(9) *Apportionment of unused consolidated basic surtax credit.* If an affiliated group filing a consolidated return has an unused consolidated basic surtax credit, and if there are included as members of such group one or more corporations which make separate returns, or join in a consolidated return filed by another affiliated group, in a succeeding taxable year, the portion of such unused consolidated basic surtax credit attributable to such corporations severally shall be determined for the purpose of the dividend carry-over, such portion in the case of any such corporation being determined in an amount proportionate to the dividends paid, the consent dividend credits, the several factors involved in the computation of the consolidated net operating loss credit, and the subchapter A net incomes of the several affiliated corporations, to the extent that such items were taken into account in the computation of the consolidated basic surtax credit and the consolidated subchapter A net income.

(10) *Limitation on net capital loss carry-over from separate return year.* In no case shall there be included in the computation of the consolidated net capital gain for the taxable year as a consolidated net capital loss carry-over under paragraph (a) (9) (ii) of this section (relating to net capital losses separately sustained) an amount exceeding in the aggregate net capital gains of such corporation (determined without regard to any net capital loss carry-over) included in the computation of the consolidated net capital gain for the taxable year increased with respect to its separate net gains from involuntary conversions and from sales or exchanges of property subject to the provisions of section 117 (j).

(11) *Qualifications on deductions where group membership changed after March 14, 1941.* In the case of an affiliated group formed at any time subsequent to March 14, 1941, or having among its members in the taxable year one or more subsidiaries which became members of the group subsequent to March 14, 1941, the consolidated net income for the taxable year, and for prior and subsequent taxable years to the extent affected by carry-backs and carry-overs from the taxable year, shall be determined subject to the following qualifications:

(i) There shall be excluded in the case of the common parent corporation and in the case of any subsidiaries which were members of the group on March 14, 1941, those deductions from gross income otherwise allowable with respect to—

(a) Sales or exchanges of capital assets,

(b) Involuntary conversions and sales or exchanges of property subject to the provisions of section 117 (j),

(c) Securities subject to the provisions of section 23 (g) (4) or section 23 (k) (5), or

(d) Debts subject to the provisions of section 23 (k) (1),

to the extent that such deductions otherwise allowable exceed in the aggregate—

(e) In the case of capital losses, the excess of the aggregate capital gains over the aggregate capital losses of such corporations for the taxable year, or

(f) In the case of ordinary losses, the aggregate of the ordinary net income of such corporations for the taxable year, increased in an amount equal to any excess of aggregate capital gains over aggregate capital losses of such corporations,

such capital gains and losses and such ordinary net income being determined pursuant to the provisions of the regulations in this part but without regard to the provisions of subparagraphs (1) (iv) and (2) (iii) (b) of this paragraph and without regard to the losses in question;

(ii) There shall be excluded in the case of a subsidiary corporation which became a member of the affiliated group subsequent to March 14, 1941, those deductions from gross income otherwise allowable with respect to—

(a) Sales or exchanges of capital assets,

(b) Involuntary conversions and sales or exchanges of property subject to the provisions of section 117 (j),

(c) Securities subject to the provisions of section 23 (g) (4) or section 23 (k) (5), or

(d) Debts subject to the provisions of section 23 (k) (1),

to the extent that such deductions otherwise allowable are attributable to events preceding the date upon which such corporation became a member of the group, and

(e) Being capital losses, exceed—

(1) The capital gains reduced by all other capital losses of such corporation for the taxable year, in the case in which such corporation was not, on March 14, 1941, a member of an affiliated group within the meaning of section 141, or

(2) In case such corporation was a member of an affiliated group on March 14, 1941, an amount which, together with like losses computed subject to the provisions of the regulations in this part in the case of other members of the group during the taxable year which were affiliated with such corporation on March 14, 1941, within the meaning of section 141, is equal to the aggregate capital gains reduced by the aggregate of all other capital losses of such corporation and of such other members of the group, or

(f) Being ordinary losses, exceed—

(1) The ordinary net income of such corporation for the taxable year increased in an amount equal to any excess of capital gains over capital losses for the taxable year, in the case in which such corporation was not, on March 14, 1941, a member of an affiliated group within the meaning of section 141, or

(2) In case such corporation was a member of an affiliated group on March 14, 1941, an amount which, together with like losses computed subject to the provisions of the regulations in this part in the case of other members of the group during the taxable year which were affiliated with such corporation on March 14, 1941, within the meaning of section 141, is equal to the ordinary net income of such corporation for the taxable year increased by the aggregate of the ordinary net income and decreased by the aggregate of the ordinary net losses of other members of the affiliated group during the taxable year which were affiliated with such corporation on March 14, 1941, within the meaning of section 141, and increased further in an amount equal to any excess of aggregate capital gains over aggregate capital losses of such corporations,

such capital gains and losses, and ordinary net income and net losses, as the case may be, being determined pursuant to the provisions of the regulations in this part but without regard to the provisions of subparagraphs (1) (iv) and (2) (iii) (b) of this paragraph (b) and without regard to the losses in question;

(iii) The portion of any loss otherwise allowable as a deduction for the taxable year which is disallowed pursuant to the provisions of subdivisions (i) and (ii) of this subparagraph shall, to the extent that it constitutes a net capital loss within the provisions of section 117 or a net operating loss within the provisions of section 122, be considered as a net capital loss or a net operating loss, as the case may be, in respect of those members of the group by reference to which the amount of the deduction disallowed under subdivisions (i) and (ii) of this subparagraph was determined, originating, for the purpose of the carry-back provisions, in a taxable year subsequent to the last taxable year in respect of which their income was included in a consolidated return, and, for the purpose of the carry-over provisions, in a taxable year prior to the first taxable year in respect of which their income was included in a consolidated return;

(iv) The provisions of subdivisions (i) and (ii) of this subparagraph shall not apply with respect to the common parent corporation of an affiliated group formed subsequent to March 14, 1941, or to the common parent corporation or subsidiaries of a group in existence on March 14, 1941, acquiring new members subsequent to March 14, 1941, or with respect to subsidiaries becoming members of the group subsequent to March 14, 1941—

(a) If the group consists solely of the common parent corporation and one or more subsidiaries created, directly or indirectly, by the common parent corporation or by other members of the group;

(b) If, immediately after the corporation involved became a member of the group, common parent corporation or subsidiary, as the case may be, stock possessing at least 95 percent of the voting power of all classes of its stock then outstanding and at least 95 percent of each class of its nonvoting stock then outstanding is owned, directly or indirectly, by substantially the same interests by which such stock was owned on March 14, 1941;

(c) If the affiliated group involved was formed, or the new subsidiary became a member of the group, as an incident to an involuntary conversion or to a transfer made pursuant to an order of the Securities and Exchange Commission, the Federal Communications Commission, the Interstate Commerce Commission, or a similar regulatory body of State or Federal Government; or

(d) To the extent to which, upon consideration of the facts or circumstances presented by the particular case, the Commissioner determines that a consolidated net income computed with respect to the affiliated group but without regard to those subdivisions will not serve to distort the income tax liability of the group or of any of its members.

(e) If, upon consideration of the facts and circumstances presented by the particular case, the Commissioner determines that the general purpose of the provisions of subdivisions (i) and (ii) would be better served in a particular respect by adherence to a date subsequent to March 14, 1941, such subdivisions shall be administered in that respect as if the appropriate date determined by the Commissioner were substituted in such subdivisions in lieu of the date March 14, 1941.

(12) *Basis of intercompany stockholdings.* For the purpose of computing the consolidated excess profits credit for the taxable year, the following rules shall apply:

(i) *Basis other than cost.* Stock of one member of the affiliated group held by another member of the group at any time during the taxable year shall be determined to be stock held with a basis other than cost if—

(a) Such stock is held with a basis fixed by reference to the basis of other property previously held by the corporation, but not including—

(1) Stock acquired from another corporation in exchange for property previ-

ously held with a cost basis if, at the time of such acquisition or immediately thereafter—

(*i*) The acquiring corporation or its shareholders were in control of the corporation from which such stock was acquired, or

(*ii*) The corporation from which such stock was acquired or its shareholders were in control of the acquiring corporation; or

(2) Stock held at a lower level in a corporate chain of three or more affiliated corporations to the extent that the lower-level corporation is connected with the affiliated group through intercompany stockholding interests at a higher level in such chain acquired subsequent to the date of acquisition of such lower-level stock and held with a cost basis; or

(*b*) Such stock is held with a basis fixed by reference to its basis in the hands of a preceding owner, but not including—

(1) Stock acquired from another member of an affiliated group of corporations in a taxable year for which the acquiring corporation and the transferring corporation filed a consolidated income or excess profits tax return if, immediately prior to such acquisition—

(*i*) Such stock was held by the transferring corporation with a cost basis, or

(*ii*) The stock of the transferring corporation or of any other member of the affiliated group holding stock in the transferring corporation, directly or indirectly, was held by other members of the group with a cost basis, whether or not the stock transferred was held by the transferring corporation with a cost basis,

but including stock so acquired which would have a basis other than cost if it had been acquired in an intercorporate liquidation described in (2) or in an exchange described in (3);

(2) Stock acquired in an intercorporate liquidation if, immediately prior to such liquidation—

(*i*) Such stock was held by the liquidated corporation with a cost basis, or

(*ii*) The stock of the liquidated corporation was held with a cost basis;

(3) Stock acquired from another member of a controlled group of corporations if, immediately prior to such acquisition—

(*i*) Such stock was held by the transferring corporation with a cost basis, or

(*ii*) The stock of the transferring corporation or of any other member of the controlled group holding stock in the transferring corporation, directly or indirectly, was held with a cost basis, whether or not the stock transferred was held by the transferring corporation with a cost basis, but including stock so acquired which would have a basis other than cost if it had been acquired in an intercorporate liquidation described in (2); or

(4) Stock held at a lower level in a corporate chain of three or more affiliated corporations to the extent that the lower-level corporation is connected with the affiliated group through intercompany stockholding interests at a higher level in such chain acquired subsequent to the date of acquisition of such lower-level stock and held with a cost basis.

(ii) *Cost basis.* Stock of one member of the affiliated group held by another member of the group at any time during the taxable year shall be determined to be stock held with a cost basis in all cases other than those in which the stock is determined to be stock held with a basis other than cost pursuant to the provisions of subdivision (i) of this subparagraph.

(iii) *Intercompany stock transfers.* In the case of stock of one member of the affiliated group held by another member of the group subject to the application of subdivision (i) (*b*) (*1*) (*ii*) of this subparagraph, relating to intercompany acquisitions during a consolidated return period, or (i) (*b*) (3) (*ii*), relating to acquisitions from another member of a controlled group of corporations, such stock shall have a basis for consolidated excess profits credit purposes in an amount equal to the basis which such stock would have in the hands of its present owner determined pursuant to the provisions of section 470 (a) and (b) or section 472 (c) (1) and (e) if such stock were acquired as the result of an intercorporate liquidation of the corporation transferring such stock and of each member of the group owning stock of the transferring corporation, directly or indirectly, through which such stock would have passed prior to its acquisition by its present owner.

(iv) *Definitions.* In determining whether stock of one member of the affiliated group held by another member of the group is held with a cost basis or a basis other than cost, the following definitions are applicable:

(*a*) The term "control" means the ownership of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock of the corporation (except nonvoting stock which is limited and preferred as to dividends).

(*b*) The term "controlled group" means one or more chains of corporations connected through stock ownership with a common parent corporation if stock possessing at least 80 percent of the voting power of all classes of stock entitled to vote and at least 80 percent of each class of the nonvoting stock of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations and the common parent corporation owns directly stock possessing at least 80 percent of the voting power of all classes of stock and at least 80 percent of each class of the nonvoting stock of at least one of the other corporations. As used in the preceding sentence, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends.

(*c*) The term "intercorporate liquidation" means the receipt by a corporation of property in complete liquidation of another corporation to which—

(*1*) The provisions of section 112 (b) (6), or the corresponding provisions of a prior revenue law, are applicable, including the case in which an election has been made pursuant to the last sentence of section 113 (a) (15) of the Revenue Act of 1936, as amended by section 808 of the Revenue Act of 1938, or

(2) A provision of law is applicable prescribing the nonrecognition of gain or loss, in whole or in part, upon such receipt, including a provision of the regulations applicable to a consolidated income or excess profits tax return, but not including the provisions of section 112 (b) (7) of the Revenue Act of 1938 relating to certain complete liquidations occurring during December 1938, the provisions of section 112 (b) (7) of the Internal Revenue Code relating to certain complete liquidations occurring during some one calendar month in 1944 or 1951, the provisions of section 112 (b) (9) relating to certain complete liquidations of railroad corporations, or the provisions of section 112 (b) (10) relating to reorganizations of corporations in certain receivership and bankruptcy proceedings,

but only if none of such property so received is a stock or a security in a corporation the stock or securities of which are specified in the law applicable to the receipt of such property as stock or securities permitted to be received (or which would be permitted to be received if they were the sole consideration) without the recognition of gain.

(v) *Rules applicable in determination of basis.* In determining the total assets of a member of an affiliated group for consolidated equity capital purposes under subparagraph (2) (xiii) of this paragraph (b), or in determining the extent to which the equity invested capital of a subsidiary corporation is to be excluded under subparagraph (2) (xix) (*e*) of this paragraph (b), by reference to intercompany stockholding interests at a higher level in the corporate chain held with a cost basis (subparagraph (12) (i) (*b*) (*4*) of this paragraph (b)), and in adjusting the accumulated earnings and profits of a corporation the stock of which is held with a cost basis, either by reference to the date as of which such corporation became a member of the affiliated group or the date of any subsequent acquisition of its stock (subparagraph (2) (xx) (*a*) of this paragraph (b)), or by reference to realizations upon unrealized appreciation or depreciation of assets previously reflected in consolidated invested capital (subparagraph (2) (xx) (*f*) of this paragraph (b)), such determination and adjustment shall be made subject to the following rules:

(*a*) The determination and adjustment shall be made by reference to those acquisitions and holdings of stock held in the corporate chain with a cost basis, and by reference to those acquisitions and holdings only, which, considering the time of such acquisitions and the position in the corporate chain in which such holdings appear, reflect the ultimate cost acquisition and the resulting ownership, direct or indirect, by the group of those economic interests of the group underlying such stockholding acquisitions.

Example (*1*). Suppose that A acquired for cash in 1930 all of the stock of B, that P subsequently, in 1935, acquired for cash all of the stock of A; and that the P–A–B group files a consolidated return for 1951. P's cash acquisition and holding of the stock of A acquired in 1935 reflects the group acquisition and holding of the entire subsidiary chain. Every adjustment of earnings and profits prescribed by these regulations, and every determination made by reference to stock acquired and held with a cost basis, those in the cases of A and B alike, will be made with respect to the costs incurred in 1935 and with respect to that date. The cost of the stock of B incurred in 1930 is a matter of no significance in the computation of consolidated invested capital for the taxable year.

Example (*2*). Suppose a state of facts similar to that suggested in example (1), but varied to this extent: A acquired the stock of B in 1940 instead of 1930. This change in the order of acquisition renders the cash acquisition by A of the stock of B a matter of significance in the consolidated computation. The cash outlay incurred by P in 1935 did not serve to bring within the group that portion of the group enterprise reflected by the business and assets of B. The assets and the earnings and profits of B will be adjusted accordingly as of 1940 and by reference to the cost of its stock then incurred; those of A will be adjusted as of 1935 and by reference to 1935 costs.

Example (*3*). Suppose a state of facts similar to that suggested in example (1), but varied to this extent: A had acquired the stock of B with a basis other than cost. Adjustments to be made in the computation of consolidated equity capital, of equity invested capital, and of earnings and profits will be made precisely as in example (1), and for the same reasons, notwithstanding the character of A's stockholding interest in B. P holds the stock of B indirectly with a cost basis determined in character by reference to P's acquisition of the stock of A in 1935.

Example (*4*). Suppose a state of facts similar to that suggested in example (1), but varied to this extent: A had acquired the stock of B with a basis other than cost, and this acquisition was effected in 1940, instead of 1930, without breaking the affiliation between P and A. The stock of B acquired in 1940 is not to be considered as a part of the enterprise in respect of which P incurred costs in 1935. The higher-level holdings with a cost basis bear no significant relationship to the acquisition and holding by A of the stock of B. The stock of B is not to be considered to be held with a cost basis. No adjustment will be made in computing the earnings and profits of B.

Example (*5*). Suppose a state of facts similar to that suggested in example (1), but varied to this extent: P's acquisition of the stock of A in 1935 was made with a basis other than cost. B will be regarded for the purpose of the adjustments prescribed in subparagraph (2) (xiii) and (xix) (*e*) of this paragraph (b) as having become "a member of the group" as of 1930, the year in which its stock was acquired by A, regardless of the subsequent acquisition by P of the stock of A. The assets and the earnings and profits of B will be adjusted as of 1930, and by reference to the cost of its stock then incurred.

Example (*6*). If A had acquired the stock of B with a cost basis at a date subsequent to P's acquisition of the stock of A with a basis other than cost, the adjustment of B's assets and earnings and profits would be made by reference to the later date and by reference to the costs then incurred.

(*b*) The adjustment will be made by reference to the most recent acquisition of the required holdings of the stock of the corporation in the case of a corporation the stock of which was once held by other members of the affiliated group to the extent provided in section 141 (d), was later disposed of in whole or in part, and was subsequently reacquired.

(*c*) The adjustment will be made without regard to any exclusion of the corporation from the affiliated group in intervening years by reason of a loss of the voting control prescribed by section 141 (d) if such loss of voting control was attributable to the fact that stock which did not possess voting power at the time control was originally acquired later became entitled to vote.

(*d*) Except as otherwise provided in (*f*), if stock of the corporation held with a cost basis was acquired from another corporation which had held such stock with a cost basis, and if the cost basis with which such stock is held by the present owner is fixed by reference to the basis of such stock in the hands of such other corporation, the adjustment will be made as if the present owner had acquired such stock as of the date upon which such stock was acquired by such other corporation.

(*e*) If stock of the corporation held with a cost basis was acquired from another corporation in a liquidation subject to the provisions of section 112 (b) (6), or the corresponding provisions of a prior revenue law, and if the stock of the liquidated corporation was held by the acquiring corporation with a cost basis but the stock acquired was held by the liquidated corporation with a basis other than cost, the acquiring corporation shall be deemed to have acquired the stock received in the liquidation as of the date upon which it had acquired the stock of the liquidated corporation.

(*f*) If stock of the corporation held with a cost basis was acquired from another corporation in a liquidation subject to the provisions of section 112 (b) (6), or the corresponding provision of a prior revenue law, and if the stock so acquired was held by the liquidated corporation and the stock of the liquidated corporation was held by the acquiring corporation, both with a cost basis, the acquiring corporation shall be deemed to have acquired the stock received in the liquidation as of the date upon which such stock was acquired by the liquidated corporation, or as of the date upon which the acquiring corporation acquired the stock of the liquidated corporation with respect to which the distribution was made, whichever date was the later.

(*g*) If stock of the corporation held with a cost basis is deemed to be so held by virtue of the fact that the basis of such stock is fixed by reference to the cost basis of other stock in the hands of the present owner, such stock shall be deemed to have been acquired as of the date of acquisition of such other stock.

(*h*) If the basis of the stock of the corporation held by another member of the affiliated group was increased as the result of a statutory merger or consolidation of such corporation with another corporation, or as the result of a transaction having the effect of a statutory merger or consolidation, and if the stock of such other corporation was held by such member of the affiliated group with a cost basis, that portion of such member's stockholding interest in such corporation represented by the increase shall be deemed to have been acquired as of the date upon which such member acquired the stock of such other corporation.

Example. Suppose that P acquired all of the stock of A in 1930 with a basis other than cost in the amount of $10,000; that it acquired for $15,000 in cash in 1935 all of the stock of B; that it caused B to be merged into A in 1936 without the issuance by A of any additional shares of stock; and that the P-A group files a consolidated return for 1951. The $15,000 cost incurred by P in 1935 will be reflected in the increased basis with which P holds the stock of A. P will be deemed to have acquired for cash in 1935 a portion of its stockholding interest in A; the total assets of A for consolidated equity capital purposes will be adjusted accordingly; the earnings and profits of A, to the extent that they reflect the earnings and profits originally accumulated by B, will be adjusted as of 1935; and the earnings and profits of A will be further adjusted with respect to realizations by B and A upon the unrealized appreciation or depreciation in the assets of B as of 1935 reflected in the consolidated invested capital.

(13) *Consolidated computations involving changes in membership.*—(i) *Equity capital.* For the purpose of computing the consolidated net new capital addition and the consolidated net capital addition or reduction—

(*a*) If the affiliated group at the beginning of the taxable year includes a corporation which was not a member of the group on the first day of the first excess profits tax taxable year of the group, the consolidated equity capital for such first day shall include such portion of the equity capital of such corporation for such first day as is not attributable to the stock of such corporation held with a cost basis by other members of the group on the day on which such corporation became a member of the group, and the consolidated equity capital shall not include the stock in such corporation held on such first day with a basis other than cost;

(*b*) If the affiliated group at the beginning of the taxable year does not include a corporation which was a member of the group on the first day of the first excess profits tax taxable year of the group, the consolidated equity capital for such first day shall be computed as if such corporation were not a member of the group.

(ii) *Borrowed capital.* The following rules shall apply with respect to borrowed capital:

(*a*) For the purpose of computing the consolidated daily new capital addition or reduction for any day of the taxable year—

(*1*) If the group includes for such day a corporation which was not a member of the group on the first day of the first excess profits tax taxable year of the group, the borrowed capital for such first day shall include such portion of the borrowed capital of such corporation for such first day as does not consist of indebtedness owed to corporations which are members of the group on such day of the taxable year;

(2) If the group does not include for such day a corporation which was a member of the group on the first day of

the first excess profits tax taxable year of the group, the borrowed capital for such first day of the members of the group shall be computed as if such corporation were not a member of the group.

(b) For the purpose of computing the consolidated net capital addition or reduction for any taxable year, if any corporation is a member of the affiliated group for only part of the taxable year, the consolidated daily borrowed capital of the group for the first day of the first excess profits tax taxable year of the group shall be the consolidated daily borrowed capital for such day computed as if such corporation were not a member of the group for such day, increased or decreased, as the case may be, by such portion of the difference between the consolidated daily borrowed capital so computed and the consolidated daily borrowed capital computed as if such corporation were a member of the group for such first day, as the number of days during the taxable year during which such corporation is a member of the group is of the total number of days in the taxable year.

(iii) *Capital addition or reduction.* (a) If a corporation becomes a member of the group after the beginning of the taxable year of the group, proper adjustment shall be made in computing the consolidated adjusted invested capital and the consolidated net new capital addition by reflecting as property paid in to the members of the group in a transaction described in section 438 (e) or as a distribution by such members, as the case may be, on the date such corporation becomes a member of the group, the difference between the adjusted basis of the stock of such corporation held with a basis other than cost immediately after such corporation becomes a member of the group and the portion of the equity capital of such corporation as of the beginning of the taxable year of the group not attributable to stock held with a cost basis immediately after such corporation became a member of the group.

(b) If a member of the group holds during the taxable year stock in a corporation which ceases to be a member of the group during the taxable year, proper adjustment shall be made in computing the consolidated adjusted invested capital and the consolidated adjusted net new capital addition by reflecting as property paid in to such member in a transaction described in section 438 (e), or as a distribution by such member, as the case may be, on the date such corporation ceased to be a member of the group, the difference between the adjusted basis of stock held immediately before such corporation ceased to be a member of the group and—

(1) If such corporation was a member of the group at the beginning of the taxable year, an amount equal to the portion of the consolidated equity capital at the beginning of the taxable year attributable to such corporation, or

(2) If such corporation became a member of the group after the beginning of the taxable year, the amount with respect to such corporation deemed paid in to a member of the group during the taxable year for stock or as paid-in surplus or as a contribution to capital, properly adjusted in either case for capital changes with respect to such corporation occurring during the taxable year and prior to the date on which affiliation is broken.

(iv) *Consolidated increase or decrease in inadmissible assets.* For the purpose of computing the consolidated increase or decrease in inadmissible assets—

(a) In the case of a corporation which became a member of the group after the beginning of the first day of the first excess profits tax taxable year of the group and prior to the beginning of the taxable year, the consolidated original inadmissible assets shall include the inadmissible assets of such corporation on such first day (properly adjusted to reflect the adjusted basis recognized for consolidated equity capital purposes), and shall not include any stock in such corporation held by other members of the group;

(b) If the affiliated group at the beginning of the taxable year does not include a corporation which was a member of the group on the first day of the first excess profits tax taxable year of the group, the consolidated original inadmissible assets for such first day shall be computed as if such corporation were not a member of the group;

(c) In the case of a corporation which is a member of the affiliated group for only part of the taxable year, the consolidated original inadmissible assets—

(1) Shall include such portion of the amount of the adjusted basis of the inadmissible assets of such corporation on the first day of the first excess profits tax taxable year of the group (properly adjusted to reflect the adjusted basis of such assets recognized for consolidated equity capital purposes), and

(2) Shall not include such portion of the adjusted basis of the stock of such corporation held by other members of the group at the beginning of such first day,

as the number of days during the taxable year during which such corporation is a member of the group is of the total number of days in the taxable year.

(v) *Base period capital addition.* For the purpose of computing the consolidated base period capital addition—

(a) If the affiliated group at the beginning of the taxable year includes a corporation which was not a member of the group on the first day of a taxable year for which consolidated yearly base period capital is computed (the first excess profits tax taxable year of the group or either one of the two taxable years preceding such first taxable year)—

(1) The consolidated equity capital shall include with respect to such corporation only such portion of the equity capital of such corporation for such first day as is not attributable to the stock of such corporation held with a cost basis by other members of the group on the day on which such corporation became a member of the group, and the consolidated equity capital shall not include the stock in such corporation held on such first day with a basis other than cost;

(2) The consolidated daily borrowed capital for such first day shall include such portion of the borrowed capital of such corporation for such first day as does not consist of indebtedness owed to other members of the group;

(3) The aggregate of the inadmissible assets of the group for such first day shall include the portion of the inadmissible assets (properly adjusted to reflect the adjusted basis recognized for consolidated equity capital purposes) of such corporation for such first day as does not consist of stock of other members of the group, and shall not include any stock of such corporation held by other members of the group;

(4) The consolidated controlled group indebtedness for such first day shall include the portion of the indebtedness (properly adjusted to reflect the adjusted basis recognized for consolidated equity capital purposes) described in section 435 (f) (4) owed to such corporation on such first day, which does not consist of indebtedness owed by other members of the affiliated group; and

(5) The aggregate of the adjustments for interest on borrowed capital under section 435 (f) (5) shall include such adjustment determined under section 435 (f) (5) for such corporation on such first day, computed without regard to any borrowed capital owed to another member of the group;

(b) If the affiliated group at the beginning of the taxable year does not include a corporation which was a member of the group on the first day of a taxable year for which yearly base period capital is computed, the consolidated equity capital, the consolidated daily borrowed capital, the aggregate of the inadmissible assets, the consolidated controlled group indebtedness, and the aggregate of the adjustments for interest on borrowed capital under section 435 (f) (5) for such first day shall be computed as if such corporation were not a member of the affiliated group; and

(c) If a corporation is a member of the affiliated group for only part of the taxable year, the consolidated equity capital, the consolidated daily borrowed capital, the aggregate of the inadmissible assets, the consolidated controlled group indebtedness, and the aggregate of the adjustments for interest on borrowed capital under section 435 (f) (5) for the first day of each taxable year for which yearly base period capital is computed shall be determined as if such corporation were not a member of the group, and each such item so determined shall be increased or decreased, as the case may be, by an amount which is such portion of the difference between such item so determined and such item determined as if (a) were applicable as the number of days in the taxable year during which such corporation is a member of the group is of the total number of days in the taxable year.

(vi) *Section 435 (g) (6) inadmissible asset adjustment.* For the purpose of computing the section 435 (g) (6) adjustment for any day—

(a) In the case of a corporation which became a member of the group after the beginning of the first excess profits tax taxable year of the group and prior to such day, the consolidated original inadmissible assets shall include the inadmissible assets of such corporation for such first day (properly adjusted to reflect the adjusted basis recognized for consolidated equity capital purposes), and shall not include any stock in such corporation held by other members of the group; and

(b) If the affiliated group at the beginning of such day does not include a corporation which was a member of the group on the first day of the first excess profits tax taxable year of the group, the consolidated original inadmissible assets for such first day shall be computed as if such corporation were not a member of the affiliated group.

(vii) *Stock in member of controlled group.* For the purpose of determining the consolidated section 435 (g) (6) adjustment for any day—

(a) In the case of a corporation which became a member of the affiliated group after the beginning of the first excess profits tax taxable year of the group and prior to such day, the consolidated original controlled group stock—

(1) Shall not include any stock of such corporation held by other members of the affiliated group on the first day of the first excess profits tax taxable year of the group, and

(2) Shall include the aggregate of the adjusted basis (properly adjusted to reflect the adjusted basis recognized for consolidated equity capital purposes) of the stock held by such corporation on such first day which was stock described in section 435 (g) (6) (A) of a member of a controlled group; and

(b) If the affiliated group for such day does not include a corporation which was a member of the group on the first day of the first excess profits tax taxable year of the group, the consolidated original controlled group stock shall not include any amount with respect to stock held by such corporation, and the stock of such corporation held by other members of the affiliated group on such first day shall be taken into account in determining the consolidated original controlled group stock as if such corporation were not a member of the affiliated group.

(viii) *Section 435 (g) (7) adjustment.* For the purpose of computing the consolidated section 435 (g) (7) adjustment for any day—

(a) In the case of a corporation which became a member of the group after the beginning of the first excess profits tax taxable year of the group and prior to such day, the consolidated original controlled group indebtedness shall include the indebtedness described in section 435 (g) (7) owed to such corporation on such first day (properly adjusted to reflect the adjusted basis of such indebtedness recognized for consolidated equity capital purposes), and shall not include any indebtedness described in section 435 (g) (7) owed by such corporation to any other member of the affiliated group; and

(b) If the affiliated group at the beginning of such day does not include a corporation which was a member of the group on the first day of the first excess profits tax taxable year of the group, the consolidated original section 435 (g) (7) indebtedness for such first day shall be computed as if such corporation were not a member of the affiliated group.

(ix) *Additional adjustment.* In computing an amount for which an adjustment is required by reason of the affiliated group including a corporation which was not a member of the group on a prior day or by reason of the group not including a corporation which was a member on a prior day, proper adjustment shall be made for the case in which—

(a) Such corporation was created on or after such prior day, directly or indirectly, by another member of the group in a transaction in which the bases of its assets are determined by reference to the bases of the assets in the hands of the other member of the group, or

(b) Such corporation was absorbed on or after such prior date by a member of the group in a transaction in which the bases of its assets became the bases of such assets in the hands of the transferee.

(14) *Consolidated section 435 (d) average base period net income.* In computing the consolidated section 435 (d) average base period net income, the following rules shall apply:

(i) In no case shall the consolidated section 433 (b) excess profits net income for any month be less than zero; and

(ii) The consolidated section 433 (b) excess profits net income for any month during no part of which any member of the group was in existence shall be zero.

(15) *Eligibility requirements for consolidated section 435 (e) average base period net income.* For the purpose of determining whether an affiliated group may compute its consolidated average base period net income by reference to the consolidated section 435 (e) average base period net income, the following rules shall apply:

(i) The group shall be eligible to use the consolidated section 435 (e) average base period net income computed under paragraph (a) (65) (i), (ii), or (iii) of this section, if at least one member of the affiliated group commenced business before the beginning of the consolidated base period, and if—

(a) The sum of the aggregate of the total assets of the several members of the affiliated group as of the beginning of the first day of the consolidated base period and the aggregate of the total assets as of such first day of any other corporation which was affiliated with a member of the group for the first taxable year of such member ending after June 30, 1950, if such other corporation commenced business prior to such first day, does not exceed $20,000,000; and either

(b) The aggregate of the total payroll (determined under section 435 (e) (4)) for the last half of the consolidated base period of those members of the group which had commenced business before the beginning of the consolidated base period is 130 percent or more of the aggregate of the total payroll of such members for the first half of the consolidated base period; or

(c) The aggregate of the gross receipts (determined under section 435 (e) (5)) for the last half of the consolidated base period of those members of the group which had commenced business before the beginning of the consolidated base period is 150 percent or more of the aggregate of the gross receipts of such members for the first half of the consolidated base period.

(ii) The group shall be eligible to use the consolidated section 435 (e) average base period net income computed under paragraph (a) (65) (i), (ii), or (iii) of this section if at least one member of the group commenced business before the beginning of the consolidated base period, and if—

(a) The aggregate of the net sales for the period beginning January 1, 1950, and ending June 30, 1950, of those members of the group which had commenced business before the beginning of the consolidated base period, equals or exceeds 75 percent of the average of the aggregate of the net sales for the calendar years 1946 and 1947 of such members of the group; and

(b) Forty percent or more of the aggregate of the net sales for the calendar year 1950 of those members of the group which had commenced business before the beginning of the consolidated base period is attributable to a product, or class of products (including any article in which such product or class of products is the principal component and including any article which is a component of such product or class of products), of a kind not generally available to the public at any time prior to January 1, 1946; and

(c) The aggregate of the net sales for the calendar year 1946 of the members described in (b) which is attributable to the product or class of products described in (b) is 5 percent or less of the aggregate of the net sales of such members so attributable for the calendar year 1949.

(iii) The group shall be eligible to use the consolidated section 435 (e) average base period net income computed under paragraph (a) (65) (iv) of this section if it is eligible to use the consolidated section 435 (e) average base period net income computed under paragraph (a) (65) (i), (ii), or (iii) of this section, solely by reason of (ii) of this subparagraph, and if the aggregate of the consolidated section 433 (b) excess profits net income for the 12 months in the calendar year 1949 is not more than 25 percent of the aggregate of the consolidated section 433 (b) excess profits net income for the 12 months in the calendar year 1948.

(16) *Computations under section 435 (e).* For the purpose of computing the consolidated section 435 (e) average base period net income, and for the purpose of applying subparagraph (15) of this paragraph relating to eligibility requirements, the following rules shall apply:

(i) For the purpose of computing the consolidated section 433 (b) excess profits net income for any month, the excess profits net income determined under section 433 (b), or the deficit in excess profits net income determined under section 433 (c), as the case may be, of any member of the affiliated group—

(a) Shall be disregarded if such member did not commence business before the

beginning of the consolidated base period; and

(*b*) Shall be computed as if the group included only those members which commenced business before the beginning of the consolidated base period.

(ii) In computing as of the beginning of the consolidated base period, the aggregate of the total assets of the corporations described in subparagraph (15) (i) (A) of this paragraph—

(*a*) There shall be included the cash and property other than cash held by each such corporation for the purpose of the business;

(*b*) Such property shall be included in an amount equal to its adjusted basis for determining gain upon sale or exchange; and

(*c*) There shall be disregarded stock of one such corporation held by another such corporation.

(iii) The consolidated section 435 (e) average base period net income shall not exceed the sum of—

(*a*) If those members of the affiliated group which were members of the group on June 30, 1950, would be eligible to use the consolidated section 435 (e) average base period net income on the basis of a computation limited to those members only, an amount which would be the consolidated section 435 (e) average base period net income or the consolidated section 435 (d) average base period net income, whichever is higher, if computed with respect to the excess profits net income or deficit in excess profits net income of those members only;

(*b*) If those members of the group which were not members of the group on June 30, 1950, but which were affiliated with each other on that day, would be eligible to use the consolidated section 435 (e) average base period net income on the basis of a computation limited to those members only, an amount which would be the consolidated section 435 (e) average base period net income or the consolidated section 435 (d) average base period net income, whichever is the higher, if computed with respect to the excess profits net income or deficit in excess profits net income of those members only;

(*c*) In the case of each member of the affiliated group which was not affiliated with any other member of the group on June 30, 1950, and which would be eligible to use the average base period net income computed under section 435 (e) if a separate return were filed, the average base period net income under section 435 (e) or the average base period net income under section 435 (d), whichever is the higher, computed separately for such member but subject to the rules provided in § 24.31 (b) (2); and

(*d*) An amount which would be the consolidated section 435 (d) average base period net income if computed without regard to the excess profits net income or deficit in excess profits net income of any member of the group which is described in (*a*), (*b*), or (*c*) above, or which did not commence business before the beginning of the consolidated base period.

(17) *Computation of consolidated alternative average base period net income.* For the purpose of determining the consolidated alternative average base period net income, the following rules shall apply:

(i) In the application of section 442 (c), 442 (d), 443, 444, or 446, in the case of those members of the affiliated group which commenced business before the beginning of the consolidated base period and which were affiliated with each other at the close of the consolidated base period and at all subsequent times involved in the application of such section—

(*a*) Such section shall be applied to all such members as a unit;

(*b*) All computations involved shall be made on the basis of the aggregate of the items separately determined for each such member; and

(*c*) Such section shall be considered applicable to such members only if such application results in a lower excess profits tax on the affiliated group for the taxable year.

Example. In the case of such members, the requirement of section 443 (a) (2) would be met as to all such members if the aggregate of the gross income or net income of such members attributable to new products or services of one or more of such members constitutes, respectively, more than 40 percent of the aggregate of the gross income, or 33 percent of the aggregate of the net income, separately computed for such members.

(ii) Section 442, 443, 444, 445, or 446 shall be considered applicable to any member of the affiliated group other than a member described in (i) only if such section would be applicable to such member if it filed a separate return, and only if the application of such section to such member results in a lower excess profits tax of the group for the taxable year.

(iii) Section 442, 443, 444, 445, or 446 shall not be considered applicable to the members of the group described in (i) or to any member of the group described in (ii) unless a proper application therefor is filed under section 447.

(iv) In the case of a corporation which is a member of the affiliated group for only a part of the taxable year for which the excess profits credit is being computed, and to which section 442, 443, 444, 445, or 446 is applicable, the amount to be included with respect to such corporation in computing the consolidated alternative average base period net income for the purpose of the consolidated excess profits credit for such taxable year shall be limited to an amount which bears the same ratio to the amount which would be included if such corporation were a member of the group throughout the taxable year as the number of days in the taxable year for which the credit is being computed during which it was a member of the group (excluding the day on which it became a member) bears to the total number of days in such taxable year.

(18) *Base period capital addition in case consolidated alternative average base period net income is used.* If the consolidated average base period net income is the consolidated alternative average base period net income, the consolidated base period capital addition shall be computed as if the affiliated group did not include any member for which an amount computed under section 442 (d), 443, 444, 445, or 446 is included in consolidated alternative average base period net income, or for which a substitute excess profits net income computed under section 442 (c) is included in consolidated alternative excess profits net income for any month in the first excess profits tax taxable year of the group or in the two immediately preceding taxable years. In the case of any member of the group for which a substitute excess profits net income computed under section 442 (c) (1) was included in consolidated alternative excess profits net income for any month in the second taxable year preceding the first excess profits tax taxable year of the group, the consolidated base period capital addition computed under the preceding sentence shall be increased by an amount equal to the base period capital addition separately computed for such corporation under section 435 (f) (3) (C).

(19) *Net capital addition or reduction in case consolidated alternative average base period net income is used.* If the consolidated average base period net income is the consolidated alternative average base period net income, the consolidated net capital addition or reduction shall be computed as if the affiliated group did not include any member for which an amount computed under section 443 or section 445 is included in computing consolidated alternative average base period net income. The consolidated net capital addition or reduction so computed shall be properly increased or decreased, as the case may be, by the net capital addition or reduction separately computed for each such member.

(20) *Computations under section 443.* In the computation of the consolidated section 443 excess profits credit, the consolidated section 448 gross credit and the consolidated section 448 inadmissible asset adjustment, the following rules shall apply in the case of any member of the affiliated group described in section 448 (c) (1) (A), (c) (1) (B), (c) (2) or (c) (4), the corporate books of account of which are maintained in accordance with systems of accounts prescribed by an appropriate regulatory body or, if not so prescribed, are maintained in accordance with the uniform systems of accounts prescribed by the Federal Power Commission or the National Association of Railway and Utility Commissioners:

(i) The sum specified in paragraph (a) (85) of this section shall be computed without regard to any amount with respect to such member otherwise includible in such computation, and the sum so computed shall be increased or decreased, as the case may be, by an amount equal to—

(*a*) The sum of—

(*1*) The average outstanding common and preferred capital stock accounts for the taxable year plus the capital surplus and earned surplus accounts (or minus any deficits therein) at the beginning of the taxable year as properly recorded on the corporate books of account of such member, and

(2) The average borrowed capital of such member for the taxable year, minus

(*b*) The average for the taxable year of the amount, as properly recorded on the corporate books of account, of the stock of other members of the group held by such member.

(ii) For the purpose of computing the consolidated section 448 inadmissible asset adjustment, the amounts attributable to the assets of such member shall be determined according to the amounts properly recorded in its corporate books of account.

(iii) In the case of any such member which is a member of the group for only part of the taxable year, the amount referred to in (i) shall be reduced to an amount which is such part thereof as the number of days in the taxable year during which such corporation is a member of the group (excluding the day on which it became a member of the group) is of the total number of days in the taxable year.

(21) *Limitation on separate carry-overs or carry-backs of unused excess profits credit.* In no case shall there be included in the consolidated unused excess profits credit adjustment for the taxable year—

(i) As a consolidated unused excess profits credit carry-over under (a) (88) (ii) of this section, relating to the unused excess profits credit of a corporation for a year for which a separate return was filed or for which such corporation joined in a consolidated return filed by another affiliated group, and

(ii) As a consolidated unused excess profits credit carry-back under (a) (89) (ii) of this section, relating to the unused excess profits credit of a corporation for a year for which a separate return was filed or for which such corporation joined in a consolidated return filed by another affiliated group,

an amount in excess of the portions thereof which could have been availed of by such corporation as unused excess profits credit carry-overs and as a carry-back if a separate return had been filed for such taxable year, but with its net income computed subject to the provisions of subparagraph (1) (i) of paragraph (b) of this section.

(22) *Limitation on consolidated unused excess profits credit in case of liquidation, etc.* If any member of the affiliated group distributes during the taxable year substantially all of its assets in liquidation or completes the conversion of substantially all of its assets into assets not held in good faith for the purpose of the business, appropriate adjustment shall be made in the computation of the consolidated unused excess profits credit for such taxable year in accordance with section 432 (e) upon the basis of the portion of the consolidated unused excess profits credit attributable to such corporation.

(23) *Limitation on absorption of unused excess profits credit carry-overs.* In the computation of the consolidated unused excess profits credit adjustment for the taxable year, if there is involved an unused excess profits credit for a prior year of a corporation filing a separate return for such prior year or joining in a consolidated return for such prior year filed by another affiliated group, together with a consolidated unused excess profits credit, or if there are involved such separate unused excess profits credits of two or more members of the group, no portion of the consolidated adjusted excess profits net income for a consolidated return period of the group intervening between the year of the unused excess profits credit and the taxable year shall be taken into account more than once in giving effect to the provisions of (a) (88) (ii) of this section, relating to the computation of the consolidated unused excess profits credit carry-overs originating in separate return years.

(24) *Qualifications on excess profits credit where group membership changed after March 14, 1941.* In the case of an affiliated group formed at any time subsequent to March 14, 1941, or having among its members one or more subsidiaries which became members of the group subsequent to March 14, 1941, the consolidated excess profits credit for the taxable year shall be determined subject to the following qualifications:

(i) The portion of the consolidated excess profits credit otherwise allowable with respect to the common parent corporation and with respect to any subsidiaries which were members of the group on March 14, 1941, shall not exceed—

(*a*) The portion of the consolidated section 433 (a) excess profits net income for the taxable year attributable to such common parent corporation, in the case of a group formed subsequent to March 14, 1941, or

(*b*) In the case of a group formed prior to March 15, 1941, but having among its members in the taxable year one or more subsidiaries which became members of the group subsequent to March 14, 1941, the aggregate of the portion of the consolidated section 433 (a) excess profits net income for the taxable year attributable to the common parent corporation and to the several subsidiary corporations which were members of the group on March 14, 1941.

(*1*) The portion of the consolidated excess profits credit otherwise allowable with respect to a subsidiary corporation which became a member of the group subsequent to March 14, 1941, shall not exceed—

(*a*) The portion of the consolidated section 433 (a) excess profits net income for the taxable year attributable to such subsidiary corporation in the case in which such subsidiary corporation was not on March 14, 1941, a member of an affiliated group within the meaning of section 141, or

(*b*) If such subsidiary corporation was a member of an affiliated group on March 14, 1941, an amount which, together with that portion of the consolidated excess profits credit computed subject to the provisions of these regulations and attributable to other members of the group during the taxable year which were affiliated with such subsidiary corporation on March 14, 1941, within the meaning of section 141, does not exceed the aggregate of the portion of the consolidated section 433 (a) excess profits net income for the taxable year attributable to such subsidiary corporation and to such other members of the group.

(iii) The portion of the consolidated excess profits credit otherwise allowable for the taxable year which is disallowed pursuant to the provisions of (i) and (ii) shall be considered as an unused excess profits credit in respect of those members of the group by reference to which the amount of the credit disallowed under (i) and (ii) was determined, originating, for the purpose of the unused excess profits credit carry-back provisions, in a taxable year subsequent to the last taxable year in respect of which their income was included in a consolidated return, and, for the purpose of the unused excess profits credit carry-over provisions, in a taxable year prior to the first taxable year in respect of which their income was included in a consolidated return.

(iv) The provisions of subdivisions (i) and (ii) shall not apply with respect to the common parent corporation of an affiliated group formed subsequent to March 14, 1941, or to the common parent corporation or subsidiaries of a group in existence on March 14, 1941, acquiring new members subsequent to March 14, 1941, or with respect to subsidiaries becoming members of the group subsequent to March 14, 1941—

(*a*) If the group consists solely of the common parent corporation and one or more subsidiaries created, directly or indirectly, by the common parent corporation or by other members of the group;

(*b*) If, immediately after the corporation involved became a member of the group, common parent corporation or subsidiary, as the case may be, stock possessing at least 95 percent of the voting power of all classes of its stock then outstanding and at least 95 percent of each class of its nonvoting stock then outstanding is owned, directly or indirectly, by substantially the same interests by which such stock was owned on March 14, 1941;

(*c*) If the affiliated group involved was formed, or the new subsidiary became a member of the group, as an incident to an involuntary conversion or to a transfer made pursuant to an order of the Securities and Exchange Commission, the Federal Communications Commission, the Interstate Commerce Commission, or a similar regulatory body of State or Federal Government; or

(*d*) To the extent to which, upon consideration of the facts or circumstances presented by the particular case, the Commissioner determines that a consolidated excess profits credit computed with respect to the affiliated group but without regard to subdivisions (i) and (ii) will not serve to distort the excess profits tax liability of the group or of any of its members.

(*e*) If, upon consideration of the facts and circumstances presented by the particular case, the Commissioner determines that the general purpose of the provisions of subdivisions (i) and (ii) would be better served in a particular respect by adherence to a date subse-

quent to March 14, 1941, such subdivisions shall be administered in that respect as if the appropriate date determined by the Commissioner were substituted in such subdivisions in lieu of the date March 14, 1941.

(25) *Loss to group of investment in an affiliate.* In the case of a loss to one or more members of an affiliated group sustained during the taxable year as the result of the worthlessness of the investment of such members in another affiliate, whether such investment was reflected in the stock, bonds, or open account advances to such other affiliate—

(i) Such losses shall be taken into account in the computation of consolidated net income for the year of the loss in an amount not greater in the aggregate than the excess of the consolidated net income for such year computed without regard to any such loss over that portion of such consolidated net income so computed attributable to such other affiliate; and

(ii) The portion of any such loss otherwise allowable as a deduction for the taxable year which is disallowed pursuant to the provisions of (i) shall be considered as a consolidated net operating loss to be taken into account as a consolidated carry-back to the preceding taxable year and as consolidated carry-overs to succeeding taxable years, but in an amount not greater for any such year than the excess of the consolidated net income for such year, computed without regard to such carry-back or carry-over, as the case may be, over that portion of such consolidated net income so computed for such year attributable to such other affiliate.

(c) *Statements and schedules for subsidiaries.* The statement of gross income and deductions and the several schedules required by the instructions on the return must be prepared and filed by the common parent corporation in columnar form so that the details of the items of gross income, deductions, invested capital, and credits, for each member of the affiliated group, may be readily audited. Such statements and schedules shall include in columnar form a reconciliation of surplus for each such corporation, together with a reconciliation of the consolidated surplus. Consolidated balance sheets as of the beginning and close of the taxable year of the group, taken from the books of the members of the group, shall accompany the consolidated return prepared in a form similar to that required for reconciliation of surplus.

(d) *Net operating loss deduction, net operating loss credit, and dividend carry-over before or after consolidated return period.* The consolidated net operating loss (whether computed for the purpose of the deduction or the credit) of an affiliated group, or the unused consolidated basic surtax credit of such group, shall be used in computing the consolidated net operating loss deduction, the consolidated net operating loss credit, or the consolidated dividend carry-over, as the case may be, notwithstanding that one or more corporations, members of the group in the taxable year in which such loss or such unused basic surtax credit originates, make separate returns (or join in a consolidated return made by another affiliated group) for a subsequent taxable year (or, in the case of a carry-back computation, for the preceding taxable year), but only to the extent that such consolidated net operating loss or such unused consolidated basic surtax credit is not attributable to such corporations; and such portion of such consolidated net operating loss or such unused consolidated basic surtax credit as is attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent taxable year (or, in the case of a carry-back computation, for the preceding taxable year) shall be used by such corporations severally as carry-overs, or as carry-backs, in such separate returns, or in such consolidated returns, of the other affiliated group. Any unused basic surtax credit of a corporation separately produced for a year prior to a taxable year in respect of which its income is included in the consolidated return of the group shall be used in computing the dividend carry-over of such corporation (or the consolidated dividend carry-over of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in a consolidated return of another group, but only to the extent that such unused basic surtax credit was not absorbed in the computation of the consolidated dividends paid credit for the intervening consolidated return period. Any net operating loss separately sustained by a corporation prior to a first taxable year in respect of which its income is included in the consolidated return of the group (or, in the year immediately following a consolidated return year) shall be used in computing the net operating loss deduction of such corporation (or the consolidated net operating loss deduction of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in a consolidated return of another group, but only to the extent that such net operating loss was not absorbed (either as a carry-over or as a carry-back) in the computation of the consolidated net operating loss deduction for consolidated return periods.

(e) *Unused excess profits credit before or after consolidated return period.* The consolidated unused excess profits credit of an affiliated group shall be used in computing the consolidated unused excess profits credit adjustment notwithstanding that one or more corporations, members of the group in the taxable year in which such unused excess profits credit originates, make separate returns (or join in a consolidated return made by another affiliated group) for a subsequent taxable year (or, in the case of a carry-back computation, for the preceding taxable year), but only to the extent that such consolidated unused excess profits credit is not attributable to such corporations; and such portion of such consolidated unused excess profits credit as is attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent taxable year (or, in the case of a carry-back computation, for the preceding taxable year) shall be used by such corporations severally as carry-overs, or as carry-backs, in such separate returns, or in such consolidated return of the other affiliated group. Any unused excess profits credit of a corporation for a year prior to a taxable year in respect of which its income is included in the consolidated return of the group (or, for the year immediately following a consolidated return year) shall be used in computing the unused excess profits credit adjustment of such corporation (or the consolidated unused excess profits credit adjustment of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in a consolidated return of another group, but only to the extent that such unused excess profits credit was not absorbed (either as a carry-over or as a carry-back) in the computation of the consolidated unused excess profits credit adjustment for consolidated return periods.

(f) *Taxable year of less than 12 months.* Any period of less than 12 months for which either a separate return or a consolidated return is filed, under the provisions of § 24.13, shall be considered as a taxable year, and the excess profits net income or the consolidated section 433 (a) excess profits net income for such year, as the case may be, shall be placed on an annual basis pursuant to the provisions of section 433 (a) (2).

§ 24.32 *Method of computation of income for period of less than 12 months.* If a corporation, during the taxable year of the group, becomes a member or ceases to be a member of an affiliated group which makes or is required to make a consolidated return for such year, the income of such corporation to be included in the consolidated return shall be computed on the basis of its income as shown by its books if the accounts are so kept that the income for the period during which it is a member of the group can be clearly and accurately determined. If the accounts are not so kept, the income to be included in the consolidated return shall be computed on the basis of that proportion of its income (subject to the elimination of items exempt from taxation and the addition of items not allowable as deductions) for the full period covered by its books which the number of days for which its income is included in the consolidated return bears to the number of days in the full period covered by its books; but, in the discretion of the Commissioner, there may be eliminated before the proration is made items of income or deduction clearly and accurately determined to be attributable to particular periods, and, after the proration is made, such eliminated items will be added to (if items of income) or deducted from (if deductible items) the income determined by proration for the period to which such items are applicable. The credits allowable under sections 13 and 15 of the Code shall be given for the period to which they are properly applicable under the facts in the case.

§ 24.33 *Gain or loss from sale of stock, or bonds or other obligations.* Gain or loss from the sale or other disposition (whether or not during a consolidated return period), by a corporation which during any period of time has been a member of an affiliated group which makes or is required to make a consolidated return, of any share of stock or any bond or other obligation issued or incurred by another corporation which during any part of such period was a member of the same group, shall be determined, and the extent to which such gain or loss shall be recognized and shall be taken into account shall also be determined, in the same manner, to the same extent, and upon the same conditions as though such corporations had never been affiliated (see sections 111 to 115, inclusive, and section 117, and the regulations thereunder), except—

(a) In the case of a disposition (by sale, or in complete or partial liquidation not involving cash in an amount in excess of the adjusted basis of both the stock and the bonds and other indebtedness liquidated, or otherwise) during a consolidated return period to another member of the group (see §§ 24.31 and 24.37);

(b) That the basis for determining the gain or loss, in the case of shares of stock, or in the case of bonds or other obligations, held during any part of a consolidated return period, shall be determined in accordance with §§ 24.34 and 24.35; and

(c) As provided in § 24.36 (imposing certain limitations upon losses otherwise allowable upon sales of stock, or bonds or other obligations).

§ 24.34 *Sale of stock; basis for determining gain or loss*—(a) *Scope of section.* This section prescribes the basis for determining the gain or loss upon any sale or other disposition (hereinafter referred to as "sale") by a corporation which is (or has been) a member of an affiliated group which makes (or has made) a consolidated return for any taxable year, of any share of stock issued by another member of such group (whether issued before or during the period that it was a member of the group and whether issued before, during, or after the taxable year 1929), and held by the selling corporation during any part of a period for which a consolidated return is made or required under these regulations. For the basis in the case of a sale of bonds, see § 24.35.

(b) *Sales made while selling corporation is member of affiliated group.* If the sale is made within a period during which the selling corporation is a member of the affiliated group, whether or not during a consolidated return period, and whether or not, as a result of such sale, the issuing corporation ceases to be a member of the group, the basis shall be determined as follows:

(1) The aggregate bases of all shares of stock of the issuing corporation held by each member of the affiliated group (exclusive of the issuing corporation) immediately prior to the sale, shall be determined separately for each member of the group, and adjusted in accordance with the Code, but without regard to any adjustment under the last sentence of section 113 (a) (11) relating to losses of the issuing corporation sustained by such corporation after it became a member of the group.

(2) From the combined aggregate bases as determined in subparagraph (1) of this paragraph, there shall be deducted the sum of—

(i) All losses of such issuing corporation sustained during taxable years for which consolidated income tax returns were made or were required (whether the taxable year 1929 or any prior or subsequent taxable year) after such corporation became a member of the affiliated group and prior to the sale of the stock to the extent that such losses could not have been availed of by such corporation as net loss or net operating loss in computing its net income for such taxable years if it had made a separate return for each of such years,

(ii) With respect to each of such taxable years for which consolidated returns were made or were required both for income and for excess profits tax purposes, the excess, if any, of all losses of such issuing corporation for such year, properly adjusted in the computation of consolidated excess profits net income or consolidated section 433 (a) excess profits net income, over the amount of such losses for such year computed under subdivision (i) of this subparagraph to the extent that such excess could not have been availed of by such corporation as a net operating loss in computing its excess profits net income for such taxable years if it had made a separate return for each of such years, and

(iii) With respect to each of such taxable years for which consolidated returns were made or were required for excess profits tax purposes only, all losses of such issuing corporation for such year, properly adjusted in the computation of consolidated excess profits net income, to the extent that such losses could not have been availed of by such corporation as a net operating loss in computing its excess profits net income for such taxable years if it had made a separate excess profits tax return for each of such years,

reduced by any losses of the issuing corporation apportioned under this section to its stock sold or otherwise disposed of in a prior transaction, disregarding any transaction between members of the affiliated group during a consolidated income or excess profits tax return period which did not constitute a partial liquidation of the issuing corporation. For any taxable year in which the group sustained a consolidated loss not availed of in prior or subsequent years as a deduction under net loss or net operating loss provisions, the amount deducted under this subparagraph shall be further reduced by an amount equal to that proportion of such consolidated loss which the loss of the issuing corporation for the year in which such loss was sustained bears to the aggregate losses of the members of the group for such year.

(3) The sum of the aggregate bases of all shares of stock, after making the deduction under subparagraph (2) of this paragraph, shall then be apportioned among the members of the affiliated group which hold stock of the issuing corporation, by allocating to each such member that proportion of the sum of the aggregate bases so reduced which the aggregate basis of the stock in the issuing corporation held by such member bears to the sum of the aggregate bases.

(4) The aggregate basis as determined under subparagraph (3) of this paragraph for each member of the affiliated group shall then be equitably apportioned among the several classes of stock of the issuing corporation held by such member according to the circumstances of the case—ordinarily by allocating to each class of such stock that proportion of the aggregate basis which the basis of each class of such stock held by it at the time of the sale is to the sum of the bases of the several classes of such stock held by it.

(5) The basis of each share of stock of each class held by a member of the affiliated group shall then be determined by dividing the basis apportioned to such class under subparagraph (4) of this paragraph, by the total number of shares of such class held by it.

(c) *Sales after selling corporation has ceased to be member of affiliated group.* If the sale is made after the selling corporation has ceased to be a member of the affiliated group, such basis shall be determined in accordance with paragraph (b) of this section, except that—

(1) The aggregate basis (under paragraph (b) (1) of this section) shall be determined for all shares of the issuing corporation held by each member of the group immediately prior to the time the selling corporation ceased to be a member of the group (rather than immediately prior to the sale);

(2) The reduction (under paragraph (b) (2) of this section) with respect to losses apportioned to stock sold or otherwise disposed of in prior transactions shall be determined without regard to the transaction which terminated the affiliation and all subsequent transactions;

(3) The allocation (under paragraph (b) (3) of this section) shall be made to each member of the group which held stock of the issuing corporation immediately prior to the time the selling corporation ceased to be a member of the group (rather than to the members holding such stock at the time of the sale); and

(4) The basis of each share of stock held by the selling corporation (determined, as above, as of the time the selling corporation ceased to be a member of the group) shall then be adjusted in accordance with the Code (see, particularly, sections 111 to 115, inclusive) in order to determine the basis at the time of the sale.

(d) *Definition of "loss," "consolidated loss," and "net loss" or "net operating*

loss". As used in this section, the term "loss" means the excess over the gross income of the issuing corporation of the sum of its allowable deductions (not including any net loss or net operating loss deduction) plus the proportionate part properly attributable to such corporation of the credits relating to interest on certain Government obligations and dividends received allowable in computing consolidated normal-tax net income, the consolidated special class net income, or consolidated net income subject to tax; the term "consolidated loss" means the excess of the sum of the losses, separately computed, over the sum of the normal-tax net income, the special class net income, or the net income subject to tax, separately computed, of the several members of the affiliated group, determined in accordance with the provisions of the Code, or the Revenue Act, and pursuant to the provisions of consolidated returns regulations, applicable to the period; and the term "net loss" or "net operating loss" means the net loss or net operating loss, as the case may be, determined in accordance with the provisions of the Code, or the Revenue Act, and pursuant to the provisions of consolidated returns regulations, applicable to the period.

§ 24.35 *Sale of bonds or other obligations; basis for determining gain or loss.* In the case of a sale or other disposition by a corporation, which is (or has been) a member of an affiliated group which makes (or has made) a consolidated income tax or excess profits tax return for any taxable year, of bonds or other obligations issued or incurred by another member of such group (whether or not issued or incurred while it was a member of the group and whether issued or incurred before, during, or after the taxable year 1929) and held by the selling corporation during any part of a period for which a consolidated return is made or required under these regulations, the basis of each bond or obligation, for determining the gain or loss upon such sale or other disposition, determined in accordance with the Code, but without regard to any adjustment under the last sentence of section 113 (a) (11), shall be decreased (except as otherwise provided in this section) by the excess, if any, of the aggregate of the deductions computed under paragraph (b) (2) or (c) of § 24.34 over the sum of the aggregate bases of the stock of the debtor corporation as computed under paragraph (b) (1) or (c) of § 24.34, as the case may be, held by the members of the group. The adjustment with respect to so much of such deductions as is based upon losses sustained during the taxable year 1929 and subsequent taxable years for which the last day prescribed by law for the filing of the return fell on or before March 1, 1945 (the date on which Treasury Decision 5441 was filed with the Division of the Federal Register), and availed of on consolidated returns filed for such years shall be made only in those cases in which the sales or other disposition of such bonds or other obligations resulted in a loss. See, also, § 24.40, relating to disallowance of loss upon intercompany bad debts.

§ 24.36 *Limitation on allowable losses on sale of stock, or bonds or other obligations*—(a) *General rule.* No loss shall be allowed under § 24.33, § 24.34, or § 24.35 upon the sale or other disposition of stock or bonds or obligations to the extent that such loss is attributable to (1) transfers of assets within the affiliated group (by sale, gift, or otherwise) without consideration or at markedly fictitious values, during the period in which the corporations were affiliated (whether or not a consolidated return was made), or (2) a distribution during a period in which the corporations were affiliated of earnings or profits accumulated prior to the date upon which the distributing corporation became a member of the group.

(b) *Qualification of general rule.* Paragraph (a) of this section shall not be considered as in any way limiting the operation of the provisions of the Code relating to the basis for determining gain or loss upon the sale or other disposition of property (see sections 111 to 115, inclusive), but as being in amplification of and not in substitution for such provisions; subject, however, to this qualification: that to the extent that the transfers of assets referred to in paragraph (a) of this section are taken into account under the terms of the Code in making adjustments in the basis, such transfers will not be taken into account in denying losses under paragraph (a) of this section.

§ 24.37 *Liquidations; recognition of gain or loss*—(a) *During consolidated return period.* (1) Gain or loss shall not be recognized upon a distribution during a consolidated return period, by a member of an affiliated group to another member of such group, in cancellation or redemption of all or any portion of its stock, except—

(i) Where such distribution is in complete liquidation and redemption of all of its stock (whether in one distribution or a series) and of its bonds and other indebtedness, if any, and falls without the provisions of section 112 (b) (6), and is the result of a bona fide termination of the business and operations of such member of the group, in which case the adjustments specified in §§ 24.34 and 24.35 shall be made, and § 24.36 shall be applicable; or

(ii) Where such a distribution without the provisions of section 112 (b) (6) is one made in cash in an amount in excess of the adjusted basis of the stock, and bonds and other indebtedness, in which case gain shall be recognized to the extent of such excess.

(2) When the business and operations of the liquidated member of the affiliated group are continued by another member of the group, it shall not be considered a bona fide termination of the business and operations of the liquidated member. With respect to the acquisition of its bonds by the issuing company, see § 24.41 (b).

(3) For the purpose of determining whether an affiliated corporation receiving property in a liquidating distribution qualifies under the provisions of section 112 (b) (6) (A), the aggregate amount of the stock of the liquidated corporation owned by the several members of the affiliated group on the date of the adoption of the plan of liquidation and at all times subsequent thereto and prior to the receipt of the property in liquidation shall be considered as owned by the distributee.

(b) *After consolidated return period.* In case any such distribution is made after a consolidated return period, whether in complete or partial liquidation, except a complete liquidation within the provisions of section 112 (b) (6), with respect to stock and with respect to bonds, debentures, notes, certificates, and other indebtedness of the liquidated corporation acquired prior to or during any taxable year subsequent to 1928 for which a consolidated income or excess profits tax return was filed, the adjustments specified in §§ 24.34 and 24.35 shall be made, and § 24.36 will be applicable.

§ 24.38 *Basis of property*—(a) *General rule.* Subject to the provisions of paragraphs (b) and (c) of this section and except as otherwise provided in §§ 24.34 and 24.39, the basis during a consolidated return period for determining the gain or loss from the sale or other disposition of property, or upon which exhaustion, wear and tear, obsolescence, amortization, and depletion are to be allowed, shall be determined and adjusted in the same manner as if the corporations were not affiliated (see sections 111 to 115, inclusive), whether such property was acquired before or during a consolidated return period. Except as otherwise provided in § 24.39, such basis immediately after a consolidated return period (whether the affiliation has been broken or whether the privilege of making a consolidated return is not exercised) shall be the same as immediately prior to the close of such period.

(b) *Intercompany transactions.* The basis prescribed in paragraph (a) of this section shall not be affected by reason of a transfer during a consolidated return period, other than upon liquidation as provided in paragraph (c) of this section (whether by sale, gift, dividend, or otherwise) from a member of the affiliated group to another member of such group.

(c) *Basis after liquidation.* (1) Where property is acquired upon a distribution described in § 24.37 (a) in which gain or loss is recognized to the distributee, the basis of such property shall be its fair market value at date of acquisition.

(2) Where property is acquired upon a distribution in which gain or loss to the distributee is not recognized pursuant to the provisions of section 112 (b) (6), the basis of such property shall be the same as it would be in the hands of the transferor.

(3) Where property is acquired upon a distribution (not a complete liquidation within the provisions of section 112 (b) (6)) in which gain or loss to the distributee is not recognized as provided in

§ 24.37 (a), the basis of such property shall be the same as the basis (determined in accordance with sections 111 to 115, inclusive, and §§ 24.34 and 24.35) of the stock and the bonds and other obligations exchanged therefor, adjusted for—

(i) The transfer of assets within the affiliated group by the distributing corporation (by sale, gift, or otherwise) without consideration or at markedly fictitious values, during the period for which the corporations were affiliated (whether or not a consolidated return was made);

(ii) Distributions during a period in which the corporations were affiliated of earnings or profits accumulated prior to the date upon which the distributing corporation became a member of the group; and

(iii) Cash received in the distribution.

(4) Where property was acquired upon a distribution in which gain or loss to the distributee was recognized pursuant to the provisions of section 112 (b) (7), or the corresponding provisions of the Revenue Act of 1938, the basis of such property shall be the same as the basis (determined in accordance with sections 111 to 115, inclusive, and § 24.34) of the stock exchange therefor, adjusted for—

(i) The transfer of assets within the affiliated group by the distributing corporation (by sale, gift, or otherwise) without consideration or at markedly fictitious values, during the period for which the corporations were affiliated (whether or not a consolidated return was made);

(ii) Distribution during a consolidated return period of earnings or profits accumulated prior to the date upon which the distributing corporation became a member of the group;

(iii) Cash received in the distribution; and

(iv) The amount of gain recognized to the distributee in the liquidation.

(d) *Basis not affected by acquisition or sale of stock.* Neither the acquisition of stock of a corporation nor its sale or other disposition shall affect the basis of the property of such corporation for determining gain or loss or upon which exhaustion, wear and tear, obsolescence, amortization, and depletion are to be allowed.

§ 24.39 *Inventories*—(a) *Consolidated return for first year of affiliation.* If the income of an affiliated corporation is included in a consolidated return for the period immediately following the date upon which such corporation became a member of the affiliated group, the value of its opening inventory to be used in computing the consolidated net income shall be the proper value of the closing inventory used in computing its net income for the preceding taxable year.

(b) *Consolidated return after separate return by affiliates.* If a corporation which is a member of the affiliated group for the first consolidated return period was a member of the group in the preceding taxable year, the value of its opening inventory to be used in computing the consolidated net income for the first consolidated return period shall be the proper value of the closing inventory used in computing its net income for the preceding taxable year decreased in the amount of profits or increased in the amount of losses reflected in such inventory which arose in transactions between members of the affiliated group and which have not been realized by the group through final transactions with persons other than members of the group.

(c) *Separate returns made after consolidated returns.* If a corporation which was a member of an affiliated group in a consolidated return period makes or is required to make a separate return for the succeeding taxable year, the value of its opening inventory to be used in computing its net income for such succeeding taxable year shall be the proper value of its closing inventory used in computing consolidated net income for the last consolidated return period increased in the amount of profits or decreased in the amount of losses eliminated in the computation of such inventory as profits or losses arising in transactions between members of the affiliated group, but in an amount not exceeding, in the case of profits, either the amount of profits arising from such intercompany transactions reflected in the closing inventory of such corporation for such succeeding taxable year or the amount of such intercompany profits eliminated from its opening inventory for its first consolidated return period pursuant to the provisions of paragraph (b) of this section, and not exceeding, in the case of losses, either the amount of losses arising from intercompany transactions reflected in the closing inventory for such corporation for such succeeding taxable year or the amount of such intercompany losses eliminated from its opening inventory for its first consolidated return period pursuant to the provisions of paragraph (b) of this section.

(d) *Years in consolidated base period, etc.* For each of the years in the consolidated recent loss period, in the consolidated base period, or in any other period involved in the computation of the consolidated average base period net income, proper adjustment with respect to unrealized profits or losses in transactions between members of the affiliated group (including any component corporation of any such member as defined in section 461) which were affiliated with each other during such year shall be made in the opening and closing inventories of each such affiliated corporation.

§ 24.40 *Bad debts*—(a) *Deduction during consolidated return period.* No deduction shall be allowed during a consolidated return period to any member of the affiliated group on account of worthlessness in whole or in part of any obligation (including accounts receivable, bonds, notes, debts, and claims of whatsoever nature) of any other corporation which was a member of the group as of the last day of the taxable year or which was liquidated by the group during such year, except as a loss resulting from a bona fide termination of the business and operations of such other corporation, whether in liquidation or otherwise, in which case the loss shall be computed subject to the adjustments specified in § 24.35, and the provisions of § 24.36 shall be applicable.

(b) *Limitation of allowance after consolidated return period.* With respect to obligations (including accounts receivable) of a member of an affiliated group acquired in any way by another member of the group prior to or during any taxable year subsequent to 1928 for which a consolidated income or excess profits tax return was filed, the adjustments prescribed with respect to the allowance of losses upon the sale of bonds shall be applicable to the allowance of any bad debt deduction for any period subsequent to the consolidated return period. See § 24.35.

§ 24.41 *Sale and retirement by corporation of its bonds*—(a) *Issued at discount or premium.* If a corporation which during any taxable year has been a member of an affiliated group which makes or is required to make a consolidated return, has issued its bonds at a discount or premium (whether or not during a consolidated return period), deduction will be allowed for the amortization of the discount, and income included for the amortization of the premium, in the same manner, to the same extent, and upon the same conditions as if the corporation had never been affiliated, except that no deduction for amortization of discount shall be allowed, and no income shall be included for amortization of premium, during a period for which a consolidated return is made, on bonds of one member of the group owned by another member of the group.

(b) *Acquisition of bonds by issuing company.* If a corporation which has been a member of an affiliated group which makes or is required to make a consolidated return, acquires its bonds (whether or not from another member of such group and whether or not during a consolidated return period), gain or loss shall be recognized in the same manner, to the same extent, and upon the same conditions as if the corporation had never been affiliated, except that, if such bonds are acquired from another member of the group during a consolidated return period, and in a transaction other than a distribution in a liquidation in which gain or loss to the distributee is recognized pursuant to § 24.37 (a), in determining the gain or loss to the issuing company from such acquisition, the basis thereof to such other member of the group shall be deemed the purchase price.

§ 24.42 *Capital loss limitations and carry-over.* (a) The provisions of sections 23 (g) and (k), 117 (d), (e), and (j), 122 (d), and 204 (c) (5), with respect to gains and losses from sales or exchanges of capital assets shall be applied, in respect of such gains and losses sustained during a consolidated return period as if the affiliated group were the taxpayer.

(b) With respect to a net capital loss sustained by a corporation in a taxable year prior to the first consolidated return period in respect of which its income is included in a consolidated

return, such loss (in an amount not in excess of the net capital gain of such corporation for succeeding consolidated return periods) shall, for the purposes of section 117 (e), relating to net capital loss carry-overs, be treated as if such net capital loss had been sustained by the affiliated group.

(c) A consolidated net capital loss of an affiliated group for a consolidated return period shall be considered as a consolidated short-term capital loss in subsequent consolidated return periods notwithstanding that one or more corporations, members of the group in the taxable year in which such loss was sustained, make separate returns for subsequent taxable years (or join in a consolidated return made by another affiliated group), but only to the extent that such consolidated net capital loss is not attributable to such corporations; and such portion of such consolidated net capital loss as is attributable to the several corporations making separate returns (or joining in a consolidated return made by another affiliated group) for a subsequent taxable year shall be considered as a short-term capital loss in such separate returns, or in such consolidated return of the other affiliated group, but only to the extent that such portion of such consolidated net capital loss was not absorbed in intervening taxable years by net capital gains, consolidated or separate, as the case may be. Any net capital loss sustained by a corporation prior to the first taxable year in respect of which its income is included in the consolidated return shall be considered as a short-term capital loss in the separate return of such corporation (or the consolidated return of another affiliated group of which it becomes a member) for a subsequent taxable year for which it makes a separate return or joins in a consolidated return of another group, but only to the extent that such net capital loss was not absorbed in intervening taxable years by net capital gains, consolidated or separate, as the case may be.

§ 24.43 *Credit for foreign taxes.* The credit allowed to an affiliated group for taxes paid or accrued during the consolidated return period to any foreign country or to any possession of the United States (under section 131) shall be computed and allowed as if the affiliated group were the taxpayer, and as if the aggregate taxes paid by the several members of the group and the credits allowed with respect to such payments were payments made by and credits allowed to the group.

§ 24.44 *Methods of accounting*—(a) *In general.* All members of the affiliated group shall adopt that method of accounting which clearly reflects the consolidated net income. A method of accounting which does not treat with reasonable consistency all items of gross income and deductions of the various members of the group shall not be regarded as clearly reflecting the consolidated net income. For example, one member of the group will not be permitted to report items of income or deductions on the cash method of accounting, while another member of the same group reports the same or similar items on the accrual method. The provisions of this paragraph are subject to the exceptions stated in paragraph (b) of this section.

(b) *Combination of methods.* If the members of an affiliated group have established different methods of accounting, each member may retain such method with the consent of the Commissioner, provided that the consolidated net income and the consolidated section 433 (a) excess profits net income are clearly reflected: *And provided further,* That intercompany transactions affecting such consolidated items shall be eliminated, and adjustments on account of such transactions shall be made with reference to a uniform method of accounting to be selected by the members of the group with the consent of the Commissioner.

(c) *Change to accrual method.* In the case of a corporation which previously has reported its income (whether in a separate or a consolidated return) in accordance with a method other than the accrual method and is required under this section to report its income for the taxable year under the accrual method, items of income which accrued prior to the taxable year but were properly omitted in the determination of net income under the method of accounting formerly followed shall be included in the income for the taxable year of the change in accounting method, and items of income which were properly included in the determination of net income under the method of accounting formerly followed shall not be included in the income for the taxable year of the change or any subsequent year. In such a case, deductions which accrued prior to the taxable year but which were properly omitted in the determination of net income under the method of accounting formerly followed shall be allowed for the taxable year of the change in accounting method, and deductions which were properly included in the determination of net income under the method of accounting formerly followed shall not be allowed in the determination of net income for the taxable year of the change or any subsequent year.

[F. R. Doc. 51-5348; Filed, May 7, 1951; 8:54 a. m.]

[26 CFR, Part 411]

PAYMENT OF EMPLOYERS' TAX AND EMPLOYEES' TAX UNDER THE RAILROAD RETIREMENT TAX ACT

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO USE OF FEDERAL RESERVE BANKS AND AUTHORIZED COMMERCIAL BANKS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 1535 and 3791 of the Internal Revenue Code (53 Stat. 183, 467; 26 U. S. C. 1535, 3791).

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Regulations 114 (26 CFR Part 411) are hereby amended as follows:

PARAGRAPH 1. Immediately preceding § 411.601, the row of asterisks following the provisions of paragraph (1) of section 3310 (f) of the Internal Revenue Code, added by Treasury Decision 5794, approved July 6, 1950, is striken, and the following provisions of law, being paragraph (2) of such section 3310 (f), are inserted in lieu thereof:

(2) *Use of Government depositaries.* The Secretary may authorize Federal Reserve banks, and incorporated banks or trust companies which are depositaries or financial agents of the United States, to receive any tax imposed by this title, in such manner, at such times, and under such conditions as he may prescribe; and he shall prescribe the manner, times, and conditions under which the receipt of such tax by such banks and trust companies is to be treated as payment of such tax to the collector.

PAR. 2. Immediately after § 411.606, the following new section is inserted:

§ 411.606a *Use of Federal Reserve banks and authorized commercial banks in connection with payment of employers' tax and employees' tax with respect to compensation paid on or after July 1, 1951*—(a) *In general.* If the amount of employees' tax deducted during a calendar month after June 30, 1951, plus the amount of employers' tax imposed for such month, exceeds $100 in the case of an employer, it will be the duty of such employer to deposit the aggregate amount of such taxes with a Federal Reserve bank. The employer, at his election, may forward the remittance to a commercial bank authorized by the Secretary of the Treasury to accept remittances of the aforementioned taxes for transmission to a Federal Reserve bank. If a portion of the aforementioned taxes for a calendar month is reportable under § 411.601 on the return on Form CT-1 for the tax-return period immediately preceding such month, it will be the duty of the employer to deposit such portion in the same manner as if it were for the last calendar month in such tax-return period, except that no deposit shall be made for a calendar month prior to July 1, 1951.

(b) *Procedure.* The deposit of the taxes for the first or second calendar month of a tax-return period shall be made on or before the fifteenth day after the close of the month for which the deposit is made. The deposit of the taxes for the third calendar month of a tax-return period shall be made on or before the last day of the first calendar month following the close of such period. Each deposit shall be accompanied by a Railroad Retirement Deposi-

tary Receipt (Form 515), which shall be prepared in accordance with the instructions applicable thereto. After the Federal Reserve bank has validated the depositary receipt, such depositary receipt will be returned to the employer. Every employer making deposits pursuant to this section shall attach to his return on Form CT-1 for the tax-return period with respect to which such deposits are made, in part or full payment of the taxes shown thereon, depositary receipts so validated. If the taxes due for such tax-return period exceed the aggregate amount of the depositary receipts so attached, the employer shall pay to the collector the balance due. If the aggregate amount of such depositary receipts exceeds such taxes, a credit or refund may be obtained; and in the event a credit is taken on the return on Form CT-1 for a subsequent quarter, the employer shall reduce the amount of the deposit otherwise required under paragraph (a) of this section for one of the months of such subsequent quarter by the amount of such credit.

(c) *Procurement of prescribed form.* Initially, Form 515, Railroad Retirement Depositary Receipt, will so far as possible be furnished the employer by the collector. An employer not supplied with the proper form should make application therefor to the collector in ample time to have such form available for use in making his initial deposit within the time prescribed in this section. Thereafter a blank form will be sent to the employer by the Federal Reserve bank when returning the validated depositary receipt. An employer may secure additional forms from a Federal Reserve bank by applying therefor and advising the bank of the identification number to be shown on his depositary receipts. The identification number to be shown by an employer on each depositary receipt should be the same as the identification number required to be shown by the employer on each quarterly return, Form 941, to be filed with the collector pursuant to Regulations 116 (26 CFR Part 405), relating to the collection of income tax at source on wages. The address of the employer, as shown on each depositary receipt, should be the address to which the receipt should be returned following validation by the Federal Reserve bank.

[F. R. Doc. 51-5318; Filed, May 7, 1951; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 986]

HANDLING OF HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO AND OF HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

MINIMUM STANDARDS OF QUALITY

Notice is hereby given that the Department is considering the issuance of the proposal herein set forth in accordance with the provisions of Marketing Agreement No. 107 and Order No. 86, regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States (7 CFR Part 986), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should forward the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., in sufficient time to be received not later than the close of business on the thirtieth day after publication of this notice in the FEDERAL REGISTER.

The Hop Control Board, the administrative agency established pursuant to the provisions of the aforesaid marketing agreement and order, at a meeting in San Francisco on July 21-22, 1950, by unanimous resolution, requested action by the Secretary to change the minimum standards of quality for hops from 15 percent to 10 percent leaf and stem content. Pursuant to advice from the Department that additional evidence in regard to the desirability of changing the minimum standards would be necessary before a proposed rule could be issued, the Board on December 29, 1950, invited hop growers, dealers, and brewers to submit written evidence during January 1951 to the Department as to the propriety or impropriety of a change in the minimum standards. The Department received 130 statements from brewers and hop dealers favoring the change recommended by the Board in regard to minimum standards. Only one communication in opposition to the recommended change was received. Evidence submitted was generally to the effect that excessive leaf and stem content of hops imparts a harsh or bitter flavor to the fermented malt beverage produced, and hops with more than 10 percent leaf and stem content are therefore unacceptable to brewers; that fermented malt beverage produced with such hops are unacceptable to the public; and that hops with more than 10 percent leaf and stem content in some instances have clogged valves and otherwise interfered with brewing operations, making it difficult to obtain a uniform product.

A report of the Grain Branch, Production and Marketing Administration, United States Department of Agriculture, which operates the inspection service on hops, shows the average leaf and stem content for hops of the 1946, 1947, 1948, 1949, and 1950 crops, respectively, was as follows: 6.05 percent, 6.42 percent, 5.75 percent, 3.91 percent, and 3.9 percent. For the five years indicated, 4.5 percent, 8.1 percent, 1.4 percent, 0.2 percent, and 0.1 percent, of the respective crops contained leaves and stems in excess of 10 percent.

The proposal is as follows:

(a) The initial standards and requirements in § 986.5 (a) (2) of Marketing Agreement No. 107 and Order No. 86 (14 F. R. 3660) shall be superseded at 12:01 a. m., P. s. t. August 1, 1951, in respect to hops of the 1951 and subsequent crops, by the standards of quality and requirements set forth in (b) hereof.

(b) *Standards of quality and requirements.* Until such time as other standards and requirements are prescribed under this section, no hops of the 1951 and subsequent crops shall be deemed merchantable or entitled to certification which contain more than 10 percent by weight of leaves and stems as defined in § 986.5 (a) (1) of said agreement and order and as determined by the Federal-State inspection service.

Issued at Washington, D. C., this 2d day of May 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-5324; Filed, May 7, 1951; 8:54 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR, Part 612]

AERONAUTICAL FIXED COMMUNICATIONS

NOTICE OF PROPOSED RULE MAKING

Part 612 was published on August 25, 1950, in 15 F. R. 5701. Notice is hereby given that adoption of the following revision of that part is contemplated. All interested persons who desire to submit written data, views, or arguments for consideration by the Administrator of Civil Aeronautics in connection with the proposed revision shall send them to the Civil Aeronautics Administration, Office of Federal Airways, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

PART 612—AERONAUTICAL FIXED COMMUNICATIONS

Sec.
612.1 Basis and purpose.
612.2 Acceptability of messages.
612.3 Assessment of fees.
612.4 Methods of payment.
612.5 Priority of transmission.

AUTHORITY: §§ 612.1 to 612.5 issued under sec. 205, 52 Stat. 984, as amended, sec. 10, 62 Stat. 453; 49 U. S. C. and Sup., 425, 1159. Interpret or apply secs. 201, 202, 52 Stat. 985, sec. 606, 56 Stat. 1067; 49 U. S. C. 451, 452, 5 U. S. C. 606.

§ 612.1 *Basis and purpose.* The purpose of this part is to prescribe the types of messages pertaining to international or overseas aircraft operations which will be accepted for transmission by CAA communications stations and the fees which will be assessed for the transmission of certain types of these messages on an interim basis pending the results of the studies now in progress by the International Civil Aviation Organization and International Telecommunications Union with respect to Resolutions 8 and 11 of the International Telegraph Regulations, Paris 1949 Revision. The basis for the part is found in sections 301 and 302 of the Civil Aeronautics Act of 1938, as amended, and section 10 of the International Aviation Facilities Act of 1948.

§ 612.2 *Acceptability of messages.* (a) CAA Overseas Foreign Aeronautical

Communications Stations and CAA Interstate Airway Communications Stations located in territory (including Alaska) outside the continental United States, will accept for transmission messages regarding international or overseas operations where such messages are of the following types:

(1) Messages which concern an aircraft, ship, other vehicle, or person, that is in danger and requires immediate assistance.

(2) Air traffic control messages.

(3) Aircraft movement messages.

(4) Messages of immediate safety concern to an aircraft in flight or about to depart.

(5) Meteorological messages exchanged between meteorological offices or ones which request or contain meteorological observations.

(6) Notices to airmen.

(7) Messages concerning public aircraft.

(8) Messages dealing with the operation of air navigation facilities.

(9) Messages exchanged between public officials connected with civil aviation.

(10) Messages which contain data necessary for weight and balance computation with regard to specific flights.

(11) Messages concerning changes in aircraft operating schedules to become effective within 72 hours after the message is filed.

(12) Messages concerning the servicing of aircraft, or concerning parts or materials required for aircraft, when the aircraft is actually in flight or is scheduled for flight within 48 hours.

(13) Messages concerning non-routine landings to be made by aircraft actually in flight.

(14) Messages concerning the preflight arrangement of air navigation services, and operational servicing for non-scheduled or irregular operations of aircraft, filed within 48 hours of proposed time of departure.

(15) Reservation messages originated by an airline operating agency to secure space required in a public transport aircraft scheduled to depart within 72 hours after the message is filed.

(b) CAA Interstate Airway Communications Stations located within the continental United States (excluding Alaska) will accept for transmission messages regarding international or overseas operations where such messages are of the types listed in paragraph (a) (1) through (9) of this section.

(c) Where adequate non-government communication facilities are not available, CAA Overseas Foreign Aeronautical Communications Stations, and CAA Interstate Airway Communications Stations located in territory (including Alaska) outside the continental United States, will accept messages originated by an airline operating agency where such messages relate to international or overseas operations and contain matter concerning the following:

(1) Messages concerning changes in aircraft operating schedules to become effective more than 72 hours after the message is filed.

(2) Messages concerning the servicing of aircraft, or concerning parts or materials required for aircraft, when the aircraft is not actually in flight or is not scheduled for flight within 48 hours.

(3) Messages concerning the preflight arrangement of air navigation services, and operational servicing for non-scheduled or irregular operations of aircraft, filed more than 48 hours prior to the proposed time of departure.

(4) Reservation messages originated by an airline operating agency to secure space required in a public transport aircraft scheduled to depart more than 72 hours after the message is filed.

(5) Parts, equipment or supplies required for other than aircraft or air navigation, communication and other essential ground facilities.

(6) Train reservations or hotel accommodations for passengers or agency personnel.

(7) Lost baggage or personal effects.

(8) Tickets or cargo shipments or payment therefore.

(9) Inquiries relative to passenger whereabouts and cargo receipt or delivery.

(10) New or revised passenger or cargo rates.

(11) Crew assignments and similar operations personnel matters to become effective within seven days after the time of the message.

(12) Post-flight reports for routine record purposes.

(13) Publicity messages and special handling of dignitaries.

§ 612.3 *Assessment of Fees.* No fee shall be assessed for the transmission of a message which is of a type or types specified in § 612.2 (a) (1) through (14) or (b). A separate fee shall be assessed for the transmission to each addressee of a message which contains, in whole or in part, matter related to any of that described in § 612.2 (a) 15 or (c).

Transmission of such a message to an addressee may in some cases consist of receipt of the message from a non-CAA communications station and the forwarding of that message without additional use of the CAA communications system. Only one fee per addressee shall be assessed regardless of the number of CAA communications stations through which the message may be sent. Each fee shall be computed on the basis of one dollar ($1.00) for each twenty words or portion thereof contained in the text and signature of the message. If delivery of the message involves refiling with a non-CAA communications facility, such refiling will be accomplished on a "Collect" basis at no additional cost to nor assumption of liability by the CAA. Local telecommunication facilities required for the acceptance or delivery of messages will be provided by the user without expense to the CAA.

NOTE: The Internal Revenue Code provides that there shall be imposed on the amount paid within the states of the United States, the Territories of Alaska and Hawaii, and the District of Columbia, for each telegraph, cable, or radio dispatch or message, a tax equal to (a) twenty-five per cent of the amount so paid, or (b) ten percent of the amount so paid in the case of an international communication. (Sec. 3797 (a) (9), 53 Stat. 469, Sec. 3465 (a) (1) (B). 56 Stat. 975, Sec. 1650, 58 Stat. 61; 26 U. S. C. 3797, 3465, 1650.)

§ 612.4 *Methods of payment.* Fees shall be paid in United States dollars to the CAA official in charge of the communications station first transmitting or receiving the message. Deferred payment of fees shall be permitted only where prior written arrangements have been made for such payment on a periodic basis. Such arrangements may be made with the CAA Regional Administrator having jurisdiction over the CAA communications station first transmitting or receiving the message.

§ 612.5 *Priority of transmission.* The aeronautical messages of the types stated in § 612.2 (a) (1) through (14) shall have priority over messages containing matter described in § 612.2 (a) (15) and (c).

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-5366; Filed, May 7, 1951; 8:55 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WYOMING

STOCK DRIVEWAY WITHDRAWAL NO. 188, WYOMING NO. 31, MODIFIED

MAY 2, 1951.

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865), as amended by the act of January 29, 1929 (45 Stat. 1144; 43 U. S. C. 300), and in section 7 of the act of June 28, 1934 (48 Stat. 1272), as amended by the act of June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315f) and in accordance with Departmental Order No. 2583, section 2.22 (a) of August 16, 1950 (15 F. R. 5643), it is ordered as follows:

The following-described public lands in Wyoming are hereby classified as necessary and suitable for the purpose and, excepting any mineral deposits therein, are withdrawn from all disposal under the public-land laws and reserved, subject to valid existing rights, for the use of the general public as an addition to Stock Driveway Withdrawal No. 188, Wyoming No. 31:

SIXTH PRINCIPAL MERIDIAN

T. 35 N., R. 84 E.,
Sec. 32, N½NE¼ and SE¼NE¼;
Sec. 33, SW¼NW¼.

The areas described aggregate 160 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

The order of the Assistant Secretary of the Interior, dated July 6, 1944, which modified Stock Driveway Withdrawal No. 188, Wyoming No. 31, is hereby revoked as to the following-described land:

SIXTH PRINCIPAL MERIDIAN

T. 35 N., R. 84 W.,
Sec. 19, NE¼NW¼.

The area described contains 40 acres.

This revocation is made in furtherance of an exchange under section 8 of the said act of June 28, 1934, as amended, by which the offered land will by this order become a part of Stock Driveway Withdrawal No. 188. This action is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, granting preference rights to veterans of World War II and others.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 51-5284; Filed, May 7, 1951; 8:47 a. m.]

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. [illegible] 3

MAY 2, 1951.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. sec. 214), and in accordance with Departmental Order No. 2583, section 2.22 (a) of August 16, 1950 (15 F. R. 5643), it is ordered as follows:

Subject to valid existing rights, the public lands within the following-described area in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 268:

Beginning at a point marked by a wooden hub on the east bank of Koyukuk River approximately five miles upstream from Bettles Village at approximate latitude 66°54' N., longitude 151 31' W., thence by metes and bounds:

S. 57 47'45" E., 3,101.56 feet;
S. 32°12'15" W., 7,999.15 feet;
N. 57 49'00" W., 2,238.80 feet;
S. 32°10'00" W., 6,299.86 feet;
N. 57 50'00" W., 1,700.00 feet;
N. 32 10'00" E., 6,300.00 feet;
N. 57 48'30" W., 1,940.98 feet;
N. 32°12'00" E., 5,180.00 feet to a point on the east bank of Koyukuk River. Thence by meanders of the river,
S. 50 20'15" E., 253.05 feet;
S. 72 46'00" E., 671.95 feet;
S. 80 31'30" E., 426.80 feet;
N. 86 50'15" E., 464.58 feet;
N. 76 12'45" E., 491.35 feet;
N. 71 44'45" E., 442.27 feet;
N. 58 07'15" E., 420.05 feet;
N. 52°34'30" E., 728.85 feet;
N. 43°12'15" E., 500.57 feet to point of beginning.

The tract described contains approximately 1,195.00 acres.

It is intended that the above-described lands shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 51-5285; Filed, May 7, 1951; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Allen Overall Co., Inc., Monroe, N. C., effective 4-28-51 to 4-27-52; for normal labor turnover, 10 percent of productive factory workers or 10 learners, whichever is greater (men's work pants and coveralls).

Allentown Manufacturing Corp., 21 South Jordan Street, Allentown, Pa., effective 4-27-51 to 4-26-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's and boys' polo shirts).

Alvabelle, Inc., Broad Street, Montgomery, Pa., effective 5-1-51 to 4-30-52; 10 percent for normal labor turnover (cotton dresses).

Angelica Uniform Co., Winfield, Mo., effective 5-1-51 to 4-30-52; 10 percent for normal labor turnover (men's washable service apparel).

Angelica Uniform Co., Winfield, Mo., effective 5-1-51 to 10-30-51; 15 learners for expansion purposes only (men's washable service apparel).

Avril Garments, Inc., 59 Second Avenue, Bayshore, Suffolk County, Long Island, N. Y., effective 5-3-51 to 11-2-51; for expansion purposes, 20 learners to be engaged in the production of dresses and blouses only (dresses and blouses).

Blue Jeans Corp. of Vermont, Brattleboro, Vt., effective 4-26-51 to 10-25-51; 20 learners for expansion purposes (cotton dungarees and slacks).

Burlington Garment Co., Inc., 127½ College Street, Burlington, Vt., effective 4-26-51 to 4-25-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (children's dresses, sunsuits and blouses).

Burlington Garment Co., Inc., 127½ College Street, Burlington, Vt., effective 4-26-51 to 10-25-51; 10 learners for expansion purposes (children's dresses, sunsuits and blouses).

The Carlisle Garment Co., 44 North Bedford Street, Carlisle, Pa., effective 5-1-51 to 4-30-52; 10 learners for normal labor turnover (children's low-priced dresses).

Cindy Clayton, Inc., 815 Washington Avenue, St. Louis, Mo., effective 5-1-51 to 9-27-51; five learners for normal labor turnover (dresses).

Cotton City Wash Frocks, Inc., 52 Twelfth Street, Fall River, Mass., effective 5-1-51 to 4-30-52; 10 percent for normal labor turnover (women's and misses' cotton dresses).

Cotton Products, Inc., Hamlet, N. C., effective 5-1-51 to 4-30-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (cotton and rayon housecoats; cotton dresses).

Cowden Manufacturing Co., 420 East Main Street, Springfield, Ky., effective 5-1-51 to 4-30-52; 10 percent for normal labor turnover (denim dungarees).

Dido Dresses, 75 Kneeland Street, Boston, Mass., effective 4-27-51 to 4-26-52; five learners for normal labor turnover (dresses).

Downing Garments, Inc., 110 Downing Street, Plymouth, Pa., effective 5-1-51 to 4-30-52; 10 percent for normal labor turnover (ladies' dresses).

Ecru Manufacturing Co., Ecru, Miss., effective 5-1-51 to 4-30-52; 10 percent for normal labor turnover (men's and boys' cotton work shirts).

Exeter Fashions, Inc., 1131 Wyoming Avenue, Exeter, Pa., effective 5-1-51 to 4-30-52; 10 learners for normal labor turnover (ladies' rayon and cotton dresses).

Exquisite Form Brassiere Co., Inc., 541 Wyoming Avenue, Scranton, Pa., effective 4-30-51 to 10-29-51; 15 learners for expansion purposes (brassieres).

Wm. F. Fretz & Son, Doylestown, Pa., effective 5-1-51 to 4-30-52; 10 learners for normal labor turnover (men's pants).

Wm. F. Fretz & Son, Pipersville, Pa., effective 5-1-51 to 4-30-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's pants).

O. K. Gray, Manufacturer, 115 North Fisk Street, Brownwood, Tex., effective 5-1-51 to 11-6-51; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's and boys' shirts and jackets) (replacement certificate).

Honesdale Manufacturing Co., Honesdale, Pa., effective 5-4-51 to 5-3-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (women's dresses).

Hollywood Maxwell Co., 407 Main Street, Arkadelphia, Ark., effective 5-4-51 to 5-3-52; 10 percent for normal labor turnover (brassieres).

Johnson Garment Co., East High Street, Belding, Mich., effective 4-27-51 to 4-26-52; for normal labor turnover, 10 percent or five learners, whichever is greater (women's and children's coats made of blanket-type wool).

Nathan Kimelman, 496 Race St., Philadelphia, Pa., effective 4-27-51 to 4-26-52; 5 learners for normal labor turnover (blouses and cotton dresses).

Little Star Frocks, Inc., Walnut and Orchard Streets, Bridgeton, N. J., effective 5-4-51 to 5-3-52; 10 percent for normal labor turnover (children's dresses).

Loungeray, Inc., Canal Street, Hollidaysburg, Pa., effective 5-1-51 to 10-31-51; 25 learners for expansion purposes (ladies' negligees, pajamas and robes).

Luzerne Sportswear, Inc., 421 North Pennsylvania Avenue, Wilkes-Barre, Pa., effective 5-1-51 to 4-30-52; 10 percent for normal labor turnover (cotton shirts for U. S. Army).

Majestic Manufacturing Co., Inc., 260 Central Avenue SW., Atlanta, Ga., effective 4-28-51 to 4-27-52; 10 percent for normal labor turnover (ladies' and misses' cotton dresses).

Mode O'Day Corp., 146 Southwest Temple, Salt Lake City, Utah, effective 5-2-51 to 5-1-52; 10 percent for normal labor turnover (women's house dresses).

Mode O'Day Corp., 146 Southwest Temple, Salt Lake City, Utah, effective 5-2-51 to 11-1-51; 10 learners for expansion purposes (women's house dresses).

National Pants Co., First Avenue, Beaver Falls, Pa., effective 5-1-51 to 4-30-52; 10 percent for normal labor turnover (men's and boys' pants).

Perry Manufacturing Co., 225 East Sycamore Street, Greensboro, N. C., effective 5-1-51 to 4-30-52; 10 learners for normal labor turnover (cotton woven pajamas, shorts and dresses).

Pontotoc Manufacturing Co., Pontotoc, Miss., effective 5-1-51 to 4-30-52; 10 percent for normal labor turnover (men's and boys' cotton work shirts).

Primo Pants Co., Versailles, Mo., effective 5-3-51 to 11-2-51; 20 learners for expansion purposes (men's and boys' pants).

Ro-Lu-Ben Co., Inc., Sanitaria Springs, N. Y., effective 5-1-51 to 10-31-51; 23 learners for expansion purposes (dresses).

Seamprufe, Inc., McAlester, Okla., effective 5-4-51 to 11-3-51; an additional 75 learners for expansion purposes only (slips and lingerie).

Sharon Manufacturing Co., New Sharon, Iowa, effective 5-1-51 to 4-30-52; for normal labor turnover, 10 percent of productive factory workers or three learners, whichever is greater (men's and boys' work clothing).

Jules I. Simon & Co., Frankfort, Ind., effective 4-27-51 to 4-26-52; 10 percent for normal labor turnover (pants, overalls, coveralls, shirts, etc).

Smoky Mountain Fabrics, 306 Patton Avenue, Asheville, N. C., effective 5-1-51 to 10-31-51; 15 learners for expansion purposes (men's and boys' shirts).

Sprite Manufacturing Co., East Broad and Patterson Streets, Tamaqua, Pa., effective 5-1-51 to 10-31-51; 15 learners for expansion purposes only (ladies' sleeping wear).

The Standard Garment Co., 2283 Fulton Street, Toledo, Ohio, effective 5-4-51 to 5-3-52; 5 learners for normal labor turnover (cotton service apparel).

States Nitewear Manufacturing Co., Inc., 90 Hatch Street, New Bedford, Mass., effective 5-1-51 to 4-30-52; 10 percent for normal labor turnover (ladies' cotton night gowns and pajamas).

States Nitewear Manufacturing Co., Inc., 90 Hatch Street, New Bedford, Mass., effective 5-1-51 to 10-31-51; 10 learners for expansion purposes (ladies' cotton night gowns and pajamas).

Steward Manufacturing Co., Inc., 63 Central Avenue, Ossining, N. Y., effective 5-1-51 to 4-30-52; 10 percent for normal labor turnover (women's dresses and sportswear).

A. Tuchinsky, 306 Market Street, Philadelphia, Pa., effective 5-4-51 to 5-3-52; for normal labor turnover, 10 percent of productive factory workers or five learners, whichever is greater (women's cotton dresses).

Zulick's Underwear Mill, Rear 128 Center Avenue, Schuylkill Haven, Pa., effective 5-1-51 to 4-30-52; five learners for normal labor turnover (polo shirts, creepers, cardigans and blouses).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Kiddie Glove Corp., Plainfield, N. J., effective 4-23-51 to 4-22-52; five learners for normal labor turnover.

Tennessee Glove Co., Inc., Tullahoma, Tenn., effective 4-29-51 to 10-28-51; six learners for expansion purposes.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Hunter Hosiery, Inc., 65 Court Street, Laconia, N. H., effective 4-25-51 to 4-24-52; five learners for normal labor turnover.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Argo Knitting Mills, Inc., Auburn, Pa., effective 5-1-51 to 4-30-52; five learners for normal labor turnover.

Century Mills, Riverside, N. J., effective 4-30-51 to 10-29-51; 20 learners for expansion purposes only.

Scottsboro Knitting Mill, Inc., Scottsboro, Ala., effective 4-25-51 to 4-24-52; three learners for normal labor turnover.

Sprite Manufacturing Co., East Broad and Patterson Streets, Tamaqua, Pa., effective 5-1-51 to 10-31-51; 10 learners for expansion purposes only.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Chicago-Aurora Tailoring Co., Inc., 195 North Farnsworth Avenue, Aurora, Ill., effective 5-1-51 to 4-30-52; 7 percent for normal labor turnover, for the manufacture of men's clothing only; machine operating (except cutting), pressers, and handsewers each 480 hours; 60 cents per hour for first 240 hours and 65 cents per hour for remaining 240 hours (men's and women's custom tailoring).

Deshler Broom Factory, Deshler, Nebr., effective 4-30-51 to 10-29-51; 10 percent for normal labor turnover; broom and whisk winder, corn sorter, and sewing machine operator each 320 hours, 60 cents per hour (brooms and whisk brooms).

Tiedright Tie Co., Asheboro, N. C., effective 4-24-51 to 4-23-52; three learners for normal labor turnover; machine operating (except cutting), pressers, and handsewers each 320 hours, 60 cents per hour (men's and boys' neckties).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 1st day of May 1951.

VERL E. ROBERTS,
Authorized Representative of the Administrator.

[F. R. Doc. 51-5286; Filed, May 7, 1951; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. M-29]

PONCE CEMENT CORP.

NOTICE OF POSTPONEMENT OF HEARING ON APPLICATION TO BAREBOAT CHARTER A GOVERNMENT-OWNED, WAR-BUILT, DRY-CARGO VESSEL

Hearing in this proceeding, which was scheduled to be held on May 8, 1951, is hereby postponed to a date to be set after consideration of a request of Ponce Cement Corporation to amend its application herein.

By order of the Federal Maritime Board.

Dated: May 3, 1951.

[SEAL] R. L. MCDONALD,
Assistant Secretary.

[F. R. Doc. 51-5317; Filed, May 7, 1951; 8:52 a. m.]

[Docket No. M-29]

PONCE CEMENT CORP.

NOTICE OF HEARING ON AMENDED APPLICATION TO BAREBOAT CHARTER A GOVERNMENT-OWNED, WAR-BUILT, DRY-CARGO VESSEL

Hearing in this proceeding, which was postponed upon the filing of a request of Ponce Cement Corporation to amend its application to bareboat charter a Liberty-type vessel for use in its cement trade between ports in Puerto Rico and Florida by extending the trading limits to include the Caribbean area and the North Atlantic Coast of South America, will be held upon the amended application in Room 4823, Department of Commerce Building, Washington, D. C., before Examiner F. J. Horan, beginning at 10 o'clock a. m., e. d. s. t., May 11, 1951.

Dated: May 4, 1951.

By order of the Federal Maritime Board.

[SEAL] R. L. MCDONALD,
Assistant Secretary.

[F. R. Doc. 51-5364; Filed, May 7, 1951; 8:55 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 3, Supp 1]

DIVISION AND REGIONAL COUNSELS

REDELEGATION OF AUTHORITY TO ISSUE OFFICIAL INTERPRETATIONS

By virtue of the authority vested in me as Chief Counsel, Office of Price Stabilization, by Delegation of Authority No. 3 of the Director of Price Stabilization (16 F. R. 3595), this delegation of authority is hereby issued.

1. Authority is hereby delegated to any Division Counsel in the Office of the Chief Counsel of the Office of Price Stabilization, or to any Regional Counsel or Acting Regional Counsel, or to any District Counsel or Acting District Counsel to issue official interpretations of regulations or orders relating to price controls or to allocations with the same force and effect as if issued by the Chief Counsel.

2. Any official interpretation may be revoked or modified by the issuing official. In addition, an official interpretation issued by a District Counsel may be revoked or modified by the Regional Counsel for such region, or by any official in the National Office who is authorized to issue official interpretations. An official interpretation issued by a Regional Counsel may also be revoked or modified by any official in the National Office who is authorized to issue official interpretations.

3. This delegation of authority shall take effect May 5, 1951.

HAROLD LEVENTHAL,
Chief Counsel,
Office of Price Stabilization.

MAY 4, 1951.

[F. R. Doc. 51-5361; Filed, May 4, 1951; 12:10 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9692]

ST. JOSEPH VALLEY BROADCASTING CORP. (WJVA)

ORDER CONTINUING HEARING

In re application of St. Joseph Valley Broadcasting Corporation (WJVA), South Bend, Indiana, for renewal of license; Docket No. 9692, File No. BP-1877.

The Commission having under consideration a motion, filed by the applicant herein on April 26, 1951, requesting a continuance of the hearing presently scheduled for May 1, 1951 at South Bend, Indiana; and

It appearing, that the purpose of the requested continuance is to allow the applicant time in which to secure Commission consideration of a Petition for Consolidation and Enlargement of the Issues herein; and

It further appearing, that counsel for the Commission has informally waived the notice and time of filing requirements of § 1.745, and that this order conforms to the decision tentatively arrived at in a Prehearing Conference held on April 25, 1951; and

It further appearing, that a grant of the motion will facilitate the clarification of the issues upon which this application is to be heard and will thus conduce to the orderly dispatch of the Commission's business and to the ends of justice; now therefore,

It is ordered, This 27th day of April 1951, that the motion for continuance is granted, and the hearing on the above-entitled matter is continued to a date to be fixed by further order herein.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary

[F. R. Doc. 51-5363; Filed, May 7, 1951; 8:55 a. m.]

[Docket No. 9926]

WAYNE M. NELSON (WHIP)

ORDER CONTINUING HEARING

In re application of Wayne M. Nelson (WHIP), Mooresville, North Carolina, for construction permit; Docket No. 9926, File No. BP-7835.

The Commission having under consideration a petition filed on April 25, 1951, on behalf of Wayne M. Nelson requesting that the hearing herein, presently scheduled for May 11, 1951, be continued for a period of approximately sixty days; and

It appearing, that Commission counsel has waived the four-day requirement of § 1.745 of the Commission's rules and regulations so as to permit immediate consideration of said petition, and has consented to a grant thereof; and good cause having been shown therefor:

It is ordered, This twenty-seventh day of April 1951, that the petition of Wayne M. Nelson for a continuance is hereby granted and the hearing herein is hereby continued to July 11, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5307; Filed, May 7, 1951; 8:50 a. m.]

[Docket No. 9955]

EDWARD A. ELLIS

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of Edward A. Ellis, applications for amateur radio station and operator licenses; Docket No. 9955.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of April 1951;

The Commission having under consideration the applications of Edward A. Ellis for a new amateur radio operator and amateur station license; and the Commission also having under consideration the records and files relating to amateur operator and station licenses heretofore issued to the said Edward A. Ellis;

It appearing, that the said records and files contain numerous complaints regarding the conduct of the applicant and the manner in which he operated the amateur radio station or stations heretofore licensed to him by the Commission;

It further appearing, that, in view of the aforementioned complaints, the Commission is unable to find that a grant of the applications now under consideration would serve public interest, convenience, or necessity;

It is ordered, That, pursuant to authority vested in the Commission by the provisions of section 303 (l) and 309 of the Communications Act of 1934, as amended, the above-entitled applications are hereby designated for hearing (at a time and place to be specified in a subsequent order of the Commission) upon the following issues:

1. To determine whether, in view of the applicant's past record as an amateur radio operator, his character is such as to qualify him to operate a new amateur radio station;

2. To determine the purposes for which the proposed radio station will be used and whether the operation of the station will be in accordance with the rules, regulations, laws, and treaties governing amateur radio stations.

3. To determine, in the light of the evidence adduced under the foregoing issues, whether public interest, convenience, or necessity would be served by grant of the application.

It is further ordered, That a copy of this order be transmitted by registered mail, return receipt requested, to Edward A. Ellis, 22 Beals Street, Brookline, Massachusetts.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5304; Filed, May 7, 1951; 8:50 a. m.]

[Docket Nos. 9956, 9957]

BRAZOSPORT BROADCASTING CO. AND BRAZORIA BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Kelly Bell and J. C. Stallings, d/b as Brazosport Broadcasting Company, Freeport, Texas, Docket No. 9956, File No. BP-7910; King H. Robinson and Wayne E. Marcy, d/b as Brazoria Broadcasting Company, Freeport, Texas, Docket No. 9957, File No. BP-8042; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of April 1951;

The Commission having under consideration the above-entitled applications requesting simultaneous adjacent channel operation in the same city (Freeport, Texas); the Brazosport Broadcasting Company to be operated on the frequency 1490 kilocycles, 250 watts power, unlimited time and the Brazoria Broadcasting Company to be operated on the frequency 1460 kilocycles, 500 watts power, daytime only;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on June 18, 1951, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant partnerships and their partners to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5305; Filed, May 7, 1951; 8:50 a. m.]

[Designation Order 57]

DESIGNATION OF MOTIONS COMMISSIONER FOR MAY 1951

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of April 1951:

It is ordered, Pursuant to section 0.111 of the Statement of Delegations of Authority, that George E. Sterling, Commissioner, is hereby designated as Motions Commissioner for the month of May 1951.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5306; Filed, May 7, 1951; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1598, G-1606, G-1620]

ARKANSAS LOUISIANA GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

MAY 2, 1951.

In the matters of Arkansas Louisiana Gas Company, Docket No. G-1598; United Natural Gas Company, and The Sylvania Corporation, Docket No. G-1606; Pennsylvania Gas Company, Docket No. G-1620.

Notice is hereby given that, on May 2, 1951, the Federal Power Commission issued its findings and orders entered May 1, 1951, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5273; Filed, May 7, 1951; 8:46 a. m.]

[Docket No. G-1656]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

MAY 1, 1951.

Take notice that on April 6, 1951, Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal place of business at 416 West Third Street, Owensboro, Kentucky, filed an application for a certificate of convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a sales metering station near Leland, Mississippi, for the sale and delivery of natural gas to Mississippi Power & Light Company for resale to ultimate consumers thru lateral lines and distribution systems to be constructed by the Deer Creek Natural Gas District (stated on information to be a public corporation formed by several municipalities).

Applicant proposes to sell natural gas to Mississippi Power & Light Company on a firm basis pursuant to a Service Agreement dated March 27, 1951. Estimated daily requirements of the systems to be served are stated to be: 594 Mcf during the first year of operations and increasing to 829 Mcf during the fifth year of operations.

The estimated capital cost of the proposed facilities is $5,116.44, which will be paid for out of funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 21st day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5269; Filed, May 7, 1951; 8:45 a. m.]

[Docket No. G-1657]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

MAY 1, 1951.

Take notice that on April 6, 1951, Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal place of business at 416 West Third Street, Owensboro, Kentucky, filed an application for a certificate of convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a sales metering station at the junction of Applicant's 26-inch natural gas line near Frandenburg, Kentucky, and the lateral line constructed to the Mathieson Hydrocarbon Chemical Corporation (Mathieson) plant located at Brandenburg, Kentucky, from the meter station site.

Applicant proposes to sell to Mathieson a new direct industrial customer, on an interruptible basis, natural gas in volumes not to exceed 6,000 Mcf daily under the terms of a Service Agreement between the parties dated November 9, 1950.

The estimated capital cost of the proposed facilities is $6,500.00, which will be paid for out of funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 21st day of May, 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5270; Filed, May 7, 1951; 8:45 a. m.]

[Docket No. G-1673]

REPUBLIC LIGHT, HEAT AND POWER CO., INC.

NOTICE OF APPLICATION

MAY 1, 1951.

Take notice that Republic Light, Heat and Power Company, Inc. (Applicant), a New York corporation with its principal place of business at Buffalo, New York, filed an application on April 18, 1951, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a compressor station near Caledonia, New York, consisting of one 165 hp. gas engine driven compressor unit, and appurtenant facilities.

Applicant states that the described facilities will increase the volumes of natural gas being supplied its Ontario District through purchases from New York State Natural Gas Corporation. The proposed 150 hp. unit will handle a maximum of 2,500 Mcf daily with a suction pressure of 100 psi and a discharge pressure of 278 psi.

Estimated over-all cost of the facilities in $35,000.00 which will be paid for from current funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 21st day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5272; Filed, May 7, 1951; 8:46 a. m.]

[Docket No. G-1676]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

MAY 1, 1951.

Take notice that Southern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Watts Building, Birmingham, Alabama, filed on April 23, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities described as follows:

(1) A new 4,050 hp. compressor station and appurtenances to be located in the Gwinville gas field, Jefferson Davis County, Mississippi.

(2) A new 8,400 hp. compressor station and appurtenances to be located at Enterprise, Clarke County, Mississippi.

(3) A new 7,000 hp. compressor station and appurtenances to be located at Gallion, Hale County, Alabama.

(4) Approximately 20 miles of 8⅝ inch pipeline extending from a point near Applicant's Perryville compressor station to the Millhaven gas field, Ouachita Parish, Louisiana.

(5) Approximately 33 miles of 24-inch triple loop line extending from a point on the discharge side of the Perryville compressor station to the Pioneer header in West Carroll Parish, Louisiana, together with an 860 feet crossing of the Boeuf River, consisting of four 12¾-inch pipelines.

(6) Approximately 7 miles of 24-inch triple loop line between the discharge side of the Onward compressor station and the east bank of the Little Sun Flower River in Sharkey County, Mississippi.

(7) Approximately 1,070 feet of 12¾-inch pipeline and 1,070 of 18-inch pipeline connecting the suction and discharge headers of McConnell compressor station to Applicant's line at a point north of McConnell's station.

(8) Approximately 108 miles of 14-inch line, including crossings at Ocmulgee, Oconee and Savannah Rivers, from Bass Junction to Augusta, Georgia, to replace a 10¾-inch pipeline of approximately the same length previously authorized by the Federal Power Commission in Docket No. G-1308.

(9) Appropriate line taps, meter stations, and pressure regulating and appurtenant facilities for the delivery and sale of natural gas to the following communities: Deer Creek Natural Gas District (FPC Docket No. G-1632), Raleigh, and Mize, Mississippi; Bren and Centerville, Fayette, Greensboro, Albertville, Newbern, Hanceville, Fort Payne, and Rainbow City, Alabama; Austell and Powder Springs, Bowdon, Dallas, Dalton, Summerville, Trion, Fort Valley, Thomson, and Villa Rica, Georgia.

If this application is approved, Applicant will not construct the following facilities previously authorized by the Federal Power Commission in Docket No. G-1308:

(1) 21 miles of 24-inch triple loop between the Perryville station and Pioneer junction.

(2) 14.4 miles of 24-inch triple loop between the Onward compressor station and the Big Sunflower River.

(3) Compressors of 4,000 hp. at the Onward station.

(4) Compressors of 2,600 hp. at the Pickens station.

Upon completion of all the facilities described above, the total maximum daily delivery capacity of Applicant's system will be approximately 670,000 Mcf. The proposed additional delivery capacity is to meet the increased requirements of Applicant's present market, to supply the requirements of certain other customers to whom service has been authorized or directed as more fully set forth in Federal Power Docket Nos. G-1463, G-1308, and G-1435, and also to provide service to the additional communities named above.

The estimated approximate total over-all capital cost of the facilities proposed to be constructed is $13,641,000. Applicant proposes to provide interim financing of the cost of construction of the facilities to be completed in 1951 through bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 21st day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5271; Filed, May 7, 1951; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26065]

LIME FROM LE MOYNE, OHIO, TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MAY 3, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4180.

Commodities involved: Lime, common, hydrated, quick or slaked, carloads.

From: Le Moyne, Ohio.

To: Points in southern territory.

Grounds for relief: Circuitous routes, to maintain grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. C. Schuldt's tariff I. C. C. No. 4180, Supp. 14.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-5291; Filed, May 7, 1951; 8:49 a. m.]

[4th Sec. Application 26066]

CHLORINATED CAMPHENE FROM BRUNSWICK, GA., TO ELSMERE, COLO.

APPLICATION FOR RELIEF

MAY 3, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1172.

Commodities involved: Chlorinated camphene, carloads.

From: Brunswick, Ga.

To: Elsmere, Colo.

Grounds for relief: Circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1172, Supp. 44.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-5292; Filed, May 7, 1951; 8:49 a. m.]

[4th Sec. Application 26067]

PHOSPHATE ROCK FROM FLORIDA TO GADSDEN, ALA.

APPLICATION FOR RELIEF

MAY 3, 1951.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company and Louisville and Nashville Railroad Company.

Commodities involved: Phosphate rock, carloads.

From: Mines in Florida.

To: Gadsden, Ala.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: ACL RR. tariff I. C. C. No. B-3232, Supp. 37.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5293; Filed, May 7, 1951; 8:49 a. m.]

[4th Sec. Application 26068]

PHOSPHATE ROCK FROM FLORIDA TO POINTS IN TENNESSEE

APPLICATION FOR RELIEF

MAY 3, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company and other carriers named in the application.

Commodities involved: Phosphate rock, carloads.

From: Mines in Florida.

To: Jackson, Bells and Humboldt, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: ACL RR. tariff I. C. C. No. B-3232, Supp. 37. SAL RR. tariff I. C. C. No. A-8153, Supp. 36.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5298; Filed, May 7, 1951; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2935]

UTAH POWER & LIGHT CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of April A. D. 1951.

Utah Power & Light Company ("Utah Power"), a registered holding company, having filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 with respect to the following proposed transactions:

Utah Power proposes to purchase from the Village of Arco, Idaho ("Arco"), a municipal corporation existing under the laws of the State of Idaho, the electrical distribution lines and facilities owned by Arco for a cash consideration of $70,000 and also proposes to purchase from Arco for a cash consideration of $30,000, a transmission line owned by Arco. In addition, Utah Power will pay Arco the actual net cost of additions to the property made between January 31, 1950, and the date of the transfer.

Said application having been filed on March 19, 1951; notice of said filing having been given in the manner prescribed by Rule U-23 under said act; the Commission having received a request from Lost River Electric Cooperative, Inc. ("Lost River") that it be permitted to intervene to oppose said application and that a hearing be held thereon; the Commission having given an opportunity to Lost River to submit an offer of proof setting forth the facts and matters which Lost River might expect to show if a hearing should be held; the Commission having also invited the views of the Village of Arco and the Idaho Public Utilities Commission; and

Lost River having submitted an offer of proof stating in substance that if a hearing were held it would offer evidence tending to show that it has offered a larger price for the distribution system than that offered by Utah Power; that its service, if it purchased the property, would be superior to service by Utah Power; that if it purchased the property it would be able to extend service to some 43 potential customers who otherwise would not be served; and that if Lost River purchased the property it would obtain the benefits of low-cost hydro power not available to Utah Power; and

The Idaho Public Utilities Commission having advised this Commission that in its judgment the proposed sale of the property to Utah Power is in the public interest; and

The Commission having fully considered the offer of proof submitted by Lost River, and having considered the views of the Idaho Public Utilities Commission and various communications, statements and representations submitted by members of The Board of Trustees of the Village of Arco, by various residents of the area and by Utah Power; and

The Commission having concluded that under the limitations of its statutory jurisdiction the statements set forth in the offer of proof of Lost River, assuming that they were fully supported by facts in evidence at a hearing, would not warrant the Commission, under the standards of the act, in disapproving the application of Utah Power to acquire the Arco properties, and having therefore concluded that the request for a hearing and for intervention by Lost River should be denied and the application of Utah Power granted;

The Commission finding with respect to the application of Utah Power that all of the applicable statutory standards are satisfied and that there is no basis for any adverse findings, and deeming it appropriate in the public interest and in the interests of investors and consumers that said application be granted;

It is hereby ordered, That the requests by Lost River Electric Cooperative, Inc., that it be permitted to intervene in this matter and that the Commission direct the holding of a hearing on the application of Utah Power herein be and the same hereby are denied.

It is further ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application of Utah Power be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5287; Filed, May 7, 1951; 8:48 a. m.]

[File No. 70-2809]

LONG ISLAND LIGHTING CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of May A. D. 1951.

Long Island Lighting Company ("Long Island"), an operating public utility company and formerly a public utility holding company, which is registered as a public utility holding company, having filed an application-declaration, as amended, pursuant to the Public Utility Holding Company Act of 1935 ("act") regarding the following transactions:

Long Island proposes to issue 524,949 additional shares of its common stock without par value pursuant to a subscription rights offering to its common stockholders of record at the close of business on May 2, 1951 at the rate of one share of new common stock for each six shares held, at the price of $13.00 per share. The subscription rights, which are to be issued on the basis of one right for each share held, are to be evidenced by warrants. No fractional shares will be issued in exchange for rights. The warrants provide the persons subscribing for stock may direct the subscription agent to purchase additional rights required to complete a full share subscription or to sell rights in excess of full share subscriptions. In each case, the purchase or sale is to be at the company's expense, but may not exceed five rights for any single stockholder. Long Island also proposes to offer to its employees a non-transferable privilege to subscribe, at the subscription price, for the shares of the new common stock not issued upon the exercise of the rights to subscribe. This employee right of purchase is to be limited to a maximum of 200 shares for each employee. Such shares as remain after subscription by the stockholders and employees are to be available to stockholders under an over-subscription privilege of the warrants.

While the offer of shares of common stock will not be underwritten, Long Island, to facilitate the common stock offering, proposes to obtain the assistance of security dealers and to pay certain fees for their services. After requesting six investment banking houses to make proposals to act as Dealer Manager, Long Island selected Blyth & Co., Inc. as the Dealer Manager to form and manage a group of security dealers who are members of the National Association of Security Dealers. The base fee of Blyth & Co., Inc. is to be $4,000, in addition to which it is to be reimbursed for its reasonable out-of-pocket expenses including counsel fees.

Participating dealers (including Blyth & Co., Inc.) will receive from the Company 20 cents a share for each share of common stock delivered upon the exercise of rights where the name of the dealer appears upon the face of the warrant (or where the Company is satisfied that such fees should be paid). Such dealers will also receive 35 cents for each share of common stock purchased by the participating dealer from Blyth & Co., Inc., and resold in sales or national exchanges at prices of not less than the subscription price and not more than the last sale or offering price, whichever is greater, of the common stock in the previous session of the New York Stock Exchange plus an amount equivalent to the New York Stock Exchange commission on such sale. The amount payable on account of the subscription of any one stockholder is to be limited to $300 irrespective of the number of shares subscribed, but this limitation is not to apply to payments for shares issued on over-subscriptions. Blyth & Co., Inc. may purchase and exercise rights and sell to dealers the shares of common stock received therefrom.

The Public Service Commission of the State of New York has issued an order authorizing the proposed issuance and sale of common stock by Long Island.

Notice of the filing of this application-declaration, as amended, having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act and the Commission not having received a request for a hearing and not having ordered a hearing thereon; and

The Commission finding with respect to this application-declaration, as amended, that the applicable statutory standards are satisfied, that it is not necessary to impose any terms and conditions other than those set forth below, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective, subject to a reservation of jurisdiction over certain fees and expenses as hereinafter provided, and deeming it further appropriate to grant the request of Long Island that the Commission's order herein become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that this application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the reservation of jurisdiction with respect to the payment of the fees and expenses of counsel for the Dealer Manager and the expenses of the Dealer Manager incurred, or to be incurred, in connection with the consummation of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5289; Filed, May 7, 1951; 8:48 a. m.]

[File No. 812-723]

NATIONAL AVIATION CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 2d day of May A. D. 1951.

Notice is hereby given that National Aviation Corporation (Applicant) has filed an application pursuant to sections 10 (f) and 17 (b) of the Investment Company Act of 1940 for an order granting exemption from the provisions of sections 10 (f) and 17 (a) of said act so as to permit Applicant to purchase from Hornblower & Weeks not more than $200,000 principal amount of Twelve Year 4½ Percent Convertible Debentures proposed to be issued by Mid-Continent Airlines, Inc.

National Aviation Corporation is a closed-end, non-diversified, management company registered under the Investment Company Act of 1940. Mid-Continent Airlines, Inc., has filed a registration statement under the Securities Act of 1933 (File No. 2-8938) with respect to the public distribution of $2,000,000 principal amount of Twelve Year 4½ Percent Convertible Debentures due May 1, 1963. Applicant has been informed that such proposed issue of said Debentures is to be underwritten by a syndicate of duly qualified underwriters, and that the firm of Hornblower & Weeks, 40 Wall Street, New York, New York, is to be a "principal underwriter" of said proposed issue. Otis A. Glazebrook, Jr., who is a director of Applicant is also a partner in the firm of Hornblower & Weeks. Therefore, the proposed purchase of debentures of Mid-Continent Airlines, Inc., by National Aviation Corporation during the existence of the underwriting or selling syndicate is prohibited by section 10 (f) of the act unless an exemption therefrom consistent with the protection of investors is granted by the Commission.

The proposed sale of such debentures to National Aviation Corporation is prohibited by section 17 (a) of the act unless, pursuant to section 17 (b), the Commission shall grant an exemption therefrom on evidence establishing that (1) the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; (2) the proposed transaction is consistent with the policy of National Aviation Corporation as recited in its registration statement and reports filed under the act and (3) the proposed transaction is consistent with the general purposes of the act.

Applicant has therefore filed an application pursuant to sections 10 (f) and 17 (b) of the act requesting an order granting exemption from the provisions of sections 10 (f) and 17 (a) of the act, and asserting that the proposed transaction meets the standards of the act and of section 17 (b) in particular.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission on or at any time after May 14, 1951, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than May 11, 1951, at 5:30 p. m., e. d. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues

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of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-5288; Filed, May 7, 1951; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17709]

WILHELM FRICK

In re: Estate of Wilhelm Frick, deceased. File No. D-28-12686; E. T. sec. No. 16863.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elisabeth Braun and Max Frick, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. All right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, not heretofore vested by Vesting Order 13636, in and to the estate of Wilhelm Frick, deceased, and

b. Thirty (30) shares of common stock of Printing Center Building Company, a corporation organized under the laws of California having its principal place of business at 1220 South Maple Avenue, Los Angeles 15, California, which are evidenced by certificate numbered 218 issued to Wilhelm Frick, together with all declared and unpaid dividends thereon,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5310; Filed, May 7, 1951; 8:51 a. m.]

[Vesting Order 17729]

MAERKLE & CO.

In re: Debt owing to Maerkle & Co., F-28-30934.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maerkle & Co., the last known address of which is 42 Ritterstrasse, Leipzig C-1, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Maerkle & Co., by S. Rosenfelder & Son, Inc., 127 West 27th Street, New York, New York, representing merchandise received on consignment by said S. Rosenfelder & Son, Inc., together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5312; Filed, May 7, 1951; 8:51 a. m.]

[Vesting Order 17725]

UNOSUKE ENDO

In re: Bank account owned by Unosuke Endo, also known as U. Endow. D-39-19308-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Unosuke Endo, also known as U. Endow, whose last known address is 169 City House, Oshika, Shizuoka-shi, Shizuokaken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of California Bank, San Pedro Office, 1001 South Pacific Avenue, San Pedro, California, arising out of a savings account, Account Number 2832, entitled "U. Endow", maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Unosuke Endo, also known as U. Endow, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5311; Filed, May 7, 1951; 8:51 a. m.]

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FEDERAL REGISTER

VOLUME 16 NUMBER 90

Washington, Wednesday, May 9, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10242

PRESCRIBING REGULATIONS GOVERNING THE EXERCISE BY THE FEDERAL CIVIL DEFENSE ADMINISTRATOR OF CERTAIN ADMINISTRATIVE AUTHORITY GRANTED BY THE FEDERAL CIVIL DEFENSE ACT OF 1950

By virtue of the authority vested in me by the Federal Civil Defense Act of 1950, approved January 12, 1951 (Public Law 920, 81st Congress), hereinafter referred to as the Act, it is hereby ordered as follows:

PART I

SECTION 101. (a) The authority conferred upon the Federal Civil Defense Administrator, hereinafter referred to as the Administrator, by subsection 401 (b) of the Act to employ not more than 100 such part-time or temporary advisory personnel (including not to exceed 25 subjects of the United Kingdom and the Dominion of Canada) as are deemed necessary in carrying out the provisions of the Act, and by subsection 401 (c) of the Act to utilize such voluntary and uncompensated services by individuals as may from time to time be needed, shall be exercised by the Administrator in accordance with the regulations set forth in this part.

(b) In the exercise of such authority the Administrator shall be guided by the following policies:

(1) So far as possible, Federal operations under the Act shall be carried on by full-time, salaried employees of the Government, and appointments under this authority shall be limited to advisory or consultative positions only.

(2) Appointments to positions other than advisory or consultative shall be made only when the requirements of the position are such that the incumbent must personally possess outstanding experience and ability not obtainable on a full-time, salaried basis.

(3) In the appointment of personnel and in the assignment of their duties, the Administrator shall take steps to avoid, to as great an extent as possible, any conflict between the governmental duties and the private interests of such personnel.

(c) Insofar as it relates to personnel employed at the regional or local levels, the authority conferred upon the Administrator by subsection 401 (c) of the Act to utilize voluntary and uncompensated services shall not be subject to the policies prescribed in subsection (b) hereof. Such authority may not be exercised, however, to fill positions at the regional or local levels subject to the Classification Act of 1949, as amended, unless in any particular instance the Administrator makes the determinations specified in section 102 hereof.

(d) Insofar as it relates to personnel employed in positions subject to the Classification Act of 1949, as amended, the authority conferred upon the Administrator by subsection 401 (c) of the Act to utilize voluntary and uncompensated services shall not be delegated.

SEC. 102. Appointments of individuals, under the authority conferred upon the Administrator by subsection 401 (c) of the Act to utilize voluntary or uncompensated services, to positions other than advisory or consultative (except such appointments to positions at the regional or local levels other than positions subject to the Classification Act of 1949, as amended), shall be supported by written certification by the Administrator:

(a) That the appointment is necessary and appropriate in order to carry out the provisions of the Act;

(b) That the duties of the position to which the appointment is being made require outstanding experience and ability;

(c) That the appointee has the outstanding experience and ability required by the position; and

(d) That the Administrator has been unable to obtain a person with the qualifications necessary for the position on a full-time, salaried basis.

SEC. 103. With respect to appointments made under the authority conferred upon the Administrator by subsections 401 (b) and (c) of the Act specified in section 101 (a) of this order (except such appointments to positions at the regional or local levels other than

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FEDERAL REGISTER

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CODE OF FEDERAL REGULATIONS

1949 Edition

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CODIFICATION GUIDE

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positions subject to the Classification Act of 1949, as amended), the Administrator shall file with the Division of the Federal Register (for public inspection but not for publication) a statement including the name of the appointee, the section of the Act under which he was appointed, the title of his position, and the name of his private employer.

SEC. 104. All appointments under the authority conferred upon the Administrator by subsections 401 (b) and (c) of the Act specified in section 101 (a) of this order shall be made under the terms of this part after the date of this order, and the appointments heretofore made under such authority shall be deemed for all purposes to have been made under this order upon compliance with the provisions of sections 102 and 103 of this part.

SEC. 105. At least once every three months, the Chairman of the United States Civil Service Commission shall survey appointments made under this part and shall report his findings to the President and make such recommendations as he may deem proper.

SEC. 106. Any person employed under the authority conferred upon the Administrator by subsections 401 (b) or (c) of the Act specified in section 101 (a) of this order is hereby exempted, with respect to such employment, from the operation of sections 281, 283, 284, 434, and 1914 of Title 18, United States Code, and section 190 of the Revised Statutes (5 U. S. C. 99), except as specified in the following subsections:

(a) Exemption hereunder shall not extend to the negotiation or execution, by an appointee under the Act, of Government contracts with the private employer of such appointee or with any corporation, joint stock company, association, firm, partnership, or other entity in the pecuniary profits or contracts of which the appointee has any direct or indirect interest.

(b) In the case of personnel employed under subsection 401 (b) of the Act, and of personnel other than those employed at the regional or local levels in positions not subject to the Classification Act of 1949, as amended, under subsection 401 (c) of the Act, exemption hereunder shall not extend to the prosecution by the appointee, or participation by the appointee in any fashion in the prosecution, of any claim against the Government involving any matter concerning which the appointee had any responsibility during his employment under this order, during the period of such employment and the further period of two years after the termination of such employment. In the case of personnel employed at the regional or local levels in positions not subject to the Classification Act of 1949, as amended, under subsection 401 (c) of the Act, exemption hereunder shall not extend to the prosecution by the appointee, or participation by the appointee in any fashion in the prosecution, of any claim against the Government growing out of any matter with respect to which the appointee was personally concerned in his official capacity during his employment under this order, during the period of such employment and the further period of two years after the termination of such employment.

(c) In the case of personnel employed under subsection 401 (c) of the Act, other than those employed at the regional or local levels in positions not subject to the Classification Act of 1949, as amended, exemption hereunder shall not extend to the receipt or payment of salary in connection with the appointee's Government service hereunder from any source other than the private employer of the appointee at the time of his appointment hereunder.

(d) Exemption from sections 434 and 1914 of Title 18, United States Code, shall not extend to persons employed under subsection 401 (b) of the Act.

PART II

SEC. 201. The authority conferred upon the Administrator by that portion of subsection 401 (c) of the Act which authorizes the utilization of the services of Federal agencies may be exercised by the Administrator in such manner, in accordance with his own discretion, as shall best serve to carry out the purposes of the Act, subject only to his obtaining the consent of the head of the Federal agency whose services are desired to be utilized.

PART III

SEC. 301. The authority conferred upon the Administrator by subsection 401 (c) of the Act, except that portion of the said subsection which authorizes the utilization of such voluntary and uncompensated services by individuals as may from time to time be needed, and that portion of the said subsection which authorizes the utilization of the services of Federal agencies, may be exercised by the Administrator in such manner, in accordance with his own discretion, as shall best serve to carry out the purposes of the Act.

PART IV

SEC. 401. The approval of the President is hereby given to the Administrator for the employment of retired personnel of the armed services, pursuant to the provisions of subsection 401 (a) of the Act.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 8, 1951.

[F. R. Doc. 51–5460: Filed, May 8, 1951; 12:04 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 7—APPOINTMENT OF EMPLOYEES OF OTHER AGENCIES WITHOUT REEMPLOYMENT RIGHTS AND OF FORMER FEDERAL EMPLOYEES

AGENCY AUTHORITY AND GENERAL REQUIREMENTS

The proviso clause in § 7.105 (a) (3) has been amended to make it clear that in making appointments under this subparagraph preference must be given to veterans who have competitive status as well as to non-status veterans. As amended, the subparagraph reads as follows:

§ 7.105 *Agency authority and general requirements.* (a) • • •

(3) Any former Federal employee without competitive status may be appointed in an agency program designated by the Bureau of the Budget to be related directly to national defense, provided his former employment was under an indefinite appointment during which he obtained such specialized experience as is needed to perform the duties of the position to which his appointment is proposed: *Provided*, That in making such appointments agencies shall give preference first to all 10-point preference applicants, both status and non-status, and second to all 5-point preference applicants, both status and non-status, having such specialized experience.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51–5367; Filed, May 8, 1951; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

INSURANCE REQUIREMENTS

Section 10.42 of Title 6 of the Code of Federal Regulations is hereby amended to read as follows:

§ 10.42 *Losses to be made payable to mortgagee; exception.* Insurance shall be made payable to the bank and Corporation, as mortgagees, as their interests may appear at time of loss, and shall afford the bank and Corporation the same protection they would have under the New York standard mortgage clause. The bank may, in its discretion, permit individual losses, not in excess of an amount fixed by the bank with due regard to adequate protection of the

mortgagee, to be paid directly to the mortgagor for use in the prompt reconstruction of the buildings destroyed. The provisions of §§ 10.43 to 10.51, inclusive, shall not be applicable to losses which are paid directly to the mortgagor, with the permission of the bank, for use in reconstruction. [188]

(Sec. 6, 47 Stat. 14; 12 U. S. C. 665. E. O. 6084, March 27, 1933. Interprets or applies sec. 12 "Ninth," 39 Stat. 370, as amended; 12 U. S. C. 771 Ninth)

[SEAL] E. DIEBEL,
Acting Land Bank Commissioner.

[F. R. Doc. 51-5349; Filed, May 8, 1951; 8:48 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 108—RECORDING OF ARRIVALS, DEPARTURES, AND REGISTRATIONS

DISPOSITION OF IMMIGRATION VISA, FORM 256A

APRIL 6, 1951.

Paragraph (b) of § 108.6, *Immigrants; Forms 256a, I-151, I-152, and I-153*, of Chapter I, Title 8 of the Code of Federal Regulations, is amended to read as follows:

(b) If an alien immigrant possessing Form 256a is excluded from the United States, data as to the exclusion shall be placed on that form by the chairman of the board of special inquiry. In appellate or similar proceedings, the record of hearing shall be submitted to the Central Office with Form 256a. In the event of an appeal to the Board of Immigration Appeals, the record relating to the alien shall be transmitted to the Board of Immigration Appeals for its consideration of the case. The district director having jurisdiction over the port of entry shall be notified of any action taken in the case by the Commissioner or the Board of Immigration Appeals. If appellate proceedings result in an order authorizing the alien's admission, the district director shall inform the Central Office of the date of the alien's actual admission, and upon receipt of such information the data as to admission shall be endorsed in the space indicated on Form 256a and the documents shall be disposed of in accordance with the procedure provided for in paragraph (a) of this section. If the record is not submitted to the Central Office in appellate or similar proceedings, Form 256a shall be retained at the port of entry until such time as the alien's deportation is effected. Thereafter the file, including Form 256a, shall be forwarded to the Central Office for disposition.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 102, 222, 458, 727)

A. R. MACKEY,
Acting Commissioner, Immigration and Naturalization.

Approved: May 2, 1951.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 51-5362; Filed, May 8, 1951; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 48]

PART 600—DESIGNATION OF CIVIL AIRWAYS

CIVIL AIRWAY ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 600 is amended as follows:

1. Section 600.15 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.)* is amended after "El Paso, Tex., radio range station" by adding the following: "excluding the portion which lies outside the continental United States;"

2. Section 600.209 *Red civil airway No. 9 (San Diego, Calif., to Winslow, Ariz.)* is amended after "Yuma, Ariz., radio range station" by adding the following: "excluding the portion which lies outside the continental United States;"

3. Section 600.226 is amended by changing the caption to read: *"Red civil airway No. 26 (Syracuse, N. Y., to Allentown, Pa.)."* and by revoking the portion which reads: "From the intersection of the southeast course of the North Philadelphia, Pa., radio range and the northeast course of the Philadelphia, Pa., radio range to the intersection of the southeast course of the North Philadelphia, Pa., radio range and the northeast course of the Millville, N. J., radio range."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. May 15, 1951.

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-5330; Filed, May 8, 1951; 8:45 a. m.]

[Amdt. 51]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

MISCELLANEOUS AMENDMENTS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee,* and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 601 is amended as follows:

1. Section 601.15 *Green civil airway No. 5 control areas (Los Angeles, Calif., to Boston, Mass.)* is amended after the words "to the El Paso, Tex., omnirange station via the direct en route and 15° north altitude change radials" by adding the following: "excluding the portion which lies outside the continental United States;"

2. Section 601.209 *Red civil airway No. 9 control areas (San Diego, Calif., to Winslow, Ariz.)* is amended after the words "to the Yuma, Ariz., omnirange station via the intersection of the San Diego 108° True en route radial and the Yuma 267° True en route radial" by adding the following: "excluding the portion which lies outside the continental United States;"

3. Section 601.226 is amended by changing the caption to read: *"Red civil airway No. 26 control areas (Syracuse, N. Y., to Allentown, Pa.)."*

4. Section 601.639 is amended to read:

§ 601.639 *Blue civil airway No. 39 control areas (Knoxville, Tenn., to the U. S.-Canadian Border).* All of Blue civil airway No. 39.

5. Section 601.669 *Blue civil airway No. 69 control areas (St. Louis, Mo., to Des Moines, Iowa)* is amended by changing last portion to read: "Ottumwa, Iowa, omnirange station to the Des Moines, Iowa, omnirange station via the direct en route and 15° south altitude change radials and via the intersection of the Ottumwa 306° True radial and the Des Moines-Iowa City direct en route radial."

6. Section 601.1094 is amended to read:

§ 601.1094 *Control area extension (Flint, Mich.).* From the Flint, Mich., outer compass locator extending 5 miles either side of the 88° and 268° True courses of the outer compass locator to points 25 miles east and west of the outer compass locator.

7. Section 601.1112 is added to read:

§ 601.1112 *Control area extension (Fort Dix, N. J.).* Within a 7-mile radius of McGuire AFB, Fort Dix, N. J., extending 5 miles either side of the southwest course of the McGuire AFB radio range to a point 10 miles southwest of the radio range station, excluding the portion which overlaps Red civil airway No. 3, the Fort Dix, N. J., Danger Area and the Lakehurst, N. J., caution area.

8. Section 601.1140 is amended to read:

§ 601.1140 *Control area extension (Youngstown, Ohio).* All that area within a 15-mile radius of the Youngstown, Ohio, omnirange station including the area 5 miles either side of a bearing of 225° True extending from the Youngstown ILS outer compass locator to a point 25 miles southwest of the outer compass locator.

9. Section 601.1983 is amended by correcting the Columbus, N. Mex., 3 mile control zone to read:

Columbus, N. Mex.: CAA Intermediate Field, excluding the portion which lies outside the continental United States.

10. Section 601.2028 is amended to read:

§ 601.2028 *El Paso, Tex., control zone.* Within a 5-mile radius of the El Paso International Airport extending 2 miles either side of the east course of the El Paso, Tex., radio range to the Hueco fan marker and extending 2 miles either side of the north course of the radio range to the Newman non-directional radio beacon, excluding the portion which lies outside the continental United States.

11. Section 601.2091 is amended to read:

§ 601.2091 *Dayton, Ohio, control zone.* Within a 5-mile radius of the Dayton Municipal Airport extending 2 miles either side of the west course of the Dayton radio range from the radio range station to the Verona fan marker, extending 2 miles either side of the southwest course of the Dayton ILS localizer from the localizer to a point 10 miles southwest of the outer compass locator, extending 2 miles either side of the northeast course of the ILS localizer from the localizer to a point 10 miles northeast of the Tipp City nondirectional radio beacon, and extending 2 miles either side of the 360° True radial of the Dayton omnirange from the omnirange station to a pont 10 miles north of the omnirange station.

12. Section 601.2098 is amended to read:

§ 601.2098 *Flint, Mich., control zone.* Within a 5-mile radius of the Bishop Airport, Flint, Mich., extending 2 miles either side of a bearing of 341° True from the airport to a point 10 miles northwest and extending 2 miles either side of a bearing of 268° True from the airport through the Flint outer compass locator to a point 10 miles west of the Flint outer compass locator.

13. Section 601.2125 is amended to read:

§ 601.2125 *Terre Haute, Ind., control zone.* Within a 5-mile radius of Hulman Field, Terre Haute, Ind., extending 2 miles either side of the northeast and southwest courses of the Terre Haute radio range to a point 10 miles southwest of the radio range station, and extending 2 miles either side of the 02° True radial of the Terre Haute omnirange from the airport to a point 10 miles north of the omnirange station.

14. Section 601.2127 is amended to read:

§ 601.2127 *Youngstown, Ohio, control zone.* Within a 5-mile radius of the Youngstown Municipal Airport extending 2 miles either side of the north course of the Youngstown radio range to a point 10 miles north of the radio range station, extending 2 miles either side of a bearing of 225° True from the Youngstown outer compass locator to a point 10 miles southwest, and extending 2 miles either side of the 359° True radial of the Youngstown omnirange from the omnirange station to a point 10 miles north.

15. Section 601.2227 is added to read:

§ 601.2227 *Dover, Del., control zone.* All that area within a 6-mile radius of the Dover, Del., Air Force Base, excluding that portion which overlaps danger areas.

16. Section 601.4223 is amended to read:

§ 601.4223 *Red civil airway No. 23 (U. S.-Canadian Border to New York, N. Y.).* The intersection of the northeast course of the Buffalo, N. Y., radio range and the southeast course of the Toronto, Ont., Canada, radio range; the intersection of the northeast course of the Allentown, Pa., radio range and the northwest course of the New York (La Guardia), N. Y., radio range; the Paterson, N. J., non-directional radio beacon.

17. Section 601.4226 is amended by changing the caption to read: *"Red civil airway No. 26 (Syracuse, N. Y., to Allentown, Pa.)."*

18. Section 601.4284 is amended to read:

§ 601.4284 *Red civil airway No. 84 (Lafayette, La., to Montgomery, Ala.).* Craig AFB radio range station, Selma, Ala.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. May 15, 1951.

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-5331, Filed, May 8, 1951; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 374]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 869]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MONTANA

Amendment 374 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 369 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 175b, as amended to read as follows:

(175b) [Revoked and decontrolled.]

This decontrols (1) the City of Bozeman in Gallatin County, Montana, a portion of the Bozeman, Montana, Defense-Rental Area, and all unincorporated localities in said Defense-Rental Area, said City being the major portion of said Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Defense-Rental Area on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective May 9, 1951.

Issued this 4th day of May 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-5402; Filed, May 8, 1951; 8:52 a. m.]

[Controlled Housing Rent Reg., Amdt. 375]

[Controlled Housing Rent Reg. for the Atlantic County Defense-Rental Area, Amdt. 34]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 370]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MISCELLANEOUS AMENDMENTS

Amendment 375 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12), Amendment 34 to the Controlled Housing Rent Regulation for the Atlantic County Defense-Rental Area (§§ 825.61 to 825.72) and Amendment 370 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said rent regulations are hereby amended in the following respects:

1. The second unnumbered paragraphs of § 825.4 (c) and § 825.4 (e) are hereby amended to read as follows:

If the Expediter finds that the landlord or any successor landlord knew of his obligation to register and negligently failed or deliberately refused to do so, the rent received for any rental period commencing on or after the date of first renting shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under § 825.5 (c) (1) or (6): *Provided, however,* That the order under § 825.5 (c) may relieve the landlord or any successor landlord of the duty to refund the excess rent for any rental period during which the landlord or any successor landlord neither negligently failed nor deliberately refused to register. The landlord or any

successor landlord shall have the duty to refund only if the order under § 825.5 (c) is issued in a proceeding commenced by the Expediter within 3 months after the date of the filing of such registration statement. If a refund is required by the order under § 825.5 (c) such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 2 (Part 840 of this chapter).

2. The second unnumbered paragraphs of § 825.64 (c) and § 825.64 (e) are hereby changed in the same manner except that wherever reference is made to §§ 825.1 to 825.12 or any designated portion thereof the reference shall be to §§ 825.61 to 825.72 or the similarly designated portions thereof.

3. The second unnumbered paragraphs of § 825.5 (c) (1) and § 825.65 (c) (1) are amended to read as follows:

Where the maximum rent for said housing accommodations was originally established under paragraph (c), (d), (e), or (j) of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, and the Expediter finds that the landlord or any successor landlord knew of his obligation to register and negligently failed or deliberately refused to do so, the rent received for any rental period commencing on or after July 1, 1947, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under this section: *Provided, however,* That the order under this section may relieve the landlord or any successor landlord of the duty to refund the excess rent for any rental period during which the landlord or any successor landlord neither negligently failed nor deliberately refused to register. The landlord or any successor landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Expediter within 3 months after the date of the filing of such registration statement. If a refund is required by the order under this section such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 2 (Part 840 of this chapter).

4. The second unnumbered paragraph of § 825.85 (c) (1) is amended to read as follows:

Where the maximum rent for said room was originally established under paragraph (b) or (c) of section 4 of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, issued pursuant to the Emergency Price Control Act of 1942, as amended, or where the maximum rent is established under paragraph (c) or (d) of section 4 of this regulation, and the Expediter finds that the landlord or any successor landlord knew of his obligation to register and negligently failed or deliberately refused to do so, the rent received for any rental period commencing on or after July 1, 1948 shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under this section: *Provided, however,* That the order under this section may relieve the landlord or any successor landlord of the duty to refund the excess rent for any rental period during which the landlord or any successor landlord neither negligently failed nor deliberately refused to register. The landlord or any successor landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Expediter within 3 months after the date of the filing of such registration statement. If a refund is required by the order under this section such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 2 (Part 840 of this chapter).

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective May 9, 1951.

Issued this 4th day of May 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-5374; Filed, May 8, 1951; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 782—EXEMPTION FROM MAXIMUM HOURS PROVISIONS FOR CERTAIN EMPLOYEES OF MOTOR CARRIERS

MISCELLANEOUS AMENDMENTS

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended, sec. 16 (c), 63 Stat. 920; 29 U. S. C. 201, 208 note) Part 782 is amended as follows:

1. Section 782.0 (a) is amended to read as follows:

§ 782.0 *Introductory statement.* (a) Since the enactment of the Fair Labor Standards Act of 1938, the views of the Administrator of the Wage and Hour Division as to the scope and applicability of the exemption provided by section 13 (b) (1) of the act have been expressed in interpretations issued from time to time in various forms. This part, as of the date of its publication in the FEDERAL REGISTER, supersedes and replaces such prior interpretations. Its purpose is to make available in one place general interpretations of the Administrator which will provide "a practical guide to employers and employees as to how the office representing the public interest in enforcement of the law will seek to apply it."[1] The interpretations contained in this part indicate, with respect to the scope and applicability of the exemption provided by section 13 (b) (1) of the Fair Labor Standards Act, the construction of the law which the Secretary of Labor and the Administrator believe to be correct in the light of the decisions of the courts and of the Interstate Commerce Commission, and which will guide them in the performance of their administrative duties under the act unless and until they are otherwise directed by authoritative decisions of the courts or conclude, upon reexamination of an interpretation that it is incorrect. The interpretations contained in this part are interpretations on which reliance may be placed as provided in section 10 of the Portal-to-Portal Act,[2] so long as they remain effective and are not modified, amended, rescinded, or determined by judicial authority to be incorrect.

2. Section 782.7 is amended as follows:

a. In paragraph (a) footnote 75 is amended to read as follows:

[75] Compare the definitions from the Motor Carrier Act, quoted in footnotes 7-10, with the following definitions from section 3 of the Fair Labor Standards Act, as amended:

"(b) 'Commerce' means trade, commerce, transportation, transmission, or communication among the several States or between any State and any place outside thereof.

"(c) 'State' means any State of the United States or the District of Columbia or any Territory or possession of the United States."

b. The fourth sentence of paragraph (b) is amended to read as follows (Footnote 81 designated herein remains unchanged): "Transportation within a single State is in interstate commerce within the meaning of the Fair Labor Standards Act where it forms a part of a 'practical continuity of movement' across State lines from the point of origin to the point of destination."[81]

c. Paragraph (c) is amended to read as follows (Footnotes 88 and 89 designated herein remain unchanged):

(c) The wage and hours provisions of the Fair Labor Standards Act are applicable not only to employees engaged in commerce, as defined in the act, but also to employees engaged in the production of goods for such commerce. Employees engaged in the "production" of goods are defined by the act as including those engaged in "handling, transporting, or in any other manner working on such goods, or in any closely related process or occupation directly essential to the production thereof, in any State."[87] Where transportation of persons or property by motor vehicle between places within a State falls within this definition, and is not transportation in interstate or foreign commerce within the meaning of the Motor Carrier Act because movement from points out of the State has ended or because movement to points out of the State has not yet begun, the employees engaged in connection with such transportation[88] are covered by the wage and hours provisions of the Fair Labor Standards Act and are not subject to the jurisdiction of the Interstate Commerce Commission. Examples are: (1) Drivers transporting goods in and about a plant producing goods for commerce; (2) chauffeurs or drivers of company cars or busses transporting officers or employees from place to place in the course of their employment in an establishment which produces goods for commerce; (3) drivers who transport goods from a producer's plant to the plant of a processor, who, in turn, sells goods in interstate commerce, the first producer's goods being a part or ingredient of the second producer's goods; (4) drivers transporting goods between a factory and the plant of an independent contractor who performs operations on the goods, after which they are returned to the factory which further processes the goods for commerce; and (5) drivers transporting goods such as machinery or tools and dies, for example, to be used or consumed in the production of other goods for commerce. These and other employees engaged in connection with the transportation within a State of persons or property by motor vehicle who are subject to the Fair Labor Standards Act because engaged in the production of goods for commerce and who are not subject to the Motor Carrier Act because not engaged in interstate or foreign commerce within the meaning of that act, are not within the exemption provided by section 13 (b) (1).[89]

3 In § 782.8 (a), footnote 92 is amended to read as follows:

[92] See, in this connection, paragraph (b) of § 782.7.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

(52 Stat. 1060, as amended, sec. 16 (c), 63 Stat. 920; 29 U. S. C. 201, 208 note)

Signed at Washington, D. C., this 2d day of May 1951.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator,
Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 51-5338; Filed, May 8, 1951; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 5, Amdt. 2]

CPR 5—IRON AND STEEL SCRAP

MISCELLANEOUS AMENDMENTS

EDITORIAL NOTE: The original document of Amendment 2 to Ceiling Price Regulation 5 (16 F. R. 3480), has been corrected in the following respects:

1. Item 46 has been corrected to read as follows:

46. Section 23 (b) (24) is amended by deleting the last sentence thereof.

2. Items 53 and 54 have been renumbered 51 and 52.

[Ceiling Price Regulation 33]

CPR 33—FERROTUNGSTEN, TUNGSTEN METAL POWDER, AND OTHER TUNGSTEN PRODUCTS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 33 is issued.

STATEMENT OF CONSIDERATIONS

This ceiling price regulation establishes ceiling prices for ferrotungsten, tungsten metal powder (both carbon and hydrogen reduced), tungstic acid, tungstic oxide, ammonium para-tungstate, sodium tungstate crystals, and sodium tungstate anhydrous.

The products covered by this regulation are basic industrial materials essential in the defense program and to our civilian economy. These products, processed from tungsten concentrates, are the media through which tungsten is introduced into tool steels and other alloys, both ferrous and nonferrous, and they are raw materials for the manufacture of tungsten carbide used in cutting tools and wear resistant machinery parts; contact points for make-and-break electrical circuits used in automotive, telephonic, and other equipment; wire used in electric lamp filaments and electronic equipment; and various industrially important chemical compounds. Recent developments also make tungsten products extremely important as direct military materials. Generally, about 90 percent of the tungsten consumed in the United States, other than that used in direct military applications, goes into the production of ferrous alloys while 5 percent is used in the manufacture of tungsten carbide, 2 percent in the making of stellite (a nonferrous alloy used principally in cutting tools), 1.5 percent in electrical and electronic applications, and 1.5 in chemical and miscellaneous applications. In view of the industrial and military importance of the products covered by this regulation, it is imperative that their production be encouraged to the fullest extent possible consistent with the objectives of Title IV of the Defense Production Act of 1950.

The cost of tungsten concentrates is the most important cost element in the manufacture of the products covered by this regulation. Data reflecting the operations of manufacturers in the period immediately preceding the outbreak of hostilities in Korea indicates that the cost of tungsten concentrates amounted to anywhere from 45 to 70 percent of the price of the products made therefrom. Although there was some variance in this factor between different products, there was little difference in the experience of producers making the same items. Under these circumstances, it is quite clear that the prices for the products must reflect, at least in some measure, any substantial increases in the cost of concentrates.

In the pre-Korean period makers of tungsten products paid anywhere from $18 to $25 per short ton unit for tungsten concentrates, with the largest consumers paying 20-21 dollars. After the beginning of military activities in Korea and the initiation of our defense program, the price of tungsten concentrates rose sharply. This upward movement was enhanced by the fact that our domestic production of concentrates falls far short of meeting our needs and supplies from the principal foreign producer, China, are no longer available to us. As a consequence, the average prices for concentrates paid by makers of ferrotungsten and other tungsten products during the base period specified in the General Ceiling Price Regulation (December 19, 1950–January 25, 1951) ranged between $28.50 and $65.00 per short ton unit with some purchases from foreign sources costing as much as $70.00 per unit. Although the prices for tungsten products during the GCPR base period were substantially above pre-Korea prices, they did not reflect fully the increase in the cost of raw materials which had occurred.

Ceiling Price Regulation 19, effective April 6, 1951, established a uniform ceiling price of $65.00 per short ton unit for tungsten concentrates. Since this action has substantially increased the cost of tungsten concentrates to the most important producers of tungsten products, it is necessary, in order to avoid any interruption in output, to adjust the ceiling prices for such products to reflect at least in some measure the higher cost of raw materials, and this ceiling price regulation accomplishes this result.

In formulating this regulation, the general principle followed was that of setting ceiling prices at a level which would permit the producers of the bulk of each tungsten product to obtain, over their current cost for tungsten concentrates calculated on the basis of the

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[1] Skidmore v. Swift & Co., 323 U. S. 134.

[2] Under Reorganization Plan No. 6 of 1950 (15 F. R. 3174), effective May 24, 1950 and pursuant to General Order No. 45A issued by the Secretary of Labor on the same date, interpretations of the provisions (other than the child labor provisions) of the Fair Labor Standards Act, as amended, are issued by the Administrator of the Wage and Hour Division on the advice of the Solicitor of Labor, subject to the general direction and control of the Secretary. See 15 F. R. 3290."

Section 16 (c) of the Fair Labor Standards Amendments of 1949 (63 Stat. 910) provides:

"Any order, regulation, or interpretation of the Administrator of the Wage and Hour Division or of the Secretary of Labor, and any agreement entered into by the Administrator or the Secretary, in effect under the provisions of the Fair Labor Standards Act of 1938, as amended, on the effective date of this act, shall remain in effect as an order, regulation, interpretation, or agreement of the Administrator or the Secretary, as the case may be, pursuant to this act, except to the extent that any such order, regulation, interpretation, or agreement may be inconsistent with the provisions of this act, or may from time to time be amended, modified, or rescinded by the Administrator or the Secretary, as the case may be, in accordance with the provisions of this act."

[87] Public Law 49, 80th Cong., 1st sess. (61 Stat. 84), discussed in Part 790 (statement on effect of Portal-to-Portal Act of 1947). See in this connection Reorganization Plan No. 6 of 1950 (15 F. R. 3174) and footnote 1, above.

[88] Fair Labor Standards Act, sec. 3 (j), 29 U. S. C., sec. 203 (j), as amended by the Fair Labor Standards Amendments of 1949, 63 Stat. 910. See also the Division's Interpretative Bulletin, pt. 776, on general coverage of the wage and hours provisions of the act.

ceiling price for such material established by CPR 19, a gross spread approximating that which they received during the period December 19, 1950–January 25, 1951. In view of the necessity of avoiding any action which might inhibit production of these essential materials, appropriate adjustment was made in the price so calculated for any product where it appeared that such price would not permit an adequate gross margin for producers of a substantial portion of the output. The ceiling prices established in this regulation will permit producers to recover most, if not all, of the increase in raw materials which they have sustained and it is believed that such prices will be adequate to enable them to maintain their operations at the high level required by the defense program.

All ceiling prices established in this regulation apply on a f. o. b. shipping point basis. Although in the past some producers customarily charged delivered prices on some sales of certain products, it appears that their freight absorption on any given transaction was exceedingly small in relation to the total cost to the buyer and that the administrative advantages of establishing ceiling prices on a uniform basis far outweigh any benefits which might be derived from restricting the limited number of sellers involved to their customary practices in this connection.

It must be emphasized that the action taken in this regulation is an interim measure designed only to avoid the threat to the continued production of these vital materials arising out of the increased cost of tungsten concentrates. The Office of Price Stabilization will undertake, in the near future, a study of the operations of the makers of tungsten products to determine whether any changes in the ceiling prices established by this regulation should be made under the policies and objectives of the Defense Production Act of 1950.

In the judgment of the Director of Price Stabilization, the provisions of this ceiling price regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

In formulating this ceiling price regulation, the Director consulted with industry representatives, including trade association representatives, and has given consideration to their recommendations.

The provisions of this ceiling price regulation and their effect upon business practices, cost practices, or means or aids to distribution in the industry have been considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of the regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and to effectuate the policies of the act.

REGULATORY PROVISIONS

Sec.

1. Coverage of the regulation.
2. Prohibitions.
3. General pricing provisions.
4. Ceiling prices for ferrotungsten.
5. Ceiling prices for tungsten metal powder.
6. Ceiling prices for other tungsten products.
7. Ceiling prices for grades, analyses, sizes, or special packing not included in section 4, 5, or 6.
8. Definitions.
9. Record-keeping requirements.
10. Excise, sales and similar taxes.
11. Adjustable pricing.
12. Penalties.
13. Petitions for amendment.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *Coverage of this regulation*—(a) *Products covered.* This regulation establishes ceiling prices for ferrotungsten, tungsten metal powder (both carbon and hydrogen reduced), tungstic acid, tungstic oxide, ammonium para-tungstate, sodium tungstate crystals, and sodium tungstate anhydrous.

(b) *Persons covered.* This regulation applies to any person who sells the products covered by this regulation, including importers and exporters. It also applies to any person who buys such products in the regular course of trade or business.

(c) *Geographical applicability.* This regulation applies in the 48 States of the United States, its Territories and Possessions, and the District of Columbia.

SEC. 2. *Prohibitions*—(a) *Against transactions above ceiling prices.* (1) Regardless of any contract or other obligation, on and after the effective date of this regulation no person shall sell or deliver, and no person shall buy or receive in the regular course of trade or business, the products covered by this regulation at a price in excess of the applicable ceiling price established herein. No person shall offer, solicit, attempt, or agree to do any of the foregoing.

(2) Lower prices than the ceiling prices set forth in this regulation may be charged, demanded, paid or offered.

(b) *Against tie-in transactions.* No person shall sell any of the products covered by this regulation on condition (1) that the buyer purchase from any person any commodity or service, or (2) that the buyer sell to any person any commodity or service. No person who in the regular course of trade or business buys any of the products covered by this regulation shall participate in any such tie-in transactions.

(c) *Against evasion.* No person shall evade or circumvent the provisions of this regulation by direct or indirect methods in connection with the sale, purchase, delivery or transfer of any of the products covered by this regulation, alone or in conjunction with any other commodity, or by way of commission, service, or transportation charge or discount, premium, or other privilege, or by up-grading tie-in agreement, trade understanding or otherwise.

SEC. 3. *General pricing provisions*—(a) *Pricing basis.* In the case of products produced in the United States, its Territories or Possessions, the ceiling prices established in this regulation apply f.o.b. the point at which the products are loaded on a conveyance for transportation to the buyer. In the case of sales by an importer in which the products are transported overland directly to the buyer from a point in Canada or Mexico, the ceiling prices apply f.o.b. the freight station in the United States at or nearest the point at which the shipment enters the United States. In the case of all other sales by an importer, the ceiling prices apply f.o.b. the point in the United States, its Territories or Possessions at which the products are loaded on a conveyance for transportation to the buyer.

(b) *Determination of quantity brackets.* The pricing tables in this regulation set forth different ceiling prices for different quantity brackets. The quantity bracket applicable to any transaction shall be determined on the basis of the quantity contained in each shipment made to the purchaser.

(c) *Packing.* The ceiling prices established in this regulation apply to material packed in standard containers in accordance with the customary practice of the producer. If the buyer requests that material be packed in other than standard containers, the seller must apply to the Office of Price Stabilization for the establishment of a ceiling price in accordance with section 7 of this regulation.

SEC. 4. *Ceiling prices for ferrotungsten*—(a) *Standard grade.* (1) The ceiling price for standard grade ferrotungsten is the applicable price set forth in Table A of this paragraph.

(2) The prices set forth in Table A apply to ferrotungsten in sizes 1¼" by down, ⅜" by down, or ¼" by down. A premium for crushing to certain finer sizes may be charged in accordance with paragraph (b) of this section.

(3) "Standard grade ferrotungsten" means material which conforms to the following analysis:

	Percent
Tungsten	70–80
Carbon, maximum	.60
Phosphorus, maximum	.06
Sulphur, maximum	.06
Silicon, maximum	1.00
Manganese, maximum	.75
Copper, maximum	.10
Arsenic, maximum	.10
Antimony, maximum	.08
Tin, maximum	.10
The sum of arsenic, tin, and antimony, maximum	0.20

A premium for special analyses may be charged in accordance with paragraph (c) of this section.

TABLE A

Quantity of contained tungsten	Ceiling prices per pound of contained tungsten
10,000 pounds or more	$5.00
2,000 to 10,000 pounds	5.10
Less than 2,000 pounds	5.22

(b) *Premium for crushing.* When ferrotungsten sized finer than 20 mesh is required by a buyer's operations and crushing to such size is performed by the producer at the buyer's request, a premium not in excess of 20 cents per pound of contained tungsten may be charged, and paid, in addition to the applicable ceiling price set forth in paragraph (a) of this section.

(c) *Premium for special analyses.* When ferrotungsten with an analysis varying substantially from that for standard grade set forth in paragraph (a) of this section is required in a buyer's operations and is furnished by the producer at the buyer's request, a premium not in excess of 25 cents per pound of contained tungsten may be charged, and paid, in addition to the applicable ceiling price set forth in paragraph (a) of this section.

SEC. 5. *Ceiling prices for tungsten metal powder*—(a) *Carbon reduced.* The ceiling price for carbon reduced tungsten metal powder in the grades and analyses listed in Table B of this paragraph is the applicable price set forth in that table.

TABLE B

Grade and analysis	Quantity	Ceiling price per pound of powder
99 percent melting grade:		
Minimum 98.5 percent W	1,000 pounds or more	$6.00
Maximum 0.25 percent C (free and combined)	Less than 1,000 pounds	6.15
Size 65 mesh by down		
98.5 percent melting grade:		
Minimum 98.5 percent W		
Maximum 1.0 percent C	1,000 pounds or more	6.00
Maximum 0.3 percent Si	Less than 1,000 pounds	6.15
Maximum 0.5 percent Fe		
Density—minimum 80 grams per cubic inch		
Size 60 mesh		

(b) *Hydrogen reduced.* The ceiling price for hydrogen reduced tungsten metal powder, containing a minimum of 99.9 percent W, when sold in any quantity, is $7.75 per pound of powder.

SEC. 6. *Ceiling prices for other tungsten products.* The ceiling price for each tungsten product listed in Table C of this section is the applicable price set forth in that table.

TABLE C

Product and analysis	Quantity	Price per pound of material
Tungstic acid:		
Minimum 99.5 percent WO_3	Over 1,000 pounds	$4.30
Maximum 7.5 percent H_2O	300 to 1,000 pounds	4.50
	Less than 300 pounds	4.75
Tungstic oxide:	Over 1,000 pounds	4.65
Minimum 99.5 percent WO_3	300 to 1,000 pounds	4.85
	Less than 300 pounds	5.10
Ammonium para-tungstate:	Over 1,000 pounds	4.15
Minimum 88.7 percent WO_3	300 to 1,000 pounds	4.25
	Less than 300 pounds	4.50
Sodium tungstate crystals:	Over 250 pounds	3.15
Minimum 70 percent WO_3	250 pounds	3.20
Maximum 11 percent H_2O	Less than 250 pounds	3.25
Sodium tungstate anhydrous:	Over 250 pounds	3.55
Minimum 78.7 percent WO_3	250 pounds	3.60
Maximum 0.5 percent H_2O	Less than 250 pounds	3.65

SEC. 7. *Ceiling prices for grades, analyses, sizes, or special packing not included in sections 4, 5, or 6 of this regulation.* The ceiling price for ferrotungsten, tungsten metal powder or other tungsten products covered by this regulation in a grade, analysis, size, or special packing for which a ceiling price cannot be determined under sections 4, 5, or 6 of this regulation shall be the price established by the Office of Price Stabilization upon application by the seller. An application for the establishment of a ceiling price under this section shall be filed with the Office of Price Stabilization, Washington 25, D. C., and shall set forth the following information: The name and address of the seller; a description of the product for which a ceiling price is to be established showing the special grade, analysis, size, or packing involved; the uses for which the product is purchased; and a proposed ceiling price. The ceiling price established by the Office of Price Stabilization under the provisions of this section shall be in line with the ceiling prices otherwise established in this regulation. A person who files an application in accordance with this section may sell the product covered thereby at a price not in excess of his proposed ceiling price provided that he agrees with the buyer that he will refund the amount, if any, by which the sales price exceeds the ceiling price established by the Office of Price Stabilization.

SEC. 8. *Definitions.* When used in this regulation, the term:

(a) "Exporter" means a person who sells a product covered by this regulation which is transported from a point in the United States, its Territories, or Possessions to a point outside thereof.

(b) "C" means carbon.

(c) "Fe" means iron.

(d) "H_2O" means water.

(e) "Si" means silicon.

(f) "W" means tungsten.

(g) "WO_3" means tungsten trioxide.

(h) "Importer" means a person who first sells a product covered by this regulation which is transported, either before or after sale, from a point outside of the United States, its Territories, or Possessions to a point inside thereof.

(i) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing; the United States or any agency thereof; and any other government or its political sub-divisions or agencies.

SEC. 9. *Record-keeping requirements.* (a) Every person covered by this regulation shall keep for inspection by the Director of Price Stabilization, for a period of two years, complete and accurate records of each sale or purchase of any product covered by this regulation showing: The date thereof; the name and address of the seller and buyer; the product sold or purchased and its grade and/or analysis and size; the quantity sold or purchased; the price charged; and the shipping point.

(b) Retention of an invoice issued in connection with the sale of a product covered by this regulation will be considered compliance with this provision if such invoice contains all the information listed above.

SEC. 10. *Excise, sales, and similar taxes.* Any person may collect, in addition to the ceiling prices established by this regulation, any excise, sales, or similar tax imposed upon him by reason of his sales of any of the products covered by this regulation if he is not prohibited by law from making such collection and if he states separately from his selling price the amount of the tax collected.

SEC. 11. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit any person making a contract or offer to sell a product covered by this regulation at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. No person, however, may deliver or agree to deliver such product at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 12. *Penalties.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950.

SEC. 13. *Petitions for amendment.* Any person seeking an amendment of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1.

Effective date. This regulation shall become effective May 7, 1951.

NOTE: All record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 7, 1951.

[F. R. Doc. 51-5420; Filed, May 7, 1951; 2:04 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-25, Direction 1, as amended May 1, 1951]

M-25—CANS

DIR. 1—DETERMINATION OF ADJUSTMENT

EDITORIAL NOTE: In Federal Register Document 51-5189, appearing at page 3919 of the issue for Thursday, May 3, 1951, the original document has been corrected by deleting "of 1951" from section 2. As corrected section 2 reads as follows:

SEC. 2. *Type of case where applicable.* This direction applies to those cases where a packer was packing in cans (excluding cans made wholly of black plate) less than the customary volume of a particular product during either the second or third calendar quarters of his selected base calendar year.

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Rev. S. O. 876]

PART 95—CAR SERVICE

REQUIREMENTS FOR LOADING OF LUMBER AND LUMBER PRODUCTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of May A. D. 1951.

It appearing, that there is a shortage of freight cars suitable for the transportation of lumber and lumber products; that by reason thereof it is necessary in the interest of National Defense to regulate and control the use of such cars to assure the maximum utilization; in the opinion of the Commission an emergency exists in all sections of the country requiring immediate action to promote car service in the interest of the public and the commerce of the people: It is ordered, that:

§ 95.876 *Requirements for loading of lumber and lumber products.* (a) No carrier shall accept for transportation at point of origin, forward from point of origin, or transport within any terminal area, except to complete loading, any carload shipment of lumber or lumber products, in straight or mixed carloads, or in mixed carloads with other commodities, unless such car when forwarded from point of origin, or point at which car is stopped to complete loading, is loaded in accordance with one of the following requirements.

(1) The quantity loaded shall at least equal in weight the marked capacity in pounds as stenciled on the car, or as shown under the caption "Capacity" (not "Load Limit") in the Official Railroad Equipment Register, Agent M. A. Zenobia's ICC R. E. R. No. 299, supplements thereto or reissues thereof; or

(2) When the car is loaded to full visible capacity or so as to occupy and utilize all the practicable stowage space, but not to exceed the load limit.

(3) On cars to be stopped off to complete loading thereof, the lumber or lumber products loaded in, or on, the car at the first loading point must equal or exceed fifty percent (50%) of marked capacity of car used, and the car, when leaving the stop-off point, must be loaded as provided in subparagraphs (1) or (2) of this paragraph.

(b) Exemptions: The provisions of this section shall not apply to lumber or lumber products moving under and in accordance with "clean-out" or "remnant" rules published in applicable freight tariffs lawfully on file with this Commission or state railroad regulatory bodies.

(c) Definition: As used in this section the term:

(1) Carrier means any common carrier by railroad subject to the Interstate Commerce Act.

(2) Lumber and lumber products means any commodity listed in Appendix A made from native wood; Canadian wood; Philippine woods; Mexican pine; European pine, spruce or birch.

(d) Special and general permits; appointment of agent. (1) Paragraph (a) of this section shall be subject to any special or general permits issued by the Permit Agent named in subparagraph (2) of this paragraph, on application of the shipper.

(2) Howard S. Kline, Chief, Car Utilization Section, Bureau of Service, Interstate Commerce Commission, Room 5135 I. C. C. Building, Washington, D. C., is hereby designated and appointed as Permit Agent of the Interstate Commerce Commission with authority to issue special or general permits to meet exceptional circumstances, subject to the direction and supervision of the Director of the Bureau of Service.

(e) Application: (1) The provisions of this section shall apply to intrastate, interstate and foreign commerce, including commerce with insular possessions and the territories of Alaska and Hawaii.

(2) The provisions of this section shall apply to all shipments from points of origin as well as transit points, on and after the effective date of this section.

(3) This section shall apply to all freight cars subject to published demurrage charges on file with the Interstate Commerce Commission or State Commissions, except freight cars not suitable for interchange.

(f) Regulations suspended; announcement required: The operation of all rules, regulations and practices, insofar as they conflict with the provisions of this section, is hereby suspended and each railroad subject to this section, or its Agent, shall publish, file and post a supplement to each of its tariffs, affected hereby in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

(g) Effective date: This section shall become effective at 12:01 a. m., May 7, 1951.

(h) Expiration date: This section shall expire at 11:59 p. m., September 30, 1951, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this order vacates and supersedes Service Order No. 876 and that a copy of this order and direction be served upon the state railroad regulatory bodies of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the FEDERAL REGISTER.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

APPENDIX A

Ammunition blocks, shipping.
Automobile body parts.
Baseboards.
Beams.
Billets.
Blanks.
Bleacher seats.
Blocks.
Boards.
Bottoms, basket.
Bottoms, hamper.
Bottoms, tank.
Box lumber.
Box material.
Box shooks.
Boxes.
Brackets, viz:
Cornice.
Insulator.
Built-up wood.
Casing.
Ceiling.
Chair stock.
Chips, wood.
Cigar box material.
Clapboard.
Coffin stock.
Columns, porch.
Combined wood.
Conduits.
Cooling tower material.
Cooperage stock.
Cord wood.
Core stock.
Cores, winding.
Cores, wood.
Covers, basket.
Covers, hamper.
Crate material.
Crates.
Cross arms and braces.
Culvert units.
Curtain poles.
Dimension stock
Door casings.
Doors (unglazed)
Dowel pins.
Dowel rods.
Dowels.
Drum material.
Edgings.
Egg case material.
Fence posts.
Fence rails.
Fencing.
Filler blocks, wooden.
Flitches.
Flooring.
Flooring blocks or squares.
Frame material.
Frames.
Fruit package material.
Fuel wood.
Grain doors.
Grain storage bin sections.
Gunstock material.
Handle material.
Handles.
Heading.
Headliners.
Head linings.
Hogshead material.
Hoop poles.
Hoops.
Hub blocks.
Insulator pins.
Ladder rungs.
Lasts.
Lath.
Louvers.
Lumber.
Mattress frame material.
Mine material.
Mine planks.
Mine posts.
Mine props.
Mine rails.
Mine rollers.
Mine ties.
Mine timber.
Pallets.
Panels, door.
Pickets.
Pieces, wood.
Pilasters.
Pipe, wooden.
Plants.
Plugs, winding.
Plywood.
Posts.
Rafters.
Rollers.
Sash.
Sawdust.
Seats, wall.
Sections, wall cabinet.
Shavings.
Shelves.
Shingles.
Shooks.
Siding.
Silo stock.
Silos, wooden, K. D.
Skids.
Slab wood.
Slabs.
Slats.
Spoke-blocks.
Spokes.
Stair work, viz:
Balusters.
Newels.
Post ornaments.
Railings.
Risers.
Treads.
Stakes.
Staves.
Step ladder stock.
Strips.
Socker rods.
Tank material.
Tent poles.
Tie plugs.
Ties, cross.
Ties, railroad.
Ties, switch.
Timber.
Tray material.
Trays, brick.
Wainscoating.
Waste, wood.
Well tubing.

[F. R. Doc. 51-5355; Filed, May 8, 1951; 8:49 a.m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR, Part 78]

[Notice No. 1, Docket No. 3666]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARITCLES

NOTICE OF PROPOSED RULE MAKING

Correction

In Federal Register Document 51-4422, published at page 4201 of the issue for Tuesday, May 8, 1951, the following corrections are made:

1. The caption "Section 35 • • •" appearing above Figure 24A on page 4225 should be deleted.

2. The caption "Section 32 • • •" appearing above Figure 24B on page 4226 should be deleted.

3. The caption "Section 34 • • •" appearing above Figure 26 on page 4226 should be deleted.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION NO. 40

APRIL 30, 1951.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management, under § 2.21 of Order No. 427 approved by the Secretary of the Interior August 16, 1950 (15 F. R. 5641), I hereby classify as hereinafter indicated under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended the following described public lands in the Anchorage, Alaska Land District comprising approximately 6 small tracts embracing approximately 31.22 acres:

FOR LEASING AND SALE

FOR CABIN SITES

Seward Meridian

T. 5 N., R. 10 W.,
Sec. 33: Lots 2, 4.

The land above described is included in the second homestead entry of Ray F. Farnsworth, Anchorage 012402.

This order shall not become effective to change the status of such land or to permit the leasing thereof under the Small Tract Act of June 1, 1938, cited above, except upon the failure of the second homestead entry Anchorage 012402 mentioned above. In the event of the failure of said entry, the land will then become available for filings under the Small Tract Act, after due notice to be given by publication, subject to the preference right of veterans of World War II, accorded by the Act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279), and other qualified persons entitled to credit for service under the said act.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 51-5329; Filed, May 8, 1951; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1950, 58th Supp.]

COMMERCIAL INSURANCE CO. OF NEWARK, N. J.

SURETY COMPANY ACCEPTABLE ON FEDERAL BONDS

MAY 3, 1951.

Under date of April 11, 1951, "Commercial Casualty Insurance Company", Newark, New Jersey, a New Jersey corporation, formally changed its name to that of "Commercial Insurance Company of Newark, N. J." A copy of the amended charter of the Commercial Insurance Company of Newark, N. J., duly certified by the Commissioner of Banking and Insurance of the State of New Jersey has been received and filed in the Treasury.

The change in the name of the company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which the Commercial Casualty Insurance Company may have undertaken pursuant to its authority under the act of Congress approved July 30, 1947 (6 U. S. C. 6-13), to qualify as sole surety on such obligations.

Hereafter the name of the company will appear as "Commercial Insurance Company of Newark, N. J.," on Treasury Form No. 356, which shows a list of the companies authorized to act as acceptable sureties on bonds in favor of the United States.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-5368; Filed, May 8, 1951; 8:50 a. m.]

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1951, 59th Supp.]

RELIANCE INSURANCE CO. OF PHILADELPHIA

SURETY COMPANY ACCEPTABLE ON FEDERAL BONDS

MAY 1, 1951.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the Act of Congress approved July 30, 1947, (6 U. S. C. 6-13), as an acceptable surety on Federal bonds. An underwriting limitation of $506,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-5378; Filed, May 8, 1951; 8:51 a. m.]

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1951, 64th Supp.]

PREFERRED ACCIDENT INSURANCE CO. OF NEW YORK

SURETY COMPANY ACCEPTABLE ON FEDERAL BONDS; TERMINATION OF AUTHORITY

MAY 4, 1951.

Notice is hereby given that the certificate of authority issued by the Secretary of the Treasury to the Preferred Accident Insurance Company of New York, under the provisions of the act of Congress approved July 30, 1947 (6 U. S. C. 6-13), to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States, was revoked on April 30, 1951. The Preferred Accident Insurance Company of New York received its initial authority to qualify as sole surety on bonds in favor of the United States on July 14, 1915.

Under an order entered in the Supreme Court of the State of New York, New York County, on April 30, 1951, the Superintendent of Insurance of the State of New York was directed to take possession of the property and to liquidate the Preferred Accident Insurance Company of New York as authorized and provided

for by the Insurance Law of the State of New York.

Bond-approving officers and other agents of the Government charged with the duty of taking bonds, recognizances, stipulations or undertakings, are directed, pursuant to the provisions of section 4 of the Act of Congress approved July 30, 1947, to proceed immediately to secure new bonds or other obligations, where necessary and practicable, with acceptable sureties, in lieu of outstanding bonds or other obligations accepted by them on which the liability has not terminated and executed by the Preferred Accident Insurance Company of New York, or upon which the Preferred Accident Insurance Company of New York is obligated.

In order that there may be a coordinated record showing the status of outstanding bonds and obligations of the Preferred Accident Insurance Company of New York, or outstanding bonds and obligations upon which the Preferred Accident Insurance Company of New York, is liable as of April 30, 1951, in favor of the United States, bond-approving officers are requested, immediately upon the receipt of this circular, to carefully examine the records of their offices and report promptly to the Section of Surety Bonds, Bureau of Accounts, Treasury Department, Washington 25, D. C., all outstanding bonds accepted by them and executed by the Preferred Accident Insurance Company of New York or upon which the Preferred Accident Insurance Company of New York is obligated, on which the liability has not terminated.

It is also requested that the Section of Surety Bonds be advised as expeditiously as possible as to all facts, in detail, relating to any existing claim, or with respect to the occurrence of any event or the existence of any circumstance which may hereafter result in a claim against the Preferred Accident Insurance Company of New York. In furnishing information of this character, bond-approving officers will please give the name of the principal on the bond, the date and penalty of the bond and a brief statement of the nature of the claim, the circumstances out of which it arose, and the status of the claim at the time of the report. This information is desired solely for the information of the Treasury and all administrative matters in connection with such claims should be handled in accordance with regular procedure.

It is suggested that bond-approving officers and other agents of the Government review their activities to determine whether there are any outstanding claims against the Preferred Accident Insurance Company of New York on obligations which it may have executed in favor of the United States or upon which it may be obligated, and if so, take such action for the protection of the interests of the United States, as may be necessary.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-5284; Filed, May 8, 1951; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-234]

ACCIDENT OCCURRING NEAR FORT WAYNE, INDIANA

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N-16088, which occurred near Fort Wayne, Indiana, on April 28, 1951.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, May 10, 1951, at 9:00 a. m., c. d. t., in Hotel Van Orman, 128 West Berry Street, Fort Wayne, Indiana.

Dated at Washington, D. C., May 3, 1951.

[SEAL] VAN R. O'BRIEN,
Presiding Officer.

[F. R. Doc. 51-5365; Filed, May 8, 1951; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1457]

NORTHERN INDIANA FUEL & LIGHT CO.

NOTICE OF AMENDED APPLICATION

MAY 2, 1951.

Take notice that Northern Indiana Fuel & Light Company (Applicant), an Indiana corporation with its principal office in Auburn, Indiana, filed on April 23, 1951, an amended application in the above docketed matter (original application filed July 28, 1950; published September 1, 1950, 15 F. R. 5939), pursuant to sections 7 (a) and 7 (c) of the Natural Gas Act, as amended, for (1) an order directing Panhandle Eastern Pipe Line Company (Panhandle) to establish physical connection of its transportation facilities with the facilities of Applicant and to sell natural gas to it from a point of connection of Panhandle's line near its Edgerton Station and (2) the issuance of a certificate of public convenience and necessity authorizing the construction and operation of approximately 33 miles of 8⅝-inch O. D. pipeline extending from Panhandle's Edgerton Compressor Station near Edgerton, Indiana, to a point of connection to be made on Applicant's system at Auburn, Indiana.

Applicant states it has been and is now rendering manufactured gas service in Auburn, Garrett, Altona, Avilla, and Kendallville, and proposes to connect its present distribution system serving the named communities with Panhandle's system and to serve in addition the communities of Woodburn, Harlan, Grabill, and Leo, which are adjacent to the proposed pipe line, and to also serve Spencerville, St. Joe, and Waterloo, all in the State of Indiana.

Applicant further states no undue burden will be placed upon Panhandle if Panhandle is ordered by the Commission to establish the requested connection; that Panhandle has an adequate supply of natural gas to fill Applicant's requirements, estimated to be 2,000 Mcf for the 1951-52 winter peak day.

The estimated over-all capital cost of the proposed construction is $609,000, for which financing plans are to be furnished.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 23d day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5335; Filed, May 8, 1951; 8:46 a. m.]

[Docket No. G-1509]

MISSOURI CENTRAL NATURAL GAS CO.

NOTICE OF AMENDED APPLICATION

MAY 2, 1951.

Take notice that Missouri Central Natural Gas Company (Applicant), a Missouri corporation having its principal office in Macon, Missouri, filed on April 18, 1951, an amended application (original application filed October 16, 1950, published November 3, 1950, 15 F. R. 7403) pursuant to sections 7 (a) and 7 (c) of the Natural Gas Act, as amended, for (1) an order directing Panhandle Eastern Pipe Line Company (Panhandle) to establish physical connection of its transportation facilities with the facilities to be constructed by Applicant, and to sell natural gas to it from a point of connection on Panhandle's line near Moberly, Missouri, and (2) the issuance of a certificate of public convenience and necessity authorizing the construction and operation of approximately 18 miles of 6-inch I. D., and 7 miles of 4-inch I. D. gas transmission pipeline extending from Moberly to Macon, Missouri, together with measuring and regulating stations and extensions to connect the same with its existing system in Macon, Missouri.

Applicant states the area proposed to be served with natural gas has a population of approximately 5,000; that the estimated number of customers to be served will increase from 615 in the first year to 1,155 in the fifth year, with the maximum day firm use increasing from 475 Mcf the first year to 1,036 Mcf the fifth year, and with annual sales increasing from 82,900 Mcf the first year to 345,500 Mcf the fifth year; that revenues from gas sales will increase from $73,739 in the first year to $201,685 in the fifth year.

Construction will be financed from the sale of first mortgage bonds in the amount of $400,000, second mortgage bonds in the amount of $45,000 and from the sale of 400 shares of 6 percent preferred stock with par value of $100 per share.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 23d day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5336; Filed, May 8, 1951; 8:46 a. m.]

Docket No. G-1659

CITY OF AUBURN, ILL.

NOTICE OF APPLICATION

MAY 2, 1951.

Take notice that the city of Auburn, Illinois (applicant), a municipal corporation of the State of Illinois, filed on April 6, 1951, an application pursuant to section 7 (a) of the Natural Gas Act, for an order directing Panhandle Eastern Pipe Line Company, a Delaware corporation with its principal office at Kansas City, Missouri, to establish physical connection of its transportation facilities with the facilities to be constructed and operated by applicant, and to sell natural gas to applicant for resale in the city of Auburn, Illinois, and environs.

Applicant proposes to construct and operate a local distribution system for the purpose of providing natural gas service to the inhabitants thereof; and for which purpose it is estimated approximately 750,000 Mcf of natural gas annually will be required. Panhandle Eastern's line is stated to be within two (2) miles of applicant's northerly corporate limits.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 23d day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5333; Filed, May 8, 1951; 8:45 a. m.]

[Docket No. G-1679]

HOPE NATURAL GAS CO.

NOTICE OF APPLICATION

MAY 2, 1951.

Take notice that Hope Natural Gas Company (Applicant), a West Virginia corporation, address, Clarksburg, West Virginia, filed on April 25, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the installation of one additional 1,100 horsepower gas engine compressor unit at its existing Cornwell Compressor Station located in Kanawha County, West Virginia, and the operation of said additional compressor unit as an auxiliary unit in applicant's natural-gas transmission pipeline system.

Applicant proposes, by means of the facilities hereinbefore described to avoid the necessity of a shutdown in the event repairs are necessary or a breakdown occurs in any of the existing 16 1,000 horsepower units now located at said Cornwell Compressor Station and which are now in operation at all times due to increased volumes of natural gas which Applicant receives from Tennessee Gas Transmission Company and local adjacent fields.

The estimated cost of the proposed facilities is $180,000. Applicant proposes to finance the construction of the proposed facilities from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 23d day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5332; Filed, May 8, 1951; 8:45 a. m.]

[Docket No. G-1675]

IROQUOIS GAS CORP.

NOTICE OF APPLICATION

MAY 2, 1951.

Take notice that Iroquois Gas Corporation (Applicant), a New York corporation, of 45 Church Street, Buffalo, New York, filed on April 20, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain natural gas facilities described as follows:

(1) A new compressor station to be known as Porterville Station to consist of four 150 horsepower compressor units together with all necessary appurtenances and equipment, located on Hemstreet Road, Town of Elma, Erie County, New York.

(2) Approximately 4 miles of 12-inch pipeline extending northerly from a point on the Tennessee Gas Transmission Company pipeline in the Town of Wales, New York, to the proposed Porterville Compressor Station.

The application states that the proposed construction is a part of a general program to enable Applicant to store gas during the summer and during mild periods in the winter in order to meet increasing seasonal and peak load demands. The proposed construction will permit the coordinated development and use of Applicant's Bennington and Holland Storage Areas previously authorized in Docket No. G-1334.

The estimated total over-all capital cost of the proposed construction is $380,000 which will be financed by the issuance of long-term installment promissory notes to Applicant's parent company, National Fuel Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 23d day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5334; Filed, May 8, 1951; 8:45 a. m.]

[Project No. 1927]

CALIFORNIA OREGON POWER CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE (MAJOR)

MAY 2, 1951.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791a-825r), that The California Oregon Power Company, of Yreka, California, and Medford, Oregon, has filed application for amendment of the license for waterpower Project No. 1927 (Toketee) to include the following additional developments to be located on Clearwater River, tributary of North Umpqua River, in Douglas County, Oregon:

(1) Clearwater No. 1 development, consisting of a rock-filled timber crib diversion dam with free crest spillway section at river elevation 3,863, creating a pool with normal water level at elevation 3,883 feet; open conduit about 1.7 miles long, partly concrete lined canal and timber and concrete flume extending to a forebay; a steel penstock approximately 4,950 feet long; a powerhouse immediately upstream from the mouth of Mowich Creek containing a 21,000-horsepower turbine connected to a 15,000-kilowatt generator; a substation; a 132-kilovolt transmission line about 8 miles long to a switching station adjacent to the Toketee power plant; and appurtenant facilities; and

(2) Clearwater No. 2 development, consisting of a rock-filled timber crib diversion dam with free crest spillway section located immediately below the mouth of Mowich Creek creating a pool with normal water level at elevation 3,212 feet; conduit about 5.5 miles long, partly concrete lined canal, timber and concrete flumes, and tunnel extending to a forebay; a steel penstock about 1,300 feet long; a powerhouse at Toketee reservoir containing a 36,000-horsepower turbine connected to a 26,000-kilowatt generator; a substation; a short transmission tie line connecting the plant to the line between Clearwater No. 1 plant and Toketee plant; and appurtenant facilities.

The Licensee also requests inclusion in the license of a proposed access road about 9 miles in length connecting Clearwater No. 1 and No. 2 developments and extending through to connect with the Roseburg-Diamond Lake Highway.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before

June 12, 1951, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5337; Filed, May 8, 1951; 8:47 a. m.]

[Project No. 943]

PUGET SOUND POWER & LIGHT CO. AND PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASH.

NOTICE OF ORDER DIRECTING CONSTRUCTION OF ADDITIONAL PROJECT WORKS

MAY 3, 1951.

Notice is hereby given that, on May 2, 1951, the Federal Power Commission issued its order entered May 1, 1951, directing construction of additional project works in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5352; Filed, May 8, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-180, 59-94]

GREEN MOUNTAIN POWER CORP.

ORDER APPROVING AMENDED PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of May A. D. 1951.

Green Mountain Power Corporation ("Green Mountain"), a subsidiary company of New England Electric System ("NEES"), a registered holding company, having filed an amended plan of reorganization under section 11 (e) of the Public Utility Holding Company Act of 1935, together with an application for approval by the Commission of said amended plan and the transactions contemplated thereby under the applicable provisions of the act; and

Green Mountain having proposed, among other things, in said amended plan (a) the issue of 138,792 shares of new $10 par value common stock to the holders of the 46,264 shares of its presently outstanding preferred stock on the basis of three shares of new common stock in exchange for each share of preferred stock outstanding; (b) the issue and sale of 104,094 shares of new $10 par value common stock, for cash, to the public through underwriters, subject to the right of the preferred stockholders to subscribe for three additional shares of new common stock for each four shares of such stock received under (a) above; and (c) the compromise and settlement of intrasystem claims to be effected by the waiver by Green Mountain of possible claims against NEES and the relinquishment by NEES of any interest it may have in the equity of Green Mountain; and

The Commission having instituted proceedings under sections 11 (b) (2), 12 (f), 13, 15 (f) and 20 (a) of the act with respect to Green Mountain; having made as party respondents thereto NEES and certain of its subsidiary companies, namely, New England Power Company, Connecticut River Power Company and New England Power Service Company and having consolidated such proceeding with the proceeding on the plan; and

Green Mountain having requested in its plan an exemption from the competitive bidding requirements of Rule U-50 promulgated under the act; and

Green Mountain having requested the Commission upon its approval of said amended plan of reorganization to apply to an appropriate United States District Court for an order approving and enforcing said amended plan; and

The Commission having been requested to enter an order finding that the transactions proposed in said amended plan of reorganization are necessary or appropriate to effectuate the provisions of section 11 (b) of the act and that such order containing the recitals and specifications required by sections 371 and 1808 (f) of the Internal Revenue Code, as amended; and

Public hearings having been held, after appropriate notice, in respect of said consolidated proceedings; the Commission having considered the record in this matter and having made and filed its findings and opinion herein:

It is ordered, Pursuant to section 11 (e) and other applicable provisions of the act, that the amended plan of reorganization be, and the same hereby is, approved, subject to the conditions contained in Rule U-24 and subject further to the reservations of jurisdiction hereinafter set forth;

It is further ordered, Pursuant to the applicable provisions of the act, that Green Mountain's request for an exemption from the competitive bidding requirements of Rule U-50 promulgated under the act be, and the same hereby is, granted, subject to the reservations of jurisdiction hereinafter set forth;

It is further ordered, That jurisdiction be, and the same hereby is, reserved with respect to (1) the price, spread and maintenance of competitive conditions in connection with the proposed sale of the new common stock, for cash, (2) the reasonableness of all fees and expenses in connection with these proceedings, (3) making such supplemental findings and taking such further action as the Commission may deem appropriate in connection with the amended plan of reorganization, the transactions incident thereto, and the consummation thereof and (4) the proceedings instituted by the Commission under sections 11 (b) (2), 12 (f), 13, 15 (f) and 20 (a) of the act.

It is further ordered, That this order shall become effective immediately upon issuance but shall not become operative to authorize the consummation of any of the transactions proposed in the amended plan until an appropriate United States District Court shall, upon application thereto, enter an order enforcing the provisions of the amended plan.

It is further ordered and recited, In view of the requirements of supplement R and section 1808 (f) of the Internal Revenue Code, as amended, that the transactions as specified and itemized below, proposed in said amended plan of reorganization, are necessary or appropriate to the integration, or simplification of the holding company system of which Green Mountain is a member and are necessary or appropriate to effectuate the provisions of section 11 (b) of the act:

1. The distribution by Green Mountain to its preferred stockholders in pursuance of its amended plan of 3 shares of common stock of Green Mountain for each share of preferred stock of Green Mountain now outstanding, and the issue of warrants to subscribe for additional shares of common stock.

2. All the transfers necessary to effect the foregoing distribution, including:

(a) The transfer by Green Mountain to its preferred stockholders or to the Agent of said preferred stockholders of certificates for 138,392 shares of common stock of Green Mountain.

(b) The issue to the preferred stockholders of Green Mountain or to the Agent for said preferred stockholders of warrants to subscribe to 104,094 additional shares of said common stock of Green Mountain.

(c) Upon exercise of said warrants the issue or transfer of said shares of common stock of Green Mountain aggregating 104,094 shares or any part thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-5339; Filed, May 8, 1951; 8:47 a. m.]

[File No. 70-2594]

OHIO EDISON CO.

SUPPLEMENTAL ORDER GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of May 1951.

Ohio Edison Company ("Ohio"), a registered holding company and a public utility company, having filed an application-declaration and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act") and certain rules and regulations promulgated thereunder, proposing, among other things, the issuance and sale at competitive bidding pursuant to Rule U-50 of 150,000 shares of a new series of preferred stock, par value $100 per share, and the issuance and sale of 436,224 shares of additional common stock, par value $8 per share, pursuant to a subscription rights offering to its common stockholders, such offering to be underwritten with the underwriters to be chosen at competitive bidding pursuant to Rule U-50, the bidding to be with respect to the compensation to be paid by Ohio to the bidders for their services in underwriting the sale of the common stock, the price per share to the bidders to be the same price at which stockholders may subscribe; and

The Commission, by order dated April 18, 1951, having granted and permitted

effectiveness to the application-declaration, subject to the conditions, among others, that the proposed issuance and sale of the preferred stock and common stock by Ohio should not be consummated until the results of the competitive bidding, pursuant to Rule U-50, have been made a matter of record in this proceeding and a further order entered with respect thereto, and jurisdiction having been reserved therein over all fees and expenses to be incurred in connection with the proposed transactions; and Ohio, on May 3, 1951, having filed a further amendment to said application-declaration in which it is stated that Ohio designated a subscription price of $29.25 per share for the additional shares of its common stock and invited bids, pursuant to the competitive bidding requirements of Rule U-50, with respect to the compensation to be paid the underwriters for purchasing the common stock not taken by subscriptions and having received the following bids:

Bidding group headed by—	Amount of compensation	Aggregate net proceeds[1]
Merrill Lynch, Pierce, Fenner & Beane; Kidder, Peabody & Co.	$117,280.00	$12,642,272.00
Lehman Bros., Bear, Stearns & Co.	125,937.87	12,633,614.13
Morgan Stanley & Co.	143,055.00	12,615,657.00
The First Boston Corp.	165,000.00	12,594,552.00

[1] The contract with the underwriters provides, in effect, that in case any shares of common stock [purchased by them shall be sold prior to the expiration of 30 days] following the close of the subscription period for a price in excess of $30.75 the underwriters must pay to Ohio, in addition to the purchase price, a sum equal to one-half of such excess.

The amendment having further stated that Ohio has accepted the bid of Merrill Lynch, Pierce, Fenner & Beane and Kidder, Peabody & Co. for the common stock as set forth above; and the amendment having further stated that Ohio also invited bids for the purchase of the new preferred stock but that on April 26, 1951, in view of market conditions and the fact that it did not have immediate need for the proceeds from the sale of the new preferred stock, Ohio determined, pursuant to the reservation contained in the invitation for proposals, to postpone the time for the presentation and opening of proposals for the new preferred stock and immediately notified the representatives of all prospective bidders of such postponement, and said amendment having further stated that Ohio proposes to publish notice of any new date fixed by it for the presentation and opening of proposals for the purchase of the new preferred stock and to give telegraphic or telephonic notice of such date to each prospective bidder who has or shall have furnished a questionnaire, as proposed in the invitation, to the company, such notice to be given at least seven days prior to the date so fixed by the company, and that the company will permit the filing of questionnaires until a date two days prior to the date it may fix for the presentation and opening of proposals; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said common stock or the compensation to be paid the underwriters for their purchase of said stock, and that there is no basis for any adverse findings with respect to the postponement of the time for the presentation and opening of proposals for the new preferred stock, and finding that the record is incomplete with respect to the details of certain fees and expenses incurred in connection with the proposed transactions:

It is ordered, That the application-declaration, as further amended, be granted and permitted to become effective forthwith, subject to the condition that the jurisdiction heretofore reserved with respect to all fees and expenses and to the results of the competitive bidding pursuant to Rule U-50 for the new preferred stock, be, and the same hereby is, continued, all other reservations of jurisdiction being released, and subject, further, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-5340; Filed, May 8, 1951; 8:47 a. m.]

[File No. 70-2613]

OHIO POWER CO. AND CENTRAL OHIO COAL CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of May A. D. 1951.

Notice is hereby given that The Ohio Power Company ("Ohio Power"), an electric utility subsidiary company of American Gas and Electric Company, a registered holding company, and Central Ohio Coal Company ("Coal Company"), a non-utility subsidiary company of Ohio Power, have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 and have designated sections 6 (b), 10, and 12 (b) of the act and Rule U-45 as being applicable to the proposed transactions.

All interested persons are referred to said joint application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Coal Company proposes to issue and sell and Ohio Power proposes to acquire not to exceed 15,000 shares of Coal Company's capital stock from time to time prior to December 31, 1954, for a cash consideration of $100 per share, being the par value of such shares, or a total of $1,500,000.

Ohio Power proposes to advance to Coal Company not to exceed $4,000,000 on open account from time to time prior to December 31, 1954, such advances to bear interest at the initial rate of 3 percent per annum. Ohio Power expects that as a part of a financing program to be consummated within the next twelve months, it will issue some long-term unsecured indebtedness. In the event that such unsecured indebtedness bears an annual average interest rate other than 3 percent, the annual interest on the proposed advances to the Coal Company will be adjusted to equal such rate.

It is stated that the proceeds to be derived by the Coal Company from the proposed transactions will be used to pay the costs of construction of additional coal production facilities during the years 1951–1954.

The application-declaration states that no state commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 15, 1951, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 15, 1951, said application-declaration as filed, or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-5342; Filed, May 8, 1951; 8:48 a. m.]

[File No. 70-2615]

OHIO POWER CO. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of May A. D. 1951.

In the matter of The Ohio Power Company, Appalachian Electric Power Company, Central Coal Company, File No. 70-2615.

Notice is hereby given that The Ohio Power Company ("Ohio Power"), Appalachian Electric Power Company ("Appalachian"), both electric utility subsidiary companies of American Gas and Electric Company, a registered holding company, and Central Coal Company ("Coal Company"), a non-utility subsidiary company of both Ohio Power and Appalachian, have filed a joint declaration pursuant to the Public Utility Holding Company Act of 1935, and have designated section 12 (b) of the act as being applicable to the proposed transactions.

All interested persons are referred to said joint declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Ohio Power and Appalachian propose to advance not to exceed in the aggregate $2,500,000 to Coal Company on open

account from time to time prior to December 31, 1954. Such advances are to be made in equal amounts by Ohio Power and Appalachian and will bear an initial interest rate of 3 percent per annum. Ohio Power and Appalachian expect that as part of a financing program to be consummated within the next twelve months, they will issue some long-term unsecured indebtedness. In the event that such unsecured indebtedness bears an annual average interest rate other than 3 percent, the annual interest rate on the proposed advances to the Coal Company will be adjusted to equal such rate.

It is stated that the proceeds from the proposed transaction will be used by the Coal Company to pay for the costs of construction of additional coal production facilities during the years 1951–54.

The joint declaration states that the State Corporation Commission of Virginia and the Public Service Commission of West Virginia have jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 15, 1951, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 15, 1951, said declaration as filed, or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5343; Filed, May 8, 1951; 8:48 a.m.]

[File No. 70-2616]

APPALACHIAN ELECTRIC POWER CO. AND CENTRAL APPALACHIAN COAL CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of May A. D. 1951.

Notice is hereby given that Appalachian Electric Power Company ("Appalachian"), an electric utility subsidiary company of American Gas and Electric Company, a registered holding company, and Central Appalachian Coal Company ("Coal Company"), a non-utility subsidiary company of Appalachian, have filed a joint declaration pursuant to the Public Utility Holding Company Act of 1935, and have designated section 12 (b) of the act and Rule U-45 as being applicable to the proposed transactions.

All interested persons are referred to said joint declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Appalachian proposes to advance not to exceed $3,400,000 to Coal Company on open account from time to time prior to December 31, 1954, at an initial interest rate of 3 percent per annum. Appalachian expects that as part of a financing program to be consummated within the next twelve months, it will issue some long-term unsecured indebtedness. In the event that such unsecured indebtedness of Appalachian bears an annual interest rate other than 3 percent, the annual interest rate on the proposed advances to Coal Company will be adjusted to equal such rate.

It is stated that the proceeds from the proposed transaction will be used by the Coal Company to pay the costs of construction of additional coal production facilities during the years 1951–1954.

The joint declaration states that the State Corporation Commission of Virginia and the Public Service Commission of West Virginia have jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 15, 1951, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 15, 1951, said declaration as filed, or as amended, may be permitted to become effective as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5341; Filed, May 8, 1951; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26069]

ALCOHOL AND ANTI-FREEZE PREPARATIONS FROM SOUTH POINT, OHIO, TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

MAY 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, agent, for carriers parties to N&W Ry. tariff I. C. C. No. 9424, pursuant to fourth-section order No. 9800.

Commodities involved: Denatured alcohol, methanol, and anti-freeze preparations, carloads.

From: South Point, Ohio.

To: Detroit, Mich., St. Louis, Mo., Buffalo, N. Y., and certain other points in official territory.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5353; Filed, May 8, 1951; 8:49 a. m.]

[4th Sec. Application 26070]

COAL FROM MISSOURI TO IOWA

APPLICATION FOR RELIEF

MAY 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, agent, for carriers parties to his tariff I. C. C. No. A-3456.

Commodities involved: Bituminous coal, carloads.

From: Mines in Missouri.

To: Broadmoor, Highland Park, Eagle Grove, Waterloo and La Porte, Iowa, and certain other points.

Grounds for relief: Circuitous routes and market competition.

Schedules filed containing proposed rates; L. E. Kipp's tariff I. C. C. No. A-3456, Supp. 83.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5354; Filed, May 8, 1951; 8:49 a. m.]

[Rev. S. O. 874, 2d Rev. General Permit 9]

DISTILLERS DRIED FEED, DISTILLERS SOLUBLES, BREWERS DRIED GRAINS, AND/OR DRIED SPENT GRAIN MASH

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act, to disregard the provisions of Revised Service Order No. 874 insofar as they apply to any car loaded with distillers dried feed, distillers solubles, brewers dried grains and/or dried spent grain mash because of the tendency of said commodities to heat, cake, and possible burning during summer months.

The waybills shall show reference to this general permit and any shipper of distillers dried feed, distillers solubles, brewers dried grains, and/or dried spent grain mash shall furnish the Permit Agent the dates forwarded, the car numbers, initials, weights, and destinations of the cars shipped; such information to be furnished on the first of each month.

This general permit shall become effective at 12:01 a. m., May 3, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended, or revoked. This general permit vacates and supersedes Revised General Permit No. 9 on the effective date hereof.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of May 1951.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 51-5372; Filed, May 8, 1951; 8:50 a. m.]

[Rev. S. O. 874, 2d Rev. General Permit 15]

CORN GLUTEN FEED, AND/OR CORN GLUTEN MEAL

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act, to disregard the provisions of Revised Service Order No. 874 insofar as they apply to any car loaded with corn gluten feed and/or corn gluten meal when any consignor advises that service would be denied because of its inability to meet the minimum requirements because of tendency of commodity to cake and heat in warm weather.

The waybills shall show reference to this general permit and any consignor forwarding cars under this general permit shall furnish the Permit Agent the car numbers, initials, and destinations of the cars shipped under this permit, and also the car numbers, initials, and weights of all cars of corn gluten feed and/or corn gluten meal shipped; such information to be furnished on the first of each month.

This general permit shall become effective at 12:01 a. m., May 3, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of May 1951.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 51-5373; Filed, May 8, 1951; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17733]

JOHN SCHUSTER

In re: Claim owned by John Schuster, also known as Johann Schuster. F-28-30121.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Schuster, also known as Johann Schuster, whose last known address is Stillern, bei Raisting, Kreis Weilheim Obb., Germany, is a resident of German and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain claim against the State of New York and the Comptroller of the State of New York, arising by reason of the collection or receipt by said Comptroller, pursuant to the provisions of the Abandoned Property Law of the State of New York, of the following: That sum of money previously on deposit at Bay Ridge Savings Bank, 5th Avenue & 54th Street, Brooklyn 20, New York, in a Savings Account, Account Number 128138, entitled John Schuster,

and any and all rights to file with said Comptroller, demand, enforce and collect the aforesaid claim,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-5313; Filed, May 7, 1951; 8:51 a. m.]

[Vesting Order 17767]

MINNIE PESCH

In re: Estate of Minnie Pesch, deceased. File No. D-28-12998; E. T. sec. 17126.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Jarchow, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the children, names unknown, of Heinrich Peters; of Fritz Peters; children, names unknown, of any deceased child of Fritz Peters; daughters, names unknown, of Heinrich Pesch; and children, names unknown, of daughters of Heinrich Pesch, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 to 2 hereof, and each of them, in and to the estate of Minnie Pesch, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by The Northwestern Loan and Trust Company of Kenosha, Wisconsin, Administrator with the Will Annexed, acting under the judicial supervision of the County Court of Kenosha County, State of Wisconsin,

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the children, names unknown, of Heinrich Peters; of Fritz Peters; children, names unknown of any deceased child of Fritz Peters; daughters, names unknown, of Heinrich Pesch; and children, names unknown, of daughters of Heinrich Pesch, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5314; Filed, May 7, 1951; 8:51 a. m.]

[Vesting Order 17681]

MOSHI TOMA AKAMINE ET AL.

In re: Funds owned by and claims of Moshi Toma Akamine and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are listed in Exhibit A, set forth below and by reference made a part hereof, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. All funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", and representing the proceeds of withheld checks, drawn for the payment of Social Security benefits to the persons whose names and Social Security numbers are listed on the aforesaid Exhibit A, and in the amounts as of January 1, 1947, as set forth opposite each such name, and any and all rights to demand, enforce and collect the aforesaid funds, and

b. Any and all rights and claims to Social Security benefits under the Social Security Act, approved August 14, 1935, as amended (Pub. Law 271, 74th Cong., 1st Sess., 49 Stat. 620), to January 1, 1947, of the persons whose names are listed in the aforesaid Exhibit A, and further identified by the Social Security number, listed opposite each name, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name	Last known address	Social Security No.	Amount deposited as of Jan. 1, 1947	Office of Alien Property File No.
Moshi Toma Akamine	1009 Banchi Ashimine-Aza, Oroku-Mura, Shimajiri-Gun, Okinawa-Ken, Japan.	575-01-9478	$128.58	F-39-6860
Iwajiro Akimoto	Mizuho-Onza Sone-Mura Kumage Gun, Yamaguchi-Ken, Japan.	575-07-5418A	312.66	F-39-6861
Tatsutaro Aeki	Japan	534-01-5979A	148.70	F-39-6862
Keisuke Aoyagi	Sasagawa-Machi Katori-Gun, Chiba-Ken, Japan.	547-01-4567A	400.50	F-39-4252
Gensuke Endo	Kuma-Machi Kuma-Mura Futaba-Gun, Fukushima-Ken, Japan.	576-05-6033A	382.20	F-39-4235
Fukuichi Fuji	Aza Shimoryoke Tabusamura, Konugun, Hiroshimaken, Japan.	530-07-7050A	407.15	F-39-4206
Ichi T. Haraga	c/o Horuichi Tanaka Aza Yamate, Ogori-Machi Yoshiki-Gun, Yamaguchi-ken, Japan.	576-07-6427B	117.55	F-39-6863
Kamenosuke Hayashi	Wakimura Kuga-Gun, Yamaguchi-Ken, Japan.	576-03-2169A	337.11	F-39-4241
Matsujiro Higashitani	Japan	531-07-2394A	49.56	D-39-17836
Takaichi Hiroyama	do	545-03-9830A	153.30	F-39-429
Umetaro Hondo aka Umetaro Hondo.		537-03-6614A	371.79	F-39-4244
Hirozo Horiye	Matsuye Suda-Mura Chikujyo-Gun, Fukuoka-Ken, Japan.	575-07-4409-A	606.90	F-39-4245
Kameichi Ichimori	c/o Shuichi Wada Iizaka-Machi, Shinobu-Gun, Fukushima-Ken, Japan.	576-07-5696 A	416.79	F-39-4249
Sono Fujimoto Ichimori	Kogumi-Aza Hitsumi-Mura Kuga-Gun, Yamaguchi-Ken, Japan.	576-08-5696 B	208.53	F-39-6866
Khutaro Inukai	do	558-18-7693 A	372.60	F-39-4247
William E. Iwanaga	Imperial Hotel, Tokyo, Japan	536-09-7764 A	278.46	F-39-4252
Yoshino A. Iwatake (as mother of Masuru Iwatake).	2852 Chome Nishi Sugamo, Toshima-Ku Tokyo, Japan.	575-03-8357 C	169.15	F-39-6890
Yoshino A. Iwatake (as mother of Miyeko Iwatake).	868 Shinonome Cho, Hiroshima Shi Japan.	575-03-8357 C	169.32	F-39-6893
Yoshino A. Iwatake (as mother of Takashi Iwatake).	do	575-03-8357 C	169.32	F-39-6889
Yoshino A. Iwatake, a/k/a Mrs. Tamotsu Iwatake.	do	575-03-8357 E	253.81	F-39-4251
Kage Haru Kameno	Fukuoka Mura Nakatado Gun, Kagawa Ken, Japan.	553-22-2776 A	592.32	F-39-6888
Toraichi Kaneko	Shimata-Oaza Hikari-Cho, Kumage Gun, Yamaguchi-Ken, Japan.	575-09-0663 A	548.87	F-39-6869
Shogoro Kawaguchi	199 Banchi Kurotsucchi-Oaza, Tadami-Mura, Yame-Gun Fukuoka-Ken, Japan.	575-07-1066 A	425.99	F-39-4263
Magojiro Kawamura	Oodomi-Cho Kuba-Shi Tsuno-Gun, Yamaguchi-Ken, Japan.	576-05-3774 A	383.49	F-39-4242
Jukichi Kawasoe	c/o Isaku Kawasoe Miyamoto, Yansi Machi, Kuga Gun, Yamaguchi Ken, Japan.	575-03-4743A	420.01	F-39-4261
Motoichi Kobayashi	Japan	575-05-6224A	19.94	F-39-3130
Seichi Komatsu (on account of Kukasuke Komatsu).	Susuma Tsuno-Gun Yamaguchi-Ken, Japan.	575-05-3651	20.96	F-39-6871
Seichi Komatsu	do	575-05-3651	135.76	F-39-6870
Komae O. Koyama	420 Oaza Monden Yura-Mura, Hidaka-Gun Wakayama-Ken, Japan.	531-07-3715B	192.24	F-39-6872
Naojiro Koyama, a/k/a Nadjiro Koyama.	420 Oaza Monden Yura-Mura, Hidaka-Gun, Wakayama-Ken, Japan.	531-07-3717A	384.48	F-39-4268
Gitoku Maeda, s/k/a Gitoru Maeda.	17 Banchi Agarimae Iyeimura, Kunigami-Gun, Okinawa-Ken, Japan.	575-09-3370A	214.52	F-39-4239
Koichi Nakamura	1911 Kamikutashima-Oaza, Obashi-Mura Kyoto-Gun, Fukuoka-Ken, Japan.	576-10-1574A	374.55	F-39-1328

EXHIBIT A

Name	Last known address	Social Security No.	Amount deposited as of Jan. 1, 1947	Office of Alien Property File No.
Tashitoro Nakatani	454 Kan-On Machi Nakajima Hon-Machi, Hiroshima Shi, Japan.	575-07-9410A	394.31	F-39-4216
Tai E. Nishi	Japan	575-09-7613	28.92	F-39-6873
Shime Kage Oba	Oki-Mura Owasa-Chio-Jima Sanuy Gun, Fu Kuoka-Ken, Japan.	576-12-3260	36.48	F-39-6874
Kankichi Ogi	1788 Banchi Kuba-Machi Saiki-Gun, Hiroshima-Ken, Japan.	576-03-4690A	363.80	F-39-4212
Otomatsu Okano	House No. 2564 Takuma-Mura Mitsuki Gun, Hiroshima-Ken, Japan.	532-09-5203 A	445.06	F-39-4208
Seiko Onaga	Urasoe-Mura Nakagami-Gun, Okinawa-Ken, Japan.	575-10-6586 A	385.74	F-39-6875
Kakuso Onomoto	17 Banchi Yawata-Onza Tabuse-Cho, Kumage-Gun, Yamaguchi-Ken, Japan.	575-09-6713 A	268.19	F-39-6876
Kushichi Onuma	Nishine-Mura Aza Takakura Igu-Gun, Miyagi-Ken, Japan.	576-16-5272 A	366.54	F-39-6877
Hisajiro Sakata	c/o Yoshio Maeda Kuramoto-Dori, Kure-Shi, Hiroshima-Ken, Japan.	575-05-6830 A	444.24	F-39-4267
Manzaburo Sano	Suginami Amanuma 2-426, Tokyo, Japan	528-20-8224 A	351.54	F-39-6888
Kunisuke Shizeta	1085 Banchi Fuchu-Machi Ashina-Gun, Hiroshima-Ken, Japan.	575-07-1947 A	484.07	F-39-4270
Ichijiro Shimada	Japan	545-18-7291 A	223.50	F-39-6878
Chogoro Shimamura	Yashima-Oaza Kaminoseki-Mura, Kumage-Gun Yamaguchi-Ken, Japan.	575-03-3000 A	431.82	F-39-4271
Noshi O. Shimamura	do	575-03-3000 B	216.00	F-39-6879
Kikutaro Takabayashi	Japan	576-01-1760 A	224.98	F-39-1716
Shokichi Takahashi	Shimokawaguchi-Aza Sekitani, Mura Iwafune-Gun, Niigata-Ken, Japan.	576-16-5428 A	473.04	F-39-4277
Wari N. Takai	No. 235 Oaza Yamade Asakura, Mura Asakura-Gun, Fukuoka-Ken, Japan.	575-07-4826 A	174.84	F-39-6880
Teraichi Takumi	c/o Takichi Shibata Kakumachi, Oasa Kabe-Machi Asa-Gun, Hiroshima-Ken, Japan.	576-14-3157 A	282.88	F-39-4279
Tomeji Taniguchi	Doi-Mura, Higashi Uwa-Gun, Ehime, Ken, Japan.	575-07-0693 A	442.08	F-39-4283
Jiro Tanda	Japan	545-20-0709 A	25.54	F-39-17716
Yazo Uyeshima	c/o Mrs. M. Arii Tsukaguchi, Tachibena-Mura, Hyogo-Ken, Japan.	551-10-6869 A	442.62	F-39-6881
Yazo Uyeshima (as father of Noboru Uyeshima).	do	551-10-6869 C	221.40	F-39-6882
Toyoji Watanabe	c/o Tetsujiro Sekai Okecho Shibatamachi, Kitakanbaragun Niigataken, Japan.	575-09-2124 A	423.56	F-39-4292
Kursuke Yamamura	Aza Hanoshi Tabuse-Machi Kumage-Gun, Yamaguchi-Ken, Japan.	576-12-3044 A	187.16	F-39-4294
Ibe Yasda	Kohe-Yama Toromara Shime-Michi, Kumano-to Ken, Japan.	529-03-2173 A	374.50	F-39-6883
Soto Yokota (as mother of Yoshiko Urabe).	c/o Imbari Christian Church, Ebisu-Cho, Imabari Ehime Ken, Japan.	528-05-3422 C	233.07	F-39-6884
Takeiro Yokoyama aka Takejiro Yokoyamo.	Yanai-Machi Kuga-Gun, Yamaguchi, Ken, Japan.	575-10-0423 A	428.84	F-39-4296
Kako Zaha	52 Banchi Itchome Yamagawa-Cho, Shuri-Shi Okinawa-Ken, Japan.	575-07-9216 A	306.42	F-39-6885

[F. R. Doc. 51-5309; Filed, May 7, 1951; 8:51 a. m.]

[Vesting Order 17581]

ALLGEMEINE ELEKTRICITAETS-GESELLSCHAFT ET AL.

In re: Interests and rights created in Allgemeine Elektricitaets-Gesellschaft, Deutsche Grammophon A. G., and Polyphonwerke A. G., by virtue of various agreements relating, among other things, to United States Letters Patent No. 2,285,969.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Allgemeine Elektricitaets-Gesellschaft, Berlin NW 40, Friedrich Karl-Ufer 2 4, and Frankfurt a. M., Aystettstrasse 3, is a corporation organized under the laws of Germany and is a national of a designated enemy country (Germany);

2. That Deutsche Grammophon G. m. b. H., Berlin-Zehlendorf, 35 Forststrasse, is a corporation organized under the laws of Germany and is a national of a designated enemy country (Germany);

3. That the property described as follows:

(a) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Allgemeine Elektricitaets-Gesellschaft by virtue of an agreement dated October 25, 1926 (including all modifications thereof and supplements thereto), by and between The Brunswick-Balke-Collender Company and Allgemeine Elektricitaets-Gesellschaft, relating, among other things, to United States Letters Patent No. 2,285,969;

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Deutsche Grammophon A. G., Polyphonwerke A. G., Allgemeine Elektricitaets-Gesellschaft, and in each of them, by virtue of an agreement of assignment dated October 25, 1926, by and between The Brunswick-Balke-Collender Company, Deutsche Grammophon A. G., and Polyphonwerke A. G., relating, among other things, to United States Letters Patent No. 2,285,969;

(c) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Deutsche Grammophon A. G. and Polyphonwerke A. G., and in each of them, by virtue of an agreement dated October 25, 1926 (including all modifications thereof and supplements thereto, and including, but without limitation, a Supplemental Agreement dated December 7, 1926, and an agreement executed on May 23, 1928 by and between The Brunswick-Balke-Collender Company, Deutsche Grammophon A. G., and Polyphonwerke A. G.), relating, among other things, to United States Letters Patent No. 2,285,969;

(d) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Allgemeine Elektricitaets-Gesellschaft, Deutsche Grammophon A. G., Polyphonwerke A. G., and in each of them, by virtue of an agreement dated May 24, 1928, by and between International General Electric Company Inc., The Brunswick-Balke-Collender Company, Allgemeine Elektricitaets-Gesellschaft, Deutsche Grammophon A. G. and Polyphonwerke A. G. (including all modifications thereof and supplements thereto, and including, but without limitation, (a) an agreement dated May 24, 1928, by and between International General Electric Company Inc. and Allgemeine Elektricitaets-Gesellschaft, (b) an agreement dated November 26/December 5, 1931, by and between Allgemeine Elektricitaets-Gesellschaft, Deutsche Grammophon A. G., and Polyphonwerke A. G., (c) an agreement dated January 18, 20 and 22, 1935, by and between Brunswick Record Corporation, Deutsche Grammophon A. G., Societe Phonographique Francaise "Polydor", and "Polydor" Sprechmaschinen und Schallplatten G. m. b. H.), relating, among other things, to United States Letters Patent No. 2,285,969;

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5279; Filed, May 8, 1951; 8:51 a. m.]

[Vesting Order 17737]

BAER CUSTODIAN CORP.

In re: Accounts maintained in the name of Baer Custodian Corporation, 67 Wall Street, New York 5, New York, and owned by persons whose names are unknown. F-63-1210.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Baer Custodian Corp., 67 Wall Street, New York 5, New York]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Brown Bros. Harriman & Co., 59 Wall St., New York 5, N. Y.	(a) Baer Custodian Corp., blocked account, as described by Brown Bros. Harriman & Co. in its report on Form OAP-700, bearing its Serial No. 105; (b) miscellaneous portfolio of securities in an account entitled Baer Custodian Corp., blocked account, as described by Brown Bros. Harriman & Co. in its report on Form OAP-700, bearing its Serial No. 106.

[F. R. Doc. 51-5382; Filed, May 8, 1951; 8:51 a.m.]

[Return Order 950]

FRIEDA VOM HOFE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Frieda vom Hofe, San Francisco, Calif., Claim No. 6964; March 17, 1951 (16 F. R. 2542); $25,661.70 in the Treasury of the United States. An undivided ½ interest in two parcels of real property, located at 791 Howard Street and 553-61 Valencia Street, San Francisco, Calif., respectively. The right, title and interest of Frieda vom Hofe and her descendants in and to the Trust Estate created under the Will of Louis Pockwitz, deceased, and by virtue of a decree of the Superior Court in the State of California in and for the City and County of San Francisco, dated December 24, 1924, in the estate of Louis Pockwitz, deceased; estate administered by Bank of America National Trust and Savings Association, Trustee, under the judicial supervision of the above court, until the termination of the trust in 1946, in accordance with the provisions of the will of Louis Pockwitz, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5315; Filed, May 7, 1951; 8:52 a. m.]

[Return Order 817]

STANDARD OIL DEVELOPMENT CO.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Standard Oil Development Co., 15 West 51st Street, New York 19, N. Y.; Claim No. A-423; November 14, 1950 (15 F. R. 7741); property described in Vesting Order No. 16 (7 F. R. 4400, June 11, 1942) relating to United States Letters Patent No. 2,218,610. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5316; Filed, May 7, 1951; 8:52 a. m.]

THE NATIONAL ARCHIVES

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VOLUME 16 NUMBER 91

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Oats]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1951-CROP OATS LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for 1951-Crop Oats. The 1951 C. C. C. Grain Price Support Bulletin 1, 16 F. R. 1987, issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1951, is supplemented as follows:

Sec.
601.951 Purpose.
601.952 Availability of price support.
601.953 Eligible oats.
601.954 Warehouse receipts.
601.955 Determination of quantity.
601.956 Determination of quality.
601.957 Maturity of loans.
601.958 Support rates.
601.959 Warehouse charges.
601.960 Settlement.

AUTHORITY: §§ 601.951 to 601.960 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup., 714c; 7 U. S. C. Sup., 1447 1421.

§ 601.951 *Purpose.* Sections 601.951 to 601.960 state additional specific requirements which, together with the general requirements contained in the 1951 C. C. C. Grain Price Support Bulletin 1, 16 F. R. 1987, apply to loans and purchase agreements under the 1951-Crop Oats Price Support Program.

§ 601.952 *Availability of price support.* (a) *Method of support.* Price support will be available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever oats are grown in the continental United States, except that farm-storage loans will not be available in areas where the PMA State committee determines that oats cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1952, and the applicable documents must be signed by the producer—and delivered to the county committee not later than such date.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing oats in 1951 as landowner, landlord, tenant, or sharecropper.

§ 601.953 *Eligible oats.* At the time the oats are placed under loan or delivered under a purchase agreement, the oats must meet the following requirements:

(a) The oats must have been produced in the continental United States in 1951 by an eligible producer.

(b) The beneficial interest in the oats must be in the person tendering the oats for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the oats were harvested.

(c) The oats must grade No. 3 or better. Feed oats and mixed feed oats will not be eligible.

(d) The oats must not grade Weevily, Smutty, Ergoty, Garlicky, Bleached, Thin or Tough, or be otherwise of low quality.

(e) If offered as security for a farm-storage loan, the oats must have been stored in the granary at least 30 days prior to their inspection for measurement, sampling, and sealing, unless otherwise approved by the PMA State committee.

§ 601.954 *Warehouse receipts.* Warehouse receipts representing oats in approved warehouse-storage to be placed

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FEDERAL REGISTER

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CODE OF FEDERAL REGULATIONS
1949 Edition

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(For use during 1951)

The following Pocket Supplements are now available:

Title 7: Parts 210–899 ($1.50)
Part 900 to end ($1.25)
Title 14: Part 400 to end ($0.45)
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under loan or delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must indicate that the oats are insured, must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued on a warehouse approved by CCC under the Uniform Grain Storage Agreement (insured by the warehouseman in accordance with the terms of the Uniform Grain Storage Agreement) or warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (1) Gross weight or bushels, (2) class, (3) grade, (4) test weight, and (5) any other grading factor(s) when such factor(s) and not test weight determine the grade.

(c) A separate warehouse receipt must be submitted for each grade of oats.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.959.

§ 601.955 *Determination of quantity.* The quantity of oats placed under farm-storage loan may be determined either by weight or by measurement. The quantity of oats placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

When the quantity is determined by weight, a bushel shall be 32 pounds of oats. In determining the quantity of sacked oats by weight, a deduction of ¾ of a pound for each sack shall be made.

When the quantity of oats is determined by measurement, a bushel shall be 1.25 cubic feet of oats testing 32 pounds per bushel. The quantity so determined shall be adjusted for test weight by applying the applicable percentage as shown in the following table:

For oats testing	*Percent*
40 pounds or over	125
39 pounds or over, but less than 40 pounds	121
38 pounds or over, but less than 39 pounds	118
37 pounds or over, but less than 38 pounds	115
36 pounds or over, but less than 37 pounds	112
35 pounds or over, but less than 36 pounds	109
34 pounds or over, but less than 35 pounds	106
33 pounds or over, but less than 34 pounds	103
32 pounds or over, but less than 33 pounds	100
31 pounds or over, but less than 32 pounds	96
30 pounds or over, but less than 31 pounds	93
29 pounds or over, but less than 30 pounds	90
28 pounds or over, but less than 29 pounds	87
27 pounds or over, but less than 28 pounds	84

Since the percentage of dockage is not a grade factor in the case of oats, the quantity of oats will be determined without reference to dockage.

§ 601.956 *Determination of quality.* The grade, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Oats, whether or not such determinations are made on the basis of an official inspection.

§ 601.957 *Maturity of loans.* Loans mature on demand but not later than April 30, 1952.

§ 601.958 *Support rates.* Loans will be made, and oats delivered under purchase agreements will be purchased at the support rates set forth in this section. Both farm-storage and warehouse-storage loans will be made at the support rate established for the county in which the oats are stored. Support rates per bushel for oats grading No. 3, or better, are set forth below:

	Rate per bushel for No. 3 or better
ALABAMA	
All counties	$0.86
ARIZONA	
All counties	$0.84
ARKANSAS	
All counties	$0.81

CALIFORNIA

County	*Rate per bushel for No. 3 or better*	*County*	*Rate per bushel for No. 3 or better*
Alameda	$0.89	Del Norte	$0.84
Alpine	.85	El Dorado	.85
Amador	.86	Fresno	.87
Butte	.85	Glenn	.85
Calaveras	.86	Humboldt	.86
Colusa	.86	Imperial	.87
Contra Costa	.89	Inyo	.87

CALIFORNIA—Continued

County	Rate per bushel for No. 3 or better
Kern	$0.87
Kings	.87
Lake	.86
Lassen	.82
Los Angeles	.89
Madera	.87
Marin	.89
Mariposa	.87
Mendocino	.86
Merced	.87
Modoc	.79
Mono	.86
Monterey	.87
Napa	.88
Nevada	.82
Orange	.88
Placer	.84
Plumas	.82
Riverside	.87
Sacramento	.86
San Benito	.87
San Bernardino	.87
San Diego	.87
San Francisco	$0.89
San Joaquin	.88
San Luis Obispo	.87
San Mateo	.89
Santa Barbara	.87
Santa Clara	.89
Santa Cruz	.88
Shasta	.82
Sierra	.82
Siskiyou	.79
Solano	.89
Sonoma	.88
Stanislaus	.88
Sutter	.86
Tehama	.85
Trinity	.86
Tulare	.87
Tuolumne	.86
Ventura	.88
Yolo	.87
Yuba	.85

COLORADO

All counties $0.72

DELAWARE

All counties $0.83

FLORIDA

All counties $0.89

GEORGIA

All counties $0.87

IDAHO

County	Rate per bushel for No. 3 or better
Ada	$0.74
Adams	.72
Bannock	.72
Bear Lake	.72
Benewah	.73
Bingham	.70
Blaine	.72
Boise	.74
Bonner	.71
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Caribou	.71
Cassia	.73
Clark	.70
Clearwater	.71
Custer	.72
Elmore	.74
Franklin	.72
Fremont	.70
Gem	$0.74
Gooding	.73
Idaho	.70
Jefferson	.70
Jerome	.73
Kootenai	.73
Latah	.74
Lemhi	.71
Lewis	.74
Lincoln	.73
Madison	.70
Minidoka	.73
Nez Perce	.74
Oneida	.72
Owyhee	.74
Payette	.74
Power	.72
Shoshone	.71
Teton	.70
Twin Falls	.73
Valley	.72
Washington	.73

ILLINOIS

County	Rate per bushel for No. 3 or better
Adams	$0.72
Alexander	.74
Bond	.73
Boone	.72
Brown	.72
Bureau	.72
Calhoun	.73
Carroll	.72
Cass	.72
Champaign	.72
Christian	.72
Clark	.72
Clay	.73
Clinton	.73
Coles	.72
Cook	.74
Crawford	.73
Cumberland	.72
De Kalb	.72
De Witt	.72
Douglas	.72
Du Page	.72
Edgar	$0.72
Edwards	.74
Effingham	.73
Fayette	.73
Ford	.72
Franklin	.74
Fulton	.72
Gallatin	.75
Greene	.73
Grundy	.72
Hamilton	.74
Hancock	.72
Hardin	.73
Henderson	.72
Henry	.72
Iroquois	.72
Jackson	.74
Jasper	.73
Jefferson	.74
Jersey	.73
Jo Daviess	.72
Johnson	.74

ILLINOIS—Continued

County	Rate per bushel for No. 3 or better
Kane	$0.72
Kankakee	.72
Kendall	.72
Knox	.72
Lake	.73
La Salle	.72
Lawrence	.73
Lee	.72
Livingston	.72
Logan	.72
McDonough	.72
McHenry	.72
McLean	.72
Macon	.72
Macoupin	.73
Madison	.74
Marion	.73
Marshall	.72
Mason	.72
Massac	.74
Menard	.72
Mercer	.72
Monroe	.74
Montgomery	.73
Morgan	.72
Moultrie	.72
Ogle	.72
Peoria	.72
Perry	.74
Platt	$0.72
Pike	.72
Pope	.75
Pulaski	.74
Putnam	.72
Randolph	.74
Richland	.73
Rock Island	.72
Saint Clair	.74
Saline	.75
Sangamon	.72
Schuyler	.72
Scott	.72
Shelby	.72
Stark	.72
Stephenson	.72
Tazewell	.72
Union	.74
Vermilion	.72
Wabash	.74
Warren	.72
Washington	.74
Wayne	.74
White	.74
Whiteside	.72
Will	.73
Williamson	.74
Winnebago	.72
Woodford	.72

INDIANA

County	Rate per bushel for No. 3 or better
Adams	$0.73
Allen	.73
Bartholomew	.74
Benton	.72
Blackford	.73
Boone	.73
Brown	.74
Carroll	.73
Cass	.73
Clark	.74
Clay	.72
Clinton	.73
Crawford	.74
Daviess	.74
Dearborn	.75
Decatur	.74
De Kalb	.73
Delaware	.73
Dubois	.74
Elkhart	.74
Fayette	.73
Floyd	.74
Fountain	.72
Franklin	.74
Fulton	.73
Gibson	.74
Grant	.73
Greene	.74
Hamilton	.73
Hancock	.73
Harrison	.74
Hendricks	.73
Henry	.73
Howard	.73
Huntington	.73
Jackson	.74
Jasper	.72
Jay	.73
Jefferson	.75
Jennings	.75
Johnson	.73
Knox	.74
Kosciusko	.73
Lagrange	.74
Lake	.73
La Porte	.74
Lawrence	$0.74
Madison	.73
Marion	.73
Marshall	.73
Martin	.74
Miami	.73
Monroe	.74
Montgomery	.73
Morgan	.73
Newton	.72
Noble	.73
Ohio	.75
Orange	.74
Owen	.73
Parke	.72
Perry	.74
Pike	.74
Porter	.73
Posey	.74
Pulaski	.73
Putnam	.73
Randolph	.73
Ripley	.75
Rush	.73
Saint Joseph	.74
Scott	.75
Shelby	.73
Spencer	.74
Starke	.73
Steuben	.74
Sullivan	.73
Switzerland	.75
Tippecanoe	.73
Tipton	.73
Union	.73
Vanderburgh	.74
Vermillion	.72
Vigo	.72
Wabash	.73
Warren	.72
Warrick	.74
Washington	.74
Wayne	.73
Wells	.73
White	.73
Whitley	.73

IOWA

County	Rate per bushel for No. 3 or better
Adair	$0.70
Adams	.70
Allamakee	.71
Appanoose	.71
Audubon	.70
Benton	.71
Black Hawk	.71
Boone	$0.70
Bremer	.71
Buchanan	.71
Buena Vista	.70
Butler	.70
Calhoun	.70
Carroll	.70

IOWA—Continued

County	Rate per bushel for No. 3 or better
Cass	$0.70
Cedar	.72
Cerro Gordo	.70
Cherokee	.69
Chickasaw	.71
Clarke	.70
Clay	.70
Clayton	.71
Clinton	.72
Crawford	.69
Dallas	.70
Davis	.72
Decatur	.71
Delaware	.72
Des Moines	.72
Dickinson	.69
Dubuque	.72
Emmet	.69
Fayette	.71
Floyd	.70
Franklin	.70
Fremont	.70
Greene	.70
Grundy	.71
Guthrie	.70
Hamilton	.70
Hancock	.70
Hardin	.70
Harrison	.70
Henry	.72
Howard	.71
Humboldt	.70
Ida	.69
Iowa	.71
Jackson	.72
Jasper	.71
Jefferson	.72
Johnson	.72
Jones	.72
Keokuk	.71
Kossuth	.70
Lee	.72
Linn	.72
Louisa	$0.72
Lucas	.71
Lyon	.68
Madison	.70
Mahaska	.71
Marion	.71
Marshall	.71
Mills	.70
Mitchell	.70
Monona	.69
Monroe	.71
Montgomery	.70
Muscatine	.72
O'Brien	.69
Osceola	.68
Page	.70
Palo Alto	.70
Plymouth	.69
Pocahontas	.70
Polk	.71
Pottawattamie	.70
Poweshiek	.71
Ringgold	.70
Sac	.70
Scott	.72
Shelby	.70
Sioux	.68
Story	.70
Tama	.71
Taylor	.70
Union	.70
Van Buren	.72
Wapello	.71
Warren	.71
Washington	.72
Wayne	.71
Webster	.70
Winnebago	.70
Winneshiek	.71
Woodbury	.69
Worth	.70
Wright	.70

KANSAS

County	Rate per bushel for No. 3 or better
Allen	$0.73
Anderson	.73
Atchison	.73
Barber	.76
Barton	.74
Bourbon	.74
Brown	.72
Butler	.75
Chase	.74
Chautauqua	.75
Cherokee	.75
Cheyenne	.73
Clark	.76
Clay	.72
Cloud	.72
Coffey	.73
Comanche	.76
Cowley	.75
Crawford	.74
Decatur	.72
Dickinson	.73
Doniphan	.73
Douglas	.73
Edwards	.74
Elk	.74
Ellis	.73
Ellsworth	.73
Finney	.75
Ford	.75
Franklin	.73
Geary	.73
Gove	.74
Graham	.73
Grant	.75
Gray	.75
Greeley	.74
Greenwood	.74
Hamilton	.75
Harper	.76
Harvey	.74
Haskell	$0.75
Hodgeman	.75
Jackson	.73
Jefferson	.73
Jewell	.71
Johnson	.74
Kearny	.73
Kingman	.75
Kiowa	.75
Labette	.73
Lane	.74
Leavenworth	.74
Lincoln	.72
Linn	.73
Logan	.74
Lyon	.73
McPherson	.74
Marion	.74
Marshall	.72
Meade	.76
Miami	.73
Mitchell	.72
Montgomery	.73
Morris	.73
Morton	.76
Nemaha	.72
Neosho	.74
Ness	.74
Norton	.72
Osage	.73
Osborne	.73
Ottawa	.72
Pawnee	.74
Phillips	.71
Pottawatomie	.73
Pratt	.75
Rawlins	.73
Reno	.74
Republic	.71
Rice	.74

KANSAS—Continued

County	Rate per bushel for No. 3 or better
Riley	$0.72
Rooks	.72
Rush	.74
Russell	.73
Saline	.73
Scott	.74
Sedgwick	.75
Seward	.76
Shawnee	.73
Sheridan	.73
Sherman	.73
Smith	.71
Stafford	.74
Stanton	$0.75
Stevens	.76
Sumner	.76
Thomas	.73
Trego	.73
Wabaunsee	.73
Wallace	.74
Washington	.71
Wichita	.74
Wilson	.74
Woodson	.73
Wyandotte	.74

KENTUCKY

All counties $0.78

LOUISIANA

All counties $0.84

MAINE

All counties $0.84

MARYLAND

All counties $0.83

MICHIGAN

County	Rate per bushel for No. 3 or better
Alcona	$0.74
Alger	.76
Allegan	.76
Alpena	.74
Antrim	.75
Arenac	.74
Baraga	.75
Barry	.76
Bay	.74
Benzie	.75
Berrien	.75
Branch	.75
Calhoun	.75
Cass	.75
Charlevoix	.75
Cheboygan	.75
Chippewa	.76
Clare	.75
Clinton	.75
Crawford	.74
Delta	.75
Dickinson	.74
Eaton	.75
Emmet	.75
Genesee	.74
Gladwin	.74
Gogebic	.74
Grand Traverse	.75
Gratiot	.75
Hillsdale	.75
Houghton	.75
Huron	.74
Ingham	.75
Ionia	.75
Iosco	.74
Iron	.75
Isabella	.75
Jackson	.75
Kalamazoo	.76
Kalkaska	.75
Kent	.76
Keweenaw	.75
Lake	$0.76
Lapeer	.74
Leelanau	.75
Lenawee	.75
Livingston	.75
Luce	.76
Mackinac	.76
Macomb	.75
Manistee	.76
Marquette	.75
Mason	.76
Mecosta	.75
Menominee	.74
Midland	.74
Missaukee	.75
Monroe	.75
Montcalm	.75
Montmorency	.74
Muskegon	.76
Newaygo	.76
Oakland	.75
Oceana	.76
Ogemaw	.74
Ontonagon	.75
Osceola	.75
Oscoda	.74
Otsego	.75
Ottawa	.76
Presque Isle	.74
Roscommon	.74
Saginaw	.74
Saint Clair	.75
Saint Joseph	.75
Sanilac	.74
Schoolcraft	.76
Shiawassee	.74
Tuscola	.74
Van Buren	.76
Washtenaw	.75
Wayne	.75
Wexford	.76

MINNESOTA

County	Rate per bushel for No. 3 or better
Aitkin	$0.68
Anoka	.70
Becker	.66
Beltrami	.65
Benton	.68
Big Stone	.66
Blue Earth	.68
Brown	.68
Carlton	.69
Carver	.70
Cass	.67
Chippewa	.66
Chisago	$0.70
Clay	.66
Clearwater	.66
Cook	.70
Cottonwood	.67
Crow Wing	.67
Dakota	.70
Dodge	.69
Douglas	.66
Faribault	.69
Fillmore	.70
Freeborn	.69
Goodhue	$0.69
Grant	.66
Hennepin	.70
Houston	.70
Hubbard	.66
Isanti	.69
Itasca	.67
Jackson	.68
Kanabec	.69
Kandiyohi	.68
Kittson	.65
Koochiching	.67
Lac Qui Parle	.66
Lake	.70
Lake of the Woods	.65
Le Sueur	.69
Lincoln	.66
Lyon	.66
McLeod	.69
Mahnomen	.66
Marshall	.65
Martin	.68
Meeker	.68
Mille Lacs	.68
Morrison	.67
Mower	.69
Murray	.66
Nicollet	.69
Nobles	.67
Norman	.66
Olmsted	.69
Otter Tail	.66
Pennington	$0.66
Pine	.69
Pipestone	.66
Polk	.66
Pope	.66
Ramsey	.70
Red Lake	.66
Redwood	.67
Renville	.68
Rice	.69
Rock	.67
Roseau	.65
Saint Louis	.69
Scott	.70
Sherburne	.69
Sibley	.69
Stearns	.68
Steele	.69
Stevens	.66
Swift	.66
Todd	.67
Traverse	.65
Wabasha	.69
Wadena	.66
Waseca	.68
Washington	.70
Watonwan	.68
Wilkin	.65
Winona	.70
Wright	.69
Yellow Medicine	.66

MISSISSIPPI

All counties $0.83

MISSOURI

County	Rate per bushel for No. 3 or better
Adair	$0.74
Andrew	.72
Atchison	.71
Audrain	.74
Barry	.76
Barton	.75
Bates	.74
Benton	.74
Bollinger	.76
Boone	.75
Buchanan	.74
Butler	.76
Caldwell	.74
Callaway	.75
Camden	.75
Cape Girardeau	.75
Carroll	.74
Carter	.76
Cass	.74
Cedar	.74
Charlton	.74
Christian	.76
Clark	.73
Clay	.74
Clinton	.74
Cole	.75
Cooper	.75
Crawford	.76
Dade	.74
Dallas	.75
Daviess	.73
De Kalb	.73
Dent	.76
Douglas	.76
Dunklin	.76
Franklin	.76
Gasconade	.76
Gentry	.72
Greene	.75
Grundy	.73
Harrison	.72
Henry	.74
Hickory	.74
Holt	.72
Howard	$0.75
Howell	.77
Iron	.76
Jackson	.74
Jasper	.75
Jefferson	.75
Johnson	.74
Knox	.74
Laclede	.75
Lafayette	.74
Lawrence	.75
Lewis	.73
Lincoln	.74
Linn	.74
Livingston	.74
McDonald	.76
Macon	.74
Madison	.76
Maries	.76
Marion	.73
Mercer	.72
Miller	.75
Mississippi	.75
Moniteau	.75
Monroe	.74
Montgomery	.75
Morgan	.75
New Madrid	.76
Newton	.75
Nodaway	.71
Oregon	.77
Osage	.76
Ozark	.77
Pemiscot	.76
Perry	.75
Pettis	.75
Phelps	.76
Pike	.73
Platte	.74
Polk	.74
Pulaski	.75
Putnam	.72
Ralls	.73
Randolph	.74
Ray	.74
Reynolds	$0.76
Ripley	.77
Saint Charles	.74
Saint Clair	.74
Sainte Genevieve	.75
Saint Francois	.76
Saint Louis	.75
Saline	.74
Schuyler	.73
Scotland	.73
Scott	.75
Shannon	$0.76
Shelby	.74
Stoddard	.76
Stone	.76
Sullivan	.73
Taney	.77
Texas	.75
Vernon	.74
Warren	.75
Washington	.76
Wayne	.76
Webster	.75
Worth	.71
Wright	.75

MONTANA

County	Rate per bushel for No. 3 or better
Beaverhead	$0.63
Big Horn	.64
Blaine	.61
Broadwater	.64
Carbon	.64
Carter	.64
Cascade	.64
Chouteau	.62
Custer	.65
Daniels	.61
Dawson	.61
Deer Lodge	.66
Fallon	.65
Fergus	.62
Flathead	.66
Gallatin	.64
Garfield	.61
Glacier	.64
Golden Valley	.63
Granite	.67
Hill	.62
Jefferson	.65
Judith Basin	.63
Lake	.67
Lewis and Clark	.65
Liberty	.63
Lincoln	.69
McCone	.61
Madison	$0.63
Meagher	.64
Mineral	.69
Missoula	.67
Musselshell	.63
Park	.64
Petroleum	.62
Phillips	.61
Pondera	.63
Powder River	.64
Powell	.66
Prairie	.62
Ravalli	.68
Richland	.61
Roosevelt	.61
Rosebud	.63
Sanders	.69
Sheridan	.61
Silver Bow	.66
Stillwater	.64
Sweet Grass	.64
Teton	.63
Toole	.63
Treasure	.64
Valley	.61
Wheatland	.63
Wibaux	.62
Yellowstone	.64

NEBRASKA

County	Rate per bushel for No. 3 or better
Adams	$0.70
Antelope	.67
Arthur	.63
Banner	.63
Blaine	.67
Boone	.68
Box Butte	.66
Boyd	.66
Brown	.67
Buffalo	.69
Burt	.69
Butler	.69
Cass	.70
Cedar	.68
Chase	.71
Cherry	.66
Cheyenne	.69
Clay	.70
Colfax	.69
Cuming	.69
Custer	.68
Dakota	.69
Dawes	.65
Dawson	.69
Deuel	.69
Dixon	.69
Dodge	.70
Douglas	.70
Dundy	.72
Fillmore	.70
Franklin	.70
Frontier	.70
Furnas	.71
Gage	.71
Garden	.68
Garfield	.67
Gosper	.70
Grant	.67
Greeley	.68
Hall	$0.69
Hamilton	.69
Harlan	.70
Hayes	.71
Hitchcock	.72
Holt	.67
Hooker	.67
Howard	.68
Jefferson	.70
Johnson	.71
Kearney	.70
Keith	.69
Keya Paha	.66
Kimball	.69
Knox	.67
Lancaster	.70
Lincoln	.69
Logan	.68
Loup	.67
McPherson	.68
Madison	.66
Merrick	.68
Morrill	.68
Nance	.68
Nemaha	.70
Nuckolls	.70
Otoe	.70
Pawnee	.71
Perkins	.70
Phelps	.70
Pierce	.68
Platte	.68
Polk	.68
Red Willow	.71
Richardson	.71
Rock	.67
Saline	.70
Sarpy	.70
Saunders	.70

NEBRASKA—Continued

County	Rate per bushel for No. 3 or better	County	Rate per bushel for No. 3 or better
Scotts Bluff	$0.67	Thurston	$0.69
Seward	.69	Valley	.68
Sheridan	.66	Washington	.70
Sherman	.68	Wayne	.68
Sioux	.66	Webster	.70
Stanton	.68	Wheeler	.67
Thayer	.70	York	.69
Thomas	.67		

NEVADA

All counties $0.81

NEW JERSEY

All counties $0.82

NEW MEXICO

All counties $0.78

NEW YORK

All counties $0.81

NORTH CAROLINA

All counties $0.86

NORTH DAKOTA

County	Rate per bushel for No. 3 or better	County	Rate per bushel for No. 3 or better
Adams	$0.63	McLean	$0.63
Barnes	.65	Mercer	.63
Benson	.64	Morton	.64
Billings	.62	Mountrail	.62
Bottineau	.63	Nelson	.65
Bowman	.63	Oliver	.63
Burke	.62	Pembina	.64
Burleigh	.64	Pierce	.63
Cass	.65	Ramsey	.64
Cavalier	.64	Ransom	.65
Dickey	.65	Renville	.63
Divide	.62	Richland	.65
Dunn	.62	Rolette	.63
Eddy	.65	Sargent	.65
Emmons	.64	Sheridan	.64
Foster	.65	Sioux	.64
Golden Valley	.62	Slope	.62
Grand Forks	.65	Stark	.62
Grant	.64	Steele	.65
Griggs	.65	Stutsman	.65
Hettinger	.62	Towner	.64
Kidder	.64	Traill	.65
La Moure	.65	Walsh	.64
Logan	.64	Ward	.63
McHenry	.63	Wells	.64
McIntosh	.64	Williams	.62
McKenzie	.62		

OHIO

County	Rate per bushel for No. 3 or better	County	Rate per bushel for No. 3 or better
Adams	$0.73	Greene	$0.76
Allen	.75	Guernsey	.79
Ashland	.76	Hamilton	.76
Ashtabula	.79	Hancock	.75
Athens	.79	Hardin	.75
Auglaize	.75	Harrison	.79
Belmont	.80	Henry	.75
Brown	.77	Highland	.77
Butler	.75	Hocking	.77
Carroll	.79	Holmes	.77
Champaign	.76	Huron	.76
Clark	.76	Jackson	.78
Clermont	.77	Jefferson	.80
Clinton	.77	Knox	.76
Columbiana	.79	Lake	.78
Coshocton	.77	Lawrence	.78
Crawford	.76	Licking	.76
Cuyahoga	.77	Logan	.76
Darke	.74	Lorain	.77
Defiance	.74	Lucas	.75
Delaware	.76	Madison	.76
Erie	.76	Mahoning	.79
Fairfield	.76	Marion	.76
Fayette	.76	Medina	.77
Franklin	.76	Meigs	.79
Fulton	.75	Mercer	.74
Gallia	.79	Miami	.75
Geauga	.73	Monroe	.80

OHIO—Continued

County	Rate per bushel for No. 3 or better	County	Rate per bushel for No. 3 or better
Montgomery	$0.75	Scioto	$0.78
Morgan	.79	Seneca	.76
Morrow	.76	Shelby	.75
Muskingum	.78	Stark	.78
Noble	.79	Summit	.77
Ottawa	.76	Trumbull	.79
Paulding	.74	Tuscarawas	.78
Perry	.77	Union	.76
Pickaway	.76	VanWert	.74
Pike	.78	Vinton	.78
Portage	.78	Warren	.76
Preble	.74	Washington	.80
Putnam	.75	Wayne	.77
Richland	.76	Williams	.75
Ross	.77	Wood	.75
Sandusky	.76	Wyandot	.76

OKLAHOMA

County	Rate per bushel for No. 3 or better	County	Rate per bushel for No. 3 or better
Adair	$0.77	Le Flore	$0.80
Alfalfa	.76	Lincoln	.78
Atoka	.79	Logan	.78
Beaver	.77	Love	.78
Beckham	.77	McClain	.78
Blaine	.77	McCurtain	.80
Bryan	.79	McIntosh	.78
Caddo	.77	Major	.77
Canadian	.78	Marshall	.79
Carter	.78	Mayes	.76
Cherokee	.77	Murray	.78
Choctaw	.80	Muskogee	.78
Cimarron	.77	Noble	.77
Cleveland	.78	Nowata	.75
Coal	.79	Okfuskee	.78
Comanche	.77	Oklahoma	.78
Cotton	.77	Okmulgee	.77
Craig	.75	Osage	.75
Creek	.77	Ottawa	.75
Custer	.77	Pawnee	.76
Delaware	.76	Payne	.77
Dewey	.77	Pittsburg	.79
Ellis	.77	Pontotoc	.79
Garfield	.77	Pottawatomie	.78
Garvin	.78	Pushmataha	.80
Grady	.78	Roger Mills	.77
Grant	.76	Rogers	.76
Greer	.77	Seminole	.78
Harmon	.77	Sequoyah	.78
Harper	.77	Stephens	.78
Haskell	.79	Texas	.77
Hughes	.79	Tillman	.77
Jackson	.77	Tulsa	.77
Jefferson	.78	Wagoner	.77
Johnston	.79	Washington	.75
Kay	.76	Washita	.77
Kingfisher	.78	Woods	.76
Kiowa	.77	Woodward	.77
Latimer	.80		

OREGON

County	Rate per bushel for No. 3 or better	County	Rate per bushel for No. 3 or better
Baker	$0.75	Lake	$0.79
Benton	.81	Lane	.80
Clackamas	.81	Lincoln	.81
Clatsop	.80	Linn	.80
Columbia	.81	Malheur	.75
Coos	.81	Marion	.81
Crook	.79	Morrow	.78
Curry	.81	Multnomah	.81
Deschutes	.79	Polk	.81
Douglas	.80	Sherman	.79
Gilliam	.79	Tillamook	.81
Grant	.78	Umatilla	.77
Harney	.78	Union	.76
Hood River	.81	Wallowa	.75
Jackson	.80	Wasco	.79
Jefferson	.79	Washington	.81
Josephine	.80	Wheeler	.79
Klamath	.79	Yamhill	.81

PENNSYLVANIA

All counties $0.81

SOUTH CAROLINA

All counties $0.87

SOUTH DAKOTA

County	Rate per bushel for No. 3 or better	County	Rate per bushel for No. 3 or better
Armstrong	$0.64	Jackson	$0.64
Aurora	.65	Jerauld	.65
Beadle	.65	Jones	.64
Bennett	.64	Kingsbury	.65
Bon Homme	.66	Lake	.65
Brookings	.66	Lawrence	.63
Brown	.65	Lincoln	.67
Brule	.65	Lyman	.64
Buffalo	.65	McCook	.65
Butte	.63	McPherson	.64
Campbell	.64	Marshall	.65
Charles Mix	.65	Meade	.63
Clark	.65	Mellette	.64
Clay	.68	Miner	.65
Codington	.65	Minnehaha	.66
Corson	.64	Moody	.66
Custer	.64	Pennington	.61
Davison	.65	Perkins	.63
Day	.65	Potter	.64
Deuel	.66	Roberts	.65
Dewey	.64	Sanborn	.65
Douglas	.65	Shannon	.64
Edmunds	.64	Spink	.65
Fall River	.64	Stanley	.64
Faulk	.64	Sully	.64
Grant	.66	Todd	.64
Gregory	.65	Tripp	.65
Haakon	.64	Turner	.67
Hamlin	.65	Union	.68
Hand	.65	Walworth	.64
Hanson	.65	Washabaugh	.64
Harding	.63	Washington	.64
Hughes	.64	Yankton	.67
Hutchinson	.66	Ziebach	.64
Hyde	.64		

TENNESSEE

All counties $0.82

TEXAS

County	Rate per bushel for No. 3 or better	County	Rate per bushel for No. 3 or better
Anderson	$0.80	Collin	$0.79
Andrews	.79	Collingsworth	.77
Angelina	.82	Colorado	.83
Aransas	.81	Comal	.79
Archer	.77	Comanche	.78
Armstrong	.77	Concho	.78
Atascosa	.79	Cooke	.78
Austin	.83	Coryell	.79
Bailey	.78	Cottle	.77
Bandera	.79	Crane	.79
Bastrop	.81	Crockett	.78
Baylor	.77	Crosby	.78
Bee	.80	Culberson	.80
Bell	.80	Dallam	.77
Bexar	.79	Dallas	.79
Blanco	.79	Dawson	.79
Borden	.79	Deaf Smith	.77
Bosque	.79	Delta	.80
Bowie	.81	Denton	.79
Brazoria	.83	De Witt	.81
Brazos	.81	Dickens	.78
Brewster	.80	Dimmit	.79
Briscoe	.77	Donley	.77
Brooks	.80	Duval	.79
Brown	.78	Eastland	.77
Burleson	.81	Ector	.79
Burnet	.79	Edwards	.78
Caldwell	.80	Ellis	.79
Calhoun	.81	El Paso	.80
Callahan	.77	Erath	.78
Cameron	.80	Falls	.80
Camp	.80	Fannin	.79
Carson	.77	Fayette	.82
Cass	.81	Fisher	.78
Castro	.78	Floyd	.77
Chambers	.84	Foard	.77
Cherokee	.81	Fort Bend	.83
Childress	.77	Franklin	.80
Clay	.77	Freestone	.80
Cochran	.79	Frio	.79
Coke	.78	Gaines	.79
Coleman	.78		

TEXAS—Continued

County	Rate per bushel for No. 3 or better	County	Rate per bushel for No. 3 or better
Galveston	$0.84	Montgomery	$0.83
Garza	.79	Moore	.77
Gillespie	.78	Morris	.80
Glasscock	.79	Motley	.77
Goliad	.81	Nacogdoches	.82
Gonzales	.81	Navarro	.80
Gray	.77	Newton	.83
Grayson	.79	Nolan	.78
Gregg	.81	Nueces	.80
Grimes	.82	Ochiltree	.77
Guadalupe	.80	Oldham	.77
Hale	.77	Orange	.84
Hall	.77	Palo Pinto	.77
Hamilton	.79	Panola	.82
Hansford	.77	Parker	.78
Hardeman	.77	Parmer	.78
Hardin	.84	Pecos	.79
Harris	.84	Polk	.83
Harrison	.82	Potter	.78
Hartley	.77	Presidio	.80
Haskell	.77	Rains	.80
Hays	.79	Randall	.77
Hemphill	.77	Reagan	.79
Henderson	.80	Real	.79
Hidalgo	.80	Red River	.80
Hill	.79	Reeves	.79
Hockley	.79	Refugio	.81
Hood	.79	Roberts	.77
Hopkins	.80	Robertson	.80
Houston	.81	Rockwall	.79
Howard	.79	Runnels	.78
Hudspeth	.80	Rusk	.81
Hunt	.79	Sabine	.83
Hutchinson	.77	San Augustine	.83
Irion	.78	San Jacinto	.83
Jack	.77	San Patricio	.80
Jackson	.82	San Saba	.78
Jasper	.84	Schleicher	.78
Jeff Davis	.80	Scurry	.78
Jefferson	.84	Schackelford	.77
Jim Hogg	.79	Shelby	.83
Jim Wells	.80	Sherman	.77
Johnson	.79	Smith	.80
Jones	.77	Somervell	.79
Karnes	.80	Starr	.79
Kaufman	.79	Stephens	.77
Kendall	.79	Sterling	.78
Kenedy	.80	Stonewall	.78
Kent	.78	Sutton	.78
Kerr	.79	Swisher	.77
Kimble	.78	Tarrant	.79
King	.78	Taylor	.77
Kinney	.79	Terrell	.79
Kleberg	.80	Terry	.79
Knox	.77	Throckmorton	.77
Lamar	.80	Titus	.80
Lamb	.78	Tom Green	.78
Lampasas	.70	Travis	.80
La Salle	.79	Trinity	.82
Lavaca	.82	Tyler	.83
Lee	.81	Upshur	.80
Leon	.80	Upton	.79
Liberty	.84	Uvalde	.79
Limestone	.80	Val Verde	.78
Lipscomb	.77	Van Zandt	.80
Live Oak	.80	Victoria	.81
Llano	.78	Walker	.82
Loving	.79	Waller	.83
Lubbock	.78	Ward	.79
Lynn	.79	Washington	.82
McCulloch	.78	Webb	.79
McLennan	.80	Wharton	.83
McMullen	.79	Wheeler	.77
Madison	.81	Wichita	.77
Marion	.81	Wilbarger	.77
Martin	.79	Willacy	.80
Mason	.78	Williamson	.80
Matagorda	.83	Wilson	.80
Maverick	.79	Winkler	.79
Medina	.79	Wise	.78
Menard	.78	Wood	.80
Midland	.79	Yoakum	.79
Milam	.80	Young	.77
Mills	.79	Zapata	.79
Mitchell	.78	Zavala	.79
Montague	.78		

UTAH

All counties $0.76

VIRGINIA

All counties $0.83

WASHINGTON

County	Rate per bushel for No. 3 or better	County	Rate per bushel for No. 3 or better
Adams	$0.75	Lewis	$0.79
Asotin	.75	Lincoln	.75
Benton	.76	Mason	.79
Chelan	.77	Okanogan	.77
Clallam	.79	Pacific	.79
Clark	.81	Pend Oreille	.74
Columbia	.75	Pierce	.80
Cowlitz	.80	San Juan	.79
Douglas	.76	Skagit	.79
Ferry	.76	Skamania	.80
Franklin	.75	Snohomish	.79
Garfield	.75	Spokane	.75
Grant	.76	Stevens	.75
Grays Harbor	.79	Thurston	.79
Island	.79	Wahkiakum	.79
Jefferson	.79	Walla Walla	.75
King	.80	Whatcom	.79
Kitsap	.79	Whitman	.75
Kittitas	.77	Yakima	.77
Klickitat	.77		

WEST VIRGINIA

All counties $0.83

WISCONSIN

County	Rate per bushel for No. 3 or better	County	Rate per bushel for No. 3 or better
Adams	$0.71	Marathon	$0.72
Ashland	.72	Marinette	.73
Barron	.70	Marquette	.71
Bayfield	.71	Milwaukee	.74
Brown	.71	Monroe	.71
Buffalo	.70	Oconto	.72
Burnett	.70	Oneida	.73
Calumet	.71	Outagamie	.71
Chippewa	.71	Ozaukee	.73
Clark	.71	Pepin	.70
Columbia	.72	Pierce	.70
Crawford	.71	Polk	.70
Dane	.73	Portage	.71
Dodge	.72	Price	.72
Door	.71	Racine	.74
Douglas	.70	Richland	.72
Dunn	.70	Rock	.73
Eau Claire	.70	Rusk	.71
Florence	.74	Saint Croix	.70
Fond du Lac	.71	Sauk	.72
Forest	.73	Sawyer	.71
Grant	.72	Shawano	.72
Green	.73	Sheboygan	.72
Green Lake	.71	Taylor	.72
Iowa	.73	Trempealeau	.70
Iron	.73	Vernon	.70
Jackson	.71	Vilas	.74
Jefferson	.73	Walworth	.73
Juneau	.71	Washburn	.70
Kenosha	.74	Washington	.73
Kewaunee	.71	Waukesha	.74
La Crosse	.70	Waupaca	.71
LaFayette	.73	Waushara	.71
Langlade	.72	Winnebago	.71
Lincoln	.72	Wood	.71
Manitowoc	.71		

WYOMING

All counties $0.69

§ 601.959 *Warehouse charges.* Warehouse receipts and the oats represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the oats are deposited in the warehouse for storage.

Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing oats stored in warehouses operating under the Uniform Grain Storage Agreement is on or before April 30, 1952, the storage charges per bushel shown in the following table shall be deducted in computing the amount of the loan or purchase price.

Date of deposit:	Amount of deduction (cents per bu.)
Prior to Oct. 17, 1951	8
Oct. 17–Nov. 10	7
Nov. 11–Dec. 5	6
Dec. 6–Dec. 30	5
Dec. 31, 1951–Jan. 24, 1952	4
Jan. 25–Feb. 18	3
Feb. 19–Mar. 14	2
Mar. 15–Apr. 8	1
Apr. 9–Apr. 30	0

Warehouse receipts and the oats represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission.

For oats stored in approved warehouses operated by Eastern common carriers, there shall be deducted in computing the loan or purchase price the amount of the approved tariff rates for storage (not including elevation) which will accumulate from the date of deposit to the program maturity date. The county committee shall request the PMA commodity office to determine the amount of such charges. Where the producer presents evidence showing that the elevation has been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charge prepaid by the producer.

§ 601.960 *Settlement*—(a) *Farm-storage loans.* In the case of oats delivered to CCC from farm-storage under the loan program, settlement shall be made at the applicable support rate for the approved point of delivery. The support rate shall be applied to the total quantity of oats delivered.

If the oats under farm-storage loan are, upon delivery, of a grade and or quality for which no support rate has been established, the settlement value shall be the support rate established for the grade and or quality of the oats placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and or quality placed under loan and the market price of the oats delivered, as determined by CCC.

If farm-stored oats are delivered to CCC prior to April 30, 1952, upon request of the producer and with the approval of CCC, the loan settlement shall be reduced by the applicable rate of storage charges per bushel, determined according to the date of such delivery to CCC, as set forth in the table in § 601.959.

(b) *Purchase agreement.* Oats delivered to CCC under a purchase agreement must meet the requirements of

oats eligible for loan. The purchase rate per bushel of eligible oats shall be the support rate established for the approved point of delivery, subject to deduction of warehouse charges in accordance with § 601.959.

(c) *Track-loading.* A track-loading payment of 2 cents per bushel shall be made to the producer on oats delivered to CCC on track at a country point.

Issued this 4th day of May 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-5404; Filed, May 9, 1951; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—WHITE-FRINGED BEETLE

WHITE-FRINGED BEETLE QUARANTINE REGULATIONS

On April 5, 1951, there was published in the FEDERAL REGISTER (16 F. R. 2972), a notice of proposed amendments of §§ 301.72–2, 301.72–3 (b), and 301.72–8 of the regulations supplemental to Notice of Quarantine No. 72 relating to white-fringed beetles (7 CFR 301.72 et seq., as amended, 15 F. R. 3716). After due consideration of all relevant matters presented and pursuant to the authority conferred upon me by the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), §§ 301.72–2, 301.72–3 (b), and 301.72–8 are hereby amended to read as follows:

§ 301.72–2 *Regulated areas.* The following counties, parishes, cities, and towns, or parts thereof, as described, are designated by the Secretary of Agriculture as regulated areas:

ALABAMA

Baldwin County. All of T. 7 S., R. 6 E.; S⅔ T. 7 S., Rs. 4 and 5 E., including all of the town of Foley; secs. 6 and 7, T. 8 S., R. 4 E.; secs. 1, 2, 11, and 12, T. 8 S., R. 3 E.; secs. 35 and 36, T. 7 S., R. 3 E.; and secs. 28, 29, 30, 31, 32, and 33, T. 5 S., R. 4 E.

Clarke County. N½ T. 8 N., R. 3 E., and S¼ T. 9 N., R. 3 E., including all of the town of Grove Hill; and all that area lying within the corporate limits of the town of Jackson.

Coffee County. S⅔ T. 4 N., R. 20 E.; that part of T. 3 N., R. 20 E., lying in Coffee County; and secs. 25, 26, 27, 28, 29, and 30, T. 3 N., R. 19 E.

Conecuh County. W⅔ T. 5 N., R. 9 E.; and those parts of T. 4 N., R. 6 E., Tps. 4 and 5 N., R. 7 E., Tps. 5 and 6 N., R. 8 E., W⅔ T. 6 N., R. 9 E., and Tps. 7 and 8 N., R. 9 E., lying in Conecuh County.

Covington County. That part of the county lying south of the township line between Tps. 5 and 6 N., and east of the Conecuh River; secs. 11, 12, 13, 14, 23, and 24, T. 5 N., R. 14 E.; and secs. 7, 8, 17, 18, 19, and 20, T. 5 N., R. 15 E.

Crenshaw County. Secs. 27, 28, 29, 30, 31, 32, 33, and 34, T. 9 N., R. 18 E., and secs. 3, 4, 5, and 6, T. 8 N., R. 18 E., including all of the town of Luverne.

Dallas County. That area included within a boundary beginning on the Southern Railway where it crosses Boguechitto Creek, thence SW. along the Southern Railway to Caine Creek, thence SE. along Caine Creek to its intersection with Boguechitto Creek, and thence northward along Boguechitto Creek to the starting point; all of Tps. 13 and 14 N., R. 11 E.; E½ T. 14 N., R. 10 E.; and that area included within a boundary beginning at a point where the south line of sec. 14, T. 16 N., R. 10 E., intersects Alabama River, thence east to a point where the south line of sec. 14, T. 16 N., R. 11 E., intersects Alabama River, and thence downstream along Alabama River to the point of beginning.

Escambia County. Secs. 1, 2, 11, 12, 13, 14, 32, 33, 34, 35, and 36, T. 1 N., R. 8 E., including all of the town of Flomaton; secs. 33, 34, 35, and 36, T. 1 N., R. 10 E., and all area south thereof to the Alabama-Florida State line; and N½ Tps. 3 N., Rs. 6 and 7 E.

Geneva County. W½ T. 1 N., R. 19 E., and all area south thereof to the Alabama-Florida State line, including all of secs. 21 and 28, T. 6 N., R. 19 W.; S½ T. 3 N., Rs. 19 and 20 E.; N½ T. 2 N., R. 19 E.; and secs. 8, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, and 23, T. 1 N., R. 20 E.

Jefferson County. Secs. 17, 18, 19, and 20, T. 18 S., R. 3 W., and that area included within the corporate limits of the city of Birmingham.

Lowndes County. All of T. 14 N., R. 12 E.

Mobile County. That area included within a boundary beginning at the intersection of the Mobile-Baldwin County line (Mobile River) and the north boundary of S½ T. 3 S., R. 1 W., thence west along said north boundary to Eight Mile Creek, thence southwesterly along Eight Mile Creek to the point of intersection with the range line between Rs. 1 and 2 W., thence south along said range line to the SW. corner sec. 19, T. 4 S., R. 1 W., thence west along the section line to its intersection with Dawes-Dees Road, thence south along said road to the Alabama-Mississippi State line, thence south to the south line of sec. 17, T. 7 S., R. 4 W., thence east along the section line to Mobile Bay, thence north along Mobile Bay to the Mobile-Baldwin County line, and thence north along said county line to the point of beginning, including all that area lying within the corporate limits of the city of Mobile and Blakeley, Pinto, and Sand Islands; secs. 29, 30, 31, and 32, T. 3 S., R. 2 W.; secs. 5, 6, 7, and 8, T. 4 S., R. 2 W.; secs. 1, 2, 11, and 12, T. 4 S., R. 3 W.; and secs. 25, 26, 35, and 36, T. 3 S., R. 3 W.

Monroe County. S½ T. 5 N., R. 6 E.; NE¼ T. 5 N., E½ Tps. 6, 7, 8, and 9 N., and SE¼ T. 10 N., R. 7 E.; Tps. 7, 8, and 9 N., and S½ T. 10 N., R. 8 E.; all of T. 9 N., and S½ T. 10 N., R. 9 E.; and those parts of Tps. 3 and 4 N., R. 6 E., T. 4 N., and S½ T. 5 N., R. 7 E., Tps. 5 and 6 N., R. 8 E., and Tps. 6, 7, and 8 N., R. 9 E., lying in Monroe County.

Montgomery County. That area included within a boundary beginning at a point where the east line of sec. 30, T. 17 N., R. 19 E., intersects Tallapoosa River, thence downstream along Tallapoosa River to its confluence with Dead River, thence along Dead River to its confluence with Alabama River, thence along Alabama River to a point where it intersects the west line of sec. 23, T. 17 N., R. 17 E., thence south along the section line to the SW. corner sec. 33, T. 16 N., R. 17 E., thence east along the section line to the SE. corner sec. 34, T. 16 N., R. 18 E., thence north along the section line to its intersection with U. S. Highway No. 80, thence east along U. S. Highway No. 80 to its intersection with the east line of sec. 7, T. 16 N., R. 19 E., and thence north along the section line to the point of beginning.

Wilcox County. N½ T. 10 N., and all of T. 11 N., R. 9 E.; N½ T. 10 N., R. 8 E.; NE¼ T. 10 N., R. 7 E.; NE¼ T. 10 N., R. 10 E.; SW¼ T. 12 N., R. 9 E.; and SE¼ T. 12 N., R. 8 E.

FLORIDA

Escambia County. All that part lying south of the north boundary of T. 1 N., including all of the city of Pensacola; that part of the county lying north of the south boundary and east of the west boundary of T. 5 N., R. 31 W.; E⅔ T. 5 N., R. 32 W.; and secs. 33, 34, 35, and 36, T. 6 N., R. 32 W.

Holmes County. S⅔ T. 6 N., R. 15 W., except secs. 18, 19, 30, and 31; NE¼ and secs. 22, 23, and 24, T. 5 N., R. 15 W., including all of the town of Smyrna; secs. 5, 6, 7, 8, 17, 18, 19, and 20, T. 5 N., R. 14 W.; secs. 29, 30, 31, and 32, T. 6 N., R. 14 W.; and SE¼ T. 5 N., R. 18 W.

Jackson County. S⅚ T. 4 N., R. 8 W., except secs. 12, 13, 24, 25, and 36, and E⅓ T. 4 N., R. 9 W., except secs. 1 and 2, including all of the towns of Cypress and Grand Ridge.

Okaloosa County. N½ Tps. 4 N., and all of Tps. 5 N., Rs. 22 and 23 W., and all lands north thereof to the Florida-Alabama State line; secs. 7, 8, 9, 16, 17, 18, 19, 20, and 21, T. 3 N., R. 23 W., including all of the town of Crestview; and secs. 13, 14, 23, and 24, T. 3 N., R. 24 W.

Santa Rosa County. Secs. 2, 3, 4, and 5, T. 3 N., R. 28 W., and all area north thereof to the Florida-Alabama State line.

Walton County. All of Tps. 5 N., Rs. 20 and 21 W., and secs. 31, 32, and 33, T. 6 N., R. 19 W., and all lands north thereof to the Florida-Alabama State line; all of Tps. 4 N., Rs. 19 and 20 W., and that part of T. 3 N., R. 20 W., lying north of U. S. Highway No. 90, all of T. 3 N., R. 19 W.; that part of T. 4 N., R. 18 W., lying in Walton County; and N½ T. 4 N., R. 21 W.

GEORGIA

Baldwin County. That area included within the corporate limits of the city of Milledgeville.

Ben Hill County. That area included within a circle having a 2-mile radius and center at the Ben Hill County Courthouse in Fitzgerald, including all of the city of Fitzgerald.

Berrien County. That area included within the corporate limits of the city of Nashville.

Bibb County. That area included within the Georgia Militia Districts of East Macon, Godfrey, Vineville, Hazzard, and Howard; and that portion of the Georgia Militia District of Rutland lying east of a line beginning at the point where U. S. Highway No. 41 crosses the north boundary of said militia district (Tobesofkee Creek) and running southward along said highway to its junction with Hartley Bridge Road and thence southwestward along said road to the west boundary line of said militia district.

Bleckley County. That area included within the corporate limits of the city of Cochran; and that portion of the Georgia Militia District of Manning included within a boundary beginning at the intersection of Georgia State Highway 112 and the Bleckley-Twiggs County line, thence northeast along said county line to the intersection of the Bleckley, Twiggs, Wilkinson, and Laurens County lines, thence southeast for a distance of 1 mile along the Bleckley-Laurens County line, and thence northwest to the point of beginning.

Bulloch County. That area included within a circle having a 2-mile radius and center at the Bulloch County Courthouse in Statesboro, including all of the city of Statesboro; and that area included within a circle having a 1-mile radius and center at the Georgia and Florida Railroad depot in Portal, including all of the town of Portal.

Burke County. That area, comprising parts of Georgia Militia Districts numbers 60 and 62, bounded on the east by Fitz Branch, on the south by a line beginning at the intersection of Georgia State Highway 56 and the Hephzibah Road and extending due east to its intersection with Fitz Branch, on the west by Hephzibah Road, and on the north by Brier Creek, including all of the city of Waynesboro.

Candler County. That area included within a circle having a 1¼-mile radius and center at the intersection in Metter of Georgia State Highways 23 and 46, including all of the city of Metter.

Coffee County. That area included within the corporate limits of the city of Douglas; an area 2 miles wide beginning at the north corporate limits of the city of Douglas and extending northward along U. S. Highway No. 441 with said highway as a center line to and bounded on the north by Seventeen Mile Creek; that area included within a circle having a 2-mile radius and center at the Atlanta, Birmingham and Coast Railroad depot in Ambrose, including all of the town of Ambrose; and an area 3 miles wide beginning at a line projected due east and due west from a point on the Georgia and Florida Railroad 1 mile northwest of the railroad depot in Broxton, and extending northwesterly with said railroad as a center line to and bounded on the north by Georgia State Highway 107.

Crawford County. That area included within a circle having a 1½-mile radius and center at the intersection in Roberta of U. S. Highway No. 80 and Georgia State Highway 7, including all of the city of Roberta and the town of Knoxville.

Crisp County. That area included within the corporate limits of the city of Cordele.

Dodge County. That area included within land lots numbers 6, 7, 8, 9, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23, 24, 25, 36, 37, 38, 39, 40, 41, and 42 in the Fifteenth Land District and land lots numbers 278 279, 280, 281, 282, 289, 290, 291, 292, 293, 294, 295, 306, 307, 308, 309, 310, 311, and 312 in the Sixteenth Land District including all of the city of Eastman; and all that area included within the corporate limits of the town of Chester.

Emanuel County. That area included within a circle having a 1½-mile radius and center at the Union Grove Methodist Church in Georgia Militia District No. 49.

Evans County. That area included within a circle having a 1-mile radius and center at the Seaboard Air Line Railroad depot in Daisy, including all of the town of Daisy.

Fulton County. That area included within the corporate limits of the city of East Point.

Greene County. That area included within the corporate limits of the city of Greensboro.

Houston County. That area included within the Lower Fifth Georgia Militia District, including all of the city of Warner Robins and all of Robins Air Force Base; an area 2 miles wide beginning north of Perry and bounded on the north by Mossy Creek and extending southward along U. S. Highway No. 41 with said highway as a center line to and bounded on the south by Georgia State Highway 26, including all of the city of Perry, and an area 2 miles wide beginning north of Clinchfield and bounded on the north by Big Indian Creek and extending southwesterly along the Southern Railway with said railway as a center line to and bounded on the south by Burnham Branch southwest of Grovania, including all of the communities of Clinchfield and Grovania.

Irwin County. That area included within a circle having a ½-mile radius and center at the intersection in Irwinville of Georgia State Highway 32 and the Jefferson Davis Memorial State Park Road; that area included within a circle having a 2-mile radius and center at the Irwin County Courthouse in Ocilla, including all of the city of Ocilla; an area 1 mile wide bounded on the south and west by the Irwin-Coffee County line and extending northwesterly along the Atlanta, Birmingham and Coast Railroad with said railroad as a center line for a distance of 1¼ miles beyond the Atlanta, Birmingham and Coast Railroad depot in Wray; and an area 2 miles wide beginning at the Atlanta, Birmingham and Coast Railroad in Georgia Militia District No. 1661 and extending southeasterly along Georgia State Highway 32 with said highway as a center line to the east boundary of said militia district.

Jasper County. That area included within Georgia Militia Districts numbers 262, 289, and 295; and that portion of Georgia Militia Districts numbers 288 and 291 lying south of Whiteoak and Murder Creeks.

Jefferson County. That area included within the corporate limits of the city of Louisville; and that area included within a circle having a 1-mile radius and center at the Central of Georgia Railway depot in Bartow, including all of the town of Bartow.

Johnson County. That area included within the corporate limits of the city of Wrightsville; and an area 1 mile wide beginning at the west corporate limits of Wrightsville and extending southwesterly along Georgia State Highway 15 with said highway as a center line to the Ohoopee River.

Laurens County. Those portions of the Georgia Militia Districts of Dublin, Dudley, and Harvard included within an area 2 miles wide beginning at the west corporate limits of Dublin and extending northwesterly along the Macon, Dublin and Savannah Railroad with said railroad as a center line to the Laurens-Wilkinson and Laurens-Bleckley County lines, including all of the towns of Dudley and Montrose and that portion of Allentown lying in Laurens County; that area included within the corporate limits of the city of Dublin; an area 2 miles wide beginning at the north corporate limits of Dublin and extending northward along Georgia State Highway 29 with said highway as a center line for a distance of 3 miles; and that portion of the Georgia Militia District of Smith lying north of the Macon, Dublin and Savannah Railroad and east of Shaddock Creek.

Macon County. That area included within the Georgia Militia District of Marshallville, including all of the town of Marshallville; that portion of the Georgia Militia District of Montezuma lying north of the city of Montezuma and bounded on the east by the Central of Georgia Railway; and those areas included within the corporate limits of the cities of Montezuma and Oglethorpe.

Monroe County. That area included within the corporate limits of the city of Forsyth.

Montgomery County. That area bounded on the east by the Montgomery-Toombs County line, on the south by Rocky Creek, on the west by Georgia State Highway 29, and on the north by Swift Creek; and those areas included within the corporate limits of the city of Mount Vernon and the town of Alley.

Newton County. That area included within a circle having a 1-mile radius and center at the Porterdale High School, including all of the town of Porterdale.

Peach County. That area included within the Georgia Militia District of Fort Valley, including all of the city of Fort Valley; and that area included within the corporate limits of the town of Byron.

Putnam County. That area included within the Georgia Militia District of Ashbank.

Richmond County. That portion of the Georgia Militia District of Forest Hills bounded on the south by Raes Creek and Lake Olmsted and on the west by the Berkman Road and a line extended due north from the point of intersection of the Berkman and Washington Roads.

Screven County. That area included within a circle having a 2-mile radius and center at the Screven County Courthouse in Sylvania, including all of the city of Sylvania.

Sumter County. That area included within the corporate limits of the city of Americus; and an area 1 mile wide beginning at the east corporate limits of Americus and extending along U. S. Highway No. 280 with said highway as a center line to Mill Creek.

Taylor County. That area included in the Georgia Militia District of Reynolds, including all of the town of Reynolds, and that area included within a circle having a 2½-mile radius and center at Taylor County Courthouse in Butler, including all of the town of Butler.

Telfair County. Those areas included within the corporate limits of the town of Helena and the city of McRae.

Toombs County. That area bounded on the east by the east boundaries of the Georgia Militia Districts of Vidalia and Center, on the south by Rocky Creek, on the west by the Toombs-Montgomery County line, and on the north by Swift Creek, including all of the city of Vidalia.

Treutlen County. That area included within the corporate limits of the city of Soperton; and an area 1 mile wide beginning at the south corporate limits of Soperton and extending southeasterly along Georgia State Highway 29 with said highway as a center line to the Treutlen-Montgomery County line.

Turner County. That area bounded on the east by a line parallel to and ½ mile east of the Sycamore town limits, on the south by a line parallel to and ½ mile south of the Sycamore town limits, on the west by a line parallel to and ½ mile west of the Sycamore town limits, on the north by a line parallel to and ½ mile north of the Sycamore town limits, and the projections of such lines to their intersections, including all of the town of Sycamore; and that part of the Georgia Militia District of Clements included within a circle having a ¾-mile radius and center at the Bethel School.

Twiggs County. That portion of the Georgia Militia District of Higgsville bounded on the east by the Twiggs-Wilkinson County line, on the south by the Twiggs-Bleckley County line, on the north by a line parallel to and 3½ miles north of the Twiggs-Bleckley County line, on the west by a line parallel to and 1 mile west of the Twiggs-Wilkinson County line, and the projections of such lines to their intersections, including all of those portions of the towns of Allentown and Danville lying in Twiggs County.

Washington County. That area included within a circle having a 5-mile radius and center at the Washington County Courthouse in Sandersville, including all of the city of Sandersville and the city of Tennille.

Wheeler County. That area included within land lots numbers 40, 41, 42, 43, 48, 49, 50, 51, 70, 71, 72, 73, 78, 79, 80, 81, 100, 101, 102, and 103, in the Eleventh Land District, including all of the town of Alamo.

Wilkinson County. That portion of the Georgia Militia District of Turkey Creek bounded on the west by the Wilkinson-Twiggs County line, on the south by the Wilkinson-Laurens County line, on the east by a line parallel to and 1¾ miles east of the Wilkinson-Twiggs County line, on the north by a line parallel to and 3½ miles north of the Wilkinson-Laurens County line, and the projections of such lines to their intersections, including all of those portions of the towns of Allentown and Danville lying in Wilkinson County.

LOUISIANA

All of Orleans Parish, including the city of New Orleans; and all of Saint Bernard Parish.

East Baton Rouge Parish. Tps. 7 S., Rs. 1 and 2 E.

Iberia Parish. Secs. 24, 37, 38, 39, 53, 55, and 56, T. 13 S., R. 5 E.; and secs. 46, 55, 56, 57, 58, 59, and 60, T. 13 S., R. 6 E.

Jefferson Parish. That part lying north of the township line between Tps. 14 and 15 S.

Plaquemines Parish. That part lying north of the township line between Tps. 15 and 16 S.

Saint Tammany Parish. Secs. 38, 39, and 40, T. 7 S., R. 11 E.; and secs. 40 and 41, T. 8 S., R. 11 E.

Tangipahoa Parish. Secs. 32, 33, and 50, T. 3 S., R. 7 E., and secs. 4, 5, 8, 9, 10, 50, and 54, T. 4 S., R. 7 E., including all of the town of Amite.

Washington Parish. E$\frac{2}{3}$ T. 3 S., R. 13 E., and that part of T. 3 S., R. 14 E., lying west of Pearl River in Washington Parish.

MISSISSIPPI

Covington County. W$\frac{1}{2}$ Tps. 6, 7, and 8 N., R. 14 W.; E$\frac{1}{2}$ T. 6 N., and all of Tps. 7 and 8 N., R. 15 W.; S$\frac{2}{3}$ Tps. 8 N., Rs. 16 and 17 W.; those parts of Tps. 7 N., Rs. 16 and 17 W., lying in Covington County; and those parts of NW$\frac{1}{4}$ T. 9 N., R. 16 W., and NE$\frac{1}{4}$ T. 9 N., R. 17 W., lying in Covington County.

Forrest County. All of Forrest County.

George County. Secs. 27, 28, 29, 32, 33, 34, 35, and 36, T. 1 S., R. 6 W., including all of the town of Lucedale; N$\frac{1}{2}$ T. 2 S., R. 6 W., except secs. 6, 7, and 18; secs. 5, 6, 7, 8, 17, and 18, T. 2 S., R. 5 W.; and that part of secs. 31 and 32, T. 1 S., R. 5 W., lying south of Mississippi State Highway 15.

Greene County. Secs. 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, T. 2 N., R. 8 W.

Hancock County. SE$\frac{1}{4}$ and secs. 13, 14, and 15, T. 5 S., R. 14 W.; Tps. 8 and 9 S., R. 14 W., including all of the city of Bay Saint Louis; and NW$\frac{1}{4}$ T. 6 S., R. 15 W.

Harrison County. All of Harrison County except that part lying northeast of a line beginning at the NE. corner sec. 30, T. 4 S., R. 10 W., and extending southward to the NE. corner sec. 31, T. 6 S., R. 10 W., and thence eastward along the section line to the Harrison-Jackson County line.

Hinds County. E$\frac{1}{3}$ T. 6 N., R. 3 W.; and W$\frac{1}{3}$ T. 6 N., R. 2 W.

Jackson County. That area included within a boundary beginning at a point where the east line of sec. 16, T. 7 S., R. 5 W., intersects Escatawpa River, thence southwest along said river to its intersection with East Pascagoula River, thence south along East Pascagoula River to Mississippi Sound, thence east along Mississippi Sound to the east line of sec. 28, T. 8 S., R. 5 W., thence north to the point of beginning; all that part of T. 7 S., R. 9 W., lying in Jackson County; and W$\frac{2}{3}$ Tps. 7 and 8 S., R. 8 W.

Jefferson Davis County. Secs. 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T. 8 N., R. 19 W.; NE$\frac{1}{4}$ T. 7 N., R. 19 W., including all of the town of Prentiss; secs. 5, 6, 7, 8, 17, and 18, T. 7 N., R. 18 W.; S$\frac{2}{3}$ T. 8 N., R. 18 W.; that part of N$\frac{1}{2}$ T. 7 N., R. 17 W., lying in Jefferson Davis County; and that part of SW$\frac{1}{4}$ T. 7 N., R. 16 W., lying in Jefferson Davis County.

Jones County. That part of T. 10 N., R. 11 W., lying in Jones County, except secs. 24, 25, and 36; those parts of Tps. 10 N., Rs. 12 and 13 W., lying in Jones County; all of Tps. 9 N., Rs. 12 and 13 W.; all of T. 9 N., R. 11 W., except secs. 1 and 12; E$\frac{2}{3}$ and secs. 29, 30, 31, and 32, T. 8 N., R. 12 W.; N$\frac{2}{3}$ T. 8 N., R. 11 W.; N$\frac{1}{2}$ T. 7 N., R. 12 W.; secs. 29, 30, 31, and 32, and those parts of secs. 28 and 33 lying west of Leaf River, all in T. 6 N., R. 13 W.; and secs. 25, 26, 27, 34, 35, and 36, T. 6 N., R. 14 W.

Lamar County. All of Tps. 2, 3, and 4 N., R. 14 W., including all of the town of Purvis; that part of T. 1 N., R. 14 W., lying in Lamar County; E$\frac{1}{3}$ T. 1 N., R. 15 W.; secs. 1 and 2, T. 1 S., R. 15 W.; and sec. 6, T. 1 S., R. 14 W., including all of the city of Lumberton.

Marion County. That area included within a boundary beginning where the north line of sec. 36, T. 4 N., R. 19 W., intersects Pearl River, thence downstream along Pearl River to a point where Pearl River intersects the north line of sec. 18, T. 3 N., R. 18 W., thence east along said section line to the SE. corner sec. 11, T. 3 N., R. 18 W., thence north to the NE. corner sec. 35, T. 4 N., R. 18 W., and thence west along said section line to the point of beginning.

Pearl River County. Those parts of Tps. 1 N., Rs. 14, 15, and 16 W., lying in Pearl River County; all of Tps. 1 S., Rs. 14 and 15 W.; E$\frac{1}{3}$ T. 2 S., R. 16 W., and W$\frac{1}{2}$ T. 2 S., R. 15 W., including all of the town of Poplarville; all of Tps 3 and 4 S., R. 15 W.; W$\frac{1}{2}$ T. 4 S., R. 14 W.; N$\frac{1}{3}$ T. 3 S., R. 16 W.; N$\frac{2}{3}$ Tps. 3 S., Rs. 17 and 18 W.; all of T. 5 S., and NE$\frac{1}{4}$ T. 6 S., R. 16 W.; and E$\frac{1}{2}$ T. 5 S., and SE$\frac{1}{4}$ T. 4 S., R. 17 W.

Perry County. S$\frac{2}{3}$ T. 3 N., R. 11 W.; secs. 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33 T. 3 N., R. 10 W.; and secs. 13, 14, 23, 24, 25, 26, 35, and 36, T. 2 N., R. 9 W.

Rankin County. E$\frac{1}{2}$ T. 3 N., R. 2 E.; and all of T. 3 N., R. 3 E.

Simpson County. Secs. 4, 5, 6, 7, 8, and 9, T. 10 N., R. 17 W.; secs. 1 and 12, T. 10 N., R. 18 W.; secs. 29, 30, 31, and 32, T. 1 N., R. 6 E.; Tps. 1 N., Rs. 4 and 5 E.; E$\frac{1}{2}$ T. 10 N., R. 19 W., and that part of T. 9 N., R. 19 W., lying in Simpson County; all of T. 2 N., R. 4 E.; and E$\frac{2}{3}$ T. 2 N., R. 3 E.

Stone County. W$\frac{1}{6}$ Tps. 2 and 3 S., and secs. 6, 7, 18 and 19, T. 4 S., R. 10 W.; all of Tps. 2 and 3 S., and N$\frac{2}{3}$ T. 4 S., R. 11 W.; secs. 1, 2, 11, 12, 13, 14, 23, and 24, T. 4 S., R. 12 W.; E$\frac{1}{2}$ Tps. 2 and 3 S., R. 12 W.; and secs. 3, 4, 5, 8, 9, and 10, T. 2 S., R. 12 W.

Warren County. All that area lying within the corporate limits of the city of Vicksburg, and that area included within a boundary beginning at a point where Halls Ferry Road intersects the corporate limits of the city of Vicksburg, thence southeast along said road to the point of its intersection with the range line between Rs. 3 and 4 E., thence south along the range line to the SE. corner sec. 42, T. 15 N., R. 3 E., thence west along the section line to the Mississippi River, thence north along the east bank of the Mississippi River to said corporate limits, and thence along the south corporate limits to the point of beginning.

NORTH CAROLINA

Anson County. An area 2 miles wide beginning at the Anson-Union County line and extending easterly along the Seaboard Air Line Railroad with said railroad as a center line to a due north-south line projected through the point of intersection of said railroad with the east corporate limits of Polkton, including all of the towns of Peachland and Polkton.

Bladen County. That area included within the corporate limits of the town of Bladenboro.

Brunswick County. All of Eagles Island.

Cumberland County. That area included within a circle having a 4$\frac{1}{2}$-mile radius and center at the Atlantic Coast Line Railroad depot in Hope Mills, including all of the town of Hope Mills and all of the communities of Cumberland and Roslin.

Duplin County. That area included within the corporate limits of the town of Warsaw; and an area 2 miles wide beginning at a line projected northeast and southwest along and beyond the north corporate limits of Warsaw and extending northwesterly along U. S. Highway No. 117 with said highway as a center line for a distance of 3 miles.

Edgecombe County. That portion of the city of Rocky Mount lying in Edgecombe County.

Harnett County. An area 4 miles wide bounded on the north by the Harnett-Wake County line and extending along U. S. Highway No. 15-A with said highway as a center line for a distance of 5 miles.

Jones County. An area 2 miles wide beginning at a line projected due east and due west at the Atlantic Coast Line siding at Ravenswood, approximately 1$\frac{1}{2}$ miles south of the Atlantic Coast Line Railroad depot in Pollocksville, and extending southerly with said railroad as a center line for a distance of 3 miles.

New Hanover County. That area included within the corporate limits of the city of Wilmington; all of Cape Fear Township; all that part of Harnett Township lying west of the Wrightsboro-Winter Park Road, including all of the town of Winter Park; and all that part of Masonboro Township lying north of the new Sunset Park-Winter Park Road.

Nash County. That portion of the city of Rocky Mount lying in Nash County.

Onslow County. That area included within a circle having a 4-mile radius and center at the Onslow County Courthouse in Jacksonville, including all of the city of Jacksonville; and an area 3$\frac{1}{2}$ miles wide beginning at a line projected at right angles to and for a distance of 13$\frac{1}{4}$ miles on each side of U. S. Highway No. 17 from the point where said highway crosses Starky Creek and extending southwesterly along U. S. Highway No. 17 with said highway as a center line to the northeast boundary of the above-described circular area.

Pender County. All of that portion of Pender County lying west of a line parallel to and 8 miles west of the Pender-Onslow County line.

Union County. An area 2 miles wide beginning at a line projected due north and due south from a point where the west corporate limits of Marshville intersect the Seaboard Air Line Railroad and extending easterly with said railroad as a center line to the Union-Anson County line, including all of the town of Marshville.

Wake County. An area 4 miles wide bounded on the east by a line projected due north and due south for 2 miles on each side of the point of intersection of U. S. Highway No. 15-A and the Norfolk Southern Railway, approximately 1$\frac{1}{2}$ miles east of the Norfolk Southern Railway depot in Fuquay Springs, and extending westerly and southwesterly along U. S. Highway No. 15-A with said highway as a center line to the Wake-Harnett County line, including all of the town of Fuquay Springs.

Wayne County. All of Goldsboro Township, including all of the city of Goldsboro; an area 2 miles wide beginning at the west boundary of Goldsboro Township and extending northwesterly along U. S. Highway No. 70 with said highway as a center line to the Wayne-Johnston County line; an area 2 miles wide beginning at the north boundary of Goldsboro Township and extending northerly along the Atlantic Coast Line Railroad with said railroad as a center line to the Wayne-Wilson County line, including all of the towns of Pikeville and Fremont; and an area bounded on the north by the Atlantic and East Carolina Railway, on the west by Stony Creek, on the south by the Neuse River, and on the east by a line beginning at the junction of U. S. Highway No. 70 and North Carolina State Highway 111 and extended due north and due south to its intersections with the north and south boundaries, including all of Seymour Johnson Field.

SOUTH CAROLINA

Fairfield County. That area included within a circle having a 2-mile radius and center at the intersection of South Carolina State Highways 22 and 227, approximately 5$\frac{1}{2}$ miles northwest of the city of Winnsboro.

Richland County. All of Columbia Township, including all of the city of Columbia.

TENNESSEE

Hamilton County. That area included within a circle having a 1$\frac{1}{2}$-mile radius and center at the office of the Shell Oil Corporation bulk plant located on Jersey Pike Road.

Shelby County. All that area included within a boundary beginning at the confluence of Wolf River with the Mississippi River, thence upstream along Wolf River to a point where it is crossed by the Nashville, Chattanooga and St. Louis Railway, thence west along said railway to its intersection with White Station Road, thence south along White Station Road to its intersection with U. S. Highway No. 72, thence west along U. S. Highway No. 72 to the point where it is intersected by Mount Moriah Road, thence south and east along Mount Moriah Road to the point where it intersects Nonconnah Creek, thence downstream along Nonconnah Creek to its confluence with the Tennessee Chute, and thence north along the Tennessee Chute and the Mississippi River to the point of beginning; that area included within a circle having a 1-mile radius and center at the intersection of the Memphis-Arlington and Pea Point Roads; and that area included within a circle having a 2-mile radius and center at the junction of the Macon Road with the Germantown Road, excluding that part of such area lying in the Shelby County Penal Farm.

§ 301.72–3 *Regulated articles.* • • •

(b) *Articles the movement of which is regulated.* Except as provided in administrative instructions, the movement of the following articles from any regulated area is regulated throughout the year:

(1) Soil, compost, manure, peat, muck, clay, sand, or gravel, whether moved independently of or in connection with or attached to nursery stock, plants, products, articles, or things, except that the movement of processed clay and washed or processed sand and gravel is not regulated.

(2) Nursery stock.

(3) Grass sod.

(4) Plant crowns or roots for propagation.

(5) Uncleaned grass, grain, and legume seed.

(6) Potatoes (Irish), when freshly harvested.

(7) True bulbs, corms, tubers, and rhizomes of ornamental plants, when freshly harvested or uncured.

(8) Hay and straw.

(9) Peanut shells and peanuts in shells.

(10) Seed cotton and cottonseed.

(11) Scrap metal and junk.

(12) Forest products, such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and cross ties.

(13) Brick, tile, stone, concrete slabs, pipe, building blocks, and cinders.

(14) Other articles, products, or things, the movement of which may involve a hazard of spread of white-fringed beetles.

§ 301.72–8 *Disinfesting vehicles, machinery, and other articles.* When in the judgment of the inspector a hazard of spread of white-fringed beetles is involved, thorough cleaning, disinfestation, or other sanitary treatments of railway cars, trucks, other vehicles, machinery, implements, and other articles will be required by the inspector before they may be moved to points outside the regulated areas.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 141, 143, 160. Interpret or apply sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

These amendments shall be effective May 10, 1951.

The purpose of these amendments is to add new territory to the regulated areas and to remove from regulation Clayton County, Georgia, and Robeson County, North Carolina, where no white-fringed beetles have been found for the last three years. Seed cotton and cottonseed, forest products and building materials are added to the list of regulated articles the interstate movement of which is regulated throughout the year. Prompt action on these changes is necessary in order to control the movement of articles from the infested areas, which might spread white-fringed beetles. Therefore, good cause is found, in accordance with section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)), for making the foregoing amendments effective less than 30 days after their publication.

Done at Washington, D. C., this 4th day of May 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–5408; Filed, May 9, 1951; 8:46 a. m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 2]

PART 415—FLAX CROP INSURANCE

SUBPART—REGULATIONS FOR 1950 AND SUCCEEDING CROP YEARS

The above-identified regulations, as amended (14 F. R. 4543, 15 F. R. 2482) are hereby amended with respect to flax crops insured for the 1951 and succeeding crop years as follows:

1. Paragraph (c) of § 415.1 is amended to read as follows:

(c) The counties in which insurance will be provided for the 1951 crop year are as follows:

Iowa: Osceola.
Minnesota:
Becker.
Big Stone.
Blue Earth.
Brown.
Chippewa.
Clay.
Cottonwood.
Faribault.
Jackson.
Kittson.
Lac Qui Parle.
Lincoln.
Lyon.
Mahnomen.
Marshall.
Martin.
Meeker.
Murray.
Nobles.
Norman.
Olmstead.
Pennington.
Minnesota—Con.
Pipestone.
Polk.
Pope.
Redwood.
Renville.
Rice.
Rock.
Roseau.
Traverse.
Watonwan.
Wilkin.
Yellow Medicine.
North Dakota:
Benson.
Bottineau.
Cass.
Dickey.
Eddy.
Grand Forks.
LaMoure.
McLean.
Nelson.
Pembina.
North Dakota—Con.
Pierce.
Ramsey.
Richland.
Steele.
Stutsman.
Traill.
Walsh.
Ward.
South Dakota:
Brookings.
Brown.
Clark
Codington.
Day.
Grant.
Marshall.
Roberts.

2. Section 415.4, as amended, is amended to read as follows:

§ 415.4 *Application for insurance.* (a) Application for insurance on a Corporation form entitled "Application for Crop Insurance on Flax" may be made by any person to cover his interest as landlord, owner-operator, or tenant in a flax crop. For any crop year applications shall be submitted to the county office on or before March 31 preceding such crop year.

(b) Notwithstanding the provisions of paragraph (a) of this section, the closing date for submitting applications is extended to April 21 for the 1951 crop year only.

Adopted by the Board of Directors on April 25, 1951.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. and Sup., 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. and Sup., 1507–1509)

[SEAL] R. J. POSSON,
Secretary, Federal Crop Insurance Corporation.

Approved on May 4, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–5407; Filed, May 9, 1951; 8:46 a. m.]

[Amdt. 3]

PART 417—TOBACCO CROP INSURANCE

SUBPART—REGULATIONS FOR 1950 AND SUCCEEDING CROP YEARS

The above-identified regulations, as amended (14 F. R. 5298, 6675; 15 F. R. 2483) are hereby amended as follows:

Section 417.1, as amended, is amended by changing paragraph (d) to read:

(d) The counties in which insurance will be provided for the 1951 crop year, the plan(s) of insurance and the insurable type(s) of tobacco for each county are as follows:

State and county	Type(s) of tobacco	Plan(s) of insurance
Connecticut: Hartford	50, 52	Investment.
Florida:		
Alachua	14	Investment.
Madison	14	Investment.
Suwannee	14	Investment.
Georgia:		
Appling	14	Yield-quality.
Bulloch	14	Yield-quality.
Candler	14	Investment.
Coffee	14	Yield-quality.
Cook	14	Investment.
Evans	14	Investment.
Tattnall	14	Investment.
Kentucky:		
Barren	31	Yield-quality.
Bourbon	31	Yield-quality.
Breckenridge	31	Yield-quality.
Calloway	23, 31, 35	Yield-quality.
Daviess	31, 36	Yield-quality.
Fleming	31	Yield-quality.
Graves	23, 31, 35	Yield-quality.
Larue	31	Yield-quality.
Lewis	31	Yield-quality.

State and county	Type(s) of tobacco	Plan(s) of insurance
Kentucky—Continued		
Mason	31	Yield-quality.
Mercer	31	Investment.
Pulaski	31	Yield-quality.
Russell	31	Investment.
Simpson	31,35	Yield-quality.
Massachusetts: Hampshire	51,52	Investment.
North Carolina:		
Alamance	11	Investment.
Beaufort	12	Investment.
Caswell	11	Investment.
Columbus	13	Investment.
Duplin	12	Investment.
Forsyth	11	Investment.
Greene	12	Investment.
Jones	12	Investment.
Lenoir	12	Investment.
Pitt	12	Investment.
Stokes	11	Investment.
Surry	11	Yield-quality.
Vance	11	Yield-quality and investment.
Wake	11	Investment.
Wilson	12	Yield-quality.
Yadkin	11	Investment.
Ohio: Brown	51	Investment.
Pennsylvania: Lancaster	41	Yield-quality and investment.
South Carolina:		
Darlington	13	Investment.
Horry	13	Yield-quality and investment.
Marion	13	Yield-quality.
Williamsburg	13	Yield-quality.
Tennessee:		
Claiborne	31	Yield-quality.
Greene	31	Yield-quality and investment.
Hawkins	31	Yield-quality.
Johnson	31	Yield-quality.
Loudon	31	Investment.
McMinn	31	Investment.
Maury	31	Yield-quality.
Montgomery	22,31	Investment.
Robertson	22,31,35	Investment.
Smith	31	Yield-quality.
Virginia:		
Appomattox	11,21	Investment.
Brunswick	11,21	Investment.
Campbell	11,21	Investment.
Dinwiddie	11,21	Investment.
Halifax	11	Investment.
Lunenburg	11	Investment.
Mecklenburg	11	Investment.
Pittsylvania	11	Investment.
Washington	31	Investment.
Wisconsin:		
Dane	54	Investment.
Vernon	55	Investment.

Adopted by the Board of Directors on April 25, 1951.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. and Sup., 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. and Sup., 1507–1509)

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved on May 4, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-5406; Filed, May 9, 1951; 8:46 a. m.]

[Amdt. 8]

PART 418—WHEAT CROP INSURANCE

SUBPART—REGULATIONS FOR 1950 AND SUCCEEDING CROP YEARS

The above-identified regulations, as amended (14 F. R. 1455, 4548, 5303, 6675, 7641, 7701; 15 F. R. 2483, 6740), are hereby amended as follows:

1. Paragraph (c) of § 418.151, as amended, is amended with respect to wheat crops insured for 1951 to read as follows:

(c) The counties and type of coverage applicable to each for the 1951 crop year are as follows:

State and county	Type of coverage
California:	
Butte	Commodity.
Kern	Commodity.
Los Angeles	Commodity.
San Luis Obispo	Commodity.
Sutter	Commodity.
Tulare	Commodity.
Yolo	Commodity.
Colorado:	
Adams	Monetary.
Baca	Commodity.
Cheyenne	Monetary.
Elbert	Monetary.
Kit Carson	Monetary.
Lincoln	Monetary.
Logan	Monetary.
Phillips	Monetary.
Prowers	Monetary.
Sedgwick	Monetary.
Washington	Monetary.
Weld	Commodity.
Idaho:	
Camas	Commodity.
Idaho	Commodity.
Kootenai	Commodity.
Latah	Monetary.
Lewis	Commodity.
Nez Perce	Commodity.
Teton	Commodity.
Illinois:	
Adams	Commodity.
Bond	Commodity.
Christian	Commodity.
Effingham	Commodity.
Greene	Commodity.
Jefferson	Commodity.
Jersey	Commodity.
Macoupin	Monetary.
Madison	Commodity.
Marion	Commodity.
Mason	Commodity.
Monroe	Commodity.
Montgomery	Commodity.
Pike	Commodity.
St. Clair	Commodity.
Sangamon	Commodity.
Scott	Commodity.
Shelby	Commodity.
Washington	Commodity.
Indiana:	
Allen	Commodity.
Clinton	Commodity.
Dearborn	Commodity.
Decatur	Commodity.
De Kalb	Commodity.
Johnson	Commodity.
Kosciusko	Commodity.
Madison	Commodity.
Montgomery	Commodity.
Noble	Commodity.
Parke	Commodity.
Randolph	Commodity.
Rush	Commodity.
Shelby	Commodity.
Sullivan	Monetary.
Whitley	Commodity.
Kansas:	
Atchison	Commodity.
Barton	Monetary.
Cheyenne	Monetary.
Clay	Commodity.
Cloud	Monetary.
Cowley	Monetary.
Dickinson	Commodity.
Edwards	Monetary.
Ellis	Monetary.
Finney	Monetary.
Ford	Monetary.
Gove	Monetary.
Graham	Monetary.
Gray	Monetary.
Greeley	Monetary.
Harvey	Commodity.
Haskell	Monetary.
Kearny	Monetary.
Kingman	Commodity.
Kansas—Continued	
Lane	Monetary.
Lincoln	Monetary.
Logan	Monetary.
McPherson	Commodity.
Marion	Commodity.
Marshall	Commodity.
Mitchell	Monetary.
Morris	Commodity.
Nemaha	Commodity.
Ness	Monetary.
Norton	Monetary.
Osborne	Monetary.
Ottawa	Monetary.
Pawnee	Monetary.
Pratt	Monetary.
Rawlins	Monetary.
Reno	Commodity.
Republic	Monetary.
Rice	Monetary.
Rooks	Monetary.
Rush	Monetary.
Russell	Commodity.
Scott	Monetary.
Seward	Monetary.
Sheridan	Monetary.
Sherman	Monetary.
Smith	Monetary.
Stanton	Monetary.
Sumner	Monetary.
Thomas	Monetary.
Trego	Monetary.
Wallace	Monetary.
Washington	Commodity.
Maryland:	
Carroll	Commodity.
Kent	Monetary.
Michigan:	
Calhoun	Monetary.
Clinton	Monetary.
Eaton	Commodity.
Hillsdale	Commodity.
Huron	Monetary.
Ingham	Monetary.
Ionia	Commodity.
Kalamazoo	Monetary.
Monroe	Commodity.
Saginaw	Monetary.
Shiawassee	Monetary.
Minnesota:	
Becker	Commodity.
Big Stone	Commodity.
Clay	Commodity.
Kittson	Commodity.
Mahnomen	Commodity.
Marshall	Commodity.
Norman	Commodity.
Ottertail	Commodity.
Polk	Commodity.
Traverse	Commodity.
Wilkin	Commodity.
Yellow Medicine	Commodity.
Missouri:	
Bates	Commodity.
Buchanan	Commodity.
Cass	Commodity.
Charlton	Monetary.
Cooper	Commodity.
Franklin	Commodity.
Henry	Commodity.
Jasper	Commodity.
Lafayette	Monetary.
Lawrence	Commodity.
Marion	Commodity.
Perry	Commodity.
Pettis	Commodity.
Pike	Monetary.
Ray	Commodity.
St. Charles	Commodity.
Saline	Commodity.
Vernon	Monetary.
Montana:	
Blaine	Commodity.
Cascade	Commodity.
Chouteau	Commodity.
Daniels	Commodity.
Dawson	Commodity.
Fergus	Commodity.
Hill	Commodity.
Judith Basin	Commodity.
Liberty	Commodity.

State and county	Type of coverage
Montana—Continued	
McCone	Commodity.
Petroleum	Commodity.
Phillips	Commodity.
Pondera	Commodity.
Richland	Commodity.
Roosevelt	Commodity.
Sheridan	Commodity.
Teton	Commodity.
Valley	Commodity.
Nebraska:	
Banner	Monetary.
Buffalo	Commodity.
Chase	Monetary.
Cheyenne	Commodity.
Deuel	Commodity.
Fillmore	Commodity.
Gage	Commodity.
Garden	Commodity.
Gosper	Commodity.
Hamilton	Monetary.
Jefferson	Commodity.
Keith	Monetary.
Kimball	Commodity.
Lancaster	Commodity.
Nuckolls	Commodity.
Perkins	Commodity.
Red Willow	Monetary.
Richardson	Commodity.
Saline	Commodity.
Saunders	Commodity.
Seward	Commodity.
New Mexico:	
Curry	Commodity.
Quay	Commodity.
New York:	
Onondaga	Monetary.
Ontario	Commodity.
Seneca	Commodity.
North Dakota:	
Benson	Commodity.
Billings	Commodity.
Bottineau	Commodity.
Bowman	Commodity.
Burke	Commodity.
Burleigh	Commodity.
Cass	Commodity.
Cavalier	Commodity.
Dickey	Commodity.
Divide	Commodity.
Dunn	Commodity.
Eddy	Commodity.
Foster	Commodity.
Golden Valley	Commodity.
Grand Forks	Monetary.
Grant	Commodity.
Griggs	Commodity.
Hettinger	Commodity.
Kidder	Commodity.
La Moure	Commodity.
Logan	Commodity.
McHenry	Commodity.
McIntosh	Commodity.
McKenzie	Commodity.
McLean	Commodity.
Mercer	Commodity.
Morton	Commodity.
Mountrail	Commodity.
Nelson	Commodity.
Oliver	Commodity.
Pembina	Commodity.
Pierce	Monetary.
Ramsey	Commodity.
Renville	Commodity.
Richland	Commodity.
Rolette	Commodity.
Sheridan	Commodity.
Sioux	Commodity.
Slope	Commodity.
Stark	Commodity.
Steele	Commodity.
Stutsman	Commodity.
Towner	Commodity.
Traill	Commodity.
Walsh	Commodity.
Ward	Commodity.
Wells	Commodity.
Williams	Commodity.
Ohio:	
Auglaize	Commodity.
Clinton	Commodity.
Erie	Commodity.
Franklin	Commodity.
Greene	Commodity.
Hardin	Commodity.
Henry	Commodity.
Highland	Commodity.
Knox	Commodity.
Marion	Commodity.
Mercer	Commodity.
Montgomery	Commodity.
Pickaway	Commodity.
Preble	Commodity.
Putnam	Commodity.
Sandusky	Commodity.
Seneca	Commodity.
Stark	Commodity.
Tuscarawas	Commodity.
Williams	Commodity.
Oklahoma:	
Alfalfa	Commodity.
Beckham	Commodity.
Blaine	Monetary.
Cotton	Monetary.
Custer	Commodity.
Dewey	Monetary.
Garfield	Monetary.
Grady	Monetary.
Grant	Monetary.
Grear	Commodity.
Kay	Monetary.
Kingfisher	Commodity.
Kiowa	Commodity.
Major	Monetary.
Noble	Monetary.
Tillman	Monetary.
Washita	Monetary.
Woods	Monetary.
Oregon:	
Baker	Commodity.
Gilliam	Commodity.
Jefferson	Commodity.
Morrow	Commodity.
Sherman	Commodity.
Umatilla	Commodity.
Union	Commodity.
Wallowa	Commodity.
Wasco	Commodity.
Pennsylvania:	
Berks	Commodity.
Bucks	Commodity.
Chester	Commodity.
Lancaster	Commodity.
Lycoming	Commodity.
South Dakota:	
Beadle	Commodity.
Brown	Commodity.
Campbell	Commodity.
Clark	Commodity.
Codington	Commodity.
Corson	Commodity.
Day	Commodity.
Dewey	Commodity.
Edmunds	Commodity.
Faulk	Commodity.
Grant	Commodity.
Hand	Commodity.
Jones	Commodity.
Lyman	Commodity.
McPherson	Commodity.
Marshall	Commodity.
Meade	Commodity.
Mellette	Commodity.
Perkins	Commodity.
Potter	Commodity.
Roberts	Commodity.
Spink	Commodity.
Sully	Commodity.
Tripp	Commodity.
Walworth	Commodity.
Texas:	
Castro	Monetary.
Childress	Monetary.
Collin	Commodity.
Deaf Smith	Monetary.
Denton	Commodity.
Floyd	Monetary.
Grayson	Commodity.
Hale	Monetary.
Jones	Monetary.
Knox	Monetary.
Runnels	Commodity.
Stonewall	Commodity.
Swisher	Monetary.
Taylor	Commodity.
Utah:	
Box Elder	Commodity.
Utah	Commodity.
Washington:	
Adams	Commodity.
Asotin	Commodity.
Benton	Monetary.
Columbia	Commodity.
Douglas	Commodity.
Franklin	Commodity.
Grant	Commodity.
Klickitat	Commodity.
Lincoln	Commodity.
Spokane	Commodity.
Walla Walla	Commodity.
Whitman	Commodity.
Wyoming:	
Goshen	Commodity.
Laramie	Monetary.
Platte	Monetary.

2. Paragraph (c) of § 418.154 is amended with respect to wheat crops insured for 1951 to read as follows:

(c) Notwithstanding the provisions of paragraph (a) of this section the closing date for submitting applications in all counties with a March 31 closing date in Minnesota, Montana, North Dakota, and South Dakota is extended to April 21 for the 1951 crop year only.

3. Paragraph (f) of section 30 of the commodity coverage policy as shown in § 418.167 and paragraph (f) of section 30 of the monetary coverage policy as shown in § 418.168 are amended with respect to wheat crops insured for 1952 and succeeding crop years to read as follows:

30. *Meaning of terms.* • • •

(f) "New ground acreage", in all states except Montana, means any acreage which has not been planted to a crop in any one of the previous three crop years, except acreage in tame hay or rotation pasture during the previous crop year shall not be considered new ground acreage.

"New ground acreage" in Montana means any acreage which has not been planted to a crop in any one of the previous three crop years, except that acreage in tame hay or rotation pasture during the pervious crop year and acreage which has been properly summer fallowed the previous crop year in accordance with good farming practices in the area shall not be considered as new ground acreage.

Adopted by the Board of Directors on April 25, 1951.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. and Sup., 1506, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. and Sup., 1507–1509)

[SEAL] R. J. POSSON,
Secretary.
Federal Crop Insurance Corporation.

Approved on May 4, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-5410; Filed, May 9, 1951; 8:47 a. m.]

[Amdt. 5]

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR 1950 AND SUCCEEDING CROP YEARS

The above-identified regulations, as amended, (14 F. R. 5303, 6787, 7827; 15 F. R. 2485, 2622, 3077, 4161, 9033, 9271) are hereby amended as set forth below. Sections 420.20 and 420.24 are changed effective beginning with the 1951 crop year; the remaining changes shall become effective beginning with the 1952 crop year.

1. Section 420.20, as amended, is amended by changing paragraph (c) to read as follows:

(c) The counties in which multiple crop insurance will be provided for the 1951 crop year are as follows:

Alabama:
Butler.
Henry.
Arkansas:
Arkansas.
White.
Colorado:
Conejos.
Morgan.
Otero.
Weld.
Delaware: Kent.
Florida: Jefferson.
Georgia:
Colquitt.
Emanuel.
Jefferson.
Jenkins.
Mitchell.
Sumter.
Illinois:
Hamilton.
Jasper
Johnson.
Saline.
Wayne.
Indiana:
Hamilton.
Spencer.
Iowa:
Delaware.
Emmet.
Howard.
Humboldt.
Ida.
Kossuth.
Tama.
Union.
Warren.
Winnebago.
Kansas:
Allen.
Anderson.
Bourbon.
Cherokee.
Franklin.
Leavenworth.
Montgomery.
Louisiana:
Acadia.
Lafayette.
St. Landry.
Maryland: Talbot.
Michigan:
Gratiot.
Jackson.
Kent.
Montcalm.
Minnesota:
Dakota.
Dodge.
Goodhue.
Kandiyohi.
McLeod.
Nicollet.
Sherburne.
Stearns.
Stevens.
Swift.
Mississippi:
Alcorn.
Panola.
Missouri: Audrain.
Nebraska:
Antelope.
Pawnee.
Washington.
New York: Monroe.
North Carolina:
Perquimans.
North Dakota:
Barnes.
Dickey.
Pierce.
Ransom.
Sargent.
Ohio:
Ashtabula.
Clermont.
Oklahoma:
Cleveland.
Oregon:
Linn.
Malheur.
Pennsylvania:
Lebanon.
Somerset.
South Carolina:
Aiken.
South Dakota:
Bon Homme.
Deuel.
Hamlin.
Hutchinson.
Lake.
Miner.
Tennessee:
Henry.
Lincoln.
Texas:
Johnson.
Runnels.
Utah: Duchesne.
West Virginia:
Berkeley.
Wisconsin:
Fond du Lac.
Waupaca.
Wyoming:
Platte.
Washakie.

2. Section 420.24, as amended, is amended to read as follows:

§ 420.24 *Application for insurance.* Application for insurance on a Corporation form entitled "Application for Multiple Crop Insurance" may be made by any person to cover his interest as landlord, owner-operator, tenant, or sharecropper in all insurable crops in the county. For any crop year applications shall be submitted to the county office on or before the applicable closing date for such crop year. The closing dates for the 1951 crop year are as follows:

State and county	*Closing date*
Alabama:	
Butler	Mar. 15, 1951
All other counties	Mar. 31, 1951
Arkansas	Mar. 31, 1951
Colorado:	
Conejos	Oct. 31, 1950
All other counties	Mar. 31, 1951
Delaware	Oct. 31, 1950
Florida	Mar. 15, 1951
Georgia:	
Colquitt	Mar. 15, 1951
Mitchell	Mar. 15, 1951
All other counties	Mar. 31, 1951
Illinois:	
Johnson	Mar. 31, 1951
All other counties	Oct. 31, 1950
Indiana	Oct. 31, 1950
Iowa	Apr. 21, 1951
Kansas	Sept. 30, 1950
Louisiana	Mar. 31, 1951
Maryland	Oct. 31, 1950
Michigan	Oct. 31, 1950
Minnesota:	
Sherburne	Oct. 31, 1950
All other counties	Apr. 21, 1951
Mississippi	Mar. 31, 1951
Missouri	Mar. 31, 1951
Nebraska	Sept. 30, 1950
New York	Oct. 31, 1950
North Carolina	Mar. 31, 1951
North Dakota	Apr. 21, 1951
Ohio	Oct. 31, 1950
Oklahoma	Sept. 30, 1950
Oregon:	
Linn	Oct. 31, 1950
Malheur	Feb. 28, 1951
Pennsylvania	Oct. 31, 1950
South Carolina	Mar. 31, 1951
South Dakota	Apr. 21, 1951
Tennessee	Mar. 31, 1951
Texas	Sept. 30, 1950
Utah	Oct. 31, 1950
West Virginia	Oct. 31, 1950
Wisconsin:	
Waupaca	Oct. 31, 1950
All other counties	Apr. 21, 1951
Wyoming:	
Platte	Oct. 31, 1950
Washakie	Nov. 30, 1950

3. Section 420.32 is amended to read as follows:

§ 420.32 *Rounding of fractional units.* In determining the coverage for the insurance unit the coverage (by area and by practice where applicable) for each crop on the insurance unit shall be rounded to dollars after each multiplication. The premium and the value of the total production shall be rounded to cents. Total production for each commodity shall be rounded to the applicable unit of measurement designated in the production schedule in the policy. The total insured acres (or applicable part thereof where different shares, practices or areas are involved) for each crop on an insurance unit shall be rounded to the unit of measurement for such acreage of that crop as shown on the county actuarial table, and other acreage figures for the crop shall be rounded to tenths of such unit of measurement. Computations shall be carried one digit beyond the digit that is to be rounded. If the last digit is 1, 2, 3, or 4, the rounding shall be downward. If the last digit is 5, 6, 7, 8, or 9, the rounding shall be upward.

4. Section 1 of the policy shown in § 420.33 is amended to read as follows:

1. *Crops insured.* The crops to be insured shall be those crops which are specified on the attached rider until changed pursuant to the provisions of this policy. If the insured plants any part of his insurable crops for purposes other than that shown on the attached rider, he shall submit with his acreage report a designation of any acreage so planted. Upon approval of the Corporation, the acreage used in computing the premium and total coverage shall not include acreage so designated. However, any production harvested from such acreage shall be considered as production on the insured acreage in determining any loss under the contract.

5. Section 24 of the policy shown in § 420.33 is amended by adding the following:

(i) "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

6. Section 25 of the policy shown in § 420.33 is amended by designating the existing text as paragraph (a) and adding the following:

(b) The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crops under a Federal crop insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal crop insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

7. Paragraph (b) of § 420.34 is changed to read as follows: "(b) the manner in which losses shall be determined including the method of providing any insurance protection against loss of quality."

8. The following section is added:

§ 420.35 *Predetermined prices.* For each insurable crop in each county, the Corporation shall establish a predetermined price for evaluating production. Predetermined prices so established shall be shown on the county actuarial table and shall be on file in the county office and may be revised from year to year as the Corporation may elect.

Adopted by the Board of Directors on April 25, 1951.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. and Sup., 1506, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75; 7 U. S. C. and Sup., 1507–1509)

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved on May 4, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-5109; Filed, May 9, 1951; 8:47 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter D—Nationality Regulations

PART 363—CERTIFICATE OF ARRIVAL

PART 365—DECLARATION OF INTENTION

USE AND DISPOSITION OF CERTIFICATE OF ARRIVAL FORM N–235

APRIL 3, 1951.

The following amendments to Chapter I, Title 8 of the Code of Federal Regulations, are hereby prescribed:

1. The last sentence of § 363.1 *Official form of certificate of arrival; contents; by whom issued,* is amended to read as follows: "Such certificates of arrival shall be issued only on Form N–225, N–230 or N–235, whichever is appropriate."

2. Section 365.5 is amended to read as follows:

§ 365.5 *Disposition.* The original of such declaration shall be retained and filed of record by such clerk of court, and the duplicate declaration with Form N–225, N–230, or N–235, and the form N–300 shall be forwarded to the proper district director or officer in charge on the first day of the month following the month in which the declaration is filed, and the triplicate shall be delivered forthwith to the alien.

(Secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727)

A. R. MACKEY,
Acting Commissioner,
Immigration and Naturalization.

Approved: May 5, 1951.

PEYTON FORD,
Acting Attorney General.

[F. R. Doc. 51-5385; Filed, May 9, 1951; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Civil Air Regs., Amdt. 26–12]

PART 20—PILOT CERTIFICATES

KNOWLEDGE, EXPERIENCE, AND SKILL REQUIREMENTS FOR PRIVATE PILOT RATING; PRIVATE GLIDER PILOT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 3d day of May 1951.

A study of accidents in 1948 and 1949 involving private pilots, which was recently conducted by the Civil Aeronautics Administration, indicates the need for revision in our standards of aeronautical knowledge, experience, and skill for applicants for a private pilot rating. Pilot error was shown to be the principal or contributing cause of most of these accidents, owing, in the main, to the possession of insufficient information, instruction, or experience. Seventy-six percent of the accidents studied involved pilots with not more than 51 to 300 hours of flying experience. Their errors arose frequently in the course of cross-country flying while mishandling flight controls, or landing on or taking off from unsuitable terrain, or they were the result of faulty flight planning, especially in reckoning with weather, faulty navigation, or violations of Civil Air Regulations.

A number of the following regulations are intended to require applicant for a private pilot rating: (1) To pass a more comprehensive written examination, including questions on regulations affecting the safe operation of aircraft, and (2) to gain special instruction and experience in dealing with the problems attendant upon cross-country flight. It is believed that, consistent with the best interests of safety, these amendments will serve to reduce the number of accidents caused in whole or in part by pilot error by raising the required level of competence among private pilots.

In addition, certain of the following regulations, together with concurrent amendments of Parts 43 and 50, are intended to revise, as far as practicable, our standards of aeronautical knowledge, experience, and skill for applicants for private glider pilot ratings, so that they shall be consistent with international standards established under Amendment 65 of Annex 1 to the Convention on International Civil Aviation. The principal changes effected by these regulations concern an increase in the age minimum from 14 to 16 years and the inclusion of meteorology, theory of flight, and glider operating limitations among our knowledge requirements.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 20 of the Civil Air Regulations (14 CFR Part 20, as amended) effective August 1, 1951:

1. By amending § 20.20 (b) to read as follows:

§ 20.20 *Age.* • • •
(b) *Glider.* 16 years.

2. By amending § 20.24 to read as follows:

§ 20.24 *Aeronautical knowledge*—(a) *Powered aircraft.* An applicant for a powered aircraft rating shall have passed within the preceding 24 months a written examination based on Parts 43, 60, and 62 of the Civil Air Regulations and on practical aspects of cross-country flight planning, weather recognition, pilotage, dead reckoning, and general safety practices in the operation of aircraft.

(b) *Glider.* An applicant for a glider rating shall demonstrate a knowledge of such portions of Parts 43, 60, and 62 as are pertinent to glider operations and of aeronautical charts, meteorology in relation to glider flights, navigation and other instruments used in the operation of gliders, theory of flight, and glider operating limitations.

3. By amending § 20.25 to read as follows:

§ 20.25 *Aeronautical experience*—(a) *Powered aircraft.* Each applicant for a powered aircraft rating, whether he has obtained his flight experience in spinnable, non-spinnable, two-control, or three-control aircraft, shall have not less than 25 hours of solo flight time and 15 hours of dual instruction time given by a rated flight instructor: *Provided,* That if the applicant holds a private or commercial pilot certificate with a glider rating, he may receive credit for not more than 10 hours of the required solo flight time for equal flight time obtained in gliders. Each applicant shall in addition meet the requirements of subparagraphs (1) through (3) of this paragraph.

(1) At least 10 hours of the required solo flight time shall be cross-country flight time. Each solo cross-country flight shall include a landing at a point more than 25 miles from the point of departure, and at least one flight shall include a landing at a point more than 100 miles from the point of departure.

(2) After the applicant's first solo flight, at least 5 hours of dual instruction time shall be given in cross-country flying, of which not less than 3 hours shall be given before his first solo cross-country flight.

(3) Dual instruction time shall include instructions in the prevention of and recovery from power-on and power-off stalls entered from all normally anticipated flight attitudes.

(b) *Glider.* Each applicant for a glider rating shall have made at least 100 glider flights, or have acquired 10 hours of glider flight time including at least 50 glider flights. The total number of required flights shall include at least (1) 25 glider flights during each of which a 360° turn is made; (2) 1 hour of flight instruction in the recovery from stalls entered from all normally anticipated flight attitudes; (3) 2 hours in the aggregate during which the applicant is the sole occupant of the glider; and (4) at least 3 hours in a glider suitable for cross-country flight.

4. By amending § 20.26 to read as follows:

§ 20.26 *Aeronautical skill.* An applicant shall exercise reasonable judgment, coordination, and smoothness in the execution of all flight maneuvers, any of which, however, may be modified or eliminated if not consistent with the characteristics of the aircraft used in the flight test and if appropriate operation limitations are entered on the rating record. If an applicant's medical certificate shows a structural defect or limitation, such additional maneuvers and tests shall be required as may be necessary to demonstrate the competence of the applicant to pilot aircraft safely, and appropriate operation limitations shall be entered on the rating record. Except as thus provided, each applicant shall satisfactorily accomplish a practical examination with respect to the following procedures and maneuvers:

(a) *Airplane.* (1) Preflight inspection, starting, taxying, and run-up check of aircraft before take off;

(2) Planning of a cross-country flight to a specified destination, reckoning with weather conditions, fuel requirements,

check points, estimated time of arrival, and available alternate airports, and accomplishing such portion of the planned flight, including change of course to an alternate airport, as is necessary to demonstrate proficiency in cross-country flying;

(3) Straight and level flight, left and right medium banked turns, left and right climbing and gliding turns at normal and at minimum controllable speeds, and recovery from power-on and power-off stalls entered from all normally anticipated flight attitudes;

(4) Turns while maintaining a constant radius, or track, around a point, or area, including a 720° turn in each direction in a banked attitude of more than 45°;

(5) Normal and cross-wind take-offs and landings following appropriate traffic control procedures of the airport involved, using power, flaps, and slips at the applicant's discretion for assistance in landing;

(6) Simulated emergencies, including one short or soft-field take-off, and one landing, if in single-engine aircraft, with engine throttled and using flaps, slips, or both, for assistance; or, if in multi-engine aircraft, in accordance with proper engine-out procedure.

(b) *Glider.* (1) At least 2 flights, one of which shall include a 360° approach to the right and one to the left, landing each time within 200 feet beyond a designated line or point;

(2) Recovery from stalls entered from all normally anticipated flight attitudes. (Stall maneuvers may be demonstrated in airplanes.)

(c) *Rotorcraft.* As prescribed by the Administrator appropriate to the type of rotorcraft used.

5. By amending § 20.40 (b) to read as follows:

§ 20.40 *Aircraft rating competence.* • • •

(b) A private pilot limited by his rating to nonspinnable airplanes may have this limitation removed by making application to the Administrator and by showing that he meets the experience requirements of § 20.25. In this case the dual cross-country instruction required need not have been received before any solo cross-country flight.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-5440; Filed, May 9, 1951; 8:51 a. m.]

[Civil Air Regs., Amdt. 22-6]

PART 22—LIGHTER-THAN-AIR PILOT CERTIFICATES

FREE BALLOON PILOT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 3d day of May 1951.

Concurrent with amendments of Parts 20, 43, and 50, this amendment effects changes in the Civil Air Regulations to conform to international standards established under the Convention on International Civil Aviation. This regulation is intended to implement Amendment 66 of Annex 1 to the Convention by reducing the age minimum of an applicant for a free balloon pilot certificate from 18 to 17 years and by requiring him to make 8 ascents of an average duration of 2 hours, including 6 ascents under proper supervision, of which 1 ascent while in control shall be to 10,000 feet, 2 ascents shall be at night, and 1 ascent as sole occupant of the ballon.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 22 of the Civil Air Regulations (14 CFR Part 22, as amended) effective August 1, 1951:

By amending § 22.13 (a) and (g) to read as follows:

§ 22.13 *Free balloon pilot certificate.* • • •

(a) *Age.* Applicant shall be at least 17 years of age.

• • • • •

(g) *Aeronautical experience.* Applicant shall have made not less than 8 ascents of an average duration of 2 hours, including 6 ascents under the supervision of a certificated free balloon pilot, 1 ascent in control to an altitude of 10,000 feet under such supervision, 2 night ascents of an average duration of 2 hours each under such supervision, and 1 ascent as the sole occupant of the balloon.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-5441; Filed, May 9, 1951; 8:51 a. m.]

[Supp. 3]

PART 27—AIRCRAFT DISPATCHER CERTIFICATES

REQUIREMENTS FOR APPROVED AIRCRAFT DISPATCHER COURSE

Proposed rules regarding compliance with § 27.7–1 were published on January 3, 1951, in 16 F. R. 14–16. Interested persons were afforded an opportunity to submit data, views, or arguments. Consideration has been given to all relevant matter presented. The following rules are hereby adopted. The section of the regulations being implemented is repeated here to assist the public in understanding how the Administrator's rules apply to it.

§ 27.7 *Aeronautical experience.* (a) Applicant shall have served in scheduled air carrier or scheduled military operations for 2 of the immediately preceding 3 years as:

(1) A pilot member of the crew; or

(2) A flight radio operator or ground radio operator; or

(3) A flight navigator; or

(4) A meteorologist in a dispatch organization dispatching aircraft; or

(5) A technical supervisor of aircraft dispatchers; or

(6) An assistant in dispatching of scheduled military aircraft; or

(b) Applicant shall have served for 2 of the immediately preceding 3 years as an air traffic controller; or

(c) Any combination of experience in paragraph (a), or in paragraphs (a) and (b) of this section, provided each is at least one year; or

(d) Applicant shall have served as an assistant in the dispatching of scheduled air carrier aircraft under the supervision of a certificated aircraft dispatcher for at least one year within the immediately preceding 2 years; or

(e) Applicant shall be a graduate of an aircraft dispatcher course approved by the Administrator.

§ 27.7–1 *Requirements for approved aircraft dispatcher course (CAA rules which apply to § 27.7 (e)).*—(a) *General.* Graduates of an aircraft dispatcher course approved by the Administrator are deemed to have met the aeronautical experience requirements for the aircraft dispatcher certificate. This means that they are accepted on equal terms with an applicant who has met any of the alternate minimum experience requirements provided for in § 27.7. For this reason it is essential that the requirements for approved aircraft dispatcher courses include adequate training facilities, and sufficient coverage of the subject matter to insure acceptable proficiency of persons applying for aircraft dispatcher certification as graduates of an approved course.

(b) *Application for approval.* The agency or applicant desiring approval of a flight dispatcher course must submit to the local agent 3 copies of the course outline, a description of the equipment and facilities to be used, and a list of instructors with their qualifications, together with a letter to the Administrator of Civil Aeronautics requesting approval of the course of study. The letter requesting approval shall be submitted to the nearest regional office of the Civil Aeronautics Administration through the local Aviation Safety Agent.

(1) *Training course outline.* It is not mandatory that the training course outline have the subject headings arranged exactly as listed in the following example. Any arrangement of headings and subheadings will be satisfactory provided all the subjects listed in this section are included. Each general subject of the outline shall be broken down, in detail, showing the items to be covered. Additional subjects, especially those which are not closely associated with the training of aircraft dispatchers, may be listed so long as the hourly requirements devoted to the subjects are not included as a part of the basic minimum hours.

(2) *Format of the training outline.* The course outline submitted for approval shall be in loose-leaf form and

shall include a table of contents and minimum coverage of the course material shall include the following:

Subject	Classroom hours
Civil Air Regulations	15
Part 4b—Airplane Airworthiness, Transport Categories.	
Part 27—Aircraft Dispatcher Certificates.	
Part 40—Air Carrier Operating Certification.	
Part 41—Certification and Operation Rules for Scheduled Air Carrier Operations Outside the Continental Limits of the United States.	
Part 42—Irregular Air Carrier and Off-Route Rules.	
Part 43—General Operation Rules.	
Part 49—Transportation of Explosives and Other Dangerous Articles.	
Part 60—Air Traffic Rules.	
Part 61—Scheduled Air Carrier Rules.	
Part 62—Notice and Reports of Aircraft Accidents and Missing Aircraft.	
Meteorology	75
Basic properties of the atmosphere:	
Composition.	
Density.	
Measurement.	
General circulation.	
Solar heating.	
Clouds:	
Formation.	
Condensation.	
Precipitation.	
Use of cloud knowledge in forecasting.	
Stability and instability.	
Air mass analysis:	
Classification.	
Flying conditions to be encountered.	
Use of air mass knowledge in forecasting.	
Analysis of Fronts:	
Structure and characteristics.	
Cloud sequences in fronts.	
Establishing position of front by cloud types.	
Fronts in North America and seasonal variations.	
Flying weather in fronts.	
Cyclones and anticyclones.	
Fog:	
Types.	
Cause and formation.	
Ice:	
Type.	
Cause and formation.	
Thunderstorms, hurricanes, tornadoes:	
Causes.	
Methods of forecasting.	
Structure and complexity of internal winds.	
Hail, its cause and formation.	
Turbulence:	
Cause.	
Determining the smooth level of flight.	
Interpreting weather data:	
Weather sequences and symbols.	
Weather map symbols.	
Drawing a weather map.	
Reading a weather map.	
Upper-level charts.	
Adiabatic charts.	
Winds-aloft charts.	
Instruments used to gather and record the weather.	
Weather forecasting:	
Extrapolation.	
Movement of fronts and air masses.	
Isobars.	
Barometric tendency.	
Meteorology—Continued	
Application of weather knowledge:	
Planning a flight.	
Navigation	30
Study of the earth as a planet (charts, maps, and projections):	
Mercator projections.	
Gnomonic projections.	
Lambert projections.	
Polyconic projections.	
Chart reading:	
Symbols, landmarks, etc.	
Dead reckoning:	
Magnetic variation, compass deviation terms, winds and vectors.	
Correction angle.	
Finding wind drift-off course.	
Off-course problems.	
Wind velocity by single and double drift.	
Interception problems.	
Radius of action—problems.	
Search problems.	
Computer use—problems.	
Radio navigation:	
Principles of the radio range, radio compass direction finder, marker beacons, ILS, GCA, radio altimeter, LORAN, and any other.	
Navigation instruments:	
Altimeter, air-speed indicator, compass, drift and rate of climb indicator.	
Aircraft	15
Weight and balance:	
Center of gravity.	
How determined.	
Center of gravity limits.	
Problem in loading.	
Engine specifications:	
Power plant:	
Operating limits.	
Fuel consumption.	
Accessories.	
Operating manual.	
Airplane specifications:	
Operational equipment.	
Flight controls, landing gear hydraulic system, electrical system, loading characteristics, fuel capacity heating and ventilating system, and de-icing equipment.	
Performance:	
Effect of weight, wind, air density, and runway surfaces on take-off performance of aircraft.	
Power setting and cockpit procedure.	
Types of cruise control.	
Communications	10
Students will be required to attain a speed in Morse Code of eight words per minute.	
Radio-telephone rules and regulations.	
FCC rules and regulations.	
Company communications:	
Air to ground radio communications and procedures.	
Point to point communications and procedures.	
Equipment air to ground and point to point.	
CAA Communications:	
Air to ground radio communications and procedures.	
Point to point communications and procedures.	
Equipment air to ground and point to point.	
Link Trainer	10
Instrument familiarization.	
Bracketing.	
Orientation.	
Holding procedure.	
Let-down procedure.	
Missed-approach procedure.	
Air Traffic Control	30
Air route traffic control procedures and equipment.	
Airport traffic control procedures and equipment.	
Practical Dispatching	15
Pre-flight:	
Safety.	
Economic advantage.	
Crew.	
Notams.	
The course and distance.	
Horizontal and vertical extent of the weather.	
Winds.	
Forecast.	
Minimum safe altitude.	
The cruising altitude.	
Flight plan.	
The alternate plan.	
Clearances, company air traffic control.	
The fuel.	
The load.	
The departure time.	
In-flight.	
Position report.	
Altimeter settings.	
Weather reports.	
Changes in forecast.	
Changing instrument altitude.	
Changing from VFR to IFR.	
Additional clearances.	
Emergency procedures.	
Post-flight.	
Arrival report.	
Differences between the forecasted and actual weather encountered for subsequent flights.	

(c) *Facilities, equipment, and material.* Applicant for authority to operate an approved aircraft dispatcher course of study shall have the following facilities, equipment, and materials:

(1) *Facilities.* Suitable classrooms, adequate to accomodate the largest number of students scheduled for attendance at any one time. Such classrooms shall be properly heated, lighted, and ventilated.

(2) *Equipment and materials.* Suitable devices for the teaching of simulated instrument flight, navigation, meteorology, and Morse Code, acceptable textbooks, operations manuals, wall maps, charts, blackboards, and visual aids of a quantity which will provide for each student the theoretical and practical aspects of aircraft dispatching.

(d) *Instructors.* (1) The number of instructors available for conducting the course of study shall be determined according to the needs and facilities of the applicant. However, the ratio of students per instructor shall not exceed 25 students for one instructor.

(2) At least one instructor who possesses a currently effective aircraft dispatcher certificate shall be available for coordination of the training course instruction.

(e) *Revision of training course.* Requests for revision of course outlines, facilities, and equipment shall be accomplished in the same manner established for securing approval of the original course of study. Revisions shall be submitted in such form that an entire page or pages of the approved outline can be removed and replaced by the revision.

The list of instructors may be revised at any time without request for approval, provided the minimum require-

ments are maintained and the local agent is notified.

(f) *Credit for previous experience or training.* A course operator may evaluate an entrant's previous experience or training and where the training or experience is provable and comparable to portions of the approved course curriculum, may, as each individual case warrants, allow credit for such, commensurate with accepted training practices. Where credit is allowed, the basis for allowance and the total hours credited shall be incorporated as a part of the student's records, provided for in paragraph (g) of this section.

(g) *Student records and reports.* Approval of a course shall not be continued in effect unless the course operator keeps an accurate record of each student, including a chronological log of all instructions, subjects covered, and course examinations and grades, and unless he prepares and transmits to the CAA not later than January 31 of each year, a report containing the following information:

(1) The names of all students graduated, together with school grades for aircraft dispatcher courses.

(2) The names of all students failed or dropped, together with school grades and reasons for dropping. (A sample form is included in Appendix A [1] for your guidance.)

(h) *Quality of instruction.* Approval of a course shall not be continued in effect unless at least 80 percent of the students who apply within 90 days after graduation are able to qualify on the first attempt for certification as aircraft dispatchers.

(i) *Statement of graduation.* Each student who successfully completes the approved aircraft dispatcher course shall be given a statement of graduation. An acceptable statement of graduation is:

CIVIL AERONAUTICS ADMINISTRATION.
Washington 25, D. C.

GENTLEMEN: This is to certify that ---------- on
(Name of graduate)
---------- successfully completed a course of training for aircraft dispatchers which is approved by the Administrator of Civil Aeronautics.
(Date of graduation)

Signed ----------
Title ----------
School ----------

(j) *Change of ownership, name, or location*—(1) *Change of ownership.* Approval of an aircraft dispatcher course shall not be continued in effect after the course has changed ownership. The new owner must obtain a new approval by following the procedure prescribed for original approval.

(2) *Change in name.* An approved course changed in name but not changed in ownership shall remain valid if the change is reported by the approved course operator to the local agent who will issue a letter of approval under the new name.

(3) *Change in location.* An approved course shall remain in effect even though the approved course operator changes location if the change is reported without delay by the operator to the local agent who will inspect the facilities to be used in the new location and, if they are found to be adequate, issue a letter of approval showing the new location.

(k) *Cancellation of approval.* Failure to meet or maintain any of the standards set forth herein for the approval or operation of an approved aircraft dispatcher course shall be considered sufficient reason for discontinuing approval of the course.

If an operator desires voluntary cancellation of his approved course, a letter requesting cancellation shall be directed to the Administrator of Civil Aeronautics through the local agent.

(l) *Duration.* The authority to operate an approved aircraft dispatcher course of study shall expire twenty-four months after the last day of the month of issuance: *Provided*, That any such authorization which was granted prior to December 1, 1949, shall expire on December 31, 1951.

(m) *Renewal.* Application for renewal of an approved aircraft dispatcher course shall be made by letter addressed to the Administrator of Civil Aeronautics through the local Aviation Safety Agent at any time within sixty days of the expiration date. Renewal of approval will depend on the course operator's meeting the current conditions of course approval and having a satisfactory record as a course operator.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552)

These rules shall become effective May 11, 1951.

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-5387; Filed, May 9, 1951; 8:45 a. m.]

[Supp. 4, Amdt. 1]

PART 33—FLIGHT RADIO OPERATOR CERTIFICATES

REQUIREMENTS FOR APPROVED FLIGHT RADIO OPERATOR COURSES

Notice of intent to amend § 33.31–2 was published in 16 F. R. 16, on January 3, 1951. Interested persons were afforded an opportunity to submit data, views, or arguments. Consideration has been given to all relevant matter presented. The headnote of § 33.31–2 is amended to read as follows:

§ 33.31–2 *Requirements for approved flight radio operator courses (CAA rules which apply to § 33.31 (b)).* • • •

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies Secs. 601, 602; 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

These rules shall become effective May 11, 1951.

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-5388; Filed, May 9, 1951; 8:45 a. m.]

[Supp. 4]

PART 34—FLIGHT NAVIGATOR CERTIFICATES

REQUIREMENTS FOR APPROVED FLIGHT NAVIGATOR COURSES

Proposed rules regarding compliance with § 34.6–1 were published on January 3, 1951, in 16 F. R. 16–17. Interested persons were afforded an opportunity to submit data, views, or arguments. Consideration has been given to all relevant matter presented. The following rules are hereby adopted. The section of the regulations being implemented is repeated here to assist the public in understanding how the Administrator's rules apply to it.

§ 34.6 *Experience.* (a) Applicant shall:

(1) Have at least 200 hours of satisfactory flight navigation including celestial and radio navigation and dead reckoning: *Provided*, That a pilot who has logged 500 hours of cross-country flight, of which 100 hours shall have been at night, may be credited with not more than 100 hours toward this experience; and

(2) Have satisfactorily determined his position in flight not less than 25 times by night by celestial observations and not less than 25 times by day by celestial observations in conjunction with other aids; or

(b) Applicant shall be a graduate of a flight navigator course approved by the Administrator.

§ 34.6–1 *Requirements for approved flight navigator courses (CAA rules which apply to § 34.6 (b))*—(a) *General.* A graduate of an approved flight navigator course is deemed to have met the minimum experience requirements for the flight navigator certificate. For this reason, it is essential that an approved course of training for flight navigators include sufficient coverage of the subject to insure the required minimum proficiency of applicants who apply for certification as graduates of an approved course.

(b) *Application for approval.* An agency or applicant desiring approval of a flight navigator course must submit to the local Aviation Safety District Office three copies of the course outline, a description of the facilities and equipment to be used, and a list of instructors with their qualifications, together with a letter to the Administrator requesting approval.

(c) *Training course outline*—(1) *Format.* The ground course outline and the flight course outline shall be combined in one loose-leaf binder and shall include a table of contents divided into two parts—ground course and flight course. Each part of the table of contents must contain a list of the major subjects, together with hours allotted to each subject and the total classroom and flight hours.

(2) *Ground course outline.* It is not mandatory that a course outline have the subject headings arranged exactly as listed in this subparagraph. Any arrangement of general headings and subheadings will be satisfactory provided all the subject material listed here is included and the acceptable minimum number of hours is assigned to each subject. Each general subject shall be broken down into detail showing items to be covered.

If any agency desires to include additional subjects in the ground training curriculum, such as international law, flight hygiene, or others which are not required, the hours allotted these additional subjects may not be included in the minimum classroom hours.

The following subjects with classroom hours are considered the minimum coverage for a ground training course for flight navigators:

Subject	Classroom hours
Civil Air Regulations	5
To include: Part 34. Part 40. Part 41. Part 42. Part 43. Part 60.	
Meteorology	40
To include: Basic weather principles. Temperature. Pressure. Winds. Moisture in the atmosphere. Stability. Clouds. Hazards. Air masses. Frontal weather. Fog. Thunderstorms. Icing. World weather and climate. Weather maps and weather reports. Forecasting.	
International Morse Code: Ability to receive code groups of letters and numerals at a speed of eight words per minute.	
Navigation Instruments (exclusive of radio and radar)	20
To include: Compasses. Pressure altimeters. Air-speed indicators. Driftmeters. Bearing indicators. Aircraft octants. Instrument calibration and alignment.	
Charts and Pilotage	15
To include: Chart projections. Chart symbols. Principles of pilotage.	
Dead Reckoning	30
To include: Air plot. Ground plot. Calculation of ETA. Vector analysis. Use of computer. Search.	
Absolute Altimeter with Applications	15
To include: Principles of construction. Operating instructions. Use of Bellamy's formula. Flight planning with average drift.	
Radio and Long Range Navigational Aids	35
To include: Principles of radio transmission and reception. Radio aids to navigation. Government publications. Airborne D F equipment.	

Subject	Classroom hours
Radio and Long Range Navigational Aids—Continued	
To include: Errors of radio bearings. Quadrantal correction. Plotting radio bearings. ICAO Q code for direction finding. Loran. Consol.	
Celestial Navigation	150
To include: The solar system. The celestial sphere. The astronomical triangle. Theory of lines of position. Use of the American air almanac. Time and its applications. Navigation tables. Precomputation. Celestial line of position approach. Star identification. Corrections to celestial observations.	
Flight Planning and Cruise Control	25
To include: The flight plan. Fuel consumption charts. Methods of cruise control. Flight progress chart. Point-of-no-return. Equitime point.	
Long Range Flight Problems	15
Total (exclusive of final examinations)	350

(3) *Flight course outline.* (i) A minimum of 150 hours of supervised flight training shall be given, of which at least 50 hours of flight training must be given at night, and celestial navigation must be used during flights which total at least 125 hours.

(ii) A maximum of 50 hours of the required flight training may be obtained in acceptable types of synthetic flight navigator training devices.

(iii) Training must be given in dead reckoning, pilotage, radio navigation, celestial navigation, and use of the absolute altimeter.

(iv) Flights should be at least four hours in length and should be conducted off civil airways. Some training on long range flights is desirable, but is not required. There is no limit to the number of students that may be trained on one flight, but at least one astrodome or one periscopic sextant mounting must be provided for each group of four students.

(d) *Equipment.* (1) Classroom equipment shall include one table at least 24" x 32" in dimensions for each student.

(2) Aircraft suitable for the flight training must be available to the approved course operator to insure that the flight training may be completed without undue delay. The approved course operator may contract or obtain written agreements with aircraft operators for the use of suitable aircraft. A copy of the contract or written agreement with an aircraft operator shall be attached to each of the three copies of the course outline submitted for approval. In all cases, the approved course operator is responsible for the nature and quality of instruction given during flight.

(e) *Instructors.* (1) Sufficient classroom instructors must be available to prevent an excessive ratio of students to instructors. Any ratio in excess of 20 to 1 will be considered unsatisfactory.

(2) At least one ground instructor must hold a valid flight navigator certificate, and be utilized to coordinate instruction of ground school subjects.

(3) Each instructor who conducts flight training must hold a valid flight navigator certificate.

(f) *Revision of training course.* (1) Requests for revisions to course outlines, facilities, and equipment shall follow procedures for original approval of the course. Revisions should be submitted in such form that an entire page or pages of the approved outline can be removed and replaced by the revisions.

(2) The list of instructors may be revised at any time without request for approval, provided the minimum requirement of paragraph (e) of this section is maintained.

(g) *Credit for previous training and experience.* (1) Credit may be granted by an operator to students for previous training and experience which is provable and comparable to portions of the approved curriculum. When granting such credit, the approved course operator should be fully cognizant of the fact that he is responsible for the proficiency of his graduates in accordance with paragraph (i) of this section.

(2) Where advanced credit is allowed, the operator shall evaluate the student's previous training and experience in accordance with the normal practices of accredited technical schools. Before credit is given for any ground school subject or portion thereof, the student must pass an appropriate examination given by the operator. The results of the examination, the basis for credit allowance, and the hours credited shall be incorporated as a part of the student's records.

(h) *Student records and reports.* Approval of a course shall not be continued in effect unless the course operator keeps an accurate record of each student, including a chronological log of all instruction, subjects covered, and course examinations and grades, and unless he prepares and transmits to the local Aviation Safety District Office not later than January 31 of each year, a report containing the following information:

(1) The names of all students graduated, together with their school grades for ground flight subjects.

(2) The names of all students failed or dropped, together with their school grades and reasons for dropping. (A sample form is included in Appendix A [1] for your guidance.)

(i) *Quality of instruction.* Approval of a course shall not be continued in effect unless at least 80 percent of the students who apply within 90 days after graduation are able to qualify on the first attempt for certification as flight navigators.

(j) *Statement of graduation.* Each student who successfully completes an approved flight navigator course shall be given a statement of graduation. An acceptable statement of graduation is:

[1] Not filed with the Federal Register Division.

[1] Not filed with the Federal Register Division.

CIVIL AERONAUTICS ADMINISTRATION,
Washington 25, D. C.

GENTLEMEN: This is to certify that ------ ---------- on
(Name of graduate)
---------- successfully
(Date of graduation)
completed a course of training for flight navigators which is approved by the Administrator of Civil Aeronautics.

Signed ----------
Title ----------
School ----------

(k) *Change of ownership, name, or location*—(1) *Change of ownership.* Approval of a flight navigator course shall not be continued in effect after the course has changed ownership. The new owner must obtain a new approval by following the procedure prescribed for original approval.

(2) *Change in name.* An approved course changed in name but not changed in ownership shall remain valid if the change is reported by the approved course operator to the local Aviation Safety District Office. A letter of approval under the new name will be issued by the regional office.

(3) *Change in location.* An approved course shall remain in effect even though the approved course operator changes location if the change is reported without delay by the operator to the local Aviation Safety District Office, which will inspect the facilities to be used in the new location. If they are found to be adequate, a letter of approval showing the new location will be issued by the regional office.

(l) *Cancellation of approval.* (1) Failure to meet or maintain any of the requirements set forth in this section for the approval or operation of an approved flight navigator course shall be considered sufficient reason for cancellation of the approval.

(2) If an operator should desire voluntary cancellation of his approved course, he should submit the effective letter of approval and a written request for cancellation to the Administrator of Civil Aeronautics through the local Aviation Safety District Office.

(m) *Duration.* The authority to operate an approved flight navigator course shall expire 24 months after the last day of the month of issuance: *Provided,* That any such authorization which was granted prior to December 1, 1949, shall expire on December 31, 1951.

(n) *Renewal.* Application for renewal of authority to operate an approved flight navigator course may be made by letter to the local Aviation Safety District Office at any time within 60 days prior to the expiration date. Renewal of approval will depend upon the course operator meeting the current conditions for approval and having a satisfactory record as an operator.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552)

These rules shall become effective May 11, 1951.

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-5089; Filed, May 9, 1951; 8:45 a. m.]

[Supp. 4]

PART 35—FLIGHT ENGINEER CERTIFICATES

REQUIREMENTS FOR APPROVED FLIGHT ENGINEER COURSES

Proposed rules regarding compliance with § 35.6–1 were published on January 3, 1951, in 16 F. R. 17–19. Interested persons were afforded an opportunity to submit data, views, or arguments. Consideration has been given to all relevant matter presented. The following rules are hereby adopted. The section of the regulations being implemented is repeated here to assist the public in understanding how the Administrator's rules apply to it.

§ 35.6 *Experience.* Each applicant for a flight engineer certificate shall:

(a) Have had at least 3 years of diversified practical experience in the maintenance and repair of aircraft and aircraft engines, of which one year shall have been in the maintenance and repair of multiengine aircraft of a type used in air carrier operations and having engines rated at least at 800 horsepower each; or

(b) Be a graduate of at least a two-year specialized aeronautical training course in the maintenance, repair, and overhaul of aircraft and aircraft engines, of which at least six months shall be in the maintenance and repair of multiengine aircraft of a type used in air carrier operations and having engines rated at least at 800 horsepower each; or

(c) Have had at least 100 hours of flight experience in the duties of a flight engineer; or

(d) Have satisfactorily completed a course of ground and flight instruction in at least the items specified in § 35.7 which the Administrator has found adequate for the training of a flight engineer; or

(e) Have had at least 200 hours of flight time as pilot in command of an aircraft having 4 engines or more.

§ 35.6–1 *Requirements for approved flight engineer courses (CAA rules which apply to § 35.6 (d))*—(a) *General.* (1) Section 35.6 provides that an applicant for a flight engineer certificate shall have met certain specified experience requirements or be a graduate of a flight engineer course approved by the Administrator.

(2) Graduates of a flight engineer course approved by the Administrator are deemed to have met the experience requirements for the certificate. This means that they are accepted on equal terms with an applicant who has met the minimum experience requirements. For these reasons, it is essential that the requirements for approved flight engineer courses include adequate training facilities and sufficient coverage of the subject to insure acceptable proficiency of flight engineers who apply for certification as graduates of an approved course.

(b) *Training course outline and application for approval*—(1) *Application for approval.* The agency or applicant desiring approval of a flight engineer course must submit to the local CAA Aviation Safety District Office three copies of the course outline, a description of the facilities and equipment to be used, and a list of instructors with their qualifications, together with a letter to the Administrator requesting approval.

(2) *Training course outline.* (i) It is not mandatory that the training course outline have the subject headings arranged exactly as listed in the following example. Any arrangement of general headings and subheadings will be satisfactory provided all the subject material listed here is included. Each general subject of the outline shall be broken down in detail showing items to be covered.

(ii) A complete and separate course outline is required for each type of aircraft (Lockheed Constellation, Douglas DC–4, Douglas DC–6, Boeing 307, Boeing 377, etc.) for which approval of flight engineer training is requested.

(iii) Additional subjects, such as international law, flight hygiene, radio repair, flight radio operation, flight navigation, or others not closely associated with flight engineering, may not be included in hourly requirements of the approved training outline. If an operator desires to add such subjects to a training course outline, they shall be separated from the required flight engineer subjects, and the time devoted thereto shall not be applied toward meeting the established time minimums.

(3) *Format of training outline.* The ground course outline and the flight course outline shall be combined in one loose-leaf binder and shall include a table of contents divided into two parts, ground course and flight course. Each part of the table of contents must contain a list of the major subjects, together with hours allotted to each subject and the total classroom and flight hours.

(4) *Ground course outline.* The following subjects and classroom hours are considered the minimum coverage for the ground training portion of the flight engineer course:

Subject	*Classroom hours*
Theory of Flight and Aerodynamics	10
Basic Maintenance of Aircraft	20
Aircraft structures.	
Aircraft systems.	
Aircraft power plants.	
Servicing methods and precautions.	
Aircraft Familiarization	90
Specifications.	
Construction features.	
Flight controls.	
Hydraulic system.	
Electrical system.	
Anti-icing and de-icing systems.	
Heating, ventilating, and supercharging.	
Vacuum system.	
Pitot static system.	
Instrumentation.	
Fuel system.	
Emergency equipment.	
Aircraft maintenance.	
Engine Familiarization	50
Specifications.	
Construction features.	
Lubrication.	
Ignition.	
Carburetion and induction.	
Accessories.	
Propellers.	
Instrumentation.	
Emergency equipment.	
Engine maintenance.	

Subject	*Classroom hours*
Normal Operations (Ground and Flight)	50
Use and trouble shooting of all aircraft systems.	
Loading and C. G. computation.	
Use and trouble shooting of all engine systems.	
Cruise control.	
Power and fuel consumption computations.	
Meteorology applicable to engine operation.	
Emergency Operation	30
Use of portable fire extinguishers.	
Fuselage fire and smoke control.	
Engine fire control.	
Heating system fire control.	
Loss of engine power.	
Loss of hydraulic power.	
Loss of electrical power.	
Propeller feathering and unfeathering.	
Civil Air Regulations	5
Part 4.	
Part 18.	
Part 35.	
Part 41.	
Part 60.	
Part 61.	
Total required classroom instruction time	250

Theory of Flight and Aerodynamics, Basic Maintenance of Aircraft, and Civil Air Regulations need not apply to any specific type of aircraft. The remaining major headings must apply to the same type aircraft in which the student receives the required minimum hours of flight training.

(5) *Flight course outline.* The following subjects and flight training hours are considered the minimum coverage for the flight training portion of the flight engineer course:

Subject

Normal Flight Duties and Operation:
- Power control.
- Power computation.
- Temperature control.
- Normal engine operation analysis.
- Fuel system management.
- Cabin pressure control.
- Operation of all systems.
- Long range operation.
- Fuel consumption computation.

Recognition of Malfunctioning and Trouble Shooting:
- Analysis of abnormal engine operation.
- Analysis of trouble in all systems.
- Temporary repairs.

Emergency Flight Duties and Operation:
- Engine fire control.
- Aircraft fire control.
- Smoke control.
- Loss of power in each system.
- Gear and flap, extension, and retraction.
- Propeller feathering and unfeathering.
- Runaway propellers.

The minimum flight time shall be 25 hours.

The flight training curriculum must provide for the minimum of twenty-five hours of flight instruction in a specified type of aircraft having four engines or more. If a student is to receive flight training in more than one type aircraft, the flight time in one can not be applied to the flight time in another for the purpose of obtaining the required minimum.

To obtain credit for flight instruction time, the student must occupy the seat provided for the regular flight engineer on the aircraft being flown and must operate the controls in a manner which will provide experience in the subjects listed in the flight course outline. Student observation of another crew member or another student performing such duties or operations is not considered adequate training.

Only one student may be credited with flight time during any one period of flight. If two or more students are carried on the same flight, each student shall be credited only with the flight time he has actually spent at the controls under the supervision of a qualified flight engineer.

A maximum of twelve and one-half hours of the required flight training may be obtained in acceptable types of synthetic training devices. To be acceptable, the synthetic flight training device must closely resemble the flight engineer station of the airplane in which the flight training will be given. Such resemblance need not include external similarity between the trainer and the airplane; however, the flight engineer station, controls, and instrumentation should be installed in such a manner that the student will not require extensive familiarization upon entering the actual airplane.

Synthetic flight training devices must include the following instrumentation and equipment:

(i) All engine instruments and engine controls which are normally carried in the aircraft.

(ii) All instruments and controls required for operation of the aircraft systems, including electrical system, hydraulic system, vacuum system, and air pressure system (flight controls excepted).

(iii) An altimeter, an air-speed indicator, a rate of climb indicator, an outside air temperature gauge, and a clock.

(iv) Cabin supercharger controls and instruments identical to those used in the type of aircraft concerned.

The instruments must be coupled to the various controls in such a manner that all instruments will respond automatically and normally to adjustment of pertinent controls.

A method shall be provided to separately control each instrument in order to present indications of malfunctioning to the student.

(c) *Equipment.* (1) Classroom equipment shall include wall charts for each general system of the aircraft and its power plants.

(2) Aircraft suitable for the flight training must be available to the approved course operator to insure that the flight training may be completed without undue delay. The approved course operator may contract or obtain written agreements with aircraft operators for the use of suitable aircraft. A copy of the contract or written agreement with an aircraft operator shall be attached to each of the three copies of the course outline submitted for approval. In all cases, the approved course operator is responsible for the nature and quality of instructions given during flight.

(d) *Instructors.* **(1)** Sufficient classroom instructors must be available to prevent an excessive ratio of students to instructors. Any ratio in excess of 25 to 1 will be considered unsatisfactory.

(2) At least one instructor who possesses a valid flight engineer certificate must be available for coordination of ground course instruction.

(3) Instructors who conduct flight training must possess valid flight engineer certificates.

(e) *Revision of training course.* Requests for revisions to course outline, facilities, and equipment shall follow procedures for original approval of the course. Revisions should be submitted in such form that an entire page or pages of the approved outline can be removed and replaced by the revisions.

The list of instructors may be revised at any time without request for approval, provided the minimum requirement of paragraph (d) of this section is maintained.

(f) *Credit for previous training and experience.* (1) Credit may be granted by an operator to students for previous training and experience which is provable and comparable to portions of the approved curriculum. When granting such credit, the approved course operator should be fully cognizant of the fact that he is responsible for the proficiency of his graduates in accordance with paragraph (h) of this section.

(2) Where advanced credit is allowed, the operator shall evaluate the student's previous training and experience in accordance with the normal practices of accredited technical schools. Before credit is given for any ground school subject or portion thereof, the student must pass an appropriate examination given by the operator. The results of the examination, a summary of the experience or training used as a basis for credit allowance, and the hours credited shall be incorporated as a part of the student's records.

(g) *Student records and reports.* Approval of a course shall not be continued in effect unless the course operator keeps an accurate record of each student, including a chronological log of all instruction, attendance, subjects covered, credits granted, examinations and examination grades, and unless he prepares and transmits to the Civil Aeronautics Administration not later than January 31 of each year a report containing the following information:

(1) The names of all students graduated and date of graduation.

(2) The ground course grades of each student.

(3) The flight course grades of each student.

(4) The total ground course hours for each student.

(5) The total flight instruction time for each student.

(6) The names of all students failed or dropped, together with dates, school grades, and reasons for dropping. (A sample form is included in Appendix A [1] for your guidance.)

(h) *Quality of instruction.* The quality of instruction shall be such that at least eighty per cent of the students who apply within ninety days after gradua-

[1] Not filed with the Federal Register Division.

tion will be able to qualify on the first attempt for certification as flight engineer.

(j) *Statement of graduation.* Each student who successfully completes the approved flight engineer course shall be given a statement of graduation. An acceptable statement of graduation is:

CIVIL AERONAUTICS ADMINISTRATION,
Washington 25, D. C.

GENTLEMEN: This is to certify that _____ (Name of graduate) on _____ (Date of graduation) successfully completed a course of training for flight engineers which is approved by the Administrator of Civil Aeronautics.

Signed _____
Title _____
School _____

(j) *Cancellation of approval.* (1) The failure to meet or maintain any of the requirements established herein for the approval and operation of an approved course of study shall be considered sufficient grounds for cancellation of the approval to operate an approved course of study.

(2) If an approved course operator should desire voluntary cancellation of the course of study, he should submit a letter to the Administrator of Civil Aeronautics through the local agent requesting cancellation and surrendering his letter of approval.

(k) *Change of ownership, name, or location*—(1) *Change of ownership.* Approval of a flight engineer course shall not be continued in effect after the course has changed ownership. The new owner must obtain a new approval by following the procedure prescribed for original approval.

(2) *Change of name or location.* Approval of a flight engineer course shall not be continued in effect when there is a change in name or location of an approved course operation by the same owner, unless the change in name or location is reported immediately by the owner to the local Aviation Safety office and the standards established in this manual are maintained, in which case a letter of approval showing the new name or location will be issued to the operator.

(l) *Duration.* The authority to operate an approved flight engineer training course shall expire twenty-four months after the last day of the month of issuance: *Provided*, That any such authorization granted prior to December 1, 1949, shall expire on December 31, 1951.

(m) *Renewal.* Application for renewal of an approved flight engineer training course may be made by letter to the Administrator through the local Aviation Safety Agent at any time within sixty days prior to the expiration date. Renewal of approval will depend upon the course operator meeting the current conditions for approval and having a satisfactory record as an operator.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552)

These rules shall become effective May 11, 1951.

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-5390; Filed, May 9, 1951; 8:45 a. m.]

[Civil Air Regs., Amdt. 43-6]

PART 43—GENERAL OPERATION RULES

KNOWLEDGE, EXPERIENCE, AND SKILL REQUIREMENTS FOR PRIVATE PILOT RATING; GLIDER AND FREE BALLOON PILOTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 3d day of May 1951.

Consistent with concurrent amendments of Parts 20, 22, and 50, this amendment effects changes in the General Operation Rules relating to requirements for first solo, flight area limitations, and recent flight experience. These regulations result in part from a recent CAA accident study and in part from public approval of certain international standards established under the Convention on International Civil Aviation, particularly those in Amendments 65 and 66 of Annex 1.

Under these regulations a student pilot may not operate an aircraft in solo flight until he has passed a written examination on certain provisions of the Civil Air Regulations which include those of Part 62 with respect to notice and reports of accidents and missing aircraft. Nor may a student pilot operate an aircraft outside a local flying area unless he has had at least 15, previously 10, solo flight hours, or is deemed competent by an approved air agency, and in addition, has received at least 3 hours of dual cross-country instruction. Finally, under these regulations, no person shall pilot an aircraft carrying passengers unless within the preceding 90 days he has made at least 5 take-offs and landings to a full stop in the kind of aircraft to be flown. In respect of the operation of gliders carrying passengers in aero-tow flight, it is expressly provided that no person shall pilot a glider in such operation unless within the preceding 12 months he has made at least 6 aero-tow flights aggregating 1 hour, during which the foregoing take-off and landing requirements are met.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 43 of the Civil Air Regulations (14 CFR Part 43, as amended) effective August 1, 1951:

1. By amending § 43.53 (a) to read as follows:

§ 43.53 *Requirements for first solo.* • • •

(a) He has passed a written examination on the pertinent provisions of this part, Part 62, and those of Part 60 of the Civil Air Regulations relating to visual flight rules.

2. By amending § 43.54 (a) and (b) to read as follows:

§ 43.54 *Flight area limitations.* • • •

(a) He has had 15 solo flight hours, or, if enrolled in and receiving flying instruction from an approved air agency, he is deemed competent by such agency, and

(b) He has received at least 3 hours of dual cross-country instruction from a flight instructor, and his student pilot certificate has been appropriately endorsed by such instructor.

3. By amending § 43.68 (a) to read as follows:

§ 43.68 *Recent flight experience.* • • •

(a) *General.* No person shall pilot an aircraft carrying passengers unless within the preceding 90 days he has made at least 5 take-offs and landings to a full stop in aircraft of the same category, class, and type of aircraft to be flown. No person shall pilot a glider carrying passengers in aero-tow flight unless within the preceding 12 months he has made at least 6 aero-tow flights aggregating 1 hour during which the foregoing take-off and landing requirements are met.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 607, 52 Stat. 1007, 1008, 1011; 49 U. S. C. 551, 552, 557)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-5442; Filed, May 9, 1951; 8:51 a. m.]

[Civil Air Regs., Amdt. 50-3]

PART 50—AIRMAN AGENCY CERTIFICATES

KNOWLEDGE, EXPERIENCE, AND SKILL REQUIREMENTS FOR PRIVATE PILOT RATING

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 3d day of May 1951.

Consistent with concurrent amendments of Parts 20, 22, and 43, this amendment of Part 50 is intended to change certain current curriculum requirements in primary flying schools. This amendment eliminates the current flight time requirements in respect to spinnable and nonspinnable airplanes and, instead, provides for a minimum of 35 hours of flight time applicable to training in all airplanes. This change, among others affecting pilot qualifications, resulted from a recent study of aviation accidents conducted by the Civil Aeronautics Administration, and is believed necessary in the interest of safety.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 50 of the Civil Air Regulations (14 CFR Part 50, as amended) effective August 1, 1951:

By amending § 50.13 (a) to read as follows:

§ 50.13 *Flying school curriculum.* • • •

(a) *Primary flying school.*

(1) Airplanes—35 hours of flight time.

(2) Helicopters—35 hours of flight time,

(3) Gliders—8 hours of flight time.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 607, 52 Stat. 1007, 1008, 1011; 49 U. S. C. 551, 552, 557)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-5443; Filed, May 9, 1951; 8:52 a. m.]

[Supp. 7, Amdt. 70]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13-1 is amended as follows:

1. The El Centro, California, area, published on April 21, 1949, in 14 F. R. 1913, is amended by changing the "Designated Altitudes" column to read: "Surface to unlimited".

2. The Fort Ord, California, area, published on April 21, 1949, in 14 F. R. 1913, and amended on November 10, 1950, in 15 F. R. 7548, is further amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at lat. 36°41'49" N, long. 121°45'19" W; SE to lat. 36°37'35" N, long. 121°41'17" W; SSW to lat. 36°34'54" N, long. 121°43'01" W; westerly to lat. 36°34'30" N, long. 121°47'40" W; counter-clockwise along the arc of a circle 3 miles in radius, centered at lat. 36°35'30" N, long. 121°50'30" W, to lat. 36°38'00" N, long. 121°50'20" W; westerly to lat. 36°38'15" N, long. 121°51'45" W; NNE to lat. 36°42'00" N, long. 121°49'45" W; SE to lat. 36°40'59" N, long. 121°48'49" W; easterly to lat. 36°41'49" N, long. 121°45'19" W, point of beginning".

3. The Trona, California, area, published on April 21, 1949, in 14 F. R. 1913, and amended on November 3, 1949, in 14 F. R. 6676, is further amended by changing the "Time of Designation" column to read: "Continuous".

4. The Osage City, Kansas, area, published on June 23, 1949, in 14 F. R. 3393, is deleted.

5. The Scenic, South Dakota, area, published on April 21, 1949, in 14 F. R. 1913, and amended on August 1, 1950, in 15 F. R. 4914, is further amended by changing the "Designated Altitudes" column to read: "Surface to 40,000 feet".

6. The Corpus Christi, Texas, area, published on April 21, 1949, in 14 F. R. 1913, is amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at lat. 27°49'20" N, long. 97°00'00" W; southerly, 3 nautical miles from and parallel to the shoreline to lat. 26°15'00" N, long. 97°07'20" W; due W to long. 97°26'00" W; NNW to lat. 27°17'30" N, long. 97°48'30" W; WSW to the E edge of Amber Airway No. 4 at lat. 27°16'30" N, long. 97°51'15" W; northerly and northeasterly along the E edges of Amber Airway No. 4 and Blue Airway No. 30 to lat. 27°42'00" N, long. 97°33'00" W; counterclockwise along the arc of a circle 3 miles in radius, centered at Cuddihy Field (lat. 27°43'15" N, long. 97°30'30" W) to lat. 27°40'30" N, long. 97°29'40" W; NE to lat. 27°47'00" N, long. 97°20'00" W; ENE to lat. 27°49'30" N, long. 97°07'30" W; counterclockwise along the arc of a circle 3 miles in radius, centered at Port Aransas Airport (lat. 27°49'45" N, long. 97°04'30" W) to lat. 27°49'30" N, long. 97°01'30" W; easterly to lat. 27°49'20" N, long. 97°00'00" W, point of beginning".

7. The Maili Point, Island of Oahu, Territory of Hawaii, area, published on April 29, 1950, in 15 F. R. 2435, is deleted.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended, 49 U. S. C. 551)

This amendment shall become effective on May 10, 1951.

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-5386; Filed, May 9, 1951; 8:45 a. m.]

Subchapter B—Economic Regulations

[Regs., Serial No. ER-162]

PART 291—CLASSIFICATION AND EXEMPTION OF IRREGULAR AIR CARRIERS

OPERATIONAL LIMITATIONS ON EXERCISE OF TEMPORARY EXEMPTION BY LARGE IRREGULAR CARRIERS; EXTENSION OF EFFECTIVE DATE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 4th day of May 1951.

Further postponement of the effective date of Amendment No. 1 to Part 291 has been requested by the Senate Select Committee on Small Business in order that it may have an opportunity to complete the hearings currently in progress, on the matter of the effect and impact Amendment No. 1 may have on the Large Irregular Carriers, and to issue its report. By Amendment No. 1, adopted March 2, 1951 with an original effective date of April 6, 1951, the Board modified the operational limitations on the exercise of the temporary exemption to engage in air transportation granted to the Large Irregular Carriers pursuant to Part 291 and section 416 (b) of the Civil Aeronautics Act. These operational limitations relate to the number, frequency and regularity of flights conducted by such Large Irregular Carriers. Since adoption of Amendment No. 1 on March 2, 1951, the Senate Select Committee on Small Business has already on one occasion requested a postponement of the effective date of Amendment No. 1, so that it might complete its studies of the irregular air carrier problem. The more recent request of the Senate Select Committee on Small Business was for a postponement of an additional thirty (30) days. In view of this request, the Board has concluded that it should postpone the effective date of Amendment No. 1 until June 5, 1951.

For the reasons stated above notice and public procedures hereon are impracticable. Since no additional burden is imposed on any person, the postponement may be made effective without prior notice.

The Civil Aeronautics Board hereby changes the effective date of Amendment No. 1 to Part 291 from May 6, 1951 to June 5, 1951.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-5439; Filed, May 9, 1951; 8:51 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Rent Procedural Reg. 2, Amdt. 6]

PART 840—PROCEDURE

SERVICE OF PAPERS

Amendment 6 to Rent Procedural Regulation 2. Rent Procedural Regulation 2, (§§ 840.101 to 840.153) is hereby amended in the following respect:

The last unnumbered paragraph of § 840.136 is amended to read as follows:

In any proceeding under § 840.109 involving more than one tenant or in any proceeding involving public housing operated by the United States or by a state or any of its political subdivisions or by any agency of the foregoing the landlord may be required to serve notices, orders and other process and papers on the tenants affected in the manner prescribed by the Area Rent Director and to prepare and file such appropriate evidence of such service as may be required.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective as of May 10, 1951.

Issued this 7th day of May 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-5435; Filed, May 9, 1951; 8:47 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

PART 361—BRITISH TOKEN IMPORT PLAN

MISCELLANEOUS AMENDMENTS

Part 361 *British token import plan* is amended in the following particulars: [1]

[1] This amendment reflects the changes made in the British Token Import Plan as continued for the calendar year 1951, and as previously announced by the Office of International Trade.

1. In § 361.2, *What the plan is*, "20%" is changed to read "40%".

2. In § 361.5, *Eligibility*, paragraph (a), "20%" is changed to read "40%".

3. In § 361.6, *Applying for certification*, paragraph (a) *Time and manner of submitting application*, subparagraph (2), (iii), "September 30 of the current year" is changed to read "June 30, 1951".

4. Section 361.7 *Action by Office of International Trade*, paragraph (b) *Issuance of token scrip* is amended in the following particulars:

a. In subparagraph (2) "20%" is changed to read "40%".

b. In subparagraph (3), (i), "September 30" is changed to read "June 30, 1951".

c. In subparagraph (3) the heading of subdivision (ii) "*Applications filed after April 30, but prior to October 1*" is changed to read "(ii) *Applications filed after April 30, but prior to July 1*".

(R. S. 161; 5 U. S. C. 22)

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-5401; Filed, May 9, 1951; 8:46 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. 56[1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE ASSIGNED BY OIT

MISCELLANEOUS AMENDMENTS

1. Part 373 *Licensing policies and related special provisions* is amended in the following particulars:

a. Two new sections (§§ 373.22 and 373.23) are added thereto to read as follows:

§ 373.22 *Special provisions for exportations to Switzerland.* License applications for export of commodities to Switzerland must be accompanied by a true copy of the blue import certificate issued the Swiss importer by the Swiss Federal Department of Public Economy, Division of Commerce, Import and Export Control, covering the proposed exportation from the United States.

NOTE: This certificate provides that the Swiss importer has pledged himself directly to import the commodities into the Swiss customs territory and that any reexportation of these goods is prohibited. (See § 372.9 of this chapter with respect to submission of true copies of documents to the Office of International Trade.)

This requirement for submission of Swiss Certificates does not alter the requirement for statements from the Swiss ultimate consignee (and purchaser, if different from the ultimate consignee) in accordance with § 372.3 of this chapter. In addition, shipments to Switzerland remain subject to § 381.4 of this chapter requiring a statement on the shipper's export declaration, bill of lading, and commercial invoice, to the effect that the commodities are licensed by the United States for ultimate destination Switzerland and that diversion contrary to U. S. law is prohibited.

This part of the amendment shall become effective as of May 15, 1951.

§ 373.23 *Special provisions for exportations to Sweden.* Each applicant for a license to export commodities to Sweden shall show, in item 5 of the application, Form IT–419, the number of the import license or other import authorization upon which his application is based.

This part of the amendment shall become effective as of May 1, 1951.

b. Section 373.51 *Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended by adding at the end thereof submission dates with respect to certain applications for the third and fourth calendar quarters, 1951, as follows:

THIRD AND FOURTH QUARTERS, 1951

Dept. of Commerce Schedule B. No.	Commodity	Submission dates: Third quarter	Submission dates: Fourth quarter
	Steel mill products		
600700-610800	Steel mill products, except carbon steel	May 7–May 15, 1951	June 1–June 15, 1951
	Carbon steel products [1]	May 7–May 15, 1951	July 2–July 16, 1951
	Aluminum and manufactures		
620000-630998	Aluminum and manufactures [1]	May 7–May 15, 1951	July 2–July 16, 1951
	Copper and manufactures		
640100-642500	Copper and manufactures [1]	May 7–May 15, 1951	July 2–July 16, 1951
	Electrical Machinery and Apparatus		
706810	Building wire and cable	May 7–May 15, 1951	July 2–July 16, 1951
706830	Weatherproof and slow-burning wire		
706850	Insulated copper wire, n.e.s.[2]		

[1] These submission dates were published in Current Export Bulletin No. 617, dated April 27, 1951.
[2] These submission dates were published in Current Export Bulletin No. 618.

These submission dates apply to applications for all types of validated licenses, including project licenses.

Accordingly, project license applicants and licensees who propose to export any of the commodities listed above against third quarter quotas must file Form IT–375 with the Office of International Trade on or before May 15, 1951.

2. Part 398 *Priority ratings and supply assistance assigned by OIT* is amended by adding thereto two new sections (§§ 398.2 and 398.3) to read as follows:

§ 398.2 *Serial numbers for mines, smelters and mineral processing plants abroad*—(a) *Delegation of authority.* Pursuant to Mineral Order 7 of the Defense Minerals Administration, Department of the Interior, the Office of International Trade, Department of Commerce, is authorized to assist any person operating a mine (other than petroleum, solid fuels and natural gas), a non-ferrous smelter, or mineral processing plant, located in any foreign country other than those listed in § 398.1 (c), to obtain a serial number therefor.

NOTE: The purpose of Mineral Order 7 of the Defense Minerals Administration is to provide, by serialization of mines (other than petroleum, solid fuels and natural gas), non-ferrous smelters, and mineral processing plants, the requisite information to enable the Defense Minerals Administration adequately to provide priority and allocation assistance under its programs relating to the maintenance and acquisition of facilities, machinery, equipment, and operating supplies by the mining industry. Serial numbers will be assigned to those mines, smelters and mineral processing plants which have a significant interest to the United States.

(b) *Definitions.* For purposes of this section:

(1) "Person" means any individual, corporation, partnership, or association, and includes any agency of the United States, or any other government or citizen thereof.

(2) "Producer" means any person operating a mine (other than petroleum, solid fuels and natural gas), a non-ferrous smelter, or mineral processing plant.

(3) "Mine" means an operation (whether underground, open-pit, quarry, or dredging), conducted for the primary purpose of extracting minerals (except solid fuels, petroleum and natural gas), and includes prospecting enterprises for the discovery, exploration or development of new or additional mining projects.

(4) "Smelter" means a mill producing non-ferrous metals by smelting or refining.

(5) "Mineral processing plant" means a plant engaged in the beneficiation or concentration of ores.

(c) *Submission of requests, content.* On or before June 1, 1951, producers operating mines, smelters, and mineral processing plants located in foreign countries, except Canada and countries for which the Economic Cooperation Administration is claimant agency (listed in § 398.1 (c)), shall file directly, or through an exporter or other person in the United States, a request for serialization. The request for serialization need be submitted only once. The request shall consist of the following:

(1) The information described in Defense Minerals Administration Form MF–100, in quadruplicate. In lieu of filing information required under items 8, 9, and 12 of Form MF–100, the producer may submit copies of his latest published financial report. Producers of 50 tons or less per week of crude ore need answer only items 1, 3, 10, and 16 in Form MF–100, or, in lieu thereof, may submit the following information by letter:

(i) What are the chief mine, mill or smelter products? What are the by-products, if any?

(ii) For each mine, mill, smelter, refinery, pit, quarry, and drilling operation, give the distance and direction from nearest town and shipping point.

(iii) Production:

Item	Kind of product	1948 total	1949 total	1950 total	Present average monthly
Quantity of product mined or quarried (short tons, long tons, or pounds)					
Quantity of product milled or beneficiated (specify unit of measure)					
Quantity and grade of product sold or shipped (specify unit of measure)					

(iv) State number and classes of labor (miners, muckers, millmen, etc.) of men employed during a recent representative payroll period.

(2) A statement, in quadruplicate, of the actual distribution, to the United States and to each foreign country (domestic deliveries within the country of origin and foreign shipments), of the production from the mine, smelter, or mineral processing plant, by plant, by weight, grade, metal or mineral content, or other specifications, for each product for the years 1949, 1950, and the first three months of 1951, and the estimated distribution during the last nine months of 1951.

(3) A statement, in quadruplicate, of the pertinent facts which determine why the production from the mine, smelter, or mineral processing plant has been so distributed and will be so distributed as set forth in subparagraph (2) of this paragraph. (For example: Need for dollar exchange; international distribution or trade agreements; requirement of producing country for distribution of stated quantities therein; etc.)

NOTE: Persons exporting commodities to mines, smelters, and mineral processing plants are requested to notify such producers of DMA Mineral Order 7 and these provisions. To avoid duplication, the producers should be advised that they need submit this information only once, either directly or through one person in the United States.

Copies of DMA Mineral Order 7 and DMA Form MF–100 may be obtained from any field office of the Department of Commerce or the Bureau of Mines, Department of the Interior, or from such agencies in Washington 25, D. C., and from the Economic Cooperation Administration, Washington 25, D. C.

(d) *Where to submit requests.* Requests for serialization shall be filed with the Office of International Trade, Department of Commerce, Washington 25, D. C., if the mine, smelter, or mineral processing plant is located in a foreign country other than Canada and countries for which the Economic Cooperation Administration is claimant agency (listed in § 398.1 (c)). If located in a country for which ECA is the claimant agency, producers should consult with the Economic Cooperation Administration, Washington 25, D. C. If located in Canada, producers should consult with the Canadian Division of the National Production Authority, Department of Commerce, Washington 25, D. C.

(e) *Action on requests received by OIT.* Requests for serialization received by the Office of International Trade, Department of Commerce, will be presented to the Defense Minerals Administration together with the recommendations of the OIT as to the appropriate action on the request. The Office of International Trade will notify persons requesting a serial number of the action taken on their requests. The Economic Cooperation Administration will take corresponding action for the area of its responsibility.

§ 398.3 *DO (priority) ratings for replacement parts and accessories for machinery and equipment (MRO) for export*—(a) *Authority.* The National Production Authority has authorized exporters to apply DO ratings for procurement of replacement parts and accessories for machinery and equipment to the extent quotas are approved by the Office of International Trade, for export to all foreign countries except Canada. Direction 2 to NPA Regulation 4 sets forth complete details concerning this authority and the manner by which these quotas will be approved by the Office of International Trade.[1]

(b) *Submission of Form IT–818.* The statement to be submitted to the Office of International Trade pursuant to section 5 of Direction 2 to NPA Regulation 4, shall be made on Form IT–818,[2] in duplicate.

NOTE: Exporters are cautioned that section 7 of Direction 2 to NPA Regulation 4 must be read in connection with section 10; section 7 applies to commodities covered by outstanding validated export licenses and to commodities which may be exported under a general license; section 10 applies to commodities whose proposed export requires a validated license and points out that no person may use the DO-97 rating until a license covering the proposed exportation has been issued by the Office of International Trade.

This part of the amendment shall become effective as of May 3, 1951.

(Sec. 3, 63 Stat. 7, 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-5399; Filed, May 9, 1951; 8:46 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. P. L. 47[1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

FOOD, CLOTHING, BLANKETS AND BEDDING

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	WHEAT AND GRAIN PRODUCTS, N. E. S.				
99660	Commodities exported for relief or charity by individuals or private welfare organizations, religious and educational institutions and bodies, foreign governments and political subdivisions thereof, international agencies (United States, foreign, and international), except for exports of used clothing by such agencies, which are limited to shipments of used clothing and bedding and used clothing by governmental agencies, as provided under these specific Schedule B numbers:				
99670	Food	[Export controls applicable to each commodity under these classifications are those which apply to the commodity when exported regularly under its individual Schedule B number.]			
99680	Clothing				
99690	Blankets and bedding				

This amendment shall become effective as of April 27, 1951.

(Sec. 3, 63 Stat. 7, 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-5400; Filed, May 9, 1951; 8:46 a. m.]

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[1] 16 F. R. 3925.
[2] Filed as part of the original document.

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter A—Armed Services Procurement Regulations

AMENDMENTS TO REGULATIONS

Foreword. The attached parts and appendixes of the Armed Services Pro-

[1] This amendment was published in Current Export Bulletin No. 618, dated May 3, 1951, except as indicated in the footnotes to this amendment.

curement Regulation, issued by the Departments of the Army, Navy and Air Force, under the Armed Services Procurement Act of 1947 (Public Law 413, 80th Congress,) were approved by the undersigned in Munitions Board meetings on the dates indicated below:

A. Part 412—Government Property. This part of the Armed Services Procurement Regulation was approved by the Munitions Board in its 148th meeting, held 22 March 1951.

B. Part 413—Inspection and Acceptance. This part of the Armed Services Procurement Regulation was approved by the Munitions Board at its 127th meeting held 19 October 1950.

C. Appendix A—Armed Services Board Contract Appeals, Charter and Rules. This appendix to the Armed Services Procurement Regulation was approved by the Munitions Board at its 57th meeting held 12 May 1949.

D. Appendix B—Manual for Control of Government Property in Possession of Contractors. This appendix to the Armed Services Procurement Regulation was approved by the Munitions Board in its 148th meeting, held 22 March 1951.

These parts and appendixes prescribe new procurement policies and practices for application in the procurement programs of the three Military Departments.

ARCHIBALD S. ALEXANDER,
Under Secretary of the Army.

JOHN T. KOEHLER,
Assistant Secretary of the Navy.

EUGENE M. ZUCKERT,
Assistant Secretary of the Air Force.

PART 412—GOVERNMENT PROPERTY

Sec.
412.000 Scope of part.

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412.301 Fixed-price procurement; Government-furnished special tooling.
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412.303 Fixed-price procurement; general policy on acquiring special tooling.
412.304 Fixed-price procurement; special tooling furnished or acquired by subcontractors.
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412.405 Title.
412.406 Non-severable industrial facilities.
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412.407 Right of contractor to use.
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412.409 Identification and records.
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412.412 Unusable or unneeded facilities.
412.413 Termination of facilities contracts.
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412.414 Standby provisions.
412.415 Disposition.

SUBPART E—CONTRACT CLAUSES

412.500 Scope of subpart.
412.501 Applicability.
412.502 Government-furnished property clause for fixed-price contracts.
412.503 Government property clause for cost-reimbursement type contracts.
412.504 Special tooling clause for fixed-price contracts.

AUTHORITY: §§ 412.000 to 412.504 issued under sec. 3, 62 Stat. 259; 50 U. S. C. App. Sup., 1193.

§ 412.000 *Scope of part.* This part sets forth the general policies of the Departments with respect to providing property for use by contractors in connection with military procurement and sets forth applicable contract clauses.

SUBPART A—GENERAL

§ 412.100 *Scope of subpart.* This subpart contains definitions of terms used in this part and a statement of general policy.

§ 412.101 *Definitions.* As used in this part, the terms in §§ 412.101–1 to 412.101–8 have the meaning stated therein.

§ 412.101–1 *Property.* The term "property" includes all physical property, both real and personal. For the purpose of this part, it consists of and is treated under three separate categories—material, special tooling, and industrial facilities.

§ 412.101–2 *Government property.* The term "Government property" means all property owned by or leased to the Government, or acquired by the Government under the terms of a contract, except that property to which the Government has acquired a lien or title solely as a result of partial, advance or progress payments shall not for the purposes of this part be classified as Government property. With this exception, it includes both Government-furnished property and contractor-acquired property, which are defined as follows:

(a) "Government-furnished property" is property in the possession of or acquired directly by the Government and delivered or otherwise made available to the contractor; and

(b) "Contractor-acquired property" is property procured or otherwise provided by the contractor for the performance of a contract, pursuant to the terms of which title is vested in the Government.

The term "provide" as used in this part in such phrases as "Government-provided property" and "property provided by the Government" shall include both the furnishing by the Government and the acquisition by the contractor as defined in this section.

§ 412.101–3 *Contractor-furnished property.* The term "Contractor-furnished property" means all property used by the contractor in the performance of a contract other than Government property as defined in § 412.101–2.

§ 412.101–4 *Material.* The term "material" means such property as may be incorporated into or attached to the end products to be delivered to the Government or as may be consumed or expended in the performance of a contract. It includes, but is not limited to, raw and processed material, parts, components, assemblies, expendable small tools, and consumable supplies.

§ 412.101–5 *Special tooling.* The term "special tooling" means property of such specialized nature that its use, without substantial modification of alteration, is limited to the production of the particular supplies or the performance of the particular services for which acquired or furnished. It includes, but is not limited to, jigs, dies, fixtures, molds, patterns, special taps, special gauges, and special test equipment.

§ 412.101–6 *Industrial facility.* The term "industrial facility" means property, other than material and special tooling, of use for the performance of a contract or subcontract for supplies or services. It includes, but is not limited to, real property and rights therein, including buildings, structures and improvements, and machinery, equipment, furniture, vehicles, and machine tools and other production equipment.

§ 412.101–7 *Non-severable industrial facility.* The term "non-severable industrial facility" means an industrial facility which, after erection or installation, cannot be removed without substantial loss of value or damage thereto, or to the premises where installed.

§ 412.101–8 *Facilities contract.* The term "facilities contract" means a contract under which industrial facilities are provided by the Government for use in connection with the performance of a separate contract or contracts for supplies or services.

§ 412.102 *General policy.*

§ 412.102–1 *Materials.* It is the general policy of the Armed Services that contractors will furnish all materials required for the performance of Government contracts. Exceptions to this policy may be made by a procuring activity when it is determined that it will be in the best interest of the Government to furnish materials in a particular case, or with respect to a particular type of procurement, by reason of economy, standardization, expediting production, or other circumstances.

§ 412.102–2 *Special tooling.* It is the general policy of the Armed Services that a Department shall furnish special tooling under its control and determined by it to be available, when such furnishing does not interfere with essential production or program schedules and the cost of such furnishing is less than the cost to the Government of the contractor acquiring or furnishing new special tooling. In determining the cost to the Government of furnishing special tooling to a contractor, consideration shall be given to:

(a) The cost of the preparation of such special tooling and the shipment thereof to the plant of the contractor;

(b) The cost of adapting such special tooling to meet the requirements of the contract;

(c) The cost incident to any delays which may be occasioned; and

(d) The cost of new special tooling.

§ 412.102–3 *Facilities.* It is the general policy of the Armed Services that contractors will furnish all facilities required for the performance of Government contracts. However, subject to and within the limitations of existing authority, facilities may be provided by the Government for use by Contractors when such providing is considered necessary to meet essential production or program schedules, or when otherwise considered by the Secretary of the Department concerned to be in the best interest of the Government.

§ 412.103 *Control of Government property.* The "Manual for Control of Government Property in Possession of Contractors", is Appendix B to this subchapter and is incorporated into and made a part thereof.

§ 412.104 *Effective date.* This part shall be compiled with on and after 1 May 1951, and the contract clauses set forth in this part shall be inserted, wherever applicable, in all contracts executed as of a date on or after May 1, 1951 or with respect to which procurement is initiated on or after April 1, 1951. Compliance with this part, and the use of the contract clauses set forth herein, are authorized from the date of issuance.

SUPART B—MATERIAL

§ 412.200 *Scope of subpart.* This subpart sets forth policies governing material furnished by a Department in connection with the performance of contracts for supplies or services.

§ 412.201 *Fixed-price contracts.* Where supplies or services are contracted for on a fixed-price basis, material may be furnished to the contractor by a Department in accordance with the policy stated in § 412.102. Where a contract is to be entered into as a result of formal advertising, material to be furnished by the Government shall be set forth in the Invitation for Bids. At any time after a fixed-price contract has been entered into, whether as a result of formal advertising or negotiation, the contract may be amended by the parties to provide for the furnishing of Government material or to increase the amount to be furnished, provided the Government receives adequate consideration for such amendment. Pursuant to the clause set forth in § 412.502, the Government may decrease the material furnished or to be furnished under the contract, with equitable adjustment, if appropriate, in the delivery terms, price, or other contractual provisions affected thereby. When a Contracting Officer determines that a contemplated decrease in material would render it inequitable to require performance of the contract, in lieu of issuance of a notice in writing providing for such a decrease, he may, in accordance with departmental procedures, terminate the contract, in whole or in part, pursuant to the clause entitled "Termination for the Convenience of the Government."

§ 412.202 *Cost-reimbursement type contracts.* Where supplies or services are contracted for on a cost-reimbursement basis, material may be furnished to the contractor by a Department in accordance with the policy stated in § 412.102. At any time after a cost-reimbursement type contract has been entered into, the contract may be amended by the parties to provide for the furnishing of Government material, or to increase or decrease the amount to be furnished under the contract, with equitable adjustment, if appropriate, in delivery terms, fixed-fee, or other contractual provisions affected thereby.

§ 412.203 *Disposal.* Disposal of residual Government material shall be in accordance with applicable regulations issued by the Departments pursuant to the Federal Property and Administrative Services Act of 1949.

SUBPART C—SPECIAL TOOLING

§ 412.300 *Scope of subpart.* This subpart sets forth policies governing the acquisition, furnishing and disposition of special tooling required for the performance of contracts for supplies or services.

§ 412.301 *Fixed-price procurement; Government-furnished special tooling.* Where supplies or services are contracted for on a fixed-price basis special tooling required for performance of the contract may be furnished to the contractor by a Department in accordance with the policy stated in § 412.102–2. Where a contract is to be entered into as a result of formal advertising, special tooling to be furnished by the Government shall be stated in the Invitation for Bids. At any time after a fixed-price contract has been entered into, whether as a result of formal advertising or negotiation, the contract may be amended by the parties to provide for the furnishing by the Government of special tooling, or to increase the Government-furnished special tooling, provided such furnishing or increase is for the benefit of the Government and the Government receives adequate consideration for such amendment. Pursuant to the clause set forth in § 412.502, the Government may decrease the special tooling furnished or to be furnished under the contract, with equitable adjustment, if appropriate, in the delivery terms, price, or other contractual provisions affected thereby. When a Contracting Officer determines that a contemplated decrease in special tooling would render it inequitable to require performance of the contract, in lieu of issuance of a notice in writing providing for such a decrease, he may, in accordance with departmental procedures, terminate the contract, in whole or in part, pursuant to the clause entitled "Termination for the Convenience of the Government."

§ 412.302 *Fixed-price procurement; contractor-furnished or acquired special tooling.* Where special tooling required for the performance of a fixed-price contract for supplies or services is not furnished by the Government, newly made or acquired special tooling may be furnished or acquired by the contractor under one of the following arrangements:

(a) The contract may provide for the acquisition of such special tooling by the contractor and the delivery thereof to the Government as an end item under the contract. In any such case, the rights of the parties in special tooling shall be governed by the provisions of the contract and the schedule.

(b) Where the contract does not provide for delivery of such special tooling as an end item under the contract, such special tooling shall be treated as follows:

(1) To the extent that such special tooling is usable solely for the production of supplies or parts, or for the performance of services, which supplies, parts or services are peculiar to the needs of the Government, and the entire cost, or a substantial portion of the cost, of such special tooling has been taken into account in arriving at the contract price, the clause set forth in § 412.504 shall be used.

(2) To the extent that such special tooling is usable for the production of supplies or parts, or for the performance of services, which are not peculiar to the needs of the Government, there may be taken into account in the negotiation of the contract price only such charge for such special tooling as is determined to be properly allocable to the particular contract and as is determined to constitute a proper consideration for the use thereof. No special tooling clause is prescribed or required with respect to such special tooling. In exceptional cases the head of the procuring activity concerned may authorize the contracting officer to take into account the entire cost of special tooling that is not usable solely for the production of supplies or parts, or the performance of services, which are peculiar to the needs of the Government. In such cases the contract clause set forth in § 412.504 shall be appropriately modified to describe the items or categories of special tooling covered thereby.

§ 412.303 *Fixed-price procurement; general policy on acquiring special tooling.* In deciding whether special tooling should be acquired by the Government as a separate end item under the contract or schedule, or in exercising

the Government's rights under the special tooling clause set forth in § 412.504, or such clause as modified under § 412.302 (b) (2), the Contracting Officer shall take into consideration the following factors:

(a) The current or probable future need of the Government for the items of special tooling involved.

(b) The residual value of such items.

(c) Administrative and other expense incident to preparation, handling and storage of such items.

(d) The probable cost of reproduction of such items in event of future procurement.

(e) The probable cost of making such items available in the event of future procurement, and the probable reduction in price of such future procurement.

(f) The amount offered by the contractor for the right to retain such items.

§ 412.304 *Fixed-price procurement; special tooling furnished or acquired by subcontractors.* In the event the prime contractor enters into subcontracts or issues any purchase orders, the performance of which involves the use of special tooling to be furnished or acquired by the subcontractor or vendor, there will be included in such subcontracts or purchase orders appropriate provisions to the extent required by paragraph (k) (or by alternate paragraph (k)) of the special tooling clause set forth in § 412.504 giving the prime contractor rights comparable to those granted to the Government by such clause.

The prime contractor shall exercise his rights in such special tooling for the benefit of the Government in accordance with any directions issued by the Contracting Officer, who shall be guided by the policies set forth in § 412.303.

§ 412.305 *Cost-reimbursement type (Government-furnished special tooling).* Where supplies or services are contracted for on a cost-reimbursement basis, special tooling may be furnished to the contractor by a Department in accordance with the policy stated in § 412.102–2. At any time after a cost-reimbursement type contract has been entered into, the contract may be amended by the parties to provide for the furnishing by the Government of special tooling, or to increase or decrease the amount to be furnished under the contract, with equitable adjustment, if appropriate, in delivery terms, fixed-fee, or other contractual provisions affected thereby. Special tooling furnished by the Government or acquired by the Contractor shall be subject to the provisions of the Government Property Clause set forth in § 412.503.

§ 412.306 *Disposal of Government-owned special tooling.* Special tooling furnished by the Government, or to which the Government has taken title under the applicable contract clause, may be disposed of in accordance with applicable regulations issued by the Departments pursuant to the Federal Property and Administrative Services Act of 1949.

SUBPART D—INDUSTRIAL FACILITIES

§ 412.400 *Scope of subpart.* This subpart sets forth policies governing industrial facilities provided by the Government for use by contractors in the performance of contracts for supplies or services.

§ 412.401 *Award of supply contracts.* Contracts for supplies or services based upon the use of industrial facilities to be provided by the Government should not be awarded until the scope and magnitude of the facilities required have been determined and authorized by the Department concerned.

§ 412.402 *Separate facilities contract.* Industrial facilities shall be provided only under a facilities contract separate from any related contract for supplies or services, except that industrial facilities may be provided under suitable clauses in a supply or service contract which incorporates the applicable provisions of this subpart:

(a) When the cumulative total acquisition cost (actual or estimated) of the industrial facilities provided to a contractor at one plant or general location does not exceed $50,000; or

(b) When the contract is for the performance of construction work; or

(c) When the contract is for the performance of work within establishments or installations operated by the Government.

§ 412.403 *Single facilities contract.* Except as otherwise provided under § 412.402, or unless in accordance with Departmental procedures the Contracting Officer determines it to be impracticable, all industrial facilities provided by a procuring activity for use by a contractor at any one plant or general location shall be governed by a single facilities contract, amended from time to time as necessary, covering only the facilities at that plant or general location, except that the Contracting Officer may authorize the temporary use of a portion of the facilities at a location other than that covered by the contract. Except for such temporary use, and except for facilities for the performance of subcontracts under construction contracts or under contracts for work within establishments or installations operated by the Government, industrial facilities provided to a subcontractor shall be provided pursuant to a separate contract or lease between the Government and the subcontractor.

§ 412.404 [Reserved.]

§ 412.405 *Title.* Each facilities contract shall provide that title to all industrial facilities furnished to the contractor shall remain in the Government, and that title to industrial facilities acquired by a contractor the cost of which is reimbursable to the contractor shall vest in the Government at the earliest practicable time.

§ 412.406 *Non-severable industrial facilities.* It is the policy of the Armed Services that non-severable industrial facilities shall be located on land owned or controlled by the Government, unless the head of a procuring activity determines that such location is not feasible. If the head of a procuring activity determines that location on land not owned or controlled by the Government is necessary he may authorize such location, subject to the limitations set forth in § 412.406–1.

§ 412.406–1 *Non-disposable non-severable facilities.* Non-severable industrial facilities which are of such a nature as not to be disposable to third parties (other than the contractor) for commercial or industrial operations, after the Government's need therefor has ceased, may be located on other than Government owned or controlled land only under the following circumstances:

(a) The contractor agrees (to the extent authorized by law) that he will purchase the facilities upon the expiration of the facilities contract, or at any time prior thereto, at a price equal to the acquisition cost of the facilities less depreciation at the rate or rates specified in the facilities contract (which rate or rates shall take into consideration the estimated useful life of the facilities), or credit an amount equal to such price against any amounts due the contractor under the facilities contract; or

(b) The estimated useful life of the facilities will not extend beyond the expiration of the facilities contract or the completion of the work for which the facilities were provided; or

(c) The Secretary concerned specifically approves other provisions as being in the interest of national defense.

§ 412.406–2 *Abandonment of facilities and restoration of premises.* The Government shall have the right to abandon in place all such non-severable industrial facilities located on land not owned or controlled by it, and in such event shall not be subject to any obligation to restore or rehabilitate the premises of the contractor, unless otherwise provided in the contract with the prior approval of the head of a procuring activity. The authority of the head of a procuring activity to grant such approval shall not be delegated.

§ 412.407 *Right of contractor to use.* Each facilities contract shall limit the right of the contractor to use the industrial facilities to the performance of the contracts specified or otherwise identified in the facilities contract or added thereto by amendment. Such use may be without charge to the contractor, provided:

(a) The contractor is not thereby placed in a favored competitive position.

(b) The Government receives adequate consideration through reduced cost for the supplies or services or otherwise. Such reduced cost may be established in the initial negotiation of new contracts, or by the readjustment of prices (including fixed-fees and allowable costs) of existing contracts, or by price redetermination in the case of negotiated fixed-price contracts where the saving to the contractor cannot be accurately forecast.

When use without charge to the contractor is not advisable because of the competitive aspect, administrative difficulties, or other considerations, the contract shall require the contractor to pay a fair and reasonable use charge. Such fair and reasonable use charge shall be established on the basis of sound commercial practice, including any prevailing commercial rates, and shall be such as to prevent the contractor from obtaining an unfair competitive advantage by reason thereof. As to personal property and equipment with respect to which there are no prevailing rates, the use charge shall be at the rate of not less than 1 percent per month of the original acquisition cost of such property or equipment.

§ 412.408 *Maintenance.* Each facilities contract shall require the contractor, without cost to the Government thereunder, to protect, preserve, maintain and repair the facilities provided thereunder, in accordance with sound industrial practice, until relieved of responsibility therefor. However, when authorized by the Department concerned, such contract may provide for:

(a) A specified degree of protection, preservation, maintenance and repair that is less than sound industrial practice as to any part or parts of the facilities as are determined by the Department concerned to be non-essential to future utilization of the facilities as a whole; and

(b) Reimbursement by the Government for the cost of protecting, maintaining, preserving and repairing facilities not authorized for use by the contractor; and

(c) Reimbursement by the Government for repairs, replacements, and restoration performed by the contractor when such repairs, replacements and restoration are in excess of normal maintenance and are directed or approved by the Contracting Officer.

Nothing in this section shall limit a contractor's rights with respect to costs properly allocable under other contracts.

§ 412.409 *Identification and records.* Each facilities contract under which industrial facilities are provided by the Government shall require the contractor, without cost to the Government thereunder, to maintain adequate property control records and a system of identification of such industrial facilities in accordance with the provisions of the "Manual for Control of Government Property in Possession of Contractors," as in effect on the date of the contract. Nothing in this section shall limit a contractor's rights with respect to costs properly allocable under other contracts.

§ 412.410 *Late delivery, diversion and substitution.* Each facilities contract shall provide that:

(a) The Government shall not be liable to the contractor for damages or loss of profit by reason of non-delivery or of any delay in the delivery of industrial facilities to be provided by the Government. Provisions for appropriate equitable adjustment should be made in supply or service contracts which may be affected by any such non-delivery or delay.

(b) The Government shall have the right, when it is determined by the Department concerned to be in the best interest of the Government, to direct—

(1) Delivery of any industrial facility or facilities acquired by or furnished to the contractor under the contract to locations other than those specified in the contract; and

(2) Assignment, to the Government or to third parties, of purchase orders or subcontracts of the contractor for any industrial facility or facilities covered by the contract.

Provisions for appropriate equitable adjustment should be made in supply or service contracts which may be affected by such changes or modifications.

(c) The Government shall have the right to furnish any of the industrial facilities, in lieu of acquisition thereof by the contractor. Provisions will be made for reimbursement to the contractor, in such event, of proper costs incurred by it in connection with acquiring such facilities, including the cost of terminating purchase orders or subcontracts therefor.

§ 412.411 *Risk of loss or damage and liability.* Each facilities contract—

(a) Shall provide that the contractor shall not be liable for any loss or damage to the industrial facilities, or for expenses incidental to such loss or damage, except that the contractor shall be responsible for any such loss or damage (including expenses incidental thereto):

(1) Which results from any risk other than an excepted peril as that term is defined in paragraph (f) (i) (B) of the clause in § 412.502;

(2) Which results from a risk expressly required to be insured under the facilities contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater;

(3) Which results from a risk which is in fact covered by insurance or for which the contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement;

(4) Which results from willful misconduct or lack of good faith on the part of any of the contractor's directors or officers, or on the part of any of its managers, superintendents, or other equivalent representatives who has supervision or direction of (i) all or substantially all of the contractor's business, or (ii) all or substantially all of the contractor's operations at the industrial facility if such facility is a complete plant or unit, or (iii) all or substantially all of the contractor's operations at any one plant or separate location in which such industrial facilities are installed or located, or (iv) any separate or complete major industrial operation in connection with which the facilities are used; or

(5) Which results from (i) a failure of the contractor, due to willful misconduct or lack of good faith on the part of any of its directors, officers, or other representatives mentioned in subparagraph (4) of this paragraph, to maintain and administer, in accordance with sound industrial practices, a program for the maintenance, repair, protection and preservation of the industrial facilities, so as to assure their full availability and usefulness at all times, or (ii) a failure of the contractor to take all reasonable steps to comply with all written directions or instructions which the Contracting Officer may prescribe as reasonably necessary for the protection of the industrial facilities;

and may also include additional provisions for liability in specific cases, in which case such additional provisions shall be included, or specifically referred to, in the general liability clause.

(b) Shall require the contractor to hold the Government harmless against claims for injury to persons or damage to property of the contractor or others arising from the contractor's possession or use of the industrial facilities, provided, however, that so long as there is in effect one or more contracts for supplies or services which require the use of such facilities, the provisions of such contracts shall govern the assumption of liability for such claims arising out of or related to the performance of each such contract and involving the possession or use of Government provided industrial facilities.

(c) Shall require the contractor to carry insurance in accordance with Part 409 of this subchapter.

Where justified by the circumstances of any particular contract, the Department concerned may require the contractor to assume greater risks than those enumerated in paragraph (a) of this section.

§ 412.412 *Unusable or unneeded facilities.* Each facilities contract shall provide that within 30 days after any industrial facility is determined by the contractor to be lost, damaged, destroyed, no longer usable, or no longer needed for the performance of Government contracts, the contractor shall notify the Contracting Officer thereof. Disposition of suchs damaged, destroyed, no longer usable or no longer needed facilities will be made in accordance with § 412.415.

§ 412.413 *Termination of facilities contracts.*

§ 412.413–1 *Termination by the Government.* (a) Each facilities contract shall provide that the Government shall have the right, upon notice, to terminate such contract with respect to all or any part of the facilities covered thereby, or to terminate or limit the contractor's right to use any or all of such facilities. Provisions for equitable adjustment should be made in supply or service contracts which may be affected by such termination or limitation of right to use.

(b) A facilities contract shall be terminated by the Department concerned when the facilities covered thereby are no longer required for the performance of Government contracts, unless such termination is detrimental to the Government's interest.

§ 412.413–2 *Termination by the contractor.* (a) Each facilities contract covering Government-furnished facilities shall provide that the contractor shall have the right to terminate the contract at any time, upon reasonable notice, with respect to all such facilities covered thereby, or, by agreement with

the Contracting Officer, with respect to a substantial portion of such facilities.

(b) Termination at the option of the contractor shall not relieve the contractor of any of its obligations or liabilities under any supply or service contract affected thereby.

§ 412.414 *Standby provisions.* A facilities contract may include appropriate provisions for maintenance or storage of the industrial facilities, or other suitable standby provisions, upon completion or termination in whole or in part of such contract or of the contractor's right to use any or all of the facilities covered thereby.

§ 412.415 *Disposition.* Except as to those non-disposable, non-severable industrial facilities, for which specific provision is made in § 412.406, the disposition of industrial facilities shall be in accordance with applicable regulations issued by the Departments pursuant to statutory authority. Each facilities contract shall provide that within the period specified in the contract following the effective date of partial or complete termination, the contractor will account for all facilities with respect to which the contract is terminated. Within ninety (90) days after the contractor accounts for the facilities, the Contracting Officer will notify the contractor as to disposition thereof. The contractor will be required to prepare, protect, remove or ship the facilities as directed by the Contracting Officer. Provision may be made for equitable reimbursement to the contractor for expenses so incurred. If the Contracting Officer fails to notify the contractor as to disposition of the facilities within the ninety (90) day period, herein provided, the contractor may, upon reasonable notice to the Government, remove and store elsewhere at Government risk and expense those facilities located within the plant of the contractor.

SUBPART E—CONTRACT CLAUSES

§ 412.500 *Scope of subpart.* This subpart sets forth uniform contract clauses pertaining to Government property provided for use in connection with the performance of contracts for supplies or services.

§ 412.501 *Applicability.* (a) As used in this subpart, the term "fixed-price contract for supplies or services" shall mean any contract (1) entered into either by formal advertising or by negotiation, including purchase orders in an amount exceeding $1,000, but excluding letter contracts, letters of intent, preliminary notices of award and amendments or modifications to contracts or purchase orders; (2) at a fixed-price (with or without provision for price redetermination, escalation, or other form of price adjustment) as covered in §§ 402.402 to 402.404 inclusive of this subchapter; and (3) for supplies or services other than the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property.

(b) As used in this subpart, the term "cost-reimbursement type contract for supplies or services" shall mean any contract (other than a letter contract, letter of intent, preliminary notice of award, or amendment or modification of a contract) entered into by negotiation on a cost or cost-plus-a-fixed-fee basis as covered in §§ 402.404 to 402.406 inclusive of this subchapter, for supplies or services other than the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property.

§ 412.502 *Government-furnished property clause for fixed-price contracts.* The following clause shall be used in fixed-price contracts for supplies or services under which a Department is to furnish to the contractor, material, special tooling, or such industrial facilities as may be furnished under § 412.402 (a).

GOVERNMENT-FURNISHED PROPERTY

(a) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property which the schedule or the specifications state the Government will furnish (hereinafter referred to as "Government-Furnished property"). The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-Furnished property of a type suitable for use will be delivered to the Contractor at the times stated in the schedule or if not so stated in sufficient time to enable the Contractor to meet such delivery or performance dates. In the event that Government-Furnished property is not delivered to the Contractor by such time or times, the Contracting Officer shall, if requested by the Contractor, make a determination of the delay occasioned the Contractor thereby, and shall grant to the Contractor a reasonable extension of time in respect of such delivery or performance dates. The Government shall not be liable to the Contractor for damages or loss of profit by reason of any delay in delivery of or failure to deliver any or all of the Government-Furnished property, except that in case of such delay or failure, upon the written request of the Contractor, an equitable adjustment shall be made in the delivery or performance dates, or price, or both, and in any other contractual provision affected thereby, in accordance with the procedures provided for in the clause of this contract entitled "Changes".

(b) By notice in writing the Contracting Officer may decrease the property furnished or to be furnished by the Government under this contract. In any such case, upon the written request of the Contractor, an equitable adjustment shall be made in the delivery or performance dates, or price, or both, and in any other contractual provisions affected by such decrease, in accordance with the procedures provided for in the clause of this contract entitled "Changes."

(c) Title to the Government-Furnished property shall remain in the Government. Title to Government-Furnished property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government-Furnished property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty. The Contractor shall maintain adequate property control records of Government-Furnished property in accordance with the provisions of the "Manual for Control of Government Property in Possession of Contractors" dated March 1951.

(d) The Government-Furnished property shall, unless otherwise provided herein, be used only for the performance of this contract.

(e) The Contractor shall maintain and administer, in accordance with sound industrial practice, a program for the maintenance, repair, protection and preservation of Government-Furnished property, until disposed of by the Contractor in accordance with this clause. In the event that damaged or defective Government-Furnished property is delivered to the Contractor, or any other damage occurs to Government-Furnished property the risk of which has been assumed by the Government under this contract, the Government shall replace such items or the Contractor shall make such repair of the property as the Government directs; provided, however, that if the Contractor cannot effect such repair within the time required, the Contractor may reject such property. The contract price includes no compensation to the Contractor for the performance of any repair or replacement for which the Government is responsible, and an equitable adjustment will be made in the contract price for any such repair or replacement of Government-Furnished property made at the direction of the Government. Any repair or replacement for which the Contractor is responsible under the provisions of this contract shall be accomplished by the Contractor at its own expense.

The following provision (f) is for use in advertised fixed-price contracts:

(f) Unless otherwise provided in this contract, the Contractor, upon delivery to it of any Government-Furnished property, assumes the risk of, and shall be responsible for, any loss thereof or damage thereto except for reasonable wear and tear and except to the extent that such property is consumed in the performance of this contract.

The following provision (f) is for use in negotiated fixed-price contracts:

(f) (i) Except for loss, destruction or damage resulting from a failure of the Contractor due to willful misconduct or lack of good faith of any of the Contractor's managerial personnel as defined herein, to maintain and administer the program for the maintenance, repair, protection and preservation of the Government-Furnished property, as required by paragraph (e) hereof, and except as specifically provided in clause(s) ——— of this contract, or in the clause or clauses of this contract designated in the Schedule, the Contractor shall not be liable for loss or destruction of or damage to the Government-Furnished property (A) caused by any peril while the property is in transit off the Contractor's premises, or (B) caused by any of the following perils while the property is on the Contractor's or subcontractor's premises, or on any other premises where such property may properly be located, or by removal therefrom because of any of the following perils:

(I) Fire; lightning; windstorm, cyclone, tornado, hail; explosion; riot, riot attending a strike, civil commotion; vandalism and malicious mischief; sabotage; aircraft or objects falling therefrom; vehicles running on land or tracks, excluding vehicles owned or operated by the Contractor or any agent or employee of the Contractor; smoke; sprinkler leakage; earthquake or volcanic eruption; flood, meaning thereby rising of a body of water; hostile or warlike action, including action in hindering, combating, or defending against an actual, impending or expected attack by any government or sovereign power (de jure or de facto), or by any authority using military, naval, or air forces, or by an agent of any such government, power, authority, or forces; or

(II) Other peril, of a type not listed above, if such other peril is customarily covered by insurance (or by a reserve for self-insurance) in accordance with the normal practice of the Contractor, or the prevailing practice in the industry in which the Contractor is engaged with respect to similar property in the same general locale.

The perils as set forth in (A) and (B) above are hereinafter called "excepted perils."

The term "Contractor's managerial personnel" as used herein means the Contractor's directors, officers and any of its managers, superintendents, or other equivalent representatives who have supervision or direction of (I) all or substantially all of the Contractor's business; (II) all or substantially all of the Contractor's operation at any one plant or separate location at which the contract is being performed; (III) a separate and complete major industrial operation in connection with the performance of this contract.

(ii) The Contractor represents that it is not including in the price hereunder, and agrees that it will not hereafter include in any price to the Government, any charge or reserve for insurance (including self-insurance funds or reserves) covering loss or destruction of or damage to the Government-Furnished property caused by any excepted peril.

(iii) Upon the happening of loss or destruction of or damage to any Government-Furnished property caused by an excepted peril, the Contractor shall notify the Contracting Officer thereof, and shall communicate with the Loss and Salvage Organization, if any, now or hereafter designated by the Contracting Officer, and with the assistance of the Loss and Salvage Organization so designated (unless the Contracting Officer has directed that no such organization be employed), shall take all reasonable steps to protect the Government-Furnished property from further damage, separate the damaged and undamaged Government-Furnished property, put all the Government-Furnished property in the best possible order, and furnish to the Contracting Officer a statement of: (A) the lost, destroyed and damaged Government-Furnished property (B) the time and origin of the loss, destruction or damage, (C) all known interests in commingled property of which the Government-Furnished property is a part, and (D) the insurance, if any, covering any part of or interest in such commingled property. The Contractor shall be reimbursed for the expenditures made by it in performing its obligations under this subparagraph (iii) (including charges made to the Contractor by the Loss and Salvage Organization, except any of such charges the payment of which the Government has, at its option, assumed directly), to the extent approved by the Contracting Officer and set forth in a Supplemental Agreement.

(iv) With the approval of the Contracting Officer after loss or destruction of or damage to Government-Furnished property, and subject to such conditions and limitations as may be imposed by the Contracting Officer, the Contractor may, in order to minimize the loss to the Government or in order to permit resumption of business or the like, sell for the account of the Government any item of Government-Furnished property which has been damaged beyond practicable repair, or which is so commingled or combined with property of others, including the Contractor, that separation is impracticable.

(v) Except to the extent of any loss or destruction of or damage to Government-Furnished property for which the Contractor is relieved of liability under the foregoing provisions of this clause, and except for reasonable wear and tear or depreciation, or the utilization of the Government-Furnished property in accordance with the provisions of this contract, the Government-Furnished property (other than property permitted to be sold) shall be returned to the Government in as good condition as when received by the Contractor in connection with this contract, or as repaired under paragraph (e) above.

(vi) In the event the Contractor is reimbursed or compensated for any loss or destruction of or damage to the Government-Furnished property, caused by an excepted peril, it shall equitably reimburse the Government. The Contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such loss, destruction or damage and, upon the request of the Contracting Officer, shall at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the the execution of instruments of assignment in favor of the Government) in obtaining recovery.

(vii) [Where applicable] In the event any aircraft are to be furnished under this contract, any loss or destruction of, or damage to, such aircraft or other Government-Furnished property occurring in connection with operations of said aircraft will be governed by the clause of this contract captioned "Flight Risks," to the extent such clause is, by its terms, applicable.

(g) The Government shall at all reasonable times have access to the premises wherein any Government-Furnished property is located.

(h) Upon the completion of this contract, or at such earlier date as may be fixed by the Contracting Officer, the Contractor shall submit, in a form acceptable to the Contracting Officer, inventory schedules covering all items of Government-Furnished property not consumed in the performance of this contract (including any resulting scrap), or not theretofore delivered to the Government, and shall deliver or make such other disposal of such Government-Furnished property, as may be directed or authorized by the Contracting Officer. Recoverable scrap from Government-Furnished property shall be reported in accordance with a procedure and in such form as the Contracting Officer may direct. The net proceeds of any such disposal shall be credited to the contract price or shall be paid in such other manner as the Contracting Officer may direct.

(i) Directions of the Contracting Officer and communications of the Contractor issued pursuant to this Clause shall be in writing.

§ 412.503 *Government property clause for cost-reimbursement type contracts.* The following clause shall be used in cost-reimbursement type contracts for supplies or services, under which a Department is to furnish the contractor, or the contractor is to acquire for the account of the Government, material, special tooling, or industrial facilities (within the policy set forth in § 412.402 (a)).

GOVERNMENT PROPERTY

(a) The Government shall deliver to the Contractor the property described in the Schedule or the Specifications at the times stated therein, or if not so stated in sufficient time to enable the Contractor to perform this contract. If any of such property is not delivered to the Contractor by such time or times, the Contracting Officer, upon written request of the Contractor, shall equitably adjust the time of performance of this contract. In no event shall the Government be liable to the Contractor for damages or loss of profit by reason of any delay in or failure to deliver any or all of the items set forth in the Schedule or Specifications.

(b) Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is reimbursable to the Contractor under this contract, shall pass to and vest in the Government upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government, which ever first occurs. All the items to be furnished by the Government, as set forth in the Schedule or Specifications, together with all property acquired by the Contractor title to which vests in the Government under this paragraph, are subject to the provisions of this clause and are hereinafter collectively referred to as "Government Property."

(c) Title to the Government Property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government Property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty. The Contractor shall maintain adequate property control records of the Government Property and shall identify the Government Property as such in accordance with the provisions of the "Manual for Control of Government Property in Possession of Contractors" dated March 1951, which is incorporated herein by reference.

(d) The Government Property provided or furnished pursuant to the terms of this contract shall, unless otherwise provided herein, be used only for the performance of this contract.

(e) The Contractor shall maintain and administer in accordance with sound industrial practice, a program for the maintenance, repair, protection and preservation of Government Property so as to assure its full availability and usefulness for the performance of this contract. The Contractor shall take all reasonable steps to comply with all appropriate directions or instructions which the Contracting Officer may prescribe as reasonably necessary for the protection of Government Property.

(f) (i) The Contractor shall not be liable for any loss of or damage to the Government Property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto) (A) which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of its managers, superintendents, or other equivalent representatives, who has supervision or direction of (I) all or substantially all of the Contractor's business, or (II) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (III) a separate and complete major industrial operation in connection with the performance of this contract; or (B) which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of its directors, officers, or other representatives mentioned in subparagraph (A) above, to maintain and administer, in accordance with sound industrial practice, the program for maintenance, repair, protection and preservation of Government Property as required by paragraph (e) hereof, or which results from a failure on the part of the Contractor to take all reasonable steps to comply with any appropriate written directions of the Contracting Officer under paragraph (e) hereof; or (C) for which the Contractor is otherwise responsible under the express terms of clause(s) ——— of this contract, or of the clause or clauses designated in the Schedule; or (D) which results from a risk expressly required to be insured under this contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insur-

ance actually procured and maintained, whichever is greater; or (E) which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement; provided that, if more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception.

(ii) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance, or any provision for a reserve, covering the risk of loss of or damage to the Government Property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provision of this contract.

(iii) Upon the happening of loss or destruction of or damage to the Government Property, the Contractor shall notify the Contracting Officer thereof, and shall communicate with the Loss and Salvage Organization, if any, now or hereafter designated by the Contracting Officer, and with the assistance of the Loss and Salvage Organization so designated (unless the Contracting Officer has designated that no such organization be employed), shall take all reasonable steps to protect the Government Property from further damage, separate the damaged and undamaged Government Property, put all the Government Property in the best possible order, and furnish to the Contracting Officer a statement of (A) the lost, destroyed and damaged Government Property, (B) the time and origin of the loss, destruction or damage, (C) all known interests in commingled property of which the Government Property is a part, and (D) the insurance, if any, covering any part of or interest in such commingled property. The Contractor shall make repairs and renovations of the damaged Government Property or take such other action, as the Contracting Officer directs.

(iv) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government Property, it shall use the proceeds to repair, renovate or replace the Government Property involved, or shall credit such proceeds against the cost of the work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction or damage and, upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

For use where applicable:

(v) In the event any aircraft are to be furnished under this contract, any loss or destruction of, or damage to, such aircraft or other Government Property occurring in connection with operations of said aircraft will be governed by the clause of this contract captioned "Flight Risks," to the extent such clause is, by its terms, applicable.

(g) The Government shall at all reasonable times have access to the premises where any of the Government Property is located.

(h) The Government Property shall remain in the possession of the Contractor for such period of time as is required for the performance of this contract unless the Contracting Officer determines that the interests of the Government require removal of such property. In such case the Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal and shipping of Government Property. In any such instance, the contract may be amended to accomplish an equitable adjustment in the terms and provisions thereof.

(i) Upon the completion of this contract, or at such earlier date as may be fixed by the Contracting Officer, the Contractor shall submit to the Contracting Officer in a form acceptable to him, inventory schedules covering all items of the Government Property not consumed in the performance of this contract (including any resulting scrap), or not theretofore delivered to the Government, and shall deliver or make such other disposal of the Government Property as may be directed by the Contracting Officer. Recoverable scrap shall be reported in accordance with a procedure and in such form as the Contracting Officer may direct. The net proceeds of any such disposal approved by the Contracting Officer shall be credited to the cost of the work covered by the contract or shall be paid in such manner as the Contracting Officer may direct.

(j) Unless otherwise provided herein, the Government shall not be under any duty or obligation to restore or rehabilitate, or to pay the costs of the restoration or rehabilitation of the Contractor's plant or any portion thereof which is affected by the removal of any Government Property.

(k) Directors of the Contracting Officer and communications of the Contractor issued pursuant to this clause shall be in writing.

The following alternative subparagraph may be used in cost contracts, as defined in § 402.405, for research and development, in lieu of subparagraph (f) (i) as set forth above:

(i) Except as otherwise specifically provided herein the Contractor shall not be liable for any loss of or damage to the Government Property unless such loss, or damage results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers or other representatives having supervision or direction of all or substantially all of the Contractor's business or all or substantially all of the Contractor's operations at any one plant, laboratory, or separate location in which this contract is to be performed.

§ 412.504 *Special tooling clause for fixed-price contracts.* The following clause shall be used in fixed-price contracts for supplies or services (except contracts for experimental, developmental, or research work) for the performance of which the contractor furnishes special tooling, under the conditions set forth in § 412.302 (b) (1), but is not for use in contracts in which special tooling is called for as a separate item in the schedule (see § 412.302 (a)).

SPECIAL TOOLING

(a) The term "special tooling" as used in this clause, includes all jigs, dies, fixtures, molds, patterns, special taps, special gauges, special test equipment, and other special articles of equipment and manufacturing aids acquired or manufactured by the Contractor for use in the performance of this contract, and replacements thereof, which are of such a specialized nature that, without substantial modification or alteration, their use is limited to the production of such supplies or parts hereof, or the performance of such services, called for by this contract, as are peculiar to the needs of the Government. The term does not include: (i) items of tooling or equipment heretofore acquired by the Contractor, or replacements thereof, whether or not altered or adapted for use in the performance of this contract; (ii) items of tooling or equipment which are usable for the production of supplies or parts thereof, or for the performance of services, which are not peculiar to the needs of the Government, or (iii) general or special machine tools or similar capital items.

(b) The Contractor agrees not to use any items of special tooling except in the performance of this contract, or except as otherwise provided by this clause, without prior written approval of the Contracting Officer. The Contractor may, with the approval of the Contracting Officer, use the special tooling in the performance of other contracts with the Government, or subcontracts under Government contracts, provided that the Contractor agrees not to include in the price or prices for any such contracts or subcontracts, involving the use of such special tooling, the cost of such tooling or any allowance or charge to cover depreciation or amortization which has previously been charged against this contract.

(c) As and when any substantial portion of usable special tooling is no longer needed by the Contractor for the performance of this contract, and of other Government contracts and subcontracts as to which approval has been obtained under paragraph (b) above, the Contractor shall promptly notify the Contracting Officer thereof, and shall furnish to the Contracting Officer a list of the products, parts or services for the manufacture or performance of which such special tooling was used or designed. Upon completion or termination of all work under this contract, or of this contract and other Government contracts and subcontracts as to which approval has been obtained under paragraph (b) above, the Contractor shall furnish a final list in the same form covering all items not previously reported under this paragraph. Special tooling which has become obsolete as a result of changes in design or specification need not be reported, except as provided for in paragraph (d).

(d) In the event of any changes in design or specifications which affect interchangeability of parts, the Contractor shall, unless otherwise agreed to by the Contracting Officer, give the Contracting Officer notice of any part which is not interchangeable with the new or superseding part and the usable special tooling for each part covered in such notice shall be retained by the Contractor subject to the provisions of paragraph (f), pending disposition under paragraph (f).

(e) At the time it furnishes any list or notice under (c) or (d) above, the Contractor may designate those items of special tooling (either specifically or by listing the particular products, parts, or services for which such items were used or designed) which it desires to retain, together with a written offer: (i) to retain any or all of such items, free and clear of any Government interest, for an amount designated therein, which should ordinarily not be less than the then fair value of such items (which fair value takes into account, among other things, the value of such items to the Contractor for use in further work by it); or (ii) to retain any or all such items for such period of time and subject to such terms and conditions as may be agreed to by the parties hereto subject to ultimate retention or disposition of such items in accordance with paragraph (f) hereof.

(f) Within 90 days after receipt of any list or notice under paragraph (c) or (d) hereof, or such further period as may be agreed upon by the parties, the Contracting Officer shall furnish to the Contractor: (i) a list specifying the particular products, parts, or services for which the Government may require special tooling, together with a request that the Contractor transfer title and deliver to the Government all usable items of special tooling which were used or designed for the manufacture or performance of any designated portion of such products, parts, or services, and which were on hand when production of such products or parts, or performance of such services, ceased; or (ii) an acceptance or rejection of any offer made by the Contractor under paragraph (e) above, or a request for further negotiation with respect thereto; or (iii) subject to the provisions of paragraph (j) hereof, a direction to the Contractor to sell, or to dispose of as scrap, for the account of the Government, any or all of the special tooling covered by such list; or (iv) a statement with respect to any or all of the special tooling covered by such list that the Government has no further interest therein and waives its rights therein; or (v) any combination of the foregoing, as the circumstances warrant. The Contractor shall promptly comply with any request by the Contracting Officer under this paragraph to transfer title to any items of special tooling, and shall, subject to the provisions of paragraph (j) hereof, (1) immediately prepare such items for shipment by proper packaging, packing, and marking, in accordance with any instructions which may be issued by the Contracting Officer, and shall promptly deliver such items to the Government, as directed by the Contracting Officer, or (2) if a storage agreement has been entered into, prepare such items for storage in accordance therewith, as directed by the Contracting Officer. Any items of special tooling so delivered or stored shall be accompanied by such operation sheets or other appropriate data as are necessary to show the manufacturing operations or processes for which such items were used or designed. If the Contracting Officer has requested further negotiations under (ii) of this paragraph, the Contractor agrees that it will enter into such negotiations in good faith with the Contracting Officer. Any items of special tooling which are not disposed of by transfer of title and delivery to the Government under this paragraph, or by acceptance of an offer of the Contractor made under paragraph (e), or of such offer as modified in the course of negotiations, shall be disposed of in the manner set forth in (iii) or (iv) of this paragraph.

(g) If the Contracting Officer accepts an offer of the Contractor to retain any items of special tooling, or if any such items are sold to third parties or disposed of as scrap, the net proceeds shall: (i) be deducted from the amounts due to the Contractor under the contract and the contract amended accordingly; or (ii) be otherwise paid as the Contracting Officer may direct.

(h) The Contractor agrees that it will follow its normal industrial practice in maintaining property control records on all the special tooling, and that it will make such records available for inspection by the Government at all reasonable times. The Contractor further agrees that, to the extent practicable, it will identify by appropriate stamp, tag or other mark all special tooling subject to this clause.

(i) The Contractor agrees that between the date any usable items of special tooling are no longer needed by it, within the meaning of this clause, and the date of final disposition of such items under this clause, it will take all reasonable steps necessary to maintain the identity and existing conditions of such items, unless the Contracting Officer has directed that such items be disposed of as scrap or has given notice under (f) (iii). The Contractor shall not be required to keep any such items in place.

(j) Any preparation of items for shipment required of the Contractor under paragraph (f) of this clause, or any disposal as scrap under paragraph (f) (iii), or any action required of the Contractor under paragraph (i), shall be taken pursuant to written instructions of the Contracting Officer, which shall (i) provide for an equitable adjustment of the contract price to cover any additional cost, to the Contractor, not taken into account in the negotiation of this contract, of complying with such instructions, which adjustment shall be made in accordance with the procedure set forth in the clause of this contract entitled "Changes," or (ii) otherwise provide for payment to the Contractor of any such additional cost. Any failure of the Contracting Officer to issue the Contractor specific disposition instructions shall be construed as an instruction to the Contractor to take the action required under paragraph (i) with provision for equitable adjustment or payment as provided for above.

The following paragraph relating to subcontracts shall be used in cases where the Contracting Officer deems the use of such paragraph to be necessary in order to protect the Government's interest in special tooling which may be acquired under such subcontracts:

(k) The Contractor agrees that, in placing any subcontracts or purchase orders under this contract which involve the use of special tooling, the full cost of which is charged to such subcontract or purchase order, it will include therein appropriate provisions to obtain rights comparable to those granted to the Government by this clause, and agrees that it will exercise such rights for the benefit of the Government, as the Contracting Officer may direct.

In appropriate cases, the following alternative clause, relating to subcontracts may be used:

(k) The Contractor agrees that, in placing any subcontracts or purchase orders under this contract which involve the use of special tooling, the full cost of which is charged to such subcontract or purchase order, it will to the extent consistent with its normal business practice include appropriate provisions therein to obtain rights comparable to those granted to the Government by this clause, and agrees that it will exercise such rights for the benefit of the Government, as the Contracting Officer may direct.

PART 413—INSPECTION AND ACCEPTANCE

Sec.
413.000 Scope of part.
413.001 Effective date of part.
413.002 General policy.
413.003 Inspection requirements.
413.004 Points of inspection.
413.005 Responsibility of inspection.
413.006 Acceptance.
413.007 Joint procedures.
413.008 Contract provisions.

AUTHORITY: §§ 413.000 to 413.008 issued under sec. 3, 62 Stat. 259; 50 U. S. C. App. Sup., 1193.

§ 413.000 *Scope of part.* This part deals with requirements for the inspection and acceptance of supplies and services purchased by any procuring activity for itself or for any other activity of the same or any other Department.

§ 413.001 *Effective date of part.* This part shall be effective with respect to contracts executed on and after January 1, 1951.

§ 413.002 *General policy.* In arranging for inspection, maximum consideration will be given to the utilization of the inspection services of any other Department to assure that inspection operations are carried out in the most economical fashion consistent with the best interests of the Government. Supplies or services shall be inspected by or under the supervision of an inspector representing the Government unless otherwise expressly provided in the contract. Provisions of this part shall apply to all purchases made by each Department and, where appropriate, to purchases from Government-owned or operated facilities.

§ 413.003 *Inspection requirements.* Inspection is the examination by the Government of supplies (as defined in § 400.201–8 of this subchapter and including, when appropriate, raw materials, components and intermediate assemblies) and services to determine whether such supplies and services are in conformance with the requirements of the contract. Inspection shall be conducted in accordance with (a) provisions of the contract, (b) this subchapter and (c) procedures prescribed by the purchasing Department. A manufacturer's certificate or other statement of quality or quantity may be considered at the discretion of the purchasing Department or procuring activity, a proper element in determining whether supplies and services are in conformance with the contract, but shall not be considered as eliminating the necessity for inspection. When a public exigency will not permit all required inspection, or the nature or monetary value of the supplies or services does not justify the cost of complete required inspection, the purchasing Department or procuring activity may reduce inspection to a level consistent with the stated circumstances. When the contract provides for inspection at source, pursuant to procedures prescribed by each respective Department supplies may be shipped prior to inspection, if the contractor agrees that such shipment will be made at its risk.

§ 413.004 *Points of inspection.* Inspection on behalf of the Government shall be conducted in all cases prior to acceptance, except as otherwise permitted by this part. To the extent practicable, inspection of supplies shall be made at such times and places (including the period of manufacture and including subcontractors' plants) as are necessary to determine that the supplies will conform to the contract. Ordinarily, inspection of supplies should be conducted at source but may be conducted at such other designated points wherever the best interest of the Government so requires.

§ 413.005 *Responsibility for inspection.* Inspection is the responsibility of the procuring activity concerned. Inspection at destination will normally be arranged by the activity requiring the supplies. The activity responsible for inspection may utilize the inspection services of other procuring activities or other activities of the same or any other Department or executive agency as provided under § 413.002. Except as may be mutually agreed to by the Departments concerned, each Department shall bear the cost, without reimbursement, of such inspection as it may perform for itself or any other Department.

§ 413.006 *Acceptance.* Acceptance is the act of an authorized agent of the Government by which the Government acknowledges and agrees that the supplies or services are in conformance with the contract as to quality and quantity. Depending upon the provisions of the contract, acceptance may be effected prior to delivery, at the time of delivery, or after delivery. Passage of title does not necessarily occur at the time of ac-

ceptance. Inspection prior to acceptance shall be for the convenience of the Government and should not be construed as indicating acceptance. Acceptance is the responsibility of the procuring activity subject to procedures prescribed by the purchasing Department, or as otherwise authorized by this subchapter. Where desirable, for reasons of urgency or economy, supplies which fail to meet all contract requirements may be accepted under special circumstances, subject to equitable adjustment of the contract price or such other adjustments as may be provided for by the contract. If as a result of inspection supplies are not accepted, they will be returned to the contractor or held for his disposition at no cost to the Government.

§ 413.007 *Joint procedures.* All inspection of supplies by the Military Departments shall be in accordance with the applicable standards promulgated by the Department of Defense. Such standards include, without limitation, sampling procedure, statistical quality control needs, gage design, use and care, policies relative to exchange of services, methods of interpreting specifications, uniform test terminology, and standardized forms.

§ 413.008 *Contract provisions.* The contract clauses required for use in connection with this part are set forth in Part 406 of this subchapter.

APPENDIX A—ARMED SERVICES BOARD OF CONTRACT APPEALS CHARTER AND RULES

Effective 1 May 1949—Modified 30 June 1949

PART 1—CHARTER

1. There is hereby created, as a joint board of the Departments of the Army, Navy and Air Force, the Armed Services Board of Contract Appeals, which shall be responsible directly to the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, jointly, for the proper performance of the delegated authority hereinafter conferred. The Board shall operate under general policies established or approved by the Munitions Board.

2. The Board initially shall consist of 12 members who shall be persons trained in the law. The full-time members of the Army Board of Contract Appeals and of the Navy Board of Contract Appeals, currently serving on the effective date of this memorandum, are hereby designated members of the Armed Services Board of Contract Appeals. There shall be a president of the Board. The chairmen of the Army, Navy and Air Force panels of the Board (as hereinafter described) shall each in that order serve as the president of the Board on a yearly rotational basis, the term of the first president to terminate at the end of the first full fiscal year after the effective date of this memorandum. In the absence of the president, the panel chairman next in order of succession shall act as president. If it shall be determined at any time that additional members of the Board are necessary in order to process appeals with reasonable dispatch, the president of the Board, with the advice of the panel chairmen, shall recommend to the pertinent Assistant and Under Secretaries of the three Departments for appointment such additional members of the Board as are deemed necessary, and shall similarly make recommendations for the filling of any vacancy on the Board. Appointments will be made by joint action of the pertinent Assistant and Under Secretaries of the three Departments.

3. There shall be three panels of the Board. One of the panels shall be known as the Army Contract Appeals Panel, and shall consist of such members of the Armed Services Board of Contract Appeals as shall be assigned to the panel by the Under Secretary or the Assistant Secretary of the Army, whichever is appropriate, who shall also designate the chairman of said panel; one of the panels shall be known as the Navy Contract Appeals Panel, and shall consist of such members of the Armed Services Board of Contract Appeals as shall be assigned to the panel by the Under Secretary or the Assistant Secretary of the Navy, whichever is appropriate, who shall also designate the chairman of said panel; and one of the panels shall be known as the Air Force Contract Appeals Panel, and shall consist of such members of the Armed Services Board of Contract Appeals as shall be assigned to the panel by the Under Secretary or the Assistant Secretary of the Air Force, whichever is appropriate, who shall also designate the chairman of said panel. The president of the Board may assign members (other than the chairman) from one panel to duty with another panel on a temporary basis as the workload of the particular panels may require. Each of the departmental panels shall function under the supervision of its panel chairman.

4. The Armed Services Board of Contract Appeals is hereby designated and shall act as the authorized representative of the respective Secretaries of the Army, Navy, and Air Force in hearing, considering and determining as fully and finally as might each of the Secretaries (*a*) appeals by contractors from decisions on disputed questions by contracting officers or their authorized representatives or by other authorities pursuant to the provisions of Armed Services contracts requiring the decision of appeals by the head of a Department of the Armed Services or his duly authorized representative or board, or pursuant to the provisions of any directive whereby the Secretary of a Department of the Armed Services has granted a right of appeal not contained in the contract; (b) appeals by Armed Services contractors pursuant to section 13 (c) (1) (i) and section 17 (c) of the Contract Settlement Act of 1944. When an appeal is taken pursuant to a disputes clause in a contract which limits appeals to disputes concerning questions of fact, the Board may nevertheless in its discretion hear, consider, and decide all questions of law necessary for the complete adjudication of the issue. Unless the contract provides otherwise, when in the consideration of an appeal it appears that a claim for unliquidated damages is involved therein, the Board shall, insofar as the evidence permits, make findings of fact with respect to such claims without expressing opinion on questions of liability.

5. When a contract requires the Secretary of a Department of the Armed Services, personally, to render a decision on the matter in dispute, the Armed Services Board of Contract Appeals, in accordance with the procedure set forth in paragraph 6, shall make findings and recommendation to the Secretary of the Department with respect thereto.

6. The president of the Board shall be responsible for assigning appeals to the departmental panels for decision. In general, appeals shall be assigned to the panel of the Department whose contract or procurement is directly involved. Each of the three panels of the Board shall act in divisions which shall normally consist of three or more members of the panel, to be selected by the chairman of the panel. A majority of the members of a division shall constitute a quorum for the transaction of the business of the division and the decision of a majority of the division shall constitute the decision of the panel and of the Board, provided that all three panel chairmen signify that in their opinion a review by the full Board is not required; if a majority of the members of a division are unable to agree on a decision, or if one or more panel chairmen do not waive review by the full Board, determination of the appeal shall be made by a majority of the members of the full Board.

7. It shall be the bounden duty and obligation of the members of the Armed Services Board of Contract Appeals to decide appeals to the best of their knowledge and ability in accordance with applicable contract provisions, and in accordance with the law pertinent thereto.

8. The Board shall have all powers necessary and incident to the proper performance of its duties, and with the approval of the pertinent Assistant and Under Secretaries of the Army, Navy, and Air Force shall adopt its own methods of procedure, and rules and regulations for its conduct and for the preparation and presentation of appeals and issuance of opinions. The Board is authorized to communicate directly with any person whomsoever in regard to any matter which relates to the business of the Board. The Departments shall jointly or severally maintain an adequate staff of military and or civilian legal and clerical personnel who shall prepare and present the contentions of the Departments in relation to appeals filed with the Board. It shall not be necessary for the Board, unless it otherwise desires, to communicate with more than one trial attorney in each of the three Departments concerning the preparation and presentation of appeals and the procurement of all Department records deemed by the Board to be pertinent thereto.

9. Any member of the Board or any examiner, designated by the president of the Board with the concurrence of the chairman of the pertinent panel, shall be authorized to hold hearings, examine witnesses, receive evidence and argument, and report the evidence and argument to the designated division of the panel for consideration and determination of the appeal.

10. A vacancy in the Board or any panel or division thereof shall not impair the powers nor affect the duties of the Board, panel, or division, nor of the remaining members of the Board, panel, or division, respectively. In the absence of a panel chairman the member present on the panel having seniority in service as a member of a Department Board of Contract Appeals shall serve as acting chairman of the panel.

11. The Board shall have a seal bearing the following inscription:

Armed Services Board of Contract Appeals

This seal shall be affixed to all authentications of copies of records, and to such other instruments as the Board may determine.

12. There shall be a recorder of the Board, who shall be a person trained in the law. He shall be appointed by the president of the Board. Each Department will provide such materials, facilities, and nonmember clerical and professional personnel to its respective panel as may be required by the panel in the performance of its duties as a panel of the Armed Services Board of Contract Appeals. The salaries of the members and of the nonmember personnel as orginally assigned to the Board shall be borne by the respective Departments upon the basis of an original agreement between the three Departments. The apportionment may be reconsidered from time to time but not more often than once per year. In each case heard the expense of transcripts, travel, and per diem of members, and the expense of witnesses required by the Government shall be absorbed by the Department which executed the contract under which the appeal was taken.

13. The Board will submit to the respective Secretaries of the three Departments and the Chairman of the Munitions Board, during the month of July of each year, a report containing an account of its transactions and proceedings for the preceding fiscal year. During each calendar month the Board shall forward a report of its proceedings for the preceding calendar month to the pertinent Assistant and Under Secretaries of the Departments and the Chairman of the Munitions Board. Such reports shall disclose the number of appeals received, cases heard, opinions rendered, current reserve of pending matters, and such other information as shall be deemed pertinent by the president of the Board or requested by the Assistant or Under Secretaries.

14. All appeals pending before the Army Board of Contract Appeals and the Navy Board of Contract Appeals upon the effective date of this memorandum, upon which hearings have not been held, will be referred for necessary action to the appropriate panel of the Board herein constituted. In relation to appeals which have been heard by said boards, but of which determination has not been accomplished, said boards shall continue to function as originally constituted until final determination of such appeals.

15. This memorandum will become effective 1 May 1949.

PART 2—RULES

Preface to Rules

The Armed Services Board of Contract Appeals is the authorized representative[1] of the Secretaries of the Army, Navy, and Air Force in hearing, considering and determining as fully and finally as might each of the Secretaries.

(*a*) Appeals by contractors from decisions on disputed questions by contracting officers or their authorized representatives or by other authorities pursuant to the provisions of Armed Services contracts requiring the determination of appeals by the head of a Department of the Armed Services or by his duly authorized representative or board, or pursuant to the provisions of any directive whereby the Secretary of a Department of the Armed Services has granted a right of appeal not contained in the contract;

(*b*) Appeals by Armed Services contractors pursuant to section 13 (c) (1) (i) and section 17 (c) of the Contract Settlement Act of 1944.

When an appeal is taken pursuant to a disputes clause in a contract which provides only for appeals from decisions on questions of fact, the Board may in its discretion hear, consider and decide all questions of law necessary for the complete adjudication of the issue. Unless the contract provides otherwise, when in the consideration of an appeal it appears that a claim for unliquidated damages is involved therein, the Board, insofar as the evidence permits, makes findings of fact with respect to such claims without expressing opinion on questions of liability.

When a contract requires the Secretary of a Department of the Armed Services, personally, to render a decision on the matter in dispute, the Board submits its findings and recommendations to the Secretary of the Department.

There are three panels of the Board—the Army, Navy, and Air Force panels. In general, appeals are assigned for decision to the panel of the Department whose contract or procurement is directly involved. Each of the panels acts in divisions, which normally consists of three or more members of the panel. Hearings may be held by a division, by a designated member, or by a duly authorized examiner. The decision of a majority of a division constitutes the decision of the panel and of the Board, provided that all three panel chairmen signify that in their opinion a review by the full Board is not required. If a majority of the members of a division do not agree upon a decision, or if one or more panel chairmen do not waive review by the full Board, determination of the appeal is made by a majority of the members of the full Board.

Proceedings Preliminary to Hearings

1. *Appeals, how taken.* Notice of an appeal must be in writing, and the original, together with two copies, may be filed with the contracting officer from whose decision the appeal is taken. The notice of appeal must be mailed or otherwise filed within the time specified therefor in the contract or allowed by applicable provision of directive or law.

2. *Notice of appeal, contents of.* A notice of appeal should indicate that an appeal is thereby intended, and should identify the contract (by number), the Department and agency or bureau cognizant of the dispute, the decision from which the appeal is taken, the date of the decision, the contractual provisions concerned in the dispute, the nature of the dispute, and the relief sought by the appeal. Specific facts and argument in support of the appeal, complete in reasonable detail, should either be included in the notice of appeal, or submitted directly to the Board within 30 days of the filing of the notice of appeal, or within such longer period of time as may be allowed by the Board. A suggested form of notice of appeal is attached hereto[2] but the notice of appeal may be in the form of a letter or in any other form which presents the necessary information. The notice of appeal should be signed personally by the contractor taking the appeal, or by an officer of the appellant corporation or member of the appellant firm, or by the contractor's duly authorized representative.

3. *Time of filing, endorsement of.* When a notice of appeal in any form has been received by the contracting officer from whose decision the appeal is taken, he shall endorse thereon the date of mailing or the date of receipt if otherwise filed and promptly forward the notice of appeal to the Board.

4. *Preparation and inspection of appeal file; trial briefs*—a. *Preparation.* When the Board has received the original notice of appeal the Board will promptly advise the contractor and contracting officer of the receipt thereof. Within a reasonable time thereafter the contracting officer shall compile and transmit to the Board copies of all documents pertinent to the appeal, including the following:

(1) The findings of fact and the decision from which the appeal is taken.

(2) The contract and pertinent plans, specifications, amendments, and change orders.

(3) Correspondence between the parties and other data material to the appeal.

(4) Transcripts of any testimony taken during the course of the proceedings on the matter in dispute prior to the filing of the notice of appeal to this Board.

(5) Such additional information as the contracting officer may consider material, or as may be designated by the Board, subject, however, to the provisions of subparagraph (6) hereof.

(6) This file shall not contain confidential intradepartmental or interdepartmental correspondence or documents or information of a classified nature. Material documents of a confidential or classified nature may be forwarded separately to the Trial Attorney for the Government.

b. *Inspection.* Such appeal file shall be available for inspection by the appellant at the offices of the Board. Prior arrangements for inspection of the file should be made with the Recorder of the Board.

c *Trial briefs.* Counsel for the Government shall thereafter file with the Board a memorandum asserting the factual and legal issues which counsel for the Government considers may be involved in a hearing upon the appeal. A copy of the memorandum shall be forwarded by counsel for the Government to the contractor, who shall have 20 days, or such longer time as the Board may allow, in which to submit a reply memorandum. The case will thereafter be in order for hearing.

5. *Motions to dismiss.* Since the Board can take valid action only within the limits of its authority, the question of lack of authority may be raised by a motion to dismiss. Motions by Government counsel to dismiss should be filed, if possible, prior to notice of hearing, but the Board may at any time find it necessary to recognize its lack of authority to proceed in a particular case. Whether or not a case shall be set down for hearing in the first instance solely on a motion to dismiss shall be within the Board's discretion, under all the circumstances of the case. In appropriate cases, either with or without a hearing on the motion to dismiss, the Board may reserve judgment upon the motion pending a hearing on the merits.

6. *Service of papers.* Service of papers in all proceedings pending before the Board may be made personally, or by mailing the same in a sealed envelope, registered, return receipt requested, with postage prepaid, addressed to the party upon whom service shall be made, and the date of the registry receipt shall be the date of service. Waiver of the service of any papers may be noted thereon or on a copy thereof, or on a separate paper, signed by the parties or their attorneys and filed with the Board. When any party has appeared by attorney, service upon the attorney will be deemed proper service upon such party.

Hearings

7. *Where held.* Hearings will be held at the office of the Board unless it is otherwise ordered by the Board. Hearings will not ordinarily be held elsewhere, but the Board will consider a request for a hearing at another location if compelling reasons are presented and the request is filed with the Board before notice of hearing has been issued.

8. *Notice of hearings.* The Contractor and the representative of the Government shall be given at least 15 days' notice of the time and place of hearing.

9. *Submission by Contractor without a hearing.* If the Contractor does not wish to appear or be represented at a hearing, he shall so advise the Board. In such event appellant may submit a brief within 20 days after the assigned date of hearing, or within such other period of time as may be allowed by the Board.

10. *Absence of parties or counsel.* The unexcused absence of a party or his authorized representative at the time and place set for the hearing will not be the occasion for delay. In such event the hearing will proceed and the case will be regarded as submitted by the absent party.

11. *Nature of hearing.* Hearings will be as informal as may be reasonably allowable and appropriate under all the circumstances. The contractor and contracting officer or their representatives may offer at a hearing such evidence[3] or argument as they deem appropriate, subject however to the exercise of reasonable discretion by the presiding member, or the duly authorized examiner as the case may be, in supervising the extent and manner of presentation of such evidence and argument. Letters or copies thereof, affidavits, or other evidence, not ordinarily admissible under the generally accepted rules

[1] Pursuant to joint directive of the Secretaries of the Army, Navy and Air Force effective 1 May 1949 establishing the Armed Services Board of Contract Appeals.

[2] See exhibit 1.

[3] For procedure to be followed in taking depositions, see exhibit 2.

of evidence, may be received in evidence in the discretion of the presiding member or the duly authorized examiner. The weight to be attached to evidence presented in any particular form will be determined by the Board in the exercise of reasonable discretion under all the circumstances of the particular case. The parties may, by stipulation in writing filed with the Board, agree upon the facts or any portion thereof involved in the appeal, and the stipulation may be regarded and used in evidence at the hearing; the parties may also stipulate the testimony that would be given by a witness if the witness were present. The Board may, however, in such cases, require additional evidence.

12. *Examination of witnesses.* Witnesses before the Board, a designated member thereof, or a duly authorized examiner will be examined orally under oath, unless the facts are stipulated or the Board or designated member thereof or duly authorized examiner shall otherwise order. If the testimony of a witness is not given under oath the Board, a designated member thereof, or a duly authorized examiner, may, if it seems expedient, warn the witness that his statements may be subject to the provisions of Title 18 U. S. C., Secs. 287, 1001; section 19 of the Contract Settlement Act of 1944 (41 U. S. C. Sec. 119), and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

13. *Copies of papers.* When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may be substituted therefor.

14. *Withdrawal of exhibits.* After a decision has become final, the Board may, upon request, permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto.

15. *Briefs.* All briefs shall be filed within 20 days after conclusion of the hearing, or within such other period of time as may be allowed by the Board.

16. *Transcript of proceedings.* Testimony and argument at hearings shall be reported verbatim, unless the Board otherwise orders. Transcripts of the proceedings shall be supplied to the parties at such rates as may be fixed by contract between the Board and the reporter. If the proceedings are reported by an employee of the Government, the contractor may receive transcripts upon payment to the Government at the same rates as those set by contract between the Board and the independent reporter.

Representation

17 An appellant may appear before the Board in person, may be represented by counsel, or by any other duly authorized person.

Findings and Decisions

18 Findings and decisions of the Board will be made in writing, and authenticated copies thereof will be forwarded simultaneously to both parties. The rules of the Board and all final opinions and orders issued by the Board in the determination of cases shall be available to public inspection at the offices of the Board in Washington, D. C.

Motions for Rehearing

19. A motion for rehearing or reconsideration, if filed by either party, shall set forth specifically the ground or grounds relied upon to sustain the motion, and shall be filed within 20 days from the date of the receipt of a copy of the decision of the Board by the party filing the motion.

Definitions

20 As used in these rules the term "contracting officer" includes any officer or other authority whose decision may be reviewed by the Board pursuant to the joint directive of the Secretaries of the Army, Navy, and Air Force effective 1 May 1949.

Approved this 17th day of June 1949.

(Signed) GORDON GRAY,
Under Secretary of the Army.
(Signed) JOHN T. KOEHLER,
Assistant Secretary of the Navy.
(Signed) A. S. BARROWS,
Under Secretary of the Air Force.

EXHIBIT 1—SUGGESTED FORM OF NOTICE OF APPEAL

Date _____
Appeal of _____
(Name of contractor)
Under Contract No. _____
To the Secretary of the _____
(Army, Navy, or Air Force)

The undersigned contractor hereby appeals to the Secretary of the _____ from the decision of [insert the name and title of the contracting officer, or other authority, as the case may be] rendered on the _____ day of _____ 19____, to the effect that:

[Insert the decision, or a summary thereof, from which the appeal is taken.]

The disputes arises under or concerns the following contract provisions:

[Insert-pertinent contract provisions.]

The decision here appealed from was erroneous for the following reasons:

[State specific facts and circumstances upon which the contractor relies in taking this appeal. Indicate which of those facts the contractor understands are not disputed by the contracting officer.]

This appeal is taken pursuant to the provisions of the contract, Article No. _____ [Insert reference to the pertinent disputes article of the contract, or indicate other basis of the appeal.]

_____
(Contractor)
By _____
_____
(Post office address of appellant)

EXHIBIT 2—PROCEDURE TO BE FOLLOWED IN TAKING DEPOSITIONS

1. *Reason for taking.* A deposition may be taken and read, whenever in the discretion of the Board, the presiding member, or the duly authorized examiner, it appears that the ends of justice will be served thereby.

2. (a) *Before whom taken.* Depositions to be read in evidence before the Board or any division thereof may be taken before and authenticated by any officer, military or civil, authorized by the laws of the United States or by the laws of the place where the deposition is taken, to administer oaths.

(b) *Form and return of deposition to Board.* Each deposition should show the docket number and the caption of the proceeding, the place and date of taking, the name of the witness, and the party by whom called. The officer taking a deposition should enclose the original deposition and exhibits, in a sealed packet, with postage or other transportation prepaid, and forward the same to the Army Services Board of Contract Appeals.

3. *Notice to take.* When either party desires to take a deposition, unless the parties shall stipulate as to the time when and place where the deposition is to be taken and the name of the officer before whom it is to be taken and the name and address of the witness, such party should give to the opposite party at least 15 days' notice of the time when and the place where such deposition will be taken and the name and address and official title of the officer before whom it is proposed to take the deposition, as well as the name of the witness. A deposition may be taken either upon written interrogatories or upon oral examination, as may be specified in the notice. If the deposition is to be taken upon written interrogatories, copies thereof should accompany the notice to take depositions. If the opposite party desires to submit cross interrogatories, the cross interrogatories should be served upon the party giving the notice within 10 days from the receipt of the notice to take the deposition.

4. (a) *Deposition not considered until offered.* Testimony taken by deposition will not be considered until offered and received in evidence.

(b) *Introduction of deposition by opposite party.* A deposition taken by one party may be introduced by the opposite party, but the whole deposition must be offered unless otherwise stipulated by the parties or directed by the Board.

APPENDIX B—MANUAL FOR CONTROL OF GOVERNMENT PROPERTY IN POSSESSION OF CONTRACTORS

PART I—INTRODUCTION

101 *Scope of manual.* This manual sets forth basic requirements to be observed by the Departments of the Army, Navy and Air Force, for establishing and maintaining control over Government property furnished to or acquired by contractors pursuant to the terms of their contracts.

102. *Effective date.* This manual shall be complied with on and after 1 May 1951.

103. *Applicability of manual.* This manual applies to all types of contracts leases, and bailments, pursuant to which Government property is furnished to or acquired by a contractor.

104. *Definitions.* As used in this manual the following terms have the meanings shown:

104.1 *Contract Administrator.* The term "Contract Administrator" means the individual duly designated by appropriate authority in the military departments to administer the contract. In the case of the Army and Air Force, this is a Contracting Officer, and in the Navy, the authorized representative of the Contracting Officer having administrative cognizance over the contract.

104.2 *Government Property.* The term "Government Property" means all physical property owned by or leased to the Government, or acquired by the Government under the terms of a contract, except that property to which the Government has acquired a lien or title solely as a result of partial, advance or progress payments shall not for the purpose of this section be classified as Government Property. With this exception, it includes both Government-furnished property and Contractor-acquired property, which are defined as follows:

(a) "Government-furnished property" is property in the possession of or acquired directly by the Government and delivered or otherwise made available to the Contractor, and

(b) "Contractor-acquired property" is property procured or otherwise provided by the Contractor for the performance of a contract, pursuant to the terms of which title is vested in the Government.

The term "provide" as used in this section in such phrases as "Government provided property" and "property provided by the Government" shall include both the furnishing by the Government and the acquisition by the Contractor as defined in this paragraph 104.2.

104.3 *Industrial facility.* The term "industrial facility" means property, other than material and special tooling, of use for the performance of a contract or subcontract for supplies or services. It includes, but is not limited to, real property and rights therein, including buildings, structures and improvements, and plant equipment as defined in paragraph 104.6.

104.4 *Industrial property.* The term "industrial property", as distinguished from military property, means any Contractor-acquired or Government-furnished property, as defined in paragraph 104.2 of this manual. It includes materials, special tooling and industrial facilities employed in the performance of a contract or subcontract for supplies or services.

104.5 *Material.* The term "material" means such property as may be incorporated into or attached to the end products to be delivered to the Government or which may be consumed or expended in the performance of a contract. It includes, but is not limited to, raw and processed material, parts, components, assemblies, expendable small tools, and consumable supplies.

104.6 *Plant equipment.* The term "plant equipment" means personal property consisting of machinery, equipment, furniture, vehicles, machine tools, and other production equipment, used or capable of use in the manufacture of supplies or in the performance of services or for any administrative or general plant purpose. The term does not include special tooling as defined in 104.11.

104.7 *Property account.* The term "Property Account" means the official records of the Government Property provided to a Contractor by a Department, which are established and maintained under the provisions of this manual in accordance with departmental procedures. Separate property accounts will be maintained either on an individual contract basis or Contractor basis.

104.8 *Property Administrator.* The term "Property Administrator" means the Government representative who is responsible to the Contract Administrator for reviewing the Contractor's industrial property control procedures, for checking the records maintained by the Contractor for Government-furnished and Contractor-furnished property, for making usage checks of industrial property, and for the maintenance of such Government property records as are required by this manual.

104.9 *Salvage.* The term "salvage" means property which is recovered for further use. In addition, this term includes property which, because of its worn, damaged, deteriorated, or incomplete condition, or specialized nature, has no reasonable prospect of sale or use as serviceable property without major repairs or alterations, but which has some value in excess of its material content.

104.10 *Scrap.* The term "scrap" means property in such condition that it has no reasonable prospect of being sold except for its material content.

104.11 *Special tooling.* The term "special tooling" means property of such specialized nature that its use, without substantial modification or alteration, is limited to the production of the particular articles or performance of the particular services for which acquired or furnished. It includes, but is not limited to jigs, dies, fixtures, molds, patterns, special taps, special gauges, and special test equipment.

104.12 *Stock record.* The term "stock record" means a perpetual inventory form of record which shows the quantities received and expended, and the balance on hand with respect to each item of material and special tooling.

PART II—GENERAL PROVISIONS

200 *Scope of part.* This part sets forth (i) the duties and responsibilities of Government representatives and contractors charged with the control of Government Property, (ii) the sources from which Government Property may be received or acquired, and (iii) the manner in which Government Property will be controlled, both physically and administratively.

201 *Duties and responsibilities of the Contract Administrator with respect to the control of Government Property.* (a) The function of the Contract Administrator with respect to the control of Government Property is to insure that the Contractor complies with the provisions of the contract and this manual pertaining to Government Property and that the Government's interests therein are fully protected at all times. He shall require the Contractor to (i) exercise reasonable care and proper usage of all Government Property, (ii) establish and maintain adequate records therefor and (iii) maintain controls that will assure the recording of all debits and credits to the property record as hereinafter defined.

(b) It is incumbent upon the Contract Administrator to familiarize himself with the provisions of this manual and the contract involved.

(c) He shall require the Contractor to correct all deficiencies in complying with the provisions of the contract and this manual pertaining to Government Property.

(d) He shall take proper action with respect to recommendations of the Property Administrator relating to usage or control of Government Property.

(e) He shall make appropriate written findings with respect to the Contractor's liability for Government Property lost, damaged, destroyed, or unreasonably consumed in production, as may be required by this manual.

202. *Designation of Property Administrator.* (a) A Property Administrator shall be designated for each Government contract involving Government Property. In appropriate cases the Contract Administrator may be assigned the additional duty of Property Administrator.

(b) When a Contractor is engaged simultaneously in the performance of contracts for more than one procuring activity, one Property Administrator may be designated for all contracts upon mutual agreement of the procuring activities concerned.

(c) Assistant Property Administrators for specific contracts may be appointed in accordance with the procedures of each Department.

(d) Property Administrators may be civilian or military personnel.

(e) The Property Administrator will not be required by virtue of his duty or Property Administrator to post a bond.

203. *Duties and responsibilities of the Property Administrator.* (a) The Property Administrator shall familiarize himself with the provisions of this manual and the contract provisions pertaining to Government Property.

(b) He shall, as the authorized representative of the Contract Administrator, insure compliance with the contract requirements relative to Government Property and insure fulfillment of all obligations imposed by this manual.

(c) He shall examine the documents, including but not limited to consumption or usage reports, adjustment reports, reports of spoilage or shrinkage, sales, shipments, transfers, etc., recorded by the Contractor in the property account, to the extent necessary to establish the correctness and completeness of such records.

(d) It shall be his responsibility to determine whether the Contractor is using Government Property for the purposes authorized by the contract, and whether the Contractor is exercising the degree of care in the handling of Government Property prescribed in the contract.

(e) He shall make usage checks to determine the reasonableness of the consumption and expenditure of Government Property. Control records shall be utilized in the performance of the usage survey and, to the extent necessary, selective physical inspections of Government Property shall be made in the appropriate stages of production.

(f) He shall periodically examine all property records to determine whether such records reflect the status of Government Property and indicate compliance with the provisions of the contract and applicable directives. He shall report promptly in writing to the Contract Administrator any noncompliance by the Contractor with the contract provisions and applicable directives.

(g) He shall advise the Contract Administrator on all property matters.

204. *Duties and responsibilities of the Contractor.* The Contractor shall be directly responsible for and accountable for all Government Property in accordance with the provisions of the contract. The Contractor shall maintain and make available such records as are required by Part III of this manual and must account for all Government Property until relieved of responsibility therefor in accordance with the procedures as set forth in Part IV of this manual. Liability for loss, damage, or excessive use of property in a given instance will necessarily depend upon all the circumstances surrounding the particular case and must be considered and determined in accordance with the provisions of the contract. The Contractor shall furnish all necessary data substantiating any request for discharge from responsibility.

205. *Sources from which Government property may be furnished or acquired.*

205.1 *Military installations or other Contractors' plants.* Government Property may be shipped to a Contractor from military installations or plants of department contractors.

205.2 *Direct purchase by the Contractor.* Direct purchases shall be subject to a determination by the Contract Administrator that the items are allocable to the contract involved and are reasonably necessary therefor. For purposes of property control within the scope of this manual, it shall be considered that property purchased by a Contractor, for which reimbursement is to be requested, becomes Government Property upon its receipt by the Contractor. This provision shall not be deemed to alter or modify contractual provisions relating to passage of title.

205.3 *Withdrawal from Contractor-owned stores.* For purposes of property control, within the scope of this manual, property withdrawn from Contractor-owned stores, for direct charge to the contract, shall be considered Government Property at the time of approval of the claim for reimbursement, or at the time of issuance for use of such property for the performance of the contract, whichever is earlier.

205.4 *Contract provisions, termination, contract changes.* Pursuant to specific contractual provisions, or as a result of termination of a contract, or change orders issued under a contract, the Government may acquire title to property.

205.5 *Advance, progress, or partial payments.* Pursuant to the terms of a contract the Government may acquire title to property upon the making of advance, progress, or partial payments to the Contractor. Property to which the Government has acquired a lien or title solely as a result of partial, advance, or progress payments shall not be subject to the provisions of this manual.

206. *Segregation or commingling of Government property and contractor's property.* Ordinarily Government Property, particularly material, will be segregated and kept physically separate from Contractor-owned property at all times. There will be occasions, however, where commingling of property would be advantageous to the Government. Commingling may be allowed in the following types of cases:

(a) Where a production line is engaged solely in Government work, Contractor and Government special tooling and plant equipment may be commingled. Normally no approval is required for commingling in this category, but the Contract Administrator may prohibit it at his discretion if it is con-

sidered not to be in the best interest of the Government.

(b) Where Government-furnished special tooling or plant equipment is held by a Contractor in storage, pending its use under a production contract, the Contract Administrator may give permission in writing for commingling with Contractor property.

(c) Where approved by the Contract Administrator in connection with research and development contracts.

(d) Any commingling, other than that set forth herein, may be permitted by the Contract Administrator upon the approval of the cognizant department in accordance with departmental procedures.

207. *Physical inventories.*

207.1 *Before termination or completion.* It shall be the responsibility of the Contract Administrator to review and approve the type and frequency of physical inventories to be taken. In this respect, he may accept and approve in writing the Contractor's established procedures if he determines that they adequately protect the interests of the Government and are in conformity with applicable regulations.

207.2 *Upon termination or completion.* Upon termination or completion of a contract, a physical inventory adequate for disposal purposes shall be required of all Government Property applicable to the contract in the custody, control or possession of the Contractor.

207.3 *Joint physical inventories or selective checks under 207.1 and 207.2.* (a) The Contract Administrator may, at his discretion, require physical inventories to be taken jointly by his designated representatives and the Contractor.

(b) In lieu of a joint physical inventory, selective checks of the inventory being taken by the Contractor may be made when the Contract Administrator determines that such procedure is more economical and will adequately protect the interests of the Government. When selective checks are used they must embrace a representative number of items in the account and must adequately cover, by class and price range, all Government Property involved.

207.4 *Quantitative and monetary control.* As directed or required by proper authority, the Contractor's physical inventories shall be prepared on both a quantitative and monetary basis and classified by categories such as material, special tooling, plant equipment, etc.

207.5 *Discrepancies.* Any discrepancies disclosed as a result of inventorying will be adjusted in accordance with the provisions of Part III and Part IV of this manual.

PART III—RECORDS TO BE MAINTAINED

301. *General.* (a) In order satisfactorily to perform work under a Government contract, a Contractor must maintain some form of control records for all Government Property, whether furnished to or acquired by a Contractor for the account of the Government. It is the Government's policy to designate and use such records as the official contract records, and not to maintain duplicate property control records, other than those required by paragraph 303, and other than such industrial facility records as may be required by the respective departments. Exceptions to this policy may be authorized by the respective departments in special circumstances, such as where the administrative expense of maintaining Government personnel at the Contractor's plant or providing frequent official visits to the plant would exceed the cost of maintaining Government records or otherwise not be in the best interest of the Government.

(b) The Contractor's property control records and procedures shall be reviewed and approved in writing by the Contract Administrator at the inception of the contract. Any necessary corrective action will be required of the Contractor prior to approval.

(c) The official records shall be kept in such condition that at any stage of completion of the work under a contract the status of Government Property may be readily ascertained.

(d) Separate property records for each contract are desirable but a consolidated property record may be maintained provided that the consolidated record provides the information set forth in paragraph 304.

(e) Property records shall be established for any usable components which are permanently removed from items of Government Property, as a result of modification, or otherwise.

(f) Special tooling and equipment fabricated from materials which are the property of the Government will be appropriately recorded immediately upon fabrication. Special tooling and equipment fabricated from materials which are the property of the Contractor will be appropriately recorded at the time title passes to the Government.

(g) Departmental policies will govern the establishment of monetary levels below which individual item records of plant equipment will not be required.

302. *Pricing.* Property records shall show a unit price for each item.

(a) The unit price of Contractor-acquired property shall be determined in accordance with the system established by the Contractor in conformance with sound accounting principles and consistently applied.

(b) The unit price of Government furnished property shall be determined by the Government and furnished to the Contractor.

303. *Records to be maintained by Government personnel.*

303.1 *Records of specific contracts where property is involved.* (a) Where a contract provides for the use of Government Property a copy of the contract shall be made available or furnished to the Property Administrator.

(b) The Property Administrator shall maintain a record of each contract assigned to him for property administration. That record shall contain the following minimum information:

(i) Contract number and name of Contractor.

(ii) Type of contract (CPFF, fixed price, research and development, etc.)

(iii) End item to be produced or services to be performed, and the points of inspection and acceptance.

(iv) Record of amendments and changes pertaining to Government Property.

(v) Listing and type of all subcontracts which involve Government Property.

(vi) Provisions of contract pertaining to liability of the Contractor for loss, damage or improper use of Government Property.

(vii) Record of Contract Administrators and dates of tenure.

(viii) Record of Property Administrators and dates of tenure.

(ix) Record of Plant Representatives (or Officers-in-Charge) and dates of tenure.

(x) Record of written approval of Contractor's property control procedures.

(xi) Record of deviations granted in property procedures. (The deviations granted shall be in accordance with procedural regulations issued by each department.)

(xii) Record of property audits and inspections performed by the responsible agencies in each department.

(xiii) Records of property inspections during production and usage checks performed.

(xiv) Record of any deficiencies found in property control and the corrective action taken.

(xv) Interim and final clearance data for Government Property.

(xvi) A written statement from the Contractor listing the names of personnel authorized to receipt for Government Property for the Contractor.

(c) The Contractor shall furnish the Property Administrator a written receipt for all Government-furnished property. In this connection the Property Administrator shall maintain for each contract a file of all documents evidencing receipt of Government-furnished property by the Contractor.

(d) The Property Administrator shall maintain for each contract a file containing copies of all instruments affecting relief from responsibility for Government Property.

303.2 *Control records to be maintained.* The Property Administrator shall maintain a system of file control that will permit the ready location of any document that he is required by this section to maintain.

303.3 *Record of completed products.* The Property Administrator shall maintain a record of all completed products produced under the contract, based upon authenticated receiving reports or processed vendors' shipping documents, as follows:

(a) When there is no lapse of time between Government inspection and acceptance of the completed products and shipment from the plant site, the records shall, as a minimum, consist of a summarization of quantities accepted and shipped. When end items are accepted by the Government and stored with the Contractor the record shall show the quantities stored and location.

(b) Some contracts provide that completed products are to be retained by the Contractor for further use under the contract. Upon acceptance of such items they shall be considered to be "Government-furnished property" and shall be recorded as prescribed in paragraph 304.

304. *Records to be maintained by the Contractor.*

304.1 *Records of material.* All Government material furnished to the Contractor, as well as all other material, title to which has passed to the Government, by reason of allocation from Contractor-owned stores, or by reason of purchase by the Contractor for direct charge to a Government contract, or otherwise, shall be recorded in accordance with the Contractor's property control system, as follows:

(a) *Contractor's property control system.* Except where a simple item record may be used in accordance with (d) below, the Contractor's property control system shall be such as to provide the following information:

(i) Contract number.
(ii) Nomenclature or description of item.
(iii) Quantity received.
(iv) Quantity issued.
(v) Balance on hand.
(vi) Posting reference.
(vii) Date received or issued.
(viii) Unit price.
(ix) Location.
(x) Disposition action taken.

(b) *Consolidated stock record.* Where a Contractor has more than one Government contract, under which Government Property is provided, a consolidated record for materials may be authorized, provided the total quantity of any item is allocated to each contract by contract number and each requisition of property from the Contractor's stores is charged to the contract on which the property is to be used. The supporting document or issue slip shall show the contract number or equivalent code designation to which the issue is charged.

(c) *Custodial records.* Custodial records shall be maintained for tool crib items, guard force items, protective clothing and other items issued for the use of individuals in the performance of their work under the contract.

(d) *Simple item record.* A simple item record is a form of property control record which shows receipts of property by unit or cumulatively, properly referenced, in accordance with departmental procedures;

(i) The Contract Administrator may authorize this method of property control for

Government Property charged through overhead, including but not limited to items used in manufacturing or maintenance, office supplies, etc.

(ii) This method of property control may be used for research and development contracts.

304.2 *Records of special tooling.* The Contractor's property control system shall be such as to provide the following minimum information regarding each item of Government owned special tooling:

(a) Contract number or equivalent code designation.
(b) Nomenclature or description of item.
(c) Identification number and item on which used.
(d) Quantity received or fabricated.
(e) Voucher reference.
(f) Location.
(g) Disposition action taken.
(h) Unit price or group price.

304.3 *Records of plant equipment.* Plant equipment shall be accounted for by individual item except as provided in subparagraphs (a) and (b) below. The form of property records to be maintained for plant equipment shall be prescribed by the respective departments and will include as a minimum the information prescribed by Exhibit A.

(a) *Record of accessory and auxiliary equipment.* Individual records for accessory and auxiliary equipment which is attached to or otherwise a part of an item of plant equipment and which is required for its normal operation need not be maintained, but the description of such accessory and auxiliary equipment shall be entered on the respective plant equipment records. The term "Accessory Item" is defined as an item which facilitates or enhances the operation of an item of plant equipment but is not essential for its operation. Examples of accessory items are operating controls on overhead traveling cranes, and remote control devices. The term "Auxiliary Item" is defined as an item without which the parent item of plant equipment could not operate. Examples of auxiliary items are motors used to drive pumps and machine tools.

(b) *Record of manufacturing systems.* Where plant equipment and accessory type items are assembled and interconnected to form a single operating unit designed to perform continuously the same manufacturing process, such equipment may, for property and inventory control purposes, be grouped and reported as a single item of plant equipment on one plant equipment record in lieu of an individual record for each component comprising the item of plant equipment. This does not preclude the requirement for completely describing the component items nor does it preclude the use of more than one plant equipment record when additional space is required.

304.4 *Records of real property.* Records of real property shall consist of maps, drawings, plans and specifications supplemented, where necessary, to reflect building installations such as heating, electrical, sanitary, ventilating, drainage, sprinkler systems, etc. Appropriate changes will be made to the records to reflect alterations, additions, or extensions to real property. Where the maps, drawings, plans, and specifications do not adequately reflect descriptive data as to building installations, supplemental records will be maintained. The foregoing records (a) will be complete, (b) will show the original cost of the property and improvements, and the cost of changes and additions thereto, and (c) will be appropriately indexed.

304.5 *Records of scrap.* The Contractor shall maintain separate or consolidated records of all scrap or salvage generated. These records may be in accordance with the Contractor's system of scrap or salvage control, if approved in writing by the Contract Administrator, who shall take into consideration the need for protecting the Government's interest in the proration, disposition and allocation of proceeds resulting therefrom.

305. *Numbering property accounts.* A property account, consisting of records maintained either by a Contractor or Government personnel, shall be assigned a property account number.

PART IV—MISCELLANEOUS PROVISIONS

401. *Identification.* All Government Property shall be recorded and identified as such by the Contractor promptly upon receipt, and it shall remain so identified so long as it remains in the custody, control or possession of the Contractor.

401.1 *Extent of identification.* (a) As a general rule, all Government material shall be identified as Government Property except in these cases where:

(i) No materials of the same type at the same location are owned by the Contractor, his employees, or other contracting agencies.

(ii) Adequate physical control is maintained over tool-crib items, guard force items, protective clothing and other items issued for use by individuals in the performance of their work under the contract.

(iii) Property is of bulk type or by its general nature of packing or handling precludes adequate marking, as may be determined by the Property Administrator.

(iv) Where property is commingled, as authorized by paragraph 206 hereof.

(b) Government-owned special tooling will be marked with the letters "U. S." or other Government-ownership designation, such as U. S. Army (Navy) (Air Force), unless it is determined that such marking will damage the tool or is otherwise impracticable. The marking and identification procedures may be expanded by the department having cognizance over the tooling to include end item reference, drawing number, and such other information as may be desirable in any given case.

(c) Unless already marked in accordance with these instructions, all Government-owned plant equipment, including industrial reserve plant equipment, shall be marked by the Contractor with an identification number, except when the size of the equipment or the nature of the material from which it is made makes it impracticable. When for the above reasons an item of plant equipment cannot be marked with an identification number, it will be assigned an identification number for record purposes, which number shall be shown on the plant equipment property record. Once an identification number has been affixed to an item of plant equipment, the identification will be permanent and will not be changed so long as the equipment remains under the control of the Department of Defense. Identification shall be effected by affixing a metal, fibre, plastic or other plate directly to the equipment; by using indelible ink, acid or electric etch, steel dies, or any other legible, permanent, conspicuous, and tamperproof method. Identification shall consist of the following markings:

(i) A suitable indication of Government-ownership such as the words "U. S. Army (Navy) (Air Force) Property", or the abbreviation "USA", "USN", or "USAF".

(ii) A two-part identification number consisting solely of numerals except as provided in (iii) below. The first part shall be the property account number, and the second part shall be a serial number. In case plant equipment furnished by the Government is already identified as property of the Department of Defense, no change shall be made in the markings.

(iii) In the case of items included within a standard departmental registration system, for example, automotive, construction, or weight-handling equipment, application for a proper registration number will be made to the cognizant department, which number shall be used in lieu of any other identification number.

401.2 *Recording identification numbers.* Assigned property identification numbers will be recorded on all applicable receiving documents, shipping documents, and other documents pertaining to the property accounts.

402. *Contractor's responsibility and liability.*

402.1 *Contractor's responsibility.* A Contractor shall be responsible for all Government Property in his custody or control in accordance with the terms of the contract. The Contractor may be relieved of responsibility for Government Property by any of the following methods, subject in any case to specific contract provisions or specific instructions of the Contract Administrator within the scope of the contract:

(a) *Consumption of property in the performance of the contract.* To the extent that the Property Administrator determines that property has been consumed or expended for proper purposes and in reasonable amounts in the performance of the contract, the Contractor shall be relieved of responsibility for such property.

(b) *Retention by the Contractor.* This may occur when the contract is completed, terminated or otherwise amended during the performance of the contract. The Contractor shall be relieved of responsibility for all property which has been retained by the Contractor, provided that the Government shall have approved the retention and shall have been reimbursed therefor in accordance with the terms of the contract or applicable regulations.

(c) *Sale of property.* The Contractor shall be relieved of responsibility for Government Property sold pursuant to the instructions of the Contract Administrator, in accordance with applicable regulations, provided, however, that the proceeds from such sale shall have been received by or credited to the Government.

(d) *Shipment of Government Property from a Contractor's plant.* The Contractor shall be relieved of responsibility when Government Property is shipped from the Contractor's plant pursuant to the instructions of the Contract Administrator.

(e) *Written advice of Contract Administrator.* The Contractor shall be relieved of responsibility for Government Property lost, damaged, destroyed, or consumed, in excess of that normally anticipated in the manufacturing or processing operation, as the result of appropriate action by the Contract Administrator to determine the liability of the Contractor, provided such determination is furnished to the Contractor in writing and the Government shall have been adequately reimbursed when appropriate.

402.2 *Contractor's liability.* Subject to the terms of the contract, the Contractor may be liable when shortages of Government Property are disclosed or when Government Property is lost, damaged, or destroyed, or when there is evidence of unreasonable use or consumption of Government Property as measured by the allowances provided for by the terms of the contract or the appropriate bill of materials.

(a) The Property Administrator will require the Contractor to report to him all cases of loss, damage, or destruction of Government Property in its possession, as soon as such fact becomes known. The Property Administrator will forward such report to the Contract Administrator, together with his own report of the facts of the case and his recommendations thereon. If the Contract Administrator is the Contracting Officer, he will thereupon determine the Contractor's liability; otherwise he will forward the papers to the Contracting Officer, who will make such determination. In making any such determination, consideration will be given to the reports and recommendations

submitted and to any additional facts which the Contractor may submit. The Contractor and the Property Administrator shall be furnished with a written copy of such determination. A copy shall be held in the files of the Contract Administrator.

(b) When inventory adjustments or usage checks disclose consumption of property which is considered unreasonable by the Property Administrator, or when instances of losses, damages to, or destruction of Government Property, which have not been reported by the Contractor, are discovered by the Property Administrator, he shall prepare a statement of the items and amount of loss involved. This statement shall be furnished the Contractor for investigation and written justification. Further procedure shall be in accordance with that prescribed in subparagraph (a) above.

(c) When completed products or end items are lost, destroyed, or damaged beyond repair while such property is in the physical possession or control of the Contractor, the action prescribed in subparagraph (a) above will be required.

(d) Where it has been determined that the Contractor is liable to the Government by reason of the loss, damage or destruction of Government Property, a letter of advice from the Contract Administrator shall be considered a valid credit to the official Government Property records, provided:

(i) When the Contractor pays by check, the letter of advice will identify the check received by number, date and amount.

(ii) When settlement is made by offset against amounts due the Contractor on a public voucher, the letter of advice will cite the actual voucher (Form 1034) on which the deduction is made.

(iii) When collection of the claim against the Contractor is to be made by the fiscal office designated for the contract, the letter of advice will have attached thereto a copy of the document used by the Contract Administrator to notify the fiscal office to effect collection.

(e) When property is rendered unserviceable by damages thereto, the letter of advice from the Contract Administrator will be considered a valid credit to the Government Property account when supported by or appropriately cross-referenced to shipping documents or listing covering proper disposition of the unserviceable items.

402.3 *Shipment and receipt of Government-furnished property.* In the case of Government Property shipped to a Contractor's plant from a military installation or from another Contractor's plant, the Contractor becomes responsible therefor upon delivery of the property to his plant. The shipping activity shall furnish the Property Administrator, who is responsible for the receiving Contractor's property account, with copies of the documents necessary to permit the property account to reflect the transaction. On receipt of the property the Contractor shall furnish the Property Administrator with documented evidence of such receipt. The Property Administrator shall take the action necessary to insure that his records of these transactions are complete. (See pars. 203 and 204.)

403. *Control of scrap and salvage.*

403.1 *Sources.* Scrap originating from Government Property includes, but is not limited to, the following:

(a) Cutting and processing waste, such as chips, cuttings, borings, turnings, short ends, circles, trimmings, clippings, and remnants.

(b) Spoiled partially manufactured materials, parts and assemblies, including parts and assemblies damaged in handling or installation.

(c) Materials and supplies and small tools and special equipment, when worn out or damaged beyond repair, used packaging materials, and nonreusable containers.

(d) Unusable materials generated in the performance of overhaul or conversion contracts.

403.2 *Salvage.* A salvage procedure shall be established by the Contractor whereby all Government Property that can be salvaged shall be recovered and returned to Government stock.

403.3 *Approval of scrap procedure by the Contract Administrator.* The Property Administrator shall review the Contractor's procedures relating to the physical control of scrap and records relating thereto and he shall report his findings to the Contract Administrator. If the Contract Administrator determines that the Contractor's scrap procedures and records are adequate to protect the Government's interest, he shall approve same in writing and furnish the Contractor and Property Administrator a copy of his approval. If the Contract Administrator determines that corrective measures are necessary to protect the Government's interests, he shall so advise the Contractor and the Property Administrator and the Contractor shall accomplish such corrective measures prior to approval by the Contract Administrator. The Property Administrator will from time to time assure, by actual inspection and selective checks, that the approved procedures are effectively carried out. Where the Property Administrator considers the approved procedures for the control of scrap to be inadequate for any reason, he will report the facts in writing to the Contract Administrator. The Contract Administrator will consider each such report and issue appropriate written instructions to both the Contractor and the Property Administrator.

403.4 *Minimum essential requirements of Contractor's scrap procedures.* The Contractor's scrap procedures must include the following:

(a) Appropriate inspection and study to determine the possibility of reworking or converting for use the scrap resulting from operations under the contract.

(b) Prompt accumulation of all scrap generated and storage thereof under adequate protection.

(c) Recording the scrap data on appropriate records to provide the basis for control by weight or other unit of measure.

(d) Sorting of scrap, including the segregation of the various metals to prevent contamination.

(e) Recording of scrap shipments out of the plant.

403.5 *Segregation of scrap and salvage.* Where the Contractor is engaged in work involving both Government-owned and Contractor-owned materials from which scrap of a uniform nature is produced, the physical segregation of Government-owned and Contractor-owned scrap and salvage may be impracticable. In such cases, the Contract Administrator shall require proration of such basis as will result in equitable recovery by the Government.

404. *Auditing property accounts.* Records of Government Property shall be audited by the departments as frequently as conditions warrant, and upon termination or completion of the contract. These audits will include records maintained by the Contractor and such records as may be maintained by Government personnel in connection with such property. The Property Administrator and the Contractor shall make all property records, including correspondence related thereto, available to the auditors.

Plant Equipment Record Card		ANAF Serial No.			ANAF Stock or Classification No.		
Contractor's Name and Address							
Contractor's Accounting No.		Date of Card			Contract No.		
Type of Equipment							
Capacity							
(Name)		Manufacturer's					(Address)
Model No.			Year Built		Mfgr Serial No.		F.O.B. Cost
Motor Data	A.C. D.C.	Cycls	Volt	H.P.	Phase	R.P.M.	Disposition
Main Drive							
Aux.							
Aux.							

EXHIBIT A

[F. R. Doc. 51-5450; Filed, May 9, 1951; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 11, Amendment 1]

CPR 11—RESTAURANTS

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 11 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 11 is issued for the purpose of clarifying certain provisions of the regulation; and to provide certain operators with an adequate base period for determining "food cost per dollar of sales".

The revision of section 4 accomplishes two purposes. First, it makes it clear that a restaurant not in operation for an entire twelve month period ending June 30, 1950, shall use as a base period that portion of the period ending June 30, 1950, during which it was in operation. However, in such cases the food cost ratio must be computed on an annual basis since there is an insufficient base period to use a monthly basis. Second, the regulation now provides that an operator who opened a restaurant a few days prior to July 1, 1950, must compute his food cost ratio by using a base period of only a few days, while an operator who opened a restaurant a few days after July 1, 1950, may use the period between July 1, 1950, and April 1, 1951, during which he was in operation as a base period for determining his food cost ratio. Available facts indicate that some operators fall into the category where they must use only a few days of operations as a base period. Therefore, the Director of Price Stabilization finds that a revision is appropriate to provide for an adequate base period for those operators. This revision gives an operator in operation for less than a full four month period prior to the twelve month period ending June 30, 1950, the option of using as his base period the first full four month period he was in operation instead of using that portion of time he was in operation prior to July 1, 1950. Of course, in such cases the food cost ratio must be computed as if on an annual basis.

The revision of section 6 follows the pattern of revised section 4 with regard to a restaurant in operation for less than a full four month period prior to April 1, 1951.

Section 9 of the regulation specifically exempts restaurant sales from the regulation if such sales are made by certain designated organizations. Paragraph (c) of this section, exempting restaurants owned or operated by charitable, religious or cultural organizations, is meant to refer specifically to those organizations exempt from the payment of income tax under section 101 (6) of the Internal Revenue Code. Accordingly, section 9 (c) is being amended so as to remove any further ambiguity.

At the time this regulation was issued, it seemed advisable to include a provision governing the method to be used in pricing combination meals. It now appears that such a provision serves no purpose since the regulation otherwise provides that restaurants must maintain their base period ratio of "food cost per dollar of sales," and are frozen at their ceiling prices for service charges. The combination meal requirement does, however, curtail the flexibility of day to day restaurant operations to some extent. Therefore, section 3 (e) of the regulation is being deleted.

In the formulation of this amendment, special circumstances have rendered impractical consultation with official advisory committees, including trade association representatives; however, the provisions of this amendment incorporate the recommendations of persons representing substantial segments of the industry. In the judgment of the Director of Price Stabilization, the provisions of this Amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Ceiling Price Regulation 11 is amended in the following respects:

1. Subparagraph (2) of paragraph (a) of section 4 is amended to read as follows:

(2) A statement whether you elect the entire calendar year 1949 or the entire twelve month period July 1, 1949, to June 30, 1950, as your base period, and whether you want to compute your ratio on a monthly basis. Once you have chosen your base period and whether to compute your ratio on a monthly or annual basis, you may not change your base period option. If you were not in operation for the entire twelve month period ending June 30, 1950, you shall use as your base period that portion of the period ending June 30, 1950, during which you were in operation and compute your ratio as if on an annual basis. In the event the portion of time you were in operation during the twelve month period ending June 30, 1950, is less than a full four month period you may, at your option, instead of using that portion of time you were in operation prior to July 1, 1950, use as your base period the first full four month period that you were in operation and compute your ratio as if on an annual basis.

2. Paragraph (a) of section 6 is amended to read as follows:

(a) *For restaurants in operation between July 1, 1950, and April 1, 1951.* If you did not operate an eating or drinking establishment prior to July 1, 1950, but you were in operation between July 1, 1950, and April 1, 1951, you shall use as your base period for determining the "food cost per dollar of sales" the total period of time prior to April 1, 1951, that you were in operation, and compute your ratio as if on an annual basis. In the event the portion of time you were in operation prior to April 1, 1951, is less than a full four month period you may, at your option, instead of using as your base period that portion of time during which you were in operation prior to April 1, 1951, compute your base period "food cost per dollar of sales" in the same manner as provided in subparagraphs (1) and (2) of paragraph (b) and paragraph (c) of this section. If you exercise such option, the four month period of operation specified in subparagraphs (1) and (2) of this section shall be the months of April, May, June, and July, 1951, and in the statement filed pursuant to section 4, you shall state whether you elect your actual period of operations prior to April 1, 1951, or the full four month period provided for by this option, as your base period. If you exercise such option, you shall submit, within twenty-five days after July 31, 1951, to your OPS office the information required in section 4 based on your experience during the months of April, May, June, and July, 1951.

3. Paragraph (c) of section 9 is amended to read as follows:

(c) *Religious, charitable and other organizations.* Restaurants owned or operated by corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, recognized as such by the Bureau of Internal Revenue and exempt from the payment of income tax under section 101 (6) of the Internal Revenue Code, where no part of the net earnings of the restaurants inures to the benefit of any private shareholder or individual, and the net profits of the restaurants, if any, are devoted to such purposes;

4. The present paragraph (e) of section 3 is deleted.

5. Present paragraphs (f) and (g) of section 3 are redesignated as paragraphs (e) and (f), respectively.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Effective date. This amendment is effective May 8, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

MAY 8, 1951.

[F. R. Doc. 51-5466; Filed, May 8, 1951; 4:00 p. m.]

[Ceiling Price Regulation 18, Rev. 1]

CPR 18—MANUFACTURERS' PRICES FOR WOOL YARNS AND FABRICS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Revised Ceiling Price Regulation 18 is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 18 established a formula under which manufacturers of woolen and worsted yarns and fabrics determined their ceiling prices at April–June 1950 levels plus increases in certain costs up to December 31, 1950.

Unlike many other commodities, wool prices have sharply increased since December 31, 1950. Although this increase was recognized at the time of the issuance of Ceiling Price Regulation 18, the December 31 date was chosen at that time in light of the fact that many mills owned wool at costs below those prevailing on that date. Ceiling Price Regulation 18 provided ceiling prices, for such mills, which reflected a margin above such inventory.

It was expected, moreover, that the December 31, 1950 limitation would have an impact on spiraling prices of wool. Within the two weeks subsequent to the issuance of Ceiling Price Regulation 18,

wool prices dropped 21% from the high point reached during the first week of April 1951. The wool futures market reflected this decline, as it dropped the allowable 10¢ limit for seven consecutive days after the opening of the commodity exchange for wool on April 9, 1951. The price of wool did not recede, however, to December 31 levels After several fluctuations the market became firm at about 18% below the April peak and is now about 6% above December 31 levels. The same trend has been noted in the wool futures market, where the price of May contracts has become steady at 20¢ above the lowest point reached during the decline which followed the opening of the exchange on April 9, 1951.

Because of the present level of wool prices, it has become clear that the margins of many mills would be wiped out, or reduced below a fair and equitable level, should they be required for any length of time, to use ceiling prices which reflected wool prices at December 31, 1950 levels. It is true that mills which have not yet exhausted inventories of wool purchased before December 31, would not reach this position for some time. On the other hand, the vast majority of smaller mills whose limited financial resources dictated a rapid inventory turnover, would soon find themselves in a serious loss position upon the exhaustion of their small inventory.

This revised regulation modifies Ceiling Price Regulation 18 by allowing a manufacturer to adjust his pre-Korea base period price by increases between the base period cost of wool, tops and noils to him and the price of wool specified in a definitive list of ceiling prices established in Ceiling Price Regulation 35. This is a generally fair and practicable means of measuring increased costs of wool, taking into account both purchases which may have been made above the definitive list and purchases which have been made since the pre-Korea period at costs substantially below that list.

In view of the countless varieties of wool wastes and reused and reprocessed wools, a definitive list of ceilings on such commodities has not yet been issued. Manufacturers using such materials may adjust their pre-Korea prices by increases in cost to them of such materials between the base period and the ceiling price of their supplier on March 15, 1951 under the applicable regulations of this office. Similar provision has been made for cost increases of manufacturing materials other than wool or wool wastes. Furthermore, pre-Korea prices may also be adjusted for increases in unit labor costs up to March 1, 1951. This date was selected as one which would reflect labor cost increases granted since the end of the base period and falling within the limitations imposed by the Wage Stabilization Board while at the same time excluding wage increases not yet approved by the Board.

Extending the December 31st date on materials and labor will result in increases in manufacturers' ceiling prices but will not effect indefinite cost escalation. The pegging of wool costs to a fixed level should be instrumental in the prevention of further increases in prices of wool on world markets. At the same time it is anticipated, on the basis of the limited data now available that the new ceiling prices should restore the operating margins of manufacturers to approximately the same dollar-and-cents level as those prevailing during the year preceding the outbreak of hostilities in Korea.

The single base period, March 24 to June 24, 1950, provided for in Ceiling Price Regulation 18, was found to be unrepresentative for many product lines. Since a large number of the products sold by woolen and worsted mills are seasonal in nature, limiting manufacturers to only one base period produced seasonal price distortions. During any one base period, there are many out-of-season products sold in limited quantities at prices which do not reflect a normal margin. Reports of the Bureau of the Census show that the production of various categories of worsted and woolen yarns and fabrics varies considerably from season to season. Consequently, this revised regulation permits the manufacturer of wool yarns and fabrics to choose, for each of his major categories of products, any one of the four calendar quarters prior to June 24, 1950, as a base period from which to apply the allowable adjustments. By allowing this selection for different categories of goods, this revised regulation will more nearly conform to the pricing pattern of the industry. If during the base period chosen for a category, no price can be established on a particular yarn or fabric, any other one of the permitted calendar quarters, may be selected as a base period.

The formula for computing material and labor cost adjustments to be applied to base period prices differs in some respects from that prescribed in Ceiling Price Regulation 22, the General Manufacturers' Regulation. In this revised regulation, the adjustment of pre-Korea prices is limited to the unit cost method. This method was adopted because the other methods permitted in Ceiling Price Regulation 22, if applied to woolen and worsted products, might tend to discourage the production of inexpensive, highly competitive products and encourage a shift to more expensive specialty lines. After consultation with representatives of both large and small manufacturers, it was determined that the use of a unit cost basis for adjustments would be within the scope of the accounting procedure and records normally maintained by manufacturers of woolen and worsted products.

The methods prescribed in this revised regulation by which manufacturers are to select base period prices and material costs have been changed from those in the original CPR 18. Sellers who quote prices from printed price lists, may, instead of selecting the highest contract price as a base period price, use the prices quoted on their price lists. If a seller uses such a list to establish a base period price, prices on that list must be used for all yarns or fabrics in the same category. The use of price lists to establish base period prices will bring about a more normal relationship between the prices of a multi-product firm. The base period cost of raw materials, is, under this revised regulation, the average cost of material invoiced to the manufacturer during the 30 days prior to the end of the base period. If no deliveries were made during these 30 days, provision has been made for the use of a supplier's delivery price to establish a base period raw materials cost. The redefining of base period material costs to reflect average invoice costs rather than highest contract prices will establish base period costs more nearly representative of the actual cost of materials upon which the base period prices for yarns or fabrics were fixed.

A provision for the adjustment of individual hardship cases has been included in this revised regulation. This provision, which is the same as in Ceiling Price Regulation 22, is designed to allow application for relief in cases where the ceiling prices established under this regulation result in an over-all operating loss. It is not intended to provide a higher level of prices for manufacturers whose loss position is not the result of the ceiling prices fixed under this revised regulation, but is due rather to unusual and temporary seasonal factors or to inefficiencies of operation.

The coverage of this revised regulation has been extended to manufacturers of types of wool products excluded from the original Ceiling Price Regulation 18. The change of cut-off dates for wool wastes, manufacturing materials, and labor, the definitive list of wool ceiling prices issued concurrently with this order, and the allowance of a selection of base periods, have made it possible to include in the regulation spinners of wool carpet yarns, manufacturers of wool felts, and manufacturers of other non-apparel fabrics who were not covered in the original regulation.

It should be noted that this revised regulation is not intended as the final pricing action of the Office of Price Stabilization in the area of wool yarns and fabrics. The issuance of the present regulation is required to prevent disastrous effects upon production and distribution which would be caused by the necessarily time consuming process of collecting the relevant data upon which to predicate a tailored regulation. By easing the immediate pressures, this revised regulation will provide the time needed to work out a more precise and suitable system of price control.

In the judgment of the Director of Price Stabilization, taking into account all the foregoing circumstances, the provisions of this revised regulation, and the ceiling prices established, are generally fair and equitable and will effectuate the purposes of the Defense Production Act of 1950.

REGULATORY PROVISIONS

COVERAGE

Sec.
1. What this revised regulation does.

CEILING PRICES FOR YARNS OR FABRICS DEALT IN BETWEEN JULY 1, 1949 AND JUNE 24, 1950

2. General description of method.
3. How to obtain your base period price.
4. How to obtain your total material and labor cost adjustment.
5. How to obtain your ceiling price.

CEILING PRICES FOR YARNS OR FABRICS SIMILAR TO THOSE DEALT IN BETWEEN JULY 1, 1949 AND JUNE 24, 1950

6. How to determine your ceiling price for a yarn or fabric similar to one you sold or offered for sale between July 1, 1949 and June 24, 1950.

CEILING PRICES FOR YARNS OR FABRICS COMPARABLE TO THOSE DEALT IN BETWEEN JULY 1, 1949 AND JUNE 24, 1950

7. General description of method.
8. How to obtain your computed cost.
9. How to select a comparable yarn or fabric.
10. How to obtain your ceiling price.

CEILING PRICES FOR NEW YARNS OR FABRICS

11. How to determine your ceiling prices for new yarns or fabrics if you were in business between July 1, 1949 and June 24, 1950.

NEW SELLERS AND NEW CLASSES OF PURCHASERS

12. Ceiling prices for new sellers and for sales to an entirely new class of purchaser.

SPECIAL PROVISIONS RELATING TO CEILING PRICES

13. Rounding ceiling prices.
14. Excise, sales and other similar taxes.
15. Conditions of sale and classes of purchasers.
16. Decorations.
17. Redetermination of ceiling prices.

MISCELLANEOUS PROVISIONS

18. Manufacturers who cannot price under other sections.
19. Adjustment of ceiling prices where overall loss in operations results.
20. Records.
21. Reports.
22. What acts are prohibited by this revised regulation.
23. Enforcement.
24. Petitions to amend this revised regulation.
25. Definitions.

AUTHORITY: Sections 1 to 25 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

COVERAGE

SECTON 1. *What this revised regulation does.* This revised regulation fixes ceiling prices for sales of wool yarn or fabric (see definition, section 25) by manufacturers. It applies in the 48 States and the District of Columbia. During the period between the issuance of this revised regulation and June 11, 1951, you may use either this revised regulation, the General Ceiling Price Regulation or Ceiling Price Regulation 18. On and after June 11, 1951, you must use this revised regulation. This revised regulation shall not apply to deliveries under a military contract or subcontract for yarn or fabric exempted by Supplementary Regulation 1, as amended, to the General Ceiling Price Regulation.

CEILING PRICES FOR YARNS OR FABRICS DEALT IN BETWEEN JULY 1, 1949, AND JUNE 24, 1950

SEC. 2. *General description of method.* Your ceiling price for sale of a yarn or fabric which you sold or offered for sale between July 1, 1949, and June 24, 1950, is your base period price for a unit (pound of yarn, yard of fabric) of the yarn or fabric adjusted for increases (or decreases) in the cost of your materials and labor. Sections 3 to 5 tell you how to compute your ceiling price for a particular yarn or fabric.

SEC. 3. *How to obtain your base period price.*—(a) *Base period.* Select as your base period April 1 through June 24, 1950, or any previous calendar quarter ended not earlier than September 30, 1949. Whatever base period you select must be used for all yarns or fabrics in the same category. If, however, you did not make a written contract, or a written offer, to sell a particular yarn or fabric in that category during that base period, and if you had no price list in effect during that base period, you may use for that yarn or fabric any other base period permitted under this paragraph (a).

(b) *Category.* The following are the only categories you are permitted to use for the purposes of this revised regulation:

Men's and boys' wear fabrics.
Women's and children's wear fabrics.
Blankets.
Non-apparel fabrics other than blankets.
Knitting yarns.
Weaving yarns.
Carpet yarns.

(c) *Base period price.* (1) Find the class of purchaser which, during your base period for the category in which the yarn or fabric falls, contracted in writing to buy from you the largest dollar amount of yarns or fabrics in the same category as the yarn or fabric to be priced. Then find the highest price at which you contracted in writing to sell that yarn or fabric to that class of purchaser. (Exclude sample quantity contracts.)

(2) If you did not contract in writing to sell that yarn or fabric during the base period which you selected, find the highest unit price at which you made a written offer to sell that yarn or fabric during the base period. This written offer must have been made to the class of purchaser to whom you sold, in the base period, the largest dollar amount of yarn or fabric in the same category as the yarn or fabric to be priced.

(3) If, however, during the base period which you select you issued a written price list to your salesmen in your customary manner and (i) within thirty days subsequent to its issuance contracted in writing to make substantial deliveries of any of the listed items at the prices in the list, and (ii) thereafter made such deliveries within the period of time customarily allowed in your trade for processing and shipment, you may use, instead of the price found in (1) or (2) above, the listed price, for a unit of the yarn or fabric, to the class of purchaser which during the base period contracted in writing to buy from you the largest dollar amount of all yarns or fabrics in the same category as the yarn or fabric to be priced. If, however, you use a price list for one yarn or fabric on the list, you must use the listed price for all yarns or fabrics in the same category on that list.

The price found in this paragraph (c) is your "base period price" for sales to your largest class of purchaser. If your base period price includes any excise, sales or other similar tax which is not separately stated, you must follow the instructions contained in section 14 of this revised regulation. If your base period price is expressed as a list price less discounts, you should reduce it by the amount of the discount and, once you have determined your ceiling price under section 5, add the necessary amount to reflect the same discount.

SEC. 4. *How to obtain your total material and labor cost adjustment.*—(a) *Manufacturing material and cost of labor.* (1) You will need to become familiar with the terms "manufacturing material" and "cost of labor" in this section. "Manufacturing material" refers to a material other than wool and wool waste (see definitions, section 25), entering directly into the yarn or fabric being priced or used directly in the manufacturing processes from which the yarn or fabric results, together with packaging materials, containers (other than returnable containers), purchased fuel, steam or electric energy, and subcontracted industrial services which are directly related to the manufacture of the yarn or fabric. It does not include materials or sub-contracted industrial services used in replacing, maintaining or expanding your plant and equipment, nor other materials or supplies the use of which is not directly dependent upon the rate at which you manufacture the yarn or fabric being priced.

(2) "Cost of labor" means the cost of labor that enters directly into the product and is paid at hourly or piece rates. In addition it includes the cost of labor for factory supervision, packaging and handling, ordinary maintenance, repair of plant or equipment, materials control, and testing and inspection. It may include the equivalent, on an hourly or piece rate basis, of so-called fringe benefits (for example, pension contributions for current work, paid vacation and insurance programs). It does not include the cost of labor for general administration, sales, advertising, research, major repairs or replacement of plant or equipment and expansion of plant or equipment.

(3) In computing the cost of labor and manufacturing materials for a unit of yarn or fabric under this revised regulation, you shall allocate the permitted labor and manufacturing material costs according to your customary accounting method. The same method must be used in all calculations of unit costs of labor and manufacturing material.

(b) *Material cost adjustment.* Find the physical amount of each grade of wool, each kind of wool waste, and each manufacturing material regularly used in a unit of that yarn or fabric and multiply that amount by your dollars-and-cents difference (determined according to the instructions in subparagraphs (1) to (5) below) between the "base period" unit cost and the "terminal" unit cost of that grade of wool, kind of wool waste, and manufacturing material. Add together the increases (or decreases) you have calculated for wool, wool waste and manufacturing material to obtain the

total cost-of-materials adjustment for a unit of that yarn or fabric.

(1) *"Base period" cost.* (i) Your base period unit cost of wool, wool waste, and manufacturing material is the average net price per unit of wool, wool waste or manufacturing material shown on invoices for deliveries of such materials to you within thirty days prior to the end of your base period provided they were pursuant to contracts bearing firm prices entered into within sixty days prior to the end of your base period. You obtain this average net price by dividing the net amount you paid for all deliveries of the material during the 30-day period by the total number of units of the material delivered to you during such period.

(ii) If you had no deliveries of wool, wool waste or manufacturing material (other than wool, wool waste, and manufacturing material which you import directly from a seller not subject to the regulations of the Office of Price Stabilization) during the 30 days prior to the end of your base period, you may use as the base period cost of that wool, wool waste, and manufacturing material, the highest price at which your customary source of supply delivered such material to a member of the class of purchaser in which you fall, within thirty days prior to the end of your base period provided such delivery was pursuant to a contract bearing a firm price entered into within sixty days prior to the end of your base period. If you had no deliveries of wool, wool waste, or manufacturing material, which you import directly from a seller not subject to the regulations of the Office of Price Stabilization, during the thirty days prior to the end of your base period, you may use as the base period cost of that wool, wool waste or manufacturing material, the net price per unit of the material stipulated in the last written contract for the material which you entered into prior to the end of your base period, provided that it was entered into not more than sixty days prior thereto.

(2) *"Terminal cost".* (i) Your "terminal" unit cost of wool (other than cashmere, vicuna, camels hair, and wool used in the manufacture of carpet yarns) is the price for that wool established in Ceiling Price Regulation 35.

(ii) Your "terminal" unit cost of wool waste, cashmere, vicuna, camels hair, wool used in the manufacture of carpet yarns, and manufacturing material (other than purchased yarn and other than those materials which you import directly from a seller not subject to the regulations of the Office of Price Stabilization) is the ceiling price on March 15, 1951, for sales of such commodities by your customary source of supply, under the regulation of the Office of Price Stabilization which is applicable to such sales.

(iii) Your "terminal" unit cost of purchased yarn is the ceiling price, under this regulation, for sales of such yarn by your customary source of supply.

(iv) Your "terminal" unit cost of the wool waste, cashmere, vicuna, camels hair, wool used in the manufacture of carpet yarns, and manufacturing material, which you import directly from a seller not subject to the regulations of the Office of Price Stabilization, is the average net price per unit of such material shown on invoices for deliveries of such material to you within thirty days prior to March 15, 1951, provided they were pursuant to contracts bearing firm prices entered into within sixty days prior to March 15, 1951. You obtain this average net price by dividing the net amount you paid for all deliveries of the material during the 30-day period by the total number of units of the material delivered to you during such period. If you had no deliveries of such wool waste, cashmere, vicuna, camels hair, wool used in the manufacture of carpet yarns, or such manufacturing material, during the thirty days prior to March 15, 1951, you may use as the "terminal" unit cost of such material, the net price per unit of the material stipulated in the last written contract for the material which you entered into prior to March 15, 1951, provided that it was entered into not more than sixty days prior thereto.

(3) If none of the foregoing is available to you for either or both the "base period" cost or "terminal" cost of wool, wool waste or manufacturing material, you may apply to the Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., for an appropriate increase in the cost of the wool, wool waste, or manufacturing material for use in your calculations. If you make such an application, you must refer specifically to this paragraph and state why it is applicable; you must describe the yarn or fabric being priced and the material; you must propose the amount of increase per unit of the material you consider appropriate based upon increases you have been able to compute under this section 4 (b) for similar materials; you must set forth in detail supporting reasons for your proposed increase; and you must state the base period price of the yarn or fabric and the ceiling price you propose. You must file this application before using the increase you propose. Although you need not await a reply from the Director of Price Stabilization, he may at any time disapprove the increase you propose, stipulate the amount of increase which he will approve or request additional information.

(4) In computing your increase in the cost of wool, wool waste, and manufacturing material, take waste credits according to your customary accounting procedure.

(5) If in a fabric you are pricing you use yarn which you spin yourself, you shall, in determining your materials cost adjustment for that fabric, use, instead of the difference in the "base period" and "terminal" cost of that yarn, the difference in the "base period" and "terminal" cost of the wool or wool waste used in that yarn.

(c) *Labor cost adjustment.* Find the increase between the end of your base period and March 1, 1951, in your cost of labor per unit of that yarn or fabric. This is your labor cost adjustment. If, for a particular yarn or fabric, you computed your material cost adjustment for wool on the basis of increases in the cost of wool top, you must compute your labor cost adjustment on the basis of increases in the cost of labor for converting top into a unit of that yarn or fabric.

(d) *Total material and labor cost adjustment.* Add together the material and labor cost adjustments you have calculated per unit of that yarn or fabric. This gives you your total material and labor cost adjustment.

SEC. 5. *How to obtain your ceiling price.* Add the total material and labor cost adjustment to the base period price of a unit of that yarn or fabric found in section 3. This gives you your ceiling price for a unit of that yarn or fabric to the same class of purchaser as the one which you used in determining your base period price. To this ceiling price apply the provisions of section 15 (conditions of sale and classes of purchaser). Before you deliver a yarn or fabric at a ceiling price fixed by this section, you must file the report required by section 21. An example of the method used in sections 3, 4 and 5 is set forth as Example A, following section 6.

CEILING PRICES FOR YARNS OR FABRICS SIMILAR TO THOSE DEALT IN BETWEEN JULY 1, 1949 AND JUNE 24, 1950

SEC. 6. *How to determine your ceiling price for a yarn or fabric similar to one you sold or offered for sale between July 1, 1949, and June 24, 1950.* (a) Sections 3, 4 and 5 tell you how to determine your ceiling price for a yarn or fabric which you dealt in between July 1, 1949, and June 24, 1950. You may wish to obtain a ceiling price for a yarn or fabric which, although not identical, is similar to one in which you dealt during that period. One yarn is similar to another, regardless of differences in color or put-up, if the first yarn is the same size or count as the second yarn and has a "terminal" cost (see section 4 (b) (2)) of wool, wool waste and manufacturing material which does not vary by more than 10 percent from the "terminal" cost of wool, wool waste, and manufacturing material, of the second yarn. One fabric is similar to another, regardless of differences in color or pattern, if the first fabric has the same weave as the second fabric; contains the same total number of ends and picks per finished inch; the same yarn sizes; weight per yard; width and finish; and has a "terminal" cost of wool wool waste, and manufacturing material which does not vary by more than 10 percent from the "terminal" cost, of wool, wool waste, and manufacturing material, of the second fabric.

(b) (1) To obtain a ceiling price for such a yarn or fabric take the ceiling price fixed in section 5 for the similar yarn or fabric in which you dealt between July 1, 1949, and June 24, 1950, and adjust that ceiling price by the dollars-and-cents difference in the "terminal costs" of materials in the two yarns or fabrics. This gives you your ceiling price for the same class of purchaser you used to establish your base period price for the similar yarn or fabric. To this ceiling price apply the provisions of section 15 (conditions of sale and classes of purchaser).

(2) If the "terminal" cost of materials of one varies by the following percentages from the "terminal" cost of materials of the second, you need not adjust the ceiling price of the similar yarn or fabric: Woolen yarns and fabrics, 4% or less; combination woolen and worsted yarns and fabrics, 3% or less; worsted yarns and fabrics, 2% or less. If, however, you avail yourself of this privilege you may not increase the ceiling price of the similar yarn or fabric to obtain ceiling prices for other yarns or fabrics in cases where the terminal costs of materials do not vary by more than the above stated percentages.

EXAMPLE B—EXAMPLE OF SECTION 6 COMPUTATION

1. Assume that you are making the same fabric as the above (Example A) except that whereas in June you used the raw material blend as given in the above example, you now are substituting 60's top for the 64's and 58's French rolls for 64's French rolls.
2. Compute the "terminal" cost of materials used as if the blend were exactly the same:
   - 0.665 pounds of 64's top @ $4.13 ---- $2.746
   - 0.275 pounds of 60's wool @ $3.29 ---- .905
   - 0.225 pounds of 64's French rolls @ $1.74 ---- .392
   - "Terminal" cost of wool, wool waste, and manufacturing material ---- 4.043
3. Compute the "terminal" cost of materials which you are currently using or plan to use in the fabric.
   - 0.665 pounds of 60's top @ $4.00 ---- 2.660
   - 0.275 pounds of 60's wool @ $3.29 ---- .905
   - 0.225 pounds of 58's French rolls @ $1.46 ---- .329
   - "Terminal" cost of wool, wool waste, and manufacturing material ---- 3.894
4. Difference between "terminal" cost, as figured in 2, above, and "terminal" cost actually used, as in 3 above. (Note that this variation is less than 10 percent but more than 3 percent of the blend cost) ---- .149
5. Subtract the $0.149 differential from the net ceiling price as shown in Example A (9) above ($5.636 - 0.149) and the ceiling price for this fabric is ---- 5.487
6. Adjust to round off to nearest 2½ cents, to take account of cash discount and discounts to such classes of purchasers as shown in Example A (10) through (12), above.

CEILING PRICES FOR YARNS OR FABRICS COMPARABLE TO THOSE DEALT IN BETWEEN JULY 1, 1949 AND JUNE 24, 1950

SEC. 7. *General description of method.* If you want to sell a yarn or fabric for which you cannot establish a ceiling price under section 5 or 6, but which is comparable to a yarn or fabric for which you can establish a ceiling price under section 5, your ceiling price for such yarn or fabric is determined by applying to the "computed cost" of the yarn or fabric you are pricing, the percentage markup over the "computed cost" of the comparable yarn or fabric (using the ceiling price under this revised regulation for the comparable yarn or fabric). This method is set forth in sections 8, 9 and 10.

SEC. 8. *How to obtain your "computed" cost.* Find the "terminal" cost (see section 4 (b) (2)) of wool, wool waste, and manufacturing material used in a unit of yarn or fabric. Add to this the cost of labor in a unit of that yarn or fabric, computed at March 1, 1951, wage rates. The result is the "computed cost" of that yarn or fabric.

SEC. 9. *How to select a comparable yarn or fabric.* (a) From yarns or fabrics in the same category as the yarn or fabric being priced, select those yarns or fabrics for which you can establish ceiling prices under section 5, and which are comparable to the yarn or fabric being priced. One yarn is comparable to another regardless of differences in color or put-up, if the first does not vary from the second in respect of size or count by more than 10 percent, and is manufactured from substantially the same blends of raw material. One fabric is comparable to another fabric, regardless of differences in weave, color or pattern, if the first is manufactured from substantially the same blends of raw material as the second, and does not vary from the second by more than 10 percent in respect of any of the following elements: the sum of ends and picks per finished inch; weight per finished yard; and yarn sizes.

(b) Of the comparable yarns or fabrics, the yarn or fabric to be used in pricing under this section shall be the first of the following which is available to you:

(1) A yarn or fabric you are presently manufacturing whose "computed cost" (see section 8) is the same as or lower than the "computed cost" of the yarn or fabric you are pricing;

(2) A yarn or fabric you are presently manufacturing whose "computed cost" is next higher than the "computed cost" of the yarn or fabric you are pricing.

SEC. 10. *How to obtain your ceiling price.* (a) Compute, in accordance with the method prescribed in sections 3, 4, 5, and 6, the ceiling price of the yarn or fabric you have selected under section 9 (b).

EXAMPLE A—EXAMPLE OF SECTION 5 COMPUTATIONS

1. Base period chosen for men's wear category ---- Apr 1–June 24 1950
2. Highest base period price per yard of 15 oz. worsted warp, wool-filled men's wear fabric (taken from a contract with a cutter), $3.85, with 2% cash discount ---- $3.773
3. Raw materials per unit
   - (i) 0.665 lb. 64's average top per finished yard.
   - (ii) 0.275 lb. 60's wool per finished yard.
   - (iii) 0.225 lb. 64's French rolls per finished yard.
   - Cost of 64's top per pound:
     - "Terminal" cost ---- 4.13
     - "Base period" cost ---- 2.35
     - Increase ---- 1.78
   - Cost of 60's wool per pound:
     - "Terminal" cost ---- 3.29
     - "Base period" cost ---- 1.70
     - Increase ---- 1.59
   - Cost of 64's French rolls per pound:
     - "Terminal" cost ---- 1.74
     - "Base period" cost ---- .97
     - Increase ---- .77
   - 5. Top cost increase per finished yard (.665 x $1.78) ---- 1.183
   - Wool cost increase per finished yard (.275 x $1.59) ---- .437
   - Rolls cost increase per finished yard (.225 x $0.77) ---- .173
   - Total cost of materials increase ---- 1.793
   - Increase in waste credits per yard between base period and date of computation[1] ---- 0.100
   - Total cost of materials increase adjusted for increase in waste credits ---- 1.693
6. Cost of labor per unit:
   - March 1, 1951 ---- .850
   - End of base period ---- .700
   - Cost of labor increase per unit ---- .150
7. Cost of other manufacturing materials per unit:
   - "Terminal" cost ---- .080
   - "Base period" cost ---- .060
   - Other manufacturing materials increase ---- .020
8. Total unit cost increase ---- 1.863
9. Net ceiling price before adjustment for cash discount ---- 5.636
10. New ceiling price to cutters before rounding off ---- 5.751
    (2% cash discount—5.636 .98)
11. Round off to nearest 2½ cents and new ceiling price to cutters is ---- [2] 5.750
12. Assume that you normally sell to jobbers at $0.05 discount off cutters' prices.
    New ceiling price to jobbers ---- [2] 5.700

[1] If your accounting system prohibits you from adjusting for increases in waste credits in the manner shown above, you may make the adjustment in any other manner normally used by you in your accounting procedure (e. g., by adjusting your weight of wool per finished yard): *Provided*, That you indicate in your report the method of adjustment used.

[2] To this price apply the provisions of section 15 (conditions of sale and classes of purchasers), e. g., the 2 percent discount.

and 5, the ceiling price of a unit of the comparable yarn or fabric selected in section 9. Divide its ceiling price by its "computed cost" and subtract 100% to obtain the percentage markup. Apply this percentage markup to the "computed" cost of a unit of the yarn or fabric you are pricing and add the result to such "computed cost." This gives you the ceiling price for a unit of that yarn or fabric to the same class of purchaser as you used to establish your base period price for the comparable yarn or fabric. To this ceiling price apply the provisions of section 15 (conditions of sale and classes of purchasers).

(b) Before you deliver a yarn or fabric at a ceiling price fixed by this section, you must file the report required by section 21.

CEILING PRICES FOR NEW YARNS OR FABRICS

SEC. 11. *How to determine your ceiling prices for new yarns or fabrics if you were in business between July 1, 1949 and June 24, 1950*—(a) *Description of method of pricing.* If you dealt in yarns or fabrics between July 1, 1949 and June 24, 1950, but you cannot use sections 5, 6 or 10 to fix a ceiling price for a yarn or fabric you now want to sell, your ceiling price for the yarn or fabric you now want to sell is determined by applying to the "computed cost" of the yarn or fabric you are pricing, the dollars-and-cents difference or the percentage markup between the "computed cost" and the ceiling price, under this revised regulation, of the yarn or fabric most nearly like the yarn or fabric you are pricing, in accordance with the following instructions:

(b) *Computed cost.* Find your "computed cost", by the method prescribed in section 8, of a unit of the yarn or fabric being priced.

(c) *Selection of most nearly like yarn or fabric.* From the yarns or fabrics for which you can establish a base period price under sections 3, 4 and 5, select the first of the following which is available to you:

(1) A yarn or fabric you are presently manufacturing which is most nearly like, and whose "computed cost" is the same as or lower than the "computed cost" of, the yarn or fabric you are pricing.

(2) A yarn or fabric you are presently manufacturing which is most nearly like, and whose "computed cost" is next higher than the "computed cost" of, the yarn or fabric you are pricing.

(3) A yarn or fabric you are no longer manufacturing which is most nearly like, and whose "computed cost" would be the same as or lower than the "computed cost" of, the yarn or fabric you are pricing.

(4) A yarn or fabric you are no longer manufacturing which is most nearly like, and whose "computed cost" would be next higher than the "computed cost" of, the yarn or fabric you are pricing.

(d) *How to obtain your ceiling price.* (1) Compute in accordance with the method prescribed in sections 3, 4 and 5 the ceiling price of a unit of the yarn or fabric selected in paragraph (c) of this section. If you used (c) (1) or (3) of this section to obtain your most nearly like yarn or fabric, subtract from its ceiling price its "computed cost". This gives you the "dollars-and-cents difference." If you used (c) (2) or (4) of this section to obtain your most nearly like yarn or fabric, divide its ceiling price by its computed cost, and subtract 100% to obtain its "percentage markup." Add the "dollars-and-cents difference" to the "computed cost" of a unit of the yarn or fabric being priced, or apply the "percentage markup" to the "computed cost" of a unit of the yarn or fabric being priced and add the result to such "computed cost." This gives you the ceiling price for a unit of that yarn or fabric to the same class of purchaser as you used to establish your base period price for the most nearly like yarn or fabric. To this ceiling price apply the provisions of section 15 (conditions of sale and classes of purchasers).

(2) Before you deliver a yarn or fabric at a ceiling price fixed by this section, you must file the report required by section 21.

NEW SELLERS AND NEW CLASSES OF PURCHASERS

SEC. 12. *Ceiling prices for new sellers and for sales to an entirely new class of purchaser.* (a) If you did not at any time between July 1, 1949, and June 24, 1950, contract in writing to sell, or make a written offer to sell, or distribute price lists for, yarns or fabrics, or if you wish to sell to a class of purchaser which is entirely different from any to which you sold prior to April 9, 1951, your ceiling price for a particular yarn or fabric is the same as the ceiling price of your most closely competitive seller of the same class selling that particular yarn or fabric to the same class of purchaser. Your ceiling price must carry the same price differentials as that of your most closely competitive seller. You cannot sell any yarn or fabric under this section, however, until 15 days after you have filed, by registered mail, return receipt requested (the date of filing is the date of receipt by the Office of Price Stabilization), the report required in paragraph (b) of this section, with the Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Thereafter you may sell at your proposed ceiling price unless and until notified by the Director of Price Stabilization that your proposed price has been disapproved or that more information is required. If you are notified that additional information is required, you cannot sell at your proposed price until you have filed such additional information, by registered mail return receipt requested, or until such time (not to exceed 15 days after the filing of the additional information requested) as the request for information shall specify. The Director may disapprove or revise ceiling prices reported under this section, at any time, even after the 15-day period, so as to bring them into line with other ceiling prices fixed by this regulation.

(b) Your report shall contain the name and address of your company; the name, address and type of business of your most closely competitive seller of the same class; a statement of his ceiling price and his price differential to each of his classes of purchasers; your reasons for selecting him as your most closely competitive seller; a statement of your customary price differentials; and, if you are selling, to an entirely new class of purchaser, a description of such class of purchaser. If you are starting a new business you should include a statement of whether you or the principal owner of your business is now or during the past twelve months has been engaged in any capacity in the same or a similar business at any other establishment, and if so, the trade name and address of each such establishment. Your report shall also contain your proposed ceiling price and a description of the yarn or fabric you are pricing; the manufacturing processes involved; the computed cost (see section 8) for that yarn or fabric; the reason you believe the proposed ceiling price is in line with the level of ceiling prices otherwise established by this revised regulation; and the types of customers to whom you will be selling.

SPECIAL PROVISIONS RELATING TO CEILING PRICES

SEC. 13. *Rounding ceiling prices.* You may round off your ceiling prices determined under this revised regulation so that they will be expressed to the nearest $2\frac{1}{2}$ cents. If you do so for one yarn or fabric you must similarly round the ceiling prices for all of your yarns or fabrics, normally priced by you upon the same basis, to reflect decreases as well as increases. In no event may the increase be greater than 1 percent of your ceiling price prior to rounding.

SEC. 14. *Excise, sales, and other similar taxes*—(a) *Where the tax is included in your base period price.* If the base period price for a yarn or fabric you are using under any of the sections of this revised regulation for the purpose of determining your ceiling price either for that yarn or fabric or another yarn or fabric includes any excise, sales or other similar tax which is not separately stated, you must first ascertain the amount of any such tax and exclude it from the base period price. Your base period price, with any such tax so excluded, may then be used in connection with any appropriate computations to determine your ceiling price under this revised regulation. After completing the computations involved in determining your ceiling price, you may then add on the appropriate amount of any such tax for inclusion as part of your ceiling price. In the case of any increase in such a tax subsequent to the end of your base period, you may include the appropriate amount of any such increase as part of your ceiling price. Likewise, in the case of any similar tax first imposed subsequent to the end of your base period and included in your selling price thereafter, you may include the appropriate amount of such tax as part of your ceiling price.

(b) *Where the tax is separately stated and collected.* In addition to your ceiling price determined under this revised regulation, you may collect the amount of any excise, sales or other similar taxes paid by you as such only if it has been your practice to state and collect such taxes separately from your selling price for the same or similar yarns or fabrics. In the case of such a tax imposed by law which is not effective until after the effective date of this revised regulation, or of any increase in such a tax subsequent to such effective date, you may collect the amount of the tax actually paid as such by you, if not prohibited by the tax law. You must in all such cases state separately the amount of the tax.

SEC. 15. *Conditions of sale and classes of purchasers.* Your ceiling price must carry the same terms, discounts, and

other conditions of sale as your base period price for the identical yarn or fabric (see section 5), the similar one (see section 6), the comparable one (see section 10), or the most nearly like one (see section 11), as the case may be. If you have classes of purchasers other than the class of purchaser you used in determining your base period price, your ceiling price for sales to such other classes of purchasers are fixed by applying your customary price differentials in effect during the base period. In the event that you made no base period sales to a particular class of purchaser, you apply your customary differentials last in effect prior to the base period, or, if none, then those first in effect after the base period but prior to April 9, 1951. You shall sell your seconds, irregulars, short pieces, and off-goods classified in the same manner and at the same discounts as during the base period.

SEC. 16. *Decorations.* If you add (or substitute) decorations to a fabric the ceiling price for which you determined under this revised regulation, and reported under section 21, the ceiling price for such fabric shall be increased or decreased by the same dollars-and-cents differential, for such decorations, which you customarily used between July 1, 1949 and June 24, 1950.

SEC. 17. *Redetermination of ceiling price.* (a) Once you have reported your ceiling price or a proposed ceiling price for a yarn or fabric as required by this revised regulation, you may not thereafter redetermine it except as required by paragraph (b) of this section. A purely arithmetical error may, however, be corrected, but the correction must be reported to the Consumer Soft Goods Division of the Office of Price Stabilization, Washington 25, D. C.

(b) The Director of Price Stabilization expects in due course to issue an amendment to this revised regulation providing for a redetermination of your ceiling prices hereunder. The primary purpose of this redetermination would be to reflect more accurately the materials prices established by this and other ceiling price regulations. The Director of Price Stabilization may also from time to time announce "materials cost increase factors" for certain materials in order to provide greater uniformity in the calculation of their change in price since the end of your base period. These factors will be percentage figures based on studies of some categories of important basic materials. If such a factor is announced, it must be used in place of any change you have had in the price of the material covered by the factor, regardless of whether the factor is higher or lower. These "materials cost increase factors" may be announced by amendments or by supplementary regulations to this revised regulation.

MISCELLANEOUS PROVISIONS

SEC. 18. *Manufacturers who cannot price under other sections.* If you claim that you are unable to determine your ceiling price for a yarn or fabric under any of the foregoing provisions of this revised regulation, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C., for the establishment of a ceiling price. This application shall contain an explanation of why you are unable to determine your ceiling price under any other provision of this revised regulation; all pertinent information describing the yarn or fabric and the nature of your business; your proposed ceiling price and the method used by you to determine it; and the reason you believe the proposed price is in line with the level of ceiling prices otherwise established by this regulation. You may not sell the yarn or fabric until the Director of Price Stabilization, in writing, notifies you of your ceiling price.

SEC. 19. *Adjustment of ceiling prices where over-all loss in operations results.* (a) This section permits you to apply for an upward adjustment of your ceiling prices for yarns and fabrics covered by this revised regulation, if, as a result of these ceiling prices you would operate at a loss.

(b) You may apply under this section if:

(1) Your total manufacturing operations have been conducted at a net loss for a period of operation under this revised regulation of at least one month, or would have been conducted at a loss if you had manufactured the yarns or fabrics covered by this revised regulation in your customary quantities and proportions;

(2) The loss was attributable to the level of prices established by this revised regulation, and not to any of the following:

(i) Seasonal, non-recurring or temporary factors affecting your operations; or

(ii) A reduction in volume of production below the normal economical capacity of your plant; or

(iii) The payment of unlawful wages or excessive salaries or of unlawful or excessive prices for materials; or

(iv) The incurring of factory overhead costs or of selling, administrative and general costs which are abnormally high relative to sales or other costs unless such excess is demonstrated by clear and convincing evidence to have been unavoidable in the exercise of sound business judgment and management; or

(v) Any transactions with affiliated corporations or businesses which either are of a kind which would not result from arm's-length bargaining or differ from the transactions which you have customarily had with such affiliated corporations or businesses; or

(vi) Reserves for contingencies.

(3) The adjusted prices for which you apply will not be substantially out-of-line with the ceiling prices for similar yarns or fabrics established for other sellers under this revised regulation.

(c) If you make application under this section, you must supply:

(1) Your name, address, a description of your manufacturing facilities and of the yarns or fabrics you manufacture, a statement of the principal types of customers to whom you sell;

(2) A detailed annual profit and loss statement for your firm for the years 1946 through 1949, and both an annual profit and loss statement, and if you regularly prepare them, quarterly profit and loss statements covering the year 1950 and each quarter since then;

(3) A detailed profit and loss statement covering a period of operations of one month more under this regulation, together with a careful explanation of how it was prepared, including particularly a justification of any estimating procedures used in its preparation;

(4) For yarns or fabrics covered by this revised regulation, either (i) a statement of your base period and ceiling prices to your largest class of purchaser (including delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale), and a schedule of your price differentials to your other classes of purchasers; or (ii) a copy of the report required under sections 12 or 21 which you have previously prepared and submitted to the Office of Price Stabilization; together with (iii) a statement of the section or sections under which you established your ceiling prices.

(5) A showing that the loss in your current operations was not due to any of the six factors in paragraph (b) (2) of this section.

(6) A list of your principal competitors, and a statement of their ceiling prices under this regulation for yarns or fabrics similar to yours, together with data showing the past relationship of your prices to those they have charged for the same or similar yarns or fabrics.

(7) A proposed schedule of adjusted ceiling prices for yarns or fabrics covered by this revised regulation, and a demonstration that, if these prices were charged, your operations would be at a break-even position.

(8) The application must refer specifically to this section of this revised regulation, must be signed by a responsible officer of your company, and should be sent to the Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(d) Within thirty days of the receipt of your application, the Director will grant or deny your application in full or in part, or request further information. The Director may, as a condition of granting your application in full or in part, require you to submit reports of subsequent operations and may revoke or modify the adjustment at any time. If, thirty days after the acknowledgement of receipt of your application, none of the actions listed above has been taken, you may sell at your proposed ceiling prices until such time as the Director shall notify you that these prices have been disapproved.

SEC. 20. *Records.* (a) You must keep and make available for examination by the Office of Price Stabilization for the life of the Defense Production Act of 1950 and for a period of two years thereafter the records you customarily maintain showing the prices you charge for yarn or fabric sold or delivered after the effective date of this regulation. You must also preserve until two years after the expiration of the Defense Production Act of 1950 all of the data required to be reported by section 21, and in addition:

(1) All contracts of sale of yarn or fabric entered into between July 1, 1949 through June 24, 1950. For yarns or fabrics for which you had no contracts of sale but have established a base period price through a written offer to sell, preserve a copy of each such written offer to sell. If you have established base period prices through price lists, preserve a copy of each such price list.

(2) All invoices for, and written contracts to purchase, wool, wool waste and manufacturing material, received, or entered into, between July 1, 1949 through June 24, 1950. For materials which you import directly from sellers not subject to the regulations of the Office of Price

Stabilization, preserve all written contracts to purchase, and invoices for such materials, entered into, or received, within 60 days prior to March 15, 1951. If you are establishing for the purpose of computations under this revised regulation a net invoice cost for such supplies through a supplier's delivery price, obtain and preserve a statement, signed by the principal owner or an officer of the supplying company, of the highest price at which this supplier delivered such supply, to a purchaser of the class in which you fall, and the date of such delivery. For wool waste, cashmere, vicuna, camels hair, wool used in the manufacture of carpet yarns, and manufacturing material preserve a statement of the name and address of the supplier whose ceiling price you used to determine your "terminal" cost under section 4 b) (2).

(3) If you use section 16 (Decorations) preserve a record showing the dollars-and-cents differentials for decorations which you applied during the year July 1, 1949 through June 24, 1950.

(b) With respect to any yarn or fabric covered by this revised regulation the provisions of section 16 of the General Ceiling Price Regulation are hereby continued in effect insofar as they apply to the preparation and preservation of "base period records" and such "current records" as have been made as a result of sales between January 26, 1951, and the effective date of this revised regulation.[1]

SEC. 21. *Reports.* Prior to making any deliveries of yarns or fabrics for which ceiling prices are established by section 5, 6, 10 or 11 of this revised regulation, you must file by registered mail, the report required by this section, with the Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. You may deliver, upon filing the required report, unless and until notified by the Director of Price Stabilization that your proposed price has been disapproved or that more information is required. If you are notified that additional information is required, you cannot sell at your proposed price until you have filed such additional information by registered mail, or until such time (not to exceed 15 days after the filing of the additional information requested) as the request for information shall specify. The Director of Price Stabilization may at any time disapprove or revise ceiling prices reported under this section so as to bring them into line with the level of ceiling prices otherwise established by this revised regulation.

Your report shall contain the following information:

(a) Your name and address;

(b) A description of the yarn or fabric and the category in which it falls;

(c) With respect to each yarn or fabric for which you are computing a ceiling price under section 5 or 6 of this revised regulation, your report should include the following:

(1) A statement of which permissible base period you have selected. If you have not used the same base period for this yarn or fabric as you have for other yarns or fabrics in the same category, state which permissible base period you have selected for the remaining yarns or fabrics in the same category;

(2) A description of the class of purchaser which bought the largest amount of yarns or fabrics in the category in which the yarn or fabric being priced falls, during the base period, and your customary differentials, if any, between that class of purchaser and your other classes of purchasers;

(3) The highest price at which you contracted to sell the yarn or fabric to that class of purchaser, including the name and address of the purchaser and the date of the contract. For a yarn or fabric for which you had no contract of sale but have established a base period price through a written offer to sell, your report should include the offering price, the date of the offer and the name and address of the recipient of the offer. For a yarn or fabric for which you have established a base period price through a price list, your report should include the price list, together with its date of issuance, and itemization of dates and amounts of deliveries thereunder;

(4) A computation sheet showing how you arrived at your ceiling price. This sheet shall be in the same form as that used in the example, set forth following section 6 of this revised regulation;

(d) With respect to each yarn or fabric which you are pricing under section 10 (or 11) of this revised regulation and with respect to the comparable (or most nearly like) yarn or fabric used in computing your ceiling prices, your report should include the following:

(1) A description of the yarn or fabric;

(2) A description of the types or grades, and amounts of each material used in the yarn or fabric, and the "terminal" cost of a unit of each such material;

(3) The cost of labor for a unit of that yarn or fabric calculated at your March 1, 1951 wage rates;

(4) The ceiling price under section 5 of this regulation of the comparable yarn or fabric (or the most nearly like yarn or fabric);

(5) The "percentage markup" as computed under section 10 of this revised regulation (or the "dollars-and-cents difference" or "percentage markup" as computed in section 11);

(6) The ceiling price for the yarn or fabric you are pricing;

(7) If the ceiling price is for a fabric which is being priced under section 10, supply the information called for in the following table:

	Fabric you are pricing	Comparable fabric found under sec. 9
Sum of end- and picks per finished inch		
Weight per finished yard		
Yarn sizes		

SEC. 22. *What acts are prohibited by this revised regulation.* On and after June 11, 1951, regardless of any contract or other obligation, the following practices are forbidden:

(a) *Charging more than ceiling prices.* Except as provided in section 1 of this revised regulation, you are prohibited from selling or delivering yarn or fabric at a price higher than that permitted by this revised regulation. A lower price may, of course, be charged.

(b) *Buying for more than ceiling price.* All persons are prohibited from buying or receiving, in the course of trade or business, any yarn or fabric sold or delivered in violation of this revised regulation.

(c) *Evasion.* No person shall evade or circumvent this regulation by any direct or indirect methods in connection with the sale, purchase, delivery or transfer of yarn or fabric alone or in conjunction with any other commodity or material, or by way of commission, transportation charge, or other charge, or discount, premium, or other privilege, or by upgrading, tying-agreement, trade understanding, or otherwise.

(d) *Attempts to violate.* All persons are prohibited from agreeing, offering, soliciting, or attempting to do any of the acts prohibited by this regulation.

SEC. 23. *Enforcement.* If you violate any provision of this revised regulation, you are subject to the criminal penalties, civil enforcement actions, and suits for damages provided for by the Defense Production Act of 1950.

SEC. 24. *Petitions to amend this revised regulation.* Any person seeking an amendment of this revised regulation may file a petition for amendment in accordance with Price Procedural Regulation 1.

SEC. 25. *Definitions.* (a) "Manufacturer" means a person who for his own account sells yarn or fabric he produces or has produced for him. You are not a manufacturer unless you substantially change the form of some commodity or commodities, combine two or more commodities into a different one, or create a new commodity from existing ones. If you merely package, label, market, promote, or sell a yarn or fabric or combine yarns or fabrics without substantially changing their form, you are not a manufacturer. If you merely perform an industrial service for the account of others on a yarn or fabric you are not a manufacturer with respect to such yarn or fabric.

(b) "Wool" means the fibres from the fleece of the sheep or lamb, or the hair of the Angora or Cashmere goat or of the camel, alpaca, llama, or vicuna, and shall include tops and noils, but shall not include wool wastes.

(c) "Wool wastes" means waste made in the process of manufacturing any wool yarn or fabric including card wastes, laps and threads. It also includes reprocessed, reworked, and reused wool.

(d) "Fabric" means apparel fabrics, blankets, non-apparel fabrics other than blankets, and felts, if such fabric contains 25 percent or more wool or wool waste by fibre weight. Soft surface floor coverings subject to Supplementary Regulation 11 of the General Ceiling Price Regulation are not included.

(e) "Yarn" means yarn containing 25 percent or more wool or wool waste by fibre weight.

(f) "Class of purchaser or purchaser of the same class" is determined in the first instance by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. The practice may (but need not) be based on characteristics or distribution level of the buyer (for instance, manufacturer, wholesaler, individual retail store, retail chain, mail order house, government agency, public institution). It may (but need not) be based on the location of the purchaser or the quantity purchased by him. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

If in your industry a practice prevails of charging different prices for sales to groups of buyers based on their characteristics or distributive level, any such group to whom you did not make sales during your base period and for whom you did not have a customary differential in effect during or before your base period, is a separate class of purchaser as to you.

(g) "Most closely competitive seller of the same class" means the seller with whom you are in most direct competition. You are in direct competition with another seller who sells the same type of yarn or fabric to the same classes of purchasers in similar quantities, on similar terms, and with approximately the same amount of service.

(h) "Written offer to sell" means an offer in writing to a customer to sell a yarn or fabric at a specified price. It includes a written price list distributed to the trade or a substantial number of customers in the seller's customary manner. The term does not include an offer at a price intended to withhold a yarn or fabric from the market or used as a bargaining price by a seller who usually sells at a price lower than his asking price.

(i) "Delivered": A commodity shall be deemed to have been delivered if it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

(j) "Decorations" means silk, synthetics, worsted or cotton threads added to a fabric to enhance its style value.

(k) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representatives of any of the foregoing, and includes the United States or any other government and their political subdivisions or agencies.

(l) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase", and "purchaser" shall be construed accordingly.

(m) The pronoun "you" as used in this regulation indicates the person subject to the regulation.

(n) All other trade terms used in this regulation have the meanings generally accepted in the trade.

Effective date. This revised regulation shall become effective on May 9, 1951.

NOTE: The record-keeping and reporting requirements of this revised regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 9, 1951.

[F. R. Doc. 51-5475; Filed, May 9, 1951; 8:48 a. m.]

[Ceiling Price Regulation 35]

CPR 35—CEILING PRICES FOR WOOL AND RELATED FIBRES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 35 is hereby issued.

STATEMENT OF CONSIDERATIONS

The world-wide demand since 1945 for wool fibres of all qualities has created a situation in which consumption has exceeded current production at an annual rate of over 300 million clean pounds a year. During the period between the end of World War II and June 1950, the sharp price increases which would normally have resulted from such a situation, had been moderated by the existence of large stocks of wool accumulated during the Second World War, amounting in 1945 to 2.3 billion clean pounds. By the summer of 1950 however, these stocks were virtually exhausted, while world requirements had increased, due to the upward revision of military needs occasioned by the outbreak of hostilities in Korea. Although world production of wool has increased slightly since the end of the World War II, this increase has lagged far behind the surge of civilian and military demands. Furthermore, wool production in the United States has decreased 45 percent below the pre-World War II levels, and as a consequence about 70 percent of United States wool requirements must be imported.

When, in June 1950, the moderating influence of large supply stocks vanished, due to the depletion of these stocks, the disproportionate relationship between supply and demand led to a spiraling of world wool prices. The prices reached in the first week of April, 1951 were 210 percent of those prevailing in June 1950. American wool dealers, however, were required by the General Ceiling Price Regulation to charge prices no higher than the highest at which they had made deliveries between December 19, 1950 and January 25, 1951. The ceilings thus fixed not only varied from dealer to dealer but also represented, in many cases, a price distortion between different grades and types of wool resulting from the differing circumstances surrounding each delivery. Moreover, due to abnormally low United States wool production, the 1950 domestic clip had been virtually all sold and delivered to topmakers or mills by November or early December of that year. Except for insignificant amounts, shearing of the 1951 clip did not begin until the latter part of February. As a consequence, most dealers made no deliveries of domestic wool during the base period fixed by the General Ceiling Price Regulation, and because they were unable to compute ceiling prices under other methods prescribed in that regulation, they did not establish ceiling prices on many, if not all, of the grades and lengths of domestic wool. Dealers had begun contracting for the 1951 domestic clip in August and September of 1950. By February 1, 1951, about 80 percent of this clip had been contracted for in advance of shearing, and about 90 percent of this amount is still under contract for delivery to topmakers, and worsted and woolen mills. The many dealers who have not established ceiling prices for domestic wool under the General Ceiling Price Regulation are thus unable to deliver this wool, but, at the same time they are required to pay the grower in settlement of their contracts with him. This has placed a heavy financial burden upon the trade. In addition, it has resulted in a shortage of wool to those mills who have based production plans on the acquisition of wool for which they previously contracted from such dealers.

This regulation establishes dollar and cents ceilings on wool, alpaca, and mohair and on tops and noils, which are semimanufactures of wool used as raw material by woolen and worsted mills. The ceilings fixed under this regulation do not apply at the grower level, since there is presently insufficient information available upon which to predicate such ceilings. The prices fixed in this regulation will allow the delivery of wool under the majority of contracts previously made which it is believed are at prices lower than the ceiling prices established in this regulation. Moreover, this regulation will permit the marketing of that portion of the domestic clip still in producers' hands. The wool prices which are fixed by this regulation are at a level sufficiently high to allow the importation of wool at prices currently quoted in the world markets. Nevertheless, they represent a rollback of 9 to 12 percent from the highest sales made during the base period of the General Ceiling Price Regulation.

Prices now prevailing in foreign markets, and reflected in the price schedules of this regulation, are 21 percent lower than those reached in the first week of April, the peak of the post-Korean in-

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[1] The portions of the General Ceiling Price Regulation here referred to applicable to manufacturers, are as follows:

SEC. 16. (a) *Base period records.* You must preserve and keep available for examination by the Director of Price Stabilization those records in your possession showing the prices charged by you for the commodities or services which you delivered or offered to deliver during the base period. • • •

(2) In addition, on or before March 22, 1951, you must prepare and preserve a statement showing the categories of commodities in which you made deliveries and offers for delivery during the base period. • • •

(3) On or before March 22, 1951, you must also prepare and preserve a ceiling price list, showing the commodities in each category (listing each model, type, style, and kind), or the services, delivered or offered for delivery by you during the base period together with a description or identification of each such commodity or service and a statement of the ceiling price. Your ceiling price list may refer to an attached price list or catalog. • • •

(4) You must also prepare and preserve a statement of your customary price differentials for terms and conditions of sale and classes of purchasers, which you had in effect during the base period.

• • • • •

(b) *Current records.* If you sell commodities or services covered by this regulation you must prepare and keep available for examination by the Director of Price Stabilization for a period of two years, records of the kind which you customarily keep showing the prices which you charge for the commodities or services. In addition, you must prepare and preserve records indicating clearly the basis upon which you have determined the ceiling price for any commodities or services not delivered by you or offered for delivery during the base period. • • •

"Base period" as used in section 16 of the General Ceiling Price Regulation means December 19, 1950, to January 25, 1951.

crease, and correspond to the levels attained in early January of this year. Although the ceiling prices established in this regulation reflect the price decline of recent weeks they are not intended to provide a level to be maintained for the indefinite future. Actually, the establishment of such prices is dictated by the necessity of freeing the movement of wool to mills threatened with suspension of operations due to lack of raw materials. Although lower than the levels reached in April of this year, these prices are above any attained in past years. Any modifications of wool price levels by other agencies of the United States Government acting alone, or in agreement with foreign governments, will be taken into account in future adjustments of this regulation. Moreover, the initial sales of the Southern Hemisphere clip during the middle of the summer of 1951 may offer a reasonable basis for a revision of the ceiling prices established by this regulation.

In the interim period, this regulation, although applicable only to sales within the United States of America, should prove effective in checking any further tendency toward spiraling prices in foreign markets where Americans have been among the strongest buyers, especially during the period between June 1950 and April 1951. This level of ceiling prices should enable American requirements to be imported on an orderly basis, without the unnecessary bidding up of prices by competitive pressure among American buyers at foreign auctions.

Although the principal grades and lengths of wool and similar fibres have been given definitive ceilings, the countless variety of different styles, types, and qualities prohibits the listing of each possible variation. Provision has been made, however, for wools or other fibres not listed on the schedule by requiring a seller of such wools and fibres to apply, to the nearest grade and length listed in this regulation, the differences in quoted cost to him between the listed and unlisted wool or other fibre. This method will establish ceiling prices for unlisted grades in line with the grades listed in this regulation, and at the same time will take account of current inter-grade differentials.

The price differentials between grades and lengths of wool listed in this regulation reflect the situation as it has developed during the past few months. During periods of scarcity the spread between the finer and coarser grades has a tendency to contract. In recent months this tendency has also been heightened by the large volume of purchases of military fabrics, many of which contain grades of wool lower than those found in the majority of civilian fabrics. Consequently, the intergrade differentials established by the listed prices in this regulation are narrower than those existing during the past two years when supplies were more closely correlated with demand and when military requirements were at a minimum. Such narrowing of differentials is necessary, however, in order to avoid the cessation or slowing down of imports of such coarser wools, forcing fabric and apparel manufacturers to discontinue their lower priced items.

The recent price history of fibres, other than wool, listed in the regulation is closely parallel to that of wool. Consequently, the same considerations involved in establishing the levels of prices and inter-grade differentials for wool are applicable to such other fibres.

The price schedules for tops and noils are based upon the level established for wool. An analysis of historical price relationships indicates that the levels which have been fixed for tops and noils are in line with prices established for wool. An analysis of the cost of converting wool into top substantiates the conclusion that the top prices provide a fair margin over costs. Although during a time of short supply there is always present the danger of up-grading a product whose ceiling price is fixed, it is believed that this regulation avoids much of that danger by providing that top containing blends of wool must be priced by a weighted average of the ceiling prices of the components.

Discounts for inferior qualities of wool, mohair, alpaca, tops, and noils have been provided. Allowances for scouring, carbonizing, and certain other processing charges have also been incorporated in the regulation. These discounts and premiums reflect the normal valuation of such off- and premium grades in line with their quality or with the cost of the additional processing.

In formulating this regulation the Director of Price Stabilization has consulted with representatives of the industry to the extent practicable under the circumstances and has given consideration to their recommendations.

He has also given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

In the judgment of the Director, based upon an analysis of the presently available data, the provision of this regulation and the ceiling prices established are generally fair and equitable and will effectuate the purpose of Title IV of the Defense Production Act of 1950.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Ceiling prices for sales of wool.
3. Ceiling prices for sales of original bag greasy mohair, mohair matchings and mohair tops and noils.
4. Ceiling prices for sales of alpaca fleece, and alpaca top and noils.
5. Ceiling prices for sales of wool top.
6. Ceiling prices for sales of wool noils.
7. Terms of sale.
8. Records.
9. What acts are prohibited by this regulation.
10. Enforcement.
11. Petitions to amend this regulation.
12. Definitions.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation fixes dollars-and-cents ceiling prices for sales, by sellers other than the growers, of greasy wool, original bag mohair, and mohair matchings, and for all sales of scoured wool, wool top, wool noils, mohair top, mohair noils, alpaca fleece, alpaca top, and alpaca noils. It applies in the 48 states and the District of Columbia.

This regulation does not apply to sales or deliveries under a military contract or subcontract exempt by Supplementary Regulation 1, as amended, to the General Ceiling Price Regulation, or to sales or deliveries covered by Ceiling Price Regulation 20.

SEC. 2. *Ceiling prices for sales of wool*—(a) *Greasy shorn and greasy pulled wool.* Your ceiling price for greasy shorn and greasy pulled wool, regardless of country of origin, is the price listed in Schedule A of this section. This is the price for delivery ex-dock port of entry or at the seller's warehouse; It includes all commissions, duties and other charges. If the wool is of foreign origin, the grease price per pound shall be computed on the basis of American yield. If the wool is of inferior quality, apply the differentials in accordance with the instructions in paragraph (b) of this section.

SCHEDULE A—GREASY SHORN AND GREASY PULLED WOOLS

Grade and length	Clean basis price per pound
Apparel wool:	
70s warp	$3 65
70s average	3 46
70s French	3 39
70s and above, 1½" and under	3 35
64s warp	3 46
64s average	3 35
64s French	3 33
64s short, 1½" and under	3 23
62s warp	3 39
62s average	3 32
60s warp	3 35
60s average	3 29
60s 1½" and under	3 03
58s warp	3 23
58s average	3 16
58s 2" and under	2 91
56s warp	3 03
56s knitting	3 00
56s 2" and under	2 80
50s warp	2 94
50s knitting	2 91
50s 2" and under	2 64
46s average	2 61
46s and below 2" and under	2 42
Britch	2 36
44s average	2 19
44s 2d	
40s average	2 10
40s 2d	
36/40 average	
36/40 2d	

origin, is the price listed in Schedule B of this section. This is the price for delivery of original bags or matchings, ex-dock port of entry or at the seller's warehouse and for delivery of top and noils at the combing plant or at the seller's warehouse. It includes all commissions, duties and other charges.

SCHEDULE B—ORIGINAL BAG GREASY MOHAIR, MOHAIR MATCHINGS, AND MOHAIR TOP AND NOILS

Grade	Mohair matchings (Yarn per greasy pound	Yarn per pound	Noils per pound
	Original bag kid: $2.28 per pound Original bag adult: $1.81 per pound		
40s	$2 18	$4 28	$2 33
36s	2 71	3 71	2 23
32s	2 42	3 32	2 13
28s	2 11	2 94	1 87
Kid:			
Finest (Burry)	1 81	2 65	1 45
Average	1 71	2 51	1 36
Low ends (Burry)	1 61	2 38	1 26
36s	2 11	3 11	1 66
32s	1 88	2 88	1 50
28s	1 67	2 57	1 37
Adult:			
Fine	1 57	2 42	1 24
Low	1 43	2 25	1 19
Stained	1 15	1 90	.96
Fine ends (Burry)	1 15	2 23	.86
Low ends (Burry)	.71		

(b) *Unlisted mohair matchings.* If you wish to sell mohair matchings of a grade, style or character other than those listed in Schedule B of this section, your ceiling prices for such matchings shall be determined by the method prescribed in section 2 (d) of this regulation.

(c) *Mixed grades and lengths.* If you wish to sell mohair matchings or noils in a lot containing different grades or lengths, find the percentage of each grade or length contained in that lot by grading a sample portion of the lot, or by making an estimate in accordance with established trade practice. Multiply the percentage of each grade or length contained in the lot by the applicable ceiling price per pound under this regulation for such grade or length and add the results to obtain your ceiling price per pound for the quantity you wish to sell.

(d) *Blended top.* If you wish to sell mohair top containing a blend of different grades and lengths of mohair, find the percentage of each type of mohair in that top. Multiply the percentage of each type by its ceiling price per pound under this regulation, and add the results to obtain your ceiling price per pound of the top you wish to sell.

SEC. 3. *Ceiling prices for sales of original bag greasy mohair, mohair matchings and mohair top and noils.*—(a) *Original bag greasy mohair, mohair matchings, and mohair top and noils.* Your ceiling price for original bag greasy mohair, mohair matchings and mohair top and noils, regardless of country of origin, is the price listed in Schedule B of this section. This is the price for delivery ex-dock port of entry or at the seller's warehouse and for delivery of original bags or matchings, ex-dock port of entry or at the seller's warehouse and for delivery of top and noils at the combing plant or at the seller's warehouse. It includes all commissions, duties and other charges.

SCHEDULE C—GREASY ALPACA FLEECE, ALPACA TOP, ALPACA NOILS, PER LB. F.O.B.

Type	White	Lt. Fawn	Lt. Gray Lt. Brown (Tobacco)	Others colors
No. 1 Arequipa Maximum (fine Huacaya)	$2 85	$2 75	$2 60	$1 90
No. 1 Maximum Arequipa	2 65	2 55	1 90	1 75
No. 2 Alpaca (medium Huacaya)	2 19	1 95	1 71	1 71
No. 3 Alpaca (coarse Huacaya)	2 19	1 95	1 71	1 71
Top	1 60	1 50	1 40	1 40
Noils	1 40	1 30	1 20	1 20

(a) *Greasy alpaca fleece, alpaca top and noils.* Your ceiling price for greasy alpaca fleece and alpaca top and noils, regardless of country of origin, is the price listed in Schedule C of this section. This is the price for delivery ex-dock port of entry or at the seller's warehouse. It includes all commissions, duties, and other charges.

(b) *Unlisted Alpaca fleece.* If you wish to sell alpaca fleece of a grade, style or character other than those listed in Schedule C of this section, your ceiling

(b) *Inferior shorn and pulled apparel wools.* For sales of inferior shorn and pulled apparel wools you shall apply the following discounts to the prices listed in Schedule A of this section, wherever applicable.

(1) Slightly stained wools	Deduct 2 percent.
(2) Yellow or heavily stained wools	Deduct 5 percent.
(3) Seedy or burry wools which in accordance with established trade practice do not require carbonizing.	After adjustment for color, where necessary, in accordance with (1) and (2), above, deduct 3 percent.
(4) Seedy or burry wools which in accordance with established trade practice require carbonizing.	After adjustment for color, where necessary, in accordance with (1) and (2), above, deduct 10 percent: *Provided*, That where such wools are sold in a carbonized state, the actual carbonizing charges plus an allowance for actual shrinkage may be added to the ceiling price so long as such charges and shrinkage allowance are separately set forth in the invoice or similar document delivered to the purchaser.
(5) Black or grey wools	Deduct 20 percent.
(6) Dead wools	Deduct 25 percent.
(7) Karakul wools	Deduct 40 percent.
(8) Wools tied with sisal or loose-spun jute twine	Deduct 10 percent.
(9) Improved Navajo wool	Deduct 5 percent.
(10) Unimproved Navajo wool	Deduct 10 percent.
(11) Pulled shank wool	Deduct 33 percent.

(c) *Scoured wools.* If you wish to sell scoured wools, you may apply the following premiums to the prices listed in Schedule A of this section, as adjusted in paragraph (b):

(1) Pulled wools scoured in the U. S. A.	Add 8¢.
(2) Pulled wools scoured abroad	Add 3¢.
(3) Domestic shorn wools scoured in U. S. A.	Add 15¢.
(4) Foreign shorn wools scoured in the U. S. A.	Add 10¢.
(5) Foreign shorn wools scoured abroad	Add 3¢.

(d) *Unlisted wools.* If you wish to price a lot, which you purchased, of wool of a grade, style or character (including necks, bellies, pieces, broken, tags, etc.) other than those listed in Schedule A of this section, your ceiling price for each pound of that lot shall be determined as follows:

(1) Find the ceiling price of a wool listed in Schedule A of this section having a style and character most nearly like that of the wool you want to price.

(2) Find the dollars-and-cents difference in cost between the most nearly like wool and the wool you are pricing, which your customary source of supply (e. g., an Australian auction or a domestic seller) quoted in its customary manner on the most recent day prior to the date of your computation under this section.

(3) Apply this dollars-and-cents difference in cost to the ceiling price for the most nearly like wool. The result is your ceiling price for each pound of that lot which you are pricing. Note that once you determine your ceiling price per pound of a lot of that wool, that is your ceiling price for every pound of that lot.

Example of computations under paragraph (d) of this section.

(1) Assume you have purchased and wish to sell a lot of Australian Type 78.

(2) The nearest comparable grade and style to Type 78, listed in Schedule A is 64s average. 64s average is the same as Australian Type 93.

(3) Ceiling price of 64s average (Type 93) as listed in Schedule A ---------- $3.35

(4) Latest Australian auction sales:

Type 78 (American yield duty paid)	$3.29
Type 93 (American yield duty paid)	$3.24
Difference in cost	0.05

(5) Ceiling price for each pound of this particular lot of Type 78.- 3.40

(e) *Mixed grades and lengths.* If you wish to sell wools in an original package or lot containing different grades or lengths, find the percentage of each grade and length contained in that package or lot by grading a sample portion of the lot or package, or by making an estimate in accordance with established trade practice. Multiply the percentage of each grade or length contained in the package or lot by the applicable ceiling price per pound under this regulation for such grade or length, and add the results to obtain your ceiling price per pound for the quantity you wish to sell.

SEC. 4. *Ceiling prices for sales of alpaca fleece, and alpaca top and noils*—

prices for such fleece shall be determined by the method prescribed in section 2 (d) of this regulation.

(c) *Mixed types and colors.* If you wish to sell alpaca fleece in a lot containing different types or colors, find the percentage of each type and color contained in that lot by grading a sample portion of the lot or by making an estimate in accordance with established trade practice. Multiply the percentage of each type and color contained in the lot by the applicable ceiling price per pound under this regulation for such type and color and add the results to obtain your ceiling price per pound for the quantity you wish to sell.

SEC. 5. *Ceiling prices for sales of wool top*—(a) *Wool top.* Your ceiling price for top processed from wool, regardless of country of origin, is the price listed in Schedule D of this section. This is the price for delivery of imported top ex-dock port of entry, or at the seller's warehouse and for delivery of top made in the United States of America at the combing plant or at the seller's warehouse. These prices are based on 15 percent regain and 3¼ percent oil or natural fat, except where noted "dry." They include all commissions, duties and other charges. Deduct 6 percent from these prices for grey or black top.

SCHEDULE D—WOOL TOP

Grade and length:	Price per pound
80s Fine Average	$4.87
70s Warp	4.37
70s Average	4.29
70s Short Dry	4.29
64s Warp	4.22
64s Average	4.13
64s Short Dry	4.13
62s Warp	4.13
62s Average	4.09
60s Warp	4.04
60s Average	4.00
60s QM Standard	3.98
58s Warp	3.90
58s Average	3.86
56s Warp	3.58
56s Knitting	3.58
50s Warp	3.39
50s Knitting	3.33
46s	3.12
Britch	2.74
44s Average	2.54
44s 2nd Clip	2.54
40s Average and 36 40s Warp	2.34
40s 2nd Clip and 36 40s 2nd Clip	2.34

(b) *Blended top.* If you wish to sell wool top containing a blend of different grades and lengths of wool, find the percentage of each type of wool in that top. Multiply the percentage of each type by its ceiling price per pound under this regulation and add the results to obtain your ceiling price per pound of the top you wish to sell.

SEC. 6. *Ceiling prices for sales of wool noils*—(a) *Wool noils.* Your ceiling price for wool noils, regardless of country of origin, is the price listed in Schedule E of this section. This is the price for delivery at the combing plant or at the seller's warehouse for noils combed in the United States of America, and for delivery ex-dock port of entry or at the seller's warehouse for noils which are imported. This price includes all commissions, duties, and other charges.

SCHEDULE E—WOOL NOILS

[First combing white noils of average quality, the product of the following types of combs, price per pound]

	Noble	Lister	French	Schlumberger
70s	$2.24	$2.29	$1.79	$1.88
64s	2.15	2.19	1.74	1.83
62s	2.06	2.11	1.66	1.76
60s	2.01	2.06	1.61	1.70
58s	1.87	1.92		
56s	1.79	1.84	1.46	1.56
50s	1.74	1.79		
50/56s	1.69	1.74	1.37	1.46
50s	1.63	1.68		
50/54s	1.59	1.64	1.28	1.38
50s	1.50	1.50		
46s	1.45	1.50		
44s	1.37	1.42		

(b) *Choice and processed noils.* You may apply the following premiums, if you wish to sell choice or processed noils, to the prices listed in Schedule E of this section.

(1) Noils of choice character.	Add 5¢.
(2) Processed noils.	After adjusting, if applicable, by (1) above, add 5¢ plus all costs actually paid for bagging, processing, and shrinkage.
(3) Recombed white noils.	After adjusting, if applicable by (1) and (2) above, add 35¢.

(c) *Inferior noils.* For sales of inferior noils you shall apply the following discounts to the prices listed in Schedule E of this section, as adjusted in paragraph (b) of this section.

(1) Noils containing heavy defect, but not requiring carbonizing before spinning.	Deduct 10¢.
(2) Recombed colored noils of pastel shades.	Deduct 35¢.
(3) Recombed colored noils of medium and dark shades.	Deduct 65¢.

(d) *Blended noils.* If you wish to sell noils containing a blend of different grades and comb types, find the percentage of each grade and type of noil in that blend. Multiply the percentage of each grade and type by the applicable ceiling price per pound under this regulation for unblended noils, and add the results to obtain your ceiling price per pound for the noils you wish to sell.

SEC. 7. *Terms of sale.* If you sell scoured wools, pulled or shorn, wool or mohair top or noils, alpaca fleece, alpaca top or noils, your terms of sale shall be 10 days less 1 percent or net 60 days.

SEC. 8. *Records.* (a) You must preserve and keep available for examination by the Director of Price Stabilization for the life of the Defense Production Act of 1950 and for a period of two years thereafter:

(1) A complete and accurate record of every purchase, sale or exchange of commodities covered by this regulation, including the names and addresses of the persons involved, the date of the purchase or sale or exchange, the price, the quality and the grade, length, type and other identifying characteristics of the commodity so purchased, sold or exchanged;

(2) A complete and accurate record of all computations made pursuant to sections 2 (d), 3 (b) and 4 (b) of this regulation. This record shall include the name and address of the customary source of supply whose price quotation you used and the date of such quotation;

(3) A complete and accurate record of all computations made pursuant to sections 2 (e), 3 (c), and 4 (c) of this regulation. This record shall include a complete description of the method you used to find the grades, lengths, types, or colors of wool, mohair matchings, mohair noils, or alpaca fleece, as the case may be, contained in the particular package or lot;

(4) A complete and accurate record of all computations made pursuant to sections 3 (d), 5 (b), and 6 (d) of this regulation.

(b) With respect to any commodity covered by this regulation the provisions of section 16 of the General Ceiling Price Regulation are hereby continued in effect insofar as they apply to the preparation and preservation of "base period records" and such "current records" as have been made as a result of sales between January 26, 1951, and the effective date of this regulation.[1]

SEC. 9. *What acts are prohibited by this regulation.* On and after the effective date of this regulation, regardless of any contract or other obligation, the following practices are forbidden:

(a) *Charging more than ceiling prices.* You are prohibited from selling or delivering any commodity covered by this regulation at a price higher than that permitted by this regulation. A lower price may, of course, be charged.

(b) *Buying for more than ceiling price.* All persons are prohibited from buying, or receiving, from a person subject to this regulation, in the course of trade or business, any commodity sold or delivered in violation of this regulation.

[1] The portions of the General Ceiling Price Regulation here referred to applicable to manufacturers, are as follows:

Sec. 16. (a) *Base period records.* You must preserve and keep available for examination by the Director of Price Stabilization those records in your possession showing the prices charged by you for the commodities or services which you delivered or offered to deliver during the base period. • • •

(2) In addition, on or before March 22, 1951, you must prepare and preserve a statement showing the categories of commodities in which you made deliveries and offers for delivery during the base period. • • •

(3) On or before March 22, 1951, you must also prepare and preserve a ceiling price list, showing the commodities in each category (listing each model, type, style, and kind), or the services, delivered or offered for delivery by you during the base period together with a description or identification of each such commodity or service and a statement of the ceiling price. Your ceiling price list may refer to an attached price list or catalog. • • •

(4) You must also prepare and preserve a statement of your customary price differentials for terms and conditions of sale and classes of purchasers, which you had in effect during the base period.

• • • • • • •

(b) *Current records.* If you sell commodities or services covered by this regulation you must prepare and keep available for examination by the Director of Price Stabilization for a period of two years, records of the kind which you customarily keep showing the prices which you charge for the commodities or services. In addition, you must prepare and preserve records indicating clearly the basis upon which you have determined the ceiling price for any commodities or services not delivered by you or offered for delivery during the base period. • • •

"Base period" as used in section 16 of the General Ceiling Price Regulation means December 19, 1950, to January 25, 1951.

(c) *Evasion.* No person shall engage in any practice which results in obtaining indirectly a higher price than is permitted by this regulation. Such practices include, but are not limited to devices making use of commissions, services, cross-sales, transportation arrangements, premiums, discounts, special privileges, tie-in agreements and trade understandings.

(d) *Attempts to violate.* All persons are prohibited from agreeing, offering, soliciting, or attempting to engage in any of the practices prohibited by this regulation.

SEC. 10. *Enforcement.* Any person who violates any provision of this regulation is subject to the criminal penalties, civil enforcement actions, and suits for damages provided for by the Defense Production Act of 1950.

SEC. 11. *Petitions to amend this regulation.* Any person seeking an amendment of this regulation may file a petition for amendment in accordance with Price Procedural Regulation 1.

SEC. 12. *Definitions*—(a) *Apparel Wool.* The term "apparel wool" means all wool fibers not used in the manufacture of soft surface floor coverings.

(b) *Records.* "Records" means books or accounts, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(c) *Person.* "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representatives of any of the foregoing, and includes the United States or any other government and their political subdivisions or agencies.

(d) *Sell.* "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase," and "purchaser," shall be construed accordingly.

(e) *You.* The pronoun "you" as used in this regulation indicates the person subject to the regulation.

(f) All other trade terms used in this regulation have the meanings generally accepted in the trade, unless excluded by the context or otherwise indicated by special definition.

Effective date. This regulation shall become effective on May 9, 1951.

NOTE: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 9, 1951

[F. R. Doc. 51-5474; Filed, May 9, 1951; 8:48 a. m.]

Chapter XII—Defense Minerals Administration, Department of the Interior

[Mineral Order 7, As Amended]

MO-7—SERIALIZATION OF MINES, SMELTERS, AND MINERAL PROCESSING PLANTS

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Section 5 of this order constitutes new material; sections 2 (d), 4 and 6 are amended. As amended, the order reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Applicability of order.
4. Serialization of mines, smelters and mineral processing plants.
5. Application by small producers.
6. Application by foreign producers.
7. Records and reports.
8. Adjustments and exceptions.
9. Violations.

AUTHORITY: Sections 1 to 9 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1950 Supp.

SECTION 1. *What this order does.* The purpose of this order is to provide, by serialization of mines (other than petroleum, solid fuels and natural gas), nonferrous smelters, and mineral processing plants, the requisite information to enable the Defense Minerals Administration adequately to provide priority and allocation assistance under its programs relating to the maintenance and acquisition of facilities, machinery, equipment, and operating supplies by the mining industry.

SEC. 2. *Definitions.* For the purposes of this order:

(a) "Person" means any individual, corporation, partnership, or association, and includes any agency of the United States, or any other government or citizen thereof.

(b) "Producer" means any person operating a mine (other than petroleum, solid fuels and natural gas), a nonferrous smelter, or mineral processing plant.

(c) "Mine" means an operation (whether underground, open-pit, quarry or dredging), conducted for the primary purpose of extracting minerals (excepting solid fuels, petroleum and natural gas), and includes prospecting enterprises for the discovery, exploration or development of new or additional mining projects.

(d) "Smelter" means a plant producing nonferrous metals by smelting or refining.

(e) "Mineral processing plant" means a plant engaged in the beneficiation or concentration of ores.

SEC. 3. *Applicability of order.* This order shall apply to producers in the United States, its Territories and Possessions and to those producers in foreign countries who apply for assistance and whom the Economic Cooperation Administration, Office of International Trade, or the Canadian Division of the National Production Authority may represent as eligible for the programs of the Defense Minerals Administration.

SEC. 4. *Serialization of mines, smelters and mineral processing plants.* Allocation assistance under the programs of the Defense Minerals Administration as set forth in section 1 of this order, will be given only to producers who have been granted serial numbers as provided in this order. Each producer, except producers subject to the provisions of sections 5 and 6 of this order, shall file an application for serialization with the Defense Minerals Administration, Department of the Interior, Washington 25, D. C., on Form MF–100, not later than June 30, 1951. Producers commencing operations subsequent to June 30, 1951, are not prohibited from making application at a later date.

SEC. 5. *Application by small producers.* Any producer, who produces or processes fifty (50) tons or less of crude ore per week, in applying for a serial number, need furnish only the information required by questions 1, 3, 10, and 16 of Form MF–100 and execute the certification provided therein, or in lieu of using Form MF–100 such producer may submit in a letter the following information:

(a) Kind of material produced or processed, and byproducts, if any.

(b) Location of operations: Give county, State, township, section, range, mining district, and distance to nearest town and shipping point.

(c) Number and types of labor employed.

(d) Quantity and kind of product mined or processed and sold during 1948, 1949, 1950 and present monthly average.

Applications made pursuant to this section shall be filed with the Defense Minerals Administration, Department of the Interior, Washington 25, D. C., or with the nearest field executive officer of the Defense Minerals Administration, not later than June 30, 1951. Schedule "A" hereof sets forth the addresses of the field executive officers.

SEC. 6. *Application by foreign producers.* Foreign producers seeking assistance as set forth in section 1 of this order shall apply for serialization with the Defense Minerals Administration on Form MF–100 through the facilities of the Economic Cooperation Administration, or the Office of International Trade, except in the case of Canadian producers, who shall file through the facilities of the Canadian Division of the National Production Authority. Applicants processing applications through the facilities of the Office of International Trade are referred to the additional informational requirements imposed by said agency as set forth in Part 398 of Export Control Regulations, sub-chapter C of Chapter III of Title 15 of the Code of Federal Regulations.

SEC. 7. *Records and reports.* Any producer granted serialization under the provisions of this order shall keep such records and submit such reports as the Defense Minerals Administration shall require, subject to the terms of the Federal Reports Act (5 U. S. C. 139–139F).

SEC. 8. *Adjustments and exceptions.* Any producer affected by any provision of this order or by any action taken thereunder may file a request for adjust-

ment or exception upon the ground that such provision or action works an undue or exceptional hardship upon him not suffered generally by others in the same industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application or any provision of this order or by any action taken thereunder, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, in duplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 9. *Violations.* Any person who wilfully violates any provision of this order, or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

This order, as amended, shall take effect upon publication in the FEDERAL REGISTER.

JAMES BOYD,
Administrator,
Defense Minerals Administration.

SCHEDULE A—ADDRESSES OF FIELD EXECUTIVE OFFICERS OF THE DEFENSE MINERALS ADMINISTRATION

Region	Area served	Address
I	Alaska	Federal Bldg., P. O. Box 2200, Juneau, Alaska.
II	Washington, Oregon, Idaho, and Montana	South 157 Howard St., Spokane, Wash.
III	California and Nevada	1415 Appraisers Bldg., San Francisco, Calif.
IV	Arizona, New Mexico, Colorado, Utah, and Wyoming	224 New Customhouse Bldg., Denver 2, Colo.
V	North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, and Michigan	2908 Colfax Ave. South, Minneapolis 8, Minn.
VI	Kansas, Louisiana, Oklahoma, Texas, Arkansas, and Missouri	Bureau of Mines, P. O. Box 431, Joplin, Mo.
VII	Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi	Room 13, Post Office Bldg., Knoxville 01, Tenn.
VIII	Illinois, Indiana, Ohio, Kentucky, Virginia, West Virginia, Massachusetts, Maryland, New York, Vermont, Maine, New Hampshire, Connecticut, Rhode Island, New Jersey, Delaware, and Pennsylvania	Eastern Experiment Station, College Park, Md.

[F. R. Doc. 51-5494; Filed, May 9, 1951; 11:47 a. m.]

Chapter XV—Federal Reserve System

[Regulation X, Interpretation 31]

REG. X—REAL ESTATE CREDIT

INT. 31—NONRESIDENTIAL STRUCTURE

Newspaper printing plant. It is the opinion of the Board that a newspaper is a "manufactured product" within the meaning of section 2 (r) (5) (i) of Regulation X. Accordingly, the definition of "nonresidential structure" in section 2 (r) does not include a structure more than 80 percent of the floor space of which is used or designed for use in the printing of newspapers and, therefore, credit for the financing of such construction is not subject to Regulation X.

(Sec. 704, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp. Interprets or applies sec. 602, Pub. Law 774, 81st Cong.)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-5398; Filed, May 9, 1951; 8:46 a. m.]

[Regulation W, Interpretation 35]

REG. W—CONSUMER CREDIT

INT. 35—AIR CONDITIONERS

Large units. The classification "air conditioners, room unit" in Group B of section 9 (the Supplement to Regulation W) does not include units of 2 horsepower or more rated capacity.

(Sec. 5, 40 Stat. 415, as amended, sec. 601, Pub. Law 774, 81st Cong.; 50 U. S. C. App. 5, E. O. 8843, Aug. 9, 1941, 6 F. R. 4035; 3 CFR, 1941 Supp.)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-5397; Filed, May 9, 1951; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1791]

PART 250—PUBLIC SALES

ACTION AFTER PURCHASER IS DECLARED

Paragraphs (b) and (c) of § 250.12 are amended to read as follows:

(b) (1) Unless he has previously done so, the purchaser must, within 10 days after he has been so declared, file with the manager a statement of his citizenship, or if a partnership, a statement of the citizenship of its members. If the purchaser is an unincorporated association, a statement must be filed showing the citizenship of each member. A corporation is required to file a certified copy of its articles of incorporation showing that it is organized under the laws of the United States, or of some State, Territory or possession thereof, and that it is authorized to acquire and hold real estate in the State or Territory in which the land is situated, and it must furnish a statement showing the percentage of each class of its stock, and the percentage of all of its stock, which is owned or controlled by or on behalf of persons whom the corporation knows to be or has reason to believe are aliens, or who have addresses outside of the United States, indicating which classes of stock have voting rights. If more than 10 percent of the voting stock, or of all of the stock, is owned or controlled by or on behalf of such persons, the corporation must give their names and addresses, the amount and class of stock held by each, and, to the extent known to the corporation or which can be reasonably ascertained by it, the facts as to the citizenship of each such person.

(2) If the purchaser declared by the manager is an alien individual, a partnership a member of which is an alien, an unincorporated association any appreciable number of the members of which are aliens, or a corporation, any appreciable percentage of the stock of which is held by aliens, and if the sale to such purchaser has not previously been approved by the Secretary, the declaration of the purchaser is subject to approval by the Secretary of the Interior, and the manager will withhold the cash certificate until such approval has been given. Such purchaser may submit a statement of reasons why the declaration should be approved despite the question of citizenship.

(c) When there has been full compliance with the regulations in this part, the manager will issue a cash certificate to the purchaser.

(R. S. 2478; 43 U. S. C. 1201)

OSCAR L. CHAPMAN,
Secretary of the Interior.

MAY 4, 1951.

[F. R. Doc. 51-5391; Filed, May 9, 1951; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communicctions Commission

[Docket No. 9921]

PART 31—UNIFORM SYSTEM OF ACCOUNTS, CLASS A & B TELEPHONE COMPANIES

CLASSIFICATION OF COMPANIES; RECORDS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of May 1951;

The Commission having under consideration the matter of amendment of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of its rules and regulations;

It appearing, that on April 4, 1951, the Commission published in the FEDERAL REGISTER (16 F. R. 2338) a notice of proposed rule making, in accordance with section 4 (a) of the Administrative Procedure Act, which notice set forth a revision of Part 31 with respect to the classification of telephone companies, that the period in which interested persons were afforded an opportunity to submit comments expired on April 16, 1951, that only the United States Independent Telephone Association submitted comments during that period, and that the aforementioned comments were in favor of adopting the amendment as proposed; and

It further appearing, that the period for filing comments or briefs in reply to the original comments or briefs expired on April 30, 1951, and that no such comments or briefs were filed in reply to the comments of the United States Independent Telephone Association; and

It further appearing, that, in addition to the rule amendment set forth in the notice of proposed rule making, the rule amendment herein ordered provides for the following changes in proposed paragraph (g) of § 31.01-1: Between "The" and "classification" in the first sentence insert the word "initial," and between "1950" and "shall" in the third sentence insert "and not having revenue data for the three immediately preceding years;" and

It further appearing, that the aforesaid changes are not substantive but consist of improvements in the language of the rule and, accordingly, compliance with the requirements of section 4 of the Administrative Procedure Act is not necessary; and

It further appearing, that authority for the promulgation of this amendment is contained in sections 4 (i) and 220 of the Communications Act of 1934 as amended; and

It further appearing, that under section 220 (g) of the Communications Act of 1934, as amended, notice of alterations by the Commission in the required manner or form of keeping accounts shall be given by the Commission at least six months before the same are to take effect;

It is ordered, That effective January 1, 1952, Part 31 of the Commission's rules and regulations is amended as set forth below: *Provided, however,* That any carrier may follow the classifications for telephone companies set forth in such amendment as of January 1, 1951.

Adopted: May 2, 1951.

Released: May 3, 1951.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

a. Amend § 31.01-1 as follows:

1. Delete paragraph (a) and substitute the following:

§ 31.01-1 *Classification of companies.* (a) For accounting purposes, telephone companies are divided into four classes as follows:

Class A. Companies having annual operating revenues exceeding $250,000.

Class B. Companies having annual operating revenues exceeding $100,000 but not more than $250,000.

Class C. Companies having annual operating revenues exceeding $50,000 but not more than $100,000.

Class D. Companies having annual operating revenues not exceeding $50,000.

2. Delete the note and add the following paragraphs:

(d) Class C companies shall keep all the accounts prescribed by Part 33 of this chapter which are applicable to their affairs.

(e) It is recommended but not required that Class D companies keep the accounts prescribed in Part 33 of this chapter.

(f) Companies that desire more detailed accounting may adopt the accounts prescribed for a higher classification of telephone companies: *Provided,* That the Commission is notified promptly of such action. Such companies are not required to comply with the more detailed reporting requirements contained in the rules respecting such higher classification.

(g) The initial classification of a company shall be determined by its lowest annual operating revenues for the three immediately preceding years. Subsequent changes in classification shall be made when the annual operating revenues show a greater or lesser classification for three consecutive years. Companies becoming subject to the jurisdiction of the Commission subsequent to the year 1950, and not having revenue data for the three immediately preceding years, shall estimate the amount of their annual revenues and adopt the scheme of accounts appropriate for the amount of such estimated revenues.

b. In the cross reference following paragraph (b) of § 31.01-2, change "Part 42" to read "Part 45."

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 220, 48 Stat. 1078; 47 U. S. C. 220)

[F. R. Doc. 51-5423; Filed, May 9, 1951; 8:46 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 31]

[Docket No. 9958]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's rules and regulations and related interpretation in Case 6-R-1 of Telephone Accounting Bulletin No. 1 (Appendix A to Part 31).

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend Part 31 of the Commission's rules and regulations and Case 6-R-1 of Telephone Accounting Bulletin No. 1 (Appendix A to Part 31) as set forth below to become effective six months after the adoption of the final order herein with the provision, however, if the order is adopted that any carrier may make these amendments effective at any date subsequent to the date of such adoption.

3. The proposed amendments provide administrative relief to Class A and Class B telephone companies with respect to their original cost accounting in the following two respects:

First, the text of account 100.4, "Telephone plant acquisition adjustment," is to be revised so as to permit carriers to write off certain debit or credit amounts in that account not exceeding $2,000 to operating expenses without prior approval of the Commission.

Secondly, Case 6-R-1 is to be revised so as to permit accounting on the basis of acquisition cost rather than original cost to predecessors with respect to acquisitions from non-affiliates where the purchase price is less than $25,000 for Class A and less than $5,000 for Class B companies. At present these dollar limits are $5,000 and $1,000, respectively.

4. The proposed amendments are issued under authority of sections 4 (i) and 220 of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the manner proposed herein, may file with the Commission on or before June 1, 1951, a statement or brief setting forth his comments. At the same time persons favoring the amendments as proposed may file statements in support thereof. Comments or briefs in reply to the original comments or briefs may be filed on or before June 15, 1951. The Commission will consider all such comments that are presented before taking action in the matter and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished to the Commission.

Adopted: May 2, 1951

Released: May 3, 1951.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

a. Amend subparagraph (2) of § 31.100:4 (c) to read as follows:

(2) Credit amounts shall be disposed of in such manner as this Commission may approve or direct, except for credit amounts referred to in subparagraph (3) of this paragraph.

b. Immediately following subparagraph (2) of § 31.100:4 (c), insert the following new subparagraph:

(3) Within one year from the date of inclusion in this account of a debit or credit amount with respect to a current acquisition, the company may dispose of the total amount (other than that portion relating to land) arising from an acquisition of telephone plant by a lump-sum charge or credit, as appropriate, to account 614, "Amortization of telephone plant acquisition adjustment," without further approval of the Commission, provided that such amount does not exceed $2,000 and that the plant was not acquired from an affiliated company.

c. In Telephone Accounting Bulletin No. 1 (Appendix A to Part 31), redesignate "Case 6–R–1 (Cancels Case 6)" issued on July 13, 1939, and amended on June 20, 1944, as "Case 6–R–2 (Cancels Case 6–R–1)." Delete the present note and amend the first paragraph of the "answer" to read as follows:

Paragraphs (a) and (b) of § 31.2–21 of the effective system of accounts for telephone companies (the former of which paragraphs includes the expression, "a substantially complete telephone system, exchange, or toll line") shall be interpreted to mean that acquisitions of telephone plant of the types set forth in subparagraphs (a) to (i), inclusive, of the second paragraph of this answer, shall be accounted for in accordance with the provisions of aforementioned paragraphs (a) and (b) of § 31.2–21: *Provided, however,* That telephone plant acquired from a nonaffiliate at a cost not exceeding $25,000 in the case of Class A companies, and $5,000 in the case of Class B companies may be accounted for on the basis of acquisition cost in accordance with the provisions of paragraph (c) of § 31.2–21.

[F. R. Doc. 51–5421; Filed, May 9, 1951; 8:48 a. m.]

[47 CFR, Part 64]

[Docket No. 9959]

CHARGES FOR UNITED STATES GOVERNMENT TELEGRAPH COMMUNICATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of charges for United States Government telegraph communications; amendment of Part 64 of the Commission's rules and regulations (Miscellaneous Rules Relating to Common Carriers).

1. Notice is hereby given of proposed rule-making in the above-entitled matter.

2. It is proposed to amend § 64.310 ("Term") of Subpart C (United States Government Foreign and Overseas Telegraph Communications), of Part 64 of the Commission's rules and regulations, to read as follows:

§ 64.310 *Term.* The provisions of Subpart C shall continue in effect through June 30, 1952, unless changed by order of the Commission.

Reason for change: It is necessary under the applicable cable landing licenses that the Commission act annually and the section in its present form provides that the provisions of Subpart C shall continue in effect through June 30, 1951.

3. No changes are now being proposed in the other provisions of Subpart C.

4. The proposed amendment is issued under authority of sections 4 (i) and 601 (b) of the Communications Act of 1934, as amended, and pursuant to the provisions of the permits or licenses granted by the President of the United States, giving the Postmaster General authority to fix rates and charges for United States Government telegraph communications transmitted by any carrier or carriers subject to the terms of such permits or licenses, which authority was transferred to the Commission by section 601 (b) of the Communications Act.

5. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth, may file with the Commission on or before May 21, 1951, a written statement or brief setting forth his comments. Persons desiring to support the amendment may also file comments by the same date. The Commission will consider all comments, briefs and arguments presented before taking final action with respect to the proposed amendments.

Adopted: May 2, 1951.

Released: May 3, 1951.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 51–5422; Filed, May 9, 1951; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 456]

MARKET AGENCIES AT UNION STOCK YARDS, OGDEN, UTAH

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on June 13, 1949 (8 A. D. 677), authorizing, on a temporary basis, the rates, except rates for sales by auction, currently in effect. This order will expire on June 19, 1951.

On April 20, 1951, respondents, except the respondent who sells by auction, filed a petition requesting an authorization to put into effect the rates set out below under the heading "Proposed Rates."

ARTICLE 2

SECTION A

	Present rates	Proposed rates
Freight car—single ownership:		
Cattle and calves:	*Per car*	*Per car*
Single deck	$22.00	[illegible]
Double deck	30.00	[illegible]
Swine:		
Single deck	20.00	[illegible]
Double deck	26.00	[illegible]
Sheep:		
Single deck	18.00	[illegible]
Double deck	26.00	[illegible]

SECTION B

	Present rates	Proposed rates
Other modes of arrival:		
Cattle and calves:	*Per head*	*Per head*
Calves:	$0.60	$0.[illegible]
Consignments of 1 head		
Consignments of more than 1 head:		
1 to 15 head, inclusive	.45	.[illegible]
Each head over 15	.35	.50
Cattle:	1.00	1.20
Consignments of 1 head		
Consignments of more than 1 head:		
1 to 15 head inclusive	.80	1.00
Each head over 15	.80	.80
Bulls: Over 600 pounds	1.50	1.50
Pure bred bulls or cows of any weight sold for breeding purposes	5.00	5.00
Exhibition livestock—all livestock entered in a livestock show which is consigned to a commission firm for care and sold in regular livestock show auction sale of exhibition livestock		
Calves or cattle	1.50	1.50
Hogs	.85	.85
Sheep	.50	.50
Hogs:	.50	.50
Consignments of 1 head		
Consignments of more than 1 head:		
First 10 head	.40	.50
Next 15 head	.35	.45
Each head over 25	.30	.35
Sheep:	.50	.50
Consignments of 1 head		
Consignments of more than 1 head:		
First 10 in each 250 head	.30	.40
Next 50 in each 250 head	.20	.25
Next 60 in each 250 head	.15	.15
Next 130 in each 250 head	.05	.10

NOTE: All species of livestock arriving by rail in [illegible] cars shall carry the charges set out in Section A of Article 2, as follows: Livestock arriving in double deck trailer shall be charged one double deck carload commission. Livestock arriving in single deck trailer shall be charged one single deck commission.

It is also proposed to put into effect a new buying charge as follows: "When a commission firm weighs up livestock destined for slaughter out of a consignment, then no buying commission shall be charged on that transaction, but a service charge of $2.00 per car shall be assessed against the buyer."

If authorized, these rates will produce additional revenue to respondents and increase the cost of marketing to shippers. Accordingly, it appears that the public interest will be served by this public notice of the filing of the petition and its contents. All interested persons who wish to be heard upon the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 4th day of May 1951.

[SEAL] KATHERINE L. MASON, *Hearing Clerk.*

[F. R. Doc. 51–5405; Filed, May 9, 1951; 8:46 a. m.]

[7 CFR, Part 930]

[Docket No. AO–72–A15–RO–1]

HANDLING OF MILK IN TOLEDO, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED AMENDMENT TO THE TENTATIVE MARKETING AGREEMENT, AND TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk; United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Toledo, Ohio, on June 1, 1950, and reopened on November 30, 1950, pursuant to notices thereof which were issued on May 5, 1950 (15 F. R. 2804) and November 17, 1950 (15 F. R. 7980).

The material issues of record related to:

1. A revision of the marketing area to include certain parts of Monroe County, Michigan.

2. Provision of a procedure for handling milk under the regulation of another Federal Order.

3. A change in the Class I price differentials in certain months and in the Class II price differentials in all months, with provision that such differentials be at lower levels under certain market supply-demand conditions.

A recommended decision with respect to issue No. 3 was filed by the Assistant Administrator, Production and Marketing Administration, on January 9, 1951. Issues No. 1 and No. 2 are covered by the findings and conclusions made in this decision.

Findings and conclusions. The following findings and conclusions on the material issues decided herein are hereby made upon the basis of the record of the hearing:

(1) The marketing area should be revised to embrace the territory including incorporated cities and villages, within the townships of LaSalle, Monroe and Frenchtown in Monroe County, Michigan, in addition to the territory now in the marketing area.

Producers proposed that the marketing area be extended farther northward into Michigan to include the city of Monroe and surrounding areas. It was shown that a large proportion of the milk sold to consumers in this area is distributed by handlers under the Toledo order. Most of the milk supply of the area is produced on dairy farms within the Toledo milkshed. Dairy farmers supplying milk distributors who are not handlers under the Toledo order do not receive order prices and their milk is not paid for on a use classification basis. Part of these dairy farmers are members of the proponent marketing cooperative, and milk delivered by these member producers is paid for on a flat price basis which often results in a lower cost to these distributors for Class I milk than the cost of Class I milk to Toledo handlers.

It was shown that the same conditions affect the production of milk for this area and the Toledo area since most of the dairy farms are intermingled with those supplying milk to the Toledo market. The territory proposed to be added to the Toledo marketing area adjoins the present marketing area and is similar in all respects to the territory within the marketing area. Health requirements with respect to milk in this area are similar to those in effect in the present marketing area. The provisions of the Toledo order are therefore appropriate for regulation of the marketing of milk in this additional area. It is concluded that dairy farmers furnishing milk for this portion of Monroe County should be included in any benefits of the Toledo order and that orderly marketing will be promoted by including this area in the Toledo marketing area.

(2) A handler whose milk disposed of as Class I milk in the marketing area other than to another handler is subject to the classification and payment provisions of another Federal order should be exempt from all except the reporting and auditing provisions of the Toledo order. A handler who disposes of Class I milk within the marketing area of another Federal order which milk is not subject to the payment provisions of such order should be charged at the higher of the Class I prices under such order and the Toledo order.

Various proposals were made regarding the application of the Toledo order to persons distributing Class I milk in the Toledo marketing area and also in the marketing area of another Federal order. Testimony indicated that a primary object should be to bring about payment for milk at not lower than the price applicable in the area in which the milk is distributed. It was suggested that higher payments made because of higher class prices in other areas be prorated to all producers in some manner, and another suggestion was made that such payments be reflected in a higher blend price of the handler making such payments. Considering the nature of the nearby markets in which Toledo handlers may dispose of Class I milk, it appears that two provisions are necessary to make equitable charges for milk and to avoid conflict in the application of the provisions of two or more Federal orders. A handler whose milk disposed of in the Toledo marketing area is subject to the pricing provisions of another Federal order should be exempt from all of the provisions of the Toledo order except reporting and auditing. A handler disposing of Class I milk in the marketing area of another Federal order should be required to account for such milk at the Class I price of the other order or the Toledo order, whichever is higher, if such milk is not subject to the pricing and payment provisions of the other order. These provisions are not in conflict with corresponding provisions of Federal orders in nearby markets. They would result in charging equal prices to the various handlers involved for milk disposed of as Class I in the various markets. The proceeds of any charges at higher prices than provided by the Toledo order may equitably be distributed to producers supplying the handler making the sales in the higher priced market. This method of distributing such proceeds is appropriate in the Toledo market having an individual handler pool and no equalization fund whereby a distribution to all producers in the market may be made.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(d) All milk and milk products handled by handlers as defined in the order, as amended, and as defined in the order as hereby proposed to be amended, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers. The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendment. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are in-

consistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendment to the order. The following amendment to the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Delete § 930.1 (e) and substitute therefor the following:

(e) "Toledo, Ohio, marketing area", hereinafter called the "marketing area", means the territory within the corporate limits of the cities of Toledo, Ohio, and Monroe, Michigan, and the towns and villages of Ottawa Hills, Maumee, Sylvania, Harbor View and Trilby in Lucas County, Ohio, and the village of Rossford in Wood County, Ohio, and the territory within the boundaries of the townships of Monclova, Springfield, Adams, Sylvania, Washington, Jerusalem and Oregon in Lucas County, Ohio, and Perrysburg, Ross and Lake in Wood County, Ohio, and Whiteford, Redford, Erie, La Salle, Monroe and Frenchtown in Monroe County, Michigan.

2. Delete § 930.11 and substitute therefor the following:

§ 930.11 *Application of provisions—*(a) *Milk subject to other Federal orders.* Milk received at a plant of a handler other than from producers the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall be considered as other source milk.

(b) Milk distributed as described in § 930.1 (g) directly from a plant at which the handling of such milk is subject to the pricing and payment provisions of any other Federal milk marketing agreement or order shall not be subject to any of the provisions of this part except § 930.3.

(c) The value of milk disposed of by a handler as Class I milk within the marketing area of any other Federal milk marketing agreement or order issued pursuant to the act, which milk is not subject to the pricing and payment provisions of such agreement or order, shall be computed pursuant to § 930.6 at the Class I price provided in such other agreement or order if such Class I price is higher than the Class I price provided in this part.

Filed at Washington, D. C. this 5th day of May 1951.

Dated: May 5, 1951, at Washington, D. C.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator.*

[F. R. Doc. 51-5437; Filed, May 9, 1951; 8:51 a. m.]

[7 CFR, Part 931]

[Docket No. AO-229]

HANDLING OF MILK IN CEDAR RAPIDS, IOWA, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Cedar Rapids, Iowa, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed marketing agreement and order was formulated, was conducted at Cedar Rapids, Iowa, on December 11–14, 1950, pursuant to notice thereof which was issued on November 20, 1950 (15 F. R. 8084).

The material issues of record related to:

(1) Whether the handling of milk in the Cedar Rapids, Iowa, marketing area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce in milk or milk products;

(2) Whether the issuance of an order regulating the handling of milk in the Cedar Rapids, Iowa, marketing area will tend to effectuate the declared policy of the act; and

(3) The appropriate terms and conditions to be included in an order with respect to:

(a) The scope of regulation,
(b) The classification of milk,
(c) Transfers,
(d) Class prices,
(e) Payments to producers,
(f) The administrative assessment,
(g) Marketing services, and
(h) Other administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence in the record.

Interstate commerce. The handling of milk in the Cedar Rapids, Iowa, marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk or its products.

Substantial quantities of milk approved and available for use in the marketing area have been sold, and were regularly being sold at the time of the hearing, to markets outside the State of Iowa. Such outlets for milk will probably continue to be available. Milk approved and available for use in the marketing area has also been sold from time to time in the Quad Cities Marketing area where the handling of milk is regulated by a marketing order issued by the Secretary of Agriculture.

Producers supplying milk for the marketing area are interspersed among farmers supplying milk for other markets regulated by orders of the Secretary and among farmers selling milk which is utilized in milk products which are in the current of interstate commerce. Certain milk products which are distributed in the marketing area come from out-of-state sources or from handlers under other marketing orders issued by the Secretary of Agriculture.

Large quantities of milk approved and available for use in the marketing area are manufactured into milk products and sold in the current of interstate commerce. Such milk products have been sold in substantial amounts to Commodity Credit Corporation.

During the season when local milk supplies are lowest, supplemental supplies for the proposed marketing area or portions thereof have been acquired from sources outside of Iowa. Such supplemental supplies were being procured from sources in Wisconsin in November 1950.

In view of the conditions described above, it is concluded that the handling of milk in the proposed Cedar Rapids marketing area is in the current of and directly burdens, obstructs and affects interstate commerce in milk and milk products.

Need for an order. There is a need for an order to regulate the handling of milk in the Cedar Rapids, Iowa, marketing area, and such an order, with terms and conditions as described hereinafter, will tend to effectuate the declared policy of the act.

Certain conditions existing in the proposed marketing area cause or tend to cause instability and disorder in the marketing of milk produced for that area.

A large portion of the milk supply for the marketing area is sold directly to the processor or handler with the individual producer serving as his own marketing agent. Terms of sale are established to a large extent by the handler.

Prices received by producers delivering to different handlers vary widely. Averaging the last 12 months for which information is contained in the record, prices paid by the six largest handlers in the marketing area ranged from $3.15 to $3.88. Some handlers pay quality or quantity premiums but the conditions requisite to receiving such premiums

and the amounts of such premiums vary among handlers. The record indicates that the maximum amount of any such premiums paid by any handler is about 20 cents.

Prices paid to producers by some of the larger handlers are not based upon utilization of their milk, and in some months producers delivering milk to these handlers have received prices which were only slightly higher than prices paid by manufacturing plants and were substantially lower than prices received by producers who supply milk for nearby markets, some of which are regulated by orders of the Secretary. In April, May, and June 1950 the average prices paid producers (exclusive of any quantity or quality premiums which might have been paid) by each of the four largest handlers in Cedar Rapids ranged from $2.80 to $3.15. For these same three months the prices paid dairy farmers delivering to the manufacturing plants used in the computation of prices in the order, as amended, regulating the handling of milk in the Quad Cities marketing area averaged $2.81 per hundredweight and the minimum prices paid producers supplying the Quad Cities market averaged $3.39.

Utilization of milk varies among handlers. Some use substantially all of their milk supply in the higher value fluid products while others use a large proportion in manufactured products.

The cooperative association which handles milk does not process and distribute milk. It supplies milk in bulk quantities to other handlers and disposes of Grade A milk which from time to time is not needed in the marketing area. Such surpluses of locally approved milk are normal in any market which is adequately supplied. These surpluses exist because of the different seasonal patterns of fluid milk consumption and production and because of the day-to-day fluctuations in sales and supply. Some method of distributing the burden of this surplus milk among all handlers and producers seems desirable. Issuance of an order appears to be the only way of effecting this distribution.

Producers and cooperative associations can exert considerable influence toward assuring an adequate but not excessive supply of milk for the market if information is available from which they can appraise market-wide conditions. Producers and cooperative associations can also market their milk more efficiently if such information is available. No such information has been available. Accurate and detailed information of this nature would be made public in the operation of a milk marketing order. The proposed order set forth hereinafter will also provide all producers with check-weighing, sampling, and testing services. Many of the producers have not been receiving such services.

Cooperative associations have attempted to correct the conditions in the market which contribute to instability and disorder, but have not been able to do so. Institution of a marketing program other than a marketing order which would correct these conditions would require cooperation between all handlers and cooperative associations. Such cooperation has not prevailed. Issuance of an order appears to be the only means of correcting these conditions. It is therefore concluded that an order regulating the handling of milk in the Cedar Rapids, Iowa, marketing area, with terms and conditions as described hereinafter, will tend to effectuate the declared policy of the act.

Terms and conditions; scope of regulation. The area within which the handling of milk should be regulated—that is, the Cedar Rapids, Iowa, marketing area—should include all of the territory within the corporate limits of the cities of Cedar Rapids and Iowa City, Iowa. This order would be applicable to "handlers." A handler would be (1) any person who operates a milk processing plant which is approved by and is under inspection of the appropriate health authorities and from which milk is disposed of in the marketing area, either directly or through a second plant, as Class I milk (as defined hereinafter) on wholesale or retail routes or from plant stores, or (2) any cooperative association with respect to milk of producers which it causes to be diverted from any milk processing plant as described above to a milk plant other than a milk processing plant as described above. The term "producer" is used to denote those dairy farmers who are engaged in the production of milk for the marketing area and who are entitled to receive the minimum prices prescribed in the order, and should include those farmers who produce milk in conformity with the requirements of the Cedar Rapids or Iowa City health authorities for the production of milk to be consumed as milk and who make such milk available for such use.

The marketing area proposed by both producers and handlers would have included practically the entire area within which Cedar Rapids and Iowa City handlers distribute milk. It would have included all of Benton, Cedar, Delaware, Iowa, Johnson, Jones, and Linn Counties. In many of the cities, towns, and communities in these counties local distributors also sell milk. In Benton and Delaware Counties milk processed in Waterloo is sold. In Cedar County milk from handlers subject to the Quad Cities marketing order is sold. Milk is sold in Delaware County by Dubuque handlers and in Jones County by a Clinton handler. These seven counties are therefore not an area wholly supplied by Cedar Rapids and Iowa City handlers.

The combined population of Cedar Rapids and Iowa City constitutes over 40 percent of the total population of the seven counties. Except for Cedar Rapids and Iowa City, there are in the seven counties only eleven towns and cities with populations greater than 1,000, only one of which has a population of more than 5,000.

In recent years there has been a tendency for milk dealers in the larger cities to extend their distribution into small cities and towns in surrounding areas. Cedar Rapids and Iowa City handlers distribute a very large proportion of the milk sold in surrounding areas out to the point where they encounter competition from other large cities such as Clinton, Dubuque, Quad Cities and Waterloo. A few small dairies distribute milk in small cities and towns near Cedar Rapids and Iowa City, but in view of the tendency mentioned above, it is doubtful if the omission of such areas from the marketing area would deter Cedar Rapids and Iowa City handlers from making sales outside of the marketing area.

Health requirements of the cities and towns surrounding Cedar Rapids and Iowa City and of the State of Iowa pertaining to milk vary in many different respects from those in effect in Cedar Rapids and Iowa City. Inclusion in the marketing area of any territory outside of Cedar Rapids and Iowa City would present many problems, such as (1) the possible necessity of establishing two or more grades of milk with separate prices for each grade and (2) for the regulation of handlers whose major business is elsewhere, but who dispose of some milk in the marketing area.

Iowa City is about 25 miles from Cedar Rapids and has a population about three-eighths that of Cedar Rapids. Iowa City handlers have from time to time obtained supplemental supplies of milk from Cedar Rapids handlers. The Iowa City handlers have limited facilities for disposing of surplus milk and have relied to some extent on Cedar Rapids handlers' facilities. Although none of the handlers is presently distributing milk in both cities, they do compete for sales in smaller cities and towns and communities surrounding Cedar Rapids and Iowa City. A potentiality exists for a handler in either Cedar Rapids or Iowa City to develop distribution outlets in both cities. The health requirements for milk are similar and the producers for the two cities are extensively intermingled. The handling of milk in Cedar Rapids and Iowa City is interrelated to the extent that both cities should be included in the marketing area.

Producers supplying the Iowa City market favored inclusion of that city in the marketing area. Cedar Rapids and Iowa City handlers were represented jointly at the hearing and no objection to including Iowa City in the marketing area was expressed by any of the handlers.

It is therefore concluded that the cities of Cedar Rapids and Iowa City should comprise the marketing area.

The term "handler" is used in milk marketing orders to denote persons engaged in the handling of milk, who are the persons to whom the orders are applicable. In Cedar Rapids and Iowa City any person engaged in the processing and distribution of milk must have his milk processing plant approved by the respective city health authorities. The proposed order defines a plant so approved as an "approved plant." Any person who operates an approved plant from which Class I milk is distributed should be a handler. Two companies, one of which is a cooperative association, operate approved plants from which milk is regularly disposed of to other handlers' approved plants from which Class I milk is distributed. These companies should be handlers.

In this market as in many others, a cooperative association may arrange for diversion of milk from farms to manu-

facturing plants when the market's own surplus disposal facilities become overburdened. Provision should be made for a cooperative association to be a handler with respect to any milk so diverted by it.

The proposed order contains definitions for "producer milk" and "other source milk." Producer milk is milk received from producers and the minimum prices prescribed in the order are applicable to such milk. Other source milk is not subject to prices and payments prescribed in the order except that other source milk classified as Class I is subject to the administrative assessment and may be subject to other payments if such other source milk is priced under another Federal order. All milk received by a handler including other source milk, must be reported, classified and verified in order to establish the classification of producer milk.

In order to indicate the exact meaning of certain other terms used throughout the order and to insure that such terms have the same meaning in each usage, the order also contains definitions for act, Secretary, Department, person, delivery period, cooperative association, and producer-handler. These definitions are standard in most marketing orders and occasioned no controversy, whatever, at the hearing.

The classification of milk. From the evidence it is clear that the Cedar Rapids-Iowa City market is closely related to the Clinton, Dubuque and Quad Cities markets. It has shown that the milksheds are contiguous, that there is an occasional shifting of producers between markets, and that handlers from Cedar Rapids or Iowa City are in active competition with handlers from one or another of the above-mentioned markets for the trade in many of the communities lying between these markets. Accordingly milk must be classified and priced under the proposed order in such a way as to return to producers, prices comparable to those received by producers in the other markets, and to permit handlers to compete without disadvantage with handlers from the other markets for the fluid trade in areas outside the marketing area.

It has been concluded that there should be three classes of milk defined in the proposed order. Class I would contain those products which are required to be made from Grade A milk such as fluid milk, milk drinks, cream and cream products containing less butterfat than the standard for cream, as well as unaccounted for skim milk and butterfat, and shrinkage in excess of the allowable maximum.

The remainder of the milk must be utilized in the manufacture of dairy products which are not required to be made from Grade A milk. Such manufacturing milk, however, should be broken down into two classes since the markets for these products are of two types. There is a local market for ice cream ingredients, cottage cheese, and aerated products in which, because these products are somewhat less concentrated than other surplus milk products, local producers have an advantage of location and milk used for these products may be priced at a somewhat higher level than milk used for the more concentrated products. A separate class for pricing these less concentrated products should therefore be established. Evaporated and condensed milk should be included in this class also because the degree of concentration of these products is similar to that of ice cream ingredients, and in fact, condensed milk is an important constituent of ice cream. These products should be grouped together and classified as Class II.

Such uses, however, will not provide an outlet for all the surplus milk on the market at all times of the year. It is necessary, therefore, that an additional surplus class be defined and designated as Class III to which a somewhat lower price than Class II should apply. This class would contain the more concentrated products such as butter, American cheddar cheese, casein, and nonfat dry milk solids which are produced for sale on the national market. It would also include skim milk used for animal feed which is a very low valued salvage use of skim milk and allowable shrinkage. Shrinkage up to 2 percent of producer receipts and all shrinkage on other source milk should be classified as Class III. An efficiently operated fluid milk plant should be able to keep its shrinkage within that figure which is the percentage of shrinkage permitted in other nearby markets under Federal regulation. The evidence indicates that a similar allowance would be reasonable for the Cedar Rapids markets.

Some of the handlers in the market, however, conduct manufacturing operations in connection with their fluid milk plants. Much of the milk used in these manufacturing operations is other source milk which is not permitted to be used as fluid milk or cream. The entire shrinkage on this milk should be classified as Class III. To classify any of it as Class I would place the handler at a competitive disadvantage with other plants not subject to the order.

A further provision relating to classification specifies that it is the responsibility of the handler who receives the milk from producers to account for his entire receipts and to prove to the market administrator that such receipts should not be utilized in Class I. The purpose of this provision is to provide for adequate reporting, verification and auditing. No opposition to the provision was offered by any party.

This proposed classification is virtually identical to that of the Clinton and Dubuque orders and differs from the Quad Cities order mainly in that the latter order provides a separate class for cream and milk drinks. Under the method of accounting and pricing used in that order the per unit cost of cream to handlers is only slightly less than it would be were it classified in Class I. The cost of milk drinks is 15 cents per hundredweight less than if these products were in Class I. The establishment in the proposed order of a single class for all products which are required to be produced from milk meeting the Grade A standards of the market will not place handlers at a competitive disadvantage, and it will result in reasonable returns to producers for that portion of their milk which is disposed of in the form of Grade A products.

The only items which occasioned any controversy with respect to their classification were aerated products such as Reddi-Wip. These are directly competitive with fluid cream for the consumer trade, but are not required to be made from Grade A cream. One of the handlers, who would be subject to the proposed order, manufactures such a product and distributes it over the entire state of Iowa and possibly into adjoining states. It is sold in competition with similar products which are produced from uninspected milk. It was suggested by both producers and handlers that this product be classified as Class I when sold in the marketing area and classified as Class II when sold outside the marketing area. In support of this proposal it was agreed that it competed with Grade A fluid cream when sold in the marketing area, and with uninspected milk when sold outside the area. It would not be feasible to attempt to classify this product differently depending on the location in which it sold. Since Grade A milk is not required for its manufacture either within or without the area, it has been concluded that it should be classified as Class II. To classify that portion of it which is sold within the marketing area as Class I, would not only increase the difficulties of accounting but would discriminate against the consumers of the marketing area.

Transfers. Specific rules are set forth in the proposed order for classifying or allocating milk which is transferred between handlers or between a handler and a nonhandler. These rules are the same as those governing transfers in the Clinton, Dubuque, and Quad Cities orders and occasioned no controversy.

They provide that all transfers of milk between handlers shall be Class I unless both handlers agree to a different classification in which case the milk shall be classified according to agreement. In either case the total value of the milk to producers would be the same, but the individual obligations of the handlers to the producer-settlement fund would vary depending on the ultimate classification of the milk each handler received.

With respect to milk transferred to a nonhandler it is provided that it shall be Class I unless the purchaser agrees that it was utilized otherwise and permits the market administrator to audit his books and records for the purpose of verification.

These provisions are designed to assure producers receiving the full utilization value for their milk if it is sold for use as a Class I product, and at the same time facilitate the movement of milk into manufacturing plants should the market receive more milk than can be readily disposed of through normal outlets.

In discussing the transfers provisions one witness pointed out that in many orders there is a provision that milk moved more than a specified distance from the market should be classified as Class I, and suggested that such a pro-

vision might be desirable in the Cedar Rapids market. However, no testimony was presented in support of this proposal and there is no evidence which would indicate the distance from the market which milk normally moves to manufacturing plant, or which would show how wide a radius would be necessary to include encompassing adequate facilities to absorb the seasonal surplus on the market.

The proposed order further provides that other source milk received by a handler shall be allocated to the lowest use in the handler's plant. This is to prevent other source milk from displacing the milk of producers who constitute its regular source of supply and on whom the market relies for a continuous supply of milk.

Class prices. As pointed out above under classification, it is necessary that milk be priced at a level which will return to producers prices comparable to those received in adjoining markets and which will permit handlers to compete with plants located in other markets.

It has been concluded that the proposed order should provide a specific Class I price, but that such price should be closely related to the prices fixed in the Quad Cities, Dubuque and Clinton orders. To accomplish this end it is necessary that the basic price to be used in determining the Class I price should be similar to that contained in the other markets. It has therefore been concluded that the Class I price should be based on the Class II price which would be the highest of the following: (a) The average price paid by a specified group of condenseries, (b) the price resulting from a formula based on the market values of butter and cheese, or (c) the Class III price which is a butter-nonfat-dry milk solids formula.

The first two alternatives are virtually the same as those provided in the other orders and would result in approximately the same price. The third alternative, the butter-nonfat-dry milk solids formula, is not included in the other orders at the present time. Normally the price resulting from the latter formula would be much lower than the price resulting from the other two formulae and it is unlikely that it will ever be the effective price. It has been included merely to preclude any possibility of a narrowing of the spread between fluid milk prices and manufacturing milk prices to a degree that would endanger the supply of fluid milk for the market. Use of these formulae, in addition to insuring that the Class I price will follow the pattern of the above mentioned markets, will maintain a proper relationship between the price of market milk and the value of milk used in the production of manufactured dairy products.

At the present time the Quad Cities and Clinton orders provide a Class I differential of 90 cents during January, February, and March; 70 cents during April, May, and June; and $1.15 during the remaining months. The Class I differential in the Dubuque order is 10 cents lower each month. In their brief handlers proposed that the differential in the proposed order be 15 cents less than that in the Quad Cities order and that a somewhat different seasonal pricing pattern be adopted. In support of the lower price it is argued that this is a surplus market and that supplies are adequate at all times. The evidence on this point, however, is conflicting. While it was asserted by certain witnesses that supplies were adequate, it was also shown by other witnesses, that during the period of short production at least some milk was imported from Wisconsin and other points into both Cedar Rapids and Iowa City.

It has been concluded that the Class I differential should be fixed 10 cents lower than the Class I differential in the Quad Cities market and should follow the same seasonal pattern. This would result in a price for Class I products identical to that in Dubuque and only slightly less than that in Quad Cities, since the Quad Cities order provides a separate classification for cream, milk drinks and skim milk, which is 5 cents per hundredweight less than the proposed Class I price.

It appears from the record that Cedar Rapids is more nearly similar to the Dubuque market from a supply situation and does not experience the extreme shortage of milk that has been characteristic of the Quad Cities. Likewise from the standpoint of procurement of milk from producers, there has been a much greater degree of competition with Dubuque than with Quad Cities. Shifting of producers between Cedar Rapids and Dubuque has occurred more frequently than between Cedar Rapids and Quad Cities.

The seasonal pattern of prices in the Cedar Rapids market should be the same as that followed in the adjoining markets. While there is some indication that the seasonal fluctuation in milk supplies is not identical, the evidence on this point is not conclusive, and whatever variation there may be is slight. Moreover because of the close interrelationship of these markets, it must be concluded that the Class I price must rise and fall simultaneously in all markets. Otherwise there could be recurring maladjustments between markets which could seriously disrupt the intermarket stability.

The proposed Class I price will permit handlers to compete outside the marketing area with other plants not subject to the regulation which are disposing of milk of a similar quality. Most of this competition at the present time is with plants subject to the Quad Cities, Dubuque and Clinton orders, and the price proposed for Cedar Rapids, as pointed out above, is fixed in direct relation to the prices in those markets. The only other major source of such competition is the Waterloo market. The record indicates that prices paid by Waterloo plants are competitive to the prices customarily paid in Cedar Rapids and in the nearby markets under regulation.

The basic price to be used in determining the Class I price should be fixed on the value of manufactured products during the preceding rather than during the current month. In addition to being necessary to maintain the proper price relationship between Cedar Rapids and nearby markets, it will permit handlers to know what they will be required to pay for milk at the beginning of the month in which it is sold. Use of the current month's manufacturing prices would prevent handlers from knowing the cost of their milk until the fourth or fifth day of the month following that in which it was sold.

Two classes should be established for milk used in the manufacture of dairy products which are not required to be made of approved milk. Class II which would contain cottage cheese, ice cream, ice cream mix, aerated products, condensed milk and similar products should be priced at the average price paid for milk by a group of midwestern condenseries, or on a butter-cheese formula whichever is higher. This butter-cheese formula was contained in the Federal marketing agreement and license for the evaporated milk industry and is the price which evaporating plants in the midwest were required to pay for milk for evaporating purposes under that instrument. It is generally used in other markets in the midwest under Federal regulations as an alternative to the actual paying prices of the condenseries. This is the level at which similar products are priced under the Dubuque, Clinton, and Quad Cities orders. As pointed out above under classification, local producers are in a preferred position with respect to the market for these products and milk so used should return a slightly higher price to them than milk used in the manufacture of the more concentrated products which must be sold on the national market. In order to prevent abnormal market changes in the prices of manufactured dairy products from endangering the supply of market milk by too great a narrowing the spread between fluid milk prices and manufacturing milk prices, it has been provided that the Class II price shall never be lower than the Class III price.

Class III which would include butter, cheese, nonfat dry milk solids, etc., should be priced on a formula based on the market values of butter and nonfat dry milk solids. The proposed formula would return to producers a somewhat higher price than milk similarly used in the Clinton, Dubuque or Quad Cities markets. In those markets the bulk of the surplus milk is manufactured into cheese or into butter and animal feed, outlets which normally yield somewhat lower returns than butter and nonfat dry milk solids. There are no drying facilities readily available to those markets.

There are three plants in Cedar Rapids, however, which have dryers and which are in a position to utilize the bulk of the surplus skim milk on the market. It appears reasonable, therefore, that Class III milk in the Cedar Rapids market should be priced on the value of butter and nonfat dry milk solids rather than at the lower price fixed in the adjoining Federal markets which are lacking in facilities.

The Class III formula which has been adopted is based on the normal yields of butter and nonfat dry milk solids in 100 pounds of milk of 3.5 percent butterfat content. It provides a manufacturing

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and handling allowance of approximately 78 cents per hundredweight. Of this amount 6 cents is allowed per pound of butterfat and 6.5 cents per pound of solids. The record indicates that there are the minimum costs incurred by plants in Cedar Rapids which operate on a rather small volume which is highly seasonal in character.

Under the proposed method of accounting it is necessary that class butterfat differentials be incorporated in the order. The Class I butterfat differential should be fixed at 1.4 times the market price of 92-score butter, the Class II differential at 1.2 times the market price of 92-score butter and the Class III differential at 1.2 times the butter price less 6 cents. These butterfat differentials reflect the approximate value of butterfat in milk when used in the various classes. In effect the use of butterfat differentials in each class provides separate pricing of the butterfat and skim milk, the price of the skim milk being equal to the difference between the class price and the butterfat value.

The proposed Class I differential is identical to that fixed in the Clinton, Dubuque, and Quad Cities orders. All of the evidence points up the necessity of maintaining the prices of milk and cream in the Cedar Rapids market at about the same level as that prevailing in the nearby markets under Federal regulation. This can be accomplished only through use of the same butterfat differential. It will have little effect on handlers' costs for milk to be disposed of as milk since the average butterfat content of the milk sold by handlers will approximate 3.5 percent.

Should handlers, however, distribute milk containing a higher butterfat percentage, producers should receive for the extra butterfat the same return that they would receive were it disposed of as fluid cream.

The butterfat differentials in Class II and Class III reflect the value of butterfat when used in manufactured dairy products, and should be priced at levels which will permit handlers to dispose of surplus milk in these outlets in competition with ungraded milk. The proposed Class II differential of 1.2 times the price of 92-score butter should provide a price for fat going into ice cream and similar products comparable to that which handlers would be required to pay for ungraded fat for the same uses. Likewise the proposed Class III butterfat differential would represent the value of butterfat used to produce butter, and is identical to the butterfat value used in arriving at the Class III price for milk of 3.5 percent butterfat content.

Payments to producers. The proposed order provides for a market-wide pool under which all producers supplying the market would receive the same prices for their milk regardless of its utilization by the handler who received the milk. The question of an individual-handler pool was raised by handlers but no direct evidence was presented in support thereof. The producers offered unanimous support to the proposal for a market-wide pool. The evidence indicates that a market-wide pool is best adapted to the needs of the market. Two plants, one cooperative and one proprietary, apparently carry the bulk of the surplus milk on the market, and serve as reserve supplies for the market as well as furnishing an outlet for the milk not needed by other handlers during the months of flush production. An individual-handler pool might work a hardship on these plants.

The order provides that producers be paid once a month, and specifies that in the case of a qualified cooperative association, the handler shall make payment to the cooperative association instead of the individual members, if the cooperative association has such authority in its membership contract and is desirous of exercising such privileges. The dates which have been fixed for these payments are justified on the record and are so spaced that ample time is provided the handlers and the market administrator for the filing of reports and the computations of the various prices.

The butterfat differential to be used in making payments to producers should be one-tenth of the price of 92-score butter on the Chicago market multiplied by 1.2. This is the same as the producer butterfat differential used in the Quad Cities, Clinton and Dubuque orders. Since local handlers compete with handlers in these markets for supplies of milk, it is necessary that the producer butterfat differentials be comparable. Otherwise there is a tendency for producers of very high or very low testing milk to shift markets even though the announced prices to producers at the nominal test are similar. Since under the proposed order, the butterfat differential is merely a means of prorating returns to producers, handlers' costs will not be affected by it.

The administrative assessment. It appears that an administrative assessment of 4 cents per hundredweight on all producer milk and on other source milk utilized in Class I will be required to defray the cost of administering the order, at least during its initial stages.

The market administrator is required to verify the utilization of all milk received, and therefore other source milk as well as producer milk should bear its proportionate share of the administrative cost. Other source milk apparently has been used in Class I at certain times during the year. An assessment on other source milk so used will apportion the expenses more equitably among handlers. The testimony indicates that some handlers receive substantial quantities of other source milk for their manufacturing operations and that application of the assessment to all the other source milk received by such a handler would place him at some disadvantage in disposing of manufactured dairy products in competition with persons not regulated by the order.

In view of the anticipated volume of milk to be regulated, a maximum of 4 cents per hundredweight should be adopted to guarantee a sufficient income to properly administer the order. A witness with experience in the administration of orders testified that the proposed rate was comparable to those provided for other markets of like size and indicated that office expenses are always relatively high at the beginning of a program. Should experience prove that a lesser sum were sufficient provision is made whereby the Secretary may reduce the assessment to whatever amount is necessary to meet the expenses of the office without amending the order.

Marketing services. Provision should be made for the performance by the market administrator of marketing services for producers who are not members of a cooperative association which is rendering similar services. These services should include sampling, testing, and checking the weights of milk delivered and the furnishing of market information. The testimony indicates that an assessment of 5 cents per hundredweight would probably be required to perform these services. This is the rate provided in the Clinton, Dubuque and Quad Cities orders. The actual cost of performing these services will vary with the volume of milk, the number of producers at a plant, etc., but it is unlikely that these services could be properly performed for less than the proposed rate. As in the case of the administrative assessment, the Secretary may reduce the amount of the assessment, should experience prove a lesser rate would provide sufficient funds to perform the required services.

In the case of producers who are members of a qualified cooperative association which is actually performing these services, handlers would be required to deduct from their payment whatever amount was provided in the contract between the cooperative association and such producers. This latter provision is in accordance with the act which exempts from the marketing service provision of orders, those producers who are members of a qualified cooperative association which the Secretary has determined is actually performing such services for its members.

Other administrative provisions. The other provisions of the order are of a general administrative nature. They define the powers and duties of the market administrator, prescribe the information to be reported by handlers and set forth the rules to be followed by the market administrator in making the computations required by the order. They also prescribe the length of time that records must be retained and provide a plan for the liquidation of the order in the event of its suspension or termination. They are similar to like provisions of other orders and except as set forth below require no explanation.

One provision of the order would exempt a producer-handler from all the regulatory provisions of the order except that requiring the filing of reports as requested by the market administrator. The producer-handler, since he is his own marketing agent is in a position to regulate his production to his sales and to completely control its disposition. He is in an entirely different position from the producer whose milk is marketed through a handler and should be exempt from the pricing and pooling provisions of the order. He should be required, however, to file reports when requested by the market administrator. Such reports are necessary to verify such person's continued status as a producer-handler as well as to supplement market information.

The order would also partially exempt a handler who, the Secretary has determined, is disposing of the greater portion of his milk in another area subject to another Federal marketing order. It would be impractical to attempt to regulate the same person under two different orders with respect to the same milk. The effective regulation should be that of the market in which such person has the greater portion of his sales. In order to insure equity, however, such person should not be permitted to purchase milk for sale in either marketing area at less than the price paid by other handlers in that marketing area. Therefore, it should be provided that if the price such handler is required to pay for Class I milk under the other order to which he is subject is less than the price provided in the proposed order, he should pay to the producer-settlement fund an amount equal to the difference between the two prices on all Class I milk disposed of within the marketing area. Such handler should also be required to report to the market administrator regularly so that he may ascertain the amount of milk disposed of within the area by such persons.

The order provides also for the retention of necessary records by handlers and for the ultimate termination of obligations. It is necessary for handlers to retain records in order to prove the utilization of milk and the payments made to producers. It is necessary that these records be kept for a substantial period of time since some transactions with respect to the handling of the producers' milk are not completed and audited until several months after producers have delivered the milk to handler's plant. Detailed records of this kind soon assume tremendous physical proportions and become burdensome for this reason. It is necessary that a definite time period be provided within which handlers must maintain their records and after which they will be relieved of so doing. The order should provide that handlers shall retain records for three years after the end of the delivery period or month to which such records relate. In terms of the volume of records which would be retained and the types of transactions involved in disposing of milk, the retention of records for three years is concluded to be a reasonable requirement. If litigation is in progress, it may be necessary to require records to be retained for a longer period and provision should be made for this contingency.

The order should provide for the termination of obligations to handlers after a reasonable period of time has elapsed. Without such a provision handlers may file claims which, because the period involved might extend back over many years, could be in substantial amounts. This creates uncertainties which could endanger the stability of the market and lead to serious inequities. The order should provide that any obligation to pay a handler shall terminate two years after the month in which the milk was received if an underpayment is claimed, or within two years after payment was made if a refund is claimed, unless within such period of time the handler files a petition, pursuant to section 8c (15) (A) of the act, claiming such money. Handlers also need the protection of provisions terminating their obligations to make payments. Since handlers cannot be forewarned always as to contingent liabilities, it is extremely difficult and burdensome for them to make adequate provision therefor by setting up reserves or by taking other precautionary measures. The obligation of any handler to pay money should, except under certain extraordinary conditions, such as litigation, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. It is concluded that in general a period of two years is a reasonable time within which a market administrator should complete his auditing and inspection work and render any billings for money due under the order. Provisions are necessary also, as contained in the order included in this decision, to meet such contingencies as failure of the handler to submit required books and records and to deal with situations where fraud or willful concealment of information may be involved.

It was proposed that if a handler fails to make the required reports or payments, his name may be publicly announced by the market administrator, unless otherwise directed by the Secretary. Such a provision is provided for by the act and it is concluded that its adoption will facilitate the enforcement of the terms of the order.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Proposed findings and conclusions. Briefs were filed on behalf of both the producers' associations and the majority of the handlers. The briefs contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and order. The following order is recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order:

DEFINITIONS

§ 931.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 931.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States as may be authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 931.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 931.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 931.5 *Delivery period.* "Delivery period" means the calendar month or the total portion thereof during which this part is in effect.

§ 931.6 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines (a) is qualified under the provisions of the act of Congress of February 11, 1922, as amended, known as the "Capper-Volstead Act"; (b) has full authority in the sale of milk of its members, and (c) is engaged in making collective sales of or marketing milk or its products for its members.

§ 931.7 *Cedar Rapids, Iowa, marketing area.* "Cedar Rapids, Iowa, marketing area," hereinafter called the "marketing area" means all the territory within the corporate limits of the cities of Cedar Rapids and Iowa City, both in the State of Iowa.

§ 931.8 *Approved plant.* "Approved plant" means a milk processing plant approved by, and under routine inspection of, the proper health authority of either Cedar Rapids or Iowa City and (a) from which milk is disposed of as Class I milk on wholesale or retail routes (including plant stores) within the marketing area, or (b) which furnishes

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milk to a plant described in paragraph (a) of this section.

§ 931.9 *Handler.* "Handler" means (a) a person in his capacity as the operator of an approved plant, or (b) a cooperative association with respect to milk of producers received at a plant operated by it or caused by it to be delivered to a milk plant other than an approved plant.

§ 931.10 *Producer.* "Producer" means any person who, in conformity with the requirements of the health authorities of the city of Cedar Rapids or Iowa City for the production of milk for consumption as milk, produces milk which (a) is received at an approved plant, (b) is received at a plant operated by a cooperative association, or (c) is caused by a handler to be diverted from a plant described in paragraphs (a) and (b) of this section to a plant from which no Class I milk is disposed of within the marketing area. Milk so diverted shall be deemed to have been received by the handler who caused it to be so diverted. This definition shall not include a person with respect to milk produced by him which is received by a handler who is subject to another Federal marketing order and who is partially exempted from the provisions of this part pursuant to § 931.56.

§ 931.11 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk directly from the farms of other producers: *Provided*, That the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging, and distribution of the milk are the personal enterprise and the personal risk of such person.

§ 931.12 *Producer milk.* "Producer milk" means all skim milk and butterfat which is produced by a producer, other than a producer-handler, and which is received by a handler either directly from producers or from other handlers.

§ 931.13 *Other source milk.* "Other source milk" means all skim milk and butterfat except that contained in producer milk.

MARKET ADMINISTRATOR

§ 931.20 *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 931.21 *Powers.* The market administrator shall have power to:

(a) Administer the terms and provisions of this part;

(b) Make rules and regulations to effectuate the terms and provisions of this part;

(c) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions of this part; and

(d) Recommend to the Secretary amendments to this part.

§ 931.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employe who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 931.75, the cost of his bond and the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 931.76, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Publicly announce unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 931.30 and 931.31, or (2) payments pursuant to §§ 931.65, 931.68, and 931.70;

(h) Audit each handler's records and payments by inspection of such handler's records and the records of any person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) On or before the 10th day after the end of each delivery period report to each cooperative association which so requests the utilization of the milk caused to be delivered to each handler by such cooperative association. For this purpose such milk shall be prorated to each class in the same proportion that the total receipts of producer milk by such handler were used in each class;

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 5th day of each delivery period, (i) the minimum price for Class I milk computed pursuant to § 931.50 (a) and the butterfat differential computed pursuant to § 931.51 (a), both for the current delivery period, and (ii) the minimum price for Class II milk computed pursuant to § 931.50 (b) and the butterfat differential computed pursuant to § 931.51 (b) for the previous delivery period, and

(2) On or before the 10th day after the end of each delivery period, the uniform price computed pursuant to § 931.61 and the butterfat differential computed pursuant to § 931.66; and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 931.30 *Delivery period reports.* On or before the 7th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the details and on the forms prescribed by the market administrator:

(a) The qualities of butterfat and skim milk in milk received from producers;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from any other handler;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except nonfluid milk products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all receipts required to be reported pursuant to this section; and

(e) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 931.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) On or before the 20th day of each delivery period each handler shall submit to the market administrator such handler's producer payroll for the preceding delivery period which shall show:

(1) The total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk;

(2) The amount of payment to each producer and cooperative association; and

(3) The nature and amount of any deductions involved in such payments.

§ 931.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payment to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all

milk, skim milk, cream, and milk products on hand at the beginning and end of each delivery period.

§ 931.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three year period the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 931.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat in any form received by a handler during the delivery period and required to be reported pursuant to § 931.30 shall be classified by the market administrator pursuant to §§ 931.41 to 931.46, inclusive.

§ 931.41 *Classes of utilization.* Subject to the conditions set forth in §§ 931.43 and 931.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream or any mixture (except those specified in paragraph (b) of this section) of cream and milk or skim milk containing more than 6 percent of butterfat and all skim milk and butterfat not specifically accounted for under paragraphs (b) and (c) of this section.

(b) Class II milk shall be all skim milk and butterfat used to produce evaporated milk, condensed milk, ice cream, ice cream mix, aerated products containing milk or cream or a combination thereof (such as "Reddi-Wip," "Instant Whip," etc.), cottage cheese, and any milk product other than those specified in paragraphs (a) and (c) of this section.

(c) Class III milk shall be all skim milk and butterfat used to produce butter, American type cheddar cheese, animal feed, casein and nonfat dry milk solids, and in shrinkage up to 2 percent of receipts from producers, and in shrinkage of other source milk.

§ 931.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler.

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat received from producers and from other sources.

§ 931.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat (except that transferred to a producer-handler) shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 931.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to another handler, except a producer-handler, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the delivery period within which such transaction occurred, but in no event shall the amount classified in any class exceed the total use in such class by the transferee handler: *Provided*, That, if either or both handlers have received other source milk, the milk so transferred shall be classified at both plants so as to return the highest class utilization to producer milk.

(b) As Class I milk if transferred to a producer-handler in the form of milk, skim milk, or cream.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a plant other than an approved plant, unless:

(1) The handler claims other classification on the basis of utilization mutually indicated in writing to the market administrator by both the handler and purchaser on or before the 7th day after the end of the delivery period within which such transfer or diversion occurred;

(2) Such purchaser maintains books and records showing the utilization of all skim milk and butterfat at his unapproved plant, which are made available if requested by the market administrator for the purpose of verification; and

(3) Such unapproved plant has actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided*, That, if verification of such purchaser's records discloses that an equivalent amount of skim milk and butterfat has not been used in such indicated utilization, the remaining pounds shall be classified in series beginning with the next higher priced classification in which such purchaser had utilization.

§ 931.45 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in each class for such handler.

§ 931.46 *Allocation of skim milk and butterfat classified.* After computing pursuant to § 931.45 the classification of all skim milk and butterfat received by a handler, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk allocated to shrinkage of producer milk;

(2) Subtract from the remaining pounds of skim milk in each class in series beginning with the lowest price class in which the handler has use, the pounds of skim milk contained in other source milk;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk contained in receipts from other handlers in accordance with its classification as determined pursuant to § 931.45;

(4) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received from producers, an amount equal to the difference shall be subtracted from the pounds of skim milk in each class in series beginning with the lowest priced class in which the handler has use. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

MINIMUM PRICES

§ 931.50 Subject to the provisions of § 931.51, the minimum prices per hundredweight to be paid by each handler for milk received from producers at his plant during the delivery period shall be as follows:

(a) *Class I milk.* The price for Class II milk for the previous delivery period plus the following premiums during the delivery periods indicated:

January, February, March	$0.80
April, May, June	.60
July through December	1.05

(b) *Class II milk.* The highest of the prices resulting from the computations made pursuant to subparagraphs (1) and (2) of this paragraph or to paragraph (c) of this section:

(1) The average of the basic or field prices reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the period beginning with the 16th day of the previous month and ending with the 15th day of the then current month at the following plants for which prices have been reported to the market administrator or to the Department:

Present Operator of Plant and Location of Plant
Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Co., Oregon, Ill.
Carnation Co., Morrison, Ill.
United Milk Products Co., Argo Bay, Ill.

(2) The price resulting from the following computations:

(i) Multiply by 6 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter as reported for the Chicago market during the delivery period by the Department;

(ii) Add an amount equal to 2.4 times the average as computed by the market administrator, of the daily wholesale prices of the cheese known as "Twine" as reported for the Chicago market during the delivery period by the Department;

(iii) Divide the resulting sum by 7;

(iv) Add 30 percent thereof; and

(v) Multiply the resulting sum by 3.5.

(c) *Class III milk.* The sum of the prices resulting from the following computations:

(1) Subtract 6 cents from the price per pound of butter computed pursuant to paragraph (b) (2) (i) of this section and multiply the result by 4.2, and

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the month by the Department, subtract 6½ cents, multiply the result by 8.2 and then multiply the resulting figure by 0.965. If the Department does not publish the above stated price for nonfat dry milk solids there shall be used in lieu thereof the midpoint between the simple averages (using in each price series the midpoint of any price range as one price) as computed by the market administrator, of the weekly Chicago wholesale carlot prices per pound of nonfat dry milk solids in barrels for human consumption, spray and roller process, respectively, as reported within the month by the Department and 8½ cents, rather than 6½ cents, shall be deducted in making this computation.

§ 931.51 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 931.46 is more or less than 3.5 percent there shall be added to the respective class price computed pursuant to § 931.50 for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent or subtracted for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.5 percent, an amount equal to the applicable butterfat differential computed as follows:

(a) *Class I milk.* Multiply by 1.40 the price per pound of butter computed pursuant to § 931.50 (b) (2) (i) for the delivery period and divide the result by 10.

(b) *Class II milk.* Multiply by 1.20 the price per pound of butter computed pursuant to § 931.50 (b) (2) (i) for the delivery period and divide the result by 10.

(c) *Class III milk.* Multiply by 1.20 the price per pound of butter computed pursuant to § 931.50 (b) (2) (i) for the delivery period, subtract 6 cents, and divide the result by 10.

§ 931.52 *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency, in connection with the milk or product associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

§ 931.55 *Producer-handler.* Sections 931.40 through 931.52 and 931.60 through 931.76 shall not apply to a producer-handler.

§ 931.56 *Handlers subject to other Federal orders.* In the case of any handler who the Secretary determines, disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this order shall not apply except as follows:

(a) The handler shall with respect to his total receipts of skim milk and butterfat make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay, under the other Federal order to which he is subject, for skim milk and butterfat which would be classified as Class I milk under this order is less than the price provided by this order, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this part and its value as determined pursuant to the other order to which he is subject.

DETERMINATION OF UNIFORM PRICES

§ 931.60 *Computation of value of milk.* The value of milk received during each delivery period by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices and adding together the resulting amounts: *Provided*, That if the handler had overage of either skim milk or butterfat there shall be added to the above values an amount computed by multiplying the pounds of overage by the applicable class prices.

§ 931.61 *Computation of uniform price.* For each delivery period the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 931.60 for all handlers who made the reports prescribed by § 931.30 and who made the payments pursuant to § 931.65 for the preceding delivery period;

(b) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 931.67.

(c) Subtract, if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent an amount computed by: Multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 931.66 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for milk of 3.5 percent butterfat content received from producers.

§ 931.62 *Notification of handlers.* On or before the 10th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing:

(a) The classification and value of the milk received from producers by such handler.

(b) The applicable class prices and the uniform price; and

(c) The amount due such handler or the amount to be paid by such handler as the case may be pursuant to §§ 931.68 and 931.69.

PAYMENT FOR MILK

§ 931.65 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the delivery period during which the milk was received from each producer for milk, except that for which payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price computed pursuant to § 931.61 subject to the butterfat differential computed pursuant to § 931.66.

(b) On or before the 12th day after the end of the delivery period during which the milk was received, to a cooperative association for milk caused to be delivered to such handler from producers by the cooperative association, if the cooperative association is authorized to collect payment for such milk and if it so requests, an amount equal to not less than the sum of the individual payments otherwise payable to such producers.

§ 931.66 *Producer butterfat differential.* In making payments pursuant to § 931.65 there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from producers is above or below 3.5 percent, an amount computed by multiplying by 1.20 the price per pound of butter computed pursuant to § 931.50 (b) (2) (i) for the delivery period, dividing the resulting sum by 10, and adjusting to the nearest one-tenth cent.

§ 931.67 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the producer-settlement fund into which he shall deposit all payments made by handlers pursuant to § 931.68 and out of which he shall make all payments to handlers pursuant to § 931.69.

§ 931.68 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the utilization value of the milk received by such handler from producers during such delivery period is greater than the amount required to be paid producers by such handler pursuant to § 931.65.

§ 931.69 *Payments out of the producer-settlement fund.* On or before the 12th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the utilization value of the milk received by such handler from producers during the delivery period is less than the amount required to be paid producers by such handler pursuant to § 931.65: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly the payments to all handlers and shall complete such payments as soon as the necessary funds are available. No handler who has not received the balance of such payments from the market administrator shall be considered in violation of § 931.65 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 931.70 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred.

§ 931.71 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The delivery period(s) during which the milk with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the delivery period during which all such books and records pertaining to such obligations are made available to the market administrator.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month, during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed unless the handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

OTHER PAYMENTS

§ 931.75 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator on or before the 12th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe with respect to all milk received within the delivery period from producers (including such handler's own production) and with respect to all other source milk classified as Class I.

§ 931.76 *Marketing services.* (a) Except as set forth in paragraph (b) of this section each handler, in making payments to producers (other than himself) pursuant to § 931.65 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to check weights of, sample, and test milk received from producers and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 12th day after the end of such delivery period pay such deductions to the cooperative association rendering such services.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 931.80 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 931.81 *Suspension or termination.* The Secretary shall, whenever he finds that this part, or any provision of this part, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provisions of this part.

§ 931.82 *Continuing obligations.* If upon the suspension or termination of any or all provisions of this part, there are any obligations hereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 931.83 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the liquidating agent shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and exe-

cute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 931.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 931.91 *Separability of provisions.* If any provision of this part or its application to any person or circumstance, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C., this 5th day of May 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R Doc. 51-5436; Filed, May 9, 1951; 8.50 a. m.]

[7 CFR, Part 953]

[Docket No. AO 144-A3]

HANDLING OF LEMONS GROWN IN CALIFORNIA AND ARIZONA

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENT TO AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31 as amended; 7 U. S. C. 601 et seq.) and in accordance with the amended rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of a public hearing to be held with respect to proposed amendments to Marketing Agreement No. 94, as amended, and Order No. 53, as amended (7 CFR Part 953), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of lemons grown in the States of California and Arizona. Such hearing will be held in Room 1118, 111 West Seventh Street, Los Angeles, California, beginning at 10:00 a. m., P. d. s. t., May 15, 1951. These proposals have not received the approval of the Secretary of Agriculture.

This public hearing will be held for the purpose of receiving evidence with respect (1) to the economic and marketing conditions relating to all aspects of the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof, and (2) to whether such an emergency exists as would justify the omission of a recommended decision in connection with the issuance of said proposed amendments.

Petitions for a public hearing to be held to consider the following proposed amendment were submitted by the California Fruit Growers Exchange and the Mutual Orange Distributors. The Independent Citrus Growers and Shippers Association and the American Fruit Growers, Inc. have indicated that the proposed amendment is needed. These four organizations, or their members, market practically the entire tonnage of lemons grown in the States of California and Arizona.

1. Delete subparagraph (4) of section 4 (d) of the amended marketing agreement and subparagraph (4) of § 953.4 (d) of the amended order, and substitute therefor the following:

(4) In the event any handler has lemons which he desires to market in channels other than fresh-fruit channels in the United States and Canada, he may request the committee to compute the number of weeks that such lemons could be held in storage, under commercial storage conditions, and, at the expiration of such period, would meet the requirements for marketing under applicable laws. Any such lemons shall be in containers and shall be assembled at one or more of the central points which may be approved by the committee. If the said handler is satisfied with the committee's computation, he shall give the committee written notification thereof and shall dispose of such lemons in channels other than fresh-fruit channels in the United States and Canada. The committee shall include such lemons as a part of the available lemons of such handler for the number of weeks computed, and such lemons shall not be included thereafter in any computation made pursuant to subparagraph (3) of this paragraph.

The following amendments have been proposed by the Fruit and Vegetable Branch, Production and Marketing Administration:

2. Renumber the sections, paragraphs, subparagraphs, and subdivisions throughout the order, in accordance with the revised FEDERAL REGISTER regulations, and make similar conforming changes in the numbering of the provisions of the marketing agreement.

3. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., or from the Fruit and Vegetable Branch, Production and Marketing Administration, 1206 Santee Street, 12th Floor, Los Angeles 15, California.

Done at Washington, D. C., this 8th day of May 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R Doc. 51-5452; Filed, May 9, 1951; 11:20 a. m.]

[7 CFR, Part 975]

[Docket No. AO-179-A8]

HANDLING OF MILK IN CLEVELAND, OHIO MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED AMENDMENT TO THE TENTATIVE MARKETING AGREEMENT, AND TO THE ORDER, AS AMENDED

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, 900.1 et seq.), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after its publication in the FEDERAL REGISTER.

Preliminary statement. A public hearing was called by the Production and Marketing Administration, United States Department of Agriculture, on the request of the Milk Producers Federation of Cleveland, and was held on March 21, 1951. Proposed amendments were submitted by the Milk Producers Federation of Cleveland and the Dairy Branch, Production and Marketing Administration.

The material issues presented on the record of the hearing were whether the order should be amended to provide for:

(1) The classification of skim milk and butterfat in concentrated milk as Class I.

(2) Payment of the difference between the Class I and Class III prices of other source milk in Class I under certain conditions by the operator of the bottling plant handling such milk.

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made on the basis of the record of the hearing:

(1) Skim milk and butterfat disposed of as concentrated milk, other than in bulk or in hermetically sealed cans, should be classified as Class I.

Producers stated that a new product, concentrated milk, is being produced from Cleveland pool milk and sold to consumers in the same containers and through the same distribution outlets as fluid milk and cream. It was shown that this product is promoted as a substitute in household use for both fluid milk and cream. An official of the health department testified that milk used to produce concentrated milk for distribution to consumers must meet the same sanitary requirements as milk to be distributed for fluid consumption.

Objection was made by a handler to classifying and pricing milk used in concentrated milk as Class I, on the grounds that the product is used as a substitute for cream and evaporated milk as well as fluid milk, and that a price incentive appears to be necessary to insure consumer acceptance. A price 45 cents per hundredweight below Class I was suggested to allow about one cent per quart lower cost to handlers than Class I milk.

The quality of milk required for concentrated milk is the same as that required for other products now included in Class I. Concentrated milk appears to be largely used as a replacement for fluid milk which is the principal Class I product. All products which must be made from approved milk should contribute equally to the returns to producers necessary to attract a sufficient supply of approved milk. It is concluded, therefore, that skim milk and butterfat used to produce concentrated milk should be classified as Class I milk. Such classification should apply only when this product is distributed for fluid consumption. If used or disposed of in bulk for use in ice cream or other manufactured products, or put up in hermetically sealed cans, it should be considered as included in the Class III listing of bulk condensed milk or evaporated or condensed milk in hermetically sealed cans.

The transfer provisions (§ 975.53 and paragraph (a) (2) of § 975.51) should apply to transfers of concentrated milk in the same manner as to other products named in Class I, and the application of these provisions is based on movement in the form of concentrated milk.

(2) A handler operating a bottling plant receiving less than 50 percent of its milk supply as producer milk should be required to pay to the producer-settlement fund the difference between the highest Class III and the Class I prices on other source skim milk and butterfat allocated to Class I.

Section 975.72 (b) of the order provides for a payment similar to that recommended above but the obligation to make the payment is placed on the operator of the non-pool plant from which the milk is shipped rather than the operator of the pool bottling plant at which the milk is received. It was proposed by the Dairy Branch to put this obligation on the operator of the bottling plant to simplify and make more effective the administration of the provision. The bottling plant handler makes monthly reports to the market administrator, monthly payments are made to or received from the producer-settlement fund, regular audits are made of the plant operations and the plant is located in or near the marketing area. The market administrator normally has no contact with the non-pool plant and it may be located at a great distance from Cleveland. Also the operator of the pool plant can usually avoid the situation in which such payment is required while the non-pool plant operator usually has no control over or no knowledge of this situation.

Producers and handlers approved the change proposed, but producers suggested also changing the percentage of producer milk received from less than 50 percent to less than 90 percent. Handlers objected to such a change for several reasons, including the lack of consideration by interested parties because no proposal for such a change was included in the notice of hearing. It is concluded that no change should be made in the percentage at this time and that any such change should be based on more thorough consideration at a future hearing.

Another small change proposed provides for computing the difference in prices between the highest Class III butterfat and skim milk prices and the Class I prices. This provision is necessary because there are now 2 butterfat and 2 skim milk prices in Class III. Use of the higher of these prices preserves the relationship originally established by use of the single Class III butterfat and skim milk prices then in effect.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers. The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendment. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendments to the order. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed to be further amended:

1. Delete § 975.51 (a) (1) and substitute therefor the following:

(1) Disposed of for fluid consumption as milk, skim milk, buttermilk, flavored milk or flavored milk drinks, or used to produce concentrated milk or eggnog disposed of for fluid consumption;

2. Delete § 975.72 (b) and substitute therefor the following:

(b) For each delivery period, the pool value pursuant to § 975.70 for each handler who operates a pool plant designated pursuant to paragraph (a) of § 975.30 which received within such delivery period less than 50 percent of its total receipts of skim milk and butterfat from producers or from other pool plants shall be increased by an amount computed by multiplying the amount of skim milk and butterfat in other source milk received which is classified as Class I milk by the difference between the price for skim milk and for butterfat in Class I milk and the highest price for skim milk and for butterfat, respectively, in Class III milk.

Filed at Washington, D. C. this 5th day of May, 1951.

Dated: May 5, 1951, Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51-5438; Filed, May 9, 1951; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

REGIONAL DIRECTOR, ASSISTANT REGIONAL DIRECTOR, AND FISHERY MANAGEMENT SUPERVISOR OF REGION 6

REDELEGATION OF AUTHORITY TO ADJUST ALASKA COMMERCIAL FISHING SEASONS

MAY 4, 1951.

Pursuant to § 102.3a of the regulations for the protection of the commercial fisheries of Alaska, as published in the FEDERAL REGISTER March 8, 1951 (16 CFR 2154) and for the purpose of implementing said section, there is hereby redelegated to the Regional Director, Assistant Regional Director, and Fishery Management Supervisor of Region 6, authority to shorten, lengthen, or reopen for limited periods any closed fishing period. Any such extension or curtailment of fishing shall be based on a finding of fact as to the abundance of fish warranting such action.

(44 Stat. 752; 48 U. S. C. 221–224)

ALBERT M. DAY,
Director.

[F. R. Doc. 51-5392; Filed, May 9, 1951; 8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

[General Order 8]

SALARY STABILIZATION BOARD AND SALARY STABILZIATION DIVISION

ORGANIZATION

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1. Purpose.
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SECTION 1. *Purpose.* The purpose of this order is to establish a Salary Stabilization Board and a Salary Stabilization Division and to define their functions.

SEC. 2. *Legal basis.* (a) The basic authority for the establishment of a program of wage and salary stabilization is contained in Title IV of the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.). This authority is implemented by the terms of Executive Order No. 10161 of September 9, 1950; Executive Order No. 10182 of November 21, 1950; Executive Order No. 10205 of January 3, 1951; and Executive Order No. 10233 of April 21, 1951.

(b) Executive Order No. 10161 of September 9, 1950 (15 F. R. 6105) authorizes the Economic Stabilization Administrator to define the internal organization of the Economic Stabilization Agency.

SEC. 3. *Organization*—(a) *Salary Stabilization Board.* There shall be a Salary Stabilization Board which shall consist of three public members, one of whom shall be designated as Chairman. The Chairman of the Wage Stabilization Board shall serve as an ex-officio non-voting member of the Salary Stabilization Board, advising the Board in respect to the terms of Section 5 (b) of this order.

(b) *Salary Stabilization Division.* There is hereby established a Salary Stabilization Division. The head of the Division shall be the Chairman of the Salary Stabilization Board. He shall be assisted by an Executive Director who shall be in charge of the Division in the absence of the Chairman.

SEC. 4. *Delegation of authority.* (a) The functions delegated to the Economic Stabilization Administrator by the provisions of Part IV of Executive Order No. 10161 of September 9, 1950, as amended by Executive Order No. 10233, dated April 21, 1951, with respect to stabilization of salaries and other compensation of persons who are employed in bona fide executive, administrative, professional or outside salesmen capacities, as each of such terms is defined in Section 6 (b) of this order and who in their relationships with their employer are not represented by duly recognized or certified labor organizations, are hereby redelegated to the Salary Stabilization Board.

(b) There is redelegated to the Chairman, Salary Stabilization Board, such authority of the Administrator under the Defense Production Act of 1950 pursuant to sections 902 and 903 of Executive Order No. 10161 of September 9, 1950, and, except as redelegation may be prohibited therein, such authority of the Administrator pursuant to Executive Order No. 10182 of November 21, 1950, as amended by Executive Order No. 10205 of January 3, 1951, as is necessary to carry out the functions of the Salary Stabilization Board and of the Salary Stabilization Division.

SEC. 5. *Functions of the Salary Stabilization Board.* (a) Subject to supervision by the Economic Stabilization Administrator, the functions of the Salary Stabilization Board shall be to:

(1) Determine the substantive policies to govern the salary stabilization program, including basic salary stabilization regulations and orders; and

(2) Make such recommendations to the Economic Stabilization Administrator regarding stabilization policies as it may deem appropriate.

(b) In the exercise of its responsibilities and functions, the Salary Stabilization Board shall conform to the regulations, policies, orders and decisions of the Wage Stabilization Board to the fullest practicable extent, to provide a uniform and coordinated program for the stabilization of all wages, salaries, and other compensation of employees under the jurisdiction of both Boards.

SEC. 6. *Functions of the Salary Stabilization Division.* (a) The Salary Stabilization Division shall have the following duties and functions:

(1) *Regulations and policies.* Administer and enforce the salary stabilization program in conformance to the established policies of the Salary Stabilization Board;

(2) *Requests for rulings.* Receive requests for rulings concerning the application and interpretation of regulations, policies, and orders and make authoritative rulings thereon;

(3) *Application for approval and adjustments.* Receive, process and make authoritative disposition of applications or petitions for approval of increases in or adjustment of such salaries where approval is required;

(4) *Reports and records.* Receive, process and take such action as may be necessary in respect to reports and records which may be required;

(5) *Information and education.* Formulate and conduct informational and educational programs to inform the public regarding the salary stabilization program;

(6) *Compliance.* Make authoritative determinations in respect to whether a salary payment is in contravention of law, regulations, or policies of the Salary Stabilization Board and take such action in respect thereto as may be authorized and appropriate; and

(7) *Board secretariat.* Provide necessary administrative staff and service facilities for the Salary Stabilization Board, including any panels which the Board may establish.

(b) *Definition.* In applying the terms of Section 4 above, the terms "outside salesmen" and "bona fide executive, administrative, or professional capacity" shall have the same meaning as provided by regulations under section 13 (a) (1) of the Fair Labor Standards Act, as amended, except insofar as the Board, with the concurrence of the Chairman of the Wage Stabilization Board, may determine that certain categories of such employees properly should be under the jurisdiction of the Wage Stabilization Board.

SEC. 7. *Administrative services.* The Salary Stabilization Board and Salary Stabilization Division shall share the administrative service facilities of the Wage Stabilization Board relating to budget, fiscal, personnel, supply, space, and other administrative management matters.

SEC. 8. *Effect on other orders.* Any other orders or parts of orders the provisions of which are inconsistent with the provisions of this order are hereby superseded or amended accordingly. General Order No. 3 is specifically superseded to the extent that it is inconsistent herewith.

Issued: May 10, 1951.

Effective: May 10, 1951.

ERIC JOHNSTON,
Economic Stabilization Administrator.

[F. R. Doc. 51-5476; Filed, May 9, 1951; 8:48 a. m.]

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 15]

MIDDISHADE CLOTHES

CEILING PRICES AT RETAIL

Statement of consideration. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Middishade Clothes has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this Special Order 15 is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of men's clothing manufactured by Middishade Clothes, 16th and Callowhill Streets, Philadelphia 2, Pennsylvania, having the brand name "Middishade" and described in the manufacturer's application dated March 9, 1951, and supplemented and amended in the manufacturer's application dated March 14, 1951. The manufacturer's prices listed below are sold on terms of Net 30.

MEN'S CLOTHING

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
[1] $11.75	$18.95
[2] 39.85	65.00

[1] The manufacturer's selling price shall be $11.25 per unit on purchase of two or more of the same items by a retailer. The ceiling price at retail shall remain $18.95.

[2] The manufacturer's selling price shall be $38.85 per unit on purchase of two or more of the same items by a retailer. The ceiling price at retail shall remain $65.00.

TUXEDO TROUSERS

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
[3] $12.25	$18.95

[3] The manufacturer's selling price shall be $11.75 per unit on purchases of two or more Tuxedo trousers by a retailer. The ceiling price at retail shall remain $18.95.

2. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 10, 1951, Middishade Clothes must mark each article listed in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $ ------

On and after July 10, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraph 1 of this special order or changes the retail ceiling price of a listed article, Middishade Clothes must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 10, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 9, 1951.

[F. R. Doc. 51-5471, Filed, May 9, 1951; 8:47 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 16]

HOUSE OF WORSTED-TEX, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, The House of Worsted-tex, Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this Special Order 16 is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of men's clothing manufactured by The House of Worsted-tex, Inc., 2300 Walnut Street, Philadelphia 3, Pennsylvania, having the brand names "Worsted-Tex," and "Tex," and described in the manufacturer's application, dated March 21, 1951. The manufacturer's prices listed below are sold on terms of Net 30.

MEN'S CLOTHING

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
$11.00	$18.50
11.75	19.75
13.25	22.50
22.50	37.50
24.00	40.00
30.00	50.00
32.50	55.00
39.00	65.00
41.00	69.50

2. (a) The item designated as "Summer Tweeds" in the manufacturer's printed price list accompanying the application dated March 21, 1951, so long as it has a manufacturer's selling price of $29.25 per unit shall have a ceiling price at retail of $50.00 per unit.

(b) The items designated as "Shetlands," "Flannels," and "Shetland Top Coats" in the manufacturer's printed price list accompanying the application dated March 21, 1951, so long as they have a manufacturer's selling price of $38.00 per unit, shall have a ceiling price at retail of $65.00 per unit.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after June 10, 1951, The House of Worsted-tex, Inc., must mark each article listed in paragraphs 1, 2 (a) and 2 (b) of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $------

On and after July 10, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1, 2 (a) and 2 (b) of this special order or changes the retail ceiling price of a listed article, The House of Worsted-tex, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraphs 1, 2 (a) and 2 (b) of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 10, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 9, 1951.

[F. R. Doc. 51-5472; Filed, May 9, 1951; 8:47 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 17]

L. GREIF & BRO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, L. Greif & Bro., Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this Special Order 17 is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of men's clothing manufactured by L. Grief & Bro., Inc., Homeland Avenue, Govans, Baltimore 12, Maryland, having the brand name "Priestley's Nor-East" and described in the manufacturer's application, dated March 16, 1951. The manufacturer's prices listed below are sold on Net Terms.

MEN'S CLOTHING

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
$32.50	$55.00

2. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 10, 1951, L. Grief & Bro., Inc., must mark each article listed in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $ ------

On and after July 10, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraph 1 of this special order or changes the retail ceiling price of a listed article, L. Grief & Bro., Inc., must comply, as to each such article with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 10, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 9, 1951.

[F. R. Doc. 51-5473; Filed, May 9, 1951; 8:47 a. m.]

[Delegation of Authority No. 4, Supplement 1, Revised]

DISTRICT ENFORCEMENT DIRECTORS

REDELEGATION OF AUTHORITY WITH RESPECT TO ENFORCEMENT FUNCTIONS

By virtue of the authority vested in me as Assistant Director of Price Stabilization for Enforcement (Director of Enforcement), by Delegation of Authority 4 of the Director of Price Stabilization (16 F. R. 3595), this Revision of Delegation of Authority No. 4, Supplement 1, (16 F. R. 3595) is hereby issued.

1. Those functions relating to the enforcement of price stabilization, including those with respect to the allocation of meat, which were delegated to the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) by Delegation of Authority 4 are hereby redelegated to the several District Enforcement Directors or Acting District Enforcement Directors subject to such rules, regulations, and orders as may hereinafter be issued by the Assistant Director of Price Stabilization for Enforcement, and the several District Enforcement Directors or Acting District Enforcement Directors are each hereby authorized and empowered, within their respective districts, to make such investigations, inspections, or inquiries as may be necessary or appropriate, in their discretion, to the enforcement or the administration of the Defense Production Act of 1950, and the regulations or orders issued thereunder, subject to such supervision, direction, and control as the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) deems necessary and expedient.

2. The authority of section 705 (a) in the Defense Production Act of 1950 will be utilized only after the scope and purpose of the investigation, inspection or inquiry to be made thereunder have been defined by competent authority, and it is assured that no adequate and authoritative data are available from any Federal or other responsible agency. The Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) shall be such competent authority within the United States, the District of Columbia and any and each territory and possession of the United States. In addition, the several District Enforcement Directors or Acting District Enforcement Directors are each hereby designated and constituted as such competent authority within their respective districts.

3. In connection with any investigation, inspection, or inquiry necessary or appropriate, in their discretion, to the enforcement or administration of the Defense Production Act of 1950, and the regulations or orders issued thereunder, the several District Enforcement Directors or Acting District Enforcement Directors of the Office of Price Stabilization, subject to such supervision, direction, and control as the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) deems necessary and expedient, are each authorized within their respective districts:

(a) To sign and issue Subpenas requiring any person to appear and testify or to appear and produce documents, or both, at any designated place;

(b) To sign and issue Inspection Authorizations requiring any person to permit a duly authorized representative of the Office of Price Stabilization to inspect books, records, and other writings in the possession or control of said person at the place where such person usually keeps them, and to inspect the premises or property of said person;

(c) To issue and use Letters requesting the inspection of books, documents, and records and inspection of premises or property.

Such Subpenas, Inspection Authorizations, and Request Letters will be utilized only after the scope and purpose of the investigation, inspection or inquiry to be made have been defined by the Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) or the District Enforcement Director or Acting District Enforcement Director in whose district such investigation, inspection, or inquiry is to take place, and it is assured that no adequate and authoritative data sought thereby are available of any Federal or other responsible agency.

4. The terms herein shall have the same meaning as in the Defense Production Act of 1950.

This revision shall become effective May 10, 1951.

EDWARD P. MORGAN,
Assistant Director of Price Stabilization for Enforcement (Director of Enforcement).

MAY 9, 1951.

[F. R. Doc. 51-5485; Filed, May 9, 1951; 10:35 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1571, G-1601]

EAST OHIO GAS CO., AND NEW YORK STATE NATURAL GAS CORP.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

MAY 4, 1951.

On December 26, 1950, The East Ohio Gas Company (East Ohio), an Ohio corporation having its principal place of business at Cleveland, Ohio, filed an application in Docket No. G-1571 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission pipeline facilities, as fully described in such application on file with the Commission and open to public inspection.

On February 1, 1951, New York State Natural Gas Corporation (New York State Natural), a New York corporation having its principal place of business at New York City, New York, filed an application in Docket No. G-1601 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the acquisition, construction and operation of certain natural-gas transmission pipeline facilities and underground storage facilities, as fully de-

scribed in such application on file with the Commission and open to public inspection.

The application of New York State Natural involves the proposed development and operation of certain production properties in Armstrong and Indiana Counties, in Pennsylvania, for the underground storage of natural gas, and the construction and operation of a natural-gas transmission pipe line from such storage area to a point of connection with the facilities of East Ohio, an affiliate, with certain connections along said pipeline for delivery of natural gas to The Peoples Natural Gas Company, also an affiliate. New York State Natural proposes to sell all gas taken from the proposed storage pool to East Ohio and The Peoples Natural Gas Company.

The application of East Ohio involves the proposed construction and operation of natural-gas transmission facilities to be used for the purpose of receiving natural gas from New York State Natural, and is related to the underground storage project hereinbefore described. Both applications in the above-entitled proceedings involve common questions of law and fact.

The Commission finds:

(1) Orderly procedure requires that the proceedings in Docket Nos. G–1571 and G–1601 be consolidated for purpose of hearing and disposition, as hereinafter ordered.

(2) These proceedings are proper ones for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, both Applicants having requested that their applications be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard protest or petition having been filed subsequent to the giving of due notice of the filing of the applications, including publication in the FEDERAL REGISTER of the notice of application in Docket No. G–1571 on January 16, 1951 (16 F. R. 397) and publication in the FEDERAL REGISTER of the notice of application in Docket No. G–1601 on February 10, 1951 (16 F. R. 1290).

The Commission orders:

(A) The proceedings in Docket Nos. G–1571 and G–1601 be and the same hereby are consolidated for purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission, by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held on May 29, 1951, at 9:30 a. m. e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the applications filed in these consolidated proceedings: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: May 4, 1951.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–5393; Filed, May 9, 1951; 8:45 a. m.]

[Docket No. E–6352]

SOUTHERN UTAH POWER CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE OF SECURITIES

MAY 4, 1951.

Notice is hereby given that, on May 3, 1951, the Federal Power Commission issued its order entered May 3, 1951 authorizing and approving issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–5395; Filed, May 9, 1951; 8:45 a. m.]

[Project No. 1966]

WISCONSIN PUBLIC SERVICE CORP.

NOTICE OF ORDER AMENDING ORDER AND ISSUING LICENSE (MAJOR)

MAY 4, 1951.

Notice is hereby given that, on February 26, 1951, the Federal Power Commission issued its order entered February 20, 1951, partially rescinding orders dated February 15, 1949, published in the FEDERAL REGISTER on February 25, 1949 (14 F. R. 871), and April 12, 1949, published in the FEDERAL REGISTER on April 20, 1949 (14 F. R. 1902), and issuing license (Major) in the above-entitled matter:

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–5394; Filed, May 9, 1951; 8:45 a. m.]

[Docket No. E–6354]

PUBLIC SERVICE CO. OF INDIANA, INC.

NOTICE OF APPLICATION

MAY 8, 1951.

Take notice that on May 3, 1951, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Public Service Company of Indiana, Inc. (hereinafter called "Applicant"), seeking an order dismissing this application for want of jurisdiction, or, in the alternative, an order authorizing the exchange of certain electric utility properties and facilities, more fully described below, by and between Applicant and Indianapolis Power & Light Company (hereinafter called "Indianapolis"). Applicant is a corporation organized under the laws of the State of Indiana and doing business in said State with its principal business office at Plainfield, Indiana. Applicant proposes to acquire from Indianapolis certain electric utility properties and facilities of the Mooresville Public Service Company located in Putnam and Hendricks Counties, Indiana, to be acquired by Indianapolis from Mooresville, and certain electric properties and facilities of Indianapolis located in Hendricks, Boone, and Hamilton Counties, Indiana; and Indianapolis will pay to Applicant the sum of $210,000 in cash, subject to certain adjustments. Applicant proposes to transfer and convey to Indianapolis in exchange for the facilities to be acquired and the cash consideration to be received from Indianapolis, certain electric utility properties and facilities of applicant located in Hendricks, Marion, and Hancock Counties, Indiana; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 23d day of May 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–5462; Filed, May 9, 1951; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26071]

FEED IN NEW ENGLAND TERRITORY

APPLICATION FOR RELIEF

MAY 7, 1951

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: I. N. Doc, Agent, for carriers parties to his tariff I. C. C. No. 593.

Commodities involved: Feed, animal, poultry, or pigeon, carloads.

From: Points in New England.

To: Points in New England.

Grounds for relief: Circuitous routes, competition with motor carriers, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–5415; Filed, May 9, 1951; 8:47 a. m.]

[4th Sec. Application 26072]

FRESH MEATS AND PACKINGHOUSE PRODUCTS FROM AMARILLO, TEX., TO THE SOUTH

APPLICATION FOR RELIEF

MAY 7, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3773.

Commodities involved: Fresh meats and packinghouse products, carloads.

From: Amarillo, Tex.

To: Points in southern territory.

Grounds for relief: To apply over short tariff routes rates constructed on the basis of the short line distance formula, and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3773, Supp. 36.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–5416; Filed, May 9, 1951; 8:47 a. m.]

[4th Sec. Application 26073]

POLYETHYLENE GLYCOL FROM TEXAS TO LOUISIANA

APPLICATION FOR RELIEF

MAY 7, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for the Missouri Pacific Railroad Company and other carriers named in the application.

Commodities involved: Polyethylene glycol, carloads.

From: Houston, Orange, Texas City, and Velasco, Tex.

To: Avondale, Gouldsboro, Gretna, Harvey, Marrero, and Westwego, La.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3721, Supp. 180.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–5417; Filed, May 9, 1951; 8:47 a. m.]

[4th Sec. Application 26074]

PHOSPHATE ROCK FROM FLORIDA TO ST. LOUIS AND EAST ST. LOUIS

APPLICATION FOR RELIEF

MAY 7, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for Atlantic Coast Line Railroad Company and other carriers named in the application, pursuant to fourth-section order No. 16101.

Commodities involved: Phosphate rock, carloads.

From: Points in Florida.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–5418; Filed, May 9, 1951; 8:48 a. m.]

[4th Sec. Application 26075]

LIQUEFIED PETROLEUM GAS FROM BATON ROUGE, LA., TO CINCINNATI, OHIO

APPLICATION FOR RELIEF

MAY 7, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for the Chicago, Rock Island and Pacific Railroad Company and other carriers named in the application, pursuant to fourth-section order No. 16101.

Commodities involved: Liquefied petroleum gas in steel cylinders, carloads.

From: Baton Rouge, La.

To: Cincinnati, Ohio.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–5419; Filed, May 9, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–2597]

DUQUESNE LIGHT CO., AND PHILADELPHIA CO.

NOTICE OF FILING

At the regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of May 1951.

Notice is hereby given that a joint application-declaration and amendments thereto have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Duquesne Light Company ("Duquesne"), a public utility company,

and its parent Philadelphia Company ("Philadelphia"), a registered holding company. Applicants-declarants have designated sections 6 (a), 7, 9 (a), 10, 12 (c), 12 (d), 12 (f) and 12 (g) of the act and Rules U-42, U-43, and U-44 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 21, 1951, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 21, 1951, said application-declaration, as filed or as further amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration, as amended, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Duquesne has outstanding 2,152,828 shares of common stock, without par value, stated at $56,813,120. Its authorized common stock aggregates 4,500,000 shares stated at $112,500,000. All of the outstanding shares are owned by Philadelphia. Duquesne proposes (a) to increase on its books the stated value of its outstanding common stock to $57,500,000 by the transfer of $686,880 from earned surplus; (b) to increase the stated capital of such shares, as stated in returns filed with the Commonwealth of Pennsylvania, from $53,820,700 to $57,500,000; and (c) to reclassify the 4,500,000 shares of authorized common stock (whether issued or unissued) to 7,000,000 authorized shares, par value $10 per share, as follows: the 2,152,828 outstanding shares will be changed and converted into 5,750,000 shares and the 2,347,172 unissued shares into 1,250,000 shares.

Philadelphia proposes to exchange its holdings of 2,152,828 shares of Duquesne common stock, without par value, for 5,750,000 shares of common stock, par value $10 per share.

Applicants-declarants state that the transactions are proposed in conjunction with Step 1 of the plan, dated February 8, 1951 for compliance by Philadelphia and its parent, Standard Gas and Electric Company, also a registered holding company, with the provisions of section 11 of the act filed with this Commission at File No. 54–191. (See Holding Company Act Release No. 10413.)

The proposed issuance of such new common stock has been authorized by the Pennsylvania Public Utility Commission. Applicants-declarants estimate that Duquesne's expenses in connection with the proposed transactions will aggregate $7,600, of which $7,400 represents state bonus and filing fees, and that Philadelphia will incur no expenses.

Applicants-declarants request that the Commission's order become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51–5396; Filed, May 9, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17726]

SUEKO HATTORI AND RIGAEMON HATTORI

In re: Bank accounts owned by Sueko Hattori and Rigaemon Hattori, also known as R. Hattori. F–39–6997–E–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rigaemon Hattori, also known as R. Hattori, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That Sueko Hattori, who there is reasonable cause to believe is a resident of Japan, is a national of a designated enemy country (Japan);

3. That the property described as follows: That certain debt or other obligation of The Sumitomo Bank of Seattle, in Liquidation, Valentine C. Hammack, Liquidating Trustee, 214 Federal Office Building, San Francisco, California, arising out of a savings account, Account Number 9314, entitled "R. Hattori", maintained with the aforesaid bank, in liquidation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Rigaemon Hattori, also known as R. Hattori, the aforesaid national of a designated enemy country (Japan);

4. That the property described as follows: That certain debt or other obligation of The Sumitomo Bank of Seattle, in Liquidation, Valentine C. Hammack, Liquidating Trustee, 214 Federal Office Building, San Francisco, California, arising out of a savings account, Account Number 1662, entitled "Sueko Hattori, by R. Hattori", maintained with the aforesaid bank, in liquidation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by, Sueko Hattori, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C. on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51–5380; Filed, May 8, 1951; 8:51 a. m.]

[Vesting Order 17736]

JULIUS BAER AND CO.

In re: Accounts maintained in the name of Julius Baer and Company, Zurich, Switzerland, and owned by persons whose names are unknown. F–63–1210.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

[Account maintained in the name of Julius Baer & Co., Zurich, Switzerland]

Column I	Column II
Name and address of institution which maintains account	Designation of account
The Chase Bank of the City of New York, 18 Trinity Pl., New York, N.Y.	(a) Julius Baer & Co. general ruling No. 6 a/c Blocked Switzerland, (b) Julius Baer & Co. sundry account, blocked Italy, Switzerland, and (c) special coupon account Julius Baer & Co. as described by The Chase National Bank of the City of New York in its report on Form OFA-750, bearing its Serial No. 202.

[F. R. Doc. 51–5381; Filed, May 8, 1951; 8:51 a. m.]

[Vesting Order 17721]

INDUSTRIAL BANK OF JAPAN, LTD.

In re: Account owned by Industrial Bank of Japan, Ltd., also known as Kabushiki Kaisha Nippon Kogo Ginko. F–39–132–G–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Industrial Bank of Japan, Ltd., also known as Kabushiki Kaisha Nippon Kogo Ginko, whose last known address is Tokyo, Japan, is a corporation, partnership, association or other business organization organized under the laws of Japan and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Tokyo, Japan, and is a national of a designated enemy country (Japan);

2. That the proprerty described as follows: That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of a coupon deposit account entitled "Kabushiki Kaisha Nippon Kogo Ginko (Industrial Bank of Japan, Ltd.), External Loan 3 years 6 percent Gold Debenture Notes due August 15, 1927", maintained at the office of the aforesaid The National City Bank of New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Industrial Bank of Japan, Ltd., also known as Kabushiki Kaisha Nippon Kogo Ginko, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51–5426; Filed, May 9, 1951; 8:49 a. m.]

[Vesting Order 17724]

DOITSU SENRYO GOMEI KAISHA

In re: Debt owing to Doitsu Senryo Gomei Kaisha. F–39–3086.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Doitsu Senryo Gomei Kaisha, the last known address of which is Kobe, Japan, is a corporation, partnership, association or other business organization organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan, and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Banca Commerciale Italiana, 80 Spring Street, New York 12, New York, arising out of an accepted account payable representing issued and outstanding check No. 212209 drawn by Banca Commerciale Italiana, New York, New York on The Chase National Bank of the City of New York in the amount of $472.10 dated January 14, 1941 and payable to Doitsu Senryo Gomei Kaisha, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Doitsu Senryo Gomei Kaisha, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51–5427; Filed, May 9, 1951; 8:49 a. m.]

[Vesting Order 17728]

ELLA KEIL

In re: Debt owing to Ella Keil. F-28-27339.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ella Keil, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York, in the amount of $226.00, being a portion of an account held by said Swiss Bank Corporation entitled Leu & Co. Bank, Limited, Zurich, Switzerland Id. 17, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ella Keil, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5428; Filed, May 9, 1951; 8:49 a. m.]

[Vesting Order 17735]

MATHIAS WIEMANN

In re: Stock owned by Mathias Wiemann. F-28-30953-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mathias Wiemann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Four (4) shares of no par value common capital stock of Medusa Portland Cement Co., 1000 Midland Building, Cleveland, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by certificate number 11074, registered in the name of Squire & Co., and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mathias Wiemann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5429; Filed, May 9, 1951; 8:49 a. m.]

[Vesting Order 17719]

ORIENTAL DEVELOPMENT CO., LTD.

In re: Accounts owned by Oriental Development Company, Ltd., also known as Toyo Takushoku Kabushiki Kaisha, F-39-2360-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Oriental Development Company, Ltd., also known as Toyo Takushoku Kabushiki Kaisha, the last known address of which is Tokyo, Japan, is a corporation, partnership, association or other business organization organized under the laws of Japan and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Tokyo, Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of an interest account entitled "Oriental Development Company, Ltd. External Loan 30 year 6 percent Gold Debenture Bonds due March 15, 1953", maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same.

b. That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of an open market purchasing account and identified on the books of said bank as a sinking fund account entitled "Oriental Development Company, Ltd. External Loan 30 year 6 percent Gold Debenture Bonds due March 15, 1953", maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same.

c. That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of an interest account entitled "Oriental Development Company, Ltd. External Loan 35 year 5½ per cent Gold Debenture Bonds due November 1, 1958", maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of an open market purchasing account identified on the books of the said bank as a sinking fund account entitled "Oriental Development Company, Ltd. External Loan 35 year 5½ percent Gold Debenture Bonds due November 1, 1958", maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Oriental Development Company, Ltd., also known as Toyo Takushoku Kabushiki Kaisha, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5425; Filed, May 9, 1951; 8:49 a. m.]

[Vesting Order 17738]

AKTIENGESSELSCHAFT FUER FINANZIERUNGEN UND BETEILIGUNGEN

In re: Accounts maintained in the name of Aktiengesselschaft Fuer Finanzierungen und Beteiligungen, Chur, Switzerland, and owned by persons whose names are unknown. F-63-8.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Aktiengesellschaft Fuer Finanzierungen Und Beteiligungen, Chur, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	(a) Aktiengesellschaft Fuer Finanzierungen Und Beteiligungen old account, and (b) Aktiengesellschaft Fuer Finanzierungen Und Beteiligungen general ruling No. 6 s c c's as described by The Chase National Bank of the City of New York in its report on Form O.A.P.-700, bearing its Serial No. 13, (c) Aktiengesellschaft Fuer Finanzierungen Und Beteiligungen securities held in account F-S-81051, and (d) Aktiengesellschaft Fuer Finanzierungen Und Beteiligungen securities held in general ruling No. 6 account F-S-81051-A as described by The Chase National Bank of the City of New York in its report on Form O.A.P.-700, bearing its Serial No. 14.

[F. R. Doc. 51-5430; Filed, May 9, 1951; 8:49 a. m.]

[Vesting Order 17740]

N. V. BELEGGINGSMAATSCHAPPIJ "INGELA"

In re: Accounts maintained in the name of N. V. Beleggingsmaatschappij "Ingela", Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1236.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy

country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of N. V. Rubergingsmaatschappij "Ingelia" Amsterdam, The Netherlands]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Carl M. Loeb, Rhoades & Co., 61 Broadway, New York, N. Y.	Miscellaneous portfolio of stocks and bonds payable in dollars and foreign currencies, as described by Carl M. Loeb, Rhoades & Co., in its report on Form OAP-700 bearing its Serial No. 1.

[F. R. Doc. 51-5431; Filed, May 9, 1951; 8:49 a. m.]

[Return Order 954]

JACQUES FERNAND HENRICOT

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published, and Property

Jacques Fernand Henricot, Court Saint, Etienne, Belgium; Claim No. 37585; March 9, 1951 (16 F. R. 2206); property described in Vesting Order No. 292 (7 F. R. 9836, November 26, 1942) relating to Patent Application Serial No. 312,133. (Now United States Letters Patent No. 2,367,464). This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 3, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc 51-5433; Filed, May 9, 1951; 8:50 a. m.]

[Return Order 955]

JEAN HENRY JALBERT

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Jean Henry Jalbert, Paris, France; Claim No. 41360; March 8, 1951 (16 F. R. 2178); Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,091,547. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 3, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5434; Filed, May 9, 1951; 8:50 a. m.]

[Vesting Order 17741]

C. V. MAATSCHAPPIJ VOOR BUITENLANDSCHEN HANDEL MIJBUH

In re: Accounts maintained in the name of C. V. Maatschappij Voor Buitenlandschen Handel Mijbuh, Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-701.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of C. V. Maatschappij Voor Buitenlandschen Handel Mijbuh, Amsterdam, The Netherlands]

Column I	Column II
Name and address of institution which maintains account	Designation of account
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	(a) C. V. Maatschappij Voor Buitenlandschen Handel "Mijbuh", Amsterdam, The Netherlands, special account, and (b) C. V. Maatschappij Voor Buitenlandschen Handel "Mijbuh" and N. V. Assurantiekantoor "Ingelia" and as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its Serial No. 292.

[F. R. Doc. 51-5435; Filed, May 9, 1951; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 92

Washington, Friday, May 11, 1951

TITLE 3—THE PRESIDENT

PROCLAMATION 2927

WORLD TRADE WEEK, 1951

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS trade among the free nations of the world raises the standards of living of the peoples of such nations and fosters friendly relations among them; and

WHEREAS international trade makes it possible for us and our allies to obtain supplies and materials necessary for the mobilization of a common defense against aggression; and

WHEREAS it is particularly fitting in this time of international tension that the ideals and effectiveness of free enterprise should be reasserted:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim the week beginning May 20, 1951, as World Trade Week; and I request the appropriate officials of the Federal Government and of the several States, Territories, possessions, and municipalities of the United States to cooperate in the observance of that week.

I also urge business, labor, agricultural, educational, and civic groups, as well as the people of the United States generally, to observe World Trade Week with gatherings, discussions, exhibits, ceremonies, and other appropriate activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 8th day of May in the year of our Lord nineteen hundred and fifty-one,

[SEAL] and of the Independence of the United States of America the one hundred and seventy-fifth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 51-5542; Filed, May 10, 1951; 11:37 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 3—ACQUISITION OF A COMPETITIVE STATUS

SUBPART C—REGULATIONS UNDER EXECUTIVE ORDER 10157

MISCELLANEOUS AMENDMENTS

1. Paragraph (e) of § 3.301 is amended to read as follows:

§ 3.301 *Basic requirements for the acquisition of a competitive status under Executive Order 10157.* * * *

(e) He must be recommended for conversion prior to March 1, 1951, by the head of the agency in which he was employed on August 28, 1950: *Provided*, That in the case of an employee who has left his civilian position prior to March 1, 1951 for the purpose of entering the armed forces of the United States, such recommendation must be made within six months of the date of honorable termination of the military service of the employee.

2. Paragraph (a) of § 3.305 is amended to read as follows:

§ 3.305 *Submission of recommendation*—(a) *Time limit.* (1) Recommendation for conversion must be submitted within six months from the date of the Executive order or prior to March 1, 1951, to the Commission's central office, attention: Service Record Division.

(2) In the case of an employee who has left his civilian position prior to March 1, 1951 for the purpose of entering the armed forces, recommendation for conversion must be submitted within six months of the date of honorable termination of the military service of the employee to the Commission's central office, attention: Service Record Division.

3. Paragraph (d) of § 3.305 is amended to read as follows:

(d) *Forms to be submitted.* There must be submitted with the recommendation an application form (Standard Form 57 or 60, whichever is applicable); proof of residence, if the position is in the apportioned service and the em-

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FEDERAL REGISTER

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CODE OF FEDERAL REGULATIONS

1949 Edition

POCKET SUPPLEMENTS

(For use during 1951)

The following Pocket Supplements are now available:

Title 7: Parts 210–899 ($1.50)
Part 900 to end ($1.25)
Title 14: Part 400 to end ($0.45)
Titles 30–31 ($0.35)

Previously announced: Titles 4–5 ($0.35); Title 6 ($1.50); Title 7, Parts 1–209 ($0.75); Title 8 ($0.35); Title 9 ($0.25); Titles 10–13 ($0.30); Title 16 ($0.40); Title 17 ($0.25); Title 20 ($0.30); Title 21 ($0.65); Titles 22–23 ($0.35); Title 25 ($0.25); Title 26: Parts 1–79 ($0.30); Parts 80–169 ($0.25); Parts 183–299 ($1.25); Title 26: Parts 300 to end; and Title 27 ($0.30)

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ployee is not entitled to veteran preference (either CSC Form 12, "Proof of Residence," or a statement by the employee under oath, setting forth his or her residence for one year next preceding, accompanied by letters from three reputable citizens of the State in which residence is claimed corroborating such statement); the required loyalty forms; and CSC Form 14, "Preference Claim" and the proof indicated therein, if the employee claims preference. In all cases submitted under paragraph (a) (2) of this section, CSC Form 14 and the proof must be submitted to the Commission. No medical certificate will be required by the Commission.

(R. S. 1753, sec. 2, 22 Stat. 403, E O 10157, Aug. 28, 1950, 15 F. R. 5834, 3 CFR, 1950 Supp.; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-5463; Filed, May 10, 1951; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

PART 22—THE FEDERAL LAND BANK OF BALTIMORE

FEES

Part 22 of Title 6, Code of Federal Regulations is amended by adding a section to be designated as § 22.6 and to read as follows:

§ 22.6 *Partial release fees.* Each application for a partial release of mortgaged security filed through the Puerto Rico Branch Bank of The Federal Land Bank of Baltimore shall be accompanied by a fee of $10.00: *Provided, however,* That no such fee shall be required to be paid if at the time the application for partial release is filed there is also filed an application for a new loan on all or a part of the security to be released.

(Sec. 13 Ninth, 39 Stat. 372; 12 U. S. C. 781 Ninth)

THE FEDERAL LAND BANK OF BALTIMORE,
[SEAL] E. W. MCSPARRAN,
Treasurer.

[F. R. Doc. 51-5470; Filed, May 10, 1951; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 78]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.339 *Grapefruit Regulation 78*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 13, 1951. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 15, 1950, and will so continue until May 13, 1951; the recommendation and supporting information for continued regulation subsequent to May 12, 1951, was promptly submitted to the Department after an open meeting of the Administrative Committee on May 3; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., May 13, 1951, and ending at 12:01 a. m., P. s. t., August 31, 1951, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit are at least fairly well colored, and otherwise grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than $3^{6}/_{16}$ inches in diameter, or (*b*) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than $3^{5}/_{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.241: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than $3^{6}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3^{13}/_{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than $3^{5}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3^{10}/_{16}$ inches in diameter and smaller).

(2) As used in this section, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2" and "fairly well colored" shall each have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.241.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 9th day of May 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-5466; Filed, May 10, 1951; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 31, Amdt. 1]

CPR 31—IMPORTS

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 31 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 31 amends section 5 (b) governing the computation of ceiling prices

of importer retailers so as to permit the pricing of imported commodities sold by such importer retailers exclusively under the provisions of section 5 (b). The pricing provisions of the import regulation are better suited to pricing imported commodities at retail than the provisions of CPR 7, 15 or 16. The import regulation therefore is amended to cover sales of commodities, which, when purchased from a domestic seller, are covered by this regulation.

This amendment also changes section 6 (b) and section 14 (c), together with the effective date clause, in order to provide more specific dates and adequate time for determining and reporting ceiling prices.

This amendment also adds to Appendix A certain paragraph numbers from the current U. S. Tariff Schedule as published by the U. S. Tariff Commission. The effect of adding these paragraph numbers is to exempt additional commodities from the Import Regulation.

AMENDATORY PROVISIONS

Ceiling Price Regulation 31 is amended as follows:

1. The first paragraph of section 5 (b) is amended to read as follows:

(b) *Importer retailer.* If you are an importer and also sell at retail the imported commodities in essentially the same form in which imported, your ceiling price for the sale of any such commodity shall be as follows: [The balance of section 5 (b) remains unaltered.]

2. Section 5 (d) is amended to read as follows:

(d) In every case where you calculate for the first time the percentage markup per unit you are going to use or do use in the sale or offering of an imported commodity, unless the commodity be one that shall be priced under Ceiling Price Regulations 7, 15, or 16, you shall furnish the Office of Price Stabilization, Export-Import Branch, Washington 25, D. C., with the following information in duplicate:

(1) The commodity.
(2) The quantity.
(3) The class of buyer.
(4) The percentage markup per unit you are permitted to use under this regulation.

Lists of ceiling prices for commodities in inventory as of May 9, 1951 shall be reported on or before June 1, 1951. Lists of ceiling prices for commodities contracted for as of May 9, 1951 shall be reported on or before June 1, 1951. Lists of ceiling prices for commodities neither in inventory nor contracted for as of May 9, 1951 shall be reported within fifteen days ater entry into the United States.

Once you have furnished such information for the sale of a particular commodity to a particular class of buyer, you need not again advise the Office of Price Stabilization with respect to your pricing of that type of sale.

3. Section 6 (b) is amended to read as follows:

(b) In every case where you calculate for the first time the dollar and cents markup per unit you are going to use or do use in the sale or offering of an imported commodity, you shall furnish the Office of Price Stabilization, Export-Import Branch, Washington 25, D. C., with the following information in duplicate:

(1) The commodity.
(2) The quantity.
(3) The class of buyer.
(4) The dollar and cents markup per unit you are permitted to use under this regulation.

Lists of ceiling prices for commodities in inventory as of May 9, 1951 shall be reported on or before June 1, 1951. Lists of ceiling prices for commodities contracted for as of May 9, 1951 shall be reported on or before June 1, 1951. Lists of ceiling prices for commodities neither in inventory nor contracted for as of May 9, 1951 shall be reported within 15 days after entry into the United States.

Once you have furnished such information for the sale of a particular commodity to a particular class of buyer, you need not again advise the Office of Price Stabilization with respect to your pricing of that type of sale.

4. Section 14 (c) is amended to read as follows:

(c) Nothing in this regulation shall operate to prevent the performance of a written contract for the sale of an imported commodity entered into prior to May 9, 1951 and executed in strict compliance with the provisions of the General Ceiling Price Regulation: *Provided,* (1) That such contract covers a commodity which the seller as of the date of the contract had in inventory or under purchase commitment, and (2) That such contract covers a specified quantity of a described commodity at a fixed price per unit.

5. The effective date clause of section 19 is amended to read as follows: "The effective date of this regulation shall be June 1, 1951 or any earlier date at which you file your list of ceiling prices in accordance with section 5 or section 6 of this regulation."

6. Appendix A is amended as follows:

(a)	Abaca	Par. 1684.
	Aluminum—metal, ore, scrap foil, alloys.	Par. 207, 374, 382.
	Antimony—metal (regulus) ore, concentrates, needle.	Par. 376, 1608.
(b)	Chrome—ore, salts, metal and alloys.	Par. 5, 301, 302.
	Cobalt—metal, ore, compounds and salts.	Par. 29, 1652.
(c)	Hemp (not including crin vegetal).	Par. 100, 1002, 1004, 1005, 1684.
	Henequen	Par. 1005, 1684.
	Iron ore	Par. 1700.
	Iodine, radioactive	Par. 1749.
	Jute	Par. 1003, 1684.
(d)	Shellac	Par. 1707.
	Sisal	Par. 1684.
(e)	Wood pulp	Par. 1716.
	Wool (not including carpet wool), alpaca, mohair.	Par 1101, 1102, 1105, 1106.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Effective date. This Amendment 1 to Ceiling Price Regulation 31 shall become effective May 9, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

MAY 9, 1951.

[F. R. Doc. 51-5494; Filed, May 9, 1951; 10:34 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation 2]

CMP REG. 2—INVENTORIES OF CONTROLLED MATERIALS

This regulation is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all industries affected in advance of the issuance of this regulation has been rendered impracticable because the regulation affects almost all industries.

Sec.
1. What this regulation does.
2. Definitions.
3. General maximum inventory limitations.
4. Exceptions.
5. Adjustment of receipts and orders.
6. Separate inventories.
7. Prohibited deliveries.
8. Excess inventories.
9. Applicability of other regulations and orders.
10. Records and reports.
11. Applications for adjustment or exception.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this regulation does.* The purpose of this regulation is to prevent the accumulation of excessive inventories of controlled materials. It does this by limiting the quantities of such materials that may be ordered, received, or delivered.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Item of controlled material" means any item in any class of controlled material listed in Schedule I of CMP Regulation No. 1, which is different from all other items in that class by reason of one or more of its specifications, such as length, width, thickness, temper, alloy, or finish.

(b) "User of controlled material" means any person who uses any item of controlled material for production, construction, or maintenance, repair, or operating supplies.

SEC. 3. *General maximum inventory limitations.* (a) Commencing on July 1, 1951, no user of controlled material shall accept delivery of any item of steel listed in Schedule I of CMP Regulation No. 1, if his inventory of such item is, or by such receipt would become, in excess of the quantity of such item necessary to meet his deliveries, supply his services, or perform his operations, on the basis of his currently scheduled method and rate of operation during the succeeding 45-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less. Said 45-day limitation does not apply to persons who order structural steel for use in construction (including buildings, bridges, and other structures of a like type) and who order it delivered cut to the specifications required for a specific project, and who normally keep such steel segregated for the specific project. Instead, no such person may accept delivery of such steel more than 45 days before it is scheduled to be fabricated or, if it is not to be further fabricated, before it is scheduled to be assembled.

(b) Commencing on July 1, 1951, no user of controlled material shall accept delivery of any item of copper or aluminum listed in Schedule I of CMP Regulation No. 1, if his inventory of such item is, or by such receipt would become, in excess of the quantity of such item necessary to meet his deliveries, supply his services, or perform his operations, on the basis of his currently scheduled method and rate of operation during the succeeding 60-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less.

(c) For the purposes of this regulation any item of controlled material in which minor changes or alterations have been effected, shall be included in inventory.

SEC. 4. *Exceptions.* Notwithstanding the provisions of section 3 of this regulation, any person may accept delivery of any item of controlled material in excess of the prescribed inventory limits under the following circumstances:

(a) If any producer of controlled material exercises his privilege under section 20 of CMP Regulation No. 1 of making delivery prior to the delivery date specified by the user of controlled material, such delivery may be accepted and the prescribed limits exceeded to the extent that such excess results from such prior delivery.

(b) If a user of controlled material has instructed a producer or other supplier to reduce, postpone, or cancel a delivery, and the material has been shipped or loaded for shipment before receipt of such instruction, delivery of such material may be accepted and the prescribed limits exceeded to the extent that such excess results from such delivery.

(c) If a user of controlled material has instructed a producer to reduce, postpone, or cancel a delivery of a special item of controlled material which the producer has already produced or has in production, or for the production of which he has acquired special materials, delivery of such special item may be accepted and the prescribed limits exceeded to the extent that such excess results from such delivery. For the purposes of this section, a special item of controlled material is one which the producer does not usually make, stock, or sell, and which he cannot readily dispose of to others.

(d) If a user of controlled material would be authorized under section 3 of this regulation to accept delivery of a quantity of an item of controlled material less than the minimum shown for such item in Schedule IV of CMP Regulation No. 1, he may accept delivery of the full minimum shown in such schedule, provided that the controlled material involved is not procurable from a distributor.

(e) If any producer of controlled material, under a directive of NPA, makes delivery of controlled material to a person who will convert such controlled material into another form of controlled material, the person to whom such delivery was made may accept the delivery and exceed the prescribed limits to the extent that such excess results from such delivery.

(f) If a user of controlled material imports any controlled material that he acquired prior to landing, he may accept delivery of such material and exceed the prescribed limits to the extent that such excess results from such delivery. However, if by such acceptance his inventory exceeds the prescribed limits, he may not accept further deliveries of such controlled material from domestic sources until his inventory thereof is reduced to permitted levels.

SEC. 5. *Adjustment of receipts and orders.* Every user of controlled material must place orders and schedule receipts in such manner that deliveries of controlled material to him may be made without violating the provisions of this regulation. If, by reason of change in his operations, slowing or stoppage of production, delayed delivery by a controlled materials producer or other supplier, or other cause, a person who has ordered material for future delivery would, if he accepted delivery on the dates specified, exceed the limits prescribed by this regulation, he shall promptly revise and adjust his outstanding orders and scheduled receipts and, if necessary, reduce, postpone, or cancel the same, so that his acceptance of deliveries will conform to this regulation.

SEC. 6. *Separate inventories.* (a) A person who has more than one operating unit may maintain separate inventory records for each such unit, and if he does, the provisions of this regulation shall apply to each such unit independently.

(b) In determining his inventory, a person shall include all items of controlled material in his possession and all such items held for his account by another person, but not items of controlled material held by him for the account of another person.

SEC. 7. *Prohibited deliveries.* No person shall deliver any item of controlled material if he knows or has reason to believe that acceptance of such delivery would be in violation of this regulation.

SEC. 8. *Excess inventories.* Excess inventories of items of controlled material, including inventories of such items which are not in form usable by the holder, are subject to requisition, under appropriate circumstances, as provided in Title II of the Defense Production Act of 1950.

SEC. 9. *Applicability of other regulations and orders.* Nothing in this regulation shall be construed to relieve any person from complying with all other applicable regulations and orders of NPA.

SEC. 10. *Records and reports.* Persons subject to this regulation shall maintain such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942.

SEC. 11. *Applications for adjustment or exception.* Any person subject to any provision of this regulation may file a request for adjustment, exception, or other relief upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests claiming that the public interest is prejudiced, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing submitted in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 12. *Communications.* All communications concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C., Ref: CMP Regulation No. 2.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this regulation or any other regulation or order of the National Production Authority, or who wilfully conceals a material fact or furnishes false information in the course of operation under this regulation, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation shall take effect on May 10, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-5514; Filed, May 10, 1951; 9:12 a. m.]

[CMP Regulation 4]

CMP Reg. 4—Deliveries of Controlled Materials by Distributors

This regulation is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all industries affected in advance of the issuance of this regulation has been rendered impracticable because the regulation affects many different industries.

Sec.
1. What this regulation does.
2. Definitions.
3. Placement of authorized controlled material orders.
4. Rejection of orders.
5. Applicability of other regulations and orders.
6. Records and reports.
7. Applications for adjustment or exception.
8. Communications.
9. Violations.

Authority: Sections 1 to 9 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

Section 1. *What this regulation does.* The purpose of this regulation is to describe the rules under which distributors make deliveries of controlled materials under the Controlled Materials Plan. The methods by which distributors obtain controlled materials will be covered by directives or other regulations and orders of NPA.

Sec. 2. *Definitions.* As used in this regulation and any other CMP regulation (unless otherwise indicated):

(a) "Controlled material" means steel, copper, and aluminum, in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

(b) "Distributor" means any person (including a warehouseman, jobber, dealer, or retailer) engaged in the business of stocking any controlled material at a location regularly maintained by him for such purpose, for sale or resale, in the form or shape as received or after performing the operations described in this paragraph, and who, in connection therewith, maintains facilities and equipment necessary to conduct such business. Such operations are cutting, shearing, burning, or torch cutting to length, size, or shape; pipe threading; sorting and grading; and the like. A person who, in connection with any sale of controlled material from his stock, bends, punches, or performs any fabricating or processing operation designed to prepare such material for final use or assembly, shall not be deemed a distributor with respect to such sale; and a person who, in connection with any purchase of controlled material for resale, does not take physical delivery of such material into his own stock at a location regularly maintained by him for such purpose, shall not be deemed a distributor with respect to such resale.

Sec. 3. *Placement of authorized controlled material orders.* (a) Each distributor shall comply with such directives as may be issued from time to time by NPA.

(b) Each distributor shall accept all (1) authorized controlled material orders, except as provided in section 4 of this regulation, (2) orders for controlled materials bearing a DO rating calling for delivery before October 1, 1951, except as provided in section 4 of this regulation, and (3) orders which he is required to accept pursuant to NPA directive: *Provided, however,* That nothing in this section shall prevent any distributor from accepting any other orders for controlled materials to the extent that such acceptance would be in conformity with the provisions of this regulation and all other applicable regulations and orders of NPA.

(c) A delivery order for controlled material placed with a distributor shall be deemed an authorized controlled material order only if (1) it contains an allotment number, the calendar quarter for which the allotment is valid, and the certification as provided in section 19 of CMP Regulation No. 1, or (2) it is specifically designated as an authorized controlled material order by any regulation or order of NPA.

(d) A delivery order for controlled material placed with a distributor shall be considered as calling for immediate delivery unless such order specifically provides otherwise.

(e) An authorized controlled material order may be placed with a distributor orally or by telephone, provided that the person placing the order makes written confirmation of such order, conforming to the requirements of this regulation, within 15 days. If such confirmation is not received within 15 days, the distributor shall promptly notify NPA of the circumstances.

(f) An authorized controlled material order shall not constitute an allotment of controlled material to the distributor with whom it is placed.

Sec. 4. *Rejection of orders.* (a) A distributor shall be required to accept authorized controlled material orders, orders for controlled materials bearing a DO rating, and all other orders for controlled materials, only in conformity with the appropriate quantity limitations and other conditions specified in NPA Order M-5 (aluminum), NPA Order M-6 (steel), and NPA Order M-11 (copper), or in any other applicable regulation or order of NPA.

(b) A distributor must reject any authorized controlled material order bearing a specific allotment number which requires a quarterly identification, after the end of the quarter for which the allotment is valid. Delivery orders bearing a symbol such as MRO which do not have to bear any quarterly identification may be filled during any quarter.

(c) A distributor may reject any order for controlled material which is not for immediate delivery. If he elects to accept such an order, he must not set aside or hold any material to fill it.

(d) A distributor may reject any authorized controlled material order if he does not have the material ordered in his stock, unless he knows that such material is in transit to his stock, but shall not discriminate between customers in rejecting or accepting such orders.

Sec. 5. *Applicability of other regulations and orders.* Nothing in this regulation shall be construed to relieve any person from complying with all other applicable regulations and orders of NPA.

Sec. 6. *Records and reports.* Persons subject to this regulation shall maintain such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942.

Sec. 7. *Applications for adjustment or exception.* Any person subject to any provision of this regulation may file a request for adjustment, exception, or other relief upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests claiming that the public interest is prejudiced, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing submitted in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

Sec. 8. *Communications.* All communications concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C., Ref: CMP Regulation No. 4.

Sec. 9. *Violations.* Any person who wilfully violates any provision of this regulation or any other regulation or order of the National Production Authority, or who wilfully conceals a material fact or furnishes false information in the course of operation under this regulation, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

Note: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation shall take effect on May 10, 1951.

National Production Authority,
Manly Fleischmann,
Administrator.

[F. R. Doc. 51-5515; Filed, May 10, 1951; 9:13 a. m.]

Chapter XIV—General Services Administration

Tungsten Regulation; Domestic Tungsten Program

Sec.
1. Basis and purpose.
2. Definitions.
3. Participation in the Program.
4. Deliveries.
5. Duration of the Program.
6. Specifications and penalties.

Authority: Sections 1 to 6 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 303, Pub. Law 774, 81st Cong., sec. 303, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

Section 1. *Basis and purpose.* This regulation interprets and implements the authority of the Administrator of General Services to purchase tungsten concentrates of domestic origin for the fiscal years 1951–1956 as authorized by the Defense Production Administration on March 30, 1951, and outlines the attendant responsibilities and functions of the Administrator of General Services in purchasing such tungsten concentrates for Government use and resale. In accordance with the Program set forth herein, the Administrator will buy domestically produced tungsten concentrates, at a base price of $63 per short ton unit of contained tungsten trioxide (WO_3), less penalties.

Sec. 2. *Definitions.* As used in this regulation:

(a) "Administrator" means the Administrator of General Services.

(b) "Program" means the program as set forth in this Regulation.

(c) "Milling point" means plant where ores are processed into specification grade tungsten concentrates.

(d) "Tungsten concentrates" means tungsten concentrates produced in the United States, its Territories and possessions from ores mined in the United States, its Territories and possessions.

(e) "Short ton unit" means one per cent of 2,000 pounds avoirdupois dry weight.

(f) "Ferberite" means concentrates containing tungsten primarily as $FeWO_4$ with not more than 20 per cent of the tungsten as $MnWO_4$.

(g) "Hubnerite" means concentrates containing tungsten primarily as $MnWO_4$ with not more than 20 per cent of the tungsten as $FeWO_4$.

(h) "Wolframite" means concentrates containing tungsten as both $FeWO_4$ and $MnWO_4$ in any proportions from 80 per cent $FeWO_4$ and 20 per cent $MnWO_4$ to 20 per cent $FeWO_4$ and 80 per cent $MnWO_4$.

(i) "Scheelite" means concentrates containing, in nature, tungsten as $CaWO_4$.

(j) "Synthetic Scheelite" means chemically precipitated scheelite produced from natural type of ore, and shall be chemically precipitated scheelite produced from any original type of ore, processed so that not over ten per cent of any lot shall pass a 35-mesh Tyler Standard Screen.

Sec. 3. *Participation in the Program.* (a) Any person may participate in the Program by notice given to the nearest General Services Administration regional office, in the form of a letter, postcard or telegram postmarked or dated by the telegraph office not later than June 30, 1951. Such notice shall state that the writer desires to participate in the Program and will either prospect for or produce tungsten, but the giving of such notice will not permit the participant to deliver material in any form other than that of concentrates meeting minimum specifications. Such notification must be signed and a return address given. Any person participating in the Program will promptly be sent a certificate authorizing him to deliver concentrates meeting minimum specifications f. o. b. carriers conveyance, milling point. Miners holding certificates but who do not operate concentrating facilities may participate in this program to the extent of the ore produced by them, as follows:

(1) By selling such ore to operators of concentrating plants, in which event the resulting concentrates meeting specifications may be sold by such operators to the Administrator under this Program; or

(2) By having such ore treated on a toll basis and selling the resulting concentrates meeting specifications to the Administrator under this Program.

(b) Any operator of a concentrating plant by agreeing to participate in this Program also agrees to purchase or process suitable tungsten contained ores offered to him by independent miners to the limit of the capacity of his plant in excess of that required for his own production and on fair and equitable terms and conditions (including prices). Each operator of a concentrating plant participating in this Program shall promptly establish a schedule setting forth his terms and conditions (including prices) for the purchase and processing of crude tungsten ores. Each such operator shall promptly submit a copy of such schedule to the Administrator, and shall also submit promptly any changes made in such schedule thereafter.

Sec. 4. *Deliveries.* Tungsten concentrates purchased under the Program are to be delivered f. o. b. carriers conveyance any milling point designated by the Administrator. Delivery of less than one short ton of concentrates will not be accepted. In the event any delivery is less than the minimum weight required to obtain the lowest transportation rate, the difference between the lowest transportation rate and the rate paid by the Government shall be a charge against the seller and a proper adjustment therefor shall be made in the minimum base price. Each delivery will be analyzed by the Government after beneficiation at the milling point, and payment will be made in accordance with such analysis. Deliveries not conforming to minimum specifications will be rejected and any expenses in connection therewith will be borne by the seller.

Sec. 5. *Duration of the Program.* The Program shall terminate and be of no further force or effect when 1,468,750 short ton units of tungsten have been delivered to and accepted by the Government under this Program, or on July 1, 1956, whichever occurs first.

Sec. 6. *Specifications and penalties.* (a) The specifications for tungsten concentrates and penalties applicable to deliveries of such concentrates appear below:

(1) Percentage of tungsten trioxide (WO_3) required with respect to each of the following:

	Ferberite	Hubnerite	Wolframite	Scheelite and/or synthetic scheelite
	Percent	*Percent*	*Percent*	*Percent*
Standard	60	60	65	60
Minimum	55	55	60	55

(2) Maximum percentage allowances of the following elements without penalty:

	Ferberite	Hubnerite	Wolframite	Scheelite and/or Synthetic Scheelite
	Percent	*Percent*	*Percent*	*Percent*
Tin (Sn) max	0.20	0.25	1.50	0.10
Copper (Cu) max	.10	.10	.05	.05
Arsenic (As) max	.15	.10	.25	.10
Antimony (Sb) max	.10	.10	.10	.10
Bismuth (Bi) max	1.00	1.00	1.00	.25
Molybdenum (Mo) max	.50	.50	.40	.40
Phosphorus (P) max	.07	.05	.05	.05
Sulphur (S) max	.50	.50	.50	.50
Manganese (Mn) max	1.00	(1)	(1)	1.00
Lead (Pb) max	.20	.20	.20	.10
Zinc (Zn) max	.10	.10	.10	.10

[1] Not specified.

(b) The minimum base price shall be subject to the following adjustments:

(1) For each short ton unit of delivered tungsten trioxide (WO_3) the sum of twenty cents ($0.20) shall be deducted from the base price for each one percent of tungsten trioxide (WO_3) below the standard requirements set forth in paragraph (a) of this section. No tungsten concentrates not meeting the minimum requirements set forth in said paragraph (a) of this section will be accepted.

(2) For each short ton unit of delivered tungsten trioxide (WO_3) a deduction of twenty-five cents ($0.25) shall be made for each of the following increments in excess of the maximum allowances (subparagraph (a) of this section), as to each of the following elements:

	Penalty
Copper (Cu)	([illegible]
Phosphorus (P)	[illegible]
Arsenic (As)	[illegible]
Bismuth (Bi)	[illegible]
Molybdenum (Mo)	[illegible]
Tin (Sn)	[illegible]
Sulphur (S)	[illegible]
Antimony (Sb)	[illegible]
Manganese (Mn)	1 [illegible]
Lead (Pb)	[illegible]

Dated: May 10, 1951.

Jess Larson,
Administrator.

[F. R. Doc. 51-5541; Filed, May 10, 1951; 11:37 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

PACKING OF RADIOS

In part 35 (39 CFR Part 35) make the following changes:

Insert new § 35.6b to read as follows:

§ 35.6b *Radios, packing of*—(a) *Electric.* Radios must be packed in strong containers such as a fiberboard box with at least 2 inches of firmly packed cushioning material such as shredded paper or excelsior on all six sides completely surrounding the radio, unless a factory carton approved for shipment by parcel post with approved inner cushioning by means of spring pads, molds, etc., is used. Better packing would be two containers, each of double-faced corrugated fiberboard, one within the other, the inside container holding the radio to be cushioned with a form or mold of double-faced corrugated fiberboard to form a 2-inch cushion of air on all six sides. In lieu of such forms or molds, shredded paper or excelsior may be used in sufficient quantity to keep the inner container 2 inches from all inner walls of the outside container.

(b) *Dry battery.* Portable or other radios with plastic or lightweight case which contain a dry battery are acceptable only if the battery is held in a fixed and immovable position therein by means other than the radio case and which cannot damage the radio regardless of the position thereof. If not so constructed, the battery must be removed from the case and packed so that it cannot shift or damage the radio in transit. A separate compartment for the battery may be necessary, which compartment must keep the weight of the battery off the radio regardless of the position of the shipping carton.

(R. S. 161, 396, sec. 24, 20 Stat. 361, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 250)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-5447; Filed, May 10, 1951; 8:51 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

In Part 127 (39 CFR Part 127), make the following changes:

1. In § 127.19 *Special delivery (Exprès) service* (39 CFR 127.19; 15 F. R. 324, 1104, 2337, 3526) make the following change:

a. Amend paragraph (a) by inserting "Japan" between "Italy" and "Jordan".

2. In § 127.286 *Japan* (39 CFR 127.286; 13 F. R. 9176, 15 F. R. 6080) make the following change:

a. Amend paragraph (a) (4) by striking out the words "No service" and inserting in lieu thereof "Fee, 20 cents. (See § 127.19)".

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-5448; Filed, May 10, 1951; 8:51 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

BELGIUM, FINLAND, AND INDIA

1. In § 127.216 *Belgium* (39 CFR 127.216; 16 F. R. 688), make the following changes:

a. Amend subdivision (iii) of paragraph (b) (4a) to read as follows:

(iii) Parcels containing gold, or silver, whether manufactured or unmanufactured; precious stones, jewelry or other precious articles, must be insured. If a parcel containing such articles is mailed uninsured, it shall be placed under insurance by the office which first observes the fact of its having been mailed uninsured, and treated accordingly.

b. Amend paragraph (b) (6) by the addition of subdivision (*d*) to subdivision (iv) to read as follows:

(*d*) Instruments of payment including banknotes and currency may not be sent to Belgium by parcel post unless permission for the importation has been granted by the Belgo-Luxembourg Exchange Institute. If such permission has been granted and the sender elects to forward the articles by parcel post, the parcel must be insured; otherwise, such articles must be sent by registered letter mail.

2. In § 127.251 *Finland* (39 CFR 127.251) amend subdivision (v) (*c*) of paragraph (b) (4) to read as follows:

(*c*) Medicines and drugs, including any substances which may be classed as pharmaceuticals by the Finnish authorities, may not be sent by mail unless addressed to authorized manufacturers, dealers, scientists or public health officials for use or distribution in accordance with Finnish regulations. Such substances prepared in doses for use by patients must be clearly and correctly labeled showing the nature and quantity of the ingredients. If found unacceptable under the Finnish regulations, any such articles may be prohibited or confiscated by the authorities.

3. In § 127.258 *French settlements in India (Chandernagore, Karikal, Mahe, Pondicherry and Yanaon)* (39 CFR 127.258) amend paragraph (b) (4) to read as follows:

(4) *Prohibitions* (i) Articles of gold or silver, diamonds and other precious stones.

(ii) Seditious literature.

(iii) Saccharine and similar products.

(iv) Tobacco plants.

(v) Nonexplosive components of artillery fuses.

(vi) Articles bearing false indications of origin.

(vii) Preserved fish, vegetables, and prunes not bearing an indelible indication of their origin.

(viii) Coloring materials.

(ix) Chemical and pharmaceutical products.

(x) Films, celluloid, etc.

(xi) In general, all articles prohibited importation into France.

4. In § 127.278 *India* (39 CFR 127.278) amend subdivision (v) of paragraph (b) (5) to read as follows:

(v) *For other reasons.* (*a*) Articles of gold or silver, diamonds and other precious stones.

(*b*) Any goods bearing a counterfeit trade-mark.

(*c*) Piece goods, such as are ordinarily sold by the yard or piece, manufactured outside of India.

(*d*) Saccharine.

5. In § 127.334 *Portuguese India* (39 CFR 127.334) amend paragraph (b) (5) to read as follows:

(5) *Prohibitions.* (i) Plants, seeds, all organs of plants affected or suspected of being affected by any disease.

(ii) Arms, munitions, and war material, except with the authorization of the military authorities.

(iii) Articles of gold or silver, diamonds and other precious stones.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-5449; Filed, May 10, 1951; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 718]

ALASKA

AMENDMENT OF EXECUTIVE ORDER NO. 3149 OF AUGUST 16, 1919, RESERVING CERTAIN LAND FOR THE USE OF THE NAVY DEPARTMENT FOR NAVAL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 3149 of August 16, 1919, which reserved and set aside a tract of land at Seward, Alaska, for the use of the Navy Department for the erection of wharves, coal storage yards, and other naval purposes, and which was revoked as to a portion of such tract by Executive Order No. 3828 of May 3, 1923, is hereby amended by transferring the interest of the Department of the Navy in and to the remaining portion of the tract to the Department of the Army, for military purposes; *Provided, however,* That such land, and the wharves, yards, and other improvements thereon shall also be available for use by the Department of the Interior, in such manner and at such times as shall not interfere with the use thereof for military purposes, pursuant to such arrangement as may be made by the Secretary of the Army and the Secretary of the Interior.

OSCAR L. CHAPMAN,
Secretary of the Interior.

MAY 4, 1951.

[F. R. Doc. 51-5445; Filed, May 10, 1951; 8:47 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G-1663]

MISSISSIPPI POWER & LIGHT CO.

NOTICE OF APPLICATION

MAY 7, 1951.

Take notice that Mississippi Power & Light Company (Applicant), a Florida corporation, with its principal place of business at Jackson, Mississippi, filed on April 12, 1951, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act authorizing the leasing and operation of approximately 16½ miles of 4-inch pipeline extending southerly from a metering station near Kosciusco, Mississippi, on the main 22-inch transmission pipeline of Southern Natural Gas Company to the town of Carthage, Mississippi, and appurtenant facilities.

The proposed facilities are to be constructed by the town of Carthage and are to be leased and operated by Applicant pursuant to a lease agreement between the parties.

The proposed facilities will transport the gas to be distributed in the town of Carthage.

In the alternative, Applicant requests that the Commission determine that the leasing and operation of the proposed facilities is not subject to the jurisdiction of the Commission under the Natural Gas Act.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5461; Filed, May 10, 1951; 8:49 a. m.]

[Project No. 2005]

OAKDALE IRRIGATION DISTRICT AND SOUTH SAN JOAQUIN IRRIGATION DISTRICT

NOTICE OF ORDER EXTENDING TIME FOR CONSTRUCTION

MAY 7, 1951.

Notice is hereby given that, on March 29, 1951, the Federal Power Commission issued its order entered March 27, 1951, extending time to November 30, 1956, for beginning and completion of construction in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5465; Filed, May 10, 1951; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26076]

PULPWOOD FROM FLORIDA ORIGINS TO PANAMA CITY, FLA.

APPLICATION FOR RELIEF

MAY 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Atlantic Coast Line Railroad Company for itself and on behalf of Atlanta & Saint Andrews Bay Railway Company.

Commodities involved: Pulpwood, carloads.

From: Points in Florida.

To: Panama City, Fla.

Grounds for relief: To meet intrastate rates.

Schedules filed containing proposed rates: ACL RR. tariff I. C. C. No. B-3281, Supp. 14.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-5454; Filed, May 10, 1951; 8:48 a. m.]

[4th Sec. Application 26077]

CEMENT FROM PENNSYLVANIA TO BELOIT, KANS.

APPLICATION FOR RELIEF

MAY 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-850.

Commodities involved: Cement, hydraulic, portland or natural, also masonry and mortar cement, carloads.

From: Navarro, Northampton and York, Pa.

To: Beloit, Kans.

Grounds for relief: Competition with rail carriers, circuity, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-850, Supp. 88.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-5455; Filed, May 10, 1951; 8:48 a. m.]

[4th Sec. Application 26078]

RAIL-OCEAN CLASS AND COMMODITY RATES BETWEEN NEW ORLEANS AND OFFICIAL TERRITORY

APPLICATION FOR RELIEF

MAY 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for Pan-Atlantic Steamship Company and rail carriers parties to Agent Boin's tariff I. C. C. No. A-928.

Commodities involved: Class and commodity rates.

Between: New Orleans, La., and points in trunk-line and New England territories, also Ontario and Quebec, over rail-ocean routes.

Grounds for relief: Circuitous routes, to maintain grouping, and rail and water-rail competition.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-928.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5453; Filed, May 10, 1951; 8:48 a. m.]

[4th Sec. Application 26079]

WROUGHT PIPE FROM POINTS IN OFFICIAL TERRITORY TO ADDICKS AND HENNESSEY, TEX.

APPLICATION FOR RELIEF

MAY 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3748.

Commodities involved: Steel or wrought iron pipe and related articles, carloads.

From: Points in official territory.

To: Addicks and Hennessey, Tex.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3748, Supp. 79.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5456; Filed, May 10, 1951; 8:48 a. m.]

[4th Sec. Application 26080]

PLASTICS FROM KINGSPORT, TENN., TO PACIFIC COAST

APPLICATION FOR RELIEF

MAY 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. 1544.

Commodities involved: Cellulose derivative plastics, viz: pyroxylin or other than pyroxylin; molding granules or powder, carloads and less than carloads.

From: Kingsport, Tenn.

To: North Pacific coast territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. 1544, Supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5457; Filed, May 10, 1951; 8:48 a. m.]

[4th Sec. Application 26081]

COAL FROM ALABAMA TO COLUMBIA, FORT JACKSON AND REED, S. C.

APPLICATION FOR RELIEF

MAY 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Gulf, Mobile and Ohio Railroad Company and certain other carriers named in the application.

Commodities involved: Coal, carloads.

From: Mines in Alabama on the Gulf, Mobile and Ohio Railroad.

To: Columbia, Fort Jackson and Reed, S. C.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5458; Filed, May 10, 1951; 8:48 a. m.]

[4th Section Application 26082]

GLASSWARE FROM CERTAIN POINTS TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MAY 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to Agent R. G. Raasch's tariff I. C. C. No. 485, pursuant to fourth-section order No. 16101.

Commodities involved: Glassware, other than cut, carloads.

From: Alton, Ill., and points in St. Louis, Mo., East St. Louis, Ill., switching districts.

To: Memphis, Tenn., and Mississippi River crossings south thereof, and points in southern territory.

Grounds for relief: Circuitous routes and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5459; Filed, May 10, 1951; 8:49 a. m.]

DEPARTMENT OF DEFENSE

Military Renegotiation Policy and Review Board

CONTRACTS CONTAINING THE RENEGOTIATION ARTICLE ENTERED INTO BY OR ON BEHALF OF THE DEPARTMENT OF DEFENSE, INCLUDING THE DEPARTMENTS OF THE ARMY, THE NAVY AND THE AIR FORCE

Pursuant to the note to § 423.322–1 (c) of the Military Renegotiation Regulations, seven lists of numbers of prime contracts which contain the Renegotiation Article, together with the names of the contractors holding such contracts, have been published in the FEDERAL REGISTER. The last of these lists included information supplied by the Departments of the Army, the Navy, and the Air Force and extended through September 30, 1950, and appeared in the February 8, 1951, issue of the FEDERAL REGISTER. The following list includes contracts entered into through December 31, 1950, but excludes those previously reported in the listings through June 30, 1950. Although a contract is not subject to renegotiation, one or more amendments of such contract may be subject thereto (see MRR 423.322–2). In such cases, only the subject amendments are listed. Subcontractors receiving orders which refer to any such partially listed prime contracts are cautioned to communicate with their customers to ascertain whether it is to the renegotiable or to the non-renegotiable portion of the prime contract that their orders relate. Contracts over $1,000 but under $5,000, have been omitted from this list; however, the omission does not affect the renegotiability of such contracts.

Publication of these lists is for the sole purpose of disseminating information to help contractors and subcontractors identify sales which are subject to renegotiation. Although every effort has been made to have the lists complete and accurate, the omission of the number of a contract subject to the Renegotiation Act of 1948 does not relieve the contractor and the subcontractors thereunder from renegotiation. Conversely, the inclusion in a published list of the number of a contract which is not subject to the act will not make the contractor or subcontractors thereunder subject to renegotiation. The Renegotiation Article is not physically present in some of the contracts listed herein. However, it is considered that such contracts are required to contain the Article and are therefore subject to the Renegotiation Act of 1948. Consequently, the numbers of such contracts are published herein for the same purpose of information as those in which the Article is physically present.

In view of the enactment of the Renegotiation Act of 1951 (Public Law 9, 82d Cong.), approved March 23, 1951, which provides that the Renegotiation Act of 1948 shall not be applicable to any contract or subcontract to the extent of the amounts received or accrued by a contractor or subcontractor on or after January 1, 1951, the following list will be the last of these publications under the Renegotiation Act of 1948.

FRANK L. ROBERTS, *Chairman.*

APRIL 20, 1951.

CONTRACTS CONTAINING THE RENEGOTIATION ARTICLE ENTERED INTO BY OR ON BEHALF OF THE DEPARTMENT OF DEFENSE, INCLUDING THE DEPARTMENTS OF THE ARMY, THE NAVY, AND THE AIR FORCE THROUGH DECEMBER 31, 1950, EXCLUSIVE OF THOSE PREVIOUSLY REPORTED AND PUBLISHED IN THE FEDERAL REGISTER PRIOR TO JUNE 30, 1950

ACF-Brill Motors Co., Philadelphia, Pa.—Hall-Scott Motor Division: DA–20–018–ord–10876, N104s–13185, N104s–13529, N104s–14088, N104s–15910.

A & M Tool Die Co., Southbridge, Mass.: DA–19–020–ord–43.

A. M. R. Chemical Co., Inc., Brooklyn, N. Y.: MPA–30–287–md–1522.

ARF Products Inc., River Forest, Ill.: DA–28–043–sc–6209 Mod. No. 5, DA–36–039–sc–4738 L. I.

Abbott Laboratories, North Chicago, Ill.: DA–11–009–qm–3578, DA–11–009–qm–3592, DA–11–009–qm–4215, DA–30–280–qm–4711, MPA–30–287–md–3667.

Abrams Instrument Corp., Lansing, Mich.: NOrd 10862, AF 33(038)–14916.

Acc Engineering & Machine Co., Inc., Philadelphia, Pa.: DA–28–043–sc–5440, DA–36–039–sc–4842.

Acme Aluminum Alloys, Inc., Dayton, Ohio: DA–11–070–ord–743, DA–11–070–ord–1634, DA–11–070–ord–2087.

Acme Battery Co., Brooklyn, N. Y.: DA–36–039–sc–4003.

Acme Breweries, San Francisco, Calif.: N220s–55292.

Acme Co., Marion, Ohio: DA–33–062–eng–34.

Acme Cotton Products Co., Inc., New York, N. Y.: MPA–30–287–md–1893, MPA–30–287–md–3075.

Acme Electric Corp., Cuba, N. Y.: N126s–13514.

Acme Iron Works, San Antonio, Tex.: DA–41–294–eng–2.

Acme Laboratory Equipment Co., New York, N. Y.: MPA–30–287–md–2656, MPA–30–287–md–3142, MPA–30–287–md–4506.

Acme Metal Products Corp., Blue Island, Ill.: DA–28–017–ord–983.

Acme Paper Co., San Francisco, Calif.: DA–04–493–qm–2285, DA–04–493–qm–2382, DA–04–493–qm–2706.

Acme Pump Industry, San Francisco, Calif.: N104s–13276.

Acme Rubber Manufacturing Co., Trenton, N. J.: DA–11–184–eng–5331.

Acme Steel Co., Chicago, Ill.: DA–04–493–qm–2438, DA–04–493–qm–2824, DA–04–493–qm–2826, DA–11–009–qm–2067, DA–11–009–qm–2152, N128s–1241, N383s–43178.

Acorn Refining Co., Cleveland, Ohio: DA–28–024–ord–789, DA–28–024–ord–790, DA–28–024–ord–946.

Acro Engineering Machine Corp., Stamford, Conn.: N156s–21789, N156s–27318, N156s–27332.

Action Manufacturing Co., Philadelphia, Pa.: DA–36–038–ord–1955.

Active Gear Company, Inc., Chicago, Ill.: DA–20–089–ord–7289, NObs 53233.

Adams, J. D., Manufacturing Co., Indianapolis, Ind.: N160s–2988, N160s–3500.

Adams Manufacturing & Engineering Co., Huntington Park, Calif.: DA–04–203–eng–550, DA–04–203–eng–568, N600s–8593.

Addington-Beaman Lumber Co., Norfolk, Va.: DA–09–026–eng–4384, DA–09–026–eng–5238, DA–09–026–eng–6474, DA–09–026–eng–6937.

Addressograph-Multigraph Corp., Cleveland, Ohio; DA–11–009–qm–1576, DA–11–009–qm–2684, DA–11–009–qm–3090, DA–11–009–qm–3575, DA–30–280–qm–8194, NOm 57525, AF 33(038)–17504.

Adel Precision Products Corp., Burbank, Calif.: N383s–36693, N383s–39260, AF 33(038)–14698, AF 33(038)–15520.

Adirondack Foundries & Steel, Inc., Watervliet, N. Y.: DA–30–144–ord–608, DA–30–144–ord–611, DA–30–144–ord–792.

Adler Co., Cincinnati, Ohio: DA–30–280–qm–6784.

Admiral Corp., Chicago, Ill.: DA–36–039–sc–16.

Admiral Sales Co., Inc., Los Angeles, Calif.: N220s–55353.

Advance Aluminum Castings Corp., Chicago, Ill.: DA–11–070–ord–1768, DA–11–070–ord–2332.

Advertising Displays, Inc., Covington, Ky.: DA–11–184–eng–3676.

Aerial Machine & Tool Corp., Long Island City, N. Y.: DA–12–036–qm–1320, AF 33(038)–15022, AF 33(038)–15330.

Aerial Products, Inc., Elkton, Md.: DA–18–108–cml–911, DA–18–108–cml–8642, DA–18–108–cml–8682, DA–18–108–cml–10432, NOrd 11082.

Aermotor Co., Chicago, Ill.: DA–11–184–eng–4242.

Aero Bolt & Screw Co., New York, N. Y.: N383s–39847.

Aero Instrument Co., Cleveland, Ohio: AF 33(038)–14908.

Aero Service Corp., Philadelphia, Pa.: AF 33(038)–16232.

Aero Supply Manufacturing Co., Inc., Corry, Pa.: N383s–42586, AF 33(038)–14287, AF 33(038)–14973, AF 33(038)–15714, AF 33(038)–15772, AF 33(038)–17051.

Aerojet Engineering Corp., Azusa, Calif.: NOa(s) 121, NOa(s) 151, NOa(s) 10713, NOa(s) 12090, NOa(s) 12154, NOa(s) 12163, NOa(s) 12287, NOrd 10819, N7nr 46206, W33–038–ac–20212 S. A. No. 7, AF 33(038)–2733 S. A. No. 13 and S. A. No. 14, AF 33(038)–3362 S. A. 5.

Aerol Co., Inc., Burbank, Calif.: N383s–40012, N383s–40469.

Aeromarine Co., Vandalia, Ohio: DA–18–108–cml–5002.

Aero-Motive Manufacturing Co., Kalamazoo, Mich.: AF 33(038)–16345, AF 33(038)–16441.

Aeronautical Machinery Corp., Chicago, Ill.: N383s–37550.

Aeronca Aircraft Corp., Middletown, Ohio: DA–11–070–ord–1745, AF 33(038)–14758.

Aeroprojects, Inc., West Chester, Pa.: DA–18–064–cml–447.

Aeroquip Corp., Jackson, Mich.: N383s–16301, N383s–38457, N383s–39696, N383s–44459, AF 33(038)–15172, AF 33(038)–15295, AF 33(038)–15721, AF 33(038)–17908.

Aerotec Corp., The, Greenwich, Conn.: N383s–37229, N383s–39763, N383s–40976, N383s–42968, N383s–44819.

Aerovox Corp., New Bedford, Mass.: DA–36–039–sc–4761, DA–36–039–sc–5113, DA–36–039–sc–8487, N126s–9156, N126s–9474, N126s–9424.

Aetna Industrial Corp., Boston, Mass.—Trimont Manufacturing Co. Division: N600s–8615.

Aetna Plywood & Veneer Co., Chicago, Ill.: DA–09–026–eng–4256, DA–11–184–eng–4154, DA–11–184–eng–5050, DA–11–184–eng–5529.

Aetna Scientific Co., Everett, Mass.: MPA–30–287–md–3080, MPA–30–287–md–3754.

Aetna-Standard Engineering Co., Youngstown, Ohio: DA–11–070–ord–2208, DA–11–070–ord–2306.

Ahern, M. Co., Boston, Mass.: DA–19–035–al–199.

Ahlberg Bearing Co., Chicago, Ill., AF 33(038)–16372.

Ahrendt Instrument Co., Inc., College Park, Md., NOrd 11039.

Ainsworth, Wm., & Sons, Inc., Denver, Colo., DA–23–072–ord–22.

Air Associates, Inc., Teterboro, N. J.: N383s–36611, N383s–36777, N383s–37503, N383s–39605, N383s–40231, N383s–41196, N383s–42347, N383s–43267, AF 33(038)–15194,

AF 33(038)-15318, AF 33(038)-15718, AF 33(038)-15736, AF 33(038)-15862, AF 33(038)-17899.

Air Cruisers, Inc., Clifton, N.J.: DA-11-184-eng-5812, AF 33(038)-15050, N383s-40885.

Air Devices, Inc., New York, N. Y.: N104s-16198.

Air King Products Co., Inc., Brooklyn, N. Y.: N126s-11420.

Air-Maze Corp., Cleveland, Ohio: DA-11-184-eng-5759, AF 33(038)-15079, AF 33(038)-15524, AF 33(038)-16877.

Air Reduction Co., Inc., New York, N. Y.—Air Reduction Sales Co. Division: N151s-86334, N600s-411, N600s-9663, AF 33(038)-16174.

Airborne Accessories Corp., Hillside, N. J.: N383s-38306, N383s-38602, N383s-38681, N383s-39719, N383s-41470, N383s-41816, N383s-43567.

Airborne Instruments Laboratory Co., Mineola, Long Island, N. Y.: NOa(s) 12278, N383s-36793, AF 33(038)-7851 S. A. No. 3, AF 33(038)-16749.

Airco Co. International, Bellefonte, Pa.: DA-11-184-eng-5621.

Aircooled Motors, Inc., Syracuse, N. Y.: N383s-39426, AF 33(038)-14760, AF 33(038)-17918.

Aircraft Engineering & Maintenance Co., Oakland, Calif.: AF 33(038)-15632.

Aircraft Equipment, Inc., Los Angeles, Calif.: AF 33(038)-15731.

Aircraft Fittings Co., The, Cleveland, Ohio: N383s-39921, N383s-39929, N383s-40462, AF 33(038)-15774.

Aircraft Hardware Manufacturing Co., Inc., New York, N. Y.: N156s-27289, AF 33(038)-15707.

Aircraft Radio Corp., Boonton, N. J.: DA-30-280-qm-4596, NOa(s) 249, NOa(s) 12281 and L. I., NOa(s) 12293, N383s-36349, AF 33(038)-17188.

Aircraft Tools, Inc., Los Angeles, Calif.: AF 33(038)-16440.

Airetool Manufacturing Co., The, Springfield, Ohio: N383s-41479.

Airline Lumber Supply, Donner, La.: DA-09-026-eng-5342, DA-09-026-eng-5458, DA-09-026-eng-5475, DA-09-026-eng-7108, DA-09-026-eng-7120.

Airpath Instrument Co., St. Louis, Mo.: AF 33(038)-14859.

Airplane & Marine Instruments, Inc., Clearfield, Pa.: NObr 52095, NObr 59119, N126s-10473.

Airquipment Co., Burbank, Calif.: AF 33(038)-16982.

Airtress Midland, Inc., Davenport, Iowa: DA-11-070-ord-1703.

Airtrom, Inc., Linden, N. J.: AF 33(038)-15448.

Airtronic Research, Inc., Bethesda, Md.: NOnr 12501.

Akeley Camera, Inc., New York, N. Y.: DA-30-069-ord-42, AF 33(038)-15625.

Akers & McCoy, Spokane, Wash.: DA-35-026-eng-6413.

Alamo Iron Works, San Antonio, Tex.: AF 41(142)-155.

Alar Products, Inc., Cleveland, Ohio: W33-038 ac 21981, AF 33(038)-14291.

Alaska Airlines, Inc., Everett, Wash.: N406s-27449, AF 33(038)-14961.

Alaska Junk Co., Seattle, Wash.: DA-45-108-eng-481.

Albert Pipe Supply Co., Inc., Brooklyn, N. Y.: DA-11-184-eng-5429, DA-11-184-eng-5952, DA-30-075-eng-1009, DA-30-075-eng-1068.

Albertson & Co., Inc., Sioux City, Iowa: N600s-9157.

Alco Valve Co., St. Louis, Mo.: N104s-13973, N104s-15047.

Alcor Engineering Co., Chicago, Ill.: DA-11-184-eng-3864.

Aldan Rubber Co., Philadelphia, Pa.: NOm 57339.

Aldine Paper Co., Inc., New York, N. Y.: DA-30-280-qm-5985.

Aldrich Pump Co., The, Allentown, Pa.: N104s-14265.

Alemite Co. of the Northwest, Seattle, Wash.: DA-45-108-eng-594.

Alexander Lumber Co., Talbotton, Ga.: DA-09-026-eng-4424, DA-09-026-eng-4475, DA-09-026-eng-4478.

Alexander Stone Co., Marion, Ky.: DA-15-034-aII-48.

Alford, Andrew, Boston, Mass.: NObr 52030.

Alger Sullivan Lumber Co., Century, Fla.: DA-09-026-eng-5125, DA-09-026-eng-5462, DA-09-026-eng-5483, DA-09-026-eng-5484.

All American Airways, Inc., Wilmington, Del.: NOa(s) 11048 Amd. No. 1, AF 33(038)-14963.

All Over Embroidery Work, North Bergen, N. J.: DA-30-280-qm-7895.

All Steel Fabricators, Inc., Philadelphia, Pa.: DA-36-039-sc-9355.

All Steel Equipment, Inc., Aurora, Ill.: N171s-90803.

All Steel Welded Truck Corp., Rockford, Ill.: N600s-8138.

Allatex Foam Rubber, New York, N. Y.: MPA-30-287-md-3865, MPA-30-287-md-4241.

Allegheny Ludlum Steel Corp., Pittsburgh, Pa.: N171s-91127, N173s-15974, N600s-9908, N600s-9921, AF 33(038)-17481.

Allegheny Steel Band Co., Pittsburgh, Pa.: DA-04-203-eng-794, DA-04-493-eng-1829, DA-04-493-eng-2369, DA-04-493-qm-2472, N383s-43114.

Allen, Hugh E., Garden City, N. Y.: NOa(s) 51102.

Allen-Bradley Co., Milwaukee, Wis.: DA-49-170-sc-75, N104s-15648.

Allen Electric & Equipment Co., Kalamazoo, Mich.: DA-11-184-eng-4058.

Allen Industrial Products, Inc., Battle Creek, Mich.: AF 33(038)-17198.

Allen-Kelley, Indianapolis, Ind.: NOy 22420, AF 33(038)-17526.

Allen Laboratories, Inc., Palmer, Mass. MPA-30-287—md-2786.

Alliance Oil Co., Inc., New York, N. Y.: ASP 3461.

Allentown Portland Cement Co., Catasauqua, Pa.: N383s-40493.

Allied Chemical & Dye Corp., New York, N. Y.—General Chemical Division: AF 33(038)-15497.

Allied Engineering Products, Inc., Philadelphia, Pa.: DA-36-038-ord-2276.

Allied Engineering, Memphis, Tenn.: DA-40-110-qm-423.

Allied Federal Screw Machine Products Co., Newark, N. J.: DA-28-017-ord-853, DA-36-038-ord-1577.

Allied Metals Corp., Wanaque, N. J.: DA-18-108-cml-1156.

Allied Oil Terminal Co., Chicago, Ill.: ASP 2470.

Allied Paper Mills, Kalamazoo, Mich.: N600s-10705.

Allied Specialties, Philadelphia, Pa.: DA-36-038-ord-1278.

Allied Window & Building Cleaning Co., Detroit, Mich.: DA-20-089-ord-4086.

Allis-Chalmers Manufacturing Co., Milwaukee, Wis.: DA-11-184-eng-4667, DA-11-184-eng-5698, DA-20-089-ord-4408 and L. I., DA-20-089-ord-5944, DA-44-009-eng-336, NObs 53250, NObs 53272, NObs 53303, N104s-13100, N104s-13199, N104s-14242, N104s-14538, N104s-15092, N104s-15266, N104s-15764, N104s-15908 L. I., N151s-87219, N161s-21262, N173s-15576, N406s-1291.

Allis, Louis, Co., Milwaukee, Wis.: N104s-14315, N104s-15650.

Allison Steel Manufacturing Co., Phoenix, Ariz.: DA-11-184-eng-4653, DA-11-184-eng-4934, DA-11-184-eng-5048, DA-11-184-eng-5348, DA-11-184-eng-5469, NOm 57340, NOm 57794.

Alloy Rods Co., York, Pa.: DA-20-089-ord-4105.

Alloy Steels, Inc., Detroit, Mich.: DA-20-089-ord-4184.

Alpha Portland Cement Co., Easton, Pa.: N383s-40196.

Altec Lansing Corp., Los Angeles, Calif.: N126s-13113.

Altec Service Corp., New York, N. Y.: N140s-17586.

Aluminum Co. of America, Pittsburgh, Pa.: DA-11-070-ord-921 C. O. No. A, DA-11-070-ord-1536, DA-11-070-ord-1568, DA-11-070-ord-1582, DA-11-070-ord-1656, DA-11-070-ord-1661, DA-11-070-ord-1810, DA-11-070-ord-1954, DA-11-070-ord-1958, DA-11-070-ord-2119, DA-28-017-ord-793, DA-28-017-ord-832, DA-28-017-ord-837, DA-28-017-ord-852, DA-28-017-ord-1013, DA-36-038-ord-1612 L. I. N156s-27269 N189s-77101 N220s-58033, N220s-58042, N383s-38320, N383s-40578, N383s-42377, N383s-42378, N383s-43923, N600s-7182, N600s-8153, N600s-8197, N600s-8431, N600s-8528, N600s-8938, N600s-9147 N600s-9501, AF 4(171)-131, AF 4(171)-142, AF 33(038)-15458, AF 33(038)-16764, AF 33(038)-17921.

Aluminum Cooking Utensil Co., New Kensington, Pa.: DA-11-009-qm-3851.

Amalite, Inc., Brooklyn, N. Y.: N600s-8643.

American Air Filter Co., Inc., Louisville, Ky.: N104s-15776, N383s-36402, N383s-42482.

Herman Nelson Division: DA-11-009-qm-2141, N383s-41502, N383s-42994, AF 33(038)-17177, AF 33(038)-17845.

American Airmotive Corp., Miami Springs, Fla.: AF 33(038)-16651.

American Alloy Steel Corp., Philadelphia, Pa., N161s-90547, N171s-90548.

American Auto Parts, Kansas City, Mo.: DA-20-018-ord-10590, DA-20-089-ord-3401, DA-20-089-ord-9224.

American Bantam Car Co., Butler, Pa.: DA-20-089-ord-8142.

American Biscuit & Cracker Co., Seattle, Wash.: DA-04-493-qm-1571, DA-04-493-qm-1639.

American Blower Corp., Detroit, Mich.: N104s-15016.

American Blue Print Co., Inc., New York, N. Y.: DA-11-184-eng-5556, DA-23-065-eng-367, DA-23-065-eng-321.

American Blueprint Co., Hamilton, Ohio: AF 33(038)-13285.

American Bosch Corp., Springfield, Mass.: DA-11-184-eng-4627, DA-19-059-ord-34, N383s-37676, N383s-43083, AF 33(038)-16471.

American Box Board Co., Grand Rapids, Mich.: DA-11-009-qm-1715.

American Brass Co., The, Waterbury, Conn.: DA-30-144-ord-698, N140s-19399, N173s-15602, N383s-38580, N383s-43757.

American Bridge Co., Pittsburgh, Pa.: DA-11-184-eng-3742, DA-11-184-eng-3806, DA-11-184-eng-4008, NOy 22375.

American Broach & Machine Co., Ann Arbor, Mich.: DA-11-070-ord-2163.

American Can Co., New York, N. Y.: DA-04-493-qm-1687, DA-04-493-qm-2453, DA-11-009-qm-1225, DA-11-009-qm-2300, DA-11-009-qm-2933, N140s-17764, N140s-17907, N140s-18528.

American Car & Foundry Co., New York, N. Y.: DA-20-089-ord-2972, DA-36-034-ord-32, DA-49-074-tc-83, NObs 53253, N104s-15620, ASP 3491.

American Chain & Cable Co., Inc., Bridgeport, Conn.: DA-11-184-eng-3766, DA-11-184-eng-5218, DA-30-144-ord-738, NObs 59051, N383s-39380, N383s-41636, N383s-42168.

American Cladmetals Co., Carnegie, Pa.: N600s-8541.

American-Coleman Corp., Omaha, Nebr.: AF 33(038)-3300 S. A. No. 7.

American Commodities, Los Angeles, Calif.: N160s-3016, N160s-3234, N160s-3469.

American Cord & Webbing Co., Inc., New York, N. Y.: DA-12-036-qm-1246, NOm 57420, N156s-27384, N156s-27452.

American Creosote Co., Jackson, Tenn.: AF 41(142)-143.

American Creosote Works, Inc., New Orleans, La.: DA-09-026-eng-5664, DA-09-026-eng-7411.

American Cyanamid Co., New York N. Y.: DA-18-018-cml-1645, MPA-30-287-md-1877, N140s-18641. Calco Chemical Division: DA-28-017-ord-836. Lederle Laboratories Division: MPA-30-287-md-3328, MPA-30-287-md-3671, MPA-30-287-md-3720, MPA-30-287-md-4271, MPA-30-287-md-4313, MPA-30-287-md-4596.

American Cystoscope Makers, Inc., New York, N. Y.: DA-11-070-ord-2204. DA-36-038-ord-1294, MPA-30-287-md-1960, MPA-30-287-md-2688, MPA-30-287-md-3753.

American District Telegraph Co., New York, N. Y.: N406s-26975.

American Electroneering Co., Los Angeles, Calif.: AF 33(038)-15953.

American Elevator & Machine Co., Louisville, Ky.: DA-11-184-eng-4661.

American Excelsior Corp., Chicago, Ill.: DA-11-184-eng-4906.

American Felt Co., Glenville, Conn.: DA-11-171-ord-114, DA-28-017-ord-987.

American Finishing Co., Memphis, Tenn.: DA-12-036-qm-1689.

American Flexible Coupling Co., Erie, Pa.: NObs 53082, NObs 53187, N140s-15698.

American Gage & Machine Co., Chicago, Ill.: N383s-38754.

American Gas Machine Co., Albert Lea, Minn.: DA-11-184-eng-5112.

American Hardware Corp., New Britain, Conn.: N383s-38799.

American Helicopter Co., Inc., Manhattan Beach, Calif.: AF 33(038)-6099 S. A. No. 1.

American Hoist & Derrick Co., St. Paul, Minn.: DA-36-022-tc-2675, N104s-14451, N104s-14698 L. I., N160s-4411.

American Hospital Supply Corp., Evanston, Ill.: MPA-30-287-md-1660, MPA-30-287-md-1691, MPA-30-287-md-1771, MPA-30-287-md-1803, MPA-30-287-md-1939, MPA-30-287-md-2155, MPA-30-287-md-2231, MPA-30-287-md-2251, MPA-30-287-md-2603, MPA-30-287-md-3026.

American Hydromath Co., New York, N. Y.: NOrd 11081, N9nr 99202, N9r 99303.

American Instrument Co., Inc., Silver Spring, Md.: DA-01-021-ord-1654, DA-11-184-eng-4366, DA-11-184-eng-5884, DA-36-030-qm-1017, N9nr 83200, N173s-16020.

American-LaFrance-Foamite Co., Elmira, N. Y.: AF 33(038)-15836.

American Laundry Machinery Co., The, Cincinnati, Ohio: DA-33-031-qm-4035, N104s-14417, N160s-2882.

American Lithofold Corp., Washington, D. C.: NOd 7624, NOd 7631, NOd 7638.

American Locomotive Co., New York, N. Y.: DA-20-089-ord-4171 L. I., DA-36-022-tc-2269, DA-36-022-tc-3147, N104s-14673.

American Lumber Co., Long Island City, N. Y.: DA-11-184-eng-5497.

American Machine & Foundry Co., Brooklyn, N. Y.: DA-20-089-ord-4053, DA-30-069-ord-68 L. I. N171s-90392 L. I.

American Machine & Metals, Inc., East Moline, Ill.—Troy Laundry Machinery Division: N160s-2912, DA-11-009-qm-2289, DA-11-009-qm-2290, DA-11-009-qm-2291. U. S. Gauge Division: DA-11-184-eng-5711, N383s-41490, AF 33(038)-14839, AF 33(038)-14848, AF 33(038)-14856, AF 33(038)-15110, AF 33(038)-16565, AF 33(038)-17246.

American Maize-Products Co., New York, N. Y.: DA-11-009-qm-4031.

American Mfg. Co., Brooklyn, N. Y.: DA-04-203-eng-583.

American-Marsh Pumps, Inc., Battle Creek, Mich.: DA-11-184-eng-5102, DA-11-184-eng-5567, DA-19-035-aI-225 L. I., AF 33(038)-15526, AF 33(038)-17495.

American Measuring Instruments Corp., New York, N. Y.: DA-36-039-sc-7172.

American Medical Instrument Co., New York, N. Y.: MPA-30-287-md-2205.

American Medical Specialties Co., Inc., New York, N. Y.: MPA-30-287-md-3129.

American Metal Refining Co., Detroit, Mich.: AF 33(038)-14774.

American Metal Ware Co., Chicago, Ill.: N160s-3132, N383s-42072.

American-Moninger Greenhouse Manufacturing Corp., Maspeth, Long Island, N. Y.: DA-11-184-eng-4216.

American Molasses Co., New York, N. Y.—Sucrest Division: DA-30-280-qm-4914, DA-30-280-qm-5455.

American Molded Products Co., Chicago, Ill.: DA-36-039-sc-7500.

American Optical Co., Southbridge, Mass.: DA-11-184-eng-3783, DA-44-009-eng-235, MPA-30-287-md-1526, MPA-30-287-md-2397, MPA-30-287-md-2807, MPA-30-287-md-3770, NOa(s) 11026 Amd. No. 1.

American Pharmaceutical Co., New York, N. Y.: MPA-30-287-md-4045.

American Phenolic Corp., Chicago, Ill.: DA-28-017-ord-1168, NOa(s) 129, NOa(s) 51107, N126s-11925, N173s-15545, N383s-41274, N383s-41974, AF 33 (038)-17734.

American Pipe & Construction Co., Los Angeles, Calif.: N220s-56565.

American Pipe & Steel Corp., Alhambra, Calif.: DA-11-184-eng-4248, N160s-3071.

American Products Co., Inc., San Diego, Calif.: N123s-68192.

American Radiator & Standard Sanitary Co., Pittsburgh, Pa.: DA-12-036-qm-1633.

American Republics Corp., Houston, Tex.: ASP 2469.

American Rubber Manufacturing Co., Oakland, Calif.: N251s-2937, N383s-40893.

American Sand Blasting, Lima, Ohio: DA-33-062-eng-33, DA-33-062-eng-34.

American Sanitary Rag Co., Chicago, Ill.: DA-11-184-eng-4935.

American Seating Co., Grand Rapids, Mich.: NOa(s) 12256, N123s-68717, N383s-36451, N383s-39172, N383s-43726.

American Ski Co., Clare, Mich.: DA-44-109-qm-311, AF 33(038)-16871.

American Smelting & Refining Co., New York, N. Y.—Federated Metals Division: N173s-16052, N383s-38512.

American Spring & Wire Specialty Co., Chicago, Ill.: N600s-6621.

American Steel Dredge Co., Inc., Ft. Wayne, Ind.: DA-04-351-aVI-312, DA-11-184-eng-4518, DA-30-067-aI-390.

American Steel Foundries, Chicago, Ill.: DA-30-144-ord-695.

American Steel & Wire Co., Cleveland, Ohio: DA-11-184-eng-3638, DA-11-184-eng-3752, DA-11-184-eng-3991, DA-11-184-eng-4332, DA-11-184-eng-4556, DA-11-184-eng-5388, DA-11-184-eng-5660, DA-11-184-eng-5901, DA-11-184-eng-6090, NObs 53349, NOm 57487, N140s-18720, N600s-9506, AF 33(038)-16055, AF 33(038)-17751.

American Steel Wool Manufacturing Co., Inc., Long Island City, N. Y.: DA-30-280-qm-6659.

American Sterilizer Co., Erie, Pa.: MPA-30-287-md-1977. MPA-30-287-md-2306, MPA-30-287-md-2782.

American Stove Co., St. Louis, Mo.: DA-04-203-eng-796, DA-12-036-qm-1467.

American Sugar Refining Co., New York, N. Y.: DA-30-280-qm-5180, DA-30-280-qm-5253, DA-30-280-qm-5326, DA-30-280-qm-5602, DA-30-280-qm-5615, DA-30-280-qm-6318, DA-30-280-qm-6919, DA-30-280-qm-6922, DA-30-280-qm-6923, DA-30-280-qm-6924, DA-30-280-qm-6925.

American Swiss Manufacturing Co., Detroit, Mich.: DA-30-144-ord-737.

American Television & Radio Corp., St. Paul, Minn.: DA-36-039-sc-4808, DA-36-039-sc-7310.

American Time Products, Inc., New York, N. Y.: AF 33(038)-16633, AF 33(038)-17780.

American Tobacco Co., Inc., New York, N. Y.: DA-04-493-qm-2390, DA-04-493-qm-2670, DA-11-009-qm-942, DA-11-009-qm-1092, DA-11-009-qm-1094, DA-11-009-qm-1348, DA-11-009-qm-2315, DA-11-009-qm-2926, DA-11-009-qm-3296, Order (11-006)51-944.

American Type Founders Sales Corp., Elizabeth, N. J.: DA-11-009-qm-2970, DA-11-009-qm-3256, DA-11-184-eng-4416, DA-11-184-eng-6081, DA-30-069-ord-86, N104s-14165, AF 42(014)-86.

American Viscose Corp., Philadelphia, Pa.: AF 41(142)-191.

American Walnut Co., Kansas City, Kans.: DA-19-058-ord-1339.

American Well Works, Aurora, Ill.: N128s-1265.

American Zinc Sales Co., Columbus, Ohio: DA-18-108-cml-1157.

Ames Co., Inc., Elkhart, Ind.: MPA-30-287-md-2024.

Ames Neville Harris Co., San Francisco, Calif.: DA-45-108-eng-590, N160s-3383.

Amos-James Grocer Co., San Francisco, Calif.: DA-04-493-qm-1379, DA-04-493-qm-1648, DA-04-493-qm-2335, DA-11-009-qm-1584, DA-11-009-qm-1979.

Ampex Electric Corp., San Carlos, Calif.: AF 33(038)-17763.

Ampro Corp., Chicago, Ill.: AF 33(038)-17107.

Ams, Max, Machine Co., Bridgeport, Conn.: DA-12-038-ord-13.

Amsco Packaging Machinery, Inc., Long Island City, N. Y.: DA-36-039-sc-4956.

Amsterdam Color Works, Inc., New York, N. Y.: DA-30-075-eng-1492.

Amthor Testing Instrument Co., Inc., Brooklyn, N. Y.: N126s-15760.

Anaconda Wire & Cable Co., New York, N. Y.: NObs 59017, NObs 59069, NObs 59114.

Anchor Equipment Co., San Francisco, Calif.: N220s-55978, N220s-55979, N220s-55982.

Anchor Steel Structures, Inc., Brooklyn, N. Y.: DA-30-075-eng-1253.

Anderson Bros. Manufacturing & Engineering Co., Detroit, Mich.: DA-20-089-ord-4928, DA-20-089-ord-4993.

Anderson, O. L., Co., Inc., Detroit, Mich.: DA-20-089-ord-2925.

Anderson & Miskin, Ltd., Seattle, Wash.: DA-04-493-qm-1904, DA-04-493-qm-1905, DA-04-493-qm-1906.

Anderson-Nichols & Co., Boston, Mass.: DA-49-170-sc-127-Mod. No. 1.

Anderson-O'Brien Co., Los Angeles, Calif.: N160s-2877.

Anderson-Tully Co., Memphis, Tenn.: DA-12-036-qm-1323.

Andrews, S. S., Lumber Co., Forest Grove, Oreg.: DA-35-026-eng-6088.

Andrews & Tetz Glass Co., Vineland, N. J.: MPA-30-287-md-2110.

Ang-Lite Co., New York, N. Y.: DA-11-184-eng-4061.

Angelina County Lumber Co., Keltys, Tex.: DA-09-026-eng-2614, DA-08-026-eng-5128.

Animal Trap Co. of America, Lititz, Pa.: DA-28-017-ord-825.

Ankum Co., Alexandria, Va.: DA-44-009-eng-305.

Ansonia Electrical Co., Ansonia, Conn.: NObr 59115, NObr 59118.

Ansul Chemical Co., Marinette, Wis.: AF 33(038)-15322, Order (33-038)51-1011.

Anton Tool & Manufacturing Co., Clinton, Md.: DA-49-170-sc-91 L. I., N171s-91029.

Apco Mossberg Co., Attleboro, Mass.: N600s-6613.

Apex Machine Co., Birmingham, Ala.: DA-01-002-ord-86.

Apex Machine Manufacturing Co., New York, N. Y.: DA-36-039-sc-7377.

Apex Machine & Tool Co., Dayton, Ohio: N600s-9649.

Appalachian Mills Co., Knoxville, Tenn.: DA-30-280-qm-7171.

Apple, W. A., Textile Manufacturing Co., Dayton, Ohio: AF 33(038)-15016, AF 33(038)-15026, AF 33(038)-15936.

Appleton Wood Products Co., Appleton, Wis.: DA-11-009-qm-3437.

Applied Science Corp., Princeton, N. J.: DA-36-034-ord-38.

April, Morris, Bros., Bridgeton, N. J.: DA-11-009-qm-997.

Arabian American Oil Co., New York, N. Y.: ASP 2825.

Arabol Manufacturing Co., The, New York, N. Y.: N383s-41443.

Archer Rubber Co., Milford, Mass.: DA-30-280-qm-7448.

Arcos Corp., Philadelphia, Pa.: N171s-89951.

Arctic Contractors, Seattle, Wash.: NOy 13360.

Areway Equipment Co., Philadelphia, Pa.: N383s-41052.

Arden Sunfreeze Creamery, Salt Lake City, Utah: DA-42-036-cml-38, DA-42-036-cml-51.

Argus, Inc., Ann Arbor, Mich.: DA-20-018-ord-994, S. A. No. 1 and S. A. No. 5.

Arkansas Lumber Co., Little Rock, Ark.: DA-09-026-eng-7109, DA-09-026-eng-7112, DA-09-026-eng-7120.

Arlington Chemical Co., Yonkers, N. Y.: MPA-30-287-md-1763.

Arma Corp., Brooklyn, N. Y.: DA-30-069-ord-71 L. I., DA-36-038-ord-1770 L. I., DA-04-009-eng-260, NOrd 10717 Amd. No. 4, NOrd 10854 L. I., NOrd 10905, NOrd 10918, NOrd 10997 L. I., NOrd 11011; NOrd 11025, NOrd 11040, N104s-14807, N140s-19005.

Armco Drainage & Metal Products Co., Inc., Middletown, Ohio: DA-44-009-eng-239, N160s-3027, N160s-4423. Calco Division: N160s-3136, N160s-3257. Dixie Division: NOm 57685. Missouri-Kansas Division: DA-23-037-aV-29.

Armco Steel Corp., Middletown, Ohio: DA-36-038-ord-1078, DA-36-038-ord-2082, N151s-86521, N600s-8227.

Armour & Co., Chicago, Ill.: DA-11-009-qm-1213, MPA-30-287-md-2868, N220s-56191, Armour Laboratories Division: MPA-30-287-md-4262.

Armstrong, Charles, Fort Worth, Tex.: DA-41-243-eng-743.

Armstrong Cork Co., Lancaster, Pa.: MPA-30-287-md-1656, MPA-30-287-md-1891, MPA-30-287-md-2811.

Armstrong Rubber Co., The, West Haven, Conn.: DA-20-089-ord-8178.

Arnolt Corp., Warsaw, Ind.: AF 33(038)-15017, AF-33(038)-15047.

Aro Equipment Co., The, Bryan, Ohio: AF 33(038)-14707, AF 33(038)-15511.

Aron, J., & Co., Inc., New Orleans, La.: DA-30-280-qm-5122, DA-30-280-qm-5161.

Arrow-Hart & Hegeman Electric Co. Hartford, Conn.: DA-26-039-sc-7345.

Art Metal Construction Co., Jamestown, N. Y.: DA-11-009-qm-3574, DA-11-009-qm-3577.

Artisan Metal Products, Inc., Waltham, Mass.: NOy 20443.

Arvin Industries, Seymour, Ind.: DA-36-039-sc-4885.

Archer Trading Corp., New York, N. Y.: DA-11-184-eng-513.

Aseptic-Thermo Indicator Co., Los Angeles, Calif.: MPA-30-287-md-2013.

Ashcroft Regulator Co., Chicago, Ill.: N120s-11091.

Aspinall, Robert, Co., San Francisco, Calif.: N220s-53993, N220s-53993, N220s-56559.

Associated Tanning Co., Wilmington, Calif.: NOy -64007.

Associated Box & Crate Co., Stockton, Calif.: DA-04-493-qm-2514.

Associated Industries, Inc., Fort Wayne, Ind.: DA-13-038-ord-1215, DA 13-038-ord-1353.

Associated Engineers, Inc., Springfield, Mass.: DA-19-038-ord 1557, DA-19-038-ord-1814, DA 19-038-ord 1956, DA 19-038-ord-1959, DA-19-038-ord-1960.

Associated Metal Manufacturing Co., Chicago, Ill.: MPA-30-287-md-3641.

Associated Plywood Mills, Inc., San Francisco, Calif.: DA-09-197-tc-6-5, DA-35-026-eng-2417, DA 27-026-eng-5418.

Associated Sales & Supply Co., St. Louis, Mo.: DA-09-026-eng-7166, DA-09-026-eng-7172.

Associated Spring Corp., Bristol, Conn.—Wallace Barnes Division: DA-11-184-eng-[illegible].

Associated Surveyors & Civil Engineers, Charleston, W. Va.: NOy 21[illegible].

Associated Tungsten Electric Co., St. Louis, Mo.: [illegible]-5577.

Astral Refineries, Northvale, N. J.: MPA-30-[illegible]-md-3[illegible].

Atchison, Topeka & Santa Fe Railway Co., The, Chicago, Ill.: DA-23-024-ord-[illegible].

Atlantic Research Corp., Alexandria, Va.: DA-11-[illegible]-eng-[illegible], DA 11-[illegible]-eng-[illegible].

Atkins & Co., E. C., Indianapolis, Ind.: N600s-8560.

Atlanta Fixture Co., Atlanta, Ga.: DA-39-280-qm-8280.

Atlantic Creosoting Works, Inc., Portsmouth, Va.: DA-09-026-eng-3816.

Atlantic Electronics Corp., Fort Washington, Long Island, N. Y.: N140s-17226.

Atlantic-Pacific Manufacturing Corp., Brooklyn, N. Y.: N383s-39420, N363s-44767.

Atlantic Parachute Corp., Lowell, Mass.: AF 33(038)-15089.

Atlantic Steel Co., Atlanta, Ga.: DA-11-184-eng-5951.

Atlas Boxmakers, Inc., Chicago, Ill.: DA-11-009-qm-2465.

Atlas Package & Container Co., Clifton, N. J.: DA-30-280-qm-5512.

Atlas Supply Co., Columbia, S. C.: DA-38-042-aIII-27.

Atlas Valve Co., Newark, N. J.: N104s-13339, N104s-14575, N104s-15578.

Atwood-McManus Box Co., Chelsea, Mass.: DA-19-035-aI-25.

Atwood & Morrill Co., Salem, Mass.: N104s-14601, N104s-15623.

Auburn Spark Plug Co., Auburn, N. Y.: N383s-41292, AF 33(038)-15196, AF 33(038)-15550.

Aurand Manufacturing & Equipment Co., Cincinnati, Ohio, N104s-9392, N104s-13842, N104s-15864.

Aurora Electric Co., Brooklyn, N. Y.: DA-28-017-ord-562, DA-28-017-ord-1194.

Aurora Pump Co., Aurora, Ill.: N104s-10223.

Austin Bros. Steel Co., Dallas, Tex.: DA-11-184-eng-5113.

Austin, Charles, Inc., Cincinnati, Ohio: AF 33(038)-15501.

Austin Co., The, Cleveland, Ohio: N9nr 91602, N9nr 91604, N9nr 91605, N9nr 91606.

Austin-Western Co., Aurora, Ill.: DA-44-009-eng-338.

Auto Equipment & Service Co., Philadelphia, Pa.: DA-36-039-sc-4690.

Auto Gear & Parts, Philadelphia, Pa.: DA-36-039-tc-2697.

Autocar Co., The, Ardmore, Pa.: DA-04-615-ord-2751.

Auto-Test, Inc., Chicago, Ill.: DA-11-184-eng-4065.

Autographic Register Co., Washington, D. C.: NOd 7922.

Automatic Electric Co., Chicago, Ill.: DA-36-039-sc-7063, DA-36-039-sc-7093, DA-36-039-sc-7650.

Automatic Electric Sales Corp., Chicago, Ill.: DA-36-039-sc-4942, DA-36-039-sc-7061, N104s-11704, N104s-14720, N123s-62678.

Automatic Machine Products Co., Attleboro, Mass.: DA-28-017-ord-603, DA-28-017-ord-870, DA-28-017-ord 971, DA-28-017-ord-1117.

Automatic Products Co., Milwaukee, Wis.: DA-11-009-qm-1782, DA-11-009-qm-2260.

Automatic Sprinkler Corp. of America, Youngstown, Ohio: NOm 57760.

Automatic Switch Co., Orange, N. J.: N140s-14153.

Avco Manufacturing Corp., New York, N. Y.—Crosley Division: AF 33(038)-14999, Lycoming Division: AF 33(038)-14998, AF 33(038)-15019, AF 33(038)-16025, AF 33(038)-17005.

Avildsen Tools & Machines, Inc., Chicago, Ill.: DA-11-184-eng-5749.

Avion Instrument Corp., New York, N. Y.: N[illegible]-[illegible], [illegible]-6761.

Avro Co., San Francisco, Calif.: DA-04-[illegible]-[illegible].

Axelson Manufacturing Co., Los Angeles, Calif.: N[illegible]-[illegible].

B. B. Chemical Co., Cambridge, Mass.: AF 33(038)-16450.

B. G. Corp., The, New York, N. Y.: W33-038 ac 2[illegible], N383s-43441, AF 33(038)-18021.

B & J Equipment Co., Seattle, Wash.: DA-45-046-tc-1[illegible], DA-45-045-tc-186, DA-45-045-tc-194, DA-45-[illegible]-tc-241, DA-45-168-eng-[illegible].

B & W Restaurant Equipment Co., Louisville, Ky.: DA-12-036-qm-1695.

Babcock & Wilcox Co., The, New York, N. Y.: NObs 53073, NObs 53224, NObs 53266, NObs 53338 L. I. NObs 53339 L. I. NObs 53389, NObs 53398, N104s-14759, N104s-15429, N383s-41928, N383s-44310.

Babcock & Wilcox Tube Co., Beaver Falls, Pa.: N171s-89897.

Bacharach Industrial Instrument Co., Pittsburgh, Pa.: N600s-8048.

Backus Camera Co., Narberth, Pa.: NOnr 5900.

Badger Manufacturing Co., Cambridge, Mass.: NObs 59036, NObs 59101 and L. I. NOm 57360, N104s-14447, N104s-15229.

Bailey Engineering, Ramsey, N. J.: MPA-30-287-md-1469, MPA-30-287-md-1702, MPA-30-287-md-2514, MPA-30-287-md-4653.

Ball Horton & Associates, Fort Myers, Fla.: NOy 22763.

Bailey Lumber Co., Portland, Oreg.: DA-35-026-eng-6009.

Bailey Meter Co., Cleveland, Ohio.: N104s-14287.

Baker, James G., Winchester, Mass.: AF 33(038)-16179.

Baker Dock Co., Tacoma, Wash.: DA-45-045-tc-2757.

Baker, H. W., Linen Co. of California, Inc., Wilmington, Del.: N220s-57349.

Baker, J. T., Chemical Co., North Phillipsburgh, N. J.: N383s-41728.

Baker Manufacturing Co., The, Springfield, Ill.: DA-11-184-eng-5703.

Baker Perkins, Inc., Saginaw, Mich.: N160s-3278.

Balco Research Laboratories, Newark, N. J.: AF 33(038)-17190.

Baldor Electric Co., St. Louis, Mo.: N383s-38687.

Baldwin Locomotive Works, The, Eddystone, Pa.: DA-11-070-ord-2210, DA-11-184-eng-3602, DA-20-089-ord-4252, DA-36-032-tc-3388, N104s-15566, N140s-18785, N140s-19158.

Ball, F. M. & Co., Oakland, Calif. DA-11-009-qm-2696.

Ballantine Laboratories, Inc., Boonton, N. J.: AF 33(038)-13012.

Baltimore Lumber Co., Baltimore, Md.: DA-09-026-eng-4325, DA-09-026-eng-4385

Baltimore Metal Products Inc., Baltimore, Md.: MPA-30-287-md-1675.

Bama Lumber Co., Birmingham, Ala.: DA-09-026-eng-5169, DA-09-026-eng-5294, DA-09-026-eng-5389, DA-09-026-eng-5389, DA-09-026-eng-5461.

Bancroft, Jos., & Sons Co., Wilmington Del.: NOm 57388.

Bangor & Aroostook Railroad Co., Bangor, Maine: DA-19-016-eng-596.

Bar-B-Bubs, Inc., Cincinnati, Ohio: AF 33(038)-17772.

Bar Ray Products, Inc., Brooklyn, N. Y.: MPA-30-287-md-1544

Bart, P. L. Co., San Francisco, Calif.: DA-04-493-qm-2097.

Barber-Colman Co., Rockford, Ill.: DA-11-(53-ord-1503, N383s-[illegible], N383s-41041, AF 33(038)-15112, AF 33(038)-15152, AF 33(038)-16158, AF 33(038)-17511, AF 33(038)-17697.

Barber-Greene Co., Aurora, Ill.: DA-11-184-eng-3615, DA 11-184-eng-3625, DA-11-184-eng-3661, DA-11-184-eng-3871, DA-11-184-eng-5663.

Barbour Stockwell Co., Cambridge, Mass.: DA-19-022-ord-45, N104s-15404.

Barclay Home Products, Inc., Cohoes, N. Y.: NOm 57477, NOm 57426, NOm 59226 L. I.

Bard, C. R., Inc., Summit, N. J.: MPA-30-287-md-1959.

Barden Corp., Danbury, Conn.: [illegible]-43113, AF 33(038)-862, AF 33(038)-13510, AF 33(038)-15499, AF 33(038)-15510, AF 33(038)-15594, AF 33(038)-16191.

Bark-dale & Leblanc, Baton Rouge, La.: DA-41-243-eng-726 Mod. No. 3.

Barlow Engineering Co., New York, N. Y.: NObr 52070.

Barlow-Maguer Laboratories, Cedar Rapids, Iowa: MPA-30-287-md-1974.

Barnes Co., W. F. & John, Rockford, Ill.: DA-11-022-ord-1 S. A. No. 9 and S. A. No. 10, DA-11-078-ord-138, DA-11-078-ord-237, DA-11-173-ord-20, DA-40-121-ord-15, NOrd 10840.

Barnes Drill Co., Rockford, Ill.: DA-19-026-ord-237.

Barns Manufacturing Co., Mansfield, Ohio: DA-11-184-eng-3811.

Baron Lawrence, Inc., Yonkers, N. Y.: DA-11-009-qm-1931, DA-11-009-qm-2076, DA-11-009-qm-2462, DA-11-009-qm-2633, DA-11-009-qm-3340, DA-11-009-qm-3341, DA-11-009-qm-3365.

Barr Construction, G. W., Tacoma, Wash.: DA-45-108-eng-588.

Barr, Warren, Supply Co., Chicago, Ill.: DA-11-184-eng-5528.

Barre Machine Co., Newark, N. J.: DA-28-017-ord-581 S. A. No. 1.

Barth Manufacturing Co., Milldale, Conn.: N600s-8370.

Barry Corp., The, Cambridge, Mass.: DA-44-009-eng-337.

Barwell Manufacturing Co., Brooklyn, N. Y.: MPA-30-287-md-3448.

Bass, Julian & Co., Inc., Seattle, Wash.: N405s-26469.

Bastian-Blessing Co., Chicago, Ill.: N104s-14212.

Batavia Mills, Inc., Lonsdale, R. I.: DA-30-280-qm-5095, DA-30-280-qm-5236, NOm 57891, NOm 57923, NOm 58016.

Bath Iron Works Corp., Bath, Maine: NObs 2713 L. I., NOnr 13401 L. I.

Bauer & Black Co., Chicago, Ill.: MPA-30-287-md-1625, MPA-30-287-md-1988, MPA-30-287-md-2183, MPA-30-287-md-3078, MPA-30-287-md-3578.

Bauer Industrial Sales, Inc., Worthington, Ohio: DA-33-062-eng-25.

Baumer Foods, Inc., New Orleans, La.: DA-11-009-qm-931, DA-11-009-qm-938, DA-11-009-qm-1466, DA-11-009-qm-1467.

Bausch & Lomb Optical Co., Rochester, N. Y.: DA-28-017-ord-1153, DA-36-030-qm-699, DA-36-038-ord-1275, MPA-30-287-md-2568, MPA-30-287-md-3295, NOnr 9600, N104s-15167, N383s-41370.

Bauserbach, A. E., Inc., Buffalo, N. Y.: AF 33(038)-16572.

Baxter, Don, Inc.: Glendale, Calif.: MPA-30-287-md-1534, MPA-30-287-md-1663, MPA-30-287-md-1772, MPA-30-287-md-1804, MPA-30-287-md-2241.

Baxter Hall Taylor, Montague, Calif.: DA-35-026-eng-5984.

Bay Cities Equipment, Milwaukee, Wis.: DA-04-203-eng-951.

Bay Cities Equipment, Inc., Oakland, Calif.: N52m 25523, N52m 25531.

Bay City Shovels, Inc., Bay City, Mich.: DA-11-184-eng-3948, DA-11-184-eng-4351, DA-11-184-eng-5729, N160s-3194, N160s-3474.

Bay Oil Corp., New York, N. Y.: ASP 2479.

Bay State Office Partitioning Co., Roxbury, Mass.: DA-19-128-aI-55.

Bay State Tool & Machine Co., Springfield, Mass.: DA-19-058-ord-1664.

Bayer Co., The, St. Louis, Mo.: N104s-14142.

Beacon Manufacturing Co., Swannanoa, N. C.: DA-30-280-qm-6721.

Bead Chain Manufacturing Co., The, Bridgeport, Conn.: DA-11-009-qm-1604, DA-11-009-qm-2202, N383s-40010.

Beakatron Manufacturing Corp., Brooklyn, N. Y.: DA-36-039-sc-7958.

Beam Radionics Corp., Chicago, Ill.: DA-11-184-eng-4217, DA-11-184-eng-4969, DA-11-184-eng-5850.

Bean, John H., Manufacturing Co., Lansing, Mich.: DA-11-184-eng-5235, DA-18-108-cml-1056, DA-18-108-cml-1106, DA-18-108-cml-2358, DA-18-108-cml-3362, AF 33(038)-17417.

Beard, J. B., Co., Shreveport, La.: DA-41-117-ord-937, DA-41-117-ord-939, DA-41-117-ord-967, DA-41-117-ord-973.

Beard, L. O., Tool Co., Lancaster, Pa.: N600s-8588.

Beatrice Steel Tank Manufacturing Co., South Beatrice, Nebr.: NOrd 10914, AF 33(038)-17800.

Beauchamp, Victor R., Inc., Washington, D. C.: DA-44-008-eng-221.

Beaumont & Crandell, Inc., Kansas City, Mo.: AF 33(038)-15013.

Beavers, V. L., & Associates, San Antonio, Tex.: DA-41-243-eng-769.

Bechtel Corp., San Francisco, Calif.: DA-95-507-eng-58, DA-95-507-eng-62.

Beckman Instruments, Inc., South Pasadena, Calif.: MPA-30-287-md-4056.

Beckman & Whitley, Inc., San Carlos, Calif.: N123s-68759.

Becton, Dickinson & Co., Rutherford, N. J.: MPA-30-287-md-1608, MPA-30-287-md-1902, MPA-30-287-md-2041, MPA-30-287-md-2515, MPA-30-287-md-2542, MPA-30-287-md-2938, MPA-30-287-md-3148.

Bedford, John, Macon, Ga., DA-09-026-eng-5187.

Bedford Paper Products, Dunkirk, N. Y.: DA-11-009-qm-1479.

Beeber, J., Co., Inc., New York, N. Y.: MPA-30-287-md-2142, MPA-30-287-md-3144.

Beech Aircraft Corp., Wichita, Kans.: NOa(s) 51011 L. I., N383s-38143, AF 33(038)-14694, AF 33(038)-14709, AF 33(038)-14999, AF 33(038)-15035, AF 33(038)-15106, AF 33(038)-16260, AF 33(038)-17311 AF 33(038)-17402, AF 33(038)-17781, AF 33(038)-18413.

Beechwood Lumber Co., Manchester, Ga.: DA-09-026-eng-5331, DA-09-026-eng-5333.

Beers & Heroy, Dallas, Tex.: AF 33(038)-17625, AF 33(038)-17730, AF 33(038)-18028.

Behr-Manning Corp., Troy, N. Y.: N383s-42399.

Belanger, A., & Sons, Boston, Mass.: DA-19-016-eng-575.

Belden Manufacturing Co., Chicago, Ill.: DA-11-184-eng-3941.

Bell Aircraft Corp., Buffalo, N. Y.: NOa(s) 12253 L. I., W33-038 ac 14169 S. A. No. 9, W33-038 ac 20062 C. O. No. 16, W33-038 ac 20063 C. O. No. 12, W33-038 ac 22609 S. A. No. 2, AF 33(038)-3298 C. O. No. 4, C. O. No. 5, and C. O. No. 6, AF 33(038)-14544, AF 33(038)-14545, AF 33(038)-14729, AF 33(038)-14741, AF 33(038)-14996, AF 33(038)-15047, AF 33(038)-15069, AF 33(038)-15940.

Belhaven Lumber Industries, Belhaven, N. C.: DA-09-026-eng-4283.

Bell & Howell Co., Chicago, Ill.: DA-11-022-ord-1402, DA-11-184-eng-4295. DA-37-038-ord-1402, DA-36-039-sc-6695, DA-36-109-eng-132, N220s-55606, N383s-36323, N383s-36803, N383s-44042, AF 8(169)-75, AF 33(038)-14917, AF 33(038)-14925, AF 33(038)-17601.

Bell Knitting Mills of Pennsylvania, Inc., Philadelphia, Pa.: DA-30-280-qm-7745.

Bell Oil & Gas Co., Tulsa, Okla.: ASP 2439 C. O. No. 4.

Bell Rigging & Supply Co., Albion, Pa.: DA-04-197-tc-756, N220s-56272.

Bellamy-Robie, Inc., Cambrige, Mass.: N297s-4694.

Bellanca Aircraft Corp., New Castle, Del.: AF 33(038)-17801.

Belluschi, Pietro, Portland, Oreg.: DA-95-507-eng-114.

Bemis Bro. Bag Co., St. Louis, Mo.: DA-04-493-qm-1789, DA-04-493-qm-1790, DA-04-493-qm-1851, DA-04-493-qm-1852, DA-04-493-qm-2440, DA-04-493-qm-2489, DA-04-493-qm-2678, DA-04-493-qm-5367, DA-11-184-eng-5130, DA-11-184-eng-5830, N140s-18967.

Bemiss-Jason Co., San Francisco, Calif.: DA-30-280-qm-5204.

Ben-Hur Products, Inc., Los Angeles, Calif.: DA-30-280-qm-5879.

Bendix Aviation Corp., Detroit, Mich.—Bendix Products Division: DA-11-184-eng-5655, DA-20-089-ord-4863, NOa(s) 10959, NOa(s) 12283 L. I., N383s-11736, N383s-23976 and L. I., N383s-29477, N383s-30197 Amd. No. 3, N383s-30206 and L. I., N383s-30406, N383s-32162, N383s-34639, N383s-35862 L. I., N383s-36367, N383s-36471, N383s-36662, N383s-36708 L. I., N383s-37053 L. I., N383s-37131 L. I., N383s-37205 L. I., N383s-37206 L. I., N383s-37208 L. I., N383s-37549, N383s-37588, N383s-37675 L. I., N383s-37992, N383s-38141, N383s-39070, N383s-39197 L. I., N383s-40356, N383s-40818, N383s-41197, N383s-41198, N383s-41246, N383s-41336, N383s-43504, N383s-43956, N383s-43957, N383s-44528, W33-038 ac 20969, W33-038 ac 20998, W33-038 ac 21503, W33-038 ac 21522, AF 33(038)-49, AF 33(038)-202, AF 33(038)-463, AF 33(038)-1326, AF 33(038)-14712, AF 33(038)-14734, AF 33(038)-14737, AF 33(038)-14750, AF 33(038)-14882, AF 33(038)-14902, AF 33(038)-14907, AF 33(038)-14943, AF 33(038)-15037, AF 33(038)-15264, AF 33(038)-15527, AF 33(038)-15680, AF 33(038)-15892, AF 33(038)-15975, AF 33(038)-15988, AF 33(038)-16028, AF 33(038)-16029, AF 33(038)-16185, AF 33(038)-16732, AF 33(038)-17176, AF 33(038)-17413, AF 33(038)-17507.

Bendix Radio Division: DA-36-039-sc-4747, N126s-7448, N126s-7812, N126s-7897, N126s-7903, N126s-12171, N126s-15210, W33-038 ac 16795 C. O. No. 8, W33-038 ac 21187 C. O. No. 4, AF 33(038)-14220, AF 33(038)-15787, AF 33(038)-16342, AF 33(038)-16533, AF 33(038)-16535, AF 33(038)-16803, AF 33(038)-16889, AF 33(038)-17119, Order (33-038) 49-3004, Order (33-038) 49-3155.

Eclipse-Pioneer Division: DA-20-089-ord-2868, DA-20-089-ord-5070, DA-30-069-ord-69, NOa(s) 104 L. I., NOa(s) 120, NOa(s) 10639 L. I., NOa(s) 51003, NOa(s) 51088, N156s-27246, N156s-27410, N163s-585, N163s-655, N171s-90388, N171s-90976, N383s-13560, N383s-26720 L. I., N383s-30417, N383s-32180, N383s-32181, N383s-35776 and L. I., N383s-36081, N383s-36066, N383s-36067, N383s-36282, N383s-36413, N383s-36699, N383s-36715 L. I., N383s-36757, N383s-37117, N383s-37122, N383s-37211, L. I., N383s-37212, N383s-37674, N383s-37771, N383s-37860, N383s-38115 L. I., N363s-38139, N383s-38443, N383s-38498, N383s-38589, N383s-38676, N383s-39064, N383s-39066, N383s-39149, N383s-39682, N383s-39702, N383s-39716, N363s-40099, N383s-40449, N383s-40667, N383s-40763, N383s-41091, N383s-41338, N383s-41526, N383s-41882, N383s-42069 L. I., N383s-42259, N383s-42260, N383s-43268, N383s-43293, N383s-44596, N220s-54193, W33-038 ac 22563, AF 33(038)-39, AF 33(038)-130, AF 33(038)-132, AF 33(038)-329, AF 33(038)-341, AF 33(038)-342, AF 33(038)-2585, AF 33(038)-14831, AF 33(038)-14843, AF 33(038)-14844, AF 33(038)-14845, AF 33 (038)-4352, AF 33(038)-14855, AF 33(038)-14878, AF 33(038)-14881, AF 33(038)-14889, AF 33(038)-14891, AF 33(038)-14893, AF 33(038)-14895, AF 33(038)-14922, AF 33(038)-14946, AF 33(033)-14955, AF 33(038)-15501, AF 33(038)-15521, AF 33(038)-15589, AF 33(038)-16024, AF 33(038)-16167, AF 33(038)-16195, AF 33(038)-16281, AF 33(038)-16358, AF 33(038)-16741, AF 33(038)-16763, AF 33(038)-16867, AF 33(038)-16875, AF 33(038)-16893, AF 33(038)-17057, AF 33(038)-17203, AF 33(038)-17214, AF 33(038)-17241, AF 33(038)-17288, AF 33(038)-17433, AF 33(038)-17610, AF 33(038)-18191, AF 33(038)-18418.

Eclipse Machine Division: DA-11-184-eng-5586.

Friez Instrument Division: N104s-14248, N104s-15907.

Pacific Division: DA-20-089-ord-2801, DA-20-089-ord-2857, DA-20-089-ord-2941, NObr 52010, NObr 12901, NOrd 10868, N102s-52392 L. I., N104s-14166, N104s-14701, N104s-15020, N104s-15283, N383s-37632, N383s-41181, N383s-42504, N383s-43509, W33-038 ac 21924, W33-038 ac 22596, AF 33(038)-14699, AF 33(038)-15169, AF 33(038)-15737, AF 33(038)-15933, AF 33(038)-16478, AF 33(038)-17435, AF 33(038)-17437.

Red Bank Division: W33-038 ac 20959, AF 33(038)-35, AF 33(038)-282, AF 33(038)-16038.

Research Laboratories Division: NOa(s) 51027 L. I.

Scintilla Magneto Division: DA-20-089-ord-2843, DA-36-039-sc-4004, DA-36-039-sc-7360, N220s-58722, N383s-33055, N383s-36065, N383s-36073, N383s-37124, N383s-37853, N383s-38262, N383s-36301, N383s-38494, N383s-30556, N383s-40681, N383s-40683, N383s-41085, N383s-41883, N383s-43287, N383s-43410, N383s-43432, N383s-44059, N383s-44099, W33-038 ac 22341, W33-038 ac 22353, W33-038 ac 22361, AF 33(038)-68, AF 33(038)-995, AF 33(038)-14829, AF 33(038)-14993, AF 33(038)-15896, AF 33(038)-16253, AF 33(038)-16605, AF 33(038)-16745, AF 33(038)-17026, AF 33(038)-17782, Order (33-038) 49-4223.

Skinner Purifier Division: NOa(s) 12214, N104s-13235, N104s-13791, N104s-14482, N104s-14615, N104s-14926, N383s-40065, AF 33(038)-16742.

Zenith Carburetor Division: DA-11-184-eng-5270, N104s-14635.

Bendix Stromberg Carburetor Co., South Bend, Ind.: DA-11-184 eng-5589.

Bendix-Westinghouse Automotive Air Brake Co., Elyria, Ohio: AF 33(038)-17199.

Bennett, Jim, Columbia, S. C.: DA-38-042-aIII-32.

Bennett Box Co., Jersey City, N. J.: DA-18-108-cml-924.

Bennett Manufacturing Co., The, Alden, N. Y.: DA-11-009-qm-2619.

Benrus Watch Co., Waterbury, Conn.: DA-28-017-ord-673.

Bensinger Co., St. Louis, Mo.: AF 41(183)-152.

Bercut-Richards Packing Co., Sacramento, Calif.: DA-11-009-qm-2319, DA-11-009-qm-2702, DA-35-026-eng-2804.

Bergen Engineering & Development Corp., Peramus, N. J.: NObs 52005.

Berkeley Scientific Co., Richmond, Calif.: N220s-56482.

Bermite Powder, Saugus, Calif.: N123s-68255, N123s-69900.

Bernard-Smithline Co., Long Island City, N. Y.: DA-36-039-sc-9214.

Bernard-Victor Industries, Philadelphia, Pa.: DA-36-039-sc-3669.

Berns Manufacturing Corp., Chicago, Ill.: DA-11-184-eng-4280.

Berridge Shear Co., Sturgis, Mich.: N600s-6710.

Bers & Co., Inc., Philadelphia, Pa.: N173s-15480, N173s-15541.

Bertea Products, Pasadena, Calif.: N383s-38278.

Beryllium Corp., The, Reading, Pa.: DA-28-017-ord-922.

Besler Corp., Emeryville, Calif.: N104s-14432.

Besly, Charles H., & Co., Chicago, Ill.: DA-11-184-eng-4354.

Besser Manufacturing Co., Alpena, Mich.: DA-30-144-ord-552.

Bethlehem Pacific Coast Steel Corp., San Francisco, Calif.: DA-04-197-tc-2038, N220s-55941, N600s-9476.

Bethlehem Steel Co., Bethlehem, Pa.: DA-11-184-eng-6133, DA-19-066-ord-368, DA-19-066-ord-1490, DA-20-089-ord-5076, DA-30-144-ord-437, DA-30-144-ord-651, DA-30-144-ord-679, DA-30-144-ord-720, DA-30-144-ord-823 L. I. DA-36-038-ord-1151, NObs 2768, NObs 5224 L. I., N383s-41852, N600s-7181, N600s-8230, N600s-8252, N600s-8778, N600s-8789, N600s-8819, N600s-9142, N600s-9477, N600s-9482, N600s-9484, N600s-9487, N600s-9518, N600s-9911, N600s-9917, N600s-9918, N600s-9919, N600s-10562.

Bethlehem Steel Export Corp., New York, N. Y.: N600s-8797.

Better Finishes & Coatings, Inc., Newark, N. J.: N383s-38649, N383s-39485, N383s-41697.

Beverly Holly Machine Co., Los Angeles, Calif.: N123s-70473.

Betz, Henry C., Co., Philadelphia, Pa.: MPA-30-287-md-1595.

Bevil & Co., Aberdeen, Wash.: DA-35-026-eng-5964, DA-35-026-eng-5965.

Bickman Motors Co., Cincinnati, Ohio: AF 33(038)-16473, AF 33(038)-18415.

Bingham-Herbrand Corp., The, Fremont, Ohio: N600s-6712.

Biot & Arnold, New York, N. Y.: DA-30-039-ord-53.

Birch, S., & Son Construction Co., Seattle, Wash.: DA-09-5507-eng-77 Mod. No. 1.

Birchfield Boiler, Inc., Tacoma, Wash.: N251s-2749.

Bird Electronic Corp., Cleveland, Ohio: N383s-37109, N383s-39511, N383s-40284, AF 33(038)-8256 C. O. No. 3.

Birma Manufacturing Co., Inc., Buffalo, N. Y.: NOm 57712.

Birshtein Furniture Studios, Norfolk, Va.: N109s-77036.

Birtman Electric Co., Chicago, Ill.: DA-11-070-ord-1518, DA-11-070-ord-1662, DA-11-070-ord-1674, DA-11-070-ord-1744, N600s-8709.

Bishop-Coll Lumber Co., New York, N. Y.: DA-09-026-eng-4275, DA-09-026-eng-4379, DA-09-026-eng-4383.

Bishop Manufacturing Co., Cedar Grove, N. J.: DA-36-039-sc-9207.

Bisho Manufacturing Co., Inc., Carlisle, Iowa: N160s-3112.

Bjorksten Research Laboratories, Inc., Madison, Wis.: AF 33(038)-15961, AF 33(038)-16240.

Black & Decker Manufacturing Co., The, Towson, Md.: DA-11-184-eng-3688, DA-20-089-ord-7796.

Black Industries, Cleveland, Ohio: N126s-12385.

Black, Sivalls & Bryson, Inc., Kansas City, Mo.: N160s-2945.

Blackhawk Manufacturing Co., Milwaukee, Wis.: AF 33(038)-16259.

Blackmer Pump Co., Grand Rapids, Mich.: NObs 14715.

Blackson & Co., Michigan City, Ind.: AF 33(038)-15287.

Black-Veatch Consulting Engineers, Kansas City, Mo.: AF 33(038)-15616.

Blalock Machinery Equipment, Atlanta, Ga.: DA-09-030-qm-2383.

Blanchard, Fred K., Inc., Troy, N. Y.: DA-30-144-ord-569, DA-30-144-ord-643, DA-30-144-ord-723, DA-30-144-ord-56098, DA-30-144-ord-57365.

Blanchard, Maher & Paulus, San Francisco, Calif.: DA-04-203-eng-516 Mod. No. 1.

Blaw-Knox Co., Pittsburgh, Pa.: N160s-3124, N160s-3215, N160s-4473, AF 33(038)-15068.

Blickman, S., Inc., Weehawken, N. J.: DA-11-009-qm-2486, DA-18-108-cml-1053, MPA-30-287-md-1502, MPA-30-287-md-2335, MPA-30-287-md-3453, MPA-30-287-md-4133, N383s-41858.

Bliley Electric Co., Erie, Pa.: AF 33(038)-17782.

Bliss, E. W., Co., Toledo, Ohio: DA-36-038-ord-2372.

Bliss Log & Lumber Co., Portland, Oreg.: DA-35-026-eng-5967, DA-35-026-eng-5978.

Blockson Chemical Co., Joliet, Ill.: DA-30-280-qm-6091.

Blood Bros. Machine Co., Allegan, Mich.: DA-11-184-eng-5574.

Bloomfield Industries, Chicago, Ill.: DA-11-009-qm-2116, DA-11-009-qm-2502.

Blue Banner Foods, Kent, Wash.: DA-11-009-qm-1216.

Blue Moon Foods, Inc., Thorp, Wis.: DA-11-009-qm-1167, DA-11-009-qm-1170, DA-11-009-qm-1674.

Blum's Confectionery, San Francisco, Calif.: N220s-55827, N220s-56076, N220s-56088.

Bockmier Lumber Sales, Republic, Wash.: DA-35-026-eng-5821.

Bodine Electric Co., Cincinnati, Ohio: N104s-15076.

Boehm Surgical Instrument Co., Rochester, N. Y.: MPA-30-287-md-2456.

Boeing Airplane Co., Seattle, Wash.: N383s-19695, W33-038 ac 13875 C. O. No. 14, W33-038 ac 16959 S. A. No. 7, W33-038 ac 18821 S. A. No. 28 and C. O. No. 29, W33-038 ac 22039 S. A. No. 5, AF 33(038)-9166, AF 33(038)-14622, AF 33(038)-14722, AF 33(038)-14747, AF 33(038)-14764, AF 33(038)-14809, AF 33(038)-15082, AF 33(038)-16013, AF 33(038)-17063, AF 33(038)-16130.

Boers, Gil, Equipment Co., Chicago, Ill.: DA-11-184-eng-4482, DA-11-184-eng-4[illegible], DA-11-184-eng-5506.

Bogguess-Simpson Co., Alexandria, Va.: DA-49-030-eng-430.

Boice Manufacturing Co., Poughkeepsie, N. Y.: DA-19-058-ord-1504.

Boker, H., & Co., Inc., New York, N. Y.: MPA-30-287-md-1979, N600s-9665.

Bol, Ltd., New York, N. Y.: AF 33(038)-7281 C. O. No. 1, AF 33(038)-15038.

Boldt, Al, Lumber, Richmond, Calif.: DA-04-197-tc-695.

Bolsey Corp. of America, New York, N. Y.: AF 33(038)-16249.

Bomac Laboratories, Beverly, Mass.: DA-36-039-sc-7223, DA-36-039-sc-7315, AF 33(038)-16.89.

Bon Ami Co., New York, N. Y.: N140s-17013.

Bond Pickle Co., Ceonto, Wis.: DA-11-009-qm-3044.

Bonley Lumber Co., Navasota, Tex.: DA-09-026-eng-3444.

Boonton Radio Corp., Boonton, N. J.: NOa(s) 280.

Booth, F. E., Co., Inc., San Francisco, Calif.: DA-11-009-qm-3067.

Boots Aircraft Nut Corp., Stamford, Conn.: AF 33(038)-15719.

Booz, Allen & Hamilton, Chicago, Ill.: NOa(s) 10598, AF 33(038)-14522, AF 33(038)-15044, AF 33(038)-15056.

Borden Co., The, New York, N. Y.: DA-11-009-qm-1470, DA-11-009-qm-1474, DA-11-009-qm-1484, DA-11-009-qm-1515, DA-11-009-qm-1519, DA-11-009-qm-1995, DA-11-009-qm-2179.

Bordo Products Co., Chicago, Ill.: DA-11-009-qm-1430.

Borg-Erickson Corp., Chicago, Ill.: MPA-30-287-md-2663.

Borg-Warner Corp., Chicago, Ill.: DA-11-022-ord-42, DA-11-184-ord-5786, DA-2[illegible]-ord-5766, Ingersoll Products Division: NObs 2716 L. I. Long Manufacturing Division: AF 33(038)-15755, Presco Products Division: NOa(s) 51014, N383s-37026, N383s-37054, N383s-37680, N383s-39343, N383s-39678, N383s-41602, N383s-41709, N383s-42788, AF 33(038)-2, AF 33(038)-14[illegible], AF 33(038)-15142, AF 33(038)-15247, AF 33(038)-15270, AF 33(038)-15279, AF 33(038)-15[illegible], AF 33(038)-16545, AF 33(038)-17000, AF 33(038)-17480, AF 33(038)-17657, AF 33(038)-17669, AF 33(038)-17773, AF 33(038)-18157. Mechanics Universal Joint Division: DA-20-089-ord-4191. Rockford Clutch Division: DA-11-184-eng-4674.

Bostitch-Wilson, Inc., Westerly, R. I.: DA-36-039-sc-4840.

Boston Lockport Block Co., Boston, Mass.: N383s-39643.

Boston Metals Co., The, Chester, Pa.: N156a-27270, N156a-27347.

Boston Paper Board Co., Boston, Mass.: DA-30-280-qm-7735.

Bouillon, Lincoln, & Associates, Seattle, Wash.: DA-35-507-eng-72.

Bouligny, R. H., Inc., Charlotte, N. C.: DA-30-144-ord-600.

Bowen & Co., Inc., Bethesda, Md.: DA-49-170-sc-123, DA-49-170-sc-138.

Bowen, C. S., Co., Baltimore, Md.: DA-36-039-sc-7489.

Bowen & McLaughlin, Phoenix, Ariz.: DA-36-022-tc-1815.

Bower Roller Bearing Co., Detroit, Mich.: AF 33(038)-15703, AF 33(038)-16206, AF 33(038)-17186.

Bowman-Durham-Robbins, Inc., Brooklyn, N. Y.: MPA-30-287-md-1743.

Bowser, Inc., Fort Wayne, Ind.: AF 33(038)-14933, AF 33(038)-15088, AF 33(038)-16176.

Bowser-Morner Testing Laboratory, Dayton, Ohio: AF 33(038)-15119.

Boydell Bros. White Lead & Color Co., Detroit, Mich.: DA-20-089-ord-2954 S. A. No. 1.

Boyertown Auto Body Works, Boyertown, Pa.: DA-20-089-ord-4659 and L. I.

Boyt Co., Des Moines, Iowa: DA-11-070-ord-1675, DA-11070-ord-1687, DA-11-070-ord-2103.

Bracamonte, R. M., Co., San Francisco, Calif.: DA-04-493-qm-1910, DA-04-493-qm-956, DA-04-493-qm-2346.

Bracke, R. F., & Co., Chicago, Ill.: N104s-15069.

Brady-Hamilton Stevedoring Co., Portland, Oreg.: DA-45-045-tc-125.

Brainard Steel Co., Warren, Ohio: DA-04-493-qm-1830, DA-11-009-qm-1144, N383s-40729, AF 9(104)-266.

Brand, William, & Co., New York, N. Y.: DA-36-039-sc-4897.

Brandenstein, M. J., San Francisco, Calif.: DA-30-280-qm-4805.

Braun-Knecht-Heimann Co., San Francisco, Calif.: AF 4(171)-150.

Bray, U. B., Co., Los Angeles, Calif.: N123s-68078, ASP 2933, ASP 2962, ASP 3438.

Brazier Construction Co., Seattle, Wash.: DA-45-108-eng-592.

Breeze Burners, Inc., Santa Fe, N. Mex.: DA-11-009-qm-1015, DA-11-009-qm-2114.

Breeze Corps., Inc., Newark, N. J.: DA-11-184-eng-4970, N383s-34026, N383s-36071, N383s-39684, AF 33(038)-15122, AF 33(038)-15752.

Brew Manufacturing Co., Puyallup, Wash.: DA-04-493-qm-1825.

Brezner, Barnet, Alexandria, La.: DA-34-066-eng-1578.

Brickner-Kropf Machine Co., Muskegon, Mich.: DA-36-038-ord-1733.

Bridgeport Brass Co., Bridgeport 2, Conn.: DA-41-117-ord-715, AF 33(038)-16884.

Bridgeport Chain & Manufacturing Co., Bridgeport, Conn.: N383s-41651.

Bridgeport Hardware Manufacturing Corp., Bridgeport, Conn., N600s-8644.

Bridgeport Metal Goods Manufacturing Co., Bridgeport, Conn.: DA-28-107-ord-1117.

Briggs Filtration Co., Bethesda, Md.: N104s-14446.

Briggs & Stratton Corp., Milwaukee, Wis.: DA-36-039-sc-9202, N383s-36283.

Bright Star Battery Co., Clifton, N. J.: DA-04-203-eng-704, DA-36-039-sc-4898.

Brilco Laboratories, Brooklyn, N. Y.: N383s-43322.

Briner Rustproofing Co., Albuquerque, N. Mex.: AF 29(001)-314.

Brinker Supply, Pittsburgh, Pa.: DA-33-062-eng-32.

Bristol Co., The, Waterbury, Conn.: N104s-14230, N104s-14370, N104s-14455, N104s-15639, N126s-11150, N383s-40376. Aircraft Equipment Division: N383s-36667, N383s-36370, N383s-39146.

Bristol Laboratories, Inc., Syracuse, N. Y.: MPA-30-287-md-2961.

Bristol Machine Tool Co., Inc., Forestville, Conn.: DA-19-059-ord-46, DA-19-059-ord-54, DA-19-059-ord-62, DA-19-059-ord-68.

Bristol Manufacturing Corp., Bristol, R. I.: DA-30-280-qm-7719.

Brockelman, I. G., Textile Co., Sand Springs, Okla.: N140s-18390.

Brockton Tool Co., South Easton, Mass.: DA-30-280-qm-7066.

Brocton Preserving Co., Inc., Brocton, N. Y.: DA-11-009-qm-3066, DA-11-009-qm-3174.

Broderick & Bascom Rope Co., St. Louis, Mo.: N156a-27342.

Brooks & Perkins, Inc., Detroit, Mich.: AF 33(038)-15472.

Brooks Lumber Co., Greensboro, N. C.: DA-09-026-eng-5160, DA-09-026-eng-5161, DA-09-026-eng-5370, DA-09-026-eng-5478, DA-09-026-eng-5479, DA-09-026-eng-6884.

Broom, George, Sons, Seattle, Wash.: N409s-28415.

Bros, Wm., Boiler & Manufacturing Co., Minneapolis, Minn.: DA-11-184-eng-3613, DA-11-184-eng-5627.

Brown, Andrew, Co., Los Angeles, Calif.: N383s-42412.

Brown Art Studio, Detroit, Mich.: DA-20-089-ord-4012.

Brown, Chester B., Co., Morrill, Nebr.: DA-11-009-qm-1227.

Brown, Gordon D., & Associates, Beverly Hills, Calif.: AF 33(038)-15177, AF 33(038)-15323, AF 33(038)-15633, AF 33(038)-16363.

Brown Container Co., Inc., West Monroe, La.: DA-11-009-qm-2877.

Brown Equipment & Manufacturing Co., New York, N. Y.: DA-30-127-qm-198.

Brown & Graves, Akron, Ohio: DA-33-155-ord-196, DA-33-155-ord-206.

Brown, M., Timber Co., Matawan, N. J.: N140s-18037.

Brown & Sharpe Manufacturing Co., Providence, R. I.: DA-11-184-eng-4871, DA-19-058-ord-1260, DA-19-058-ord-1604, DA-36-038-ord-902, DA-49-170-sc-66, N600s-8492.

Brown, Stewart R., Manufacturing Co., Inc., New York, N. Y.: N383s-43029, N383s-43360, N383s-43492, AF 33(038)-16804.

Brown & Williamson Tobacco Corp., Louisville, Ky.: DA-04-493-qm-2363.

Browning Crane & Shovel Co., Cleveland, Ohio: DA-11-184-eng-4568.

Browning Laboratories, Inc., Winchester, Mass.: N173s-15518.

Brubaker Tool Co., Millersburg, Pa.: N600s-8589.

Bruin Oil Co., Bruin, Pa.: ASP 3316.

Brujac Electronic Corp., New York, N. Y.: N173s-16037.

Bruner-Ritter, Inc., New York, N. Y.: DA-19-058-ord-1338.

Brunson Instrument Co., Inc., Kansas City, Mo.: DA-11-184-eng-4635, DA-11-184-eng-5588, DA-30-075-eng-1339.

Brush Development Co., Cleveland, Ohio: DA-49-170-sc-121, N123s-68039, N123s-70903, N140s-18645, N173s-15809.

Bryant Chucking Grinder Co., Springfield, Vt.: DA-30-144-ord-415.

Buchanan & Co., Inc., New York, N. Y.: DA-30-314-al-59.

Buchsbaum, S., & Co., Chicago, Ill.: DA-11-009-qm-3432, AF 33 (038)-15020, AF 33 (038)-16748, AF 33 (038)-17438.

Buck, Daniel, Inc., Philadelphia, Pa.: DA-11-184-eng-4869.

Buck X-Ograph Co., St. Louis, Mo.: DA-23-075-md-385, MPA-30-287-md-2356.

Bucyrus-Erie Co., South Milwaukee, Wis.: DA-11-184-eng-3904, DA-11-184-eng-4813, DA-11-184eng-5148, DA-11-184-eng-5276, DA-11-184-eng-5560, NOm 57800 and L. I., NOm 57924.

Buda Co., The, Harvey, Ill.: DA-11-184-eng-3883, DA-11-184-eng-4752, N104s-14181, N140s-15530, AF-33(038)-18017.

Budd Co., The, Philadelphia, Pa.: DA-20-089-ord-4846, DA-36-034-ord-33, DA-36-034-ord-35, DA-36-038-ord-1631.

Buff & Hodge Lumber, Unadilla, Ga.: DA-09-026-eng-5477.

Buckeye Forging Co., Cleveland, Ohio: DA-20-089-ord-4844.

Bucoda Planing Mill, Portland, Oreg.: DA-35-026-eng-6064.

Buffalo Forge Co., Buffalo, N. Y.: NObs 53426.

Buffalo Hardware Lumber Co., Buffalo, N. Y.: DA-11-184-eng-4391.

Buffalo Pottery, Inc., Buffalo, N. Y.: DA-11-009-qm-3852.

Buffalo Pumps, Inc., Buffalo, N. Y.: N104s-15074, N104s-16130 L. I.

Buffalo-Springfield Roller Co., Springfield, Ohio: DA-11-184-eng-3833, DA-11-184-eng-5937, DA-11-184-eng-6038.

Buffalo Steel Co., Tonawanda, N. Y.: DA-11-184-eng-5946.

Buffalo Weaving & Belting Co., Buffalo, N. Y.: N140s-17948.

Buffelen Lumber Manufacturing Co., Tacoma, Wash.: DA-35-026-eng-5934.

Bull, C. H., Co., San Francisco, Calif.: DA-04-203-eng-677.

Bullard Co., The, Bridgeport, Conn.: DA-19-066-ord-250, DA-20-089-ord-4101, DA-36-038-ord-2119, N600s-6610.

Bullard, E. D., Co., San Francisco, Calif.: N383s-37988.

Bunte Bros., Chicago, Ill.: DA-11-009-qm-2175.

Bunyan Lumber Co., Paul, Susanville, Calif.: DA-35-026-eng-5832.

Bureau of Home Improvement, Minneapolis, Minn.: DA-21-006-ord-59 S. A. No. 1.

Burg Tool Manufacturing Co., Los Angeles, Calif.: DA-30-144-ord-771.

Burgess Battery Co., Freeport, Ill.: DA-36-039-sc-4795, DA-36-039-sc-4881, DA-36-039-sc-4903.

Burke, Wm. J., Wire & Manila Rope Co., Brooklyn, N. Y.: DA-36-022-tc-1715.

Burgett Manufacturing Corp., Chicago, Ill., DA-11-184-eng-5455.

Burlington Mills Corp., New York, N. Y.: DA-11-184-eng-5565, DA-30-280-qm-4584, DA-30-280-qm-6550.

Burndy Engineering Co., Inc., New York, N. Y.: AF 4(171)-143.

Burnell & Co., Yonkers, N. Y.: DA-49-170-sc-48, N128s-1238.

Burlington Instrument Co., Burlington, Iowa: DA-36-039-sc-6690.

Burnell & Co., Yonkers, N. Y.: N128s-1238.

Burnham Corp., Irvington, N. Y.: DA-11-184-eng-5193.

Burns, Jabez, & Sons, Inc., New York, N. Y.: DA-04-493-qm-2542, N220s-58527.

Burns-Rob, Inc., New York, N. Y.: AF 33(038)-16729.

Burton-Dixie Corp., Chicago, Ill.: N140s-18043, N140s-18084.

Burton Electrical Engineering Co., El Segundo, Calif.: AF 33(038)-17118.

Burton Manufacturing Co., Los Angeles, Calif.: MPA-30-287-md-2567, MPA-30-287-md-3769.

Bush, Clinton G., Lumber Co., Huntington Station, Long Island, N. Y.: DA-30-182-tc-230.

Bushnell, J. P., Packing Supply Co., St. Louis, Mo.: DA-23-065-eng-331.

Buswell Freeman Timber Co., Inc., Norfolk, Va.: DA-11-009-qm-2042.

Butler, M. Phillip, Seattle, Wash.: DA-45-108-eng-499.

Butler Manufacturing Co., Kansas City, Mo.: N160s-2946.

Byers, Don, Portland, Oreg.: NOy 23153.

Byers, A. M., Co., Pittsburgh, Pa.: NOm 57262, NOm 57368, NOm 57613, N600s-8825, N600s-10483.

Byers Machine Co., The, Ravenna, Ohio: DA-11-184-eng-3578, DA-11-184-eng-3908.

Byrd, Jenson, Co., Spokane, Wash.: DA-45-108-eng-684.

CBC Welding Corp., New York, N. Y.: MPA-30-287-md-2276.

C. G. Co., Biloxi, Miss.: DA-04-493-qm-2067.

CJB Construction Co., Oxnard, Calif.: N160s-2964, N160s-2974, N160s-2978.

Cadillac Gage Co., Detroit, Mich.: DA-30-144-ord-687.

Cahn, A. L., & Sons, Inc., New York, N. Y.: DA-11-009-qm-3321.

Calhoun, J. V., Co., Ashland, Mass.: N104s-13550.

Calibrated Instruments, Inc., New York, N. Y.: DA-36-039-sc-7193.

California Builders Supply Co., Ltd., Oakland, Calif.: DA-35-026-eng-5925, DA-35-026-eng-5926, DA-35-026-eng-5927, Order (4-293) 51-362.

California Container Corp., Emeryville, Calif.: DA-04-493-qm-2399, DA-04-493-qm-2465, DA-04-493-qm-2471.

California Cotton Mills Co., Oakland, Calif.: N140s-18238.

California Eastern Airways, Inc., New York, N. Y.: AF 33(038)-15108.

California Electronics Supply, Inc., W. Los Angeles, Calif.: DA-04-203-eng-1146.

California Fruit Growers Exchange, Los Angeles, Calif.: DA-11-009-qm-1204, DA-11-

009-qm-1269, DA-11-009-qm-1211, DA-11-009-qm-4465.

California & Hawaiian Sugar Refining Co., San Francisco, Calif.: DA-30-280-qm-5029, DA-30-280-qm-5143, DA-30-280-qm-5184, DA-30-280-qm-5224, DA-30-280-qm-7607, N460s-27661, N460s-27717.

California-Idaho Lumber Co., Auburn, Calif.: DA-35-026-eng-5975.

California Milling Corp., Los Angeles, Calif.: DA-11-009-qm-1369, DA-11-009-qm-1536.

California Morning Foods, Inc., Los Angeles, Calif.: DA-11-009-qm-1473, N220s-56428.

California Oil Co., Barber, N. J.: ASP 3330.

California Packing Corp., San Francisco, Calif.: DA-11-009-qm-1285, DA-11-009-qm-2494, DA-11-009-qm-2943.

California Portland Cement Co., Los Angeles, Calif.: N123s-68104.

California Research Corp., San Francisco, Calif.: W33-038 ac 9023 S. A. No. 9.

California Spray-Chemical Corp., Richmond, Calif.: DA-44-109-qm-343.

California Steel Products Co., Richmond, Calif.: DA-11-184-eng-4476.

California Valley Wine Co., New York, N. Y.: DA-30-280-qm-8177.

California Wire Cloth Corp., Oakland, Calif.: DA-04-203-eng-1127.

Callahan Industries, Memphis, Tenn.: DA-40-121-ord-14.

Callaway Mills Co., La Grange, Ga.: DA-30-280-qm-6277, N140s-17807, N140s-18240.

Caltex Oil Products Co., New York, N. Y.: ASP 3319.

Calumet-Dutch Packing Co., Sheboygan, Wis.: DA-11-009-qm-4351.

Cameron Iron Works, Inc., Houston, Texas: DA-30-144-ord-614.

Camillus Cutlery Co., New York, N. Y.: N600s-9269.

Camloc Fastener Corp., New York, N. Y.: N102s-52890, AF 33(038)-14279, AF 33(038)-16887.

Camp, E. V., Atlanta, Ga.: DA-30-141-ord-479.

Campbell, Alvin R., Co., Inc., San Francisco, Calif.: N220s-58598.

Campbell Soup Co., Camden, N. J.: DA-04-493-qm-1442, DA-04-493-qm-1611, DA-04-493-qm-2797, DA-11-009-qm-1539, DA-11-009-qm-2914.

Canadian Commercial Corp., Ottawa, Canada: DA-28-017-ord-1056, MPA-30-287-md-2396, N173s-16121, N600s-8941, AF 33(038)-14727.

Candling Light Co., San Francisco, Calif.: MPA-30-287-md-2602.

Canister Co., Inc., The, Phillipsburg, N. J.: NObs 59164.

Cannelette Shipbuilding Co., Slidell, La.: DA-16-049-tc-633.

Cannon Electric Development Co., Los Angeles, Calif.: N383s-46087.

Cannon Mills Co., Kannapolis, N. C.: N140s-17975, N140s-18392.

Cantwell Machinery Co., Columbus, Ohio: DA-33-062-eng-26.

Canvas Fabricators, Inc., Chicago, Ill.: DA-11-070-ord-2105.

Capehart-Farnsworth Corp., Fort Wayne, Ind.: DA-11-184-eng-4139, DA-11-184-eng-4190, DA-44-009-eng-376.

Capewell Manufacturing Co., Hartford, Conn.: AF 33(038)-17598.

Cappell MacDonald & Co., Dayton, Ohio: AF 33(038)-16560, AF 33(038)-16916.

Car Builders Equipment, Landisville, Pa.: DA-49-074-tc-107, DA-49-074-tc-111.

Carb Manufacturing Co., Brooklyn, N. Y.: N383s-29570.

Carbolov Co., Inc., Detroit, Mich.: DA-28-017-ord-797.

Carborundum Co., The, Niagara Falls, N. Y.: NOrd 10982.

Cardell Manufacturers, Dayton, Ohio: AF 33(038)-16932, AF 33(038)-18184.

Cardex Corp., Chicago, Ill.: N160s-4425.

Cardox Western, Inc., Los Angeles, Calif.: N220s-54443.

Carey-Hirsch Lumber Co., Memphis, Tenn.: DA-09-026-eng-5270, DA-09-026-eng-7227.

Cargo Lumber & Timber Co., Brooklyn, N. Y.: DA-30-182-tc-326.

Cargo Packers, Inc., New York, N. Y.: DA-36-039-sc-7448.

Cargoaire Engineering Corp., New York, N. Y.: N383s-38517, N383s-40826.

Carlisle, A., & Co., San Francisco, Calif.: DA-04-493-qm-2948.

Carlisle Corp., Carlisle, Pa.: DA-20-089-ord-3061, DA-20-089-ord-3105, DA-20-089-ord-3120.

Carlson, G. O., Inc., Thorndale, Pa.: N220s-53580, N600s-8265.

Carnation Co., Los Angeles, Calif.: DA-04-192-qm-3857, DA-11-009-qm-1545, DA-11-009-qm-1894, DA-11-009-qm-1936, DA-11-009-qm-2023.

Carnegie-Illinois Steel Corp., Pittsburgh, Pa.: DA-11-032-eng-634, DA-20-089-ord-2890, DA-20-089-ord-4001, DA-20-089-ord-4229, DA-20-089-ord-4265, DA-20-089-ord-4943, DA-20-089-ord-4946, DA-20-089-ord-5033, DA-20-089-ord-5102, N600s-8262, N600s-8501, N600s-8538, N600s-8790, N600s-8799 and L. I., N600s-8922, N600s-9101, N600s-9116, N600s-9149, N600s-9470, N600s-9480, N600s-9493, N600s-9903, N600s-9913, N600s-9915, N600s-9920, N600s-9937.

Carolescent Manufacturing Co., Inc., Charlotte, N. C.: NOm 57704.

Carpenter Paper Co., San Antonio, Tex.: A. 41(142)-205.

Carpenter Steel Co., Reading, Pa.: DA-12-036-qm-1776 L. I., N600s-9576.

Carpet House, Colorado Springs, Colo.: AF 30(317)-14.

Carr-Consolidated Biscuit Co., Chicago, Ill.: DA-11-009-qm-1372, DA-11-009-qm-1607.

Carrier Corp., Syracuse, N. Y.: DA-28-017-ord-896, DA-28-017-ord-1009, DA-30-075-1269, N102s-52754, N104s-14925, N160s-2910.

Carroll Chain Co., The, Columbus, Ohio: N323s-41632.

Carroll & Edwards, Cincinnati, Ohio: DA-33-062-eng-46.

Carroll Verge & Whipple, Pittsfield, Mass.: NOy 21896.

Carrollton Manufacturing Co., Carrollton, Ohio: MPA-30-287-md-3015.

Carron Manufacturing Co., Chicago, Ill.: DA-36-039-sc-7917.

Carter, C. W., Co., San Francisco, Calif.: N52m 25415.

Carter, S. C., Jr., New York, N. Y.: AF 33(038)-15730.

Carter, W. T., & Bro., Houston, Tex.: DA-09-026-eng-5145, DA-09-026-eng-6663.

Carter, Ralph B., Co., Hackensack, N. J.: DA-11-184-eng-5404, DA-11-184-eng-5744, N160s-3336.

Carthage Knitwear Corp., Philadelphia, Pa.: DA-30-280-qm-5967, DA-30-280-qm-7737.

Carver Pump Co., Muscatine, Iowa: DA-11-184-eng-5390.

Cary & Co., Pensacola, Fla.: AF 8(094)-320.

Cary Lumber Co., Tillery, N. C.: DA-09-026-eng-5132, DA-09-026-eng-7052.

Cascade Pole Co., Tacoma, Wash.: AF 4(171)-134, AF 4(171)-379.

Case-Swayne Co., Inc., Santa Ana, Calif.: DA-11-009-qm-1205, DA-11-009-qm-1208.

Case, J. I., Co., Racine, Wis.: DA-11-184-eng-4918, DA-11-184-eng-5037, DA-11-184-eng-5463, DA-11-184-eng-5726, DA-11-184-eng-5855.

Casellini-Venable Corp., Barre, Vt.: DA-30-127-qm-213.

Cash, A. W., Valve Manufacturing Corp., Decatur, Ill.: N104s-15706.

Castle, Wilmot, Co., Rochester, N. Y.: DA-23-076-md-3426.

Caterpillar Tractor Co., Peoria, Ill.: DA-11-184-eng-3746, DA-11-184-eng-3950, DA-11-184-eng-4047, DA-11-184-eng-4554, DA-11-184-eng-4671, DA-11-184-eng-4684, DA-11-184-eng-4698, DA-11-184-eng-5607, DA-11-184-eng-5903, DA-11-184-eng-6124, DA-36-022-tc-1859, DA-36-022-tc-3051, DA-36-022-tc-3066, DA-44-009-eng-330, N160s-2914, N160s-2948.

Caulk, L. D., Co., The, Milford, Del.: MPA-30-287-md-1659, MPA-30-287-md-3160.

Cavalier Garment Co., Evansville, Ind.: DA-30-280-qm-7372.

Cavanaugh Lumber Co., Jeffersonville, Ind. DA-12-036-qm-1255.

Ceco Gauge & Tool Co., Royal Oak, Mich.: DA-28-017-ord-957.

Ceco Steel Products Corp., Chicago, Ill.: DA-11-184-eng-4007, DA-11-184-eng-5007, DA-11-184-eng-5666.

Celanese Corp. of America, New York, N. Y.: N383s-42938, AF 41(142)-139.

Celotex Corp., The, Chicago, Ill.: DA-11-184-eng-5644.

Central Architectural Iron Works, Chicago, Ill.: DA-11-184-eng-4656, DA-11-184-eng-4925, DA-11-184-eng-5414.

Central Bag & Burlap Co., Inc., Newark, N. J.: DA-11-184-eng-5831.

Central Iron & Steel Co., Harrisburg, Pa.: N600s-8231.

Central Lumber & Supply Co., Inc., Seattle, Wash.: DA-45-045-tc-191.

Central Safety Equipment Co., Philadelphia, Pa.: N383s-42532.

Central Sash & Door Co., Kansas City, Mo.: DA-23-037-aV-18.

Central Scientific Co., Chicago, Ill.: N173s-15830.

Central States Paper & Bag Co., St. Louis, Mo.: DA-30-280-qm-8054.

Central Steel & Wire Co., Chicago, Ill.: DA-12-036-qm-1717 L. I.

Central Texas Machine Co., Abilene, Tex.: DA-41-294-eng-5 L. I.

Century Electric Co., St. Louis, Mo.: DA-11-184-eng-4565, DA-11-184-eng-5706, DA-11-184-eng-5883, N104s-13760, N104s-15603.

Century Tool Co., Philadelphia, Pa.: DA-36-039-sc-8358, N600s-7713, N600s-7871, N600s-8042, N600s-8647, N600s-8643, N600s-8649, AF 40(087)-97.

Certain-Teed Products Corp., Ardmore, Pa.: DA-11-184-eng-4256.

Certified Products Co., Chicago, Ill.: DA-11-009-qm-3369, DA-11-009-qm-3373.

Cessna Aircraft Co., Wichita, Kans.: AF 33(038)-14749, AF 33(038)-17136.

Chaffee Bros. Co., Oxford, Mass.: DA-19-035-aI-35.

Chain Belt Co., Milwaukee, Wis.: DA-11-184-eng-3624, DA-11-184-eng-3641, N104s-3201.

Chamberlain, S. F., Co., Long Island City, N. Y.: NOnr 9300, NOnr 11900.

Chamberlain Corp., Waterloo, Iowa: DA-04-493-qm-1641, DA-04-493-qm-2543.

Chamberlain Machine Tool, Bellows Falls, Vt.: DA-30-144-ord-521, DA-30-144-ord-531.

Chambersburg Engineering Co., Chambersburg, Pa.: DA-11-184-eng-5813, DA-19-038-ord-1201.

Champion Machine Works, New Orleans, La.: DA-16-048-tc-634.

Champion Shoe Machinery Co., St. Louis, Mo.: N104s-13873.

Champion Spark Plug Co., Toledo, Ohio: AF 33(038)-17602.

Chanslor & Lyon Co., Los Angeles, Calif.: N160s-3255.

Chapman Lace & Embroidery Co., Union City, N. J.: DA-30-280-qm-7896.

Chapman Valve Manufacturing Co., The Indian Orchard, Mass.: N383s-41869.

Charleston Stevedoring Co., Charleston, S. C.: DA-30-182-tc-199.

Charms Sales Co., Asbury Park, N. J.: N189s-76131.

Chase Aircraft Co., Inc., West Trenton N. J.: W33-038 ac 17025 C. O. No. 17, W33-038 ac 17026 C. O. No. 12.

Chase Bag Co., Chicago, Ill.: DA-11-184-eng-3891, DA-11-184-eng-5122, DA-11-184-eng-5897.

Chase Brass & Copper Co., Inc., Waterbury, Conn.: DA-11-184-eng-4086, DA-23-076-md-335, DA-28-017-ord-1123, DA-28-017-ord-1155.

Chase Chemical Co., Newark, N. J.: MPA-30-287-md-2174.

Chase, M. J., Co., Pawtucket, R. I.: MPA-30-287-md-2008.

Chase & Rice, Inc., Bayonne, N. J.: NOm 57394.

Chatham Electronics Corp., Newark, N. J.: DA-28-043-sc-5422, DA-36-039-sc-6665, DA-36-039-sc-7309, DA-36-039-sc-8411, DA-49-170-sc-21, NObr 52059.

Chattahoochee Valley Lumber Co., La Grange, Ga. DA-09-026-eng-4423, DA-09-026-eng-7207.

Chayes Dental Instrument Corp., New York, N. Y. MPA-30-287-md-2427.

Chefford Master Manufacturing Co., Inc., Fairfield, Ill.: DA-28-017-ord-870, DA-28-017-ord-1076, DA-28-017-ord-1154.

Chelsea Products, Inc., Chelsea, Mass.: DA-19-020-ord-36.

Cheney Bros., Manchester, Conn.: DA-30-280-qm-5745.

Cheronis, Dr. Nicholas, Chicago, Ill.: DA-44-109-qm-297.

Cherry-Burrell Corp., Chicago, Ill.: DA-11-070-ord-1879.

Cherry Rivet Co., Los Angeles, Calif.: N600s-9642.

Chesebrough Manufacturing Co., New York, N. Y.: MPA-30-287-md-2280.

Chester Morton Products Co., Chester, Pa.: DA-36-039-sc-7356.

Chesterfield Lumber Co., Monroe, N. C.: DA-09-026-eng-5141, DA-09-026-eng-7590, DA-09-026-eng-7595.

Chevron Manufacturing Co., New York, N. Y.: DA-30-280-qm-7897.

Chevy Chase Co., San Jose, Calif.: DA-11-009-qm-3198.

Chicago Aerial Survey Co., Chicago, Ill.: AF 33(038)-14928, AF 33(038)-15253, AF 33(038)-16629, AF 33(038)-16904.

Chicago Apparatus Co., Chicago, Ill.: MPA-30-287-md-1935, MPA-30-287-md-2014, MPA-30-287-md-3226, MPA-30-287-md-3348, MPA-30-287-md-3771.

Chicago Dryer Co., Chicago, Ill.: NObs 53499.

Chicago Metal Hose Corp., Maywood, Ill.: AF 33(038)-15512.

Chicago Pneumatic Tool Co., New York, N. Y.: DA-04-015-ord-4548, DA-11-032-eng-302, DA-11-184-eng-4838, DA-11-184-eng-5704, DA-11-184-eng-5912, DA-41-117-ord-811, N104s-15924, AF 33(038)-14529.

Chicago Rawhide Manufacturing Co., Chicago, Ill.: N104s-14458.

Chicago Show Printing Co., Chicago, Ill.—Mystik Adhesive Products Division: AF 33(038)-15427.

Chicago Telephone Supply Corp., Elkhart, Ind.: DA-36-039-sc-7946.

Chicopee Mills, Inc., New York, N. Y.: NOm 57130.

Chiksan Co., Brea, Calif.: N383s-39752, AF 33(038)-16042.

Chilcotte Laboratories, Morris Plains, N. J.: MPA-30-287-md-2159, MPA-30-287-md-2461.

Chippewa Paper Products Co., Inc., Chicago, Ill.: DA-30-280-qm-5274.

Chisholm & Eiford, Bellingham, Wash.: DA-45-108-eng-523.

Christian, J. D., Engineering Co., San Francisco, Calif.: DA-11-184-eng-5713, DA-36-022-tc-1926, DA-36-022-tc-2085, DA-36-022-tc-2109.

Christy Surgical Co., Freemont, Ohio: MPA-30-287-md-3320.

Chrysler Corp., Detroit, Mich.: DA-11-184-eng-5886, DA-20-089-ord-3040, NOa(s) 12268, NOa(s) 12269. Airtemp Division: DA-11-184-eng-4406, DA-11-184-eng-5451.

Ciba Pharmaceutical Products Co., Summit, N. J.: MPA-30-287-md-2686.

Cicero Canning Co., Cicero, Ind.: DA-11-009-qm-4037.

Cinch Manufacturing Corp., Chicago, Ill.: DA-36-039-sc-6612.

Cincinnati Coffin Co., Cincinnati, Ohio: DA-12-036-qm-1780 L. I., AF 33(038)-17395.

Cincinnati Electronics Co., Cincinnati, Ohio: AF 33(038)-15073, AF 33(038)-16180, AF 33(038)-16181.

Cincinnati Industries, Inc., Cincinnati, Ohio, DA-04-493-qm-2483, DA-04-493-qm-2650.

Cincinnati Milling Machine Co., The, Cincinnati, Ohio: DA-11-078-ord-141, DA-19-058-ord-1193, DA-20-089-ord-4895, DA-30-144-ord-633, NObs 59150 and L. I.

Cinderella Foods, Dawson, Ga.: DA-11-009-qm-4610.

Cineffects, Inc., New York, N. Y.: DA-36-039-sc-3404.

Cities Service Oil Co., New York, N. Y.: ASP 2422 C. O. No. 4 and C. O. No. 6, ASP 3318, ASP 3475.

Cities Service Research & Development Co., Hillside, N. J.: N151s-86898.

Clapp, Wm. F., Laboratories, Inc., Duxbury, Mass.: NObs 53192.

Clark & Barlow Hardware Co., Chicago, Ill.: DA-11-184-eng-5376.

Clark Bros. Co., Inc., Olean, N. Y.: N140s-19548.

Clark Cable Co., Cleveland, Ohio: DA-20-080-ord-3694.

Clark Controller Co., The, Cleveland, Ohio: N104s-14942.

Clark, David, Co., Inc., Worcester, Mass.: AF 33(038)-16753, AF 33(038)-18015.

Clark Equipment Co., Buchanan, Mich.: N160s-3019, N600s-8147.

Clark Grave Vault Co., Columbus, Ohio: DA-11-184-eng-4246, DA-11-184-eng-5667.

Clark Heating Co., Columbia, S. C.: DA-38-042-aIII-9, DA-38-042-aIII-30 L. I.

Clark Metal Products, Inc., Fairfield, Conn.: AF 33(038)-15627.

Clark & Sons, Crocker, Mo.: DA-23-037-aV-19.

Clary Multiplier Corp., Los Angeles, Calif.: N383s-37745.

Classic City Overall Co., Athens, Ga.: DA-30-280-qm-7178.

Clay-Adams Co., Inc., New York, N. Y.: MPA-30-287-md-3036, MPA-30-287-md-4476.

Cla-Val Co., Alhambra, Calif.: NObs 50441, NObs 53211, NObs 53352 L. I.

Clayton Manufacturing Co., El Monte, Calif.: DA-11-184-eng-4825, N104s-14708.

Cleanser Products, Inc., Chicago, Ill.: DA-30-280-qm-6660.

Clearing Machine Corp., Chicago, Ill.: DA-36-038-ord-1245.

Cleaver-Brooks Co., Milwaukee, Wis.: DA-11-171-ord-91, DA-11-184-eng-4259, DA-12-036-qm-1559, DA-12-036-qm-1560, NObs 53011, NOy 21324, N160s-4406.

Cleveland City Forge Co., Cleveland, Ohio: DA-36-022-tc-1721, DA-36-022-tc-3122.

Clements, Al, Lumber Co., Hendricks, Ore.: DA-35-026-eng-5815.

Clements Manufacturing Co., Chicago, Ill.: N104s-14690.

Cleveland Bros. Equipment Co., Harrisburg, Pa.: DA-30-127-qm-203.

Cleveland Chain & Manufacturing Co., The, Cleveland, Ohio: N383s-41634.

Cleveland City Forge Co., Cleveland, Ohio: DA-36-022-tc-3122.

Cleveland Hardware & Forging Co., The, Cleveland, Ohio: DA-11-184-eng-5849.

Cleveland Pneumatic Tool Co., The, Cleveland: N383s-27174 and L. I., N383s-31477, N383s-32184, N383s-36298, N383s-36382, N383s-37393 L. I., N383s-37797, L. I., N383s-40008, N383s-41439, N383s-43996, W33-038 ac 22439, AF 33(038)-14723, AF 33(038)-15468, AF 33(038)-17775.

Cleveland Range Co., Cleveland, Ohio: N160s-3044.

Cleveland Steel Barrell Co., Cleveland, Ohio: N383s-41857, AF 33(038)-17328.

Cleveland Trencher Co., Cleveland, Ohio: N160s-2911.

Cleveland Twist Drill Co., The, Cleveland, Ohio: N600s-8590, N600s-8667.

Clifford Manufacturing Co., Waltham, Mass.: N383s-41191.

Clifton & Appleton, Spokane, Wash.: DA-45-108-eng-515.

Climax Engine & Pump Manufacturing Co., Clinton, Iowa: DA-11-184-eng-3960, DA-11-184-eng-4019, DA-11-184-eng-5712, DA-11-184-eng-6069.

Climax Machinery Co., Indianapolis, Ind.: AF 33(038)-14746.

Climax Molybdenum Co. of Michigan, Detroit, Mich.: AF 33(038)-16197.

Clinton Machine Co., Clinton, Mich.—Warner Division: N383s-43505, AF 33(038)-15895.

Clow, James B., & Sons, Chicago, Ill.: DA-11-184-eng-5554.

Clyde Iron Works, Inc., Duluth, Minn.: N104s-14491.

Coast Paint & Chemical Co., Los Angeles, Calif.: N383s-39989.

Coastal Petroleum Corp., Mobile, Ala.: ASP 2472.

Coastal Terminals, Inc., Charleston, S. C.: DA-44-109-qm-2239 Amd. No. F.

Coates Electric Manufacturing Co., Seattle, Wash.: DA-36-039-sc-7473.

Coatesville Plate Washer Co., Philadelphia, Pa.: N383s-41426.

Cochran Foil Co., Louisville, Ky.: AF 33(038)-15593.

Cochrane Corp., Philadelphia, Pa.: N104s-14221.

Codman, Glen L., Co., Inc., Oakland, Calif.: N52m 25270, N160s-3148.

Coe Laboratories, Inc., Chicago, Ill.: MPA-30-287-md-4479.

Coffing Hoist Co., Danville, Ill.: DA-11-070-ord-2189.

Coil Winders, Inc., Brooklyn, N. Y.: DA-36-039-sc-8480.

Cole Laboratories, Inc., Long Island City, N. Y.: DA-11-184-eng-3822, DA-28-024-ord-742, DA-28-024-ord-781.

Cole, William, Newburgh, N. Y.: DA-09-026-eng-7211, N383s-39275, N383s-39600, AF 33(038)-15331.

Cole-Hersee Co., Boston, Mass.: DA-11-184-eng-5049, DA-11-184-eng-6018.

Coleman Co., Inc., Wichita, Kans.: DA-44-009-eng-323, DA-44-109-qm-349, MPA-30-287-md-4282.

Coleman Instrument & Manufacturing Co., Tulsa, Okla.: AF 33(038)-16917.

Coleman Instruments, Inc., Maywood, Ill.: MPA-30-287-md-2593.

Coleman Motors Corp., Littleton, Colo.: AF 33(038)-11856.

Colgate-Palmolive-Peet Co., Jersey City, N. J.: DA-04-493-qm-2679, DA-28-017-ord-967, DA-30-280-qm-4902.

Collegiate Manufacturing Co., Ames, Iowa: DA-30-280-qm-5933.

Collins Co., Collinsville, Conn.: N600s-8655.

Collins Engineering Co., Culver City, Calif.: AF 33(038)-17113.

Collins Radio Co., Cedar Rapids, Iowa: DA-36-039-sc-4743 L. I., DA-36-039-sc-6944, NOa(s) 244, NOa(s) 11088, NOa(s) 12225, NOa(s) 12245, NOa(s) 12258, NOa(s) 12267, NOa(s) 12274, NOa(s) 51103, N126s-15755, N189s-76774, AF 33(038)-16284, AF33(038)-16910.

Collyer Insulated Wire Co., Pawtucket, R. I.: N383s-38289 and L. I.

Colonial Molasses Co., Inc., Jersey City, N. J.: DA-30-280-qm-1140, DA-11-009-qm-1328, DA-11-009-qm-1468.

Colonial Rubber Co., Ravenna, Ohio: DA-20-089-ord-4807.

Colonial Sugars Co., New York, N. Y.: DA-30-280-qm-5181, DA-30-380-qm-5331, DA-30-280-qm-8672.

Colonna, Angelo, Philadelphia, Pa.: DA-11-009-qm-2485.

Colorado Fuel & Iron Corp., The, Denver, Colo.: DA-11-009-qm-3640, DA-11-184-eng-3980, DA-11-184-eng-4555, DA-11-184-eng-5935, DA-11-184-eng-6029, N383s-41395, N600s-9505.

Colorado Milling & Elevator Co., Denver, Colo.: DA-11-009-qm-1147, DA-11-009-qm-1367, DA-11-009-qm-4467.

Colorbac, Inc., San Francisco, Calif.: N220s-55714, N220s-56363.

Colson Corp., The, Elyria, Ohio: MPA-30-287-md-2772, AF 33(038)-15012.

Colson Equipment & Supply Co., Los Angeles, Calif.: N123s-68440.

Colt's Manufacturing Co., Hartford, Conn.: DA-19-058-ord-1124, DA-19-058-ord-1227, DA-19-058-ord-1406, DA-19-058-ord-1679, DA-19-058-ord-1684.

Columbia Paper Mill, Vancouver, Wash.: MPA-30-287-md-2149.

Columbia Plywood, Kalama, Wash.: DA-35-026-eng-5922, DA-35-026-eng-5923.

Columbia Steel Co., San Francisco, Calif.: DA-45-103-eng-613, Nom 57486, N220s-58039, N600s-8809, N600s-9143, N600s-9478, N600s-9910.

Columbia Steel & Shafting Co., Pittsburgh, Pa.: DA-20-089-ord-4628.

Columbia Trailer Co., Van Nuys, Calif.: N160s-3014.

Columbia Wire & Supply Co., Chicago, Ill.: DA-11-184-eng-4254.

Columbian Bronze Corp., Freeport, N. Y.: NObs 59045, N104s-13855.

Columbian Steel Tank Co., Kansas City, Mo.: DA-11-184-eng-5475, DA-11-184-eng-5770, DA-36-039-sc-154.

Columbus Dental Manufacturing Co., Columbus, Ohio: MPA-30-287-md-2027, MPA-30-287-md-3899.

Columbus Electric Corp., Yonkers, N. Y.: DA-36-039-sc-6703, DA-36-039-sc-9353.

Columbus Lumber Co., Columbus, Ga.: DA-09-026-eng-2496, DA-09-026-eng-4241, DA-09-026-eng-4555, DA-09-026-eng-4569, DA-09-026-eng-5024, DA-09-026-eng-5027, DA-09-026-eng-5041, DA-09-026-eng-5044, DA-09-026-eng-5045, DA-09-026-eng-5072, DA-09-026-eng-5101, DA-09-026-eng-5159, DA-09-026-eng-5166, DA-09-026-eng-5230, DA-09-026-eng-5287, DA-09-026-eng-5312, DA-09-026-eng-5412, DA-09-026-eng-5414, DA-09-026-eng-5437, DA-09-026-eng-6867, DA-09-026-eng-7219, DA-09-026-eng-7246. AF 33(038)-15617.

Combusion Engineering-Superheater, Inc., New York, N. Y.: NObs 53179 L. I., NObs 53220, NObs 53235, NObs 53259, N220s-54203, N220s-55526.

Comfort Cushion Co., Detroit, Mich.: DA-20-089-ord-6200.

Commercial Engineering Co., Washington, D. C.: NObr 53469 L. I., NObs 53463, NObs 53567, N104s-14331.

Commercial Filters Corp., Boston, Mass.: DA-11-184-eng-5401.

Commercial Picture Equipment, Chicago, Ill.: AF 33(038)-17354.

Commercial Shearing & Stamping Co., The, Youngstown, Ohio: DA-11-184-eng-4141, DA-11-184-eng-4179, DA-11-184-eng-4319, DA-11-184-eng-4523, DA-11-184-eng-5070, DA-11-184-eng-5177, DA-11-184-eng-5362, DA-11-184-eng-5422, DA-11-184-eng-5423.

Commercial Ship Repair, Seattle, Wash.: W-45-045-tc-141.

Commercial Solvents Corp., New York, N. Y.: DA-49-007-md-102, DA-49-007-md-104 L. I.

Communication Devices Co., New York, N. Y.: DA-36-039-sc-5945.

Communication Products Co., Inc., Trenton (Keyport), N. J.: DA-36-039-sc-4757 L. I., N173s-15952.

Compco Corp., Chicago, Ill.: AF 33(038)-15692.

Comstock Canning Corp., Newark, N. J.: DA-11-009-qm-1325.

Cone Export & Commission Co., New York, N. Y.: N140s-18189, N140s-18267.

Conkey, H. D., & Co., Mendota, Ill.: DA-11-009-qm-3318.

Conn, C. G., Ltd., Elkhart, Ind.: DA-30-280-qm-6222.

Connor Engineering & Manufacturing Co., Hyattsville, Md.: N383s-39350.

Conrad Embroidery Co., Union City, N. J.: DA-30-280-qm-7898.

Conro Manufacturing Co., Dallas, Tex.: DA-30-280-qm-7375.

Consolidated Dairy Products Co., Seattle, Wash.: DA-11-009-qm-2660, DA-11-009-qm-2931, DA-11-009-qm-3092, DA-45-064-qm-1166, DA-45-064-qm-1486, DA-45-064-qm-1491.

Consolidated Engineering Corp., Pasadena, Calif.: AF 8(169)-79, AF 33(099)-1543.

Consolidated Radio Products Corp., Chicago, Ill.: N126s-12650, AF 33(038)-14921.

Consolidated Vultee Aircraft Corp., San Diego, Calif.: NOa(s) 12143, NOrd 16739 L. I., NOrd 11028, NOrd 11065, N123s-68523, N123s-70183, W33-038 ac 7 C. O. No. 96, AF 33(038)-5958 S. A. No. 7, AF 33(038)-14547 S. A. No. 12, AF 33(038)-14755, AF 33(038)-14757, AF 33(038)-15425, AF 33(038)-15532, AF 33(038)-15726, AF 33(038)-16451.

Consolidated Western, Knoxville, Tenn.: DA-11-184-eng-4250.

Consolidated Western Steel Corp., Los Angeles, Calif.: N123s-68931.

Constantin, L. I. & Co., Clifton, N. J.: DA-36-039-sc-9206, AF 33(149)-660.

Construction Machinery Co., Waterloo, Iowa: DA-11-184-eng-5979.

Construction Supply Corp., Norfolk, Va.: N189s-76606.

Consultants & Designers, Inc., New York, N. Y.: DA-19-058-ord-1633, DA-19-058-ord-1702.

Container Corp. of America, Chicago, Ill.: DA-11-009-qm-1714, DA-11-009-qm-1672, DA-11-009-qm-2913, DA-42-015-qm-1136, DA-44-493-qm-1805.

Continental Aviation & Engineering Corp., Detroit, Mich.: NOa(s) 12174, N383s-40141.

Continental Can Co., Inc., New York, N. Y.: DA-18-108-cml-1267, DA-19-025-cml-4.

Continental Copper & Steel Industries, Inc., Buffalo, N. Y.—Alloy Fabricators Division (Wellin Davit & Boat): DA-44-009-eng-366. Hanover Wire Cloth Division: N383s-38706, N383s-40686. Quality Hardware & Machine Division: DA-19-058-ord-1469.

Continental-Diamond Fibre, Newark, Del.: DA-18-108-cml-458.

Continental Electric Co., Inc., Newark, N. J.: N104s-15010.

Continental Electronics, Ltd., Brooklyn, N. Y.: DA-36-039-sc-8474.

Continental Hospital Service, Inc., Cleveland, Ohio: MPA-30-287-md-4185.

Continental Motors Corp., Muskegon, Mich.: DA-11-184-eng-3846, DA-11-184-eng-5670, DA-20-089-ord-2110, DA-20-089-ord-2441, DA-20-089-ord-2831, DA-20-089-ord-2907, DA-20-089-ord-3472, DA-20-089-ord-3587, DA-20-089-ord-4108, DA-20-089-ord-4930 S. A. No. 1, AF 33(038)-14762, AF 33(038)-16041.

Continental Oil Co., Ponca City, Okla.: ASP 2960, ASP 3307, ASP 3444, ASP 3474.

Continental Steel Corp., Kokomo, Ind.: DA-11-184-eng-3975, DA-11-184-eng-4932, DA-11-184-eng-5662, DA-11-184-eng-5895.

Contractors Mid Pacific Co., Honolulu, T. H.: NOy 22640.

Control Engineering Corp., Canton, Mass.: AF 33(038)-16613.

Control Instrument Co., Inc., Brooklyn, N. Y.: NOa(s) 12215, NOrd 10347, NOrd 10948, N104s-13474, N104s-15313.

Converse, J. B., Co., Inc., Mobile, Ala.: DA-01-076-eng-594.

Converse Rubber Co., Malden, Mass.: DA-30-280-qm-7722.

Converto Manufacturing Co., Cambridge, Ind.: DA-11-184-eng-4274, DA-11-184-eng-5839.

Cook Chocolate Co., Chicago, Ill.: DA-11-009-qm-1345, DA-11-009-qm-1352, N220s-55865.

Cook Electric Co., Chicago, Ill.: NOnr 8602, N383s-36711, N383s-37779, AF 33(038)-15619, AF 33(038)-15629, AF 33(038)-15725, AF 33(038)-15948.

Cook, C. Lee., Manufacturing Co., Inc., Louisville, Ky.: N104s-14805.

Cook-Waite Laboratories, Inc., New York, N. Y.: MPA-30-287-md-1658.

Cooper-Bessemer Corp., The, Mount Vernon, Ohio: DA-04-197-tc-796, DA-04-197-tc-804, DA-36-022-tc-2200, DA-36-022-tc-2635, DA-36-022-tc-2664, DA-36-022-tc-2670, DA-36-022-tc-2671, DA-36-022-tc-2694, DA-36-022-tc-2777, DA-45-045-tc-304, DA-45-045-tc-308, N104s-13368, N104s-14431.

Cooper, D. C., Co., Chicago, Ill.: DA-11-070-ord-1756.

Cooper Electronic Products Co., Philadelphia, Pa.: DA-36-039-sc-6292.

Cooper Precision Products Co., Los Angeles, Calif.: AF 33(038)-15720.

Co-operative Industries, Inc., Chester, N. J.: DA-20-089-ord-4819.

Coopersburg Handle Works, Coopersburg, Pa.: DA-11-009-qm-2007.

Coppus Engineering Corp., Worcester, Mass.: N104s-14197.

Corbitt Co., The, Henderson, N. C.: DA-20-089-ord-9223.

Cork Insulation Co., Inc., New York, N. Y.: N383s-37043, N383s-43222.

Corn Products Sales Co., Argo, Ill.: DA-11-009-qm-1303, DA-11-009-qm-1651, DA-11-009-qm-4030.

Cornelius Co., The, Minneapolis, Minn.: NOa(s) 12180, N383s-42629, AF 33(038)-14820, AF 33(038)-15466, AF 33(038)-15964, AF 33(038)-18311.

Cornell Dubilier Electric Corp., South Plainfield, N. J.: DA-11-184-eng-4089, DA-11-184-eng-4294, DA-36-039-sc-4032, DA-36-039-sc-6652, DA-36-039-sc-7330, DA-36-039-sc-8403, DA-36-039-sc-8588.

Corning Glass Works, Corning, N. Y.: DA-11-009-qm-1025, NObs 5221, N383s-45260.

Cost Spotlight Equipment Co., Los Angeles, Calif.: N160s-3297.

Cotta Transmission Co., Rockford, Ill.: DA-11-184-eng-5568.

Cotton, Harold H., Lowell, Mass.: DA-11-184-eng-NA.

Courtland Laboratories, Los Angeles, Calif.: MPA-30-287-md-1852.

Couse Manufacturing, Inc., Newark, N. J.: DA-36-109-eng-144.

Covert Manufacturing Co., Troy, N. Y.: DA-20-089-ord-6511.

Cowles Chemical Co., The, Cleveland, Ohio: N140s-17965.

Cox & Stevens Aircraft Corp., Mineola, Long Island, N. Y.: N383s-42702, W33-038-ac 19540 S. A. No. 4, Order (33-038)48-3636 C. O. No. 3.

Coyne Mattress Co., Honolulu, T. H.: DA-94-611-qm-110.

Cramer, R. W., Co., Inc., Centerbrook, Conn.: N126s-14408, AF 33(038)-15518, AF 33(038)-16532.

Cramer Posture Chair Co., Inc., Kansas City, Mo.: DA-11-009-qm-3311, DA-49-170-sc-109 L. I., AF 33(038)-18292.

Crane, Carl C., Inc., Madison, Wis.: AF 33(038)-16172.

Crane Co., Chicago, Ill.: DA-11-022-ord-59, DA-11-184-eng-3567, DA-11-184-eng-5426, DA-11-184-eng-5527, DA-20-089-ord-5144, NOm 57291, N104s-14021, N104s-15024, N123s-69688, N123s-70652, N160s-2994, N160s-3030, N160s-3054, N160s-3086, N160s-3087, N160s-3472, N160s-4414, N383s-43359, AF 33(038)-16632.

Crane Packing Co., Chicago, Ill.: N383s-39167, N383s-42913.

Crawford-Austin Mfg. Co., Waco, Tex.: DA-30-280-qm-6110.

Crawford Corp., Baton Rouge, La.: DA-11-184-eng-5201, DA-11-184-eng-5263, DA-11-184-eng-5303.

Crawford Corp., The, Gloster, Miss.: DA-11-184-eng-4339.

Crawford Lumber, Nacogdoches, Tex.: DA-09-026-eng-2624.

Creative Arts Studio, Inc., Washington, D. C.: NOa(s) 265.

Crescent Dental Manufacturing Co., Chicago, Ill.: MPA-30-287-md-1643, MPA-30-287-md-2470, MPA-30-287-md-4061.

Crescent Lumber & Shingle Co., Seattle, Wash.: DA-35-026-eng-5941.

Crescent Truck Co., Lebanon, Pa.: N600s-8951.

Crescent Wharf & Warehouse Co., Terminal Island, Calif.: N123s-64068.

Crocker Burbank Papers, Inc., Fitchburg, Mass.: DA-30-280-qm-7761.

Crosby Steam Gage & Valve Co., Boston, Mass.: NObs 53255, N104s-13525, N104s-15053, N104s-15765.

Crosse & Blackwell Co., Baltimore, Md.: DA-11-009-qm-2033, DA-11-009-qm-2285, DA-11-009-qm-2503, DA-11-009-qm-2682, DA-11-009-qm-3836.

Crossett Lumber Co., Crossett, Ark.: DA-09-026-eng-5344.

Crossfield Products Corp., Los Angeles, Calif.: N111s-54408, N111s-54819, N189s-77032.

Crouse-Hinds Co., Syracuse, N. Y.: AF 33(038)-15763.

Crow, Rollin S., Inc., Chicago, Ill.: DA-09-026-eng-4337, DA-35-026-eng-5985.

Crown Cork & Seal Co., Inc., Baltimore, Md.: DA-30-144-ord-401, DA-36-034-ord-61, NOrd 11064.

Crown Iron Works Co., Minneapolis, Minn.: DA-11-184-eng-4660, DA-11-184-eng-5259, DA-11-184-eng-5333.

Crown Office Supply Co., Chicago, Ill.: DA-11-009-qm-1933, DA-11-009-qm-2387.

Crown Zellerbach Corp., San Francisco, Calif.: DA-04-493-qm-2587.

Crozier, R. J., Co., Philadelphia, Pa.: N383s-43665.

Crucible Steel Co. of America, New York, N. Y.: DA-30-144-ord-622, DA-30-144-ord-713, DA-36-039-ord-9200, N600s-8176, N600s-9939.

Cube Steak Machine Co., Needham Heights, Mass.: AF 33(038)-17643.

Cudahy Packing Co., The, Chicago, Ill.: DA-11-009-qm-1214.

Cummings, J. F., Burbank, Calif.: DA-04-353-eng-380, DA-04-353-eng-629.

Cummings Machine Works, Boston, Mass.: DA-19-020-ord-33, DA-19-020-ord-991 S. A. No. 1.

Cummins Engine Co., Inc., Columbus, Ind.: DA-11-184-eng-4504, DA-11-184-eng-5120, DA-11-184-eng-5524, DA-11-184-eng-5648, DA-11-184-eng-6027, DA-36-022-tc-1902, DA-36-022-tc-2220, DA-36-022-tc-2515, DA-36-022-tc-2818, DA-36-022-tc-2968, DA-36-022-tc-3045, DA-36-022-tc-3091, DA-36-022-tc-3092, DA-36-022-tc-3633, N104s-13391, N104s-14245, N104s-14633.

Cunningham, James, Sons & Co., Rochester, N. Y.: DA-11-070-ord-2450, DA-20-089-ord-4248.

Cuno Engineering Corp., Meriden, Conn.: N104s-13883, N104s-16267.

Cupples Co., St. Louis, Mo.: DA-20-089-ord-2194.

Curran & Barry, Roanoke, Ala.: N140s-18125.

Currier Co., Oakland, Calif.: N220s-55707.

Curtice Bros. Co., Rochester, N. Y.: DA-11-009-qm-3503.

Curtis Auto Devices, Inc., Bedford, Ind.: AF 33(038)-15300.

Curtis Lumber Co., Mapleton, Oreg.: DA-35-026-eng-2863.

Curtis Marine Co., Inc., Norfolk, Va.: DA-36-032-tc-2663.

Curtiss Candy Co., Chicago, Ill.: DA-04-493-qm-2668.

Curtiss-Wright Corp., Columbus, Ohio—Airplane Division: N383s-36390, Propeller Division: NOa(s) 51057, W33-038 ac 17958 C. O. No. 20, W33-038 ac 19066 C. O. No. 21 and C. O. No. 23, W33-038 ac 22229, AF 33(038)-3532, AF 33(038)-14811, AF 33(038)-14828, AF 33(038)-14846, AF 33(038)-14849, AF 33(038)-14991, AF 33(038)-15114, AF 33(038)-15604, AF 33(038)-15622, AF 33(038)-16343, AF 33(038)-16807, AF 33(038)-16317, AF 33(038)-18391, Order (33-038)-49-6472, Wright Aeronautical Division: N383s-36817, 33(038)-15939, AF 33(038)-16804, AF 33(038)-18001, AF 33(038)-18052, AF 33(038)-18132, AF 33(038)-18488.

Cushing & Nevell, New York, N. Y.: N60us-6412.

Cushman Motor Works, Lincoln, Nebr.: DA-11-184-eng-4243.

Custom Electronics, Morris Plains, N. J.: DA-36-039-sc-4735.

Cutler-Hammer, Inc., Milwaukee, Wis.: N104s-13189, N104s-15980, N104s-15981, N151s-87534, N151s-87542, N383s-36016, N383s-39263, N383s-40110 AF 33(038)-16364.

Cutler Metal Products Co., Camden, N. J.: DA-36-039-sc-7486.

Cutter Laboratories, Inc., New York, N. Y.: MPA-30-287-md-1458, MPA-30-287-md-1556, MPA-30-287-md-1850, MPA-30-287-md-1863, MPA-30-287-md-2096, MPA-30-287-md-2232, MPA-30-287-md-3565, MPA-30-287-md-4469, MPA-30-287-md-4575.

Cutting Associates, Richard Hawley, Cleveland, Ohio: AF 33(038)-17055.

D & L Oil Sales Co., Newark, N. J.: ASP 3146 C. O. No. 3.

Dade Export Engineering, Alameda, Calif.: DA-04-197-tc-699, DA-04-197-tc-822.

Dahl, George L., Dallas, Tex.: DA-34-066-eng-1413.

Dailey, F. H., Chevrolet, San Leandro, Calif.: DA-04-015-ord-3038, DA-04-015-ord-4332.

Dale Construction Co., Newton, Mass.: DA-19-128-aI-52, DA-19-128-aI-56.

Dallas Lumber Sales Co., Dallas, Ga.: DA-09-026-eng-7696, DA-09-026-eng-7867.

Dan River Mills, Inc., New York, N. Y.: N140s-19173.

Dana Corp., Toledo, Ohio—Spicer Manufacturing Division: N383s-40565, DA-11-184-eng-5399.

Danbury-Knudsen, Inc., Danbury, Conn.: N173s-15630.

Daniel, Edward W., Co., Cleveland, Ohio: DA-36-022-tc-1702, N383s-42443, N383s-42927.

Daniels, C. R., Inc., Daniels, Md.: MPA-30-287-md-2023, MPA-30-287-md-2269.

Daniel Mann Johnson & Mendenhall, Los Angeles, Calif.: NOy 23231.

Daniels, N. J., Tool Co., Inc., Haverhill, N. Y.: N600s-8591.

Danielson Manufacturing Co., Danielson, Conn.: N6000s-9047.

Dant & Russell, St. Helens, Oreg.: DA-11-184-eng-5650.

Darley, W. S., & Co., Chicago, Ill.: DA-11-184-eng-3697, DA-11-184-eng 5581, AF 33(038)-17841.

Darling, R. E., Bethesda, Md.: N383s-44529.

Daven Co., The, Newark, N. J.: DA-36-039-sc-47847.

Davey Compressor Co., Kent, Ohio: DA-11-184-eng-3593 and L. I., DA-36-109-eng-149, N104s-14031, N160s-3177.

Davies-Young Soap Co., Dayton, Ohio: MPA-30-287-md-1652, MPA-30-287-md-3007, N140s-19249.

Davis Aircraft Engineering, Inc., Lexington, Mass.: DA-19-020-ord-2583 C. O. No. 11.

Davis Engineering Corp., Elizabeth, N. J.: N104s-15921.

Davis Filtration Equipment Co., Jersey City, N. J.: NObs 53193.

Davis & Geck, Inc., Brooklyn, N. Y.: MPA-30-287-md-1576, MPA-30-287-md-1862, MPA-30-287-md-3084, MPA-30-287-md-3478, MPA-30-287-md-3905.

Davison Chemical Corp., Baltimore, Md.: DA-30-144-ord-57766, DA-36-039-sc-7449.

Davis Plywood Corp., The, Cleveland, Ohio: DA-35-026-eng-5912.

Davis Precision Machine Co., Los Angeles, Calif.: DA-11-009-qm-2246.

Davol Rubber Co., Providence, R. I.: MPA-30-287-md-1953, MPA-30-287-md-3276.

Day Laboratories, Inc., Chicago, Ill.: MPA-30-287-md-2198.

Day & Zimmerman, Inc., Philadelphia, Pa.: DA-11-173-ord-18, NOa(s) 12201.

Dayton Aircraft Products, Inc., Dayton, Ohio: N383s-37519, AF 33(038)-14942.

Dayton Blue Print Co., Dayton, Ohio: AF 33(038)-13283.

Dayton Rubber Co., The, Dayton, Ohio: DA-20-089-ord-8200.

Dayton Steel Foundry Co., Dayton, Ohio: DA-20-089-ord-7995.

Dayville Manufacturing Co., Dayville, Conn.: DA-30-144-ord-57009.

Dazey Corp., St. Louis, Mo.: DA-12-036-qm-1694.

Deal Deal Trutter, Springfield, Ill.: DA-11-184-eng-3.

Dean Lumber Co., Gilmer, Tex.: DA-09-026-eng-6719.

Dearborn Packing Co., Inc., Chicago, Ill.: DA-04-493-qm-1936.

De Boom Paint Co., San Francisco, Calif.: N383s-44247.

Decatur, Stephen, Brooklyn, N. Y.: DA-36-039-sc-4700, DA-36-039-sc-4861, DA-36-039-sc-7957.

Decatur Iron & Steel Co., Decatur, Ala.: DA-11-184-eng-4654, DA-11-184-eng-5412.

Decatur Pump Co., Decatur, Ill.: N104s-16102.

Defence Devices, Bridgeport, Conn.: DA-28-017-ord-1037.

De Golyer & MacNaughton, Dallas, Tex.: N600s-7553.

De Greeve & Co., Inc., San Francisco, Calif.: N220s-57728.

De Havilland Aircraft of Canada, Ltd., Toronto, Canada: AF 33(038)-18320.

DeJur Amsco Corp., Long Island City, Long Island, N. Y.: DA-36-039-sc-4759, N383s-37777, N383s-38516.

Deknatel, J. A., & Son, Inc., Queens Village, Long Island, N. Y.: MPA-30-287-md-1667, MPA-30-287-md-1861.

Delaney, William M., Co., Salt Lake City, Utah: N220s-55069.

De Laval Pacific Co., San Francisco, Calif.: DA-04-203-eng-679.

De Laval Steam Turbine Co., East Trenton, N. J.: NObs 53180, N220s-55450, N220s-57641.

Delay, Earle & Co., Columbia, S. C.: DA-38-042-aIII-3.

Deline, Edwin F., Co., Denver, Colo.: DA-11-009-qm-1720.

Delmonico Foods, Inc., Louisville, Ky.: DA-11-009-qm-1237, DA-11-009-qm-1229, DA-11-009-qm-1411, DA-11-009-qm-1613.

Delron Co., Inc., The, Los Angeles, Calif.: AF 33(038)-15262.

Delta Canning, Raymondville, Tex.: DA-11-009-qm-2149.

Deluxe Homes, Altoona, Wis.: DA-47-018-aV-74

DeMers, Victor E., Washington, D. C.: NOy 22925, NOy 22926, NOy 23140, NOy 23168.

Deming Co., The, Salem, Ohio: N104s-14167.

Dempster Bros., Inc., Knoxville, Tenn.: NOm 57481, Order (33-101)51-551.

Denison Engineering Co., Columbus, Ohio: DA-28-017-ord-1131, AF 42(014)-88, Order (9-128)51-710.

Denman Tire & Rubber Co., Warren, Ohio: DA-20-089-ord-8189.

Dennison Foods, Oakland, Calif.: DA-04-493-qm-1608.

Dentists' Supply Co. of New York, New York, N. Y.: MPA-30-287-md-1839, MPA-30-287-md-2283, MPA-30-287-md-4119.

Designers for Industry, Inc., Cleveland, Ohio: NOa(s) 12171.

De Stefano, Dominick, Newburgh, N. Y.: DA-09-026-eng-5050.

De Swaan, A., Inc., New York, N. Y.: DA-11-184-eng-5127, DA-30-280-qm-5258.

Detrex Corporation, Detroit, Mich.: DA-11-070-ord-1791.

Detroit Broach Co., Detroit, Mich.: DA-19-058-ord-1299, DA-19-058-ord-1473.

Detroit Gasket & Mfg. Co., Detroit, Mich.: N383s-43910, N383s-44666.

Detroit Lubricator Co., Detroit, Mich.: N4104s-13579, N104s-14398, N104s-15083, N104s-16425.

Detroit-Michigan Stove Co., Battle Creek, Mich., A. B. Stoves Division: DA-11-009-qm-2971.

Detroit Sheet Metal Works, Detroit, Mich.: DA-20-089-ord-4145.

Detroit Steel Corp., Detroit, Mich.: DA-11-184-eng-5983.

Detroit Testing Laboratory Co., Detroit, Mich.: DA-11-171-ord-96.

Deutsch Co., Los Angeles, Calif.: N383s-39922, AF 33(038)-15715.

Deutschmann, Tobe, Corp., Canton, Mass.: DA-20-018-ord-11202, N383s-39808.

Devenco, Inc., New York, N. Y.: N171s-89883.

De Vry Corp., Chicago, Ill.: N104s-15956.

Dewalt, Inc., Lancaster, Pa.: DA-11-184-eng-3756.

Deweese, A., Lumber Co., Philadelphia, Miss.: DA-09-026-eng-5131.

De Weldon, Felix G. W., Washington, D. C.: NOm 57-30.

Dewey & Almy Chemical Co., Cambridge, Mass.: DA-36-039-sc-4726.

Dewey Bros., Goldsboro, N. C.: DA-11-184-eng-4634, DA-11-184-eng-4966, DA-11-184-eng-5139, DA-11-184-eng-5274, DA-11-184-eng-5351.

Dewey-Shepard Boiler Co., Inc., Peru, Ind.: N160s-3131.

Dexter Folder Co., New York, N. Y.: DA-11-009-qm-1709, DA-11-009-qm-2312.

Diagraph-Bradley Industries, Inc., St. Louis, Mo.: DA-04-493-qm-2167, DA-36-039-sc-1536.

Diamond Clak Horseshoe Co., Duluth, Minn.: N600s-8671, N600s-10416.

Diamond Leathercraft Co., Inc., New York, N. Y.: DA-36-038-ord-1877.

Diamond Match Co., The, New York, N. Y.: DA-04-493-qm-1725; DA-04-493-qm-2724.

Diamond Metal Products Co., Blairsville, Pa.: N600s-8027.

Diamond Power Specialty Corp., Lancaster, Ohio: DA-01-021-ord-1749, N104s-13307, N104s-14095, N104s-15830, N104s-16157.

Diamond T. Motor Car Co., Chicago, Ill.: DA-04-015-ord-4475, DA-20-089-ord-8039, DA-20-089-ord-10539, DA-33-079-ord-223, DA-36-035-ord-276.

Diaz, Juan Rivera, Vega Baja, Arecibo, P. R.: DA-96-600-sc-60, DA-96-600-sc-61.

Dicenzo, Thomas, Limestone, Maine: DA-19-016-eng-638.

Dick, Henry V., Co., Columbia, S. C.: DA-38-042-aIII-1112, DA-38-103-aIII-77.

Dicke Tool Co., The, Downers Grove, Ill.: DA-36-039-sc-6759, N600s-9639.

Dictograph Products, Inc., New York, N. Y.: N220s-56878.

Dickinson Lumber, San Francisco, Calif.: DA-04-197-tc-683.

Dictaphone Corp., New York, N. Y.: DA-36-039-sc-5051.

Dierks Lumber & Coal Co., Kansas City, Mo.: DA-09-026-eng-5476.

Diesel Engineering Co., Bridgeport, Conn.: DA-49-045-tc-315.

Dietzsch Products Co., Chesterton, Ind.: DA-11-134-eng-5501.

Dietzgen, Eugene, Co., Chicago, Ill.: DA-11-184-eng-5295, DA-11-184-eng-5555.

Di-Noc Co., Cleveland, Ohio.: AF 23(109)-36.

Dillard Paper Co., Macon, Ga.: AF 9(104)-272.

Distillation Products, Inc., Rochester, N. Y.: N220s-55133.

Disston & Sons, Inc., Henry, Philadelphia, Pa.: DA-11-184-eng-5934, N600s-8725.

Ditto, Inc., Chicago, Ill.: DA-11-184-eng-4738.

Diving Equipment & Supply Co., Milwaukee, Wis.: DA-11-184-eng-4968.

Dixie Lumber Co., New Orleans, La.: DA-09-026-eng-5388, DA-09-026-eng-5402.

Dixie Manufacturing Co., Inc., Baltimore, Md.: N600s-9405.

Dixie Paint & Varnish Co., Brunswick, Ga.: DA-42-110-qm-363.

Dixie Petroleum Co., San Antonio, Tex.: DA-04-493-qm-1609 and L. I., DA-41-294-eng-9.

Dixon, William, Inc., Newark, N. J.: MPA-30-287-md-2646.

Dixon Manufacturing Co., Inc., Coffeyville, Kans.: AF 33(038)-15451.

Dixon Valve & Coupling Co., Philadelphia, Pa.: DA-11-184-eng-5845.

Doane, L. C., Co., Essex, Conn.: N102s-53036.

Dobbins Bros. Lumber, Birmingham, Ala.: DA-09-026-eng-6701.

Dobeckmun Co., The, Cleveland, Ohio: DA-04-493-qm-1780, AF 33(038)-18125.

Dodge Steel Co., Philadelphia, Pa.: DA-26-038-ord-1181.

Doehler-Jarvis Corp., Grand Rapids, Mich.: DA-18-108-cml-1158.

Doehler Metal Furniture Co., Inc., New York, N. Y.: MPA-30-287-md-3866.

Doerr Glass Co., East Vineland, N. J.: MPA-30-287-md-3046, MPA-30-287-md-3349, MPA-30-287-md-4090.

Dohrmann Hotel Supply Co., San Francisco, Calif.: N160s-2837, N160s-2961.

Dole Valve Co., Chicago, Ill.: DA-20-089-ord-4249.

Dollar, Robert, Co., S. San Francisco, Calif.: AF 33(038)-15705.

Don, Edward, & Co., Chicago, Ill.: AF 30(317)-16, AF 30(317)-30.

Donaldson Co., Inc., St. Paul, Minn.: DA-11-184-eng-5476.

Donley Pipe & Supply Co., St. Louis, Mo.: DA-11-184-eng-5590.

Donnelly, Reuben H., Corp., Philadelphia, Pa.: DA-36-039-sc-7492.

Doran Lumber Corp., Brooklyn, N. Y.: DA-09-026-eng-2556, DA-09-026-eng-2615.

Dougherty Lumber Co., Cleveland, Ohio: DA-33-155-ord-197.

Doughnut Corp. of America, New York, N. Y.: DA-04-493-qm-1404, DA-04-493-qm-1545, DA-04-493-qm-2422, DA-18-108-cml-1028.

Douglas Aircraft Co., Inc., Santa Monica, Calif.: DA-04-495-ord-21, S. A. No. 1, NOa(s) 1078, NOa(s) 10483, NOa(s) 10485, NOa(s) 10579, NOa(s) 10926, NOa(s) 11047 and L. I., NOa(s) 12026 L. I., NOa(s) 51012 L. I., NOa(s) 51161, NOm 58118, NOnr 90902, N383s-27822, N383s-37864, N383s-38570, N383s-39323, N383s-39825, N383s-43072, N383s-43135, N383s-43397, W33-038 ac 10413 C. O. No. 19, S. A. No. 20 & S. A. No. 21, W33-038 ac 20260 C. O. No. 20, C. O. No. 22 & C. O. No. 23, W33-038 ac 22144 C. O. No. 36, AF 33(038)-14726, AF 33(038)-14751, AF 33(038)-14765, AF 33(038)-16105, AF 33(038)-16571, AF 33(038)-16872, AF 33(038)-17312, AF 33(038)-17347, AF 33(038)-18182.

Douglas Co., Waco, Tex.: N140s-18227.

Douglas Fir Lumber, San Francisco, Calif.: DA-04-197-tc-769.

Douglas Tool Co., Detroit, Mich.: AF 33(038)-16994.

Dow Chemical Co., The, Midland, Mich.: DA-11-070-ord-2353, DA-30-280-qm-8388, N123s-70029, N140s-18759, AF 33(038)-16655.

Dowd, John, Co., New York, N. Y.: DA-30-182-tc-197.

Drafting Associates, Inc., Bristol, Pa.: N383s-36961, N383s-45050.

Dravo Corp., Pittsburgh, Pa.: N104s-13492, N104s-15064.

Dresch & Stillwell, Ventura, Calif.: N160s-3221, N160s-3222.

Dreyfus Machinery, New Orleans, La.: DA-16-049-tc-71.

Drexel Finishes Co., Philadelphia, Pa.: N151s-87338.

Dried Milk Products, Clear Lake, Wis.: DA-11-009-qm-2453, DA-11-009-qm-2927, DA-11-009-qm-3543, DA-11-009-qm-3591.

Driver Lumber Co., Selma, Ala.: DA-09-026-eng-5205, DA-09-026-eng-5393, DA-09-026-eng-7220, DA-09-026-eng-7429.

Drum Equipment Co., Elizabeth, N. J.: DA-44-109-qm-287.

Dubetta Metals Corp., Long Island City, N. Y.: DA-56-038-ord-1610.

DuBois Co., The, Cincinnati, Ohio: DA-41-117-ord-544, DA-41-117-ord-566.

Dubuque Packing Co., Dubuque, Iowa: DA-11-009-qm-4047.

Ducommun Metals & Supply Co., Los Angeles, Calif.: N160s-2996.

Duff-Norton Manufacturing Co., The, Pittsburgh, Pa.: N600s-6466.

Duffy Construction Corp., New York, N. Y.: AF 33(038)-14554.

Dullen Steel Products, Inc., Seattle, Wash.: DA-45-108-eng-519.

Du Mont, Allen B., Laboratories, Inc., Passaic, N. J.: DA-28-043-sc-5537, N170s-155..., AF 33(038)-16909.

Dunham Wilson Co., Baton Rouge, La.: DA-11-184-eng-5295, DA-11-184-eng-5296.

Dunlap & Associates, Inc., New York, N. Y.: N8nr-64105.

Dunlap & Co., Columbus, Ind.: DA-09-026-eng-5181, DA-09-026-eng-5182, DA-09-026-eng-5183.

Dunlop Tire & Rubber Corp., Buffalo, N. Y.: DA-20-089-ord-8190.

Dunn Blue Print Co., Detroit, Mich.: DA-20-089-ord-4047.

Dunne, Frank W., Co., Oakland, Calif.: N220s-57681.

DuPont, E. I., De Nemours & Co., Inc., Wilmington, Del.: DA-18-108-cml-1112, DA-18-108-cml-1188, DA-20-089-ord-4006, DA-23-034-ord-1107, DA-28-024-ord-1027, DA-28-024-ord-1166, MPA-30-287-md-1067, MPA-30-287-md-2364, MPA-30-287-md-4441, N140s-19067, N220s-58062, N383s-33361, AF 33(038)-14273, AF 33(038)-16270, AF 33(038)-16348.

Dura Steel Products Co., Los Angeles, Calif.: N160s-4472.

Duro Consolidated, Inc., Redwood City, Calif.: AF 4(171)-563.

Dwight Lumber & Box Co., San Francisco, Calif.: DA-04-468-qm-322, DA-04-468-qm-2319.

Dykeman, R. G., Co., Dayton, Ohio: AF 33(038)-16601, AF 42(104)-105.

Dynamic Air Engineering, Inc., Los Angeles, Calif.: AF 33(038)-16549, AF 33(038)-18036.

Dynamic Electronics, New York, N. Y.: AF 33(038)-18371.

Dzus Fastener Co., Babylon, N. Y.: N383s-43295.

Eagle-Picher Co., The, Cincinnati, Ohio: DA-28-043-sc-3031.

Eagle Signal Corp., Moline, Ill.: N104s-12605, N126s-14657, N383s-36565.

Earley, Sam C., Corp., Toledo, Ohio: N104s-41524.

East Asiatic Co., Inc., New York, N. Y.: DA-30-260-qm-4316.

East Coast Aeronautics, Inc., Mount Vernon, N. Y.: NOa(s) 218, AF 5(038)-17211, AF 33(038)-17242.

East Coast Electric Supply Co., Ambler, Pa.: N383s-42098.

East Rutherford Syringes, Inc., East Rutherford, N. J.: MPA-30-287-md-2004, MPA-30-287-md-2408.

Eastern Air Devices, Inc., Brooklyn, N. Y.: N140s-12331.

Eastern Corp., Bangor, Maine: DA-19-...-qm-5749.

Eastern Industries, Inc., New Haven, Conn.: N104s-15124, N104s-15863.

Eastern Rotocraft Co., Willow Grove, Pa.: AF 33(038)-15188, AF 33(038)-16...., AF 33(038)-17653, AF 33(038)-17658.

Eastern Stainless Steel Corp., Baltimore, Md.: N600s-8240, N600s-8283, N600s-10489, AF 33(038)-15455.

Eastern States Petroleum Co., Houston, Tex.: ASP 2845, ASP 3302.

Eastern Tool & Manufacturing Co., Danville, N. J.: DA-28-017-ord-818, DA-28-017-ord-1180, DA-30-069-ord-70.

Eastman Kodak Co., Rochester, N. Y.: DA-11-171-ord-103, DA-11-184-eng-3755, DA-11-184-eng-4258, DA-36-038-ord-1..., DA-36-038-ord-1768 L. I., MPA-30-287-md-1..., MPA-30-287-md-1712, MPA-30-287-md-..., MPA-30-287-md-2633, AF 30(120)-..., AF 33(038)-14270, AF 33(038)-14792, AF 33(038)-14797, AF 33(038)-14..., AF 33(038)-15..., AF 33(038)-15067, AF 33(038)-15150, AF

33(038)-15252, NOrd 10755, NOrd 10903 L. I., NObr 52053 L. I., N171s-90603, N173s-15904, AF 4(086)-230, AF 30(120)-198, AF 33(038)-15267, AF 33(038)-15537, AF 33(038)-15643, AF 33(038)-16043, AF 33(038)-16062, AF 33(038)-16238, AF 33(038)-16275, AF 33(038)-16539, AF 33(038)-17106, AF 33(038)-17213, AF 33(038)-18486.

Easton Car & Construction Co., Easton, Pa.: DA-36-034-ord-28.

Eaton Laboratories, Inc., Norwich, N. Y.: MPA-30-287-md-2054.

Eaton Manufacturing Co., Detroit, Mich.: DA-30-144-ord-610, DA-30-144-ord-683, AF 33(038)-7948.

Economy Pumps, Inc., Hamilton, Ohio: DA-11-184-eng-5577.

Eddy Paper Corp., Chicago, Ill.: DA-04-493-qm-1803, DA-11-009-qm-1952, DA-11-009-qm-2147.

Edgemont Machine Co., Inc., Philadelphia, Pa.: DA-36-038-ord-1580.

Edgewater Steel Co., Pittsburgh, Pa.: DA-30-144-ord-819, NOrd 11075, N171s-89899.

Edgington Oil Refinery, Long Beach, Calif.: ASP 2850.

Edison, Thomas A., Inc., West Orange, N. J.: N383s-36285, N383s-38169, N383s-39834, N383s-41706, N383s-43600, AF 33(038)-15728, AF 33(038)-15742, AF 33(038)-16243.

Edlund Machinery Co., Inc., Cortland, N. Y.: DA-18-108-cml-927.

Edmund Salvage Co., Collingwood, N. J.: DA-36-038-ord-1270, DA-36-038-ord-1364, DA-36-038-ord-2018.

Edo Corp., College Point, Long Island, N. Y.: NOa(s) 9868 Amd. No. 5, NOa(s) 10616 Amd. No. 1, NOa(s) 12149, NObr 52090, NObr 52065, NObs 53142 L. I.

Edris Co., Oakland, Calif.: DA-11-009-qm-1323.

Edson Tool & Manufacturing Co., Belleville, N. J.: DA-30-144-ord-434.

Edwards Pugh & McKimmon et al., Raleigh, N. C.: NOy 22351, NOy 22467, NOy 22923, NOy 22954, NOy 22955.

Eico Manufacturing Co., East Greenwich, R. I.: DA-30-144-ord-645.

Elengee Electrical Supply Co., Chicago, Ill.: DA-11-184-eng-4147.

Elrick, Fred, Co., The, Brooklyn, N. Y.: DA-36-039-sc-9208.

Emar, Inc., Chicago, Ill.: AF 33(038)-423, AF 33(038)-14771, AF 33(038)-14835, AF 33(038)-14871, AF 33(038)-14898, AF 33(038)-15420, AF 33(038)-16567.

Emal Manufacturing Co., Albuquerque, N. Mex.: DA-11-184-eng-3791, DA-11-184-eng-3812, DA-11-184-eng-4662, DA-11-184-eng-4741, DA-11-184-eng-5298.

Emdelbach, G. S., Manufacturing Co., San Antonio, Tex.: DA-41-117-ord-623.

Emer & Amend, New York, N. Y.: MPA-30-287-md-3143.

Emel-McCullough, Inc., San Bruno, Calif.: DA-28-043-sc-7628, N173s-15957, AF 33(038)-18023.

Emen Bros., Inc., Hoboken, N. J.: DA-11-009-qm-940.

Emer Fence & Supply Co., Denver, Colo.: AF 30(317)-15.

Emco Products Co., Chicago, Ill.: DA-11-009-qm-1744, DA-11-009-qm-2069, DA-11-009-qm-3489.

Emetic Stop Nut Corp. of America, Union, N. J.: N383s-39653, AF 33(038)-15137.

Emge File & Binder Co., Inc., Fall River, Mass.: DA-30-230-qm-5426.

Electric Auto-Lite Co., The, Toledo, Ohio: DA-11-184-eng-4234, DA-11-184-eng-5636, DA-18-108-cml-8462, DA-33-079-ord-224, N104s-14069, AF 33(038)-18192.

Electric Boat Co., New York, N. Y.: NObs 2706 NObs 53017, N104s-14192, N104s-14905, N104s-15093, N151s-86513, N151s-86909, N151s-87102, N151s-87427, N151s-87541, N151s-87644.

Electric Controller & Manufacturing Co., The, Cleveland, Ohio: N111s-54656.

Electric Eye Equipment Co., Danville, Ill.: DA-11-173-ord-39, DA-11-173-ord-40, DA-11-173-ord-41.

Electric Hotpack Co., Inc., Philadelphia, Pa.: MPA-30-287-md-1703.

Electric Indicator Co., Stamford, Conn.: N126s-12609.

Electric Machinery Manufacturing Co., Minneapolis, Minn.: DA-11-184-eng-3901, DA-11-184-eng-5775, DA-11-184-eng-22018.

Electric Products Co., Cleveland, Ohio: N104s-15202.

Electric Specialty Co., Stamford, Conn.: N104s-5904, N383s-39784.

Electric Storage Battery Co., The, Philadelphia, Pa.: NOa(s) 12147, NObs 50338 and L. I., NObs 50340 and L. I., NObs 50408 and L. I., NObs 50567 and L. I., NOrd 11000, N151s-87417, N383s-41510.

Electric Tachometer Corp., The, Philadelphia, Pa.: NObs 47953 Amd. No. 1, N104s-13657, N104s-15211.

Electric Tamper Co., Ludington, Mich.: DA-04-203-eng-777.

Electrical Distributing Co., Sycamore, Ill.: N600s-8607.

Electrical Engineering & Manufacturing Corp., Los Angeles, Calif.: N383s-37466, N383s-39464, N383s-39663, N383s-40112, N383s-40257, N383s-40815, AF 33(038)-15437, AF 33(038)-15535, AF 33(038)-16474, AF 33(038)-18049.

Electro Engineering & Manufacturing Co., Detroit, Mich.: N104s-13831.

Electro Impulse Laboratory, Eatontown, N. J.: AF 33(038)-15637.

Electro Mechanical Research, Inc., Ridgefield, Conn.: NObs 53346.

Electro Seal Corp., Des Plaines, Ill.: NOa(s) 12197.

Electro Switch & Controls, Inc., Culver City, Calif.: N383s-39906, N383s-41362, N383s-44507.

Electrol, Inc., Kingston, N. Y.: NOa(s) 206, N383s-37427.

Electroline Co., Chicago, Ill.: N126s-11416, N126s-15213, N383s-43613.

Electrolux Corp., Greenwich, Conn.: DA-18-108-cml-1280.

Electromath Co., White Plains, N. Y.: NOrd 10923.

Electronic Associates, Inc., Long Branch, N. J.: DA-28-043-sc-221, DA-36-039-sc-6204, AF 8(169)-72

Electronic Engineering Co. of California, Los Angeles, Calif.: AF 8(169)-69, AF 8(169)-81.

Electronic Measurements Co., Red Bank, N. J.: Order (33-038)-49-1313.

Electronic Tachometer Co., Inc., New York, N. Y.: DA-36-039-sc-3181, DA-36-039-sc-8413, AF 33(038)-16483.

Electronic Tube Corp., Philadelphia, Pa.: N173s-15900, N173s-15964, N178s-6312.

Electronic Wholesale Co., Norwood, Mass.: DA-49-170-sc-107 L. I.

Elgin Canning Co., Elgin, Iowa: DA-11-009-qm-3914.

Elgin National Watch Co., Elgin, Ill.: DA-11-184-eng-5189.

Elgin Sweeper Co., Elgin, Ill.: N160s-3073.

Elk Refining Co., Charlestown, W. Va.: ASP 2971, ASP 3476.

Ellendale Excelsior, Ellendale, Del.: DA-11-184-eng-4042.

Elliott Co., Jeanette, Pa.: NObs 53335 L. I., N104s-14014, N104s-15355, N151s-85872, N151s-85932, N151s-86415, N151s-86917, N151s-87131, N220s-55506.

Elliott, J. H., Co., Washington, D. C.: N600s-9671.

Ellis, Geo. D., & Sons, Inc., Philadelphia, Pa.: MPA-30-287-md-2375.

Ellsworth Brethan, Lemay, Mo.: DA-23-132-aV-45.

Elster's, Los Angeles, Calif.: Order (4-253)51-140.

Emerson Electric Manufacturing Co., The, St. Louis, Mo.: DA-11-184-eng-3830, NOa(s) 10923, NOa(s) 12177, NOa(s) 12200, W33-038 ac 15070 C. O. No. 12, W33-038 ac 16986 S. A. No. 31, AF 33(038)-14775, AF 33(038)-14824.

Emerson Press, Inc., Pittsburgh, Pa.: AF 33(096)-1419.

Emerson Radio & Phonograph Corp., New York, N. Y.: DA-36-039-sc-4715 L. I., AF 33(038)-16023.

Emge Packing Co., Inc., Fort Branch, Ind.: DA-16-057-qm-621.

Empire Brush Works, Port Chester, N. Y.: MPA-30-287-md-1910.

Empire Devices, Inc., Bayside, Long Island, N. Y.: DA-28-043-sc-5412.

Empire Findings Co., Long Island City, N. Y.: DA-11-009-qm-1675.

Empire Millwork Co., Corona, N. Y.: DA-09-026-eng-3455.

Elliott Rowland Corp., Philadelphia, Pa.: DA-36-039-sc-8289.

Engineering Laboratories, Inc., Garland, Tex.: NObr 52100.

Engineering Research Associates, Inc., St. Paul, Minn.: DA-18-001-ord-404, DA-44-009-eng-228, NObr 52074, AF 33(038)-7510, AF 33(038)-15449.

Engineering & Research Corp., Riverdale, Md.: NOa(s) 51081, NOnr 13700 L. I., NOnr 13800 L. I., N383s-36450 L. I.

Engineering Specialties, Co., Bridgeport, Conn.: N104s-15137.

Engineers' Book Service, Brooklyn, N. Y.: DA-30-280-qm-4760, DA-30-280-qm-5951.

Englander Co., Inc., The, Chicago, Ill.: MPA-30-287-md-4576.

Englewood Electrical Supply Co., Chicago, Ill.: DA-11-184-eng-5004.

English, Walter, Co., Columbus, Ohio: DA-04-493-qm-2462.

English & Lauer, Inc., Los Angeles, Calif.: N160s-3276, N160s-3344, N160s-4428.

Enjay Co., Inc., New York, N. Y.: DA-28-017-ord-1022.

Ensher, Alexander & Barsoon, Inc., Sacramento, Calif.: DA-11-009-qm-4174.

Ensign-Bickford Co., The, Simsbury, Conn.: DA-28-017-ord-990.

Enterprise Galvanizing Co., Philadelphia, Pa.: N600s-9499, N600s-9948.

Eppinger & Russell Co., New York, N. Y.: DA-09-026-eng-3824.

Erie County Frosted Foods, Angola, N. Y.: DA-11-009-qm-3732.

Erie Malleable Iron Co., Erie, Pa.: DA-11-184-eng-5680.

Erie Manufacturing Co., Milwaukee, Wis.: AF 33(038)-16462.

Erie Meter Systems, Inc., Erie, Pa.: DA-11-184-eng-5673.

Erie Steel Construction Co., Erie, Pa.: DA-11-184-eng-5243.

Erno Machine Co., White Plains, N. Y.: NOa(s) 12296.

Ertel Machine Co., Inc., Indianapolis, Ind.: DA-33-008-ord-28.

Erwin Mills, Inc., Durham, N. C.: DA-30-280-qm-7975.

Eslick Products, Inc., Grosse Pointe Woods, Mich.: N600s-9004.

Espey Manufacturing Co., Inc., New York, N. Y.: DA-36-039-sc-7363, AF 33(038)-15610, AF 33(038)-16475.

Essex Manufacturing Co., Inc., St. Louis, Mo.: N383s-38195, N383s-41770, N383s-41953.

Essex Wire Corp., Fort Wayne, Ind.: DA-36-039-sc-6635.

Esso Export Corp., New York, N. Y.: ASP 1526 C. O. No. 8, ASP 2466, ASP 2847, ASP 2879, ASP 3310, DA-30-102-tc-204, DA-30-102-tc-205, DA-30-182-tc-206, DA 30-182-tc-207, DA-30-132-tc-208, DA-30-182-tc-209, DA-30-182-tc-210, DA-30-182-tc-232, DA-30-102-tc-233, DA-30-182-tc-235.

Esso Standard Oil Co., New York N. Y.: ASP 2423 C. O. No. 9, ASP 2463, ASP 2468, ASP 3157 C. O. No. 3, C. O. No. 8, C. O. No. 9, and C. O. No. 14; ASP 3304, ASP 3409, ASP 3426, ASP 3501.

Esterline-Angus Co., Inc., Indianapolis, Ind.: NOa(s) 12272, AF 8(169)-70, AF 33(038)-18663.

Ethicon Suture Laboratories, Inc., New Brunswick, N. J.: MPA-30-287-md-1636, MPA-30-287-md-3083.

Etnyre, E. D., & Co., Oregon, Ill.: DA-11-134-eng-3580, DA-11-184-eng-5816.

Euclid Road Machinery Co., Cleveland, Ohio: DA-11-184-eng-5705.

Eureka X-Ray Tube Corp., Chicago, Ill.: DA-23-075-md-353.

Evans & Convery, Philadelphia, Pa.: N383s-39381.

Evans Products Co., Plymouth, Mich.: DA-11-184-eng-4823, DA-11-184-eng-5360, DA-35-026-eng-5919, DA-35-026-eng-5920, DA-35-026-eng-5921, NOm 58018, NOrd 10915.

Ever Ready Label Corp., New York, N. Y.: MPA-30-287-md-1704.

Eveready Embroidery, Inc., New York, N. Y.: DA 30-280-qm-7899.

Everson Manufacturing Corp., Chicago, Ill.: DA-11-184-eng-4795.

Evinrude Motors, Milwaukee, Wis.: DA-11-184-eng-5769.

Ewin Engineering Corp., Keesler, Miss.: DA-01-076-eng-609 L. I.

Ewing, Frank M. Co., Inc., Brentwood, Md.: DA-09-026-eng-5215.

Ex-Cell-O Corp., Detroit, Mich.: N104s-13415, N104s-14904, N104s-15329. Continental Tool Works Division: DA-19-058-ord-1675.

Exchange Distributors, San Francisco, Calif.: N220s-56426

Faas Foods, Central Lake, Mich.: DA-11-009-qm-4293.

Fabick Tractor Co., Flora, Ill.: DA-23-055-eng-282.

Fabric Research Laboratories, Inc., Boston, Mass.: DA-44-109-qm-316.

Fack & Co., Carnegie, Pa.: N383s-40804.

Factory Lumber Co., Wichita Falls, Texas: AF 41(183)-130.

Fafnir Bearing Co., The, New Britain, Conn.: AF 33(038)-15960, AF 33(038)-16354, AF 33(038)-16378, AF 33(038)-16462, AF 33(038)-17108.

Failing, Geo. E., Supply Co., Enid, Okla.: DA-11-184-eng-3842, DA-11-184-eng-5915.

Fairbanks, Morse & Co., Chicago, Ill.: DA-44-019-tc-202, DA-45-045-tc-297, DA-04-197-tc-51, DA-11-184-eng-3718, DA-11-184-eng-4027, DA-11-184-eng-5715, DA-36-022-tc-2473, DA-36-022-tc-2688, N104s-13196, NObs 53287 L. I., NObs 53465, N104s-14251, N104s-14938, N104s-15054, N104s-15492, N104s-16202, N209s-4830, AF 33(038)-18010.

Fairchild Camera & Instrument Co., Jamaica, Long Island, N. Y.: DA-36-039-sc-780, NOa(s) 12226, N383s-27892 and L. I., N383s-39824, AF 33(038)-1364, AF 33(038)-2444, AF 33(038)-14918, AF 33(038)-14920, AF 33(038)-14923, AF 33(038)-14926, AF 33(038)-14927, AF 33(038)-16912, AF 33(038)-16956, AF 33(038)-17192, Order (33-038)50-190.

Fairchild Engine & Airplane Corp., Hagerstown, Md.—Fairchild Aircraft Division: W33-038 ac 19200 C. O. No. 79, C. O. No. 84, C. O. No. 85, C. O. No. 86, C. O. No. 89, C. O. No. 90, C. O. No. 93, S. A. No. 73, S. A. No. 78, S. A. No. 88, S. A. No. 96 and S. A. No. 99; AF 33(038)-14714. Fairchild Engine Division: NOa(s) 12137, NOrd 10798, NOrd 11029, N383s-42846, W33-038 ac 22287, AF 33(038)-14890, AF 33(038)-14966, AF 33(038)-17233. Fairchild Guided Missiles Division: NOnr 11500. Nepa Division: W33-038 ac 14801 S. A. No. 12.

Fairfield Metal Products Co., Fairfield, Iowa: DA-11-070-ord-2049, DA-11-070-ord-2188.

Fairmount Chemical Co., Inc., Newark, N. J.: N140s-18090.

Fairmount Tool & Forging, Inc., Cleveland, Ohio: N600s-8598, N600s-8740.

Falk Corp., The, Milwaukee, Wis.: NObs 53197, NObs 53322, NObs 53462, N104s-14168, N104s-14806, N104s-18968.

Fansteel Metallurgical Corp., Chicago, Ill.: NOa(s) 111.

Farley & Loetscher Manufacturing Co., Dubuque, Iowa: DA-11-175-aV-803.

Farm & Home Lumber, Caledonia, Ohio: DA-33-062-eng-33.

Farnsworth, R. P., Co., Inc., New Orleans, La.: DA-34-066-eng-1448 and L. I., DA-34-066-eng-1580.

Farquhar, A. B., Co., York, Pa.: DA-36-034-ord-53.

Farrel-Birmingham Co., Inc., Ansonia, Conn.: NObs 59100, N104s-13090, N104s-14314.

Farrington Co., Detroit, Mich.: DA-20-089-ord-2767.

Fashion Frocks, Inc., Cincinnati, Ohio: AF 33(038)-15690.

Fauver, J. N., Co., Inc., Detroit, Mich.: DA-20-089-ord-2959.

Fawick Airflex Co., Inc., Cleveland, Ohio: N104s-13200.

Fay, Spofford & Thorndike, Boston, Mass.: DA-30-075-eng-1188.

Fayette Manufacturing Co., Fayette, Ohio: DA-20-018-ord-10386.

Federal Cartridge Corp., Minneapolis, Minn.: DA-36-038-ord-1099.

Federal Electric Products Co., Newark, N. J.: N104s-13617.

Federal Enameling & Stamping Co., McKees Rocks, Pa.: DA-11-009-qm-3610.

Federal Enterprises, Inc., Chicago, Ill.: DA-11-184-eng-3951, NOa(s) 78, NOa(s) 12198, NOa(s) 51069.

Federal Laboratories, Inc., Pittsburgh, Pa.: DA-18-108-cml-1002.

Federal Leather Co., Belleville, N. J.: DA-30-280-qm-7099.

Federal-Mogul Corp., Detroit, Mich.—Federal-Mogul Service Division: DA-11-070-ord-2196; DA-11-070-ord-2202; DA-20-089-ord-6868.

Federal Motor Truck Co., Detroit, Mich.: DA-20-089-ord-6362, AF 33(038)-17897, AF 33(038)-18129.

Federal Telecommunication Laboratory, Inc., Nutley, N. J.: DA-28-043-sc-6233, NOnr 142, W33-038 ac 15012 S. A. No. 14, AF 23(099)-340.

Federal Telephone & Radio Corp., Clifton, N. J.: DA-36-039-sc-1392 L. I., DA-36-039-sc-3916, DA-36-039-sc-7057 L. I., DA-36-039-sc-7083 L. I., DA-36-039-sc-9354, NObr 52021 L. I., NObr 52036 L. I., N126s-7902, N126s-9678, N126s-12212, N126s-12520, N126s-14671, N126s-15212, AF 33(038)-15732, AF 33(038)-15854.

Fellows Gear Shaper Co., The, Springfield, Vt.: N600s-9155, N600s-9691.

Felsenthal, G., & Sons, Inc., Chicago, Ill.: N383s-38496.

Felters Co., The, Boston, Mass.: DA-30-280-qm-7826.

Fenwal, Inc., Ashland, Mass.: N383s-39364, AF 33(038)-15121, AF 33(038)-15702, AF 33(038)-15849.

Ferguson Lumber Co., St. Louis, Mo.: DA-11-184-eng-4021.

Ferry Cap & Set Screw Co., Cleveland, Ohio: DA-20-089-ord-3541.

Fibreboard Products, Inc., Downey, Calif.: DA-04-493-qm-1783, DA-04-193-qm-2159, DA-04-193-qm-2458, DA-04-193-qm-2598, DA-11-009-qm-1039, DA-42-015-qm-1095.

Fibrous Glass Insulation Co., Wilkes-Barre, Pa.: AF 33(038)-15024.

Ficcio, Pasquale, Tampa, Fla.: Order (8-090) 51-1863.

Fidelity Electric Co., Lancaster, Pa.: N104s-15019.

Fiebing Chemical Co., Milwaukee, Wis.: DA-04-493-qm-2417.

Field, Marshall, & Co., Chicago, Ill.: N140s-18251.

Filice & Perrelli Cannery Co., Inc., Richmond, Calif.: DA-11-009-qm-1790, DA-11-009-qm-2704, DA-11-009-qm-3511.

Filtrator Coffee Apparatus Co., Inc., New York, N. Y.: DA-11-184-eng-4396.

Fine Organics, Inc., New York, N. Y.: MPA-30-287-md-1925, MPA-30-287-md-2660, AF 33(038)-16983.

Finnell, Paul J., Co., Hollywood, Calif.: NOa(s) 268.

Firestone Tire & Rubber Co., The, Akron, Ohio: DA-20-089-ord-3059, DA-20-089-ord-3273, DA-20-089-ord-8192, DA-30-144-ord-399, DA-30-144-ord-400, DA-30-144-ord-427, DA-30-144-ord-438, DA-30-144-ord-669, DA-30-144-ord-705, DA-33-019-ord-33, NOrd 10927, N460s-3123, N160s-3151, N160s-3218 N160s-3238, N160s-3327, AF 33(038)-6054, AF 33(038)-15456, AF 33(08)-15874, Order (01-037)49-2945.

Firestone Industrial Products Co., Akron, Ohio: DA-19-025-cml-1001, DA-19-025-cml-1010, DA-20-089-ord-4513, DA-20-089-ord-4614 L. I. DA-20-089-ord-7344 L. I. AF 33(038)-2567.

Firth-Sterling Steel & Carbide Corp., McKeesport, Pa.: DA-30-144-ord-779, N600s-9515, N600s-9877, AF 33(038)-17083.

Fisher Engineering Inc., Huntington, Ind.: AF 33(038)-17434.

Fisher Flouring Mills Co., Los Angeles, Calif.: N220s-55747.

Fisher Research Laboratory, Inc., Palo Alto, Calif.: AF 33(038)-16900.

Fisheries Supply Co., Seattle, Wash.: DA-45-045-tc-181.

Fitzhugh, Wm. W., Inc., Brooklyn, N. Y.: DA-11-009-qm-2358.

Five Points Lumber Co., Jackson, Tenn.: DA-09-026-eng-5448.

Flader, Inc., Frederic, No. Tonawanda, N. Y.: NOa(s) 12308, NOy 22414, AF 33(038)-3964, AF 33(038)-8252 Amd. No. 1.

Fleming, Don D., Co., Inc., San Francisco, Calif.: DA-04-197-tc-691, DA-04-197-tc-694, DA-04-197-tc-695, DA-04-197-tc-702, DA-04-197-tc-703, DA-04-197-tc-704, DA-04-197-tc-757, DA-04-197-tc-764, DA-04-197-tc-819, DA-04-197-tc-865.

Flesch Miller Tractor Co., Lawrence, Ind.: DA-33-062-eng-45.

Fletcher Aviation Corp., Pasadena, Calif.: AF 33(038)-14292, AF 33(038)-14693, AF 33(038)-15034, AF 33(038)-16883.

Fletcher Enamel Co., The, Dunbar, W Va.: DA-18-064-cml-455.

Flexitallic Gasket Co., Camden, N. J.: N383s-42877.

Flight Refueling, Inc., Danbury, Conn.: NOa(s) 51052, N353s-42445.

Flightex Fabrics, Inc., New York, N. Y.: AF 33(038)-15157.

Flinn & Thorpe, Memphis, Tenn.: NOy 21192.

Florence Stove Co., Gardner, Mass.: DA-11-184-eng-5095.

Florida Fruit Canners, Frostproof, Fla.: DA-11-009-qm-1286.

Flotill Products, Inc., Stockton, Calif.: DA-04-493-qm-1651, DA-04-493-qm-2473, DA-04-493-qm-2583, DA-04-493-qm-2601, DA-04-493-qm-2618, DA-11-009-qm-929, DA-11-009-qm-936, DA-11-009-qm-972, DA-11-009-qm-991, DA-11-009-qm-1324, DA-11-009-qm-1773, DA-11-009-qm-1775, DA-11-009-qm-1777, DA-11-009-qm-2463, DA-11-009-qm-2466, DA-11-009-qm-2681, DA-11-009-qm-2693, DA-11-009-qm-2707, N220s-57622

Flour City Ornamental Iron Co., Minneapolis, Minn.: DA-11-184-eng-4942, DA-11-184-eng-5606.

Fluke, J., Engineering Co., Springdale, Conn.: N173s-15595.

Fluor Corp., Ltd., The, Los Angeles, Calif.: DA-95-507-eng-38, DA-95-507-eng-95, AF 33(038)-14745.

Flynn & Enslow, San Francisco, Calif.: DA-04-203-eng-977.

Foland Canning Co., Bloomer, Ind.: DA-11-009-qm-4028, DA-11-009-qm-4216.

Folding Carrier Co., Oklahoma City, Okla.: DA-11-009-qm-2411.

Foley Lumber & Export Corp., Jacksonville, Fla.: DA-09-026-eng-5119, DA-09-026-eng-5138.

Folger, J. A., & Co., San Francisco, Calif.: DA-30-280-qm-4889.

Fontaine Truck Equipment, Birmingham, Ala.: DA-11-184-eng-4619, DA-11-184-eng-4622.

Food Machinery & Chemical Corp., San Jose, Calif.: NObs 2709 L. I., NObs 2715 L. I. John Bean Manufacturing Co., Division: DA-11-021-cml-1. Peerless Pump Division: N104s-16074, N123s-68924. Westvaco Chemical Division: DA-18-108-cml-3017, N123s-68272.

Foote Bros. Gear & Machine Corp., Chicago, Ill.: N383s-36575, N383s-3677, N383s-43959.

Foote Co., Inc., Nunda, N. Y.: DA-11-184-eng-5599.

Forcum-James Co., Inc., et al., Dyersburg, Tenn.: DA-01-076-eng-660.

Ford Motor Co., Dearborn, Mich.: AF 33(038)-15871, AF 33(038)-15900.

Forrest Products Co., Camden, N. J.: DA-36-039-sc-7378.

Forstmann Woolen Co., Passaic, N. J.: N140s-18693.

Fort Pitt Packaging Co., Pittsburgh, Pa.: DA-04-015-ord-367.

Foss Launch & Tug Co., Seattle, Wash.: DA-45-045-tc-189, DA-45-045-tc-246, DA-45-045-tc-425.

Foster Bros. Manufacturing Co., Utica, N. Y.: N383s-38246, N383s-39927, N383s-41061.

Foster Engineering Co., Union, N. J.: N104s-13802, N104s-14862, N104s-15948.

Foster Machinery Co., Albany, Ga.: DA-09-010-qm-2801.

Foster Wheeler Corp., New York, N. Y.: NObs 53160, NObs 53212, NObs 53451, N104s-15185.

Four Wheel Drive Auto Co., Clintonville, Wis.: DA-11-184-eng-4313, N160s-3195.

Fox Valley Engineering Service, Aurora, Ill.: DA-11-009-qm-3822, DA-30-144-ord-447

Franklin Clothes, Woodbine, N. J.: DA-30-280-qm-3931.

Franklin Manufacturing & Merchandising Co., Providence, R. I.: DA-11-184-eng-3751, DA-11-184-eng-4078, DA-11-184-eng-4207, DA-11-184-eng-4948, DA-11-184-eng-5238.

Frazier Packing Corp., Elwood, Ind.: DA-11-009-qm-2135, DA-11-009-qm-2140.

Freedom-Valvoline Oil Co., Freedom, Pa.: ASP 3460.

Fremont Electric Co., Seattle, Wash.: DA-45-103-eng-607.

French, R. T., Co., Rochester, N. Y.: DA-11-009-qm-1290, DA-11-009-qm-1389, DA-11-009-qm-1618, DA-11-009-qm-2483.

Fresh'nd Aire Co., Chicago, Ill.: DA-11-184-eng-5734.

Frey Machine Products Co., Richboro, Pa.: DA-11-184-eng-7008.

Frick Co., Waynesboro, Pa.: DA-11-184-eng-4379, N104s-14143, N104s-16220.

Frisk, S. E. W., Queenstown, Md.: DA-11-009-qm-2381.

Froehlich, S., Co., New York, N. Y.: DA-11-184-eng-5230.

Frontier Oil Refining Co., Cheyenne, Wyo.: ASP 3718 C. O. No. 2.

Frost Lumber Industries, Inc., Shreveport, La.: DA-09-026-eng-2620, DA-09-026-eng-5090, DA-09-026-eng-5094, DA-09-026-eng-5126

Fruehauf Trailer Co., Detroit, Mich.: DA-15-026-aII-119, DA-15-026-aII-129.

Fruitvale Canning Co., Oakland, Calif.: DA-11-009-qm-2700, DA-11-009-qm-3876, DA-11-009-qm-4569.

Fry Trucking, Atascadero, Calif., DA-04-353-eng-401.

Fulgham-Grow, Inc., Pensacola, Fla., AF 8(094)-351.

Fuller Brush Co., Hartford, Conn., DA-30-144-ord-57351.

Fuller, W. P., & Co., San Francisco, Calif., DA-45-036-cml-36, N220s-55300, DA-42-036-cml-37.

Gaby Company, Philadelphia, Pa., MPA-30-287-md-1765.

Gaertner Scientific Corp., Chicago, Ill., N173s-15772, AF 33(038)-15893.

Gaharde, E. J., Shreveport, La., DA-09-026-eng-5111.

Gainesville Lumber Co., Augusta, Ga.: DA-09-026-eng-5347, DA-09-026-eng-5413, DA-09-026-eng-5442, DA-09-026-eng-6473, DA-09-026-eng-6877, DA-09-026-eng-6882, DA-09-026-eng-6890, DA-09-026-eng-6893, DA-09-026-eng-6899, DA-09-026-eng-7250, DA-09-026-eng-7263, DA-09-026-eng-7265, DA-09-026-eng-7268, DA-09-026-eng-7271.

Gair, Robert, Co., Inc., New York, N. Y., DA-11-009-qm-1711.

Galbraith, C. C., & Son, Inc., New York, N. Y., N104s-13561, N104s-13758.

Gale, W. D., Inc., Detroit, Mich.: DA-20-089-ord-5115.

Gale Oil Separator Co., Inc., New York, N. Y.: AF 33(038)-15428.

Galena Canning Co., Galena, Mo.: DA-04-493-qm-2302.

Galion Iron Works & Manufacturing Co., The, Galion, Ohio: DA-11-184-eng-4496.

Galioto Bros., Chicago, Ill.: DA-11-009-qm-1575, DA-11-009-qm-4619.

Gallup Sand & Gravel Co., Gallup, N. Mex.: DA-29-024-ord-11.

Ganary Bros., Mount Ephraim, N. J.: NOrd 11037.

Gar-Bro Manufacturing Co., Los Angeles, Calif.: DA-04-203-eng-591.

Gardner, Clinton, Inc., Trenton, N. J.: DA-28-017-ord-675.

Gardner-Denver Co., Quincy, Ill.: DA-36-022-tc-3637, N104s-14288, N104s-15201.

Gardner Displays Co., Pittsburgh, Pa.: DA-11-184-eng-4511, NOnr 10400, NOnr 11800.

Garfield Electrical Supply, Clifton, N. J.: N383s-38635

Garland, M. A., Construction Co., Rapid City, S. Dak.: AF 33(038)-16364.

Garlock Packing Co., The, Palmyra, N. Y.: N383s-39236.

Garrett Corp., The, Los Angeles, Calif.—Airesearch Manufacturing Co. Division: NOa(s) 12153, NOa(s) 12263, N383s-35855, N383s-35858, N383s-36430, N383s-36947, N383s-37596, N383s-37624, N383s-37668, N383s-37950, N383s-39036, N383s-40162, N383s-40287, N383s-41194, N383s-41195, N383s-41594 L. I., N383s-41801, N383s-42170 L. I., N383s-42359, N383s-42505, N383s-42713, N383s-42819, N383s-44275, AF 33(038)-14704, AF 33(038)-14960, AF 33(038)-15201, AF 33(038)-15440, AF 33(038)-15750, AF 33(038)-15741, AF 33(038)-15867, AF 33(038)-16026, AF 33(038)-16246, AF 33(038)-16274, AF 33(038)-16641, AF 33(038)-18152.

Garrison, Guy C., Hammond, La.: DA-09-026-eng-7111.

Gasair Corp., San Francisco, Calif.: DA-04-203-eng-241.

Gasparcolor, Inc., Hollywood, Calif.: AF 33(038)-17683.

Gates-Mills, Inc., Johnstown, N. Y.: N383s-40827.

Gates Rubber Co., Denver, Colo.: DA-20-089-ord-3069, DA-20-089-ord-8183, N160s-3089, N383s-41845.

Gaveco Laboratories, Inc., New York, N. Y.: AF 33(038)-14267.

Gaylord Container Corp., St. Louis, Mo.: DA-04-493-qm-1798, DA-11-009-qm-1463, DA-11-009-qm-1712, DA-11-009-qm-1932, DA-11-009-qm-3290, DA-11-009-qm-3957, AF 4(171)-579.

Gear Grinding Machine Co., Detroit, Mich.: N383s-37051, N383s-44073.

Geerts, Glenn, Troy, Mont.: DA-45-108-eng-488 Mod. No. 1.

General American Transportation Corp., Chicago, Ill.: ASP 2473.

General Aniline & Film Corp., New York, N. Y.—Ansco Division: DA-11-184-eng-5860, DA-36-038-ord-1984, MPA-30-287-md-3853, AF 33(038)-15149, AF 33(038)-15885, AF 33(038)-16351, AF 33(038)-16476, AF 33(038)-17187, AF 33(038)-17591. Central Research Laboratory Division: AF 33(038)-15528. Ozalid Division: DA-11-184-eng-4736, DA-11-184-eng-5232, N104s-13670.

General Arts, Columbia, S. C.: DA-38-042-aIII-16.

General Box Co., Chicago, Ill.: DA-11-184-eng-3572.

General Cable Corp., New York, N. Y.: DA-20-089-ord-4833, DA-36-039-sc-888, DA-36-039-sc-8193, N140s-17246, N173s-15708, N383s-35824, AF 33(038)-16269.

General Cement Manufacturing Co., Rockford, Ill.: DA-36-039-sc-7224.

General Communication Co., Boston, Mass.: NObr 59025.

General Controls Co., Glendale, Calif.: N383s-40044, N383s-40540, AF 33(038)-13078, AF 33(038)-16952

General Detroit Corp., The, Detroit, Mich.: DA-11-184-eng-4363, DA-11-184-eng-4365, DA-11-184-eng-5501, DA-11-184-eng-5509.

General Development Corp., Elkton, Md.: DA-44-109-qm-296, AF 33(033)-17343.

General Dry Batteries, Inc., Cleveland, Ohio: DA-36-039-sc-15, DA-36-039-sc-4794, DA-36-039-sc-4876.

General Dyestuff Corp., New York, N. Y.: N140s-18253.

General Electric Co., Schenectady, N. Y.: DA-04-210-md-115, DA-04-210-md-116, DA-11-184-eng-4205, DA-11-184-eng-4491, DA-11-184-eng-5372, DA-11-184-eng-5879, DA-20-089-ord-4061, DA-28-043-sc-5418, DA-36-022-tc-3213, DA-36-038-ord-1503, DA-36-038-ord-1503, DA-36-039-sc-3170 S. A. No. 2, DA-36-039-sc-3363, DA-36-039-sc-4341, DA-36-039-sc-4363, DA-36-039-sc-6663, DA-36-039-sc-7312, DA-45-103-eng-536, DA-49-170-sc-137, NOa(s) 12030, NOa(s) 12251, NOa(s) 12284 L. I., NOa(s) 12295 L. I., NObr 52016, NObr 52020 L. I., NObs 53000, NObs 53063, NObs 53106, NObs 53156 L. I., NObs 53245, NOrn 57319, NOrd 10525 Amd. No. 2, NOrd 10697 Amd. No. 5, NOrd 10715 and L. I., NOrd 10820, NOrd 10965, NOrd 10866 L. I., NOrd 10939, NOrd 10979, NOrd 11015, NOrd 11026, N104s-13924, N104s-13939, N104s-14462 L. I., N104s-14796 L. I., N104s-15030 L. I., N104s-15399 L. I., N104s-15402 L. I., N104s-15789 L. I., N104s-16090 L. I., N126s-7690, N126s-7860, N126s-7893, N126s-7891, N126s-7903, N126s-8108, N126s-8154, N126s-8205, N126s-8536, N126s-9020, N126s-9251, N126s-9324, N126s-9758, N126s-9762, N126s-10154, N126s-10175, N126s-10653, N126s-11151, N126s-13120, N126s-13618, N126s-14497, N126s-14500, N126s-14959, N126s-14982, N126s-15108, N126s-15532, N126s-16213, N140s-16965, N140s-19252, N151s-68877, N151s-87014, N151s-87197, N151s-87415, N171s-89368 and L. I., N173s-15779, N-173s-16270, N263s-34121, N263s-35864, N363s-36411, N383s-37056, N383s-37134, N383s-37673 L. I., N283s-37837, N283s-37851, N383s-28148, N383s-28209, N323s-39553, N383s-39864, N323s-40669, N323s-41334, N363s-41878, N383s-41860, N383s-41976, N323s-42177, N223s-42562, N383s-42283, N263s-42669, N333s-43699, N333s-44063, W33-038 ac 19330 S. A. No. 11, AF 22(002)-144, AF 22(002)-149, AF 33(038)-232 C. O. No. 5 and S. A. No. 4, AF 33(038)-14288, AF 33(038)-14692, AF 33(033)-14776, AF 33(038)-14777, AF 33(038)-14778, AF 33(038)-14779, AF 33(033)-14783, AF 33(038)-14789, AF 33(038)-14793, AF 33(038)-14825, AF 33(038)-14826, AF 33(038)-14827, AF 33(038)-14837, AF 33(038)-14841, AF 33(038)-14866, AF 33(038)-14867, AF 33(038)-14888, AF 33(038)-14888, AF 33(038)-14981, AF 33(038)-15051, AF 33(038)-15062, AF 33(038)-15086, AF 33(038)-15319, AF 33(038)-15521, AF 33(038)-15757, AF 33(038)-15792, AF 33(038)-15353, AF 33(038)-16139, AF 33(038)-16153, AF 33(038)-16697, AF 33(038)-16892, AF 33(038)-16905, AF 33(038)-16985, AF 33(038)-17046, AF 33(038)-17052, AF 33(038)-17475, AF 33(038)-17521, AF 33(038)-17758, AF 33(038)-17764, AF 33-(038)-18150, AF 33(038)-13168, AF 33(038)-18293, AF 33(038)18565, Order 33(038)49-2128 Amd. No. 3.

General Electric Supply Corp., Bridgeport, Conn.: DA-36-039-sc-1016, DA-36-039-qm-1018, NOm 57320, NOm 57633, N220s-54264.

General Electric X-ray Corp., Milwaukee, Wis.: DA-13-002-md-32, DA-23-075-md-707, DA-23-075-md-407, DA-23-075-md-437, DA-25-014-ord-17, DA-49-024-md-106, DA-49-024-ord-110, MPA-30-287-md-1616, MPA-30-287-md-1911, MPA-30-287-md-2144, MPA-30287-md-2741, N123s-69826, N123s-69894.

General Electronics, Paterson, N. J.: DA-36-039-sc-7324.

General Excavator Co., The, Marion, Ohio: DA-11-184-eng-5987.

General Fireproofing Co., The, Youngstown, Ohio: N123s-70280, AF 33(038)-15740.

General Fish Co., Seattle, Wash.: DA-04-493-qm-2907.

General Fittings Co., Providence, R. I.: N160s-2952.

General Foods Corp., New Orleans, La.: DA-04-493-qm-1370, DA-11-009-qm-1158, DA-30-280-qm-4890. DA-30-280-qm-5659.

General Handle Co., Rice Lake, Wis.: DA-04-263-eng-887.

General Hardware Manufacturing Co., New York, N. Y.: N600s-8490.

General Industrial Supply Corp., Fort Worth, Tex.: AF 41(183)-135.

General Insulated Wire Works, Inc., Providence, R. I.: DA-36-039-sc-4014, DA-36-039-sc-4902.

General Malleable Corp., Waukesha, Wis.: DA-11-070-ord-2086.

General Marine Co., St. Joseph, Mo.: AF 33(038)-17385.

General Metals Corp., Oakland, Calif.: DA-11-184-eng-4166, DA-36-022-tc-2768, DA-36-022-tc-2769, N104s-14487, N104s-15824. Adel Division: N171s-90309, N383s-39252, N383s-39429, N383s-40081, N383s-42264, N383s-43270. AF 33(038)-15790. AF 33(038)-17180, AF 33(038)-17181, AF 33(038)-17322, AF 33(038)-17337, AF 33(038)-17668, AF 33(038)-17913, AF 33(038)-17979.

General Mills, Inc., Minneapolis, Minn.: DA-04-493-qm-2690, DA-11-009-qm-4468, N140s-17798, N220s-55746, N220s-55871, N220s-55911, N220s-58411, AF 33(038)-14786, AF 33(038)-14930.

General Motors Corp., Detroit, Mich.: DA-20-018-ord-11133, DA-20-018-ord-11234. A. C. Spark Plug Division: DA-11-184-eng-4675, DA-11-184-eng-5914, N220s-55960, N220s-58064, AF 33(038)-14665, AF 33(038)-14788, AF 33(038)-14796, AF 33(038)-14932, AF 33(038)-15271, AF 33(038)-15888, AF 33(038)-17036, AF 33(038)-17735. Aeroproducts Division: NOa(s) 114, NOa(s) 12038, NOa(s) 12089, NOa(s) 12138, N383s-37110, N383s-44423, AF 33(038)-121, AF 33(038)-3674 S. A. No. 3 and S. A. No. 4, AF 33(038)-14743, AF 33(038)-14780, AF 33(038)-15438, AF 33(038)-16154, AF 33(038)-17067. Allison Division: DA-33-008-ord-18, DA-33-008-ord-19, DA-33-008-ord-21 L. I., DA-33-008-ord-22 L. I., DA-33-008-ord-2689, NOa(s) 10958, NOa(s) 11055, NOa(s) 12222, NOa(s) 12280 L. I., W33-038 ac 19751 S. A. No. 48, AF 33(038)-14782, AF 33(038)-14785, AF 33(038)-14790, AF 33(038)-15269, AF 33(038)-15463, AF 33(038)-15600, AF 33(038)-16236, AF 33(038)-17642, AF 33(038)-18329, AF 33(038)-18770. Cadillac Motor Car Division: DA-20-089-ord-2931, DA-20-089-ord-4044, DA-20-089-ord-7724. Cleveland Diesel Engine Division: DA-11-184-eng-3604, DA-11-184-eng-3736, DA-11-184-eng-3834, DA-11-184-eng-5109, DA-33-031-eng-2808, DA-36-022-tc-2222, NObs 50503, NObs 50704, NObs 53152, NObs 59047, N104s-13204, N104s-13209, N104s-13968, N104s-13986, N104s-1420 and L. I., N104s-14310, N104s-14377, N104s-14533, N104s-14809, N104s-14962, N104s-14978, N104s-15169, N104s-15332, N104s-15704, N104s-16152 L. I. Delco Products Division: DA-11-184-eng-4145, DA-11-184-eng-5545, N104s-15325, AF 33(038)-15500. Detroit Diesel Engine Division: DA-11-184-eng-5158, DA-11-184-eng-5374, DA-20-089-ord-2797, N104s-14337, N189s-76702, AF 33(038)-15779. Electro-Motive Division: N104s-14090. GMC Truck & Coach Division: DA-20-018-ord-4689. Harrison Radiator Division: N104s-14223, N104s-15018, AF 33(038)-15170. Inland Manufacturing Division: DA-20-089-ord-8233. New Departure Division: N383s-38206, N383s-41349, AF 33(038)-15509, AF 33(038)-15777, AF 33(038)-15859, AF 33(038)-15959, AF 33(038)-16039, AF 33(038)-16375, AF 33(038)-18059. Packard Electric Division: DA-20-089-ord-4826. Rochester Products Division: N383s-33440, N383s-38718. United Motors Service Division: AF 33(038)-17497.

General Office Furniture Co., Los Angeles, Calif.: N123s-70281, N123s-70753, N160s-2992.

General Petroleum Corp. of California, New York, N. Y.: N220s-55562, N220s-55563, ASP 2495 C. O. No. 1, C. O. No. 2, C. O. No. 4, C. O. No. 5 and C. O. No. 6, ASP 2849.

General Radio Co., Cambridge, Mass.: NObs 53004, N126s-8152, N126s-12169, N126s-13510, N126s-13687, N126s-13892, N173s-15528, N383s-36457.

General Steel Castings Corp., Eddystone, Pa.: DA-20-089-ord-4022.

General Textile Mills, Inc., New York, N. Y.: NOrd 11071, N383s-39223 and L. I.

General Time Corp., New York, N. Y.: NOrd 11051, N104s-14909, N123s-67371.

General Tire & Rubber Co., The, Akron, Ohio: DA-20-089-ord-8185, W33-038 ac 21967, AF 33(038)-5689, AF 33(038)-15760, AF 33(038)-17583.

Geophysical Service, Inc., Dallas, Tex.: NOa(s) 10853, NOa(s) 11053, NOa(s) 12273 L. I.

George, R. B., Equipment Co., Dallas, Tex.: DA-41-294-eng-7 L. I.

Georgia-Pacific Plywood & Lumber Co., New York, N. Y.: DA-09-026-eng-4301, DA-09-026-eng-4307.

Georgia Webbing & Tape Co., Columbus, Ga.: DA-04-203-eng-798, DA-04-203-eng-810.

Gerber Manufacturing Co., Mishawaka, Ind.: DA-30-280-qm-5932.

Gerber Products Co., Fremont, Mich.: MPA-30-287-md-1507, MPA-30-287-md-1601.

Gerrard Steel Strapping Co., Chicago, Ill.: DA-11-009-qm-2172, DA-11-171-ord-113, N600s-9823.

Gesell, R., Inc., New York, N. Y.: MPA-30-287-md-2182, MPA-30-287-md-2654, MPA-30-287-md-2753.

Getty, H. S. & Co., Inc., Philadelphia, Pa.: N383s-39219.

Getz, William, Corp., Chicago, Ill.: MPA-30-287-md-1766, MPA-30-287-md-2355, MPA-30-287-md-4635.

Geuder, Paeschke & Frey Co., Milwaukee, Wis.: DA-11-009-qm-2568.

Gibbs Manufacturing & Research Corp., Janesville, Wis.: DA-36-038-ord-1951 L. I., W33-038 ac 20559 C. O. No. 18 and C. O. No. 19, AF 33(038)-14962.

Gidley Research, Inc., Fairhaven, Mass.: DA-01-021-ord-51.

Gifford, C. M., San Diego, Calif.: DA-04-493-qm-1320.

Gihon, H. D., Inc., Trenton, N. J.: N140s-17967.

Gilbane Building Co., Inc., Providence, R. I.: NOy 22719.

Gilbert & Barker Manufacturing Co., West Springfield, Mass.: DA-19-059-ord-42, DA-36-038-ord-2375 L. I.

Gilbert Bros., Inc., Portland, Ore.: DA-45-108-eng-685.

Gilbert Plastics, Hillside, N. J.: DA-28-017-ord-929, DA-28-017-ord-1177.

Gilfillan Bros., Inc., Los Angeles, Calif.: W33-038 ac 20653 S. A. No. 14 and S. A. No. 15, W33-038 ac 21983 S. A. No. 10, AF 33(038)-15123, AF 33(038)-15144, AF 33(038)-15704, AF 33(038)-15966, AF 33(038)-17138, AF 33(038)-17798.

Gill Electric Manufacturing Corp., Redlands, Calif.: N383s-39014, N383s-43308.

Gillespie & Co. of New York, Inc., New York, N. Y.: DA-11-184-eng-5124.

Gilliland Enterprises, Inc., Lafayette, Ind.: NOrd 10920.

Gilman Engineering & Manufacturing Corp., Janesville, Wis.: DA-11-171-ord-102, DA-11-173-ord-44.

Girard Knitting Mills, Philadelphia, Pa.: DA-30-280-qm-7748.

Gisholt Machine Co., Madison, Wis.: DA-19-066-ord-881, N600s-8425 L. I.

Gladden Products Corp., Glendale, Calif.: AF 33(038)-16164.

Glas Kraft, Inc., Lonsdale, R. I.: DA-30-280-qm-5445.

Glasco Products Co., Chicago, Ill.: MPA-30-287-md-1775, MPA-30-287-md-2052, MPA-30-287-md-3350.

Glaser Crandell Co., Chicago, Ill.: DA-11-009-qm-3322, DA-11-009-qm-4280.

Glass Fibers, Inc., Waterville, Ohio: N383s-38673, N383s-42036.

Glassloid Corp. of America, Paterson, N. J.: DA-36-039-sc-9225.

Gleason Works, Rochester, N. Y.: NObs 59149, N14Cs-17001, N156s-27367.

Glen Kahn Canning Co., Glen Kahn, Ohio: DA-11-009-qm-3942.

Glidden Co., The, Cleveland, Ohio: DA 11-009-qm-1185, DA-11-009-qm-1223, DA 28-024-ord-794, DA-30-075-eng-1613, N220s-58545, N383s-44246. Durkee Famous Foods Division: DA-11-009-qm-1610.

Globe American Corp., Macomb, Ill.: DA-11-009-qm-3611.

Globe Corp., Chicago, Ill.: NOa(s) 51089 L. I., N383s-13237, N383s-37670, N383s-44057.

Globe Crayon Co., Inc., New York, N. Y.: DA-18-108-cml-49.

Globe Forge, Inc., Syracuse, N. Y.: DA 30-144-ord-776.

Globe Slicing Machine Co., Stamford, Mich.: N104s-16161, N383s-39560.

Globe Tool & Engineering Co., Dayton, Ohio: DA-36-039-sc-9229.

Gloversville Knitting Co., Gloversville, N. Y.: N140s-19060.

Godchaux Sugars, Inc., New Orleans, La.: DA-30-280-qm-5182.

Godin Tool & Die Co., Detroit, Mich.: DA-20-089-ord-5141.

Gold Leaf Pahr Co., New Rochelle, N. Y.: MPA-30-287-md-1538, MPA-30-287-md-1968.

Golden Gate Foods, Inc., Berkeley, Calif.: DA-11-009-qm-1472, DA-11-009-qm-1936.

Golden State Co., Ltd., San Francisco, Calif.: DA-11-009-qm-1487, DA-11-009-qm-3093, N123s-68250, N123s-68784, N220s-55803, N220s-55872, N220s-55880, N220s-56073.

Goldsmith Bros. Smelting & Refining Co., Chicago, Ill.: AF 9(104)-267.

Gollobin Dental Co., Inc., New York, N. Y.: MPA-30-287-md-2949.

Gomperts, J., & Co., Inc., Idaho Falls, Idaho: N220s-56465.

Good-All Manufacturing Co., Ogallala, Nebr.: NOrd 10932.

Goodall Rubber Co., Inc., Trenton, N. J.: N383s-40463, N383s-40793.

Goodman-Kleiner Co., New York, N. Y.: MPA-30-287-md-2377, MPA-30-287-md-2896.

Goodrich, B. F., Co., The, Akron, Ohio: DA-04-203-eng-1143, DA-20-089-ord-3058, DA-20-089-ord-7340 L. I., DA-20-089-ord-8181, NObr 52068, N160s-3070, N160s-3152, N220s-58166, N383s-36692, N383s-36695, N383s-37136 L. I., N383s-38277, N383s-39106, N383s-40126, N383s-40210, N383s-40254, N383s-40941, N383s-41022, N383s-41782, N383s-42519, N383s-44061, W33-038 ac 21960, W33-038 ac 22137, AF 33(038)-159, AF 33(038)-263, AF 33(038)-608, AF 33(038)-924, AF 33(038)-1763, AF 33(038)-1809, AF 33(038)-2143, AF 33(038)-2286, AF 33(038)-2559, AF 33(038)-2665, AF 33(038)-2674, AF 33(038)-3405, AF 33(038)-3682, AF 33(038)-6058, AF 33(038)-6828, AF 33(038)-14736, AF 33(038)-14731, AF 33(038)-14861, AF 33(038)-14901, AF 33(038)-14903, AF 33(038)-14906, AF 33(038)-16743, AF 33(038)-18393, AF 33(038)-18405, AF 33(038)-18496, AF 41(142)-183. Hood Rubber Co. Division: DA-19-025-cml-1, DA 30-280-qm-7447, DA-30-280-qm-7721.

Goodwin Preserving Co., Louisville, Ky.: DA-11-009-qm-932.

Goodyear Aircraft Corp., Akron, Ohio: NOa(s) 11073, NOa(s) 51002, NOa(s) 51007, NOrd 11053, N383s-28039 and L. I. N383s-37735 L. I., N383s-38226, N383s-41121, W33-038 ac 14153 S. A. No. 18 and S. A. No. 19, AF 33(038)-14934, AF 33(038)-15434, AF 33(038)-16098, AF 33(038)-16786, AF 33(038)-16509.

Goodyear Rubber Co., Middletown, Conn.: DA-30-280-qm-7723.

Goodyear Tire & Rubber Co., Inc., The, Akron, Ohio: DA-20-089-ord-3000, DA-20-089-ord-3063, DA-20-089-ord-3106, DA-20-089-ord-3268, DA-20-089-ord-3269, DA-20-089-ord-7343 L. I., DA-36-109-eng-150, N123s-66026, N160s-3169, N160s-3208, N610s-3245, N160s-3247, N160s-3303, N160s-3330, N160s-3351, N160s-3355, N160s-3367, N160s-3422, N160s-3450, N160s-3519, N160s-4405, N160s-4413, N160s-4457, N383s-7371, N383s-7758 Lot 11, N383s-7800, N383s-13049, N383s-13802, N383s-17798, N383s-37467, N383s-40504, N383s-40509, L. I., N383s-40974, N383s-41850, N383s-42715, N383s-43272, N383s-43502, N600s-44427, W33-038 ac 21003 Amd. No. 5, AF 33(038)-1816, AF 33(038)-2035, AF 33(038)-2557, AF 33(038)-2754, AF 33(038)-14660, AF 33(038)-14711, AF 33(038)-14663, AF 33(038)-14876, AF 33(038)-14884, AF 33(038)-14892, AF 33(038)-14899, AF 33(038)-14900, AF 33(038)-14910, AF 33(038)-14911, AF 33(038)-15599, AF 33(038)-15678, AF 33(038)-15679, AF 33(038)-15681, AF 33(038)-15775, AF 33(038)-15931, AF 33(038)-15932, AF 33(038)-17110, AF 33(038)-17143, AF 33(038)-17387, AF 33(038)-17684, AF 33(038)-17712.

Gorman-Rupp Co., The, Mansfield, Ohio: DA 11-184-eng-5477, DA-11-184-eng-5760, AF 33(038)-15109.

Gorton, George, Machine Co., Racine Wis.: N600s-9451.

Gould-National Batteries, Inc., St. Paul, Minn.—Gould Industrial Division: DA-28-043-sc-5434, NOa(s) 12128, NObs 50337 and L. I., NObs 53069 L. I., NObs 53130, N383s-38818.

Goulds Pumps, Inc., Seneca Falls, N. Y.: NObs 59162 L. I.

Grace, W. R., & Co., New York, N. Y.: DA-30-280-qm-4886, DA-30-280-qm-5121.

Grace, W. E. Manufacturing Co., Dallas, Tex.: DA-11-184-eng-4543.

Greco Metal Products Co., Inc., Philadelphia, Pa.: DA-36-038-ord-1314.

Greely Travers Co., Inc., Rocky Mount, N. C.: N145s-18605.

Greflex, Inc., Rochester, N. Y.: DA-36-038-ord-1909, AF 33(038)-15699, AF 33(038)-15754, AF 33(038)-16618.

Greham, John H., & Co., Inc., New York, N. Y.: N600s-2400.

Greham Manufacturing Co., New York, N. Y.: NObs 53879.

Greham Transmissions, Inc., Milwaukee, Wis.: DA-28-043-sc-6010.

Greminger, Dempsey & Hudson, Inc., Newark, N. J.: DA-28-017-ord-1085.

Grand Central Airport Co., Glendale, Calif.: AF 33(038)-16231.

Grand Iron Works, Inc., Bronx, N. Y.: DA 11-184-eng-5421.

Grand Prize Packing Co., New York, N. Y.: DA-11-009-qm-4027.

Granite Textile Mills, Inc., Midland Park, N. J.: N140s-18052.

Grant Photo Products, Inc., Cleveland, Ohio: AF 33(038)-15268, AF 33(038)-15430, AF 33(038)-15754, AF 33(038)-15958, AF 33(038)-16477, AF 33(038)-17485, AF 33(038)-17503, AF 33(038)-17681.

Gray Co., Inc., Minneapolis, Minn.: DA-11-184-eng-4809.

Gray & Dudley Co., Nashville, Tenn.: DA-11-184-eng-5094.

Gray Line, Inc., The, San Francisco, Calif.: DA-04-197-tc-609.

Gray Lumber Co., Waverly, Va.: DA-09-026-eng-6493.

Gray, C. L., Lumber Co., Meridan, Miss. DA-09-026-eng-7116, DA-09-026-eng-7128.

Gray Marine Motor Co., Detroit, Mich.: DA-11-184-eng-5494.

Gray Television & Research, Inc., Boston, Mass.: NOa(s) 12277.

Graybar Electric Co., Inc., New York, N. Y.: DA-11-184-eng-4193, DA-11-184-eng-4272, DA-23-065-eng-320, DA-23-065-eng-324, DA-36-039-sc-7843, DA-36-039-sc-9634 NOm 57296 N160s-2970, N160s-3015, N160s-3225, N191s-38567, N220s-54205, N383s-37615, N383s-39289, N383s-43240, N383s-44328, N600s-8207, AF 33(038)-16647.

Grays Harbor Pulp & Paper Co., San Francisco, Calif.: DA-30-280-qm-8765.

Great American Industries, Inc., Meriden, Conn.: DA-36-039-sc-7388, NOrd 10899, AF 33(038)-15061, AF 33(038)-15979.

Great Lakes Equipment Co., Detroit, Mich.: DA-20-089-ord-8587.

Great Lakes Manufacturing Corp., Cleveland, Ohio: AF 33(038)-17835.

Great Lakes Steel Corp., Detroit, Mich.: DA-20-089-ord-4290, DA-20-ord-5072, N160s-2653, N160s-2875, N160s-3101, N160s-3386, AF 33(038)-16101.

Great Southern Box Co., Inc., New Orleans, La.: DA-30-280-qm-8128.

Greco Manufacturing Corp., Brooklyn, N. Y.: N300s-9076.

Green Bay Canning, Green Bay, Wis.: DA-11-009-qm-1289, DA-11-009-qm-1397.

Green, Richard, Co., Newark, N. Y.: MPA-30-287-md-1778

Greene Wolf Co., Inc., Long Beach, Calif.: N383s-42991.

Greenfield Tap & Die Corp., Greenfield, Mass.: N600s-8706.

Greenleaf Manufacturing Co., St. Louis, Mo.: AF 33(038)-14909.

Greer Hydraulics, Inc., Brooklyn, N. Y.: NOa(s) 12217, NOa(s) 12241, AF 33(038)-6518, AF 33(038)-15539, AF 33(038)-17390.

Grear Kent Mather Cruise & Aldrich, Providence, R. I.: NOy 22799.

Gregory, E. T. & Co., Nashville, Tenn: AF 33(038)-14994.

Greiner, Emil, Co., New York, N. Y.: DA-30-280-qm-6269, DA-30-280-qm-7005.

Gresham & Co., Kansas City, Mo.: DA-11-099-qm-1725.

Griffin Engineering Co., Worthington, Ind.: DA-20-089-ord-4250, DA-20-089-ord-4290.

Griffin Wellpoint Corp., New York, N. Y.: N160s-2367.

Griffith & Sprague Stevedoring Co., Seattle, Wash.: DA-45-045-tc-157, DA-45-045-tc-161, DA-45-045-tc-162, DA-45-045-tc-168, DA-45-045-tc-188, DA-45-045-tc-192, DA-45-045-tc-196, DA-45-045-tc-200, DA-45-045-tc-203, DA-45-045-tc-277.

Griggs, Cooper & Co., St. Paul, Minn.: DA-11-009-qm-1095, DA-11-009-qm-2146, DA-11-009-qm-2328.

Grimes Manufacturing Co., Urbana, Ohio: NOa(s) 200, N383s-44093, N383s-44107, AF 33(038)-16558, AF 33(038)-17064.

Grinaldi, A. S. Sons, Macon, Ga.: DA-09-026-eng-5361, DA-09-026-eng-5299.

Griscom-Russell Co., New York, N. Y.: N104s-14123.

Griswold Manufacturing Co., Erie, Pa.: DA-12-036-qm-1686.

Grosite Design Co., Hartford, Conn.: DA-19-058-ord-1567.

Gross & Janes Co., St. Louis, Mo.: DA-09-026-eng-7610, DA-09-023-eng-7613.

Grote Manufacturing Co., Bellevue, Ky.: DA-11-184-eng-21565.

Grove Regulator Co., Oakland, Calif.: N52m 25615, N104s-13472 and L. I.

Grubbs, Hal B., & Co., San Francisco, Calif.: N220s-55349, N220s-55790.

Gruendler Crusher & Pulverizer Co., St. Louis, Mo.: N160s-3463.

Grumman Aircraft Engineering Corp., Bethpage, Long Island, N. Y.: NOa(s) 118 L. I., NOa(s) 140 L. I., NOa(s) 7982 Amd. No. 13, NOa(s) 12054 L. I., NOa(s) 12242 and L. I., NOa(s) 51022 L. I., NOa(s) 51074 L. I., NOa(s) 51098, N383s-36261, N383s-36275 N383s-37865, N383s-38622, N383s-38639, N383s-40136, N383s-43501.

Grundy, Maurice W., New Orleans, La., DA-09-026-eng-5106.

Guardian Electric Manufacturing Co., Chicago, Ill.: AF 33(038)-15191.

Gudebrod Bros. Silk Co., Philadelphia, Pa.: MPA-30-287-md-2639.

Gudeman Co., The, Chicago, Ill.: DA-40-170-sc-25, DA-49-170-sc-69.

Guild Products, Cincinnati, Ohio: DA-30-280-qm-6783.

Gulf Oil Corp., Pittsburgh, Pa.: ASP 2390 C. O. No. 4, C. O. No. 5, C. O. No. 6, C. O. No. 9, C. O. No. 11, C. O. No. 13, C. O. No. 14, C. O. No. 15, C. O. No. 17 and C. O. No. 18, ASP 3094, ASP 3322, ASP 3349, ASP 3451, ASP 3[illegible].

Gulf Salt Co., Houston, Tex.: DA-30-280-qm-5469, DA-30-280-qm-6201, DA-30-280-qm-8132.

Gummed Products Co., The, Troy, Ohio: AF 33(038)-16756.

Gustin-Bacon Manufacturing Co., Kansas City, Mo.: DA-11-184-eng-4162, N383s-42[illegible].

Gutschmidt, Max, Co., Union City, N. J.: DA-30-280-qm-5962.

Gwin, Tom, Lumber Co., Summit, Miss.: DA-09-026-eng-3415. DA-09-026-eng-7100, DA-09-026-eng-7632.

H & H Machine Shop, Washington, D. C.: N600s-9955

H. K. Metal Craft Manufacturing Co., New York, N. Y.: AF 33(038)-15717.

Haartz-Mason, Inc., Watertown, Mass.: N383s-43494.

Haas Bros., San Francisco, Calif.: N220s-55311, N220s-55823, N220s-55875, N220s-55[illegible], N220s-56420, N220s-56588, N220s-5[illegible], N220s-57600, N220s-58709.

Haberstump-Harris, Inc., Detroit, Mich.: DA-11-070-ord-1568.

Hackensack Cable Corp., Hackensack, N. J.: DA-11-184-eng-4389.

Haddock-Engineers, Santa Fe, N. Mex.: DA-95-507-eng-103.

Hagedohm, Walter R., Los Angeles, Calif.: DA-04-353-eng-299 Mod. No. 1.

Hagerty Bros. & Co., New York, N. Y.: MPA-30-287-md-1686.

Hagerty Co., Cohasset, Mass.: DA-19-059-ord-1198.

Hagy, J. Milton, Waste Works, Philadelphia, Pa.: N140s-17329.

Halle Flying Service, Austin, Tex.: AF 33(038)-16182, AF 33(038)-16551.

Haimes, Leonard, Co., Inc., New York, N. Y.: DA-11-009-qm-2509.

Hale Fire Pump Co., Conshohocken, Pa.: DA-11-184-eng-5755, NObs 52018 L. I. N104s-15767, N160s-3050, AF 33(038)-16126.

Haley Canning Co., Hillsboro, Oreg.: N220s-57976, N406s-27765.

Haller, Raymond & Brown, Inc., State College, Pa.: DA-44-109-qm-268.

Hallett Manufacturing Co., Inglewood, Calif.: N104s-13051, N104s-15533.

Hallicrafters Co., Chicago, Ill.: DA-36-039-sc-3968 and L. I., DA-36-039-sc-4745, AF 33(038)-15973, AF 33(038)-17135.

Halmos & Keith, San Francisco, Calif.: N220s-56427, N220s-56838, N220s-56866, N220s-57575, N220s-57576 N220s-58464.

Haloid Co., Rochester, N. Y.: AF 33(038)-15837, AF 33(038)-17037, AF 33(038)-17[illegible].

Halperin, A. E., Co., Inc., Boston, Mass.: MPA-30-287-md-2968, MPA-30-287-md-3574.

Halsey Products, Brooklyn, N. Y.: MPA-30-287-md-3487, MPA-30-287-md-4000.

Halvorson, Howard, Spokane, Wash.: DA-45-108-eng-537 Mod. No. 1.

Hamer, J. P., Lumber Co., Kenova, W. Va.: DA-11-184-eng-5163.

Hamilton Manufacturing Co., Two Rivers, Wis.: DA-20-075-md-340, DA-23-075-md-365, DA-23-075-md-372.

Hamilton Metal Products Co., Hamilton, Ohio: N600s-8390.

Hamilton Tailoring Co., Cincinnati, Ohio: AF 33(038)-15116.

Hamilton Watch Co., Lancaster, Pa.: DA-36-034-ord-56.

Hammarlund Manufacturing Co., New York, N. Y.: DA-36-039-sc-4680 and L. I., DA-36-039-sc-4686, DA-36-039-sc-7299, DA-36-039-sc-7318, DA-36-039-sc-9489, NObr 52039 and L. I., N189s-76750, AF 33(038)-17430.

Hammermill Paper Co., Erie, Pa.: DA-30-280-qm-8625.

Hammond Lead Products, Inc., Hammond, Ind.: N383s-41727.

Hammond Machinery Builders, Inc., Kalamazoo, Mich., DA-11-173-ord-43.

Hammond Manufacturing Corp., Pasadena, Calif., AF 33(038)-15008, AF 33(038)-17348.

Hanau Engineering Co., Inc., Buffalo, N. Y., MPA-30-287-md-2320.

Handy Pad Supply Co., Worcester, Mass., MPA-30-267-md-1946, MPA-30-287-md-2009.

Hanes, P. H., Knitting Co., Winston-Salem, N. C., DA-30-280-qm-7172 L. I.

Hanovia Chemical & Manufacturing Co., Newark, N. J., MPA-30-287-md-1945, NObs 53223, N383s-40359.

Hanson Clutch & Machinery Co., Tiffin, Ohio, DA-11-184-eng-4569, DA-11-184-eng-5215.

Hanson, C. H., Co., The, Chicago, Ill., DA-11-009-qm-1548, DA-11-184-eng-3765.

Hanson-Van Winkle-Munning Co., Matawan, N. J., N273s-168, N383s-41966, N383s-43331, N383s-44517.

Hapman Dutton Co., Kalamazoo, Mich., N160s-3239.

Harbor Plywood Corp., Hoquiam, Wash., DA-35-026-eng-5951.

Hard & Rand, Inc., New York, N. Y., DA-30-280-qm-5120, DA-30-280-qm-5160.

Harders Engineering Co., Chicago, Ill., DA-11-184-eng-3674.

Hardesty Chemical Co., Inc., New York, N. Y.: DA-28-017-ord-872, DA-28-017-ord-1038.

Hardie Manufacturing Co., Hudson, Mich.: AF 33(038)-17496.

Hardie-Tynes Manufacturing Co., Birmingham, Ala.: N104s-13939, N151s-86456, N151s-86916.

Harding Devices Co., Dallas, Tex.: AF 33(038)-15696.

Hardman Tool Engineering, South Gate, Calif.: N383s-43292.

Hardwick, Hindle, Inc., Newark, N. J.: N383s-44620.

Hardy Salt Co., St. Louis, Mo.: DA-30-280-qm-8477.

Harley Soap Co., Philadelphia, Pa.: MPA-30-287-md-1815.

Harman Pump Co., Los Angeles, Calif.: N160s-3481.

Harnischfeger Corp., Milwaukee, Wis.: DA-11-184-eng-3716, DA-11-184-eng-5534, DA-11-184-eng-5623, DA-11-184-eng-5641.

Harriman, Alonzo J., Auburn, Maine: DA-19-016-eng-378.

Harrington & King Perforating Co., The, Chicago, Ill.: N600s-8950.

Harrington & Richardson Arms Co., Worcester, Mass.: DA-19-020-ord-35, DA-19-020-ord-60, NOm 57100.

Harris, John W., Associates Inc., New York, N. Y.: NOy 22337.

Harris, Frederic R., Inc., New York, N. Y.: NOy 21734.

Harris-Seybold Co., Cleveland, Ohio: DA-11-009-qm-1578, AF 33(038)-17626.

Harrison & Bonini Sales, San Francisco, Calif.: DA-04-197-tc-692, DA-04-197-tc-697, DA-04-197-tc-698, DA-04-197-tc-705, DA-04-197-tc-706, DA-04-197-tc-829.

Harrison & Jarboe, Easton, Md.: DA-11-009-qm-2493.

Harron, Rickard & McCone Co., San Francisco, Calif.: N123s-69211, N123s-69212, N126s-68757.

Hart Carter Co., Peoria, Ill.: AF 33(038)-16548.

Hart, Frederick, Co., Inc., Poughkeepsie, N. Y.: N104s-14755.

Hart Manufacturing Co., The, Hartford, Conn.: N163s-592.

Harte, John J., Kingsport, Tenn.: DA-01-076-eng-675.

Harter Corp., The, Sturgis, Mich.: DA-11-009-qm-1654, DA-11-009-qm-3172.

Hartford Steam Boiler Inspection & Insurance Co., The, Hartford, Conn.: W33-038 ac 15821 C. O. No. 8.

Hartman Electrical Manufacturing Co., The, Mansfield, Ohio: NOa(s) 9974, AF 33(038)-14865.

Hartman, Inc., Garfield, N. J.: DA-30-280-qm-5943.

Hartung, W. A., Supplies, Seattle, Wash.: DA-11-009-qm-1036.

Harvey-Wells Electronics, Inc., Southbridge, Mass.: AF 33(038)-15465, AF 33(038)-15634.

Hartzell Industries, Inc., Piqua, Ohio: DA-19-058-ord-1472, AF 33(038)-16166, AF 33(038)-17885.

Harvey Machine Co., Inc., Torrance, Calif.: DA-04-495-ord-24, DA-30-144-ord-640, N600s-9916.

Harvey Metal Corp., Chicago, Ill.: DA-11-070-ord-1567.

Harvick Manufacturing Co., Lynwood, Calif.: N600s-8448.

Haserot Co., The, Cleveland, Ohio: N406s-27763.

Haskell Manufacturing Co., Pittsburgh, Pa.: AF 40(087)-115.

Haslam, Fred, & Co., Brooklyn, N. Y.: MPA-30-287-md-3251.

Hass Bros., San Francisco, Calif.: DA-30-280-qm-4887.

Hastings Instrument Co., Inc., Hampton, Va.: NOa(s) 51080, AF 8(169)-87.

Hauser Machine Tool Corp., Manhasset, Long Island, N. Y.: N600s-9652.

Hauserman, E. F., Co., Cleveland, Ohio: DA-20-089-ord-2940.

Haviside Co., San Francisco, Calif.: DA-04-197-tc-182, DA-04-197-tc-690, DA-04-197-tc-693, DA-04-197-tc-701, DA-04-197-tc-755, DA-04-197-tc-817, DA-36-022-tc-1697, DA-36-022-tc-1726, N220s-55585.

Hawaiian Pineapple Co., Ltd., San Francisco, Calif.: DA-04-493-qm-2668.

Haxton, Geo. W., & Son, Oakfield, N. Y.: DA-11-009-qm-1236, DA-11-009-qm-1256.

Haydon, A. W., Co., The, Westbury, Conn.: N383s-44043.

Haydon Manufacturing Co., Inc., Torrington Conn: N126s-12173.

Hayes, C. I., Inc., Providence, R. I.: N104s-15763.

Hayes Wheel & Spring Service, Columbus, Ohio: DA-11-184-eng-5701.

Hays Corp., The, Michigan City, Ind.: N151s-87531, AF 33(038)-15516.

Hayward Lumber & Investment Co., Los Angeles, Calif.: N52m 25254, N126s-14010, N383s-39266, AF 33(038)-17216.

Hazeltine Electronics Corp., New York, N. Y.: NOa(s) 9884 Amd. No. 1, Lot II and Amd. No. 3 Lot III, NOa(s) 12031, NOa(s) 12092, NOa(s) 12107, NObr 49255, N126s-14010, N383s-37357, N383s-39266, AF 33(038)-15107, AF 33(038)-15651, AF 33 (038)-17216.

Heald Machine Co., The, Worcester, Mass.: DA-19-020-ord-65.

Hearn, Reid H., jr., Columbia, S. C.: NOy 22352.

Heath Co., Benton Harbor, Mich.: DA-36-039-sc-4750.

Heckethorn Manufacturing & Supply Co., Littleton, Colo.: DA-23-072-ord-21.

Hedrick, Wyatt C., Co., Dallas, Tex.: DA-41-243-eng-742.

Heil Co., The, Milwaukee, Wis.: DA-11-022-ord-26, DA-11-184-eng-4455, AF 33(038)-16540.

Heiland Research Corp., Denver, Colo.: N220s-56479.

Heim Co., The, Fairfield, Conn.: AF 33(038)-15843.

Heinemann Electric Co., Trenton, N. J.: N383s-42209.

Heinz, H. J., Co., Pittsburgh, Pa.: DA-11-009-qm-2465, DA-11-009-qm-3651, DA-11-009-qm-3576, DA-11-009-qm-4046.

Heller, Jack, New York, N. Y.: DA-30-280-qm-7900.

Hellige, Inc., Long Island City, N. Y.: MPA-30-287-md-1894, MPA-30-287-md-2028, MPA-30-287-md-2108, MPA-30-287-md-2980, MPA-30-287-md-3806.

Henderson, J. L., & Co., San Francisco, Calif.: N220s-55821, N220s-55873, N220s-55898, N220s-56051, N220s-56052, N220s-56194.

Henderson, Black & Greene, Inc., Troy, Ala.: DA-01-076-eng-561, DA-01-076-eng-669.

Hendry, C. J., Co., San Francisco, Calif.: N160s-3314, N220s-57391, N383s-44311.

Henry Bros. Tool & Die Works, Philadelphia, Pa.: DA-36-038-ord-1102, DA-36-038-ord-1578.

Henry Products Co., Brooklyn, N. Y.: DA-36-039-sc-4697.

Henry Valve Co., Melrose Park, Ill.: N104s-13715, N104s-15780.

Henschel Corp., Amesbury, Mass.: N104s-15676.

Hensel Wood Products Co., Winston-Salem, N. C.: DA-09-026-eng-3390, DA-09-026-eng-5047, DA-09-026-eng-5049, DA-09-026-eng-5056, DA-09-026-eng-6909, DA-09-026-eng-6926, DA-09-026-eng-6938.

Henson, Fred C., Co., Pasadena, Calif.: N123s-69892, DA-18-001-ord-354.

Herbach & Rademan, Inc., Philadelphia, Pa.: DA-36-039-sc-4965, DA-36-039-sc-6657, DA-36-039-sc-7951, DA-36-039-sc-8295, DA-36-039-sc-8514, N383s-37917, N383s-40377.

Hercules Building Corp., Chicago, Ill.: DA-40-110-qm-211.

Hercules Cement Corp., Philadelphia, Pa.: N383s-40497.

Hercules Filter Corp., Paterson, N. J.: NObs 53184, N104s-15120.

Hercules Motors Corp., The, Canton, Ohio: DA-36-022-tc-1940, DA-36-022-tc-2447, N104s-15621.

Hercules Powder Co., Inc., Wilmington, Del.: DA-04-203-eng-795, DA-28-017-Ord-820, DA-28-017-ord-838, DA-28-017-ord-1020, DA-28-017-ord-1063, DA-36-034-ord-30, DA-36-034-ord-41, NOrd 10987.

Herman Body Co., The, St. Louis, Mo.: DA-11-184-eng-5716.

Herre Bros., Syracuse, N. Y.: N104s-13295, N104s-13371.

Herrick Co., Boston, Mass.: DA-19-053-aI-51.

Herring, M., Wholesale Lumber Co., Oklahoma City, Okla.: AF 41(183)-134.

Hershey Chocolate Corp., Hershey Pa.: DA-30-280-qm-5622, DA-45-064-qm-1150.

Hess & Barker Co., Philadelphia, Pa.: N156s-27244.

Hess, Inc., Perth Amboy, N. J.: ASP 2649 C. O. No. 8.

Hess Warm Ventilators, Chicago, Ill.: DA-23-037-aV-26.

Hesse Machine & Manufacturing Co., Inc., Boston, Mass.: DA-19-020-ord-46, DA-19-058-ord-1394, DA-19-058-ord-1418.

Hession, John W., Jr., Norwalk, Conn.: NObs 53158.

Hewitt-Robins, Inc., Buffalo, N. Y.: N383s-41317.

Hewlett Packard Co., Palo Alto, Calif.: NOa(s) 51117, N123s-70190, N383s-36431.

Hexacon Electric Co., Roselle Park, N. J.: N600s-8641.

Hexagon Tool & Engineering Corp., Dearborn, Mich.: DA-30-144-ord-550.

Heyden Chemical Corp., New York, N. Y.: MPA-30-287-md-1531.

Heyse Sheet Metal & Roofing Co., Colorado Springs, Colo.: AF 30(317)-10, AF 30(317)-23.

Hickmott Canning Co., San Francisco, Calif.: DA-04-493-qm-2356.

Hickok Electrical Instrument Co., Cleveland, Ohio: NObr 49233, N383s-37057.

Hiern, Charles, New Orleans, La.: DA-16-049-tc-63.

Higginbotham-Wells Manufacturing Co., Inc., Dallas, Tex.: DA-41-117-ord-705, DA-41-117-ord-838, DA-41-117-ord-928.

Higgins, Inc., New Orleans, La.: DA-11-184-eng-4468, N104s-13930, AF 33(038)-16981.

Higgins, J. E., Lumber Co., San Francisco, Calif.: AF 4(171)-130.

Highway Trailers Co., Edgerton, Wis.: DA-11-184-eng-4763, DA-11-184-eng-5305, DA-11-184-eng-5533, DA-11-184-eng-5838, DA-11-184-eng-6088, DA-36-039-sc-7812.

Hill Corp. Co., Inc., Fresno, Calif.: DA-04-203-eng-545.

Hill Diesel Engine Co., Lansing Mich.: DA-36-039-sc-7189, N104s-13314, N104s-14643.

Hill, Cyrus G., Chicago, Ill.: AF 33(038)-17697.

Hill, Frank M., Machine Co., Inc., Walpole, Mass.: DA-19-020-ord-58.

Hillard Corp., The, Elmira, N. Y.: DA-11-184-eng-5195.

Hills Bros. Coffee, Inc., San Francisco, Calif.: DA-30-280-qm-4642.

Hilton Tool & Machine Co., Bronx, N. Y.: MPA-30-287-md-2363.

Hinchcliff Lumber Co., Stronesville, Ohio: DA-33-155-ord-199, DA-33-155-ord-201, DA-33-155-ord-224.

Hinman, W. H., Inc., North Anson, Maine: DA-19-016-eng-656.

Hirsch Brothers Co. of California, San Francisco, Calif.: N220s-56030.

Hirsch, Gustave, Organization, Columbus, Ohio: AF 33(038)-15606, AF 33(038)-16170, AF 33(038)-16562.

Hobart Bros. Co., The, Troy, Ohio: DA-11-184-eng-3910, DA-11-184-eng-4716, DA-11-184-6046, DA-12-036-qm-1257.

Hobart Manufacturing Co., Troy, Ohio: DA-11-184-eng-3804, DA-11-184-eng-5471, N104s-15378.

Hobart Welder Sales & Service, Chicago, Ill.: DA-11-184-eng-4085.

Hobbs Battery Co., San Francisco, Calif.: N104s-3078.

Hobbs Manufacturing Co., San Antonio, Tex.: DA-11-184-eng-5682, DA-41-294-eng-1.

Hodgman Rubber Co., Inc., Framingham, Mass.: DA-19-025-cml-6, AF 33(038)-16054.

Hoffacker, C. O., Co., Cranston, R. I., DA-19-058-ord-1308.

Hoffman Combustion Engineering Co., Detroit, Mich.: AF 33(096)-2027.

Hoffman Radio Corp., Los Angeles, Calif.: NObr 52030 L. I., NObr 52069 L. I., N126s-14883, AF 33(038)-17439.

Hofstrand Co., Rockville, Md.: DA-11-184-eng-5265.

Hogan Laboratories, Inc., New York, N. Y.: DA-49-170-sc-53.

Hohenson & Pettis Manufacturing Co., The, New Haven, Conn.: N600s-8529.

Holan, J. H., Corp., Cleveland, Ohio: DA-36-039-sc-896 and L. I.

Holland Hitch Co., Holland, Mich.: DA-11-184-eng-6020, DA-20-089-ord-4229.

Hollander Metal Products Corp., Bridgeport, Conn.: DA-11-009-qm-3833.

Holley Carburetor Co., Detroit, Mich.: N104s-15026, N104s-15034, N383s-41343, N383s-43269, AF 33(038)-14733.

Hollingshead, R. M., Corp., Camden, N. J.: MPA-30-287-md-1692, NOa(s) 51148, N383s-42017 N383s-43467.

Hollingsworth, J. R., Corp., Clifton Heights, Pa.: DA-36-039-sc-3187 and L. I.

Hollister Canning Co., Hollister, Calif.: DA-11-009-qm-2588.

Holly Hill Fruit Products Inc., Davenport, Fla.: DA-11-009-qm-2929, DA-11-009-qm-3665.

Holmberg Electric Co., Inc., Brooklyn, N. Y.: DA-36-039-sc-3854.

Holmes & Narver, Inc., Los Angeles, Calif.: NOy 21441, N123s-70462, N220s-56567.

Holmes Manufacturing Co., Kenosha, Wis.: DA-11-070-ord-2169.

Holt, R. B., & Son, Salt Lake City, Utah: DA-42-036-cml-47.

Homelite Corp., Port Chester, N. Y.: DA-11-184-eng-4012, DA-11-184-eng-4505, DA-11-184-eng-5653, DA-44-009-eng-302, N383s-37879.

Homer Lumber Co., Atlanta, Ga.: DA-09-026-eng-3465, DA-09-026-eng-7229.

Homestead Valve Manufacturing Co., Inc., Coraopolis, Pa.: DA-11-184-eng-5440, NObs 50200.

Hooper, Wm. E., Sons Co., Philadelphia, Pa.: N140s-18179, N140s-18180.

Hoosier Surplus Sales, Indianapolis, Ind.: DA-09-260-qm-7740.

Hoosier Tomatoes, Bargersville, Ind.: DA-11-009-qm-3507.

Hoover & Allison Co., The, Xenia, Ohio: DA-11-184-eng-5257.

Hoover Industries, Detroit, Mich.: DA-20-089-ord-4240.

Hopkins Engineering Co., Washington, D. C.: NObr 52009.

Horizons, Inc., Princeton, N. J.: DA-36-034-ord-37, NOnr 9200, N383s-39442.

Horlicks Corp., Racine, Wis.: DA-11-009-qm-1592.

Hormel, Geo. A., & Co., Austin, Minn.: N189s-75773.

Horton E. & Son Co., The, Windsor Locks, Conn.: AF 33(038)-17243.

Hotcan Corp., Los Angeles, Calif.: N123s-67289, N123s-67949.

Houck, H. B., Lumber Co., Little Rock, Ark.: DA-09-026-eng-2593, DA-09-026-eng-2630, DA-09-026-eng-5163, DA-09-026-eng-5414, DA-09-026-eng-5436.

Houdaille-Hershey Corp., Detroit, Mich.—Houde Engineering Division: DA-20-089-ord-2911, DA-20-089-ord-4090, N383s-37640, N383s-38453, N383s-40564, N383s-42261, AF 33(038)-14724.

Hough, Frank G., Co., Libertyville, Ill.: DA-11-184-eng-4504, DA-11-184-eng-6134.

Houghland Packing Co., Inc., Franklin, Ind.: DA-11-009-qm-3508, DA-11-009-qm-3941, DA-11-009-qm-4291.

Houghton, E. F., & Co., Philadelphia, Pa.: AF 33(038)-17762.

Houghland Foundry & Machine, Paducah, Ky.: DA-15-056-all-124.

Howard, Frank I., Engineering Co., Los Angeles, Calif.: N160s-3448.

Howe Bros., Troy, N. Y.: DA-30-127-qm-197.

Howell Plywood Corp., Dothan, Ala.: DA-09-026-eng-4258, DA-09-026-eng-5378, DA-09-026-eng-7430.

Hubeny Bros., Inc., Roselle, N. J.: DA-28-017-ord-868, DA-28-017-ord-935.

Huber, Frederick W., Inc., New York, N. Y.: DA-11-009-qm-1927, DA-11-009-qm-1930, DA-11-009-qm-2422, DA-11-009-qm-2563, DA-11-009-qm-2575, DA-11-009-qm-2645, DA-11-009-qm-3161, DA-11-009-qm-3183, DA-11-009-qm-3363, DA-11-009-qm-3346, DA-11-009-qm-3467, DA-11-009-qm-3546, DA-11-009-qm-3553, DA-11-009-qm-3896.

Huber Manufacturing Co., The Marion, Ohio: DA-11-184-eng-5222.

Hubinger Co., The, Keokuk, Iowa: DA-11-009-qm-1364, DA-11-009-qm-1650.

Hudson-Duncan & Co., Portland, Oreg.: DA-11-009-qm-2688, DA-11-009-qm-3428, DA-11-009-qm-3554.

Hudson, H. D., Manufacturing Co., Chicago, Ill.: DA-04-493-qm-2270.

Hudson Tea & Spice Co., Brooklyn, N. Y.: DA-30-280-qm-4931, DA-30-280-qm-5044, DA-30-280-qm-5045, DA-30-280-qm-5046.

Hu-Friedy Manufacturing Co., Chicago, Ill.: MPA-30-287-md-2475.

Hughes-Keenan Corp., Delaware, Ohio: DA-11-184-eng-4547, DA-11-184-eng-5685.

Hughes-Simonson Engineering Co., Dayton, Ohio: AF 33(033)-15043.

Hughes Tool Co., Houston, Tex.—Hughes Aircraft Co. Division: NOa(s) 12183, NOrd 10934 L. I., W33-038 ac 14220 S. A. No. 22, W33-038 ac 15011 S. A. No. 11, AF 33(038)-11776, AF 33(038)-15467, AF 33(038)-15723, AF 33(038)-15826, AF 33(038)-15982, AF 33-(038)-16027, AF 33(038)-17618, AF 33(038)-18006.

Hulman & Co., Terre Haute, Ind.: DA-11-009-qm-2324.

Humble Oil & Refining Co., Houston, Tex.: ASP 2966.

Hunt, Philip A., Co., Brooklyn, N. Y.: AF 33(038)-16890, AF 33(038)-17054, AF 33-(038)-17655.

Hunt Foods, Inc., Los Angeles, Calif.: DA-04-493-qm-2643, DA-45-064-qm-1154, DA-45-064-qm-1155.

Hunter Manufacturing Co., Cleveland, Ohio: DA-11-184-eng-4877, DA-49-170-sc-43.

Hunter Photocopyist, Inc., Syracuse, Ind.: AF 33(038)-15881.

Huron Engineering Corp., East Detroit, Detroit, Mich.: DA-20-089-ord-4224.

Huss Lumber Co., Chicago, Ill.: DA-11-184-eng-4285.

Hussman, Carl, Inc., Chicago, Ill.: N104s-14872.

Hutcheson's, William, Sons, Baltimore, Md.: DA-49-170-sc-90-L. I., DA-49-170-sc-102 L. I., DA-49-170-sc-105 L. I.

Hycon Manufacturing Co., Pasadena, Calif.: AF 33(038)-14713, AF 33(038)-16733.

Hyde Windlass Co., Bath, Maine: DA-19-020-ord-41.

Hydro-Aire, Inc., Burbank, Calif.: AF 33-(038)-14281, AF 33(038)-15077, AF 33(038)-15751, AF 33(038)-15934, N383s-38278 N383s-39173, N383s-41756, N383s-41760.

Hydrodyne Corp., Pasadena, Calif.: DA-20-089-ord-1583.

Hydrofoil Corp., Washington, D. C.: NOnr 13601.

Hyet & Struck Engineering Co., San Francisco, Calif.: DA-04-197-tc-349, DA-09-197-tc-2349.

Hyland Laboratories, Los Angeles, Calif.: MPA-30-287-md-1851, MPA-30-287-md-2783.

Hyman, Julius, & Co., Denver, Colo.: DA-44-109-qm-320, DA-44-109-qm-340.

Hytron Radio & Electronic Corp., Salem, Mass.: DA-36-039-sc-7025.

Hyster Company, Portland, Oreg.: DA-11-052-eng-51, DA-11-184-eng-3704, DA-11-184-eng-3802, DA-11-184-eng-4639, N123s-65407.

I-T-E Circuit Breaker Co., Philadelphia, Pa.: DA-28-043-sc-201, DA-36-038-ord-204, NObs 53035, NObs 53147, NObs 53157, N104s-16753, N140s-13861 L. I., W33-038 ac 22425.

Ideal Electric & Manufacturing Co., Mansfield, Ohio: DA-11-184-eng-4422.

Ideal Hardware Supply Co., Los Angeles, Calif.: N160s-2987, N160s-3110.

Ideal Industries, Inc., Sycamore, Ill.: N383s-43946.

Ideal Laboratory Tool & Supply Co., Cheyenne, Wyo.: N383s-42174.

Ideal Windlass Co., East Greenwich, R. I.: NObs 53246, N104s-14241, N104s-16065.

ILG Electric Ventilating Co., Chicago, Ill.: N104s-15695.

Ilg Electric Corp., Long Island City, N. Y.: MPA-30-267-md-3492.

Illinois Canning Co., Hoopeston, Ill.: DA-11-009-qm-3400.

Illinois Range Co., Mount Prospect, Ill.: DA-11-009-qm-3013.

Illinois Testing Laboratories, Inc., Chicago, Ill.: N104s-15504.

Illinois Tool Works, Chicago, Ill.: DA-11-070-ord-2432.

Illinois Water Treatment Co., Rockford, Ill.: DA-11-070-ord-2420.

Immel, Lee J., San Pablo, Calif.: N220s-56032.

Imperial Brass Manufacturing Co., The, Chicago, Ill.: DA-11-184-eng-5633, DA-20-089-ord-2826.

Imperial Electric Co., Akron, Ohio: N104s-13806, N104s-15476.

Imperial Oil Co., Ltd., Toronto, Canada: ASP 2939.

Imperial Sugar Co., Sugarland, Tex.: DA-30-280-qm-5329, DA-30-280-6680.

Independent Engineering Co., Inc., O'Fallon, Ill.: DA-11-184-eng-5702, AF 33(038)-16025.

Independent Lock Co., Fitchburg, Mass.: DA-19-020-ord-58, DA-19-020-ord-66.

Independent Pneumatic Tool Co., Aurora, Ill.: DA-11-184-eng-3654, DA-11-184-eng-5842.

Independent Stevedoring, Coos Bay, Oreg.: DA-45-045-tc-249.

Indianapolis Wire Bound Box Co., Indianapolis, Ind.: AF 33(038)-15897.

Industrial Chemical Laboratories, Omaha, Nebr.: AF 30(317)-21.

Industrial Distributors, Inc., New York, N. Y.: N140s-16265.

Industrial Engine & Parts Co., Chicago, Ill.: DA-11-184-eng-4766.

Industrial Equipment Co., Chicago, Ill.: N160s-3429.

Industrial Heat & Pipe Co., Camp Edwards, Mass.: DA-19-016-eng-573.

Industrial Pipe Supply Co., Cicero, Ill.: DA-11-184-eng-4173.

Industrial Research Laboratories, Baltimore, Md.: NOa(s) 12282.

Industrial Scientific Co., New York, N. Y.: DA 20-089-ord-2438, DA-20-089-ord-4217.

Ingalls Canning Co., Ingalls, Ind.: DA-11-009-qm-3550.

Ingalls & Howard, Los Angeles, Calif.: AF 4(171)-521, AF 4(171)-618.

Ingersoll-Rand Co., New York, N. Y.: DA-11-184-eng-5826, DA-11-184-eng-5844, DA-11-184-eng-5853, DA-11-184-eng-5940, DA-11-184-eng-5947, N104s-13132, N104s-15205, N104s-15669, N104s-15977 L. I., N111s-54974, N160s-3272, N283s-37922, N383s-40551, N383s-43586, AF 33(038)-17970.

Ingram, J. E., Equipment Co., San Antonio, Tex.: DA-41-294-eng-3.

Inland Steel Co., Chicago, Ill.: DA-19-066-ord-319.

Inlander Steindler Paper Co., Chicago, Ill.: N128s-1256.

Inserting & Mailing Machine Co., Philipsburg, N. J.: Order (42-014)51-8258.

Insinger Machine Co., Philadelphia, Pa.: N104s-14187, N104s-15985.

Insley Manufacturing Corp., Indianapolis, Ind.: N160s-3214, DA-11-184-eng-5271.

Instrument Development Laboratories, Inc., Needham Heights, Mass.: NOa(s) 12129.

Instruments Corp, The, Baltimore, Md.: NOa(s) 12189.

Interchemical Corp., New York, N. Y.: DA-28-043-sc-5436.

Inter-Coastal Paint Corp., East St. Louis, Ill.: DA-04-493-qm-2073.

International Business Machines Corp., New York, N. Y.: DA-04-493-qm-1587, DA-11-009-qm-1359, DA-11-009-qm-2524, DA-23-076-md-323, DA-23-075-md-388, DA-30-145-ma-918, DA-30-280-qm-4761, DA-49-148-ag-36, DA-49-148-ag-40, DA-49-148-ag-41, N140s-19481, N383s-41003.

International Fremont Machinery Co., Ramapo, N. Y.: DA-36-109-eng-143.

International Harvester Co., Chicago, Ill.: DA-11-022-ord-30, DA-11-184-eng-4214, DA-20-018-ord-9197, DA-20-018-ord-10393, DA-20-089-ord-2995, DA-20-089-ord-6916.

International Movie Producers Service, New York, N. Y.: DA-26-039-sc-3428.

International Nickel Co., Inc., New York, N. Y.: DA-19-066-ord-338.

International Paper Co., New York, N. Y.: DA-11-009-qm-1713, DA-11-009-qm-2197.

International Rectifier Corp., Los Angeles, Calif.: DA-36-039-sc-7840.

International Sales Corp., Seattle, Wash.: DA-45-045-tc-147, DA-45-045-tc-148, DA-45-045-tc-149.

International Shoe Co., St. Louis, Mo.: DA-33-155-ord-229, N123s-69744, N140s-19281.

International Spare Parts Corp., Long Island City, N. Y.: DA-30-069-ord-66.

International Staple & Machine Co., Havertown, Pa.: DA-36-039-sc-16, DA-36-039-sc-7456, DA-36-039-sc-9211.

International Steel Co., Evansville, Ind.: DA-11-184-eng-5183, DA-11-184-eng-5424.

International Text Book Co., Scranton, Pa.: NOm-57411.

Interstate Engineering Corp., El Segundo, Calif.: N383s-41753, W33-038 ac 20738 S. A. No. 5, AF 33(038)-14290, AF 33(038)-15461, AF 33(038)-16754, AF 33(038)-17046.

Investment Casting Co., The, Newark, N. J.: DA-28-017-ord-855, DA-28-017-ord-1128.

Iowa Manufacturing Co., Cedar Rapids, Iowa: DA-11-052-eng-51, DA-11-052-eng-355, DA-44-009-eng-333.

Ipik Plywood Co., Kenner, La.: DA-11-184-eng-5051.

Iron Lung Co. of America, West Roxbury, Mass.: MPA-30-287-md-1559.

Ironrite, Inc., Mount Clemens, Mich.: DA-30-144-ord-458, DA-30-144-ord-515, DA-30-144-ord-516.

Irving Air Chute Co., Inc., Buffalo, N. Y.: NOa(s) 51018, AF 33(038)-15005, AF 33(038)-15020, AF 33(038)-16448.

Irvington Varnish & Insulator Co., Western, El Monte, Calif.: DA-12-036-qm-1421.

Irwin Auger Bit Co., Wilmington, Ohio: N600s-8353.

Iselin-Jefferson Co., Inc., New York, N. Y.: AF 23(109)-49.

Israel, Leon & Bros., Inc., New York, N. Y.: DA-30-280-qm-4833, DA-30-280-qm-4888.

Ivins, Ellwood, Steel Tube Works, Inc., Philadelphia, Pa.: N600s-9128, N600s-9150, N600s-10481.

Ivory, J. W., Philadelphia, Pa.: MPA-30-287-md-1552, MPA-30-287-md-2407.

J & L Steel Barrel Co., Cleveland, Ohio: DA-18-108-cml-118.

J. O. Manufacturing Co., South Gate, Calif.: N600s-8618, N600s-8628, N600s-8653, N600s-8721.

J. V. W. & Co., Binghamton, N. Y.: AF 33(038)-162 S. A. No. 5, AF 33(038)-18185, AF 33(038)-18516.

Jack & Heintz Precision Industries, Inc., Cleveland, Ohio: N383s-41247, N383s-41800, N383s-43437, AF 33(038)-14833, AF 33(038)-14834, AF 33(038)-14862, AF 33(038)-14869, AF 33(038)-14872, AF 33(038)-14912, AF 33(038)-14915, AF 33(038)-14940, AF 33(038)-14956, AF 33(038)-15254, AF 33(038)-15487, AF 33(038)-15612, AF 33(038)-15827, AF 33(038)-16805, AF 33(038)-17511, AF 33(038)-17632, AF 33(038)-17638.

Jack, Bill, Scientific Instrument Co., Inc., Solana Beach, Calif.: AF 33(038)-12762, AF 33(038)-15641, AF 33(038)-16171, AF 33(038)-16612, AF 33(038)-16812.

Jackson Lumber Harvester, Inc., Eau Claire, Wis.: DA-11-184-eng-5565.

Jacobs Aircraft-Engine Co., Pottstown, Pa.: AF 33(038)-14761.

Jacobs Industrial Sales, Buffalo, N. Y.: DA-36-039-sc 7450.

Jacobsen Manufacturing Co., Racine, Wis.: DA-36-039-sc 318, DA-36-039-sc-7106 L. I.

Jakes Foundry Co., Nashville, Tenn., N600s-8053.

Jam Handy Organization, Inc., Detroit, Mich.: NOa(s) 51282, N9nr 85004, N140s-17679 and L. I.

Jamieson & Spearl, St. Louis, Mo.: DA-23-028-eng-426.

Jandru Corp., New York, N. Y.: DA-36-005-ord-38.

Janney Semple Hill Co., Minneapolis, Minn.: DA-11-184-eng-5056.

Jannsen, N. C., Drilling & Manufacturing Co., Seattle, Wash.: DA-45-100-eng-42.

Jaques Power Saw Co., Denison, Tex.: DA-11-184-eng-5682.

Jardine, Douglas, Colorado Springs, Colo.: AF 30(317)-17, AF 30(317)-18 AF 30(317)-22, AF 30(317)-27.

Jay Bee Machine Works, Philadelphia, Pa.: DA-36-039-sc-16, N383s-42958.

Jay Manufacturing Co., St. Louis, Mo.: DA-30-075-eng-1145.

Jayseel Co., Oakland, Calif.: N220s-58103.

Jayson-Bailey Co., Binghamton, N. Y.: DA-30-144-ord-70 L. I., N600s-8650.

Jefferson Island Salt Co., Louisville, Ky.: DA-30-280-qm-7640.

Jefferys-McElrath Manufacturing Co., Macon, Ga.: DA-09-026-eng-5169.

Jeffreys-Myers Manufacturing Co., Oxford, N. C.: DA-09-026-eng-5028, DA-09-026-eng-5089.

Jelliff, Co., O. Manufacturing Corp., The, Southport, Conn.: N383s-42936.

Jenkins Bros., New York, N. Y.: N104s-15395.

Jennings Machine Co., Philadephia, Pa.: DA-36-038-ord-1104, DA-36-038-ord-1170.

Jennings Radio Manufacturing Co., San Jose, Calif.: N173s-15843.

Jensen Radio Manufacturing Co., Chicago, Ill.: DA-36-039-sc-4736.

Jerguson Gage & Valve Co., Somerville, Mass.: N104s-13534, N104s-14483.

Jerome Construction Co., Savannah, Ga.: AF 9(079)-8.

Jessop Steel Co., Washington, Pa.: AF 33(038)-15454.

Jewett, D. M. Inc., South Deerfield, Mass.: DA-11-009-qm-3379.

Johannessen & Girand, Phoenix, Ariz.: DA-04-353-eng-25.

Johns Manville Products Corp., New York, N. Y.: N600s-6613.

Johns-Manville Sales Corp., New York, N. Y.: NOrd 11114, N383s-42878, N383s-43514.

Johnson, E. A., & Co., San Francisco, Calif.: DA-30-280-qm-4806.

Johnson, Almon A., Inc., New York, N. Y.: DA-36-022-tc-3184, DA-36-022-tc-3203.

Johnson, Walter J., Inc., New York, N. Y.: Order (19-122)51-14.

Johnson & Johnson, New Brunswick, N. J.: MPA-30-287-md-1613, MPA-30-287-md-1644, MPA-30-287-md-1856, MPA-30-287-md-1867, MPA-30-287-md-1897, MPA-30-287-md-1926.

Johnson & Joseph Co., San Francisco, Calif.: DA-04-197-tc-198, DA-04-197-tc-667, DA-04-197-tc-696.

Johnson Service Co., Milwaukee, Wis.: DA-36-039-sc-1, DA-36-039-sc-4799.

Johnson & Wimsatt, Inc., Washington, D. C.: DA-09-026-eng-5063, DA-09-026-eng-5064, DA-09-026-eng-5123, DA-09-026-eng-5178, DA-09-026-eng-5224, DA-09-026-eng-5253, DA-09-026-eng-5408.

Johnston Hollis, Portland, Oreg.: DA-35-507-eng-115.

Johnston Tin Foil & Metal Co., The, St. Louis, Mo.: AF 33(038)-15594.

Jones & Bindon, Seattle, Wash.: DA-35-507-eng-116.

Jones-Hamilton Co., Oakland, Calif.: DA-04-493-qm-703, DA-04-493-qm-714, DA-04-493-qm-2888.

Jones & Lamson Machine Co., Springfield, Vt.: DA-28-017-ord-800.

Jones & Laughlin Steel Corp., Pittsburgh, Pa.: DA-11-184-eng-213, DA-11-184-eng-3998, DA-11-184-eng-5939, DA-11-184-eng-5960, DA-11-184-eng-5961, DA-20-089-ord-4270, DA-41-117-ord-990, DA-41-117-ord-993, N160s-2855, N171s-90405, N600s-8191, N600s-9923.

Jones Motorola Corp., Stamford, Conn.: N104s-14475, N104s-15642.

Jones, W. J. & Son, Inc., Portland, Oreg.: DA-45-045-tc-126.

Jones Stevedoring Co., San Francisco, Calif.: DA-04-197-tc-33, DA-04-197-tc-34, DA-04-197-tc-38, DA-04-197-tc-62, DA-04-197-tc-234, DA-04-197-tc-235, DA-04-197-tc-236, DA-04-197-tc-251, DA-04-197-tc-252, DA-04-197-tc-253, DA-04-197-tc-270, DA-04-197-tc-286, DA-04-197-tc-287.

Jorgensen's Danish Bakeries, Inc., Seattle, Wash.: DA-04-493-qm-1637.

Joslyn Manufacturing & Supply Co., Chicago, Ill.: DA-09-026-eng-7612.

Joy Manufacturing Co., Pittsburgh, Pa.: DA-11-184-eng-501, DA-11-184-eng-4939, DA-23-065-eng-305, DA-30-075-eng-1126, NObs 53188.

Justement, Elam & Darby, Washington, D. C.: NOy 23334.

Justi, H. D., & Son, Philadelphia, Pa.: MPA-30-287-md-2018, MPA-30-287-md-2465, MPA-30-287-md-3874, MPA-30-287-md-4262.

K & A Aluminum Foundry, Inc., Springfield, Ohio: AF 33(038)-16175.

K. D. Lamp Co., Cincinnati, Ohio: DA-11-184-eng-5966, DA-11-184-eng-5977.

KDF Products, Inc., Philadelphia, Pa.: DA-36-038-ord-203.

K. S. Telegage Co., Ann Arbor, Mich.: N104s-15306, N104s-16027.

Kain Murphy Corp., Chattanooga, Tenn.: DA-30-280-qm-7170.

Kaiser Aluminum & Chemical Sales Inc., Oakland, Calif.: N600s-7183, N600s-5306, AF 33(038)-15459.

Kaiser-Frazer Corp., Willow Run, Mich.: AF 33(038)-18481.

Kaiser Industries, Inc., Oakland, Calif.: NOy 23291.

Kaiser Steel Corp., Oakland, Calif.: N600s-8188.

Kaman Aircraft Corp., Windsor Locks, Conn.: NOa(s) 12202 L. I.

Kamen Soap Products Co., New York, N. Y.: N140s-17989.

Kansas City Cap Manufacturing Co., Kansas City, Mo.: DA-30-280-qm-980.

Kapsa, A. M. Hardware & Supply Corp., Chicago, Ill.: DA-11-184-eng-5289.

Katz, Max, Bag Co., Inc., Indianapolis, Ind.: DA-11-184-eng-5128.

Kaufman Manufacturing Co., Guttenberg, N. J.: DA-30-280-qm-5944.

Kay Industries, Inc., Detroit, Mich.: DA-20-089-ord-4002.

Kearfott Co., Inc., New York, N. Y.: NOrd 10925, NOrd 10929, NOrd 10971, NOrd 10985, NOrd 10988, N156s-27247, N383s-43691, AF 33(038)-14870.

Kearney, Thomas K., New York, N. Y.: DA-30-075-eng-1268.

Kearney & Trecker Corp., Milwaukee, Wis.: DA-19-058-ord-1571, DA-19-058-ord-1818, DA-19-058-ord-1832, DA-49-170-sc-113 L. I.

Kearns, Edward J., Co., Indianapolis, Ind.: DA-12-008-aV-43 L. I.

Kedman Co., Salt Lake City, Utah: N600s-8565.

Keeble, Edwin A., Nashville, Tenn.: NOrd 11077.

Keeler Machine Co., Detroit, Mich.: DA-20-089-ord-5150.

Keenan Pipe & Supply Co., Newark, N. J.: N104s-3259.

Keeney, J. H., Co., Inc., Chicago, Ill.: N383s-40071.

Kehrig Manufacturing Co., Utica, Mich.: DA-20-089-ord-6066.

Kellex Corp., New York, N. Y.: DA-18-108-cml-1179, DA-18-108-cml-3573, NOrd 11002.

Kelley, O. G. & Co., Detroit, Mich.: DA-19-016-eng-574, DA-19-020-ord-56.

Kelley Koett Manufacturing Co., Covington Ky.: DA-23-075-md-248, DA-23-075-md-424, DA-23-075-md-443, DA-23-075-md-SL61b, DA-28-043-sc-5415, DA-28-043-sc-7680, DA-36-039-sc-4, MPA-30-287-md-2012, MPA-30-287-md-2143, MPA-30-287-md-2154, MPA-30-287-md-2166, MPA-30-287-md-2240, MPA-30-287-md-2473, MPA-30-287-md-2742, AF 33(038)-17665.

Kelling Nut Co., Chicago, Ill.: DA-11-009-qm-3238.

Kellogg, M. W., Co., The, Jersey City, N. J.: DA-44-109-qm-222, NOrd 10773, AF 33(038)-2734 S. A. No. 15 and S. A. No. 17.

Kellogg Sales Co., Battle Creek, Mich.: DA-04-493-qm-1401, DA-04-493-qm-1434, DA-04-493-qm-1584, DA-04-493-qm-1586, DA-04-493-qm-1600, DA-04-493-qm-2691, DA-04-493-qm-2731.

Kellogg Switchboard & Supply Co., Chicago, Ill.: DA-36-039-sc-895, DA-36-039-sc-3064, DA-36-039-sc-7098, DA-36-039-sc-7099.

Kelly & Gruzen, Jersey City, N. J.: DA-30-075-eng-1117.

Kelly Springfield Tire Co., Cumberland, Md.: DA-20-089-ord-3104.

Kendall Controls Corp., Waltham, Mass.: NOrd 10970.

Kendricks, J. R., & Sons, Colorado Springs, Colo.: AF 30(317)-11.

Kennedy Car Liner & Bag Co., Inc., Shelbyville, Ind.: N383s-40853.

Kennedy Manufacturing Co., Van Wert, Ohio: N600s-8365, N600s-8377.

Kent Manufacturing Corp., Chestertown, Md.: DA-18-108-cml-932.

Kenwell Sporting Goods, Utica, N. Y.: DA-11-009-qm-1772.

Kenworth Motor Truck Corp., Seattle, Wash.: DA-04-200-ord-5 L. I.

Kerman Instrument Co., Inc., New York, N. Y.: NOnr 12300, N383s-36701, N383s-38195, AF 33(038)-15963, Order (28-099)-51162.

Kermath Manufacturing Co., Detroit, Mich.: DA-36-022-tc-2710.

Kern Food Products, Inc., Los Angeles, Calif.: DA-11-009-qm-1471, DA-11-009-qm-1475, DA-11-009-qm-2095, DA-11-009-qm-2274.

Kerr, John L., Inc., Tulsa, Okla.: DA-36-022-tc-3142, DA-36-022-tc-3197.

Ketay Manufacturing Corp., New York, N. Y.: NOrd 10950, NOrd 10959, NOrd 11101, NOrd 11106, NOrd 11107.

Ketchen, Harold B., Belchertown, Mass.: DA-30-144-ord-732.

Keuffel & Esser Co., Hoboken, N. J.: DA-11-184-eng-4974, DA-11-184-eng-5723, DA-11-184-eng-5866, DA-44-009-eng-784 Mod. No.

Kewell Kocher & Benedict, Los Angeles, Calif.: NOy 23242.

Keystone Bolt & Nut Corp., New York, N. Y.: DA-20-089-ord-6922.

Keystone Coat & Apron Manufacturing Corp., Philadelphia, Pa.: DA-30-280-qm-5036.

Keystone electronics, Stamford, Conn.: DA-36-039-sc-6658, DA-36-039-sc-7314.

Keystone Portland Cement Co., Philadelphia, Pa.: DA-30-075-eng-979.

Keystone Roofing Manufacturing Co., York, Pa.: N383s-43887.

Keystone Steel & Wire Co., Peoria, Ill.: DA-11-184-eng-4545, DA-11-184-eng-4933, DA-11-184-eng-5894, DA-11-184-eng-6030.

Kidd & Buckingham Lumber Co., Baltimore, Md.: DA-11-184-eng-5651.

Kidde, Walter & Co., Inc., Belleville, N. J.: NOa(s) 246, N383s-38134, N383s-38679, N383s-40538, N383s-41475, AF 33(038)-14272, AF 33(038)-14964, AF 33(038)-15182, AF 33(038)-15189, AF 33(038)-15273, AF 33(038)-15747, AF 33(038)-15855, AF 33(038)-15848, AF 33(038)-16735, AF 33(038)-16863, AF 33(038)-16874, AF 33(038)-18053, AF 33(038)-18161.

Kiekhaefer Corp., Cedarburg, Wis.: DA-11-184-eng-4852, AF 33(038)-18243.

Kieckhefer Container Co., Camden, N. J.: DA-11-09-qm-1224, DA-04-493-qm-1804.

Kieley & Mueller, Inc., North Bergen, N. J.: N104s-13341, N104s-14469, N104s-15310, N104s-16084.

Kilbourn Engineering Co., Milwaukee, Wis.: DA-11-194-eng-4316.

Kilgore Manufacturing Co., Westerville, Ohio: DA-18-108-cml-464, DA-30-280-qm-4839, DA-30-280-qm-4840, N160s-4407, AF 41(142)-204.

King, O. L. & Co., San Francisco, Calif.: DA-04-493-qm-2416.

King Gage Co., Ann Arbor, Mich.: N140s-17926.

King McCoy Canning Co., Crete, Ind.: DA-11-009-qm-3841.

King Packing Co., Galveston, Ind.: DA-11-009-qm-3646, DA-11-009-qm-3650.

King Sales & Engineering Co., San Francisco, Calif.: N220s-57402.

King-Seeley Corp., Ann Arbor, Mich.: DA-36-038-ord-1950 L. I.

Kingan & Co., Inc., Indianapolis, Ind.: DA-11-009-qm-1215.

Kings County Packing Co., Armona, Calif.: N220s-56977, N220s-56388.

Kingsbury Machine Works, Inc., Philadelphia, Pa.: N104s-14474, N104s-15886.

Kingwell Bros., Ltd., San Francisco, Calif.: DA-04-015-ord-1858, DA-04-015-ord-2932.

Kipco Industries, Mason, Mich.: N600s-6327, N600s-9773.

Kirby Lumber Corp., Houston, Tex.: DA-09-026-eng-5099, DA-09-026-eng-5165, DA-09-026-eng-5258.

Kissling Lumber Co., Yoncalla, Oreg.: DA-35-026-eng-5991.

Klauer Manufacturing Co., Dubuque, Iowa: DA-11-184-eng-4523, DA-11-184-eng-4773, DA-11-184-eng-4929, DA-11-184-eng-6061, N160s-3537.

Klett Manufacturing Co., New York, N. Y.: MPA-30-287-md-1736.

Kleinschmidt Laboratories, Deerfield, Ill.: DA-36-039-sc-7056 L. I.

Klumb Lumber Co., Crystal Springs, Miss.: DA-09-026-eng-5297, DA-09-026-eng-5453, DA-09-026-eng-5454.

Knappen Tippetts Abbet Engineering Co., New York, N. Y.: DA-25-066-eng-572.

Knelisville Pea Canning Co., Port Washington, Wis.: DA-11-009-qm-3765.

Knox Lumber Sales Co., Thomson, Ga.: DA-09-026-eng-3471, DA-09-026-eng-5073, DA-09-026-eng-5265, DA-09-026-eng-5275, DA-09-026-eng-5286, DA-09-026-eng-5405, DA-09-026-eng-5421, DA-09-026-eng-6373, DA-09-026-eng-6876, DA-09-026-eng-6892, DA-09-026-eng-6897, DA-09-026-eng-7230, DA-09-026-eng-7244, DA-09-026-eng-7249, DA-09-026-eng-7252, DA-09-026-eng-7260, DA-09-026-eng-7600, DA-09-026-eng-7691.

Koehler Aircraft Products Co., Dayton, Ohio: N383s-39995, N383s-41592.

Koehring Co., Milwaukee, Wis.: NOy 22274, N160s-2814, N160s-4148, N160s-4590, N160s-5774, N160s-5879, N160s-6071.

Kohler Co., Kohler, Wis.: DA-11-184-eng-5664, DA-20-089-ord-4910, N160s-2894.

Kollmorgen Optical Corp., Brooklyn, N. Y.: NOrd 10980, N151s-86491, N151s-87111, N151s-87287, N151s-87411, N151s-87437, N151s-87468.

Kontes Glass Co., Vineland, N. J.: MPA-30-287-md-3351.

Koppers Co., Inc., Pittsburgh, Pa.: N104s-14376, N383s-42304, Metal Products Division: DA-18-108-cml-12601, N104s-13259, N151s-86940, Wood Preserving Division: DA-09-026-eng-7605.

Korfund Co., Inc., The, Long Island City, N. Y.: N104s-15535.

Krafco Container, Monroe, La.: DA-11-009-qm-2847.

Kranow Belt Co., New York, N. Y.: DA-30-280-qm-5569.

Kravin Park Clothes, Atlantic City, N. J.: DA-30-280-qm-C841.

Krieger Sheet Metal & Fire Door Co., Los Angeles, Calif.: N123s-69201.

Krier Preserving Co., Belgium, Wis.: DA-11-009-qm-4472.

Kroger Co., The, Cincinnati, Ohio: DA-11-009-qm-3545.

Kropp Forge Co., Chicago, Ill.: DA-11-070-ord-2072, DA-20-089-ord-2830, DA-20-089-ord-3725, DA-20-089-ord-4166, DA-20-089-ord-4110, DA-20-089-ord-5153.

Krueger-Barnes Corp., Detroit, Mich.: DA-19-058-ord-1255, DA-19-058-ord-1309, DA-19-058-ord-1312, DA-19-058-ord-1315, DA-19-058-ord-1318, DA-19-058-ord-1606, DA-30-144-ord-741.

Kruger, W. C., Santa Fe, N. Mex.: DA-29-005-eng-369.

Kuhlman Electric Co., Bay City, Mich.: N104s-15873, N220s-55980, N220s-57486.

Kunkle Valve Co., Fort Wayne, Ind.: N104s-13629, N104s-15171, N104s-15849.

Kurman Electronics, Long Island City, N. Y.: DA-36-039-sc-9190.

Lac Chemicals, Inc., Culver City, Calif.: MPA-30-287-md-2247.

La Crosse Trailer & Equipment Co., La Crosse, Wis.: DA-11-184-eng-3792.

Lady's Choice Foods, Los Angeles, Calif.: DA-11-009-qm-1481.

Ladysmith Milk Producers, Ladysmith, Wis.: DA-11-009-qm-2955.

LaGrange Engineering Construction Co., LaGrange, Ky.: DA-15-034-aH-47.

Laguna Packing Corp., Hanford, Calif.: DA-11-009-qm-12, DA-11-009-qm-1254, DA-11-009-qm-1458.

Lake Odessa Canning Co., Lake Odessa, Mich.: DA-11-009-qm-976, DA-11-009-qm-3502.

Lake Shore Electric Manufacturing Corp., Cleveland, Ohio: DA-11-184-eng-5118, DA-11-184-eng-5867.

Lake Shore Engineering Co., Iron Mountain, Mich.: N104s-14220.

Lamb Electric Co., Kent, Ohio: N383s-42300, N383s-42820, N383s-43236.

Lalance & Grosjean Manufacturing Co., New York, N. Y.: MPA-30-287-md-2415.

Lamb, W. H., & Sons, Summit, Miss.: DA-096-026-eng-3414, DA-09-026-eng-5116, DA-09-026-eng-5408, DA-09-026-eng-7423, DA-09-026-eng-7427.

Lambert Engineering Co., St. Louis, Mo.: AF 33(038)-15097.

La Mirada Olive Co., Inc., San Francisco, Calif.: DA-04-493-qm-1650.

Lampert, Irving, Co., Inc., Brooklyn, N. Y.: DA-11-184-eng-3875, DA-04-203-eng-733.

Lamson & Sessions Co., The, Cleveland, Ohio: N383s-44342.

Lancaster Engineering Corp., Lancaster, Pa.: DA-36-022-tc-171, N104s-16103.

Land-Air, Inc., Chicago, Ill.: AF 33(038)-1856 S. A. No. 4, Order (33-038)51-169.

Landau Metal Products Corp., Long Island City, N. Y.: MPA-30-287-md-2743.

Landers, Frary & Clark, New Britain, Conn.: AF 33(038)-15514.

Landis Machine Co., St. Louis, Mo.: DA-36-038-ord-1103.

Lane, E. F. & Son, San Francisco, Calif.: DA-04-493-qm-2705.

Langendorf United Bakeries, Inc., San Francisco, Calif.: DA-04-493-qm-1592.

Langlois Flour Co., Los Angeles, Calif.: DA-04-493-qm-1465.

Lansdowne Steel & Iron Co., Morton, Pa.: DA-36-038-ord-1120, DA-36-038-ord-1632, NOrd 11007

Lanston Monotype Machine Co., Philadelphia, Pa.: DA-11-009-qm-1992.

Lapine, Arthur S., & Co., Chicago, Ill.: DA-11-184-eng-3821, DA-11-184-eng-3865.

La Pointe Machine Tool Co., Hudson, Mass.: DA-19-058-ord-1132, DA-19-058-ord-1548

Lapton Machine Tool Co., Hazel Park, Mich.: DA-20-089-ord-5020.

Larus & Bro. Co., Inc., Richmond, Va.: DA-04-493-qm-2366.

La Salle Camera Co., Chicago, Ill.: DA-11-184-eng-4201.

Lasar Manufacturing Co., Los Angeles, Calif.: N160s-2902.

Lasting Products Co., Baltimore, Md.: N383s-41055.

Lavoie Laboratories, Morganville, N. J.: NObr 59049, NObr 59193, N383s-37479, N383s-43443.

Lawless & Alford, Austin, Tex.: DA-41-243-eng-728 Mod No. 2.

Lawrence, A. C., Leather Co., Peabody, Mass.: N383s-39813.

Lawrence Portland Cement Co., New York, N. Y.: N383s-40926.

Layne & Bowler, Inc., Memphis, Tenn.—Layne Arkansas Co., Branch: DA-18-109-cml-1053

Leach Relay Co., Los Angeles, Calif.: DA-36-039-sc-6609, N383s-41336, AF 33(038)-16623.

Lear, Inc., Grand Rapids, Mich.: N383s-36366, N383s-36945, N383s-38095, N383s-39232, N383s-39649, N383s-39720, N383s-40033, N383s-40823, N383s-42711, N383s-42712, N383s-44530, N383s-44742, AF 33(038)-14795, AF 33(038)-14818, AF 33(038)-14914, AF 33(038)-15305, AF 33(038)-15326, AF 33(038)—15484, AF 33(038)-15739, AF 33(038)-15864, AF 33(038)-16252, AF 33(038)-17069. Romec Pump Co. Division: N383s-37990, AF 33(038)-14738, AF 33(038)-15095, AF 33(038)-17636.

Lease & Leigland, Seattle, Wash.: DA-45-108-eng-247 S. A. No. 2, DA-45-108-eng-605.

Lebanon Packing Co., Inc., Portland, Oreg.: DA-11-009-qm-3411.

Lebanon Steel Foundry, Lebanon, Pa.: DA-30-144-ord-480.

Le Blond, R. K., Machine Tool Co., The, Cincinnati, Ohio: N600s-6608.

Ledwell, L. W., Son, Texarkana, Tex.: DA-41-117-ord-1065.

Lee Co., Hartford, Conn.: N298s-4690.

Leece-Neville Co., Cleveland, Ohio: N104s-14850, N383s-36713, N383s-38797, N383s-39685, AF 33(038)-17906.

Lee Rubber & Tire Corp., Conshohocken, Pa.: DA-20-089-ord-3053, DA-20-089-ord-8196

Leeds & Northrup Co., Philadelphia, Pa.: DA-28-043-sc-5433, MPA-30-287-md-2608, AF 33(038)-15783.

Lehigh Structural Steel Co., Allentown, Pa.: DA-11-184-eng-3687.

Lehmann Machine Co., St. Louis, Mo.: N600s-6607.

Leland Electric Co., Dayton, Ohio: NOa(s) 122-5, N104s-16173, AF 33(038)-14832.

Leland, G. H., Inc., Dayton, Ohio: N383s-40171.

Lennox Furnace Co., Inc., Marshalltown, Iowa: DA-44-019-aII-168.

Lenz Electric Manufacturing Co., Chicago, Ill.: DA-36-039-sc-4889.

Le Roi Co., Milwaukee, Wis.: DA-11-184-eng-3578, DA-11-184-eng-5065, DA-11-184-5159, DA-11-184-eng-5187, DA-11-184-eng-5268, DA-11-184-eng-5578, DA-11-184-eng-5622, DA-11-184-eng-5733, DA-11-194-eng-5827, N104s-16144.

Leshner Corp., The, Hamilton, Ohio: N140s-17291.

Leslie Co., Lyndhurst, N. J.: N104s-13837, N104s-14762, N104s-15547.

Leslie Salt Co., San Francisco, Calif.: DA-04-197-tc-1579.

Letendre, B. & Sons, Co., Springfield, Mass.: AF 19(032)-266.

Le Tourneau, R. G., Inc., Peoria, Ill.: DA-11-184-eng-3786, DA-11-184-eng-5633, DA-11-184-eng-5837.

Lever Bros Co., Cambridge, Mass.: N220s-55743, N220s-55817, N220s-56414.

Levernier Laboratories, Syracuse, Ind.: MPA-30-287-md-2778.

Levine, Samuel, Brooklyn, N. Y.: N383s-42989.

Lewis Browning Manufacturing Co., San Antonio, Tex.: DA-11-184-eng-4587.

Lewis Engineering Co., The, Naugatuck, Conn.: N383s-39433, N383s-41248, N383s-42553, AF 33(038)-14840, AF 33(038)-14842, AF 33(038)-14857, AF 33(038)-14858, AF 33(038)-14864, AF 33(038)-15764, AF 33(038)-15965, AF 33(038)-16654, AF 33(038)-16757, AF 33(038)-16894.

Lewis, Harold P., & Co., Inc., Philadelphia, Pa.: DA-36-039-sc-7476.

Lewis, H. W., Equipment Co., San Antonio, Tex.: DA-41-294-eng-4.

Lewyt Corp., Brooklyn, N. Y.: DA-36-039-sc-3917.

Libbey-Owens-Ford Glass Co., Toledo, Ohio: DA-18-108-cml-948, DA-36-038-ord-1458 L. I., N220s-58187, N383s-40324, N383s-42765, AF 23(038)-16865.

Liberty Dressing Co., Inc., Gloversville, N. Y.: MPA-30-287-md-3130.

Liberty Dry Dock, Inc., Brooklyn, N. Y.: DA-30-222-tc-20, DA-30-222-tc-26, DA-30-222-tc-285, DA-30-291-al-14.

Liberty Products Corp., Farmingdale, Long Island, N. Y.: NOm 57009.

Librascope, Inc., Burbank, Calif.: NOrd 11001 and L. I., NOrd 11055, NOrd 11093, N123s-70465.

Lieb Hardware Corp., Brooklyn, N. Y.: DA-30-075-eng-1072.

Lieb-Jackson Co., Columbus Ohio: AF 33(038)-18000.

Liebel-Flarsheim Co., Cincinnati, Ohio: MPA-30-287-md-2815, MPA-30-287-md-2989, MPA-30-287-md-3485.

Life Savers Corp., Port Chester, N. Y.: DA-04-493-qm 2732.

Liggett & Myers Tobacco Co., Inc., New York, N. Y.: DA-04-493-qm-2362, DA-04-493-qm-2397, DA-04-493-qm-2686, DA-11-009-qm-941, DA-11-009-qm-994, DA-11-009-qm-998, DA-11-009-qm-1351, DA-11-009-qm-1694, DA-11-009-qm-2904, DA-11-009-qm-3231, Order (11-006)51-943.

Lilly, Eli, & Co., Indianapolis, Ind.: MPA-30-287-md-1768, MPA-30-287-md-2172, MPA-30-287-md-2180, MPA-30-287-md-2300, MPA-30-287-md-2309, MPA-30-287-md-2962, MPA-30-287-md-3260, MPA-30-287-md-3624, MPA-30-287-md-4470.

Lily White Sales Co., Utica, N. Y.: MPA-30-287-md-1986.

Lima-Hamilton Corp., Lima, Ohio: DA-11-184-eng-4578. Hooven-Owens Rentschler Division: N104s-14626, N104s-15221. Lima Shovel & Crane Division: DA-11-184-eng-4198, DA-11-184-eng-5092, DA-11-184-eng-5242, DA-11-184-eng-5410.

Lincoln Industries, Inc., Marion, Va.: AF 33(038)-18203.

Line Material Co., of Pennsylvania, East Stroudsburg, Pa.: AF 33(038)-15766.

Lindgren, Erik A., Chicago, Ill.: NOp 514

Linen Thread Co., Inc., Paterson, N. J.: N140s-18304.

Link Aviation, Inc., Binghamton, N. Y.: N8nr 60202, N383s-44180, AF 33(038)-16173.

Link-Belt Co., Chicago, Ill.: DA-11-171-ord-109, DA-20-089-ord-2743.

Link-Belt Speeder Corp., Chicago, Ill.: DA-11-184-eng-4092, DA-11-184-eng-4577, DA-11-184-eng-4591, N160s-2956, N106s-4416

Link Engineering Co., Detroit, Mich.: N383s-43082.

Linzer, D., & Sons, Inc., New York, N. Y.: DA-11-184-eng-4143.

Lion Knitting Mills Co., Cleveland, Ohio: DA-30-280-qm-7747.

Lionel Corp., The, New York, N. Y.: DA-36-039-sc-9301.

Lipe-Rollway Corp., Syracuse, N. Y.: DA-11-184-eng-5681.

Liquid Carbonic Corp., Chicago, Ill.: DA-20-089-ord-4855, DA-20-089-ord-4887

Liquidometer Corp., The, Long Island City, N. Y.: N383s-32157, N383s-37129, N383s-38149, N383s-42055, N383s-42058, N383s-44417, AF 33(038)-14860, AF 33(038)-14935, AF 33(038)-16140, AF 33(038)-17041, AF 33(038)-17332.

Lisk, G. W., Co., Clifton Springs, N. Y.: AF 33(038)-16466.

Lite Manufacturing Co., Inc., New York, N. Y.: DA-11-184-eng-3760, DA-11-184-eng-4582, DA-11-184-eng-4740, N140s-18260.

Little, M. S. Manufacturing Co., Hartford, Conn.: DA-19-058-ord-1470.

Littleford Bros., Inc., Cincinnati, Ohio: DA-11-184-eng-5848.

Litton Industries, San Carlos, Calif.: N126s-15073.

Lloyd & Arms, Inc., Philadelphia, Pa.: DA-36-038-ord-1917.

Lockheed Air Terminal, Inc., Burbank, Calif.: ASP 3303.

Lockheed Aircraft Corp., Burbank, Calif.: NOa(s) 26 L. I., NOa(s) 142 L. I., NOa(s) 223 L. I., NOa(s) 1510 Amd. No. 33, NOa(s) 1874, N383s-36567, N383s-37020, N383s-37502 N383s-37593, N383s-39331, W33-038 ac 14463 C. O. No. 14 and C. O. No. 15, W33-038 ac 17131 S. A. No. 11, W33-038 ac 21663 S. A. No. 56 and C. O. No. 61, AF 33(038)-14717, AF 33(038)-14744, AF 33(038)-14804, AF 33(038)-14805, AF 33(038)-14806, AF 33(038)-14992, AF 33(038)-15092, AF 33(038)-15639, AF 33(038)-16355, AF 33(038)-17132, AF 33(038)-17181, AF 33(038)-17525, AF 33(038)-17702, AF 33(038)-18018, AF 33(038)-18401.

Lockheed Aircraft Service, Inc., Burbank, Calif.: N383s-38145, N383s-42427, AF 33(038)-15464, AF 33(038)-15605.

Lockwood Manufacturing Co., Cincinnati, Ohio: DA-11-070-ord-2279.

Lodge & Shipley Co., The, Cincinnati, Ohio: N600s-6609.

Lofstrand Co., The, Rockville, Md.: DA-11-184-eng-3799, DA-11-184-eng-4312, DA-11-184-eng-5730, N160s-3287.

Logan Co., Louisville, Ky.: N600s-6129.

Logan Electric Sales Co., Rolla, Mo.: DA-23-037-aV-24.

Logan Lumber Co., Tampa, Fla.: DA-09-026-eng-4467.

Lohse Automotive Co., Rock Island, Ill.: DA-11-070-ord-2122.

Lombard Governor Corp., Ashland, Mass.: DA-11-184-eng-5787, DA-19-066-ord-298.

Lonergan, J. E., Co., Philadelphia, Pa.: N104s-15079, N104s-15917.

Lonergan Manufacturing Co., Athens, Mich.: DA-11-009-qm-1785, DA-11-184-eng-5058, N160s-2990, N160s-3342.

Long Bell Lumber Co., Kansas City, Mo.: DA-35-026-eng-5946, DA-35-026-eng-5971, DA-35-026-eng-5981, DA-35-026-eng-6016

Long Island Biological, Cold Spring, N. Y.: DA-18-064-cml-449.

Long, W. A. & Sons, Monticello, Iowa: DA-11-009-qm-4075.

Longview Fibre Co., Longview, Wash.: DA-04-493-qm-2470, DA-11-009-qm-1076, DA-20-280-qm-5825.

Look, Arthur E., Inc., Boston, Mass.: MPA-30-287-md-2640.

Loop Lumber Co., Alameda, Calif.: DA-04-197-tc-681, DA-04-197-tc-687, DA-04-197-tc-688.

Loper, R. E., Lumber Co., Tuscaloosa, Ala.: DA-09-026-eng-3318, DA-09-026-eng-5400, DA-09-026-eng-5406, DA-09-026-eng-5424, DA-09-026-eng-5431, DA-09-026-eng-6486, DA-09-026-eng-6870, DA-09-026-eng-7200.

Lorel Electronics Corp., New York, N. Y.: NOa(s) 94 L. I., NOa(s) 12290, N383s-38530, N383s-42366, N383s-43968.

Lord & Bushnell Lumber Co., Chicago, Ill.: DA-11-171-ord-110.

Lord Manufacturing Co., Erie, Pa.: N383s-37506 AF 33(038)-14974, AF 33(038)-15175, AF 33(038)-16242, AF 33(038)-17494, AF 33(038)-17560, AF 33(038)-17771.

Lorillard, P., & Co., New York, N. Y.: DA-04-493-qm-2364.

Lormar Instrument Co., Inc., Brooklyn, N. Y.: DA-36-038-ord-1913.

Los Angeles Airways, Inc., Los Angeles, Calif.: AF 33(038)-15645.

Los Angeles Nut House, Los Angeles, Calif.: DA-04-493-qm-1953.

Loucks & Norling Studios, New York, N. Y.: NObr 9500.

Loud, H. W., Machine Works, Inc., Pomona, Calif.: N383s-41474, N383s-43506, AF 33(038)-15053, AF 33(038)-15294, AF 33(038)-17795.

Louis Arthur Steel Co., Astabula, Ohio: DA 33-155-ord-490.

Lovell Chemical Co., Watertown, Mass.: DA-18-064-cml-448.

Lowell Insulated Wire Co., Lowell, Mass.: DA-36-039-sc-4787.

Lowell Wrench Co., Worcester, Mass.: N600s-7119, N600s-8624.

Lowenstein, M., & Sons, New York, N. Y.: DA-12-036-qm-1219.

Lowenthal, Max, & Sons, Rochester, N. Y.: DA-33-280-qm-7242, DA-30-280-qm-7738.

Lucky Lager Brewing Co., San Francisco, Calif.: N220s-55293.

Lufkin Rule Co., The, Saginaw, Mich.: N600s-8494.

Lumber Millwork Co., Baltimore, Md.: DA-09-026-eng-4375.

Lummus Co., The, New York, N. Y.: AF 33(038)-15481.

Lundy Manufacturing Corp., New York, N. Y.: N383s-36442, AF 33(038)-14278.

Lunex Co., Davenport, Iowa: DA-11-070-ord-1625, DA-11-070-ord-1706, DA-11-070-ord-1811, DA-11-070-ord-1925, DA-11-070-ord-2102.

Lunkenheimer Co., The, Cincinnato, Ohio: N104s-15835.

Luscombe Engineering, North Wales, Pa.: DA-36-005-ord 261.

Lustre Co., The, Chicago, Ill.: DA-11-184-eng-4202.

Luzon Stevedoring Co., Inc., Manila, P. I.: N225s-162.

Lyon-Farquhar Co., Boston, Mass.: DA-19-066-ord-330.

Lyon Metal Products, Inc., Aurora, Ill.: N600s-10235.

Lyon Van & Storage Co., San Diego, Calif.: N123s-70780.

Lyons, Wm. T., Co., Inc., Baltimore, Md.: NOy 1[illegible]57.

M. B. Manufacturing Co., Inc., The, New Haven, Conn.: N383s-37930, AF 33(038)-15441, AF 33(038)-15951, AF 33(038)-15984.

M & K Corp., San Francisco, Calif.: DA-04-263-eng-276.

M & M Woodworking Co., Portland, Oreg.: DA-35-026-eng-5954.

M & R Dietetic Laboratories, Inc., Columbus, Ohio: DA-11-009-qm-1557, DA-11-009-qm-1721, N220s-55836, N406s-27070.

M-R-S Manufacturing Co., Flora, Miss.: DA-11-184-eng-5459, DA-11-184-eng-6011.

Mabis, A. R., Chemical Co., South Gate, Calif.: DA-30-280-qm-8483.

Macalaster Bicknell Co., Cambridge, Mass.: MPA-30-287-md-2111.

MacDonald & Kruse, Sun Valley, Calif.: NOv 18310.

MacDonald Building, Tacoma, Wash.: AF 45(011)-58.

MacDougall Equipment Co., Binghamton, N. Y.: DA-30-127-qm-204.

MacFarlane-Shoblad Lumber Co., Seattle, Wash.: DA-45-045-tc-165, DA-45-045-tc-174.

MacGregor Instrument Co., Needham, Mass.: MPA-30-287-md-2543.

Machines, Inc., Philadelphia, Pa.: NOa(s) 317.

Machine & Tool Designing Co., Philadelphia, Pa.: DA-19-058-ord-1434, DA-19-058-ord-1634.

Machinery Sales Co., Buffalo, N. Y.: N160s-2701.

Machlett Laboratories, Inc., Springdale, Conn.: MPA-23-075-md-363.

Machlett, E., & Son, New York, N. Y.: DA-30-280-qm-7004.

MacKenzie Awning Co., Detroit, Mich.: DA-20-089-ord-4029 and L. I.

Macri, S., Construction Co., Anchorage, Alaska: DA-95-507-eng-102.

Madden, J. P., Reading, Pa.: N173s-16050.

Madison Electric Co., Detroit, Mich.: DA-20-089-ord-4253.

Madison-Kipp Corp., Madison, Wis.: DA-11-022-ord-47, DA-23-017-ord-1071.

Madison Muffler Corp., Long Island City, N. Y.: N104s-15242.

Magher, Arthur E., Co., Inc., New York, N. Y.: W33-038 ac 15491 S. A. No. 2.

Magline, Inc., Pinconning, Mich.: N600s-8769.

Magna Manufacturing Co., Inc., Haskell, N. J.: DA-18-108-cml-1121.

Magnaflux Corp., Chicago, Ill.: DA-19-058-ord-1203, DA-28-017-ord-1178, N383s-42705.

Magnavox Co., Fort Wayne, Ind.: DA-11-070-ord-1707, DA-11-070-ord-1876, DA-11-070-ord-2012, DA-19-058-ord-1333, N383s-36324, AF 33(038)-15685.

Magnetic Engineering & Manufacturing Co., Clifton, N. J.: DA-20-018-ord-4068 and L. I.

Magnetics, Inc., Butler, Pa.: DA-36-038-ord-2239.

Magnolia Petroleum Co., Dallas, Tex.: ASP 2437 C. O. No. 3, C. O. No. 5, C. O. No. 6 and C. O. No. 7, ASP 3454.

Mahon, R. C., Co., The, Detroit, Mich.: DA-20-089-ord-8262.

Main, Charles T., Inc., Boston, Mass.: NOy 22709.

Main Silk Co., Inc., Paterson, N. J.: N383s-43414.

Maine Specialty Co., Portland, Maine: DA-36-022-tc-1711, DA-26-022-tc-1752, N383s-43251.

Majestic Electric Co., Colorado Springs, Colo.: AF 30(317)-13.

Majestic Molded Products, Inc., Long Island City, N. Y.: DA-36-038-ord-1158.

Malleable Iron Range Co., Beaver Dam, Wis.: DA-12-036-qm-1416.

Maleson Co., Aurora, Ill.: DA-36-039-sc-6775.

Malleable Steel Range Manufacturing Co., South Bend, Ind.: N104s-15790.

Mallinckrodt Chemical Works, St. Louis, Mo.: MPA-30-287-md-2245, MPA-30-287-md-2814.

Mallory, P. R., & Co., Inc., Indianapolis, Ind.: DA-44-009-eng-237, NOa(s) 51006, N383s-42975.

Manchester Knitted Fashions, Inc., Manchester, N. H.: DA-30-280-qm-7244

Manchester Tool & Design Co., Manchester, Conn.: DA-19-058-ord-1701.

Mancusd Barrel Box, Kenner, La.: DA-11-184-eng-4907.

Manhattan Lighting Equipment Co., Inc., New York, N. Y.: N383s-44195.

Manhattan Soap Co., Omaha, Nebr.: DA-30-280-qm-4903

Manheim Manufacturing & Belting Co., Manheim, Pa.: DA-11-184-eng-3637, DA-11-184-eng-5732.

Manischewitz, B., Co., Jersey City, N. J.: DA-30-280-qm-8125.

Manitowoc Engineering Works, Manitowoc, Wis.: N123s-68411.

Manley & Mayer, Anchorage, Alaska: DA-95-507-eng-99.

Mann, David W., Lincoln, Mass.: DA-19-020-ord-23, DA-19-020-ord-34.

Manning, Maxwell & Moore, Inc., Bridgeport, Conn.: NObs 53252, N104s-13442, N104s-15914, N383s-39647, N383s-43328.

Mansfield Aircraft Products Co., Mansfield, Ohio: AF 33(038)-16258.

Mansfield Tire & Rubber Co., Mansfield, Ohio: DA-20-089-ord-6188, NOm 57976.

Manteca Canning Co., Manteca, Calif.: DA-11-009-qm-1792

Manufactured Rubber Products Co., Philadelphia, Pa.: N383s-39476.

Manufacturers Battery Co., Madison, Wis.: DA-36-039-sc-15, DA-36-039-sc-3000, DA-36-039-sc-4875.

Manufacturers Thread Grinding, Inc., Eatontown, N. J.: DA-30-144-ord-542, DA-30-144-ord-671.

Maple Island Farm, Inc., Stillwater, Minn.: DA-11-009-qm-1383, DA-11-009-qm-1483, DA-11-009-qm-1520, DA-11-009-qm-1572, DA-11-009-qm-2647, DA-11-009-qm-2951, DA-11-009-qm-2953, DA-11-009-qm-2419, DA-11-009-qm-3450, DA-11-009-qm-3517, DA-11-009-qm-3530.

Marathon Battery Co., Wausau, Wis.: DA-36-039-sc-4011.

Marathon Electric Manufacturing Corp., Wausaw, Wis.: N104s-1599.

Marbel Blood Calculator Co., Chicago, Ill.: MPA-30-287-md-3185.

Marchant Calculating Machines Co., Oakland, Calif.: DA-11-009-qm-1575 and L. I.

Maremont Automotive Products, Inc., Chicago, Ill.: AF 33(038)-16040.

Marine Aircraft Corp., Fort Worth, Tex.: AF 33(038)-18514, N383s-39196.

Marine Basin Co., Brooklyn, N. Y.: DA-30-222-tc-189.

Marine Composition Paint & Scaling Co., Inc., Brooklyn, N. Y.: N140s-17548, N140s-18917, N140s-19232.

Marine Iron Works, Inc., Tacoma, Wash.: DA-45-045-tc-173, DA-45-045-tc-311.

Marine Lumber Service, Inc., Seattle, Wash.: DA-45-045-tc-180.

Marine Manufacturing & Supply Co., New Brunswick, N. J.: N298s-4778.

Marine Products Co., Detroit, Mich.: N104s-15691.

Marine Products Engineering Co., Rochester, N. Y.: N104s-13351.

Marine Terminals Corp., Wilmington, Calif.: DA-04-197-tc-83, DA-04-197-tc-28, DA-04-197-tc-90, DA-04-197-tc-92, DA-04-197-tc-107, DA-04-197-tc-149, DA-04-197-tc-152, DA-09-197-tc-124, DA-09-197-tc-120, DA-09-197-tc-131, DA-09-197-tc-146, DA-09-197-tc-147.

Marinette Glove Co., Marinette, Wis.: DA-11-009-qm-1738.

Marinette Marine Corp., Marinette, Wis.: DA-11-184-eng-3636, DA-11-184-eng-4651, DA-11-184-eng-5041.

Marion Electric Instrument Co., Manchester, N. Y.: DA-36-039-sc-4739.

Market Forge Co., Everett, Mass.: MPA-30-287-md-4132.

Markite Co., The, New York, N. Y.: NOsr 9101.

Markovitz Bros., Philadelphia, Pa.: DA-30-280-qm-7837.

Marks Tractor Equipment Co., Cleveland, Ohio: DA-33-062-eng-30.

Marlin-Rockwell Corp., Jamestown, N. Y.: AF 33(038)-15743, AF 33(038)-15769, AF 33(038-15840, AF 33(038)-16239, AF 33(038)-16373, AF 33(038)-16728, AF 33(038)-17115, AF 33(038)-17239, AF 33(038)-18000.

Marlo Coils Co., St. Louis, Mo.: DA-30-075-eng-1105.

Marlo Packing Corp., San Francisco, Calif.: DA-11-009-qm-4004, N220s-56595.

Marman Products Co., Inglewood, Calif.: N383s-38703, N383s-42522, N383s-44416, AF 33(038)-16659, AF 33(038)-17919.

Marotta Engineering Co., Boonton, N. J.: AF 33(038)-16915.

Marquardt Aircraft Co., Van Nuys, Calif.: W33-038 ac 20056 S. A. No. 2

Marquette Metal Products Co., The, Cleveland, Ohio: N383s-41473, AF 33(038)-14700, AF 33(038)-15297, AF 33(038)-15587, AF 33(038)-16738.

Marsales Co., Inc., New York, N. Y.: MPA-30-287-md-1924, MPA-30-287-md-1987, MPA-30-287-md-3079.

Marsh, Jas. P., Corp., Skokie, Ill.: N104s-16289.

Marshall Hatchery, Hagerstown, Md.: DA-18-064-cml-457, DA-18-108-cml-9302.

Marshall-Newell Supply Co., San Francisco, Calif.: DA-04-197-tc-710, DA-04-197-tc-758.

Marshfield Canning Co., Marshfield, Wis.: DA-11-009-qm-2834.

Martin Bakery, Inc., San Antonio, Tex.: DA-11-009-qm-1420, DA-11-009-qm-1602, DA-11-009-qm-2385.

Martin, Glenn L., Co., The, Baltimore, Md.: DA-18-064-cml-436, DA-18-108-cml-1208, DA-36-034-ord-36, NOa(s) 11057, NOa(s) 11064, NOa(s) 12028, NOa(s) 12152, NOa(s) 51024 L. I., N383s-36381, N383s-38735 L. I., N383s-39332, N383s-41175, N383s-44612, AF 33(038)-15087, AF 33(038)-18497.

Martin Machine Supply, Nashville, Tenn.: DA-15-056-aII-120.

Martin-Quaid Co., Philadelphia, Pa.: MPA-30-287-md-2334.

Martin & Turner Marine & Industrial Supplies, Wilmington, Calif.: DA-36-022-tc-1708.

Martinolich Ship Repair Co., San Francisco, Calif.: DA-04-197-tc-37, DA-04-197-tc-18.

Maryland Electronic Manufacturing Corp., College Park, Md.: NOa(s) 12298, N173s-16059.

Maryland Terminals Corp., Baltimore, Md.: ASP 2477.

Mason, L. E., Co., Hyde Park, Mass.: DA-18-108-cml-1185, DA-18-108-cml-8452.

Mason, L. Randolph, New York, N. Y.: AF 33(083)-14823.

Mason, Silas, Co., New York, N. Y.: DA-11-173-ord-38, DA-25-066-eng-606.

Mason-Neilan Regulator Co., Boston, Mass.: N104s-16142.

Mason Netting Co., Marion, S. C.: DA-11-184-eng-5194, DA-30-075-eng-1642.

Masoutte Corp., Chicago., Ill.: DA-11-184-eng-5143, N383s-37704, N383s-38548.

Massachusetts Packing Co., Inc., New York, N. Y.: DA-30-280-qm-4930, DA-30-280-qm-5041.

Massey Harris Co., The, Racine, Wis.: DA-20-089-ord-4079.

Massey Supply Corp., Kansas City, Mo.: N383s-38796.

Massillon Rubber Co., The, Massillon, Ohio: DA 11-184-eng-4676.

Master Electric Co., Dayton, Ohio: N104s-15911.

Master Manufacturing Co., Hutchinson, Kans.: DA-11-184-eng-5377.

Master Metal Products, Inc., Buffalo, N. Y.: MPA-30-287-md-2244, MPA-30-287-md-4629.

Masterbilt Trailer Co., Glendale, Calif.: N160s-3013.

Mathews Conveyer Co., West Coast, San Carlos, Calif.: DA-04-170-sc-1.

Mathews Lumber Co., Seattle, Wash.: DA-45-108-eng-516, DA-45-108-eng-581.

Mathieson Chemical Corp., Baltimore, Md.: DA-30-280 qm-3347, DA-30-280-qm-6092.

Mattatuck Manufacturing Co., The, Waterbury, Conn.: DA-28-017-ord-939, DA-28-017-ord-948

Mauk Seattle Lumber Co., Seattle, Wash.: DA-35-026-eng-5982.

Maxey, Homer G., Co., Wichita Falls, Tex.: AF 41(183)-151.

Maxim Silencer Co., The, Hartford, Conn.: DA-20-089-ord-4023, N104s-13414, N104s-14539 and L. I., N104s-15243, N104s-16244.

Maxson, W. L., Corp., The, New York, N. Y.: DA-30-069-ord-82, N383s-30577 and L. I., AF 33(038)-14887, AF 33(038)-17650.

May Hardware Co., Brooklyn, N. Y.: N600s-8676, N600s-9530.

McAlear Manufacturing Co., Chicago, Ill.: N160s-3286.

McArthur Lumber Co., Goldsboro, N. C.: DA-09-026-eng-5321.

McBee Co., The, Athens, Ohio: DA-49-148-ag-27, DA-49-148-ag-34, DA-49-148-ag-39, DA-49-148-ag-47.

McCaffrey, M. P., Inc., Los Angeles, Calif.: N160s-3428.

McCambridge, Taylor Co., Philadelphia, Pa.: N383s-39267.

McCarthy Canning Co., Summitville, Ind.: DA-11-009-qm-3405.

McCauley Corp., Dayton, Ohio: AF 33(038)-16379.

McClure, W. T., Machine Co., Abilene, Tex.: DA-41-294-eng-9 L. I.

McCulloch Lumber Co., Atlanta, Ga.: DA-09-026-eng-5175, DA-09-026-eng-5218, DA-09-026-eng-5222, DA-09-026-eng-6302.

McCollum Hoist & Manufacturing Co., Downers Grove, Ill.: DA-11-184-eng-5318.

McCormick & Co., Inc., Baltimore, Md.: DA-30-280-qm-6114, DA-44-109-qm-342.

McCreary Tire & Rubber Co., Indiana, Pa.: DA-20-089-ord-8179.

McCusker, Paul, San Francisco, Calif.: DA-04-197-tc-680, DA-04-197-tc-682.

McDermott, J. A., Corp., Corona, N. Y.: NObs 59058, NObs 59062, NObs 59078.

McDonald, B. F. Co., Pittsburgh, Pa.: DA-04-203-eng-732.

McDonald, Norman, & Co., Chicago, Ill.: DA-11-022-ord-45, DA-11-022-ord-48.

McDonnell Aircraft Corp., St. Louis, Mo.: NOa(s) 23 L. I., N383s-36000, W33-038 ac 14582 C. O. No. 33.

McGinnis Lumber Co., Meridian, Miss.: DA-09-026-eng-5264, DA-09-026-eng-5304, DA-09-026-eng-7107, DA-09-026-eng-7110, DA-09-026-eng-7259, DA-09-026-eng-7417, DA-09-026-eng-7695.

McGowan Lumber Co., Pineapple, Ala.: DA-09-026-eng-5459.

McGrath & Co., St. Paul, Minn.: NOa(s) 51070.

McGregor & Werner, Inc., Washington, D. C.: NOd 7617, NOrd 10973, N600s-10228.

McKay Co., The, Pittsburgh, Pa.: DA-20-089-ord-4119.

McKay-Davis Chemical Corp., Toledo, Ohio: AF 33(038)-15595.

McKesson Appliance Co., Teledo, Ohio: MPA-30-287-md-2203, MPA-30-287-md-2780.

McKiernan-Terry Corp., New York, N. Y.: DA-11-184-eng-5569, NOrr 13001, N104s-14091, N156s-27303, N383s-36485.

McKinney, S. R., Las Vegas, Nev.: DA-04-353-eng-605.

McLaney Lumber Co., Charlotte, N. C.: DA-09-026-eng-4282, DA-09-026-eng-4305.

McLaughlin Machine Co., Moline, Ill.: DA-11-070-ord-1510, DA-11-070-ord-2088.

McLaughlin Research Corp., New York, N. Y.: NOrd 10033.

McLaurin-Jones Co., Brookfield, Mass.: DA-30-280-qm-4683.

McMillan Laboratory, Marblehead, Mass.: AF 33(038)-16606.

McNamar Boiler & Tank Manufacturing Co., Tulsa, Okla.: DA-34-066-eng-1447.

McPhillips & Co., Inc., Trenton, N. J.: AF 33(038)-15027, AF 33(038)-17581.

McQuay-Norris Manufacturing Co., St. Louis, Mo.: NOrd 10931, AF 33(038)-16152.

McSweeney, Angus, San Francsico, Calif.: NOy 22452.

Mead Aviation Equipment Co., Trenton, N. J.: AF 33(038)-15014, AF 33(038)-15025.

Mearl Corp., The, New York, N. Y.: N140s-17874, N140s-17878, N140s-17921, N140s-18275.

Mensurements Corp., Boonton, N. J.: N383s-37356.

Mechanical Equipment Co., New Orleans, La.: AF 49(103)-9.

Mechanical Products, Inc., Jackson, Mich.: AF 33(038)-16241.

Medford Corp., Medford, Oreg.: DA-35-026-eng-5940.

Meeters, Inc., Lansing, Ill.: DA-11-009-qm-2173.

Mehl Manufacturing Co., Cincinnati, Ohio: DA-28-017-ord-812.

Meissner Bailey Co., Wichita Falls, Tex.: AF 41(183)-148.

Mel-Williams Co., San Francisco, Calif.: DA-11-009-qm-1322, DA-11-009-qm-1346, DA-11-009-qm-1350, DA-11-009-qm-3605, DA-11-009-qm-3607, DA-11-009-qm-3609.

Meletron Corp., Los Angeles, Calif.: AF 33(038)-16553.

Melpar, Inc., Alexandria, Va.: DA-28-043-sc-39, NObr 52006, NObr 52017, NObr 52072 NObr 52083, NOa(s) 12119, N7nr 49002, AF 8(169)-82, AF 33(038)-15635, AF 33(038)-17647.

Melrose Hospital Uniform Co., New York, N. Y.: MPA-30-287-md-1655.

Melvina Can Co., Inc., Maspeth, N. Y.: DA-28-017-ord-828.

Menasco Manufacturing Co., Burbank, Calif.: W33-038 ac 22432.

Mengel Co., The, Louisville, Ky.: DA-11-009-qm-2716, DA-11-009-qm-3758.

Mercer Glass Works, Inc., New York, N. Y.: MPA-30-287-md-2186.

Merchants Ice & Cold Storage Co., San Francisco, Calif.: DA-04-192-qm-1790

Merck & Co., Inc., Rahway, N. J.: MPA-30-287-md-2924, MPA-30-287-md-3383, MPA-30-287-md-3650, MPA-30-287-md-4237, MPA-30-287-md-4391.

Mercury Trading Corp., Cincinnati, Ohio: AF 33(038)-17432.

Mergenthaler Linotype Co., Brooklyn, N. Y.: DA-11-009-qm-927, DA-11-009-qm-2187 DA-30-069-ord-62, DA-36-038-ord-1769 L. I. DA-36-038-ord-2499 L. I.

Merrell, Wm. S., Co., Cincinnati, Ohio: MPA-30-287-md-1972.

Merrill Bros., Maspeth, N. Y.: DA-30-144-ord-537, N383s-38174.

Merritt Food Products Co., Sweetser, Ind.: DA-11-009-qm-2356.

Metal Crafters, Chicago, Ill.: DA-11-184-eng-4271 and L. I., DA-11-184-eng-5412.

Metal Industries, Inc., Indianapolis, Ind.: AF 33(038)-17327.

Metalectro Corp., Bladensburg, Md.: NOrr 163.

Metallizing Co. of America, Chicago, Ill.: DA-11-184-eng-5409, DA-20-089-ord-4065

Metallurgical Research & Development Co., Inc., Washington, D. C.: NObs 53333 AF 33(038)-16032.

Metals & Controls Corp., Attleboro, Mass.: AF 33(038)-16160.

Metals Disintegrating Co., Inc., Elizabeth N. J.: DA-18-108-cml-3015.

Metro Engineering & Manufacturing Co., Inc., Detroit, Mich.: DA-20-089-ord-1300 DA-20-089-ord-3040.

Metroloy Corp., New Rochelle, N. Y.: DA-28-017-ord-1179, DA-30-069-ord-63

Metropolitan Telephone & Supply Co., Brooklyn, N. Y.: DA-36-039-sc-7372

Metropolitan Tool Works, New York, N. Y.: DA-30-144-ord-413, DA-30-144-ord-644

Metropolitan Wire Goods Corp., Brooklyn, N. Y.: N383s-41703, N383s-43052.

Meyer Wilson & George & Co., Los Angeles, Calif.: N123s-68076.

Meyenberg Milk Products Co., San Mateo, Calif.: DA-11-009-qm-4227.

Mezzetta, G. L., & Co., San Francisco, Calif.: DA-04-493-qm-2055.

Miami Margarine Co., Cincinnati, Ohio: DA-11-009-qm-1240, DA-11-009-qm-1244, DA-11-009-qm-1244, DA-11-009-qm-1696.

Mica Insulator Co., Schenectady, N. Y.: DA-11-184-eng-4236.

Micamold Radio Corp., Brooklyn, N. Y.: N383s-43144.

Michael & Karlstomer, East Falls Church, Va.: DA-44-008-eng-237.

Michigan Broach Co., Detroit, Mich.: DA-30-144-ord-589, DA-30-144-ord-646, DA-30-144-ord-686.

Michiana Products Corp., Michigan City, Ind.: DA-20-089-ord-4104, DA-20-089-ord-4124, DA-20-089-ord-4174.

Michigan Bean Co., Saginaw, Mich.: DA-11-009-qm-1235.

Michigan Fruit Canners, Inc., Fennville, Mich.: DA-11-009-qm-4073.

Michigan Power Shovel Co., Benton Harbor, Mich.: DA-11-184-eng-3722, AF 33(038)-16141.

Michigan Tractor & Machine Co., Detroit, Mich.: Order (20-043)51-1211.

Michigan Typesetting Co., Detroit, Mich.: AF 33(038)-17197.

Micro-Balancing, Inc., Oceanside, Long Island, N. Y.: AF 33(038)-15502.

Micro Wave Development Laboratories, Inc., Newton, Mass.: DA-28-043-sc-5427, DA-28-043-sc-5442.

Mid City Uniform Cap Co., Chicago, Ill.: DA-30-280-qm-7256.

Mid-Continent Petroleum Co., Tulsa, Okla.: ASP 2959, ASP 3424.

Middle States Jobbers Supply Co., Chicago, Ill.: DA-11-184-eng-5672.

Middlesex Lace, Inc., South River, N. J.: DA-30-280-qm-5945.

Middletown Knitting Mills, Middletown, N. Y.: DA-30-280-qm-7743.

Midland Glue Products Co., Detroit, Mich.: DA-30-280-qm-5144.

Midland Manufacturing Co., Kansas City, Mo.: DA-36-039-sc-3042, DA-36-039-sc-7288, AF 33(038)-15471.

Milavale Co., Philadelphia, Pa.: DA-18-601-ord-1071, DA-19-066-ord-1748, DA-19-066-ord-2291, DA-30-144-ord-436, DA-30-144-ord-709, DA-30-144-ord-773, DA-30-144-ord-829 L. I., DA-36-038-ord-1450, NObs 59064, NOrd 10963.

Midway Electric Supply Co., Inc., Chicago, Ill.: DA-36-039-sc-4887.

Midwest Dental Manufacturing Co., Chicago, Ill.: MPA-30-287-md-2409.

Mid-West Forge Co., Cleveland, Ohio: DA-11-070-ord-1093.

Midwest Sheet Metal, Springfield, Mo.: DA-23-037-aV-14 and L. I.

Midwest Walnut Co., Council Bluffs, Iowa: DA-30-058-ord-1366.

Midwest Wax Paper, Fort Madison, Iowa: DA-30-280-qm-5444.

Miehle Printing Press Manufacturing Co., Chicago, Ill.: N104s-13896, N104s-14038.

Milan Box Co., Milan, Tenn.: DA-40-121-ord-10, DA-40-121-ord-12.

Military Service Co., Birmingham, Ala.: DA-09-076-aIV-33.

Military Service Publishing Co., Harrisburg, Pa.: DA-30-280-qm-5809, Order (41-417)51-3340.

Milk Producers Association of Central California, Modesto, Calif.: DA-11-009-qm-3068, DA-11-009-qm-3983, DA-11-009-qm-3985.

Millcraft, Inc., Kansas City, Mo.: DA-11-184-eng-5246.

Miller, William, Corp., Pasadena, Calif.: N123s-68774, AF 33(038)-16980, AF 33(038)-17513.

Miller Equipment Co., Inc., Franklin, Pa.: AF 33(038)-15989, AF 33(038)-17580.

Miller Falls Co., Greenfield, Mass.: N600s-8493.

Miller Lumber Co., Bogalusa, La.: DA-09-026-eng-5296.

Miller Lumber Co., Buffalo, N. Y.: DA-11-184-eng-5275.

Miller Manufacturing Co., Detroit, Mich.: DA-20-089-ord-4873.

Miller Manufacturing Co., Richmond, Va.: DA-44-073-qm-368.

Miller, T. R., Mill Co., Inc., Brewton, Ala.: DA-09-026-eng-3400, DA-09-026-eng-3420, DA-09-026-eng-4568, DA-09-026-eng-5461, DA-09-026-eng-5462, DA-09-026-eng-5463, DA-09-026-eng-5464, DA-09-026-eng-5465, DA-09-026-eng-5466, DA-09-026-eng-5467.

Miller, Printing Machinery Co., Pittsburgh, Pa.: DA-20-089-ord-4574 and L. I.

Miller, I. & Sons, Inc., Long Island City, N. Y.: AF 33(038)-15009, AF 33(038)-17194.

Miller & Stern Supply Co., San Francisco, Calif.: DA-04-203-eng-567.

Millivac Instruments, Schenectady, N. Y.: NOa(s) 11091.

Mills Industries, Inc., Chicago, Ill.: DA-11-184-eng-4203.

Milwaukee Valve Co., Milwaukee, Wis.: AF 33(038)-16635.

Mine Safety Appliance Co., Pittsburgh, Pa.: N383s-38438, N383s-42776.

Minerva Silk Underwear Co., Bridgeport, Conn.: MPA-30-287-md-3379.

Minerva Wax Paper Co., Minerva, Ohio: DA-04-493-qm-2418.

Mines Equipment Co., St. Louis, Mo.: DA-11-184-eng-3911, DA-11-184-eng-4564.

Mingledorffs, Inc., Savannah, Ga.: AF 9(079)-9.

Minimax Co., The, Chicago, Ill.: MPA-30-287-md-2634.

Miniature Precision Bearing Co., Keene, N. H.: AF 33(038)-16151.

Minneapolis-Honeywell Regulator Co., Minneapolis, Minn.: N383s-37045, N383s-39554, N383s-40725, N383s-43076, N383s-44054, AF 33(038)-14742, AF 33(038)-14828, AF 33(038)-14875, AF 33(038)-14948, AF 33(038)-15250, AF 33(038)-15503, AF 33(038)-15519, AF 33(038)-17042, AF 33(038)-17204, AF 33(038)-17517, AF 33(038)-18313.

Minnesota Consolidated Canners, Minneapolis, Minn.: DA-11-009-qm-1614.

Minnesota Mining & Manufacturing Co., St. Paul, Min.: DA-20-089-ord-2956, DA-29-044-mi-100, N383s-44327, N600s-10609, AF 33(038)-16755.

Minnesota & Ontario Paper Co., Minneapolis, Minn.—National Pole Treating Division: AF 34(024)-360.

Mirsky, B., & Sons, Asbury Park, N. J.: DA-04-493-qm-2632, N220s-55912.

Mishawaka Rubber & Woolen Manufacturing Co., Mishawaka, Ind.: DA-30-280-qm-7720.

Mission Biscuit Co., San Francisco, Calif.: DA-04-493-qm-1454, DA-04-493-qm-1638, DA-04-493-qm-2710.

Mission Macaroni Co., Inc., Seattle, Wash.: DA-11-009-qm-4618, DA-11-009-qm-4621, DA-11-009-qm-4637.

Mississippi Engineering Co., Grandmound, Iowa: DA-11-070-ord-1772.

Mississippi Valley Hardware, St. Louis, Mo.: DA-23-035-eng-345.

Mitchell Camera Corp., Glendale, Calif.: N383s-36161, AF 8(169)-78.

Mitchell Mobilhanger Corp., New York, N. Y.: (NOa(s) 12259.

Mixing Equipment Co., Inc., Rochester, N. Y.: AF 33(038)-16747.

Mizzy, Inc., New York, N. Y.: MPA-30-287-md-1923, MPA-30-287-md-3997.

Modern Kelly Corp., Chicago, Ill.: DA-11-184-eng-5394.

Modern Tool & Die Co., Cleveland, Ohio: DA-18-108-cml-1055.

Modern Welding Co., Owensboro, Ky.: DA-11-184-eng-4657.

Modine Manufacturing Co., Racine, Wis.: DA-20-089-ord-2939 and L. I.

Modoc Point Planing Co., Portland, Oreg.: DA-35-026-eng-6061, DA-35-026-eng-6062.

Moffitt, L. Q., Inc., Akron, Ohio: N104s-14115.

Mohawk Rubber Co., Akron, Ohio: DA-20-089-ord-3055, DA-20-089-ord-3525, DA-20-089-ord-8182.

Molded Insulation Co., Philadelphia, Pa.: DA-36-038-ord-2232, DA-36-039-sc-3173, DA-36-039-sc-4748 and L. I., DA-36-039-sc-4965, DA-36-039-sc-7077, N173s-15618.

Molded Latex Products, Inc., Paterson, N. J.: NOa(s) 51033.

Molding Corp. of America, Inc., Providence, R. I.: DA-28-017-ord-964, DA-28-017-ord-1011, N163s-562.

Mole-Richardson Co., Los Angeles, Calif.: N383s-36433.

Moline Air Service, Moline, Ill.: DA-11-184-eng-4550.

Momsen Dunnegan Ryan, El Paso, Tex.: DA-41-014-aIV-221, DA-41-014-aIV-228.

Monadnock Mills, San Leandro, Calif.: N600s-9288, AF 33(038)-17901, AF 33(038)-17990.

Monarch Lumber Co., Feather Falls, Calif.: DA-35-026-eng-5839, DA-35-026-eng-5840.

Monarch Lumber Co., Littleton, Colo.: DA-09-026-eng-4449.

Monarch Machine Tool Co., Sidney, Ohio: DA-28-017-ord-952.

Monitor Controller Co., The, Boston Mass.: N104s-15878.

Monroe Auto Equipment Co., Monroe, Mich.: DA-20-018-ord-1279 S. A. No. 2, DA-20-018-ord-11240, DA-20-089-ord-4211, DA-20-089-ord-5027, DA-36-038-ord-1279.

Monsanto Chemical Co., St. Louis, Mo.: DA-18-108-cml-1134, DA-18-108-cml-1275.

Montgomery Elevator Co., Moline, Ill.: DA-36-022-tc-1979.

Monument Mills, Housatonic, Mass.: DA-30-280-qm-7974.

Moody, D & Co., Tulsa, Okla.: AF 33(038)-15148, AF 33(038)-15168, AF 33(038)-16479.

Moore Dry Dock Co., San Francisco, Calif.: DA-04-197-tc-2041.

Moore, Benjamin & Co., New York, N. Y.: N383s-42408.

Moore Machinery Co., Los Angeles, Calif.: N123s-69124, N123s-70866.

Moore Special Tool Co., Inc., Bridgeport, Conn.: DA-19-059-ord-3518 S. A. No. 8, DA-49-170-sc-23.

Moore & White Co., Philadelphia, Pa.: N156s-27227.

Mor Pak Preserving, Stockton, Calif.: DA-04-493-qm-2804.

Morace Stevedoring Corp., New York, N. Y.: DA-30-182-tc-194.

Morgan Machine Co., Inc., Rochester, N. Y.: DA-33-079-ord-230.

Morris, Philip, Co., Inc., New York, N. Y.: DA-04-493-qm-2398, DA-04-493-qm-2762, DA-11-009-qm-2295, DA-11-009-qm-2693.

Morrison Engineering Corp., Cleveland, Ohio: DA-15-010-sc-224.

Morrison-Knudsen Co., Inc., Los Angeles, Calif.: DA-04-353-eng-411, DA-05-507-eng-35 Mod. No. 7.

Morrison Supply Co., Wichita Falls, Tex.: AF 41(183)-149.

Morse Instrument Co., Hudson, Ohio: DA-11-184-eng-5210.

Morton, Gregory, Corp., Toledo, Ohio: N383s-42862.

Morton Salt Co., Chicago, Ill.: DA-04-493-qm-1589, DA-30-280-qm-5291, DA-30-280-qm-8131, DA-30-280-qm-8478.

Moss, T. J., Tie Co., St. Louis, Mo.: DA-09-026-eng-5186.

Mother's Cake & Cookie Co., San Francisco, Calif.: DA-04-493-qm-2708, DA-04-493-qm-2800.

Motor Research Co., Racine, Wis.: DA-36-039-sc-7813 and L. I.

Motor Wheel Corp., Lansing, Mich.: DA-11-184-eng-5557, DA-20-089-ord-3377.

Motorola, Inc., Chicago, Ill.: DA-36-039-sc-3962, DA-36-039-sc-4742 L. I., DA-36-039-sc-7007 L. I., DA-36-039-sc-8796, DA-36-039-sc-8305, N123s-68310, AF 33(038)-17247.

Mount Hood Soap Co., Portland, Oreg.: DA-30-280-qm-4901.

Mount Vernon-Woodberry Mills, Inc., Baltimore, Md.: N140s-18181, N140s-19278

Mountjoy Co., San Antonio, Tex.: AF 41(127)-76.

Mousley, Geo. E., Inc., West Warwick, R. I.: DA-11-009-qm-1371.

Mowbray Robinson Lumber Co., Cincinnati.

Mudge Paper Co., Washington, D. C.: NOd 7619, N600s-10677.

Mueller Brass Co., Port Huron, Mich.: DA-20-089-ord-3050.

Mullis, Carl W., Lumber Co., Lancaster, S. C.: DA-09-026-eng-5254.

Multiplate Glass Corp., Jamaica, Long Island, N. Y.: N220s-58177.

Multiple Breaker Corp., Boston, Mass.: DA-30-280-qm-4682, N111s-54357, N111s-54363, N111s-54521.

Mund Boilers, Inc., Los Angeles, Calif.: N160s-3028.

Munston Manufacturing & Service, Inc., New York, N. Y.: DA-36-039-sc-6613.

Murdock Webbing Co., Pawtucket, R. I.: AF 33(038)-16566.

Murphy, Allan, Construction Co., Nashville, Tenn.: AF 30(317)-12.

Murphy Diesel Co., Milwaukee, Wis.: DA-11-184-eng-4133, DA-11-184-eng-5022, DA-11-184-eng-5487, DA-11-184-eng-5737, DA-11-184-eng-5897.

Murray & Tregurtha, Inc., Quincy, Mass.: N160s-3173.

Mutual Stevedoring Co., San Francisco, Calif.: DA-04-197-tc-44, DA-04-197-tc-46, DA-04-197-tc-69.

Mutual Wheel Co., Moline, Ill.: DA-11-070-ord-2211.

Myers, L., Co., San Francisco, Calif.: N220s-55999, N220s-56003.

Myers Drum Co., Richmond, Calif.: DA-11-009-qm-3029.

Myles Oil Products, Inc., Long Island City, N. Y.: DA-30-182-tc-2252.

Mystik Tape Distributors, Inc., Chicago, Ill.: DA-11-070-ord-2411.

N-K Distributing Co., San Diego, Calif.: AF 4(253)-21.

Nance & Vivadelli, Arlington, Va.: DA-44-040-mdw-243.

Naramore, Bain, Brady & Johanson, Seattle, Wash.: DA-95-507-eng-110 and L. I.

Narragansett Wire Co., Pawtucket, R. I.: DA-36-039-sc-4031.

Nasco, Inc., Cleveland, Ohio: AF 33(038)-16350.

Nash Bros. Co., Evanston, Ill.: DA-11-184-eng-5598.

Nash Engineering Co., South Norwalk, Conn.: AF 33(038)-16734.

National Acme Co., The, Cleveland, Ohio.: DA-19-058-ord-1241, DA-19-058-ord-1677.

National Brush Co., Aurora, Ill.: DA-30-280-qm-6653.

National Biscuit Co., New York, N. Y.: DA-04-493-qm-1432.

National Capital Toro, Inc., Silver Spring, Md.: NObr 56907.

National Carbon Co., Inc., New York, N. Y.: DA-28-024-ord-1171, DA-36-039-sc-3019.

National Cine Equipment, Inc., New York, N. Y.: DA-36-039-sc-3814.

National Co., Inc., Melrose, Mass.: NObr 52013, NObr 59014, N126s-8148.

National Container Corp., Long Island City, N. Y.: DA-11-009-qm-1703, DA-11-009-qm-1721, DA-11-009-qm-2359.

National Corp., New York, N. Y.: DA-11-009-qm-3345.

National Dairy Products Corp., New York, N. Y.—Kraft Foods Co. Division: DA-04-493-qm-2695, DA-11-009-qm-1184, DA-11-009-qm-1358, DA-11-009-qm-1609, DA-11-009-qm-4456, DA-11-027-qm-9446, N220s-55370.

National Drug Co., Philadelphia, Pa.: MPA-30-287-md-2570, MPA - 30 - 287 - md - 2832, MPA-30-287-md-3852.

National Electrical Machine Shops, Inc., Silver Spring, Md.: NObr 52044, NOrd 11060, N104s-16000, N173s-15575.

National Electronics Laboratories, Inc., Washington, D. C.: DA-36-039-sc-7052.

National Fireworks, Inc., West Hanover, Mass.: DA-28-017-ord-1039, NOrd 10975.

National Foam System, Inc., Philadelphia, Pa.: DA-11-184-eng-5172, DA-11-184-eng-5496, N104s-13796, AF 33(038)-15039.

National Forge & Ordnance Co., Irvine, Pa.: DA-30-144-ord-538, DA-30-144-ord-816 L. I., NObs 53189.

National Fruit Canning Co., Seattle, Wash.: DA-11-009-qm-1937, DA-11-009-qm-2498.

National Gage Co., Inc., Newark, N. J.: DA-28-017-ord-926, DA-28-017-ord-940, DA-28-017-ord-1150.

National Housing Co., Dallas, Tex.: DA-44-009-eng-325.

National Lead Co., New York, N. Y.: N173s-15496, N173s-15558, N173s-16051, N220s-56008, N220s-56281, N220s-56299, N383s-39946, N383s-40056, N383s-43211.

National Lock Co., Rockford, Ill.: N383s-39240.

National Machine Products Co., Detroit, Mich.: DA-20-089-ord-9288.

National Machine & Tool Co., Jackson, Mich.: N600s-9048.

National Motor Bearing Co., Inc., Redwood City, Calif.: DA-20-089-ord-4866.

National Pneumatic Co., Boston, Mass.: DA-11-184-eng-4069, DA-19-020-ord-2577, DA-49-170-sc-50.

National Preservation Co., Brooklyn, N. Y.: DA-30-280-qm-6681.

National Publications Co., Los Angeles, Calif.: DA-04-210-md-130.

National Scientific Laboratories, Washington, D. C.: AF 33(038)-15054.

National Silver Co., New York, N. Y.: DA-11-009-qm-1743 and L. I., DA-11-009-qm-3490.

National-Simplex-Bludworth, New York, N. Y.: DA-30-075-eng-1465, N126s-13030.

National Steel Products Co., Houston, Tex.: DA-41-117-ord-596.

National Steel & Shipbuilding Corp., San Diego, Calif.: NOy 22696.

National Sugar Refining Co., New York, N. Y.: DA-30-280-qm-4913, DA-30-280-qm-5363, DA-30-280-qm-5381, DA-30-280-qm-7612.

National Supply Co., Pittsburgh, Pa.: DA-11-184-eng-6072, N104s-14840, N600s-8189.

Superior Engine Division: N104s-13213.

National Survey, Chester, Vt.: DA-49-018-eng-119.

National Tube Co., Pittsburgh, Pa.: DA-20-089-ord-4072, DA-30-144-ord-568, DA-36-061-ord-11 L. I., NObs 53107, NOrd 10883, NOrd 10994, N600s-8808, N600s-9933.

National Union Radio Corp., Orange, N. J.: NObr 52049, N383s-45122, AF 33(038)-17345.

National Vulcanized Fibre Co., Wilmington, Del.: DA-11-184-eng-4767.

Naylor Pipe Co., Chicago, Ill.: N160s-2876.

Naz-Dar Co., Chicago, Ill.: DA-11-184-eng-4087.

Neale Construction Co., Inc., Topeka, Kans.: AF 41(142)-184.

Neely Enterprises, Hollywood, Calif.: N123s-70193.

Nelson Construction Co., Black River, Wis.: DA-47-018-aV-66.

Nelson Piping Co., Rockford, Ill.: DA-11-078-ord-200.

Nemec Combustion Engineers, Whittier, Calif.: N123s-68776.

Nesco, Inc., Granite City, Ill.: DA-11-009-qm-1988, DA-11-009-qm-2066, DA-11-009-qm-2599, DA-11-022-ord-1606 and L. I., DA-11-184-eng-5081, DA-36-038-ord-1606 L. I.

Nettleton Timber Co., Seattle, Wash.: DA-35-026-eng-5938.

Neuchatz Engineering Co., Los Angeles, Calif.: AF 33(038)-17127.

Neumade Products Corp., New York, N. Y.: AF 33(038)-17501, AF 33(038)-18246.

New Britain Machine Co., The, New Britain, Conn.: N600s-9201, N600s-9996.

New England Lead Burning Co., North Woburn, Mass.: N173s-16154.

New Hampshire Ball Bearings, Peterborough, N. H.: AF 33(038)-16150.

New Haven Terminal, Inc., New Haven, Conn.: ASP 2478.

New Orleans Stevedoring Co., New Orleans, La.: DA-16-049-tc-62.

New Products Manufacturing, Inc., Dayton, Ohio.: AF 33(038)-15452, AF 33(038)-16023.

New York Air Brake Co., New York, N. Y.: N383s-38449 and L. I., N383s-40664, AF 33(038)-14282, AF 33(038)-14284, AF 33(038)-15644, AF 33(038)-15789, AF 33(038)-15839, AF 33(038)-16445, AF 33(038)-18245.

New York Engineering Co., New York, N. Y.: NObs 59121.

New York Rubber Corp., New York, N. Y.: DA-44-009-eng-739 Mod. No. 2.

New York Shipbuilding Corp., Camden, N. J.: NObs 2721 L. I.

New York Transformer Co., Alpha, N. J.: N126s-12332.

New York Wire Cloth Co., New York, N. Y.: N383s-42061.

Newark Paraffine & Parchment Paper Co., Newark, N. J.: DA-30-280-qm-5443 and L. I.

Newport News Shipbuilding & Dry Dock Co., Newport News, Va.: NObs 2705 L. I., NObr 5700, N104s-15937, N189s-17693.

News Map of the Week, Inc., Chicago, Ill.: DA-11-184-eng-5.

Niagara Alkali Co., New York, N. Y.: DA-11-184-eng-5514.

Niagara Plywood Co., Inc., Buffalo, N. Y.: DA-12-036-qm-1319.

Nicetown Plate Washer Co., Inc., Philadelphia, Pa.: N383s-41425.

Nichols, W. H., Co., Waltham, Mass.: AF 33(038)-17516.

Nicolai Door Sales, Myrtle Creek, Oreg.: DA-35-026-eng-5914.

Nieman, Herbert A., & Co., Thiensville, Wis.: DA-11-009-qm-3821.

Niles-Bement-Pond Co., West Hartford, Conn.—Chandler-Evans Division: NObs(s) 187, N383s-37734 L. I., N383s-38674, N383s-40143, AF 33(038)-14289, AF 33(038)-17334, AF 33(038)-17681. Pratt & Whitney Division: N171s-90826.

Nixdorff-Krein Manufacturing Co., St. Louis, Mo.: DA-23-065-eng-313.

Nobles Engineering & Manufacturing Co., St. Paul, Minn.: AF 33(038)-15872.

Noland Co., Inc., Chattanooga, Tenn.: DA-15-056-aV-140, DA-18-108-cml-1127, NOm 57634, N383s-40711, N383s-42988.

Nordberg Manufacturing Co., Milwaukee, Wis.: N191s-38621.

Norden Laboratories Corp., White Plains, N. Y.: NOrd 10884, NOrd 10958, NOrd 10965.

Norfolk Mack Distributors, Norfolk, Va.: N189s-77085.

Norfolk Southern Railway Co., Norfolk, Va.: N189s-76472.

Norge Sailmakers Corp., Brooklyn, N. Y.: N383s-40358.

Norma-Hoffmann Bearings Corp., Stamford, Conn.: AF 33(038)-16356, AF 33(038)-16376, AF 33(038)-16617, AF 33(038)-17114.

Norman Ford Co., Tyler, Tex.: DA-36-038-ord-2090.

Norris Stamping & Manufacturing Co., Los Angeles, Calif.: NOrd 10856.

North American Aviation, Inc., Los Angeles, Calif.: NOa(s) 146, N383s-37516, N383s-41167, W33-038 ac 14191 S. A. No. 15 and S. A. No. 17, W33-038 ac 15569 C. O. No. 70 and C. O. No. 72, W33-038 ac 18000 C. O. No. 57 and C. O. No. 66, W33-038 ac 21671 C. O. No. 52 and C. O. No. 54, AF 33(038)-7379 S. A. No. 4, AF 33(038)-14748, AF 33(038)-14800, AF 33(038)-14981, AF 33(038)-16454, AF 33(038)-16918, AF 33(038)-17352, AF 33(038)-17641, AF 33(038)-18326.

North American Philips Co., Inc., New York, N. Y.: Order (19-122)51-1097.

North American Steel, Cleveland, Ohio: DA-01-002-ord-96.

North Electric Manufacturing Co., Galion, Ohio: DA-36-039-sc-782.

North Plywood, Inc., Spokane, Wash.: DA-35-026-eng-5916.

Northeast Machine Co., Cheltenham, Pa.: DA-36-022-tc-2533.

Northeastern Engineering, Inc., Manchester, N. H.: N383s-39705.

Northern California Hardware & Steel Co., San Francisco, Calif.: DA-04-203-eng-978.

Northern Ordnance, Inc., Minneapolis, Minn.: NOrd 10924 L. I., NOrd 10935, NOrd 11024, N104s-13302.

Northern Radio Co., Inc., New York, N. Y.: Order (36-025)51-3512.

Northrop Aircraft, Inc., Hawthorne, Calif.: N123s-67577, W33-038 ac 14175 S. A. No. 16, W33-038 ac 20243 C. O. No. 40 and S. A. No. 29, AF 33(038)-1492 S. A. No. 7, AF 33(038)-14725, AF 33(038)-14773.

Northside Lumber Co., Wichita Falls, Tex.: AF 41(183)-131.

Northwest Consolidators, Seattle, Wash.: N600s-7892.

Northwest Engineering Co., Chicago, Ill.: DA-11-184-eng-4355, DA-11-184-eng-5736, N52m 25418.

Northwest Glove Co., Winona, Minn.: DA-11-009-qm-1799.

Northwest Lead Co., San Francisco, Calif.: N173-16062.

Northwest Plumbing Supply Co., Seattle, Wash.: DA-45-108-eng-643.

Northwestern-Hanna Fuel Co., Duluth, Minn.: Order (21-052)51-336.

Northwestern Steel & Wire Co., Sterling, Ill.: DA-11-184-eng-5917, DA-11-184-eng-6089.

Norton Co., Worcester, Mass.: DA-49-170-sc-114 L. I., N383s-39450.

Norvell & Wallace, Nashville, Tenn.: DA-15-056-aII-142.

Norwalk Co., Inc., South Norwalk, Conn.: N298s-4668.

Novo Engine Co., Lansing, Mich.: DA-11-184-eng-5591.

Nuclear Instrument Chemical, Chicago, Ill.: N173s-16022.

Nystrom, A. J., & Co., Chicago, Ill.: MPA-30-287-md-2428.

OEM Corp., Norwalk, Conn.: MPA-30-287-md-2865.

OPW Corp., Cincinnati, Ohio: DA-30-144-ord-57513.

Oak Manufacturing Co., Chicago, Ill.: DA-44-009-eng-238.

Oberman & Co., Jefferson City, Mo.: DA-30-280-qm-7373.

O'Brien Industrial Equipment Co., San Francisco, Calif.: DA-04-015-ord-3867.

Ocean Box Corp., Brooklyn, N. Y.: DA-28-017-ord-928.

Oceanic Trading Co., Brooklyn, N. Y.: DA-04-203-eng-782.

Octagon Process, Brooklyn, N. Y.: DA-04-493-qm-2394, DA-11-184-eng-5596.

Ohio Chemical & Manufacturing Co., The, Madison, Wis.: MPA-30-287-md-1912, MPA-30-287-md-3058, MPA-30-287-md-3538, MPA-30-287-md-4380.

Ohio Crankshaft Co., Cleveland, Ohio: DA-30-121-ord-11, DA-36-038-ord-2061, DA-40-121-ord-13, N140s-19165.

Ohio Galvanizing & Manufacturing Co., The, Niles, Ohio: N600s-8952.

Ohio Injector Co., Wadsworth, Ohio: N383s-40721.

Ohio Locomotive Crane Co., The, Bucyrus, Ohio: DA-36-022-tc-3667.

Ohio Machinery Co., Columbus, Ohio: DA-33-062-eng-27.

Ohio National, Inc., Upper Sandusky, Ohio: DA-11-184-eng-4645, DA-11-184-eng-4671, DA-11-184-eng-6135.

Ohio Rubber Co., The, Willoughby, Ohio: DA-20-089-ord-2901, DA-20-089-ord-7342 L. I.

Ohio Steel Foundry Co., Lima, Ohio: DA-30-144-ord-476.

Ohio Thermometer Co., The, Springfield, Ohio: DA-36-038-ord-2044.

Ohlen-Bishop Manufacturing Co., Columbus, Ohio: N600s-8562, N600s-8724.

Oilgear Co., The, Milwaukee, Wis.: DA-20-089-ord-2834, NObs 53375, N156s-27261 L. I., N156s-27453, N156s-27455.

O'Keefe & Merritt Co., Los Angeles, Calif.: AF 33(038)-17744.

Okonite-Callender Cable Co., Inc., The, Paterson, N. J.: NObs 53433 L. I., NObs 59016, NObs 59018, NObs 59027.

Okonite Co., The, Passaic, N. J.: DA-36-039-sc-15, DA-36-039-sc-4020, NObs 59073, NObs 59091, N383s-35822, N383s-38291 and L. I., N383s-41172 L. I.

Old Dominion Construction Co., Arlington, Va.: DA-44-040-eng-220.

Old Dominion Marine Co., Norfolk, Va.: DA-44-019-tc-135 C. O. No. 35.

Old Virginia Packing Co., Front Royal, Va.: DA-11-009-qm-2751.

Oldtown Canoe Co., Oldtown, Maine: DA-11-184-eng-5631.

Olin Industries, Inc., East Alton, Ill.—Electrical Division: DA-36-039-sc-4006. N123s-68019. Western Cartridge Co. Division: DA-36-038-ord-1224, NOa(s) 12055. Winchester Repeating Arms Division: DA-19-058-ord-1531.

Oliver Corp., The, Chicago, Ill.: DA-11-184-eng-5146.

Oliver-Finnie Co., Memphis, Tenn.: DA-30-280-qm-5028.

Olsen, Tinius, Testing Machine Co., Willow Grove, Pa.: DA-28-017-ord-1101.

Olympia Canning Co., Olympia, Wash.: DA-11-009-qm-3655.

Olympic Glove Co., Inc., The, New York, N. Y.: N383s-42001.

Olympic Welding Co., Seattle, Wash.: DA-45-108-eng-681.

Onan, D. W. & Sons, Inc., Minneapolis, Minn.: DA-11-184-eng-5054, DA-11-184-eng-5400, DA-11-184-eng-5819, DA-23-075-md-458, DA-36-039-sc-7173, N173s-15736, AF 22(022)-134, AF 22(022)-136, AF 22(022)-139, AF 22(022)-142.

Oneida, Ltd., Oneida, N. Y.: DA-11-009-qm-3491.

O'Neill Bros, Inc., Philadelphia, Pa.: N140s-18095.

Onyx Oils & Resins, Inc., New York, N. Y.: N383s-39486.

Operadio Manufacturing Co., St. Charles, Ill.: N104s-14413, N104s-15920.

Optical Film Engineering Co., Philadelphia, Pa.: DA-36-034-ord-48.

Orchard Paper Co., St. Louis, Mo.: DA-30-280-qm-8669.

Oregon Foods, Inc., McMinnville, Oreg.: DA-11-009-qm-1603.

Oregon Plywood Corp., Sweet Home, Oreg.: DA-35-026-eng-5767.

Oregon Washington Plywood Co., Garibaldi, Oreg.: DA-35-026-eng-5929.

Orleans County Canning Co., Barre, Vt.: DA-11-009-qm-2460, DA-11-009-qm-2403, DA-11-009-qm-2405.

Oro Manufacturing Co., Adrian, Mich.: N383s-37116, N383s-37589, N383s-37590, N383s-39257, N383s-43958, N383s-44268, AF 33(038)-15870.

Orrells Food Products, Oakland, Calif.: DA-11-009-qm-1589.

Orthopedic Frame Co., Kalamazoo, Mich.: DA-04-210-md-125, MPA-30-287-md-2521.

Orton Crane & Shovel Co., Chicago, Ill.: N160s-3146.

Oscar Novelties, New York, N. Y.: DA-30-280-qm-5946, DA-30-280-qm-7901.

Osgood Co., The, Marion, Ohio: DA-11-184-eng-4122, DA-11-184-eng-4309, DA-11-184-eng-5307, DA-11-184-eng-5601, DA-11-184-eng-6015, DA-11-184-eng-6050.

Oshkosh Motor Truck, Inc., Oshkosh, Wis.: DA-11-184-eng-4978, DA-11-184-eng-5183, DA-11-184-eng-5616, DA-11-184-eng-5741, DA-11-184-eng-5834.

Otis Elevator Co., New York, N. Y.: DA-36-038-ord-1978 L. I.

Otis McAllister & Co., Inc., San Francisco, Calif.: DA-30-280-qm-4906.

Otterbein Press, Dayton, Ohio: AF 33(038)-11994, AF 33(038)-14051.

Outboard Marine & Manufacturing Co., Waukegan, Ill.: N104s-16037.

Overlakes Corp., Lowell, Mass.: DA-36-039-sc-4027.

Owens-Corning Fiberglas Corp., Toledo, Ohio: DA-12-036-qm-1294, DA-12-036-qm-1548, N383s-40635, N383s-41422, N383s-42038, N383s-43388, N383s-45049.

Owens, Henry, & Co., Inc., Cranston, R. I.: DA-19-020-ord-980 S. A. No. 1.

Owens-Illinois Glass Co., Toledo, Ohio: MPA-30-287-md-2812, N383s-42021.

Ox Fibre Brush Co., Inc., Frederick, Md.: DA-30-280-qm-6646.

Oxford Hat & Cap Manufacturing Co., St. Louis, Mo.: DA-30-280-qm-7428.

Oxnard Heavy Maintenance Co., Oxnard, Calif.: DA-11-184-eng-5797.

Pabco Products, Inc., San Francisco, Calif.: N383s-43115, N383s-43680.

Pace-Turpin Co., Salt Lake City, Utah: DA-42-036-cml-45.

Pachmayr Gun Works, Los Angeles, Calif.: NOrd 11080.

Pacific Airmotive Corp., Burbank, Calif.: N383s-43266, AF 33(038)-13011, AF 33(038)-15640, AF 33(038)-15868, AF 33(038)-15947, AF 33(038)-17244, AF 33(038)-18402.

Pacific American Fisheries, Inc., South Bellingham, Wash.: DA-04-493-qm-1900.

Pacific Car & Foundry Co., Renton, Wash.: DA-20-089-ord-4032.

Pacific Coast Tank & Manufacturing Co., Long Beach, Calif.: N160s-2975, N160s-3375.

Pacific Electricord Co., Beverly Hills, Calif.: DA-36-039-sc-8288.

Pacific Fishermen, Inc., Seattle, Wash.: DA-45-045-tc-1397.

Pacific Forest Products Co., Tacoma, Wash.: DA-35-026-eng-5950, DA-35-026-eng-5956, DA-35-026-eng-5957, DA-35-026-eng-5958.

Pacific Gear & Tool Works, San Francisco, Calif.: N220s-58173.

Pacific Lumber Sales Co., Eugene, Ore.: DA-35-026-eng-5386, DA-35-026-eng-5987, DA-35-026-eng-6905.

Pacific Marine Refrigeration, San Francisco, Calif.: N220s-55118.

Pacific Marine Supply Co., Seattle, Wash.: N104s-14229.

Pacific Mills, Boston, Mass.: N140s-17928, N140s-18200, N140s-18398, N140s-19170.

Pacific Piston Ring Co., Los Angeles, Calif.: AF 33(038)-16550.

Pacific Ports Industries, San Francisco, Calif.: DA-04-203-eng-954.

Pacific Pumping Co., Oakland, Calif.: N160s-2760.

Pacific Ship Repair, Inc., San Francisco, Calif.: DA-04-197-tc-77, DA-04-197-tc-2381.

Pacific Welding Co., Los Angeles, Calif.: DA-11-184-eng-5771.

Pacific Wire Rope Co., Los Angeles, Calif.: DA-04-493-qm-2276.

Packard Motor Car Co., Detroit, Mich.: NObs 2701, NObs 2703 L. I., NObs 2707 L. I., N104s-13197, N104s-15263, N104s-15590.

Pal Processing Co., Brooklyn, N. Y.: MPA-30-287-md-2848.

Palen, Al, Motors, San Francisco, Calif.: N52m 25273.

Palmer Fruit Products Co., Long Island City, N. Y.: DA-11-009-qm-2132, DA-11-009-qm-2461, DA-11-009-qm-3342, DA-11-009-qm-3563.

Palmer Manufacturing Co., The, Cleveland, Ohio: AF 33(038)-18016.

Palmer Manufacturing Corp., Phoenix, Ariz.: DA-11-009-qm-1986.

Palmer Wellock Tool Corp., The, Meadville, Pa.: N600s-8567, N600s-8634.

Palmetto Lumber Sales Co., Spartanburg, S. C.: DA-09-026-eng-6912.

Pan American Refining Corp., New York, N. Y.: ASP 2499.

Pan American World Airways, Inc., New York, N. Y.: AF 33(038)-16568.

Pan Pacific Oil Co., Inc., Los Angeles, Calif.: N123s-64069.

Pan Pacific Sales Corp., Gardena, Calif.: DA-30-280-qm-7331, N160s-3021, N160s-3281, N160s-4454.

Paper Manufacturers Co., Philadelphia, Pa.: DA-30-280-qm-7773.

Paragon Gear Works, Taunton, Mass.: DA-11-184-eng-5612.

Paramount Macaroni Manufacturing Co., Inc., Brooklyn, N. Y.: DA-11-009-qm-4636.

Paramount Supply Irrigation, Oxnard, Calif.: N160s-3008.

Parco Products Co., Greenville, Pa.: DA-11-184-eng-4531.

Parish Pressed Steel Co., Reading, Pa.: DA-36-039-sc-4800.

Parke, Davis & Co., Detroit, Mich.: MPA-30-287-md-1474, MPA-30-287-md-1508, MPA-30-287-md-1548, MPA-30-287-md-1596, MPA-30-287-md-1606, MPA-30-287-md-1892, MPA-30-287-md-1973, MPA-30-287-md-1989, MPA-30-287-md-2348, MPA-30-287-md-2471, MPA-30-287-md-2505, MPA-30-287-md-2892, MPA-30-287-md-3113, MPA-30-287-md-3269, MPA-30-287-md-3587, MPA-30-287-md-3992, MPA-30-287-md-4729, MPA-30-287-md-4681.

Parke Thompson Laboratory, Kirkwood, Mo.: DA-23-072-ord-6 S. A. No. 3.

Parker Appliance Co., The, Cleveland, Ohio: N282s-40045, N383s-40542, N383s-4114, AF 33(038)-14697, AF 33(038)-15147, AF 33(038)-16578, AF 33(038)-17477, AF 33(038)-18040.

Parker Lumber Co., Inc., Meridian, Miss.: DA-09-026-eng-5340, DA-09-026-eng-5371, DA-09-026-eng-5381, DA-09-026-eng-5394, DA-09-026-eng-5395, DA-09-026-eng-5410, DA-09-026-eng-5423, DA-09-026-eng-5433, DA-09-026-eng-5434, DA-09-026-eng-5481, DA-09-026-eng-6886, DA-09-026-eng-7125, DA-09-026-eng-7195, DA-09-026-eng-7205, DA-09-026-eng-7215, DA-09-026-eng-7264, DA-09-026-eng-7266, DA-09-026-eng-7414, DA-09-026-eng-7659.

Parker Manufacturing Co., Worchester, Mass.: DA-19-058-ord-1420.

Parker-Schram Co., Portland, Oreg.: DA-45-108-eng-429 Mod. No. 1.

Parker Sweeper Co., Springfield, Ohio: AF 33(038)-16888.

Parkersburg Junk Co., Parkersburg, W. Va.: AF 33(038)-16022.

Parkersburg Rig & Reel Co., Parkersburg, W. Va.: DA-04-203-eng-824, N104s-15938.

Parmalee Pharmaceutical Co., Kansas City, Mo.: DA-11-009-qm-1405.

Parsons, Ralph M., Co., Los Angeles, Calif.: DA-45-108-eng-631 L. I.

Parsons Corp., Detroit, Mich.: DA-20-018-ord-11232.

Parsons, Frank, Paper Co., Inc., Washington, D. C.: DA-11-070-ord-1916, DA-30-280-qm-8670.

Pasco Packing Co., Dade City, Fla.: DA-11-009-qm-1202, DA-11-009-qm-1207, DA-11-009-qm-1429.

Pass & Seymour, Inc., Syracuse, N. Y.: DA-28-043-sc-5428.

Pastushin, Vic, Industries, Inc., Los Angeles, Calif.: AF 33(038)-14937.

Patterson, Moos & Co., Inc., Long Island City, N. Y.: AF 33(038)-16230.

Patton-MacGuyer Co., Providence, R. I: N273s-157.

Patton Manufacturing Co., Inc., Springfield, Ohio: N383s-44375.

Paull & Griffin Co., San Francisco, Calif.: DA-04-015-ord-278, DA-04-197-tc-707, DA-04-197-tc-708, DA-04-015-tc-709, N52m 25501.

Paulsen-Webber Cordage Corp., New York, N. Y.: DA-30-075-eng-1071, DA-36-022-tc-1706.

Paulus Bros. Packing Co., Salem, Oreg.: DA-04-493-qm-2803, DA-11-009-qm-935, DA-11-009-qm-952, DA-11-009-qm-2320, DA-11-009-qm-2694, DA-11-009-qm-2699, DA-11-009-qm-2708, DA-11-009-qm-2922, DA-11-009-qm-3412, DA-11-009-qm-3616, DA-11-009 qm-3653.

Paynes Bolt Works, San Francisco, Calif.: DA-04-203-eng-765.

Pearce, T. H., Co., Fort Benning, Ga.: DA-01-076-eng-668.

Pearson Co., Brookline, Mass.: DA-19-128 aI-53.

Pearson Lumber Co., Tuscaloosa, Ala.: DA-09-026-eng-7216.

Pease, L. F., Co., Providence, R. I.: DA-19-020-ord-42.

Pedley-Knowles & Co., San Francisco, Calif.: DA-04-197-tc-699.

Peeler, S. J., Lumber Co., Kosciusko, Miss.: DA-09-026-eng-6883, DA-09-026-eng-7420.

Peerless Electric Co., The, Warren, Ohio: N104s-13754.

Peerless Sales, San Diego, Calif.: DA-04-493-qm-1744.

Pell Cable Cutter Co., San Francisco, Calif.: N600s-9788.

Pemco Corp., Baltimore, Md.: DA-18-108-cml-13536.

Penn Box Lumber Co., Philadelphia, Pa.: DA-36-038-ord-1152.

Penn Electric Switch Co., Goshen, Ind.: N104s-14147, N104s-14178, N104s-16038.

Penn Galvanizing Co., Philadelphia, Pa.: N600s-9512.

Penn, H. O., Machinery Co., Inc., New York, N. Y.: DA-30-127-qm-202.

Penn Metal Co., Inc., New York, N. Y.: N600s-9520.

Penn Tool Co., Inc., Philadelphia, Pa.: DA-11-009-qm-2313, N600s-8586.

Peoria Cordage Co., Peoria, Ill.: DA-11-184-eng-4156.

Penn Yan Boats Inc., Penn Yan, N. Y.: DA-11-184-eng-5693.

Pennsylvania Dixie Cement Corp., New York, N. Y.: DA-30-075-eng-1276, N383s-40026.

Pennsylvania Engineering Co., Philadelphia, Pa.: AF 33(038)-15830.

Pennsylvania Iron Works, Reading, Pa.: DA-11-184-eng-5219.

Pennsylvania Refining Co., Butler, Pa.: ASP 3478.

Pennsylvania Rubber Co., Mansfield, Pa.: DA-20-089-ord-8177.

Pennsylvania Salt Manufacturing Co., Philadelphia, Pa.: DA-30-070-cml-2.

Pennsylvania Transformer Co., Pittsburgh, Pa.: DA-33-008-ord-23, DA-33-008-ord-24.

Pennsylvania Wire Rope Corp., Williamsport, Pa.: DA-11-184-eng-4397, NObs 59023, NObs 59081, NObs 59087.

Penola, Inc., Chicago, Ill.: ASP 3455, ASP 3471.

Perfection Steel Body Co., Galion, Ohio: DA-11-184-eng-5450.

Perfection Stove Co., Cleveland, Ohio: DA-20-089-ord-3036, DA-20-089-ord-3353, DA-20-089-ord-3713.

Perfex Corp., Milwaukee, Wis.: DA-11-184-eng-5541, DA-11-184-eng-5921.

Perine, John Co., Seattle, Wash.: DA-45-105-eng-640.

Perkin-Eaton Machinery Co., Springfield, Mass.: DA-30-127-qm-192, DA-30-127-qm-199.

Perkin-Elmer Corp., Glenbrook, Conn.: AF 33(038)-7509 S. A. No. 1.

Perkins & Miller, Clarksville, Tenn.: DA-15-056-aII-130.

Permutit Co., The, New York, N. Y.: DA-36-038-ord-2196, AF 33(038)-16640.

Perry County Plywood Co., Beaumont, Miss.: DA-09-026-eng-4255.

Perry Lumber Co., Henderson, N. C.: DA-09-026-eng-4546, DA-09-026-eng-6654, DA-09-026-eng-6656, DA-09-026-eng-6903, DA-09-026-eng-6918, DA-09-026-eng-6919.

Pervo Paint Co., Los Angeles, Calif.: N383s-42032.

Pet Milk Co., St. Louis, Mo.: DA-11-009-qm-3126, DA-11-009-qm-3956, DA-11-009-qm-4478.

Peters-Dalton, Inc., Detroit, Mich.: DA-44-109-qm-1726.

Peters, Fred, Welding Supply Co., Chicago, Ill.: DA-11-184-eng-5858.

Peters Products Co., Muscatine, Iowa: DA-13-002-ord-42.

Peters Shoe Co., Washington, Mo.: DA-03-020-cml-9.

Petersen Manufacturing Co., Inc., Dewitt, Nebr.: N600s-8621.

Peterson-Fender Engineering Co., Fort Worth, Tex.: DA-11-184-eng-4723.

Petroff, Peter A., New York, N. Y.: DA-36-039-sc-4702.

Pettibone Mulliken Corp., Chicago, Ill.: DA-11-184-eng-5241.

Pfizer, Chas., & Co., Inc., Brooklyn, N. Y.: DA-49-007-md-106, MPA-30-287-md-2629, MPA-30-287-md-2922, N220s-57408.

Phalo Plastics Corp., Worcester, Mass.: DA-36-039-sc-15.

Phaostron Co., South Pasadena, Calif.: N383s-40199, AF 33(038)-14877, AF 33(038)-15118.

Pharmacia Laboratories, Inc., New York, N. Y.: MPA-30-287-md-4577.

Phelps & Dewees & Simmons, San Antonio, Tex.: DA-41-243-eng-772.

Phelps Dodge Copper Products Corp., New York, N. Y.—Habirshaw Cable & Wire Division: DA-11-184-eng-4072, DA-11-184-eng-5281, N140s-17503, N220s-58726, N383s-35823, N383s-38290 and L. I., N383s-40115.

Philadelphia Ampoule Laboratories, Philadelphia, Pa.: MPA-30-287-md-2230.

Philadelphia Gear Works, The, Philadelphia, Pa.: AF 33(038)-13017, N151s-87017.

Philadelphia Metal Warehouse Co., Philadelphia, Pa.: AF 33(038)-15791.

Philco Corp., Philadelphia, Pa.: NOa(s) 108 NOa(s) 10979, NOa(s) 11037, NOa(s) 11082 L. I., NOa(s) 12208, NOa(s) 12252 L. I NOa(s) 51010, NObr 52011, NObr 52012, NObr 52033, NOrd 11003, N104s-14214, N104s-14215, N104s-14507, N104s-15349, N140s-17206 L. I., N151s-87056, N383s-38054, N383s-39067 N383s-41273, N383s-42970, AF 33(038)-787 S. A. No. 11, AF 33(038)-15265, AF 33(038)-16340, AF 33(038)-17133, AF 33(038)-17389

Phillips Control Corp., Joliet, Ill.: DA-36-039-sc-7357.

Phillips Packing Co., Inc., Cambridge, Md.: DA-11-009-qm-3339, DA-11-009-qm-4303.

Phillips Petroleum Co., Bartlesville, Okla. ASP 2426 C. O. No. 1, C. O. No. 4, C. O. No. 6, and C. O. No. 7, ASP 3412, AF 33(038)-17021

Phipps Products Corp., Camden, N. J N140s-17997.

Phister Manufacturing Co., The, Cincinnati, Ohio: DA-11-184-eng-5561.

Phoenix Refining Co., San Antonio, Tex ASP 2762 C. O. No. 4

Phoenix Trimming Co., Chicago, Ill.: DA-30-280-qm-6227, N156s-27170, N156s-27[illegible] AF 1(037)-287.

Photocon Research Products, Pasadena, Calif.: DA-02-020-ord-1623.

Photoswitch, Inc., Cambridge, Mass.: Order (33-038) 49-5198.

Piasecki Helicopter Corp., Morton, Pa.: NOa(s) 12023, Noa(s) 51035 L. I. N383s-37619

Picker X-Ray Corp., New York, N. Y.: DA-23-075-md-332, DA-23-075-md-376, DA-23-075-md-377, DA-23-075-md-378, DA-23-075-md-380, DA-23-075-md-386, DA-23-075-md-391, DA-23-075-md-393, DA-23-075-md-4[illegible] DA-23-075-md-427, DA-23-075-md-430, DA-23-076-md-314, DA-49-007-md-86, MPA-30-287-md-3486, MPA-30-287-md-3898, MPA-30-287-md-15255 Mod. No. 1.

Pickering Lumber Corp., Standard, Calif.: DA-04-493-qm-1724.

Pierce, A. C., Co., Baton Rouge, La.: DA-41-243-eng-740.

Pierce Butler Radiator Corp., Oswego, N. Y.: N104s-15613.

Pierce Governor Co., Inc., The, Anderson, Ind.: DA-11-184-eng-6067, N104s-15[illegible] N104s-16031.

Pierce, M. H., Lumber Co., Morrilton, Ark.: DA-09-026-eng-6660, DA-09-026-eng-7256

Pierson-Hollowell Co., Inc., Indianapolis, Ind.: DA-19-058-ord-1338.

Pilling, G. P., & Son Co., Philadelphia, Pa.: MPA-30-287-md-4373.

Pine Plume Lumber Co., Montgomery, Ala.: DA-09-026-eng-3348.

Pioneer Appliance Co., Ypsilanti, Mich.: DA-04-203-eng-768.

Pioneer Electric Co., Los Angeles, Calif.: DA-11-184-eng-4734.

Pioneer Engineering & Manufacturing Co., Detroit, Mich.: DA-19-058-ord-1356, DA-19-058-ord-1360, DA-19-058-ord-1505, DA-19-058-ord-1635, N160s-3128.

Pioneer Engineering Works, Minneapolis, Minn.: DA-44-009-eng-367.

Pioneer Flintkote, Los Angeles, Calif.: DA-11-184-eng-5645.

Pioneer Parachute Co., Inc., Manchester, Conn.: N298s-4845, AF 33(038)-15004, AF 33(038)-15010.

Piper Aircraft Corp., Lock Haven, Pa.: AF 33(038)-14950, AF 33(038)-15071.

Piqua Engineering, Inc., Piqua, Ohio: N104s-14003, AF 33(038)-17709, AF 33(038)-17924.

Pitometer Log Corp., New York, N. Y.: N104s-14258, N104s-15018, N151s-87372.

Pittsburgh Bridge & Iron Works, Rochester, Pa.: DA-11-184-eng-4199.

Pittsburgh-Des Moines Steel Co., Pittsburgh, Pa.: DA-11-184-eng-4658, DA-11-184-eng-5415, DA-44-009-eng-236, DA-44-009-eng-324, DA-44-009-eng-327.

Pittsburgh Plate Glass Co., Philadelphia, Pa.: N160s-3143, AF 33(038)-16987, AF 33(038)-17981.

Pittsburgh Steel Co., Pittsburgh, Pa.: DA-11-009-qm-3421, DA-11-009-qm-3642, DA-11-184-eng-4927, DA-11-184-eng-6150, N140s-16154

Pittsburgh Valve & Fitting Corp., Barberton, Ohio.: N383s-40720.

Platson Stevedoring Corp., New York, N. Y.: DA-20-182-tc-195.

Plainville Metal Works, Plainville, Conn.: AF 33(038)-15161, AF 33(038)-15683.

Planit Manufacturing Co., Downey, Calif.: N160s-3030

Plastic Engineering, Inc., Cleveland, Ohio: DA-11-009-qm-3694.

Plastic Film Corp., Plainfield, Conn.: AF 33(038)-15286

Plastic Manufacturers, Inc., Stamford, Conn.: NOrd 10853.

Plastic Wire & Cable Corp., Jewett City, Conn.: DA-36-039-sc-4019.

Plywold Corp. Hamburg, N. J.: DA-36-039-sc-15, DA-36-039-sc-4021

Plax Corp., Hartford, Conn.: DA-28-017-ord-1065.

Plywood Manufacturing Co., Phoenix, Ariz.: DA-33-038-ord-2060.

Plumb Tool Co., Los Angeles, Calif.: N600s-8[illegible] L. I., N600s-8617, N600s-8718, N600s-9[illegible] N600s-10295, AF 40(087)-96.

Plymouth Cordage Co., North Plymouth, Mass.: DA-36-022-tc-7453.

Plymouth Rubber Co., Inc., Canton, Mass.: N[illegible]-44326.

Polan Industries, Huntington, W. Va.: AF 33(038)-15007.

Polarad Electronics Co., New York, N. Y.: N173s-16204.

Polaris Pictures, Inc., Los Angeles, Calif.: NOa(s) 267.

Polaroid Corp., Cambridge, Mass.: AF 33(038)-17409, AF 33(038)-17736.

Pollak Engineering & Manufacturing Corp., Newark, N. J.: DA-28-017-ord-790, DA-30-069-ord-84, DA-30-069-ord-790 S. A. No. 2.

Polytech Devices, Inc., Elizabeth, N. J.: DA-30-069-sc-8485.

Polytechnic Research & Development Co., Inc., Brooklyn, N. Y.: NOa(s) 11068, NOa(s) 11076, AF 33(038)-14816.

Poole Lumber Co., Covington, La.: DA-09-026-eng-5455.

Porcelain Steels, Inc., Cleveland, Ohio: DA-11-184-eng-4249.

Portabilt Structure, Janesville, Wis.: DA-20-044-xz-125.

Portland Stevedoring Co., Portland, Oreg.: DA-45-045-tc-129.

Post, Frederick, Co., Chicago, Ill.: DA-11-184-eng-5101

Potato Products Co., East Grand Forks, Minn.: DA-11-009-qm-2077, DA-11-009-qm-2115

Pottsville Mills, Pottsville, Pa.: DA-30-280-qm-7245.

Powell, William, Co., Cincinnati, Ohio: DA-18-108-cml-1069.

Power Equipment Co., Detroit, Mich.: N126s-11165, N126s-11777, N126s-13512, N126s-14504.

Powers Regulator Co., The, Chicago, Ill.: N104s-15840.

Pratt-Low Preserving Co., Santa Clara, Calif.: DA-11-009-qm-2318.

Prairie Grove Canning Co., Prairie Grove, Ark.: DA-04-493-qm-2225.

Pratt & Letchworth Co., Inc., Buffalo, N. Y.: DA-20-089-ord-5083.

Precision Aviation Products, Inc., Buffalo, N. Y.: AF 33(038)-16472.

Precision Manufacturing Co., Dover, N. J.: DA-23-017-ord-1040.

Precision Screw Machine Co., Chicago, Ill.: DA-11-184-eng-4477, DA-11-184-eng-4529.

Precision Steel Warehouse, Inc., Chicago, Ill.: DA-13-002-ord-53.

Precision Welder & Machine Co., Cincinnati, Ohio: N173s-15751.

Prehler Electrical Insulation Co., Chicago, Ill.: DA-11-184-eng-4119, DA-11-184-eng-4120, DA-11-184-eng-4284.

Premier Textile Co., New York, N. Y.: DA-30-144-ord-535.

Prentise-Wabers Products Co., Wisconsin Rapids, Wis.: DA-11-184-eng-5087.

Press Wireless Manufacturing Co., Inc., Hicksville, L. I., N. Y.: AF 33(038)-15832, AF 33(038)-16362.

Pressed Steel Car Co., Inc., Pittsburgh, Pa.: DA-11-184-eng-4742, N160s-3023.

Pressed Steel Tank Co., Milwaukee, Wis.: DA-11-184-eng-4332, DA-11-184-eng-5509.

Presto Manufacturing Co., Chicago, Ill.: DA-11-009-qm-2301.

Prevost Forged Products, Detroit, Mich.: DA-20-089-ord-4197.

Prewitt Aircraft Co., Clifton Heights, Pa.: NOa(s) 10929 Amd. No. 1.

Price Electric Corp., Frederick, Md.: N138s-1118.

Price, Waterhouse & Co., New York, N. Y.: NOb 53121 L. I.

Pritchard & Co., J. F., Kansas City, Mo.: DA-95-307-eng-87.

Procter & Gamble Distributing Co., Cincinnati, Ohio: DA-28-017-ord-925

Product Development Co., Inc., Arlington, N. J.: N173s-15945.

Products Development Corp., Arlington, N. J.: AF 33(038)-16991.

Products Research Co., Glendale, Calif.: N383s-37586, N383s-37723, N383s-41206

Progressive Bag Co., Inc., New Haven, Conn.: DA-11-184-eng-5129, DA-11-184-eng-5372, DA-11-184-eng-5811

Progressive Coat & Apron Manufacturing Co., Philadelphia, Pa.: DA-30-280-qm-5035.

Prometheus Electric Corp., New York, N. Y.: MPA-30-287-md-3081.

Proportioneers, Inc., C., Providence, R. I.: DA-11-184-eng-5857, N160s-3198.

Propper Manufacturing Co., Long Island City, N. Y.: MPA-30-287-md-2378, MPA-30-287-md-2698, MPA-30-287-md-3212.

Prosperity Co., Inc., Syracuse, N. Y.: N160s-2898, N160s-4475.

Prucher, Ferd, Studios, Detroit, Mich.: DA-20-089-ord-4776.

Prudhomme Lumber Co., Texarkana, Tex.: DA-41-117-ord-700, DA-41-117-ord-717.

Pruitt Construction Co., Fort Belvoir, Va.: DA-44-008-eng-238.

Publicker Industries, Inc., Philadelphia, Pa.: N140s-18679.

Puccinelli Packing Co., Turlock, Calif.: DA-04-493-qm-2414, DA-11-009-qm-1407.

Puget Sound Tug & Barge Co., Seattle, Wash.: DA-45-045-tc-247.

Pullman Standard Car Manufacturing Co., New York, N. Y.: DA-30-144-ord-742.

Pulp & Paper Trading Co., New York, N. Y.: DA-20-280-qm-8446.

Purdy Co., The, Chicago, Ill.: DA-49-074-tc-103, DA-49-074-tc-104

Pure Oil Co., The, Chicago, Ill.: ASP 1537 C. O. No. 7, ASP 2480.

Puritan Knitting Mills, Altoona, Pa.: DA-30-280-qm-7243.

Purity Stores, Ltd., San Francisco, Calif.: DA-30-280-qm-5323, N220s-55810, N220s-55822, N220s-55874, N220s-56058, N220s-56061, N220s-56123, N220s-56163, N220s-56189, N220s-56418, N220s-57196, N220s-57582, N220s-57601, N220s-58262, N220s-58368, N220s-58442, N220s-58467.

Purolator Products, Inc., Newark, N. J.: N104s-15000, N383s-42717, AF 33(038)-14695, AF 33(038)-15275, AF 33(038)-15700, AF 33(038)-17326.

Pyle-National Co., Chicago, Ill.: DA-36-038-ord-1635.

Q-Q-S Corp., New York, N. Y.: DA-11-184-eng-3823.

Quaker Oats Co., Chicago, Ill.: DA-04-493-qm-2689, DA-04-493-qm-2730, DA-11-009-qm-4650, N220s-55900.

Quaker Rubber Corp., Philadelphia, Pa.: DA-36-039-sc-4733, N383s-38335, N383s-40165, N383s-41188, N383s-41529.

Quaker State Oil Refining Co., Oil City, Pa.: ASP 3473.

Qualitrol Corp., East Rochester, N. Y.: AF 33(038)-16470.

Quality Specialty Co., Philadelphia, Pa.: DA-36-039-ord-1541.

Queen Stove Works, Inc., Albert Lea, Minn.: DA-11-184-eng-5100.

"Quick-Way" Truck Shovel Co., Denver, Colo.: DA-11-184-eng-3999, DA-11-184-eng-4321, DA-11-184-eng-4423, DA-11-184-eng-4580, DA-11-184-eng-4586, DA-11-184-eng-5746, DA-11-184-eng-5835.

Quincy Compressor Co., Quincy, Ill.: DA-11-184-eng-4315, DA-11-184-eng-5382, N104s-14908, N383s-42335, AF 4(171)-225.

Quinton, Engineers, Ltd., Los Angeles, Calif.: NOy 22920.

R & B Tool & Gauge Co., Detroit, Mich.: DA-20-089-ord-4032.

RCA Communications, Inc., New York, N. Y.: NObr 52023 L. I.

RCA Institutes, Inc., New York, N. Y.: DA-36-039-sc-9235.

RCA Service Co., Inc., Camden, N. J.: DA-36-034-ord-24, DA-36-039-sc-4765 S. A. No. 2, DA-36-039-sc-4812, DA-36-039-sc-4813.

R. E. C. Corp., New Rochelle, N. Y.: N383s-42103.

RKO Radio Pictures, Inc., New York, N. Y.: DA-30-006-sc-43904 Mod. No. 1.

Rader, Hugh, Lumber Co., Highland Park, Mich.: DA-11-184-eng-4392.

Radiant Manufacturing Corp., Chicago, Ill.: AF 33(038)-17750.

Radiation Counter Laboratory, Chicago, Ill.: AF 33(038)-18155

Radiation, Inc., Melbourne, Fla.: AF 8(169)-84, AF 8(169)-86, AF 33(038)-17140.

Radio City Products Co., Inc., New York, N. Y.: N383s-36339, N383s-38158, N383s-42548.

Radio Corp. of America, Camden, N. J — RCA Victor Division: DA-11-184-eng-4138, DA-36-039-sc-1391 and L. I., DA-36-039-sc-4741 L. I., DA-36-039-sc-4753, DA-36-039-sc-7896, DA-36-039-sc-8473, DA-44-009-eng-168, DA-44-009-eng-227 Mod. No. 1, NOa(s) 10975 and L. I., NOa(s) 12162, NObr 59013, NObs 53110, NObs 53116, NObs 53418, NOrd 11056, NOnr 23605 L. I., N104s-15649, N123s-68318, N126s-5454, N126s-7555, N126s-7894, N126s-9092, N126s-10658, N126s-12604, N126s-12678, N126s-13118, N126s-14833, N140s-18278, N151s-86875, N173s-16266, W33-038 ac 18181 S. A. No. 4, and S. A. No. 5, W33-038 ac 20726 C. O. No. 1, AF 33(038)-14793, AF 33(038)-16627, AF 33(038)-18046, AF 33(038)-18300.

Radio Electric Service Co., Milwaukee, Wis.: DA-36-039-sc-8180.

Radio Engineering Laboratories, Inc., Long Island City, N. Y.: DA-28-043-sc-1393.

Radio Frequency Laboratories, Boonton, N. J.: DA-36-039-sc-8806.

Radio Manufacturing Engineers, Inc., Peoria, Ill.: AF 33(038)-15863.

Radiomarine Corp. of America, New York, N. Y.: N220s-55441, N220s-55944, N406s-27462.

Radionic Controls, Chicago, Ill.: DA 36-039-sc-7169.

Radioplane Co., Van Nuys, Calif.: NOa(s) 242, NOa(s) 12117, NOa(s) 51090 L. I., AF 33(038)-17389.

Railton, B. A., Co., Chicago, Ill.: DA-11-009-qm-2431.

Rainbow Metal Units, Long Island City, N. Y.: MPA-30-287-md-3263.

Rainford Manufacturing Co., Inc., Closter, N. J.: AF 33(038)-15469.

Ralston Purina Co., St. Louis, Mo.: DA-04-493-qm-2653.

Ramming, John, Machine Co., St. Louis, Mo.: DA-23-065-eng-274.

Randolph Laboratories, Chicago, Ill.: DA-11-184-eng-4215, DA-11-184-eng-5562.

Randolph Products Co., Carlstadt, N. J.: N383s-43466.

Ranier Co., Inc., New York, N. Y.: AF 33(038)-16106.

Ransom & Randolph Co., Toledo, Ohio: MPA-30-287-md-2395, MPA-30-287-md-2858, MPA-30-287-md-2729.

Ransome Co., Emeryville, Calif.: N220s-56593.

Rapid Photo Service, Inc., Springfield, Ohio: AF 33(038)-12284.

Rapids-Standard Co., Inc., The, Grand Rapids, Mich.: N600s-8126 and L. I., AF 33(038)-15001.

Rapken & Co., Ltd., San Francisco, Calif.: DA-04-493-qm-2694, DA-04-493-qm-2798, N220s-55867.

Rasque, Geo. M., Son, Spokane, Wash.: DA-95-507-eng-117.

Rauland Corp., The, Chicago, Ill.: DA-36-039-sc-4814.

Ray Bros. Noble Canning Co., Elwood, Ind.: DA-11-009-qm-3839.

Ray, Reid H., Film Industrial, Inc., Saint Paul, Minn.: AF 33(033)-17346.

Ray Heat & Power Co., Chicago, Ill.: DA-11-009-qm-3712.

Ray, Geo. A., Manufacturing Co., Buffalo, N. Y.: N160s-3211.

Ray Packing Co., Elwood, Ind.: DA-11-009-qm-3840.

Ray Proof Corp., New York, N. Y.: MPA-30-287-md-2726.

Ray-O-Vac Co., Madison, Wis.: DA-36-039-sc-4000.

Raybould Coupling Co., Greenwich, Conn.: AF 33(038)-17109.

Raytheon Manufacturing Co., Waltham, Mass.: DA-28-043-sc-39, DA-36-039-sc-6621, DA-36-039-sc-7313, DA-36-039-sc-7319 L. I., DA-36-039-sc-8579, NOa(s) 12004, NOa(s) 12295 L. I., NObr 52093, NObr 52004, NObr 52054 L. I., NObr 52093 L. I., NObr 59144 L. I., NObs 59163 L. I., N126s-7798, N126s-7805, N126s-7898, N126s-7899, N126s-8131, N126s-9139, N126s-9635, N126s-9682, N126s-10568, N126s-11415, N126s-12164, N126s-12613, N126s-13029, N126s-13612, N126s-13854, N126s-14130, N126s-14513, N126s-14515, N126s-14568, N126s-14660, N126s-15211, N383s-38162, AF 33(038)-15734, AF 33(038)-18396.

Rea Magnet Wire Co., Inc., Fort Wayne, Ind.: DA-45-108-eng-646, DA-45-108-eng-39545.

Reaction Motors, Inc., Dover, N. J.: NOa(s) 91, NOa(s) 51004, W33-038 ac 19073 S. A. No. 9

Reade Supply Corp., New York, N. Y.: DA-30-280-qm-7190.

Reading Clothing Manufacturing Co., Reading, Pa.: DA-30-280-qm-7376.

Ready-Power Co., The, Detroit, Mich.: DA-11-184-eng-3578, DA-11-184-eng-4409, DA-11-184-eng-4467, DA-11-184-eng-5018.

Realty & Industrial Corp., Bethlehem, Pa.—Roller Smith Division: DA-36-039-sc-6609.

Rebmann Co., Wilmerding, Pa., N383s-40558.

Recordak Corp., New York, N. Y.: AF 33(038)-4162, AF 33(038)-15886.

Red River Chemical Co., Texarkana, Tex.: DA-41-117-ord-543.

Reed & Prince Manufacturing Co., Worcester, Mass.: N383s-38110, N383s-39034.

Reed Research, Inc., Washington, D. C.: DA-11-009-qm-2692, DA-44-109-qm-307.

Reeves Bros., Inc., New York, N. Y.: N383s-43612.

Reeves-Hoffman Corp., Carlisle, Pa.: N383s-41576, N383s-43632, N383s-44117.

Reeves Instrument Corp., New York, N. Y.: NOrd 10243 Amd. No. 1, Amd. No. 2, Amd. No. 4 and Amd. No. 7, NOrd 11010, N123s-69957, W33-038 ac 17765 C. O No. 5, AF 33(038)-6191, AF 33(038)-14812, AF 33(038)-15060, AF 33(038)-15598, AF 33(038)-16727, Order (33-096)51-4040.

Reeves Steel & Manufacturing Co., Dover, Ohio: DA-11-009-qm-1408, DA-11-184-eng-5264.

Refined Syrups & Sugars, Inc., Yonkers, N. Y.: DA-30-280-qm-5186, DA-30-280-qm-5327.

Refinite Corp., Omaha, Nebr.: DA-11-184-eng-5661.

Refinite Sales Co., Omaha, Nebr.: DA-11-184-eng-4267.

Regan, Joan J., New York, N. Y.: DA-12-038-ord-14.

Reichhelm, Robert, Co., Stratford, Conn.: DA-44-009-eng-329.

Reichhold Chemicals, Inc., Detroit, Mich.: N383s-41057.

Reiff & Nestor Co., Lykens, Pa.: DA-30-144-ord-514.

Reiner, John, & Co., Long Island City, N. Y.: DA-11-184-eng-4270, DA-11-184-eng-5673.

Reinfrank, Geo. B., Perrysburg, Ohio: DA-44-109-qm-303.

Reinking, A. C., Lumber Co., North Kansas City, Mo.: AF 33(038)-15618.

Reis & Rein, Pensacola, Fla.: AF 8(094)-326.

Reisner, W. H., Manufacturing Co., The, Hagerstown, Md.: NObs 53052, NObs 53403.

Reliance Electric & Engineering Co., Cleveland, Ohio: N104s-14130, N104s-14228.

Reliance Manufacturing Co., Chicago, Ill.: AF 33(038)-15019, AF 33(038)-15021, AF 33(038)-15983.

Rem-Cru Titanium, Inc., Bridgeport, Conn.: AF 33(038)-2082.

Remington Rand, Inc., Buffalo, N. Y.: DA-30-280-qm-7820, DA-44-073-qm-387, N220s-55600, N220s-56009, AF 33(038)-14817, AF 33(038)-15781, AF 33(038)-16144, AF 33(038)-17483.

Remler Co., Ltd., San Francisco, Calif.: DA-36-039-sc-7101, N104s-13984.

Replac Corp., The, Cleveland, Ohio: DA-44-109-qm-279.

Replica Products Corp., Washington, D. C.: NOd 7620.

Reproduction Service Co., Dayton, Ohio: AF 33(038)-13286.

Republic Aviation Corp., Farmingdale, Long Island, N. Y.: W33-038 ac 14583 C. O. No. 24, AF 33(038)-14756, AF 33(038)-14802, AF 33(038)-14803, AF 33(038)-14810, AF 33(038)-14949, AF 33(038)-15091, AF 33(038)-15938, AF 33(038)-16444, AF 33(038)-16988, AF 33(038)-17862, AF 33(038)-18503.

Republic Creosoting Co., Indianapolis, Ind.: DA-09-026-eng-7407.

Republic Molding Corp., Chicago, Ill.: DA-28-017-ord-1021.

Republic Oil Refining Co., Pittsburgh, Pa.: ASP 2837 C. O. No. 1.

Republic Steel Corp., Cleveland, Ohio: DA-11-184-eng-3972, DA-11-184-eng-5283, DA-11-184-eng-5918, DA-11-184-eng-5944, DA-11-184-eng-6083, DA-19-058-ord-1340, DA-30-144-ord-510, DA-30-144-ord-652, DA-36-038-md-2724, N171s-69018, N600s-8171, N600s-8185.

Retort Pharmaceutical Co., Inc., New York, N. Y.: MPA-30-287-md-2602, MPA-30-287-md-2724.

Revere Copper & Brass Co., New York, N. Y.: DA-28-017-ord-1017, DA-36-038-ord-1149 S. A. No. 1, DA-36-038-ord-1291, DA-36-038-ord-1609, DA-36-038-ord-2468, DA-41-117-ord-1010, N600s-8159.

Revere Corp. of America, Wallingford, Conn.: AF 33(038)-15283, AF 33(038)-16250, AF 33(038)-16257, AF 33(038)-17349.

Revere Sugar Refinery, Boston, Mass.: DA-30-280-qm-4713, DA-30-280-qm-4916, DA-30-280-qm-5183.

Rex Co., Inc., Cambridge, Mass.: DA-36-039-sc-15, DA-36-039-sc-4868.

Reynolds Electric Co., River Grove, Ill.: DA-11-009-qm-2072.

Reynolds & Manley Lumber Co., Savannah, Ga.: DA-09-026-eng-2513, DA-09-026-eng-5315, DA-09-026-eng-5318, DA-09-026-eng-5323.

Reynolds Metals Co., Richmond, Va.: DA-11-070-ord-1513, DA-11-070-ord-1527, DA-11-070-ord-1528, DA-11-070-ord-1638, DA-11-070-ord-1682, DA-12-036-qm-1553, DA-18-108-cml-1264, DA-36-038-ord-1241, MPA-30-287-md-4574, N383s-38222, N383s-38321, N383s-40413, N383s-42502, N600s-8154, N600s-8173, N600s-8199, N600s-9509, AF 33(038)-15457, AF 33(038)-16142, AF 33(038)-16898

Reynolds, Smith & Hill, Jacksonville, Fla.: DA-08-123-eng-544 and L. I., NOy 22828.

Reynolds, R. J., Tobacco Co., Winston-Salem, N. C.: DA-04-493-qm-2305, DA-04-493-qm-2673, DA-11-009-qm-983, DA-11-009-qm-1091, DA-11-009-qm-1093, DA-11-009-qm-1349, DA-11-009-qm-1853, DA-11-009-qm-1636, DA-11-009-qm-1801, DA-11-009-qm-1923, DA-11-009-qm-2905, DA-11-009-qm-3228.

Rheem Manufacturing Co., New York, N. Y.: DA-11-009-qm-1601, DA-11-009-qm-1150, DA-11-009-qm-3027, DA-36-038-ord-59, N383s-42292.

Rhode Island Engineering Manufacturing Corp., Central Falls, R. I.: N298s-4681.

Rhode Island Insulated Wire Co., Inc., Cranston, R. I.: DA-36-039-sc-4015.

Rhodes, Philip L., New York, N. Y.: NObs 2712 L. I.

Rhodes Lewis Co., Los Angeles, Calif.: NOa(s) 51101, NOa(s) 51174, AF 33(038)-15113.

Rhyne Lumber Co., Montgomery, Ala.: DA-09-026-eng-5184.

Rice, Ervin A., Co., Chicago, Ill.: DA-11-009-qm-1791.

Rice Stix, Inc., St. Louis, Mo.: AF 33(038)-14293, AF 33(038)-16569.

Richardson, Bellows, Henry & Co., New York, N. Y.: NOnr 14500, N7nr 38804, N7nr 38805.

Richfield Oil Corp., Los Angeles, Calif.: ASP 2421 C. O. No. 4, ASP 2490, ASP 3325.

Richmond Chase Co., San Jose, Calif.: DA-11-009-qm-2327.

Richmond Lumber, Inc., Augusta, Ga.: DA-09-026-eng-5084, DA-09-026-eng-5104, DA-09-026-eng-5139, DA-09-026-eng-5150, DA-09-026-eng-5162, DA-09-026-eng-5278, DA-09-026-eng-5282, DA-09-026-eng-5348, DA-09-026-eng-5349, DA-09-026-eng-5441, DA-09-026-eng-6472, DA-09-026-eng-6871, DA-09-026-eng-6879, DA-09-026-eng-7253.

Richter Distributing Co., Norfolk, Va., N189s-76665.

Riddell, W. A., Corp., Bucyrus, Ohio, N160s-2947.

Rider, John F., Publisher, Inc., New York, N. Y.: DA-36-039-sc-9236.

Ridge Tool Co., The, Elyria, Ohio: N600s-8350, N600s-8625.

Ridgewood Ordnance, Inc., Cincinnati, Ohio: DA-33-008-ord-20 L. I.

Riegel Textile Corp., New York, N. Y.: DA-30-280-qm-7623.

Riggs, J. A., Tractor Co., Fort Smith, Ark.: DA-41-294-eng-6 L. I.

Rinshed-Mason Co., Detroit, Mich.: N383s-42409.

Ripley Company, Inc., Middletown, Conn.: NOa(s) 154 L. I.

Rippel Architectural Metals, Inc., Chicago, Ill.: DA-11-184-eng-5350.

Riteform Chair Co., St. Paul, Minn.: DA-11-009-qm-3306.

Ritter Co., Inc., Rochester, N. Y.: DA-28-076-md-321, DA-28-076-md-330, MPA-30-287-md-2625.

Ritter & Sussman, Newark, N. J.: DA-11-009-qm-1770.

Riverside Tool Engineering, Mishawaka, Ind.: N171s-91043, N171s-91126.

Riverside Cement Co., Los Angeles, Calif.: N383s-37717.

Roadway Tire Co., Detroit, Mich.: DA-28-018-ord-10412.

Roanwell Corp., Brooklyn, N. Y.: AF 33(038)-17677.

Roberts, C. A., Co., Detroit, Mich.: DA-28-089-ord-4061.

Roberts Johnson & Rand Shoe Co., St. Louis, Mo.: DA-12-038-ord-16.

Robertshaw-Fulton Controls Co., Youngwood, Pa.—Fulton Sylphon Division: N104s-13089, N104s-13524, N104s-14894, N104s-15320, AF 33(038)-17520.

Robinson Aviation, Inc., Teterboro, N. J.—Vibrashock Division: AF 33(038)-14929.

Robinson Construction Co., St. Louis, Mo.: DA-11-052-eng-342, DA-11-052-eng-1275, DA-11-052-eng-1402, DA-11-052-eng-2540.

Rochester Dairy Corp., Rochester, Minn.: DA-11-009-qm-2036, DA-11-009-qm-2037, DA-11-009-qm-2659, DA-11-009-qm-2663, DA-11-009-qm-2954, DA-11-009-qm-2956, DA-11-009-qm-3024, DA 11-009-qm-3524.

Rock Island Metal Foundry, Rock Island, Ill.: DA-11-070-ord-1923.

Rock-Ola Manufacturing Corp., Chicago, Ill.: DA-11-009-qm-3434.

Rockbestos Products Corp., New Haven, Conn.: N126s-8416, N126s-9533, N126s-11869.

Rockford Machine Tool Co., Rockford, Ill.: NObs 59151 and L. I.

Rockford Paint Manufacturing Co., Rockford, Ill.: DA-41-117-ord-462, N383s-42025.

Rockford Screw Products Co., Rockford, Ill.: DA-11-070-ord-1955, N383s-38509.

Rockingham Machine Co., Davenport, Iowa: DA-11-070-ord-1784.

Rockwell Engineering Co., Blue Island, Ill.: DA-11-184-eng-4318, DA-11-184-eng-19980.

Rockwell Manufacturing Co., Pittsburgh, Pa.: AF 33(038)-17636.

Rodermond Industries, Inc., Jersey City, N. J.: W-30-222-tc-49.

Rodgers Hydraulic, Minneapolis, Minn.: DA-11-184-eng-4959, DA-11-184-eng-5153

Rodorn Corp., New York, N. Y.: DA-29-017-ord-889.

Rogers Bros., Corp., Albion, Pa.: DA-11-184-eng-3822.

Rogers & McGrath, Inc., Washington, D. C.: NOy 22720.

Rohm & Haas Co., Philadelphia, Pa.: N383s-44236, AF 33(038)-15756.

Rome Cable Corp., Rome, N. Y.: DA-36-039-sc-4833.

Romito-Donnelly Corp., Ravenna, Ohio: AF 33(033)-15190.

Roosevelt Mills Inc., Manchester, Conn.: DA-30-280-qm-7247.

Rosan, Inc., South Gate, Calif.: AF 33(038)-17479.

Rosco Manufacturing Co., Minneapolis, Minn.: DA-11-184-eng-1413, DA-11-184-eng-4957, DA-11-184-eng-6032.

Rose Foods, Inc., Los Angeles, Calif.: DA-11-009-qm-4611.

Rosen, Raymond, Engineering Products, Inc., Philadelphia, Pa.: NOa(s) 12300, AF 33(038)-15898, AF 33(038)-17508.

Ross Carrier Co., The, Benton Harbor, Mich.: DA-33-031-qm-3204, DA-33-031-qm-3306, N160s-2692, N600s-7890.

Ross Heater & Manufacturing Co., Inc., Philadelphia, Pa.: NObs 53355, N104s-14062.

Ross, T. L. Lumber Co., Macon, Ga.: DA-09-026-eng-3317, DA-09-026-eng-7208

Ross Lumber Co., Crystal Springs, Miss.: DA-11-184-eng-3849.

Rothschild, John, Co., San Francisco, Calif.: N220s-55741, N220s-56064, N220s-56410, N220s-56424.

Rothschild-International Stevedore Co., Seattle, Wash.: DA-45-045-tc-150.

Rothschild, Julius, Florence, Mass.: DA-04-493-qm-2676.

Round California Chain Co., Ltd., South San Francisco, Calif.: N383s-41635.

Rowe Radio Research Laboratory Co., Chicago, Ill.: DA-12-038-ord-20.

Rowell, E. N., Co., Inc., Batavia, N. Y.: MPA-30-287-md-2615.

Royal Electric Co., Jamestown, Ohio: AF 33(038)-424.

Royal Electric Co., Pawtucket, R. I.: DA-11-184-eng-5387.

Royal Iron & Welding Works, Brooklyn, N. Y.: N140s-18095.

Royal Lumber Co., Front Royal, Va.: DA-09-026-eng-6936, DA-09-026-eng-7240.

Royer & Roger, Inc., New York, N. Y.: N140s-17327.

Rubbercraft Corp. of Calif., Ltd., Los Angeles Calif.: DA-30-280-qm-7718.

Rubber-Tire Materials Co., Dallas, Tex.: DA-41-117-ord-1047.

Rudolph Knitting Mills, Inc., Brooklyn, N. Y.: DA-30-280-qm-7746.

Rumsey Electric Co., Philadelphia, Pa.: N383s-40479, N383s-40749.

Russell & Axon, St. Louis, Mo.: DA-25-066-eng-537.

Russell, Burdsall & Ward Bolt & Nut Co., Port Chester, N. Y.: DA-20-089-ord-4965, DA-20-089-ord-5118, N383s-42941.

Russell, H. L., Los Angeles, Calif.: DA-04-203-eng-1141.

Russell Manufacturing Co., The, Middletown, Conn.: NOm 57419.

Rust Engineering Co., The, Pittsburgh, Pa.: DA-40-126-eng-28 and L. I.

Rust-Cleum Corp., Evanston, Ill.: NOm 57249

Rutherford Food Corp., Kansas City, Mo.: DA-11-009-qm-4014, DA-11-009-qm-4044, DA-11-009-qm-4049.

Ryan Aeronautical Co., San Diego, Calif.: N156s-27206, W33-038 ac 22488 C. O. No. 18, AF 33(038)-14754, AF 33(038)-16034, AF 33(038)-16731.

Ryan Industries, Inc., Detroit, Mich.: AF 33(038)-11924, AF 33(038)-15103.

Ryan Stevedoring Co., Mobile, Ala.: DA-16-049-tc-74.

Ryerson, Joseph T., & Son, Inc., Chicago, Ill.: DA-11-184-eng-5266.

Ryker, Harrison, Co., Inc., Oakland, Calif.: NOm 57134.

SKF Industries, Inc., Philadelphia, Pa.: N383s-36486, N383s-36795, N383s-41387, AF 33(038)-16335, AF 33(038)-16698, AF 33(038)-17125.

SOS Co., Chicago, Ill.: DA-30-280-qm-6661.

Saddler Textiles, Clevedale, S. C.: DA-30-280-qm-6233.

Sager-Spuck Supply Co., Inc., Albany, N. Y.: DA-30-144-ord-543.

St. Clair Rubber Co., Detroit, Mich.: DA-30-280-qm-5143, DA-41-117-ord-528 and L. I.

St. Louis Cordage Mills, St. Louis, Mo.: DA-11-184-eng-5258, DA-23-065-eng-341.

St. Malo Lumber Co., Oceanside, Calif.: N52m 25252

St. Regis Paper Co., New York, N. Y.: AF 4(171)-168.

St. Regis Sales Corp., New York, N. Y.: N383s-37655.

Salmanson & Co., Inc., New York, N. Y.: MPA-30-287-md-3663.

Salt Lake Hardware Co., Boise, Idaho: DA-45-108-eng-687.

Sammax Manufacturing Co., New York, N. Y.: DA-30-280-qm-5934.

San Juan Fishing & Packing Co., Seattle, Wash.: DA-04-493-qm-1917.

San Vel Contracting Co., Littleton, Mass.: DA-19-034-al-234 L. I.

Sanborn Co., Cambridge, Mass.: MPA-30-287-md-2622.

Sanberg-Serrell Corp., Pasadena, Calif.: N123s-69893.

Sandy Hill Iron & Brass Works, The, Hudson Falls, N. Y.: DA-30-144-ord-566, DA-30-144-ord-625.

Sangamo Electric Co., Springfield, Ill.: NObr 52018, NObr 52019 L. I., NObr 52043 L. I., NOnr 10700, N126s-12170, N126s-13515, N126s-13622, N126s-14014, N126s-15607.

Sanit-All Products Corp., Greenwich, Ohio: MPA-30-287-md-4086.

Sanna Dairies, Inc., Menomonie, Wis.: DA-11-009-qm-3193.

Santa Clara Packing Co., San Jose, Calif.: DA-11-009-qm-2979.

Santa Fe Tank & Tower Co., Los Angeles, Calif.: N160s-2935, N160s-2991.

Sapolio Products Co., New York, N. Y.: N140s-17962.

Sarco Co., Inc., New York, N. Y.: N104s-13530, N104s-14594, N104s-15749.

Saremsky Bros., Brooklyn, N. Y.: DA-30-280-qm-5947, DA-30-280-qm-7902.

Sargent, E. H., & Co., Chicago, Ill.: DA-11-184-eng-4950.

Sargent Engineering Corp., Huntington Park, Calif.: N383s-39111, N383s-40468, AF 33(038)-15768.

Saul, Arthur, Co., La Grange, Ga.: DA-30-280-qm-6311.

Savage Electric Motors, Los Angeles, Calif.: AF 33(038)-16037.

Savannah Sugar Refining Corp., Savannah, Ga.: DA-30-280-qm-4912, DA-30-280-qm-5330, DA-30-280-qm-5614, DA-30-280-qm-8576.

Saviers Electrical Products, Mansfield, Ohio: N160s-3418.

Sawyer Bailey Corp., Buffalo, N. Y.: DA-20-089-ord-2893.

Schaefer Body, Inc., Cleveland, Ohio: AF 33(038)-16272.

Schaefer Tool & Gage Corp., Detroit, Mich.: DA-30-144-ord-57519, DA-30-144-ord-57559.

Scheidl Manufacturing Co., Copiague, N. Y.: NOnr 11701.

Schenectady Machine Tool Co., Schenectady, N. Y.: DA-30-144-ord-592, DA-30-144-ord-613, DA-30-144-ord-765.

Schenuit, Frank G., Rubber Co., The, Baltimore, Md.: ASO 15394, ASO 15394-5, ASO 15394-6, Order (33-038)49-26, Order (33-038)49-31, Order (33-038)49-2973, Order (33-038)49-4239, Order (33-038)50-1545, Order (33-038)50-1563, Order (33-038)50-1585, Order (33-038)50-1792, Order (33-038)50-2616, Order (33-038)50-2621.

Schering Corp., Bloomfield, N. J.: MPA-30-287-md-2982.

Schick, H. M., Products Co., San Francisco, Calif.: DA-04-210-md-118.

Schimpeler Construction Co., Louisville, Ky.: DA-15-029-eng-636 S. A. No. 7

Schmatt Canning Co., Arcanum, Ohio: DA-11-009-qm-4159.

Schnacke Manufacturing Corp., Evansville, Ind.: DA-11-184-eng-4315.

Schnefel Bros. Corp., Newark, N. J.: MPA-30-287-md-2589.

Schnitzer & Wolfe Machinery Co., Portland, Oreg.: DA-04-203-eng-1128.

Schoder & Treger, New York, N. Y.: DA-30-280-qm-5948.

Scholl Manufacturing Co., Inc., Chicago, Ill.: DA-11-009-qm-3631, MPA-30-287-md-2062.

Schriber Contracting Corp., Washington, D. C.: DA-44-008-eng-212, DA-44-008-eng-236.

Schuckl & Co., Inc., Sunnyvale, Calif.: DA-11-009-qm-975, DA-11-009-qm-2169, DA-11-009-qm-2351, DA-11-009-qm-2703, DA-11-009-qm-2942, DA-11-009-qm-3072, DA-11-009-qm-3165, DA-11-009-qm-3267, DA-11-009-qm-3270, DA-11-009-qm-3272, DA-11-009-qm-3279, DA-11-009-qm-3294, DA-11-009-qm-3238, DA-11-009-qm-3407, DA-11-009-qm-3901.

Schultz Tool & Manufacturing Co., San Gabriel, Calif.: AF 33(038)-17523.

Schutte & Koerting Co., Philadelphia, Pa.: NObs 53108, N104s-13856, N104s-16108.

Schuttig & Co., Inc., Washington, D. C.: NOnr 11400, N383s-40746.

Schwartz Mattress Co., Brooklyn, N. Y.: N140s-18381.

Schewien Engineering Co., Los Angeles, Calif., AF 33(038)-14897, AF 33(038)-15045, AF 33(038)-16610.

Scientific Engineering Co., New York, N. Y.: NOnr 6101.

Scott, L. H., Chino, Calif.: DA-04-353-eng-473.

Scott Bros. Construction Co., Sebree, Ky.: DA-15-034-all-44.

Scott Paper Co., Chester, Pa.: DA-11-009-qm-3483.

Scott Radio Laboratories, Inc., Chicago, Ill.: N126s-12681

Scottdale Mills, Scottdale, Ga.: DA-30-280-qm-8068.

Scovill Manufacturing Co., Waterbury, Conn.: DA-18-108-cml-2948, DA-28-017-ord-780, DA-28-017-ord-982, DA-28-017-ord-1019.

Screw, A. A., Co., Chicago, Ill.: DA-11-009-qm-3370.

Scullin Steel Co., St. Louis, Mo.: DA-20-089-ord-1329 S. A. No. 3, DA-20-089-ord-4330 L. I.

Seaboard Electric Co., New York, N. Y.: AF 33(038)-14781.

Seaboard Lumber Co., Seattle, Wash.: DA-45-045-tc-22.

Seaboard Supply Co., Inc., Seattle, Wash.: DA-45-045-tc-187.

Seacoast Stevedoring & Transportation Corp., Brooklyn, N. Y.: DA-30-182-tc-165.

Seal-Peel, Inc., Detroit, Mich.: DA-20-089-ord-2814.

Seamless Products Co., Inc., New York, N. Y.: DA-11-070-ord-2123.

Seamless Rubber Co., New Haven, Conn.: MPA-30-287-md-1648, MPA-30-287-md-1693, MPA-30-287-md-2038, MPA-30-287-md-2773.

Searle, G. D., & Co., Skokie, Ill.: MPA-30-287-md-4161.

Sears, Roebuck & Co., Chicago, Ill.: DA-11-171-ord-111, DA-11-173-ord-45, AF 30(317)-25.

Seattle American District Telegraph Co., New York, N. Y.: N406s-26574.

Seattle Chain & Manufacturing Co., Seattle, Wash.: N383s-41633.

Seattle Hardware Co., Seattle, Wash.: DA-45-108-eng-662, DA-45-108-eng-46292.

Seattle Marine & Fishing Supply Co., Seattle, Wash.: DA-45-108-eng-562.

Seattle Radio Supply, Inc., Seattle, Wash.: DA-45-108-eng-663.

Seattle Tool & Supply Co., Seattle, Wash.: DA-45-108-eng-579.

Seeburg, J. P., Corp., Chicago, Ill.: NOa(s) 12191.

Sego Milk Products Co., Salt Lake City, Utah: DA-11-009-qm-3074, DA-11-009-qm-3080.

Seibel Helicopter Co., Inc., Wichita, Kans.: AF 33(038)-18316.

Selby, Battersby & Co., Philadelphia, Pa.: N383s-40050.

Selector Industries, Inc., New York, N. Y.: N126s-11796.

Sellen, John H., Construction Co., Tacoma, Wash.: DA-45-103-eng-595.

Seneca Falls Machine Co., Seneca Falls, N. Y.: N171s-89900.

Sensenich Corp., Lancaster, Pa.: AF 33-(038)-16897.

Sensitive Research Instrument Corp., Mt. Vernon, N. Y.: DA-04-510-aVI-2.

Servo Corp. of America, New Hyde Park, N. Y.: AF 33(038)-17396, AF 33(038)-17846.

Servomechanisms, Inc., Mineola, L. I., N. Y.: AF 33(038)-16236, AF 33(038)-16574, AF 33(038)-17581.

Settergren, Gene, G., Portland, Ore.: AF 35(071)-32.

Seyburn Tool & Engineering Co., Detroit, Mich.: DA-20-089-ord-4212, DA-20-089-ord-5164, DA-20-089-ord-5135.

Seymour Packing Co., Topeka, Kans.: DA-11-009-qm-2859.

Shallcross Manufacturing Co., Collingdale, Pa.: N383s-38284.

Shampaine Co., St. Louis, Mo.: MPA-30-287-md-4351.

Shapleigh Hardware Co., St. Louis, Mo.: DA-23-065-eng-319, DA-23-065-eng-344.

Sharp & Dohme, Inc., Philadelphia, Pa.: MPA-30-287-md-2207, MPA-30-287-md-4425, MPA-30-287-md-4550.

Sharples Corp., The, Philadelphia, Pa.: N104s-14235, N104s-16008.

Shaw Co., Benjamin F., Wilmington, Del.: N156s-27316.

Sheaf, Geo. & Co., Columbus, Ohio: DA-33-167-aII-215.

Sheffield Corp., Dayton, Ohio: AF 33(038)-17130.

Sheffield Steel Corp., Kansas City, Mo.: DA-11-184-eng-5936.

Shel-Gar Distributors, Philadelphia, Pa.: DA-04-493-qm-1800.

Shell Caribbean Petroleum, New York, N. Y.: ASP 2843.

Shell Chemical Corp., New York, N. Y.: DA-29-017-ord-1018.

Shell Development Co., Inc., New York, N. Y.: AF 33(038)-688 S. A. No. 2.

Shell Oil Co., Inc., New York, N. Y.: DA-30-075-eng-1221, ASP 2175 C. O. No. 17, ASP 2465 C. O. No. 3, ASP 2467, ASP 2494, ASP 2932, ASP 3443, N122s-62804, N151s-86057, N151s-87072, N191s-38489, N220s-55571, N220s-56493.

Shellmar Products Corp., Mount Vernon, Ohio: DA-11-009-qm-1362, AF 33(038)-18124.

Shenango Pottery Co., New Castle, Pa.: DA-11-009-qm-1035, N140s-18107.

Shepard Elevator Co., Cincinnati, Ohio: AF 33(038)-17643.

Shepherd, John C., Charlotte, N. C.: DA-09-026-eng-5122, DA-09-026-eng-5174, DA-09-026-eng-5217, DA-09-026-eng-5223, DA-09-026-eng-5231, DA-09-026-eng-5272, DA-09-026-eng-5352, DA-09-026-eng-5411, DA-09-026-eng-5420, DA-09-026-eng-6496, DA-09-026-eng-6670, DA-09-026-eng-7232, DA-09-026-eng-7238, DA-09-026-eng-7267, DA-09-026-eng-7270, DA-09-026-eng-7587, DA-09-026-eng-7589, DA-09-026-eng-7593, DA-09-026-eng-7504, DA-09-026-eng-7596, DA-09-026-eng-7599.

Shepherd Lumber Corp., Montgomery, Ala.: DA-09-026-eng-6704.

Sherman-Manson Corp., St. Marys, Ohio: AF 33(038)-18031.

Sherman Paper Products Corp., Newton Upper Falls, Mass.: DA-30-280-qm-5273.

Sherman & Reilly, Inc., Chattanooga, Tenn.: DA-11-184-eng-5406.

Sherrill Terminal Co., Inc., Pensacola, Fla.: ASP 2475.

Sherwin-Williams Co., Cleveland, Ohio: N393s-40611, N383s-41260.

Sherwood Brass Works, Detroit, Mich.: N104s-14349, N104s-15044, N104s-16013.

Shields Harper & Co., Oakland, Calif.: N52m 25447.

Shields Manufacturing Co., Inc., Bridgeport, Conn.: N600s-8680.

Shillington Box & Lumber Co., St. Louis, Mo.: DA-28-017-ord-1041.

Shook, Charles H., Inc., Dayton, Ohio: AF 33(038)-15042.

Shubuta Tie & Timber Co., Shubuta, Miss.: DA-09-026-eng-3428, DA-09-026-eng-5061, DA-09-026-eng-5071, DA-09-026-eng-5077, DA-09-026-eng-5078, DA-09-026-eng-5080, DA-09-026-eng-5082, DA-09-026-eng-5115, DA-09-026-eng-5147, DA-09-026-eng-5259, DA-09-026-eng-5263, DA-09-026-eng-5341, DA-09-026-eng-6500, DA-09-026-eng-7218, DA-09-026-eng-7405, DA-09-026-eng-7415.

Shuford, A. A., Mill Co., Hickory, N. C.: N140s-18168.

Sidran Sportswear, Brownwood, Tex.: DA-30-280-qm-7374.

Sight Feed Generator Co., The, West Alexandria, Ohio: DA-11-184-eng-3808, DA-11-184-eng-5720.

Sight Light Corp., The, Deep River, Conn.: N383s-38322.

Sigmund-Eisner Co., Red Bank, N. J.: AF 33(038)-15002, AF 33(038)-15029.

Signal Engineering & Manufacturing Co., New York, N. Y.: N126s-11354, N126s-11798, N126s-11879.

Signal Knitting Mills, Chattanooga, Tenn.: DA-30-280-qm-7169.

Signode Steel Strapping Co., Chicago, Ill.: DA-04-493-qm-1753, DA-04-493-qm-1828, DA-04-493-qm-2120, DA-04-493-qm-2343, DA-36-039-sc-7463, DA-40-121-ord-11.

Siler Mill Co., Seattle, Wash.: DA-04-210-md-136, DA-04-493-qm-1826.

Silman Manufacturing Co., Pittsburgh, Pa.: DA-36-039-sc-7199.

Siltronic Co., The, Pittsburgh, Pa.: DA-36-039-sc-3800, DA-36-039-sc-7365.

Silverman, M., & Son, Travelers Rest, S. C.: DA-30-280-qm-7451.

Silzle, E. A., Corp., Anaheim, Calif.: DA-11-009-qm-1206, DA-11-009-qm-1210, DA-11-009-qm-3716.

Simmon Bros., Inc., Long Island City, N. Y.: AF 33(038)-16061, AF 33(038)-16620.

Simmonds Aerocessories, Inc., Tarrytown, N. Y.: N383s-36064, N383s-36410, N383s-38146, N383s-38447, N383s-39677, N383s-39679, N383s-39681, N383s-42067, N383s-42444, N383s-42457, N383s-42590, N383s-43080, N383s-43154, AF 33(038)-15049, AF 33(038)-15869, AF 33(038)-16182.

Simmons Co., Chicago, Ill.: DA-30-280-qm-3378, MPA-30-287-md-2132, MPA-30-287-md-2841, MPA-30-287-md-6111, N128s-1272.

Simmons, C. J., Sons, Philadelphia, Pa.: DA-11-009-qm-1194.

Simonds Saw & Steel Co., Fitchburg, Mass.: N600s-8561.

Simonsen Metal Products, Chicago, Ill.: N600s-9629.

Simplex Manufacturing Co., Oakland, Calif.: N220s-58559.

Simplex Time Recorder Co., Gardner, Mass.: DA-11-009-qm-2683.

Simplex Wire & Cable Co., Cambridge, Mass.: DA-36-039-sc-4023.

Simplot, J. R., Co., Caldwell, Idaho: DA-11-009-qm-1197, DA-11-009-qm-1201, DA-11-009-qm-1551, DA-11-009-qm-1617.

Simpson Electric Co., Chicago, Ill.: DA-11-184-eng-5745, DA-36-039-sc-4730.

Simpson Logging Co., Shelton, Wash.: DA-11-184-eng-5946.

Simpson, Mark, Manufacturing Co., Inc., Long Island City, N. Y.: NObs 50563 Amd. No. 1.

Simpson Optical Manufacturing Co., Chicago, Ill.: DA-11-070-ord-1555, DA-36-038-ord-1307.

Simtex Mills Co., Petersburg, Va.: N140s-17974, N140s-17976.

Sinclair Refining Co., New York, N. Y.: ASP 2425 C. O. No. 4, C. O. No. 5, and C. O. No. 6, ASP 2679 C. O. No. 23, ASP 2807 C. O. No. 1 and C. O. No. 2, ASP 3338.

Singer, Barnett D., Bayonne, N. J.: NOa(s) 22727.

Singer Lumber Co., New Orleans, La.: DA-09-026-eng-5424.

Singer Manufacturing Co., The, Elizabeth, N. J.—Diehl Manufacturing Co. Electrical Division: N104s-14282, N104s-14283, N104s-15291, N104s-15725.

Singer Sewing Machine, New York, N. Y.: DA-12-036-qm-1258, DA-20-089-ord-98, DA-30-280-qm-5145, DA-36-030-qm-852, DA-36-030-qm-880, DA-36-030-qm 888, DA-36-030-qm-904, N104s-14399.

Sinsheimer & Co., San Francisco, Calif.: DA-11-009-qm-1226.

Sintercast Corp. of America, New York, N. Y.: AF 33(038)-16103.

Siple, Edward R., Co., Los Angeles, Calif.: DA-04-353-eng-671.

Sirrine, J. E., & Co., Greenville, S. C.: DA-01-076-eng-462 Mod. No. 2.

Sisalkraft Co., The, Chicago, Ill.: DA-11-493-qm-2284.

Sisk, A. W. & Son, Preston, Md.: DA-11-009-qm-2680, DA-11-009-qm-2924.

Six Wheels, Inc., Los Angeles, Calif.: N52m 25764.

Skarda, Inc., Elmonte, Calif.: DA-11-070-ord-1899, DA-11-070-ord-2170.

Skagit Steel & Iron Works, Sedro Woolley, Wash.: N160s-2696, N160s-2755, N160s-3311.

Skelton Hotel Supply Co., Dallas, Tex.: AF 41(183)-141, AF 41(183)-158.

Skill Craft Homes, Akron, Ohio: DA-11-155-ord-202.

Skinner Engine Co., Erie, Pa.: DA-36-022-tc-1558, DA-36-022-tc-1633, DA-36-022-1677, NObs 53115, NObs 53402.

Sklar, J., Manufacturing Co., Long Island City, N. Y.: MPA-30-287-md-3245.

Skokie Produce Co., Soniers, Wis.: DA-11-009-qm-1949.

Skydyne, Inc., Port Jervis, N. Y.: MPA-287-md-4205.

Skyway Precision Tool Co., Los Angeles, Calif.: N600s-8612.

Slick Airways, Inc., San Antonio, Tex.: N600s-8443.

Sloss & Brittain, San Francisco, Calif.: DA-04-493-qm-2497, DA-04-493-qm-2504, DA-04-493-qm-2641, N52m 25603.

Smith Bearing Co., Orange, N. J.: AF 4(173)-107.

Smith Booth Usher Co., Los Angeles, Calif.: N160s-2930, N160s-3213.

Smith, Roy, Co., Detroit, Mich.: DA-20-089-ord-2934.

Smith, S. Morgan, Co., York, Pa.: N156s-27386, N156s-27391.

Smith, Ted, Co., Upper Darby, Pa.: AF 33(038)-16882.

Smith, W. Armstrong, Co., East Point, Ga.: N383s-42158, N383s-44779.

Smith, A. O., Corp., Milwaukee, Wis.: N104s-13597, N104s-13876, N104s-15753, N151s-85978, N156s-27248, N298s-4824, N383s-44104, AF 33(038)-16634, AF 33(038)-16660.

Smith Engineering Works, Milwaukee, Wis.: DA-44-009-qm-335.

Smith, L. B., Inc., Camp Hill, Pa.: DA-30-127-qm-209, DA-33-062-eng-47.

Smith Instrument & Equipment Co., Detroit, Mich.: DA-20-089-ord-1533.

Smith, Kline & French Laboratories, Philadelphia, Pa.: MPA-30-287-md-1969, MPA-30-287-md-4372.

Smith, R. J., Lumber Co., Charlotte, N. C.: DA-09-026-eng-5255, DA-09-026-eng-5262.

Smith, W. C., Lumber Co., Montgomery, Ala.: DA-09-026-eng-5190, DA-09-026-eng-5266, DA-09-026-eng-5309, DA-09-026-eng-5320, DA-09-026-eng-5456, DA-09-026-eng-5457, DA-09-026-eng-5486, DA-09-026-eng-5487, DA-09-026-eng-5488, DA-09-026-eng-5489, DA-09-026-eng-5490, DA-09-026-eng-5491.

Smith W. T., Lumber Co., Chapman, Ala.: DA-09-026-eng-3413, DA-09-026-eng-3419, DA-09-026-eng-7242.

Smith, J. H., Manufacturing Co., New York, N. Y.: DA-36-039-sc-8290.

Smith-Meeker Engineering Co., New York, N. Y.: NObs 59015.

Smith Rice Co., Inc., San Francisco, Calif.: DA-04-197-tc-183.

Smith, J. E., Sons Co., Buffalo, N. Y.: N160s-2950.

Smith, Lee S., & Son Manufacturing Co., Pittsburgh, Pa.: MPA-30-287-md-2860, MPA-30-287-md-3731.

Smith & Wesson, Inc., Springfield, Mass.: DA-19-058-ord-1405, DA-19-058-ord-1681.

Smoker Lumber Co., New Paris, Ind.: DA-11-184-eng-5725.

Smucker, J. M., Co., Orrville, Ohio: DA-11-009-qm-2310.

Snap-On Tools Corp., Kenosha, Wis.: DA-11-184-eng-4534, DA-44-008-eng-205, N600s-8429 L. I., N600s-8748, N600s-9006.

Snare, Frederick, Corp., New York, N. Y.: DA-30-075-eng-1111.

Snell, Foster D., Inc., New York, N. Y.: NOa(s) 51030.

Snider Bros., Lumber Co., Marshall, Tex.: DA-09-026-eng-3442, DA-09-026-eng-7136, DA-09-026-eng-7138.

Snively Groves, Inc., Bartow, Fla.: DA-11-009-qm-1428.

Snow-Nabstedt Gear Corp., Hamden, Conn.: N104s-13085, N104s-13183, N104s-13482, N104s-14946, N104s-15594.

Society Brand Hat Co., St. Louis, Mo.: DA-23-050-qm-5935.

Socomo Manufacturing Co., San Francisco, Calif.: N383s-42912.

Socony Vacuum Oil Co., Inc., New York, N. Y.—ASP 97 C. O. No. 2, ASP 2436 C. O. No. 3, C. O. No. 7, C. O. No. 11, and C. O. No. 12, ASP 2483, ASP 2680 C. O. No. 5 and C. O. No. 8, ASP 2851, ASP 3115 C. O. No. 1, ASP 3441, ASP 3442.

Solar Aircraft Co., San Diego, Calif.: AF 33(038)-14780, AF 33(038)-16765.

Solar Corp., Milwaukee, Wis.: DA-20-089-ord-4078.

Sorensen & Co., Inc., Stamford, Conn.: MPA-30-287-md-2005, MPA-30-287-md-3547, AF 33(038)-14277, AF 33(038)-14830, AF 33(038)-14004, AF 33(038)-18484.

Soule Gibbs Co., San Fernando, Calif.: N220s-56380.

Spicer Drive Engine Co., Los Angeles, Calif.: N52m 70302.

South Chester Tube Co., Chester, Pa.: DA-11-184-eng-5433, DA-30-075-eng-1118, N600s-7185.

Southeastern Cottons, Inc., New York, N. Y.: DA-30-280-qm-7452.

Souther, Henry, Engineering Co., Hartford, Conn.: DA-19-058-ord-1458.

Southern Dry Kiln, Atlanta, Ga.: DA-09-026-eng-5428, DA-09-026-eng-5432, DA-09-026-eng-6422, DA-09-026-eng-6662, DA-09-026-eng-7400.

Southern Lumber Co., Warren, Ark.: DA-09-026-eng-5091, DA-09-026-eng-5097.

Southern Lumber Sales Co., Pine Bluff, Ark.: DA-09-026-eng-5103.

Southern Mills, Inc., Atlanta, Ga.: N104s-18274.

Southern Paper Box., Little Rock, Ark.: DA-18-108-cml-982.

Southern Pine Lumber Co., Texarkana, Tex.: DA-09-026-eng-5093, DA-09-026-eng-5142, DA-09-026-eng-5144.

Southern Plywood Co., Greenville, Fla.: DA-09-026-eng-5378.

Southern Shell Fish Co., Harvey, La.: DA-11-009-qm-1665, DA-11-009-qm-1985.

Southern States Supply, Columbia, S. C.: DA-38-042-aIII-4.

Southwest Corrugated Co., Fort Worth, Tex.: DA-11-009-qm-2880.

Southwestern Portland Cement Co., Los Angeles, Calif.: N383s-37542.

Southworth Machine, Portland, Maine: DA-19-020-ord-20, DA-19-020-ord-37.

Southworth Tractor & Machinery Co., Albany, N. Y.: DA-30-127-qm-194.

Sparkman Lumber Co., Sparkman, Ark.: DA-09-026-eng-7130.

Sparkman & Stephens, Inc., New York, N. Y.: NObs 2704.

Sparks-Withington Co., Jackson, Mich.: DA-20-089-ord-4864.

Sparling Bros. Machine Co., New Bedford, Mass.: DA-19-020-ord-49.

Spartan Aircraft Co., Tulsa, Okla.—Spartan Aero Repair Division; AF 33(038)-17635.

Spazier Soap & Chemical Co., Santa Monica, Calif.: N383s-38245, N383s-39453, N383s-40488.

Specialties, Inc., Syosset, Long Island, N. Y.: NOa(s) 51155, NOrd 11020, AF 33(038)-14274, AF 33(038)-15856.

Specialty Assembling & Packing Co., Inc., Brooklyn, N. Y.: N383s-41309, N383s-42467, AF 33(038)-15525, AF 33(038)-15831, AF 33(038)-15954, AF 33(038)-15956, AF 33(038)-17245.

Specialty Battery Co., Madison, Wis.: DA-36-039-sc-4874, DA-36-039-sc-8197.

Specialty Steel Wire Co., New York, N. Y.: MPA-30-287-md-1741, MPA-30-287-md-1874.

Speidel, Chas. W., & Co., Philadelphia, Pa.: DA-36-039-sc-7483.

Spen, Henry, & Co., Inc., Brooklyn, N. Y.: DA-44-009-eng-373, NOm 57385.

Spencer Manufacturing Co., Spencer, Ohio: DA-20-089-ord-4187.

Spencer Thermostat Co., Attleboro, Mass.: NOa(s) 11018.

Spencer Turbine Co., Hartford, Conn.: N104s-13346.

Spencer, White & Prentis, Inc., New York, N. Y.: NOv 21771.

Sperry Corp., The, New York, N. Y.—Ford Instrument Co. Division: NOrd 10128 L. I., NOrd 10960, NOrd 11009, NOrd 11019, NOrd 11021, N171s-90068. Sperry Gyroscope Co. Division: DA-36-032-tc-3308, DA-36-022-tc-3309, DA-36-022-tc-3310, DA-36-039-sc-4848, DA-36-039-sc-4850, DA-44-019-tc-159, NOa(s) 10857, NOa(s) 10872, NOa(s) 10974, NOa(s) 12039 L. I., NOa(s) 12125, NOa(s) 12134, NOa(s) 12216, NOa(s) 51130, NOa(s) 51137, NOrd 10972, NOrd 11008, NOrd 11057 N104s-14461, N104s-15177, N123s-68860, N140s-19242, N383s-35771, N383s-36707, N383s-36714, N383s-38717, N383s-39145, N383s-40448, N383s-41527, N383s-42244, N383s-43642, W33-038 ac 20438, W33-038 ac 20467 S. A. No. 13, W33-038 ac 22235 C. O. No. 17, C. O. No. 22, W33-038 ac 22237 S. A. No. 38, AF 33(038)-659 C. O. No. 3, AF 33(038)-8237, AF 33(038)-14519, AF 33(038)-14770, AF 33(038)-14787, AF 33(038)-14794, AF 33(038)-14850, AF 33(038)-14851, AF 33(038)-14868, AF 33(038)-14947, AF 33(038)-15055, AF 33(038)-15636, AF 33(038)-15970, AF 33(038)-15976, AF 33(038)-16147, AF 33(038)-16609, AF 33(038)-16870, AF 33(038)-17386, AF 33(038)-17612.

Sperry Products, Inc., Danbury, Conn.: N104s-15040, AF 33(038)-16643, AF 33(038)-17321.

Sperti Faraday, Inc., Cincinnati, Ohio: AF 33(038)-17443.

Spirling Products, New York, N. Y.: DA-36-039-sc-4857.

Sponge Rubber Products Co., Shelton, Conn.: NObs 59113, N383s-39211.

Sprague Electrical Co., North Adams, Mass.: DA-36-039-sc-3030 S. A. No. 1, DA-36-039-sc-8599, N383s-38016, AF 33(038)-15515, AF 33(038)-16333.

Spray Dip Rubber Corp., Buffalo, N. Y.: NOa(s) 12165.

Spreckels Sugar Co., San Francisco, Calif.: DA-30-280-qm-4713, DA-30-280-qm-5147, N220s-56507.

Spriesch Tool & Manufacturing Co., Buffalo, N. Y.: N383s-37195.

Springfield Machine Tool Co., The, Springfield, Ohio: N600s-6592, AF 33(038)-15850.

Springfield Tent & Awning Co., Springfield, Ohio: AF 33(038)-15646, AF 33(038)-16271.

Square D Co., Detroit, Mich.—Kollsman Instrument Division: NOa(s) 77, NOa(s) 51088, NOa(s) 51015, N104s-14040, N140s-16014, N128s-1156, N163s-625, N383s-30409, N383s-39089, N383s-40145, N383s-41341, N383s-42263, N383s-42639, N383s-42726, N383s-43285, N383s-43286, N383s-44055, AF 33(038)-14847, AF 33(038)-14854, AF 33(038)-14873, AF 33(038)-14874, AF 33(038)-14880, AF 33(038)-14883, AF 33(038)-14894, AF 33(038)-14941, AF 33(038)-15195, AF 33(038)-15761, AF 33(038)-17040, AF 33(038)-17499, AF 33(038)-17651, AF 33(038)-17920, AF 33(038)-18167.

Squibb & Sons, E. R., New York, N. Y.: MPA-30-287-md-1533, MPA-30-287-md-1545, MPA-30-287-md-2133, MPA-30-287-md-2367, MPA-30-287-md-2434, MPA-30-287-md-2963, MPA-330-287-md-3238, MPA-30-287-md-3951, MPA-30-287-md-4346, MPA-30-287-md-4426.

Squire Dingee Co., Chicago, Ill.: DA-11-009-qm-3380.

Stackbin Corp., The, Pawtucket, R. I.: N171s-90301.

Stadler, Joseph, & Co., San Francisco, Calif.: DA-04-197-tc-824.

Stamford Metal Specialty Co., Inc., New York, N. Y.: DA-30-069-ord-91, DA-30-069-ord-849.

Stancil-Hoffman Corp., Hollywood, Calif.: DA-28-043-sc-7575.

Standard Brands, Inc., New York, N. Y.: DA-30-280-qm-4815, DA-30-280-qm-4891.

Standard Cable Corp., Chickasha, Okla.: DA-36-039-sc-4785.

Standard Conveyor Co., St. Paul, Minn.: N189s-76205.

Standard Forge & Axle Co., Montgomery, Ala.: DA-11-184-eng-3840, DA-11-184-eng-6036.

Standard Knitting Mills, Knoxville, Tenn.: DA-30-280-qm-7173.

Standard Oil Co. of California, San Francisco, Calif.: DA-04-197-tc-714, ASP 2291 C. O. No. 3, ASP 2429 C. O. No. 3, C. O. No. 6, C. O. No. 8, C. O. No. 11, C. O. No. 12, C. O. No. 14, C. O. No. 15, C. O. No. 16, C. O. No. 17, C. O. No. 18, and C. O. No. 20, ASP 2775 C. O. No. 4, ASP 2826, ASP 2968, ASP 3308, ASP 4007.

Standard Oil Co. (Kentucky), Louisville, Ky.: ASP 2264 C. O. No. 8, ASP 2474, ASP 3348.

Standard Oil Co. of Indiana, Chicago, Ill.: ASP 2350, ASP 2433 C. O. No. 4, C. O. No. 5, and C. O. No. 6.

Standard Oil Co. of Ohio, Cleveland, Ohio: ASP 945 C. O. No. 4, ASP 2432 C. O. No. 4, and C. O. No. 7.

Standard Pressed Steel Co., Jenkintown, Pa.: N383s-38468, N383s-39086, N383s-40400, AF 33(038)-15716.

Standard Products Co., Cleveland, Ohio: DA-19-058-ord-1254, DA-19-058-ord-6157.

Standard Rolling Mills, Inc., Brooklyn, N. Y.: AF 33(038)-15592.

Standard Science Supply Corp., New York, N. Y.: MPA-30-287-md-2578, MPA-30-287-md-3316, MPA-30-287-md-3352.

Standard Steel Works, North Kansas City, Mo.: DA-30-144-ord-451.

Standard Switchboard Co., Brooklyn, N. Y.: DA-28-017-ord-984.

Standard-Thompson Corp., Dayton, Ohio: N383s-38603, N383s-44269, AF 33(038)-10740, AF 33(038)-17238.

Standard-Vacuum Oil Co., New York, N. Y.: ASP 2485.

Standard Wheel Rim, Harrisburg, Pa.: DA-36-005-ord-259.

Standard Wire Co., Cleveland, Ohio: DA-20-089-ord-6017.

Standard X-ray Co., Chicago, Ill.: DA-23-075-md-3544.

Standard Paper Co., Washington, D. C.: DA-30-280-qm-8640.

Stanley Aviation Corp., Buffalo, N. Y.: N9nr 93102, N9nr 93103, N9nr 93104, AF 33(038)-16346, AF 33(038)-17353.

Stanley & Stolz, Los Angeles, Calif.: N600s-7552.

Stanley Works, The, New Britain, Conn.: N383s-41383, N383s-42463.

Stanton, E. J., & Son, Inc., Los Angeles, Calif.: DA-11-184-eng-5124.

Star Drilling Machine Co., Akron, Ohio: DA-11-184-eng-5924, DA-11-184-eng-6040, NOm 57545.

Star Fuse Co., Inc., New York, N. Y.: N383s-44116.

Star Iron & Steel Co., Tacoma, Wash.: AF 45(011)-89.

Star Loose Leaf Co., New York, N. Y.: DA-30-280-qm-5427.

Star Machine Inc., Elkhard, Ind.: DA-11-070-ord-2388.

Stark, W. P., Lumber Co., Kansas City, Kans.: DA-11-184-eng-5668.

Starr, J. W., & Sons Lumber Co., Atlanta, Ga.: DA-09-026-eng-3315, DA-09-026-eng-3343, DA-09-026-eng-5157, DA-09-026-eng-5185, DA-09-026-eng-5207, DA-09-026-eng-5242, DA-09-026-eng-5271, DA-09-026-eng-5329, DA-09-026-eng-5363, DA-09-026-eng-5364, DA-09-026-eng-5446, DA-09-026-eng-6667, DA-09-026-eng-6669, DA-09-026-eng-6671, DA-09-026-eng-6871, DA-09-026-eng-6875, DA-09-026-eng-6895, DA-09-026-eng-7203, DA-09-026-eng-7209, DA-09-026-eng-7221, DA-09-026-eng-7243, DA-09-026-eng-7248, DA-09-026-eng-7254, DA-09-026-eng-7406, DA-09-026-eng-7412, DA-09-026-eng-7424.

Starrett, L. S., Co., The, Athol, Mass.: N600s-8485, N600s-8495.

State Equipment Co., Albany, N. Y.: DA-30-127-qm-208, DA-30-127-qm-211.

Statham Laboratories, Los Angeles, Calif.: AF 33(038)-16856.

Stavid Engineering, Inc., Plainfield, N. J.: N140s-17560, N163s-568.

Steam Supply Rubber Co., Seattle, Wash.: N406s-28157.

Steamers Service Co., Oakland, Calif.: DA-04-203-eng-760.

Stearns, E. C., Co., Syracuse, N. Y.: DA-11-184-eng-5872.

Stearns Magnetic Manufacturing Co., Milwaukee, Wis.: DA-11-184-eng-5484, DA-11-184-eng-5803.

Steel Framing & Building Corp., Los Angeles, Calif.: N163s-2913.

Steel Products Engineering Co., The, Springfield, Ohio: AF 33(038)-14791, AF 33(038)-15007.

Steelcraft Manufacturing Co., Rossmoyne, Ohio: DA-11-184-eng-4663, DA-11-184-eng-4873, DA-11-184-eng-4965, DA-11-184-eng-5071, DA-11-184-eng-5176, DA-11-184-eng-5425.

Steele, Jack S., Co., Philadelphia, Pa.: NOy 23466.

Stein Hall & Co., Inc., New York, N. Y.: DA-11-184-eng-5126, DA-11-184-eng-5367, DA-11-184-eng-5832.

Stein Tobler Co., Union City, N. J.: DA-30-280-qm-5949.

Steinberg Bros., Amsterdam, N. Y.: DA-11-009-qm-1800.

Steinthal, M., & Co., Inc., New York, N. Y.: AF 33(038)-15015, AF 33(038)-15028, AF 33(038)-16570.

Stenzel Pickle Products Co., San Leandro, Calif.: DA-11-009-qm-3414.

Sterling Engine Co., Buffalo, N. Y.: NObs 53368 L. I., N104s-13536, N104s-14634.

Sterling Manufacturing Co., Omaha, Nebr.: DA-11-009-qm-1071, DA-11-009-qm-3658.

Sternoff Metals & Iron Works, Seattle, Wash.: DA-45-045-tc-163.

Steuber, Louis M., Union City, N. J.: DA-30-075-eng-1267.

Stevens, J. P., & Co., Inc., New York, N. Y.: DA-28-017-ord-824, N140s-18119.

Stevens Walden, Inc., Worcester, Mass.: N600s-8672, N600s-8739, N600s-9005, N600s-9367, N600s-9549, N600s-9923, N600s-10294.

Stewart Lumber Co., Inc., Texarkana, Tex.: DA-11-184-eng-5910.

Stewart-Stevenson Services, Inc., Houston, Tex.: DA-11-184-eng-4724, DA-11-184-eng-4787, DA-11-184-eng-5923.

Stewart-Warner Corp., Chicago, Ill.: DA-20-089-ord-3981, DA-20-089-ord-6451, DA-20-089-ord-8332, DA-33-008-ord-2973, AF 33(038)-14702, AF 33(038)-15324, AF 33(038)-15349, AF 33(038)-18165. South Wind Division: DA-20-089-ord-2973, N383s-36573, N383s-38118, N383s-39673, N383s-42068, N383s-43198, N383s-43639, N383s-43955.

Stiglitz Furnaces Foundry Co., Louisville, Ky.: DA-11-184-eng-5078.

Stile-Craft Manufacturers, Inc., St. Louis, Mo.: W-28-017-ord-1865 S. A. No. 7, DA-23-072-ord-1865.

Stillwater Worsted Mills, Harrisville, R. I.: N140s-18109, N140s-18188.

Stimpson, Edwin B., Co., Brooklyn, N. Y.: DA-11-009-qm-3486.

Stockwell Rubber Co., Torrance, Calif.: N383s-39477, N383s-41540.

Stoddart Aircraft Radio Co., Hollywood, Calif.: DA-41-014-aIV-232.

Stokely-Van Camp, Inc., Indianapolis, Ind.: DA-11-009-qm-1321, DA-11-009-qm-2703, DA-11-009-qm-3940.

Stoner Manufacturing Corp., Aurora, Ill.: DA-11-022-ord-1605 and L. I., DA-36-038-ord-1605 L. I.

Storm-Vulcan, Inc., Dallas, Tex.: N600s-8291.

Story Marine Railway, Portland, Maine: DA-36-022-tc-1710.

Stott, Chas. G., & Co., Washington, D. C.: DA-11-009-qm-1655, DA-11-009-qm-3310, DA-11-009-qm-3554.

Stoughton Cab & Body Co., Stoughton, Wis.: DA-20-089-ord-3062.

Stow Manufacturing Co., Binghamton, N. Y.: N104s-15307.

Stratos Corp., Farmingdale, Long Island, N. Y.: N383s-38199.

Streett, Richard B., Bynum, Md.: DA-11-009-qm-2781.

Stromberg-Carlson Co., Rochester, N. Y.: DA-36-039-sc-7065, DA-36-039-sc-7097, NObs 53138.

Strong Cobb Co., Inc., Cleveland, Ohio: MPA-30-287-md-1820.

Struthers-Dunn, Inc., Philadelphia, Pa.: DA-11-070-ord-1585, N104s-13655, AF 33-(038)-16534.

Struthers-Wells Corp., Warren, Pa.: DA-30-144-ord-539.

Stuart, J. L., Manufacturing Co., San Francisco, Calif.: N160s-2954.

Stuart Marine Painting Corp., Brooklyn, N. Y.: N140s-18414.

Studebaker Chemical Corp., Elyria, Ohio: N123s-68368, N123s-69393, N123s-70047, N298s-4698.

Studebaker Machine Co., Maywood, Ill.: DA-23-065-eng-340.

Superior Furniture Manufacturing Co., Plymouth, Mich.: DA-20-089-ord-4861. DA-20-089-ord-4892.

Surefit Novelty Co., New York, N. Y: DA-30-280-qm-5937.

Sturgeon Clark & Buhr, Norfolk, Va.: NOy 22836.

Sty Jar Products, Inc., Newark, N. J.: N383s-38617.

Suchy Division, Inc., New York, N. Y.: AF 33(038)-16868.

Suddath Moving Storage Co., Jacksonville, Fla.: N207s-10607.

Summers Gyroscope Co., Santa Monica, Calif.: N123s-70470.

Sun Garden Packing Co., San Jose, Calif.: DA-04-493-qm-2336, DA-04-493-qm-2378.

Sun Metal Products Corp., New York, N. Y.: N383s-40343.

Sunbury Wire Rope Manufacturing Co., Sunbury, Pa.: DA-11-184-eng-95, DA-36-022-tc-1680, DA-45-045-tc-219.

Sun Oil Co., Philadelphia, Pa.: ASP 2457, ASP 2990, ASP 3329, ASP 3488.

Sunde & Devers Co., Seattle, Wash.: DA-45-045-tc-156.

Sunlight Chemical Corp., Philipsdale R. I.: NOm 57277, NOm 57335, NOm 57359.

Sunset Oil Co., Los Angeles, Calif.: DA-44-109-qm-2248.

Sunshine Biscuits, Inc., Long Island City, N. Y.: DA-04-493-qm-1417, DA-04-493-qm-1598, DA-04-493-qm-1699, DA-04-493-qm-1610, N220s-55362.

Sundstrand Machine Tool Co., Rockford, Ill.: AF 33(033)-16990.

Supreme Paints Varnish Corp., Meridian, Miss.: N383s-41061.

Surface Combustion Corp., Toledo, O.: DA-18-108-cml-5544, DA-36-038-ord-1923, N383s-39218, N383s-42070, N383s-43904, AF 33(038)-14701, AF 33(038)-15321.

Surgical Instrument Corp., New York, N. Y.: MPA-30-287-md-1830, MPA 30-287-md-1979, MPA-30-287-md-2586, MPA 30-287-md-2731.

Surplus Textile Supply Co., Detroit, Mich.: DA-36-039-sc-9269.

Surrette Storage Battery Co., Inc., Salem, Mass.: N383s-41264.

Susquehanna Mills, Inc., New York, N. Y.: DA-28-017-ord-1024.

Sutter, Walter F., Boston, Mass.: NObs 53333, N383s-44443.

Sutton, D. H., Co., Emeryville, Calif.: DA-04-493-qm-1359.

Sverdrup & Parcel, Inc., St. Louis, Mo.: DA-04-353-eng-364.

Swanson Boat Oar Factory, Albion, Pa.: N383s-38387, N383s-43248.

Swan Engineering & Machine Co., Bettendorf, Iowa: DA-11-070-ord-2365.

Swanson, C. A., & Sons, Omaha, Nebr.: DA-11-009-qm-2630, DA-11-009-qm-2861.

Sward, H. A., Co., Inc., Inwood, Long Island, N. Y.: NOrd 10974, NOrd 11043.

Swartwout Co., The, Cleveland, Ohio: N104s-13417, N104s-14617, N104s-15418.

Sweets Co. of America, Inc., Hoboken, N. J.: DA-04-493-qm-2630.

Swift & Co., Chicago, Ill., DA-11-009-qm-2982, DA-11-009-qm-2995, DA-11-009-qm-3498.

Switchcraft, Inc., Chicago, Ill.: N123s-13859.

Switlik Parachute Co., Inc., Trenton, N. J.: N383s-27520, AF 33(038)-15003, AF 33(038)-15018, AF 33(038)-15312.

Switzer Bros., Inc., Cleveland, Ohio: NOm 57523.

Sylvania Electric Products Co., Inc., Flushing, Long Island, N. Y.: DA-28-043-[illegible]-9, DA-36-039-sc-7316, DA-36-039-sc-7389, DA-36-039-sc-8477, DA-36-039-sc-37362 Mod No. 3, DA-49-170-sc-38, N123s-13680, N123s-15216, N173s-16248, AF 33(038-15072, AF 33(038)-15302, AF 33(038)-16031, AF 33(038)-16192.

Syracuse Rubber Products Co., Inc., Syracuse, Ind.: DA-20-089-ord-4808.

Syracuse Supply Co., Syracuse, N. Y.: DA-30-127-qm-207.

Szekely, O. E., & Associates, Philadelphia, Pa.: NOa(s) 12302, N383s-38488, AF 33(038)-15266.

T & P Optical Co., New York, N. Y.: MPA-30-287-md-4682.

Tabor City Lumber Co., Tabor City, N. C.: DA-09-026-eng-2507, DA-09-026-eng-5043, DA-09-026-eng-5053, DA-09-026-eng-5134, DA-09-026-eng-5137, DA-09-026-eng-5156, DA-09-026-eng-5235, DA-09-026-eng-5236, DA-09-026-eng-5237, DA-09-026-eng-5248, DA-09-026-eng-5256, DA-09-026-eng-5313, DA-09-026-eng-5322, DA-09-026-eng-5410, DA-09-026-eng-5425, DA-09-026-eng-6497, DA-09-026-eng-6499, DA-09-026-eng-7592.

Taft Lumber Co., Richfield, Calif.: DA-35-026-eng-5798, DA-35-026-eng-5948.

Taller & Cooper, Brooklyn, N. Y.: DA-30-144-ord-578, DA-30-144-ord-680, DA-30-144-ord-693, DA-30-144-ord-730, DA-30-144-ord-5004.

Talon, Inc., Meadville, Pa.: NOm 57307.

Tapp, R. W., Lumber Co., Memphis, Tenn.: DA-09-026-eng-5251, DA-09-026-eng-5269, DA-09-026-eng-5261, DA-09-026-eng-7262.

Tarlton, G. L., Contracting Co., St. Louis, Mo.: DA-11-052-eng-356, DA-11-052-eng-1681, DA-11-052-eng-2375, DA-11-052-eng-2376, DA-11-052-eng-2377, DA-11-052-eng-2378, DA-11-052-eng-2379, DA-11-052-eng-2780, DA-11-052-eng-2781, DA-11-052-eng-2782, DA-11-052-eng-2783, DA-11-052-eng-2784.

Taylor Instrument Co., Rochester, N. Y.: DA-30-075-eng-1403.

Taylor Machinery Co., Memphis, Tenn.: DA-40-110-qm-165.

Taylor, Chas., Sons Co., The, Cincinnati, Ohio: DA-19-066-ord-518.

Taylor-Winfield Corp., Warren, Ohio: N273s-138.

Tea Garden Products Co., San Francisco, Calif.: DA-11-009-qm-1476, DA-11-009-qm-1485, DA-11-009-qm-2094, DA-11-009-qm-2284, DA-11-009-qm-2454, DA-11-009-qm-2642, DA-11-009-qm-2643, DA-11-009-qm-3056, DA-11-009-qm-3403, DA-11-009-qm-3504, DA-11-009-qm-3510, DA-11-009-qm-4026, N123s-69814.

Teague, Walter Dorwin, New York, N. Y.: NOrd 10952.

Tech Porcelain & Chinaware Co., El Centro, Calif.: DA-11-009-qm-1045.

Technical Tape Corp., New York, N. Y.: DA-11-171-ord-120, DA-12-036-qm-1647.

Technical Material Corp., Mamaroneck, N. Y.: N189s-76703, AF 33(038)-17532.

Technicolor Motion Picture Corp., Hollywood, Calif.: DA-30-026-sc-3397.

Technicraft Corp., Waltham, Mass.: N383s-40624, N383s-44100.

Technicraft Corp., Kansas City, Mo.: N383s-39038.

Technocopy, Inc., New York, N. Y.: NOrd 10986.

Tekni-Craft, Beloit, Wis.: N160s-2951.

Telecast Electronics Corp., Brooklyn, N. Y.: DA-36-039-sc-8450.

Telecomputing Corp., Burbank, Calif.: AF 33(038)-16446.

Teleetro Industries Corp., Long Island City, N. Y.: DA-36-039-sc-3003 S. A. No. 3, DA-36-039-sc-7734 L. I, DA-36-039-sc-9632, NOa(s) 12271.

Teleflex, Inc., Philadelphia, Pa.: N383s-39604.

Telegraph Apparatus Co., Chicago, Ill.: DA-36-039-sc-3179, DA-36-039-sc-7389.

Telephonics Corp., Huntington, Long Island, N. Y.: NOa(s) 10227, N383s-18743, N383s-39708.

Telerad Manufacturing Corp., New York, N. Y.: DA-36-039-sc-7051.

Teletype Corp., Chicago, Ill.: DA-36-039-sc-876, DA-36-039-sc-1050, DA-36-039-sc-7071, DA-36-039-sc-7087, DA-36-039-sc-7455, DA-36-039-sc-7787, DA-49-170-sc-27, DA-49-170-sc-100 L. I.

Templeton, Kenly & Co., Chicago, Ill.: N600s-7819.

Temprite Products Corp., Detroit, Mich.: AF 33(038)-16063.

Tennant, G. H., Co., Minneapolis, Minn.: N600s-7199.

Tennessee Coal, Iron & Railroad Co., Birmingham, Ala.: DA-11-184-eng-5904, DA-11-184-eng-5945, N600s-9481, N600s-9507.

Tennessee Soap Co., Memphis, Tenn.: DA-30-280-qm-4900.

Terminal Flour Mills Co., Portland, Oreg.: DA-11-009-qm-4466.

Ternes, Art, Lumber & Coal Co., Dearborn, Mich.: DA-20-089-ord-2891.

Terry Machine Co., Waterford, Mich.: DA-20-089-ord-6854.

Terry Steam Turbine Co., Hartford, Conn.: N104s-15113.

Texas Co., The, New York, N. Y.: ASP 2482, ASP 3312, ASP 3328, ASP 3470, ASP 3479.

Texas Engineering & Manufacturing Co., Dallas, Tex.: AF 33(038)-15003.

Texas Housing Co., Dallas, Tex.: DA-11-184-eng-5202, DA-11-184-eng-5237, DA-11-184-eng-5262.

Texas Long Leaf Lumber Co., New Willard, Tex.: DA-09-026-eng-5129, DA-09-026-eng-5140.

Texas-Louisiana Pipe Corp., Texarkana, Tex.: DA-41-117-ord-871.

Texas Railway Equipment Co., Houston, Tex.: AF 33(038)-15586.

Textron, Inc., New York, N. Y.: N140s-18391.

Thermador Electrical Manufacturing Co., Los Angeles, Calif.: NOrd 11049 L. I.

Thermo-Electric Co., Inc., Fair Lawn, N. J.: AF 33(038)-15284.

Thew Shovel Co., The, Lorain, Ohio: DA-11-184-eng-3605, DA-11-184-eng-3733, DA-11-184-eng-3775, DA-11-184-eng-4043, DA-11-184-eng-4137, DA-11-184-eng-4349, DA-11-184-eng-4666, DA-11-184-eng-5036, DA-11-184-eng-5392, DA-11-184-eng-5731, DA-11-184-eng-5852, DA-11-184-eng-5906, DA-11-184-eng-6006.

Thiokol Corp., Trenton, N. J.: DA-44-109-qm-337, N383s-38381 L. I.

Thomas, Lee A., Portland, Oreg.: DA 95-507-eng-104.

Thompson, H. I., Co., The, Los Angeles, Calif.: AF 33(038)-15498.

Thompson, John I., & Co., Washington, D. C.: N600s-8930.

Thompson & Green, Nashville, Tenn.: DA-15-056-aII-121, DA-15-056-aII-122, DA-15-056-aII-152.

Thompson Products, Inc., Cleveland, Ohio: N383s-36060, N383s-36062, N383s-37207, I 383s-37852, N383s-39424, N383s-39558, N383s-41879, AF 33(038)-3203 S. A. No. 2, AF 33(038)-14736, AF 33(038)-16058, AF 33(038)-16245, AF 33(038)-16278, AF 33(038)-16542, AF 33(038)-16546.

Thomson & Bishop Co., Takoma Park, Md.: N173s-16019.

Thornton Canning Co., Thornton, Calif.: DA-04-493-qm-2703.

Thorsen Tool Co., Emeryville, Calif.: N600s-8719.

Thortel Fireproof Fabrics, New York, N. Y.: N140s-18110.

Thrall Car Manufacturing Co., Chicago, Ill.: DA-49-074-tc-114.

Tidewater Associated Oil Co., New York, N. Y.: ASP 2428 C. O. No. 1 and C. O. No. 9, ASP 3342.

Tidewater Stevedoring Corp., New York, N. Y.: DA-30-182-tc-3995.

Tiedemann & McMorran, Inc., San Francisco, Calif.: DA-04-493-qm-1544, DA-04-493-qm-1647, DA-11-009-qm-1218, N220s-55745, N220s-56405, N220s-56425, N220s-57107, N220s-57583, N220s-57599, N220s-57839, N220s-57970, N220s-58705.

Tillotson Manufacturing Co., The, Toledo, Ohio: DA-11-184-eng-6047.

Tilton Textile Co., Pepperell, Ala.: DA-30-280-qm-7450.

Timber Structures, Inc., Portland, Oreg.: DA-11-184-eng-3592, DA-11-184-eng-4894, DA-11-184-eng-5359.

Times Facsimile Corp., New York, N. Y.: DA-36-039-sc-3798, NObr 52022, NObr 52041 L. I., NObr 52042 L. I., NObr 52050 L. I., NObr 52102.

Timken Roller Bearing Co., The, Canton, Ohio: DA-20-089-ord-2885, DA-20-089-ord-4046, DA-30-144-ord-391, DA-30-144-ord-747, DA-33-079-ord-229, AF 33(038)-15530, AF 33(038)-15686, AF 33(038)-15698.

Tindall, A., Inc., Jackson, Miss.: DA-09-026-eng-3418, DA-09-026-eng-7101, DA-09-026-eng-7419.

Tiona Petroleum Co., Philadelphia, Pa.: ASP 3408.

Tison Bros., Los Angeles, Calif.: AF 33-(038)-14705.

Titanium Pigment Corp., New York, N. Y.: N383s-40051.

Titeflex, Inc., Newark, N. J.: DA-20-089-ord-2870, N383s-40670, N383s-42848, W33-038-ac-22324, AF 33(038)-091, AF 33(038)-14977, AF 33(038)-15099, AF 33(038)-15272.

Titusville Iron Works, Titusville, Pa.: DA-30-144-ord-711.

Tobacco By-Products & Chemical Corp., Louisville, Ky.: DA-44-109-qm-341.

Tobeason, Hans F., New York, N. Y.: DA-11-184-eng-5125.

Toby Press, Inc., New York, N. Y.: NOp 525.

Todd Shipyards Corp., New York, N. Y.: W-45-045-tc-167, W-45-045-tc-175, W-45-045-tc-177, DA-04-197-tc-891, DA-04-197-tc-2861, DA-04-197-tc-2891, DA-04-197-tc-2901, DA-30-222-tc-63, DA-45-045-tc-281, NOm 57313, N104s-14006, N104s-14808.

Tokheim Oil Tank & Pump Co., Fort Wayne, Ind.: DA-11-022-ord-54 L. I.

Toledo-Scale Co., Toledo, Ohio: DA-11-171-ord-118, AF 30(317)-26.

Tool Engineer Products Co., Inc., Pittsburgh, Pa.: DA-11-184-eng-5639.

Toll & Henson Co., Detroit, Mich.: DA-20-089-ord-4932, DA-20-089-ord-5178, AF 33(038)-15315.

Tollefsen Bros., Brooklyn, N. Y.: N140s-18397, N140s-16977, N140s-19017, N140s-19272.

Torit Manufacturing Co., St. Paul, Minn.: MPA-30-287-md-1859.

Toro Manufacturing Corp., Minneapolis, Minn.: DA-11-184-eng-5854.

Torrington Co., Torrington, Conn.: DA-11-070-ord-1917, MPA-30-287-md-3384, AF 33(038)-16047.

Towmotor Corp., Cleveland, Ohio: DA-33-031-qm-3513.

Towner Manufacturing Co., Santa Ana, Calif.: DA-11-184-eng-4961, NOm 57424.

Traceriab, Inc., Boston, Mass.: DA-18-108-cml-233 Mod. No. 2, DA-36-039-sc-4769 S. A. No. 6, DA-36-039-sc-9356, N173s-16906, N220s-55366, AF 4(171)-151, AF 33(038)-16284.

Trackson Co., Milwaukee, Wis.: DA-11-184-eng-4679.

Trailmobile Co., Cincinnati, Ohio: DA-20-089-ord-3113.

Trane Co., The, La Crosse, Wis.: DA-11-184-eng-4628, N406s-23233, AF 33(038)-15473.

Transco Products, Inc., Los Angeles, Calif.: N383s-31870, N383s-37502, N383s-38631, N383s-44266.

Transducer Corp., Boston, Mass.: DA-49-170-sc-93.

Transilwrap Co., Chicago, Ill.: DA-04-493-qm-2420.

Transmitter Equipment Manufacturing Co., Inc., New York, N. Y.: AF 33(038)-16198, AF 41(157)-50.

Transocean Air Lines, Oakland, Calif.: AF 33(038)-15978.

Transportation Construction Corp., Seattle, Wash.: D. -20-089-ord-6300, DA-20-089-ord-10186.

Trenton Foods, Trenton, Mo.: DA-11-009-qm-4048.

Trenton Lumber Co., Jackson, Miss.: DA-09-026-eng-3411, DA-09-026-eng-3417, DA-09-026-eng-7100, DA-09-026-eng-7102, DA-09-026-eng-7418.

Trenton Spring Products Co., Trenton, N. J.: DA-11-184-eng-4964.

Triangle Steel Supply Co., Vernon, Calif.: DA-04-203-eng-981.

Tricamp Corp., Lawrence, Mass.: DA-30-280-qm-6791.

Trinity Testing Laboratories, Inc., Corpus Christi, Tex.: NOy 21944.
Trio Chemical Works, Inc., Brooklyn, N. Y.: N140s-18512.
Triple A Machine Shop, San Francisco, Calif.: DA-04-197-tc-275, DA-04-197-tc-2275, N220s-58576.
Triple E Manufacturing Co., Marion, Iowa: DA-11-070-ord-1685.
Triplex Corp. of America, Pueblo, Colo.: DA-11-171-ord-104.
Tri-State Engineering Co., Washington, Pa.: DA-36-039-sc-7480, NOm 56770, NOm 58269 L. I.
Triton Marine Maintenance, Brooklyn, N. Y.: N140s-18507.
Triumph Manufacturing Co., Cincinnati, Ohio: DA-11-009-qm-1945, N160s-2939.
Tri-Valley Packing Association, San Francisco, Calif.: DA-11-009-qm-2321, DA-11-009-qm-3577.
Troemmer, Henry, Philadelphia, Pa.: MPA-30-287-md-1634.
Troy Belting & Supply Co., Troy, N. Y.: DA-30-144-ord-632, DA-30-144-ord-56921.
Troy Engine & Machine Co., Troy, Pa.: N104s-13254 and L. I., N104s-14605 and L. I.
Tube Distributors Co., Inc., Brooklyn, N. Y.: DA-30-144-ord-387.
Tubing Appliance Co., Inc., Los Angeles, Calif.: NObs 53155, N600s-9320 L. I.
Tubing Seal Cap, Inc., Los Angeles, Calif.: AF 33(038)-17112.
Tubular Aircraft Products Co., Los Angeles, Calif.: N383s-39969.
Tubular Micrometer Co., St. James, Minn.: N600s-8491.
Tucker-Sno-Cat Corp., Medford, Oreg.: DA-28-043-sc-5439.
Tung-Sol Lamp Works, Inc., Newark, N. J.: DA-28-043-sc-5414, DA-36-039-sc-7293, DA-36-039-sc-7322.
Tulsa Aircraft Parts Co., Tulsa, Okla.: AF 33(038)-15793.
Tumpane Co., Inc., Long Island City, N. Y.: AF 33(038)-14501, AF 33(038)-14503.
Turco Products, Inc., Los Angeles, Calif.: DA-41-117-ord-802, N383s-37096, N383s-37867, N383s-39342, N383s-41189, N383s-43318, N383s-43471, N383s-43647.
Turn Signal Corp., Philadelphia, Pa.: DA-11-184-eng-3940, DA-11-184-eng-5820, DA-45-108-eng-644.
Turnbull Enterprises, Inc., Baltimore, Md.: AF 33(038)-16184.
Tuscaloosa Veneer Co., Meridian, Miss.: DA-09-026-eng-4257.
Tuthill Pump Co., Chicago, Ill.: N104s-15019, N104s-16415.
Twin Disc Clutch Co., Racine, Wis.: N104s-13648, N104s-14650.
Twin Harbor Stevedoring Co., Hoquiam, Wash.: DA-45-045-tc-115.
Typhoon Air Conditioning Co., Inc., Brooklyn, N. Y.: DA-11-184-eng-5670.
Udylite Corp., The, Detroit, Mich.: N383s-41519, N383s-42019, AF 33(038)-17660.
Ulster Knife Co., Inc., New York, N. Y.: N600s-9225.
Unexcelled Chemical Corp., New York, N. Y.: DA-18-108-cml-1113, DA-28-017-ord-949, DA-30-069-ord-83.
Union Canvas Goods Co., Philadelphia, Pa.: DA-36-039-sc-5116.
Union Carbide & Carbon Corp., New York, N. Y.: DA-36-039-sc-7 Mod. No. 2, DA-36-039-sc-4796, DA-36-039-sc-4877, DA-36-039-sc-4880, DA-36-039-sc-4906. Carbide & Carbon Chemicals Division: N383s-37433, AF 33(038)-15276. Bakelite Division: N189s-76190. Linde Air Products Co. Division: DA-11-184-eng-5505. NOa(s) 10945, NOa(s) 51019, NObs 53319 L. I., N220s-55528, AF 33(038)-7792 S. A. No. 7, AF 33(038)-8110 S. A. No. 1 and S. A. No. 9, AF 33(038)-15628, AF 33(038)-18303. Haynes Stellite Co. Division: DA-11-070-ord-1575, DA-11-070-ord-2261, DA-19-058-ord-1686, DA-19-058-ord-1689, DA-28-017-ord-1010, MPA-30-287-md-2259.
Union Construction Co., Sturgis, Ky.: DA-15-034-aII-43.
Union Dental Co., Philadelphia, Pa.: MPA-30-287-md-1949.
Union Diesel Engine Co., Oakland, Calif.: N104s-15608.
Union Hardware Co., Torrington, Conn.: DA-36-039-sc-7390.
Union Oil Co. of California, Los Angeles, Calif.: ASP 2406 C. O. No. 1, C. O. No. 2, and C. O. No. 4, ASP 3081, DA-44-109-qm-238.
Union Spring & Manufacturing Co., New Kensington, Pa.: DA-11-070-ord-1757, DA-19-066-ord-269.
Union Steam Pump Co., Battle Creek, Mich.: N104s-13255 and L. I., N104s-13261 and L. I., N104s-13264 and L. I., N104s-14038, N104s-14456 and L. I., N104s-14608 and L. I., N104s-14991.
Union Steel Chest Corp., Leroy, N. Y.: N600s-9067.
Union Switch & Signal Co., Swissvale, Pa.: AF 33(038)-16573.
Union Twist Drill Co., Athol, Mass.: DA-30-144-ord-56191.
Union Wire Rope Corp., Kansas City, Mo.: DA-45-045-tc-218.
Unique Art Manufacturing Co., Newark, N. J.: DA-18-108-cml-1151.
Unit Crane & Shovel Corp., Milwaukee, Wis.: DA-11-184-eng-4800.
United Aircraft Corp., East Hartford, Conn.—Chance Vought Division: NOa(s) 123, NOa(s) 9450 Amd. No. 15, NOa(s) 10484 and L. I., NOa(s) 12035, NOa(s) 51156 L. I., NOrd 10930, N383s-28371 and L. I., N383s-36194, N383s-36355, N383s-37346, N383s-37545, N383s-42448, N383s-43071, N383s-44700. Hamilton Standard Propeller Division: NOa(s) 12210, AF 33(038)-14971, AF 33(038)-16244, AF 33(038)-17514, AF 33(038)-17623. Pratt & Whitney Aircraft Division: NOa(s) 12167, NOa(s) 12207, N383s-42096, W33-038 ac 18662 S. A. No. 6 and S. A. No. 8. Sikorsky Aircraft Division: NOa(s) 55, NOa(s) 119, NOa(s) 220 L. I., NOa(s) 10989, NOa(s) 12144 L. I., NOa(s) 51034 L. I., NOa(s) 51075 L. I., N156s-27234, N383s-40340, AF 33(038)-14752, AF 33(038)-14753, AF 33(038)-14807, AF 33(038)-15935.
United Aircraft Products, Inc., Dayton, Ohio: N383s-40473, AF 33(038)-14715, AF 33(038)-15094.
United Can Co., Inc., New Village, N. J.: DA-28-017-ord-892, DA-28-017-ord-981, DA-28-017-ord-1061, DA-28-017-ord-1095, DA-28-017-ord-1207.
United Container Co., Philadelphia, Pa.: DA-11-009-qm-1666, DA-11-009-qm-2920, DA-11-009-qm-3401, DA-11-009-qm-3952, N600s-8939.
United Electric Controls Co., Watertown, Mass., N128s-1055, N383s-39564.
United Finish Co., Peabody, Mass., AF 33(038)-17313.
United Helicopters, Inc., Palo Alto, Calif.: NOa(s) 160, NOa(s) 51158 L. I., AF 33(038)-15930.
United Refining Co., Warren, Pa.: ASP 3411.
United Rope & Equipment Co., San Francisco, Calif.: DA-04-197-tc-816.
United Shoe Machinery Corp., Boston, Mass.: N383s-40560.
United Specialties Co., Detroit, Mich.: DA-11-184-eng-6076.
U. S. Electric Manufacturing Corp., New York, N. Y.: DA-36-039-sc-4873, DA-36-039-sc-4699.
U. S. Fiber & Plastics Corp., Sterling, N. J.: AF 33(038)-15470.
United States Hoffman Machinery Corp., New York, N. Y.: DA-33-031-qm-3511, NOrd 11089, N104s-14261, N104s-15281, N104s-16250.
U. S. Industrial Chemicals, Inc., New York, N. Y.: MPA-30-287-md-1758, MPA-30-287-md-1842, MPA-30-287-md-4098, AF 33(038)-15277.
United States Instrument Corp., Summit, N. J.: N104s-15853.
United States Lines Co., New York, N. Y.: DA-30-182-tc-148, DA-30-182-tc-3942.
United States Plywood Corp., New York, N. Y.: DA-29-044-mw-86, DA-29-044-mw-112, DA-35-026-eng-5806, DA-35-026-eng-5960, NOy 21207, W33-038-ac 20621, AF 33(038)-2629.
U. S. Products Corp., Ltd., San Jose, Calif.: DA-11-009-qm-2695, DA-11-009-qm-3409, DA-11-009-qm-3413.
U. S. Propellers, Inc., Pasadena, Calif.: N160s-3088.
United States Radium Corp., New York, N. Y.: DA-04-203-eng-734, DA-11-184-eng-5152.
United States Rubber Co., New York, N. Y.: DA-11-032-eng-638, DA-36-039-sc-15, DA-36-039-sc-4866, MPA-30-287-md-1670, N383s-13715, AF 4(086)-205, AF 33(038)-1-8, AF 33(038)-865, AF 33(038)-887, AF 33(038)-2031, AF 33(038)-2558, AF 33(038)-14728, AF 33(038)-15131, AF 33(038)-15141, AF 33(038)-15876, AF 33(038)-16814, AF 41-(142)-217. Fisk Tire Co. Division: DA-30-069-ord-3054, DA-20-089-ord-3270, DA-20-089-ord-8187. Fuel Cell Division: NOm 58211, N383s-41107, N383s-43533, AF 33(038)-17740. General Products Division: DA-30-280-qm-5541, DA-30-280-qm-7717, DA-30-280-qm-8000, DA-44-009-eng-361, MPA-30-287-md-3267, NObs 53099, NOm 57060. Mechanical Goods Division: NObs 53008, NObs 53166, N383s-37174, DA-28-043-sc-38204, DA-36-039-sc-4022, DA-36-039-sc-4028, DA-36-039-sc-4866. Naugatuck Chemical Division: NOrd 10898, NOrd 10947. Textile Division: N140s-18082, N140s-18218, N140s-18291.
U. S. Safety Service Co., Kansas City, Mo.: DA-11-009-qm-1406.
United States Steel Export Co., New York, N. Y.: DA-30-075-eng-976, N600s-8190.
United States Steel Products Co., New York, N. Y.: DA-11-009-qm-3028.
U. S. Time Corp., Waterbury, Conn.: DA-36-038-ord-1949 L. I.
U. S. Thermo Control Co., Minneapolis, Minn.: NOm 57862.
U. S. Wire & Cable Corp., Newark, N. J.: DA-36-039-sc-4024, DA-36-039-sc-4792.
United Steel & Wire Co., Battle Creek, Mich.: DA-11-184-eng-5677.
United Surgical Supplies Co., New York, N. Y.: DA-30-298-md-2267.
United Transformer Corp., New York, N. Y.: N104s-13598, AF 33(038)-16254.
United Truck Sales Co., Kansas City, Mo.: DA-41-117-ord-452.
Universal Camera Corp., New York, N. Y.: DA-36-038-ord-1284, DA-36-038-ord-2225.
Universal Dishwashing Machinery Co., Nutley, N. J.: N160s-2993.
Universal Engineering Corp., Cedar Rapids, Iowa: N160s-3129, N160s-3275, N160s-3307.
Universal Pad Tablet, Newark, N. J.: DA-30-280-qm-5572.
Universal Recorders, Inc., Hollywood, Calif.: NOm 57309, NOp 527.
Universal Steel Equipment Corp., Long Island City, N. Y.: AF 40(087)-132.
Upjohn Co., The, Kalamazoo, Mich.: MPA-30-287-md-2367, MPA-30-287-md-4030.
Up-Right, Inc., Berkeley, Calif.: AF 33(038)-16288.
Upson-Walton Co., The, Cleveland, Ohio: DA-11-184-eng-4549, DA-36-022-tc-1765.
Utah-Idaho Sugar Co., Salt Lake City, Utah: DA-30-280-qm-4915, DA-30-280-qm-5185, DA-30-280-qm-6679.
Utah Lumber Co., Salt Lake City, Utah: DA-11-184-eng-5294.
Utah Oil Refining Co., Salt Lake City, Utah: ASP 2434.
Utica Knitting Co., Utica, N. Y.: DA-30-280-qm-7167.
Utility Electronics Corp., Newark, N. J.: DA-36-039-sc-4016, DA-36-039-sc-4862, DA-36-039-sc-6610.
Vaco Products Co., Chicago, Ill.: N600s-8646.
Vacu-Blast Co., Inc., San Mateo, Calif.: DA-01-092-ord-67, N104s-13418, N104s-14132, N104s-15774, N220s-57095.
Vacu Dry Co., Oakland, Calif.: DA-04-493-qm-2411, DA-04-493-qm-4459.

Vacuum Tube Products, Oceanside, Calif.: N123s-63278.
Valentine Welder & Manufacturing Co., Detroit, Mich.: NOa(s) 12306.
Valley Paving & Construction Co., Pismo Beach, Calif.: DA-04-353-eng-429 Mod. No. 1.
Valley Plywood Co., Junction City, Oreg.: DA-35-026-eng-6063.
Van Elerck, Joseph, & Son, Freeport, Long Island, N. Y.: N104s-15412.
Van Brode Milling Co., Inc., Clinton, Mass.: DA-04-493-qm-1563, DA-04-493-qm-1564, DA-04-493-qm-2692, N383s-44460.
Van Deinse Lumber Co., Eugene, Oreg.: DA-35-026-eng-3204.
Van Deinse Lumber Sales Co., Prineville, Oreg.: DA-35-026-eng-3142.
Van Packer Corp., Chicago, Ill.: DA-23-037-eW-16.
Van Zelm Associates, Baltimore, Md.: NOa(s) 12244.
Vanant Products, Inc., Tomah, Wis.: N383s-43683 AF 33(038)-15083.
Vancouver Plywood, Vancouver, Wash.: DA-35-026-eng-6055, DA-35-026-eng-6056.
Vanity Fair Mills, Inc., Reading, Pa.: AF 33(038)-15684.
Vansant, G. F., Lexington, Ky. DA-11-184-eng-5110.
Vansant-Dennon Co., Frankfort, Ky.: DA-11-184-eng-4301, DA-11-184-eng-4302.
Vant, I. N., Belmont, Calif.: DA-44-109-qm-298.
Vanta Co., Waltham, Mass.: DA-30-280-qm-7174.
Vapor Heating Corp., Chicago, Ill.: N104s-14901, N383s-38601, N383s-42451.
Varo Manufacturing Co., Inc., Garland, Texas: AF 33(038)-14905.
Vascoloy-Ramet Corp., Waukegan, Ill.: DA-33-144-ord-780.
Vaughan, E. E., San Rafael, Calif.: DA-04-210-md-107, DA-04-210-md-108.
Vaughn, Inc., Waltham, Mass.: AF 33(038)-16860.
Veeder-Root, Inc., Hartford, Conn.: N173s-15727, AF 33(038)-16559.
Vellicol Corp., Chicago, Ill.: DA-44-109-qm-319.
Vendo Co., Kansas City, Mo.: AF 33(038)-14799, AF 33(038)-17886.
Versatile Engineering & Manufacturing Co., Dearborn, Mich.: DA-20-089-ord-4179, DA-20-089-ord-7725.
Vestal Lumber & Manufacturing Co., Knoxville, Tenn.: DA-09-026-eng-5409.
Viaradamp Corp., Los Angeles, Calif.: N123s-64892, N123s-69196.
Vibration Specialty Co., Philadelphia, Pa.: NObs 53161 and L. I.
Vibro Manufacturing Co., Woodside, N. Y.: N126s-11793.
Vickers, Inc., Detroit, Mich.: DA-11-184-eng-5160, DA-28-017-ord-1172, DA-33-056-ord-44, NOa(s) 12195, NOa(s) 51016, NOrd 11038 L. I., N104s-13169, N156s-27229, N156s-27230 L. I., N383s-37682, N383s-39693, N383s-43986, N383s-43197, AF 33(038)-16536, AF 33(038)-16563.
Vickers Electric Division: NObs 53141.
Waterbury Tool Division: NObs 53374, NOrd 10701 Amd. No. 3, NOrd 11017, N104s-14399.
Victaulic Co. of America, New York, N. Y.: DA-11-184-eng-4379.
Victor Animatograph Corp., Davenport, Iowa: AF 33(038)-17582.
Victor Equipment Co., San Francisco, Calif.: N220s-55926, N220s-57664.
Victor Manufacturing & Gasket Co., Chicago, Ill.: DA-20-089-ord-4913.
Victory Apparel Manufacturing Co., Newark, N. J.: N383s-38638.
Victor Products Corp., Hagerstown, Md.: DA-11-184-eng-5380.
Victoreen Instrument Co., Cleveland, Ohio: MPA-30-287-md-2990, NObr 52097, N126s-14514, N173s-15490, N220s-56572, AF 33(038)-17666.
Victory Plastics Co., Hudson, Mass.: DA-19-058-ord-6501, DA-44-109-qm-290.
Viewlex, Inc., Long Island City, N. Y.: N140s-19747.
Viking Instruments, Inc., East Haddam, Conn.: N104s-13753.
Viking Manufacturing Corp., Cleveland, Ohio: N160s-2965.
Viking Pump Co., Cedar Falls, Iowa: DA-36-022-tc-2002, N104s-15297.
Vimalert Co., Ltd., The, Jersey City, N. J.: N140s-18166 L. I.
Vincennes Steel Corp., Vincennes, Ind.: DA-11-184-eng-5349, DA-11-184-eng-6103.
Vinco Corp., Detroit, Mich.: N151s-87069, AF 33(038)-17791.
Vinco Products, Asbury Park, N. J.: N600s-8666.
Virgesen, Joe, Lumber Co., Columbia, S. C.: DA-09-026-eng-6928.
Virginia Tractor Co., Richmond, Va.: DA-44-008-eng-8.
Vitarine Co., Inc., New York, N. Y.: MPA-30-287-md-1537, MPA-30-287-md-1563, MPA-30-287-md-2683.
Vogue Embroidery, Inc., New York, N. Y.: DA-30-280-qm-7904.
Vollrath Co., The, Sheboygan, Wis.: MPA-30-287-md-2936, MPA-30-287-md-3016, MPA-30-287-md-3573.
Vonna Records, Inc., Hollywood, Calif.: NOp 498, NOp 529.
Vortox Co., Claremont, Calif.: DA-20-089-ord-4117.
Vulcan Corp., Portsmouth, Ohio: DA-11-184-eng-4390.
Vulcan-Hart Manufacturing Co., Baltimore, Md.: DA-12-036-qm-1512.
Vulcan Rail & Construction Co., Maspeth, Long Island, N. Y.: DA-11-184-eng-5052.
W. & R. Manufacturing Co., New York, N. Y.: DA-36-039-sc-7340 and L. I.
Waco Aircraft Co., The, Troy, Ohio: AF 33(038)-15011, AF 33(038)-17840.
Waddey & Everett Co., Richmond, Va.: DA-44-073-qm-146.
Wagner Malleable Iron Co., Decatur, Ill.: DA-11-070-ord-1944.
Wagner & Niehaus, San Francisco, Calif.: DA-04-197-tc-17, DA-04-197-tc-277, DA-04-197-tc-3277.
Wagner, Ferd, Co., The, Cincinnati, Ohio: AF 33(038)-13287, AF 33(038)-15879, AF 33(038)-16769.
Wagner Electric Corp., St. Louis, Mo.: DA-11-184-eng-3946, DA-11-184-eng-5807, N52m-25321.
Wahfeld Manufacturing Co., Peoria, Ill.: DA-11-184-eng-3610, DA-11-184-eng-4188, DA-11-184-eng-5174, DA-11-184-eng-5211, DA-23-065-eng-314, DA-23-065-eng-353.
Waldorf Instrument Corp. New York, N. Y.: N140s-17653.
Waldorf Paper Products Co., St. Paul, Minn.: DA-11-009-qm-2357, DA-11-009-qm-3223, DA-13-002-ord-51.
Walker China Co., Bedford, Ohio: DA-11-009-qm-3761.
Walker-Goulard-Plehn Co., Inc., New York, N. Y.: MPA-30-287-md-3275.
Walker, Mark C., & Sons, Santa Ana, Calif.: DA-44-109-qm-285.
Walla Walla Canning Co., Walla Walla, Wash.: DA-04-493-qm-2410.
Wallace Press, The, Chicago, Ill.: DA-33-031-qm-2999.
Wallace Supplies Manufacturing Co., Chicago, Ill.: N600s-9959.
Wallace & Tiernan Co., Inc., Newark, N. J.: DA-11-184-eng-5881, DA-11-184-eng-5967, DA-18-108-cml-233, DA-28-043-sc-39 Mod. No. 1, DA-28-043-sc-202, DA-28-043-sc-216, DA-36-039-sc-4744, MPA-30-287-md-1519, MPA-30-287-md-1895, MPA-30-287-md-1920, MPA-30-287-md-2735, MPA-30-287-md-2965, NOm 57281.
Wallace & Tiernan Products, Inc., Belleville, N. J.: N6nr 25704, N383s-38206.
Walls, L. W., Co., New Castle, Del.: AF 7(019)-7.
Walnut Shade Cannery Co., Luray, Va.: DA-11-009-qm-3227.
Walsh, Ted M., Monterey, Calif.: DA-04-853-eng-474.
Walter, A. S., Socorro, N. Mex.: DA-29-005-eng-368.
Waltham Watch Co., Waltham, Mass.: DA-36-038-ord-1148, DA-36-038-ord-1431, DA-36-038-ord-4260, DA-36-038-ord-4261.
Walway Co., Detroit, Mich.: DA-20-089-ord-4273.
Walworth Co., New York, N. Y.: N383s-39571, N383s-42105, N383s-43823.
Wander Co., The, Chicago, Ill.: DA-11-009-qm-1579.
Wanke Panel Co., Portland, Oreg.: DA-35-026-eng-5962, DA-35-026-eng-5963.
Wapato Evaporating Co., Wapato, Wash.: DA-04-493-qm-2355.
Ward La France Truck Corp., Elmira, N. Y.: DA-20-089-ord-3035, DA-20-089-ord-6090, DA-20-089-ord-6117, DA-20-089-ord-6295.
Ward Leonard Electric Co., Mount Vernon, N. Y.: DA-36-039-sc-1220, DA-36-039-sc-6636, NObs 53088, NObs 53126 and L. I. NObs 59059, NObs 59093, N104s-14149, N104s-14291, N104s-15779, N126s-12198, N383s-38729, N383s-42620.
Wareham, Ralph E., Chappaqua, N. Y.: DA-36-038-ord-1669.
Warner Electric Brake Manufacturing Co., Beloit, Wis.: DA-11-184-eng-5559, DA-11-184-eng-5608, DA-19-066-ord-3092.
Warner Lewis Co., Tulsa, Okla.: DA-04-203-eng-593, N160s-4478.
Warner News, Inc., New York, N. Y.: DA-30-006-sc-3419, DA-30-006-sc-3420, DA-30-006-sc-3422 Mod. No. 1.
Warren-Nicholson Co., Davenport, Iowa: DA-13-002-ord-56.
Warner & Swasey Co., The, Cleveland, Ohio: DA-20-089-ord-4027 and L. I.
Warren, W., Thread Works, Inc., New York, N. Y.: AF 33(038)-16165.
Warren, J. M., Co., Troy, N. Y.: DA-30-144-ord-509.
Warren Steam Pump Co., Inc., Warren, Mass.: N104s-15947 L. I.
Washington Aluminum Co., Inc., Baltimore, Md.: DA-11-184-eng-5352, DA-44-009-eng-195, DA-44-009-eng-328.
Washington Canners Cooperative, Yakima, Wash.: DA-11-009-qm-2323.
Washington Iron Works, Seattle, Wash.: N104s-14114.
Washington Mills Co., Winston-Salem, N. C.: DA-30-280-qm-7168.
Washington Fish & Oyster Co., Inc., Seattle, Wash.: DA-04-493-qm-1908.
Waterbury Cos., Inc., Waterbury, Conn.: DA-28-017-ord-736, DA-28-017-ord-1034, DA-28-017-ord-1219.
Waterhouse Co., Webster, Mass.: DA-30-144-ord-654.
Waterman Engineering Co., Evanston, Ill.: N383s-43337.
Waterman Products Co., Inc., Philadelphia, Pa.: NOa(s) 12292, N383s-36448.
Waterman Steamship Corp., New York, N. Y.: DA-16-048-tc-645.
Waterous Co., St. Paul, Minn.: N104s-13102, N104s-15361, N104s-15500, N104s-15807.
Watervliet Tool Co., Inc., Albany, N. Y.: DA-30-144-ord-731.
Watson Automotive Equipment Co., Washington, D. C.: DA-49-074-tc-110.
Watson Elevator Co., Inc., New York, N. Y.: N9nr 90803.
Watts, J. G., Construction Co., Seattle, Wash.: DA-45-108-eng-608.
Waukesha Motor Co., Waukesha, Wis.: DA-11-184-eng-5804, DA-30-280-qm-5162, N383s-38445 L. I.
Wayne Aluminum Foundry & Machinery Co., Wayne, Mich.: DA-20-089-ord-3011, DA 20-089-ord-4201, DA-20-089-ord-4529.
Wayne County Produce Co., Brooklyn, N. Y.: DA-11-009-qm-1266.
Wayne Manufacturing Company, Los Angeles, Calif.: DA-11-184-eng-5965.
Weatherhead Co., The, Cleveland, Ohio: DA-11-184-eng-5714, DA-20-089-ord-4208, AF 33(038)-15759.

Weaver Lumber Co., Jackson, Miss.: DA-09-026-eng-7422.

Webb, Elisha, & Son Co., Philadelphia, Pa.: N151s-87019.

Weber Dental Manufacturing Co., The, Canton, Ohio: DA-23-075-md-398, MPA-30-287-md-2891, MPA-30-287-md-3211.

Weber Show Case & Fixture Co., Los Angeles, Calif.: N160s-2732, N380s-43002, AF 33(038)-14285, AF 33(038)-15682.

Webster-Chicago Corps., Chicago, Ill.: AF 33(038)-15485, AF 33(038)-17723.

Webster, G. L., Co., Inc., Cheriton, Va.: DA-11-009-qm-2293, DA-11-009-qm-3500, DA-11-009-qm-3835.

Week, Edward & Co., Inc., New York, N. Y.: MPA-30-287-md-1585, MPA-30-287-md-1978, MPA-30-287-md-2733, MPA-30-287-md-2809, MPA-30-287-md-2937, MPA-30-287-md-3248, MPA-30-287-md-3700.

Weeks-Howe-Emerson Co., San Francisco, Calif.: DA-04-197-tc-700, DA-04-197-tc-754, DA-04-197-tc-820, DA-04-197-tc-842.

Weezel Bait Co., Cincinnati, Ohio: AF 33(038)-15829.

Wehr Steel Co., Milwaukee, Wis.: DA-11-070-ord-1922, DA-11-070-crd-3526, DA-20-089-ord-4860.

Weidenhoff, Joseph, Inc., Chicago, Ill.: DA-20-089-ord-2943.

Weidner Lumber Co., Klamath Falls, Oreg.: DA-35-026-eng-5909.

Weil, J. H., & Co., Philadelphia, Pa.: DA-18-108-cml-1141, DA-30-075-eng-1148.

Weinberg Bros. Co., Pease, Minn.: DA-11-009-qm-1588, DA-11-009-qm-1664.

Weirton Steel Co., Weirton, W. Va.: DA-11-184-eng-5659.

Welch, W. M., Manufacturing Co., Chicago, Ill.: N104s-13571.

Weldert Canning Co., Tyler, Tex.: DA-04-197-tc-245.

Weldon Tool Co., The, Cleveland, Ohio.: DA-30-144-ord-501, AF 33(038)-15785, AF 33(038)-16648.

Welles, Carder, Associates, Ltd., San Francisco, Calif.: N220s-55783, N220s-56421.

Wellington Sears Co., New York, N. Y.: N140s-17876, N140s-17977, N140s-17898, N140s-18099, N140s-18120.

Wellman Peck & Co., San Francisco, Calif.: N220s-55820, N220s-58314.

Wells, J. W., Lumber Co., Montgomery, Ala.: DA-09-026-eng-5153, DA-09-026-eng-5202, DA-09-026-eng-5362, DA-09-026-eng-5468, DA-09-026-eng-5469, DA-09-026-eng-5470, DA-09-026-eng-5473, DA-09-026-eng-5474.

Wells-Oates Lumber Co., New Bern, N. C.: DA-09-026-eng-2648, DA-09-026-eng-3300, DA-09-026-eng-3301, DA-09-026-eng-3302, DA-09-026-eng-4324, DA-09-026-eng-4473, DA-09-026-eng-5171, DA-09-026-eng-5326, DA-09-026-eng-6420.

Welsh & Associates, Washington, D. C.: DA-44-006-mi-34.

Welsh Manufacturing Co., Providence, R. I.: N600s-8566.

Wenatchee Foods Co., Wenatchee, Wash.: DA-11-009-qm-3513.

Wendel, Rudolf, Inc., New York, N. Y.: DA-30-069-ord-60, DA-30-069-crd-5402.

Wepco-Equipment Co., Cleveland, Ohio: DA-33-062-eng-31.

Vermuth, Inc., Fort Wayne, Ind.: DA-12-091-eng-14.

Werner Stermund, Inc., New York, N. Y.: NOm 58235 L. I.

Weschler, Maurice E., Washington, D. C.: NOw 21986.

Wesson Oil & Snowdrift Co., Inc., New Orleans, La.: DA-11-009-qm-1217.

West Coast Terminals, Inc., San Francisco, Calif.: DA-04-197-tc-52, DA-04-197-tc-56, DA-04-197-tc-57, DA-04-197-tc-177, DA-04-197-tc-234, DA-04-197-tc-238, DA-04-197-tc-245, DA-04-197-tc-254, DA-04-197-tc-255, DA-04-197-tc-258, DA-04-197-tc-259, DA-04-197-tc-260, DA-04-197-tc-261, DA-04-197-tc-263, DA-04-197-tc-265, DA-04-197-tc-266, DA-04-197-tc-268, DA-04-197-tc-275, DA-04-197-tc-276, DA-04-197-tc-284, DA-04-197-tc-285, DA-04-197-tc-288, DA-04-197-tc-305, DA-04-197-tc-361, DA-04-197-tc-473, DA-04-197-tc-480, DA-04-197-tc-508, DA-04-197-tc-512, DA-04-197-tc-520, DA-04-197-tc-539, DA-04-197-tc-545, DA-04-197-tc-553, DA-04-197-tc-554, DA-04-197-tc-572, DA-04-197-tc-573, DA-04-197-tc-577, DA-04-197-tc-584.

West Coast Wood Preserving Co., Seattle, Wash.: DA-45-108-eng-510.

West Coast Plumbing & Heating, Los Angeles, Calif.: DA-04-353-eng-496.

West Disinfecting Co., Long Island City, N. Y.: DA-41-117-ord-580.

West, Lowell O., Lumber Sales, Sacramento, Calif.: AF 33(033)-15531.

West Oil Terminals, Los Angeles, Calif.: DA-44-109-qm-300.

West Tire Setter Co., The, Rochester, N. Y.: DA-30-121-ord-13, DA-33-155-ord-172.

West Virginia Pulp & Paper Co., New York, N. Y.: DA-30-280-qm-8392.

West Winds, Inc., San Francisco, Calif.: DA-04-197-tc-2861.

Westcraft Manufacturing Co., Burbank, Calif.: N160s-3012.

Western Boat Building Co., Tacoma, Wash.: DA-45-045-tc-139, DA-45-045-tc-166.

Western Can Co., San Francisco, Calif.: N220s-57161.

Western Crate & Lumber Co., Ogden, Utah: DA-18-108-cml-995.

Western Electric Co., Inc., New York, N. Y.: DA-30-069-ord-3182, DA-36-039-sc-713, DA-36-039-sc-893, DA-36-039-sc-894, DA-36-039-sc-1385, DA-36-039-sc-4682, DA-36-039-sc-4683, DA-36-039-sc-4684, DA-36-039-sc-4685, DA-36-039-sc-6716, DA-36-039-sc-7009, DA-36-039-sc-7102, DA-36-039-sc-7349, DA-36-039-sc-7971, DA-36-039-sc-8413, DA-36-039-sc-8490, DA-36-039-sc-9633, DA-49-170-sc-67, DA-49-170-sc-129, NOa(s) 11090, NOa(s) 12161 L. I., NObr 49277, NOm 57396, NOrd 10936, NOrd 11072 L. I., N123s-67372, N126s-7022, N126s-7811, N126s-7893, N126s-7992, N126s-8266, N126s-8550, N126s-10462, N126s-13513, N126s-13888, N126s-13993, N126s-13895, N126s-14015, N126s-14670, N126s-14838, N126s-15058, N126s-15064, N126s-15521, N126s-15534, N126s-15686, N140s-17792, N140s-17938, N140s-18760, N163s-602, N163s-709, N173s-15826, N173s-15827, N421s-1506, W33-038 ac 15018, W33-038 ac 21292, AF 33(038)-2242 S. A. No. 2, AF 33(038)-14798, AF 33(038)-14983, AF 33(038)-15424, AF 33(038)-15536, AF 33(038)-15613, AF 33(038)-15722, AF 33(038)-15861, AF 33(038)-16053, AF 33(038)-16143, AF 33(038)-16148, AF 33(038)-16537, AF 33(038)-16621, AF 33(038)-16646, AF 33(038)-17137, AF 33(038)-17184, AF 33(038)-17189, AF 33(038)-17482, AF 33(038)-17671, AF 33(038)-17678, AF 33(038)-18058.

Western Electrochemical Co., Culver City, Calif.: DA-36-039-sc-716.

Western Fire Equipment Co., San Francisco, Calif.: DA-04-203-eng-870.

Western Food Products Co., Hutchinson, Kans.: DA-11-184-eng-5449.

Western Gear Works, Seattle, Wash.: NOrd 10879, N383s-37694, N383s-44650, AF 33(038)-16359.

Western Lumber Co. of San Diego, San Diego, Calif.: N52m 25253, N52m 25307, N123s-68193.

Western Machinery Corp., Portland, Oreg.: N104s-14637 and L. I.

Western Paper Products Co., Salt Lake City, Utah: DA-11-009-qm-1722.

Western Products, Inc., Newark, Ohio: AF 33(038)-15596.

Western Wood Products Co., Inc., Houston, Tex.: N600s-8569.

Westerville Creamery, Covington, Ohio: DA-11-009-qm-1587, DA-11-009-qm-2555.

Westhold Manufacturing, Inc., Wichita, Kans.: AF 33(038)-15006.

Westinghouse Air Brake, Wilmerding, Pa.: DA-36-022-tc-3212, DA-36-022-tc-3305, DA-36-022-tc-3472, DA-36-022-tc-3543.

Westinghouse Electric Corp., Pittsburgh, Pa.: DA-01-021-ord-833, DA-01-021-ord-1216, DA-04-210-md-119, DA-11-070-ord-1616, DA-11-184-eng-4071, DA-11-184-eng-4424, DA-11-184-eng-5643, DA-11-184-eng-5765, DA-11-184-eng-6075, DA-30-075-eng-1104, DA-30-144-ord-541, DA-36-039-sc-6702, DA-36-039-sc-7300, DA-36-039-sc-8600, DA-36-039-sc-8782, DA-45-108-eng-660, MPA-30-287-md-1608, MPA-30-287-md-2010, MPA-30-287-md-4704, NOa(s) 9670 Amd. No. 6, NOa(s) 12001, NOa(s) 12068 NOa(s) 12123, NOa(s) 12131, NOa(s) 12186 N421s-1504, NObs 50692, NObs 53178, NObs 53182, NObs 53290, NObs 59125, NObs 59740 and L. I., NObs 59152, N102s-52763, N102s-53050 L. I., N104s-13087, N104s-13272 and L. I. N104s-13384 L. I., N104s-14534 and L. I., N104s-14787 and L. I., N104s-14795 and L. I., N104s-15319, N104s-15677, N104s-15800 N104s-16191, N126s-7563, N126s-7926, N126s-8153, N126s-8332, N126s-9525, N126s-11126 N126s-12518, N126s-13114, N126s-13737 N126s-14129, N126s-14501, N126s-14600 N126s-14839, N126s-15054, N156s-2747 N173s-16253, N383s-31269 Amd. No. 2, N383s-35336, N333s-36700, N383s-38352, N383s-42073 W33-038 ac 20103 S. A. No. 5, AF 4(171)-536, AF 33(038)-14815, AF 33(038)-14836, AF 33(038)-14897, AF 33(038)-15299, AF 33(038)-15583, AF 33(038)-15805, AF 33(038)-16256 AF 33(038)-16279, AF 33(038)-16551, AF 33(038)-16806, AF 33(038)-17196.

Westinghouse Electric Supply Co., New York, N. Y.: AF 5(018)-81, AF 33(038)-16795 AF 33(038)-17050.

Weston Biscuit Co., Passaic, N. J.: DA-04-493-qm-1453, DA-04-493-qm-2707.

Weston Electrical Instrument Corp., Newark, N. J.: DA-44-009-eng-342, MPA-30-287-md-2325, N140s-13847, N126s-11766, N126s-12923, N383s-36561, N383s-38144, AF 33(038)-14853, AF 33(038)-14865, AF 33(038)-14936 AF 33(038)-15727, AF 33(038)-15955, AF 33(038)-16695.

Westrex Corp., New York, N. Y.: DA-36-039-sc-3268.

Wexler Paper Products Co., Minneapolis, Minn.: DA-11-109-qm-3519.

Weyerhaeuser Sales Co., St. Paul, Minn: DA-35-026-eng-5574, DA-35-026-eng-5854 DA-35-026-eng-6006, DA-35-026-eng-6150 DA-35-026-eng-6106.

Wheatley Pump Valve, Tulsa, Okla.: DA-11-184-eng-4174.

Wheaton Brass Works, Newark, N. J.: AF 14(052)-52.

Wheeler, C. H., Manufacturing Co., Philadelphia, Pa.: NObs 53146 L. I., N104s-14501 N140s-18802 L. I.

Wheeling Corrugating Co., Wheeling W Va.: DA-11-009-qm-2597, DA-11-009-qm-3248, N600s-9523.

Wheeling Steel Corp., Wheeling, W. Va N600s-8184, N600s-9914.

Wheland Co., The, Chattanooga, Tenn: N189s-76884.

Whipple Co., The, Natick, Mass.: DA-11-009-qm-1823.

Whirlwind, Inc., Milwaukee, Wis.: DA-11-184-eng-4522, DA-11-184-eng-4490.

Whitaker Co., Prescott, Ark.: DA-09-026-eng-4429.

White, David, Co., Milwaukee, Wis.: DA-11-184-eng-3618, DA-36-039-sc-9328, N104s-14986, N140s-15604.

White, Harrison G., Springfield, Mass.: DA-19-058-ord-1678.

White, S. S., Dental Manufacturing Co., The, Philadelphia, Pa.: MPA-30-287-md-1948, MPA-30-287-md-2394, MPA-30-287-md-2426, MPA-30-287-md-2624, MPA-30-287-md-2859, MPA-30-287-md-3720.

White Development Corp., Stamford, Conn.: AF 33(038)-17505.

White Embroidery, Inc., New York, N. Y.: DA-30-280-qm-5950, DA-30-280-qm-7965

White, C. E., Lumber, Wilmington, N. C.: DA-09-026-eng-4268, DA-09-026-eng-4269, DA-09-026-eng-4285, DA-09-026-eng-4288

Whitehall Cement Manufacturing Co., Philadelphia, Pa.: DA-30-075-eng-984.

Whitehall Pharmacal Co., New York, N. Y.: MPA-30-287-md-1841.

White Motor Co., The, Cleveland, Ohio: DA-11-184-eng-5747, DA-11-184-eng-6344.

White Tuning Corp., New York, N. Y.: N126s-14128.

White-Washburne Co., The, Hinsdale, N. H.: DA-30-280-qm-8104.

Whitehead & Co., Los Angeles, Calif.: DA-36-039-sc-9224.

Whitesville Construction Co., Whitesville, Ky.: DA-15-034-aII-45.

Whiting Bros., Holbrook, Ariz.: DA-09-026-eng-5227, DA-09-026-eng-7661, DA-09-026-eng-7662, DA-09-026-eng-7664, DA-09-026-eng-7683.

Whiting, Wm. H. & Co., Baltimore, Md.: DA-36-022-tc-1753, DA-36-022-tc-1780.

Whitley Lumber Co., Rocky Mount, N. C.: DA-09-026-eng-4276.

Whitman, N. D., Jr., Pasadena, Calif.: N123s-69907.

Whitney Blake Co., The, New Haven, Conn.: DA-36-039-sc-4017, DA-11-184-eng-4557.

Whitney & Co., Seattle, Wash.: DA-04-493-qm-1918, DA-04-493-qm-1919.

Whitney-Hanson Industries, Inc., The, Hartford, Conn.—Hanson Whitney Machine Co. Division: DA-19-058-ord-1431.

Whittaker, Wm. R., Co., Ltd., Los Angeles, Calif.: N383s-39603, N383s-40975, AF 33(038)-14739. Naval Division: N383s-40035, N383s-42753, N383s-42969, AF 33(038)-14813, AF 33(038)-15171, AF 33(038)-15534, AF 33(038)-16146, AF 33(038)-16447.

Whittelsey, H., Newton, Inc., New York, N. Y.: NObs 5223 L. I., N140s-18170.

Whiz Fish Products Co., Seattle, Wash.: DA-04-493-qm-1916.

Wholesale Building Supply Co., Oakland, Calif.: DA-04-203-eng-1140.

Wiancko Engineering Co., Altadena, Calif.: NObs 53285.

Wickes Engineering & Construction Co., Camden, N. J.: AF 33(038)-18121.

Wickland Manufacturing Co., Pasadena, Calif.: AF 33(038)-14703, AF 33(038)-15125.

Wickwire Bros., Inc., Cortland, N. Y.: DA-11-184-eng-6013.

Wiedmann Machine Co., Philadelphia, Pa.: DA-49-170-sc-106 L. I.

Wigwag Manufacturing Co., Chicago, Ill.: N383s-39528.

Wilbur & Son, San Francisco, Calif.: N52m 25277, N383s-38637.

Wilbur & Williams Co., Boston, Mass.: N189s-76171.

Wilcox Grittenden & Co., Inc., Middletown, Conn.: DA-36-022-tc-1707, N123s-68131, N383s-40037, N383s-42926.

Wild, Henry, Surveying Instruments Supply Co. of America, Inc., Brooklyn, N. Y.: DA-11-184-eng-5344, DA-18-001-ord-655, AF 33(038)-15089.

Wilding Picture Productions, Inc., Chicago, Ill.: NObr 11600.

Wilcox Electric Co., Inc., Kansas City, Mo.: AF 33(038)-17309.

Wiley, Lloyd, Canning, Crane, Mo.: DA-04-493-qm-2301.

Wilkins Precision Instrument, Washington, D. C.: N173s-16015.

Willard Storage Battery Co., Cleveland, Ohio: DA-11-184-eng-3606, DA-11-184-eng-3822, DA-11-184-eng-4116, DA-11-184-eng-4762, DA-11-184-eng-4944, DA-11-184-eng-5209, AF 33(038)-17185.

Willcox, Dale E., Ostrander, Ohio: DA-33-062-eng-64.

Williams, H. I., Brooklyn, N. Y.: N140s-16819.

Williams, Brown & Earle, Inc., Philadelphia, Pa.: AF 33(038)-16059, AF 33(038)-17[illegible].

Williams, C. K., & Co., Easton, Pa.: N383s-42[illegible], N383s-41448.

Williams, J. H., & Co., Buffalo, N. Y.: DA-[illegible]-ord 266.

Williams, Dimond & Co., Portland, Oreg.: DA-[illegible]-5-tc-150.

Williams & McKelthan Lumber Co., Lynchburg, Va.: DA-09-026-eng-3391, DA-09-026-eng-5031, DA-09-026-eng-5216, DA-09-026-eng-5384, DA-09-026-eng-6469, DA-09-026-eng-6470, DA-09-026-eng-6471, DA-09-026-eng-6906, DA-09-026-eng-6929.

Williams Sales Co., High Point, N. C.: DA-09-026-eng-5038, DA-09-026-eng-5493, DA-09-026-eng-6672, DA-09-026-eng-7588.

Williams & Wells, Co., The, New York, N. Y.: DA-36-022-tc-1696.

Willis & Geiger, Inc., New York, N. Y.: N383s-40920 L. I.

Willis Lumber Co., Princeton, La.: DA-09-026-eng-7117.

Willow Run Rubber, Belleville, Mich.: DA-20-089-ord-4852.

Willys-Overland Motors, Inc., Toledo, Ohio: DA-20-089-ord-4428, DA-20-089-ord-4601, DA-20-089-ord-8707.

Wilson, Thomas C., Inc., Long Island City, N. Y.: N104s-13908, N383s-40323.

Wilson & Co., Inc., Chicago, Ill.: DA-11-009-qm-1216, DA-11-009-qm-1257, DA-11-009-1902, DA-11-009-qm-2325, DA-11-009-qm-3515.

Wilson, W. S. Corp., New York, N. Y.: DA-30-075-eng-1066.

Winne, Frank W., & Son, Inc., Philadelphia, Pa.: N140s-18169.

Winner Manufacturing Co., Inc., Trenton, N. J.: DA-44-009-eng-332.

Winslow Company, Inc., The, Newark, N. J.: N383s-43252.

Winston, H. R., & Associates, Richmond, Ind.: N128s-1174.

Winston Bros. Co., et al., Minneapolis, Minn.: NOy 23197.

Winter Park Laboratory, Winter Park, Colo.: DA-05-021-cml-104.

Winthrop-Stearns, Inc., New York, N. Y.: MPA-30-287-md-1472, MPA-30-287-md-1498, MPA-30-287-md-1505, MPA-30-287-md-1517, MPA-30-287-md-1547, MPA-30-287-md-1628, MPA-30-287-md-4072, MPA-30-287-md-4101, MPA-30-287-md-4387, MPA-30-287-md-4468, MPA-30-287-md-4632.

Winton Lumber Sales Co., Martell, Calif.: DA-35-026-eng-6040.

Winzen Research, Inc., South St. Paul, Minn.: NOa(s) 12003.

Wirt & Knox Manufacturing Co., Philadelphia, Pa.: N383s-39990.

Wisconsin Dried Egg Co., Oconto, Wis.: DA-11-009-qm-2031.

Wisconsin Motor Corp., Milwaukee, Wis.: AF 33(038)-17103, AF 33(038)-17435.

Wiss, J., & Sons Co., Newark, N. J.: N600s-8600.

Wittek Manufacturing Co., Chicago, Ill.: DA-20-089-ord-4888, AF 33(038)-211.

Witte-O Flying, Inc., Tacoma, Wash.: AF 45(011)-59.

Wolf, F. E., Co., Philadelphia, Pa.: N383s-42453.

Wolf X-ray Products, Inc., New York, N. Y.: MPA-30-287-md-3264, MPA-30-287-md-3744.

Wollensak Optical Co., Rochester, N. Y.: DA-36-038-ord-1912.

Wood Canning Co., Stockton, Calif.: DA-11-009-qm-2326, DA-11-009-qm-2705.

Wood, Charles N., Co., Watertown, Mass.: AF 19(032)-272.

Wood, Gar, Industries, Inc., Wayne, Mich.: DA-11-184-eng-3916, DA-11-184-eng-4589, DA-11-184-eng-4762, DA-11-184-eng-4944, DA-11-184-eng-5209, AF 33(038)-17185.

Wood Lumber Co., Birmingham, Ala.: DA-09-026-eng-3311, DA-09-026-eng-3313, DA-09-026-eng-3342, DA-09-026-eng-3472, DA-09-026-eng-4458, DA-09-026-eng-4469, DA-09-026-eng-4479, DA-09-026-eng-4560, DA-09-026-eng-5023, DA-09-026-eng-5158, DA-09-026-eng-5179, DA-09-026-eng-5338, DA-09-026-eng-5376, DA-09-026-eng-5439, DA-09-026-eng-6874, DA-09-026-eng-6881, DA-09-026-eng-7141, DA-09-026-eng-7210, DA-09-026-eng-7213, DA-09-026-eng-7241.

Wood Nesbitt Inc., Detroit, Mich.: DA-33-031-eng-21751.

Wood Products Co., Tillamook, Oreg.: DA-35-026-eng-6042.

Wood Shovel & Tool Co., Piqua, Ohio: N600s-9613.

Wood, H. A., Welding Machine Co., Paso Robles, Calif.: DA-04-203-eng-630, DA-04-203-eng-631.

Woodhouse Chain Works, Trenton, N. J.: N383s-41631.

Woodruff, S. H., Co., Los Angeles, Calif.: NOy 23107, NOy 23108.

Woodside Screw Machine Co., Inc., Woodside, N. Y.: DA-36-038-ord-1409.

Woodward Governor Co., Rockford, Ill.: N104s-13622, N104s-14641, N104s-15705, N298s-4864, N383s-41340.

Woodward Wight Co., Ltd., New Orleans, La.: AF 22(002)-125.

Worcester, Thomas, Inc., Boston, Mass.: NOy 23039.

Worley & Co., Pico, Calif.: N220s-57322.

Wortex Mills, Inc., Philadelphia, Pa.: N140s-18292.

Worthington Mower Co., Stroudsburg, Pa.: DA-11-184-eng-5640, N106s-2669.

Worthington Pump & Machinery Corp., Harrison, N. J.: DA-11-184-eng-5145, DA-11-184-eng-5416, DA-11-184-eng-5458, NObs 53071, N104s-13007, N104s-14951, N104s-15922 L. I., N406s-27076, N406s-27082.

Wrap-Ade Machine Co., Inc., Belleville, N. J.: DA-28-017-ord-1054.

Wright, Howard S., & Co., Inc., Seattle, Wash.: DA-45-108-eng-266 Mod. No. 2.

Wright Garment Co., Bowman, Ga.: DA-30-280-qm-7182, DA-30-280-qm-7371.

Wright, G. F., Steels Wire Co., Worcester, Mass.: DA-11-184-eng-5398, DA-11-184-eng-6064.

Wright Tool & Forge Co., Barberton, Ohio: N600s-8610, N600s-9017.

Wyatt, J. E., Petroleum Marketer, Kansas City, Mo.: ASP 2790 C. O. No. 4 and C. O. No. 5.

Wyandotte Chemicals Corp., Wyandotte, Mich.: N140s-18201, N140s-18513.

Wycoff Steel Co., Pittsburgh, Pa.: DA-30-144-ord-699, DA-30-144-ord-739, N600s-8167, N600s-8823, N600s-9137.

Wyeth, Inc., Philadelphia, Pa.: MPA-30-287-md-1956, MPA-30-287-md-3261.

Wyman-Gordon Co., Worcester, Mass.: DA-11-070-ord-2441.

Xzit Chemical Co., Hoboken, N. J.: N383s-37815.

Yakima Packing Co., Yakima, Wash.: DA-11-009-qm-2634, DA-11-009-qm-4071.

Yale Rubber Manufacturing Co., Detroit, Mich.: DA-20-089-ord-4296, DA-20-089-ord-4817.

Yale & Towne Manufacturing Co., New York, N. Y.—Philadelphia Division: DA-11-184-eng-5407, DA-12-036-qm-1635, AF 33(038)-16766.

Yankee Oil Co., Omaha, Nebr.: ASP 2471.

Yardney Electric Corp., New York, N. Y.: DA-28-043-sc-6019, NOa(s) 12032.

Yarnall-Waring Co., Philadelphia, Pa.: N104s-13448, N104s-14379, N123s-70258.

Yates-American Machine Co., Beloit, Wis.: DA-11-184-eng-3931.

Yates Lumber Co., Marshall, Tex.: DA-09-026-eng-7137.

Yellow Pine Lumber Co., Chipley, Fla.: DA-09-026-eng-5134, DA-09-026-eng-5373.

Yoh, H. L., Co., Philadelphia, Pa.: DA-18-108-cml-1077, DA-36-038-ord-37, DA-36-038-ord-233, DA-36-038-ord-687, DA-36-038-ord-2216, DA-44-109-qm-270, N600s-8132 and L. I.

York Band Instrument Co., Grand Rapids, Mich.: AF 33(038)-15063.

York Corp., York, Pa.: DA-36-022-tc-2767, N104s-14284, N151s-86948, N160s-2889, N160s-2938, N160s-3334, AF 8(094)-344, AF 33(038)-17795.

York Electric & Machine Co., York, Pa.: DA-11-070-ord-1765, DA-20-089-ord-1479, DA-20-089-ord-1924, DA-20-089-ord-4894, N104s-14118, N104s-15927.

York-Shipley, Inc., York, Pa.: DA-11-184-eng-5582.

Yosemite Chemical Co., San Francisco, Calif.: N220s-56090.

Yosemite Park & Curry Co., Yosemite National Park, Calif.: N220s-56002.

Young & Richardson, Seattle, Wash.: DA-45-108-eng-654, DA-05-507-eng-111.

Young, Richard E., Rockville Centre, N. Y.: AF 33(038)-15104.

Young Radiator Co., Racine, Wis.: DA-11-184-eng-5156, DA-11-184-eng-5157, DA-11-184-eng-5725.

Young, L. A., Spring & Wire Corp., Detroit, Mich.: DA-20-018-ord-236 S. A. No. 1.

Youngstown Sheet & Tube Co., Youngstown, Ohio: DA-20-089-ord-5109, DA-20-089-ord-5111.

Zellerbach Paper Co., San Francisco, Calif.: DA-04-203-eng-571, DA-04-203-eng-1935, DA-04-203-eng-2590.

Zenith Grainer & Lithographing Equipment Corp., Long Island City, N. Y.: DA-11-184-eng-5368.

Ziegler Steel Service Co., Los Angeles, Calif.: AF 4(171)-141.

[F. R. Doc. 51-4784; Filed, May 10, 1951; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2631]

BUREAU OF MINES

DELEGATION OF AUTHORITY WITH RESPECT TO NEGOTIATION OF PURCHASES AND CONTRACTS NECESSARY FOR PRODUCTION AND DISTRIBUTION OF HELIUM GAS

SECTION 1. *Authority delegated.* On March 27, 1951, the Acting Administrator of General Services delegated to the Secretary of the Interior, to the extent necessary to carry out the Secretary's responsibilities for the production and distribution of helium gas, authority to make purchases and contracts for supplies and services under Title III of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C., 1946 ed., Sup. III, secs. 251-260), and without advertising in accordance with the provisions and requirements of subsections (1), (2), (3), (4), (9), (10), (12), (13), and (14) of section 302 (c) of the act. The authority thus delegated to the Secretary is hereby delegated to the following officials of the Bureau of Mines to be exercised in accordance with the provisions of this order:

Director.
Chief, Administrative Division,
Regional Director, Region VI.

SEC. 2. *Negotiation of contracts.* The officials designated in section 1 are authorized to make negotiated purchases and contracts necessary for the production and distribution of helium gas pursuant to the provisions of Title III of the aforesaid act, provided that there has first been a determination, as specified in sections 3 and 4 of this order, that the facts are such as to bring the purchase or contract involved within the provisions of the aforementioned subsections of section 302 (c) of the act.

SEC. 3. *Determinations by officials of the Bureau of Mines.* The officials of the Bureau of Mines designated in section 1 of this order are authorized:

(a) To determine that the facts are such as to bring the purchase or contract involved within the provisions of subsections (1), (2), (3), (4), (9), (13), and (14) of section 302 (c) of the act.

(b) To determine, with respect to contracts which will not require the expenditure of more than $25,000, that the facts are such as to bring the purchase or contract involved within the provisions of subsection (10) of section 302 (c) of the act.

SEC. 4. *Determinations by Secretary.* Determinations as to whether the facts are such as to bring the purchase or contract involved within the provisions of subsection (10) of section 302 (c) of the act, if the purchase or contract is over $25,000, or within the provisions of subsection (12) of section 302 (c) of the act, will be made by the Secretary. Such purchases or contracts shall not be negotiated or approved until after the requisite determinations have been made by the Secretary.

SEC. 5. *Approval and legal review.* The approval and legal review of contracts negotiated under this order shall be in accordance with instructions of the Director, Bureau of Mines.

SEC. 6. *Compliance with act.* The authority hereby delegated shall be exercised strictly in accordance with the Federal Property and Administrative Services Act of 1949, as amended, and particularly section 307, which requires written findings in certain instances, preservation of data, and reports to the General Accounting Office.

(Sec. 307, 63 Stat. 396; 41 U. S. C. 1946 ed., Sup. III, sec. 257)

OSCAR L. CHAPMAN,
Secretary of the Interior.

MAY 4, 1951.

[F. R. Doc. 51-5446; Filed, May 10, 1951; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2618]

UNITED GAS CORP. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 7th day of May A. D. 1951.

In the matter of United Gas Corporation, United Gas Pipe Line Company, Union Producing Company; File No. 70-2618.

Notice is hereby given that an application-declaration has been filed pursuant to the Public Utility Holding Company Act of 1935 by United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, and United's subsidiaries, United Gas Pipe Line Company ("Pipe Line"), and Union Producing Company ("Union"), pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7, 9 (a) (1), 10, and 12 thereof with respect to the following proposed transactions:

As of December 31, 1950, United had outstanding $130,994,000 aggregate principal amount of First Mortgage and Collateral Trust Bonds, 1967 and 1970 series, issued under a Mortgage and Deed of Trust dated October 1, 1944, as supplemented. United owns all of the outstanding securities of Pipe Line and Union, which securities are pledged under the Mortgage and Deed of Trust, and include $48,127,000 of Pipe Line's 4 percent First Mortgage Bonds, due 1962, and $34,000,000 of Union's 6 percent Debentures due 1952.

United and Pipe Line propose to enter into an agreement under which Pipe Line will issue to United $48,127,000 principal amount of First Mortgage Bonds, 4 percent Series, due 1971, in exchange for and discharge of a like principal amount of Pipe Line's outstanding First Mortgage Bonds, 4 percent Series due 1962. The 1971 Bonds of Pipe Line will be deposited with the corporate trustee under United's Mortgage and Deed of Trust, and the 1962 Bonds of Pipe Line will be canceled and discharged.

United and Union propose to enter into an agreement under which the maturity of $34,000,000 principal amount of Union's 6 percent debentures due March 1, 1952, will be extended to March 1, 1974. Such extension will be effected by authorizing and directing the corporate trustee to approximately stamp the 6 percent debentures due March 1, 1952.

The application-declaration states that the purpose of the proposed transaction is to bring the maturities of United's subsidiaries' indebtedness into line with the maturities of United's bonds now outstanding as well as those which United contemplates issuing to finance the system's construction and expansion program.

Notice is further given that any interested person may, not later than May 22, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact and law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 5:30 p. m., e. d. s. t., on May 22, 1951, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application-declaration which is on file in the office of this Commission, for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 51-5451; Filed, May 10, 1951; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17686]

THEODOR BAUER

In re: Bonds owned by Theodor Bauer, F-28-31252.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 8389, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theodor Bauer, whose last known address is Stuttgart, Sillenbuch, Friedrich Zundelstr. 23, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) Southern Pacific Company 4 percent Gold Coupon Bonds, due 1949, of $1,000.00 face value each, bearing the numbers 1619, 13587 and 19309, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the said bonds,

b. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) Central Pacific Railway Company 4 percent First Refunding Mortgage gold coupons bonds, due 1949, of $1,000.00 face value each, bearing the numbers 26382, 34274 and 77739, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the said bonds,

c. Those certain debts or other obligations, matured or unmatured, evidenced by two (2) The Kansas City Southern Railway Company 3 percent First Mortgage Bonds, of $1,000.00 face value each, bearing the numbers 22334 and 22335, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the said bonds,

d. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) Northern Pacific Railway Company 4 percent Prior Lien bonds, of $1,000.00 face value each, bearing the numbers 5468, 61059 and 89945, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the said bonds,

e. That certain debt or other obligations, matured or unmatured, evidenced by one (1) Illinois Central Railroad 4 percent bond due 4-1-52 of $1,000.00 face value, bearing the number 9265, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation together with any and all rights in, to and under the said bond,

f. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) Union Pacific Railroad Company 4 percent First Mortgage Railroad & Land Grant bonds, of $1,000.00 face value each, bearing the numbers M43459, M44782 and M81026, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the said bonds,

g. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) Norfolk and Western Railway Company First Consolidated Mortgage Bonds, bearing the numbers D4542 and D4543 of $500.00 face value each and 21419 of $1,000.00 face value, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the said bonds, and

h. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) The Atchison, Topeka and Santa Fe Railway Company 4 percent Convertible Bonds, of $1,000.00 face value each, due 1955 bearing the numbers 799, 36310 and 36311, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the said bonds, including particularly, but not limited to, the redemption proceeds resulting from said bonds being called for retirement on December 1, 1945,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Theodor Bauer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5424; Filed, May 9, 1951; 8:48 a. m.]

[Vesting Order 17730]

OLGA RIPPERT ET AL.

In re: Debts owing to Olga Rippert and others. F-28-8830; F-28-8106; F-28-7576; F-28-7575.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are as follows:

Olga Rippert, M. Gladbach, Germany.
Herman Goldkraut, Berlin, Germany.
Franz Gammersbach, Roisdorf, Germany.
Carl Gammersbach, Cologne, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Olga Rippert by Felix Chilton, 24 California Street, San Francisco, California, arising out of an investment account maintained by the said Felix Chilton as agent of the aforesaid Olga Rippert, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Herman Goldkraut by Felix Chilton, 24 California Street, San Francisco, California, arising out of an investment account maintained by the said Felix Chilton as agent of the aforesaid Herman Goldkraut, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Franz Gammersbach, by Felix Chilton, 24 California Street, San Francisco, California, arising out of an investment account maintained by the said Felix Chilton as agent of the aforesaid Franz Gammersbach, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation owing to Carl Gammersbach by Felix Chilton, 24 California Street, San Francisco, California, arising out of an investment account maintained by the said Felix Chilton as agent of the aforesaid Carl Gammersbach, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Olga Rippert, Herman Goldkraut, Franz Gammersbach, and Carl Gammersbach, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the prop-

erty described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5468; Filed, May 10, 1951; 8:50 a. m.]

[Vesting Order 17771]

GEORGE EDWARD PAPE

In re: Trust under will of George Edward Pape, deceased. File F 28-31129.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clara Prior Luederitz and Willy (Wilhelm) Prior, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to the trust established under the will of George Edward Pape, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Frederick J. Singley, Jr., substituted Trustee, acting under the judicial supervision of the Circuit Court of Baltimore City, Maryland,

and it is hereby determined:

4. That to the extent that the above named persons are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5469; Filed, May 10, 1951; 8:50 a. m.]

[Vesting Order 17670]

CREDIT SUISSE

In re: Accounts maintained in the name of Credit Suisse, Basle, Switzerland, and owned by persons whose names are unknown. F-63-60 (Basle).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Accounts maintained in the name of Credit Suisse, Switzerland

Column I Name and address of institution which maintains account	Column II Designation of account
1. Brown Bros. Harriman & Co. 59 Wall St., New York 5, N. Y.	(a) Credit Suisse, Basle, general ruling No. 6 account as described by Brown Bros. Harriman & Co. in its report on Form OAP-700, bearing its Serial No. [illegible]; (b) Credit Suisse, Basle, blocked account, as described by Brown Bros. Harriman & Co. in its report on Form OAP-700, bearing its Serial No. [illegible]
2. Guaranty Trust Co., of New York, 140 Broadway, New York 15, N. Y.	(a) Credit Suisse, Basle, general ruling No. 6 account, Switzerland, as described by Guaranty Trust Co. of New York in its report on Form OAP-700, bearing its Serial No. FII 100; (b) miscellaneous portfolio of bonds, safe XC-21408, as described by Guaranty Trust Co. of New York in its report on Form OAP-700, bearing its Serial No. CU 0[illegible]
3. Credit Suisse, New York Agency, 30 Pine St., New York 5, N. Y.	(a) Current account, (b) general ruling No. 6 account, (c) miscellaneous portfolio of bonds in depot, (d) $118,000 German Government 4 percent 1965; (e) $4,000 North German Lloyd 4 1947, and (f) $140, due October 15, April 15, 1941 of the German Government 3 percent 1949, as described by Credit Suisse New York Agency in its report on Form OAP-700, bearing its Serial No. 19.
4. Dominick & Dominick, 14 Wall St., New York 5, N. Y.	(a) Credit Suisse, Basle, general ruling No. 6 account, and (b) Credit Suisse, Basle, special purpose ruling No. 6 a/c, as described by Dominick & Dominick in its report on Form OAP-700, bearing its Serial No. 45.
5. Bankers Trust Co., 16 Wall St., New York, N. Y.	(a) Custodian cash account, French swiss account, custodian cash account, German Swiss account, custodian cash account, Liechtenstein, Guilder, Swiss account, Guilder cash account, general ruling No. 6 account, miscellaneous stocks and bonds, and (f) stocks described by Bankers Trust Co. in its report on Form OAP-700, bearing Serial No. CU 20.
6. Swiss American Corp., 20 Pine St., New York 5, N. Y.	(a) General ruling No. 6 account; (b) [illegible] miscellaneous bonds, general ruling No. 6 account, (c) [illegible] miscellaneous bonds, payable in dollars, Blocked ordinary registered and (d) portfolio of miscellaneous stocks and bonds not payable in dollars, Blocked ordinary registered as described by Swiss American Corp. in its report on Form OAP-700, bearing its Serial No. [illegible]

[F. R. Doc. 51-5467; Filed, May 10, 1951; 8:50 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 16 NUMBER 93

Washington, Saturday, May 12, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10243

EXTENSION OF THE PROVISIONS OF PART I OF EXECUTIVE ORDER NO. 10210 OF FEBRUARY 2, 1951, TO THE FEDERAL CIVIL DEFENSE ADMINISTRATION

By virtue of the authority vested in me by the First War Powers Act, 1941, as amended by the act of January 12, 1951, entitled "An Act to amend and extend title II of the First War Powers Act, 1941" (Public Law 921, 81st Congress), and as President of the United States and Commander in Chief of the armed forces of the United States, and deeming such action will facilitate the national defense, it is hereby ordered as follows:

The provisions of Part I of Executive Order No. 10210 of February 2, 1951, entitled "Authorizing the Department of Defense and the Department of Commerce to Exercise the Functions and Powers Set Forth in Title II of the First War Powers Act, 1941, as Amended by the Act of January 12, 1951, and Prescribing Regulations for the Exercise of Such Functions and Powers", are hereby extended to the Federal Civil Defense Administration with respect to (a) emergency and developmental contracts, (b) specialized contracts, (c) contracts pursuant to delegations of authority from any other Federal department or agency, and (d) contracts with respect to an activity approved pursuant to the provisions of section 405 (3) of the Federal Civil Defense Act of 1950 (Public Law 920—81st Congress); and, subject to the limitations and regulations contained in such part, and under such regulations as he may prescribe, the Federal Civil Defense Administrator is authorized to perform and exercise, as to the Federal Civil Defense Administration, all the functions and authority vested in and granted by the said Part I to the Secretaries named therein: *Provided*, that regulations so prescribed need not be approved by the Secretary of Defense: *And provided further*, that nothing contained herein shall prejudice any other authority which the said Administration or the head thereof may have with respect to procurement.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 11, 1951.

[F. R. Doc. 51-5627; Filed, May 11, 1951; 12:14 p. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART B—UNITED STATES STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

U. S. STANDARDS FOR ORANGES IN CALIFORNIA AND ARIZONA

On March 30, 1951, a notice of rule making was published in the FEDERAL REGISTER (F. R. Doc. 51-3882; 16 F. R. 2797) regarding proposed United States Standards for Oranges (California and Arizona) to supersede the United States Standards for Oranges (California and Arizona) (14 F. R. 7149) currently in effect. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Oranges (California and Arizona) are hereby promulgated under the authority contained in the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950).

§ 51.301 *Standards for oranges (California and Arizona)*—(a) *Grades*—(1) *U. S. Fancy.* U. S. Fancy consists of oranges of similar varietal characteristics which are mature, well colored, firm, well formed, of smooth texture for the variety; free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, bruises (except those incident to proper handling and packing), dryness or mushy condi-

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tion, and from injury caused by split, rough, wide or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. (See *Tolerances* in paragraph (c) of this section.)

(2) *U. S. No. 1.* U. S. No. 1 consists of oranges of similar varietal characteristics which are mature, firm, well formed, of fairly smooth texture for the variety; free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, bruises (except those incident to proper handling and packing), and from damage caused by dryness or mushy condition, split, rough, excessively wide or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects, or mechanical or other means. Each fruit shall be well colored except Valencia oranges which shall be at least fairly well colored: *Provided*, That navel oranges in any lot which is destined for export and which is certified as meeting the standards for export need be only fairly well colored. (See *Tolerances* in paragraph (c) of this section.)

(3) *U. S. No. 2.* U. S. No. 2 consists of oranges of similar varietal characteristics which are mature fairly well colored, fairly firm, and which are fairly well formed but not excessively rough; which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, and from serious damage caused by bruises dryness or mushy condition, split or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. (See *Tolerances* in paragraph (c) of this section.)

(4) *U. S. Combination grade.* Any lot of oranges may be designated "U. S. Combination" when not less than 40 percent, by count, of the oranges in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade. (See *Tolerances* in paragraph (c) of this section.)

(5) *U. S. No. 3.* U. S. No. 3 consists of oranges of similar varietal characteristics which are mature, which may be slightly spongy, misshapen, rough but not seriously lumpy; which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, and from serious damage caused by growth cracks, bruises, dryness or mushy condition, and from very serious damage caused by split navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. (See *Tolerances* in paragraph (c) of this section.)

(b) *Unclassified.* Unclassified consists of oranges which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(1) *U. S. Fancy, U. S. No. 1, U. S. No. 2 and U. S. No. 3 grades.* Not more than 10 percent, by count, of the fruit in any lot may be below the requirements of the specified grade, other than for color, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of $2\frac{1}{2}$ percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination. In addition, not more than 10 percent, by count, of the fruit in any lot may not meet the requirements relating to color.

(2) *U. S. Combination grade.* Not more than 10 percent, by count, of the fruit in any lot may be below the requirements of this grade, other than for color, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of $2\frac{1}{2}$ percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination. This 3 percent tolerance may be used to reduce the percentage of U. S. No. 1 grade required in the combination, provided the affected fruits meet the requirements of U. S. No. 1 grade in other respects. In addition, not more than 10 percent, by count, of

the fruit in any lot may not meet the requirements of the U. S. No. 2 grade for color. No part of any tolerance, other than that for decay, shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 specified: *Provided*, That the entire lot averages within the percentage specified.

(d) *Application of tolerances to individual packages.* (1) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(2) For packages which contain more than 25 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 25 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(3) For packages which contain 25 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than one orange which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package and, in addition, enroute or at destination not more than 10 percent of the packages may have more than one decayed fruit.

(e) *Standard pack.* (1) Oranges shall be uniform in size and, when packed in boxes, shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well wrapped.

(2) All packages shall be well filled, but the contents shall not show excessive or unnecessary bruising because of overfilled packages. The fruit shall be tightly packed.

(3) When oranges are packed in standard nailed boxes, each box shall show a minimum bulge of $1\frac{1}{4}$ inches.

(4) "Uniform in size" means that not more than 10 percent, by count, of the oranges in any container may be one standard size larger or smaller than the standard size orange for the count packed.

(5) *Example of standard size orange.* The standard size orange for a 200 count is that size orange which will pack tightly 200 oranges of uniform size when packed according to the approved and recognized method.

(6) In order to allow for variations incident to proper packing, not more than 5 percent of the containers in any lot may not meet the requirements for the standard pack.

(f) *Standards for export.* (1) Not more than a total of 10 percent, by count, of the oranges in any container may be soft, affected by decay, have broken skins which are not healed, growth cracks, or be damaged by creasing or skin breakdown, or seriously damaged by split or protruding navels, or by dryness or mushy condition, except that:

(i) Not more than one-half of 1 percent shall be allowed for oranges affected by decay.

(ii) Not more than 3 percent shall have broken skins which are not healed.

(iii) Not more than 3 percent shall have growth cracks.

(iv) Not more than 5 percent shall be soft.

(v) Not more than 5 percent shall be damaged by creasing.

(vi) Not more than 5 percent shall be seriously damaged by split or protruding navels.

(vii) Not more than 5 percent shall be seriously damaged by dryness or mushy condition.

(viii) Not more than 5 percent shall be damaged by skin breakdown.

(2) Any lot of oranges shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided*, That no sample from the containers in any lot shall have more than double the percentage specified for any one defect, and that not more than a total of 10 percent, by count, of the oranges in any container has any of the defects enumerated in the standards for export.

(g) *Definitions.* (1) "Similar varietal characteristics" means that the fruits in any container are similar in color and type.

(2) "Well colored" means that the fruit is at least light orange in color, with not more than a trace of green at the stem end, and not more than 15 percent of the remainder of the surface of the fruit shows green color.

(3) "Firm" means that the fruit is not soft or noticeably wilted or flabby.

(4) "Well formed" means that the fruit shows the normal shape characteristic of the variety.

(5) "Smooth" means that the skin is of fairly fine grain, the "pebbling" is not pronounced, and any furrows radiating from the stem end are shallow.

(6) "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(i) Split, rough, wide or protruding navels, when a split is unhealed or is more than one-eighth inch in length; or when the navel protrudes beyond the general contour of the fruit; or when flush with the contour but with the opening so wide, considering the size of the fruit, or the navel growth so folded and ridged, that it detracts noticeably from the appearance of the fruit.

(ii) Slight creasing which is more than barely visible, or which extends over more than 20 percent of the fruit surface.

(iii) Scarring (including sprayburn and fumigation injury) which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type:

(*a*) Scars which are very dark and which have an aggregate area exceeding that of a circle one-eighth inch in diameter.

(*b*) Scars which are dark, or rough, or deep and which have an aggregate area exceeding that of a circle one-fourth inch in diameter.

(*c*) Scars which are fairly light in color, slightly rough, or with slight depth and which have an aggregate area exceeding that of a circle one-half inch in diameter.

(*d*) Scars which are light in color, fairly smooth, with no depth and which have an aggregate area of more than 5 percent of the fruit surface.

(iv) Oil spots (oleocellosis or similar injuries) which are depressed or soft or which have an aggregate area of more than $2\frac{1}{2}$ percent of the fruit surface, or which are green and more than 4 in number.

(v) Scale, if more than 5 are present.

(vi) Sunburn which appreciably changes the normal color or shape of the fruit, or affects more than 10 percent of the fruit surface.

(7) "Fairly smooth" means that the skin does not feel noticeably rough or coarse. The size of the fruit should be considered in judging texture, as large fruit is not usually as smooth as smaller fruit. It is common for the fruit to show larger and coarser "pebbling" on the stem end portion than on the blossom end. The presence of furrows or grooves on the stem end portion of the fruit is a common condition in certain varieties, and the fruit shall not be considered as slightly rough unless the furrows or grooves are of sufficient depth, length, and number as to materially affect the appearance and smoothness of the orange.

(8) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Dryness or mushy condition when affecting all segments more than one-fourth inch at the stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.

(ii) Split, rough, excessively wide or protruding navels, when more than 3 splits, or when any split is unhealed or is more than one-fourth inch in length, or navels which flare, bulge, or protrude materially beyond the general contour of the fruit; or when the navel opening is so wide, considering the size of the fruit, or the navel growth is so folded and ridged, that it detracts materially from the appearance of the fruit.

(iii) Creasing which materially weakens the skin, or which extends over more than one-third of the fruit surface.

(iv) Scarring (including sprayburn and fumigation injury) which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type:

(*a*) Scars which are very dark and with slight depth and which have an aggregate area exceeding that of a circle one-fourth inch in diameter.

(*b*) Scars which are very dark, with no depth, and which have an aggregate area exceeding that of a circle one-half inch in diameter.

(*c*) Scars which are dark and rough or deep and which have an aggregate area exceeding that of a circle one-half inch in diameter.

(*d*) Scars which are dark and slightly rough, or with slight depth, and which have an aggregate area exceeding that of a circle three-fourths inch in diameter.

(*e*) Scars which are fairly light in color, slightly rough, or with slight depth and which have an aggregate area of more than 5 percent of the fruit surface.

(*f*) Scars which are light in color, fairly smooth, with no depth and which have an aggregate area of more than 10 percent of the fruit surface.

(v) Oil spots (oleocellosis or similar injuries) which are depressed or soft, or which have an aggregate area of more than 5 percent of the fruit surface, or which are green and more than 7 in number.

(vi) Scale, if more than 3 scales are present in each of three circular areas 1 inch in diameter, selected as the worst infested areas, or if more than 7 scales are present in one of these areas.

(vii) Sunburn which causes appreciable flattening of the fruit, drying or darkening of the skin, or affects more than 25 percent of the fruit surface.

(9) "Fairly well colored" means that the yellow or orange color predominates on the fruit.

(10) "Fairly firm" means that the fruit may be slightly soft but is not decidedly flabby.

(11) "Fairly well formed" means that the fruit is not of the shape characteristic of the variety but is not decidedly flattened, pointed, extremely elongated, or otherwise badly deformed.

(12) "Excessively rough" means that the skin is decidedly rough, badly folded, badly ridged, or decidedly lumpy. Heavily "pebbled" skin shall not be considered as excessively rough.

(13) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Dryness or mushy condition, when affecting all segments more than one-half inch at the stem end, or the equivalent of this amount by volume, when occurring in other portions of the fruit.

(ii) Split or protruding navels, when any split is unhealed or is more than one-half inch in length, or when two or more splits aggregate more than 1 inch in length; or navels which protrude seriously beyond the general contour of the fruit; or when the navel opening is so wide, considering the size of the fruit, or the navel growth so badly folded and ridged, that it detracts seriously from the appearance of the fruit.

(iii) Creasing which seriously weakens the skin, or which is distributed over practically the entire fruit surface.

(iv) Scarring (including sprayburn and fumigation injury) which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type:

(*a*) Scars which are very dark, or very rough, or very deep, and which have an aggregate area of more than 5 percent of the fruit surface.

(*b*) Scars which are dark, or rough, or deep and which have an aggregate area of more than 10 percent of the fruit surface.

(*c*) Scars which are fairly light in color, slightly rough or with slight depth and which have an aggregate area of more than 15 percent of the fruit surface.

(*d*) Scars which are light in color, fairly smooth, and with no depth and which have an aggregate area of more than 25 percent of the fruit surface.

(v) Oil spots (oleocellosis or similar injuries) which are depressed or soft, or which have an aggregate area of more than 10 percent of the fruit surface.

(vi) Scale, if more than 9 scales are present in each of three circular areas 1 inch in diameter, selected as the worst infested areas, or if more than 19 scales are present in one of these areas.

(vii) Sunburn which causes decided flattening of the fruit, drying or dark discoloration of the skin, or affects more than one-third of the fruit surface.

(viii) Growth cracks that are leaking, gummy, or not well healed.

(14) "Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

(15) "Misshapen" means that the fruit is decidedly flattened, pointed, extremely elongated or otherwise deformed.

(16) "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(i) Split navels which are leaking, gummy, or not well healed.

(ii) Creasing which is so deep or extensive that the skin is very seriously weakened.

(iii) Scarring (including sprayburn and fumigation injury) which exceeds the following aggregate areas of different types of scars, or a combination of both types of scars, the seriousness of which exceeds the maximum allowed for one type:

(*a*) Scars which are very dark, or very rough, or very deep and which have an aggregate area of more than 10 percent of the fruit surface.

(*b*) Scars which are dark, or rough, or deep and which have an aggregate area of more than 25 percent of the fruit surface.

(iv) Oil spots which are badly sunken, or soft.

(v) Scale which are so numerous or large that the appearance of the fruit is very seriously affected.

(vi) Sunburn which seriously affects more than one-third of the fruit surface, or causes dark discoloration aggregating more than 5 percent of the fruit surface.

(h) *Effective time and supersedure.* The United States Standards for Oranges (California and Arizona) contained in this section and which supersede the United States Standards for Oranges (California and Arizona) (14 F. R. 7149) shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624. Interprets or applies sec. 203, 60 Stat. 1087, Pub. Law 759, 81st Cong.; 7 U. S. C. 1622)

Done at Washington, D. C., this 9th day of May 1951.

ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-5512; Filed, May 11, 1951; 8:49 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS

U. S. STANDARDS FOR GRADES OF SULFURED CHERRIES;[1] REVISION

On October 6, 1950, a notice of proposed rule making was published in the FEDERAL REGISTER (15 F. R. 6763) regarding a proposed revision of the United States Standards for Grades of Sulfured Cherries. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following revised United States Standards for Grades of Sulfured Cherries are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950):

§ 52.240 *Sulfured cherries.* "Sulfured cherries" are prepared from properly matured whole cherries (Prunus avium or Prunus cerasus) of similar varietal characteristics; are packed with or without the addition of a hardening agent, in a solution of sulfur dioxide of sufficient strength to preserve the product.

(a) *Styles of sulfured cherries.* (1) "Unstemmed and unpitted" is the style of sulfured cherries consisting of whole cherries (irrespective of size) with pits and not less than 80 percent, by weight, of all the cherries have the stems attached.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(2) "Stemmed and unpitted" is the style of sulfured cherries consisting of whole cherries (irrespective of size) with pits and not more than ½ of 1 percent, by weight, of all the cherries are cherries with stems attached.

(3) "Stemmed and pitted" is the style of sulfured cherries consisting of whole cherries of which not more than ½ of 1 percent, by weight, of all the cherries are cherries with stems attached and: (i) For each 40 ounces of all the cherries there may be present not more than 2 cherries with pits when all cherries are of small size or extra small size; (ii) for each 40 ounces of all the cherries there may be present not more than 1 cherry with a pit when all cherries are of medium size, large size, or different sizes; and (iii) for each 60 ounces of all the cherries there may be present not more than 1 cherry with a pit when all cherries are of extra large size.

(4) "Unstemmed and pitted" or "cocktail" is the style of sulfured cherries consisting of whole cherries of which not more than 7 percent, by weight, of all the cherries are cherries without the stems firmly attached and: (i) For each 40 ounces of all the cherries there may be present not more than 2 cherries with pits when all cherries are of small size or extra small size; (ii) for each 40 ounces of all the cherries there may be present not more than 1 cherry with a pit when all cherries are of medium size, large size, or different sizes; and (iii) for each 60 ounces of all the cherries there may be present not more than 1 cherry with a pit when all cherries are of extra large size.

(5) "Unclassified" consists of sulfured cherries which do not conform to any of the foregoing styles.

(6) "Pit" means an entire pit or portion thereof attached to a sulfured cherry or within the pit cavity.

(b) *Recommended sizes of sulfured cherries.* (1) Although size is a factor in connection with some styles of sulfured cherries, it is not a factor of quality for the purpose of these grades. The size range of sulfured cherries varies on the basis of the diameter of the fruit. The diameter of the sulfured cherry is the minimum diameter of the fruit that will pass through a rigid ring of the same diameter without using pressure. The name designations of the various sizes are shown in the first column of Table No. I of this paragraph. Sulfured cherries will be considered as meeting a particular designated size if not more than 10 percent, by weight, of all the cherries are 1 mm. smaller or 2 mm. smaller and not more than 10 percent, by weight, of all the cherries are 1 mm. larger or 2 mm. larger than the diameter range of the particular size designation: *Provided*, That not more than 1 percent, by weight, of all cherries are no more than 2 mm. smaller than the minimum diameter for the designated size and not more than 1 percent, by weight, of all cherries are no more than 2 mm. larger than the maximum diameter for the designated size.

TABLE NO. I—SIZES OF CHERRIES IN SULFURED CHERRIES

Name designation:	*Minimum and maximum diameter*
Extra small	14 mm. to, and including, 16 mm.
Small	16 mm. to, and including, 18 mm.
Medium	18 mm. to, and including, 20 mm.
Large	20 mm. to, and including, 22 mm.
Extra large	22 mm. and over.

(c) *Grades of sulfured cherries.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of sulfured cherries that are clean; that possess a good color; that are practically free from defects; that possess a good character; and that score not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of sulfured cherries that are clean; that possess a reasonably good color; that are reasonably free from defects; that possess a reasonably good character; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade D" or "Seconds" is the quality of sulfured cherries that are clean, but for other reasons fail to meet the requirements of U. S. Grade B or U. S. Choice.

(4) "U. S. Combination Grade" is the quality of sulfured cherries that are clean; and that with respect to color, absence of defects, and character meets the following requirements:

(i) Not less than 90 percent, by weight, of all the cherries, possess at least a reasonably good color and a reasonably good character and are free from misshapen cherries, cherries seriously damaged by mechanical injury, and seriously blemished cherries; and

(ii) Unless otherwise specified, at least 50 percent, by weight, of all the cherries, possess a good color and a good character; and are free from blemished cherries or seriously blemished cherries, misshapen cherries, and cherries damaged by mechanical injury or cherries seriously damaged by mechanical injury.

(d) *Definition.* (1) "Clean" means that the product is practically free from loose pits, leaves, detached stems, bark, fruit spurs, dirt or other foreign material.

(e) *Ascertaining the grade with respect to "U. S. Grade A" or "U. S. Fancy" and "U. S. Grade B" or "U. S. Choice."* (1) The grade of sulfured cherries is ascertained by considering, in addition to the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and character.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors:	*Points*
(i) Color	20
(ii) Absence of defects	40
(iii) Character	40
Total score	100

(f) *Ascertaining the rating for each factor which is scored.* The essential variations within each factor which is scored are so described that the value may be ascertained and expressed numerically. The numerical range for the ratings of such factors is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Sulfured cherries that possess a good color may be given a score of 17 to 20 points. "Good color" means that the cherries possess a practically uniform color typical of well-bleached sulfured cherries for the variety.

(ii) If the sulfured cherries possess a reasonably good color, a score of 14 to 16 points may be given. "Reasonably good color" means that the cherries possess a reasonably uniform color typical of reasonably well-bleached sulfured cherries for the variety. Sulfured cherries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule).

(iii) Sulfured cherries that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points. Sulfured cherries that fall into this classification shall not be graded above U. S. Grade D or Seconds, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from misshapen cherries, cherries damaged or seriously damaged by mechanical injury, and cherries blemished or seriously blemished by discoloration, rain or solution cracks, bird pecks, pathological injury, insect injury or blemished by other means.

(i) "Misshapen cherries" means any deformed cherries or double cherries.

(ii) "Cherries damaged by mechanical injury" means any pitter tear or pitter tears which materially affect the appearance of the cherry; any open pitter hole measuring more than $\frac{1}{8}$ inch across, but not more than $\frac{3}{16}$ inch across, or open pitter holes aggregating more than $\frac{1}{8}$ inch across, but not more than $\frac{3}{16}$ inch across; any pitter hole where there is a material loss of flesh; and other mechanical injury which materially affects the appearance of the cherry.

(iii) "Cherries seriously damaged by mechanical injury" means any pitter tear or pitter tears which seriously affect the appearance of the cherry; any open pitter hole measuring more than $\frac{3}{16}$ inch across, or open pitter holes aggregating more than $\frac{3}{16}$ inch across, any pitter hole where there is a serious loss of flesh; and other mechanical injury which seriously affects the appearance of the cherry.

(iv) "Blemished cherry" means any cherry which is affected by:

(*a*) Dark surface discoloration exceeding in the aggregate the area of a circle $\frac{3}{16}$ inch in diameter, but not exceeding in the aggregate $\frac{1}{8}$ of the surface of the cherry;

(*b*) Any rough surface areas which slightly affect the appearance of the cherry;

(*c*) Light surface discoloration exceeding in the aggregate $\frac{1}{8}$ of the surface of the cherry, but not exceeding in the aggregate $\frac{1}{2}$ of the surface of the cherry;

(*d*) Rain checks or rain cracks (*1*) in the stem basin more than $\frac{1}{4}$ inch in length, but not more than $\frac{1}{2}$ inch in length, (*2*) any rain checks or rain cracks outside the stem basin more than $\frac{5}{16}$ inch in length but not more than $\frac{3}{8}$ inch in length.

(*e*) Any solution cracks or other blemish or combination of any blemishes which materially affect the appearance of the cherry. The term "blemished cherry" also means any cherry the flesh of which is materially discolored.

(v) "Seriously blemished cherry" means any cherry which is affected by:

(*a*) Dark surface discoloration exceeding in the aggregate $\frac{1}{8}$ of the surface of the cherry;

(*b*) Any rough surface areas which materially affect the appearance of the cherry;

(*c*) Light surface discoloration exceeding in the aggregate $\frac{1}{2}$ of the surface of the cherry;

(*d*) Rain checks or rain cracks (*1*) in the stem basin more than $\frac{1}{2}$ inch in length, (*2*) any rain checks or rain cracks outside the stem basin, more than $\frac{3}{16}$ inch in length.

(*e*) Any solution cracks or other blemish or combination of any blemishes which seriously affect the appearance of the cherry. The term "seriously blemished cherry" also means any cherry the flesh of which is seriously discolored.

(vi) Sulfured cherries that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that not more than a total of 10 percent, by weight, of cherries are misshapen cherries, cherries damaged by mechanical injury, seriously damaged by mechanical injury, blemished cherries or seriously blemished cherries of which not more than five percent, by weight, of all cherries are misshapen cherries, cherries seriously damaged by mechanical injury or seriously blemished cherries.

(vii) Sulfured cherries that are reasonably free from defects may be given a score of 28 to 33 points. "Reasonably free from defects" means that not more than a total of 10 percent, by weight, of cherries are misshapen cherries, cherries seriously damaged by mechanical injury, or seriously blemished cherries. Sulfured cherries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule).

(viii) Sulfured cherries that fail to meet the requirements of subdivision (vii) of this subparagraph for any reason may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Seconds, regardless of the total score for the product (this is a limiting rule).

(3) *Character.* The factor of character refers to the firmness of the cherries and to the condition of the flesh.

(i) Sulfured cherries that possess a good character may be given a score of 34 to 40 points. "Good character" means that the cherries possess a firm fleshy texture, retain their approximate original shape, are not shriveled or watery, and do not show more than slight collapsed areas of flesh. To score in this classification, sulfured cherries may contain not more than five percent, by weight, of cherries which fail to meet requirements for "good character."

(ii) If the sulfured cherries possess a reasonably good character, a score of 28 to 33 points may be given. Sulfured cherries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the cherries possess a reasonably firm texture, may have slightly lost their original shape, may be slightly shriveled, or may show moderate collapsed areas of flesh. To score in this classification, sulfured cherries may contain not more than 10 percent, by weight, of cherries which fail to meet the requirements for "reasonably good character."

(iii) Sulfured cherries that are soft, flabby, wrinkled, leathery, or have materially lost their original shape, or show seriously collapsed areas of flesh, or fail to meet the requirements of subdivision (ii) of this subparagraph for any reason may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Seconds, regardless of the total score for the product (this is a limiting rule).

(f) *Ascertaining the grade with respect to U. S. Combination Grade.* (1) The combination grade of sulfured cherries is ascertained by considering color, absence of defects, character, and the cleanliness of the product.

(2) The definition for cleanliness and the terms defined with respect to ascertaining "U. S. Grade A" or "U. S. Fancy" and "U. S. Grade B" or "U. S. Choice" outlined under the factors of color, absence of defects and character for these grades are also applicable for ascertaining the U. S. Combination Grade.

(g) *Tolerance for certification of officially drawn samples for U. S. Combination Grade of sulfured cherries.* (1) When certifying samples that have been officially drawn and which represent a specific lot of sulfured cherries, the percent, by weight, of cherries which possess at least a reasonably good color and a reasonably good character, and are free from misshapen cherries, cherries seriously damaged by mechanical injury, and seriously blemished cherries is computed by averaging the percent, by weight, of such cherries in all samples of the lot if:

(i) None of the samples in the lot contain less than 80 percent, by weight, of such cherries.

(2) The percent, by weight, of cherries for the lot which possess a good color and a good character, and are free from blemished cherries or seriously blemished cherries, misshapen cherries damaged by mechanical injury or cherries seriously damaged by mechanical injury, is computed by averaging the percent, by weight, of such cherries in all samples of the lot if:

(i) None of the samples in the lot contains less than 35 percent, by weight, of such cherries.

(h) *Tolerance for certification of officially drawn samples for "U. S. Grade A" or "U. S. Fancy" and "U. S. Grade B" or "U. S. Choice."* (1) When certifying samples that have been officially drawn and which represent a specific lot of sulfured cherries, the grade for such lot will be determined by averaging the total scores of the samples comprising the lot, if:

(i) Not more than one-sixth of such samples fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such samples which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all samples in the lot for the factor, subject to such limiting rule, is within the range for the grade indicated:

(ii) None of the samples comprising the lot falls more than four points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All samples comprising the lot meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(i) *Score sheet for sulfured cherries.*

Size and kind of container .....
Container identification marks .....
Size of sample .....
Size of cherries .....
Style of pack .....
Similar varieties .....
Are clean .....

Factors	Score points	
I. Color	20	(A) 17–20 (B) 14–16 (D) 0–13
II. Absence of defects	40	(A) 34–40 (B) 28–33 (D) 0–27
III. Character	40	(A) 34–40 (B) 28–33 (D) 0–27
Total score	100	

Grade .....
Size of lot covered .....

[1] Indicates limiting rule.

(j) *Work sheet for sulfured cherries for grading on the basis of the U. S. Combination Grade.*

Size and kind of container .....
Container identification marks .....
Size of sample .....
Style of pack .....
Similar varieties .....
Are clean .....

Color	Good color [illegible] by [illegible]
Absence of defects and character.	[illegible]

Grade of sample .....
Grade of lot .....
Size of lot .....

(k) *Effective time and supersedure.* The revised United States Standards for Grades of Sulfured Cherries (which are the second issue) contained in this section will become effective 30 days after publication of these standards in the FEDERAL REGISTER and will thereupon supersede the United States Standards for Grades of Pitted Sulfured Cherries and the United States Standards for Grades of Unpitted Sulfured Cherries which have been in effect since May 17, 1924.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624. Interprets or applies sec. 203, 60 Stat. 1087, Pub. Law 759, 81st Cong.; 7 U. S. C. 1622)

Issued at Washington, D. C., this 9th day of May 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-5510; Filed, May 11, 1951; 8:49 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 381, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.488 (Lemon Regulation 381, 16 F. R. 3975), are hereby amended to read as follows:

(ii) District 2: 575 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 10th day of May 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-5589; Filed, May 11, 1951; 9:01 a. m.]

[Lemon Reg. 382]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.489 *Lemon Regulation 382*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on May 9, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 13, 1951, and ending at 12:01 a. m., P. s. t., May 20, 1951, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 600 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 381 (16 F. R. 3975), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 10th day of May 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-5588; Filed, May 11, 1951; 9:01 a. m.]

[Orange Reg. 370, Amdt. 1]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the provisions of Order No. 66 (7 CFR Part 966) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat, 237; 5 U. S. C. 1001 et seq) because the time intervening between

the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of oranges grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) (*b*) of § 966.516 Orange Regulation 370, 16 F. R. 3975) are hereby amended to read as follows:

(ii) *Oranges other than Valencia oranges.* • • •

(*b*) Prorate District No. 2: Unlimited movement;

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 11th day of May 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-5601; Filed, May 11, 1951; 11:08 a. m.]

[Orange Reg. 371]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.517 *Orange Regulation 371*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on May 10, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., May 13, 1951, and ending at 12:01 a. m., P. s. t., May 20, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: 600 carloads;

(*b*) Prorate District No. 2: 400 carloads;

(*c*) Prorate District No. 3: 100 carloads;

(*d*) Prorate District No. 4: Unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: Unlimited movement;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR § 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 11th day of May 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., d. s. t., May 13, 1951, to 12:01 a. m., d. s. t., May 20, 1951]

VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	2.0515
A. F. G. Porterville	1.6882
Ivanhoe Cooperative Association	.5361
Sandilands Fruit Co	.6351
Dofflemyer & Son, W. Todd	.4377
Earlibest Orange Association	1.7748
Elderwood Citrus Association	.8649
Exeter Citrus Association	2.1928
Exeter Orange Growers Association	.6634
Hillside Packing Association	2.2958
Ivanhoe Mutual Orange Association	.8807
Klink Citrus Association	4.2472
Lemon Cove Association	1.3611
Lindsay Citrus Growers Association	3.1020
Lindsay Cooperative Citrus Association	2.0267
Lindsay Fruit Association	2.5295
Lindsay Orange Growers Association	1.1380
Orange Cove Citrus Association	3.2660
Orange Packing Co	.9642
Orosi Foothill Citrus Association	1.4799
Paloma Citrus Fruit Association	.6590
Rocky Hill Citrus Association	3.2328
Sanger Citrus Association	2.4279
Sequoia Citrus Association	.8627
Stark Packing Corp	4.4818
Visalia Citrus Association	3.1706
Waddell & Son	2.5521
Baird Neece Corp	1.7928
Grand View Heights Citrus Association	4.6902
Magnolia Citrus Association	2.8228
Porterville Citrus Association, The	.8163
Richgrove-Jasmine Citrus Association	1.3672
Strathmore Cooperative Association	3.1717
Strathmore District Orange Association	2.5649
Strathmore Fruit Growers Association	.0000
Strathmore Packing House	1.5256
Sunflower Packing Association	2.6710
Sunland Packing House	3.6540
Tule River Citrus Association	.8775
La Verne Cooperative Citrus Association	.1038
Lindsay Mutual Groves	1.4168
Martin Ranch	.6651
Orange Cove Orange Growers	1.8541
Webb Packing Co	.1829
Woodlake Packing House	1.0732
Anderson Packing Co., R. M	.6908
Baker Bros	1.0634
Bear State Packers, Inc	.0032
California Citrus Groves, Inc., Ltd	2.7305
Campbell, Ralph D. & P. Agnes	.0273
Chess Co., Meyer W	.3004
Darby, Fred J	.0000
Dotts, Vern	.0492
Dubendorf, John W	.1387
Far West Produce Distributors	.5461
Foran, Pat	.0136
Haas, W. H	.0820
Harding & Leggett	2.6163
Independent Growers, Inc	2.3415
Kim, Chas. N	.0056
Kroells Packing Co	2.2585
Lo Bue Bros	.7454
Maas, W. A	.0839
Marks, W. & M	.2511
Randolph Marketing Co	1.6000
Reimers, Don H	.1364
Schilling, Joseph	.1033
Sky Acres Ranch	.2321

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Smith, E. L.	0.0546
Swenson, L. W.	.0040
Terry, Floyd	.0027
Woodlake Heights Packing Corp.	.5749
Zaninovich Bros., Inc.	.5016
Prorate District No. 2	
Total	100.0000
A. F. G. Alta Loma	.0912
A. F. G. Corona	.0564
A. F. G. Fullerton	.8403
A. F. G. Orange	.3745
A. F. G. Riverside	.1384
A. F. G. San Juan Capistrano	.5865
A. F. G. Santa Paula	.4682
Eadington Fruit Co., Inc.	5.5890
Hazeltine Packing Co	.3949
Krinard Packing Co	.2140
Placentia Cooperative Orange Association	.5085
Placentia Pioneer Valencia Growers Association	.6506
Signal Fruit Association	.1089
Azusa Citrus Association	.5266
Covina Citrus Association	1.2020
Covina Orange Growers Association	.6033
Damerel-Allison Association	.7773
Glendora Citrus Association	.5290
Glendora Mutual Orange Association	.3300
Valencia Heights Orchard Association	.4054
Gold Buckle Association	.4892
La Verne Orange Association	.6725
Anaheim Valencia Orange Association	1.3038
Fullerton Mutual Orange Association	2.6113
La Habra Citrus Association	1.1420
Yorba Linda Citrus Association, The	1.0114
Escondido Orange Association	2.4169
Alta Loma Heights Citrus Association	.0506
Citrus Fruit Growers	.1977
Etiwanda Citrus Fruit Association	.0276
Mountain View Fruit Association	.0467
Old Baldy Citrus Association	.1162
Rialto Heights Orange Growers	.0640
Upland Citrus Association	.3534
Upland Heights Orange Association	.1458
Consolidated Orange Growers	1.8359
Frances Citrus Association	1.1930
Garden Grove Citrus Association	1.7275
Goldenwest Citrus Association	1.7854
Irvine Valencia Growers	3.1410
Olive Heights Citrus Association	2.0994
Santa Ana-Tustin Mutual Citrus Association	.9097
Santiago Orange Growers Association	3.8419
Tustin Hills Citrus Association	1.9322
Villa Park Orchards Association, The	2.1241
Bradford Bros., Inc.	.9211
Placentia Mutual Orange Association	3.6413
Placentia Orange Growers Association	3.2801
Yorba Orange Growers Association	.8601
Call Ranch	.0761
Corona Citrus Association	.4937
Jameson Co	.0833
Orange Heights Orange Association	.6284
Crafton Orange Growers Association	.2685
East Highlands Citrus Association	.0668
Redlands Heights Groves	.1782

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Redlands Orangedale Association	0.1436
Rialto-Fontana Citrus Association	.0843
Break & Son, Allen	.0505
Bryn Mawr Fruit Growers Association	.1021
Mission Citrus Association	.1321
Redlands Cooperative Fruit Association	.2846
Redlands Orange Growers Association	.1570
Redlands Select Groves	.2668
Rialto Orange Co	.1887
Southern Citrus Association	.1499
Zilen Citrus Co	.0573
Arlington Heights Citrus Co	.1462
Brown Estate, L. V. W.	.1352
Gavilan Citrus Association	.1534
Highgrove Fruit Association	.0655
McDermont Fruit Co	.1308
Monte Vista Citrus Association	.2438
National Orange Co	.0539
Riverside Heights Orange Growers Association, The	.0375
Sierra Vista Packing Association	.0466
Victoria Avenue Citrus Association	.2118
Claremont Citrus Association	.0968
College Heights Orange & Lemon Association	.3527
Indian Hill Citrus Association	.2022
Walnut Fruit Growers Association	.5577
West Ontario Citrus Association	.1830
El Cajon Valley Citrus Association	.2326
Escondido Cooperative Citrus Association	.3134
San Dimas Orange Growers Association	.3425
Canoga Citrus Association	.9335
North Whittier Heights Citrus Association	1.0011
San Fernando Heights Orange Association	.7996
Sierra Madre-Lamanda Citrus Association	.3450
Camarillo Citrus Association	1.3978
Fillmore Citrus Association	3.1847
Mupu Citrus Association	2.0796
Ojai Orange Association	.6910
Piru Citrus Association	2.2052
Rancho Sespe	.8097
Santa Paula Orange Association	1.0938
Tapo Citrus Association	1.0131
Ventura County Citrus Association	.3765
Limoneira Co	.4195
East Whittier Citrus Association	.3852
Murphy Ranch Co	.8381
Anaheim Cooperative Orange Association	1.8377
Bryn Mawr Mutual Orange Association	.1398
Chula Vista Mutual Lemon Association	.0913
Euclid Avenue Orange Association	.6840
Foothill Citrus Union, Inc.	.1018
Fullerton Cooperative Orange Association	.3799
Garden Grove Orange Cooperative, Inc.	1.0690
Golden Orange Groves, Inc.	.2304
Highland Mutual Groves, Inc.	.0095
Index Mutual Association	.4331
La Verne Cooperative Citrus Association	1.7306
Mentone Heights Association	.0417
Olive Hillside Groves, Inc.	.5663
Orange Cooperative Citrus Association	1.5169
Redlands Foothill Groves	.4499
Redlands Mutual Orange Association	.1912
Ventura County Orange & Lemon Association	1.2152

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Whittier Mutual Orange & Lemon Association	0.1001
Babijuice Corp. of California	.8274
Banks, L. M.	.7220
Becker, Samuel Eugene	.0114
Bennett Fruit Co	.1259
Borden Fruit Co	.4206
Cherokee Citrus Co., Inc.	.1630
Chess Co., Meyer W.	.4277
Dunning Ranch	.0511
Evans Bros. Packing Co	1.0012
Gold Banner Association	.1951
Granada Hills Packing Co	.0281
Granada Packing House	1.2231
Hill Packing House, Fred A.	.0626
Johnson, Fred	.0059
Knapp Packing Co., John C.	.5174
L Bar S Ranch	.1141
Lawson, William J.	.0071
Lima & Sons, Joe	.1305
Orange Belt Fruit Distributors	1.3225
Orange Hill Groves	.0071
Otte, Arnold	.0674
Panno Fruit Co., Carlo	1.0266
Patitucci, Frank L.	.0095
Placentia Orchard Co	.5468
Prescott, John A.	.0190
Riverside Citrus Association	.0380
Ronald, P. W.	.0219
Ronneberg, Jerry L.	.0048
Schwaer, Erwin & Arthur	.0152
Summit Citrus Packers	.0170
Treesweet Products Co	.2746
Wall, E. T., grower-shipper	.1221
Western Fruit Growers, Inc.	.6134
Prorate District No. 3	
Total	100.0000
A. F. G. Vernon	.0000
Allen & Allen Citrus Packing Co.	1.1346
Consolidated Citrus Growers	17.1098
McKellips Citrus Co., Inc.	8.3239
Phoenix Citrus Packing Co	1.8683
Arizona Citrus Growers	15.5849
Chandler Heights Citrus Growers	2.5367
Desert Citrus Growers Co	6.0107
Mesa Citrus Growers	18.2100
Tempe Citrus Co	3.2049
Imperial Valley Grapefruit Growers Association	.0000
Southern Citrus Association	.0000
United Citrus Growers	.0000
Yuma Mesa Fruit Growers Association	2.0818
Leppla-Henry Produce Co	10.1541
Maricopa Citrus Co	1.0704
Pioneer Fruit Co	3.3692
Clark & Sons Produce Co., J. H.	.3503
Commercial Citrus Packing Co	1.1457
Hi Jolly Citrus Packing House	.0956
Hill Packing House, Fred A.	.0000
Ishikawa, Paul	.0000
Macchiaroli Fruit Co., James	1.3753
Mattingly, Charles A.	.3066
Messina & Sons, Mike	.0746
Orange Belt Fruit Distributors	.0000
Panno Fruit Co., Carlo	.0000
Paramount Citrus Association, Inc.	.0956
Potato House, The	.4977
Russo Bros	.0000
Sharp Co., K. K.	2.2683
Sunny Valley Citrus Packing Co.	2.6091
Terracciano Fruit Co	.2773
Valley Citrus Packing Co	2.2161

[F. R. Doc. 51-5600; Filed, May 11, 1951; 11:08 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 1]

PART 20—PILOT CERTIFICATES

EXPERIENCE REQUIREMENTS INSTRUMENT RATING

The following interpretation is hereby adopted:

§ 20.42–1 *Experience requirements instrument rating (CAA interpretations which apply to § 20.42 (b) (2)).* Simulated instrument flight time need not necessarily be instrument flight instruction and may be obtained with a safety pilot who does not hold an instrument rating. The safety pilot must hold an instrument rating only when he is giving instrument flight instructions.

This interpretation shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 602, 52 Stat. 1008, 49 U. S. C. 552)

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-5477; Filed, May 11, 1951; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52721]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

CANCELLATION OF BONDS

Under § 10.39 of the Customs Regulations of 1943, as amended by T. D. 52454, the relief which the collectors of customs may extend in cases where there has been compliance with the terms of the bond with respect to part of but not all the articles covered thereby is limited to cancellation of the claim for liquidated damages upon the payment of an amount equal to one and one-quarter times the duty on the articles in respect of which the default occurred. Since there are many cases in which the Bureau's practice is to cancel the claim for liquidated damages upon payment of a nominal sum and which the collectors acted upon prior to T. D. 52454, § 10.39, Customs Regulations of 1943 (19 CFR 10.39), as amended, is further amended as follows:

1. Paragraph (f) is amended by inserting "or, under the circumstances enumerated in subparagraphs (1), (2), or (3) of paragraph (e) of this section, upon payment of such lesser amount as the collector may deem appropriate" immediately after "occurred".

2. Paragraph (g) is hereby amended by deleting the first sentence and the words "paragraph (e) or (f) of" in the second sentence.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies secs. 308, 623, 46 Stat. 690, as amended, 759, as amended, pars. 1607, 1747, 1808, sec. 201, 46 Stat. 673, 680, 684; 19 U. S. C. 1308, 1623, 1201, pars. 1607, 1747, 1808)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: May 8, 1951.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51-5495; Filed, May 11, 1951; 8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter B—Property Improvement Loans

PART 203—TITLE I MORTGAGE INSURANCE: ELIGIBILITY REQUIREMENTS

DEFENSE PRODUCTION ACT OF 1950 CONTROLS

Section 203.20b is hereby amended by adding at the end thereof the following new paragraph:

(d) The provisions of § 203.20a and of this section shall not be applicable under the following circumstances:

(1) Where the mortgagor certifies in a form satisfactory to the Commissioner that the entire proceeds of the mortgage are to be used for the replacement, reconstruction or repair of a residential structure destroyed or substantially damaged by flood, fire or other similar casualty;

(2) Where the mortgagor certifies in a form satisfactory to the Commissioner that on or after July 19, 1950, he was the owner of a residence and that his title thereto has been transferred to the United States, or to one of the States or subdivisions thereof, through condemnation proceedings or by voluntary conveyance in lieu of condemnation, and that the proceeds of the mortgage are to be used solely to finance the purchase or construction of a similar residence to be used in substitution therefor; or

(3) Where an application is made to the Commissioner in the nature of a request to reopen or reissue an expired commitment, provided that the Commissioner finds that such commitment was not subject to the provisions of § 203.20a or of this section when issued, and that such commitment expired on or after July 19, 1950, and that the application of the provisions of § 203.20a or of this section to the reopened or reissued commitment would cause severe hardship to the mortgagor or mortgagee.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. and Sup., 1730g. Interprets or applies sec. 102, Pub. Law 475, 81st Cong.)

Issued at Washington, D. C., May 7, 1951.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 51-5478; Filed, May 11, 1951; 8:45 a. m.]

Subchapter C—Mutual Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE: ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

DEFENSE PRODUCTION ACT OF 1950 CONTROLS

1. Section 221.26d (b) is hereby amended to read as follows:

(b) For the period this paragraph remains in effect, and notwithstanding the provisions of § 221.16, a mortgage insured pursuant to an application received by the Commissioner on or after October 12, 1950, and covering property upon which there is located a dwelling designed principally for a single-family or a two-family residence, must have a maturity satisfactory to the Commissioner not more than 20 years from the date of insurance, except that, if the amount of the mortgage is $5,800 or less per family unit and the property is approved for insurance prior to the beginning of construction, the mortgage may have a maturity not in excess of 25 years from the date of insurance.

2. Section 221.26d is further amended by adding at the end thereof the following new paragraph:

(d) The provisions of § 221.26c and of this section shall not be applicable under the following circumstances:

(1) Where the mortgagor certifies in a form satisfactory to the Commissioner that the entire proceeds of the mortgage are to be used for the replacement, reconstruction or repair of a residential structure destroyed or substantially damaged by flood, fire or other similar casualty;

(2) Where the mortgagor certifies in a form satisfactory to the Commissioner that on or after July 19, 1950, he was the owner of a residence and that his title thereto has been transferred to the United States, or to one of the States or subdivisions thereof, through condemnation proceedings or by voluntary conveyance in lieu of condemnation, and that the proceeds of the mortgage are to be used solely to finance the purchase or construction of a similar residence to be used in substitution therefor; or

(3) Where an application is made to the Commissioner in the nature of a request to reopen or reissue an expired commitment, provided that the Commissioner finds that such commitment was not subject to the provisions of § 221.26c or of this section when issued, and that such commitment expired on or after July 19, 1950, and that the application of the provisions of § 221.26c or of this section to the reopened or reissued commitment would cause severe hardship to the mortgagor or mortgagee.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., May 7, 1951.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 51-5479; Filed, May 11, 1951; 8:45 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION

Reorganization Plan No. 14 of 1950 provides that in order to assure coordination of administration and consistency of enforcement of the labor standards provisions of various designated acts by the Federal agencies responsible for the administration thereof, the Secretary of Labor shall prescribe appropriate standards, regulations, and procedures which shall be observed by these agencies, and cause to be made by the Department of Labor such investigations, with respect to compliance with and enforcement of such labor standards, as he deems desirable. In compliance with such directive the following regulations, standards and procedures are adopted, to be effective July 1, 1951.

Now, therefore, pursuant to authority vested in me by Reorganization Plan No. 14 of 1950 and the act of September 23, 1950, 64 Stat. 967, a new Part 5 is added, to read as follows:

Sec.

5.1 Purpose and scope.
5.2 Definitions.
5.3 Procedure for requesting wage determinations.
5.4 Use of wage determinations.
5.5 Contract provisions.
5.6 Enforcement.
5.7 Reports to the Secretary of Labor.
5.8 Suspension of funds.
5.9 Restitution.
5.10 Investigations by the Secretary of Labor.
5.11 Rulings and interpretations.
5.12 Variations, tolerances and exemptions.

AUTHORITY: §§ 5.1 to 5.12 issued under Pub. Law 815, 81st Cong.

§ 5.1 *Purpose and scope.* The regulations contained in this part are promulgated pursuant to Reorganization Plan No. 14 of 1950, the provisions of the Reorganization Act of 1949, 63 Stat. 203 and the act of September 23, 1950, 64 Stat 967, in order to coordinate the administration and enforcement of the labor standards provisions of each of the following acts by the Federal agencies responsible for their administration, i. e.:

Davis-Bacon Act, as amended, 46 Stat. 1994, 49 Stat. 1011, 54 Stat. 399, 55 Stat. 53; 40 U. S. C. 276a et seq.

Anti-Kickback Act, as amended, 48 Stat. 948, 62 Stat. 740, 63 Stat. 108; 18 U. S. C. 874, 40 U. S. C. 276b, c.

Eight Hour Laws, 27 Stat. 340, as amended, 37 Stat. 726, 37 Stat. 137, as amended, 54 Stat. 884; 39 Stat. 1192; 40 U. S. C. 321 et seq.

National Housing Act, as amended, 53 Stat. 804; 12 U. S. C. 1703 et seq.

Hospital Survey and Construction Act, 60 Stat. 1040; 42 U. S. C. 291 et seq.

Federal Airport Act, as amended, 60 Stat. 170; 49 U. S. C. 1101 et seq.

Housing Act of 1949, 63 Stat. 413; 42 U. S. C. 1401 et seq.

School Survey and Construction Act of 1950, 64 Stat. 967 et seq.; 20 U. S. C. 251 et seq.

§ 5.2 *Definitions.* As used in the regulations[1] in this part:

(a) The term "Agency Head" means the principal official of the Federal agency and includes those persons duly authorized to act in his behalf;

(b) The term "Contracting Officer" means the individual, his duly appointed successor or his authorized representative who is designated and authorized to enter into contracts on behalf of the Federal agency;

(c) The term "apprentices" means persons employed in a bona fide apprenticeship program registered with a State Apprenticeship Council which is recognized by the Federal Committee on Apprenticeship, United States Department of Labor, or if no such recognized Council exists in a State, in a program registered with the Bureau of Apprenticeship, United States Department of Labor;

(d) The term "wage determination" includes the original decision and any subsequent decisions modifying, superseding, correcting, or in any way affecting the provisions of the original decision, issued prior to the award of the construction contract, except that under the National Housing Act changes in the decision shall be effective if made at any time prior to the beginning of construction. The use of the wage determination shall be subject to the provisions of § 5.4.

(e) The term "contract" means any contract within the scope of the labor standards provisions of any of the acts listed in § 5.1 and which is entered into for the actual construction, alteration and/or repair, including painting and decorating, of a public building or public work, or building or work financed in whole or in part from Federal funds or in accordance with guarantees of a Federal agency or financed from funds obtained by pledge of any contract of a Federal agency to make a loan, grant or annual contribution.

(f) The terms "building" or "work" generally include construction activity as distinguished from manufacturing, furnishing of materials, or servicing and maintenance work. The terms include without limitation, buildings, structures, and improvements of all types, such as bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, railways, ships, vessels, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, canals, dredging, shoring, rehabilitation and reactivation of plants, scaffolding, drilling, blasting, excavating, clearing, and landscaping. The manufacture or furnishing of materials, articles, supplies or equipment (whether or not a Federal or State agency acquires title to such materials, articles, supplies, or equipment during the course of the manufacture or furnishing, or owns the materials from which they are manufactured or furnished) is not a "building" or "work" within the meaning of the regulations in this part unless conducted in connection with and at the site of such a building or work as is described in the foregoing sentence, or under the Housing Act of 1949[2] in the construction or development of the project.

(g) The terms "construction", "prosecution", "completion", or "repair" mean all types of work done on a particular building or work at the site thereof, or under the Housing Act of 1949 in the construction or development of the project, including without limitation, altering, remodeling, painting and decorating, the transporting of materials and supplies to or from the building or work by the employees of the construction contractor or construction subcontractor, and the manufacturing or furnishing of materials, articles, supplies or equipment on the site of the building or work, or under the Housing Act of 1949 in the construction or development of the project, by persons employed by the contractor or subcontractor. A mere token beginning of the work shall not be deemed to be the "beginning of construction" as that term is used in the National Housing Act.

(h) The term "public building" or "public work" includes building or work, the construction, prosecution, completion, or repair of which, as defined above, is carried on directly by authority of or with funds of a Federal agency to serve the interest of the general public regardless of whether title thereof is in a Federal agency.

(i) Every person paid by a contractor or subcontractor in any manner for his labor in the construction, prosecution, completion, or repair of a public building or public work, or building or work financed in whole or in part by loans, grants or guarantees from the United States, is "employed" and receiving "wages", regardless of any contractual relationship alleged to exist.

(j) The term "Federal agency" means the United States, the District of Columbia, and all executive departments, independent establishments, administrative agencies, and instrumentalities of the United States and of the District of Columbia, including corporations, all or substantially all of the stock of which is beneficially owned by the United States, by the District of Columbia, or any of the foregoing departments, establishments, agencies, and instrumentalities.

§ 5.3 *Procedure for requesting wage determinations.* Requests for the determination of wage rates by the Secretary of Labor or for any change, modification, or review thereof, shall be submitted by the Federal agency on forms prescribed by the Department of Labor. Requests for such determinations shall be initiated at least 30 calendar days before advertisement of the specifications or the beginning of the negotiations for the contract for which the determination is sought; exceptions from this provision will be made only upon a proper showing in unusual circumstances.

[1] These definitions are not intended to restrict the meaning of any of the terms as used in the applicable statutes.

[2] Housing Act of 1949, 42 U. S. C. 1416, 1459.

§ 5.4 *Use of wage determinations.* (a) If the proposed contract for which determination was sought has not been awarded or if under a contract subject to the National Housing Act construction has not begun within 90 calendar days from the date of the original wage determination such determination shall be deemed obsolete and the Agency Head shall request a new wage determination before the award of such contract or the beginning of such construction, as the case may be.

(b) All actions changing or modifying an original wage determination prior to the award of the contract or contracts for which the determination was sought shall be applicable thereto but modifications received by the agency later than 5 days before the opening of bids shall not be effective if the award is made within 30 days after the opening of the bids or 90 days from the date of the original wage determination whichever is the earlier. Similarly, in the case of contracts entered into pursuant to the National Housing Act, changes or modifications in the original determination shall be effective if made prior to the beginning of the construction, but shall not apply after the mortgage is initially endorsed by the agency if the beginning of the construction takes place within 30 days thereafter.[3] The Agency Head shall provide that persons such as the prospective bidders, sponsors, applicants or owners be informed of these conditions.

§ 5.5 *Contract provisions.* (a) The Agency Head shall cause or require to be inserted in any contract subject to the labor standards provisions of any of the acts listed in § 5.1 the following stipulations or any modifications thereof to meet particular needs of the agency if first approved by the Department of Labor:

(1) All mechanics and laborers employed or working upon the site of the work, or under the Housing Act of 1949 in the construction or development of the project, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by the Anti-Kickback Regulations (29 C. F. R. Part 3)), the full amounts due at time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics; and the wage determination decision shall be posted by the contractor at the site of the work in a prominent place where it can be easily seen by the workers.

(2) The [write in name of Federal agency] may withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the contractor or any subcontractor on the work the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic employed or working on the site of the work, or under the Housing Act of 1949 in the construction or development of the project, all or part of the wages required by the contract, the [Agency] may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

(3) Payroll records will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work, or under the Housing Act of 1949 in the construction or development of the project. Such records will contain the name and address of each such employee, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made and actual wages paid.

The contractor will submit weekly a certified copy of all payrolls to the [write in name of appropriate Federal agency] if the agency is a party to the contract but if the agency is not such a party the contractor will submit the certified payrolls to the applicant, sponsor, or owner, as the case may be, for transmission to the [write in name of agency]. The certification will affirm that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor and that the classifications set forth for each laborer or mechanic conform with the work he performed. The contractor will make his employment records available for inspection by authorized representatives of the [write in name of agency] and the Department of Labor, and will permit such representatives to interview employees during working hours on the job.

(4) Apprentices will be permitted to work only under a bona fide apprenticeship program registered with a State Apprenticeship Council which is recognized by the Federal Committee on Apprenticeship, U. S. Department of Labor; or if no such recognized Council exists in a State, under a program registered with the Bureau of Apprenticeship, U. S. Department of Labor.

(5) The contractor will comply with the regulations (copy of which is attached) of the Secretary of Labor made pursuant to the Anti-Kickback Act of June 13, 1934, 48 Stat. 948; 62 Stat. 740, 63 Stat. 108; 18 U. S. C. 874, 40 U. S. C. 276 b, c, and any amendments or modifications thereof, will cause appropriate provisions to be inserted in subcontracts to insure compliance therewith by all subcontractors subject thereto, and will be responsible for the submission of affidavits required of subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances and exemptions from the requirements thereof.

(6) The contractor will insert in each of his subcontracts the provisions set forth in stipulations (1), (2), (3), (4), (5) and (7) hereof, and such other stipulations as the [write in name of Federal agency] may by appropriate instructions require.

(7) A breach of stipulations (1) through (6) may be grounds for termination of the contract.

(b) The Agency Head shall cause or require the following stipulation to be included in the contract where applicable:

EIGHT HOUR LAW—OVERTIME COMPENSATION

No laborer or mechanic doing any part of the work contemplated by this contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work, except upon the condition that compensation is paid to such laborer or mechanic in accordance with the provisions of this article of the contract. The wages of every laborer and mechanic employed by the contractor or any subcontractor engaged in the performance of this contract shall be computed on a basic day rate of eight hours per day and work in excess of eight hours per day is permitted only upon the condition that every such laborer and mechanic shall be compensated for all hours worked in excess of eight hours per day at not less than one and one-half times the basic rate of pay. For each violation of the requirements of this article of the contract a penalty of five dollars shall be imposed upon the contractor for each laborer or mechanic for every calendar day in which such employee is required or permitted to labor more than eight hours upon said work without receiving compensation computed in accordance with this article of the contract, and all penalties thus imposed shall be withheld for the use and benefit of the Government: *Provided*, That this stipulation shall be subject in all respects to the exceptions and provisions of the Eight Hour Laws as set forth in U. S. Code, title 40, sections 321, 324, 325, 325a, and 326, which relate to hours of labor and compensation for overtime.

§ 5.6 *Enforcement.* (a) It shall be the responsibility of the Federal agency to ascertain whether the stipulations required by § 5.5 have been inserted in the contracts. Agencies which do not directly enter into such contracts shall promulgate the necessary regulations or procedures to require that the contracts contain the provisions of § 5.5 or such modifications thereof which have been approved by the Department of Labor. No payment, advance, grant, loan or guarantee of funds shall be approved by the Federal agency after the beginning of construction unless there is on file with the agency a certification by the contractor that he and his subcontractors have complied or that there is an honest dispute with respect to the required provisions.

(b) Whenever any contractor or subcontractor is found by the Secretary of Labor or the Agency Head to be in aggravated or wilful violation of the prevailing wage or overtime pay provisions of any of the applicable statutes listed in § 5.1, other than the Davis-Bacon Act, such contractor or subcontractor or any firm, corporation, partnership, or association in which such contractor or subcontractor has a substantial interest shall be ineligible for a period of three years (from the date of publication by the Comptroller General of the name or names of said contractor or subcontractor on the ineligible list as provided below) to receive any contracts subject to any of the statutes listed in § 5.1. In cases arising under contracts covered by the Davis-Bacon Act, the ineligibility provision prescribed in that act shall govern.

The Agency Head shall furnish to the Secretary of Labor for transmittal to the Comptroller General the names of the persons or firms who have been found to have disregarded their obligations to employees. The Comptroller General will distribute a list to all Departments of the Government giving the names of such ineligible persons or firms.

(c) Under the Davis-Bacon Act the contracting officer shall require that any class of laborers and mechanics not listed in the Secretary's decision, which will be employed on the contract, shall be classified or reclassified by the contrac-

[3] This does not apply to supplemental wage determinations issued for additional crafts not included in the original determinations.

tor or subcontractor conformably to the Secretary's decision and a report of the administrative action taken in such cases shall be transmitted by the agency to the Secretary of Labor. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics to be used, the question, accompanied by the recommendation of the contracting officer, shall be referred to the Secretary of Labor for final determination. Where classifications of laborers and mechanics are desired under any of the other statutes listed in § 5.1 which were not included in the original decision, a supplementary wage determination shall be requested by the Agency Head.

(d) The Federal agency shall make such examination of the certified payrolls and affidavits as may be necessary to assure compliance with the labor standards stipulations required by the regulations contained in this part and the applicable statutes listed in § 5.1 In connection with such examination particular attention should be given to the correctness of classifications and disproportionate employment of laborers, helpers or apprentices. Such payrolls and affidavits shall be preserved by the agency for a period of three years from the date of completion of the contract and shall be produced at the request of the Secretary of Labor at any time during the 3-year period.

(e) In addition to the examination of payrolls and affidavits required by paragraph (d) of this section, the Federal agency shall cause investigations to be made as may be necessary to assure compliance with the labor standards stipulations required by the regulations contained in this part and the applicable statutes listed in § 5.1. Projects where the contract is of short duration (6 months or less) shall be investigated before the work is accepted, if feasible. In the case of contracts which extend over a long period of time the investigation shall be made with such frequency as may be necessary to assure compliance. Such investigations shall include interviews with employees and examinations of payroll data to determine the correctness of classifications and disproportionate employment of laborers, helpers or apprentices. Complaints of alleged violations shall be given priority and statements, written or oral, made by an employee shall be treated as confidential and shall not be disclosed to his employer without the consent of the employee.

§ 5.7 *Reports to the Secretary of Labor.* (a) After completion of investigations, the appropriate Federal agency shall, where the violations are wilful or result in underpayments in the amount of $200 or more, transmit to the Secretary of Labor a report of its findings, including information as to restitution made; payments or approvals of loans, grants, guarantees, or subsidies withheld; contract terminations; the names and addresses of employees and contractors or subcontractors affected. The procedure for the withholding of funds under the Davis-Bacon Act shall be in accordance with the Comptroller General's letter of February 28, 1936, A. 34106, which is appended hereto.*

(b) No report need be made to the Secretary of Labor where the underpayments total less than $200, if nonwilful, and the Federal agency has required restitution to be made and has received assurance from the contractor of future compliance.

(c) Upon the award of the contract the Agency Head shall transmit to the Secretary of Labor in duplicate the following information in writing: The names and addresses of each successful contractor, the amount of the contract, and the location and description of the projects including the contract numbers if available in sufficient detail to indicate its nature. The same information shall be submitted with respect to subcontractors and their subcontracts. Compliance with section 109 (c) of Title 1 of the Housing Act of 1949, shall be deemed to be fulfillment of this section with respect to contracts entered into pursuant to Title 1 of that act.

(d) Where the contract is terminated by reason of violations of the labor standards a report shall be submitted to the Secretary of Labor and the Comptroller General giving the name and address of the contractor or subcontractor whose right to proceed has been terminated, the name and address of the contractor or subcontractor, if any, who is to complete the work, the amount and number of his contract, and the description of the work he is to perform.

§ 5.8 *Suspension of funds.* In the event of failure or refusal of the contractor or any subcontractor to comply with labor standards stipulations required by the regulations contained in this part and the applicable statutes listed in § 5.1, the Federal agency shall take such action as may be necessary to cause the suspension of the payment, advance or guarantee of funds until such time as the violations are discontinued or until sufficient funds are withheld to compensate employees for the wages to which they are entitled.

§ 5.9 *Restitution.* (a) The Agency Head may, in appropriate cases where violations of the labor standards stipulations required by the regulations contained in this part and the applicable statutes listed in § 5.1 resulting in underpayment of wages to employees are found to be nonwilful, order that restitution be made to such employees.

(b) In cases where the Agency Head finds substantial evidence that such violations are wilful and in violation of a criminal statute, the Agency Head shall forward the matter to the Attorney General of the United States for prosecution if the facts warrant. In all such cases the Secretary of Labor shall be informed of the action taken.

§ 5.10 *Investigations by the Secretary of Labor.* (a) The Secretary of Labor shall cause to be made such investigations as he deems desirable, in order to obtain compliance with the provisions of this part and the applicable statutes listed in § 5.1 and the Federal agencies, contractors, subcontractors, sponsors, applicants or owners, shall cooperate with any authorized representative of the Department of Labor in the inspection of records, in interviews with workers, and in all other aspects of the investigation.

(b) In the event of disputes concerning the payment of prevailing wage rates or proper classifications which involve significant sums of money, large groups of employees, or novel or unusual situations, the Secretary of Labor may, upon request by a Federal agency, direct a hearing to be held. For the purpose of the hearing the Secretary of Labor shall, in writing, designate a Hearing Examiner who shall, after notice to all interested parties, make such investigation and conduct such hearings as may be necessary and render a decision embodying his findings and conclusions and if wages are found to be due, the amounts thereof. The Hearing Examiner's decision shall be sent to the interested parties and shall be final unless a petition for review of the decision by the Secretary of Labor is filed by any such parties in quadruplicate with the Chief Hearing Examiner, United States Department of Labor, Washington 25, D. C., within twenty (20) days after receipt thereof. The petition for review must set out separately and particularly each objection asserted. The petition for review and the record which shall include the Examiner's decision, then shall be certified by the Hearing Examiner to the Secretary of Labor. The petitioner may file a brief (original and four copies) in support of his petition within the twenty (20) day period and any interested party upon whom the Hearing Examiner's decision has been served may within ten (10) days after the expiration of the time for filing the petition for review, file a brief in support of, or in opposition to the Hearing Examiner's decision. The Secretary of Labor's decision shall be final.

§ 5.11 *Rulings and interpretations.* All questions arising in any agency relating to the application and interpretation of the regulations contained in this part and of the Davis-Bacon Act, the Anti-Kickback Act, the Eight Hour Laws, and the labor standards provisions of the following acts, the National Housing Act, the Housing Act of 1949, the Hospital Survey and Construction Act, the Federal Airport Act and the School Survey and Construction Act of 1950, shall be referred to the Secretary of Labor for appropriate ruling or interpretation. The rulings and interpretations of the Secretary shall be authoritative and may be relied upon as provided for in section 10 of the Portal to Portal Act of 1947. Requests for such rulings and interpretations should be addressed to the Secretary of Labor, United States Department of Labor, Washington 25, D. C.

§ 5.12 *Variations, tolerances and exemptions.* Upon a written finding by the head of a Federal agency, the Secretary of Labor may provide reasonable limitations, variations, tolerances, and exemptions from the requirements of the regulations contained in this part, subject to such conditions as the Secretary of Labor may specify.

Signed at Washington, D. C., this 9th day of May 1951.

MAURICE J. TOBIN,
Secretary of Labor.

* Filed as a part of the original document.

[F. R. Doc. 51-5506; Filed, May 11, 1951; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter L—Regulations Pertaining to Military Justice

PART 471—UNIFORM RULES OF PROCEDURE FOR PROCEEDINGS IN AND BEFORE BOARDS OF REVIEW

Pursuant to Article 66 (f), Uniform Code of Military Justice, Act of May 5, 1950 (64 Stat. 128), a new Subchapter L, Part 471, containing rules of procedure for proceedings in and before boards of review, is prescribed jointly by the Judge Advocate General of the Armed Forces and the General Counsel of the Treasury Department, effective May 31, 1951.

DEFINITIONS

Sec.
471.0 Definitions.

RULES

471.1 Quorum.
471.2 Place for filing papers.
471.3 Signing of papers.
471.4 Computation of time.
471.5 Counsel.
471.6 Records of trial.
471.7 Assignment of errors.
471.8 Briefs.
471.9 Hearings.
471.10 Decisions of a board of review.
471.11 Continuances and interlocutory matters.

APPENDIXES

471.21 Appendix 1—Form for assignment of errors.
471.22 Appendix 2—Form for cover page of brief.
471.23 Appendix 3—Form for content of brief on behalf of accused.

AUTHORITY: §§ 471.0 to 471.23 issued under Art. 66, Pub. Law 506, 81st Cong.

DEFINITIONS

§ 471.0 *Definitions.* So far as the terms defined in Article 1 of the Uniform Code of Military Justice are used in this part they are used in the sense of their respective definitions therein unless the context indicates otherwise. As used in this part:

(a) "Appellate counsel" shall mean any counsel representing any party before a board of review.

(b) "Appellate defense counsel" shall mean any officer appointed by the Judge Advocate General to represent an accused before a board of review pursuant to Article 70, Uniform Code of Military Justice.

(c) "Appellate Government counsel" shall mean any officer appointed by the Judge Advocate General to represent the Government before a board of review pursuant to Article 70, Uniform Code of Military Justice.

(d) "Civilian counsel" shall mean civilian counsel provided by the accused to represent him before a board of review.

(e) "Appellate counsel for the accused" shall be construed to include appellate defense counsel and civilian counsel.

(f) "Defense counsel" shall mean any person who represented an accused at the trial by court-martial or who served as his counsel in the field.

RULES

§ 471.1 *Quorum.* A majority of the members of a board of review will constitute a quorum for the purpose of hearing and determining any matter referred to the board. The determination of any matter referred to a board of review will be according to the opinion of a majority of its members. In the absence of a quorum the senior member present may make all necessary orders touching any proceedings pending in the board preparatory to hearing or decision thereof. [Rule I]

§ 471.2 *Place for filing papers.* When the filing of a notice of appearance, brief, or other paper in the Office of a Judge Advocate General is required by this part, such papers will be filed in the Office of the Judge Advocate General of the appropriate armed force. If transmitted by mail or other means, they are not filed until received in such office. [Rule II]

§ 471.3 *Signing of papers.* All formal papers must be signed and must show, typewritten or printed, the name and address of the person signing same, together with his military rank, if any, and the capacity in which he signs the paper. Such signature constitutes a certificate that the statements made therein are true and correct to the best of the knowledge, information, and belief of the person signing the paper, and that the paper is filed in good faith and not for purposes of unnecessary delay. Papers will be filed only by the duly authorized counsel for the parties in interest and proof of such authorization may be required. [Rule III]

§ 471.4 *Computation of time.* Times referred to in this part are calendar days. If the last day falls on a Saturday, Sunday, or holiday compliance may be made on the next working day. [Rule IV]

§ 471.5 *Counsel*—(a) *Qualifications.* In any proceeding before a board of review the accused may be represented by civilian counsel provided by him or by assigned appellate defense counsel. Civilian counsel must be a member in good standing of the bar of a Federal court or of a court of record of any State of the United States, and may be required to file a certificate setting forth such qualifications. Appellate defense and Government counsel will be qualified in accordance with Article 70 (a) and 27 (b) (1) of the Uniform Code of Military Justice.

(b) *Conduct of counsel.* The conduct of counsel appearing before a board of review will be in accordance with the rules of conduct prescribed by paragraph 42b, Manual for Courts-Martial, United States, 1951 (16 F. R. 1303).

(c) *Request for appellate defense counsel.* A request for representation by appellate defense counsel will be forwarded to the convening authority for attachment to the record or dispatched to the Office of the Judge Advocate General within ten days from the date of sentence. In cases referred to a board under Article 69, Uniform Code of Military Justice, the accused will have two days from the time he receives notice of such reference to forward a request for appellate defense counsel to the Office of the Judge Advocate General unless he has already forwarded such request. Any request for appellate defense counsel should be accompanied by a statement as to the errors or other matters urged as grounds for relief. Such statement need not be in technical form and the assistance of counsel in the field will be available for its preparation. In the event defense counsel files a brief as provided in Article 38 (c), Uniform Code of Military Justice, such brief may be submitted in lieu of this statement.

(d) *Civilian counsel provided by accused.* (1) Notice that an accused has retained or has taken action to retain civilian counsel to represent him before a board of review will be forwarded to the convening authority for attachment to the record or dispatched to the Judge Advocate General within ten days from the date of sentence. In cases referred to a board of review under Article 69, Uniform Code of Military Justice, the accused will forward such notice within two days after receipt of notice by him of such referral unless he has already forwarded such notice. The notice of representation by civilian counsel will be signed by the accused or his representative and will state the name and address of such civilian counsel. When the accused has forwarded a timely notice of intention to retain civilian counsel, a notice of retainer stating the name and address of such counsel must be received in the Office of the Judge Advocate General within ten days of receipt of the notice of intention. Such civilian counsel will thereafter be notified of the receipt of the record of trial in the Office of the Judge Advocate General, the number of the case, the board to which the case has been referred, and the arrangements made, or to be made, for a hearing.

(2) If the accused has forwarded a timely notice of intention to retain civilian counsel, appellate defense counsel shall be assigned to represent the interests of the accused pending appearance of civilian counsel.

(e) *Failure to request or give notice of appellate counsel.* Failure of an accused to request appellate defense counsel or to give notice of retainer of civilian counsel or of intention to retain civilian counsel within the times prescribed may be regarded as a waiver of such right and a board may take final action in the case. Upon application made to the Judge Advocate General at any time before the board of review has taken final action in a case, and for good cause

shown, the times prescribed herein may be extended.

(f) *Mandatory assignment of appellate defense counsel.* In all cases in which the United States is represented by counsel before a board of review, the accused will be assigned appellate defense counsel if not already represented by counsel.

(g) *Direct communication.* Civilian counsel may communicate directly with appellate defense or Government counsel. Appellate defense counsel may render such appropriate assistance in connection with the appellate review of the case as may be requested by civilian counsel.

(h) *Notice of appearance of counsel.* Appellate defense and Government counsel in a case before a board of review will file a written notice of appearance in the Office of the Judge Advocate General within five days of assignment to the case. Civilian counsel will file such notice within ten days from the date of receipt of the notice of retainer. Unless separate notice of appearance is filed, an assignment of errors, brief, or other formal paper will constitute a notice of appearance. [Rule V]

§ 471.6 *Records of trial.* Civilian counsel who do not have a copy of the record of trial may make arrangements with appellate defense counsel to examine a copy of the record of trial in the Office of the Judge Advocate General and to make a copy of the whole or any part thereof without expense to the Government. [Rule VI]

§ 471.7 *Assignment of errors.* Within ten days after notice of receipt of the record in the Office of the Judge Advocate General appellate counsel for the accused shall file an assignment of errors setting forth separately and particularly each error asserted and intended to be urged § 471.21. An original and five clear copies prepared in accordance with the provisions of § 471.8 (a) will be submitted. It will contain the information prescribed in § 471.8 (d) (1). A reply to this assignment may be filed within ten days. For good cause shown the Judge Advocate General may extend these times. [Rule VII]

§ 471.8 *Briefs*—(a) *General provisions.* The assignment of errors prescribed in § 471.7 may be included in, or filed in lieu of, a brief for the accused. An original and five clear copies of all briefs will be submitted. Briefs will be typewritten, double-spaced on 8" x 12½" (legal cap) white paper, securely fastened at the top. All references to matters contained in the record will show record page numbers and any exhibit designations.

(b) *Number of briefs.* Appellate counsel will be limited to the filing of one brief for each side unless the board otherwise permits or directs.

(c) *Time for filing.* Any brief for an accused will be filed within ten days after his appellate counsel has been notified of the receipt of the record in the Office of the Judge Advocate General. If the Judge Advocate General has directed appellate Government counsel to represent the United States, such counsel may file a brief on behalf of the Government within ten days after any brief or an assignment of errors has been filed on behalf of an accused. If no brief is filed on behalf of an accused a brief on behalf of the Government may be filed within ten days after expiration of the time allowed for the filing of a brief on behalf of the accused. For good cause shown the Judge Advocate General may extend the times prescribed herein, giving due notice of such extension to the opposing party.

(d) *General contents.* (1) Each brief will indicate on the cover page (§ 471.22):

(i) The designation of the board of review to which the case has been referred,

(ii) The number of the case, if known, and the caption with designation of parties,

(iii) Title of the document,

(iv) Names and addresses of all counsel submitting the document.

(2) An index containing:

(i) Divisions of the brief, including a summary of the argument,

(ii) Table of authorities cited with references to the page of the brief where cited.

If the brief is less than ten pages long this index may be omitted.

(e) *Contents (Accused)* (§ 471.23). The brief for an accused will contain the following arranged in the order indicated:

(1) A summary of the proceedings showing the findings and sentence as approved and the action of the convening authority thereon;

(2) A concise statement of the facts of the case containing all that is material to the consideration of the questions presented with appropriate page references to the record;

(3) The substance of the errors or points intended to be urged, prepared in accordance with § 471.7;

(4) The argument exhibiting clearly the points of fact and law being presented, citing the authorities and statutes relied upon, and quoting the relevant parts of such authorities and statutes as are deemed to have an important bearing;

(5) A conclusion stating concisely why the case should be decided as urged.

(f) *Contents (Government).* (1) A brief on behalf of the Government will be of like character as that prescribed for the accused except that the matters prescribed in paragraph (e) (1), (2), and (3) of this section need not be given unless deemed necessary in correcting any inaccuracy or omission in the brief of the accused.

(2) Appropriate proof of service of a copy of the brief will appear on the cover sheet when the accused is represented by civilian counsel. [Rule VIII]

§ 471.9 *Hearings* — (a) *Oral arguments.* Cases where the parties are not represented by counsel will be considered as submitted without oral argument. All other cases will be set for argument unless, upon request of counsel, a board permits a case to be submitted without argument. The accused does not have a right to be present at the hearing before the board of review.

(b) *Notice of setting of arguments.* A board of review will give appellate counsel at least ten days notice of the time and place of oral argument, unless waived.

(c) *Time limits.* The length of oral arguments will be within the discretion of a board of review and ordinarily will not exceed thirty minutes for each side.

(d) *Number of counsel; opening and closing.* A board in its discretion may limit the number of counsel making an oral argument. The defense will have the right to make opening and closing arguments.

(e) *Failure to appear.* Failure of appellate counsel to appear at the time and place set for oral argument may be regarded as a waiver thereof and the board may proceed to act on the case as submitted without argument or, in its discretion, may continue the case for argument at a later date, giving due notice thereof.

(f) *Matters outside record.* Matters outside the record of trial will not be presented to or argued before a board of review except with respect to:

(1) A petition for new trial referred to a board under Article 73, Uniform Code of Military Justice,

(2) A question of jurisdiction,

(3) Matters affecting the sanity of an accused tending to show that further inquiry as to his mental condition is warranted in the interest of justice,

(4) Matters as to which judicial notice may be taken in military law.

When requested by the Judge Advocate General, a board of review may hear and report to him on any matter outside the record in mitigation of the sentence, or otherwise in the interest of justice. [Rule IX]

§ 471.10 *Decisions of a board of review*—(a) *Notice of decisions.* Notice of the decision of a board of review will be accomplished as prescribed in paragraph 100, Manual for Courts Martial, 1951 (16 F. R. 1303). In any case where a board affirms a sentence without opinion, notice upon the accused and appellate counsel for the accused, in accordance with paragraph 100c (1) (*a*), Manual for Courts Martial, 1951, may be accomplished by any equally expeditious means of communication.

(b) *Copies of decisions.* A copy of the decision of a board of review will be furnished appellate counsel for the accused. [Rule X]

§ 471.11 *Continuances and interlocutory matters.* Except as otherwise provided in this part a board, in its discretion, may extend any time limits prescribed, may grant continuances for such time and as often as may appear to be just, and may dispose of any interlocutory or other matters, not specifically covered by these rules, in such manner as may appear to be required for a full, fair, and expeditious consideration of the case.

APPENDIXES

§ 471.21 *Appendix 1—Form for assignment of errors.* (§ 471.7.)

IN THE OFFICE OF THE
JUDGE ADVOCATE GENERAL OF THE AIR FORCE[1]

Before Board of Review No. ------

UNITED STATES

v.

Private JOHN RICHARD ROE, U. S. Air Force, AF00000000, 3000th Training Squadron, 4000th Technical Training Group.

Case No. ------. Tried at ----------, on ---------- 19----, before a G. C. M. appointed by CG ---------- Air Force.

ASSIGNMENT OF ERRORS

SUMMARY OF PROCEEDINGS

Upon trial by general court-martial the accused pleaded not guilty to, and was found guilty of, absence without leave from 2 June 1951 until 1 July 1951 in violation of U. C. M. J. Art. 86, and of the larceny of a watch of a value of $75.00 the property of Private Schmidt, in violation of U. C. M. J. Art. 121. On ----------, 19---- he was sentenced to dishonorable discharge, forfeiture of all pay and allowances, and confinement at hard labor for 4 years. The convening authority approved the sentence, forwarded the record of trial to the Judge Advocate General of the ---------- and directed that pending completion of appellate review the accused be transferred to the command of ----------, where he is presently confined in the base stockade, ---------- Air Base, ----------.

ERRORS

The following errors are assigned:

1. The law officer erred in admitting in evidence as Prosecution's Exhibit No. 1, an alleged extract copy of the morning report of the 3000th Training Squadron dated 2 June 1951 (R. 17).

The exhibit shows that the alleged morning report was signed, and indicates that the entry as to the accused's alleged unauthorized absence was made, by Sergeant William Q Johns, 3000th Training Squadron. Under pertinent regulations in effect at the time the alleged entry was made, a noncommissioned officer was not the proper person to sign the morning report and had no official duty to record the fact of unauthorized absence.

2 The court erred in its findings of guilty of absence without leave (R. 29), as there was no competent evidence of the alleged unauthorized absence.

3. ----------

4. ----------

(S) ——— ———,
JOHN J. DOE,
Major, USAF, Office of the Judge Advocate General, U. S. Air Force, Appellate Defense Counsel.

§ 471.22 *Appendix 2—Form for cover page of brief.* (§ 471.8.)

IN THE OFFICE OF THE JUDGE ADVOCATE GENERAL OF THE AIR FORCE[1]

Before Board of Review No. ------

UNITED STATES

v.

Private JOHN RICHARD ROE, U. S. Air Force, AF00000000, 3000th Training Squadron, 4000th Technical Training Group

Case No. ------. Tried at ----------, on ---------- 19----, before a G. C. M. appointed by CG ---------- Air Force.

[1] Use Judge Advocate General of the Army, Judge Advocate General of the Navy, or General Counsel of the Treasury Department, respectively, for Army, Navy, or Coast Guard accused, and modify title accordingly.

BRIEF ON BEHALF OF ACCUSED

(BRIEF ON BEHALF OF THE GOVERNMENT)

(REPLY BRIEF ON BEHALF OF ACCUSED)

ROGER Q. SMITH,
Attorney-at-Law, Crow Building, Muscatine, Iowa, Civilian Counsel for Accused,

WILLIAM R. QUEEN,
Major, USAF, Office of the Judge Advocate General, U. S. Air Force, Appellate Defense Counsel,

§ 471.23 *Appendix 3—Form for contents of brief on behalf of accused.* (§ 471.8.) (For form of cover page, see § 471.22.)

INDEX OF BRIEF

(Omit if brief is less than 10 pages long)

Summary of proceedings.
Statement of facts.
Assignment of errors.
Argument:
I. An extract copy of a morning report entry, which entry was made by a noncommissioned officer who had no official duty to make the entry, is not admissible in evidence as an exception to the hearsay rule.
a. Such an entry is not an official record.
b. The local practice of permitting unauthorized persons to sign morning reports in violation of Departmental regulations cannot create a custom having the force of law so as to impose upon the maker of the writing a duty to record the facts contained therein.
c. An extract copy of an alleged morning report is not a business entry.
II. The improper cross-examination of an accused, who has testified only as to the circumstances under which an alleged confession had been obtained, concerning the issue of guilt or innocence constitutes fatal error.
Conclusion.

TABLE OF AUTHORITIES

MANUAL FOR COURTS-MARTIAL

MCM, 1951, par. 140*a*.
MCM, 1951, par. 144*b*.

• • • • •

CASES

----------, v. United States, -- F. 2d ---

• • • • •

STATUTES

18 U. S. C. ------.

• • • • •

REGULATIONS

AFR ------, 10 August 1950.

• • • • •

MISCELLANEOUS

Fifth Amendment of the Constitution.
Winthrop, Military Law and Precedents, 2d Ed. 1920 Reprint, pp. ------.

UNITED STATES v. Private JOHN RICHARD ROE, U. S. Air Force, AF00000000, 3000th Training Squadron, 4000th Technical Training Group

Case No. ------. Tried at ----------, on ---------- 19----, before a G. C. M. appointed by CG ---------- Air Force.

BRIEF ON BEHALF OF ACCUSED

SUMMARY OF THE PROCEEDING

(See first paragraph of Appendix 1)

• • • • •

STATEMENT OF FACTS

Briefly summarized the record of trial shows ------ (State all the facts material to the consideration of errors assigned).

ASSIGNMENT OF ERRORS

The following errors are assigned:
(See Appendix 1)

• • • • •

ARGUMENT

(Discuss the points presented separately and in detail under the headings listed in the index, citing and quoting applicable authority deemed to have an important bearing).

• • • • •

CONCLUSION

For the reasons stated, the findings of guilty and the sentence should be set aside and the charges should be dismissed.

(S) ——— ———
ROGER Q SMITH,
Attorney-at-Law, Crow Building, Muscatine, Iowa, Civilian Counsel for Accused,
(S) ——— ———
WILLIAM R. QUEEN
Major, USAF, Office of the Judge Advocate General, U. S. Air Force, Appellate Defense Counsel.

REGINALD C. HARMON,
Major General, USAF, The Judge Advocate General, United States Air Force.
J. L. HAREAUGH, JR.,
Brigadier General, USA, Acting The Judge Advocate General of the Army.
G. L. RUSSELL,
Rear Admiral, U. S. Navy, Judge Advocate of the Navy.
THOMAS J. LYNCH,
General Counsel of the Treasury Department.

MAY 4, 1951.

[F. R. Doc. 51-5505; Filed, May 11, 1951; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 14, Amdt. 2]

CPR 14—CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE

MISCELLANEOUS AMENDMENT

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Ceiling Price Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment corrects certain typographical errors in Ceiling Price Regulation 14; establishes appropriate provisions to provide a pricing method for retailers purchasing food items from "service-fee" wholesalers; and, excludes certain wholesalers selling mostly "specialty" food items from using the markups in this regulation if they meet certain specific conditions, including an average markup on "net cost" of 22 percent or more in their fiscal year 1950 on all food sales.

Items 4 and 5 of this amendment deal with "service-fee" wholesalers. CPR-14 provides a pricing method for the type of wholesalers employing percentage

markups on "net cost" in arriving at a selling price to retailers. Neither MPR 421 under OPA, nor this regulation provides for the pricing method used by "service-fee" wholesalers. In general, the pricing method of a "service-fee" wholesaler is to sell to the retailer at cost plus a stated service fee. This method of pricing has been more widely used by wholesalers since the end of World War II.

There is an infinite variety of service-fee plans, each tailored to the requirements of the individual using it. The service-fee plans in use throughout the country do not fall exactly into any hard and fast classification, e. g. cost plus 3 percent for warehousing plus a service fee; cost plus 4 percent plus a bonus plan based on over-all monthly volume; cost plus flat monthly service fee; etc. A common characteristic, however, is that the retailers purchasing from service-fee wholesalers cannot accurately figure a "net cost" for items purchased because of the problem of just how to properly allocate the service fees. At the same time the retailers cannot be expected to absorb such fees. To compel them to do so would result in wiping out an established method of doing business. Accordingly the Director of Price Stabilization has determined that the procedure prescribed in this amendment will provide a fair and equitable pricing procedure in such cases.

The amendment provides that a service fee wholesaler shall figure his ceiling prices in accordance with sections 3 and 4 of this regulation for all items covered by this regulation by adding to his "net cost" his fee and service charges, except optional charges, made by him during the month prior to the effective date of this regulation. These "fee and service charges" shall not include any charges optional to the retail customer, but shall include all stated fees and charges for services rendered which are a compulsory part of the wholesaler's plan of operation. However, during each consecutive four-week period after May 14, 1951, the "net cost" for all items covered by this regulation sold by a service fee wholesaler to any retailer, plus the total of the fee and service charges made to that retailer, may not exceed what the wholesaler's ceiling prices would have been if he had figured his ceiling prices by using the markups provided for his class of wholesaler in Table A for all categories of commodities which have a markup of 1.10 or less, and reducing to 1.10 all categories of commodities that have a markup above 1.10, except category 10 which shall be reduced to a markup of 1.19. On all sales made in the above manner the wholesaler must notify the retailer of the wholesaler's ceiling prices for the items on the invoice or order form, or other written document furnished at or before the time of delivery of the items.

Item 6 of this amendment deals with certain wholesalers selling "specialty" food items. There is no hard and fast definition of just what constitutes a "specialty" food item. Generally, "specialty" wholesalers dealing in fancy or "specialty" food items, sometimes described as "table delicacies" or "gourmet's delights", only deal to a very limited extent in cost of living dry groceries such as this regulation is intended to cover. It is evident that the cost of merchandising "specialty" food items is far in excess of that for cost of living items. A few illustrations will indicate the wide variety of the food assortments handled by "specialty" wholesalers. For example, sea squab, pate of smoked rainbow trout, terrapin stew, caviar, brandied fruits, wild game, preserved kumquats, and rattlesnake meat. Available facts indicate that wholesalers offering mostly "specialty" items have realized an average markup on "net cost" in excess of 22 percent for all food items. The markups provided in this regulation are not tailored to reflect the services that are involved in selling "specialty" food items. In fact the markups for Class 3 wholesalers under CPR–14 yield an average markup on "net cost" of approximately 14 percent, an amount far less than that historically realized by "specialty" food wholesalers. The Director of Price Stabilization after very careful consideration has determined that wholesalers selling mostly "specialty" food items may be excluded from using the markups provided in this regulation if they meet the specific conditions set forth in this amendment, including an average markup on "net cost" of 22 percent or more in their fiscal year 1950 on all food sales. They will establish their ceiling prices for all food items under the General Ceiling Price Regulation in the event they are granted an adjustment in accordance with this amendment.

In the formulation of this amendment, special circumstances have rendered impractical consultation with official advisory committees, including trade association representatives; however, the provisions of this amendment incorporate the recommendations of persons representing substantial segments of the industry. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Ceiling Price Regulation 14 is amended in the following respects:

1. Section 6 is amended by substituting the letter "d" for the numeral "6" in paragraph 8.

2. Section 11 is amended by deleting the words "as amended" at the end of the first sentence thereof.

3. Section 13 is amended by deleting the words "and your name" from the first sentence thereof.

4. A new section, 26a, is inserted between section 26 and section 27 to read as follows:

SEC. 26a. *How a service fee wholesaler figures his ceiling prices.* (a) You are a service fee wholesaler if the larger part of your sales in dollar volume for any period of time preceding April 5, 1951, (1) were and still are made with delivery; (2) services are rendered through outside salesmen or fieldmen; (3) prior to April 5, 1951, your selling prices to retail stores were figured by the addition to your cost of a stated service fee and charges for additional services rendered; and (4) prior to April 5, 1951, your sales were made to retail stores only after the retail stores agreed to become affiliated with your plan.

(b) If you are a service fee wholesaler, you shall figure your ceiling prices in accordance with sections 3 and 4 of this regulation for all items covered by this regulation by adding to your "net cost" as defined in section 4, the fee and service charges (except optional charges) made by you during the month prior to the effective date of this regulation. These "fee and service charges" shall not include any charges optional to your retail customer, but shall include all stated fees and charges for services rendered which are a compulsory part of your plan of operation. However, during each consecutive four-week period after May 14, 1951, your "net cost" for all items subject to this regulation sold by you to any retail customer, plus the total of the fee and service charges made to that customer, may not exceed what your ceiling prices would have been if you had figured the ceiling prices by using the markups provided for your class of wholesaler in Table A of section 35 for all categories of commodities which have a markup of 1.10 or less, and reducing to 1.10 all categories of commodities that have a markup above 1.10, except category 10 which shall be reduced to a markup of 1.19.

(c) On all sales made by you of items covered by this regulation, you must notify the retailer of your ceiling prices for the items as calculated under this section. This information must be furnished to the retailer on the invoice or order form, or other written document furnished at or before the time of delivery of the items. You may calculate a ceiling price for any particular item by adding to its "net cost" a part of your total fee and service charges. But, you must make sure that for each four-week period after May 14, 1951, your ceiling price for any item does not exceed what your ceiling price would have been if you had figured it in accordance with the requirements of paragraph (b) of this section.

(d) You must notify the OPS district office for your area not later than May 31, 1951, of all fee and service charges used by you during the month prior to the effective date of this regulation which are a compulsory part of your plan of operation, and of all charges which are optional to the retailer, together with all information necessary to obtain a complete description of your type of operation. You may begin using the provisions of this section as soon as you have furnished your OPS district office for your area the information required by this section. This authority may be withdrawn if it is determined that you do not qualify for adjustment under this section.

(e) If you figure your ceiling prices for any items under this section, you must figure all of your ceiling prices for items covered by this regulation in accordance with this section.

5. A new section, 28a, is inserted in Article III after section 28 to read as follows:

SEC. 28a. *How certain wholesalers may apply for permission to operate as service fee wholesalers.* If you were not operating as a service fee wholesaler prior to April 5, 1951, you may file an application for permission to operate as a service fee wholesaler if you furnish the following information:

(1) The names and addresses of the retailers who agree to become affiliated with your plan.

(2) A schedule of your proposed fees and charges.

(3) A description of the services which you will offer to your retailers.

(4) The number of salesmen or fieldmen that you plan to use.

(5) A complete description of your proposed type of operation including your method of invoicing.

Such application must be filed in duplicate with the OPS district office for your area. You may not operate as a service fee wholesaler until you have received specific authorization from such OPS office. Applications for adjustments are governed by Price Procedural Regulation 1.

6. A new section, 28b, is inserted in Article III after section 28a to read as follows:

SEC. 28b. *How certain wholesalers, selling mostly "specialty" food items may under specific conditions apply to be excluded from using the markups in this regulation for the purpose of establishing their ceiling prices.* (a) If you meet the average markup requirement specified in this section and do business in the manner outlined in this section you may apply under paragraph (b) of this section to be excluded from using the markups in this regulation for the purpose of establishing your ceiling prices.

(1) Most of your sales prior to April 5, 1951 were and still are of "specialty" food items.

(2) Most of your sales prior to April 5, 1951, were and still are made by delivery.

(3) Most of your sales prior to April 5, 1951, were and still are made through the services of outside salesmen or fieldmen.

(4) Most of your sales prior to April 5, 1951, were and still are made with credit.

(5) Your average markup on "net cost" was at least 22 percent on all food sales for your fiscal year 1950. If not in business during all of 1950, use your most recent fiscal period.

(b) You must before May 31, 1951, file with the OPS district office for your area an application in duplicate showing clearly that you do business as outlined in paragraph (a) of this section and setting forth the following for the calendar or fiscal year 1950:

(1) Total dollar amount of sales.

(2) Cost of goods sold.

(3) Total dollar amount of sales delivered or shipped by you.

(4) Total dollar amount of sales made through outside salesmen or fieldmen.

(5) Total dollar amount of credit sales.

(6) Profit and loss statement.

You may consider yourself excluded from using the markups in this regulation for the purpose of establishing your ceiling prices as soon as you have filed your application in accordance with this section. Then figure all your ceiling prices for food items under the General Ceiling Price Regulation, as amended. This authority may be withdrawn if it is determined by OPS that you do not qualify for adjustment under this section. Applications for adjustments are governed by Price Procedural Regulation 1.

7. Section 33 is amended by adding paragraph (i):

(i) *Specialty foods.* Specialty foods shall mean food items normally classed as table delicacies or luxury items such as sea squab, terrapin stew, brandied fruits, fancy imported foods, wild game, etc. which the average wholesale grocer and retailer does not stock as a complete line of merchandise.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective on May 10, 1951.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 10, 1951.

[F. R. Doc. 51-5555; Filed, May 10, 1951; 4:00 p. m.]

[Ceiling Price Regulation 15, Amdt. 2]

CPR 15—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

MISCELLANEOUS AMENDMENT

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Ceiling Price Regulation 15 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment corrects certain typographical errors in CPR–15; excludes retail route sellers from the operation of this regulation for frozen food sales; excludes stores selling mostly "specialty" food items from using the markups in this regulation if they meet certain specific conditions, including an average markup on "net cost" of 40 percent or more in their fiscal year 1950 on all food sales in their stores; and, provides for the procedure to be followed by retailers purchasing from service fee wholesalers.

Item 3 of this amendment deals with frozen food sales by retail route sellers. The provisions of this regulation presently apply to retail route sellers only with respect to frozen foods. A survey of the best data available shows that, in general, retail route sellers of frozen foods are under expenses of doing business that are not comparable to retail stores and that markups for the two types of sellers are not generally the same. The markup for frozen foods provided in this regulation does not reflect an allowance for this type of operation. It was for this reason that retail route sellers were generally excluded from this regulation in the first instance on all other items. Exclusion from this regulation does not mean, however, the decontrol of prices for frozen foods by retail route sellers. They will continue to price frozen foods under the General Ceiling Price Regulation.

Item 4 of this amendment deals with stores selling "specialty" food items. There is no hard and fast definition of just what constitutes a "specialty" food item. Generally, "specialty" stores dealing in fancy or "specialty" food items, sometimes described as "table delicacies" or "gourmet's delights", only deal to a very limited extent in cost of living dry groceries such as this regulation is intended to cover. It is evident that the cost of merchandising "specialty" food items is far in excess of that for cost of living items, e. g. elaborate display fixtures and facilities; employment of specially trained salesmen; selection of food items on the basis of unusual quality, flavor or novelty; special containers or wrappings; and employment of highly qualified tasters to select the finest domestic and foreign food items. A few illustrations will indicate the wide variety of the food assortments handled by "specialty" stores. For example, sea squab, pate of smoked rainbow trout, terrapin stew, caviar, brandied fruits, wild game, preserved kumquats, and rattlesnake meat. Available facts indicate that stores offering mostly "specialty" items have realized an average markup on "net cost" in excess of 40 percent for all food items. The markups provided in this regulation are not tailored to reflect the services that are involved in selling "specialty" food items. In fact the markups for Group 1 stores under CPR–16 yield an average markup on "net cost" of approximately 27 percent, an amount far less than that historically realized by "specialty" food stores. The Director of Price Stabilization after very careful consideration has determined that stores or food departments selling mostly "specialty" food items may be excluded from using the markups provided in this regulation if they meet the specific conditions set forth in this amendment, including an average markup on "net cost" of 40 percent or more in their fiscal year 1950 on all food sales in their stores. They will establish their ceiling prices for all food items under the General Ceiling Price Regulation in the event they are granted an adjustment in accordance with this amendment.

In the formulation of this amendment, special circumstances have rendered impractical consultation with official advisory committees, including trade association representatives. However, the provisions of this amendment incorporate the recommendations of persons

representing substantial segments of the industry. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Ceiling Price Regulation 15 is amended in the following respects:

1. Section 14 is amended by deleting the words "as amended" at the end of the first sentence thereof.

2. Section 18 is amended by deleting the words "and your name" from the first sentence thereof.

3. Section 2, paragraph (a), is amended by deleting the last two sentences thereof, and substituting therefor the following new sentence: "The provisions of this regulation do not apply to 'retail route sellers', to sales of 'specially prepared dietetic foods' by 'health food stores' or 'health food departments', or to automatic vending machines or farmers selling produce grown on their own farms."

4. A new section, 26a, is inserted between section 26 and section 27 to read as follows:

SEC. 26a. *How certain stores or food departments, selling mostly "specialty" food items may under specific conditions apply to be excluded from using the markups in this regulation for the purpose of establishing their ceiling prices.* (a) If your store or food department meets the average markup requirement specified in this section and does business in the manner outlined below you may apply under paragraph (b) of this section to be excluded from using the markups in this regulation for the purpose of establishing your ceiling prices.

(1) Most of your sales in your store or food department are sales of "specialty" food items made by sales clerks who assist customers in selecting, collecting and wrapping or packaging merchandise.

(2) Your store or food department generally offers to all its customers the services of accepting and filling telephone orders, carrying monthly charge accounts and providing delivery.

(3) The general level of your prices in your store or food department was higher than Group 1 stores in your community during your fiscal year 1950.

(4) The average markup on "net cost" was at least 40 percent on all food sales for your fiscal year 1950 and also, if you are not an independent store, at least 40 percent on the combined food sales in all the stores for which you seek adjustment in your organization. Do not count a restaurant as a food department. If not in business during all of 1950, use your most recent fiscal period.

(b) You must before May 30, 1951, file with the OPS district office for your area an application in duplicate (1) showing clearly that you do business as outlined in paragraph (a) above of this section and (2) showing the number of items you normally sell in your store or food department, and (3) showing your average markup on "net cost" for fiscal year 1950 (if not in business during all of 1950 use your most recent fiscal period), and (4) showing the percentage of food items which produce an average markup on "net cost" of 40 percent or more to the total number of food items you sell in your store or food department. You may consider your store or food department excluded from using the markups in this regulation for the purpose of establishing your ceiling prices as soon as you have filed your application in accordance with this section. Then figure all your ceiling prices for food items under the General Ceiling Price Regulation, as amended. This authority may be withdrawn if it is determined by OPS that your store or food department does not qualify for adjustment under this section. Applications for adjustments are governed by Price Procedural Regulation 1.

5. Section 4 is amended by redesignating paragraph (a) (3) as paragraph (a) (4) and inserting the following new paragraph as paragraph (a) (3):

(3) If you are figuring your ceiling price for an item on the basis of a purchase made from a "service fee wholesaler", your "net cost" may not exceed his ceiling price for the item figured on a single unit basis plus transportation charges you paid, if any, as defined in this section. You will be notified by the "service fee wholesaler" of his ceiling price either on his invoice or order form or other written document.

6. Section 35 is amended by adding paragraph (j):

(j) *Specialty foods.* Specialty foods shall mean food items normally classed as table delicacies or luxury items such as sea squab, terrapin stew, brandied fruits, fancy imported foods, wild game, etc., which the average wholesale grocer and retailer does not stock as a complete line of merchandise.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective on May 10, 1951.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 10, 1951.

[F. R. Doc. 51-5556; Filed, May 10, 1951; 4:00 p. m.]

[Ceiling Price Regulation 16, Amdt. 2]

CPR 16—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 1 AND GROUP 2 STORES

MISCELLANEOUS AMENDMENT

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (16 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Ceiling Price Regulation 16 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment corrects certain typographical errors in CPR-16; excludes retail route sellers from the operation of this regulation for frozen food sales; excludes stores selling "specialty" food items from using the markups in this regulation if they meet certain specific conditions, including an average markup on "net cost" of 40 percent or more in their fiscal year 1950 on all food sales in their stores; and, provides for the procedure to be followed by retailers purchasing from service fee wholesalers.

Item 3 of this amendment deals with frozen food sales by retail route sellers. The provisions of this regulation presently apply to retail route sellers only with respect to frozen foods. A survey of the best data available shows that, in general, retail route sellers of frozen foods are under expenses of doing business that are not comparable to retail stores and that markups for the two types of sellers are not generally the same. The markup for frozen foods provided in this regulation does not reflect an allowance for this type of operation. It was for this reason that retail route sellers were generally excluded from this regulation in the first instance on all other items. Exclusion from this regulation does not mean, however, the decontrol of prices for frozen foods by retail route sellers. They will continue to price frozen foods under the General Ceiling Price Regulation.

Item 4 of this amendment deals with stores selling "specialty" food items. There is no hard and fast definition of just what constitutes a "specialty" food item. Generally, "specialty" stores dealing in fancy or "specialty" food items, sometimes described as "table delicacies" or "gourmet's delights," only deal to a very limited extent in cost of living dry groceries such as this regulation is intended to cover. It is evident that the cost of merchandising "specialty" food items is far in excess of that for cost of living items, e.g., elaborate display fixtures and facilities; employment of specially trained salesmen; selection of food items on the basis of unusual quality, flavor, or novelty; special containers or wrappings; and, employment of highly qualified tasters who select the finest domestic and foreign food items. A few illustrations will indicate the wide variety of the food assortments handled by "specialty" stores. For example, sea squab, pate of smoked rainbow trout, terrapin stew, caviar, brandied fruits, wild game, preserved kumquats, and rattlesnake meat. Available facts indicate that stores offering such "specialty" items have realized an average markup on "net cost" in excess of 40 percent on all food items. The markups provided in this regulation are not intended to reflect the services that are involved in selling "specialty" food items. In fact the markups for Group 1 stores under CPR-16 yield average markup on "net cost" of approximately 27 percent, an amount far less than that historically realized on "specialty" food items. The Director of Price Stabilization after very careful consideration has determined that stores or food departments selling "specialty" food items may be excluded from using the markups provided in this regulation if they meet the specific conditions set forth in this amendment, including an average markup on "net cost" of 40 percent or more in their fiscal year 1950 on all food sales in their stores. They will continue to establish their ceiling prices for food items under the General Ceiling Price Regulation in the event they are granted an adjustment in accordance with this amendment.

In the formulation of this amendment, special circumstances have rendered impractical consultation with official advisory committees, including trade association representatives, however, the provisions of this amendment incorporate the recommendations of persons representing substantial segments of the industry. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Ceiling Price Regulation 16 is amended in the following respects:

1. Section 14 is amended by deleting the words "as amended" at the end of the first sentence thereof.

2. Section 18 is amended by deleting the words "and your name" from the first sentence thereof.

3. Section 2, paragraph (a), is amended by deleting the last two sentences thereof, and substituting therefor the following new sentence: "The provisions of this regulation do not apply to 'retail route sellers', to sales of 'specially prepared dietetic foods' by 'health food stores' or 'health food departments', or to automatic vending machines or farmers selling produce grown on their own farms."

4. A new section, 24a, is inserted in Article III after section 24 to read as follows:

SEC. 24a. *How certain stores or food departments, selling mostly "specialty" food items may under specific conditions apply to be excluded from using the markups in this regulation for the purpose of establishing their ceiling prices.* (a) If your store or food department meets the average markup requirement specified in this section and does business in the manner outlined below you may apply under paragraph (b) of this section to be excluded from using the markups in this regulation for the purpose of establishing your ceiling prices.

(1) Most of your sales in your store or food department are sales of "specialty" food items made by sales clerks who assist customers in selecting, collecting and wrapping or packaging merchandise.

(2) Your store or food department generally offers to all its customers the services of accepting and filling telephone orders, carrying monthly charge accounts and providing delivery.

(3) The general level of your prices in your store or food department was higher than Group 1 stores in your community during your fiscal year 1950.

(4) The average markup on "net cost" was at least 40 percent on all food sales for your fiscal year 1950 and also, if you are not an independent store, at least 40 percent on the combined food sales in all the stores for which you seek adjustment in your organization. Do not count a restaurant as a food department. If not in business during all of 1950, use your most recent fiscal period.

(b) You must before May 30, 1951, file with the OPS district office for your area an application in duplicate (1) showing clearly that you do business as outlined in paragraph (a) of this section and (2) showing the number of items you normally sell in your store or food department, and (3) showing your average markup on "net cost" for fiscal year 1950 (if not in business during all of 1950 use your most recent fiscal period), and (4) showing the percentage of food items which produce an average markup on "net cost" of 40 percent or more to the total number of food items you sell in your store or food department. You may consider your store or food department excluded from using the markups in this regulation for the purpose of establishing your ceiling prices as soon as you have filed your application in accordance with this section. Then figure all your ceiling prices for food items under the General Ceiling Price Regulation, as amended. This authority may be withdrawn if it is determined by OPS that your store or food department does not qualify for adjustment under this section. Applications for adjustments are governed by Price Procedural Regulation 1.

5. Section 4 is amended by adding to paragraph (a) the following new paragraph as paragraph (a) (3):

(3) If you are figuring your ceiling price for an item on the basis of a purchase made from a "service fee wholesaler", your "net cost" may not exceed his ceiling price for the item figured on a single unit basis plus transportation charges you paid, if any, as defined in this section. You will be notified by the "service fee wholesaler" of his ceiling price either on his invoice or order form or other written document.

6. Section 30 is amended by adding paragraph (j):

(j) *Specialty foods.* Specialty foods shall mean food items normally classed as table delicacies or luxury items such as sea squab, terrapin stew, brandied fruits, fancy imported foods, wild game, etc., which the average wholesale grocer and retailer does not stock as a complete line of merchandise.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective on May 10, 1951.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 10, 1951.

[F. R. Doc. 51-5557; Filed, May 10, 1951; 4:00 p. m.]

[Ceiling Price Regulation 22, Amdt. 2]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

"PARITY" ADJUSTMENT FOR COOPERATIVES, PRODUCER-PROCESSORS, ET AL.

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

Under the present provisions of section 21 of Ceiling Price Regulation 22, some processors who produce their own agricultural commodities, and some producer-owned cooperative processors are unable to take advantage of the "materials cost adjustment" provisions of that section (which are similar to the parity "pass-through" provisions of section 11, General Ceiling Price Regulation), because they make no purchases of below-parity commodities. They therefore have no way of determining the differences in the cost to them of such commodities between the base period and a current date. As a result, these processors may find themselves unable to pay their members prices for below-parity commodities equal to those paid to growers by independent processors, and producer-processors would be unable to realize a return for their production activities equal to the prevailing market price on their raw commodities.

A slightly different problem is present in the case of processors operating under "open" price and deferred payment contracts. These contracts relate the price paid to the producer for the listed commodity to the processor's subsequent sales price or profit on the sale, or, as is frequently the case in the dairy industry, to a price determined by state or municipal authorities, or to other factors unknown at the time the processor receives delivery. Such a processor could not take immediate advantage of the "pass-through" provision because he cannot finally determine the cost to him of the listed agricultural commodity until after he processes and sells it.

This amendment deals with the above problems in the following manner:

For producer-processors and processors who purchase listed agricultural commodities pursuant to "open" price or deferred payment contracts, this amendment provides that, in calculating the "materials cost adjustment" to

which they are entitled under section 21 (b) or (c), they may adopt the prices their nearest competitor had to pay for the listed agricultural commodity.

It is further provided that producer-owned cooperatives may increase their ceiling prices, so long as the agricultural commodity is listed in Appendix C of CPR 22, provided that they pass back to producers the entire dollar-and-cent amount of that increase. By this method increases in the processing margin of cooperatives are prevented but the producer is not stopped from realizing a return equal to parity on the raw commodity.

In the judgment of the Director of Price Stabilization this amendment is generally fair and equitable and is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

AMENDATORY PROVISIONS

Ceiling Price Regulation 22 is amended by adding a new paragraph (f) in section 21 to read as follows:

(f) *Special provisions for Cooperatives, Producer-Processors, etc.* (1) If (i) you are a producer-processor, and (ii) you cannot otherwise determine your "materials cost adjustment" for a listed agricultural commodity under paragraphs (b) or (c) of this section because you do not customarily purchase any amount of that commodity from independent producers wholly unaffiliated with you, calculate your "materials cost adjustment" as follows: For purposes of paragraphs (b) or (c) of this section, use as your net costs per unit the same prices (with adjustment for differences in delivery costs) paid by your nearest competitor. Such competitor must be one who buys the same quality of the commodity as do you, buys it in quantities comparable to the quantities in which you buy, and buys it at firm prices for processing. Action under this subparagraph is limited by the provisions of paragraph (d) (2) of this section.

(2) If (i) you are a processor who purchases the listed agricultural commodity under "open" price or deferred payment contracts which relate the price you pay the producer to facts unknown both at the time the raw agricultural commodity is delivered to you and at the time of sale of the processed product, and (ii) you cannot otherwise determine your "materials cost adjustment" for a listed agricultural commodity under paragraph (b) or (c) of this section because you do not customarily purchase any amount of that commodity at prices finally determined at the time of sale, calculate your "materials cost adjustment" as follows: For purposes of paragraph (b) or (c), use as your net costs per unit the same prices (with adjustment for differences in delivery costs) paid by your nearest competitor. Such competitor must be one who buys the same quality of the commodity as do you, buys it in quantities comparable to the quantities in which you buy, and buys it at firm prices for processing. Action under this subparagraph is limited by the provisions of paragraph (d) (2).

(3) If (i) you are a producer-owned cooperative processor, and (ii) you cannot otherwise determine your "materials cost adjustment" for a listed agricultural commodity under paragraph (b) or (c), of this section because you do not customarily purchase any amount of that commodity from independent producers wholly unaffiliated with you, you may increase your ceiling price (as determined under the other sections of this regulation) for products processed from such commodities if the entire dollar-and-cent increase in total gross sales revenue derived from that increase in your ceiling price is passed back to producers within 30 days after the end of each normal accounting period. The amount so passed back must be in addition to the full amount you would normally have passed back to producers had you sold the processed product at the ceiling price determined under the other sections of this regulation. You may not, however, increase your ceiling price after either of the dates set out in paragraph (d) (2) of this section as the final dates that may be used by other processors for figuring changes in net cost.

Effective date. This amendment shall become effective May 16, 1951.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 11, 1951.

[F. R. Doc. 51-5610; Filed, May 11, 1951; 11:44 a. m.]

[CPR 22, Interpretations 2-17]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

INTERPRETATIONS

The following interpretations under the manufacturers' General Ceiling Price Regulation (CPR 22) were issued through May 7, 1951.

CPR 22, INT. 2—GENERAL LIMITS OF EXEMPTION

Commodities or sales exempted from CPR 22 under Appendix A or under section 1 are thereby exempted only from CPR 22 and are still subject to price control under such other regulations as may be applicable.

CPR 22, INT. 3—SALES AT WHOLESALE AND AT RETAIL (SEC. 1)

When a manufacturer sells the same commodity both at wholesale and at retail, only his sales at wholesale are covered by CPR 22, inasmuch as section 1 expressly exempts sales at retail. His sales at retail would be covered by such other regulations as may be applicable.

CPR 22, INT. 4—ELECTION (SEC. 1)

Section 1, CPR 22, permits a manufacturer whose gross sales for his last complete fiscal year were less than $250,000 to elect not to use the regulation. This is, in effect, an option to continue using GCPR for commodities which would otherwise be covered by CPR 22.

(a) A manufacturer must determine his "last complete fiscal year" by reference to the effective date of the regulation, May 28, 1951, and not by reference to the date of issuance of the regulation, April 25, 1951. Thus, the last complete fiscal year for a manufacturer whose year ends on April 30 is the year ending April 30, 1951, and not the year ending April 30, 1950. Likewise, if his fiscal year ends on May 31, the last complete fiscal year is the year ending May 31, 1950 and not the year ending May 31, 1951.

(b) The $250,000 figure relates to total sales of all commodities which he manufactures regardless of how much of such commodities are subject to this regulation, GCPR, or any other regulation. Thus, if his total sales were $600,000, he has no election even though only $240,000 of these sales related to commodities subject to the regulation. Similarly, if his total wholesale and retail sales of the commodities manufactured by him were $600,000, he has no election even though the sales at wholesale amounted only to $240,000 and the remainder were sales at retail (exempted sales).

(c) If a manufacturer's gross sales for his last complete fiscal year were $250,000 or more, he may not thereafter make the election provided by section 1, CPR 22, even though his gross sales in a subsequent fiscal year should drop below $250,000.

(d) A manufacturer who makes the election to use GCPR instead of CPR 22, as permitted by section 1, is not required to file any report of such election.

(e) A manufacturer may elect to use GCPR instead of CPR 22, under section 1, if the total of all sales for his last complete fiscal year of all commodities manufactured by him is less than $250,000, even though the total of his combined sales as a manufacturer and as a wholesaler or retailer of commodities manufactured by others is $250,000 or more.

CPR 22, INT. 5—BASE PERIOD PAYROLL, RETROACTIVE WAGE INCREASES NOT INCLUDED (SEC. 8 (C))

The provision of section 8 (c), CPR 22, with respect to recomputation of base period payroll on the basis of wage rates "in effect on March 15, 1951" does not include any adjustment of wage rates made thereafter, even though the adjustment may be made retroactive to March 15, 1951 or some prior day. This would be the case whether the adjustment is made pursuant to an express provision in a contract in effect on March 15, 1951 or otherwise.

CPR 22, INT. 6—"BASE PERIOD PAYROLL," INCLUSION OF OVERTIME WAGES (SEC. 8 (C))

"Base period payroll" as used in section 8 (c), CPR 22, would include overtime actually paid during the payroll period. The recomputed payroll should include the same amount of overtime hours as the base period payroll, calculated at the rates prevailing on March 15, 1951. This method of calculation was provided because it is the simplest way of arriving at the increase in straight time wage rates. Since the same amount of overtime hours is included in both calculations, the result will generally be substantially the same as that which would be obtained by eliminating overtime payments from both the base period and the recomputed payroll.

CPR 22, INT. 7—MAINTENANCE COSTS (SEC. 10)

The exclusion from "manufacturing material" in section 10, CPR 22, of materials used in "maintaining" a manufacturer's plant was intentional and the inclusion in labor costs of section 8 of labor used in "ordinary maintenance and repair" was intentional. This was done because of the difficulties of segregating maintenance labor from other factory labor.

CPR 22, INT. 8—"CONVERSION STEEL," (SECS. 18, 44)

The definition of "conversion steel" as used in sections 18 and 44 of CPR 22 is the same as that in NPA Order M-47, section 2 (d) (16 F. R. 3130), which is as follows:

"'Conversion steel' means steel mill products which have been obtained by the consumer in consequence of the consumer or some other person having furnished, directly or indirectly, to one or more steel producers or converters, steel mill products in a less finished form such as, but not limited to, ingots, blooms, billets, slabs, rods, skelp, and hot rolled sheets in coils, for the express purpose of procuring such steel mill products."

CPR 22, INT. 9—USE OF SECTION (SEC. 18 (C))

A manufacturer may not use section 18 (c) in the case of deliveries received pursuant to a contract entered into more than 60 days prior to the prescribed date, even though such deliveries were received within 30 days of the prescribed date. Conversely, he may not use section 18 (c) in the case of deliveries received more than 30 days prior to the prescribed date even though such deliveries were received pursuant to a contract entered into within 60 days prior to the prescribed date. The purpose of section 18 (c) is to avoid the use of "stale" prices which would be unrepresentative of actual market conditions as of the prescribed dates, and which might in many cases result in an unfair and unrealistic figure for the materials-cost adjustment.

CPR 22, INT. 10—LONG TERM CONTRACTS SUBJECT TO PRICE REVISIONS (SECS. 18 (C), 47)

A manufacturer purchases materials under a contract signed on March 15, 1950 providing for successive deliveries of materials from April 1, 1950 through March 31, 1951. The contract states a price for the materials, but gives the seller the option to increase or decrease the price with respect to the calendar quarters commencing on July 1, 1950, October 1, 1950 and January 1, 1951. To change the price the seller must give the manufacturer notice at least fifteen days before the beginning of the calendar quarter in which the new price is to be effective. The question is presented under section 18 (c) and (d) as to whether this contract constitutes a contract "bearing a firm price entered into more than 60 days prior to the prescribed date. . . ."

The manufacturer's base period is April 1, to June 24, 1950, so that he computes his materials cost as of the prescribed dates of June 24, 1950 and December 31, 1950.

The contract may be considered as representing a series of quarterly contracts within the meaning of section 18 (c) and (d). As to section 18 (c), the deliveries actually received by the manufacturer during the base period would have been made pursuant to the quarterly contract which became effective April 1, 1950. Inasmuch as this quarterly contract is considered to have been "entered into" on March 15, 1950, more than 60 days prior to the first prescribed date of June 24, 1950, the manufacturer would not use as his materials cost under section 18 (c) the price stated in the contract for the first quarter.

As to section 18 (d), the price stated in the contract for the quarters beginning July 1, 1950, October 1, 1950 and January 1, 1951 may be considered to be an "open" price in view of the seller's reservation of the absolute right to change the price. The price does not, therefore, become firm until (1) such time as the seller gives notice of his exercise of the option to change the price, or (2) the first day after the expiration of the time within which he must give such notice. Therefore, under section 18 (d) the second quarterly contract, beginning July 1, 1950, may be considered to have been "entered into" either on the day on which the seller gave the required notice of the new price or, failing such notice, on June 17, 1950 (the 14th day prior to July 1, 1950). This quarterly contract might then be considered as a contract "entered into" within 60 days prior to the first prescribed date of June 24, 1950 within the meaning of section 18 (d).

Similarly, with respect to the second prescribed date of December 31, 1950, the quarterly contract commencing January 1, 1951 would be considered to have been "entered into" on the day on which the seller either gave the required notice of the new price, or failing such notice, on December 18, 1950 (the 14th day prior to January 1, 1951).

Similar contracts which, however, leave the prices for each quarter "open", shall be construed in the same manner as the above-described contract.

CPR 22, INT. 11—WHO MUST REPORT (SEC. 46 (B))

A manufacturer who does not calculate either his labor cost adjustment or his materials cost adjustment and, instead, uses his base period price as his ceiling price under the regulation, as is permitted by section 3 (a), CPR 22, must nevertheless file Public Form No. 8 as required by section 46 (b). In such case he should supply, in addition to his name and address, the information required by Items 1, 2 and 3, and should indicate on the Form that he has elected to use his base period price.

CPR 22, INT. 12—CORPORATE IDENTITY (SEC. 47)

The separate identity of corporations may not be disregarded under CPR 22. Thus, a subsidiary corporation wholly owned by a manufacturer and acting as exclusive sales agent for the manufacturer is not a manufacturer under CPR 22. The subsidiary, therefore, may not determine its ceiling price under the regulation. Conversely, a manufacturing corporation that distributes all of its products through a wholly owned subsidiary that sells at retail is subject to CPR 22, and is not itself selling at retail within the meaning of section 1. As a further illustration where two manufacturing corporations are wholly owned by a third manufacturing corporation, all three are separate manufacturers under CPR 22. This is the case even if the three corporations are engaged in separate steps in the manufacture of a single finished commodity (assuming that the separate steps constitute manufacturing).

CPR 22, INT. 13—"MANUFACTURER." CONVERTERS, FINISHERS, DYERS, AND THROWSTERS (SEC. 47)

Textile fabric and yarn converters, finishers, dyers, and throwsters (except for sales by them of wool yarn and fabrics as listed in Appendix A, par. (e) (2), and for sales by them at retail) are "manufacturers" within the definition in section 47, CPR 22, under the following conditions:

(a) A converter who sells yarn or finished piece goods which he finishes or which are finished for his account by someone else;

(b) A finisher, dyer, or throwster who sells yarn or finished piece goods which he processes for his own account and risk.

However, a finisher, dyer, or throwster who processes yarn or piece goods which are owned by someone other than himself is not a manufacturer under the definition. (Such a finisher, dyer, or throwster customarily renders an industrial service for the account of, and to the specification of, another person on a "commission" or agreed price per unit basis.)

CPR 22, INT. 14—"NET SALES," SELLING COMMISSIONS NOT DEDUCTIBLE (SEC. 47)

The term "net sales" is defined in section 47, CPR 22, as referring to "gross sales after trade discounts, less returns and allowances" and applies only to allowances made to the purchaser. Selling commissions, being payments to other persons than the purchaser, whether paid to an employee, broker, or other company, are not "trade discounts", "returns", or "allowances". Therefore, in computing net sales a manufacturer may not deduct the amount of such selling commissions paid by him.

CPR 22, INT. 15—"SALE AT RETAIL" (SEC. 47)

A sale to a "commercial, industrial, governmental or institutional user", is not a "sale at retail" as defined in section 47, CPR 22, even though the commodity sold to such user is not to be resold. Thus, a gasoline pump sold to a

service station by the manufacturer, or a typewriter or carbon paper sold to a business establishment, is not a sale at retail but constitutes a sale to a commercial user.

CPR 22, INT. 16—APPENDIX A, GENERAL

The exemptions from CPR 22 provided by Appendix A are limited to the specific commodities listed and do not extend to commodities produced or processed in whole or in part from the listed commodities unless otherwise specified in Appendix A. For example, "Leather, tanned and finished" is exempted by par. (o) of Appendix A. This exemption, however, extends only to leather in its form at the end of the tanning and finishing processes. Thus, sales by manufacturers of leather products such as cut soles, counters, welting, box toes, and shoe uppers are not exempted. The only reason that "Footwear, except rubber footwear" is exempted is because it is specifically exempted by par. (p) of Appendix A.

CPR 22, INT. 17—APPENDIX A, SCRAP AND WASTE MATERIALS, BY-PRODUCTS NOT EXEMPTED

The residue or remainder resulting from a manufacturing process does not constitute "scrap and waste materials" as exempted from CPR 22 by Appendix A, par. (b) (4), if it is in fact a by-product of the manufacturing process and sold as such by the manufacturer. The exemption is available only for such materials as are actually considered by the custom of the trade to constitute scrap or waste and are sold as such by the manufacturer.

HAROLD LEVENTHAL,
Chief Counsel, Office of Price Stabilization.

[F. R. Doc. 51-5615; Filed, May 11, 1951; 11:46 a. m.]

[Ceiling Price Regulation 24, Amendment 2]

CPR 24—CEILING PRICES OF BEEF SOLD AT WHOLESALE

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order 2 (16 F. R. 738), Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to the Allocation of Meat (16 F. R. 1272) and Economic Stabilization Agency General Order 5 (16 F. R. 1273) this Amendment 2 to Ceiling Price Regulation 24 is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to CPR 24 makes several substantive changes as well as certain corrections and clarifications of a minor nature. The amendment does the following: Allows for the sale of retail cuts under certain limitations; advances the effective date for sales of some fabricated and boneless beef cuts; provides a dollars-and-cents ceiling price for imported cured boneless processing beef; clarifies the status of sales of other imported beef; amends the records provision to allow for customary industry practices; modifies the variety meat schedule of prices; clarifies the situation where a wholesaler also qualifies as either a combination distributor or as a hotel supply house or as both; redefines combination distributor; clarifies the meaning of fresh meat carload freight rate; corrects the definition of boneless beef round; adds prices to the boneless beef schedule and adds a definition for boneless beef shanks; and makes certain other minor corrections.

(1) This amendment allows sales, under certain conditions, of retail cuts to retailers who have customarily bought beef in this form primarily because they did not have facilities for cutting the meat.

(2) To permit sellers who have prepared prior to May 7, 1951, fabricated beef cuts which have not been graded or have not been prepared in accordance with specifications and ungraded boneless beef cuts an additional period of time within which to dispose of such cuts, this amendment provides that such sellers may sell and deliver such beef cuts through May 30, 1951, at the prices established by the General Ceiling Price Regulation.

(3) Since early 1951, a substantial quantity of cured Mexican boneless beef has been imported into this country for processing, the first imports arriving in the latter part of February 1951. This amendment provides a ceiling price for this product, whether imported from Mexico or other foreign countries. The price established is f.o.b. point of entry to provide a normal distributive pattern. This price is established at a level slightly below the domestic price for boneless processing beef because the curing diminishes its value for processing.

(4) Some confusion has arisen concerning ceiling prices for sales of imported beef. To dispel this confusion, this amendment specifically provides that the ceiling prices for sales of imported beef (except cured boneless processing beef) shall be the same as the domestic ceiling prices for similar products.

(5) This amendment modifies the time limitation on forwarding invoices to the buyer in order not to disrupt customary practices of the industry.

(6) The requirement of separately stating on each invoice sex identification as to stag or bull has been modified to require such identification only in the case of a sale of bull meat.

(7) To promote an equitable distribution of variety meats, this amendment allows a zone differential for these items. Ceiling prices have been provided for kosher cheek meat, unscalded lips, tails, and three types of tripe, and the ceiling price formerly provided for kosher kidneys has been eliminated.

(8) Under Ceiling Price Regulation 24 certain establishments may qualify as both a combination distributor or hotel supply house and as a wholesaler. It was not the intention of the regulation to permit an establishment to obtain the wholesaler addition and the combination distributor or hotel supply house addition. Accordingly, the regulation is amended to require such establishments to elect whether they shall be in one category or the other.

(9) The definition of combination distributor was not intended to allow a packer branch house to add the combination distributor's addition unless its business is similar to that of a hotel supply house. This amendment therefore provides that a branch house will be able to take such an addition only if 70 percent of its sales during 1950 were to purveyors of meals.

(10) There have been established in certain areas of the country more than one fresh meat carload freight rate. In order to make the freight differential uniform throughout the various zones of the country and to clarify the meaning of the regulation, the term "fresh meat carload freight rate" has been redefined. Where there is a different rate for hung carcasses, the rate will be the average of the hung carcass carload rate and the other fresh meat carload rate, except in zone 3. In zone 3, in areas where different fresh meat rates prevail, the rate will be the fresh meat carload rate for other than hung carcasses in order to maintain historical price relationships within that zone.

(11) It was intended that boneless beef rounds be sold with the shank off. The definition of this cut is corrected accordingly.

(12) It is deemed advisable to add boneless beef shanks to the list of boneless beef cuts already priced. Accordingly, this amendment defines and provides ceiling prices by grade for boneless beef shanks.

CONCLUSION

In formulating this amendment the Director of Price Stabilization has consulted with industry representatives as far as practicable and has given full consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable and necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Ceiling Price Regulation 24 is amended in the following respects:

1. a. Section 3 is amended by adding thereto immediately after section 3 (g) the following paragraph:

(h) *Prefabricated retail cuts.* If you are not prohibited by section 11 (b) of this regulation from selling prefabricated retail cuts to a retail selling establishment, your ceiling price for sales of such cuts to such an establishment shall be 80 percent of the retail ceiling price (Group 1 and 2 stores as established by Ceiling Price Regulation 25) for the corresponding grade and type of retail beef cut applicable in the retail zone area in which the buyer's store is located.

b. Section 11 (b) is amended by adding thereto immediately before section 12 the following sentence: "Moreover, you shall not sell any prefabricated retail cut to a retail selling establishment unless (1) you have customarily sold retail cuts to such establishment, (2) the retailer requests you in writing to continue to sell him prefabricated retail cuts, and (3) you do not sell that retailer any of the beef products listed in Appendix 2."

c. Appendix 7 is amended by adding thereto immediately before Appendix 8 the following paragraph:

(d) *Prefabricated retail cut* means a retail beef cut as defined in Ceiling Price Regulation 25. The grade mark shall not be removed except when such removal cannot be avoided in preparing the cut in accordance with the specifications provided for such cut in Ceiling Price Regulation 25.

2. a. Section 3 is amended by adding thereto, immediately prior to section 4, the following paragraph:

(i) *Boneless beef cuts and fabricated beef cuts.* If you have prepared an ungraded fabricated beef cut or ungraded boneless beef cut prior to May 7, 1951, you may sell and deliver such cuts on or before May 30, 1951. Similarly if you have prepared a fabricated beef cut prior to May 7, 1951, and this cut does not meet the specifications provided in Appendix 4, you may sell and deliver such cuts on or before May 30, 1951. Your ceiling price for such ungraded or unspecified cuts sold and delivered prior to May 31, 1951, shall be your ceiling price established by the General Ceiling Price Regulation.

b. Section 11 (b) is amended by inserting after the words "section 4" therein the phrase "and, until May 31, 1951, except as is provided in Section 3 (i)".

3. a. Section 4 (b) is deleted and the following substituted therefor:

(b) *Cured beef items.* (1) If you sold cured, corned, cooked, smoked, barbecued or dried beef items during 1950, your ceiling prices are established by the General Ceiling Price Regulation. You must, however, file the report required under section 10 (b) of this regulation. Except as is provided in section 4 (b) (2) of this regulation, if you did not sell these items during 1950, see section 4 (d).

(2) Your ceiling price for cured boneless processing beef imported into continental United States shall be $53.00 per cwt. for bull and $50.00 per cwt. for other than bull, both f. o. b. point of entry. Such beef may not contain more than 5 percent salt or other curing agent nor more than 10 percent fat by chemical analysis. You may not add any of the additions in Article IV.

b. Section 4 (d) is amended by deleting therefrom "4 (b)" and substituting therefor "4 (b) 1".

c. Section 10 (b) is amended by deleting therefrom the words "section 4 (b) or (c)" and substituting therefor, the words "section 4 (b) (1) or section 4 (c)."

4. Section 7 is deleted and the following substituted therefor:

SEC. 7. *Import and export sales*—(a) *Ceiling prices for sales of imported beef.* Except as provided in section 4 (b) (2), your ceiling price for any imported beef product shall be the same as your domestic ceiling price for that product.

(b) *Ceiling prices and records for export sales*—(1) *Ceiling prices.* The ceiling prices at which you may export any beef product shall be your domestic ceiling price for the beef product f. o. b. your place of business (in this instance your distribution point shall be your place of business) plus any of the following costs actually incurred incidental to exportation of the product:

(i) Cost of transportation to the dock.
(ii) Export packing and freezing costs.
(iii) Demurrage or warehouse charges.
(iv) Ocean freight costs.
(v) Insurance costs.
(vi) Consular fees.
(vii) Freight forwarders' fees.

You may not however add any of the additions specified in Article IV of this regulation except the additions set forth in section 40 and section 42, where applicable.

(2) *Records.* You shall make and preserve the records required in section 9 (a) of this regulation and in addition to the information required to be shown in paragraphs (1) through (4) therein, you shall also separately list any of the actual costs incurred in paragraph (b) (1) (i) through (vii) of this section. You shall furnish the buyer a written statement showing all this information.

5. Section 9 (b) (2) is deleted and the following substituted therefor:

(2) You shall send with each shipment, other than a C. O. D. shipment, a copy of the written statement referred to in paragraph (a) of this section: *Provided, however,* That the portion of the statement with respect to the price charged, received or paid therefor, may be omitted but (i) such portion must be mailed to the buyer within 24 hours after the shipment left your plant or, (ii) if it has been your customary practice to send invoices weekly, such portion must be mailed to the buyer during the week of the shipment.

6. Section 9 (a) (3) is deleted and the following substituted therefor:

(3) The descriptive name or type of cut or item, the grade (if bull so designate), and the quantity and weight of all beef products sold, transferred, delivered or purchased, received or acquired.

7. (a). Section 26 is deleted and the following substituted therefor:

SEC. 26. *Schedule VII—Beef variety meats and by-products.*[1]

[All prices are on a dollars per cwt. basis. The price for any fraction of a cwt. shall be reduced proportionately. You may not sell the additions set forth in sections 43, 44, 47, and 48 of this regulation.]

Item	Non-Kosher	Kosher	Sales to purveyors of meals
1. Brains	$7.00	$20.00	$9.00
2. Cheek meat	40.00	40.00	.....
3. Hanging tender	47.00	62.00	.....
4. Head meat	40.00	40.00	.....
5. Hearts	32.00	40.00	40.00
6. Kidneys	14.00	.....	17.00
7. Lips, unscalded	17.50	21.00	.....
8. Lips, scalded	18.50	20.00	.....
9. Livers[2]	[3] 40.00	80.00	375.00
10. Lungs	10.00	18.00	.....
11. Melts	10.00	18.00	.....
12. Sweet breads, heart	15.00	20.00	19.00
13. Sweet breads, neck	35.00	45.00	43.00
14. Tails	27.00	30.00	30.00
15. Tongues	37.00	50.00	45.00
16. Tripe, cooked	15.00	15.00	.....
17. Tripe, honeycomb	23.00	23.00	28.00
18. Tripe, scalded	11.50	11.50	.....
19. Udders	8.00	.....	.....

[1] You may add $5 per cwt. to the prices listed above for sales of livers to a defense procurement agency.
[2] You may add $3 per cwt. to the prices listed above for calcine livers for purveyors of meals.
[3] For any livers which do not meet the specifications in Appendix 6 (a) 9 the ceiling price shall be reduced by $5 per cwt.

b. Section 30 is amended as follows:

(1) Substitute "25" wherever "26" appears in section 30 (a); and

(2) Substitute "sections 20, 21, and 26" wherever "sections 20 and 21" appears in sections 30 (b) through 30 (d), inclusive.

c. Section 3 (f) is amended by inserting "40" between "sections" and "41".

8. Section 50 (u) is amended by adding at the end thereof the following paragraph:

If you are a wholesaler within the meaning of the foregoing definition and if you also qualify as a combination distributor or hotel supply house under section 50 (g), or 50 (k), respectively, you must elect whether you shall be a wholesaler or a combination distributor, or hotel supply house. You shall make your election by filing with your Regional Office of the Office of Price Stabilization the statement required by section 42 of this regulation if you elect to be a wholesaler, or the statement required by section 21 (a) if you elect to be a hotel supply house or the statement required by section 21 (b) if you elect to be a combination distributor. This election shall be made on or before May 30, 1951. If, before that date, you have filed with your Regional Office more than one of the aforesaid statements, you shall, on or before May 30, 1951, notify your Regional Office by a statement in writing of the classification you elect. Once you have made this election, you may not change to a different classification until after December 31, 1951. You may change your classification, once after December 31, 1951, and once after June 30, 1952, and once after each successive December

[1] The ceiling prices for other beef variety meats and by-products shall be those established by the General Ceiling Price Regulation.

31 and June 30 thereafter. You shall notify your Regional Office of such change of classification by a statement in writing. The change in your classification shall be effective five days after you have mailed or delivered such a statement to the Regional Office.

9. Section 50 (g) is deleted and the following substituted therefor:

(g) *Combination distributor* means any establishment (1) Which is not affiliated with a packing or slaughtering plant, packer's branch house, wholesaler's or other non-retail meat selling establishment, and which sold or delivered to purveyors of meals during 1950 not less than 25 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies; or

(2) Which is not affiliated with a packing or slaughtering plant, packer's branch house, wholesaler's or other non-retail meat selling establishment to which it is physically attached; and, which sold or delivered to purveyors of meals during 1950 not less than 70 percent of the total volume by weight of all meats including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies.

10. Section 50 (i) is deleted and the following substituted therefor:

(i) *Fresh meat carload freight rate* or *carload freight rate* means the charge solely for transportation of a carload of fresh beef (exclusive of any charge for services, e. g., icing), including the federal transportation tax thereon. If there is a charge for carloads of fresh meat hung carcasses and for carloads of other fresh meat, then fresh meat carload freight rate or carload freight rate shall mean the simple average of those two charges, exclusive of any charge for services, and including the federal transportation tax thereon, except where the distribution point is in Zone 3. Where the distribution point is in Zone 3, and the two charges pertain, fresh meat carload freight rate or carload freight rate shall mean the charge for carloads of fresh meat other than hung carcasses, exclusive of any charge for services, and including the federal transportation tax thereon.

11. Appendix 3 (a) (10) is amended as follows: Insert the words "and shank" between the words "rump" and "and all bones".

12. a. Appendix 3 (a) is amended by adding, immediately following Appendix 3 (a) (16), the following subparagraph:

(17) *Boneless beef shank (shank meat)* means the shank removed as specified in Appendix 4 (a) (1) with all bones removed. It shall be free from visible bruises and blood clots.

b. Section 22 is amended by adding within the table captioned Schedule III immediately below the line beginning "16. Sterilized trimmings" a new line, and prices for columns (2) through (8) consecutively, reading as follows:

17. Shank meat	55.30	56.00	56.70	57.40	58.10	58.80	59.50

13. Section 41 (b) is amended by deleting the word "made" and substituting therefor the word "make".

14. Section 48 is amended by deleting the word "Forequarter" and substituting therefor the words "Forequarter and Triangle".

15. Section 50 (k) (2) is amended by deleting the words "or other" and substituting therefor the words "or other non-retail meat selling establishment".

16. The last three lines of Appendix 7 (b) are amended to read as follows:

name of the cut.	the net weight of the meat contained in the package and, except for ground beef,	the grade of beef.	

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Effective date. This amendment shall become effective May 12, 1951.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 11, 1951.

[F. R. Doc. 51-5623; Filed, May 11, 1951; 12:02 p. m.]

[Ceiling Price Regulation 25, Amendment 1]

CPR 25—CEILING PRICES OF BEEF ITEMS SOLD AT RETAIL

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with Respect to the Allocation of Meat (16 F. R. 1272) and Economic Stabilization Agency General Order 5 (16 F. R. 1273), this Amendment 1 to Ceiling Price Regulation 25 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes a change in the price of certain primal cuts sold by retailers who have operated locker plants, adds new definitions of retail beef cuts, omits certain previously defined retail beef cuts and beef variety meats and beef by-products, establishes a ceiling price for tongues, changes the ceiling prices for chuck arm and chuck blade steaks and pot roasts, English cuts, bone-in rumps and tails, and corrects certain errors appearing in Ceiling Price Regulation 25.

(1) It was intended by Ceiling Price Regulation 25 to provide locker plants with the full wholesaler addition of $2.25 per cwt. on sales of certain primal cuts to consumers. Due to an error, that regulation provided these retailers with only $1.25 per cwt. of the wholesaler addition. This amendment corrects the error.

(2) This amendment defines those retail beef cuts which were not defined by, but for which ceiling prices were provided by, Ceiling Price Regulation 25 and omits from the definition of retail beef cuts and beef variety meats and beef by-products those items which were defined by, but for which ceiling prices were not provided by, Ceiling Price Regulation 25.

(3) At the time Ceiling Price Regulation 25 was issued, it was not possible to provide a ceiling price for tongues without delaying the issuance of the regulation. Since that time the ceiling prices for tongues have been calculated and they are established in this amendment.

(4) In establishing retail beef ceiling prices an attempt was made to maintain certain historical price relationships among the various retail beef cuts. In specific instances, normal historical relationships have changed in view of marked shifts in consumer purchases from the more expensive to the less expensive cuts. This shift in consumers' preference has exerted upward pressures on historically inexpensive cuts and downward pressures on historically expensive cuts. To bring these retail cuts in line with existing new relationships, price adjustments were found to be necessary in the case of arm chuck, blade chuck, English cut and rump, bone-in. Moreover, it seemed desirable to provide a single price for arm chuck and blade chuck since distinctions between the two were not clearly discernible. For purposes of enforcement, this would obviously provide additional advantages and is necessary to prevent evasions of Ceiling Price Regulation 25.

In formulating this amendment, the Director of Price Stabilization has consulted with industry representatives to the extent practicable and has given full consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Ceiling Price Regulation 25 is amended in the following respects:

1. The sentence immediately preceding the caption *Retail Price and Grade Differentials* in the statement of considerations is amended to read as follows: "These beef products remain under the General Ceiling Price Regulation or Ceiling Price Regulations 15 and 16."

2. Section 13 (c) is amended as follows: Insert the words "to a retailer" between the words "cut if sold" and the words "by a wholesaler".

3. Section 40 (a) is amended as follows:

a. Substitute the words "Chuck arm pot roast" for the words "Chuck arm pot roast (boneless)"; and

b. Substitute the words "Chuck or shoulder (boneless)" for the words "Chuck or shoulder".

4. Section 42 (k) is amended as follows: Substitute the word "Flank" for the word "Plank."

5. The last two lines of section 50 (h) are amended to read as follows: "the cut, the net weight of the meat contained in the package and, except for ground beef, the grade of beef."

6. Appendix 5 (c) (4) is amended by inserting immediately after the sentence ending with the words "rolled and tied", the following sentence: "The tenderloin means the tenderloin muscle meeting the specifications and requirements as set forth in Ceiling Price Regulation 24."

7. Appendix 5 (c) is amended by omitting therefrom the entire paragraph numbered (5).

8. Appendix 5 (g) (2) is amended as follows:

a. Substitute the words "Brisket (boneless) fresh or cured, deckle on" for the words "Brisket (boneless" fresh or cured"; and

b. Substitute the words "Boneless brisket, fresh or cured, deckle on," for the words "Boneless brisket, fresh or cured,".

9. Appendix 5 (g) is amended by inserting immediately preceding Appendix 5 (h) the following paragraph:

(3) *Brisket (boneless), fresh or cured, deckle off.* Boneless brisket, fresh or cured, deckle off, means that part of the brisket remaining after all the bones, intercostal meat and deckle have been removed. The deckle shall be removed at the natural seam letting the thick layer of fat attached to the deckle and exposing the lean meat surface lying directly below. This lean surface shall be free of all fat except minute flakes of fat that adhere closely to the lean after the deckle has been removed. The hard fat along the sternum edge (the area on the bone side of the brisket which is adjacent to and directly under the sternum bone) of the boneless brisket shall be trimmed level with the bared surface of the brisket and to within ½ inch of the lean lying between this hard fat and the border of skin surface fat. All ragged pieces of meat from both bone and skin side of the boneless (deckle off) brisket and all fat in excess of one inch of the cutside skin surface, including the breast curve, shall be removed. The web muscle (full lip) shall be left attached with the thin tissue edge, trimmed to expose the narrow portion of lean meat.

10. Appendix 8 is amended by omitting the paragraphs lettered (c) and (h) and by relettering paragraphs lettered (d) through (g), inclusive, and (i) through (s), inclusive, as follows:

a. The paragraphs lettered (d), (e), (f) and (g), respectively, shall be relettered as paragraphs (c), (d), (e) and (f), respectively; and

b. The paragraphs lettered (i), (j), (k), (l), (m), (n), (o), (p), (q), (r) and (s), respectively, shall be relettered as paragraphs (g), (h), (i), (j), (k), (l), (m), (n), (o), (p) and (q), respectively.

11. Section 42 (j) is amended by substituting the numbers ".68" for the numbers ".58" in the line beginning "IV. Ground beef" in the column headed "*Com'l.*"

12. Section 5 (c) (3) is amended as follows: Insert the word "special" before the word "ground" in Rules 1, 2, 3, and 4.

13. a. Section 41 (a) is amended as follows:

1. Add to the top half of the table, below the line commencing with the word "Udders", a new line stating: "under the first column, 'Tongues'; under columns 1 and 2, '.56'; under columns 3, 4 and 5, '.55'; under columns 6 and 6A, '.54'; and under columns 7 and 8 '.55';"

2. Add to the bottom half of the table, below the line commencing with the word "Udders", a new line stating: "under the first column, 'Tongues'; under columns 9, '.54'; under columns 10, 11, and 12, '.55'; under columns 13N, 13S, 14N and 14S, '.56'; and under column 15, '.57'."

3. Change the line commencing with the word "Tails" in the top half of the table as follows: "under column 1, substitute the numbers '.39' for the numbers '.40'; under columns 3 and 4, substitute the numbers '.38' for the numbers '.39'; and under columns 7 and 8, substitute the numbers '.38' for the numbers '.39'; and"

4. Change the line commencing with the word "Tails" in the bottom half of the table as follows: "under columns 9 and 10, substitute the numbers '.37' for the numbers '.38'; under column 12, substitute the numbers '.38' for the numbers '.39'; under columns 13S, 14N and 14S, substitute the numbers '.39' for the numbers '.40'; and under column 15, substitute the numbers '.40' for the numbers '.41'."

b. Section 41 (a) (1) is amended as follows:

1. Add to the table, below the line commencing with the word "Udders", a new line stating: "under the first column, 'Tongues'; under columns 1, 2 and 3, '.54'; under columns 4 and 5, '.53'; under columns 6 and 6A, '.52'; under columns 7, 8, 9, 10, 11 and 12, '.53'; under columns 13N, 12S, 14N and 14S, '.54'; and under column 15, '.55'; and"

2. Change the line commencing with the words "Tails" as follows: "under column 1 substitute the numbers '.38' for the numbers '.39'; under columns 2 and 3, substitute the numbers '.37' for the numbers '.38'; under columns 12, 13N and 13S, substitute the numbers '.37' for the numbers '.38'; under columns 14N and 14S, substitute the numbers '.38' for the numbers '.39'; and under column 15, substitute the numbers '.38' for the numbers '.40'."

c. Section 41 (a) (2) is amended as follows:

1. Add to the table, below the line commencing with the word "Udders", a new line stating: "under the first column, 'Tongues'; under columns 1 and 2, '.52'; under columns 3, 4 and 5, '.51'; under columns 6 and 6A, '.50'; under columns 7, 8, 9, 10, 11 and 12, '.51'; under columns 13N, 13S, 14N and 14S, '.52'; and under column 15, '.53'; and"

2. Change the line commencing with the word "Tails" as follows: "under column 1, substitute the numbers '.36' for the numbers '.38'; under columns 2 and 3, substitute the numbers '.36' for the numbers '.37'; under columns 4 and 5, substitute the numbers '.35' for the numbers '.36'; under columns 7 and 8, substitute the numbers '.35' for the numbers '.36'; under column 11, substitute the numbers '.35' for the numbers '.36'; under columns 12, 13N, 13S, 14N and 14S, substitute the numbers '.36' for the numbers '.37'; and under column 15, substitute the numbers '.37' for the numbers '.39'."

d. Section 42 (r) is amended as follows:

1. Add to the top half of the table, below the line commencing with the word "Tails," a new line stating: "under the first column, 'Tongues'; under column 1, '.46'; under columns 2, 3, 4 and 5, '.45'; under columns 6 and 6A, '.44'; and under columns 7 and 8, '.45';"

2. Add to the bottom half of the table, below the line commencing with the word "Tails", a new line stating: "under the first column, 'Tongues'; under columns 9 and 10, '.44'; under columns 11, 12 and 12N, '.45'; under columns 13S, 14N and 14S, '.46'; and under column 15, '.47';"

3. Change the line commencing with the word "Tails" in the top half of the table as follows: "under columns 1 and 2, substitute the numbers '.32' for the numbers '.38½; under columns 3, 4 and 5, substitute the numbers '.31' for the numbers '.37'; under columns 6 and 6A, substitute the numbers '.30' for the numbers '.36'; and under columns 7 and 8, substitute the numbers '.31' for the numbers '.37'; and"

4. Change the line commencing with the word "Tails" in the bottom half of the table as follows: "under columns 9 and 10, substitute the numbers '.30' for the numbers '.36'; under column 11, substitute the numbers '.31' for the numbers '.37'; under column 12, substitute the numbers '.31' for the numbers '.38'; under columns 13N, 13S, 14N and 14S, substitute the numbers '.32' for the numbers '.38'; and under column 15, substitute the numbers '.33' for the numbers '.39'."

14. The ceiling price lists provided in section 40, are amended as follows:

(a) There shall be subtracted the following respective amounts from the respective ceiling prices provided in Section 40 for the following cuts and grades for the following store groups in all zones:

Cut	Group 1 and 2 stores				Group 3 and 4 stores				Group 1, 2 and 4B stores			
	Choice	Good	Com'l.	Utility	Choice	Good	Com'l.	Utility	Choice	Good	Com'l.	Utility
Chuck arm (bone in) steak	$0.12	$0.12	$0.12	$0.12	$0.12	$0.12	$0.12	$0.12	$0.11	$0.11	$0.11	$0.12
Chuck arm pot roast	.12	.12	.12	.12	.12	.12	.12	.12	.11	.11	.11	.12
English cut	.13	.13	.12	.11	.12	.12	.12	.11	.12	.12	.11	.10
Rump (bone in)	.06	.06	.06	.05	.06	.06	.05	.05	.05	.06	.05	.05

For example, if you are a Group 3 store in Zone 14N, Section 40 provides that your ceiling price for rump (bone in) of Choice grade shall be $0.85. This amendment provides that $0.06 shall be subtracted from the ceiling price. Accordingly, your ceiling price for rump (bone in) of choice grade becomes $0.79.

(b) There shall be added the following respective amounts to the respective ceiling prices provided in Section 40 for the following cuts and grades for the following store groups in all zones:

Cut	Group 1 and 2 stores				Group 3 and 4 stores				Group 3B and 4B stores			
	Choice	Good	Com'l.	Utility	Choice	Good	Com'l.	Utility	Choice	Good	Com'l.	Utility
Chuck blade (bone in) steak	$0.01	$0.01	$0.01	$0.01	$0.01	$0.01	$0.01	$0.01	$0.01	$0.01	$0.01	$0.01
Chuck blade pot roast	.01	.01	.01	.01	.01	.01	.01	.01	.01	.01	.01	.01
Short loin beef (whole)	------	.01	.05	.08	------	.01	.05	.08	------	.01	.05	.08
Rib beef (whole)	.12	.12	.12	.12	.12	.12	.12	.12	.12	.12	.12	.12

15. The ceiling price lists provided in section 42 (a) through 42 (q), inclusive, are amended as follows:

(a) There shall be subtracted the following respective amounts from the respective ceiling prices provided in Section 42 (a) through 42 (q), inclusive, for the following cuts and grades in all zones:

Cut	Choice	Good	Com'l.	Utility
Chuck arm (bone in) steak	$0.12	$0.12	$0.12	$0.12
Chuck arm pot roast	.12	.12	.12	.12
English cut	.12	.12	.11	.10
Rump (bone in)	.05	.05	.05	.05

(b) There shall be added the following respective amounts to the respective ceiling prices provided in Section 42 (a) through 42 (q), inclusive, for the following cuts and grades in all zones:

Cut	Choice	Good	Com'l.	Utility
Chuck blade (bone in) steak	$0.01	$0.01	$0.01	$0.01
Chuck blade pot roast	.01	.01	.01	.01
Short loin beef (whole)	------	.01	.05	.08
Rib beef (whole)	.12	.12	.12	.12

16. Section 14 (b) is amended by deleting the words "sections 53, 55 or 58" and substituting therefor the words "Appendixes 3, 5 or 8."

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1951, 3 CFR, 1950 Supp.)

Effective date. This amendment shall become effective on May 14, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 11, 1951.

[F. R. Doc. 51-5626; Filed, May 11, 1951; 12:03 p. m.]

[Ceiling Price Regulation 26, Amendment 1]

CPR 26—CEILING PRICES OF KOSHER BEEF ITEMS SOLD AT RETAIL

CHANGE IN EFFECTIVE DATE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with Respect to the Allocation of Meat, January 26, 1951, 16 F. R. 1272, and Economic Stabilization Agency General Order No. 5, February 8, 1951, (16 F. R. 1273), this Amendment 1 to Ceiling Price Regulation 26 is hereby issued.

STATEMENT OF CONSIDERATIONS

Pending recalculation of the ceiling prices provided for kosher beef items and the issuance of a revised Ceiling Price Regulation 26 in the near future, the mandatory effective date of that regulation is deferred for a period of one week. In the interim, kosher retailers may, if they desire, adopt all of the provisions of that regulation.

AMENDATORY PROVISIONS

Ceiling Price Regulation 26 is amended as follows:

1. The "*Effective date*" paragraph appearing immediately after section 40 is deleted and the following paragraph is substituted therefor:

Effective date. This regulation shall become effective on May 21, 1951. You may, however, adopt all of the provisions of this regulation at any time before the effective date.

2. Sections 30, 31 and 32 are amended by substituting the phrase "effective May 21, 1951" for the phrase "effective May 14, 1951" wherever that phrase appears therein.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Effective date. This amendment shall become effective on May 14, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 11, 1951.

[F. R. Doc. 51-5624; Filed, May 11, 1951; 12:03 p. m.]

[Ceiling Price Regulation 34]

CPR 34—SERVICES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

The inflationary pressures incident to the Korean situation and the stepped up rearmament program brought on price increases throughout the economy during the latter part of 1950, which necessitated prompt action in direct price controls. Accordingly, on January 26, 1951, the Office of Price Stabilization issued the General Ceiling Price Regulation. This regulation, with certain exceptions, fixed the ceiling prices of all commodities and all services at the highest price charged by the seller during the base period, December 19, 1950, to January 25, 1951, inclusive. At the time of the issuance of the General Ceiling Price Regulation, it was understood that it did not adequately meet the specific needs of numerous suppliers of services and that it was to be replaced with respect to that field as soon as practicable. A new regulation, Ceiling Price Regulation No. 34 Services is issued separately covering the field of services, and, to the extent of its applicability, supersedes the General Ceiling Price Regulation in the services field. In the main, the fundamental provisions of the General Ceiling Price Regulation, including the base period of December 19, 1950, to January 25, 1951, for the determination of ceiling prices, have been retained in this new regulation. The considerations which support the General Ceiling Price Regulation are equally applicable to this Ceiling Price Regulation No. 34.

Services rendered in trade, commerce and industry, services integrated with such services as well as personal services, all vitally affect the national economy. The administrative problems involved in regulating the ceiling prices to be charged for such services are so much different from those involved in regulating the ceiling prices for commodities, that it has been determined to issue a separate ceiling price regulation for such services. The new regulation removes from the coverage of the General Ceiling Price Regulation all services (except transportation services of contract carriers and certain industrial services in connection with the jobbing shop operations in metals and metal products and the plating of plastics or other nonmetallic materials, except the repair and maintenance of automotive and farm equipment) and brings under the single Services Regulation all such services subject to price control with the exception of defense services exempted by Supplementary Regulation 1 to the General Ceiling Price Regulation, services exempted by Supplementary Regulation 15 to the General Ceiling Price Regulation, and those services which now or hereafter may be covered in other specific price regulations.

Many service functions rendered for the same general use and purpose vary with the specific task. This is particularly true in the repair trades. While certain of these trades permit a standardization of price because of the normal pattern of the requirements of the purchaser, other types of repair trades, because of the varying nature of the repair demands of the purchaser, do not permit a pre-determined price. The new regulation provides a method for determination of prices based upon the highest price charged in the base period for the same service. This provision permits the supplier of a service to determine his price in accordance with his own pricing method, but limits the elements which enter into the determination of the prices to their highest base period level. Under the regulation the highest price charged by the seller during the base period for any service customarily rendered but not in fact supplied during the base period is deemed to be that price which would have been charged upon a rate or pricing method regularly used for determining the price for such service during the base period, December 19, 1950, to January 25, 1951, inclusive.

Many services are seasonal in nature or subject to seasonal variation in price. In some cases the services are not performed during the base period. In other cases a seasonal variation in price occurs and it would be manifestly unfair to restrict the supplier of the service to his base period price. A provision has been added to the new regulation which provides for the determination of ceiling prices for seasonal services or services subject to seasonal variation in price. The provision limits the seller to the highest price charged in the last corresponding season, but permits an increase based upon the rise in the cost of living from that season.

The adjustment provisions of this regulation, with limitations, permit the filing of an application for adjustment by a seller of a service or services where substantial financial hardship exists. Service establishments are in the main small business establishments without substantial reserves of capital. Labor is the most important factor of cost and either direct labor wage increases or deterioration of labor supply can create financial hardship threatening the continuance of the establishment's existence.

In like fashion, the regulation is tailored to meet the various problems of pricing which arise in the services field that are foreign to the commodities field. The regulation is further designed by introduction of filing provisions to permit more effective enforcement in the services field and to provide a source for price data for the development of individual supplementary service regulations in particular service trades.

The foregoing modifications do not change in any way the fundamental economic policy which is effectuated by the General Ceiling Price Regulation. The base period of December 19, 1950, to January 25, 1951, as the appropriate date for the determination of ceiling prices, is maintained throughout this regulation. Within the general framework of the General Ceiling Price Regulation, however, flexibility is achieved which adapts that framework to the individual characteristics of the services field.

While the innumerable and diverse services cutting across a complex of different industries and trades has rendered impracticable the establishing of, and consultation with, formal service committees during the preparation of this regulation, nevertheless, the Director of Price Stabilization, wherever feasible, has consulted with numerous representatives from various services fields and given consideration to their recommendations. In the judgment of the Director of Price Stabilization, the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950.

So far as practicable, the Director of Price Stabilization has given consideration to the National effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, including prices prevailing during the period from May 24, 1950, to June 24, 1950, and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Services covered.
3. Prohibitions.
4. Prices previously established.
5. General pricing provisions.
6. Pricing for new services and sellers.
7. Services which cannot be priced under section 5 or 6 of this regulation.
8. Pricing of seasonal services.
9. Pricing changes.
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13. Transfer of business; moving of business; chains.
14. Taxes.
15. Additional charges.
16. Customary price differentials.
17. Sales slips; receipts.
18. Records; filings of statements; posting.
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21. Adjustable pricing.
22. Petitions for amendment.
23. Procedures.
24. Amendments; supplementary regulations; orders.
25. Evasion.
26. Applicability.
27. Definitions and explanations.

AUTHORITY: Sections 1 to 27 issued under Sec. 704, Pub. L. 774, 81st Cong. Interpret or apply Title IV, Pub. L. 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 C. F. R. 1950 Supp.

SECTION 1. *What this regulation does.* This regulation removes most services from the coverage of the General Ceiling Price Regulation (GCPR) and brings them under this regulation. This regulation in general establishes the ceiling price of most services at the levels prevailing in the period December 19, 1950, to January 25, 1951, inclusive.

SEC. 2. *Services covered.* This regulation covers all services except:

(a) Services exempted in the GCPR, as amended;

(b) Defense services exempted by Supplementary Regulation 1 to the GCPR, as amended;

(c) Services exempted by Supplementary Regulation 15 to the GCPR, as amended;

(d) Services covered by any specific price regulation now or hereafter issued by the OPS;

(e) The following services, which remain under the GCPR:

(1) Transportation services of contract carriers;

(2) The following industrial services (except services rendered in connection with the repair or maintenance of automotive or farm equipment) when performed on material or products owned by another:

(i) All jobbing shop operations customarily performed in the fabrication, conversion, repair or maintenance of metals or metal products. These operations include abrading, adjusting, assembling, cutting, forming, grinding, machining, shaping and welding or otherwise joining.

(ii) All jobbing shop operations customarily performed in the treatment, coating, or finishing of metals or metal products. These operations include annealing, anodizing, bonderizing, blasting, carbonizing, carburizing, case-hardening, cleaning, coronizing, deoxidizing, enameling, galvanizing, heat treating, heresiting, japannizing, laquering, lead coating, metallizing, nitriding, normalizing, painting, pickling, phosphate coating, plating, polishing, sheradizing, shot peening, tempering and tinning.

(iii) Plating on plastics and other nonmetallic materials.

SEC. 3. *Prohibitions.* (a) On and after May 16, 1951, regardless of any contract or other obligation:

(1) You may not sell any service covered by this regulation at a price higher than your ceiling price.

(2) No person in the course of trade or business may buy any service covered by this regulation at a price higher than the ceiling price.

Of course, you may charge lower prices than your ceiling prices at any time.

(b) Once you have reported your ceiling price or a proposed ceiling price for a service as required by this regulation, you may not thereafter redetermine it. A purely arithmetical error may, however, be corrected, but the correction must be reported to the Director of Price Stabilization, Washington 25, D. C.

SEC. 4. *Prices previously established.* (a) This regulation supersedes the GCPR insofar as the GCPR dealt with services now covered by this regulation.

(b) Since this regulation keeps certain of the basic pricing provisions of the GCPR, many of your ceiling prices under this regulation will be the same as those you properly established under the GCPR.

(c) In addition all prices established under section 6 or section 7 of the GCPR remain in effect under this regulation.

SEC. 5. *General pricing provisions.* (a) In determining your ceiling price (which you must report in the manner provided by section 18 of this regulation), use the first of the following provisions which applies to you. Your ceiling price shall be:

(1) The highest price at which you supplied the same service during the "base period" (December 19, 1950, to January 25, 1951, inclusive) to a purchaser of the same class. (Be sure to read the definition of "purchaser of the same class" in section 27 (a) (11) of this regulation.) If, however, in the base period you did not have a flat price for the service but did have a rate or a pricing method to determine your price, you may continue to use your highest base period rate or pricing method to determine your ceiling price for the same service to a purchaser of the same class.

(2) If you did not actually deliver the service in the base period, then the highest price at which you offered in writing to supply the same service for delivery in the base period to a purchaser of the same class. If, however, in the base period you did not offer in writing to supply that service to that class of purchaser upon the basis of a flat price but did have a rate or pricing method upon the basis of which you could have supplied that service to that class of purchaser, then the price resulting from the application of your highest base period rate or pricing method which would, by your usual trade practice, have been used by you had you supplied the service in the base period.

(3) The ceiling price of your closest competitor for the same service to a purchaser of the same class, if you did not actually supply it or offer it for supply in the base period to any purchaser. However, you may not take your closest competitor's ceiling price if

such price is based on his offering price. The term "ceiling price" as used in this paragraph and in sections 6 and 7 of this regulation also includes a ceiling rate or pricing method. If you are a new seller first making sales after the effective date of this regulation, or a seller of a new service first sold by you after the effective date of this regulation, you will comply with section 6 of this regulation.

(b) In the use of a rate or a pricing method you may not charge more for each factor of the rate or pricing method than the highest price you charged for such factor in the base period. For example, you operate an automobile repair shop and you do not have a fixed flat price for body repair work but make a labor charge of $3 per hour plus the price of any parts supplied. You may not now charge more than $3 per hour for your labor charge even though you are paying your mechanics more than you paid them in the base period. Furthermore, you may not now charge more than the highest price you charged for the parts in the base period unless a commodity regulation establishes a new ceiling price for such parts in which case you may charge for such parts the ceiling price so established.

SEC. 6. *Pricing for new services and sellers.* (a) If you are a new seller or are selling a new service which cannot be priced under section 5 of this regulation, your selling price is the same as the ceiling price of your closest competitor for the same service to a purchaser of the same class.

(b) Within 10 days after determining the ceiling price under this section you must report the price in writing to the appropriate OPS district office explaining how the price was computed. You must also comply with the applicable provisions of section 18 of this regulation.

SEC. 7. *Services which cannot be priced under section 5 or 6 of this regulation.* (a) If you cannot determine a ceiling price under section 5 or section 6 of this regulation, you must file an application with the Director of Price Stabilization, Washington 25, D. C., for approval of a ceiling price in line with the level of ceiling prices otherwise established by this regulation, and in the case of a commodity rental or a manufacturing or processing service, a ceiling price consistent with the level of ceiling prices established for the sale of the commodity by the applicable ceiling price regulation. The application shall contain a description of the service, anticipated direct labor and materal costs, and the proposed ceiling price. It shall also contain a full explanation of the reasons why you cannot price this service under section 5 or 6 of this regulation. If you supplied any other service in the base period, submit, in addition, a description of the most comparable service showing your present direct labor and material costs for it and your present ceiling price.

(b) You may not sell the service for which a ceiling price is requested under this section until that price has been approved by OPS, but the proposed price shall be considered approved 20 days after mailing the application (or all additional information which may have been requested), unless, within that time, OPS notifies you that your proposed price has been disapproved. You must also furnish any additional information which OPS may require and comply with the provisions of section 18 of this regulation.

SEC. 8. *Pricing of seasonal services—(a) Services supplied in the base period but subject to seasonal variations in price.* If you have had a regularly established seasonal variation in price and delivered the service in the base period, your ceiling price for your other seasonal periods shall reflect your customary dollar differential between that season and the base period.

(b) *Seasonal services not supplied in the base period.* If the service was not supplied in the base period either by you, or by a competitor in the same general trading area serving the same kind of purchaser, and if you supplied the service regularly during one or more seasons of the period January 26, 1950, to December 18, 1950, inclusive, your ceiling price shall be the price you charged in the last season prior to the base period: *Provided, nevertheless,* That if you are one of the sellers referred to in paragraph (c) of this section you may add to that price the increase permitted in such paragraph (c). If you customarily maintain other seasonal variations in price you shall reflect your customary dollar differential in price between those seasons and the last season in which the service was supplied.

(c) You may under paragraph (b) of this section use the following table to compute your percentage increase if you are a seller who on each day of the last season prior to the base period employed not more than seven individuals. If, however, during the last season prior to the base period, you employed eight or more individuals in any one day and you can show in your report to the Director of Price Stabilization that your direct costs have now increased above your costs in the last season prior to the base period, you may under paragraph (b) of this section add no more than these direct costs to that price which you charged in the last season prior to the base period unless these direct costs exceed the table percentage applicable to you, in which case you will then use that table percentage.

(1) The table percentage applicable to you under this paragraph and paragraph (b) of this section shall be as follows for the applicable season:

8 percent Jan. 26, 1950, through April 30, 1950.
7 percent May 1, 1950, through June 30, 1950.
6 percent July 1, 1950, through July 31, 1950.
5 percent Aug. 1, 1950, through Aug. 31, 1950.
4 percent Sept. 1, 1950, through Sept. 30, 1950.
3 percent Oct. 1, 1950, through Nov. 30, 1950.
2 percent Dec. 1, 1950, through Dec. 18, 1950.

In selecting the appropriate percentage increase apply the percentage for the date in which the highest price for the season was first announced by you in writing or, if there was no such announcement, the first date on which the service was sold by you at the highest price in the season.

(d) This section applies only if the season during which the variation in price was in effect regularly consisted of at least 14 consecutive days.

(e) *Reports.* Within 10 days after establishing or determining your ceiling price, or any change therein, under this section, you must report the price in writing to the Director of Price Stabilization, Washington 25, D. C., explaining how the price was computed. You must also comply with the applicable provisions of section 18 of this regulation.

SEC. 9. *Pricing changes.* OPS may at any time disapprove or revise ceiling prices proposed or established under this regulation or under section 7 of GCPR so as to bring them into line with the level of ceiling prices otherwise established by this regulation. You may not redetermine your ceiling price after it has been determined under this regulation unless it is changed by OPS, in which case the changed price shall be your ceiling price.

SEC. 10. *Central pricing.* OPS may when it deems it consistent with the purposes of this regulation establish uniform prices for sellers owning or operating more than one service establishment and may for this purpose require sellers to furnish necessary information.

SEC. 11. *Commodities included in services.* Your ceiling price for a service under this regulation includes any commodity furnished with the service. If your ceiling price includes a separately stated charge for the commodity, your ceiling price for the service shall be increased or decreased, as the case may be, by the difference between your separately stated charge for the commodity under this regulation and the ceiling price fixed by the applicable commodity regulation.

SEC. 12. *Special pricing provisions—(a) Application of general pricing increase to long-term contracts, etc.* If in the base period you had in effect an increase in your prices for a service to your classes of purchasers generally, and you actually charged the increased price to the classes of purchasers whom you supplied in the base period, but you did not supply the service at the increased price in the base period to a particular class of purchaser because either:

(1) You did not supply the service to that class of purchaser in the base period after the price increase, or

(2) You supplied the service to that class of purchaser in the base period after the price increase at a lower price because you were bound to do so under a contract made before the price increase, then your ceiling price to that particular class of purchaser shall be:

(i) Your increased offering price to that class of purchaser for supply during the base period, or

(ii) If you had no such increased offering price, then the highest price at which you supplied the service to a purchaser of a different class during the base period adjusted to reflect the customary differential in price between the two classes of purchasers.

If, however, in the base period you announced in writing an increase in your prices for a service to your classes of purchasers generally, but you did not deliver the service at the increased price to any of the purchasers whom you supplied in the base period because you were bound under contracts made before the

announcement in writing of that price increase, and you did enter into new contracts for future delivery of the service at the increased price prior to December 19, 1950, then at the expiration of each old contract you may institute the announced price increase, adjusted to reflect the customary differential in prices among your classes of purchasers.

(b) *Percentage commissions on commodity sales or purchases.* If you are a commission seller, buyer, broker, or auctioneer, and in the base period you used a percentage rate to determine your commission in connection with the sale or purchase of a commodity, you may now apply your highest base period percentage rate to the current authorized price of a commodity under the applicable commodity ceiling price regulation, or to your sale or purchase price of the commodity if it is lower, to determine your commission for the purchase or sale of the same commodity to a purchaser of the same class.

(c) *Individual negotiated prices.* If you customarily made a practice of charging different purchasers different prices without regard to standards, such as quantity purchased and nature of business (wholesaler, retailer, etc.) each such customer is a separate class of purchaser.

(d) *New purchasers.* Your price to a new purchaser is your established ceiling price to the class in which the new purchaser falls. However, if you followed the practice of maintaining individually negotiated prices, the ceiling price to a new purchaser is the arithmetic average of your base period ceiling prices to purchasers of the same class for the same service. But if within one month prior or one month subsequent to the acceptance of a new purchaser you discontinue supplying an old purchaser to whom you sold during the base period at a price below your average price to purchasers of the same class, your ceiling price to the new purchaser shall be the same as the ceiling price you charged the purchaser you discontinued.

(e) *Refusing to supply lower priced services.* (1) A seller may discontinue selling his services. If, however, he discontinues a service that he offered in the base period or since, and sells or offers to sell in its place a higher priced service which will achieve the same general purposes as the service he discontinues, he is evading the Defense Production Act of 1950, and is violating this regulation, unless it appears that one or more of the following conditions exists:

(i) That specialized equipment or supplies requisite to a continuance of the particular service are not available; or

(ii) That the continuance of the particular service would be in violation of or would be rendered impracticable by a governmental order or regulation, or that it would be contrary to governmentally established standards or policies; or

(iii) That discontinuance of the particular service will enable the seller to maintain other services more necessary to the community directly concerned; or

(iv) That other suppliers in the community are able and willing to supply the requested service or a similar service in requisite amount and at prices not exceeding the ceiling price of the particular seller.

(2) A seller refusing to supply a service must, unless otherwise permitted to do so by a general permissive order, certify by registered mail, for which a return receipt has been requested, to the Director of Price Stabilization, Washington 25, D. C., the existence of one or more of the conditions stated in this paragraph. Unless sufficient facts are given to support the certification, the request will be denied, without prejudice to an opportunity to the seller to furnish additional evidence.

(3) Effective date on which a service may be discontinued under this paragraph: Unless the Director of Price Stabilization or his authorized representative shall, by notice mailed to the seller within thirty days from the date of the receipt of the certified statement, disapprove the request, the seller may discontinue the service.

(4) Definition: As used in this paragraph, the term "service" means one of the types, forms, grades, or quantities offered for sale in the base period, or since, the description of which is required in your statement under section 18 of this regulation.

(f) *Cost plus contracts.* (1) If you customarily supplied service to a class of purchaser by the use of a cost plus contract, you may continue to use such a contract, limited to your highest base period fee or percentage, but in figuring your costs you must limit each element of cost to the highest rate or charge you made to the same class of purchaser in the base period.

(2) Within 10 days after determining the ceiling price under this section you must report the price in writing to the Director of Price Stabilization, Washington 25, D. C., explaining how the price was computed and stating your base period charges and method of computation for the supplying of the same service to a purchaser of the same class.

(g) *Flat rate manuals or catalogues.* If during the base period you used a flat rate manual to determine your price, you must use the same manual now, and you may not increase the hourly rate you charged in the base period. If you used a catalogue to determine your prices for parts in the base period you may continue to do so now. However, if a specific ceiling price is set by OPS for any item in the catalogue, you may not charge more than such specific ceiling price. You may not use a new edition of such flat rate manual or catalogue unless its use has been approved by the Director of Price Stabilization, Washington 25, D. C.

SEC. 13. *Transfer of business; moving of business; chains—(a) Transfer.* If you acquire a previously established business after May 16, 1951, and you carry on such business in an establishment separate from an establishment previously owned or operated by you, your ceiling prices shall be the same as those to which your transferor would have been subject if no such transfer had taken place, and your obligation to keep records sufficient to verify such prices shall be the same. You must further prepare and preserve (if your transferor has not already done so) and keep up to date the statement required under section 18 of this regulation. Your transferor shall preserve and turn over to you all records of transactions prior to the transfer which are necessary to enable you to comply with the records provisions of this regulation.

(b) *Moving.* If you sell services at retail and move the business out of your trading area after May 16, 1951, you must apply to OPS for establishment of your ceiling prices for that unit under section 7 of this regulation except that if you close a selling unit and open another one in the same trading area, your ceiling prices for the new unit shall be the same as those of the unit you closed.

SEC. 14. *Taxes.* If a tax is imposed on a service covered by this regulation and the tax law does not forbid you to pass the tax on to your customers, you may add the tax to your ceiling price in accordance with the following provisions: If the tax becomes effective after January 25, 1951, you may add the tax to your ceiling price if you separately state it. If the tax was in effect in the base period and you were not then supplying the service, you may add the tax to your ceiling price as established under this regulation if such price does not already reflect the tax, if you separately state it. If the tax was in effect in the base period and you were then supplying the service and passing on the tax, you may continue to do so; if you separately stated the tax then, you must do so now. If in the base period you did not pass the tax on to your customers, you may not do so now. ("Tax" as used in this section also includes a tax increase.)

SEC. 15. *Additional charges.* You may not make a higher charge for expediting, packaging, or other incidents of a service than you made in the base period to a purchaser of the same class, nor may you now make any charge for any incident of a service if it was not your practice to do so in the base period, unless you are authorized to do so by the Director of Price Stabilization, Washington 25, D. C. You may not require a purchaser to pay a larger proportion of transportation costs incurred in the supply of any service than you required a purchaser of the same class to pay during the base period for the same service. Unless authorized by the Director of Price Stabilization, Washington 25, D. C., you may not require a deposit for any reason or make an extra charge for insurance, if you did not do so in the base period, nor may you now increase any such deposit or insurance charge made in the base period.

SEC. 16. *Customary price differentials.* Your ceiling prices, when determined, shall reflect your customary price differentials, including discounts, allowances, premiums and extras, based upon differences in classes or location of purchasers, or in terms and conditions of sale or delivery.

SEC. 17. *Sales slips; receipts.* If you have customarily given a purchaser a sales slip or receipt, you must continue to do so. Upon request by a purchaser, you must regardless of your previous custom, give the purchaser a sales slip or receipt. Such sales slip or receipt must show your name and address, the date, the description and quantity of each service sold, the price charged for each such service, and the price charged for any parts or commodities furnished with the service.

SEC. 18. *Records; filings of statements; posting.* You must comply with the fol-

lowing provisions for keeping price records and for filing statements of your ceiling prices:

(a) *Records.* Preserve for examination by OPS all records regarding your prices, rates, or pricing methods for services supplied or offered for supply during the base period (or such other period as is specified as your base period) and thereafter.

(b) *Filings of statements.* (1) Prepare and keep for examination by any person during ordinary business hours, a statement of your ceiling prices, rates, or pricing methods for purchasers of each class together with an adequate description of each such service.

(i) If you have in any case taken the ceiling price of your closest competitor for any service as your ceiling price, indicate on the statement in every such case the service, the ceiling price, and your closest competitor's name and address.

(ii) If your ceiling prices are based upon a flat rate manual or similar pricing manual or parts catalogue or list, you may (instead of appending it to the statement) clearly identify on the statement such manual, parts catalogue, or list by name, edition number, and date, indicating the instances in which it was not your practice in the base period to follow it.

(2) File a duplicate of your statement with the appropriate OPS district office. You may request, if you wish, that the part of your statement insofar as it applies to non-retail services which you sell be treated as confidential and not subject to public disclosure. Such part of your statement as shall be so treated will then be withheld from public inspection unless the withholding of the information it contains would be contrary to the purposes of this regulation. You may also withhold from public inspection such part of your statement, insofar as it applies to non-retail services which you sell.

(3) You must prepare and file such duplicate statement within 30 days of the date that your ceiling price for a service is first established by this regulation. If you have previously prepared and preserved a statement of your ceiling prices under the GCPR and its amendments, and your ceiling prices have not changed under this regulation, you must prepare and file such duplicate copy of such statement under this regulation.

(c) *Supplements.* You must also prepare and keep available appropriate supplements of your statements, and you must file a duplicate copy of each such supplement with the appropriate OPS district office, within 10 days after you have delivered any new service or after any change in your selling price is authorized by OPS.

(d) *Signature.* These statements and all supplements thereto must be signed by you or your authorized agent.

(e) *Exception.* If you can show that the requirements of this section subject you to unusual hardship, you may apply to the Director of Price Stabilization, Washington 25, D. C., for written authorization to depart from these requirements. Such authorization will be given only if it will not be inconsistent with the purposes of this regulation.

(f) *Posting.* (1) OPS may require you to post your ceiling prices for any service which you sell at retail whenever it is deemed necessary to the effective enforcement of this regulation.

(2) If, however, you operate a service establishment making sales at retail, you must, not later than 30 days after the date that your ceiling price for a service is first established by this regulation, post your ceiling prices in a prominent or clearly visible position in your establishment.

SEC. 19. *Violation*—(a) *Civil and criminal action.* If you violate any provisions of this regulation you are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Defense Production Act of 1950.

(b) *Record-keeping and filing violations; failure to establish ceiling price.* (1) If you fail to keep the records or statements as required by section 18 of this regulation, or if such records or statements or supplements are incorrect or incomplete, or if you fail to apply to OPS for the establishment of a ceiling price under section 7 of this regulation, if you are required to do so, OPS may issue an order establishing a ceiling price for each service you sell in line with prices established by this regulation. Such order may establish the ceiling price as of the date of the first sale of the service under this regulation. Such order may also require you to give sales slips or receipts to your customers as specified in the order, to retain copies thereof in your files, and to prepare and keep such records as may be specified in the order. These requirements will not, however, relieve you of your obligation to comply with the requirements of sections 18 and 7 of this regulation, or of the various penalties for failure to do so.

(2) The term "ceiling price" as used in this paragraph and in section 18 of this regulation also includes a ceiling rate or pricing method.

SEC. 20. *Adjustments*—(a) *General adjustments.* OPS may adjust any ceiling price established under this regulation upon a demonstration of substantial financial hardship threatening your ability to continue to supply a service, subject to the following limitations:

(1) No adjustment will increase your ceiling price above the levels necessary to permit you to continue the sale of your services;

(2) No adjustment will be made if it will create or tend to create a need for increases in the prices of other sellers in your locality or elsewhere.

In judging whether a ceiling price subjects you to substantial financial hardship, OPS will take into account such pertinent factors as the nature of your business, its earnings, and the earnings of your trade as a whole during a representative period. A price increase may be denied in whole or in part, however, if your hardship is attributable to such causes as a decline in sales volume because of reduced demand, general manpower shortage, shortage of essential supplies, or other difficulties apart from your ceiling price. Even though a particular service or type of service is not profitable, an adjustment may be denied in whole or in part if in the judgment of OPS, such action is justified in view of the profitability of your business as a whole.

(b) *Adjustment by buyer-seller agreement.* In order to permit the continuance of a limited supply of an essential non-retail service, you may, if the buyer agrees to absorb a price increase above your ceiling price for that service, apply to the Director of Price Stabilization, Washington 25, D. C., for permission to increase the price of that service to him by an amount not to exceed direct labor and material cost increases incurred by you since your ceiling price for that service was established. Twenty days after filing under this paragraph for a price increase or supplying such additional information as OPS may request, you may charge your increased price unless you are advised by OPS that your application has been denied. The Director of Price Stabilization or any official of OPS having authority to act may at any time deny the application for the price increase in any case where it appears to be inconsistent with the purposes of the Defense Production Act of 1950.

SEC. 21. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the ceiling price in effect at the time of delivery; but no person may, unless authorized by OPS, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by OPS after delivery. Such authorization may be given when a request for a change in the applicable ceiling price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Defense Production Act of 1950. The authorization may be given by the Director of Price Stabilization or by any official of OPS having authority to act upon the pending request for a change in price or to give the authorization. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 22. *Petitions for amendment.* If you seek a change in any provision of this regulation affecting sellers of a service generally, you may file a petition for amendment.

SEC. 23. *Procedures.* Petitions for amendment and applications for adjustment shall be filed in accordance with Price Procedural Regulation No. 1 except that such petitions and applications shall be filed with the Director of Price Stabilization, Washington 25, D. C.

SEC. 24. *Amendments; supplementary regulations; orders.* This regulation may be changed or supplemented at any time by amendments, supplementary regulations, orders, or other appropriate action.

SEC. 25. *Evasion.* (a) This regulation shall not be evaded directly or indirectly.

(b) Any act or practice which results directly or indirectly in obtaining a higher price than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commissions, cross-sales, transportation arrangements, premiums, discounts or any other price differential, special privileges, tie-in agreements or combination sales which require the purchaser of a service covered by this regulation to buy or agree to buy any other commodity or service as a condition of receiving the desired service, or trade understandings; deterioration of services; or the practices not justified under section 12 (e) of this regulation.

SEC. 26. *Applicability.* This regulation applies to services supplied in the 48 States of the United States and the District of Columbia.

SEC. 27. *Definitions and explanations.* (a) When used in this regulation:

(1) "Appropriate OPS district office" means the district office of the Office of Price Stabilization for the district where your place of business is located and from which your sales are made.

(2) "Base period" means the period as of which your ceiling prices are fixed under this regulation.

(3) "Closest competitor" means that seller selling the same service under substantially the same conditions who is in close competition with you and is located nearest to you.

(4) "Commodity." This term includes commodities, materials, articles, products, supplies, components, processes and contracts to buy, sell or deliver any of the foregoing.

(5) "GCPR" means the General Ceiling Price Regulation.

(6) "Non-retail sale" means a sale to an industrial, commercial, or governmental user.

(7) "Offered" (as that word is used in connection with price) means the price quoted in your base period price list, or, if you had no price list in the base period, the price which you regularly quoted in any other manner, or the price determined by your base period rate or pricing method. But "offered" (price) does not include a price intended to withhold a service from the market, or a price you offered as a bargaining price if you usually sold at a price lower than your asking price.

(8) "OPS" means the Office of Price Stabilization and, for the purposes of authorizing, establishing, adjusting, revising or disapproving ceiling prices means the Director of Price Stabilization or any official to whom he by order shall delegate the authority therefor.

(9) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or the legal successor or representative of any of the foregoing, and the United States and any other government and the political subdivisions and agencies of any of the foregoing.

(10) "Pricing method" is a formula by which you determined a price for a service in the base period which included a rate, and an item for labor, materials, and mark-up for overhead and profit, or any of such items, whether or not the formula was disclosed to the purchaser. Unless the formula included a rate, the figure which resulted from the application of the formula was a flat price (except where the supplying of a service was on a cost-sharing basis). See definition of "rate" in subparagraph (12) of this paragraph.

(11) "Purchaser of the same class" means a purchaser belonging to the same price class, that is, to a group of purchasers to whom it was your established practice in the base period to supply or offer to supply the same service at a particular price. If in the base period you customarily supplied or offered to supply the same service to any purchaser at a price different from the price at which you supplied or offered to supply the same service to other purchasers, that purchaser is in a purchaser price class by himself.

(12) "Rate" is a means of determining a price by multiplying the time involved in supplying a service by a fixed charge per unit of time, or by multiplying the price of the commodity involved by a fixed percentage.

(13) "Records" includes but is not limited to, books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and any other papers and documents relating to your prices.

(14) "Rental" means any leasing of a commodity except where the lease is a substitute for a conditional sales contract, chattel mortgage, or other security device in connection with an installment sale, or except where the lease contains a provision giving the lessee an option to buy the leased commodity at a stipulated price from which all or a portion of the payments made as rent are to be deducted.

(15) "Season" means any division of the year into periods of at least 14 consecutive days for pricing purposes, such division being based upon regular and recurrent differences in demand for or supply of the service.

(16) "Sell" or "supply" includes sell, rent, supply, dispose, barter, exchange, transfer, deliver, and contracts and offers to do any of the foregoing. The term "sale", "supply", "selling", "supplying", "sold", "supplied", "seller", "supplier", "buy", "purchase", shall be construed accordingly.

(17) "Service" or "services" means any act or acts performed or rendered, otherwise than as an employee, for a fee, charge or other consideration. The term includes any privilege sold or granted, or any forbearance to act, for a fee, charge or other consideration. The term also includes the rental of any commodity or service if the rental charge is not covered by another ceiling price regulation and has not been exempted from price control.

(18) "You" means a person and refers to any seller or supplier subject to this regulation. If you supply services through more than one place of business, each such place of business shall, for the purposes of this regulation, be considered a separate seller or supplier.

Effective date. This regulation shall become effective May 16, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director,
Price Stabilization.

MAY 11, 1951.

[F. R. Doc. 51-5612; Filed, May 11, 1951; 11:45 a. m.]

[Ceiling Price Regulation 36]

CPR 36—USED STEEL DRUMS AND THE SERVICE OF RECONDITIONING

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 36 is issued.

STATEMENT OF CONSIDERATIONS

This Ceiling Price Regulation establishes specific ceiling prices for certain used steel drums, raw and reconditioned, and for the services of reconditioning and lining such drums.

The average maximum life of a steel drum is two years, during which period it is used eight to ten times. Ordinarily, after each use a drum requires some reconditioning, the extent of which depends upon the use to which it has been put, its condition, and the use to which it is to be put. This reconditioning may consist of washing, scraping, painting, drying, inspection for leaks, and replacement of gaskets. It may also include such operations as de-denting, sand-blasting, and chaining or tumbling.

The used steel drum industry includes three different levels of sales and service. First, there are so-called emptiers who receive drums in connection with their purchases of products shipped in such containers. Secondly, there are dealers who purchase raw drums from the emptiers and resell them to reconditioners. And, finally, there are reconditioners whose principal operations consist in processing used drums to fit them for use as shipping containers. Reconditioners process drums which they buy, either directly from the emptiers or through dealers, as well as drums which are owned by so-called fillers, i. e. persons who use them as shipping containers for the products which they sell.

Prior to World War II many fillers did not attempt to retrieve the drums in which they shipped their products and buying and selling constituted about 90 percent of the dollar volume of reconditioners while reconditioning for others was only 10 percent of such volume. After the outbreak of World War II and as a result of the ensuing shortage of steel sheets for the manufacture of new drums, fillers to a large extent converted from a system of selling their drums with their products to a deposit system under which they retained title to the drums and required a return by the emptier on penalty of forfeiture of the deposit. Since drums thus returned to fillers were sent to reconditioners for the service of reconditioning, the merchandising of used steel drums by reconditioners decreased, while the business of servicing drums for others increased, until 90 percent of the total dollar volume of the reconditioners was accounted for by the service of reconditioning. After V-J Day many shippers continued the practice of retaining title to their drums and in the five years preceding the outbreak of hostilities in Korea, the operations of the reconditioning industry were about equally divided between merchandising and servicing of drums owned by others. Since the end of June 1950, however, the pattern which was created by the emergency in World War II has been repeated and currently buying and selling comprises less than 10 percent of the reconditioning industry's dollar volume.

There exists today an expanding demand for steel shipping containers. Al-

though 2,800,000 new drums were manufactured in the month of January 1951 (the largest monthly total since the end of World War II), the backlog of unfilled orders amounted to 9,500,000 drums. These figures do not fully reflect the direct and indirect military requirements and it is anticipated that these needs will accentuate the shortage of shipping containers which now exists. Reconditioning of used containers is an important means of alleviating this situation and it has a particular significance from the point of view of the economy as a whole because it makes available for other important uses substantial quantities of steel sheets which would otherwise be required for the manufacture of new containers. Thus each reconditioned drum saves about 60 pounds of steel used in the manufacture of a new drum and it has been estimated that more than 35 million reconditioned drums were sold or serviced in 1950 with a saving of approximately one million tons of steel. If the volume of the reconditioning industry is expanded to 50 million drums, an additional 450,000 tons of steel will be conserved. In view of these considerations, the reconditioning of steel drums is extremely important both for the defense program and the civilian economy and it is imperative that adequate facilities be available to take care of the increased volume of business which will have to be handled.

Historically, the prices for reconditioned drums have been approximately 80–85 percent of the prices of new drums. Thus in the period immediately preceding the Korean conflict a new 55 gallon drum was selling for approximately $4.50, while a similar reconditioned drum sold at an average price $3.75. The sharply accelerated demand for containers following the outbreak of the Korean crisis upset this customary price relationship and by the end of 1950, used drums in many cases were being sold at prices in excess of those for new drums. This distortion began at the emptier level and of necessity was reflected at all subsequent levels in the industry.

These abnormal prices, now reflected in the ceiling prices established by the General Ceiling Price Regulation, are seriously disrupting the normal pattern of distribution of used drums, are encouraging inventory hoarding, and are causing hardship to many users. These circumstances, and the accompanying uncertainty and confusion among both buyers and sellers, constitute a serious threat to this essential industry and to the many industries using drums for the transportation of materials vital to the defense program and civilian economy.

This ceiling price regulation establishes ceiling prices for the drums covered at all levels of sale in the industry. The ceiling prices established are designed to correct the price distortions which now exist by rolling back the ceiling price for reconditioned steel drums and for the service of reconditioning to a level which will re-establish the relationship between the prices for new and reconditioned drums which existed in the period immediately preceding the Korean crisis. In establishing such level, consideration has been given to the labor and material cost increases which reconditioners have sustained since June 24, 1950, and to the necessity of encouraging the expansion of facilities for this vitally needed service.

The new ceiling price established for the sale of a reconditioned drum of 40 to 58 gallon capacity is $4.00, delivered to the purchaser within a radius of 30 miles from the reconditioner's plant. Slightly higher ceiling prices are permitted for the West Coast because of higher new drum prices in that area. This price is approximately 82 percent of the average current price, $4.85, for a new drum. The prices established for the services of basic and total reconditioning (which are defined in the regulation) are $1.50 and $2.00, respectively. The ceiling charges for the service of applying linings are the same as those which prevail for new drum manufacturers. The ceiling price for a raw drum sold by an emptier has been determined by deducting from ceiling price for a reconditioned drum, the ceiling charges established for the service of reconditioning and the ceiling differential allowed for dealers (established on the basis of the differential prevailing during the period immediately preceding the Korean crisis).

The ceiling prices thus established will work no hardship upon emptiers since the prices which they receive for used drums bears little or no relationship to the costs of the products which they sell. In the emptiers' operations a used drum is a waste product in the category of scrap and the level of ceiling prices established for the emptiers' sales will not affect the volume of drums entering the market.

It is believed that the new ceiling prices, arrived at after consultation with the industry, will enable emptiers, dealers and reconditioners to obtain a fair and reasonable price, will permit industrial users of reconditioned drums to purchase them at a price bearing a normal relation to the price of new drums, and in large measure will restore the flow of drums to normal channels and discourage hoarding.

This regulation does not cover the entire field of drums, pails and other steel containers. Since more than 95 percent of the products sold or serviced by the industry are 30 to 58 gallon drums, inclusive, fabricated of 16 to 20 gauge steel, inclusive, it was deemed advisable, in view of the urgency of the present situation to specifically control that product and several special services, leaving for a later date a detailed study of the minor products such as pails and other containers. Ceiling prices for containers and services not covered by this regulation are established by the General Ceiling Price Regulation.

In the judgment of the Director of Price Stabilization, the provisions of this ceiling price regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

In formulating this ceiling price regulation, the Director consulted with the Used Steel Drum Industry Advisory Committee, industry representatives, and trade association representatives, to the extent practicable under existing circumstances, and has given full consideration to their recommendations.

The provisions of this ceiling price regulation and their effect upon business practices, cost practices, or means or aids to distribution in the industry have been considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of the regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and to effectuate the policies of the act.

REGULATORY PROVISIONS

Sec.

1. Coverage of the regulation.
2. Prohibitions.
3. Ceiling prices for raw steel drums.
4. Ceiling prices for reconditioned steel drums.
5. Ceiling prices for the services of reconditioning and lining raw steel drums covered by this regulation.
6. Definitions.
7. Record-keeping requirements.
8. Excise, sales, and similar taxes.
9. Enforcement.
10. Amendment.

AUTHORITY: Sections 1 to 10 issued under sec. 704, Public Law 774, 81st Congress; interpret or apply Title IV, Public Law 774, 81st Congress, E. O. 101, September 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Coverage of the regulation*—(a) *Products and services.* (1) This regulation establishes ceiling prices for raw and reconditioned steel drums of 30 to 58 gallon capacity, inclusive, fabricated of 16 to 20 gauge steel, inclusive. It does not apply, however, to 55 gallon drums fabricated of 16 gauge steel known as ICC 5 or ICC 5B drums or to any used steel drums, pails, or containers having a capacity of less than 30 gallons or more than 58 gallons or fabricated of steel heavier than 16 gauge or lighter than 20 gauge.

(2) This regulation also establishes ceiling prices for the services of reconditioning and lining any raw steel drums for which ceiling prices are established by this regulation.

(b) *Persons covered.* This regulation applies to all persons who sell the products or furnish the services covered by this regulation, including importers and exporters.

(c) *Geographical applicability.* This regulation applies in the 48 States of the United States, and the District of Columbia.

SEC. 2. *Prohibitions*—(a) *Against transactions above ceiling prices.* Regardless of any contract or other obligation, on and after the effective date of this regulation no person shall sell or deliver any of the drums covered by this regulation, or furnish the services covered by this regulation, at a price in excess of the applicable ceiling price set forth in this regulation, and no person shall buy or receive, in the regular course of trade or business, any such drums or services at a price in excess of such applicable ceiling price. No person shall offer, solicit, attempt, or agree to do any of the foregoing.

Lower prices than those set forth in this regulation may be charged, demanded, paid, or offered.

(b) *Against tie-in transactions.* No person shall sell any of the products or services covered by this regulation on condition (1) that the buyer purchase from any person any commodity or service, or (2) that the buyer sell to any person any commodity or service. No person who in the regular course of trade or business buys any of the products or services covered by this regulation shall participate in any such tie-in transactions. Nothing in this paragraph shall be construed to prohibit any person from selling a product shipped in a steel drum on condition that the buyer shall resell such drum to the shipper. Any such resale, however, shall be subject to the provisions of this regulation. Furthermore, nothing in this paragraph shall be construed to prohibit a person selling a product shipped in a steel drum on condition that the buyer shall return such drum to the shipper on penalty of forfeiture of a deposit.

(c) *Against evasion.* No person shall evade or circumvent the provisions of this regulation by direct or indirect methods in connection with the sale, purchase, delivery, or transfer of the drums or services covered, alone or in conjunction with any other product, or by way of any commission, service, or transportation charge or discount, premium, or other privilege, or by up-grading, trade understanding, or otherwise.

SEC. 3. *Ceiling prices for raw steel drums*—(a) *Sales by persons other than persons who purchased for resale.* The ceiling price, f. o. b. point of shipment, for raw steel drums when sold by a person other than a person who purchased for resale and shipped from any point other than a point in the State of California, Oregon, or Washington is the applicable price set forth in Table A of this regulation. When shipment is made from a point in the State of California, Oregon, or Washington, an amount not in excess of $0.25 per drum may be added to the applicable price in Table A.

TABLE A

Capacities:	Price per drum
30 to 39 gallons, inclusive	$1.50
40 to 58 gallons, inclusive	1.75

(b) *Sales by persons who purchased for resale.* The ceiling price for raw steel drums when sold by a person who purchased for resale and shipped from any point other than a point in the State of California, Oregon, or Washington is the applicable price set forth in Table B of this regulation. When shipment is made from a point in the State of California, Oregon, or Washington, an amount not in excess of $0.25 per drum may be added to the applicable price in Table B.

When delivery is made to the purchaser by railroad or other common carrier, the prices set forth in Table B apply f. o. b. shipping point. When delivery is made by a seller's truck to a purchaser located 30 miles or less from the shipping point, the prices in Table B apply on a delivered basis and no charge for delivery may be made. When delivery is made by a seller's truck to a purchaser located more than 30 miles from the shipping point, an amount not in excess of the established railroad carload freight charge for transporting drums from the shipping point to destination may be charged, and paid, in addition to the applicable price in Table B.

TABLE B

Capacities:	Price per drum
30 to 39 gallons, inclusive	$2.10
40 to 58 gallons, inclusive	2.35

SEC. 4. *Ceiling prices for reconditioned steel drums.* (a) The ceiling price for reconditioned steel drums when sold by any person and shipped from any point other than a point in the State of California, Oregon, or Washington is the applicable price set forth in Table C of this regulation. When shipment is made from a point in California, Oregon, or Washington, an amount not in excess of $0.25 per drum may be added to the applicable price in Table C.

When reconditioned steel drums are delivered to the purchaser by railroad, the prices in Table C apply f. o. b. point of shipment. When delivery is made by truck to a purchaser located 30 miles or less from the shipping point, the prices in Table C apply on a delivered basis and no charge for delivery may be made. When delivery is made by truck to a purchaser located more than 30 miles from the shipping point, an amount not in excess of the established railroad carload freight charge for transporting drums from the shipping point to destination may be charged, and paid, in addition to the applicable price in Table C.

When a lining is required in a buyer's operations and a lined reconditioned drum is furnished at the buyer's request, an amount not in excess of the applicable charge determined in accordance with section 5 (b) of this regulation may be added to the applicable price in Table C.

TABLE C

Capacities:	Price per drum
30 to 39 gallons, inclusive	$3.75
40 to 58 gallons, inclusive (other than 50–55 gallon agitator drums)	4.00
50 to 55 gallons, inclusive, agitator drums	4.50

SEC. 5. *Ceiling prices for the services of reconditioning and lining raw steel drums covered by this regulation*—(a) *Reconditioning.* The ceiling price for the service of reconditioning raw steel drums covered by this regulation is the applicable price set forth in Table D of this regulation. Only the prices for basic reconditioning set forth in Table D may be charged, or paid, for reconditioning lard and shortening drums.

TABLE D

Type of drums	Basic reconditioning	Total reconditioning
	Per drum	Per drum
Agitator drums with capacities of 50 to 55 gallons, inclusive	----------	$2.50
All other raw steel drums covered by this regulation	$1.50	2.00

(b) *Lining.* The ceiling price for the service of lining any reconditioned drum covered by this regulation is the applicable price set forth in Table E of this regulation. The prices set forth in Table E may be charged, and paid, only for lining a full open head drum and cover whose surfaces have been stripped of their previous linings. When two coats of lining are applied, twice the applicable price may be charged.

TABLE E

Type of lining:	Price
New lacquer, resinous, or oleo resinous lining	$0.65
Phenolic or vinyl acid and alkaline resistant baked lining	1.00

SEC. 6. *Definitions.* When used in this regulation the term: (a) "Agitator Drum" means a bung type or open head drum which contains a rod and paddles (or blades) and an opening in the center of the head for the purpose of agitating the contents and has a two inch bung in the lower section of the side of the drum.

(b) "Basic reconditioning" means subjecting a drum to all of the following services to make it suitable for use as a shipping container: Inside and outside washing (or burning), rinsing, siphoning, scraping where necessary, chime straightened, exterior painting, drying, inspection for leaks, replacement of all bung gaskets, and pick-up and delivery. In the case of an open head drum these services shall include the cleaning and painting of cover and ring. When shipment is made or received by rail the drum shall be deemed picked-up and or delivered when taken from or loaded on railroad cars.

(c) "Drum" means any single walled, cylindrical or bilged steel shipping package, liquid tight, having a welded side seam, with a capacity of 30 to 58 gallons inclusive, constructed of steel sheets of 16–20 U. S. Standard gauge, inclusive excepting ICC 5 or ICC 5B drums.

(d) "Exporter" means a person who sells raw or reconditioned steel drums which are transported from a place inside the United States, its Territories, or Possessions to a place outside thereof.

(e) "Importer" means a person who first sells raw or reconditioned steel drums which are transported, either before or after such sale, from a place outside the United States, its Territories or Possessions to a place inside thereof.

(f) "Persons" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States Government or any agency thereof, or any other government, or any of its political subdivisions or any agency of any of the foregoing.

(g) "Raw steel drum" means a used steel drum which has been emptied, but has not been reconditioned for reuse after the last emptying, or an unused drum which has been damaged or deteriorated to such an extent as to require reconditioning before it can be used as a shipping container.

(h) "Reconditioned steel drum" means a raw steel drum which has been subjected to either a basic or a total reconditioning as defined herein, necessary to make the raw drum suitable for use as a shipping container, including the replacement, where necessary, of all bung gaskets.

(i) "Total reconditioning" of a drum means the performance of the basic reconditioning as defined in paragraph (b) of this section plus any or all of the following services which may be necessary to make the drum suitable as a shipping container or which may be required by the purchaser: Dedenting, chaining, or tumbling, cooking and soaking, blasting or steel brushing, or welding of all leaks up to and including one inch in length or diameter except chime or flange leaks.

SEC. 7. *Invoicing and record-keeping requirements.* (a) Every person making a sale in excess of $10.00 of the products covered by this regulation shall render to the purchaser an invoice for each sale setting forth the following: Each type of drum sold; delivery charges, if any; and the price charged and the quantity of each size or type sold. The seller must also show on each invoice whether the drums were raw or reconditioned, and the invoice must bear the words "Ceiling prices do not exceed those established by Ceiling Price Regulation 36."

(b) Every person selling services covered by this regulation shall render to the purchaser an invoice for each lot of drums reconditioned setting forth the following: the type and capacity of the drums reconditioned; whether the reconditioning operation was a "basic" or "total" reconditioning, and if "total", what services in addition to "basic" reconditioning were rendered; and any additional services rendered. Every invoice must bear the words "Ceiling prices do not exceed those established by Ceiling Price Regulation 36."

(c) The invoices required in paragraphs (a) and (b) of this section shall be retained by the buyer and a copy thereof retained by the seller for inspection by the Director of Price Stabilization for a period of two years.

SEC. 8. *Excise, sales and similar taxes.* Any person may collect, in addition to the ceiling prices established by this regulation, any excise, sales or similar tax imposed upon him by reason of his sales of the products or services covered by this regulation if he is not prohibited by law from making such collection and if he states separately from his selling price the amount of the tax collected.

SEC. 9. *Enforcement.* Persons violating any of the provisions of this regulation shall be subject to the criminal penalties, civil enforcement actions, and suits for damages provided for by the Defense Production Act of 1950.

SEC. 10. *Amendment.* Any person seeking an amendment to any provisions of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1.

NOTE: All record-keeping and reporting provisions of this Regulation have been approved by the bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This regulation shall become effective May 16, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

MAY 11, 1951.

[F. R. Doc. 51-5613; Filed, May 11, 1951; 11:45 a. m.]

[General Ceiling Price Regulation, Amdt. 10]

GENERAL CEILING PRICE REGULATION

AGRICULTURAL COMMODITIES; "PARITY" ADJUSTMENT FOR COOPERATIVES, PRODUCER-PROCESSORS, ET AL.

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 10 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Prior to the issuance of this amendment, some processors who produced their own agricultural commodities and some producer-owned cooperative processors were unable to take advantage of the "pass-through" provisions of section 11 of the General Ceiling Price Regulation, as amended, because they made no purchases of the below-parity commodities. They therefore had no way of determining the differences in the cost to them of such commodities between the base period and a current date. As a result, these cooperative processors found themselves unable to pay their members prices for below-parity commodities equal to those paid growers by independent processors, and producer-processors were unable to realize a return for their production activities equal to the prevailing market price on their raw commodities.

A slightly different problem is present in the case of processors operating under "open" price and deferred payment contracts. These contracts relate the price paid to the producer for the listed commodity to the processor's subsequent sales price or profit on the sale, or, as is frequently the case in the dairy industry, to a price determined by state or municipal authorities, or to other factors unknown at the time the processor receives delivery. Such processors can not take immediate advantage of the "pass-through" provision because they cannot finally determine the cost to them of the listed agricultural commodity until after they process and sell it.

This amendment deals with the above problems in the following manner:

For producer-processors and processors who purchase listed agricultural commodities pursuant to "open" price or deferred payment contracts, it is provided that, in calculating the "pass-through" to which they are entitled under section 11 (b) (2), they may adopt the prices their nearest competitor had to pay for the listed agricultural commodity.

It is further provided that producer-owned cooperatives may increase their ceiling prices, so long as the agricultural commodity is listed in section 11 (a), provided that they pass back to producers the entire dollar-and-cent amount of that increase. By this method increases in the processing margin of cooperatives are prevented but the producer is not stopped from realizing a return equal to parity on the raw commodity.

Section 11 (f), which requires reporting of any increases in ceiling price taken pursuant to the parity "pass-through" provisions, has also been amended to provide special reporting methods for the processors dealt with in this amendment. Because of the different technique used by these processors in calculating the amount of their "pass-through", the information required from them is somewhat different from that which must be sent in by the average processor.

In the judgment of the Director of Price Stabilization this amendment is generally fair and equitable and is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

AMENDATORY PROVISIONS

The General Ceiling Price Regulation is amended in the following respects:

1. Section 11(b) is amended by adding subparagraph (3) to read as follows:

(3) (i) If (*a*) you are a producer-processor, and (*b*) you cannot otherwise determine your ceiling price under paragraph (b) (2) of this section because you do not customarily purchase any amount of a listed agricultural commodity from independent producers wholly unaffiliated with you, you shall, for purposes of paragraph (b) (2) of this section, use as your costs the prices (with adjustment for difference in delivery costs) paid for a customary purchase by your nearest competitor. Such competitor must be one who buys the same quality of the commodity as do you, buys it in quantities comparable to the quantities in which you buy, and buys it at firm prices for processing.

(ii) If (*a*) you are a processor who purchases the listed agricultural commodity under "open" price or deferred payment contracts, which relate the price you pay the producer to facts unknown both at the time the raw agricultural commodity is delivered to you, and at the time of sale of the processed product, and (*b*) you cannot otherwise determine your ceiling price under paragraph (b) (2) of this section because you do not customarily purchase any amount of a listed agricultural commodity at prices finally determined at the time of sale, you shall, for purposes of paragraph (b) (2) of this section use as your costs the prices (with adjustment for differences in delivery costs) paid for a customary purchase by your nearest competitor. Such competitor must be one who buys the same quality of the commodity as do you, buys it in quantities comparable to the quantities in which you buy, and buys it at firm prices for processing.

(iii) If (*a*) you are a producer-owned cooperative processor, and (*b*) you cannot otherwise determine your ceiling price under paragraph (b) (2) of this section because you do not customarily purchase any amount of a listed agricultural commodity from independent producers wholly unaffiliated with you, you may increase your ceiling price (as determined under the other sections of this regulation) for products processed from such commodities if the entire dollar-and-cent increase in total gross sales revenue derived from that increase in your ceiling price is passed back to producers within 30 days after the end of each normal accounting period. The amount so passed back must be in addition to the full amount you would normally have passed back to producers had you sold the processed product at the ceiling price determined under the other sections of this regulation.

2. Section 11 (f) is amended by adding "(1)" before "If", the first word of the text; by adding "(2)" after "11 (b)" in the first sentence; and by changing the subparagraph numbers "(1)", "(2)", "(3)", and "(4)" to "(i), (ii), (iii), (iv)", respectively.

3. Section 11 (f) is further amended by adding subparagraphs (2) and (3) to read as follows:

(2) If you are either a producer-processor pricing under section 11 (b) (3) (i), or a processor operating under "open" price or deferred payment contracts and pricing under section 11 (b) (3) (ii), you may not increase your ceiling price for such commodity until you first notify the Director of Price Stabilization, Washington 25, D. C., by registered mail giving the following information:

(i) The name and address of your nearest competitor selected pursuant to section 11 (b) (3) (i) or (ii).

(ii) The highest price paid for the listed agricultural commodity in the base period by your nearest competitor, or his ceiling price (determined before application of this section), or your dollar-and-cent per unit margin in the base period (determined by taking your ceiling price, as determined under this regulation before application of this section, and subtracting from it the highest per unit price paid by your nearest competitor for a customary purchase in the base period).

(iii) The current price paid for a customary purchase of the listed agricultural commodity by your nearest competitor.

(iv) Your ceiling price, as determined under this regulation, before application of this section.

(v) The increased ceiling price.

In the case of increased cost of ingredients, furnish the figures substantiating the conversion of your increase in cost to the increase in the ceiling price.

(3) If you are a cooperative-processor pricing under section 11 (b) (3) (iii), you may increase your ceiling price without first giving any notice, but must, within 30 days after the end of each normal accounting period during which you increased your ceiling price, notify the Director of Price Stabilization, Washington 25, D. C., by registered mail giving the following information:

(i) The amount retained by you per unit of the processed commodity sold in the last normal accounting period before February 1, 1951.

(ii) The amount passed back to producers per unit of the processed commodity sold in the last normal accounting period before February 1, 1951.

(iii) The amount retained by you per unit of the processed commodity sold in the most recent normal accounting period.

(iv) The amount passed back to producers per unit of the processed commodity sold in the most recent normal accounting period.

Effective date. This amendment shall become effective May 16, 1951.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 11, 1951.

[F. R. Doc. 51-5609; Filed, May 11, 1951; 11:44 a. m.]

[General Overriding Regulation 10]

GOR 10—ADJUSTMENTS OF CEILING PRICES FOR MANUFACTURERS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this General Overriding Regulation 10 is hereby issued.

STATEMENT OF CONSIDERATIONS

A ceiling price regulation, although generally fair and equitable to the group which it covers, may sometimes work hardships or inequities on some individual members of the group, and the Office of Price Stabilization has recognized that some provision should be made for the adjustment of individual hardship cases. CPR 22, the Manufacturers' General Ceiling Price Regulation, issued on April 25, 1951, provides for individual adjustments for manufacturers who cannot operate without losses under their ceiling prices. Many manufacturers are, however, not covered by CPR 22 and will not, therefore, have available to them the adjustment provision in that regulation. This general overriding regulation is therefore being issued to make individual adjustments available to any manufacturer who finds himself in a loss position as a result of a ceiling price imposed by any regulation.

The provisions of this regulation will apply to all manufacturers, whether covered by CPR 22 or by any other ceiling price regulation, but a manufacturer will not be prevented thereby from taking advantage of any special adjustment provisions of any other regulation which may be applicable to him.

Like CPR 22, this regulation is intended to provide for individual adjustments, under certain circumstances, for a manufacturer who cannot operate under ceiling price regulations without a loss on his over-all operations. As under CPR 22, the manufacturer must show that his loss is due or will be due to ceiling price limitations. It is not intended to provide adjustments for losses resulting from factors other than ceiling prices, such as seasonal, temporary or non-recurring factors, uneconomical operations, illegal wage payments, and the like; nor is it intended to provide an inefficient manufacturer with a level of prices substantially in excess of that which is adequate for the bulk of his competitors.

This regulation is a step in the development of a standard for adjusting the prices of individual sellers to avoid hardship or inequity, and the Office of Price Stabilization will continue to give consideration to the problem insofar as adjustments for other types of sellers and situations are concerned.

FINDS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Who may apply.
3. Information to be submitted.
4. Action on applications.
5. Adjustment in resale prices.
6. Delegation of authority.
7. Definitions.
8. Geographical applicability.

AUTHORITY: Sections 1 to 8 issued under Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation permits a manufacturer to apply for an upward adjustment of his ceiling prices established under any other regulation, if as a result of such ceiling prices, the manufacturer would be forced to operate at a loss with respect to his over-all manufacturing operations. This regulation does not, however, prevent a manufacturer, who is eligible for an adjustment under some other regulation, from applying for an adjustment under that regulation.

SEC. 2. *Who may apply.* (a) A manufacturer may file an application for adjustment under this regulation where:

(1) His existing ceiling prices would require him to operate at a loss with respect to his over-all manufacturing operations; and

(2) The adjusted prices for which he applies will not be substantially out-of-line with the ceiling prices established for other sellers of similar commodities.

(b) The manufacturer must show that under his existing ceiling prices his over-all manufacturing operations have been actually conducted at a loss during a recent representative period of operation of at least one month; or that they would have been conducted at a loss if the commodities involved had been manufactured in his customary quantities and proportions; or that, due to the occurrence of a substantial and continuing change of some element affecting costs and profits, a projection of his operations clearly shows tht he will be immediately operating at a loss.

(c) The loss involved must be attributable to the level of his existing ceiling prices and not to any of the following:

(1) Seasonal, temporary or non-recurring factors affecting his operations.

(2) A reduction in volume of production below the normal economical capacity of his plant.

(3) The payment of unlawful wages or excessive salaries or of unlawful or excessive prices for materials.

(4) The incurring of factory overhead costs or of selling, administrative and general costs which are abnormally high relative to sales or other costs unless such excess is demonstrated by clear and convincing evidence to have been unavoidable in the exercise of sound business judgment and management.

(5) Any transactions with affiliated corporations or businesses which either are of a kind which would not result from arm's-length bargaining or differ from transactions customarily entered into with such affiliated concerns.

(6) Reserves for contingencies, or any other unusual factors.

SEC. 3. *Information to be submitted.* A manufacturer seeking an adjustment under this regulation shall file an application with the Office of Price Stabilization, Washington 25, D. C., and include the following:

(a) His name and address, a description of his manufacturing facilities and the commodities he manufactures, and a statement of the principal types of customers to whom he sells.

(b) Where he was in operation for such periods, detailed annual profit and loss statements for the years 1946 through 1949, and both an annual statement and if he regularly prepares them, quarterly profit and loss statements for the year 1950 and each quarter since then.

(c) A detailed profit and loss statement covering his most recent period of operations under his existing ceiling prices, of one month or more, for which such a statement can be prepared, together with a careful explanation of how it was prepared, including particularly a justification of any estimating procedures used in its preparation, and where an actual loss has not yet been experienced, clear and convincing evidence first, that changes in conditions which have already occurred will cause him immediately to incur a loss and, second, what the minimum amount of this loss will be.

(d) A showing that the loss in his current operations is not due to any of the factors in section 2 (c) of this regulation.

(e) For the commodities subject to ceiling price regulation, a statement of his existing ceiling prices for sales to his largest buying class of purchaser, including delivery terms, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale, a schedule of his price differentials to his other classes of purchasers, and a statement of the ceiling price regulations under which his ceiling prices are established.

(f) A list of his principal competitors, and a statement of their ceiling prices for similar commodities, together with data showing the past relationships of his prices to the prices they have charged.

(g) A proposed schedule of adjusted ceiling prices, and a demonstration that, if these prices were charged, his operations would be at a break-even position.

SEC. 4. *Action on applications.* The Office of Price Stabilization will grant or deny, in full or in part, an application under this regulation, or request further information, and may, as a condition of granting an application in full or in part, require the submission of reports of subsequent operations. If, thirty days after acknowledgement of receipt of an application, none of the actions listed above has been taken, the manufacturer may sell at his proposed adjusted ceiling prices until such time as the OPS notifies him that such prices have been disapproved. OPS may at any time revoke or modify adjustments under this regulation.

SEC. 5. *Adjustment in resale prices.* In connection with any order granting an adjustment in the manufacturer's ceiling prices, OPS may also adjust the ceiling price of any person who resells the commodity in the same form, to the extent deemed necessary in the judgment of the Director of Price Stabilization or his duly authorized representative.

SEC. 6. *Delegation of authority.* The National Office of the Office of Price Stabilization may refer any application for adjustment filed pursuant to this regulation to the appropriate Regional Director. Any Regional Director, or any District Director authorized by the appropriate Regional Director, may in case properly referred to him take action in accordance with sections 4 and 5 of this regulation.

SEC. 7. *Definitions.* "Manufacturer" means a producer, processor, assembler, finisher, printer or fabricator, who substantially changes the form of some commodity or commodities, combines two or more commodities into a differing one, or creates a new commodity from existing ones.

SEC. 8. *Geographical applicability.* This regulation applies in the 48 States of the United States and the District of Columbia.

Effective date. This general overriding regulation shall become effective May 11, 1951.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

MAY 11, 1951.

[F. R. Doc. 51-5611; Filed, May 11, 1951, 11:44 a. m.]

[Distribution Regulation 1 Including Amdts. 1-4]

DR 1—FAIR DISTRIBUTION OF LIVESTOCK AND MEAT

Distribution Regulation 1 is republished to incorporate the text of Amendments 1 through 4. Distribution Regulation 1 was issued February 9, 1951, as Distribution Order 1 (16 F. R. 1273). Preambles to Distribution Regulation 1 and to Amendments 1 through 4, inclusive, as previously published are applicable to this republication. The effective dates of the amendments are shown in a note preceding the first section of the regulation.

Sec.
1. What this regulation does.
2. Prohibitions against slaughtering.
3. Class 1 slaughterers.
4. Class 2 slaughterers.
5. Class 3 slaughterers.
6. Limitations upon slaughter of livestock for home consumption.
7. Slaughter of "Club" livestock.
8. Class 1A and Class 2A slaughterers (Custom slaughterers).
9. Adjustments or other relief.
10. Sale or transfer of Class 1 or Class 2 slaughtering establishments.
11. Registration of new Class 1 or Class 2 slaughtering establishments.
12. Records, reports and inspections.
13. Additional prohibitions.
14. Policy of this regulation.
15. Suppliers must sell meats to certain institutional users.

AUTHORITY: Sections 1 to 15 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

NOTE: See delegation of authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to the allocation of meat, Jan. 26, 1951 (16 F. R. 1272), and Economic Stabilization Agency, General Order No. 5, Feb. 8, 1951 (16 F. R. 1273).

DERIVATION: Sections 1 to 15 contained in Distribution Regulation 1, Feb. 9, 1951, 16 F. R. 1273, except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: Amendment 1, Feb. 27, 1951, 16 F. R. 1819.
Amendment 2, Mar. 31, 1951, 16 F. R. 2835.
Amendment 3, Mar. 31, 1951, 16 F. R. 2871.
Amendment 4, Apr. 30, 1951, 16 F. R. 3770.

SECTION 1. *What this regulation does.* (a) If you wish to slaughter livestock (cattle, calves, sheep, and lambs or swine) you are required to determine under this regulation whether you are permitted to slaughter livestock at all and if so the amount which you are permitted to slaughter.

(b) The regulation divides slaughterers and slaughtering establishments into classes and prescribes quotas by which slaughterers of each class ascertain the amount of livestock they may slaughter or have slaughtered for them. The classes are defined precisely in subsequent sections but generally the classes are:

(1) Class 1 or federally-inspected slaughterers;

(2) Class 2 or commercial slaughterers not federally inspected;

(3) Class 1A slaughterers—persons who have Class 1 slaughterers slaughter livestock for them.

(4) Class 2A slaughterers—persons who have Class 2 slaughterers slaughter livestock for them.

(5) Class 3 or farm slaughterers who transferred up to 6,000 pounds of meat during the calendar year 1950.

(6) Resident operators of farms or persons who raised their own livestock and slaughter it for use in their own household or on the farm which they operate.

(c) If you operate more than one slaughtering establishment, this regulation applies to each separate establishment and each of them must be operated as if owned by a different person.

(d) This regulation applies to the forty-eight states of the United States and the District of Columbia.

[Paragraph (d) added by Amdt. 3]

SEC. 2. *Prohibitions against slaughtering.* (a) Between February 9, 1951, and April 29, 1951, you may not slaughter cattle, calves, sheep and lambs, or swine unless you were engaged in the business of slaughtering that species of livestock during the period from January 1, 1950, to February 9, 1951, or unless you are a resident operator of a farm who comes within the definition of a Class 3 slaughterer contained in section 5, or a livestock raiser as defined in section 6.

(b) On and after February 9, 1951, you may not have cattle, calves, sheep and lambs, or swine slaughtered for you unless you had that species of livestock slaughtered for you during the period from January 1, 1950, to January 1, 1951, or unless you are a resident operator of a farm or a livestock raiser mentioned in paragraph (a).

(c) After April 15, 1951 unless you have been registered by the Office of Price Stabilization, or unless you are a resident operator of a farm or a livestock raiser as defined, you may not slaughter cattle, calves, sheep and lambs, or swine.

(d) After April 1, 1951, if you are a Class 1 or Class 2 slaughterer you may not slaughter cattle in excess of your quota.

(e) After April 29, 1951, if you are a Class 1 or Class 2 slaughterer, you may not slaughter cattle, calves, sheep and lambs, or swine in excess of your quota.

(f) Violation of the regulation will subject you to the penalties of the Defense Production Act of 1950, including a fine of $10,000 and imprisonment up to one year.

[Section 2 amended by Amdt. 3]

SEC. 3. *Class 1 slaughterers*—(a) *Definition.* If you operate a slaughtering establishment which is subject to Federal meat inspection under the provisions of the act of March 4, 1907 (34 Stat. 1260) (12 U. S. C. 71) as amended, and the rules and regulations promulgated thereunder, you are, with respect to each such establishment, a Class 1 slaughterer.

(b) *Registration and notification to Class 1A slaughterers.* On or before March 15, 1951, you must register with the Office of Price Stabilization, Washington 25, D. C., by filing in duplicate OPS Form DO 1-1 with the information there required. If the information furnished by you on OPS Form DO 1-1 indicates that you are entitled to slaughter livestock under this regulation the Washington Office will send you prior to April 15, 1951, a copy of OPS Form DO 1-1 showing your registration number. After April 15, 1951, unless you have received your registration from the Washington Office you may not slaughter any livestock. Prior to filing this form with the Office of Price Stabilization you must notify each Class 1A slaughterer for whom you slaughtered livestock during the calendar year 1950 of the exact amount of livestock which you slaughtered for him during that period by mailing to him OPS Form DO 1-4 in duplicate with the information there required.

[Paragraph (b) amended by Amdt. 3]

(c) *Quotas.* For the period beginning April 29, 1951, and ending May 26, 1951, you will have a quota on all species of livestock. The quota for each species of livestock will be the number of pounds live weight of each species you slaughtered during the period from April 30, 1950, to May 27, 1950, inclusive, multiplied by the applicable percentage set forth in Supplement 1 to this regulation. If you received a weekly adjustment for your slaughter of any species of livestock for any of the four weeks from April 30, 1950, to May 27, 1950, you may use the adjustment as the number of pounds live weight of the species you slaughtered during those weeks. If you received an adjustment on your slaughter of any species for the April–June 1950 calendar quarter, you may use 31 percent of the adjusted amount as the number of pounds live weight of the species you slaughtered during the period from April 30, 1950, to May 27, 1950, inclusive. If you began slaughtering any species after April 30, 1950, you may determine the amount of that species you may slaughter during the period beginning April 29, 1951, and ending May 26, 1951, by dividing the total live weight of the particular species slaughtered between April 30, 1950, and February 9, 1951, by the number of weeks in which you slaughtered the particular species, multiplying the result by four and multiplying the resulting figure by the applicable percentage set forth in Supplement 1 to this regulation. The multiplier for May 1951 furnished to you by the OPS will not apply for the period April 29, 1951, to May 26, 1951. You may not slaughter more than 60 percent of your quota for any species (including your carry-over on cattle from the April 1, 1951, to April 28, 1951, quota period) during the first half of your quota period. Beginning May 27, 1951, you will have a quota, fixing for each week the number of pounds live weight of each species of livestock you may slaughter. The quota for each species will be determined by the use of a multiplier and FIS base furnished you by the Office of Price Stabilization. The information required on OPS Form DO 1-1 will furnish the basis on which Office of Price Stabilization will determine multipliers for you to use during the calendar quarters beginning on the first Monday in January, April, July and October of each year. You will be notified by the Office of Price Stabilization prior to the beginning of each quarter of the multiplier for each species of livestock to be used by you in determining your quotas for each week of the quarter. In addition you will be notified prior to the commencement of each week of the FIS base by species and by pounds live weight for that week to which you apply your multipliers to determine your quotas for that week. During the first two days of the week you may be notified of a decrease in the FIS base. At any time during the week you may be notified of an increase in the FIS base.

Example. Slaughterer A has been informed that his multiplier for swine is .004. Prior to the quota period slaughterer is notified that the FIS base for swine for the quota period is 250 million pounds, live weight. Multiplying 250 million by .004 the slaughterer determines that his quota for swine for that quota period is one million pounds live weight. Not later than the second day of the quota period slaughterer A may be informed by Office of Price Stabilization that the FIS base for swine has been reduced to 240 million pounds live weight. Multiplying 240 million by .004 he determines that his quota for swine for the quota period has been changed to 960,000 pounds live weight.

[Paragraph (c) amended by Amdts. 3 and 4]

(d) *Carry-overs.* If you did not use your entire quota for cattle during the period April 1, 1951 to April 28, 1951 you may use the unused portion, not to exceed five percent of that quota, in the period begining April 29, 1951 and ending May 26, 1951. After May 27, 1951 if you did not use your entire quota for any species during any given week you may use the unused portion, not to exceed 10 percent of that quota, in the next week only.

Example 1. Slaughterer A has a quota on swine of 100,000 pounds live weight for the quota period. He slaughters swine weighing a total of 90,000 pounds live weight during the quota period. He may carry over 10 percent of his quota for swine (10,000 pounds) to his next quota period.

Example 2. The same slaughterer in the next quota period has a quota of 90,000 pounds live weight for swine. Adding the 10,000 pounds from the previous period he may slaughter swine weighing a total of 100,000 pounds live weight during the quota period. If he slaughters swine weighing 90,000 pounds live weight he has slaughtered the full amount of his quota and does not have a carry-over to his next quota period. If he slaughters swine to the extent of only

85,000 pounds, he may carry over 5,000 pounds, the difference between 85,000 pounds and his quota of 90,000 pounds. The carry-over applies only to the current quota and not to the quota plus the carry-over from the previous quota period.

Example 3. If in example 2 the slaughterer slaughtered swine weighing 70,000 pounds live weight during the quota period he may not carry over more than 10 percent of his quota of 90,000 pounds, or 9,000 pounds live weight, to his next quota period. The carry-over for each species at all times is restricted to no more than 10 percent of the quota for that species for the quota period.

[Paragraph (d) amended by Amdt. 4]

(e) *Overages.* If in any week you slaughter livestock of any species in excess of your quota (including any carry-over from the preceding week) your quota for the following week for that species shall be reduced by twice the amount by which you exceeded your quota. If twice the amount of the overage is greater than the quota of the ensuing week you may not slaughter any of that species of livestock during that week nor in any succeeding week until the total of the quotas for the weeks in which you are prohibited from slaughtering livestock equals twice the amount of your overage. The quota limitations here imposed are in addition to any actions, penalties or proceedings authorized by law for violation of this regulation.

(f) *Marking requirements.* The registration number given to you by the Office of Price Stabilization for the purpose of this regulation will be the same as your federal inspection establishment number. On and after April 1, 1951, you are required to stamp or mark your registration number on each carcass so that it appears on every accessible wholesale cut. You may not sell a wholesale cut unless it has been so marked. The establishment number stamp which you use for purposes of compliance with the federal inspection requirements will satisfy this purpose. On OPS Form DO 1–3 a number appears before the name of each Class 1A slaughterer whom you listed. All wholesale cuts of meat derived from livestock which you slaughter on behalf of a Class 1A slaughterer must bear an additional stamp at every place at which your establishment number stamp appears, showing the number of that Class 1A slaughterer as it appears on OPS Form DO 1–3.

(g) *Invoices.* On every sale of meat from your slaughtering establishment you must furnish the buyer with an invoice which contains the date the buyer's name and address, your own name and address, and the amount and kind of meat sold. Copies of all such invoices must be preserved by you and kept available for inspection by the Office of Price Stabilization.

(h) *Change in operation.* If you give up federal inspection for your establishment and you wish to continue your slaughter business as a Class 2 slaughterer you must notify the Washington Office within five days of the time you give up federal inspection. The Washington Office will withdraw your multiplier and cancel your registration as a Class 1 slaughterer. The Washington Office will instruct the Regional Office to issue to you a registration and assign quota bases to you as a Class 2 slaughterer. After this change in operation all of the sections pertaining to Class 2 slaughterers will apply to you.

(i) Sections 5 through 15 contain several provisions which may apply to you as a Class 1 slaughterer.

[Paragraph (f) amended by Amdt. 3]

SEC. 4. *Class 2 Slaughterers.* (a) *Definition.* If you slaughter livestock and such slaughter is not subject to federal meat inspection, you are a Class 2 slaughterer unless your slaughter is within the provisions of section 5 or 6 of this regulation.

(b) *Registration.* On or before March 15, 1951, you must register with the Regional Office of the Office of Price Stabilization for the place in which your slaughtering establishment is located. You register by filing with the Regional Office, OPS Form DO 1–2 in duplicate, providing the information there required. Prior to filing this form you must notify each Class 2A slaughterer for whom you slaughtered livestock during the calendar year 1950 of the exact amount of livestock which you slaughtered for him during that period by mailing to him OPS Form DO 1–5 in duplicate with the information there required. If the information furnished by you on OPS Form DO 1–2 indicates that you are entitled to slaughter livestock under this regulation the Regional Office will send you, prior to April 15, 1951, a copy of OPS Form DO 1–2 showing your registration number. After April 15, 1951, unless you have received your registration from the Regional Office you may not slaughter any livestock.

If your slaughtering establishment is not in operation, because of a suspension or other order of a State, County, City, or Municipal government or agency, you may not register under this regulation. When the suspension or other order is revoked or cancelled you may apply to the Regional Office for registration under this regulation.

[Paragraph (b) amended by Amdt. 3]

(c) *Quotas.* For each quota period (accounting period or calendar month or similar period of not less than four or more than five weeks used by you instead of calendar months in keeping your own books and records) beginning on or after April 29, 1951 you must have a quota before you may slaughter any species of livestock. The completed and signed OPS Form DO1–2 furnished to you by the Regional Office will show by species the live weight of livestock which you slaughtered during each accounting period of 1950. This is your quota base. Supplement 1 to this regulation contains a list of percentages for use by you and other Class 2 slaughterers in determining your quotas. To determine your quota for each quota period, you apply the appropriate percentage in the Supplement to the quota base for each species. If the resulting quota is less than the live weight of one animal, you may slaughter one animal of that species. If your quota period does not begin on April 29, 1951 you will have an interim quota period from April 29, 1951 to the date that your quota period begins. The quota for the interim quota period is computed as follows:

(1) Determine the quota for each species of livestock for the quota period in which the date April 29, 1951, occurs by multiplying the quota base for that quota period for each species of livestock by the applicable percentage set out in Table I of Supplement 1 to this regulation.

(2) Divide the quota for each species obtained in subparagraph (1) of this paragraph by the number of days in the quota period in which the date April 29, 1951 occurs.

(3) Multiply the result in subparagraph (2) of this paragraph for each species by the number of days between April 28, 1951, and the date of the first quota period beginning on or after April 29, 1951. The resulting amounts are your quotas for each species for the interim quota period.

You may not slaughter more than 60 percent of your quota for any species (including your carry-over from the preceding quota period) during the first half of your quota period.

If you began slaughtering any species after April 30, 1950, and you have not had your quota bases adjusted on your Form DO 1–2, you may use as your quota base the average monthly slaughter of that species between April 30, 1950, and February 9, 1951. After determining your quota base for the period you must apply the applicable percentages set forth in Supplement 1 to this regulation.

[Paragraph (c) amended by Amdts. 3 and 4]

(d) *Carry-overs.* If you did not use your entire quota for any species during any quota period you may use the unused portion, not to exceed 5 percent of that quota, in the next quota, period only.

Example 1. Slaughterer B has a quota for cattle of 200,000 pounds live weight for the quota period. He slaughters cattle weighing a total of 190,000 pounds live weight during the quota period. He may carry over 5 percent (10,000 pounds) of his quota of cattle to his next quota period.

Example 2. Assume that the same slaughterer in the next quota period has a quota of 150,000 pounds live weight for cattle. Adding the 10,000 pounds carry-over from the previous period he may slaughter cattle weighing a total of 160,000 pounds live weight during the quota period. If he slaughters cattle weighing 155,000 pounds live weight he has slaughtered the full amount of his quota (150,000 pounds) plus part (5,000 pounds) of his previous quota period carry-over and does not have any carry-over to his next quota period. If he slaughters cattle to the extent of only 145,000 pounds he may carry over 5,000 pounds, the difference between 145,000 pounds and his quota of 150,000 pounds. The carry-over applies only to the current quota and not to the quota plus the carry-over from the previous quota period.

Example 3. If in example 2 the slaughterer slaughtered cattle weighing only 130,000 pounds live weight during the quota period he may carry over not more than 5 percent of his quota of 150,000 pounds, or 7,500 pounds live weight to his next quota period. The carry-over for each species at all times is restricted to no more than 5 percent of the quota for that species for the quota period.

(e) *Overages.* If in any quota period you slaughter livestock of any species in excess of your quota (including any carry-over from the preceding quota period), for any quota period, your quota for the following quota period for that species shall be reduced by twice the amount by which you exceeded your quota. If twice the amount of the overage is greater than the quota for the ensuing quota period, you may not slaughter any of that species of livestock during that quota period or in any succeeding quota period until the total of the quotas for the quota periods in which you are prohibited from slaughtering livestock equals twice the amount of your overage. The quota limitations here imposed are in addition to any action, penalties or proceedings authorized by law for violation of this regulation.

(f) *Marketing Requirements.* On and after April 1, 1951, or as soon thereafter as you receive your registration number from the Office of Price Stabilization, you are required to stamp or mark your registration number on each carcass so that it appears on every accessible wholesale cut. You may not sell a wholesale cut unless it has been so marked. On OPS Form DO 1–3 a number appears before the name of each Class 2A slaughterer whom you listed. All wholesale cuts of meat derived from livestock which you slaughter on behalf of a Class 2A slaughterer must bear an additional stamp at every place at which your registration number appears, showing the number of that Class 2A slaughterer as it appears on OPS Form DO 1–3.

[Paragraph (f) amended by Amdt. 3]

(g) *Invoices.* On every sale of meat from your slaughtering establishment you must furnish the buyer with an invoice which contains the date, the buyer's name and address, your own name and address, and the amount and kind of meat sold. Copies of each such invoice must be preserved by you and kept available for inspection by the Office of Price Stabilization.

(h) *Change in Operation.* If your establishment is subject to inspection under the provisions of the act of March 4, 1907 (34 Stat. 1260) as amended (21 U. S. C.) and the rules and regulations promulgated thereunder, you must notify the Regional Office within five (5) days of the time when you began to operate under Federal inspection. Upon the issuance to you of a Class 1 registration number by the Washington Office, the Regional Office will cancel your Class 2 registration. Thereafter all of the sections pertaining to Class 1 slaughterers will apply to you.

(i) *Other Provisions Which May Apply to Your Business.* Sections 5 through 15 contain general provisions which may apply to you as a Class 2 slaughterer.

[Paragraph (i) amended by Amdt. 3]

SEC. 5. *Class 3 Slaughterers.* (a) If you are a resident operator of a farm on which you reside at least 6 months a year, and if, during the calendar year 1950, you transferred no more than 6,000 pounds of meat resulting from your slaughter of livestock or the slaughter of livestock for you, you are a Class 3 slaughterer. The transfer of meat includes the selling, giving, exchanging, lending, delivering or consigning meat and also the placing or storing of meat in warehouses or locker plants.

[Paragraph (a) amended by Amdt. 2]

(b) You may not transfer any meat to any person who receives meat for resale, unless you transferred meat to such person in 1950. Furthermore, you may not transfer, during any six-month period beginning March 1 and September 1 of each year, more than the equivalent amount of meat you transferred during the same period of 1949–50. In no event may you transfer more than 3,000 pounds of meat in any such six-month period. The transfer of meat in excess of these amounts is a violation of this regulation subject to the penalties of the Defense Production Act of 1950.

(c) No Class 1 or Class 2 slaughterer may slaughter livestock for you under this section unless you furnish to him a signed statement setting forth (1) the address of your farm; (2) that you are a resident operator of a farm on which you reside at least 6 months a year; (3) that during the calendar year 1950 you transferred no more than 6,000 pounds of meat resulting from your slaughter of livestock or the slaughter of livestock for you; (4) a description of the livestock by species, number of head, and live weight; (5) that the transfer of all or any part of the meat will not make your total transfer of meat in the current six-month period, commencing with March 1 or September 1, exceed either 3,000 pounds or the amount you transferred during the corresponding six month period of 1949–50, whichever amount is lower. Furthermore, if any of the meat is to be transferred to persons acquiring it for resale, you must set forth in the statement the names and addresses of such persons and that you transferred meat to such persons in 1950.

[Paragraph (c) added by Amdt. 2]

(d) *Tagging requirements.* On and after April 1, 1951, you are required to attach a tag to each leg of every carcass transferred by you and to each wholesale cut transferred by you and you may not transfer meat unless it has been so tagged. Each tag must have on it the words "Class 3 slaughterer", and must also show your name and address.

(e) *Invoices.* On every transfer of meat you must furnish the buyer with an invoice which contains the date, the buyer's name and address, your own name and address and the amount and kind of meat transferred. Copies of all such invoices must be preserved by you and kept available for inspection by the Office of Price Stabilization.

[Former paragraphs (c) and (d) redesignated paragraphs (d) and (e) by Amdt. 2]

SEC. 6. *Limitations upon slaughter of livestock for home consumption.* (a) There are only 2 situations in which you may slaughter livestock or have it slaughtered for consumption in your own household or on a farm which you operate: (1) If you operate a farm at which you reside for more than six months a year; or (2) if you actually superintended the raising of the livestock and it was raised on your own premises for at least 90 days immediately before slaughter, or, if the livestock is less than 90 days old at the time of slaughter, then it must have been raised on your own premises from the time of its birth.

(b) No Class 1 or Class 2 slaughterer may slaughter livestock for you under this section unless you furnish to him a signed statement containing: (1) A description of the livestock by species, number of head, and live weight; (2) a statement that you have read paragraph (a) above and that, under the provisions of that paragraph you are eligible to have the particular livestock slaughtered for you.

SEC. 7. *Slaughter of "Club" livestock.* (a) Notwithstanding the provisions of section 2 (b) of this regulation if you purchase livestock at a sale conducted by members of 4–H Clubs, Future Farmers of America, or other recognized youth organizations, you may have such livestock slaughtered for you until the effective date of an amendment to this regulation which will set forth the conditions under which such livestock may be slaughtered.

[Section 7 amended by Amdts. 3 and 4]

SEC. 8. *Class 1A and Class 2A slaughterers (custom slaughterers).* (a) If you had livestock slaughtered for you during 1950 by a slaughterer who is designated Class 1 by this order you are a Class 1A slaughterer. You are entitled to have your livestock slaughtered by the same slaughterer and he is required to continue slaughtering livestock for you. There will be a quota on the amount of livestock he may slaughter for you for the period beginning April 29, 1951, and ending May 27, 1951. This quota is determined by multiplying the number of pounds live weight of each species of livestock which he slaughtered for you during the corresponding period in 1950 by the applicable percentages set forth in Supplement 1 to this regulation. Your Class 1 slaughterer is prohibited from slaughtering for you, and you are prohibited from giving him for slaughter, in any quota period, a greater number of pounds of any species of livestock than is provided for in the quota for that period. However, if the resulting quota is less than the live weight of one animal for any species, he may slaughter one animal of that species for you.

[Paragraph (a) amended by Amdts. 3 and 4]

(b) If you had livestock slaughtered for you during 1950 by a slaughterer who is designated Class 2 by this order, you are a Class 2A slaughterer. You are entitled to have your livestock slaughtered by the same slaughterer and he is required to continue to slaughter livestock for you. There will be a quota on the amount of livestock he may slaughter for you beginning April 29, 1951. This quota is found by first taking the number of pounds liveweight of each species of livestock which he slaughtered for you during each accounting period of 1950, as explained in section 4(c). This information will appear on OPS Form DO 1–5. This is your quota base. Your quota for each quota period will be found by multiplying the quota base for each species of livestock by the percentage which will be published in the supplement to this

regulation. Your Class 2 slaughterer is prohibited from slaughtering for you, and you are prohibited from giving him for slaughter, in any quota period, a greater number of pounds of any species of livestock than is provided for in the quota for that period. However, if the resulting quota is less than the live weight of one animal for any species, he may slaughter one animal of that particular species for you.

[Paragraph (b) amended by Amdts. 3 and 4]

(c) If the business of a Class 1 or Class 2 slaughterer is transferred to another person for continued operations, the person who acquired the slaughtering establishment (transferee) is required to continue slaughtering livestock for you just as if the transferee were the original slaughterer.

(d) If a Class 1 or Class 2 slaughterer or transferee, refuses or is unable to continue to slaughter for you, you may apply to the Washington Office if you are a Class 1A slaughterer, or to the Regional Office if you are a Class 2A slaughterer, for permission to have your livestock slaughtered by another Class 1 or Class 2 slaughterer. The application must be made in writing and must show:

(1) The name and address of the Class 1 or Class 2 slaughterer who formerly slaughtered for you;

(2) The reasons why such slaughterer will no longer slaughter for you; and

(3) The name and address of the Class 1 or Class 2 slaughterer whom you wish to perform the slaughtering for you.

If the Washington Office or the Regional Office finds that the slaughterer refuses or is unable to continue to slaughter for you it may transfer the quota base from such slaughterer to the Class 1 or Class 2 slaughterer named in the application. However, you must continue to serve the same general class of customers in the same areas that you served previously. If the application is granted the new Class 1 or Class 2 slaughterer and you shall be subject, with respect to that slaughter, to the provisions of paragraphs (a) and (b) of this section just as if the Class 1 or Class 2 slaughterer had formerly slaughtered livestock for you.

SEC. 9. *Adjustments or other relief.* (a) If you find that you need an adjustment or other relief under this regulation you may apply in writing to the Office of Price Stabilization. If you are a Class 1 or Class 1A slaughterer you apply to the Washington Office. If you are a Class 2 or Class 2A slaughterer you apply to the Regional Office. The application must show what adjustment or relief you are requesting and all the facts showing your need for the adjustment or relief. You must give any further information requested by the Office of Price Stabilization.

(b) If the Regional Office finds that you have shown a need for an adjustment, or other relief it will forward your application to the Washington Office with its recommendations for a decision. If the Washington Office finds that you have shown a need for an adjustment, or other relief it will take the necessary steps to grant the adjustment or other relief.

SEC. 10. *Sale or transfer of Class 1 or Class 2 slaughtering establishment.* (a) If you are a Class 1 or Class 2 slaughterer and wish to sell or transfer your slaughtering establishment to any other person for continued operation, you and the transferee must notify the Washington Office in the case of a Class 1 slaughtering establishment or the Regional Office in the case of a Class 2 slaughtering establishment. The notice must be given in writing at least ten days before the sale or transfer and must show:

(1) The name and address of the establishment and of the persons wishing to sell or transfer and the persons wishing to acquire it; and

(2) Whether the transferee will continue to operate the establishment in the same manner, and will maintain the pattern of distribution of meat from the slaughter of livestock in accordance with the policy of this regulation.

(b) If the Washington Office or the Regional Office finds that the establishment will continue to be operated in the same manner as before the transfer, and that the transferee will maintain the pattern of distribution in accordance with the policy of this regulation, it may, in the case of a Class 1 slaughterer, assign the registration and multipliers of the transferor to the transferee, and, in the case of a Class 2 slaughterer, assign the registration and quota bases of the transferor to the transferee for that establishment, and in each case shall cancel the registration of the transferor.

(c) The transferee of a Class 1 or Class 2 slaughterer may slaughter livestock during the balance of the quota period in which the transfer takes place only to the extent of the unused portion of the quota (including any carry-over) of the transferor for that period.

(d) No such transfer and assignment of registration, multipliers or quota bases may be made while your slaughtering establishment is under suspension by a State, County, Municipal or City government agency.

(e) If you are a Class 1 or Class 2 slaughterer and you wish to move all or part of your slaughtering business to another place, the moving is to be treated as a transfer to a different person under this section. For this purpose, the place from which the establishment is to be moved is considered the transferor and the place to which it is to be moved is considered the transferee.

(f) For the purpose of this regulation a sale or transfer of 10 percent or more of the stock of a corporation or the sale or transfer of 10 percent or more of the ownership of an establishment is considered a sale or transfer of the establishment.

SEC. 11. *Registration of new Class 1 and Class 2 slaughtering establishments.* (a) If you want to open a new Class 1 or Class 2 slaughtering establishment, you must apply to the Office of Price Stabilization for registration and multipliers or quota bases. Application will be granted only if you establish to the satisfaction of the Office of Price Stabilization that (1) the operation of the establishment is essential to meet civilian needs in the area in which it serves; (2) the products it will produce cannot be obtained from any other source, and (3) the operation of the new establishment will promote the National Defense by facilitating the production and orderly distribution of meat.

(b) If the application is made by a person who wishes to open a Class 1 slaughtering establishment, it must be made in writing to the Washington Office and must contain all the information relied upon to support the application. If the application is made by a person who wishes to open a Class 2 slaughtering establishment it must be made in writing to the Regional Office for the place where the applicant's establishment is or will be located, and must contain all the information relied upon to support the application. The applicant must also give any additional information requested by the Office of Price Stabilization.

(c) In the case of a Class 2 slaughterer the Regional Office must forward the entire file to the Washington Office, with its recommendation for decision, and take such other action as the Washington Office may authorize or direct.

(d) If you are Class 1 or Class 2 slaughterer who already has a quota you may not open another slaughtering establishment and use your quota there, unless you apply under this section and are given permission to do so.

SEC. 12. *Records, Reports and Inspections.* (a) (1) If you are a Class 1 slaughterer you must within ten (10) days after the end of each quota period mail a report. The U. S. Department of Agriculture will furnish you with Form LS-149 for the purpose of supplying certain information. You may use this form as your reporting form under this regulation by furnishing the information required by the OPS and mailing the form to the Department of Agriculture. For the quota periods April 1, 1951, to April 28, 1951, inclusive, and April 29, 1951, to May 26, 1951, inclusive, you must file the reports for OPS on Form LS-149 on the basis of two four-week operations instead of your usual accounting periods.

(2) If you are a Class 2 slaughterer and your quota bases for all species combined on an annual basis are 100,000 pounds live weight or over (as shown on your DO 1-2), you must within ten (10) days after the end of each quota period mail a report to the OPS Regional Office where you are registered. The report must be made in duplicate on OPS Form DO 1-6 and must contain all the information required by the form. For the quota period April 1, 1951 to April 28, 1951, inclusive, you must file your report on the basis of that four-week operation instead of your usual accounting period. For all subsequent periods you must report on the basis of your regular quota periods. If you have an interim quota period you must show separately on your report the amount of slaughter during the interim quota period.

[Paragraph (a) amended by Amdt. 4]

(b) In addition to other records or documents required to be kept by this regulation each Class 1 and Class 2 slaughterer must keep a record for each establishment, showing:

(1) The number of head and live weight of all cattle, calves, sheep and lambs and swine, stated separately for each such species, which he slaughtered during each quota period.

(2) The name and address of each person for whom he slaughtered cattle, calves, sheep and lambs or swine and the number and live weight of each such species of livestock slaughtered by him for each of said persons during each quota period;

(3) The number of pounds of meat resulting from his slaughter of livestock, stated separately for each species, transferred during each quota period.

(4) The number of pounds of meat resulting from his slaughter of livestock for other persons, stated separately for each species, and each person, transferred during each quota period.

(5) The number of cattle hides, kips, and calfskins and sheep and lamb pelts sold or transferred by the slaughterer during each quota period. Also the names and addresses of the persons to whom they were sold or transferred and the number of each kind transferred to each person.

(c) Each Class 1 and Class 2 slaughterer must keep a copy of his registration under this regulation and the records upon which his registration was based.

(d) Each Class 1 and Class 2 slaughterer must keep a record showing the name and address of each person for whom he slaughtered cattle, calves, sheep and lambs or swine; the dates on which he slaughtered for each such person; and the number and live weight of each such species of livestock which he slaughtered for each such person on each date. He must also keep the statements given to him as required by section 5 (c) and section 6 (b).

[Paragraph (d) amended by Amdt. 2]

(e) Every person subject to this order must keep all records required under this regulation for as long as this regulation shall remain in effect.

(f) All records kept by all persons under this regulation may be inspected by the Office of Price Stabilization through any authorized representative. The inspection may be made at a person's place of business during regular business hours. Every person required to keep records under this regulation must keep them available for such inspection.

(g) The Office of Price Stabilization, through any authorized representative may, at any reasonable time, inspect any place where livestock is or has been slaughtered, and any place at which a Class 1, Class 2 or Class 3 slaughterer is located.

(h) Information and documents obtained from any person under this regulation will not be disclosed, whether in response to a subpoena or in any other way, except to that person, unless the Director of the Office of Price Stabilization (or a representative of the Office of Price Stabilization designated by him) finds that the requested disclosure is not contrary to law and consents to it.

SEC. 13. *Additional prohibitions.* (a) This regulation prohibits, among other matters:

(1) Making false or misleading statements on any records or reports to the Office of Price Stabilization;

(2) Altering, defacing, mutilating, or destroying any document specified herein;

(3) Forging or counterfeiting any document specified herein;

(4) Acquiring, using, transferring or possessing a forged, counterfeited, altered, defaced, or mutilated document specified herein;

(5) Wrongfully withholding a document specified herein;

(6) Bribing, hindering, or interfering with authorized Office of Price Stabilization officials; and

(7) Attempting to do any act in violation of this regulation, directly or indirectly, or to aid or encourage another to do so.

SEC. 14. *Policy of this regulation.* It is the policy of this regulation to maintain the normal distribution channels of the livestock and meat industry in order to promote the national defense by facilitating the production and orderly distribution of meat. In accordance with this policy, if the Office of Price Stabilization finds that the base period was not representative of the relative slaughter of Class 1 slaughterers generally, it will adjust multipliers generally in order to obtain a representative relationship. The policy of this regulation requires not only that the slaughter of livestock be maintained in normal channels but also that meat be distributed from the slaughtering plant through the normal classes of customers within geographical areas. All slaughterers, custom slaughterers, wholesalers, processors, and industrial users may be required to reflect a pattern of acquisition and distribution of livestock and meat based on all or any part of the period beginning January 1, 1950.

SEC. 15. *Suppliers must sell meats to certain institutional users.* (a) Any operator of a prison, jail, insane asylum, home for delinquents, or other institutions of involuntary confinement, or a public or private orphanage, or a hospital or other establishment principally engaged in the care and treatment of the sick is an institutional user. Beginning February 27, 1951, an institutional user may, for each month starting with March 1951, give written notice, personally or by registered mail, to each person from whom meat was acquired during the calendar year 1950 (or if that person transferred his establishment, to any successor currently operating the establishment) containing all of the following information:

(1) The amount, quality and types of meat acquired from the supplier during each month of the calendar year 1950;

(2) The percentage that each such monthly amount bears to the total amount of meat acquired each month by the institutional user during 1950;

(3) The estimated number of persons to be fed during the month for which this notice is given;

(4) The number of persons fed during the corresponding month in 1950;

(5) The total amount of meat required by the institutional user for the month in which the statement is made.

(The information in (1) and (2) may be omitted from any subsequent notice pursuant to (a), to the same supplier or successor to whom a previous notice, containing that information, has been given pursuant to (a).)

(b) Each supplier or successor to whom a notice is given pursuant to (a) must, irrespective of any claimed inaccuracy in the notice, sell or transfer to that institutional user, upon such user's request, during the month specified in the notice, the quantity of meat determined under (c) for the current month, to the extent that such supplier or successor has meat available for sale or transfer regardless of any other contract, agreement or commitment (except any meat which he is required to set aside under this section for any other institutional user). Such sale or transfer of meat must be of the same, comparable or reasonably substitutable types as the institutional user acquired from that supplier during 1950. The supplier or successor, however, need not sell or transfer any such meat to the institutional user unless the user is willing to acquire such meat at ceiling prices established by the Office of Price Stabilization.

NOTE: Examples of comparable and reasonably substitutable types of meat are: (1) Steaks, roasts, or chops or any wholesale cuts from which they are obtained; (2) Ground meat or stew meat and the wholesale cuts from which they are obtained; (3) Smoked meats, such as bacon, ham, or picnics; (4) Dry salt meats, such as bellies, jowls, plates, or fatback; (5) Processed meat products, such as canned meats or sausage; (6) Offal, such as livers, hearts, or kidneys; and (7) Miscellaneous items, such as tails, heads, snouts or ears. Substitutions may be made of one item for another within any of these numbered categories but you cannot substitute an item in one numbered category to replace an item in another numbered category.

(c) The quantity of meat which the supplier or successor is required under (b) to sell or transfer to institutional users giving such notice shall be determined in the following way:

(1) Divide the amount of meat sold or transferred to the institutional user by the supplier during the corresponding month in 1950 by the number of persons fed during that month.

(2) Multiply the result in (1) by the estimated number of persons to be fed in the month for which the notice in (a) is given.

(3) The result in (2), or the amount requested by the institutional user, whichever is less, is the quantity of meat which must be sold or transferred to the institutional user during the month specified in the notice.

(d) If the institutional user, during the month covered by the notice has not acquired from the supplier or successor the quantity specified in (c) for that period, the supplier or successor, upon the institutional user's request, must sell or transfer to the institutional user during the first 15 days of the next month, all or any part of the quantity not so acquired by the institutional user.

(e) Any supplier or successor who refuses to sell or transfer meat to an institutional user in the amounts required by

this section may not sell or transfer any meat until he has sold or transferred to the institutional user meat in the amount required by this section. This prohibition is in addition to any action, penalties or proceedings which may be authorized by law for his failure to comply.

(f) Each notice given by the institutional user pursuant to (a) shall be deemed a certification to the Office of Price Stabilization as to the information contained in the notice.

(g) Each person to whom a notice is given pursuant to (a) must keep such notice at his establishment.

[Section 15 added by Amdt. 1]

NOTE: The record keeping and reporting requirements contained in this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 10, 1951.

[F. R. Doc. 51-5592; Filed, May 10, 1951; 5:08 p. m.]

[Distribution Regulation 2, Amendment 2]

DR 2—ALLOCATION RECORDS

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) Executive Order 10161 (15 F. R. 6105), Delegation of Authority by Secretary of Agriculture to Economic Stabilization Agency with respect to allocation of Meat (16 F. R. 1272) and Economic Stabilization Agency General Order 5 (16 F. R. 1273), this Amendment 2 to Distribution Regulation 2 is hereby issued.

Preamble. This amendment makes three changes in the record keeping requirements of Distribution Regulation 2. The first makes clear that the date shown on the invoice furnished to a buyer may be the date of shipment. The second eliminates the requirement that the classification "Stag" be shown on an invoice covering a sale of beef. This corresponds to a change in CPR 24. Similarly non-official graders need not stamp the class mark "Stag" on a beef carcass. Finally, the requirement that invoices be kept is made applicable to buyers as well as sellers.

It has been represented to the Director of Price Stabilization that the requirement of official grading of meat when that meat would be graded at the lowest grades involves unnecessary expense. In order to eliminate that expense, this amendment authorizes any person to perform his own grading and grade marking of meat where he grades at the two lowest grades for beef or at the lowest grade for veal, calf, lamb, yearling mutton or mutton.

The Director of Price Stabilization has also been advised that in a few areas there are still not available a sufficient number of official graders to grade all meat. As a result, because of the limitation on non-official graders in section 5 (g), a few slaughterers might be forced to grade as "Commercial", superior grades of beef, veal or calf, or forced to grade as "Utility", superior grades of lamb, yearling mutton or mutton. This amendment therefore postpones until May 21 the effective date for the imposition of the limitations in section 5 (g) on grading and grade marking by non-official graders where, and only where, an application for the services of an official grader has been duly made and a letter subsequently received from an authorized representative of the Department of Agriculture stating that an official grader will not be available.

AMENDATORY PROVISIONS

Distribution Regulation 2 is amended in the following respects:

1. Subparagraph (1) of section 3 (a) is amended to read as follows:

(1) The date of the sale, delivery, shipment or transfer to the buyer.

2. The next to the last paragraph of section 3 (a) is amended to read as follows:

You must deliver a copy of such invoice, memorandum of sale or sales slip to the buyer and you and the buyer must each keep a copy.

3. Section 5 (c) is amended by inserting before the first sentence the following: "You may grade a carcass or wholesale cut of beef, 'Cutter' or 'Canner' and may grade mark such carcass or wholesale cut '60' or '70', yourself. You may grade a carcass or wholesale cut of veal, calf, lamb, yearling mutton or mutton, 'Cull' and may grade mark such carcass or wholesale cut '60', yourself. If you wish to have beef graded higher than 'Cutter', or veal, calf, lamb, yearling mutton or mutton graded higher than 'Cull', you must, unless paragraph (d) or (e) is applicable, apply for the services of an official grader."

4. Section 5 (g) is amended by adding after the last sentence the following: "If you perform your own grading and grade marking pursuant to a letter from a duly authorized representative of the Department of Agriculture in accordance with section 5 (c), the limitations of this section 5 (g) shall not become effective with respect to you until May 21, 1951."

5. Section 8 (d) is amended to read as follows:

(d) "Class of meat" means with respect to beef carcasses, "bull".

6. Section 2 of Appendix A is amended to read as follows:

2. GRADE MARKS

The appropriate grade mark for each grade of beef shall be as follows:

Grade	Grade mark	
	By official graders	By other than official graders
Prime	Prime	110
Choice	Choice	120
Good	Good	130
Commercial	Commercial	40
Utility	Utility	50
Cutter	Cutter	60
Canner	Canner	70

[1] Not to be used on and after May 21, 1951.

The word "BULL" where applicable shall be stamped on each wholesale cut.

7. The table under section 2 of Appendix B is amended to read as follows:

Grade	Grade mark	
	By official graders	By other than official graders
Prime	Prime	11
Choice	Choice	12
Good	Good	13
Commercial	Commercial	4
Utility	Utility	5
Cull	Cull	6

[1] Not to be used on and after May 21, 1951, except when carcass with skin on has been graded by an official grader.

8. The table under section 2 of Appendix C is amended to read as follows:

Grade	Grade mark	
	By official graders	By other than official graders
Prime	Prime	11
Choice	Choice	12
Good	Good	13
Utility	Utility	5
Cull	Cull	6

[1] Not to be used on and after May 21, 1951.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp.)

Effective date. The provisions of this amendment shall be effective on and after May 12, 1951.

NOTE: All record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 11, 1951.

[F. R. Doc. 51-5625; Filed, May 11, 1951; 12:03 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-3, as amended May 11, 1951]

M-3—COLUMBIUM- AND TANTALUM-BEARING STEELS—PRODUCTION AND USE

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order as amended there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-3, as amended April 6, 1951, by amending section 4; by amending section 6 and redesignating it as 6 (a); and by adding new paragraphs (b) and (c) to section 6. As so amended, NPA Order M-3 reads as follows:

Sec.
1. What this order does.
2. DO ratings required.
3. Use of substitutes.
4. Restrictions.
5. Conservation of scrap.
6. Exceptions.
7. Application for adjustment or exception.
8. Communications.
9. Records and reports.
10. Violations.

AUTHORITY: Sections 1 to 10 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies to columbium- and tantalum-bearing steels and to the producers, dealers and users thereof. In view of the fact that columbium, ferro-columbium and ferro-columbium-tantalum are in short supply, it is essential that the production, distribution and use of columbium- and tantalum-bearing steels be limited to DO rated orders and NPA directives. This order, in addition, prohibits the use of columbium-bearing steels in any application or process where columbium - tantalum - bearing steels may be used as a substitute for columbium-bearing steels; forbids the use of either if the use of any other substitute will meet the requirements of the use to be made of the material; and restricts the use of columbium and tantalum in the production of steel.

SEC. 2. *DO ratings required.* Except as may be otherwise ordered by NPA, no columbium- or columbium-tantalum-bearing steels shall be produced, sold, delivered, or purchased except pursuant to DO rated orders or NPA directives: *Provided*, That with respect to columbium- or columbium-tantalum-bearing steels, the rating DO-01 shall be valid for deliveries on and after July 1, 1951, only when supported by a certification that delivery of the quantity specified as and when ordered has been approved and authorized by the Aircraft Production Resources Agency. Such certification shall be as follows:

Certified as approved by APRA.

Such certification shall constitute a representation by the purchaser to the supplier and to NPA that the purchaser has been duly authorized by the Aircraft Production Resources Agency to accept delivery of such steel, and is entitled to accept such delivery as permitted in this order. The certification required by this section shall be in addition to the certification required by NPA Reg. 2.

SEC. 3. *Use of substitutes.* No columbium-bearing steel shall be used or incorporated in any product or material if columbium-tantalum-bearing steel will meet the requirements for the use to be made of the product or material. In no case shall any columbium- or columbium-tantalum-bearing steel be used or incorporated in any product or material if any substitute therefor will meet the requirements for the use to be made of the product or material.

SEC. 4 *Restrictions.* Subject to the exceptions of section 6 of this order, no person, in the production of any columbium- or columbium-tantalum-bearing steels, shall use more columbium or columbium-tantalum than is reasonably required to assure a ratio between columbium or columbium-tantalum and carbon in such steels greater than 8 to 1 as a minimum: *Provided, however*, That in cases where the material specifications require corrosion-testing of sensitized specimens, no person shall use more columbum or columbium-tantalum in such steel products than is reasonably required to assure that such steels will meet the specific requirements with respect to corrosion-testing: *And provided further*, That when practical melting schedules appropriate to achieve maximum production necessitate the inclusion in single heat lots of steels requiring corrosion-testing with steels not requiring such testing, such amount of columbium or columbium-tantalum may be used as will assure steels which will meet the highest corrosion-testing requirements of any such steels included in any such single heat lot.

SEC. 5. *Conservation of scrap.* No person shall dispose of any columbium- or columbium-tantalum-bearing scrap which is fit for remelting except for use in the production of columbium- or columbium-tantalum-bearing steel.

SEC. 6. *Exceptions.* (a) This order shall not prohibit the completion of the production and the delivery of materials or products containing columbium or tantalum in any form ordered and accepted prior to April 6, 1951, which, by reason of the condition or nature of the materials or products, cannot, without excessive loss of yield, be used in connection with DO rated orders; nor shall it prohibit the use, in filling DO rated orders, of columbium-bearing steel or columbium-tantalum-bearing steel held on or before April 6, 1951, in the inventory of a producer or fabricator of steel products.

(b) The restrictions of section 4 of this order shall not apply to the production of welding rods.

(c) Any DO-01 rated order for columbium- or columbium-tantalum-bearing steels, authorized by the Aircraft Production Resources Agency pursuant to section 2 of this order, is exempt from the restrictions of section 4 of this order to the extent required by the specifications contained in such APRA authorization.

SEC. 7. *Application for adjustment or exception.* Any person affected by any provision of this order may file an application for an adjustment or exception upon the ground that such provision works an exceptional hardship upon him not suffered generally by others, or that its enforcement against him would not be in the interest of the national defense program. All such applications should be addressed to National Production Authority, Washington 25, D. C., Ref: M-3.

SEC. 8. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M-3.

SEC. 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act. (5 U. S. C. 139-139F.)

SEC. 10. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend his privileges of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order as amended shall take effect on May 11, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-5606; Filed, May 11, 1951; 11:27 a. m.]

[NPA Order M-4 as amended May 3, 1951]

M-4—CONSTRUCTION

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this amendment, consultation with industry representatives was found to be impracticable due to the necessity for immediate action.

NPA Order M-4 is amended in the following respects:

1. A new paragraph (3) shall be inserted in section 5 (b), to read as follows:

(3) In addition, alterations, additions, improvement, or modernization may be made in the case of an industrial plant, factory, or facility, without authorization from the National Production Authority: *Provided*, That, after completion, the total use of steel in such alteration, addition, improvement, or modernization, both in the forms and shapes as defined in NPA Order M-1 and

also reinforcing steel, will not exceed 25 tons.

2. A new paragraph (f) is added to section 5, to read as follows:

(f) Construction of an industrial plant, facility, or factory for which a certificate of necessity has been issued pursuant to the provisions of the Revenue Act of 1950, or a loan made pursuant to section 302 of the Defense Production Act of 1950.

3. The category listing "Gymnasium (except where it is a part of an educational institution and is to be used primarily for instructional purposes in physical education and training)" in section 15 (List A) shall be deleted and the following substituted therefor: "Gymnasium."

4. The category listing "Printing or duplicating establishment" in section 16 (List B) shall be deleted and the following substituted therefor: "Printing or duplicating establishment including, but not limited to, facilities for the publication of newspapers, books, and periodicals."

5. The category listing "Storage, distribution, display, or sale of consumer goods (for example, retail store, shopping center, wholesale establishment, gasoline filling station, drugstore, soda fountain, florist shop, greenhouse), except wholesale food establishment, wholesale supply facility for fuel oil, gasoline or coal, gas distribution system, pipeline" in section 16 (List B) shall be deleted and the following substituted therefor: "Storage, distribution, display, or sale of consumer goods (for example, retail store, shopping center, wholesale establishment, gasoline filling station, drugstore, soda fountain, florist shop, greenhouse)."

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

This amendment shall take effect on May 11, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-5603, Filed, May 11, 1951; 11:26 a. m.]

[NPA Order M-35, as amended May 11, 1951]

M-35—CATTLEHIDES, CALFSKINS, AND KIPS: ALLOCATION OF

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

This amendment affects NPA Order M-35 as amended February 28, 1951, as follows: It adds paragraph (j) to section 2, and adds a new sentence at the end of section 5. As so amended, NPA Order M-35 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on purchase, sale, and delivery of domestic cattlehides, calfskins, and kips; allocation by NPA.
4. Restrictions upon certain cuttings of untanned cattlehides.
5. Effect upon other NPA regulations and orders.
6. Applications for adjustment or exception.
7. Records.
8. Audit and inspection.
9. Reports.
10. Communications.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to conserve and provide for an equitable distribution of cattlehides, calfskins, and kips so as best to serve the interests of the national defense. It prohibits, subject to limited exceptions, the sale and delivery of such hides and skins unless specifically allocated by authorizations to be issued by NPA.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes agencies of the United States or any other government.

(b) "Tanner" means a person engaged in the business of tanning, dressing, or similarly processing hides or skins and who, in each month during the period of 6 months commencing September 1, 1950, put into process 100 or more cattlehides, calfskins, or kips, or in March 1951, or in any calendar month thereafter, puts into process 100 or more of such hides or skins.

(c) "Contractor or converter" means a person engaged in the business of causing hides or skins to be tanned or dressed for his account in any tannery not owned or controlled by him, and who in each month during the period of 6 months commencing September 1, 1950, caused 100 or more cattlehides, calfskins, or kips to be put into process for his account, or in March 1951, or in any calendar month thereafter, causes 100 or more of such hides or skins to be put into process for his account.

(d) "Collector" means a person, including a dealer, engaged in the business of acquiring from others untanned cattlehides, calfskins, or kips for resale, or removing cattlehides, calfskins, or kips from cattle or calves not slaughtered by him.

(e) "Producer" means a person engaged in the business of slaughtering cattle or calves.

(f) "Cattlehide," "calfskin," and "kip" mean the raw hide or skin of any bull, stag, steer, ox, cow, heifer, calf, or buffalo, but these terms do not include slunks, splits, or glue stock.

(g) "Put into process" means the first step in the conversion of raw hides and skins into leather or "rawhide" at a tannery.

(h) "Domestic cattlehide, calfskin or kip" means any such hide or skin produced in the United States or any of its territories or insular possessions.

(i) "NPA" means National Production Authority.

(j) "Practicable minimum working inventory" means such inventory as is defined in section 10.4 of NPA Reg. 1.

SEC. 3. *Restrictions on purchase, sale and delivery of domestic cattlehides, calfskins, and kips; allocation by NPA.* (a) After the effective date of this order no person shall sell, deliver (including delivery to a tannery owned or controlled by him), purchase, or accept delivery of any untanned domestic cattlehide, calfskin, or kip, the ownership or possession of which was acquired on or after February 5, 1951, except to the extent that the purchaser shall be specifically authorized by NPA on Form NPAF-34, Form NPAF-37: *Provided, however,* That the following may be effected without such authorization:

(1) The sale and delivery of such hides or skins between domestic collectors or between a domestic producer and a domestic collector for purposes of resale within the United States.

(2) The sale and delivery to and the purchase and acceptance of delivery by any person, other than a tanner or contractor, of less than 100 cattlehides, calfskins, or kips in any calendar month.

(3) The sale and delivery to and purchase and acceptance of delivery by any person of the number of domestic cattlehides, calfskins, or kips for export to any place outside the United States, other than Canada, pursuant to a license to export such hides or skins granted to him by the Office of International Trade, provided that such person duly signs a certification on his purchase order delivered to the seller of such hides or skins, as follows:

Certified under M-35

Such certification constitutes a representation to the seller and to NPA that the purchaser is authorized under the provisions of this order to accept delivery of such hides or skins and that he has received such a license for their export.

(b) An application for the purchase of domestic cattlehides shall be made on Form NPAF-34 and an application for the purchase of domestic calfskins or kips shall be made on Form NPAF-37. Either or both such forms, as the case may be, shall be filed with NPA on or before March 10, 1951, and on or before the 10th day of each succeeding month.

(c) Each person receiving an authorization from NPA to purchase domestic cattlehides, calfskins, or kips, either on Form NPAF-35 or NPAF-37, shall send in a copy thereof all his purchases made pursuant to such authorization. Shall furnish all other information required thereby, and shall return such copy to NPA within 10 days after the date of the expiration of such authorization specified therein.

(d) In any action which may be taken pursuant to paragraph (a) of this section, it will be the policy of NPA, so far as practicable, to grant authorizations to purchase so that:

(1) A tanner or contractor may obtain domestic cattlehides, calfskins, or kips in the proportion that his total wettings in 1950 of cattlehides, calfskins, and kips (including imports), respectively, bear to the total wettings of cattlehides, calfskins, and kips (including imports), respectively, of all contractors and tanners combined in 1950, except that authorizations to tanners or contractors having more than a practicable minimum working inventory or who do not meet a specific defense program as may be directed by NPA, may be reduced or omitted; and

(2) A contractor will contract with the same tanner or tanners, as the case may be, and in the same proportions, as in the most recent period prior to the effective date of this order when such contractual arrangements existed.

SEC. 4. *Restrictions upon certain cuttings of untanned cattlehides.* No producer or collector shall cut off bellies or shoulders of untanned cattlehides except for a purchaser specifically authorized in writing by NPA to purchase hides with such portions cut off.

SEC. 5. *Effect upon other NPA regulations and orders.* This order supersedes NPA Order M-35, effective February 5, 1951, but nothing herein shall affect any liabilities incurred under such superseded order. If any provision of this order is in conflict with NPA Reg. 1 or NPA Reg. 2, such provision of this order shall govern. Notwithstanding the provisions of NPA Reg. 2, a DO rating shall not be applied or extended to obtain delivery of any cattlehide, calfskin, or kip.

SEC. 6. *Applications for adjustment or exception.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interests of national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 7. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 8. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 9. *Reports.* (a) Regardless of whether he files any application referred to in section 3 (b) of this order, every contractor shall report to NPA each month on Form NPAF-34 and Form NPAF-36, his wettings and raw stock, and every tanner shall report to NPA each month on such forms, his wettings and raw stock, if any, and his leather production, for the calendar month immediately preceding the month in which such reports are required by this order to be filed. Either or both such forms, as the case may be, shall be filed with NPA on or before March 10, 1951, and on or before the 10th day of each month thereafter. All other information required by such forms shall be furnished.

(b) Persons subject to this order shall make such records and submit such other reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 10. *Communications.* All communications and reports concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M-35.

SEC. 11. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on May 11, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-5607, Filed, May 11, 1951; 11:27 a. m.]

[NPA Order M-45, Schedule 5]

M-45—ALLOCATION OF CHEMICALS AND ALLIED PRODUCTS

SCHEDULE 5—POLYETHYLENE

This schedule is found necessary and appropriate to promote the national defense and is issued under NPA Order M-45 pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this schedule there has been consultation with industry representatives, and consideration has been given to their recommendations.

Sec.
1. Definition.
2. General provisions.
3. Filing date and unit of measure.
4. Termination of NPA authorization to use.
5. Limitation on inventory.
6. Certified statement of proposed use.
7. Supplier's application on Form NPAF-47.
8. Communications.

AUTHORITY: Sections 1 to 8 issued under sec. 704, Pub. Law 774, 81st Cong.

SECTION 1. *Definition.* "Polyethylene" means the primary plastic form of polymerized ethylene, and does not include secondary, scrap, or reclaimed material.

SEC. 2. *General provisions.* Polyethylene is hereby made subject to NPA Order M-45 as an Appendix B material. The initial allocation date is June 1, 1951. The allocation period is the calendar month. The small order exemption without use certificate is 500 pounds per person per month.

SEC. 3. *Filing date and unit of measure.* The filing date for Form NPAF-47 is the 20th day of the month before the proposed delivery month. The unit of measure is the pound.

SEC. 4. *Termination of NPA authorization to use.* There shall be no limitation of time on any NPA authorization to use polyethylene.

SEC. 5. *Limitation on inventory.* The provisions of NPA Reg. 1 shall apply to polyethylene.

SEC. 6. *Certified statement of proposed use.* Every person who purchases polyethylene from a supplier is required to enter on or attach to each purchase order a certified statement of proposed use as provided in section 7 of NPA Order M-45. Where more than one end-use is listed for a particular product a separate quantity should be specified for each such end-use.

SEC. 7. *Supplier's application on Form NPAF-47.* Every supplier of polyethylene is required to apply on Form NPAF-47 for authorization to deliver or to use any quantity of polyethylene. General instructions on the preparation of Form NPAF-47 are set forth in Appendix D of NPA Order M-45. Each supplier should specify in the space in the heading designated "grade" the physical form of the material as flake or granular. In column (2), each supplier should specify product and end-use, as for example, "drum liners for chemicals," "insulation for telephone or telegraph wires," and so forth. Where more than one end-use is listed for a particular product a separate quantity should be specified for each such end-use.

SEC. 8. *Communications.* All communications concerning this schedule shall be addressed to the National Production Authority, Chemical Division, Washington 25, D. C., Ref: M-45, Sched. 5.

NOTE: All reporting requirements of this schedule have been approved by the Bureau

of the Budget, in accordance with the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

This schedule shall take effect, except as otherwise provided herein, on May 11, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-5604; Filed, May 11, 1951; 11:27 a. m.]

[NPA Order M-45, Schedule 6]

M-45—ALLOCATION OF CHEMICALS AND ALLIED PRODUCTS

SCHEDULE 6—RESORCINOL

This schedule is found necessary and appropriate to promote the national defense and is issued under NPA Order M-45 pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this schedule there has been consultation with industry representatives and consideration has been given to their recommendations.

Sec.
1. Definition.
2. General provisions.
3. Filing date and unit of measure.
4. Termination of NPA authorization to use.
5. Limitation on inventory.
6. Purchaser's application on Form NPAF-45.
7. Supplier's application on Form NPAF-46.
8. Communications.

AUTHORITY: Sections 1 to 8 issued under sec. 704, Pub. Law 774, 81st Cong.

SECTION 1. *Definition.* "Resorcinol" means meta-dihydroxy benzene or meta-hydroxy phenol.

SEC. 2. *General provisions.* Resorcinol is hereby made subject to NPA Order M-45 as an Appendix A material. The initial allocation date is June 1, 1951. The allocation period is the calendar month. There is no small order exemption.

SEC. 3. *Filing date and unit of measure.* The filing date for Form NPAF-45 is the 15th day of the month before the proposed delivery month. The filing date for Form NPAF-46 is the 20th day of the month before the proposed delivery month. The unit of measure is the pound.

SEC. 4. *Termination of NPA authorization to use.* An authorization by NPA to any person to use resorcinol shall terminate at the close of the calendar month immediately following the allocation period for which such use was authorized.

SEC. 5. *Limitation on inventory.* No person (notwithstanding any allocation made to him) shall place an order for resorcinol calling for delivery, and no person shall accept delivery of resorcinol, at a time when his inventory of resorcinol exceeds, or by acceptance of such delivery would be made to exceed, his minimum requirements for the allocation period in which delivery is sought at his then scheduled rate and method of operation.

SEC. 6. *Purchaser's application on Form NPAF-45.* Every person who purchases resorcinol from a supplier is required to apply for authorization to accept delivery on Form NPAF-45. General instructions on the preparation of Form NPAF-45 are set forth in Appendix D of NPA Order M-45. Each applicant should specify in column (1) the grade as U. S. P., recrystallized or technical; should enter in column (2) the quantity required for each end-use, and should show in column (3) the product to be made from the resorcinol such as adhesives, dye stuffs, pharmaceuticals, and so forth, specifying the chemical name, if any, for each such product. In column (4) he should show the ultimate product end-use such as tire cord, arctic tents, ships, and so forth, and DO rating, Government contract number, and specification number, if any.

SEC. 7. *Supplier's application on Form NPAF-46.* Every supplier of resorcinol is required to apply on Form NPAF-46 for authorization to deliver or to use any quantity of resorcinol. General instructions on the preparation of Form NPAF-46 are set forth in Appendix D of NPA Order M-45. Each supplier should specify in column (3) the grade as U. S. P., recrystallized or technical.

SEC. 8. *Communications.* All communications concerning this schedule shall be addressed to the National Production Authority, Washington 25, D. C., Ref.: M-45, Sched. 6.

NOTE: All reporting requirements of this schedule have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

This schedule shall take effect, except as otherwise provided herein, on May 11, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-5605; Filed, May 11, 1951; 11:27 a. m.]

Chapter XV—Federal Reserve System

[Regulation X]

REG. X—REAL ESTATE CREDIT

REGISTRATION

Effective May 11, 1951, paragraph (b) of section 3 of Regulation X is amended to read as follows:

(b) *Registration.* Every person engaged in the business of extending real estate credit with respect to residences residential property, multi-unit residential property or non-residential property shall be deemed to be registered pursuant to this regulation until such time as the Board, by public announcement [1a] may require registration statements to be filed by all, or any specified classes of, such persons. Should the Board require such registration statements, a person shall continue to be registered after the time such statements are required only if he shall have complied with the requirements of the Board's announcement. Every person who is registered in accordance with the provisions of this paragraph is referred to in this regulation as a "Registrant."

2. (a) The above amendment is issued by the Board of Governors of the Federal Reserve System with the concurrence of the Housing and Home Finance Administrator, under authority of the "Defense Production Act of 1950", approved September 8, 1950, and Executive Order No. 10161, dated September 9, 1950.

The purpose of this amendment is to provide for the registration by June 30, 1951, of all persons engaged on May 31, 1951, in the business described in paragraph (b) of section 3 of Regulation X, and for the registration within 30 days of all persons who become so engaged after May 31, 1951.

(b) Section 709 of the Defense Production Act of 1950 provides that the functions exercised under such act shall be excluded from the operations of the Administrative Procedure Act (60 Stat 237) except as to the requirements of section 3 thereof.

In amending this regulation and in accordance with the requirements of the aforesaid section 709, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

(Sec. 704, Pub. Law 774, 81st Cong. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp. Interprets or applies sec. 6.2, Pub. Law 774, 81st Cong.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-5464; Filed, May 11, 1951; 8:45 a. m.]

[1a] Pursuant to public announcement made by the Board on May 11, 1951, all persons engaged in the business described above on May 31, 1951, must register with the nearest Federal Reserve Bank or Branch not later than June 30, 1951, on Form F. R. 269, which may be obtained at any such Bank or Branch. All persons who thereafter become so engaged in business must register within 30 days.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 51]

U. S. STANDARDS FOR SWEETPOTATOES FOR CANNING

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Sweetpotatoes for Canning under the authority contained in the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Deputy Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m. e. s. t. on the thirtieth (30) day after the publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.372 *Standards for sweetpotatoes for canning*—(a) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 consists of sweetpotatoes of similar type which are firm, fairly well shaped, free from soft rot, black rot, cull material, freezing injury, scald, cork or other internal discoloration, and free from damage caused by dry rot other than black rot, other diseases, bruises, cuts, growth cracks, pithiness, wireworm, weevil, other insects, stringiness, sunburn, mechanical or other means.

(i) Unless otherwise specified, each sweetpotato shall be not more than 5 inches in length, or more than 2 inches in diameter or less than 1½ inches in diameter. (See Tolerances, paragraph (c) of this section.)

(2) *U. S. No. 2.* U. S. No. 2 consists of sweetpotatoes of similar type which are firm, not badly misshapen, free from soft rot, black rot, cull material, freezing injury, scald, and free from serious damage caused by dry rot other than black rot, other diseases, bruises, cuts, cork or other internal discoloration, growth cracks, pithiness, wireworm, weevil, other insects, stringiness, sunburn, mechanical or other means.

(i) Unless otherwise specified, each sweetpotato shall be not more than 9 inches in length, or more than 2¼ inches in diameter or less than 1¼ inches in diameter. (See Tolerances, paragraph (c) of this section.)

(b) *Culls.* Culls consists of sweetpotatoes which fail to meet the requirements of either U. S. No. 1 or U. S. No. 2 grades.

(c) *Tolerances.* In the application of these standards, it is assumed that in most instances sellers will not sort their sweetpotatoes into separate lots of U. S. No. 1 and U. S. No. 2 grades before delivery to the buyer. In such cases there is no need for tolerances. If the contract between the buyer and seller calls for the delivery of lots containing only one grade, such as U. S. No. 1 or U. S. No. 2, or a combination of U. S. No. 1 and U. S. No. 2 grades, then unless otherwise specified, a tolerance of 10 percent, by weight, shall be allowed for sweetpotatoes which fail to meet the requirements of the grade, other than for size and cull material: *Provided*, That, not more than one-fifth of this amount, or 2 percent, shall be allowed for sweet potatoes affected by soft rot or black rot. In addition, not more than 2 percent, by weight, shall be allowed for cull material. An additional tolerance of 10 percent, by weight, shall be allowed for sweetpotatoes which fail to meet the specified size requirements: *Provided*, That, not more than one-half of this amount, or 5 percent, shall be allowed for sweetpotatoes below the specified minimum diameter.

(d) *Definitions.* (1) "Similar type" means that the sweetpotatoes have the same type of flesh and that the flesh of the sweetpotatoes does not show material variation in color. For example, dry type shall not be mixed with moist type and white fleshed varieties shall not be mixed with yellow- or orange-fleshed varieties.

(2) "Firm" means that the sweetpotato is not soft, flabby or excessively shriveled.

(3) "Fairly well shaped" means that the sweetpotato is not materially curved, crooked, constricted, grooved, flattened, or otherwise materially misshapen for canning purposes.

(4) "Cull material" means pieces of sweetpotatoes, vines, root crowns, sprouts, secondary rootlets, loose dirt, adhering caked dirt or other foreign matter. Sweetpotatoes with attached vines, strings, root crowns, sprouts, secondary rootlets, and adhering caked dirt shall not be scored against U. S. No. 1 or U. S. No. 2 grades, but such vines, root crowns, sprouts, secondary rootlets, and adhering caked dirt shall be removed from the sweetpotato and scored as cull material.

(5) "Damage" means any injury or defect which materially affects the edible or canning quality, or which cannot be removed in the ordinary process of trimming without a loss of more than 5 percent of the total weight of the sweetpotato, including peel covering the defective area.

(6) "Badly misshapen" means that the sweetpotato is so curved, crooked, grooved, constricted, flattened, or otherwise misshapen to the extent that the canning quality is seriously affected.

(7) "Serious damage" means any injury or defect which seriously affects the edible or canning quality, or which cannot be removed in the ordinary process of trimming without a loss of more than 10 percent of the total weight of the sweetpotato, including peel covering the defective area.

(8) "Diameter" means the greatest dimension of the sweetpotato measured at right angles to the longitudinal axis.

Done at Washington, D. C., this 9th day of May 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-5511; Filed, May 11, 1951; 8:49 a. m.]

[7 CFR, Part 51]

U. S. STANDARDS FOR SWEETPOTATOES FOR DICING OR PULPING

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Sweetpotatoes for Dicing or Pulping under the authority contained in the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Deputy Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m. e. s. t. on the thirtieth (30) day after the publication of this notice in the FEDERAL REGISTER.

The proposed amendments are as follows:

§ 51.373 *Standards for sweetpotatoes for dicing or pulping*—(a) *Grades* (1)—*U. S. No. 1.* U. S. No. 1 consists of sweetpotatoes of similar type which are firm, not badly misshapen, free from soft rot, black rot, cull material, freezing injury, scald, cork or other internal discoloration, and free from damage caused by dry rot other than black rot, other diseases, bruises, cuts, growth cracks, pithiness, wireworm, weevil, other insects, stringiness, sunburn, mechanical or other means. (See Size and Tolerances, paragraphs (c) and (d) of this section.)

(2) *U. S. No. 2.* U. S. No. 2 consists of sweetpotatoes of similar type which are firm, free from soft rot, black rot, cull material, freezing injury, and free from serious damage caused by dry rot other than black rot, other diseases, bruises, cuts, cork or other internal discoloration, growth cracks, pithiness, scald, wireworm, weevil, other insects, stringiness, sunburn, mechanical or other means. (See Size and Tolerances, paragraphs (c) and (d) of this section.)

(b) *Culls.* Culls consists of sweetpotatoes which fail to meet the require-

ments of either U. S. No. 1 or U. S. No. 2 grades.

(c) *Size.* The minimum or the minimum and maximum sizes for the foregoing grades may be specified by agreement between buyer and seller. Size shall be stated in terms of diameter.

(d) *Tolerances.* In the application of these standards, it is assumed that in most instances sellers will not sort their sweetpotatoes into separate lots of U. S. No. 1 and U. S. No. 2 grades before delivery to the buyer. In such cases there is no need for tolerances. If the contract between buyer and seller calls for the delivery of lots containing only one grade, such as U. S. No. 1 or U. S. No. 2, or a combination of U. S. No. 1 and U. S. No. 2 grades, then unless otherwise specified, a tolerance of 10 percent, by weight, shall be allowed for sweetpotatoes which fail to meet the requirements of the grade, other than for size and cull material: *Provided*, That, not more than one-fifth of this amount or 2 percent, shall be allowed for sweetpotatoes affected by soft rot or black rot. In addition, not more than 2 percent, by weight, shall be allowed for cull material. An additional tolerance of 15 percent, by weight, shall be allowed for sweetpotatoes which fail to meet the specified size requirements: *Provided*, That, not more than one-third of this amount, or 5 percent, shall be allowed for sweet potatoes below the specified minimum diameter.

(e) *Definitions.* (1) "Similar type" means that the sweetpotatoes have the same type of flesh and that the flesh of the sweetpotatoes does not show material variation in color. For example, dry type shall not be mixed with moist type and white-fleshed varieties shall not be mixed with yellow- or orange-fleshed varieties.

(2) "Firm" means that the sweetpotato is not soft, flabby or excessively shriveled.

(3) "Badly misshapen" means that the sweetpotato is so curved, crooked, grooved, constricted, flattened, or otherwise misshapen to the extent that the processing quality is materially affected.

(4) "Cull material" means pieces of sweetpotatoes, vines, root crowns, sprouts, secondary rootlets, loose dirt, adhering caked dirt or other foreign matter. Sweetpotatoes with attached vines, strings, root crowns, sprouts, secondary rootlets, and adhering caked dirt shall not be scored against U. S. No. 1 or U. S. No. 2 grades, but such vines, root crowns, sprouts, secondary rootlets, and adhering caked dirt shall be removed from the sweetpotato and scored as cull material.

(5) "Damage" means any injury or defect which materially affects the edible or processing quality, or which cannot be removed in the ordinary process of trimming without a loss of more than 10 percent of the total weight of the sweetpotato, including peel covering the defective area.

(6) "Serious damage" means any injury or defect which seriously affects the edible or processing quality, or which cannot be removed in the ordinary process of trimming without a loss of more than 25 percent of the total weight of the sweetpotato, including peel covering the defective area.

(7) "Diameter" means the greatest dimension of the sweetpotato measured at right angles to the longitudinal axis.

Done at Washington, D. C., this 9th day of May 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-5508; Filed, May 11, 1951; 8:49 a. m.]

[7 CFR, Part 51]

U. S. STANDARDS FOR APPLES; REVISION

NOTICE OF PROPOSED RULE MAKING

On August 2, 1950, a notice of proposed rule making was published in the FEDERAL REGISTER (15 F. R. 4950) regarding a proposed revision of the United States Standards for Apples. A period of thirty days was allowed for submitting written data, views and arguments for consideration in connection with the proposed standards. During this time representatives throughout most of the eastern apple producing regions requested an extension of time for consideration of the proposed standards. This request was granted and the time was extended until March 31, 1951, for submitting written data, views and arguments regarding the proposed standards (15 F. R. 6257). In view of the comments and suggestions received from apple industry representatives, a new revision of the United States Standards for Apples is hereby proposed, under the authority contained in the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950) to supersede United States Standards for Apples (S. R. A.-P. M. A. 154) issued October 1937 and reissued October 1947. The standards are proposed to become effective during July of 1951.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Deputy Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the thirtieth (30) day after publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.104 *Standards for apples*—(a) *Grades*—(1) *U. S. Extra Fancy.* U. S. Extra Fancy consists of apples of one variety which are mature, but not overripe, carefully hand-picked, clean, well formed; free from decay, internal browning, internal breakdown, scald, scab, bitter pit, Jonathan spot, freezing injury, broken skins and bruises (except those that are slight and incident to proper handling and packing), and visible water core. The apples shall also be free from injury caused by russeting, sunburn or spray burn, limb rubs, hail, drought spots, scars, stem or calyx cracks, other diseases, insects, or mechanical or other means. Each apple of this grade shall have the amount of color specified hereinafter for the variety. (See Color Requirements, subparagraph (9) of this paragraph. Tolerances, paragraph (c) of this section, and Condition after Storage or Transit, paragraph (f) of this section.)

(2) *U. S. Fancy.* U. S. Fancy consists of apples of one variety which are mature but not overripe, carefully handpicked, clean, fairly well formed; free from decay, internal browning, internal breakdown, bitter pit, Jonathan spot, scald, freezing injury, broken skins and bruises (except those incident to proper handling and packing), and visible water core. The apples shall also be free from damage caused by russeting, sunburn or spray burn, limb rubs, hail, drought spots, scars, stem or calyx cracks, other diseases, insects, or mechanical or other means. Each apple of this grade shall have the amount of color specified hereinafter for the variety. (See Color Requirements, subparagraph (9) of this paragraph. Tolerances, paragraph (c) of this section, and Condition after Storage or Transit, paragraph (f) of this section.)

(3) *U. S. No. 1.* The requirements for this grade are the same as U. S. Fancy except for color and russeting. In this grade less color is required for all varieties except yellow and green varieties, for which the requirements for both grades are the same. Apples of this grade shall be free from excessive damage caused by russeting which means that they shall meet the russeting requirements for U. S. Fancy as defined under the definitions of "damage by russeting": *Provided*, That, the aggregate area of an apple which may be covered by smooth net-like russeting shall not exceed 25 percent: *And further provided*, That, the aggregate area of an apple which may be covered by smooth solid russeting shall not exceed 10 percent. (See Color Requirements, subparagraph (9) of this paragraph, Tolerances, paragraph (c) of this section, and Condition after Storage or Transit, paragraph (f) of this section.)

(4) *U. S. No. 1 Cookers.* U. S. No. 1 Cookers consists of apples of one variety which meet the requirements of U. S. No. 1 grade except as to color. This grade is provided for apples which are mature but which may not have sufficient color to meet the specifications of U. S. No. 1. (See Tolerances, paragraph (c) of this section, and Condition after Storage or Transit, paragraph (f) of this section.)

(5) *U. S. No. 1 Early.* U. S. No. 1 Early consists of apples of one variety which meet the requirements of U. S. No. 1 grade except as to color, maturity and size. Apples of this grade have no color requirements, need not be mature and shall be not less than 2 inches in diameter. This grade is provided for varieties such as Duchess, Gravenstein, Red June, Twenty Ounce, Wealthy, Williams, Yellow Transparent, and Lodi, or other varieties which are normally marketed during the summer months. (See Tolerances, paragraph (c) of this section, and Condition after Storage or Transit, paragraph (f) of this section.)

(6) *U. S. Utility.* U. S. Utility consists of apples of one variety which are mature but not overripe, carefully handpicked, not seriously deformed; free from decay, internal browning, internal breakdown, scald and freezing injury. The apples shall also be free from serious damage caused by dirt or other foreign matter, broken skins, bruises, russeting, sunburn, spray burn, limb rubs, hail, drought spots, scars, stem or calyx cracks, visible water core, other diseases, insects, or mechanical or other means. (See Tolerances, paragraph (c) of this section, and Condition after Storage or Transit, paragraph (f) of this section.)

(7) *Combination grades.* Combinations of the above grades can be used as follows:

Combination U. S. Extra Fancy and U. S. Fancy.
Combination U. S. Fancy and U. S. No. 1.
Combination U. S. No. 1 and U. S. Utility.

(i) Combinations other than these are not permitted in connection with the United States apple grades. When Combination U. S. Extra Fancy and U. S. Fancy is packed, at least 25 percent of the apples in any lot shall meet the requirements of the higher grade in the combination. When Combination U. S. Fancy and U. S. No. 1 or Combination U. S. No. 1 and U. S. Utility are packed, at least 50 percent of the apples in any lot shall meet the requirements of the higher grade in the combination. (See Color Requirements, subparagraph (9) of this paragraph, Tolerances, paragraph (c) of this section, and Condition after Storage or Transit, paragraph (f) of this section.)

(8) *U. S. Hail grade.* U. S. Hail grade consists of apples which meet the requirements of U. S. No. 1 grade except that hail marks where the skin has not been broken and well healed hail marks where the skin has been broken shall be permitted, provided the apples are fairly well formed. (See Color Requirements, subparagraph (9) of this paragraph, Tolerances, paragraph (c) of this section, and Conditions after Storage or Transit, paragraph (f) of this section.)

(9) *Color requirements.* In addition to the requirements specified for the above grades, apples of these grades shall have the percentage of color specified for the variety in Table I appearing in this subparagraph. For the solid red varieties the percentage stated refers to the area of the surface which must be covered with a good shade of solid red characteristic of the variety: *Provided*, That, an apple having color of a lighter shade of solid red or striped red than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade. For the striped red varieties the percentage stated refers to the area of the surface in which the stripes of good shade of red characteristic of the variety shall predominate over stripes of lighter red, green, or yellow. However, an apple having color of a lighter shade than that considered as a good shade of red characteristic of the variety may be admitted to a grade: *Provided*, That, it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of stripes of a good red characteristic of the variety required for the grade. Faded brown stripes shall not be considered as color except in the case of the Gray Baldwin variety.

TABLE I—COLOR REQUIREMENTS FOR SPECIFIED U. S. GRADES OF APPLES, BY VARIETIES

Variety	U. S. Extra Fancy	U. S. Fancy	U. S. No. 1
	Percent	*Percent*	*Percent*
Solid Red:			
Black Ben	75	50	25
Gano	75	50	25
Wilsonap	75	50	25
Other similar varieties[1]	75	50	25
Red Sport varieties[2]	75	50	25
Striped or partially red:			
Cortland	66	33	25
Jonathan	66	33	25
McIntosh	66	33	25
Other similar varieties[3]	66	33	25
Baldwin	50	25	15
Ben Davis	50	25	15
Delicious	50	25	15
Mammoth Black Twig	50	25	15
Northern Spy	50	25	15
Rome Beauty	50	25	15
Stayman	50	25	15
Tuffey	50	25	15
Waxen[4]	50	25	15
Wealthy	50	25	15
Willow Twig	50	25	15
York Imperial	50	25	15
Other similar varieties[5]	50	25	15
Hubbardston	50	15	10
Stark	50	15	10
Other similar varieties	50	15	10
Red Jonee	50	15	(6)
Williams	50	15	(6)
Other similar varieties	50	15	(6)
Gravenstein	25	10	(6)
Other similar varieties[8]	25	10	(6)
Red blushed or blushed:			
Maiden Blush	(7)	(8)	(9)
Twenty Ounce	(7)	(8)	(9)
Winter Banana	(7)	(8)	(9)
Other similar varieties	(7)	(8)	(9)
Yellow varieties	(7)	(8)	(9)
Green varieties	(7)	(8)	(9)
Golden Delicious	(7)	(8)	(9)

[1] Arkansas Black, Beacon, Detroit Red, Esopus Spitzenburg, King David, Lowry, Minjon.
[2] Which Red Sport varieties are specified as such they shall meet the color requirements specified for Red Sport varieties.
[3] Haralson, Kendall, Macoun, Melba, Snow (Fameuse).
[4] Bonum, Early McIntosh, Limbertwig, Milton, Nero, Paragon.
[5] Tinge of color.
[6] Duchess, Red Astrachan, Smokehouse, Summer Rambo.
[7] Blush check.
[8] None.
[9] Characteristic ground color.
[10] 75 percent characteristic color. NOTE "Characteristic color", when the white ground the fruit is predominates over the green color, creating a mottling effect on the surface of the apple, it shall be considered as the minimum characteristic color.

(b) *Unclassified.* Unclassified consists of apples which are not graded in conformity with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent of the apples in any lot may fail to meet the requirements of the grade: *Provided*, That, not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged by insects and including not more than 1 percent for apples affected by decay or internal breakdown or both.

(1) When applying the foregoing tolerances to Combination U. S. Extra Fancy and U. S. Fancy grade, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 25 percent of apples of the higher grade required in the combination, but individual containers shall have not less than 15 percent of the higher grade.

(2) When applying the foregoing tolerances to Combination U. S. Fancy and U. S. No. 1 grade and to Combination U. S. No. 1 and U. S. Utility grade, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 50 percent of apples of the higher grade required in the combination, but individual containers shall have not less than 40 percent of the higher grade.

(d) *Application of tolerances to individual packages.* The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided (as in the case of size, where a tolerance of 15 percent is provided) individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That, not more than one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

(e) *Basis of calculating percentages.* (1) When the numerical count is marked on the container, percentages shall be calculated on the basis of count.

(2) When the minimum diameter or minimum and maximum diameters are marked on the container, percentages shall be calculated on the basis of weight.

(3) When the apples are in bulk, percentages shall be calculated on the basis of weight.

(f) *Condition after storage or transit.* Decay, scald, or any other deterioration which may have developed on apples after they have been in storage or transit shall be considered as affecting condition and not the grade.

(g) *Size requirements.* (1) The numerical count or the minimum diameter of the apples packed in a closed container shall be indicated on the container.

(2) When the numerical count is marked on the container the minimum size of the largest apple shall be not

more than one-fourth inch larger than the minimum size of the smallest apple.

(3) When the numerical count is not shown the minimum diameter shall be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as 2½ inches minimum, 2¼ inches minimum, or 2⅝ inches minimum, in accordance with the facts. It is suggested that both minimum and maximum diameters be marked on the container, as 2¼ to 2¾ inches, or 2½ to 2¾ inches, as such marking is especially desirable for apples marketed in the export trade.

(4) The measurement for minimum size shall be the largest diameter of the apple taken at right angles to a line from the stem end to the blossom end. The measurement for maximum size shall be the smallest dimension of the apple determined by passing the apple through a round opening.

(5) In order to allow for variations incident to proper sizing, not more than 5 percent of the apples in any lot may not meet the size requirements: *Provided*, That, when the maximum and minimum sizes are both stated, an additional 10 percent tolerance shall be allowed for apples which are larger than the maximum size stated.

(h) *Packing requirements.* (1) Each package shall be packed so that the apples on the shown face shall be reasonably representative in size, color and quality of the contents of the package.

(2) Boxes: (i) Apples packed in the standard northwestern apple boxes shall be arranged in the containers according to the approved and recognized methods with the stems pointing toward the ends of the boxes, except when jumbled. All packages shall be well filled but not to the extent as to cause excessive or unnecessary bruising to the apples because of overfilled packages. Apples packed in the standard northwestern apple boxes shall be tightly packed with sufficient bulge to prevent any appreciable movement of the apples within the containers when lidded. Each wrapped apple shall be completely enclosed by its individual wrapper.

(ii) Apples packed in other type boxes, such as nailed wooden boxes, wire-bound boxes, and fibreboard boxes, may be place packed, jumble packed faced, or jumbled packed, and all packs shall be well filled.

(iii) Apples packed in boxes equipped with cell compartments or molded trays shall be of the proper size for the cells or the molds in which they are packed.

(iv) Apples packed in consumer unit cartons and packed into shipping containers shall completely fill the shipping container.

(3) Baskets: Apples packed in U. S. standard bushel baskets, one-half bushel baskets and five-eighths bushel baskets may be ring faced and shall be tightly packed with sufficient bulge to prevent any appreciable movement of the apples within the containers when lidded.

(4) Barrels: Apples packed in barrels shall be tightly packed.

(5) In order to allow for variations incident to proper packing, not more than 5 percent of the containers in any lot may not meet these requirements.

(i) *Suggestions for marking containers.* (1) In order to conserve space, abbreviations may be used for marking United States grade names on containers. The following abbreviations are suggested where it is not desired to use the full grade name:

(i) U. S. Ex. Fcy. for U. S. Extra Fancy.
(ii) U. S. Fcy. for U. S. Fancy.
(iii) U. S. No. 1 for U. S. No. 1.
(iv) U. S. Util. for U. S. Utility.
(v) Combination grades may be designated by abbreviations of the grades preceded by the abbreviation "Comb.", as "Comb. U. S. Fcy.-U. S. No. 1".

(j) *Standards for export, as applied to condition factors:* (1) The apples in any lot shall be generally tightly packed when in barrels or baskets, and generally fairly tightly or tightly packed, when in boxes.

(2) Not more than 5 percent of the apples in any lot shall be further advanced in maturity than firm ripe.

(3) Not more than 5 percent of the apples in any lot shall be damaged by storage scab.

(4) Not more than a total of 5 percent of the apples in any lot shall be damaged by bitter pit, Jonathan spot, scald, internal breakdown, water core, freezing, decay, or other such condition factors: *Provided*, That,

(i) Not more than 2 percent shall be allowed for apples affected by decay;

(ii) Not more than 2 percent shall be allowed for damage by internal breakdown;

(iii) Not more than 2 percent of slight scald shall be permitted for apples properly packed in oiled paper or which have been especially treated with oil to prevent scald; otherwise, the apples must be free from scald.

(5) Any lot of apples shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided*, That, no sample from the containers in any lot is found to exceed double the percentages specified.

(k) *Definitions.* (1) "Mature" means that the apples have reached the stage of growth which will insure the proper completion of the ripening process. Before a mature apple becomes overripe it will show varying degrees of firmness, depending upon the stage of the ripening process. The following terms are used for describing these different stages of firmness of apples:

(i) "Hard" means apples with a tenacious flesh and starchy flavor. Apples at this stage are suitable for storage and long-distance shipment.

(ii) "Firm" means apples with a tenacious flesh but which are becoming crisp with a slight starchy flavor, except the Delicious variety. Apples at this stage are also suitable for storage and long-distance shipment.

(iii) "Firm ripe" means apples with crisp flesh except that the flesh of the apples of the Gano, Ben Davis, and Rome Beauty varieties may be slightly mealy. Apples at this stage may be shipped long distances but should be moved into consumption within a short period of time.

(iv) "Ripe" means apples with mealy flesh and soon to become soft for the variety. Apples at this stage should be moved immediately into consumption.

(2) "Overripe" means apples which are dead ripe, with flesh very mealy or soft, and past commercial utility.

(3) "Carefully hand-picked" means that the apples do not show evidence of rough handling or of having been on the ground.

(4) "Clean" means that the apples are free from excessive dirt, dust, spray residue and other foreign material.

(5) "Well formed" means that the apple has the normal shape characteristic of the variety, except that the shape may be slightly irregular, provided, it does not detract from the general appearance of the apple.

(6) "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the apples.

(i) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface, shall not be considered in determining whether or not an apple is injured by russeting, except that rough or bark-like russeting in the stem cavity or calyx basin shall be considered as injury when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem cavity or calyx basin, shall be considered as injury:

(*a*) Smooth net-like russeting when an aggregate area of more than 5 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.

(*b*) Smooth, solid russeting which covers an aggregate area of more than one-half inch in diameter, and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.[1]

(*c*) Slightly rough russeting which covers an aggregate area of more than one-fourth inch in diameter.

(*d*) Rough russeting, unless it is well within the stem cavity or calyx basin and is not readily apparent.

(ii) Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(*a*) Sunburn or spray burn, when the discolored area does not blend into the normal color of the fruit.

(*b*) Dark brown or black limb rubs which affect a total area of more than one-eighth inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of injury by russeting.

[1] The area refers to that of a circle of the specified diameter.

(*c*) Hail marks, drought spots or other similar depressions or scars where there is appreciable discoloration other than russetting, or when the indentations are not superficial, or when an individual indentation exceeds one-eighth inch in diameter, or the total affected area exceeds one-fourth inch in diameter.[1]

(*d*) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed a length of one-eighth inch.

(*e*) Diseases: (*1*) Cedar rust infection which affects a total area of more than one-eighth inch in diameter.[1]

(2) Sooty blotch or fly speck which is thinly scattered over more than 5 percent of the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter.[1]

(3) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter.[1]

(*f*) Insects: (*1*) Any healed sting or healed stings which affect a total area of more than one-eighth inch in diameter including any encircling discolored rings.[1]

(2) Worm holes.

(7) "Fairly well formed" means that the apple may be slightly abnormal in shape but not to an extent which detracts materially from its appearance.

(8) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the apples.

(i) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface shall not be considered in determining whether or not an apple is damaged by russeting, except that excessively rough or bark-like russeting in the stem cavity or calyx basin shall be considered as damage when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem cavity or calyx basin, shall be considered as damage:

(*a*) Russeting which is excessively rough on Roxbury Russet and other similar varieties.

(*b*) Smooth net-like russeting, when an aggregate area of more than 15 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted.

(*c*) Smooth solid russeting, when an aggregate area of more than 5 percent of the surface is covered, and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.

[1] The area refers to that of a circle of the specified diameter.

(*d*) Slightly rough russeting which covers an aggregate area of more than one-half inch in diameter.[1]

(*e*) Rough russeting which exceeds one-fourth inch in diameter, unless it is well within the stem cavity or calyx basin and is not readily apparent.[1]

(ii) Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(*a*) Sunburn or spray burn which has caused blistering or cracking of the skin, or when the discolored area does not blend into the normal color of the fruit unless the injury can be classed as russeting.

(*b*) Limb rubs which affect a total area of more than one-half inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of damage by russeting.[1]

(*c*) Hail marks, drought spots, or other similar depressions or scars which are not superficial, or when such injury affects a total area of more than one-half inch in diameter.[1]

(*d*) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-fourth inch.

(*e*) Diseases: (*1*) Scab spots which affect a total area of more than one-fourth inch in diameter.[1]

(2) Cedar rust infection which affects a total area of more than one-fourth inch in diameter.[1]

(3) Sooty blotch or fly speck which is thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.[1]

(4) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.[1]

(*f*) Insects: (*1*) Any healed sting or healed stings which affect a total area of more than three-sixteenths inch in diameter including any encircling discolored rings.[1]

(2) Worm holes.

(9) "Seriously deformed" means that the apple is so badly misshapen that its appearance is seriously affected.

(10) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the apples.

(i) The following types and amounts of russeting shall be considered as serious damage:

(*a*) Smooth solid russeting, when more than one-half of the surface in the aggregate is covered, including any russeting in the stem cavity or calyx basin or slightly rough, or excessively rough or bark-like russeting which detracts from the appearance of the fruit to a greater extent than the amount of smooth solid russeting permitted: *Provided*, That, any amount of russeting shall be permitted on Roxbury Russet and other similar varieties.

(ii) Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(*a*) Sunburn or spray burn which seriously detracts from the appearance of the fruit.

(*b*) Limb rubs which affect more than one-tenth of the surface in the aggregate.

(*c*) Hail marks, drought spots, or scars, if they materially deform or disfigure the fruit, or if such defects affect more than one-tenth of the surface in the aggregate: *Provided*, That, no hail marks which are unhealed shall be permitted and not more than an aggregate area of one-half inch shall be allowed for well-healed hail marks where the skin has been broken.[1]

(*d*) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-half inch.

(*e*) Visible water core which affects an area of more than one-half inch in diameter.[1]

(*f*) Diseases: (*1*) Scab spots which affect a total area of more than three-fourths inch in diameter.[1]

(2) Cedar rust infection which affects a total area of more than three-fourths inch in diameter.[1]

(3) Sooty blotch or fly spech which affects more than one-third of the surface.

(4) Red skin spots which affect more than one-third of the surface.

(5) Bitter pit and Jonathan spot which is thinly scattered over more than one-tenth of the surface and does not materially deform or disfigure the fruit.

(*g*) Insects: (*1*) Healed stings which affect a total area of more than one-fourth inch in diameter including any encircling discolored rings.[1]

(2) Worm holes.

Done at Washington, D. C., this 9th day of May 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-5509; Filed, May 11, 1951; 8:49 a. m.]

[7 CFR, Parts 723, 727]

CIGAR-FILLER TOBACCO, CIGAR-FILLER AND BINDER TOBACCO, AND MARYLAND TOBACCO

NOTICE OF FORMULATION OF REGULATIONS RELATING TO ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR THE 1952–53 MARKETING YEAR

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1312, 1313), the Secretary of Agriculture is preparing to formulate regulations governing the establishment of farm acreage allotments and normal yields for the 1952 crops of cigar-filler (type 41) tobacco and Maryland (type 32) tobacco if marketing quotas are in effect during the 1952–53 marketing year for either one or both of such kinds of tobacco.

The applicability of the regulations to be issued for either of such kinds of tobacco will be contingent upon the proclamation of a national marketing quota for such kind of tobacco pursuant to section 312 of the act (7 U. S. C. 1312), and upon approval of quotas by growers voting in a referendum.

It is contemplated that the regulations for these two kinds of tobacco will be substantially the same as those issued with respect to the 1951 crops (15 F. R. 7203 and 15 F. R. 7433). It is proposed that paragraphs (d) of §§ 723.223 and 727.224 of the regulations for the 1951–52 marketing year be omitted from the regulations for the 1952–53 marketing year. Such paragraphs provide that a farm is not eligible for a "new" farm allotment if it has an allotment for any other kind of tobacco. In the case of Maryland tobacco, it is proposed that § 727.317 (b) will read "90 percent of the average acreage of tobacco harvested on the farm in the three years 1949–51." Section 727.217 (b) of the regulations for the 1951–52 marketing year provided for 80 percent of the average acreage of tobacco harvested on the farm in the three prior years.

Prior to the final adoption and issuance of the regulations, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 9th day of May 1951.

[SEAL] G. F. GEISSLER,
Administrator.

[F. R. Doc. 51-5487; Filed, May 11, 1951; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 545]

HOMEWORKERS IN THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to authority under the Fair Labor Standards Act of 1938, as amended, the Administrator of the Wage and Hour Division, United States Department of Labor, intends to revise the regulations relating to homeworkers in the needlework industries in Puerto Rico (29 CFR Part 545), as hereinafter set forth, effective June 4, 1951. The regulations are being revised in order to clarify various provisions and to make them conform with administrative experience. In addition, the schedule of minimum piece rates contained in the regulations is being revised pursuant to section 6 (a) (2) of the act, in order to provide rates for operations not hitherto included in the schedule, and to make the rates for operations now included therein commensurate with the new minimum hourly rates fixed for the Needlework and Fabricated Textile Products Industry in Puerto Rico by the wage order for those industries (29 CFR Part 655) published in the FEDERAL REGISTER on May 5, 1951 (16 F. R. 4101) and to become effective June 4, 1951.

The Administrator intends to revise the schedule of minimum piece rates presently contained in § 545.14 in the following manner:

1. Increase the minimum piece rates for operations Nos. 1 to 91 inclusive by 16.67 percent.

2. For operations Nos. 93 to 97 inclusive, increase the minimum piece rates in Columns 1, 2, and 3 by 25 percent; increase the rates in Column 4 by 25.93 percent, in Column 5 by 45.83 percent, and in Column 6 by 29.17 percent.

3. Increase the minimum piece rates for operations Nos. 99 to 166, inclusive, and 170 to 186 inclusive by 16.67 percent.

4. For operations Nos. 188 to 198 inclusive, increase the minimum piece rates shown for Ladies' woven or knitted fabric gloves by 16.67 percent; increase the rates shown for leather gloves 13.64 percent.

5. Increase the minimum piece rates for operations Nos. 200 to 205 inclusive by 16.67 percent.

6. Increase the rates for operations Nos. 207 and 208 by 40 percent.

7. Delete the rates for operations Nos. 167 to 169, inclusive, and add the following minimum piece rates to the schedule contained in § 545.14:

Operation	Piece rate (cents) (based on hourly rate of 17½ cents)		Unit of payment
	Cambric	Crash	
Thread drawing:			
Art linens, first thread, not coming out at edge:			
Stamped, 1" to 10"	1.25		Per dozen threads.
Not stamped, 1" to 10"	1.56	0.93	Do.
Art linens, unstamped, first thread, all round, not coming out at edge:			
Doilies: 12" x 18"	6.99	4.69	Per dozen pieces.
Napkins:			
12" x 12"	5.59	4.74	Do.
15" x 15"	6.99	5.69	Do.
18" x 18"	8.39	6.57	Do.
Scarfs:			
17" x 36"	12.35	8.85	Do.
17" x 45"	14.45	9.68	Do.
17" x 54"	16.55	11.08	Do.
Squares:			
36" x 36"	16.70	11.19	Do.
45" x 45"	20.98	13.21	Do.
54" x 54"	25.18	15.39	Do.
Art linens, unstamped, first thread at one end, coming out at both edges:			
Towels:			
9" x 15"		.88	Do.
15" x 24"		1.28	Do.
18" x 36"		1.47	Do.

All thread drawing operations, after first thread: For second and third threads 20 percent of the rate for first thread; for additional threads, 15 percent of rate for first thread.

The Administrator intends to revise §§ 545.1 to 545.13 to read as follows:

Sec.
545.1 Applicability.
545.2 Definitions.
545.3 Filing and notification requirements.
545.4 Preparation of goods for delivery.
545.5 Delivery and collection of goods.
545.6 Payment for work.
545.7 Records to be kept.
545.8 Maintenance of records.
545.9 Reporting names of subcontractors, agents, or other homework distributors.
545.10 Minimum piece rates prescribed by the Administrator.
545.11 Piece rates adopted by employers.
545.12 Penalties.
545.13 Petition for amendment of regulations.
545.14 Piece rates established in accordance with § 545.10.

AUTHORITY: §§ 545.1 to 545.14, inclusive, issued under sec. 3 (f), 54 Stat. 616, as amended, sec. 11, 52 Stat. 1066; 29 U. S. C. 206, 211.

§ 545.1 *Applicability.* The provisions of this part shall apply to persons engaged in activities relating to homeworkers in the needlework and fabricated textile products industry in Puerto Rico as defined in Part 655 of this chapter.[1]

§ 545.2 *Definitions.* (a) The meaning of the terms "person," "employ," employer," "employee," "goods," and "production" as used in this part is the same as in the Fair Labor Standards Act of 1938, as amended.

(b) "Homeworker," as used in this part, means any employee employed or suffered or permitted to perform home work for an employer: *Provided*, That such work is not performed under either actively or personally regulated or supervised conditions.

(c) "Home work," as used in this part, means the production by any person in or about a home, apartment, tenement, or room in a residential establishment, of goods for an employer who suffers or permits such production, regardless of the source (whether obtained from an employer or elsewhere) of the materials used by the homeworker in such production.

[1] Persons engaged in activities relating to homeworkers in other industries in Puerto Rico are subject to Part 681 of this chapter.

(d) "Subcontractor" includes any person who, for the account or benefit of an employer, delivers, or causes to be delivered, to a homeworker goods to be produced in or about a home and thereafter to be returned in accordance with the direction of such employer.

(e) "Design" includes a combination of two or more stitches or operations so sewn as to form a pattern.

(f) "Operation" means any work or any process other than the distribution of goods to or collection of goods from homeworkers.

§ 545.3 *Filing and notification requirements.* Every employer prior to the distribution of work to any homeworker or prior to the commencement of work by a homeworker, in cases where the homeworker purchases the raw materials, shall file with the Wage and Hour Division in Puerto Rico (a) a copy of each design, if any, and (b) a description in writing of each operation to be performed by any homeworker, whether or not part of a design, together with the full piece rate schedule designation, if any,[2] the corresponding piece rates to be paid for each such operation, and the style numbers, if any, of the goods upon which such designs are to be made and operations are to be performed.

§ 545.4 *Preparation of goods for delivery.* Where goods for production in a home are distributed to the homeworker by the employer, the employer shall make up the goods to be delivered to a subcontractor into a lot, each lot to comprise goods on which the same operations are to be performed.

§ 545.5 *Delivery and collection of goods.* Where goods for production in a home are distributed to the homeworker by the employer, the goods shall be personally distributed to and collected from the homeworker who is to work on the goods, either directly at the factory or by employees expressly employed by an employer or subcontractor to distribute and collect such goods outside the factory.

§ 545.6 *Payment for work.* When an employer receives goods on which work has been completed, he shall pay immediately the homeworker or subcontractor, as the case may be, for such work: *Provided*, That in cases where payment is made to a subcontractor, the homeworker shall be paid within seven days after such subcontractor has collected the goods from such homeworker. Payment shall be made to each homeworker at rates not less than those required under §§ 545.10 and 545.11, and in accordance with the requirements of sections 6 and 7 of the act. In addition, any costs for materials incurred by the homeworker shall be reimbursed by the employer.

§ 545.7 *Records to be kept.* (a) Every employer shall make and have available at his principal Puerto Rican office a record of the following information:[3]

(1) The name and address of each firm situated outside the Island of Puerto Rico, if any, from whom the goods upon which homework is to be, performed were received.

(2) The name and address of each subcontractor, if any, to whom each lot of goods was delivered for delivery to homeworkers, together with the number of the permit issued to such subcontractor by the Department of Labor of Puerto Rico.

(3) The dates upon which each lot of goods was delivered to and returned by a subcontractor, if any, together with a description of such goods, the net amount paid as commission and the rate of commission on such goods.

(4) The name and address of each homeworker, and the date of birth of each homeworker under 19, to whom the goods in each lot were delivered or from whom goods were purchased.

(5) The dates upon which the goods in each lot were delivered to and collected from each homeworker or upon which goods were purchased from each homeworker.

(6) The style number, if any, description of, and amount of goods in each lot or the amount of goods purchased from each homeworker, the operations to be performed or performed thereon, together with the piece rates to be paid or paid, the amount due each homeworker for the operations performed upon such goods, social security deductions from that amount, the amount actually paid the homeworker after such deductions, and the additional amount, if any, paid the homeworker for any material costs incurred by the latter.

(7) The dates upon which each homeworker was paid for operations performed on the goods in each lot or for goods purchased by the employer.

(b) At the time work is given out to or received or purchased from a homeworker, as the case may be, every employer[4] shall enter the following information in the handbook (to be obtained by the employer from the Wage and Hour Division and supplied by him to each homeworker) which shall be kept by the homeworker:

(1) The dates upon which the goods in each lot were delivered to and collected from the homeworker or upon which goods were purchased from the homeworker.

(2) The style number, if any, description of, and amount of goods in each lot or the amount of goods purchased from the homeworker, the operations to be performed or performed thereon, together with the piece rates to be paid or paid, the amount due each homeworker for the operations performed upon such goods, social security deductions from that amount, the amount actually paid the homeworker after such deductions, and the additional amount, if any, paid the homeworker for any material costs incurred by the latter.

(3) The dates upon which the homeworker was paid for operations performed on the goods in each lot or for goods purchased by the employer.

(4) The signature of the person acting in behalf of the employer.

(c) No employer shall employ any homeworker for more than 40 hours in any workweek unless, in addition to the records which he is required to keep pursuant to paragraphs (a) and (b) of this section, such employer makes and keeps available at his principal Puerto Rican office and enters in the handbook of each such homeworker a record of the following information:

(1) The hours worked by the homeworker on the goods in each lot of work delivered to the employer or on goods purchased by the employer.

(2) The total hours worked each week.

(3) The wages paid the homeworker each week at regular piece rates.

(4) The extra amount paid to the homeworker for hours worked in excess of 40 in each week.

§ 545.8 *Maintenance of records.* Every employer shall keep and preserve for a period of not less than three years at his place of business all records required above except the handbook, which shall be kept by the homeworker for a period of two years subsequent to the date of the last entry therein. All such records shall be open at any time to inspection and transcription by the Administrator or his authorized representative.

§ 545.9 *Reporting names of subcontractors, agents, or other homework distributors.* Every employer shall report to the office of the Wage and Hour Division, United States Department of Labor, Mayaguez, Puerto Rico, (a) the names and addresses of all persons employed as subcontractors, as that term is defined in this part, or as agents or supervisors in charge of any branch office, and (b) the permit numbers issued to such persons by the Department of Labor of Puerto Rico.

§ 545.10 *Minimum piece rates prescribed by the Administrator.* Pursuant to the provisions of section 6 (a) (2) of the act, each homeworker shall be paid,

[2] See § 545.14 for the schedule of piece rates prescribed in accordance with § 545.10. As an example of how to state the piece rate schedule designation, if "plain scallops" were to be made on articles in the "Infants' Wear Division," the full piece rate schedule designation would be "Operation 74, Col. 3."

[3] Although responsibility for making the record is placed upon the employer, the actual work of doing so may be performed by supervisory or clerical employees, agents, subcontractors, or other persons acting in behalf of the employer.

No particular order or form of records is prescribed by the regulations contained in this part. The employer may keep his own record system, so long as he keeps all the required information available in understandable form.

The records must be kept in the employer's principal Puerto Rican office. Where it is not possible for a record of one or more of the items to be made in the first instance at the employer's principal office, at the employer's direction the record of such items may be made away from that office by a subcontractor, agent, employee, or other person acting in behalf of the employer. In such event, however, the records shall be delivered to the principal Puerto Rican office of the employer as soon as possible after the making of such entries, and shall there be preserved and be available for inspection.

[4] Although responsibility for making the record is placed upon the employer, the actual work of doing so may be performed by supervisory or clerical employees, agents, subcontractors, or other persons acting in behalf of the employer.

in lieu of the applicable hourly rate established by the wage order for the needlework and fabricated textile products industry, not less than the piece rates prescribed in § 545.14 for the operations described therein.

§ 545.11 *Piece rates adopted by employers.* Pursuant to the provisions of section 6 (a) (2) of the act, in the event that a homeworker is to perform an operation for which no minimum piece rate has been prescribed by regulation or order of the Administrator or his authorized representative, he shall be paid a piece rate adopted by the employer which shall yield to homeworkers of ordinary skill, under prevalent operating conditions and with equipment ordinarily found in homes, an amount not less than the applicable minimum hourly wage rate established by wage order.[5] No employer shall adopt such a piece rate until he has first notified the Division of his intention to establish a rate for such operation, the rate fixed and the basis on which the piece rate has been computed. Such an employer piece rate shall be lawful only if it actually satisfies the requirements of this section, and such a rate shall remain in effect only until such time as the Administrator or his authorized representative, by regulation or order, establishes a minimum piece rate for such operation.

§ 545.12 *Penalties.* Section 15 of the act makes it unlawful for any person to violate the provisions of this part and subjects any such person to the penalties provided by section 16 and section 17 of the act.

§ 545.13 *Petition for amendment of regulations.* Any person wishing a revision of any of the terms of this part may submit in writing to the Administrator or his authorized representative a petition setting forth the changes desired and the reasons for proposing them. If, upon inspection of the petition, the Administrator or his authorized representative believes that reasonable cause for amendment of this part is set forth, the Administrator or his authorized representative will either schedule a hearing with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, either in support of or in opposition to the proposed changes.

Interested persons may submit data, views, or arguments with respect to the above proposed revisions within 15 days from the date of publication of this notice in the FEDERAL REGISTER. Such material should be addressed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington 25, D. C., and will be fully considered before the Administrator makes any of the proposed revisions effective.

Signed at Washington, D. C., this 10th day of May 1951.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator, Wage and Hour and Public Contracts Divisions, Department of Labor.

[F. R. Doc. 51-5586; Filed, May 11, 1951; 8:49 a. m.]

[5] See Part 655 of this chapter for the minimum hourly wage rates currently applicable for the various divisions and classifications of the needlework and fabricated textile products industry in Puerto Rico. The minimum hourly rates applicable to the manufacture of hooked rugs are provided in the wage order for the hooked rug industry in Puerto Rico (Part 684 of this chapter). Homeworkers in the hooked rug industry are governed by Part 681 of this chapter.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 50416]

MONTANA

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS RESTORED FROM THE MILK RIVER PROJECT

MAY 7, 1951.

An order of the Bureau of Reclamation dated December 21, 1948, concurred in by the Director, Bureau of Land Management, December 27, 1948, revoked the Departmental Orders of August 18 and 26, 1902, February 9, 1903, May 24, 1924, and April 30, 1928, so far as they withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following-described lands in connection with the Milk River Project, Montana, and provided that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other order withdrawing or reserving the lands described:

PRINCIPAL MERIDIAN

T. 32 N., R. 24 E.,
Sec. 32, lot 5.
T. 30 N., R. 30 E.,
Sec. 17, lot 5.
T. 30 N., R. 32 E.,
Sec. 15, $SW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$.
T. 31 N., R. 32 E.,
Sec. 13, $W\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$.

The areas described aggregate 380.20 acres.

The lands described in T. 30 N., R. 30 E., and Tps. 30 and 31 N., R. 32 E., are embraced in homestead entries either patented or approved for patent, and no other application for such lands will be allowed.

Lot 5, sec. 32, T. 32 N., R. 24 E., containing 20.30 acres, is suitable for agriculture.

No applications for this land may be allowed under the homestead, small tract, desert-land, or any other nonmineral public land laws, unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their

applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Billings, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Billings, Montana.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 51-5488; Filed, May 11, 1951; 8:46 a. m.]

Petroleum Administration for Defense

[Petroleum Administration for Defense Delegation 2]

ADMINISTRATOR, DEFENSE SOLID FUELS ADMINISTRATION

DELEGATION OF AUTHORITY WITH RESPECT TO PETROLEUM COKE

Pursuant to Executive Orders Nos. 10161, as amended, and 10200, Defense Production Administration Delegation No. 1, and Department of the Interior Order No. 2591, as amended, issued under the Defense Production Act of 1950, authority over the distribution of petroleum coke is hereby delegated to the Administrator, Defense Solid Fuels Administration, Department of the Interior.

The authority herein delegated shall be exercised in conformity with such production policies and programs as may be established by the Petroleum Administration for Defense, Department of the Interior.

The functions herein delegated may be redelegated within the Defense Solid Fuels Administration in the discretion of the Administrator.

This delegation shall take effect on May 14, 1951.

BRUCE K. BROWN,
Deputy Administrator.

[F. R. Doc. 51-5628; Filed, May 11, 1951; 12:17 p. m.]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

DEPUTY ADMINISTRATOR, ASSISTANT ADMINISTRATORS, AND DIRECTOR, PRODUCTION LOAN DIVISION

DELEGATIONS OF AUTHORITY WITH RESPECT TO CERTAIN POWERS, FUNCTIONS AND DUTIES

There is hereby delegated to the Deputy Administrator, Assistant Administrators, and the Director, Production Loan Division, Farmers Home Administration, subject to the general supervision of the Administrator, all authorities, powers, functions and duties vested in the Secretary of Agriculture pursuant to the authority contained in the item under the heading "Loans to Farmers, 1948-Flood Damage", in title I of Public Law 785, 80th Congress (62 Stat. 1038), in the item under the heading "Loans to Farmers, Property Damage", in title I of Public Law 71, 81st Congress (63 Stat. 81), and in Public Law 38, 81st Congress (63 Stat. 43), as amended by Public Law 665, 81st Congress, and delegated to the Administrator by orders of the Secretary of Agriculture dated June 17, 1949 (14 F. R. 3418), and April 12, 1951 (16 F. R. 3388). The authorities, powers, functions and duties delegated herein may not be redelegated.

The order of the Administrator of the Farmers Home Administration dated September 14, 1950 (15 F. R. 6645), is hereby revoked.

Done at Washington, D. C., this 7th day of May, 1951.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

[F. R. Doc. 51-5513; Filed, May 11, 1951; 8:49 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[DPA Request 9]

OMAHA INDUSTRIES, INC., ET AL.

REQUEST TO RESUME OPERATIONS AS A SMALL BUSINESS ENTERPRISE PRODUCTION POOL AND REQUESTS TO CERTAIN COMPANIES TO PARTICIPATE IN THE OPERATIONS OF SUCH POOL

Pursuant to section 708 of the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) the request to Omaha Industries, Inc. to resume operations as a small business enterprise production pool and the requests to the companies hereinafter listed to participate in the operations of such pool, set forth below, were approved by the Attorney General, after consultations between representatives of the Administrator of the Defense Production Administration, representatives of the Attorney General, and representatives of the Chairman of the Federal Trade Commission. The voluntary program, in accordance with which the pool shall operate, has been approved by the Administrator of the Defense Production Administration and found to be in the public interest as contributing to the national defense.

REQUEST TO OMAHA INDUSTRIES, INC.

You are requested to resume the operations of the Omaha Industries, Inc., a Nebraska non-profit corporation, as a small business enterprise production pool in accordance with the voluntary program as set forth in the papers attached to your letter addressed to the Pooling Section, Office of Small Business, Department of Commerce, dated March 31, 1951, and within the limits set forth therein.

In my opinion, the resumption of operations of your corporation will greatly assist in accomplishing our national defense objectives.

The Attorney General has approved this request after consultations with respect to this matter between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950 (Public Law 774—81st Congress).

I approve the voluntary program and find it to be in the public interest as contributing to the national defense.

Your cooperation in this matter will be appreciated.

Sincerely yours,

W. H. HARRISON,
Administrator.

CONTENTS OF REQUEST TO PARTICIPATING COMPANIES

You are requested to participate in the operations of the Omaha Industries, Inc., as a member thereof, which will operate as a small business enterprise production pool in accordance with the voluntary program as set forth in the papers attached to the letter from Omaha Industries, Inc., dated March 31, 1951, addressed to the Pooling Section, Office of Small Business, Department of Commerce, and within the limits set forth therein.

In my opinion, your participation in the operations of this corporation as a small business enterprise production pool will greatly assist in accomplishing our national defense objectives.

The Attorney General has approved this request after consultations with respect to this matter between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950 (Public Law 774—81st Congress).

I approve the voluntary program and find it to be in the public interest as contributing to the national defense.

Your cooperation in this matter will be appreciated.

Sincerely yours,

W. H. HARRISON,
Administrator.

LIST OF COMPANIES REQUESTED TO PARTICIPATE

Adams & Kelly Co., 1218 Nicholas Street, Omaha, Nebr.
Alfred Bloom Co., 1502 California Street, Omaha, Nebr.
American Machine Works, 1212 Jackson Street, Omaha, Nebr.
Acme Advertising Co., 1301 Dodge Street, Omaha, Nebr.
American Road Equipment Co., 2319 North Eighteenth Street, Omaha, Nebr.
Anderson Electric, 2920 Dodge Street, Omaha, Nebr.
Bradford Kennedy Co., 3514 South Twenty-fifth Street, Omaha, Nebr.
Barnhart Press, 2566 Farnam Street, Omaha, Nebr.
E. P. Boyer Lumber Co., Twenty-fourth and Boyd Street, Omaha, Nebr.
Badger Body Manufacturing Co., 2719 Cuming Street, Omaha, Nebr.
Beau Brummell Co., 123 South Nineteenth Street, Omaha, Nebr.
Bjornson Sheet Metal Co., 1407 Davenport Street, Omaha, Nebr.
Ballantyne Co., 1707 Davenport Street, Omaha, Nebr.
Central Manufacturing Co., 4924 Popplelton Avenue, Omaha, Nebr.
Central States Tool & Die Works, 2117 Cuming Street, Omaha, Nebr.
Carter Sheet Metal Works, Thirteenth and Grace Street, Omaha, Nebr.
Cook Paint & Varnish Co., 1433 Davenport Street, Omaha, Nebr.
Continental Farm Equip. Co., Twenty-seventh and Boyd Street, Omaha, Nebr.

J. P. Cooke Co., 1111 Farnam Street, Omaha, Nebr.
Crown Products Co., Ralston, Nebr.
L. G. Doup Co., 1301 Nicholas Street, Omaha, Nebr.
Drake-Williams-Mount Co., Twenty-third and Hickory Street, Omaha, Nebr.
Duplex Manufacturing Co., Twenty-first and Locust Street, Omaha, Nebr.
Disbrow & Co., 1201 Nicholas Street, Omaha, Nebr.
Eaton Metal Products Corp., Thirteenth and Willis Avenue, Omaha, Nebr.
George I. Elmore Co., 219 South Twenty-ninth Street, Omaha, Nebr.
Economy Welding Service, 1723 Cuming Street, Omaha, Nebr.
Electronic Development Co., 4420 North Twenty-third Street, Omaha, Nebr.
Fairbury Windmill Co., Fairbury, Nebr.
Fremont Foundry Co., Fremont, Nebr.
G & G Manufacturing Co., 4103 North Twenty-fourth Street, Omaha, Nebr.
Gate City Steel Works, Eleventh and Seward Street, Omaha, Nebr.
Giant Manufacturing Co., Sixth and Twelfth Avenue, Council Bluffs, Iowa.
General Woodworks, 150 South Thirty-first Street, Omaha, Nebr.
Hastings Air Conditioning Co., Hastings, Nebr.
Hughes Brothers, Inc., Seward, Nebr.
Howard Manufacturing Co., 514 East Broadway, Council Bluffs, Iowa.
Industrial Electrical Works, 1509 Chicago Street, Omaha, Nebr.
Independent Awning Co., Council Bluffs, Iowa.
Interstate Machinery & Supply, 1006 Douglas Street, Omaha, Nebr.
Interstate Printing Co., 1307 Howard Street, Omaha, Nebr.
Inland Manufacturing Co., 1108 Jackson Street, Omaha, Nebr.
Jubilee Manufacturing Co., 1929 South Twentieth Street, Omaha, Nebr.
John Latenser & Sons, 1307 Farnam Street, Omaha, Nebr.
Kelly Ryan Equipment Co., Blair, Nebr.
Katelman Foundry, 230 South Eleventh Street, Omaha, Nebr.
Kavan Furnace & Sheet Metal Works, 1801 Vinton Street, Omaha, Nebr.
Kimball Bros. Co., 1021 South Ninth Street, Council Bluffs, Iowa.
Koley Plating Co., 2951 Harney Street, Omaha, Nebr.
Koutsky-Brennan-Vana Co., 2306 "N" Street, Omaha, Nebr.
J. H. Kaphfer Auto Parts Co., Dennison, Iowa.
Ko-Z-Aire, Red Oak, Iowa.
Lewis Industrial Manufacturing Co., 1309 Davenport Street, Omaha, Nebr.
Lincon Tent & Awning Co., 1616 O Street, Lincoln, Nebr.
Lincoln Steel Works, Lincoln, Nebr.
Miller Knuth Manufacturing Co., 2814 North 20th Street, Omaha, Nebr.
Morton Manufacturing Co., 3222 South 24th St., Omaha, Nebr.
T. S. McShane Co., 1113 Howard Street, Omaha, Nebr.
P. Melchiors & Son Machine Co., 417 South Thirteenth Street, Omaha, Nebr.
Miller Chemical Co., 525 North Fifteenth Street, Omaha, Nebr.
Modern Equipment Co., 2011 Cuming Street, Omaha, Nebr.
Morris Register Co., Council Bluffs, Iowa.
Nagl Manufacturing Co., 2126 Cuming Street, Omaha, Nebr.
National Construction Co., 1335 South Twentieth Street, Omaha, Nebr.
Newman Store Planning Service, 4107 South Twenty-fourth Street, Omaha, Nebr.
Oehrle & Bergman, 1405 Jackson Street, Omaha, Nebr.
Omaha Cap Manufacturing Co., 201 South Tenth Street, Omaha, Nebr.
Omaha Bedding & Couch Manufacturing Co., 101 South Tenth Street, Omaha, Nebr.
Omaha Fixture & Supply Corp., 1100 Douglas Street, Omaha, Nebr.
Omaha Steel Works, 609 South Forty-Eighth Street, Omaha, Nebr.
Omaha Semi Steel Foundry, 1911 North Eleventh Street, Omaha, Nebr.
Omaha Standard Body Corp., Council Bluffs, Iowa.
Omaha Parlor Frame Co., 2514 Sahler Street, Omaha, Nebr.
Olson Bros., 2651 St. Mary's Avenue, Omaha, Nebr.
Porter Trustin Co., 910 South Saddle Creek Road, Omaha, Nebr.
Petersen Corp., Blair, Nebr.
Paxton-Mitchell Co., 2614 Martha Street, Omaha, Nebr.
Paxton Vierling Iron Works, Fifth Street and Avenue H, Omaha, Nebr.
Walter C. Roessig Co., 3305 Leavenworth Street, Omaha, Nebr.
The Refinite Corp., 1023 Harney Street, Omaha, Nebr.
Reifschneider Paint Co., 918 Dodge Street, Omaha, Nebr.
J. P. Richter Machine Co., 1810 Cuming Street, Omaha, Nebr.
Rodger Tent & Awning Co., Fremont, Nebr.
Scott Manufacturing Co., 1501 Howard Street, Omaha, Nebr.
Smith-Lockwood Manufacturing Co., 2323 South Thirteenth Street, Omaha, Nebr.
The Snow Corp., 5002 North Thirtieth Street, Omaha, Nebr.
Steril Manufacturing Co., 936 North Twenty-fourth Street, Omaha, Nebr.
Stylecraft Manufacturing Co., 1123 Howard Street, Omaha, Nebr.
Schum Tool Co., 4304 North Twenty-second Street, Omaha, Nebr.
F. H. Schley Machine Shop, 1014 Scuth 6, Council Bluffs, Iowa.
Searle Petroleum Co., 1023 North Eighteenth Street, Omaha, Nebr.
Standard Furnace & Supply, 413 South Tenth Street, Omaha, Nebr.
Standard Tent & Awning Co., 4525 Military Street, Omaha, Nebr.
Thor Airplane & Engine Co., 1102 South Saddle Creek Road, Omaha, Nebr.
Tip Top Products Co., 1515 Cuming Street, Omaha, Nebr.
R. H. Thorpe Paint Co., 1124 South Thirteenth Street, Omaha, Nebr.
U. S. Awning Co., 4614 Dodge Street, Omaha, Nebr.
Western Stamp & Stencil Co., 1120 Farnam Street, Omaha, Nebr.
Woerner Wire Works, Thirtieth and Evans Street, Omaha, Nebr.
Weir Body Co., 4504 Cuming Street, Omaha, Nebr.

(Sec. 708, Pub. Law 774, 81st Cong.; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; Letter from the President to the Director of the Office of Defense Mobilization, dated Apr. 27, 1951, 16 F. R. 3691.)

CHARLES E. WILSON,
Director,
Office of Defense Mobilization.[1]

[F. R. Doc. 51-5608; Filed, May 11, 1951; 11:27 a. m.]

[1] The letter from the President, dated Apr. 27, 1951, to the Director of the Office of Defense Mobilization, conferred upon the Director of the Office of Defense Mobilization the powers delegated to the Defense Production Administrator by E. O. 10200 of Jan. 3, 1951, 16 F. R. 61, relating to voluntary agreements and programs under Sec. 708 of the Defense Production Act of 1950, Pub. Law 774, 81st Cong., during the incumbency of the Acting Defense Production Administrator.

ECONOMIC STABILIZATION AGENCY

ADDITIONAL REGIONAL AND DISTRICT OFFICES

ORGANIZATIONAL STATEMENT

The field organization of the Office of Price Stabilization of the Economic Stabilization Agency, established pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), and Executive Order 10161 (15 F. R. 6105), as published in the FEDERAL REGISTER dated February 2, 1951 (16 F. R. 987), and as amended March 3, 1951 (16 F. R. 2028) and April 20, 1951 (16 F. R. 3444), is further amended to include District Offices opened April 23, 1951, in the following cities:

Region I (Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont). Boston District Office, 141 Milk Street, Boston, Mass.

Region II (New York, New Jersey). Albany District Office, 55 Columbia Street, Albany, N. Y.

The territory to be served by the District Office in Albany, N. Y., will be comprised of the Northern portion of the district now served by the New York office, its Western and Southern boundaries being composed of St. Lawrence, Hamilton, Fulton, Montgomery, Schoharie, Green, and Columbia Counties. The present New York District area will be reduced to that extent, and thereafter will extend to the Northern boundaries of Sullivan, Ulster, and Dutchess County.

Region III (Pennsylvania and Delaware). Philadelphia District Office, Fifteenth Street and South Pennsylvania Square, Commercial Trust Building, Philadelphia, Pa.

Region IV (Maryland, North Carolina, Virginia, West Virginia, District of Columbia). Richmond District Office, 802 East Broad Street, Richmond, Va.

Region V (Alabama, Florida, Georgia, Mississippi, South Carolina, Tennessee). Atlanta District Office, Rhodes Building, 78 Marietta Street, Atlanta, Ga.

Region VI (Kentucky, Michigan, Ohio). Cleveland District Office, 1620 Euclid Avenue, Cleveland, Ohio.

Region VII (Illinois, Indiana, Wisconsin). Chicago District Office, 188 West Randolph Street, Chicago, Ill.

Region IX (Iowa, Kansas, Missouri, Nebraska). Kansas City District Office Garden Building, Admiral and McGee Boulevard, Kansas City, Mo.

Region X (Louisiana, Oklahoma, Arkansas, Texas). Dallas District Office, Crane Building, 1200 Jackson Street, Dallas, Tex. This office will officially open for business April 23 in the Regional Office at 3306 Main Street, Dallas, Tex., because space is not yet available at what will be the future address.

Region XI (Colorado, New Mexico, Utah, Wyoming). Denver District Office, New Custom House, Denver, Colo.

Region XII (Arizona, California, Nevada). San Francisco District Office, Flood Building, Second Floor, San Francisco, Calif. This office will assume operations in the several counties of the present Oakland, Calif., District, its Eastern and Southern boundaries being composed of the counties of Del Norte, Humboldt, Mendocino, Lake, Napa, Marin, San Francisco, San Mateo, Santa Clara, San Benito, and Monterey.

The Oakland, Calif., District Office will continue to serve the balance of the territory formerly allocated to it, consisting of that area between the above-described boundary and an Eastern and Southern boundary composed of the counties of Siskiyou, Shasta, Tehama, Butte, Yuba, Nevada, Placer, Eldorado, Amador, Calaveras, Tuolumne, Madera and Merced.

. . . . . .

With the exception of Albany, N. Y., and San Francisco, Calif., the above-named District Offices will assume the operating functions presently carried out by the Regional Offices as designated in Organizational Statement Amendment of March 1, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 11, 1951.

[F. R. Doc. 51-5614; Filed, May 11, 1951; 11:45 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DESIGNATION OF ACTING DIRECTOR, DIVISION OF SLUM CLEARANCE AND URBAN REDEVELOPMENT

ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY

I hereby designate and appoint, subject to the provisions hereof, an Acting Director of the Division of Slum Clearance and Urban Redevelopment, Office of the Administrator, Housing and Home Finance Agency. In the event the Director of the Division is unable to act as Director due to his absence, illness or other cause, or in the event of a vacancy in that office, the Assistant Director of the Division shall be the Acting Director and shall serve in the place and stead of the Director; and in the event the Director and the Assistant Director are unable to act because of any such reason, the Chief, Planning and Engineering Branch in such Division shall be the Acting Director and shall serve in the place and stead of the Director.

While serving in such capacity, the Acting Director shall exercise the powers and functions and assume the duties and responsibilities of the Director.

All designations of an Acting Director and delegations of authority to him heretofore made by the Director of the Division of Slum Clearance and Urban Redevelopment are hereby ratified and approved; and all official acts and things performed pursuant to such designations and delegations of authority are hereby ratified, confirmed and approved in all respects to the same extent as if such acts were performed by the Director of the Division of Slum Clearance and Urban Redevelopment.

This order supersedes the order effective January 11, 1951 (16 F. R. 290) respecting this same subject.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1268, 1283-85 (1948), 12 U. S. C. 1701c (Supp. 1949), as amended by Pub. L. 475, 81st Cong., 2d Sess., sec. 503 (April 20, 1950); 63 Stat. 413, 417 (1949), 42 U. S. C. 1456 (Supp. 1949); 63 Stat. 413 (1949), 12 U. S. C. 1701d-1 (Supp. 1949))

Effective this 12th day of May 1951.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 51-5594; Filed, May 11, 1951; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26083]

BENZENE HEXACHLORIDE FROM TERRE HAUTE, IND., TO ELKTON, MD.

APPLICATION FOR RELIEF

MAY 9, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 3758, pursuant to fourth-section order No. 9800.

Commodities involved: Benzene hexachloride, carloads.

From: Terre Haute, Ind.

To: Elkton, Md.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-5490; Filed, May 11, 1951; 8:46 a. m.]

[4th Sec. Application 26084]

DRUGS AND MEDICINES FROM PEORIA, ILL., TO INDIAN ORCHARD, MASS.

APPLICATION FOR RELIEF

MAY 9, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 3758, pursuant to fourth-section order No. 9800.

Commodities involved: Drugs, medicines, chemicals and toilet preparations, carloads.

From: Peoria, Ill.

To: Indian Orchard, Mass.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-5491; Filed, May 11, 1951; 8:46 a. m.]

[4th Sec. Application 26085]

COAL FROM SOUTHERN ILLINOIS TO INDIANA

APPLICATION FOR RELIEF

MAY 9, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to the tariffs listed below.

Commodities involved: Soft coal or bituminous fine coal which has passed through a bar screen not exceeding one and one-half inches between bars or its equivalent, carloads.

From: Centralia, Ill., and southern Illinois groups.

To: Davin, Ind., and other points in Indiana.

Grounds for relief: Circuitous routes, market competition, and to maintain grouping.

Schedules filed containing proposed rates: C&EI RR. tariff I. C. C. No. 2, Supp. 132. CB&Q RR. tariff I. C. C. No. 20215, Supp. 5. IC RR. tariff I. C. C. No. E-1850, Supp. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-5492; Filed, May 11, 1951; 8:46 a. m.]

[4th Sec. Application 26086]

ILMENITE ORE FROM MELBOURNE, FLA., TO CERTAIN POINTS

APPLICATION FOR RELIEF

MAY 9, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1188.

Commodities involved: Ilmenite ore and concentrates, carloads.

From: Melbourne, Fla.

To: Chicago, Ill., Milwaukee, Wis., and Pittsburgh, Pa.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1188, Supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5493; Filed, May 11, 1951; 8:46 a. m.]

[Sec. 5a Application 33]

CENTRAL STATES MOTOR COMMON CARRIERS

APPLICATION FOR APPROVAL OF AGREEMENT

MAY 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed May 7, 1951 by: Chester G. Moore, Attorney-in-Fact, 29 East Madison Street, Chicago 2, Ill.

Agreement involved: An agreement between and among common carriers by motor vehicle relating to rates, charges, exceptions to classification ratings, rules, regulations, or practices governing the transportation of property in interstate commerce within Central territory, as defined in Motor Carrier Rates in Central Territory, 8 M. C. C. 233, and procedures for the joint initiation, consideration, and establishment thereof.

The complete application may be inspected at the office of the Commisssion in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5489; Filed, May 11, 1951; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-50, 54-82, 54-147, 59-10, 59-39]

NORTH AMERICAN CO. ET AL.

ORDER DENYING APPLICATIONS FOR FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 7th day of May A. D. 1951.

In the matter of The North American Company and its subsidiary companies. File No. 59-10; The North American Company, File No. 54-82; North American Light & Power Company, Holding Company System, and The North American Company, File No. 59-39; North American Light & Power Company, File No. 54-50; Illinois Power Company, File No. 54-147.

The Commission by orders dated February 28, 1947, and June 25, 1947, having approved a plan filed under section 11 (e) of the Public Utility Holding Company Act of 1935 by The North American Company, a registered holding company, for the liquidation and dissolution of its subsidiary, North American Light & Power Company, also a registered holding company; and

Said orders having reserved jurisdiction over the payment of all fees and expenses payable in connection with the plan and applications for payment of fees and expenses having been filed by certain of the participants in the proceedings relating to the plan; and

Public hearings having been held and the Division of Public Utilities of the Commission having issued a Recommended Findings and Opinion; and

The Commission having issued its memorandum opinion and order, dated December 21, 1950, in which it released jurisdiction with respect to the payment of certain fees and expenses, and deferred action with respect to the applications of Amelie A. Wallace and John Wallace, Irving Steinman, I. S. Friedman and Lewis M. Dabney, Jr., as to whom the Division of Public Utilities had recommended that no allowances be made, and the application of James F. Masterson, as to whom the Division recommended that no further allowance be made in addition to fees and expenses already received by him; and

Exceptions to the Division's recommended findings and opinion, and briefs, in support of such exceptions having been filed and oral argument presented by certain of the above-named applicants, and the Commission having this day issued its Memorandum Opinion with respect to such recommendations and exceptions:

It is ordered, That the applications in the above-entitled proceedings of Amelie A. Wallace and John Wallace, Irving Steinman, I. S. Friedman and Lewis M. Dabney, Jr. for allowances for fees and expenses, and by James F. Masterson for the allowance of a further sum in addition to fees and expenses already received by him be, and each of them hereby is, denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5483; Filed, May 11, 1951; 8:46 a. m.]

[File No. 70-2598]

NEW ENGLAND GAS AND ELECTRIC ASSN AND ALGONQUIN GAS TRANSMISSION CO.

ORDER DENYING REQUEST FOR REHEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 7th day of May A. D. 1951.

The Commission on April 13, 1951, having issued an order approving the proposed issuance and sale by Algonquin Gas Transmission Company of not more than 77,500 additional shares of $100 par value common stock and the acquisition of a portion of such stock by New England Gas and Electric Association ("Negea"); and

A request for a rehearing with respect to such order having been filed on behalf of certain unnamed persons who are said to be stockholders of Negea; and

The Commission having duly considered the request for rehearing, and it appearing that said request raises no matters of substance not previously considered by the Commission, that such request was not filed within the period prescribed by Rule XII of the Commission's rules of practice and that it does not disclose the names of the persons on whose behalf it is said to have been filed:

It is ordered, That said request be and it hereby is, in all respects denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5481; Filed, May 11, 1951; 8:45 a. m.]

[File No. 70-2620]

ALGONQUIN GAS TRANSMISSION CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 7th day of May A. D. 1951.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "Act"), by Algonquin Gas Transmission Company ("Algonquin"), a subsidiary of New England Gas and Electric Association ("Negea"), a registered holding company. Applicant-declarant has designated sections 6 (b) and 7 of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 21, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter, said application-declaration, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Algonquin proposes to issue and sell privately to insurance companies $24,000,000 aggregate principal amount of its First Mortgage Pipeline Bonds, 3¾ percent series, due 1971. Under certain circumstances described below, the company may issue and sell an additional principal amount of such bonds not to exceed 15 percent of the $24,000,000 specified above. The names of the companies to which the bonds are to be sold and the respective amounts of bonds to be sold to each of them, subject, in each case to a possible increase of up to 15 percent of the amount shown, are as follows:

Metropolitan Life Insurance Co	$12,000,000
John Hancock Mutual Life Insurance Co	8,500,000
Massachusetts Mutual Life Insurance Co	2,000,000
New England Mutual Life Insurance Co	1,500,000

The bonds are to be issued under and secured by a First Mortgage and Deed of Trust to be dated as of March 1, 1951. In accordance with the terms of a bond purchase agreement to be entered into between Algonquin and the purchasers, the bonds are to be sold for cash at 100 percent of principal amount, plus accrued interest, and will be issued and sold in lots of not less than $4,000,000 principal amount when and as funds are required. A commitment fee of ½ of 1 percent of the unused balance of the total commitment from the date of the purchase contract to the date the commitment is exercised will be paid.

The filing indicates that the proceeds from the issuance and sale of the bonds will be used to provide a portion of the funds required for the development and construction of pipeline facilities to supply natural gas to distribution companies in New Jersey, Connecticut, Rhode Island and Massachusetts. It also indicates that, based on present price levels, the estimated cost of such development and construction, including an allowance of about $2,000,000 for working capital, amounts to approximately $32,000,000. Of this amount, $5,609,325 has been obtained through the issuance and sale of common stock, and subscriptions have been received for the purchase of additional common stock in the amount of $2,390,675 or an aggregate of $8,000,000.

The applicant-declarant states that the cost of labor and material and of acquiring rights-of-way may increase during the period of construction. In such event, Algonquin contemplates increasing its capitalization by not more than 15 percent in such a manner as to maintain the presently contemplated ratio of bonds and common stock to total capitalization of 75 percent and 25 percent respectively.

Applicant-declarant requests an exemption from the competitive bidding requirements of Rule U-50 and that the Commission's order be issued as soon as possible and that it become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5482; Filed, May 11, 1951; 8:45 a. m.]

[File No. 811-296]

COLLATERAL TRUSTEE SHARES, SERIES "A"

NOTICE OF MOTION TO TERMINATE REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of May A. D. 1951.

Notice is hereby given that the Division of Corporation Finance has filed a motion for an order pursuant to section 8 (f) of the Investment Company Act of 1940 declaring that Collateral Trustee Shares, Series "A", a registered investment company, has ceased to be an investment company.

The Division of Corporation Finance has been advised that the trust agreement dated January 31, 1928, under which Collateral Trustee Shares, Series "A" were issued terminated on January 31, 1948; that all the assets have been distributed to its shareholders with the exception of $8.575 which is held by Empire Trust Company for distribution to those stockholders who have failed to collect their pro-rata share and a reserve of $1.6453468 per trust share amounting to a total of $40.133.66 is being held by Empire Trust Company pending determination of amounts due for taxes, legal fees and expenses.

All interested persons are referred to said motion which is on file at the office of this Commission in Washington, D. C., for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order declaring that the registration of Collateral Trustee Shares, Series "A" has ceased to be in effect, subject to such conditions as the Commission may deem necessary or appropriate, may be entered by the Commission at any time after May 25, 1951, unless prior thereto a hearing in this matter shall be ordered by the Commission, as provided by Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than May 23, 1951, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this motion or the desirability of a hearing thereon or request the Commission in writing that hearing be held, stating his reasons therefor and the nature of his interest in the matter. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5480; Filed, May 11, 1951; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17687]

DRESDNER BANK

In re: Bonds owned by Dresdner Bank, F-28-176.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dresdner Bank, the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by Two (2) American Power and Light Company Gold Debenture Bonds, American 6 Percent Series, due 2016, each of $1,000.00 face value, bearing numbers 30408 and 39104, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and col-

lect the same, and any and all rights in, to and under the aforesaid bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Dresdner Bank, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5486; Filed, May 11, 1951; 8:47 a. m.]

[Vesting Order 17734]

UNION INVESTMENT CORP., INC.

In re: Securities owned by and debts owing to Union Investment Corporation, Inc. F-28-31199.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Georg Barth, whose last known address is Samstagstrasse 2, Lauf bei Nuernberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That R. C. Weigmann Nachlass, whose last known address is Weigmannstrasse 27, Lauf bei Nuernberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That Union Investment Corporation, Inc., Panama, Republic of Panama, is a corporation, partnership, association or other business organization, organized under the laws of Panama, Republic of Panama, whose principal place of business is located in the City of Panama, Republic of Panama, and is, or since the effective date of Executive Order 8389, as amended, has been controlled by, or a substantial part of the stock of which is, or has been owned or controlled by, directly or indirectly, the aforesaid Dr. Georg Barth and R. C. Weigmann Nachlass, and is a national of a designated enemy country (Germany);

4. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by ten (10) New York Central Railroad 4½ percent Ref. & Imp. Mtge. "A" bonds, due 2013, each of $1,000.00 face value and numbered as follows: 34862, 35164, 52480, 67647, 92294, 92295, 92296, 80201, 90395, 98240;

together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same,

b. Three Hundred Fifty (350) shares of common stock of International Packers Limited, 50 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered C012637 for 50 shares and certificates numbered C15674-76 for 100 shares each, said certificates registered in the name of Hurley & Co., together with all declared and unpaid dividends thereon,

c. One Hundred Forty (140) shares of no par value common stock of South Porto Rico Sugar Company, 15 Exchange Place, Jersey City, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by certificate numbered C097853 for 40 shares and certificate numbered C61265 for 100 shares, said certificates registered in the name of Hurley & Co., together with all declared and unpaid dividends thereon,

d. One Hundred Forty (140) shares of no par value common stock of Cerro de Pasco Copper Corporation, 40 Wall Street, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificate numbered 0241843 for 40 shares and certificate numbered 129826 for 100 shares, said certificates registered in the name of Hurley & Co., together with all declared and unpaid dividends thereon,

e. That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, in the amount of $14,472.90 as of September 8, 1949, representing a portion of funds on deposit in a "General Ruling No. 6 Account" held for Credit Suisse, Berne, maintained by the aforesaid company, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and

f. That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York, New York, in the amount of $16,405.70 as of September 8, 1949, representing a portion of funds on deposit in a Current Account held for Credit Suisse, Berne, maintained by the aforesaid bank, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Union Investment Corporation, Inc., Panama, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That Union Investment Corporation, Inc., Panama, is controlled by, is acting for or on behalf of a designated enemy country (Germany) or person within such country and is a national of a designated enemy country (Germany);

6. That to the extent that the persons named in subparagraphs 1, 2 and 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193 as amended.

Executed at Washington, D. C. on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5497; Filed, May 11, 1951; 8:47 a. m.]

[Vesting Order 17756]

MARTHA MARQUARDT

In re: Bank Account owned by Martha Marquardt. F-28-31385-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Marquardt, whose last known address is Henriettenstr. 18, Kirchheim-Teck, Württemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Martha Marquardt by Security First National Bank of Los Angeles, Los Angeles, California, arising out of a savings account, account number 124062, entitled "Mrs. Martha Marquardt," maintained at the Seventh and Grand branch office of the aforesaid bank located at 601 W. 7th Street, Los Angeles, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5498; Filed, May 11, 1951; 8:47 a. m.]

[Vesting Order 17759]

GRETCHEN OLTMANNS

In re: Bank account owned by Gretchen Oltmanns. F-28-31434-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gretchen Oltmanns, whose last known address is Bremerhaven, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Hoboken Bank for Savings, 101 Washington Street, Hoboken, New Jersey, arising out of a savings account, Account Number 204 624, entitled "Rudolf Oltmanns, Trustee for Gretchen Oltmanns," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Gretchen Oltmanns, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5499; Filed, May 11, 1951; 8:47 a. m.]

[Vesting Order 17764]

BANQUE DE FRANCE

In re: Accounts maintained in the name of Banque de France, Paris, France, and owned by persons whose names are unknown. F-27-8946.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Banque de France, Paris, France]

Column I	Column II
Name and address of institution which maintains account	Designation of account
J. P. Morgan & Co., Inc., 23 Wall St., New York, N. Y.	Banque de France, Paris, France, account #124 as described by J. P. Morgan & Co., Inc. in their report Form OAP 200, Date of Report Serial No. 16.

[F. R. Doc. 51-5500; Filed, May 11, 1951; 8:48 a. m.]

[Vesting Order 17787]

GEORGE WOLFRUM

In re: Estate of George Wolfrum, deceased. File D-28-11614; E. T. sec. 1[illegible].

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julius Wolfrum, Christian Wolfrum, Elise W. [illegible]er, Agnes Preil-

fer, Johanna Rother, Sophia Stelzer and Marie Leupold, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of George Woltrum, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Mathilda W. Kramer, administratrix, acting under the judicial supervision of the Probate Court of Hamilton County, State of Ohio;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5501; Filed, May 11, 1951; 8:48 a. m.]

FLORENZ AUDRIE HOFFMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Florenz Audrie Hoffmann, Dallas, Tex.; Claim No. 5867; $4,389.00 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Florenz Hoffmann in and to the trust created under the Last Will and Testament of George Beban, deceased; trust administered by Bankers Trust Co., New York, N. Y.

Executed at Washington, D. C., on May 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5502; Filed, May 11, 1951; 8:48 a. m.]

RAYMOND MAILLET

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Raymond Maillet, Paris, France; Claim No. 31755; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to Patent Application Serial No. 424,743 (now United States Letters Patent No. 2,420,672).

Executed at Washington, D. C., on May 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General
Director, Office of Alien Property

[F. R. Doc. 51-5503; Filed, May 11, 1951; 8:48 a. m.]

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Washington, Tuesday, May 15, 1951

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 Honey Bulletin 1]

PART 624—HONEY

SUBPART—1951 HONEY PRICE SUPPORT PROGRAM

This bulletin states the terms and conditions with respect to operations under the 1951 Honey Price Support Program formulated by the Commodity Credit Corporation (hereinafter referred to as "CCC") and the Production and Marketing Administration (hereinafter referred to as "PMA"). Under this program prices will be supported by means of purchases of eligible honey from eligible packers.

Sec.
624.201 Administration.
624.202 Availability.
624.203 Eligible packers.
624.204 Eligible honey.
624.205 Purchases from packers.
624.206 Determination of grade.
624.207 Minimum quantity.
624.208 Settlement.
624.209 Support price.
624.210 Prices to packers.
624.211 PMA Commodity Offices.

AUTHORITY: §§ 624.201 to 624.211 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714 (b). Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup., 1446, 1421.

§ 624.201 *Administration.* The program will be administered by the appropriate branches and commodity offices of PMA under the general direction and supervision of the President, CCC. The program will be carried out through purchases by CCC of eligible honey from packers, including cooperative marketing associations of producers, operating under contracts with CCC. A list of eligible packers who have entered into contracts with CCC and who have agreed to purchase eligible honey from vendors to the extent of their facilities at not less than the applicable support prices will be made available to PMA County Committees.

Contracts whereby packers may dispose of eligible honey to CCC will be made through the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. Copies of contract forms will be available at the PMA Commodity Offices listed in § 624.211.

§ 624.202 *Availability — (a) Area.* Purchases under this program will be made from contracting packers located in the continental United States.

(b) *Time.* Contracts relative to this program must be executed by packers not later than June 15, 1951. Purchases under such contracts will be made by CCC, on the basis of Notices of Intention to Deliver (CCC Honey Form No. 2), which must be postmarked within the 15-day periods prior to September 4, 1951, December 3, 1951, and March 3, 1952, respectively. Notice of Acceptance or a rejection with respect to each Notice of Intention to Deliver will be issued by CCC on or before September 18, 1951, December 17, 1951, and March 17, 1952, respectively.

§ 624.203 *Eligible packers.* An eligible packer shall be any individual or legal entity having ownership of, or access to, facilities to purchase, receive, handle, process, pack, and store honey and who enters into a 1951 Honey Program Packer Contract with CCC, under which he agrees, among other things, to pay to vendors, in accordance with terms and conditions in the 1951 Honey Program Packer Contract, not less than the applicable support price for all eligible honey acquired. In case the packer is a cooperative marketing association of producers, initial payments to beekeepers delivering eligible honey plus credits to appropriate producers' pool accounts, which may include deductions authorized by members of the cooperative association shall be not less than the applicable support price.

§ 624.204 *Eligible honey.* Eligible honey shall be any honey produced in the continental United States, and which, when acquired by packers, is in clean, sound containers of a standard capacity of 60 pounds or greater, and is equivalent to or better than U. S. Grade C of the "United States Standards for

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CODE OF FEDERAL REGULATIONS
1949 Edition

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(For use during 1951)

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Grades of Extracted Honey" effective April 16, 1951; Except that, honey having little or no acceptability for table use, even in most areas in which produced, as determined by the President, CCC, will not be eligible honey. Such ineligible honey includes Bitterweed, Broomweed, Carrot, Chinquapin, Gumweed, Mescal, Onion, Prickly Pear, Prune, Tarweed, and similar strong-flavored honeys or strong-flavored blends.

§ 624.205 *Purchases from packers.* CCC will purchase from eligible packers all eligible honey tendered to CCC pursuant to the terms and conditions of the 1951 Honey Program Packer contract. Eligible honey purchased by CCC shall be delivered to CCC f. o. b. cars or trucks at packers' usual shipping points, as specified in the Notices of Intention to Deliver.

§ 624.206 *Determination of grade.* (a) Packer and vendor, whether or not such vendor is a beekeeper, shall sign a descriptive statement in duplicate for each lot of honey purchased by packer, stating the amount of honey acquired, predominant floral source or sources, color, the applicable support price, if any, the price paid vendor, and such other data as may be called for by CCC, and in such form as shall be prescribed by CCC. Packer shall retain the original of this statement, and deliver the duplicate to vendor. In the event that the vendor is other than a beekeeper, a certification shall be made by the vendor stating that he has paid the producer the price specified in § 624.209 for such honey delivered to his place of business.

(b) Any honey for which packer pays less than the applicable support price as specified in § 624.209 must be covered by an inspection certificate following inspection performed by a representative of the Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, unless vendor waives such inspection and accepts packer's grade determination. If inspection is performed, the cost of such inspection shall be borne by vendor, and if the cost of such inspection is paid by packer, such cost may be deducted from the price which packer pays for such honey.

(c) The grade of each lot of honey delivered to CCC shall be as stated in the Notice to Deliver issued by CCC. Such grade shall be determined at time of delivery to CCC by a representative of the Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture. Packer shall pay the cost of inspection of honey delivered to CCC and shall be reimbursed for such cost by CCC. CCC shall not be responsible for any costs or expenses incurred by packer on honey which is unacceptable to CCC under the terms of this bulletin or of the contract between packer and CCC.

§ 624.207 *Minimum quantity.* Purchases by CCC of eligible honey from packers shall be limited to quantities of not less than 36,000 pounds net or such other quantity as may be moved at the minimum carlot rate in effect for rail shipment.

§ 624.208 *Settlement.* Packers delivering eligible honey to CCC, will submit applications for payment to, and be paid through, the PMA Commodity Office of the area in which the packer's billing office is located. Applications for payment will be prepared and submitted in accordance with billing information furnished by the PMA Commodity Office.

§ 624.209 *Support price.* The price for eligible honey purchased by packers under contract with CCC shall not be less than the following:

(a) For honey having general national acceptability for table use delivered to packer's plant in clean, sound containers with a standard capacity of not less than 60 pounds nor greater than 150 pounds, 10.1 cents per pound, or with a standard capacity greater than 150 pounds, 9.85 cents per pound.

(b) For honey having limited national acceptability for table use but considered to be of table grade in most areas in which it is produced, delivered to packer's plant in clean, sound containers with a standard capacity of not less than 60 pounds nor greater than 150 pounds, 9 cents per pound, or with a standard capacity greater than 150 pounds, 8¾ cents per pound. Such honey includes Aster, Blueweed, Boneset, Brunnichia, Buckwheat (Western Wild Buckwheat is in category (a) above), Eucalyptus, Goldenrod, Heartsease (Smartweed), Horsemint, Mangrove, Palmetto, Partridge Pea, Spanish Needle, Sunflower, Tamarisk, Thyme, Ti-ti, Yellow Top, and similar strong-flavored honeys or strong-flavored blends.

(c) The determination of the President, CCC, or his designee, shall be final as to whether honey of a specific floral source, or the honey in a specific lot, has either general or limited national acceptability, or whether such honey has little or no acceptability for table use even in most areas in which produced. If in doubt as to the category in which honey of a specific floral source or lot falls, packer can submit a small representative sample of such lot for determination to F. M. Graham, United States Department of Agriculture, Fruit and Vegetable Branch, Production and Marketing Administration, Washington 25, D. C.

§ 624.210 *Price to packers.* Eligible honey will be purchased by CCC from eligible packers at a price equal to the applicable support price plus amounts to cover such costs as may be specified in the 1951 Honey Program Packer Contract.

§ 624.211 *PMA Commodity Offices.* The PMA Commodity Offices and the areas served by them are shown below:

Atlanta 5, Ga., 50 Seventh Street NE.: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

Chicago 5, Ill., 623 South Wabash Avenue: Illinois, Indiana, Iowa, Michigan, Ohio.

Dallas 2, Tex., 1114 Commerce Street: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Kansas City 6, Mo., Fidelity Building, 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 1, Minn., Gamble-Skogmo Building, 15 North Eighth Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

New York 13, N. Y., 139 Centre Street: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia.

Portland 5, Oreg., 515 Southwest Tenth Avenue: Idaho, Oregon, Washington.

San Francisco 2, Calif., 335 Fell Street: Arizona, California, Nevada, Utah.

Issued this 10th day of May 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51–5501; Filed, May 14, 1951; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 9]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PERFORMANCE DATA ON BOEING S–307 AIRCRAFT

Proposed rules regarding compliance with § 42.80–7 were published on February 17, 1951, in 16 F. R. 1681–2. Interested persons were afforded an opportunity to submit data, views, or arguments. Consideration has been

given to all relevant matter presented. The following rules are hereby adopted.

§ 42.80–7 *Performance data on Boeing S–307 aircraft (CAA rules which apply to § 42.80).* The following performance limitations data, applicable to Boeing S–307 aircraft, shall be used in determining compliance with § 42.80. These data are presented in Tables 1 through 3 and Figures 1 and 2.

TABLE 1—TAKE-OFF LIMITATIONS

(a) "Effective length" of runway required when effective length is determined in accordance with § 42.1 (a) (12) (distance to accelerate to

$$1.15\,V_{s_1} = 1.15\ (98.4)\ \sqrt{\text{Wgt.}/50{,}000}\ \text{m. p. h.}$$

TIAS and stop, with zero wind and zero gradient).

Standard altitude in feet	Airplane weight in pounds and critical engine failure speeds in m. p. h. TIAS		
	46,000 V_1=108.5	48,000 V_1=111.0	50,000 V_1=113.0
	Distance in feet		
S. L.	3,730	4,010	4,260
1,000	3,960	4,190	4,460
2,000	4,120	4,430	4,720
3,000	4,350	4,680	4,990
4,000	4,600	4,950	5,280
5,000	4,860	5,250	5,600
6,000	5,140	5,550	5,940
7,000	5,460	5,910	6,320
8,000	5,820	6,320	6,770

(b) Actual length of runway required when "effective length," considering obstacles, is not determined (distance to accelerate to 1.15 (98.4) $\sqrt{\text{Wgt.}/50{,}000}$ m. p. h. TIAS, and stop, divided by the factor 0.85).

Standard altitude in feet	Airplane weight in pounds and critical engine failure speed (V_1) in m. p. h. TIAS		
	46,000 V_1=108.5	48,000 V_1=111.0	50,000 V_1=113.0
	Distance in feet		
S. L.	4,300	4,720	5,010
1,000	4,560	4,990	5,295
2,000	4,845	5,310	5,655
3,000	5,120	5,605	5,970
4,000	5,410	5,925	6,310
5,000	5,720	6,275	6,700
6,000	6,045	6,640	6,990
7,000	6,425	6,955	7,435
8,000	6,845	7,445	7,965

TABLE 2—EN ROUTE LIMITATIONS

Weight in pounds	Terrain clearance[1] in feet and climb speed in m. p. h. TIAS	
	Feet	Miles per hour
40,000	17,000	103.0
41,000	16,400	105.0
42,000	15,900	107.0
43,000	15,350	108.5
44,000	14,800	110.5
45,000	14,300	112.0
46,000	13,750	114.0
47,000	13,200	115.5
48,000	12,700	117.0
49,000	12,150	118.5
50,000	11,650	120.0

[1] Highest altitude of terrain over which airplane may be operated in compliance with § 42.82.

TABLE 3—LANDING LIMITATIONS

(a) "Effective length" of runway required when effective length is determined in accordance with § 42.1 (a) (12) with zero wind and zero gradient.

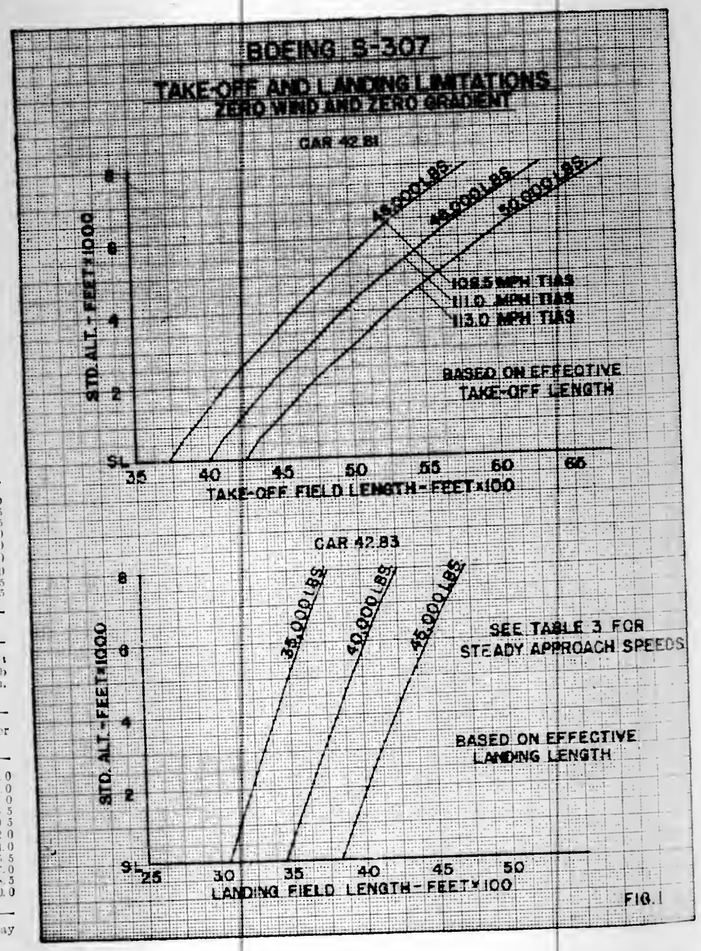
Standard altitude in feet	Airplane weight in pounds and approach speeds[1] in m. p. h. TIAS					
	35,000	V_{50}	40,000	V_{50}	45,000	V_{50}
	Distance in feet					
S. L.	3,065	93	3,445	99.5	3,815	105
1,000	3,145	93	3,540	99.5	3,915	105
2,000	3,225	93	3,630	99.5	4,015	105
3,000	3,310	93	3,725	99.5	4,120	105
4,000	3,390	93	3,820	99.5	4,225	105
5,000	3,480	93	3,925	99.5	4,340	105
6,000	3,575	93	4,035	99.5	4,460	105
7,000	3,670	93	4,140	99.5	4,580	105
8,000	3,770	93	4,260	99.5	4,715	105

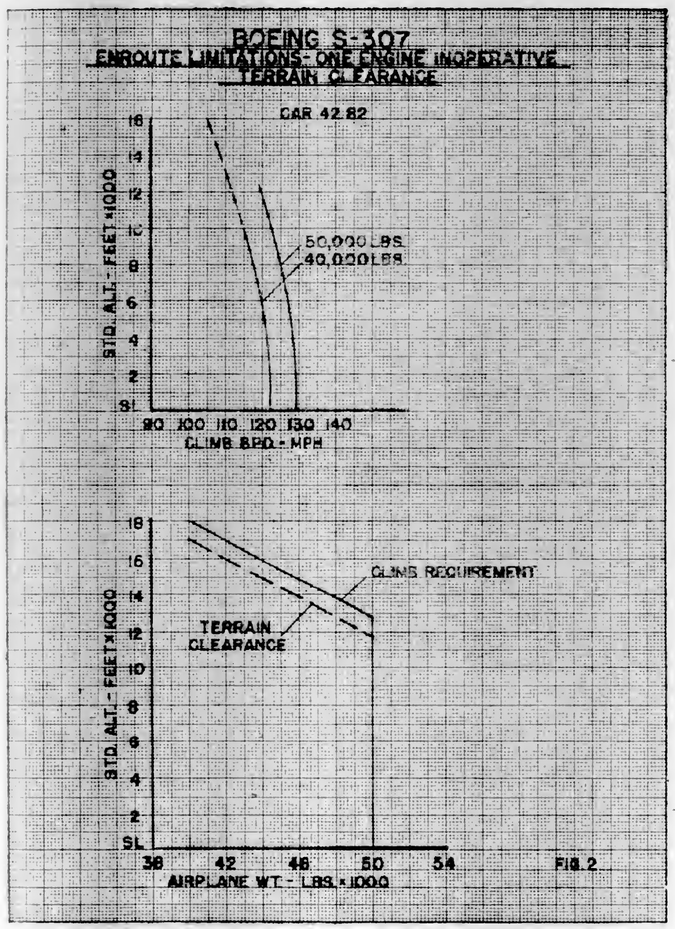
[1] Steady approach speed through 50-foot height m. p. h. TIAS denoted by symbol V_{50}.

(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with § 42.1 (a) (12).

Standard altitude in feet	Airplane weight in pounds and approach speeds[1] in m. p. h. TIAS					
	35,000	V_{50}	40,000	V_{50}	50,000	V_{50}
	Distance in feet					
S. L.	3,890	93	4,375	99.5	4,845	105
1,000	3,995	93	4,495	99.5	4,970	105
2,000	4,095	93	4,610	99.5	5,100	105
3,000	4,205	93	4,730	99.5	5,230	105
4,000	4,305	93	4,850	99.5	5,365	105
5,000	4,420	93	4,985	99.5	5,510	105
6,000	4,540	93	5,125	99.5	5,665	105
7,000	4,660	93	5,260	99.5	5,815	105
8,000	4,790	93	5,410	99.5	5,990	105

[1] Steady approach speed through 50-foot height m. p. h. TIAS denoted by symbol V_{50}.





(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010; 49 U. S. C. 551)

These rules shall become effective May 15, 1951.

[SEAL] F. B LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–5444; Filed, May 14, 1951; 8:48 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 49]

PART 600—DESIGNATION OF CIVIL AIRWAYS

CIVIL AIRWAY ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 600 is amended as follows:

1. Section 600.225 is amended by changing caption to read: "*Red civil airway No. 35 (Pueblo, Colo., to St. Joseph, Mo.),*" and by changing portion after "Hutchinson, Kans., radio range station;" to read: "the intersection of the east course of the Hutchinson, Kans., radio range and the southwest course of the Forbes AFB (Topeka, Kans.) radio range; Forbes AFB radio range station to the intersection of the northeast course of the Forbes AFB radio range and the south course of the St. Joseph, Mo., radio range."

2. Section 600.682 is added to read:

§ 600.682 *Blue civil airway No. 82 (Lebo, Kans., to Topeka, Kans.).* From the Lebo, Kans., radio range station to the Forbes AFB radio range station, Topeka, Kans.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 482)

This amendment shall become effective 0001 e. s. t. May 12, 1951.

[SEAL] ORA M. YOUNG,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–5560; Filed, May 14 1951; 8:48 a. m.]

[Amdt. 52]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

MISCELLANEOUS AMENDMENTS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 601 is amended as follows:

1. Section 601.235 is amended by changing caption to read: "*Red civil airway No. 35 control areas (Pueblo, Colo., to St. Joseph, Mo.),*"

2. Section 601.682 is added to read:

§ 601.682 *Blue civil airway No. 82 control areas (Lebo, Kans., to Topeka, Kans.).* All of Blue civil airway No. 82.

3. Section 601.2076 is amended by adding the following to the present Topeka, Kans., control zone: "including a 5-mile radius of Forbes AFB, Topeka, Kans., extending 2 miles either side of the southwest course of the Forbes AFB radio range to a point 10 miles southwest of the radio range station."

4. Section 601.4235 is amended by changing caption to read: "*Red civil airway No. 35 (Pueblo, Colo., to St. Joseph, Mo.),*"

5. Section 601.4682 is added to read:

§ 601.4682 *Blue civil airway No. 82 (Lebo, Kans., to Topeka, Kans.).* No reporting point designation.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. May 12, 1951.

[SEAL] ORA W. YOUNG,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–5559; Filed, May 14, 1951; 8:48 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

PART 327—OFFERING AND SPECIAL REGULATIONS GOVERNING TREASURY SAVINGS NOTES, SERIES D

CROSS REFERENCE: For termination of this part (Department Circular No. 833), see Part 331, § 331.2, of this subchapter, *infra*.

[1951 Dept. Circular 889]

PART 331—OFFERING AND SPECIAL REGULATIONS GOVERNING TREASURY SAVING NOTES, SERIES A

MAY 10, 1951.

SUBPART A—OFFERING OF NOTES

Sec.
331.1 Offering of notes.
331.2 Withdrawal of Series D notes.
331.3 Duration of offer.
331.4 Definitions.

SUBPART B—DESCRIPTION OF NOTES

331.5 General.
331.6 Acceptance for taxes or cash redemption.
331.7 Interest.
331.8 Forms of inscription.
331.9 Nontransferability.
331.10 Taxation.

SUBPART C—PURCHASE OF NOTES

331.11 Official agencies.
331.12 Applications and payment.
331.13 Reservations.
331.14 Delivery of notes.

SUBPART D—PRESENTATION IN PAYMENT OF TAXES

331.15 Presentation in payment of taxes.

SUBPART E—CASH REDEMPTION AT OR BEFORE MATURITY

331.16 General.
331.17 Execution of request for payment.
331.18 Officers authorized to certify requests for payment.
331.19 Presentation and surrender.
331.20 Partial redemption.
331.21 Payment.

SUBPART F—PAYMENT OR REISSUE TO OTHER THAN INSCRIBED OWNER

331.22 Death or disability.
331.23 Dissolution or merger of corporations, etc.
331.24 Bankruptcy.
331.25 Creditors' rights.
331.26 Instructions and information.

SUBPART G—GENERAL PROVISIONS

331.27 Regulations.
331.28 Loss, theft or destruction.
331.29 Fiscal agents.
331.30 Amendments.

AUTHORITY: §§ 331.1 to 331.30 issued under sec. 1, 40 Stat. 288, as amended; 31 U. S. C. 752.

SUBPART A—OFFERING OF NOTES

§ 331.1 *Offering of notes.* The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers for sale to the people of the United States, at par and accrued interest as provided in § 331.12, an issue of notes of the United States designated Treasury Savings Notes, Series A., which notes, if inscribed in the name of a Federal taxpayer, will be receivable as hereinafter provided at par and accrued interest in payment of income, estate and gift taxes imposed by the Internal Revenue Code, or laws amendatory or supplementary thereto. The notes may also be redeemed for cash at par and accrued interest, with certain exceptions applicable to banking institutions, as provided in § 331.16.

§ 331.2 *Withdrawal of Series D Notes.* The sale of Treasury Savings Notes, Series D, offered under Department Circular No. 833 (Part 327 of this subchapter), dated August 17, 1948, as amended, is hereby terminated at the close of business May 14, 1951.

§ 331.3 *Duration of offer.* The sale of notes of Series A offered by this circular will begin on May 15, 1951, and will continue until terminated by the Secretary of the Treasury.

§ 331.4 *Definitions.* (a) The word "month" as used in this part means the period from and including the 15th day of any one calendar month to but not including the 15th day of the next succeeding month.

(b) The words "issue date" mean the date as of which a note is issued and will always be the 15th day of a calendar month.

(c) The words "interest accrual date" or "accrual date" mean the date upon which a month's interest accrues on a note, the first accrual date being the 15th day of the calendar month next following the issue date.

SUBPART B—DESCRIPTION OF NOTES

§ 331.5 *General.* Treasury Savings Notes, Series A, will in each instance be dated as of the 15th day of a calendar month. The issue date will be determined by the day of the month on which payment at par and accrued interest, if any, is received and credited by an agency authorized to issue the notes. For example, payment received and credited on any day during the period from and including May 15, 1951, to and including June 14, 1951, would result in the issue of notes dated May 15, 1951. They will mature three years from that date and may not be called by the Secretary of the Treasury for redemption before maturity. All notes bearing issue dates within any one calendar year shall constitute a separate series indicated by the letter "A" followed by the year of maturity. At the time of issue the issuing agency will inscribe on the face of each note the name and address of the owner, will enter the issue date and will imprint its dating stamp (with current date). The notes will be issued in denominations of $100, $500, $1,000, $5,000, $10,000, $100,000, $500,000 and $1,000,000. Exchange of authorized denominations from higher to lower, but not from lower to higher, may be arranged at any agency that issues Treasury Savings Notes, Series A.

§ 331.6 *Acceptance for taxes or cash redemption.* If inscribed in the name of an individual, corporation, or other entity paying income, estate or gift taxes imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto, the notes will be receivable, subject to the provisions of § 331.15, at par and accrued interest, in payment of such income, estate or gift taxes assessed against the owner or his estate. If not presented in payment of taxes, or if not inscribed in the name of a taxpayer liable to the above-described taxes, and subject to the provisions of § 331.16, the notes will be payble at maturity, or at the owner's option and request they will be redeemable before maturity at par and accrued interest.

§ 331.7 *Interest.* Interest on each $1,000 principal amount of Treasury Savings Notes, Series A, will accrue monthly on the 15th calendar day of each month after the issue date on a graduated scale, as follows:

	Each month
First to Sixth months, inclusive	$1.20
Seventh to Twelfth months, inclusive	1.50
Thirteenth to Eighteenth months, inclusive	1.60
Nineteenth to Twenty-fourth months, inclusive	1.70
Twenty-fifth to Thirty-sixth months, inclusive	1.80

The table appended to this circular shows for notes of each denomination, for each consecutive month after issue date to maturity, (a) the amount of interest accrual, (b) the principal amount of the note with accrued interest (cumulative) added, and (c) the approximate investment yields. Subject to the provisions of §§ 331.15 and 331.16, when Treasury Savings Notes, Series A, are to be paid on an interest accrual date, the payment will include interest accruing on that date; otherwise, interest will be paid only to the interest accrual date next preceding the date of payment. Interest will be paid only with the principal amount, and will not accrue beyond the maturity date of the note.

§ 331.8 *Forms of inscription.* Treasury Savings Notes, Series A, may be inscribed in the name of an individual, corporation, unincorporated association or society, or a fiduciary (including trustees under a duly established trust where the notes would not be held as security for the performance of a duty or obligation), whether or not the inscribed owner is subject to taxation under the Internal Revenue Code, or laws amendatory or supplementary thereto. They may also be inscribed in the name of a town, city, county or State or other governmental body and in the name of a partnership, but notes in the name of a partnership are not acceptable in payment of taxes, since a partnership is not a taxpaying entity under the Internal Revenue Code. The notes will not be inscribed in the names of two or more persons as joint owners or coowners; or in the name of a public officer, whether or not named as trustee, where the notes would in effect be held as security for the performance of a duty or obligation.

§ 331.9 *Nontransferability.* The notes may not be transferred in ordinary course; except that (a) if inscribed in the name of a married man they may be reissued in the name of his wife, or if inscribed in the name of a married woman they may be reissued in the name of her husband, upon request of the person in whose name the notes are inscribed and the surrender of the notes to the agency that issued them; (b) if inscribed in the name of a corporation owning more than 50 percent of the stock, with voting power, of another corporation, the notes may be reissued in the name of the subsidiary upon request of the corporation and surrender of the notes to the agency that issued them; (c) upon the death or disability of an individual inscribed owner or the dissolution, consolidation or merger of a corporation, unincorporated association or partnership named as owner, reissue or payment may be made in accordance with §§ 331.22 and 331.23; and (d) payment but not reissue, may be made as a result of legal proceedings as set forth in §§ 331.24 and 331.25. The notes may not be hypothecated and no attempted hypothecation or pledge as security will be recognized by the Treasury Department: *Provided, however,* That the notes may be pledged as collateral for loans from banking institutions and if title thereto is acquired by a bank because of the failure of a loan to be paid, the notes will be redeemed at par and accrued interest to the interest accrual date next preceding the date of such acquisition, unless acquired on an interest accrual date, on surrender to the agency which issued them, accompanied by proof of the date of acquisition and by request of the pledgee under power of attorney given by the pledgor in whose name the notes are inscribed. The notes will not be transferred to a pledgee. The notes will not be acceptable to secure deposits of public moneys.

§ 331.10 *Taxation.* Income derived from the notes shall be subject to all taxes now or hereafter imposed under the Internal Revenue Code or laws amendatory or supplementary thereto. The notes shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

SUBPART C—PURCHASE OF NOTES

§ 331.11 *Official agencies.* In addition to the Treasury Department, the Federal Reserve Banks and their Branches are hereby designated agencies for the issue and redemption of Treasury Savings Notes, Series A. The Secretary of the Treasury, from time to time, in his discretion, may designate other agencies for the issue of the notes, or for accepting applications therefor, or for making payments on account of the redemption thereof.

§ 331.12 *Applications and payment.* Applications will be received by the Federal Reserve Banks and Branches and by the Treasurer of the United States, Washington, D. C. Banking institutions generally may submit applications for the account of customers but only the Federal Reserve Banks, their Branches and the Treasury Department are authorized to act as official agencies. The use of an official application form is desirable but not necessary. Such forms may be obtained upon request from any Federal Reserve Bank or Branch or the Treasurer of the United States. Every application must be accompanied by payment in full, at par and accrued interest, if any. The amount of accrued interest payable by the purchaser will be computed at the rate at which interest accrues on the notes ($1.20 per month per $1,000 par amount) for the actual number of days from but not including the issue date to and including the date funds are credited to the account of the Treasurer of the United States. For example, if funds are credited on the 20th day of January the issue date will be January 15, and five days' accrued interest must be paid by the purchaser. If collection is delayed so that credit is not given until February 15, the issue date will be February 15, and no accrued interest will be collectible. One day's accrued interest for a thirty-one day period is $0.03871 per $1,000, for a thirty day period $0.04 per $1,000, for a twenty-nine day period $0.04138 per $1,000, and for a twenty-eight day period $0.04286 per $1,000. Any form of exchange, including personal checks, will be accepted, subject to collection, and should be drawn to the order of the Federal Reserve Bank or the Treasurer of the United States, as payee, as the case may be. Any depositary qualified pursuant to the provisions of Treasury Department Circular No. 92, Revised (Part 203 of this chapter), as amended, will be permitted to make payment by credit for notes applied for on behalf of itself or its customers up to any amount for which it shall be qualified in excess of existing deposits.

§ 331.13 *Reservations.* The Secretary of the Treasury reserves the right to reject any application in whole or in part, and to refuse to issue or permit to be issued hereunder any notes in any case or in any class or classes of cases if he deems such action to be in the public interest, and his action in any such respect shall be final. If an application is rejected, in whole or in part, any payment received therefor will be refunded.

§ 331.14 *Delivery of notes.* Upon acceptance of a full-paid application, notes will be duly inscribed and, unless delivered in person will be delivered, at the risk and expense of the United States at the address given by the purchaser, by mail, but only within the United States, its Territories and Island Possessions, and the Canal Zone. No deliveries elsewhere will be made.

SUBPART D—PRESENTATION IN PAYMENT OF TAXES

§ 331.15 *Presentation in payment of taxes.* At any time after two months from the issue date, during such time and under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, notes issued hereunder in the name of a Federal taxpayer, may be presented by such taxpayer, his agent or his estate for credit against any income (current and back, personal and corporation taxes, and excess profits taxes) or any estate or gift taxes (current and back) imposed by the Internal Revenue Code, or laws amendatory or supplementary thereto, assessed against the inscribed owner or his estate. For example, a note dated January 15 may be presented for credit against taxes due March 15. The notes will be receivable by the Collector at par and accrued interest to the day (but no accrual beyond maturity) when the taxes are due, if such day falls on the 15th day of a calendar month, whether the notes are received on or before that day. If the taxes are due on any other day of the month than the 15th, accrued interest will be credited to the accrual date next preceding the day when the taxes are due. Notes are receivable only in payment of taxes equal to or exceeding the entire value of the notes, including accrued interest. The notes must be forwarded to the Collector at the risk and expense of the owner and, for his protection, should be forwarded by registered mail, if not presented in person.

SUBPART E—CASH REDEMPTION AT OR BEFORE MATURITY

§ 331.16 *General.* Any Treasury Savings Note, Series A, not presented in payment of taxes will be paid at maturity, or, at the option and request of the owner, and without advance notice, will be redeemed before maturity, at any time after four months from the issue date. For example, a note dated January 15 may be redeemed for cash on or after May 15. If redemption prior to maturity is requested on an interest accrual date the redemption will include interest accruing on that date, otherwise redemption will be at par and accrued interest to the interest accrual date next preceding the redemption date, except in the case of a note inscribed in the name of a bank that accepts demand deposits, in which case payment, whether at or before maturity, will be made only at par, with a refund of any accrued interest which may have been paid at the time of purchase of the note. If a note is acquired by a banking institution through forfeiture of a loan, payment will be made at par and the accrued interest payable as of the date of acquisition.

§ 331.17 *Execution of request for payment.* The owner in whose name the note is inscribed must appear before one of the officers authorized by the Secretary of the Treasury to witness and certify requests for payment, establish his identity, and in the presence of such officer sign and complete the request for payment appearing on the back of the note. After the request for payment has been executed, the witnessing officer should execute the certificate provided for his use.

§ 331.18 *Officers authorized to certify requests for payment.* All officers authorized to certify requests for payment of United States Savings Bonds, as set forth in Treasury Department Circular No. 530, Sixth Revision (Part 315 of this subchapter), as amended, are hereby authorized to certify requests for cash redemption of Treasury savings notes

issued under this circular. Such officers include, among others, United States postmasters, certain other post office officials, officers of all banks and trust companies incorporated in the United States or its organized territories, including officers at branches thereof, and commissioned and warrant officers of the Armed Forces of the United States.

§ 331.19 *Presentation and surrender.* Notes bearing properly executed requests for payment must be presented and surrendered to any Federal Reserve Bank or Branch or to the Treasurer of the United States, Washington 25, D. C., at the expense and risk of the owner. For the owner's protection, notes should be forwarded by registered mail, if not presented in person.

§ 331.20 *Partial redemption.* Partial cash redemption of a note, corresponding to an authorized denomination, may be made in the same manner as full cash redemption, appropriate changes being made in the request for payment. In case of partial redemption of a note, the remainder will be reissued in the same name and with the same issue date as the note surrendered.

§ 331.21 *Payment.* Payment of any note, either at maturity or on redemption before maturity, will be made by any Federal Reserve Bank or Branch or the Treasurer of the United States, following clearance with the agency of issue, which will be obtained by the agency to which the note is surrendered. Unless otherwise instructed, payment will be made by check drawn to the order of the owner, and mailed to the address given in his request for payment.

SUBPART F—PAYMENT OR REISSUE TO OTHER THAN INSCRIBED OWNER

§ 331.22 *Death or disability.* In case of the death or disability of an individual owner, if the notes are not to be presented in payment of taxes, payment will be made to the duly constituted representative of his estate, or they may be reissued to one or more of his heirs or legatees upon satisfactory proof of their right; but no reissue will be made in two names jointly or as coowners.

§ 331.23 *Dissolution or merger of corporations, etc.* If a corporation or unincorporated body in whose name notes are inscribed is dissolved, consolidated, merged or otherwise changes its organization, the notes may be paid to, or reissued in the name of, those persons or organizations lawfully entitled to the assets of such corporation or body by reason of such changes in organization.

§ 331.24 *Bankruptcy.* If an owner of notes is declared bankrupt or insolvent, payment, but not reissue, will be made to the duly qualified trustee, receiver or similar representative if the notes are submitted with satisfactory proof of his appointment and qualification.

§ 331.25 *Creditors' rights.* Payment, but not reissue, will be made as a result of judicial proceedings in a court of competent jurisdiction, if the notes are submitted with proper proof of such proceedings and their finality.

§ 331.26 *Instructions and information.* Before executing the request for payment or submitting the notes under the provisions of this subpart, instructions should be obtained from a Federal Reserve Bank or Branch or from the Treasury Department, Division of Loans and Currency, Washington 25, D. C.

SUBPART G—GENERAL PROVISIONS

§ 331.27 *Regulations.* Except as provided in this part, the notes issued under this part will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing bonds and notes of the United States; the regulations currently in force are contained in Department Circular No. 300 (Part 306 of this subchapter), as amended.

§ 331.28 *Loss, theft or destruction.* In case of the loss, theft or destruction of a savings note immediate notice (which should include a full description of the note) should be given the agency which issued the note and instructions should be requested as to the procedure necessary to secure a duplicate.

§ 331.29 *Fiscal agents.* Federal Reserve Banks and their Branches, as fiscal agents of the United States, are authorized to perform such services or acts as may be appropriate and necessary under the provisions of this circular and under any instructions given by the Secretary of the Treasury, and they may issue interim receipts pending delivery of the definitive notes.

§ 331.30 *Amendments.* The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of this part or of any amendments or supplements thereto, and may at any time or from time to time prescribe amendatory rules and regulations governing the offering of the notes, information as to which will promptly be furnished to the Federal Reserve Banks.

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is found to be impracticable with respect to this part. This is a matter of fiscal policy and it was deemed inadvisable to make determination with respect thereto at an earlier date.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

TREASURY SAVINGS NOTES—SERIES A

TABLE OF TAX PAYMENT OR REDEMPTION VALUES AND INVESTMENT YIELDS

The table below shows for each month from issue date to maturity date the amount of interest accrual; the principal amount with accrued interest added, for notes of each denomination; the approximate investment yield on the par value from issue date to the 15th of each month following the issue date; and the approximate investment yield on the current redemption value from the 15th of the month indicated to the maturity date.

NOTE: The word "month" as used in this table means the period from and including the 15th day of any one calendar month to but not including the 15th day of the next succeeding month.

Par value	$100.00	$500.00	$1,000.00	$5,000.00	$10,000	$100,000	$500,000	$1,000,000	Approximate investment yield on par value from issue date to beginning of each monthly period thereafter	Approximate investment yield on current tax-payment or redemption values from beginning of each monthly period to maturity
Amount of interest accrual each month after issue month	Tax-payment or redemption values during each monthly period after issue month [1]									
									Percent	*Percent*
Interest accrues at rate of $1.20 per month per $1,000 par amount:										
First month	$100.12	$500.60	$1,001.20	$5,006.00	$10,012	$100,120	$500,600	$1,001,200	1.44	
Second month	100.24	501.20	1,002.40	5,012.00	10,024	100,240	501,200	1,002,400	1.44	
Third month	100.36	501.80	1,003.60	5,018.00	10,036	100,360	501,800	1,003,600	1.44	
Fourth month	100.48	502.40	1,004.80	5,024.00	10,048	100,480	502,400	1,004,800	1.44	
Fifth month	100.60	503.00	1,006.00	5,030.00	10,060	100,600	503,000	1,006,000	1.44	
Sixth month	100.72	503.60	1,007.20	5,036.00	10,072	100,720	503,600	1,007,200	1.44	
Interest accrues at rate of $1.50 per month per $1,000 par amount:										
Seventh month	100.87	504.35	1,008.70	5,043.50	10,087	100,870	504,350	1,008,700	1.49	
Eighth month	101.02	505.10	1,010.20	5,051.00	10,102	101,020	505,100	1,010,200	1.53	
Ninth month	101.17	505.85	1,011.70	5,058.50	10,117	101,170	505,850	1,011,700	1.56	
Tenth month	101.32	506.60	1,013.20	5,066.00	10,132	101,320	506,600	1,013,200	1.58	
Eleventh month	101.47	507.35	1,014.70	5,073.50	10,147	101,470	507,350	1,014,700	1.60	
Twelfth month	101.62	508.10	1,016.20	5,081.00	10,162	101,620	508,100	1,016,200	1.61	2.01

[1] Not acceptable in payment of taxes until after the second month from issue date, and not redeemable for cash until after the fourth month from issue date.
[2] Approximate investment yield for entire period from issue date to maturity.

TREASURY SAVINGS NOTES—SERIES A—Continued

TABLE OF TAX-PAYMENT OR REDEMPTION VALUES AND INVESTMENT YIELDS—continued

Par value	$100.00	$500.00	$1,000.00	$5,000.00	$10,000	$100,000	$500,000	$1,000,000	Approximate investment yield on par value from issue date to beginning of each monthly period thereafter	Approximate investment yield on current tax-payment or redemption values from beginning of each monthly period to maturity
Amount of interest accrual each month after issue month	Tax-payment or redemption values during each monthly period after issue month [1]									
									Percent	*Percent*
Interest accrues at rate of $1.60 per month per $1,000 par amount:										
Thirteenth month	$101.78	$508.90	$1,017.80	$5,089.00	$10,178	$101,780	$508,900	$1,017,800	1.64	2.01
Fourteenth month	101.94	509.70	1,019.40	5,097.00	10,194	101,940	509,700	1,019,400	1.65	2.02
Fifteenth month	102.10	510.50	1,021.00	5,105.00	10,210	102,100	510,500	1,021,000	1.67	2.02
Sixteenth month	102.26	511.30	1,022.60	5,113.00	10,226	102,260	511,300	1,022,600	1.68	2.03
Seventeenth month	102.42	512.10	1,024.20	5,121.00	10,242	102,420	512,100	1,024,200	1.70	2.04
Eighteenth month	102.58	512.90	1,025.80	5,129.00	10,258	102,580	512,900	1,025,800	1.71	2.05
Interest accrues at rate of $1.70 per month per $1,000 par amount:										
Nineteenth month	102.75	513.75	1,027.50	5,137.50	10,275	102,750	513,750	1,027,500	1.72	2.05
Twentieth month	102.92	514.60	1,029.20	5,146.00	10,292	102,920	514,600	1,029,200	1.73	2.05
Twenty-first month	103.09	515.45	1,030.90	5,154.50	10,309	103,090	515,450	1,030,900	1.75	2.06
Twenty-second month	103.26	516.30	1,032.60	5,163.00	10,326	103,260	516,300	1,032,600	1.76	2.06
Twenty-third month	103.43	517.15	1,034.30	5,171.50	10,343	103,430	517,150	1,034,300	1.77	2.07
Twenty-fourth month	103.60	518.00	1,036.00	5,180.00	10,360	103,600	518,000	1,036,000	1.78	2.07
Interest accrues at rate of $1.80 per month per $1,000 par amount:										
Twenty-fifth month	103.78	518.90	1,037.80	5,189.00	10,378	103,780	518,900	1,037,800	1.79	2.07
Twenty-sixth month	103.96	519.80	1,039.60	5,198.00	10,396	103,960	519,800	1,039,600	1.80	2.07
Twenty-seventh month	104.14	520.70	1,041.40	5,207.00	10,414	104,140	520,700	1,041,400	1.81	2.07
Twenty-eighth month	104.32	521.60	1,043.20	5,216.00	10,432	104,320	521,600	1,043,200	1.82	2.07
Twenty-ninth month	104.50	522.50	1,045.00	5,225.00	10,450	104,500	522,500	1,045,000	1.83	2.07
Thirtieth month	104.68	523.40	1,046.80	5,234.00	10,468	104,680	523,400	1,046,800	1.84	2.06
Thirty-first month	104.86	524.30	1,048.60	5,243.00	10,486	104,860	524,300	1,048,600	1.85	2.06
Thirty-second month	105.04	525.20	1,050.40	5,252.00	10,504	105,040	525,200	1,050,400	1.85	2.06
Thirty-third month	105.22	526.10	1,052.20	5,261.00	10,522	105,220	526,100	1,052,200	1.86	2.06
Thirty-fourth month	105.40	527.00	1,054.00	5,270.00	10,540	105,400	527,000	1,054,000	1.86	2.06
Thirty-fifth month	105.58	527.90	1,055.80	5,279.00	10,558	105,580	527,900	1,055,800	1.87	2.05
Maturity	105.76	528.80	1,057.60	5,288.00	10,576	105,760	528,800	1,057,600	1.88	

[1] Not acceptable in payment of taxes until after the second month from issue date, and not redeemable for cash until after the fourth month from issue date.

[F. R. Doc. 51-5598; Filed, May 14, 1951; 9:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5801]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BERKSHIRE MFG. CO.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections—Producer status of dealer—Manufacturer;* Subpart—*Using misleading name—Vendor;* § 3.2445 *Producer or laboratory status of dealer or seller.* In connection with the offering for sale, sale and distribution of handkerchiefs in commerce, (1) using "manufacturing" or any other word of similar import in respondents' trade name; or otherwise representing, directly or by implication, that respondents manufacture the handkerchiefs sold by them; or, (2) using in advertisements or otherwise any photograph or picturization of a manufacturing plant in such manner as to represent or imply that such plant is owned or operated by respondents; prohibited.

(Sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Ralph Dweck et al doing business as Berkshire Manufacturing Company, Docket 5801, March 10, 1951]

In the Matter of Ralph Dweck et al, Doing Business as Berkshire Manufacturing Company

This proceeding was heard by William L. Pack, trial examiner, upon the complaint of the Commission, the answer of the respondents, and hearings at which testimony and other evidence in support of and in opposition to the allegations of the complaint were introduced before said trial examiner, which testimony and other evidence were duly recorded and filed in the office of the Commission.

Thereafter the proceeding regularly came on for final consideration by the trial examiner on the complaint, the answer thereto, and testimony and other evidence (the filing of proposed findings and conclusions having been waived), and the trial examiner, having duly considered the record, and found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts, conclusion drawn therefrom, and order to cease and desist and order of dismissal.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order accordingly, under the provision of said Rule XXII, became the decision of the Commission March 10, 1951.

The said order to cease and desist is as follows:

It is ordered, That respondents Ralph Dweck, Bert Dweck, Isaac Dweck, Jack Dweck and David Levy, individually and as copartners trading under the name Berkshire Manufacturing Company, or trading under any other name, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of handkerchiefs in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "manufacturing" or any other word of similar import in respondents' trade name; or otherwise representing, directly or by implication, that respondents manufacture the handkerchiefs sold by them.

2. Using in advertisements or otherwise any photograph or picturization of a manufacturing plant in such manner as to represent or imply that such plant is owned or operated by respondents.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondent Solomon Levy, without prejudice to the right of the Commission to institute further proceedings against said respondent should future facts warrant such action.

By "Decision of the Commission and order to File Report of Compliance", Docket 5801, March 12, 1951, which announced fruition of said initial decision on March 10, 1951, report of compliance with said cease and desist order, was required as follows:

It is ordered, That respondents Ralph Dweck, Bert Dweck, Isaac Dweck, Jack Dweck, and David Levy shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have

complied with the order to cease and desist.

Issued: March 12, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-5553; Filed, May 14, 1951; 8:47 a. m.]

[Docket 5681]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ASCO VENDING MACHINE EXCHANGE CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.60 *Earnings;* § 3.115 *Jobs and employment service;* § 3.200 *Sample, offer or order conformance;* § 3.260 *Terms and conditions;* § 3.275 *Undertakings, in general.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal;* § 3.1935 *Earnings;* § 3.1955 *Job guarantee and employment.* Subpart—*Securing agents or representations:* § 3.2090 *Undertakings, in general, conformance;* § 3.2030 *Terms and conditions;* § 3.2060 *Sample, offer or order conformance;* § 3.2120 *Dealer or seller assistance;* § 3.2130 *Earnings;* § 3.2147 *Sample, offer or order conformance;* § 3.2165 *Terms and conditions.* In connection with the offering for sale, sale or distribution of vending machines in commerce, (1) using advertisements which represent directly or by implication that employment is offered by respondents, when in fact the real purpose of the advertisement is to obtain purchasers for respondents' machines; (2) representing that the cash investment required to purchase respondents' machines is secured, either by inventory or otherwise; (3) representing as customary or regular earnings or profits to be derived from the operation of respondents' machines any amount in excess of that which has in fact been customarily and regularly earned by operators of such machines; (4) representing that respondents will obtain satisfactory locations for said machines, unless such locations are in fact obtained by respondents; (5) representing that the territory allotted purchasers of such machines is exclusive, unless respondents do in fact refrain from selling machines to other purchasers for operation in such designated territory; or, (6) representing that vending machines will be complete and will conform with sample machines displayed to prospective purchasers, unless the machines delivered are in fact complete and conform in all respects with such sample machines; prohibited.

(Sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Asco Vending Machine Exchange Corporation et al., Docket 5681, March 14, 1951]

In the Matter of Asco Vending Machine Exchange Corporation, a Corporation, and Alexander S. Cohen, Individually and as an Officer of Asco Vending Machine Exchange Corporation; and Charles W. Smith and Frank A. Osborne, Individually

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondents' answer thereto, testimony and other evidence in support of and in opposition to the allegations of the complaint introduced before a trial examiner of the Commission theretofore duly designated by it, the trial examiner's recommended decision and exceptions thereto by counsel for respondent, Charles W. Smith (briefs having been waived and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents Asco Vending Machine Exchange Corporation, a corporation, and its officers, and Alexander S. Cohen, individually and as an officer of said corporation, and Charles W. Smith, individually and as sales manager of said corporation, and said respondents' agents, representatives and employees directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of vending machines in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Under advertisements which represent directly or by implication that employment is offered by respondents, when in fact the real purpose of the advertisement is to obtain purchasers for respondents' machines.

2. Representing that the cash investment required to purchase respondents' machines is secured, either by inventory or otherwise.

3. Representing as customary or regular earnings or profits to be derived from the operation of respodents' machines any amount in excess of that which has in fact been customarily and regularly earned by operators of such machines.

4. Representing that respondents will obtain satisfactory locations for said machines, unless such locations are in fact obtained by respondents.

5. Representing that the territory allotted purchasers of such machines is exclusive, unless respondents do in fact refrain from selling machines to other purchasers for operation in such designated territory.

6. Representing that vending machines will be complete and will conform with sample machines displayed to prospective purchasers, unless the machines delivered are in fact complete and conform in all respects with such sample machines.

It is further ordered, That the respondents named above shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to respondent Frank A. Osborne.

Issued: March 14, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-5554; Filed, May 14, 1951; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Supplementary Regulation 3]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 3—SALES BY PRINTERS ALLOWED TO BE EXCLUDED FROM GROSS SALES

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 3 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 22 allows manufacturers to elect not to use such regulation if their gross sales were less than $250,000 in their last fiscal year.

Many small printers produce and sell, among other things, newspapers, magazines, periodicals or other publications which are exempt from price control under the Defense Production Act of 1950. From available data and consultations with industry representatives, it appears that the dollar volume from the sales of these publications represent the major portion of gross sales of many of these small printers. It would not appear to be equitable to require printers to include in gross sales, the dollar volume resulting from the sales of those publications which are beyond price control. This action will not result in any inflationary price increases since sales of remaining commodities by printers are subject to price control under the General Ceiling Price Regulation.

In the judgment of the Director of Price Stabilization, the provisions of this Supplementary Regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

In formulating this supplementary regulation the Director has consulted with representatives of industry to the extent practicable under the circumstances and has given consideration to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Sales by printers allowed to be excluded from gross sales.
3. Definitions.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Public Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This Supplementary Regulation 3 modifies section 1 of Ceiling Price Regulation 22 by allowing printers to exclude certain sales in computing gross sales.

SEC. 2. *Sales by printers allowed to be excluded from gross sales.* On and after the effective date of this Supplementary Regulation 3, printers, otherwise subject to Ceiling Price Regulation 22, in computing whether or not their gross sales are less than $250,000 for their last fiscal year, so as to exercise the option not to use such regulation, may exclude from their gross sales the amount of sales attributable to the sales of newspapers, magazines, periodicals or other publications which are exempt from price control under the Defense Production Act of 1950.

All other provisions of Ceiling Price Regulation 22 are unaffected by this supplementary regulation.

SEC. 3. *Definitions.* (a) When used in this supplementary regulation, the term:

(1) "Printers" shall include all phases of the graphic arts industry including, but not limited to, photo-engraving, typesetting, electrotyping, stereotyping, plate making, printing, binding and related services in connection therewith.

Effective date. This supplementary regulation to Ceiling Price Regulation 22 shall become effective May 28, 1951.

MICHAEL V. DISALLE, *Director of Price Stabilization.*

MAY 14, 1951.

[F. R. Doc. 51-5690; Filed, May 14, 1951; 10:15 a. m.]

[General Overriding Regulation No. 8, Amendment 1]

GOR-8—PAPER, PAPERBOARD, CONVERTED PAPER AND PAPERBOARD PRODUCTS, ALLIED PRODUCTS AND SERVICES

EXEMPTION OF SALES OF COMMODITIES WHICH HAVE EDITORIAL CONTENT, EXPRESS IDEAS OR DISSEMINATE INFORMATION AND SERVICES RELATED THERETO

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this amendment to General Overriding Regulation 8 is hereby issued.

STATEMENT OF CONSIDERATION

General Overriding Regulation 8 created a clearing house for future exemptions for specific paper, paperboard, converted paper and paperboard products, allied products and services. This amendment exempts from all price control sales and deliveries of certain printed commodities whose primary value depends upon editorial content, expression of ideas or dissemination of information and the printing and allied services rendered in connection therewith. It also exempts for the year 1951 sales and services by persons whose printing business did not exceed $50,000 in 1950. Such exemption applies in any year subsequent to 1951 when sales in the preceding calendar year do not exceed $50,000.

In 1947, according to official statistics of the U. S. Department of Commerce, the printing, publishing and related industries, including typesetting, platemaking and similar services, consisted of 28,986 establishments employing 715,000 persons, and producing goods and services valued at approximately 6.4 billion dollars.

The Congress, in writing the Defense Production Act of 1950, specifically exempted from price control sales of books, magazines, periodicals and newspapers which, in 1947, amounted to 3.7 billion dollars, or about 60 percent of these industries total value of products.

This amendment extends exemption from control to a number of other articles whose primary value, like the articles specifically exempted by Congress, depends upon their editorial content, or expression of ideas or dissemination of information and to services rendered in connection with their production; it also exempts from control all the products and services performed by persons engaged primarily in these industries and having gross sales of not more than $50,000 for the calendar year of 1950. The value in 1947 of products and services of the latter group are estimated to have been between 300 to 600 million dollars. It is estimated that most of the business of the approximately 21,000 small firms with annual sales of not more than $50,000 is exempt from control by congressional action and this amendment; exemption of the smaller printer from any control merely removes from regulation the balance of his sales.

Printing and allied services are characterized by the presence of a higher number of small firms which account for a relatively low percentage of the industry's total value of production. The high number of establishments and the fact that wages, the most important element of cost in most segments of these industries, are generally uniform throughout a given area, result in a competition for available work which is particularly keen among small concerns and frequently result in work being taken at a price which will cover only cost or part of costs. Consequently, as shown below, the net operating profits, before federal income taxes, for establishments with annual sales of not more than $50,000 are consistently well below the industry average and the average for large firms.

TABLE 1.—*Printing industry: Ratio of net operating profit to sales, before Federal income taxes, for specified sizes of establishment, 1946–1949*

Year	Less than $35,000	$35,000 to $75,000	$75,000 to $150,000	$150,000 to $1,500,000	$1,500,000 and over	Industry average
1946	4.31	8.56	9.50	12.48	10.77	10.53
1947	5.75	7.33	9.81	10.15	9.72	9.58
1948	7.28	6.48	8.15	9.20	9.65	9.11
1949	2.99	4.90	5.81	6.96	8.90	7.50

Source: Printing Industry of America, Inc.

This amendment is necessary because now, as during the price control program of World War II, the high number of establishments and the heterogeneous nature of the commodities and services involved would make administration of an effective price control program extremely difficult. It is believed that action taken in this amendment will not result in inflationary price increases because of the close competition which characterizes this industry and because the prices charged by the larger firms, which will remain subject to control, will prevent such price increases.

All exemptions provided for the commodities and services covered by this amendment were also exempt from control under OPA. With regard to those commodities and services covered by section 3 of this amendment, however, exemption under OPA was extended only to those firms having annual sales of less than $20,000. This amendment recognizes that increases in labor, raw materials and general operating costs since World War II have been reflected in higher prices and, to assure coverage of approximately the same group provided for under OPA, it is made applicable to establishments with annual sales of not more than $50,000.

Taking into consideration the above facts, the Director of Price Stabilization finds that amendment 1 to the General Overriding Regulation 8 is generally fair and equitable and contains such classifications and differentiations as in his judgment are necessary and proper to effectuate the purposes of the Defense Production Act of 1950.

AMENDATORY PROVISIONS

Section 1 (a) of General Overriding Regulation 8 is amended by the addition of subparagraphs (2) and (3) after subparagraph (1), as follows:

(2) Sales of commodities whose primary value depends upon editorial content, expression of ideas or dissemination of information and the rates, fees, charges, or compensation for the services of printing, publishing, typesetting, plate making, binding, or related services in connection with such commodities, including, but not limited to, books, magazines, periodicals, newspapers, materials furnished for publication by any press association or feature service, pamphlets, leaflets, sheet music, music rolls, stamp albums, globes, maps, charts, catalogs, directories, programs, house organs, menus, advertising matter printed on paper (except such articles as containers, labels and book matches, the form of which serves a purpose other than that of advertising), time tables, tariffs and price lists.

(3) Sales of all papers and paper products when sold by persons engaged primarily in the business of publishing, printing, typesetting, plate making, binding, or rendering related services, or any combination thereof, whose total gross sales in the calendar year 1950 of printed papers and printed paper products and services in connection therewith did not exceed $50,000. This exemption applies in any subsequent year when such total gross sales in the preceding calendar year did not exceed $50,000: *Provided*, That records of such total gross sales for 1950 and any subsequent year of printed paper and printed paper products and services in connection therewith be maintained and preserved for inspection by the Office of Price Stabilization for the life of the Defense Production Act of 1950 and for two years thereafter.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st

Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

Effective date. This amendment shall become effective on May 19, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 14, 1951.

[F. R. Doc. 51-5689; Filed, May 14, 1951; 10:14 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-55A]

M-55A—FARM EQUIPMENT, THIRD QUARTER 1951

This order is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order consultation with industry representatives was impracticable due to the necessity for immediate action and because the order affects a large number of users in different segments of the industry.

Sec.
1. What this order does.
2. Definitions.
3. Limitation of production.
4. Authorization of rating.
5. Effect of other regulations and orders.
6. Certification of ratings.
7. Inventory limitations.
8. Application for adjustment or exception.
9. Records and reports.
10. Communications.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order authorizes producers of farm equipment to apply a rating to obtain delivery of production materials and component parts for July, August, and September 1951 consumption and use, and limits production of farm equipment during such period.

SEC. 2. *Definitions.* As used in this order:

(a) "Farm equipment" means any item of farm machinery, equipment, or repair parts listed in Schedule I of this order.

(b) "Producer" means any person engaged in the manufacture or production of farm equipment.

(c) "Production material" means aluminum, copper, steel, or zinc.

(d) "Component part" means a component part required to be physically incorporated into or attached to any piece of farm equipment, and includes textiles.

(e) "Base period" means the period commencing July 1, 1949, and ending June 30, 1950.

(f) "Third quarter 1951" means the months of July, August, and September 1951.

(g) "Third quarter 1951 requirements" of any production material means the tonnage required by a producer for his July, August, and September 1951 consumption of such production material, limited, however, to the tonnage of such production material required by such producer to manufacture, at his option, either of the following percentages of the total quantity by weight of farm equipment produced by him during the base period: (a) 25 percent thereof, or (b) the percentage thereof actually produced by him during the months of July, August, and September 1949. In determining the tonnage of any production material so required, a producer shall exclude the tonnage of such production material included in those component parts not manufactured by him but incorporated by him into such farm equipment.

(h) "Third quarter 1951 requirements" of any component part means the quantity required by a producer for his July, August, and September 1951 production of farm equipment (measured by units in group classifications in accordance with trade custom or industry practice).

SEC. 3. *Limitation of production.* During the third quarter 1951 no producer shall manufacture more than either of the following percentages of total quantity by weight of farm equipment produced by him during the base period: (a) 25 percent thereof, or (b) the percentage thereof actually produced by him during the months of July, August, and September 1949, whichever is greater.

SEC. 4. *Authorization of rating.* It is the intent of NPA that there shall be made available to each producer of farm equipment his third quarter 1951 requirements of each production material and each component part and that, pending the making of allotments under the Controlled Materials Plan for the third quarter, each producer of farm equipment shall be authorized to apply ratings to obtain delivery of 92 percent of his said third quarter requirements. Accordingly, each producer of farm equipment is hereby authorized to apply, until September 30, 1951, a DO–87 rating to obtain delivery of not to exceed 92 percent of his third quarter 1951 requirements of each production material and of each component part: *Provided,* That no producer shall place orders calling for delivery in any one month of more than 40 percent of his third quarter 1951 requirements of any production material, unless such 40 percent is less than the minimum quantity procurable under existing trade or industry practice, or the minimum mill quantity established by applicable NPA orders or regulations, in which case the producer may place rated orders for such minimum quantity of such production material for delivery in any one month. DO–87 rated orders for third quarter 1951 requirements must be placed in accordance with lead time requirements of applicable NPA orders. No producer shall apply a DO–87 rating, and no other person shall extend a DO–87 rating, to secure a production material or a component part except to a person who during the 2 years preceding the effective date of this order has been a regular supplier of the producer so applying or other person so extending: *Provided, however,* That a producer may place a DO–87 order with a new supplier whenever an order for needed production material or a component part or parts has been rejected by his regular supplier because of the provisions of any NPA order or regulation, or because the needed production material or component part is no longer manufactured or handled by the regular supplier.

SEC. 5. *Effect of other regulations and orders.* When a DO–87 rating is applied by a producer to a supplier, it may be extended in accordance with NPA Reg. 2 (except in those cases mentioned in the last sentence of this section), but no person shall apply or extend a DO–87 rating except in accordance with the provisions of this order and said Reg. 2. The provisions of this order shall prevail over such provisions of NPA Reg. 2 as may be in conflict herewith, but all other provisions of NPA Reg. 2 shall continue in full force and effect. Until the Controlled Materials Plan becomes fully effective, no producer shall use any quantity of aluminum or copper exceeding the percentage thereof used by him in relation to the quantity of carbon steel used by him during the months of January, February, and March 1951. Any producer of component parts who has received special authorization from NPA to adjust his base quota to permit use of additional aluminum, copper, copper forms or products, or zinc, for component parts for farm equipment shall reduce any such additional use of any such material by an amount equal to the quantity of such material which he obtains by the use of the DO–87 rating.

SEC. 6. *Certification of ratings.* When a person applies or extends a DO–87 rating, the certification shall read as follows:

Certified under NPA Order M–55A and NPA Reg. 2

Such certification constitutes a representation to the recipient and to NPA that the person applying or extending the rating is authorized under the provisions of this order to so apply or extend a DO–87 rating.

SEC. 7. *Inventory limitations.* Nothing in this order shall be construed as modifying the provisions of NPA Reg. 1 with respect to practicable minimum working inventories, or the provisions of any NPA order establishing limitations with respect to the inventory of any production material. Accordingly, no producer shall apply, and no other person shall extend, a DO–87 rating to order any production material for delivery at a time when his inventory thereof exceeds, or by receipt of the material covered by the order would be made to exceed, the inventory permitted by all applicable NPA regulations and orders.

SEC. 8. *Application for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 10. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C. Ref: M-55A.

SEC. 11. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with said Federal Reports Act of 1942.

This order shall take effect on May 11, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

SCHEDULE I

Planting, seeding, and fertilizing machinery:
- Planters, corn and cotton.
- Potato planters (horse and tractor drawn).
- Transplanters.
- Beet and bean drills or planters.
- Grain drills.
- Broadcast seeders.
- Garden planters.
- Fertilizer distributors.
- Lime spreaders.
- Manure spreaders and loaders.
- Limestone pulverizers (farm size, under 14 inches).
- Uni-carriers, chassis or rear tool bar (short and long) for mounting tools, pull type.
- Tool frames, attached or rear tool bar (short and long) for mounting tools on tractor.
- Potato cutters.

Farm plows and listers:
- Moldboard plows.
- Disc plows.
- Disc tillers.
- Listers and middlebusters (with or without planting attachments).
- Subsoil plows.
- Plow stocks.
- Basin tillers.
- Cane row plows.

Harrows, rollers, pulverizers, and stalk cutters:
- Harrows.
- Rollers (excluding lawn rollers).
- Soil pulverizers and packers.
- Stalk cutters.
- Ridge busters.
- Combination harrows and rollers.
- Seed-bed row rollers.
- Field markers.

Cultivators and weeders:
- Cultivators.
- Rotary hoes.
- Weeders, drawn or mounted.
- Beet thinners.
- Vegetable weeders and thinners.
- Cyclone weeders.
- Cotton choppers.

Farm sprayers, dusters, and orchard heaters:
- Power sprayers.
- Hand sprayers with tank, barrel, knapsack, etc., with complete equipment (capacity 1 quart or over but less than 6 gallons).
- Hand pump sprayers (capacity 6 gallons or more).
- Spray pumps, power.
- Weed and pear burners.
- Dusters.
- Orchard heaters.
- Wind frost protection machines.

Harvesting machinery:
- Combines.
- Grain and rice binders.
- Corn binders.
- Corn pickers.
- Field forage harvesters.
- Potato diggers and pickers.
- Bean cutters or pullers.
- Sugar beet and cane harvesting equipment.
- Cotton harvesters, stripper type.
- Cotton pickers.
- Vegetable pullers and pickers.
- Green pea harvesters.
- Spinach harvesters.
- One-row soybean harvesters.
- Grass seed harvesters or strippers.
- Flax pullers.
- Hop pickers.
- Peanut diggers.

Farm haying machinery:
- Mowers (excluding lawn mowers).
- Rakes.
- Hay loaders.
- Stackers.
- Pickup balers and bale loaders.
- Field hay choppers and harvesters.

Machines for preparing crops for market or use:
- Stationary threshers.
- Peanut pickers.
- Ensilage cutters.
- Feed cutters (hand and power).
- Corn shellers.
- Corn huskers and shredders.
- Stationary hay and straw balers.
- Feed grinders and crushers (farm).
- Grain cleaners and graders (farm type).
- Sorters and graders.
- Maple syrup evaporators.
- Cane syrup evaporators.
- Cane mills (farm size).
- Cider mills and fruit presses.
- Tobacco curers.
- Broom corn de-seeders.
- Feed mixers (farm size).
- Dryers, grain, hay and seed (farm size).

Farm elevators and blowers:
- Elevators (portable).
- Elevators (stationary).
- Blowers (grain and forage).

Tractors:
- Farm tractors, wheel type.
- Garden tractors.
- Motor tillers.

Farm wagons, gears, and trucks (not motor):
- Wagons and trucks.
- Wagon bodies.
- Trailers (farm).
- Sleighs and bobsleds (farm).
- Tobacco trucks.
- Buggies and spring wagons (farm).
- Cane wagons and carts.

Domestic water systems (farm type):
- Deep and shallow well systems.
- Power pumps, horizontal type, up to and including 75 gallons per minute, 100 pounds pressure.

Farm pumps and windmills:
- Pumps, water.
- Windmills.
- Pump jacks.

Irrigation equipment:
- Turbine pumps.
- Centrifugal pumps (excluding self-priming type).
- Hydraulic rams.
- Water well casing (fabricated by other than pipe mills).
- Land levelers (not including power ditchers, draglines, and other self-powered machines).
- Blade ditchers and terracers (not including power ditchers, draglines, and other self-powered machines).
- One disc terracers (not including power ditchers, draglines, and other self-powered machines).
- Corrugators (not including power ditchers, draglines, and other self-powered machines).
- Scrapers (farm type).
- Portable pipe and extensions, sprinklers (excluding lawn sprinklers, valves, and gates).

Dairy farm machines and equipment:
- Milking machines.
- Farm cream separators (up to 1,500 pounds per hour).
- Farm milk coolers.
- Farm butter making equipment.
- Milk pails.
- Milk strainers.
- Stirrers.
- Cream setter cans.
- Sterilizing tanks.
- Dairy washing tanks.
- Dairy water heaters (excluding boiler-type and pressure-type heaters).
- Can racks.

Barn and barnyard equipment:
- Feed carriers, litter carriers, and feed trucks.
- Hay unloading equipment.

Cattle stalls, pen equipment, and stanchions.
- Livestock drinking cups and watering bowls.
- Barnyard stock tanks.
- Feeders, feed cookers, and tank heaters.
- Barn cleaners.
- Hog waterers.
- Hog oilers.
- Hog rings.
- Hog ringers.
- Livestock identification tags.
- Cattle dehorning equipment.
- Halter chains.
- Anti-cow kickers.
- Hay hoists.
- Bull staffs.
- Bull rings.

Farm poultry equipment:
- Incubators.
- Floor brooders.
- Battery brooders (heated).
- Growing and laying batteries.
- Poultry feeders.
- Poultry waterers and water heaters.
- Laying nests and grit boxes.
- Leg bands.
- Wing bands.
- Egg scales and graders.
- Egg candlers.
- Poultry punches.
- Roof saddles.
- Draft equalizers.
- Chimney caps.
- Light controls.
- Killing cones.
- Fowl catchers.

Miscellaneous farm equipment:
- Beekeepers' supplies.
- Silos (total weight of iron and steel).
- Horse shoes, including mule and oxen shoes.
- Harness hardware.
- Power sheep-shearing machines.
- Electric fence controllers.
- Farm wood-sawing machines including self-powered cross-cut and drag, 5 horsepower and less.
- Farm gates.
- Farm electric plants.
- Detasseling machines.

Attachments and repair parts:
- Attachments and repair parts specifically designed for the above-listed equipment.

[F. R. Doc. 51-5684; Filed, May 11, 1951; 5:15 p. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 75—DOMESTIC-INTERNATIONAL MONEY-ORDER SERVICE

ESTABLISHMENT OF DOMESTIC MONEY ORDER BUSINESS WITH CANTON ISLAND

a. In § 75.1 *Establishment of domestic-international money-order service* (39 CFR 75.1) amend paragraph (b) as follows:

1. Insert the words "Canton Island" between "Canal Zone" and "Cuba".

(R. S. 161, 396, 4028, sec. 1, 25 Stat. 654, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; 39 U. S. C. 712)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-5526; Filed, May 14, 1951; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter 1—Federal Communications Commission

[Docket No. 9922]

PART 33—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C TELEPHONE COMPANIES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 33 (Uniform System of Accounts for Class C Telephone Companies) of the Commission's rules and regulations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of May 1951;

The Commission having under consideration the matter of amendment of Part 33 (Uniform System of Accounts for Class C Telephone Companies) of its rules and regulations;

It appearing, that on April 4, 1951, the Commission published in the FEDERAL REGISTER (16 F. R. 2938) a notice of proposed rule making, in accordance with section 4 (a) of the Administrative Procedure Act, which notice set forth a revision of Part 33 with respect to the classification of telephone companies, that the period in which interested persons were afforded an opportunity to submit comments expired on April 16, 1951, that only the United States Independent Telephone Association submitted comments during that period, and that the aforementioned comments were in favor of adopting the amendment as proposed; and

It further appearing, that the period for filing comments or briefs in reply to the original comments or briefs expired April 30, 1951, and that no such comments or briefs were filed in reply to the comments of the United States Independent Telephone Association; and

It further appearing, that, in addition to the rule amendment set forth in the notice of prpoosed rule making, the rule amendment herein ordered provides for the following changes in proposed paragraph (d) of § 33.1:

1. Between "The" and "classification" in the first sentence, insert the word "initial," and between "1950" and "shall" in the third sentence insert "and not having revenue data for the three immediately preceding years;" and

It further appearing, that the aforesaid changes are not substantive but consist of improvements in the language of the rule and, accordingly, compliance with the requirements of section 4 of the Administrative Procedure Act is not necessary; and

It further appearing, that under section 220 (g) of the Communications Act of 1934, as amended, notice of alterations by the Commission in the required manner or form of keeping accounts shall be given by the Commission at least six months before the same are to take effect;

It is ordered, That effective January 1, 1952, Part 33 of the Commission's rules and regulations is amended as set forth below: *Provided, however*, That any carrier may follow the classifications for telephone companies set forth in such amendment as of January 1, 1951.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies Sec. 220, 48 Stat. 1078; 47 U. S. C. 220.)

Adopted: May 2, 1951.

Released: May 3, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Delete § 33.1, including the note; redesignate § 33.11 as § 33.1 and revise to read as follows:

§ 33.1 *Classification of companies.* (a) For accounting purposes, telephone companies are divided into four classes as follows:

Class A. Companies having annual operating revenues exceeding $250,000.

Class B. Companies having annual operating revenues exceeding $100,000 but not more than $250,000.

Class C. Companies having annual operating revenues exceeding $50,000 but not more than $100,000.

Class D. Companies having annual operating revenues not exceeding $50,000.

CROSS REFERENCE: For regulations governing the accounting for Class A and Class B telephone companies, see Part 31 of this chapter.

(b) Class C companies shall keep all of the accounts prescribed in this system of accounts that are applicable to their affairs. Companies that desire more detailed accounting may adopt the accounts prescribed for a higher classification of telephone companies, provided that the Commission is notified promptly of such action. Such companies are not required to comply with the more detailed reporting requirements contained in the rules respecting such higher classification.

(c) It is recommended but not required that Class D companies keep all of the accounts prescribed in this system of accounts or the accounts listed in § 33.94.

(d) The initial classification of a company shall be determined by its lowest annual operating revenues for the three immediately preceding years. Subsequent changes in classification shall be made when the annual operating revenues show a greater or lesser classification for three consecutive years. Companies becoming subject to the jurisdiction of the Commission subsequent to the year 1950, and not having revenue data for the three immediately preceding years, shall estimate the amount of their annual revenues and adopt the scheme of accounts appropriate for the amount of such estimated revenues.

2. Amend § 33.12 as follows:

a. Delete paragraph (c) and substitute the following:

(c) The periods for which records are to be retained are set forth in Part 45 (Preservation of Records of Telephone Carriers) of this chapter.

b. Add the following sentence to paragraph (d): "Nothing contained in this part shall prohibit or excuse any company from subdividing the accounts hereby prescribed in the manner ordered by any State commission having jurisdiction or to the extent necessary to secure the information required in the prescribed reports to such commission."

3. Delete § 33.91 and substitute the following:

§ 33.91 *Definition.* Class D telephone companies are defined in § 33.1 as "Companies having annual operating revenues not exceeding $50,000." "Operating revenues" as there used consist of revenues includible in accounts 3010 to 3090, inclusive. The classification of a company shall be determined by its lowest annual operating revenues for the three immediately preceding years.

[F. R. Doc. 51-5518; Filed, May 14, 1951; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

MISCELLANEOUS AMENDMENTS

Basis and purposes. From further information furnished by the fishing industry and investigations by the Fish and Wildlife Service it has been determined that the changes listed below are necessary to permit the maximum utilization of the commercial fisheries of Alaska, consistent with sound conservation principles. Therefore, and in conformance with the notice of intention to adopt amendments to the existing regulations for the protection of the commercial fisheries of Alaska, published in the FEDERAL REGISTER July 7, 1950 (F. R. Doc. 50-5867, 15 F. R. 4318), the following provisions are adopted. Since certain of the fishing seasons will open in the very near future, these provisions should become effective immediately upon publication in the FEDERAL REGISTER, and it is so ordered.

PART 102—GENERAL PROVISIONS

1. Section 102.14 is amended in paragraph (b) by deleting the words "high tide," and substituting in lieu thereof the words "mean low tide."

2. Section 102.16a is amended in the first sentence of text to read as follows: No salmon seine boat or trolling boat shall operate, assist in operating, or have aboard either it or any boat towed by it, more than one legal limit of fishing gear in the aggregate:

3. Section 102.28 is amended to read as follows:

§ 102.28 *Method of closing salmon traps.* During all periods when fishing is prohibited, the heart walls of salmon traps shall be lifted or lowered in accordance with the method prescribed by section 5 of the act of June 6, 1924, and the tunnels from hearts to pots shall be closed in the following manner:

(a) Floating traps: Poles shall be permanently secured to the webbing at each side of the mouth of the pot tunnel and shall extend from the tunnel floor to a height at least two feet above the water. A draw line shall be reeved through the lower ends of both poles and the top of one, and the upper end of this line shall be spliced to a length of chain. The two tunnel walls must be overlapped as far as possible across the pot gap and the draw line must be pulled tight so as to completely close the bottom of the tunnel. The pole on the right side of the pot gap, as viewed from the shore, must be painted bright red above water and the pole on the left bright green. Serially numbered seals issued by the Fish and Wildlife Service shall be affixed around the top rib lines and webbing of both tunnel walls next to each pole and a link of the chain must be included in one of the seals. Seals must be attached in such manner that the trap cannot be fished without breaking them.

(b) Stationary traps: A draw line shall be secured to the pot wall at a depth equal to that of the bottom of the tunnel and at least 12 inches from the edge of the pot gap; shall be reeved through rings fastened at intervals of 4 feet or less on the vertical rib line along the mouth end of the opposite tunnel wall; and shall be spliced at its upper end to a length of chain. The tunnel shall be pulled to one side of the pot gap sufficiently to overlap the pot wall a minimum of 12 inches and the draw line shall be pulled tight and secured by looping its chain around the capping. Serially numbered seals issued by the Fish and Wildlife Service shall be affixed, one to seal the tunnel webbing to the pot wall and another to seal the loop of chain around the capping. Seals must be attached in such a manner that the trap cannot be fished without breaking them.

(Sec. 1, 48 Stat. 464, as amended, 48 U. S. C. 221)

PART 104—BRISTOL BAY AREA

A new section designated § 104.7a is added to read as follows:

§ 104.7a *Fishing boats and gear.* No fishing boat shall operate, assist in operating, or have aboard either it or any boat towed by it, more than one legal limit of fishing gear in the aggregate.

(Sec. 1, 48 Stat. 464, as amended, 48 U. S. C. 221)

PART 105—ALASKA PENINSULA AREA

Section 105.11 is amended in text by deleting the number "5," and substituting in lieu thereof the number "3."

(Sec. 1, 48 Stat. 464, as amended, 48 U. S. C. 221)

PART 107—CHIGNIK AREA

Section 107.7 is amended in text by deleting the number "5," and substituting in lieu thereof the number "3."

(Sec. 1, 48 Stat. 464, as amended, 48 U. S. C. 221)

PART 109—COOK INLET AREA

1. A new section designated § 109.5a is added to read as follows:

§ 109.5a *Gill net boats and gear.* No gill net boat shall operate, assist in operating, or have aboard either it or any boat towed by it, more than one legal limit of fishing gear in the aggregate.

2. Section 109.51 is amended in the first sentence of text to read as follows: "Fishing for, taking, or molesting any fish by any means, or for any purpose, is prohibited in all waters, including tributory waters, of:"

(Sec. 1, 48 Stat. 464, as amended; 48 U. S. C. 221)

PART 111—PRINCE WILLIAM SOUND AREA

Paragraph (1) of § 111.12 is deleted

(Sec. 1, 48 Stat. 464, as amended; 48 U. S. C. 221)

PART 112—COPPER RIVER AREA

Section 112.8 is amended to read as follows:

§ 112.8 *Size of gill nets.* The aggregate length of gill nets used by any individual shall not exceed 150 fathoms hung measure, and the aggregate length of gill nets aboard or in use by any fishing boat or combination of fishing boats operating together shall not exceed 300 fathoms.

(Sec. 1, 48 Stat. 464, as amended; 48 U. S. C. 221)

PART 113—BERING RIVER AREA

Section 113.8 is amended to read as follows:

§ 113.8 *Size of gill nets.* The aggregate length of gill nets used by any individual shall not exceed 150 fathoms hung measure, and the aggregate length of gill nets aboard or in use by any fishing boat or combination of fishing boats operating together shall not exceed 300 fathoms.

(Sec. 1, 48 Stat. 464, as amended; 48 U. S. C. 221)

OSCAR L. CHAPMAN,
Secretary of the Interior.

MAY 9, 1951.

[F. R. Doc. 51-5517; Filed, May 14, 1951; 8:46 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. SA-233]

ACCIDENT OCCURRING NEAR KEY WEST, FLA.

NOTICE OF HEARING

In the matter of investigation of the air collision between civilian aircraft of Cuban Registry CUT-188 and aircraft of U. S. Navy Bureau No. 39939, which occurred near Key West, Florida, on April 25, 1951.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, May 16, 1951, at 9:00 a. m. (local time) at 313 Duval Street, Key West, Florida.

Dated at Washington, D. C., May 9, 1951.

[SEAL] ROBERT W. CHRISP,
Presiding Officer.

[F. R. Doc. 51-5558; Filed, May 14, 1951; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

CLASSIFICATION NO. 1

MAY 8, 1951.

Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427, § 2.70, dated August 16, 1950, and by 43 CFR 75.26 (a), 15 F. R. 2841, the following described lands in the East Addition, Anchorage Townsite, are classified for disposal under the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679, 48 U. S. C. 364a-364e) for the following uses:

To be used only for commercial and/or housing purposes:

Four tracts in Block 27, described as follows: (1) Beginning at the NE corner of Block 27, thence approx. 165' west, thence approx. 300' south, thence approx. 165' east, thence approx. 300' north to point of beginning; (2) beginning at a point which is approx. 165' west of the NE corner of Block 27, thence approx. 165' west, thence approx. 300' south, thence approx. 165' east, thence approx. 300' north to the point of beginning; (3) beginning at a point which is approx. 330' west of the NE corner of Block 27, thence approx. 165' west, thence approx. 300' south, thence approx. 165' east, thence approx. 300' north to the point of beginning; (4) beginning at a point which is approx. 495' west of the NE corner of Block 27, thence approx. 165' west to the NW corner of Block 27, thence approx. 300' south, thence approx. 165' east, thence approx. 300' north to the point of beginning; each tract containing approx. 49,500 square feet.

To be used only for industrial (manufacturing or processing) and/or commercial (warehousing and distribution center) purposes:

A tract of land in Block 33 described as follows: Beginning at the NW corner of Block 33, thence approx. 300' south, thence approx. 300' east, thence approx. 300' north, thence approx. 300' west to the point of beginning; containing approx. 90,000 square feet.

Two tracts of land in Block 34 described as follows: (1) Beginning at the NE corner of Block 34, thence approx. 660' west, thence approx. 300' south, thence approx. 660' east, thence approx. 300' north to the point of beginning, containing approx. 198,000 square feet; (2) beginning at the SW corner of Block 34, thence approx. 360' east, thence approx. 300' north, thence approx. 360' west, thence approx. 300' south to the point of beginning containing approx. 108,000 square feet.

A tract of land in Block 39 described as follows: Beginning at the SE corner of Block 30, thence approx. 300' north, thence approx. 360' west, thence approx. 300' south, thence approx. 360' east to the point of beginning, containing approx. 108,000 square feet.

The above lands will be offered for sale in accordance with regulations contained in 43 CFR 75.32. If no bid at the minimum acceptable price or above is made, the land may be held for future offering or the classification may be rescinded.

The above descriptions are according to the plat of Anchorage Townsite and additions approved December 19, 1917.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 51-5552; Filed, May 14, 1951; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

DOMESTIC AND FOREIGN PRICE LISTS

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950 (15 F. R. 1583), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

MAY DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Dried whole eggs—1950 pack (packed in barrels and drums) in carload lots only, 1,000,000 pounds.[1]	$1.03 per pound "in store" at location of stock in Illinois, Indiana, Iowa, Michigan, Ohio, Oklahoma, Texas, Kansas, Missouri, Nebraska, Minnesota, Wisconsin, Massachusetts, New York, and Delaware ("in store" means in storage at warehouse, but with any prepaid storage and out-handling charges for the benefit of the buyer).
Nonfat dry milk solids—1951 production, in carload lots only, 1,000,000 pounds.	Spray process—15½ cents per pound "in store" at location of stock in any State ("in store" means at the processor's plant or in storage at warehouse, with any prepaid storage and out-handling charges for the benefit of the buyer). (See note on Ceiling Price Certification at the end of the domestic price list.)
Linseed oil, raw, 213,400,000 pounds.	Market price on date of sale. (See note on Ceiling Price Certification at the end of the domestic price list.)
Dry edible beans	On all beans, for areas other than those shown below, adjust prices upward or downward by an amount equal to the price support program differential between areas. Where no price differential occurs, the price listed will apply. For other grades of all beans, adjust by market differentials. Prices listed below, on all beans, are at point of production. Amount of any paid-in freight to be added.
Pinto, bagged, 1,700,000 hundredweight.	No. 1 Grade, 1948[1] and 1949 crops: $8.10 per 100 pounds, basis f. o. b. Denver rate area and California area; $7.70 per 100 pounds, basis f. o. b. Idaho area.
Pea, bagged, 937,000 hundredweight.	No. 1 Grade, 1948[1] and 1949 crops: $7.85 per 100 pounds, basis f. o. b. Michigan area.
Red kidney, bagged, 455,000 hundredweight.	No. 1 Grade, 1948 and 1949 crops: $9.30 per 100 pounds, basis f. o. b. New York area.
Great Northern, bagged, 1,910,000 hundredweight.	No. 1 Grade 1948[1] and 1949 crops: $7.15 per 100 pounds, basis f. o. b. Twin Falls, Idaho, area; $7.55 per 100 pounds, basis f. o. b. Morrill, Nebr., area.
Baby lima, bagged, 700,000 hundredweight.	No. 1 Grade 1948[1] and 1949 crops: $7.95 per 100 pounds, basis f. o. b. California area.
Cranberry beans, bagged, 59,000 hundredweight.	No. 1 Grade 1949 crop: $8.60 per 100 pounds, basis f. o. b. California and Michigan areas.
Wheat, bulk, 5,000,000 bushels.	This wheat is available only when premium wheat is required or where emergency situations exist. Basis in store, the market price but in no event less than the applicable 1950 loan rate for the class, grade, quality, and location, plus 34 cents per bushel if received by truck or, (2) 29 cents per bushel if received by rail or barge. Examples of minimum prices, per bushel: Kansas City No. 1HW, rail or barge, $2.55; Minneapolis, No. 1 DNS, Ex rail or barge, $2.56; Chicago, No. 1 RW, ex rail or barge, $2.60. Note: No wheat will be for sale in the Portland, Oreg., area until further notice.
Oats, bulk, 9,540,000 bushels.	At points of production, basis in store, the market price but not less than the applicable 1950 county loan rate plus 17 cents per bushel; at other points, the foregoing plus average paid-in freight. Examples of minimum prices, per bushel: Chicago, No. 3 or better, $1; Minneapolis, No. 3 or better, 96 cents.
Barley, bulk, 19,226,000 bushels.	Basis in store, the market price but in no event less than the applicable loan rate for the class, grade, quality, and location, plus: (1) 25 cents per bushel if received by truck, or (2) 21 cents per bushel if received by rail or barge. Examples of minimum prices per bushel: Minneapolis, No. 1 barley, ex rail or barge, $1.53, San Francisco, No. 1 Western barley, ex rail or barge, $1.60.
Corn, bulk, 50,000,000 bushels.	1950 commercial corn-producing area: At points of production, basis in store, the market price but not less than the applicable 1951 county loan rate for No. 3 yellow, plus 25 cents per bushel, with market differentials for other grades, quality, and class; or (2) At other delivery points: (1) The foregoing, plus average paid-in freight, or (2) Basis the following fixed minimum terminal prices with market differentials for grade, quality, and class, and freight differentials for location. Five lowest minimum prices per bushel: Chicago, No. 3 yellow, $1.85; St. Louis, No. 3 yellow, $1.85; Toledo, No. 3 yellow, $1.85; Minneapolis, No. 3 yellow, $1.78; Omaha, No. 3 yellow, $1.77; Kansas City, No. 3 yellow, $1.81; market differentials for other grades, quality, and class.
	1950 non-commercial corn-producing area: At points of production, or at points in a non-commercial county, basis in store, the market price but not less than 104 percent of the applicable 1950 county loan rate for No. 3, plus 23 cents per bushel; at other points, the foregoing plus average paid-in freight. If originating in a non-commercial county, the county loan rate for No. 3 plus 23 cents, plus average paid-in freight. Example of minimum price, per bushel: 1950 county loan rate for Brown County, Ind., $1.10 per bushel, No. 3 corn; 133 percent of $1.10, plus 23 cents equals $1.70 per bushel, the minimum sales price.

Ceiling Price Certification: Any purchaser from CCC of nonfat dry milk solids, or raw linseed oil, must be able and will be required to certify that the price paid to CCC does not exceed the highest ceiling price he could pay any of his usual suppliers for the commodity in the quantity and at the place and season that delivery is made.

[1] These same lots also are available at export sales prices announced concurrently.

MAY EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export sales price
Dried whole eggs; 1950 pack (packed in barrels and drums) in carload lots only, 1,000,000 pounds.	(1) 60 cents per pound f. a. s. vessel any U. S. Gulf or East Coast port; or (2) 60 cents per pound "in store" at location of stock, less freight based on the average gross shipping weight calculated at the lowest export freight rate ("in store" means in storage at warehouse, but with any prepaid storage and out-handling charges for the benefit of the buyer).
Dry edible beans	No. 1 Grade 1948 crop, f. a. s. vessel at locations shown below:
Pinto, bagged, 930,000 hundredweight.[1]	$5.90 per 100 pounds, San Francisco and Portland, Oreg.; $6.00 per 100 pounds, U. S. Gulf ports (see note below).
Pea, bagged, 240,000 hundredweight.[1][2]	For export to Western Hemisphere countries—$6.50 per 100 pounds, East Coast ports. For export to other than Western Hemisphere Countries—$5.50 per 100 pounds, East Coast ports.
Great Northern, bagged, 705,000 hundredweight.[1][2]	$6.50 per 100 pounds, Portland, Oreg. (26,000 hundredweight only stored at The Dalles, Oreg.), $6.60 per 100 pounds, U. S. Gulf ports (see note below).
Baby lima, bagged, 350,000 hundredweight.[1]	$5.00 per 100 lbs., San Francisco.
	NOTE: "U. S. Gulf ports" means ports with freight rates not greater than to New Orleans. Any excess freight will be for account of the buyer.
	Discounts for grades on all beans: No. 2, 25 cents less than No. 1; No. 3, 50 cents less than No. 1.
	At CCC's option, 1949 crop beans may be furnished in place of 1948 beans in instances where stocks of 1948 beans of the type and grade desired are exhausted.
Fresh Irish potatoes, packed in sound 100-pound burlap sacks, in carload or truckload lots only. Substantial quantities as available in Aroostook County, Maine.	U. S. No. 1 Grade when loaded at CCC's point of purchase—60 cents per sack, f. o. b. cars at country shipping point, for export to areas other than U. S. possessions, Canada, Cuba, Mexico, or the Caribbean area. Consideration will be given to offers to purchase potatoes packed in crates at above price, plus additional costs to CCC. Consideration also will be given to purchases of certified seed potatoes packed in usual 100-pound burlap sacks or crates at above price, plus additional costs to CCC. Communicate with the Director, PMA Commodity Office, 139 Centre St., New York 13, N. Y., Telephone REctor 2-8100.
Fresh Irish Potatoes, for processing into potato food products for export. Quantities available in the late potato-producing States.	Basis 1 cent per hundredweight bulk ungraded at farm, plus reimbursement for approved marketing services required to be performed.

[1] These same lots also are available at domestic sales prices announced concurrently.

[2] Ceiling price certification: Any purchaser from CCC of Great Northern beans for export, or Pea beans for export to Western Hemisphere countries, must be able and will be required to certify that the price paid to CCC does not exceed the highest ceiling price he could pay any of his usual suppliers for the commodity in the quantity and at the place and season that delivery is made.

(Pub. Law 439, 81st Cong.)

Issued: May 10, 1951.

[SEAL] HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-5590; Filed, May 14, 1951; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket Nos. M-30, M-31]

COASTWISE LINE AND ALASKA STEAMSHIP CO.

NOTICE OF HEARING ON APPLICATIONS TO BAREBOAT CHARTER DRY-CARGO VESSELS

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held in Room 4823, Department of Commerce Building, Washington, D. C., at 10 o'clock a. m., e. d. s. t., May 21, 1951, before Examiner F. J. Horan upon the applications of Coastwise Line (Docket No. M-30) and Alaska Steamship Company (Docket No. M-31) to bareboat charter three Government-owned war-built dry-cargo vessels each for use in the Pacific Coast-Alaska service.

The two cases will be heard together.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessels are proposed to be chartered is required in the public interest and is not adequately served, and with respect to the availability of privately owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service.

All persons having an interest in such applications will be given an opportunity to be heard if present.

The parties may have oral argument before the examiner immediately following the close of the hearing in lieu of briefs, and the examiner will issue a recommended decision. Parties will be allowed 7 days, or such shorter time as they may agree upon at the hearing, within which to file exceptions to, or memoranda in support of, the examiner's recommended decision, but the Board reserves the right to determine whether oral argument on exceptions will be granted or whether briefs in connection therewith will be received.

Dated: May 9, 1951.

By order of the Federal Maritime Board.

[SEAL] R. L. MCDONALD,
Assistant Secretary.

[F. R. Doc. 51-5516; Filed, May 14, 1951; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

THREE PERCENT TREASURY BONDS OF 1951-55

NOTICE OF CALL FOR REDEMPTION

1. Public notice is hereby given that all outstanding 3 percent Treasury Bonds of 1951-55, dated September 15, 1931, due September 15, 1955, are hereby called for redemption on September 15, 1951, on which date interest on such bonds will cease.

2. Holders of these bonds may, in advance of the redemption date, be offered the privilege of exchanging all or any part of their called bonds for other interest-bearing obligations of the United States, in which event public notice will hereafter be given and an official circular governing the exchange offering will be issued.

3. Full information regarding the presentation and surrender of the bonds for cash redemption under this call will be found in Department Circular No. 666, dated July 21, 1941.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

MAY 14, 1951.

[F. R. Doc. 51-5561; Filed, May 14, 1951; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

OFFICE OF GENERAL COUNSEL

ORDER DEFINING FUNCTIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of May 1951:

It is ordered, Under the authority of the Communications Act of 1934, as amended, that:

A. The Office of the General Counsel shall be under the direction of the General Counsel who shall have the following authority, duties and responsibilities:

1. To advise and represent the Commission in matters of litigation.

2. To advise and represent the Commission, and to coordinate and make recommendations to the Commission on proposed legislation and international agreements with which the Commission is concerned.

3. To interpret the statutes, international agreements and international regulations affecting the Commission.

4. To prepare and make recommendations and interpretations concerning procedural rules of general applicability; review all rules for consistency with other rules, uniformity, and legal sufficiency.

5. To conduct research in legal matters as directed by the Commission.

6. In conjunction with the Chief Engineer, to participate in, render advice to the Commission, and coordinate the staff work with respect to general frequency allocation proceedings and other proceedings not within the jurisdiction of any Bureau, and to render advice with respect to rule-making matters and proceedings affecting more than one Bureau.

7. To perform all legal functions with respect to:

(a) International broadcast stations;

(b) Rules, establishment of technical standards, encouragement, authorization and regulation of experimentation in the electronic arts or the incidental use of them for general research and scientific purposes: *Provided*, That experimentation which has the primary purpose of improving the established classes of

services shall continue to be handled by the Bureau responsible under the Rules for the administration of such services, and provided, that nothing herein shall affect the Field Engineering and Monitoring Division's inspection functions;

(c) Restricted and incidental radiation devices, including the conduct of studies of uses of such devices by industry and the general public with a view toward eliminating interference to established services, including the development and promulgation of rules, the testing and type approval of equipment, the review of complaints of interference to established radio services, and such other activities as are necessary in carrying out responsibilities in connection with this function; and

(d) Regulation of commercial radio operators, including the development and promulgation of rules and regulations governing the licensing of radio operators, maintaining examination requirements on a current basis, reviewing citations with respect to commercial operators, and such other matters necessary to the carrying out of this function.

8. In respect to any matters involving the functions of the Office of the General Counsel:

(a) To maintain liaison with other agencies of government;

(b) To provide representation for the Commission on Commission-wide and interdepartmental committees; and

(c) To deal with members of the public and of the industries concerned.

9. To exercise such authority as may be assigned or referred by the Commission pursuant to section 5 (c) of the Communications Act of 1934, as amended.

10. To perform such other duties as may be assigned or referred by the Commission.

B. The positions and personnel in the Broadcast Division, Office of the General Counsel, are transferred to the Broadcast Bureau.

C. The positions and personnel in the immediate office of the General Counsel and in the Litigation and Administration Division are retained in the Office of the General Counsel.

D. The General Counsel, or, in his absence, the Acting General Counsel of the Commission is hereby designated to assume all authority which the Commission's rules and regulations delegate to the Bureau of Law or to the General Counsel, except for such authority as is or has been specifically delegated by Commission order to the Chiefs of the Bureaus.

E. The Commission's Order of March 3, 1950, establishing Office of General Counsel (FCC 50-323) and the order of June 29, 1950, placing functions in Staff Offices (FCC 50-845) are hereby repealed to the extent that they are inconsistent with this order.

The effective date of this order shall be the 4th day of June 1951.

NOTE: Commissioner Jones dissenting.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5519; Filed, May 14, 1951; 8:45 a. m.]

OFFICE OF CHIEF ACCOUNTANT

ORDER DEFINING FUNCTIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of May 1951:

It is ordered, Under the authority of the Communications Act of 1934, as amended, that:

A. The Office of the Chief Accountant shall be under the direction of the Chief Accountant who shall have the following authority, duties and responsibilities:

1. To recommend the accounting principles which shall be observed.

2. To conduct research in and advise the Commission on economic matters to be considered in policy determinations.

3. To advise the Commission and its Bureaus regarding accounting, economic and statistical matters.

4. To maintain liaison with other agencies of government on common carrier matters.

5. To provide representation for the Commission on Commission-wide and interdepartmental committees.

6. To deal with members of the public and of the industries concerned.

7. To perform such other duties as may be assigned or referred by the Commission.

8. To exercise such authority as may be assigned or referred by the Commission pursuant to Section 5 (c) of the Communications Act of 1934, as amended.

B. The Accounting Systems Division shall be under the direction of the Chief of the Division who, under the supervision and direction of the Chief Accountant, shall have the following duties and responsibilities:

1. Recommends the formulation, revision, and amendment, in collaboration with the Common Carrier Bureau, of the (1) Commission's Uniform Systems of Accounts, (2) regulations for the preservation of records, (3) reporting requirements and related rules and regulations.

2. Recommend the formulation, revision, and amendment, in collaboration with the Broadcast Bureau, of the forms of financial and statistical reports required to be filed with the Commission, and related rules and regulations.

3. Interprets the (1) Commission's Uniform Systems of Accounts, (2) regulations for the preservation of records, (3) reporting requirements and related rules and regulations.

4. Participates in activities and work of the National Association of Railroad and Utilities Commissioners' Committee on Accounts and Statistics; corresponds with members on accounting matters of mutual concern; and prepares for and participates in periodic conferences.

C. The Economics Division shall be under the direction of the Chief of the Division who, under the supervision and direction of the Chief Accountant, shall have the following duties and responsibilities:

1. Conducts economic research activities:

(a) Prepares and compiles economic data and coordinates the compilation of regular economic reports to the Commission on condition and status of the industries subject to the Commission's jurisdiction.

(b) Studies the social and economic factors affecting the public demand with respect to communications.

(c) Prepares studies, or suggests studies to the Common Carrier Bureau, in order to provide an over-all view of the structure and operations of the communications industries, for the assistance of the Commission, the industry, and the public.

(d) Serves as a clearing house for the staff on sources for obtaining pertinent economic data within the Commission and available from governmental and private organizations.

2. Provides statistical consultation and economic information service:

(a) Reviews and advises the Bureaus on content and form of statistical schedules required by the Commission of communications companies and of statistical reports prepared by the Commission.

(b) Provides technical advice and assistance to the staff and the Commission on statistical aspects of questionnaires, sampling, industry economic trends, national economic trends and statistical methods.

(c) Reviews statistical reports and prepares digests to inform the Commission on basic industry developments.

(d) Serves as Commission representative on interagency statistical projects.

D. The positions and personnel in the Broadcast Division, Office of the Chief Accountant, are transferred to the Broadcast Bureau.

E. The positions and personnel in the immediate office of the Chief Accountant, the Accounting Systems Division, and the Economics Division are retained in the Office of the Chief Accountant.

F. The Chief Accountant, or, in his absence, the Acting Chief Accountant of the Commission is hereby designated to assume all authority which the Commission's rules and regulations delegate to the Bureau of Accounting or to the Chief Accountant, except for such authority as is or has been specifically delegated by Commission order to the Chiefs of the Bureaus.

G. The Commission's order of March 3, 1950, establishing Office of Chief Accountant (FCC 50-324) is hereby repealed to the extent that it is inconsistent with this order.

The effective date of this order shall be the 4th day of June 1951.

NOTE: Commissioner Jones dissenting.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5520; Filed, May 14, 1951; 8:45 a. m.]

OFFICE OF CHIEF ENGINEER

ORDER DEFINING FUNCTIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of May 1951:

It is ordered, Under the authority of the Communications Act of 1934, as amended, that:

A. The Office of the Chief Engineer shall be under the direction of the Chief Engineer who shall have the following authority, duties and responsibilities:

1. To advise the Commission and the various Bureaus on matters of applied technical research.

2. To advise and represent the Commission on the allocation of radio frequencies including international agreements pertaining to frequency allocations.

3. To collaborate with the Bureaus in the formulation of standards of engineering practice and the rules and regulations related thereto, and to advise the Commission on such matters.

4. In conjunction with the General Counsel, to participate in, render advice to the Commission, and coordinate the staff work with respect to general frequency allocation proceedings and other proceedings not within the jurisdiction of any Bureau, and to render advice with respect to rule-making matters and proceedings affecting more than one Bureau.

5. To perform all engineering functions with respect to

(a) International broadcast stations;

(b) Rules, establishment of technical standards, encouragement, authorization and regulation of experimentation in the electronic arts or the incidental use of them for general research and scientific purposes: *Provided*, That experimentation which has the primary purpose of improving the established classes of services shall continue to be handled by the Bureau responsible under the Rules for the administration of such services: *And provided*, That nothing herein shall affect the Field Engineering and Monitoring Division's inspection functions;

(c) Restricted and incidental radiation devices, including the conduct of studies of uses of such devices by industry and the general public with a view toward eliminating interference to established services, including the development and promulgation of rules, the testing and type approval of equipment, the review of complaints of interference to established radio services, and such other activities as are necessary in carrying out responsibilities in connection with this function; and

(d) Regulation of commercial radio operators, including the development and promulgation of rules and regulations governing the licensing of radio operators, maintaining examination requirements on a current basis, reviewing citations with respect to commercial operators, and such other matters necessary to the carrying out of this function.

6. In respect to any matters involving the functions of the Office of the Chief Engineer;

(a) To maintain liaison with other agencies of government;

(b) To provide representation for the Commission on Commission-wide and interdepartmental committees; and

(c) To deal with members of the public and of the industries concerned.

7. To exercise such authority as may be assigned or referred by the Commission pursuant to section 5 (c) of the Communications Act of 1934, as amended,

8. To perform such other duties as may be assigned or referred by the Commission.

B. The Field engineer responsible for administering examinations for the area in which the applicant resides is authorized to act in accordance with Commission policy upon application for waiver of the following:

1. Provisions of § 12.49 relating to the time within which an applicant for Amateur Radio Operator License may take an examination after having failed a previous examination.

2. Provisions of § 13.12 relating to the time within which an applicant for Commercial Radio Operator License may take an examination after having failed a previous examination.

C. The positions and personnel in the Aural Broadcast Division and Television Broadcast Division, Office of the Chief Engineer, are transferred to the Broadcast Bureau.

D. The positions and personnel in the immediate office of the Chief Engineer and in the Field Engineering and Monitoring Division, Technical Research Division, Frequency Allocation and Treaty Division, and Laboratory Division, including the present functions of these divisions, are retained in the Office of the Chief Engineer.

E. The Chief Engineer, or, in his absence, the Acting Chief Engineer of the Commission is hereby designated to assume all authority which the Commission's rules and regulations delegate to the Bureau of Engineering or to the Chief Engineer, except for such authority as is or has been specifically delegated by Commission order to the Chiefs of the Bureaus.

F. The Commission's order of March 3, 1950 establishing Office of Chief Engineer (FCC 50-325) and the order of June 29, 1950, placing functions in Staff Offices (FCC 50-845) are hereby repealed to the extent that they are inconsistent with this order.

The effective date of this order shall be the 4th day of June, 1951.

NOTE: Commissioner Jones dissenting.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5521; Filed, May 14, 1951; 8:45 a. m.]

"FUNCTIONAL MUSIC" OPERATIONS

POLICY STATEMENT

MAY 4, 1951.

On April 11, 1951, the Commission addressed the following letter to 4 FM stations engaged in "Functional Music" or "Planned Music" operations, stating that certain aspects of such operations are not in accordance with the Communications Act and the Commission's rules and regulations and requesting them to inform the Commission by April 30, 1951, as to how they propose to achieve compliance with all lawful requirements:

We have your letter of • • •, 1951, informing us of your comments concerning the questions raised in our communication to you of January 29, 1951, with regard to the consistency of the "beep" operations in which your FM facility is engaged with the obligations of licensees of broadcast stations, as enunciated in the Communications Act and the Commission's rules and policies in the public interest.

It may be remarked at the outset that the Commission has devoted considerable effort to analysis of FM's problems, and is fully cognizant of the character of the financial difficulties which such licensees have encountered in the past several years; it accordingly views with sympathy attempts on the part of pioneers in this meritorious, and, as yet, in the main unprofitable, field of broadcasting, to ensure the solvency of their operations. However, we are constrained to conclude from our study of your replies to our inquiries, that the "beep" services in which you are presently engaged, are inconsistent with basic statutory and administrative duties incumbent upon licensees of broadcast facilities.

In the first place, contrary to the interpretation urged in your letter, we are of the view that the contractual arrangements governing your transmission of this "special service" affirmatively commit your FM station to provide subscribers with predominantly "planned music" during the stipulated periods. It of course follows from this construction, that in the light of the protracted—or indefinite—future periods during which you are bound under the relevant agreements, to provide this specific type of programming during such a substantial portion of the broadcast day to subscribers thereto, these arrangements must be considered to constitute an invalid abdication of your duty as a licensee to retain discretion, responsibility and control, and to remain free to alter your service as the changing needs of the public in your area may require.

Similarly, the Commission is of the opinion that since the remuneration received by you for transmission of the "planned music" in question under these agreements is based upon the payments therefor made by the individual subscribers concerned, such subscribers are the sponsors of such programs within the meaning of section 317 of the Communications Act. Hence your failure to announce and to log this material as sponsored and to make other required announcements is in plain contravention of Section 317 of the Communications Act and of §§ 3.281, 3.289, 3.284, 3.287, and 3.288 of the Commission's rules and regulations.

Further, the Commission considers that your practice, concededly integral to your "beep" operations under the instant agreements, of confining your broadcasts of the various categories of intelligence required by the rules and the Statute to be carried by radio licensees, such as sponsorship and station identification announcements, to the material transmitted to the general public, while simultaneously eliminating them from reception by subscribers, is violative of the express terms of the relevant provisions of the act and of the Commission's rules and regulations; The requirements there stated are plainly of general application and contemplate that the categories of information there defined will be transmitted to the station's entire audience; they admit of no discretion on the part of the licensees to introduce exceptions thereto for the benefit of subscribers to "special services" or other selected listeners.

Your contention that radio operators enjoy equal privileges with non-licensees under the act, to employ mechanical or electronic devices to eliminate undesired broadcast material from reception, at the request of members of their audiences, is clearly inadmissible. Members of the public are free to

tune in or tune out any material they desire. Licensees are required to operate their stations in accordance with the requirements of the Communications Act and the Commission's rules and regulations. One of these requirements is that certain announcements be made to the audience. Obviously this obligation is not carried out when you broadcast a signal the very purpose of which is to prevent a portion of the audience from hearing those announcements. You cannot prevent members of the audience from voluntarily tuning out such announcements. This does not, however, permit you to broadcast a tone which prevents a portion of the audience from hearing the announcements.

The Commission's conclusions with regard to the remaining questions raised in its letter of January 29, 1951, since they pertain not only to the "planned music" activities of the "beep" stations but to all types of "supersonic" operations—including the question as to whether such operations constitute point-to-point communication not authorized by the broadcast rules—will be issued when its study of the problems common to all these special services is completed.

In view of the foregoing, the Commission is of the view that your operations are not in accordance with the requirements of the Communications Act and the Commission's rules and regulations. This is being called to your attention pursuant to section 9 (b) of the Administrative Procedure Act so that you may have an opportunity, before further proceedings are instituted by the Commission, to submit a statement showing how you intend to achieve compliance with all lawful requirements. The statement should be submitted on or before April 30, 1951.

The above letter was addressed only to the 4 stations which had submitted in response to the Commission's request, extensive comments concerning the legality of their "Functional Music" operations. However, the Commission's determinations in the April 11th letter apply equally to all FM stations engaged in similar "Functional Music operations.

It is accordingly requested, pursuant to section 9 (b) of the Administrative Procedure Act, that every station engaged in the transmission of such a "Functional or Planned Music" service, submit a statement to the Commission indicating how it intends to achieve compliance with all lawful requirements. Licensees which have in the past engaged in "Functional Music" operations but have since discontinued such activities, should advise the Commission of the date on which such operations were discontinued.

Replies in response to this public notice should be submitted on or before May 22, 1951.

NOTE: Commissioners Jones and Sterling dissenting.

Adopted: May 3, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5522; Filed, May 14, 1951; 8:45 a. m.]

[Docket Nos. 9705, 9950, 9951]

PRAIRIE BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Prairie Broadcasting Company, Beaver Dam, Wisconsin, Docket No. 9705, File No. BP-7554; William F. Johns, Jr. & Allen H. Embury, d/b as The Johns-Embury Company, Portage, Wisconsin, Docket No. 9950, File No. BP-8006; Portage Broadcasting Company, Portage, Wisconsin, Docket No. 9951, File No. BP-8029; for construction permits.

The Commission having under consideration the joint petition of The Johns-Embury Company and Portage Broadcasting Company, filed April 30, 1951, which requests that the hearing in the above-entitled matter, presently scheduled for May 3, 1951, be continued to June 18, 1951;

It appearing, that petitioners herein plan to merge their applications for a new standard broadcast station in Portage, Wisconsin, using the frequency of 1350 kc., and, upon consummation of their agreement of merger, request will be made for removal of their application from hearing status;

It appearing further, that Prairie Broadcasting Company has pending before the Commission a petition to amend its application for a new standard broadcast station in Beaver Dam, Wisconsin, to specify the frequency of 1280 kc. in lieu of 1350 kc., and to remove such application from hearing status;

It appearing further, that the joint petition states good cause, that a continuance of the hearing is appropriate in view of the circumstances recited herein, and that a waiver of the provisions of § 1.745 of the Commission's rules and regulations, to permit immediate consideration of the petition, is warranted;

It is ordered, This 1st day of May 1951, that the provisions of § 1.745 of the Commission's rules and regulations, be, and they are hereby, waived with respect to the joint petition of The Johns-Embury Company and Portage Broadcasting Company; that the said joint petition be, and it is hereby, granted; and that the hearing in the above-entitled matter, presently scheduled for May 3, 1951, be, and it is hereby, continued to June 18, 1951, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5523; Filed, May 14, 1951; 8:45 a. m.]

[Docket No. 9923]

AURORA BROADCASTERS, INC.

ORDER CONTINUING HEARING

In re application of Aurora Broadcasters, Inc., Ketchikan, Alaska, for construction permit; Docket No. 9923; File No. BP-7532.

The Commission having under consideration a petition filed on April 27, 1951, by Aurora Broadcasters, Inc., Ketchikan, Alaska, requesting that the hearing now scheduled for May 8, 1951, at Washington, D. C., on the above-entitled application, be continued for a period of sixty days; and

It appearing, that no opposition has been filed to the above petition by any of the parties to this proceeding;

It is ordered, This 4th day of May 1951, that the petition be, and it is hereby, granted; and that the hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Tuesday, July 10, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5524; Filed, May 14, 1951; 8:45 a. m.]

[Docket No. 9925]

JOSEPH F. BIDDLE PUBLISHING CO. (WHUN)

ORDER CONTINUING HEARING

In re application of The Joseph F. Biddle Publishing Co. (WHUN), Huntingdon, Pennsylvania, for construction permit; Docket No. 9925; File No. BP-7788.

The Commission having under consideration a petition filed April 27, 1951, by the applicant herein, requesting the Commission to (1) accept the late appearance of the applicant and (2) to continue the hearing for a period of at least 60 days; and

It appearing that the failure of applicant to file an appearance within the time prescribed by Commission's rules arises out of the fact that petitioner's attorney did not receive until April 24, 1951, a copy of the Commission's order of March 27, 1951, designating the application for hearing; and

It appearing that the reason for the requested continuance arises out of the fact that applicant's attorneys are presently engaged in preparation for the proceeding before the Commission in Docket No. 8736, et al, the Television Allocation Hearing, and that it will be necessary for them to devote a substantial part of their time to the preparation for that hearing; and

It appearing that good cause having been shown that the petition should be granted, no party having objected thereto, and the application having been on file for more than four days;

It is ordered, This 4th day of May 1951, that the above-mentioned petition be and it is hereby granted, and the appearance of the applicant in the instant proceeding is accepted and the hearing in the above-entitled proceeding, now scheduled to begin on May 10, 1951, is continued to July 10, 1951, at 10:00 a. m., in the offices of the Commission in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5525; Filed, May 14, 1951; 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority No. 6, Supplement 6]

CHIEFS OF BRANCHES OF FOREST PRODUCTS DIVISION

REDELEGATION OF AUTHORITY TO REQUEST FURTHER INFORMATION CONCERNING PROPOSED CEILING PRICES

By virtue of the authority vested in me as Director of the Forest Products Division of the Office of Price Operations, Office of Price Stabilization by Delegation of Authority No. 6, Supplement 1 (16 F. R. 3672) this delegation of authority is hereby issued. Authority is hereby delegated to the Chiefs of the Branches of the Forest Products Division of the Office of Price Operations, Office of Price Stabilization to request further information from a seller who has submitted a proposed ceiling price for approval. This delegation applies wherever a Ceiling Price Regulation permits the seller to operate at the ceiling price proposed by him, whether immediately or after the expiration of a prescribed period of time, unless and until he is notified by the Director of Price Stabilization that the proposed ceiling price has been disapproved or that more information is required.

This delegation of authority shall take effect on May 15, 1951.

W. S. INGRAM,
Acting Director, Forest Products Division, Office of Price Operations.

MAY 14, 1951.

[F. R. Doc. 51-5687; Filed, May 14, 1951; 10:15 a. m.]

[Delegation of Authority 7]

DIRECTOR OF REGION 14

DELEGATION OF AUTHORITY TO APPROVE, DISAPPROVE, ADVISE, OR ISSUE ORDERS ESTABLISHING CEILING PRICES IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 6 AND 7 OF CPR 9

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950 (64 Stat. 812) and Executive Order 10161 (15 F. R. 6105) by Economic Stabilization General Order No. 2 (16 F. R. 738) this delegation of authority is hereby issued.

1. Authority is hereby delegated to the Director of the Regional Office of Price Stabilization for Region 14 to establish ceiling prices on commodities in accordance with section 6 of CPR 9. The authority herein delegated may be redelegated to the several Directors of District Offices of the Office of Price Stabilization comprising the 14th Region.

2. Authority is hereby delegated to the Director of the Regional Office of Price Stabilization for Region 14 to disapprove or revise ceiling prices reported or proposed in accordance with Section 7 of CPR 9. The authority herein delegated may be redelegated to the several Directors of District Offices of the Office of Price Stabilization comprising the 14th Region.

This delegation of authority shall take effect on May 15, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 14, 1951.

[F. R. Doc. 51-5688; Filed, May 14, 1951; 10:14 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6355]

IDAHO POWER CO.

NOTICE OF APPLICATION

MAY 9, 1951.

Take notice that on May 7, 1951, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Idaho Power Company, a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Idaho and Nevada, with its principal business office at Boise, Idaho, seeking an order authorizing the issuance of 35,000 shares of 4 percent preferred stock, $100 par value per share. Applicant also requests an exemption from the competitive bidding requirements of the Commission's rules and regulations in connection with the issuance of the securities proposed in its application; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 31st day of May 1951, file a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission and is open for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5550; Filed, May 14, 1951; 8:47 a. m.]

[Docket No. E-6356]

KANSAS CITY POWER & LIGHT CO.

NOTICE OF APPLICATION

MAY 9, 1951.

Take notice that on May 8, 1951, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Kansas City Power & Light Company, a corporation organized under the laws of the State of Missouri, and doing business in the States of Iowa, Kansas, and Missouri, with its principal business office at Kansas City, Missouri, seeking an order authorizing the acquisition of 126,933 shares of Common Stock, without par value of Eastern Kansas Utilities, Inc., a corporation organized under the laws of the State of Kansas and doing business in the States of Kansas and Missouri. It is Applicant's purpose, as soon as practicable, to merge Eastern Kansas into Applicant, which will be the surviving company; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 28th day of May 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5540; Filed, May 14, 1951; 8:45 a. m.]

[Docket No. G-1628]

UNITED GAS PIPE LINE CO.

ORDER FIXING DATE OF HEARING

MAY 8, 1951.

On March 6, 1951, United Gas Pipe Line Company (Applicant), a Delaware corporation with its principal office at 1525 Fairfield Avenue, Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain natural gas pipe line facilities extending from Baldwin County, Alabama to Escambia County, Florida, together with appurtenant facilities all as more fully described in the application on file with the Federal Power Commission for public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on March 21, 1951 (16 F. R. 2587).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on May 23, 1951, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f))

of the said rules of practice and procedure.

Date of issuance: May 9, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-5562; Filed, May 14, 1951; 8:48 a. m.]

[Docket No. G-1643]

CHICAGO DISTRICT PIPELINE CO.

ORDER FIXING DATE OF HEARING

MAY 8, 1951.

On March 28, 1951, Chicago District Pipeline Company (Applicant), an Illinois corporation having its principal place of business at Joliet, Illinois, filed an application for an order pursuant to section 7 (b) of the Natural Gas Act, authorizing and approving the abandonment of certain natural-gas service presently being rendered by means of Applicant's natural-gas transportation facilities, all as more fully described in such application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on April 6, 1951 (16 F. R. 3020).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, a hearing be held on May 29, 1951, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: May 9, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-5563; Filed, May 14, 1951; 8:48 a. m.]

[Docket No. G-1647]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

MAY 8, 1951.

On April 2, 1951, El Paso Natural Gas Company (Applicant), a Delaware corporation of El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the construction and operation of approximately one mile of 4½-inch O. D. pipeline and a metering station near the town of Chino Valley, Arizona, and the construction and operation of a metering station on El Paso's 24-inch San Juan transmission line near the town of Ashfork, Arizona, for the sale and delivery of natural gas to Southern Union Gas Company for resale and distribution in the towns of Chino Valley and Ashfork, Arizona, all as more fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on April 17, 1951 (16 F. R. 3368).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on May 23, 1951, at 9:45 a. m. e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: May 9, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-5564; Filed, May 14, 1951; 8:49 a. m.]

[Docket No. G-1680]

MIDSOUTH GAS CO.

NOTICE OF APPLICATION

MAY 10, 1951.

Take notice that on May 1, 1951, MidSouth Gas Company (Applicant), an Arkansas corporation with its principal place of business in Little Rock, Arkansas, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the acquisition and operation of a 12¾-inch transmission pipeline approximately 38 miles in length, extending from a point of interconnection with the Texas Gas Transmission Corporation's pipeline facilities near Helena, Arkansas, to the Hamilton Moses Steam Electric Generating Station of Arkansas Power & Light Company near Palestine, Arkansas. The aforementioned transmission pipeline is presently being constructed by the Arkansas Power & Light Company and is scheduled to be completed about June 1, 1951.

The estimated over-all capital cost to Applicant of the pipe line to be purchased from the Arkansas Power & Light Company is $900,000.

Applicant proposes to finance the proposed acquisition in part from earnings or from earnings and the proceeds of the sale of additional shares of capital stock and bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 31st day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-5551; Filed, May 14, 1951; 8:47 a. m.]

[Docket No. G-1634]

PANHANDLE EASTERN PIPE LINE CO.

ORDER SUSPENDING SUPPLEMENTS TO FILED RATE SCHEDULE

On April 9, 1951, Panhandle Eastern Pipe Line Company (Panhandle) filed five supplements to its presently filed and effective Rate Schedule FPC No. 113, covering the sale of natural gas to Michigan Gas Storage Company (Michigan Storage). The five supplements have been designated in the files of the Commission as Supplements 12, 13, 14 (in two parts designated A and B), 15 and 16 to Panhandle's Rate Schedule FPC No. 113.

Supplement No. 12 to Rate Schedule FPC No. 113 covers periodic increases in deliveries of natural gas for the years 1948 through 1952. Panhandle's maximum volume obligation pursuant to Supplement No. 12 is 29,446,000 Mcf. in 1951 and 31,440,000 Mcf. in 1952.

Supplements Nos. 13, 14, 15, and 16 to Rate Schedule FPC No. 113 contemplate substantial future increases in the specific volumetric obligations and entitlements of Panhandle and Michigan Storage respectively for the years 1951 through 1956, inclusive. These supplements, if permitted to become effective, would provide for the following specific annual volumetric obligations with respect to deliveries of natural gas by Panhandle to Michigan Storage:

Year:	*Scheduled obligation—Mcf.*
1951	31,446,000
1952	33,440,000
1953	35,440,000
1954	37,440,000
1955	37,440,000
1956	37,440,000

The specific volumetric obligations contemplated by the proposed Supplements Nos. 13, 14, 15, and 16 to Rate Schedule FPC No. 113 may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

There is presently pending before the Commission the proceedings In the Matter of Panhandle Eastern Pipe Line Company, et al., Docket Nos. G-1116, G-1240, G-1317, G-1344, G-1417, G-1152, G-1415 and G-1379, in which one of the issues has been specified by the Commission as follows:

"What would be a fair, reasonable and equitable distribution among present and prospective customers of the volumes of natural gas which will be available upon completion of the Trunkline and Panhandle facilities authorized in Docket Nos. G-832 and G-1317. (Commission's orders issued July 13 and 31, and November 30, 1950, and February 27, 1951, in Docket Nos. G-1116, et al.)"

Michigan Storage, among other customers of Panhandle, has participated in the proceedings and has presented testimony with respect to its future requirements for natural gas from Panhandle.

Panhandle, in filing the aforementioned supplements has not requested any specific effective date. The supplements therefore, would take effect upon the expiration of the 30-day notice period, or on May 9, 1951.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of Panhandle's proposed Supplements Nos. 13, 14, 15, and 16, and that said supplements be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of rates, charges, classifications and services provided in proposed Supplements Nos. 13, 14, 15 and 16 to Panhandle's Rate Schedule FPC No. 113.

(B) Pending such hearing and decision thereon said proposed Supplements Nos. 13, 14, 15, and 16 to Panhandle's Rate Schedule FPC No. 113 be and the same are hereby suspended and the use thereof is deferred until October 9, 1951, and until such further time thereafter as said supplements be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: May 8, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-5565; Filed, May 14, 1951; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26087]

FERTILIZER MATERIALS FROM BRAITHWAITE, LA., TO HELENA, ARK., AND MEMPHIS, TENN.

APPLICATION FOR RELIEF

MAY 10, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Chicago, Rock Island and Pacific Railroad Company and other carriers named in the application.

Commodities involved: Fertilizer materials, carloads (import and intercoastal traffic).

From: Braithwaite, La.

To: Helena, Ark., and Memphis, Tenn.

Grounds for relief: Circuitous routes and to maintain port relations.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1235, Supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5543; Filed, May 14, 1951; 8:45 a. m.]

[4th Sec. Application 26088]

D. D. T. FROM PINE BLUFF AND BALDWIN, ARK., TO MIDDLEPORT, N. Y., AND BOUND BROOK, N. J.

APPLICATION FOR RELIEF

MAY 10, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3908.

Commodities involved: Dichloro-diphenyl-trichloroethane (D. D. T.), carloads.

From: Pine Bluff and Baldwin, Ark.

To: Middleport, N. Y., and Bound Brook, N. J.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3908, Supp. 54.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5544; Filed, May 14, 1951; 8:45 a. m.]

[4th Sec. Application 26089]

GRAIN FROM NEBRASKA AND IOWA TO NEW MEXICO

APPLICATION FOR RELIEF

MAY 10, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Atchison, Topeka and Santa Fe Railway Company and Chicago, Rock Island and Pacific Railroad Company, for carriers parties to the tariffs listed below.

Commodities involved: Grain, grain products and related articles, carloads.

From: Points in Nebraska and Council Bluffs and Sioux City, Iowa.

To: Points in New Mexico.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: AT&SF Ry. tariff I. C. C. No. 14541, supp. 11. CRI&P RR. tariff I. C. C. No. C-12633, supp. 69.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expira-

tion of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5545; Filed, May 14, 1951; 8:46 a. m.]

[4th Sec. Application 26090]

BITUMINOUS COAL FROM SOUTHERN ILLINOIS TO QUINCY, ILL.

APPLICATION FOR RELIEF

MAY 10, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Chicago, Burlington & Quincy Railroad Company for itself and on behalf of the Illinois Central Railroad Company and Missouri Pacific Railroad Company.

Commodities involved: Bituminous coal, carloads.

From: Mines in Illinois in the Belleville, Du Quoin and southern Illinois groups.

To: Quincy, Ill.

Grounds for relief: To meet intrastate rates.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5546; Filed, May 14, 1951; 8:46 a. m.]

[4th Sec. Application 26091]

PAPER ARTICLES FROM GEORGIA AND FLORIDA TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

MAY 10, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1069.

Commodities involved: Paper and paper articles, carloads.

From: Brunswick, Mead and St. Mary's, Ga., and Palatka, Fla.

To: St. Louis, Mo.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1069.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5547; Filed, May 14, 1951; 8:46 a. m.]

[4th Sec. Application 26092]

CHLORINATED CAMPHENE FROM BRUNSWICK, GA., TO COLORADO, MISSOURI, IOWA, AND MINNESOTA

APPLICATION FOR RELIEF

MAY 10, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1172.

Commodities involved: Chlorinated camphene, in tank-car loads.

From: Brunswick, Ga.

To: Denver, Colo., Kansas City, Mo., Lockridge, Iowa, St. Joseph, Mo., and Winona, Minn.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1172, Supp. 46.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5548; Filed, May 14, 1951; 8:46 a. m.]

[Rev. S. O. 876, General Permit 1-L]

LUMBER SHAPES, LAMINATED OR NOT LAMINATED, PRECUT TO SHAPE

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) (2) of Revised Service Order 876 (16 F. R. 3620), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act, to disregard the provisions of Service Order No. 876 insofar as they apply to lumber shapes, laminated or not laminated, precut to shape, when any consignor advises that service would be denied because of its inability to meet the minimum requirements because of the physical characteristics of said commodity. However, in no case shall the total weight be less than 70,000 pounds.

The waybills shall show reference to this general permit and all consignors shipping cars under this permit shall furnish the Permit Agent the car numbers, initials, and destinations of the cars shipped under this permit.

This general permit shall become effective at 12:01 a. m., May 10, 1951, and shall expire at 11:59 p. m., September 30, 1951, unless otherwise modified, changed, suspended, or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the FEDERAL REGISTER.

Issued at Washington, D. C., this 8th day of May 1951.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 51-5549; Filed, May 14, 1951; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1303]

BURLINGTON MILLS CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of May A. D. 1951.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1.00 Par Value, of Burlington Mills Corporation, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to June 5, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5527; Filed, May 14, 1951; 8:46 a. m.]

[File No. 7-1304]

CLIMAX MOLYBDENUM CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of May, A. D. 1951.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Climax Molybdenum Company, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to June 5, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5528; Filed, May 14, 1951; 8:46 a. m.]

[File No. 7-1305]

GLIDDEN CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of May A. D. 1951.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of The Glidden Company, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to June 5, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5529; Filed, May 14, 1951; 8:46 a. m.]

[File No. 7-1306]

INTERNATIONAL HARVESTER CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of May A. D. 1951.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of International Harvester Company, a security listed and registered on the New York Stock Exchange and on the Midwest Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to June 5, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5530; Filed, May 14, 1951; 8:46 a. m.]

[File No. 7-1307]

JONES & LAUGHLIN STEEL CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of May A. D. 1951.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $10.00 Par Value, of Jones & Laughlin Steel Corporation, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that upon request of any interested person received prior to June 5, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application

will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5531; Filed, May 14, 1951; 8:46 a. m.]

[File No. 7-1308]

REPUBLIC AVIATION CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of May 1951.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1.00 Par Value, of Republic Aviation Corporation, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to June 5, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5532; Filed, May 14, 1951; 8:46 a. m.]

[File No. 7-1309]

SERVEL INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of May A. D. 1951.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1.00 Par Value, of Servel Inc., a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to June 5, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5533; Filed, May 14, 1951; 8:46 a. m.]

[File No. 7-1310]

TIMKEN-DETROIT AXLE CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of May A. D. 1951.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $5.00 Par Value, of The Timken-Detroit Axle Company, a security listed and registered on the New York Stock Exchange, on the Detroit Stock Exchange and on the Midwest Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to June 5, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5534; Filed, May 14, 1951; 8:46 a. m.]

[File No. 70-2570]

GENERAL PUBLIC UTILITIES CORP. AND JERSEY CENTRAL POWER & LIGHT CO.

SUPPLEMENTAL ORDER EXCEPTING CERTAIN STOCK FROM COMPETITIVE BIDDING REQUIREMENTS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the the 8th day of May, 1951.

By order dated March 14, 1951 (Holding Company Act Release No. 10444), as modified by order dated April 23, 1951 (Holding Company Act Release No. 10510), this Commission granted and permitted to become effective a joint application-declaration with an amendment thereto, of General Public Utilities Corporation, a registered holding company, and its public utility subsidiary, Jersey Central Power & Light Company ("Jersey Central"), proposing, inter alia, the issuance and sale by Jersey Central, pursuant to the competitive bidding requirements of Rule U-50 promulgated under the Public Utility Holding Company Act of 1935 ("act"), of 40,000 shares of its Cumulative Preferred Stock, --Percent Series.

On April 18, 1951, Jersey Central filed a further amendment with this Commission stating that, pursuant to the competitive bidding requirements of Rule U-50, it invited bids for the purchase of said preferred stock and in response to such invitation it received but one bid which it returned unopened, it being Jersey Central's opinion that effective competitive bidding was not possible under the circumstances.

Said amendment sought, inter alia, entry of an order of this Commission excepting said issuance and sale of preferred stock from the competitive bidding requirements of Rule U-50, so as to permit Jersey Central to enter into negotiations looking to the private sale of such stock.

Notice of the filing of said amendment having been duly given, and opportunity having been afforded all interested persons to request a hearing with respect to said requested exception, and the Commission not having received a request for hearing and not having ordered a hearing thereon; and

The Commission finding that compliance with the competitive bidding requirements of Rule U-50 (b) and (c) is not appropriate in the public interest or for the protection of investors or consumers as a condition to the exemption of such issuance and sale from the provisions of section 6 (a) of the act, or to aid the Commission in carrying out the provisions of section 6 (b) of the act) to determine such terms and conditions as it may be appropriate to impose in the public interest or for the protection of investors or consumers in exempting such issuance and sale from the provisions of section 6 (a) of the act;

It is hereby ordered, That the issuance and sale by Jersey Central of 40,000 shares of its Cumulative Preferred Stock, -- Percent Series, be, and the same hereby is, excepted from the competitive bidding requirements of Rule U-50 (b) and (c), subject, however, to the conditions prescribed by Rule U-24 and the further condition that such issuance and sale shall not be consummated until a further amendment shall have been filed with this Commission setting forth the terms and conditions under which any sale of such preferred stock is proposed to be made and a further order shall have been entered by this Commission in the light of such further information, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5536; Filed, May 14, 1951; 8:47 a. m.]

[File No. 70-2276]

LOUISIANA POWER & LIGHT CO.

ORDER EXTENDING TIME FOR DISPOSITION OF CERTAIN PROPERTIES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of May A. D. 1951.

Louisiana Power & Light Company ("Louisiana"), having purchased all of the outstanding shares of stock of The Grant Utilities, Inc. ("Grant"), which transaction was submitted to this Commission and was the subject of an order dated March 8, 1950 (Holding Company Act Release No. 9720), granting the application and permitting the declaration to become effective, and Louisiana having subsequently acquired all of the assets of Grant and having liquidated the latter company; and

Louisiana having previously undertaken to dispose of the water and ice facilities of Grant within one year from April 26, 1950, the date of the acquisition of the stock of such company, unless the Commission should extend such time; and

Louisiana having requested that the Commission extend the time for such disposition for an additional period of 12 months, and having represented that it had made certain efforts to dispose of such property which had not yet been successful; and

The Commission being of the opinion that sufficient showing has been made to warrant an extension of time for six months from April 26, 1951, for disposition of such properties, but being of the opinion that such facts do not justify an extension for the full period requested;

It is hereby ordered, That Louisiana Power & Light Company be and is hereby granted an extension of time until October 26, 1951, to dispose of the water and ice facilities acquired by it as part of the acquisition of the assets of The Grant Utilities, Inc.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5539; Filed, May 14, 1951; 8:47 a. m.]

[File No. 70-2607]

GRANITE STATE ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of May, A. D. 1951.

Granite State Electric Company ("Granite State"), a public-utility subsidiary company of New England Electric System ("NEES"), a registered holding company, having filed a declaration, pursuant to section 7 of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, with respect to the following proposed transactions:

Granite State proposes to issue to The First National Bank of Boston a promissory note in the principal amount of $250,000, due six months after the date of issue and bearing the prime rate of interest for such notes at the time of issuance. It is stated in said declaration that the company expects that such interest rate will not exceed 2¾ percent. In the event that the interest rate on the proposed note exceeds 2¾ percent per annum, Granite State will file an amendment to its declaration at least five days prior to the execution of said note and unless this Commission notifies Granite State to the contrary within said five day period, said amendment will be considered by Granite State to be effective at the end of such period.

Granite State proposes to use the proceeds from such borrowing to pay for construction through June 30, 1951, and to pay off its promissory notes presently outstanding in the aggregate principal amount of $190,000 and bearing interest at the rate of 2¼ percent per annum.

The declaration indicates that the expenses in connection with the proposed transactions, consisting of payments to be made to New England Power Service Company, an affiliated service company, for services to be performed at cost, are estimated not to exceed $600.

The declaration states that no state commission has jurisdiction over the proposed transactions.

Granite State requests that the Commission's order herein become effective forthwith upon issuance.

The said declaration having been filed on April 6, 1951, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission having received no request for a hearing with respect to said declaration, within the period specified in said notice, and not having ordered a hearing thereon; and

The Commission finding with respect to the proposed transactions that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective, subject to the terms and conditions prescribed by Rule U-23; and the Commission further deeming it appropriate that the order herein become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the declaration, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5538; Filed, May 14, 1951; 8:47 a. m.]

[File No. 70-2617]

F. M. CANTRELL ET AL.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of May A. D. 1951.

In the matter of F. M. Cantrell, Rhoton P. Clift, and Phil B. Whitaker; File No. 70-2617.

F. M. Cantrell, Rhoton P. Clift and Phil B. Whitaker having filed with this Commission an application and amendments thereto pursuant to section 9 (a) (2) of the Public Utility Holding Company Act of 1935 with respect to the acquisition of shares of common stock of Chattanooga Gas Company ("Chattanooga"), a gas utility company, by the applicants who presently own, control, or hold with power to vote 5% or more of the outstanding voting securities of another public utility holding company, as follows:

The application indicates that the applicants own or control with power to vote 5 percent or more of the outstanding voting securities of Tennessee Natural Gas Lines, Inc., a public utility holding company, which company has on file with the Commission an application for exemption as a holding company pursuant to section 3 (a) (1) of the act. Applicants, along with approximately 53 other individuals who for the most part reside in Chattanooga, Tennessee, propose to acquire 195,000 shares (30 percent of the common stock of Chattanooga from Equitable Securities Corporation at a price of $3.30 per share. Of the 195,000 shares of common stock of Chattanooga, applicants propose to acquire an aggregate amount of 27,500 shares (which represents about 4.2 percent of the total outstanding common stock of Chattanooga) as follows: F. M. Cantrell, 7,500 shares; Rhoton P. Clift, 10,000 shares; and Phil B. Whitaker, 10,000 shares. The applicants state that such purchase is for investment only and

that no brokerage fees or commissions will be paid, but that the expenses of Phil B. Whitaker and the Trustees' fee for delivering the stock will be paid by adding one cent per share to the purchase price of all the members of the group.

The application further indicates that, after the proposed acquisition is effected, the applicants, together with Thomas W. Goodloe, Chairman of the Board of Directors of Chattanooga, will own in excess of 5 percent of the voting securities of Chattanooga and at least 5 percent of the voting securities of Tennessee Natural Gas Lines, Inc., of which Thomas W. Goodloe is Vice President and a Director. In the event the Commission approves the proposed transaction, applicants state that they, together with Thomas W. Goodloe, will file an exemption statement on Form U-3A-2, pursuant to Rule U-2 under the act, for exemption as a holding company by reason of the stock interests held by such applicants and Thomas W. Goodloe in Tennessee Natural Gas Lines, Inc.

Said application having been filed on April 20, 1951, and amendments thereto having been filed on April 26 and May 1, 1951, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said application, as amended, within the period of time specified in said notice, or otherwise, and not having ordered a hearing thereon, and

The Commission finding with respect to the application, as amended, that the applicable provisions of the act are satisfied and that no adverse findings are necessary, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted subject to the terms and conditions of Rule U-24, and the Commission further deeming it appropriate to grant the request of the applicants that this order become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935, and subject to the terms and conditions prescribed in Rule U-24, that said application, as amended, be, and the same hereby is granted, so as to permit consummation of the proposed transactions forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5537; Filed, May 14, 1951; 8:47 a. m.]

WAYNE D. RUSE ET AL.

MEMORANDUM OPINION AND ORDER REVOKING REGISTRATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of May A. D. 1951.

In the matter of Wayne D. Ruse, 406 Chickasha Street, Chickasha, Oklahoma; Benjamin E. Stearns d/b/a Stearns & Co., 926 Exchange Street, Rochester, New York; Warren Lee Sterling d/b/a W. L. Sterling Company, 114 East 52d Street, New York, New York; E. Van Benschoten, Hotel Roosevelt, 45th Street & Madison Ave., New York, New York; Charles J. Werner, 44 Whitehall Street, New York, New York; Matthew P. Wilson, 627 Park Avenue, Dunkirk, New York.

These are proceedings pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("the act") to determine whether the registrants named above, each of whom is registered as broker and dealer or as a dealer only, willfully violated section 17 (a) of the act and Rule X-17A-5 thereunder and, if so, whether it is in the public interest to revoke their registrations.[1]

The proceedings were instituted by separate notices and orders for hearing issued on January 22, 30, 31 and February 2, 1951, setting the hearing dates for March 7, 1951, as to all of the registrants except Wayne D. Ruse for whom February 26, 1951, was set as the date of hearing. On January 22, 31, February 2 and 6, 1951, copies of the notices and orders were sent by registered mail to the addresses last furnished us by the registrants. With the exception of the notices sent to Ruse and to Wilson, which were receipted for by persons other than the registrants, the notices were returned to us by the Post Office Department with notations indicating that the registrants could not be found at the addresses given. None of the registrants appeared in person on the dates set for hearing.[2]

On November 28, 1942, we promulgated Rule X-17A-5 under section 17 (a) of the act, which provides, among other things, that every registered broker or dealer must file with this Commission a report of financial condition during each calendar year commencing with the year 1943. Promulgation of the rule was announced by publication in the FEDERAL REGISTER, by release to the press, and by distribution to persons on our mailing list.

The registrations of the registrants became effective prior to 1943 and have not been withdrawn, cancelled, revoked or suspended. Our records show that Van Benschoten failed to file the required reports during any year from 1945 through 1949, that Wilson failed to do so from 1946 through 1949 and that the remaining four registrants failed to file from 1943 through 1949.

Upon review of the records in these proceedings we have concluded that each of the registrants violated section 17 (a) of the act and Rule X-17A-5 thereunder as a result of his failure to file such reports. We conclude also that such violations were willful within the meaning of section 15 (b).[3]

We conclude, on the basis of the foregoing, that it is necessary in the public interest to revoke the registration of each of the registrants. However, in view of the fact that our records do not show whether any of them actually received personal notice of the scheduled hearings, and to avoid any possible prejudice to them, our order will provide that the revocation of registrations be without prejudice to a motion on the part of any registrant to reopen the proceedings and to seek, upon a proper showing, to set aside the order of revocation applicable to said registrant.[4]

Accordingly, it is ordered, That the registrations of Wayne D. Ruse, Benjamin E. Stearns, doing business as Stearns & Co., Warren Lee Sterling, doing business as W. L. Sterling Company, E. Van Benschoten, Charles J. Werner and Matthew P. Wilson be, and they hereby are, revoked without prejudice to a motion by any of the said registrants to reopen the record in the proceeding naming him, and, upon a proper showing, to set aside the order of revocation applicable to said registrant.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5535; Filed, May 14, 1951; 8:47 a. m.]

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[1] Section 15 (b) provides in part: "The Commission shall, after appropriate notice and opportunity for hearing, by order * * * revoke the registration of any broker or dealer if it finds that such * * * revocation is in the public interest and (1) such broker or dealer * * * (D) has willfully violated any provision * * * of this title, or of any rule or regulation thereunder."

[2] Our orders and notices instituting these proceedings provided that the same be published in the FEDERAL REGISTER not later than 15 days prior to the dates of hearing. Pursuant to this provision the orders and notices were published in the FEDERAL REGISTER on January 26, February 6, 8, and 10, 1951. 15, 16 F. R. 18, 25, 27, 29, pp. 742, 1098-9, 1213-14.

[3] Sidney Ascher, — S. E. C. — (1950), Securities Exchange Act Release No. 4174.

[4] Ibid.

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17606]

UNION BANK OF SWITZERLAND

In re: Accounts maintained in the name of Union Bank of Switzerland or Union de Banques Suisse, Zurich, Switzerland, and owned by persons whose names are unknown. F-63-139 (Zurich).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

[Accounts maintained in the name of Union Bank of Switzerland or Union de Banques Suisse, Zurich, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
1. Bank of the Manhattan Co., 40 Wall St., New York, N. Y.	(a) Bonds and stock ordinary A/C, and (b) bonds certification A/C; as described by the Bank of the Manhattan Co. in its report on Form OAP-700, bearing its Serial No. 694.
2. Brown Bros. Harriman & Co., 59 Wall St., New York 5, N. Y.	Union Bank of Switzerland, Zurich, blocked account, as described by Brown Bros. Harriman & Co. in its report on Form OAP-700, bearing its Serial No. 87.
3. Bankers Trust Co., 16 Wall St., New York, N. Y.	(a) Custodian cash account general ruling No. 6, and (b) miscellaneous bonds; as described by the Bankers Trust Co. in its report on Form OAP-700, bearing its Serial No. CU 15.
4. Central Hanover Bank & Trust Co., 70 Broadway, New York 15, N. Y.	(a) Bank deposit, and (b) bonds held in account BS 3083, Union Bank of Switzerland, Zurich, Switzerland, subaccount Saco, general ruling No 17; as described by the Central Hanover Bank & Trust Co., in its report on Form OAP-700, bearing its Serial No. 104.
5. The Commercial National Bank & Trust Co. of New York, 40 Wall St., New York, N. Y.	(a) 5 shares Northern Pacific Railway Co. capital stock $100 P. V. No. C 454088, as described by The Commercial National Bank & Trust Co. of New York in its report on Form OAP-700, bearing its Serial No. 1; (b) bank deposit general ruling No. 6 account, as described by The Commercial National Bank & Trust Co. of New York in its report on Form OAP-700, bearings its Serial No. 2.
6. Dominick & Dominick, 14 Wall St., New York 5, N. Y.	(a) Union de Banques Suisse, Zurich, separate account, as described by Dominick & Dominick in its report on Form OAP-700, bearing its Serial No. 36; (b) Union de Banques Suisse, Zurich, general ruling No. 6 account (U. S. dollars), and (c) Union de Banques Suisse, Zurich special general ruling No. 6 account; as described by Dominick & Dominick in its report on Form OAP-700, bearing its Serial No. 35.
7. Guaranty Trust Co. of New York, 140 Broadway, New York 15, N. Y.	(a) Custody cash account, subdepot Berne, general ruling No. 6 account, (b) regular account XC 8347, (c) memo certified account XC 19510, and (d) custody cash account No. 2XC 14383; as described by the Guaranty Trust Co. of New York in its report on Form OAP-700, bearing its serial No. CU 682.

[F. R. Doc. 51-5566; Filed, May 14, 1951; 8:49 a. m.]

[Vesting Order 17720]

CONVERSION OFFICE FOR GERMAN FOREIGN DEBTS

In re: Bank accounts and scrip owned by Conversion Office for German Foreign Debts, also known as Konversionskasse für Deutsche Auslandsschulden. F-28-2298-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Conversion Office for German Foreign Debts, also known as Konversionskasse für Deutsche Auslandsschulden, the last known address of which is Berlin C111, Germany, is a public corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, arising out of a coupon deposit account, entitled "Hamburg Elevated, Underground and Street Railways Co., 10-year 5½ Percent Gold Loan due June 1, 1938", maintained with the aforesaid Brown Brothers Harriman & Co., together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. Those certain Reichsmark certificates of indebtednesses of Conversion Office for German Foreign Debts, also known as Konversionskasse für Deutsche Auslandsschulden, in the aggregate amount of approximately RM 5250, presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, said certificates of indebtednesses having been offered by the said Conversion Office, along with the cash fund referred to in subparagraph 2-a above, in settlement of coupons appertaining to the bonds named in subparagraph 2-a hereof, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Conversion Office for German Foreign Debts, also known as Konversionskasse für Deutsche Auslandsschulden, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5568; Filed, May 14, 1951; 8:50 a. m.]

[Vesting Order 17607]

UNION BANK OF SWITZERLAND

In re: Accounts maintained in the name of Union Bank of Switzerland or Union de Banques Suisse Zurich, Switzerland, and owned by persons whose names are unknown. F-63-139 (Zurich).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on March 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Union Bank of Switzerland or Union de Banques Suisse, Zurich, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights and interests in the account as of Oct. 2, 1950, excluded from this vesting order [1]
1. Bank of the Manhattan Co., 40 Wall St., New York, N. Y.	General ruling 6, as described by the Bank of the Manhattan Co. in its report on Form OAP-700, bearing its Serial No. 6068.	$9,387.01 in the General Ruling 6 account which, according to the report on Form OAP-700 filed by the Bank of the Manhattan Co., is the property of persons resident in Rumania.
2. Bank of New York and Fifth Ave. Bank, 48 Wall St., New York, N. Y.	Deposit account, as described by the Bank of New York and Fifth Ave. Bank in its report on Form OAP-700.	$113.13 in the Deposit Account which, according to license application No. NY 86925 filed by the Bank of New York and Fifth Avenue, bearing its serial No. 2300, represents claims of persons domiciled in Bulgaria, Hungary, and Rumania. $2,492.11 in the regular blocked account which, according to license application No. NY 86970 filed by the Guaranty Trust Co. of New York, bearing its Serial No. 58896, represents claims of persons domiciled in Bulgaria, Hungary, and Rumania.
3. Guaranty Trust Co. of New York, 140 Broadway, New York 15, N. Y.	(a) Regular blocked account, (b) Identified Swiss-Germany account, (c) general ruling No. 6 account, and (d) Identified Swiss-Germany account general ruling No. 11 account; as described by the Guaranty Trust Co. of New York in its report on Form OAP-700, bearings its Serial No. FB 161.	
4. Manufacturers Trust Co., 55 Broad St., New York 15, N. Y.	Bank deposit, as described by the Manufacturers Trust Co., in its report on Form OAP-700, bearing its Serial No. 59.	$162.54 of bank deposit which, according to license application No. NY 86944 filed by the Manufacturers Trust Co., bearing its Serial No. 1454, represents claims of persons domiciled in Bulgaria, Hungary, and Rumania.
5. The National City Bank of New York, 55 Wall St., New York 5, N. Y.	(a) Current account, as described by The National City Bank of New York in its report on Form OAP-700, bearing its Serial No. 6089, (b) miscellaneous portfolio of stocks and bonds, and (c) miscellaneous portfolio of foreign dollar bonds; as described by The National City Bank of New York in its report on Form OAP-700, bearing its Serial No. B 19.	(a) $1,256.13 in the current account which, according to license application No. NY 86958 filed by The National City Bank of New York, bearing its Serial No. 8811, represents claims of persons domiciled in Bulgaria, Hungary, and Rumania; (b) 80 shares of Canadian Pacific Ry. Co. stock in the miscellaneous portfolio of stocks and bonds which, according to the report on Form OAP-700 filed by The National City Bank of New York, bearing its Serial No. B 19, are property of persons residing in Hungary.
6. Agency of The Royal Bank of Canada, 68 William St., New York 5, N. Y.	Deposit account, as described by the Agency of The Royal Bank of Canada in its report on Form OAP-700.	$508.85 in the deposit account which, according to license application No. NY 86949, dated December 28, 1950, filed by The Royal Bank of Canada, New York Agency, represents claims of persons domiciled in Bulgaria, Hungary, and Rumania.
7. J. Henry Schroder Banking Corp., 57 Broadway, New York 15, N. Y.	(a) Current account-general ruling No. 6, and (b) securities in blocked safe custody account; as described by the J. Henry Schroder Banking Corp. in its report on Form OAP-700, bearing its Serial No. 17.	$72.30 in the current account, general ruling No. 6 which, according to the report on Form OAP-700 filed by the J. Henry Schroder Banking Corp., bearing its Serial No. 17, is the property of persons residing in Hungary.

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since Oct. 2, 1950, and (b) any and all rights in, to, and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in Column III or excluded under (a) of this footnote.

[F. R. Doc. 51-5567; Filed, May 14, 1951; 8:50 a. m.]

[Vesting Order 17744]

ESCOMPTOBANK, N. V.

In re: Accounts maintained in the name of Escomptobank, N. V., Amsterdam, Holland, and owned by persons whose names are unknown. F-49-1340.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests

in the accounts identified in Exhibit A set forth below, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Escomptobank, N. V., Amsterdam, Holland]

Column I Name and address of institution which maintains account	Column II Designation of account
Guaranty Trust Co. of New York, 140 Broadway, New York 15, N. Y.	(a) Custody cash account XC 16494, and (b) miscellaneous portfolio of stocks and bonds are XC 16004, as described by the Guaranty Trust Co. of New York in its report on Form OAP 700, bearing its Serial No. CU 0023.

[F. R. Doc. 51-5570; Filed, May 14, 1951; 8:50 a. m.]

[Vesting Order 17742]

AMERICAN EXPRESS CO., INC.

In re: Accounts maintained in the name of The American Express Co., Inc., Amsterdam, The Netherlands and owned by persons whose names are unknown. F-49-1344.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of The American Express Co., Inc., Amsterdam, The Netherlands]

Column I Name and address of institution which maintains account	Column II Designation of account
The American Express Co., Inc., New York Agency, 65 Broadway, New York, N. Y.	(a) Demand account, and (b) miscellaneous portfolio of securities, as described by The American Express Co., Inc., in its report on Form OAP 700, bearing its Serial No. 0001.

[F. R. Doc. 51-5569; Filed, May 14, 1951; 8:50 a. m.]

[Vesting Order 17745]

AMERICAN EXPRESS CO. INC.

In re: Accounts maintained in the name of The American Express Co., Inc., Zurich, Switzerland, and owned by persons whose names are unknown. F-63-1055.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of The American Express Co., Inc., Zurich, Switzerland]

Column I	Column II
Name and address of institution which maintains account	Designation of account
New York Agency, The American Express Co., Inc., 65 Broadway, New York, N. Y.	(a) Demand account and (b) miscellaneous portfolio of securities, as described by the New York Agency of The American Express Co., Inc., in its amended OAP-700 report bearing its Serial No. 6092.

[F. R. Doc. 51-5571; Filed, May 14, 1951; 8:50 a. m.]

[Vesting Order 17746]

AMSTERDAMSCHE GOEDEREN-BANK N. V.

In re: Accounts maintained in the name of Amsterdamsche Goederen-Bank N. V., or Amsterdamsche Liquidatekas, N. V., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-477.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Amsterdamsche Goederen-Bank N. V., or Amsterdamsche Liquidatekas, N. V., Amsterdam, The Netherlands]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Irving Trust Co., 1 Wall St., New York 15, N. Y.	Demand deposit account, as described by Irving Trust Co. in its report on Form OAP-700, bearing its Serial No. 6028.

[F. R. Doc. 51-5572; Filed, May 14, 1951; 8:50 a. m.]

[Vesting Order 17753]

N. ANDROW

In re: Bank account owned by N. Androw, also known as N. Andrews, D-39-15242-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That N. Androw, also known as N. Andrews, who there is reasonable cause to believe is a resident of Japan is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of The Sumitomo Bank of Seattle, in Liquidation, Valentine C. Hammack, 214 Federal Office Building, San Francisco, California, Liquidating Trustee,

arising out of a savings account, Account Number 9350, entitled "N. Andrews", maintained with the aforesaid bank in liquidation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by, N. Androw, also known as N. Andrews, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5573; Filed, May 14, 1951; 8:50 a. m.]

[Vesting Order 10352, Amdt.]

HUGO BAUMANN ET AL.

In re: Interest in stock, debenture and bank accounts owned by Hugo Baumann and others.

Vesting Order 10352, dated December 15, 1947, is hereby amended to read as follows and not otherwise: By deleting from subparagraph 2 (a) of said Vesting Order 10352 the certificate numbers "T 4088 and 26433" and substituting therefor the certificate numbers "TA-4088 and TA26433".

All other provisions of said Vesting Order 10352 and all action taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5579; Filed, May 14, 1951; 8:51 a. m.]

[Vesting Order 17762]

H. OYENS & ZONEN N. V.

In re: Accounts maintained in the name of H. Oyens & Zonen N. V., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1165.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of H. Oyens & Zonen N. V., Amsterdam, The Netherlands]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Guaranty Trust Co. of New York, 140 Broadway, New York 15, N. Y.	H. Oyens & Zonen, N. V., Post Box 956, Amsterdam, Holland, as described by the Guaranty Trust Co. of New York in its report on Form OAP 700, bearing its Serial No. FH 68.

[F. R. Doc. 51-5574; Filed, May 14, 1951; 8:51 a. m.]

[Vesting Order 17763]

KEIJSER & CO.

In re: Accounts maintained in the name of Keijser & Co., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1341.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or con-

trolled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Keijser & Co., Amsterdam, The Netherlands]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Carl M. Loeb, Rhoades & Co., 61 Broadway, New York, N. Y.	(a) Credit balance, (b) miscellaneous portfolio of stocks and bonds, and (c) German dollar bonds; as described by Carl M. Loeb, Rhoades & Co., in its report on Form OAP-700, bearing its Serial No. 6.

[F. R. Doc. 51-5575; Filed, May 14, 1951; 8:51 a. m.]

[Vesting Order 17747]

SOCIETE GENERALE ALSACIENNE DE BANQUE

In re: Accounts maintained in the name of Societe Generale Alsacienne de Banque, Zurich, Switzerland, and owned by persons whose names are unknown. F-63-10826.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Societe Generale Alsacienne de Banque, Zurich, Switzerland]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Brown Bros. Harriman & Co., 59 Wall St., New York 5, N. Y.	(a) Societe Generale Alsacienne de Banque, Zurich, general ruling No. 6 account, as described by Brown Bros. Harriman & Co., in its report on Form OAP-700, bearing its serial No. 79; (b) Societe Generale Alsacienne de Banque, Zurich, blocked account, as described by Brown Bros. Harriman & Co., in its report on Form OAP-700, bearing its Serial No. 80.

[F. R. Doc. 51-5576; Filed, May 14, 1951; 8:51 a. m.]

[Vesting Order 17748]

SOCIETE GENERALE ALSACIENNE DE BANQUE

In re: Accounts maintained in the name of Societe Generale Alsacienne de Banque, Zurich, Switzerland, and owned by persons whose names are unknown. F-63-10826.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock, in any of said accounts, excepting from the foregoing, however, all property, rights and interests which are expressly excluded in the attached Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Societe Generale Alsacienne de Banque, Zurich, Switzerland]

Column I	Column II	Column III
Name and address of institution which maintains account	Designation of account	Property, rights and interests in the account as of Oct. 2, 1950 excluded from this vesting order[1]
Societe Generale New York Agency, 60 Wall St., New York 5, N. Y.	Deposit account, as described by Societe Generale New York Agency in its report on Form OAP-700.	$877.50 which, according to license application NY 69251, filed by Societe Generale New York Agency, represents claims of persons domiciled in Hungary.

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since Oct. 2, 1950, and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in Column III or excluded under (a) of this footnote.

[F. R. Doc. 51-5577; Filed, May 14, 1951; 8:51 a. m.]

[Vesting Order 9121, Amdt.]

ELSA VON HANNEKIN

In re: Bank account, bonds and stock owned by and debt owing to Elsa von Hannekin. F-28-24085-A-1.

Vesting Order 9121, dated May 28, 1947, as amended, is hereby further amended as follows and not otherwise: By deleting from subparagraph 2 (c) of said Vesting Order 9121, as amended, the certificate number "0183261" set forth with respect to one Kingdom of Belgium 4% Unified Loan of 1935, Series 1, Debenture Bond, due February 1, 1976, of 1,000 Belgian Francs face value, and substituting therefor the certificate number "0183621".

All other provisions of said Vesting Order 9121, as amended, and all action taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5578; Filed, May 14, 1951; 8:51 a. m.]

[Vesting Order 17427, Amdt.]

DEUTSCHE EFFECTEN UND WECHSEL BANK

In re: Stock owned by and debt owing to Deutsche Effecten und Wechsel Bank, F-28-5735-A-2; E-3.

Vesting Order 17427, dated February 21, 1951, is hereby amended as follows and not otherwise: By deleting subparagraph 2 (b) of said Vesting Order 17427 and substituting therefor the following subparagraph:

Thirty (30) shares of common stock of United Corporation, evidenced by certificate numbered 488591, registered in the name of Schmidt & Co., and presently in the custody of the Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in an account entitled, Deutsche Effecten und Wechsel Bank Customers Depot, together with all declared and unpaid dividends thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5580; Filed, May 14, 1951; 8:51 a. m.]

[Return Order 958]

ETABLISSEMENTS A. OLIER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Etablissements A. Olier, Clermont-Ferrand, France; Claim No. 43866; March 9, 1951 (16 F. R. 2206); property described in Vesting Order No. 667 (8 F. R. 4995, April 17, 1943) relating to United States Letters Patent No. 2,150,608. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5581; Filed, May 14, 1951; 8:51 a. m.]

EDUARD BIER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Eduard Bier, Berlin, Germany; Claim No. 42276; $1,008.56 cash in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Eduard Bier, in and to the Estate of Siegfried Max Bier, deceased; Surrogate's Court New York County, New York.

Executed at Washington, D. C., on May 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5582; Filed, May 14, 1951; 8:51 a. m.]

WALTER HECHT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended,

notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Walter Hecht, Sinabelkirchen, Steiermark, Austria; Claim No. 37789; property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to U. S. Letters Patent No. 2,261,368 and Vesting Order No. 205 (7 F. R. 8669, October 27, 1942), relating to Patent Application Ser. No. 388,188 (now U. S. Letters Patent No. 2,309,391).

Executed at Washington, D. C., on May 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5583; Filed, May 14, 1951; 8:51 a. m.]

LEOPOLD KAUFMAN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Leopold Kaufman, Portland, Oreg., Claim No. 36614; $753.48 in the Treasury of the United States.

Executed at Washington, D. C., on May 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5584; Filed, May 14, 1951; 8:51 a. m.]

GAULT MACGOWAN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gault MacGowan, La Celle-St. Cloud, Seine et Oise, France; Claim No. 59190; $4,026.98 in the Treasury of the United States

Executed at Washington, D. C., on May 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5585; Filed, May 14, 1951; 8:51 a. m.]

...ENCE MAY 18 '51

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 16 NUMBER 95

Washington, Wednesday, May 16, 1951

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 485, 19th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

WHITE-FRINGED BEETLE; CERTAIN ARTICLES EXEMPTED FROM CERTIFICATION REQUIREMENTS

On April 5, 1951, there was published in the FEDERAL REGISTER (16 F. R. 2972) a notice of proposed amendment of administrative instructions exempting certain regulated articles from the certification requirements of §§ 301.72–4 and 301.72–5 of the regulations supplemental to Notice of Quarantine No. 72 relating to white-fringed beetles (7 CFR, Supp., 301.72–4 and 301.72–5). After due consideration of all relevant matters presented and pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by the second proviso of the white-fringed beetle quarantine (7 CFR, Supp., 301.72), revised administrative instructions are hereby adopted as follows:

§ 301.72a *Administrative instructions exempting articles from certification.* (a) The following articles are hereby exempt from the certification requirements of §§ 301.72–4 and 301.72–5 when they are free from soil, when they have not been exposed to infestation, and when sanitation practices are maintained as prescribed by or to the satisfaction of the inspector:

(1) Hay and straw, except that peanut hay is not exempt.

(2) Uncleaned grass, grain, and legume seed.

(3) Seed cotton and cottonseed.

(4) Forest products, such as cordwood, stump wood, logs, lumber, timbers, posts, poles and cross ties.

(5) Brick, tile, stone, concrete slabs, pipe, building blocks, and cinders.

(6) Potatoes (Irish), when freshly harvested, grown in the regulated area in Baldwin County, Alabama.

(b) Certification will be required for the following articles and materials:

(1) Soil, compost, manure, peat, muck, clay, sand, or gravel, whether moved independently of or in connection with or attached to nursery stock, plants, products, articles, or things (processed clay and washed or processed sand and gravel are not regulated).

(2) Nursery stock.

(3) Grass sod.

(4) Plant crowns or roots for propagation.

(5) Potatoes (Irish), when freshly harvested, other than those grown in the regulated area in Baldwin County, Alabama.

(6) True bulbs, corms, tubers, and rhizomes of ornamental plants, when freshly harvested or uncured.

(7) Peanut shells and peanuts in shells.

(8) Peanut hay.

(9) Scrap metal and junk.

(Sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

The foregoing revised administrative instructions shall become effective on May 16, 1951, and on that date shall supersede B. E. P. Q. 485, 18th Revision, which was effective June 14, 1950 (7 CFR 301.72a, 15 F. R. 2871).

Following publication of the notice of rule making relating to these instructions, it was determined that there are no plantings of Irish potatoes in the sections of Baldwin County, Alabama, actually infested by white-fringed beetles. Such potatoes have therefore been added to the list of exempt articles in order to relieve the growers of unnecessary certification requirements. This relief should be afforded the growers immediately. Accordingly, it is found for good cause that notice and public procedure under section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)), in respect to this article, are impracticable, unnecessary, and contrary to the public interest. These administrative instructions relieve restrictions and are within the exception in section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)). Good cause is therefore found for the issuance of these administrative instructions effective less than 30 days after their publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 24th day of April 1951.

[SEAL] AVERY S. HOYT,
Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 51-5682; Filed, May 15, 1951; 8:54 a. m.]

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FEDERAL REGISTER

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CODE OF FEDERAL REGULATIONS

1949 Edition

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(For use during 1951)

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[957.307, Amdt. 2]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

LIMITATION OF SHIPMENTS

a. *Findings.* (1) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (15 F. R. 311), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and amended order, and upon other available information, it is hereby found that the amended limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when the information

upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) this amendment merely extends the effective period of the present regulation, (iii) compliance with this regulation will not require any preparation on the part of handlers which cannot be completed by such effective date, (iv) a reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

b. *Order, as amended.* The provisions in paragraph (b) (1) of § 957.307 (16 F. R. 1) shall, on and after the effective date hereof, read as follows:

(1) During the period beginning 12:01 a. m., m. s. t., February 6, 1951, and ending 12:01 a. m., m. s. t., July 1, 1951, no handler shall ship potatoes of any variety unless (i) such potatoes of the Russet Burbank and long white varieties meet the requirements of the U. S. No. 2 or better grade and are at least 2 inches minimum diameter or 4 ounces minimum weight, and (ii) such potatoes of the red skin varieties meet the requirements of the U. S. No. 2 or better grade and are at least $1^{1}/_{2}$ inches minimum diameter, as such terms, grades, and sizes, are defined in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 11th day of May 1951, to become effective 12:01 a. m., m. s. t., June 1, 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-5681; Filed, May 15, 1951; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 18]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

CERTIFICATION OF REVERSE THRUST PROPELLER INSTALLATIONS AND LIMITATIONS OF THESE INSTALLATIONS IN ESTABLISHMENT OF TAKE-OFF AND LANDING FIELD LENGTHS

The following policies are hereby adopted. The sections of the regulations being implemented are repeated here to assist the public in understanding how the Administrator's policies apply to them.

§ 4b.10 *Eligibility for type and airworthiness certificates.* An airplane shall be eligible for type and airworthiness certification under the provisions of this part if it complies with the airworthiness provisions hereinafter established, or if the Administrator finds that the provision or provisions not complied with are compensated for by other design features which provide an equivalent level of safety. *Provided,* That the Administrator finds no feature or characteristic of the airplane which renders it unsafe for the transport category.

§ 4b.10–1 *Approval of reverse thrust propellers (CAA policies which apply to § 4b.10).* A reverse thrust propeller is a design feature which is not specifically covered in the Civil Air Regulations. When an airplane incorporates a reverse thrust propeller installation, the Administrator will approve the installation in accordance with the policies set forth in § 4b.400–1, provided it has no feature or characteristic which renders its use unsafe in transport category airplanes.

§ 4b.115 *Accelerate-stop distance.* (a) The accelerate-stop distance shall be the sum of the following:

(1) The distance required to accelerate the airplane from a standing start to the speed V_1,

(2) Assuming the critical engine to fail at the speed V_1, the distance required to bring the airplane to a full stop from the point corresponding with the speed V_1.

(b) In addition to, or in lieu of, wheel brakes, the use of other braking means shall be acceptable in determining the accelerate-stop distance: *Provided,* That such braking means shall have been proven to be safe and reliable, that the manner of their employment is such that consistent results can be expected under normal conditions of operation, and that exceptional skill is not required to control the airplane.

(c) The landing gear shall remain extended throughout the accelerate-stop distance.

§ 4b.115–1 *Reverse thrust used in accelerate-stop distance (CAA policies which apply to § 4b.115).* See § 4b.400–1 (a) (14).

§ 4b.123 *Landplanes.* The landing distance referred to in § 4b.122 shall be determined on a dry, hard-surfaced runway in accordance with the following:

(a) The operating pressures on the breaking system shall not be in excess of those approved by the manufacturer of the brakes,

(b) The brakes shall not be used in such manner as to produce excessive wear of brakes or tires,

(c) Means other than wheel brakes may be used in determining the landing distance: *Provided,* That:

(1) Exceptional skill is not required to control the airplane,

(2) The manner of their employment is such that consistent results could be expected under normal service, and

(3) They are regarded as reliable.

§ 4b.123–1 *Landing distances (CAA policies which apply to § 4b.123 (c)).* See § 4b.400–1 (b).

GROUND HANDLING CHARACTERISTICS

§ 4b.170 *Longitudinal stability and control.* (a) There shall be no uncontrollable tendency for landplanes to nose over in any reasonably expected operating condition or when rebound occurs during landing or take-off.

(b) Wheel brakes shall operate smoothly and shall exhibit no undue tendency to induce nosing over.

(c) When a tail-wheel landing gear is used, it shall be possible during the take-off ground run on concrete to maintain any attitude up to thrust line level at 80 percent of V_{S_1}.

§ 4b.170–1 *Ground handling characteristics with reverse thrust (CAA policies which apply to § 4b.170).* See § 4b.400–1 (a) (1), (a) (4), and (a) (5).

§ 4b.171 *Directional stability and control.* (a) There shall be no uncontrollable ground-looping tendency in 90° cross winds of velocity up to 0.2 V_{S_0} at any ground speed at which the airplane is expected to operate.

(b) All landplanes shall be demonstrated to be satisfactorily controllable with no exceptional degree of skill or alertness on the part of the pilot in power-off landings at normal landing speed during which brakes or engine power are not used to maintain a straight path.

(c) Means shall be provided for directional control of the airplane during taxying.

§ 4b.171–1 *Ground handling characteristics with reverse thrust (CAA policies which apply to § 4b.171–1).* See § 4b.400–1 (a) (1), (a) (4), and (a) (5).

§ 4b.172 *Shock absorption.* The shock absorbing mechanism shall not produce damage to the structure when the airplane is taxied on the roughest ground which it is reasonable to expect the airplane to encounter in normal operation.

§ 4b.172–1 *Ground handling characteristics with reverse thrust (CAA policies which apply to § 4b.172).* See § 4b.400–1 (a) (1).

§ 4b.173 *Demonstrated cross wind.* There shall be established a cross component of wind velocity at which it has been demonstrated to be safe to take off or land.

§ 4b.173–1 *Ground handling characteristics with reverse thrust (CAA policies which apply to § 4b.173).* See § 4b.400–1 (a) (1) and (a) (5).

WATER HANDLING CHARACTERISTICS

§ 4b.180 *Stability and control.* (a) Seaplanes shall exhibit no uncontrollable porpoising at any speed at which the airplane is normally operated on water.

(b) There shall be no uncontrollable looping tendency in 90° cross winds of velocity up to 0.2 V_{S_0} at any speed at which the airplane is expected to operate on water.

(c) Means shall be provided for directional control of the airplane during taxying on water.

§ 4b.180–1 *Water handling characteristics with reverse thrust (CAA policies which apply to § 4b.180).* See § 4b.400–1 (a) (1), (a) (4), and (a) (5).

§ 4b.181 *Spray characteristics.* Spray during taxying, take-off, or landing shall at no time dangerously obscure the vision of the pilots nor produce damage to the propeller or other parts of the airplane.

§ 4b.181–1 *Water handling characteristics with reverse thrust (CAA policies which apply to § 4b.181).* See § 4b.400–1 (a) (1).

§ 4b.182 *Demonstrated cross wind.* There shall be established a cross component of wind velocity at which it has been demonstrated to be safe to take off and land.

§ 4b.182–1 *Water handling characteristics with reverse thrust (CAA policies which apply to § 4b.182).* See § 4b.400–1 (a) (1) and (a) (5).

§ 4b.337 *Brakes*—(a) *General.* (1) All airplanes shall be equipped with approved brakes.

(2) The brake system shall be so designed and constructed that in the event of a single failure in any connection or transmitting element in the brake system (excluding the operating pedal or handle), or the loss of any single source of hydraulic or other brake operating energy supply, it shall be possible to bring the airplane to rest under conditions specified in § 4b.122 with a mean deceleration during the landing roll of at least 50 percent of that obtained in determining the landing distance as prescribed in that section.

(3) In applying the requirement of subparagraph (2) of this paragraph to hydraulic brakes, the brake drum, shoes, and actuators (or their equivalents) shall be considered as connecting or transmitting elements, unless it is shown that the leakage of hydraulic fluid resulting from failure of the sealing elements in these units would not reduce the braking effectiveness below that specified in subparagraph (2) of this paragraph.

(b) *Brake controls.* Brake controls shall not require excessive control forces in their operation.

(c) *Parking brake controls.* A parking brake control shall be provided and installed so that it can be set by the pilot and, without further attention, will maintain sufficient braking to prevent the airplane from rolling on a paved, level runway while take-off power on the critical engine is being applied.

§ 4b.337–1 *Reverse thrust as substituted for dual brake system (CAA policies which apply to § 4b.337).* See § 4b.400–1 (a) (14).

§ 4b.351 *Pilot compartment vision*—(a) *Nonprecipitation conditions.* (1) The pilot compartment shall be arranged to afford the pilots a sufficiently extensive, clear, and undistorted view to perform safely all maneuvers within the operating limitations of the airplane, including taxying, take-off, approach, and landing.

(2) It shall be demonstrated by day and night flight tests that the pilot compartment is free of glare and reflections which would tend to interfere with the pilots' vision.

(b) *Precipitation conditions.* (1) Means shall be provided for maintaining a sufficient portion of the windshield clear so that both pilots are afforded a sufficiently extensive view along the flight path in all normal flight attitudes of the airplane. Such means shall be designed to function under the following conditions without continuous attention on the part of the crew:

(i) In heavy rain at speeds up to 1.6 V_{S_1}, flaps retracted.

(ii) In the most severe icing conditions for which approval of the airplane is desired.

(2) In addition to the means prescribed in subparagraph (1) of this paragraph at least the first pilot shall be provided with a window which, when the cabin is not pressurized, is openable under the conditions prescribed in subparagraph (1) of this paragraph, and which provides the view specified in that subparagraph. The design shall be such that when the window is opened sufficient protection from the elements will be provided against the impairment of the pilot's vision.

§ 4b.351–1 *Vision with reverse thrust (CAA policies which apply to § 4b.351).* See § 4b.400–1 (a) (8).

SUBPART E—POWERPLANT INSTALLATION (RECIPROCATING ENGINES)

GENERAL

§ 4b.400 *Scope.* (a) The powerplant installation shall be considered to include all components of the airplane which are necessary for its propulsion. It shall also be considered to include all components which affect the control of the major propulsive units or which affect their safety of operation between normal inspection or overhaul periods. (See § 4b.604 and § 4b.613 for instrument installation and marking.)

(b) All components of the powerplant installation shall be constructed, arranged, and installed in a manner which will assure their continued safe operation between normal inspections or overhaul periods.

(c) Accessibility shall be provided to permit such inspection and maintenance as is necessary to assure continued airworthiness.

(d) Electrical interconnections shall be provided to prevent the existence of differences of potential between major components of the powerplant installation and other portions of the airplane.

§ 4b.400–1 *Reverse thrust propeller installations (CAA policies which apply to § 4b.10 and § 4b.400).* (a) The Administrator may approve reverse thrust propeller installations which comply with the following:

(1) Exceptional pilot skill should not be required in taxying or in any condition in which reverse thrust is to be used.

(2) Recommended operating procedures and operating limitations and placards should be established.

(3) Throttle movement should be such that the motion is in the direction of the desired acceleration of the airplane.

(4) The airplane control characteristics should be satisfactory with regard to control forces encountered, and buffeting should not be likely to cause structural damage.

(5) The directional control should be adequate using normal piloting skill.

(6) It should be determined that no dangerous condition is encountered in the event of sudden failure of one engine in any likely operating condition.

(7) The operating procedures and airplane configuration should be such as to provide reasonable safeguards against serious structural damage to parts of the airplane due to the reverse airflow.

(8) It should be determined that the pilot's vision is not dangerously obscured under normal operating conditions on dusty or wet runways and where light snow is on the runway.

(9) It should be impossible, except by the use of a manual override which requires separate and deliberate action on the part of the pilot, to place the propellers in the reverse thrust position until the airplane is on the ground, unless it is demonstrated that it is safe to reverse the propellers in any likely flight condition. Consideration should be given to possible rebound of the airplane following initial contact, at which point propeller reversal has taken place.

(10) The procedures and mechanisms for reversing should, without requiring exceptional piloting skill, maintain sufficient power to keep the engine running at an adequate speed to prevent engine stalling during or after the propeller reversing operation.

(11) It should not be possible using normal pilot technique to cause overspeed of the propeller during the propeller reversing operation.

(12) The propeller control arrangement should be such as to provide adequate safeguards against inadvertent reversal of propellers.

(13) The engine cooling characteristics should be satisfactory when functioning within the operating limitations.

(14) The use of reverse thrust will be permitted, in combination with the brakes installed, to establish the accelerate-stop distance, if it is shown that such use provides a level of safety equivalent to that when wheel brakes alone are used, taking into consideration pilot skill required and the likelihood of attaining the necessary performance under conditions of simulated engine failure. Either of the following conditions and limitations should be used:

(i) Symmetrical reverse thrust on (n–2) engines with power not to exceed the maximum continuous rating, where n is equal to the number of engines.

(ii) Asymmetrical reverse thrust on (n–1) engines in normal idle setting but this idle setting power should not exceed 25 percent of the maximum continuous rating. This operation should be permitted only where it can be shown that with use of this asymmetrical reverse thrust the airplane can be satisfactorily controlled on a wet runway.

(b) The Administrator will not approve the use of landing distances obtainable with the use of reverse thrust propellers in establishing landing field lengths until such time as sufficient experience with their use is obtained for proper consideration of all related factors involved in the establishment of adequate airport lengths for routine landings.

COOLING SYSTEM

§ 4b.450 *General.* The powerplant cooling provisions shall be capable of maintaining the temperatures of major powerplant components, engine fluids, and the carburetor intake air within the established safe values under all conditions of ground and flight operation. (For cooling system instruments see §§ 4b.604 and 4b.734.)

§ 4b.450–1 *Cooling with reverse thrust (CAA policies which apply to § 4b.450).* See § 4b.400–1 (a) (13).

POWERPLANT CONTROLS AND ACCESSORIES

§ 4b.470 *Powerplant controls; general.* The provisions of § 4b.353 shall be applicable to all powerplant controls with respect to location, grouping, and direction of motion, and the provisions of § 4b.737 shall be applicable to all powerplant controls with respect to marking. In addition all powerplant controls shall comply with the following.

(a) Controls shall be so located that they cannot be inadvertently operated by personnel entering, leaving, or making normal movements in the cockpit.

(b) Controls shall maintain any set position without constant attention by flight personnel. They shall not tend to creep due to control loads or vibration.

(c) Fexible controls shall be of an approved type or shall be shown to be suitable for the particular application.

(d) Controls shall have strength and rigidity to withstand operating loads without failure and without excessive deflection.

§ 4b.470–1 *Reverse thrust controls (CAA policies which apply to § 4b.470).* See § 4b.400–1 (a) (3), (a) (9), (a) (10), (a) (11), and (a) (12).

§ 4b.474 *Propeller controls*—(a) *Propeller speed and pitch controls.* (1) A separate propeller speed and pitch control shall be provided for each propeller. The propeller speed and pitch controls shall be grouped and arranged to permit separate control of each propeller and also simultaneous control of all propellers.

(2) The propeller speed and pitch controls shall provide for synchronization of all propellers. (See also § 4b.404.)

(b) *Propeller feathering controls.* (1) A separate propeller feathering control shall be provided for each propeller.

(2) Propeller feathering controls shall be provided with means to prevent inadvertent operation.

(3) If feathering is accomplished by movement of the propeller pitch or speed control lever, provision shall be made to prevent the movement of this control to the feathering position during normal operation.

(c) *Propeller reversing controls.* If the propeller blades can be placed in a pitch position which produces negative thrust, propeller reversing controls shall be arranged to prevent inadvertent operation.

§ 4b.474–1 *Propeller reversing controls (CAA policies which apply to § 4b.474).* See § 4b.400–1 (a) (9) and (a) (12).

MARKINGS AND PLACARDS

§ 4b.730 *General.* (a) Markings and placards shall be displayed in conspicuous places and shall be such that they cannot be easily erased, disfigured, or obscured.

(b) Additional information, placards, and instrument markings having a direct and important bearing on safe operation of the airplane shall be required when unusual design, operating, or handling characteristics so warrant.

§ 4b.730–1 *Reverse thrust placards (CAA policies which apply to § 4b.730).* See § 4b.400–1 (a) (2).

§ 4b.740–2 *Reverse thrust operating procedures (CAA policies which apply to § 4b.740).* See § 4b.400–1 (a) (2).

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 603, 52 Stat. 1009, 49 U. S. C. 553)

These policies shall become effective May 15, 1951.

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51–5686; Filed, May 14, 1951; 4:45 p. m.]

[Supp. 12]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

EMERGENCY DECISIONS

The following interpretations are hereby adopted. The section of the regulations being implemented is repeated here to assist the public in understanding how the Administrator's interpretations apply to it.

§ 41.63 *First pilot rules.* • • •

(b) *Emergency decisions.* (1) The pilot in command is authorized to follow any course of action which appears necessary in emergency situations which, in the interest of safety, require immediate decision and action. He may, in such situations, deviate from prescribed methods, procedures, or minimums to the extent required by considerations of safety. When such emergency authority is exercised the pilot shall keep the proper control station fully informed regarding the progress of the flight. He shall submit a written report of any such deviation to the Administrator of Civil Aeronautics within seven days after the completion of the trip.

§ 41.63–1 *Emergency decisions (CAA interpretations which apply to § 41.63 (b) (1).* The term "emergency situations," as used in this section, is interpreted to mean an unexpected occurrence or condition requiring immediate action to meet its danger. Under certain circumstances, an unexpected occurrence or condition might include icing conditions, engine or structural failure, weather conditions, danger of collision, etc. It is not intended that such an occurrence or condition must become critical before emergency authority is exercised. The pilot shall make a common sense evaluation of the factors and information available to him. If, after such an evaluation, he reasonably believes that an emergency exists or will be created, he is permitted to exercise his emergency authority and deviate from prescribed regulations and procedures to the extent required by considerations of safety.

This interpretation shall become effective May 15, 1951.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 604, 52 Stat. 1010, 49 U. S. C. 554)

[SEAL] ORA W. YOUNG,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–5593; Filed, May 15, 1951; 8:45 a. m.]

[Supp. 16]

PART 61—SCHEDULED AIR CARRIER RULES

EMERGENCY DECISIONS

The following interpretations are hereby adopted. The section of the regulations being implemented is repeated here to assist the public in understanding how the Administrator's interpretations apply to it.

§ 61.310 *Emergency decisions.* The pilot in command is authorized, in emergency situations which require immediate decision and action, to resolve upon a course of action which is required by the factors and information available to him. He may, in such situations, deviate from prescribed methods, procedures, or minimums to the extent required by considerations of safety. When such emergency authority is exercised, the pilot shall, to the extent possible, keep the proper control station fully informed regarding the progress of the flight. He shall submit a written report of any such deviation to his operations manager. The operations manager shall furnish a copy of such report, with his comments, promptly to the Administrator.

§ 61.310–1 *Emergency decisions (CAA interpretations which apply to § 61.310.*

The term "emergency situations," as used in this section, is interpreted to mean an unexpected occurrence or condition requiring immediate action to meet its danger. Under certain circumstances, an unexpected occurrence or condition might include icing conditions, engine or structural failure, weather conditions, danger of collision, etc. It is not intended that such an occurrence or condition must become critical before emergency authority is exercised. The pilot shall make a common sense evaluation of the factors and information available to him. If, after such an evaluation, he reasonably believes that an emergency exists or will be created, he is permitted to exercise his emergency authority and deviate from prescribed regulations and procedures to the extent required by considerations of safety.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 604, 52 Stat. 1010, 49 U. S. C. 554)

[SEAL] ORA W. YOUNG,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–5596; Filed, May 15, 1951; 8:46 a. m.]

Subchapter C—Procedural Regulations

[Reg., Serial No. PR–11]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

PETITIONS TO CONDUCT CHARTER TRIPS AND SPECIAL SERVICES IN FOREIGN AND OVERSEAS TRANSPORTATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 10th day of May 1951.

With the coming into effect May 1, 1951, of Part 207 of the Economic Regulations covering charter trips and special services it becomes desirable to fix a procedure whereby petitions to perform such trips in overseas and foreign air transportation may be made to the Board in accordance with the substantive requirements of § 207.8.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since this is the rule of agency procedure and practice, the amendment may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 302 of the Procedural Regulations (14 CFR, Part 302, as amended) effective May 10, 1951.

By adding a new § 302.20 to read as follows:

§ 302.20 *Petitions to conduct charter trips or special services into areas protected by § 207.8 of the Economic Regulations.* The rules set out in this section shall govern proceedings brought by air carriers holding certificates of public convenience and necessity who seek to obtain Board approval to perform charter trips or special services in overseas or foreign air transportation to points or areas where such service would otherwise be contrary to the provisions of § 207.8 of the Economic Regulations.

(a) Petitions filed pursuant to this section need not conform to the requirements of §§ 302.2 and 302.3 but must be submitted in triplicate, signed by a managing officer of the Company. Such petition shall set forth the proposed date(s), number of trips, and area(s) or point(s) between which the service is desired to be performed, together with the equipment to be utilized, the approximate number of passengers or amount and kind of cargo to be carried, and the compensation to be received. In the case of charter trips, a copy of the proposed charter agreement(s) shall be annexed to the petition. A copy of the petition, together with all supporting documents, shall be served upon the air carrier certificated to serve the points or areas concerned at its principal office, and proof of such service shall accompany the petition when filed with the Board.

(b) The air carrier certificated to serve the points or areas concerned shall have five days (not including Saturday or Sunday or legal holidays) after the filing of such a petition in which to file notice of objection thereto, if any, with the Board and if such notice is filed, an additional ten days (not including Saturday or Sunday or legal holidays) in which to file supporting reasons or arguments as to why the petition should not be granted in the public interest. Such objections shall include a statement as to the objecting carrier's ability to handle the traffic and may, if desired, include the terms upon which the service requested would be performed by it.

(c) Thereafter the Board will grant the petition to such extent and subject to such terms and conditions as it finds to be in the public interest. Petitions for the approval of service which it finds not in the public interest will be denied.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 1001, 52 Stat. 1017; 49 U. S. C. 641)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51–5641; Filed, May 15, 1951; 8:48 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Reg., Amdt. P. L. 48 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A — Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Chemical specialty compounds, n. e. s.:				
529950	Riffle cleaning compounds	Lb	SALT	1	RO
529990	Cadmium plating salts		SALT	25	RO
	Other industrial chemicals:				
599900	Cadmium oxide		SALT	25	RO

This part of the amendment shall become effective as of 12:01 a. m., May 15, 1951.

2. Certain commodities are changed from R to RO commodities as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
640100	Copper ore and concentrates (copper content)	Lb	NONF	[1] 500	RO

[1] See item 3 of this amendment.

This part of the amendment shall become effective as of 12.01 a. m., May 15, 1951.

3. The dollar value limits in the column headed "GLV dollar-value limits" set forth opposite the commodities listed below are amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	GLV dollar-value limit
622066	Ferrotungsten	None
622098	Other ferroalloys [1]	None
	Aluminum ores and concentrates:	
625500	Bauxite concentrates, alumina included	500
	Aluminum and aluminum-base alloys:	
630000	Ingots, slabs, pigs, blooms, and other crude forms	25
	Scrap:	
630110	Solids	25
630150	Borings, turnings, and dross	25
630301	Sheets, plates, and strips (0.006 inch and over in thickness). (Report Venetian blind stock in 630908)	50
630850	Aluminum or aluminum bronze powders and pastes, aluminum content	25
640100	Copper ore and concentrates (copper content)	500
641200	Refined copper in cathodes, billets, ingots, wire bars or other forms (Report copper bars except wire bars in 642400)	100
641300	Copper scrap	100
642200	Copper pipes and tubes	100
642300	Copper plates, sheets, and strips	100
642400	Copper rods and bars (report copperweld rods in 642500, and wire bars in 641200)	100
642500	Copper wire and cable, bare (include copperweld electrodes) (report insulated copper wire in 709810, 709830, and 709850)	50
643908	Copper manufactures, n. e. s. [1]	100
644000	Brass and bronze scrap and old	100
644100	Brass and bronze ingots	100
644900	Brass and bronze bars, rods, and shapes (extruded, rolled and drawn)	100
645000	Brass and bronze plates, sheets, and strips (Report window strip and shapes in 647908)	100
645300	Brass and bronze pipes and tubes (include pipe coils)	100
645430	Brass and bronze pipe fittings	100
647700	Wire, bare and insulated, brass and bronze	25
647901	Brass and bronze diestocks, shims, bearings, and bushings	200
647913	Brass and bronze castings and forgings	200
	Brass and bronze manufactures, n. e. s.:	
647908	Brass and bronze blanks	100
647908	Brass and bronze circles	100
647908	All other brass and bronze manufactures [1]	100
654501	Nickel ore, concentrates, and matte	500
657050	Zinc scrap	100
	Zinc rolled in sheets, plates, and strips:	
657206	Photoengraving sheets and plates	100
657209	Sheets, plates, and strips, n. e. s. [1]	100
	Zinc in other forms, n. e. s.:	
657405	Zinc alloys, except brass and bronze	100
657307	Zinc die castings, unfinished (report finished castings in 658608)	100
657308	Other forms, n. e. s. [1]	100
658600	Zinc dust	25
	Other zinc manufactures, containing 20 percent or more zinc:	
658001	Battery shells, and parts, unassembled	100
658008	Zinc manufactures, n. e. s. (specify by name) [1]	100
663900	Nickel-chrome electric resistance wire	None
663900	Molybdenum ore and concentrates (molybdenum content)	None
663700	Vanadium ore and concentrates, vanadic oxide (pentoxide V_2O_5) content	None
663800	Magnesium metal in primary form	None
663900	Other tungsten metal, stellite, wire, shapes, and alloys [1]	None
664515	Cadmium dross, flue dust, residues, and scrap	None
	Ores and concentrates, n. e. s.:	
664580	Tungsten	None
664588	Other ores and concentrates, n. e. s. (except rare earths) [1]	25
	Metals and alloys in primary forms, n. e. s. (except ferroalloys):	
664968	Other metals and alloys in primary forms, n. e. s. [1]	25
	Metal and metal composition manufactures:	
667000	Type (include multigraph type) (Report type metal in 674310)	25
669198	Fine dust, vanadium	25
669198	Other metal and metal composition manufactures, n. e. s. [1]	25
	Ingots, sheets, wire, alloys, and scrap:	
692205	Platinum bars, ingots, sheets, wire sponge, and other forms (scrap included)	None
692209	Palladium, iridium, osmiridium, ruthenium, and osmium metal, and alloys (scrap included) except iridium platinum wire	None

[1] This change affects only the specific entry on the Positive List as shown above.

[1] This amendment was published in Current Export Bulletin No. 619, dated May 10, 1951.

Dept. of Commerce Schedule B No.	Commodity	GLV dollar-value limits
	Manufactures, except jewelry:	
662508	Platinum-allied metal manufactures	None
	Other electrical apparatus:	
708810	Building wire and cable	100
708830	Weatherproof and slow burning wire	100
708850	Insulated copper wire, n. e. s.[1]	100
	Accessories, attachments, components, and parts, of small arms and machine guns (specify by name):	
947450	Gun part fabrications, brass and bronze	100
	Accessories, attachments, components, and parts, of artillery and naval guns, mortars, and missile launchers, except self-propelled:	
947550	Gun fabrications, brass and bronze	100
	Components of small arms and machine gun ammunition:	
948-069	Cartridge belt link fabrications, brass and bronze	100
948109	Rolled cartridge strips, brass	100
	Components of artillery, naval gun and mortar ammunition (specify by name):	
948250	Anvils for shell fabrications, brass and bronze	100
948-250	Gas checks, copper	100

[1] This change affects only the specific entry on the Positive List as shown above.

This part of the amendment shall become effective as of 12.01 a. m., May 15, 1951.

4. The following revisions are made to combine certain commodity descriptions having similar Schedule B numbers:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Plates, including boiler plate, except fabricated:				
	Stainless steel:				
683140	Hot-rolled [1]	Lb.	STEE 9	100	RO
683160	Cold-rolled [1]	Lb.	STEE 9	100	RO
713880	Jet ejectors, all types (including ejector compressors), 4 stages and over, accessories and parts. (Specify whether (a) made of, or lined with, any corrosion-resistant material as defined in the "General Notes to Appendix A"; (b) designed for delivery pressure of 2 atmospheres or more.) (Report jet ejectors under 4 stages, accessories and parts in 713500.) [2]		GIEQ	None	RO

[1] The amendment combines the present listings on the Positive List under this Schedule B number and the 100 dollar value limit now applies to the revised description.

[2] This combines the present three listings on the Positive List under this Schedule B number.

This part of the amendment shall become effective as of 12:01 a. m., May 15, 1951.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, or whose GLV dollar-value limits were reduced, as a result of changes set forth in parts 1, 2, 3 and 4 of this amendment which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., May 15, 1951, may be exported under the previous general license provisions up to and including June 9, 1951. Any such shipment not laden aboard the exporting carrier on or before June 9, 1951, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-5597; Filed, May 15, 1951; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52724]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

INTERNATIONAL ORGANIZATIONS: CUSTOMS REGULATIONS AMENDED

By Executive Order 10228, dated March 26, 1951 (16 F. R. 2676), the President designated the Inter-American Defense Board as a public international organization entitled to the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act of December 29, 1945.

Accordingly § 10.30a, Customs Regulations of 1943 (19 CFR, 10.30a), as amended, is further amended as follows to add the Inter-American Defense Board to the list of public organizations entitled to the free entry privileges of said act:

1. Paragraph (a) is amended by deleting the word "and" before "the Organization for European Economic Cooperation," by changing the period thereafter to a comma, and by adding the words "and the Inter-American Defense Board."

2. The first sentence of footnote 33b is amended to read as follows:

[33b] Executive Orders Nos. 9698, 9751, 9833, 9863, 9837, 9911, 9972, 10025, 10083, 10086, 10133, and 10228, dated February 19, 1946, July 11, 1946, January 24, 1947, May 31, 1947, August 22, 1947, December 19, 1947, June 25, 1948, December 30, 1948, October 10, 1949, November 25, 1949, June 27, 1950, and March 26, 1951, respectively. • • •

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies secs. 498, 624, 46 Stat. 728, 759, sec. 3, 59 Stat. 669; 19 U. S. C. 1498, 1624, 22 U. S. C. 286b)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: May 9, 1951.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51-5631; Filed, May 15, 1951; 8:47 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 373]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 371]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CERTAIN STATES

Amendment 376 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 371 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 35a, is amended to describe the counties in the Defense-Rental Area as follows:

San Joaquin County, except the City of Stockton, and all unincorporated localities.

This decontrols all unincorporated localities in San Joaquin County, California, a portion of the Sacramento, California, Defense-Rental Area.

2. Schedule A, Item 70, is amended to describe the counties in the Defense-Rental Area as follows:

DeKalb County, except the Cities of Decatur and Pine Lake; Clayton County, except the City of Forest Park and that portion of the City of College Park located therein; Fulton County, except the Cities of Fairburn, East Point and Hapeville, that portion of the City of College Park located therein, the Town of Union City and that portion of the Town of Palmetto located therein; and Cobb County, except the Cities of Austell, Marietta and Powder Springs.

This decontrols that portion of the Town of Palmetto located in Fulton County, Georgia, a portion of the Atlanta, Georgia, Defense-Rental Area.

3. Schedule A, Item 105, is amended to describe the counties in the Defense-Rental Area as follows:

La Porte County, except the Town of Long Beach.

This decontrols the Town of Long Beach in La Porte County, Indiana, a portion of the La Porte-Michigan City, Indiana, Defense-Rental Area.

4. Schedule A, Item 149, is amended to describe the counties in the Defense-Rental Area as follows:

Oakland County, except (i) the Townships of Addison, Bloomfield, Brandon, Groveland, Highland, Holly, Independence, Milford, Oakland, Orion, Oxford, Rose, Springfield and West Bloomfield, (ii) the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford, Rochester and that portion of Northville located in Oakland County, and (iii) the Cities of Birmingham, Bloomfield Hills, Farmington, Ferndale, Hazel Park, Pontiac, Royal Oak, South Lyon and Sylvan Lake; Wayne County, except (i) the Cities of Grosse Pointe, Grosse Pointe Farms and Plymouth, (ii) the Villages of Grosse Pointe Shores, Trenton and Wayne, and (iii) that portion of the Village of Northville located in Wayne County; and Macomb County, except the City of Mount Clemens, and the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

In Washtenaw County, the Township of Ann Arbor and the City of Ann Arbor.

This decontrols the Villages of Grosse Pointe Shores and Trenton in Wayne County, Michigan, a portion of the Detroit, Michigan, Defense-Rental Area.

5. Schedule A, Item 191, is amended to describe the counties in the Defense-Rental Area as follows:

Warren County, except the Borough of Washington, the Town of Belvidere, and the Townships of Franklin, Mansfield, Oxford, Pahaquarry, Hardwick and Frelinghausen.

The Counties of Hunterdon and Mercer.

This decontrols the Township of Mansfield in Warren County, New Jersey, a portion of the Trenton, New Jersey, Defense-Rental Area.

6. Schedule A, Item 238, is amended to describe the counties in the Defense-Rental Area as follows:

Erie County, except the Village of Milan, and those islands in Lake Erie which are part of Erie County; and Ottawa County, except those islands in Lake Erie which are part of Ottawa County.

This decontrols the Village of Milan in Erie County, Ohio, a portion of the Sandusky-Port Clinton, Ohio, Defense-Rental Area.

7. Schedule A, Item 267, is amended to describe the counties in the Defense-Rental Area as follows:

Allegheny County, except the Boroughs of Bethel and Elizabeth, and the Townships of Crescent and Mount Lebanon; Armstrong County; Beaver County; Lawrence County; Westmoreland County; in Butler County, the City of Butler; Fayette County, except the Townships of Henry Clay, Stewart and Wharton; in Greene County, the Townships of Cumberland, Dunkard, Franklin, Jefferson, Monongahela and Morgan; and Washington County, except the Townships of East Finley, Morris, South Franklin and West Finley.

This decontrols (1) the Borough of Elizabeth in Allegheny County, Pennsylvania, and the Borough of Slippery Rock in Butler County, Pennsylvania, portions of the Pittsburgh, Pennsylvania, Defense Rental Area, based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remaining portions of Butler County, in said Defense-Rental Area, except the City of Butler, which were under control immediately prior to the effective date of this amendment on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

All decontrols effected by this amendment, except Item 7 thereof, are based entirely on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup., 1894)

This amendment shall be effective May 16, 1951.

Issued this 11th day of May 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-5642; Filed, May 15, 1951; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5840]

PART 314—TAXES ON GASOLINE, LUBRICATING OIL, AND MATCHES

CREDIT OR REFUND OF TAX PAID ON CERTAIN SUPPLIES FOR CERTAIN VESSELS

In order to conform Regulations 44 (1944 ed.) (26 CFR Part 314), relating to taxes on gasoline, lubricating oil, and matches under Chapter 29 of the Internal Revenue Code, to the provisions of section 609 of the Revenue Act of 1950 (Public Law 814, 81st Congress, 2d Session), approved September 23, 1950, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately following section 3443 set forth with certain other provisions of the Internal Revenue Code preceding § 314.64 the following:

SEC. 609. ARTICLES SOLD FOR USE OF AIRCRAFT ENGAGED IN FOREIGN TRADE (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

Effective with respect to articles purchased (by the user thereof) on or after the first day of the first month which begins more than ten days after the date of the enactment of this act, section 3443 (a) (3) (A) (ii) (relating to refunds in the case of articles used or resold for use as ships' stores, etc.) is hereby amended to read as follows:

"(ii) used or resold for use for any of the purposes, but subject to the conditions, provided in section 3451;".

PAR. 2. Section 314.64, as amended by Treasury Decision 5674, approved November 23, 1948 is further amended by striking out paragraph (j) and inserting in lieu thereof the following:

(j) (1) Under the provisions of section 3443 (a) (3) (A) (ii), prior to November 1, 1950, no credit or refund was allowable with respect to tax paid on articles sold for use on certain aircraft, even though it was known at the time of the sale that the articles would be so used. By virtue of the provisions of section 609 of the Revenue Act of 1950, a manufacturer may be allowed a refund, or may take credit against the tax shown to be due upon any subsequent monthly return, in the amount of tax paid by him with respect to the sale of any article which is used, or resold for use on or after November 1, 1950, for any of the purposes, but subject to the conditions, provided in section 3451. (See § 314.28.) Refund or credit will be made or allowed in such cases only upon the submission of the evidence required by the preceding paragraphs relating to transactions within the scope of section 3443 (a) (3) (A).

(2) Where articles are sold by the manufacturer in accordance with the provisions of section 317 (b) of the Tariff Act of 1930, as added by the act approved June 25, 1938, for use as supplies (including equipment) upon, or in the maintenance or repair of, aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, the manufacturer who paid the tax to the Government may be allowed a refund or may take credit against the tax due upon any subsequent monthly return, provided he has in his possession the evidence outlined in § 314.29.

Because of the technical nature of the amendment made herein, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 419, 467; 26 U. S. C. 3450, 3791)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: May 9, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51-5630; Filed, May 15, 1951; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 561—OFFICERS' RESERVE CORPS

APPLICATIONS AND ALLIED PAPERS

In § 561.13 (b), subparagraph (1) is changed by amending the opening portion, and by adding new subdivisions (viii) and (ix) as follows:

§ 561.13 *Applications.* • • •

(b) *Applications and allied papers.* • • •

(1) *For applicants in general.* Applicants will submit the following forms and documents except that applicants of the categories indicated in subparagraphs (2) through (6) of this paragraph will submit the forms indicated in those subparagraphs:

• • • • • •

(viii) Statement in writing from applicants applying for appointment that they understand that if they are appointed in the Officers Reserve Corps they are subject to being ordered into the active military service at any time during the effective period of such appointment in the event of mobilization or an emergency requiring their services.

(ix) Evidence of citizenship in the case of applicants who are not citizens of the United States by birth, in the form of a certificate by an officer in the active military service or by a notary public. In no circumstances will facsimilies or copies, photographic or otherwise, of naturalization certificates be made. Certificate of officer or notary public will read substantially as follows:

I certify that I have this date seen the original certificate of citizenship, No. ------ (or certified copy of the court order establishing citizenship) stating that -------- (Name)
------ was admitted to United States citizenship by the court of ---------- at ---------- on ---------- (City and State) (Date)
The following was named in the certificate as a minor child: ---------- age ----- (Name)
(Last sentence will be added in case of derivative citizenship.)

* * * * *

[C1, SR 140-105-1, April 27, 1951] (R. S. 161; 5 U. S. C. 22. Interprets or applies Sec. 37, 39 Stat. 189, as amended; 10 U. S. C. 351-353)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-5638; Filed, May 15, 1951; 8:48 a. m.]

Subchapter F—Personnel

PART 575—ADMISSION TO THE UNITED STATES MILITARY ACADEMY

REVISION OF PART

Part 575 is revised to read as follows:

Sec.
575.1 Military Academy.
575.2 Admission; general.
575.3 Appointments.
575.4 Sources of nomination.
575.5 Qualified alternates and qualified competitors.
575.6 Entrance requirements.
575.7 Physical conditioning.
575.8 Physical requirements.
575.9 Entrance examinations.
575.10 Previous qualifications.
575.11 Candidates submission of records.
575.12 USMA Preparatory school.
575.13 Deposit upon entrance.
575.14 Pay and allowances.
575.15 Course of study.
575.16 Promotion after graduation.

AUTHORITY: §§ 575.1 to 575.16 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply R. S. 1311, 1317, 1318 as amended, 1319-1321, 1331, 34 Stat. 1063, 35 Stat. 441 as amended, 37 Stat. 252, 39 Stat. 62, 40 Stat. 804 as amended, 41 Stat. 548, 44 Stat. 704 as amended, 48 Stat. 73 as amended, 49 Stat. 332 as amended, 56 Stat. 306, 57 Stat. 383, 59 Stat. 386, 60 Stat. 311 as amended, 60 Stat. 312, 61 Stat. 501 as amended, 63 Stat. 813, 823; 10 U. S. C. 486a, 506c, 1041-1043, 1091 et seq., 37 U. S. C. 253, 308.

SOURCE: Catalogue of the United States Military Academy, 1951-52.

§ 575.1 *Military Academy—(a) Direction and supervision.* (1) The United States Military Academy is under the general direction and supervision of the Department of the Army. The Secretary of the Army has designated the Chief of Staff of the Army as the officer in direct charge of all matters pertaining to West Point.

(2) The immediate government and military command of the Academy and the military post at West Point are vested in the Superintendent. Subordinate to the Superintendent is the Dean of the Academic Board who has charge of the faculty and all academic work, and who acts as representative of the academic departments and as adviser on academic matters to the Superintendent. The administration and training of the Corps of Cadets is in charge of the Commandant of Cadets, who is also head of the Department of Tactics.

(b) *Aim.* The aim of West Point is to provide instruction, experience, and motivation to each student so that he will graduate with the knowledge and the qualities of leadership required of a junior officer and with a basis for continued development throughout a lifetime of service to his country, leading to readiness for responsibilities of the highest order in the Department of Defense.

§ 575.2 *Admission; general.* (a) The requirements for admission to the Military Academy differ somewhat from those for admission to a civilian college or university. These requirements are set forth in detail in this part. Each candidate should study carefully those which apply to his individual case. Paragraphs (b) through (g) of this section summarize briefly the steps which all candidates must take.

(b) The initial step in gaining admission is to secure a nomination. No one may take the entrance examination unless he has been designated a nominee by one of the nominating authorities. Usually the candidate obtains his nomination either from his Representative in Congress or from one of his United States Senators. Other sources of nomination are described in detail in §§ 575.3 to 575.5. To be eligible for appointment a candidate must have had his seventeenth birthday and not have had his twenty-second birthday on July 1 of the year in which he seeks admission.

(c) The second step is to satisfy the mental and physical requirements for admission to the Academy. For the vast majority of candidates this opportunity comes during the first week in March each year (a supplemental examination is held in June for certain classes of appointees) when entrance examinations are held at certain military installations throughout the country and overseas. The entrance examination is in three parts: Mental, medical (physical), and physical aptitude.

(d) The mental examination required of a candidate depends upon the kind of nomination he has received and upon the extent of his education. Any candidate who has graduated from high school with good grades, particularly in mathematics and English, should be able to pass the mental examination.

(e) All candidates must take the medical examination. To qualify, a candidate must be in good health, have no deformities, and have good vision and hearing. All candidates must also take the physical aptitude examination. Qualification in this examination requires that a candidate have the physical strength, endurance, coordination, and agility normally found in active young men in their late teens.

(f) Several weeks after a candidate has taken the examinations, he is notified whether or not he is fully eligible for admission. If so, and if a vacancy exists under the terms of his appointment, he reports at West Point on the first Tuesday of July. At that time he is sworn in as a cadet of the United States Military Academy and assumes an obligation to serve in the Army or Air Force for the period required by law.

(g) Detailed statements of the general, scholastic, medical, and physical aptitude requirements are contained in § 575.6. Each candidate should make a careful study of the scholastic requirements in particular to find out specifically in what category he falls. Once a candidate has succeeded in securing a nomination he will receive definite instructions from The Adjutant General, Department of the Army, concerning further action on his part that is necessary to complete his admission requirements.

§ 575.3 *Appointments.* (a) Admission to the Military Academy may be gained only by appointment to one of the 2,496 cadetships authorized by law. Graduation of the senior class, normally leaves about 750 vacancies each year. Candidates may be nominated for these vacancies only during the year preceding the admission date, the first Tuesday in July.

(b) Letters of appointment are issued by the Department of the Army, in the name of the President, upon receipt of a nomination from one of the sources described below.

§ 575.4 *Sources of nomination.* The 2,496 cadetships authorized at the Military Academy are allocated among the various sources of nomination as follows:

Noncompetitive:	
Representatives (4 each)	1,740
Senators (4 each)	384
Miscellaneous:	
Hawaii and Alaska (4 each)	8
District of Columbia	6
Panama Canal	2
Puerto Rico	4
Vice Presidential	3
Total miscellaneous	23
Competitive:	
Army and Air Force:	
Regular Components	50
Reserve Components (National Guard of the United States; Air National Guard of the United States; Organized Reserve Corps; Air Force Reserve)	99
Presidential	89
Sons of deceased veterans	40
Honor military and Honor naval schools	40
Total	2,496

(a) *Noncompetitive.* Nomination of candidates for appointment from noncompetitive sources (whether or not based upon preliminary competitive examination) is entirely in the hands of the nominating authority who has the cadetship at his disposal, and all applications must be addressed to him. For each vacancy four candidates may be nominated: one to be named as principal, one as first alternate, one as second alternate, and one as third alternate. The first alternate, if qualified, will be admitted if the principal fails; the second alternate, if qualified, will be admitted if both the principal and first alternate fail; and the third alternate, if qualified, will be admitted if the principal and the first and second alternates fail. The law requires that candidates appointed from States at large, congressional districts, the Territories, the District of Columbia, or the island of Puerto Rico, must be actual residents of the geographical unit from which nominated.

(1) *Vice Presidential.* The Vice President may nominate candidates from the United States at large.

(2) *States at large and congressional districts.* The nominating authorities of the States at large are the United States Senators; of the congressional districts, the Representatives in Congress. Inasmuch as many Congressmen hold their own competitive examinations to facilitate selection of the best qualified applicants, candidates seeking congressional nomination should apply to their Senators and Representatives at the earliest possible date.

(3) *Territories, District of Columbia, and Puerto Rico.* Nominating authorities for these vacancies are the following:

Territory of Alaska—Delegate in Congress.
Territory of Hawaii—Delegate in Congress.
District of Columbia—Commissioners of District of Columbia.
Puerto Rico—The Resident Commissioner.

(4) *Panama Canal.* Appointments are made upon nomination of the Governor of the Panama Canal from among the sons of civilians residing in the Canal Zone and sons of civilian personnel of the United States Government and the Panama Railroad Company residing in the Republic of Panama.

(b) *Competitive.* Appointments to vacancies within competitive groups are awarded to those fully qualified candidates within each category who attain the highest scores on the West Point Achievement Tests in Mathematics and English and the West Point Aptitude Test. Candidates for these vacancies can qualify only by taking these three tests on the first Tuesday in March, regardless of the extent of their education and regardless of performance on entrance examinations of previous years. Failure of a competitive candidate to report for the March examination—regardless of the circumstances—will vacate his nomination. There is no restriction on the residence of any competitive candidate.

(1) *Army and Air Force.* (i) One hundred and eighty (180) cadet-ships at the Military Academy are divided equally between enlisted men of the United States Army and the United States Air Force as follows:

(*a*) Ninety (90) from the Regular components (Regular Army and Regular Air Force); (*b*) Ninety (90) from the Reserve components (National Guard of the United States, the Air National Guard of the United States, the Organized Reserve Corps, and the Air Force Reserve).

(ii) On or about June 1 each year The Adjutant General estimates the number of vacancies that will be available for appointments to the class entering the Military Academy on the first Tuesday in July of the following year. The number of candidates that may be nominated from each of the Regular components is three times the number of available vacancies. For each available vacancy in the ninety (90) cadet spaces authorized the non-Regular components, the Army and Air Force National Guard of the United States are authorized to nominate from among their combined enlisted personnel three candidates; and the Organized Reserve Corps and Air Force Reserve are authorized to nominate from among their combined enlisted personnel three candidates. Admission of candidates to fill Regular component vacancies is made from among all Regular Army and Regular Air Force competitors regardless of the command from which nominated; to fill Reserve vacancies, from among all National Guard, Air National Guard, Organized Reserve Corps, and Air Force Reserve competitors regardless of the State, Territory, District, or command from which nominated.

(*a*) *Regular components.* An applicant must have completed one full year of active enlisted service in the Regular Army or Regular Air Force on the date of his admission to the Military Academy. Although his service need not have been continuous, he must be in an active enlisted status at the time of his admission. Candidates are selected nearly 1 year in advance of the scheduled date of admission to permit them to attend the United States Military Academy Preparatory School at Stewart Air Force Base, Newburgh, N. Y. A joint Army-Air Force publication, issued annually on or about 1 May, gives detailed directions about making application for Regular component appointments.

(*b*) *Reserve components.* An applicant must be an enlisted man of one of the Reserve components at the time of nomination and at the time of his admission to the United States Military Academy. He must have served as an enlisted man in the component from which he is nominated not less than 1 year preceding the date of his admission. It is not essential that the service have been continuous. The Department of the Army issues a letter of appointment to each candidate selected authorizing him to report the following March for the annual entrance examination. At that time he must take the West Point Achievement Tests in Mathematics and English and the West Point Aptitude Test in competition with the entire number of Reserve component candidates. A joint Army-Air Force publication, issued annually on or about May 1, gives detailed directions about making application for Reserve component candidates.

(2) *Presidential.* Eighty-nine (89) cadetships are reserved for disposition by the President of the United States. For nearly a century these appointments have been reserved by each President for the sons of members of the regular components of the Army, Air Force, Navy, Marine Corps, and Coast Guard, who are still in service, retired, or who died while serving therein. The administration of these appointments has been delegated to the Department of the Army. Applications by those eligible should be made by letter (no prescribed form) addressed to The Adjutant General, Department of the Army, Washington 25, D. C., giving the name, rank, service number, and branch of service that the parent carries or carried as a member of such regular component; and the full name, address, and date of birth of the applicant (complete military address and service number if in the Armed Forces). Adopted sons are eligible for appointment if they were adopted prior to their fifteenth birthday; a copy of the order of court decreeing adoption, duly authenticated and certified by the clerk of the court, must accompany the application.

(3) *Sons of deceased veterans of World Wars I or II.* Forty (40) cadetships are provided for the sons of members of the Armed Forces of the United States who were killed in action or who died of wounds, injuries, or disease resulting from active service during World Wars I or II. The Veterans' Administration determines the eligibility of all applicants, and its decisions are final and binding on the Department of the Army. Application should be made by letter (no form is prescribed) addressed to The Adjutant General, Washington 25, D. C. The letter should state the full name, date of birth, and address of the applicant (complete service address should be given if the applicant is in the Armed Forces), and the name, rank, serial number, and last organization of the veteran parent, together with a brief statement concerning the time, place, and cause of death. The claim number assigned to the veteran parent's case by the Veterans' Administration should also be furnished.

(4) *Honor military and honor naval schools.* Forty (40) cadetships are provided for Honor Military and Honor Naval schools. Each such school of the essentially military type, as determined by annual Department of the Army and Navy inspections, may nominate three candidates annually from among its honor graduates, to compete for admission at the regular entrance examination in March. The number of available vacancies will be filled in the order of merit established at the regular examination, regardless of the schools from which the candidates are nominated. Each nomination must contain a certification by the head of the institution that the candidate is an honor graduate of a year for which the institution was designated an honor military or naval school. No student may be rated as an honor

graduate unless he has shown proficiency in subjects of his school work amounting to not less than the 15 units prescribed by the regulations for admission to the United States Military Academy. However, the institution is not limited to those graduates of the current year.

(c) *Sons of Congressional Medal of Honor winners.* Sons of recipients of the Congressional Medal of Honor may be appointed to the Military Academy, provided they are qualified for admission. The administration of these appointments has been delegated to the Department of the Army. Application by those eligible should be made by letter (no form is prescribed) to The Adjutant General, Washington 25, D. C. The letter should contain the applicant's full name, address, and date of birth (complete service address should be given if the applicant is in the Armed Forces), the name, rank, and branch of service of the parent and a brief statement of the date and circumstances of the award. Candidates appointed from this source may qualify in the same manner as a congressional principal candidate. All who are found fully qualified will be admitted as cadets, regardless of the number.

(d) *Filipino cadets.* In addition to the 2,496 cadetships authorized, the Secretary of the Army may permit one Filipino for each entering class to be designated by the President of the Republic of the Philippines to receive instruction at the United States Military Academy.

(e) *Foreign cadets.* (1) The act of 26 June 1946 (as amended) authorizes the President of the United States to permit not more than 20 persons at a time from the Latin-American republics and Canada to receive instruction at the United States Military Academy. Not more than three persons from any one country may be cadets at the same time. Such persons receive the same pay and allowance (including mileage from their homes in proceeding to the Military Academy for initial admission) as cadets appointed from the United States. They are not entitled, however, by reason of their graduation to appointment to any office or position in the United States Army.

(2) Citizens of other foreign countries have been permitted from time to time to attend the Military Academy upon specific authorization of the United States Congress in each case. Applications must be submitted to the United States Government through diplomatic channels by the governments concerned. Requirements for the admission, advancement, and graduation of foreign cadets are identical with those for United States cadets. In addition, such cadets must be provided with exactly the same amount of funds provided by the United States Government for United States cadets.

§ 575.5 *Qualified alternates and qualified competitors.* An act of Congress approved June 30, 1950, provides that when upon determination that upon the admission of a new class to the Military Academy the total number of cadets will be less than the number authorized, the Secretary of the Army may, within his discretion and within the capacity of the Academy, nominate additional cadets to be admitted in such class in such number to meet the needs of the armed services, but not to exceed the authorized strength of the corps of cadets, from qualified candidates holding alternate appointments and other qualified candidates holding competitive appointments from the remaining sources of admission authorized by law, recommended and found to be qualified by the Academic Board of the Academy, at least two-thirds of those so appointed to be from among qualified alternate candidates nominated by the Vice President, Members of the Senate and House of Representatives of the United States, Delegates and Resident Commissioners, the Commissioners of the District of Columbia, and the Governor of the Panama Canal, and not more than one-third of those so appointed to be from among qualified candidates holding competitive appointments from sources authorized by law other than those holding such alternate appointments. This law provides that these appointments shall be in addition to and not in lieu of appointments otherwise authorized by law. The only candidate eligible for consideration under this law are those found mentally and physically qualified in connection with an appointment held for admission the first Tuesday in July of the year concerned. No application is necessary since all candidates found fully qualified but not otherwise admitted are rated by the Academic Board. Their records are studied and the selections made based upon academic grades and other pertinent factors which affect the qualifications of the various candidates to become officers of the Army or Air Force. Those selected under this provision are admitted as cadets on or about July 15.

§ 575.6 *Entrance requirements.* This section describes the specific requirements which candidates must fulfill after obtaining an appointment as outlined in §§ 575.3 to 575.5.

(a) *General*—(1) *Age.* On July 1 of the year admitted to the Military Academy a candidate must have attained the age of 17 years and must not have reached the age of 22. The age requirements for all candidates are statutory and cannot be waived.

(2) *Citizenship.* A candidate must be a citizen of the United States, except for those appointed specifically as foreign cadets.

(3) *Character.* Every candidate must be of good moral character.

(4) *Marital status.* A candidate must never have been married. A cadet may not marry until he has graduated from the Academy; and if any cadet is found to have been married, he will be immediately separated from the Academy.

(5) *Height and weight.* No candidate will be admitted who is shorter than 5 feet 6 inches or taller than 6 feet 4 inches. The weight of a candidate must be within certain limits which depend upon his height. Height-weight tables will be found in § 575.8 (d).

(6) *Admission date.* New cadets report to West Point for admission on the first Tuesday in July, except when July 4th falls on Tuesday in which event they report on the first Wednesday in July.

(7) *Engagement to serve.* Upon admission each cadet (except foreigners) must sign articles, with the consent of his parents or guardian if he is a minor, by which he shall engage, unless sooner discharged by competent authority:

(i) To complete the course of instruction; and

(ii) If tendered an apointment as a commissioned officer in the Regular Army or Regular Air Force upon graduation from the United States Military Academy, to accept such appointment and to serve under such appointment for not less than three consecutive years immediately following the date of graduation; and

(iii) In the event of the acceptance of his resignation from a commissioned status in the Regular component of such armed service prior to the sixth anniversary of his graduation, or in the event of an appointment in such Regular service not being tendered, to accept a commission which may be tendered him in the Reserve component of such Regular service and not to resign from such Reserve component prior to such sixth anniversary.

(8) *Examination of candidates.* Every candidate for admission to the Military Academy must take three types of examination: medical, mental, and physical aptitude. The entrance examinations begin on the first Tuesday in March of each year, being conducted at various military installations throughout the country and overseas. Each candidate holding a letter of appointment will be authorized by the Department of the Army to report at the examination center most convenient either to his home, to his station, or to the school which he is attending. The examinations normally require 3 to 6 days.

(b) *Scholastic*—(1) *General.* A candidate who has graduated from secondary school (or will have so graduated by the date of his admission to West Point), in the upper portion of his class, and who has attained good grades in his mathematics and English courses should be able to pass the Military Academy's entrance examinations without a long period of intensive cramming or special preparation. To qualify for admission all candidates (competitive and noncompetitive), must:

(i) Submit their full educational records to date on forms furnished them by The Adjutant General with their letter of appointment.

(ii) Pass the West Point Aptitude Test, a $2\frac{1}{2}$-hour examination requiring no special preparation other than that implicit in the completion of a secondary school course. It includes sections designed to measure likelihood of success in subjects such as mathematics, English, foreign languages, science, and engineering.

(iii) Qualify in United States history, either by presenting evidence that they have satisfactorily completed a standard course in United States history or its equivalent (1 year in secondary school or 1 semester in college), or by passing

the special West Point Achievement Test in United States History.

(2) *Competitive candidates.* A candidate who seeks to qualify for admission under a competitive appointment—Army and Air Force (regular and reserve components), Honor Military and Honor Naval Schools, Presidential, or Sons of Deceased Veterans—must take the West Point Achievement Tests in Mathematics and in English, and the West Point Aptitude Test at the March examination. In addition, a competitive candidate must have satisfied the required credit in United States History by the time of the March examination, or take the United States History Achievement Test at that time. The vacancies available within each of the four competitive categories are awarded to those candidates within each category who attain the highest proficient scores on the West Point Achievement Tests in Mathematics and English and the West Point Aptitude Test. Failure of a competitive candidate to report for the March examination automatically vacates his appointment.

(3) *Noncompetitive candidates.* There are two methods by which a candidate may qualify mentally for a noncompetitive (congressional, etc.) appointment;

(i) By passing the West Point Achievement Tests in Mathematics and in English, and the West Point Aptitude Test. The Mathematics Achievement Test is a $1\frac{1}{2}$-hour test covering high school plane geometry and first and second year algebra, to include systems of equations involving quadratics, progressions, the binomial theorem, logarithms, and elementary numerical trigonometry. The English Achievement Test is a $1\frac{1}{2}$-hour test covering English grammar, composition, and literature at the level to be expected of high school graduates. Each candidate must submit his complete educational record. This record should show that he has graduated (or will have by the time of his admission) from a secondary school, with satisfactory grades accounting for 15 units credit. A unit credit is interpreted as satisfactory completion in secondary school of a standard academic year's study of a course below.

(*a*) Seven of the 15 units should be in the following courses:

Course	Maximum unit credit
Mathematics (algebra, first year)	1
Mathematics (algebra, second year)	1
Mathematics (plane geometry)	1
English, first year	1
English, second year	1
English, third year	1
History, United States	1

(*b*) The remaining eight units should be chosen from the following optional courses:

Course	Maximum unit credit
Mathematics (advanced algebra)	½
Mathematics (solid geometry)	½
Mathematics (trigonometry)	½
English, fourth year	1
History (ancient)	1
History (European)	1
History (English)	1
History (World)	1
Economics	1
Sociology	1
Social Democracy	1
Problems of American Democracy	1
Contemporary Problems	1
Citizenship	½
Government	½
Civics	½
Latin, first year	1
Latin, second year	1
Latin, third year	1
Latin, fourth year	1
Greek, grammar and composition	1
Any modern foreign language, first year	1
Any modern foreign language, second year	1
Any modern foreign language, third year	1
Any modern foreign language, fourth year	1
Physics	1
Chemistry	1
General Science	1
Biology	1
Botany	1
Zoology	1
Geography	1
Drawing (mechanical or freehand)	1
Bookkeeping	1
Physiology	1
Psychology	1
Astronomy	½
Geology	½

(*c*) No candidate will be refused permission to take the entrance examination because he does not have an acceptable educational record. However, the lack of a complete secondary school education or its equivalent may prove a handicap in passing the entrance examinations and maintaining proficiency after admission as a cadet.

(ii) (*a*) By submitting an acceptable college record and passing the West Point Aptitude Test. A candidate who submits an acceptable record of at least one semester's credits earned at a recognized college, university, or technical school, and who was admitted thereto after having earned in secondary school the 15 units credit described in subdivision (i) of this subparagraph, is specifically excused by the Academic Board at the Military Academy from taking the Achievements Tests in mathematics and English. He is then authorized to take only the West Point Aptitude Test which he must pass in order to qualify mentally. If his record lacks not more than two units of the secondary school credits described in subdivision (i) of this subparagraph, he may make up his deficiency in college. One semester of college work is considered the equivalent of one academic year of secondary school study.

(*b*) In judging what constitutes a semester of acceptable college work the Academic Board takes into account the entire academic record of the candidate. Low marks, failures, or conditions in college, or failure on a prior Military Academy entrance examination are considered good reasons for the rejection of a college certificate. A candidate whose college certificate has been rejected must qualify under the method of subdivision (i) of this subparagraph.

(c) *Medical*—(1) *Preliminary examination.* (i) Time permitting, prior to reporting for the entrance examination, candidates should ascertain whether they have physical defects which would permanently disqualify them for admission, or defects which could be corrected. Many candidates are disqualified at the entrance examinations for defects that might have been corrected if dental or surgical treatment had been undertaken in time. Candidates whose teeth are defective cannot be admitted to the Military Academy. Carious teeth should be restored by permanent fillings and missing teeth should be replaced by fixed bridgework, as described in § 575.8, before reporting for the entrance examination. In cases of malocclusion (excessive overbite, underbite, protruding teeth, etc.), which may require lengthy treatment, candidates are invited to submit dental plaster models and full mouth X-rays to The Adjutant General, Washington 25, D. C., Attention: Military Academy Section, for advance determination as to acceptability.

(ii) Medical officers at Army, Air Force, or Navy installations having adequate medical facilities to conduct final type physical examinations are authorized to accomplish preliminary physical examinations of applicants or candidates for admission to the United States Military Academy: *Provided*, That such persons present written requests therefor signed by one of the following: Any Member of Congress; a parent or guardian of an applicant entitled to a Presidential or Son of Deceased Veteran appointment; or any officer of the Army, Navy, or Air Force.

(iii) A candidate who finds it impractical to report to a military installation for a preliminary physical examination should consult a civilian physician and dentist to ascertain if he has any disqualifying defect. The candidate should invite the attention of the physician and dentist to the physical requirements and causes for rejection which are given in detail in § 575.8.

(iv) No charge will be made for an examination conducted at a military installation, but the applicant or candidate is responsible for travel and personal expenses, and for all costs in connection with examination by civilian doctors or dentists.

(v) A preliminary physical examination, whether conducted by military or civilian examiners, is advisory only and does not commit or obligate the Department of the Army to accept a candidate who is found by an entrance examination medical board to have a disqualifying physical defect.

(2) *Final physical examination.* Every candidate is required to undergo a very thorough physical examination at the conclusion of his mental examinations. His hearing must be normal (15/15) in each ear for the whispered voice, and the ears must be free from acute or chronic disease. His vision must not fall below 20/30 in either eye without glasses, correctable with glasses to 20/20 in each eye. Both his eyes must be free from disease. No candidate will be accepted unless he has a minimum of 12 masticating teeth and 8 incisor teeth, all of which must be so opposed as to serve the purposes of biting and chewing. De-

tails relating to physical requirements and causes for physical disqualifications will be found in § 575.8.

(d) *Physical aptitude.* (1) Every candidate is required to take a 1 hour physical aptitude examination designed to measure strength, coordination, muscular power, endurance, speed, and flexibility. The examination items will be selected from those listed below. Candidates may consider themselves qualified to meet the minimum standard of the Physical Aptitude Examination if they can achieve the performances indicated. The examination will be graded on the basis of the total score. In other words, if a passing grade is achieved on the whole examination, failure to achieve a passing score on any single test will not cause disqualification.

(i) Vertical jump The difference between the height an individual can reach and the height he can jump and reach.	17 inches.
(ii) Standing broad jump for distance	6 feet 9 inches.
(iii) 3 broad jumps for distance Standing start with 3 continuous broad jumps.	20½ feet.
(iv) Pull-ups Chinning oneself on a horizontal bar, grasping bar with back of hand toward face.	3 times.
(v) Dips Raising and lowering oneself on parallel bars by means of the arms. The body is lowered until upper arm passes the horizontal.	3 times.
(vi) Push-ups Standard push-ups starting from the leaning rest position.	16 times.
(vii) Dodge run A run through a maze placed on a gymnasium floor.	27 seconds.
(viii) 300-yard run (indoor track—11 laps to the mile)	46.7 seconds.
(ix) 300-yard run This test is a shuttle run on a gymnasium floor between two turning blocks placed 25 yards apart.	65 seconds.
(x) 100-yard run This test is a shuttle run on a gymnasium floor between two turning blocks placed 25 yards apart.	18.9 seconds.
(xi) 50-yard run This test is a shuttle run as described under the above 100-yard run.	8.7 seconds
(xii) Bar vault for height From a standing position vault over a horizontal bar by touching it with only the hands using either flank or front vault.	4 feet 6 inches.
(xiii) Burpee test for 20 seconds Continuous movements from the standing position to the squat, to the leaning rest, to the squat, and back to the standing position.	10½ times.
(xiv) Squat jumps From a squating position on the right heel with fingers laced on top of head, palms downward, and with left foot slightly advanced, spring upward until both knees are straight and both feet clear the floor. While the feet are off the floor advance the right foot and drop to a squat on the left heel. Spring up again and repeat.	28 times.
(xv) Sit-ups These are to be performed with a partner holding the feet.	30 times.
(xvi) Sit-ups for speed These are to be performed in 30 seconds while lying on a gymnasium mat with toes hooked under a bar.	20 times.
(xvii) Softball throw for distance using a regulation softball (12-inch circumference).	140 feet.
(xviii) Basketball throw for distance using a regulation basketball	65 feet.
(xix) Medicine ball put A 6-pound medicine ball is put using the same movement as required for a shot-put.	33 feet.
(xx) Hop, step, and jump From a standing position take a hop, a step, and a jump to gain as great a distance as possible.	20 feet.
(xxi) 100-yard pickaback carry Carrying a partner astride his back one runs 100 yards by shuttling back and forth around stakes placed 25 yards apart. The partner must be within 10 pounds of one's own weight.	27.0 seconds.
(xxii) Rope climb (7 seconds) Climb a regulation gymnasium rope as high as possible in 7 seconds, using hands and feet or hands alone, starting from a standing position.	10½ feet.

(2) Candidates should prepare for this examination by engaging in allround vigorous activities such as running, conditioning exercises, or competitive games, rather than by practicing on specific test items.

§ 575.7 *Physical conditioning.* Because of the nature of the new cadets' training during their first 2 months at the Academy, the physical demands upon them are necessarily great. Experience indicates that those cadets who, prior to admission, have conditioned themselves physically are best able to meet the training requirements. The needed amount of conditioning will vary depending on the candidate's athletic background, but, in general, the more nearly he can acquire a degree of conditioning approximately that required for vigorous athletic team sports the less difficulty he will experience in the very rigorous summer training program. He is advised to practice heavy physical-conditioning exercises until many repetitions of the exercises can be performed without severe physical strain. In addition, he should strengthen his legs and wind by regular cross country running and, if possible, fast climbing on steep slopes. A program of vigorous competitive sports should be followed with emphasis on variety of sports rather than on one favorite activity. Any candidate in doubt as to physical conditioning methods will be wise to consult a high school or college physical education department.

§ 575.8 *Physical requirements.*—(a) *Hearing.* Auditory acuity of all candidates will be determined by the whispered voice, and by the audiometer using the following frequencies: 256, 512, 1024, 2048, 4096, and 8192. At the time of examination the candidate should be free of upper respiratory infection. Hearing when tested by the whispered voice must be 15/15 in each ear and loss of hearing as determined by the audiometer must not be greater than fifteen (15) decibels in any of the frequencies 512, 1024, 2048, nor greater than thirty (30) decibels in either of the frequencies 4096 or 8192. The following conditions are causes for rejection: total loss of an ear, marked hypertrophy or atrophy, or disfiguring deformity of the organ; atresia of the external auditory canal, or tumors of this part; acute or chronic suppurative otitis media, or chronic catarrhal otitis media; mastoiditis, acute or chronic; existing perforation of the membrane tympani from any cause whatever.

(b) *Vision.* (1) Vision as determined by the visual test types (without a cycloplegic) must not fall below 20/30 in either eye without glasses, correctable with glasses to 20/20 in each eye, when no organic disease in either eye exists. Both eyes must be free from acute or chronic disease. Errors of refraction, if considered excessive, may be a cause for rejection even though the visual acuity falls within acceptable limits. Total hyperopia of more than two diopters or total myopia of more than three quarters (0.75) diopter in any meridian in either eye is considered cause for rejection.

(2) The following conditions are also cause for rejection: manifest disturbance of muscle balance; esophoria of more than 10 prism diopters, exophoria or more than 5 prism diopters, or hyperphoria of more than 1 prism diopter; impairment of the sense of color perception in a pronounced degree; trachoma, or xerophthalmia; chronic conjunctivitis; pterygium encroaching upon the cornea; complete or extensive destruction of the eyelids; disfiguring cicatrices, adhesions of the lids to each other or to the eyeball; inversion or eversion of the eyelids, or lagophthalmus; trichiasis, ptosis, blepharospasm, or chronic blepharitis; epiphora, chronic dacryocystitis, or lachrymal fistula; chronic keratitis, ulcers of the cornea, staphyloma, or corneal opacities encroaching on the pupillary area and reducing the acuity of vision below the standard noted above; irregularities in the form of the iris, or anterior or posterior synechiae sufficient to reduce the visual acuity below the standard; opacities of the lens or its capsule, sufficient to reduce the acuity of vision below the standard, or progressive cataract of any degree; extensive coloboma of the choroid or iris, absence of pigment, glaucoma, iritis, or extensive or progressive choroididits, retinitis, detachment of the retina, neuroretinitis, optic neuritis or atrophy of the optic nerve; loss or disorganization of either eye, or pronounced exophthalmus, true nystagmus; or permanent or well-marked strabismus; diplopia, or night blindness; abnormal conditions of the eyes due to disease of the brain; malignant tumors of the lids of the eyeballs; ashtenopia accompanying any ocular defect.

(c) *Teeth.* (1) No candidate will be accepted unless he has a minimum of 6 serviceable vital masticating teeth (bicuspids and molars) above and 6 below serviceably opposing and also 4 serviceable vital incisor teeth (incisors and cuspids) above and 4 below serviceably opposing. Therefore, the minimum requirement consists of a total of 12 masticating teeth and 8 incisor teeth, all of which must be so opposed as to serve the purpose of incision and mastication. In cases in which insufficiency of teeth may be remedied by the eruption of third molars, if an X-ray of the third molar region determines a normal third molar properly positioned and developed, it may be assumed that it will have a normal eruption, and the candidate may be credited with possession of this tooth.

(2) Vital teeth properly filled with permanent filling material, or well crowned, will be considered serviceable if otherwise acceptable. A one or two tooth replacement by a standard method of fixed bridgework will be accepted in lieu of a serviceable vital tooth when the abutment teeth are otherwise acceptable and the bridge well constructed.

(3) A tooth will not be considered serviceable if it is a deciduous tooth, or if it fails to enter into serviceable occlusion with an opposing tooth, if it has an unfilled cavity, if it supports a defective filling or crown, if it is nonvital, or if there is destruction of the supporting tissues of the tooth, such as results from chronic gingivitis, pyorrhea, etc.

(4) Causes for rejection are: failure to meet the standard of minimum requirements outlined above; the loss of three adjoining masticating teeth in either side of the upper or lower jaw; disfiguring spaces between anterior teeth, such as result from the extraction of a tooth; marked irregularity of the teeth; and marked malocclusion. No candidate will be accepted until all cavities in teeth have been filled with proper permanent fillings.

(d) *Physical proportions.* The requirements of the following tables on physical proportions are for growing youths and are for guidance in connection with the other data of the examination, a consideration of all of which will determine the candidate's physical eligibility. Mere fulfillment of the requirements of the standard tables does not determine eligibility.

Height	Weight		Minimum chest measurement at expiration
	Minimum	Maximum	
Inches	*Pounds*	*Pounds*	*Inches*
66	120	170	30.50
67	124	175	30.50
68	128	182	31.00
69	132	186	31.50
70	136	192	32.00
71	140	197	32.00
72	144	203	32.50
73	148	209	32.50
74	152	214	33.00
75	156	219	33.00
76	160	225	33.50

NOTE: Fractions of an inch will be reduced to the quarter of an inch, but candidates must be at least 66 inches in height. No candidate will be accepted who is more than 76 inches in height. Heights to be taken without shoes and weight without clothes.

Medical examiners will recommend rejection of individuals who show poor physical development and those who appear to be undesirable candidates because of excess fat, even though their measurements may come within the figures stated in the above table. In such instances, the report will show in detail the findings upon which recommendation for rejection is based.

Recommendation for waiver of excess weight will be made in cases in which the general appearance and conformation of the candidate and the remainder of the examination clearly indicate that he is of the robust type and there is no tendency to obesity, endocrine imbalance, cardiovascular disease, or other defect which is likely to shorten the period of useful active service normally expected of an Army or Air Force officer.

MINIMUM STANDARDS FOR FILIPINO APPLICANTS

Height	Weight	Chest measurement at expiration
Inches	*Pounds*	*Inches*
59	100	28½
60	101	28¾
61	102	29
62	103	29¼
63	105	29½
64	107	29¾
65	110	30
66	113	30¼
67	118	30½
68	124	30¾
69	127	31
70	130	31¼

(e) *Additional causes for physical disqualification.*—(1) *General.* (i) Any deformity which is repulsive or which prevents the proper functioning of any part to a degree interfering with military efficiency.

(ii) Obesity.

(iii) A height of less than 66 inches or more than 76 inches.

(iv) Deficient muscular development.

(v) Deficient nutrition.

(vi) Evidences of physical characteristics of congenital asthenia. The physical characteristics of congenital asthenia are slender bones, a weal ill-developed thorax, nephroptosis, gastroptosis, constipation, the "drop" heart, with its peculiar attenuation and weak and easily fatigued musculature.

(vii) All acute communicable diseases.

(viii) All diseases and conditions which are not easily remediable or that tend physically to incapacitate the individual, such as:

(*a*) Chronic malaria.

(*b*) Uncinariasis (hookworm).

(*c*) Active tuberculosis of any type or degree.

(*d*) Leprosy and actinomycosis.

(*e*) Pellagra, beriberi, sprue, scurvy, or other evidence of vitamin deficiency.

(*f*) History of rheumatic fever or chorea within the preceding 2 years, or substantial history of recurrent attacks of rheumatic fever or cholera at any time; atrophic or hypertrophic arthritis; chronic myositis or fibrositis.

(*g*) Osteomyelitis of any bone or a history of osteomyelitis of any of the long bones of the extremities at any time.

(*h*) Malignant disease of all kinds in any location.

(*i*) Hemophilia or purpura.

(*j*) Leukemia of all types.

(*k*) Primary (pernicious), secondary, or splenic anemia.

(*l*) Filariasis, trypanosomiasis, and schistosomiasis.

(*m*) Diabetes, mellitus or insipidus, or renal glycosuria.

(*n*) Acromegaly, gigantism, myxoedema, cretinism, Addison's disease, gout, Simmond's disease, and other endocrine diseases.

(*o*) Chronic metallic poisoning.

(*p*) Migraine.

(*q*) Hay fever, food intolerance, angioneurotic edema or other allergic manifestations of sufficient degree to warrant the use of vasoconstrictor drugs, ephedrine, or epinephrine either locally or systemically.

(*r*) Asthma of any degree or a history of asthma, except a history of childhood asthma, with a trustworthy history of freedom from symptoms since the twelfth birthday.

(2) *The skin.* (i) Eczema of long standing or which is resistant to treatment.

(ii) Pemphigus; lupus; sycosis.

(iii) Actinomycosis; deratitis; herpetiformis; mycosis fungoides.

(iv) Ichthyosis or psoriasis if more than of slight degree.

(v) Acne upon face or neck which is so pronounced as to be definitely unsightly.

(vi) Elephantiasis.

(vii) Scabies; impetigo.

(viii) Furunculosis, unless mild in degree.

(ix) Ulcerations of the skin not amendable to treatment, or those of long standing or of considerable extent, or of syphilitic, tuberculous, malignant, or leprous origin.

(x) Extensive, deep, or adherent scars that interfere with muscular movements or with the wearing of military equipment, or that show a tendency to break down and ulcreate.

(xi) Naevi or vascular tumors, if extensive, markedly disfiguring, or exposed to constant pressure.

(xii) Obscene or offensive tattooing on portions of the body subject to exposure.

(xiii) Vitiligo of the face or body, or other skin defect if sufficient to be considered disfiguring or unsightly.

(xiv) Chronic trichophytosis or other chronic fungus infections which have not been amendable to treatment.

(xv) Chronic urticaria and chronic angioneurotic edema.

(xvi) Exfoliating dermatitis; severe chronic seborrheic dermatitis.

(xvii) Chronic lichen planus; dermatitis factia, scleroderma.

(xviii) Pilonidal cyst if evidenced by the presence of a tumor mass or a dis-

charging sinus or if there is a history of inflammation or discharging sinus.

(3) *The head.* (i) Tinea in any form.

(ii) All tumors which are of sufficient size to interfere with the wearing of military headgear.

(iii) Imperfect ossification of the cranial bones.

(iv) Extensive cicatrices, especially such adherent scars as show a tendency to break down and ulcerate.

(v) Depressed fractures or loss of bony substance of the skull.

(vi) Hydrocephalus or microcephalus.

(vii) Deformities of the skull of any degree associated with evidence of disease of the brain, spinal cord, or peripheral nerves.

(4) *The face.* (i) Extreme ugliness.

(ii) Unsightly deformities such as large birthmarks, large hairy moles, extensive cicatrices, and multilations due to injuries or surgical operations; tumors; ulcerations, fistulae, atrophy of a part of the face or lack of symmetrical development.

(iii) Persistent neuralgia; tic douloureux; paralysis.

(iv) Ununited fractures; osseous cysts; extensive exostoses.

(v) Chronic arthritis; complete or partial ankylosis; badly reduced or recurrent dislocations of the temporomandibular articulation.

(5) *The mouth, nose, fauces, pharynx, larynx, trachea, and esophagus.* (i) Harelip; loss of the whole or a part of either lip; unsightly mutilations of the lips from wounds, burns, or disease.

(ii) Malformation, partial loss, atrophy, or hypertrophy of the tongue, split or bifid tongue, adhesions of the tongue to the sides of the mouth, provided these conditions interfere with mastication, speech, or swallowing, or appear to be progressive.

(iii) Malignant tumors of the tongue or benign tumors that interfere with its functions.

(iv) Marked atomatitis; ulcerations; severe leukoplakia.

(v) Ranula if extensive; salivary fistula.

(vi) Perforation or extensive loss of substance or ulceration of the hard or soft palate; extensive adhesions of the soft palate to the pharynx; paralysis of the soft palate.

(vii) Loss of the nose, malformation or deformaties thereof that interfere with speech or breathing; extensive ulcerations.

(viii) Perforated nasal septum, if progressive, or if respiration is accompanied by a noticeable whistling sound. Before accepting any candidate with a perforated nasal septum, the possibility of syphilitic infection will be excluded.

(ix) Septal deviation, hypertrophic rhinitis, or other conditions which result in 50 percent or more obstruction of either airway, or which interfere with drainage of sinus on either side or other causes, if sufficient to produce mouth breathing.

(x) Acute or chronic inflammation of the accessory sinuses of the nose; hay fever of sufficient degree to warrant the use of vasoconstrictor drugs, ephedrine, or epinephrine either locally or systemically.

(xi) Chronic atrophic rhinitis, if marked and accompanied by ozena.

(xii) Malformations and deformities of the pharynx of sufficient degree to interfere with function.

(xiii) Postnasal adenoids interfering with respiration or associated with recurrent middle ear disease.

(xiv) Chronic enlargement of the tonsils sufficient to interfere with speech or swallowing.

(xv) Chronic laryngitis from any cause.

(xvi) Paralysis of the vocal cords; aphonia.

(xvii) Tracheotomy.

(xviii) Diverticulum, ulceration, stricture, or pronounced dilatation of the esophagus.

(6) *The neck.* (i) Cervical lymph node involvement of other than benign origin, including cancer, Hodgkin's disease, leukemia, tuberculosis, and syphilis.

(ii) Adherent and markedly disfiguring scars from disease, injuries, or burns.

(iii) Moderate or marked enlargement of the thyroid gland from any cause.

(iv) Exophthalmic or adenomatous goiter or thyroid enlargement from any cause associated with toxic symptoms, history of thyroidectomy.

(v) Benign tumors or cysts which are so large as to interfere with the wearing of the uniform or military equipment.

(vi) Congenital cysts of branchial cleft origin, or those developing from the remains of a thyroglossal duct, with or without fistulous tracts.

(vii) Torticollis; cervical rib.

(7) *The chest.* (i) Chest expansion less than two inches.

(ii) Congenital malformations or acquired deformities which result in reducing the chest capacity and diminishing the cardiac or respiratory functions to such a degree as to interfere with vigorous physical exertion, or that produce disfigurement when the applicant is dressed.

(iii) Pronounced contraction of the chest wall following pleurisy or empyema.

(iv) Deformities of the chest or scapulae sufficient to interfere with the carrying of military equipment.

(v) Absence or faulty development of the clavicle.

(vi) Old fracture of the clavicle where there is much deformity or interference with the carrying of military equipment; ununited fractures; or partial or complete dislocation of either end of the clavicle.

(vii) Suppurative periostitis, osteomyelitis, caries, or necrosis of the ribs, sternum, clavicles, scapulae, vertebrae, or other bones.

(viii) Old fractures of the ribs with faulty union, if interfering with function.

(ix) Malignant tumors of the breast or chest wall, and benign tumors which interfere with the wearing of a uniform or of military equipment.

(x) Unhealed sinuses of the chest wall.

(xi) Scars of old operations for empyema unless the examiner is assured that the respiratory function is entirely normal.

(8) *The lungs.* (i) History of:

(*a*) Clinical tuberculosis exceeding minimal extent.

(*b*) Tuberculosis of minimal extent clinically active within the preceding five years.

(*c*) Known tuberculous pleurisy with effusion.

(*d*) Pleurisy with effusion of unknown origin within the preceding five years.

(ii) Active tuberculosis, including pleurisy with effusion which is to be considered of tuberculous origin if no other cause can be proved.

(iii) Inactive pulmonary tuberculosis, except as specified in Army Regulations.

(iv) Nontuberculous defects as specified in Army Regulations.

(9) *The heart and vascular system.* All questionable findings will be thoroughly investigated over a sufficient period of time to determine their significance. Any evidence of organic heart disease will be considered as cause for rejection. When a candidate is found to have a systolic blood pressure of 140 mm. or more, or a diastolic blood pressure of 90 mm. or more, a series of readings, both a. m. and p. m. will be taken over a period of 3 days or more in order to determine if the arterial hypertension is constant and, if possible, the causes thereof. All readings will be taken with the individual relaxed and in the sitting position after a period of normal physical activity. A period of recumbency prior to taking readings will not be used.

(i) All valvular diseases of the heart.

(ii) Cardiac enlargement as indicated in notation below.

(iii) A heart rate of 100 or over when persistent after repeated examination in the recumbent position. (A. m. and p. m. examinations for 3 days are considered adequate for such determination.)

(iv) A heart rate of 50 or under, if the history, physical examination, or an electrocardiogram shows the presence of A–V heart block or other evidence of heart disease.

(v) Hypertension evidenced by a persistent systolic blood pressure of 140 mm. or more, or a persistent diastolic blood pressure of 90 mm. or more.

(vi) Arterial hypotension, when the systolic blood pressure is persistently less than 100 mm. in the sitting or standing position.

(vii) Pericarditis, endocarditis, myocarditis, or myocardial insufficiency.

(viii) Coronary heart disease, including angina pectoris.

(ix) Congenital disease or deformity of the heart or great vessels.

(x) Aneurysm.

(xi) Arteriosclerosis disproportionate to age.

(xii) Arrhythmia, except sinus arrhythmia and occasional extrasystoles.

(xiii) History of rheumatic fever or chorea within the preceding 2 years or substantiated history of recurrent attacks of rheumatic fever or chorea at any time.

(xiv) Evidence of vasomotor instability or neurocirculatory asthenia, if persistent on examination of not less than 3 days.

(xv) Electrocardiographic evidence of paroxysmal tachycardia, auricular fibrillation, auricular flutter, incomplete A–V block with or without dropped beats, complete A–V block, bundle branch block, and recent or remote coronary occlusion.

(xvi) Orthostatic hypotension or tachycardia, if marked and persistent.

(xvii) Inadequate arterial blood supply to any limb.

(xviii) Arteritis of any artery.

(xix) Intermittent claudication, if confirmed by peripheral vascular tests.

(xx) Phlebitis or thrombophlebitis, or evidence of repeated phlebitis in the past.

Varicosities of any extremity, unless mild in degree.

NOTE: An apex beat located beyond the left midclavicular line or below the sixth rib indicates an enlargement sufficient to disqualify for military service if this finding is supported by X-ray evidence of abnormality of cardiac size or contour. The cause of such enlargement should be sought, for an enlargement should not be made a primary diagnosis unless careful examination fails to reveal a cause.

(10) *The abdomen.* (i) Wounds, injuries, cicatrices, or weakness of muscles of the abdominal walls sufficient to interfere with function.

(ii) Fistulae from visceral or bony lesions or following operation.

(iii) Hernia of any variety or a history of a recurrent hernia even though apparently repaired by a second operation.

(iv) Chronic diseases of the stomach or intestines.

(v) Gastric or duodenal ulcer or history of gastric or duodenal ulcer with or without operation.

(vi) History of gastroenterostomy, gastric resection of peptic ulcer, partial resection of the intestine, or operation for relief of intestinal adhesions. If pyloric stenosis occurred in infancy but there have been no symptoms of obstruction since then, it will not disqualify applicant if X-ray studies of the gastrointestinal tract are negative at the time of examination.

(vii) Blood in the feces unless shown to be due to unimportant causes.

(viii) Visceroptosis other than mild.

(ix) Chronic diseases of the liver, gall bladder, pancreas, or spleen.

(x) History of splenectomy for reason other than trauma.

(xi) Enlargement of the liver.

(xii) Chronic enlargement of the spleen.

(xiii) Jaundice or history or recurrent jaundice.

(xiv) Proctitis, stricture, or prolapse of the rectum.

(xv) External or internal hemorrhoids if large in size or symptomatic.

(xvi) Fistula in ano; ischiorectal abscess.

(xvii) Fissure of the anus or pruritus ani.

(xviii) Incontinence of feces.

(xix) Marked engorgement of superficial abdominal vessels.

(11) *The genito-urinary system, including venereal diseases.* (i) A serologic test for syphilis will be required of all candidates. A negative report will be accepted as satisfactory evidence of freedom from syphilis in the absence of a history of, previous treatment for, or clinical signs of syphilis. A positive or doubtful report will be rechecked by both a Kahn and Wassermann test within 3 days. An authentic history of syphilis of any type is cause for rejection without further laboratory procedure. A repeated positive serologic test, in the absence of a history of syphilis, will be accepted as evidence of the disease and considered cause for rejection. If, on repeated serologic tests, the results remain doubtful or positive and, after careful history and physical examination, the individual presents no evidence of having had syphilis at any time, the Department of the Army will notify him whether or not he is eligible for a 3-month observation period and designate the time and place for the reexamination. During this 3-month period, he will have a quantitative serologic test for syphilis performed every 3 weeks. At the end of the 3-month observation period, providing the individual's physical condition remains the same, and his serologic tests have become negative, he will be considered nonsyphilitic and qualified. Those individuals with confirmed positive reactions will be rejected. A positive spinal fluid test for syphilis at any time will be cause for rejection.

(ii) When albumin or casts are found in the urine, the cause will be determined, if possible. Specimens from the individual concerned will be examined twice daily, morning and afternoon, for 3 successive days. These specimens will be collected while the individual is carrying on with his normal activities. Persistent albuminuria of any type or the persistence of casts in the urine will be a cause for rejection, even though the etiology thereof cannot be determined.

(*a*) Acute or chronic nephritis, diabetes mellitus or insipidus, or renal glycosuria.

(*b*) Blood, pus, albumin or pathologically significant casts in the urine, if persistent (found on a. m. and p. m. rechecks for 3 consecutive days).

(*c*) Floating kidney; hydronephrosis; pyonephrosis; pyelitis; tumors of the kidneys; absence of one kidney; renal calculi.

(*d*) Acute or chronic cystitis.

(*e*) Vesical calculi; tumors of the bladder; incontinence or retention of urine; enuresis.

(*f*) Hypertrophy or abscess of the prostate gland; chronic prostatitis; history of prostatectomy or transurethral resection.

(*g*) Urethral stricture or urinary fistula.

(*h*) Phimosis, epispadias or pronounced hypospadias.

(*i*) Hermaphroditism; infantile genital organs.

(*j*) Amputation or deformity of the penis.

(*k*) Varicocele or hydrocele, if large or painful.

(*l*) Pronounced atrophy of both testicles or absence of both.

(*m*) Atrophy, deformity or maldevelopment of both testicles, or undescended testicles of any degree.

(*n*) Chronic orchitis or epididymitis.

(*o*) Syphilis as specified in Army Regulations.

(*p*) Gonococcus infections, acute or chronic; chancroid; granuloma inguinale; lymphogranuloma venereum.

(12) *Spine and pelvis, including sacroiliac and lumbo-sacral joints:* (i) Lateral deviation of the spine from the normal midline of more than 1 inch (scoliosis).

(ii) Curvature of the spine of any degree in which there is noticeable deformity when the candidate is dressed (scoliosis, kyphosis, or lordosis), or in which there is present or likely to develop pain or interference with function.

(iii) Spondylolisthesis; herniated nucleus pulposus or history of operation for same.

(iv) Healed fractures or dislocations of the vertebrae.

(v) Tuberculosis, either active or healed, of any portion of the vertebral column.

(vi) Osteoarthritis of the spinal column.

(vii) Malformation or deformities of the pelvis sufficient to interfere with function.

(viii) Disease, chronic strain, or sprain of the sacroiliac or lumbosacral joints.

(13) *The extremities.* Suitable exercise will be employed to determine the strength of the arches of the feet. Weak or painful feet are cause for rejection regardless of whether or not the arch is flattened. In reporting the presence of flat feet a careful estimate of the degree of flattening, as first, second, or third degree, will be made and reported, as well as other abnormalities, such as eversion, rotation, etc.

(i) All anomalies in the number, form, proportion, and movements of the extremities which produce noticeable deformity or interfere with function.

(ii) Atrophy of the muscles of any part, if progressive or if sufficient to interfere with function.

(iii) Benign tumors if sufficiently large to interfere with function.

(iv) Ununited fractures, fractures with shortening or callous formation sufficient to interfere with function, old dislocations unreduced or partially reduced, complete or partial ankylosis of a joint, or relaxed articular ligaments permitting frequent voluntary or involuntary displacement.

(v) Reduced dislocations or united fractures with incomplete restoration of function.

(vi) Resection of a joint or amputation of any portion of a limb except fingers or toes.

(vii) Excessive curvature of a long bone or extensive, deep, or adherent scars interfering with motion.

(viii) Severe sprains.

(ix) Diseases of the bones or joints.

(x) Chronic synovitis, floating cartilage, or other internal derangement in a joint. A history of dislocated semilunar cartilage or loose body of the knee which has not been satisfactorily corrected by surgery or does not otherwise meet the specifications of Army Regulations.

(xi) Varicosities of any extremity are cause for rejection, unless mild in degree or corrected by operation.

(xii) Varices of any kind situated in the leg below the knee if there are associated varicose ulcers or scars from old ulcerations.

(xiii) Chronic edema of a limb.

(xiv) Sciatica or other chronic neuralgias.

(xv) Adherent or united fingers (webbed fingers).

(xvi) Total loss of either thumb.

(xvii) Mutilation of either thumb to such an extent as to produce material loss of flexion or strength of the member.

(xviii) Loss of more than one phalanx of the right index finger.

(xix) Loss of the terminal and middle phalanges of any two fingers on the same hand.

(xx) Entire loss of any finger except the little finger of either hand or the ring finger of the left hand.

(xxi) Perceptible lameness or limping.

(xxii) Knock-knee or bowlegs if severe in degree.

(xxiii) Clubfoot.

(xxiv) Pes cavus with clawing of the toes, if more than mild or of any degree causing symptoms.

(xxv) Flat foot when accompanied with symptoms of weak foot or when the foot is weak on test or painful, pronounced cases of flat foot attended with decided eversion of the foot and marked bulging of the inner border, due to inward rotation of the astragalus, are disqualifying regardless of the presence or absence of subjective symptoms.

(xxvi) Loss of either great toe or loss of any two toes on the same foot.

(xxvii) Webbing of all toes.

(xxviii) Overriding of any of the toes if symptomatic or more than mild in degree.

(xxix) Ingrowing toenails if severe.

(xxx) Hallux valgus when sufficiently marked to interfere with locomotion or when accompanied with a painful bunion.

(xxxi) Bunions, if painful or sufficiently pronounced to interfere with function.

(xxxii) Hammertoes of such a degree as to interfere with function.

(xxxiii) Corns or calluses on the sole of the foot when they are tender or painful.

(xxxiv) Bromidrosis, if more than mild.

(14) *Psychiatric disorder.* (i) Psychoses as specified in Army Regulations.

(ii) Psychoneurotic disorders as specified in Army Regulations.

(iii) Character and behavior disorders as specified in Army Regulations.

(15) *Neurological disorder.* (i) Neurosyphilis of any form (general paresis, tabes dorsalis, meningovascular syphilis).

(ii) Degenerative disorders (multiple sclerosis, encephalomyelitis, cerebellar and Friedreich's ataxia, athetoses, Huntington's chorea, muscular atrophies, and dystrophies of any type, cerebral arteriosclerosis).

(iii) Residuals of infection (moderate and severe residuals of poliomyelitis, meningitis, and abscesses, paralysis agitans, postencephalitic syndromes, Sydenham's chorea).

(iv) Peripheral nerve disorder (chronic or recurrent neuritis or neuralgia of an intensity which is periodically incapacitating, multiple neuritis, neurofibromatosis).

(v) Residuals of trauma (residuals of concussion or severe cerebral trauma, post-traumatic cerebral syndrome, incapacitating severe injuries to peripheral nerves).

(vi) Paroxysmal convulsive disorders and disturbances of consciousness (grand mal, petit mal, and psychomotor attacks, syncope, narcolepsy, migraine).

(vii) Miscellaneous disorders (tics, spasmodic torticollis, spasms, brain and spinal cord tumors, operated and unoperated, cerebrovascular disease, congenital malformations, including spina bifida, if associated with neurological manifestations, meningocele, and Meniere's disease).

§ 575.9 *Entrance examinations—March.* (1) The Military Academy examinations begin at 8:00 a. m. on the first Tuesday in March each year. All candidates are expected to report between 1:00 and 5:00 p. m. of the preceding afternoon, as explained in the original letter of appointment furnished the candidate by The Adjutant General. Three to six days normally are required for the completion of all mental, medical, and physical aptitude examinations. During this period sleeping accommodations and meals are made available to candidates at nominal cost. The cost of transportation and all personal expenses must be borne by the candidate.

(2) Failure to report for examination automatically vacates any competitive appointment. Failure to report vacates a noncompetitive appointment unless failure is attributable to sickness or other unavoidable cause.

(3) Each candidate will be authorized to report for examination to the military installation listed below which is most convenient either to his home, to his station, or to the school which he may be attending just prior to the March examination. A candidate may request from The Adjutant General the authority to change his place of examination if he finds that his home or school address changes.

PROBABLE EXAMINING CENTERS, MARCH 1952

Army Base, Boston, Mass.
Army and Navy General Hospital, Hot Springs, Ark.
Army Medical Center, Washington, D. C.
William Beaumont Army Hospital, Fort Bliss, Tex.
Fort Benning, Ga.
Fort Bragg, N. C.
Fitzsimons Army Hospital, Denver, Colo.
Fort Sam Houston, Tex.
Keesler Air Force Base, Biloxi, Miss.
Fort Knox, Ky.
Fort Leavenworth, Kans.
Letterman Army Hospital, Presidio of San Francisco, Calif.
Fort Lewis, Wash.
March Air Force Base, Riverside, Calif.
Fort McPherson, Ga.
Fort Jay, Governors Island, N. Y.
Fort Sheridan, Ill.
Fort Sill, Okla.
Schofield Barracks, T. H.
Fort Brooke, Puerto Rico.
Fort Clayton, C. Z.
Fort Richardson, Alaska.
Certain Overseas Installations.

(b) *June.* A second examination is held at West Point only. This examination, held on the Tuesday preceding the 16th of June, is available only to those candidates nominated for vacancies which remain unfilled or occur after the March examination.

§ 575.10 *Previous qualification.* (a) A candidate (except an ex-cadet) once found mentally qualified for admission to the Academy will be considered mentally qualified for any subsequent noncompetitive appointment and will not be required to take further mental examination.

(b) A candidate who once has qualified in Physical Aptitude will not be required to take another Physical Aptitude Test.

(c) A candidate must undergo the medical examination in the year preceding the proposed date of admission, even though he may have been found fully qualified in a previous year.

§ 575.11 *Candidate submission of records.* All necessary papers, certificate forms, and detailed instructions for the accomplishment and submission of each will be furnished the candidate by The Adjutant General along with the candidate's original letter of nomination. Before writing to The Adjutant General or to the Military Academy for additional information, candidates should study these instructions thoroughly.

§ 575.12 *USMA Preparatory School.* (a) The USMA Preparatory School at Stewart Air Force Base, Newburgh, N. Y., was established to prepare members of the Armed Forces for the entrance examinations. Participation in this preparatory training program is limited strictly to personnel on active duty who hold appointments to the Military Academy. The school is operated under the direction of the Superintendent, USMA.

(b) Prospective candidates may obtain information about the preparatory training program by writing to The Adjutant General, Department of the Army, Washington 25, D. C.

§ 575.13 *Deposit upon entrance.* (a) Three hundred dollars ($300) must be mailed to the treasurer of the Academy before the cadet is admitted. This sum is used to pay part of the cost of the uniform and personal equipment with which the net cadet is provided immediately after admission. Parents of candidates are advised to forward the required deposit by draft, payable to the Treasurer, United States Military Academy, who will credit it to the new cadet's account. Cadets who exercise proper economy will have upon graduation a sufficient balance to their credit with the treasurer to purchase the initial supply of uniforms and equipment which they will need as officers.

(b) Candidates should, on leaving home for admission, take with them no more money than is needed for traveling expenses. Any balance in their possession at the time of admission will be deposited to their credit with the Treasurer, USMA. Except for members of the Armed Forces, who are provided transportation or are allowed mileage as provided in Army regulations, cadets are allowed 5 cents per mile for traveling expenses from their homes in the United States or point of entry in the United States to West Point. Such mileage is credited to the cadet's account after his admission unless he makes a specific written request to the Commandant of Cadets that the mileage allowance be sent to his parents.

§ 575.14 *Pay and allowances.* (a) Cadets receive their entire education at Government expense and in addition are paid $936 a year plus an allowance of the cost of one ration a day. From this total the cadet pays for food, books, clothing, etc. The cost of the ration approximates the actual cost of the food. Quarters and medical attention are provided. With proper economy during his 4 years the cadet is able to save enough to purchase the initial supply of uniforms and equipment he will need as an officer.

(b) The deposit of $300 the cadet must make before he enters the Academy is used to pay part of the cost of the uniforms and personal equipment he is provided with immediately after admission.

§ 575.15 *Course of study.* (a) The United States Military Academy offers a 4-year course of undergraduate study leading to the degree of Bachelor of Science. The Military Academy is accredited by the Association of American Universities and by the Middle States Association of Colleges and Secondary Schools. Except for a choice of one of five languages, the curriculum is prescribed.

(b) The course of study is designed to prepare the graduate for the diverse intellectual problems that confront an officer during his career. To solve these problems the officer must have knowledge and understanding of our culture and technology, capacity for dealing with foreign allies, and a talent for adjusting military plans and operations to the status of the national economy. Because of such requirements and their resulting curricular objectives, the West Point course of study cannot be classed as either liberal arts or engineering but has somewhat the character of both.

(c) After he graduates, the officer may do advanced study in civilian universities and he will invariably do advanced study in one or more graduate schools of the Armed Forces. These are of several levels: the branch schools; the Command and General Staff colleges; and, at the highest level, the War colleges (Army, Navy, Air) and the joint colleges (National War College, Industrial College of the Armed Forces). Selected students from all the armed forces attend the joint colleges.

§ 575.16 *Promotion after graduation.* When any cadet of the United States Military Academy (other than foreign cadets) has completed the prescribed course of instruction and meets the required physical standards he may, upon graduation, be promoted and appointed a second lieutenant in the Regular Army or United States Air Force, and whenever any such appointment would result in there being a number of active list commissioned officers in the Regular Army or in the United States Air Force in excess of the authorized active list commissioned officer strength, such strength shall be temporarily increased as necessary to authorize such appointment (sec. 506 (f), Public Law 381, 80th Congress).

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-5640; Filed, May 15, 1951; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 9, Amdt. 2]

CPR 9—TERRITORIES AND POSSESSIONS

EXEMPTION PROVISIONS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Ceiling Price Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

Under section 1 of CPR 9 those commodities which are "specifically exempt under any price regulation or order issued under the authority of the Director of Price Stabilization" are exempted from the provisions of CPR 9. This has resulted in certain territorial sellers substantially increasing their margins of gross profit on commodities so exempted. This amendment changes the exemption provisions of the regulation so as to exempt only those commodities which are specifically exempted by the Defense Production Act of 1950.

The ceiling prices established under CPR 9 are comprised of the direct cost to the seller of a commodity plus a base period dollar-and-cents markup. Therefore, this amendment does not establish a ceiling price on any agricultural commodity below the "legal minimum" requirements of section 402 (d) (3) of the Defense Production Act of 1950.

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; parity prices and the other legal minimum requirements of the Act including prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Ceiling Price Regulation 9 is amended as follows:

1. Section 1 is amended to read as follows:

SECTION 1. *What this regulation does.* The purpose of this regulation is to establish ceiling prices for all commodities (except those specifically exempt under the Defense Production Act of 1950) which are not actually manufactured or produced in the particular territory or possession in which they are sold, upon the basis of the direct cost plus the dollar-and-cents markup in effect during the period from December 19, 1950, to January 25, 1951, inclusive. This period is referred to as the "base period." This regulation supersedes the General Ceiling Price Regulation for all commodities included within this section.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.)

Effective date: This amendment shall become effective on the 21st day of May 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

MAY 15, 1951.

[F. R. Doc. 51-5709; Filed, May 15, 1951; 11:34 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-29, As Amended May 15, 1951]

M-29—DEERSKINS

This order, as amended herein, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, as first issued January 17, 1951, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. In the formulation of this order, as amended herein, however, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

This amended order affects NPA Order M-29, as amended February 19, 1951, as follows: It changes the title to "Deerskins" and deletes all references to horsehide fronts in sections 1, 5, and 6 thereof. It deletes paragraph (d) in section 2 and redesignates paragraphs (e) through (h) of section 2 as paragraph (d) through (g) respectively. It deletes section 3 and redesignates sections 4 through 10 as sections 3 through 9 respectively. In the redesignated section 5, last sentence, the references to section numbers "4" and "5" are changed to "3" and "4" respectively. Such deleted references, paragraph and section are in substance included in NPA Order M-62.

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on tanning or dressing of deerskins.
4. Restrictions on sale and use of deerskin leather.
5. Exception.
6. Applications for adjustment and exception.
7. Records, audit, inspection, and reports.
8. Communications.
9. Violations.

AUTHORITY: Sections 1 to 9 issued under sec. 704 Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951; 16 F. R. 61.

SECTION 1. *What this order does.* This order applies to tanners and dressers of deerskins, and to persons who sell and commercially use leather made from these skins. In view of the fact that deerskins are in extremely short supply, it is essential that the leather produced therefrom be limited insofar as possible to DO rated orders. This order prohibits the dressing or tanning of deerskins except for the purpose of producing military leather if such skins are suitable for the production of military leather. It also forbids any person to sell, deliver, accept delivery of, or use commercially leather made from deerskins for other than DO rated orders if such leather is capable of being used to fill such orders.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Tanner" or "dresser" means a person engaged in the business of tanning, dressing, or similarly processing hides or skins.

(c) "Converter" means a person engaged in the business of causing hides or skins to be tanned or dressed for his account in any tannery not owned or controlled by him.

(d) "Deerskin" means the skin of any domestic or foreign deer, and includes the skin of the elk, moose, and caribou.

(e) "Military leather" means leather meeting any military specifications in force at the time.

(f) "DO rated order" means an order for leather bearing a DO rating pursuant to NPA Reg. 2.

(g) "NPA" means National Production Authority.

SEC. 3. *Restrictions on tanning or dressing of deerskins.* Unless specifically directed by NPA, no tanner or dresser shall put into process, or continue to process, and no converter shall cause to be put into process, any deerskin except for the purpose of processing it into military leather: *Provided, however,* That this restriction shall not apply to any deerskin which is not capable of being processed into military leather.

SEC. 4. *Restrictions on sale and use of deerskin leather.* Unless specifically directed by NPA, no person shall sell, deliver, accept delivery of, or incorporate into any product for commercial purpose, except for DO rated orders, any deerskin leather suitable for military leather.

SEC. 5. *Exceptions.* This order shall not prohibit the completion of the production and delivery of materials or products containing deerskin leather in any form previously ordered and accepted, which by reason of the condition or nature of the materials or products cannot without excessive loss of yield be used in connection with DO rated orders. The restrictions of sections 3 and 4 shall not apply to any deerskin the owner of which causes it to be processed or incorporated into any product for use by him personally or as a gift.

SEC. 6. *Applications for adjustment and exception.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 7. *Records, audit, inspection, and report.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act (5 U.S.C. 139–139F).

SEC. 8. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref. M–29.

SEC. 9. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend his privileges of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect May 15, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–5771; Filed, May 15, 1951; 11:51 a. m.]

[NPA Order M–60]

M–60—MANUFACTURE OF CERTAIN COMPONENTS AND RELATED PRODUCTS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. Consultation with industry representatives in advance of the issuance of this order has been rendered impracticable due to the necessity for immediate action and the fact that the order affects a large number of different trades and industries.

Sec.
1. What this order does.
2. Definitions.
3. Application of this order.
4. DO ratings assigned.
5. Procurement limitation.
6. Relation to other regulations and orders.
7. Certification.
8. NPA assistance in placing rated orders.
9. Records to be kept.
10. Audit and inspection.
11. Reports.
12. Applications for adjustment or exception.
13. Communications.
14. Violations.

AUTHORITY: Sections 1 to 14 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to provide a procedure whereby necessary materials and parts may be obtained for use in the manufacture of certain components and related products so as to provide for increased production thereof during the third quarter of 1951 or until the NPA Controlled Materials Plan shall be effective as to such items. It provides a procedure to be used by producers of such items for the application of DO ratings to obtain materials and parts necessary for the manufacture by them, during the third quarter, of such items in quantities adequate to meet the current and anticipated demand.

SEC. 2. *Definitions.* For the purposes of this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Item" means those components and related products which are included within any Product Class Code Number of list A attached hereto. Items listed in list A shall include all of the products contained under a single Product Code Classification Number as listed in the NPA Official CMP Class B Product List, except as otherwise expressly indicated in said list A.

(c) "Base period" means the 3-month period ending March 31, 1951.

(d) "Controlled Materials Plan" means the procedures now or hereafter established by regulations of the National Production Authority to provide for the quantitative control of the distribution and use of certain materials in short supply.

(e) "Third quarter" means the third calendar quarter of 1951.

(f) "Metal product" as used herein refers to any of the following: (1) Any iron and steel product listed in table I of NPA Order M–1, as amended, hereinafter referred to as an "iron and steel product." (2) Any aluminum form or product listed in section 3 of NPA Order M–7, as amended, hereinafter referred to as an "aluminum product." (3) Any copper form or product listed in section 3 of NPA Order M–12, as amended, hereinafter referred to as a "copper product."

SEC. 3. *Application of this order.* This order applies to any person who manufactures or assembles any product included as an item in list A during the third quarter.

SEC. 4. *DO ratings assigned.* Subject to the limitations contained in section 5, any person who schedules production of any item during the third quarter is hereby assigned the right to use a DO rating digit symbol DO–70 for the procurement of such quantities of materials and parts as are necessary for use in his scheduled production of such item during said period. Effective May 17, 1951, the procurement of materials and parts for use in the production of any item during the third quarter shall be made only pursuant to the DO rating specified above and no person shall otherwise procure any materials or parts for use in the production of any item during such period: *Provided, however,* That (a) no person shall be required to apply or extend said rating to any order already accepted by his supplier, and (b) any person may use any parts and materials already in inventory, and apply or extend said rating to replace such parts and materials, to the extent that his inventory is not, or by receipt of such parts and materials will not then become, in excess of that permitted by applicable orders of the National Production Authority, or by NPA Reg. 1, as amended, whichever applies.

SEC. 5. *Procurement limitation.* Unless otherwise authorized in writing by the National Production Authority, no person shall procure, whether pursuant to this order or otherwise, quantities of metal products and parts made wholly or partly therefrom for use in the production of any item during any month of the third quarter in excess of his average monthly consumption of such metal products by weight and of parts by dollar value during the base period, multiplied by the applicable percentage rate for metal product or metal product content of parts set forth in list A attached hereto. In applying such percentage rates to parts made from more than one type of metal product the lesser of the applicable percentages shall be used. In cases where production of any item during any month of the third quarter is confined exclusively to the filling of rated orders, said procurement limitation may be exceeded to the extent necessary to fill such orders. In cases where said procurement limitation will delay or prevent the filling of rated orders for any item, the producer thereof may request an adjustment or exception under section 12. For the purpose of this section, there shall be included, in computing quantities of metal products and parts procured, the quantities of metal products and parts taken from inventory for use in production during any month of the third quarter, and the quantities of metal products and parts heretofore procured in any manner for use in production in such month.

SEC. 6. *Relation to other regulations and orders.* (a) This order supplements NPA Reg. 2, as amended, which sets forth the basic rules of the priorities system, and the provisions of that regulation govern the use of the DO rating herein assigned, except to the extent that the provisions of this order are inconsistent with that regulation.

(b) The provisions of this order do not authorize the use of any materials where such use is prohibited by any other applicable order of the National Production Authority, but any producer of an item who uses the DO rating herein assigned may use any materials or parts so obtained regardless of the limitations on the rate of use of materials stated in any applicable order of the National Production Authority. However, the provisions of this order will be subject to the provisions of other applicable orders of the National Production Authority which limit the specifications of a product as to material content or which control the distribution of any material, part or product by allocation. Nothing contained herein shall supersede any provision of any NPA CMP Regulation.

SEC. 7. *Certification.* The DO rating assigned in this order shall be applied and certified as provided in section 8 of NPA Reg. 2, except that such certification shall read as follows:

Certified under NPA Reg. 2 and Order M–60.

This certification shall constitute a representation to the supplier and to the National Production Authority that the person making it is authorized under the provisions of this order to use the rating to obtain the materials and parts covered by the order, and that he will use the materials and parts so obtained in the production of items pursuant to the terms of this order.

SEC. 8. *NPA assistance in placing rated orders.* Any person who is unable to place an order rated under the provisions of this order should apply to the National Production Authority, Ref: M–60. The National Production Authority will arrange to assist him in locating sources of supply.

SEC. 9. *Records to be kept.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of originals.

SEC. 10. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 11. *Reports.* Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 12. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for an adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 13. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–60.

SEC. 14. *Violations.* Any person who wilfully violates any provision of this order, or who furnishes false information or conceals any material fact in the course of operation under it, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on May 14, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

LIST A

ITEMS AS DESCRIBED IN OFFICIAL CMP CLASS B PRODUCT LIST

Product Class Code	Product	Percentage of base period rate		
		Iron and steel products	Copper products	Aluminum products
3291	Abrasive products (except abrasive wheels, diamond; metal abrasives)	105	100	95
34240	Files, rasps, and file accessories	105	100	95
34250	Hand saws; saw blades, and saw accessories (except carpenters' saws, hand; compass saws, hand; coping saws, hand; miter saws, hand; pruning saws, hand; saw blades, hand; saw frames, hand; saws teeth, hand; saws, buck, hand; saws, crosscut, hand).	105	100	95
3494	Bolts, nuts and other industrial fasteners	105	100	95
3542541	Gas welding rods	105	100	95
35432	Cutting tools for machine tools and metalworking machinery	105	100	95
35492	Speed reducers, gears, and industrial high speed drives	105	100	95
35993	Mechanical power-transmission equipment, n. e. c.	105	100	95
3594192	Valves and fittings for piping systems, except plumbing	105	100	95
35930	Ball and roller bearings and components	105	100	95
36141	Fractional horsepower motors	105	100	
36172	Arc welding electrodes			

[F. R. Doc. 51-5727; Filed, May 14, 1951; 4:33 p. m.]

[NPA Order M-61]

M-61—MANUFACTURE OF MACHINE TOOLS AND CERTAIN RELATED EQUIPMENT

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. Consultation with industry representatives in advance of the issuance of this order has been rendered impracticable due to the necessity for immediate action and the fact that the order affects a large number of different trades and industries.

Sec.
1. What this order does.
2. Definitions.
3. Application of this order.
4. DO ratings assigned.
5. Procurement limitation.
6. Relation to other regulations and orders.
7. Certification.
8. NPA assistance in placing rated orders.
9. Records to be kept.
10. Audit and inspection.
11. Reports.
12. Applications for adjustment or exception.
13. Communications.
14. Violations.

AUTHORITY: Sections 1 to 14 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to provide a procedure whereby necessary materials and parts may be obtained for use in the manufacture of machine tools and related equipment so as to provide for increased production thereof during the third quarter of 1951 or until the NPA Controlled Materials Plan shall be effective as to such items. It provides a procedure to be used by producers of such items for the application of DO ratings to obtain materials and parts necessary for the manufacture by them, during the third quarter, of such items in quantities adequate to meet the current and anticipated demand.

SEC. 2. *Definitions.* For the purposes of this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Item" means those machine tools and related equipment which are included within any Product Class Code Number of list A attached hereto. Items listed in list A shall include all of the products contained under a single Product Code Classification Number as listed in the NPA Official CMP Class B Product List, except as otherwise expressly indicated in said list A.

(c) "Base period" means the 3-month period ending March 31, 1951.

(d) "Controlled Materials Plan" means the procedures now or hereafter established by regulations of the National Production Authority to provide for the quantitative control of the distribution and use of certain materials in short supply.

(e) "Third quarter" means the third calendar quarter of 1951.

(f) "Metal product" as used herein refers to any of the following: (1) Any iron and steel product listed in table I of NPA Order M-1, as amended, hereinafter referred to as an "iron and steel product." (2) Any aluminum form or product listed in section 3 of NPA Order M-7, as amended, hereinafter referred to as an "aluminum product." (3) Any copper form or product listed in section 3 of NPA Order M-12, as amended, hereinafter referred to as a "copper product".

SEC. 3. *Application of this order.* This order applies to any person who manufactures or assembles any product included as an item in list A during the third quarter.

SEC. 4. *DO ratings assigned.* Subject to the limitations contained in section 5, any person who schedules production of any item during the third quarter is hereby assigned the right to use a DO rating digit symbol DO-75 for the procurement of such quantities of materials and parts as are necessary for use in his scheduled production of such item during said period. Effective May 17, 1951, the procurement of materials and parts for use in the production of any item during the third quarter shall be made only pursuant to the DO rating specified above and no person shall otherwise procure any materials or parts for use in the production of any item during such period: *Provided, however,* That (a) no person shall be required to apply or extend said rating to any order already accepted by his supplier, and (b) any person may use any parts and materials already in inventory, and apply or extend said rating to replace such parts and materials, to the extent that his inventory is not, or by receipt of such parts and materials will not then become, in excess of that permitted by applicable orders of the National Production Authority, or by NPA Reg. 1, as amended, whichever applies.

SEC. 5. *Procurement limitation.* Unless otherwise authorized in writing by the National Production Authority, no person shall procure, whether pursuant to this order or otherwise, quantities of metal products and parts made wholly or partly therefrom for use in the production of any item during any month of the third quarter in excess of his average monthly consumption of such metal products by weight and of parts by dollar value during the base period, multiplied by the applicable percentage rate for metal product or metal product content of parts set forth in list A attached hereto. In applying such percentage rates to parts made from more than one type of metal product the lesser of the applicable percentages shall be used. In cases where production of any item during any month of the third quarter is confined exclusively to the filling of rated orders, said procurement limitation may be exceeded to the extent necessary to fill such orders. In cases where said procurement limitation will delay or prevent the filling of rated orders for any item, the producer thereof may request an adjustment or exception under section 12. For the purpose of this section, there shall be included, in computing quantities of metal products and parts procured, the quantities of metal products and parts taken from inventory for use in production during any month of the third quarter, and the quantities of metal products and parts heretofore procured in any manner for use in production in such month.

SEC. 6. *Relation to other regulations and orders.* (a) This order supplements NPA Reg. 2, as amended, which sets forth the basic rules of the priorities system, and the provisions of that regulation govern the use of the DO rating herein assigned, except to the extent that the provisions of this order are inconsistent with that regulation.

(b) The provisions of this order do not authorize the use of any materials where such use is prohibited by any other applicable order of the National Production Authority, but any producer of an item who uses the DO rating herein assigned may use any materials or parts so obtained regardless of the limitations on the rate of use of materials stated in any applicable order of the National Production Authority. However, the provisions of this order will be subject to the provisions of other applicable orders of the National Production Authority which limit the specifications of a product as to material content or which control the distribution of any material, part, or product by allocation. Nothing contained herein shall supersede any provision of any NPA CMP Regulation.

SEC. 7. *Certification.* The DO rating assigned in this order shall be applied and certified as provided in section 8 of NPA Reg. 2, except that such certification shall read as follows:

Certified under NPA Reg. 2 and Order M-61.

This certification shall constitute a representation to the supplier and to the National Production Authority that the person making it is authorized under the provisions of this order to use the rating to obtain the materials and parts covered by the order, and that he will use the materials and parts so obtained in the production of items pursuant to the terms of this order.

SEC. 8. *NPA assistance in placing rated orders.* Any person who is unable to place an order rated under the provisions of this order should apply to the National Production Authority. Ref: M-61. The National Production Authority will arrange to assist him in locating sources of supply.

SEC. 9. *Records to be kept.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of originals.

SEC. 10. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 11. *Reports.* Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 12. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for an adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 13. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-61.

SEC. 14. *Violations.* Any person who wilfully violates any provision of this order, or who furnishes false information or conceals any material fact in the course of operation under it, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on May 14, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

LIST A

ITEMS AS DESCRIBED IN OFFICIAL CMP CLASS B PRODUCT LIST

Product Class Code	Product	Percentage of base period rate		
		Iron and steel products	Copper products	Aluminum products
35411	Boring and broaching machines	140	130	125
35412	Drilling machines	140	130	125
35413	Gear cutting and finishing machines	140	130	125
35414	Grinding and polishing machines	140	130	125
35415	Lathes	140	130	125
35416	Milling machines	140	130	125
35417	Other machine tools, except home workshop	140	130	125
35421	Rolling mill machinery and equipment	140	130	125
35422	Metalworking presses, except forging	140	130	125
35426	Metalworking machinery, n. e. c.	140	130	125
35431	Jigs, fixtures, punches, dies, die sets, and subpresses	140	130	125
35433	Precision measuring tools (including production gages)	140	130	125
35434	Metalworking accessories, n. e. c.	115	110	105
35592	Foundry machinery and equipment	100	95	90
3501191	Industrial pumps	105	100	95
35513	Compressors	100	95	90
35540	Industrial fans and blowers	110	105	100
35671	Electric industrial furnaces and ovens	110	105	100
35672	Fuel-fired industrial furnaces and ovens	110	105	100
35673	Industrial furnace and oven parts and attachments	110	105	100
35854	Compressors and compressor units, refrigeration and air-conditioning	110	105	100
35855	Condensing units, refrigeration and air-conditioning	110	105	100
35856	Refrigeration and air-conditioning equipment, n. e. c. (except air conditioners, packaged, room)	110	105	100
35940	Industrial patterns and molds	115	110	105
3613392	Electrical measuring instruments, n. e. c.	110	105	100
3614291	Integral horsepower motors and generators, under 2,000 kw	110	105	100
36144	Motor-generator sets and other rotating equipment	110	105	100
36162	Industrial electrical control equipment, except railroad and automotive	115	110	105
36173	Resistance welders, components and electrodes	105	100	95
36191	High frequency induction and dielectric heating apparatus	105	100	95

[F. R. Doc. 51-5728; Filed, May 14, 1951; 4:33 p. m.]

[NPA Order M-62]

M-62—HORSEHIDES, HORSEHIDE PARTS, GOATSKINS, CABRETTAS, SHEEPSKINS, SHEARLINGS, AND KANGAROO SKINS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, only with respect to the provisions formerly in NPA Order M-29, and consideration has been given to their recommendations, but in the formulation of the remaining provisions of this order consultation with industry has been rendered impracticable due to the necessity for immediate action.

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on tanning horsehide fronts.
4. Restrictions on sale and use of horsehide front leather.
5. Limitations on processing of hides and skins.
6. Exemption.
7. Reports.
8. Records.
9. Audit and inspection.
10. Applications for adjustment or exception.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to conserve and

to provide for an equitable distribution, through the normal channels of distribution, of the hides and skins affected hereby so as best to serve the interests of national defense. This order prohibits the tanning of horsehide fronts which are suitable for the production of military leather, except for the purpose of producing military leather. It also forbids the sale, delivery, acceptance of delivery, or commercial use by any person of leather made from horsehide fronts except for the purpose of filling DO rated orders, if such leather is capable of being used to fill such orders. The foregoing provisions respecting horsehide fronts have been transposed without substantive change from NPA Order M–29, as amended February 19, 1951. In addition, this order limits the number of horsehides, horsehide parts, goatskins (including kidskins), cabrettas, sheepskins (including lambskins), shearlings, and kangaroo skins which a tanner may put into process or a contractor may cause to be put into process. While percentage limitations are established for the period from May 1, 1951, to June 30, 1951, only, it is the present intention of NPA to establish percentage limitations for subsequent periods. This order also calls for reports on the number of hides and skins subject to such percentage limitations, which were put into the tanning process during the calendar year 1950

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes agencies of the United States or any other government.

(b) "Tanner" means: (1) For purposes of section 3 of this order, a person engaged in the business of tanning, dressing, or similarly processing any number of horsehide fronts. (2) For purposes of sections 5 and 7 of this order, a person engaged in the business of tanning, dressing, or similarly processing hides or skins who, during the 12-month period commencing January 1, 1950, put into process 12,000 or more goatskins or sheepskins, or 1,200 or more horsehides, horsehide fronts, horsehide butts, horsehide shanks, cabrettas, shearlings, or kangaroo skins, or who, in any calendar month after the effective date of this order, puts into process any such hides or skins in quantities equal to one-twelfth or more of the amounts specified in this paragraph with respect to each type of hide or skin.

(c) "Contractor" means: (1) For purposes of section 3 of this order, a person engaged in the business of causing any number of horsehide fronts to be tanned, dressed, or similarly processed, for his account in any tannery not owned or controlled by him. (2) For purposes of sections 5 and 7 of this order, a person engaged in the business of causing hides and skins to be tanned, dressed, or similarly processed, for his account in any tannery not owned or controlled by him, who, during the 12-month period commencing January 1, 1950, caused to be put into process for his account 12,000 or more goatskins or sheepskins, or 1,200 or more horsehides, horsehide fronts, horsehide butts, horsehide shanks, cabrettas, shearlings, or kangaroo skins, or who, in any calendar month after the effective date of this order, causes to be put into process for his account any such hides or skins in quantities equal to one-twelfth or more of the amounts specified in this paragraph with respect to each type of hide or skin.

(d) "Horsehide" means the hide or skin of a horse, colt, mule, ass, donkey, or pony, except dry pony hides to be processed for furs.

(e) "Horsehide front" means the forepart of the hide or skin of a horse, colt, mule, ass, donkey, or pony commercially known in the trade as a "front", whether or not still attached to other parts of the hide or skin.

(f) "Horsehide butts" and "horsehide shanks" mean those parts of a horse commercially so known, whether or not still attached to other parts of the horsehide.

(g) "Goatskin" means the skin of a goat or kid in the raw or in the pickle, except when processed for fur purposes.

(h) "Cabretta" means the skin of a hair sheep in the raw or in the pickle.

(i) "Sheepskin" means the skin of a wool sheep or wool lamb, in the raw or in the pickle, and includes slats.

(j) "Slat" means a sheepskin imported into the continental United States in the dried, untanned condition, which has no wool or hair, or which has wool or hair less than one-fourth of an inch in length, such wool or hair lacking any commercial value.

(k) "Shearling" means any sheepskin which has been sheared shortly before slaughter, on which the wool remains, and which is to be used for leather or for fur purposes (including mouton).

(l) "Kangaroo skin" means the skin of an Australian or Tasmanian kangaroo or wallaby in the hair or in the pickle, except when processed for fur purposes.

(m) "Put into process" means: (1) In the case of raw skins or hides, the first step in the conversion of such skins or hides into leather at a tannery or in the conversion of mouton into fur. (2) In the case of semi-tanned skins, the first step in the conversion of such skins into leather. (3) In the case of pickled skins, the first step beyond the pickle in the conversion of such skins into leather.

(n) "Raw skins or hides" means skins or hides from which the hair or wool has not been removed.

(o) "Semi-tanned skins" means skins that have been imported in a tanned but not a finished condition, including skins imported "in the rough", "in the crust", "in the white", "in the blue", or "in the pearl".

(p) "Pickled skins" means skins from which the hair or wool has been removed and which have been pickled in a salt or other solution for preservation prior to tanning.

(q) "Military leather" means leather meeting any military specifications in force at the time.

(r) "Base period" means the 12-month period ending December 31, 1950.

(s) "NPA" means National Production Authority.

SEC. 3. *Restrictions on tanning horsehide fronts.* Unless specifically directed by NPA, no tanner shall put into process or continue to process, and no contractor shall cause to be put into process, any horsehide front except for the purpose of processing it into military leather: *Provided, however,* That this restriction shall not apply to any horsehide front which is not capable of being processed into military leather.

SEC. 4. *Restrictions on sale and use of horsehide front leather.* Unless specifically directed by NPA, no person shall sell, deliver, accept delivery of, or incorporate into any product for commercial purposes, except for DO rated orders, any horsehide front leather suitable for military leather.

SEC. 5. *Limitations on processing of hides and skins.* (a) Unless specifically directed by NPA no tanner shall put into process and no contractor shall cause to be put into process during the period from May 1, 1951, to June 30, 1951, a total number of any of the following types of hides, parts, or skins in excess of 200 percent of the monthly average number of each such type put into process by him, or for his account, during the base period:

Horsehides	Cabrettas
Horsehide fronts	Sheepskins
Horsehide butts	Shearlings
Horsehide shanks	Kangaroo skins
Goatskins	

In the case of each type of skin listed above, the ratio of raw, semi-tanned, and pickled skins, respectively, to the total number of skins of such type so put into process, shall be the same as the ratio of raw, semi-tanned, and pickled skins, respectively, to the total number of skins of such type put into process during the base period.

(b) Raw skins shall not be processed beyond the pickle stage, whether or not they are actually processed through the pickle stage, except in the same proportion as they were so processed during the base period.

SEC. 6. *Exemption.* The provisions of paragraph (a) of section 5 of this order shall not apply to the operations of a wool puller.

SEC. 7. *Reports.* (a) Every tanner and contractor must report the number of goatskins, horsehides, horsehide fronts, horsehide butts, horsehide shanks, cabrettas, sheepskins, shearlings, or kangaroo skins put into process by him or for his account, as the case may be, during the calendar year 1950, by completing and filing with NPA report Form NPAF–73 on or before the 10th day of June 1951.

(b) Every contractor shall report to NPA each month on Form NPAF–72 his wettings and raw stock, and every tanner shall report to NPA each month on such form, his wettings and raw stock, if any, and his leather production, for each calendar month commencing with the month of May 1951, as well as such other information as may be called for by such form. Such form shall be filed with NPA on or before June 10, 1951, and on or before the 10th day of each month thereafter.

(c) Persons subject to this order shall make such records and submit such other reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 8. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be maintained in the form of microfilm or other photographic copies instead of the originals.

SEC. 9. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 10. *Applications for adjustment or exception.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that his business operation was commenced during the base period or prior to the effective date of this order, or because any such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing, shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 11. *Communications.* All communications or reports concerning this order shall be addressed to the National Production Authority, Washington 25, D. C. Ref: M–62.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the NPA, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on May 15, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–5772; Filed, May 15, 1951; 11:51 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 208—FLOOD CONTROL REGULATIONS

MARSHALL FORD DAM AND RESERVOIR, COLORADO RIVER, TEXAS

Pursuant to the provisions of section 7 of the act of Congress approved December 22, 1944 (58 Stat. 890; 33 U. S. C. 709), the following regulations are hereby prescribed to govern the use of flood-control storage in the Marshall Ford Reservoir on the Colorado River, Texas, and the operation of the Marshall Ford Dam for flood-control purposes. The reservoir storage above elevation 681.0 feet m. s. l. is expressly reserved primarily for flood-control purposes and regulations for the use of this storage are provided herein.

§ 208.19 *Marshall Ford Dam and Reservoir, Colorado River, Texas.* The Secretary of the Interior through his agent, the Lower Colorado River Authority (hereinafter referred to as the Authority), charged with the operation of the Marshall Ford Dam, shall operate the dam and reservoir in the interest of flood control as follows:

(a) At all times reservoir releases shall be coordinated with downstream conditions so that the flow of the Colorado River at Columbus, Texas, does not exceed 50,000 cubic feet per second (equivalent to a stage of 21.0 feet on the official U. S. Geological Survey gage designated as Colorado River at Columbus, Texas) by virtue of controlled releases from the reservoir, except that no curtailment of normal power plant releases shall result thereby at any time.

(b) During periods when the reservoir level is above elevation 681 the minimum total release from the reservoir shall be at a rate of 5,000 cubic feet per second, or, subject to downstream conditions, at such greater rate as necessary, on a basis of known storage and estimated inflow, to provide for release of water stored between elevations 681 and 691 within 30 days.

(c) Regardless of reservoir levels, if forecasts indicate that the estimated inflow will result in the reservoir level rising above elevation 691, total release shall be increased, subject to downstream conditions, to the rate necessary to prevent the reservoir level from exceeding elevation 691, if possible, except that if the reservoir level is below elevation 681 drawdown below the initial level shall not be required and that such release shall not lower the reservoir level below elevation 681 at the close of the flood control operations.

(d) If excessive inflow unavoidably results in the reservoir level rising above elevation 691, the combined controlled and uncontrolled releases from the reservoir shall be made at the maximum rate possible without exceeding a discharge of 50,000 cubic feet per second in the Colorado River at Columbus, Texas, by virtue of controlled releases from the reservoir, until the reservoir level falls to elevation 691, except that no curtailment of normal power plant releases shall result thereby.

(e) Releases made in accordance with the regulations of this section are subject to the condition that releases shall not be made at rates or in a manner that would be inconsistent with requirements for protecting the dam and reservoir from major damage. Should the reservoir level exceed elevation 722 due to excessive rates of inflow, the Authority may utilize the capacity of the flood control outlets in increasing the rate of discharge to the extent considered necessary for protecting the dam and appurtenances from major damage.

(f) The Authority shall furnish the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, daily, on forms provided for this purpose, a report showing the elevation of the reservoir pool; uncontrolled spillway, flood-control conduit, and power releases; storage; reservoir inflow; and precipitation in inches and discharge in cubic feet per second, as shown by the pertinent gages in the Colorado River Basin.

(g) Whenever the reservoir level reaches elevation 681.0 at the Marshall Ford Dam and flood releases are necessary or appear imminent, the Authority shall report at once to the District Engineer, Corps of Engineers, Department of the Army, in charge of the Locality, by telephone, telegraph or radio, and unless otherwise instructed, once daily thereafter until the reservoir level falls to elevation 681.0. These daily reports shall reach the District Engineer by 9:00 a. m. each day.

(h) The regulation of this section for the operation of the flood control facilities at the Marshall Ford Dam and Reservoir are subject to temporary modification in time of flood by the District Engineer if found desirable on a basis of conditions at the time.

[Regs. April 12, 1951—ENGWE] (58 Stat. 890; 33 U. S. C. 709)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51–5639; Filed, May 15, 1951; 8:48 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

Subchapter A—General Provisions

PART 1—AVAILABILITY OF RECORDS AND INFORMATION

The table of contents and the provisions of this part are hereby revised to read as follows:

Sec.
1.101 Public inspection of official records.
1.102 Clinical information; disclosure.
1.103 Nonclinical information; disclosure.
1.104 Disclosure upon court or other official order.
1.105 Disclosure to officers and employees of the Service.
1.106 Limitations on release of records.
1.107 Relation to other provisions of law.
1.108 Response to subpoena or other compulsory process.

AUTHORITY: §§ 1.101 to 1.108 issued under sec. 215, 58 Stat. 690; 42 U. S. C. 216.

§ 1.101 *Public inspection of official records.* Except as is otherwise provided in this part, the official records of the Public Health Service are available upon request for inspection by persons properly and directly concerned. Requests for permission to inspect official records of the Service are required to be addressed to the Surgeon General of the Public Health Service, Washington 25, D. C., unless otherwise directed in published organizational, procedural, or regulatory statements pertaining to specific records or classes of records. Such requests shall set forth the interest of the applicant in the subject matter of the records sought to be inspected.

§ 1.102 *Clinical information; disclosure.* (a) For the purposes of this section—

(1) "Patient" shall mean any person who is receiving or has received medical care or treatment or an examination at facilities of the Public Health Service or at other facilities by, or under the direction of, personnel of the Service or at its expense.

(2) "Clinical information" shall mean any information received by personnel of the Service from patients or regarding patients and related to their examination, care, or treatment.

(b) Clinical information in the records or in the possession of the Service is confidential and shall be disclosed only as necessary for the performance of the functions of the Service, or as follows:

(1) Upon a reasonable showing of the need therefor, the officer in charge of a hospital, station or other facility of the Service may authorize disclosure to a patient or a person designated by a patient (or, in the case of a deceased patient, to his next of kin or an authorized representative of his estate) of such clinical information as such officer determines to be medically appropriate for disclosure. The information shall not be disclosed to a person other than the patient except on the condition that it shall not be further disclosed for any purpose other than that for which it was shown to be needed. If the patient's examination, treatment or care was requested or arranged for by a governmental agency, the information shall not in any event be disclosed without the consent of that agency.

(2) Any governmental agency which, in accordance with applicable statutes, has requested or arranged for the examination, treatment, or care of a patient by the Service may upon request be furnished clinical information regarding such examination, treatment, or care.

(3) At the direction of the Surgeon General or his designee, clinical information may be furnished State or other public health agencies engaged in collecting data regarding disease.

(4) Nothing in this section shall preclude the officer in charge of any facility of the Service from disclosing (i) information as to the presence of a patient in the facility, or as to his general condition and progress, or (ii) such information regarding the commission of crimes or the occurrence of communicable disease as may be required to be disclosed by hospitals generally by the law of the State in which the facility is located.

§ 1.103 *Nonclinical information; disclosure.* (a) Information in the records or possession of the Service obtained by the Service under an assurance of confidentiality which the Surgeon General or his authorized representative determines to be necessary for the purpose of any research, survey, investigation, or collection of statistical data may be disclosed only with the consent of the person, association, or agency to which such assurance was given, or whenever the Surgeon General specifically determines disclosure to be necessary (1) to prevent an epidemic or other grave danger to the public health or (2) to oppose any legal action related to the activities of the Service and brought against the United States or any of its officers or employees.

(b) Information in the records or in the possession of the Service concerning (1) the discussions of any councils or other bodies advisory to the Service or to the Surgeon General, or of any committees or panels of such councils or bodies, (2) reports made by such committees or panels to such councils or bodies, and (3) action taken or opinions expressed by individual members of such councils, bodies, committees or panels shall not be disclosed except as may be authorized by the Surgeon General with the assent of the council or advisory body involved. In addition, if the council or other advisory body so recommends, disclosure of its final conclusions on any subject considered by it may be prohibited by the Surgeon General.

(c) The following types of information in the records or possession of the Service are confidential and, subject to the provisions of paragraphs (a) and (b) of this section, shall be disclosed only as necessary for the performance of the functions of the Service, or as follows:

(1) Information concerning individuals, business enterprises, or public or private agencies obtained by the Service in connection with communicable disease control, water pollution control, licensing of biological products or the manufacture of such products, or with other regulatory functions of the Service may be disclosed to Federal, State or local authorities carrying on related governmental functions to the extent necessary to carry out such related functions.

(2) Information and data obtained and tentative and final conclusions reached in course of or in connection with the conduct of research projects, surveys and investigations may be disclosed at such times and to such extent as the Surgeon General or his designee may determine to be in the public interest.

(3) Information obtained in connection with applications for employment, fellowships, traineeships or commissions or for research or other grants and information obtained for similar purposes may be disclosed upon consent of the person concerned.

§ 1.104 *Disclosure upon court or other official order.* Notwithstanding any other provision of this part, information in the records or in the possession of the Service, except information described in paragraphs (a) and (b) of § 1.103 and information the disclosure of which the Surgeon General determines would impair national security, shall be disclosed upon the order of a judge of a court of competent jurisdiction or of a responsible officer of any agency or body having power to compel appearances before it. *Provided, however,* That (a) clinical information shall be disclosed only in accord with applicable local law regarding the confidentiality of communications to physicians as expressly determined by the court, agency or body, and (b) in the case of an order requiring production of records other than to the court, agency or body involved, the Surgeon General or his designee may determine, in the light of the need to assure the integrity and safety of the records or the efficient administration of the Service, that the records shall be made available for examination or copying at such place as may be designated by him.

§ 1.105 *Disclosure to officers and employees of the Service.* No provision of this part shall be deemed to forbid any officer or employee of the Service to disclose any information to any other officer or employee of the Service in the course of official business.

§ 1.106 *Limitations on release of records.* Records of the Service containing information described or referred to in § 1.102 or § 1.103 shall not be released to or deposited with anyone not an authorized officer or employee of the Service except insofar as may be temporarily necessary for purposes of examination or copying.

§ 1.107 *Relation to other provisions of law.* The provisions of this part are in addition to other applicable provisions of law or regulation and shall not be deemed to authorize or compel disclosure of information inconsistently with such other provisions.

§ 1.108 *Response to subpoena or other compulsory process.* If any officer or employee of the Service is sought to be required, by subpoena or other compulsory process, to produce records of the Service or to disclose any information described in § 1.102 or § 1.103, he shall respond, call attention to the provisions of this part, and respectfully decline to produce records or disclose information inconsistently with such provisions.

Effective date. The foregoing amendment shall be effective 30 days after publication in the FEDERAL REGISTER.

Dated: May 7, 1951.

[SEAL] W. P. DEARING,
Acting Surgeon General.

Approved: May 10, 1951.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 51-5599; Filed, May 15, 1951; 8:46 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter II—Bureau of Public Assistance, Social Security Administration, Federal Security Agency

PART 201—ASSISTANCE TO STATES

Part 201 is hereby amended to read as follows:

SUBPART A—APPROVAL OF STATE PLANS FOR PUBLIC ASSISTANCE AND CERTIFICATION OF GRANTS

Sec.
201.1 General.
201.2 Approval of State plans and amendments.
201.3 Grants.
201.4 Withholding certification.

SUBPART B—REVIEW AND AUDITS

201.5 Continuing review of State and local administration.
201.6 Public assistance fiscal audits.

AUTHORITY: §§ 201.1 to 201.6 issued under Titles I, IV, X, 49 Stat. 620, 627, 645, as amended, Title XIV, Pub. Law 734, 81st Cong; 42 U. S. C. 301-306, 601-606, 1201-1206.

SUBPART A—APPROVAL OF STATE PLANS FOR PUBLIC ASSISTANCE AND CERTIFICATION OF GRANTS

§ 201.1 *General.* The State plan is a comprehensive statement prepared by the State public assistance agency describing all pertinent aspects of its operations necessary for the Social Security Administration to reach a determination as to conformity with the specific requirements stipulated in the Social Security Act. The State plan sets forth the basic State laws enabling and limiting the administration of public assistance; a description of the agency's organization and functions; its rules and regulations governing personnel administration; policies, instructions, and interpretations with regard to eligibility conditions and methods of determining the amount of assistance; fiscal operations and procedures; and reporting and research activities. Detailed instructions and suggestions for the content and submission of the documents comprising the State public assistance plan are contained in form PA-502, "Guide for Submitting Basic Material Pertaining to State Public Assistance Plans."

§ 201.2 *Approval of State plans and amendments.* The set of documents setting forth the State's plan may be submitted as one plan covering the four types of assistance where the programs have a common basis of administration, or a separate plan covering any one of the four assistance programs. After initial approval by the Commissioner, all relevant changes such as new statutes, rules, regulations, interpretations, and court decisions are required to be submitted currently so that the Commissioner may determine the status of State plans for purposes of certification of grants from time to time.

(a) *Submission.* The State public assistance plan and revised plan material is submitted to the Bureau through the regional office. The States are encouraged to obtain consultation of the regional staff if the plan is in process of preparation or revision.

(b) *Review.* The regional public assistance representatives are responsible for review of State plans, and they also initiate discussion with the State agency on clarification of significant aspects of the plan which come to their attention in the course of this review. State plan material on which the regional staff has questions concerning the application of Federal policy is referred with recommendations as required to the Washington office for decision. Comments and suggestions, including those of consultants in specialized areas of public assistance administration, may be prepared by the departmental office for use by the regional representatives in negotiations with the State agency.

(c) *Approval.* The Bureau of Public Assistance is delegated the authority of initial approval of the State plans or State laws as provided in Titles I, IV, X, and XIV of the Social Security Act. Final authority has been reserved by the Commissioner. The Bureau advises the State public assistance agency of the approval of State plans or revisions, or the need for clarifying information.

§ 201.3 *Grants.* To States with approved plans, grants are made each quarter for assistance and administration. The determination as to the amount of a grant to be made to a State public assistance agency is based upon three documents which contain the information required under the Social Security Act.

(a) *Form and manner of submission*—(1) *Time and place.* The estimates for public assistance grants for each quarterly period together with the State Fiscal Officer's certificate of available funds, are forwarded to the regional office 45 days prior to the period of the estimate. The State Fiscal Officer's certificates of available State funds usually submitted with the grant estimates may be submitted to cover a quarterly, semiannual, or annual period. The quarterly expenditures statement and any necessary supporting schedules are forwarded to the regional office within 20 days after the end of the quarter. Ordinarily, estimates for public assistance grants are submitted quarterly to the regional offices. However, States are permitted upon agreement with the Bureau of Public Assistance to submit estimates for grants at annual or semiannual rather than quarterly intervals.

(2) *Description of forms.* (i) "Report of Estimated Expenditures and Funds to be Available," PA-101, PA-102, PA-103, or PA-145 for old-age assistance, aid to dependent children, aid to the blind, and aid to the permanently and totally disabled, respectively, represents the State agency's estimate of the number of recipients to receive aid during each of the three months of the quarter. The forms also contain the estimated average assistance payment per recipient, and the estimated expenditures for assistance and administration, from which are computed the total funds to be advanced during the quarter. Estimated expenditures that exceed the Federal matching maxima for payments to individuals are not to be included in computing the Federal grant and are deducted from the total estimate. In addition, the report of the estimated expenditures indicates the amount of State and local funds appropriated and available for public assistance during the pertinent quarter.

(ii) In addition, the State agency must submit a certificate of the State Treasurer or other fiscal officer having custody or control of the State assistance funds, as to the amount of State funds (exclusive of any balance of assistance received from the Federal government) actually on hand and available for expenditure. If the amount of State funds, or State and local funds if localities participate in the program, shown as available for expenditures, is not sufficient to cover the State's proportionate share of the amount estimated to be expended, the certificate of the Fiscal Officer should contain a statement showing the source from which the amount of the deficiency is expected to be derived and the time when this amount is expected to be made available.

(iii) The third document submitted by the States is the quarterly statement of expenditures for each of the categories. This is an accounting statement of the disposition of the Federal funds granted for past periods, and reflects the adjustments necessary because the State's estimate for any prior quarter was greater or less than the amount which the State expended. The statement of expenditure also shows the share of the Federal government in any recovery of assistance from recipients and also expenditures not properly subject to Federal financial participation which are acknowledged by the State agency or have been revealed in the course of the fiscal audit.

(b) *Review.* The State's estimates are analyzed by the regional office staff and are forwarded with recommendations as required to the central office.

(c) *Estimate of amount due and certification.* Upon consideration and approval of the grant request, the Commissioner for Social Security estimates the amount to be paid to the States and certifies it to the Secretary of the Treasury for the ensuing quarter. Payment to the State is made by the

Secretary of the Treasury at the beginning of each month of the quarter.

§ 201.4 *Withholding certification*—(a) *When withheld.* Certification of grants to States are withheld, after reasonable notice and opportunity for hearing, in the following circumstances:

(1) When the State has changed the plan so as to impose any requirement prohibited in the Social Security Act, or when in the administration of the plan any such prohibited requirement is imposed, with the knowledge of the State agency, in a substantial number of cases; or

(2) If in the administration of the plan there is a failure to comply substantially with any provision required by the act to be included in the plan.

(b) *Informal discussions.* Such hearings are generally not called, however, until after reasonable effort has been made by regional and central office representatives to resolve the questions involved by conference and discussion with State officials. Formal notification of the date and place of hearing does not foreclose further negotiations with State officials.

(c) *Hearings.* Hearings are held in accordance with the provisions of sections 4, 404, 1004, and 1404 of the Social Security Act. The requirements of sections 5 to 8 of the Administrative Procedure Act are observed in conducting the hearings.

(d) *Notice of non-certification.* If after such hearing it is found that funds should be withheld, the State agency is notified that further payment will not be made to the State until it is shown that such prohibited requirement is no longer imposed and that there is no longer any such failure to comply. Until then, further certification to the Secretary of the Treasury is not made with respect to such State plan. (Sections 4, 404, 1004, and 1404 of the Social Security Act.)

SUBPART B—REVIEW AND AUDITS

§ 201.5 *Continuing review of State and local administration.* (a) In order to provide a basis for determining that State welfare departments are adhering to Federal requirements and to the substantive legal and administrative provisions of their approved plans, the Bureau of Public Assistance conducts a continuing review of State and local administration.

(b) The administrative review includes analysis of procedures and policies of State and local agencies and review of records of individual recipients. A sample of case records is read, and schedules are filled out for various types of cases, such as for approved applications, for cases active a year or more, and for rejected applications. If the review reveals cases in which there appears to have been an improper claim for Federal funds, the State agency is given an opportunity to provide information to substantiate the payment, or to make an adjustment on its expenditure report.

§ 201.6 *Public assistance fiscal audits.* (a) Semiannually, or at other times as necessary, the State public assistance agency claims for Federal funds are audited by the Division of State Grant-in-Aid Audits of the Office of Federal-State Relations of the Federal Security Agency to determine that the agency has properly reported its accountability for grants of Federal funds for public assistance; the amounts granted for Federal funds for assistance payments where actually disbursed to individuals who had been determined by the agency to be entitled to public assistance under the appropriate category; administrative expenditures claimed for Federal financial participation are proper under the Federal act and State plan including State laws and regulations; amounts expended and used as the basis for claiming Federal funds under Titles I, IV, X, and XIV were not derived from other Federal sources or were not used as a basis for other Federal matching; and the share of the Federal government in any recovery was accurately and promptly adjusted with, or limited to, the Federal government.

(b) If the audit results in no exceptions, the public assistance agency is advised by letter of this result. The general course for the disposition of exceptions resulting from audits involves the submittal of details of these exceptions to the State public assistance agency which then has an opportunity to concur in the exceptions or to assemble and submit additional facts for purposes of clearance. Provision is made for the State agency to appeal audit exceptions in which it has not concurred and which have not been deleted on the basis of clearance material. After consideration of a State agency appeal, the Commissioner advises the State agency of any expenditures in which the Federal government may not participate and requests it to include the amount as adjustments in a subsequent statement of expenditures. Expenditures in which it is found the Federal government may not participate and which are not properly adjusted through the State's claim will be deducted from subsequent estimates made by the State agency.

Dated: May 11, 1951.

[SEAL] A. J. ALTMEYER,
Commissioner for Social Security.

Approved: May 11, 1951.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 51-5677; Filed, May 15, 1951; 8:52 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 51-18]

ALLOTMENTS OF SEAMEN

The purpose of the following amendments is to effect editorial changes in the regulations and to revise the requirements to agree with Public Law 860, 81st Congress, 2d Session, approved September 29, 1950. The regulations in Part 132, regarding allotments of seamen, are transferred to Part 15 and the sections reprinted so that the requirements will be easy to identify. The following tables indicate the relationship between the old and new section numbers:

COMPARISON OF OLD SECTION NUMBERS WITH NEW SECTION NUMBERS

Old section Nos.	New section Nos.
132.1	15.01-1
132.2	15.01-5
132.3	15.05-1
132.4	15.10-1
132.5	15.10-5
132.6	15.05-10
132.8	15.05-5
132.9	15.15-1
132.10	15.15-5
132.11	15.15-10
132.12	15.05-15

COMPARISON OF NEW SECTION NUMBERS WITH OLD SECTION NUMBERS

New section Nos.	Old section Nos.
15.01-1	132.1
15.01-5	132.2
15.05-1	132.3
15.05-5	132.8
15.05-10	132.6
15.05-15	132.12
15.10-1	132.4
15.10-5	132.5
15.15-1	132.9
15.15-5	132.10
15.15-10	132.11

In accordance with the Administrative Procedure Act (5 U. S. C. 1003) notice of proposed rule making, public procedure thereon, and publication thirty days prior to its effective date are found impracticable and contrary to the public interest because the amendments are to revise the regulations to agree with Public Law 860, transfer regulations from one part to another to provide a better presentation of requirements, and to clarify certain requirements applicable to the public. Since Public Law 860 broadens the statutory requirements covering allotments of seamen, the changes in the regulations are relaxations from previous requirements.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statute cited with the regulations below, the following amendments to the regulations are prescribed and shall become effective on and after the date of publication of this document in the FEDERAL REGISTER:

Subchapter B—Merchant Marine Officers and Seamen

PART 15—ALLOTMENTS OF SEAMEN

Chapter I, Subchapter B, is amended by adding a new Part 15, reading as follows:

SUBPART 15.01—GENERAL

Sec.
15.01-1 Persons by and to whom allotments may be made.
15.01-5 Seaman may make more than one allotment.

SUBPART 15.05—PROCEDURES COVERING ALLOTMENTS

15.05-1 Allotments to be in writing.
15.05-5 Execution of allotments.
15.05-10 Effective date of allotment.
15.05-15 Cancellation of allotment.

SUBPART 15.10—COMPUTING ALLOTMENTS

Sec.
15.10-1 Wages upon which allotments may be based.
15.10-5 Limitation on amount of allotment.

SUBPART 15.15—PAYMENT AND ACCOUNTING REQUIRED

15.15-1 Time of payment of allotments.
15.15-5 Payment of allotments.
15.15-10 Accounting for payment.

AUTHORITY: §§ 15.01-1 to 15.15-10 issued under 23 Stat. 55, as amended; 46 U. S. C. 599.

SUBPART 15.01—GENERAL

§ 15.01-1 *Persons by and to whom allotments may be made.* (a) Any seaman employed on any vessel (except seamen employed on fishing or whaling vessels or yachts), may stipulate in his shipping agreement for an allotment of a portion of the wages for which he is signed on (see § 15.10-5) to his grandparents, parents, wife, sister, or children; to an agency duly designated by the Secretary of the Treasury for the handling of applications for United States Savings Bonds, for the purpose of purchasing such bonds for the seaman; or for deposits to be made in an account for savings or investment opened by him and maintained in his name, either at a savings bank or a United States Postal Savings Depository, or a savings institution in which such accounts are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(b) Allotments for the purchase of United States Savings Bonds shall be in an amount corresponding exactly to the issue price of such bonds. The bank or other issuing agency will forward the bonds by mail to the address designated by the seaman, but only within the United States, its territories and insular possessions and the Canal Zone.

(c) The term "savings bank" includes any bank, savings bank, or trust company wherein a savings department is maintained; or any Federal Credit Union organized in accordance with the provisions of the Federal Credit Union Act (48 Stat. 1216, 12 U. S. C. 1751-1771); or any credit union organized under substantially similar laws of any State or the District of Columbia, which is approved by the Commandant of the Coast Guard.

(d) No allotments may be drawn in favor of a joint tenant in a savings account unless such joint tenant is a grandparent, parent, wife, sister, or child of the seaman making the allotment.

(e) Before allotments to savings institutions other than savings banks, as defined in paragraph (c) of this section may be accepted, the seaman shall present satisfactory evidence that the accounts in the particular institution are insured by either the Federal Deposit Insurance Corporation or the Federal Savings and Loan Association.

(f) Allotments by masters of vessels are not authorized and should not be approved.

§ 15.01-5 *Seaman may make more than one allotment.* Any seaman may stipulate in his articles of agreement for the payment of allotments to any or all of the persons or organizations enumerated in § 15.01-1: *Provided,* That the total amount of such allotments does not exceed the maximum amount permitted under § 15.10-5.

SUBPART 15.05—PROCEDURES COVERING ALLOTMENTS

§ 15.05-1 *Allotments to be in writing.* All allotments executed by any seaman shall be in writing in triplicate on Form CG 722 and shall be approved by a shipping commissioner or deputy shipping commissioner, or collector or deputy collector of customs at ports where no shipping commissioner has been appointed, or consular officer of the United States.

§ 15.05-5 *Execution of allotments.* All allotments shall be executed in triplicate on Form CG 722 by the seaman making the same and after the allotments are approved shall be distributed by the shipping commissioner, deputy shipping commissioner, collector of customs, deputy collector of customs, or consular officer in the following manner:

(a) The original shall be sent to the seaman's employer.

(b) The duplicate shall be sent to the person or bank or institution in whose favor the allotment is drawn; and

(c) The triplicate shall be retained in the file of the official who approves the allotment.

§ 15.05-10 *Effective date of allotment.* All allotments shall be effective as of the date when the wages of the seamen commence on the articles of agreement.

§ 15.05-15 *Cancellation of allotment.* Whenever a seaman, before the expiration of the allotment period, severs his contractual relationship with the vessel upon which he was employed, the master of such vessel should notify the employer of the seaman, by the quickest means of communication available, of this fact. Upon the receipt of such information, the employer should notify the person in whose favor the allotment is drawn.

SUBPART 15.10—COMPUTING ALLOTMENTS

§ 15.10-1 *Wages upon which allotments may be based.* Allotments may be made by seamen only upon the amount of the wages for which they are signed on.

§ 15.10-5 *Limitation on amount of allotment.* No allotment which calls for the payment of more than 90 percent of the wages upon which an allotment may be based (see § 15.10-1), after allowing for a deduction to cover the Federal withholding tax, shall be approved.

SUBPART 15.15—PAYMENT AND ACCOUNTING REQUIRED

§ 15.15-1 *Time of payment of allotments.* Allotments may stipulate that the payments may be made for a specified period of time or they may stipulate that the payments be continued for the voyage of the vessel. No allotment which requires the employer of the seaman to commence payments under the same before fifteen days from the date of the allotment shall be authorized. Allotments can be made for semi-monthly, monthly, or bi-monthly payments.

§ 15.15-5 *Payment of allotments.* The employer of the seaman shall make payments of the amount or amounts allotted by cash, check, or money order. All such payments shall be made in sufficient time to insure the receipt of the remittance at the time and place specified in the allotment.

§ 15.15-10 *Accounting for payment.* The employer of the seaman shall produce evidence of the payment of all allotments listed in a vessel's articles of agreement to the shipping commissioner supervising the payment of the wages of the crew, unless this requirement is waived by any or all of the allotters.

Subchapter K—Seamen

PART 132—ALLOTMENTS OF SEAMEN

Part 132 is deleted (the text of the regulations in this part has been redesignated and transferred to Part 15 of this chapter).

Dated: May 10, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard Commandant.

[F. R. Doc. 51-5648; Filed, May 15, 1951; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9518]

PART 3—RADIO BROADCAST SERVICES

SEPARATE OPERATION OF AURAL AND VISUAL TRANSMITTERS OF TELEVISION STATIONS

1. The above-entitled proceeding was instituted by the issuance of the Commission's "Notice of Proposed Rule Making" (FCC 49-1621) (14 F. R. 7566) on December 8, 1949. Interested parties were afforded the opportunity of filing comments concerning the Commission's proposed amendment by January 9, 1950.[1] Pursuant to request therefor, oral argument was heard by the Commission en banc on June 2, 1950.[2]

2. Section 3.661 (b) of the Commission's rules and regulations governing television broadcast stations now provides: "The aural transmitter of a television broadcast station shall not be operated separately from the visual

[1] Comments were filed by the National Association of Broadcasters, Television Broadcasters Association, American Broadcasting Company, Inc., National Broadcasting Company, Inc., Television Installation and Service Association of Chicago, RCA Service Company, Inc., KPIX, Inc., KTTV, Inc., Radio Service Corporation of Utah, Paramount Television Productions, Inc., Jefferson Standard Broadcasting Company, Fort Industry Company, and Radio Cincinnati, Inc.

[2] Oral argument was offered by the Television Broadcasters Association, Fort Industry Company, National Association of Broadcasters, American Broadcasting Company, Inc., KTTV, Inc., Radio Cincinnati, Inc., and Paramount Television Productions, Inc.

transmitter except for experimental or test purposes."

The Commission first proposed such a provision on February 27, 1941, in the following form: "The aural transmitter of a television broadcast station shall not be operated separately from the visual transmitter except for experimental or test purposes, and for purposes incidental to or connected with the operation of the visual transmitter." (Docket 5806.)

On April 30, 1941, the proposed rule was adopted without change as § 4.261 (b) of the first commercial television rules. Thereafter, on November 28, 1945, in promulgating the post-war television rules, the Commission substituted § 3.661 (b) for § 4.261 (b), without changing the wording thereof. On June 17, 1948, the Commission amended the rule (Docket 8966) to its present form by deleting the phrase "and for purposes incidental to or connected with the operation of the visual transmitter."

3. In an effort to clarify the meaning of the rule, the Commission issued an interpretation thereof in a public notice (FCC 49–842) on June 23, 1949.[3]

Subsequently, the Commission indicated that comments might be filed concerning this interpretation and such comments were filed by several interested parties. In light of these comments and as a result of its further study of the matter, the Commission on December 8, 1949, issued the notice of proposed rule making (FCC 49–1621) in this proceeding proposing to amend § 3.661 (b) as follows:

[3] The Commission interpreted § 3.661 (b) as follows:

(1) Duplication of AM or FM programs on the aural transmitter of a TV station

(a) While the same program is broadcast on the visual transmitter is consistent with § 3.661 (b).

(b) While a test pattern is broadcast on the visual transmitter is not consistent with § 3.661 (b);

(2) Broadcast on the aural transmitter of a TV station of transmissions originated by the TV station

(a) While a printed moving text is broadcast on the visual transmitter—is consistent with § 3.661 (b).

(b) While still pictures or slides are broadcast on the visual transmitter—is not consistent with § 3.661 (b) except for the purpose of necessary tests of station equipment, and except when the aural and visual transmissions are integral parts of a program and the visual transmissions have a substantial relationship to the aural transmissions. (An example of the latter type of program would be a travel lecture in which the words of the lecturer are broadcast simultaneously with still pictures or slides of scenes illustrating the lecture. Another example would be a newscast in which the words of the newscaster are broadcast simultaneously with still pictures or slides of the news events.)

(c) While a test pattern is broadcast on the visual transmitter is not consistent with § 3.661 (b) except for the purpose of necessary tests of station equipment, and except for the purpose of the actual demonstration of TV receivers to prospective purchasers. In such cases the aural transmissions shall not consist of any program material or musical composition but shall consist only of a single tone or a series of variable tones.

(1) The aural transmitter of a television station shall not be operated separately from the visual transmitter except for the following purposes:

(i) For actual tests of station equipment and for actual experimentation in accordance with § 3.662; and

(ii) For emergency "fills" in case of visual equipment failure or unscheduled and unavoidable delays in presenting visual programs.

(2) During periods of transmission of a test pattern on the visual transmitter of a television station, aural transmissions shall consist only of a single tone or series of variable tones. During periods when still pictures or slides are employed to produce visual transmissions which are accompanied by aural transmissions, the aural and visual transmissions shall be integral parts of a program or announcement and shall have a substantial relationship to each other: *Provided*, That nothing herein shall preclude the transmission of a test pattern, still pictures or slides for the following purposes and periods:

(i) To accompany aural announcements of the station's program schedule for a total period not to exceed 15 minutes in any broadcast day; and

(ii) To accompany aural news broadcasts or news commentaries not to exceed 5 minutes in length and for a total period not to exceed 15 minutes in any broadcast day.

It was further proposed that the following interpretations would accompany, and be a part of, the rule as amended:

Examples: (1) Duplication of AM or FM programs on the aural transmitter of a television station while the same program is broadcast on the visual transmitter (i. e., a "simulcast") is consistent with this paragraph.

(2) Duplication of AM or FM programs on the aural transmitter of a television station while a test pattern is broadcast on the visual transmitter is not consistent with this paragraph, except for the specific purposes and periods specified in paragraph (b) (2).

(3) A travel lecture in which the words of the lecturer are broadcast simultaneously with still pictures or slides of scenes illustrating the lecture, and a newscast in which the words of the newscaster are broadcast simultaneously with still pictures or slides of the news events, are examples of programs in which the aural and visual transmissions are integral parts of the same program having a substantial relationship to each other, within the meaning of paragraph (b) (2).

(4) The broadcast of a test pattern accompanied by a musical composition for the purpose of demonstration, sale, installation or orientation of television receivers or receiving antennas is not consistent with this paragraph.

(5) The broadcast of a test pattern upon which is visually imposed a moving text consisting of continuous program material, such as a running newscast or news commentary, is consistent with this paragraph.

(6) The broadcast of a test pattern upon which is visually imposed a clock indicating the time of day, or a text that is changed at spaced intervals, it is not consistent with this paragraph.

4. The Commission believes that amendment of § 3.661 (b) is necessary to confine the employment of television frequencies to actual television broadcasting. It is the Commission's opinion that the use of a television station authorized to operate on a 6-megacycle channel merely as an aural or quasi-television broadcast station would not serve the public interest. A license to operate a television station employing such a large proportion of spectrum space carries with it the responsibility of functioning as a television broadcast station, and the mere broadcasting of simultaneous aural and visual transmissions does not satisfy this duty. The aural and visual portions of the broadcast must have a substantial relationship to each other; anything less may meet the technical definition of television but is not television broadcasting, and would not be in the public interest.

5. The Commission believes that the utilization of television facilities merely for purposes of duplicating the sound portion of aural broadcasts of AM or FM stations, or for originating aural broadcasts without appropriately related visual accompaniment, would be an uneconomical use of radio frequencies. Similarly, the duplication of AM or FM aural programs while a test pattern is broadcast on the visual transmitter is not television broadcasting, and would not be in the public interest. The duplication of AM or FM programs while the same programs are broadcast on the visual transmitter, i. e., simulcasts, would not, of course, meet with the same objection and would constitute proper use of television channels.

6. It is the Commission's opinion, also, that the broadcast of a test pattern accompanied by musical compositions, while helpful for the purpose of demonstration, sale, installation or orientation of television receivers, would be improper use of a television frequency. During periods when still pictures or slides are employed to produce visual transmissions which are accompanied by aural transmissions, the Commission believes that such visual and aural transmissions should be integral parts of a program or announcement having a substantial relationship to each other. Obviously, a still picture fitting the mood of a musical transmission" is not consistent with the purposes of the rule. To permit otherwise would, in effect, authorize a new type of quasi-television service and would not be in the public interest. The Commission is providing, therefore, that during periods of test pattern transmissions, accompanying aural transmissions should consist only of a single tone or series of variable tones. However, the Commission believes that certain express exceptions should be made. For example, the Commission is providing that the transmission of a test pattern, still pictures or slides with musical accompaniment for 15 minutes immediately prior to the commencement of a programming schedule is permissible as a "warm-up" period for television stations. Such visual transmissions may also be utilized to accompany aural announcements of a station's program schedule, aural news broadcasts, or presentation by news commentators for a total period not exceeding one hour in any broadcast day.

7. The Commission recognizes that under certain circumstances the aural transmitter of a television station may properly be operated separately from the visual transmitter. For example, such operation would be appropriate for actual tests of station equipment and during periods of actual experimentation in accordance with § 3.662 of the rules. The Commission recognizes, similarly, that in case of visual equipment failure or unscheduled or unavoidable delays in presenting visual programs, emergency "fills" may be required and that the aural transmitter may properly be used to advise the audience of difficulties and to transmit, for a short period, program material of such nature that the audience will be enabled to remain tuned to the station. For example, in the event of cable difficulties or the failure of remote pickup equipment, news, or even music, accompanying a test pattern or other visual presentation would be proper under such circumstances.

8. The Commission has given careful consideration to the comments filed and oral arguments offered with respect to the notice of proposed rule making in this proceeding. Broadcasters have urged that the rule in question should expressly permit the aural transmitter of television stations to be used for purposes of advising the audience of difficulties encountered and to transmit, for a short period, program material of such nature that the audience will be enabled to remain tuned to the station. As noted above, the Commission agrees that the proposed rule should be revised expressly to permit such operation. It has been argued before the Commission, also, that the rule as proposed was too rigid and inflexible and that a more reasonable limit should be placed on the period when non-integrated aural programming is permitted. The rule as proposed specified a period "not to exceed 5 minutes in length and for a 15 minute period in any broadcast day" for test pattern, still pictures or slides accompanying aural news broadcasts or news commentaries. Such visual transmissions were also proposed to be permitted to accompany aural program schedule announcements for a 15 minute period in any broadcast day. The Commission at this time is making this provision more flexible and is increasing the period when such operation may be conducted to one hour in any broadcast day, to be used in the discretion of the broadcaster. The Commission has also been urged to permit music accompanying a test pattern for a period immediately prior to the commencement of the regular programming schedule for "warm-up" purposes. As noted above, the Commission is changing the rule to permit such operation for a 15 minute period prior to the commencement of a programming schedule. It has been submitted to the Commission that music accompanying a test pattern should be allowed in order to permit proper installation and orientation of television receivers and to facilitate the sale and demonstration of receivers. It is the Commission's belief, however, that a single tone or series of variable tones are adequate for proper installation and orientation of receivers and that such tone signals have not discouraged the purchase of sets. Furthermore, as television stations commence more and more programming during the daytime hours, this matter becomes moot. In any event, the Commission is of the opinion that the transmission of music accompanying a test pattern, except as specifically proposed in the rule, would not be in the public interest. With respect to other suggestions offered by interested parties and not incorporated in the attached rule, the Commission believes that their adoption would be inconsistent with the history and purposes of the rule as shown above and would not be in the public interest.

9. In view of the foregoing, therefore, *It is ordered*, this 3d day of May 1951, that, effective June 13, 1951, § 3.661 (b) of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1032, as amended; 47 U. S. C. 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Section 3.661 (b) is amended as follows:

(b) (1) The aural transmitter of a television station shall not be operated separately from the visual transmitter except for the following purposes:

(i) For actual tests of station equipment or actual experimentation in accordance with § 3.662; and

(ii) For emergency "fills" in case of visual equipment failure or unscheduled and unavoidable delays in presenting visual programs. In such situations the aural transmitter may be used to advise the audience of difficulties and to transmit for a short period program material of such nature that the audience will be enabled to remain tuned to the station; for example, music or news accompanying a test pattern or other visual presentation.

(2) During periods of transmission of a test pattern on the visual transmitter of a television station, aural transmission shall consist only of a single tone or series of variable tones. During periods when still pictures or slides are employed to produce visual transmissions which are accompanied by aural transmissions, the aural and visual transmissions shall be integral parts of a program or announcement and shall have a substantial relationship to each other: *Provided*, That nothing herein shall preclude the transmission of a test pattern, still pictures or slides for the following purposes and periods:

(i) To accompany aural announcements of the station's program schedule and aural news broadcasts or news commentaries, for a total period not to exceed one hour in any broadcast day.

(ii) To accompany aural transmissions for a period of time not to exceed fifteen minutes immediately prior to the commencement of a programming schedule.

Examples: (1) Duplication of AM or FM programs on the aural transmitter of a television station while the same program is broadcast on the visual transmitter (i. e. a "simulcast") is consistent with this paragraph.

(2) Duplication of AM or FM programs on the aural transmitter of a television station while a test pattern is broadcast on the visual transmitter is not consistent with this paragraph; except for the specific purposes and periods specified in paragraph (b) (2).

(3) A travel lecture in which the words of the lecturer are broadcast simultaneously with still pictures or slides of scenes illustrating the lecture, and a newscast in which the words of the newscaster are broadcast simultaneously with still pictures or slides of the news events, are examples of programs in which the aural and visual transmissions are integral parts of the same program having a substantial relationship to each other, within the meaning of paragraph (b) (2). Mood music—unrelated to the visual transmission is not consistent with this paragraph.

(4) The broadcast of a test pattern accompanied by a musical composition for the purpose of demonstration, sale, installation or orientation of television receivers, or receiving antennas is not consistent with this paragraph.

(5) Music accompanying the transmission of a test pattern upon which is visually imposed a moving text consisting of continuous program material, such as a running newscast or news commentary, is consistent with this paragraph.

(6) Music accompanying the transmission of a test pattern upon which is visually imposed a clock indicating the time of day, or a text that is changed at spaced intervals, is not consistent with this paragraph.

[F. R. Doc. 51–5644; Filed, May 15, 1951; 8:48 a. m.]

[Docket No. 9827]

PART 9—AERONAUTICAL SERVICES

PART 14—RADIO STATIONS IN ALASKA (OTHER THAN BROADCAST AND AMATEUR)

AVIATION SERVICE IN ALASKA

At the session of the Federal Communications Commission held at its offices in Washington, D.C., on 9th day of May 1951;

The Commission having under consideration the above captioned matter which proposed to amend Part 9, rules and regulations governing aeronautical services in order to provide in it for aviation communication service in Alaska, and to delete, as no longer useful, the "Aviation Service" subpart of Part 14 of the Commission's rules governing radio stations in Alaska other than amateur and broadcast; and

It appearing, that in accordance with the requirements of the Administrative Procedure Act, a notice of proposed rule making was duly published in Volume 15 of the FEDERAL REGISTER on November 21, 1950, which notice proposed the aforementioned amendments to the Commission's rules; and

It further appearing, that the period in which interested persons were afforded an opportunity to submit comments has expired, and several comments were received and considered, including a proposal to eliminate the requirement of guarding the frequency 3105 kc. in Alaska; and

It further appearing, that the proposal referred to in the preceding clause is

being made a subject of a separate rule making proceeding; and

It further appearing, that based upon the comments of the interested persons, editorial changes which do not require further rule making proceedings have been made in the rules as proposed by (1), eliminating, as unnecessary, § 9.431 (b) and (c), (2) revising § 9.102, and (3) adding a footnote to § 9.193, and incorporated in the amendment herein ordered; and

It further appearing, that the public interest, convenience, and necessity will be served by the amendment herein ordered and that the authority therefor is contained in sections 4 (i), 303 (b), (c), (d), (e) and (r) of the Communications Act of 1934, as amended:

It is ordered, That effective June 11, 1951, §§ 14.71 through 14.74, inclusive, of Part 14, rules governing radio stations in Alaska other than amateur and broadcast are deleted; and

It is further ordered, That effective June 11, 1951, Part 9 of the Commission's rules is amended in the particulars set forth below.

(Sec. 4, 48 Stat. 1066, as amended, 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: May 10, 1951.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

Part 9, the Commission's rules and regulations governing Aeronautical services, is amended as follows:

1. The following sentence is added to § 9.102: "Applications for stations in Alaska shall be filed in triplicate with the Engineer in Charge, Seattle, Washington."

2. Footnote 1A is added to § 9.193:

[1A] Any station in the aeronautical service in Alaska, regardless of class in which licensed, may transmit messages concerning sickness, death, weather, ice conditions or other matters relating to safety of life and property, if:

(a) There is no established means of communication between the points in question;

(b) No charge is made for the communication service; and

(c) A copy of each message so transmitted is kept on file at the transmitting station in accordance with § 9.153.

3. The first paragraph of § 9.431 is designated "(a)" and the following new paragraph is added thereto:

"(b) All aeronautical stations in Alaska shall maintain a listening watch during their hours of service on 3105 kc. which is hereby designated as the calling and working frequency for aircraft in Alaska.

4. Subdivision (viii) is added to § 9.432 (a) (1):

(viii) *Alaskan chain and feeders.*

(*a*)

2748 kc.	5652.5 kc.
2922 kc.	[1] 6590 kc.
5310 kc.	[1] [2] 11695 kc.

(*b*) These frequencies are shared with the Civil Aeronautics Administration, and are available for licensing by the Commission at those locations where an applicant justifies the need for service and the Government is not prepared to render this service.

1638 kc.	3082.5 kc.
1674 kc.	3385 kc.
2912 kc.	5057.5 kc.
2946 kc.	5672.5 kc.

5. Subdivision (vii) is added to § 9.432 (a) (2):

(vii) *Alaskan chain and feeders.*

127.1 Mc.	127.9 Mc.
127.3 Mc.	129.3 Mc.
127.5 Mc.	129.5 Mc.

6. Subparagraphs (5) and (6) are added to § 9.432 (b).

(5) *North Pacific via Alaska Route.*

4742.5 (A1 only) kc.		6950 (A1 only) kc.	
6523 (A1 only) kc.		[1] 8554 (A1 only) kc.	
6537 (A1 only) kc.			

[1] These frequencies are assigned upon the express condition that no interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies with which interference results.

[2] Only for operations in the Aleutian Islands.

12788 (A1 only) kc.		8220 kc.	
17550 (A1 only) kc.		10080 kc.	
3485 kc.		13420 kc.	
562.5 kc.		[1] 16030 kc.	

(6) *Central Eastern Pacific Route.*

3127.5 kc.	12330 kc.
5577.5 kc.	16360 kc.
8700 kc.	

7. Footnote 18A is added to § 9.443:

[18A] Frequencies authorized or assigned by the Commission to aeronautical fixed stations in Alaska as of August 1, 1949 include the following:

2648 kc.	5632.5 kc.
4850 kc.	5662.5 kc.
4742.5 kc.	5887.5 kc.
4947.5 kc.	6570 kc.
4967.5 kc.	6590 kc.
5042.5 kc.	8015 kc.
5122.5 kc.	8554 kc.
5582.5 kc.	12788 kc.
5622.5 kc.	17550 kc.

[F. R. Doc. 51-5685; Filed, May 15, 1951; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Corr. S. O. 851, Amdt. 5]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of May A. D. 1951.

Upon further consideration of Service Order No. 851 (15 F. R. 3453, 3486, 4895, 7138; 16 F. R. 989), and good cause appearing therefor: It is ordered, that:

Section 95.851 *Substitution of refrigerator cars for box cars*, of Service Order No. 851 be, and it is hereby further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) ***Expiration date.*** This section shall expire at 11:59 p. m., October 31, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p. m., May 31, 1951.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-5619; Filed, May 15, 1951; 8:46 a. m.]

[S. O. 858, Amdt. 5]

PART 95—CAR SERVICE

LUMBER; RESTRICTIONS ON RECONSIGNING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of May A. D. 1951.

Upon further consideration of Service Order No. 858 (15 F. R. 5050, 5434; 16 F. R. 819, 2005, 1284, 1678), and good cause appearing therefor: It is ordered, that:

Section 95.858 *Lumber; restrictions on reconsigning*, of Service Order No. 858 be, and it is hereby further amended by substituting paragraph (f) hereof for paragraph (f) thereof;

(f) *Expiration date.* This section shall expire at 11:59 p. m., September 30, 1951, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date: This amendment shall become effective 11:59 p. m., May 15, 1951.

It is further ordered, that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-5620; Filed, May 15, 1951; 8:46 a. m.]

[Corr. S. O. 860, Amdt. 4]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS TO TRANSPORT FRUIT AND VEGETABLE CONTAINERS AND BOX SHOOKS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of May A. D. 1951.

Upon further consideration of Service Order No. 860 (15 F. R. 5031, 5395, 7139; 16 F. R. 819), and good cause appearing therefor: It is ordered, that:

Section 95.860 *Substitution of refrigerator cars for box cars to transport fruit and vegetable containers and box shooks*, of Service Order No. 860 be, and it is hereby further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) ***Expiration date.*** This section shall expire at 11:59 p. m., October 31, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p. m., May 15, 1951.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383 as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-5621; Filed, May 15, 1951; 8:46 a. m.]

[Rev. S. O. 562, Amdt. 3]

PART 97—ROUTING OF TRAFFIC

REROUTING OF TRAFFIC: APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of May A. D. 1951.

Upon further consideration of the provisions of Revised Service Order No. 562 (14 F. R. 2697; 15 F. R. 3105, 8651), and good cause appearing therefor: it is ordered, that:

Revised Service Order No. 562 be, and it is hereby, further amended, by substituting the following paragraph (d) of § 97.562, *Rerouting of traffic: appointment of agent*, for paragraph (d) thereof:

(d) *Expiration date.* This section shall expire at 11:59 p. m., May 25, 1952, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., May 25, 1951; that a copy of this order and direction be served upon the state railroad regulatory bodies of each State, upon all common carriers by railroad subject to the Interstate Commerce Act, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended, 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended, sec. 4, 34 Stat. 589, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-5617; Filed, May 15, 1951; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 924]

HANDLING OF MILK IN DETROIT, MICH., MARKETING AREA

TENTATIVE DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Highland Park, Michigan, June 5–16, 1950, pursuant to notice thereof which was published in the FEDERAL REGISTER on May 29, 1950 (15 F. R. 3105, Doc. 50-4290).

Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator, Production and Marketing Administration, on February 28, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on March 6, 1951 (16 F. R. 2084, Doc. 51-2942).

Upon the basis of the exceptions filed with respect to the size of the marketing area and a re-examination of the evidence with respect thereto, it is tentatively concluded that the marketing area should be larger than that proposed in the recommended decision. This tentative conclusion may possibly bring within the scope of the marketing agreement and order several handlers who would not otherwise have been subject thereto. In order to afford such handlers and other interested persons an opportunity to file exceptions which they may not have filed because of the recommendation for a more restrictive area, the issuance of a tentative decision has been decided upon as a means of affording such opportunity. Any person wishing to file exceptions to this tentative decision in any findings and conclusions contained therein with respect to the size of the marketing area or any other issue may do so by filing the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than 5 days after the publication of this tentative decision in the FEDERAL REGISTER.

Preliminary statement. The major issues developed at the hearing were concerned with the following matters:

(1) Whether the handling of milk produced for the Detroit, Michigan, marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk or its products;

(2) Whether marketing conditions justify the issuance of a milk marketing agreement or order;

(3) The extent of the marketing area;

(4) What milk should be covered for pricing purposes;

(5) The classification of milk;

(6) The level of class prices to be paid and the methods for determining such prices;

(7) The type of pool to be used and a base rating system of distributing returns to producers; and

(8) Administrative provisions.

Findings and conclusions. Upon the basis of the evidence adduced at the hearing and on the record thereof, it is hereby found and concluded that:

(1) *Character of commerce.* The handling of milk in the Detroit, Michigan, marketing area is in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce in the handling of milk and its products.

A total of 64 dairy farms located outside the State of Michigan regularly supply milk to the Detroit market. During the month of April 1950, 45 of these farms located in Ohio and Indiana delivered over a half million pounds of milk to

Detroit receiving plants, or at the rate of over six million pounds per year. Three dairy plants in Indiana and one in Ohio hold permits from the Detroit Department of Health to furnish sweet cream for consumption in Detroit.

During the months of high production, large quantities of Detroit inspected milk produced on dairy farms which supply milk for city consumption in other seasons of the year are diverted to manufacturing plants in Ohio and Indiana. One cooperative in the year of 1948 delivered over 4½ million pounds of such milk to a plant in Indiana. In 1949 movements of milk from the Detroit market to plants in Ohio totaled about 10 million pounds and in the first 5 months of 1950 amounted to over 5 million pounds. There are 36 dairy manufacturing plants located within the Detroit milkshed and purchasing milk from dairy farmers in competition with Detroit milk distributors. Several of these plants also handle surplus milk from the Detroit market. All of these plants manufacture dairy products, and a substantial portion of these products are disposed of in other states. Large quantities of Detroit inspected milk, exceeding 60 million pounds in 1949 and 30 million pounds in the first 5 months of 1950, were moved to certain of these manufacturing plants by one cooperative. Additional large amounts of milk are manufactured in plants operated by milk distributors. This milk is manufactured into evaporated milk, cheese, butter, and nonfat dry milk solids, a large proportion of which is disposed of outside of the State of Michigan.

Milk is distributed on routes operated from Detroit plants in direct competition with milk distributed from Toledo, Ohio, plants in the City of Monroe and at other points. The milksheds of the Detroit and Toledo markets overlap over an area of 4 counties and dairy farmers frequently shift from one market to the other. The Detroit milkshed also overlaps that of Fort Wayne, Indiana, and Cleveland, Ohio.

Milk, cream and dairy products processed in Detroit plants are furnished to interstate carriers for consumption in various states and in Canada. Seven Detroit milk distributing plants have been certified by the U. S. Public Health Service for processing milk and milk products for sale for consumption outside the state at the request of interstate carriers. These carriers include two railroads, the Pullman Company, four airlines and nine steamship companies.

From the foregoing it is evident that substantial volume of milk in the Detroit, Michigan, market is moved physically in interstate commerce in the form of milk and milk products and that the handling of milk in the market directly burdens, obstructs, or affects interstate commerce in milk or its products.

(2) *Need for an order.* An order regulating the handling of milk in the Detroit, Michigan, marketing area should be issued.

A large proportion of the milk consumed in the Detroit area is marketed by a cooperative association of dairy farmers. A price for milk marketed by the cooperative and used for fluid sales is arrived at for each month by bargaining. A lower price then applies to a small amount of milk in addition to that used for fluid sales and the remainder is sold at the average price paid by certain dairy manufacturing plants.

A number of Detroit milk distributors buy milk from dairy farmers who are not members of a cooperative. The record indicates that this milk is paid for at the average price paid for all milk to cooperative members, or a lower price. By purchasing close to needs for fluid sales, it is possible for these distributors to buy milk at a considerably lower cost on a utilization basis than that of distributors who buy from the cooperative. This is true because the cooperative and certain distributors assume the responsibility of carrying sufficient milk to supply the market in the periods of lowest production. Distributors who do not assume this responsibility are able to buy milk used largely for bottled milk sales at the average price paid to cooperative producers, which average price reflects a large volume of milk at the manufacturing price in the months of high production. This buying advantage has led to lower resale prices, the loss of business by distributors who buy higher cost milk, and demands that the price of milk for fluid use be lowered to cooperative buyers to permit competition with distributors who buy without regard to utilization.

This unstabilizing influence has been greatly aggravated by a widening of the spread between the price of milk for fluid use and the average producer price for all milk. In April 1948 the cooperative price to distributors for milk for fluid use was $4.90 and the average price paid producers for all milk was $4.76, a difference of 14 cents. In April 1950 the corresponding prices were $4.20 and $3.72 or an advantage of 48 cents to a buyer able to buy milk for fluid sales at the cooperative average price and an even greater advantage in case less than this average price was paid.

The price paid for milk used for manufacturing by cooperative buyers was $4.11 in April 1948, and $2.86 in April 1950, an increase in the spread between fluid and manufacturing milk prices from 60 cents to $1.32. This price trend greatly increased the advantage of distributors who may buy some milk for fluid use at the manufacturing price.

Statements of payments to producers for milk by buyers who do not buy through the cooperative covering several months in 1950 were submitted. One distributor had paid one producer from 35 to 38 cents per hundredweight less than the cooperative average price, another distributor paid from 19 to 34 cents less and a third paid from 34 to 38 cents less. Fall purchases of additional milk by one of these distributors to supplement his supply from producers indicate a fluid milk usage of producer milk above the average of the market.

The price advantage of buyers who do not purchase milk through a cooperative not only has forced cooperative buyers to exert continual pressure for lower prices, but also has encouraged buyers to sever business relations with the cooperative and take advantage of the lower cost milk available by direct purchase from dairy farmers at the cooperative average price or lower. One handler of a substantial volume of milk has recently taken this step after buying through a cooperative for many years. This trend, if continued, will supplement the pressure for lower prices in bringing about demoralization of the market.

The effect of these conditions in causing market instability is shown in the record of prices and milk supply over the last 3 years. In the 8-month period of June 1947 through February 1948, the Class I price negotiated by the cooperative dropped from $1.62 above the price paid by manufacturing plants to 71½ cents above. Under pressure of a shortage of milk, this negotiated price then increased to a high of $2.32 above the manufacturing price in March 1949. Then as the supply of milk in relation to market needs increased steadily, the negotiated price fell to $1.05 above the manufacturing milk price in May, 1950. While those wide price variations were occurring, the supply of milk was first so reduced that an average of 92 percent of producer milk was used in Class I in the months of November 1947 through January 1948 compared with 84 percent in the corresponding period a year earlier. This shortage was followed by relatively high prices and increasing production until during the corresponding months of 1949–50, less than 71 percent of producer milk was disposed of as Class I.

The cooperative has not been able to sell milk even to regular buyers on a complete utilization basis. Only milk used for fluid sales is priced on the basis of utilization and additional milk is classified on a bargained percentage basis without regard to utilization. This lack of complete pricing according to utilization results in differences in costs to the various distributors for milk for uses other than fluid sales which also contributes to market instability.

In the Ann Arbor portion of the area, producers have been unable to sell milk on any utilization plan. A certain price is set by bargaining for milk deliveries up to a "base" established for each producer, and additional deliveries are paid for at the manufacturing milk price. The record indicates that this method of buying results in a lower cost to these distributors for milk for fluid sales than the cost to distributors in other parts of the Detroit area.

Dairy farmers supplying the Detroit area who are not cooperative members, over 2,000 in number, have no facilities for regularly checking the accuracy of weights or butterfat tests of milk sold.

No complete statistics are available as to total sales of milk and milk products in the Detroit market or as to total receipts of milk in the market. Negotiated prices must be fixed without full knowledge of the needs of the market or of the supply of milk available. A marketing order would make available complete and accurate market statistics, provide for payment for milk according to use and for verification by audit of all handlers' utilization of milk, and for the checking of weights and butterfat tests.

A milk marketing order is needed in the Detroit area to establish and maintain orderly marketing and a level of prices which will insure an adequate supply of pure and wholesome milk, and to prevent the development of disorderly and chaotic conditions.

(3) *Extent of the marketing area.* The marketing area should include the cities of Detroit, Dearborn, Ypsilanti, Ann Arbor, Pontiac, Mount Clemens, Marine City, St. Clair and Fort Huron and adjacent areas of high population density. This area would cover the territory within the boundaries of 15 townships in St. Clair County, 7 townships in Macomb County, 12 townships in Oakland County, 3 townships in Washtenaw County, 2 townships in Monroe County, and all of Wayne County.

Proponents of the order proposed a considerably larger marketing area covering a number of rural townships and a few additional small towns. Certain milk distributors proposed an extension of the area to the north along the Lake Huron shore to include Worth and Lexington townships in Sanilac County. Certain distributors objected to including the cities of Ypsilanti and Ann Arbor.

The townships of Lexington and Worth in Sanilac County should not be included in the marketing area. There are no thickly populated areas in these townships except the Lake Huron shore line in the summer season and the small city of Croswell and the village of Lexington. It was not shown that a marketing order is needed to promote orderly marketing in this area. There was no showing that orderly marketing of milk in the Detroit area is influenced by milk distribution in these townships. No request was made by dairy farmers supplying milk to distributors in this area that it be included in the marketing area.

The cities of Ann Arbor and Ypsilanti and surrounding territory should be included in the marketing area. Milk is distributed from plants in or near these cities, which are located near the thickly populated suburban area west of Detroit, in competition with routes operated from Detroit plants. Because of the wide seasonal variations in milk consumption in these cities due to the large student population, distributors are dependent upon the Detroit market for much of their milk supply. Over 6½ million pounds of milk from Detroit receiving stations was supplied to Ann Arbor distributors in the two years of 1948 and 1949. Milk is purchased by Ann Arbor and Ypsilanti distributors from producers without regard to use and apparently at lower prices than if bought on a use basis at the class prices prevailing in the Detroit market. Attempts by the cooperative to have such purchases made on a use basis have failed. The need for a marketing order to bring about orderly milk marketing seems greater in the Ann Arbor-Ypsilanti area than in other parts of the proposed marketing area.

Rural areas and small towns not near to the large cities should not be included in the marketing area. Thirty-one additional townships in St. Clair, Macomb, Oakland, Washtenaw, and Monroe Counties, which are relatively thinly populated and include some 16 small towns and villages, were within the marketing area as proposed. Health regulations with respect to milk in effect in the cities are not applicable in much of this area. It is not considered necessary to include these 31 rural townships in the marketing area to promote orderly marketing of milk in Detroit and nearby cities.

The marketing area as outlined above embraces a contiguous, heavily populated territory served by milk distributors whose routes overlap and interminle and which constitutes a single milk market, all parts of which are subject to substantially the same conditions and influences. Health regulations with regard to milk are substantially the same in all major municipalities in the area and milk produced on farms approved by the Detroit Health Department is permitted to be sold in all parts of the area. Differences in seasonal consumption in various parts of the area tend to make all of the area dependent on milk produced under Detroit inspection, which is diverted to any part of the area where needed. Failure to include any part of this territory in the marketing area would tend to disrupt orderly milk marketing in the whole area.

(4) *Milk to be priced.* All milk approved by health authorities for regular sale in the marketing area should be priced under the order. A "handler" is defined as the operator of a plant in which milk is processed and from which such milk is disposed of on a route in the marketing area as Class I milk, or a plant which is approved by health authorities of marketing area cities for handling milk for fluid consumption. To avoid including in the pool a plant which never supplies milk to the marketing area a country plant must move to a bottling plant at least 10 percent of its dairy farm supply of milk in the two short supply months of November and December. The handler definition describes the kinds of plants to which farmers deliver milk for fluid uses in the greater Detroit market.

A number of plants disposing of Class I milk on routes in the marketing area receive milk directly from dairy farms. The larger part of the supply, however, is received at country plants and reshipped to city bottling plants. The country plant may be owned and operated by the operator of the city bottling plant or by another person. All of these country plants receive milk only from dairy farms approved by the Detroit Health Department. Receipt of milk from any other source at one of these plants disqualifies the entire plant supply for use in Detroit and other marketing area cities which accept Detroit inspection. By defining a handler as the operator of either an approved country plant or a bottling plant, the handling of all milk regularly approved for consumption in the marketing area is made subject to regulations by the order.

The land boundary of the marketing area extends over 185 miles. A few small milk plants located outside the marketing area dispose of some milk on routes extending into the area. If the amount of such milk is not large, its sale has little or no effect on the marketing of milk in the area. Application of order pricing and payment provisions of these distributors would entail effort and expense and would not contribute to orderly marketing in the area. Prices appropriate in the marketing area might not be appropriate in the localities where most of the sales of these distributors be made. It was proposed that handlers operating bottling plants outside the marketing area and disposing of not more than an average of 600 pounds of Class I milk per day in the area in any month be exempt for that month from all except the reporting and auditing provisions of the order. Limitation of the exemption to handlers disposing of not more than 600 pounds of Class I milk in the marketing area daily, less than one economical route, and transferring no milk to other handlers would furnish adequate protection from unfair competition to fully regulated handlers and guard against any threat to orderly milk marketing in the area. It is concluded that such an exemption should be provided.

A cooperative which operates a number of country plants receiving Detroit inspected milk has also arranged by contract for the receiving, weighing and cooling of member milk at certain plants not owned or operated by the cooperative. In each case the contracting plant handles no milk except that handled for the cooperative, and the disposition of such milk is entirely under the direction of the cooperative, in most cases being moved from the receiving plant in trucks owned and operated by the cooperative. Payments to producers for this milk are made at a blend price computed on uses of this and other milk marketed by the cooperative. It was proposed that in such cases the order provide that the milk be considered as received at a plant operated by the cooperative and the cooperative thus be made the handler for such milk.

The order provides for the verification of weights and butterfat tests of producer milk, for auditing of producer payrolls, and for determination of the disposition of producer milk. When producer milk is moved in bulk from the plant to which it is delivered by the producers, the identity of each producer's milk is lost. The person operating the plant where the milk is first received must therefore be responsible for weighing and testing the milk, maintaining records of such weights and tests and also records of the disposition of milk received, and usually records of payments to producers. If such person is not a handler under the order he cannot be held responsible for performing the functions listed above. He need not give the market administrator access to the plant or make available to him records of receipts and disposition of milk or facilities for verifying weights and tests. It appears that the person operating each plant which receives milk from producers must be made a handler if the provisions of the order are to be carried out. If the arrangement between a cooperative and the owner of a plant does not make the cooperative the operator of the plant, then the operator of the plant cannot be relieved of his

handler status because of the arrangement. On the other hand, if the arrangement is of such a character as to make the cooperative the operator of the plant, or the part of the plant in which producer milk is received, then no special provision of the order is needed to make the cooperative the handler with respect to this milk.

Special provision is made for handlers who produce milk and receive no milk from other producers or cooperative associations. Defined as "producer-handlers," such handlers are exempted from all provisions of the order except reporting and auditing.

A "producer" is defined as any dairy farmer who produces milk which is delivered to a plant operated by a handler. This definition will identify all of the dairy farmers whose milk deliveries are regarded as a part of the normal Detroit area fluid milk supply. Although most producers will hold permits from a health authority in one of the major cities in the marketing area, there may be some small sections of the marketing area under the jurisdiction of health authorities which do not issue dairy farm permits. A health authority permit is therefore not specified for determining producer status. It is provided that a dairy farmer delivering milk to a plant not operated by a handler may retain producer status if such milk has been diverted from a handler plant. This would permit milk to be diverted to nonhandler manufacturing plants during the surplus season and still be priced and pooled under the order.

Definitions of "producer milk" and "other source milk" are included to distinguish between the regular supply for the fluid market and occasional receipts from other sources. Other source milk may be surplus from another fluid milk market or milk from a plant which is primarily a manufacturing plant. If such other source milk is disposed of as Class I milk in the marketing area a payment on that quantity at the difference between the manufacturing milk price and the Class I price should be required in order to curb any incentive for handlers to drop regular producer supplies of milk to purchase manufacturing milk at a price advantage.

"Route" is defined as a delivery, including a sale from a store, of a Class I product to a wholesale or retail stop or stops, except to a handler. The handler exception avoids qualifying a plant as a handler when deliveries are only made to other handlers. This would prevent a plant from qualifying as a handler and participating in the market pool merely by delivering some milk to a handler plant inside the marketing area.

The provisions of a base and excess plan of payment requires a definition of "base," "base milk," and "excess milk." Other standard terms are defined for the purpose of facilitating subsequent provisions of the order.

(5) *Classification of milk.* Milk should be classified in two classes reflecting the principal differences in the value of milk for different uses.

(a) *Classes.* Class I should include all skim milk and butterfat disposed of for consumption as milk, skim milk, buttermilk, or flavored milk, plant loss of producer milk in excess of 2 percent, and skim milk and butterfat not accounted for in Class II utilization. Class II should include skim milk and butterfat (1) disposed of for consumption as fluid cream (2) used to produce cottage cheese, ice cream or ice cream mix, or (3) contained in dried whole milk, nonfat dry milk solids, whole or skimmed evaporated or condensed milk, sweetened or unsweetened, butter, cheese, or livestock feed, or in milk dumped or in plant loss of producer milk not in excess of 2 percent of all producer milk and all plant loss of other source milk.

All classification proposals included milk and flavored milk for fluid consumption in Class I. Producers proposed that skim milk and buttermilk for fluid consumption be in Class I and handlers proposed that these products be in Class II. Representatives of health departments of the larger cities involved testified that such skim milk and buttermilk are required to be made from milk approved for fluid uses. It is concluded that milk required to meet the sanitary standards for fluid consumption and the products required to be made from such milk (flavored milk, and skim milk and buttermilk for fluid consumption) should be in Class I.

Testimony indicated that there are no farm inspection requirements for milk disposed of in most of the marketing area in any form other than as milk, flavored milk, skim milk, and buttermilk for fluid consumption. Cottage cheese, and cream used for fluid consumption or for ice cream in Detroit must be made in approved plants but the farms producing the milk used in these products are not inspected by city health authorities. There was no showing of any specific difference in the quality of milk used to produce cream and cottage cheese for use in the marketing area and the quality of milk manufactured into evaporated milk, cheese and other products in the various manufacturing plants in the milkshed. Handlers proposed that all products other than those requiring farm inspected milk to be included in one class. There does not appear to be justification, on the basis of the quality of milk required for their production, for different classification for milk used to produce cream and the various manufactured products. Butterfat and skim milk used in cream and all manufactured dairy products and in livestock feed and plant loss are therefore classified as Class II.

Both producers and distributors proposed a separate classification for so-called "distress" milk resulting from production in excess of market needs, which often must be disposed of at lower prices than received for milk for general manufacturing uses. A large amount of the milk not needed for fluid sales is handled by a cooperative which has limited manufacturing facilities. A substantial volume is also received by distributors who have no manufacturing facilities. The disposition of this milk in the spring months of heavy production has been a serious problem. Since manufacturing plants are operating at close to capacity at that time, disposition of this milk may require these plants to operate in excess of normal capacity, involving high cost overtime rates. In some cases it must be transported to distant plants. The choice of plants to which this milk may be diverted may be limited and sometimes it is accepted only at prices lower than those paid for milk from regular supply sources.

The problem of disposing of surplus milk has been met in recent years by providing a class (Class II–B) for all milk received by a distributor in excess of a certain amount, at a price lower than Class II–A, which includes all manufactured milk. Distributors proposed to continue this practice by an order provision that in any month when total market receipts of producer milk exceed 147 percent of market Class I utilization, all producer milk received by any handler in excess of 125 percent of his Class I utilization (provided the handlers' Class I utilization was 60 percent or more of his producer milk receipts in the preceding October, November and December) be Class IV milk, to be priced lower than Class III milk. Producers, however, proposed to meet the problem by providing a Class III made up of plant loss, dumped milk and all manufactured products other than ice cream and cottage cheese to be priced relatively low but somewhat higher than the Class IV proposed by the distributors.

The distributors' proposal does not provide that milk be classified in accordance with the form in which or the purpose for which it is used, but would base classification in part upon the amount of milk received and the amount used in another class. The producer proposal would place a large proportion of the milk used for manufacturing in the lowest price class although there may be no disposal problem with respect to much of this milk.

The record indicates that while the so-called "distress milk" price was in effect for several months in 1949, it was discontinued at the end of October of that year and had not again been used up to the time of the hearing (June, 1950). Also no such lower price was used in 1948 or 1946 and was in effect only 3 months in 1947. For six months prior to June, 1950, the supply of producer milk in relation to Class I utilization had decreased each month as compared with the corresponding month of the preceding year. The problem of surplus milk disposal normally occurs only in the spring months of heavy production. These facts indicate that at least for several months after the order may become effective, a price lower than the Class II price will not be needed to permit disposal of excess milk. It is concluded that a special class for "distress milk" at a price lower than the Class II price should not be provided and no provision should be made for a lower Class II price under certain supply conditions.

Producers proposed that plant loss up to 2 percent of producer milk received be allowed in the lowest price class, any in excess of this amount to be in Class I. Handlers proposed that all plant loss be in the lowest class, claiming that loss

of the milk is sufficient incentive to keep such losses at a minimum and that the penalty of Class I pricing of any in excess of 2 percent is not justified. Data submitted indicate that with plant operation of average efficiency, the loss normally does not exceed 2 percent. Unlimited allocation of plant loss to Class II would place a premium on unaccounted for milk and encourage incomplete records of Class I utilization. Plant losses of producer milk in excess of 2 percent should be included in Class I.

It was proposed that in the case of milk moved from a country plant operated by a cooperative to a bottling plant, the 2 percent plant loss be allowed at the bottling plant. No reasons were given for limiting this provision to plants operated by a cooperative. It would seem that since part of the plant loss may be incurred at each plant, the allowance might more logically be divided between the plants. However, the proposed method avoids the problem of determining a fixed allocation of plant loss between the two handlers. The country plant operator may recover any receiving loss in his handling charge, and present charges probably cover this cost. It is concluded that the proposed provision, without the cooperative limitations, as well as the standard provisions for prorating loss between producer and other source milk, and allowing loss on diverted producer milk at the plant where actually received, should be included in the order.

(b) *Milk transfers.* Provision is made for classification of milk transferred between handlers, handlers and persons not handlers, and between cooperative plants and handlers. In the case of transfers between handlers not involving a cooperative plant, transfer is permitted in any agreed class in which the transferee plant has utilization in an amount equal to or greater than the amount so transferred, after allocating any other source milk to the lowest value use, since under a market-wide pool the classification of milk transferred between handlers may represent any agreed producer milk use without affecting the payment to producers. Each handler involved in a transfer is required to report the agreed classification, otherwise milk transfers are classified as Class I and cream transfers as Class II.

In the case of transfers from a handler plant to a plant not operated by a handler, a requirement that producer milk be allocated to the highest value uses in the transferee plant might increase the difficulty of disposing of surplus milk. Operators of some such non-handler plants have Class I uses and might refuse to handle surplus milk from the Detroit market if such milk would be allocated to their highest value uses. It is concluded that, as proposed, transfers from a handler plant to a plant not operated by a handler in the form of milk or skim milk be in Class I and in the form of cream be in Class II, but that such transfers shall be classified as mutually agreed by the transferor and transferee if the handler reports the transfer in such class, the transferee has use in the agreed class in an amount at least equal to the amount transferred or disposes of butterfat and skim milk to another plant which has such uses in the month. Books and records must be maintained at the plant at which the classification is made adequate to permit the market administrator to verify the reported utilization. In case the agreed utilization in the transferee plant exceeds the total of such utilization in the plant, the excess should be applied to the next higher priced class.

A number of country plants receiving Detroit inspected milk are operated by a cooperative association. Milk is transferred from these plants by tank truck to a large number of handler bottling plants. This milk is now classified for purposes of pricing at the pro rata classification of all producer milk in the bottling plant. Although classification has been on a relatively simple two class, hundredweight basis, market experience has shown that about a month is required to get the utilization reports from all the various buyers and to prorate the transferred milk to each class. Final settlement has not been made until the second month after delivery of the milk.

It is recommended herein that utilization of all handlers, including cooperatives, be reported not later than the 5th working day of the month following receipt of the milk, and that a uniform price based on these utilization reports be computed and announced not later than the 11th. It was considered improbable that the cooperative could collect utilization reports from the large number of handlers involved, compute other source milk allocation, prorate cooperative transfers of producer milk over remaining utilization, combine the results into a utilization report for the cooperative and submit it to the administrator in the 5 days allowed. Furthermore, any audit adjustments in classification for each handler involved would require an adjustment between the handler and the cooperative and a second adjustment between the cooperative and the equalization fund of the market-wide pool.

To simplify the procedure of accounting for such transfers, and to facilitate the reporting of utilization by the date specified, it was proposed that handlers operating bottling plants be required to pay the cooperative association a minimum of the base price for the month for such milk. In computing the cooperative equalization account the value of such bulk milk transferred to bottling plants at the base price would be added to the class values of other utilization.

This proposal would not affect the final cost of milk to handlers or the return to producers, and differs from settlement between the cooperative and transferee handlers at a pro rata or an agreed classification only in the method of handling a relatively small difference between the value of the transferred milk at the pro rata or agreed classification and such value at the base price. This difference would be reflected in the handler's payment made to or received from the equalization account. The recommended procedure would provide the same assurance of payment for milk marketed to handlers through a cooperative plant as for milk delivered directly by producers, and would result in payment for milk by each handler at his utilization value with a minimum of accounting requirements. The use of the base price in computing the equalization account charges and credits for such transferred milk is recommended because it would result in initially charging each handler at the approximate utilization value of the milk and, therefore, relatively small settlements with the equalization fund would be required.

It was proposed that a cooperative not be a handler with respect to milk transferred in bulk to a handler operating a bottling plant. A cooperative operating a plant which first receives milk from producers must be responsible for all records of milk receipts and of payments and therefore should be a handler with respect to all producer milk received at such plant.

Since some handlers combine operations which utilize other source milk and producer milk in the same plant, it is necessary to provide a method for allocating such other source milk to the various classes of utilization. Since producer milk includes all milk which is regularly available for fluid disposition in the marketing area, the method of allocating provides that such producer milk shall be allocated to the higher value uses to the extent that such uses are available.

(6) *Class prices.* Since the Detroit fluid milk market supply is obtained from a region in which large quantities of milk are delivered to plants which manufacture various milk products, it is necessary that the price for the fluid market be closely related to the level of prices being paid at competing manufacturing plants. There are some differences from time to time between the prices paid at plants manufacturing different products. Therefore, the Class I price should be related to that particular manufacturing milk price which represents the best outlet for manufacturing milk at any particular time. The method of accomplishing this has been to relate the Class I price to a series of basic formula prices which represent different kinds of manufacturing milk prices. Special differentials should be added to the highest of the prices determined by 4 separate alternate price formulas to determine the Class I price for each month.

(a) *Basic formula price.* Producers proposed 4 alternate basic formulas for use in determining the Class I price based on prices of butter and powder, butter and cheese, prices paid dairy farmers by 18 midwest dairy manufacturing plants and by 5 Michigan dairy manufacturing plants. Distributors made the same proposal and also proposed use of the same basic formulas in slightly modified form, and the 18 midwest plant price only.

The first 3 of the price formulas included in the producer proposal are widely used for determining Class I prices in milk markets under Federal regulation. The use in this order of

these price formulas with appropriate Class I price differentials would correlate the Detroit Class I price with Class I prices in other markets such as Toledo and Cleveland. No objection was made to the use of the average of prices paid by certain Michigan manufacturing plants as an alternate basic formula, but there was disagreement as to which specific plants should be used. A number of different plants were proposed for inclusion, and the use of 7 plants instead of 5 was suggested. The following considerations should govern the selection of these plants so far as possible:

(1) Cooperative plants should not be included since their pay price to farmers usually includes only part of the return for milk, the remainder being paid as a patronage dividend which is not reflected in the reported pay price.

(2) Plants operated by a handler under the order should not be included because prices should be determined wholly independent of the actions of any handler.

(3) The plants selected should represent as wide a variety of manufactured products as possible.

(4) The plants should be so located as to represent all parts of the milkshed.

The use of 7 plants involves the possible difficulty of getting prompt payments reports, and it is improbable that the added quotations would influence the average price appreciably or make it more representative of manufacturing milk values in the area. The reporting of pay prices by the plants selected is voluntary and the use of any plant pay price in this formula will depend on consent of the plant operator to report his average pay price.

The following 5 Michigan plants appear to most nearly meet the requirements set forth above and should be used in determining the basic formula price.

Company	Location	Products
Fairmont Foods Co.	Bad Axe	Butter, condensed milk, ice cream mix.
Ford Cheese Co.	Clare	Cheese.
Carnation Milk Co.	Sheridan	Evaporated milk.
Grand Ledge Milk Co.	Grand Ledge	Nonfat dry milk solids, sweet cream.
Pet Milk Co.	Hudson	Evaporated milk.

Use of the highest formula price as the basic formula price would base the Class I price on the most favorable manufacturing use for milk in each month. In an area where all important dairy products are manufactured, fluid milk markets must compete for milk with plants making the highest value products. The Class I price should therefore be based on the formula representing the highest value for milk for manufacturing.

(b) *Class I price.* The Class I price should be determined by adding $1.35 to the basic formula price. This added differential should be increased 15 cents when a shortage of producer milk for Class I utilization is indicated by the ratio of receipts of producer milk to Class I utilization in the second 2 preceding months and decreased by 15 cents when an excess supply of milk is so indicated. An additional 15 cents should be added or subtracted for each additional full five percentage points decrease or increase in the ratio of producer milk receipts to Class I utilization.

Producers proposed a Class I price differential of $1.40 to be added to the basic formula price each month. Distributors proposed various differentials varying seasonally, which would average about $1.10 over the year, and one to be determined each month by a supply-demand formula. It was testified that a large proportion of the milk supply for the Detroit area is received at country stations and reshipped to bottling plants. The country station location differentials proposed by producers average 17 cents per hundredweight so that the Class I price reflected in the price to most producers at the point of milk delivery would average 17 cents below the marketing area price. This must be taken into account in setting the Class I differential.

Data covering an estimated 80 percent of the market value of milk deliveries indicate that the average number of producers supplying the market increased 1.5 percent from 1946 to 1949, while the average milk deliveries per producer increased 2 percent. In the same period, however, average daily Class I sales increased 5 percent. For the three years 1947 through 1949 producer milk deliveries averaged 135 percent of total Class I sales. The Class I price negotiated by the cooperative during this 3 year period averaged $1.39 over the proposed basic formula price. For the year 1947 the Class I price in Detroit averaged $1.23 above manufacturing milk prices as represented by the recommended basic formula price, and for the first 8 months of 1948 averaged only 86 cents above. These relatively low prices were associated with a decline in milk receipts in relation to sales. For the 12 month period ending with July 1948 Class I sales averaged 81 percent of producer milk receipts and during the period from November 1947 through February 1948 the market was short of milk.

Deliveries of milk to the Detroit market seem to respond readily to changes in the relationship of Detroit prices to prices for manufacturing milk. When the differential between the two prices has been large deliveries to Detroit have increased. When the price differential has narrowed deliveries have fallen off. Manufacturing milk prices dropped sharply after August, 1948, and the Class I price was increased, with the result that for the 9 month period from September 1948 through May 1949, the differential between Detroit Class I prices and manufacturing prices averaged $2.05 per hundredweight. This period of relatively high Class I prices brought about a reversal of the downward trend of milk receipts in relation to sales. For the year of 1949 Class I sales averaged 69 percent of producer milk receipts compared with 80 percent for 1948, and the supply each month exceeded that in the corresponding month of 1948. In the 12 month period of June 1949 through May 1950, the Class I price averaged $1.41 above the proposed basic formula price. During the first 7 months of this period, producer milk receipts increased in relation to Class I sales to a high point in December 1949 in which month only 70 percent of producer milk was sold as Class I compared with over 84 percent in December 1948. The maximum effect of the high differential between Detroit prices and manufacturing prices from October 1948 through May 1949 and of other factors such as favorable weather and ample feed supplies seems to have been reached by the end of 1949.

During the first 5 months of 1950 the excess of milk receipts over the corresponding months of 1949 decreased and receipts in May 1950 were below May 1949. During this period the Class I price was at approximately the level above manufacturing milk prices which producers proposed be fixed by the order. The record of milk receipts and Class I sales would seem to indicate that a Class I differential as high or higher than that proposed would be necessary to insure an adequate supply of milk. However, a number of provisions of the order other than the Class I price would have the effect of increasing the average return to producers. Distributors not in the present pool but who would be handlers under an order have a higher average Class I utilization than those now pooled. A higher butterfat differential would increase the return somewhat for Class I milk. The Class II order price recommended would probably return somewhat more for milk for these uses than was realized in 1949. Payment for all milk on a complete classified use basis would probably increase the average price to producers for all milk somewhat, and an audit verification of all handlers' uses would tend to have the same result.

Considering all of the factors discussed above, it is concluded that a Class I price differential of $1.35, subject to a supply-demand adjustment as recommended below, will attract to the Detroit market area an adequate supply of milk meeting the applicable health standards.

A proposal was made that the Class I price differential be adjusted monthly in relation to changes in the ratio of producer milk receipts to Class I utilization. Such a provision appears desirable but the proposal made should be modified somewhat. There are objections, for instance, to relating a current period to a 1947–48–49 base period, as proposed, as a measure of the time and amount of price changes desirable. During this 3 year period producer milk deliveries were 135 percent of Class I utilization, a larger supply than necessary to insure sufficient milk for Class I utilization in the short supply months. The 3 year period was one of wide variations both in prices and in production. The Class I price ranged from 58 cents above the proposed basic formula price to $2.32 above and producer milk receipts ranged from 107 percent of Class I utilization in December 1947 to 143 percent in December 1949. For these reasons the 1947–49 period does not seem to be suitable either as an indication of an appropriate Class I price differential, or as a guide to the normal seasonal variations in the ratio of receipts to Class I utilization.

The object of a supply-demand price adjustment in this market is to bring about an automatic price increase when the supply of producer milk is at such a level in relation to Class I utilization that a shortage in the months of seasonally low production is indicated, and a price decrease when the supply may be expected to be substantially above Class I needs in the low production months. These price changes should be made as soon as possible after an oversupply or shortage is indicated, as a lag of a few months may result in increased prices in the spring months of high production as a result of a shortage the previous winter. A minimum lag of 2 months appears necessary, allowing computation in the current month of the market supply-demand relationship in the preceding month to be applied to the Class I price in the next following month.

It was testified that a minimum milk supply for the market of 115 percent of Class I utilization is needed in any one month to provide adequate milk for Class I uses because of unequal distribution among handlers and daily and weekly variations in receipts and sales. A supply of more than 130 percent of Class I utilization in the shortest supply month would indicate a supply larger than needed. An upward price adjustment would be indicated if the market supply of producer milk in the shortest supply month might be expected to fall below 115 percent of Class I utilization and a downward adjustment indicated if this supply might be expected to exceed 130 percent of Class I utilization. Monthly data on daily average deliveries per farm indicate a fairly uniform seasonal variation in production each year. The supply-demand ratio for other months which would correspond to 122.5 percent, the midpoint of the 115 percent—130 percent range, in the shortest supply month may therefore be computed by adjusting this ratio by a standard seasonal variation in producer milk deliveries computed as an average of the seasonal variation of the most recent 5 years. A Class I price increase is then indicated at a full 7.5 percentage points below the adjusted ratio and a decrease at a full 7.5 percentage points above the adjusted ratio, as computed for each month. It may be necessary to revise the standard seasonal adjustment after data becomes available on the seasonal production of all producers supplying the market. If the seasonal variation in the production of all producers shows a wide divergence from that indicated by the data now available, it may be necessary to postpone the effective date of the supply-demand adjustment until complete data is available. The possibility of erratic price movements due to temporary influence may be largely removed by use of a 2-month period instead of one month, and is so provided.

Producer milk receipts in relation to sales and to producer prices over the last 4 years indicate that the proposed 3 cents per percentage point is a desirable rate of supply-demand adjustment of the Class I price differential after providing a 15-cent change for the first full 7.5 percentage point variation. A period of 9 months during which the Class I price averaged about 82 cents above the recommended basic formula price coincided with and was followed for several months by an oversupply of milk. These data indicate that a range of Class I price differentials somewhat less than these extremes is desirable. A price change of 15 cents for the first 7.5 percentage points variation in the ratio, and an additional 15 cents for each 5 percentage points, when applied to the supply-demand ratios of the last 4 years gives a top differential of $1.80 (in 3 months only) and a low (in 3 months only) of 90 cents. It is unlikely that either of these extremes would have been reached had the recommended pricing plan been in effect during these years, since the computed range of 90 cents to $1.80 is based on production responses to Class I price differentials ranging from a low of 58 cents to a high of $2.32. The range which might be expected from the use of a 15-cent adjustment for each 5 percentage points probably would not exceed $1.05 to $1.65 which appears appropriate to stimulate an ample supply of producer milk and at the same time avoid a large surplus.

To remove the possibility of a succession of increases and decreases if the ratio should fluctuate slightly above and below the level at which a price change is effected, it is provided that after a price change occurs a change in the ratio of an additional ½ percentage point is required to bring about a succeeding change in the opposite direction.

(c) *Class II price.* The Class II price should reflect the value of milk for general manufacturing uses in the Detroit milkshed. The average of the prices paid by 5 Michigan dairy manufacturing plants, as recommended for use as an alternate basic formula price, will normally reflect the value of milk in the Detroit area which is not used for fluid milk sales. Much of this milk is diverted to manufacturing uses in the various plants in the milkshed, and the 5 plant average price will usually be representative of the prices received for this milk, because of the selection of the plants as discussed in connection with the basic formula price.

It is possible, however, that due to the limited number of plants which it is practical to use, and the limited area represented, that prices paid by these plants may be lower at times than the market prices of manufactured dairy products would justify. As a safeguard against temporarily depressed prices in the local area, an alternate Class II price based on the market prices of butter and nonfat dry milk solids should be provided. A formula used in many milk markets under Federal regulation for pricing milk for manufacturing uses is recommended. This formula determines butterfat values at the average price of 92-score butter at Chicago plus 20 percent and skim milk values at the average price of spray and roller process nonfat dry milk solids at Chicago area plants less a manufacturing cost allowance of 5.5 cents per pound and converted to skim milk equivalent by use of a yield factor of 8.5 pounds of powder per hundredweight. Use of this formula price as an alternate Class II price would insure a price in line with national values of manufactured dairy products during any periods when the price paid by the particular local plants selected might be abnormally low for any reason.

(d) *Method of pricing.* Producers proposed that butterfat and skim milk be classified and priced separately. Distributors objected to butterfat and skim milk pricing, and proposed that the utilization in each class in hundredweight be priced at a 3.5 percent hundredweight price, adjusted to average test of the class by use of the producer butterfat differential, which averages about 112 percent of the Chicago 92-score butter price. They contended that resale prices of the various products marketed are adjusted to this method of pricing milk, which has been in use in the market for many years. This method of pricing tends to encourage consumption of butterfat, they claimed, by fixing a relatively low cost for high butterfat content products. Producers claimed that all handlers should pay the same price for all butterfat and skim milk used in any one class and that the relative values of butterfat and skim milk in each class should be the relative values in the open market as shown by market prices of butter and nonfat dry milk solids. These relative values should change from month to month as market values change. The additional cost of producing milk of the quality required for Class I products should be allocated to Class I butterfat and skim milk in proportion to the market values of butterfat and skim milk for manufacturing uses. They pointed out that the distributors' proposal allocated all of this additional cost to the skim milk.

Computing the proposed prices by the method suggested by distributors, for the month of April 1950, skim milk in Class I would have cost $1.99, 3.2 percent milk $4.03 and 5.0 percent milk $5.24. The added fat would cost less than the price proposed for butterfat in the Class II formula. In Class II, 100 pounds of 40 percent cream would have cost $26.71 while the 40 pounds of butterfat in this cream would be worth $28.70 at the butterfat value in the proposed Class II formula (Chicago 92–score butter plus 20 percent). Under the pricing method proposed by producers, the corresponding prices would have been 74 cents for skim milk, $3.96 for 3.2 percent milk, $5.78 for 5 percent milk and $29.01 for 40 percent cream.

The proposed methods of pricing milk on a hundredweight basis or a butterfat and skim milk basis represent alternate accounting methods and do not deter-

mine the cost of milk to handlers or the return to producers. In view of the market custom of hundredweight accounting and pricing, it appears that a continuation of this method of pricing by the terms of the order is desirable. Class prices should be expressed as hundredweight prices, and the price for each class should be adjusted to the actual butterfat test of the class by use of the butterfat differentials recommended below.

The classification and allocation of producer milk should be on a skim milk and butterfat basis. Because of the wide variation in the butterfat test of the various products, it is probable that the skim milk from producer milk will frequently be utilized in a different class than the butterfat from the same milk. Classification of skim milk and butterfat separately is necessary to accomplish complete classification according to use. It is also necessary to allocate producer skim milk and butterfat separately in order to give producer milk preference over other source milk in the higher value uses.

(e) *Handler butterfat differential.* The Class I butterfat differential proposed by distributors places a low value on butterfat in Class I milk relative to the hundredweight value of the milk. On the other hand, the producer proposal would price such butterfat relatively high, particularly in view of pricing practices prevailing in the market. The proposed Class I and Class II price formulas would have resulted in the last 3 years in a Class I price for 3.5 percent milk ranging from 23 percent to 32 percent above the Class II price. A Class I butterfat differential set at 20 cents per pound of butterfat above the producer butterfat differential recommended herein would result in a Class I differential ranging between 20 and 30 percent above the Class II butterfat differential, depending on the level of butter prices. A differential so determined would range from 25 to 35 cents above the Chicago 92-score butter price. At price levels of April 1950 this would provide a Class I butterfat differential of 85 cents per pound compared with 65 cents proposed by distributors and $1.015 proposed by producers. It is concluded that the addition of 2 cents to the one-tenth pound producer butterfat differential, which is based on the price of 92-score butter at Chicago, will provide an appropriate Class I butterfat differential.

Since formulas are provided for determining the butterfat and skim milk values in one of the alternate Class II prices, the butterfat differentials in this case should be the butterfat value determined by the formula. In the event the 5 plant average pay price is the effective Class II price, an equivalent butterfat differential may be determined by assigning to the butterfat, as proposed, the percentage represented by the butter portion of the butter-powder formula in the same month. This may be accomplished by dividing the butter formula by the hundredweight butter-powder price, multiplying the 5 plant price by the resulting percentage and dividing by 35.

(b) *Location adjustments.* Adjustments for delivery location are provided with respect to payments to producers for milk delivered (1) at country plants (i. e. plants from which no route deliveries are made into the marketing area) located more than 34 miles from the Detroit City Hall and (2) at plants from which route deliveries are made into the marketing area if such plants are located more than 34 miles from the nearest point on the periphery of the marketing area. A credit to handlers at the same rate is provided on milk moved from a country plant to plants operating routes in the marketing area not in excess of Class I disposition of such milk at the receiving plant, and on milk disposed of as Class I milk from the country plant other than to a handler. No location adjustments are provided for plants operating routes in the marketing area and located inside or less than 34 miles outside the marketing area, on payments to producers for milk received or as credits on milk disposed of as Class I or moved to bottling plants.

It was proposed that producer and handler location adjustment rates now in effect be incorporated in the order. For more than 30 years a location adjustment has been applied to milk received at country plants for re-shipment to city bottling plants in the Detroit area. This adjustment, based on the distance of the country plant from some point in the marketing area, has been deducted from the marketing area delivery price in making payments to farmers delivering milk to country plants, and a credit at the same rate has been allowed to country plant operators on milk moved to city plants.

In the earlier years these location adjustment rates were increased several times, reaching a high in 1930 when they ranged from 24 cents per hundredweight at 25 miles or less to 81 cents at 90 miles from the basing point. During the following 9 years the rates were lowered 4 times, to a low which ranged from 12 cents at 45 miles or less to 19 cents at points over 94 miles from the basing point, which rates prevailed for the two years following September 1, 1939.

The slightly higher schedule proposed, equivalent to that which has been in effect since October 1, 1947, provides an adjustment of 15 cents on milk received at or moved from a plant located in a zone 34 miles to 49 miles from the Detroit City Hall by shortest road distance, and an additional 1 cent per hundredweight for each 8 mile zone with a limit of 22 cents, which applies to any location beyond 97 miles. While no data were given on milk hauling costs, the proposed rates were considered adequate to cover cost of transporting the milk by tank truck from the receiving plant to city bottling plants. No allowance was proposed for the zone within 34 miles of the city hall as milk produced within this zone may be delivered more economically directly to city bottling plants.

The location allowance is limited to a maximum of 22 cents which is the allowance applicable to the zone starting at 97 miles from the Detroit City Hall. Ample milk for the market is available within the area included in the 8 zones for which mileage rates are provided and very little milk is moved from beyond 97 miles. The movement of milk for unnecessarily long distances at the producers' expense would not be economical. The proposed maximum rate of 22 cents would not discourage the movement of milk from reasonable distances beyond 97 miles as the economics of the long haul would to some extent offset the lower rate per mile.

Both the Grand Boulevard and the city hall in Detroit were proposed as basing points for location adjustments. Mileage may be determined more readily from a single point than from a street extending many miles. The Detroit City Hall is therefore specified as the basing point for all distance differentials. Zone distances 4 miles greater than now in use based on the Grand Boulevard are provided to allow for the distance of between 3 and 4 miles between the two basing points. The shortest road distance as determined by the market administrator was proposed for fixing the zone location of country plants and appears satisfactory for this purpose. The location adjustments as proposed would apply to all producer milk delivered to qualifying country plants in each zone and it appears would result in a fair value for such milk in relation to the value of milk delivered at city bottling plants.

It was proposed by producers that handlers operating receiving plants in the location adjustment area receive a credit computed by applying the applicable zone route to all milk moved to marketing area bottling plants regardless of the use classification of the milk so moved. Handlers proposed that the customary method of pricing milk be continued and this method, in effect, allows the location adjustment credit on 107 percent of Class I utilization. This results from adjusting the city price of Class II–B milk, which includes all producer milk in excess of 107 percent of Class I milk, by adding the average location adjustment of 17 cents to the Class II–B price formula. While the location adjustment credit is allowed on all milk moved to city bottling plants, it is in effect removed from Class II–B milk by increasing the marketing area price by the average location adjustment. This method of pricing manufacturing milk is not recommended.

Producers should not be required to bear the cost of transporting manufacturing milk from country plants to city plants. Milk may usually be manufactured more economically in country plants, and if a handler chooses to transport milk into the city for manufacture he should pay the cost of transportation. The handler location adjustment should apply therefore only to milk moved to bottling plants for Class I use. The use of milk moved from country plants would be determined by pro-rating to such milk the classification of all producer milk in the bottling plant (after first allocating other source milk to the lowest value uses).

In most cases some milk in excess of Class I uses must be moved to a city bottling plant from country plants since plants cannot regulate their supply to exactly Class I needs. Limiting the handler credit to Class I milk only results in a small reduction in the credit now being allowed, which all interested parties testified was satisfactory. To allow for the small amount of Class II milk which must be transported at no credit, the differential rates should be increased one cent. This is an average increase of 6 percent and will result in approximately the same allowance as has been in effect since 1947.

Because of the large size of the marketing area, some bottling plants located in the marketing area would also be in a zone to which a location adjustment would apply. It was proposed that the producer location adjustment apply to milk delivered to such plants as well as that delivered to country receiving plants. It was further proposed by distributors that handlers disposing of Class I or Class II producer milk from plants located in a location adjustment zone, including bottling plants in the marketing area, receive a credit on such milk at the rate of the handler location adjustment applicable to the zone. Producers also proposed such a credit, but that it be applicable only at plants located more than 65 miles from the Detroit City Hall.

The portion of the marketing area including the city of Ann Arbor would be in the first location adjustment zone (34 to 49 miles from the Detroit City Hall) and that including Port Huron and nearby cities would lie in the first 3 zones (34 to 65 miles from the Detroit City Hall). As proposed, producers delivering milk to Ann Arbor bottling plants would receive 14 cents less than for milk delivered within the 34 mile zone, and those delivering to plants in Port Huron and nearby areas would receive 14 to 16 cents less. As proposed by handlers, a handler credit of like amount would be allowed on Class I and Class II disposition from these plants. Under the producers' proposal, however, no credit on Class I and Class II disposition would be allowed within the 65-mile zone, which would exclude all plants within the marketing area.

All parts of the marketing area are dependent upon the entire production area for a year around supply of milk. While part of the milk for the Ann Arbor and Port Huron areas is supplied by nearby farms, both areas depend for a large amount of milk on country plants which are part of the supply system for the entire marketing area. The prices necessary to attract an adequate supply of milk for the entire area should apply therefore to all parts of the area.

Location adjustments to producers are provided to adjust the amount paid for milk which is not delivered to city bottling plants to allow for the additional cost of moving such milk from the plant where it is delivered by the producer to the area where it is to be distributed and should not apply to milk delivered by a producer to a bottling plant distributing milk in or near the marketing area unless the bottling plant is located an appreciable distance from the marketing area. No location differentials are recommended at points nearer than 34 miles to the Detroit City Hall. The same distance is appropriate for determining the application of a location differential to plants operating routes in the marketing area, except the distance should apply to the nearest point by highway to the boundary of the marketing area. It is provided that location adjustments, both producer and handler, apply to milk delivered to plants more than 34 miles from the Detroit City Hall, and in the case of plants operating routes in the marketing area, also located more than 34 miles from the boundary of the marketing area by shortest highway distance.

Handler plants receiving milk approved for sale in the marketing area may dispose of Class I milk in localities outside the marketing area. It was testified that the Detroit market is the dominant factor in the determination of prices in the entire milkshed. Hence, the Detroit marketing area Class I price, less the applicable location adjustment, would represent approximately the value of Class I milk disposed of from any plant in the Detroit milkshed. It is provided that a handler shall receive a credit with respect to Class I milk disposed of, other than to another handler, from a plant outside the marketing area from which a route is not operated in the marketing area at the rate of the location adjustment for the zone in which the plant is located. This credit is made applicable only at plants located more than 34 miles from the nearest point by highway to the boundary of the marketing area in the case of plants disposing of milk on routes in the marketing area. No allowance is provided for Class II milk since this milk would be mostly used in manufactured products and its value would not decrease at locations more distant from Detroit.

(g) *Transportation credits.* No transportation credits in addition to the zone location adjustment should be allowed to handlers on Class I milk disposed of, or on Class II milk moved for manufacturing.

It was proposed that a credit be allowed to a handler on any bulk, unpasteurized milk moved to a person other than a handler at a location 65 miles or more from the Detroit City Hall for Class I utilization computed at a rate of 17 cents for the 65 to 73 mile zone from the Detroit City Hall and increased one cent for each additional 8-mile zone. It was testified that the proposal was intended to permit disposal of milk during the summer season to milk distributors in distant resort areas at a price not in excess of the Detroit Class I price at the handler's receiving plant.

This proposal conflicts with the proposal discussed above to allow a credit on any Class I disposition other than to another handler from certain plants at the rate of the location differential applicable to the plant. This proposal, in effect, would require producers to pay the transportation cost to any point more than 64 miles from Detroit where a handler might choose to dispose of bulk Class I milk. If Class I milk from the Detroit area is needed in a distant market, it appears that the cost of transporting the needed milk should be borne by the market which is short of milk and not by the milk producers of the area from which the milk is supplied.

It was also proposed that a credit be allowed to handlers on milk transported from the plant where it is received from producers to another plant for manufacture at a rate of 6 cents per hundredweight for distances of ½ mile to 5 miles between the receiving plant and the manufacturing plant and at the rate of 1 cent for each additional 6 miles or fraction thereof with a maximum allowance of 18 cents per hundredweight.

In the Detroit market some milk distributors receive all of their milk needs from producers, either at a city bottling plant or at country plants, and manufacture the receipts in excess of their fluid milk needs into dairy products, generally at the plant where the milk is received from producers. If it is necessary to move any of the milk to another plant for manufacture, the transportation cost is paid by the distributor. Other distributors buy part or all of their milk from a producers cooperative association and assume no responsibility for disposing of milk in excess of their needs for fluid sales. The cooperative must arrange for converting the surplus milk which these distributors would otherwise be required to handle into manufactured products and in doing so must move substantial quantities from the country plants where it is received from producers to other plants for manufacture. It is expected, therefore, that the cooperative would be the main recipient of the transportation credits under this proposal.

If the proposed credits were provided for in the order, some of the costs which the cooperative must bear in the disposal of surplus milk would be defrayed out of the equalization pool and ultimately reflected in a lower return to all producers. A number of handlers have arranged to dispose of all surplus milk incident to their operations without the necessity of transporting milk at the expense of producers. The level of surplus milk prices which is provided is designed to cover the cost of converting surplus milk into manufactured dairy products. Any extra costs which the cooperative must bear appear to be due to additional services performed for certain distributors such as furnishing milk in the exact amounts needed for Class I uses, maintaining country receiving plants, keeping an adequate supply of milk available at all times and handling the disposal of any milk not needed by these distributors. It appears that these extra costs should be reflected in the cost of milk to the distributors who receive the additional services rather than be charged to producers through pool credits. The charge for manufacturing milk should be the same for all handlers, including cooperatives, without special allowances or credits applicable to particular methods of handling this milk.

(7) *Payments to producers*—(a) *Type of pool.* Market-wide pooling of all proceeds of producer milk was proposed and no objection was made to this type of pool. The nature of the market requires a uniform price to all producers representing the value of all market utilization to fairly compensate producers for their

contribution to the market supply. Some distributors buy as closely as possible to their needs and carry little or no surplus in the high production months. A cooperative handles a large portion of the spring surplus production and supplies many distributors with milk as needed. Distributors in the Ann Arbor area buy from producers less milk than needed for a large portion of the year, and depend on additional purchases of milk in bulk from a cooperative. Some country plants supply milk for fluid distribution only in a few months of low production but maintain an available supply at all times. Producers supplying these various handler plants contribute equally to making available a year around supply of milk but would receive widely varying returns under an individual handler pool method of payment.

Handlers are required to make payments for all producer milk received at the uniform base price for base milk and the excess price for excess milk, as explained below, either to producers directly or to a cooperative association for milk delivered by member producers. In the case of producers for whom a cooperative acts as marketing agent, payments may be made to the producer or to the cooperative, as agreed between the cooperative and the handler. Payments to a cooperative for producer milk delivered in bulk are required to be made at the uniform base price for the reasons set forth in the discussion of transfers.

(b) *Base-excess plan.* A "base plan" for returning the proceeds of milk sales to producers in a way which will encourage more uniform seasonal production is provided. Milk is to be paid for on the basis of deliveries during the August–December period.

A base plan has been in use in the Detroit market since 1930 and a proposal was made to incorporate this plan in the order in substantially the form now in use. It was shown that at the time the base plan of payment was introduced 20 years ago, milk deliveries to the market in the highest production month were 175 percent of deliveries in the lowest month. After 10 years of operation of the plan (1940), milk receipts in the highest production month were only 126 percent of the lowest month. During the next 5 years wartime demand and higher prices apparently somewhat offset the base plan incentive for even seasonal production. By 1945 the seasonal variation in milk receipts as measured by the percentage relationship of the highest month to the lowest month had increased to 146 percent. In the following 4 years seasonal variation in production improved and in 1949 the high month was down to 134 percent of the low month. If the seasonal variation of 1930 had prevailed in 1949, and November deliveries had been only adequate for market needs (115 percent of Class I utilization), deliveries in June would have been over 201 percent of Class I and in volume over 60 million pounds of milk in excess of Class I needs. It was stated that in view of the difficulty experienced in disposing of the actual market surplus in 1949 when June receipts exceeded Class I utilization by only 30 million pounds, a completely demoralized market might have resulted without the influence of the base plan on seasonal production.

Basically, the plan provides that each producer will receive approximately the marketing area Class II price for milk delivered each month in excess of a daily average amount, the producer's "base", which base is the daily average of shipments of the producer for the period of August through December of the previous year, the "base period." For milk deliveries not in excess of base, a "base price" is paid which is computed by dividing total market base milk deliveries into the remaining returns for all producer milk marketed during the month after deducting the value of the excess milk. The plan as proposed by the cooperative differed from the simplified outline above in two major respects: (1) in the case of a daily average of base period deliveries lower than the base already held by a producer, the new base would be the previous base less any amount by which 90 percent of the previous base exceeds the average daily base period deliveries, and (2) once during each year a producer may elect to give up his base and to establish a new base under the method proposed for establishing the base of a new producer.

It was proposed that a new producer entering the market, or a producer electing to give up his base, be paid for a certain percentage of his milk during each of the first three full months of delivery at the base price and the remainder at the excess price. These percentages are fixed for each month at a somewhat lower percentage of base and higher percentage of excess than the normal market average of all producers for the month. The average daily amount of milk paid for as base milk over the three-month period would determine the producer's daily base until a new base is established. The percentages proposed are now in use in the market and reflect the difference in seasonal production patterns of old producers and new producers as determined from market experience. The low spring percentages are necessary if producers are to be given the option of establishing a new base in order to prevent producers having a wide seasonal variation from receiving higher payments than justified by establishing two bases each year. The recommended percentages of milk deliveries to be paid for at the base price, 75 percent for February, 70 percent for March, 80 percent for April and July and 40 percent for May and June, are appropriate for making payments in these months to new producers and to producers who elect to establish new bases. Payments during the base period, however, should be at the market blend price as discussed below. Base should be established on deliveries during the base period at 80 percent of deliveries. This would give old shippers the option of establishing a new base on 100 percent of daily average deliveries in the 5 months of August through December or 80 percent of deliveries in the 3 months of October, November and December.

In the Detroit market the months of lowest production in relation to fluid milk sales are normally October, November, December and January. The base period proposed includes August and September which are usually months of more plentiful supply than are January and February, and does not include January. These months appear to have been selected to offset the lag in production responses which requires the stimulas to fall and winter production to become effective some months in advance of the period of shortest production in relation to market needs. A base period extending through January and February would tend to result in higher production in the spring months of oversupply. Deliveries of base milk in the 5 months of the base period averaged over 87 percent of Class I sales in the last 4 years, and over 91 percent in 1946 and 1947, which indicates the desirability of shifting production to those months. It is concluded that the proposed base forming period should be adopted except that deliveries for only 122 days during the period be required. This would allow for a producer starting delivery not later than September 1, and for limited lapses in delivery during the period.

Continuation of producer payments on the base and excess plan during the base forming months was proposed. The base-excess plan was proposed as an incentive for more even seasonal production, the objective being to encourage each producer to produce more of his total year supply of milk in the late summer and fall months and less in the spring months. The plan, therefore, should not discourage increased fall production by requiring payment for all or part of higher production at the excess price. It was proposed that a new producer, or an old producer desiring to establish a new base, be paid during the base forming months at the base price for 80 percent of his milk deliveries and at the excess price for 20 percent. However, no penalty should be imposed during these months when the supply of milk is shortest in relation to demand, either on new shippers entering the market or on old shippers who desire to increase the level of their milk deliveries. It is concluded, therefore, that during the base forming months a new shipper, or an old shipper who relinquishes his base, should be paid the market blend price for all milk delivered during up to 3 of these months, and a base then be established at 80 percent of the average daily deliveries during 3 months. If deliveries are made for 4 or 5 of the base forming months, a new base of 100 percent of such average deliveries would become effective February 1. Only 80 percent of a producer's deliveries are allowed as base when the base is established on three months deliveries. Such deliveries are made at the uniform price. Deliveries of milk for two of the base forming months in the case of old shippers and one or two months in the case of new shippers are made under the previous base or the newly established 80 percent base in establishing a base on 100 percent of his deliveries. These provisions will require re-examination after data are available on the results of their operation to determine the possible restrictive tendencies.

The proposal that bases be reduced by the difference between the average base period deliveries, and 90 percent of the previous base was the result of long experience in the market which has shown that such an adjustment eliminates most cases of inequity and dissatisfaction because of reductions in base due to accident, disease, weather, feed quality and other conditions more or less beyond the control of the producer.

A producer may desire to change his level of production and should not be required to receive payment for the higher production at the excess price until the next February 1st. It was proposed that producers be permitted to re-establish a base in line with their normal production level by allowing any producer to relinquish his base and to establish a base as a new producer once during each year. This would make the plan more flexible and would take care of cases of abnormally low production during the base period due to unsual circumstances.

A period of one month is allowed following the end of the base period to compute new bases. Every producer (except those who have been on the market less than 3 months) receives a new base on February 1 computed as the average of daily deliveries during the base forming months, or 80 percent of average daily deliveries in 3 months.

It was proposed that bases in use on the effective date of the order be applicable, subject to the approval of the market administrator, until the next February 1. However, the record indicates that there are some 2,000 producers who would have no base. It was proposed that the market administrator collect data on deliveries of these producers for the previous base forming months, or the first 3 months of delivery, and compute bases as if the order had been in effect during the base forming months of the previous year. Aside from the difficulties of collecting the data and making the computations in the brief period allowed, and the probable lack of some necessary records, which make the proposal impractical if not impossible to carry out, the proposal, in effect, would make certain provisions of the order retroactive to periods several months before the order would become effective. The last objection also applies to requiring payments on bases already established previous to the effective date of the order.

It is provided that all milk be paid for at a uniform price until bases have been established by deliveries during the first base period after the order becomes effective. This, of course, would not prevent a cooperative from re-pooling the returns for milk of its members and making payments on such base and excess plan as it may elect.

Rules have been provided for the handling of bases under certain circumstances. It is provided that any producer who fails to deliver milk to a handler for 45 consecutive days shall lose his base.

(c) *Producer butterfat differential.* Payments to producers must be adjusted for butterfat content. The proposed butterfat differential, based on the market price of 92-score butter at Chicago, has been in use in the market since 1941. This differential appears to have resulted in a supply of producer milk of satisfactory butterfat test for the needs of the market, and it is recommended as a provision of the order. Order prices are set for 3.5 percent milk as prices have always been announced for milk of this test in the market, and the basic test of 3. 5 percent apparently requires a minimum of adjustment to arrive at prices for actual tests of producer milk.

(8) *Administrative provisions.* (a) *Administrative assessments.* The act provides that the cost of administering a milk marketing order shall be financed by assessments on handlers subject to the order. An assessment of 2 cents per hundredweight of milk received from producers was proposed for the purpose. Although a considerable volume of cream from sources other than producers is received, testimony indicates that a fair apportionment of the administrative costs among handlers may be arrived at by basing the assessment on receipts of producer milk only. Normally, little or no other source milk is received as milk at handler plants. Should the rate of 2 cents per hundredweight prove more than adequate to cover costs of administering the order, it is provided that the Secretary may prescribe a lesser amount.

(b) *Marketing services.* To verify payments to producers at required rates, it is necessary to determine that butterfat tests and weights are accurate. To promote orderly marketing and encourage the production of an adequate supply of milk of satisfactory quality, it is necessary to furnish information regarding the market to individual producers. The cost of these market services should be paid by the producers who receive the benefits. Cooperative associations may be performing these services for members. It is provided, therefore, that in making payments to producers who are members of cooperatives determined by the Secretary to be performing such services, handlers shall deduct and pay to the cooperative such deductions as are authorized by the members of the cooperative. In the case of producers who are not receiving such services from their cooperative, the service should be performed by the market administrator with funds provided by a deduction from payments to such producers. It was proposed that a deduction of 5 cents per hundredweight be provided for this purpose. No testimony opposed such a deduction or indicated that a different rate should be provided.

Data on costs of furnishing these services to producers not serviced by cooperatives indicate that such costs would be relatively high. These producers deliver milk to 89 plants which are scattered over a wide area. It was estimated that butterfat check-testing costs under these conditions would be over 60 cents per test. It is provided that a deduction of 5 cents per hundredweight be made from payments to producers not receiving market services from a cooperative of which they are members and paid to the market administrator to be used for performing such services, and that this rate of 5 cents may be lowered by the Secretary if experience proves a lesser amount to be sufficient.

(c) *Other administrative provisions.* The other provisions cover administrative procedures necessary to carry out the pricing and payment requirements of the order, and for the liquidation of accounts in the event of suspension or termination of the order. Appointment of a market administrator is provided for and his powers and duties are prescribed. The computations to be made by the market administrator in determining class prices and the uniform and base price are set forth. A producer-equalization account is provided and the method of determining payments due to and from this account outlined so that each handler's payments to or receipts from this account, together with his payments to producers or cooperatives for milk will equal the value of his producer milk at the class prices. Handlers are required to permit verification by audit of all utilization of milk and milk products. Handlers are required to preserve all necessary records to show receipts, utilization and payments for a period of three years. This is considered long enough to allow for all necessary verification and at the same time not burden handlers with an unreasonable volume of old records. Records involved in any litigation, however, must be retained until released by the market administrator.

The termination of any obligation of a handler regarding any payment required by the order or of the market administrator to pay any handler is provided at the end of two years. Exceptions in the case of handler obligations are made in cases of notification of the obligation by the market administrator, failure or refusal of a handler to submit records, or transactions involving fraud or willful concealment of facts. A definite date for terminating obligations prevents the filing of claims which might extend back many years and involve substantial amounts. The resulting uncertainty could cause serious inequities and endanger the stability of the market. Handlers cannot be forewarned as to contingent liabilities and it is extremely difficult and burdensome for them to make adequate provision therefor by setting up reserves or by taking other precautionary measures. It is concluded that in general a period of two years is a reasonable time in which the market administrator should complete his audits and render billings for money due under the order.

Payments to producers have customarily been made on the 15th of the month following that in which the milk was received. It is considered desirable to continue this practice, as a shorter time is impractical considering the necessary reports and computations to be made. Producers should not be required to wait longer than 15 days when payment can be made within that time. Dates specified for announcement of class prices, submission of handler reports, announcement of uniform prices and equalization fund obligations are so set as to permit payments to producers by the 15th of the following month.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, the available supplies of feeds, and other economic conditions which effect market supply and demand, for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

The following order is tentatively approved as the appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this tentative decision because the regulatory provisions thereof would be identical with those contained in the order.

Order Regulating Handling of Milk in Detroit, Michigan Marketing Area [1]

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924.0 Findings and determinations.

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AUTHORITY: §§ 924.1 to 924.102 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 924.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Detroit, Michigan, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products, handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, 2 cents per hundredweight or such amount not exceeding 2 cents per hundredweight as the Secretary may prescribe, with respect to all producer milk (including such handler's own production) received during the month.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Detroit, Michigan, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 924.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ 924.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 924.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 924.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 924.5 *Detroit, Michigan, marketing area.* "Detroit, Michigan, marketing area," hereinafter referred to as the "marketing area," means all territory, including incorporated municipalities, within the outer boundaries of the townships of Burtchville, Grant, Greenwood, Kenockee, Wales, Clyde, Fort Gratiot, Kimball, Fort Huron, St. Clair, China, East China, Ira, Cottrellville and Clay in St. Clair County, the townships of Chesterfield, Sterling, Clinton, Harrison, Warren, Erin, and Lake in Macomb County, the townships of White Lake, Waterford, Pontiac, Avon, Commerce, West Bloomfield, Bloomfield, Troy, Novi, Farmington, Southfield, and Royal Oak in Oakland County, the townships of Ann Arbor, Superior and Ypsilanti in Washtenaw County, the townships of Ash and Berlin in Monroe County and all of Wayne County, all in the State of Michigan.

§ 924.6 *Handler.* "Handler" means:

(a) A person who operates a plant in which milk is pasteurized or packaged for distribution in the marketing area and from which Class I milk is disposed of during the month on a route(s) in the marketing area;

(b) A person who operates a plant other than one described in paragraph (a) of this section which is approved by the Department of Health of the City of Detroit, Ann Arbor, Pontiac or Port Huron for the handling of milk for consumption as Class I milk in the marketing area, except such a plant from which less than 10 percent of its dairy farm supply of milk is moved to a plant described in paragraph (a) of this section in each of the months of November and December of each year after 1950.

§ 924.7 *Producer.* "Producer" means a dairy farmer who produces milk which is received directly from the farm at a plant described in § 924.6 (except such plant as described in § 924.101) or is diverted for a handler's account from such a plant to a plant not described in § 924.6.

§ 924.8 *Producer-handler.* "Producer-handler" means a person who is a handler and who produces milk, but receives no milk from other producers or from a cooperative association.

§ 924.9 *Producer milk.* "Producer milk" means milk delivered by one or more producers.

§ 924.10 *Other source milk.* "Other source milk" means all skim milk and butterfat received by a handler in any form, other than that contained in producer milk.

§ 924.11 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State which the Secretary determines:

(a) To be qualified under the standards set forth in the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales or marketing milk or its products for its members.

§ 924.12 *Base.* "Base" means a quantity of milk, expressed in pounds per day, determined for each producer as provided in § 924.70.

§ 924.13 *Base milk.* "Base milk" means milk delivered by a producer each month which is not in excess of his base multiplied by the number of days on which milk is delivered during the month, and all milk delivered by a producer prior to February 1, 1952.

§ 924.14 *Excess milk.* "Excess milk" means milk delivered by a producer each month in excess of his base milk.

§ 924.15 *Route.* "Route" means a delivery (other than to a handler) including a sale from a store of a Class I product to a wholesale or retail stop(s).

MARKET ADMINISTRATOR

§ 924.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 924.21 *Powers.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions;

(d) To recommend amendments to the Secretary.

§ 924.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 924.86:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 924.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided herein, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 924.30 and 924.31, or (2) payments pursuant to §§ 924.80 and 924.84.

(g) Calculate a base for each producer in accordance with § 924.70 and advise the producer and the handler receiving the milk of such base;

(h) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(i) Audit records of all handlers to verify the reports and payments required pursuant to the provisions hereof; and

(j) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum class prices for the preceding month computed pursuant to § 924.51 and 924.52, and the handler butterfat differential computed pursuant to § 924.53, and

(2) On or before the 11th day of each month the uniform price, the price for base milk and the price for excess milk for the preceding month, computed pursuant to §§ 924.62, 924.63, and 924.64, and the producer butterfat differential computed pursuant to § 924.82.

REPORTS, RECORDS, AND FACILITIES

§ 924.30 *Monthly reports of receipts and utilization.* On or before the 5th working day of each month, each handler shall report to the market administrator for the preceding month, in the detail and on forms prescribed by the market administrator, the following with respect to (a) all producer milk received, (b) all skim milk and butterfat in any form received from other handlers, and (c) all other source milk (except any nonfluid milk product which is disposed of in the same form as received) received at a plant(s) described in § 924.6:

(1) The quantities of butterfat and skim milk contained in such receipts, and their sources;

(2) The utilization or disposition of such receipts; and

(3) Such other information with respect to such receipts and their utilization or disposition as the market administrator may prescribe.

§ 924.31 *Other reports.* (a) Each producer-handler and each handler described in § 924.101 shall make reports at such time and in such manner as the market administrator may request.

(b) On or before the 20th day of each month each handler who received milk from producers shall report his producer payroll for the preceding month which shall show:

(1) The pounds of base milk and pounds of excess milk received from each producer, and the percentage of butterfat contained therein;

(2) The amount and date of payment to each producer (or to a cooperative association); and

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 924.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk and other contents of all milk and milk products handled; and (c) pay-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

ments to producers and cooperative associations.

§ 924.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That, if within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 924.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received at a handler plant (a) in milk from producers or from a cooperative association (except as provided in § 924.43 (c)), (b) in any form from other handlers and (c) in other source milk required to be reported pursuant to § 924.30 shall be classified (separately as skim milk and butterfat) in the classes set forth in § 924.41.

§ 924.41 *Classes of utilization.* Subject to the conditions set forth in §§ 924.42 and 924.43 the classes of utilization shall be:

(a) Class I utilization shall be all skim milk and butterfat (1) disposed of for consumption in fluid form as milk, flavored milk, skim milk or buttermilk; and (2) not accounted for as Class II utilization.

(b) Class II utilization shall be all skim milk and butterfat (1) disposed of for fluid consumption as sweet or sour cream; or (2) used to produce ice cream or ice cream mix, cheese (including cottage cheese), dried whole milk, nonfat dry milk solids, evaporated or condensed whole or skim milk, sweetened or unsweetened disposed of in bulk or in hermetically sealed cans, butter, or livestock feed, or dumped; or (3) in shrinkage of producer milk up to 2 percent of receipts from producers; or (4) in shrinkage of other source milk.

§ 924.42 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred by a handler to another handler without first having been received for the purpose of weighing and testing in the transferrer handler's plant shall be included in the receipts at the plant of the transferee handler for the purpose of computing his shrinkage and shall be excluded at the plant of the transferrer handler in computing his shrinkage.

(c) Producer milk received at a plant from which a route is not operated in the marketing area and transferred in bulk from such plant to a plant from which a route is operated in the marketing area shall be subtracted from the producer milk receipts at the first plant and added to the producer milk receipts at the second plant in computing shrinkage.

§ 924.43 *Transfers.* (a) Skim milk and butterfat disposed of by a handler to another handler (except as provided in paragraph (c) of this section, other than a handler described in § 924.101, in the form of milk or skim milk shall be Class I utilization, unless Class II utilization is indicated by both handlers in their reports submitted pursuant to § 924.30: *Provided*, That in no event shall the amount so classified in Class II be greater than the amount of producer milk used in such class by the transferee handler after allocating other source milk in his plant in series beginning with the lowest priced utilization.

(b) Skim milk and butterfat moved in the form of milk or skim milk by a handler to a person not a handler or to a handler described in § 924.101 shall be Class I utilization unless all of the following conditions are met:

(1) Class II utilization is indicated by the handler in his report submitted pursuant to § 924.30, and a statement certifying to such Class II utilization is received by the market administrator from the operator of the plant to which such milk or skim milk is moved not later than the last day of the month following the month of such movement.

(2) The operator of such plant had actually used in the month of such movement an equivalent amount of skim milk and butterfat in Class II, or moved such amount to another plant not operated by a handler which meets the requirements of subparagraph (3) of this paragraph and utilized in the month an equivalent amount of skim milk and butterfat in Class II.

(3) The operator of the transferee plant maintains books and records which are made available if requested by the market administrator and which are adequate for the verification of such Class II utilization.

(c) Producer milk transferred in bulk from a plant operated by a cooperative association from which no milk is disposed of on a route(s) in the marketing area to a plant as described in § 924.6 (a), except a plant as described in § 924.101, shall be deducted before classification of producer milk at the plant of the transferor cooperative and shall be included in producer milk classified at the plant of the transferee handler.

§ 924.44 *Responsibility of handlers and reclassification.* All skim milk and butterfat shall be classified as Class I utilization unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 924.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I and Class II utilization for such handler.

§ 924.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers.

(a) Subtract from the total pounds of butterfat in Class II utilization, the pounds of butterfat shrinkage allowed pursuant to § 924.41 (c) (3);

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk;

(c) Subtract from the remaining pounds of butterfat in each class, the pounds of butterfat received from other handlers (except from a cooperative as set forth in § 924.43 (c)) in such classes pursuant to § 924.43 (a); and

(d) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section;

(e) If the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 924.47 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 924.46.

MINIMUM PRICES

§ 924.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I utilization shall be the highest of the prices computed pursuant to paragraphs (a), (b), (c), and (d) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the U. S. D. A.

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month; subtract 3 cents, add 20 percent thereof and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A., deduct 5.5 cents and then multiply by 8.2.

(c) The price per hundredweight resulting from the following formula:

(1) Multiply by 6 the simple average as computed by the market administrator of the daily average wholesale selling prices per pound of Grade A (92-score) bulk creamery butter (using the midpoint of any price range as one price) at Chicago as reported by the U. S. D. A. for the month;

(2) Add an amount equal to 2.4 times the simple average as published by the U. S. D. A. of prices per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, on the trading days that fall within the month.

(3) Divide by 7, add 30 percent thereof, and then multiply by 3.5.

(d) The average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator:

Present Operator and Location

Kraft Cheese Co., Clare, Mich.
Fairmont Foods Co., Bad Axe, Mich.
Carnation Milk Co., Sheridan, Mich.
Grand Ledge Milk Co., Grand Ledge, Mich.
Pet Milk Co., Hudson, Mich.

§ 924.51 *Class I milk price.* (a) Except as provided in paragraph (b) of this section, the minimum price per hundredweight to be paid by each handler, f. o. b. his plant as described in § 924.6 for milk of 3.5 percent butterfat content received from producers or from cooperative associations, during the month, which is classified as Class I utilization shall be the basic formula price plus $1.35.

(b) Beginning in the third month after this order becomes effective, the percentage which total receipts of producer milk by all handlers during the next two preceding months is of total Class I utilization of all handlers during such period shall be computed each month by the market administrator, and for the following month the Class I price shall be decreased 15 cents if such percentage is 7.5 percentage points or more above the average of the percentages for the corresponding months in the following schedule and increased 15 cents if such percentage is 7.5 percentage points or more below the average of the percentages for the corresponding months in such schedule and the Class I price shall be decreased or increased an additional 15 cents for each additional full 5 percentage points which such ratio of producer milk receipts to Class I utilization is above or below such average percentage: *Provided*, That when the price has been so decreased or increased it shall not be next increased or decreased, respectively, in the following month unless such percentage is ½ percentage point higher or lower, as the case may be, than the percentage at which such price change would otherwise be made.

Month	Percentages	Month	Percentages
January	122.5	July	149.8
February	126.5	August	145.5
March	134.1	September	140.6
April	144.3	October	131.0
May	159.3	November	123.4
June	167.5	December	125.9

§ 924.52 *Class II milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. his plant as described in § 924.6 for milk of 3.5 percent butterfat content received from producers or from a cooperative association, during the month, which is classified as Class II utilization, shall be the higher of the prices as computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the average price per pound of butter as described in paragraph (b) (1) of § 924.50 by 1.2 and then by 3.5.

(2) From the simple average of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, in barrels for human consumption f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A., subtract 5.5 cents and then multiply by 8.2.

(b) The price per hundredweight as described in § 924.50 (d).

§ 924.53 *Handler butterfat differential.* There shall be added to or subtracted from, as the case may be, the prices of milk for each class as computed pursuant to §§ 924.51 and 924.52, for each one-tenth of one percent variation in the average butterfat test of the milk in each class above or below 3.5 percent the amounts determined as follows:

(a) *Class I milk.* Add 2 cents to the producer butterfat differential determined pursuant to § 924.82.

(b) *Class II milk.* Divide the amount computed pursuant to § 924.52 (a) (1) by the price computed pursuant to § 924.52 (a), multiply the price determined pursuant to § 924.52 (b) by the resulting percentage and then divide by 35 and round off to the nearest one tenth cent.

DETERMINATION OF PRICE TO PRODUCERS

§ 924.60 *Computation of value of milk for each handler.* (a) Subject to paragraph (c) of this section, the value of producer milk received during the month by each handler shall be a sum of money computed by the market administrator by multiplying by the applicable class price adjusted pursuant to § 924.53 the total combined hundredweight of skim milk and butterfat received in producer milk allocated to each class pursuant to §§ 924.46 and 924.47, adding together the resulting amounts, and if such handler has a utilization greater than has been accounted for as received from all sources, add an amount computed by multiplying any such excess utilization classified pursuant to § 924.46 (c) and § 924.47 by the applicable class prices.

(b) Each handler who has other source milk allocated to Class I pursuant to § 924.46 and § 924.47 shall pay to the producer equalization fund each month an amount computed by multiplying the hundredweight of milk so allocated by the difference between the Class I and Class II prices for the month adjusted by the butterfat differentials provided in § 924.53 to the butterfat test of such other source milk.

(c) A handler who receives milk from producers (1) at a plant located outside the marketing area and more than 34 miles by shortest highway distance from the Detroit City Hall and from which no milk is disposed of on a route in the marketing area or (2) at a plant which is located outside the marketing area and more than 34 miles by shortest highway distance from the boundary of the marketing area and from which milk is disposed of on a route in the marketing area shall receive a credit with respect to producer milk disposed of as Class I utilization other than to a handler, and with respect to producer milk moved in bulk from such plant to a plant from which milk is disposed of on a route in the marketing area, computed on the weight of milk so moved which is not in excess of the amount of such milk classified as Class I utilization in the plant to which such milk is moved (pro rating to such milk the utilization of all producer milk received at such plant) at the rate for the applicable zone as determined by the market administrator, as follows:

Zone No.	Shortest road distance from Detroit City Hall	Rate per hundredweight
1	More than 34 miles but not more than 49 miles	$0.15
2	More than 49 miles but not more than 57 miles	.16
3	More than 57 miles but not more than 65 miles	.17
4	More than 65 miles but not more than 73 miles	.18
5	More than 73 miles but not more than 81 miles	.19
6	More than 81 miles but not more than 89 miles	.20
7	More than 89 miles but not more than 97 miles	.21
8	More than 97 miles	.22

§ 924.61 *Computation of the 3.5 percent value of all producer milk.* For each month, the market administrator shall compute the 3.5 percent value of producer milk by:

(a) Combining into one total the individual values of milk of all handlers, computed pursuant to paragraph (a) of § 924.60;

(b) Adding the aggregate value of all allowable producer location adjustments computed at the rates for the appropriate zones as provided in § 924.81;

(c) Adding or subtracting any charges or credits pursuant to § 924.90 (a) or (b);

(d) Adding, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is less than 3.5 percent, or subtracting if the weighted average butterfat test of such milk is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 924.82 multiplied by 10;

(e) Adding not less than one-half of the unobligated balance in the producer-equalization fund.

§ 924.62 *Uniform price.* For each month the uniform price shall be computed by:

(a) Dividing the amount computed pursuant to § 924.61 by the hundredweight of milk received from producers represented by the values included in § 937.61 (a); and

(b) Subtracting not less than 4 cents or more than 5 cents.

§ 924.63 *Excess milk price.* For each month the excess milk price shall be determined pursuant to § 924.52.

§ 924.64 *Computation of uniform price for base milk.* (a) Multiply the total pounds of excess milk and milk to be paid for at the excess milk price pursuant to § 924.70 (b) for the month by the excess milk price.

(b) Multiply the total amount of milk to be paid for at the uniform price pursuant to § 924.70 (b) by the uniform price for the month.

(c) Subtract the total values arrived at in paragraphs (a) and (b) of this section from the total 3.5 percent value of all producer milk arrived at in § 924.61;

(d) Divide the resultant value by the total hundredweight of base milk and milk to be paid for at the base price pursuant to § 924.70 (b); and

(e) Subtract not less than four cents nor more than five cents. The resultant hundredweight price shall be the uniform price of base milk of 3.5 percent butterfat content received at plants described in § 924.6.

§ 924.65 *Notification.* On or before the 11th day after the end of each month the market administrator shall notify each handler of:

(a) The amounts and values of his milk in each class and the total of such amounts and values;

(b) The base of any producer delivering milk to the handler which was not used in making payments for the previous month;

(c) The amount due such handler from the producer-equalization fund or the amount to be paid by such handler to the producer-equalization fund, as the case may be; and

(d) The totals of the minimum amounts to be paid by such handler pursuant to §§ 924.80, 924.84, 924.86, 924.87, and 924.90.

BASE RULES

§ 924.70 *Determination of base.* (a) A producer who delivered milk on at least 122 days during the period August 1 through December 31, inclusive, of any year after 1950 shall have a base computed by the market administrator to be applicable, subject to § 924.72, for the 12 months' period beginning the following February 1, equal to his daily average milk deliveries from the date on which milk was first delivered in the period to the end of such August 1–December 31 period: *Provided,* That a producer who had a base previous to August 1 and whose average of daily deliveries for the August 1–December 31 period is less than such base shall have a base computed by subtracting from his previous base any amount by which 90 percent of his previous base exceeds such average of daily deliveries.

(b) A producer who has no base shall be paid during the first three full months he is a producer the uniform price in each of the months of August through December and in other months, in the price applicable to base milk for the following percentages of his milk deliveries and the price applicable to excess milk for the remainder of his deliveries: 75 percent for January and February, 70 percent for March, 60 percent for April and July and 40 percent for May and June. At the conclusion of the first three full months' delivery, a base shall be established in the following manner: Multiply the total deliveries in the months of August through December by .8, in January and February by .75, in March by .7, in April and July by .6, and in May and June by .4. Add the amounts so computed and divide by the number of days in which milk was delivered during the three months.

(c) From the effective date of this order until bases are established pursuant to this section, producers and cooperative associations shall be paid the uniform price for all milk delivered.

§ 924.71 *Application of bases.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base period;

(b) Bases may be transferred only under the following conditions upon written notice by the holder of the base to the market administrator on or before the last day of the month that such base is to be transferred:

(1) Upon the death, retirement or entry into military service of a producer, the entire base may be transferred to a member or members of his immediate family.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders or to another person.

(c) A producer who does not deliver milk to a handler for 45 consecutive days shall forfeit his base.

§ 924.72 *Establishing a new base.* A producer with a base, by notifying the market administrator that he relinquishes such base, may establish a new base pursuant to § 924.70 (b) once during the 12-month period ending December 31, the period for establishing a new base to begin the first day of the month in which such notification is received by the market administrator.

PAYMENT FOR MILK

§ 924.80 *Time and method of payment.* On or before the 15th day after the end of each month each handler who received milk from producers or from a cooperative association shall pay for milk received during such month to each producer, or to a cooperative association for milk received from such association or from producers for the account of such association, the uniform price as provided in § 924.70 (b) and (c) or the base price for base milk and for milk to be paid for at the base price pursuant to § 924.70 (b) and milk transferred pursuant to § 924.43 (c), and the excess price for excess milk and milk to be paid for at the excess price pursuant to § 924.70 (b), adjusted by the butterfat differential pursuant to § 921.82 and any location adjustment pursuant to § 924.81: *Provided,* That if by such date such handler has not received full payment for such month pursuant to § 924.85, he shall not be deemed to be in violation of this section if he reduces uniformly to all producers and cooperative associations his payments per hundredweight by a total amount not in excess of the reduction in payments due from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

§ 924.81 *Location adjustments to producers.* In making payments to producers or cooperative associations pursuant to § 924.80 a handler may deduct with respect to all milk received by him from producers at a plant located outside the marketing area and more than 34 miles by shortest highway distance from the Detroit City Hall, as determined by the market administrator, and if milk is distributed from such plant on a route(s) in the marketing area, also located more than 34 miles by the shortest highway distance from the boundary of the marketing area, the amount per hundredweight applicable to the zone in which such plant is located as set forth in § 924.60 (c).

§ 924.82 *Producer butterfat differential.* In making payments pursuant to § 924.80 the base price and excess price or the uniform price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, as the case may be, by a butterfat differential of 7 cents when the average price of butter as described in § 924.50 (b) (1) is 60 cents, which differential shall be increased one-half cent for each full 5 cents variance in such price of butter above 60 cents and decreased one-half cent for each full 5-cent variance in such price of butter below 64.99 cents.

§ 924.83 *Producer equalization fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to § 924.84 and out of which he shall make all payments pursuant to § 924.85.

§ 924.84 *Payments to the producer-equalization fund.* On or before the 13th day after the end of each month, each handler

(a) whose value of milk is required to be computed pursuant to § 924.60 (a) shall pay to the market administrator any amount by which such value for such month (in the case of a cooperative association which is a handler plus the value of any milk transferred as provided in § 924.43 (c) at the price for base milk for the month adjusted pursuant to § 924.82) is greater than the minimum amount required to be paid by him pursuant to § 924.80, and

(b) who is required to make payment pursuant to § 924.60 (b) shall pay such amount to the market administrator.

§ 924.85 *Payment out of the producer-equalization fund.* On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 924.60 (a) (in the case of a cooperative association which is a handler plus the value of any milk transferred as provided in § 924.43 (c) at the price for base milk for the month adjusted pursuant to § 924.82) is less than the total minimum amount required to be paid by him pursuant to § 924.80, less any unpaid obligations of such handler to the market administrator pursuant to § 924.84; *Provided,* That if the balance in the producer-equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 924.86 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator on or before the 13th day after the end of each month two cents per hundredweight, or such amount not exceeding two cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of milk from producers, including milk of such handler's own production.

§ 924.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 924.80 for milk received from each producer (including milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct five cents per hundredweight, or such amount not exceeding five cents per hundredweight as the Secretary may prescribe, and, on or before the 13th day after the end of each month, shall pay such deductions to the market administrator. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 924.80 as may be authorized by such producers, and pay such deductions on or before the 15th day after the end of the month to the cooperative association rendering such services of which such producers are members.

ADJUSTMENT OF ACCOUNTS

§ 924.90 *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in moneys due:

(a) To the market administrator from such handler,

(b) To such handler from the market administrator, or

(c) To any producer or cooperative association from such handler,

the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 924.91 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 924.84, 924.85, 924.86, 924.87, and 924.90 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

APPLICATION OF PROVISIONS

§ 924.100 *Milk caused to be delivered by cooperative associations.* Milk referred to herein as received from producers by a handler shall include milk of producers caused to be delivered to such handler by a cooperative association.

§ 924.101 *Handler exemption.* A handler who operates a plant located outside the marketing area from which class I milk is disposed of on a route(s) within the marketing area but from which the disposition of Class I milk on all routes operating wholly or partly within the marketing area averages less than 600 pounds per day for the month, and from which no milk is transferred to other handlers, shall be exempt for such month from all provisions of this order except §§ 924.31, 924.32 and 924.33.

§ 924.102 *Producer-handler exemption.* A producer-handler shall be exempt from all provisions of this order except §§ 924.31, 924.32, 924.33 and 924.60 (b).

TERMINATION OF OBLIGATIONS

§ 924.110 *Termination of obligations.* (a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books or records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 924.120 *Effective time.* The provisions hereof, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 924.121 *When suspended or terminated.* The secretary shall, whenever he finds that this order, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

§ 924.122 *Continuing obligations.* If, upon the suspension or termination of any of all provisions of this order, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 924.123 *Liquidation.* Under the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 924.130 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 924.131 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

It is hereby ordered, That this tentative decision be published in the FEDERAL REGISTER.

This decision filed at Washington, D. C., this 11th day of May, 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-5680; Filed, May 15, 1951; 8:53 a. m.]

PROPOSED RULE MAKING

[7 CFR, Parts 943 and 945.]

[Docket No. AO 231]

HANDLING OF MILK IN NORTH TEXAS AND WICHITA FALLS, TEX., MARKETING AREAS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND ORDERS REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed marketing agreements and orders regulating the handling of milk in the North Texas and Wichita Falls, Texas, marketing areas, respectively. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, on the record of which the proposed marketing agreements and orders were formulated, was called by the Production Marketing Administration, United States Department of Agriculture, following receipt of a petition and proposed order filed by the North Texas Producers Association, Arlington, Texas, and a petition and proposal to extend the marketing area of such proposed order filed by the Wichita Falls Area Milk Producers Association, Inc., Wichita Falls, Texas. The public hearing was held in Dallas, Texas, on January 31 to February 20, 1951, inclusive, pursuant to a notice duly published in the FEDERAL REGISTER December 30, 1950 (15 F. R. 9522).

The material issues of record related to

1. Whether the handling of milk produced for the marketing area(s) is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;

2. Whether marketing conditions justify the issuance of milk marketing agreement(s) or order(s);

3. The extent of the marketing area(s);

4. The proper scope of regulation;

5. The classification and allocation of milk;

6. The determination and level of class prices;

7. Payments to producers; and

8. Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues decided herein are hereby made on the basis of the record of the hearing. In view of the findings and conclusions with respect to the extent of the marketing area and the evidence in the record, findings and conclusions with respect to other issues are included herein concerning a separate marketing agreement and order for the Wichita Falls, Texas, marketing area.

Upon the evidence adduced at the hearing and on the record thereof it is found and concluded that:

1. *Character of commerce.* The handling of milk in the North Texas marketing area is in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce in the handling of milk and its products.

Substantial quantities of milk produced in other states are imported regularly each fall and winter to supply the needs of handlers in the North Texas marketing area, since local production has not for several years been sufficient at this season of the year. Shipments from Wisconsin and Missouri to Dallas and Fort Worth handlers totaled almost 5 million pounds of whole milk during 1949 and approximately 3.5 million pounds in 1950. Additional quantities of milk were received by handlers in other cities of the marketing area. In addition substantial quantities of condensed skim milk and cream are transported to the area from points outside of Texas and used in reconstitution of buttermilk and the manufacture of ice cream.

During the spring and summer flush production season milk produced for the North Texas marketing area which is surplus to the needs for fluid distribution is used in the manufacture of ice cream, butter, cheese, condensed milk and non-fat dry milk solids. The products made from thus surplus milk are sold in competition with similar products manufactured in other states. Cream, condensed skim milk and non-fat dry milk solids imported from other states are also used in the production of ice cream.

Twenty-three producers whose farms are located in the State of Oklahoma supply milk to a handler whose plant is located in Paris, Texas, which is a part of the North Texas marketing area. This handler distributes fluid milk in competition with other handlers in the North Texas marketing area and also distributes fluid milk in the State of Oklahoma. In addition, this handler operates a manufacturing plant to which seasonal surpluses of milk produced for fluid distribution is transferred from his own operation and those of numerous other North Texas handlers. Ice cream mix made in part from such surplus milk is distributed in Oklahoma, Arkansas, and Louisiana, as well as Texas.

The handling of milk produced for the Wichita Falls, Texas, marketing area is also in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce in the handling of milk and its products.

Milk produced in other states is imported regularly during the short production season to supplement local supplies. For reasons indicated elsewhere such imports in 1950 were less than

usual, amounting to approximately 156,000 pounds. Seasonal surpluses of inspected milk are used in the manufacture of dairy products particularly as ingredients of ice cream. Ice cream made from such surplus milk is sold regularly in Oklahoma. In addition milk surplus to local needs is marketed in bulk to other Texas markets in competition with supplementary supplies from northern states.

2. *Need for an order.* Marketing conditions in the North Texas marketing area justify the issuance of a marketing agreement and order.

During and since World War II the North Texas marketing area, of which the cities of Dallas and Fort Worth represent the largest centers of urban population, has experienced a marked growth in population. As a consequence the demand for milk for fluid consumption has also increased materially. While the production of milk for fluid consumption has also increased rapidly, there is not yet sufficient locally approved milk to supply the needs of the market for fluid consumption in fall and winter months when production is seasonally low. In an effort to increase supplies of locally inspected milk Dallas and Fort Worth handlers have since 1947 expanded the area from which they buy milk. In this period they have likewise expanded their sales areas. In this period of expansion of production and sales no organized plan for the marketing of the milk supply and no satisfactory plan for establishing the prices which milk producers receive for their milk have been developed.

Milk, because of its perishability, must be delivered daily to the market as it is produced. Farmers cannot hold milk on their farms to await favorable price conditions. Because of the breeding characteristics of cows, difference in the availability of fresh feeds and changes in the weather there is a marked seasonal variation in milk production in the supply areas for the North Texas and Wichita Falls, Texas, marketing areas. Sales of milk in fluid form on the other hand are subject to much less seasonable variation than milk production. Thus even though the milk supply were inadequate to supply the market needs at some seasons of the year there would be a surplus of milk at other seasons. Such surpluses must find their way into manufactured dairy products which do not return as high a price to producers as milk disposed of in fluid form. Production of milk for fluid use in conformity with rigid sanitary requirements prevailing in the North Texas marketing area and especially to maintain a satisfactory level of supply in the fall and winter months requires substantial investment and heavy operating costs.

Orderly marketing of the milk produced for fluid consumption in a metropolitan market supplied by numerous producers requires regular and dependable methods for determining prices of milk for various uses, equality of prices for each handler according to the use made of the milk, and means whereby the price reductions resulting from any surpluses may be borne equitably among producers. There is no plan operating in the North Texas market whereby prices of milk produced for fluid consumption are established in accordance with these objectives. Practically all handlers in the market operate on some form of "base and surplus" plan. Under each of the plans the individual handler determines the prices of butterfat differentials to be paid for "base" and "surplus" milk and the means of determining what milk shall be paid for as "base milk" and as "surplus milk." Milk producers do not participate in the price making process.

The base plans of different handlers differ from each other in several material respects. Moreover, several handlers have varied the application of their own plans from year to year and even within a single year with little or no advance notice to producers. Under all of these plans the average deliveries of a producer during some of the short production months affects at some seasons of the year the quantity of milk for which he is paid "base price." The months used by different handlers for establishing bases have varied. Some handlers have failed to notify producers in advance what months were to be the "base-setting" period or have eliminated a part of a previously announced period. The most significant differences in the buying plans of handlers have, however, been in the application of their base plans to the quantity of each producer's milk that should be paid for at the "base" or higher price and the quantity to be paid for at a lower or "surplus" price. For some handlers this has been determined solely by the base established by each producer; each producer has been paid a "base" price for all deliveries which do not exceed his established base, and a "surplus" price for all deliveries in excess of this base. For other handlers the ratio of sales to the established bases of producers has been used to increase or decrease the quantity of "base milk" for which each producer was paid. These handlers do not all use sales of the same products in determining this ratio. Some include sales of all Grade A fluid products, while others include only sales of fluid milk, and at least one handler includes less than his total sales of fluid milk because he considers that he has additional costs for certain sales.

In spite of the fact that it has been necessary for practically all handlers, particularly those located in Dallas, to import substantial quantities of milk during the base forming months, producers have frequently been paid base prices for less milk than their established bases during the succeeding spring and summer months. The extent to which this results from failure to include all sales of Grade A products as base milk, from inclusion of bases for producers who did not establish bases with the handler during the base forming months, or variations in sales by the individual handler, cannot be determined from the evidence in the record. The record does indicate, however, that the expanding character of the market has generally resulted in higher total sales by all handlers during the succeeding spring and summer months than during the base forming months. In any event, producers have no means of determining the utilization of milk by the handlers they supply, and must accept payment on whatever basis the handlers used. Payments at substantially reduced "surplus" prices by handlers for milk which producers suspect was needed for such handlers' fluid sales is one of the great sources of producer dissatisfaction in the market.

There have also been variations in the prices different handlers have paid for base milk and for surplus milk. Except that price changes are not made simultaneously by all handlers the prices that handlers of each city of the marketing area pay for base milk tend to be rather uniform, but the prices Dallas handlers pay often differ from those paid by Fort Worth handlers. Differences in base prices were particularly pronounced after February 1950. For six of the twelve months ending in February 1951 the base price paid by Fort Worth handlers exceeded that paid by Dallas handlers by amounts ranging from 25 to 45 cents per hundredweight; for five of these months the Dallas base price exceeded that of Fort Worth by amounts of 5 or 10 cents per hundredweight, and in only one month do the base prices paid by handlers of the two cities appear to have been the same. Somewhat similar comparisons may be made for prices paid by handlers in other portions of the marketing area. These handlers generally follow more closely the prices paid by Dallas handlers than those paid by Fort Worth handlers. Different butterfat differentials are also used by different handlers in paying producers.

These buying practices of handlers result in a situation where producers with identical production delivering to different handlers with identical volumes of receipts and sales receive substantial differences in their returns. The costs of milk for the same use to individual handlers have likewise differed substantially.

These buying practices are factors of inherent instability in the marketing of milk in the area. The expanding nature of the demand for milk and the lack of an adequate year-round supply of locally inspected milk have generally prevented the lack of an organized plan for equalizing costs to handlers and returns to producers from demoralizing the market. In early 1950, however, chaotic conditions occurred in the pricing of producer milk. With some prospects of an adequate year-round supply of milk following a winter season in which deficits of supply were less severe than formerly, individual Dallas handlers engaged in aggressive price competition in the resale market. Handlers changed producer prices and conditions of their base plans frequently and without advance notice to producers. One handler mailed three letters to his producers within a period of four days notifying them of changes in buying plans and prices. As a result of this "price war" Dallas producers received a reduction of $1.00 per hundredweight for their base milk. Since the net reduction in consumer prices was 2 cents per quart or approximately 93 cents per hundredweight, it is evident that price

cuts at resale were largely passed back to producers in reduced returns. Fort Worth handlers did not reduce their producer prices so severely and they were at a competitive disadvantage, relative to Dallas handlers at the numerous places where both sold milk.

The conditions that occurred in the spring of 1950 are indicative of conditions that are likely to occur under present buying practices whenever an adequate supply of locally produced milk is available for the market. These conditions thus militate against achieving a continually adequate supply of milk since the disparities in costs to handlers and returns to producers inherent in the system widen as the level of the milk supply approaches the needs of the market. The pressures on individual handlers and producers associated with these disparities may be expected to result in conditions which will reduce the level of returns to some producers drastically and to all producers generally and the production of a sufficient supply of inspected milk will be hindered.

Despite the elements of instability in the market, handlers have resisted the efforts of a cooperative association representing more than 1,750 of the approximately 2,500 producers of the market to negotiate uniform buying plans for the market. The handlers have failed or refused to negotiate with the association concerning the prices and marketing conditions which should apply to milk received from members of the association and they have not permitted the association to check the weights and tests of milk delivered by its members. In some cases producers have been threatened with loss of a market for their milk if they joined the association and some association members actually have been "cut off" by handlers without explanation. Handlers have offered producers individual contracts which conflict with association membership, and in some cases have conducted systematic campaigns urging these contracts on their producers. These contracts generally continue the buying plans of the handlers, and are written to expire in the surplus season when the producer would have difficulty in finding another handler who would buy his milk. One handler who apparently did not oppose the objectives of the association testified that he is now buying the milk at about half of the board of directors of the association because of the difficulties these producers encountered with other handlers. This fact strongly suggests that association members and officials have been subject to coercion and intimidation by handlers.

There is considerable and well justified dissatisfaction among producers with the butterfat tests on which they are paid for their milk. While the State of Texas does some checking of the tests upon which dairy farmers in the state receive payment, it appears that only about 3500 individual tests are made annually in the entire state. The protection thus afforded cannot substitute for the regular checks which association producers desire and are willing to pay for through their association membership. Similar systematic checks by an impartial market administrator should be afforded producers who do not belong to a cooperative association.

There is need for market-wide information concerning production and sales in order that producers may plan their production and marketing programs intelligently and upon which price-making determinations may be made. Neither producers nor handlers were able to present at the hearing data which showed both production and sales for the entire market over any period of time.

The adoption of a classified price plan based on the audited utilization of handlers and market-wide pooling of returns among producers will provide respectively equal costs to handlers for milk used for like purposes and a fair division among all producers of the returns from Class I sales in the market. The inherent instability in the present buying plans operated by individual handlers will be reduced.

The issuance of a marketing agreement and order for the North Texas marketing area is needed to establish and maintain orderly marketing in the area and provide an adequate supply of milk for the area.

In view of the conclusion contained herein with reference to the extent of the North Texas marketing area and the separate and extensive evidence concerning marketing conditions in the area including Wichita Falls, Texas, which was proposed for inclusion in the North Texas marketing area, consideration has been given to the need for separate regulation for the Wichita Falls marketing area. It is concluded that marketing conditions in the Wichita Falls, Texas, marketing area justify the issuance of a marketing agreement or order.

The history and marketing relationships of the North Texas market are similar to the history and marketing relationships in the Wichita Falls market. Buying practices of handlers have been on "base" plans which provide differing returns to producers similarly situated. With fewer handlers these differences have not been quite so marked. The trend of events has however been more rapid. Milk production increased nearly 69 percent from 1947 to 1950. Deficits were still in prospect, however, when producers were establishing bases in the fall of 1949. Thereafter the situation changed from deficit to surplus very quickly. An Army Air Force Base, Sheppard Field, lies adjacent to Wichita Falls, and the volume of milk involved in the contract for supplying this base is substantial in relation to the quantity of milk producer for the Wichita Falls market. A Dallas handler was the successful bidder for the contract to supply this base beginning January 1, 1950. As a result producers were paid surplus prices for some of their milk during their base forming periods, followed shortly by reductions in base prices to producers, which were, however, not so drastic as those that occurred in Dallas. Following this event a cooperative association of producers was formed with a membership representing a substantial majority of the approximately 175 producers of the market. The cooperative's attempt to negotiate with handlers was principally directed toward handling surplus milk so as to realize the most advantageous market and insure that no milk paid for at surplus prices was needed for fluid use. When no satisfactory agreement on these matters was reached in early May 1950 the association called a "milk strike" and its members withdrew all of their milk. At this period of flush production handlers were able to supply their needs from other sources, and milk deliveries were resumed on a verbal agreement that association producers would be restored to the same status as before the incident. This, however, did not materialize; handlers reserved for producers who continued deliveries during the "strike" period bases equal to their deliveries during this period of flush production and as a result the association producers bore the entire burden of surplus milk until September 1950. Since September 1950 this discrimination in payments to producers has ceased but the association has been unable to obtain any definite assurance that cooperative members were to receive bases on an equal footing with nonmember producers. To some extent these negotiations have been complicated by the acquisition by the association of a receiving station which it now operates for some of its members and from which milk is currently sold to one handler.

Negotiations were continuing concerning these problems at the date of the hearing. The fact remains that no uniform buying plan for the market has evolved therefrom and it is unlikely that one will result from any continuation of the negotiations. The adoption of a uniform classified price plan and a market-wide pool will provide a fair division among all producers of the fluid sales of the market. The issuance of a marketing agreement and order for the Wichita Falls, Texas, marketing area is needed to establish and maintain orderly marketing in the area.

3. *Extent of the marketing areas.* The North Texas marketing area should be defined to include all territory within the counties of Cooke, Collin, Dallas, Delta, Denton, Ellis, Fannin, Grayson, Hopkins, Hunt, Johnson, Kaufman, Lamar, Parker, Rockwall and Tarrant, all in the State of Texas. All municipal corporations, Federal military reservations, facilities and installations and State institutions located in these counties should be included.

The major fluid milk markets in the North Texas marketing area are the cities of Dallas and Fort Worth. Dallas and Fort Worth handlers sell milk over a wide area beyond the limits of these cities. In recent years, they have expanded their sales areas to include most of the smaller cities and towns within a considerable distance of Dallas and Fort Worth. The advent of the paper milk carton has accelerated this distribution of milk.

As Dallas and Fort Worth handlers have reached further from Dallas and Fort Worth for milk supplies, they have extended their distribution routes to cover smaller cities and towns in the expanded production area. As a consequence they compete actively for both

milk supplies and milk sales with each other and with handlers in smaller cities and towns over much of the production area. Some handlers located in the smaller cities also distribute milk in other cities in competition with Dallas and Fort Worth handlers. A handler in Paris, Lamar County, Texas, in which a Fort Worth handler also sells milk, competes with Dallas and Fort Worth handlers for milk sales in Grayson, Fannin, Hunt, Hopkins, Delta and Red River Counties. This handler also had operated routes in Dallas for several months in 1949 and 1950. A handler at Sherman in Grayson County who bought milk from approximately 100 producers in several counties and competed with Dallas and Fort Worth handlers for sales in the same area, has recently sold his business to a Fort Worth handler. At the time of the hearing these producers were in the process of transfer to this handler's Fort Worth plant. Similarly a Dallas handler was at the time of the hearing incorporating with his Dallas business the operations of a handler of Bonham in Fannin County.

The fact that much of Texas, particularly to the west and south of Dallas and Fort Worth, is an area with more pronounced deficits in milk production than North Texas has resulted in some North Texas handlers establishing substantial distribution of milk at considerable distances beyond the limits of the production area. Milk bottled by one Dallas handler is sold regularly in Wichita Falls, 135 miles northwest of Dallas, Lubbock, 340 miles west of Dallas, El Paso, 640 miles southwest of Dallas, and in Harlingen and Corpus Christi, each more than 500 miles south of Dallas. No other handler extends his distributions to such extreme distances in so many directions, but other handlers distribute in Waco, Temple and other Texas points.

Eight proposals to define the marketing area were included in the notice of hearing. The North Texas Producers Association proposed that the marketing area be confined to the corporate limits of the cities of Dallas in Dallas County, Fort Worth in Tarrant County, Paris in Lamar County, Dublin in Erath County, Terrell in Kaufman County, Denison and Sherman in Grayson County, Gainesville in Cooke County, Tyler in Smith County, Decatur in Wise County, Denton in Denton County, McKinney in Collin County, Cleburne in Johnson County, Longview in Gregg County, and Waxahachie and one precinct in Ellis County, all in Texas. Several handlers proposed that the marketing area be defined by county boundaries. These proposals as a group included all the counties in which the cities proposed by the association are located plus some additional counties. The Paris handler proposed the addition of three counties in Texas and four in Oklahoma. One handler proposed that in addition to twenty-seven counties in North Texas the marketing area include thirteen cities in what is generally referred to as West Texas. The Wichita Falls Area Milk Producers Association proposed that the city of Wichita Falls be included. Handlers of Wichita Falls proposed that if Wichita Falls were included in the marketing area 18 counties also be included. In all forty counties in Texas, four counties in Oklahoma, and twenty-nine cities and towns in Texas were proposed for inclusion in the marketing area.

It appears that practically all milk sold for fluid consumption in the North Texas area is sold as Grade A milk. To be labeled "Grade A", milk must be produced and handled under the supervision of local health officers in accordance with standards established by the Texas State Department of Health. The standards that have been so established are those of the 1939 Edition of the U. S. Public Health Service Milk Ordinance. These standards are also contained in the milk ordinances of the principal cities of the area. While there may be minor differences in the degree of effectiveness of enforcement of these uniform standards by the various health authorities of the area, the movement of milk from one health jurisdiction to another indicates that the quality milk is generally uniform throughout the various portions of the area. While no route distribution from Dallas plants is made in Fort Worth, or vice-versa, Fort Worth approved milk is frequently used as an emergency supply by a Dallas plant.

In view of the uniformity of health regulations throughout the area the marketing area should so far as possible be contiguous and be defined by county boundaries. While this will result in the inclusion of much rural area, it does not appear that any considerable administrative difficulties will thereby be incurred. It is proposed that only handlers who distribute Grade A milk in the marketing area shall be regulated. Such handlers are readily identifiable under the health regulations, and it does not appear that there will be any substantial number of them who will confine their activities to the more rural portions of the area without selling milk in such North Texas cities as are appropriate for inclusion in the marketing area.

The sixteen counties to be defined as the marketing area include within their boundaries ten of the fourteen cities proposed by the proponents of the order. Decatur and Dublin, two of the cities not included in the area as defined, have less population than the other cities proposed; the distribution of Dallas and Fort Worth milk in these cities or the counties in which they are located does not appear very substantial, so that it is concluded that no substantial purpose would be served by including them in the marketing area. Tyler and Longview, the other cities thus proposed which are not located in the named counties, are of larger size and one Dallas handler estimates that more than 30 percent of all sales are by Dallas handlers. Local handlers in these cities, on the other hand, indicate that only 11 of 63 routes in the Tyler-Longview section are operated by Dallas handlers. Tyler and Longview are somewhat further removed from Dallas and Fort Worth than the other cities included. Handlers located in these cities compete not only with North Texas handlers for their milk supply but also with those of Houston and Shreveport, Louisiana, which are metropolitan markets. These handlers do not compete extensively with Dallas and Fort Worth handlers in other portions of the marketing area. Inclusion of the cities of Tyler and Longview in a contiguous marketing area defined by county boundaries would require naming some six or eight additional counties in the defined area. In view of the factors stated above, it is concluded that their significance is not sufficient to warrant their inclusion at this time.

The proposal that thirteen West Texas cities at distances varying from 120 to 430 miles from Dallas be included in the marketing area was made by a Dallas handler whose milk is distributed in these cities by a vendor. In support of the proposal it was shown that the volume of such distribution is sufficient to employ more than 80 people and to require an investment of $400,000. The vendor estimated that of the total sales of milk in each of these cities his sales represented percentages varying by cities from 15 percent to 75 percent. These percentages were contested by a handler with plants located in some of these West Texas cities. It was contended that an order which would price the milk received by the Dallas handler must also price the milk in competition with which it is sold in these West Texas cities. The distribution of North Texas milk in this area was represented as a disposition of milk which would otherwise be priced as surplus milk to North Texas producers. A cooperative association representing a substantial number of the producers supplying plants located in these cities opposed their inclusion in the North Texas marketing area on the basis that production conditions differed materially in that area and indicated that it had proposed a separate order with a marketing area that would include several of these cities and some others.

It is obviously impracticable to define a marketing area so that a handler may sell milk anywhere without competition from milk not priced under the order defining such marketing area. The West Texas cities here proposed for inclusion in the North Texas marketing area are in an area in which local production of milk is inadequate and prices for locally produced milk have historically been higher than in the North Texas area. As a result of the demand for more milk than was locally available a substantial distribution of North Texas milk has been built up in the past three and one-half years, much of it at resale prices higher than those of local handlers in these cities. While a West Texas handler purchases some milk at a receiving station at Springtown in Parker County in the North Texas area, and there is some further overlap of the production areas in Erath County, it does not appear that the competition for supply is extensive. There is serious question as to whether inclusion of the cities proposed would price as producer milk a substantial quantity of milk from the Brownwood area which is moved to Abilene. The inclusion of the cities proposed might result in including in the marketwide pool milk of producers

far removed from North Texas should some other handler from a distant point market milk under a system comparable to that now used by the Dallas handler. The record indicates the need for higher prices which would apply to the milk received at plants in West Texas and that these prices should not be uniform for all such plants, but fails to provide enough evidence upon which to base such location differentials. For these reasons it is concluded that the proposal to include West Texas cities in the North Texas marketing area should not be adopted.

The proposals that Wichita Falls and counties in that general vicinity be included in the North Texas marketing area should not be adopted. With one notable exception, there is little competition for sales between Wichita Falls handlers and handlers of the defined North Texas marketing area. There is a minor overlap of the production areas of Wichita Falls and North Texas in Wise County, but little evidence of shifting of producers from one market to another. The competition for sales is with respect to the Sheppard Air Force Base at Wichita Falls. This is a large outlet for Grade A milk for which a Dallas handler currently holds the contract. While this volume of sales is of considerable importance in the Wichita Falls area, these sales of Dallas milk under a contract periodically open for competitive bids are not considered adequate reason for inclusion of Wichita Falls in the marketing area. As indicated elsewhere, a separate order for the Wichita Falls area is considered appropriate on the records of this hearing.

The Wichita Falls marketing area should be defined to include all territory within the County of Wichita, State of Texas. While Wichita Falls handlers market milk in a number of smaller towns in other counties, it does not appear that such distribution in any one locality is a substantial portion of the total business. Neither does it appear that any of the smaller handlers occasionally located in such towns has a wide area of distribution within which he competes with Wichita Falls handlers. There is no evidence that the producers supplying these handlers are so located that there is much competition for supplies of milk between these handlers and those of Wichita Falls. The record fails to indicate conclusively that the health requirements of such towns are equivalent to the Grade A regulations which apply in Wichita Falls and Wichita County. For these reasons the proposal of handlers that additional counties be included is denied.

4. *Scope of regulation.* The minimum class prices of the orders should apply only to milk which is produced under the inspection of the appropriate health authorities of the marketing areas and which is regularly received at a milk plant approved by such authorities for the receiving or processing of Grade A milk or milk products for distribution on routes in the marketing areas.

As indicated in the findings concerning the extent of the marketing areas, milk sold for fluid consumption in the marketing areas is almost exclusively Grade A milk. Specifications and requirements promulgated under the Texas Milk Grading and Labeling Law, together with municipal ordinances, prescribe the conditions under which such milk may be produced and distributed. The minimum class prices and the uniform prices computed under the market-wide pools should apply only to milk which is received directly from farmers at a locally approved Grade A plant.

In order to designate clearly what milk is to be subject to the pricing provisions of the orders, which processors and distributors are to be subject to regulation and which dairy farmers will participate in the market pools, it is necessary to include in each order definitions of "approved plant," "handler," "producer," and "other source milk."

"Approved plant" should be defined as a milk plant approved by any health authority having jurisdiction in the marketing area for distribution of Grade A milk and milk products, from which milk, skim milk, buttermilk, flavored milk, flavored milk drinks or cream are disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores). The definition should also include a receiving station which, with the approval and under the direct supervision of the appropriate health authorities, receives milk from producers and commingles such milk for movement to the plants previously described. The approved plant definition should not include plants not under the routine inspection of the health authorities of the marketing area to which the order applies, but which may furnish milk to handlers during periods of emergency or shortage. Inclusion of such plants would be beyond the intended scope of the orders, and would involve pricing milk not primarily produced for the North Texas market or the Wichita Falls market.

"Handler" to whom the regulatory provisions of the order are applicable, should be defined as the operator of an "approved plant" in his capacity as such, or a cooperative association with respect to producer milk which is diverted to an unapproved plant for the account of the association. During periods of high production proprietary handlers may not always accept milk from all regular producers, or arrange for the diversion of such milk, even though the production of all producers may be needed to supply the market at other seasons. The provision that a cooperative association may be a handler, even though it does not operate a plant, will enable such a cooperative association to retain in the market-pool milk of its members which it may have to divert for temporary periods to unapproved plants.

"Producer" should be defined as any person, other than a producer-handler, who produces milk which is received at an approved plant or which is diverted from an approved plant to an unapproved plant for the account of a handler or cooperative association. In case ungraded milk is regularly received at the premises of an approved plant provision should be made to restrict the producer definition to those dairy farmers delivering to such plant who have Grade A permits or ratings issued by the appropriate health authority. Likewise provision should be made that upon proper notice from the appropriate health authority farmers will lose their status as producers during periods in which they are degraded. In order to eliminate possible conflict between the order and other orders that may regulate the handling of milk in nearby areas it is provided that the term "producer" shall not include a person with respect to milk produced by him which is received by a handler who does a greater percentage of his Class I business under another Federal marketing order.

The orders do not propose to pool the Class I sales of producer-handlers, who distribute milk of their own production and buy no milk from producers. Any milk they sell to handlers who purchase milk from producers is normally surplus to their own operations. To pool such milk would result in a preferential market for producer-handlers as compared with regular producers. Producer-handlers should therefore not be defined as producers whose milk is pooled. Their exclusion from the producer definition will result in any milk produced from a producer-handler being treated as other source milk.

"Other source milk" should be defined to include all skim milk and butterfat received at an approved plant from a source other than producers, but not including that first received from producers at another approved plant. Other source milk is not normally available for the market either because it does not meet Grade "A" quality requirements or because it is produced primarily for other markets under the supervision of the health authorities of such markets. It is not priced under the terms of the order, but is allocated to the lowest use in a handler's plant in order to prevent its displacing from Class I milk of producers which constitutes the regular supply of the market.

5. *Classification of milk.* Two classes of milk should be established in each order. Class I milk should include skim milk or butterfat disposed of (except as livestock feed and by transfer or diversion as milk, skim milk, or cream to other milk plants) in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream, any mixture (except eggnog and bulk ice cream mix) of cream and milk or skim milk used to produce concentrated milk or milk drinks disposed of for fluid consumption, and all other skim milk and butterfat not specifically accounted for as Class II milk. Class II milk should include all skim milk and butterfat used to produce any product other than those specified in Class I milk, disposed of for livestock feed, in shrinkage of producer milk not in excess of 2 percent of receipts, in shrinkage of other source milk, and in inventory variations in Class I products.

The products included in Class I milk are those usually associated with the distribution of fluid milk, and with minor exceptions noted hereafter are required to be made from Grade A milk. The additional expense necessary to produce milk for these purposes warrants their inclusion as Class I milk. Handlers proposed that only fluid milk be included in Class I and that a separate class be provided for the other products here specifically included; they failed, however, to propose any basis for pricing this class of milk. These items are all disposed of in the respective marketing areas in fluid form through the same retail and wholesale channels as fluid milk. Their physical characteristics, purposes, values and uses are similar to those of fluid milk. The milk used for these products is subject to the same transportation costs in movement from farm to market. The separate accounting for skim milk and butterfat herein proposed results in handlers being charged for only the exact volume of skim milk or butterfat actually disposed of in any particular use. While it was indicated that in Dallas flavored milk drinks containing less than 3.25 percent butterfat are not required to be made from Grade A milk, testimony of the health officer indicates that under his requirements with respect to the materials that may be handled in Grade A bottling plants only Grade A ingredients are used.

Provision is made for the inclusion in Class I milk of fresh concentrated milk for fluid consumption, a new product which has appeared in several milk markets in recent months. While this product had not appeared in the North Texas or Wichita Falls markets at the time of the hearing it is desirable that provision be made at the time for its classification should it appear. This product is promoted as a direct and acceptable substitute for fresh whole milk, indistinguishable from regular fluid milk when water is added.

A proposal that aerated cream products be included in Class I milk should not be adopted. Such products are not now required by health authorities to be from Grade A milk. Their distribution is not necessarily limited to the handlers of Grade A fluid milk. A further proposal that products which may hereafter be required by health authorities to be made from Grade A milk is not adopted because it is unlikely that the separate health authorities involved will all institute such requirements simultaneously.

The products included in Class II milk are not required to be from Grade A milk. Such products, although they may contain Grade A milk, must be disposed of in the same competitive field as products made from non-Grade A milk. It is considered necessary to classify certain products as Class II milk in order to permit the free movement of any excess milk into manufacturing channels without burdensome competitive disadvantage to handlers when producer receipts are in excess of the market needs for Grade A milk for fluid uses. Unaccounted for shrinkage of producer milk in excess of a reasonable allowance for shrinkage (plant loss) should be Class I milk in order to require full accounting by handlers for the use of their receipts.

No limit need be placed on shrinkage of other source milk as Class II milk, since such milk is deducted from the lowest use class under the allocation provisions. It is, however, not feasible to segregate shrinkage of producer milk from shrinkage of other source milk in the same plant. Accordingly, in such case, the shrinkage of skim milk and butterfat, respectively, allocated to producer milk and to other source milk should be computed pro rata to the volumes of skim milk and butterfat, respectively, received from such sources.

The allocation provisions should provide that other source milk, which is unpriced, be allocated to the lowest use in the handler's plant. This is done to prevent other source milk from displacing from Class I the milk of producers which constitutes the regular supply of the market. While there may be a few occasions in which variations in producer receipts or Class I sales within the monthly accounting period for which such allocation is provided do not permit full use of the producer receipts for the available Class I sales, these are not so frequent or so substantial as to require a more frequent accounting for purposes of allocation.

In establishing the classification of milk the responsibility should be placed upon the handler who first receives milk from producers to account for all skim milk and butterfat received at his approved plant and to prove to the market administrator that such skim milk and butterfat should be classified as other than Class I. The handler who first receives milk from producers is responsible for reporting the proper utilization of such milk and making full payment for it. He must, therefore, maintain records to furnish adequate proof of utilization to the market administrator.

Provision should be made in each order to cover the classification of skim milk and butterfat transferred from an approved plant to another approved plant or to an unapproved plant. In the case of transfers between approved plants whose receipts are priced by the same order, classification should be on the basis of written agreement between the affected handlers to the extent of utilization in the agreed use in the transferee plant. This provision affords suitable flexibility in the pricing, classification, and accounting for milk transferred. It does not affect producer returns because all of the milk is accounted for in the same pool computation in any event. In order to assure adequate protection of producers in the classification of their milk it should be provided that in case other source milk is received in either or both plants the classification of milk in each plant shall be made in such a manner as will return the higher class utilization to producer milk.

Transfers to a producer-handler should be classified as Class I milk. Producer-handlers ordinarily carry on only fluid operations and any milk which they purchase from a handler would normally be for fluid uses. Accordingly, it is unnecessary to provide for the classification of such a transfer in a lower use class.

An unapproved plant may be either a strictly manufacturing plant in which milk is used only for Class II products or a plant engaging in fluid distribution in other markets. Further some unapproved plants have dual operations. The provisions for classification of skim milk and butterfat transferred to such plants should result in Class II classification for that milk which is transferred to plants where only Class II operations are carried on but should result in Class I classification for that milk which the receiving plant needs for Class I disposition.

Transfers from an approved plant to an unapproved plant not more than 200 miles distant should be classified on the basis of a written agreement as to utilization, provided that if skim milk or butterfat so transferred was actually required for Class I use at the unapproved plant (after allocating to Class I the milk received directly from dairy farmers who constitute its regular source of supply for Class I needs) such milk should be classified as Class I milk at the approved plant. This provision will facilitate the movement into manufacturing outlets of skim milk and butterfat in excess of the Class I needs of the North Texas market and at the same time protect producers in the classification of their milk.

Transfers in the form of milk or skim milk from an approved plant to an unapproved plant more than 200 miles distant should be Class I milk. Milk and skim milk ordinarily do not move long distances for manufacturing purposes. There are ample manufacturing facilities within 200 miles of each approved plant to dispose of any prospective surplus of producer milk. Accordingly, it is not necessary to provide classification as other than Class I milk for such transfers. To do so would be administratively impracticable in view of the distances at which the market administrator would have to verify any claimed utilization as Class II milk.

Cream is often moved long distances for manufacture into ice cream. Most localities into which cream is shipped from North Texas or Wichita Falls plants require a Grade A certificate if it is to be used for fluid purposes. It is concluded that cream transferred more than 200 miles should be Class I if it moves under certificate as Grade A, and should be classified as Class II otherwise. While this provides the lower classification on the basis of the absence rather than the presence of positive evidence, it is believed that under the conditions prevailing in this area producers will be assured of proper payment for their milk and handlers will be able to dispose of surplus cream at prices commensurate with the cost of the skim milk and butterfat ingredients.

6. *Class prices.* Class I milk prices in these areas should be determined by a formula made up of three major components: (1) A basic formula price representative of manufacturing milk values, (2) differentials over the basic formula price, and (3) an adjustment of the price to reflect changes in the rates of receipts of milk from producers to sales of Class I milk—in other words, a supply-demand adjustment.

The production and marketing of inspected milk for fluid purposes are influenced by many of the same economic factors as are the production and marketing of milk for manufacturing purposes. The market for most manufactured products is nation-wide, and changes in the prices of such products reflect some of the changes in general economic conditions affecting the supply and demand for all milk. Manufacturing milk plants serve as alternative outlets for milk which farmers produce. For these reasons prices of fluid milk are frequently determined by formulas based on prices of butter and non-fat dry milk and on prices paid by condenseries.

While the historical relationship to manufacturing milk prices in the North Texas and Wichita Falls markets has not been quite so close as in some other areas where the production of manufacturing milk is a more important farming enterprise, prices of milk for fluid use have generally followed a pattern related to the prices of manufactured products and the prices paid for manufacturing milk.

The basic formula price to be used in establishing the current month price for Class I milk of 4.0 percent butterfat test should be the highest of the following for the preceding month: the prices paid to farmers at 18 mid-west condenseries for milk of 3.5 percent butterfat test adjusted to a 4.0 percent basis; a formula price based on the market prices of butter and non-fat dry milk solids; or the average price paid to farmers for milk of 4.0 percent butterfat test by specified local manufacturing plants. The use of these alternative components in the basic formula price will reflect the value of manufacturing milk. The use of the higher price resulting from the three alternatives is appropriate because the fluid milk supplies for these markets must be obtained at any time in competition with the most favorably priced manufacturing outlet.

Handlers opposed the use of the paying prices of the 18 condenseries in the basic formula price. However, substantial quantities of emergency milk priced under the order for the Chicago marketing area are imported by North Texas handlers. Such emergency supplies are commingled with producer milk and sold in bottled form in competition with producer milk. The marketing order for the Chicago market prices such milk by use of a basic formula using this condensery pay-price. The Chicago order also provides an alternative butter-nonfat dry milk solids basic formula price equivalent to that here proposed. The basic formula price will reflect factors which influence the prices North Texas handlers pay for such emergency supplies.

The use of prices paid by local manufacturing plants was not supported by producers or handlers as a part of the Class I basic formula price. It was proposed by handlers as a basis for a Class II price. The conclusions with reference to pricing Class II milk are that such paying prices can only be used as an alternative pricing basis to one of the other component factors of the basic formula price. The use of the local manufacturing milk price in the basic formula will reflect local conditions of milk pricing when such conditions should be determinates of the Class I price, i. e., when local plants are paying prices for milk higher than the prices resulting from the other two alternatives.

The use of the preceding month's manufacturing values in determining the Class I price for the current month permits handlers to know the Class I price at the time of purchase.

To the basic formula price should be added a differential to reflect the cost of meeting quality requirements in the production of market milk and to furnish the necessary incentive to get a regular and adequate supply of such milk produced. Producers of Grade A milk are required to make substantial investments to meet the inspection requirements of health authorities. Similar investments are not required of producers of manufacturing milk. Fluid milk is a perishable product which must reach the consumer within a short time after it is produced. Manufactured dairy products, on the other hand, may be stored for considerable periods before reaching the consumer. Producers of fluid milk must therefore furnish a regular daily supply to the market. Texas is an area in which milk production is especially costly and substantial price incentive is necessary to induce sufficient market milk productions to supply the needs of the market.

The amount of this differential should be $2.00. Producers advocated a differential of $2.25 while handlers made no specific proposal concerning the level of the differential to be used in determining Class I prices. The differential proposed by producers would have resulted in a Class I price for the period from March 1949 through February 1950 approximately the same as the base prices then prevailing in the markets and would have paralleled fairly closely the course of the prevailing base prices from July through December 1950, without the reductions associated with the chaotic conditions that prevailed in the months of March through June 1950.

Through the years of 1947 through 1950 there has been a continued increase in the production of milk for these markets. While milk sales have also increased, and the North Texas market in particular is not yet adequately supplied, the rate of increase in production appears to have exceeded that of sales during 1949 and much of 1950 so that the deficits in fall and winter months are less severe than those of 1947 and 1948. For the year 1949, when the most rapid increase in production took place, the prevailing base prices of the markets exceeded the basic formula price by an average of $2.48 as compared with the differential decided upon herein of $2.00. In 1950 this difference averaged $1.94.

While continued increases in the volumes of milk sales may be expected under the economic conditions prevailing in these markets, the rate of increase in production need not be as rapid as that of 1949 to provide an adequate supply within a reasonable time. Under an order which pays producers the Class I price for all milk disposed of in Grade A products, the price incentive required to assure an adequate supply of milk need not be quite so pronounced as under the present system of base prices. In view of the supply-demand adjustment of Class I prices provided herein, a differential of $2.00 should be included in the order. As of February 1950 the resulting Class I price would have been $6.19, 34 cents more than the $5.85 price then prevailing. Such an increase at that time was fully justified on the basis of the economic factors affecting the production of milk.

The minimum delivered cost of supplementary milk imported from the Chicago milkshed during the short production months has been about $2.00 per hundredweight more than the basic formula price. The level of prices resulting from the formula provided herein will be about $1.90 per hundredweight less than the cost of milk imported from the Chicago market.

Handlers proposed that the differential should be reduced during the months of seasonally high production, suggesting that the amount of reduction should not exceed 23 cents per hundredweight. There is some normal seasonal variation in the basic formula price. The base-rating plans incorporated in the orders are designed to influence the seasonal pattern of deliveries in the market. It is concluded that no seasonal reduction in the level of the differentials should be included in these orders at this time. Provision should be made, however, to prevent contra-seasonal movements of Class I prices except as they result from the operation of the supply demand adjustment included herein.

The prices resulting from the basic formula price and differential herein provided should be subject to adjustment for variation in the ratio of supplies of milk from approved producers to the sales of Class I milk. If a market is less than normally supplied, the differentials above the basic formula price should be increased in order to induce a greater supply of milk. Conversely, if the market is more than normally supplied, the differential should be reduced. Such adjustment should not be made, however, until the order in each market has been in effect for a length of time sufficient for the pricing mechanism of the order to have had opportunity to affect the responses of producers to the needs of the market. In these markets the record indicates that a minimum milk supply for the market of approximately 108 to 110 percent of Class I sales in any month is necessary in any one month to compensate for unequal distribution among handlers and daily and weekly variations in receipts and sales.

The object of a supply-demand price adjustment in these markets is to bring about an automatic price increase when the supply of producer milk in relation to Class I utilization is such that a shortage in the months of seasonally low production is indicated, and a price decrease when the supply may be expected to be above that needed to supply Class I needs in the low production months.

The rates of change in the volumes of both production of milk and Class I sales have been rapid in these markets. Any supply-demand ratio used should reflect

conditions as currently as possible. Otherwise increased prices in spring months of high production may result from shortages in the previous fall months, and vice versa. The latest month for which data of receipts and sales are available for adjusting the Class I price to be announced on the 5th day of the month to which it applies is the second month preceding that month. It does not appear desirable to predicate adjustments on the experience of a single month; the experience of the latest two months for which data are available furnishes a more reliable indication without too much delay.

The use of a supply-demand ratio of two months requires consideration of the normal seasonal variations in production and sales that may be expected to occur. For months of seasonally high production the ratio of supplies to sales which indicates an adjustment in Class I prices should be higher than for those months in which production is normally less. The data available with reference to seasonal variations in production in the North Texas and Wichita Falls markets indicate some changes from year to year, with less seasonal variations in production in 1949 and 1950 than in 1947 and 1948. For purposes of the adjustment ratio it appears reasonable to expect seasonal variations in production slightly wider than the average of those shown for 1949 and 1950 in average production per producer but considerably narrower than those shown for the 1947–50 average monthly receipts adjusted for trend. Normally deliveries per day per producer appear to be about 25 percent greater in May and June, the months of highest production, than they are in November and December, the months of lowest production. There appears to be no significant seasonal variation in sales. Accordingly for purposes of this adjustment a supply equal to 125 percent of Class I sales in May and June is considered equivalent to a supply equal to 100 percent of sales in November and December. Similar ratios for each other two-month period are computed on the same basis.

In order to allow for the effect of year to year variations in the seasonal pattern of production, the supply-demand adjustment should not operate to modify the Class I price unless the relationship of supply to sales gives clear evidence that the quantity of milk deliveries will depart by a considerable amount from what is considered as an adequate but not excessive supply. It is therefore concluded that a supply of less than 100 percent of Class I sales in the short production months should result in an increase in price and that a supply of more than 115 percent of Class I sales in such months should result in a decrease in price. For other months these minimum and maximum percentages should reflect the seasonality of production to be expected in such months.

The rate of this adjustment should be 2.5 cents for each full percentage point that the supply-demand ratio actually prevailing for the second and third preceding months is either less than the minimum ratio established for such months (equivalent to 100 percent of Class I sales in the short production months) or is more than the maximum ratio established for such months (equivalent to 115 percent of Class I sales in the short production months). This rate of adjustment corresponds to slightly more than one percent of the differential included in the Class I price and should be adequate to compensate promptly for any maladjustment in supply that may occur.

The price for Class II milk in each market should be the higher of the butter-nonfat dry milk solids formula price or the average of paying prices of the four Texas manufacturing plants for the current month.

Producers originally proposed the use of the paying prices of four Texas manufacturing plants as the means of determining Class II prices. At the hearing, however, they advocated the use of a Class II price based only on the mid-west condenseries and the butter-powder price. Handlers proposed the use of the paying prices of local manufacturing plants only, and suggested a number of such plants without furnishing data concerning the volumes of milk handled and the paying prices that have prevailed.

The local production of milk for manufacturing use does not supply the needs of the areas for the products manufactured there. It is necessary to import throughout the year substantial quantities of cream, condensed skim milk and nonfat dry milk solids for use in the manufacture of ice cream. A number of handlers have ice cream manufacturing facilities and buy imported ingredients to a considerable extent. Surplus Grade A milk is also used in the manufacture of ice cream but only at a price level commensurate with the prices of alternative ingredients in the form of nonfat dry milk solids, condensed skim milk, and unapproved cream. The prices of these products will therefore determine the prices for approved milk used to make ice cream. The costs of imported cream and milk solids are much more closely related to the prices of butter and nonfat dry milk solids than to the paying prices of mid-west condenseries. These costs include transportation costs from Oklahoma, Kansas, Missouri, Wisconsin, or Minnesota. The butter-powder formula price included in the orders has every month since September 1950 been almost identical with the price charged under the Chicago order for 4.0 percent milk used in the manufacture of butter and nonfat dry milk solids. Such a price should allow handlers to dispose of surplus milk in competition with both locally produced and imported supplies.

The only data concerning local manufacturing plants relate to those operated by handlers or their affiliates and to a cheese plant operated by a cooperative association for which annual patronage dividends are paid farmers in addition to the paying prices quoted for each month. While the use of the paying prices of plants operated by handlers or their affiliates as a sole determinant of producer prices would not be appropriate, the use of such prices as an alternative to a formula price based on national market values of butter and powder will prevent the price for Class II milk from being less than that paid for ungraded milk in the locality. The four plants selected appear the most representative that could be selected.

The class prices computed under the terms of the order would be those for milk containing 4.0 percent butterfat. The class prices for each handler should be adjusted by a butterfat differential to reflect the average test of producer milk classified in each class. Such differential for Class II milk shall be computed on the basis of the price of Grade A (92-score) bulk creamery butter at Chicago for the delivery period plus 15 percent. This differential represents a value somewhat less than the generally accepted value of butterfat for butter. With regard to Class I milk such differential should be computed on the same price for butter, plus 25 percent, reflecting the higher value of butterfat for fluid use. These differentials are both low in comparison with those in many other markets. This is in recognition of the fact that cream sales are low in the markets and that the average test of producer milk is high. As a consequence the market deficits are more concerned with total volume of receipts than with butterfat. The use of these moderate butterfat differentials will serve to allocate a higher proportion of the total price of each class to the skim milk which is in shorter supply.

The parity price of all milk sold at wholesale in the United States, which is the applicable parity price under present legislation, was $4.76 per hundredweight as of March 15, 1951. Such price does not reflect what the record shows to be the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk or its products in the marketing areas; nor would it insure a sufficient quantity of pure and wholesome milk for the marketing areas, or be in the public interest.

No adjustments are provided in the pricing provisions of the North Texas order with respect to the location of approved plants at which milk is received from producers. No such adjustments were proposed by producers or handlers of the North Texas marketing area. The record indicates that no such adjustments are now in effect. With respect to the Wichita Falls marketing area it was indicated that an adjustment in price to producers was customarily made with respect to milk received at a cooling plant at Windthorst, approximately 24 miles from Wichita Falls. This cooling plant is owned and operated by a cooperative association which receives uncooled milk twice daily from its members, cools such milk, and delivers it to Wichita Falls handlers. The order provides no adjustment in minimum class prices with respect to the milk received at this cooling plant, but does permit the cooperative association which is the handler to deduct not to exceed 25 cents per hundredweight from the uniform prices of the order for milk received at this plant. Many producers would not be able to supply the market without the cooling facilities provided by this plant.

7. *Payments to producers.* The "market-wide" type of pool with base-rating

plan should be established in these orders for the purpose of distributing among producers returns from the sale of their milk. Under this plan all producers receive the same uniform price for their milk (or when bases are applicable and uniform price for base milk and a uniform price for milk in excess of base) irrespective of the utilization made by such milk by individual handlers.

The alternative to the market-wide pool is the individual-handler pool. Under this latter system producers delivering to each handler receive a uniform price based on each handler's utilization of milk. Because different handlers utilize different proportions of their milk as Class I and Class II, the uniform prices of individual handlers would vary one from the other. The order has been written to permit a cooperative association to become a handler when necessary to market the surplus milk of its members. Under these circumstances an individual-handler pool would result in an unequal sharing of the market among producers and would not be conducive to orderly marketing. It is concluded, therefore, that market-wide pools are necessary to distribute the returns from the sale of milk equally among producers and to create orderly marketing of producer milk.

In the computation of the value of producer milk, provision should be made for the inclusion of the value of milk classified in excess of reported receipts from producers, other handlers, and other sources. This provision is necessary to account for differences between the reported and actual weights and tests of milk received from producers.

The butterfat differential to be used in making payments to producers should be fixed at one-tenth of the price of Grade A (92-score) butter on the Chicago market multiplied by 1.2. This differential is the same as that established under many other marketing orders. The producer butterfat differential merely affects the proration of returns among producers, and it in no way affects handlers' costs for milk.

The distribution among producers of the returns from the sales of milk should be made through the medium of a base-rating plan. Improvement in the seasonal pattern of production has resulted from the base features of present buying plans in these markets. The proposals for base-rating plans are supported by both producers and handlers in each market. Under the plans as hereinafter provided new bases would be established each year on the basis of total deliveries made by each producer during the short production months of October through January. The bases so established would be used in making payments to producers during the months of greatest production, i. e., April through June.

Producers proposed that the bases so established should be used in making payments to producers during the months of February through September. It does not appear necessary that bases be used for so many months for effective results from the plan. Restricting payments on the base to the months definitely associated with flush production will provide greater flexibility, and will provide individual producers better opportunity to make adjustments in their production plans. It also permits new producers to enter the market to meet prospective needs without unduly affecting the returns of producers with established bases.

A uniform price for base milk during these months would be computed which would reflect the value of milk for the market as a whole after the prior assignment of deliveries of milk in excess of base to the lowest available use class. The price of base milk would thus be enhanced above the average for the market and the uniform price for excess milk would be below the average. The lower price applicable to milk in excess of base deliveries tends to limit the deliveries of such milk during the months of surplus production. Conversely, the value of a large base gives impetus to the delivery of milk in the season of short production. The influences of these two forces tends to cause a more even seasonal pattern of milk deliveries than if payments were made during all months of the year on a straight uniform price basis.

It is necessary to provide certain rules in connection with the establishment and transfer of bases to provide reasonable administrative workability of the plan. In order to accomplish this purpose and preserve the effectiveness of the plan no provisions should be made for the transfer of partial bases. However, transfer of the entire base of an individual producer to members of his family in case of death, retirement, or entry into military service is permitted. Provision is also made for transfer of the entire base to one of the joint holders in the case of the termination of joint landlord-tenant relationships. These rules should assure the workability of the plan and at the same time place no undue hardship upon any producer since the established bases are effective in determining producer payments in only three of the twelve months of each year.

Although uniform prices are computed once a month, provision should be made to pay producers on a semi-monthly basis. The majority of producers on these markets have customarily been paid twice a month and it is concluded that this practice should be continued. The advance payment to be made on or before the last day of the delivery period and covering receipts of producer milk during the first 15 days of the delivery period should be at not less than the Class II price for the preceding delivery period. Payment at this rate will largely eliminate the possibility of handlers making overpayments to producers who may leave the market before the end of the delivery period. Final payment for milk received during each delivery period should be made on or before the 16th day after the end of the delivery period.

In the case of a qualified cooperative association, which so requests, the handler should make the advance and final payments sufficiently in advance of the date for payment to other producers to enable the cooperative association to pay its members at that date. The dates which have been provided for these various payments are so spaced that ample time is provided the handlers and the market administrator for the filing of reports, the computation of the various prices and the writing and mailing of checks.

8. Certain other provisions should be adopted to enable proper and efficient administration of the orders.

(a) *Administrative assessment.* Each handler should be required to pay to the market administrator, as his pro rata share of the cost of administration of the order, 4 cents per hundredweight, or such lesser sum as the Secretary may from time to time prescribe, on all receipts at his pool plant within the delivery period of (1) milk from producers (including such handler's own production) and (2) other source milk which is classified as Class I.

The market administrator in each market must have sufficient funds to enable him to administer properly the terms of the order and the act provides that the administration of the order be financed through assessment against handlers. In view of the anticipated volumes of milk on which the rate would apply it is concluded that a maximum rate of 4 cents per hundredweight is necessary at this time to guarantee sufficient administrative funds. In the event at a later date a lesser amount proves to be sufficient for proper administration, provision is made to enable the Secretary to reduce the assessment accordingly.

(b) *Deduction for marketing services.* Provision should be made for the dissemination of market information to producers and for the verification of weights and for the sampling and testing of milk received from producers for whom such services are not being rendered by a qualified cooperative association. This provision, including the assessing of producers in payment thereof, is specifically authorized by the act. Five cents per hundredweight or such lesser rate as the Secretary may determine should be deducted by handlers from the payment to producers and turned over to the market administrator to finance such services. This rate was proposed by producer groups on the basis of experience with check sampling, weighing, and testing programs in other marketing areas. In the event any qualified cooperative association is determined to be performing such services for any producer, handlers should pay to the cooperative association such deductions as are authorized by such producer in lieu of the payment to the market administrator.

(c) *Other administrative provisions.* The other provisions of the order are of a general administrative nature, are incidental to the other provisions of the orders, and are necessary for the proper and efficient administration of the respective orders. They provide for the selection of the market administrator, define his powers and duties, prescribe the information to be reported by handlers each month and the length of time that records must be retained. A plan for liquidation of each order in the event of its suspension or termination should also be provided.

Producer-handlers should be exempt from the regulatory provisions of the order except that they should be required to file reports as requested by the market administrator. Since a producer-handler may change his status from time to time it is necessary that the market administrator have authority to require such reports as will enable him to verify the current status of a producer-handler and to supplement other market information. In order that cooperative associations may be in position to allocate milk more equitably among handlers in times of shortage and thus insure each handler a more equitable supply of milk, the market administrator should furnish such an association each month a report of the utilization of its milk by each handler who received milk from its members. Since this report would include only milk received from the association and would not reveal the handler's total operations, confidential information would not be disclosed.

An approved plant which is subject to the regulatory provisions of another milk marketing agreement or order issued pursuant to the act and which the Secretary determines disposes of a greater volume of its Class I milk in such other marketing area than in this marketing area should be partially exempt from the provisions of these orders. It would be impractical to attempt to regulate a handler under two separate orders with respect to the same milk. Accordingly, it should be provided in each order that if an approved plant disposes of a greater volume of its Class I milk in a marketing area, regulated by another Federal milk marketing order, than is disposed of in the marketing area here defined such plant shall be exempt from the pricing, payment, administrative assessment, and marketing service provisions of whichever of these orders is involved. Such a handler, however, should make reports with respect to receipts and utilization as the market administrator may require, to insure equity between handlers, such a handler should not be permitted to purchase milk for sale as Class I milk in either area at less than the price paid by regulated handlers of the area in which the milk is sold. Therefore, a handler exempt under these provisions is required to make such payments as will equalize his cost with other handlers.

Each order should provide limitations on the period of time handlers shall retain books and records which are required to be made available to the market administrator, and on the period of time in which obligations under the order shall terminate. The provision made in this regard is identical in principle with the general amendment made to all orders in operation on July 30, 1947, effective February 22, 1949, and the Secretary's decision of January 26, 1949 (14 F. R. 444), covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of this decision.

General findings. (a) The proposed marketing agreements and the orders and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed orders will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Proposed findings and conclusions. Briefs were filed on behalf of the North Texas Producers Association, the Wichita Falls Area Milk Producers Association (proponents) the Central West Texas Milk Producers Association, and 25 handlers. The general brief submitted on behalf of handlers was supplemented by three briefs on behalf of certain of these handlers. The briefs contained proposed findings of facts, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinafter set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision. Motions were filed after the hearing on behalf of a group of handlers to (a) reopen the hearing, (b) fix a date for the filing of reply briefs, and (c) provide an opportunity for argument prior to the issuance of a recommended decision. It was requested further that the present proposal of the opponents be rejected in toto and that no decision be reached on the issuance of an order until the "submission of a new and different proposal by the proponents, upon which lawful notice may be given." It was contended that this is necessary to a meaningful record under the statute.

The purpose of reopening the hearing, as stated in the motion of handlers, is to permit them to produce evidence relative to proposals made during the hearing to change provisions of the proposed order. Full opportunity for all interested persons to be heard on all issues in this proceeding was provided at the hearing. Any changes proposed at the hearing related closely to the character of the provisions sought to be amended. In our view the issues are clear on the record, and there has been ample time to meet such issues. Therefore, the request to await the submittal by the proponents of further proposals for hearing are denied. The request to reopen the hearing is likewise denied for the same reasons.

Ample time was allowed following the hearing for filing of briefs and proposed findings and conclusions. A reasonable period of time subsequent to this recommended decision is allowed for the filing of exceptions to the findings and conclusions and to the recommended marketing agreements and orders contained herein. Such procedure provides adequate opportunity for all interested parties to present their views and arguments and leaves no useful purpose to be served by oral arguments or reply briefs. Accordingly the motions to provide for oral arguments and reply briefs is denied.

Recommended marketing agreements and orders. The following orders are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be identical with those contained in the recommended orders.

Recommended Order for North Texas Marketing Area

DEFINITIONS

§ 943.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 943.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 943.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified herein.

§ 943.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 943.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 943.6 *North Texas marketing area.* "North Texas marketing area," hereinafter called the marketing area, means all territory, including all municipal corporations, Federal military reservations, facilities and installations and State institutions, within the counties of Cooke, Collin, Dallas, Delta, Denton, Ellis, Fannin, Grayson, Hopkins, Hunt, Johnson, Kaufman, Lamar, Parker, Rockwall, and Tarrant, all in the State of Texas.

§ 943.7 *Approved plant.* "Approved plant" means:

(a) A milk plant approved by any health authority having jurisdiction in the marketing area from which milk, skim milk, buttermilk, flavored milk,

flavored milk drinks, or cream labeled Grade "A" are disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores); or,

(b) A milk plant approved by and under the routine inspection of the appropriate health authority of any municipal corporation in the marketing area which serves as a receiving station for a plant described in paragraph (a) of this section by receiving, weighing and commingling producer milk.

§ 943.8 *Unapproved plant.* "Unapproved plant" means any milk plant which is not an approved plant.

§ 943.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant; or

(b) Any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 943.10 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk which is received directly from the farm at an approved plant: *Provided*, That if ungraded milk is regularly received at the premises of such approved plant with the approval of the applicable health authority having jurisdiction, only those persons whose milk is received at such approved plant who are producing milk under a dairy farm permit or rating issued by such health authority for the production of milk to be disposed of for consumption as Grade A milk shall be producers: *And provided further*, That if the applicable health authority shall notify the operator of an approved plant and the market administrator in writing that a person whose milk has been received at such approved plant is no longer qualified to have his milk received at such plant such person shall not be a producer on the basis of receipt of milk at such plant from the effective date of such notice until the effective date of a written notice from such health authority to the market administrator that such person is again qualified to have his milk received at such plant. "Producer" shall include any such person whose milk is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. "Producer" shall not include a person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this order pursuant to § 943.61.

§ 943.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer which is received by a handler either directly from producers or from other handlers.

§ 943.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 943.13 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

§ 943.14 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of April through June which is not in excess of each producer's daily average base computed pursuant to § 943.80 multiplied by the number of days in such month for which such producer delivered milk to such handler.

§ 943.15 *Excess milk.* "Excess milk" means milk received by a handler during any of the months of April through June which is in excess of base milk received from each producer during such month, and it shall include all milk received from producers for whom no daily average base can be computed pursuant to § 943.80.

MARKET ADMINISTRATOR

§ 943.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 943.21 *Powers.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 943.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 943.97 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 943.96) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 943.30 to 943.32, inclusive;

(2) Maintained adequate records and facilities pursuant to § 943.33; or

(3) Made payments pursuant to §§ 943.90 to 943.95, inclusive.

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk, pursuant to § 943.51 (a) and the Class I butterfat differential pursuant to § 943.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 943.51 (b) and the Class II butterfat differential pursuant to § 943.52 (b), both for the preceding month; and,

(2) On or before the 12th day of each month, the uniform prices computed pursuant to § 943.71 or § 943.72, as applicable, and the butterfat differential computed pursuant to § 943.81, both applicable to milk delivered during the preceding month; and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

(l) Furnish to a cooperative association for its members the data furnished pursuant to § 943.31 (a).

REPORTS, RECORDS AND FACILITIES

§ 943.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers and, for the months of April through June, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on routes wholly outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 943.31 *Payroll reports.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month, which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month, for which milk was received from such producer, and, for the months of April through June, such producer's deliveries of base milk and excess milk;

(b) The amount of payment to each producer and cooperative association; and,

(c) The nature and amount of any deductions or charges involved in such payments.

§ 943.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted for his account directly from producers' farms to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 943.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and,

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 943.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 943.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 943.30 shall be classified by the market administrator pursuant to the provisions of §§ 943.41 to 943.46, inclusive.

§ 943.41 *Classes of utilization.* Subject to the conditions set forth in §§ 943.43 and 943.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture (except eggnog and bulk ice cream mix) of cream and milk or skim milk, (2) used to produce concentrated (including frozen) milk, flavored milk, or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans, and (3) all other skim milk and butterfat not specifically accounted for as Class II milk;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section;

(2) Disposed of for livestock feed;

(3) In shrinkage up to 2 percent of receipts from producers;

(4) In inventory variations of milk, skim milk, cream, or any product specified in paragraph (a) of this section.

§ 943.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in receipts from producers and of other source milk.

§ 943.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 943.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream, to the approved plant of another handler (except a producer-handler), unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred: *Provided*, That if either or both handlers have received other source milk the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk, if transferred or diverted to a producer-handler in the form of milk, skim milk, or cream.

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk from an approved plant to an unapproved plant more than 200 miles distant by the shortest highway distance as determined by the market administrator.

(d) As Class I milk, if transferred in the form of cream under Grade A certification from an approved plant to an unapproved plant located more than 200 miles distant and as Class II milk if so transferred without Grade A certification.

(e) As Class I milk if transferred or diverted in the form of milk, skim milk or cream from an approved plant to an unapproved plant located not more than 200 miles distant by shortest highway distance as determined by the market administrator, unless:

(1) The handler claims classification as Class II milk on the basis of a utilization mutually indicated in writing to the market administrator by both the operator of the unapproved plant and the handler on or before the 7th day after the end of the month within which such transfer occurred; and

(2) The operator of the unapproved plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification: *Provided*, That if the Class I utilization of skim milk and butterfat in such plant exceeds receipts at such plant of skim milk and butterfat, respectively, in milk direct from dairy farmers who the market administrator determines constitutes the regular source of supply for fluid usage of such unapproved plant in markets supplied by it, an amount of skim milk and butterfat equal to such excess shall be classified as Class I milk.

§ 943.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator

shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 943.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 943.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 943.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers according to its classifiation as determined pursuant to § 943.44 (a);

(4) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 943.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Oxfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 3.5, and then multiply by 0.96.

(c) The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Carnation Co., Sulphur Springs, Tex.
The Borden Co., Mount Pleasant, Tex.
Lamar Creamery, Paris, Tex.
Fairmont Foods Co., Wichita Falls, Tex.

§ 943.51 *Class prices.* Subject to the provisions of § 943.52, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus $2.00, subject to the following:

(1) For each month after this order shall have been in effect twelve months such price shall be increased 2.5 cents for each full percentage point that the percentage of the total Class I milk disposed of by all handlers (exclusive of producer-handlers and handlers partially exempt from this order pursuant to § 943.61) during the second and third months preceding such month represented by the total volume of receipts from producers by all handlers during such months is less than the minimum percentage listed below opposite the month for which such adjustment would apply, and such price shall be decreased 2.5 cents for each full percentage point that such percentage exceeds the maximum percentage listed below opposite the month for which such adjustment would apply:

Month:	Percentages Minimum	Percentages Maximum
January	100	115
February	100	115
March	100	115
April	100	115
May	105	120
June	115	132
July	120	140
August	125	150
September	120	140
October	110	127
November	110	127
December	105	120

(2) Except for adjustments pursuant to subparagraph (1) of this paragraph, such price for each of the months of October, November and December shall not be less than that for the preceding month, and such price for each of the months of April, May and June shall not be more than that for the preceding month.

(b) *Class II milk.* The higher of the prices computed pursuant to § 943.50 (b) or (c) for the current month.

§ 943.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 943.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 943.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent, an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the appropriate month by the applicable factor listed below and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25;

(b) *Class II milk.* Multiply such price for the current month by 1.15.

APPLICATION OF PROVISIONS

§ 943.60 *Producer-handlers.* Sections 943.40 through 943.46, 943.50 through 943.52, 943.70 through 943.73, 943.80 through 943.81, and 943.90 through 943.97 shall not apply to a producer-handler.

§ 943.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this part shall not apply except as follows:

(a) The handler shall, with respect to the total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject for skim milk and butterfat which would be classified in Class I milk under this order is less than the price provided by this order, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this order and its value as determined pursuant to the other order to which he is subject. Such payments shall be made on or before the 13th day of the following month.

DETERMINATION OF UNIFORM PRICE

§ 943.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices and adding together the resulting amounts: *Provided*, That if the handler had overage of either skim milk or butterfat, there shall be added to the above values an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 943.46 by the applicable class prices.

§ 943.71 *Computation of aggregate value used to determine uniform price(s).* For each month the market administrator shall compute as follows an aggregate value from which to determine the uniform price(s) per hundredweight for milk of 4.0 percent butterfat content received from the producers:

(a) Combine into one total the values computed pursuant to § 943.70 for all handlers who made the reports prescribed in § 943.30 and who made the payments pursuant to §§ 943.90 and 943.93 for the preceding month.

(b) Add not less than one-half of the cash balance on hand in the producer-settlement fund, less the total amount of the contingent obligations to handlers pursuant to § 943.94.

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent or add if such average butterfat content is less than 4.0 percent an amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 943.91 and multiplying the resulting figure by the total hundredweight of such milk;

§ 943.72 *Computation of uniform price.* For each of the months of July through March, the market administrator shall compute the uniform price per hundredweight for all milk of 4.0 percent butterfat content received from producers at an approved plant as follows:

(a) Divide the aggregate value computed pursuant to § 943.71 by the total hundredweight of milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 943.73 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through June the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, received from producers at an approved plant as follows:

(a) Compute the total value on a 4.0 percent butterfat basis of excess milk included in the computations pursuant to § 943.71 by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers;

(c) Subtract the value of excess milk obtained in paragraph (a) of this section from the aggregate value computed pursuant to § 943.71 and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations;

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

DETERMINATION OF BASE

§ 943.80 *Computation of daily average base for each producer.* For the months of April through June of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 943.81:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of October through January immediately preceding by the number of days, not to be less than ninety, of such producer's delivery in such period.

§ 943.81 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred only by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person named in such notice only as follows:

(i) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(ii) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

PAYMENTS

§ 943.90 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) for such month computed pursuant to §§ 943.72 and 943.73, adjusted by the butterfat differential computed pursuant to § 943.91, and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 943.94, he may redeem his total payments to all producers uniformly by not less than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each month, to each producer for whom payment is not made pursuant to paragraph (c) of this section for milk received during the first 15 days of such month, at not less than the Class II price of the preceding month.

(c) On or before the 13th and 23rd days of each month, in lieu of payments pursuant to paragraphs (a) and (b) of this section respectively, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payment shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 943.31.

§ 943.91 *Producer-butterfat differential.* In making payments pursuant to § 943.90, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average as computed by the market administrator of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 943.92 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 943.61 (b), 943.93 and 943.95, and out of which he shall make all payments to handlers pursuant to §§ 943.94 and 943.95.

§ 943.93 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 943.70 is greater than the amount required to be paid producers by such handler pursuant to § 943.90.

§ 943.94 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 943.70 is less than the amount required to be paid producers by such handler pursuant to § 943.90: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market adminstrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 943.95 *Adjustment of accounts.* Whenever verification by the market administrator of any handler's reports, books, records, accounts or payments discloses errors resulting in money due:

(a) the market administrator from such handler;

(b) such handler from the market administrator; or

(c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 943.96 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 943.90, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which such deduction was computed for each such producer.

§ 943.97 *Expenses of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) milk from producers including such handler's own production.

§ 943.98 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and,

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8 (c) (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 943.100 *Effective time.* The provisions hereof or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 943.101.

§ 943.101 *Suspension or termination.* The Secretary may suspend or terminate this order or any provision hereof whenever he finds this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 943.102 *Actions after suspension or termination.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 943.103 *Liquidation.* Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such litigation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 943.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 943.111 *Separability of provisions.* If any provision of this part or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this part to other persons or circumstances, shall not be affected thereby.

Recommended Order for Wichita Falls, Texas, Marketing Area

DEFINITIONS

§ 945.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 945.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 945.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 945.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 945.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and,

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 945.6 *Wichita Falls, Texas, marketing area.* "Wichita Falls, Texas, marketing area," hereinafter called the marketing area, means all territory, including all municipal corporations, Federal military reservations, facilities and installations, and State institutions, within Wichita County, Texas.

§ 945.7 *Approved plant.* "Approved plant" means:

(a) A milk plant approved by any health authority having jurisdiction in the marketing area from which milk, skim milk, buttermilk, flavored milk, flavored milk drinks, or cream labeled Grade "A" are disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores); or,

(b) A milk plant approved by and under the routine inspection of the appropriate health authority of any municipal corporation in the marketing area which serves as a receiving station for a plant specified in paragraph (a) of this section by receiving, weighing and commingling producer milk.

§ 945.8 *Unapproved plant.* "Unapproved plant" means any milk plant which is not an approved plant.

§ 945.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant; or

(b) Any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 945.10 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk which is received at an approved plant: *Provided*, That if ungraded milk is regularly received at the premises of such approved plant with the approval of the applicable health authority having jurisdiction, only those persons whose milk is received at such approved plant who are producing milk under a dairy farm permit or rating issued by such health authority for the production of milk to be disposed of for consumption as Grade A milk shall be producers: *And provided further*, That if the applicable health authority shall notify the operator of an approved plant and the market administrator in writing that a person whose milk has been received at such approved plant is no longer qualified to have his milk received at such plant, such person shall not be a producer on the basis of receipts of milk at such plant from the effective date of a written notice from such health authority to the market administrator that such person is again qualified to have his milk received at such plant. "Producer" shall include any such person whose milk is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. "Producer" shall not include a person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this part pursuant to § 945.61.

§ 945.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer which is received by a handler either directly from producers or from other handlers.

§ 945.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 945.13 *Producer - handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

§ 945.14 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of April through June which is not in excess of each producer's daily average base computed pursuant to § 945.80 multiplied by the number of days in such month for which such producer delivered milk to such handler.

§ 945.15 *Excess milk.* "Excess milk" means producer milk received by a handler during any of the months of April through June which is in excess of base milk received from each producer during such month, and shall include all milk received from producers for whom no daily average base can be computed pursuant to § 945.80.

MARKET ADMINISTRATOR

§ 945.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 945.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 945.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 945.98 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 945.97) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 945.30 to 945.32, inclusive;

(2) Maintained adequate records and facilities pursuant to § 945.33; or

(3) Made payments pursuant to §§ 945.80 to 945.96, inclusive.

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk, pursuant to § 945.51 (a) and the Class I butterfat differential pursuant to § 945.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 945.51 (b) and the Class II butterfat differential pursuant to § 945.52 (b), both for the preceding month; and,

(2) On or before the 12th day of each month, the uniform prices computed pursuant to § 945.71 or § 945.72, as applicable, and the butterfat differential computed pursuant to § 945.81, both applicable to milk delivered during the preceding month; and,

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

(l) Furnish to a cooperative association for its members the data furnished pursuant to § 945.31 (a).

REPORTS, RECORDS AND FACILITIES

§ 945.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers and, for the months of April through June, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on routes wholly outside the marketing area; and,

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 945.31 *Payroll reports.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month, which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month, for which milk was received from such producer, and, for the months of April through June, such producer's deliveries of base milk and excess milk;

(b) The amount of payment to each producer and cooperative association; and,

(c) The nature and amount of any deductions or charges involved in such payments.

§ 945.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted for his account directly from producers' farms to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 945.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and,

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 945.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 945.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 945.30 shall be classified by the market administrator pursuant to the provisions of §§ 945.41 to 945.46, inclusive.

§ 945.41 *Classes of utilization.* Subject to the conditions set forth in §§ 945.43 and 945.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture (except eggnog and bulk ice cream mix) of cream and milk or skim milk, (2) used to produce concentrated (including frozen) milk, flavored milk, or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans, and (3) all other skim milk and butterfat not specifically accounted for as Class II milk;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section;

(2) Disposed of for livestock feed;

(3) In shrinkage up to 2 percent of receipts from producers;

(4) In inventory variations of milk, skim milk, cream, or any product specified in paragraph (a) of this section.

§ 945.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in receipts from producers and of other source milk.

§ 945.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 945.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream, to the approved plant of another handler (except a producer-handler), unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred: *Provided*, That if either or both handlers have received other source milk the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk, if transferred or diverted to a producer-handler in the form of milk, skim milk, or cream.

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk from an approved plant to an unapproved plant more than 200 miles distant by the shortest highway distance as determined by the market administrator.

(d) As Class I milk, if transferred in the form of cream under Grade A certification from an approved plant to an unapproved plant more than 200 miles distant and as Class II milk if so transferred without Grade A certification.

(e) As Class I milk if transferred or diverted in the form of milk, skim milk or cream from an approved plant to an unapproved plant not more than 200 miles distant by shortest highway distance as determined by the market administrator, unless:

(1) The handler claims classification as Class II milk on the basis of a utilization mutually indicated in writing to the market administrator by both the operator of the unapproved plant and the handler on or before the 7th day after the end of the month within which such transfer occurred; and

(2) The operator of the unapproved plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification: *Provided*, That if the Class I utilization of skim milk and butterfat in such plant exceeds receipts at such plant of skim milk and butterfat, respectively, in milk direct from dairy farmers who the market administrator determines constitutes the regular source of supply for fluid usage of such unapproved plant in markets supplied by it, an amount of skim milk and butterfat equal to such excess shall be classified as Class I milk.

§ 945.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 945.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 945.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 945.41 (b) (3).

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers according to its classification as determined pursuant to § 945.44 (a);

(4) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 945.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.96.

(c) The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or the Department:

Present Operator and Location

Carnation Co., Sulphur Springs, Tex.
The Borden Co., Mount Pleasant, Tex.
Lamar Creamery, Paris, Tex.
Fairmont Foods Co., Wichita Falls, Tex.

§ 945.51 *Class prices.* Subject to the provisions of § 945.52, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus $2.00, subject to the following:

(1) For each month after this part shall have been in effect twelve months such price shall be increased 2.5 cents for each full percentage point that the percentage of the total Class I milk disposed of by all handlers (exclusive of producer-handlers and handlers partially exempt from this order pursuant to § 945.61) during the second and third months preceding such month represented by the total volume of receipts from producers by all handlers during such months is less than the minimum percentage listed below opposite the month for which such adjustment would apply, and such price shall be decreased 2.5 cents for each full percentage point that such percentage exceeds the maximum percentage listed below opposite the month for which such adjustment would apply:

Month:	Percentages Minimum	Percentages Maximum
January	100	115
February	100	115
March	100	115
April	100	115
May	105	120
June	115	132
July	120	140
August	125	150
September	120	140
October	110	127
November	110	127
December	105	120

(2) Except for adjustments pursuant to subparagraph (1) of this paragraph, such price for each of the months of October, November and December shall not be less than that for the preceding month, and such price for each of the months of April, May, and June shall not be more than that for the preceding month.

(b) *Class II milk.* The higher of the prices computed pursuant to § 945.50 (b) or (c) for the current month.

§ 945.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 945.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 945.51, for each one-

tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent, an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the appropriate month by the applicable factor listed below and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25;

(b) *Class II milk.* Multiply such price for the current month by 1.15.

APPLICATION OF PROVISIONS

§ 945.60 *Producer-handlers.* Sections 945.40 through 945.46, 945.50 through 945.52, 945.70 through 945.73, 945.80, 945.81, and 945.90 through 945.97, shall not apply to a producer-handler.

§ 945.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this part shall not apply except as follows:

(a) The handler shall, with respect to the total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required by pay under the other Federal order to which he is subject for skim milk and butterfat which would be classified in Class I milk under this order is less than the price provided by this order, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this order and its value as determined pursuant to the other order to which he is subject. Such payments shall be made on or before the 12th day of the following month.

DETERMINATION OF UNIFORM PRICE

§ 945.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices and adding together the resulting amounts: *Provided*, That if the handler had overage of either skim milk or butterfat, there shall be added to the above values an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 945.46 by the applicable class prices.

§ 945.71 *Computation of aggregate value used to determine uniform price(s).* For each month the market administrator shall compute as follows an aggregate value from which to determine the uniform price(s) per hundredweight for milk of 4.0 percent butterfat content received from producers:

(a) Combine into one total the values computed pursuant to § 945.70 for all handlers who made the reports prescribed in § 945.30 and who made the payments pursuant to §§ 945.90 and 945.93 for the preceding month.

(b) Add not less than one-half of the cash balance on hand in the producer-settlement fund, less the total amount of the contingent obligations to handlers pursuant to § 945.94.

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent or add if such average butterfat content is less than 4.0 percent an amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 945.91 and multiplying the resulting figure by the total hundredweight of such milk.

§ 945.72 *Computation of uniform price.* For each of the months of July through March, the market administrator shall compute the uniform price per hundredweight for all milk of 4.0 percent butterfat content received from producers at an approved plant as follows: (a) Divide the aggregate value computed pursuant to § 945.71 by the total hundredweight of milk included in such computation; and (b) Subtract not less than 4 cents nor more than 5 cents.

§ 945.73 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through June the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, received from producers at an approved plant as follows:

(a) Compute the total value on a 4.0 percent butterfat basis of excess milk included in the computations pursuant to § 945.71 by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers;

(c) Subtract the value of excess milk obtained in paragraph (a) of this section from the aggregate value computed pursuant to § 945.71 and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations;

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

DETERMINATION OF BASE

§ 945.80 *Computation of daily average base for each producer.* For the months of April through June of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 945.81:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of October through January immediately preceding by the number of days, not to be less than ninety, of such producer's delivery in such period.

§ 945.81 *Base rules.* (a) A base shall apply to deliveries milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred only by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

PAYMENTS

§ 945.90 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) for such month computed pursuant to §§ 945.72 and 945.73, adjusted by the butterfat differential computed pursuant to §945.91, and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 945.94, he may redeem his total payments to all producers uniformly by not less than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each month, to each producer for whom payment is not made pursuant to paragraph (c) of this section for milk received during the first 15 days of such month, at not less than the Class II price for the preceding month.

(c) On or before the 13th and 23rd days of each month, in lieu of payments pursuant to paragraphs (a) and (b) of this section respectively, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payment shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 945.31.

§ 945.91 *Producer-butterfat differential.* In making payments pursuant to § 945.90, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average as computed by the market administrator of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 945.92 *Location adjustment to producers.* In making payments pursuant to § 945.90 (a) to producers whose milk is received at the cooling plant located at Windthorst, Texas, currently operated by the Wichita Falls Area Milk Producers Association, Inc., the handler may deduct not to exceed 25 cents per hundredweight of milk. Such deductions shall not affect the computation of amounts to be paid by the handler or the market administrator pursuant to §§ 945.94 and 945.95.

§ 945.93 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 945.61 (b), 945.94 and 945.96, and out of which he shall make all payments to handlers pursuant to §§ 945.95 and 945.96.

§ 945.94 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 945.70 is greater than the amount required to be paid producers by such handler pursuant to § 945.90.

§ 945.95 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 945.70 is less than the amount required to be paid producers by such handler pursuant to § 945.90: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 945.96 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in money due:

(a) The market administrator from such handler;

(b) Such handler from the market administrator; or,

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which error occurred.

§ 945.97 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 945.90, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which such deduction was computed for each such producer.

§ 945.98 *Expenses of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) milk from producers including such handler's own production.

§ 945.99 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and,

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 945.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 945.101.

§ 945.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this order or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 945.102 *Actions after suspension or termination.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final acrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 945.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such litigation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 945.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 945.111 *Separability of provisions.* If any provision of this part or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this part, to other persons or circumstances, shall not be affected thereby.

Filed at Washington, D. C., this 11th day of May 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51-5679, Filed, May 15, 1951; 8:52 a. m.]

[7 CFR, Part 987]

HANDLING OF IRISH POTATOES GROWN IN MAINE

ORDER DIRECTING THAT REFERENDUM BE CONDUCTED AMONG PRODUCERS; DETERMINATION OF REPRESENTATIVE PERIOD; DESIGNATING AGENTS TO CONDUCT SUCH REFERENDUM

Pursuant to the applicable provisions of Marketing Agreement No. 108, Order No. 87 (7 CFR Part 987), and the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among producers who, during the period July 1, 1949, to June 30, 1950, both dates inclusive (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of Maine, in the production of Irish potatoes for market, to determine whether such producers favor the termination of said marketing agreement and order.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection With Marketing Orders (Except Those Applicable to Milk and Its Products) To Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176), except as follows:

a. Paragraph (c) (1) is amended to read as follows:

(1) Conduct the referendum in the manner herein prescribed, by giving an opportunity to producers, who, during the representative period determined by the Secretary, have been engaged, within the specified production area, in the production for market of the commodity specified, to cast their ballots relative to the termination of Agreement No. 108, and Order No. 87.

b. Paragraph (c) (5) is amended to read as follows:

(5) Make available to producers and the aforesaid cooperative associations instructions on voting, and appropriate ballot and other necessary forms.

c. Paragraph (d) (3) is amended to read as follows:

(3) Distribute ballots and the aforesaid material to producers and receive any ballots which are cast; and

A. C. Cook, E. E. Gallahue, O. H. Chapin, and W. J. Higgins of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally.

Copies of the aforesaid agreement and order may be examined in the Office of the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington, D. C., and at the office of the State of Maine Potato Committee, 163 Normal Avenue, Presque Isle, Maine. Ballots to be cast in the referendum and copies of the aforesaid agreement and order may be obtained from any referendum agent, and any appointee hereunder.

Done at Washington, D. C., this 11th day of May 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-5683; Filed, May 15, 1951; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 41]

CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF UNITED STATES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

§ 41.1-3 *Airmen records* (*CAA rules which apply to § 41.1*)—(a) *Location of airmen records.* Each air carrier in accordance with the preface pages of the air carrier operating certificate, shall maintain at its major division offices current records of every airman utilized as a member of a flight crew or as an aircraft dispatcher under the jurisdiction of such offices.

(b) *Information necessary in the airmen records.* The following pertinent information, at least, shall be included in the airmen records:

(1) Name (full).

(2) Current duties and date of assignment (First Pilot) (Flight Engineer) etc.

(3) Airman Certificates (type, certificate number, and ratings).

(4) Date, result and class of last physical examination of all flight crew members.

(5) Date and result of last six months instrument competency flight check for first pilots.

(6) Date of last equipment and/or instrument competency certification for all pilots other than pilots in command.

(7) Record of first pilots flight time including instrument flight time and the flight time in the make and model of aircraft on which he is currently qualified.

(8) Record of company training for all pilots including actual flight, synthetic flight and maintenance of proficiency training.

(9) Any check pilot authorization.

(10) Any information on the individual considered desirable in these records by the air carrier as to special qualifications, duty assignment, etc.

(c) *Maintenance of airmen records.* (1) It is required that the above information on the airmen records be maintained accurately and currently.

(2) These records shall be available at any time for reference and inspection by authorized representatives of the Administrator of Civil Aeronautics for the determination of compliance with the appropriate qualifications and requirements prescribed by the Civil Air Regulations.

(3) The disposition of any dispatcher or flight crew member released from the employ of the air carrier, or who has become physically or professionally disqualified shall be so indicated in these records. Such records shall be retained by the company for a period of not less than six months.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

[SEAL] ORA W. YOUNG,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-5594; Filed, May 15, 1951; 8:45 a. m.]

[14 CFR, Part 61]

SCHEDULED AIR CARRIER RULES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

§ 61.102 *Airmen records.* Each scheduled air carrier shall maintain such current records of dispatchers and flight crew members utilized by the air carrier in scheduled air transportation at such points on its routes as the Administrator may designate. These records shall contain such information concerning the qualifications of each airman as is necessary to show compliance with the appropriate qualifications and requirements prescribed by the regulations of this subchapter. No scheduled air carrier shall utilize in scheduled air transportation any dispatcher or flight crew member unless records are maintained for such airman as required herein.

§ 61.102-1 *Airmen records (CAA rules which apply to § 61.102)*—(a) *Location of airmen records.* Each air carrier shall maintain at its major division offices current records of every airman utilized as a member of a flight crew or as an aircraft dispatcher under the jurisdiction of such offices.

(b) *Information necessary in the airmen records.* The following pertinent information, at least, shall be included in the airmen records:

(1) Name (full).

(2) Current duties and date of assignment (First Pilot) (Flight Engineer) etc.

(3) Airman Certificates (type, certificate number, and ratings).

(4) Date, result and class of last physical examination of all flight crew members.

(5) Date and result of last six months instrument competency flight check for first pilots.

(6) Date of last equipment and/or instrument competency certification for all pilots other than pilots in command.

(7) Record of first pilots flight time including instrument flight time and the flight time in the make and model of aircraft on which he is currently qualified.

(8) Record of company training for all pilots including actual flight, synthetic flight and maintenance of proficiency training.

(9) Any check pilot authorization.

(10) Any information on the individual considered desirable in these records by the air carrier as to special qualifications, duty assignment, etc.

(c) *Maintenance of airmen records.* (1) It is required that the above information on the airmen records be maintained accurately and currently.

(2) These records shall be available at any time for reference and inspection by authorized representatives of the Administrator of Civil Aeronautics for the determination of compliance with the appropriate qualifications and requirements prescribed by the Civil Air Regulations.

(3) The disposition of any dispatcher or flight crew member released from the employ of the air carrier, or who has become physically or professionally disqualified shall be so indicated in these records. Such records shall be retained by the company for a period of not less than six months.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

[SEAL] ORA W. YOUNG,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-5595; Filed, May 15, 1951; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 9]

[Docket No. 9971]

AERONAUTICAL SERVICES

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. It is proposed to amend Part 9 of the Commission's rules governing aeronautical services by eliminating the provisions of § 9.431 (b), adopted this date in Docket 9827[1] which requires the Commission licensees in Alaska to guard the frequency 3105 kc.

3. The purpose of this proposal is to eliminate the requirement contained in the above-mentioned section in view of the fact that this requirement no longer appears to serve any useful purpose. The requirement has been transferred to Part 9 from Part 14 pursuant to the proceedings in Docket 9827. The transfer will become effective June 11, 1951. In view of the fact that when the time for filing comments in this proceeding expires, the amendments in Docket 9827 will have become effective and the aviation service provisions of Part 14 deleted, this notice deals only with a proposal to amend Part 9.

4. The authority for the proposed amendment is contained in sections 4 (i), 303 (b), (c), (d) and (r) of the Communications Act of 1934, as amended.

5. Any interested persons may file with the Commission on or before June 12, 1951, a written statement or brief in support, opposition, or for modification of the proposed amendment. Within fifteen days from the last day for filing of the original comments or briefs, comments or briefs in reply thereto may be filed. The Commission will consider such comments before taking action in this matter. The comments relating to this proposal which were filed in Docket 9827 are hereby made a part of this proceeding and will be considered in conjunction therewith. If any comments will appear to warrant the holding of an oral argument or hearing, notice of the time and place therefor will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules, original and fourteen copies of all statements, briefs or comments shall be furnished to the Commission.

Adopted: May 9, 1951.

Released: May 10, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5643; Filed, May 15, 1951; 8:48 a. m.]

[1] See F. R. Doc. 51-5685, Title 47, Chapter I, *supra*.

FEDERAL POWER COMMISSION

[18 CFR, Part 157]

[Docket No. R-120]

APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

NOTICE OF EXTENSION OF TIME FOR FILING COMMENTS

MAY 10, 1951.

Amendment of Part 157 of Subchapter E, regulations under the Natural Gas Act, to prescribe requirements for form and filing of applications for certificates of public convenience and necessity under section 7 of the Natural Gas Act.

1. On March 14, 1951, there was published in the FEDERAL REGISTER notice of proposed rule making in the above-entitled matter (16 F. R. 2400-2404), wherein it was provided that any interested persons might submit to the Federal Power Commission, not later than 60 days from date of publication, data, views, and comments in writing concerning the proposed amendments.

2. Additional time having been requested, notice is hereby given that an extension of time to and including July 14, 1951, is hereby granted within which interested persons may submit to the Federal Power Commission, Washington 25, D. C., data, views, and comments in writing concerning the proposed amendments in the above-entitled matter. The Commission will consider these written submittals before acting upon the proposed amendments.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5692; Filed, May 15, 1951; 8:49 a. m.]

FEDERAL SECURITY AGENCY

Social Security Administration

[45 CFR, Parts 301, 320]

ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS; DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

NOTICE OF PROPOSED RULE-MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238, 5 U. S. C. 1003) that the regulations set forth in tentative form below, are proposed to be prescribed by the Director of the Bureau of Federal Credit Unions with the approval of the Commission for Social Security and the Federal Security Administrator, as amendments to § 301.7 and § 320.4 of the present regulations of the Bureau of Federal Credit Unions (45 CFR 301.7, 15 F. R. 3526; and 45 CFR 320.4, 13 F. R. 9347, respectively). The proposed regulations are designed to revise, supplement, amend and clarify the existing regulations.

Prior to the official adoption of the proposed regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Director of the Bureau of Federal Credit Unions, Federal Security Agency, Federal Security Building, Washington 25, D. C., within a period of fifteen days from the date of the publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under authority contained in section 16 (a) of the Federal Credit Union Act, as amended (48 Stat. 1221, 12 U. S. C. 1766, and section 2 of the act of June 29, 1948 (62 Stat. 1091).

[SEAL] C. R. ORCHARD,
Director,
Bureau of Federal Credit Unions.

Approved: May 8, 1951.

A. J. ALTMEYER,
Commissioner for Social Security.

Approved: May 10, 1951.

JOHN L. THURSTON,
Acting Federal Security Administrator.

1. Section 301.7 (15 F. R. 3526) is hereby amended to read as follows:

§ 301.7 *Fee for examination.* Each Federal credit union shall pay to the Bureau of Federal Credit Unions a fee for each examination. Except as to instances to which § 301.3 are applicable, the fee shall be assessed at 50 cents per $100 of the Federal credit union's assets as of the effective date of the examination or at the examiner-day rate fixed by the Bureau of Federal Credit Unions, whichever is lower: *Provided, however,* That the minimum fee for each examination shall be $5.00. During the months of June and December of each year, the Bureau of Federal Credit Unions shall compute and fix the examiner-day rate for making examinations for the ensuing 6-month period beginning July 1 and January 1, respectively. In computing this examiner-day rate, the Bureau will be guided by the anticipated cost of the examination program including but not limited to such items as salaries, travel, etc., which are properly chargeable to the examination program. Adjustments in the examiner-day rate will be made promptly to reflect any legislative changes in travel allowances and salary classifications applicable to Federal credit union examiners. The check in payment of the examination fee shall be made payable to the Treasurer of the United States and the check shall be delivered to the examiner at the completion of the examination.

2. Section 320.4 (13 F. R. 9347) is hereby amended to read as follows:

§ 320.4 *Information which may be disclosed and to whom.* Disclosure of any records or information of the Bureau of Federal Credit Unions declared to be confidential is hereby authorized only in the following cases and for the following purposes:

(a) To any Department, Agency or instrumentality of the United States Government where the records or information are required by such Department, Agency or instrumentality in the course of discharging its official duties: *Provided,* That the Director, Bureau of Federal Credit Unions, finds that such disclosure is not contrary to the public interest or to any applicable Federal law, or to any rule, regulation, or directive of the Executive branch of the Federal Government.

(b) To the proper Federal law enforcement and prosecuting authorities: *Provided,* That (1) such records or information relate to a violation of a Federal criminal law, and (2) such disclosure is not contrary to any Federal law or to any rule, regulation or directive of the Executive branch of the Federal Government. Neither the Bureau of Federal Credit Unions nor any employee of the Bureau may disclose any records or information to any State law enforcement or prosecuting authority unless specifically authorized to make such disclosure by the Director of the Bureau. The Director, Bureau of Federal Credit Unions may authorize the Bureau or an employee of the Bureau to disclose records or information relating to the violation of a State criminal law to appropriate State law enforcement and prosecuting authorities, provided that such disclosure is not contrary to any Federal law or to any rule, regulation or directive of the Executive branch of the Federal Government if the Director determines that such disclosure (1) is not contrary to the public interest and (2) will neither interfere with nor adversely affect either the performance of the functions, duties or responsibilities of the Bureau of Federal Credit Unions or any investigation or prosecution which may be conducted or contemplated either by the Bureau or by any other Federal department, agency or instrumentality.

(c) To any person properly and directly concerned upon a verified written application by such person showing substantial interest in the said record or information: *Provided,* That the Director, Bureau of Federal Credit Unions, finds that such disclosure is not contrary to the public interest or to any Federal law, rule, regulation or directive of the Executive branch of the Federal Government.

(d) To any Federal credit union: *Provided,* That (1) such records or information pertain solely to the affairs of the said Federal credit union, and (2) the records or information are not classified "restricted" by the Bureau of Federal Credit Unions.

[F. R. Doc. 51-5629; Filed, May 15, 1951; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Defense Solid Fuels Administration

[DSFA Delegation 1]

SECRETARY OF COMMERCE

DELEGATION OF AUTHORITY WITH RESPECT TO DISTRIBUTION OF COAL CHEMICALS PRODUCED AS BY-PRODUCTS OF COKE MADE FROM COAL

Pursuant to section 902 (b) of Executive Order 10161 (September 9, 1950, 15 F. R. 6105), and Defense Production Administration Delegation No. 1 (January 24, 1951, 16 F. R. 738), issued under the Defense Production Act of 1950 (Public Law 774, 81st Congress), there are hereby delegated to the Secretary of Commerce all functions delegated to the Secretary of the Interior by Defense Production Administration Delegation 1 with respect to the distribution of coal chemicals produced as by-products of coke made from coal.

The functions herein delegated may be redelegated within the Department of Commerce in the discretion of the Secretary of Commerce.

This delegation shall take effect upon publication in the FEDERAL REGISTER.

OSCAR L. CHAPMAN,
Secretary of the Interior.

MAY 2, 1951.

[F. R. Doc. 51-5763; Filed, May 15, 1951; 11:09 a. m.]

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1951, 48th Supp.]

FRANKLIN NATIONAL INSURANCE CO. OF NEW YORK

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

MAY 1, 1951.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the act of Congress approved July 30, 1947 (6 U. S. C. secs. 6–13), as an acceptable surety of Federal bonds. An underwriting limitation of $485,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-5636; Filed, May 15, 1951; 8:48 a. m.]

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1951, 55th Supp.]

AETNA INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

MAY 1, 1951.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the act of Congress approved July 30, 1947, (6 U. S. C. secs. 6–13), as an acceptable surety on Federal bonds. An underwriting limitation of $4,215,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-5635; Filed, May 15, 1951; 8:47 a. m.]

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1951, 56th Supp.]

WORLD FIRE AND MARINE INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

MAY 1, 1951.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the Act of Congress approved July 30, 1947 (6 U. S. C. secs. 6–13), as an acceptable surety on Federal bonds. An underwriting limitation of $574,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-5633; Filed, May 15, 1951; 8:48 a. m.]

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1951, 57th Supp.]

STANDARD INSURANCE CO. OF NEW YORK

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

MAY 1, 1951.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the act of Congress approved July 30, 1947 (6 U. S. C. secs. 6–13), as an acceptable surety on Federal bonds. An underwriting limitation of $722,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-5637; Filed, May 15, 1951; 8:48 a. m.]

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1951, 61st Supp.]

CONNECTICUT FIRE INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

MAY 1, 1951.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the act of Congress approved July 30, 1947 (6 U. S. C. secs. 6–13), as an acceptable surety on Federal bonds. An underwriting limitation of $2,200,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-5634; Filed, May 15, 1951; 8:47 a. m.]

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1951, 62d Supp.]

PHOENIX INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

MAY 1, 1951.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the act of Congress approved July 30, 1947 (6 U. S. C. secs. 6–13), as an acceptable surety on Federal bonds. An underwriting limitation of $6,785,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-5632; Filed, May 15, 1951; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 411]

SPECIAL INDUSTRY COMMITTEE NO. 10 FOR PUERTO RICO

APPOINTMENT TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGE RATES

1. Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C., and Sup., 201 et seq.), I, F. Granville Grimes, Jr., Acting Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint and convene a special industry committee for Puerto Rico composed of the following representatives:

For the Public

A. Cecil Snyder, Chairman, San Juan, P. R.
Beatriz Lassalle—Santurce, P. R.
Paul F. Brissenden—Dobbs Ferry, N. Y.

For the Employers

Martin Velez—Vega Alta, P. R.
Jaime Vick—San Juan, P. R.
Wilfred Bradshaw—Indianapolis, Ind.

For the Employees

Nicolas Nogueras-Rivera—San Juan, P. R.
Alberto E. Sanchez—San Juan, P. R.
Emil Rieve—New York, N. Y.
Walter J. Mason—Washington, D. C.

Emil Rieve and Walter J. Mason shall serve as members of the committee in such order as the Administrator shall direct, but they shall not serve concurrently.

2. The special industry committee herein created, in accordance with the provisions of the Fair Labor Standards Act, as amended, and regulations promulgated thereunder (Title 29, Chapter V, Code of Federal Regulations, Part 511), shall meet beginning on June 12, 1951, at 10:00 a. m. in Room 412, New York Department Store Building Stop 16½, Ponce de Leon Avenue, Santurce,

San Juan, Puerto Rico, and shall proceed to investigate conditions in the industries in Puerto Rico hereinafter enumerated and recommend to the Administrator minimum wage rates for all employees in said industries in Puerto Rico, who within the meaning of said act are "engaged in commerce or in the production of goods for commerce" excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14. Minimum wage rates recommended by the committee shall be the highest rates (not in excess of 75 cents per hour) which it determines will not substantially curtail employment in such industries and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico.

Said special industry committee shall investigate conditions respecting, and recommend minimum wage rates for, the employees in the following industries in Puerto Rico: foods, beverages, and related products industries; paper, paper products, printing, publishing, and related industries; jewel cutting and polishing industry; communications, utilities, and miscellaneous transportation industries; shoe manufacturing and allied industries; and the general division of the textile and textile products industry.

3. For the purpose of this order these industries are defined as follows:

Foods, Beverages, and Related Products Industries. (a) The manufacture or processing of foods, beverages, ice, tobacco, and related products; the packaging of all food products when done in conjunction with their manufacture or processing; and the gathering or collecting of wild berries, plants, flowers, gums, saps, seeds and other forms of wild plant or animal life.

(b) It includes, but without limitation, meat, poultry, dairy, and sea-food products; fruit and vegetable products; grain mill products; candy, chewing gum, and other confectionery products; dessicated, shredded and prepared coconut; snuff, chewing tobacco and smoking tobacco; nonalcoholic beverages; natural, mineral and carbonated waters; animal feeds; malt, baking powder, yeast and other leavening compounds; refined edible fats and oils; starch; tea; cracked, shelled and salted nuts; flavoring extracts; spices; and other miscellaneous food products and preparations.

Provided, however, That the definition shall not include any product or activity included in the vegetable, fruit and nut packing and processing industry, the bakery products industry, the sugar manufacturing industry, and the chemical, petroleum and related products industries, as defined in the wage orders for those industries in Puerto Rico, and in the alcoholic beverage and industrial alcohol industry, the cigar and cigarette industry, and the leaf tobacco industry, as defined in Administrative Order No. 403 (15 F. R. 7125), appointing Special Industry Committee No. 9 for Puerto Rico.

Paper, Paper Products, Printing, Publishing, and Related Industries. The manufacture of pulp from wood, rags and other fibers; the conversion of such pulp into paper or paper board; the manufacture of building board from bagasse and similar materials; the manufacture of paper, paper board and pulp into bags, boxes, containers, tags, cards, envelopes, pressed and molded pulp goods and all other converted paper products, and the manufacture of all like products in which a synthetic material in sheet form, such as cellophane and pliofilm, is the basic component; the printing performed on any of the foregoing products; and the printing or publishing of newspapers, books, periodicals, maps, music and all other products or services of typesetters and advertising typographers, electrotypers and stereotypers, photoengravers, steel and copper plate engravers, commercial printers, lithographers, gravure printers, private printing plants of concerns engaged in other business, binderies, and news syndicates.

Jewel Cutting and Polishing Industry. The sawing, cutting, grinding, polishing, and other processing of gem diamonds and other precious and semi-precious stones, and of natural and synthetic jewels for industrial use, including, but without limitation, jewel bearings and industrial diamonds.

Communications, Utilities, and Miscellaneous Transportation Industries. The industry carried on by any wire or radio system of communication or by messenger service; by any concern engaged in the production and distribution of gas, electricity or steam; the distribution of water or the operation of sanitation facilities; and by any concern engaged in transportation by air, rail, pipeline, motor vehicle, or other means, or in related activities including stevedoring, consolidating, forwarding, crating and boxing.

Provided, however, That the definition shall not include any activity included in the definitions of the wage orders applicable in Puerto Rico for the railroad, railway express, and property motor transport industry, the shipping industry, the sugar manufacturing industry, or any other industries in Puerto Rico for which wage orders have been issued.

Shoe Manufacturing and Allied Industries. (a) The manufacture or partial manufacture of footwear from any material and by any process except knitting (including crocheting), vulcanizing of the entire article or vulcanizing (as distinct from cementing) of the sole to the upper. The term footwear as used herein includes but without limitation: Athletic shoes, boots, boot tops, burial shoes, custom-made boots and shoes, moccasins, puttees (except spiral puttees), sandals, shoes completely rebuilt in a shoe factory, and slippers.

(b) The manufacture from leather or from any shoe upper material of all cut stock and findings for footwear, including bows, ornaments and trimmings: *Provided, however,* That the production of bows, ornaments and trimmings by a manufacturer not otherwise covered by this definition shall not be included.

(c) The manufacture of the following types of cut stock and findings for footwear from any material except from rubber or composition of rubber, molded to shape: Outsoles, midsoles, insoles, taps, lifts, rands, toplifts, bases, shanks, boxtoes, counters, stays, stripping, sock linings, and heel pads.

(d) The manufacture of heels from any material except molded rubber, but not including the manufacture of wood-heel blocks.

(e) The manufacture of cut upper parts for footwear, including linings, vamps and quarters.

(f) The manufacture of pasted shoe stock.

(g) The manufacture of boot and shoe patterns. This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

General Division of the Textile and Textile Products Industry. This division consists of the preparation of textile fibers; the manufacture of batting, wadding, and filling; the manufacture of yarn, cordage, twine, felt, woven and knitted fabrics, and lace-machine products, from cotton, jute, sisal, coir, maguey, silk, rayon, nylon, wool or other vegetable, animal, or synthetic fibers, or from mixtures of these fibers; and the manufacture of blankets, textile bags, oil cloth and artificial leather, and woven carpets and rugs: *Provided, however,* That the definition shall not include the ginning and compressing of cotton; the manufacture from any fiber of hand-loomed fabrics, blankets, rugs and similar textiles; the manufacture from kenaf, coir, sisal, jute or other hard or coarse textile fiber or mixtures of these fibers of yarn, bagging, bags, rope, matting and similar textiles and textile products; and the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber.

Signed at Washington, D. C., this 11th day of May 1951.

F. GRANVILLE GRIMES, Jr.
Acting Administrator,
Wage and Hour Division.

[F. R. Doc. 51-5649; Filed, May 15, 1951; 8:49 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 412), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable

under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326),

Angelica Uniform Co., Summersville, Mo., effective 5–7–51 to 11–6–51; 10 learners for expansion purposes (women's washable service apparel).

Angelica Uniform Co., Summersville, Mo., effective 5–7–51 to 5–6–52; 10 learners for normal labor turnover (women's washable service apparel).

Ann Lee Frocks, 631 Fellow Avenue, Lyndwood, Hanover Township, Pa., effective 5–7–51 to 5–6–52; 10 learners for normal labor turnover (dresses).

The Davidson Bros. Corp., Royal Square, West Warwick, R. I., effective 5–7–51 to 5–6–52; 10 percent for normal labor turnover (ladies' slips, petticoats and gowns).

Elder Manufacturing Co., Ste. Genevieve, Mo., effective 5–9–51 to 5–8–52; 10 percent for normal labor turnover (boys' shirts).

Fontana Sports Wear, P. O. Box 347, Celina, Tex., effective 5–4–51 to 11–3–51; 15 learners for expansion purposes (sportswear).

Gunnin Manufacturing Co., Dawson, Ga., effective 5–7–51 to 5–6–52; 10 learners for normal labor turnover (men's sport shirts).

Harry Lang Manufacturing Co., Des Moines, Iowa, effective 5–4–51 to 5–3–52; 10 percent for normal labor turnover (children's cotton play clothes; Government H. B. twill pants).

Liberty Sport Togs, 176 West Louden Street, Philadelphia, Pa., effective 5–4–51 to 5–3–52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (boys' sportswear).

Linwood Mills, Inc., LaFayette, Ga., effective 5–8–51 to 11–7–51; 10 learners for expansion purposes only (woven rayon and cotton sport shirts).

Minnette Manufacturing Co., 606 Market Street, Duncannon, Pa., effective 5–8–51 to 5–7–52; 10 learners for normal labor turnover (U. S. Army field jackets).

Miracle Dress & Sportswear, Inc., 412 Applegate Avenue, Pen Argyl, Pa., effective 5–7–51 to 5–6–52; for normal labor turnover, 10 percent or six learners, whichever is greater (blouses).

MOModes Manufacturing Co., 240 Pennsylvania Avenue, Scranton, Pa., effective 5–7–51 to 11–6–51; 20 learners for expansion purposes only (ladies' dresses).

The Newton Co., Newton, Miss., effective 5–2–51 to 11–1–51; 19 learners for expansion purposes (ladies' slacks; men's slacks and pants).

P. & M. Dress Co., 344 Main Street, Turkey Run, Shenandoah, Pa., effective 5–7–51 to 5–6–52; for normal labor turnover, 10 percent or five learners, whichever is greater (women's dresses).

Pamplin Dress Co., Inc., Pamplin, Va., effective 5–7–51 to 5–6–52; for normal labor turnover, 10 percent or four learners, whichever is greater (girls' cotton dresses).

Pine Springs Shirt Co., Inc., 60 Hill Street, Greenwich, N. Y., effective 5–7–51 to 5–6–52; 10 percent for normal labor turnover (men's dress and sport shirts).

Pliantform Foundations, Inc., 250 Gerham Street, Canandaigua, N. Y., effective 5–1–51 to 4–30–52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (brassieres and girdles).

Pollak Bros., Inc., 227 West Main Street, Fort Wayne, Ind., effective 5–4–51 to 5–3–52; 10 percent for normal labor turnover (house dresses, smocks, and brunch coats).

Salant & Salant, Inc., First Street, Lexington, Tenn., effective 5–4–51 to 11–3–51; 80 learners for expansion purposes (cotton work shirts).

The Salem Co., Inc., Junia and Lemond Avenues, Winston-Salem, N. C., effective 5–7–51 to 11–6–51; 15 learners for expansion purposes only (denim overalls; women's dungarees).

Sherrod Shirt Co., High Point, N. C., effective 5–9–51 to 5–8–52; 10 percent for normal labor turnover (work shirts, sport shirts, pajamas).

Snoler Bros., Inc., Kay Ashton Division, Herrin, Ill., effective 5–4–51 to 11–3–51; 100 learners for expansion purposes only (women's, misses', and juniors' dresses).

Tamco Corp., 6341 South Harper Avenue, Chicago, Ill., effective 5–7–51 to 5–6–52; 10 learners for normal labor turnover (men's and boys' shirts and pajamas).

Tobyhanna Manufacturing Co., Inc., Tobyhanna, Pa., effective 5–7–51 to 5–6–52; for normal labor turnover, 10 percent or 4 learners, whichever is greater (women's blouses).

Trenton Shirt Manufacturing Co., Mercersburg Plant, Mercersburg, Franklin, Co., Pa., effective 5–3–51 to 5–2–52; 10 learners for normal labor turnover (work shirts).

The Turner Manufacturing Co., 107 Twelfth Avenue, North, Nashville, Tenn., effective 5–3–51 to 11–2–51; 70 learners for expansion purposes (men's and boys' sport shirts).

Valley View Manufacturing Co., Valley View, Pa., effective 5–2–51 to 5–1–52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (ladies' dresses, housecoats, etc.).

Ware Knitters of New Hampshire, Berlin, N. H., effective 5–7–51 to 5–6–52; 10 percent for normal labor turnover (cotton knitted outerwear).

Well-Made Novelty Co., South Murray Street, Bangor, Pa., effective 5–7–51 to 5–6–52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (ladies' blouses).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended January 25, 1950; 15 F. R. 400).

General Cigar Co., Inc., Johnstone and Neville Streets, Perth Amboy, N. J., effective 5–7–51 to 5–6–52; 10 percent of the total number of productive factory workers engaged in each of the authorized occupations: cigar machine operating 320 hours, packing cigars retailing for more than 6 cents each 320 hours, and machine stripping 160 hours; 60 cents per hour.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Gainor Hosiery Division, Madison, N. C., effective 5–2–51 to 5–1–52; 5 percent for normal labor turnover.

Gainor Hosiery Division, Madison, N. C., effective 5–2–51 to 1–1–52; five additional learners for expansion purposes (supplemental certificate).

Gray-Line Hosiery Co., Eddington, Pa., effective 5–8–51 to 5–7–52; three learners for normal labor turnover.

Kenbridge Hosiery Mills, Inc., Kenbridge, Va., effective 5–10–51 to 5–9–52; five learners for normal labor turnover.

Myerstown Hosiery Mills, Cherry Street and Stover Avenue, Myerstown, Pa., effective 5–7–51 to 5–6–52; four learners for normal labor turnover.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Villisca Farmers Telephone Co., Villisca, Iowa, effective 5–7–51 to 5–6–52.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 393).

Carbondale Underwear Manufacturing Co., Inc., 7 Eighth Avenue, Carbondale, Pa., effective 5–3–51 to 5–2–52; three learners for normal labor turnover.

Carolyn's Fashions, Inc., Moscow, Pa., effective 5–4–51 to 5–3–52; five learners for normal labor turnover.

Dixie Belle Textiles, Inc., Gibsonville, N. C., effective 5–3–51 to 10–16–51; 10 learners for expansion purposes only.

Greyhill Manufacturing Corp., 340 East Boundary Avenue, York, Pa., effective 5–2–51 to 11–1–51; 10 learners for expansion purposes only.

Limerick Knitting Mills, Inc., Limerick, Maine, effective 5–7–51 to 11–6–51; 15 learners for expansion purposes only.

Limerick Knitting Mills, Inc., Limerick, Maine, effective 5–7–51 to 5–6–52; 5 percent for normal labor turnover.

McComb Manufacturing Co., McComb, Miss., effective 5–7–51 to 11–6–51; 100 learners for expansion purposes only.

McComb Manufacturing Co., McComb, Miss., effective 5–7–51 to 5–6–52; 5 percent for normal labor turnover.

Markham Sportswear Co., North East Corner of Twenty-third and Arch Streets, Philadelphia, Pa., effective 5–7–51 to 5–6–52; five learners for normal labor turnover.

A. H. Schreiber Co., Inc., Washington Street, Mount Holly, N. J., effective 5–7–51 to 5–6–52; 5 percent for normal labor turnover.

A. H. Schreiber Co., Inc., Washington Street, Mount Holly, N. J., effective 5–7–51 to 11–6–51; 10 learners for expansion purposes only.

Terre Hill Manufacturing Co., Inc., 123 West Main Street, Terre Hill, Pa., effective 5–1–51 to 4–30–52; 5 percent for normal labor turnover.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Better Built Spring Co., 123 South Street, Baltimore, Md., effective 5–4–51 to 11–3–51; five learners for normal labor turnover; wire spring machine operator, clip assembly machine operator, and clip trimmer operator each 320 hours; 60 cents per hour for first 160 hours, 65 cents per hour for next 80 hours, and 70 cents per hour for remaining 80 hours (wire springs).

Cameo Curtains of New Bedford, Inc., Riverside Avenue and Manomet Street, New Bedford, Mass., effective 5–4–51 to 11–3–51; 10 percent for normal labor turnover; sewing machine operator, 240 hours; 65 cents per hour (curtains).

Daniel Manufacturing Co., 1011 West El Segundo Boulevard, Gardena, Calif., effective 5–2–51 to 11–1–51; two learners for normal labor turnover; finishers, casters, glazers, and kiln setters each 320 hours; 60 cents per hour (pottery).

Fabriko, Inc., Green Lake, Wis., effective 5–4–51 to 11–3–51; 20 learners for normal labor turnover; sewing machine operators, 320 hours; hand embroiderers, 240 hours; 60 cents per hour (advertising caps and aprons).

Freeman & Freeman, 229 Franklin Road, Roanoke, Va., effective 5-4-51 to 11-3-51; two learners for normal labor turnover; sewing machine operators, 250 hours; 60 cents per hour (ladies' belts, buckles and buttons).

Hoover Products, Inc., Railroad Street, Canfield, Ohio, effective 5-7-51 to 11-6-51; four learners for normal labor turnover; assemblers and spray painter, 160 hours; 65 cents per hour (plastic and infants' toys).

Hub Bait Co., 200 Prairie St., Beaver Dam, Wis., effective 5-4-51 to 11-3-51; two learners for normal labor turnover; flytiers, 120 hours; 60 cents per hour (fishing tackle).

Levine Bros. Bag Co., 42-46 Mill Street, Kingston, N. Y., effective 5-14-51 to 11-13-51; two learners for normal labor turnover; sewing machine operator, 160 hours; 60 cents per hour (reconditioning cotton and burlap bags).

Charles Navasky & Co., Inc., Osceola Mill, Pa., effective 5-1-51 to 10-31-51; 50 learners for normal labor turnover; machine operating (except cutting), hand-sewers, and pressers each 480 hours; 60 cents per hour for first 240 hours and 65 cents per hour for remaining 240 hours (men's and boys' clothing).

Pfaltzgraff Pottery Co., York, Pa., effective 5-17-51 to 11-16-51; 10 percent for normal labor turnover; pottery maker (not including mould runners and board carriers, helpers, floor hands, and clean-up laborers), 320 hours; 60 cents per hour (pottery).

Pioneer Coat Front Corp., 1027 Callowhill St., Philadelphia, Pa., effective 5-7-51 to 5-6-52; 7 percent for normal labor turnover; machine operators (except cutting), pressers, and hand-sewers, each 480 hours; 60 cents per hour for first 240 hours and 65 cents per hour for remaining 240 hours (coat fronts).

West Craft Co., 5024 South State Street, Murray, Utah, effective 5-2-51 to 11-1-51; two learners for normal labor turnover; plaster molders, 320 hours; 65 cents per hour (plastic figurines).

Westinghouse Electric Corp., Photoflash Lamp Bulb Plant, Bowling Green, Ky., effective 5-16-51 to 11-15-51; 175 learners for expansion purposes; machine operators only in the manufacture of photoflash lamp bulbs, 480 hours; 60 cents per hour for first 160 hours, 65 cents per hour for second 160 hours, and 70 cents per hour for remaining 160 hours (photofinish lamps).

The Worth Co., 444 Briggs St., Stevens Point, Wis., effective 5-6-51 to 11-5-51; 10 learners for normal labor turnover; fly tiers, 320 hours; 60 cents per hour (fishing tackle).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 9th day of May 1951.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. D. Doc. 51-5587; Filed, May 15, 1951; 8:45 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[Delegation 1, as amended May 15, 1951]

SECRETARIES OF INTERIOR, AGRICULTURE AND COMMERCE, AND INTERSTATE COMMERCE COMMISSIONER

DELEGATION OF AUTHORITY WITH RESPECT TO ISSUANCE OF CERTIFICATES

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.) and Executive Order No. 10200 issued January 3, 1951 (16 F. R. 61), certain of the functions conferred upon the Defense Production Administration by said order are delegated as follows:

1. The functions conferred upon the President by title I of the Defense Production Act of 1950 are hereby delegated to the same officers and agencies to whom the said functions were delegated by section 101 of Executive Order No. 10161 issued on September 9, 1950 (15 F. R. 6105).

2. Each officer and agency to whom functions are delegated by this Delegation No. 1 shall, with respect to the materials and facilities within his particular jurisdiction make recommendations to the Defense Production Administrator for the issuance of certificates by the Administrator for action under sections 302 and 303 of the Defense Production Act of 1950 (loans, purchases, commitments, etc.) as specified in paragraph 2b of section 2 of Executive Order 10200, and in sections 303 and 304 of Executive Order 10161, as amended. Such officers and agencies shall perform such additional functions with respect to the issuance of such certificates as may be prescribed by any regulations or procedures prescribed by appropriate authority. This paragraph shall not be construed to limit or affect the authority of the Secretary of Agriculture under section 303 of Executive Order 10161, as amended by Executive Order 10200.

3. Each officer and agency to whom functions under title I of the Defense Production Act of 1950 are delegated shall, with respect to the materials and facilities within his particular jurisdiction, make recommendations to the Defense Production Administrator for the issuance of certificates under subsection (e) of section 124A of the Internal Revenue Code, as added by section 216 of the Revenue Act of 1950, approved September 23, 1950, subject to any regulations and procedures prescribed by appropriate authority.

4. Each officer and agency to whom functions under title I of the Defense Production Act of 1950 are delegated may, with respect to the materials and facilities within his jurisdiction, carry out the consultations referred to in subsection 708 (a) of that act, and make recommendations to the Defense Production Administrator for the approval of voluntary agreements and programs as provided in section 708 of that act.

5. The functions delegated hereby may be redelegated with or without authority for further redelegation, and redelegations in effect on the date hereof shall continue in effect until rescinded or modified by appropriate authority.

6. The functions delegated by the preceding paragraphs of this Delegation No. 1 or redelegated by, or by authority of, the delegates hereunder shall be exercised subject to the direction and control of the Defense Production Administrator.

This delegation shall take effect immediately (May 15, 1951).

EDWIN T. GIBSON,
Acting Defense Production Administrator.

[F. R. Doc. 51-5770; Filed, May 15, 1951; 11:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9967]

PEOPLES BROADCASTING CORP. (WOL)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Peoples Broadcasting Corp., Washington, D. C. (WOL), for renewal of license of synchronous amplifier located in Silver Spring, Maryland; Docket No. 9967, File No. BR-1130.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of May 1951;

The Commission having under consideration the above entitled application of the Peoples Broadcasting Corporation; and

It appearing, that the Commission is unable to determine that a grant of this application would be in the public interest;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above entitled application is designated for hearing on the following issues:

1. To secure full information concerning the technical operation of the synchronous amplifier.

2. To determine whether the synchronous amplifier has been operated at all times in accordance with the terms of its license and Commission Rules, particularly with respect to power output, quality and character of emissions.

3. To determine whether the proposed operation is technically feasible in the light of the present and past performance of the synchronous amplifier.

4. To determine whether the existing and proposed operations of WOL comply with Commission rules and Standards of Good Engineering Practice and International Agreements particularly with reference to utilization of local channels.

5. To determine in view of the information adduced whether a grant of the subject application will serve the public interest.

It is further ordered, That the hearing be held in Washington, D. C., on the 10th day of July, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5645; Filed, May 15, 1951; 8:48 a. m.]

[Docket Nos. 9968-9970]

BANKS INDEPENDENT BROADCASTING CO. (WINX)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Banks Independent Broadcasting Co., Washington, D. C. (WINX), Docket No. 9968, File No. BR-1104; for renewal of licenses of synchronous amplifiers located at 8th and Eye Streets NW., Washington, D. C., and Rock Creek Park, near East-West Highway, Montgomery County, Maryland, and Developmental Broadcast Station KG2XCK, Docket No. 9969, File No. BREX-59; and for construction permit to change main transmitter location of WINX from Garden City, Arlington, Virginia, to 8th and Eye Streets NW., and establish synchronous amplifier in Rock Creek Park and abandon present synchronous amplifiers and developmental broadcast station KG2XCK as presently operated, Docket No. 9970, File No. BP-7772.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of May 1951;

The Commission having under consideration the above entitled applications of the Banks Independent Broadcasting Company;

It appearing, that the Commission is unable to determine that a grant of these applications would be in the public interest;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above entitled applications are designated for hearing on the following issues:

1. To secure full information from the licensee company concerning the operation of the WINX synchronous amplifiers and the developmental broadcast station KG2XCK, particularly with respect to its program of research and experimentation.

2. To determine whether the continued operation of these synchronous amplifiers and Station KG2XCK as presently authorized is justified in the light of their past and present performance.

3. To determine whether the licensee has satisfied the requirements of a developmental station in the light of Commission rules.

4. To determine what interference, if any, has been caused to other broadcast stations as a result of the operation of these synchronous amplifiers, and Station KG2XCK and associated equipment.

5. To secure further information regarding plans of the existing licensee company for further experimentation and development in the operation of Station KG2XCK, and these synchronous amplifiers.

6. To determine what interference, if any, may be caused to other existing broadcast stations by the operation proposed in the application for construction permit.

7. To determine whether the proposed operation is technically feasible.

8. To determine whether the existing and proposed operations of WINX comply with Commission rules and standards of Good Engineering Practice and International Agreements particularly with reference to utilization of local channels.

9. To determine whether operations as limited in Issue 10 would comply with the Commission's rules and Standards of Good Engineering Practice.

10. To determine in view of the information adduced, whether a grant, in whole or in part, of the subject applications will serve the public interest.

It is further ordered, That the hearing be held in Washington, D. C. on July 17, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5646; Filed, May 15, 1951; 8:48 a. m.]

[Change List. No. 7]

DOMINICAN REPUBLIC BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS

APRIL 25, 1951.

Notifications under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in assignments of Dominican Republic Broadcast Stations modifying appendix containing assignments of Dominican Republic Broadcast Stations (mimeograph 47214-2) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

DOMINICAN REPUBLIC

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
HI5B	Bella Vista (Santiago)	610 kilocycles, 1 kw	U	III	In operation: Oct. 10, 1950.
HI1L	La Vega (change of location: previously in Santiago).	1230 kilocycles			Jan. 16, 1951.

[F. R. Doc. 51-5647; Filed, May 15, 1951; 8:48 a. m.]

FEDERAL SECURITY AGENCY

Social Security Administration

BUREAU OF PUBLIC ASSISTANCE

ORGANIZATION, DELEGATION OF FINAL AUTHORITY, PLACES AT WHICH INFORMATION MAY BE SECURED

The material on organization, delegation of final authority, and places at which information may be secured as published on September 11, 1946 (11 F. R. 177A 532), and amended on December 15, 1948 (13 F. R. 7746), December 16, 1948 (13 F. R. 7790), and May 20, 1949 (14 F. R. 2765) is hereby amended to read as follows:

Sec.
651. General.
652. Bureau of Public Assistance.
653. Regional Representative.
654. Delegation of final authority.
655. Information concerning public assistance.
656. Public inspection of final opinions, orders and rules.
657. Availability of official records.

SECTION 651. *General.* The Bureau of Public Assistance is a part of the Social Security Administration of the Federal Security Agency and is the operating unit responsible for activities relating to the Federal-State system of public assistance. Functions relating to services in the area of State merit systems, and audits are performed by the Office of Federal-State Relations for all of the grant-in-aid programs of the Federal Security Agency. These services, along with the activities provided by the Office of Field Services as related to regional offices, are described in connection with the general organization of the Federal Security Agency.

SEC. 652. *Bureau of Public Assistance.* The Bureau of Public Assistance is headed by a Director. In her absence or disability an Assistant Director acts for her.

The Bureau of Public Assistance was established as the operating unit concerned with the administration of Titles I, IV, X, and XIV of the Social Security Act, which provide for grants-in-aid to the States for old-age assistance, aid to dependent children, aid to the blind, and aid to the permanently and totally disabled, respectively. Under Title VII of the Social Security Act, the Bureau of Public Assistance has responsibility for participating in studies and making recommendations as to the most effective methods of providing economic security through social insurance and as to legislation and matters of administrative policy concerning public assistance and related subjects.

The four assistance programs, old-age assistance, aid to dependent children, aid to the blind, and aid to the permanently and totally disabled, are State-initiated and State-administered. The Social Security Act stipulates certain minimum conditions which the State's plan for administering its public assistance programs must meet. If these conditions are met, the act requires that the plan be approved. The particular eligibility requirements within the limits of the Social Security Act, and amounts of payment, however, are prescribed by the State. When a State plan is submitted and approved, the State becomes eligible for Federal funds in an amount determined in accordance with the provisions of the Federal act for assistance payments and for half the costs of administration.

Through its regional representatives and the departmental staff, the Bureau of Public Assistance reviews provisions and operation of State plans for these four special types of assistance to determine

their initial and continuing conformity with the specifications of the Social Security Act. The Bureau reviews the State's request for Federal funds and recommends the amount to be granted each quarter as the Federal share of expenditures under each approved plan. The Bureau also collects and analyzes data on the operation of all forms of public assistance in the States and advises them on developing and improving the operation of their public assistance programs.

The divisions of the Bureau are a Division of Program Operations, a Division of Program Standards and Development, a Division of State Administrative and Fiscal Standards, a Division of Program Statistics and Analysis, a Division of Technical Training, and for purposes of internal management, a Division of Administration.

(a) *Division of Program Operations.* The Division of Program Operations executes the Bureau's program for grants-in-aid to States, planning and conducting field activities, and coordinating services to regional staff and State agencies. It reviews State plan material and fiscal audits, conducts the continuing review of State and local administration, advises Director on questions of conformity with the act, reviews grant requests and makes recommendations for payments to States, keeps the Director currently advised on whether the operations of State plans meet the requirements of the act for continued certification of Federal funds, and provides the Bureau mail and messenger service.

(b) *Division of Program Standards and Development.* The Division of Program Standards and Development formulates policies, standards, and procedures on substantive content of public assistance programs, such as determination of eligibility and amount of assistance, and provision of welfare services. It prepares material on program development and improvement, initiates evaluation of program objectives and accomplishments as basis for Federal and State legislative recommendations and selection of major program emphases, develops standard-setting material on public assistance legislation to assist State agencies, provides technical assistance to regions and States, and maintains liaison within Agency and with other agencies and organizations in these areas.

(c) *Division of State Administration and Fiscal Standards.* The Division of State Administrative and Fiscal Standards formulates policies, standards and procedures on Federal requirements relating to proper and efficient administration of public assistance programs, such as organization and management standards and practices of State agencies, fiscal accountability of State agencies, fiscal policy affecting financing of programs, fiscal planning of State agencies, supervision of administration by State agencies, costs of administration, and technical aspects of Federal matching. It provides technical assistance to regions and States, and maintains liaison within Agency and with other agencies and organizations in these areas.

(d) *Division of Program Statistics and Analysis.* The Division of Program Statistics and Analysis compiles statistics and conducts research on operations of public assistance programs and their relation to social insurance and other welfare programs and to social and economic conditions for use of the Commissioner, Bureau, and State public assistance agencies. It provides technical supervision of Regional Research Analysts, renders consultative service to State agencies on reporting requirements of the Administration and the development of their statistical and research programs, and acts as liaison with other research organizations interested in public assistance.

(e) *Division of Technical Training.* The Division of Technical Training formulates policies, standards and procedures on staff development in State public assistance agencies. It provides technical assistance to regions and States on objectives, methods, and content of staff development programs, prepares training materials, recommends staff development methods for Bureau Staff and conducts selected training activities, cooperates with Federal and national agencies and educational institutions on personnel needs and training for public assistance programs, and maintains liaison within Agency and with other agencies and organizations in these areas.

SEC. 653. *Regional representatives.* Each regional office of the Federal Security Agency (see description of organization of Federal Security Agency) includes a representative of the Bureau of Public Assistance. The regional representative of the Bureau of Public Assistance and his staff are the major points of contact by State public assistance agencies and by other interested persons for securing general information. Required reports, official documents, and other related communications are submitted through the regional offices. The regional public assistance staff is available at all times to the State agency for consultation and advice on any aspect of the State's administration of public assistance. The regional public assistance representative is responsible for review of State plans and also initiates discussion with State public assistance agencies on the content of any of the reports or other materials submitted by the State which raise questions because of lack of clarity or incompleteness and because of possible conflict with basic requirements of the Social Security Act.

The regional public assistance representative, in addition to advising with States on the application of Federal standards and requirements and on the improvement of the State's administration, is responsible for conducting a continuing review of State and local public assistance operations to determine compliance with the minimum requirements of the Social Security Act. The regional public assistance staff also furnishes technical assistance to State agencies in carrying out research and statistical programs and in the development of data needed for program planning and appraisal of operations.

SEC. 654. *Delegation of final authority.* By delegation from the Federal Security Administrator, the Commissioner for Social Security (see also description of organization of Federal Security Agency) has the following authority in relation to public assistance:

(a) All powers and duties of the Administrator concerning public assistance, contained in Titles I, IV, VII, X, XI, and XIV of the Social Security Act, except that only the Administrator shall exercise the authority to disapprove a State plan, or an amendment of a State plan, under Titles I, IV, X, or XIV, and, except as hereafter specifically authorized by him, only the Administrator shall exercise the authority conferred by section 4, 404, 1004, or 1404 of the Social Security Act as amended.

SEC. 655. *Information concerning public assistance.* Information concerning public assistance, or any of the functions for which the Bureau of Public Assistance is responsible, may be obtained by request in person or by letter at the regional offices of the Federal Security Agency, or at the Washington, D. C., office, Third and Independence Avenue SW. Since the Bureau of Public Assistance exercises no authority with respect to determination of eligibility or amount of payment made by State public assistance agencies in individual cases, inquiries in such instances will be disposed of more expeditiously if addressed to the appropriate State public assistance agency.

SEC. 656. *Public inspection of final opinions, orders, and rules.* All final opinions or orders in the adjudication of cases and all rules relating to public assistance are available for public inspection, except that the Commissioner for Social Security may hold any such opinions, or orders, or parts thereof confidential for good cause. Opinions and orders not held confidential (or copies thereof) and all rules may be inspected at any of the regional offices or at the central office of the Bureau of Public Assistance, Social Security Administration, located at Washington, D. C. Requests to inspect at the central office must be submitted to the Director of the Bureau of Public Assistance.

SEC. 657. *Availability of official records.* The record of any hearing held by the Commissioner for Social Security including transcripts of testimony, exhibits and all documents received in evidence or made part of the record of such hearings are official records.

Official records relating to public assistance are made available for inspection to persons properly and directly concerned upon written application to the Director of the Bureau of Public Assistance, except that upon good cause found by the Commissioner such records or parts thereof may be held confidential. Notice of denial of a request to inspect official records will be given promptly together with a statement of the reason for denial.

Dated: May 11, 1951.

A. J. ALTMEYER,
Commissioner for Social Security.

Approved: May 11, 1951.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 51-5678; Filed, May 15, 1951; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26093]

PETROLEUM PRODUCTS FROM NORFOLK, VA., TO HENDERSON, N. C.

APPLICATION FOR RELIEF

MAY 11, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Atlantic and Danville Railway Company, Atlantic Coast Line Railroad Company, and Southern Railway Company.

Commodities involved: Petroleum products, in tank-car loads.

From: Norfolk and Portsmouth, Va.

To: Henderson, N. C.

Gounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1065, Supp. 219.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-5616; Filed, May 15, 1951 8:46 a. m.]

[Rev. S. O. 562, Kings I. C. C. Order 47]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Homer C. King, Agent the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, because of bridge damage is unable to transport traffic routed over its line between Wabasha, Minnesota and Trevino, Wisconsin. *It is ordered,* That:

(a) Rerouting traffic: The Chicago, Milwaukee, St. Paul and Pacific Railroad Company is hereby authorized and directed to reroute or divert traffic on its line, routed over its line between Wabasha, Minnesota and Trevino, Wisconsin, over any available route to expedite the movement; the billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad named, desiring to divert or reroute traffic over the line or lines of another carrier under this order, shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 4:00 p. m., May 8, 1951.

(g) Expiration date: This order shall expire at 11:59 p. m., June 8, 1951, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., May 8, 1951.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 51-5618; Filed, May 15, 1951; 8:48 a. m.]

[Rev. S. O. 874, Rev. General Permit 8]

LIVESTOCK FEED WITH HIGH MOLASSES CONTENT

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act to disregard the provisions of Revised Service Order No. 874 insofar as they apply to any car loaded with livestock feed with high molasses content, when any consignor advises that service would be denied because of its inability to meet the minimum requirements because the hygroscopic properties of the commodity make it unsalable when exposed.

The waybills shall show reference to this revised general permit and any consignor forwarding cars under this revised general permit shall furnish the permit agent with the car numbers, initials, weights, and destinations of the cars shipped under this revised general permit, as well as the car numbers, initials, and weights of all cars loaded with livestock feed with high molasses content; such information to be furnished on the first day of each month.

This general permit shall become effective at 12:01 a. m., May 10, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this revised general permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of May 1951.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 51-5622; Filed, May 15, 1951; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17707]

ANNA ALTSCHAEFFL ET AL.

In re: Rights of Anna Altschaeffl et al. under insurance contract. File No. F-28-31416-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Altschaeffl, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Altschaeffl, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 74474013, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Anna Altschaeffl, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anna Altschaeffl or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Altschaeffl, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Altschaeffl, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5650; Filed, May 15, 1951; 8:49 a. m.]

[Vesting Order 17708]

LISELOTTE MARIE EMMA MINNA BADER

In re: Rights of Liselotte Marie Emma Minna Bader (formerly Lotte Kauenhowen nee Doss) under insurance contracts. Files No. F-28-22119-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Liselotte Marie Emma Minna Bader (formerly Lotte Kauenhowen, nee Doss) whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 10 305 438 and 11 329 221, issued by the New York Life Insurance Company, New York, New York, to Walter P. Kauenhowen, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5651; Filed, May 15, 1951; 8:49 a. m.]

[Vesting Order 17711]

HANS KAYSER ET AL.

In re: Rights of Hans Kayser et al. under insurance contract. File No. D-28-12937-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Kayser, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Kurt E. Kayser, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,368,899, issued by The Mutual Benefit Life Insurance Company, Newark, New Jersey, to Kurt E. Kayser, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Kurt E. Kayser, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5653; Filed, May 15, 1951; 8:49 a. m.]

[Vesting Order 17713]

CARMEN J. LORENZEN ET AL.

In re: Rights of Carmen J. Lorenzen et al. under insurance contracts. Files No. F-28-31388-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carmen J. Lorenzen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Carmen J. Lorenzen, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 84150452 and 84150453, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Carmen J. Lorenzen, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Carmen J. Lorenzen or the domiciliary personal representative, heirs, next of kin, legatees and distributees, names unknown of Carmen J. Lorenzen, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown of Carmen J. Lorenzen, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5654; Filed, May 15, 1951; 8:49 a. m.]

[Vesting Order 17710]

HENRIETTA E. GARRETT

In re: Estate of Henrietta E. Garrett, deceased. File No. D-28-1682; E. T. sec. Nos. 538 and 539.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons named in Exhibit A, attached hereto and by reference made a part hereof, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of the deceased persons named in Exhibit A, set forth below and by reference made a part hereof, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the Finanzamt Breslau Nord is an agency or instrumentality of a designated enemy country (Germany);

4. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in Exhibit A, set forth below and by reference made a part hereof, and of the Finanzamt Breslau Nord, in, to and against the Estate of Henrietta E. Garrett, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany) and the aforesaid designated enemy country (Germany);

5. That such property is in the process of administration by Charles S. Starr and Frank G. Marcellus, administrators c. t. a., acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

6. That to the extent that the persons identified in Exhibit A, and by reference made a part hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of designated national	Address	Claim No. in proceeding
Emilie Bentling or Buntling Herford	Westfalen, Germany	
Josefine Biernach	Mainz-Gustavsburg, Gustav-Adolfstrasse 12, Germany.	
Mrs. Hans Hermann Brandt	c/o Dr. Otto Bramsloew Neuenrode, Mecklenburg, Germany.	
Otto Brennenstuhl, trustee bankrupt, estate of August Dieterich.	Messkirch, Baden, Germany	
Horst Decker	29 Baustrasse (16), Ober-Ramstadt, Hessen, Germany (U. S. Zone).	
Alis Heinrich Fung	Ensheim-Swarland, Germany	
Jenovefa Gebauer, nee Kolarova	c/o Dr. Alfred Hampel Memmingen, Kempterstr. 29, Bavaria, Germany.	21300
Else Germer	Segelbererstrasse 21, Kiel, Germany	
Johann Glaszner, also known as Johann Glassner.	Seelingstadt, Kreis Gimma, Saxony, Germany	
Maria Heinz	c/o Dr. Hillebrand Buederich Lei Neuss, Kr. Dusseldoy, Germany (British Zone).	
Michel Kamensky	Longestr 191, Marlow Mecklenburg, Germany	
Marie Hegerova Konig	(3-b) Bad Kohlgrub, No. 115½, Germany	
Elfriede Kreig	Dorimund Bergbofen 26, Kohlweisslingweg, Germany (British Zone).	12430
Erwin Kretschmar	Hamburg, Germany	
Herman Kretschmar	Riestedt, Germany	
Anna Maria Sophia Kretschmer	Hamburg-Rahlstedt, Germany	
Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Walter Johannes Kretschmer, deceased.	Germany	
Berta Ferber Legethoff	Essen/Ruhr, Germany	
Mrs. Lukas Leuthner	Ottenheim, Baden, Germany	
Emma Mussler	Weil Rhein, Othmerstrasse 13, Germany (French Zone).	
Dina Meyer	Furstenwall 189-II, Düsseldorf, Nordrhein-Westfalen, Germany.	
Finanzamt Breslau Nord	Germany	
Maria d. Orpinghaus	Remscheid, Rheinland, Germany	
Agnes Petri	Viereck in Pommern Pasewalk-Land, Germany	
Dr. Hans Eduard Plesmann	Gerastrasse 8, Lage-Lippe, Germany (British Zone).	5714
Bertha Pollak	23, Pelzgasse, Braunfels (Lahn), Oberhessen, Germany.	
Mrs. Max Raith	Deggendorf, Germany	
Christian Schaefer	c/o Louis Schaefer Postschliessfach 71, Linz/Rhein, Germany.	5312
Schaefer Family	Kempten, Bavira, Germany	
Bruno Schafer	Hous #5, Post Flieden, Kreis Fulda, Bagdlos, Germany.	5201
Christian Schafer	(13a) Geralzhafen, Ufr., Germany, U. S. Zone	
Elise Schäfer	Nordbergge, Hassenberg 81, b/b Hamm, Westfalen, Germany.	
Elise Schäffer	c/o H. Wilh. Kormeyer, Hankenberge, Bez. Osnabruck, Germany.	21049
Willi Scharpf	Reinsburgstrasse 18, Stuttgart, Germany	
Mrs. August Schlenz	Hochstrasse 25, Wuppertal-Elberfeld, Germany	
Heinrich Schmitt	Weidenhausen, District Biedenkopf Greater Hessen, Petersburg Nr. 39 Germany (U. S. Zone).	
Adolf Shafer	Gemmerich, Kreis St. Gearshausen, Germany	
Heinrich Seidel	Postfach 363, Stuttgart, Germany	
Berta Sinemus	Mayen/Eifel im Hombrich 1, Rhineland, Germany (French Zone).	
Pastor Martin Sinemus, I. R	(18) Wahlscheid uber Hensweiler (Saar), Germany	
Wilhelm Thomas	Ketterlpfad 16, Berlin-Tegel, Germany	
Else Tonn	Stuttgart, Germany	4883
Johanna Voigth	(16) Hausen near Offenbach M 5, Steinheimerstrasse, Germany (U. S. Zone).	23078
Dr. Theodore Wanner	Lebanonstradde 3, Stuttgart, Germany	
Johann Wasilewski	c/o Paul Ahrens, Herzog-Wilhelm Strasse 26, Germany.	
Johannes Weber	Baehuang, Württemberg, Germany	
Paul Weiman	(22c) Koln, An den, Dominkanern 2 Nordrhein, Westfalen, Germany.	

[F. R. Doc. 51-5652; Filed, May 15, 1951; 8:49 a. m.]

[Vesting Order 17718]

HELDRING & PIERSON

In re: Accounts maintained in the name of Heldring & Pierson, The Hague, Holland, and owned by persons whose names are unknown. F-49-1274.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Heldring & Pierson, The Hague, Holland]

Column 1	Column II
Name and address of institution which maintains account	Designation of account
1. The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	(a) Heldring & Pierson, blocked account, The Hague, Holland, as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its Serial No. 93, and (b) Heldring & Pierson, The Hague, Netherlands, Dutch residents account PS 8696, as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its Serial No. 255.
2. H. Hentz & Co., 60 Beaver St., New York 4, N. Y.	Credit balance, as described by H. Hentz & Co. in its report on Form OAP-700, bearing its Serial No. 7.
3. Guaranty Trust Co., of New York, 140 Broadway, New York 15, N. Y.	Heldring & Pierson, Korte Vijverberg, The Hague, Holland, as described by the Guaranty Trust Co. of New York in its report on Form OAP-700, bearing its Serial No. FB-50.

[F. R. Doc. 51-5655; Filed, May 15, 1951; 8:49 a. m.]

[Vesting Order 17722]

ANNIE HILLERS ET AL.

In re: Annie Hillers and L. F. Kruse, Administrator of the estate of Henry Heitmann, deceased, Plaintiffs in Error, versus Local Federal Savings and Loan Association, a corporation, Defendant in Error. File No. 017-20552.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frederick Heitmann, George Heitmann and Frau Marie Thole, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the undivided three-fifths (3/5) interest of the persons named in subparagraph 1 hereof in those certain debts or obligations of The Local Federal Savings and Loan Association, Oklahoma City, Oklahoma, arising by reason of the issuance of Stock Certificates numbered 18918, 20222, and 1826 by The Local Building and Loan Association of Oklahoma City to Albert Heitmann, now deceased, and any and all rights to demand, enforce and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5656; Filed, May 15 1951; 8:49 a. m.]

[Vesting Order 17723]

ARTHUR THOMAS TELLEFSEN AND ETHEL FRANCES TELLEFSEN

In re: In the matter of the petition of Arthur Thomas Tellefsen and Ethel Frances Tellefsen, his wife, to register the title to certain lands in Suffolk County, New York. File No. 017-25945.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helene Enz, Johanna Frank and Christine Draude, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Marie Frank, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof, and each of them, in and to all those certain tracts, pieces or parcels of land, situate, lying and being near St. James, L. I., Town of Smithtown, County of Suffolk and State of New York, known and designated on a certain map entitled "18th Map of Property of the

House and Home Co., situated near St. James, L. I., Town of Smithtown, Suffolk County, N. Y." surveyed by Israel G. Hawkins, C. E., and surveyor, subdivided by Robert Kurz, C. E., and filed in the office of the County Clerk of Suffolk County, and known as and by the plot Nos. Nineteen (19), Twenty (20), Twenty-one (21), Twenty-two (22), and Twenty-three (23) containing five (5) acres of land be the same more or less, being the same premises of which George Draude died seized and possessed, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Marie Frank, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5657; Filed, May 15, 1951; 8:50 a. m.]

[Vesting Order 17727]

ALFRED JUNG

In re: Securities owned by and debts owing to the personal representatives, heirs, next of kin, legatees and distributees of Alfred Jung, deceased. F-28-31431.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Alfred Jung, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Three (3) Dominion of Canada 25 yr. 3¼% bonds, due 1/15/61, numbered E 37348, 24541 and 20930, each of $1,000.00 face value, said bonds presently in the custody of Credit Suisse New York Agency, 30 Pine Street, New York 5, New York in a Blocked Account for Credit Suisse, Zurich, together with any and all rights thereunder and thereto,

b. Two (2) Canadian Pacific Railway Company Perpetual 4 percent Cons. Deb. stock, evidenced by two certificates bearing numbers H 3937 and 3751, each of $500.00 face value and presently in the custody of Credit Suisse, New York Agency, 30 Pine Street, New York 5, New York in a Blocked Account for Credit Suisse, Zurich, together with any and all rights thereunder and thereto,

c. That certain debt or other obligation of Credit Suisse, New York Agency, 30 Pine Street, New York 5, New York in the amount of $331.17 as of April 2, 1951, representing a portion of funds on deposit in a Blocked Account for Credit Suisse, Zurich, Switzerland, maintained by the aforesaid agency, and any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation of Credit Suisse, New York Agency, 30 Pine Street, New York 5, New York in the amount of $911.54 as of April 2, 1951, representing a portion of funds on deposit in a blocked General Ruling No. 6 Account, entitled "Credit Suisse Zurich", maintained by the aforesaid agency, and any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

e. Those certain St. Louis-San Francisco Railway Company 1st Mortgage, Series A, 4% bonds, due 1/1/1997, having an aggregate face value of $600.00, said bonds presently in the custody of the Guaranty Trust Company, 140 Broadway, New York 15, New York in a Blocked Account for Credit Suisse, Zurich, together with any and all rights thereunder and thereto,

f. Those certain St. Louis-San Francisco Railway Company 2nd Mortgage, Conv. Income Series A, 4½% bonds, due 2022, having an aggregate face value of $400.00, said bonds presently in the custody of the Guaranty Trust Company, 140 Broadway, New York 15, New York in a Blocked Account of Credit Suisse, Zurich, together with any and all rights thereunder and thereto,

g. Thirty (30) shares of $100.00 par value common stock of Baltimore & Ohio Railroad Company, evidenced by certificates presently in the custody of the Guaranty Trust Company, 140 Broadway, New York 15, New York in a Blocked Account for Credit Suisse, Zurich, together with all declared and unpaid dividends thereon,

h. One (1) Voting Trust Certificate for Five (5) shares of 5% cum. pref. Series "A" stock of St. Louis-San Francisco Railway Company, said voting trust certificate presently in the custody of the Guaranty Trust Company, 140 Broadway, New York 15, New York in a Blocked Account for Credit Suisse, Zurich, together with any and all rights thereunder and thereto,

i. One (1) Voting Trust Certificate for Ten (10) shares of common stock of St. Louis-San Francisco Railway Company, said voting trust certificate presently in the custody of the Guaranty Trust Company, 140 Broadway, New York 15, New York in a Blocked Account for Credit Suisse, Zurich, together with any and all rights thereunder and thereto, and

j. That certain debt or other obligation of the Guaranty Trust Company, 140 Broadway, New York 15, New York in the amount of $413.13 as of March 28, 1951, representing a portion of funds on deposit in a blocked General Ruling No. 6 Account, entitled "Credit Suisse, Zurich", maintained by the aforesaid company, and any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Alfred Jung, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5658; Filed, May 15, 1951; 8:50 a. m.]

[Vesting Order 17743]

CAISSE D'EPARGNE ET DE CREDIT

In re: Accounts maintained in the name of Caisse d'Epargne et de Credit, Vevey, Switzerland, and owned by persons whose names are unknown. F-63-2309, F-28-30821.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Caisse d'Epargne et de Credit, Vevey, Switzerland]

Column I	Column II
Name and address of institution which maintains account	Designation of Account
Dominick & Dominick, 14 Wall St., New York 5, N. Y.	(a) Caisse d'Epargne et de Credit, Vevey, (b) Caisse d'Epargne et de Credit, Vevey, general ruling No. 6 account; as described by Dominick & Dominick in its report on Form OAP-700 bearing its Serial No. 9; (c) Caisse d'Epargne et de Credit, Vevey, as described by Dominick & Dominick in its report on Form OAP-700 bearing its Serial No. 10.

[F. R. Doc. 51-5659; Filed, May 15, 1951; 8:50 a. m.]

[Vesting Order 17754]

CONVERSION OFFICE FOR GERMAN FOREIGN DEBTS

In re: Accounts owned by Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandschulden. F-28-6329-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandschulden, the last known address of which is Berlin CIII, Germany, is a public corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Manufacturers Trust Company, 55 Broad Street, New York 15, New York, arising out of a special interest account entitled "City of Heidelberg External 25 year 7½% Sinking Fund Gold Bonds", maintained at the said Manufacturers Trust Company, and any and all rights to demand, enforce and collect the same, and

b. Those certain Reichmarks certificates of indebtedness of Conversion Office for German Foreign Debts in the aggregate amount of approximately 73,555 RM, presently in the custody of Manufacturers Trust Company, 55 Broad Street, New York 15, New York, said certificates of indebtedness having been offered by the Conversion Office, together with the cash fund referred to in subparagraph 2-a above, in settlement of coupons appertaining to the bonds described in subparagraph 2-a above, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandschulden, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5660; Filed, May 15, 1951; 8:50 a. m.]

[Vesting Order 17755]

TANE KAMIMURA

In re: Bank account, safe deposit lease and contents owned by the personal representatives, heirs, next of kin, legatees and distributees of Tane Kamimura, also known as Tane Y. Kamimura, deceased. D-39-5580-E-1; F-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Tane Kamimura, also known as Tane Y. Kamimura, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation of Bank of America, National Trust and Savings Association, 3d and E Streets, San Bernardino, California, arising out of a Savings Account, account number 5976, entitled "Mrs. Tane Kamimura," maintained at the San Bernardino main office of the said association, and any and all rights to demand, enforce and collect the same,

b. All rights and interests created in Tane Kamimura, also known as Tane Y. Kamimura under and by virtue of a safe deposit box lease agreement by and between Tane Y. Kamimura and The Bank of America, National Trust & Savings Association, San Bernardino, California relating to safe deposit box No. 2225, located in the vaults of the aforesaid association including particularly, but not limited to the right of access to said safe deposit box, and

c. All property of any nature whatsoever owned by Tane Kamimura, also known as Tane Y. Kamimura in the safe deposit box referred to in subparagraph 2 (b) hereof, and any and all rights of said person evidenced or represented by,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Tane Kamimura, also known as Tane Y. Kamimura, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Tane Kamimura, also known as Tane Y. Kamimura, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5661; Filed, May 15, 1951; 8:50 a. m.]

[Vesting Order 17760]

WALTER SEECK

In re: Property owned by Walter Seeck. D-63-87, F-63-6400.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walter Seeck, whose last known address is 51 Thomas Knorrstrasse, Garmisch-Partenkirchen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York, New York, arising out of a deposit account, entitled "Swiss Bank Corporation Id. 584 Zurich, Switzerland" and further identified pursuant to General Ruling 17 as follows: "Dr. Rudolf Herforth, Alte Landstrasse 66, Zollikon, Switzerland; Miss Hedwig Metzger (Power of Attorney) Zollikerstrasse 132, Zollikon, Zurich, Switzerland; Mrs. Else Herforth (Power of Attorney) Alte Landstrasse 66, Zollikon, Zurich, Switzerland," said account maintained at the aforesaid Swiss Bank Corporation, New York Agency, and any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. All these securities presently on deposit with Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York, New York, evidenced by certificates on deposit in an account entitled "Swiss Bank Corporation Id. 584 Zurich, Switzerland" and further identified pursuant to General Ruling 17 as follows: "Dr. Rudolf Herforth, Alte Landstrasse 66, Zollikon, Switzerland; Miss Hedwig Metzger (Power of Attorney) Zollikerstrasse 132, Zollikon, Zurich, Switzerland; Mrs. Else Herforth (Power of Attorney) Alte Landstrasse 66, Zollikon, Zurich, Switzerland," together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Walter Seeck, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5662; Filed, May 15, 1951; 8:50 a. m.]

[Vesting Order 17775]

YRARRAZAVAL RODRIDGUEZ Y CIA, LTDA.

In re: Accounts maintained in the name of Yrarrazaval Rodriguez Y Cia, Ltda., Santiago, Chile, and owned by persons whose names are unknown. F-28-31171.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Yrarrazaval Rodriguez Y Cia, Ltda., Santiago, Chile]

Column I	Column II
Name and address of institution which maintains account	Designation of account
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	Yrarrazaval Rodriguez Y Cia, Ltda., directive blocked a/c, as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its Serial No. 160.

[F. R. Doc. 51-5664; Filed, May 15, 1951; 8:50 a. m.]

[Vesting Order 17769]

OTTILIE HAACK

In re: Estate of Ottilie Haack, deceased. File No. D-28-12097.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Blasius Schmidt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Ottilie Haack, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Charles Halsted and Dr. Allan W. MacGregor, as coexecutors, acting under the judicial supervision of the Surrogate's Court of Bergen County, New Jersey;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5663; Filed, May 15, 1951; 8:50 a. m.]

[Vesting Order 17776]

AMERICAN EXPRESS CO., INC.

In re: Accounts maintained in the name of the American Express Co., Inc., Paris, France, and owned by persons whose names are unknown. F-27-2117.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock, in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of The American Express Co., Inc., Paris, France]

Column I	Column II
Name and address of institution which maintains account	Designation of account
New York Agency, The American Express Co., Inc., 65 Broadway, New York, N. Y.	Demand account, as described by The American Express Co., Inc., New York Agency, in its report on Form OAP-700, bearing its Serial No. [illegible]

[F. R. Doc. 51-5665; Filed, May 15, 1951; 8:50 a. m.]

[Vesting Order 17779]

HUGO KAUFMAN & CO.'S BANK N. V.

In re: Accounts maintained in the name of Hugo Kaufman & Co.'s Bank N. V., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-846.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Hugh Kaufman & Co.'s Bank N. V., Amsterdam, The Netherlands]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Irving Trust Co., 1 Wall St., New York 15, N. Y.	New York Central R. R. Co. Ref. Imp. Mtge., Series A 4½ percent Bonds, as described by the Personal Trust Division Custody of the Irving Trust Co. in its report on Form OAP-700, bearing its Serial No. 42.

[F. R. Doc. 51-5666; Filed, May 15, 1951; 8:50 a. m.]

[Vesting Order 17781]

FRIVATBANKEN I KJOBENHAVN AKT.

In re: Accounts maintained in the name of Privatbanken i Kjobenhavn Akt., Copenhagen, Denmark, and owned by persons whose names are unknown. F-19-262.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Privatbanken i Kjobenhavn Akt., Copenhagen, Denmark]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Guaranty Trust Co. of New York, 140 Broadway, New York 15, N. Y.	Deposit account—Privatbanken i Kjobenhavn Akt., Copenhagen, Denmark, as described by the Guaranty Trust Co. of New York in its report on Form OAP-700, bearing its Serial No. FB 49.

[F. R. Doc. 51-5667; Filed, May 15, 1951; 8:50 a. m.]

[Vesting Order 17795]

ROSITA MOHR

In re: Debt owing to Rosita Mohr. F-28-31447.

Under the authority of the Trading With the Enemy Act, as amended, and Ex-

ecutive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rosita Mohr, whose last known address is Gretherstrasse, Locrach, Baden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York, New York, in the amount of $1,573.54, arising out of and representing an undivided one-fourth (¼) interest in those certain funds held by Swiss Bank Corporation, New York Agency, for Swiss Bank Corporation, Basle, Switzerland, in the amounts and under the designations set forth below:

$432.95 in Swiss Bank Corporation, Basle, ordinary account,
$219.98 in Swiss Bank Corporation, Basle, special account No. 38992,
$5,641.25 in Swiss Bank Corporation, Basle, special account No. 38992, general ruling 6/17,

which funds are held by Swiss Bank Corporation, Basle, Switzerland, for the account of Family Foundation Arnolds of Basle, Switzerland, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Rosita Mohr, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5671; Filed, May 15, 1951; 8:51 a. m.]

[Return Order 953]

FORGES ET ATELIERS DE MEUDON

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published, and Property

Forges et Ateliers de Meudon, 175 Avenue de Verdun, Meudon, France; Claim No. 41382; March 9, 1951 (16 F. R. 2206); property described in Vesting Order No. 1601 (8 F. R. 8566, June 21, 1943) as Transaction Control No. 432 (c) relating to a disclosure of invention entitled "Pneumatic Chuck," inventor, Gabriel Challcarne. This return shall not be deemed to include the rights of any licensees under the above disclosure of invention.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5673; Filed, May 15, 1951; 8:51 a. m.]

[Return Order 956]

TELEFON FABRIK AUTOMATIC AKTIESELSKAB

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., Notice of Intention To Return Published, and Property

Telefon Fabrik Automatic Aktieselskab, Copenhagen, Denmark; Claim Nos. 10828 and 11040; April 3, 1951 (16 F. R. 2904); property described in Vesting Order No. 664 (8 F. R. 4989, April 17, 1943) relating to United States Letters Patent Nos. 2,135,015; 2,146,228 and 2,253,136. This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5674; Filed, May 15, 1951; 8:51 a. m.]

[Return Order 957]

MARIA PFEFFERKORN ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Maria Pfefferkorn, Alfons a/k/a Alfonso Pfefferkorn, Jakob Pfefferkorn, Ludesch, Vorarlberg, Austria; Claim No. 42163, April 3, 1951 (16 F. R. 2904); $14,402.51 in the Treasury of the United States, ⅛ to each claimant, and each of them, in and to the Estate of Thomas Pfefferkorn, a/k/a Anthony Thomas Pfefferkorn, a/k/a Thomas Anthony Korn, a/k/a Anthony Thomas Fuetscher, a/k/a Anthony Korn, a/k/a Thomas A Korn, a/k/a Rev. Anthony Korn, a/k/a Rev. Thomas Fuetscher, deceased; estate administered by Potter Title and Trust Company, Pittsburgh, Pennsylvania, under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5675; Filed, May 15, 1951; 8:51 a. m.]

[Return Order 959]

SOCIETE DES PROCEDES SERGE BEAUNE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published; and Property

Societe des Procedes Serge Beaune, Creteil (Seine), France; Claim No. 41695; April 3, 1951 (16 F. R. 2903); property described in Vesting Order No. 666 (8 F. R. 5047 April 17, 1943), relating to United States Letters Patent Nos. 2,143,617; 2,246,872 and 2,043,664. This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue

Executed at Washington, D. C., on May 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5676; Filed, May 15, 1951; 8:52 a. m.]

MAY 21 53

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 16 1934 NUMBER 96

Washington, Thursday, May 17, 1951

TITLE 3—THE PRESIDENT

PROCLAMATION 2928

NATIONAL MARITIME DAY, 1951

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the American Merchant Marine has again displayed, during the past year, its ability to support the military forces of our Nation by furnishing supplies to the fighting men engaged in the Korean hostilities; and

WHEREAS the American Merchant Marine has continued to promote international trade and travel while serving the defense and security requirements of the Nation; and

WHEREAS present world conditions require a constant state of readiness on the part of the American Merchant Marine in order that it may assist, along with all other branches of our Nation's industry and economy, in meeting the threat of aggression to our democracy; and

WHEREAS the Congress by joint resolution approved May 20, 1933 (48 Stat. 73), took cognizance of the historic fact that "on May 22, 1819, the steamship *The Savannah* set sail from Savannah, Georgia, on the first successful transoceanic voyage under steam propulsion", and requested the President to issue a proclamation annually calling for the observance of May 22 as National Maritime Day:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, hereby call upon the people of the United States to observe Tuesday, May 22, 1951, as National Maritime Day by displaying the flag of the United States at their homes or other suitable places, and direct the appropriate officials of the Government to arrange for the display of the flag on all Government buildings on that day. I also request that all ships sailing under the American flag dress ship on May 22, 1951, in honor of our Merchant Marine.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 12th day of May in the year of our Lord nineteen hundred and fifty-one, [SEAL] and of the Independence of the United States of America the one hundred and seventy-fifth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 51-5774; Filed, May 15, 1951; 1:50 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7, Amdt. 71]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13–1 is amended as follows:

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FEDERAL REGISTER

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CODE OF FEDERAL REGULATIONS
1949 Edition

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(For use during 1951)

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Title 7: Parts 210–899 ($1.50)
Part 900 to end ($1.25)
Title 14: Part 400 to end ($0.45)
Titles 30–31 ($0.35)

Previously announced: Titles 4–5 ($0.35); Title 6 ($1.50); Title 7, Parts 1–209 ($0.75); Title 8 ($0.35); Title 9 ($0.25); Titles 10–13 ($0.30); Title 16 ($0.40); Title 17 ($0.25); Title 20 ($0.30); Title 21 ($0.65); Titles 22–23 ($0.35); Title 25 ($0.25); Title 26: Parts 1–79 ($0.30); Parts 80–169 ($0.25); Parts 183–299 ($1.25); Title 26: Parts 300 to end; and Title 27 ($0.30)

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1. An Ajo, Arizona, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
Ajo (Phoenix, San Diego, and Douglas charts).	Beginning at lat. 32°20′30″ N., long. 112°48′00″ W.; due S to lat. 32°18′30″ N.; southerly along Arizona Highway No. 85 to lat. 32°01′00″ N., long. 112°52′00″ W.; due W. to long. 112°57′00″ W.; due S to lat. 32°00′00″ N.; due W. to long. 113°00′00″ W.; due S. to the Mexican border at lat. 31°50′00″ N.; WNW. along the Mexican border to lat. 32°02′34″ N., long. 113°13′30″ W.; due N to lat. 32°36′40″ N.; easterly to lat. 32°40′42″ N., long. 114°13′20″ W.; easterly along the Southern Pacific Railroad and U. S. Highway No. 80 to lat. 32°45′30″ N., long. 113°37′00″ W.; easterly to lat. 32°50′30″ N., long. 112°48′00″ W., point of beginning.	Surface to unlimited.	Continuous.	1st Fighter-Interceptor Wing, George AFB, Victorville, Calif.

2. The Warren Grove, New Jersey, area, published on July 14, 1949, in 14 F. R. 3886, and amended on August 18, 1949, in 14 F. R. 5144, is further amended by changing the "Designated Altitudes" column to read: "Surface to 20,000 feet," and by changing the "Using Agency" column to read: "NAS, Atlantic City, New Jersey."

3. The Lake Ontario (Wilson), New York, area, published on October 14, 1950, in 15 F. R. 6908, is revised to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
Lake Ontario (Wilson) (Detroit chart).	Beginning at lat. 43°18′40″ N., long. 78°51′20″ W.; due N. to lat. 43°21′40″ N.; due W. to long. 78°55′00″ W.; SSE. to lat. 43°18′30″ N., long. 78°54′00″ W.; E. to lat. 43°18′40″ N., long. 78°51′30″ W., point of beginning.	Surface to 2,000 feet.	Daylight hours only, from May 19 1951, through Dec. 31, 1951.	Cornell Aeronautical Laboratory and Stanley Aviation Corp., Buffalo, N. Y.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on May 19, 1951.

[SEAL] ORA W. YOUNG,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-5691; Filed, May 16, 1951; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 3]

PART 417—TOBACCO CROP INSURANCE

SUBPART—REGULATIONS FOR 1950 AND SUCCEEDING CROP YEARS

Correction

In Federal Register Document 51-5406, published at page 4297 of the issue for Thursday, May 10, 1951, the types of tobacco listed in the table for "Connecticut: Hartford" should be "51, 52".

TITLE 18—CONSERVATION OF POWER

Chapter II—Tennessee Valley Authority

PART 301—PROCEDURES

OBTAINING APPROVAL FOR CONSTRUCTION IN THE TENNESSEE RIVER SYSTEM

Section 301.2 is amended as follows: Changes are made in the language of the introductory paragraph of this section; new material relating to the approval of structures within the flowage easement areas of Fort Loudoun and Douglas Reservoirs is included under paragraph (h).

§ 301.2 *Obtaining of approval for construction in the Tennessee River system.* Under the provisions of section 26a of the Tennessee Valley Authority Act approval must be obtained from the Board of Directors of TVA prior to the construction, operation, or maintenance of any dam, appurtenant works, or other obstruction affecting navigation, flood control, or public lands or reservations along or in the Tennessee River or any of its tributaries. Except as otherwise

provided in paragraph (h) of this section the special approval of the Board of Directors must be obtained with respect to each such structure prior to its construction, operation, or maintenance. The Board has established the following procedure to be followed in all cases where it is desired to obtain such approval.

* * * * *

(h) *Structures within the flowage easement areas of Fort Loudoun and Douglas Reservoirs.* The Board of Directors has established the following special provisions relating to the approval of structures to be constructed on land which is subject to flowage easements acquired by the United States and which lies above elevation 815 (expressed in feet above mean sea level) in the Fort Loudoun Reservoir on the Tennessee River and above elevation 1002 in the Douglas Reservoir on the French Board River, a tributary of the Tennessee River:

(1) Structures or groups of structures (defined as two or more structures constituting a project) proposed for construction on such land, which are not designed for human habitation and are to be constructed at a cost not in excess of One Thousand Dollars, may be so constructed without applying to TVA for approval under section 26a of the TVA Act.

(2) Structures or groups of structures proposed for construction on such land, which are not designed for human habitation and are to be constructed at a cost not in excess of One Thousand Dollars, and which the Committee for the Administration of section 26a finds will not be damaged seriously when flooded, will not require approval by the Board of Directors and may be constructed after receipt of notice from the Committee for the Administration of section 26a that, in its opinion, the property will not be seriously damaged when flooded.

(3) All other structures or groups of structures proposed for construction on the land in the Fort Loudoun and Douglas Reservoirs which is subject to flowage easements acquired by the United States will constitute obstructions affecting navigation, flood control, or public lands or reservations, and require special approval by the Board of Directors in accordance with section 26a of the TVA Act and the other paragraphs of this section.

(4) Nothing contained in this paragraph shall be in derogation of the rights of the United States or TVA, or their exercise of such rights, under the flowage easements in the Fort Loudoun and Douglas Reservoirs owned by the United States.

(Sec. 10, 48 Stat. 64, as amended; 16 U. S. C. 831i. Interprets or applies sec. 26a, 49 Stat. 1079; 16 U. S. C. 831y)

Issued this 10th day of May 1951.

TENNESSEE VALLEY AUTHORITY,
[SEAL] JOHN OLIVER,
Acting General Manager.

[F. R. Doc. 51-5705; Filed, May 16, 1951; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter L—Regulations Pertaining to Military Justice

PART 471—UNIFORM RULES OF PROCEDURE FOR PROCEEDINGS IN AND BEFORE BOARDS OF REVIEW

Correction

In Federal Register Document 51-5505, published at page 4433 of the issue for Saturday, May 12, 1951, the words "Judge Advocate General of the Armed Forces," appearing in the preamble, should read "Judge Advocates General of the Armed Forces."

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Reg., Amdt. 57[1]]

PART 371—GENERAL LICENSES

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE ASSIGNED BY OIT

MISCELLANEOUS AMENDMENTS

1. Section 371.9 *General in-transit license GIT* is amended in the following particulars:

Paragraph (c) *Excepted commodity list* is amended by revising certain listings to read as follows:

Commodity	Schedule B No.	Schedule S No.[1]
OTHER NONMETALLIC MINERALS (PRECIOUS INCLUDED)		
Carbon or graphite products (natural and artificial): Carbon brushes for motors, and for starting, lighting, and ignition equipment [3]	547400	555
MINING, WELL, AND PUMPING MACHINERY		
Pumping equipment: Centrifugal pumps fabricated of, or lined with stainless steel [3]	735500	737
Parts for centrifugal pumps fabricated of, or lined with stainless steel [2]	736000	705
OTHER INDUSTRIAL MACHINERY		
Mechanical-vacuum pumps: Vacuum pumps, and parts, all types except diffusion, which are designed to produce a vacuum of 2 millimeters or less mercury pressure absolute [2]	770820	745
Jet ejectors, all types (including ejector compressors), 4 stages and over, accessories, and parts. (Specify whether (a) made of, or lined with, any corrosion-resistant material as defined in the "General Notes or Appendix A"; (b) designed for delivery pressure of 2 atmospheres or more.) (Report jet ejectors under 4 stages, accessories, and parts in 713500) [3]	770880	745

[1] The Department of Commerce Schedule S number is shown for each commodity. All shipments of merchandise for which the shipper's export declaration for in-transit goods is required must be reported in terms of Schedule S as well as Schedule B.

[2] This revision conforms the listing with the Positive List entry for the commodities.

[3] The effect of this amendment is to delete from the list of commodities not exportable under General In-transit License GIT the following: centrifugal pumps covered by the Positive List (RO) entry for Schedule B No. 735500, and parts for pumps (RO), Schedule B No. 736000, except the pumps and parts described above.

This part of the amendment shall become effective as of May 10, 1951.

2. Part 398, Priority Ratings and Supply Assistance Assigned by OIT, is amended by adding thereto a new § 398.4 to read as follows:

§ 398.4 *Priority assistance for essential export requirements*—(a) *Establishment of procedure.* This section establishes a procedure whereby exporters may request priority assistance for the following essential export requirements of foreign countries, other than those countries listed in § 398.1 (c) (Canada and countries for which ECA is claimant agency), where priority assistance is not provided for otherwise in this part, as follows:

(1) Equipment or materials needed for the defense programs of friendly foreign countries;

(2) Equipment or materials needed for use in the production of strategic materials to be exported to the United States or to friendly foreign countries; or

(3) Equipment or materials essential to the basic economy of friendly foreign countries.

(b) *Submission of requests to OIT for priority assistance.* Requests for priority assistance shall be made by letter, in triplicate, and shall include the following information and related documents:

(1) Name and address of supplier or proposed supplier.

(2) Name and address of ultimate consignee in foreign country.

(3) Complete description of each commodity, including quantity and value of each commodity for which rating is requested. (Also show the Schedule B number and processing code.)

(4) Copy of the applicant's purchase order and supplier's shop order number, if available.

(5) End use of each commodity in the country of ultimate destination, including a description of any products to be produced by or from the commodity exported, services rendered thereby, on the part of the consignee or the consignee's distributors.

(6) Statement as to attempts which have been made to secure the commodities without a priority rating. If the United States exporter has attempted to secure the commodities in foreign countries, this information should be set forth.

(7) Statement as to why a rating is required, including any supporting evidence from the potential supplier.

[1] This amendment was published in Current Export Bulletin No. 619, dated May 10, 1951.

(8) The effect upon the production or activity abroad if a priority rating is not approved. Include a statement of the equipment or facilities, if any, and the value thereof, which will be incapacitated until receipt of the commodities for which supply assistance is requested. State also the benefits to be derived if a priority rating is approved. State the date when these commodities are needed abroad to meet this export requirement.

(9) Promised delivery date with and without a priority rating.

(10) Statement as to feasibility of substituting less critical material whose procurement will not require a priority rating.

(11) Relationship of the production or activity abroad to any of the three categories of export requirements described in paragraph (a) of this section, including any other information which may be pertinent to the case, and which would serve to justify the prior delivery of this order over other domestic or foreign non-rated orders.

(12) If a validated export license is required for the proposed exportation, the request for priority assistance shall also include:

(i) An export license application prepared in accordance with Parts 370 through 399 of this chapter, unless a license application has been submitted previously.

(ii) If a license application has been submitted, but no export license has been granted, the OIT case number should be given.

(iii) If an export license has been granted, reference shall be made to the OIT case number and the export license number covering the exportation.

(c) *Where to submit requests for priority assistance.* (1) Where the exportation is to be made to a foreign country other than a country listed in § 398.1 (c), the request for priority assistance, in triplicate, should be addressed to the Office of International Trade, Department of Commerce, Washington 25, D. C.:

(i) Where the request is submitted directly to the Office of International Trade by the exporter, it should be addressed to the attention of the licensing division responsible for the commodity on which priority assistance is requested; in case the exportation is to a project or program covered by an outstanding project license, to the attention of the Projects and Technical Data Division. If the responsible licensing division is unknown, requests may be made to the attention of the processing code for such commodities. (Processing codes for all commodities are set forth in § 399.3, Appendix C, of this chapter.)

(ii) Where the request is submitted to the Office of International Trade through a representative of the foreign government or agency thereof, it should be addressed to the attention of the geographic division having responsibility for the foreign country in question.

(2) Where the exportation is to be made to Canada, the request for priority assistance should be submitted through the Priorities Division, Department of Defense Production, Ottawa, Canada, to the National Production Authority, Department of Commerce, Washington 25, D. C. (Ref. NPA Reg. 3). In accordance with National Production Authority Regulation 3.

(3) Where the exportation is to be made to a country for which the Economic Cooperation Administration is claimant agency listed in § 398.1 (c)), the request for priority assistance should be submitted through the Washington mission of the country of destination to the Economic Cooperation Administration, Washington 25, D. C. Exporters should consult with ECA as to the form and manner of submitting requests. (See ECA's revised Memo for Small Business No. 44 of May, 1951.)

This part of the amendment shall become effective as of May 10, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-5692; Filed, May 16, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 6, Amdt. 7]

CPR 6—FATS AND OILS

FISH OIL

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 7 to Ceiling Price Regulation 6 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendmment establishes a specific ceiling price of 16¢ a pound for leading types of crude fish oil. It provides that sellers of other grades are to apply normal market differentials to the 16¢ price in order to arrive at their ceilings for those grades. The basic purposes achieved by this amendment are to bring fish oil prices into line with those of competing oils and to eliminate the differences in ceiling prices which prevail from one seller to another under the General Ceiling Price Regulation. The issuance of this amendment at the present time is particularly important since the fishing fleets will shortly be going out for the current season and a firm basis must be provided to permit the fish oil producers to contract for the catch.

From a technical point of view, fish oils may be used in a wide variety of products. Of the total production of 166 million pounds in the United States last year, 77 million pounds were exported. In foreign countries these oils are principally used in such edible products as margarine and shortening. In this country, by contrast, the remaining supply is used almost entirely for industrial purposes. To determine logical ceiling prices for fish oils, therefore, attention must be focused primarily upon competitive relationships to other industrial oils.

A review of the ceiling prices established by sellers under the General Ceiling Price Regulation established the fact that only scattered sales were made in the base period, December 19, 1950 to January 25, 1951. This base period was unrealistic with respect to these oils since it came well past the end of the marketing year for the bulk of the supply from the 1950 catch. Those who made sales in the base period established ceilings around the 18¢ level, others who did not sell in the base period established these 18¢ ceilings for later sales under section 6 of the GCPR.

At the 18¢ level, fish oils were clearly out of line with the prices of competing industrial oils and fats.

The leading domestic use of fish oils is in the paint and varnish industry where, after removing the stearine and cold pressing, they compete with raw linseed oil, treated soybean oil, and other oils in the drying oil class. Detailed cost analyses used in the industry indicate that fish oils cannot be priced at more than about 16¢ and remain on an equal competitive basis with these drying oils.

A second channel of use of fish oils is in the manufacture of fatty acids and in this channel they compete with tallow. Analyses by this Office indicates that on a 16¢ crude basis, fish oil fatty acids will be in a fair competitive position as against animal fatty acids.

While the 16¢ ceilings represent a reduction from somewhat higher ceiling prices established under GCPR, they nevertheless are double the average obtained from the 1950 supply.

In formulating this regulation, the Director obtained the views of the members of an Industry Advisory Committee, convened to consider this problem and in addition sought advice from a number of individual producers and users. He has given full consideration to all the recommendations made by these industry representatives. In his judgment the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Ceiling Price Regulation 6 is amended by adding a new section 18, to read as follows:

SEC. 18. *Ceiling prices for the sellers of fish oils.* The ceiling prices of fish oils shall be as follows:

(a) Fish oils: Loaded on buyers' tank cars, tank trucks, or barge:

	Cents per pound
Menhaden oil, crude, f. o. b. producer's plant, Atlantic and Gulf Coasts	16
Sardine oil, crude, f. o. b. producer's plant, Atlantic Coast	16

	Cents per pound
Sardine oil, crude, f. o. b. producer's plant, Pacific Coast	16
Pilchard oil, crude, f. o. b. producer's plant, Pacific Coast	16
Herring oil, crude, f. o. b., Seattle	16
Herring oil, crude, f. o. b. producer's plant, Atlantic Coast	16
Crude tuna oil, mackerel oil, red fish oil, seal oil, hairyback fish oil, bottom fish oil, or other fish body oils produced by the reduction of the whole fish or the offal of such fish, f. o. b. plant of production	16

(b) If you import any of the oils specified in paragraph (a) of this section, your ceiling prices for the sale of such fish oils shall be the above ceiling prices, f. o. b. port of entry. These ceiling prices include all import duties and taxes.

(c) The usual and customary differentials for grades above or below these prices for basic grades shall continue to apply.

(d) The usual or customary differentials for types of conveyance or container shall continue to apply.

(e) Sales contracts for the grade and type of fish oil to be delivered, after the effective date of this amendment may be performed only at a price that does not exceed the ceiling prices set forth in paragraph (a) of this section.

(f) If you are a seller of fish oils to be sold at any of the price differentials specified in paragraphs (c) and (d) of this section, you must file, within thirty days from the effective date of this order, with the Fats and Oils Branch, Food and Restaurant Division, Office of Price Stabilization, Washington 25, D. C., a schedule of prices which will indicate the customary industry differentials from the ceiling price of crude oil which you intend to apply in accordance with paragraphs (c) and (d) of this section.

(g) If you have customarily charged a premium for sales of fish oil to be used as a carrying medium for vitamins, you may apply in writing to the Fats and Oils Branch, Food and Restaurant Division, OPS, Washington, D. C., for an adjustment in your ceiling price for such sales. This application must be filed in duplicate and contain all pertinent information indicating the name and address of the buyer; documentary evidence that you have customarily charged the premium; and the proposed selling price for which you are seeking adjustment.

(Sec. 704, Pub. Law. 81st Cong.)

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This amendment shall be effective May 19, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 15, 1951.

[F. R. Doc. 51-5781; Filed, May 15, 1951; 4:04 p. m.]

[Ceiling Price Regulation 10, Amdt. 1]

CPR 10—HOUSEHOLD SOAPS AND CLEANSERS

INTRODUCTORY OFFERS DURING THE BASE PERIOD

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 10 is hereby issued.

STATEMENT OF CONSIDERATIONS

CPR 10 was issued as a specific regulation designed to establish equitable relationships between costs and selling prices for all manufacturers of household soaps and to permit normal markups for distributors of these products. That regulation caused, as was intended, a rollback of soap prices. This amendment in no way alters such action but deals with isolated cases which were not apparent at time of the issuance of CPR 10.

Prior to the issuance of CPR 10, many distributors of household soaps were severely squeezed. They had not reflected in their selling prices the last price advances made by most soap companies in January. This squeeze was relieved by leaving wholesale and retail ceilings unchanged under GCPR and by rolling back manufacturers' prices to the highest prices charged in the month of December, 1950.

The situation which this action failed to recognize was that of certain manufacturers whose December prices were abnormally low because, at that time, they were introducing new products at unusually low prices. This amendment permits such a manufacturer to get back into line with his competitors.

The effect of this amendment will not only adjust the inequity in such cases, but will also prevent a reduction in the number of brands available to the consumer.

AMENDATORY PROVISIONS

Section 3, paragraph (a) of Ceiling Price Regulation 10 is amended by the addition of the following: "If, during the base period, you were selling household soaps or cleansers, as part of an introductory offer, announced in writing and intended to remain in effect for a limited time, at a price which was below normal compared to that of competitive brands, your ceiling price is the same as the ceiling price of your most closely competitive seller of the same class selling the same types of soaps and cleansers to the same class of purchaser."

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This Amendment shall be effective May 15, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 15, 1951.

[F. R. Doc. 51-5778; Filed May 15, 1951; 4:04 p. m.]

[Ceiling Price Regulation 38]

CPR 38—CEILING PRICES FOR PULPWOOD PRODUCED IN NORTHEASTERN STATES

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 38 is hereby issued.

STATEMENT OF CONSIDERATIONS

Summary of Provisions

This regulation establishes specific dollars-and-cents ceiling prices for pulpwood produced in the states of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and New York except nine counties comprising the southern tier of the state. These prices are established for top-quality wood prepared to conform with the consumer's specification; when defective wood is involved in the transaction, all trade practices and customs with respect to allowances must be observed. For the purposes of this regulation, and in recognition of variations in stumpage and operating costs, prices have been established on a zone basis as delimited in section 10 of the regulation. Ceiling prices per cord of pulpwood (128 cu. ft.) are set forth on f. o. b. car, streamside, roadside, and delivered mill (by truck) bases, in accordance with industry practices, for spruce and fir, hemlock, pine, poplar and northern hardwoods. A method for calculating the price of wood sold at points other than those specified is provided in the regulation. Under the regulation, a sale to a wholly owned subsidiary of a consumer may be considered as a sale to a consumer. The regulation permits payment in excess of the established ceiling prices, subject to conformance with specified requirements, amounting to not more than $3.00 per cord for additional expenses incurred in the salvage of timber damaged in the hurricane of November, 1950, or by the amount paid by the seller in the form of special state road taxes, in addition to the normal truck registration fee, or toll fees arising out of the use of roads, bridges, or ferries. The regulation also permits on sales conforming to the specified requirements, payment of a commission in excess of the established prices of not more than $1.00 per cord to a "1,000 cord man" by a dealer or consumer and not more than $1.75 per cord to a dealer by a consumer. The commission paid to a "1,000 cord man" may not be split with another person; the dealer, however, may pay up to $1.00 of his commission to a qualified "1,000 cord man". The regulation permits the buying and selling of logging services in connection with market wood provided that, at the point of sale, the sum paid for such service plus stumpage does not exceed the appropriate ceiling prices established under this regulation.

Description of Commodity and Industry

A. *Importance and use of commodity.* Pulpwood is the term used to describe wood of any species which has been cut for conversion into wood pulp. Pulpwood is important to the economy because it is the principal raw material for wood pulp which, in turn, is necessary for the manufacture of paper, rayon, cellophane, and plastics, and can be used in the making of explosives.

B. *Description of the industry.* The United States is the world's largest producer and consumer of pulpwood. In 1950 according to official statistics of The U. S. Department of Commerce, United States mills consumed 23.7 million cords, valued at about 470 million dollars, in the production of 14.8 million tons of wood pulp. Despite this country's large production of pulpwood, however, imports of wood are necessary to supply mill requirements and, in 1950, approximately 1.5 million cords, valued at 25 million dollars (foreign value) were imported from Canada. The area covered by this regulation is particularly dependent on imports and, in 1950, received about 1 million cords of such wood, an amount equal to approximately one-third of the total quantity received by its mills.

In 1950, mills in the states to which this regulation applies received about 3.0 million cords of pulpwood and consumed about 3.4 million cords; consequently, mill inventories, which were substantially reduced, must be increased if the area mills are to maintain pulp production at the level achieved in 1950. Softwoods (spruce, fir, hemlock and pine) and hardwoods (poplar, beech, birch, maple, and oak) are used in the manufacture of wood pulp, but softwoods are generally preferred because of their fiber characteristics. In 1950, 80 percent of the wood consumed by these mills was of softwood species, of which spruce and fir represented 87 percent; the remaining 20 percent of the wood consumed in 1950 was of the hardwood species, and of this, poplar represented 38 percent.

C. *Method of procurement.* Pulp mills in these states receive their domestic wood from three sources. About one-third of the wood annually obtained is from timber lands owned or controlled by pulp mills and cut either by company crews or by contractors who are sometimes financed by the consumer; another one-third is obtained from independent dealers, "1,000 cord men," and contractors operating on their own capital and cutting on private land, other than mill-owned or controlled, or public land; and the remaining one-third is obtained from farmers, cutting on their own land with family help and hired labor, who may have a contract for delivery of a specified quantity of wood or may make irregular deliveries to the mill. Since this regulation does not establish ceiling prices on wood which has been imported or cut from mill-owned land, the prices established herein will be applicable during the 1951 cutting season to about 1.5 million cords.

Pulpwood is customarily shipped to the mill in the form of "sticks" 4 feet in length which may be in either rough, peeled or rossed condition. Rough wood is delivered with the bark attached. It is usually cut in the fall and winter, when peeling is not possible because the sap has ceased to run, and cutting is continued so long as weather conditions permit. Peeled wood is wood from which the bark has been removed by hand tools while the sap is running and before the bark has dried enough to adhere to the wood; consequently, wood to be peeled is cut in the spring and summer (May–August). The rossing of wood is accomplished by a machine which removes the bark and any irregularities in the surface of the wood, an operation not affected by weather conditions. In 1950 approximately 80 percent of the wood received by mills in these states was in the form of rough wood.

D. *Transportation.* After the wood has been cut and processed in the forest it is usually moved by a horse or tractor-drawn vehicle to a concentration point or to a shipping point. There it is either piled awaiting final movement to the mill or placed directly on rail cars by the seller. The weather is an important factor in transporting wood from the rural areas where it is cut. Consequently, the principal movement of domestic wood is during January and February, when the ground is covered with snow and frozen, and during the summer months, when the roads are dry and firm. The major movement of Canadian wood to United States mills is from June to October.

Pulpwood is transported to the mill in various ways, the choice depending upon the location of the standing timber with reference to the mill and transportation facilities, such as streams, roads or rail lines. In the New England states covered by this regulation about 55 percent of the pulpwood reaches the mill by truck, 40 percent by rail, and 5 percent by water. In New York almost all of the domestic wood is moved by truck; wood from Canada, however, usually is transported by a combination of water and rail. Movement of pulpwood by truck for distances up to 100 miles is generally preferred by the seller because it involves less handling of wood and by the mill because wood so received is less costly than when transported by rail.

The Necessity for Ceiling Price Regulation

A. *The General Ceiling Price Regulation.* Prior to the issuance of this regulation, the price of pulpwood has been controlled by the General Ceiling Price Regulation. Under the General Ceiling Price Regulation prices were frozen at various levels, which, if maintained, might reduce the quantity of wood available and dislocate the traditional pattern of wood movement within this region. Issuance of this regulation is necessary, therefore, to stabilize prices in the respective zones at levels which will assure an equitable distribution of the available wood, provide mills with an adequate supply of wood, and permit a reasonable return to sellers of wood.

B. *Recent price history of pulpwood in this area.* Since June 1950, the demand for pulpwood has rapidly increased as mills increased their production of pulp and, of necessity, reduced their wood inventories by approximately 30 percent. The supply of pulpwood, however, did not increase in response to the larger demand because most of the wood available for the year had been cut in the fall and winter of 1950 and sold under contract. In those instances, however, where firm contracts had not been made, the price of wood was bid up and some mills anxious to retain their suppliers found it necessary to make upward adjustments in their prices. Consequently, between June 1950 and January 1951 the price of pulpwood increased. The extent to which the price per cord of rough spruce and fir delivered to the mill by truck advanced during this period is shown below:

	June 1950	December 1950	January 1951
Zone I	$14.50–$15.00	$15.50–$18.00	$16.50–$18.00
Zone II	17.00	20.00	18.50–22.50
Zone III	19.00–22.00	22.00–24.50	22.00–26.00

SOURCE: Compiled from data supplied the Office of Price Stabilization by representative producers and consumers of pulpwood.

Economic Justification of Ceiling Prices

A. *Level of prices.* In determining ceiling prices on pulpwood for the area under consideration, industry representatives were of the opinion that, consistent with industry practices: (1) ceiling prices for pulpwood should be calculated by adding to the roadside price the cost incurred by additional handling and transportation from that point; (2) the price of spruce and fir (70 percent of the wood consumed by area mills) should serve as the base to which the prices of all other species would be related; (3) the prices established for zones 2 and 3 should be progressively higher than in zone 1 to reflect the higher stumpage and operating costs in those zones; and (4) the ceiling price for wood delivered to the mill by truck, and involving a haul of not more than 20 miles, should be slightly in excess of the ceiling price of wood sold on an f. o. b. basis to reflect the fact that that such movements normally involve a slightly longer haul than do movements to rail cars. All of these factors were carefully considered in setting pulpwood prices for this area. The prices established by this regulation, although higher than in June 1950, are below the highest prices obtained during the period December 19, 1950 to January 25, 1951. The increase over the June level is necessary because the cost of labor (about 70 percent of the cost of producing pulpwood) and transportation and stumpage costs have increased and failure to allow for these increases would result in curtailment of the supply of wood made available.

OTHER PROVISIONS

A. *Price differentials for peeled or rossed wood.* Although 80 percent of the wood received by mills in this area is in the form of rough wood, several advantages accrue to mills by the procurement of peeled or rossed wood and the continued production of such wood is necessary. The purchase of wood so conditioned is advantageous to mills because: (1) a cord of peeled or rossed wood contains more solid wood than does

a cord of rough wood; (2) the cost of transportation, per cord of solid wood, is substantially less than for rough wood; and (3) there is less loss from decay and insect infestation when the wood is stored. Further, the production of peeled wood requires additional labor and can be carried on only part of the year, and rossing, in addition to requiring additional labor, involves the use of special equipment and results in the loss of some wood. For these reasons it is necessary that sellers of peeled wood be permitted to receive payment in excess of the established ceiling prices for rough wood and that sellers of rossed wood be permitted to receive payment in excess of the established ceiling prices for peeled wood. The price differentials for peeled or rossed wood set forth in this regulation were established following consultation with industry representatives and with due consideration of the facts involved. They are, therefore, believed adequate to encourage production of peeled or rossed wood and to provide a reasonable return to the seller.

B. *Additional payments.* Under certain conditions, subject to conformance with specified requirements and to the right of the Office of Price Stabilization to withdraw the privilege, this regulation permits payments in excess of the established ceiling prices.

The November, 1950 hurricane damaged a substantial quantity of timber estimated to amount from 600 thousand to 2 million cords of wood, in New York which is now available for salvage and which, for the next few years, will represent an important source of wood to area mills. This regulation recognizes that normal operations will not always prevail in the salvage of this wood and permits, upon proper application to this office, payment of not more than $3 per cord in excess of the established ceiling prices when the producer can demonstrate (a) the need for such payment because of abnormal expenses and (b) that this is the least expensive means of procuring such pulpwood.

This regulation recognizes also that the seller of pulpwood frequently incurs the payment of road taxes, in addition to regular truck registration fees, and of toll fees, and permits an increase in the appropriate ceiling price by the amount of such charges.

C. *Commissions and allowances.* A substantial quantity of the pulpwood used in this area is acquired from farmer and independent contractors by "1,000 cord men" who may sell either to a dealer or a consumer, and by dealers who sell directly to the consuming mills. Dealers and "1,000 cord men," therefore, provide a valuable service by generating a supply of wood and by simplifying mill procurement of wood. Their continued activity in the pulpwood market is encouraged under this regulation by permitting payment of a commission to them, subject to conformance with specified requirements. "One thousand cord men", may receive from a dealer or consumer a sum in excess of the ceiling prices of not more than $1 per cord which may not be split with any other person. Dealers may receive from a consumer a sum in excess of the ceiling prices of not more than $1.75 per cord, out of which the dealer may pay to a "1,000 cord man", and to no other, a sum not more than $1 per cord. Under no condition may the established ceiling prices of wood sold by a "1,000 cord man", be increased by more than $1 per cord, nor the ceiling price of wood sold by a dealer increased by more than $1.75 per cord. The allowances and commissions set forth by the regulation are commensurate with those customary in the pre-Korean period and they are considered fair and equitable in view of the purpose for which they are permitted.

D. *Wood purchased at nonspecified delivery points.* Most of the pulpwood marketed in this area is purchased at one of the delivery points for which dollar-and-cents ceiling prices are established by this regulation. Sometimes, however, wood is purchased at a point other than one of those specified herein. An example is that of wood purchased alongside a road which, as part of a private estate, cannot qualify as a "public highway" as defined. This regulation provides, therefore, that when such a purchase is made, the ceiling price of the wood shall be determined by deducting from the appropriate ceiling price an amount equal to the actual cost incurred by the buyer in transporting the wood to and loading the wood at one of the specified points of shipment.

This regulation recognizes that some producers of pulp utilize their own trucks or have contracts with independent trucking companies to have wood hauled to the mill. It provides, therefore, that when wood is hauled to the mill at the buyer's expense a deduction must be made from the established ceiling price so that in no event is a higher price to the seller effectuated when wood is transported at the buyer's expense.

E. *Mixed shipments and mill sales.* The seller of wood frequently finds it to be impracticable to include in a particular shipment only pulpwood of one price group. This regulation provides, therefore, that when a shipment is made of species of wood covered in more than one price category, the number of cords for each price category involved shall be determined and the appropriate ceiling price applied.

When, as sometimes occurs, one mill sells pulpwood to another mill, the price charged by the seller shall not exceed the actual cost of the wood to him plus such additional costs as he incurs in moving the wood to the buyer.

F. *Payment for extra services.* Some of the mills in this area have no wood procurement department but depend to a large degree, or entirely, on one dealer, who, knowing the mill requirements, purchases and arranges for the shipment of wood to the mill. The supplier, under these conditions, frequently performs services not normally performed by a seller of wood and it is the practice of mills to reimburse him by payment of an additional sum for the additional service. The need for continuance of wood procurement under that kind of arrangement is recognized in this regulation by permitting such payments, subject to conformance with specified requirements.

G. *Logging services and stumpage.* Dealers and "1,000 cord men", as defined, frequently find it necessary to purchase logging services in the course of producing and transporting pulpwood to a delivery point. This regulation, therefore, permits free negotiations between the buyer and seller of such services in determining the price to be paid for the service involved, provided that the sum of the prices paid for all such services plus the stumpage does not exceed the appropriate ceiling price. The price of stumpage, by General Ceiling Price Regulation, Supplementary Regulation 17, has been decontrolled and the provisions of this regulation do not apply to such sales.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In formulating this regulation the Director of Price Stabilization has consulted extensively with industry representatives and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

To the extent that this regulation compels changes in business practices, cost practices or methods, or means or aids of distribution established in the industry, such changes are necessary to prevent circumvention of evasion of this regulation.

REGULATORY PROVISIONS

Sec.
1. What this ceiling price regulation does.
2. Prohibitions.
3. Less than ceiling prices.
4. Adjustable pricing.
5. Evasions.
6. Records and reports.
7. Penalties.
8. Petitions for amendment.
9. Definitions.
10. Ceiling prices for pulpwood.

AUTHORITY: Sections 1 to 10 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this ceiling price regulation does.* This regulation supersedes the General Ceiling Price Regulation with respect to all sales and purchases of pulpwood cut from the stump in the States of Maine, Vermont, New Hampshire, Connecticut, Massachusetts and all of the State of New York except the counties of Chautauqua, Cattaraugus, Allegany, Steuben, Chemung, Tioga, Sullivan, Orange and Rockland.

SEC. 2. *Prohibitions.* (a) On and after May 16, 1951, in the continental limits of the United States regardless of any contract, agreement, or other obligation, no person shall sell and no person shall buy in the regular course of business, pulpwood cut from the stump in the States of Maine, Vermont, New Hampshire, Connecticut, Massachusetts and all of the State of New York except the counties of Chautauqua, Cattaraugus, Allegany, Steuben, Chemung, Tioga, Sullivan, Orange, and Rockland at prices in excess of the ceiling prices set forth in Section 10 of this regulation; and no person shall agree, offer, solicit, or attempt to do any of the foregoing: *Provided, however,* That for the purposes of this Ceiling Price Regulation 38, a sale to a wholly owned subsidiary of a consumer may be considered as a sale to the consumer.

SEC. 3. *Less than ceiling prices.* Lower prices than those set forth in Section 10 of this regulation may be charged, demanded, paid or offered.

SEC. 4. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit the making of a contract or offer to sell a commodity or service at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery.

SEC. 5. *Evasion.* Any practice which results in obtaining indirectly a higher price than is permitted for pulpwood covered by this regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie-in agreements and trade understandings.

SEC. 6. *Records and reports.* (a) After the effective date of this regulation, every person making purchases or sales of pulpwood covered by this regulation shall keep for inspection by the Director of Price Stabilization for a period of two years records of each purchase or sale of such pulpwood made which show the following:

(1) Date of purchase or sale.

(2) Name and address of buyer and seller.

(3) Price group of pulpwood purchased or sold and whether peeled or rough.

(4) Quantity of peeled or rough pulpwood of each price group purchased or sold.

(5) Prices including discount paid or received, and all other direct or indirect considerations given or received, and rebates made or taken.

(6) Warranties if any, received or given.

(7) Origin and destination of shipment.

(8) Means of transportation used.

(b) Persons required to keep records shall submit such reports to the Office of Price Stabilization as it may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. All records required by section 16 (a) of the General Ceiling Price Regulation shall be preserved and, for the period specified in section 16 (b) of the same regulation, all records required by section 16 (b) which relate to sales of pulpwood covered by this regulation made between January 26, 1951, and the effective date of this ceiling price regulation shall also be preserved.

SEC. 7. *Penalties.* Persons violating any provision of this Ceiling Price Regulation 38 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950.

SEC. 8. *Petitions for amendment.* Persons seeking any amendment of this Ceiling Price Regulation 38 may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1 (15 F. R. 9055).

SEC. 9 *Definitions.* (a) When used in this Ceiling Price Regulation 38, the term:

(1) "A 1,000 cord man" means any person who sells and delivers to a single consumer or dealer at least 1,000 but not more than 7,500 cords of pulpwood from May 1, 1951, to April 30, 1952, inclusive, and thereafter during the period from May 1 of any year to and including April 30 of the following year. Such 1,000 cord man must qualify as such each year.

(2) "Consumer" includes any person who purchases pulpwood for his own consumption; *Provided, however,* That for the purpose of this regulation, a sale to a wholly owned subsidiary of a consumer may be considered as a sale to the consumer.

(3) "Cord of pulpwood" means an amount of pulpwood (whether peeled, rossed, or rough) which, when properly prepared and stacked, contains 128 cubic feet, or when pulpwood is sold in the form of logs, means that quantity of logs which would, if cut into 4 foot bolts pile up one cord of pulpwood as defined above. The log rule commonly in use in the area where such pulpwood is cut will be used to determine the cubical content of such logs and the conversion ratio commonly used in the area will be used in converting log scale to cords.

(4) "Dealer" means any person who has during at least one 12-month period between May 1 of one year and through April 30 of the following year, during the years 1947 through 1951 sold and delivered to consumers at least 7,500 cords of pulpwood. A person who has not qualified as a dealer under the foregoing section may qualify in any subsequent year.

(5) "Hemlock" includes Tsuga canadensis, and Tamarack (Larix laricina).

(6) "Lake or stream" has reference to wood which has been properly landed and boomed in the lake or on the bank of or in the stream by which it is to be carried to the consumer.

(7) "Northern hardwoods" includes beech (Fagus grandifolia), paper birch (Betula papyrifera), yellow birch (Betula lutea), gray birch (Betula populifolia), sugar maple (Acer saccharum), red maple (Acer rubrum), and all other Northern deciduous species except those referred to in subparagraph (11) below.

(8) "Peeled pulpwood" includes any pulpwood which has been sap peeled or barked prior to its delivery to a consumer.

(9) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other Government or any of its political subdivisions, or any agency of the foregoing.

(10) "Pine" includes any species of the genus Pinus.

(11) "Poplar" includes basswood (Tilia americana), butternut (Juglana cinerea) cucumber (Magnolia acuminata), yellow poplar (Liriodendron tulipifera) and any species of the genus Populus sometimes referred to as the "soft-hardwood group".

(12) "Pulpwood" means any species of wood exclusive of mill waste or mill by-products sold for manufacture into wood pulp.

(13) "Producer" or "seller" includes any person who sells pulpwood.

(14) "Roadside" means points where pulpwood is piled as close to a maintained public highway as State law or county or other local ordinances permit. Highways which are maintained at town, country or state expense and suitable for movement for fully loaded vehicles during at least 6 months of the year, are considered public highways. In all instances where pulpwood is sold at roadside, it must be possible for trucks to load and carry away the normal truck load of wood from the loading point without assistance.

(15) "Rossed pulpwood" includes hand shaved pulpwood and any pulpwood from which the bark has been removed by any mechanical rosser, prior to its delivery to a consumer.

(16) "Rough pulpwood" means pulpwood from which the bark has not been removed.

(17) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, deliver and contracts and offers to do any of the foregoing. The terms buy or purchase shall be construed accordingly.

(18) "Spruce and fir" includes black spruce (Picea mariana), white spruce (Picea glauca), red spruce (Picea rubra) and balsam fir (Abies balsamea).

(19) "Stumpage" means a tree whether green or dead, standing or down, of all species, classes and sizes where the tree has not been severed from the stump.

(b) Unless the context otherwise requires, the definitions set forth in the General Ceiling Price Regulation shall apply to other terms used herein.

SEC. 10. *Ceiling prices for pulpwood.* (a) (1) The ceiling price per cord for pulpwood cut in each of the zones hereinafter indicated shall not exceed the following, delivered at seller's expense at the points indicated.

ZONE 1

STATE OF MAINE

Price groups	F. o. b. car	Lake or stream	Roadside	Delivered mill by truck (up to 20-mile truck haul)
Spruce and fir:				
Peeled	$21.00	$20.25	$18.00	$21.25
Rough	17.00	16.25	13.50	17.25
Hemlock:				
Peeled	19.50	18.75	16.50	19.75
Rough	15.50	.....	12.00	15.75
Poplar:				
Peeled	18.00	17.25	15.00	18.25
Rough	14.50	.....	11.00	14.75
Northern hardwoods:				
Peeled	20.75	.....	17.25	21.00
Rough	16.50	.....	12.50	16.75
Pine:				
Peeled	18.50	17.75	15.50	18.75
Rough	15.00	.....	11.50	15.25

In the case of pulpwood delivered to the mill by truck where the haul from roadside (as defined in section 9) to the mill exceeds 20 miles, there may be added to the appropriate delivered mill by truck price, a sum not to exceed the appropriate differential provided below.

Distance miles	Rough spruce, fir, poplar, hemlock, and pine and peeled northern hardwood	Rough northern hardwoods	Peeled spruce, fir, poplar, hemlock, and pine
20-40	$1.25	$1.40	$1.10
40-60	2.50	2.80	2.20
60-80	3.75	4.20	3.30
80-100	4.50	5.05	4.00
100-120	5.00	5.55	4.45
Over 120	5.25	5.80	4.65

ZONE 2

The State of New Hampshire and in the State of Vermont the counties of Essex, Caledonia, Orleans, Lamoille, Washington, Orange, Chittendon, Franklin, Grand Isle, and the Towns of Norwich, Hartford, Hartland, West Windsor, Windsor, Weathersfield, and Springfield in Windsor County, and that portion of the State of Massachusetts east of the Connecticut River.

Price groups	F. o. b. car	Lake or stream	Roadside	Delivered Mill by truck (up to 20-mile truck haul)
Spruce and fir:				
Peeled	$24.25	$23.75	$21.00	$24.50
Rough	19.25	18.75	15.50	19.50
Hemlock:				
Peeled	20.75	20.25	17.50	21.00
Rough	16.25	.....	12.50	16.50
Poplar:				
Peeled	19.75	19.25	16.50	20.00
Rough	15.75	.....	12.00	16.00
Northern hardwoods:				
Peeled	23.25	.....	19.50	23.50
Rough	18.25	.....	14.00	18.50
Pine:				
Peeled	19.75	19.25	16.50	20.00
Rough	15.75	.....	12.00	16.00

In the case of pulpwood delivered to the mill by truck where the haul from roadside (as defined in section 9) to the mill exceeds 20 miles, there may be added to the appropriate delivered mill by truck price, a sum not to exceed the appropriate differential provided below.

Distance miles	Rough spruce, fir, poplar, hemlock, and pine and peeled northern hardwood	Rough northern hardwoods	Peeled spruce, fir, poplar, hemlock, and pine
20-40	$1.50	$1.70	$1.30
40-60	2.75	3.10	2.45
60-80	3.75	4.20	3.30
80-100	4.50	5.05	4.00
100-120	5.00	5.55	4.55
Over 120	5.25	5.80	4.65

ZONE 3

In the State of Vermont, the counties of Addison, Rutland, Bennington and Windham and the Towns of Rochester, Bethel, Royalton, Sharon, Stockbridge, Barnard, Pomfret, Bridgewater, Woodstock, Plymouth, Reading, Ludlow, Cavendish, Baltimore, Weston, Andover and Chester in Windsor County, that portion of the State of Massachusetts west of the Connecticut River and all of the State of New York except Chautauqua Co., Cattaraugus Co., Allegany Co., Steuben Co., Chemung Co., Tioga Co., Sullivan Co., Orange Co., and Rockland Co., and the State of Connecticut.

Price groups	F. o. b. car	Lake or stream	Roadside	Delivered mill by truck (up to 20-mile truck haul)
Spruce and fir:				
Peeled	$26.75	$25.75	$23.50	$27.00
Rough	21.75	20.75	18.00	22.00
Hemlock:				
Peeled	20.75	.....	17.50	21.00
Rough	16.25	.....	12.50	16.50
Poplar:				
Peeled	19.75	.....	16.50	20.00
Rough	15.75	.....	12.00	16.00
Northern hardwoods:				
Peeled	22.75	.....	19.00	23.00
Rough	17.75	.....	13.50	18.00
Pine:				
Peeled	19.75	.....	16.50	20.00
Rough	15.75	.....	12.00	16.00

In the case of pulpwood delivered to the mill by truck where the haul from roadside (as defined in section 9) to the mill exceeds 20 miles, there may be added to the appropriate delivered mill by truck price, a sum not to exceed the appropriate differential provided below.

Distance miles	Rough spruce, fir, poplar, hemlock, and pine and peeled northern hardwood	Rough northern hardwoods	Peeled spruce, fir, poplar, hemlock, and pine
20-40	$1.50	$1.70	$1.30
40-60	2.75	3.10	2.45
60-80	3.75	4.20	3.30
80-100	4.50	5.05	4.00
100-120	5.00	5.55	4.45
Over 120	5.25	5.80	4.65

(2) When pulpwood is rossed (as defined in section 9 (a) (15) of this regulation) a sum not in excess of $2 per cord may be added to the appropriate ceiling price for peeled pulpwood set forth in subparagraph (1) of this paragraph.

(3) When pulpwood is sold at points other than those listed in the table of prices above, the ceiling price is determined by deducting from the appropriate ceiling price in the table an amount equal to the actual cost incurred by the buyer in transporting the pulpwood to and loading the pulpwood at the point of shipment described above.

(4) When pulpwood is trucked at the buyer's expense between the selling points listed in the table of prices above, there must be deducted from the appropriate ceiling price the actual cost incurred by the buyer in loading and hauling the pulpwood between such points which deductions in no event may be less than the differential established between the points.

(b) *Salvage timber differential.* When a producer can demonstrate that a payment is necessary to cover abnormal expense incurred in the salvage of timber damaged in the November 1950 hurricane; and further, provided that this payment is the least expensive means of procuring such pulpwood, the appropriate ceiling prices for pulpwood set forth in paragraph (a) (1) of this section may be increased by no more than $3.00 per cord. Such payments for salvage timber may be paid only to a producer and only if application is made to the Forest Products Division, Pulp, Paper and Paperboard Branch, Office of Price Stabilization, Washington 25, D. C., in each separate instance for approval to make such payment and prior to such payment. The application shall set forth the reasons why such payment is necessary and shall include a statement prepared by the producer showing the cost of stumpage, piece work rates and hourly rates paid, and such elements of cost as the producer is able to supply. If the producer cannot furnish detailed itemized cost it must include, as a minimum requirement, the cost of stumpage, the cost of slash disposal, and the total per cord cost of the operation. The application shall also include a signed statement from the state or local forest fire official having jurisdiction over the area, stating that such salvage is in the public interest, and outlining any special measures which the forest fire service prescribes to be followed in such salvage work. Unless the Director of Price Stabilization shall, by notice mailed to the applicant within 20 days from the date of filing such application, disapprove, adjust, request additional information, or extend the time within which to do any of the foregoing, such application shall be deemed to have been approved, subject to non-retroactive written disapproval or adjustment at any later time by the Director of Price Stabilization.

(c) *Highway taxes and toll charges.* When it is necessary for the seller to pay per ton mile road taxes on highways to a state or other governmental agency in addition to the regular truck registration fee or to pay toll fees on highways, bridges, and ferries, a sum not to exceed the actual charges may be added to the appropriate ceiling price.

(d) *Specifications.* Prices established herein are for wood of top quality prepared to conform with the consumer's specifications. All trade practices and customs with respect to allowances for defective wood of any kind must be observed.

(e) *Mixed shipments.* If a shipment contains a mixture of species of different price groups, the ceiling price shall be ascertained by determining the number of cords in each price group in the shipment and then applying the appropriate ceiling prices per cord for the cords in each group.

(f) *Sales between consumers.* When one consumer sells pulpwood to another consumer the ceiling price shall not exceed the actual cost which the pulpwood stands the seller plus such actual cost of moving the pulpwood to the buyer as the seller incurs.

(g) *Allowances and commissions.* (1) In the event that a person qualifies as a 1,000 cord man, as defined in section 9 (a) (1) of this regulation, a consumer or dealer, may pay such 1,000 cord man in addition to the producer's ceiling price hereinbefore provided a sum not to exceed $1.00 per cord on each cord of pulpwood received. Such 1,000 cord man shall not split said commission with any other person. In the event that a person qualifies as a dealer, as defined in section 9 (a) (4) of this regulation, a consumer may pay to such dealer, in addition to the producer's ceiling price hereinbefore provided, a sum not in excess of $1.75 for each cord of pulpwood received. Such dealer may pay out of his dealer's commission the allowance specified above to a qualified 1,000 cord man, but to no other persons. Any one consumer who is asked to pay the commission on less than 7,500 cords of pulpwood sold by a dealer, may rely upon making such payments on letters from other consumers to the dealer indicating that at the time the commission is paid the dealer has met the requirements of section 9 (a) (4).

(2) All moneys to be paid as a 1,000 cord man's commission under this regulation must be withheld by the consumer or dealer until such 1,000 cord man sells and delivers at least 1,000 cords of wood during each 12-month period, as hereinbefore provided, to said consumer or dealer. Thereupon, the 1,000 cord man may be paid the sum of $1.00 per cord as a commission on the first 1,000 cords, plus a commission on any additional cordage delivered in that year. In the case of a dealer, all moneys to be paid as a dealer's commission under this regulation must be withheld by the consumer or consumers until such dealer provides evidence that he has sold and delivered 7,500 cords so as to qualify under this regulation. Thereupon the dealer may be paid the sum of $1.75 per cord as a commission upon the first 7,500 cords plus any additional cordage.

(3) The ceiling prices established in paragraph (a) of section 10 shall in no case be augmented by virtue of the operation of this paragraph (g) by more than one 1,000 cord man's allowance in the case of pulpwood sold by a 1,000 cord man nor by more than one dealer's allowance in the case of pulpwood sold by a dealer on each cord.

(4) In addition to the producer's price a 1,000 cord man may be paid his allowance specified above by either a consumer or a dealer; a dealer may be paid his allowance specified above only by a consumer and in each case only if the 1,000 cord man or the dealer fulfills all the following requirements with respect to the transactions.

(i) Keep copies of all contracts in which a 1,000 cord man's or dealer's allowance is specified.

(ii) The 1,000 cord man or the dealer guarantees the title to the pulpwood.

(h) *Logging services.* (1) Any person may sell and any person may buy one or more logging services in connection with pulpwood to be sold under this regulation at prices acceptable to both parties; *Provided, however,* That at the point where the pulpwood is sold to the consumer, the total of all the prices paid for the individual partial operations which comprise the complete operation plus the stumpage may not exceed the appropriate ceiling prices established under this regulation.

(2) Logging services include all services in connection with the transportation and/or production of pulpwood up to the point where the pulpwood is sold to a consumer, as specified in section 9 (a) (2) above. It includes all operations in connection therewith such as, but not limited to, hauling, road and camp construction, felling, bucking, skidding, yarding, peeling, loading and reloading, trucking. It also covers the transportation of gravel, building materials, machinery and the like when performed solely in connection with a logging operation. It does not include services rendered in connection with pulpwood after the pulpwood is sold to the consumer.

(i) *Stumpage.* Provisions of this Ceiling Price Regulation 38 shall not apply to sales, leases, licenses or other contractual obligations pertaining to the right of a person to sever timber (stumpage) from the stump on the land of another person.

(j) *Additional services performed for mills.* In the event that a person performs wood procurement services for a consuming mill which ordinarily would be performed by a department or subsidiary of a consuming mill and for which service the consuming mill desires to pay a fee in the nature of a per cord payment on pulpwood, said consuming mill or person may request from the Office of Price Stabilization permission to continue to pay or collect such fee. Such applications shall contain the following information:

(1) The annual per cord volume of wood handled by such person.

(2) The nature of the extra service provided.

(3) The fee paid or received for the service rendered.

(4) The reasons why it is thought necessary to continue such payments.

(5) Unless the Office of Price Stabilization shall by notice mailed to the applicant within 20 days from the date of filing such application, disapprove, adjust, request additional information, or extend the time within which to do any of the foregoing, such application shall be deemed to have been approved, subject to non-retroactive written disapproval or adjustment at any later time by the Office of Price Stabilization.

Effective date. This Ceiling Price Regulation 38 shall become effective May 16, 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 16, 1951.

[F. R. Doc. 51-5802; Filed, May 16, 1951; 10:33 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 27]

GCPR, SR 27—INTRODUCTORY OFFERS DURING BASE PERIOD

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 27 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation is designed to permit the adjustment of certain ceiling prices that are out of line with prices of competing products or services because of the fact that the manufacturer or the distributor of the products in question was introducing a new commodity or service at a low price during the base period. The low price being used in this effort became the established ceiling price by the operation of the General Ceiling Price Regulation. This low price is causing unnecessary and inequitable hardships in some cases. The Director has determined that adjustments of ceiling prices in these cases are justified. These adjustments will permit the distributors to increase their ceiling prices to the extent necessary to bring their products in line with their competitors. In the field of household soaps and cleansers where any manufacturer was caught with a low price for the same reason relief has been granted in Amdt. 1 to CPR 10. This amendment permits the wholesaler and retailer of such a manufacturer to reflect this relief by increasing the ceiling prices of such commodities or services, again, to the level of their competitors.

REGULATORY PROVISIONS

Sec.

1. Ceiling price adjustment for wholesalers or retailers selling at introductory offers.
2. Ceiling price adjustment for wholesalers or retailers to reflect increases to suppliers based on introductory offers.
3. Reports.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Public Law 774, 81st Cong. Interpret or apply Title IV, Public Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Ceiling price adjustment for wholesalers or retailers selling at introductory offers.* If you are a wholesaler or retailer who during the base period was selling a commodity or service

under the terms of an introductory offer, announced and intended to remain in effect for a limited time, at a price which was substantially below the prices prevailing among competing products when sold by the same class of sellers to the same class of purchasers, you may increase your ceiling prices of that commodity or service to the extent necessary to bring your ceiling prices of such commodities or services in line with the most closely competitive products of the same class when sold to the same class of purchaser. Before increasing your price under this section, you must comply with the reporting requirements of section 3 of this regulation.

SEC. 3. *Reports.* (a) Before you sell at a price increased under section 1 or 2 of this supplementary regulation, you must file with the Director of Price Stabilization, Washington 25, D. C., a report containing the following:

(1) Your name and address;

(2) The nature and duration of the introductory offer which was the basis for your low price; and

(3) Your new ceiling price. This price must be in line with your established ceiling prices of competing products or services. If you do not deal in competing products or services, your ceiling prices shall be in line with the ceiling prices of your most closely competitive seller selling the same class of commodities or services to the same class of purchasers.

(b) You may put your new ceiling price into effect as soon as you have filed your report in accordance with this section, but the price reported by you may be revised by the Director of Price Stabilization at any time.

Effective date. This supplementary regulation shall become effective May 15, 1951.

NOTE: The record keeping and reporting requirements contained in this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 15, 1951.

[F. R. Doc. 51-5780; Filed, May 15, 1951; 4:04 p. m.]

[General Overriding Regulation 11]

GOR 11—EXEMPTION OF SALES BY CERTAIN FEDERAL INSTRUMENTALITIES

VETERANS CANTEEN SERVICE

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this General Overriding Regulation 11 is hereby issued.

STATEMENT OF CONSIDERATIONS

This General Overriding Regulation exempts from price control sales of commodities and services by the Veterans Canteen Service. The Veterans Canteen Service was established as an instrumentality of the United States by Public Law 636, 79th Congress, Second Session, as amended, for "the primary purpose of making available to the veterans of the armed forces of the United States who are hospitalized or domiciled in hospitals and homes of the Veterans Administration, at reasonable prices, articles of merchandise and services essential to their comfort and well being." Pursuant to this act the Administrator of Veterans Affairs has caused to be activated in each Veterans Administration hospital, and continually operated therein, a canteen. These canteens offer for sale to the hospitalized patients and members personal services and a limited assortment of merchandise, including tobacco products, candy, stationery supplies, clothing, toiletries, and sundries, at prices generally lower than those charged in local retail establishments offering similar items for sale. A limited food department is operated in conjunction with the canteen. The canteens are not open to the public; however, in addition to patients and members, employees not residing on the station and visitors are allowed to purchase food and tobacco products for on-premise consumption.

The Veterans Canteen Service operates on a revolving fund which was established by an appropriation from the Congress for this purpose. It is largely a self-supporting operation and attempts to operate only with a sufficient profit margin to cover its cost of operation. Any profits that may accrue as a result of its operation are covered back periodically into the Treasury of the United States. The Veterans Canteen Service is subject to an annual audit of a commercial type by the General Accounting Office which reports annually to the Congress its findings, including the financial status of the Service and the adherence of the Service to the congressional mandate that established it. The cumulative gross mark-up of the Service is lower than the mark-up generally used by retailers and it is the policy of the Service to obtain earnings of approximately 2 percent. Furthermore, it is their intention to budget for a slight decline of earnings for the fiscal year 1952. It is obvious that where a commodity is supplied with a minimum of overhead and a budget for earnings of approximately 2 percent, any increase in labor or material constitutes a real threat to the continued supply of the commodity and could impair service to patients and members hospitalized or domiciled at Veterans Administration hospitals and homes.

Compliance with price regulations which contain reporting and other requirements would impose an administrative burden on the Veterans Canteen Service and Office of Price Stabilization without commensurate benefits to either.

Exemption of these commodities from price regulations by the Office of Price Stabilization will in no way defeat or impair the price stabilization program since they are sold for the most part only to patients and members hospitalized and domiciled at Veterans Administration hospitals and homes at the lowest possible prices, nor will such exemption have any material effect upon the cost of living or upon the general level of prices.

REGULATORY PROVISIONS

SECTION 1. *Exemption of sales by Veterans Canteen Service.* No ceiling price regulation heretofore or hereafter issued by the Office of Price Stabilization shall apply to sales and deliveries of any commodity or service by the Veterans Canteen Service unless such regulation contains a specific provision making it applicable to such sales.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 supp.)

Effective date. This General Overriding Regulation is effective May 19, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

MAY 15, 1951.

[F. R. Doc. 51-5779; Filed, May 15 1951; 4:04 p. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

LAKE MEAD RECREATIONAL AREA

Section 20.47, reading as follows, is added to Part 20:

§ 20.47 *Lake Mead Recreational Area*—(a) *Speed.* The maximum speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed the following prescribed limits:

(1) In the immediate vicinity of camp grounds, picnic areas, swimming beaches, boat landings, and congested areas, where the roads are so posted, 20 miles per hour.

(2) On all other roads maintained for recreational area purposes, 50 miles per hour, except as dangerous sections may be posted to provide a lower limit.

(3) The regulations in this section shall not apply to highways designated as U. S. 93–466, east of Hoover Dam and that portion of the same route west of Boulder City, nor to Arizona State Highway 68 east of Davis Dam in Arizona, nor to Nevada State Highway 77 west of Davis Dam in Nevada.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 11th day of May 1951.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-5698; Filed, May 16, 1951; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

TURKS ISLAND

a. In § 127.371 *Turks Island (including Caicos Islands)* amend subparagraph (1) (i) of paragraph (b) by adding to the text thereof the following:

Pounds:	Rate	Pounds:	Rate
12	$1.68	18	$2.52
13	1.82	19	2.66
14	1.96	20	2.80
15	2.10	21	2.94
16	2.24	22	3.08
17	2.38		

b. In § 127.371 amend the information below the table of rates for surface parcels, subparagraph (1) (i) of paragraph (b) by striking out the words "Weight limit: 11 pounds" and inserting in lieu thereof "Weight limit: 22 pounds."

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-5701; Filed, May 16, 1951; 8:46 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Federal Security Agency

PART 104—CONSTRUCTION OF SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

GRANTS TO CERTAIN LOCAL EDUCATIONAL AGENCIES

Part 104 (16 F. R. 769 and 2840) is amended by adding thereto the following sections. The purpose of this amendment is to state the conditions under which grants will be made from the funds reserved for additional grants under section 209 (c), 64 Stat. 975; 20 U. S. C. 279 (c).

Sec.
104.21 Reservation of funds for grants.
104.22 Grant made before approval of application.
104.23 Grant made after approval of application.
104.24 Order of making grants if funds insufficient.
104.25 Maximum amount of grant.
104.26 Definitions and explanation of terms.

AUTHORITY: §§ 104.21 through 104.26 issued under sec. 208, Pub. Law 815, 81st Cong. Interpret or apply sec. 209, Pub. Law 815, 81st Cong.

§ 104.21 *Reservation of funds for grants.* Pursuant to the authority contained in section 209 (c) of Public Law 815, 81st Congress (64 Stat. 975; 20 U. S. C. 279 (c)) whereby the Commissioner may make additional grants to certain local educational agencies whose need is urgent and acute, there will be reserved from each appropriation for grants under Title II an amount not in excess of ten (10) per cent thereof from which additional grants may be made to local educational agencies eligible for payments under section 202 of Public Law 815 (64 Stat. 969; 20 U. S. C. 272).

§ 104.22 *Grant made before approval of application.* Subject to the limitations in §§ 104.24, 104.25, and 104.26, a grant will be made from such reserved funds where the application cannot be approved otherwise because of the inability of the applicant to finance part or all of the non-Federal share of the cost of the project under the following circumstances:

(a) The project application of a local educational agency is for no more than minimum school facilities;

(b) The project when completed will not reduce applicant's total percentage of unhoused children below ten (10) per cent;

(c) Under the regulations governing urgency of need, the project is entitled to preference in payment of the Federal share of the cost from available funds.

§ 104.23 *Grant made after approval of application.* Where an application for a project has been approved under section 205 (b), (64 Stat. 972; 20 U. S. C. 275 (b)) of this act, and such project could not without additional aid be completed because of flood, fire, or similar emergency, affecting either the work on the project or the agency's ability to finance the non-Federal share of the cost, a grant will be made from such reserved funds in such an amount as is necessary to complete the project when it is shown that the applicant is unable to procure elsewhere the funds necessary to complete the project.

§ 104.24 *Order of making grants if funds insufficient.* Where the need for funds under §§ 104.22 and 104.23 is in excess of the funds reserved, the order in which grants will be made will be determined on the basis of the urgency and acuteness of the applicants' need.

§ 104.25 *Maximum amount of grant.* No grant will be made from the reserved funds in excess of applicant's deficit after application to the project of all funds on hand or obtainable within the provisions of § 104.26 (c) and which are uncommitted and are legally expendable for providing school facilities.

§ 104.26 *Definitions and explanation of terms.* For the purpose of §§ 104.21 to 104.26,

(a) *"The act."* "The act" means Title II of Pub. Law 815, 81st Congress (64 Stat. 972; 20 U. S. C. 271–280);

(b) *"Non-Federal share of the cost of the project."* "Non-Federal share of the cost of the project" refers to that part of the estimated cost of a project which exceeds the estimated Federal share as shown in the application;

(c) *"Inability to finance non-Federal share."* No applicant will be considered to be unable to finance any part of the "non-Federal share of cost" if he has any sources from which funds can be realized in time for use on the project when needed: *Provided*, That under § 104.22 any unobligated portion of the applicant's entitlement will be considered to be a source from which funds could be realized in time for use on the project when needed;

(d) *Determination of "urgent and acute" need.* The degree of urgency and acuteness of need will be determined by ranking all applicants applying for funds under section 209 (c), 64 Stat. 975, (20 U. S. C. 279 (c)) with respect to:

(1) The existing indebtedness of the local educational agency relative to its legal debt limit and tax assessment base, and

(2) The number and percentage of unhoused children after utilization of capacity of approved projects under this act and other construction which has begun. In computing the unhoused children the Commissioner will include the number of children whom he estimates will be unhoused during the ensuing year;

(3) In ranking applicants under § 104.22, preference will be given to those whose inability to finance part or all of the non-Federal share of the cost of a project is attributable primarily to the effect of a Federal law or action upon the fiscal capacity or obligation of the school district;

(4) All requests for grants under § 104.23 will be preferred over those under § 104.22.

Dated: April 24, 1951.

[SEAL] RALL I. GRIGSBY,
Acting United States Commissioner of Education.

Approved: April 24, 1951.

OSCAR R. EWING,
Federal Security Administrator.

[F. R. Doc. 51-5706; Filed, May 16, 1951; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 44]

EDIBLE SUGARCANE MOLASSES

U. S. STANDARDS FOR GRADES

Notice is hereby given that the United States Department of Agriculture is considering the issuance, pursuant to the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.), of a further proposed revision of United States Standards for Grades of Edible Sugarcane Molasses.

On September 26, 1950, a notice of proposed rule making was published in the FEDERAL REGISTER (15 F. R. 6474) regarding United States Standards for Edible Sugarcane Molasses.

On the basis of all written data, views, and arguments presented after two extensions of time, it is deemed desirable that the Department issue a further proposed revision, as hereinafter set forth, of United States Standards for Grades of Edible Sugarcane Molasses. It is now proposed to designate the grades for Edible Sugarcane Molasses, to modify the method for calculating grade factors, and to introduce tolerances for ascertaining grade as herein prescribed.

All persons who desire to submit written data, views, or arguments for consideration in connection with the revised proposed standards may do so by filing them in duplicate with the Director of the Sugar Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

The proposed revision is as follows:

UNITED STATES STANDARD FOR GRADES OF EDIBLE SUGARCANE MOLASSES [1]

GENERAL

Sec.
44.1 Definition.

GRADES

44.2 Grades of edible sugarcane molasses.
44.3 Grade specifications.

DETERMINATION OF FACTORS

44.4 Quantitative determination of factors.
44.5 Preparation of basic solutions and ESM color standards.
44.6 Use of ESM color standards in determining color factor.

AUTHORITY: § 44.1 to § 44.6 issued under 60 Stat. 1087; 7 U. S. C. 1621 et seq.

GENERAL

§ 44.1 *Definition.* "Edible sugarcane molasses" means the liquid product obtained when any part of the commercially crystallizable sugar is extracted from sugarcane grown in the United States.

[1] Compliance with the requirements of these standards will not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

GRADES

§ 44.2 *Grades of edible sugarcane molasses.* The grades of edible sugarcane molasses are designated as follows:

(a) U. S. Fancy Edible Sugarcane Molasses.

(b) U. S. Choice Edible Sugarcane Molasses.

(c) U. S. Standard Edible Sugarcane Molasses.

(d) U. S. Substandard Edible Sugarcane Molasses.

§ 44.3 *Grade specifications.* Specifications for each grade of edible sugarcane molasses are as follows:

(a) U. S. Fancy Edible Sugarcane Molasses consists of edible sugarcane molasses which possesses a flavor characteristic of edible sugarcane molasses of fancy quality; which contains no excess of sediment; which is practically free of foreign matter; which has a Brix solids content of not less than 79 percent when corrected to 20° C. (68° F.); which has a total sugar (sucrose plus reducing sugars) content of not less than 63.5 percent; which has a sulfated ash content of not more than 6.75 percent; which contains not more than 200 parts of total sulfites, calculated as total SO_2 per million parts of sample; and which possesses a color no darker than ESM Color Standard No. 1.[2]

(b) U. S. Choice Edible Sugarcane Molasses consists of edible sugarcane molasses which possesses a flavor characteristic of edible sugarcane molasses of choice quality; which contains no excess of sediment; which is practically free of foreign matter; which has a Brix solids content of not less than 79 percent when corrected to 20° C. (68° F.); which has a total sugar (sucrose plus reducing sugars) content of not less than 61.5 percent; which has a sulfated ash content of not more than 7.5 percent; which contains not more than 200 parts of total sulfites, calculated as total SO_2, per million parts of sample; and which possesses a color no darker than ESM Color Standard No. 2.

(c) U. S. Standard Edible Sugarcane Molasses consists of edible sugarcane molasses which possesses a flavor characteristic of edible sugarcane molasses of standard quality; which contains no excess of sediment; which is practically free of foreign matter; which has a Brix solids content of not less than 79 percent when corrected to 20° C. (68° F.); which has a total sugar (sucrose plus reducing sugars) content of not less than 58 percent; which has a sulfated ash content of not more than 8.5 percent; which contains not more than 200 parts of total sulfites, calculated as total SO_2, per million parts sample; and which possesses a color no darker than ESM Color Standard No. 3.

(d) U. S. Substandard Edible Sugarcane Molasses consists of edible sugarcane molasses that fails to meet the requirements of U. S. Standard Edible Sugarcane Molasses.

[2] "ESM" is an abbreviation for edible sugarcane molasses.

(e) Table of specifications for grades: The specifications for the designated grades of edible sugarcane molasses are set forth in summary form in the table which follows:

TABLE I—TABLE OF SPECIFICATIONS FOR GRADES

Factors	Grades and specifications		
	U. S. Fancy edible sugarcane molasses	U. S. Choice edible sugarcane molasses	U. S. Standard edible sugarcane molasses
Brix solids content (corrected to 20° C. [68° F.]).	Not less than 79 percent.		
Total sugar (sucrose plus reducing sugars) content.	Not less than 63.5 percent.	Not less than 61.5 percent.	Not less than 58 percent.
Sulfated ash content	Not more than 6.75 percent.	Not more than 7.5 percent.	Not more than 8.5 percent.
Total sulfites (calculated as total SO_2) per million parts of sample.		Not more than 200.	
Color	Not darker than ESM Color Standard No. 1.	Not darker than ESM Color Standard No. 2.	Not darker than ESM Color Standard No. 3.

(f) Tolerances for certification of officially drawn samples: When certifying samples that have been officially drawn and which represent a specific lot of edible sugarcane molasses, the grade for such lot will be determined by averaging the factors of all the samples representing the lot: *Provided*, That not more than 1/5 of such samples fail to meet all the requirements of the grade specifications set forth in Table I: *And further provided*, That each of the samples which represent a specific lot of edible sugarcane molasses meet the limiting specifications set forth in Table II.

TABLE II—TABLE OF LIMITING SPECIFICATIONS

Factors	Grades and specifications		
	U. S. Fancy edible sugarcane molasses	U. S. Choice edible sugarcane molasses	U. S. Standard edible sugarcane molasses
Total sugar (sucrose plus reducing sugars) content.	Not less than 63 percent.	Not less than 61 percent.	Not less than 57 percent.
Sulfated ash content	Not more than 7 percent.	Not more than 8 percent.	Not more than 9 percent.
Color	Not darker than ESM Color Standard No. 2.	Not darker than ESM Color Standard No. 3.	Darker than ESM Color Standard No. 3.

DETERMINATION OF FACTORS

§ 44.4 *Quantitative determination of factors.* Quantitative determination of the respective factors (other than color) of the grades may be on the basis of any method of analysis adopted by the Association of Official Agricultural Chemists. The results so obtained, however, are to be interpreted in terms of the results obtained when the determination of such factors is made by the methods (also adopted by the Association of Official Agricultural Chemists) set forth in this section for the respective factors:

(a) *Brix solids.* By Brix hydrometer, using the double-dilution method, corrected to 20° C. (68° F.).

(b) *Total sugars*—(1) *Sucrose.* By the Clerget, or double polarization, method, using invertase as the inverting agent.

(2) *Reducing sugars.* By the Lane-Eynon volumetric method.

(c) *Sulfated ash.* By the sulfation method, with no deduction.

(d) *Total sulfites.* By the Monier-Williams method, calculated as total SO_2.

§ 44.5 *Preparation of basic solutions and ESM color standards.* Chemicals of reagent grade, at room temperature, are used in the preparation of the solutions described in this section.

(a) *Preparation of basic solution*—(1) *Solution A.* Dissolve 10 grams of $CuCl_2 \cdot 2H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 100 milliliters.

(2) *Solution B.* Dissolve 50 grams of $CoCl_2 \cdot 6H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 500 milliliters.

(3) *Solution C.* Dissolve 50 grams of $FeCl_3 \cdot 6H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 500 milliliters.

(4) *ESM stock solution.* Mix 50 milliliters of Solution A and 485 milliliters of Solution B with 465 milliliters of Solution C.

(b) *Preparation of ESM color standards*—(1) *ESM Color Standard No. 1.* Dilute 40 milliliters of the ESM stock solution to 100 milliliters with 10 percent hydrchloric acid solution.

(2) *ESM Color Standard No. 2.* Dilute 75 milliliters of the ESM stock solution to 100 milliliters with 10 percent hydrochloric acid solution.

(3) *ESM Color Standard No. 3.* ESM stock solution undiluted.

§ 44.6 *Use of ESM color standards in determining color factor*—(a) *Containers required.* The containers needed to perform the visual color comparison test set forth in paragraph (c) of this section are:

(1) A container for a sample of edible sugarcane molasses for which the color factor is to be determined (such container hereinafter called "sample container"); and

(2) Containers for the respective ESM color standards.

(b) *Description of containers.* The sample container is made of colorless and transparent glass or plastic material and is of such shape and construction as to provide a flat 1/8-inch thickness of the sample to be viewed. The container for each ESM color standard is a colorless and transparent 2-ounce French square water sample bottle having outside base dimensions of 1 7/16 inches by 1 7/16 inches.

(c) *Visual comparison test.* A sample of edible sugarcane molasses is compared in the following manner with the ESM color standards to determine whether the sample is darker than one or more of such color standards:

(1) Place each of the ESM Color Standards Nos. 1, 2, and 3 in separate 2-ounce French square water sample bottles;

(2) Place a sample of the edible sugarcane molasses in a sample container; and

(3) In order to determine whether the sample is darker than one or more of the ESM color standards, visually compare the sample with each of the color standards by looking through them at a light-colored background in diffuse light. The sample is viewed through its 1/8-inch thickness; and each ESM color standard is viewed at right angles to one of the sides of its container.

Issued this 14th day of May 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-5733; Filed, May 16, 1951; 8:50 a. m.]

[7 CFR, Part 931]

[Docket No. AO-229.]

HANDLING OF MILK IN CEDAR RAPIDS, IOWA, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND ORDER

Correction

In Federal Register Document 51-5436, appearing on page 4344 of the issue for Thursday, May 10, 1951, the following changes are made:

1. On page 4346, third column, twenty-third line, the word "agreed" should read "argued."

2. On page 4347, first column:

a. Seventh line, the word "plant" should read "plants."

b. Thirty-seventh line, the word "markets" should read "market."

3. On page 4348:

a. First column, fifth line, the word "there" should read "these."

b. Second column, nineteenth line, the word "privileges" should read "privilege."

4. In § 931.30, on page 4350, third column:

a. Seventeenth line, the word "details" should read "detail."

b. Twentieth line, the word "qualities" should read "quantities."

5. In § 931.50 (b) (2) (ii), the word "Twine" in the fourth line should read "Twins."

6. Section 931.51 (a) should read:

(a) *Class I milk.* Multiply by 1.40 the price per pound of butter computed pursuant to § 931.50 (b) (2) (i) for the preceding delivery period and divide the result by 10.

[7 CFR, Parts 941, 969, 991]

[Docket Nos. AO-101-A11, AO-172-A3, AO-194-A3]

HANDLING OF MILK IN CHICAGO, ILL., SUBURBAN CHICAGO, ILL., AND ROCKFORD-FREEPORT, ILL., MARKETING AREAS

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to proposed amendments to the tentative marketing agreements and to the orders, as amended, regulating the handling of milk in the Chicago, Illinois, Suburban Chicago, Illinois and Rockford-Freeport, Illinois, marketing areas, which was issued on April 27, 1951 (16 F. R. 3842), is hereby extended to May 19, 1951.

Dated: May 11, 1951, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51-5732; Filed, May 16, 1951; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52725]

PRODUCTS OF TRIESTE

MARKING OF COUNTRY OF ORIGIN

MAY 11, 1951.

Further amendment of T. D. 52602 to provide for a continuation of the period during which articles manufactured or produced in Trieste may be marked to indicate Italy as the country of origin.

T. D. 52602, relating to the marking to indicate the name of the country of origin under the marking provisions of the Tariff Act of 1930, as amended, of articles manufactured or produced in Trieste (synonymous with the Free Territory of Trieste), as amended by T. D. 52667, is hereby further amended to provide that the marking to indicate Italy as the country of origin of such articles shall continue to be acceptable until the publication of further notice in the weekly Treasury Decisions.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 51-5729; Filed, May 16, 1951; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order 441]

REGIONAL ADMINISTRATOR FOR ALASKA

DELEGATION OF AUTHORITY WITH RESPECT TO REQUESTING TRANSFER OF EXCESS PROPERTY

MAY 10, 1951.

Pursuant to Departmental Order No. 2619 of February 28, 1951, the Regional Administrator for Region VII (Alaska) is authorized to request transfers of equipment, material, and supplies, excess to the needs of Federal agencies, for use in the operations of the Bureau of Land Management in Alaska, under the provisions of section 110 of the Interior Department Appropriation Act, 1951, and section 202 of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C., 1946 ed., Supp. III, sec. 232).

WILLIAM ZIMMERMAN, JR.,
Acting Director.

[F. R. Doc. 51-5696; Filed, May 16, 1951; 8:45 a. m.]

[1547376]

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY

MAY 10, 1951.

Notice is given that the plat of original survey of the following described lands, accepted January 17, 1951, will be officially filed in the Land Office, Fairbanks, Alaska, effective at 10:00 a. m. on the 35th day after the date of this notice:

FAIRBANKS MERIDIAN

T. 10 S., R. 10 E.,
Sec. 1;
Sec. 2, Lots 1, 2, 3, 4, N½, SE¼, E½SW¼;
Sec. 3, Lots 1 to 7 inclusive;
Sec. 10, Lots 1, 2;
Sec. 11, Lots 1 to 10 inclusive, NE¼, NE¼NW¼, SE¼;
Secs. 12, 13;
Sec. 14, Lots 1 to 8 inclusive, NE¼, E½SE¼, NW¼SE¼;
Sec. 23, Lots 1 to 12 inclusive, NE¼NE¼, SE¼SW¼, SE¼SE¼;
Sec. 24;
Sec. 25, Lots 1, 2, 3, 4, 5;
Sec. 26, Lots 1, 2, 3, 4, 5.

The areas described aggregate 5,237.85 acres.

All the lands described, except Secs. 1, 2, 3, lot 1, N½ of Lot 2 sec. 10, Lots 1, 3, NE¼NW¼, N½NE¼, N½S½NE¼, N½ of Lots 4 and 5 sec. 11, N½N½, N½S½N½, E½SE¼, S½SE¼NE¼ sec. 12, E½E½ sec. 13, Lot 4, E½NE¼, NE¼SE¼ sec. 24, Lot 1, sec. 25, were withdrawn subject to valid existing rights by Public Land Order No. 386 of July 31, 1947, from all forms of appropriation under the public-land laws, including mining and mineral leasing laws, for classification.

No applications for the lands excepted from the withdrawal of July 31, 1947, may be allowed under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Fairbanks, Alaska.

WILLIAM ZIMMERMAN, JR.,
Acting Director.

[F. R. Doc. 51-5695; Filed, May 16, 1951; 8:45 a. m.]

WYOMING

SMALL TRACT CLASSIFICATION ORDER NO. 9; CORRECTED

MAY 10, 1951.

Wyoming Small Tract Classification Order No. 9, dated April 13, 1951 (16 F. R. 3537), is hereby amended to correct paragraph 4 (b) of said order concerning the advance period for veterans' simultaneous filings, which should read as follows:

(b) Advance period for veterans' simultaneous filings from 10:00 a. m. December 9, 1946, to 10:00 a. m. June 1, 1951.

ALBIN D. MOLOHON,
Regional Administrator.

[F. R. Doc. 51-5697; Filed, May 16, 1951; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

JIM HOOVER SALES PAVILION

DEPOSTING OF STOCKYARD

It has been ascertained that the Jim Hoover Sales Pavilion, Sterling, Colorado, originally posted on July 31, 1937, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it no longer meets the area requirements. Therefore, notice is given to the owner of such stockyard and to the public that such stockyard is no longer subject to the provisions of said act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not deposting promptly a stockyard which no longer meets the area requirements of the act and is, therefore, no longer a stockyard within the definition contained in said act.

The foregoing rule is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 11th day of May 1951.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 51-5731; Filed, May 16, 1951; 8:50 a. m.]

Rural Electrification Administration

[Administrative Order 3201]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

APRIL 4, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Carolina 33P Cherokee	$210,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-5734; Filed, May 16, 1951; 8:50 a. m.]

[Administrative Order 3202]

MONTANA

LOAN ANNOUNCEMENT

APRIL 4, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Montana 32H Hill	$235,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-5735; Filed, May 16, 1951; 8:50 a. m.]

[Administrative Order 3203]

KANSAS

LOAN ANNOUNCEMENT

APRIL 6, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kansas 39M Pottawatomie	$140,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-5736; Filed, May 16, 1951; 8:50 a. m.]

[Administrative Order 3204]

KANSAS

LOAN ANNOUNCEMENT

APRIL 6, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kansas 46H Meade	$155,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-5737; Filed, May 16, 1951; 8:50 a. m.]

[Administrative Order 3205]

FLORIDA

LOAN ANNOUNCEMENT

APRIL 6, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Florida 14AD Clay	$145,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-5738; Filed, May 16, 1951; 8:50 a. m.]

[Administrative Order 3206]

NEBRASKA

LOAN ANNOUNCEMENT

APRIL 6, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Nebraska 60K Nebraska District Public	$615,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-5739; Filed, May 16, 1951; 8:50 a. m.]

[Administrative Order 3207]

IOWA

LOAN ANNOUNCEMENT

APRIL 6, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 38U Pocahontas	$90,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-5740; Filed, May 16, 1951; 8:50 a. m.]

[Administrative Order 3208]

TEXAS

LOAN ANNOUNCEMENT

APRIL 9, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 144G, K Kinney	$760,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-5741; Filed, May 16, 1951; 8:50 a. m.]

[Administrative Order 3209]

ALLOCATION OF FUNDS FOR LOANS

APRIL 10, 1951.

I hereby amend:

(a) Administrative Order No. 484, dated July 13, 1940, by rescinding the allocation of $25,000 therein made for "North Carolina 1054R1 Ashe."

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-5742; Filed, May 16, 1951; 8:50 a. m.]

[Administrative Order 3210]

MISSISSIPPI

LOAN ANNOUNCEMENT

APRIL 10, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Mississippi 48D De Soto	$50,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-5743; Filed, May 16, 1951; 8:50 a. m.]

[Administrative Order 3211]

MISSISSIPPI

LOAN ANNOUNCEMENT

APRIL 10, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Mississippi 20S Yazoo	$120,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-5744; Filed, May 16, 1951; 8:50 a. m.]

[Administrative Order 3212]

MICHIGAN

LOAN ANNOUNCEMENT

APRIL 10, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Michigan 33V Charlevoix	$190,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-5745; Filed, May 16, 1951; 8:50 a. m.]

[Administrative Order 3213]

ARKANSAS

LOAN ANNOUNCEMENT

APRIL 10, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 9Z Craighead	$515,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-5746; Filed, May 16, 1951; 8:50 a. m.]

[Administrative Order 3214]

INDIANA

LOAN ANNOUNCEMENT

APRIL 10, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Indiana 72H Clark	$82,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-5747; Filed, May 16, 1951; 8:50 a. m.]

[Administrative Order 3215]

OHIO

LOAN ANNOUNCEMENT

APRIL 10, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Ohio 83U Gallia	$130,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-5748; Filed, May 16, 1951; 8:50 a. m.]

[Administrative Order 3216]

MISSISSIPPI

LOAN ANNOUNCEMENT

APRIL 11, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Mississippi 28V Hancock	$460,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-5749; Filed, May 16, 1951; 8:50 a. m.]

[Administrative Order 3217]

WISCONSIN

LOAN ANNOUNCEMENT

APRIL 11, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wisconsin 32P Pierce	$250,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-5750; Filed, May 16, 1951; 8:50 a. m.]

[Administrative Order 3218]

ALLOCATION OF FUNDS FOR LOANS

APRIL 17, 1951.

Inasmuch as Black River Electric Cooperative has transferred certain of its properties and assets to Howell-Oregon Electric Cooperative, Inc., and Howell-Oregon Electric Cooperative, Inc. has assumed in part the indebtedness to United States of America, of Black River Electric Cooperative, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 942, dated August 1, 1945, by changing the project designation appearing therein as "Missouri 46038E1 Reynolds" in the amount of $88,800 to read "Missouri 46038E1 Reynolds" in the amount of $65,853 and "Missouri 49 Howell (Missouri 46038E1 Reynolds)" in the amount of $22,947.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-5751; Filed, May 16, 1951; 8:50 a. m.]

[Administrative Order 3219]

ALLOCATION OF FUNDS FOR LOANS

APRIL 17, 1951.

Inasmuch as Presque Isle Electric Cooperative, Inc., Top O'Michigan Rural Electric Company and Cherryland Rural Electric Cooperative Association have each transferred certain of their properties and assets to Northern Michigan Electric Cooperative, Inc., and Northern Michigan Electric Cooperative, Inc. has assumed in part the indebtedness to United States of America of Presque Isle Electric Cooperative, Inc., Top O'Michigan Rural Electric Company and Cherryland Rural Electric Cooperative Association, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 901, dated May 24, 1945, by changing the project designation appearing therein as "Michigan 5-46028G1 Presque Isle" in the amount of $340,000 to read "Michigan 5-46028G1 Presque Isle" in the amount of $213,854.58 and "Michigan 47 Cheboygan (Michigan 5-46028G1 Presque Isle)" in the amount of $126,145.42;

(b) Administrative Order No. 1109, dated July 25, 1946, by changing the project designation appearing therein as "Michigan 28R Presque Isle" in the amount of $275,000 to read "Michigan 28R Presque Isle" in the amount of $183,432.72 and "Michigan 47 Cheboygan (Michigan 28R Presque Isle)" in the amount of $91,567.28;

(c) Administrative Order No. 1115, dated August 1, 1946, by changing the project designation appearing therein as "Michigan 28S Presque Isle" in the amount of $12,000 to read "Michigan 28S Presque Isle" in the amount of $511.43 and "Michigan 47 Cheboygan (Michigan 28S Presque Isle)" in the amount of $11,488.57;

(d) Administrative Order No. 1125, dated August 28, 1946, by changing the project designation appearing therein as "Michigan 28T Presque Isle" in the amount of $485,000 to read "Michigan 28T Presque Isle" in the amount of $20,670.23 and "Michigan 47 Cheboygan (Michigan 28T Presque Isle)" in the amount of $464,329.77;

(e) Administrative Order No. 1194, dated December 23, 1946, by changing the project designation appearing therein as "Michigan 28U Presque Isle" in the amount of $50,000 to read "Michigan 28U Presque Isle" in the amount of $2,131.04 and "Michigan 47 Cheboygan (Michigan 28U Presque Isle)" in the amount of $47,868.96;

(f) Administrative Order No. 1224, dated February 27, 1947, by changing the project designation appearing therein as "Michigan 33N Charlevoix" in the amount of $585,000 to read "Michigan 33N Charlevoix" in the amount of $574,000 and "Michigan 47 Cheboygan (Michigan 33N Charlevoix)" in the amount of $11,000; and

(g) Administrative Order No. 1571, dated July 30, 1948, by changing the project designation appearing therein as "Michigan 44P Traverse" in the amount of $85,000 to read "Michigan 44P Traverse" in the amount of $82,000 and "Michigan 47 Cheboygan (Michigan 44P Traverse)" in the amount of $3,000.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-5752; Filed, May 16, 1951; 8:51 a. m.]

[Administrative Order 3220]

ALLOCATION OF FUNDS FOR LOANS

APRIL 17, 1951.

Inasmuch as Agra-Lite Cooperative has transferred certain of its properties and assets to Border Counties Power Cooperative, Incorporated, and Border Counties Power Cooperative, Incorporated has assumed in part the indebtedness to United States of America, of Agra-Lite Cooperative, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1290, dated May 28, 1947, by changing the project designation appearing therein as "Minnesota 79N Big Stone" in the amount of $250,000 to read "Minnesota 79N Big Stone" in the amount of $240,819.20 and "Minnesota 99 Lake of the Woods (Minnesota 79N Big Stone)" in the amount of $9,180.80.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-5753; Filed, May 16, 1951; 8:51 a. m.]

[Administrative Order T-31]

OKLAHOMA

LOAN ANNOUNCEMENT

APRIL 3, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrication Administration:

Loan designation:	*Amount*
Oklahoma Automatic Telephone Co., Inc.; Oklahoma 509-A	$409,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51-5754; Filed, May 16, 1951; 8:51 a. m.]

[Administrative Order T-32]

TEXAS

LOAN ANNOUNCEMENT

APRIL 6, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Eastex Telephone Cooperative, Inc.; Texas 510-A	$624,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51-5755; Filed, May 16, 1951; 8:51 a. m.]

[Administrative Order T-33]

LOUISIANA

LOAN ANNOUNCEMENT

APRIL 17, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
LaSalle Telephone Company, Inc.; Louisiana 504-A	$405,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-5756; Filed, May 16, 1951; 8:51 a. m.]

[Administrative Order T-34]

KENTUCKY

LOAN ANNOUNCEMENT

APRIL 18, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Peoples Rural Telephone Cooperative Corp., Inc.; Kentucky 514-A	$255,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-5757; Filed, May 16, 1951; 8:51 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 18]

AMELIA EARHART LUGGAGE

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Amelia Earhart Luggage has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

SPECIAL PROVISIONS

For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of luggage manufactured by Amelia Earhart Luggage, 408 Market Street, Newark 5, New Jersey, having the brand names "Amelia Earhart" and "Cushion Edge" and described in the manufacturer's printed 1951 price list accompanying the manufacturer's application dated April 5, 1951. The manufacturer's prices listed below are subject to a discount of 2/10, Net 30.

WOMEN'S LUGGAGE (3900 [1] SERIES)

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
$18.50	$33.50
20.00	36.50
21.50	39.00
23.00	41.50
25.50	46.50
31.50	57.50
37.50	68.50
52.50	95.00

MEN'S LUGGAGE (3900 [1] SERIES)

$22.00	$40.00
23.00	41.50
24.75	45.00
33.00	60.00
39.75	72.00
40.25	73.50
52.50	95.00
55.00	99.50

WOMEN'S LUGGAGE (4100 [1] SERIES)

$23.00	$41.50
24.75	45.00
25.75	47.50
27.50	49.50
30.50	55.00
36.50	66.00
43.50	79.50
63.25	115.00

MEN'S LUGGAGE (4100 [1] SERIES)

$26.50	$48.00
27.50	50.00
29.25	52.75
38.50	70.00
45.75	83.00
46.25	84.00
65.50	118.50

WOMEN'S & MEN'S LUGGAGE (4200 [1] SERIES)

$34.25	$62.00
38.00	69.50
41.75	76.00
45.50	82.50
49.25	89.50
52.75	96.50
68.00	123.50
82.50	150.00

WOMEN'S LUGGAGE (4300 [1] SERIES)

$41.75	$76.00
46.25	84.50
50.00	91.50
58.25	106.00
74.75	137.50
91.50	166.50

MEN'S LUGGAGE (4300 [1] SERIES)

$41.75	$76.00
46.25	84.00
50.00	91.50
58.25	106.00
74.75	137.50
91.50	166.50

WOMEN'S & MEN'S LUGGAGE (4400 [1] SERIES)

$46.25	$84.00
50.50	92.50
55.00	100.00
64.50	117.50
82.50	150.00
101.00	183.00

WOMEN'S & MEN'S LUGGAGE (4500 [1] SERIES)

$151.25	$275.00
166.50	302.50
181.50	330.00
196.50	357.50
332.75	600.00
393.25	725.00
453.75	825.00

[1] The number used by the manufacturer to designate a particular line of luggage as described in the manufacturer's printed 1951 price list.

WOMEN'S LUGGAGE (4600 [1] SERIES)

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
$25.75	$46.75
27.25	49.50
28.75	53.00
30.25	55.00
33.50	59.50
39.75	72.50
47.75	87.50
69.50	127.50

MEN'S LUGGAGE (4600 [1] SERIES)

$29.25	$54.00
30.75	56.00
32.50	59.00
42.50	77.50
50.50	92.00
69.50	127.50
71.75	131.50

WOMEN'S LUGGAGE (5000, [1] 5200, [1] 5400 [1] SERIES)

$23.25	$42.00
24.75	45.00
25.75	46.50
27.25	49.50
27.50	50.00
28.50	51.00
30.50	55.00
33.25	60.00
36.50	66.00
43.50	79.50
45.00	83.00
52.50	95.50
63.25	115.00
75.00	136.00

LUGGAGE (6000 [1] SERIES) ("SOFT-SIDE" AND "FLYING TRUNK") [2]

$34.50	$63.00
37.00	67.50
39.00	71.00
39.50	72.00
44.00	80.00
45.50	83.00
46.25	84.50
48.00	87.50
50.00	91.50
53.00	96.50
58.00	105.00
58.25	106.00
63.00	115.00
68.50	125.00
74.75	137.50
82.50	150.00
88.00	160.00
91.00	165.00
115.00	210.00
121.00	225.00
127.00	235.00

TRUNKS

$22.00	$40.00
31.00	56.50
32.75	59.50
34.00	62.00
36.50	66.00
38.00	70.50
38.25	69.50
40.25	73.00
61.50	112.50
64.75	117.50
66.00	120.00
67.75	123.50
71.00	129.50
73.75	141.50
75.00	136.50
79.75	145.50
85.75	156.50
90.75	165.00
96.75	175.00
102.75	187.00

[2] The number used by the manufacturer to designate a particular line of luggage as described in the manufacturer's printed 1951 price list.

[3] Unnumbered lines in the manufacturer's printed 1951 price list which are designated in that price list by titles only.

TRUNKS—Continued

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
$109.00	$198.00
121.00	220.00
181.50	330.00
195.75	350.00
211.75	385.00

2. The 21" "overnite" case in the 5200 Series as described in the manufacturer's printed 1951 price list accompanying the manufacturer's application dated April 5, 1951, so long as it has a manufacturer's selling price of $30.25 per unit shall have a ceiling price at retail of $55.00 per unit.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after June 16, 1951, Amelia Earhart Luggage must mark each article listed in paragraphs 1 and 2 of this special order with the retail ceiling price under this special order or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $------

On and after July 16, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 16, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1 and 2 of this special order or changes the retail ceiling price of a listed article, Amelia Earhart Luggage must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraphs 1 and 2 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order and shall be accompanied by copies of of each amendment thereto (if any) issued prior to the date of the delivery

Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 16, 1951.

[F. R. Doc. 51-5798; Filed, May 16, 1951; 8:48 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 19]

A. SAGNER'S SON, INC.

CEILING PRICES AT RETAIL

Statement of Considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, A. Sagner's Son, Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

SPECIAL PROVISIONS

For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this Special Order 19 is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of men's clothing manufactured by A. Sagner's Son, Inc., 405 W. Redwood Street, Baltimore, Maryland, having the brand names "Northcool," "Northcord" and "Northaire" and described in the manufacturer's application, dated March 20, 1951. The manufacturer's prices listed below carry terms of Net 60.

MEN'S CLOTHING

Manufacturer's selling price (per unit)	*Ceiling price at retail (per unit)*
$2.40	$3.95
5.10	8.50
5.70	9.50
6.45	10.75
10.50	17.50
11.70	19.50
15.30	25.00
16.50	27.50
21.00	35.00
22.50	37.50

2. (a) The item designated as "Northcool Sport Shirt (short sleeve)" in the manufacturer's price list accompanying the manufacturer's application, dated March 20, 1951, so long as it has a manufacturer's selling price of $2.27 per unit, shall have a ceiling price at retail of $3.95 per unit.

(b) The items designated as "Northcool Sport Coat" and "Northaire Sport Coat" in the manufacturer's price list accompanying the manufacturer's application, dated March 20, 1951, so long as they have a manufacturer's selling price of $15.00 per unit, shall have a ceiling price at retail of $25.00 per unit.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after June 16, 1951, A. Sagner's Son, Inc., must mark each article listed in paragraphs 1, 2 (a) and 2 (b) of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $------

On and after July 16, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 16, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the applicable regulation.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1, 2 (a) and 2 (b) of this special order or changes the retail ceiling price of a listed article, A. Sagner's Son, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraphs 1, 2 (a) and 2 (b) of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 16, 1951.

[F. R. Doc. 51-5799; Filed, May 16, 1951; 8:48 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 20]

HERMAN ISKIN & CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Herman Iskin & Co., Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

SPECIAL PROVISIONS

For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of cowboy and cowgirl outfits manufactured by Herman Iskin & Co., Inc., Telford, Pennsylvania, having the brand name "Hopalong Cassidy" and described in the manufacturer's application, dated March 22, 1951. The manufacturer's prices listed below are subject to a discount of 2/10, Net 30.

COWBOY AND COWGIRL OUTFITS

Manufacturer's selling price (per dozen)	*Ceiling price at retail (per unit)*
$21.75	$2.98
28.80	3.98
33.00	4.79
40.50	5.79
48.00	6.98
61.50	8.98
75.00	10.98

2 (a) Chap and vest sets having the style number 700 in the manufacturer's price list in effect January 2, 1951, so long as they have a manufacturer's selling price of $27.60 per dozen, shall have a ceiling price at retail of $3.98 per unit.

(b) Cowboy and cowgirl outfits having the style numbers 715 and 815 in the manufacturer's price list in effect January 2, 1951, so long as they have a manufacturer's selling price of $39.00 per dozen, shall have a ceiling price at retail of $5.79 per unit.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after June 16, 1951, Herman Iskin & Co., Inc., must mark each article listed in paragraph 1, 2 (a) and 2 (b) of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after July 16, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 16, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1, 2 (a) and 2 (b) of this special order or changes the retail ceiling price of a listed article, Herman Iskin & Co., Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraphs 1, 2 (a) and 2 (b) of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 17, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 16, 1951.

[F. R. Doc. 51-5600; Filed, May 16, 1951; 8:49 a. m.]

[Delegation of Authority No. 6, Supplement 7]

CHIEFS OF THE BRANCHES OF CONSUMER SOFT GOODS DIVISION, OFFICE OF PRICE OPERATIONS

REDELEGATION OF AUTHORITY TO REQUEST FURTHER INFORMATION CONCERNING PROPOSED CEILING PRICES

By virtue of the authority vested in me as Director of Consumer Soft Goods Division of the Office of Price Operations, Office of Price Stabilization Delegation of Authority No. 6, Supplement 1 (16 F. R. 3672) this delegation of authority is hereby issued.

Authority is hereby delegated to the Chiefs of the Branches of the Consumer Soft Goods Division of the Office of Price Operations, Office of Price Stabilization to request further information from a seller who has submitted a proposed ceiling price for approval. This delegation applies wherever a Ceiling Price Regulation permits the seller to operate at the ceiling price proposed by him, whether immediately or after the expiration of a prescribed period of time, unless and until he is notified by the Director of Price Stabilization that the proposed ceiling price has been disapproved or that more information is required.

This delegation of authority shall take effect on May 17, 1951.

JOSEPH N. KALLICK,
Director, Consumer Soft Goods Division, Office of Price Operations, Office of Price Stabilization.

MAY 16, 1951.

[F. R. Doc. 51-5801; Filed, May 16, 1951; 10:33 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. S-24]

NEW YORK AND CUBA MAIL STEAMSHIP CO.

NOTICE OF HEARING ON APPLICATION FOR RESUMPTION OF PAYMENT OF OPERATING-DIFFERENTIAL SUBSIDY

Notice is hereby given that a public hearing will be held at Washington, D. C., in Room 4823 Department of Commerce Building, before Examiner C. W. Robinson, beginning at 10 o'clock a. m., e. d. s. t., May 31, 1951, upon the application of New York and Cuba Mail Steamship Company, under Title VI of the Merchant Marine Act, 1936, as amended for the resumption of payment of operating-differential subsidy in connection with the operation of vessels on Trade Route No. 3 (between U. S. Atlantic ports and East Coast of Mexico, with privilege of calling at Havana and other Cuban ports), as described in the United States Maritime Commission's report of Essential Foreign Trade Routes of the American Merchant Marine, issued May 1949.

The purpose of the hearing is to receive evidence relevant to the following determinations which the Board is required, after hearing, to make pursuant to the provisions of section 602 of the Merchant Marine Act, 1936, as amended: (1) whether, and to what extent, the operations of New York and Cuba Mail Steamship Company on Trade Route No. 3 were subject to foreign-flag competition between January 1, 1947, and the present date, or any part of that period; (2) whether such competition, if any, was (a) direct foreign-flag competition, or (b) competition other than direct foreign-flag competition, within the meaning of section 602; and (3) whether an operating subsidy to New York and Cuba Mail Steamship Company on Trade Route No. 3 is necessary to meet competition of foreign-flag vessels.

The hearing will be conducted pursuant to the Board's rules of procedure (12 F. R. 6076), and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to participate in this proceeding should notify the Board accordingly on or before May 25, 1951, and file petitions of intervention in accordance with § 201.81 of the Board's rules of procedure.

Dated: May 8, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-5725; Filed, May 16, 1951; 8:50 a. m.]

[No. S-25]

AMERICAN PRESIDENT LINES, LTD.

NOTICE OF HEARING ON APPLICATION FOR RESUMPTION OF SUBSIDY

American President Lines, Ltd., has applied for resumption of subsidized operations effective January 1, 1947 as to operations which were interrupted as a result of World War II, including its Round-the-World Service, which provides intercoastal service between United States Atlantic Coast ports and United States Pacific Coast ports.

A hearing will be held in Washington, D. C. before the Federal Maritime Board on May 29th, 1951 at 10 o'clock a. m., e. d. s. t., in Room 4821, Department of Commerce Building, pursuant to section 805 (a), Merchant Marine Act, 1936 (46 U. S. C. 1223 (a)) to consider whether American President Lines, Ltd., or related persons mentioned in section 805 (a), or a predecessor in interest, was in bona fide operation as a common carrier by water in the domestic intercoastal trade in 1935 in connection with its Round-the-World Service, and has so operated since that time, except as to interruptions of service over which it had no control; and whether Federal Maritime Board should grant written permission to American President Lines, Ltd., to engage in domestic intercoastal service as part of its subsidized Round-the-World Service.

All other issues under section 805 (a) of said act arising in connection with the application of American President Lines, Ltd., for resumption of subsidy on its Round-the-World Service including intercoastal service are reserved for subsequent hearing if and when such issues become material.

If the Federal Maritime Board determines that a contract shall be executed covering resumption of subsidized operations by American President Lines, Ltd., on its Round-the-World Service, and in connection therewith, grants written permission to engage in the domestic intercoastal trade as part of said Round-the-World Service, the Board will amend the second proviso in Article II-15 of the Standard Operating Differential Subsidy Agreement (see FEDERAL REGISTER of July 22, 1949, and December 31, 1949) to read substantially as follows:

Provided, further, That where such permission is or has been granted pursuant to the Proviso clause of the first paragraph of section 805 (a) of the act, in the event of substantial change in the character or extent of such operations over those conducted during 1935, or if such operations are found to be prejudicial to the objects and policy of the act, the foregoing permission to continue such operations may be limited or terminated by the Board, after notice to the Operator and opportunity for hearing, with respect to any or all of the operations thus permitted.

All persons, firms or corporations having an interest in the proceeding may request permission to intervene at the opening of the hearing.

Dated: May 11, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-5730; Filed, May 16, 1951; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

BROADCAST BUREAU

ESTABLISHMENT AND DEFINITION OF FUNCTIONS

At a session of the Federal Communications Commission held at its office in Washington, D. C., on the 1st day of May 1951:

It is ordered, Under the authority of the Communications Act of 1934, as amended, that:

A. The following organizational units are hereby abolished:

Broadcast Division of the Office of the Chief Accountant;

Aural Broadcast Division and Television Broadcast Division of the Office of the Chief Engineer;

Broadcast Division of the Office of the General Counsel;

Ownership Unit of the Broadcast License Branch of the Bureau of the Secretary.

The personnel and positions in each such Division and Unit are transferred to the Broadcast Bureau provided for herein.

B. There is established the Broadcast Bureau. This Bureau shall consist of an Office of the Chief, an Aural Facilities Division, a Television Facilities Division, a Renewal and Transfer Division, a Hearing Division and a Rules and Standards Division.

The Bureau shall assist, advise and make recommendations to the Commission with respect to the development of a regulatory program for the radio broadcast services and shall be responsible for the performance of any work, function or activities to carry out that program in accordance with applicable statutes, international agreements, rules and regulations and policies of the Commission, except in so far as functions are specifically delegated to other bureaus or staff offices of the Commission.

The Bureau shall perform the following functions:

1. Examine applications in the radio broadcast services and make recommendations to the Commission thereon.

2. Participate in hearings involving applications, rule making and other matters which pertain to the radio broadcast services.

3. Make recommendations to the Commission concerning the promulgation of rules and standards in the radio broadcast services.

4. Participate in international conferences with respect to radio broadcast services.

5. Study frequency requirements in the radio broadcast services and make recommendations with respect to the allocation of frequencies and the drafting of frequency assignment plans in such services.

6. Confer with government and industry groups interested in the problems of radio broadcast services.

7. Study and establish technical requirements for equipment in the radio broadcast services in accordance with standards established by the Commission.

8. Perform all other functions or activities essential to carrying out the above duties and responsibilities.

9. Exercise such authority as may be assigned or referred by the Commission pursuant to section 5 (e) of the Communications Act of 1934, as amended.

C. The Bureau shall be under the direction of the Chief of the Bureau, who, subject to the decisions and policy determinations of the Commission, shall plan, direct, and coordinate the radio broadcast services functions listed in paragraph B above.

D. There is hereby established the Aural Facilities Division which shall be under the direction of a Chief, who, under the supervision and direction of the Chief of the Bureau, shall exercise responsibility for all functions indicated in the statement contained in B above, in so far as such functions pertain to standard (AM) and FM broadcast services, excluding functions enumerated in F, G and H below.

E. There is hereby established the Television Facilities Division which shall be under the direction of a Chief, who, under the supervision and direction of the Chief of the Bureau, shall exercise responsibility for all functions indicated in the statement contained in B above, in so far as such functions pertain to the television and auxiliary broadcast services, excluding functions enumerated in F, G and H, below.

F. There is hereby established the Renewal and Transfer Division which shall be under the direction of a Chief, who, under the supervision and direction of the Chief of the Bureau, shall exercise responsibility for all functions indicated in the statement contained in B above, in so far as such functions pertain to applications for renewals of licenses, transfer of control and assignment of licenses or construction permits and shall exercise responsibility for maintaining the enforcement of applicable statutes, the rules and regulations and orders of the Commission in so far as they relate to radio broadcast stations.

G. There is hereby established the Hearing Division which shall be under the direction of a Chief, who, under the supervision and direction of the Chief of the Bureau, shall exercise responsibility for all functions indicated in the statement contained in B above, in so far as such functions pertain to applications which have been designated for hearing and revocations of licenses or construction permits in the radio broadcast services.

H. There is hereby established the Rules and Standards Division which shall be under the direction of a Chief, who, under the supervision and direction of the Chief of the Bureau, shall exercise responsibility for all functions indicated in the statement contained in B above, in so far as such functions relate to development or revision of rules and standards, international conferences, and special projects in the radio broadcast services.

The effective date of this order shall be the 4th day of June 1951.

NOTE: Commissioner Jones dissenting.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5719; Filed, May 16, 1951; 8:49 a. m.]

[Docket No. 9821]

CHRISTIAN COUNTY BROADCASTING CO. (WTIM)

ORDER CONTINUING HEARING

In re application of Christian County Broadcasting Company, Taylorville, Illinois (WTIM); for construction permit to replace expired permit; Docket No. 9821; File No. BP-7755.

The Commission having under consideration a petition filed on May 7, 1951, by the Christian County Broadcasting Company (WTIM), Taylorville, Illinois, requesting that the hearing on the above-entitled application, presently scheduled for May 14, 1951, in Washington, D. C., be continued to May 28, 1951, in order that an officer and stockholder of the applicant corporation (L. W. Andrews), who has recently been released from the hospital and is not as yet in condition to travel, may appear and testify; and

It appearing that there are no other parties to this proceeding and Commission Counsel has consented to immediate action on the petition and a grant thereof, and therefore the requirements of § 1.745 of the Commission's rules have been met;

It is ordered, This 8th day of May 1951, that the petition of Christian County Broadcasting Company be and it is hereby granted and the hearing herein is hereby continued to May 28, 1951, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5726; Filed, May 16, 1951; 8:50 a. m.]

[Docket No. 9919]

FORT STOCKTON BROADCASTING CO. (KFST)

ORDER DESIGNATING APPLICATION FOR HEARING

In the matter of revocation of construction permit of Station KFST, Fort Stockton, Texas; Docket No. 9919.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of May 1951;

The Commission having under consideration the written application of Fort Stockton Broadcasting Company, permittee of Station KFST, Fort Stockton, Texas, filed pursuant to section 312 (a) of the Communications Act of 1934, as amended, requesting hearing in the above-entitled matter;

It is ordered, That, pursuant to section 312 (a) of the Communications Act of 1934, as amended, the above-entitled matter be designated for hearing on all matters pertinent to the Commission's order of revocation, dated March 14, 1951, said hearing to be held at Fort Stockton, Texas, and to commence on a date to be specified; and that the Commission's order of revocation issued March 14, 1951, shall stand suspended until the conclusion of the said hearing and the Commission's decision therein.

It is further ordered, That the said hearing shall be held before Commissioner Walker, Presiding Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5720; Filed, May 16, 1951; 8:49 a. m.]

[Docket No. 9960]

TWIN VALLEY BROADCASTERS, INC. (WTVB)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Twin Valley Broadcasters, Inc. (WTVB), Coldwater, Michigan; for construction permit; Docket No. 9960; File No. BP-7829.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of May 1951;

The Commission having under consideration the above-entitled application to increase daytime power from 1 kilowatt to 5 kilowatts, change hours of operation from daytime only to unlimited time, with 500 watts of power for nighttime operation, and install separate directional antenna for day and night use at Station WTVB, Coldwater, Michigan; and

It appearing that the applicant is legally, technically, financially and otherwise qualified to operate Station WTVB as proposed, that no interference would be caused to any existing or proposed station but that the proposed station may not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on June 22, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WTVB as proposed, and the character of other broadcast service available to such areas and populations.

2. To determine whether the installation and operation of Station WTVB as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to (1) nighttime coverage to the city of Coldwater, Michigan; (2) the ratio of the population within the normally protected and actual nighttime interference-free contours of the population which would receive satisfactory service; and (3) the excessive population within the 250 mv/m blanket contour.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5721; Filed, May 16, 1951; 8:49 a. m.]

[Docket No. 9961]

SPRINGFIELD BROADCASTING CO. (WJKO)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Springfield Broadcasting Company (WJKO), Springfield, Massachusetts; for construction permit; Docket No. 9961; File No. BP-7878.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of May 1951;

The Commission having under consideration the above-entitled application for a construction permit to increase hours of operation from daytime only to unlimited time, with power of 5 kilowatts until local sunset and with 1 kilowatt at night, make changes in daytime directional antenna system and install a directional antenna for nighttime use at Station WJKO, Springfield, Massachusetts;

It appearing that the applicant is legally, technically, financially and otherwise qualified to operate Station WJKO as proposed, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on June 26, 1951, at Washington D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WJKO as proposed, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of Station WJKO as proposed would involve objectionable interference with Station WWRL, Woodside, Long Island, New York, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of Station WJKO as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, (1) with particular reference to nighttime coverage to the City of Springfield, Massachusetts, and to the Springfield-Holyoke metropolitan district; and (2) with particular reference to the ratio of the population within the normally protected and actual nighttime interference-free contours to the population which would receive satisfactory service.

It is further ordered, That Long Island Broadcasting Corporation, licensee of Station WWRL, Woodside, Long Island, New York, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5722; Filed, May 16, 1951; 8:49 a. m.]

[Docket Nos. 9962, 9963]

FAMILY BROADCASTING CORP. (KEYD) AND MOHAWK BROADCASTING CO. (KSMN)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Family Broadcasting Corporation (KEYD), Minneapolis, Minnesota, Docket No. 9962, File No. BP-7205; Mohawk Broadcasting Company (KSMN), Mason City, Iowa, Docket No. 9963, File No. BP-7836; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of May 1951;

The Commission having under consideration the above-entitled applications: (1) of Family Broadcasting Corporation for a change of facilities from 1440 kilocycles, with 5 kilowatts of power, daytime only to 1020 kilocycles with 10 kilowatts of power, daytime only at Station KEYD, Minneapolis, Minnesota; and (2) of Mohawk Broadcasting Company for a construction permit to increase power from 1 kilowatt to 10 kilowatts at Station KSMN, Mason City, Iowa;

It appearing that the application of Family Broadcasting Corporation (KEYD) requests authorization to operate daytime only a United States Clear Channel, and pursuant to the Commission's policy with respect to such requests has been placed in the pending file to await decision in the hearing regarding Clear Channels (Docket No. 6741) and Daytime Skywave Transmission, (Docket No. 8333); and

It further appearing that the above-entitled applications may involve mutually prohibitive interference each with the other, and that it is a policy of the Commission as announced in the public notice of August 6, 1946, to remove applications placed in the pending file for the above stated reason, for the purpose of designating same for hearing in a consolidated proceeding with conflicting applications for operation on the same or adjacent channels;

It is ordered, That the above application of Family Broadcasting Corporation (KEYD) is removed from the pending file, and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications of Family Broadcasting Corporation (KEYD) and Mohawk Broadcasting Company (KSMN) are designated for hearing in a consolidated proceeding, at 10:00 a. m., on June 28, 1951, at Washington, D. C., upon the following issues:

1. To determine the technical, financial and other qualifications of the corporate applicants, their officers, directors and stockholders, to operate Stations KEYD and KSMN, as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Stations KEYD and KSMN as proposed, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station KSMN, as proposed, would involve objectionable interference with Stations KRVN, Lexington, Nebraska; WSPT, Stevens Point, Wisconsin; KCHI, Chillicothe, Missouri; and KAYL, Storm Lake, Iowa; and to determine whether the operation of Stations KEYD and KSMN, as proposed, would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the Stations KEYD and KSMN, as proposed, would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Stations KEYD and KSMN, as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to an unapproved transmitter with respect to the application of Station KSMN only.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Nebraska Rural Radio Association, permittee of Station KRVN, Lexington, Nebraska; Stevens Point Broadcasting Company, licensee of Station WSPT, Stevens Point, Wisconsin; Cecil W. Roberts, licensee of Station KCHI, Chillicothe, Missouri; and the Cornbelt Broadcasting Company, licensee of Station KAYL, Storm Lake, Iowa are made parties to this proceeding with respect to the KSMN application only;

It is further ordered, That, if, as a result of the consolidated proceeding, it appears that, were it not for the issue pending in the hearing regarding Clear Channels (Docket No. 6741) and the hearing regarding Daytime Skywave

Transmission (Docket No. 8333) and the Commission's policy pertaining thereto as announced in the public notice of August 9, 1946 and May 9, 1947, the public interest would be best served by a grant of the application of Family Broadcasting Corporation (KEYD), then said application shall be returned to the pending file until after conclusion of the said hearings regarding clear channels and Daytime Skywave Transmission, at which time it will be considered in connection with any applications with which it may then be in conflict.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5723; Filed, May 16, 1951; 8:49 a. m.]

[Docket Nos. 9964, 9965, 9966]

AZALEA BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Charles W. Holt, Clarence M. Dossett, Dave A. Matison, Jr., and Bernard Reed Green, d/b as Azalea Broadcasting Company, Mobile, Alabama, Docket No. 9964, File No. BP-7830; WSMB, Incorporated (WSMB), New Orleans, Louisiana, Docket No. 9965, File No. BP-7971; Cary Lee Graham and Edwin H. Estes, d/b as the Gadsden Radio Company, Mobile, Alabama, Docket No. 9966, File No. BP-8049; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of May 1951;

The Commission having under consideration the above-entitled applications of Azalea Broadcasting Company and the Gadsden Radio Company, each requesting a new standard broadcast station to be operated on the frequency 1340 kilocycles, with 250 watts of power, unlimited time, at Mobile, Alabama; and of WSMB, Incorporated, requesting a construction permit to change daytime operation from non-directional to directional at Station WSMB, New Orleans, Louisiana;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on July 2, 1951, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant partnerships and their partners and of the corporate applicant, its officers, directors and stockholders to operate the proposed stations and Station WSMB, as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and Station WSMB, as proposed, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations and Station WSMB, as proposed, would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations and Station WSMB, as proposed, would involve objectionable interference, each with the other two, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to nighttime coverage to the Mobile metropolitan district with respect to the two Mobile, Alabama proposals only.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5724; Filed, May 16, 1951; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1677]

COLORADO INTERSTATE GAS CO.

NOTICE OF APPLICATION

MAY 10, 1951.

Take notice that Colorado Interstate Gas Company (Applicant), a Delaware corporation with its principal place of business at Colorado Springs, Colorado, filed on April 24, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

During the year 1951, Applicant proposes to construct a 6,600 H. P. compressor station in the Panhandle, Texas, field, in place of the 4,800 H. P. compressor station authorized at Docket No. G-1326; to install an additional 1,320 H. P. compressor unit at Applicant's existing Kit Carson Compressor station; to add 30 miles of 20-inch loop line to Applicant's Kit Carson-Denver pipeline; and to construct approximately 19 miles of 6⅝-inch pipeline extending from Applicant's authorized Panhandle-Kit Carson pipeline to Fort Lyon, Colorado, together with appurtenant facilities.

During the year 1952, Applicant proposes to install two additional 1,320 H. P. compressor units at the Panhandle, Texas, compressor station; to install an additional 1,320 H. P. compressor unit at the Kit Carson compressor station; and to add an additional 18 miles of 20-inch loop line to the Kit Carson-Denver pipeline.

These additional facilities will be used to meet the increased requirements of Applicant's existing customers.

The total overall cost of the facilities proposed for the 1951 and 1952 construction program is estimated at $3,453,105, to be financed by borrowing from institutional lenders.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 31st day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5699; Filed, May 16, 1951; 8:46 a. m.]

[Docket No. G-1681]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

MAY 11, 1951.

Take notice that United Gas Pipe Line Company (Applicant), a Delaware corporation with its principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, filed on May 7, 1951, an application pursuant to section 7 (c) of the Natural Gas Act authorizing the additional operation of the facilities certificated by the Commission in its Opinion No. 206 and accompanying order issued February 27, 1951, in the matter of United Gas Pipe Line Company, Docket No. G-1447, for the transportation and sale of natural gas to Texas Gas Transmission Corporation.

Applicant proposes to deliver and sell to Texas Gas up to a maximum daily quantity of 200,000 Mcf of natural gas under a form of contract attached to a precedent agreement dated March 5, 1951, entered into between the parties. Both documents are attached to the application. During the second contract year and thereafter, Applicant proposes to deliver and sell, at the election of Texas Gas up to a maximum daily quantity of 275,000 Mcf of gas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 31st day of May 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5700; Filed, May 16, 1951; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2628]

MICHIGAN-WISCONSIN PIPE LINE CO. AND AMERICAN NATURAL GAS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of May A. D., 1951.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), by American Natural Gas Company ("American"), a registered holding company, and its subsidiary, Michigan-Wisconsin Pipe Line Company ("Michigan-Wisconsin"). Applicants have designated section 6 (b) of the act and Rule U-50 (a) (2) as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 28, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing to be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 28, 1951, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, and which are summarized as follows:

In July, 1950, pursuant to authorization of this Commission, Michigan-Wisconsin entered into a Credit Agreement with certain Banks (The National City Bank of New York, Central Hanover Bank and Trust Company—New York, and Mellon National Bank and Trust Company—Pittsburgh) under which it has borrowed an aggregate of $20,000,000 on its notes maturing July 1, 1951. Under the terms of the Credit Agreement, at the option of the Company and with the approval of this Commission, the notes may upon ten days' written notice be renewed upon the same terms and conditions for a period of one year from July 1, 1951. The Credit Agreement obligates the Company to prepay $3,000,000 principal amount of the loans on or before June 30, 1951, if it has not by June 20, 1951, received $3,000,000 through the sale of its preferred or common stock or through issuance of debt obligations subordinated to the bank loans.

Michigan-Wisconsin proposes, upon approval by the Commission, to extend its bank loans in the principal amount of $20,000,000 for one year, or until July 1, 1952, as permitted under the terms of the Credit Agreement. It is anticipated that the bank loans will be retired through permanent financing at an appropriate later time prior to the maturity date, as extended.

To satisfy the provisions of the Credit Agreement and to provide cash funds and an equity base for the contemplated future permanent financing Michigan-Wisconsin proposes at or before the extension of its notes to sell 30,000 shares of its common stock to American Natural Gas Company for $3,000,000 cash, an amount equal to the aggregate par value. American Natural will make the investment from funds on hand, being available as a result of the sale in the latter part of 1950 of 304,486 additional shares of its common stock.

It is stated that no regulatory agency or authority other than this Commission has jurisdiction over the proposed transactions, and that the proposed issuance and sale of notes is exempt from the competitive bidding requirements of Rule U-50 because of the provisions of paragraph (a) (2) thereof.

It is requested that the Commission enter an order, to become effective upon its issuance, by May 30, 1951, or as soon as practicable thereafter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-5702; Filed, May 16, 1951; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 175 (and Sub-No. 1)]

INCREASED FREIGHT RATES AND CHARGES, 1951

MAY 11, 1951.

The above-entitled proceeding is set for hearing at:

Portland, Oreg., June 5, 1951, before Commissioner Lee. The hotel will be named later.

Salt Lake City, Utah, June 11, 1951, before Commissioner Lee. The hotel will be named later.

Chicago, Ill., Congress Hotel, June 11, 1951, before Commissioner Mahaffie. In the absence of good cause shown the parties are directed to present all evidence with respect to lumber and products of forests, livestock and products of animals, grain and grain products at the Chicago hearing.

Washington, D. C., at the offices of the Commission June 18, 1951, before one or more members of Division 2. This Washington hearing will be primarily for the purpose of receiving evidence with respect to coal or coke, and non-ferrous metals.

Memphis, Tenn., Peabody Hotel, June 19, 1951, before Commissioner Alldredge.

Washington, D. C., at the offices of the Commission, June 25, 1951, before Division 2. This later Washington hearing will be for the purpose of receiving evidence by the U. S. Government Agencies and rebuttal by petitioners. Oral argument will follow at the conclusion of this hearing. Memoranda in lieu of oral argument may be filed and 300 copies may be furnished.

The hearings will commence at 9:30 o'clock a. m., United States standard time, or 9:30 o'clock a. m., d. s. t., if such time is observed.

Verified statements (affidavits). Evidence in the form of verified statements (affidavits) without personal appearance of the affiant as a witness will be received at each of the above hearings. Parties will furnish one signed original and 300 copies of all verified statements, 75 of which will be for use of the railroad petitioners and 25 for the use of the Commission, and the remaining copies will be distributed to other parties attending the hearings. This will be deemed sufficient service for all purposes.

Objections to verified statements or requests for cross-examination of the affiant should be made promptly to the presiding Commissioner or his authorized representative at the hearing.

Verified statements should be filed on the first day of the hearing.

Notice of participation. Each party is directed to notify the Secretary of the Commission, Washington, D. C., on or before June 1, 1951, at which of the above hearings he will present evidence either in the form of verified statements or oral testimony, and if oral testimony is to be presented, the time which will be required for direct evidence. The subject matter of the evidence should also be indicated.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-5703; Filed, May 16, 1951; 8:46 a. m.]

[Rev. S. O. 876, General Permit 2-L]

DRESSED NATIVE LUMBER, MILLWORK, AND LUMBER PRODUCTS

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) (2) of Revised Service Order 876 (16 F. R. 3620), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act, to disregard the provisions of Revised Service Order No. 876 insofar as they apply to dressed native lumber, millwork, and lumber products in exact quantities for the erection of a complete dwelling, when loaded in a single car.

The waybills shall show reference to this general permit and all consignors shipping cars under this permit shall furnish the Permit Agent the car numbers, initials, and destinations of the cars shipped under this permit.

This general permit shall become effective at 12:01 a. m., May 11, 1951, and shall expire at 11:59 p. m., September 30, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and

notice of this permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of May 1951.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 51-5704; Filed, May 16, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17782]

CHASE BANK

In re: Accounts maintained in the name of the Chase Bank, Paris, France, and owned by persons whose names are unknown. F-27-6063.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of The Chase Bank, Paris, France]

Column I	Column II
Name and address of institution which maintains account.	Designation of account
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	The Chase Bank "old account", Paris, as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its Serial No. 1029.

[F. R. Doc. 51-5668; Filed, May 15, 1951; 8:50 a. m.]

[Vesting Order 17783]

F. S. SMITHERS & CO.

In re: Accounts maintained in the name of F. S. Smithers & Co., 1 Wall Street, New York 5, New York, and owned by persons whose names are unknown. F-49-1346.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of F. S. Smithers & Co., 1 Wall St., New York 5, N. Y.]

Column I	Column II
Name and address of institution which maintains account	Designation of account
The National City Bank of New York, 55 Wall St., New York 5, N. Y.	Current account—No. 1 account, as described by The National City Bank of New York in its report on Form OAP-700, bearing its Serial No. 0293.

[F. R. Doc. 51-5669; Filed, May 15, 1951; 8:51 a. m.]

[Vesting Order 17780]

CONTINENTAL CAOUTCHOUC EXPORT A. G.

In re: Debts owing to Continental Caoutchouc Export A. G. F-28-4405.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Continental Caoutchouc Export A. G., the last known address of which is Hannover, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Continental Caoutchouc Export A. G., by The Bittner Corporation, 215 Fourth Avenue, New York, New York, representing merchandise received by said The Bittner Corporation, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Continental Caoutchouc Export A. G., by The Bittner Corporation, 215 Fourth Avenue, New York, New York, representing merchandise and goods received by John R. Hill Company, as agent for The Bittner Corporation, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5670; Filed, May 15, 1951; 8:51 a. m.]

[Vesting Order 17797]

THEODORE WERNER

In re: Debt owing to Theodore Werner. F-28-31450.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theodore Werner, who there is reasonable cause to believe is a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York 5, New York, in the amount of $138.61 as of June 23, 1948 constituting a portion of the funds held in a current account entitled "International Banking Corporation, Blocked Account", maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Theodore Werner, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5672; Filed, May 15, 1951; 8:51 a. m.]

[Vesting Order 17731]

GUIDO ROEDLING

In re: Stock owned by Guido Roedling, also known as Guido Rodling. F-17-1330-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Guido Roedling, also known as Guido Rodling, whose last known address is East 57 Gasthaus Schwan, Kelheim, Bayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred thirty-nine (139) shares of no par value common capital stock of Bethlehem Steel Corporation, 25 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered K258283 for one hundred (100) shares and L459351 for thirty-nine (39) shares, registered in the name of Sigler & Co., and presently in the custody of Central Hanover Bank and Trust Company, 70 Broadway, New York 15, New York, together with all declared and unpaid dividends thereon, and

b. Cash, in the amount of $89.48, presently in the custody of the Attorney General of the United States, representing dividends on the above common capital stock of Bethlehem Steel Corporation, and formerly on deposit in a cash custody account, Account Number A11355F, entitled Guido Rodling, maintained at Central Hanover Bank and Trust Company, 70 Broadway, New York 15, New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being

deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5707; Filed, May 16, 1951; 8:47 a. m.]

[Vesting Order 17732]

M. SANO

In re: Stock owned by M. Sano. F-39-6887; A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That M. Sano, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Three hundred (300) shares of $1.00 per value common capital stock of Hupp Corp., 1250 West 76th Street, Cleveland 2, Ohio, a corporation organized under the laws of the State of Virginia, evidenced by certificates numbered N72255, N72256 and N72257, registered in the name of Laird & Co., 61 Broadway, New York, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, M. Sano, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5708; Filed, May 16, 1951; 8:47 a. m.]

[Vesting Order 17801]

NATIONALE HANDELSBANK, N. V.

In re: Accounts maintained in the name of Nationale Handelsbank, N. V., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-741.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9939, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Nationale Handelsbank, N. V., Amsterdam, The Netherlands]

Column I	Column II
Name and address of institution which maintains account	Designation of account
City Bank Farmers Trust Co., 22 William St., New York, N. Y.	Currency deposit as described by City Bank Farmers Trust Co. in its report on form OAP-70, bearing its Serial No. [illegible]

[F. R. Doc. 51-5712; Filed, May 16, 1951; 8:47 a. m.]

[Vesting Order 17786]

CHRISTINA SCHMITT KIRCHNER

In re: Estate of Christina Schmitt Kirchner. File No. D-66-603; E & T No. 4221.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Montel, son of Franz Montel, whose last known address is Germany is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. All right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Christina Schmitt Kirchner, administered under the jurisdiction of the Surrogate's Court, Queens County, New York (File No. 1931-42), and

b. The sum of $189.26 in the possession, custody or control of J. Charles Zimmerman and Milton Popper, Esquires, Brooklyn, New York, as attorneys-in-fact for Joseph Montel, son of Franz Montel,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5713; Filed, May 16, 1951; 8:48 a. m.]

[Vesting Order 14148, Amdt.]

MARIANNE FLIRKEMEYER ET AL.

In re: Rights of Marianne Flirkemeyer, nee Wiltmann, et al. under insurance contract. File No. F-28-3569-H-5.

Vesting Order No. 14148, dated December 9, 1949, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marianne Flirkemeyer, nee Wiltmann, and Hans Wiltmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Hanne (Johanne) Barrenschmidt, Wiltmann, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under an annuity contract evidenced by policy No. 9737,787, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Louis W. H. Barrenschmidt, together with the right to demand, receive and collect said net proceeds, is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Marianne Flirkemeyer and Hans Wiltmann, or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Hanne (Johanne) Barrenschmidt Wiltmann, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Hanne (Johanne) Barrenschmidt Wiltmann, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed neeessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5714; Filed, May 16, 1951; 8:48 a. m.]

[Vesting Order 17104, Amdt.]

EMIL MORTZ KRELL

In re: Securities owned by and debts owing to Emil Moritz Krell.

Vesting Order 17104, dated January 17, 1951, is hereby amended as follows and not otherwise:

1. By deleting from said Vesting Order 17104 subparagraph 2-k thereof and substituting therefor the following:

k. Twenty-three (23) shares of $15.00 par value capital stock of Consolidated Natural Gas Company, 30 Rockfeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered 0294352 for twenty-two (22) shares registered in the name of Cobb & Co., and certificate numbered 0278460 for one (1) share registered in the name of J. C. Orr & Co., presently in the custody of The New York Trust Company, 100 Broadway, New York, New York, in an account entitled H. M. H. Albert de Bary & Co., N. V., together with any and all declared and unpaid dividends thereon.

2. By deleting from subparagraph 2-q the certificate number TCO 100548 and substituting therefor the certificate number CO 131923,

3. By deleting from Exhibit A, attached to said Vesting Order 17104 and by reference made a part thereof, the certificate numbers set forth with respect to Kingdom of Denmark 4½ percent External Bonds, due April 15, 1962, dated April 15, 1928, and substituting therefor the certificate numbers 29564, 30667, 41173, 45905 and 49895.

4. By deleting from Exhibit B, attached to said Vesting Order 17104 and by reference made a part thereof, the certificate number 23180 set forth with respect to 100 shares of $25.00 par value common stock of Norfolk & Western Railway Company, and substituting therefor the certificate number 23810.

5. By deleting from Exhibit B, attached to said Vesting Order 17104 and by reference made a part thereof, the name Cobb & Co. set forth as the registered owner of 1 share of $25.00 par value capital stock of Standard Oil Company of New Jersey, evidenced by certificate number 904055, and substituting therefor the name J. C. Orr & Co., and

6. By deleting from Exhibit B, attached to said Vesting Order 17104 and by reference made a part thereof, all reference to 10 shares of $25.00 par value capital stock of Standard Oil Company of New Jersey, evidenced by certificate number 934051 registered in the name of J. C. Orr & Co., and substituting therefor the following:

Certificate No.	Number of Shares	Registered owner
3C811620	9	J. C. Orr & Co.
3C870415	1	J. C. Orr & Co.

All other provisions of said Vesting Order 17104 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5715; Filed, May 16, 1951; 8:48 a. m.]

[Vesting Order 17128, Amdt.]

H. M. H. ALBERT DE BARY & CO., N. V.

In re: Securities and bank accounts of H. M. H. Albert de Bary & Co., N. V., Amsterdam, Netherlands.

Vesting Order 17128, dated January 19, 1951, is hereby amended as follows and not otherwise:

1. By deleting from Exhibit A, attached thereto and by reference made a part thereof, the Account Number F–86238 and the Title of Account appearing opposite said Account Number, and substituting therefor, respectively, Account Number F–86594 and the following Title of Account:

H. M. H. Albert de Bary & Co., N. V., Netherlands Blocked Clients Coupon Account Non Residents Account.

2. By deleting from Exhibit B, attached thereto and by reference made a part thereof, the Designation of Account as follows:

H. M. H. Albert de Bary & Co., N. V., Amsterdam, The Netherlands, Clients Account (Set-up Account).

and substituting therefor the following:

H. M. H. Albert de Bary & Co., N. V., Amsterdam, Netherlands, Clients Account, Blocked Holland and Germany.

All other provisions of said Vesting Order 17128 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5716; Filed, May 16, 1951; 8:48 a. m.]

CLAUDE ETIENNE GARNIER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Claude Etienne Garnier, Besancon, France; Claim No. 31753; property described in Vesting Order No. 293 (7 F. R. 9636, November 26, 1942) relating to Patent Application Serial No. 435,196 (Now United States Letters Patent No. 2,410,439).

Executed at Washington, D. C., on May 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5717; Filed, May 16, 1951; 8:48 a. m.]

MAY 21

FEDERAL REGISTER

VOLUME 16 NUMBER 97

Washington, Friday, May 18, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10244

DESIGNATING THE SECRETARY OF STATE AND THE ATTORNEY GENERAL AS THE OFFICERS TO PERFORM CERTAIN FUNCTIONS WITH RESPECT TO THE SETTLEMENT OF INTERCUSTODIAL CONFLICTS RELATING TO ENEMY PROPERTY

By virtue of the authority vested in me by the Constitution and laws of the United States, including the Trading with the Enemy Act of October 6, 1917 (50 U. S. C. 1 et seq.), as amended, and the act of September 28, 1950 (Public Law 857, 81st Congress), and as President of the United States, it is hereby ordered as follows:

1. The Secretary of State and the Attorney General are hereby jointly designated as the officers authorized to conclude and give effect to agreements relating to the settlement of intercustodial conflicts involving enemy property made pursuant to the said act of September 28, 1950, and to exercise all powers incident thereto which are conferred by such act, including, without limitation, the powers to receive, transfer, release, or return property, interests therein, or proceeds thereof.

2. It is the policy of this order that the Secretary of State, with the concurrence of the Attorney General, shall perform all functions necessary or appropriate to give effect to any agreement made pursuant to the said act of September 28, 1950, with relation to the protection of American interests in property outside the United States, and that the Attorney General, with the concurrence of the Secretary of State, shall perform all functions necessary or appropriate to give effect to any such agreement with relation to property subject to the jurisdiction of the United States, and that all other functions relating to the effectuation of any such agreement shall be performed as may be agreed by the Secretary of State and the Attorney General. However, no action taken hereunder by either the Secretary of State or the Attorney General shall be considered to be invalid on the ground that under the provisions of this order such action was within the jurisdiction of the Secretary of State rather than the Attorney General, or vice versa, or that concurrence was not obtained, or that such action was not joint.

3. The Secretary of State and the Attorney General may each delegate to the other or to any other officer, person, or agency within his respective department such of his functions under this order as he may deem necessary.

4. Any money, property, or interest received as reimbursement by the United States by virtue of any agreement made pursuant to the said act of September 28, 1950, shall be administered and disposed of by the Attorney General as vested property pursuant to the said Trading With the Enemy Act, as amended. Any other money, property, or interest received by the Secretary of State or the Attorney General pursuant to any such agreement shall be administered and disposed of pursuant to the provisions of such agreement.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 17, 1951.

[F. R. Doc. 51-5868; Filed, May 17, 1951; 11:17 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 3—ACQUISITION OF A COMPETITIVE STATUS

SUBPART C—REGULATIONS UNDER EXECUTIVE ORDER 10157

1. In processing cases under this subpart it has been observed that August 28, 1948, fell on a Saturday and August 29, 1948, fell on a Sunday. Since these were nonwork days for the majority of Federal agencies and employees, the Commission has determined that in any case where an individual entered on duty on the first work day following, that is, on August 30, 1948, he will be regarded as fulfilling the requirement as to date of entrance on duty. Accordingly § 3.301 (a) is amended to read as follows:

§ 3.301 *Basic requirements for the acquisition of a competitive status under Executive Order 10157.* • • •

(a) He must have been appointed to and entered on duty in a civilian position

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FEDERAL REGISTER

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CODE OF FEDERAL REGULATIONS

1949 Edition

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(For use during 1951)

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Title 14: Part 400 to end ($0.45)
Titles 30–31 ($0.35)

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in the competitive service of the Government on or before August 30, 1948.

2. For some time it has been the Commission's policy on questions relating to completion of probation, to consider 22 work days as the equivalent of 30 calendar days. The Commission has therefore determined that for purposes of conversion to competitive status under this subpart, 22 days of leave without pay should be considered as the equivalent of 30 calendar days. Section 3.303 (a) (2) is therefore amended to read as follows:

§ 3.303 *Continuous service.* (a) * * *

(2) Periods of absence on annual or sick leave and periods of absence on leave without pay not exceeding a total of 60 calendar days. (If the leave without pay was not in one straight period but extended over broken periods, 44 work days will be considered the equivalent of 60 calendar days.)

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10157, Aug. 28, 1950, 15 F. R. 5834; 3 CFR 1950 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-5773; Filed, May 17, 1951; 8:46 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

BUREAU OF NARCOTICS

Effective upon publication in the FEDERAL REGISTER, § 6.103 (d) (2) is amended so as to increase the number of excepted positions from 30 to 50. As amended the subparagraph reads as follows:

§ 6.103 *Treasury Department.* * * *
(d) *Bureau of Narcotics.* * * *
(2) Fifty positions of Narcotic Agent for undercover work.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-5776; Filed, May 17, 1951; 8:47 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. F]

PART 206—TRUST POWERS OF NATIONAL BANKS

DIRECT TRANSFER OF UNITED STATES BONDS FROM INDIVIDUAL TRUST TO COMMON TRUST FUND

§ 206.108 *Direct transfer of United States Bonds from individual trust to common trust fund.* Although it is provided in the second paragraph of § 206.17 (a) that the term "common trust fund" means a fund maintained by a national bank exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank in its capacity as trustee, executor, administrator, or guardian, the Board will not object to the direct transfer at par value of United States savings bonds or the recently issued 2¾ percent nonmarketable Treasury bonds from individual trust estates to a common trust fund in exchange for participations therein.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interprets or applies secs. 2-4, 24 Stat. 18, 19, sec. 1, 40 Stat. 1043, as amended, sec. 1, 44 Stat. 1225, as amended, sec. 11, 38 Stat. 261, as amended, 53 Stat. 68, as amended; 12 U. S. C. 30-33, 34a, 248, 26 U. S. C. 169)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-5764; Filed, May 17, 1951; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 2—RULES OF PRACTICE

COMPLAINTS

The Commission on May 11, 1951, amended the second paragraph of paragraph (a) of § 2.5 of its rules of practice (§§ 2.1 to 2.31), so as to make said section read as follows, effective thirty days from date of publication in the FEDERAL REGISTER.

NOTE: In said section, the number to the right of the decimal point corresponds with the Roman numbers in the Commission's rules of practice, as included in its publication, Rules, Policy, Organization, and Acts.

§ 2.5 *Complaints.* (a) Whenever the Commission shall have reason to believe that there is a violation of law over which the Commission has jurisdiction, and in case of violation of the Federal Trade Commission Act, if it shall appear to the Commission that a proceeding by it in respect thereof would be to the interest of the public, the Commission shall issue and serve upon the proper parties a complaint stating its charges and containing a notice of a hearing upon a day and at the place therein fixed, at least thirty (30) days after the service of said complaint.

When a substantial saving in time and expense in disposing of the case may result, any party may submit facts, arguments, offers of settlement, or proposals of adjustment; and where time, the nature of the proceeding, and the public interest permit, they shall have due consideration. All such submissions shall be in writing and shall, when the proceeding is pending before a trial examiner, be made to and ruled upon by him. The trial examiner shall afford opposing counsel an opportunity to reply to any submission, and the action of a trial examiner in accepting a submission may be reversed by the Commission upon review of the initial decision.

(b) In the "Notice" portion of the complaint there may be set forth a statement of the provisions which may appear in the order to cease and desist which the Commission shall have reason to believe should issue if the facts in the record shall be found to be as alleged in the complaint. If the complaint contains such provisionary order to cease and desist, it shall also state that such order shall issue, unless the respondent shall file an answer within the time designated in the complaint; shall appear at the time and place so fixed; and shall show cause why the said order to cease and desist should not be entered by the Commission, in which event such provisionary order to cease and desist shall be without effect.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46)

Promulgated as of this date in pursuance of the action of the Federal Trade Commission under date of May 11, 1951, effective thirty days from date of publication in the FEDERAL REGISTER.

By direction of the Commission.

[SEAL] D. C. DANIELS,
Secretary.

[F. R. Doc. 51-5777; Filed, May 17, 1951; 8:47 a. m.]

[Docket 5816]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GRIFFON CUTLERY CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages or connections—Plant and equipment: Producer status of dealer—Manufacturer: Manufacturer as maker of raw material also, or other products not made.* Subpart—*Using misleading name: Vendor:* § 3.2440 *Plant and equipment.* In connection with the offering for sale, sale or distribution in commerce, of respondents' cutlery products, including pinking and other shears, representing, directly or by implication, (1) that respondents or any of them manufacture or make Carbo-Magnetic cutlery unless or until respondents do in fact manufacture or make Carbo-Magnetic cutlery; (2) that the corporate or individual respondents own or operate a factory in which pinking or any other shears or cutlery sold by them are repaired or made, or that they or any of them maintain works in which the cutlery products sold by them are made, unless or until they actually own and operate, or directly and wholly control the factory or works wherein the products sold by them are in fact made: and disseminating, etc., any advertisement, containing any of said prohibited representations, by any means, to induce, etc., the purchase in commerce, of such products; prohibited.

(Sec. 5, 38 Stat. 719, as amended; 15 U. S. C., 45) [Cease and desist order, Griffon Cutlery Corporation et al., Docket 5816, March 9, 1951]

In the Matter of Griffon Cutlery Corporation, a Corporation; and Alfred L. Griffon and Herman L. Kaplan, Individually and as Officers and Directors of Griffon Cutlery Corporation

This proceeding was heard by Webster Ballinger, trial examiner, upon the complaint of the Commission, respondents' answer, and hearings at which testimony and other evidence in support of and in opposition to the allegations of the complaint were introduced, and which were duly recorded and filed in the office of the Commission.

Thereafter the proceeding regularly came on for final consideration by said trial examiner on the complaint, the an-

swer thereto, testimony and other evidence, and proposed findings as to the facts and conclusions presented by respective counsel, oral argument not having been requested; and said trial examiner, having duly considered the record and found that the instant proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts, conclusion drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII, became the decision of the Commission March 9, 1951.

The said order to cease and desist is as follows:

It is ordered, That respondent, Griffon Cutlery Corporation, a corporation, its officers, agents, representatives, and employees, and respondents Alfred L. Griffon, and Herman L. Kaplan, individually, directly or through any corporate or other device in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of its cutlery products, including pinking and other shears, do forthwith cease and desist from representing, directly or by implication:

(1) That they or any of them manufacture or make Carbo-Magnetic cutlery unless or until respondents do in fact manufacture or make Carbo-Magnetic cutlery.

(2) That the corporate or individual respondents own or operate a factory in which pinking or any other shears or cutlery sold by them are repaired or made, or that they or any of them maintain works in which the cutlery products sold by them are made, unless or until they actually own and operate, or directly and wholly control the factory or works wherein the products sold by them are in fact made.

(3) Disseminating, or causing to be disseminated, any advertisement, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of such products, which advertisement contains any of the representations prohibited in the preceding Paragraphs 1 and 2.

By "Decision of the Commission and Order to File Report of Compliance", Docket 5816, March 12, 1951, which announced and decreed fruition of said initial decision, on March 9, 1951, report of compliance with said cease and desist order was required as follows:

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 12, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-5775; Filed, May 17, 1951; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amendment 3]

CPR 22—MANUFACTURER'S GENERAL CEILING PRICE REGULATION

CORRECTIONS, CHANGES AND CLARIFICATIONS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

Since the issuance on April 25, 1951, of Ceiling Price Regulation 22, questions raised by industry and further study of some of the problems involved have indicated the need for clarifying some of the provisions of the regulation and amending it in certain particulars.

To eliminate any question as to certain of the steps involved in determining ceiling prices under the regulation, language clarifying the following points has been inserted: In averaging the prices at which materials were delivered in determining costs, deliveries made pursuant to "stale" contracts are not to be included; in computing the materials cost adjustment where a substitute material not used during the base period (or used in different quantities or proportions) is now being used, the comparison in net cost as of each of the applicable dates must be based upon the same quantity of production; the net sales which are used in the calculation of the labor cost adjustment and the materials cost adjustment relate only to sales of commodities produced by the manufacturer, not those for which he is simply a distributor. To simplify the procedure where a manufacturer must apply to OPS for an appropriate increase in the cost of a manufacturing material, there has been deleted the requirement that he list the base period prices and the proposed ceiling prices of all the commodities in which that manufacturing material is used.

Again, in the interest of clarity, the section dealing with modification of ceiling prices by the Director of Price Stabilization has been expanded so that there will be no question as to the power of the Director to adjust ceiling prices both up and down.

To prevent evasion of the controls imposed by the regulation a section has been added giving a transferee of a business or a stock in trade the same ceiling prices as his predecessor and imposing upon him the same obligation to keep his records. Also, a provision has been added specifically reserving to the Director of Price Stabilization the right to issue an order fixing ceiling prices for any person subject to the regulation who fails to keep records or to establish ceiling prices as required by the regulation.

To ease the burden of reporting, sellers who were unable to price their products under the General Ceiling Price Regulation except by special application to the Director of Price Stabilization, and who must make such special application again, are not required to duplicate the information they have already given. Moreover, if prices have been established for such sellers by letter order of the Director of Price Stabilization, they are permitted to retain these prices until notified that they have been changed.

In the interest of eliminating the number of reports required from manufacturers who normally make a vast number of new commodities each month but in the same basic categories the requirement that a report be prepared and mailed the Director of Price Stabilization 15 days before a new commodity is sold has been eliminated where sales of the new commodity are not expected to exceed $10,000. However, where sales exceed the original expectations, the seller will be required to file such report before sales in excess of that value may be made.

A number of changes have been made in the list of commodities excluded from the regulation. Certain of these changes are made in order to eliminate any ambiguity and to make the description of the product excluded more exact. Of this character are the changes in the definition of sugar, and the various stone, clay and glass products. Other changes are the result of discussions with members of the industries concerned, which discussions have indicated the inadvisability of keeping certain products under the regulation. Examples of such changes are those made in the coverage by the regulation of poultry and meat products. Still other changes have been made in the interest of consistency. For example, cottonseed hulls are now exempted in the same way as cottonseed cake and meals all of which are used in manufacturing livestock feed. Metallic oxides and metallic by-products are exempted for the same reasons as primary metals and metal alloys were originally. The change in the coverage of various iron and steel mill products is due to the fact that they are the subject of a voluntary agreement between their producers and the Economic Stabilization Administrator.

AMENDATORY PROVISIONS

Ceiling Price Regulation 22, effective May 28, 1951, is amended in the following respects:

1. Paragraph (c) of section 18 is amended by inserting between the fourth and fifth sentences immediately after the words "each period" a new sentence to read as follows: "In obtaining this average price you should not include any delivery made pursuant to a contract bearing a firm price entered into more than sixty days prior to the prescribed date." and by adding at the end of the paragraph immediately after the words "prescribed dates" two new sentences to read as follows: "The term '30 days' as used in this paragraph means either a period of 30 consecutive days or an accounting month customarily used by you, provided that it is the last accounting month terminating not later than the applicable prescribed date. Where the applicable prescribed date is June 24, 1950, you may use an accounting month terminating not later than June 30, 1950." so that paragraph (c) of section 18 as amended will now read as follows:

(c) The net price per unit of the material shown on the invoice for the last delivery of the material to you prior to the prescribed date. If, however, the delivery was received more than 30 days prior to the prescribed date or was pursuant to a contract bearing a firm price entered into more than 60 days prior to the prescribed date, you may not use this paragraph (c). If within 30 days prior to each of the applicable prescribed dates, you received more than one delivery of the same manufacturing material, you must use an average price for each such date. You obtain this average price by dividing the net amount you paid for all deliveries of the material during each of the 30-day periods by the total number of units of the material delivered to you during each period. In obtaining this average price you should not include any delivery made pursuant to a contract bearing a firm price entered into more than sixty days prior to the prescribed date. The average price for each period is the price you use for each of the respective prescribed dates. The term "30 days" as used in this paragraph means either a period of 30 consecutive days or an accounting month customarily used by you, provided that it is the last accounting month terminating not later than the applicable prescribed date. Where the applicable prescribed date is June 24, 1950 you may use an accounting month terminating not later than June 30, 1950.

2. Paragraph (f) of section 18 is amended by deleting from the second sentence thereof the following words after the last semi-colon: "and you must state the base period price of the commodity and the ceiling price you propose." so that paragraph (f) as amended will now read as follows:

(f) If none of the foregoing is available to you for one or both of the applicable prescribed dates, you may apply to the Director of Price Stabilization, Washington 25, D. C., for an appropriate increase in the cost of the manufacturing material for use in your calculations. If you make such an application, you must refer specifically to this paragraph; you must describe the commodity being priced and the manufacturing material; you must propose the amount of increase per unit of the manufacturing material you consider appropriate based upon what you would have paid for the material if you had purchased it on each of the applicable prescribed dates; you must set forth in detail supporting reasons and why this paragraph is applicable. You must file this application before using the increase you propose. Although you need not await a reply from the Director of Price Stabilization, he may at any time disapprove the increase you propose, stipulate the amount of increase which he will approve or request additional information.

3. Section 19 is amended by inserting between the first and second sentences immediately after the words "by you now" a new sentence to read as follows: "The physical amounts of those materials normally used by you in your base period and now must relate to the same quantity of production of the commodities being priced in the case of Method 4, to a unit of the commodity being priced in the case of Method 2 and to a unit of the best selling commodity in the case of Method 3." so that section 19 as amended will now read as follows:

SEC. 19. *How to compute net cost as of the applicable prescribed dates where you are using a substitute material not used during the base period or used in lesser quantities.* In the case of a substitute material not used by you during the base period (or used in lesser quantities or proportions) in the manufacture of the commodity being priced, you must, if you are using Methods 2, 3, or 4 for calculating "the materials cost adjustment", compute the net cost to you as of the end of your base period of the physical amounts of the materials normally used by you in your base period and the net cost to you as of December 31, 1950, March 15, 1951, or a current date, whichever date is applicable, of the physical amounts of the materials normally used by you now. The physical amounts of those materials normally used by you in your base period and now must relate to the same quantity of production of the commodities being priced in the case of Method 4, to a unit of the commodity being priced in the case of Method 2, and to a unit of the best selling commodity in the case of Method 3. Since this calculation cannot be made accurately under Method 1 (section 13), you may not use that method for any unit of your business in which you are now using significant quantities of a substitute material whose current unit cost is lower than the current unit cost of the material used by you during the base period. However, if the current unit cost of the substitute material is the same or higher than the current unit cost of the material used by you during the base period, you may use Method 1, but without making any allowance for the higher cost of the substitute material.

4. Paragraph (f) of section 32 is amended by inserting after the heading "*Required report*" the number (1), by inserting after the words "under this section," in the first sentence, the words "except as permitted under subparagraph (2) below," by inserting before the words "In case, however," in the second paragraph the number (3) and by adding the following new subparagraph to be inserted between the first and second paragraphs:

(2) You need not prepare or file the report required by paragraph (g) of this section with the Director of Price Stabilization, if total net sales of the commodity required to be priced under this section are not expected to exceed ten thousand dollars in value; but no sales of the commodity which would result in its total net sales equalling or exceeding ten thousand dollars in value may be made until after a report has been filed. Appropriate records and work sheets relating to the computation of your ceiling prices must be preserved as prescribed in section 46.

5. Section 34 is amended by inserting after the heading "*Sellers who cannot price under other sections*" the letter "(a)" and by adding new paragraphs (b) and (c) to read as follows:

(b) If your ceiling price was determined under section 7 of the General Ceiling Price Regulation, you may, after making the application prescribed in paragraph (a) of this section, continue to use that ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved, or that more information is required.

(c) If your ceiling price under the General Ceiling Price Regulation was established under section 7 of that regulation by letter order of the Director of Price Stabilization, you need not repeat in your application for a price under this section any information which you have already submitted to the Director of Price Stabilization and which, in the light of the requirements of paragraph (a) of this section, is still accurate.

6. Section 38 is amended by adding the following sentence immediately after the words "this regulation": "Such downward revisions may, of course, be accompanied by upward revisions—as in a case where the Director of Price Stabilization requires an apportionment of the 'materials cost increase' for a unit of your business to avoid any inequities resulting from the application of sections 13 or 16" so that the section will now read as follows:

SEC. 38. *Modification of ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or revise downward ceiling prices proposed to be used or being used under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation. Such downward revisions may, of course, be accompanied by upward revisions—as in a case where the Director of Price Stabilization requires an apportionment of the "materials cost increase" for a unit of your business to avoid any inequities resulting from the application of sections 13 or 16.

7. Section 47 is amended by inserting immediately after the heading "*Definitions and explanations*" the following sentence: "Unless the context otherwise requires, the definitions and explanations in this section shall be controlling." and by adding to the definition of "*Net sales*" immediately after the words

"should not be deducted" the following sentence: "This term does not include sales of commodities of which you are not the manufacturer."

8. A new section, section 48a is added to follow immediately after section 48 and to read as follows:

SEC. 48a. *Transfers of business or stock in trade.* If the business, assets or stock in trade are sold, or otherwise transferred, after the issue date of this regulation, and the transferee carries on the business, or continues to deal in the same type of commodity, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

9. Section 51 is amended by substituting for the heading "*Penalties*" the heading "*Violation*—(a) *Civil and criminal action*" and by adding a new paragraph (b) to read as follows:

(b) *Violations of record-keeping and reporting requirements.* If any person subject to this regulation fails to keep the records or file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing ceiling prices for the commodities such person sells. Any ceiling price fixed in this manner will be in line with ceiling prices established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

10. Appendix A is amended in the following respects:

a. Subparagraph (1) of paragraph (c) is changed to read as follows:

(1) All meats, except dry sausage and sterile canned meat.

b. Subparagraph (4) of paragraph (c) is changed to read as follows:

(4) Rabbits and dressed and ready-to-cook poultry, including turkeys.

c. Subparagraph (11) of paragraph (c) is changed to read as follows:

(11) Cottonseed cake, meal, and hulls.

d. Subparagraph (16) of paragraph (c) is changed to read as follows:

(16) Sugarcane, and sugar and liquid sugar (as defined in the Sugar Act of 1948).

e. Subparagraph (22) of paragraph (c) is changed to read as follows:

(22) Frozen eggs, dried eggs and liquid eggs.

f. Paragraph (q) including subparagraphs (1) through (8) is changed to read as follows:

(q) The following specified building materials:

(1) Cement, including standard Portland Cement; Special Portland Cement, such as high early strength masonry or mortar, low and moderate heat, oil-well, sulphate-resisting, white Portland; or any other cement generally classified as special Portland Cement; alumina cement, natural cement, puzzolan (slag-lime) cement; and masonry cement of the natural cement class; but excluding hydraulic lime.

(2) Ready-mixed Portland cement concrete.

(3) Calcined gypsum plasters, not including finished products produced therefrom.

(4) Lime (construction, metallurgical, chemical, agricultural, refractory).

(5) Sand, gravel, crushed stone and slag, both aggregates and industrial.

(6) Light weight aggregates.

(7) Asphaltic concrete and bituminous paving mixes.

(8) Roofing granules, natural and artificial.

g. Paragraph (r) is changed to read as follows:

(r) Primary metals, metallic alloys, metallic oxides, and metallic by-products.

h. Paragraph (v) is changed to read as follows:

(v) All non-metallic minerals, except granite, slate, limestone, asbestos, crude gypsum, basalt, greenstone, marble, riprap, rough stone and sandstone.

i. Paragraph (w) is changed to read as follows:

(w) All cast, rolled, drawn, or extruded metals and alloys which have not been further fabricated, except cast iron soil pipe and fittings, cast iron water and gas pipe and fittings, and valve and pipe fittings.

j. Paragraph (x) is changed to read as follows:

(x) Fabricated structural steel and steel plate and fabricated reinforcing bars, except metal lath and metal lath accessories (including cold rolled channels).

k. The following new paragraphs (cc), (dd) and (ee) are added to read as follows:

(cc) Merchant clays, as listed and described in the Bureau of Mines, U. S. Department of the Interior, current "Minerals Yearbook."

(dd) The following iron and steel products: Wire rope and strand; wire (barbed and twisted); wire fence (woven or welded); wire netting; nails (cut and wire); staples; wire bale ties; fence posts; steel screen wire cloth, welded wire concrete reinforcing mesh; hoops, bailing bands, and cotton ties; formed roofing and siding; valley, ridge roll, and flashing; welded pipe and tubing; rails and track accessories.

(ee) Glass containers and closures for glass containers except rubber closures and novelty closures not used by commercial bottlers or packers.

11. Appendix C is amended by inserting under the entry "Sugar crops:" the words "Sugarcane sirup."

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective on the 28th day of May 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 17, 1951.

[F. R. Doc. 51-5852; Filed, May 17, 1951, 10:27 a. m.]

[Ceiling Price Regulation 37]

CPR 37—PRIMARY COTTON TEXTILE MANUFACTURERS' REGULATION

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 37 is hereby issued.

STATEMENT OF CONSIDERATIONS

The need for this regulation. The general objective and economic considerations leading to the formulation of this Primary Cotton Textile Manufacturers' Regulation are generally the same as those which led to the promulgation of the recent Manufacturers' General Ceiling Price Regulation (Ceiling Price Regulation 22), and are set forth in the Statement of Considerations which is a part of that regulation.

The General Ceiling Price Regulation, issued on January 26, 1951, imposed a general freeze at all levels of production and distribution. It was an emergency measure made imperative by the urgency of bringing the inflationary spiral to a halt. It was not intended to be a permanent basis of control, and it was then recognized that specific regulations adapted to the needs of individual industries would have to be formulated and issued as quickly as the resources of the Office of Price Stabilization would permit.

The price structure which was frozen by the General Ceiling Price Regulation was badly unbalanced in many respects. In some industries prices had lagged behind the increase in production costs, and in others prices had outrun the advance in manufacturing costs. Because of "lag" on the one hand and anticipatory pricing on the other, there was serious disparity both between the different levels of the economy and within industry at each of those levels. The freeze "caught" prices at the end of six months of dynamic change without opportunity for normal mutual adjustment between raw materials, manufacture, and wholesaler and retailer distribution.

The soundest way in which to restore a balanced and equitable price structure would be by the issuance of individual regulations tailored to meet the needs and peculiarities of each specific industry. But it is neither feasible nor possible, within the time limit which the urgency of the present situation demands, for the Office of Price Stabilization to prepare and issue a large number of specifically tailored regulations. Neither is it feasible nor sound policy to attempt to correct inequities by applying a vast number of individual adjustments. Even were it possible, such individual relief would result only in upward pricing without a concurrent effort to roll back those prices which are clearly excessive.

The Manufacturers' General Ceiling Price Regulation, while recognizing that no such regulation can fully reflect the diverse problems of a great many industries, is one of general application to as large a segment of the manufacturing industry as possible. It is an interim step between the general freeze and the establishment of specifically tailored regulations.

Similarly, this Primary Cotton Textile Manufacturers' Regulation, although not a tailored regulation, is intended and designed to more closely approximate the needs of one of the nation's major industries at the manufacturing level. The cotton yarn and textile producers have industry characteristics, and are confronted with economic factors, which are peculiar to themselves. This regulation is an application of the underlying concepts of the over-all manufacturing regulation, narrowed to the particular requirements of the cotton textile industry.

It is believed that it will quickly meet the needs of the cotton textile industry as comprehensively as possible; that it is generally fair and equitable in principle; that it will afford at least limited relief to most cases of inequity imposed by the general freeze and at the same time it will serve simultaneously to require reductions in prices which are too high. A price structure based upon a depressed or distressed period would choke the incentive for normal production. Conversely, prices measured by those of a period of abnormal prosperity would contradict the very concept of price stabilization. The margins of profit provided by this regulation are considered adequate to minimize any tendency toward diversion of production away from low-end cost-of-living fabrics and yarns. It is believed that the regulation is an important step toward the restoration of a sound and properly balanced price structure.

General nature of this regulation. This regulation applies to manufacturers of yarns or fabrics consisting, after production but before finishing, of fifty percent or more of domestic cotton by fiber weight and containing less than twenty-five percent of fiber weight of any one of either wool, rayon, nylon or other fibers. It has been formulated under the same general principle which underlies the Manufacturers' General Ceiling Price Regulation (Ceiling Price Regulation 22), i. e., a return to pre-Korean price levels, adjusted for certain increases in manufacturing costs which have occurred since the Korean outbreak.

The Defense Production Act of 1950 provides that the President shall give due consideration to prices which he finds to be representative of those prevailing during the period from May 24, 1950 to June 24, 1950, or if those were not representative because of abnormal or seasonal market conditions, then those prevailing on the nearest date on which they are generally representative.

The period immediately prior to June 24, 1950 may not have been representative in the cotton yarn and textile industry because of cyclical reactions and seasonal market conditions. It is believed, however, that the whole year from July 1, 1949 to June 24, 1950 was one in which prices and costs generally were in balance at levels which yielded satisfactory operating margins. Consequently, and to eliminate seasonal distortions, this regulation permits the cotton yarn or fabric manufacturer to select as his base period from which cost adjustments will be made any calendar quarter between July 1, 1949 and June 24, 1950 for yarns or fabrics within a category.

Two decisions had to be made before a method could be determined for the establishment of a base period price. Manufacturers of cotton yarns and fabrics historically sell their products for future delivery, some segments of the industry selling for periods of as long as six and more months in advance. The industry generally sells on firm price contracts with no provision for upward adjustment in price due to increases in the cost of component parts of the fabrics manufactured.

It was necessary, therefore, to determine a method whereby a current and precise relationship could be established between the costs of production and the price of the product. It was apparent that costs at the time of product delivery would not have been the costs on which pricing was based. It was decided, therefore, to relate costs to the date of the contract or the written offer used for the determination of the base period price. A second decision was to permit the use of written price lists issued by a manufacturer to his salesmen in his customary manner as one method of establishing base period prices. The decision to permit use of these lists was made because they represent a method used for many years by a large part of the industry to communicate price offers to the trade. Their use is carefully restricted by requiring that they must have been the manufacturer's customary manner of pricing, that they must have been issued during the base period, and that within thirty days subsequent to their issuance, the manufacturer must have contracted in writing to make substantial deliveries of items on the list at prices on the list and that such deliveries must thereafter have been made within the period of time customarily allowed within the trade for processing and shipment. In addition, it is required that if a price list is used for one yarn or fabric on the list it must be used for all of the yarns or fabrics on the list.

The cost increases which may be added to pre-Korean prices are essentially the same as those allowed in the Manufacturers' General Ceiling Price Regulation. Because this regulation applies to a single industry, it was possible to separate manufacturing costs into costs for cotton, purchased sales yarn, manufacturing materials and labor and to provide different methods of computation for each which are more suitable to the particular needs of the industry.

Consideration has been given to the inventory problem, and that any inventories of low cost cotton should be reflected in the cost adjustment allowed. It is believed, however, from information obtained, that such inventories do not exist to any significant extent.

Cotton costs are to be computed on the basis of the published average of the spot prices in the 10 "designated markets." The reasons for this are: (1) The use of the quoted cotton prices provides a uniform and simplified method of determining cotton costs; (2) the price of cotton quoted on the 10 spot markets as of the day of a contract or offer to sell (or the issuance of a price list), which establishes the base period price for the yarn or fabric, has an exact and definite correlation to the price fixed by the mill under its contracts for the purchase of raw cotton. Labor costs are determined as of the same date as that of the base period price, and the costs of purchased sales yarn and other manufacturing materials have a similar correlation although allowance has been made for the possibility that these materials cannot be "costed" as of the exact date of the base period price.

This regulation gives effect to only those increases in the cost of manufacturing materials other than cotton, purchased sales yarn and labor which occurred up to December 31, 1950, on the assumption that the average price of those materials will be rolled back by the General Manufacturers' Ceiling Price Regulation to a level approximating that which prevailed last December. The cost increases for raw cotton, purchased sales yarn and labor may be computed up to March 15, 1951, inasmuch as no rollbacks in these items may be expected in the immediate future. (The ceiling price on raw cotton was established on March 5, 1951, by Ceiling Price Regulation 8). The Manufacturers' General Ceiling Price Regulation requires, in certain instances, that a report be filed with the Director of Price Stabilization and that commodities for which a ceiling price has been determined may not be sold until 15 days after the mailing of such report. Such a waiting period is not considered necessary in the present regulation which has a narrower scope, and in which the nature and extent of price changes can be more readily forecast.

This regulation recognizes that a manufacturer may wish to determine a ceiling price for a yarn or fabric in which he did not deal during the base period. For such cases, it makes provision for establishing ceiling prices both for those yarns or fabrics which are comparable to those dealt in during the base period and for those which are not comparable to any dealt in during the base period. For comparable yarns or fabrics a percentage cost adjustment is permitted, and for those not comparable a "dollars-

and-cents" difference is permitted. Ceiling prices for new sellers and for sales to an entirely new class of purchaser of any particular yarn or fabric are the same as those of the manufacturer's most closely competitive seller.

It is recognized that certain segments of the industry have granted retroactive wage increases, which are now pending approval by the Wage Stabilization Board. This regulation does not anticipate the effect of action by that Board but consideration will be given to the matter after a decision has been handed down.

This regulation prohibits the redetermination of a ceiling price once it has been reported, except for arithmetical error and except when the Director of Price Stabilization shall require it by amendment or by supplement to this regulation. The Director expects in due course to issue such an amendment so as to reflect more accurately the materials prices established by this and other ceiling price regulations.

It cannot, of course, be anticipated that any general regulation of this character can cure all cases of hardship or inequities imposed by the freeze; nor can it avoid imposing hardship in special circumstances. It is recognized, therefore, that provision must be made for the adjustment of individual hardship cases. The regulation permits a manufacturer who under this regulation would be forced to operate at a loss to apply for an adjustment of his ceiling prices. This provision is not intended to take care of losses resulting from unusual or seasonal factors which would normally cure themselves; nor is it intended to provide an inefficient manufacturer with a level of prices substantially in excess of that which is adequate for the bulk of his competitors. The Office of Price Stabilization expects to act upon petitions for relief submitted under this provision promptly, and if no action is taken within thirty days after the request has been submitted the applicant is permitted to sell at the prices proposed in his petition until the Office has taken final action.

Interim character of this regulation. It should be emphasized again that this regulation is not intended as the final pricing action of the Office of Price Stabilization for the cotton textile industry. It is expected that other interim regulations will be formulated for the cotton converters and finishers who are exempt from this regulation, and that at the earliest possible date tailored dollars-and-cents regulations will be issued for all segments of the industry.

FINDINGS OF THE DIRECTOR

The provisions of this regulation and their effect upon business practices, cost practices, or methods, or means or aids to distribution in the industry have been carefully considered. Generally only such changes in such practices or methods have been effected as are necessary to prevent circumvention or evasion of the regulation and to effectuate the policies of the Defense Production Act of 1950.

In formulating this regulation the Director has consulted with representatives of the industry to the extent practicable under the circumstances and has given consideration to their recommendations.

He has also given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

In the judgment of the Director, based upon an analysis of the presently available data, the provisions of this regulation and the ceiling prices established are generally fair and equitable and will effectuate the purposes of Title IV of the Defense Production Act of 1950.

REGULATORY PROVISIONS

Sec.

1. What this regulation does.
2. Ceiling prices for yarns or fabrics dealt in between July 1, 1949 and June 24, 1950.
3. Ceiling prices for yarns or fabrics comparable to those dealt in during your base period.
4. Ceiling prices for yarns or fabrics not comparable to those dealt in during your base period.
5. Ceiling prices for new sellers and for sales to an entirely new class of purchaser.
6. Manufacturers who cannot price under other sections.
7. Rounding ceiling prices.
8. Excise, sales, and other similar taxes.
9. Conditions of sale and classes of purchaser.
10. Redetermination of ceiling price.
11. Individual adjustments where over-all loss in operations results.
12. Records.
13. Reports.
14. What acts are prohibited by this regulation.
15. Enforcement.
16. Petitions to amend this regulation.
17. Definitions.
Appendix "A"—Examples of Yarn Categories
Appendix "B"—Examples of Fabric Categories

AUTHORITY: Sections 1 to 17 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation fixes ceiling prices for sales of cotton yarn or fabric by manufacturers located in the United States, its territories and possessions. It applies to sales of unfinished cotton yarns or fabrics, except that finished woven bed spreads, sheets, pillow cases, diapers and towels (i. e., end-use products) are also covered. During the period between May 16, 1951, and May 28, 1951 you may use either this regulation or the General Ceiling Price Regulation. On and after May 28, 1951, you must use this regulation. This regulation shall not apply to deliveries under a military contract or subcontract for yarn or fabric covered by Supplementary Regulation 1, as amended, to the General Ceiling Price Regulation. This regulation supersedes the Manufacturers' General Ceiling Price Regulation (Ceiling Price Regulation 22) for sales of yarns and fabrics covered by this regulation.

SEC. 2. *Ceiling prices for yarns or fabrics which are the same as those dealt in during your base period.* Your ceiling price for a yarn or fabric (which should be computed on a unit basis, that is, a pound of yarn or a yard of fabric) in which you dealt at any time between July 1, 1949 and June 24, 1950 is your base period price for the yarn or fabric with adjustments for permitted increases or required decreases in cost of labor and materials.

(a) *Step 1; Base period.* Select one calendar quarter from the four quarters between July 1, 1949 and June 24, 1950, that is, one of the following quarters: July 1, 1949 through September 30, 1949; October 1, 1949 through December 31, 1949; January 1, 1950 through March 31, 1950; or April 1, 1950 through June 24, 1950. The quarter which you select is your base period under this regulation for pricing all yarns or fabrics falling within the same category (see *Definitions*, section 17 of this regulation).

(b) *Step 2; Base period price.* (1) Find the class of purchaser which, during your base period, contracted in writing to buy from you the largest dollar amount of yarns or fabrics in the same category as the yarn or fabric to be priced. Then find the highest unit (pound of yarn, yard of fabric) price at which you contracted in writing to sell to that class of purchaser the yarn or fabric to be priced. Exclude sample quantity contracts (see *Definitions*, section 17 of this regulation).

(2) If you did not contract to sell a particular yarn or fabric during your base period, find the highest unit price at which you offered in writing to sell that yarn or fabric during your base period. This written offer must have been made to the class of purchaser to whom you sold in the base period the largest dollar volume of yarns or fabrics in the same category as the yarn or fabric to be priced.

(3) If, however, during the base period you issued a written price list to your salesmen in your customary manner and within thirty days subsequent to its issuance contracted in writing to make substantial deliveries of any of the listed items at the prices in the list, and thereafter made such deliveries within the period of time customarily allowed in your trade for processing and shipment, you may use, instead of the price found in subparagraph (1) or (2) of this paragraph, the listed price, for a unit of the yarn or fabric, to the class of purchaser which during the base period contracted in writing to buy from you the largest dollar amount of all yarns or fabrics in that category. If, however, you use a price list for one yarn or fabric on the list, you must use the listed price for all yarns or fabrics on that list.

The price found in this paragraph, when reduced or increased, as the case may be, by your customary trade terms, is your base period price. If your base period price includes any excise, sales or similar tax, follow the instructions in section 8 of this regulation.

(c) *Step 3; Cost increases or decreases.* Compute your increase or decrease in the cost of cotton, purchased sales yarn, other manufacturing materials, and labor in the following manner (with waste credits to be taken according to your customary accounting procedure):

(1) *Cotton.* Find the physical amount of cotton used in a unit of the yarn or fabric to be priced. Multiply that amount by the increase in the unit cost of cotton between the published average of the spot prices in the 10 "designated markets" on the date of your base period price adjusted for the grade and staple you were then using (the date of the contract, written offer, or price list from which you have found your base period price for that yarn or fabric in accordance with paragraph (b) of this section), and March 15, 1951, adjusted for the grade and staple you are currently using.

(2) *Purchased sales yarn.* If a fabric contains purchased sales yarn, find the physical amount of that yarn used in a unit of the fabric to be priced. Multiply that amount by the increase in the unit cost of purchased sales yarn between the highest unit price at which you contracted to buy that yarn during your base period and the highest unit price at which you contracted to buy it between January 1 and March 15, 1951. If you did not contract to buy that yarn during your base period (or between January 1 and March 15, 1951), use the highest unit price at which your customary source of supply contracted in writing to sell it during each period to the class of purchaser in which you fall, or if he made no written contract, use the highest price at which, during such period, he made a written offer to sell it to the class of purchaser in which you fall.

(3) *Manufacturing materials.* Find the increase or decrease in the unit cost of manufacturing materials (see *Definitions*, section 17 of this regulation) which are actually used in a unit of the yarn or fabric to be priced. This increase or decrease is the difference between the highest unit price at which you contracted to buy these materials during your base period and the highest unit price at which you contracted to buy them during the period between October 1 and December 31, 1950. If you did not contract to buy these materials during the base period or during the period between October 1 and December 31, 1950, use the highest unit price at which your customary source of supply made an offer in writing to sell these materials to you during either the base period or the period between October 1 and December 31, 1950, provided, that you still have the written offer or obtain a copy of it from the offeror. If you did not contract to buy these materials, or did not receive a written offer of sale of these materials to you, during either the base period or the period between October 1 and December 31, 1950, use the unit price last prior to the expiration of your base period or last prior to December 31, 1950 at which your customary source of supply contracted in writing to sell the materials to the class of purchaser in which you fall, or if he made no written contract, use the price last prior to the expiration of your base period or last prior to December 31, 1950 at which he made a written offer to sell them to the class of purchaser in which you fall.

(4) *Labor.* Find the increase in your cost of labor (see *Definitions*, section 17 of this regulation) between the date of your base period price and March 15, 1951, per unit of the yarn or fabric to be priced.

(5) *Total unit cost factor.* Add or subtract the amount of the increases or decreases you have calculated for cotton, purchased sales yarn, manufacturing materials and labor. The result is your total unit cost factor. Where a fabric is sold shrunk you may further adjust this total unit cost factor by the same percentage working loss used during the base period.

(d) *Step 4; Ceiling price.* Add this total unit cost factor to the base period price found in paragraph (b) of this section. The result is your ceiling price for a unit of that yarn or fabric. To this ceiling price apply the provisions of section 9 of this regulation with regard to conditions of sale and classes of purchasers.

This section is applicable only when the yarn or fabric you are now pricing is the same as the yarn or fabric you sold during the base period.

Before you deliver a yarn or fabric at a ceiling price fixed by this section, you must file the report required by section 13 of this regulation.

SEC. 3. *Ceiling prices for yarns or fabrics comparable to those dealt in during your base period.* If you want to sell a yarn or fabric, for which you cannot establish a base period price under section 2 of this regulation but which is comparable to a yarn or fabric for which you are able to establish a base period price under that section, compute your ceiling price as follows:

(a) *Step 1; Computed cost of yarn or fabric to be priced.* The computed cost of the yarn or fabric to be priced is the cost, as of specified dates, of cotton, purchased sales yarn, other manufacturing materials and labor. Determine the computed cost by the following method (with waste credits to be taken according to your customary accounting procedure):

(1) *Cotton.* Find the physical amount of cotton used in a unit of the yarn or fabric you wish to price and multiply that amount by the published average of the spot prices in the 10 "designated markets" on March 15, 1951, adjusted for the grade and staple used.

(2) *Purchased sales yarn.* If a fabric contains purchased sales yarn, find the physical amount of that yarn used in a unit of the fabric to be priced and multiply that amount by the highest unit cost at which you contracted to buy that yarn between January 1, 1951 and March 15, 1951. If you did not contract to buy that yarn during that period use the highest price at which your customary source of supply contracted in writing to sell it during that period to the class of purchaser in which you fall, or if he made no written contract, use the highest price at which, during that period, he made a written offer to sell it to the class of purchaser in which you fall.

(3) *Manufacturing materials.* Find the unit cost of the manufacturing materials (see *Definitions*, section 17 of this regulation) which are actually used in a unit of that yarn or fabric, using the highest unit price at which you contracted to buy these materials during the period between October 1 and December 31, 1950. If you did not contract to buy these materials during the period between October 1 and December 31, 1950, use the highest unit price at which your customary source of supply made an offer in writing to sell these materials to you during that period provided that you still have the written offer or obtain a copy of it from the offeror. If you did not contract to buy these materials, or did not receive a written offer of sale of these materials to you, during the period between October 1 and December 31, 1950, use the unit price last prior to December 31, 1950, at which your customary source of supply contracted in writing to sell the materials to the class of purchaser in which you fall, or if he made no written contract, use the price last prior to December 31, 1950, at which he made a written offer to sell them to the class of purchaser in which you fall.

(4) *Labor.* Find your cost of labor for a unit of that yarn or fabric using your highest wage rates between February 15 and March 15, 1951.

(5) *Total computed cost.* Add the costs you have calculated for cotton, purchased sales yarn, manufacturing materials and labor. The result is your total computed cost of a unit of the yarn or fabric to be priced. Where a fabric is sold shrunk you may further adjust this total computed cost by the same percentage working loss used by you for the comparable fabric under paragraphs (b), (c) and (d) of this section.

(b) *Step 2; Comparable yarn or fabric.* Using only yarns or fabrics within the same category as the yarn or fabric to be priced, select among the yarns or fabrics for which you are able to establish a base period price under section 2 of this regulation, the first of the following which is available to you:

(1) A yarn or fabric which you are presently manufacturing whose computed cost computed by the method prescribed in paragraph (a) of this section is the same as or lower than the computed cost of the yarn or fabric you are pricing;

(2) A yarn or fabric you are presently manufacturing whose computed cost is next higher than the computed cost of the yarn or fabric you are pricing.

(c) *Step 3; Multiplication factor.* Compute by the method prescribed in section 2 of this regulation the ceiling price of a unit of the selected comparable yarn or fabric. Divide its ceiling price by its computed cost. This gives you the multiplication factor.

(d) *Step 4; Ceiling price.* Multiply the computed cost of a unit of the yarn or fabric you are pricing by the multiplication factor. The result is your ceiling price for a unit of that yarn or fabric. To this ceiling price apply the provisions of section 9 of this regulation with regard to conditions of sale and classes of purchasers.

Before you deliver a yarn or fabric at a ceiling price fixed by this section 3, you must file the report required by section 13.

SEC. 4. *Ceiling prices for yarns or fabrics not comparable to those dealt in during your base period.* If you produced and sold yarns or fabrics during

the base period but you cannot use sections 2 or 3 of this regulation to fix a ceiling price for a yarn or fabric you now want to sell, your ceiling price for the one you now want to sell shall be computed as follows:

(a) *Step 1; Cost of yarn or fabric to be priced.* Find your computed cost of a unit of the yarn or fabric you now want to sell by the method prescribed in section 3 of this regulation.

(b) *Step 2; Most "nearly like" yarn or fabric.* From the yarns or fabrics for which you are able to establish a base period price under section 2 of this regulation select the first of the following which is available to you:

(1) A yarn or fabric you are presently manufacturing which is most nearly like and for which the computed cost (see section 3 of this regulation) is the same as or lower than the computed cost of the yarn or fabric you are pricing;

(2) A yarn or fabric you are presently manufacturing which is most nearly like and for which the computed cost is next higher than the computed cost of the yarn or fabric you are pricing;

(3) A yarn or fabric you are no longer manufacturing which is most nearly like and for which the computed cost would be the same as or lower than the computed cost of the yarn or fabric you are pricing;

(4) A yarn or fabric you are no longer manufacturing which is most nearly like and for which the computed cost would be next higher than the computed cost of the yarn or fabric you are pricing.

(c) *Step 3; Dollars-and-cents difference.* Compute, in accordance with the method prescribed in section 2 of this regulation, the ceiling price of a unit of the yarn or fabric selected in paragraph (b) of this section. Then subtract from its ceiling price its computed cost determined in accordance with the method prescribed in section 3 of this regulation. The result is the dollars-and-cents difference.

(d) *Step 4; Ceiling price.* Add this dollars-and-cents difference to the computed cost (see paragraph (a) of this section) for a unit of the yarn or fabric you want to sell. This gives you the ceiling price for a unit of that yarn or fabric. To this ceiling price apply the provisions of section 9 of this regulation with regard to conditions of sale and classes of purchasers.

Before you deliver a yarn or fabric at a ceiling price fixed by this section 4, you must file the report required by section 13.

SEC. 5. *Ceiling prices for new sellers and for sales to an entirely new class of purchaser.* (a) If you did not at any time between July 1, 1949 and June 24, 1950 contract in writing to sell, or make a written offer to sell, or distribute price lists for, yarns or fabrics, or, if you wish to sell to an entirely different class of purchaser from any to which you sold during your base period, your ceiling price for a particular yarn or fabric is the same as the ceiling price of your most closely competitive seller of the same class selling that particular yarn or fabric to the same class of purchaser. Your ceiling price must carry the same price differentials as that of your most closely competitive seller. You cannot sell any yarn or fabric under this section, however, until 15 days after you have filed, by registered mail, the report required by paragraph (b) of this section, with the Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Thereafter you may sell at your proposed ceiling price unless and until notified by the Director of Price Stabilization that your proposed price has been disapproved or that more information is required. If you are notified that additional information is required, you cannot sell at your proposed price until you have filed such additional information, by registered mail, or until such time (not to exceed 15 days after the filing of the additional information requested) as the request for information shall specify. The Director may disapprove or revise ceiling prices reported under this section, at any time, even after the 15-day period, so as to bring them into line with other ceiling prices fixed by this regulation.

(b) *Required report.* Your report should state the name and address of your company; the name, address and type of business of your most closely competitive seller of the same class; a statement of his ceiling price and his price differentials to each of his classes of purchasers; your reasons for selecting him as your most closely competitive seller; a statement of your customary price differentials; and, if you are selling to an entirely new class of purchaser, a description of such class of purchaser. If you are starting a new business, you should include a statement whether you or the principal owner of your business are now or during the past twelve months have been engaged in any capacity in the same or a similar business at any other establishment, and, if so, the trade name and address of each such establishment. Your report should include the following: your proposed ceiling price and a description of the yarn and fabric you are pricing; the manufacturing process involved; the computed cost (computed by the method prescribed in section 3 of this regulation) for that yarn or fabric; the reason you believe the proposed ceiling price is in line with the level of ceiling prices otherwise established by this regulation; and the types of customers to whom you will be selling.

SEC. 6. *Manufacturers who cannot price under other sections.* If you claim that you are unable to determine your ceiling price for a yarn or fabric under any of the foregoing provisions of this regulation, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C., for the establishment of a ceiling price. This application shall contain an explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all pertinent information describing the yarn or fabric and the nature of your business; your proposed ceiling price and the method used by you to determine it; and the reason you believe the proposed price is in line with the level of ceiling prices otherwise established by this regulation. You may not sell the yarn or fabric until the Director of Price Stabilization notifies you in writing of your ceiling price.

SEC. 7. *Rounding ceiling prices.* You may round your ceiling prices determined under this regulation so that they will be expressed in the nearest cent or fraction of a cent you normally employ. If you do so for one yarn or fabric you must similarly round the ceiling prices for all of your yarns or fabrics normally priced by you upon the same basis to reflect decreases as well as increases. In no event may the increase be greater than 1 percent of your ceiling price prior to rounding. For example, if you normally quote to the nearest quarter of a cent and your ceiling price for fabric A is 21.20¢ per unit, you may round that ceiling price to 21¼¢ per unit. However, if your ceiling price for fabric B is 27.39¢ you must round its ceiling price to 27¼¢.

SEC. 8. *Excise, sales, and other similar taxes—(a) Where the tax is included in your base period price.* If the price for a yarn or fabric you are to use under any of the sections of this regulation for the purpose of determining your ceiling price either for that yarn or fabric or another yarn or fabric includes any excise, sales or other similar tax which is not separately stated, you must first ascertain the amount of any such tax and exclude it from the price. The price, with any such tax so excluded, may then be used by you in connection with any appropriate computations under this regulation. After completing the computations involved in determining your ceiling price, you may then add on the appropriate amount of any such tax for inclusion as part of your ceiling price.

(b) *Where the tax is separately stated and collected.* In addition to your ceiling price determined under this regulation, you may collect the amount of any excise, sales or other similar taxes paid by you as such only if it has been your practice to state and collect such taxes separately from your selling price for the same or similar yarns or fabrics. In the case of such a tax imposed by law which is not effective until after the effective date of this regulation, you may collect the amount of the tax actually paid as such by you, if not prohibited by the tax law. You must in all such cases state separately the amount of the tax.

SEC. 9. *Conditions of sale and classes of purchasers.* Your ceiling price must carry the same terms, discounts, and other conditions of sale as your base period price for the same yarn or fabric (see section 2 of this regulation), the comparable one (see section 3 of this regulation) or the most nearly like one (see section 4 of this regulation) as the case may be. If you have classes of purchasers other than the class of purchaser you used in determining your base period price, your ceiling prices for sales to such other classes of purchasers are fixed by applying your customary price differentials in effect during the base period. In the event you made no base period sales to a particular class of purchaser, you apply your customary differentials last in effect prior to the base period, or, if none, then those first in effect after the base period but prior to this regulation. You shall sell your seconds, irregulars, short pieces, pound goods, and off-goods classified in the same manner and at the same discounts as during the base period.

SEC. 10. *Redetermination of Ceiling Price.* (a) Once you have reported your ceiling price or a proposed ceiling price for a yarn or fabric as required by this regulation, you may not thereafter redetermine it except as required by paragraph (b) of this section. A purely arithmetical error may, however, be corrected, but the correction must be reported to the Consumer Soft Goods Division of the Office of Price Stabilization, Washington 25, D. C.

(b) The Director of Price Stabilization expects in due course to issue an amendment to this regulation providing for a redetermination of your ceiling prices under this regulation. The primary purpose of this redetermination would be to reflect more accurately the materials prices established by this and other ceiling price regulations. The Director of Price Stabilization may also from time to time announce "materials cost increase factors" for certain materials in order to provide greater uniformity in the calculation of their change in price since the end of your base period. These factors will be percentage figures based on studies of some categories of important basic materials. If such a factor is announced, it must be used in place of any change you have had in the price of the material covered by the factor, regardless of whether the factor is higher or lower. These "materials cost increase factors" may be announced by amendments or by supplementary regulations to this regulation.

SEC. 11. *Adjustment of ceiling prices where over-all loss in operations results.* (a) This section permits you to apply for an upward adjustment of your ceiling prices established by this regulation, if as a result of these ceiling prices, you would operate at a loss.

(b) You may apply under this section if:

(1) Your total manufacturing operations have been conducted at a net loss for a period of operation under this regulation of at least one month, or would have been conducted at a loss if you had manufactured the yarns or fabrics covered by this regulation in your customary quantities and proportions;

(2) The loss was attributable to the level of prices established by this regulation, and not to any of the following:

(i) Seasonal, non-recurring or temporary factors affecting your operation; or

(ii) A reduction in volume of production below the normal economical capacity of your plant; or

(iii) The payment of unlawful wages or excessive salaries or of unlawful or excessive prices for materials; or

(iv) The incurring of factory overhead or of selling, administrative and general costs which are abnormally high relative to sales or other costs unless such excess is demonstrated by clear and convincing evidence to have been unavoidable in the exercise of sound business judgment and management; or

(v) Any transactions with affiliated corporations or businesses which either are of a kind which would not result from arm's-length bargaining or differ from the transactions which you have customarily had with such affiliated corporations or businesses; or

(vi) Reserves for contingencies.

(3) The adjusted prices for which you apply will not be substantially out of line with the prices of similar yarns or fabrics manufactured by other sellers under this regulation.

(c) If you make application under this section, you must supply:

(1) Your name, address, a description of your manufacturing facilities and of the yarns or fabrics you manufacture, a statement of the principal types of customers to whom you sell;

(2) A detailed annual profit and loss statement for your firm for the years 1946 through 1949, and both an annual profit and loss statement, and if you regularly prepare them, quarterly profit and loss statements covering the year 1950 and each quarter since then;

(3) A detailed profit and loss statement covering a period of operations of one month or more under this regulation, together with a careful explanation of how it was prepared, including particularly a justification of any estimating procedures used in its preparation;

(4) For yarns or fabrics covered by this regulation, either (i) a statement of your base period and ceiling prices to your largest buying class of purchasers (including delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale), a schedule of your price differentials to your other classes of purchasers; or (ii) a copy of the report required and submitted to the Office of Price Stabilization under sections 5 or 13 of this regulation, together with (iii) a statement of the section or sections under which you established your ceiling prices.

(5) A showing that the loss in your current operations was not due to any of the six factors in paragraph (b) (2) of this section;

(6) A list of your principal competitors, and a statement of their ceiling prices under this regulation for yarns or fabrics similar to yours, together with data showing the past relationship of your prices to those they have charged for the same or similar yarns or fabrics;

(7) A proposed schedule of adjusted ceiling prices for yarns or fabrics covered by this regulation, and a demonstration that, if these prices were charged, your operations would be at a break-even position.

(8) The application must refer specifically to this section of the regulation, must be signed by a responsible officer of your company, and should be sent to the Office of Price Stabilization, Washington, 25, D. C.

(d) Within thirty days of the receipt of your application, the Director will grant or deny your application in full or in part, or request further information. The Director may, as a condition of granting your application in full or in part, require you to submit reports of subsequent operations and may revoke or modify the adjustment at any time. If, thirty days after the acknowledgment of receipt of your application, none of the actions listed above has been taken, you may sell at your proposed ceiling prices until such time as the Director shall notify you that these prices have been disapproved.

SEC. 12. *Records.* (a) You must keep and make available for examination by the Office of Price Stabilization for a period of two years the records you customarily maintain showing the prices you charge for yarn or fabric sold or delivered after the effective date of this regulation. You must also preserve until two years after the expiration of the Defense Production Act of 1950 all of the data required to be reported under any section of this regulation, and, in addition, the following data:

(1) All contracts of sale of yarn or fabric entered into during your base period. For yarns or fabrics for which you have established a base period price through a written offer to sell, preserve a copy of each such written offer to sell. If you have established base period prices through price lists, preserve a copy of each such price list.

(2) All contracts which you entered into during your base period and between January 1 and March 15, 1951, to buy purchased sales yarn. All contracts which you entered into during your base period and between October 1 and December 31, 1950, to buy other manufacturing materials. If you are establishing for the purpose of computations in sections 2, 3 or 4 of this regulation, a purchase price for such a yarn or material through a supplier's price, obtain and preserve a statement, signed by the principal owner or an officer of the supplying company, of the highest unit price at which your supplier contracted in writing, or made a written offer, to sell such yarn or material during your base period (or between January 1 and March 15, 1951, or between October 1 and December 31, 1950) to a purchaser of the class in which you fall.

(b) You shall continue to preserve all records required to be preserved by section 16 (a) of the General Ceiling Price Regulation and, for the period specified in section 16 (b) of the General Ceiling Price Regulation, all records required by that section relating to sales of yarn or fabric made between January 26, 1951, and May 28, 1951.

SEC. 13. *Reports.* Prior to making any deliveries of yarns or fabrics for which ceiling prices are established by sections 2, 3 or 4 of this regulation, you must file by registered mail, the report required by this section, with the Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. You may deliver, upon filing the required report, unless and until notified by the Director of Price Stabilization that your proposed price has been disapproved or that more information is required. If you are notified that additional information is required, you cannot sell at your proposed price until you have filed such additional information by registered mail, or until such time (not to exceed 15 days after the filing of the additional information requested) as the request for information shall specify. The Director of Price Stabilization may at

any time disapprove or revise ceiling prices reported under this section so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

(a) When you are computing ceiling prices under section 2 of this regulation the following information must be reported with respect to the first yarn or fabric you price within a category. If this yarn or fabric first to be priced is not that which within the category constituted historically your largest dollar volume item, you must report with respect to both:

(1) Your name and address;

(2) A description of the yarn or fabric and the category in which it falls;

(3) The ceiling price under the General Ceiling Price Regulation, as amended, and the section thereof under which it was determined, of the yarn or fabric for which you are computing a ceiling price under section 2 of this regulation;

(4) For a yarn or fabric for which you established a base period price through a written contract to sell, your report should include the name, address, and class of purchaser, the date of the contract, and the price. For a yarn or fabric for which you had no contract of sale but have established a base period price through a written offer to sell, your report should include the offering price, the date of the offer, the name, address, and class of the recipient of the offer. For a yarn or fabric for which you have established a base period price through a price list, your report should include the price list, together with its date of issuance, and itemization of substantial deliveries thereunder.

(5) Your customary price differentials to different classes of purchasers.

(6) A computation sheet showing how you arrived at your ceiling price.

(b) When you are computing ceiling prices under section 2 of this regulation for all items other than the ones for which you are required to file the report prescribed in paragraph (a) of this section, your report should include the following:

(1) Your name and address;

(2) A description of the yarn or fabric and the category in which it falls;

(3) The ceiling price for the yarn or fabric you are pricing.

(c) When you are computing a ceiling price under sections 3 or 4 of this regulation, your report should include both with respect to the yarn or fabric being priced and the comparable or most nearly like yarn or fabric used in computing your ceiling price, the following:

(1) Your name and address;

(2) A description of the yarn or fabric and the category in which it falls;

(3) A description of the types or grades and amount of cotton and purchased sales yarn used in the yarn or fabric; the published average of the spot prices in the 10 "designated markets" on March 15, 1951, for each unit of the grade and staple of cotton used; the highest purchase price, or the highest contract or written offering price of your customary source of supply, for each unit of purchased sales yarn between January 1, 1951, and March 15, 1951; and the highest aggregate unit cost of other manufacturing materials between October 1 and December 31, 1950;

(4) The cost of labor for a unit of the yarn or fabric computed at your highest wage rates between February 15 and March 15, 1951;

(5) The ceiling price under section 2 of this regulation of the comparable or the most nearly like yarn or fabric;

(6) The multiplication factor as computed under section 3 of this regulation or the dollars-and-cents difference as computed under section 4 of this regulation;

(7) The ceiling price for the yarn or fabric you are pricing.

SEC. 14. *What acts are prohibited by this regulation.* On and after May 28, 1951, regardless of any contract or other obligation, the following practices are forbidden:

(a) *Charging more than ceiling prices.* Except as provided in section 1 of this regulation, you are prohibited from selling or delivering yarn or fabric at a price higher than that permitted by this regulation. A lower price may, of course, be charged. Nothing in this regulation shall be construed to prohibit the making of a contract or offer to sell a yarn or fabric at (1) the ceiling price in effect at the time of delivery or (2) the lower of a fixed price or the ceiling price in effect at the time of delivery.

(b) *Buying for more than ceiling price.* All persons are prohibited from buying or receiving, in the course of trade or business, any yarn or fabric sold or delivered in violation of this regulation.

(c) *Evasion.* No person shall evade or circumvent this regulation by any direct or indirect methods in connection with the sale, purchase, delivery or transfer of yarn or fabric alone or in conjunction with any other commodity or material, or by way of commission, transportation charge, or other charge, or discount, premium, or other privilege, or by up-grading, tie-in agreement, trade understanding, or otherwise.

(d) *Attempts to violate.* All persons are prohibited from agreeing, offering, soliciting, or attempting to do any of the acts prohibited by this regulation.

SEC. 15. *Enforcement.* If you violate any provision of this regulation, you are subject to the criminal penalties, civil enforcement actions, and suits for damages provided for by the Defense Production Act of 1950.

SEC. 16. *Petitions to amend this regulation.* Any person seeking an amendment of this regulation may file a petition for amendment in accordance with Price Procedural Regulation 1.

SEC. 17. *Definitions.* (a) "Category" means a group of yarns or a group of fabrics which are normally classed together for purposes of production, accounting or sales. Illustrative categories of yarns are set out in Appendix "A", and illustrative categories of fabrics in Appendix "B." These groupings are intended only as examples and are not necessarily all-inclusive.

(b) "Class of purchaser or purchaser of the same class" is determined in the first instance by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. The practice may (but need not) be based on the characteristics or distributive level of the buyer (for example, manufacturer, wholesaler, individual retail store, retail chain, mail order house, government agency, public institution). It may (but need not) be based on the location of the purchaser or the quantity purchased by him. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

If in your industry a practice prevails of charging different prices for sales to groups of buyers based on their characteristics or distributive level, any such group to whom you did not make sales during your base period and for whom you did not have a customary differential in effect during or before your base period, is a separate class of purchaser as to you.

(c) "Cost of labor" means the cost of labor that enters directly into the product and is paid at hourly or piece rates. In addition, it includes the cost of labor for factory supervision, ordinary maintenance, repair of plant or equipment, materials control, and testing and inspection. It may include the equivalent, on an hourly or piece rate basis, of so-called fringe benefits (for example, pension plans, paid vacation and insurance programs). It does not include the cost of labor for general administration, sales, advertising, research, major repairs or replacement of plant or equipment and expansion of plant or equipment. In computing the cost of labor for a unit of yarn or fabric under this regulation, you shall allocate the permitted labor costs according to your customary accounting method. The same method must be used in all computations of unit cost of labor.

(d) "Cotton yarn or fabric" means a yarn or fabric which consists, after production but before finishing, of 50 percent or more of cotton by fiber weight and containing less than 25 percent by fiber weight of any one of either wool, rayon, nylon or other fibers. Any two or more of wool, rayon, nylon or other fibers may exceed 25 percent provided that such combination does not exceed 50 percent. It does not include a yarn or fabric in which the cotton component consists entirely of American-Egyptian cotton or extra long staple Egyptian type cotton grown outside the United States.

(e) "Manufacturer of cotton yarn or fabric" means a person who for his own account produces (or has produced for him) and sells (or has sold for him) a spun cotton yarn or a woven, non-woven or knitted cotton fabric. It does not include a converter or a finisher other than a converter or finisher of woven bed spreads, sheets, pillow cases, diapers and towels (end-use products).

(f) "Manufacturing material" means material, except domestic cotton or purchased sales yarn, entering directly into the yarn or fabric being priced or used directly in the manufacturing processes from which the yarn or fabric results, together with purchased fuel, steam or electric power, packaging materials and subcontracted industrial services which are directly related to the yarn or fabric. It does not include materials or subcontracted industrial services used in replacing, maintaining or expanding your plant and equipment, nor other materials or supplies the use of which is not directly dependent upon the rate at which you manufacture the yarn or fabric being priced. In computing the cost of manufacturing material for a unit of yarn or fabric under this regulation, you shall allocate the permitted manufacturing material costs according to your customary accounting method. The same method must be used in all calculations of unit cost of manufacturing material.

(g) "Most closely competitive seller of the same class" means the seller with whom you are in most direct competition, even though he may perform a different function with respect to the yarn or fabric (for example, as a manufacturer your most closely competitive seller might be a wholesaler). You are in direct competition with another seller who sells the same types of yarn or fabric to the same classes of purchasers in similar quantities, on similar terms, and rendering approximately the same amount of services.

(h) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representatives of any of the foregoing, and includes the United States or any other government and their political subdivisions or agencies.

(i) "Price list" means a written price list issued to your salesman in your customary manner, provided you made substantial deliveries of any of the items on the list at the prices on the list.

(j) "Sample quantity contracts" means contracts for quantities of less than your standard delivery unit to your largest class of purchaser.

(k) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase", and "purchaser" shall be construed accordingly.

(l) "Written offer to sell" means an offer in writing to a customer to sell a yarn or fabric at a specified price. It includes a written price list distributed to the trade or a substantial number of customers in the seller's customary manner. The term does not include an offer at a price intended to withhold a yarn or fabric from the market or used as a bargaining price by a seller who usually sells at a price lower than his asking price. It does not include a price list issued to salesmen as defined in paragraph (i) of this section.

(m) The pronoun "you" as used in this regulation means the person subject to the regulation. "Your" and "yours" shall be construed accordingly.

(n) All other words or phrases relating to the trade which are used in this regulation have the meanings generally accepted and understood by the trade.

Effective date: This regulation shall become effective on May 28, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 16, 1951.

APPENDIX A—EXAMPLES OF YARN CATEGORIES

1. Carded sales yarns, singles.
2. Carded sales yarns, plied.
3. Combed sales yarns, singles.
4. Combed sales yarns, plied.
5. Thread.

APPENDIX B—EXAMPLES OF FABRIC CATEGORIES

Bedspreads.
Blankets, blanketing and blanket robe cloth.
Broadcloth, carded.
Broadcloth, combed.
Bunting.
Canton (mitten flannel).
Chambray, carded.
Chambray, combed.
Cheesecloth.
Corduroy, carded.
Corduroy, combed.
Cottonade.
Coutil.
Covert.
Damask.
Denim.
Diaper cloth.
Dimity.
Drapery cloth.
Drill.
Duck, filter twill, etc.
Felts.
Flannel.
Frock cloth.
Gabardine, carded.
Gabardine, combed.
Gingham, carded.
Gingham, combed.
Jean.
Lawn, carded.
Lawn, combed.
Organdy.
Osnaburg.
Oxford.
Pique and waffle cloth, carded.
Pique and waffle cloth, combed.
Pongee.
Poplin, carded.
Poplin, combed.
Print cloth.
Sateen, carded.
Sateen, combed.
Seersucker, carded.
Seersucker, combed.
Sheeting (hard twist).
Sheeting (soft filling).
Sheets and pillow cases.
Swiss.
Terry products.
Tissue.
Tobacco cloth.
Towels and toweling.
Twill.
Velveteen.
Voile.
Whipcord.
Woven decorative fabrics.
Woven ticking.

[F. R. Doc. 51-5821; Filed, May 16, 1951; 4:00 p. m.]

[General Ceiling Price Regulation Amdt. 2 to Supplementary Reg. 3]

GCPR, SR 3—FOOD, AGRICULTURAL AND RELATED COMMODITIES

INCLUSION OF RETAIL SALES; SOYBEANS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment No. 2 to Supplementary Regulation No. 3 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

This amendment does four things: (1) it clarifies Supplementary Regulation 3 by providing ceiling prices for sales of soybeans at the farm which are less than the ceiling prices at the country elevator; (2) it fixes ceiling prices for merchant-truckers of soybeans; (3) makes it clear that the regulation applies to retail sales; and (4) makes certain other clarifying amendments which effect no substantive change in the regulation.

Supplementary Regulation 3 was intended to fix the ceiling prices for soybeans at the farm as well as ceiling prices at various other marketing levels. However, the regulation left doubt as to whether the ceiling prices of producers included transportation costs to the country elevator. This amendment clarifies Supplementary Regulation 3 by providing separate ceiling prices for sales at the farm based on ceiling prices at the country elevator less a uniform transportation deduction. This difference in price corresponds with the custom of the trade. Normally, most soybeans are not sold on the farm, but are sold at the country elevator. When sales are made at the farm level, however, it is the custom to sell for a lesser price, reflecting the transportation differential from the farm to the country elevator. The standard amount to be deducted, as representing transportation costs in calculating prices at the farm, was found by using the hauling allowances fixed in this amendment for the distance most producers must transport their soybeans to the nearest country elevator.

At the time of the issuance of Supplementary Regulation 3, no ceilings were fixed for trucker-merchants—persons who purchase soybeans at the farm and transport them to the elevator or processor. The reason for the omission was that attempts were being made to obtain sufficient data to fix appropriate ceilings, but complete information was not then on hand. While the lack has not been completely satisfied, and the ceilings set by this amendment may require revision, consultation with industry representatives indicates that there probably have been no substantial changes requiring departure from the rates fixed by the Office of Price Stabilization. This amendment, therefore, fixes ceiling prices for trucker-merchants at the Office of Price Stabilization levels.

With respect to a particular lot of soybeans, the country-shipper[1] may perform the function of trucker-merchant as well as that of country shipper. If he does so, he is permitted, by this amendment, to add to his ceiling price of that lot of soybeans, the appropriate charges allowed trucker-merchants. No provision is made for like increases in the ceilings of any other handlers of

[1] This term, for reasons of draftsmanship and symmetry only, has been substituted for "country elevator", which was used in Supplementary Regulation 3.

soybeans because they do not, ordinarily, perform the function of a trucker-merchant in addition to their principal functions of commission merchant, truck merchandiser and the like. As to producers, their ceiling prices at the country elevator already reflect transportation costs.

Supplementary Regulation 3 caused confusion and misunderstanding among retailers of soybean chips, soybean oil cake or 41 per cent soybean oil meal, soybean flakes or 44 per cent soybean oil meal because section 1 (c) established ceiling prices for retailers of those commodities, whereas section 1 (d) provided that: "This section shall not apply to sales at retail of any of these commodities:", and the statement of considerations stated: "These ceilings will apply to sales—up to but not including sales by the retailer whose ceilings will be those determined under the General Ceiling Price Regulation."

It was intended that retail ceiling prices for the commodities in question should be established by the regulation, and this amendment accomplishes that purpose. As for the other commodities covered by Supplementary Regulation 3, section 1 (a), dealing with green coffee and raw cocoa beans, by its terms refers only to sales in bulk; soybeans are not sold at retail in their unprocessed state; and section 2, dealing with undressed hogs, excludes sales at retail from its operation.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the provisions of Supplementary Regulation 3, as amended hereby, to the GCPR are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950 to June 24, 1950; and to relevant factors of general applicability.

In formulating this amendment to Supplementary Regulation 3 to the GCPR, the Director has consulted with representatives of the industry to the extent practicable under the circumstances and has given consideration to their recommendations.

AMENDATORY PROVISIONS

Supplement 3 of the General Ceiling Price Regulation is further amended in the following respects:

1. Section 1 is amended by deleting the words "(other than retailers)" from the title of section 1.

2. Section 1 (b) (2) (ii), (iv) and (v) are amended to read as follows:

(ii) If you are, with respect to a particular lot of soybeans, a country shipper—that is, you unload soybeans into your elevator or warehouse from trucks at any point before movement of the beans by rail, water or in the conveyance of the buyer—your ceiling price for that lot f. o. b. cars, barges or trucks at your elevator or warehouse is determined as follows:

(a) For shipment by rail (including shipment by a country shipper who can load either to rail cars or barges) the Chicago base ceiling price less applicable rail transportation charges from Chicago to your elevator or the applicable base ceiling price for your State, whichever is higher;

(b) For shipment by barge, the Chicago base ceiling price less applicable barge transportation charges from your elevator to Chicago, or the applicable base ceiling price for your State, whichever is higher;

(c) For shipment by truck, after transfer through your elevator or warehouse, the Chicago base ceiling price less applicable rail transportation charges from your elevator to Chicago, or the applicable base ceiling price for your State, whichever is higher, plus a hauling allowance at the rate specified in subparagraph (7) of this section.

If, with respect to any lot of soybeans, you perform the functions of a trucker-merchant, as that term is defined in subparagraph (6) of this section, as well as the functions of a country-shipper, you may, with respect to such lot of soybeans, add to your ceiling price as a country-shipper, as established by this subparagraph, the appropriate hauling allowance of a trucker-merchant set forth in subparagraph (7).

(iv) If you are the producer, and you deliver your soybeans to a country shipper at his elevator or warehouse, your ceiling price is the ceiling price of that country shipper less the appropriate elevator and handling charges provided by the Uniform Grain Storage agreement. If you deliver the soybeans at the farm where grown or at roadside near such farm, your ceiling price shall be the same as the ceiling price you would be entitled to, pursuant to the provisions of this section, if you were to deliver to your nearest country elevator or warehouse, less three cents per bushel.

(v) If you are a track merchandiser, or a commission merchant in any terminal market or grain exchange other than Chicago, your ceiling price is your supplier's ceiling price on his sale and delivery to you plus the transportation charges which you paid or incurred plus two cents per bushel.

3. There is added to section 1 (b) a new subparagraph, numbered and reading as follows:

(6) If you are, with respect to any lot of soybeans, a trucker-merchant—that is, if you purchase that lot of soybeans for resale and, without loading them into a barge or railroad car or unloading them into an elevator or warehouse for your own account or use, you transport and deliver them to your customer in a truck or other vehicle owned or leased and operated by you—your ceiling price is your supplier's ceiling price on his sale and delivery to you plus the appropriate hauling allowance specified in subparagraph (7) of this section.

4. There is added to section 1 (b) a new subparagraph, numbered and reading as follows:

(7) "Hauling allowance" means the appropriate charge, for transportation of soybeans by truck, as determined by the following scale of charges:

If the total haul does not exceed 100 miles: 3 cents per 100 lbs. for the first 5 miles, plus one cent per 100 lbs. for each additional 5 miles or fraction thereof.

If the total haul exceeds 100 miles: The lowest local carload rail rate for soybeans from the rail point nearest the point of origin to the rail point nearest the point of destination plus 8 cents per 100 lbs. (but not to exceed 22 cents per 100 lbs.) plus ¼ cent per 100 lbs. for each 5 miles or fraction thereof over 100 miles.

In calculating the mileage for any haul, you shall use the mileage of the shortest route, reasonably suitable for truck movement, between the point of origin and the point of destination.

5. Paragraph (d) of section 1 is deleted in its entirety.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment is effective May 22, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

MAY 17, 1951.

[F. R. Doc. 51-5851; Filed, May 17, 1951; 10:27 a. m.]

[General Ceiling Price Regulation, Amdt 3 to Supplementary Regulation 5]

GCPR SR 5—RETAIL PRICES FOR NEW AND USED AUTOMOBILES

ADJUSTMENTS IN CEILING PRICES FOR REMOVAL OF STANDARD EQUIPMENT AND MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong., Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to Supplementary Regulation 5 (16 F. R. 1769) to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Manufacturers of automobiles have been prohibited from equipping new cars with spare tires and tubes since April 1, 1951, by an amendment to Order M-2, issued by the National Production Authority. To compensate for the absence of the fifth tire and tube, and for the elimination of any other standard equipment, this amendment requires the seller to reduce his ceiling price by the standard charge he had in effect on January 26, 1951, for the eliminated equipment. If the seller had no standard charge in effect on January 26, 1951, he is required to determine his charge for the eliminated standard equipment by increasing the ceiling price in effect made to him by the amount of the elimination of the standard equipment in January 26, 1951 price plus 10 per cent of the entire amount. This will ensure that the seller does not receive a higher price for automobiles he did before the [illegible] was eliminated.

To facilitate compliance by dealers and to aid in the enforcement of this regulation, a section has been added to describe a number of evasive practices which are forbidden by this regulation.

This amendment also provides that the March–April issue of the Kelley Blue Book Official Guide, published by Les Kelley, may be used only in determining the ceiling price of 1939 or more recent model used cars. This guide is not permitted to be used for models older than 1939 because it does not list prices for 1938 models. Accordingly the January issue of the Kelley Blue Book Official Guide is to be used in determining the ceiling prices of all 1938 or older models.

AMENDATORY PROVISIONS

1. Section 3 (a) is amended to read as follows:

(a) The manufacturer's suggested list price, f. o. b. factory, in effect prior to January 26, 1951, for that make and model car. If the car is a new model for which the manufacturer had not published a list price prior to January 26, 1951, the suggested list price which the manufacturer first publishes after January 26, 1951 must be used. This suggested list price shall include all equipment that was standard for each such make and model on January 26, 1951, or if the ceiling price is established on the basis of a counterpart model in the previous line, the equipment that was standard for such counterpart model. In the event that a new automobile is sold without such standard equipment, the manufacturer's suggested list price shall be reduced by the standard charge which the seller had in effect to the same class of purchaser on January 26, 1951, for the standard equipment which has been eliminated. If the seller had no standard charge for such standard equipment in effect on January 26, 1951, he shall determine his standard charge for the standard equipment eliminated in the following manner:

(1) The seller shall first determine the price, f. o. b. factory, which he had in effect to the same class of purchaser for the complete automobile on January 26, 1951.

(2) The seller shall then divide this price by the cost, f. o. b. factory, in effect to him for the complete automobile on January 26, 1951.

(3) The seller shall then multiply the allowance which the manufacturer makes to him because of the elimination of such standard equipment by the quotient determined under subparagraph (2) of this section. The resulting dollars and cents figure is the standard charge which the seller must deduct from the net price which he had in effect on January 26, 1951, to the same class of purchaser.

2. Section 3 is amended by deleting therefrom the last paragraph which begins with the words, "The ceiling delivered price established by this section is ------", and ends with the words, "(------, which value should be related to the ceiling price for the used car established by section 4).".

3. Section 3 is amended by adding the following undesignated paragraph at the end thereof:

The ceiling delivered price established by this section is the price for sales for cash. The dealer may sell on other terms when so requested in writing by the purchaser.

4. In the table in section 4 (g), the entry under the heading "Issue", on the same line as "Kelley Blue Book Official Guide, published by Les Kelley" is amended to read "March–April issue for 1939 and more recent models—January issue for 1938 and older models."

5. Section 5 is amended to read as follows:

SEC. 5. *Prohibitions.* After the effective date of this regulation, regardless of any contract or other obligation, no person shall sell, deliver or otherwise dispose of a new or used automobile, or buy or receive, in the regular course of business or trade, a new or used automobile at a price in excess of the ceiling price established by this regulation, and no person shall agree, offer, solicit or attempt to do any of the foregoing.

6. Section 7 is added to read as follows:

SEC. 7. *Evasion.*—(a) *In general.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, lease of, or relating to, a new or used automobile, alone or in conjunction with any other commodity or service; or by way of commission, service, transportation, or other charge, discount, premium or other privilege; or by tie-in agreement or other trade understanding; or otherwise.

(b) *Specific practices.* The following practices are specifically, but not exclusively, among the practices prohibited by paragraph (a) of this section and are itemized here only to lessen the frequency of interpretative inquiries which experience indicates are likely to be made under the general evasion provision:

(1) Requiring a purchaser of a new or used automobile to buy any equipment, accessories, parts, repairs, or any other commodity or service as a condition of the sale or transfer of the new or used automobile.

(2) Requiring either the purchaser or any other person to trade in, exchange or transfer to the seller or his designee any vehicle or commodity as a condition to the purchase of a new or used automobile, regardless of whether such trade-in, exchange or transfer is part of the same transaction or is a separate transaction.

(3) Giving an allowance or compensation for the trade-in, exchange or transfer of an automobile which is less than its reasonable value to the dealer. The reasonable value of a used automobile to the dealer must bear a reasonable relationship to the ceiling price of the used automobile as established by section 4 of this regulation.

(4) Requiring the purchaser to buy on credit as a condition of the sale or transfer of a new or used automobile.

(5) Requiring the purchaser to finance a new or used automobile through any particular lending agency.

(6) Establishing terms or conditions of sale more onerous to purchasers than they have customarily been, except to the extent allowed by this regulation.

(7) Requiring any person to pay a purchase commission or fee, if the sum of the commission and the purchase price exceeds the ceiling price.

(8) Renting or leasing a new or used automobile with an option to purchase, where the sum of the rental and the sale price exceeds the ceiling price established by this regulation for the sale of the automobile.

(Sec. 704, Pub. Law 774, 81st Cong.)

This amendment shall become effective May 22, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

MAY 17, 1951.

[F. R. Doc. 51-5853; Filed, May 17, 1951; 10:27 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-4, as Amended May 11, 1951]

M-4—CONSTRUCTION

EDITORIAL NOTE: The following is a complete restatement of NPA Order M-4, embodying all changes effected by the amendment to said Order M-4 as published in the FEDERAL REGISTER, April 12, 1951, 16 F. R. 4463.

This order as amended is found necessary and appropriate to promote the national defense, and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. In the formulation of this amendment, however, consultation with industry representatives, including trade association representatives, was found to be impracticable due to the necessity for immediate action.

This amendment affects NPA Order M-4 as amended May 3, 1951, as follows: It adds a new subparagraph (3) to paragraph (b) of section 5 and a new paragraph (f) to section 5, and it also makes certain changes in lists A and B.

As amended, NPA Order M-4 reads as follows:

Sec.

1. What this order does.
2. Policy of the National Production Authority.
3. Definitions.
4. Prohibited construction.
5. Exemptions.
6. Authorization for certain construction.
7. Multiple use of buildings, structures or projects.
8. Scope of this order.
9. Prohibited deliveries.
10. Defense against claims for damages.
11. Applications for adjustment or exception.
12. Communications.
13. Reports.
14. Violations.

Sec.
15. List A—Prohibited construction.
16. List B—Construction where NPA authorization is required.
17. List C—Additional construction where NPA authorization is required.

AUTHORITY: Sections 1 to 17 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* In order to further the purposes of the Defense Production Act of 1950 by conserving critical materials and services needed for the defense program, this order prohibits the commencement of construction of certain types of buildings, structures and projects unless specific exception is made, or authorization issued, by the National Production Authority. The order allows, within specified limits, small construction jobs, and necessary maintenance and repair of buildings, structures or projects, and also permits, under specified circumstances, the restoration of buildings, structures, or projects in the event of a disaster, act of God, or an act of war.

SEC. 2. *Policy of the National Production Authority.* In the event that increasing shortages clearly indicate the necessity for such action, in the national interest, the National Production Authority may further limit the commencement of construction of additional types of buildings, structures or projects which do not support the defense effort, or increase the Nation's production capacity for defense.

SEC. 3. *Definitions.* For the purpose of this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Construction" means the erection of any building, structure, or project, or addition or extension thereto, or alteration thereof, through the incorporation-in-place on the site of materials which are to be an integral and permanent part of the building, structure or project.

(c) "Commence construction" means substantial site clearance (including demolition of buildings or structures), preliminary to the start of or incident to the work on a new building, structure, or project; or to incorporate into a building, structure, or project, substantial quantities of materials which are to be an integral and permanent part of such building, structure, or project.

(d) "Construction cost" means the total expense for demolition of existing structures in connection with a new construction, for site preparation, and for building materials, building equipment, labor and services used in the construction of the particular building, structure, or project, by whomever spent. It does not include the cost of personal property, or the expense for land acquisition, attorneys, architects, and financing.

(e) "Consumer goods" means articles or commodities that directly satisfy human wants or desires, and which are capable of use without further processing (for example, clothing, food, furniture, floor covering, household appliances, motor vehicles, etc.). They are distinguished from capital goods (for example, dynamos, industrial ovens, generators, etc.). They are distinguished also from production goods that satisfy wants only indirectly as factors in the production of other articles or commodities (for example, machine tools, heavy duty presses, etc.).

(f) "Damage restoration" means restoring to substantially the same size and condition on the same site, any building, structure or project which has been damaged by storm, fire, flood, or other disaster, or by act of God, or act of war.

(g) "Maintenance and repair" means such work as is necessary to keep a building, structure, or project in sound working condition or to rehabilitate a building, structure, or project or any portion thereof, when the same has been rendered unsafe or unfit for service by wear and tear, or other similar causes. The term does not include any building operation or job where substantial structural alterations or changes in design are made.

(h) "Office building" means any building the principal use of which is to provide office space or office facilities, regardless of whether it is designed for the exclusive or partial use of its owner or is to be used commercially and rented to prospective tenants, including buildings for use by government agencies. The size of the building is not a determinative factor in deciding whether a building is an office building as the term includes both one-story and multi-storied structures; but the term does not include a private residence with incidental office space located therein for the use of the occupant.

(i) "Hotel" means either or both an establishment furnishing sleeping accommodations for transient guests, or an establishment classified as a hotel under applicable State, municipal, or other local law.

SEC. 4. *Prohibited construction.* (a) (1) Except as permitted in section 5 of this order, or pursuant to an adjustment or exception granted under section 11 of this order, after midnight October 26, 1950, no person shall commence construction of any building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 15 of this order.

(2) Since October 26, 1950, the National Production Authority has issued exceptions to permit the commencement of construction of specific buildings, structures, or projects of the type prohibited by section 15 of this order. All such exceptions granted prior to January 13, 1951, will cease to be effective 120 days after the date of issuance, unless construction has been commenced within that time; and construction of any such building, structure, or project may not be commenced thereafter without a further authorization from the National Production Authority.

(b) (1) After midnight, January 13, 1951, with respect to construction specified in section 16 (list B), and after midnight, May 3, 1951, with respect to construction specified in section 17 (list C), no person shall commence construction of any building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 16 (list B) or section 17 (list C), until a specific authorization therefor has been issued by the National Production Authority. The conditions which must exist before an authorization will be issued are set forth in section 6.

(2) In matters involving unreasonable hardship, or when required in the interest of the national defense, the National Production Authority may grant an exception from this order, pursuant to section 11, with respect to types of construction specified in section 16 (list B) and section 17 (list C).

SEC. 5. *Exemptions.* The following construction in connection with the buildings, structures, or projects to be used in connection with any of the purposes specified in sections 15, 16, and 17 of this order is exempted from this order:

(a) Maintenance and repair on any building, structure, or project.

(b) Small jobs of new construction or in connection with any such building, structure, or project including, but not limited to, alterations, additions, improvements, and modernization, where the cost of all such work shall not exceed:

(1) In the case of interior alterations, additions, improvements, or modernization of hotels, store space of department stores, office buildings, and loft buildings, 25 cents per square foot of occupied space for any consecutive 12-month period. (In computing this cost, both construction cost and all other expenses or charges incident to the work shall be taken into consideration.)

(2) In the case of any type of construction of all other buildings, structures, or projects specified in section 15 (list A), section 16 (list B), and section 17 (list C), $5,000 for any consecutive 12-month period. (In computing this cost, only construction cost shall be considered.)

(3) In addition, alterations, additions, improvement, or modernization may be made in the case of an industrial plant, factory, or facility, without authorization from the National Production Authority: *Provided*, That, after completion, the total use of steel in such alteration, addition, improvement, or modernization, both in the forms and shapes as defined in NPA Order M–1 and also reinforcing steel, will not exceed 25 tons.

(c) Reconstruction of any such building, structure, or project following a fire, flood, storm, disaster, act of God, or act of war, which occurred on or after July 29, 1950: *Provided, however*, That the reconstruction work will not require the use of more than a total quantity of 25 tons of steel, both in the forms and shapes as defined in NPA Order M–1 and also reinforcing steel.

(d) Construction by, or for the account of, the Department of Defense, the Atomic Energy Commission, or the National Advisory Committee for Aeronautics.

(e) Installation of personal property, fixtures or equipment where the total cost incurred for installation in any consecutive 12-month period does not exceed $2,000.

(f) Construction of an industrial plant, facility, or factory for which a certificate of necessity has been issued pursuant to the provisions of the Revenue Act of 1950, or a loan made pursuant to section 302 of the Defense Production Act of 1950.

SEC. 6. *Authorization for certain construction.* (a) Any person desiring to erect a building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 16 or section 17 of this order, may apply for a National Production Authority authorization to commence such construction. The application shall be made on NPA Form NPAF–24, copies of which are available at all field offices of the Department of Commerce, and should be addressed to the field office of the Department of Commerce in the region of the site of the proposed construction.

(b) Authorization under this section will be granted if the National Production Authority is satisfied that the desired construction conforms to the following requirements:

(1) It furthers the defense effort by providing facilities of the type specified in section 16 of this order in areas adjacent to military establishments or defense plants and projects, which construction the National Production Authority considers necessary to furnish or to supplement facilities in connection with the activities of the Defense Production Administration, the Department of Defense or the Atomic Energy Commission, including their programs for increasing production capacity; or

(2) It is essential to maintenance of public health, safety or welfare.

(c) Further, with respect to an application for authorization to construct a facility not directly related to the defense effort, the NPA will consider the type and quantity of materials on hand, and needed, for the facility, and the effect on the community at large if the authorization were denied.

SEC. 7. *Multiple use buildings, structures, or projects.* Where a building, structure, or project to be constructed is designed for a number of different uses and occupants, no portion thereof shall be constructed for use or occupancy in connection with any of the purposes specified in sections 15, 16, or 17 of this order where the construction cost apportionable to such use or occupancy will exceed the small job exemption provided for in section 5 (b) of this order.

SEC. 8. *Scope of this order.* This order shall apply to construction in the 48 States, the District of Columbia, and in the territories and insular possessions of the United States.

SEC. 9. *Prohibited deliveries.* No person shall accept an order for, sell, deliver, or cause to be delivered, material, equipment, or supplies which he knows, or has reason to believe, will be used in violation of the provisions of this order.

SEC. 10. *Defense against claims for damages.* No person shall be held liable for damages or penalties for any default under contract or order which shall result directly or indirectly from compliance with any regulation or order of the National Production Authority (including any direction, directive or other instruction), notwithstanding that any such regulation or order shall thereafter be declared by a judicial or other competent authority to be invalid.

SEC. 11. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that:

(a) Such provision works an unreasonable hardship upon him not suffered generally by others in the same trade, industry, or other relative position; or that enforcement of such provision against him would not be in the interest of the national defense. In determining whether unreasonable hardship exists, the National Production Authority will consider, among other things:

(1) The extent of the work done by the applicant incident to the proposed construction.

(2) Whether the building, structure, or project requires reconstruction as a result of a fire, flood, storm, disaster, act of God, or act of war.

(3) Whether a building, structure, or project of the applicant has been seized by legal action under eminent domain, or condemned by responsible governmental authorities; and the applicant requests permission to replace such facility.

(b) Each request shall be made on NPA Form NPAF–24, copies of which are available at all field offices of the Department of Commerce, and should be addressed to the field office of the Department of Commerce in the region of the site of the proposed construction.

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the Field Offices of the Department of Commerce, Ref: NPA, M–4.

SEC. 13. *Reports.* Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (5 U. S. C. 139–139F).

SEC. 14. *Violations.* Any person who wilfully violates any provisions of this order, or any other order or regulation of the National Production Authority, or who wilfully conceals a material fact, or furnishes false information in the course of operation under this order, is guilty of a crime, and upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend any authority to commence or complete construction or such other assistance as may be rendered pursuant to this order.

SEC. 15. *List A—Prohibited construction.*

Outdoor advertising sign.

All buildings, structures, or projects to be used for, or in connection with, any recreational, amusement, or entertainment purpose, whether public or private (unless authorized pursuant to section 6 of this order), including, but not limited to:

Amphitheater.
Amusement arcade
Amusement device built into place on the site such as a roller coaster, merry-go-round, or similar device or kind. This shall not include demountable or portable equipment.
Amusement park.
Arena.
Assembly hall used primarily for recreation or amusement.
Athletic field house.
Band stand
Bars and buildings or structures where the predominant business carried out therein or in connection therewith shall be the sale for consumption on the premises of alcoholic liquors.
Baseball park.
Bath house.
Billiard or pool parlor.
Bleachers and similar seating arrangements when they are built in place as a permanent part of the building, structure or project.
Boardwalk used primarily for recreation or amusement.
Boat or canoe club.
Bowling alley establishment.
Cabana
Camp (except for public or social welfare).
Carnival.
Club building except for social welfare purposes.
Country club.
Dance hall.
Dance studio.
Dude ranch used primarily for recreation or amusement.
Exposition or exhibition building or structure for recreational, amusement or entertainment displays or purposes.
Flood lighting (including piers, poles, towers, framework or foundation with fixed equipment) in connection with any recreational, amusement, or entertainment purpose.
Gambling establishment.
Golf course.
Golf club.
Golf driving range.
Grandstand.
Gymnasium.
Lodge hall.
Music shell.
Night club.
Pier used primarily for recreation or amusement.
Race track, any kind.
Riding academy.
Rodeo.
Shooting gallery.
Skating rink.
Ski lodge.
Slot machine establishment.
Stadium.
Swimming pool.
Theater, any kind (including drive-in theater).
Yacht basin or marine railway primarily for the use of pleasure craft.

SEC. 16. *List B—Construction where NPA authorization is required.* Any building, structure or project to be used for, or in connection with, any of the following specified purposes:

Bank, credit institution, or brokerage establishment.
Community or neighborhood building.
Furnishing of personal services (e. g., barber shop, beauty shop, undertaking and mortuary establishment, cemetery building, mausoleum, crematory, garage, service station, shoe repair shop, laundry, dry cleaning establishment, tailor shop).
Hotel, motel, motor court, tourist camp, trailer camp.
Loft building.
Office building.

Printing or duplicating establishment including, but not limited to, facilities for the publication of newspapers, books, and periodicals.

Restaurant.

Storage, distribution, display or sale of consumer goods (for example, retail store, shopping center, wholesale establishment, gasoline filling station, drugstore, soda fountain, florist shop, greenhouse).

Storage warehouse for personal effects.

Tobacco auction warehouse.

SEC. 17. *List C—Additional construction where NPA authorization is required.*

Multiunit residential building in excess of three stories and basement.

Residential unit for single-family occupancy where the construction cost exceeds $35,000.

Building, structure, or project for radio broadcasting or television broadcasting.

Terminal warehouse.

Any and all other public or private buildings, structures, or projects of a type not listed above in this list C, and not listed in list A or in list B, of every kind (including but not limited to an industrial plant, facility or factory), which will require the use of more than a total quantity of 25 tons of steel, both in the forms and shapes as defined in NPA Order M-1 and also reinforcing steel.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect on May 11, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-5814; Filed, May 16, 1951; 3:04 p. m.]

[NPA Order M-13, as Amended May 17, 1951]

M-13—RAYON—LIMITATIONS FOR DO RATED ORDERS

This amendment to NPA Order M-13, as amended February 15, 1951, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this amendment, there has been consultation with industry representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-13 (as amended February 15, 1951) as follows:

In section 5 thereof the percentage figure "15" is hereby changed to "30."

(Sec. 704, Pub. Law 774, 81st Cong.)

This amendment shall take effect on May 17, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-5869; Filed, May 17, 1951; 11:31 a. m.]

[NPA Order M-63]

M-63—SOFTWOOD PLYWOOD

This order is found necessary and appropriate to promote the National Defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. What this order does.
2. Definitions.
3. Reserve production.
4. Acceptance of rated orders.
5. Release of reserve production.
6. Restriction on exchanges.
7. Applications for adjustment or exception.
8. Communications.
9. Monthly report.
10. Records, audit, inspection, and reports.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to set aside as a reserve for the needs of national defense specified percentages of the production of all softwood plywood manufacturers. It also provides for equitable distribution of rated orders among such manufacturers.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "Softwood plywood" means any plywood which has a rotary cut face of Douglas fir, cedar (Alaska, Port Orford, and Western red), California redwood, Western (Idaho) white pine, ponderosa pine, sugar pine, Sitka spruce, Western larch, Western hemlock, Noble fir, and the commercial white firs whether or not overlaid with paper, plastic, metal, or any other material except hardwood veneer.

(c) "Exterior type softwood plywood" means softwood plywood bonded with waterproof adhesives and suitable for permanent exterior use.

(d) "Interior type softwood plywood" means softwood plywood bonded with moisture-resistant adhesives and suitable for uses where subjected to occasional deposits of moisture, but not suitable for permanent exterior use.

(e) "Grades suitable for concrete form use" means interior type softwood plywood which is edge-treated and oiled or otherwise sealed.

(f) "Hutment grade" means interior type softwood plywood manufactured with protein glues to which shall be added 5 percent of toxic per 100 pounds dry weight glue base as specified in Mil P66a. Each panel shall be thoroughly treated with toxics, water-repellent, or sealer containing 5 percent toxics. Toxics shall meet accepted commercial specifications, such as pentachlorophenol or equivalent.

(g) "Facilities" means major equipment items, including but not limited to, presses, driers, and lathes, which increase or alter production capacity.

(h) "Production" means all softwood plywood produced for whatever purpose.

(i) "Base period" means the fourth calendar quarter of 1950 and the first calendar quarter of 1951.

SEC. 3. *Reserve production.* (a) Each manufacturer of softwood plywood, for the month of July 1951 and each calendar month thereafter (except as provided in the last sentence of this paragraph), shall set aside a reserve of production time and facilities and materials and supplies sufficient to produce and ship on DO rated orders within such month such proportions of his production as required by paragraph (b) of this section. Mills which operate during only a portion of any month due to industry vacation practice shall compute their reserve in proportion to the time operated during that month.

(b) For the month of July 1951 and each month thereafter, each manufacturer shall set aside as a reserve 20 percent of his average monthly production of softwood plywood, during the base period, and such quantity so set aside shall be his "reserve production." This reserve production, computed on a $\frac{3}{8}$-inch rough footage basis, shall be set aside as follows:

(1) Each Douglas fir manufacturer who shall produce both exterior and interior types is required to produce at least 40 percent of his reserve production in exterior type; the balance of his reserve production may be in any grade or type.

(2) Each Douglas fir manufacturer who shall produce interior type only is required to produce at least 40 percent of his reserve production in grades suitable for concrete form use or hutment grade; the balance of his reserve production may be in any other grades.

(3) Each softwood plywood manufacturer, other than a Douglas fir manufacturer, shall produce his reserve production in any type or grade.

(c) The National Production Authority may from time to time by amendment of this order increase or decrease the quantity to be set aside as a reserve as required by paragraph (b) of this section.

(d) Any manufacturer of softwood plywood not in production during the base period shall apply for a reserve production quota in lieu of the reserve required by paragraphs (a) and (b) of this section, not later than June 1, 1951, or the 15th day of the month following his first full month of production. Application shall be made by letter, in triplicate, to the National Production Authority, Washington 25, D. C., Ref: M-63, stating plant capacity estimated on a 2-shift 5-day week, and the preceding month's softwood plywood production by types, exterior and interior. An interim reserve production quota will be assigned by NPA, which quota will be adjusted following the first 3 months of full production.

(e) A manufacturer who, through the installation of additional facilities, increases his production shall at once adjust his reserve production quota to include such increased production and, not later than 10 days following the first 3 months of increased production, shall report such increased production. Report shall be made by letter, in triplicate, to the National Production Authority, Washington 25, D. C., Ref: M-63, and NPA will assign an adjusted reserve production quota.

SEC. 4. *Acceptance of rated orders.* (a) A manufacturer, notwithstanding any previous contracts or agreements, shall not be required to accept DO rated orders for softwood plywood for shipment in any month in a quantity in excess of his reserve production for that month.

(b) A manufacturer shall not be required to accept a DO rated order which is received less than 30 days prior to the 1st day of the month in which shipment is requested, unless specifically directed by NPA.

(c) The provisions of NPA Reg. 2, as amended, relating to priorities are superseded to the extent they are inconsistent with this order.

SEC. 5. *Release of reserve production.* If, 30 days prior to the 1st day of the month of scheduled production, a manufacturer has not received rated orders which exhaust his reserve production for that month, he may schedule his production for which no rated orders have been received in any manner except as prohibited by section 6 of this order.

SEC. 6. *Restriction on exchanges.* (a) Except with the written approval of NPA, no person shall sell, transfer, trade, or ship, or contract to sell, transfer, trade, or ship any softwood plywood as a consideration, whether actual or implied, for the receipt of logs. Application for such approval may be made by the person delivering or owning the logs, or the person delivering or owning the softwood plywood.

(b) Persons requesting approval of such exchanges shall file with NPA a letter setting forth: the names and addresses of the parties to any existing or proposed exchange agreement; the kind, grade, and form of the softwood plywood and logs involved; the footage of the logs and the footage of the resulting softwood plywood involved; the rate and the dates of delivery of such material; the length of time such agreement or other similar agreement between the same parties has been in force, if there has been such an agreement; the duration of the agreement; the purpose for which the softwood plywood is to be used; and such other information as may seem pertinent and necessary.

SEC. 7. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 8. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M-63.

SEC. 9. *Monthly report.* Each manufacturer of softwood plywood shall report on or before the 21st day of May 1951, and on or before the 10th day of each succeeding month, on NPA–Census Joint Survey Form M-13B Revised.

SEC. 10. *Records, audit, inspection, and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 11. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on May 16, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-5815; Filed, May 16, 1951; 3:04 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter C—Aids to Navigation

[CGFR 51-14]

PART 74—COSTS AND CHARGES

TABLE OF CHARGES

The purpose of the following amendment to the regulations is to revise the schedules of rates on charges for the employment of vessels and materials used to construct, repair and maintain aids to navigation necessitated by loss or damage, and to mark wrecks in the navigable waters of the United States.

The schedules of rates for costs and charges covering the employment of vessels and materials used were estimated and established in 1948. Due to numerous changes in costs of materials and upon further analysis of the pay of Coast Guard personnel the rates and charges as published in 1948 do not now reflect a fair and equitable basis to support charges for such work, and for settling claims arising from the performance of that work when performed by Coast Guard vessels and personnel. Since the Coast Guard performs this work as an incident to the performance of other statutory duties, it is administratively impossible to determine with definite exactness the costs to repair or replace each particular aid to navigation damaged or destroyed.

The statutory requirement in section 642, Title 14, contemplates collection of the cost of replacement of damaged or destroyed aids to navigation in a manner that would not be a greater expense to the Government than would be applicable to other property of the Government damaged by tortious acts. Since the functions of the Coast Guard are more than just the establishment, maintenance and repair of aids to navigation, it is not possible to compare these schedules with those in private industry performing such work. The schedules of rates for costs and charges are estimates based on the average costs and charges taken from available Coast Guard records. In recalculating these schedules of rates and costs, some rates and costs have slightly increased while others have decreased an appreciable amount. Because of the urgency of fairly and equitably settling current claims arising in the performance of such work, as well as anticipated claims arising during the summer because of the increase in number of vessels navigating the navigable waters of the United States, and in view of other considerations given above, it is hereby found that compliance with the notice of proposed rule making, the public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest.

By virtue of the authority contained in Title 14, United States Code, sections 633 and 642, the following amendment to the regulations is hereby prescribed and shall become effective upon publication in the FEDERAL REGISTER.

Section 74.01–1 is amended to read as follows.

§ 74.01–1 *Table of charges.* Charges for the performance of aids to navigation work by the Coast Guard, when authorized, shall be in accordance with the following tables:

TABLE A—CHARGES FOR BUOYS, ETC.

Type of marking (buoy includes mooring and sinker)	Preparation for establishment	Depreciation and routine maintenance charge per month or major fraction thereof
1. Lighted buoy for covered station, with or without sound	$170.00	$50.25
2. Bell, gong or whistle buoys, unlighted	65.00	14.57
3. Lighted buoy for sheltered station with or without sound	49.00	17.78
4. Can or nun buoys (except river type)	29.00	5.26
5. Wooden spar buoy, any class	8.00	1.65
6. River type buoy	3.31	2.27
7. Lighting apparatus (only)	20.00	12.52

TABLE B—CHARGES FOR VESSELS, ETC.

Type of vessel	Maintenance charge per hour	Operating personnel charge per hour
1. Cutters 150 feet and longer	$21.68	$17.41
2. Cutters less than 150 feet and over 100 feet long	8.07	6.41
3. Cutters 100 feet long or less	7.02	5.16
4. Buoy boats	1.27	1.93

(63 Stat. 545; 14 U. S. C. 633. Interprets or applies sec. 63 Stat. 547; 14 U. S. C. 642)

Dated: May 11, 1951.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51–5791. Filed, May 17, 1951; 8:49 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

SEQUOIA-KINGS CANYON NATIONAL PARKS

Subparagraphs (4) and (5) of paragraph (c), entitled *Fishing*, of § 20.8, entitled *Sequoia-Kings Canyon National Parks*, are amended to read as follows:

(4) In Sequoia National Park the following waters are closed to fishing as a fish conservation measure, and as protection to domestic water supplies, watersheds, and meadows:

(i) On the watershed of the North Fork of the Kaweah River: Yucca Creek from junction of the North Fork to source, from July 1 to close of season; Cabin Creek from Generals Highway to source.

(ii) On the watershed of the Marble Fork of the Kaweah River: Leer Creek from the foot bridge on the Sunset-Village Trail to source, except to children 10 years of age or younger; that section of Wolverton Creek from point where water supply sign is posted to source; and Silliman Creek from Generals Highway to source at outlet of Silliman Lakes.

(iii) On the watershed of the Middle Fork of the Kaweah River: Crescent Creek from source to High Sierra Trail Bridge at lower Crescent Meadow.

(5) In Kings Canyon National Park the following waters are closed to fishing as a conservation measure, and as protection to domestic water supplies, watersheds, and meadows:

(i) On the watershed of the South Fork of the Kings River: Sheep Creek and its tributaries from source to park boundary; Lewis Creek from park boundary where signs are posted at the intake of the water supply to the first trail crossing; and Comb Creek from Lewis Creek to source.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 11th day of May 1951.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51–5758; Filed, May 17, 1951; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

BURIAL EXPENSES OF DECEASED PERSONS WHO SERVED IN MILITARY FORCES OF COMMONWEALTH OF THE PHILIPPINES INCLUDING CERTAIN GUERRILLA FORCES

A new § 4.452 is added to read as follows:

§ 4.452 *Burial expenses of deceased persons who served in the military forces of the Commonwealth of the Philippines including certain guerrilla forces*—(a) *Provisions of the act.* Public Law 21, 82d Congress, dated April 25, 1951, provides:

That the Administrator of Veterans' Affairs is authorized to furnish a flag to drape the casket and to pay a sum not exceeding 150 Philippine pesos for the burial and funeral expenses and transportation of the body (including preparation of the body) of any person who served in the organized military forces of the Commonwealth of the Philippines while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President of the United States, dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, and who dies, or has died, after separation from such service under conditions other than dishonorable. Payments under this Act shall be subject to the applicable provisions of Veterans Regulation Numbered 9 (a), as amended, except that in case any such person has died heretofore, the time for filing claim for reimbursement of such expenses shall be extended until two years after the date of this enactment.

(b) *Basic eligibility requirements.* The act applies to the payment of burial allowance for any person who served in the organized military forces of the Commonwealth of the Philippines while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President of the United States, dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, and who dies or has died after separation from such service under conditions other than dishonorable. The service of a person in the Commonwealth Army or in the organized guerrilla forces which meets the definition of service required for entitlement to death compensation will also meet the service requirements of this act, but the death of such person must have occurred after separation from service under conditions other than dishonorable. Separation from service will be deemed to have occurred on the date of release from active duty, discharge or June 30, 1946, whichever is the earlier. Release from active duty will be in accord with the principles enumerated in Administrator's Decision 746 and the definitions outlined in Veterans' Administration claims procedures. Service of a Philippine Scout enlisted under section 14, Public Law 190, 79th Congress, is not service in the military forces of the Commonwealth of the Philippines and consequently does not confer title under this act.

(c) *Death prior to date of act.* In those instances where death occurred prior to the date of the act the time limit for the filing of a claim is extended through April 25, 1953. Where a claim was filed and disallowed prior to the date of the act, such claim may be reconsidered under the act and this section, upon receipt on or before April 25, 1953 of written request therefor from the claimant or his representative.

(d) *Amount payable.* There shall be paid a sum not exceeding 150 Philippine pesos for the burial and funeral expenses and transportation of the body (including preparation of the body) of any person coming within the purview of paragraph (b) of this section, where the other conditions of title are met. Paragraph III of Veterans Regulation 9 (a), as amended, and § 4.196 (relating to deaths occurring while traveling under prior authorization or while properly hospitalized by the Veterans Administration) are not for application; consequently, no expenses in excess of 150 Philippine pesos may be paid in any one case.

(e) *Other applicable directives.* The provisions of Veterans Regulation 9 (a), as amended, and the Veterans Administration Regulations and procedural issues pertaining thereto, which are not inconsistent with this section, are for application. (Instruction No. 1, Public Law 21, 82d Cong.)

(Sec. 5, 43 Stat. 608, as amended; 38 U. S. C. 706. Interprets or applies sec. 7, 43 Stat. 609, as amended; 38 U. S. C. 707, and Sup. 11a, 423, 707)

This regulation effective May 18, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51–5757; Filed, May 17, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 1532]

MARKET AGENCIES AT MISSISSIPPI VALLEY STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on May 15, 1950 (9 A. D. 582), continuing in effect the provisions of the previous temporary orders which authorized the rates currently in effect.

On May 8, 1951, respondents filed a petition requesting that their current authorization be modified so as to authorize the filing of a new Tariff No. 7 attached to and made a part of the petition. The rates provided for by the proposed Tariff No. 7 are as follows:

SECTION B

SELLING COMMISSIONS

	Per head
Cattle:	
Consignments of 1 head and 1 head only	$1.25
Consignments of more than 1 head:	
First 15 head in each consignment	1.00
Each head over 15 in each consignment	.90
Calves:	
Consignments of 1 head and 1 head only	.65
Consignments of more than 1 head:	
First 5 head in each consignment	.55
Each head over 5 in each consignment	.45
Bulls, 800 pounds and over	1.50
T. B. Bangs, subjects or condemners	1.25
Hogs:	
Consignments of 1 head and 1 head only	.55
Consignments of more than 1 head:	
First 10 head in each consignment	.35
Next 15 head in each consignment	.30
Each head over 25 in each consignment	.25
Sheep and Goats:	
Consignments of 1 head and 1 head only	.50
Consignments of more than 1 head:	
First 10 head in each consignment	.34
Next 50 head in each consignment	.23
Next 50 head in each consignment	.12
Each head over 110 in each consignment	.07

The maximum charge on any one rail consignment shall not exceed an amount equal to $15.00 multiplied by the number of single deck cars in the consignment plus an amount equal to $21.00 multiplied by the number of double deck cars in one consignment.

SECTION C

RESALES

	Per head
Cattle:	
1 head and 1 head only	$1.10
More than 1 head	.85
Bulls: 800 pounds and over	1.15

SECTION C—Continued

RESALES—continued

	Per head
Calves:	
1 head and 1 head only	$0.55
More than 1 head	.50
Hogs:	
1 head and 1 head only	.55
More than 1 head	.35
Sheep:	
1 head and 1 head only	.50
More than 1 head	.25

BUYING COMMISSIONS

	Per head
Cattle:	
Consignments of 1 head and 1 head only	$1.25
Consignments of more than 1 head:	
First 15 head in each consignment	1.00
Each head over 15 in each consignment	.90
Maximum:[1]	
Rail: $20 per car.	
Trucked-out or driven-out: $20 for each 24,000 pounds or fraction thereof.	
Calves:	Per head
Consignments of 1 head and 1 head only	$0.65
Consignment of more than 1 head:	
First 5 head in each consignment	.55
Each head over 5 in each consignment	.45
Maximum:[1]	
Rail: $15 single deck, $25 double deck.	
Truck-out or driven-out: $15 for each 17,000 pounds or fraction thereof.	
	Per head
Bulls, 800 pounds and over	$1.50
Maximum rates do not apply to bulls.	
Hogs:	Per head
Consignment of 1 head and 1 head only	$0.55
Consignments of more than 1 head:	
First 10 head in each consignment	.35
Next 15 head in each consignment	.30
Each head over 25 in each consignment	.25
Maximum:[1]	
Rail: $15 single deck, $20 double deck.	
Trucked-out or driven-out: $15 for each 17,000 pounds or fraction thereof.	
Sheep and goats:	Per head
Consignments of 1 head and 1 head only	$0.50
Consignments of more than 1 head:	
First 10 head in each consignment	.34
Next 50 head in each consignment	.23
Next 50 head in each consignment	.12
Each head over 110 in each consignment	.07
Maximum:[1]	
Rail: $15 single deck, $21 double deck.	
Trucked-out or driven-out: $15 for each 12,000 pounds or fraction thereof.	

[1] The maximum charge shall not exceed the per head rate.

All purchases paid for by a commission merchant, or by his shipping clearance, whether made by or for a speculator, feeder-farmer or other person than a resident yard trader, shall be deemed a purchase and charged for at above rates. Purchaser to pay for all exchange rates and wires incident to credit arrangement.

SECTION E

EXTRA SERVICE CHARGES

The following extra service charges are applicable to each consignment (selling only)—Each weight draft after one: 10 cents.

If authorized, the modifications will produce additional revenues for the respondents and increase the cost of marketing to the shippers. Accordingly, it appears that this public notice should be given of the filing of the petition and its contents in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 14th day of May 1951.

[SEAL] KATHERINE L. MASON,
Hearing Clerk.

[F. R. Doc. 51–5792; Filed, May 17, 1951; 8:49 a. m.]

[7 CFR, Part 55]

FORM OF APPLICATION AND CONTRACT OF AGREEMENT FOR GRADING SERVICE WITH RESPECT TO SHELL EGGS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Administration is considering the approval of a form of application for grading service on a written agreement basis, as hereinafter indicated. Whenever any person desires grading service to be rendered by the Administration at any plant for class, quality, quantity, or condition of egg products, pursuant to the applicable regulations (7 CFR Part 55) of the Department, he may apply for such service by submitting to the Administrator, a properly completed application, in triplicate, in the form herein set forth. Upon approval of the application by the Administrator, it will become the agreement providing for grading service at such plant. This application form specifies the condition under which service will be performed (including the extent of the financial obligations to be assumed by the applicant) in accordance with the aforesaid regulations. Such regulations are currently operative pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved Sept. 6, 1950). The fee and charges for the grading service are so calculated as to be reasonable, as nearly as may be to cover the cost of the service rendered, and to provide the revenue necessary for the conduct of the service on an equitable basis.

All persons who desire to submit written data, views, or arguments for con-

sideration in connection with the proposed application should file same in duplicate with the Chief, Dairy and Poultry Inspection and Grading Division, Room 2738 South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 30th day after the publication of this notice in the FEDERAL REGISTER.

The proposed application is as follows:

APPLICATION FOR GRADING SERVICE WITH RESPECT TO SHELL EGGS

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 55) governing the sampling, grading, grade labeling, and supervision of packaging of butter, cheese, and eggs, for grading service to be performed at the plant hereinafter designated:

Name of plant _____
Street address _____
City and State _____

(a) Upon approval of this application by the Production and Marketing Administration, United States Department of Agriculture (hereinafter referred to as "PMA"), PMA will furnish grading service in accordance with the terms and conditions hereof.

(b) In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including such applicable instructions as may be issued from time to time by the Administrator), and such other conditions as hereinafter enumerated.

(c) The applicant agrees to pay for the full cost of the grading service covered hereby to PMA at the time the respective invoices are rendered by PMA. The full costs shall comprise such of the following items as may be due and may be included, from time to time, in the invoice or invoices covering the period or periods during which the grading service may be rendered:

(i) A charge for each plant survey to be computed on the basis (*a*) of the actual cost to the Administration of the travel and per diem incurred in the making of the survey, and (*b*) a charge of $3.00 per hour for the time consumed in making the survey;

(ii) An inauguration charge of $50.00 to cover costs incurred by PMA in connection with the inauguration of the grading service and assignment of a grader to the designated plant;

(iii) A charge of $25.00 for each additional grader or replacement of a previously assigned grader to the designated plant: *Provided*, That, no charge under this subdivision (iii) is to be made for temporary relief graders for regular graders or for the replacement of a grader who is a Federal employee when the replacement is made by PMA other than at the request of the applicant;

(iv) A charge equal to the salary costs paid to each grader assigned to applicant's plant by PMA, including earned annual leave and, if necessary, earned sick leave: *Provided*, That, no charge is to be made for salary costs for any assigned grader of the designated plant while temporarily reassigned by PMA to perform a grading service for other than the applicant;

(v) A charge equal to the salary costs, travel expenses and per diem paid by PMA to any grader whose services are required for relief purposes when regular graders are on annual or sick leave;

(vi) A charge for the actual cost to PMA of any travel and per diem incurred by each grader assigned to the plant while in the performance of grading service rendered the applicant;

(vii) A charge, at the sole discretion of PMA, of an amount not in excess of the actual cost to PMA of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated plant;

(viii) A charge included in salary costs equal to the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivor's benefits under the Social Security System; and

(ix) An administrative service charge based upon the aggregate number of thirty-dozen cases of shell eggs handled in the plant per month, and computed in accordance with the following table:

Computation of administrative service charge:	
0 to 750 cases	$25.00
750 to 1,250 cases	27.50
1,250 to 1,750 cases	30.00
1,750 to 2,250 cases	32.50
2,250 to 2,750 cases	35.00
2,750 to 3,250 cases	37.50
3,250 to 3,750 cases	40.00
3,750 to 4,250 cases	42.50
4,250 to 5,000 cases	45.00
5,000 to 6,000 cases	47.50
6,000 or more cases	50.00

(d) The applicant shall designate, in writing, the employees of the applicant who will be required and authorized, to furnish each grader with such information as may be necessary for the performance of the grading service.

It is agreed that:

(a) PMA will provide an adequate number of graders to perform the grading service covered hereby;

(b) At the sole discretion of PMA the graders may be either a Federal or State employee or a licensed employee of the applicant;

(c) PMA shall not be responsible for damages accruing through any acts of commission or omission on the part of any grader;

(d) The provisions hereof shall continue in full force and effect from its effective date until suspended, withdrawn, or terminated, by (i) mutual consent of the applicant and PMA; (ii) written notice given by either party to the other to take effect on a specific date not less than 30 days from the date of the giving of such notice; (iii) one (1) day's written notice by PMA to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service as herein provided; or (iv) termination of the services requested herein pursuant to the provisions in the following paragraph (e);

(e) The services to be rendered hereunder shall be terminated by PMA at any time PMA, acting pursuant to any applicable laws, rules, or regulations, debars the applicant from receiving any further benefits of the service, or the services hereunder may be suspended or terminated at any time PMA concludes that the applicant has not conformed, or cannot conform, hereto;

(f) All terms used herein shall have the same meaning as when used in the aforesaid regulations and instructions;

(g) A federally employed grader will be required to confine his activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by PMA: *Provided*, That, in no instance will the federally employed grader assume the duties of management;

(h) No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement or to any benefit that may arise therefrom unless derived through the agreement made with a corporation for its general benefit.

_____ (Applicant)
By _____
_____ (Street)
_____ (City) (State)
_____ (Date)

Approved:
By _____
_____ (Title)
_____ (Date)

Production and Marketing Administration, U. S. Department of Agriculture.

NOTE: Unless otherwise indicated herein the bills will be rendered to the applicant at the address indicated above.

Issued at Washington, D. C. this 15th day of May 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-5795; Filed, May 17, 1951; 8:50 a. m.]

[7 CFR, Part 55]

FORM OF APPLICATION AND CONTRACT OF AGREEMENT FOR GRADING SERVICE WITH RESPECT TO EGG PRODUCTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Administration is considering the approval of a form of application for grading service on a written agreement basis, as hereinafter indicated. Whenever any person desires grading service to be rendered by the Administration at any plant for class, quality, quantity, or condition of egg products, pursuant to the applicable regulations (7 CFR Part 55) of the Department, he may apply for such service by submitting to the Administrator, a properly completed application, in triplicate, in the form herein set forth. Upon approval of the application by the Administrator, it will become the agreement providing for grading service at such plant. This application form specifies the condition under which service will be performed (including the extent of the financial obligations to be assumed by the applicant) in accordance with the aforesaid regulations. Such regulations are currently operative pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et. seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved Sept. 6, 1950). The fee and charges for the grading service are so calculated as to be reasonable, as nearly as may be to cover the cost of the service rendered, and to provide the revenue necessary for the conduct of the service on an equitable basis.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed application should file same in duplicate with the Chief, Dairy and Poultry Inspection and Grading Division, Room 2738 South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 30th day after the publication of this notice in the FEDERAL REGISTER.

The proposed application is as follows:

APPLICATION FOR GRADING SERVICE WITH RESPECT TO EGG PRODUCTS

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 55) governing the sampling, grading, grade labeling, and supervision of packaging of butter, cheese, and eggs, for grading service to be performed at the plant hereinafter designated:

Name of plant _____
Street address _____
City and State _____

(a) Upon approval of this application by the Production and Marketing Administration, United States Department of Agriculture (hereinafter referred to as "PMA"), PMA will furnish grading service in accordance with the terms and conditions hereof.

(b) In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including such applicable instructions as may be issued from time to time by the Administrator), and such other conditions as hereinafter enumerated.

(c) The applicant agrees to pay for the full cost of the grading service covered hereby to PMA at the time the respective invoices are rendered by PMA. The full costs shall comprise such of the following items as may be due and may be included, from time to time, in the invoice or invoices covering the period or periods during which the grading service may be rendered:

(i) A charge for each survey to be computed on the basis (*a*) of the actual cost to the Administration of the travel and per diem incurred in the making of the survey, and (*b*) a charge of $3.00 per hour for the time consumed in making the survey;

(ii) An inauguration charge of $50.00 to cover costs incurred by PMA in connection with the inauguration of the grading service and assignment of a grader to the designated plant;

(iii) A charge of $25.00 for each additional grader or replacement of a previously assigned grader to the designated plant: *Provided*, That no charge under this subdivision (iii) is to be made for temporary relief graders for regular graders or for the replacement of a grader who is a Federal employee when the replacement is made by PMA other than at the request of the applicant;

(iv) A charge equal to the salary costs paid to each grader assigned to applicant's plant by PMA, including earned annual leave and, if necessary, earned sick leave: *Provided*, That, no charge is to be made for salary costs for any assigned grader of the designated plant while temporarily reassigned by PMA to perform a grading service for other than the applicant;

(v) A charge equal to the salary costs, travel expenses and per diem paid by PMA to any grader whose services are required for relief purposes when regular graders are on annual or sick leave;

(vi) A charge for the actual cost to PMA of any travel and per diem incurred by each grader assigned to the plant while in the performance of grading service rendered the applicant;

(vii) A charge, at the sole discretion of PMA, of an amount not in excess of the actual cost to PMA of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated plant;

(viii) A charge included in salary costs equal to the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivor's benefits under the Social Security System; and

(ix) An administrative service charge based upon the aggregate weight of the total monthly volume (based on the weight of liquid egg and weight of dried egg converted to liquid egg) of all egg products handled in the plant, and computed in accordance with the following table:

Computation of administrative service charges:	
Less than 20,000 pounds	$25.00
20,000 to 100,000 pounds	30.00
100,000 to 150,000 pounds	35.00
150,000 to 200,000 pounds	40.00
200,000 to 300,000 pounds	45.00
300,000 to 400,000 pounds	50.00
400,000 to 600,000 pounds	55.00
600,000 to 800,000 pounds	60.00
800,000 to 1,000,000 pounds	65.00
1,000,000 to 1,500,000 pounds	70.00
1,500,000 pounds or more	75.00

(d) The applicant shall designate, in writing, the employees of the applicant who will be required and authorized, to furnish each grader with such information as may be necessary for the performance of the grading service.

It is agreed that:

(a) PMA will provide an adequate number of graders to perform the grading service covered hereby;

(b) At the sole discretion of PMA the graders may be either a Federal or State employee or a licensed employee of the applicant;

(c) PMA shall not be responsible for damages accruing through any acts of commission or omission on the part of any grader;

(d) The provisions hereof shall continue in full force and effect from its effective date until suspended, withdrawn, or terminated, by (i) mutual consent of the applicant and PMA; (ii) written notice given by either party to the other to take effect on a specific date not less than 30 days from the date of the giving of such notice; (iii) one (1) day's written notice by PMA to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service as herein provided; or (iv) termination of the services requested herein pursuant to the provisions in the following paragraph (e);

(e) The services to be rendered hereunder shall be terminated by PMA at any time PMA, acting pursuant to any applicable laws, rules, or regulations, debars the applicant from receiving any further benefits of the service, or the services hereunder may be suspended or terminated at any time PMA concludes that the applicant has not conformed, or cannot conform, hereto;

(f) All terms used herein shall have the same meaning as when used in the aforesaid regulations and instructions;

(g) A federally employed grader will be required to confine his activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by PMA: *Provided*, That, in no instance will the federally employed grader assume the duties of management;

(h) No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement or to any benefits that may arise therefrom unless derived through the agreement made with a corporation for its general benefit.

_____ (Applicant)
By _____
_____ (Street)
_____ (City) (State)
_____ (Date)

Approved:
By _____
_____ (Title)
_____ (Date)

Production and Marketing Administration, U. S. Department of Agriculture.

NOTE: Unless otherwise indicated herein the bills will be rendered to the applicant at the address indicated above.

Issued at Washington, D. C. this 15th day of May 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-5796; Filed, May 17, 1951; 8:50 a. m.]

[7 CFR, Part 70]

FORM OF APPLICATION AND CONTRACT OF AGREEMENT FOR GRADING SERVICE WITH RESPECT TO LIVE POULTRY, DRESSED POULTRY AND READY-TO-COOK POULTRY

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Administration is considering the approval of a form of application for grading service on a written agreement basis, as hereinafter indicated. Whenever any person desires grading service to be rendered by the Administration at any plant for class, quality, quantity, or condition of live poultry, dressed poultry, and ready-to-cook poultry, pursuant to the applicable regulations (7 CFR, Part 70) of the Department, he may apply for such service by submitting to the Administrator, a properly completed application, in triplicate, in the form herein set forth. Upon approval of the application by the Administrator, it will become the agreement providing for grading service at such plant. This application form specifies the condition under which service will be performed (including the extent of the financial obligations to be assumed by the applicant) in accordance with the aforesaid regulations. Such regulations are currently operative pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved Sept. 6, 1950). The fee and charges for the grading service are so calculated as to be reasonable, as nearly as may be to cover the cost of the service rendered, and to provide the revenue necessary for the conduct of the service on an equitable basis.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed application should file same in duplicate with the Chief, Dairy and Poultry Inspection and Grading Division, Room 2738 South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 30th day after the publication of this notice in the FEDERAL REGISTER.

The proposed application is as follows:

APPLICATION FOR GRADING SERVICE WITH RESPECT TO LIVE POULTRY, DRESSED POULTRY, AND READY-TO-COOK POULTRY

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 70) governing the grading and inspection of poultry and edible products thereof and United States specifications for classes, standards, and grades with respect thereto, for grading service to be performed at the plant hereinafter designated:

Name of plant _____
Street address _____
City and State _____

(a) Upon approval of this application by the Production and Marketing Administration, United States Department of Agriculture (hereinafter referred to as "PMA") PMA will furnish grading service in accordance with the terms and conditions hereof.

(b) In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including such applicable instructions as may be issued from time to time by the Administrator), and such other conditions as hereinafter enumerated.

(c) The applicant agrees to pay for the full cost of the grading service covered hereby to PMA at the time the respective invoices are rendered by PMA. The full costs shall comprise such of the following items as may be due and may be included, from time to time, in the invoice or invoices covering the period or periods during which the grading service may be rendered:

(i) A charge of $75.00 for the initial survey (required to be made with respect to an official plant pursuant to the aforesaid regulations) of the designated plant and its premises (but no charge for the final survey) prior to the performance, by the Administration, of the grading service covered hereby: *Provided*, That, if at the time of submission of this application for poultry grading service such designated plant is an official plant in which inspection service is performed by the Administration and poultry grading service has not been performed by the Administration in such plant during the twelve-month period ending on the date of this application, the charge for the survey shall be computed in the manner specified in subparagraph (ii) of this paragraph;

(ii) A charge for each additional survey to be computed on the basis (*a*) of the actual cost to the Administration of the travel and per diem incurred in the making of the survey, and (*b*) a charge of $3.00 per hour for the time consumed in making the survey;

(iii) An inauguration charge of $50.00 to cover costs incurred by PMA in connection with the inauguration of the grading service and assignment of a grader to the designated plant;

(iv) A charge of $25.00 for each additional grader or replacement of a previously assigned grader to the designated plant: *Provided*, That, no charge under this subdivision (iv) is to be made for temporary relief graders for regular graders or for the replacement of a grader who is a Federal employee when the replacement is made by PMA other than at the request of the applicant;

(v) A charge equal to the salary costs paid to each grader assigned to applicant's plant by PMA, including earned annual leave and, if necessary, earned sick leave: *Provided*, That, no charge is to be made for salary costs for any assigned grader of the designated plant while temporarily reassigned by PMA to perform a grading service for other than the applicant;

(vi) A charge equal to the salary costs, travel expenses and per diem paid by PMA to any grader whose services are required for relief purposes when regular graders are on annual or sick leave;

(vii) A charge for the actual cost to PMA of any travel and per diem incurred by each grader assigned to the plant while in the performance of grading service rendered the applicant;

(viii) A charge, at the sole discretion of PMA, of an amount not in excess of the actual cost to PMA of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated plant;

(ix) A charge included in salary costs equal to the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivor's benefits under the Social Security System; and

(x) An administrative service charge based upon the aggregate weight of the total monthly volume of all products handled in the plant, and computed in accordance with the following table:

Computation of administrative service charges:	
Less than 20,000 pounds	$25.00
20,000 to 100,000 pounds	30.00
100,000 to 150,000 pounds	35.00
150,000 to 200,000 pounds	40.00
200,000 to 250,000 pounds	45.00
250,000 to 300,000 pounds	50.00
300,000 to 400,000 pounds	55.00
400,000 to 500,000 pounds	60.00
500,000 to 600,000 pounds	65.00
600,000 to 700,000 pounds	70.00
700,000 pounds or more	75.00

(d) The applicant shall designate, in writing, the employees of the applicant who will be required and authorized to furnish each grader with such information as may be necessary for the performance of the grading service.

It is agreed that:

(a) PMA will provide an adequate number of graders to perform the grading service covered hereby;

(b) At the sole discretion of PMA the graders may be either a Federal or State employee or a licensed employee of the applicant;

(c) PMA shall not be responsible for damages accruing through any acts of commission or omission on the part of any grader;

(d) The provisions hereof shall continue in full force and effect from its effective date until suspended, withdrawn, or terminated, by (i) mutual consent of the applicant and PMA; (ii) written notice given by either party to the other to take effect on a specific date not less than 30 days from the date of the giving of such notice; (iii) one (1) day's written notice by PMA to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service as herein provided; or (iv) termination of the services requested herein pursuant to the provisions in the following paragraph (e);

(e) The services to be rendered hereunder shall be terminated by PMA at any time PMA, acting pursuant to any applicable laws, rules, or regulations, debars the applicant from receiving any further benefits of the service, or the services hereunder may be suspended or terminated at any time PMA concludes that the applicant has not conformed, or cannot conform, hereto;

(f) All terms used herein shall have the same meaning as when used in the aforesaid regulations and instructions;

(g) A federally employed grader will be required to confine his activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by PMA: *Provided*, That, in no instance will the federally employed grader assume the duties of management;

(h) No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement or to any benefit that may arise therefrom unless derived through the agreement made with a corporation for its general benefit.

_____ (Applicant)
By _____
_____ (Street)
_____ (City) (State)
_____ (Date)

Approved:
By _____
_____ (Title)
_____ (Date)

Production and Marketing Administration, U. S. Department of Agriculture.

Note: Unless otherwise indicated herein the bills will be rendered to the applicant at the address indicated above.

Issued at Washington, D. C., this 15th day of May 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-5797; Filed, May 17, 1951; 8:50 a. m.]

[7 CFR, Part 907]

[Docket No. AO 212-A3]

HANDLING OF MILK IN THE MILWAUKEE, WIS., MARKETING AREA

PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hotel Pfister, Milwaukee, Wisconsin, at 1:00 p. m., c. s. t., on May 22, 1951.

The hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Milwaukee, Wisconsin, marketing area and to the proposed amendments to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the said marketing area (7 CFR 907.0 et seq.), set forth herein below, or modifications thereof. Consideration will be given also to the question of whether such conditions require emergency action with respect to any or all amendments deemed necessary as the result of the hearing. The proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed by the Milwaukee Cooperative Milk Producers Association:

Proposal No. 1. Consider the amendment of § 907.12 so that the definition ("handler") therein contained is more definite in respect to its application to public institutions and other marginal operations.

Proposal No. 2. Amend § 907.17 to read as follows:

§ 907.17 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of April, May or June, which is not in excess of such producer's base mutiplied by the number of days of delivery during such month.

Proposal No. 3. Amend § 907.18 to read as follows:

§ 907.18 *Excess milk.* "Excess milk" means producer milk received by a handler in any of the months of April, May or June in excess of base milk received from such producer during such month.

Proposal No. 4. Reinstate § 907.30 (b) which reads as follows:

(b) The aggregate quantities of base and excess milk.

Proposal No. 5. Amend § 907.31 to read as follows:

§ 907.31 *Payroll reports.* On or before the 19th day of each month each handler shall submit to the market administrator his producer payroll for the preceding month which shall show (a) the total pounds of milk received from each producer, including for the months of April through June such producer's deliveries of base milk and excess milk, (b) the number of days on which milk was received from each producer, (c) the total pounds of milk received from each cooperative association and the total pounds of butterfat contained in such milk, (d) the amount of payment to each producer or cooperative association, (e) the nature and amount of any deductions or charges involved in such payments, and (f) such other information with respect thereto as the market administrator may request.

Proposal No. 6. Amend § 907.50 (c) to read as follows:

(c) The price per hundredweight computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the U. S. D. A. during the delivery period: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the U. S. D. A.; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents.

Proposal No. 7. Amend § 907.51 (a) and (b) to read as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amount as indicated: May and June, $0.46; July, August, September, October and November, $0.86; all others, $0.66: *Provided*, That for each percent that the most recently computed supply-demand ratio as determined under Order No. 41 regulating the handling of milk in the Chicago, Illinois, Marketing Area, is greater or less than the applicable percentage contained in the schedule in § 941.51 (d), the Class I price shall be increased or decreased, respectively, by the following amount for the delivery period indicated: May and June, $0.02; July, August, September, October, and November, $0.04; all others $0.03: *And provided further*, That any adjustment made pursuant to the above proviso in this subparagraph shall be limited to 18 cents in May and June; 30 cents in the July–November period; and 24 cents in all other delivery periods; but in no event shall the Class I price differential computed pursuant to this subparagraph be less than 50 cents.

(b) *Class II milk.* The price for Class II milk shall be the basic formula price plus the following amount as indicated: May and June, $0.30; July, August, September, October and November, $0.50; all others, $0.40: *Provided*, That such amount for the delivery period shall be adjusted by the amount of any adjustment made in the Class I price differential pursuant to the provisos of subparagraph (1) of this paragraph; but in no event shall the Class II price differential computed pursuant to this subparagraph be less than 40 cents in the July-November period or less than 30 cents in all other delivery periods.

Proposal No. 8. Amend § 907.60 to read as follows:

§ 907.60 *Computation of base for each producer.* For each of the months of April through June of each year, each handler shall compute a base for each producer as follows, subject to the rules set forth in § 907.61:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through December immediately preceding by the number of days, not to be less than seventy-five, of such producer's delivery in such period, and increase the resulting amount by the following applicable percentage: (1) For April through June of 1952, forty percent (40%), (2) for April through June of 1953, thirty percent (30%) and (3) for April through June thereafter, twenty percent (20%): *Provided*, That any producer for whom a base has been computed has the option to change his base upon notice in writing to the handler before the end of each of the delivery periods, April through June to a base equal to 80 percent of his deliveries.

(b) Each producer who does not deliver milk in accordance with the above requirements shall have a base computed in the following manner: for each of such months of April through June, the base for such producers shall be 80 percent of his total deliveries.

Proposal No. 9. Amend § 907.61 to read as follows:

§ 907.61 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base assigned to a producer consisting of 2 or more individuals, whether landlord and tenant, or partners, or joint owners may be retained or divided in whatever manner agreed upon between the parties upon dissolution of the relationship: *Provided*, That notice is given to the handler.

(b) A base will remain with the surviving member or members of the immediate family who carry on the dairy operations in case of the death of a producer, or may be so transferred upon the retirement of a producer.

(c) The bases of two or more producers having the same handler may be combined where a business relationship between them is formed, and written notice is given to the handler.

(d) Producers shall be notified by the handler receiving his milk as to the base allotted to him pursuant to § 907.60 (a) as soon as allotment is made, and in any event, not later than March 15.

Proposal No. 10. Amend the introductory paragraph of § 907.71 to read as follows:

§ 907.71 *Computation of uniform price for each handler.* The market administrator shall compute for each handler the uniform price per hundredweight of producer milk for each of the months of July through March in the following manner: To the value computed pursuant to § 907.70:

Proposal No. 11. Reinstate § 907.72, amended to read as follows:

§ 907.72 *Computation of uniform prices for base milk and excess milk.* The market administrator shall compute for each handler the uniform prices per hundredweight of base milk and excess milk for each of the months of April through June as follows: To the value computed pursuant to § 907.70:

(a) Add or deduct, as the case may be, the amount of money involved in adjustments resulting from verification by the market administrator of the handler's reports for previous months:

(b) Add or deduct, as the case may be, the amount of money involved in adjusting the handler's preceding month's uniform price to the nearest cent:

(c) Compute the total value of excess milk received by such handler by multiplying the hundredweight of such excess milk by the Class III price for 3.5 percent milk as announced for the previous month.

(d) Compute the total value of base milk, received by such handler by subtracting the amount computed pursuant to paragraph (c) of this section from the amount computed pursuant to paragraph (b) of this section.

(e) Divide the result obtained in paragraph (d) of this section by the hundredweight of base milk received by such handler, and adjust to the nearest cent. This result shall be known as the uniform price per hundredweight of such handler for base milk of 3.5 percent butterfat content received at his fluid milk plant(s) or receiving station(s).

(f) Divide the result obtained in paragraph (c) of this section by the hundredweight of excess milk, and adjust to the nearest cent. This result shall be known as the uniform price per hundredweight of such handler for excess milk of 3.5 percent butterfat content received at his fluid milk plant(s) or receiving station(s): *Provided, however,* That the difference of any amount above the price of base milk determined pursuant to § 907.72 (e) shall be allocated to the payment of base milk and shall not be paid for excess milk.

(g) If the combined amount of Class III and Class IV milk reported by all handlers in the marketing area during the months of February and March of any year does not exceed 18 percent of the total receipts from producers by said handlers, then producers shall not be paid pursuant to the base-excess payment provisions of this order during April, May and June of such year, but shall be paid according to the uniform price provisions as they are otherwise applicable herein.

Proposal No. 12. Amend § 907.80 (a) and (b) to read as follows:

§ 907.80 *Time and method of payment for producer milk.* (a) On or before the 15th day after the end of each of the months of July through March, each handler shall make payment to each producer for milk received from such producer during such month at not less than the uniform price per hundredweight computed for such handler (§ 907.71), subject to the butterfat differential provided by § 907.81 and to the deduction specified in § 907.83: *Provided,* That if a cooperative association of which such producer is a member is authorized to receive payment for such producer and requests receipt of such payment, payment shall be made to such cooperative association on or before the 13th day after the end of such month: *And provided also,* That the provisions of this paragraph shall not be construed to restrict any cooperative association qualified under section 8c (5) (F) of the act from making payment for milk to its producers in accordance with such provision of the act;

(b) On or before the 15th day after the end of each of the months of April through June each handler shall make payment to each producer for milk received from such producer during such month as follows, subject to the butterfat differential provided by § 907.81, the deduction specified in § 907.83, and both provisos of paragraph (a) of this section;

(1) At not less than the uniform price per hundredweight for base milk (§ 907.72) with respect to base milk received from such producer; and

(2) At not less than the uniform price per hundredweight for excess milk (§ 907.72) with respect to excess milk received from such producer.

Proposal No. 13. Amend § 907.90 to read as follows:

§ 907.90 *Producer-handlers.* Sections 907.40 to 907.47, 907.50 to 907.51, 907.60 to 907.61, 907.70 to 907.72, and 907.80 to 907.85, inclusive, shall not apply to a producer-handler.

Proposal No. 14. Amend § 907.41 (a) to include concentrated milk, flavored milk and flavored milk drinks as Class I milk.

The following amendments have been proposed by the Blochowiak Dairy, et al.

Proposal No. 15. Amend § 907.46 to provide for the conversion of butterfat in excess shrinkage and in Class II milk, Class III milk and Class IV milk to milk equivalent by use of a factor of 3.7 percent in lieu of 3.5 percent.

Proposal No. 16. Amend § 907.47 (d) to provide for reconcillation between the sum of the computed class volumes of milk and producer receipts at the Class III price.

The following amendments have been proposed by the Dairy Branch, Production and Marketing Administration.

Proposal No. 17. Delete § 907.91 (a) (2) and substitute therefor:

(2) The other order is that regulating the handling of milk in the Chicago, Illinois, marketing area and the Secretary determines that the quantity of Class I milk disposed of by such handler within the marketing area herein defined is greater than the quantity so disposed of in the marketing area defined in such other order. This subparagraph shall be applied only with respect to milk at the plant(s) from which disposition was made by the handler directly to outlets within the Milwaukee, Wisconsin, marketing area.

Proposal No. 18. Reconsider the definitions of "Route" (§ 907.7), "Fluid milk plant" (§ 907.8), "Receiving station" (§ 907.9), "Producer" (§ 907.10), "Producer milk" (§ 907.11), "Producer-handler" (§ 907.13), and "Other source milk" (§ 907.14), and "Nonfluid milk plant" (§ 907.15) in light of the proposed reconsideration of the definition of "Handler" under Proposal No. 1 above.

Proposal No. 19. Reconsider the method of applying the rate of administrative assessment under § 907.82 to other source milk classified as Class I milk or Class II milk.

Proposal No. 20. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

The following amendment has been proposed by Wern Farms:

Proposal No. 21. Reclassify skim milk from Class I milk to Class II milk.

The following amendment has been proposed by the Gehl Guernsey Farms, Inc., and Wern Farms:

Proposal No. 22. Amend § 907.47 (d) to provide for reconciliation between the sum of the computed class volumes of milk and producer receipts at the Class III price.

The following amendments have been proposed by the Kewaskum Dairy Company:

Proposal No. 23. Delete §§ 907.60, 907.61, 907.71, and 907.72 contained in said order, relating to the "Base and Surplus Plan."

Proposal No. 24. Amend § 907.70 to read as follows:

§ 907.70 *Determination of uniform price*—(a) *Net pool obligation of handlers.* The market administrator shall on or before the 14th day of each delivery period examine for mathematical correctness and obvious errors the report of receipts and utilization submitted by each handler for the preceding delivery period and shall make such corrections as such examination shall indicate to be appropriate. The net pool obligations of each handler for milk received from producers during each delivery period shall be a sum of money computed for such delivery period as follows:

(1) Multiply the net pooled milk in each class by the applicable class price and add together the resulting amounts.

(b) *Computation of the uniform price.* The market administrator shall compute the uniform price per hundredweight of milk for each delivery period in the following manner:

(1) Combine into one total the net pool obligation of all handlers, computed pursuant to paragraph (a) of this section.

(2) Add the amount of cash balance in the producer-settlement fund;

(3) Divide the result by the total hundredweight of net pooled milk of all handlers whose net pool obligations are included pursuant to subparagraph (1) of this paragraph; and

(4) Subtract not less than 4 cents nor more than 5 cents to provide against the contingency of errors in reports and payments or of delinquencies in payments by handlers. The result shall be known as the uniform price for milk containing 3.5 percent butterfat received from producers.

Proposal No. 25. Amend § 907.80 to read as follows:

§ 907.80 *Payment for milk*—(a) *Time and method of payment.* (1) On or before the 15th day after the end of each delivery period each handler shall pay to each cooperative association which is also a handler, for milk purchased or received from it during the delivery period, an amount of money representing not less than the total value of such milk computed by multiplying the pounds of such milk in each class by the applicable class price subject to a butterfat differential computed as in § 907.81.

(2) On or before the 18th day after the end of each delivery period each handler shall pay to each producer, for milk purchased or received from him during such delivery period, an amount of money representing not less than the total value of such milk, at the uniform price per hundredweight: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to paragraph (d) of this section, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment was received from the market administrator.

(b) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraph (c) of this section and out of which he shall make all payments to handlers pursuant to paragraph (d) of this section: *Provided,* That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform price for each delivery period, the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum obtained by multiplying such handler's net pooled milk by the uniform price and shall enter such amount on such handler's account as a pool debit or pool credit, as the case may be, and shall render such handler a transcript of his account.

(c) *Payments to producer-settlement fund.* On or before the 16th day after the end of each delivery period each handler shall make full payment to the market administrator of any pool debit balance shown on the account rendered, pursuant to paragraph (b) of this section, for the preceding delivery period.

(d) *Payments out of the producer-settlement fund.* On or before the 17th day after the end of each delivery period, the market administrator shall pay to each handler the pool credit balance shown on the account rendered, pursuant to paragraph (b) of this section, if any, for the preceding delivery period, less any unpaid obligations of the handler, pursuant to paragraph (c) of this section. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

Copies of this notice of hearing and of the said order, as amended, may be procured from the Market Administrator, 956 N. 12th Street, Milwaukee 3, Wisconsin, or from the Hearing Clerk, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: May 15, 1951, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51-5793; Filed, May 17, 1951; 8:50 a. m.]

[7 CFR, Part 991]

[Docket No. AO 194-A-4]

HANDLING OF MILK IN THE ROCKFORD-FREEPORT, ILL., MARKETING AREA

PROPOSED AMENDMENTS TO THE TENTATIVELY APPROVED MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hotel Faust, 618 E. State Street, Rockford, Illinois, beginning 9:30 a. m., c. d. s. t., on May 25, 1951.

The hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Rockford-Freeport, Illinois, marketing area and to the proposed amendments to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the said marketing area set forth herein below, or modifications thereof. Consideration will be given also to the question of whether such conditions require emergency action with respect to any or all amendments deemed necessary as the result of the hearing. The amendments proposed have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed by the Stephenson County Pure Milk Association and the Mid-West Dairymen's Company:

Proposal No. 1. Delete the schedule of prices in § 991.51 and substitute therefor language to provide that the Class I price shall be the same as the minimum Class I price effective under Federal Order No. 41 for plants located in the Chicago, Illinois, marketing area, plus 10 cents.

Proposal No. 2. Delete the schedule of prices in § 991.52 and substitute therefor language to provide that the Class II price shall be the same as the minimum Class II price effective under Federal Order No. 41 for plants located in the Chicago, Illinois, marketing area, plus 10 cents.

The following amendments have been proposed by the Dairy Branch, Production and Marketing Administration:

Proposal No. 3. Delete § 991.50 (b) in its entirety and substitute therefor the following:

(b) The price per hundredweight computed from the following formula:

(1) Multiply the simple average as computed by the market administrator, of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period, by 6;

(2) Add 2.4 times the simple average as published by the Department of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(3) Divide by 7;

(4) Add 30 percent thereof; and

(5) Multiply by 3.5.

Proposal No. 4. Delete § 991.50 (c) in its entirety and substitute therefor the following:

(c) The price per hundredweight computed as follows:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents.

Proposal No. 5. Delete § 991.61 (d) and substitute therefor:

(d) Milk received at a plant where any fluid milk is received and bottled for distribution as Class I milk in the marketing area defined in Federal Order No. 41 regulating the handling of milk in the Chicago, Illinois, marketing area shall be subject to pricing and payment under this order only in the event that the Secretary determines that the quantity of Class I milk disposed of from such plant within the marketing area herein defined is greater than the quantity of Class I milk disposed of from such plant within the marketing area defined in Federal Order No. 41.

Proposal No. 6. Delete § 991.41 (a) (1) and substitute therefore the following:

(1) Disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drink (except as provided in paragraph (c) (4) of this section), and concentrated (including frozen) milk, flavored milk and flavored milk drink not sterilized; or

Proposal No. 7. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

The following amendments have been proposed by the Rockford-Freeport, Illinois, handlers:

Proposal No. 8. Amend the order to include the following definition:

"Emergency milk" means milk which is permitted by the health authorities of any of the several municipalities in the marketing area to be labeled Grade "A" and which is received by a handler

from sources other than producers or other handlers during any delivery period in which the market administrator determines that the supply of Grade "A" milk available to such handler is insufficient to fulfill his Class I and Class II requirements for Grade "A" milk.

Proposal No. 9. Amend § 991.14 by adding the words "in emergency milk verification."

Copies of this notice of hearing and of the said order, as amended, may be procured from the Market Administrator, 73 West Monroe Street (2d floor), Chicago 3, Illinois, or from the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: May 15, 1951, at Washington, D. C.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator.*

[F. R. Doc. 51-5794; Filed, May 17, 1951; 8:50 a. m.]

HOUSING AND HOME FINANCE AGENCY

Home Loan Bank Board

[24 CFR, Part 163]

[No. 4256]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

SETTING UP, DESIGNATION, AND PURPOSE OF FEDERAL INSURANCE RESERVE

MAY 15, 1951.

Resolved that, pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108), an amendment to § 163.11 of the rules and regulations for insurance of accounts (24 CFR 163.11) to read in the form hereinafter set forth is hereby proposed.

Resolved further that a hearing will be held on June 25, 1951, at 10 o'clock in the forenoon in Room 827, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D. C., before the Home Loan Bank Board, a member thereof, or a hearing officer designated by the Board, for the purpose of receiving evidence, oral views and arguments on said proposed amendment of the rules and regulations for insurance of accounts, if written notice of intention to appear at said hearing is received by the Secretary to the Home Loan Bank Board at least five days before said date. If no such written notice of intention to appear has been received by the Secretary to the Board at least five days before the date set for the hearing, the hearing will be dispensed with. Whether or not a hearing is held, written data, views or arguments on said proposed amendment which are received by the Secretary to the Home Loan Bank Board on or before June 20, 1951, or prior to the conclusion of the hearing, if held, will be considered by the Home Loan Bank Board in connection with its consideration of the proposed amendment of the said rules and regulations.

§ 163.11 *Setting up, designation, and purpose of Federal insurance reserve.* Each insured institution shall set up a Federal insurance reserve account which shall be used solely for the purpose of absorbing losses. No insured institution may pay dividends from its Federal insurance reserve account. Any insured state-chartered institution may by resolution of its board of directors or by other appropriate corporate action designate as its Federal insurance reserve account any reserve account which under the provisions of state law is established for the sole purpose of absorbing losses. Evidence of such action shall be filed with the Corporation. With the prior written approval of the Corporation, any other reserve account which by specific and adequate corporate action of an insured institution is made subject to charges for losses only, may be designated as its Federal insurance reserve account. The general reserves of Federal savings and loan associations operating under Charter K or Charter N are deemed to meet the requirements of this section.

(Sec. 402, 48 Stat. 1256, as amended; 12 U. S. C. 1725. Interprets or applies sec. 403, 48 Stat. 1257, as amended; 12 U. S. C. 1726)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 51-5790; Filed, May 17, 1951; 8:49 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. E-6347]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

MAY 14, 1951.

Notice is hereby given that, on May 9, 1951, the Federal Power Commission issued its order entered May 9, 1951, supplementing its order issued April 19, 1951, published in the FEDERAL REGISTER April 27, 1951 (16 F. R. 3624-3625), authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-5768; Filed, May 17, 1951; 8:46 a. m.]

[Docket No. G-1203]

EL PASO NATURAL GAS CO. AND EL PASO GAS TRANSPORTATION CORP.

NOTICE OF FINDINGS AND ORDER

MAY 14, 1951.

Notice is hereby given that, on May 9, 1951, the Federal Power Commission issued its findings and order entered May 8, 1951, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-5766; Filed, May 17, 1951; 8:46 a. m.]

[Docket No. G-1425]

VALLEY GAS PIPE LINE CO., INC.

NOTICE OF ORDER DISMISSING APPLICATION

MAY 14, 1951.

Notice is hereby given that, on May 9, 1951, the Federal Power Commission issued its order entered May 8, 1951, dismissing application, without prejudice for lack of prosecution, in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-5765; Filed, May 17, 1951; 8:46 a. m.]

[Docket No. G-1627]

MONTANA POWER CO.

NOTICE OF FINDINGS

MAY 14, 1951.

Notice is hereby given that, on May 8, 1951, the Federal Power Commission issued its findings entered May 8, 1951, in the above-designated matter, determining that the proposed construction and operation of facilities do not require a certificate of public convenience and necessity.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-5767; Filed, May 17, 1951; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

ARLINGTON GAS LIGHT CO. ET AL.

NOTICE OF PROPOSED BANK BORROWINGS

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 11th day of May A. D. 1951.

In the matter of Arlington Gas Light Company, Central Massachusetts Gas Company, Gloucester Gas Light Company, Malden and Melrose Gas Light Company, Northampton Gas Light Company, Salem Gas Light Company, Wachusett Gas Company; File No. 70-2627.

Notice is hereby given that the above named companies (hereinafter individually referred to as "Arlington", "Central Mass.", "Gloucester", "Malden and Melrose", "Northampton", "Salem", and "Wachusett" and collectively referred to as "the borrowing companies"), all subsidiary companies of New England Electric System ("NEES"), a registered holding company, have filed declarations, pursuant to the Public Utility Holding Company Act of 1935. The borrowing companies have designated sections 6 (a) and 7 of the act and Rules U-42 (b) (2) and U-50 (a) (2) promulgated thereunder as being applicable to the transactions described therein.

Notice is further given that any interested person may, not later than May 24, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. At any time after said date, said declarations, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 and Rule U-100 thereof. Any such request should be addressed to: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said declarations, which are on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

Under separate bank loan agreements with the National City Bank of New York, the borrowing companies propose to borrow, from time to time but not later than January 1, 1952, an aggregate amount of $7,150,000, such borrowings to be evidenced by promissory notes maturing May 1, 1952.

The following table shows the aggregate face amount of promissory notes proposed to be issued by each of the borrowing companies, the proposed rate of interest of said notes, and the application by such companies of the proceeds therefrom:

TABLE

Company	Aggregate amount of notes proposed to be issued	Interest rate per annum	Notes payable to banks	For construction	For conversion costs [1]
		Percent			
Arlington	$1,200,000	2¼	$75,000	$541,700	$583,300
Central Massachusetts	400,000	3		280,000	280,000
Gloucester	500,000	3		370,600	129,400
Malden and Melrose	3,000,000	2¼	950,000	937,800	1,112,200
Northampton	400,000	3		225,000	175,000
Salem	1,400,000	2¼		1,051,400	348,600
Wachusett	250,000	3		92,500	157,500
Total	7,150,000		1,025,000	3,418,800	2,706,200

[1] In payment of conversion costs in connection with the distribution of natural gas expected to be available in the latter half of 1951.

Each of the proposed bank loan agreements provides (1) that each loan thereunder shall be in the aggregate amount of $50,000 or a multiple thereof, (2) for a commitment fee at the rate of ½ of 1 percent, for the period from the date of the Commission's order herein to December 31, 1951, on the average daily difference between the amount of the bank's commitment and the amount borrowed, (3) for the right at any time on five days' notice to terminate said agreement in its entirety upon payment in full of all outstanding notes with interest and accrued commitment fees to the date of such payment, the obligation to pay commitment fees ceasing upon the effective date of termination, (4) for prepayment of the principal of the notes in whole or in part, on three business days' notice without premium unless the funds are obtained from other banking organizations, in which case a premium of ¼ of 1 percent is provided for, but in case of prepayment in whole or in part, the borrowing company shall have no right to reborrow the amount prepaid and the amount of the bank's commitment will be reduced by the amount of the prepayment, (6) that the borrowing company will not, without written consent of the bank, (a) borrow money (except under the proposed agreements), (b) merge or sell a substantial part of its property or (c) redeem, retire or purchase any of its outstanding stock or declare or pay any dividend, or make any distribution of assets to stockholders except dividends out of net earnings accumulated after December 31, 1950, and (7) that the net proceeds of any capital stock or funded debt will be applied towards the payment of loans thereunder.

The declarations state that incidental services in connection with the proposed transactions will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $500 for each of the borrowing companies, or the aggregate sum of $3,500. Each of the bank loan agreements provides that the respective borrowing companies will reimburse the lending bank for out-of-pocket expenses, including counsel fees incurred in connection with the agreements. The estimated amount of such expenses and fees will be supplied by amendment. Other expenses, including printing of the bank loan agreements, are estimated not to exceed $100 for each of the borrowing companies, or an aggregate amount of $700.

The declarations further state that no state commission has jurisdiction over the proposed transactions.

The borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5769; Filed, May 17, 1951; 8:46 a. m.]

[File No. 70-2629]

UNION ELECTRIC CO. OF MISSOURI AND MISSOURI POWER & LIGHT CO.

NOTICE OF FILING FOR AUTHORITY TO SELL UTILITY ASSETS TO NONAFFILIATED PUBLIC UTILITY COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of May 1951.

Notice is hereby given that a joint declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("the act") by Union Electric Company of Missouri ("Union"), a registered holding company and a public utility company, and its public-utility subsidiary, Missouri Power & Light Company ("Missouri Power"), all of whose outstanding common stock is owned by Union. Declarants designate section 12 (d) of the act and Rule U-44 (a) thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 31, 1951, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 31, 1951, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested parties are referred to said declaration on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Missouri Power proposes to sell its electric distribution properties located at Clinton, Missouri to Missouri Public Service Company ("Missouri Public"), a non-affiliated public utility company, for a purchase price of $650,000 in cash, including $17,569.20 on account of the transfer of materials and supplies and merchandise on hand for resale and $709.59 for certain other investments, pursuant to an agreement of sale between said companies, dated January 18, 1951. A copy of said agreement is on file with the Commission.

The net book cost (computed original cost) at December 31, 1950, of the electric property to be sold was $480,589. Missouri Power proposes to credit the excess of the purchase price over the depreciated book cost to earned surplus on its books of account.

The declaration states that this transaction is proposed to be consummated in accordance with the terms of an order of this Commission, dated December 19, 1950, (Holding Company Act Release No. 10720) whereby the preferred stock of all the common stock of Missouri Power by Union was exempted, subject to the con-

dition, inter alia, that the Clinton electric distribution properties be disposed of within six months, since such properties could not be retained under the standards of section 11 of the act.

The declaration states that the net proceeds of the sale will be expended for the construction by Missouri Power of a new substation near Moberly, Missouri, which it alleges will further integrate its system with that of Union.

The proposed transactions have been approved by the Missouri Public Service Commission, and it is represented that the proposed sale is not subject to the jurisdiction of any other regulatory body, except this Commission.

It is requested that the order of this Commission approving the sale conform to the requirements of Supplement R of Chapter I of the Internal Revenue Code, as amended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5760; Filed, May 17, 1951; 8:45 a. m.]

[File No. 70-2623]

BIRMINGHAM ELECTRIC CO.

NOTICE OF FILING WITH RESPECT TO SALE OF TRANSPORTATION PROPERTIES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of May 1951.

Notice is hereby given that an application has been filed pursuant to the Public Utility Holding Company Act of 1935 ("act") and the general rules and regulations promulgated thereunder by Birmingham Electric Company ("Birmingham"), a public utility company and an indirect subsidiary of the Southern Company, a registered holding company. The applicant has designated sections 9 (a) and 10 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 25, 1951, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 25, 1951, such application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

This Commission on August 24, 1950, entered an order whereby Alabama Power Company, a public utility subsidiary of the Southern Company, was permitted to acquire certain capital stock of Birmingham (Holding Company Act Release No. 10055). Such order provided, in effect, that Alabama Power Company shall dispose, not later than August 31, 1951, of any direct or indirect interest in the transportation properties and business owned by Birmingham. In compliance with the aforesaid order, Birmingham has notified this Commission, pursuant to the provisions of Rule U-44 (c) under the act, that it has entered into an agreement dated April 10, 1951, with John S. Jemison, Jr., Ernest Woods, Harvey Deramus, George Morris, and Joseph H. Woodward, II, a group of Birmingham businessmen none of whom is or has been affiliated with Birmingham or any of its affiliates. The notice under Rule U-44 (c) states that Birmingham previously requested sealed bids to be submitted on November 14, 1950, for the purchase of its transportation properties but that no bids were received. Following the failure of the company to receive bids Birmingham announced that it would enter into negotiations with respect to the sale of the properties with any persons interested in so doing.

It is further stated that by February 1, 1951, five groups indicated an interest and that after protracted discussions definite proposals for the purchase of the property were received from three, the most favorable of which, in the company's opinion, was submitted by John S. Jemison, Jr., and his associates and was accepted and incorporated in a contract entered into on April 10, 1951. Under the terms of this agreement the purchasers will, among other things, organize an Alabama corporation ("realty company") to which Birmingham will transfer the real estate upon which are located the transportation offices, garages, shops and storage yards used by Birmingham in its transportation business. In addition, the purchasers will organize another Alabama Corporation ("transit company") to own and operate a public transportation system in the areas now served by Birmingham and Birmingham will convey to such corporation its remaining transportation properties and its franchises. The realty company will lease its property to the transit company which will pay as rental the operating expenses of realty company and all amounts necessary to discharge the realty company's obligations. Under the contract, Birmingham also agrees to assign its right to receive, upon payment therefor, 63 trolley coaches from Pullman Standard Car Manufacturing Company.

The aggregate consideration to be received by Birmingham, subject to certain adjustments, is $2,012,500 of which $1,212,500 is payable in cash (including $1,000,000 to be paid by Birmingham to Pullman Standard Car Manufacturing Company) and $800,000 is payable by the delivery of purchase money obligations of the realty company. Such obligations will be dated as of the date of transfer of Birmingham's property to be sold, will be secured by a first mortgage on all of the property of the realty company, will bear interest at the rate of 4½ percent per annum payable annually, will mature 12 years after date and will be amortized at the rate of $25,000 per annum for the first 4 years and at the rate of $50,000 per annum thereafter. The mortgage securing the purchase money obligations will contain a covenant that the lease to the transit company will not be modified or cancelled without consent of Birmingham as long as any of the mortgage indebtedness remains unpaid and the lease will contain a similar provision. The contract also provides that the purchasers will take over, on a month to month basis, and pay the rental on certain motor buses and coaches leased by Birmingham for varying periods. Birmingham has agreed to include in the property to be conveyed certain overhead facilities for trolley coaches to be constructed by Birmingham at a cost of not to exceed $300,000.

Applicant states that, as of March 31, 1951, the book cost, less applicable reserve, of the property to be sold by Birmingham, plus the payment of $200,000 to Pullman Standard Car Manufacturing Company being the estimated amount of Birmingham's liability to that company in excess of the $1,000,000 to be paid by the purchasers, the estimated cost of $300,000 for the above-mentioned overhead facilities, the cost of track removal and paving estimated at $250,000, and $290,000 of materials and supplies to be transferred under the contract, was $7,950,074. Applicant further states that on the basis of the consideration under the contract, the estimated net loss to Birmingham, after credit of an estimated reduction in income taxes for the period 1950-53 inclusive, as a result of the proposed sale and upon the basis of existing tax laws, will be approximately $3,323,225, which loss Birmingham proposes to charge to earned surplus after which there will remain in earned surplus approximately $2,087,622; and that for the 12-months ended March 31, 1951, Birmingham's transportation department operated at a loss of $695,310 before depreciation charges of approximately $570,000.

The contract is subject to the obtaining of all necessary governmental approvals and to the securing of a release of the property to be sold from the lien of Birmingham's Mortgage and Deed of Trust, dated August 1, 1944, to Central Hanover Bank & Trust Company and Frank Woolf, Trustees, as amended. The contract provides for the closing thereunder 28 days after the receipt of the last of such approvals and release and also provides that the obligations of the parties thereto shall terminate 120 days after the date of the contract if such approvals and release have not then been obtained.

Birmingham states it contemplates that, upon transfer of the properties pursuant to the contract, it will abandon all transit business upon approval by the Alabama Public Service Commission, to which commission application has been made for such approval as well as for the approval of its proposed sale of the transportation properties.

The above-described proposed sale is not a part of Birmingham's present application to this Commission and the Commission has determined that a declaration with respect to the sale should not be required. The application by Birmingham seeks permission to acquire the purchase money obligations from the realty company which are to form part of the consideration to be received by Birmingham in connection with the sale.

It is estimated that the proposed transactions will involve expenditures aggregating $6,000, including counsel fees in the amount of $3,000.

Birmingham requests that the Commission's order herein be issued by June 1, 1951, and that it become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5761; Filed, May 17, 1951; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17777]

EHINGER & CIE

In re: Accounts maintained in the name of Ehinger & Cie, Basle, Switzerland, and owned by persons whose names are unknown. F-63-3155.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights, and interests in the accounts identified in Exhibit A set forth below, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

[Accounts maintained in the name of Ehinger & Cie, Basle, Switzerland]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Brown Bros., Harriman & Co., 59 Wall St., New York 5, N. Y.	(a) Ehinger & Cie, Basle, blocked account, ordinary account, and (b) Ehinger & Cie, Basle, general ruling No. 6 account; as described by Brown Bros., Harriman & Co., in its report on Form OAP-700, bearing its Serial No. 42. (c) Ehinger & Cie, Basle, blocked account, as described by Brown Bros., Harriman & Co., in its report on Form OAP-700, bearing its serial No. 43.

[F. R. Doc. 51-5709; Filed, May 16, 1951; 8:47 a. m.]

[Vesting Order 17778]

LEIF HOEGH & CO.

In re: Accounts maintained in the name of Leif Hoegh & Co., A/S, Oslo, Norway, and owned by persons whose names are unknown. D-51-206.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10

of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Leif Hoegh & Co., A/S, Oslo, Norway]

Column I Name and address of institution which maintains account	Column II Designation of account
The National City Bank of New York, 55 Wall St., New York 5, N. Y.	(a) Current account—uncertified account, as described by The National City Bank of New York in its report on form OAP-700, bearing its serial No. 6206; (b) Miscellaneous portfolio of stock, uncertified account, as described by The National City Bank of New York in its report on form OAP-700, bearing its serial No. B48.

[F. R. Doc. 51-5710; Filed, May 16, 1951; 8:47 a. m.]

[Vesting Order 17780]

H. NEUBERG & CO.

In re: Accounts maintained in the name of H. Neuberg & Co., in liquidation, Amsterdam, Holland, and owned by persons whose names are unknown. F-49-1348.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9783 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of H. Neuberg & Co., in liquidation, Amsterdam, Holland]

Column I Name and address of institution which maintains account	Column II Designation of account
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	(a) Bank deposit—H. Neuberg & Co., in liquidation, and (b) H. Neuberg & Co., in liquidation (A/C # FS-8777) consisting of a miscellaneous portfolio of securities payable in dollars and other currencies, as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its serial No. 277.

[F. R. Doc. 51-5711; Filed, May 16, 1951; 8:47 a. m.]

[Vesting Order 17702]

LIPPMANN ROSENTHAL & CO.

In re: Accounts maintained in the name of Lippmann Rosenthal & Co., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1339.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Accounts maintained in the name of Lippmann Rosenthal & Co., Amsterdam, The Netherlands

Column I Name and address of institution which maintains account	Column II Designation of account
1. The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	Lippmann Rosenthal & Co., Amsterdam, The Netherlands, account No. FS 8530, as described by The Chase National Bank of the City of New York, in its report on Form OAP-700 bearing its Serial No. 267.
2. Guaranty Trust Co. of New York, 140 Broadway, New York, N. Y.	(a) Custody cash account XC 21825, and (b) Miscellaneous portfolio of stocks and bonds a/c XC 21825; as described by the Guaranty Trust Co. of New York in its report on Form OAP-700 bearing its Serial No. CU 43.

[F. R. Doc. 51-5782; Filed, May 17, 1951; 8:48 a. m.]

[Vesting Order 17739]

FIRMA H. C. BERENDS

In re: Accounts maintained in the name of Firma H. C. Berends, Amsterdam, The Netherlands, and owned by persons whose names are unknown. F-49-1342.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Firma H. C. Berends, Amsterdam, The Netherlands]

Column I Name and address of institution which maintains account	Column II Designation of account
The New York Trust Co., 100 Broadway, New York 15, N. Y.	Bank deposit, as described by The New York Trust Co. in its report on Form OAP-700, bearing its Serial No. FD 19.

[F. R. Doc. 51-5783; Filed, May 17, 1951; 8:48 a. m.]

[Vesting Order 17749]

DEUTSCHE WOCHENSCHAU G. M. B. H. ET AL.

In re: Rights in newsreel motion pictures owned by Deutsche Wochenschau G. m. b. H. and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are set forth in the column captioned "Producer" of Exhibit A, set forth below and made a part hereof, are corporations, partnerships, associations, or other business organizations organized under the laws of Germany and which have or, on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany);

2. That the property described as follows:

(a) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, in, to and under the following: The newsreel motion pictures listed in the column captioned "Title" of Exhibit A, set forth below and made a part hereof, including, but not limited to, the exclusive right to exhibit same, in whole or in part, by any means, including television, within the United States, all rights to arrange, adapt, revise, translate, and duplicate said newsreel motion pictures in whole or in part, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said newsreel motion pictures;

(b) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons identified in subparagraph 1 of this Vesting Order and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this order, who are citizens and residents of, or which are organized under the laws of or have their principal places of business in Germany, and are nationals of such designated enemy country, in, to and under the following:

(1) All prints in the United States of the newsreel motion pictures described in subparagraph 2 (a) of this Vesting Order,

(2) All arrangements, adaptations, dramatizations, translations and versions of the newsreel motion pictures described in subparagraph 2 (a) of this Vesting Order,

(3) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the property described in subparagraphs 2 (a) and 2 (b), (1) and (2) of this Vesting Order,

(c) All monies and amounts, and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 2 (a) and (b) hereof, and

(d) All causes of action accrued or to accrue at law or in equity with respect to the property described in sub-

paragraphs 2 (a), 2 (b) and 2 (c) hereof, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraphs 1 and 2 (b) hereof, the aforesaid nationals of a designated enemy country (Germany) and is property of, or is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interest therein held by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Title and Producer

Die Deutsche Wochenschau (series June 1, 1940, to December 31, 1946): Deutsche Wochenschau G. m. b. H., Berlin, Germany.

Die Deulig-Woche (entire series): Deulig-Film G. m. b. H., and Deulig-Film A. G., Berlin, Germany.

Die Deulig-Auslandwoche (entire series): Deulig-Film G. m. b. H., and Deulig-Film A. G., Berlin, Germany.

Die Emelka-Wochenschau (entire series): Emelka-Konzern, Munich, Germany.

Die Tobis-Wochenschau (entire series): Tobis-Film A. G., and Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Die Trianon-Wochenschau (entire series): Trianon-Film-Verleih G. m. b. H., Berlin, Germany.

Die Ufa-Wochenschau, also known as die Ufa-Woche (entire series): Universum-Film A. G., "Ufa", Berlin, Germany.

[F. R. Doc. 51-5784; Filed, May 17, 1951; 8:48 a. m.]

[Vesting Order 17819]

JULIA TESCH

In re: Mortgage owned by Julia Tesch, also known as Julia Gesine Christina Tesch. F-28-4237.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julia Tesch, also known as Julia Gesine Christina Tesch, whose last known address is No. 1 Baumbachstrasse, Hanover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: A mortgage executed on October 19, 1922, by Edward Haas and Wilhelmina Haas, his wife, to Lawyers Title and Trust Company, and thereafter assigned by mesne assignments to Ernest George Tesch, by an assignment of mortgage in writing dated December 2, 1942, and recorded in the New York City Register's Office, Queen's County, State of New York, on May 4, 1943, in Liber 5025 of Mortgages, at Page 25, and any and all obligations secured by said mortgage including particularly but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) and any and all such obligations, and the right to enforce and collect such obligations, and the right to possession of the aforesaid mortgage, and any and all notes, bonds and other instruments evidencing such obligations,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5785; Filed, May 17, 1951; 8:48 a. m.]

[Vesting Order 17823]

EDUARD SCHMITZ AND MARY MUENCHMEYER

In re: Stock and bonds owned by Eduard Schmitz and Mary Muenchmeyer. F-28-31444.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eduard Schmitz, whose last known address is Bremen-Horn, Vorstrasse 22, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Mary Muenchmeyer, whose last known address is Bethel Bielefeld, Saronweg 40, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That the property described as follows:

a. Four (4) shares of no par value common capital stock of Virginia-Carolina Chemical Corporation, 401 East Main Street, Richmond 8, Virginia, a corporation organized under the laws of the State of Virginia, evidenced by a certificate numbered NYCO/43214, registered in the name and presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, in an account entitled "Credit Suisse, Zurich," together with all declared and unpaid dividends thereon;

b. That certain certificate or certificates for one hundred twenty (120) shares of no par value capital stock of Consolidated Paper Corporation, Ltd., Sun Life Building, Montreal, Canada, a corporation organized under the laws of Canada, said certificate or certificates presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York, New York, in an account entitled "Credit Suisse, Zurich, Switzerland," together with any and all rights thereunder and thereto;

c. One (1) certificate of deposit for St. Louis-San Francisco Railway Co., 4½ percent Consolidated Mortgage, Series A Gold Bonds, due 1978, of $2,000 aggregate face value, presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York, New York, in an account entitled "Credit Suisse, Zurich, Switzerland", together with any and all rights thereunder and thereto;

d. That certain Canadian Locomotive Co. Ltd., 6 percent bonds or bonds due 1953, of $2,000 aggregate face value, presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York, New York, in an account entitled "Credit Suisse, Zurich, Switzerland", together with any and all rights thereunder and thereto;

e. That certain Consolidated Paper Corp. Ltd., First Mortgage 5½ percent Bond or bonds of $6,000 aggregate face value, due 1961, presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York 5, New York, in an account entitled "Credit Suisse, Zurich, Switzerland", together with any and all rights thereunder and thereto;

f. Those certain debts or other obligations of Bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of the receipt on and after June 14, 1941, of cash dividends derived from the shares of stock described in subparagraph 2-b hereof, constituting a portion of the sum of money on deposit with Bank of the Manhattan Company, in a blocked dollar account entitled "Credit Suisse, Zurich, Switzerland, General Ruling No. 6 Account", maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

g. Those certain debts or other obligations of Bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of the receipt on and after June 14, 1941, of cash interest payments on and/or the proceeds of interest coupons collections from the bonds described in subparagraphs 2-c, 2-d, and 2-e, which funds are presently on deposit with Bank of the Manhattan Company, in a blocked dollar account entitled "Credit Suisse, Zurich, Switzerland, General Ruling No. 6 Account", maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Eduard Schmitz and Mary Muenchmeyer, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5787; Filed, May 17, 1951; 8:48 a. m.]

ELECTRO METALLURGICAL CO.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., and Property

Electro Metallurgical Co., 30 East 42d Street, New York 17, N. Y.; Claim Nos. 246 and 256; property described in Vesting Order No. 256 (7 F. R. 9432, November 26, 1942) relating to United States Patent Application Serial No. 325,930 (now United States Letters Patent No. 2,310,024). Property described in Vesting Order No. 670 (8 F. R. 5603, April 17, 1943), relating to United States Letters Patent No. 2,246,836.

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5788; Filed, May 17, 1951; 8:48 a. m.]

[Vesting Order No. 690]

MAX KLEIDER ET AL.

Having considered the claim set forth [illegible] allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Max Kendler, Marcel Kendler, Silvia Negrea, Bucharest, Rumania; Serina Aftalion, Ella Galia, Morris Galia, Paris, France; Margareta Heissler, Haifa, Israel; Claim No. 41716; April 7, 1951 (16 F. R. 3101); $53,892.77 in the Treasury of the United States, returnable as follows: 9/27 to Ella Galia, 3/27 each to Max Kendler and Morris Galia, 2/27 each to Marcel Kendler, Silvia Negrea, and Margareta Heissler and 6/27 to Serina Aftalion.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5786; Filed, May 17, 1951; 8:48 a. m.]

AGOSTINO LAVAGETTO AND LUIGINA LAVAGETTO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., Property, and Location

Agostino Lavagetto, Savignone, Italy, Claim Nos. 42571 and 42569; Luigina Lavagetto, Savignone, Italy, Claim Nos. 42570 and 42568; $847.50 in the Treasury of the United States to each claimant.

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5789; Filed, May 17, 1951; 8:48 a. m.]

GERTRUDE CADY HARRY ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gertrude Cady Harry, as guardian of the person and estate of Kathinka Marquardt, an incompetent, Stockton, California; Claims Nos. 5410 and 5411; George A. Marquardt and Herman C. Marquardt, Long Beach, California; Claims Nos. 5442 and 5443; Lucy Marquardt, as Executrix of the estate of Jacob Marquardt, deceased, Sierra Madre, California; Claims Nos. 43121 and 43,122; Gertrude Cady Harry, as Administratrix of the estate of Emil Marquardt, deceased, Stockton, California; Claims Nos. 43123 and 43124, $500 in the Treasury of the United States returnable to Lucy Marquardt, [illegible] of $1,907.51 in the Treasury of the United States returnable as follows: [illegible] to Lucy Marquardt, [illegible] to Kathinka Marquardt and [illegible] each to George A. Marquardt and Herman C. Marquardt; [illegible] of $9,918.03 in the Treasury of the United States, returnable as follows: [illegible] to Lucy Marquardt, [illegible] to Kathinka Marquardt, and [illegible] each to George A. Marquardt and Herman C. Marquardt. Undivided interests totaling [illegible] in real property described as "West 70 feet of the South [illegible] the Southeast ¼ of Section 5, T. 2 N., R. 8 E., M. D. B. and M., in San Joaquin County, California" and [illegible] and proceeds thereof located on [illegible] [illegible] Lucy Marquardt, [illegible] Herman C. Marquardt [illegible] George A. Marquardt and Herman C. Marquardt.

Executed at Washington, D. C., on May 11, 1951.

For the Attorney General.

[SEAL] [illegible]
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5790; Filed, May 17, 1951; [illegible]]

FEDERAL REGISTER

VOLUME 16 NUMBER 98

Washington, Saturday, May 19, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10245

ESTABLISHING A COMMISSION FOR THE COMMEMORATION OF THE ONE HUNDRED AND SEVENTY-FIFTH ANNIVERSARY OF THE SIGNING OF THE DECLARATION OF INDEPENDENCE

WHEREAS the fourth day of July in this year One Thousand Nine Hundred and Fifty-one will mark the one hundred and seventy-fifth anniversary of the signing of the Declaration of Independence; and

WHEREAS the ideals of the Declaration of Independence still guide the United States and give hope to the oppressed in other lands; and

WHEREAS the forces of aggression and tyranny are now threatening the utter destruction of the basic principles of freedom, both with respect to individual liberty and the liberty of free nations; and

WHEREAS the United States is today joined with other free nations in a struggle to resist aggression and tyranny and maintain peace; and

WHEREAS we, the people of the United States, should carry on our efforts for peace and freedom with a fuller understanding of the great truths set forth in the Declaration of Independence, with renewed determination to maintain our cherished freedoms, and with faith and hope in that Divine Providence which has protected our country from its beginnings:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and as Commander-in-Chief of the armed forces of the United States, it is hereby ordered as follows:

1. There is hereby established the Commission for the Commemoration of the One Hundred and Seventy-fifth Anniversary of the Signing of the Declaration of Independence, hereinafter referred to as the Commission.

2. The Commission shall be composed of seven members, all *ex officio*, as follows: The Chief Justice of the United States, as Chairman, the Vice President of the United States, the Speaker of the House of Representatives, the Majority Leader and the Minority Leader of the Senate, and the Majority Leader and the Minority Leader of the House of Representatives.

3. It shall be the function of the Commission to plan and arrange for the appropriate commemoration, by ceremonies and otherwise, of the one hundred and seventy-fifth anniversary of the signing of the Declaration of Independence.

4. All executive departments and agencies of the Federal Government are authorized and directed to cooperate with the Commission in its work and to furnish the Commission such information and assistance, not inconsistent with law, as it may require in the performance of its functions.

5. When the Commission deems that its work has been completed, it shall report that fact to the President, and thereupon the Commission shall cease to exist.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 17, 1951.

[F. R. Doc. 51-5897: Filed, May 17, 1951; 5:05 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter II—The Loyalty Review Board

PART 210—OPERATIONS OF THE LOYALTY REVIEW BOARD

APPENDIX A—LIST OF ORGANIZATIONS DESIGNATED BY THE ATTORNEY GENERAL PURSUANT TO EXECUTIVE ORDER NO. 9835

The following material is added at the end of Appendix A:

In a letter dated April 18, 1951, the Attorney General referred to the Alabama Peoples Educational Association which is one of the subdivisions of the Communist Political Association designated by the Attorney General as coming within the scope of Section 3, Part III of Executive Order No. 9835. The Communist Political Association is designated as a Communist organization, a subversive organization, and an organization which "seeks to alter the form of government of the United States by unconstitutional means". The Alabama Peoples Educational Association as a subdivision of the Communist Political Association falls within the same three categories of the Executive Order as does the parent organization.

In a letter dated April 25, 1951, the Attorney General referred to the designation by

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FEDERAL REGISTER

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CODE OF FEDERAL REGULATIONS

1949 Edition

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(For use during 1951)

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Title 7: Parts 210–899 ($1.50)
Part 900 to end ($1.25)
Title 14: Part 400 to end ($0.45)
Titles 30–31 ($0.35)

Previously announced: Titles 4–5 ($0.35); Title 6 ($1.50); Title 7, Parts 1–209 ($0.75); Title 8 ($0.35); Title 9 ($0.25); Titles 10–13 ($0.30); Title 16 ($0.40); Title 17 ($0.25); Title 20 ($0.30); Title 21 ($0.65); Titles 22–23 ($0.35); Title 25 ($0.25); Title 26: Parts 1–79 ($0.30); Parts 80–169 ($0.25); Parts 183–299 ($1.25); Title 26: Parts 300 to end; and Title 27 ($0.30)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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Attorney General Clark on April 21, 1949, of the National Blue Star Mothers of America as a Fascist organization within the meaning of Executive Order No. 9835. The Attorney General states that "another organization not designated bears a similar title, namely, the Blue Star Mothers of America. In order to avoid any further confusion which may result in undue hardship for the Blue Star Mothers of America, it will be appreciated if in future releases containing the designation of organizations under Executive Order No. 9835 you follow the words 'National Blue Star Mothers of America' with the following phrase in parentheses 'Not to be confused with the Blue Star Mothers of America organized in February 1942'."

(Part III, E. O. 9835, Mar. 21, 1947, 12 F. R. 1935; 3 CFR, 1947 Supp.)

LOYALTY REVIEW BOARD,
UNITED STATES CIVIL SERVICE COMMISSION,
HIRAM BINGHAM,
Chairman.

[F. R. Doc. 51-5813; Filed, May 18, 1951; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 383]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.490 *Lemon Regulation 383*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on May 16, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 20, 1951 and ending at 12:01 a. m., P. s. t., May 27, 1951, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 650 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 17th day of May 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 2

[Storage date: May 13, 1951]

[12:01 a. m. May 20, 1951, to 12:01 a. m. June 3, 1951]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.471
American Fruit Growers, Inc., Fullerton	1.343
American Fruit Growers, Inc., Upland	.304
Badington Fruit Co	1.179
Hazeltine Packing Co	.622
Ventura Coastal Lemon Co	1.667
Ventura Pacific Co	1.642
Glendora Lemon Growers Association	1.774
La Verne Lemon Association	.743
La Habra Citrus Association	2.171
Yorba Linda Citrus Association	.979
Escondido Lemon Association	4.209
Alta Loma Heights Citrus Association	.508
Etiwanda Citrus Association	.325
Mountain View Fruit Association	.382
Old Baldy Citrus Association	.953

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
San Dimas Lemon Association	1.908
Upland Lemon Growers Association	5.790
Central Lemon Association	1.379
Irvine Citrus Association	1.122
Placentia Mutual Orange Association	1.170
Corona Citrus Association	.727
Corona Foothill Lemon Co	3.136
Jameson Co	1.694
Arlington Heights Citrus Co	1.407
College Heights Orange & Lemon Association	2.520
Chula Vista Citrus Association	1.078
El Cajon Valley Citrus Association	.143
Escondido Cooperative Citrus Association	.284
Fallbrook Citrus Association	2.449
Lemon Grove Citrus Association	.475
Carpinteria Lemon Association	1.659
Carpinteria Mutual Citrus Association	1.870
Goleta Lemon Association	3.418
Johnston Fruit Co	4.214
North Whittier Heights Citrus Association	1.076
San Fernando Heights Lemon Association	1.053
Sierra Madre-Lamanda Citrus Association	1.542
Briggs Lemon Association	1.976
Culbertson Lemon Association	1.530
Fillmore Lemon Association	1.546
Oxnard Citrus Association	4.640
Rancho Sespe	1.280
Santa Clara Lemon Association	2.710
Santa Paula Citrus Association	3.369
Saticoy Lemon Association	2.127
Seaboard Lemon Association	3.299
Somis Lemon Association	2.500
Ventura Citrus Association	.757
Ventura County Citrus Association	.017
Limoneira Co	2.451
Teague-McKevett Association	.978
East Whittier Citrus Association	1.272
Leffingwell Rancho Lemon Association	.984
Murphy Ranch Co	2.120
Chula Vista Mutual Lemon Association	.560
Index Mutual Association	1.014
La Verne Cooperative Citrus Association	2.780
Orange Belt Fruit Distributors	.812
Ventura County Orange & Lemon Association	1.695
Whittier Mutual Orange & Lemon Association	.165
Ayoob, Fred	.003
Cappos Bros. Produce	.016
Evans Bros. Packing Co	.006
Johnson, Fred	.052
Knapp, John C., Packing Co	.000
Latimer, Harold	.053
MacDonald Fruit Company	.003
Paramount Citrus Association, Inc	.304
San Antonio Orchard Co	.041
Uyeji, Kikuo	.002

[F. R. Doc. 51-5894: Filed, May 18, 1951; 9:02 a. m.]

[Orange Reg. 372]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.518 *Orange Regulation 372*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on May 17, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., May 20, 1951, and ending at 12:01 a. m., P. s. t., May 27, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: 600 carloads;

(*b*) Prorate District No. 2: 675 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: Unlimited movement;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(2) During the period beginning at 12:01 a. m., P. s. t., May 20, 1951, and ending at 12:01 a. m., P. s. t., January 1, 1952, standard size 344 is fixed as the minimum size of Valencia oranges, grown in Prorate Districts 1, 2, 3, or 4, which may be handled.

(3) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(4) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Standard size 344," "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in §§ 966.106 (g) and 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712) contained in this part.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 18th day of May 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., d. s. t., May 20, 1951; to 12:01 a. m., d. s. t., May 27, 1951]

VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	2.0773
A. F. G. Porterville	1.7012
Ivanhoe Coop. Association	.5403
Sandilands Fruit Co	.6400
Doffiemyer & Son, W. Todd	.4410
Earlibest Orange Association	1.7885
Elderwood Citrus Association	.8715
Exeter Citrus Association	2.2097
Exeter Orange Growers Association	.6085
Hillside Packing Association	2.3135
Ivanhoe Mutual Orange Association	.8875
Klink Citrus Association	4.2799
Lemon Cove Association	1.3715
Lindsay Citrus Growers Association	3.1258
Lindsay Cooperative Citrus Association	2.0423
Lindsay Fruit Association	2.3401
Lindsay Orange Growers Association	1.1467
Orange Cove Citrus Association	3.2911
Orange Packing Co	.9717
Orosi Foothill Citrus Association	1.4423
Paloma Citrus Fruit Association	.0000
Rocky Hill Citrus Association	3.2578
Sanger Citrus Association	2.3426
Sequoia Citrus Association	.8004
Stark Packing Corp	4.5162
Visalia Citrus Association	3.1951
Waddell & Son	2.5717
Baird Neece Corp	1.8066
Grand View Heights Citrus Association	4.7263
Magnolia Citrus Association	2.8445
Porterville Citrus Association, The	.8226
Richgrove-Jasmine Citrus Association	1.3777
Strathmore Cooperative Association	3.1961
Strathmore District Orange Association	2.5847
Strathmore Fruit Growers Association	.0000
Strathmore Packing House	1.5373
Sunflower Packing Association	2.6916
Sunland Packing House	3.6221
Tule River Citrus Association	.7744
La Verne Cooperative Citrus Association	.1046
Lindsay Mutual Groves	1.1846
Martin Ranch	.6703
Orange Cove Orange Growers	1.8084
Webb Packing Co	.1843
Woodlake Packing House	1.0814
Anderson Packing Co., R. M	.6961
Baker Bros	1.0716
Bear State Packers, Inc	.0083
California Citrus Groves, Inc., Ltd	2.7514
Campbell, Ralph D. & P. Agnes	.0276
Chess Co., Meyer S	.3027
Darby, Fred J	.0000
Dotts, Vern	.0795
Dubendorf, John W	.1849
Far West Produce Distributors	.5502
Foran, Pat	.0137
Haas, W. H	.0826
Harding & Leggett	2.4976
Independent Growers, Inc	2.3595
Kim, Chas. N	.0056
Kroells Packing Co	2.2760
Lo Bue Bros	.7511
Maas, W. A	.0406
Marks, W. & M	.2581
Randolph Marketing Co	1.6122
Reimers, Don H	.0000
Schilling, Joseph	.1376
Sky Acres Ranch	.1650
Smith, E. L	.0551
Swenson, L. W	.0040
Terry, Floyd	.0027
Woodlake Heights Packing Corporation	.5794
Zaninovich Bros., Inc	.5054

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0598
A. F. G. Corona	.0555
A. F. G. Fullerton	.8276
A. F. G. Orange	.3668
A. F. G. Riverside	.1303
A. F. G. San Juan Capistrano	.5776
A. F. G. Santa Paula	.4700
Endington Fruit Co., Inc	5.5039
Hazeltine Packing Co	.3830
Krinard Packing Co	.2107
Placentia Cooperative Orange Association	.5008
Placentia Pioneer Valencia Growers Association	.6407
Signal Fruit Association	.1073
Azusa Citrus Association	.5185
Covina Citrus Association	1.1838
Covina Orange Growers Association	.5940
Damerel-Allison Association	.7655
Glendora Citrus Association	.5210
Glendora Mutual Orange Association	.8250
Valencia Heights Orchard Association	.3992
Gold Buckle Association	.4818
La Verne Orange Association	.6622
Anaheim Valencia Orange Association	1.2840
Fullerton Mutual Orange Association	2.5716
La Habra Citrus Association	1.1247
Yorba Linda Citrus Association, The	.0959
Escondido Orange Association	2.3802
Alta Loma Heights Citrus Association	.0535
Citrus Fruit Growers	.1947
Etiwanda Citrus Fruit Association	.0271
Mountain View Fruit Association	.0493
Old Baldy Citrus Association	.1116
Rialto Heights Orange Growers	.0080
Upland Citrus Association	.3480
Upland Heights Orange Association	.1486
Consolidated Orange Growers	1.6080
Frances Citrus Association	1.1749
Garden Grove Citrus Association	1.7012
Goldenwest Citrus Association	1.7582
Irvine Valencia Growers	3.0933
Olive Heights Citrus Association	2.0674
Santa Ana-Tustin Mutual Citrus Association	.6959
Santiago Orange Growers Association	3.7634
Tustin Hills Citrus Association	1.9028
Villa Park Orchards Association, The	2.0919
Bradford Bros., Inc	.9071
Placentia Mutual Orange Association	3.5859
Placentia Orange Growers Association	3.3375
Yorba Orange Growers Association	.8471
Call Ranch	.0749
Corona Citrus Association	.4862
Jameson Co	.0820
Orange Heights Orange Association	.6189
Crafton Orange Growers Association	.2644
East Highlands Citrus Association	.0658
Redlands Heights Groves	.1754
Redlands Orangedale Association	.1415
Rialto-Fontana Citrus Association	.0830
Break & Son, Allen	.0497
Bryn Mawr Fruit Growers Association	.1006
Mission Citrus Association	.1301
Redlands Cooperative Fruit Association	.2802
Redlands Orange Growers Association	.1547
Redlands Select Groves	.2627
Rialto Orange Co	.1859
Southern Citrus Association	.1476
United Citrus Growers	.2329
Zilen Citrus Company	.0564
Arlington Heights Citrus Co	.1502
Brown Estate, L. V. W	.1352
Gavilan Citrus Association	.1511
Highgrove Fruit Association	.0644
McDermont Fruit Co	.1289
Monte Vista Citrus Association	.2400
National Orange Co	.0531
Riverside Heights Orange Growers Association, The	.0369
Sierra Vista Packing Association	.0459
Victoria Ave Citrus Association	.2086
Claremont Citrus Association	.0954
College Heights Orange & Lemon Association	.3473
Indian Hill Citrus Association	.1992
Pomona Fruit Growers Exchange	.3159
Walnut Fruit Growers Association	.5492
West Ontario Citrus Association	.1803
El Cajon Valley Citrus Association	.2290
Escondido Cooperative Citrus Association	.8086
San Dimas Orange Growers Association	.8373
Canoga Citrus Association	0.9103
North Whittier Heights Citrus Association	.9859
San Fernando Heights Orange Association	.7674
Sierra Madre-Lamanda Citrus Association	.3393
Camarillo Citrus Association	1.3765
Fillmore Citrus Association	3.1363
Mupu Citrus Association	2.0480
Ojai Orange Association	.6305
Piru Citrus Association	2.1717
Rancho Sespe	.7973
Santa Paula Orange Association	1.0772
Tapo Citrus Association	.9977
Ventura County Citrus Association	.3703
Limoneira Co	.4131
East Whittier Citrus Association	.3798
Murphy Ranch Co	.8254
Anaheim Cooperative Orange Association	1.8097
Bryn Mawr Mutual Orange Association	.1377
Chula Vista Mutual Lemon Association	.0898
Euclid Avenue Orange Association	.6737
Foothill Citrus Union, Inc	.1152
Fullerton Cooperative Orange Association	.3742
Garden Grove Orange Cooperative Inc	1.0528
Golden Orange Groves, Inc	.2563
Highland Mutual Groves, Inc	.0093
Index Mutual Association	.4265
La Verne Cooperative Citrus Association	1.7043
Mentone Heights Association	.0411
Olive Hillside Groves, Inc	.5577
Orange Cooperative Citrus Association	1.4938
Redlands Foothill Groves	.4431
Redlands Mutual Orange Association	.1888
Ventura County Orange & Lemon Association	1.1967
Whittier Mutual Orange & Lemon Association	.1577
Babijuice Corp. of California	.8148
Banks, L. M	.7111
Becker, Samuel Eugene	.0112
Bennett Fruit Co	.1229
Borden Fruit Co	.4881
Cherokee Citrus Co., Inc	.1665
Chess Co., Meyer W	.4212
Dunning Ranch	.0503
Evans Bros. Packing Co	.9960
Gold Banner Association	.1921
Granada Hills Packing Co	.0277
Granada Packing House	1.2044
Hill Packing House, Fred A	.0517
Johnson, Fred	.0058
Knapp Packing Co., John C	.5096
L Bar S Ranch	.1123
Lawson, William J	.0071
Lima & Sons, Joe	.1205
Orange Belt Fruit Distributors	1.3235
Orange Hill Groves	.0070
Otte, Arnold	.0664
Panno Fruit Co., Carlo	1.0110
Paramount Citrus Association, Inc	.8854
Patituci, Frank L	.0094
Placentia Orchard Co	.5334
Prescott, John A	.0197
Riverside Citrus Association	.0373
Ronald, P. W	.0217
Ronneberg, Jerry L	.0047
Schwaer, Erwin & Arthur	.0149
Summit Citrus Packers	.0168
Treesweet Products Co	.2704
Wall, E. T., Grower-Shipper	.1248
Western Fruit Growers, Inc	.6305

[F. R. Doc. 51-5916: Filed, May 18, 1951; 11:16 a. m.]

PART 988—MILK IN THE KNOXVILLE, TENNESSEE, MARKETING AREA

ORDER AMENDING ORDER REGULATING HANDLING OF MILK

§ 988.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and certain proposed amendments to the order regulating the handling of milk in the Knoxville, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order, amending the order effective June 1, 1951. Such action is necessary in the public interest in order to reflect current marketing conditions and to promote the orderly marketing of milk in the Knoxville, Tennessee, marketing area. Any further delay in the effective date of this order amending the order will seriously threaten the orderly marketing of milk in the Knoxville, Tennessee, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held on January 16–20, 1951, the recommended decision having been published in the FEDERAL REGISTER (16 F. R. 2852) March 31, 1951, and the final decision having been executed by the Secretary on May 2, 1951. Therefore, reasonable time under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c) Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order) of more than 50 percent of the volume of the milk covered by this order amending the order, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of the order, and who during the determined representative period (February 1951) were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Knoxville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 988.5 (b) delete subparagraph (1) and substitute the following:

(1) *Class I milk.* The price for Class I milk prior to August 1, 1951, shall be the basic formula price plus $1.30 per hundredweight. Effective August 1, 1951, the price for Class I milk shall be the basic formula price plus $1.50 per hundredweight: *Provided,* That, if during the 12 months prior to the month immediately preceding each delivery period, the total volume of milk received from producers by all handlers was more than 110 percent of the total Class I utilization of all handlers during such 12-month period, the Class I price shall be decreased 2.5 cents per hundredweight for each full percentage point that such percentage is more than 110 percent.

2. In § 988.5 (b) delete from subparagraph (2) "Scott Cheese Co., Sweetwater, Tenn."

3. In § 988.5 (c) delete from subparagraph (1) "1.4" and substitute "1.3" therefor.

4. In § 988.5 (c) delete from subparagraph (2) "1.2" and substitute "1.15" therefor,

5. In § 988.4 (d) add the following proviso at the end of subparagraph (3): "*Provided further,* That if such plant disposes of fluid cream to another nonfluid milk plant which plant conforms with the requirements of subdivisions (i), (ii), and (iii) of this subparagraph, such cream shall be classified as Class II milk."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 16th day of May 1951, to be effective on and after the 1st day of June 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–5850; Filed, May 18, 1951; 8:52 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter B—Federal Home Loan Bank System

[No. 4267]

PART 122—ORGANIZATION OF THE BANKS

PROCEDURAL AMENDMENTS RELATING TO ELECTION OF DIRECTORS OF FEDERAL HOME LOAN BANKS

MAY 16, 1951.

Resolved that, pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108), notice and public procedure having been duly afforded (16 F. R. 3194), Part 122 of the regulations for the Federal Home Loan Bank System (24 CFR Part 122), under the subheading "Directors", is hereby amended in the manner hereinafter set forth, effective May 19, 1951:

a. Section 122.21 is amended to read as follows:

§ 122.21 *Election.* Eight directors of each Bank will be elected in accordance with the provisions of §§ 122.21 to 122.45.

b. Section 122.26 is amended to read as follows:

§ 122.26 *Notification of nomination and classification.* The Board will adjust the lines of class demarcation of members every four years or more often if it deems such action desirable. Before August 1 of each year, the Board will divide the member institutions into groups A, B, and C on the basis of the size of the members as determined, as of the May 31 immediately preceding said August 1, from the aggregate unpaid principal of each member's home mortgage loans appearing on the most recent annual report of the member in the possession of its Bank or on the most recent financial statement of a member in the possession of its Bank in the event such Bank holds no annual report of such member. The Board will then notify each member not later than August 1 of each year of its right to nominate and of its classification and will furnish each member with a list of the members in its class and a list of those holding directorships at that time in the Bank of which it is a member, reflecting each class directorship and each directorship-at-large and containing the name of each director, the date of expiration of the term of each director, the name and address of the member institution of which each class director is an officer or director and his title, the name and address of the institution with which each director-at-large is affiliated and his title, or, if not affiliated with an institution, his present or former occupation and the city and State of which he is a bona fide resident. At the same time each member will be furnished with a copy of the regulations in this part governing the nomination and election of Bank directors and the necessary nominating certificate and will be notified of each directorship to be filled from the membership-at-large and of each directorship to be filled in its class.

c. Section 122.27 is amended to read as follows:

§ 122.27 *Nominating certificates.* Upon receipt of the nominating certificate each member, by resolution of its governing body, may nominate, or authorize one of its directors and one of its officers to nominate, a suitably qualified person for each directorship to be filled in its class and each directorship to be filled from the membership-at-large. The certificate shall then be duly executed and mailed to the Secretary to the Board, so as to be delivered to his office in Washington, D. C., not later than August 31.

d. Section 122.28 is amended to read as follows:

§ 122.28 *Notification to nominees.* A letter will be forwarded to each nominee under registered mail so as to reach his address, as shown by the Board's records, before September 9, informing him of his nomination: *Provided, however,* No such letter shall be forwarded to any nominee holding a class directorship or a directorship-at-large whose term does not expire until after the close of the calendar year during which the election is being held or to any nominee holding a public interest directorship, unless the Secretary to the Board has received from him before September 1 notice of his intention to be a candidate for a class directorship or directorship-at-large. With such letter each such nominee will be forwarded a list of nominees reflecting the directorship or directorships for which each was nominated, a copy of these Regulations governing the nomination and election of Bank directors and a questionnaire which will contain, among other things, a request for a brief biography and questions to ascertain whether the nominee is eligible for the directorship for which he has been nominated and whether he is willing to serve if elected. Such questionnaire must be completely filled in and mailed so as to be delivered to the office of the Secretary to the Board not later than September 15 in order for the nominee to have his name placed on an election ballot. No candidate shall be eligible for election to a directorship unless he is nominated and his name placed on an election ballot pursuant to the provisions of this section and § 122.29.

e. Section 122.30 is amended to read as follows:

§ 122.30 *First election ballots.* On or before October 1, the Board will mail to each member the first election ballots which will contain in alphabetical order the name of each candidate for each directorship to be filled in its class and from the membership-at-large who has complied with the provisions of §§ 122.28 and 122.29. Each ballot for a class directorship will also reflect the title of each candidate and the name and address of the member institution of which he is an officer or director. Each ballot for a directorship-at-large will also reflect the title of each candidate and the name and address of the institution with which he is affiliated or, if not affiliated with an institution, his present or former occupation and the city and state of which he is a bona fide resident. In the event a candidate for a directorship-at-large is affiliated with an institution which is not a member of the Bank such fact will be recorded on the ballot.

f. Section 122.35 is amended to read as follows:

§ 122.35 *Declaration and notification of first election results.* Upon determining the results of the first election ballots, the Board will declare elected the candidates who should be declared elected in accordance with the provisions of §§ 122.21 to 122.45. The Board will thereupon spread said results upon its minutes and notify the directors elected of their election. The Board will also furnish each Bank member the results of the first election ballots and advice as to any directorship or directorships which are to be subject to a final election. The results of the first election ballots shall reflect the name of each candidate, the name and address of the institution with which he is affiliated, the number of votes he received, the number of members eligible to vote for the directorship for which he was a candidate and the candidate declared elected. Upon the request of a candidate the Board will furnish him with the number of votes each candidate received for the directorship for which he was a candidate and the number of members eligible to vote for the directorship for which he was a candidate.

g. Section 122.36 is amended to read as follows:

§ 122.36 *Final election ballots.* On or before November 15, the names of the two highest candidates for each directorship not filled will be placed on final election ballots and such ballots forwarded to the members entitled to vote for such directorships: *Provided, however,* That in the event more than two candidates receive the same number of votes for a directorship and such number is greater than the votes of any of the other candidates for such directorship, the names of all said candidates receiving an equal number of votes shall be placed on the final election ballot: *Provided further,* That in the event one candidate receives more votes than any other candidate for the directorship and the next highest number of votes for the directorship is held by two or more candidates, the names of all said candidates receiving the two highest number of votes for the directorship shall be placed on the final election ballot. There will be shown on each final election ballot the same information with respect to each candidate which will be shown on each first election ballot with respect to each candidate as set forth in § 122.20.

h. Section 122.38 is amended to read as follows:

§ 122.38 *Declaration and notification of final election results.* Upon determining the results of the final election ballots, the Board will declare elected the candidates receiving the highest number of votes. The Board will thereupon spread said results upon its minutes and notify the directors elected of their election. The Board will furnish each Bank member with the results of the election of directors for that Bank. The results of the final election ballots shall reflect the name of each candidate, the name and address of the institution with which he is affiliated, the number of votes he received, the number of members eligible to vote for the directorship for which he was a candidate and the candidate declared elected. Upon the request of a candidate the Board will furnish him with the number of votes each candidate received for the directorship for which he was a candidate and the number of members eligible to vote for the directorship for which he was a candidate.

i. Section 122.40 is amended to read as follows:

§ 122.40 *Mailing of nominating certificates and balloting material.* All nominating and balloting material sent to members shall be forwarded by regular mail, except that such material sent to members in Puerto Rico, the Virgin Islands, Alaska, and Hawaii shall be forwarded by airmail. Each Bank will be furnished with copies of all nominating certificates, ballots and other election material which has been forwarded to its members.

Resolved further that, these amendments, merely simplifying procedures and reducing costs in connection with the handling of elections of directors of the Federal Home Loan Banks and not effecting any substantive changes in existing regulations, should be put into effect promptly and therefore shall become effective upon the date of publication thereof in the FEDERAL REGISTER.

(Sec. 17, 47 Stat. 736; 12 U. S. C. 1437. Interpret and apply sec. 7, 47 Stat. 730, as amended, Pub. Law 576, 81st Cong.; 12 U. S. C. 1427)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 51–5832; Filed, May 18, 1951; 8:50 a. m.]

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Corr. to Amdts. 83, 174, 365]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Corr. to Amdts. 79, 172, 360]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

SOUTH DAKOTA

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are corrected in the following respects:

Those portions only of Item 20 of Amendment 83 to §§ 825.1 to 825.12, Item 19 of Amendment 79 to §§ 825.81 to 825.92, Item 13 of Amendment 174 to §§ 825.1 to 825.12 and Amendment 172 to §§ 825.81 to 825.92, and Item 1 of Amendment 365 to §§ 825.1 to 825.12 and Amendment 360 to §§ 825.81 to 825.92 which pertain to Pennington County, South Dakota, are corrected to read as follows:

• • • ; in Pennington County, Township One North (1N) and Township Two North (2N) in Ranges One East (1E) to Nine East (9E) both inclusive, and Township One South (1S) and Township Two South (2S) in Ranges One East (1E) to Seven East (7E) both inclusive.

The correction of Item 20 of Amendment 83 to §§ 825.1 to 825.12 and of Item 19 of Amendment 79 to §§ 825.81 to 825.92 shall be effective as of April 8, 1949.

The correction of Item 13 of Amendment 174 to §§ 825.1 to 825.12 and Amendment 172 to §§ 825.81 to 825.92 shall be effective as of October 5, 1949.

The correction of Item 1 of Amendment 365 to §§ 825.1 to 825.12 and Amendment 360 to §§ 825.81 to 825.92 shall be effective as of March 31, 1951.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup., 1894)

Issued this 16th day of May 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-5829; Filed, May 18, 1951; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Supplementary Regulation 4]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 4—ALTERNATIVE PRICING METHODS FOR MANUFACTURERS USING GRADE CHARTS AND FOR PRICING FURNITURE "EXTRAS"

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 4 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation is issued to adapt the pricing standards of CPR 22 to the peculiar problems of the furniture industry. The regulation specifically provides for the continuance of certain industry pricing practices which were temporarily disturbed by the General Ceiling Price Regulation and CPR 22.

The supplementary regulation permits manufacturers, who during their base period had grade charts in effect, to continue the use of such charts. Grade charts are most commonly used by manufacturers of upholstered furniture and bedding. They are occasionally used for summer furniture and elsewhere.

A grade chart is a table which sets forth the price of each piece of furniture or each mattress when covered in different grades of fabric. The cover fabrics which a manufacturer purchases are generally placed in grades A, B, C, etc., according to the cost per yard. At any one time a manufacturer may carry in stock a wide variety of covers in various styles, colors and textures all varying in cost. Over the course of a year, he is constantly buying new fabrics and discontinuing old ones. Rather than determine individually the price of a sofa or chair when covered in each of perhaps one hundred or more covers of different cost, manufacturers generally group all covers with costs within a certain price range per yard in a single grade. Thus, for example, fabrics whose cost ranges between $2.00 and $2.49 per yard might be designated grade D; $2.50 to $2.99, grade E; $3.00 to $3.49, grade F, etc. This greatly simplifies the pricing problem for the manufacturer since a chair can be offered at 8 or 10 prices even though the customer is given the choice of buying the chair in a hundred or more different covers.

Ceiling Price Regulation 22 now requires the manufacturer to determine a ceiling price for each article covered in a different fabric in his line. When a product is offered in a new fabric, a new ceiling price must be established. It is evident that the regulation imposes a severe administrative burden on the manufacturer. He must not only establish new ceiling prices for each article in his line, but when he offers his articles in fifty different fabrics his pricing problem is increased fiftyfold.

Under this supplementary regulation, a manufacturer determines his price under CPR 22 for the article in muslin or lowest grade. He then applies to the price so determined the "step-ups" in the grade chart published during his base period. By this device, he need not make any adjustments in the grade chart itself. The adjustments are limited to the price of the basic item in muslin or lowest grade.

However, in establishing the ceiling price in muslin or lowest grade, certain adjustments have to be made if the computation is made under method 1 (the aggregate method) or method 4 (the composite bill of materials method) of CPR 22. Both of those methods require the calculation of cost increases in manufacturing materials and both require the use of net sales to arrive at the materials cost adjustment factor. A distortion in the price of the article in muslin would result if those methods were literally applied.

Provision is made for incorporating into existing grade charts products designed after the base period. The price for the basic item is determined under section 32 by reference to a margin over current unit direct cost obtained for a "comparison" commodity. If the comparison commodity requires the same yardage as the new commodity, the grade chart step-up for the new commodity is the same as for the comparison commodity. If the new commodity requires a yardage differing from that required for the comparison commodity, the step-up is determined by the proportion which the yardage of the new commodity bears to yardage of the comparison commodity.

Provision is made in the supplementary regulation for extension of grade charts upwards or downwards to take care of cover materials having a per yard cost higher or lower than any used in the base period. The extension of the grade chart must be made in the same cost ranges as used in the base period chart.

The supplementary regulation makes provision for pricing furniture with extension features, such as extra leaves and extra length bed rails and for special hardware, decorations and optional finishes. Separate materials cost adjustment factors need not be computed for items furnished with such variations. Instead the manufacturer may continue in effect the base period differentials. Where these differentials were expressed in dollars, they are recomputed in percentages and such percentages may be added to the recomputed ceiling price for the basic commodity.

The supplementary regulation is only intended to be applicable to those manufacturers of bedding and furniture who had a firmly established cover grade system or differential system for pricing extras in effect during the base period. To establish that this was the fact, the supplementary regulation contains a requirement that base period grade charts or other documents showing the existence of the pricing system be filed with the Office of Price Stabilization.

In the preparation of this supplementary regulation, consultations were had with an industry advisory committee for the furniture manufacturing industry.

The supplementary regulation was issued in order to conform CPR 22 to established business practices, cost practices and methods established in the furniture and bedding industries. To the extent that this supplementary regulation compels changes in business practices, cost practices or methods established in these industries, such changes are affirmatively found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of any regulation, order or requirement issued by him.

In the judgment of the Director of Price Stabilization the ceiling prices established by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

SUPPLEMENTARY REGULATION 4 TO CEILING PRICE REGULATION 22

Sec.

1. What this supplementary regulation does.
2. Manufacturers entitled to fix ceiling prices under this supplementary regulation.
3. Manufacturers' ceiling prices for sales of articles of furniture or bedding to which an established cover grade chart applied during the base period.
4. Ceiling prices for new articles of upholstered furniture or bedding falling within categories dealt in during your base period.
5. Placement of cover materials in your grade chart; new cover grades.
6. Basic articles of furniture with extension features, optional finishes, or added decorations, dealt in during the base period.
7. New basic articles of furniture with extension features, optional finishes, or added decorations.
8. New extension features, optional finishes, or added decoration differing only by reason of minor changes from those sold or offered for sale by you during your base period.
9. Reports.
10. Modifications of ceiling prices by the Director of Price Stabilization.

AUTHORITY: Sections 1 to 10 issued under sec. 704, Public Law 774, 81st Cong. Interpret or apply Title IV, Public Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation enables certain manufacturers of furniture and bedding to continue the use of grade charts. It also enables furniture manufacturers to continue in effect price differentials which existed during their base period with respect to extension features, optional finishes and added decorations. Under this supplementary regulation, you establish your ceiling price under Ceiling Price Regulation 22 (hereinafter abbreviated, CPR 22) for your article of furniture or bedding in muslin or lowest grade. To the ceiling price thus established, you add the differentials contained in your grade chart. Similarly you establish your ceiling price for a basic article of furniture and add your established differential for supplying extension features, optional finishes or added decorations. Except as specifically modified by this supplementary regulation, all the provisions of CPR 22 remain in effect. You may price under this supplementary regulation only if you meet the requirements set forth in section 2.

SEC. 2. *Manufacturers entitled to fix ceiling prices under this supplementary regulation—(a) Applicability to manufacturers of upholstered furniture or bedding.* You may fix ceiling prices for upholstered furniture or bedding under sections 3, 4 and 5 of this supplementary regulation only if you meet the following qualifications:

(1) You must have had in effect and communicated to a substantial number of your customers during your base period a written price list or catalog containing a cover grade chart. See Section 9 for filing requirements.

(2) You must have customarily used the grade chart during your base period as a method of determining prices in different cover grades. A cover grade chart for the purposes of this supplementary regulation is a chart which fixes a price for an item in muslin or lowest grade and which establishes varying prices for the same item when furnished in varying cover fabrics, depending upon the grade in which the fabric falls. Fabrics must be assigned to a grade depending on their costs.

(3) You may elect to price upholstered furniture or bedding under this supplementary regulation, or under CPR 22 without reference to this supplementary regulation. If you elect to price any upholstered furniture or bedding under this supplementary regulation, you must price all your upholstered furniture or bedding under it, and you may not later alter your election.

(b) *Applicability to manufacturers of basic articles of furniture with extension features, optional finishes or added decorations.* You may fix ceiling prices under sections 6, 7 and 8 of this supplementary regulation for basic articles of furniture with extension features, optional finishes, or added decorations only if you meet the following qualifications:

(1) During the base period, you must have had in effect and communicated to a substantial number of customers a written price list or catalog showing fixed prices for basic articles of furniture and showing differentials, expressed either in percentages or dollars, for extension features, optional finishes, or added decorations. See Section 9 for filing requirements.

(2) You must have customarily used the price list during the base period as a method for determining prices of basic articles of furniture with extension features, optional finishes or added decorations.

(3) You may elect to price under this supplementary regulation or CPR 22. If you elect to price under this supplementary regulation any basic article of furniture with extension feature, optional finishes, or added decorations, you must use it for pricing all of them and may not later alter your election.

SEC. 3. *Manufacturers' ceiling prices for sales of articles of furniture or bedding to which an established cover grade chart applied during the base period.* To determine your ceiling price for an article of upholstered furniture or bedding which you sold or offered for sale during your base period, you take the following steps:

(a) *Step 1.* Determine the ceiling price for the basic article in muslin or lowest grade under CPR 22 with the following changes:

(1) If you use method 1, section 13 of CPR 22 (aggregate method), you may deduct, from the dollar amount of net sales determined in section 13 (a), the total cost of cover material other than muslin or lowest grade used during your last fiscal year ended not later than December 31, 1950. If you are unable to determine the actual total cost of the cover fabrics, you may use a cost figure arrived at by multiplying the physical amount of each cover material used by the cost of that material determined by reference to the last invoice prior to the end of your base period.

In computing the physical amount of each manufacturing material used under section 13 (b) of CPR 22, to arrive at your materials cost increase, you *must* omit the total physical amount of cover material used other than muslin or lowest grade;

(2) If you use method 4, Section 16 of CPR 22 (composite bill of materials method), you may deduct from the total net sales determined in section 16 (a), the total cost of cover material other than muslin or lowest grade used in the articles sold during the accounting period chosen under that section. If you are unable to determine the actual total cost of cover fabrics, you may use a cost figure arrived at by multiplying the physical amount of cover material used in articles sold during the accounting period by their cost determined by reference to the last invoice prior to the end of the same accounting period.

In computing the physical amount of each manufacturing material used under section 16 (b) of CPR 22, to arrive at your materials cost increase, you *must* omit the total physical amount of cover material, other than muslin or lowest grade, used in the articles sold.

(3) If you use methods 2 or 3, sections 14 or 15 of CPR 22, you follow the instructions as set forth in those sections without any changes.

(b) *Step 2.* Find the difference between the price of the article in muslin or lowest grade and the price, to your largest buying class of purchaser, of the article in the applicable grade on your base period grade chart. This is your "grade chart step-up."

(c) *Step 3.* Add to the ceiling price for the basic article obtained under paragraph (a) of this section the grade chart step-up established in paragraph (b) of this section. The result is your ceiling price for the applicable grade. The resulting ceiling prices for each grade of fabric may be used to construct a ceiling price grade chart containing the ceiling prices established under this regulation.

(d) If you are selling extras such as skirts, flounces, pleats, etc., you may add the same dollar and cents charges which you added under the terms of your base period price chart or you may compute a ceiling price for such extras under the provisions of CPR 22 without reference to this supplementary regulation.

SEC. 4. *Ceiling prices for new articles of upholstered furniture or bedding falling within categories dealt in during your base period.* If you did not sell or offer for sale an article of upholstered furniture or bedding during your base period but did sell or offer for sale articles in the same category, you establish your ceiling prices in various cover grades for this new article by taking the following steps:

(a) *Step 1.* Determine your ceiling price under section 32 of CPR 22, as

modified by section 3 (a) of this supplementary regulation, for the new article in muslin or lowest grade.

(b) *Step 2.* Determine the amount of your grade chart step-up for each grade of cover material as follows:

(i) If your comparison commodity uses the same yardage of cover material as the article being priced, you use the same step-ups as are found in your base period grade chart for the comparison commodity.

(ii) If your comparison commodity uses a yardage differing from the yardage used in the commodity being priced, divide the yardage required for the new article by the yardage required for the comparison commodity; multiply the resulting quotient by the grade chart step-ups for the comparison commodity contained in your base period grade chart. The resulting figures constitute your grade chart step-ups for the commodity being priced.

(c) *Step 3.* Add to the basic price arrived at in Step 1 (paragraph (a) of this section) the amount of the grade chart step-up arrived at in Step 2 (paragraph (b) of this section). This gives you your ceiling price for the article in each cover grade. The resulting ceiling prices for the article in each grade of fabric may be incorporated into your ceiling price grade chart.

(d) *Step 4.* If you supply extras such as skirts, flounces, pleats, etc., you may add to the ceiling price the same dollar-and-cents charges which you added to the comparison commodity during the base period, or you may compute a ceiling price for such extras under the provisions of CPR 22 without reference to this supplementary regulation.

Example: You are establishing a ceiling price for a sofa which you did not sell or offer for sale during your base period. You find your comparison commodity under section 32 of CPR 22. You compute the current unit direct cost of the comparison commodity in muslin. This is $80. Under the provisions of CPR 22 as modified by section 3 of this supplementary regulation, the ceiling price in muslin is $112. Your percentage markup on your comparison commodity is 40% ($112 ceiling price minus $80 current unit direct cost equals $32 markup; $32 markup divided by $80 current unit direct cost equals 40% markup). Your current unit direct cost of the sofa to be priced is $90 in muslin. Add 40% markup. Your ceiling price for the new sofa in muslin is $126 ($90 current unit direct cost multiplied by 40% equals $36 markup; $90 plus $36 equals $126). Your ceiling price for your comparison commodity is $112 in muslin and $142 in cover Grade D. Your step-up charge for Grade D is $30. Your comparison commodity requires 7 yards of material; the new sofa requires 8 yards of material. The step-up for the new sofa is $34.29 (8/7 multiplied by $30 equals $34.29). The ceiling price for the new sofa in Grade D cover is $160.29 ($126 ceiling price in muslin plus step-up of $34.29 equals $160.29). This price may be incorporated into your ceiling price grade chart.

SEC. 5. *Placement of cover materials in your grade chart; new cover grades.* (a) In determining the placement of cover materials in your various grades, you must use the same cost ranges you used in establishing grades in your base period grade chart. If you acquire cover fabrics having a material cost higher than those used in the highest grade or lower than those used in the lowest grade on your base period cover grade chart, you add an additional grade or grades. The range of cost for each new higher grade shall be the same as the cost range used in establishing the highest grade on your base period grade chart; and the range of cost for each new lower grade shall be the same as the cost range used in establishing the lowest grade on your base period grade chart. Cover fabrics must be assigned to grades depending on their cost.

(b) To price an article of furniture in a new higher grade, you add to its ceiling price in the highest grade on your chart an amount equal to the difference between the grade chart price for your highest grade and the grade chart price for the next lower grade. Similarly, to price an article in a new lower grade, you subtract from its ceiling price in the lowest grade (other than muslin) on your chart an amount equal to the difference between the grade chart price for your lowest grade and the grade chart price for the next higher grade.

Example: During the base period you had a cover grade chart in effect with grades F through M, inclusive. Fabrics used in grades F through J have a 25¢ cost range; grade F includes fabrics from $1.26 to $1.50; grade G from $1.51 to $1.75, etc. Fabrics used in grades K through M have a 50¢ cost range; grade K includes fabrics from $2.51 to $3.00, grade L from $3.01 to $3.50; Grade M from $3.51 to $4.00. You now acquire fabrics which cost $4.25. You may establish grade N for articles covered in fabrics which cost between $4.01 and $4.50. Similarly, if you acquire a fabric at a cost of $1.10, you may establish grade E for articles upholstered in fabrics which cost between $1.01 and $1.25.

Your ceiling price for a sofa in lowest grade, i. e., F, is $110, in grade G it is $114, in grade H it is $118, in grade K it is $134, in grade L it is $142 in grade M it is $150. The ceiling price in your new grade N is $158, in new grade E it is $106.

SEC. 6. *Basic articles of furniture with extension features, optional finishes, or added decorations, dealt in during the base period.* Your method for determining your ceiling price for a basic article of furniture which you sold or offered for sale during your base period and for which you offered, during your base period, an extension feature, optional finish, or added decoration, is as follows:

(a) Determine the ceiling price for the basic article of furniture under CPR 22; if the article is one to which section 3 of this supplementary regulation applies, the ceiling price must be determined under CPR 22 as modified by section 3 (a) of this supplementary regulation;

(b) Determine the charge you made in your base period for supplying the same extension feature, optional finish or added decoration in accordance with your written list. If you used a dollar charge, find the appropriate percentage by dividing the dollar charge by the base period price of the basic article of furniture;

(c) Multiply the ceiling price for the basic article determined in paragraph (a) of this section by the percentage obtained in paragraph (b) of this section. This is the additional charge;

(d) Add this additional charge to the ceiling price for the basic article determined in paragraph (a) of this section.

SEC. 7. *New basic articles of furniture with extension features, optional finishes, or added decorations.* If you did not sell or offer for sale during the base period a basic article of furniture with an extension feature, optional finish, or added decoration, but did sell or offer for sale basic articles of furniture in the same category, you establish your ceiling price by taking the following steps:

(a) Determine the ceiling price for the new basic article of furniture under section 32 of CPR 22; if the article is one to which section 4 of this supplementary regulation applies, the ceiling price must be determined under CPR 22 as modified by section 3 (a) of this supplementary regulation.

(b) Determine your base period charge for supplying the same extension feature, optional finish or added decoration to the "comparison" commodity used in the computation of your ceiling price. If you used a dollar charge, find the appropriate percentage by dividing the dollar charge by the price during the base period of the "comparison" commodity;

(3) Multiply the ceiling price determined in paragraph (a) of this section for the basic new article by the percentage obtained in paragraph (b) of this section. This gives you the additional charge;

(d) Add this additional charge to the ceiling price for the basic new commodity determined in paragraph (a) of this section. The result is your ceiling price.

SEC. 8. *New extension features, optional finishes, or added decorations differing only by reason of minor changes from those sold or offered by you during your base period.* The additional charge for an extension feature, optional finish or added decoration not sold or offered for sale by you during your base period, but differing from one which you did sell or offer for sale only by reason of minor changes in material, design or construction, which do not reduce unit manufacturing costs or prevent its offering fairly equivalent service, shall be the same charge applicable under this supplementary regulation to the most similar extension feature, optional finish, or added decoration sold or offered for sale by you during the base period.

SEC. 9. *Reports.* (a) Your report on Form 8 for a product line or category shall be in accordance with the instructions to that form except that (1) the materials cost adjustment or adjustment factor shall be computed in accordance with the instructions in this supplementary regulation, and (2) you shall list in Item 8 only proposed increases in prices of items in muslin or lowest grade or prices of "basic articles" as that term is used in this supplementary regulation. Sales figures reported in Item 3 or column (c) of Item 8 should, however, include all sales in the product line, including items with extension features, optional finishes, or added decorations.

(b) As a supplement to Form 8, you shall file: (1) A copy of your written

cover grade chart in effect and communicated to a substantial number of your customers during your base period; (2) a statement of the cost ranges for all grades contained in your cover grade chart; (3) a copy of your written list or quotation for extension features, optional finishes, or added decorations which you customarily used and communicated to a substantial number of your customers during your base period; (4) your proposed ceiling prices on all articles of furniture and bedding priced under this supplementary regulation including ceiling prices for all cover grades.

SEC. 10. *Modification of ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or revise downward ceiling prices reported under this supplementary regulation, if the proposed prices are not correctly arrived at, or if a seller does not qualify for the use of this supplementary regulation, or if prices reported are not in line with the level of ceiling prices otherwise established by this supplementary regulation or CPR 22.

Effective date: This supplementary regulation shall become effective May 28, 1951.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 17, 1951.

[F. R. Doc. 51-5832; Filed, May 17, 1951; 4:00 p. m.]

[Ceiling Price Regulation 14, Amdt. 3]

CPR 14—CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (16 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to Ceiling Price Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This statement of considerations covers Amendments 3 to CPR 14, CPR 15 and CPR 16. These amendments deal primarily with the proper ceiling prices for certain "specialty" food items. Simultaneously with the issuance of these amendments, the Director of Price Stabilization has issued Amendment 1 to General Overriding Regulation 7 which excludes, at wholesale and retail, a substantial number of "specialty" food items from price control. These amendments relate to additional "specialty" food items which are not excluded from price control by Amendment 1 to General Overriding Regulation 7, but whose ceiling prices are to be determined by the General Ceiling Price Regulation rather than by CPR 14, CPR 15 and CPR 16.

These amendments were made necessary in order to permit all distributors selling "specialty" food items to establish their ceiling prices in the same manner. Amendments 2 to these regulations relieved certain stores carrying mostly "specialty" food items from the necessity of using the markups in these regulations upon certain specific conditions, including an average markup on "net cost" of 40 percent or more at retail and 22 percent or more at wholesale in their fiscal year 1950 on all food sales. Since there is no hard and fast definition of just what constitutes a "specialty" food item, the method used in Amendments 2 relieves the squeeze on those wholesalers and retailers selling mostly "specialty" food items from pricing under the provisions of CPR 14, CPR 15, and CPR 16. These amendments permit those sellers dealing in "specialty" food items not excluded from price control by Amendment 1 to General Overriding Regulation 7, who do not qualify for adjustment under Amendments 2 to these regulations to use the ceiling prices established by the General Ceiling Price Regulation rather than the ceiling prices established under CPR 14, CPR 15 and CPR 16.

In order to provide a ready reference and an easy guide, these amendments define the food items included in the regulations, those which are excluded from the regulations but subject to the General Ceiling Price Regulation, and those which are excluded from price control at wholesale and retail levels by Amendment 1 to General Overriding Regulation 7.

Additionally, these amendments transfer some food items which have been misplaced into their proper commodity category.

In the formulation of these amendments, special circumstances have rendered impractical consultation with official advisory committees, including trade association representatives; however, the provisions of this amendment incorporate the recommendations of persons representing substantial segments of the industry. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Section 35 (b) and (c) is amended by deleting the present paragraphs (b) and (c) and substituting therefor the following new paragraphs (b) and (c), and by adding the new paragraph (d) as set forth in parallel columns below:

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(1) *"Baby foods"* means "baby" or "junior" cereals, fruits, vegetables, meats, pudding, soups and mixtures thereof, packed in hermetically sealed containers. Not included in this definition are dry baby cereals.	(1) *"Baby foods".* Excluded are: Dry baby cereals.	(1) *"Baby foods".* Excluded are: None.
(2) *"Cereals, breakfast"* means bulk or packaged cereal items of any size commonly used as breakfast foods, both uncooked and ready-to-eat types including but not limited to, bran flakes, farina, popped rice, and rolled oats. Not included in this definition are barley, corn meal, corn grits, hominy grits and flakes, rice and wheat bran flour.	(2) *"Cereals, breakfast".* Excluded are: Steel cut oats and wheat germ.	(2) *"Cereals, breakfast."* Excluded are: Imported "cereals, breakfast" if imported in consumer size containers
(3) *"Cocoa, chocolate, and cereal-drink preparations"* includes, but is not limited to, coffee substitutes or extenders, chicory, malted milk preparations containing less than 35% malted milk, chocolate syrup packed in consumer sizes, chocolate bits, and cooking chocolate and packaged powdered skim milk (spray process)	(3) *"Cocoa, chocolate, and cereal-drink preparations."* Excluded are: Malted milk and any preparations containing 35% or more malted milk, chocolate confections, bittersweet bars, milk chocolate, chocolate syrup packed in No. 10 tin or larger, powdered whole milk, powdered skim milk packaged in tin in inert gas.	(3) *"Cocoa, chocolate, and cereal-drink preparations."* Excluded are: Imported cocoa, chocolate and cereal drink preparations if imported in consumer size containers.
(4) *"Coffee"* means roasted coffee, whole or ground, decaffeinated coffee, coffee concentrates, and any mixtures of coffee with other products for beverage purposes. Not included in this definition is frozen coffee concentrate.	(4) *"Coffee".* Excluded is: Green coffee in containers of the customary unit and weight in which they are imported into the United States.	(4) *"Coffee".* Excluded is: Imported coffee if imported in consumer size containers (2 pounds or less).
(5) *"Cookies, crackers, toast and crumbs"* includes, but is not limited to biscuits, Christmas cookies, fig crackers, graham crackers, pretzels, rye crackers, zwieback, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal and related matzo products. Not included in this definition are any items which are bought by you in bulk and sold loose.	(5) *"Cookies, crackers, toast and crumbs".* Excluded are: Any baking product which you manufacture, Passover matzo, Passover matzo meal and related Passover products, any cookie or cracker item which is purchased in consumer sizes in tin or glass containers, baked goods, fresh, such as bread, pies, cakes, rolls, doughnuts, coffee cakes, candies (except cookies, crackers, toast and crumbs), and rice crackers.	(5) *"Cookies, crackers, toast and crumbs".* Excluded are: Imported cookies, crackers and toast, if imported in consumer size containers.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(6) "*Corn meal, hominy and flour mixes*" means bulk or packaged corn meal, corn grits, hominy, hominy grits, hominy flakes, prepared hominy and bulk or packaged flour mixes milled from wheat, semolina, farina, buckwheat, corn, rice, and potatoes, including, but not limited to, prepared pancake, biscuit, pie crust and gingerbread mix. Not included in this definition is canned hominy which is in "Vegetables and vegetable juices, canned."	(6) "*Corn meal, hominy and flour mixes*". Excluded are: None.	(6) "*Corn meal, hominy and flour mixes*". Excluded is: Water ground corn meal.
(7) "*Dog and cat food*" shall not include any item prepared by you for pet food, or any frozen dog or cat food.	(7) "*Dog and cat food*". Excluded are: None.	(7) "*Dog and cat food*". Excluded are: None.
(8) "*Fish, processed*" includes canned fish, canned seafood, and salted or otherwise processed fish, such as fish cakes. Not included in this definition are frozen food products in which fish or seafood are combined with other ingredients, clams, crab meat, lobster, lobster bisque, and oysters.	(8) "*Fish, processed*". Excluded are: Frozen fish and seafood, canned clams; and kippered, marinated, dried or smoked fish and seafood (except herring dines).	(8) "*Fish, processed*". Excluded are: Fresh fish and seafood, canned clam juice, fish and seafood pâtés, pastes and purees, sauce containing fish and seafood, fish roe, caviar, fish and seafood hors d'oeuvres; imported "fish, processed" if imported in consumer size containers, except tuna and salmon.
(9) "*Flour*" means bulk or packaged (in any size) flour milled from wheat, semolina, farina, buckwheat, corn, rice, and potatoes, including but not limited to, all-purposes family flour, self-rising flour, cake flour, and enriched flour. Not included in this definition are all flour mixes.	(9) "*Flour*". Excluded are: None.	(9) "*Flour*". Excluded are: None.
(10) "*Frozen foods*" means packaged quick-frozen or cold-packed foods sold from refrigerated cabinets or lockers, including, but not limited to all fruits, berries, fruit or berry juices, and mixtures (except any of the foregoing in containers of a capacity of more than 50 pounds), vegetables, vegetable juices, and mixtures, including mushrooms, dog and cat foods not prepared by you for pet foods, applesauce, macaroni and spaghetti products, chop suey, chow mein, gravies, pork-and-beans, soups, food products in which meat, chicken, turkey, fish or seafood are combined with other ingredients, meat stews, and corned beef hash, frozen instant coffee, concentrated frozen fresh milk, frozen meat pies, frozen pies and pastries.	(10) "*Frozen foods*". Excluded are: Frozen fruits, berries, fruit or berry juices and mixtures in containers of a capacity of more than 50 pounds, frozen fish and seafood, frozen meat, poultry, ice cream, sherbet and frozen confections.	(10) "*Frozen foods*". Excluded are: Frozen hollandaise sauce.
(11) "*Fruits, berries and fruit juices, canned*" includes but is not limited to, apple sauce, apple cider, berry juices, concentrated fruit juices, citrus fruits and juices, cranberry jelly and sauce, fountain fruits, maraschino cherries without stems, fruit nectars, bulk applecider, fruits for salad, pineapple juice and non-carbonated liquid fruit beverages such as grapeade, lemonade, and orangeade. Not included in this definition are apple butter, fruit butters, jam, jellies, fruit preserves, cocoanut, olives, baby foods, dried fruits, dehydrated fruits, fruit cocktail, pineapple (except pineapple juice), peaches, pears and frozen fruits.	(11) "*Fruits, berries and fruit juices, canned*". Excluded are: None.	(11) "*Fruits, berries and fruit juices, canned*". Excluded are: Brandied or stuffed fruits or berries; whole or half citrus fruits; cocktail slices and sticks; and maraschino cherries with stems, imported fruits, berries and fruit juices canned (except pineapple juice), if imported in consumer size containers.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(12) "*Fruit cocktail, pineapple, peaches and pears (canned) except juices*". Not included in this definition are fruits for salad and frozen fruits. "Canned" means processed and packaged in any container, whether or not hermetically sealed.	(12) "*Fruit cocktail, pineapple, peaches and pears (canned) except juices*". Excluded are: None	(12) "*Fruit cocktail, pineapple, peaches and pears (canned) except juices*". Excluded are: Brandied, liquor flavored and stuffed fruits, cocktail slices or sticks, imported fruit cocktail, peaches and pears (canned) if imported in consumer size containers.
(13) "*Fruits, dried and dehydrated*" (packaged or bulk) includes, but is not limited to, stuffed dried fruits, dried dates and figs, pitted dates and macerated dates. Not included in this definition are fruit confections, candied or glaced fruits and peels, fresh dates and date products.	(13) "*Fruits, dried or dehydrated*". Excluded are: None.	(13) "*Fruits, dried or dehydrated*". Excluded are: None.
(14) "*Gelatin and pudding mixtures*" includes, but is not limited to, gelatin, gelatin desserts, tapioca, arrowroot, consumer ice cream mixes, rennet, and pie fillings.	(14) "*Gelatin and pudding mixtures*". Excluded are: None.	(14) "*Gelatin and pudding mixtures*". Excluded are: Wine gelatins, wine dessert powders and all imported gelatin and pudding mixtures if imported in consumer size containers.
(15) "*Jams, Jellies, preserves, honey and peanut butter*" includes, but is not limited to, tomato preserves, marmalade, fruit preserves, fruit butters, smooth or crunch type nut butters, honey butter and all extracted honey (including combinations of extracted and comb honey) packaged in containers of a capacity of 16 pounds or less. Not included in this definition are cranberry jelly or sauce.	(15) "*Jams, Jellies, preserves, honey and peanut butter*". Excluded are: Honey packed with blossom and comb honey.	(15) "*Jams, Jellies, preserves, honey and peanut butter*". Excluded are: Wine jellies, preserved kumquats, melons and fruit rind. Also excluded are imported jams, jellies, preserves and honey if imported in consumer size containers.
(16) "*Lard, pure*" (packaged or bulk) includes, but is not limited to, rendered pork fat. Not included in this definition are lard compounds which are classed as "shortenings, other".	(16) "*Lard, pure*". Excluded are: None.	(16) "*Lard, pure*". Excluded are: None.
(17) "*Macaroni and spaghetti products*" includes, but is not limited to, bows, egg alphabets, macaroni, spaghetti, vermicelli, "sea shells", noodles, macaroni dinners, spaghetti dinners, canned macaroni and canned spaghetti. Not included in this definition are meat ravioli, tamales, dry noodle soup mixtures, spaghetti-and-meatballs, chicken-and-noodles, Chinese-style noodles, and frozen macaroni and spaghetti products.	(17) "*Macaroni and spaghetti products*". Excluded are: None.	(17) "*Macaroni and spaghetti products*". Excluded are: Imported macaroni and spaghetti products if imported in consumer size containers.
(18) "*Mayonnaise and salad dressing*" includes, but is not limited to, tartar sauce, relish spreads, other mayonnaise spreads, and French dressing. Not included in this definition are meat spreads.	(18) "*Mayonnaise and salad dressing*". Excluded are: None.	(18) "*Mayonnaise and salad dressing*". Excluded are: Hollandaise sauce, cheese dressings, and imported mayonnaise and salad dressing if imported in consumer size containers.
(19) "*Meat, canned*" includes but is not limited to, canned or glass chicken products, chicken and noodles, meat gravy, meat ravioli, pickled meats, luncheon meats, chili con carne, meat sauce, meat spreads and spaghetti and meat balls. Not included in this definition are pigs feet, scrapple, tamales, tripe, veal loaf, mincemeat, frozen food products in which meat, chicken, and turkey are combined with other ingredients, frozen meat gravies and frozen meat stews and pies.	(19) "*Meat, canned*". Excluded are: Canned breast of chicken, chicken fricassee, whole or half chicken, chicken-a-la-king, "Smithfield" ham and "Smithfield" ham products, and any canned meat which is removed from the can by the retailer and sold sliced in smaller amounts.	(19) "*Meat, canned*". Excluded are: Canned smoked tongue, liver, hearts, gizzards, cocktail, frankfurters, canned wild game, meat or poultry pates, canned turtle meat, imported canned meat if imported in consumer sizes of 2 lbs. or less, except beef and beef products, pate de foie gras and rattlesnake meat.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(20) "*Milk, canned*" means evaporated or condensed cow milk, including but not limited to, filled evaporated milk products.	(20) "*Milk, canned*". Excluded are: Goat milk, whole milk powdered, and powdered skim milk packaged in tin in amounts. Malted milk and any preparation containing 35% or more malted milk. Also excluded are fresh milk, cream and powdered skim milk, bulk.	(20) "*Milk, canned*". Excluded are: None.
(21) "*Oils, cooking and salad*" means all vegetable, fruit leaf plant oils, cooking fats other than lard and shortening. Not included in this definition are olive oil, prepared dressings, and spice oils.	(21) "*Oils, cooking and salad*". Excluded are: None.	(21) "*Oils, cooking and salad*". Excluded are: None.
(22) "*Oleomargarine*" means any product labeled "Oleomargarine".	(22) "*Oleomargarine*". Excluded are: None.	(22) "*Oleomargarine*". Excluded are: None.
(23) "*Pickles and relishes*" (packaged) includes, but is not limited to, chow chow, pickled peppers, pickled relishes, pickled onions and pickled vegetables. Not included in this definition are mayonnaise relish spreads and tartar sauce.	(23) "*Pickles and relishes*". Excluded are: Bulk pickles, pickled fruits, four gherkins, stuffed pickles, and relishes prepared by the retailer.	(23) "*Pickles and relishes*". Excluded are: Pickled rind and imported "pickles and relishes", if imported in consumer size containers.
(24) "*Rice*" packaged or bulk means all rice (including second heads) of the grades defined by the Department of Agriculture bulletin of Standards for Milled Rice (effective September 4, 1946). Not included in this definition are rice flour, rice flakes, popped rice, and canned Spanish rice.	(24) "*Rice*". Excluded are: Screenings and brewers' rice graded as Class XIII and Class XIV, respectively, by the Department of Agriculture bulletin of Standards for Milled Rice (effective September 4, 1946).	(24) "*Rice*". Excluded is: Wild rice.
(25) "*Shortening, hydrogenated*" means all fully hydrogenated shortening.	(25) "*Shortening, hydrogenated*". Excluded are: None.	(25) "*Shortening, hydrogenated*". Excluded are: None.
(26) "*Shortening, other*" means shortenings other than fully hydrogenated shortening. Not included in this definition are butter, lard, oleomargarine, and suet.	(26) "*Shortening, other*". Excluded are: None.	(26) "*Shortening, other*". Excluded are: None.
(27) "*Soups, canned*" includes soups, broths and chowder. Not included in this definition are meat stews, "baby" or "junior" soups, dehydrated soups, and frozen soups.	(27) "*Soups, canned*" Excluded are: All bisques (except tomato, chicken, celery and mushroom), vichyssoise, minestrone and bouillabaisse.	(27) "*Soups, canned*". Excluded are: Turtle, wine and sherry-flavored, fish or seafood soups (except clam chowder) smoked turkey and game bird soups; almond, artichoke, broccoli, cucumber and watercress soups; all imported soups if imported in consumer size containers
(28) "*Soups, dehydrated*" means dry mixtures sold for soup making, including but not limited to, bouillon concentrates, and dry noodle soup mixtures. Not included in this definition are other macaroni or noodle products, lentils and dried peas.	(28) "*Soups, dehydrated*". Excluded are: None.	(28) "*Soups, dehydrated*". Excluded are: None.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(29) "*Spices*" includes, but is not limited to bay leaves, caraway seed, dried peppers, dry chili, celery seed, celery salt, celery flakes, chili powder, garlic, garlic salt, herbs, dry mustard, onion salt, onion flakes, poultry seasoning, poppy seed, sesame seed, thyme, and imitation cream of tartar. Not included in this definition are table salt, spice oils and candied ginger.	(29) "*Spices*". Excluded are: Raw spices and spice seeds in containers of the customary unit and weight in which they are imported into the United States; spices in assorted sets, contained in wooden or other type trays designed as permanent kitchen furniture, and spices and herbs packed in glass.	(29) "*Spices*". Excluded are: Imported spices and herbs if imported in consumer size containers.
(30) "*Syrups*" means all malt, molasses, cane, maple, and corn syrups, and imitations or blends. Not included in this definition are chocolate and ice cream sundae syrups.	(30) "*Syrups*". Excluded are: Unmixed corn syrups, molasses sold for feeding purposes, sorghum syrup and fruit syrups for making beverages.	(30) "*Syrups*". Excluded are: Rock candy syrup, and imported syrup, if imported in consumer size containers.
(31) "*Tea*" includes all bulk or packaged tea, tea bags and concentrated tea.	(31) "*Tea*". Excluded are: Assam, Darjeeling, Formosa Oolong, Ceylon, Kee-Mun, Lapsang Souchong, Jasmine, and Fancy Green Teas and blends thereof; mate; and sales of tea in containers of the customary unit and weight in which they are imported into the United States.	(31) "*Tea*". Excluded is: Imported tea, if imported in consumer size containers.
(32) "*Vegetables and vegetable juices, canned*" includes, but is not limited to, blackeye, crowder, cream and field peas, baked beans, wax beans, sauerkraut, rhubarb, chili sauce, cocktail sauce, canned hominy, mushrooms, mushroom sauce, tomato catsup, tomato paste, tomato puree, pimentos, and Chinese-style foods, including soy sauce, and brown sauce. "Canned" means processed and packaged in any container, whether or not hermetically sealed. Not included in this definition are vegetable soups, "baby" or "junior" foods, pickles, corn, green beans, peas (except canned blackeye, crowder, cream and field peas), shoestring and julienne potatoes, french fried onions, tomatoes, tomato juice and frozen vegetables.	(32) "*Vegetables and vegetable juices, canned*". Excluded are: Baked beans prepared by the retailer, and potato chips.	(32) "*Vegetables and vegetable juices, canned*". Excluded are: Cocktail mushrooms, imported vegetables and vegetable juices canned, if imported in consumer size containers.
(33) "*Corn, green beans, peas, tomatoes, and tomato juice, canned*". Not included in this definition are frozen vegetables and canned blackeye, crowder, cream and field peas, and wax beans. "Canned" means processed and packaged in any container whether or not hermetically sealed.	(33) "*Corn, green beans, peas, tomatoes and tomato juice, canned*". Excluded are: None.	(33) "*Corn, green beans, peas, tomatoes and tomato juice, canned*". Excluded are: None.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(34) *"Vegetables, dried and dehydrated"* (packaged or bulk) includes, but is not limited to, dried beans, blackeye peas, dried mushrooms, dried peas and lentils. Not included in this definition are dry soup mixes, hominy, garlic, celery flakes, onion flakes, dried chili and dried peppers.	(34) *"Vegetables, dried and dehydrated".* Excluded are: None.	(34) *"Vegetables, dried and dehydrated."* Excluded are: Imported dried and dehydrated vegetables, if imported in consumer size containers.
(35) *"Vinegar"* (bottled or bulk) includes, but is not limited to, pure cider vinegar and distilled vinegar.	(35) *"Vinegar".* Excluded are: Wine, tarragon, malt and fruit vinegar (except apple).	(35) *"Vinegar".* Excluded are: Imported vinegars if imported in consumer size containers.
(36) *"Miscellaneous foods"* shall include all other dry grocery items except those specifically excluded in paragraphs (c) and (d) of this section. Among the items included under this heading are the following: Baking powder. Baking soda. Barley (pearl). Brown bread, and date and nut bread canned. Brewers yeast in consumer size packages not to exceed 2 pounds. Cherry juice (canned). Cocoanut, shredded, desiccated or moist. "Cookies, crackers, toast and crumbs" bought by you in bulk and sold loose. Corn starch, edible or glors packaged in containers of 10 pounds or less (excluded are powdered prepared laundry starching compounds). Crab meat. Cranberry juice (canned). Date products. Extracts. Flavorings. Food colorings. French fried onions (canned). Fruit pectins. Glazed or candied fruits and peels. Ice cream sundae syrups, including chocolate syrup packed in No. 10 tins or larger or 1-gallon containers or larger. Loganberry juice (canned). Macaroni salad (canned). Meat flavorings. Meat sauces, except catsup, cocktail sauce and chili sauce. Mincemeat. Mustard, prepared. Olives. Oysters (canned). Pigs feet (canned). Popcorn, not popped. Potato salad (canned). Potatoes, julienne, (canned). Potatoes, shoestring (canned) Pudding, date. Pudding, fig. Pudding, plum. Scrapple (canned). Spanish rice (canned). Table salt packaged in cartons, bags, or packets containing 100 pounds or less, meat-curing and smoked salt, Kosher salt in cartons and salt packaged in containers of 10 pounds or less and labeled by the manufacturer as ice cream salt (excluded are onion, celery or garlic salt). Spice oils. Tamales (canned). Tomato aspic (canned). Tom and Jerry batter (bottled). Tripe (canned). Veal loaf (canned). Yeast.	(36) *"Miscellaneous foods".* Excluded are: Beer. Bird seed and gravel. Bread. Butter (except peanut butter, fruit butters, and smooth or crunch type nut butters). Buttermilk, fresh. Candied ginger. Candy. Cheese, cheese spread and cheese foods. Comb honey. Cornstarch edible or gloss (packaged in containers of more than 10 pounds). Corn sugar. Cream. Eggs. Feed, animal or poultry (other than pet food). Fresh fruits and vegetables. Frozen fish and seafood. Fruit cake. Fruit and vegetable powders for making beverages. Gift and holiday packages bought assembled, and containing one or more items covered by this regulation. Ice cream cones. Ice cream sherbets and frozen confections. Laundry starching compounds, powdered prepared. Liquors. Maple sugar. Meat and fish (except "fish, processed," and "meat, canned"). Milk, fresh. Mineral oil. Molasses sold for feeding purposes. Nuts. Peanuts. Pet foods (except cat and dog foods or any frozen cat or dog foods). Popcorn, popped. Potato chips. Poultry other than canned or bottled. Rendered poultry fat. Salt not covered by section 37 (b) (36). Soft drinks. Sorghum syrup. Tamales, bulk. Tortillas. Vitamin concentrates. Wine.	(36) *"Miscellaneous foods".* Excluded are: Truffles, capers, canned snails, cane or beet sugar, rattlesnake meat, easter egg dye, and olive oil.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This admendment shall become effective on May 18, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

MAY 18, 1951.

[F. R. Doc. 51-5902; Filed, May 18, 1951; 10:22 a. m.]

[General Overriding Regulation 7, Amdt. 1]

GOR 7—EXEMPTION OF CERTAIN FOOD AND RESTAURANT COMMODITIES

SPECIALTY FOOD ITEMS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to General Overriding Regulation 7 is issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 7 is an across-the-board amendment which exempts certain food items from wholesale and retail ceiling price restrictions imposed by the Office of Price Stabilization.

The commodities exempted by this amendment are both domestic and imported items which are classified as "specialty" food items. For example, imported cookies, Hollandaise sauce, brandied and stuffed fruits, wine gelatines, wine jellies, wild game, turtle meat, rattlesnake meat, rock candy syrup, cocktail mushrooms, truffles and snails. The commodities exempted by this amendment are of minor significance which have but a trifling effect upon the cost of living, the cost of the defense efforts, or the general current of industrial costs. Furthermore, any ceiling price restrictions imposed on these commodities would involve an administrative enforcement burden out of all proportion to the importance of keeping such commodities under price control.

In view of the nature of the commodities exempted, this amendment will not have any material effect on the general level of prices.

AMENDATORY PROVISIONS

General Overriding Regulation 7 is amended by adding a new section 4 to read as follows:

SEC. 4. *Specialty food items.* No ceiling price regulation heretofore issued or which may hereafter be issued by the Office of Price Stabilization shall apply to sales at wholesale and retail of the following commodities covered by this section and amendments thereto.

1. Imported breakfast cereals if imported in consumer size containers.
2. Imported cocoa, chocolate, and cereal drink preparations if imported in consumer size containers.
3. Imported coffee if imported in consumer size containers of two (2) lbs. or less.
4. Imported cookies, crackers and toast if imported in consumer size containers.
5. Water ground corn meal.
6. The following canned fish and seafood items: clam juice, pates, pastes, and purees, sauce containing fish and seafood, fish roe, caviar, fish and seafood hors d'oeuvres; and imported processed fish, except tuna, crab meat, and salmon, if imported in consumer size containers.
7. Frozen hollandaise sauce.
8. The following canned items: whole or half citrus fruits; brandied, liquor flavored, and stuffed fruits or berries; cocktail slices and sticks (fruit), maraschino cherries with stems; and, imported fruits, berries and fruit juices (except pineapple and pineapple juice) if imported in consumer size containers.
9. Wine gelatins; wine dessert powders; and, all imported gelatin and pudding mixtures if imported in consumer size containers.
10. Wine jellies; preserved kumquats, melons and fruit rind; and, imported jams, jellies, preserves and honey if imported in consumer size containers.
11. Imported macaroni and spaghetti products if imported in consumer size containers.
12. Hollandaise sauce; cheese dressings; and, imported mayonnaise and salad dressing if imported in consumer size containers.
13. The following canned items: livers, hearts, gizzards, cocktail frankfurters, wild game, meat or poultry pâtés, turtle meat, pâté de foie gras, rattlesnake meat, and smoked tongue. Also excluded are imported canned meats, except beef and beef products, if imported in consumer size containers of two (2) lbs. or less.
14. Pickled rind; and, imported pickles and relishes if imported in consumer size containers.
15. Wild rice.
16. Turtle, wine and sherry-flavored, fish or seafood soups (except clam chowder), smoked turkey and game bird soups; almond, artichoke, broccoli, cucumber and watercress soups; and, imported soups if imported in consumer size containers.
17. Rock candy syrup; and, imported syrup if imported in consumer size containers.
18. Imported tea if imported in consumer size containers.
19. Cocktail mushrooms; and, imported canned vegetables and vegetable juices, if imported in consumer size containers.
20. Imported dried and dehydrated vegetables if imported in consumer size containers.
21. Imported vinegar if imported in consumer size containers.
22. Truffles, capers, and canned snails, easter egg dye and olive oil.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment to General Overriding Regulation 7 shall become effective May 18, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

MAY 18, 1951.

[F. R. Doc. 51-5903; Filed, May 18, 1951; 10:22 a. m.]

[Ceiling Price Regulation 15, Amdt. 3]

CPR 15—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (16 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to Ceiling Price Regulation 15 is hereby issued.

STATEMENT OF CONSIDERATIONS

This statement of considerations covers Amendments 3 to CPR 14, CPR 15 and CPR 16. These amendments deal primarily with the proper ceiling prices for certain "specialty" food items. Simultaneously with the issuance of these amendments, the Director of Price Stabilization has issued Amendment 1 to General Overriding Regulation 7 which excludes, at wholesale and retail, a substantial number of "specialty" food items from price control. These amendments relate to additional "specialty" food items which are not excluded from price control by Amendment 1 to General Overriding Regulation 7, but whose ceiling prices are to be determined by the General Ceiling Price Regulation rather than by CPR 14, CPR 15 and CPR 16.

These amendments were made necessary in order to permit all distributors selling "specialty" food items to establish their ceiling prices in the same manner. Amendments 2 to these regulations relieved certain stores carrying mostly "specialty" food items from the necessity of using the markups in these regulations upon certain specific conditions, including an average markup on "net cost" of 40 percent or more at retail and 22 percent or more at wholesale in their fiscal year 1950 on all food sales. Since there is no hard and fast definition of just what constitutes a "specialty" food item, the method used in Amendments 2 relieves the squeeze on those wholesalers and retailers selling mostly "specialty" food items from pricing under the provisions of CPR 14, CPR 15, and CPR 16. These amendments permit those sellers dealing in "specialty" food items not excluded from price control by Amendment 1 to General Overriding Regulation 7, who do not qualify for adjustment under Amendments 2 to these regulations to use the ceiling prices established by the General Ceiling Price Regulation rather than the ceiling prices established under CPR 14, CPR 15 and CPR 16.

In order to provide a ready reference and an easy guide, these amendments define the food items included in the regulations, those which are excluded from the regulations but subject to the General Ceiling Price Regulation, and those which are excluded from price control at wholesale and retail levels by Amendment 1 to General Overriding Regulation 7.

Additionally, these amendments transfer some food items which have been misplaced into their proper commodity category.

In the formulation of these amendments, special circumstances have rendered impractical consultation with official advisory committees, including trade association representatives, however, the provisions of this amendment incorporate the recommendations of persons representing substantial segments of the industry. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Section 37 (b) and (c) is amended by deleting the present paragraphs (b) and (c) and substituting therefor the following new paragraphs (b) and (c), and by adding the new paragraph (d) as set forth in parallel columns below.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(1) *"Baby foods"* means "baby" or "junior" cereals, fruits, vegetables, meats, pudding, soups and mixtures thereof, packed in hermetically sealed containers. Not included in this definition are dry baby cereals.	(1) *"Baby foods".* Excluded are: Dry baby cereals.	(1) *"Baby foods".* Excluded are: None.
(2) *"Cereals, breakfast"* means bulk or packaged cereal items of any size commonly used as breakfast foods, both uncooked and ready-to-eat types including but not limited to, bran flakes, farina, popped rice, and rolled oats. Not included in this definition are barley, corn meal, corn grits, hominy grits and flakes, rice and wheat bran flour.	(2) *"Cereals, breakfast".* Excluded are: Steel cut oats and wheat germ.	(2) *"Cereals, breakfast".* Excluded are: Imported "cereals, breakfast" if imported in consumer size containers.
(3) *"Cocoa, chocolate, and cereal-drink preparations"* includes, but is not limited to, coffee substitutes or extenders, chicory, malted milk preparations containing less than 35% malted milk, chocolate syrup packed in consumer sizes, chocolate bits, and cooking chocolate and packaged powdered skim milk (spray process)	(3) *"Cocoa, chocolate, and cereal-drink preparations".* Excluded are: Malted milk and any preparations containing 35% or more malted milk, chocolate confections, bittersweet bars, milk chocolate, chocolate syrup packed in No. 10 tin or larger, powdered whole milk, powdered skim milk packaged in tin in inert gas.	(3) *"Cocoa, chocolate, and cereal-drink preparations".* Excluded are: Imported cocoa, chocolate and cereal drink preparations if imported in consumer size containers.
(4) *"Coffee"* means roasted coffee, whole or ground, decaffeinated coffee, coffee concentrates, and any mixtures of coffee with other products for beverage purposes. Not included in this definition is frozen coffee concentrate.	(4) *"Coffee".* Excluded is: Green coffee in containers of the customary unit and weight in which they are imported into the United States.	(4) *"Coffee".* Excluded is: Imported coffee if imported in consumer size containers (2 lbs. or less).
(5) *"Cookies, crackers, toast and crumbs"* includes, but is not limited to biscuits, Christmas cookies, fig crackers, graham crackers, pretzels, rye crackers, zwieback, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal and related matzo products. Not included in this definition are any items which are bought by you in bulk and sold loose.	(5) *"Cookies, crackers, toast and crumbs".* Excluded are: Any baking product which you manufacture, Passover matzo, Passover matzo meal and related Passover products, any cookie or cracker item which is purchased in consumer sizes in tin or glass containers, baked goods, fresh, such as bread, pies, cakes, rolls, doughnuts, coffee cakes, candies (except cookies, crackers, toast and crumbs), and rice crackers.	(5) *"Cookies, crackers, toast and crumbs".* Excluded are: Imported cookies, crackers and toast, if imported in consumer size containers.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(6) *"Corn meal, hominy and flour mixes"* means bulk or packaged corn meal, corn grits, hominy, hominy grits, hominy flakes, prepared hominy and bulk or packaged flour mixes milled from wheat, semolina, farina, buckwheat, corn, rice and potatoes, including, but not limited to, prepared pancake, biscuit, pie crust and gingerbread mix. Not included in this definition is canned hominy which is in "Vegetables and vegetable juices, canned."	(6) *"Corn meal, hominy and flour mixes."* Excluded are: None.	(6) *"Corn meal, hominy and flour mixes."* Excluded is: Water ground corn meal.
(7) *"Dog and cat food"* shall not include any item prepared by you for pet food, or any frozen dog or cat food.	(7) *"Dog and cat food".* Excluded are: None.	(7) *"Dog and cat food".* Excluded are: None.
(8) *"Fish, processed"* includes canned fish, canned seafood, and salted or otherwise processed fish, such as fish cakes. Not included in this definition are frozen food products in which fish or seafood are combined with other ingredients, clams, crab meat, lobster, lobster bisque, and oysters.	(8) *"Fish, processed".* Excluded are: Frozen fish and seafood, canned clams, and kippered, marinated, dried or smoked fish and seafood (except sardines).	(8) *"Fish, processed".* Excluded are: Fresh fish and seafood, canned clam juice, fish and seafood pates, pastes and purees, sauce containing fish and seafood, fish roe, caviar, fish and seafood hors d'oeuvres; imported "fish, processed" if imported in consumer size containers, except tuna, crabmeat, and salmon.
(9) *"Flour"* means bulk or packaged (in any size) flour milled from wheat, semolina, farina, buckwheat, corn, rice, and potatoes, including but not limited to, all-purpose family flour, self-rising flour, cake flour, and enriched flour. Not included in this definition are all flour mixes.	(9) *"Flour".* Excluded are: None.	(9) *"Flour".* Excluded are: None.
(10) *"Frozen foods"* means packaged quick-frozen or cold-packed foods sold from refrigerated cabinets or lockers, including, but not limited to all fruits, berries, fruit or berry juices, and mixtures (except any of the foregoing in containers of a capacity of more than 30 pounds), vegetables, vegetable juices, and mixtures, including mushrooms, dog and cat foods not prepared by you for pet foods, applesauce, macaroni and spaghetti products, chop suey, chow mein, gravies, pork-and-beans, soups, food products in which meat, chicken, turkey, fish or seafood are combined with other ingredients, meat stews, and corned beef hash, frozen instant coffee, concentrated frozen fresh milk, frozen meat pies, frozen pies and pastries.	(10) *"Frozen foods".* Excluded are: Frozen fruits, berries, fruit or berry juices and mixtures in containers of a capacity of more than 20 pounds, frozen fish and seafood, frozen meat, poultry, ice cream, sherbet and frozen confections.	(10) *"Frozen foods".* Excluded are: Frozen hollandaise sauce
(11) *"Fruits, berries and fruit juices, canned"* includes but is not limited to, apple sauce, apple cider, berry juices, concentrated fruit juices, citrus fruits and juices, cranberry jelly and sauce, fountain fruits, maraschino cherries without stems, fruit nectars, bulk apple cider, fruits (or salad, pineapple juice and non-carbonated liquid fruit beverages such as grapeade, lemonade, and orangeade. Not included in this definition are apple butter, fruit butters, jam, jellies, fruit preserves, cocoanut, olives, baby foods, dried fruits, dehydrated fruits, fruit cocktail, pineapple (except pineapple juice), peaches, pears and frozen fruits.	(11) *"Fruits, berries and fruit juices, canned".* Excluded are: None.	(11) *"Fruits, berries and fruit juices, canned".* Excluded are: Brandied or stuffed fruits or berries; cocktail slices and sticks; and maraschino cherries with stems, imported fruits, berries and fruit juices canned (except pineapple juice), if imported in consumer size containers.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(12) *"Fruit cocktail, pineapple, peaches, and pears (canned) except juices".* Not included in this definition are fruits for salad and frozen fruits. "Canned" means processed and packaged in any container, whether or not hermetically sealed.	(12) *"Fruit cocktail, pineapple, peaches and pears (canned) except juices".* Excluded are: None.	(12) *"Fruit cocktail, pineapple peaches and pears (canned) except juices".* Excluded are: Brandied, liquor flavored and stuffed fruits, cocktail slices or sticks, imported fruit cocktail, peaches and pears (canned) if imported in consumer size containers.
(13) *"Fruits, dried and dehydrated"* (packaged or bulk) includes, but is not limited to, stuffed dried fruits, dried dates and figs, pitted dates and macerated dates. Not included in this definition are fruit confections, candied or glaced fruits and peels, fresh dates and date products.	(13) *"Fruits, dried or dehydrated".* Excluded are: None.	(13) *"Fruits, dried or dehydrated".* Excluded are: None.
(14) *"Gelatin and pudding mixtures"* includes, but is not limited to, gelatin, gelatin desserts, tapioca, arrowroot, consumer ice cream mixes, rennet, and pie fillings.	(14) *"Gelatin and pudding mixtures".* Excluded are: None.	(14) *"Gelatin and pudding mixtures".* Excluded are: Wine gelatins, wine dessert powders and all imported gelatin and pudding mixtures if imported in consumer size containers.
(15) *"Jams, jellies, preserves, honey, and peanut butter"* includes, but is not limited to, tomato preserves, marmalade, fruit preserves, fruit butters, smooth or crunch type nut butters, honey butter and all extracted honey (including combinations of extracted and comb honey) packaged in containers of a capacity of 15 pounds or less. Not included in this definition are cranberry jelly or sauce.	(15) *"Jams, jellies, preserves, honey and peanut butter".* Excluded are: Honey packed with blossom, and comb honey.	(15) *"Jams, jellies, preserves, honey and peanut butter".* Excluded are: Wine jellies, preserved kumquats, melons and fruit rind. Also excluded are imported jams, jellies, preserves and honey if imported in consumer size containers.
(16) *"Lard, pure"* (packaged or bulk) includes, but is not limited to, rendered pork fat. Not included in this definition are lard compounds which are classed as "shortenings, other".	(16) *"Lard, pure".* Excluded are: None.	(16) *"Lard, pure".* Excluded are: None.
(17) *"Macaroni and spaghetti products"* includes, but is not limited to, bows, egg alphabets, macaroni, spaghetti, vermicelli, "sea shells", noodles, macaroni dinners, spaghetti dinners, canned macaroni and canned spaghetti. Not included in this definition are meat ravioli, tamales, dry noodle soup mixtures, spaghetti-and-meatballs, chicken-and-noodles, Chinese-style noodles, and frozen macaroni and spaghetti products.	(17) *"Macaroni and spaghetti products".* Excluded are: None.	(17) *"Macaroni and spaghetti products".* Excluded are: Imported macaroni and spaghetti products if imported in consumer size containers.
(18) *"Mayonnaise and salad dressing"* includes, but is not limited to, tartar sauce, relish spreads, other mayonnaise spreads, and French dressing. Not included in this definition are meat spreads.	(18) *"Mayonnaise and salad dressing".* Excluded are: None.	(18) *"Mayonnaise and salad dressing".* Excluded are: Hollandaise sauce, cheese dressings, and imported mayonnaise and salad dressing if imported in consumer-size containers.
(19) *"Meat, canned"* includes but is not limited to, canned or glass chicken products, chicken and noodles, meat gravy, meat ravioli, pickled meats, luncheon meats, chili con carne, meat sauce, meat spreads and spaghetti and meat balls. Not included in this definition are pigs feet, scrapple, tamales, trine, veal loaf, mincemeat, frozen food products in which meat, chicken, and turkey are combined with other ingredients (frozen meat gravies and frozen meat stews and pies.	(19) *"Meat, canned".* Excluded are: Canned breast of chicken, chicken fricassee, whole or half chicken, chicken-a-la-king, "Smithfield" ham and "Smithfield" ham products and any canned meat which is removed from the can by the retailer and sold sliced in smaller amounts.	(19) *"Meat, canned".* Excluded are: Canned smoked tongue, liver, hearts, gizzards, cocktail frankfurters, canned wild game, meat or poultry pates, canned turtle meat, imported canned meat if imported in consumer sizes of 2 lbs. or less, except beef and beef products, pate de foie gras and rattlesnake meat.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(20) *"Milk, canned"* means evaporated or condensed cow milk, including but not limited to, filled evaporated milk products.	(20) *"Milk, canned".* Excluded are: Goat milk, whole milk powdered, and powdered skim milk packaged in tin in an inert gas. Malted milk and any preparation containing 50% or more malted milk. Also excluded are fresh milk, cream and powdered skim milk, bulk.	(20) *"Milk, canned".* Excluded are: None.
(21) *"Oils, cooking and salad"* means all vegetable, fruit leaf plant oils, cooking fats other than lard and shortening. Not included in this definition are olive oil, prepared dressings, and spice oils.	(21) *"Oils, cooking and salad".* Excluded are: None.	(21) *"Oils, cooking and salad".* Excluded are: None.
(22) *"Oleomargarine"* means any product labeled "Oleomargarine".	(22) *"Oleomargarine".* Excluded are: None.	(22) *"Oleomargarine".* Excluded are: None.
(23) *"Pickles and relishes"* (packaged) includes, but is not limited to, chow chow, pickled peppers, pickled relishes, pickled onions and pickled vegetables. Not included in this definition are mayonnaise relish spreads and tartar sauce.	(23) *"Pickles and relishes".* Excluded are: Bulk pickles, pickled fruits, burr gherkins, stuffed pickles and relishes prepared by the retailer.	(23) *"Pickles and relishes".* Excluded are: Pickled rind and imported "pickles and relishes", if imported in consumer size containers.
(24) *"Rice"* packaged or bulk means all rice (including second heads) of the grades defined by the Department of Agriculture bulletin of Standards for Milled Rice (effective September 4, 1946). Not included in this definition are rice flour, rice flakes, popped rice, and canned Spanish rice.	(24) *"Rice".* Excluded are: Screenings and brewers' rice graded as Class XIII and Class XIV, respectively, by the Department of Agriculture bulletin of Standards for Milled Rice (effective September 4, 1946).	(24) *"Rice".* Excluded is: Wild rice.
(25) *"Shortening, hydrogenated"* means all fully hydrogenated shortening.	(25) *"Shortening, hydrogenated".* Excluded are: None.	(25) *"Shortening, hydrogenated".* Excluded are: None.
(26) *"Shortening, other"* means shortenings other than fully hydrogenated shortening. Not included in this definition are butter, lard, oleomargarine, and suet.	(26) *"Shortening, other".* Excluded are: None.	(26) *"Shortening, other".* Excluded are: None.
(27) *"Soups, canned"* includes soups, broths and chowder. Not included in this definition are meat stews, "baby" or "junior" soups, dehydrated soups, and frozen soups.	(27) *"Soups, canned".* Excluded are: All bisques (except tomato, chicken, celery and mushroom), vichyssoise, minestrone and bouillabaisse.	(27) *"Soups, canned".* Excluded are: Turtle, wine and sherry-flavored, fish or seafood soups (except clam chowder), smoked turkey and game bird soups; almond, artichoke, broccoli cucumber and watercress soups; all imported soups if imported in consumer size containers.
(28) *"Soups, dehydrated"* means dry mixtures sold for soup making, including but not limited to, bouillon concentrates, and dry noodle soup mixtures. Not included in this definition are other macaroni or noodle products, broths and dried peas.	(28) *"Soups, dehydrated".* Excluded are: None.	(28) *"Soups, dehydrated".* Excluded are: None.
(29) *"Spices"* includes, but is not limited to, bay leaves, caraway seeds, dried peppers, dry chili, celery seeds celery salt, celery flakes, chili powder, garlic, garlic salt, herbs, dry mustard, onion salt, onion flakes, poultry seasoning, poppy seed, seasoned salt, sesame seed, thyme, and cream of tartar. Not included in this definition are table salt, spice oils and candied ginger.	(29) *"Spices".* Excluded are: Raw spices and spice seeds in containers of the customary unit and weight in which they are imported into the United States; spices in assorted sets, contained in wooden or other type trays designed as permanent kitchen furniture, and spices and herbs packed in glass.	(29) *"Spices".* Excluded are: Imported spices and herbs, if imported in consumer size containers.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(30) *"Syrups"* means all malt, molasses, cane, maple, and corn syrups, and imitations or blends. Not included in this definition are chocolate and ice cream sundae syrups.	(30) *"Syrups".* Excluded are: Unmixed corn syrups, molasses sold for feeding purposes, sorghum syrup and fruit syrups for making beverages.	(30) *"Syrups".* Excluded are: Rock candy syrup, and imported syrup, if imported in consumer size containers.
(31) *"Tea"* includes all bulk or packaged tea, tea bags and concentrated tea.	(31) *"Tea".* Excluded are: Assam, Darjeeling, Formosa Oolong, Ceylon, Kee-Mun, Lapsang souchong, Jasmine, and Fancy Green Teas and blends thereof; mate; and sales of tea in containers of the customary unit and weight in which they are imported into the United States.	(31) *"Tea".* Excluded is: Imported tea, if imported in consumer size containers.
(32) *"Vegetables and vegetable juices, canned"* includes, but is not limited to, blackeye, crowder, cream and field peas, baked beans, wax beans, sauerkraut, rhubarb, chili sauce, cocktail sauce, canned hominy, mushrooms, mushroom sauce, tomato catsup, tomato paste, tomato puree, pimentos, and Chinese-style foods, including soy sauce, and brown sauce. "Canned" means processed and packaged in any container, whether or not hermetically sealed. Not included in this definition are vegetable soups, "baby" or "junior" foods, pickles, corn, green beans, peas (except canned blackeye, crowder, cream and field peas), shoestring and julienne potatoes, french fried onions, tomatoes, tomato juice and frozen vegetables.	(32) *"Vegetables and vegetable juices, canned".* Excluded are: Baked beans prepared by the retailer, and potato chips.	(32) *"Vegetables and vegetable juices, canned".* Excluded are: Cocktail mushrooms, imported vegetables and vegetable juices canned, if imported in consumer size containers.
(33) *"Corn, green beans, peas, tomatoes, and tomato juice, canned".* Not included in this definition are frozen vegetables and canned blackeye, crowder, cream and field peas, and wax beans. "Canned" means processed and packaged in any container whether or not hermetically sealed.	(33) *"Corn, green beans, peas, tomatoes and tomato juice, canned".* Excluded are: None.	(33) *"Corn, green beans, peas, tomatoes and tomato juice, canned".* Excluded are: None.
(34) *"Vegetables, dried and dehydrated"* (packaged or bulk) includes, but is not limited to, dried beans, blackeye peas, dried mushrooms, dried peas and lentils. Not included in this definition are dry soup mixes, lomiby, garlic, celery flakes, onion flakes, dried chili and dried peppers.	(34) *"Vegetables, dried and dehydrated".* Excluded are: None.	(34) *"Vegetables, dried and dehydrated".* Excluded are: Imported dried and dehydrated vegetables, if imported in consumer size containers.
(35) *"Vinegar"* (bottled or bulk) includes, but is not limited to, pure cider vinegar and distilled vinegar.	(35) *"Vinegar".* Excluded are: Wine, tarragon, malt and fruit vinegar (except apple).	(35) *"Vinegar".* Excluded are: Imported vinegars if imported in consumer size containers.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(36) *"Miscellaneous foods"* shall include all other dry grocery items except those specifically excluded in paragraphs (c) and (d) of this section. Among the items included under this heading are the following: Baking powder. Baking soda. Barley (pearl). Brown bread, and date and nut bread canned. Brewers yeast in consumer size packages not to exceed 2 pounds. Cherry juice (canned). Coconut, shredded, desiccated or moist. "Cookies, crackers, toast and crumbs" bought by you in bulk and sold loose. Corn starch, edible or gloss packaged in containers of 10 pounds or less (excluded are powdered prepared laundry starching compounds). Crab meat. Cranberry juice (canned). Date products. Extracts. Flavorings. Food colorings. French fried onions (canned). Fruit purées. Glazed or candied fruits and peels. Ice cream sundae syrups, including chocolate syrup packed in No. 10 tins or larger or 1-gallon containers or larger. Loganberry juice (canned). Macaroni salad (canned). Meat flavorings. Meat sauces, except catsup, cocktail sauce, and chili sauce. Mincemeat. Mustard, prepared. Olives. Oysters (canned). Pigs feet (canned). Popcorn, not popped. Potato salad (canned). Potatoes, julienne (canned). Potatoes, shoestring (canned). Pudding, date. Pudding, fig. Pudding, plum. Scrapple (canned). Spanish rice (canned). Table salt packaged in cartons, bags, or packets containing 100 pounds or less, meat-curing and smoked salt, Kosher salt in cartons and salt packaged in containers of 10 pounds or less and labeled by the manufacturer as ice cream salt (excluded are onion, celery or garlic salt). Spice oils. Tamales (canned). Tomato aspic (canned). Tom and Jerry batter (bottled). Tripe (canned). Veal loaf (canned). Yeast.	(36) *"Miscellaneous foods"*. Excluded are: Beer. Bird seed and gravel. Bread. Buttermilk, fresh. Candied ginger. Candy. Cheese, bulk, all types. Comb honey. Corn starch, edible or gloss packaged in containers of more than 10 pounds). Corn sugar. Cream. Eggs. Feed, animal or poultry (other than pet food). Fresh fruits and vegetables. Frozen fish and seafood. Fruit cake. Fruit and vegetable powders for making beverages. Gift or holiday packages bought assembled, and containing one or more items covered by this regulation. Ice cream cones. Ice cream, sherbet and frozen confections. Laundry starching compounds, powdered prepared. Liquors. Maple sugar. Meat and fish (except "fish, processed", and "meat, canned"). Milk, fresh. Mineral oil. Molasses sold for feeding purposes. Nuts. Peanuts. Pet foods (except cat and dog foods or any frozen cat or dog foods). Popcorn, popped. Potato chips. Poultry, other than canned or bottled. Salads and relishes prepared by the retailer. Salt not covered by section 37 (b) (36). Soft drinks. Tamales, bulk. Tortillas. Vitamin concentrates. Wine.	(36) *"Miscellaneous foods"*. Excluded are: Truffles, capers, canned snails, cane or beet sugar, rattlesnake meat, easter egg dye, and olive oil

Section 38 is amended by deleting the present paragraph (b) and substituting therefor the following new paragraph (b), and by adding new paragraphs (c) and (d) as set forth in parallel columns below:

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(1) *"Dairy Products"*. *"Butter"* (packaged or bulk) means only butter from milk, including but not limited to, processed salted, unsalted, and whipped butter. Not included in this definition are peanut, nut, fruit or honey butters. *"Cheese"* shall include all packaged cheese, cheese spreads, and cheese foods purchased packaged.	*"Butter"*. Excluded are: None. *"Cheese"*. Excluded are: Imported packaged cheese if imported in consumer size containers. Cheese gift packages of assorted cheeses if assembled by you, and all types of bulk cheese.	*"Butter"*. Excluded are: None. *"Cheese"*. Excluded are: None.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective on May 18, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

MAY 18, 1951.

[F. R. Doc. 51-5904; Filed, May 18, 1951; 10:22 a. m.]

[Ceiling Price Regulation 30, Supplementary Regulation 1]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

SR 1—ALTERNATIVE METHOD FOR DETERMINING CEILING PRICES BY ADJUSTING CEILING PRICES UNDER THE GENERAL CEILING PRICE REGULATION RATHER THAN BASE PERIOD PRICES

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Congress), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 1 to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

The pricing method used in this supplementary regulation is the same as that used in Supplementary Regulation 2 to Ceiling Price Regulation 22. Accordingly, the Statement of Considerations involved in the issuance of that supplementary regulation is equally applicable to this supplementary regulation.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Applicability of this supplementary regulation.
3. How to adjust your GCPR ceiling prices for all of your commodities.
4. How to adjust your GCPR ceiling prices for all commodities produced in a particular unit of your business, category or product line.
5. Applicability of provisions of CPR 30.
6. Option to propose an alternative method for obtaining your price adjustment ratio.
7. Records.
8. Definitions.

AUTHORITY: Sections 1 to 8 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation permits you to determine your ceiling prices by adjusting your ceiling prices established under the GCPR rather than your base period prices under CPR 30. Consequently this pricing method can be used only for commodities in which you dealt between July 1, 1949, and June 24, 1950, for which you can determine a base period price under section 7 of CPR 30. You may wish to use this supplementary regulation if a uniform percentage increase applied to your base period prices for all of your commodities or for all of your commodities produced in a particular unit of your business or included in a particular category or product line would be inappropriate because materials costs of your individual commodities have increased in varying proportions. Although, under Method 2 (section 18) of CPR 30, "the materials cost adjustment" could be calculated separately for each commodity, it may be that you manufacture so many different commodities that use of that method would not be practicable.

Under this supplementary regulation you first calculate the average percentage increase over your base period prices which you would be permitted under CPR 30. You then compare this percentage with the percentage by which your GCPR ceiling prices actually exceed your base period prices. The difference is a percentage adjustment up or down, which you apply to your GCPR ceiling prices. In addition, this supplementary regulation permits you to propose your own method for arriving at such a percentage adjustment. There are prescribed limitations upon the use of any such proposed method.

This section is intended only as a general description to aid in understanding this supplementary regulation; the following sections are controlling.

SEC. 2. *Applicability of this supplementary regulation.* This supplementary regulation applies only to commodities for which you can establish a base period price under section 7 of CPR 30. Therefore, any reference to "commodity" in this supplementary regulation means only a commodity which can be so priced.

SEC. 3. *How to adjust your GCPR ceiling prices for all of your commodities.* If you do not operate more than one plant you may determine your ceiling prices for all of your commodities in the following manner:

(a) Add your labor cost adjustment factor derived under section 12 (e) of CPR 30 and your materials cost adjustment factor derived under either section 17 (d), 19 (c) or 20 (d) of CPR 30, depending upon which you used. (You will have used section 19 (c) only if all of your commodities are in the same product line and section 20 (d) only if all of your commodities are in the same category or product line.) The resulting total is referred to as your "total cost adjustment factor".

(b) Find the number of units of each commodity (for which you can determine a base period price under section 7 of CPR 30) sold by you during your last fiscal year ending not later than December 31, 1950.

(c) Multiply the number of units of each commodity found under paragraph (b) of this section by the base period price for that commodity. The base period price is obtained under section 7 of CPR 30 and is based upon a price to your largest buying class of purchaser. Add these amounts to find the total value of your sales at base period prices.

(d) Multiply the number of units of each commodity found under paragraph (b) of this section by your GCPR ceiling price for that commodity to the same largest buying class of purchaser you used in paragraph (c) of this section. Add these amounts to obtain the total value of your sales at GCPR prices.

(e) Divide the GCPR value found under paragraph (d) of this section by the base period value found under paragraph (c) of this section. This will give you the average ratio between your GCPR prices and your base period prices. This percentage is referred to as your "actual price ratio".

(f) Add 100 percent to your total cost adjustment factor derived under paragraph (a) of this section. The resulting percentage is referred to as your "permissible ceiling price ratio".

(g) Divide your permissible ceiling price ratio by your actual price ratio. The resulting percentage is referred to as your "price adjustment ratio".

(h) Apply your price adjustment ratio to your GCPR ceiling prices for the commodities you are pricing. The GCPR ceiling price you use is that to the same largest buying class of purchaser you used in paragraph (c) of this section. This will give your ceiling prices for these commodities to that class of purchaser. Your ceiling prices to each of your other classes of purchaser shall be determined in accordance with section 3 (c) of CPR 30.

(i) If you use this section, it must be used for all of your commodities for which you can establish a base period price under section 7 of CPR 30.

Example 1: Your labor cost adjustment factor calculated in accordance with section 12 (e) of CPR 30 is 3 percent. Your materials cost adjustment factor calculated in accordance with section 17 (d) of CPR 30 is 7 percent. Your total cost adjustment factor is therefore 10 percent. 100 percent plus 10 percent is 110 percent. This is your permissible ceiling price ratio. Your actual price ratio derived under paragraph (e) of this section is 115 percent. 110 percent divided by 115 percent is 95.65 percent. This is your price adjustment ratio. Multiply your GCPR ceiling prices for the commodities being priced by 95.65 percent (or decrease each price by 4.35). This will give you your new ceiling prices for these commodities.

Example 2: Your permissible ceiling price ratio is 110 percent, the same as in Example 1. However, your actual price ratio derived under paragraph (e) of this section is 105 percent. 110 percent divided by 105 percent is 104.76 percent. This is your price adjustment ratio. You therefore multiply your GCPR ceiling prices for the commodities being priced by 104.76 percent (or increase each price by 4.76 percent). This will give you your new ceiling prices for these commodities.

SEC. 4. *How to adjust your GCPR ceiling prices for all commodities produced in a particular unit of your business, category or product line.* If you wish to determine your ceiling prices for all commodities (for which you can establish a base period price under section 7 of CPR 30) produced in a particular unit of your business for which you regularly maintain separate accounts, or in a particular category or product line, you make the calculations prescribed in section 3 of this supplementary regulation, except that your labor cost adjustment factor may be derived under either sections 12 or 13 of CPR 30 and your other calculations will be based upon that particular unit of your business, category or product line, rather than upon your entire business. Thus in calculating your materials cost adjustment factor you will use section 17 (d) of CPR 30 for a unit of your business, section 19 (c) of CPR 30 for a product line or section 20 (d) of CPR 30 for a category or product line. The price adjustment ratio you derive will be applied only to the GCPR ceiling prices for the commodities (for which you can establish a base period price under section 7 of CPR 30) produced in that particular unit of your business, category or product line. If you use this section, it must be used for all commodities produced in that particular unit of your business, product line or category for which you can establish a base period price under section 7 of CPR 30.

SEC. 5. *Applicability of provisions of CPR 30.* Except to the extent expressly modified or supplemented by this supplementary regulation, all provisions of CPR 30 shall be applicable to any manufacturer subject to CPR 30 who uses this supplementary regulation. Thus, by way of illustration, reports on Public Form No. 8 must be filed in accordance with sections 44 and 46 of CPR 30; the 15 day waiting period prescribed by those sections in cases where a ceiling price higher than that under the General Ceiling Price Regulation is reported, must be observed; and the limitations upon the use of sections 17 and 20 of CPR 30 must be complied with.

SEC. 6. *Option to propose an alternative method for obtaining your price adjustment ratio.* (a) If you believe that your situation makes desirable the use of a pricing method under which your GCPR ceiling prices would be adjusted rather than your base period prices under CPR 30, but you consider that the method prescribed in this supplementary regulation for obtaining your price adjustment ratio cannot practicably be used by you, you may propose an alternative method in the manner specified in paragraph (b) of this section. Your proposed method must take account of the same factors as the method prescribed in this supplementary regulation and must achieve the same basic results.

(b) You should submit your proposed method in writing to the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., stating the reasons why you believe it to be appropriate and why you consider use of the method prescribed in this supplementary regulation is not practicable; and setting forth in detail each of the steps to be taken. You may, if you prefer, submit your proposed method without actually calculating your ceiling prices under it. You must nevertheless indicate what the change would be in the general level of your GCPR ceiling prices and your base period prices for the particular commodities to which your proposed method will be applied; and what your new ceiling prices would be for at least the best selling commodity in your most important product lines. In addition, you must indicate your base period prices and your ceiling prices as determined under CPR 30 for each best selling commodity. Unless and until the Director of Price Stabilization approves in writing your proposed method, you may not use it. If you have submitted your proposed method without calculating your ceiling prices under it, you may not use that method until you have submitted your ceiling prices as determined thereunder and the Director of Price Stabilization has given you written approval.

SEC. 7. *Records.* Section 44 (a) (2) of CPR 30 requires that the records to be preserved must include appropriate work sheets. In addition to the work sheets referred to therein, there must

also be preserved the additional work sheets required for your calculations under this supplementary regulation. The work sheets to be preserved may be in any convenient form so long as they include all data and calculations required to determine your ceiling prices under this supplementary regulation.

SEC. 8. *Definitions*—(a) *GCPR.* This term means the General Ceiling Price Regulation issued by the Director of Price Stabilization on January 26, 1951 (16 F. R. 809), as amended.

(b) *CPR 30.* This term means Ceiling Price Regulation 30 issued by the Director of Price Stabilization on May 4, 1951.

All definitions used in CPR 30 which are pertinent to this supplementary regulation are incorporated in this supplementary regulation by this reference.

Effective date. The effective date of this supplementary regulation is May 28, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

MAY 17, 1951.

[F. R. Doc. 51-5834; Filed, May 17, 1951; 4:00 p. m.]

[Ceiling Price Regulation 16, Amdt. 3]

CPR 16—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 1 AND GROUP 2 STORES

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (16 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to Ceiling Price Regulation 16 is hereby issued.

STATEMENT OF CONSIDERATIONS

This statement of considerations covers Amendments 3 to CPR 14, CPR 15 and CPR 16. These amendments deal primarily with the proper ceiling prices for certain "specialty" food items. Simultaneously with the issuance of these amendments, the Director of Price Stabilization has issued Amendment 1 to General Overriding Regulation 7 which excludes, at wholesale and retail, a substantial number of "specialty" food items from price control. These amendments relate to additional "specialty" food items which are not excluded from price control by Amendment 1 to General Overriding Regulation 7, but whose ceiling prices are to be determined by the General Ceiling Price Regulation rather than by CPR 14, CPR 15 and CPR 16.

These amendments were made necessary in order to permit all distributors selling "specialty" food items to establish their ceiling prices in the same manner. Amendments 2 to these regulations relieved certain stores carrying mostly "specialty" food items from the necessity of using the markups in these regulations upon certain specific conditions, including an average markup on "net cost" of 40 percent or more at retail and 22 percent or more at wholesale in their fiscal year 1950 on all food sales. Since there is no hard and fast definition of just what constitutes a "specialty" food item, the method used in Amendments 2 relieves the squeeze on those wholesalers and retailers selling mostly "specialty" food items from pricing under the provisions of CPR 14, CPR 15, and CPR 16. These amendments permit those sellers dealing in "specialty" food items not excluded from price control by Amendment 1 to General Overriding Regulation 7, who do not qualify for adjustment under Amendments 2 to these regulations to use the ceiling prices established by the General Ceiling Price Regulation rather than the ceiling prices established under CPR 14, CPR 15, and CPR 16.

In order to provide a ready reference and an easy guide, these amendments define the food items included in the regulations, those which are excluded from the regulations but subject to the General Ceiling Price Regulation, and those which are excluded from price control at wholesale and retail levels by Amendment 1 to General Overriding Regulation 7.

Additionally, these amendments transfer some food items which have been misplaced into their proper commodity category.

In the formulation of these amendments, special circumstances have rendered impractical consultation with official advisory committees, including trade association representatives; however, the provisions of this amendment incorporate the recommendations of persons representing substantial segments of the industry. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Section 32 (b) and (c) is amended by deleting the present paragraphs (b) and (c) and substituting therefor the following new paragraphs (b) and (c), and by adding the following new paragraph (d) as set forth in parallel columns below.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(1) "*Baby foods*" means "baby" or "junior" cereals, fruits, vegetables, meats, pudding, soups and mixtures thereof, packed in hermetically sealed containers. Not included in this definition are dry baby cereals.	(1) "*Baby foods*". Excluded are: Dry baby cereals.	(1) "*Baby foods*". Excluded are: None.
(2) "*Cereals, breakfast*" means bulk or packaged cereal items of any size commonly used as breakfast foods, both uncooked and ready-to-eat types including but not limited to, bran flakes, farina, popped rice, and rolled oats. Not included in this definition are barley, corn meal, corn grits, hominy grits and flakes, rice and wheat bran flour.	(2) "*Cereals, breakfast*". Excluded are: Steel cut oats and wheat germ.	(2) "*Cereals, breakfast*". Excluded are: Imported "cereals, breakfast" if imported in consumer size containers.
(3) "*Cocoa, chocolate, and cereal-drink preparations*" includes, but is not limited to, coffee substitutes or extenders, chicory, malted milk preparations containing less than 35% malted milk, chocolate syrup packed in consumer sizes, chocolate bits, and cooking chocolate and packaged powdered skim milk (spray process).	(3) "*Cocoa, chocolate, and cereal-drink preparations*". Excluded are: Malted milk and any preparations containing 35% or more malted milk, chocolate confections, bittersweet bars, milk chocolate, chocolate syrup packed in No. 10 tin or larger, powdered whole milk, powdered skim milk packaged in tin in inert gas.	(3) "*Cocoa, chocolate, and cereal-drink preparations*". Excluded are: Imported cocoa, chocolate and cereal drink preparations if imported in consumer size containers.
(4) "*Coffee*" means roasted coffee, whole or ground, decaffeinated coffee, coffee concentrates, and any mixtures of coffee with other products for beverage purposes. Not included in this definition is frozen coffee concentrate.	(4) "*Coffee*". Excluded is: Green coffee in containers of the customary unit and weight in which they are imported into the United States.	(4) "*Coffee*". Excluded is: Imported coffee if imported in consumer size containers (2 lbs. or less).
(5) "*Cookies, crackers, toast and crumbs*" includes, but is not limited to biscuits, Christmas cookies, fig crackers, graham crackers, pretzels, rye crackers, zwiebach, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal and related matzo products. Not included in this definition are any items which are bought by you in bulk and sold loose.	(5) "*Cookies, crackers, toast and crumbs*". Excluded are: Any baking product which you manufacture, Passover matzo, Passover matzo meal and related Passover products, any cookie or cracker item which is purchased in consumer sizes in tin or glass containers, baked goods, fresh, such as bread, pies, cakes, rolls, doughnuts, coffee cakes, candies (except cookies, crackers, toast and crumbs), and rice crackers.	(5) "*Cookies, crackers, toast and crumbs*". Excluded are: Imported cookies, crackers and toast, if imported in consumer size containers.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(6) "*Corn meal, hominy and flour mixes*" includes, but is not limited to, hominy flakes, prepared hominy and bulk or packaged flour mixes milled from wheat semonilla, farina, buckwheat, corn, rice, and potatoes, including but not limited to, biscuit mixes, cake mixes, and muffin mixes. Not included in this definition are frozen mixes.	(6) "*Corn meal, hominy and flour mixes*". Excluded are: None.	(6) "*Corn meal, hominy and flour mixes*". Excluded are: Water ground corn meal.
(7) "*Dog and cat food*" shall not include any item prepared by you for pet food, or any frozen dog or cat food.	(7) "*Dog and cat food*". Excluded are: None.	(7) "*Dog and cat food*". Excluded are: None.
(8) "*Fish, processed*" includes canned fish, canned shellfish, and frozen fish and shellfish processed fish, such as fish cakes. Not included in this definition are frozen food products in which fish or seafood are combined with other ingredients, claims, corn meal, lobster, lobster bisque, and oysters.	(8) "*Fish, processed*". Excluded are: Frozen fish and seafood, canned clams and shrimp, uncanned, marinated, dried or smoked fish and seafood (except sardines).	(8) "*Fish, processed*". Excluded are: Fresh fish and seafood, canned clam juice, fish and seafood pates, pastes and purees, sauce containing fish and seafood, fish roe, caviar, fish and seafood flakes, pieces or spreads, imported "fish, processed" if imported in consumer size containers, except tuna, crab meat and salmon.
(9) "*Flour*" means bulk or packaged (in any size) flour milled from wheat, semonolli, farina, buckwheat, corn, rice, and potatoes, including, but not limited to, self-rising flour, pastry flour, and cake flour. Not included in this definition are all flour mixes.	(9) "*Flour*". Excluded are: None.	(9) "*Flour*". Excluded are: None.
(10) "*Frozen foods*" means packaged (in any size) and bulk (loose) foods sold from refrigerated cabinets or lockers, including, but not limited to, all fruits, berries, fruit or berry juices, and mixtures (except any of the foregoing in containers of a capacity of more than 46 pounds), vegetables, vegetable juices, and mixtures, including mushrooms, dog and cat foods not prepared by you for pet foods, spaghetti, macaroni and noodle products, chili, gravy, chow mein, pizza pies, soup mixtures, seafood products in which meat, chicken, turkey, fish or seafood are combined with other ingredients, meat stews, and canned meat, fish, frozen instant coffee, frozen fruit juices, frozen instant tea, and meat pies, frozen pies and pastries.	(10) "*Frozen foods*". Excluded are: Frozen fruits, berries, fruit or berry juices and mixtures in containers of a capacity of more than 46 pounds, frozen vegetables, seafood, frozen fish, sherbet and frozen confections.	(10) "*Frozen foods*". Excluded are: Frozen fruits, fruit juices and concentrates, frozen vegetables, vegetable juices, frozen fish and seafood, frozen chicken a la king, frozen chicken fricassee, frozen chicken pot pie, frozen chicken with noodles, frozen chicken with vegetables, frozen chicken with rice, frozen chicken with stews, imported fruits, berries and fruit juices concentrates (except pineapple juice), if imported in consumer size containers.
(11) "*Fruits, berries and fruit juices, canned*" includes but is not limited to, apple sauce, fruit cocktail, fruit pie fillings, fruit preserves, conserves, jellies, jams, olives, barbecue sauce, cranberry jelly and sauce, fountain fruits, maraschino cherries without stems, fruit nectars, bulk apple cider, fruits for salad, canned fruit juices and concentrates, applesauce, lemonade, and orangeade. Not included in this definition are apple butter, fruit butters, jam, jellies, fruit preserves, peanut, olives, barbecue sauce, dried fruits, fresh fruits, frozen fruits, and pineapple (except pineapple juice), peaches, pears and frozen fruits.	(11) "*Fruits, berries and fruit juices, canned*". Excluded are: None.	(11) "*Fruits, berries and fruit juices, canned*". Excluded are: Imported fruit cocktail, fruits or berries whole or half citrus fruits; cocktail slices and sticks; and maraschino cherries with stems, imported fruits, berries and fruit juices concentrates (except pineapple juice), if imported in consumer size containers.
(12) "*Fruit cocktail, pineapple, peaches and pears (canned) except juices*".	(12) "*Fruit cocktail, pineapple, peaches and pears (canned) except juices*". Excluded are: None.	(12) "*Fruit cocktail, pineapple, peaches and pears (canned) except juices*". Excluded are: Imported, Bonne Bryood and Stuffed Olives cocktail slices and sticks; fruit cocktail; and pears (canned) if imported in consumer size containers.
(13) "*Fruits, dried or dehydrated*" (packaged or bulk) includes, but is not limited to, stuffed dried fruits, dried dates and figs, dried mixed fruits, and dried nuts. Not included in this definition are fruit confections, candied or glaced fruits and peels, fresh dates and date products.	(13) "*Fruits, dried or dehydrated*". Excluded are: None.	(13) "*Fruits, dried or dehydrated*". Excluded are: None.
(14) "*Gelatin and pudding mixes*" includes, but is not limited to, gelatin, gelatin desserts, tapioca, arrowroot, cornstarch, ice cream mixes, rennet, and pie fillings.	(14) "*Gelatin and pudding mixes*". Excluded are: None.	(14) "*Gelatin and pudding mixes*". Excluded are: Wholesome powders, wine dessert powders and all imported gelatin and pudding mixes if imported in consumer size containers.
(15) "*Jams, jellies, preserves, honey and peanut butter*" includes, but is not limited to, honey in the comb, honey with comb blown in, chunk type peanut butter, honey butter and all extracted honey (including combinations of extracted and comb honey) packaged in containers of a capacity of more than 46 pounds. Not included in this definition are cranberry jelly or sauce.	(15) "*Jams, jellies, preserves, honey and peanut butter*". Excluded are: Honey in the comb with blossom, honey with comb blown in.	(15) "*Jams, jellies, preserves, honey and peanut butter*". Excluded are: Wine jellies, preserved kumquats, preserved and fruit fruit, Alaska wood honey, spiced crab apples, jellies preserves and honey if imported in consumer size containers.
(16) "*Lard, pure*" (packaged or bulk) includes, but is not limited to, rendered pork fat, rendered vegetable fat, and lard compounds which are classed as "shortenings, other".	(16) "*Lard, pure*". Excluded are: None.	(16) "*Lard, pure*". Excluded are: None.
(17) "*Macaroni and spaghetti products*" includes, but is not limited to, bows, egg rolls, "sea shells", noodles, macaroni dinners, spaghetti dinners, canned macaroni and spaghetti. Not included in this definition are frozen food products in which fish or seafood are combined with other ingredients, claims, corn meal, lobster, lobster bisque, and oysters.	(17) "*Macaroni and spaghetti products*". Excluded are: None.	(17) "*Macaroni and spaghetti products*". Excluded are: Imported macaroni and spaghetti products if imported in consumer size containers.
(18) "*Mayonnaise and salad dressing*" includes, but is not limited to, mayonnaise, relishes, and French dressing. Not included in this definition are meat spreads.	(18) "*Mayonnaise and salad dressing*". Excluded are: None.	(18) "*Mayonnaise and salad dressing*". Excluded are: Wholesome sauce, cheese, mayonnaise and salad dressing if imported in consumer size containers.
(19) "*Meat, canned*" includes but is not limited to, canned or glass chicken products, chicken and noodles, meat gravy, meat relish, pickled meats, luncheon spreads and spaghetti and meat balls. Not included in this definition are pigs feet, scrapple, tamales, tripe, veal loaf, mincemeat, frozen food products in combination with other ingredients, frozen meat gravies and frozen meat sticks and meat pies, frozen pies and pastries.	(19) "*Meat, canned*". Excluded are: Canned breast of chicken, chicken fricassee, whole or half chicken, Hawaiian delight, King "Smithfield" ham products and any canned meat which is removed from the can by the slice, and sold sliced in smaller amounts.	(19) "*Meat, canned*". Excluded are: Canned smoked tongue, liver, hearts, gizzards, cocktail meat balls, wieners, canned frankfurters, canned "Smithfield" ham products, canned turkey products, canned meat if imported in consumer sizes of 2 lbs. or less, except beef and beef hash and Latitudinable beef, Ltd. "Filet de boeuf grass" 1 lb.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(25) "*Spices*" includes, but is not limited to, bay leaves, cassia, celery seed, celery salt, chili powder, garlic, garlic salt, herbs, dry mustard, onion salt, onion flakes, poultry seasoning, poppy seed, sesame seed, spice seeds, spices ground or otherwise prepared, and mixtures of any of the foregoing. Not included in this definition are table salt; spice oils and crushed ginger.	(25) "*Spices*". Excluded are: Raw spices and spice seeds in containers of the customary unit and weight in which they are imported into the United States. Spices in the form of tea in containers of the customary unit and weight in which they are imported into the United States.	(25) "*Spices*". Excluded are: Imported spices and herbs, if imported in consumer size containers.
(26) "*Syrups*" means all malt, molasses, cane, maple, and corn syrups, and imitations or blends. Not included in this definition are chocolate and ice cream sundae syrups.	(26) "*Syrups*". Excluded are: Unmixed corn syrups, molasses syrups, and sugar syrups of the types commonly used as table syrups or for making beverages.	(26) "*Syrups*". Excluded are: Cane, maple, and corn syrup, and Imitation or blends, if imported in consumer size containers.
(27) "*Tea*" includes all bulk or packaged tea, tea bags and concentrated tea.	(27) "*Tea*". Excluded are: Agency Darjeeling, Formosa Oolong, Ceylon, Kee Mun, Lapsang Souchong, Jasmine, and Fancy Green Teas and blends of the foregoing, imported in packages of the customary units of the customary unit and weight in which they are imported into the United States.	(27) "*Tea*". Excluded is: Imported tea, if imported in consumer size containers.
(28) "*Vegetables and vegetable juices, canned*" means any vegetable or vegetable juice packed in any container, whether or not hermetically sealed, and processed by any method. Not included in this definition are vegetables in brine or pickling solution, "baby" or "junior" foods, pickles, corn, green beans, peas (except canned black-eye, crowder, cream and field peas), sauerkraut and hominy, spaghetti and macaroni products, tomato juice and frozen vegetables.	(28) "*Vegetables and vegetable juices, canned*". Excluded are: Baked beans prepared by the retailer, and potato chips.	(28) "*Vegetables and vegetable juices, canned*". Excluded are: Cocktail mushrooms, and vegetable juices canned, if imported in consumer size containers.
(29) "*Vegetables, dried and dehydrated*" (packaged or bulk) includes, but is not limited to, dried beans, blackeye peas, dried mushrooms, and dried onions. Not included in this definition are dry soup mixes, hominy, garlic, celery flakes, onion flakes, dried chili and dried peppers.	(29) "*Vegetables, dried and dehydrated*". Excluded are: None.	(29) "*Vegetables, dried and dehydrated*". Excluded are: Imported dried and dehydrated vegetables, if imported in consumer size containers.
(30) "*Vinegar*" (bottled or bulk) includes, but is not limited to, pure cider vinegar and distilled vinegar.	(30) "*Vinegar*". Excluded are: White, cherseon, malt and fruit vinegar (except apple).	(30) "*Vinegar*". Excluded are: Imported vinegars if imported in consumer size containers.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(20) "*Milk, canned*" means evaporated or condensed cow milk. Including but not limited to, filled evaporated milk products.	(20) "*Milk, canned*". Excluded are: Goat milk, whole milk powder, and evaporated whole cow milk packaged in tin in an inert gas. Malted milk and any preparation containing 85% or more malted milk. Also excluded are dried skim milk and condensed skim milk, bulk.	(20) "*Milk, canned*". Excluded are: None.
(21) "*Oils, cooking and salad*" means all vegetable, fruit leaf plant oils, cooking fats other than lard and shortening. Not included in this definition are olive oil, prepared dressings, and spice oils.	(21) "*Oils, cooking and salad*". Excluded are: None.	(21) "*Oils, cooking and salad*". Excluded are: None.
(22) "*Oleomargarine*" means any product labeled "Oleomargarine".	(22) "*Oleomargarine*". Excluded are: None.	(22) "*Oleomargarine*". Excluded are: None.
(23) "*Pickles and relishes*" (packaged) includes, but is not limited to, chow chow, pickled peppers, pickled relishes, pickled onions and pickled vegetables. Not included in this definition are chocolate and ice cream sundae syrups.	(23) "*Pickles and relishes*". Excluded are: Bulk pickles, pickled fruits, bar pickles, pickled fruit rolls, and pickles and relishes prepared by the retailer.	(23) "*Pickles and relishes*". Excluded are: Pickles, pickled fruit and imported pickles and relishes, if imported in consumer size containers.
(24) "*Rice*" packaged or bulk means all rice (including second heads) of the grades defined by the Department of Agriculture in the United States Standards for Milled Rice (effective September 4, 1946). Not included in this definition are rice flour, rice flakes, popped rice, and canned Spanish rice.	(24) "*Rice*". Excluded are: Screenings, brewers' and brewers' rice graded as Class XIII and Class XIV, respectively, by the Department of Agriculture Bulletin of Standards for Milled Rice (effective September 4, 1946).	(24) "*Rice*". Excluded are: Will rice.
(25) "*Shortening, hydrogenated*" means all fully hydrogenated shortening.	(25) "*Shortening, hydrogenated*". Excluded are: None.	(25) "*Shortening, hydrogenated*". Excluded are: None.
(26) "*Shortening, other*" means shortenings other than fully hydrogenated shortening. Not included in this definition are butter, lard, oleomargarine, and suet.	(26) "*Shortening, other*". Excluded are: None.	(26) "*Shortening, other*". Excluded are: None.
(27) "*Soups, canned*" includes soups, broths and chowder. Not included in this definition are meat stews, "baby" or "junior" soups, dehydrated soups, and frozen soups.	(27) "*Soups, canned*". All bisques (except tomato, crab, and lobster), all soups with chicken, oysters, clams, minestrone and bouillabaisse.	(27) "*Soups, canned*". Excluded are: All bisques (except tomato, crab, and lobster), all soups with chicken, oysters, clams, minestrone and bouillabaisse, if imported soups if imported in consumer size containers.
(28) "*Soups, dehydrated*" means dry mixtures sold for soup making, including but not limited to, bouillon concentrates, dried soup mixes, and dried soups. Not included in this definition are other unmixed or noodle products, lentils and dried peas.	(28) "*Soups, dehydrated*". Excluded are: None.	(28) "*Soups, dehydrated*". Excluded are: None.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(35) "*Miscellaneous foods*" shall include all other dry grocery items except those specifically excluded in paragraphs (c) and (d) of this section. Among the items included under this heading are the following: Baking powder. Baking soda. Barley (pearl). Brown bread, and date and nut bread canned. Brewers yeast in consumer size packages not to exceed 2 pounds. Cherry juice (canned). Coconut, shredded, desiccated or moist. "Cookies, crackers, toast and crumbs" bought by yeast in bulk and sold loose. Cornstarch, edible or gloss packaged in containers of 10 pounds or less (excluded are powdered prepared laundry starching compounds). Crab meat. Cranberry juice (canned). Date products. Extracts. Flavorings. Food colorings. French fried onions (canned). Fruit peel, dry. Glazed or candied fruits and peels. Ice cream sundae syrups, including chocolate syrup packed in No. 10 tins or larger or bottled containers or larger. Lingonberry juice (canned). Macaroni and (canned). Meat flavorings. Meat sauces, except catsup, cocktail sauce, and chili sauce. Mincemeat. Mustard, prepared. Olives. Oysters (canned). Pigs feet (canned). Popcorn, not popped. Potato salad (canned). Potatoes, antienzyme (canned). Potatoes, shoestring (canned). Pudding, date. Pudding, fig. Pudding, plum. Pumpkin (canned). Spinach rice (canned). Table salt packaged in cartons, bags, or packets containing 100 pounds or less, meat-curing and smoked salt, Kosher salt in cartons and salt packaged in containers of 10 pounds or less and labeled by the manufacturer as ice cream salt (excluded are onion, celery or garlic salt). Spice oils. Tamales (canned). Tomato juice (unsalted). Tom and berry butter (Bottled). Tuna (canned). Veal loaf (canned). Yeast.	(35) "*Miscellaneous foods*". Excluded are: Beer. Bird seed and gravel. Bread. Buttermilk, fresh. Candied ginger. Candy. Cheese, bulk, all types. Comb honey. Cornstarch, edible or gloss (packaged in containers of more than 10 pounds). Corn sugar. Cream. Eggs. Feed, animal or poultry (other than pet food). Fresh fruits and vegetables. Frozen fish and seafood. Fruit cake. Fruit and vegetable powders for making beverages. Gift or holiday packages bought assembled, and containing one or more items covered by this regulation. Ice cream cones. Ice cream, sherbet and frozen confections. Laundry starching compounds, powdered prepared. Liquors. Maple sugar. Meat and fish (except "fish, processed," and "meat, canned"). Milk, fresh. Mineral oil. Molasses sold for feeding purposes. Nuts. Peanuts. Pet foods (except cat and dog foods or any frozen cat or dog foods). Popcorn, popped. Potato chips. Poultry, other than canned or bottled. Salads and relishes prepared by the retailer. Salt not covered by section 32 (b) (35). Soft drinks. Tamales, bulk. Tortillas. Vitamin concentrates. Wine.	(35) "*Miscellaneous foods*". Excluded are: Truffles, capers, canned snails, cane or beet sugar, rattlesnake meat, easter egg dye, and olive oil.

Section 33 is amended by deleting the present paragraph (b) and substituting therefor the following new paragraph (b), and by adding new paragraphs (c) and (d) as set forth in parallel columns below:

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(b) "*Dairy Products*". "*Butter*" packaged or bulk) means only butter from milk, including but not limited to, processed salted, unsalted, and whipped butter. Not included in this definition are peanut, nut, fruit or honey butters. "*Cheese*" shall include all packaged cheese, cheese specials, and cheese foods purchased packaged.	"*Butter*". Excluded are: None. "*Cheese*". Excluded are: Imported packaged cheese if imported in consumer size containers. Cheese gift packages of assorted cheeses if assembled by you, and all types of bulk cheese.	"*Butter*". Excluded are: None. "*Cheese*". Excluded are: None.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective on May 18, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

MAY 18, 1951.

[F. R. Doc. 51-5905; Filed, May 18, 1951; 10:22 a. m.]

[General Ceiling Price Regulation, Amendment 11]

FROZEN FISH AND SHELLFISH

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this amendment 11 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts frozen fish and shellfish from the General Ceiling Price Regulation. Fresh fish and sea food, because of the unusual marketing factors involved and their seasonal and perishable characteristics, are subject to marked price fluctuations. It was not deemed feasible, therefore, to control fresh fish by the general freeze. Traditionally, fresh and frozen fish are in the same marketing category and move in the same channels of distribution. They are sold competitively with each other. Fresh fish is "frozen" primarily to counteract its perishability and to provide more stable distribution control. Since fresh and frozen fish are substantially identical, uniformity of treatment is desirable. Preferential treatment results in undesirable departures from normal trade practices.

The present exemption of fresh fish from the General Ceiling Price Regulation with frozen fish remaining under price control has resulted in inequities to segments of the fish industry and maladjustments in marketing practices. Some producers of frozen fish in certain areas were able, prior to the base period, to purchase fresh fish at abnormally low prices and the prices of frozen fish during the base period reflected these abnormal purchases. When controls were placed upon frozen fish without the imposition of similar controls upon fresh fish, these producers were adversely affected.

This distortion of the normal price relationship between fresh and frozen fish has created a problem of geographical distribution. Coastal states are receiving more than their normal supply of fresh fish while inland states (where fresh fish cannot be shipped) are receiving abnormally small supplies of frozen fish. This dislocation of distribution is depriving the public in the areas affected of a low-priced protein food and will materially injure many retail outlets who have in the last few years built up their frozen fish sales and who have no present facilities for the handling of fresh fish.

Stocks of frozen fish in 1950 were the largest ever reported. Present cold storage stocks are the heaviest in history. As of March 1, 1951, there were 106 million pounds of fish in storage as compared to 105 million pounds for the corresponding period last year. The maximum production season for all fish is now approaching. Import conditions seem very favorable and should substantially increase the market supply. The fact that supplies are ample makes it possible to restore the normal relationship between fresh and frozen fish with-

out material increases in price. Some increases may be anticipated in those cases where ceilings are abnormally low but these are justified in order to maintain future frozen fish production at desirable levels.

For these reasons the Director of Price Stabilization finds that the exemption of frozen fish and shellfish from the provisions of the General Ceiling Price Regulation will be in accord with the objective of the Defense Production Act.

AMENDATORY PROVISIONS

Section 14 (s) (8) of the General Ceiling Price Regulation is hereby amended to read as follows:

(8) Fresh fish, seafood and game and frozen fish and shellfish.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date: This amendment shall be effective May 22, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 17, 1951.

[F. R. Doc. 51-5885; Filed, May 17, 1951; 4:00 p. m.]

[Ceiling Price Regulation 26, Revised]

CPR 26—REVISED CEILING PRICES OF KOSHER BEEF ITEMS SOLD AT RETAIL

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with Respect to the Allocation of Meat, January 26, 1951, 16 F. R. 1272, and Economic Stabilization Agency General Order No. 5, February 8, 1951 (16 F. R. 1273), this revised Ceiling Price Regulation 26 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes revised dollars and cents ceiling prices for retail sales of kosher beef cuts and most kosher beef variety meats and beef by-products. This regulation supplements and is substantially identical with Ceiling Price Regulation No. 25, as corrected and amended. The Statements of Consideration issued in connection with that regulation, as amended, apply equally to this regulation and therefore are incorporated herein. There are, however, a few differences between the two regulations which are discussed below.

This regulation treats all sellers of kosher beef as independent retailers (Class 1 or 2 stores) and does not classify them into three groups, since the overwhelming majority of such sellers are small independent stores. Accordingly, this regulation does not provide for price adjustment from "Class 3 or 4" stores to "Class 1 or 2."

Since most kosher retailers buy from wholesalers, the ceiling prices established in this regulation reflect the wholesale addition of $2.25 per cwt. provided for in Ceiling Price Regulation 24.

It is not customary for kosher retailers to operate locker plants and, therefore, no special provision is made for locker plants in this regulation.

Kosher retail prices have been determined by the same procedure as was used for non-kosher prices. In computing the retail ceilings for kosher beef cuts, the wholesale ceiling prices for kosher beef for the period through July 31, 1951, were used. In order to issue this regulation at the earliest practicable time, the regulation omits the price lists for the periods beginning August 1 and October 1, 1951. The regulation will be amended shortly to include those lists and will thereby reflect the decreases in livestock and wholesale prices which become effective on those dates.

Kosher butchers generally have charged higher prices than non-kosher butchers, principally because of their higher costs for kosher killed beef, and for rabbinical inspection. The cutting tests used in fixing the prices in this regulation were those conducted by the Office of Price Administration in connection with Maximum Price Regulation No. 394.

This revised regulation supersedes and differs from Ceiling Price Regulation 26, as corrected and amended, in the following respects: The revised regulation defines those retail kosher beef cuts which were not defined by, but for which ceiling prices were provided by, Ceiling Price Regulation 26, defines three new kosher retail beef cuts and omits from the definition of kosher beef variety meats and beef byproducts two items which were defined by, but for which ceiling prices were not provided by, Ceiling Price Regulation 26. It also corrects certain minor errors appearing in that regulation.

This revised regulation also makes extensive changes in the ceiling prices to correct errors made at the time of issuance of Ceiling Price Regulation 26 and to bring the kosher retail beef regulation into line with the other beef regulations, Ceiling Price Regulations 24 and 25, and thus to effectuate the Office of Price Stabilization objectives set forth in the Statements of Consideration accompanying those beef regulations. The revised regulation also establishes ceiling prices for certain items, including deckle of rib, breast of flanken, breast deckle, cheek meat, head meat, tongues and tripe, for which ceiling prices could not be established at the time of issuance of Ceiling Price Regulation 26 without delaying its issuance. The revised ceiling prices were computed after conferences with industry representatives.

In formulating this revised regulation, the Director of Price Stabilization has consulted with industry representatives to the extent practicable and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability.

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1. Zone definitions.
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3. Wholesale kosher beef cut definitions.
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5. Certain kosher beef variety meats and beef by-products definitions.

AUTHORITY: Sections 1 to 40 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Titles I and IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this regulation does.* This regulation supersedes Ceiling Price Regulation No. 26, as corrected and amended, and fixes specific ceiling prices for most retail sales of kosher beef cuts and of certain kosher beef variety meats and beef by-products. It also fixes ceiling prices for sales of these products by stores to eating places and to other retailers for resale purposes and sets forth the conditions under which such sales may be made. The ceiling prices established by this regulation supersede those established by the General Ceiling Price Regulation. This regulation does not establish ceiling prices for retail sales of other types of kosher beef products such as sterile canned beef or sausage, which remain under the General Ceiling Price Regulation. In addition, this regulation defines and standardizes kosher retail beef cuts and prohibits the sale of non-standardized kosher cuts.

SEC. 2. *Where this regulation applies.* This regulation shall be applicable in the 48 States and the District of Columbia.

SEC. 3. *Ceiling prices for specifically enumerated kosher beef products*—(a) *Kosher beef cuts and certain kosher beef variety meats and beef by-products.* Your ceiling price for all retail sales to consumers is the price specified in section 30 for kosher beef cuts, or in section 31 for certain kosher beef variety meats and beef by-products, for your zone. Your zone is determined by Appendix 1. Your ceiling price for sales of these items to eating places and to other retailers is determined under Article II. You may obtain a copy of the price lists containing your ceiling prices from your Office of Price Stabilization District or Regional Office.

SEC. 4. *Ceiling prices for certain kosher beef items which are not specifically listed in section 3*—(a) *Kosher variety meats and beef by-products.* If you sell a kosher beef variety meat or beef by-product which is not listed in Appendix 5, your ceiling price is established by the General Ceiling Price Regulation.

(b) *Cured beef items.* Your ceiling prices for cured, corned, cooked, smoked, barbecued, and dried kosher beef items which you sold during the calendar year 1950 or which you purchase for resale, shall be your ceiling prices established therefor by the General Ceiling Price Regulation. You must, however, file the report and keep the records required for these items by that regulation. If you did not sell these items in 1950 or do not purchase them for resale, see section 4 (c).

(c) *New cured kosher beef items.* If you desire to sell a kosher beef item listed in section 4 (b) which you did not sell during 1950 and which you do not purchase for resale, you may apply in writing to the Director of Price Stabilization in Washington, D. C., for a ceiling price. In your application you shall state the information required in section 12. The Director of Price Stabilization may authorize a ceiling price for such item if your application includes sufficient facts to enable him to find that:

(1) You have made a substantial financial investment which cannot be utilized except in the sale of such kosher beef item;

(2) The sale of this product is to constitute at least 10 percent of your dollar volume of business;

(3) Production of this item will not divert an abnormal amount of beef from low cost to high cost items; and

(4) Approval of your application will be generally fair and equitable, will not adversely affect the price structure established by this regulation, and will not otherwise have an inflationary effect.

SEC. 5. *Limitations on the sale of kosher beef cuts, ground and cubed beef*—(a) *Limitations on the sale of kosher retail cuts.* Appendix 4 of this regulation describes the retail cuts of kosher beef which you may sell and how they are to be cut. You may not sell kosher retail cuts other than those specified in Appendix 4.

(b) *Special limitations on the sale of kosher cubed beef.* You are not permitted to pre-cube kosher steaks from any wholesale or retail cut of kosher beef.

(c) *Special orders of ground, cubed, boned and rolled kosher beef*—(1) *General limitations.* You may not grind, cube, bone, or roll any cut or grade of kosher beef not authorized to be preground, pre-cubed, pre-rolled, or preboned, in Appendix 4, except in accordance with the provisions of this section. You may on special order from the customer grind, cube, roll or bone kosher beef in a way not authorized by Appendix 4, if it is done in the customer's presence so he can observe it or in accordance with section 5 (c) (3); if you make no charge for the grinding, cubing, rolling and boning; and if you comply with the applicable provisions of section 5 (c) (2).

(2) *Special limitations on the sale of kosher ground beef*—(i) *Limitations on ground beef inventory.* You may not sell any kosher ground beef unless it is ground beef as defined in Appendix 4. Moreover, you shall not have in your store, refrigerator, cooler, or warehouse any kosher ground beef except ground beef as defined in Appendix 4 or kosher beef which has been bought by a customer and ground at his request and which is wrapped and marked with his name or, if you are authorized by section 5 (c) (3) to fill telephone orders, kosher beef which has been prepared, wrapped and marked with a customer's name as a result of an order telephoned by him.

(ii) *Observation by customer of grinding operation.* The customer will be permitted to observe the grinding of kosher beef by either of the following methods:

(*a*) The grinding operation may be performed at the meat counter; or

(*b*) The grinding operation may be performed in the refrigerator if the meat is shown to the customer immediately before and after grinding, if the right to observe the grinding operation is granted to every customer requesting such grinding, and if printed notice of such right is posted in two or more conspicuous places at or near where your meat sales are made and where your customers can easily see and read it. Such notices shall consist of letters one inch high and shall be in the following form:

Meat grinding equipment kept under refrigeration. We invite you to watch the grinding of your meat. OPS grants you this right. Ask the clerk.

(3) *Special telephone orders.* You may fill bona-fide telephone orders for special ground, boned, rolled or cubed cuts of kosher beef even though the customer is not present to observe the preparation. The authorization granted under the provisions of this section 5 (c) (3) will end on notice to you by your OPS District Office to that effect. Every seller authorized to fill telephone orders for ground, boned, rolled or cubed cuts of kosher beef in accordance with the preceding provisions of this section 5 (c) (3) must comply with the following rules:

Rule 1. The special ground, boned, rolled or cubed beef must not be placed on display to the public;

Rule 2. The special ground, boned, rolled or cubed beef must be wrapped immediately after preparation;

Rule 3. The wrapper containing the special ground, boned, rolled or cubed beef must be marked with the customer's name, the cut, grade and weight of the beef before preparation, the price per pound, and the total charge;

Rule 4. The special ground, boned, rolled or cubed beef must not be sold, offered, delivered, or diverted in any manner to any customer other than the one making the telephone order;

Rule 5. You must not pre-grind, prebone, pre-roll, or pre-cube any cut or grade of beef in anticipation of telephone orders except as generally authorized in Appendix 4 of this regulation;

Rule 6. No addition may be charged the customer for the grinding, boning, rolling, cubing or any other special preparation; and

Rule 7. No addition may be charged the customer for delivery service.

SEC. 6. *Display*—(a) *Beef cuts.* You may not display together kosher beef cuts having different ceiling prices, but must put them in separate trays, compartments or sections of your showcase, according to the difference in ceiling price, even though the beef cuts are of the same kind. You must place the appropriate ceiling price on each separate display so that your customers can see and read it. If you fail to make this separation, or if you fail to place the appropriate ceiling price on each separate display so that your customers can see and read it, the price you charge or offer to charge for any such kosher beef cuts must not be more than the maximum price fixed in this regulation for the same retail or wholesale cut of the lowest grade of kosher beef.

(b) *Beef variety meats and beef by-products.* You must not put different types of beef variety meats or beef by-products, or variety meats or edible by-products coming from different kinds of animals, together in your showcase.

SEC. 7. *Posting ceiling prices.* Not later than twenty days after the effective date of this regulation, you must post at your store your "Official OPS List of Retail Kosher Beef Prices". You may use an exact copy of the OPS List if the printing is as legible and at least as large. Put it at or near the place where your meat sales are made and where your customers can easily see and read it. You must have at least one list posted for each 20 feet of meat counter space. You may get your official copies of the price lists for posting or copying from your District Office. When you display a kosher beef cut or certain kosher beef variety meat or beef by-product the ceiling price of which is specified in this regulation, you must put your selling price for that product on the display.

SEC. 8. *Customary sales receipts.* You shall give customers the sales slip, receipt or other record of purchase you

have customarily given. In addition, you shall, upon request by any customer, give him a receipt showing the date of sale, your name and address, the name, weight and the price you receive for each kosher beef cut or certain kosher beef variety meat or beef by-product sold and the grade of each kosher beef cut sold.

SEC. 9. *Taxes.* You may collect, in addition to your ceiling price, any tax upon or incident to a retail sale of food covered by this regulation if you state the tax separately, and if the statute or ordinance does not prohibit sellers from stating and collecting the tax separately from the price.

SEC. 10. *Transfer of business and stock in trade.* If at any time after December 31, 1950, you acquired in any way the business, assets, and stock in trade of any retail store covered by this regulation and you carried on the business or continued to deal in the same type of food products in that same store, your ceiling prices shall be the same as those of the former owner as if no transfer had taken place. You must keep all the records needed to verify your ceiling prices. The former owner must either preserve and make available to you, or give you, all the records of his transactions before you acquired the store which you need to comply with the record provisions of this regulation.

SEC. 11. *Records*—(a) *General records.* You shall make and preserve, for a period of two years after the effective date of this regulation, the same records you have customarily kept. In addition you must preserve the invoices, freight bills or other written records provided by your meat supplier or suppliers which pertain to purchases of meat made by you. You shall also continue to preserve all records required to be preserved by section 16 of the General Ceiling Price Regulation. Section 16 of the General Ceiling Price Regulation requires you to preserve the following records:

(1) Those records in your possession showing the prices charged by you for the commodities or services which you delivered or offered to deliver during the period from December 19, 1950 to January 25, 1951, inclusive (hereinafter referred to as the "base period"), and also sufficient records to establish the latest net cost incurred by you prior to the end of that period in purchasing the commodities; and

(2) As to all of your deliveries and offers for delivery of commodities, a statement showing the categories of commodities in which you made deliveries and offers for delivery during the base period; or if you sold services, a statement listing the services which you delivered or offered to deliver during the base period; and

(3) As to all of your deliveries and offers for delivery of commodities, a ceiling price list showing the commodities in each category (listing each type, style and kind), or the services, delivered or offered for delivery by you during the base period together with a description or identification of each such commodity or service and a statement of the ceiling price. (Your ceiling price list may refer to an attached price list or catalogue. You may satisfy the requirements of this paragraph (3) by recording on your purchase invoice covering the commodities (including every type, style and kind) delivered or offered for delivery by you during the base period, the price at which you sold, offered the commodities for delivery, during the base period); and

(4) A statement of your customary price differentials for terms and conditions of sale and classes of purchasers, which you had in effect during the base period.

(b) *Microfilming records.* All records required to be preserved under this section may, after the expiration of 90 days after the date of the transaction to which they relate, be transferred to and preserved thereafter on microfilm.

(c) *Inspection by OPS representatives.* You shall show the records required by this section to be preserved to any OPS representative upon request.

SEC. 12. *Reports on cured beef items.* If you apply for a ceiling price on an item described in section 4 (c), your application shall include the following data:

(a) A description of the item, including the name of the item.

(b) The cut and grade of beef used in the item.

(c) A complete description of its preparation.

(d) The type of wrapping or packaging used.

(e) The manner in which the product differs from the most similar type of product of the same type for which a ceiling price is established in section 3.

(f) The cost of any operations which are added to or eliminated from the manufacture of the most similar product of the same type for which a ceiling price is established in section 3.

SEC. 13. *Evasion.* (a) You shall not evade the provisions of this regulation, by direct or indirect methods in connection with an offer, solicitation or agreement relating to the sale, delivery, purchase, transfer or receipt of beef, alone or in conjunction with any other commodity or service, or by way of any commission, service, transportation, wrapping, packaging, or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or by changing the selection, grading or the style of dressing, cutting, trimming, cooking or otherwise processing, or the wrapping or packaging of beef or otherwise.

(b) Among other, the following practices are considered evasions and are prohibited:

(1) Boning and/or rolling of any rib roast of beef other than those of utility or cutter and canner grades, at any time prior to receiving a specific order from a customer for the particular rib roast which is to be boned and/or rolled.

(2) Pre-cubing of steaks from any kosher beef cut.

(3) Selling or delivering or offering to sell or deliver kosher beef cuts or certain kosher beef variety meats or beef by-products at a price higher than the ceiling price established by Ceiling Price Regulation 25 for the corresponding non-kosher item or at the ceiling price fixed herein, unless you maintain a store at or through which you regularly and generally sell kosher meats.

(4) Adding any charge for delivery service.

(5) Selling to consumers wholesale kosher beef cuts for which retail prices have not been established in section 30 of this regulation.

(6) Keeping in your store, refrigerator, cooler or warehouse any beef which does not have the grade name or grademark on each wholesale kosher cut.

(7) Falsely or incorrectly invoicing or grading beef.

(8) Offering, selling or delivering a beef cut, beef variety meat or beef by-product on condition that the buyer purchase another commodity or service.

(9) Removing the grademark from any kosher carcass or kosher beef cut, except when the removal cannot be avoided in preparing a retail kosher beef cut in accordance with the specifications listed in Appendix 4.

(10) Buying, receiving, selling or offering for sale any retail kosher beef cut obtained from a kosher carcass or wholesale kosher beef cut which has not been graded or grade marked in accordance with Office of Price Stabilization Distribution Regulation 2.

(11) Buying, receiving, selling or offering for sale any wholesale kosher beef cut which has not been graded or grade marked in accordance with Office of Price Stabilization Distribution Regulation 2.

SEC. 14. *Prohibitions*—(a) *Selling at prices above ceiling.* Regardless of any contract, agreement or other obligations, (1) you shall not sell or deliver any kosher beef item at a price higher than the ceiling price established for such item by this regulation; (2) you shall not buy or receive, in the regular course of trade or business, any kosher beef item at a price higher than the ceiling prices established for such item by this regulation; and (3) you shall not agree, offer, solicit or attempt to do any of the foregoing.

(b) *Selling other than defined items.* Regardless of any contract, agreement or other obligation, you shall not sell or deliver or offer to sell or deliver a kosher beef item unless such item is listed in Appendixes 3, 4 or 5. However, this shall not prevent you from selling cured beef items described in section 4 (b) if you sold them during the calendar year 1950 or purchase them for resale, nor shall it prevent you from selling other beef variety meats, beef by-products, sausage or sterile canned beef items.

SEC. 15. *Enforcement.* On and after the effective date of this regulation, if you violate any provision of this regulation, or any order issued pursuant to it, you are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Defense Production Act of 1950. Also, any person who in the course of trade or business buys from you at a price higher than your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that Act.

SEC. 16. *Petitions for amendment.* If you seek an amendment of any provision of this regulation, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, issued by OPS.

SEC. 17. *Less than ceiling prices.* You may charge, demand, pay or offer lower prices for kosher beef items than are established by this regulation.

SEC. 18. *Ceiling prices for non-graded and improperly cut cuts.* (a) If, in violation of the requirements of a regulation issued by OPS, a kosher beef cut has either not been graded and grademarked or the grade mark has been removed (except when such removal cannot be avoided in preparing a retail beef cut in accordance with the specifications listed in Appendix 4), your ceiling price for that kosher cut shall be the price for that same cut of utility grade.

(b) If a kosher beef cut does not satisfy the standard cut specifications provided in Appendixes 3 or 4, your ceiling price for that cut shall be, in the case of a kosher wholesale cut, the ceiling price specified for shank of utility grade, and in the case of a kosher retail cut, the ceiling price specified for plate (bone in) of utility grade.

(c) Nothing in paragraphs (a) or (b) of this section shall in any way excuse the violation of the grading, grade marking or cutting requirements of Distribution Regulation 2 or of this regulation.

ARTICLE II—SALES TO EATING PLACES AND OTHER RETAILERS

SEC. 20. *Stores selling less than 25 percent to eating places*—(a) *Limitation on sales.* You may not during any calendar month sell more than 25 percent of your total dollar volume of meat sales during that month to eating places unless you comply with the provisions of section 21.

(b) *Ceiling prices.* If you do not exceed the 25 percent limit in any calendar month your ceiling prices for sales of kosher beef cuts and certain kosher beef variety meats and beef by-products to eating places shall be the same as the ceiling prices for sales to consumers as set forth in section 3. If, however, during any calendar month you sell more than the 25 percent limit, you shall not only be in violation of section 20 (a) but your ceiling prices for sales to eating places of kosher beef cuts and certain kosher beef variety meats and beef by-products shall be determined in accordance with the provisions of section 32.

SEC. 21. *Stores customarily selling more than 25 percent to eating places*—(a) *Limitations on sales.* If your store during any calendar quarter in 1950 sold more than 25 percent of its dollar volume of meat sales to eating places, you may sell to eating places the same percentage of dollar sales of meat as you sold in the corresponding quarter in 1950 provided you file the report provided for in section 21 (c) and keep the appropriate records required by section 24. If your total dollar volume of meat sales to eating places during any current three-month period is in excess of the dollar volume permitted by this section or if you otherwise violate or fail to comply with its requirements you shall thereafter be subject to the limitations provided in section 20 (a).

(b) *Ceiling prices.* If, in accordance with section 21 (a) you are permitted to sell and you do sell more than 25 percent of your dollar volume of meat sales to eating establishments for any quarter, your ceiling prices for sales of kosher beef cuts and certain kosher beef variety meats and beef by-products to eating places for that quarter and for all subsequent periods, shall be those set forth in section 32 of this regulation.

(c) *Reporting requirements.* If you desire to sell more than 25 percent of your total dollar volume of meat sales to eating places you shall file with your OPS District Office a signed statement containing:

(1) The name and address of your store;

(2) The total dollar volume of your meat sales to eating places during each calendar quarter of 1950; and

(3) The total dollar volume of meat you sold during each calendar quarter.

You shall mail this report to your OPS District Office by registered mail, return receipt requested. You shall retain the receipt for a period of two years. Any statement filed in accordance with this Section shall also satisfy the similar filing requirements of Ceiling Price Regulation 25.

SEC. 22. *Adjustment for local shortages.* Notwithstanding the provisions of sections 20 or 21, upon a finding by the Director of Price Stabilization that there is not within an area or areas meat sufficient to supply the requirements of eating places, and that this condition has occurred because of an increase in population in such area or areas by the establishment and maintenance of a project or projects connected directly with the defense effort, the Director of Price Stabilization, Washington, D. C., may, by order, designate such area as a deficiency area for such period as he may prescribe. Upon the Director's designation of any specific area as a deficiency area, the OPS District Director for the District in which the deficiency area is located may authorize any store customarily serving such area to sell kosher beef cuts and certain kosher beef variety meats and beef by-products, at or below the ceiling prices specified in section 32, to eating places located in such area in such volume and subject to such terms and conditions as he deems necessary.

SEC. 23. *Sales to other retailers.* You may sell from your store to other retailers for resale, or buy from the stores of other retailers for resale, kosher beef cuts and certain kosher beef variety meats and edible beef by-products if you comply with the rules set forth in paragraphs (a) and (b) of this section.

(a) *Rules for selling to other retailers.*

Rule 1. You (the retailer who is selling) must sell to consumers more than 50 percent of the total dollar volume of meat sales from your store during each current month;

Rule 2. During any month you must not sell to other retailers more than 40 percent of the total dollar volume of meat sales from your store;

Rule 3. You must keep records, either weekly or monthly, showing the total dollar volume of meat sales from your store;

Rule 4. You must keep records in the same form as those you keep under Rule 3, showing the total dollar volume of meat sales to other retailers and eating places, if any, from your store;

Rule 5. You must not sell the buying retailer wholesale kosher cuts of beef; and

Rule 6. You must not charge the buying retailer for kosher beef cuts or certain kosher beef variety meats or beef by-products more than the ceiling prices provided in section 32.

(b) *Rules for buying from other retailers.*

Rule 1. You (the retailer who is buying) must not buy wholesale kosher cuts of beef from the selling retailer;

Rule 2. You must keep records, either weekly or monthly, showing the total dollar volume of meat bought from the selling retailer;

Rule 3. You must not pay the selling retailer for kosher beef cuts or certain kosher beef variety meats or beef by-products more than the ceiling prices provided in section 32; and

Rule 4. You must not charge your customers for kosher beef cuts or certain kosher beef variety meats or beef by-products more than the respective ceiling prices provided in sections 30 and 31.

(c) *Violation of rules.* If you violate any one of the foregoing rules provided for you in this section, you may not thereafter sell to, or buy from, other retailers, kosher beef cuts and certain kosher beef variety meats and beef by-products.

SEC. 24. *Records of sales to eating places and other retailers.* On all sales of meat to eating places you shall keep records, and give receipts to each buyer, showing the name and address of the buyer, the date of the sale, your name and address, and the details of each order, including the name, weight, grade and price charged for each kosher beef cut, and certain kosher beef variety meats and beef by-products. If you are permitted to sell kosher beef cuts and certain kosher beef variety meats and beef by-products to other retailers for resale purposes, you must keep records of each transaction and give receipts showing the same facts you are required to show on your sales to eating places. Moreover, if you sell meat to eating places or other retailers, you shall keep records, either weekly or monthly, showing the total dollar volume of meat sales to all buyers and the total dollar volume of meat sales to eating places and the total dollar volume of meat sales to other retailers during the same period. You shall also keep the records or data upon which you base the report you submit pursuant to section 21 (c).

SEC. 30. *Office of Price Stabilization list of retail ceiling prices on "Kosher" beef cuts—(a) Retail ceiling prices for "Kosher" beef cuts—Zone 1.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 1, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.02	$0.93	$0.83	$0.70
2. Deckle of rib (top of rib)	1.02	.93	.83	.70
3. 7-inch steaks or roast	1.13	1.03	.88	.75
4. Short ribs (flanken)	.58	.58	.58	.58
4A. Rib roast (boneless, rolled)				1.30
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.87	.87	.81	.73
6. Blade steak (bone in)	.87	.87	.81	.73
7. Boneless chuck	1.15	1.15	1.07	.98
8. English cut	.87	.87	.81	.73
9. Arm or chuck pot roast (bone in)	.87	.87	.81	.73
10. Arm or chuck steak (bone in)	.87	.87	.81	.73
11. Boneless neck	1.03	1.03	.97	.89
III. Brisket:				
12. Boneless brisket (also called breast of beef, boneless)	1.08	1.08	.90	.85
13. Brisket (bone in)	.85	.85	.72	.69
14. Breast of flanken (bone in)	.85	.85	.72	.69
14A. Breast deckle (boneless)	.98	.98	.81	.77
IV. Plate:				
15. Plate (bone in, also called plate flanken or long bone flanken)	.49	.49	.49	.49
16. Boneless plate (also called plate flanken or long bone flanken, boneless)	.65	.65	.65	.65
V. Shank:				
17. Shank (bone in)	.52	.52	.52	.52
18. Shank (boneless)	.82	.82	.82	.82
19. Ground beef	.80	.80	.80	.80
VI. Wholesale cuts:				
20. Rib (whole)	.84	.76	.67	.58
21. Chuck (whole)	.68	.68	.64	.58
22. Brisket (whole)	.56	.56	.48	.45
23. Plate (whole)	.43	.43	.43	.43
24. Shank (whole)	.41	.41	.41	.41

(b) *Retail ceiling prices for "Kosher" beef cuts—Zone 2.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 2, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.01	$0.92	$0.82	$0.69
2. Deckle of rib (top of rib)	1.01	.92	.82	.69
3. 7-inch steaks or roast	1.12	1.02	.87	.75
4. Short ribs (flanken)	.57	.57	.57	.57
4A. Rib roast (boneless, rolled)				1.29
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.85	.85	.80	.72
6. Blade steak (bone in)	.85	.85	.80	.72
7. Boneless chuck	1.14	1.14	1.06	.96
8. English cut	.85	.85	.80	.72
9. Arm or chuck pot roast (bone in)	.85	.85	.80	.72
10. Arm or chuck steak (bone in)	.85	.85	.80	.72
11. Boneless neck	1.00	1.00	.94	.86
III. Brisket:				
12. Boneless brisket (also called breast of beef, boneless)	1.07	1.07	.89	.84
13. Brisket (bone in)	.84	.84	.71	.68
14. Breast of flanken (bone in)	.84	.84	.71	.68
14A. Breast deckle (boneless)	.97	.97	.80	.76
IV. Plate:				
15. Plate (bone in, also called plate flanken or long bone flanken)	.48	.48	.48	.48
16. Boneless plate (also called plate flanken or long bone flanken, boneless)	.64	.64	.64	.64
V. Shank:				
17. Shank (bone in)	.52	.52	.52	.52
18. Shank (boneless)	.81	.81	.81	.81
19. Ground beef	.80	.80	.80	.80
VI. Wholesale cuts:				
20. Rib (whole)	.84	.76	.66	.57
21. Chuck (whole)	.68	.68	.63	.57
22. Brisket (whole)	.55	.55	.47	.45
23. Plate (whole)	.42	.42	.42	.42
24. Shank (whole)	.41	.41	.41	.41

(c) *Retail ceiling prices for "Kosher" beef cuts—Zone 3.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 3, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.01	$0.92	$0.82	$0.69
2. Deckle of rib (top of rib)	1.01	.92	.82	.69
3. 7-inch steaks or roast	1.12	1.01	.86	.74
4. Short ribs (flanken)	.57	.57	.57	.57
4A. Rib roast (boneless, rolled)				1.28
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.85	.85	.79	.72
6. Blade steak (bone in)	.85	.85	.79	.72
7. Boneless chuck	1.11	1.11	1.06	.96
8. English cut	.85	.85	.79	.72
9. Arm or chuck pot roast (bone in)	.85	.85	.79	.72
10. Arm or chuck steak (bone in)	.86	.86	.79	.72
11. Boneless neck	.99	.99	.93	.85
III. Brisket:				
12. Boneless brisket (also called breast of beef, boneless)	1.07	1.07	.89	.84
13. Brisket (bone in)	.84	.84	.71	.67
14. Breast of flanken (bone in)	.84	.84	.71	.67
14A. Breast deckle (boneless)	.97	.97	.80	.76
IV. Plate:				
15. Plate (bone in, also called plate flanken or long bone flanken)	.48	.48	.48	.48
16. Boneless plate (also called plate flanken or long bone flanken, boneless)	.63	.63	.63	.63
V. Shank:				
17. Shank (bone in)	.51	.51	.51	.51
18. Shank (boneless)	.80	.80	.80	.80
19. Ground beef	.79	.79	.79	.79
VI. Wholesale cuts:				
20. Rib (whole)	.83	.75	.66	.57
21. Chuck (whole)	.68	.68	.63	.57
22. Brisket (whole)	.55	.55	.47	.45
23. Plate (whole)	.42	.42	.42	.42
24. Shank (whole)	.42	.42	.42	.42

(d) *Retail ceiling prices for "Kosher" beef cuts—Zone 4.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 4, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.00	$0.91	$0.81	$0.68
2. Deckle of rib (top of rib)	1.00	.91	.81	.68
3. 7-inch steaks or roast	1.11	1.01	.86	.74
4. Short ribs (flanken)	.56	.56	.56	.56
4A. Rib roast (boneless, rolled)				1.27
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.84	.84	.78	.71
6. Blade steak (bone in)	.84	.84	.78	.71
7. Boneless chuck	1.12	1.12	1.04	.95
8. English cut	.84	.84	.78	.71
9. Arm or chuck pot roast (bone in)	.84	.84	.78	.71
10. Arm or chuck steak (bone in)	.84	.84	.78	.71
11. Boneless neck	.97	.97	.91	.83
III. Brisket:				
12. Boneless brisket (also called breast of beef, boneless)	1.06	1.06	.88	.83
13. Brisket (bone in)	.83	.83	.70	.67
14. Breast of flanken (bone in)	.83	.83	.70	.67
14A. Breast deckle (boneless)	.96	.96	.79	.75
IV. Plate:				
15. Plate (bone in, also called plate flanken or long bone flanken)	.47	.47	.47	.47
16. Boneless plate (also called plate flanken or long bone flanken, boneless)	.63	.63	.63	.63
V. Shank:				
17. Shank (bone in)	.51	.51	.51	.51
18. Shank (boneless)	.79	.79	.79	.79
19. Ground beef	.79	.79	.79	.79
VI. Wholesale cuts:				
20. Rib (whole)	.83	.75	.66	.56
21. Chuck (whole)	.67	.67	.62	.57
22. Brisket (whole)	.54	.54	.46	.44
23. Plate (whole)	.42	.42	.42	.42
24. Shank (whole)	.42	.42	.42	.42

(e) *Retail ceiling prices for "Kosher" beef cuts—Zone 5.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 5, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.00	$0.91	$0.81	$0.68
2. Deckle of rib (top of rib)	1.00	.91	.81	.68
3. 7-inch steaks or roast	1.11	1.00	.85	.74
4. Short ribs (flanken)	.56	.56	.56	.56
4A. Rib roast (boneless, rolled)				1.27
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.84	.84	.78	.71
6. Blade steak (bone in)	.84	.84	.78	.71
7. Boneless chuck	1.12	1.12	1.04	.94
8. English cut	.84	.84	.78	.71
9. Arm or chuck pot roast (bone in)	.84	.84	.78	.71
10. Arm or chuck steak (bone in)	.84	.84	.78	.71
11. Boneless neck	.96	.96	.90	.82
III. Brisket:				
12. Boneless brisket (also called breast of beef, boneless)	1.05	1.05	.88	.83
13. Brisket (bone in)	.83	.83	.70	.67
14. Breast of flanken (bone in)	.83	.83	.70	.67
14A. Breast deckle (boneless)	.95	.95	.79	.75
IV. Plate:				
15. Plate (bone in, also called plate flanken or long bone flanken)	.47	.47	.47	.47
16. Boneless plate (also called plate flanken or long bone flanken, boneless)	.62	.62	.62	.62
V. Shank:				
17. Shank (bone in)	.50	.50	.50	.50
18. Shank (boneless)	.79	.79	.79	.79
19. Ground beef	.79	.79	.79	.79
VI. Wholesale cuts:				
20. Rib (whole)	.83	.75	.66	.56
21. Chuck (whole)	.67	.67	.62	.57
22. Brisket (whole)	.51	.51	.46	.44
23. Plate (whole)	.42	.42	.42	.42
24. Shank (whole)	.42	.42	.42	.42

(f) *Retail ceiling prices for "Kosher" beef cuts—Zones 6 and 6A.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 6 and 6A in West Fargo, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.98	$0.90	$0.79	$0.66
2. Deckle of rib (top of rib)	.98	.90	.79	.66
3. 7-inch steaks or roast	1.09	.98	.83	.71
4. Short ribs (flanken)	.54	.54	.54	.54
4A. Rib roast (boneless, rolled)				1.23
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.81	.81	.76	.68
6. Blade steak (bone in)	.81	.81	.76	.68
7. Boneless chuck	1.10	1.09	1.01	.91
8. English cut	.81	.81	.76	.68
9. Arm or chuck pot roast (bone in)	.81	.81	.76	.68
10. Arm or chuck steak (bone in)	.81	.81	.76	.68
11. Boneless neck	.89	.89	.82	.71
III. Brisket:				
12. Boneless brisket (also called breast of beef, boneless)	1.03	1.03	.85	.80
13. Brisket (bone in)	.81	.81	.68	.64
14. Breast of flanken (bone in)	.81	.81	.68	.64
14A. Breast deckle (boneless)	.93	.93	.76	.72
IV. Plate:				
15. Plate (bone in, also called plate flanken or long bone flanken)	.45	.45	.45	.45
16. Boneless plate (also called plate flanken or long bone flanken, boneless)	.60	.60	.60	.60
V. Shank:				
17. Shank (bone in)	.48	.48	.48	.48
18. Shank (boneless)	.76	.76	.76	.76
19. Ground beef	.77	.77	.77	.77
VI. Wholesale cuts:				
20. Rib (whole)	.81	.73	.64	.55
21. Chuck (whole)	.66	.66	.61	.55
22. Brisket (whole)	.53	.53	.45	.43
23. Plate (whole)	.40	.40	.40	.40
24. Shank (whole)	.40	.40	.40	.40

(g) *Retail ceiling prices for "Kosher" beef cuts—Zone 7.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 7, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.00	$0.92	$0.82	$0.69
2. Deckle of rib (top of rib)	1.00	.92	.82	.69
3. 7-inch steaks or roast	1.11	1.01	.86	.74
4. Short ribs (flanken)	.57	.57	.57	.57
4A. Rib roast (boneless, rolled)				1.28
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.85	.85	.79	.72
6. Blade steak (bone in)	.85	.85	.79	.72
7. Boneless chuck	1.13	1.13	1.05	.95
8. English cut	.85	.85	.79	.72
9. Arm or chuck pot roast (bone in)	.85	.85	.79	.72
10. Arm or chuck steak (bone in)	.85	.85	.79	.72
11. Boneless neck	.98	.98	.92	.84
III. Brisket:				
12. Boneless brisket (also called breast of beef, boneless)	1.06	1.06	.88	.83
13. Brisket (bone in)	.83	.83	.71	.67
14. Breast of flanken (bone in)	.83	.83	.71	.67
14A. Breast deckle (boneless)	.96	.96	.79	.75
IV. Plate:				
15. Plate (bone in, also called plate flanken or long bone flanken)	.48	.48	.48	.48
16. Boneless plate (also called plate flanken or long bone flanken, boneless)	.63	.63	.63	.63
V. Shank:				
17. Shank (bone in)	.51	.51	.51	.51
18. Shank (boneless)	.80	.80	.80	.80
19. Ground beef	.79	.79	.79	.79
VI. Wholesale cuts:				
20. Rib (whole)	.83	.75	.66	.57
21. Chuck (whole)	.67	.67	.63	.57
22. Brisket (whole)	.55	.55	.47	.44
23. Plate (whole)	.42	.42	.42	.42
24. Shank (whole)	.42	.42	.42	.42

(h) *Retail ceiling prices for "Kosher" beef cuts—Zone 8.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 8, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.00	$0.92	$0.82	$0.69
2. Deckle of rib (top of rib)	1.00	.92	.82	.69
3. 7-inch steaks or roast	1.11	1.01	.86	.74
4. Short ribs (flanken)	.57	.57	.57	.57
4A. Rib roast (boneless, rolled)				1.28
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.85	.85	.79	.72
6. Blade steak (bone in)	.85	.85	.79	.72
7. Boneless chuck	1.13	1.13	1.05	.95
8. English cut	.85	.85	.79	.72
9. Arm or chuck pot roast (bone in)	.85	.85	.79	.72
10. Arm or chuck steak (bone in)	.85	.85	.79	.72
11. Boneless neck	.98	.98	.92	.84
III. Brisket:				
12. Boneless brisket (also called breast of beef, boneless)	1.06	1.06	.88	.83
13. Brisket (bone in)	.83	.83	.71	.67
14. Breast of flanken (bone in)	.83	.83	.71	.67
14A. Breast deckle (boneless)	.96	.96	.79	.75
IV. Plate:				
15. Plate (bone in, also called plate flanken or long bone flanken)	.48	.48	.48	.48
16. Boneless plate (also called plate flanken or long bone flanken, boneless)	.63	.63	.63	.63
V. Shank:				
17. Shank (bone in)	.51	.51	.51	.51
18. Shank (boneless)	.80	.80	.80	.80
19. Ground beef	.79	.79	.79	.79
VI. Wholesale cuts:				
20. Rib (whole)	.83	.75	.66	.57
21. Chuck (whole)	.67	.67	.63	.57
22. Brisket (whole)	.55	.55	.47	.44
23. Plate (whole)	.42	.42	.42	.42
24. Shank (whole)	.42	.42	.42	.42

(i) *Retail ceiling prices for "Kosher" beef cuts—Zone 9.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 9, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.99	$0.91	$0.80	$0.67
2. Deckle of rib (top of rib)	.99	.91	.80	.67
3. 7-inch steaks or roast	1.10	1.00	.85	.72
4. Short ribs (flanken)	.55	.55	.55	.55
4A. Rib roast (boneless, rolled)				1.25
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.83	.83	.77	.70
6. Blade steak (bone in)	.83	.83	.77	.70
7. Boneless chuck	1.11	1.11	1.03	.93
8. English cut	.83	.83	.77	.70
9. Arm or chuck pot roast (bone in)	.83	.83	.77	.70
10. Arm or chuck steak (bone in)	.83	.83	.77	.70
11. Boneless neck	.93	.93	.87	.79
III. Brisket:				
12. Boneless brisket (also called breast of beef, boneless)	1.01	1.01	.86	.81
13. Brisket (bone in)	.82	.82	.69	.66
14. Breast of flanken (bone in)	.82	.82	.69	.66
14A. Breast deckle (boneless)	.94	.94	.77	.73
IV. Plate:				
15. Plate (bone in, also called plate flanken or lone bone flanken)	.46	.46	.46	.46
16. Boneless plate (also called plate flanken or long bone flanken, boneless)	.61	.61	.61	.61
V. Shank:				
17. Shank (bone in)	.50	.50	.50	.50
18. Shank (boneless)	.78	.78	.78	.78
19. Ground beef	.78	.78	.78	.78
VI. Wholesale cuts:				
20. Rib (whole)	.82	.74	.65	.56
21. Chuck (whole)	.66	.66	.62	.56
22. Brisket (whole)	.54	.54	.46	.44
23. Plate (whole)	.41	.41	.41	.41
24. Shank (whole)	.41	.41	.41	.41

(j) *Retail ceiling prices for "Kosher" beef cuts—Zone 10.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 10, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.99	$0.91	$0.80	$0.67
2. Deckle of rib (top of rib)	.99	.91	.80	.67
3. 7-inch steaks or roast	1.10	1.00	.85	.74
4. Short ribs (flanken)	.55	.55	.55	.55
4A. Rib roast (boneless, rolled)				1.25
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.83	.83	.77	.70
6. Blade steak (bone in)	.83	.83	.77	.70
7. Boneless chuck	1.11	1.11	1.03	.93
8. English cut	.83	.83	.77	.70
9. Arm or chuck pot roast (bone in)	.83	.83	.77	.70
10. Arm or chuck steak (bone in)	.93	.93	.87	.79
11. Boneless neck				
III. Brisket:	1.01	1.01	.87	.82
12. Boneless brisket (also called breast of beef, boneless)	.82	.82	.69	.66
13. Brisket (bone in)	.82	.82	.69	.66
14. Breast of flanken (bone in)	.94	.94	.78	.74
14A. Breast deckle (boneless)				
IV. Plate:	.46	.46	.46	.46
15. Plate (bone in, also called plate flanken or long bone flanken)	.61	.61	.61	.61
16. Boneless plate (also called plate flanken or long bone flanken, boneless)				
V. Shank:	.50	.50	.50	.50
17. Shank (bone in)	.78	.78	.78	.78
18. Shank (boneless)	.78	.78	.78	.78
19. Ground beef				
VI. Wholesale cuts:	.82	.74	.65	.56
20. Rib (whole)	.66	.66	.62	.56
21. Chuck (whole)	.54	.54	.46	.44
22. Brisket (whole)	.41	.41	.41	.41
23. Plate (whole)	.41	.41	.41	.41
24. Shank (whole)				

(k) *Retail ceiling prices for "Kosher" beef cuts—Zone 11.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 11, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.00	$0.91	$0.81	$0.68
2. Deckle of rib (top or rib)	1.00	.91	.81	.68
3. 7-inch steaks or roast	1.11	1.00	.85	.75
4. Short ribs (flanken)	.56	.56	.56	.56
4A. Rib roast (boneless, rolled)				1.27
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.84	.84	.78	.71
6. Blade steak (bone in)	.84	.84	.78	.71
7. Boneless chuck	1.12	1.12	1.04	.94
8. English cut	.84	.84	.78	.71
9. Arm or chuck pot roast (bone in)	.84	.84	.78	.71
10. Arm or chuck steak (bone in)	.96	.96	.90	.82
11. Boneless neck				
III. Brisket:	1.05	1.05	.88	.83
12. Boneless brisket (also called breast of beef, boneless)	.83	.83	.70	.66
13. Brisket (bone in)	.83	.83	.70	.66
14. Breast of flanken (bone in)	.95	.95	.79	.75
14A. Breast deckle (boneless)				
IV. Plate:	.47	.47	.47	.47
15. Plate (bone in, also called plate flanken or long bone flanken)	.62	.62	.62	.62
16. Boneless plate (also called plate flanken or long bone flanken, boneless)				
V. Shank:	.50	.50	.50	.50
17. Shank (bone in)	.79	.79	.79	.79
18. Shank (boneless)	.79	.79	.79	.79
19. Ground beef				
VI. Wholesale cuts:	.83	.75	.66	.56
20. Rib (whole)	.67	.67	.62	.57
21. Chuck (whole)	.54	.54	.46	.44
22. Brisket (whole)	.42	.42	.42	.42
23. Plate (whole)	.42	.42	.42	.42
24. Shank (whole)				

(l) *Retail ceiling prices for "Kosher" beef cuts—Zone 12.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 12, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.00	$0.92	$0.82	$0.69
2. Deckle of rib (top of rib)	1.00	.92	.82	.69
3. 7-inch steaks or roast	1.11	1.01	.86	.74
4. Short ribs (flanken)	.57	.57	.57	.57
4A. Rib roast (boneless, rolled)				1.28
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.85	.85	.79	.72
6. Blade steak (bone in)	.85	.85	.79	.72
7. Boneless chuck	1.14	1.13	1.05	.96
8. English cut	.85	.85	.79	.72
9. Arm or chuck pot roast (bone in)	.85	.85	.79	.72
10. Arm or chuck steak (bone in)	.85	.85	.79	.72
11. Boneless neck	.99	.99	.93	.85
III. Brisket:				
12. Boneless brisket (also called breast of beef, boneless)	1.06	1.06	.89	.84
13. Brisket (bone in)	.84	.84	.71	.67
14. Breast of flanken (bone in)	.84	.84	.71	.67
14A. Breast deckle (boneless)	.96	.96	.80	.76
IV. Plate:				
15. Plate (bone in, also called plate flanken or long bone flanken)	.48	.48	.48	.48
16. Boneless plate (also called plate flanken or long bone flanken, boneless)	.63	.63	.63	.63
V. Shank:				
17. Shank (bone in)	.51	.51	.51	.51
18. Shank (boneless)	.80	.80	.80	.80
19. Ground beef	.79	.79	.79	.79
VI. Wholesale cuts:				
20. Rib (whole)	.85	.77	.66	.57
21. Chuck (whole)	.55	.55	.47	.44
22. Brisket (whole)	.43	.43	.43	.43
23. Plate (whole)	.43	.43	.43	.43
24. Shank (whole)				

(m) *Retail ceiling prices for "Kosher" beef cuts—Zone 13N.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 13N, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.01	$0.92	$0.82	$0.69
2. Deckle of rib (top of rib)	1.01	.92	.82	.69
3. 7-inch steaks or roast	1.12	1.02	.87	.75
4. Short ribs (flanken)	.61	.61	.61	.61
4A. Rib roast (boneless, rolled)				1.33
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.89	.89	.83	.76
6. Blade steak (bone in)	.89	.89	.83	.76
7. Boneless chuck	1.18	1.18	1.10	1.00
8. English cut	.89	.89	.83	.76
9. Arm or chuck pot roast (bone in)	.89	.89	.83	.76
10. Arm or chuck steak (bone in)	.89	.89	.83	.76
11. Boneless neck	1.09	1.09	1.01	.95
III. Brisket:				
12. Boneless brisket (also called breast of beef, boneless)	1.14	1.14	.96	.91
13. Brisket (bone in)	.89	.89	.76	.73
14. Breast of flanken (bone in)	.89	.89	.76	.73
14A. Breast deckle (boneless)	1.01	1.04	.87	.83
IV. Plate:				
15. Plate (bone in, also called plate flanken or long bone flanken)	.52	.52	.52	.52
16. Boneless plate (also called plate flanken or long bone flanken, boneless)	.69	.69	.69	.69
V. Shank:				
17. Shank (bone in)	.54	.54	.54	.54
18. Shank (boneless)	.84	.84	.84	.84
19. Ground beef	.82	.82	.82	.82
VI. Wholesale cuts:				
20. Rib (whole)	.84	.76	.66	.57
21. Chuck (whole)	.68	.68	.63	.57
22. Brisket (whole)	.55	.55	.47	.45
23. Plate (whole)	.42	.42	.42	.42
24. Shank (whole)	.42	.42	.42	.42

(n) *Retail ceiling prices for "Kosher" beef cuts—Zone 13S.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 13S, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.01	$0.93	$0.82	$0.69
2. Deckle of rib (top of rib)	1.01	.93	.82	.69
3. 7-inch steaks or roast	1.12	1.02	.87	.75
4. Short ribs (flanken)	.58	.58	.58	.58
4A. Rib roast (boneless, rolled)				1.30
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.86	.86	.80	.73
6. Blade steak (bone in)	.86	.86	.80	.73
7. Boneless chuck	1.15	1.15	1.07	.97
8. English cut	.86	.86	.80	.73
9. Arm or chuck pot roast (bone in)	.86	.86	.80	.73
10. Arm or chuck steak (bone in)	.86	.86	.80	.73
11. Boneless neck	1.02	1.02	.96	.88
III. Brisket:				
12. Boneless brisket (also called breast of beef, boneless)	1.08	1.08	.90	.85
13. Brisket (bone in)	.81	.81	.72	.68
14. Breast of flanken (bone in)	.81	.81	.72	.68
14A. Breast deckle (boneless)	.98	.98	.81	.77
IV. Plate:				
15. Plate (bone in, also called plate flanken or long bone flanken)	.49	.49	.49	.49
16. Boneless plate (also called plate flanken or long bone flanken, boneless)	.64	.64	.64	.64
V. Shank:				
17. Shank (bone in)	.52	.52	.52	.52
18. Shank (boneless)	.81	.81	.81	.81
19. Ground beef	.80	.80	.80	.80
VI. Wholesale cuts:				
20. Rib (whole)	.84	.76	.67	.57
21. Chuck (whole)	.68	.68	.63	.58
22. Brisket (whole)	.55	.55	.47	.45
23. Plate (whole)	.43	.43	.43	.43
24. Shank (whole)	.43	.43	.43	.43

(o) *Retail ceiling prices for "Kosher" beef cuts—Zone 14N.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 14N, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.02	$0.93	$0.83	$0.70
2. Deckle of rib (top of rib)	1.02	.93	.83	.70
3. 7-inch steaks or roast	1.13	1.03	.88	.76
4. Short ribs (flanken)	.62	.62	.62	.62
4A. Rib roast (boneless, rolled)				1.35
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.90	.90	.81	.77
6. Blade steak (bone in)	.90	.90	.84	.77
7. Boneless chuck	1.20	1.20	1.12	1.02
8. English cut	.90	.90	.84	.75
9. Arm or chuck pot roast (bone in)	.90	.90	.84	.75
10. Arm or chuck steak (bone in)	.90	.90	.84	.75
11. Boneless neck	1.05	1.05	.99	.91
III. Brisket:				
12. Boneless brisket (also called breast of beef, boneless)	1.15	1.15	.98	.92
13. Brisket (bone in)	.90	.90	.77	.74
14. Breast of flanken (bone in)	.90	.90	.77	.74
14A. Breast deckle (boneless)	1.05	1.05	.89	.84
IV. Plate:				
15. Plate (bone in, also called plate flanken or long bone flanken)	.53	.53	.53	.53
16. Boneless plate (also called plate flanken or long bone flanken, boneless)	.70	.70	.70	.70
V. Shank:				
17. Shank (bone in)	.55	.55	.55	.55
18. Shank (boneless)	.85	.85	.85	.85
19. Ground beef	.83	.83	.83	.83
VI. Wholesale cuts:				
20. Rib (whole)	.84	.76	.67	.58
21. Chuck (whole)	.68	.68	.64	.58
22. Brisket (whole)	.56	.56	.48	.45
23. Plate (whole)	.43	.43	.43	.43
24. Shank (whole)	.43	.43	.43	.43

(p) *Retail ceiling prices for "Kosher" beef cuts—Zone 14S.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 14S, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.02	$0.93	$0.83	$0.70
2. Deckle of rib (top of rib)	1.02	.93	.83	.70
3. 7-inch steaks or roast	1.13	1.03	.88	.76
4. Short ribs (flanken)	.58	.58	.58	.58
4A. Rib roast (boneless, rolled)				1.31
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.87	.87	.81	.74
6. Blade steak (bone in)	.87	.87	.81	.74
7. Boneless chuck	1.16	1.16	1.08	.98
8. English cut	.87	.87	.81	.74
9. Arm or chuck pot roast (bone in)	.87	.87	.81	.74
10. Arm or chuck steak (bone in)	.87	.87	.81	.74
11. Boneless neck	1.01	1.01	.98	.90
III. Brisket:				
12. Boneless brisket (also called breast of beef, boneless)	1.08	1.08	.91	.86
13. Brisket (bone in)	.85	.85	.72	.69
14. Breast of flanken (bone in)	.85	.85	.72	.69
14A. Breast deckle (boneless)	.98	.98	.82	.78
IV. Plate:				
15. Plate (bone in, also called plate flanken or long bone flanken)	.49	.49	.49	.49
16. Boneless plate (also called plate flanken or long bone flanken, boneless)	.65	.65	.65	.65
V. Shank:				
17. Shank (bone in)	.52	.52	.52	.52
18. Shank (boneless)	.82	.82	.82	.82
19. Ground beef	.81	.81	.81	.81
VI. Wholesale cuts:				
20. Rib (whole)	.84	.76	.67	.58
21. Chuck (whole)	.68	.68	.64	.58
22. Brisket (whole)	.55	.55	.48	.45
23. Plate (whole)	.43	.43	.43	.43
24. Shank (whole)	.43	.43	.43	.43

(q) *Retail ceiling prices for "Kosher" beef cuts—Zone 15.*

[The following ceiling prices per pound apply in all "Kosher" stores selling the beef cuts listed below at retail in Zone 15, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$1.03	$0.94	$0.84	$0.71
2. Deckle of rib (top of rib)	1.03	.94	.84	.71
3. 7-inch steaks or roast	1.11	1.01	.89	.77
4. Short ribs (flanken)	.59	.54	.59	.59
4A. Rib roast (boneless, rolled)				1.33
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.88	.88	.82	.77
6. Blade steak (bone in)	.88	.88	.82	.75
7. Boneless chuck	1.18	1.18	1.10	1.09
8. English cut	.88	.88	.82	.75
9. Arm or chuck pot roast (bone in)	.88	.88	.82	.75
10. Arm or chuck steak (bone in)	.88	.88	.82	.75
11. Boneless neck	1.08	1.08	1.02	.94
III. Brisket:				
12. Boneless brisket (also called breast of beef, boneless)	1.10	1.10	.92	.87
13. Brisket (bone in)	.86	.86	.74	.70
14. Breast of flanken (bone in)	.86	.86	.74	.70
14A. Breast deckle (boneless)	1.00	1.00	.83	.79
IV. Plate:				
15. Plate (bone in, also called plate flanken or long bone flanken)	.50	.50	.50	.50
16. Boneless plate (also called plate flanken or long bone flanken, boneless)	.67	.67	.67	.67
V. Shank:				
17. Shank (bone in)	.53	.53	.53	.53
18. Shank (boneless)	.83	.83	.83	.83
19. Ground beef	.87	.87	.87	.87
VI. Wholesale cuts:				
20. Rib (whole)	.85	.77	.68	.78
21. Chuck (whole)	.61	.61	.61	.59
22. Brisket (whole)	.56	.56	.48	.36
23. Plate (whole)	.44	.44	.44	.44
24. Shank (whole)	.44	.44	.44	.44

SEC. 31. *Office of Price Stabilization list of retail ceiling prices for certain "Kosher" beef variety meats and beef byproducts.*

[The following ceiling prices per pound apply in all "Kosher" stores selling "Kosher" beef variety meats and beef by-products listed below at retail in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951.]

	Zones									
	1	2	3	4	5	6	6A	7	8	
Brains	$0.39	$0.36	$0.35	$0.35	$0.35	$0.33	$0.24	$0.35	$0.35	
Heart	.64	.63	.63	.64	.63	.64	.64	.63	.62	
Lips (scalded or unscalded)	.35	.34	.34	.34	.34	.32	.32	.34	.34	
Livers	1.24	1.24	1.24	1.24	1.23	1.24	1.24	1.23	1.24	
Lungs	.32	.31	.31	.30	.30	.28	.28	.31	.31	
Melts	.32	.31	.31	.30	.30	.28	.28	.31	.31	
Sweetbreads (neck)	.74	.73	.73	.73	.72	.70	.70	.72	.72	
Sweetbreads (heart)	.36	.36	.35	.35	.34	.33	.33	.35	.35	
Tongues	.74	.73	.73	.73	.72	.71	.71	.73	.74	
Cheek meat	.60	.59	.59	.59	.58	.57	.57	.59	.59	
Head meat	.60	.59	.59	.59	.58	.57	.57	.59	.59	
Tripe (cooked)	.25	.25	.25	.25	.25	.24	.24	.25	.25	
Tripe (honeycomb)	.37	.37	.37	.36	.36	.35	.35	.36	.36	
Tripe (scalded)	.21	.21	.21	.20	.20	.19	.19	.20	.20	

	9	10	11	12	13N	14S	14N	14S	15	
Brains	$0.34	$0.34	$0.33	$0.33	$0.33	$0.36	$0.36	$0.36	$0.36	$0.47
Heart	.62	.62	.61	.61	.61	.64	.64	.64	.64	.65
Lips (scalded or unscalded)	.33	.33	.33	.33	.33	.34	.34	.34	.34	.36
Livers	1.22	1.22	1.23	1.24	1.24	1.24	1.24	1.25	1.25	1.26
Lungs	.29	.29	.30	.31	.31	.31	.31	.32	.32	.33
Melts	.29	.29	.30	.31	.31	.31	.31	.32	.32	.33
Sweetbreads (neck)	.71	.71	.72	.73	.73	.73	.73	.74	.74	.75
Sweetbreads (heart)	.34	.34	.35	.35	.35	.36	.36	.36	.36	.37
Tongues	.72	.72	.72	.73	.73	.73	.73	.74	.74	.74
Cheek meat	.58	.58	.58	.59	.59	.59	.59	.60	.60	.60
Head meat	.58	.58	.58	.59	.59	.59	.59	.60	.60	.60
Tripe (cooked)	.24	.24	.24	.25	.25	.25	.25	.25	.25	.25
Tripe (honeycomb)	.35	.35	.35	.36	.36	.36	.36	.36	.36	.36
Tripe (scalded)	.20	.20	.20	.20	.20	.21	.21	.21	.21	.21

SEC. 32. *Office of Price Stabilization list of retail ceiling prices on specially authorized sales to "Kosher" eating places or other "Kosher" retailers—(a) Retail ceiling prices for "Kosher" beef cuts—Zone 1.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers in Zone 1, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.88	$0.80	$0.71	$0.61
2. Deckle of rib (top of rib)	.88	.80	.71	.61
3. 7-inch steaks or roast	.96	.86	.75	.63
4. Short ribs (flanken)	.45	.45	.45	.45
4A. Rib roast (boneless, rolled)				1.20
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.77	.77	.72	.66
6. Blade steak (bone in)	.77	.77	.72	.66
7. Boneless chuck	.98	.98	.91	.85
8. English cut	.77	.77	.72	.66
9. Arm or chuck pot roast (bone in)	.77	.77	.72	.66
10. Arm or chuck steak (bone in)	.77	.77	.72	.66
11. Boneless neck	.90	.90	.84	.77
III. Brisket:				
12. Boneless brisket (also called breast of beef, boneless)	.81	.81	.68	.64
13. Brisket (bone in)	.66	.66	.56	.53
14. Breast of flanken (bone in)	.66	.66	.56	.53
IV. Plate:				
15. Plate (bone in, also called plate flanken or long bone flanken)	.47	.47	.45	.45
16. Boneless plate (also called plate flanken or long bone flanken, boneless)	.51	.51	.51	.51
V. Shank:				
17. Shank (bone in)	.48	.48	.48	.48
18. Shank (boneless)	.65	.65	.65	.65
19. Ground beef	.66	.66	.66	.66
VI. Wholesale cuts:				
20. Rib (whole)	.84	.76	.67	.58
21. Chuck (whole)	.68	.68	.64	.58
22. Brisket (whole)	.56	.56	.48	.45
23. Plate (whole)	.43	.43	.43	.43
24. Shank (whole)	.43	.43	.43	.43

(b) *Retail ceiling prices for "Kosher" beef cuts—Zone 2.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers in Zone 2, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.88	$0.80	$0.70	$0.61
2. Deckle of rib (top of rib)	.88	.80	.70	.61
3. 7-inch steaks or roast	.96	.86	.74	.62
4. Short ribs (flanken)	.44	.44	.44	.44
4A. Rib roast (bone less, rolled)				1.19
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.77	.77	.71	.65
6. Blade steak (bone in)	.77	.77	.71	.65
7. Boneless chuck	.97	.97	.93	.84
8. English cut	.77	.77	.71	.65
9. Arm or chuck pot roast (bone in)	.77	.77	.71	.65
10. Arm or chuck steak (bone in)	.87	.87	.82	.75
11. Boneless neck	.89	.89	.83	.74
III. Brisket:				
12. Boneless brisket (also called breast of beef, boneless)	.80	.80	.67	.63
13. Brisket (bone in)	.65	.65	.55	.53
14. Breast of flanken (bone in)	.65	.65	.55	.53
IV. Plate:				
15. Plate (bone in, also called plate flanken or long bone flanken)	.44	.44	.44	.44
16. Boneless plate (also called plate flanken or long bone flanken, boneless)	.50	.50	.50	.50
V. Shank:				
17. Shank (bone in)	.47	.47	.47	.47
18. Shank (boneless)	.64	.64	.64	.64
19. Ground beef	.62	.62	.62	.62
VI. Wholesale cuts:				
20. Rib (whole)	.83	.75	.66	.57
21. Chuck (whole)	.67	.67	.62	.57
22. Brisket (whole)	.54	.54	.46	.44
23. Plate (whole)	.42	.42	.42	.42
24. Shank (whole)	.42	.42	.42	.42

(c) *Retail ceiling prices for "Kosher" beef cuts—Zone 3.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers in Zone 3, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.88	$0.79	$0.70	$0.61
2. Deckle of rib (top of rib)	.88	.79	.70	.61
3. 7-inch steaks or roast	.95	.85	.74	.62
4. Short ribs (flanken)	.44	.44	.44	.44
4A. Rib roast (boneless, rolled)				1.19
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.76	.76	.71	.65
6. Blade steak (bone in)	.76	.76	.71	.65
7. Boneless chuck	.96	.96	.93	.84
8. English cut	.76	.76	.71	.65
9. Arm or chuck pot roast (bone in)	.76	.76	.71	.65
10. Arm or chuck steak (bone in)	.76	.76	.71	.65
11. Boneless neck	.87	.87	.81	.74
III. Brisket:				
12. Boneless brisket (also called breast of beef, boneless)	.80	.80	.66	.63
13. Brisket (bone in)	.65	.65	.55	.52
14. Breast of flanken (bone in)	.65	.65	.55	.52
IV. Plate:				
15. Plate (bone in, also called plate flanken or long bone flanken)	.44	.44	.44	.44
16. Boneless plate (also called plate flanken or long bone flanken, boneless)	.50	.50	.50	.50
V. Shank:				
17. Shank (bone in)	.47	.47	.47	.47
18. Shank (boneless)	.64	.64	.64	.64
19. Ground beef	.62	.62	.62	.62
VI. Wholesale cuts:				
20. Rib (whole)	.83	.75	.66	.57
21. Chuck (whole)	.68	.68	.63	.57
22. Brisket (whole)	.55	.55	.47	.45
23. Plate (whole)	.42	.42	.42	.42
24. Shank (whole)	.42	.42	.42	.42

(d) *Retail ceiling prices for "Kosher" beef cuts—Zone 4.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers in Zone 4, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.87	$0.79	$0.70	$0.60
2. Deckle of rib (top of rib)	.87	.79	.70	.60
3. 7-inch steaks or roast	.95	.85	.73	.62
4. Short ribs (flanken)	.44	.44	.44	.44
4A. Rib roast (boneless, rolled)				1.18
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone; chuck roast, bone in)	.76	.76	.70	.64
6. Blade steak (bone in)	.76	.76	.70	.64
7. Boneless chuck	.95	.95	.92	.84
8. English cut	.76	.76	.70	.64
9. Arm or chuck pot roast (bone in)	.76	.76	.70	.64
10. Arm or chuck steak (bone in)	.76	.76	.70	.64
11. Boneless neck	.85	.85	.79	.72
III. Brisket:				
12. Boneless brisket (also called breast of beef, boneless)	.79	.79	.66	.62
13. Brisket (bone in)	.64	.64	.55	.52
14. Breast of flanken (bone in)	.64	.64	.55	.52
IV. Plate:				
15. Plate (bone in, also called plate flanken or long bone flanken)	.44	.44	.44	.44
16. Boneless plate (also called plate flanken or long bone flanken, boneless)	.49	.49	.49	.49
V. Shank:				
17. Shank (bone in)	.47	.47	.47	.47
18. Shank (boneless)	.63	.63	.63	.63
19. Ground beef	.61	.61	.61	.61
VI. Wholesale cuts:				
20. Rib (whole)	.83	.75	.66	.56
21. Chuck (whole)	.67	.67	.62	.57
22. Brisket (whole)	.54	.54	.46	.44
23. Plate (whole)	.42	.42	.42	.42
24. Shank (whole)	.42	.42	.42	.42

(e) *Retail ceiling prices for "Kosher" beef cuts—Zone 5.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers in Zone 5, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.87	$0.79	$0.69	$0.60
2. Deckle of rib (top of rib)	.87	.79	.69	.60
3. 7-inch steaks or roast	.95	.85	.73	.61
4. Short ribs (flanken)	.43	.43	.43	.43
4A. Rib roast (boneless, rolled)				1.17
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.75	.75	.70	.64
6. Blade steak (bone in)	.75	.75	.70	.64
7. Boneless chuck	.95	.95	.91	.82
8. English cut	.75	.75	.70	.64
9. Arm or chuck pot roast (bone in)	.75	.75	.70	.64
10. Arm or chuck steak (bone in)	.75	.75	.70	.64
11. Boneless neck	.84	.84	.78	.72
III. Brisket:				
12. Boneless brisket (also called breast of beef, boneless)	.79	.79	.66	.62
13. Brisket (bone in)	.64	.64	.55	.52
14. Breast of flanken (bone in)	.64	.64	.55	.52
IV. Plate:				
15. Plate (bone in, also called plate flanken or long bone flanken)	.43	.43	.43	.43
16. Boneless plate (also called plate flanken or long bone flanken, boneless)	.49	.49	.49	.49
V. Shank:				
17. Shank (bone in)	.47	.47	.47	.47
18. Shank (boneless)	.63	.63	.63	.63
19. Ground beef	.61	.61	.61	.61
VI. Wholesale cuts:				
20. Rib (whole)	.83	.75	.66	.56
21. Chuck (whole)	.67	.67	.62	.57
22. Brisket (whole)	.54	.54	.46	.44
23. Plate (whole)	.42	.42	.42	.42
24. Shank (whole)	.42	.42	.42	.42

(f) *Retail ceiling prices for "Kosher" beef cuts—Zones 6 and 6a.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers at retail in Zones 6 and 6a in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.86	$0.77	$0.68	$0.59
2. Deckle of rib (top of rib)	.86	.77	.68	.59
3. 7-inch steaks or roast	.93	.83	.71	.60
4. Short ribs (flanken)	.42	.42	.42	.42
4A. Rib roast (boneless, rolled)				1.15
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.73	.73	.68	.62
6. Blade steak (bone in)	.73	.73	.68	.62
7. Boneless chuck	.92	.92	.86	.80
8. English cut	.73	.73	.68	.62
9. Arm or chuck pot roast (bone in)	.73	.73	.68	.62
10. Arm or chuck steak (bone in)	.73	.73	.68	.62
11. Boneless neck	.78	.78	.73	.66
III. Brisket:				
12. Boneless brisket (also called breast of beef, boneless)	.77	.77	.63	.59
13. Brisket (bone in)	.63	.63	.53	.50
14. Breast of flanken (bone in)	.63	.63	.53	.50
IV. Plate:				
15. Plate (bone in, also called plate flanken or long bone flanken)	.42	.42	.42	.42
16. Boneless plate (also called plate flanken or long bone flanken, boneless)	.47	.47	.47	.47
V. Shank:				
17. Shank (bone in)	.45	.45	.45	.45
18. Shank (boneless)	.61	.61	.61	.61
19. Ground beef	.60	.60	.60	.60
VI. Wholesale cuts:				
20. Rib (whole)	.81	.73	.64	.55
21. Chuck (whole)	.65	.65	.61	.55
22. Brisket (whole)	.53	.53	.45	.43
23. Plate (whole)	.40	.40	.40	.40
24. Shank (whole)	.40	.40	.40	.40

(g) *Retail ceiling prices for "Kosher" beef cuts—Zone 7.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers in Zone 7, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.87	$0.79	$0.70	$0.60
2. Deckle of rib (top of rib)	.87	.79	.70	.60
3. 7-inch steaks or roast	.95	.85	.73	.62
4. Short ribs (flanken)	.44	.44	.44	.44
4A. Rib roast (boneless, rolled)				1.18
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.76	.76	.71	.64
6. Blade steak (bone in)	.76	.76	.71	.64
7. Boneless chuck	.96	.96	.90	.83
8. English cut	.76	.76	.71	.64
9. Arm or chuck pot roast (bone in)	.76	.76	.71	.64
10. Arm or chuck steak (bone in)	.76	.76	.71	.64
11. Boneless neck	.86	.86	.80	.73
III. Brisket:				
12. Boneless brisket (also called breast of beef, boneless)	.80	.80	.66	.62
13. Brisket (bone in)	.65	.65	.55	.52
14. Breast of flanken (bone in)	.65	.65	.55	.52
IV. Plate:				
15. Plate (bone in, also called plate flanken or long bone flanken)	.44	.44	.44	.44
16. Boneless plate (also called plate flanken or long bone flanken, boneless)	.50	.50	.50	.50
V. Shank:				
17. Shank (bone in)	.47	.47	.47	.47
18. Shank (boneless)	.64	.64	.64	.64
19. Ground beef	.62	.62	.62	.62
VI. Wholesale cuts:				
20. Rib (whole)	.83	.75	.66	.57
21. Chuck (whole)	.67	.67	.62	.57
22. Brisket (whole)	.55	.55	.47	.44
23. Plate (whole)	.42	.42	.42	.42
24. Shank (whole)	.42	.42	.42	.42

(h) *Retail ceiling prices for "Kosher" beef cuts—Zone 8.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers in Zone 8, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Ribs:				
1. 10-inch steaks or roast	$0.87	$0.79	$0.70	$0.60
2. Deckle of rib (top of rib)	.87	.79	.70	.60
3. 7-inch steaks or roast	.95	.85	.73	.62
4. Short ribs (flanken)	.44	.44	.44	.44
4A. Rib roast (boneless, rolled)				1.18
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.76	.76	.71	.64
6. Blade steak (bone in)	.76	.76	.71	.64
7. Boneless chuck	.96	.96	.90	.83
8. English cut	.76	.76	.71	.64
9. Arm or chuck pot roast (bone in)	.76	.76	.71	.64
10. Arm or chuck steak (bone in)	.86	.86	.80	.73
11. Boneless neck				
III. Brisket:	.80	.80	.66	.62
12. Boneless brisket (also called breast of beef, boneless)	.65	.65	.55	.52
13. Brisket (bone in)	.65	.65	.55	.52
14. Breast of flanken (bone in)				
IV. Plate:	.44	.44	.44	.44
15. Plate (bone in, also called plate flanken or long bone flanken)	.50	.50	.50	.50
16. Boneless plate (also called plate flanken or long bone flanken, boneless)				
V. Shank:	.47	.47	.47	.47
17. Shank (bone in)	.64	.64	.64	.64
18. Shank (boneless)	.62	.62	.62	.62
19. Ground beef				
VI. Wholesale cuts:	.83	.75	.66	.57
20. Rib (whole)	.67	.67	.62	.57
21. Chuck (whole)	.55	.55	.47	.44
22. Brisket (whole)	.42	.42	.42	.42
23. Plate (whole)	.42	.42	.42	.42
24. Shank (whole)				

(i) *Retail ceiling prices for "Kosher" beef cuts—Zone 9.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers in Zone 9, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.86	$0.78	$0.69	$0.60
2. Deckle of rib (top of rib)	.86	.78	.69	.60
3. 7-inch steaks or roast	.94	.84	.72	.61
4. Short ribs (flanken)	.43	.43	.43	.43
4A. Rib roast (boneless, rolled)				1.16
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.75	.75	.69	.63
6. Blade steak (bone in)	.75	.75	.69	.63
7. Boneless chuck	.94	.94	.88	.81
8. English cut	.75	.75	.69	.63
9. Arm or chuck pot roast (bone in)	.75	.75	.69	.63
10. Arm or chuck steak (bone in)	.82	.82	.76	.69
11. Boneless neck				
III. Brisket:	.78	.78	.65	.61
12. Boneless brisket (also called breast of beef, boneless)	.64	.64	.54	.51
13. Brisket (bone in)	.64	.64	.54	.51
14. Breast of flanken (bone in)				
IV. Plate:	.43	.43	.43	.43
15. Plate (bone in, also called plate flanken or long bone flanken)	.48	.48	.48	.48
16. Boneless plate (also called plate flanken or long bone flanken, boneless)				
V. Shank:	.46	.46	.46	.46
17. Shank (bone in)	.62	.62	.62	.62
18. Shank (boneless)	.61	.61	.61	.61
19. Ground beef				
VI. Wholesale cuts:	.82	.74	.65	.56
20. Rib (whole)	.66	.66	.62	.56
21. Chuck (whole)	.54	.54	.46	.43
22. Brisket (whole)	.41	.41	.41	.41
23. Plate (whole)	.41	.41	.41	.41
24. Shank (whole)				

(j) *Retail ceiling prices for "Kosher" beef cuts—Zone 10.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers in Zone 10, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.86	$0.78	$0.69	$0.60
2. Deckle of rib (top of rib)	.86	.78	.69	.60
3. 7-inch steaks or roast	.94	.84	.72	.61
4. Short ribs (flanken)	.43	.43	.43	.43
4A. Rib roast (boneless, rolled)				1.16
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.75	.75	.69	.63
6. Blade steak (bone in)	.75	.75	.69	.63
7. Boneless chuck	.94	.94	.88	.81
8. English cut	.75	.75	.69	.63
9. Arm or chuck pot roast (bone in)	.75	.75	.69	.63
10. Arm or chuck steak (bone in)	.82	.82	.76	.69
11. Boneless neck				
III. Brisket:	.78	.78	.65	.61
12. Boneless brisket (also called breast of beef, boneless)	.64	.64	.54	.51
13. Brisket (bone in)	.64	.64	.54	.51
14. Breast of flanken (bone in)				
IV. Plate:	.43	.43	.43	.43
15. Plate (bone in, also called plate flanken or long bone flanken)	.48	.48	.48	.48
16. Boneless plate (also called plate flanken or long bone flanken, boneless)				
V. Shank:	.46	.46	.46	.46
17. Shank (bone in)	.62	.62	.62	.62
18. Shank (boneless)	.61	.61	.61	.61
19. Ground beef				
VI. Wholesale cuts:	.82	.74	.65	.56
20. Rib (whole)	.66	.66	.62	.56
21. Chuck (whole)	.54	.54	.46	.43
22. Brisket (whole)	.41	.41	.41	.41
23. Plate (whole)	.41	.41	.41	.41
24. Shank (whole)				

(k) *Retail ceiling prices for "Kosher" beef cuts—Zone 11.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers in Zone 11, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.87	$0.79	$0.69	$0.60
2. Deckle of rib (top of rib)	.87	.79	.69	.60
3. 7-inch steaks or roast	.95	.85	.73	.61
4. Short ribs (flanken)	.43	.43	.43	.43
4A. Rib roast (boneless, rolled)				1.17
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.75	.75	.70	.64
6. Blade steak (bone in)	.75	.75	.70	.64
7. Boneless chuck	.95	.95	.89	.82
8. English cut	.75	.75	.70	.64
9. Arm or chuck pot roast (bone in)	.75	.75	.70	.64
10. Arm or chuck steak (bone in)	.75	.75	.70	.64
11. Boneless neck	.84	.84	.78	.71
III. Brisket:				
12. Boneless brisket (also called breast of beef, boneless)	.79	.79	.65	.62
13. Brisket (bone in)	.64	.64	.54	.52
14. Breast of flanken (bone in)	.64	.64	.54	.52
IV. Plate:				
15. Plate (bone in, also called plate flanken or long bone flanken)	.43	.43	.43	.43
16. Boneless plate (also called plate flanken or long bone flanken, boneless)	.49	.49	.49	.49
V. Shank:				
17. Shank (bone in)	.46	.46	.46	.46
18. Shank (boneless)	.63	.63	.63	.63
19. Ground beef	.61	.61	.61	.61
VI. Wholesale cuts:				
20. Rib (whole)	.83	.75	.66	.56
21. Chuck (whole)	.67	.67	.62	.57
22. Brisket (whole)	.54	.54	.46	.44
23. Plate (whole)	.42	.42	.42	.42
24. Shank (whole)	.42	.42	.42	.42

(l) *Retail ceiling prices for "Kosher" beef cuts—Zone 12.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers in Zone 12, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.87	$0.79	$0.70	$0.61
2. Deckle of rib (top of rib)	.87	.79	.70	.61
3. 7-inch steaks or roast	.95	.85	.74	.62
4. Short ribs (flanken)	.44	.44	.44	.44
4A. Rib roast (boneless, rolled)				1.18
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.76	.76	.71	.64
6. Blade steak (bone in)	.76	.76	.71	.64
7. Boneless chuck	.96	.96	.90	.83
8. English cut	.76	.76	.71	.64
9. Arm or chuck pot roast (bone in)	.76	.76	.71	.64
10. Arm or chuck steak (bone in)	.86	.86	.81	.74
11. Boneless neck				
III. Brisket:	.80	.80	.66	.62
12. Boneless brisket (also called breast of beef, boneless)	.65	.65	.55	.52
13. Brisket (bone in)	.65	.65	.55	.52
14. Breast of flanken (bone in)				
IV. Plate:	.44	.44	.44	.44
15. Plate (bone in, also called plate flanken or long bone flanken)	.50	.50	.50	.50
16. Boneless plate (also called plate flanken or long bone flanken, boneless)				
V. Shank:	.47	.47	.47	.47
17. Shank (bone in)	.64	.64	.64	.64
18. Shank (boneless)	.62	.62	.62	.62
19. Ground beef				
VI. Wholesale cuts:	.83	.75	.66	.57
20. Rib (whole)	.67	.67	.62	.57
21. Chuck (whole)	.55	.55	.47	.44
22. Brisket (whole)	.42	.42	.42	.42
23. Plate (whole)	.42	.42	.42	.42
24. Shank (whole)				

(m) *Retail ceiling prices for "Kosher" beef cuts—Zone 13N.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers in Zone 13N, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.88	$0.80	$0.70	$0.61
2. Deckle of rib (top of rib)	.88	.80	.70	.61
3. 7-inch steaks or roast	.96	.86	.74	.62
4. Short ribs (flanken)	.45	.45	.45	.45
4A. Rib roast (boneless, rolled)				1.19
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.80	.80	.75	.68
6. Blade steak (bone in)	.80	.80	.75	.68
7. Boneless chuck	1.01	1.01	.91	.84
8. English cut	.80	.80	.75	.68
9. Arm or chuck pot roast (bone in)	.80	.80	.75	.68
10. Arm or chuck steak (bone in)	.90	.90	.75	.68
11. Boneless neck	.96	.96	.91	.84
III. Brisket:				
12. Boneless brisket (also called breast of beef, boneless)	.87	.87	.74	.70
13. Brisket (bone in)	.70	.70	.60	.58
14. Breast of flanken (bone in)	.70	.70	.60	.58
IV. Plate:				
15. Plate (bone in, also called plate flanken or long bone flanken)	.45	.45	.45	.45
16. Boneless plate (also called plate flanken or long bone flanken, boneless)	.50	.50	.50	.50
V. Shank:				
17. Shank (bone in)	.50	.50	.50	.50
18. Shank (boneless)	.67	.67	.67	.67
19. Ground beef	.64	.64	.64	.64
VI. Wholesale cuts:				
20. Rib (whole)	.84	.76	.66	.57
21. Chuck (whole)	.68	.68	.63	.57
22. Brisket (whole)	.55	.55	.47	.45
23. Plate (whole)	.42	.42	.42	.42
24. Shank (whole)	.42	.42	.42	.42

(n) *Retail ceiling prices for "Kosher" beef cuts—Zone 13S.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers in Zone 13S, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades			
	Choice	Good	Commercial	Utility
I. Rib:				
1. 10-inch steaks or roast	$0.88	$0.80	$0.70	$0.61
2. Deckle of rib (top of rib)	.88	.80	.70	.61
3. 7-inch steaks or roast	.96	.86	.74	.63
4. Short ribs (flanken)	.45	.45	.45	.45
4A. Rib roast (boneless, rolled)				1.19
II. Chuck:				
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.77	.77	.72	.65
6. Blade steak (bone in)	.77	.77	.72	.65
7. Boneless chuck	.97	.97	.91	.84
8. English cut	.77	.77	.72	.65
9. Arm or chuck pot roast (bone in)	.77	.77	.72	.65
10. Arm or chuck steak (bone in)	.77	.77	.72	.65
11. Boneless neck	.88	.88	.83	.76
III. Brisket:				
12. Boneless brisket (also called breast of beef, boneless)	.81	.81	.67	.63
13. Brisket (bone in)	.66	.66	.56	.53
14. Breast of flanken (bone in)	.66	.66	.56	.53
IV. Plate:				
15. Plate (bone in, also called plate flanken or long bone flanken)	.45	.45	.45	.45
16. Boneless plate (also called plate flanken or long bone flanken, boneless)	.51	.51	.51	.51
V. Shank:				
17. Shank (bone in)	.48	.48	.48	.48
18. Shank (boneless)	.64	.64	.64	.64
19. Ground beef	.62	.62	.62	.62
VI. Wholesale cuts:				
20. Rib (whole)	.84	.76	.67	.57
21. Chuck (whole)	.68	.68	.63	.58
22. Brisket (whole)	.55	.55	.47	.45
23. Plate (whole)	.43	.43	.43	.43
24. Shank (whole)	.43	.43	.43	.43

(o) *Retail ceiling prices for "Kosher" beef cuts—Zone 1N.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers in Zone 1N, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades		
	Choice	Good	Commercial	Utility
I. Rib:	$0.80	$0.80	$0.71	$0.62
1. 10-inch steaks or roast	.80	.80	.71	.62
2. Deckle of rib (top of rib)	.80	.80	.71	.62
3. 7-inch steaks or roast	.80	.80	.71	.62
4. Short ribs (flanken)	.45	.45	.45	1.50
4A. Rib roast (boneless, rolled)	1.02	1.02	.96	
II. Chuck:	.81	.81	.75	.69
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.81	.81	.75	.69
6. Blade steak (bone in)	.81	.81	.75	.69
7. Boneless chuck	1.02	1.02	.96	.86
8. English cut	.81	.81	.75	.69
9. Arm or chuck pot roast (bone in)	.81	.81	.75	.69
10. Arm or chuck steak (bone in)	.81	.81	.75	.69
11. Boneless neck	.99	.99	.93	.86
III. Brisket:	.85	.85	.79	.71
12. Boneless brisket (also called breast of beef, boneless)	.85	.85	.79	.71
13. Brisket (bone in)	.71	.71	.61	.58
14. Breast of flanken (bone in)	.71	.71	.61	.58
IV. Plate:	.45	.45	.45	.45
15. Plate (bone in, also called plate flanken or long bone flanken)	.51	.51	.51	.51
16. Boneless plate (also called plate flanken or long bone flanken, boneless)				
V. Shank:	.50	.50	.48	.50
17. Shank (bone in)	.65	.65	.63	.65
18. Shank (boneless)				
19. Ground beef	.85	.85	.77	.65
VI. Wholesale cuts:	.81	.81	.75	.68
20. Rib (whole)	.68	.68	.61	.58
21. Chuck (whole)	.56	.56	.54	.45
22. Brisket (whole)	.45	.45	.41	.41
23. Plate (whole)	.41	.41	.41	.41
24. Shank (whole)				

(p) *Retail ceiling prices for "Kosher" beef cuts—Zone 1S.*

[The following ceiling prices per pound apply in all stores selling the "Kosher" beef cuts listed below to eating places and other retailers in Zone 1S, in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

Beef	Grades		
	Choice	Good	Commercial	Utility
I. Rib:	$0.88	$0.80	$0.71	$0.62
1. 10-inch steaks or roast	.88	.80	.71	.62
2. Deckle of rib (top of rib)	.88	.80	.71	.62
3. 7-inch steaks or roast	.97	.85	.75	.65
4. Short ribs (flanken)	.45	.45	.45	1.50
4A. Rib roast (boneless, rolled)				
II. Chuck:	.87	.87	.73	.66
5. Blade pot roast (also called shoulder pot roast, bone in; chuck roast, bone in)	.87	.87	.73	.66
6. Blade steak (bone in)	.87	.87	.73	.66
7. Boneless chuck	.87	.87	.73	.66
8. English cut	.87	.87	.73	.66
9. Arm or chuck pot roast (bone in)	.87	.87	.73	.66
10. Arm or chuck steak (bone in)	.87	.87	.73	.66
11. Boneless neck	.90	.90	.86	.75
III. Brisket:	.82	.82	.76	.64
12. Boneless brisket (also called breast of beef, boneless)	.82	.82	.76	.64
13. Brisket (bone in)	.66	.66	.66	.53
14. Breast of flanken (bone in)				
IV. Plate:	.45	.45	.45	.45
15. Plate (bone in, also called plate flanken or long bone flanken)	.51	.51	.51	.51
16. Boneless plate (also called plate flanken or long bone flanken, boneless)				
V. Shank:	.48	.48	.48	.48
17. Shank (bone in)	.63	.63	.63	.63
18. Shank (boneless)				
19. Ground beef	.76	.76	.67	.58
VI. Wholesale cuts:	.68	.68	.61	.58
20. Rib (whole)	.56	.56	.54	.45
21. Chuck (whole)	.45	.45	.41	.41
22. Brisket (whole)	.41	.41	.41	.41
23. Plate (whole)				
24. Shank (whole)				

(r) *Retail ceiling prices for "Kosher" beef variety meats and "Kosher" beef byproducts.*

[The following ceiling prices per pound apply in all stores selling "Kosher" beef variety meats and "Kosher" beef byproducts listed below to eating places and other retailers in accordance with Ceiling Price Regulation No. 26, effective May 21, 1951]

	Zones								
	1	2	3	4	5	6	6A	7	8
Brains	$0.20	$0.20	$0.20	$0.17	$0.27	$0.26	$0.26	$0.28	$0.28
Heart	.26	.26	.26	.26	.26	.26	.26	.26	.26
Liver (scalded or unscalded)	.26	.26	.26	.26	.26	.26	.26	.26	.26
Lungs	.15	.15	.15	.15	.15	.15	.15	.15	.15
Melts	.15	.15	.15	.15	.15	.15	.15	.15	.15
Sweetbreads (neck)	.26	.26	.26	.26	.26	.26	.26	.26	.26
Sweetbreads (heart)	.61	.61	.60	.61	.61	.61	.61	.61	.61
Tongues	.49	.49	.49	.49	.49	.49	.49	.49	.49
Cheek meat	.30	.30	.30	.30	.30	.30	.30	.30	.30
Head meat	.17	.17	.17	.17	.17	.17	.17	.17	.17
Tripe (cooked)	.15	.15	.15	.15	.15	.15	.15	.15	.15
Tripe (honeycomb)	.18	.18	.17	.17	.17	.17	.17	.17	.17
Tripe (scalded)									

	Zones								
	9	10	11	12	13A	13B	14A	14B	15
Brains	$0.26	$0.26	$0.27	$0.27	$0.27	$0.28	$0.28	$0.28	$0.30
Heart	.26	.26	.26	.26	.26	.26	.26	.26	.26
Liver (scalded or unscalded)	.26	.26	.26	.26	.26	.26	.26	.26	.26
Lungs	.15	.15	.15	.15	.15	.15	.15	.15	.15
Melts	.15	.15	.15	.15	.15	.15	.15	.15	.15
Sweetbreads (neck)	.26	.26	.26	.26	.26	.26	.26	.26	.26
Sweetbreads (heart)	.61	.61	.61	.61	.61	.61	.61	.61	.61
Tongues	.49	.49	.49	.49	.49	.49	.49	.49	.49
Cheek meat	.30	.30	.30	.30	.30	.30	.30	.30	.30
Head meat	.17	.17	.17	.17	.17	.17	.17	.17	.17
Tripe (cooked)	.15	.15	.15	.15	.15	.15	.15	.15	.15
Tripe (honeycomb)	.18	.18	.17	.17	.17	.17	.17	.17	.17
Tripe (scalded)									

ARTICLE IV—GENERAL DEFINITIONS

SEC. 40. *General Definitions.* When used in this regulation, the term:

(a) *Beef* means meat graded as beef pursuant to the provisions of OPS Distribution Regulation 2 and in accordance with the "Official U. S. Standards for Grades of Carcass Beef" of the United States Department of Agriculture.

(b) *Consumer* means an individual who purchases for off-the-store consumption by himself or his family.

(c) *Eating place* means any restaurant, hotel, cafe, cafeteria, hospital, or other establishment which purchases meat and serves meals, food portions, or refreshments.

(d) *Grade* and *grade mark* mean, respectively, the uniform grades and grade marks required by OPS Distribution Regulation 2.

(e) *Kosher* means an edible product that is derived from livestock slaughtered, approved and stamped as kosher under rabinnical supervision and sold after preparation according to Jewish dietary law.

(f) *Kosher beef cut* means any wholesale kosher beef cut listed in appendix 3 and any retail kosher beef cut listed in appendix 4.

(g) *Meat* means each and every edible product that is derived from cattle, sheep, lambs, and swine, whether or not such product is specified herein, including sausage and kosher meat, but not sterile canned meat.

(h) *OPS* means the Office of Price Stabilization.

(i) *Retail* means a sale to a consumer.

(j) *Retailer* means a person who sells to consumers.

(k) *Store* means a place where meat is sold at retail.

(l) *You* indicates the person subject to this regulation, including any individual, corporation, partnership, association, or any other organized group of persons, or the legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any government, or any of its political subdivisions, or any agency of any of the foregoing: *Provided*, That no punishment provided for in this regulation shall apply to the United States or to any such government, political subdivisions or agency.

Effective date. This regulation shall become effective on May 21, 1951.

NOTE: The record-keeping and reporting provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

May 18, 1951.

APPENDIX 1—ZONE DEFINITIONS

(a) *Zone 1.* Zone 1 means the following area: The entire states of Washington, Oregon, California, Nevada, Idaho; all that portion of Montana west of and including the counties Flathead, Lewis and Clark, Broadwater, and Gallatin.

(b) *Zone 2.* Zone 2 means the following area: The entire states of Arizona and Utah.

(c) *Zone 3.* Zone 3 means the following area: All that portion of Montana east of and including the counties of Glacier, Pondera, Teton, Cascade, Meagher and Park.

(d) *Zone 4.* Zone 4 means the following area: All that portion of Colorado west of and including the counties of Larimer, Boulder, Jefferson, Teller, Fremont, Custer, Huerfano, Las Animas, and Baca.

(e) *Zone 5.* Zone 5 means the following area: The entire states of North Dakota and Oklahoma; all that portion of Minnesota north of and including the counties of Wilkin, Otter Tail, Wadena, Cass, Crow Wing, Aitkin, Carlton, St. Louis, Lake and Cook; the entire state of Wyoming except the counties Platte, Goshen and Laramie.

(f) *Zone 6.* Zone 6 means the following area: All that portion of South Dakota north and west of and including the counties of Gregory, Brule, Buffalo, Hyde, Potter, Edmunds, Brown, Day and Grant; all that portion of Minnesota south of and including the counties of Traverse, Grant, Douglas, Todd, Morrison, Mille Lacs, Kanabec and Pine; all that portion of Wisconsin north and west of and including the counties Polk, Barron, Rusk, Taylor, Price and Iron; all that portion of Nebraska west of and including the counties of Keya Paha, Rock, Loup, Custer, Dawson, Phelps and Harlan; all that portion of Kansas west and south of and including the counties of Phillips, Rooks, Ellis, Barton, Ellsworth, Saline, Dickinson, Morris, Lyon, Osage, Franklin, Miami; all that portion of Missouri south of and including the counties of Cass, Johnson, Pettis, Cooper, Moniteau, Cole, Callaway, Montgomery and Lincoln with the exception of the city of St. Louis; all that portion of Colorado north and east of and including the counties of Weld, Adams, Denver, Arapahoe, Douglas, El Paso, Pueblo, Otero, Bent and Prowers; and that portion of Wyoming included in the following counties: Platte, Goshen and Laramie.

(g) *Zone 6A.* Zone 6A means the following area: All that portion of South Dakota south and east of and including the counties of Charles Mix, Aurora, Jerauld, Hand, Faulk, Spink, Clark, Codington and Deuel; all that portion of Minnesota south of and including the counties of Lac, Qui Parle, Chippewa, Renville, McLeod, Wright, Hennepin, Ramsey and Washington; all that portion of Wisconsin south and west of and including the counties of St. Croix, Dunn, Chippewa, Clark, Jackson, Monroe, Vernon and Crawford; all that portion of Nebraska east of and including the counties of Boyd, Holt, Garfield, Valley, Sherman, Buffalo, Kearney and Franklin; all of that portion of Kansas east and north of and including the counties of Smith, Osborne, Russell, Lincoln, Ottawa, Clay, Geary, Wabaunsee, Shawnee, Douglas and Johnson; all that portion of Missouri north of and including the counties of Jackson, Lafayette, Saline, Howard, Boone, Audrain and Pike; the entire state of Iowa.

(h) *Zone 7.* Zone 7 means the following area: The entire states of Arkansas, Texas and New Mexico.

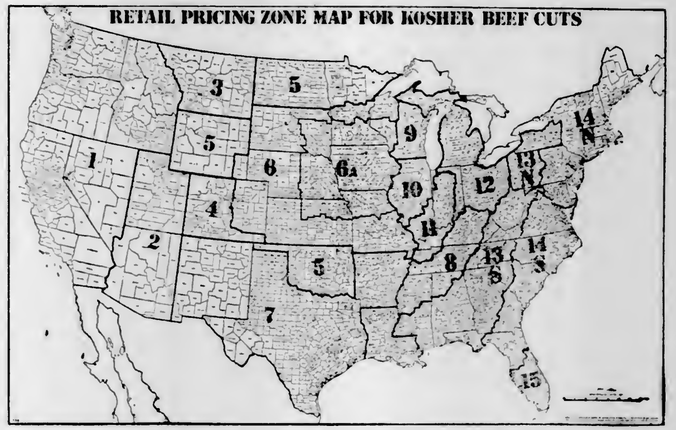
(i) *Zone 8.* Zone 8 means the following area: The entire state of Louisiana; all that portion of Kentucky east of and including the counties of Hardin, Grayson, Butler, and Logan, and all that portion west of and including the counties of Greenup, Carter, Elliott, Morgan, Wolfe, Lee, Owsley, Clay, Knox and Whitley; all that portion of Tennessee east and south of and including the counties of Lauderdale, Haywood, Madison, Henderson, Decatur, Humphreys, Dickson, Cheat and Robinson, and all that portion west of and including the counties of Campbell, Scott, Morgan, Cumberland, Bledsoe, Sequatchie and Marion; all that portion of Alabama north of and including the counties of Lamar, Fayette, Walker, Cullman, Morgan, Madison and Jackson; and all that portion of Mississippi north of and including the counties of Issaquena, Yazoo, Madison, Attala, Choctaw, Oktibbeha and Lowndes.

(j) *Zone 9.* Zone 9 means the following area: All that portion of Wisconsin east of and including the counties of Vilas, Oneida, Lincoln, Marathon, Wood, Juneau, Sauk, Richland and Grant.

(k) *Zone 10.* Zone 10 means the following area: All that portion of Missouri in the city of St. Louis (only); all that portion of Illinois north of and including the counties of Monroe, St. Clair, Madison, Bond, Fayette, Effingham, Shelby, Coles, Douglas and Vermilion; all that portion of Indiana including the counties of Lake, Newton, Porter and Benton.

(l) *Zone 11.* Zone 11 means the following area: All that portion of Illinois south of and including the counties of Randolph, Washington, Clinton, Marion, Clay, Jasper, Cumber, Clark and Edgar; all that portion of Indiana south and west of and including the counties of Jasper, Starke, Marshall, Kosciusko, Whitley, Huntington, Grant, Madison, Hancock, Shelby, Bartholomew, Jackson, Washington and Harrison; all that portion of Kentucky west of and including the

APPENDIX 2—RETAIL PRICING ZONE MAP FOR KOSHER BEEF CUTS



counties of Meade, Breck, Ohio, Muhlenberg and Todd; all that portion of Tennessee west and north of and including the counties of Montgomery, Houston, Benton, Carroll, Gibson, Crockett and Dyer.

(m) *Zone 12.* Zone 12 means the following area: The entire states of Michigan and Ohio; all that portion of Indiana north and east of and including the counties of La Porte, St. Joseph, Elkhart, Noble, Allen, Wells, Blackford, Delaware, Henry, Rush, Decatur, Jennings, Scott, Clark and Floyd.

(n) *Zone 13N.* Zone 13N means the following area: All that portion of New York west of and including the counties of Oswego, Oneida, Madison, Chenango and Broom; all that portion of Pennsylvania west of and including the counties of Potter, Clinton, Centre, Huntington and Fulton.

(o) *Zone 13S.* Zone 13S means the following area: The entire state of West Virginia; all that portion of Virginia west of and including the counties of Highland, Bath, Alleghany, Craig, Montgomery, Floyd and Carroll; all that portion of Kentucky east of and including the counties of Boyd, Lawrence, Johnson, Magoffin, Breathitt, Perry, Leslie and Bell; all that portion of Tennessee east of and including the counties of Claiborne, Union, Anderson, Roane, Rhea, and Hamilton; all that portion of North Carolina west of and including the counties of Alleghany, Wilkes, Alexandria, Burke and Cleveland; all that portion of South Carolina west of and including the counties of Cherokee, Union, Newberry, Saluda and Edgefield; all that portion of Georgia west of and including the counties of Columbia, McDuffie, Glascock, Washington, Johnson, Laurens, Dodge, Wilcox, Ben Hill, Irwin, Tift, Colquitt and Thomas; all that portion of Alabama south of and including the counties of Pickens, Tuscaloosa, Jefferson, Blount, Marshall and DeKalb; all that portion of Mississippi south of and including the counties of Warren, Hinds, Rankin, Scott, Leake, Winston, Noxbee; all that portion of Florida west of and including the counties of Gadsen Liberty and Franklin.

(p) *Zone 14N.* Zone 14N means the following area: The entire states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Delaware, Maryland and New Jersey; all that portion of New York east of and including the counties of Jefferson, Lewis, Herkimer, Otsego and Delaware; all that portion of Pennsylvania east of and including the counties of Tioga, Lycoming, Union, Mifflin, Juaniata and Franklin; that portion of Virginia included in the following counties: Loudon, Fairfax and Arlington; and the District of Columbia.

(q) *Zone 14S.* Zone 14S means the following area: All that portion of Virginia east of and including the counties of Frederick, Shenandoah, Rockingham, Augusta, Rockbridge, Botetourt, Roanoke, Franklin and Patrick, except the counties of Fairfax, Loudon and Arlington; all that portion of North Carolina east of and including the counties of Surry, Yadkin, Iredell, Catawba, Lincoln and Gaston; all that portion of South Carolina east of and including the counties of York, Chester, Fairfield, Lexington and Aiken; all that portion of Georgia east of and including the counties of Richmond, Jefferson, Emanuel, Treutlen, Wheeler, Telfair, Coffee, Berrien, Cook, and Brooks; all that portion of Florida east of and including the counties of Leon and Wakulla and that portion north of and including the counties of Pasco, Sumter, Lake, Putnam and Flagler.

(r) *Zone 15.* Zone 15 means the following area: All that portion of Florida south of and including the counties of Pinellas, Hillsborough, Polk, Orange, Seminole and Volusia.

Appendix 3—Wholesale Kosher Beef Cut Definitions

When used in this regulation the term *wholesale kosher beef cut* means and is limited to any of the following, excluding the hindquarter, derived from the beef carcass, but excluding the offal and any item not included herein. Each cut shall be derived from beef slaughtered, approved and stamped as kosher under rabbinical supervision and shall be sold after preparation according to Jewish dietary law. (All measurements prescribed herein shall be made with a rigid straight ruler. All cuts shall be made according to the definite guides and measurements specified. Ribs are designated as 1st to 13th, inclusive, counting as the 1st rib that one which is nearest the neck end of the side). You must cut the beef carcasses, side, quarter or combination cut of beef into the following cuts before you make the standard kosher retail cuts.

(a) *Hindquarter* means the posterior portion of the side remaining after the severance of the 12-rib forequarter from the side, and comprising the round, full loin including the 13th rib, flank, kidney and hanging tender all in one piece, which posterior portion shall be obtained by cutting the beef side between the 12th and 13th ribs, keeping the knife firmly against the 12th rib while cutting down the length of the rib to the point at the end of the rib where the rib joins the rib (costal) cartilage, from which point passing through the cartilage and meat of the flank and short plate in the same straight line, completing the cut.

(b) *Forequarter* means the anterior portion of the side remaining after the severance of the 1-rib hindquarter from the side and comprises the rib, regular chuck, brisket, short plate and fore-shank, all in one piece, which anterior portion contains the first to the twelfth ribs, inclusive. No heart (mediastinal) fat or neck sweetbreads and not more than ½ inch of the fibrous part (centrum tendineum) of the skirt (diaphragm) shall appear in the forequarter and otherwise it shall be dressed in accordance with the specifications applicable to "beef carcass" as set forth in Ceiling Price Regulation 24.

(c) *Cross cut chuck* means the portion of the forequarter remaining after the severance of the rib and short plate from the forequarter, and comprising the regular chuck, brisket, and foreshank all in one piece, which portion shall be obtained by cutting through the forequarter in a straight line between the 5th and 6th ribs, keeping the knife firmly against the 5th rib while cutting to the point where the 5th rib joins the rib (costal) cartilage, at which point the cut shall continue in the same straight line through the cartilage, the breast bone (sternum) and the meat of the brisket and short plate to complete the severance. The cross cut chuck shall contain five (5) ribs (1st to 5th, inclusive).

(d) *Regular chuck* means the portion of the cross cut chuck remaining after the severance of the foreshank and brisket from the cross cut chuck, and containing most of the blade bone (scapula), part of the (humerus) arm bone, parts of the five ribs (1st to 5th, inclusive), that section of the back bone attached to the ribs, and the neck bone (cervical vertebrae from 1 to 7, inclusive), which portion shall be obtained by a cut through the cross cut chuck made in a straight line perpendicular to the contour of the outside or skin surface of the cross cut chuck (thereby separating the brisket and foreshank from the cross cut chuck) starting at a fixed point on the inside of the 5th rib determined by measuring off ten (10) inches along the 5th rib in a straight line from the center of the protruding edge of the 5th thoracic vertebra, continuing in the same straight line to the tip of the forward end of the breast bone (forward end of 1st segment of sternum), and passing through the (humerus) arm bone in the same straight line to complete the cut.

NOTE: The 10-inch measurement shall be made from the center of the protruding edge of the 5th thoracic vertebra and not from the hollow of the chine bone where the 5th rib joins the 5th thoracic vertebra.

(e) *Foreshank* means the portion of the cross cut chuck remaining after the severance of the regular chuck and brisket from the cross cut chuck, which portion shall be obtained (after separation of the regular chuck) by separation from the brisket by a cut following the natural seam and leaving the entire lip, or web muscle on the brisket.

(f) *Brisket* means the portion of the cross cut chuck remaining after the severance of the regular chuck and foreshank from the cross cut chuck, which portion contains parts of four ribs (2d to 5th, inclusive), part of the breast bone and the rib (costal) cartilages which connect the ends of the rib bones with the breast bone. All heart (mediastinal) fat, but no other fat shall be removed from the brisket.

(g) *Rib* means the portion of the forequarter remaining after the severance of the cross cut chuck and short plate from the forequarter, and containing parts of seven ribs (6th to 12th, inclusive), that section of the backbone attached to the ribs, posterior tip and cartilage of the blade bone (scapula), part of the blade bone (scapula) which portion shall be obtained (by separation from the short plate) by a straight cut across the ribs starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside protruding edge of the 12th thoracic vertebra and continuing to and through a fixed point determined by measuring off 10 inches on the inside of the 6th rib along the 6th rib from the center of the inside protruding edge of the 6th thoracic vertebra.

NOTE: The 10-inch measurements shall be made from the centers of the protruding edges of the 6th and 12th thoracic vertebra, and not from the hollow of the chine bone.

(h) *Short plate* means the portion of the forequarter remaining after the severance of the cross cut chuck and the rib from the forequarter, and containing parts of seven ribs (6th to 12th, inclusive), the rib (costal) cartilages attached to them, and part of the breast bone.

(i) *Triangle* means the portion of the forequarter remaining after the severance of the rib from the forequarter, and containing the short plate, brisket, foreshank and regular chuck all in one piece, which portion shall be obtained by removing the rib from the forequarter by a straight cut across the ribs starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside of the protruding edge of the 12th thoracic vertebra and continuing to a fixed point determined by measuring off 10 inches on the inside of the 6th rib along the 6th rib from the center of the inside protruding edge of the 6th thoracic vertebra, and severing the rib from the forequarter by a second cut made in a straight line between the 5th and 6th ribs, keeping the knife firmly against the 5th rib to the point where the second cut meets the end of the first cut.

NOTE: Measurements shall be from the center of the protruding edge of the 12th and 6th thoracic vertebra, and not from the hollow of the chine bone.

Appendix 4—Retail Kosher Beef Cut Definitions

When used in this regulation the term *retail kosher beef cut* means and is limited to any of the following cuts, derived from OPS wholesale kosher beef cuts. Each cut shall be derived from beef slaughtered, approved and stamped as Kosher under rabbinical supervision and shall be sold after preparation according to Jewish dietary law. All cuts covered in the following specifications shall be trimmed as described before the cuts may be weighed or sold to the customer. No fat shall be added to any of the cuts before they are weighed and sold to the customer.

(a) *From the standard wholesale rib*—(1) *Rib roast and rib steak, 10-inch rib.* Rib roast, 10-inch ribs and rib steak, 10-inch rib are made from the standard primal rib. The blade bone or blade cartilage shall be removed from roasts or steaks.

(2) *Rib roast and rib steak, 7-inch rib.* Rib roasts or steaks, 7-inch rib or ribs, are cut from the standard primal rib. The rib bone, or bones, in these cuts shall measure no larger than 7 inches in a straight line from the protruding edge of the chine bone.

(3) *Short ribs.* Short ribs are the ends of the ribs which are removed when making a 7-inch rib.

(4) *Rib roast (boneless, rolled—Utility and cutter and canner grade beef only).* Boneless and rolled rib roast refers to the boneless meat of the primal 10-inch rib roast of utility and cutter and canner grades of kosher beef only. All bone, gristle, cartilage and excess fat must be removed. The fat must be trimmed so that no more than one inch of fat is left on any lean muscle. Fat must not be added before the boneless and rolled rib roast is weighed or sold. The boneless rib must be rolled and tied.

(5) *Deckle of rib (top of rib).* Deckle of rib means that meat above the blade bone and a prolongation of that meat along the entire top side of that rib. The deckle may be removed from the standard primal rib and may be sold separately as a retail cut from which all of the bone and all of the fat, except that portion bearing the grade mark, shall be removed.

(b) *From the standard wholesale short plate*—(1) *Plate (bone in).* Plate (bone in) is made from the standard primal plate without removing the bones. The diaphragm or skirt muscle may or may not be removed, but the membrane on each side of the skirt and on the inside of the plate, and all loose fat shall be removed.

(2) *Plate (boneless).* Boneless plate refers to the boneless meat of the primal plate after all bones, gristle, cartilage, membrane and excess fat have been removed. The boneless meat may be sold as boneless plate pot-roast, stew meat (boneless) or ground beef.

(c) *From the standard wholesale brisket*—(1) *Brisket (bone in) fresh or cured.* Brisket (bone in) is made from the standard primal brisket without removing the bones. No more than 1 inch of fat may be left on the brisket (bone in).

(2) *Brisket (boneless) fresh or cured.* Boneless brisket, fresh or cured, refers to the boneless meat of the primal brisket after all bone, gristle, cartilage and excess fat have been removed. The fat must be trimmed so that no more than one inch of fat is left on any lean muscle. The boneless brisket may be sold as boneless pot-roast, stew meat or ground beef.

(3) *Breast of flanken (top rib) bone in.* Breast of flanken (top rib) bone in means the ribs which are directly under the arm, separated from the arm by a fatty membrane.

(4) *Breast deckle (boneless).* Breast deckle (boneless) may be made from the standard wholesale brisket following the usual procedure in each locality.

(d) *From standard wholesale chuck*—(1) *Blade pot-roast and steak.* Blade pot-roasts and blade steaks are made from the blade bone portion of the standard primal chuck. No portion of the arm knuckle shall be included in any blade pot-roast or blade steak. All fat exceeding one inch in thickness shall be removed from these cuts.

(2) *Arm pot-roast and steak.* Arm pot-roasts and arm steaks are made from the shoulder arm bone portion of the standard primal chuck. The arm knuckle shall not be left in any arm pot-roasts or arm steak. All fat exceeding one inch in thickness shall be removed from these cuts.

(3) *English cut.* The English cut may be made from the standard primal chuck following the usual procedure in each locality.

(4) *Chuck (boneless).* Boneless chuck pot-roasts or arm steak are made from the blade bone and arm bone portions of the standard primal chuck. All fat exceeding one inch in thickness shall be removed from the boneless chuck.

(5) *Neck (boneless).* The arm knuckle bone and the Atlas joint shall be removed from the neck. The boneless neck is the meat remaining after all the bone, cartilage, fat, tendon, gristle and throat trimmings have been removed from the neck. The boneless neck may be sold as boneless pot-roast, stew or ground meat.

(e) *From standard wholesale foreshank*—(1) *Foreshank (bone in).* Remove the knee bone. Cut the shank into pieces with the bone in.

(2) *Foreshank (boneless).* The boneless shank meat refers to the boneless meat from the foreshank after all bone, gristle, cartilage and sinews have been removed. The boneless shank meat may be sold as stew meat or as ground beef.

(f) *Ground beef.* Ground beef (hamburger, hamburg steak, hamburger steak, chili meat) is ground, chopped or comminuted fresh lean muscle beef, including skirt, shank, neck, plate, brisket or lean beef trimmings (but not including head meat) which contains no offal, added blood, cartilage, bone, cereal product, water or ice, or any adulterant or other foreign substance except seasoning, and which does not have a fat content in excess of 30 percent by chemical analysis. "Ground beef" shall be ground twice, the final grinding through a plate with holes not more than 3/16 of an inch in diameter, or 3/4 of an inch in the case of chili meat, or chopped in a rotary cutter or by other means giving equivalent results.

Appendix 5—Certain Kosher Beef Variety Meats and Beef By-Products Definitions

When used in this regulation, the term *certain kosher beef variety meats and beef by-products* means and is limited to any of the following edible by-products of cattle which is clean, sound, has at all times been handled in a sanitary manner, is free from foreign materials, mucus and hair and is derived from beef slaughtered, approved and stamped as kosher under rabbinical supervision and sold after preparation according to Jewish dietary law. The term:

(a) *Brains* means both brain lobes, the small knob at the base of the brain and a short piece of spinal cord approximately three quarters of an inch in length.

(b) *Cheek meat* of cattle means the lean meat on the inside and outside of the lower jaw, trimmed free of the salivary glands, with no more than 20 percent trimmable fat.

(c) *Head meat* means the lean meat, exclusive of cheek meat, trimmed from the head of cattle.

(d) *Hearts* means bright colored beef hearts, free from blood clots, trimmed free from large gristly blood vessels.

(e) *Lips* means the meat and tissue from the side of the jaw when removed from cattle.

(f) *Livers* means all beef livers of any weight, bright and uniform in color, from light to chocolate brown, moderately short and plump and which are free from all mutilations other than minor cuts or slight skin breaks caused by the removal of the gall bladder by separating the liver from the carcass by hooks, or caused during the examination of the portal glands by MID inspectors, where such minor cuts or slight skin breaks do not impair the quality of the liver. The large blood vessel lying along the side of the liver should be trimmed even with the surface of the liver.

(g) *Lungs* means the lungs from cattle. The trachea (windpipe) is to be cut off close to the body of the lungs.

(h) *Melts* means the spleens.

(i) *Sweetbreads, heart* means the thymus gland adjacent to the heart (heart sweetbreads). They are to be trimmed reasonably free from fat.

(j) *Sweetbreads, neck* means the thymus gland (neck sweetbreads) removed from the neck only of beef cattle. They are to be trimmed reasonably free from fat.

(k) *Tongues* means tongues from cattle, cut off at a point that leaves the epiglottis on the tongue. The entire gullet including the soft palate shall be removed and the hinge bone shall not protrude over the end of the tongue. One-half inch of fat may be left on the understide of the tongue, which shall be trimmed smooth in removing the glands. The tip may be cut up to a point where cross section thickness does not exceed one and one-half inches.

(l) *Tripe, cooked* means tripe which has been thoroughly cooked by boiling in water, cooled and washed; any excess fat is to be removed from tripe.

(m) *Tripe, honeycomb* means cooked beef tripe showing the characteristics of honeycomb markings. If the pocket is split, the apron around the open end cannot be more than three inches wide.

(n) *Tripe, scalded* means paunches (stomachs) thoroughly cleaned by washing and scalding according to BAI instructions or similar good commercial methods.

[F. R. Doc. 51-5925; Filed, May 18, 1951; 2:10 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 28]

GCPR, SR 28—Modified Methods of Ceiling Price Determination for Certain Mail Order Establishments

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stbilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 28 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

Statement of Considerations

Issuance of General Ceiling Price Regulation on January 26, 1951, has been followed by certain specific ceiling price regulations which have been tailored to meet the needs of individual levels of production or distribution. It is recognized that additional adjustments and regulations are necessary to prevent and correct hardships and inequities experienced by industry and trade segments and to apply to such segments, types of controls specially adapted to their requirements.

While a large portion of retail sales has already been placed under margin regulation, considerable portions still remain under the General Ceiling Price Regulation where they are badly "squeezed" at present.

Mail order establishments, which published their catalogs months before the December 19, 1950 to January 25, 1951 base period of General Ceiling Price Regulation, clearly have been subjected to a price freeze more stringent than was the case for other segments of the retail trade. For this group, unlike any other

defined portion of the retail trade, base period prices are catalog prices, based upon costs of merchandise in effect several months earlier than the base period.

Many mail order organizations are presently endeavoring to price catalogs for the fall season. Relief in the form of margin price control, which might be made available to retailers in general during the next few months, could not practically be applied to these mail order organizations after their catalogs are in print. It therefore becomes necessary to permit immediate authorization to these organizations of methods of pricing which modify those of the General Ceiling Price Regulation. Under the terms of this Supplementary Regulation, such authorization may be granted, provided the method of price determination is based on markups no higher than those in effect prior to October 15, 1950.

Mail order sellers of the type covered by this supplementary regulation lend themselves peculiarly to its special pricing provisions, since their catalogs issue regularly at stated seasons of the year and since such sellers have at hand appropriate data for corresponding seasons of the previous year. The situation therefore clearly warrants the action which has been here taken.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Contents of application.
3. Orders.

AUTHORITY: Sections 1 and 2 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* (a) Any "long-term catalog mail order establishment" may, in accordance with the provisions of this Supplementary Regulation, apply for and receive an order permitting it to use methods of determining ceiling prices for mail order sales at retail, modifying those which it would otherwise have under General Ceiling Price Regulation.

(b) A "long-term catalog mail order establishment" is a person who regularly makes deliveries by mail to individual ultimate consumers in response to orders received by mail for merchandise selected from catalogs or other printed price lists having effective periods of at least four months and covering the same seasons or calendar periods in each year.

SEC. 2. *Contents of application.* An application for an order for a method of ceiling price determination shall be filed with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C. The applicant in its application shall state:

(a) Its name and address.

(b) Information showing that it is a long-term catalog mail order establishment as defined in section 1.

(c) The date or dates on which it finally determined selling prices published in its catalog in effect during the period of December 19, 1950 to January 25, 1951.

(d) That applicant's ceiling prices under the General Ceiling Price Regulation for mail order sales at retail are generally no higher than its selling prices determined prior to October 15, 1950.

(e) The methods of ceiling price determination it proposes to use in lieu of those prescribed in the General Ceiling Price Regulation. These methods must, in general, result in markups no higher than those which the applicant used in determining prices prior to October 15, 1950.

SEC. 3. *Orders.* If it appears from the application that applicant is a "long-term catalog mail order establishment" and that its ceiling prices under the General Ceiling Price Regulation for mail order sales at retail are generally the same as its selling prices determined prior to October 15, 1950, the Director may by order establish for the applicant a special method of determining ceiling prices for its mail order sales at retail. No such special method will be authorized unless it is based on markups no higher than those which the applicant used in determining prices prior to October 15, 1950.

Effective date. This Supplementary Regulation 28 to the General Ceiling Price Regulation shall become effective May 22, 1951.

NOTE: The record-keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 17, 1951.

[F. R. Doc. 51-5886; Filed, May 17, 1951; 4:00 p. m.]

[Ceiling Price Regulation 22, Interpretation 18]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

INT. 18—PRODUCT LINES IN THE FURNITURE INDUSTRY

In determining what a product line is under section 15 (a) (i), furniture manufactures have a wide choice open to them. They may determine a product line on a "horizontal" basis; i. e. by reference to a suite such as a dinette set, a bedroom suite, a dining room suite, etc. They may determine a product line on a "vertical" basis, that is, take a number of beds, occasional tables, dining room tables, dressers, chairs, etc., as a product line.

Manufacturers of "open stock" furniture who do not make suites which sell as an unit may still classify on a horizontal basis providing that the items classified together as a product line belong to the same general quality classification.

Upholstered furniture may not be classified in the same product line with wood or metal furniture. High quality deluxe items may not be classified in the same product line as popular priced furniture.

The cardinal test is whether items classed together in a product line are made by the same manufacturing process from substantially the same materials. This is not normally the case unless the labor cost ratio and the materials cost ratio would be very close were the items computed on an individual commodity basis.

(Sec. 704, Pub. Law 774, 81 Cong.)

HAROLD LEVENTHAL,
Chief Counsel,
Office of Price Stabilization.

MAY 17, 1951.

[F. R. Doc. 51-5883; Filed, May 17, 1951; 4:00 p. m.]

Chapter IV—Wage Stabilization Board, Economic Stabilization Agency

[General Wage Regulation 9, Amdt. 1]

GWR 9—WAGE SCHEDULES FOR NEW PLANTS

REQUESTS FOR MODIFICATION OF CRITERIA FOR ESTABLISHING RATES OF WAGES IN NEW PLANTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), and Economic Stabilization Agency General Order No. 3 (16 F. R. 739), this Amendment 1 to General Wage Regulation 9 is hereby issued.

General Wage Regulation 9 is amended to add Section 4 as follows:

SEC. 4. The Wage Stabilization Board will consider requests for modification of the criteria specified in section 2 of this regulation where the application of such criteria with respect to the internal structure of a wage schedule or with respect to supplemental compensation practices would be unworkable or would cause undue hardships in the circumstances of the particular case. Such requests should be accompanied by a full and clear statement of the circumstances on which the request is based. Terms of compensation not in accordance with section 2 of this regulation may not be put into effect without prior authorization by the Wage Stabilization Board.

(Sec. 704, Pub. Law 774, 81st Cong.)

Adopted by unanimous vote of the Board on Tuesday May 15, 1951.

GEORGE W. TAYLOR,
Chairman.

[F. R. Doc. 51-5881; Filed, May 17, 1951; 3:52 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-13, as amended May 17, 1951]

RAYON—LIMITATION FOR DO RATED ORDERS

EDITORIAL NOTE: The following is a complete restatement of NPA Order M-13, embodying all changes effected by the amendment to said Order M-13 as published in the FEDERAL REGISTER, May 18, 1951, 16 F. R. 4656.

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-13, as last amended February 15, 1951, by changing the percentage figure in section 5 from 15 to 30 percent. As so amended, NPA Order M-13 reads as follows:

Sec.
1. What this order does.
2. High tenacity rayon yarn covered by this order.
3. Required delivery dates.
4. Rejection of rated orders.
5. Limitation on acceptance of rated orders.
6. NPA assistance in placing rated orders.
7. Applications for adjustment or exception.
8. Communications.
9. Records and reports.
10. Violations.

AUTHORITY: Sections 1 to 10 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to producers of high tenacity rayon yarn and provides rules for placing, accepting, and scheduling rated orders for these yarns. Its purpose is to provide equitable distribution of rated orders among all producers of yarns covered by this order and thus to reduce to a minimum disruption of normal distribution and to promote maximum production. It supplements NPA Reg. 2, but only those provisions of NPA Reg. 2 which are contradictory to this order are superseded, and all other provisions of that regulation continue to apply to the yarns covered by this order.

SEC. 2. *High tenacity rayon yarn covered by this order.* High tenacity yarn to which this order applies is defined to mean viscose rayon yarn qualifying as yarn of 250 denier or coarser and having an average tenacity of 3 grams per denier or higher, irrespective of elongation, in tests made under the following conditions, whether produced for shipment by the rayon producer in the form of singles yarn, plies, cord, or cord fabric:

(a) Yarns with three turns per inch twist shall be used:

(b) Yarn shall be conditioned until it reaches a regain equilibrium, approached from the dry side, in an atmosphere of 70 degrees Fahrenheit and 57 percent relative humidity.

(c) The loading rate on a constant-rate-of-loading machine shall be from 30 to 35, inclusive, grams per denier per minute. The loading rate on a pendulum type machine shall not exceed 35 grams per denier per minute.

(d) A denier tolerance of 3 percent, plus or minus, on deniers of 250 to 300 shall be allowed, based on the average denier of the lot tested. A denier tolerance of 2 percent, plus or minus, on deniers coarser than 300 shall be allowed, based on the average denier of the lot tested.

SEC. 3. *Required delivery dates.* A rated order for high tenacity rayon yarn must specify delivery in a particular month, which in no case may be earlier than required by the person placing the order. The producer of such rayon yarn must schedule the order for delivery within the requested month as early as practicable in accordance with the provisions of NPA Reg. 2.

SEC. 4. *Rejection of rated orders.* A producer of high tenacity rayon yarn need not accept a rated order therefor which is received less than 30 days prior to the first day of the month in which shipment is requested, unless specifically directed to accept the order by the NPA.

SEC. 5. *Limitation on acceptance of rated orders.* Unless otherwise specifically directed by the NPA, no producer shall be required to accept rated orders for shipment in any one month of high tenacity rayon yarn (whether in the form of singles yarn, plies, cord, or cord fabric) in excess of 30 percent of his scheduled production of such rayon yarns in that month.

SEC. 6. *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for high tenacity rayon yarn due to the limitations imposed by section 5, should report such fact to the NPA, specifying the producers who refused to accept the order. The NPA will arrange to assist such person in locating sources of supply.

SEC. 7. *Applications for adjustment or exception.* Any producer subject to this order may file an application for an adjustment or exception upon the ground that it works an exceptional hardship upon him not suffered generally by other producers, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each application shall be in writing and shall set forth all pertinent facts and the nature of the relief sought and shall state the justification therefor.

SEC. 8. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref.: M-13.

SEC. 9. *Records and reports.* Persons subject to this order shall make such records and submit such reports to the NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 10. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order, as amended, shall take effect on May 17, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-5917; Filed, May 18, 1951; 11:34 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

SERVICEMEN'S INDEMNITY FOR DEATH

A new § 4.453 is added to read as follows:

§ 4.453 *Servicemen's indemnity for death*—(a) *Definitions.* As used in this section the word "indemnity" refers to the automatic indemnity which is payable solely by virtue of Part I, Public Law 23, 82d Congress, and the word "insurance" refers to National Service life insurance and or United States Government life insurance. The word "serviceman" refers to the person on whose service the payment of an indemnity is based.

(b) *General conditions of title.* The indemnity will be payable: *Provided,* That

(1) The serviceman's service and death comes within the purview of paragraph (c) of this section;

(2) The serviceman had either no insurance or insurance with a face value of less than $10,000 in force at the time of his death (paragraph (h) of this section);

(3) The rights to an indemnity are not barred by the forfeiture provisions outlined in paragraph (i) of this section; and that

(4) The serviceman was survived by a relative or relatives within the permitted class as stated in paragraph (d) of this section.

(c) *Basic requirements of service and death.* (1) The indemnity may be granted in claims based on active service rendered on or after June 27, 1950, in any of the categories described in this subparagraph. Death must have occurred in service, or, if the serviceman had been called to extended active duty for a period exceeding 30 days, the indemnity may be payable if death occurred within 120 days after separation or release from such active service.

(i) Active service in the Army, Navy, Air Force, Marine Corps, Coast Guard, or the reserve components thereof;

(ii) National Guard when called to active duty or active training duty for 14 days or more (the protection afforded for death occurring after separation from service is not extended unless the serviceman was called to extended active duty for a period exceeding 30 days);

(iii) Cadets and midshipmen at the United States Military, Naval, and Coast Guard Academies;

(iv) Commissioned officers of the Public Health Service while entitled to full military benefits as provided in section 212 (a) of the act of July 1, 1944, as amended;

(v) Commissioned officers of the Coast and Geodetic Survey while assigned to duty during a period of war or an emergency as proclaimed by the President or the Congress on projects for the Army, Navy, or Air Force in areas outside the continental United States or in Alaska or in coastal areas of the United States determined by the Department of Defense to be of immediate military hazard.

(2) The indemnity may be granted in claims where under the circumstances described in this subparagraph, the serviceman is deemed to have been in active service for the purposes of this Act at the time of his death. It should be borne in mind that under subdivision (i) of this subparagraph, death must have occurred while engaged in an aerial flight, and that under subdivision (ii) and (iii) of this subparagraph, death must have been due to a disability incurred under the conditions specified.

(i) Persons who served on or after June 27, 1950, in the reserve components, including the National Guard, while engaged in aerial flights in government owned or leased aircraft for any period with or without pay as an incident to military or naval training;

(ii) Persons who have been or are provisionally accepted on or after June 27, 1950, and directed to report to a place for final acceptance or for entry upon active duty in the military or naval service and who died or shall die as the result of disability incurred while en route to such place and within 120 days after the incurrence of such disability;

(iii) Registrants under the Selective Service Act of 1948, as amended, who on or after June 27, 1950, in response to an order to report for induction into the armed forces and who after reporting to a local draft board died or dies as the result of disability incurred while en route from such draft board to a designated induction station and within 120 days after the incurrence of such disability.

(d) *Persons entitled.* The indemnity is payable to the surviving spouse, child or children (including a stepchild, adopted child or an illegitimate child, if the latter was designated as beneficiary by the serviceman), parent (including a stepparent, parent by adoption, or person who stood in loco parentis to the serviceman at any time prior to entry into the active service for a period of not less than one year), brother or sister of the serviceman (including those of the half blood and those through adoption). Unless designated otherwise by the serviceman the term "parent" includes only the mother and father who last bore that relationship to the serviceman.

(e) *Determination of eligible persons.* The serviceman has the right to designate the beneficiary or beneficiaries of the indemnity within the classes designated in paragraph (d) of this section; to designate the proportion of the principal amount to be paid to each; and to change the beneficiary or beneficiaries without the consent thereof but only within the classes designated. If the designated beneficiary or beneficiaries do not survive the serviceman, or if none has been designated, the indemnity will be paid to the first eligible class of beneficiaries according to the order set forth in paragraph (d) of this section and in equal shares if the class is composed of more than one person. Any installments of an indemnity not paid to a beneficiary during such beneficiary's lifetime shall be paid to the named contingent beneficiary, if any; otherwise to the beneficiary or beneficiaries within the permitted class next entitled to priority. No payment shall be made to the estate of any deceased person.

(f) *Evidence requirements.* Proof of death of the serviceman shall, pursuant to this act, be established by certification by the Secretary of the Department concerned and relationship of the beneficiary will be shown by evidence as outlined in §§ 3.46, 3.50, and 3.55 of this chapter. The relationship of a brother or sister of the full blood or half blood shall be established by proof of birth as outlined in § 3.46 of this chapter, of both the serviceman and the claimant showing that both the serviceman and the claimant had one or both parents in common; a brother or sister by adoption, by proof of birth of the natural child and a certified copy of the court decree of adoption of the other child by one or both of the serviceman's parents. Proof of marriage or remarriage of a beneficiary will not be required solely for the purpose of establishing a change of name.

(g) *Method of payment.* The indemnity will be payable in 120 monthly installments beginning as of the date of death of the serviceman at the rate of $9.29 per month per thousand to the person or persons entitled. If there are 2 or more payees, and the equal or pro rata division of the monthly payment would normally require payments involving fractions of a cent, these fractions will be absorbed by reducing payment to one or more of the payees to the next lower cent and raising the payment to one or more of the payees to the next higher cent. If there is only one payee and payment of the monthly installment would otherwise involve a fraction of a cent, the amount will be increased to the next higher cent if the fraction is one-half cent or more, and will be decreased to the next lower cent if the fraction is less than one-half cent.

(h) *Amount of indemnity payable.* If at the date of death the serviceman had no insurance in force, the indemnity will be paid in the principal amount of $10,000. If the serviceman had insurance in force in an amount less than $10,000, the indemnity will be paid in the principal amount of $10,000, minus the face value of the insurance in force at the date of death. If insurance having a face value of $10,000 was in force at the date of death, the indemnity will not be payable.

(i) *Forfeiture.* Any person who is guilty of mutiny, treason, spying or desertion, or who because of conscientious objections refuses to perform services in the land or naval forces of the United States or refuses to wear the uniform of such force, forfeits all right to an indemnity under this act: *Provided*, That restoration to active duty after commission of any such offense restores all rights to the indemnity. It should be borne in mind that under this provision for restoration of rights upon restoration to active duty persons who have forfeited insurance rights under section 612, National Service Life Insurance Act of 1940, have not necessarily forfeited rights to the indemnity. No indemnity is payable for death inflicted as a lawful punishment for crime or for military or naval offense, except when inflicted by an enemy of the United States.

(j) *Other applicable laws.* The provisions of Public No. 262, 74th Congress (act of August 12, 1935), as amended, Titles II and III of Public No. 844, 74th Congress (act of June 29, 1936), as amended, and section 15 of Public No. 2, 73d Congress (act of March 20, 1933), insofar as they are applicable, shall apply to the provisions of Part I of the act.

(k) *Assignments.* Assignments of all or any part of the beneficiary's interest may be made by a beneficiary to any other person or persons within the permitted class of beneficiaries as specified in paragraph (d) of this section if all other persons having contingent rights of equal or greater priority to those of the assignee join in the assignment. Such an assignment shall not affect any payments made prior to its receipt by the Veterans Administration. Assignments may be made at any time subsequent to the death of the serviceman regardless of whether any installments have been paid. In the event of the death of the assignee prior to receiving all installments the remaining installments will become payable to the person(s) surviving in the permitted class set forth in paragraph (d) of this section and in the order of preference named in that paragraph. The privilege of assignment is available to persons whose title arises through devolution as well as to persons who are designated beneficiaries.

(l) *Attorneys' fees.* The payment of an attorney's fee as contemplated by section 201, Title II, Public No. 844, 74th Congress, shall not exceed $10 in any one claim and in all cases fees shall be deducted from the indemnity allowed (Instruction No. 1, Part I, Public Law 23, 82d Congress)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective May 19, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-5960; Filed, May 18, 1951; 8:52 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9425]

PART 3—RADIO BROADCAST SERVICES

FACSIMILE BROADCASTING

In the matter of amendment of Part 3, Subpart B, § 3.266 (b) of the Commission's rules and regulations, and section 1 and 8 of the Standards of Good Engineering Practice Concerning FM Broadcast Stations, pertaining to facsimile broadcasting.

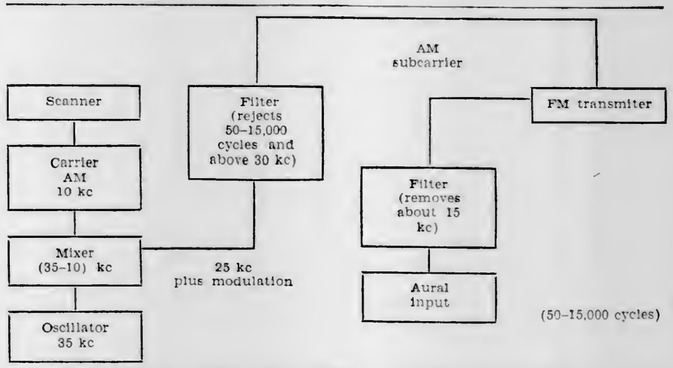
1. This proceeding was commenced at the instance of petitioner Radio Inventions, Inc. which later changed its name to Hogan Laboratories, Inc., and is so referred to hereinafter. Said petitioner, on May 27, 1949, filed a request for a rule making proceeding looking to amendment of § 3.266 (b) of the Commission's rules and regulations to permit multiplexing upon an unlimited time basis and to delete the present provision in said rules permitting degradation of the FM aural program to 10,000 cycles. In its petition, Hogan Laboratories alleged that it had developed a multiplexing system which, on bench tests, was found to cause neither degradation of the aural program below 15,000 cycles nor interference in standard FM sound receivers; that its multiplexing system complied with the specifications set forth by the Commission in Docket No. 8751;[1] and that the Commission should, accordingly, amend § 3.266 (b) to allow multiplex facsimile upon an unlimited time basis. Upon consideration of said petition, the Commission decided that it would be desirable to determine the over-all status of multiplex facsimile broadcasting before taking action thereon.

2. The initial notice of August 24, 1949, in this matter, announced that a hearing would be held before the Commission en banc on December 12, 1949, in Washington, D. C. A subsequent order, adopted November 16, 1949, provided that the hearing would be before Commissioner Jones. On December 6, 1949, Commissioner Jones granted the motion of petitioner Hogan Laboratories, Inc., the only party to file a timely appearance in the proceeding, to change the place of hearing from Washington, D. C. to New York City at the offices of Hogan Laboratories, Inc. The hearing was held on December 12, 1949. At the opening of the hearing, William S. Halstead personally appeared and requested the Hearing Officer to permit him to participate in the proceeding on behalf of Communications Research Corporation although no appearance had previously been filed on behalf of said Corporation; this request was granted.

3. The issues in the hearing were designed to obtain information concerning the development and status of multiplex facsimile and FM aural broadcasting; to determine public demand for such multiplexing service; to obtain full information concerning U. S. patents with claims directed to or covering multiplex facsimile transmitting systems or equipment; to determine whether multiplex facsimile broadcasting should be authorized upon an unlimited basis at this time; and, if so, to determine the transmission standards to be employed.

4. The only witnesses to testify at the December 12, 1949, hearing were John V. L. Hogan, on behalf of petitioner Hogan Laboratories, Inc. and William S. Halstead, on behalf of Communications Research Corporation. Mr. Hogan's testimony, supported by exhibits and demonstrations, was to the general effect that the Hogan Laboratories had developed a multiplexing system which satisfied the Commission's specifications[1] for an acceptable sound-facsimile multiplex broadcast service and that the art was now sufficiently developed to justify the amendment of the rules and regulations to delete the present 3 hour per day limitation thereon. He urged in addition, establishment of a standard subcarrier frequency for multiplexing (25 kc); continuation of amplitude modulation of the subcarrier as standard; and retention of the present rules governing simplex facsimile operation. Mr. Halstead, in his presentation, was in general agreement with Mr. Hogan's proposal, except that he recommended amendment of the present FM Engineering Standards, which provide only for amplitude modulation of the facsimile subcarrier, to authorize frequency modulation (frequency shift) of the facsimile subcarrier.

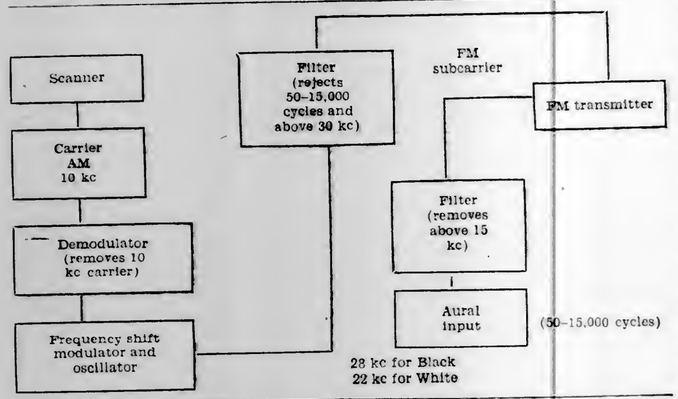
5. The Hogan Laboratories system employs for its facsimile signals a scanner which modulates a 10 kc carrier; this in turn introduces the output to a 35 kc oscillator and mixer, producing an "amplitude modulated" subcarrier of 25 kc. A filter used to remove frequencies below 15,000 cycles, ensures that no appreciable facsimile signals penetrate the aural range of frequencies. This "amplitude modulated" subcarrier and the normal FM aural signal are then introduced into the FM transmitter for transmission in the ordinary manner. The following block diagram illustrates the Hogan system:



6. The multiplexing system developed by Mr. Halstead also uses a scanner to modulate a 10 kc carrier; the resultant output is then connected to a demodulator for removing the 10 kc carrier: the demodulated signal is in turn introduced into a frequency shift modulator and oscillator, which provides at its output a "frequency modulated" subcarrier; this is fed into the FM transmitter for transmission along with the normal aural signals. This use of a subcarrier with frequency modulation (shift), corresponding to the facsimile signal before it enters the FM transmitter, contrasts

[1] The Commission's rules and regulations now provide for facsimile broadcasting on either a simplex or multiplex basis. In simplex facsimile, there is no FM aural program transmission on the FM carrier frequency during the facsimile broadcasting period; in multiplexing the FM aural and the facsimile programs are simultaneously transmitted on the FM carrier frequency. The present facsimile rules were promulgated in the Commission's Report and Order in Docket No. 8751, adopted June 9, 1948, which amended § 3.266 (b) of its rules and regulations, effective July 15, 1948, so as to allow FM broadcast stations to "transmit multiplex facsimile and aural broadcasting programs for a maximum of three hours between the hours 7 a. m. and midnight (no limit for the hours between midnight and 7 a. m.) in accordance with transmission standards set forth in the Standards of Good Engineering Practice Concerning FM Broadcast Stations: *Provided*, That the transmission of facsimile does not impair the quality of the aural programs below 10,000 cycles per second, and that a filter or other additional equipment is not required for receivers not equipped to receive facsimile." The same report and order stated that the Commission was "of the opinion that ultimately a suitable multiplex system must be developed if FM and facsimile are to operate in the same band. The Commission expects that extensive research will be undertaken looking toward the development of a multiplex facsimile system, particularly one which will not cause any degradation to the full tone range of which FM is capable." The Commission further observed in that Report that "All interested persons are strongly urged to continue multiplex experimentation so that a system can be developed at an early date which involves no degradation of the aural program below 15,000 cycles. In this way, simplex operation can be eliminated entirely and multiplex will be possible during all hours."

with the Hogan Laboratories' method of employing a subcarrier with amplitude modulation corresponding to the facsimile signals before it enters the FM transmitter. The following block diagram illustrates the Halstead system:



7. Concerning their basic claim, that their respective systems as a whole satisfy the Commission's requirement of an interference-free facsimile multiplexing scheme which involves no objectionable degradation of the aural programs simultaneously transmitted, it should be noted that both witnesses pitched their contentions in part upon tests apparently made largely or exclusively with FM receivers containing a de-emphasis circuit operating prior to their first audio stage: No evidence was introduced concerning whether any of the sets tested were of a type without de-emphasis prior to the first audio tube; and, while the former type of circuitry is found in most existing FM receivers—in some—principally FM-only or possibly FM-TV sets—the de-emphasis circuit is incorporated after the first audio stage, with the result that inter-modulation or other similar effects which may occur, may be considerably increased, owing to the presence of the facsimile signal at that point at its original amplitude. Also, for the most part, qualitative rather than quantitative tests were adduced at the hearing in support of the claim that both of these proposed facsimile systems do not degrade aural programs simultaneously transmitted below 15,000 cycles. The observations upon actual receivers, described by these witnesses as having been made at various locations while transmissions of their respective methods of multiplex facsimile were being conducted over FM broadcast stations, were the subjective observations of individuals listening to the test receivers.

8. The Hogan Laboratories, during August and September 1948, subjected their multiplexing system to certain "bench" tests[2] and conducted a series of qualitative field tests in conjunction with Station WQXR-FM New York City, in the course of which more than one hundred twenty standard FM receivers of more than twenty makes were checked, and no interference was found with the sound program caused by the simultaneous facsimile program;[3] during this entire testing period, it was asserted, no listeners to the regular WQXR-FM sound programs complained to the station of interference with the sound program. Similarly, during field tests involving a few test receivers, conducted for 9 hours with Station WFIL-FM, Philadelphia, Pa., for 5 days with Station WEAW, Chicago, Illinois, and for a total of 64 hours with Station WMAQ-FM, Chicago, Illinois, no interference or degradation was allegedly observed by the Hogan staff or other interested persons, and no letters or other communications were received from the listeners to the sound program tending to indicate that interference or degradation had been observed.

9. Concerning the Communications Research Corporation's system of multiplexing, Mr. Halstead testified that he conducted a series of tests in October and November, 1948, on behalf of Rural Radio Network, licensee of several FM stations located in the western portion of New York State, in which multiplex receiving and recording equipment was installed at Station WVFC, Ithaca, New York; WVFC received the Rural Radio Network's regular aural programs and the superimposed facsimile multiplexed signals after radio relay through the Network's Station WVCN, located at De Ruyter, New York, which is about fifty-two airline miles from Ithaca; facsimile recordings of the relayed multiplex facsimile signals were compared with recordings of the same subject matter as transmitted and received locally at the Ithaca station; and that no serious degradation of the facsimile copy was observed. Mr. Halstead stated, in addition, that inquiries made during the test period, of listeners to the Network's aural programs in many parts of New York State, whether they had observed interference or noise failed to elicit reports of interference at any time, although the facsimile multiplex signals were being transmitted by several of the Network's stations in addition to the aural program; and that for more than a week of the test period, operators at outlying stations of the Rural Radio Network were not even aware that facsimile multiplex signals had been superimposed upon the regular aural program, in spite of the fact that at each of these installations, high fidelity monitoring receivers and noise and distortion meters are in regular use. Similarly, no operator at the outlying stations assertedly reported traces

[2] In these tests, facsimile signals were applied to a multiplexer, the output of which was passed into a Boonton Type 78 FM signal generator. For the first measurements, no sound input was applied to the multiplexer. The deviation of the signal generator was set at plus or minus 5 kilocycles on the full black facsimile signal. The radio frequency FM output of the signal generator was connected to the antenna terminals of the radio receiver under test. The output of the receiver was passed through a 15-kilocycle low-pass filter and applied to the terminals of a Ballantine Type 300–A vacuum tube voltmeter. The low-pass filter was employed in order to ensure that the voltmeter would not respond to the inaudible carrier and side-band components, in the vicinity of 25 kilocycles, but would indicate any voltage injected in the full audible spectrum by the facsimile signal.

As an initial calibration procedure, the facsimile input to the multiplexer was disconnected and an audible tone was applied to the sound channel input of the multiplexer and its level adjusted to produce 100% (plus or minus 75 kilocycles deviation) modulation of the signal generator. The output of the system, as read on the Ballantine voltmeter, was recorded. In the interference test proper, the audio input tone was disconnected from the multiplexer and the facsimile input reconnected. The facsimile scanner was set to scan repeatedly a 110 lines per inch black and white raster in order to produce a continuous modulation of the 25-kilocycle subcarrier. The Ballantine voltmeter was carefully watched under this condition, but in no instance was there obtained a reading which could be attributed to interference caused by the facsimile signals. No reading of any sort obtained under these conditions was greater than 60 decibels below 100% modulation, and in no event, when a reading was obtained, did the reading change when the facsimile signals were applied and removed. A number of different receivers were tested quantitatively by the method just described. Among these were Pilotuners and General Electric Model 417–A FM receivers.

[3] Observations made during these tests showed that without exception no sound caused by the facsimile modulation could be heard in the loudspeaker, whether the sound carrier was or was not under modulation, whether the receiver was accurately tuned or slightly detuned, or whether the volume control was set normally or was purposely adjusted at an abnormally high level. In one instance a receiver was found to produce a weak interfering tone corresponding to facsimile modulation, but investigation showed that this particular machine was badly out of alignment, and that the interference disappeared when it was realigned and tuned.

of noise, or other indications of the transmission of facsimile at the time.[4]

10. Mr. Halstead in his testimony conceded the technical feasibility of the Hogan system of AM modulation of the facsimile subcarrier, but urged adoption of the frequency shift (FM) type of facsimile subcarrier modulation, upon the theory that it would lend itself better to a network operation based upon a progressive rebroadcasting technique.[5] Mr. Hogan, on the other hand, conceded at the hearing that use of FM for modulation of the facsimile subcarrier is feasible; he maintained, however, that such a system would be more complex, would require more parts, and that its performance would be no better than that of his own AM system. The countervailing financial and other testimony introduced upon this last point is not persuasive as to the marked superiority of either method: The key component involved in modifying a simplex facsimile receiver to a multiplex receiver is termed the multiplex adapter; the multiplex adapter itself is a minor element in the complete FM-Facsimile receiver and the remainder of the receiver is identical in the two systems of subcarrier modulation. Where the AM system of modulating the facsimile subcarrier is employed, the multiplex adapter is known as an AM multiplex adapter; where the FM system is used, the adapter is called an FM multiplex adapter; and where the adapter is designed to function upon either AM or FM modulation of the facsimile subcarrier, it is termed an AM-FM multiplex adapter. Hogan and Halstead both submitted cost data upon multiplex adapters; however, meaningful comparison of the two estimates is impossible because they were not made upon the same basis.[6]

11. Independent analysis of the circuit diagrams submitted by both parties impels us to the following conclusions concerning the cost of multiplex adapters: The cost of the Hogan AM multiplex adapter should be approximately the same as Halstead's FM multiplex adapter; the cost of modifying Halstead's FM multiplex adapter to an AM-FM adapter should be slight; the cost of modifying Hogan's AM adapter to an AM-FM adapter would double the cost of the AM adapter; the cost of a combination AM-FM multiplex adapter, designed as such from the outset, should not be appreciably more than the cost of either an AM or FM type of adapter alone; finally, the cost of the multiplex adapter would be a small portion of the cost of the complete FM-Facsimile receiver.

12. While the Commission would have preferred more extensive data before authorizing multiplexing on a full-time basis, it appears from a study of the record that approval of the multiplexing systems of either Hogan Laboratories, Inc. or Commercial Research Corporation involves no substantial danger that aural FM programs will be degraded and that both systems satisfy substantially the Commission's basic criteria as set forth in Docket No. 8751.[1] We accordingly conclude that § 3.266 (b) of the Commission's rules and regulations should be amended to permit multiplex facsimile upon an unlimited time basis, to delete the present provision permitting degradation of the FM aural program to 10,000 cycles, and to restore the requirement that the transmission of multiplex facsimile not reduce the quality of aural programs below that required by the FM Engineering Standards. It may be noted in this connection that the present requirement that no degradation result to the reception of aural programs by FM receivers not equipped with filters or other additional equipment to accommodate the facsimile signals is retained.

13. However, the record appears to be inconclusive as to the relative merits of the "Hogan" and "Halstead" systems of subcarrier modulation: Although the Hogan system has been field tested to a greater extent than Halstead's, no definitive comparative tests have been conducted to establish its relative ability to provide an interference-free non-degrading sound-facsimile broadcast service. In the absence of such factual data, adequate judgment upon the relative merits of the two systems cannot be made at this time.

14. But the present status of facsimile broadcasting seems to be such that an immediate final decision upon this aspect of multiplexing is not essential: Less than 10 FM licensees are now engaged in facsimile broadcasting upon any basis, and indications are that an extremely small number, if any, of home-type facsimile receivers are owned by the general public. In addition, as indicated in paragraph 11, the cost of the multiplex adapter is a very small part of the complete FM-Facsimile receiver, and a multiplex adapter designed to accommodate both systems (amplitude and frequency) of modulating the facsimile subcarrier costs little, if any, more than an AM or an FM type of adapter alone. Furthermore, facsimile receivers designed to operate on both systems of facsimile subcarrier modulation, would not suffer obsolescence if one or the other type of subcarrier modulation were eventually adopted as the exclusive standard. While the combination AM-FM multiplex adapter would no longer be necessary should either the AM or FM system of facsimile subcarrier modulation eventually be adopted as standard, in the meantime, interested persons would have the opportunity of promoting the fullest development of both systems.

15. Upon these facts, we are of the opinion that it would be advisable to allow a substantial developmental period to elapse for full investigation and exploitation of the respective potentialities of both systems before undertaking to choose finally between them. We therefore conclude that the Standards of Good Engineering Practice concerning FM broadcast stations should be amended to permit either amplitude or frequency modulation of the facsimile subcarrier.

16. In order to implement this determination, the order below amends the existing rules and FM Engineering Standards in the following manner: The existing provisions of the multiplex facsimile rules permitting degradation of aural programs to 10,000 cycles are deleted; the former standard of quality for aural programs is restored; multiplexing will be permitted upon an unlimited time basis; and either amplitude or frequency modulation of the facsimile subcarrier will be allowed.[7] Adoption of these amendments does not imply that we are according final approval to either the "Hogan" or "Halstead" system of subcarrier modulation. We are merely authorizing the use of both systems for an interim period in order to permit their unhampered development until sufficient factual data has been assembled to form an adequate basis for a final determination of the matter.

17. To obviate the possibility that subcarriers below 20 kc may continue to be employed for simplex facsimile, while subcarriers above 20 kc are utilized in multiplex facsimile—a result which would require additional switching operations to receive facsimile in the 88 to 108 mc band, when changing from simplex to multiplex reception—we are standardizing the subcarrier frequency and type of modulation utilized for simplex facsimile to conform to the determination made herein with regard to multiplex facsimile. In so doing, the degree of modulation of the FM transmitter by the facsimile subcarrier in simplex facsimile will be limited to 30 percent since this value of modulation will tend to restrict the side bands of the FM transmitter to approximately the same order of magnitude as is in-

[4] The record contains only one series of laboratory measurements indicating the non-degradation characteristics of Halstead's system. These were made with a General Electric Type YDA–1 Distortion and Noise Analyzer connected to the output terminals of a REL Type 646 FM receiver and allegedly demonstrated that when the receiver was tuned to resonance in the normal manner for reception of FM signals, no measurable noise in the audible range could be detected above the normal background noise of the receiver (above 60 db down with respect to 1 milliwatt on a 600 ohm line).

[5] Stations operating in this manner progressively rebroadcast the program of the station originating the network program; i. e., if the program originates at Station 1; Station 2 rebroadcasts Station 1; Station 3 rebroadcasts Station 2; Station 4 rebroadcasts Station 3; etc.

[6] Hogan included a labor cost in his estimate and Halstead did not; also, Halstead's estimate is based upon a 10,000 unit lot basis while Hogan's estimate appears to be upon the basis of small quantity production. In addition, Hogan's costs include a limiter-discriminator type of demodulator for Halstead's system, while Halstead proposes a slope filter unit to accomplish the demodulation. Hogan estimates that an AM multiplex adapter costs $11.14 and that modification of the unit to make it into an AM-FM adapter will cost an additional $14.83. Halstead estimates that an FM multiplex adapter will cost $3.36 and that modification of the unit to make it into an FM-AM adapter costs an additional $0.38.

[1] See footnote on p. 4717.

[7] So far as appears from this record, non-exclusive licenses may be obtained under unexpired U. S. patents that might be applicable to either the Hogan or the Halstead systems.

volved when modulating the transmitter 100 percent with frequencies in the range 50–15,000 cycles. For multiplex operation, the modulation of the FM transmitter by the subcarrier will be limited to 5 percent.* This value is somewhat lower than that suggested in the proposals of either Mr. Hogan or Mr. Halstead; however, both parties introduced testimony to the effect that a value as low as 5 percent had been tried and been found to produce satisfactory facsimile copy. Since multiplexing in its present early stage of development involves a number of unknown factors, such limitation of the facsimile modulation to the lowest practical value consistent with satisfactory operation appears reasonable.

18. Section 3.566 of the Commission's rules and regulations, providing for facsimile broadcasting by noncommercial educational FM stations, was not specifically in issue in this proceeding. However, consistently with the Commission's continuing intention to provide noncommercial educational FM stations parallel opportunities in facsimile broadcasting, § 3.566 is also amended to include provisions similar to the changes in the facsimile rules adopted herein for commercial FM stations.

19. Section 3.266 (a) does not require FM stations engaging in simplex facsimile broadcasting to notify the Commission of such operations. In order that the Commission may be fully apprised of developments in this field, §§ 3.266 (a) and 3.566 (a) are amended to require notification to the Commission of a station's intent to transmit simplex facsimile. The present provisions of §§ 3.266 (a) and 3.566 (a) requiring prior Commission approval of multiplex facsimile operations are retained.

It is therefore ordered, This 3d day of May 1951, that the following amendments to §§ 3.266 and 3.566 of the Commission's rules and regulations and section 8 (H) of the Standards of Good Engineering Practice Concerning FM Broadcast Stations be adopted, effective June 12, 1951:

1. Section 3.266 is amended to read as follows:

§ 3.266 *Facsimile broadcasting and multiplex transmission.* (a) FM broadcast stations may transmit simplex facsimile in accordance with transmission standards set forth in the Standards of Good Engineering Practice Concerning FM Broadcast Stations during periods not devoted to FM aural broadcasting. Such transmissions may not exceed one hour during the period between 7 a. m. and midnight (no limit for the hours between midnight and 7 a. m.) and may not be counted toward the minimum operation required by § 3.261. The Commission shall be notified by the licensee of the FM broadcast station of its intent to transmit such facsimile.

(b) FM broadcast stations may, upon securing authorization from the Commission, transmit multiplex facsimile in accordance with transmission standards set forth in the Standards of Good Engineering Practice Concerning FM Broadcast Stations; *Provided*, That the transmission of such facsimile does not reduce the quality of aural programs simultaneously transmitted by the licensee below that required by the Standards of Good Engineering Practice Concerning FM Broadcast Stations and that no degradation of such aural programs will result from such facsimile transmissions when received on FM receivers not equipped with filter or other additional equipment.

2. Section 3.566 is amended to read as follows:

§ 3.566 *Facsimile broadcasting and multiplex transmission.* (a) Noncommercial educational FM broadcast stations may transmit simplex facsimile in accordance with transmission standards set forth in the Standards of Good Engineering Practice Concerning FM Broadcast Stations during periods not devoted to FM aural broadcasting. Such transmissions may not exceed one hour during the period between 7 a. m. and midnight (no limit is placed upon the hours between midnight and 7 a. m.). The Commission shall be notified by the licensee of the Noncommercial Educational FM broadcast station of its intent to transmit such facsimile.

(b) Noncommercial educational FM broadcast stations may, upon securing authorization from the Commission, transmit multiplex facsimile in accordance with transmission standards set forth in the Standards of Good Engineering Practice Concerning FM Broadcast Stations: *Provided*, That the transmission of such facsimile does not reduce the quality of the aural program simultaneously transmitted by the licensee below that required by the Standards of Good Engineering Practice Concerning FM Broadcast Stations and that no degradation of such aural programs will result from such facsimile transmissions when received on FM receivers not equipped with filters or other additional equipment.

Section 8 (H) of the Standards of Good Engineering Practice Concerning FM Broadcast Stations is amended, in part, to read as follows:

7. Amplitude or frequency (frequency-shift) modulation of the subcarrier shall be used.

9. Negative modulation shall be used, i. e., for amplitude modulation of subcarrier, maximum subcarrier amplitude and maximum radio frequency swing on black; for frequency modulation of subcarrier, highest instantaneous frequency of subcarrier on black.

11. The facsimile subcarrier transmission shall be conducted in the frequency range between 22 and 28 kilocycles. Should amplitude modulation of the subcarrier be employed the subcarrier frequency shall be 25 kilocycles with side-bands extending not more than 3 kilocycles in either direction from the subcarrier frequency. Should frequency modulation of the subcarrier be employed the total swing of the subcarrier shall be within the range from 22 to 28 kilocycles, with 22 kilocycles corresponding to white and 28 kilocycles corresponding to black on the transmitted copy. In multiplex operation the modulation of the FM carrier by the modulated subcarrier shall not exceed 5 percent. In simplex operation the modulation of the FM carrier by the modulated subcarrier shall not exceed 30 percent.

12. During periods of multiplex facsimile transmission, frequency modulation of the FM carrier caused by the aural signals shall, in the frequency range from 20 to 30 kilocycles, be at least 60 db below 100 percent modulation. Frequency modulation of the FM carrier caused by the facsimile signals shall, in the frequency range from 50 to 15,000 cycles, be at least 60 db below 100 percent modulation.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

Released: May 4, 1951.

Note: Commissioner Coy, Chairman, dissenting.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5822; Filed, May 18, 1951; 8:48 a. m.]

*In the Hogan system, 6.67 percent modulation of the FM transmitter by the subcarrier was proposed; Mr. Halstead suggested 10 percent for single station operation and 15 percent for network operation.

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 316]

MANUFACTURERS' EXCISE TAXES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 3450 and 3791 of the Internal Revenue Code (53 Stat. 419, 467; 26 U. S. C. 3450, 3791).

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

In order to conform Regulations 46 (26 CFR Part 316), relating to excise taxes on sales by the manufacturer under Chapter 29 of the Internal Revenue Code, to the Revenue Act of 1950 (Public Law 814, 81st Congress, 2d Session), approved September 23, 1950, such regulations are hereby amended as follows:

PARAGRAPH 1. Section 316.0, as amended by Treasury Decision 5099, approved November 23, 1941, is further

amended by striking out paragraph (a) (3) and (4) and inserting in lieu thereof the following:

(3) Radios, television sets, and components; phonographs, phonograph records, and musical instruments;

(4) Mechanical refrigerators, quick-freeze units, and components, and air conditioning units;

PAR. 2. Section 316.2, as amended by Treasury Decision 5348, approved March 15, 1944, is further amended by adding at the end thereof the following new paragraphs.

(c) The amendment made by section 609 of the Revenue Act of 1950 which broadens the scope of section 3443 (a) (3) (A) (ii) with respect to credits and refunds in the case of articles used or resold for use for any of the purposes provided in section 3451, is effective with respect to articles purchased by the user thereof on or after November 1, 1950. (See § 316.204.)

(f) The taxes imposed on television receiving sets and quick-freeze units and components therefor by sections 3404 and 3405, as amended by sections 605 and 606 of the Revenue Act of 1950, are effective with respect to sales by the manufacturer on or after November 1, 1950.

PAR. 3. Section 316.3, as amended by Treasury Decision 5348, is further amended by adding at the end thereof the following new paragraph:

(g) Manufacturers, producers, or importers of television receiving sets and quick-freeze units and components therefor are required to pay tax on all such articles sold and delivered on and after November 1, 1950. However, if the purchaser obtained possession or the right to possession of an existing television receiver or quick-freeze unit prior to November 1, 1950, no tax is due on the sale of such television receiver or quick-freeze unit.

PAR. 4. Immediately preceding § 316.7 there is inserted the following:

SEC. 553. ADMINISTRATIVE CHANGES IN MANUFACTURERS' EXCISE TAX TITLE OF CODE [Revenue Act of 1941, approved September 20, 1941].

* * * * * * *

(d) *Credits, and tax free sales of automobile radios.* Section * * * 3444 (a) (1) and (2) of the Internal Revenue Code (relating to tax in case of sale of tires to manufacturers of automobiles, etc., and credit on sale) are amended by striking out "tires or inner tubes" wherever appearing therein and inserting "tires, inner tubes, or automobile radios taxable under section 3404"; and by striking out "tire or inner tube" wherever appearing therein and inserting "tire, inner tube, or automobile radio taxable under section 3404". * * *

* * * * * * *

SEC. 605. TELEVISION RECEIVING SETS [Revenue Act of 1950, approved September 23, 1950].

* * * * * * *

(d) *Technical amendments.*

* * * * * * *

(3) Section * * * and section 3444 (a) are amended by striking out "automobile radio" wherever appearing therein and inserting in lieu thereof "automobile radio or television receiving set".

PAR. 5. Paragraphs (a) and (b) of § 316.7 are amended to read as follows:

§ 316.7 *Tax on use by manufacturer, producer, or importer.* (a) If a person manufactures, produces, or imports an article covered by the regulations, in this part except a tire, inner tube, or automobile radio or television receiving set, and uses it for any purpose (other than as material in the manufacture or production of, or as a component part of, another article manufactured or produced by him which will be taxable or sold free of tax under the provisions of § 316.21 or § 316.22), he shall be liable for tax with respect to the use of such article in the same manner as if it were sold by him.

(b) If a person manufactures, produces, or imports tires, inner tubes, or automobile radio or television receiving sets, and sells them on or in connection with, or with the sale of, articles taxable under section 3403 (a) or (b) of the Internal Revenue Code, or if he uses them for any purpose whatever, he shall be liable for tax in such cases as if such tires, inner tubes, or automobile radio or television receiving sets were sold by him as separate articles. The tax will be computed at the rates prescribed by section 3400 or section 3404. (See §§ 316.30 to 316.32, inclusive, and § 316.54.)

PAR. 6. Immediately preceding § 316.20, there is inserted the following:

SEC. 553. ADMINISTRATIVE CHANGES IN MANUFACTURERS' EXCISE TAX TITLE OF CODE [Revenue Act of 1941, Approved September 20, 1941].

* * * * * * *

(d) *Credits, and tax free sales of automobile radios.* Section 3442, * * * of the Internal Revenue Code (relating to tax in case of sale of tires to manufacturers of automobiles, etc., and credit on sale) are amended by striking out "tires or inner tubes" wherever appearing therein and inserting "tires, inner tubes, or automobile radios taxable under section 3404"; and by striking out "tire or inner tube" wherever appearing therein and inserting "tire, inner tube, or automobile radio taxable under section 3404".

* * * * * * *

SEC. 605. TELEVISION RECEIVING SETS [Revenue Act of 1950, approved September 23, 1950.].

* * * * * * *

(c) *Technical amendments.*

* * * * * * *

(2) The last sentence of section 3442 is hereby amended by striking out "automobile radios" and inserting in lieu thereof "automobile radio or television receiving sets".

* * * * * * *

PAR. 7. The first sentence of § 316.20 (a) is amended by striking out the words "tire or inner tube" and inserting in lieu thereof the words "tire, inner tube, or automobile radio or television receiving set".

PAR. 8. Section 316.21 is amended as follows:

(A) By striking out in paragraph (a) "(other than a tire or inner tube)" and inserting in lieu thereof: "(other than a tire, inner tube, or automobile radio or television receiving set)".

(B) By striking out in paragraph (c) the words "tires and inner tubes" and inserting in lieu thereof the words: "tires, inner tubes, or automobile radio or television sets".

PAR. 9. Immediately preceding § 316.54 there is inserted the following:

SEC. 605. TELEVISION RECEIVING SETS [Revenue Act of 1950, approved September 23, 1950].

* * * * * * *

(b) *Credit for tax paid on automobile television receiving sets.* Section 3403 (c) is hereby amended to read as follows:

(c) If tires, inner tubes, or automobile radio or television receiving sets on which tax has been imposed under this chapter are sold on or in connection with, or with the sale of, a chassis, body, or motorcycle, there shall (under regulations prescribed by the Secretary) be credited against the tax under this section an amount equal to, in the case of an article taxable under subsection (a), 5 percentum, and in the case of an article taxable under subsection (b), 7 percentum—

(1) of the purchase price (less, in the case of tires, the part of such price attributable to the metal rim or rim base) if such tires or inner tubes were taxable under section 3400 (relating to tax on tires and inner tubes) or, in the case of automobile radio or television receiving sets, if such sets were taxable under section 3404; or

(2) if such tires, inner tubes, or automobile radio or television receiving sets were taxable under section 3444 (relating to use by manufacturer, producer, or importer), then of the price (less, in the case of tires, the part of such price attributable to the metal rim or rim base) at which such or similar tires, inner tubes, or sets are sold, in the ordinary course of trade, by manufacturers, producers, or importers thereof, as determined by the Secretary.

PAR. 10. Section 316.54, as amended by Treasury Decision 5099 (26 CFR 316.54), is further amended as follows:

(A) By striking out the heading and inserting in lieu thereof: "§ 316.54 *Credit for taxes on tires, inner tubes, automobile radio or television receiving sets.*"

(B) By striking out the words "automobile radios" wherever they appear in paragraphs (a) and (b) and inserting in lieu thereof the words "automobile radio or television receiving sets".

(C) By amending paragraph (d) to read as follows:

(d) Sales of articles taxable under section 3403 (a) and (b) originally equipped with tax-paid tires, inner tubes, or automobile radio or television receiving sets to an exempt governmental agency for its exclusive use are not properly to be regarded as resales of tires, inner tubes or automobile radio or television receiving sets, as such, so as to entitle the manufacturer of such tires, inner tubes, or automobile radio or television receiving sets to a credit or refund of the amount of tax paid by him thereon.

PAR. 11. Immediately preceding § 316.55, there is inserted the following:

SEC. 605. TELEVISION RECEIVING SETS (Revenue Act of 1950, approved September 23, 1950).

* * * * * * *

(c) *Technical amendments.* (1) The first sentence of section 3403 (c) is hereby amended by striking out "radios" and inserting in lieu thereof: "radio and television receiving sets".

* * * * * * *

PAR. 12. Section 316.55, as amended by Treasury Decision 5039, is further

amended by striking out the words "and automobile radios" in paragraph (a) thereof and inserting the words "or automobile radio or television receiving sets".

PAR. 13. Immediately preceding § 316.60, there is inserted the following:

SEC. 605. TELEVISION RECEIVING SETS (Revenue Act of 1950, approved September 23, 1950).

(a) *Imposition of tax on television receiving sets.* So much of section 3404 (manufacturers' excise tax on radio receiving sets) as precedes subsection (c) is hereby amended to read as follows:

SEC. 3404. TAX ON RADIO RECEIVING SETS, TELEVISION RECEIVING SETS, PHONOGRAPHS, PHONOGRAPH RECORDS, AND MUSICAL INSTRUMENTS.

There shall be imposed upon the following articles (including in each case, except in the case of musical instruments, parts or accessories therefor sold on or in connection with the sale thereof) sold by the manufacturer, producer, or importer a tax equivalent to 10 per centum of the price for which sold:

(a) Radio receiving sets, automobile radio receiving sets, television receiving sets, automobile television receiving sets, phonographs, and combinations of any of the foregoing.

(b) Chassis, cabinets, tubes, speakers, amplifiers, power supply units, antennae of the "built-in" type, and phonograph mechanisms, which are suitable for use on or in connection with, or as component parts of, any of the articles enumerated in subsection (a), whether or not primarily adapted for such use.

PAR. 14. Sections 316.60 and 316.61, as amended by Treasury Decision 5099, are further amended to read as follows:

§ 316.60 *Scope of tax.* (a) The tax attaches to the sale by the manufacturer of (1) radio receiving sets, automobile radio receiving sets, television receiving sets, automobile television receiving sets, phonographs, and combinations of any of the foregoing; (2) chassis, cabinets, tubes, speakers, amplifiers, power supply units, antennae of the "built-in" type and phonograph mechanisms, which are suitable for use on or in connection with, or as component parts of, radio receiving sets, automobile radio receiving sets, television receiving sets, automobile television receiving sets, phonographs, or combinations of any of the foregoing, regardless of whether such components are primarily adapted for such use; (3) phonograph records; and (4) musical instruments. Parts and accessories for such articles (except musical instruments) are subject to the tax when sold on or in connection with the sale thereof.

(b) Automobile radio or television receiving sets may not be sold tax free to manufacturers of automobiles under the provisions of either section 3442 or section 3403 (c), as amended.

(c) Automatic devices for playing or repeating records, phonograph pick-ups, and similar devices are subject to the tax if sold on or in connection with or with the sale of radio receiving sets, automobile radio receiving sets, television receiving sets, automobile television receiving sets, phonographs, and combinations thereof.

§ 316.61 *Radio, television, phonograph components.* (a) The term "chassis" includes radio or television receiving apparatus of all types.

(b) The term "cabinets" includes containers suitable for housing radio receiving sets, automobile radio receiving sets, television receiving sets, automobile television receiving sets, phonographs, and combinations of the foregoing.

(c) The term "tubes" includes vacuum tubes of all types suitable for use in connection with or as a part of radio receiving sets, automobile radio receiving sets, television receiving sets, automobile television receiving sets, or phonographs.

(d) The term "speakers" includes all devices for use in converting electrical impulses to sound whether or not equipped with coupling units, (but not including ear phones) which are suitable for use on or in connection with or as a part of radio receiving sets, automobile radio receiving sets, television receiving sets, automobile television receiving sets, phonographs and any combinations thereof.

(e) The term "amplifiers" includes all apparatus for the amplification of audio frequency impulses which are suitable for use in connection with or as parts of radio receiving sets, automobile radio receiving sets, television receiving sets, automobile television receiving sets, or phonographs.

(f) The term "power supply units" includes all devices which are suitable for use on or in connection with or as part of radio receiving sets, automobile radio receiving sets, television receiving sets, automobile television receiving sets, phonographs, and combinations of any of the foregoing which convert electric current of ordinary commercial and domestic voltages into electric current of voltages suitable for operating such articles.

(g) The term "antennae of the 'built-in' type" includes all types of aerials of the kind contained in a radio receiving set, automobile radio receiving set, television receiving set, automobile television receiving set, or combination thereof.

(h) The term "phonograph mechanisms" includes devices which are suitable for use in combination radio and phonograph sets, or phonographs for the purpose of playing records.

(i) The articles defined in this section are subject to the tax regardless of whether such articles are primarily adapted for use in connection with radio receiving sets, automobile radio receiving sets, television receiving sets, automobile television receiving sets, phonographs, or combinations of any of the foregoing.

PAR. 15. Immediately preceding § 316.70, there is inserted the following:

SEC. 606. IMPOSITION OF TAX ON QUICK-FREEZE UNITS [Revenue Act of 1950, approved September 23, 1950].

So much of section 3405 (manufacturers' excise tax on mechanical refrigerators and air-conditioning units) as precedes subsection (c) is hereby amended to read as follows:

SEC. 3405. TAX ON MECHANICAL REFRIGERATORS, QUICK-FREEZE UNITS, AND SELF-CONTAINED AIR-CONDITIONING UNITS.

There shall be imposed on the following articles (including in each case parts or accessories therefor sold on or in connection with the sale thereof) sold by the manufacturer, producer, or importer a tax equivalent to 10 per centum of the price for which so sold:

(a) *Refrigerators and quick-freeze units.* Household type refrigerators (for single or multiple cabinet installations) having, or being primarily designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline; household type units for the quick freezing or frozen storage of foods, operated by electricity, gas, kerosene, or gasoline; combinations of such household type refrigerators and units.

(b) *Refrigerating and freezing apparatus.* Cabinets, compressors, condensers, condensing units, evaporators, expansion units, absorbers, and controls (hereinafter referred to as "refrigerator components") for, or suitable for use as parts of or with, household type refrigerators or quick-freeze units of the kind described in subsection (a), except when sold as component parts of complete refrigerators, refrigerating or cooling apparatus, or quick-freeze units. Under regulations prescribed by the Secretary, the tax under this subsection shall not apply in the case of sales of any such refrigerator components by the manufacturer, producer, or importer to a manufacturer or producer of refrigerators, refrigerating or cooling apparatus, or quick-freeze units. If any such refrigerator components are resold by such vendee otherwise than on or in connection with, or with the sale of, complete refrigerators, refrigerating or cooling apparatus, or quick-freeze units, manufactured or produced by such vendee, then for the purposes of this section the vendee shall be considered the manufacturer or producer of the refrigerator components so resold.

PAR. 16. Section 316.70, as amended by Treasury Decision 5099, approved April 7, 1949, is further amended as follows:

(A) By striking out the heading of paragraph (b) and inserting in lieu thereof the following: "(b) *For the period November 1, 1942, to October 31, 1950.*"

(B) By adding a new paragraph (c) to read as follows:

(c) *For the period beginning November 1, 1950.* (1) Subsection (a) of section 3405, as amended by section 606 of the Revenue Act of 1950, imposes a tax on the sale by the manufacturer of household type refrigerators (for single or multiple cabinet installations) having, or being primarily designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline, and of household type units for the quick freezing or frozen storage of foods operated by electricity, gas, kerosene, or gasoline, and combinations of such units and household type refrigerators, including in each case parts or accessories therefor sold on or in connection with the sale thereof.

(2) The term "household type refrigerator" includes refrigerators for single or multiple cabinet installations, which (i) are designed for domestic use, (ii) are arranged to provide refrigerated storage space for the preservation of food products or low temperature space for making ice cubes and frozen desserts, (iii) have a net storage space not exceeding 14 cubic feet, and (iv) have, or are primarily designed for use with, a mechanical refrigerator unit operated by electricity, gas, kerosene, or gasoline.

(3) The term "household type units for the quick freezing or frozen storage of foods" includes units solely for the quick freezing of foods or solely for the storage of frozen foods and combination freezer and storage units for rural or urban home use. Units designed and constructed solely for commercial, industrial, or scientific purposes are not taxable.

(4) A manufacturer of household type refrigerators or household type units for the quick freezing or frozen storage of foods taxable under section 3405 (a) or other refrigerators or refrigerating or cooling apparatus may purchase tax free for use as a component in the manufacture of such articles any of the refrigerating and freezing apparatus specified in section 3405 (b). (See § 316.71.) However, if any of the refrigerating or freezing apparatus specified in section 3405 (b) is purchased tax paid and used as a component in the manufacture of a household type refrigerator or household type unit for the quick freezing or frozen storage of foods taxable under section 3405 (a), as amended, the manufacturer of such refrigerator or unit may be allowed a credit to the extent of the tax paid on the refrigerating or freezing apparatus so used as a component. (See § 316.204.)

(5) The tax does not apply to refrigerator cabinets which are primarily designed for use without a mechanical refrigerating unit.

(6) Combinations of household type units for the quick freezing or frozen storage of foods and household type refrigerators are taxable only if the normal temperature refrigerator portion has a net storage space not exceeding 14 cubic feet.

PAR. 17. Section 316.71, as amended by Treasury Decision 5189, approved November 30, 1942, is further amended as follows:

(A) By striking out the heading for paragraph (b) and inserting in lieu thereof the following: "(b) *For the period November 1, 1942, to October 31, 1950, inclusive.*"

(B) By adding at the end thereof the following new paragraph:

(c) *For the period beginning November 1, 1950.* Subsection (b) of section 3405, as amended by section 606 of the Revenue Act of 1950, imposes a tax on sales by the manufacturer of cabinets, compressors, condensers, condensing units, evaporators, expansion units, absorbers, and controls for, or suitable for use as parts of or with, household type refrigerators or quick-freeze units of the type described in section 3405 (a) of the Internal Revenue Code, as amended by section 606 of the Revenue Act of 1950, including in each case parts or accessories therefor sold on or in connection with the sale thereof. Sales of such refrigerating apparatus as component parts of complete refrigerators, household type units for the quick freezing or frozen storage of foods, or refrigerating or cooling apparatus are not subject to tax.

PAR. 18. Section 316.72, as amended by Treasury Decision 5189, and § 316.73, as amended by Treasury Decision 5099, are renumbered sections 316.73 and 316.74, respectively, and a new § 316.72 is inserted immediately following § 316.71 to read as follows:

§ 316.72 *Application of tax.* (a) Where a household type refrigerator or quick-freeze unit is sold, the tax is based upon the sale price of the assembly, which includes all components, and all parts and accessories therefor, sold on or in connection with, or with the sale of, the refrigerator or quick-freeze unit.

(b) If a manufacturer of household type refrigerators or quick-freeze units buys refrigerator components upon which tax has been paid he may take credit against the tax due on his sale of completed household type refrigerators or quick-freeze units to the extent of any tax paid on refrigerator components forming a part of such refrigerators. (See § 316.204.)

(c) A manufacturer of refrigerator components, as specified in section 3405 (b) of the Internal Revenue Code, may sell such components tax free to a manufacturer of refrigerators, refrigerating or cooling apparatus, or quick-freeze units, without regard to whether such refrigerators, apparatus, or units are taxable. To establish the right to exemption from tax on such sale by the manufacturer of the refrigerator component, it is necessary that he obtain from the purchaser a properly executed exemption certificate substantially in the form prescribed in this section.

(d) This exemption from tax does not apply in the case of a sale of refrigerator components by the manufacturer thereof to a wholesaler, jobber, dealer, etc., where such wholesaler, jobber, dealer, etc., does not qualify as a manufacturer of refrigerators, refrigerating or cooling apparatus, or quick-freeze units.

(e) Under section 3405 (b) of the Code a manufacturer who purchases a refrigerator component tax free under an exemption certificate is considered the manufacturer of the component so purchased and is liable for the tax on the resale thereof unless (1) such component is resold on or in connection with, or with the sale of a complete refrigerator, refrigerating or cooling apparatus, or quick-freeze unit manufactured or produced by him or (2) such resale is otherwise exempt from tax, such as sale for export, sale to other manufacturers of refrigerating equipment, etc.

(f) Following is the form of exemption certificate which will be acceptable for purposes of this section and which must be adhered to in substance:

EXEMPTION CERTIFICATE

---------- 19----
(Date)

(To support tax free sales under section 3405 (b) of the Internal Revenue Code, as amended by section 606 of the Revenue Act of 1950.)

The undersigned hereby certifies that he is a manufacturer or producer of refrigerators, refrigerating and cooling apparatus, or quick-freeze units and that the refrigerator components specified in the accompanying order No. ____, or purchased within the period from ---------- to ---------- (such period shall not exceed six months) are purchased tax free by virtue of the provisions of section 3405 (b) of the Internal Revenue Code.

It is understood that if any of the refrigerator components purchased under this certificate are resold by the undersigned otherwise than on or in connection with or with the sale of complete refrigerators, refrigerating or cooling apparatus or quick-freeze units manufactured or produced by him, the undersigned is considered the manufacturer or producer of the articles purchased hereunder and unless such resale is otherwise exempt must pay the tax on his sales of such refrigerator components, as provided in section 3405 (b) of the Internal Revenue Code. Thus, the undersigned is liable for tax on all resales of such refrigerator components for repair or replacement purposes on either household or commercial refrigeration equipment.

It is further understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to a fine of not more than $10,000, or to imprisonment of not more than five years or both, together with cost of prosecution.

---------- Name

---------- Address

(g) If it is impracticable to furnish a separate exemption certificate for each order, a certificate covering all orders between given dates (such period not to exceed six months) will be acceptable.

(h) The certificate, with supporting orders, invoices, etc., must be maintained by the manufacturer, producer, or importer of the refrigerator components for a period of not less than four years from the date on which the tax free sale is made.

(i) Where the certificate is not obtained prior to the time the manufacturer thereof is required to file a return covering taxes due for the month during which the sale was made he should include the tax on such sale in his return for that month. However, if the certificate is later obtained a claim for refund of tax paid may be filed on Form 843, or a credit taken upon a subsequent return, but such action must be taken within the four year period of limitation prescribed by section 3313 of the Code.

(j) For provisions relating to tax free sales for the further manufacture of taxable articles see §§ 316.21 to 316.23, inclusive.

PAR. 19. Immediately preceding § 316.204, there is inserted the following:

SEC. 605. TELEVISION RECEIVING SETS [Revenue Act of 1950, approved September 23, 1950].

* * * * *

(c) *Technical amendments.*

* * * * *

(3) Section 3443 (a) (1) and section * * * are amended by striking out "automobile radio" wherever appearing therein and inserting in lieu thereof "automobile radio or television receiving set".

SEC. 609. ARTICLES SOLD FOR USE OF AIRCRAFT ENGAGED IN FOREIGN TRADE [Revenue Act of 1950, approved September 23, 1950].

Effective with respect to articles purchased (by the user thereof) on or after the first day of the first month which begins more than ten days after the date of the enactment of this Act, section 3443 (a) (3) (A) (ii) (relating to refunds in the case of

articles used or resold for use as ships' stores, etc.) is hereby amended to read as follows:

(ii) used or resold for use for any of the purposes, but subject to the conditions, provided in section 3451;

PAR. 20. Section 316.204, as amended by Treasury Decision 5697, approved April 7, 1949, is further amended as follows:

(A) By inserting the words "or television receiving set" after the word "radio" in the first sentence of paragraph (a).

(B) By striking out paragraph (k) (which paragraph begins with "The provisions of section 3451") and inserting in lieu thereof the following:

(k) (1) Under the provisions of section 3443 (a) (3) (A) (ii), prior to November 1, 1950, no credit or refund was allowable with respect to tax paid on articles sold for use on certain aircraft, even though it was known at the time of the sale that the articles would be so used. By virtue of the provisions of section 609 of the Revenue Act of 1950, a manufacturer may be allowed a refund, or may take credit against the tax shown to be due upon any subsequent monthly return, in the amount of tax paid by him with respect to the sale of any article which is used, or resold for use on or after November 1, 1950, for any of the purposes, but subject to the conditions, provided in section 3451. (See § 316.28.) Refund or credit will be made or allowed in such cases only upon the submission of the evidence required by the preceding paragraphs relating to transactions within the scope of section 3443 (a) (3) (A).

(2) Where articles are sold by the manufacturer in accordance with the provisions of section 317 (b) of the Tariff Act of 1930, as added by the Act approved June 25, 1938, for use as supplies (including equipment) upon, or in the maintenance or repair of, aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, the manufacturer who paid the tax to the Government may be allowed a refund or may take credit against the tax due upon any subsequent monthly return, provided he has in his possession the evidence outlined in § 316.29.

(53 Stat. 419, 467; 26 U. S. C. 3450, 3791)

[F. R. Doc. 51-5849; Filed, May 18, 1951; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR, Parts 1, 2, 23]

[Order 2633]

GENERAL RULES AND REGULATIONS; RECREATIONAL AREAS

NOTICE OF PROPOSED RULE MAKING

MAY 9, 1951.

Pursuant to section 4(a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238, 5 U. S. C. 1003), and the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535, 16 U. S. C. 3), notice is hereby given that the Secretary of the Interior intends to take the following action:

A. To amend Part 1—General Rules and Regulations of the National Park Service, in the following respects:

1. Section 1.0 *General provisions* is amended to delete the words "the Lake Mead Recreational Area."

2. Paragraph (e), § 1.1 *Definitions* is amended to delete the words "Lake Mead Recreational Area."

3. Section 1.4 *Fishing* is amended as follows:

Paragraph (a) is amended to delete the words "the Lake Mead Recreational Area."

Paragraph (m) is revoked.

4. Paragraph (f), §1.9 *Protection of wildlife* is revoked.

5. Section 1.27 *Prospecting and mining* is amended to delete the second sentence thereof reading as follows: "Mineral lands within the Lake Mead Recreational Area may, in the discretion of the Secretary, be opened to location, entry, and patent under the general mining laws, under the provisions of the act of April 23, 1932 (47 Stat. 136; 43 U. S. C., 1946 ed., sec. 154)."

6. Paragraph (a) of § 1.36 *Commercial automobiles and busses* is amended to delete the words "Lake Mead Recreational Area (except the Kingman-Las Vegas Highway)."

7. Paragraph (a) of § 1.61 *Aircraft* is amended as follows:

Subparagraph (5) *Lake Mead Recreational Area, Arizona and Nevada* is revoked.

Subparagraph (6) *Katmai National Monument, Alaska* is redesignated subparagraph (5).

B. To revoke Part 23—Lake Mead Recreational Area; Operation of Privately Owned Boats, in its entirety.

C. To add to Chapter I a new Part 2—General Rules and Regulations, National Recreational Areas, reading as follows:

Sec.
2.1 General provisions.
2.2 Definitions.
2.3 Camping.
2.4 Picnicking.
2.5 Hunting and trapping.
2.6 Fishing.
2.7 Swimming and bathing.
2.8 Firearms and explosives.
2.9 Fires.
2.10 Public property; miscellaneous provisions.
2.11 Sanitation.
2.12 Begging.
2.13 Disorderly conduct.
2.14 Pets.
2.15 Aircraft.
2.16 Abandonment of property.
2.17 Accidents.
2.18 Impounding of animals.
2.19 Grazing and agricultural use.
2.20 Private and commercial uses.
2.21 Advertisements.
2.22 Prospecting and mining.
2.23 Motion and sound pictures.
2.24 Closing of area.
2.25 Radios, television sets, and public address systems.
2.26 Vehicles.
2.27 Houseboats.
2.28 Boats, private.
2.29 Boats, commercial.
2.30 Restricted waters.
2.31 Speed of water-borne craft.
2.32 Exceptions.
2.33 Obstructions.
2.34 Compliance with Federal laws and regulations.
2.35 Discrimination in furnishing public accommodations.
2.61 Penalties.

§ 2.1 *General provisions.* (a) The regulations in this part shall be applicable to the following National Recreational Areas:

(1) Lake Mead National Recreational Area, Arizona and Nevada, administered by the National Park Service, Department of the Interior, in cooperation with the Bureau of Reclamation and the Bureau of Indian Affairs, Department of the Interior, pursuant to a memorandum of agreement between the National Park Service and the Bureau of Reclamation, approved October 13, 1936, as amended by supplemental agreement between said two agencies, approved July 18, 1947, and as further detailed in a cooperative agreement between the National Park Service and the Bureau of Indian Affairs approved November 11, 1937.

(2) Millerton Lake National Recreational Area, California, administered by the National Park Service, Department of the Interior, in cooperation with the Bureau of Reclamation, Department of the Interior, as detailed in a memorandum of agreement between the two agencies, approved May 22, 1945.

(3) Coulee Dam National Recreational Area, Washington, administered by the National Park Service, Department of the Interior, in cooperation with the Bureau of Reclamation and the Bureau of Indian Affairs, Department of the Interior, as detailed in a memorandum of agreement among the three agencies, approved December 18, 1946.

(b) The regulations in this part, however, shall not be applicable to any of the activities of the Bureau of Reclamation, its officers, employees, agents, or contractors in connection with the construction or operation and maintenance of the works of the respective reclamation projects directly associated with any of the above-mentioned areas.

(c) The regulations in this part shall not apply to or on any of the trust or restricted Indian Lands, either tribally or individually owned, within any of the above-described areas.

§ 2.2 *Definitions.* As used in the regulations in this part, unless otherwise indicated:

(a) The term "Secretary" means the Secretary of the Interior.

(b) The term "Director" means the Director of the National Park Service.

(c) The term "Regional Director" means the administrative officer in charge of a region of the National Park Service.

(d) The term "Superintendent" means the administrative officer in charge of a national recreational area to which the regulations in this part are applicable, or his authorized representative.

(e) The term "areas" means the national recreational areas to which the regulations in this part are applicable.

(f) (1) The term "Lake Mead National Recreational Area" means the property owned by the United States, including the water surface of Lake Mead and Lake Mohave, within that portion of the Boulder Canyon Project which is administered by the National Park Service, shown outlined in green on a map thereof (Drawing by Thomas 8-3-49, Division of Landscape Architecture, Region Three, National Park Service, Department of the Interior).[1]

(2) The term "Millerton Lake National Recreational Area" means the property owned by the United States, including the water surface of Millerton Lake, within that portion of the Friant Division of the Central Valley Project which is administered by the National Park Service, shown outlined in green on a map thereof (Drawing No. F 1062B, dated April 3, 1942, Rev. 10-7-43 of Friant Division).[1]

(3) The term "Coulee Dam National Recreational Area" means the property owned by the United States, including the water surface of Roosevelt Lake, within that portion of the Columbia Basin Project which is administered by the National Park Service, shown outlined in green on the set of maps comprising 4 sheets numbered RA-CD-7001, 2, 3, and 4, dated April 15, 1946.[1] Nothing contained in the regulations in this part, however, shall be construed as, in any way, conflicting with the paramount rights of the Indians of the Spokane and Colville Reservations to use for hunting, fishing, and boating purposes, the areas set aside by the Secretary of the Interior pursuant to the act of June 29, 1940 (54 Stat. 703), which areas are designated on the above-mentioned maps as the Spokane Indian Zone and the Colville Indian Zone, respectively.

(g) The term "commercial boat" shall include any barge, raft, canoe, rowboat, motorboat, motor vessel, or other craft kept or used for rental or for carrying passengers for hire or used in transporting movable property for a fee or profit, either as a direct charge to a second party, or as an incident to other services provided to the second party, or in connection with any business.

(h) The term "private boat" shall include any raft, canoe, rowboat, motorboat, motor vessel, or other craft which may be placed on or operated upon the waters of the areas for the private recreational use of the owner or operator, and for which no fee or other charge is made by any person, firm or corporation in connection with the use thereof on the waters of the areas.

(i) The term "water-borne craft" shall include private and commercial boats as defined herein.

§ 2.3 *Camping.* (a) No camping is permitted outside the campgrounds designated by the Superintendent, except when necessary in connection with trips to isolated sections of the areas.

(b) The Superintendent may establish limitations on the time allowed for camping in any public camping grounds, and upon the posting of such limitation no person, party, or organization shall camp for a period longer than that specified for the particular campgrounds.

(c) The Superintendent may establish hours during which quiet must be maintained in campgrounds.

(d) In the discretion of the Superintendent, campers using trailers may be required to occupy separate camping sites.

(e) Overnight camping is prohibited in picnic grounds.

§ 2.4 *Picnicking.* Picnicking is permitted in the areas. The Superintendent may, however, prohibit picnicking within designated portions of the areas and may establish reasonable limitations on the length of time any person or group of persons may use any picnicking facility when, in his judgment, such limitations are necessary for the accommodation of the visiting public.

§ 2.5 *Hunting and trapping.* In portions of the areas designated by the Superintendent, hunting and trapping are permitted in accordance with all applicable Federal, State, and local laws for the protection of wildlife: *Provided*, That only shotguns or bows and arrows may be used in Lake Mead National Recreational Area. Portions of the areas in which hunting and trapping are permitted will either be marked on the ground or designated on a map of the area which will be available for inspection in the office of the Superintendent.

§ 2.6 *Fishing.* Fishing is permitted within the areas in accordance with all applicable Federal, State, and local laws for the protection of fish and other aquatic life, except that fishing is prohibited in Black Canyon in the Lake Mead National Recreational Area from Hoover Dam to a point along the Colorado River one mile below Hoover Dam.

§ 2.7 *Swimming and bathing.* Swimming and bathing are permitted, except in waters designated by the Superintendent as waters in which such activities are prohibited.

§ 2.8 *Firearms and explosives.* Loaded firearms, including high power air pistols and rifles, and blow guns using CO_2 gas cartridges, or explosives of any kind must not be carried within the areas, except when in the possession of a law enforcement officer, or Government employee on official duty, or when being used for hunting during the hunting season as permitted under § 2.5, or when authorized by the Superintendent.

§ 2.9 *Fires.* (a) Due diligence shall be exercised in building and putting out fires to prevent damage to trees and vegetation and to prevent forest and grass fires. In areas provided with such facilities, the fireplaces constructed for the convenience of visitors must be used. The building of fires on any lands within the areas may be prohibited or limited when the hazard makes such action necessary.

(b) Permission to burn on any clean-up operation within the area must first be obtained, in writing, from the Superintendent, and in such cases as it is deemed advisable, such burning will be under Government supervision. All costs of suppression and all damages caused by reason of loss of control of such burning operations shall be paid by the person or persons to whom such permit has been granted.

(c) No lighted cigarette, cigar, pipe heel, match, or other burning material shall be thrown from any vehicle or saddle animal or dropped into any grass, leaves, twigs, tree mold, or other combustible or flammable material.

§ 2.10 *Public property; miscellaneous provisions.* (a) The willful destruction, injury, defacement, or removal of public property, or of vegetation, rocks, and minerals is prohibited.

(b) The collection or removal of natural objects without authorization from the Superintendent is prohibited.

(c) The excavation of archeological sites, and the gathering or removal of objects of antiquity may be undertaken by reputable museums, universities, colleges, and other recognized scientific or educational institutions only, after first procuring a written permit therefor from the Secretary.

(d) The Superintendent or other officer having authority to grant such authorization may, upon such terms and conditions as are deemed by him to be adequate to protect the interests of the United States, grant permits for the removal of sand, gravel, or building materials.

§ 2.11 *Sanitation.* (a) No garbage or rubbish of any kind shall be thrown or dumped in the waters of the areas or along the roads, in picnicking or camping sites, or on any other lands of the areas, but shall be burned or buried, or disposed of at points or places designated for the disposal thereof.

(b) Contamination of watersheds or of any water used for drinking purposes is prohibited.

(c) All comfort stations shall be used in a clean and sanitary manner.

(d) Saddle, pack, or draft animals shall not be kept in, or within 300 feet of any campgrounds.

(e) Except in emergencies, toilets on water-borne craft must not be used when such craft are at dock or when within one mile of public ports or public beach areas.

§ 2.12 *Begging.* Begging is prohibited within the areas.

§ 2.13 *Disorderly conduct.* (a) Persons who render themselves obnoxious by disorderly conduct, bad behavior, or indecent exposure shall be subject to the penalties prescribed for violation of the regulations in this part and in addition thereto, or in lieu thereof, may be summarily removed from the areas by the Superintendent.

(b) No person who is under the influence of intoxicating liquors or narcotic drugs shall operate a water-borne craft, aircraft, or motor vehicle of any kind within the areas.

§ 2.14 *Pets.* Dogs, cats, and other pets must be under physical restrictive control at all times when in designated public use areas. Such pets shall not be permitted in public eating places or on swimming beaches at any time.

[1] Filed as part of the original document. Copies are available at the office of the Superintendent for public inspection.

§ 2.15 *Aircraft.* (a) No person shall land aircraft on any water or land surface within the areas, other than at one of the following designated landing sites:

(1) *Lake Mead National Recreational Area, Arizona and Nevada.* (i) Boulder City Municipal Field located in Sections 8, 9, 16, and 17, Township 23 South, Range 64 East, Mt. Diablo Meridian, Nevada.

(ii) The entire surface of Lake Mead, except that no aircraft shall be permitted to land or take off or operate within 500 feet of public bathing beaches, boat docks, floats, piers, ramps, or water control structures.

(iii) Temple Bar landing strip located at appropriate latitude 36 degrees north, approximate longitude 114 degrees 19 minutes west.

(iv) Pierce's Ferry landing strip located at approximate latitude 36 degrees 03 minutes north, approximate longitude 114 degrees 05 minutes west.

(v) Davis Dam landing strip located in Sections 30 and 31, Township 21 North, Range 21 West, Gila and Salt River Meridians, Arizona.

(2) *Coulee Dam National Recreational Area, Washington.* The entire surface of Roosevelt Lake, except that no aircraft shall be permitted to land or take off or operate within 500 feet of public bathing beaches, boat docks, floats, piers, ramps, or water control structures.

(3) *Millerton Lake National Recreational Area, California.* The entire surface of Millerton Lake, except that no aircraft shall be permitted to land or take off or operate within 500 feet of public bathing beaches, boat docks, floats, piers, ramps, or water control structures.

(b) The provisions of this section shall not be applicable to aircraft (1) engaged on official business of the Federal Government, (2) used in emergency rescue in accordance with the directions of the officer in charge of the area, or (3) forced to land due to unforeseeable circumstances beyond the control of the operator.

§ 2.16 *Abandonment of property.* The abandonment of personal property within the areas is prohibited. Any property, left unattended without permission from the Superintendent for a period of 48 hours or more, which is a potential threat to public safety, property, or navigation, and which in any way interferes with the public's enjoyment of the areas, may be removed and disposed of at the discretion of the Superintendent, the expense of such removal to be borne by the person who left the property in the areas.

§ 2.17 *Accidents.* Accidents required to be reported by the applicable State statutes and regulations shall be reported to the Superintendent as soon as possible by the person or persons involved in the accident.

§ 2.18 *Impounding of animals.* (a) Domestic animals trespassing on any federally-owned lands within the areas may be impounded by the Superintendent and shall be disposed of in accordance with State law.

§ 2.19 *Grazing and agricultural use.* The running at large, herding, driving across, or grazing of livestock of any kind on the Government lands in the areas, or the use of such lands for agricultural purposes, is prohibited, except where written authority therefor has been granted by the Superintendent or under a valid lease from the United States.

§ 2.20 *Private and commercial uses.* (a) No person, other than employees of the National Park Service, shall reside permanently in the areas, except in accordance with the provisions of a permit or other written agreement with the United States authorizing such use.

(b) No person, firm, or corporation, or their representatives, shall engage in or solicit any business in the areas, except in accordance with the provisions of a permit, contract, or other written agreement with the United States.

(c) No person, firm, or corporation shall erect, construct, or attempt to erect or construct a building, boat dock, road, trail, path, or other way, telephone line, telegraph line, power line, or other private or public utility, upon, across, over, through, or under any federally-owned lands within the areas, except in accordance with the provisions of a valid permit, contract, or other written agreement with the United States.

§ 2.21 *Advertisements.* Private notices or advertisements shall not be posted, distributed, or displayed in the areas, except such as the Superintendent may deem necessary for the convenience and guidance of the public.

§ 2.22 *Prospecting and mining.* Prospecting and mining may be prosecuted within the areas only in accordance with authorizations granted by the Secretary.

§ 2.23 *Motion and sound pictures.* Before any motion or sound pictures may be filmed within the areas, except by amateurs and bona fide newsreel photographers, permission therefor must be obtained, in writing, from the Superintendent, which permission may be granted in the discretion of the Superintendent, in accordance with current regulations of the Secretary, contained in 43 CFR Part 5, governing such filming activities.

§ 2.24 *Closing of area.* The Superintendent, in his discretion, may close to public use all or any part of the areas during any period of emergency.

§ 2.25 *Radios, television sets, and public address systems.* (a) The use of radio or television sets in public camps, hotels, or other buildings, or in automobiles, is permitted if not audible beyond the immediate vicinity of the set.

(b) The use of public address systems, whether fixed or portable, is prohibited within the areas without first securing written permission from the Superintendent.

§ 2.26 *Vehicles.* (a) Subject to the limiting provisions of this section and such special regulations as may be issued to govern a particular area, motor vehicles, trailers, and other vehicles entering the areas shall be operated in accordance with the applicable State laws and regulations then current within the particular section of the area in which the vehicle is being operated.

(b) Drivers of all vehicles operated within the areas shall comply with the directions of all official traffic signs posted in an area.

(c) Load and weight limitations shall be those prescribed from time to time by the Superintendent, and such limitations shall be complied with by the operators of all vehicles using the roads of the areas. Schedules showing load and weight limitations for the different roads within the areas may be seen at the office of the Superintendent and at ranger stations at entrances to the areas.

§ 2.27 *Houseboats.* No houseboats shall be placed or maintained upon the waters of the areas, nor may any other water-borne craft be used for permanent living accommodations, except that in the case of a boat having a paid crew, a member or members of the crew, in the discretion of the Superintendent, may be permitted to live aboard if necessary for the care and operation of the boat.

§ 2.28 *Boats, private.* (a) The operation of boats on the waters of the areas for fishing and recreational use is permitted, except in prohibited areas designated by the Superintendent.

(b) A permit good for the calendar year in which issued shall be obtained from the Superintendent or his authorized representative for placing and operating a boat in waters of the areas. Compliance with applicable Federal laws and regulations is necessary for obtaining a permit. No charge will be made for this permit. The permit shall be kept aboard the boat at all times that the boat is in operation.

(c) Unsafe boats will not be permitted in the areas, and all boats permitted therein shall be equipped for safe operation.

(d) Boats shall be moored only in areas designated by the Superintendent.

(e) A permit shall be obtained from the Superintendent for any special boat mooring facilities.

(f) The Superintendent shall have authority to revoke the permit for boat or mooring facilities and require their removal upon the failure of the permittee to comply with the terms and conditions of the permit or with the regulations in this part. Before revoking a permit under this paragraph the Superintendent shall give the permittee appropriate notice and opportunity to be heard.

§ 2.29 *Boats, commercial.* No commercial boat shall be launched or docked at any point on the federally-owned shorelands surrounding the waters of the areas or make use of any launching or docking facility within the areas, except as authorized by permit, contract, or other written agreement with the United States.

§ 2.30 *Restricted waters.* (a) Except to effect rescue or unless otherwise specifically authorized, no water-borne craft shall be operated within any waters zoned and marked as migratory bird rest waters or for related wildlife uses, including waters zoned and marked for fish culture purposes.

(b) No water-borne craft shall be permitted to approach within 200 feet of any designated beaches, except to effect rescue.

(c) No water-borne craft shall approach within 200 feet of any dam or other restricted engineering works within the areas, except to effect rescue; *Provided*, That in Lake Mead National Recreational Area no water-borne craft shall approach closer to Hoover Dam than the markers placed upstream or a point 2,000 feet downstream.

(d) The Superintendent, in his discretion, may exclude the operation of water-borne craft within any designated waters. Such restricted areas shall be defined by booms or markers and shall be designated on a map of the restricted portions, copies of which shall be posted at all public docks for convenient inspection.

§ 2.31 *Speed of water-borne craft.* The speed of water-borne craft shall be restricted to speeds reasonable for the time, place, and surrounding conditions, i.e., no such craft shall be operated in a reckless or negligent manner so as to endanger the life, limb, or property of any person.

§ 2.32 *Exceptions.* The provisions of §§ 2.28 to 2.31, inclusive, shall not apply to any boats operated for official use by any agency of the United States, or of the States in which the waters within a particular area are situated.

§ 2.33 *Obstructions.* Unless otherwise specifically authorized, no log boom, pier, fence, pile, anchorage, or other obstruction shall be installed in the waters of the areas without a permit therefor issued by the Superintendent designating the place and manner of installation.

§ 2.34 *Compliance with Federal laws and regulations.* Nothing contained in the regulations in this part shall relieve any water-borne craft, the owner, or the operator thereof, from the obligation to comply with the applicable laws of the United States and the rules and regulations of the United States Coast Guard or other Federal agencies operative within the area.

§ 2.35 *Discrimination in furnishing public accommodations.* The proprietor, owner, or operator and the employees of any hotel, inn, lodge, or other public accommodation within the areas are prohibited from (a) publicizing such facilities in any manner that would directly or inferentially reflect upon or question the acceptability of the patronage of any person or persons because of race, creed, color, or national origin; and (b) discriminating against any person or persons because of race, creed, color, or national origin by refusing to furnish such person or persons any accommodations, facilities, or privileges, offered to or enjoyed by the general public.

§ 2.61 *Penalties.* Any person who violates any provisions of the regulations in this part, or as the same may be amended or supplemented, including special regulations which may be issued to cover local situations within a particular area to which this part is applicable, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $500 or imprisonment for not exceeding six months, or both, and be adjudged to pay all costs of the proceedings.

Interested persons are hereby given an opportunity to participate in preparing the amendments for issuance as set forth above by submitting their views, data, or arguments, in writing, to the Director, National Park Service, Department of the Interior, Washington 25, D. C., within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-5803; Filed, May 18, 1951; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 991]

[Docket No. AO 194-A4]

MILK IN ROCKFORD-FREEPORT, ILLINOIS, MARKETING AREA

AMENDMENT TO NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a notice was issued on May 15, 1951, of a public hearing to be held at the Hotel Faust, 618 E. State Street, Rockford, Illinois, beginning at 9:30 a. m., c. d. s. t., on May 25, 1951.

The aforesaid notice of hearing is hereby amended by adding thereto the proposal hereinafter set forth. Evidence will be received with respect to economic and marketing conditions which relate to the proposed amendments contained in the original notice of hearing and to the proposal set forth in this amendment to the notice of hearing. The following proposal has not received the approval of the Secretary of Agriculture.

The following amendment has been proposed by the Stephenson County Pure Milk Association:

Proposal No. 10. Delete the provisions of § 991.71 and substitute therefor the following:

§ 991.71 *Computation of uniform price.* For each delivery period, the market administrator shall compute a uniform price per hundredweight on the basis of 3.5 percent butterfat content for producer milk as follows:

(a) Combine into one total the values computed pursuant to § 991.70 and all handlers who made reports prescribed by §§ 991.30, 991.31, 991.32, and 991.33 except those in default of the payments prescribed in § 991.8 for the preceding delivery period;

(b) Add an amount representing one-half the cash balance on hand in the producer-settlement fund less the total amount of contingent obligations to handlers;

(c) Subtract if the weighted average butterfat test of producer milk represented by the values included under paragraph (a) of this section is higher than 3.5 percent, or add if such butterfat test is less than 3.5 percent, an amount computed by: Multiplying the amount by which the weighted average butterfat test varies from 3.5 percent by the butterfat differential computed pursuant to § 991.81 and multiply the resulting figure by the total hundredweight of such milk;

(d) Divide the resulting amount by the total hundredweight of milk represented by the values included in paragraph (a) of this section; and

(e) Subtract not less than four cents nor more than five cents from the amount per hundredweight computed under paragraph (d) of this section.

NOTE: The above proposal would provide for the "marketwide" pooling of returns for producer milk as contrasted with the present "individual-handler" pools. If adopted, the proposal would require certain conforming changes in other provisions of the order and would necessitate the establishment of a "producer-settlement fund" for the purpose of implementing payment of the uniform price.

Copies of the notice of hearing issued on May 15, 1951, of this amendment thereto, and of the said order, as amended, may be obtained from the Market Administrator, 73 West Monroe Street (2d Floor), Chicago 3, Illinois, or from the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: May 17, 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51-5895; Filed, May 18, 1951; 8:49 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. M-32]

AMERICAN PRESIDENT LINES, LTD.

NOTICE OF HEARING ON APPLICATION TO BAREBOAT CHARTER GOVERNMENT-OWNED, WAR-BUILT, DRY-CARGO REFRIGERATED VESSEL

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held on May 24, 1951, at 10:00 a. m., of that day in Room 4821, Department of Commerce Building, Washington, D. C., before the Federal Maritime Board upon the application of American President Lines, Ltd., to bareboat charter a government-owned war-built, dry-cargo refrigerated vessel for use in applicant's trans-Pacific services and to meet requirements of the Military Sea Transportation Service.

The purpose of the hearing is to receive evidence with respect to whether such service is required in the public interest and is not adequately served, and with respect to the availability of privately-owned American flag vessels for charter on reasonable conditions and at reasonable rates for use in such service.

All persons having an interest in such application will be given an opportunity to be heard if present.

Interested parties may have oral argument before the Federal Maritime Board immediately after the close of the hearing, in lieu of briefs and exceptions.

Dated: May 15, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 51-5812; Filed, May 18, 1951; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

MAIL TRANSPORTATION

NOTICE OF PROPOSED AIR STAR ROUTE

In accordance with Public Law 277 of the 81st Congress (approved August 30, 1949), notice is hereby given that the Civil Aeronautics Board has received a request from the Postmaster General (Docket No. 4937) for certification that the proposed air star route, hereinafter described, does not conflict with the development of air transportation as contemplated under the Civil Aeronautics Act of 1938, as amended.

The route proposed is as follows: Cortez, Colorado, via Elanding, Utah, to White Canyon, (N. O.) Utah, and return. Distance between termini 104 miles.

Under the provisions of the said Public Law 277, the Postmaster General is required to obtain the certification of the Board prior to advertising for bids for the carriage of mail by aircraft on any star route. Any contract which may ultimately be awarded by the Postmaster General under such law will not confer authority to carry persons or property (other than mail) by air.

Prior to reaching its decision as to whether the requested certification should be issued, the Board desires to afford interested persons an opportunity to comment thereon through the submission of written data, views or arguments, in triplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications bearing the above docket number received on or before June 15, 1951, will be considered by the Board before taking final action on the request of the Postmaster General.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

MAY 15, 1951.

[F. R. Doc. 51-5830; Filed, May 18, 1951; 8:49 a. m.]

[Docket No. 4518]

DELTA AIR LINES, INC.; ALL-CARGO FLIGHT AMENDMENTS CASE

NOTICE OF HEARING

In the matter of the application of Delta Air Lines, Inc., for amendment of its certificates of public convenience and necessity for routes Nos. 24 and 54.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 (h) and 1001 of the said act, the above-entitled proceeding is assigned for hearing on June 6, 1951, at 10:00 a. m. e. d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Without limiting the scope of the issues presented by the application, particular attention will be directed to whether the public convenience and necessity require the amendment of the applicant's certificates of public convenience and necessity so that (1) Jackson, Mississippi, and New Orleans, Louisiana, may be served by the same all-cargo flights that serve other points on the applicant's route No. 24, subject to a restriction against local cargo transportation between Jackson and New Orleans; and (2) Greenville and Spartanburg, South Carolina, may be served by the same all-cargo flights operating over the Atlanta, Georgia-Chicago, Illinois, segment of the applicant's route No. 54, subject to a restriction against local cargo transportation between Atlanta and Greenville and Spartanburg.

For further details of the issues involved in the proceeding, interested persons are referred to the application, as amended, the prehearing conference report, and the orders entered in the proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in opposition to the application must file with the Board on or before June 6, 1951, a written statement setting forth the issues of fact or law raised by the application which he desires to controvert.

Dated at Washington, D. C., May 16, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-5831; Filed, May 18, 1951; 8:49 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43 Special Order 21]

FIELDCREST MILLS DIVISION OF MARSHALL FIELD & CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Fieldcrest Mills Division of Marshall Field & Company, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

It has been the applicant's custom in the past, borne out by printed price lists, to charge retailers in the area west of the Rocky Mountains higher uniform wholesale prices than those prevailing in the rest of the country and to permit retailers west of the Rocky Mountains to sell at retail at higher uniform prices than those prevailing in the rest of the country. This uniform pricing system for two zones is continued by this order and conforms with the provisions of section 43, Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of wool rugs and wool carpeting manufactured by Fieldcrest Mills Division of Marshall Field & Company, Spray, North Carolina, having the brand names "Karastan," "Lanamar," "Tudor," "Decorette," "Contemporary," "Chateau," and "Celebrity," and described in the manufacturer's application dated March 12, 1951 and supplemented and amended in the manufacturer's application dated March 16, 1951. The manufacturer's prices listed below are subject to a discount of 4/10, Net 60.

WOOL RUGS AND WOOL CARPETING

KARASTAN RUGS

Manufacturer's selling price (per unit) east of Rockies	*Ceiling price at retail (per unit) east of Rockies*
$24.09	$38.65
40.03	64.20
71.72	115.40
156.06	250.35
244.26	391.85
250.71	402.20
298.54	478.95
315.50	506.15
349.43	560.60
379.96	609.55
396.92	636.75
407.10	653.10
447.81	718.40
464.77	745.60
498.70	800.05
522.45	838.15
580.12	930.65
637.79	1,023.20

KARASTAN RUNNERS

$54.28	$87.10
63.10	101.25
71.92	115.40
84.13	134.95
90.24	144.75
96.35	154.55
120.09	192.65

LANAMAR RUGS

$16.28	$26.10
18.66	29.95
31.56	50.60
56.66	90.90
122.13	195.95
193.37	310.20
196.43	315.10
234.08	375.55
247.65	397.30
271.40	435.40
298.54	478.95
312.11	500.70
315.50	506.15
349.43	560.60
359.61	576.90
390.14	625.90
403.71	647.65
447.81	718.40

LANAMAR RUNNERS

$42.41	$68.00
49.53	79.45
56.32	90.35
65.81	105.60
70.56	113.20
77.64	119.75
94.31	151.30

WOOL RUGS AND WOOL CARPETING—Continued

TUDOR

Manufacturer's selling price (per unit) east of Rockies	*Ceiling price at retail (per unit) east of Rockies*
$14.59	$23.40
24.43	39.20
43.42	69.65
149.27	239.45
152.66	244.90
179.80	288.45
193.37	310.20
213.73	342.90
244.26	391.85
271.40	435.40
301.93	484.40

DECORETTE

$14.59	$23.40
24.77	39.75
43.42	69.65

CONTEMPORARY

$14.64	$23.85
186.59	299.35
217.12	348.30
234.08	375.55
247.65	397.30
281.58	451.75

CHATEAU

$14.64	$23.85

CELEBRITY

$13.31	$21.70

WOOL RUGS AND WOOL CARPETING

KARASTAN RUGS

Manufacturer's selling price (per unit) west of Rockies	*Ceiling price at retail (per unit) west of Rockies*
$25.04	$39.65
41.22	65.20
74.18	117.40
161.36	255.35
250.86	396.85
257.70	407.70
308.94	488.95
326.15	516.15
360.58	570.60
394.56	624.55
411.77	651.75
422.10	668.10
463.41	733.40
480.62	760.60
515.00	815.00
539.15	853.15
597.67	945.65
659.19	1,043.20

KARASTAN RUNNERS

$55.68	$88.10
64.63	102.25
74.18	117.40
86.57	136.95
93.37	147.75
98.97	156.55
124.26	196.65

LANAMAR RUGS

$16.82	$26.60
19.23	30.45
32.62	51.60
58.39	92.40
126.93	200.95
199.22	315.20
202.62	320.60
243.53	385.55
257.30	407.30
281.40	445.40
311.94	493.95
325.71	515.70
329.15	521.15
363.58	575.60
373.91	591.90
404.89	640.90
418.66	662.65
453.41	733.40

WOOL RUGS AND WOOL CARPETING—Continued

LANAMAR RUNNERS

Manufacturer's selling price (per unit) west of Rockies	*Ceiling price at retail (per unit) west of Rockies*
$43.58	$69.00
50.86	80.45
58.35	92.35
67.98	107.60
74.00	117.20
76.94	121.75
98.10	155.30

TUDOR

$15.07	$23.85
25.09	39.70
44.66	70.65
154.47	244.45
157.61	249.40
183.45	290.45
199.22	315.20
222.88	352.90
253.86	401.85
281.40	445.40
312.38	494.40

DECORETTE

$15.07	$23.85
25.40	40.20
44.66	70.65

CONTEMPORARY

$15.19	$24.40
192.04	303.85
226.32	358.30
243.53	385.55
260.30	412.30
294.73	466.75

CHATEAU

$15.19	$24.40

CELEBRITY

$14.13	$22.75

2. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 18, 1951, Fieldcrest Mills Division of Marshall Field & Company must mark each article listed in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $------

On and after July 18, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 18, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraph 1 of this special order or changes the retail ceiling price of a listed article, Fieldcrest Mills Division of Marshall Field & Company must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or

sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months' period following the effective date of this special order and within 45 days of the expiration of each successive 6 months' period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months' period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 19, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 18, 1951.

[F. R. Doc. 51-5898; Filed, May 18, 1951; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7179, 7180]

EASTON PUBLISHING CO. AND ALLENTOWN BROADCASTING CORP.

ORDER SCHEDULING FURTHER HEARING

In re applications of Easton Publishing Company, Easton, Pennsylvania, Docket No. 7179, File No. BP-4212; Allentown Broadcasting Corporation, Allentown, Pennsylvania, Docket No. 7180, File No. BP-4374; for construction permits.

The Commission having under consideration the hearing in the above-entitled proceedings; and

It appearing, that at the completion of the testimony in this proceeding in Easton, Pennsylvania, on March 13, 1951, the hearing was adjourned to Washington, D. C., for the taking of the engineering testimony and completion of the hearing at a date to be thereafter fixed;

It is ordered, This 9th day of May 1951, that further hearing on the above-entitled applications shall be commenced at 10:00 o'clock a. m., e. d. t., May 28, 1951, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5825; Filed, May 18, 1951; 8:49 a. m.]

[Docket Nos. 7938, 9944]

WESTERN BROADCASTING ASSOCIATES AND WEST SIDE RADIO

ORDER CONTINUING HEARING

In re applications of Western Broadcasting Associates, Modesto, California, Docket No. 7938, File No. BP-5336; Maxon B. Sayre and George Stevans, Jr., d/b as West Side Radio, Tracy, California, Docket No. 9944, File No. BP-7802; for construction permits.

The Commission having under consideration a petition filed on May 4, 1951, by Western Broadcasting Associates, requesting that the hearing herein, now scheduled for May 14, 1951, at Modesto, California and for May 16, 1951, at Tracy, California, be continued for a period of 60 or 90 days; and an opposition to said petition for continuance filed on May 7, 1951, on behalf of West Side Radio; and

It appearing that Mr. Knox La Rue, Secretary and General Manager of Western Broadcasting Associates, was out of town for several weeks at the time the Commission's order of April 5, 1951, designating the above-entitled applications for hearing, was forwarded to him, and that Mr. La Rue did not return to his office until April 30, 1951; and

It further appearing that Western Broadcasting Associates contends that it cannot properly prepare its case within the time now available; and

It further appearing that a petition filed on April 26, 1951, by West Side Radio, requesting leave to amend its application by reducing power, specifying an exact site and by proposing a directional antenna, was granted by an order dated May 8, 1951; and

It therefore appearing that the general allegation made by Western Broadcasting Associates as to the need for additional time is in part supported by this recent amendment of the application of West Side Radio; and

It further appearing that no adequate basis has been laid for a continuance for a period of sixty or ninety days;

It is ordered, This 10th day of May 1951, that the petition of Western Broadcasting Associates is granted insofar as it requests a continuance and denied insofar as it requests a continuance for sixty or ninety days; and

It is further ordered, That the hearing herein shall be held with respect to so-called engineering issues on May 21, 1951, at 10:00 a. m., in Washington, D. C., and with respect to the remaining issues at 10:00 a. m., on June 25, 1951, at Modesto, California, and June 27, 1951 at Tracy, California. This order is without prejudice to a petition by any party for a further continuance, setting forth in detail the facts upon which the request for a continuance is based.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5826; Filed, May 18, 1951; 8:49 a. m.]

[Docket No. 9833]

CUSTER COUNTY BROADCASTING CO. (KCNI)

ORDER SCHEDULING HEARING

In re application of Custer County Broadcasting Company (KCNI), Broken Bow, Nebraska, for construction permit; Docket No. 9833, File No. BP-7679.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of May 1951;

The Commission having under consideration a petition filed on February 8, 1951, by Custer County Broadcasting Company requesting reconsideration and grant without hearing of the above-entitled application for construction permit to change the facilities of Station KCNI, Broken Bow, Nebraska, from frequency 1490 kilocycles, 250 watts power, unlimited time to frequency 1430 kilocycles, 1 kilowatt power, daytime only;

It appearing, that the said application was designated for hearing by Commission order of November 14, 1950, to determine among other things whether in view of the loss to the city of Broken Bow, Nebraska, of its only local nighttime radio service, the operation of Station KCNI as proposed would serve the public interest, convenience and necessity and to determine whether the operation of Station KCNI as proposed rather than as at present, would provide a fair, efficient, and equitable distribution of radio service to Broken Bow, Nebraska, within the meaning of section 307 (b) of the Communications Act of 1934, as amended; and

It further appearing, That on the basis of the information contained in the said application and the said petition, the Commission is unable to resolve the matters in issue and accordingly is unable to determine whether or not a grant of the said application would be in the public interest, convenience, or necessity;

It is ordered, That the said petition is denied and that hearing on the said application is scheduled to commence at

10:00 a. m., on July 23, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5824; Filed, May 18, 1951; 8:48 a. m.]

[Docket Nos. 9895, 9896, 9912, 9973]

JOHN C. POMEROY ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of John C. Pomeroy, Pontiac, Michigan, Docket No. 9895, File No. BP-7811; Adelaide Lillian Carrell, Flint, Michigan, Docket No. 9896, File No. BP-7840; Harry A. McDonald, Jr. and Ray A. Shapero, d/b as Oakland Broadcasting Company, Pontiac, Michigan, Docket No. 9912, File No. BP-7984; W. A. Pomeroy, Kalamazoo, Michigan, Docket No. 9973, File No. BP-8021; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of May 1951;

The Commission having under consideration the above-entitled application of W. A. Pomeroy for a permit to construct a new standard broadcast station to be operated on the frequency 1470 kilocycles, with a power of 1 kilowatt, daytime only, using a directional antenna, at Kalamazoo, Michigan;

It appearing, that the Commission by orders of January 29, 1951, and February 21, 1951, designated for hearing in a consolidated proceeding the above-entitled applications of John C. Pomeroy, Adelaide Lillian Carrell and Oakland Broadcasting Company, which is presently scheduled to commence on May 14, 1951;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of W. A. Pomeroy is designated for hearing in the consolidated proceeding with the other four above-entitled applications, commencing at 10:00 a. m. on May 14, 1951, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of W. A. Pomeroy to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any other existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with any of the other applications in the subject proceeding or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station at Kalamazoo, Michigan, and of Station WILS, Lansing, Michigan, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.25 of the Commission's rules.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of January 29, 1951, as amended by the Commission's order of February 21, 1951, designating for hearing the above-entitled applications of John C. Pomeroy, Adelaide Lillian Carrell and Oakland Broadcasting Company is amended to include the above-entitled application of W. A. Pomeroy.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5880; Filed, May 18, 1951; 8:53 a. m.]

[Docket Nos. 9895, 9896, 9912, 9973]

JOHN C. POMEROY ET AL.

ORDER CONTINUING HEARING

In re applications of John C. Pomeroy, Pontiac, Michigan, Docket No. 9895, File No. BP-7811; Adelaide Lillian Carrell, Flint, Michigan, Docket No. 9896, File No. BP-7840; Harry A. McDonald, Jr., and Ray A. Shapero, d/b as Oakland Broadcasting Company, Pontiac, Michigan, Docket No. 9912, File No. BP-7984; W. A. Pomeroy, Kalamazoo, Michigan, Docket No. 9973, File No. BP-8021; for construction permits.

The Commission having under consideration, (1) a motion for continuance for "approximately 30 days" filed by Harry A. McDonald, Jr., and Ray A. Shapero, d/b as Oakland Broadcasting Company on May 8, 1951, and (2) a petition for continuance filed on behalf of Adelaide Lillian Carrell on the same date; and

It appearing, that the moving applicants request a continuance of the hearing in this proceeding, now scheduled for May 14, 1951, in order to permit Commission action upon, (1) a pending motion for severance filed April 27, 1951, on behalf of Oakland Broadcasting Company, and (2) a pending petition to remove from hearing docket and grant filed on behalf of Adelaide Lillian Carrell on April 27, 1951; and

It further appearing, that the pending petition for removal and grant presents for Commission consideration substantive matters pertinent to the designated issues herein, and that Commission action thereon may materially change the alignment of principal parties or the hearing issues in this proceeding; and

It further appearing, that counsel for John C. Pomeroy and for the Commission have informally agreed to waive the notice and time of filing requirements of § 1.745, that the applicant W. A. Pomeroy was made a party herein after the filing of the instant requests for continuance, and that a continuance as hereinafter ordered will conduce to the orderly dispatch of the Commission's business; now therefore,

It is ordered, This 11th day of May 1951, that each petition and motion for continuance is granted, and the hearing presently scheduled to commence on May 14, 1951 is continued to a date to be fixed by further order herein.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5827; Filed, May 18, 1951; 8:49 a. m.]

[Docket No. 9972]

CEDAR VALLEY BROADCASTING CO., INC. (KAUS)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Cedar Valley Broadcasting Co., Inc. (KAUS), Austin, Minnesota, for construction permit; Docket No. 9972, File No. BP-7734.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of May 1951;

The Commission having under consideration the above-entitled application for a construction permit to change frequency from 1480 kilocycles to 1060 kilocycles, and install directional antenna for night use at Station KAUS, Austin, Minnesota;

It appearing, that the applicant is legally, technically, financially, and otherwise qualified to operate Station KAUS as proposed, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m., on July 20, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KAUS as proposed, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of Station KAUS as proposed

would involve objectionable interference with Station KYW, Philadelphia, Pennsylvania, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of Station KAUS as proposed would involve objectionable interference with Station XEDP, Mexico City, Mexico, or with any other existing foreign broadcast station and, if so, the nature and extent of such interference.

4. To determine whether the installation and operation of Station KAUS as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the ratio of the population within the normally protected and actual nighttime interference-free contours to the population which would receive satisfactory service.

It is further ordered, That Westinghouse Radio Stations, Inc., licensee of Station KYW, Philadelphia, Pennsylvania, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5823; Filed, May 18, 1951; 8:48 a. m.]

[Change List No. 61]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

APRIL 25, 1951.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

CANADA

Call letters	Location	Power	Radiation	Time designation	Class	Probable date to commence operation
CFCL....	Timmins, Ontario.....	580 kilocycles, 1 kw....	DA-1	U	III-B	Assignment of call letters.
CKSM...	Shawinnican Falls, Quebec.....	1220 kilocycles, 1 kw...	DA-1	U	II	Now in operation.
New	Gravelbourg, Saskatchewan.....	1230 kilocycles, 250 w..	ND	U	IV	Feb. 1, 1952.
CKOM...	Saskatoon, Saskatchewan.....	1410 kilocycles, 250 w..	ND	U	IV	Do.
CFDA...	Victoriaville, Quebec.....	1580 kilocycles, 1 kw...	DA-N	U	III-B	Do.
CKFH...	Toronto, Ontario.....	1400 kilocycles, 250 w..	DA-1	U	IV	Now in operation.

FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE, *Secretary.*

[F. R. Doc.-5828; Filed, May 18, 1951; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1451]

NATURAL GAS CO. OF WEST VIRGINIA AND MANUFACTURERS LIGHT AND HEAT CO.

ORDER FIXING DATE OF HEARING

MAY 14, 1951.

On July 27, 1950, Natural Gas Company of West Virginia (Natural), a West Virginia corporation having its principal place of business at Pittsburgh, Pennsylvania, and The Manufacturers Light and Heat Company (Manufacturers), a Pennsylvania corporation having its principal place of business at Pittsburgh, Pennsylvania, filed a joint application for an order pursuant to section 7 (b) of the Natural Gas Act authorizing the abandonment by Natural and the sale to Manufacturers of all of Natural's natural-gas transmission pipeline facilities located in the States of Pennsylvania and West Virginia, subject to the jurisdiction of the Commission; and for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the acquisition and operation by Manufacturers of said facilities, subject to the jurisdiction of the Commission, all as more fully described in the joint application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicants having requested that their application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the joint application, including publication in the FEDERAL REGISTER on August 9, 1950 (15 F. R. 5145).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on May 31, 1951, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: May 15, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5804; Filed, May 18, 1951; 8:45 a. m.]

[Docket No. G-1534]

COLORADO-WYOMING GAS CO.

ORDER FIXING DATE OF HEARING

Colorado-Wyoming Gas Company (Applicant), a Delaware corporation with its principal office at 524 Continental Oil Building, Denver 2, Colorado, filed an application on November 13, 1950, as supplemented on March 9, 1951, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation, and the abandonment of certain natural gas pipe line facilities, all as more fully described in the application, as supplemented, on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) [18 CFR 1.32 (b)] of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on December 12, 1950 (15 F. R. 8790).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on June 1, 1951, at 9:30 a. m. e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: May 15, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5818; Filed, May 18, 1951; 8:47 a. m.]

[Docket Nos. G-1639, G-1648, G-1660, G-1666]

OHIO FUEL GAS CO. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of The Ohio Fuel Gas Company, Docket No. G-1639; Central Kentucky Natural Gas Company, Docket No. G-1648; Atlantic Seaboard Corporation, Docket No. G-1660; Central Kentucky Natural Gas Company, Docket No. G-1666.

On March 22, 1951, The Ohio Fuel Gas Company (Ohio Fuel), an Ohio corporation having its principal place of business at Columbus, Ohio, filed an application in Docket No. G-1639 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission pipeline facilities, as fully described in such application on file with the Commission and open to public inspection.

On April 2, 1951, Central Kentucky Natural Gas Company (Central Kentucky), a Kentucky corporation having its principal place of business at Charleston, West Virginia, filed an application in Docket No. G-1648 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission pipeline facilities, as fully described in such application on file with the Commission and open to public inspection.

On April 9, 1951, Atlantic Seaboard Corporation (Atlantic Seaboard), a Delaware corporation having its principal place of business at Charleston, West Virginia, filed an application in Docket No. G-1660 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission pipeline facilities, as fully described in such application on file with the Commission and open to public inspection.

On April 16, 1951, Central Kentucky Natural Gas Company filed an application in Docket No. G-1666 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission pipeline facilities, as fully described in such application on file with the Commission and open to public inspection.

All of the above-named Applicants are operating companies of the Columbia Gas System and subsidiaries of The Columbia Gas System, Inc. The gas supply of the various operating companies of The Columbia Gas System, Inc., is treated as a pooled supply which is apportioned to the various groups within the system by a system dispatcher. Each of the applications hereinbefore described involves the proposed addition of facilities to meet increased market requirements of the respective Applicants, and presents a common question with respect to the adequacy of gas supply in the Columbia Gas System.

The Commission finds: Orderly procedure requires that the proceedings in Docket Nos. G-1639, G-1648, G-1660, and G-1666 be consolidated for purpose of hearing and disposition, as hereinafter ordered.

The Commission orders:

(A) The proceedings in Docket Nos. G-1639, G-1648, G-1660, and G-1666 be and the same hereby are consolidated for purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held in the Consolidated proceedings, commencing on June 4, 1951, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the applications in these proceedings.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: May 15, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5816; Filed, May 18, 1951; 8:47 a. m.]

[Docket No. G-1682]

CENTRAL WEST UTILITY CO.

NOTICE OF APPLICATION

MAY 14, 1951.

Take notice that The Central West Utility Company (Applicant), a Kansas corporation with its principal place of business at Kansas City, Missouri, filed on May 7, 1951:

(1) An application for an order of the Commission under section 7 (a) of the Natural Gas Act directing Cities Service Gas Company (Cities Service), a natural-gas company subject to the jurisdiction of the Commission, and The Gas Service Company (Gas Service), a retail gas distributing company serving Kansas City, Missouri, and other areas in western Missouri and like Cities Service a wholly owned subsidiary of Cities Service Company, to establish physical connection of their transportation facilities with the proposed connecting pipe line of, and to sell natural gas to, Applicant.

(2) An application pursuant to section 7 (c) of the act for a certificate of public convenience and necessity authorizing the construction and operation by Applicant of certain natural-gas transmission pipe line facilities, or, in the alternative;

(3) A dismissal of the application for a certificate of public convenience and necessity for lack of jurisdiction.

Applicant proposes to construct pipe lines connecting its distribution system in Clay County, Missouri, with the systems of Cities Service or Gas Service either in Clay County or Jackson County, Missouri, by four alternative plans, designated Plans A, B, C, and D, as more fully described in the application. Applicant states the maximum capacity of the proposed connecting pipe line by Plan C is approximately 30,000 Mcf per day with estimates not yet proposed for other plans.

By means of the proposed facilities, Applicant states it will be able to augment its supply of natural gas now provided by Panhandle Eastern Pipe Line Company so that it would be able to perform adequately the service which it proposes to render in the Clay County area, not only for the present but also for the predictable future. Applicant alleges that the supply of gas from Panhandle Eastern has been barely adequate in recent years and is insufficient to meet anticipated normal increases in demand for natural gas service in the area.

The estimated over-all capital cost of the proposed project ranges from $9,000 for Plan A to $1,000,000 for Plan C. Applicant proposes to finance the cost of Plans A, B, and D out of working capital. It proposes to finance Plan C by the issuance and sale of bonds in an amount equal to 70 percent of the estimated cost, and the balance out of working capital.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 4th day of June 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5817; Filed, May 18, 1951; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26094]

RUBBER UPHOLSTERING PADS FROM AKRON AND BARBERTON, OHIO TO POINTS IN EAST

APPLICATION FOR RELIEF

MAY 16, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 3758, pursuant to fourth-section order No. 9800.

Commodities involved: Automobile body parts, cut to size, viz: upholstering pads, or padding, rubber, carloads.

From: Akron and Barberton, Ohio.

To: Baltimore, Md., Framingham, Mass., Linden, N. J., Tarrytown, N. Y., and Wilmington, Del.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5805; Filed, May 18, 1951; 8:46 a. m.]

[4th Sec. Application 26095]

LUMBER FROM LOGAN, MAN AND OMAR, W. VA. TO LINCOLNTON, N. C.

APPLICATION FOR RELIEF

MAY 16, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Chesapeake and Ohio Railway Company, Seaboard Air Line Railroad Company and The Virginian Railway Company.

Commodities involved: Lumber and other forest products, carloads.

From: Logan, Man and Omar, W. Va.

To: Lincolnton, N. C.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 723, Supp. 217.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5806; Filed, May 18, 1951; 8:46 a. m.]

[4th Sec. Application 26096]

PETROLEUM PRODUCTS FROM MOBILE, ALA., TO POINTS IN ALABAMA

APPLICATION FOR RELIEF

MAY 16, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Alabama Great Southern Railroad Company and other carriers named in the application.

Commodities involved: Naphtha, naphtha distillate, and distillate fuel oil, in tank-car loads.

From: Mobile, Ala.

To: Specified points in Alabama.

Grounds for relief: Circuitous routes and to meet intrastate rates.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1065, Supp. 220.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5807; Filed, May 18, 1951; 8:46 a. m.]

[4th Sec. Application 26097]

LUMBER FROM SOUTHERN TERRITORY TO MILLBURN, N. J.

APPLICATION FOR RELIEF

MAY 16, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1214.

Commodities involved: Lumber and related articles, carloads.

From: Southern territory.

To: Millburn, N. J.

Grounds for relief: Circuitous routes, competition with rail carriers, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5808; Filed, May 18, 1951; 8:46 a. m.]

[4th Sec. Application 26098]

GRAVEL FROM LOUISIANA, MO., TO MURRAYVILLE, ILL.

APPLICATION FOR RELIEF

MAY 16, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for the Gulf, Mobile and Ohio Railroad Company.

Commodities involved: Gravel, road-surfacing, carloads.

From: Louisiana, Mo.

To: Murrayville, Ill.

Grounds for relief: Market competition and wayside pit competition.

Schedules filed containing proposed rates: GM&O RR. tariff I. C. C. No. 250, Supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5809; Filed, May 18, 1951; 8:46 a. m.]

[Rev. S. O. 876, General Permit 3-L]

LUMBER AND LUMBER PRODUCTS

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) (2) of Revised Service Order 876 (16 F. R. 3620), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act, to disregard the provisions of Service Order No. 876 insofar as they apply to the following situation: Where the load limit of the car is less than 10 percent above the marked capacity of the car, loading requirements will be complied with by loading the car to not less than 90 percent of the load limit.

The waybills shall show reference to this general permit and all consignors shipping cars under this permit shall furnish the Permit Agent the car numbers, initials, and destinations of the cars shipped under this permit.

This general permit shall become effective at 12:01 a. m., May 16, 1951, and shall expire at 11:59 p. m., September 30, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of May 1951.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 51-5810; Filed, May 18, 1951; 8:46 a. m.]

[Rev. S. O. 876, General Permit 4-L]

PLYWOOD

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) (2) of Revised Service Order No. 876 (16 F. R. 3620), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act, to disregard the provisions of Service Order No. 876 insofar as they apply to plywood, provided the shipment of such plywood is loaded to at least 70,000 pounds.

The waybills shall show reference to this general permit and all consignors shipping cars under this permit shall furnish the Permit Agent the car numbers, initials, and destinations of the cars shipped under this permit.

This general permit shall become effective at 12:01 a. m., May 16, 1951, and shall expire at 11:59 p. m., September 30, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of May 1951.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 51-5811; Filed, May 18, 1951; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2606]

CONSOLIDATED NATURAL GAS CO.

SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF 3¼ PERCENT DEBENTURES AND RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of May A. D. 1951.

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, having filed a declaration and an amendment thereto, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") regarding the issue and sale, pursuant to the competitive bidding requirements of Rule U-50, of $50,000,000 principal amount of debentures due 1976; and

The Commission having, by order dated April 30, 1951, permitted said declaration to become effective, subject to the condition, among others, that the proposed sale of debentures shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding, and a further order shall have been entered in the light of the record so completed; and jurisdiction having been reserved over the payment of all fees and expenses to be incurred in connection with the proposed transaction; and

Consolidated having, on May 15, 1951, filed a further amendment to said declaration in which it is stated that it has offered the debentures for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Bidder	Annual interest rate (percent)	Price to Consolidated [1] (percent of principal)	Annual cost to Consolidated (percent)
Morgan Stanley & Co., and The First Boston Corp	3¼	100.5719	3.1991
Dillon, Read & Co. Inc., White, Weld & Co., and Paine, Webber, Jackson & Curtis	3¼	100.51969	3.2021
Halsey, Stuart & Co. Inc	3¼	100.366991	3.2283

[1] Exclusive of accrued interest from May 1, 1951.

The amendment further stating that Consolidated has accepted the bid of Morgan Stanley & Co., and the First Boston Corporation for the debentures as set forth above and that the debentures will be offered for sale to the public at a price of 101.50 percent of principal amount thereof, resulting in an underwriters' spread of 0.6281 percent; and

The declaration, as amended, having set forth the fees and expenses incurred by Consolidated in connection with the proposed transaction in the aggregate estimated amount of $184,675, including legal fees and expenses of $2,500, accountants' fees and expenses of $7,500, and engineering fees and expenses of $6,500; and legal fees to be paid by the underwriters to Cahill, Gordon, Zachry and Reindel in the amount of $12,000; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said debentures, the redemption prices thereof, the interest rate thereon and the underwriters' spread; and

It appearing that the fees and expenses are not unreasonable and that jurisdiction with respect thereto should be released:

It is hereby ordered, That jurisdiction heretofore reserved in connection with the sale of said debentures be, and the same hereby is, released, and that the said declaration, as further amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act.

It is further ordered, That jurisdiction heretofore reserved over all fees and expenses in connection with the transaction be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5810; Filed, May 18, 1951; 8:48 a. m.]

[File No. 812-725]

INCOME FOUNDATION FUND, INC., ET AL.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of May A. D. 1951.

In the matter of Income Foundation Fund, Incorporated, Axe-Houghton Fund A, Inc., Axe-Houghton Fund B, Inc., Republic Investors Fund, Inc., and Axe Securities Corporation; File No. 812-725.

Notice is hereby given that Income Foundation Fund, Incorporated, Axe-Houghton Fund A, Inc., Axe-Houghton

Fund B, Inc., and Republic Investors Fund, Inc. (hereinafter sometimes referred to as "Fund" or "Funds", as the case may be), registered investment companies, and Axe Securities Corporation, the principal underwriter for all four Funds, have filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 22 (d) of the act, the offering of shares of the Funds at reduced public offering prices based on quantity purchases of shares of one or more of the four Funds, under the different circumstances hereinafter described.

Each of the Funds is an open-end investment company and E. W. Axe & Co., Inc., is the investment adviser and manager of all four.

The application states that Income Foundation Fund, Incorporated, Axe-Houghton Fund A, Inc., and Axe-Houghton Fund B, Inc., are each classified as balanced funds, but their portfolio holdings are substantially different, and they differ in their investment objectives; and that Republic Investors Fund, Inc., is a leverage company with bank borrowings in addition to its outstanding common stock.

The offering price of the shares of each of the four Funds is equal to the net asset value per share plus a percentage selling commission. Quantity discounts, resulting in decreased selling commissions, are presently available with respect to individual purchases of $25,000 or more of the shares of each of the four individual Funds. In each case, the selling commission is reduced to 6 percent on purchases of $25,000 or more, 4 percent on purchases of $50,000 or more, 2 percent on purchases of $100,000 or more, 1 percent on purchases of $250,000 or more with the exception that in the particular case of the shares of Income Foundation Fund, Incorporated only, such selling commission is further reduced to ½ percent on purchases of $500,000 or more.

It is now proposed to extend these quantity discounts to purchases of shares of any one or more of the four Funds so that a quantity discount will be available for concurrent purchases of shares of one or more of the Funds for issue (1) in one name, (2) in the name of the same trustee or other fiduciary for one or more accounts, or (3) in the name of members of the same immediate family. The schedule of selling commissions in such cases will be as follows: 6 percent if the aggregate selling price is $25,000 or more, 4 percent if the aggregate selling price is $50,000 or more, 2 percent if the aggregate selling price is $100,000, and 1 percent if the aggregate selling price is $250,000 or more; with the exception that in the particular case of the shares of Income Foundation Fund, Incorporated, only, such selling commission is further reduced to ½ percent on purchases of $500,000 or more.

The application further states that it has been the experience of the Funds and Axe Securities Corporation that persons contemplating a sizable purchase of investment company shares seek to diversify their holdings in several Funds with different portfolios and differing investment objectives and that the proposed schedule of quantity discounts will permit such an investor to obtain the diversification he seeks without sacrificing the advantage of the quantity discount presently available only for concurrent purchases of shares of Axe-Houghton Fund A, Inc., Axe-Houghton Fund B, Inc., and Republic Investors Fund, Inc.

All interested persons are referred to said application which is on file in the Washington, D. C., office of the Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time on or after June 4, 1951, unless a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than June 1, 1951, at 5:30 p. m., e. d. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request in writing that the Commission order a hearing to be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-5830; Filed, May 18, 1951; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17757]

YUMI MATSUZAKI

In re: Stock owned by Yumi Matsuzaki. F-39-6999-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yumi Matsuzaki, whose last known address is 3894 Himegi-machi, Miyakonojc, Miyazaki-ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Two hundred (200) shares of common stock of The United Corporation, 901 Market Street, Wilmington 7, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 551787 3 for 100 shares each, registered in the name of Yumi Matsuzaki, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C. on April 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5833; Filed, May 18, 1951; 8:50 a. m.]

[Vesting Order 17758]

KANA NAKAI

In re: Stock owned by and debts owing to Kana Nakai. D-39-1514, D-39-19268-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kana Nakai, whose last known address is Kameokacho, Kiyoto, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Twenty-five (25) shares of no par value common capital stock of The Western Pacific Railroad Company, 526 Mission Street, San Francisco 5, California, a corporation organized under the laws of the State of California, evidenced by a certificate numbered E02781, and presently in the custody of James M. Earnest, Woodward Building, Washington, D. C., together with all declared and unpaid dividends thereon,

b. All rights and interest in Mother Lode Coalition Mines Company (liquidated), 120 Broadway, New York, New York, evidenced by a certificate numbered 006552 for fifty (50) shares of $0.01 par value common capital stock of the aforesaid company, presently in the custody of James M. Earnest, Woodward Building, Washington, D. C., including particularly any and all declared and unpaid dividends on the aforesaid stock, and any and all liquidating dividends thereon,

c. That certain debt or other obligation evidenced by a check drawn by the Comptroller of the Currency on the Riggs National Bank, Washington, D. C., payable to K. R. Furuya, dated May 4, 1942, and in the amount of $6.26, said check representing the fifth (final) dividend on Claim No. 1863 against the insolvent Commercial National Bank of Washington, D. C., presently in the custody of the Division of Insolvent National Banks, Office of the Comptroller of the Currency, Treasury Department, Washington, D. C., together with all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid check, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

d. That certain debt or other obligation evidenced by a check drawn by the Comptroller of the Currency on the Hamilton National Bank, Washington, D. C., payable to K. R. Furuya, dated September 16, 1942, and in the amount of $35.80, said check representing the fourth (final) interest dividend on Claim No. 3134 against the insolvent District National Bank of Washington, D. C., presently in the custody of the Division of Insolvent National Banks, Office of the Comptroller of the Currency, Treasury Department, Washington, D. C., together with all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid check, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and

e. That certain debt or other obligation of the Hamilton National Bank, 619 14th Street NW., Washington, D. C., arising out of an account entitled "W. Gwynn Gardiner, Administrator of the Estate of Kametaro Furuya," maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kana Nakai, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5834; Filed, May 18, 1951; 8:50 a. m.]

[Vesting Order 17761]

HENRY MAUER AND JACOB SIMMEL

In re: Funds owned by and claims of Henry Mauer and Jacob Simmel. F-28-17615, F-28-17747.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Mauer, whose last known address is Wassergasse 16, Wallenheim, Rhein Hessen, Germany and Jacob Simmel, whose last known address is In Falkenstein No. 106 Regensburger-str., Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. All funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", and representing the proceeds of withheld checks drawn for the payment of Railroad Retirement benefits to the persons whose names and Railroad Retirement Numbers are listed below and in the amount as of January 1, 1947, as set forth opposite each such name:

Name	Number	Amount
Henry Mauer	1H1742	$2 040 45
Jacob Simmel	1H1812	904 20

and any and all rights to demand, enforce and collect the aforesaid funds, and

b. Any and all rights and claims to Railroad Retirement benefits under the Railroad Retirement Act of 1935 as amended (Pub. Law 399, 74th Cong., 1st Sess., 49 Stat. 967) to January 1, 1947 of Henry Mauer (Railroad Retirement Board No. H1742) and of Jacob Simmel (Railroad Retirement Board No. H1412), together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5835; Filed, May 18, 1951; 8:50 a. m.]

[Vesting Order 17768]

WILLIAM FELDHAUSEN

In re: Estate of William Feldhausen, also known as William G. Feldhausen, deceased. File No. D-28-12991.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Willy Harms, Adolf Harms, Franz Harms, Anna Harms and Dora Harms, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of William Feldhausen, also known as William G. Feldhausen, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Louis G. Mohrman, as Administrator c. t. a., acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are

not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5838; Filed, May 18, 1951; 8:50 a. m.]

[Vesting Order 17765]

SKANDINAVISKA BANKEN AKTIEBOLAG

In re: Accounts maintained in the name of Skandinaviska Banken Aktiebolag or Skandinaviska Banken A. B., Stockholm, Sweden, and owned by persons whose names are unknown. F-62-473 (Stockholm).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Account maintained in the name of Skandinaviska Banken Aktiebolag or Skandinaviska Banken A. B., Stockholm, Sweden]

Column I Name and address of institution which maintains account	Column II Designation of account
1. The New York Trust Co., 100 Broadway, New York 15, N. Y.	(a) Bank deposit special deposit U GR 6 a/c, and (b) stocks special deposit U GR 6 a/c, as described by The New York Trust Co. in its report on form OAP-700 bearing its serial No. FD 2.
2. J. & W. Seligman & Co., 65 Broadway, New York 6, N. Y.	(a) Credit balance, and (b) Various stocks and bonds, as described by J. & W. Seligman & Co. in its report on form OAP-700 bearing its Serial No. 5.

[F. R. Doc. 51-5836; Filed, May 18, 1951; 8:50 a. m.]

[Vesting Order 17766]

SKANDINAVISKA BANKEN A. B.

In re: Accounts maintained in the name of Skandinaviska Banken A. B. or Skandinaviska Banken Aktiebolag, Stockholm, Sweden, and owned by persons whose names are unknown. F-62-478 (Stockholm).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in the attached Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 30, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Skandinaviska Banken A. B. or Skandinaviska Banken Aktiebolag, Stockholm, Sweden]

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights, and interests in the account as of Oct. 2, 1950, excluded from this vesting order
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	Skandinaviska Banken Aktiebolag, special a/c U general ruling No. 6 a/c Stockholm, Sweden, as described by The Chase National Bank of the City of New York in its report on OAP-700 bearing its serial No. 185.	(a) $1,150 (which, according to license application NY 86705 filed by The Chase National Bank of the City of New York, bearing its serial Number 0887, represents property owned by a national of Hungary, (b) $16,710.02 which, according to license application NY 86704 filed by The Chase National Bank of the City of New York, bearing its serial Number 0888, represents property owned by a national of Poland.

Also excluded from this vesting order are (1) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since Oct. 2, 1950 and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock, listed in Column III or excluded under (a) of this footnote.

[F. R. Doc. 51-5837, Filed, May 18, 1951; 8:50 a. m.]

[Vesting Order 17770]

CAROLINE EMILY LEVERICH

In re: Estate of Caroline Emily Leverich, deceased. File No. D-28-12514; E. T. sec. 16720.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frederick Wellmer, Bernard Wellmer, Augusta Sudmeyer and Maria Stolle, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever, of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Caroline Emily Leverich, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Rudolph Dugan, as administrator, c. t. a., acting under the judicial supervision of the Surrogate's Court of Nassau County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5839; Filed, May 18, 1951; 8:50 a. m.]

[Vesting Order 17774]

ARTHUR SCHROEDER

In re: Funds owned by and claims of Arthur Schroeder. F-28-18183-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Arthur Schroeder, whose last known address is Auf Der Drift 3, Berlin-Kleinmachnow, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. All funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", and representing the proceeds of withheld foreign checks drawn for the payment of Civil Service Retirement benefits to Arthur Schroeder, identified as Civil Service No. R66070 in the amount of $511.98 as of January 1, 1947 together with any and all rights to demand, enforce and collect the aforesaid funds, and

b. Any and all rights to Civil Service Retirement benefits under the Civil Service Retirement Act approved May 22, 1920, as amended, (Pub. Law 215 66 Cong. 2d Sess. 41 Stat. 614) to January 1, 1947 of Arthur Schroeder, further identified by No. CSA66070 together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5840; Filed, May 18, 1951; 8:50 a. m.]

[Vesting Order 17788]

MARGIT ADAM

In re: Bond owned by and debt owing to Margit Adam. F-28-31442-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margit Adam, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation evidenced by one (1) Mortgage Participation Certificate of New York Title & Mortgage Company, Series N-105, on the premises at 310 18 W. 72d Street, New York, New York, said certificate of $100 face value and numbered 241, and any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, together with all rights in, to

and under the aforesaid certificate, including particularly, but not limited to, any funds representing the proceeds of liquidation held by the Manufacturers Trust Company, 45 Beaver Street, New York 15, New York, or any payments to become due thereon representing the proceeds of liquidation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Margit Adam, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5843; Filed, May 18, 1951; 8:50 a. m.]

[Vesting Order 17785]

AKTIESELSKABET KJOBENHAVNS HANDELSBANK

In re: Accounts maintained in the name of Aktieselskabet Kjobenhavns Handelsbank, or Kjobenhavns Handelsbank A. S., or Copenhagens Handelsbank, or Kjobenhavns Handelsbank, Copenhagen, Denmark, and owned by persons whose names are unkown. F-19-344.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Aktieselskabet Kjobenhavns Handelsbank, or Kjobenhavns Handelsbank A. S., or Copenhagens Handelsbank, or Kjobenhavns Handelsbank, Copenhagen, Denmark]

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights, and interests in the accounts as of Oct. 2, 1950, excluded from this vesting order [1]
J. Henry Schroder Banking Corp., 57 Broadway, New York 15, N. Y.	Securities safe custody account "separate account"; as described by J. Henry Schroder Banking Corp. in its report on Form OAP-700, bearing its Serial No. 3.	$17,000, 6 percent Kingdom of Denmark 1942 bonds, which, according to bearer application No. NY-56812, filed by J. Henry Schroder Banking Corp., Nov. 29, 1950, is the property of Mrs. Dorothea Hefter and Miss Julie Hefter whose citizenship and residence are unknown.

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since Oct. 2, 1950, and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in Column III or excluded under (a) of this footnote.

[F. R. Doc. 51-5842; Filed, May 18, 1951; 8:50 a. m.]

[Vesting Order 17793]

LUISE HILLMERS

In re: Mortgage participation certificate owned by and a debt owing to Luise Hillmers. F-28-31443-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Luise Hillmers, whose last known address is Egge-Volmarsten, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation evidenced by one (1) Mortgage Participation Certificate of Bond and Mortgage Company, said certificate of $178.57 face value, numbered 158493 and registered in the name of Luise Hillmers, and any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, together with all rights in, to and under the aforesaid certificate, including particularly, but not limited to, any funds representing the proceeds of liquidation held by the Manufacturers Trust Company, 45 Beaver Street, New York 15, New York, or any payments to become due thereon representing the proceeds of liquidation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Luise Hillmers, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5844; Filed, May 18, 1951; 8:51 a. m.]

[Vesting Order 17810]

EFFECTEN-EN HANDELSCOMPAGNIE C. V.

In re: Accounts maintained in the name of Effecten-en Handelscompagnie C. V. Amsterdam, Holland, and owned by persons whose names are unknown. F-49-470.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Effecten-en Handelscompagnie C. V., Amsterdam, Holland]

Column I Name and address of institution which maintains account	Column II Designation of account
H. Hentz & Co., 60 Beaver St., New York 4, N. Y.	(a) Credit balance, and (b) miscellaneous portfolio of stocks and bonds; as described by H. Hentz & Co. in its report on Form OAP-700, bearing its Serial No. 4.

[F. R. Doc. 51-5845; Filed, May 18, 1951; 8:51 a. m.]

[Vesting Order 17784]

AKTIESELSKABET KJOBENHAVNS HANDELSBANK

In re: Accounts maintained in the name of Aktieselskabet Kjobenhavns Handelsbank, or Kjobenhavns Handelsbank A. S., or Copenhagens Handelsbank, or Kjobenhavns Handelsbank, Copenhagen, Denmark, and owned by persons whose names are unknown. F-19-344.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Aktieselskabet Kjobenhavns Handelsbank, or Kjobenhavns Handelsbank A. S., or Copenhagens Handelsbank, or Kjobenhavns Handelsbank, Copenhagen, Denmark]

Column I	Column II
Name and address of institution which maintains account	Designation of account
1. The National City Bank of New York, 55 Wall St., New York 15, N. Y.	(a) Miscellaneous portfolios of stocks and bonds (payable both in dollars and foreign currencies), as described by The National City Bank of New York, in its report on Form OAP-700, bearing its Serial No. 144; (b) current account, as described by The National City Bank of New York, in its report on Form OAP-700, bearing its Serial No. 0116.
2. The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	Bank Deposit Kjobenhavns Handelsbank, A. S., old account, Copenhagen, Denmark, as described by The Chase National Bank of the City of New York, in its report on Form OAP-700, bearing its Serial No. 117.

[F. R. Doc. 51-5841; Filed, May 18, 1951; 8:50 a. m.]

[Vesting Order 14324, Amdt.]

WILLIAM BRAEUNINGER

In re: Estate of William Braeuninger, deceased. D-28-4261.

Vesting Order 14324, dated February 8, 1950, is hereby amended as follows and not otherwise: By deleting from said Vesting Order 14324, subparagraphs 5 (a) and 5 (b) thereof, and substituting therefor the following:

a. The south nine (9) feet of Lot Seventy (70) and the north twenty-four (24) feet of Lot Seventy-one (71) of Sunset View, a subdivision of Kansas City, Missouri, commonly known as 3612 Olive Street, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. Lot Seventy-seven (77), South Wauneta Park, an addition in Kansas City, Missouri, commonly known as 4207 Bellefontaine Street, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property.(.)

All other provisions of said Vesting Order 14324 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General:

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5846; Filed, May 18, 1951; 8:51 a. m.]

[Vesting Order 14753, Amdt.]

EMIL BLUMENBERG

In re: Real property owned by Emil Blumenberg. F-28-30765-B-1.

Vesting Order 14753, dated June 20, 1950, is hereby amended as follows and not otherwise: By deleting from the vesting clause of said Vesting Order 14753 the following language: "subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries," (.)

All other provisions of said Vesting Order 14753 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5847; Filed, May 18, 1951; 8:51 a. m.]

[Return Order 963]

RAFFAELE VIGGIANI ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, and Claim No., Notice of Intention To Return Published, and Property

Raffaele Viggiani, Rogiano Gravina, Italy, Claim Nos. 36831 and 36832; $8,297.29 in the Treasury of the United States; Domenica Viggiani, Rogiano Gravina, Italy, Claim Nos. 36833 and 41527; $4,297.29 in the Treasury of the United States; Enrico Viggiani, New York, N. Y., Claim Nos. 36460 and 36461; $5,955.01 in the Treasury of the United States; January 24, 1951 (16 F. R. 668); all right, title and interest of Enrico Viggiani, his heirs at law, distributees and legatees in and to the trust estate created under the will of Enrico Viggiani, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 15, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5848; Filed, May 18, 1951; 8:51 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 99

Washington, Tuesday, May 22, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10246

TRANSFERRING THE USE, POSSESSION, AND CONTROL OF CERTAIN LAND FROM THE DEPARTMENT OF THE INTERIOR TO THE TENNESSEE VALLEY AUTHORITY

By virtue of the authority vested in me by section 7 (b) of the Tennessee Valley Authority Act of 1933 (48 Stat. 63; 16 U. S. C. 831f (b)), it is ordered that the use, possession, and control of the following-described land, comprising the Elk River Fish Hatchery, together with the improvements thereon and pertaining thereto, be and they are hereby, transferred from the Department of the Interior to the Tennessee Valley Authority, such transfer being deemed necessary and proper for the purposes of the Tennessee Valley Authority as stated in the said Tennessee Valley Authority Act of 1933:

A tract of land lying in Limestone County, State of Alabama, in section 3, and in the $E\frac{1}{2}$ of the $E\frac{1}{2}$ of section 4, Township 2 South, Range 5 West, and being a portion of the land acquired by the Authority, in the name of the United States of America, under the designation of Tracts WR-48, WR-49, and WR-66, said land being more particularly described as follows:

Beginning at a monument (Coordinates: No. 1,784,291; E. 633,453), approximately 200 feet south of, and approximately 740 feet west of Tennessee Valley Authority Monument No. 30 at the southwest corner of the $NW\frac{1}{4}$ of the $NW\frac{1}{4}$ of section 3; thence N. 13°09' E., 20 feet to a point on the shore of the Elk River Arm of the Wheeler Lake and on the line made by the intersection of the present ground surface and the plane of the 556 foot (m. s. l.) contour; thence with the said contour line and the shore of the lake as it meanders downstream approximately 13,300 feet to a point; thence, leaving the shore of the lake, N. 17°08' E., 799 feet, passing a monument at 35 feet, to a monument; thence N. 86°04' W., 264 feet to a monument; thence N. 13°09' E., 906 feet, crossing a private road at approximately 20 feet, to the point of beginning.

The above-described land contains 192 acres, more or less.

NOTE: The coordinates and bearings given in the above description are for the Alabama (West) State Coordinate System, Mercator Projection, as established by the U. S. Coast and Geodetic Survey. The origin for the coordinate system is at Latitude 30°00' N., and Longitude 87°30' W., and has been assigned a value of X=500,000 feet and Y=0 feet.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 18, 1951.

[F. R. Doc. 51-5950; Filed, May 18, 1951; 4:24 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

APPORTIONMENT

Subdivision (vii) is added to § 2.110 (a) (2) as follows:

§ 2.110 *Apportionment.* (a) • • •

(2) Certification for appointment to the following positions in all agencies: • • •

(vii) For the duration of the emergency, positions of Student Aid Trainee, Engineering Aid, GS-802; and positions of Student Aid Trainee, Physical Science Aid, GS-1311, classified at grades GS-3 and GS-4.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-5859; Filed, May 21, 1951; 8:46 a. m.]

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Departmental Reg. 108.126]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

MAY 14, 1951.

Section 325.11, Designation of differential posts, is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following April 30, 1950,

(Continued on p. 4745)

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FEDERAL REGISTER

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CODE OF FEDERAL REGULATIONS

1949 Edition

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(For use during 1951)

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paragraph (a) is amended by the addition of the following posts:

Afghanistan, all posts.
Nepal, all posts.

2. Effective as of the beginning of the first pay period following April 14, 1951, paragraph (a) is amended by the addition of the following post:

Manta, Ecuador.

3. Effective as of the beginning of the first pay period following May 12, 1951, paragraph (d) is amended by the addition of the following post:

Nicaro, Cuba.

(E. O. 10000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

W. K. SCOTT,
Deputy Assistant Secretary.

[F. R. Doc. 51–5878; Filed, May 21, 1951; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENTS LIMITS; COLORADO

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the values and investment limits set forth below for said counties.

COLORADO

County	Average value	Investment limit
Larimer	$20,000	$12,000
Logan	20,000	12,000
Morgan	20,000	12,000
Weld	25,000	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 17th day of May 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–5892; Filed, May 21, 1951; 8:49 a. m.]

Subchapter E—Account Servicing

PART 363—FARM OWNERSHIP AND FARM HOUSING TAXES

Part 363 in Title 6, Code of Federal Regulations (14 F. R. 2057), is revised to include servicing of real estate taxes on farms mortgaged to secure Farm Housing loans, and to read as follows:

Sec.
363.1 General.
363.2 Servicing delinquent taxes when Government holds a first mortgage.
363.3 Servicing delinquent taxes related to Farm Housing loan when Government does not hold a first mortgage.

AUTHORITY: §§ 363.1 to 363.3 issued under sec. 41, 60 Stat. 1066, sec. 510, 63 Stat. 438; 7 U. S. C. 1015, 42 U. S. C. 1480. Interpret or apply sec. 3, 60 Stat. 1074, sec. 510, 63 Stat. 437; 7 U. S. C. 1003, 42 U. S. C. 1480.

DERIVATION: §§ 363.1 to 363.3 contained in FHA Instructions 425.1 and 425.2 and the order of the Administrator dated April 23, 1951.

§ 363.1 *General.* Each borrower who obtains a direct or insured Farm Ownership loan or a first mortgage Farm Housing loan will be responsible for paying taxes on his farm to the proper taxing authorities. This obligation of the borrower is included in the mortgage (deed of trust) securing his loan. A borrower having a Farm Housing loan secured by a junior mortgage (deed of trust) is required to pay taxes on his farm either to the proper taxing authorities or to the prior lienholder, depending upon the terms of the prior lien.

§ 363.2 *Servicing delinquent taxes when Government holds a first mortgage.* Upon a determination by the State Director that every practicable effort has been made, without success, to have the borrower pay the delinquent tax with his own funds, payment of such taxes by the Government will be accomplished by the use of Standard Form 1034, "Public Voucher for Purchases and Services other than Personal." The amount so advanced will be charged against the borrower's account and will bear interest at the lowest rate specified in any existing mortgage (deed of trust) securing the borrower's indebtedness.

§ 363.3 *Servicing delinquent taxes related to Farm Housing loan when Government does not hold a first mortgage—*(a) *Policy.* As a general policy, the Government will not pay a delinquent tax on a farm on which the Government holds other than a first mortgage securing a Farm Housing loan. However, such a delinquent tax may be paid by the Government where (1) there is danger that nonpayment of the delinquent tax may result in loss of the security for the loan, and (2) the value of the security is adequate to justify the additional advance to pay the delinquent tax.

(b) *Servicing actions.* Upon receipt of a report that notice of a tax sale or foreclosure of a tax lien has been issued, the State Director will determine whether the value of the security is sufficient to justify any additional advance to pay taxes. If the State Director determines that the value of the security will justify the expenditures, he will request the County Supervisor to prepare and process a Standard Form 1034 voucher to pay the delinquent tax and charge the amount of the tax payment to the borrower's Farm Housing loan account.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

APRIL 23, 1951.

Approved: May 17, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–5893; Filed, May 21, 1951; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES AND OTHER PRODUCTS [1]

U. S. STANDARDS FOR GRADES OF ORANGE MARMALADE

On February 14, 1951, a notice of proposed rule making was published in the FEDERAL REGISTER (16 F. R. 1550) regarding the issuance of proposed United States Standards for Grades of Orange Marmalade. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Orange Marmalade are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950):

§ 52.488 *Orange marmalade.* Orange marmalade is the semi-solid or gel-like product prepared from orange fruit ingredients together with one or more sweetening ingredients and may contain suitable food acids, food pectins, lemon juice, or lemon peel. The ingredients are concentrated by cooking to such a point that the soluble solids content of the finished marmalade is not less than 68 percent.

(a) *Kinds of orange marmalade.* (1) "Sweet orange marmalade" means that the orange fruit ingredient consists principally of such varieties as Navel and Valencia or other commercial dessert varieties other than tangerines. "Sweet orange marmalade" is prepared from not less than 30 parts by weight of orange fruit ingredient to 70 parts by weight of sweetening ingredient.

(2) "Bitter orange marmalade" means that the orange fruit ingredient consists principally of the Seville or sour type of oranges other than tangerines. "Bitter orange marmalade" is prepared from not less than 25 parts by weight of orange fruit ingredient to 75 parts by weight of sweetening ingredient.

(3) "Sweet and bitter orange marmalade" means that the orange fruit ingredient consists of a blend of sweet oranges and bitter oranges other than tangerines. "Sweet and bitter orange marmalade" is prepared from not less than 30 parts by weight of orange fruit ingredient to 70 parts by weight of sweetening ingredient. It is recommended that the orange fruit ingredient from which "sweet and bitter orange marmalade" is prepared be approximately 50 percent by weight of sweet orange material and bitter orange material.

(b) *Styles of orange marmalade.* (1) "Sliced" means that the peel in the orange marmalade is in thin strips.

(2) "Chopped" means that the peel in the orange marmalade is in small pieces (such as irregular shapes and dice-like shapes).

(c) *Types of orange marmalade.* (1) "Type I, Clear" means that the peel is suspended in a translucent semi-solid or gel-like mass.

(2) "Type II, Natural" means that the peel is suspended in a cloudy or opaque semi-solid or gel-like mass.

(d) *Grades of orange marmalade.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of orange marmalade that is practically free from defects; that possesses a good flavor and odor; and that is of such quality with respect to color and consistency and character as to score not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of orange marmalade that possesses a reasonably good color; that possesses a reasonably good consistency and character; that is reasonably free from defects; that possesses a reasonably good flavor and odor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade D" or "Substandard" is the quality of orange marmalade that fails to meet the requirements of U. S. Grade B or U. S. Choice.

(e) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled as full as practicable with orange marmalade and that the product occupy not less than 90 percent of the volume of the container.

(f) *Ascertaining the grade.* The grade of orange marmalade is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, consistency and character, absence of defects, and flavor and odor. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors	*Points*
(1) Color	20
(2) Consistency and character	20
(3) Absence of defects	20
(4) Flavor and odor	40
Total score	100

(g) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical rating within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Orange marmalade that possesses a good color may be given a score of 17 to 20 points. "Good color" means that the product possesses a practically uniform bright color characteristic of properly prepared and properly processed orange marmalade for the respective kind; that the product is practically free from green-colored peel, and that the product is free from dullness of color due to oxidation or improper processing or improper cooling or other causes.

(ii) If the orange marmalade possesses a reasonably good color, a score of 14 to 16 points may be given. "Reasonably good color" means that the product possesses a reasonably uniform color; that the product is reasonably free from green-colored peel; that the color of the product may be slightly dull but is not off-color nor excessively dark due to oxidation or improper processing or improper cooling or other causes.

(iii) Orange marmalade that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Consistency and character.* The factor of consistency and character refers to the gel strength of the product, the amount and distribution of the peel in the product, the tenderness of the peel, the uniformity of width of slices of peel, and the uniformity of size of small pieces of peel.

(i) Orange marmalade that possesses a good consistency and character may be given a score of 17 to 20 points. "Good consistency and character" means that the product is a firm but tender gel and may possess no more than a very slight tendency to flow; that the product contains a substantial, but not excessive, amount of peel; that the peel is evenly distributed; that the peel is tender; that in "sliced" style, the thin strips of peel are predominantly of strips approximating $\frac{1}{32}$ inch to $\frac{1}{16}$ inch in width; and that in "chopped" style, the small pieces of peel are reasonably uniform in size.

(ii) If the orange marmalade possesses a reasonably good consistency and character, a score of 14 to 16 points may be given. "Reasonably good consistency and character" means that the product may be definitely firm but is not excessively gummy nor excessively rubbery or that the product may be viscous but is not excessively thin; that the peel is fairly evenly distributed; that the peel is reasonably tender; that in "sliced" style, the thin strips of peel are predominantly of strips approximating no more than $\frac{1}{8}$ inch in width; and that in "chopped" style, the small pieces of peel are fairly uniform in size.

(iii) Orange marmalade that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from seeds or portions of seeds, from blemished peel, from objectionable material, from harmless extraneous material, and from any other defects not specifically mentioned that affect the appearance and eating quality of the product.

(i) "Harmless extraneous material" includes, but is not limited to, small particles of leaves, undeveloped seeds or particles of seeds that measure not more than $\frac{3}{16}$ inch in any dimension, or other similar materials that are harmless.

(ii) "Seeds or portions of seeds" means any seed or any portion thereof, whether or not fully developed, that measures more than $\frac{3}{16}$ inch in any dimension.

(iii) "Blemished peel" means pieces of the peel blemished by surface discoloration to the extent that the appearance or eating quality is materially affected.

(iv) Orange marmalade that is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that there may be present on an average for each 16 ounces net weight, not more than 1 seed or portion of seed and not more than 6 pieces of blemished peel; and that in a single container, the appearance and eating quality of the product is not materially affected by the presence of seeds, portions of seeds, blemished peel, objectionable material, harmless extraneous material, any other defects not specifically mentioned, or any combination thereof.

(v) If the orange marmalade is reasonably free from defects, a score of 14 to 16 points may be given. Orange marmalade that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present on an average for each 16 ounces net weight, not more than a total of 2 seeds or portions of seeds and not more than 10 pieces of blemished peel; and that in a single container, the appearance and eating quality of the product is not seriously affected by the presence of seeds, portions of seeds, blemished peel, objectionable material, harmless extraneous material, any other defects not specifically mentioned, or any combination thereof.

(vi) Orange marmalade that fails to meet the requirements of subdivision (v) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Flavor and odor.* (i) Orange marmalade that possesses a good flavor and odor may be given a score of 34 to 40 points. "Good flavor and odor" means that the product possesses a good and distinct flavor and aroma characteristic of properly processed orange marmalade for the respective kind; that the flavor of the product is neither excessively tart nor excessively sweet; and that the product is free from any caramelized flavor and is free from objectionable flavor and objectionable odor of any kind.

(ii) If the orange marmalade possesses a reasonably good flavor and odor, a score of 28 to 33 points may be given. Orange marmalade that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor and odor" means that the product possesses a reasonably good flavor characteristic of the orange marmalade for the respective kind; that the flavor of the product may be excessively tart or excessively sweet or may possess a slightly caramelized flavor but that the product is free from objectionable flavor and objectionable odor of any kind.

(iii) Orange marmalade that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(h) *Explanation of terms or analyses.* (1) "Orange fruit ingredient" means the edible portions of clean, sound, mature oranges free from material dryness and damage by freezing, including properly prepared orange peel and orange juice but excluding oranges that are artificially colored. Orange fruit ingredients consist of a mixture of cooked orange peel or canned orange peel together with fresh, cooked, canned, concentrated, or frozen orange juice or any combination thereof. The orange juice may be strained or filtered or may contain part or all of the cellular or edible fibrous portions of the oranges used.

(2) The "weight of orange fruit ingredient" means:

(i) The weight of orange peel after the removal of waste materials commonly removed therefrom and prior to steaming or cooking or canning and exclusive of any added water, water used in preparation, added sweetening ingredients, lemon peel, or lemon juice;

(ii) The weight of orange juice, whether concentrated or not, approximating the average soluble solids of single-strength juice; and

(iii) That the proportion by weight of such orange peel to such orange juice approximates not more than the orange peel (exclusive of waste materials commonly removed therefrom) and orange juice from sound, mature oranges free from material dryness and damage by freezing.

(3) "Sweetening ingredients" mean sugar, invert sugar sirup, dextrose, corn sirup, corn sirup solids, glucose sirup, or any mixture thereof.

(4) The "weight of sweetening ingredient" means the weight of the solids of such ingredient or ingredients.

(5) "Soluble solids content" is determined by the method prescribed in the "Official Methods of Analysis of the Association of Official Agricultural Chemists" as outlined under the applicable method for determining the soluble solids in marmalades, except that no correction is made for water-insoluble solids.

(i) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of orange marmalade, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards for quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(j) *Score sheet for orange marmalade.*

Size and kind of container		
Container mark or identification		
Label		
Net weight (ounces)		
Kind		
Style		
Type		
Soluble solids (°) by Refractometer)		

Factors	Score points	
I. Color	20	(A) 17-20 (B) 14-16 (D) 10-13
II. Consistency and character	20	(A) 17-20 (B) 14-16 (D) 10-13
III. Absence of defects	20	(A) 17-20 (B) 14-16 (D) 10-13
IV. Flavor and odor	40	(A) 34-40 (B) 28-33 (D) 10-27
Total score	100	

[1] Indicates limiting rule.

(k) *Effective time.* The United States Standards for Grades of Orange Marmalade (which is the first issue) contained in this section will become effective thirty days after the date of publication of these standards in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090, Pub. Law 759, 81st Cong. 7 U. S. C. 1624)

Issued at Washington, D. C., this 17th day of May 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-5896: Filed, May 21, 1951; 8:49 a. m.]

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

PART 315—UNITED STATES SAVINGS BONDS

PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

PART 318—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES F AND G

PART 321—PAYMENTS BY BANKS AND OTHER FINANCIAL INSTITUTIONS IN CONNECTION WITH THE REDEMPTION OF UNITED STATES SAVINGS BONDS

PART 322—REPLACEMENT OUT OF FUND ESTABLISHED BY GOVERNMENT LOSSES IN SHIPMENT ACT, AS AMENDED, OF ANY LOSSES RESULTING FROM PAYMENTS MADE IN CONNECTION WITH REDEMPTION OF UNITED STATES SAVINGS BONDS AND ARMED FORCES LEAVE BONDS

PART 329—OPTIONS OPEN TO OWNERS OF MATURING UNITED STATES SAVINGS BONDS OF SERIES E

CROSS REFERENCE: See Part 330 of this chapter, *infra*, for provisions amendatory of and supplementary to Department Circulars 530, 653, 654, 750, 751, and 885, codified as Parts 315, 316, 318, 321, 322, and 329, respectively.

[1951 Dept. Circ. 888]

PART 330—REGULATIONS GOVERNING THE PAYMENT OF UNITED STATES SAVINGS BONDS WITHOUT THE OWNER'S SIGNATURES TO THE REQUESTS FOR PAYMENT

MAY 15, 1951.

Pursuant to section 22 (a) of the Second Liberty Bond Act, as amended (31 U. S. C. 757c), the following additional regulations applicable to United States Savings Bonds are prescribed by the Secretary of the Treasury, effective June 1, 1951.

Sec.

330.1 Purpose of regulations.
330.2 Agents eligible to process bonds.
330.3 Bonds eligible for processing.
330.4 Guaranty given to the United States.
330.5 Evidence of owner's authorization to agent.
330.6 Endorsement of bonds.
330.7 Bonds in coownership form.
330.8 Payment of bonds.
330.9 Liability of paying agents under this circular.
330.10 Functions of Federal Reserve Banks.
330.11 Modification of other parts.
330.12 Other parts generally applicable.
330.13 Supplements and amendments.

AUTHORITY: §§ 330.1 to 330.13 issued under sec. 22, 49 Stat. 21, as amended; 31 U. S. C. 757c.

§ 330.1 *Purpose of regulations.* The regulations in this part prescribe a procedure whereby eligible qualified paying agents may specially endorse certain United States Savings Bonds in lieu of requiring the owner or coowner to sign the request for payment and to pay such bonds if they are otherwise subject to payment under the provisions of Part 321 of this chapter (Treasury Department Circular 750, Revised), or to forward to the Federal Reserve Bank of the District of payment those bonds which are not subject to payment under said part. Although the procedure is designed for use primarily in connection with bonds held by paying agents in safekeeping or trust accounts for known customers, it is not limited to bonds held in such accounts. However, under No Circumstances shall the procedure be used to effect a transfer of ownership or a hypothecation or pledge of a bond. Violation of these prohibitions will be cause for the withdrawal of an agent's privilege to process bonds under this part.

§ 330.2 *Agents eligible to process bonds.* In order to establish its eligibility to process savings bonds under this part, an institution qualified as a paying agent of savings bonds must certify on Treasury Department Form PD 2291, that by duly executed resolution of its governing board or committee, the institution has been authorized to apply for the privilege of processing bonds in accordance with the provisions and conditions of this part, including all supplements, amendments and revisions thereof and any instructions issued in connection therewith. Such application and certification should be made to the Federal Reserve Bank of the District which will, when appropriate, issue, on Form PD 2292, notification of the acceptance of such application-certification. The Secretary of the Treasury reserves the right to withdraw such privilege from any institution at any time and such action may be taken either by the Treasury Department direct or through a Federal Reserve Bank, acting as fiscal agent of the United States.

§ 330.3 *Bonds eligible for processing.* A United States Savings Bond of any series may be processed under the regulations in this part: *Provided*, That the registered owner (which term as now and hereafter used in this part includes a coowner) named on the bond requests its payment. The term "owner" is defined to include individuals, incorporated and unincorporated bodies, executors, administrators, and other fiduciaries named on the bonds. The procedure does not apply, for example, to cases where a parent requests payment in behalf of a minor child who is named on the bond as its owner or to cases where requests for payment are made by surviving beneficiaries, or to any other cases requiring death certificates or other supporting evidence.

§ 330.4 *Guaranty given to the United States.* Each paying agent by the act of paying a bond without the signature of the owner or presenting a bond to the Federal Reserve Bank of the District for payment without the owner's signature, under the regulations in this part, shall be deemed thereby to have unconditionally guaranteed to the United States (a) the validity of the transaction, including the identification of the owner and the disposition of the proceeds in accordance with his instructions, and (b) that if a loss is incurred by the United States as a result of such transaction the agent shall upon request of the Treasury Department make prompt reimbursement for the amount of the loss.

§ 330.5 *Evidence of owner's authorization to agent.* By the act of presenting a bond to the Federal Reserve Bank (either as a "paid" bond or for payment by the Federal Reserve Bank) without the owner's signature to the request for payment, the paying agent represents to the United States that it has obtained adequate instructions from the owner with respect to payment of the bond and disposition of its proceeds. To support this representation agents should maintain appropriate records evidencing the receipt of such instructions as well as records establishing compliance therewith.

§ 330.6 *Endorsement of bonds.* Each bond processed under the regulations in this part shall bear the following endorsement (see § 330.7 for additional instructions covering bonds inscribed in coownership form):

Absence of owner's signature, and validity of transaction, guaranteed in accordance with Treasury Department Circular No. 888.

(Name and location of agent)

This endorsement must be placed on the back of the bond in the space provided for the owner to request payment. The endorsement stamp must be legibly impressed in black or other dark-colored ink. The Federal Reserve Bank of the District will furnish rubber stamps for impressing the above endorsement or, in lieu thereof, will approve designs for suitable stamps to be obtained by paying agents. Requests for endorsement stamps to be furnished or approved by the Federal Reserve Bank shall be made in writing by an officer of the institution.

§ 330.7 *Bonds in coownership form.* In addition to the endorsement prescribed in § 330.6, the paying agent shall in the case of bonds registered in coownership form indicate which coowner requested payment. This should be done by encircling in black or other dark-colored ink the name of such coowner (or both coowners if a joint request for payment is made) as it appears in the inscription on the face of the bond.

§ 330.8 *Payment of bonds.* Bonds bearing the special endorsement prescribed in § 330.6, may be paid by paying agents if the bonds are otherwise eligible for payment under the provisions of Part 321 of this chapter (Department Circular 750, Revised). (The same specific limitations of payment authority set forth in § 321.9 of Department Circular 750, Revised—except for absence of the owner's signature under the regulations in this part—continue to apply.) These paid bonds should, of course, bear the agent's payment stamp and the data required thereby and the bonds should be forwarded to the Federal Reserve Bank of the District, with other paid bonds, in the usual manner. All other bonds bearing the special endorsement should be forwarded to the Federal Reserve Bank of the District for payment.

These bonds should be separated from paid bonds and should be accompanied by appropriate instructions governing disposition of the check to be issued in payment of the bond proceeds. See § 330.3 with respect to bonds eligible for special endorsement under the regulations in this part.

§ 330.9 *Liability of paying agents under this part.* In accordance with the guarantee provisions of § 330.4, paying agents are absolutely and unconditionally liable for any losses incurred by the United States by reason of the processing of bonds under the regulations in this part.

§ 330.10 *Functions of Federal Reserve Banks.* The Federal Reserve Banks, as fiscal agents of the United States, are authorized and directed to perform such duties, and prepare and issue such instructions, as may be necessary to the fulfillment of the purpose and requirements of this part. The Federal Reserve Banks may utilize any or all of their Branches in the performance of these duties.

§ 330.11 *Modification of other parts.* The provisions of the regulations in this part shall be considered as amendatory of and supplementary to Parts 315, 316, 318, 321, 322, and 329 of this chapter (Department Circulars 530, 653, 654, 750, 751, and 885), and any revisions thereof, and those parts are hereby modified where necessary to accord with the provisions in this part.

§ 330.12 *Other parts generally applicable.* Except as provided in the regulations in this part, the parts referred to in § 330.11 will continue to be generally applicable.

§ 330.13 *Supplements and amendments.* The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of the regulations in this part, or of any amendment or supplement thereto.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 51-5879; Filed, May 21, 1951; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

ARMY PROCUREMENT PROCEDURE

MISCELLANEOUS AMENDMENTS

The following amendments to subchapter G are issued.

PART 590—GENERAL PROVISIONS

Part 590 is amended as indicated below:

1. Section 590.603–4 is amended by changing the reference to "Accounting Procedures Division", in the last line of paragraph (a) (2), to read "Accounting Division", and by adding the following agency, symbol and note to the list contained in paragraph (a), (3), (iii),[1]

§ 590.603–4 *System of numbering*—(a) *Contracts.* * * *

(3) * * *

(iii) The following letter symbols have been approved by the Comptroller General of the United States for use by the agencies indicated below:

Agency	*Symbol*
* * * * *	
Army Renegotiation Division, Armed Services Renegotiation Board	[1] ARD

2. Section 590.603–5 is amended by changing the reference to "Accounting Procedures Division", in the tenth line of paragraph (b), to read "Accounting Division".

3. Add a new § 590.609, as follows:

§ 590.609 *Vendor's certificate.* The Comptroller General has prescribed the following simplified form of certificate to be used by contractors and vendors on invoices and bills:

I certify that the above bill is correct and just and that payment therefor has not been received.

The General Accounting Office has also authorized the same change to be made, when desired or deemed appropriate, in the wording of the vendor's certificate on U. S. Standard Form 1034 (Public Voucher for Purchases and Services other than Personal), pending revision of that form.

4. Add a new paragraph (c) to § 590.704, as follows:

§ 590.704 *Methods of consummating small purchases by negotiation.* * * *

(c) A renegotiation clause will be inserted in each contract in an amount not exceeding $1,000 in accordance with the requirements of § 596.104–10 (g) or § 590.705–10 (f) as appropriate.

5. Rescind paragraph (f) of § 590.705–10 and substitute the following in lieu thereof:

§ 590.705–10 *General instructions.* * * *

(f) The contract clauses printed on the reverse of Form 383 and on Form 383a are deemed sufficient for all purchases accomplished by use of Form 383, except that in connection with the requirements of the Renegotiation Act of 1951 the following clause will be inserted in the Schedule of each applicable Form 383 (see § 596.104–10 (g)):

RENEGOTIATION

This contract is subject to the Renegotiation Act of 1951 and shall be deemed to contain all the provisions required by section 104 thereof;

In the event additional contract clauses or deviations are required for specific purposes, prior approval for their use will be obtained from the Assistant Chief of Staff, G–4, Department of the Army (Chief, Current Procurement Branch). Approval is granted to delete the following clauses from Form 383a in effecting procurement outside the United States, its territories and possessions:

(1) Convict Labor.

(2) Nondiscrimination in Employment.

* * * * * *

PART 591—PROCUREMENT BY FORMAL ADVERTISING

Part 591 is amended as indicated below:

1. Rescind § 591.102 and substitute the following in lieu thereof:

§ 591.102 *Use of formal advertising*—(a) *Policy.* Subject to such further instructions as may be issued by the Heads of Procuring Activities, during a period of national emergency declared by the President or by Congress, procurement by formal advertising will continue to be used. Formal advertising, however, will not be used when such use will adversely affect the acceleration of procurement or the broadening of the industrial base, or when in conflict with the policy set forth in § 590.301 of this chapter. In complying with the provisions of this section, formal advertising normally will be used in the following instances:

(1) In the procurement of standard commercial supplies or services;

(2) When the items being procured and the conditions are such that greater participation by small business can be obtained;

(3) When procurement by formal advertising will expedite the consummation of the transaction or will obtain the required items more rapidly than by negotiation;

(4) When there are no important factors to be considered in making the award, such as time of delivery, etc., other than price and it is anticipated that the supplies or services can be purchased more economically by formal advertising;

(5) When the list of suppliers to be solicited is extensive, full competition is desired and purchase by formal advertising will be accomplished more efficiently and expeditiously than by negotiation;

(6) In such additional instances as are deemed to be desirable.

(b) *Lists of bidders.* Current lists of bidders will be maintained. Requests for inclusion on such lists will receive prompt and courteous attention. Lists of bidders will be maintained in accordance with § 402.202 of this title and shall not include the name of any person or firm appearing in the "Consolidated Listing of Suspended and Ineligible Contractors and Disqualified Bidders" (§590.303 (d) of this chapter).

(c) *Classified contracts.* Procurements classified as confidential, or higher, shall not be effected by formal advertising, except when the Head of a Procuring Activity considers this method to be in the interest of the Government.

[1] This symbol will not be used to enter into procurement contracts but will be used in connection with contracts for the repayment to the Government of amounts found to be excessive profits under the Renegotiation Act of 1948.

2. Amend § 591.202–4 by changing paragraphs (e) (g) and (h) (2) through (4), to read as follows:

§ 591.202–4 *Publishing in newspapers.* • • •

(e) *Rates.* (1) Advertising may be paid for at a price not to exceed the commercial rates charged to private individuals, with the usual discounts.

(2) All advertising in newspapers, however, shall be audited and paid at rates not higher than those charged the general public; but lower prices may be secured whenever the public interest requires it.

• • • • •

(g) *Forms.* (1) WD AGO Form No. 192 (Request for Authority to Advertise).

(2) The following Standard Forms for Government advertising are hereby prescribed and published for general use, in lieu of all other forms of like character previously used for this purpose:

Standard Form No. 1143—Revised (Advertising Order).
Standard Form No. 1143a—Revised (Advertising Order—Memorandum).
Standard Form No. 1144—Revised (Public Voucher for Advertising—Memorandum).
Standard Form No. 1144a—Revised (Public Voucher for Advertising—Memorandum).

The Comptroller General has directed that, in the interest of economy, the present supply of unused Standard Forms Nos. 1143, 1143a, 1144, and 1144a, on hand and at the Government Printing Office will be used, until exhausted.

(h) *Use of forms.* • • •

(2) Standard Form No. 1142—Revised, and memorandum therefor, Standard Form No. 1142a—Revised, were formerly used in obtaining sworn statements of commercial advertising rates. The Comptroller General under date of 2 January 1951 has declared these forms obsolete. This has necessitated changes in Standard Forms 1143—Revised and 1143a—Revised, as indicated in subparagraph (3) of this paragraph.

(3) Standard Form No. 1143—Revised, and memorandum therefor, Standard Form No. 1143a—Revised, are the forms used to place advertisements with the publishers. The qualifications set forth in paragraph (c) of this section, with reference to the composition of advertising copy, should be noted in connection with the preparation of this form. Pending revision of the forms and in connection with subparagraph (2) of this paragraph, the following deletions should be made:

(i) From authorization to publish, "charges for the same do not exceed the sworn rates on file or to be filed in this department or establishment and such";

(ii) From "Instructions to Publishers", the entire first paragraph and the following words in lines 3 and 4 of the second paragraph: "in the sworn statement of advertising rates on file in the General Accounting Office."

(4) The Public Voucher for Advertising (Standard Form No. 1144—Revised) and memorandum therefor (Standard Form No. 1144a—Revised), will be used by publishers to bill their charges against the Department for advertising published in accordance with the advertising order (Standard Form No. 1143—Revised). Pending revision of Standard Form No. 1144—Revised, the wording of the certification of the payee appearing thereon should be changed to read: "I certify that the above account is correct and just and that payment therefor has not been received." The original voucher for advertising (Standard Form No. 1144—Revised) is printed on the reverse of the original advertising order (Standard Form No. 1143—Revised). The memorandum voucher for advertising (Standard Form No. 1144a—Revised), is printed on the reverse of the memorandum advertising order (Standard Form No. 1143a—Revised). In no case will separate instruments be used for the ordering of advertising and the payment therefor. In connection with the use of this form instructions as set forth in paragraph (f) of this section should be followed.

PART 592—PROCUREMENT BY NEGOTIATION

Part 592 is amended as indicated below:

1. Rescind §§ 592.303 and 592.304 and substitute the following in lieu thereof:

§ 592.303 *Determinations and findings by the Head of a Procuring Activity signing as "a chief officer responsible for procurement."* (a) In addition to the determinations, and written findings in support thereof, authorized to be made by the Head of a Procuring Activity by § 402.303 of this title, the Head of a Procuring Activity signing as "a chief officer responsible for procurement" may make the determination required by § 592.407 (b) with respect to the use of a Time and Materials Contract.

(b) The Head of a Procuring Activity may delegate authority to make the determinations and written findings required by §§ 402.405 and 402.406 of this title to the Deputy Head, Assistant Head or Chief of Staff of the Procuring Activity, and to chiefs of principal purchasing offices. Subject to the limitation contained in § 592.304, he may also personally select one (1) alternate for each such delegate: *Provided, however,* That such alternate will be empowered to make the required determination only during periods of official absence of the delegate for whom he has been selected as alternate. Neither delegates nor their alternates may redelegate this authority.

§ 592.304 *Determinations and Findings by a Contracting Officer.* (a) The determinations required by §§ 402.404 to 402.406 of this title with respect to the use of a cost or cost-plus-a-fixed-fee contract or an incentive type contract may not be made by a Contracting Officer, except that the chief of a principal purchasing office to whom authority has been delegated, pursuant to § 592.303 (b), may make the determinations required by §§ 402.405 and 402.406 of this title, notwithstanding the fact that he may also have been designated a Contracting Officer. Such determinations will be made by the Head of a Procuring Activity as provided in § 402.303 (b) of this title, or by such officers and individuals to whom authority may be delegated in accordance with § 592.303 (b).

(b) Contracting Officers may make the determination required by § 592.407 (b) with respect to the use of a Time and Materials Contract, if the authority to so do has been delegated by the Head of the Procuring Activity.

3. Rescind paragraph (d) of § 592.305 and substitute the following in lieu thereof:

§ 592.305 *Forms of Determinations and Findings.* • • •

(d) *Method of contracting.* Determinations and Findings with respect to the use of a cost, cost-plus-a-fixed-fee or incentive type contract, as set forth in Subpart D, Part 402 of this title and Subpart D, Part 592 of this title, will be prepared for the signature of the Head of the Procuring Activity, or the officer or individual to whom authority to sign such a determination and findings has been delegated pursuant to § 592.303 (b), substantially in the following form. (Heads of Procuring Activities and Contracting Officers may use the form set forth below as a guide in making the determination required by § 592.407. If such use is made of the form, change the citation "section 4 (b)" to "section 4 (a)" in paragraph 2):

DEPARTMENT OF THE ARMY

Determination and Findings

Method of Contracting

1. I hereby find that:

a. The (insert name of Procuring Activity) proposes to procure (describe briefly the scope of the work, or the nature of the supplies or services called for).

b. The estimated cost of the proposed procurement is $------ (including, when applicable, a statement as to the percentage of proposed fixed fee), chargeable to Fiscal Year ------ funds.

c. The use of a (insert type of a contract to be used) contract is the most practicable and likely to be the least costly method of contracting because (summarize such pertinent facts as are available and relevant to support the determination to be made in paragraph 2).

2. Upon the basis of the findings set forth above, I hereby determine that pursuant to Section 4 (b) of the Armed Services Procurement Act of 1947 (Public Law 413, 80th Congress), and paragraph (insert applicable ASPR authority) of the Armed Services Procurement Regulation, that the use of a (insert type of contract) contract (a) is likely to be less costly than other methods of contracting, or (b) that it is impracticable to secure supplies (or services) of the kind or quality required without the use of a (insert type of contract) contract.

(Signature)

Title

PART 594—INTERDEPARTMENTAL PROCUREMENT

Part 594 is amended as indicated below:

1. Rescind § 594.103 and substitute the following in lieu thereof:

§ 594.103 *Procurement from Supply Centers of Federal Supply Service—(a) General instructions.* (1) Installations of the Army Establishment in the continental United States authorized to purchase certain supplies locally will purchase such supplies from Federal Supply Service Centers when the following criteria are applicable (see also §§ 594.301 and 594.302):

(i) The installation has made prior arrangements with the Supply Centers of the Federal Supply Service to establish estimates of requirements and to assure availability of the quantities of items required;

(ii) The items are identified as those available to and used by Federal agencies generally through facilities of the Federal Supply Service Centers;

(iii) Military effectiveness will not be decreased by any factors such as time of delivery or quality of items;

(iv) The delivered cost of the items does not exceed the delivered cost of like items available from commercial sources; and

(v) The items do not require oversea packaging or packing.

(2) Additional arrangements may be made by the heads of technical services with the Federal Supply Service for the purchase of items other than those that have been authorized for local purchase. Such purchases will be subject to the conditions and regulations prescribed by the heads of technical services. Heads of technical services will inform the Assistant Chief of Staff, G–4, Department of the Army (Attn: Chief, Current Procurement Branch) when such arrangements have been made which are of an indefinite or long-term nature.

(3) The purchase of items from Supply Centers which are listed on any mandatory schedule of the Federal Supply Service (including Blind-Made Products) will be considered as compliance with such schedules.

(b) *Stock catalogs of Supply Centers.* Stock catalogs issued by each Supply Center, Federal Supply Service, list supplies regularly available for issue and contain instructions relative to the use of such catalogs. Supplies handled by these centers are, in general, supplies purchased for stock purposes by the Federal Supply Service. Such catalogs may be obtained from the appropriate supply centers.

(c) *Establishments.* In addition to the establishment in Washington, D. C., the Federal Supply Service has the following Supply Centers:

Atlanta.	Kansas City.
Chicago.	New York.
Cleveland.	San Francisco.
Denver.	Seattle.
Fort Worth.	

(d) *Purchasing procedure.* Instructions included in the appropriate stock catalog will be followed in purchasing items, except so far as such instructions are modified in this subpart.

2. Rescind paragraph (a) of § 594.301 and substitute the following in lieu thereof:

§ 594.301 *Prison-made products—(a) Requirement.* (1) All items manufactured by, and all services rendered by, Federal Prison Industries, Inc., shall be purchased from that agency, except (i) in those instances in which a general or special clearance for the purchase of the item or service from commercial sources has been granted, or (ii) for items being purchased in less than carload lots in accordance with subparagraph (2) of this paragraph.

(2) Procurement of less than carload lots of supplies manufactured by Federal Prison Industries, Inc., will be effected from the Federal Supply Service to the extent that such supplies are carried in stock by the Federal Supply Service, except (i) for supplies requiring oversea packaging or packing, or (ii) in those cases where the ordering installation or activity is so located geographically that it would be more practical and economical to purchase direct from the Federal Prison Industries, Inc.

3. Rescind paragraph (a) of § 594.302 and substitute the following in lieu thereof:

§ 594.302 *Blind-made products—(a) General.* Supplies listed in the Schedule of Blind-Made Products issued by the Federal Supply Service, General Services Administration, will be procured from non-profit-making agencies for the blind at prices determined by the Committee on Purchases of Blind-Made Products: *Provided,* That the procurement of such supplies amounting to less than carload lots will be effected from the Federal Supply Service to the extent that such supplies are carried in stock by the Federal Supply Service, except (1) for supplies requiring overseas packaging or packing, or (2) in those cases where the ordering installation or activity is so located geographically that it would be more practical and economical to purchase direct from the agencies for the blind.

PART 596—CONTRACT CLAUSES AND FORMS

Part 596 is amended as indicated below:

1. Section 596.104–10 is amended by changing the headnote to "Renegotiation" and by adding paragraph (g) as follows:

§ 596.104–10 *Renegotiation.* • • •

(g) The Renegotiation Act of 1951 (Public Law 9, 82d Congress) was signed by the President on March 23, 1951. It applies to all contracts entered into by certain Departments, among which are the Departments of Defense, Army, Navy and Air Force, on and after January 1, 1951, and also to contracts entered into prior to January 1, 1951 to the extent of certain receipts and accruals therefrom realized on or after January 1, 1951, as set forth in section 102 of the act. The new law also provides that the Renegotiation Act of 1943 shall not apply to any contracts entered into on or after January 1, 1951. It will not be necessary to amend contracts entered into subsequent to January 1, 1951 so as to delete any such clauses that may be contained therein, nor to dispatch to contractors any notices with respect thereto. The clause set forth below will be included in all contracts which are entered into after April 22, 1951, except those contracts within the coverage of the mandatory exemptions set forth in subparagraph (1) of this paragraph:

RENEGOTIATION

(a) This contract is subject to the Renegotiation Act of 1951 (P. L. 9, 82nd Congress) and shall be deemed to contain all the provisions required by Section 104 of said Act.

(b) The contractor (which term as used in this clause means the party contracting to furnish the materials or perform the work required by this contract) agrees to insert the provisions of this clause, including this paragraph (b), in all subcontracts as required by Section 104 of the Renegotiation Act of 1951; provided that the contractor shall not be required to insert the provisions of this clause in any subcontract of a class or type described in Section 106 (a) of the Renegotiation Act of 1951.

(1) The following are the mandatory exemptions set forth in section 106 (a) of the Renegotiation Act of 1951. (It is not necessary to insert any renegotiation clause in any contract or subcontract covered by such mandatory exemptions):

(1) Any contract by a Department with any Territory, possession, or State, or any agency or political subdivision thereof, or with any foreign government or any agency thereof; or

(2) Any contract or subcontract for an agricultural commodity in its raw or natural state, or if the commodity is not customarily sold or has not an established market in its raw or natural state, in the first form or state, beyond the raw or natural state, in which it is customarily sold or in which it has an established market. The term "agricultural commodity" as used herein shall include but shall not be limited to—

(A) Commodities resulting from the cultivation of the soil such as grains of all kinds, fruits, nuts, vegetables, hay, straw, cotton, tobacco, sugarcane, and sugar beets;

(B) Natural resins, saps, and gums of trees;

(C) Animals, such as cattle, hogs, poultry, and sheep, fish and other marine life, and the produce of live animals, such as wool, eggs, milk and cream; or

(3) Any contract or subcontract for the product of a mine, oil or gas well, or other mineral or natural deposit, or timber, which has not been processed, refined, or treated beyond the first form or state suitable for industrial use; or

(4) Any contract or subcontract with a common carrier for transportation, or with a public utility for gas, electric energy, water, communications, or transportation, when made in either case at rates not in excess of published rates or charges filed with, fixed, approved, or regulated by a public regulatory body, State, Federal, or local, or at rates not in excess of unregulated rates of such a public utility which are substantially as favorable to users and consumers as are regulated rates. In the case of the furnishing or sale of transportation by common carrier by water, this paragraph shall apply only to such furnishing or sale which is subject to the jurisdiction of the Interstate Commerce Commission under Part III of the Interstate Commerce Act or subject to the jurisdiction of the Federal Maritime Board under the Intercoastal Shipping Act, 1933; or

(5) Any contract or subcontract with an organization exempt from taxation under section 101 (6) of the Internal Revenue Code, but only if the income from such contract or subcontract is not includible under section 422 of such code in computing the unrelated business net income of such organization; or

(6) Any contract which the Board determines does not have a direct and immediate connection with the national de-

fense. The Board shall prescribe regulations designating those classes and types of contracts which shall be exempt under this paragraph; and the Board shall, in accordance with regulations prescribed by it, exempt any individual contract not falling within any such class or type if it determines that such contract does not have a direct and immediate connection with the national defense. Notwithstanding section 108 of this title, regulations prescribed by the Board under this paragraph, and any determination of the Board that a contract is or is not exempt under this paragraph, shall not be reviewed or redetermined by the Tax Court or by any other court or agency; or

(7) Any subcontract directly or indirectly under a contract or subcontract to which this title does not apply by reason of this subsection.

(No determinations have been made to date by the Renegotiation Board as to what contracts do not have a direct and immediate connection with the national defense.)

(2) Specific attention is directed to the broad coverage of the Renegotiation Act of 1951. It applies to all contracts covered thereby, irrespective of the size of the contract and irrespective of whether the contract is formally advertised or negotiated.

(3) It is not required that contracts entered into prior to the effective date of this paragraph be amended to include the Renegotiation clause set forth in this paragraph, nor that any notice be dispatched to contractors with respect thereto.

(4) The Renegotiation Act of 1951 contains limited authority to the new Renegotiation Board to grant permissive exemptions. No permissive exemptions have been granted as of the effective date of this paragraph.

2. Add new §§ 596.568, 596.569 and 596.584, as follows:

§ 596.568 *Contract for Off Duty Academic Instruction.* (a) This form consists of DA AGO Form 588. Instructions for its use are contained in SR 355–30–1 (Special regulation pertaining to Army Education Program).

(b) The form is available for supply from adjutant general publications depots.

(c) Authority is granted in effecting procurement outside the United States, its territories and possessions to deviate from the form to the extent indicated.

(1) Article 5—Disputes—on page 3 of the form: Substitute "disputes" clause prescribed in § 596.103–12 (c).

(2) Article 9—Antidiscrimination—on page 3 of form: Delete article. See § 596.001 (b) (1) (iv).

(3) Article 10—Eight-Hour Law of 1912—on page 3 of form: Delete article. See § 596.001 (b) (1) (iv).

(4) Article 11—Convict Labor—on page 3 of form: Delete article.

§ 596.569 *Order Form to Contract for Off Duty Academic Instruction.* (a) This form consists of DA AGO Form 589. Instructions for its use are contained in SR 355–30–1.

(b) The form is available for supply from adjutant general publications depots.

§ 596.584 *U. S. Standard forms of bonds for Government contracts.* (a) The following standard forms, revised November 1950, have been prescribed for use in connection with Government contracts:

(1) U. S. Standard Form 24—Bid Bond.
(2) U. S. Standard Form 25—Performance Bond.
(3) U. S. Standard Form 25A—Payment Bond.
(4) U. S. Standard Form 27—Performance Bond (Corporate Cosurety Form).
(5) U. S. Standard Form 27A—Payment Bond (Corporate Cosurety Form).
(6) U. S. Standard Form 27B—Continuation Sheet (Corporate Cosurety Bond).
(7) U. S. Standard Form 28—Affidavit of Individual Surety.
(8) U. S. Standard Form 34—Annual Bid Bond.
(9) U. S. Standard Form 35—Annual Performance Bond.

(b) Present supplies of U. S. Standard Forms of Bonds for Government Contracts (Nos. 24, 25, 25A, 25B, 25–B1, 25–B3, 25–C, 25–C1, 25–C3, 34 and 35) may be used until exhausted.

(c) The revised forms are referred to in Part 599 (Bonds and Insurance) of this chapter.

PART 602—GOVERNMENT PROPERTY

Part 602 is amended by rescinding paragraph (f) of § 602.450 and substituting the following in lieu thereof:

§ 602.450 *Contractor operated motor vehicles.* * * *

(f) Whenever license plates are required for Government-owned contractor-operated vehicles, arrangements will be made through channels to procure U. S. Government license plates. The requests will be directed to the Chief of Transportation, Attention: Highway Transport Service. Information to be forwarded with the request will include the name of the technical service administering the contract, name and location of project and/or name and address of the contractor, proper nomenclature of vehicle(s), and the U. S. A. registration number(s) if previously assigned and known.

[Proc. Cir. 3, 26 Mar. 1951 and Proc. Cir. 4, 9 Apr. 1951] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51–5855; Filed, May 21, 1951; 8:45 a. m.]

Chapter VI—Department of the Navy

PART 702—TABULATION OF EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS APPLICABLE TO THE NAVY

CALIFORNIA

CROSS REFERENCE: For order withdrawing public land in California for use of the Department of the Navy for a radio installation, thereby affecting the tabulation in § 702.4, see Public Land Order 719 in the Appendix to Title 43, Chapter I, *infra.*

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 720]

ALASKA

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 4592 OF FEBRUARY 22, 1927

By virtue of the authority vested in the President, and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order 4592 of February 21, 1927, is hereby revoked as to the following-described lands in Alaska, which were set apart and designated by the order as preserves and breeding grounds for muskrat and beaver:

The area lying to the eastward and within one-half mile of the center line of the Alaska Railroad between mile posts Nos. 40.5 and 41.5;

The area lying to the westward and within one-half mile of the center line of said railroad between mile posts Nos. 176 and 177;

The area lying to the westward and within one-half mile of the center line of said railroad between mile posts Nos. 181.5 and 182.5;

The area lying to the westward and within one-half mile of the center line of said railroad between mile posts Nos. 190 and 191;

The area lying to the westward and within one-half mile of the center line of said railroad between mile posts Nos. 195.5 and 196.5;

The area lying on each side of and within one-half mile of the center line of said railroad between mile posts Nos. 234.5 and 236.5;

The area lying on each side of and within one-half mile of the center line of said railroad between mile posts Nos. 242 and 243;

The area lying to the eastward and within one-half mile of the center line of said railroad between mile posts Nos. 250 and 252;

The areas described, including both surveyed and unsurveyed public lands aggregate approximately 4,160 acres.

Those of the above-described lands which have been surveyed and are included in Secretary's Interpretation of February 25, 1931, are described as follows:

SEWARD MERIDIAN

T. 18 N., R. 3 W.,
Sec. 18, lot 4, E½SW¼, W½SE¼, and SE¼SE¼;
Sec. 19, N½NE¼ and NE¼NW¼;
Sec. 20, NW¼NW¼.
T. 19 N., R. 4 W.,
Sec. 28, lots 8 and 9;
Sec. 33, lots 1, 2, 4, 5, 6, 7, and NE¼NE¼;
Sec. 34, lots 2 and 6.
T. 20, N., R. 4 W.,
Sec. 18, SE¼SW¼ and SW¼SE¼;
Sec. 19, W½NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼.
T. 21 N., R. 4 W.,
Sec. 19, S½NE¼ and SE¼;
Sec. 30, N½NE¼.

The tract between mile posts Nos. 40.5 and 41.5 is within the Chugach National Forest by Proclamation dated February 23, 1909.

The lands released by this order are generally level and swampy. The cover consists of brush, moss, and scrub black spruce.

Effective upon the signing of this order, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

The above-described lands in T. 19 N., R. 4 W., shall not become subject to the initiation of any rights or to any disposition under the public land laws until it is so provided by an order of classification to be issued by the Regional Administrator, Bureau of Land Management, Anchorage, Alaska, opening the lands to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a) as amended, with a ninety-day preference right period for filing such applications by veterans of World War II.

At 10 a. m., on the 35th day after the date of this order the unappropriated, unreserved, unsurveyed public lands affected by this order shall be opened to settlement under the homestead laws only, and to that form of appropriation only by qualified veterans of World War II for whose service recognition is granted by the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, and by other qualified persons entitled to credit for service under the said Act. Commencing at 10 a. m., on the 126th day after the date of this order, any of such lands not settled upon by veterans or other persons entitled to credit for service shall become subject to settlement and other forms of appropriation by the public generally in accordance with the appropriate laws and regulations.

At 10 a. m., on the 35th day after the date of this order the surveyed public lands affected by this order shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, such lands shall be subject to (1) application under the homestead laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, or application under the homesite or headquarter site act of May 26, 1934, 48 Stat. 809 (48 U. S. C. 461), by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations, to the extent that such regulations are applicable. Applications under the homesite or homestead laws shall be governed by the regulations contained in Parts 64 and 65, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Land Office, Anchorage, Alaska.

OSCAR L. CHAPMAN,
Secretary of the Interior.

MAY 15, 1951.

[F. R. Doc. 51–5857; Filed, May 21, 1951; 8:45 a. m.]

[Public Land Order 719]

CALIFORNIA

WITHDRAWING PUBLIC LAND FOR USE OF THE DEPARTMENT OF THE NAVY FOR A RADIO INSTALLATION

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public land in California is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Navy for a radio installation:

Beginning at a 1¼" iron pipe marking the NE corner of Section 6, T. 27 S., R. 40 E., M. D. B. and M., thence S. 0°, 15' W., 530 feet along the East Section Line of Section 6, thence N. 89°, 58' W., 330 feet; thence N. 0°, 15' E., 530 feet; thence S. 89°, 58' E. along the North line of Section 6, to the point of beginning, all in lot 1 sec. 6; excepting therefrom a 30 foot width along the east side and a 30 foot width along the North side of said plot for roadway purposes. The above described plot contains 4.015 acres, more or less.

This order shall take precedence over but not otherwise affect the order of April 8, 1935, of the Secretary of the Interior establishing California Grazing District No. 1, so far as such order affects the above-described land.

It is intended that the land described above shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

OSCAR L. CHAPMAN,
Secretary of the Interior.

MAY 15, 1951.

[F. R. Doc. 51–5856; Filed, May 21, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 30, Correction]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

CORRECTION

Due to a clerical error, several words were omitted from section 43 (d) of Ceiling Price Regulation 30, issued May 4, 1951, and effective May 28, 1951 (16 F. R. 4108). Accordingly, section 43 (d) of Ceiling Price Regulation 30 is corrected to read as follows:

(d) *Action on your application.* You may not receive payment of any amount in excess of your ceiling price until 30 days after receipt by the Office of Price Stabilization of any application filed under this section. If the Director of Price Stabilization does not revise or modify the adjusted ceiling price reported by you or notify you that further information is requested, you may after these 30 days have elapsed receive payment at the adjusted ceiling price for all deliveries made since the date of filing. The Director of Price Stabilization may, however, at any time revise or modify the adjusted ceiling price, but

such revision or modification will not apply to deliveries already made.

(Sec. 704, Pub. Law 774, 81st Cong.)

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 21, 1951.

[F. R. Doc. 51-5971; Filed, May 21, 1951; 10:42 a. m.]

[Ceiling Price Regulation 6, Correction to Amendment 7]

CPR 6—FATS AND OILS

FISH OIL

EDITORIAL NOTE: A clerical error in Amendment 7 to Ceiling Price Regulation 6, F. R. Doc. 51-5781, as published at 16 F. R. 4611, is hereby corrected by deleting the word "industry" from section 18 (f).

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-1, as amended May 18, 1951]

M-1—IRON AND STEEL

This order M-1, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the issuance of this order and certain amendments thereto, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. In the issuance of certain other amendments, consultation with industry representatives was rendered impracticable due to the necessity for immediate action.

NPA Order M-1, as last amended April 6, 1951, is hereby amended in the following respects:

Section 8 of the order is hereby amended as below set out in order to place a floor of 90 percent on deliveries of carbon steel products (except carbon plates for line pipe) made by a producer supplier to a converter customer. The order is further amended by breaking down several product names in part A of table I and changing certain of the product limitation percentages contained in part C of said table I. It also changes the 45-day lead times set forth in part B of said table I to 30 days for the month of July 1951 only.

Sec.
1. What this order does.
2. Forms of iron and steel products to which this order applies.
3. Required shipment dates.
4. Rejection of rated orders (lead time).
5. Product limitation for acceptance of rated orders.
6. Conditions for acceptance of rated orders.
7. Changes in lead time.
8. Allotments for further conversion.
9. Extension of ratings for further conversion of steel products.
10. NPA assistance in placing rated orders.
11. Scheduled programs.
12. Minimum orders.
13. Inventories.
14. Ferro-alloys.
15. Application for adjustment or exception.
16. Communications.
17. Reports.
18. Records.
19. Audit and inspection.
20. Violations.

AUTHORITY: Sections 1 to 20 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to producers of iron and steel and provides rules for placing, accepting, and scheduling rated orders for iron and steel. Its purpose is to provide equitable distribution of rated orders among all iron and steel producers of the particular products in order to make possible maximum production and to reduce to a minimum disruption of normal distribution. It makes provision for required acceptance of rated orders based on a percentage of previous shipments, and provides for allotment and maximum inventories. It supplements NPA Regs. 1 and 2, but only those provisions of Regs. 1 and 2 which are inconsistent with this order are superseded, and all other provisions of those regulations continue to apply to the iron and steel industry.

SEC. 2. *Forms of iron and steel products to which this order applies.* The iron and steel products to which this order applies are set out in Table I at the end of this order. Table I also sets out the lead time (days) and product limitation for acceptance of rated orders. This order also applies to all second quality materials and shearings and material sorted or salvaged from steel scrap and sold for other than remelting purposes.

SEC. 3. *Required shipment dates.* A rated order for iron or steel in any of the forms listed in Part A of Table I must specify shipment on a particular date or in a particular month, which, in no case, may be earlier than required by the person placing the order. The producer of iron or steel must schedule the order for shipment within the requested month as close to the requested shipment date as is practicable considering the need for maximum production.

SEC. 4. *Rejection of rated orders (lead time).* A producer of iron or steel in a form listed in Part A of Table I need not accept a rated order which is received by him less than the number of days (lead time) set forth in Part B of Table I prior to the first day of the month in which shipment is requested, unless specifically directed to accept such order by the National Production Authority.

SEC. 5. *Product limitation for acceptance of rated orders.* Unless specifically directed by NPA, no iron or steel producer shall be required to accept rated orders for shipment from any one producing unit regardless of location in any one month in excess of the percentages set forth in Part C of Table I, of his average monthly shipments of the products listed in said part, as made by him during the period from January 1, 1950, through August 31, 1950. Where no percentage limitation is set forth as to any product, it is expected that the amount of such product to be called for by rated orders will be relatively small.

SEC. 6. *Conditions for acceptance of rated orders.* Unless otherwise specifically directed by the National Production Authority, and subject to the provisions of NPA Reg. 2, each iron or steel producer shall be required to accept rated orders calling for shipment in any one month from any one of his producing units regardless of location, of products listed in Part A of Table I up to the amount of the percentages listed in Part C of Table I of his average monthly shipments of such products from that producing unit during the period from January 1, 1950, to August 31, 1950. Where no percentage is listed in Part C, in regard to any iron or steel product, each iron or steel producer shall be required to accept all rated orders served upon him, subject to the provisions of NPA Reg. 2, unless otherwise specifically directed by the National Production Authority.

SEC. 7. *Changes in lead time.* (a) If an iron or steel producer would have an open space on his production schedule created by the difference between the lead time of forty-five days as established by this order as originally issued or as subsequently amended, and a longer lead time as established by section 4 of this order, he shall continue to accept rated orders to fill such open space on his production schedule, on the basis of a lead time of forty-five days, before he applies the newly established longer lead time. In filling such open space on his production schedule, as above referred to, an iron or steel producer shall be governed by the product limitation percentage appearing in Part C of Table I.

Example: Under the previously established lead time of 45 days, a steel producer would, up to December 17, 1950, accept DO rated orders for shipment in February 1951. Where a lead time has been increased to 120 days, he would, up to January 31, 1951, accept DO rated orders for shipment in June 1951. In the application of this example, the steel producer would continue to accept DO rated orders for shipment in March and April 1951, on a 45-day lead time until he had arrived in any one month at the product limitation percentage of that product as set forth in Part C, of Table I. Thereafter, he would conform to the new lead time of 120 days for shipment in the succeeding months.

(b) In the example in paragraph (a) of this section, if the product limitation percentage under Part C of Table I as to that particular iron or steel product has been increased from 5 percent to 10 percent, the iron or steel producer should accept DO rated orders up to the amount of the new product limitation percentage figure, commencing with shipments for the month of March 1951, and should continue at that new figure thereafter.

SEC. 8. *Allotments for further conversion.* A steel producer who buys from another steel producer a steel product listed under the heading "Steel Mill Products" in part A of Table I (herein called "steel mill products"), and by further processing converts, for resale, the purchased steel into another steel mill product is engaged in further conversion. For the purpose of this section, the steel producer who sells a steel mill product for further conversion shall be called a producer supplier and the steel producer engaged in further conversion shall be called a converter. Each producer supplier shall make a monthly allotment to each of his converter customers of his production of each steel mill product in accordance with provisions of this section. In order to determine such monthly allotment for each converter customer, each producer supplier shall determine the amount of each steel mill product which will be available for that particular month after making provision for production under DO rated orders and other orders which said steel producer is required to accept by specific direction by the NPA. The ratio of the tonnage thus remaining to the total average monthly shipments of each such product during the base period, from January 1, 1950, through September 30, 1950, shall be applied to the average monthly shipments of each such product to each converter customer during the base period. The result shall be the monthly allotment for each converter customer: *Provided, however,* That the monthly allotment of each carbon steel mill product (except carbon plates for line pipe) shall in no case be less than 90 percent of the average monthly tonnage of each carbon steel mill product shipped to each converter customer during the base period. Any such allotment of a carbon steel mill product shall include the tonnage to be shipped on all DO rated orders for that particular product received by the steel producer from such converter customer for shipment during the month for which the allotment had been made. A producer supplier must accept orders placed by his converter customer up to the limit of his allotment: *Provided, however,* That such orders are placed in accordance with the lead times in part B of table I. Shipments, except for carbon steel mill products for which a minimum tonnage is provided in this section, under such allotments shall be made in addition to shipments to the same converter cutomer pursuant to authorized extension of DO ratings. Orders placed under the provisions hereof must be for substantially the same product as was supplied to each such converter customer during such base period, except for minor variations in size and design. In determining the amount of the monthly allotments, adjustments may be made by a producer supplier, with the consent of the converter customer involved, to provide for any abnormal situations which affect any steel products. Converter customers in Canada shall be entitled to the benefits of this section, and producer suppliers in the United States shall make monthly allotments to Canadian converter customers in accordance with the provisions of this section.

SEC. 9. *Extension of ratings for further conversion of steel products.* All DO ratings extended for the purpose of further conversion of steel products shall have the symbol FC added to the two-digit designation following the prefix DO on the order.

SEC. 10. *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for iron or steel due to the limitations imposed by sections 5 and 6 of this order should apply to the NPA, Iron and Steel Division, Ref.: M-1, specifying the producers who refused to accept the order. The NPA will arrange to assist him in locating other sources of supply.

SEC. 10. *NPA assistance in placing* will from time to time approve scheduled programs calling for the production and delivery of iron and steel products for stated purposes, over specified periods of time. Upon approval of major programs of this type, supplements to this order will be issued describing such programs and specifying the manner in which they are to be carried out by the iron and steel industry. Thereafter, directives will be issued to individual concerns establishing schedules for their participation in such programs. Such directives shall be complied with by the recipients in accordance with the terms thereof, unless otherwise directed by NPA.

SEC. 12. *Minimum orders.* The minimum orders that may be placed with DO ratings or under NPA directives are set out in Table II at the end of this order. The minimum quantity for each size and grade of any item for shipment at any time to any one destination is listed opposite the appropriate item. If all other requirements of this order have been met, orders for such minimum quantities shall be accepted.

SEC. 13. *Inventories.* In addition to the provisions of NPA Reg. 1, relating to inventory control, it is considered that a more exact requirement applying to users of iron or steel products is necessary. No person obtaining iron or steel products for use in manufacture, processing, or construction, may receive or accept delivery of a quantity of iron or steel products if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 45-day period, for steel products, gray and malleable iron castings, and 30-day period for pig iron, or in excess of a practicable minimum working inventory (as defined in NPA Reg. 1), whichever is less. For the purpose of this section, iron and steel products listed in Table I in which only minor changes or alterations have been effected shall be included in inventory. NPA Reg. 1 will apply to iron and steel products except as modified by this section. Said 45-day limitation does not apply to persons who order structural steel for use in construction (including buildings, bridges and other structures of a like type) and who order it delivered cut to the specifications required for a specific project and who normally keep such steel segregated for the specific project. Instead, no such person may accept delivery of such steel more than 45 days before it is scheduled to be fabricated or, if it is not to be further fabricated, before it is scheduled to be assembled.

SEC. 14. *Ferro-alloys.* (a) As used in this section and in section 17 of this order, "ferro-alloys" means and includes, in such form or condition that the same may be used in the production of alloy iron, steel, or nonferrous products, the following elements and their compounds, and scrap containing usable quantities of any one or more of such elements or of any compound or compounds of any one or more of such elements: Boron, calcium, chromium, cobalt, columbium, manganese, molybdenum, nickel, silicon, tantalum, titanium, tungsten, vanadium, and zirconium.

(b) Every person shall comply with any direction or directions issued by NPA respecting the use, and restrictions and limitations on the use, of any ferro-alloy or alloys in the production of alloy iron, steel, or non-ferrous products.

(c) No person shall receive or accept delivery of any ferro-alloy to be used for alloying purposes at a time when his inventory thereof exceeds, or by acceptance of such delivery would be made to exceed, 45 days' requirements on the basis of his then scheduled method and rate of operation or a practicable minimum working inventory (as defined in NPA Reg. 1), whichever is less. The provisions of this paragraph shall be construed to supersede the inventory limitation provisions of NPA Orders M-10 (Cobalt), M-14 (Nickel), M-30 (Tungsten), M-33 (Molybdenum), and M-49 (Columbium and Tantalum), so far as the inventory limitation provisions of said orders apply to persons having in inventory any ferro-alloy to be used for alloying purposes.

SEC. 15. *Application for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 16. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M-1.

SEC. 17. *Reports.* (a) Persons subject to this order shall make such records and submit such reports to the NPA as it shall require, subject to the terms of the Federal Reports Act (P. L. 831, 77th Cong., 5 U. S. C. 139–139F). In accordance with this section all steel producers are required to report on "NPAF–13—Steel Producers' Report of Orders Accepted for DO Ratings and Programs" the orders accepted bearing DO ratings and orders resulting from programs made effective by NPA directives; and on "NPAF–17—Steel Producers' Monthly Report of Shipments and Past Due Orders" the record of the shipments and past due orders by DO ratings and programs made effective by NPA directives.

(b) Every person shall submit to NPA such reports as it shall require with respect to the receipt, consumption, shipment, and maintenance in inventory of any ferro-alloy as defined in section 14 (a) of this order: *Provided*, That no person shall be required to file, as to any ferro-alloy, any report in addition to such report with respect thereto as he files pursuant to any order of NPA establishing allocation or inventory control over the use of such ferro-alloy.

SEC. 18. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 19. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the NPA.

SEC. 20. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on May 18, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

TABLE I—IRON AND STEEL PRODUCTS TO WHICH THIS ORDER APPLIES

Name of product	Part A	Part B: Lead times (days) (For July schedule only—45 days shall be 30 days)			Part C: Production limitation, required acceptance (percentage)		
		Carbon	Low alloy	Stainless	Full alloy	Carbon (including low alloy high strength)	Stainless	Full alloy
	(1)	(2)	(3)	(4)	(1)	(2)	(3)
Steel (including wrought iron) mill products:							
Ingots		45	75	75	75	15	25	[12]
Billets, projectile and shell quality		45	75	75	75	[13] 8	XXXX	(1)
Blooms, slabs, billets (except projectile and shell quality)		45	75	75	75	[13] 52	[2] 25	[13] 18
Sheet bars		45	75	75	75	10	50	5
Tube rounds (rounds for piercing)		45	75	75	75	(2)	50	5
Skelp		45				10	XXXX	XXXX
Wire rods		45	75	90	75	60		50
Structural shapes (heavy) standard		45	75		90	68		
Structural shapes wide flange		45	75		90	68		
Piling—sheet		45				68	XXXX	XXXX
Piling—heavy		45				68	XXXX	XXXX
Plates—rolled armor					(1)	XXXX	XXXX	(1)
Plates—sheared and and U. M.		45	75	90	75	(3)	50	25
Plates—strip mill		45	75	90	75	(3)	50	25
Rails—standard (over 60 pounds)		45			90	10	XXXX	
Rails—all other		45			90	10	XXXX	
Joint bars		45			90	10	XXXX	
Tie plates		45				10	XXXX	XXXX
Track spikes		45				10	XXXX	XXXX
Wheels (rolled and forged)		45			90	95	XXXX	5
Axles		45			90	95	XXXX	5
Bars—hot-rolled, projectile and shell quality		45	75		75	12	XXXX	(14)
Bars—hot-rolled, other (including light shapes)		[4] 45	[5] 75	90	[5] 75	[13] 45	50	50
Bars—reinforcing		45				55	XXXX	XXXX
Bars—cold-finished		[6] 75	[6] 105	105	[6] 105	50	50	50
Bars—tool steel		[6] 60			[6] 90		XXXX	
Standard pipe		45		120		30	25	
Oil country goods—seamless		45				110	XXXX	
Oil country goods—welded		45				110	XXXX	
Line pipe—seamless		45				35	XXXX	XXXX
Line pipe—welded		45				35	XXXX	XXXX
Mechanical tubing—seamless		60		120	120	45	50	50
Mechanical tubing—welded		75		120	120	45	50	50
Pressure tubing—seamless		60		120	120	70	50	25
Pressure tubing—welded		75		120	120	70	50	25
Wire—drawn low carbon (less than 0.45 percent carbon)		45	75	90		50	50	25
Wire—drawn high carbon (0.45 percent and over of carbon)		45	75	90		60	50	25
Wire—nails and staples		45				25	XXXX	XXXX
Wire—barbed and twisted		45				15	XXXX	XXXX
Wire—woven wire fence		45				10	XXXX	XXXX
Wire—bale ties and/or coiled automatic baler wire		45				10	XXXX	XXXX
Tin mill black plate		45				10	XXXX	XXXX
Tin plate—hot-dipped		45				10	XXXX	XXXX
Terneplate		45				10	XXXX	XXXX
Tin plate—electrolytic		45				10	XXXX	XXXX
Sheets—hot-rolled		45	75	90	75	55	40	5
Sheets—cold-rolled		45	75	105	90	40	40	5
Sheets—galvanized		45	75			40	XXXX	
Sheets—all other coated		45	75			25	XXXX	XXXX
Sheets—enameling		45				10	XXXX	XXXX
Electrical sheets and strip		(7)				(7)		
Strip—hot-rolled		45	75	90	75	35	25	5
Strip—cold-rolled		45	75	105	90	35	25	
Steel castings:								
High alloy, rough as cast (heat and corrosion resisting)				[11] 90	[11] 90	XXXXX	20	20
Carbon and low alloy		[11] 60	[11] 90			20	XXXX	XXXX
Steel products, fabricated:								
Forgings (rough as forged)		90	120	120	120	30	20	30
Fence posts		45						
Wire rope and strand		45		105		60	25	
Welded wire mesh		45		105		35	15	XXXX
Netting		45		105		10	15	XXXX
Iron products:								
Pig iron (not including iron with more than 6 percent silicon)		45				15	XXXX	XXXX
Malleable casting (rough as cast)		[11] 60				20	XXXX	XXXX
Gray iron, excluding pipes and fittings (rough as cast)		[11] 60				20	XXXX	XXXX

[1] No "product limitation" or "lead time," whichever is applicable. Subject to direct negotiation by NPA if necessary.
[2] Of each item.
[3] By directive.
[4] If annealed or heat-treated, add an additional 15 days.
[5] For electrical sheets and strip, use this table:

Lead time	Percentage limitation	Definition
Low grade, 45	25	AISI M50, M43, M36.
Medium grade, 45	70	AISI M27, M22, M19.
High grade, 60	80	AISI M17, M15, M14 and oriented.

[6] If cold finished, add an additional 15 days.
[11] Lead times apply to unmachined castings after approval of patterns for production.
[12] Such percentage being the total for any combination of these products.
[13] 12 percent of the base period tonnage figure for bars—hot rolled—other.
[14] An amount equal to 35 percent of the tonnage represented by hot-rolled alloy bar set aside. This is in addition to tonnage set aside for hot-rolled alloy bars.
[15] 8 percent of the base period tonnage figure for blooms, slabs, billets.

TABLE II—MINIMUM ORDERS THAT MAY BE PLACED ON STEEL MILLS, STEEL AND IRON FOUNDRIES, STEEL FORGE SHOPS AND MERCHANT PIG IRON PRODUCERS FOR THE PRODUCTS SPECIFIED

(Special grades, shapes, specifications, processes, and similar factors must be handled by negotiation)

Name of product	Minimum quantity for each size and grade of any item for shipment at any one time to any one destination
STEEL MILL PRODUCTS	
Carbon and low-alloy steel.	
Ingots, blooms, billets, slabs, and tube rounds, sheet bars, skelp, etc., rerolling quality	25 net tons.
Blooms, billets, and slabs, forging quality	Product of 1 ingot.
Wire rods, hot-rolled	5 net tons.
Structural shapes	5 net tons.
Plates:	
Rolled armor	By negotiation.[1]
Continuous strip mill production	10 net tons.
Sheared, universal, or bar mill production	3 net tons.
Rails	5 net tons.
Track accessories (joint bars, tie plates, track spikes)	5 net tons.
Bars, hot-rolled:	
Projectile and shell quality	Product of 1 heat.[1]
Round bars up to and including 3" and squares, hexagons, half rounds, ovals, etc., of approximately equivalent sectional area	5 net tons.
Round and square bars over 3" to but not including 8"	15 net tons.
Bar size shapes (angles, tees, channels and zees under 3")	5 net tons.
Bars, cold finished	3 net tons.
Bars, tool steel	500 pounds.
Pipe, published carload minimum (mixed sizes and grades)	
Tubing:	
Seamless cold-drawn (O. D. in inches):	
Up to ¾" inclusive	1,000 feet.
Over ¾" to 1½" inclusive	800 feet.
Over 1½" to 3" inclusive	600 feet.
Over 3" to 6" inclusive	400 feet.
Over 6"	250 feet.
Seamless hot-rolled	By negotiation.[1]
Welded	By negotiation.[1]
Wire rods (See above.)	
Wire, drawn, for further fabrication and manufacturing:	
Low-carbon	1 net ton.
High-carbon (0.40 carbon and higher):	
0.0475" and heavier	1 net ton.
Under 0.0475" to 0.021" inclusive	1,000 pounds.
Under 0.021"	500 pounds.
Wire merchant trade products, assorted	5 net tons.
Tin mill products—any 1 gauge	5,000 pounds.
Sheet, hot- and cold-rolled	5 net tons.
Strip, hot- and cold-rolled	3 net tons.
Stainless steel: No minimum on standard grades and sizes. For unusual grades or sizes the minimum order is to be worked out by negotiation.[1]	
Full alloy steel:	
Ingots	Product of 1 heat.[1]
Billet, projectile and shell quality	By negotiation.[1]
STEEL MILL PRODUCTS—continued	
Full alloy steel—Continued	
Blooms, slabs, billets (except projectile and shell quality) tube rounds, sheet bars, etc.:	
7" square (or equivalent cross sectional area) and under	5 net tons.
Larger than 7" square (or equivalent cross sectional area)	10 net tons.
Both of the above may be modified because of a mill's ingot size and/or rolling schedules.	
Wire rods	5 net tons.
Structural shapes	By negotiation.[1]
Plates:	
Rolled armor	By negotiation.[1]
Other, whether rolled on continuous strip, sheared, universal or bar mill.	10 net tons.
(A steel producer need not accept an order unless the total quantity ordered is sufficient to make a heat of steel or unless ingots or slabs are available in stock or unless similar material is regularly being produced.)	
Rails	By negotiation.[1]
Wheels	By negotiation.[1]
Axles	By negotiation.[1]
Bars, hot-rolled, projectile and shell quality	By negotiation.[1]
Bars, hot rolled, other:	
Rounds and squares 3½" and smaller	5 net tons.
Rounds and squares larger than 3½"	By negotiation.[2]
Hexagons and flats	5 net tons.
Bars, cold-finished	3 net tons.
Bars, tool steel	500 pounds.
Oil-country goods	By negotiation.
Mechanical tubing	5 net tons.
Pressure tubing	By negotiation.[1]
Sheet and strip	By negotiation.[1]
STEEL CASTINGS (UNMACHINED)	
High alloy and stainless (heat and corrosion resisting)	(3).
Carbon and low-alloy	(3)
STEEL PRODUCTS, FABRICATED	
Forgings (rough as forged)	By negotiation.[1]
Wire rope and strand	1,000-foot lengths.
Welded wire mesh	Full rolls of manufacturers' standard stock sizes.
Netting	Full rolls of manufacturers' standard stock sizes.
IRON PRODUCTS	
Pig iron	Car load.
Gray iron castings, excluding soil and pressure pipe and fittings (unmachined)	(3).
Malleable castings (unmachined)	(3).

[1] "By negotiation" means negotiation between the mill and its customer. If no acceptable arrangements are worked out, the NPA should be notified.
[2] "1 heat" means one batch of metal made in 1 furnace.
[3] 2,000 pounds or less from any 1 pattern or mold, or a minimum production run by the producing foundry even though the delivery from such minimum run may cause the consumers' inventory to exceed the 45-day minimum stated in section 13.

[F. R. Doc. 51–5951; Filed, May 18, 1951; 4:46 p. m.]

Chapter XV—Federal Reserve System

[Regulation W]

REG. W—CONSUMER CREDIT

DISASTER CREDITS: CERTAIN RENTALS

1. Effective May 15, 1951, section 7 of Regulation W (formerly Part 222 of Title 12) is hereby amended in the following respects:

a. By amending paragraph (j) to read as follows:

(j) *Disaster credits.* Any credit of a kind designated by a Federal Reserve Bank under this subsection as a result of a flood or other similar disaster which the Federal Reserve Bank determines has created within its district an emergency affecting the credit needs of a substantial number of the inhabitants of the stricken area. This exemption shall apply only within such areas and during such periods, and shall be subject to such other conditions, as the Federal Reserve Bank may prescribe.

b. By amending paragraph (l) to read as follows:

(l) *Certain rentals.* Any rental, leasing or bailment contract or arrangement (i) for a specified period of not more than 3 months if (i) the transaction is to be terminated, and the article returned to the Registrant, on or before the expiration of the specified period, and (ii) the transaction is not renewable and does not directly or indirectly relate to or involve any subsequent lease, use of, or other interest in, the article or any similar article; or (2) existing during 1950 between the Registrant and the obligor, or any bona fide continuation or modification thereafter of such existing contract or arrangement, which (i) does not expand the number of articles outstanding between the Registrant and the obligor beyond the maximum number outstanding between them at any one time during 1950, and (ii) does not otherwise alter the essential nature of the original contract or arrangement.

(Sec. 5, 40 Stat. 415, as amended, Title VI, Pub. Law 774, 81st Cong.; 50 U. S. C. App., 5)

2. a. The above amendment to Regulation W is issued under the authority of section 5 (b) of the act of October 6, 1917, as amended, U. S. C., Title 50, App., sec. 5 (b); Executive Order No. 8843, dated August 9, 1941; and the "Defense Production Act of 1950", particularly section 601 thereof.

The purposes of the amendment are to provide certain technical changes in the provisions of the regulation exempting certain disaster credits and certain rentals. The change relating to disaster credits primarily concerns the method to be used by a Federal Reserve Bank in designating disaster areas under

the regulation. The primary purpose of the other change is to add to the provision of the regulation concerning certain temporary rentals, a provision permitting the continuation of certain rental arrangements in effect during the year 1950.

b. These amendments were adopted by the Board after consideration of all relevant matter, including that presented to it pursuant to a notice published in 15 F. R. 8856, December 14, 1950, § 222.126, relating to "'Rental' transactions". Special circumstances rendered impracticable further consultation with industry representatives, including trade association representatives, in the formulation of the above amendment, especially in view of the relaxing and technical nature thereof; and, therefore, as authorized by section 709 of the Defense Production Act of 1950, the amendment has been issued without such further consultation. Section 709 of the Defense Production Act of 1950 provides that the functions exercised under such act shall be excluded from the operation of the Administrative Procedure Act (60 Stat. 237), except as to the requirements of section 3 thereof.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-5863; Filed, May 21, 1951; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

SUBPART A—SPECIAL ANCHORAGE AREAS

FLUSHING BAY, N. Y., AND MORRO BAY HARBOR, CALIF.

Pursuant to the provisions of section 1 of the act of April 22, 1940 (54 Stat. 150; 33 U. S. C. 180), § 202.60 is hereby amended by adding a new paragraph (k-1) and by revising the headnote to paragraph (l), and § 202.125 (a) is hereby amended, as follows:

§ 202.60 *Port of New York and vicinity.* • • •

(k-1) *Flushing Bay, north area.* That portion of East River Anchorage No. 10 (described in § 202.155), in the vicinity of College Point, southeastward of a line tangent to the west side of College Point ranging from College point Reef Light to the offshore end of the most northerly rack of the former College Point Ferry slip.

(l) *Flushing Bay, central area.* • • •

§ 202.125 *Morro Bay Harbor, Calif.*—(a) *Area A-1.* Opposite the town of Morro, beginning at the intersection of the west channel line and the prolongation of the center line of Seventh Street; thence 270° to the mean high water line on the peninsula; thence generally south along the mean high water line to the prolongation of the axis of the south breakwater; thence northeasterly to the intersection of a line 200 feet westerly of and parallel to the east channel line and the prolongation of the center line of Third Street; thence northerly along the line 200 feet westerly of and parallel to the east channel line about 350 feet to its intersection with the west channel line; and thence northwesterly along the west channel line to the point of beginning.

NOTE: • • •

SUBPART B—ANCHORAGE GROUNDS

KILISUT HARBOR, WASH., AND HONOLULU HARBOR, T. H.

Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), § 202.230 (a) is hereby amended by revoking subparagraph (2) and redesignating subparagraph (1-a) subparagraph (2), and § 202.235 is hereby prescribed, as follows:

§ 202.230 *Puget Sound Area, Wash.*—(a) *The anchorage grounds.* • • •

(2) *Port Townsend explosives anchorages.* • • •

(2) *Kilisut Harbor berthing area.* [Revoked.]

• • • • •

§ 202.235 *Pacific Ocean (Mamala Bay), Honolulu Harbor, T. H.; anchorage for nitrate laden vessels*—(a) *The anchorage ground.* The waters of the Pacific Ocean (Mamala Bay) within an area directly offshore of Keehi Lagoon at Honolulu, T. H., described as follows: Beginning at a point bearing 240°, 4,900 yards, from Honolulu Harbor Light (Aloha Tower); thence 202°, 1,000 yards; thence 290° 30', 2,230 yards; thence 22°, 1,000 yards; and thence 110° 30', 2,230 yards, to the point of beginning. This area provides anchorage space for two vessels 1,230 yards apart.

(b) *The regulations.* (1) Anchorage within this area shall be restricted to not more than two nitrate laden vessels at any one time. Other vessels are cautioned against frequenting the area at any time, and they shall not, without specific authority from the District Commander, enter or remain in the area when a nitrate laden vessel is anchored within or is approaching the area, or anchor outside the area within 1,000 yards of a nitrate laden vessel anchored within the area.

NOTE: The term "District Commander," as used in this section, means the Commander, 14th Coast Guard District, Federal Building, Honolulu, T. H., or his duly authorized representative.

(2) Except in an emergency involving danger to life or property, no nitrate laden vessel shall anchor within the area without first obtaining permission from the District Commander. The master of a nitrate laden vessel shall notify the District Commander in advance of his intention to anchor within the area, giving the name of the vessel and the time he expects to anchor and any additional information requested such as the reason for the stopover, anticipated period of the stopover, kind and amount of cargo carried, destination, and proposed location of any necessary torches or welding anticipated, etc. The vessel shall not enter the area until permission to anchor has been received from the District Commander, and it shall then anchor along the longitudinal center line of the area 500 yards from either the southeast or the northwest end as designated by the District Commander.

(3) The master of the vessel shall request permission from the District Commander for any necessary additional stopover privilege longer than the period originally anticipated. He shall also notify the District Commander when his vessel is ready to leave the area.

(4) In addition to the appropriate day and night signals, the anchored vessel shall display by day a red flag of at least 16 square feet, and by night a red light, at the mast head or at least 10 feet above the upper deck if the vessel has no mast.

(5) The master of the vessel shall have the vessel properly patrolled at all times, and anchor bearings carefully checked at frequent intervals. During rough seas, if he is in any doubt as to being securely anchored and is without ship power he shall call for tug service from any of the commercial tug-service firms available in Honolulu Harbor. All charges incurred thereby shall be charged to the vessel owner or agent.

(6) Upon being notified to shift its position a vessel shall get under way at once or signal for a tug and change position as directed with reasonable promptness.

(7) In the event of fire on board any anchored vessel, the master or other officer in charge shall immediately sound five blasts of five seconds each of a whistle or siren, which signal may be repeated at intervals to attract attention. This signal shall be used in addition to any other means available for reporting a fire. If for any reason the whistle signal is inoperative the master shall make arrangements whereby the radio transmitter and operator will be available.

(8) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from strict compliance with all applicable navigation laws and regulations and regulations established by the Commandant of the Coast Guard with respect to explosives and other dangerous articles and substances on board vessels.

[Regs., Apr. 24, 1951, 800.2121-ENGWO] (38 Stat. 1053, 54 Stat. 150; 33 U. S. C. 180, 471)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-5854; Filed, May 21, 1951; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

MISCELLANEOUS AMENDMENTS

1. In Part 6, § 6.78 is amended to read as follows:

§ 6.78 *Provision for reinstatement.* Subject to the provisions of paragraph 3 of the present United States Government life insurance policy or a similar paragraph in any policy that may be issued under the World War Veterans' Act, 1924, or any amendment or supplement thereto, United States Government Life Insurance which has lapsed, or may hereafter lapse, may be reinstated upon evidence of the insurability of the applicant satisfactory to the Administrator of Veterans Affairs and under the conditions stated in §§ 6.79, 6.80, 6.81, 6.90, and 6.92.

(a) The policy, if it has not been surrendered for a cash value, may be reinstated at any time after lapse upon evidence of the insurability of the insured satisfactory to the Administrator of Veterans Affairs, and upon the payment of all premiums in arrears, with interest from their several due dates at the rate of 5 per centum per annum, compounded annually, to the first monthly premium due date after July 31, 1946, and thereafter at the rate of 4 per centum per annum, compounded annually, and the payment or reinstatement of any indebtedness which existed at the time of such default, with interest. However, if such indebtedness with interest would exceed the reserve of the policy at the time of application for reinstatement of said policy, then the amount of such excess shall, except as provided in § 6.81, be paid by the insured as a condition of the reinstatement of the indebtedness and of the policy.

(b) Reinstatement is effected when an acceptable application and the required premiums are delivered to the Veterans' Administration. If application for reinstatement is submitted by mail, properly addressed to the Veterans' Administration, the postmark date shall be the date of delivery. The effective date of reinstatement of the insurance shall be the last monthly premium due date prior to the delivery or postmark date of the application for reinstatement, except where reinstatement is effected on the due date of a premium, then in such case, that date shall be the reinstatement date.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. and Sup. 511, 512)

2. In Part 8, § 8.22 is amended to read as follows:

§ 8.22 *Reinstatement of National Service life insurance.* (a) Subject to the provisions of the National Service Life Insurance Act, as amended, and regulations issued thereunder, any insurance which has lapsed or may hereafter lapse and which has not been surrendered for a cash value or for paid-up insurance, may be reinstated upon written application signed by the applicant, and, except as hereinafter provided, upon payment of all premiums in arrears, with interest from their several due dates, provided such applicant at the time of application and tender of premiums is in the required state of health as shown in § 8.23 (a) or (b), whichever is applicable, and submits evidence thereof at the time of application and tender of premiums as may be satisfactory to the Administrator of Veterans Affairs: *Provided*, That interest on premium in arrears shall be at the rate of 5 per centum per annum, compounded annually, to the first monthly premium due date after July 31, 1946, and thereafter at the rate of 4 per centum per annum, compounded annually: *Provided further*, That the payment or reinstatement of any indebtedness against any policy must be made, and if such indebtedness with interest exceeds the reserve of the policy at the time of application for reinstatement thereof, then the amount of such excess shall be paid by the applicant as a condition of the reinstatement of the indebtedness and of the policy: *Provided further*, That a lapsed National Service life insurance policy which is in force under extended term insurance may be reinstated without health statement or other medical evidence, if application and tender of premiums with interest are made not less than 5 years prior to the date such extended insurance would expire: *Provided further*, That in any case in which the extended insurance under an endowment policy provides protection to the end of the endowment period such policy may be reinstated upon application and payment of the premiums with interest, and health statement or other medical evidence will not be required: *And provided further*, That National Service life insurance on the level premium term plan may be reinstated by written application of the insured accompanied by evidence of insurability and tender of two monthly premiums, one for the month of lapse, the other for the premium month in which reinstatement is effected; but such insurance when reinstated without payment of all premiums in arrears with interest shall have no reserve value. Except as provided in § 8.84, application for reinstatement of level premium term insurance accompanied by evidence of insurability and tender of premium must be submitted prior to the expiration of the 5-year term period.

(b) Reinstatement is effected when an acceptable application and the required premiums are delivered to the Veterans' Administration. If application for reinstatement is submitted by mail, properly addressed to the Veterans' Administration, the postmark date shall be the date of delivery. The effective date of reinstatement of the insurance shall be the last monthly premium due date prior to the delivery or postmark date of the application for reinstatement, except where reinstatement is effected on the due date of a premium, then in such case, that date shall be the reinstatement date.

(c) When the insured under a National Service life insurance policy on the level premium term plan makes inquiry prior to the expiration of the grace period disclosing a clear intent to continue insurance protection, such as a request for information concerning premium rates or conversion privileges, etc., an additional reasonable period not exceeding 60 days may be granted for payment of premiums due; but the premiums in any such case must be paid during the lifetime of the insured.

3. Section 8.24 is amended to read as follows:

§ 8.24 *Application and medical evidence.* The applicant for reinstatement of National Service life insurance, during his lifetime and before becoming totally disabled, must submit a written application signed by him and furnish evidence of health as required in § 8.23 at the time of application satisfactory to the Administrator of Veterans Affairs and upon such forms as the Administrator shall prescribe or otherwise as he shall require. Applicant's own statement of comparative health may be accepted as proof of insurability for the purpose of reinstatement under § 8.23 (a), but, whenever deemed necessary in any such case by the Administrator, report of physical examination may be required. Applications for reinstatement submitted after expiration of the applicable period mentioned in § 8.23 (a), must be accompanied by report of physical examination made in accordance with the provisions of § 8.64: *Provided*, That if the insurance becomes a claim after the tender of the amount necessary to meet reinstatement requirements but before full compliance with the requirement of this section, and the applicant was in a required state of health at the date that he made the tender of the amount necessary to meet reinstatement requirements, and that there is satisfactory reason for his noncompliance, the director, underwriting service, in central office cases, and the director, insurance service, in district office cases, may, if the applicant be dead, waive any or all requirements of this section (except payment of the necessary premiums) or, if the applicant be living, allow compliance with this section as of the date the required amount necessary to reinstate was received by the Veterans' Administration.

(Sec. 608, 54 Stat. 1012, as amended; 38 U. S. C. 808. Interpret or apply sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. and Sup. 802)

This regulation effective May 22, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-5861; Filed, May 21, 1951; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9827]

PART 9—AERONAUTICAL SERVICES

PART 14—RADIO STATIONS IN ALASKA OTHER THAN AMATEUR AND BROADCAST

NOTICE OF ERRATUM

In the matter of amendment of Part 9, rules and regulations governing aeronautical services, to provide for aviation service in Alaska, and amendment of Part 14, rules governing radio stations

in Alaska, to delete the subpart thereof titled "Aviation Service".

The following corrections are to be made to F. R. Doc. 51-5685 (16 F. R. 4549).

In both ordering clauses of the order published May 16, 1951, delete the date "June 11, 1951" and insert in its place "June 18, 1951".

In item 6, subparagraph 5 change frequencies 6950 and 562.5 kc to 6590 and 5612.5 kc, respectively.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5887; Filed, May 21, 1951; 8:48 a. m.]

PART 9—AERONAUTICAL SERVICES

PART 10—PUBLIC SAFETY RADIO SERVICES

PART 11—INDUSTRIAL RADIO SERVICES

PART 12—AMATEUR RADIO SERVICE

PART 16—LAND TRANSPORTATION SERVICES

PART 19—CITIZENS RADIO SERVICES

PART 20—DISASTER COMMUNICATIONS SERVICE

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Parts 9, 10, 11, 12, 16, 19 and 20 of the rules and regulations of the Commission to conform with recently adopted rules (Part 17) relating to antenna and antenna supporting structures.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of May 1951:

The Commission having under consideration the provisions of Part 17 of this chapter, Rules Governing the Construction, Marking and Lighting of Antenna Towers and Supporting Structures, which were adopted pursuant to formal rule making procedures in Docket No. 9671 and which, among other things, furnish criteria for determining when the filing of FCC Form No. 401-A is required to cover the installation of a new or modified antenna or antenna supporting structure, furnish criteria for determining whether applications covering radio tower construction or modification of such construction require aeronautical study, and also provide specifications for obstruction marking and lighting of antenna structures;

It appearing, that, because certain sections of existing rules relating to specific radio services vary somewhat from the provisions of the aforementioned Part 17, or contain no provision relating to the subject covered by the said part, it is necessary to amend such sections or to adopt new sections which conform with Part 17;

It further appearing, that the substance of the amendments herein ordered has already been the subject of formal rule making procedures (Docket 9671) resulting in the adoption of Part 17 and that further proposed rule making procedure is unnecessary;

It further appearing, that the rules contained in Part 17 are applicable to all services and that publication thereof having been accomplished more than 30 days prior to their effective date the attached amendments of service rules may be made effective upon publication or at any date thereafter;

It further appearing, that authority for the amendments herein ordered is contained in section 4 (i) and section 303 (f), (q), and (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, the rules and regulations of the Commission be and they are hereby amended as set forth below:

Released: May 10, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Make the following changes in Part 9, Aeronautical Services:

1. In § 9.108 *Application for ground station authorization* delete present paragraph (a) of this section and substitute the following:

(a) An application for construction permit for each ground station shall be submitted on FCC Form 401. The same form shall be used to obtain authority to modify or replace equipment. Such applications shall be accompanied by FCC Form 401-A in triplicate, in all cases when:

(1) The antenna structures proposed to be erected will exceed an over-all height of 170' above ground level, except that where the antenna is mounted on top of an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet, no Form 401-A need be filed, or

(2) The antenna structures proposed to be erected will exceed an over-all height of 1' above the established airport (landing area) elevation for each 200' of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401-A need be filed.

(b) An application on FCC Form 401 may be submitted for construction permit for any number of aeronautical mobile utility stations for the same licensee, at the same location.

2. Change the present designation of paragraphs (b), (c), (d) and (e) of § 9.108 to (c), (d), (e) and (f) respectively.

3. In § 9.110 *Changes in antenna* delete present paragraph (b) of this section and substitute the following:

(b) No changes in the antenna or antenna structure for ground stations other than mobile may be made without specific authorization from the Commission if (1) such changes will make the antenna or structure higher than 170 feet above the ground level; (2) The antenna structure proposed will exceed an over-all height of one foot above ground for each 200 feet of distance, or fraction thereof, from the nearest boundary of any landing area; (3) the antenna or antenna structure is presently required to be painted or lighted in accordance with Part 17 of this chapter. Requests for the changes outlined in this paragraph should be accompanied by FCC Form 401-A.

4. In § 9.151 *Information required in station logs* delete present paragraph (b) of this section and substitute the following:

(b) The licensee of any radio station which has an antenna structure requiring illumination shall make the following entries in the station record:

(1) The time the tower lights are turned on and off each day if manually controlled.

(2) The time the daily check of proper operation of the tower lights was made.

(3) In the event of any observed or otherwise known failure of a tower light:

(i) Nature of such failure.

(ii) Date and time the failure was observed, or otherwise noted.

(iii) Date, time and nature of the adjustments, repairs, or replacements were made.

(iv) Identification of Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each three months:

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators and alarm systems.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

5. Delete § 9.177 *Inspection of tower lights and associated control equipment*, and substitute the following:

§ 9.177 *Inspection and maintenance of tower marking and associated control equipment.* The licensee of any radio station which has an antenna structure required to be painted or illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended, and/or Part 17 of this chapter, shall operate and maintain the tower marking and associated control equipment in accordance with the following:

(a) The tower lights shall be observed at least once each 24 hours, either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or, alternatively, there shall be provided and properly maintained an automatic alarm system designed to detect any failure of the tower lights and to provide indication of such failure to the licensee.

(b) Any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure, shall be reported immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) All automatic or mechanical control devices, indicators, and alarm systems associated with the tower lights shall be inspected at intervals not to exceed three months, to insure that such apparatus is functioning properly.

(d) All lighting shall be exhibited from sunset to sunrise unless otherwise specified in the instrument of station authorization.

(e) A sufficient supply of spare lamps shall be maintained for immediate replacement purposes at all times.

(f) All towers shall be cleaned or repainted as often as is necessary to maintain good visibility.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, 47 U. S. C. 303)

Make the following changes in Part 10:

1. Delete present text of § 10.2 (v) and insert new text to read as follows:

(v) *Landing area.* A landing area means any locality, either of land or water, including airports and intermediate landing fields, which is used, or approved for use,[1] for the landing and take-off of aircraft whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

2. Add new paragraph (aa) to § 10.2:

(aa) *Antenna structures.* The term "antenna structures" includes the radiating system and its supporting structures.

3. Delete present text of § 10.55 (a) and insert new text to read as follows:

§ 10.55 *Forms to be used*—(a) *Application for construction permit for base stations and fixed stations.* A separate application for construction permit should be submitted on FCC Form 401, or 401-B, when applicable, for each base station or fixed station. This application shall be accompanied by a description of the proposed antenna structure on FCC Form 401a, in triplicate, in all cases when

(1) The antenna structure proposed to be erected will exceed an over-all height of 170 feet above ground level, except that where the antenna is mounted on top of an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet, no Form 401-A need be filed; or

(2) The antenna structure proposed to be erected will exceed an over-all height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401-A need be filed.

4. Delete present text of § 10.55 (b) and insert new text to read as follows:

(b) *Description of antenna structure (FCC Form 401-A).* This form must be submitted whenever an applicant proposes to erect an antenna structure subject to the conditions in paragraph (a) of this section, or whenever it is proposed to change an existing structure and the changes fall within the purview of § 10.65.

5. Delete present text of § 10.159 and insert new text to read as follows:

§ 10.159 *Inspection and maintenance of tower marking and associated control equipment.* The licensee of any radio station which has an antenna structure required to be painted or illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended, and/or Part 17[1] of this chapter shall comply with the provisions of this section in the operation and maintenance of such tower marking as follows:

(a) Shall make an observation of the tower lights at least once each 24 hours either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or alternatively,

(b) Shall provide and properly maintain an automatic alarm system designed to detect any failure of such lights and to provide indication of such failure to the licensee.

(c) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of Civil Aeronautics Administration any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(d) Shall inspect at intervals not to exceed three months all automatic or mechanical control devices, indicators and alarm systems associated with the tower lighting to insure that such apparatus is functioning properly.

(e) Shall exhibit all lighting from sunset to sunrise unless otherwise specified.

(f) Shall maintain a supply of spare bulbs sufficient for immediate replacement purposes at all times.

(g) Shall clean and repaint all towers as often as necessary to maintain good visibility.

6. Delete text of present § 10.161 (c) (3) and (4) and insert new text to read as follows:

(3) In the event of any observed or otherwise known failure of a tower light:

(i) Nature of such failure.

(ii) Date and time the failure was observed, or otherwise noted.

(iii) Date, time and nature of the adjustments, repairs, or replacements that were made.

(iv) Identification of Airways Communication Station (CAA) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Airways Communication Station (CAA) that the required illumination was resumed.

(4) Upon the completion of the periodic inspection required at least once each three months:

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators and alarm systems.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

Make the following changes in Part 11, Industrial Radio Service:

1. In § 11.3 *Definition of terms*, delete present paragraph (t) of this section and substitute the following:

(t) *Landing area.* A landing area means any locality, either of land or water, including airports and intermediate landing fields, which is used, or approved for use for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

NOTE: Consideration of aeronautical facilities not in existence at the time of the filing of the application for radio facilities will be given only when proposed airport construction or improvement plans are on file with the CAA as of the filing date of the application for such radio facilities.

2. Add a new paragraph (u) to § 11.3 as follows:

(u) *Antenna structure.* The term "antenna structure" includes the radiating system and its supporting structures.

[1] Consideration to aeronautical facilities not in existence at the time of the filing of the application for radio facilities will be given only when proposed airport construction or improvement plans are on file with the CAA as of the filing date of the application for such radio facilities.

[1] Section 303 (q) of the Communications Act of 1934, as amended and Part 17 of this chapter contain, respectively, the Commission's authority and basic rules concerning the construction, marking or lighting of antenna towers or their supporting structures. Reference should be made to Part 17 for prescribed procedures and standards with respect to the Commission's consideration of proposed antenna structures.

3. In § 11.56 delete present paragraph (a) of this section and substitute the following:

§ 11.56 *Forms to be used*—(a) *Application for construction permit for base stations and fixed stations.* A separate application for construction permit shall be submitted on FCC Form 401 for each base station and each fixed station. Such applications shall be accompanied by FCC Form 401–A in triplicate, in all cases when:

(1) The antenna structure proposed to be erected will exceed an over-all height of 170 feet above ground level: *Provided, however,* That FCC Form 401–A is not required when the antenna is mounted on top of an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet; or

(2) The antenna structure proposed to be erected will exceed an over-all height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area: *Provided, however,* That FCC Form 401–A is not required when the antenna does not exceed 20 feet above the ground or is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet.

4. Delete present § 11.158 and substitute the following:

§ 11.158 *Inspection and maintenance of tower marking and associated control equipment.* The licensee of any radio station which has an antenna structure required to be painted or illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended, and/or Part 17 of this chapter, shall operate and maintain the tower marking and associated control equipment in accordance with the following:

(a) The tower lights shall be observed at least once each 24 hours, either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or, alternatively, there shall be provided and properly maintained an automatic alarm system designed to detect any failure of the tower lights and to provide indication of such failure to the licensee.

(b) Any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure, shall be reported immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) All automatic or mechanical control devices, indicators, and alarm systems associated with the tower lights shall be inspected at intervals not to exceed three months, to insure that such apparatus is functioning properly.

(d) All lighting shall be exhibited from sunset to sunrise unless otherwise specified in the instrument of station authorization.

(e) A sufficient supply of spare lamps shall be maintained for immediate replacement purposes at all times.

(f) All towers shall be cleaned or repainted as often as is necessary to maintain good visibility.

5. In § 11.160 *Station records* delete present paragraph (e) of this section and substitute the following:

(e) When a Base Station or Fixed Station has an antenna structure which is required to be illuminated, appropriate entries shall be made as follows:

(1) The time the tower lights are turned on and off each day, if manually controlled.

(2) The time the daily check of proper operation of the tower lights was made.

(3) In the event of any observed or otherwise known failure of a tower light:

(i) Nature of such failure.

(ii) Date and time the failure was observed or otherwise noted.

(iii) Date, time and nature of the adjustments, repairs, or replacements made.

(iv) Identification of Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

(4) Upon completion of the three-month periodic inspection required by § 11.158:

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators and alarm systems.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

Part 12, "Amateur Radio Service," is amended by the addition of the following new sections:

§ 12.9 *Antenna structure defined.* The term "antenna structure" includes the radiating system and its supporting structures.

§ 12.10 *Aircraft landing area defined.* An aircraft landing area means any locality, either on land or water, including airports and intermediate landing fields, which is used, or approved for use, for landing and take-off of aircraft whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for the receiving or discharging of passengers or cargo.

§ 12.60 *Limitation on antenna structures.* (a) No new antenna structure shall be erected for use by any station in the Amateur Radio Service, and no change shall be made in any existing antenna structure used or intended to be used by any station in the Amateur Radio Service so as to increase its over-all height above ground level, without prior approval by the Commission, in any case when either (1) the antenna structure proposed to be erected will exceed an over-all height of 170 feet above ground level, except in the case where the antenna is mounted on top of an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet, or (2) the antenna structure proposed to be erected will exceed an over-all height of one foot above the established elevation of any landing area for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except in the case where the antenna structure does not exceed 20 feet above the ground or is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet as a result of such mounting. Application for Commission approval, when such approval is required, shall be submitted on FCC Form No. 401–A, in triplicate.

(b) In cases where FCC Form No. 401–A is required to be filed, further details as to whether an aeronautical study and /or obstruction marking may be required, and specifications for obstruction marking when required, may be obtained from Part 17 of this chapter, "Rules Concerning the Construction, Marking, and Lighting of Antenna Towers and Supporting Structures." Information regarding requirements as to inspection of obstruction marking, recording of information regarding such inspection, and maintenance of antenna structures is also contained in Part 17.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

Make the following changes in Part 16, Land Transportation Radio Services:

1. In § 16.6 *Definition of terms,* delete present paragraph (j) of this section and substitute the following:

(j) *Landing area.* A landing area means any locality, either of land or water, including airports and intermediate landing fields, which is used, or approved for use for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

NOTE: Consideration of aeronautical facilities not in existence at the time of the filing of the application for radio facilities will be given only when proposed airport construction or improvement plans are on file with the CAA as of the filing date of the application for such radio facilities.

2. Add a new paragraph (w) to § 16.6, as follows:

(w) *Antenna structure.* The term "antenna structure" includes the radiating system and its supporting structures.

3. In § 16.56 *Forms to be used,* delete present paragraph (a) of this section and substitute the following:

§ 16.56 *Forms to be used*—(a) *Application for construction permit for base stations and fixed stations.* A separate application for construction permit shall be submitted on FCC Form 401 for each base station and each fixed station. Such applications shall be accompanied by FCC Form 401–A, in triplicate, in all cases when:

(1) The antenna structure proposed to be erected will exceed an over-all height of 170 feet above ground level: *Provided, however,* That FCC Form 401–A is not required when the antenna is mounted on top of an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet; or

(2) The antenna structure proposed to be erected will exceed an over-all height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area: *Provided, however,* That FCC Form 401–A is not required when the antenna does not exceed 20 feet above the ground or is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet.

4 Delete present § 16.158 and substitute the following:

§ 16.158 *Inspection and maintenance of tower marking and associated control equipment.* The licensee of any radio station which has an antenna structure required to be painted or illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended, and/or Part 17 of this chapter, shall operate and maintain the tower marking and associated control equipment in accordance with the following:

(a) The tower lights shall be observed at least once each 24 hours, either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or, alternatively, there shall be provided and properly maintained an automatic alarm system designed to detect any failure of the tower lights and to provide indication of such failure to the licensee.

(b) Any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure, shall be reported immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) All automatic or mechanical control devices, indicators, and alarm systems associated with the tower lights shall be inspected at intervals not to exceed three months, to insure that such apparatus is functioning properly.

(d) All lighting shall be exhibited from sunset to sunrise unless otherwise specified in the instrument of station authorization.

(e) A sufficient supply of spare lamps shall be maintained for immediate replacement purposes at all times.

(f) All towers shall be cleaned or repainted as often as is necessary to maintain good visibility.

5. In § 16.160 *Station records* delete present paragraph (e) of this section and substitute the following:

(e) When a Base Station or Fixed Station has an antenna structure which is required to be illuminated, appropriate entries shall be made as follows:

(1) The time the tower lights are turned on and off each day, if manually controlled.

(2) The time the daily check of proper operation of the tower lights was made.

(3) In the event of any observed or otherwise known failure of a tower light:

(i) Nature of such failure.

(ii) Date and time the failure was observed or otherwise noted.

(iii) Date, time and nature of the adjustments, repairs, or replacements made.

(iv) Identification of Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

(4) Upon completion of the three-month periodic inspection required by § 16.158:

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators and alarm systems.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

Make the following changes in Part 19, Citizens Radio Service:

1. In § 19.2 *Definitions,* delete present paragraph (f) of this section and substitute the following:

(f) *Landing area.* A landing area means any locality, either of land or water, including airports and intermediate landing fields, which is used, or approved for use for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

NOTE: Consideration of aeronautical facilities not in existence at the time of the filing of the application for radio facilities will be given only when proposed airport construction or improvement plans are on file with the CAA as of the filing date of the application for such radio facilities.

2. Add a new paragraph (h) to § 19.2, as follows:

(h) *Antenna structure.* The term "antenna structure" includes the radiating system and its supporting structures.

3. In § 19.14 delete present paragraph (a) of this section and substitute the following:

§ 19.14 *Forms to be used*—(a) *Application for construction permit and station license using type-approved equipment.* When it is proposed to use transmitting equipment which has been type-approved by the Commission, application should be made for a combined construction permit and station license, using FCC Form 505. The application may be submitted to any of the Commission's Field Engineering Offices, or to the Federal Communications Commission, Washington 25, D. C., unless FCC Form 401–A, Description of Antenna Structure is required to be submitted, in which case the application shall be submitted only to the Washington office. FCC Form 401–A is required to be submitted, in triplicate, in either of the following situations:

(1) The antenna structure proposed to be erected will exceed an over-all height of 170 feet above ground level: *Provided, however,* That FCC Form 401–A is not required when the antenna is mounted on top of an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet; or

(2) The antenna structure proposed to be erected will exceed an over-all height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof; from the nearest boundary of such landing area: *Provided, however,* That FCC Form 401–A is not required when the antenna does not exceed 20 feet above the ground or is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet.

4. Delete present paragraph (b) of § 19.14 and substitute the following:

(b) *Application for construction permit using equipment not type-approved.* When it is proposed to use transmitting equipment which has not been type-approved by the Commission, application should be made for a construction permit only. Use FCC Form 505, but submit the application only to the offices of the Commission at Washington 25, D. C. Such an application shall be accompanied by data describing in detail the design and construction of the transmitter and the methods employed in testing it to determine compliance with the technical requirements set forth elsewhere in this part. FCC Form 401–A shall be submitted when required as set forth in paragraph (a) of this section.

5. Delete present paragraph (c) of § 19.14 and redesignate present paragraph (d) thereof as new paragraph (c).

6. Add a new § 19.64 to read as follows:

§ 19.64 *Inspection and maintenance of tower marking and associated control equipment.* The licensee of any radio station which has an antenna structure required to be painted or illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended, and/or Part 17 of this chapter, shall operate and maintain the tower marking and associated control equipment in accordance with the following:

(a) The tower lights shall be observed at least once each 24 hours, either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights to insure that all such lights are functioning properly as required; or, alternatively, there shall be provided and properly maintained an automatic alarm system designed to detect any failure of the tower lights and to provide indication of such failure to the licensee.

(b) Any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure, shall be reported immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) All automatic or mechanical control devices, indicators, and alarm systems associated with the tower lights shall be inspected at intervals not to exceed three months, to insure that such apparatus is functioning properly.

(d) All lighting shall be exhibited from sunset to sunrise unless otherwise specified in the instrument of station authorization.

(e) A sufficient supply of spare lamps shall be maintained for immediate replacement purposes at all times.

(f) All towers shall be cleaned or repainted as often as is necessary to maintain good visibility.

Add a new § 19.65, to read as follows:

§ 19.65 *Recording of tower light inspections.* When a station in this service has an antenna structure which is required to be illuminated, appropriate entries entries shall be made in the station records, as follows:

(a) The time the tower lights are turned on and off each day, if manually controlled.

(b) The time the daily check of proper operation of the tower lights was made.

(c) In the event of any observed or otherwise known failure of a tower light:

(1) Nature of such failure.

(2) Date and time the failure was observed or otherwise noted.

(3) Date, time and nature of the adjustments, repairs, or replacements made.

(4) Identification of Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(5) Date and time notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

(d) Upon completion of the three-month periodic inspection required by § 19.64:

(1) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators and alarm systems.

(2) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

Part 20, "The Disaster Communications Service", is amended in the following particulars:

1. New §§ 20.8 and 20.9 are added, to read as follows:

§ 20.8 *Antenna structure defined.* The term "antenna structure" includes the radiating system and its supporting structures.

§ 20.9 *Aircraft landing area defined.* An aircraft landing area means any locality, either on land or water, including airports and intermediate landing fields, which is used, or approved for use, for landing and take-off of aircraft whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

2. Section 20.14 is amended to read as follows:

§ 20.14 *Limitation on antenna structures.* (a) No new antenna structure shall be erected for use by any station licensed or proposed to be licensed in the Disaster Communications Service, and no changes shall be made in any existing antenna structure for use or intended to be used by any station licensed or proposed to be licensed in the Disaster Communications Service so as to increase its over-all height above ground level, without prior approval by the Commission, in any case when either (1) the antenna structure proposed to be erected will exceed an over-all height of 170 feet above ground level, except in the case where the antenna is mounted on top of an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet, or (2) the antenna structure proposed to be erected will exceed an over-all height of one foot above the established elevation of any landing area for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except in the case where the antenna structure does not exceed 20 feet in over-all height above the ground or is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation more than 20 feet as a result of such mounting. Application for Commission approval, when such approval is required, shall be submitted, in triplicate, on FCC Form 401–A.

(b) In cases where FCC Form 401–A is required to be filed, further details as to whether an aeronautical study and or obstruction marking may be required, and specifications for obstruction marking when required, may be obtained from Part 17 of this chapter, "Rules Concerning the Construction, Marking and Lighting of Antenna Towers and Supporting Structures". Information regarding requirements as to inspection of obstruction marking, recording of information regarding such inspection, and maintenance of antenna structures is also contained in Part 17.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

[F. R. Doc. 51–5888; Filed, May 21, 1951; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

[29 CFR, Part 522]

EMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended, the Administrator has heretofore issued regulations (§§ 522.68 to 522.79) providing for the employment of learners in the knitted wear industry at wages lower than the minimum wage applicable under section 6 of the act.

Available information indicates that it is necessary to amend the knitted wear regulations to clarify the definition of the industry and of the phrase "experienced worker" included therein.

Accordingly, notice is hereby given pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), that under the authority provided in section 14 of the Fair Labor Standards Act of 1938, as amended (section 14, 52 Stat. 1068; 29 U. S. C. 214), the Administrator of the Wage and Hour Division, United States Department of Labor, proposes to amend the said regulations in the following manner:

1. Amend § 522.77 to read as follows:

§ 522.77 *Definition of "experienced worker".* For the purposes of §§ 522.68 to 522.79 an experienced worker is defined as follows:

(a) Any person who has been employed within the previous two years in the knitted wear industry for 480 hours or more in the occupation of machine knitter; or 320 hours or more in the occupations of machine stitcher or presser; or 240 hours or more in the occupations of winder, dyeing machine operator, brush machine operator or dryer operator; or

(b) Any person who has been employed within the previous two years in the single pants, shirts, and allied garments, women's apparel, sportswear and other odd outerwear, rainwear, robes, and leather and sheep-lined garments divisions of the apparel industry, as defined in § 522.161, for 320 hours or more in the occupations of machine stitcher or presser.

2. Amend § 522.79 to read as follows:

§ 522.79 *Definition of the "knitted wear industry".* For the purposes of §§ 522.68 to 522.79 the knitted wear industry is defined as follows:

(a) The manufacturing, dyeing or other finishing of any knitted fabric made from any yarn or mixture of yarns, except fulled suitings, coatings, topcoatings, or overcoatings containing more than 25 percent, by weight, of wool or animal fiber other than silk.

(b) The manufacturing, dyeing or other finishing, from any yarn or mixture of yarns, or from purchased knitted fabric, of any of the following products:

(1) Knitted garments or garment accessories for use as underwear, sleeping wear, or negligees.

(2) Fleece-lined garments; excluding, however, all fleece-lined garments made from purchased knitted fabric, except fabric containing cotton only or containing any mixture of cotton and not more than 25 percent, by weight, of wool or animal fiber other than silk.

(3) Knitted towels or cloths.

(c) Knitted shirts of cotton or any other fiber or any mixture of fibers which have been manufactured in the same establishment as that where the knitting process is performed.

(d) The manufacturing of men's and boys' underwear from any woven fabric.

(e) The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing or other finishing of knitted garments, knitted garment sections, or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured in the same establishment as that where the knitting process is performed; and the manufacture of bathing suits from any purchased fabric: *Provided*, That the manufacturing, dyeing or other finishing of gloves, mittens, and hosiery shall not be included.

Prior to the final adoption of the amendments, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing to the Administrator, Wage and Hour Division, United States Department of Labor, Washington 25, D. C., within 15 days from publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 15th day of May 1951.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 51–5877; Filed, May 21, 1951; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 9]

[Docket No. 9971]

AERONAUTICAL SERVICES

NOTICE OF ERRATUM

In the matter of amendment of § 9.431 of the Commission's rules governing aeronautical services.

1. The following corrections are to be made in F. R. Doc. 51–5643 (16 F. R. 4589).

2. In the fifth line of the third paragraph of the notice of proposed rule making, published May 16, 1951, delete the date "June 11, 1951" and insert in its place "June 18, 1951".

3. In the second line of the fifth paragraph of the said notice, delete the date "June 12, 1951" and insert in its place "June 19, 1951".

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–5889; Filed, May 21, 1951; 8:48 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

NISSAN KISEN KAISHA, LTD., ET AL.

AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 7816, between Nissan Kisen Kaisha, Ltd., Toho Kaiun Kaisha, Ltd., Iino Kaiun Kaisha, Ltd., Mitsubishi Kaiun Kaisha, Ltd., and Kokusai Kaium Kaisha, Ltd., covers the establishment and maintenance of a joint cargo service with limited passenger accommodations under the trade name "Kokusai Line" in the trades between ports of Japan and Atlantic, Gulf and Pacific Coast ports of the United States including intermediate ports in the Philippine Islands and Panama, and between Pakistan and Japan and intermediate ports. There is to be no pooling or other sharing of profits or losses between the parties. The joint service may participate in conference, pooling and other agreements as a single party only, being represented by Kokusai Kaiun Kaisha, Ltd.

Agreement No. 7817, between Pacific Transport Lines, Inc., and Waterman Steamship Corporation, covers transportation of cargo under through bills of lading from Japan, Korea, Formosa, Manchuria (Manchukuo), Siberia, China, Hongkong, Kwantung and the Philippine Islands to Puerto Rico, with transshipment at U. S. Pacific Coast ports.

Agreement No. 7818, between Mississippi Shipping Company, Inc., and Farrell Lines, Incorporated, covers transportation of cargo under through bills of lading between ports within the range of Cape Frio and Monrovia, Liberia, and U. S. and Canadian Atlantic and St. Lawrence River ports, with transshipment at West African ports within said range as may be agreed upon by the parties. Agreement 7818 was filed to supersede and cancel agreement 7785.

Agreement No. 7980–2, between the member lines of the North Atlantic Mediterranean Freight Conference, modifies the approved basic agreement of said conference (No. 7980) by the addition of a new provision authorizing the Conference Chairman, or such persons as he may designate, to inspect the records of the parties and to make such copies of, and extracts and transcripts from, such records as he may determine advisable and necessary to enable him to determine that the Conference members are abiding by the terms and provisions of the Conference Agreement.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER written statements with reference to any of the agreements and their position as to approval, disapproval, or modification together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: May 17, 1951.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51–5876; Filed, May 21, 1951; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950 (15 F. R. 1583), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

SUPPLEMENT 1 TO MAY DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Austrian winter pea seed, bagged, 2,200,000 hundredweight.[1]	$4.50 per 100 pounds, f. o. b. point of production; plus any paid-in freight.
Blue lupine seed, bagged, 1,330,000 hundredweight.	$5 per 100 pounds, basis f. o. b. present warehouse location.
Kobe lespedeza seed, bagged, 3,550 hundredweight.	$13.40 per 100 pounds, f. o. b. point of production; plus any paid-in freight.
Weeping lovegrass seed, bagged, 1,300 hundredweight.	$51.50 per 100 pounds, basis f. o. b. present warehouse location; plus any paid-in freight.
Common and Willamette vetch seed, bagged, 290,000 hundredweight.	$7 per 100 pounds, f. o. b. point of production; plus any paid-in freight.

(Pub. Law 439, 81st Cong.)

Issued: May 16, 1951.

[SEAL] G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-5867; Filed, May 21, 1951; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9741, 9942, 9943]

LOGAN BROADCASTING CORP. (WVOW) ET AL.

ORDER CONTINUING HEARING

In re application of Logan Broadcasting Corporation (WVOW), Logan, West Virginia, for modification of construction permit; Docket No. 9741, File No. BMP-5144; I. K. Corkern, Jr., tr/as Bogalusa Broadcasting Co. (WIKC), Bogalusa, Louisiana, for construction permit; Docket No. 9942, File No. BP-7529; Jennings Broadcasting Company, Inc., (KJEF), Jennings, Louisiana, for modification of construction permit; Docket No. 9943, File No. BMP-5313.

The Commission having under consideration the petition of Logan Broadcasting Corporation (WVOW), filed April 20, 1951, which requests that the hearing in the above-entitled matter, presently scheduled for June 4, 1951, be continued to September 5, 1951;

It appearing that petitioner holds a permit to construct Station WVOW in Logan, West Virginia, looking toward an unlimited time operation on the frequency of 1290 kc, power of 5 kw during the day and 1 kw at night, directionalized, and, in its application herein, it is seeking to increase power output at night to 5 kw, directionalized;

It appearing further that it is the desire of petitioner to make measurements concerning its nighttime operations as proposed herein, based upon the station's presently authorized nighttime power output of 1 kw, and to submit evidence of the results of such measurements as a means of establishing the effects of the 5 kw nighttime proposal;

It appearing further that the measurements aforementioned cannot be undertaken prior to the month of August 1951, when it is expected that the construction of petitioner's station and proof of performance thereon will have been completed;

It appearing further that the petition states good cause and that all of the parties to the proceedings have received notice thereof and have not interposed objection thereto;

It is ordered, This 30th day of April 1951, that the petition under consideration be, and it is hereby, granted; and the hearing upon the above-entitled applications, presently scheduled for June 4, 1951, is continued to September 5, 1951, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5890; Filed, May 21, 1951; 8:48 a. m.]

[Docket No. G-1458]

INDEPENDENT NATURAL GAS CO. AND NORTHERN NATURAL GAS CO.

NOTICE OF ORDER DISMISSING APPLICATION

MAY 17, 1951.

Notice is hereby given that, on May 15, 1951, the Federal Power Commission issued its order entered May 15, 1951, dismissing application in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5872; Filed, May 21, 1951; 8:47 a. m.]

[Docket No. G-1537]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MAY 17, 1951.

Notice is hereby given that, on May 15, 1951, the Federal Power Commission issued its order entered May 15, 1951, amending its order issued March 7, 1951, published in the FEDERAL REGISTER March 14, 1951 (16 F. R. 2412), issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5873; Filed, May 21, 1951 8:47 a. m.]

FEDERAL POWER COMMISSION

[Project No. 1895]

SOUTH CAROLINA ELECTRIC & GAS CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE (MAJOR)

MAY 16, 1951.

Public notice is hereby given that South Carolina Electric & Gas Company of Columbia, South Carolina, has filed application for amendment of license under the Federal Power Act (16 U. S. C. 791a-825r) for constructed major Project No. 1895 on the Broad and Congaree Rivers, South Carolina. The application would cover replacement of two 1,250-horsepower turbines connected to two generators rated at 750 kilowatts and 1,000 kilowatts and having a frequency of 40 cycles with two 1,500-horsepower turbines, each connected to a 1,600-kilowatt generator having a frequency of 60 cycles; and to abandon a frequency changer.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before June 14, 1951, to the Federal Power Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5858; Filed, May 21, 1951; 8:45 a. m.]

[Docket No. G-1590]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER

MAY 17, 1951.

Notice is hereby given that, on May 16, 1951, the Federal Power Commission issued its findings and order entered May 15, 1951, issuing a certificate of public convenience and necessity, and authorizing and approving abandonment of facilities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5874; Filed, May 21, 1951; 8:47 a. m.]

[Docket Nos. G-1589, G-1634]

CITIES SERVICE GAS CO. AND LOUISVILLE GAS AND ELECTRIC CO.

NOTICE OF FINDINGS AND ORDERS

MAY 17, 1951.

Notice is hereby given that, on May 16, 1951, the Federal Power Commission issued its findings and orders entered May 15, 1951, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5875; Filed, May 21, 1951; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO SUPPLY OF ELECTRIC POWER IN CALIFORNIA

California Public Utilities Commission—Motion to ascertain the present and potential demands for and availability of electricity in California, and the need for and propriety of emergency modification of current rules or practices to facilitate the supply of electric power—Case No. 5234.

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, authority to represent the interests of the executive agencies of the Federal Government and to appear as witnesses and counsel for the executive agencies of the Federal Government in the matter of investigation instituted by the California Public Utilities Commission in connection with the supply of electric power in California is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of the date hereof.

Dated: May 15, 1951.

JESS LARSON,
Administrator.

[F. R. Doc. 51-5954; Filed, May 21, 1951; 10:22 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26099]

VARIOUS COMMODITIES FROM TRUNK-LINE AND NEW ENGLAND TERRITORIES TO CENTRAL TERRITORY

APPLICATION FOR RELIEF

MAY 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to tariffs named in the application, pursuant to fourth-section order No. 9800.

Commodities involved: Various commodities, carloads.

From: Trunk-line and New England territories.

To: Central territory.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-5870; Filed, May 21, 1951; 8:47 a. m.]

[4th Sec. Application 26100]

PIG IRON FROM TEXAS TO CROWN POINT, IND.

APPLICATION FOR RELIEF

MAY 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3960.

Commodities involved: Pig Iron, carloads.

From: Daingerfield, Lone Star and McCrossin, Tex.

To: Crown Point, Ind.

Grounds for relief: Circuitous routes and competition with rail carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3960, Supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-5871; Filed, May 21, 1951; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2601]

OHIO POWER CO. AND UNION CITY ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of May A. D. 1951.

The Ohio Power Company ("Ohio") and Union City Electric Company ("Union"), both electric utility subsidiary companies of American Gas and Electric Company, having filed a joint declaration with this Commission, pursuant to the provisions of sections 12 (c), 12 (f) and 12 (g) of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-43 promulgated thereunder, regarding the following transactions:

The Commission, in its order dated March 31, 1950, Holding Company Act Release No. 9776 (File No. 70-2322), authorized the acquisition by Ohio of 525 shares of the common stock of Union, which shares represent all of Union's issued and outstanding securities. In that proceeding, it was represented that the properties of Union would ultimately be acquired and become a part of the properties of Ohio. The power requirements of Union are furnished entirely by Ohio and the declarants state that Union no longer serves a useful purpose as a separate corporate entity.

The joint declarants propose that Union be dissolved and that its properties be transferred to and be acquired by Ohio, the sole stockholder of Union. It is represented that the properties of Union to be acquired by Ohio will be recorded on the books of Ohio on the basis of an original cost study, which is now being made, and it is proposed that any excess over such original cost will be disposed of by a charge to earned surplus.

Said joint declaration having been filed on March 28, 1951, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said joint declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Public Utility Commission of Ohio, the only State commission having jurisdiction over the proposed transactions, having duly authorized the transfer of Union's property and assets to Ohio and the dissolution of Union, and the declarants having requested that the Commission's order herein with respect to said joint declaration become effective upon issuance; and

The Commission finding with respect to the joint declaration that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint declaration be permitted to become effective, subject to the terms and conditions specified below; and

The Commission further deeming it appropriate to grant the request of the joint applicants that this order become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935, that said joint declaration be, and the same hereby is, permitted to become

effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS, *Secretary.*

[F. R. Doc. 51-5866; Filed, May 21, 1951; 8:46 a. m.]

[File No. 70-2608]

TAYLOR INVESTMENT CO. ET AL.

ORDER APPROVING ACQUISITION OF UTILITY SECURITIES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of May, A. D. 1951.

In the matter of Taylor Investment Co., William H. Taylor, John M. Taylor, Ellis P. Taylor, John M. Taylor, Jr., File No. 70-2608.

Taylor Investment Co. ("Investment"), which is neither a registered holding company nor a subsidiary of a registered holding company, and William H. Taylor, John M. Taylor and John M. Taylor, Jr., officers and stockholders of Investment, and Ellis P. Taylor, a stockholder thereof, have filed a joint application in which sections 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935 ("act") are designated as applicable to the following proposed transactions:

Investment proposes to purchase from William H. Taylor, and William H. Taylor proposes to sell to Investment, 4,036 shares (representing 28.7 percent of the outstanding shares) of the common stock of Allied Gas Company ("Allied"). The consideration to be paid for the said shares of stock is cash in the amount of $72,648, or $18 per share, which is based upon the market price of the stock at the date of the agreement of sale among the several applicants.

Investment, a Delaware corporation, is primarily engaged in the business of investing and trading in securities of various companies. Its outstanding securities consist of 128,554 shares of 4 percent preferred stock, par value $10 per share, and 338,300 shares of common stock, par value $1 per share. Of each class of said shares of stock, William H. Taylor, John M. Taylor, Ellis P. Taylor and John M. Taylor, Jr., own, respectively, approximately 27, 26, 16, and 12 percent. Allied, an Illinois corporation, is a gas utility company, which is engaged in the distribution at retail of propane-air gas in the communities of Paxton, Gibson City, Ludlow and Rantoul, Illinois, and natural gas in Rochelle, Illinois. As of December 31, 1950, Allied had outstanding 14,072 shares of common stock, par value $10 per share. William H. Taylor, John M. Taylor, and John M. Taylor, Jr., own, respectively, 4,036 shares, 400 shares and 223 shares, or 28.7, 2.8, and 1.6 percent of such stock.

Consummation of the proposed transactions will result in Investment becoming a public utility holding company within the meaning of section 2 (a) (7) (A) of the act. Investment has filed a statement pursuant to Rule U-9 in which it claims exemption from the provisions of the act on behalf of itself and all of its subsidiaries, including Allied. The acquisition by Investment will result in William H. Taylor, John M. Taylor and John M. Taylor, Jr., becoming affiliates of a public utility holding company and of a public utility company since they will each own directly more than 5 percent of the outstanding voting securities of Investment and directly and indirectly more than 5 percent of the outstanding voting securities of Allied. Ellis P. Taylor will become an affiliate of a public utility holding company.

Applicants represent that they do not, individually nor in the aggregate, directly or indirectly, own, hold or control with power to vote as much as 5 percent of the outstanding voting securities of any public utility holding company or any public utility company other than Allied.

Said joint application having been filed on April 6, 1950, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The applicants having requested that the Commission's order issue herein at the earliest possible date and that the order become effective upon issuance; and

The Commission finding with respect to the application that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted, and deeming it appropriate to grant the request of the applicants that the order become effective immediately upon issuance:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and the rules thereunder and subject to the terms and conditions prescribed by Rule U-24, that the application be, and the same hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS, *Secretary.*

[F. R. Doc. 51-5865; Filed, May 21, 1951; 8:46 a. m.]

[File No. 70-2626]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

NOTICE OF FILING REGARDING ISSUANCE OF $3,000,000 OF BONDS AND $7,100,000 OF NOTES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of May A. D. 1951.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Public Service Company of New Hampshire ("Public Service"), a public utility subsidiary of New England Public Service Company, a registered holding company. Applicant has designated section 6 (b) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may not later than May 28, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 28, 1951, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Public Service proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $3,000,000 principal amount of First Mortgage Bonds, Series F, -- percent, due 1981. The interest rate on said bonds (to be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be received by the company (to be not less than 100 percent nor more than 102.75 percent of the principal amount of said bonds) are to be determined at competitive bidding. The bonds are to be issued under and secured by the company's Original Indenture of Mortgage dated January 1, 1943, as supplemented by various Indentures, and by a proposed Sixth Supplemental Indenture to be dated June 1, 1951. The net proceeds from the sale of the bonds will be applied to reduce short-term borrowings incurred for interim financing of the company's construction program.

Public Service further proposes to issue or renew, from time to time, until December 31, 1951, notes having a maturity of nine months or less up to the maximum amount of $7,100,000 at any one time outstanding (including notes outstanding as of May 4, 1951, in the amount of $5,450,000). The company anticipates that it will be able to borrow the required funds at an interest rate of not exceeding 2¾ percent per annum. It states that, if the interest rate on any of the notes should exceed 2¾ percent, it will file an amendment to its application at least five days before the execution and delivery of such note, and asks that such amendment shall become effective without further order of the Commission at the end the five day period unless the Commission shall have notified the company to the contrary. The aggregate amount of the short-term notes proposed to be issued will exceed 5 percent of the principal amount and par value of the other securities of the company then outstanding.

By order of the Commission dated March 22, 1951 (Holding Company Act Release No. 10455), Public Service is authorized to issue or renew until June 30, 1951, short-term notes up to a maximum of $6,500,000 at any one time outstanding. The company estimates that expenditures for its construction program for the six months ending December 31, 1951, will amount to approximately $5,000,000 and that it will be necessary to increase its short-term borrowings to $7,100,000 by the end of the year in order to carry out its construction program and for other corporate purposes.

Public Service expresses the desire to refund the short-term notes and to raise funds to finance its 1951 construction program principally through the issuance and sale of stock. However, the company states that no definite determination can now be made as to the time, amount or type of any future permanent financing.

Total fees and expenses to be paid by Public Service in connection with the proposed transactions are estimated at $30,000, including printing costs of $9,500, Trustee's fees of $4,250, accountants' fees of $1,400 and counsel fees of $9,000.

It is represented that the proposed issuance and sale of bonds are subject to the jurisdiction of the New Hampshire Public Service Commission, the State Commission of the State in which the company is organized and doing business, and to the jurisdiction of the Vermont Public Service Commission to the extent that such bonds are to be issued on account of property or expenditures within Vermont. It is stated that copies of the orders of said Commissions approving the transaction will be supplied by amendment. It is further represented that the issuance or renewal of the short-term notes is not subject to the jurisdiction of the New Hampshire Public Service Commission, except to the extent that such notes evidence indebtedness incurred more than twelve months prior to the maturity date of such notes. The company states that in the event notes having such a maturity date are issued, application will be made to the State Commission and a copy of the order thereon will be filed as an amendment to its application.

Public Service requests that the order herein be issued by May 31, 1951, and that such order in so far as it relates to the issuance and sale of bonds become effective upon its issuance and in so far as it relates to the issuance or renewal of short-term notes become effective on July 1, 1951.

By the Commission.

[SEAL] ORVAL L. DuBOIS, *Secretary.*

[F. R. Doc. 51-5864; Filed, May 21, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17800]

CREDIT SUISSE

In re: Accounts maintained in the name of Credit Suisse, Zurich, Switzerland, and owned by persons whose names are unknown. F-63-60 (Zurich).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts, excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

[Accounts maintained in the name of Credit Suisse, Zurich, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
1. Central Hanover Bank & Trust Co., 70 Broadway, New York 15, N. Y.	(a) Bank deposit, and (b) general ruling No. 6 a/c BS 802; as described by Central Hanover Bank & Trust Co. in its report on Form OAP-700, bearing its Serial No. 100.
2. J. P. Morgan & Co., Inc., 23 Wall St., New York, N. Y.	(a) Blocked a/c (S-2139), (b) GR No. 6 a/c (S-2612), (c) blocked security a/c (2139), and (d) GR No. 6 under GR No. 17, blocked security account (2612); as described by J. P. Morgan & Co., Inc., in its report on Form OAP-700, bearing its Serial No. 19.
3. Irving Trust Co., 1 Wall St., New York 15, N. Y.	(a) Demand deposit account, as described by Irving Trust Co. (bookkeeping department) in its report on Form OAP-700, bearing its Serial No. 0052; (b) account customers (blocked), as described by Irving Trust Co., (personal trust division, custody) in its report on Form OAP-700, bearing its Serial No. 47 (amended).
4. Bank of the Manhattan Co., 40 Wall St., New York, N. Y.	(a) Bonds and stock, as described by Bank of the Manhattan Co., in its report on Form OAP-700, bearing its Serial No. 080; (b) bank deposit, and (c) general ruling 6; as described by Bank of the Manhattan Co. in its report on Form OAP-700, bearing its Serial No. 079.
5. J. Henry Schroder Banking Corp., 57 Broadway, New York 15, N. Y.	(a) Current account general ruling No. 6, and (b) safe custody account; as described by J. Henry Schroder Banking Corp. in its report on Form OAP-700, bearing its Serial No. 6.
6. The First National Bank of Boston, 67 Milk St., Boston 6, Mass.	(a) General ruling No. 6a/c, as described by The First National Bank of Boston in its report on Form OAP-700, bearing its Serial No. 5.
7. Dominick & Dominick, 14 Wall St., New York 5, N. Y.	(a) Blocked account, and (b) general ruling No. 6 account; as described by Dominick & Dominick in its report on Form OAP-700 bearing its Serial No. 41.

[F. R. Doc. 51-5891; Filed, May 21, 1951; 8:48 a. m.]

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FEDERAL REGISTER

VOLUME 16 NUMBER 100

Washington, Wednesday, May 23, 1951

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Departmental Reg. 108.127]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts*, is amended as follows, effective on the date indicated:

1. Effective as of the beginning of the first pay period following April 28, 1951, paragraph (d) is amended by the addition of the following posts:

Japan, all posts on Honshu, Shikoku, Kyushu, and Hokkaido.

(E. O. 10000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

W. K. SCOTT,
Deputy Assistant Secretary.

MAY 14, 1951.

[F. R. Doc. 51-5912; Filed, May 22, 1951; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52729]

PART 54—CERTAIN IMPORTATIONS FREE OF DUTY DURING THE WAR

FREE ENTRY OF GIFTS FROM MEMBERS OF U. S. ARMED FORCES

Public Law 1, approved February 21, 1951, amending Public Law 790, approved December 5, 1942, as amended by Public Law 384, approved August 8, 1947, and Public Law 241, approved August 17, 1949, relating to the free entry of bona fide gifts from members of the armed forces of the United States on duty outside the continental limits.

Public Law 1, 82d Congress, approved February 21, 1951, extending for 2 years the existing privileges of free importation of gifts from members of the armed forces of the United States on duty abroad, is published for your information and guidance:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 2 of the act of December 5, 1942, entitled "An act to accord free entry to bona fide gifts from members of the Armed Forces of the United States on duty abroad", as amended (U. S. C., 1946 edition, Supp. III, title 50 App., sec. 847), is hereby amended by striking out "July 1, 1951" and inserting in lieu thereof "July 1, 1953".

As Public Law 1, 82d Congress, extends Public Law 790, 77th Congress, as amended by Public Law 384, 80th Congress, until the close of business June 30, 1953, the regulations promulgated in 19 CFR 54.3 (T. Ds. 50785, 50869, 51737, 51870, and 52322) are hereby extended until that time, and 19 CFR 54.3, as amended, is further amended by substituting "July 1, 1953", for "July 1, 1951" in paragraph (f).

(Secs. 498, 624, 46 Stat. 728, 759, 56 Stat. 1041, as amended; 19 U. S. C. 1498, 1624, 50 U. S. C. App. Supp. 846, 847)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: May 17, 1951.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51-5927; Filed, May 22, 1951; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

1. Sections 861.201 to 862.209 and 861.701 to 861.707 are revoked.

2. Sections 861.301 to 861.308, 861.401 to 861.409, 861.501 to 861.508, and 851.751 to 861.753 are hereby rescinded. Sections 861.301 to 861.730 are substituted therefor as follows:

APPOINTMENT OF OFFICERS IN THE AIR FORCE RESERVE OR THE AIR FORCE OF THE UNITED STATES

Sec.
861.301 General.
861.302 Eligibility.

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CODE OF FEDERAL REGULATIONS

1949 Edition

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(For use during 1951)

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Part 900 to end ($1.25)
Title 14: Part 400 to end ($0.45)
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AUTHORITY: §§ 861.301 to 861.730 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply sec. 37, 39 Stat. 189, as amended, sec. 116, 61 Stat. 46, as amended, sec. 515, 61 Stat. 606, sec. 310, 62 Stat. 374; 5 U. S. C. 627i, 10 U. S. C. 166c, 352, 353, 358, 376, 506d.

DERIVATION: AFM 36–5; 36–5A.

APPOINTMENT OF OFFICERS IN THE AIR FORCE RESERVE OR THE AIR FORCE OF THE UNITED STATES

§ 861.301 *General*—(a) *Duration of appointment.* All appointments in the United States Air Force Reserve will be made for a period of five years, except that appointments in force at the outbreak of war, and those made during a war, shall continue, unless sooner terminated, for the duration of such war and for six months thereafter, or for a period of five years from date of appointment, whichever is longer. Appointments in the Air Force of the United States effected during a war or emergency shall continue, unless sooner terminated, for the duration of such war or emergency and for six months thereafter.

NOTE: Appointments in the Air Force of the United States, without component (temporary), will not be made under the provisions of regulations contained in §§ 861.301 to 861.730 until specifically directed by the Chief of Staff, United States Air Force.

(b) *Command responsibility.* The Commanding General, Continental Air Command, is responsible for implementation of the regulations contained in §§ 861.301 to 861.730 under such administrative procedures as he may determine necessary for the accomplishment of the procurement required and to insure that appointments are tendered only to properly qualified persons. Final selections for appointment in grades above captain, as well as all selections for appointment in the Medical Service of the United States Air Force Reserve where concurrent active duty is desired, and all selections of chaplains will be made by the Chief of Staff, United States Air Force.

(c) *Delegation of authority.* The Commanding General, Continental Air Command, may delegate to subordinate commanders, not below numbered air force level, and major commanders, Zone of Interior and overseas, such authority granted to him as he may consider appropriate in carrying out the provisions of the regulations contained in §§ 861.301 to 861.730.

(d) *Procurement objectives.* Appointments will be made in such numbers, grades, and military specialities as may be authorized from time to time by the Chief of Staff, United States Air Force. Persons selected for appointment shall be fully qualified in accordance with requirements contained in §§ 861.301 to 861.730. Only those persons who are best qualified will be appointed. Appointment is not assured merely by reason of meeting the established requirements. Outstanding persons in business, scientific, professional, or technical fields who do not meet eligibility criteria but who have demonstrated through their civilian occupation that they are outstanding in their respective fields may be appointed upon approval of the Chief of Staff, United States Air Force.

§ 861.302 *Eligibility*—(a) *General.* Except for those specified in § 861.303 qualified persons, with or without prior military service, are eligible to apply for appointment under the provisions of §§ 861.301 to 861.730 including all members of the Air Force Reserve seeking appointment in a grade higher than that presently held: *Provided*, That, in the case of officer applicants, they are not currently serving on extended active duty. Persons who have previously made application for appointment under the provisions of §§ 861.301 to 861.730 and whose applications have been denied will be ineligible to apply for one year from date of previous rejection.

(b) *Former Regular Air Force officers.* Upon application, submitted within six months subsequent to discharge, former Regular Air Force officers who were separated honorably by reason of unqualified resignation will be appointed in the United States Air Force Reserve in the highest grade, either temporary or permanent, in which they have served at any time. Appearance before an examining board and qualification in a specialty covered by current procurement directives and §§ 861.301 to 861.730 are not required.

(c) *Former Air National Guard of the United States officers.* Upon application, submitted within six months subsequent to discharge, former Air National Guard of the United States officers who were separated honorably may be appointed in the United States Air Force Reserve in the highest grade in which they satisfactorily served in the Air Force of the United States, United States Air Force Reserve, or Air National Guard of the United States. Appearance before an examining board and qualification in a specialty covered by current procurement directives and §§ 861.301 to 861.730 are not required.

(d) *Present and former commissioned officers.* Present and former commissioned officers of any of the Armed Forces other than those listed in paragraphs (b) and (c) of this section, who are eligible to apply under §§ 861.301 to 861.730 may, in connection with the proc-

essing, be exempted from appearance before an examining board. Such exemption will be made, however, only in those instances where adequate determination of qualification in a specialty covered by current procurement directives and §§ 861.301 to 861.730 can be made without such appearance.

§ 861.303 *Ineligibility.* The following persons are ineligible to apply for appointment in the Air Force Reserve:

(a) Commissioned officers of the United States Air Force and commissioned officers of the United States Air Force Reserve, Air National Guard of the United States, or Air Force of the United States on extended active duty.

(b) Officers or enlisted personnel in the Reserve Forces of the Army of the United States, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, unless they have obtained a conditional release from their appointments or enlistments and are not on active duty, or under orders to report for active duty.

(c) Enlisted personnel and warrant officers of the Army, Navy, Marine Corps, or Coast Guard, in the active service of the United States.

(d) Persons who are or ever have been conscientious objectors.

(e) Persons having a record of conviction by any type of military or civil court for other than a minor traffic violation. Such personnel, however, may request the commander responsible for the implementation of the regulations contained in §§ 861.301 to 861.730 to consider granting a waiver in the case of other minor violations which are nonrecurrent and which are not considered prejudicial to performance of duty as an officer. Any request for waiver under this paragraph must be submitted by the applicant with his application, stating fully the circumstances of the case. Each request for waiver will be considered on its own merits.

(f) Former officers, warrant officers, flight officers, or enlisted personnel of any of the Armed Forces who were discharged under other than honorable conditions or were released from active service by reason of unsatisfactory service.

(g) Former officers who resigned their commissions in place of court martial, reclassification, or elimination from service.

(h) Officers separated or who resigned in place of separation under the provisions of the Army and Air Force Vitalization and Retirement Equalization Act of 1948 (62 Stat. 1081; 10 U. S. C. 580–587, 1001–1007), the Officer Personnel Act of 1947 (Title V, 61 Stat. 883, 10 U. S. C. 559c, 941a) and section 23, of the National Defense Act, as amended (sec. 23, 39 Stat. 181, as amended; 10 U. S. C. 484a) unless they are provided, prior to separation, with a letter by the Chief of Staff, United States Air Force authorizing appointment in the United States Air Force Reserve.

(i) Females who have a child or dependent under 18 years of age. A woman who has any legal or other responsibility for the custody, control, care, maintenance, or support of any child or children under 18 years of age will not be commissioned. Women who have surrendered all rights to custody and control of natural children through formal adoption may be accepted for a commission. However, women having stepchildren or foster children under 18 years of age, or who otherwise stand in relationship of a parent to such child or children, may not be accepted for a commission. No waivers will be granted.

(j) Persons who, during the period of war or national emergency, will not be available for active duty within 30 days from date of appointment.

(k) Persons who have been ordered to report for preinduction processing under the Selective Service Act of 1948, as amended (62 Stat. 604, as amended; 50 U. S. C., App., 451–470), or subsequent Selective Service laws. As an exception to the above, a registrant who has been ordered to report for preinduction processing, and whose local board subsequently reclassifies him into a class other than available for military service, may then be considered eligible to apply for appointment, provided that he is otherwise qualified under the provisions of §§ 861.301 to 861.730 as his order to report for preinduction processing is thereby administratively canceled. As a further exception, registrants who have received orders from their local boards to report for preinduction processing and who are satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning, may be considered eligible to apply for appointment in the Air Force Reserve, if otherwise qualified under the provisions of §§ 861.301 to 861.730 unless they have been issued an order to report for induction.

(l) Persons in attendance at, or eliminated from, an officer candidate school, or an aviation cadet training class of the United States Air Force or United States Navy or from one of the service academies of the Armed Forces for disciplinary reasons. Persons eliminated for other reasons may apply; however, appointment may not be effected until after date of graduation of the class from which they were eliminated.

§ 861.304 *Citizenship requirements.* An officer appointed in the United States Air Force Reserve under the provisions of §§ 861.301 to 861.730 must, at the time of appointment, be a citizen of the United States. Applicants who are not citizens of the United States by birth must furnish a certificate by an officer, notary public, or other person authorized by law to administer oaths, giving the following information:

I certify that I have this date seen the original certificate of Citizenship No. ------ (or certified copy of court order establishing citizenship) stating that ---------- (Full name) was admitted to United States Citizenship by the Court of ---------- ---------- (County) (State) on ---------- The following person (Date) was named in the certificate as a minor child: ---------- age -------

NOTE: Under no circumstances will facsimilies or copies, photographic or otherwise, be made of naturalization certificates.

§ 861.305 *Age and grade.* (a) Persons will be appointed in grades as outlined in specific procurement directives. Persons must have had the minimum years of experience and/or education pertinent to the specialty for which applying and must be within the age bracket as shown for the appropriate grade. Where a person's age is lower than that shown for the grade in which his experience would place him, his age will determine the grade, except that minimum age shown for grade will not apply for appointment of medical, dental, chaplain, and judge advocate officers. Where appointments are not provided for in the grade of second lieutenant in other specialties covered by §§ 861.301 to 861.730, the minimum age for appointment in the grade of first lieutenant will not apply. By law, female applicants will not be commissioned in a grade above that of lieutenant colonel.

Age	Combined years of experience and/or education (college level)	Grade
51 but less than 56	32	Colonel.
49 but less than 53	25	Lieutenant colonel.
40 but less than 49	18	Major.
24 but less than 40	11	Captain.
28 but less than 34	7	First lieutenant.
18 but less than 28	4	Second lieutenant.

NOTE: Maximum age for appointment of chaplains as first lieutenants, United States Air Force, will be 33.

§ 861.306 *Educational requirements.* (a) Education above high school level at an institution as listed in paragraphs (b) and (c) of this section will be given the following credit toward meeting the qualifying experience criteria:

(1) Baccalaureate degree—4 years.

(2) Master degree—5 years.

(3) Ph. D. degree, LL. B. degree, or equivalent—7 years.

(b) Institutions which will be recognized for credit under the provisions of §§ 861.301 to 861.730 must meet one of the following requirements:

(1) It must have national or regional accreditation.

(2) Its graduates must be granted unconditional admission to the graduate school of an accredited (regional or national) university.

(3) Its students must be accorded full transfer credit to an accredited (regional or national) college or university.

(c) Persons whose credits are from institutions other than those listed in paragraph (b) of this section will be considered as meeting the educational requirements of §§ 861.301 to 861.730 upon presentation of evidence that their credits are acceptable for unconditional admission into the graduate school of, or full transfer to, a nationally or regionally accredited college or university.

§ 861.307 *Physical requirements.* All applicants must be physically qualified for general service, or general service with waiver, in accordance with the provisions of current directives. The report of physical examination will be accomplished not more than 90 days prior to date of application and may be accomplished and signed by a medical officer of any component of the Armed Forces of the United States, whether he is in an active or inactive duty status. In the absence of such medical officer, the report of physical examination may be accomplished and signed by any reputable doctor of medicine, without expense to the Government. Physical examination will be final-type, less (except where otherwise indicated) serology, chest X-ray, electrocardiogram, audiogram determination, microscopic urinalysis, and lens correction.

§ 861.308 *Moral requirements.* Applicants must possess high moral character and personal qualifications.

§ 861.309 *Applications.* The following documents, properly completed, constitute the application and allied papers. In assembling the application prior to forwarding, the applicable requirements listed in paragraphs (a) through (m) of this section will be used as a check list to insure that all necessary information and papers have been included, thus precluding delays which would result from the return of incomplete applications.

(a) Air Force Form 24, "Application for Appointment in the United States Air Force Reserve," in triplicate. In the upper right corner of Air Force Form 24, applicant will specify the specialty for which application for appointment is being made.

(b) Original or photostat of Honorable Discharge Certificate or Certificate of Service, when applicable.

(c) Completed Standard Form 88, "Report of Medical Examination," in duplicate and completed copy of Standard Form 89, "Report of Medical History."

(d) DA AGO Form 643A, "Personal History Statement," one copy.

(e) Documentary evidence of educational level in the form of transcripts of college work. Graduates of recognized colleges of dentistry, medicine, optometry, pharmacy, and veterinary medicine, and schools of nursing may submit a photostatic or certified copy of college diploma in place of transcript of college work.

(f) Department of Defense Forms 98 and 98A, "Loyalty Certificate." (See Part 886 of this chapter, 14 F. R. 6979–80, 32 CFR, 1949 Supp., 886; 15 F. R. 6857–58.)

(g) Conditional release from parent service, where applicable.

(h) For appointment or assignment in the United States Air Force Reserve, Judge Advocate General's Department, additional information as follows:

(1) A certificate from proper authority showing admission to and present standing at the bar of a Federal court or of the highest court of a State or Territory of the United States.

(2) An affidavit from the applicant containing a chronological statement of his full legal experience. Legal experience may include Governmental, judicial, teaching, military legal experience, and private practice.

(i) For appointment in the Medical Service, additional information as follows:

(1) Photostat of State License, where applicable.

(2) Evidence of the required professional training, as indicated in §§ 861.601 to 861.613.

(j) For appointment as a chaplain, additional information as follows: Copy of letter requesting ecclesiastical indorsement. (See § 861.504.)

(k) Any other documents or information the applicant may desire to submit as evidence of his qualifications for appointment under the provisions of §§ 861.301 to 861.730.

(l) For persons employed in a civilian capacity by any office of the Department of Defense—written approval of the application by the employing office.

(m) For persons employed in occupations classified deferable under existing National policy—written approval of the application by the organization in which they are employed.

§ 861.310 *Submission of applications.* Applications and allied papers will be forwarded as follows:

(a) Air Force enlisted personnel and warrant officers on active duty—through immediate commanding officer to the numbered air force of the Continental Air Command in whose territory the person is stationed; or, if stationed overseas, to the commanding general of the major air command having jurisdiction over the area in which the person is stationed.

(b) Air Force Reserve personnel in an inactive status—through the commanding officer of the unit to which assigned, to the commanding general of the numbered air force of the Continental Air Command in whose territory the person resides, or if residing overseas, to the commanding general of the major air command having jurisdiction over the area in which the person is located.

(c) Persons applying for appointment as officers in the Medical Service who are concurrently requesting active duty—direct to the Surgeon General, Headquarters United States Air Force, Attention: Director of Medical Staffing and Education, Medical Liaison and Selection Branch, Washington 25, D. C.

NOTE: Air Force enlisted personnel and warrant officers on active duty applying under paragraph (c) of this section will forward applications through immediate commanding officers to address indicated in paragraph (c) of this section.

(d) Persons applying for appointment as chaplains—direct to Chief of Air Force Chaplains, Headquarters United States Air Force, Attention: Personnel Branch, Washington 25, D. C.

(e) All others—direct to the commanding general of the numbered air force of the Continental Air Command in whose territory the person resides, or if residing overseas, to the commanding general of the major air command having jurisdiction over the area in which the person is located.

§ 861.311 *Examining boards* — (a) *Appointment.* Examining boards (stationary or traveling type) will be appointed in sufficient numbers to insure the interviewing of all applicants within 30 days from date of submission of complete application.

(1) *In Zone of Interior.* The Commanding General, Continental Air Command, will appoint, or cause to be appointed, examining boards at air force level who will be charged with the interview and evaluation of applicants residing within the continental limits of the United States, except for those specified in § 861.310 (c) and (d). The Commanding General, Continental Air Command, may call upon other major commanders in the Zone of Interior to appoint examining boards at bases under their jurisdiction when considerations such as proximity of bases to population centers and provision of adequate area coverage to minimize travel of applicants, dictate such action.

(2) *Overseas.* In the case of applicants who are residing or are stationed overseas, the commanding general of the major air command having jurisdiction over the area in which the applicant is located will appoint examining boards or cause such examining boards to be appointed. In delegating responsibility for the appointment of examining boards, commanders will not delegate such responsibility below air force or comparable level, and in the case of the Commander, Military Air Transport Service, not lower than division level.

(b) *Composition.* Examining boards will be composed of an uneven number of officers totaling not less than three, all of whom will be in a grade equal to, or higher than, the grade for which applicant is being considered. At least one member of the board will be of field grade and, where practicable, all will be field grade. The board will include, when practicable, at least one member who is technically or professionally qualified to determine the applicant's proficiency in the specialty under which he is applying. Where a female is being considered, one of the board members will be a female officer. Reserve officers appointed to these boards may be in an active or inactive status, except that no officer in an inactive status will be appointed without his or her consent.

§ 861.312 *Examinations*—(a) *Time and place.* Examining boards will notify each applicant of the time and place of appearance before the board. Applicants not in the active military service must provide for travel, quarters, and meals at their own expense. Applicants will be scheduled so that, so far as practicable, no applicant will have to spend more than one day at the place of examination.

(b) *Interviews.* Each applicant will complete a Biographical Information Blank Answer Sheet, and will be interviewed by the examining board. After an applicant has been interviewed, a rest period will be given during which time the board will consider the application and allied papers. The board then will question the applicant on personal history, training, and experience. The questioning should attempt to supplement the facts shown in the application and allied papers which the board will have before them for study and consideration. Each member of the board will make an individual independent appraisal of the applicant.

(c) *Release of information.* An examining board will not, under any circumstances, inform an applicant of its recommendations, whether favorable or unfavorable, nor will an applicant be given access to any of the Personnel Research Tests used in his case after the board proceedings have been completed.

§ 861.313 *Channels of communication.* Within the Continental United States, applications, allied papers and completed board proceedings from applicants for appointment in grades up to and including captain will be processed as prescribed by the Commanding General, Continental Air Command. Applications, allied papers, and completed board proceedings of recommended applicants from oversea boards will be forwarded through the oversea command to the Commanding General, Continental Air Command. Applications, allied papers, and board proceedings for applicants (Zone of Interior and overseas) recommended for appointment to grade above that of captain will be forwarded by Commanding General, Continental Air Command, to Headquarters United States Air Force, Director of Training, Attention: Officer Initial Procurement Branch, Personnel Procurement Division, Washington 25, D. C.

§ 861.314 *Selection and appointment.* The Commanding General, Continental Air Command, is authorized to tender appointments, pursuant to the direction of the Secretary of the Air Force and by direction of the President, to those persons best qualified for appointment in accordance with §§ 861.301 to 861.730 and procurement directives issued by the Chief of Staff, United States Air Force. The authority to make appointments in company grades may be delegated to subordinate commanders not below air force level. The appointment of officers to field grades will be made by the Commanding General, Continental Air Command, after final selection by Headquarters United States Air Force. Such letters of appointment will specify the Military Occupational Specialty descriptive of the person's experience and education which was considered in making the appointment. Each applicant will be notified of his appointment or nonselection. Oversea commanders will be advised by the Commanding General, Continental Air Command, of final action on each application submitted from their areas.

§ 861.315 *Forms.* Applicants may obtain forms by writing to the Air Adjutant General, Headquarters United States Air Force, Washington 25, D. C., or to the Air Force commander having jurisdiction over the area in which they reside. The addresses of the numbered Air Forces and the area served by each are as follows:

ADDRESS AND AREA RESPONSIBILITY

Commanding General, First Air Force, Mitchel Air Force Base, Hempstead, N. Y.: Maine, Vermont, New Hampshire, Massachusetts, New York, New Jersey, Connecticut, Rhode Island, Pennsylvania, Maryland, Virginia, West Virginia, Kentucky, Ohio, Delaware, and the District of Columbia.

Commanding General Fourth Air Force, Hamilton Air Force Base, San Rafael, Calif.: Arizona, Utah, Idaho, Montana, Nevada, Washington, Oregon, and California.

Commanding General, Tenth Air Force, Selfridge Air Force Base, Mount Clemens, Mich.: Michigan, Wisconsin, Illinois, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, Missouri, and Indiana.

Commanding General, Fourteenth Air Force, Robins Air Force Base, Ga.: North Carolina, South Carolina, Tennessee, Georgia, Alabama, Mississippi, Florida, Arkansas, Louisiana, Oklahoma, New Mexico, and Texas.

APPOINTMENT OF JUDGE ADVOCATE GENERAL OFFICERS

§ 861.401 *Professional qualifications.* Applicants possessing the following professional qualifications and otherwise qualified may apply for appointment or assignment (where appropriate) in the United States Air Force Reserve, Judge Advocate General's Department.

(a) *First lieutenant.* For appointment or assignment as first lieutenant, applicant must be a graduate of an accredited law school and be a member of the bar of a Federal court or of the highest court of a State or Territory of the United States.

(b) *Grades above first lieutenant.* For appointment or assignment in grades above that of first lieutenant, applicant must possess all the qualifications specified in paragraph (a) of this section for appointment as first lieutenant and meet the age and legal experience requirements as specified in §§ 861.305 and 861.306. Appointment or assignment in any field grade will be limited to those applicants who have shown exceptional and unequivocal prominence and ability in their professional field and who have had previous military experience performing duties of a legal nature commensurate with the grade sought.

§ 861.402 *Applications from Reserve officers.* Reserve officers holding effective commissions in the Air Force Reserve may apply for assignment to the Judge Advocate General's Department by letter, inclosing all the documents required for appointment with the exception of DA AGO Form 643A. Assignment will be made in a grade warranted by the applicant's professional qualifications. (Provisions of §§ 861.311 to 861.313 will not apply for assignment to the Judge Advocate General's Department.)

§ 861.403 *Appointment or assignment*—(a) *By Continental Air Command.* Upon recommendation of his air judge advocate or the Judge Advocate General, United States Air Force, the Commanding General, Continental Air Command, is authorized to tender appointments or to issue orders of assignment in the Judge Advocate General's Department of the United States Air Force Reserve to eligible applicants.

(b) *By the Chief of Staff, United States Air Force.* The Chief of Staff, United States Air Force, will issue orders of assignment in the United States Air Force Reserve, Judge Advocate General's Department, to the following classes of Air Force Reserve officers who are members of the bar of a Federal court or of the highest court of a State or Territory of the United States.

(1) Those who have been designated by the Chief of Staff, United States Air Force, as judge advocates.

(2) Those who are recommended by the Judge Advocate General, United States Air Force, for assignment to the United States Air Force Reserve, Judge Advocate General's Department.

APPOINTMENT OF CHAPLAINS

§ 861.501 *Professional qualifications.* For appointment as a chaplain in the Air Force Reserve, in any denomination except as provided in §§ 861.502 and 861.503, an applicant, in addition to being otherwise qualified, must:

(a) Possess a consolidated transcript of 120 semester hours of undergraduate study from a recognized college and a consolidated transcript of 90 semester hours of graduate study from a recognized theological school.

(b) Be actively engaged in the ministry as his principal vocation in life, and must have the ecclesiastical indorsement of a recognized religious denomination or organization certifying that the applicant is accredited by and is in good standing with the religious denomination or organization.

§ 861.502 *Church of Jesus Christ of Latter-Day Saints.* For appointment as a chaplain, an applicant from the Church of Jesus Christ of Latter-Day Saints must:

(a) Possess a consolidated transcript of 120 semester hours of under graduate study from a recognized college or university.

(b) Have at least three years of active civilian experience as a fully qualified missionary or a duly ordained officer or religious teacher, or any combination thereof.

§ 861.503 *First Church of Christ, Scientist, in Boston, Mass.* For appointment as a chaplain, an applicant from the First Church of Christ, Scientist, must:

(a) Possess a consolidated transcript of 120 semester hours of undergraduate study from a recognized college or university.

(b) Have at least three years of active civilian experience as a fully qualified reader, or three years as a registered Christian Science practitioner leading to the ecclesiastical indorsement by the religious organization.

§ 861.504 *Ecclesiastical indorsement.* All applicants will request their religious denominations or organizations to furnish ecclesiastical indorsements direct to the Army and Air Force Chaplain Board, Washington 25, D. C.

§ 861.505 *Limitations.* Appointment of chaplains will be limited to males and to the grade of first lieutenant, only. Acceptance of such appointment will terminate any United States Air Force Reserve commission previously held

APPOINTMENT OF OFFICERS IN THE MEDICAL SERVICE

§ 861.601 *Qualifications.* Appointment of persons who possess professional and technical qualifications for appointment as medical specialists in the United States Air Force Reserve, and who are otherwise qualified, will be based on criteria established in §§ 861.305 and 861.306 plus the additional criteria established in §§ 861.602 and 861.612. Waivers of the maximum age requirement may be granted by the Chief of Staff, United States Air Force, for the appointment of persons in the Medical Service of the United States Air Force Reserve who are concurrently requesting extended active duty. Only female applicants may be appointed as specialists in the fields of nursing, dietetics, and physical therapy and occupational therapy. Appointments in other fields of the Medical Service may be tendered to qualified personnel, male or female. Female applicants who are 45 years of age, or more, are not eligible for appointment in any component of the Medical Service.

§ 861.602 *Doctors of Dental Surgery and Dental Medicine.* (a) For appointment as first lieutenant, applicants must:

(1) Possess a degree of D. D. S. or D. M. D. from a school of dentistry acceptable to the Surgeon General, United States Air Force.

(2) Possess a license to practice dentistry in a State or Territory of the United States or in the District of Columbia.

(3) Actually be engaged in the ethical practice of dentistry.

NOTE: Waiver of license and actual engagement in practice may be made for graduates of approved dental schools, if application for appointment is made within one year after graduation or while undergoing appropriate postgraduate instruction or engaged in a dental internship.

(b) For appointment in higher grades, applicants must possess all the qualifications specified in paragraph (a) of this section for first lieutenant and have had the following additional minimum experience or training in environments normally associated with high professional standards.

(1) Captain—Four years.

(2) Major—Eleven years, in addition to which applicants must have had intensive postgraduate training in a dental specialty. Applicants for appointment in the grade of major or higher ordinarily must have been certified by a dental specialty board in the specialty for which such a board is constituted.

(3) Lieutenant colonel — Eighteen years, in addition to which applicants must have achieved such unequivocal prominence as to make them authorities in their particular field. Examples are outstanding contributors to scientific research and to development of the dental specialty under consideration.

(4) Colonel—Twenty-five years, in addition to which applicants must give evidence of outstanding background and ability in their specialty, as indicated in subparagraph (3) of this paragraph for lieutenant colonel.

(c) Graduate study in dentistry may be substituted for professional experience on a year-for-year basis, not to exceed three years.

§ 861.603 *Dietitians.* (a) For appointment in the grade of second lieutenant, applicants must possess a bachelor degree from an approved college or university with a major either in foods and nutrition or in institutional management and must also have completed a dietetic internship acceptable to the Surgeon General, United States Air Force.

NOTE: Applicants who possess a bachelor of science degree or equivalent from a school or university acceptable to the Surgeon General, United States Air Force, with a major in either of the specialties mentioned above, who desire a dietetic internship in a military hospital may be appointed in the Medical Service of the United States Air Force Reserve and ordered to extended active duty.

(b) For appointment in other grades, applicants must, in addition to the qualifications in paragraph (a) of this section be qualified by professional training and experience in colleges, universities, and medical institutions acceptable to the Surgeon General, United States Air Force, as described below:

(1) First lieutenant—A minimum of two years, at least one of which has been as dietitian in a hospital of 100 or more beds.

(2) Captain—A minimum of six years, three of which have included major responsibility in the administration of the dietary department of a hospital of 100 or more beds.

(3) Major—Must possess a master degree in a field allied to this specialty and have had a minimum of twelve years of accreditable professional experience, seven of which must have been in a supervisory or administrative capacity. Not more than seven years of food management experience in nonmedical fields may be included in this total.

§ 861.604 *Environmental hygiene engineering specialists.* (a) For appointment as a sanitary engineer specialist in the grade of second lieutenant, applicant must possess a bachelor of science degree in sanitary, civil, or chemical engineering. For appointment as industrial hygiene engineering specialist in the grade of second lieutenant, applicant must possess a bachelor of science degree in mechanical, chemical, or sanitary engineering. Degrees must be from institutions or colleges acceptable to the Surgeon General, United States Air Force.

(b) For appointment in grade of first lieutenant, applicant must:

(1) Possess a doctor degree from an institution or college acceptable to the Surgeon General, United States Air Force, in one of the engineering sciences, cited in paragraph (a) of this section, or

(2) Possess a master degree from an institution or college acceptable to the Surgeon General, United States Air Force, in one of the engineering sciences, cited in paragraph (a) of this section, and have had a minimum of two years of professional experience in environmental or industrial hygiene engineering, or

(3) Possess a bachelor degree from an institution or college acceptable to the Surgeon General, United States Air Force, in one of the engineering sciences, cited in paragraph (a) of this section, and have had a minimum of three years of professional experience in environmental or industrial hygiene engineering.

(c) For appointment in higher grades, applicants must be qualified for appointment as a first lieutenant and have had further acceptable experience in environmental or industrial hygiene engineering as follows: For captain, 4 years; for major, 11 years; for lieutenant colonel, 18 years; and for colonel, 25 years. Appointment in grades of major and above will not be made except in case of highly qualified men of recognized ability, such as persons with professional rank, those having outstanding scientific research accomplishments, or those having had exceptional environmental or industrial hygiene engineering experience.

§ 861.605 *Medical research and allied science specialists.* (a) For appointment in the grade of first lieutenant, applicant must:

(1) Possess a doctor degree from an institution or college acceptable to the Surgeon General, United States Air Force, in any of the medical research and allied science specialities, or

(2) Possess a master degree from an institution or college acceptable to the Surgeon General, United States Air Force, and have had a minimum of two years of professional experience in any of the medical research allied science specialties, or

(3) Possess a bachelor degree from an institution or college acceptable to the Surgeon General, United States Air Force, and have had a minimum of three years of professional experience in any of the medical research and allied science specialties.

(b) For appointment in a higher grade, applicant must be qualified for appointment as a first lieutenant and have had further acceptable experience in the medical research or allied sciences as follows: For captain, 4 years; for major, 11 years; for lieutenant colonel, 18 years; and for colonel, 25 years. Appointment in the grades of major and above will not be made except in cases of highly qualified men of recognized ability, such as persons with professional rank, those having outstanding scientific research accomplishments, or those having had exceptional scientific supervisory or administrative experience.

§ 861.606 *Doctors of Medicine.* (a) For appointment in the grade of first lieutenant, applicant must:

(1) Possess a degree of doctor of medicine from a school of medicine acceptable to the Surgeon General, United States Air Force.

(2) Possess a license to practice medicine in a State or Territory of the United States or in the District of Columbia, or possess a diploma from the National Board of Medical Examiners.

(3) Be actually engaged in the ethical practice of medicine.

NOTE: Waiver of license and actual engagement in practice may be made for graduates of approved medical schools and for those who have successfully completed the four-year course of medical instruction at

approved medical schools which require a hospital internship for the degree of doctor of medicine, if application for appointment is made within one year after graduation.

(b) For appointment in higher grades, applicants must possess all the qualifications specified in paragraph (a) of this section for first lieutenant and have had the following minimum additional professional experience, excluding internship but including residency fellowship or other graduate study at a hospital, public health agency, school of public health, research institute, laboratory, medical college, recognized teaching center, or similar institution:

(1) Captain—Three years, extended periods of which must have been spent in environments normally associated with high professional standards.

(2) Major—Ten years, during which applicants must have had a period of intensive postgraduate training in a medical specialty, sufficiently prolonged and of a caliber to insure the optimum in professional knowledge and technique, as judged by the standards normally associated with recognized teaching centers. Applicants for direct appointment in the grade of major or higher must, ordinarily, have been certified by one of the American Specialty boards.

(3) Lieutenant colonel—Seventeen years, during which applicants must have achieved such unequivocal prominence as to make them authorities in their particular field. Examples are outstanding contributors to scientific research and to the development of the specialty under consideration.

(4) Colonel—Twenty-four years, in addition to the outstanding background and ability in a specialty as indicated in subparagraph (3) of this paragraph for lieutenant colonel.

§ 861.607 *Nurses.* (a) For appointment in the grade of second lieutenant, applicants must be graduates of schools of nursing acceptable to the Surgeon General, United States Air Force, and must possess nursing registration in a State or Territory of the United States or in the District of Columbia.

(b) For appointment in other grades, applicants must, in addition to the requirements in paragraph (a) of this section, be qualified by the indicated minimum number of years of professional experience, the majority of which must have been in environments normally associated with high professional standards:

(1) First lieutenant—Three years.

(2) Captain—Seven years, in addition to possession of a bachelor degree with a major in one of the nursing specialties or a certificate of satisfactory completion of a recognized postgraduate course in one of the clinical nursing specialties, plus one year's duty in that specialty.

(3) Major—Fourteen years, including a minimum of five years' appropriate administrative and/or teaching experience. Possession of a bachelor degree in a field allied to nursing is required for appointment in this grade.

(4) Lieutenant colonel—Appointees will possess outstanding qualifications for special positions determined by the Surgeon General, United States Air Force, as requirements necessitate.

§ 861.608 *Occupational therapists.* (a) For appointment in the grade of second lieutenant, applicants must have completed not less than two years (60 semester hours), in a college or university acceptable to the Surgeon General, United States Air Force, and must have completed an acceptable training course in occupational therapy. Total education and training normally will be five years.

NOTE: Applicants who have completed 120 semester hours leading toward a degree, and the didactic portion of an occupational therapy course, all of which are acceptable to the Surgeon General, United States Air Force, may be appointed, provided that they enter on extended active duty immediately thereafter for the purpose of completing the required clinical portion of that course in a military hospital.

(b) For appointment in other grades, applicants must, in addition to the requirements in paragraph (a) of this section be further qualified by training and experience as occupational therapists in colleges, universities, and medical institutions acceptable to the Surgeon General, United States Air Force, as described in subparagraphs (1), (2) and (3) of this paragraph.

(1) First lieutenant—A minimum of two years' professional experience in medical institutions.

(2) Captain—A minimum of six years' professional experience, three years of which must have been in a supervisory capacity in medical institutions.

(3) Major—Must possess a bachelor degree in occupational therapy and have had a minimum of 13 years' professional experience in medical or training institution, seven years of which must have been in a supervisory or administrative capacity.

§ 861.609 *Optometrists.* (a) For appointment in the grade of second lieutenant, applicants must have graduated from a school of optometry giving a full four-year course acceptable to the Surgeon General, United States Air Force.

(b) For appointment in other grades, applicants must have had additional qualifying education or experience in optometry, as specified in §§ 861.305 and 861.306. Appointments in grades of major and above will not be made except in cases of highly qualified applicants of recognized ability, such as those with professional rank or those having exceptional outstanding scientific research accomplishments or exceptional supervisory ability.

§ 861.610 *Pharmacists and medical supply and administration specialists.* (a) For appointment in the grade of second lieutenant, applicant must ordinarily possess a bachelor degree in business management or in a related or included field of management, or in the sciences; or have graduated from a four-year school of pharmacy acceptable to the Surgeon General, United States Air Force. Applicants who do not possess a bachelor degree may be considered: *Provided*, That they have completed 60 semester hours of college work or the equivalent in an appropriate field and have demonstrated, for at least two years, outstanding capability in the field of medical administration and management.

(b) For appointment in other grades, applicants must be additionally qualified by training and experience as set forth in §§ 861.305 and 861.306.

§ 861.611 *Physical therapists.* (a) For appointment in the grade of second lieutenant, applicants must have completed not less than three years (90 semester hours) in a college or university acceptable to the Surgeon General, United States Air Force, with a major emphasis in physical education or the biological sciences, and in addition to this, a training course in physical therapy acceptable to the Surgeon General, United States Air Force. (Applicants who possess a bachelor degree from a college or university acceptable to the Surgeon General, United States Air Force, with major emphasis in physical education or the biological sciences, and who desire to complete the required physical therapy training course in a military hospital, may be appointed in the United States Air Force Reserve and ordered to extended active duty for this purpose.)

(b) For appointment in a higher grade applicant must, in addition to the requirements of paragraph (a) of this section, be additionally qualified by training and experience as physical therapists in colleges, universities, and medical institutions acceptable to the Surgeon General, United States Air Force, as described in subparagraphs (1), (2) and (3) of this paragraph.

(1) First lieutenant—A minimum of three years of acceptable professional experience in medical institutions. If applicant has a bachelor degree and the physical therapy training course referred to in paragraph (a) of this section, only two years of such experience is required.

(2) Captain—Must possess a bachelor degree with major emphasis in physical education or the biological sciences; a one-year physical therapy training course as indicated in paragraph (a) of this section, and in addition, have had a minimum of six years of professional experience in medical institutions, three years of which must have been in a supervisory or administrative capacity.

(3) Major—Must possess a master degree in this specialty or an allied field, a one-year physical therapy training course as indicated in paragraph (a) of this section, and in addition, have had a minimum of twelve years' professional experience in medical or training institutions, seven years of which must have been in a supervisory or administrative capacity.

§ 861.612 *Doctors of Veterinary Medicine (or Surgery).* (a) For appointment in the grade of second lieutenant, applicant must:

(1) Be a graduate of a school of veterinary medicine or veterinary surgery, approved by the Surgeon General, United States Air Force.

(2) Be licensed to practice veterinary medicine in a State or Territory of the United States or in the District of Columbia.

(3) Be engaged in the ethical practice of veterinary medicine.

NOTE: Waiver of license and actual engagement in practice may be made for graduates of approved schools of veterinary medicine or surgery, if commissioned immediately upon graduation.

(b) For appointment in other grades applicants must, in addition to the requirements in paragraph (a) of this section, be qualified by minimum periods of acceptable professional experience as follows:

(1) First lieutenant—One year.

(2) Captain—Five years, a major portion of which must have been spent in environments normally associated with high professional standards.

(3) Major—Twelve years, in addition to which applicants must give evidence of sufficient independent experience to indicate mature judgment and ability to function in the specialty without professional supervision.

(4) Lieutenant colonel—Nineteen years, in addition to which applicant must give evidence of having achieved such unequivocal prominence as to make him an authority in his particular field. Examples are outstanding contributors to scientific research, administrators, and contributors to the development of the specialty under consideration.

(5) Colonel—Twenty-six years in addition to outstanding background and ability in a specialty, as indicated in subparagraph (4) of this paragraph for lieutenant colonel.

§ 861.613 *Applications from Reserve officers.* Persons now holding commissions in the Air Force Reserve who qualify for appointment in the Medical Service may apply for such appointment and will inclose all the documents required for appointment with the exception of DA AGO Form 643A. Acceptance of such appointment will terminate any Air Force Reserve commission previously held. (The provisions of §§ 861.311 to 313 do not apply to Air Force Reserve officers applying for appointment in the Medical Service.)

APPOINTMENTS IN OTHER SPECIALTIES.

§ 861.701 *General.* Section 861.701 to 861.730 contain the professional and technical qualifications for specialists other than medical, The Judge Advocate General's Department, and chaplain, for whom a requirement currently exists within the Air Force Reserve. Appointments may be made in each specialty in numbers and grades authorized by procurement letters to be published periodically. The age and the amount of qualifying experience and/or education pertinent to the specialty will determine grade eligibility in accordance with §§ 861.305 and 861.306.

§ 861.702 *Postal officer*—(a) *Appointments.* Appointments as postal specialists may be made in the grades of second lieutenant through major as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualication in this specialty is a baccalaureate degree.

(c) *Area of experience.* Applicants must have had the required qualifying experience in a position affording a comprehensive knowledge of postal organization and both United States domestic and international postal laws and practices. Applicants for the grade of second lieutenant must have had at least one year of such qualifying experience in addition to the educational requirement. Applicants for higher grades must have had qualifying experience in executive or supervisory postal positions commensurate with the grade for which application is being made. Military service in an active military postal installation may be counted in computing time for these requirements.

§ 861.703 *Electronics officers, ground and air*—(a) *Appointments.* Appointments as electronics specialists may be made in the grades of second lieutenant through major as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in one of the following fields of engineering: Electrical, communications, radio, or electronics; or a bachelor of science degree with a major in physics, electricity, communications, electronics, or radio.

(c) *Area of experience.* Applicants must have had the required qualifying experience in the communications and/or electronics fields in the installation, maintenance, and repair of airborne and/or ground radar or microwave equipment. Applicants must have attained a relative level of experience and knowledge commensurate with the requirements of the grade for which application is being made. Applicants for the grade of second lieutenant must possess either a master degree in one of the fields specified in paragraph (b) of this section or a baccalaureate degree plus at least one year of qualifying experience.

NOTE: Since qualifying experience for these two specialties is identical, military necessity will determine the Specification Serial Number to be awarded at any given time. In case a requirement exists for personnel in both categories, predominance of experience, as it may be construed to pertain to one specialty or the other, will be the determining factor.

§ 861.704 *Communications officer*—(a) *Appointments.* Appointments as communications specialists may be made in the grades of second lieutenant through major as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in one of the following fields of engineering: Electrical, communications, radio, electronics, or mechanical; or a bachelor of science degree with a major in physics, electricity, communications, electronics, or radio.

(c) *Area of experience.* Applicants must have had the required qualifying experience in the communications and/or electronics fields in any one or combination of the following: The installation, maintenance, and repair of airborne and/or ground communications equipment involving experience in wire and radio communications, electronics engineering, miscellaneous electrical and/or telecommunications engineering, including telegraphy, telephony, cable alarm and signal systems, traffic controls and their equipment, such as switchboards, dial system, teletypewriters, and facsimile transmitters, and/or installation, technical management and operation of radio stations, telephone systems, and navigational aids or systems. Applicants must have attained a relative level of experience and knowledge commensurate with the requirements of the grade for which application is being made. Applicants for the grade of second lieutenant must possess either a master degree in one of the fields specified in paragraph (b) of this section or a baccalaureate degree plus at least one year of qualifying experience.

§ 861.705 *Passenger and freight transportation, and priorities and traffic officers*—(a) *Appointments.* Appointments as passenger and freight transportation specialists may be made in the grades of second lieutenant through lieutenant colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty normally will be a baccalaureate degree. However, applicants with less education who have had wide experience in the field may be exempted from this requirement in exceptional cases.

(c) *Area of experience.* Applicants must have had experience in all matters related to the movement of personnel and/or freight by common carrier; a detailed knowledge of rates, routes, classification of freight regulations, and documentation; and a general knowledge of capacities, utilization, and limitation of either ships, vehicles, rail equipment, or aircraft. Applicants for the higher grades should be able to analyze transportation data, such as utilization resumes, routes saturation, and funds expended, and to construct traffic and route patterns. These applicants should know how to analyze movement requirements for supplies or personnel, operational characteristics, and limitations of equipment, and to convert requirements to a systematic, planned, scheduled method to effect economical delivery. Applicants for the grade of lieutenant colonel must be professionally qualified to make high-level decisions and to assume all duties and responsibilities in connection with broad policy determination. Applicants for the grades of second and first lieutenant will not be considered to have fulfilled the experience and/or education requirement solely on the basis of successful completion of four and seven years, respectively, of college education. At least one year of qualifying experience will be mandatory.

NOTE: Since qualifying experience for these two specialties is identical, military necessity will determine the Specification Serial Number to be awarded at any given time. When requirements exist for personnel in both categories, predominance of experience, as it may be construed to pertain to one specialty or the other, will be the determining factor.

§ 861.706 *Research and development coordinator*—(a) *Appointments.* Appointments as research and development coordinator specialists (Human Resources) may be made in the grades of captain through colonel as authorized by specific procurement directives.

(b) *Education.* The desired educational requirement for qualification in this specialty is the doctor of philosophy degree; however, persons having wide experience qualifications who have attained only the master degree level of academic training may be considered. Only applicants with specialization in the fields of applied, general, educational, personnel, industrial, social experimental, physiological and allied fields of psychology or sociology, anthropology, statistical measurement, and special fields of education, such as curriculum construction, methodology, and or research, will be considered.

(c) *Area of experience.* Experience in the administration and coordination of research programs is a critical aspect of this specialty. Applicants must have attained a relative level of experience and knowledge in the conduct and coordination of research programs commensurate with the grade for which application is being made. Evaluation of experience will be based upon the actual scientific investigations by the applicant as well as upon the productiveness and efficiency of research projects and programs for which the applicant has had administration and coordination responsibility.

§ 861.707 *Research psychologist*—(a) *Appointments.* Appointments as research phychologist specialists may be made in the grades of first lieutenant through colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is the doctor of philosophy degree in applied, general, educational, personnel, industrial, social, experimental, physiological and allied fields of psychology. Persons possessing doctor of philosophy degrees in sociology, anthropology, statistical measurement and special fields of education, such as curriculum construction, methodology, and/or research may also be considered.

(c) *Area of experience.* Applicants must have attained a relative level of experience and knowledge in one or more of the areas listed in paragraph (a) of this section, commensurate with the grade for which application is being made. It is emphasized that evaluation of research experience will be based upon actual scientific investigations in pertinent discipline areas.

§ 861.708 *Psychological assistant*—(a) *Appointments.* Appointments as psychological assistant specialists may be made in the grades of second lieutenant through major as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree including or supplemented by at least one course in each of the following fields: General, educational, or dynamic psychology; statistics or group test and measurements; experimental psychology, physiological psychology, or social psychology; test construction, educational research methods, or individual psychological testing. A baccalaureate degree in sociology or social anthropology will also be considered.

(c) *Area of experience.* Applicants must have had the required qualifying experience in research in experimental psychology, developmental psychology, social psychology, psychometrics, statistical methods, or related branches of applied psychology. Applicants must have attained a relative level of experience and knowledge commensurate with the grade for which application is being made. Applicants for the grade of second lieutenant must possess either a master degree in one of the fields specified in paragraph (b) of this section or a baccalaureate degree plus at least one year of qualifying experience.

§ 861.709 *Machine records officer*—(a) *Appointments.* Appointments as machine records specialists may be made in the grades of second lieutenant through major as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in business administration or other related field.

(c) *Area of experience.* Applicants must have had the required qualifying experience as an International Business Machine employee or in a tabulating machine installation or business, in progressively responsible positions, and must have attained a level of experience and knowledge commensurate with the requirements of the grade for which application is being made. Comparable military experience may be counted in computing qualifying time for this requirement. Applicants for the grade of second lieutenant must possess either a master degree in one of the fields specified in paragraph (b) of this section or a baccalaureate degree plus at least one year of qualifying experience.

§ 861.710 *Food service staff officer*—(a) *Appointments.* Appointments as food service staff specialists may be made in the grades of second lieutenant through lieutenant colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty normally will be a baccalaureate degree in foods, nutrition, dietetics, hotel management, business administration, and or related fields. However, applicants with less education who have had wide experience in the field may be exempted from this requirement in exceptional cases.

(c) *Area of experience.* Applicants must have had the required qualifying experience in a position affording thorough knowledge of procurement, storage, distribution, preparation, and service of subsistence items or in management of food business; must be familiar with meat cutting, rendering, and baking activities; must have sufficient knowledge of dietetic principles to plan and review menus for nutritional adequacy, dietary balance, and attractiveness, taking into consideration availability of items. Applicants must have attained a relative level of experience and knowledge commensurate with the requirements of the grade for which application is being made. Applicants for the grade of second lieutenant must have completed at least one year of qualifying experience in the field, in addition to satisfying the educational requirement or possess a master degree in one of the specified fields.

§ 861.711 *Subsistence supply officer*—(a) *Appointments.* Appointments as subsistence supply specialists may be made in the grades of second lieutenant through lieutenant colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in business administration, hotel training, or other related fields. However, applicants with less education who have had wide experience in the field may be exempted from this requirement in exceptional cases.

(c) *Area of experience.* Applicants must have had the required qualifying experience in a position affording thorough knowledge of procurement, storage, disposition, and sale of subsistence items. Further, applicants must have held progressively responsible positions, and must have attained a level of experience and knowledge commensurate with the requirements of the grade for which application is being made. Comparable military experience may be counted in computing qualifying time for this requirement. Applicants for the grade of second lieutenant must have completed at least one year of qualifying experience in one of the specified fields in addition to satisfying the educational requirement.

§ 861.712 *Packing officer*—(a) *Appointments.* Appointments as packing specialists may be made in the grades of second lieutenant through captain as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty normally will be a baccalaureate degree. However, applicants with less education who have wide experience in the field may be exempted from this requirement in exceptional cases.

(c) *Area of experience.* Applicants must have had qualifying experience in a position involving one or more of the following areas of experience: Preparation of commodities for distribution and storage; research and development of, or manufacture and distribution of, packaging materials, containers, and equipment; or the transportation and storage of commodities; and must have a broad knowledge of materials, methods, and equipment utilized in the packaging field. Applicants must have attained a relative level of experience and knowledge commensurate with the requirements of the grade for which application is being made. Applicants for the grade of second lieutenant must have completed at least one year of qualifying

experience in one of the specified fields in addition to satisfying the educational requirement.

§ 861.713 *Laundry officer*—(a) *Appointments.* Appointments as laundry specialists may be made in the grades of second lieutenant through lieutenant colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree. However, applicants with less education who have had wide experience in the field may be exempted from this requirement in exceptional cases.

(c) *Area experience.* Applicants must have had the required qualifying experience in a responsible supervisory or administrative position in institutional or Governmental laundry and dry cleaning plants, including thorough knowledge and experience in plant production, methods and standards, and machinery maintenance. Further, applicants must have held progressively responsible positions, and must have attained a level of experience and knowledge commensurate with the requirements for the grade for which application is being made. Applicants for the grade of second lieutenant must have completed at least one year of qualifying experience in the field in addition to satisfying the educational requirements.

§ 861.714 *Auditing officer*—(a) *Appointments.* Appointments as auditing specialists may be made in the grades of first lieutenant through colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in business administration or other related field. Applicants must have successfully completed a minimum of six semester hours per year for four years in accounting subjects. Certificate as a certified public accountant is desirable but is not required.

(c) *Area of experience.* Applicants must have had the required qualifying experience in business administration, public finance, banking of fiscal fields, in progressively responsible positions and must have attained a level of experience and knowledge commensurate with the requirements of the grade for which application is being made. Comparable military experience may be counted in computing qualifying time for this requirement. Experience involving or related to the responsibility for accounting or cost accounting systems or procedures; audits of large corporations having subsidiaries; preparing and reviewing reports written by staff members on findings of audits or investigations; and making recommendations on problems involving accounting procedures, organization, financing, consolidating and coordinating programs, is desirable.

§ 861.715 *Accounting and disbursing officer*—(a) *Appointments.* Appointments as accounting and disbursing specialists may be made in the grades of second lieutenant through lieutenant colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in business administration or management or related field. Professional postgraduate work in military science and administration, or the equivalent civilian administrative or executive experience in business or Governmental agency, including military service is essential.

(c) *Area of experience.* Applicants must have had the required qualifying experience as a management advisor. Applicants must be qualified to assemble and evaluate elements of information necessary for efficient management and to advise and assist in the attainment of integrated programs for the accomplishment of assigned missions. Applicants must be qualified to translate these requirements into budgetary limitations, measure progress toward program objectives and evaluate results in relation to cost, and recommend action to the end that manpower, funds, and matériel may be most efficiently and economically utilized. Applicants must have a working knowledge of (1) reporting and reporting control machine and statistical services; (2) budget and fiscal services; (3) finance and administrative disbursements; (4) cost reporting and administration; and (5) be able to supervise the audit of nonappropriated funds. The applicants should have a comprehensive knowledge of staff work, military organization and administration, and an understanding of administrative and executive functions. Applicants must have performed in progressively important positions and must have attained a level of experience and knowledge commensurate with the requirements of the grade for which application is being made. Comparable military experience may be counted in computing qualifying time for this requirement.

§ 861.716 *Comptroller*—(a) *Appointments.* Appointments as comptroller specialists may be made in the grades of captain through colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in business administration, accounting, mathematics, statistics, or related field.

(c) *Area of experience.* Applicants must have had the required qualifying experience in an executive capacity as a planner, programmer, comptroller, administrator, or supervisor: *Provided,* That in such capacity ,economy of operation, timeliness, coordinated use of funds, personnel, and matériel resources, were of prime importance. Applicants must have performed in progressively important positions and must have attained a level of experience and knowledge commensurate with the requirements of the grade for which application is being made. Military experience may be counted in computing qualifying time for this requirement. Applicants for the grade of second lieutenant must possess either a master degree in one of the fields specified in paragraph (b) of this section or a baccalaureate degree plus at least one year of qualifying experience.

§ 861.717 *Program analysis officer*—(a) *Appointments.* Appointments as program analysis specialists may be made in the grades of second lieutenant through colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in business administration, accounting, mathematics, statistics, or related field.

(c) *Area of experience.* Applicants must have had the required qualifying experience in an executive capacity as a planner, programmer, comptroller, administrator, or supervisor: *Provided,* That in such capacity ,economy of operation, timeliness, coordinated use of funds, personnel, and matériel resources, were of prime importance. Applicants must have performed in progressively important positions and must have attained a level of experience and knowledge commensurate with the requirements of the grade for which application is being made. Military experience may be counted in computing qualifying time for this requirement. Applicants for the grade of second lieutenant must possess either a master degree in one of the fields specified in paragraph (b) of this section or a baccalaureate degree plus at least one year of qualifying experience.

§ 861.718 *Air installation officer*—(a) *Appointments.* Appointments as air installation specialists may be made in the grades of first lieutenant through lieutenant colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in architecture; architectural, structural, general, civil, mechanical industrial, or electrical engineering; or industrial management or other related field.

(c) *Area of experience.* Applicants must have had the required active technical experience in city, airport, real estate, industrial, or utilities management; superintendence of buildings and grounds; architecture; architectural, civil, or industrial engineering; or construction and building contracting. Applicants must have professional knowledge of generally accepted engineering practices, preparation of plans and specifications, organizational procedures, and design and development planning. Desirable additional professional knowledge includes snow removal methods, cost and property control procedures, airfield soil control, airfield lighting, marking of runways and taxiways, real estate management, dust and erosion control, insect and rodent control, and waste disposal. Applicants must have attained a level of experience and knowledge commensurate with the requirements of the grade for which application is being made.

§ 861.719 *Design and development officer (designated type)*—(a) *Appointments.* Appointments as design and development specialists may be made in the grades of second lieutenant through lieutenant colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in any of the basic physical sciences, bio-

logical sciences, mathematics, or engineering. (Acceptable engineering fields are indicated in paragraph (c) of this section.)

(c) *Area of experience.* (1) Applicants must have had the required qualifying experience in one or more of the following areas of experience:

(i) *Engineering.*

Aeronautical.	Metallurgical.
Mechanical.	Chemical.
Electrical.	Industrial.
Nuclear.	

(ii) *Physics.*

Biophysics.	Optics.
Geophysics.	Electronics.
Sound, heat, light, electricity, and magnetism.	Nucleonics.
	Solid state.
	Theoretical.

(iii) *Chemistry.*

Inorganic.	Nuclear.
Organic.	Biochemistry.
Analytical.	Chemical warfare.
Physical.	

(iv) *Biological sciences.*

Biology.	Physiology or anthropometry.
Zoology.	Biological warfare.
Nutrition.	
Radiology.	

(v) *Others.*

Ceramics.	Photographic equipment.
Armament.	Servo-mechanisms.
Guided missiles.	Aerodynamics.
Petroleum and fuels.	Airplane design.
Power plants.	Wind-tunnel testing.
Propulsion.	Fluid mechanics.
Textiles.	Thermodynamics.
Mathematics.	Engineering.
Photography.	Seismology.
Aerial photography.	Hydrology.
Photographic interpretation.	Statistics.
Photomapping.	

(2) Applicants must have attained a relative level of experience and knowledge commensurate with the requirements of the grade for which application is being made. Applicants for the grade of second lieutenant must possess a master degree in one of the specified fields or a baccalaureate degree plus at least one year of qualifying experience.

§ 861.720 *Ground safety officer*—(a) *Appointments.* Appointments as ground safety specialists may be made in the grades of second lieutenant through major as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in safety engineering or other related field.

(c) *Area of experience.* Applicants must have had the required qualifying experience in safety engineering, including inspection of facilities for the existence of hazards endangering life and property; accident analysis, investigation, and prevention, and the conduct of educational programs and meetings for the purpose of instructing personnel in recognition of existing hazards and creating safety consciousness. Applicants should be familiar with industrial processes, production methods and management policies, and hazards inherent thereto. Applicants must have attained a level of experience and technical knowledge commensurate with the requirements of the grade for which application is being made. Applicants for the grade of second lieutenant must possess either a master degree in one of the fields specified in paragraph (b) of this section or a baccalaureate degree plus at least one year of qualifying experience.

§ 861.721 *Topographic engineer*—(a) *Appointments.* Appointments as topographic engineer specialists may be made in the grades of first lieutenant through lieutenant colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in civil engineering, geology, or photogrammetric engineering.

(c) *Area of experience.* Applicants must have had the required qualifying experience in engineering, surveying, cartography, topographic drafting, geodetic surveying, or similar related fields. Experience in lithographic and reproduction work is desirable. Applicants must have technical knowledge of survey work, such as determining exact locations and measurements of points, elevation lines, area and contours on the earth's surface; photogrammetric and cartographic drafting; photographic laboratory methods; photo transferring and lithographic processes; and operation and maintenance of lithographic equipment. Applicants must have attained a level of experience and technical knowledge commensurate with the requirements of the grade for which application is being made.

§ 861.722 *Photomapping officer*—(a) *Appointments.* Appointments as photomapping specialists may be made in the grades of second lieutenant through lieutenant colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in civil engineering, photogrammetry, or related field.

(c) *Area of experience.* Applicants must have had the required qualifying experience in photogrammetry, topographic drafting, or similar fields connected with the preparation of maps and charts. Applicants should be familiar with methods of map reproduction and photographic laboratory techniques. A knowledge of aerial photographic methods and techniques is desirable. Applicants must have attained a level of experience and technical knowledge commensurate with the requirements of the grade for which application is being made. Applicants for the grade of second lieutenant must possess either a master degree in one of the fields specified in paragraph (b) of this section or a baccalaureate degree plus at least one year of qualifying experience.

§ 861.723 *Map reproduction officer.*—(a) *Appointments.* Appointments as map reproduction specialists may be made in the grades of second lieutenant through major as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree.

(c) *Area of experience.* Applicants must have had the required qualifying experience in lithographic and reproduction work, and must have a thorough knowledge of photo transferring, color reproduction, lithographic processes, and operation and maintenance of lithograph machinery, such as offset printing presses. Knowledge of military ground maps, aeronautical charts, and military map and chart symbols is desirable. Applicants must have attained a level of knowledge and experience commensurate with the requirements of the grade for which application is being made. Applicants for the grade of second lieutenant must have completed at least one year of qualifying experience in the field, in addition to satisfying the educational requirement.

§ 861.724 *Airport engineer*—(a) *Appointments.* Appointments as airport engineer specialists may be made in the grades of first lieutenant through lieutenant colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in civil engineering or other related field.

(c) *Area of experience.* Applicants must have had the required active technical experience in engineering design or construction, with particular emphasis on the design, preparation of specifications, or construction of airports or highways. Applicants must be thoroughly familiar with soils analysis, soils mechanics, drainage, subsurface preparation, laying of various types of asphaltic and concrete surfaces, earthmoving, quarry operations, utilization of construction equipment, highway or airport design criteria and specifications, and a working knowledge of structure construction. Applicants must have attained a level of experience and technical knowledge commensurate with the requirements of the grade for which application is being made.

§ 861.725 *Weather officer*—(a) *Appointments.* Appointments as weather specialists may be made in the grades of second lieutenant through major as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree, including at least 20 semester hours in meteorology.

(c) *Area of experience.* Applicants must have had the required qualifying experience in weather forecasting in Governmental or commercial weather services, including the making or supervision of the making of weather observations and forecasts according to latest principles and procedures, and the analysis of weather data in conformance with standard weather principles and procedures; or the preparation of climatological studies indicating probability of occurrence of specific weather phenomena. Applicants must have attained a relative level of experience and knowledge commensurate with the requirements of the grade for which application is being made.

§ 861.726 *Air police officer*—(a) *Appointments.* Appointments as air police specialists may be made in the grades of second lieutenant through captain as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty normally will be a baccalaureate degree. However, applicants with at least two years of college who have had wide experience in this field may be exempted from this requirement.

(c) *Area of experience.* Applicants must have had the required experience in legal practice, law enforcement and investigation, prison administration, or with the uniform branches of municipal or State police organizations. Applicants must possess thorough knowledge of police organization, methods, techniques, equipment and weapons, and of confinement rehabilitation facilities. Experience as social workers: *Provided*, That it has involved dealing with delinquents, may be considered as qualifying experience. Applicants must have attained a level of experience and knowledge commensurate with the requirements of the grade for which application is being made. Applicants for the grade of second lieutenant must have completed at least one year of qualifying experience in the field, in addition to satisfying the educational requirements.

§ 861.727 *Psychological warfare officer*—(a) *Appointments.* Appointments as psychological warfare specialists may be made in the grades of captain through lieutenant colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a master degree in one of the following fields: Journalism, advertising, public relations, psychology, sociology, anthropology, languages, history, political science, economics, and international relations.

(c) *Area of experience.* Applicants must have had the required qualifying experience in one or more of the fields mentioned in paragraph (b) of this section in progressively responsible positions and must have attained a level of experience and knowledge commensurate with the requirements of the grade for which application is being made.

§ 861.728 *Foreign languages propaganda officer*—(a) *Appointments.* Appointments as foreign language propaganda specialists may be made in the grades of first lieutenant through lieutenant colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree, preferably in one of the following fields: Journalism, advertising, public relations, psychology, sociology, anthropology, languages, history, political science, economics, and international relations. Applicants must be able to speak, read, and write at least one of the following foreign languages fluently:

Albanian.	Bengali.
Arabic.	Bulgarian.
Armenian.	Burmese.
Belgian (Flemish).	Chinese.
Czech.	Moldavian.
Danish.	Norwegian.
Dutch.	Persian.
Estonian.	Polish.
Finnish.	Portuguese.
Georgian (Grusintian).	Pushtu (Afghan).
Greek.	Romanian.
Hebrew.	Russian.
Hindustani.	Serbo-Croatian.
Hungarian.	Siamese.
Italian.	Slovak.
Japanese.	Swedish.
Kazakh.	Tagalog.
Korean.	Tibetan.
Latvian.	Turkish.
Lithuanian.	Ukranian.
Malayan.	Uzbek.
	White Russian.

(c) *Area of experience.* Applicants must have had the required qualifying experience in a position involving frequent and regular use of the language in question. In addition, residence of at least three years of study at the college level for at least one year in the foreign country of applicants' specialization is required. Applicants must have attained a level of experience and knowledge commensurate with the requirements of the grade for which application is being made.

§ 861.729 *Prisoner of war interrogators*—(a) *Appointments.* Appointments as prisoner of war interrogator specialists may be made in the grades of first lieutenant through lieutenant colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree, plus an idiomatic oral and written knowledge of the language and knowledge of the physical characteristics, customs, and habits of one or more foreign countries.

(c) *Area of experience.* Applicants must have had the required qualifying experience in a position involving the use of established techniques of interviewing or examination and cross-examination; or as an interpreter, linquist, or special investigator. Applicants must have attained a relative level of experience and knowledge commensurate with the requirements of the grade for which application is being made.

§ 861.730 *Special investigations officer*—(a) *Appointments.* Appointments as special investigations specialists may be made in the grades of second lieutenant through colonel as authorized by specific procurement directives.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree from an accredited college or university. A degree in law or accounting is preferred.

(c) *Area of experience.* The fields in which successful experience would be considered qualifying are: Military, Federal, State, or municipal investigative agencies conducting law-enforcement-type investigations; military or civilian intelligence investigative fields; accounting and bankruptcy investigations; procurement-type fraud investigations; the practice of law; and accounting. Applicants must have attained a level of experience and technical knowledge commensurate with the requirements of the grade for which application is being made. Applicants for the grade of second lieutenant must have completed at least one year of qualifying experience in the field, in addition to satisfying the educational requirement.

[SEAL] H. B. HOHMAN,
Colonel, U. S. Air Force,
Acting Air Adjutant General.

[F. R. Doc. 51—5809; Filed, May 22, 1951; 8:45 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter D—Exportation and Importation of Animals and Animal Products

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

OVERTIME, NIGHT, AND HOLIDAY INSPECTION AND QUARANTINE ACTIVITIES AT BORDER, COASTAL, AND AIR PORTS

EDITORIAL NOTE: Federal Register Document 51-5228, published on page 3978, issue of Saturday, May 5, 1951, as Part 165 of Subchapter I, has been redesignated Part 97 in Subchapter D and is reprinted below.

Pursuant to the authority vested in the Secretary of Agriculture by Public Law 735, 81st Congress, approved August 28, 1950, to pay employees of the Department performing inspection, certification or quarantine services relating to imports into and exports from the United States for all overtime, night, or holiday work performed by them and to accept reimbursement for such payment from persons for whom such work is performed, Subchapter D of Chapter I of Title 9 of the Code of Federal Regulations is amended by adding thereto the following new Part 97.

§ 97.1 *Overtime work at border ports, seaports, and airports.* Any person, firm, or corporation having ownership, custody or control of animals, animal by-products, or other commodities subject to inspection, certification, or quarantine under Subchapters B and F of this chapter, and who requires the services of an employee of the Bureau of Animal Industry on a holiday, or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime request the Bureau inspector in charge to furnish inspection, quarantine, or certification service during such overtime period and shall pay the Secretary of Agriculture therefor at the rate of $2.40 per man hour for service so furnished: *Provided*, That a minimum charge of $2.40 shall be made for any such service rendered. It will be administratively determined from time to time which days constitute holidays.

The rates prescribed in this section shall also be applicable to overtime work heretofore furnished pursuant to this statute under any contract or other arrangement.

The purpose of this amendment is to establish a uniform hourly rate of pay-

ment for all overtime services furnished in accordance with the act of August 28, 1950. Determination of the costs of such overtime inspection depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of those who require such overtime service, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication.

(Pub. Law 735, 81st Cong.)

Effective date. The foregoing amendment shall be effective upon publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 1st day of May 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-5228; Filed, May 4, 1951; 8:51 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

DISABILITY OF VETERAN UNDER CERTAIN CONDITIONS

Section 3.67, paragraph (c) (5) is amended to read as follows:

§ 3.67 *Disability of veteran (1) as a direct result of armed conflict, or (2) while engaged in extra hazardous service, including such service under conditions simulating war, or (3) while the United States is engaged in war (Public Laws 359, 77th Cong., 868, 80th Cong.).* * * *

(c) * * *

(5) Maneuvers such as those of 1940–41 and the operations of ships at sea during the same period are considered as having been performed under conditions simulating war and were extra hazardous. Performance of service duties in joint exercises of the Armed Forces and maneuvers at any time will be regarded as extra hazardous. Participation in local field or sea exercises (command post exercises (CPX's) other than communications tests or training not involving movement of combat units and equipment, and similar or larger group exercises) involving battle indoctrination or familiarization with conditions to be encountered in actual operations against an enemy will also be held as extra hazardous service where disease or injury results from (i) the use of instrumentalities of war, including live ammunition, or (ii) conditions simulating the confusion, fatigue, obstacles, weapons fire, and improvisations of battle and frontline operations, such as infiltration courses, mine fields, wire entanglements, infantry-armored-artillery-engineer-tactical air team actions and fire, combined amphibious operations, close personal combat with the bayonet, commandolike tactics and operations, the traversal of difficult terrain and deep streams, or the spanning of rivers or chasms. Determinations will generally be made on the record without a further call for information upon the service departments, first obtaining, however, and taking into consideration investigation officer reports, administrative reports, or other documentary material usually released in due course on request.

* * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective May 23, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-5862; Filed, May 22, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 13, Amendment 1]

GCPR, SR 13—COKE, COAL CHEMICALS AND COKE OVEN GAS

PARTICIPATING CONTRACTS; DISTRIBUTORS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Amendment 1 to Supplementary Regulation 13 (16 F. R. 809) to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 1 to Supplementary Regulation 13 to the General Ceiling Price Regulation is a clarifying amendment applicable to sections 1, 2, 3, and 6 of Supplementary Regulation 13 to the General Ceiling Price Regulation.

Due to an oversight the word "distributor" was inadvertently omitted from sections 1 and 2 at the time Supplementary Regulation 13 was published. This omission is corrected to include them in sections 1 and 2.

Participating contracts are an established practice in the field of coal chemicals. In this type contract the return to the seller varies according to the analysis of the material delivered, but inasmuch as the end or finished products are controlled under Supplementary Regulation 13, the transaction is not inflationary. In arriving at the seller's price some participating contracts are based upon published prices in trade journals for the derivatives and some are based upon the revenue obtained by the buyer from the sale of the derivatives. In the definition in section 2 (g) of Supplementary Regulation 13, only the latter type of participating contract was set forth. A strict application of this definition would not permit a buyer with a participating contract based upon published prices in trade journals to pay the seller such price if, in fact, he happened to be selling some of the derivatives at prices established by these published prices since the definition in the Regulation would only permit him to pay the seller "according to the revenue obtained". Therefore, section 2 (g) is rewritten to allow for both of the above contingencies.

Section 3 is amended so that no distributor may charge a price f. o. b. coke oven or tar distillation plant in excess of the ceiling price established for the aforesaid plants. However, where a distributor purchased coke and/or coal chemicals from a coke oven or tar distillation plant during the producer's base period and resold them, the distributor may charge the highest prices he received for such coke and/or coal chemicals during the base period plus any adjustments in price applied to the f. o. b. coke oven or tar distillation plant price of such coke and/or coal chemicals.

Section 6 is amended so that it places upon the distributors the same responsibilities which producers have in regard to records and record keeping.

AMENDATORY PROVISIONS

1. Section 1 is amended by adding, following the word "producers", the words "and distributors".

2. Section 2 (g), "Participating contract", is deleted and the following is substituted therefor:

(g) "Participating contract" means a contract under which the seller's price for the material varies according to the revenue obtainable from the sale of the derivatives under the terms of the contract.

3. Section 2 is further amended by adding paragraph (i):

(i) "Distributor" means any person who purchases for resale, coke and or coal chemicals at or for delivery from coke oven or tar distillation plants, or plants refining or upgrading materials obtained from coke oven or tar distillation plants, and resells the same without physical handling; it includes any person acting as the agent of a distributor in the sale of such materials.

4. Amend section 3 by adding the following paragraph (d):

(d) No distributor shall charge a price f. o. b. coke oven or tar distillation plants or plants refining or upgrading materials obtained from coke oven or tar distillation plants in excess of the ceiling price or prices established for such plants under the provisions of this regulation: *Provided*, That in the event a distributor purchased coke and/or coal chemicals from such plants during the producer's base period, and resold such coke and/or coal chemicals, said distributor may buy and resell coke and/or coal chemicals from said plants and charge the highest price or prices he received for such coke and/or coal chemicals during the aforesaid base period plus any adjustments in price applied to the f. o. b. plant price of such coke and/or coal chemicals.

5. Amend section 6 by deleting paragraph (c) and substituting therefor:

(c) Not later than 20 days after the effective date of this amendment each distributor shall file, by letter, with the Office of Price Stabilization, Solid Fuels Branch, Washington 25, D. C., a statement setting forth: (1) a description of the product; (2) name and location of producer and plant; (3) ceiling prices established under the General Ceiling Price Regulation; (4) ceiling prices established under the authority of this amendment; (5) the price increase allowed under this amendment; (6) the charges, if any, made by the distributor for any special service rendered during the base period, together with a description of the special service so rendered, and (7) the prices specified in the contracts exempted by section 4 of Supplementary Regulation 13 to the General Ceiling Price Regulation.

6 Section 6 is further amended by adding paragraph (d) which reads as follows:

(d) Notwithstanding any other provision hereof, each producer and distributor subject to this supplementary regulation shall continue to be subject to the record keeping provisions of the General Ceiling Price Regulation.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This Amendment 1 to Supplementary Regulation 13 to the General Ceiling Price Regulation shall be effective as of March 16, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 22, 1951.

[F. R. Doc. 51-6008; Filed, May 22, 1951; 9:56 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-1, as Amended May 18, 1951]

M-1—IRON AND STEEL

Correction

In Federal Register Document 51-5951, published at page 4754 of the issue for Tuesday, May 22, 1951, section 11 was erroneously designated section 10. As corrected section 11 reads as follows:

SEC. 11. *Scheduled programs.* NPA will from time to time approve scheduled programs calling for the production and delivery of iron and steel products for stated purposes, over specified periods of time. Upon approval of major programs of this type, supplements to this order will be issued describing such programs and specifying the manner in which they are to be carried out by the iron and steel industry. Thereafter, directives will be issued to individual concerns establishing schedules for their participation in such programs. Such directives shall be complied with by the recipients in accordance with the terms thereof, unless otherwise directed by NPA.

[NPA Order M-2 as Amended May 21, 1951]

M-2—RUBBER

This order as amended is found necessary and appropriate to promote the national defense. It is issued pursuant to both the Defense Production Act of 1950 and the Rubber Act of 1948. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, in the formulation of this amendment, consultation with industry representatives has been rendered impossible because of the need for immediate action.

This amendment affects NPA Order M-2 as amended May 1, 1951, as follows: It designates the text of section 19 as paragraph (a) and adds a new paragraph (b) to section 19; it substitutes a new section 20; and it makes certain changes in appendix B. As so amended NPA Order M-2 reads as follows:

EXPLANATORY PROVISIONS

Sec.
1. Purpose and effect
2. Definitions.

RESTRICTIONS ON CONSUMPTION

3. Limit on total new rubber consumption (except natural rubber latex).
4. Limit on natural rubber latex consumption.
5. Rubber to fill rated orders.
6. Orders rated "DO-97".

IMPORTATION AND DISTRIBUTION OF NATURAL RUBBER

7. Private importation of natural rubber prohibited.
8. Purchase of natural rubber.

ALLOCATION OF SYNTHETIC RUBBER

9. Limitation on acquisition of synthetic rubber.
10. Allocation procedure.
11. Basis of allocation.

RUBBER PRODUCT REQUIREMENTS AND LIMITATIONS

12. Camelback production required.
13. Tires or tubes for new passenger automobiles.
14. Required production of certain tires or tubes.
15. Rubber product simplification and manufacturing specifications.

GENERAL PROVISIONS

16. Monthly reports of rubber consumption and stocks.
17. Reports by tire, tube, and camelback manufacturers.
18. Reports by latex importers.
19. Records and reports.
20. Inventory limitations.
21. Applications for adjustment or exception.
22. Communications.
23. Violations.

AUTHORITY: Sections 1 to 23 issued under sec. 10, 62 Stat. 105, as amended, sec. 704, Pub. Law 774, 81st Cong.; 50 U. S. C. App. Sup. 1929. Interpret or apply sec. 3, 62 Stat. 102, sec. 101, Pub. Law 774, 81st Cong.; 50 U. S. C. App. Sup. 1922, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61, E. O. 9942, Apr. 1, 1948, 13 F. R. 1823.

EXPLANATORY PROVISIONS

SECTION 1. *Purpose and effect.* The purpose of this order is to conserve the supply of rubber for the needs of national defense and to provide for its equitable distribution. It places over-all limits on the consumption of new rubber (including both natural and synthetic). It prohibits private importation of natural rubber, provides for allocation of Government-produced synthetic rubber, and for the distribution of natural rubber. Provisions are also made for increasing production of camelback, for directing production of rubber products into standard lines, and for restricting the use of natural rubber in certain listed products, for limiting inventories of tires and tubes and for restricting their delivery for installation on new passenger automobiles.

SEC. 2. *Definitions.* As used in this order:

(a) "Natural rubber" means all new RHC (rubber hydrocarbon) forms and types of tree, vine, or shrub rubber, both dry and latex, including the following grades of wild rubber (cut, uncut, washed or dried): upriver fine, acre fine, Bolivian fine, beni fine, island fine, and all other types of fine pará, which are of equivalent quality regardless of name or origin; but excluding all other South or Central American grades of wild rubber and all rubber from guayule, balata or gutta percha, as well as reclaimed natural rubber.

(b) "Dry natural rubber" means all natural rubber in solid form.

(c) "Natural rubber latex" means the dry latex solids contained in natural rubber liquid latex.

(d) "Synthetic rubber" means all new RHC products of chemical synthesis similar in general properties and applications to natural rubber and specifically capable of vulcanization, including synthetic rubber latex but excluding reclaimed synthetic rubber.

(e) "GR-S" means a general-purpose synthetic rubber of the butadiene styrene type produced in the United States generally suitable for use in the manufacture of transportation items such as tires or camelback, as well as any other type of synthetic rubber equally or better suited for use in the manufacture of transportation items such as tires or camelback, as determined from time to time by the NPA, but excluding reclaimed general-purpose synthetic rubber.

(f) "Butyl" or "GR-I" means a special-purpose synthetic rubber produced in the United States, suitable for use in the manufacture of transportation items such as pneumatic inner tubes, but ex-

cluding reclaimed special-purpose synthetic rubber.

(g) "New RHC" means total new rubber hydrocarbon. This is the total RHC content of dry natural rubber, natural rubber latex, synthetic rubber, uncured scrap rubber, and uncured in-process materials.

(h) "Consume" means, in the case of dry natural rubber, natural rubber latex or synthetic rubber, to compound, expend, formulate, or in any manner make any substantial change in the form, shape, or chemical composition.

(i) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(j) "Reclaimed rubber" means any rubber derived from the processing or treatment of vulcanized rubber or cured scrap rubber.

(k) "NPA" means the National Production Authority in the Department of Commerce.

RESTRICTIONS ON CONSUMPTION

SEC. 3. *Limit on total new rubber consumption (except natural rubber latex).* (a) No person shall (except on prior written authorization of the NPA) consume in any calendar month a total amount of new rubber (including all synthetic both dry and latex and all natural except latex) in excess of 100 percent of his base monthly new rubber consumption as computed under paragraph (b) of this section: *Provided, however,* That no person shall consume in the manufacture of any item listed in appendix B of this order, in any calendar month, any new rubber in excess of 90 percent of the proportion of his base monthly new rubber consumption devoted to the manufacture of each such item during the year ending June 30, 1950: *And provided further,* That no person may consume more rubber in the manufacture of tires and tubes for delivery as original equipment for new passenger automobiles than is required to supply the manufacturers of new passenger automobiles with four tires and tubes for each of such automobiles.

(b) Each person's base monthly new rubber consumption shall be one-twelfth of his actual new rubber consumption (including all synthetic both dry and latex and all natural except latex) during the year ending June 30, 1950, as adjusted by the NPA.

(c) The limitation provided in this section shall not apply to any person during any calendar quarter in which his total consumption of new rubber (including all synthetic both dry and latex and all natural except latex) does not exceed 25,000 pounds.

SEC. 4. *Limit on natural rubber latex consumption.* (a) No person shall (except on prior written authorization of the NPA) consume during any calendar quarter, a total quantity of natural rubber latex in excess of one-fourth of his consumption during the year ending June 30, 1950, as adjusted by the NPA.

(b) In the event that imports of natural rubber latex are of such volume that an excess remains available for consumption after deducting from total imports (1) the base-period consumption allowed by paragraph (a) of this section, (2) the stockpile requirements of the Government, and (3) a reasonable reserve for adjustments under section 21 of this order, such excess will be allocated quarterly to consumers by the NPA on the basis of their pro rata allocation of natural rubber latex during the first calendar quarter of 1951. Any allocations made under this paragraph may be consumed in addition to the amounts permitted by paragraph (a) of this section.

SEC. 5. *Rubber to fill certain rated orders.* (a) Such quantities of new rubber as are used in making products to fill DO rated orders (other than those rated "DO–87" or "DO–97") are hereby exempted from the limitations on consumption contained in sections 3 and 4 of this order. All such quantities shall accordingly be excluded in computing consumption under those sections. Allocations of synthetic rubber will be made for such purposes, upon application in writing to the NPA, in addition to the allocations for which provision is made in sections 9, 10, and 11 of this order.

(b) Any person filing an application for an allocation of 500 pounds or more of new rubber to fill a DO rated order must show (1) the DO rating number or symbol applied to the order, (2) the Government contract or purchase order numbers, (3) the identity and quantity of the product ordered, (4) the Government specifications for the product insofar as they concern the rubber content, (5) the name and address of the customer, and (6) the types and quantities of rubber required, by month, to fill the order.

(c) Any person filing an application for allocation of rubber to fill any DO rated orders where each of such orders requires less than 500 pounds of new rubber must set forth (1) the number of orders with each DO rating, (2) the types and quantities or rubber required to fill each group of DO rated orders, and (3) a statement signed by an authorized officer or member of the company to the effect that he has received DO rated orders, which are on file and which require the amount of rubber applied for.

SEC. 6. *Orders rated "DO–97."* (a) No person shall apply or extend the rating "DO–97" to any order for any pneumatic tires or tire tubes or other transportation products as listed under code 1 and codes 3 through 8 in appendix A, and no such rating applied or extended to such orders shall be deemed a valid rating.

(b) Insofar as necessary and practicable, new rubber will be made available once a month, in addition to the quantities otherwise permitted by this order, to manufacturers of those products listed under code 2 and codes 9–24 in appendix A, to replace rubber used to fill orders for such products rated "DO–97." No additional rubber will be authorized for such purpose, however, except to the extent that the applicant demonstrates that he has filled "DO–97" rated orders for the product in the previous month requiring a greater proportion of his then permitted new rubber consumption than he devoted to the manufacture of that product out of his total new rubber consumption in the year ending June 30, 1950 (exclusive of such units as were manufactured and sold as parts of new equipment or for incorporation in new equipment). Application for such additional new rubber shall be made before the 10th day of each month. The quantities approved under this section will be authorized and allocated for use during the remainder of that month. (For example: If a company used rubber in April for orders rated "DO–97" in excess of the above-described proportion, it may report such excess use before the 10th of May, and additional rubber will be authorized or allocated in May). The applicant must state (if he has not previously submitted the same information) his consumption of new rubber during the year ending June 30, 1950, in making the product involved (broken down to show what proportion went into new equipment), the volume of orders filled for the product during the previous month (broken down to show those rated "DO–97"), the types and quantities of rubber used or required therefor, the new rubber authorization requested, and any other data necessary to demonstrate that the applicant has satisfied the above requirements entitling him to additional rubber.

IMPORTATION AND DISTRIBUTION OF NATURAL RUBBER

SEC. 7. *Private importation of natural rubber prohibited.* (a) On and after December 29, 1950, no person, other than the Administrator of General Services, shall import into the United States (including its territories and possessions) any natural rubber as defined in section 2 (a) of this order, except as specifically authorized in writing by the Administrator of General Services: *Provided, however,* That this prohibition shall not apply to any private importation required by a contract which was made prior to December 29, 1950, and which is registered with the General Services Administration on or before January 5, 1951, except as any such private importation may be disapproved by said Administrator. For purposes of this section, the term "import" includes any physical movement of rubber into the United States, whether placed in general order or in a foreign-trade zone, or whether entered for consumption, bonded customs custody, or otherwise, except where the rubber moves through the United States in transit, under bond, from a consignor in one foreign country to a consignee in another foreign country.

(b) The prohibition in paragraph (a) of this section does not apply to the types and grades of natural rubber excluded from the definition in section 2 (a) of this order.

SEC. 8. *Purchase of natural rubber.* (a) A person may in any calendar month purchase as much but no more natural rubber than he is permitted to consume in that month: *Provided, however,* That

at the time of such purchase his total inventory of natural rubber does not exceed, or by the delivery of such purchase would not be made to exceed, the amount of natural rubber which he may under this order consume during the next succeeding 60 days (except that, if his inventory of any particular grade is less than his requirements for such grade for that calendar month, he may purchase the balance of his requirements for that grade for that month).

(b) Each person who desires to purchase any natural rubber shall furnish the Administrator of General Services a certificate reading substantially as follows:

I hereby certify, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, that I am authorized to consume all of the natural rubber called for by this purchase order during the current calendar month. I further certify that after receipt of the rubber called for by this order, my inventory will not exceed the limitations of NPA Order M–2.

ALLOCATION OF SYNTHETIC RUBBER

SEC. 9. *Limitation on acquisition of synthetic rubber.* No person shall acquire more Government-produced GR–S or butyl (GR–I) than is allocated to him by the NPA. No person shall sell or transfer any synthetic rubber acquired from the Government to any person other than the Office of Rubber Reserve, Reconstruction Finance Corporation: *Provided, however,* That this prohibition shall not apply to any transfer of Government-produced synthetic rubber which is part of a bona fide subcontracting arrangement by which the transferee is required to return the equivalent amount of synthetic rubber to the transferor, or where there is no transfer of the right ultimately to dispose of or sell the rubber or rubber product made therefrom.

SEC. 10. *Allocation procedure.* The NPA will allocate quarterly, to each consumer of GR–S or butyl, the amounts of Government-produced GR–S and butyl that he may purchase during a specified calendar quarter. The allocation will reflect the total quantity of hot rubber and the total quantity of cold rubber which the consumer may purchase, but will not specify particular types within these two categories. The NPA will notify the Office of Rubber Reserve, Reconstruction Finance Corporation, of such allocations and the Office of Rubber Reserve will not issue purchase permits to anyone for more GR–S or butyl than is allocated to him. Persons desiring to purchase GR–S or butyl will submit purchase requests to the Office of Rubber Reserve in accordance with its established procedure.

SEC. 11. *Basis of allocation.* GR–S and butyl for nondefense purposes will be separately allocated by the NPA for each calendar quarter on the following basis:

(a) *GR–S.* Subject to the provisions of paragraphs (d) and (e) of this section, each consumer of GR–S will be allocated a fair and proportionate share of the total available Government-produced GR–S (after a reasonable amount has been reserved for DO rated orders, for such other programs as may be approved by the NPA, and for adjustments under section 21 of this order).

(b) *Butyl for tire tubes.* Subject to the provisions of paragraphs (d) and (e) of this section, each manufacturer of tire tubes will be allocated his pro rata share of total available Government-produced butyl (after a reasonable amount has been reserved for DO rated orders, for such other programs as may be approved by the NPA, and for adjustments under section 21 of this order), based on the proportion which his total new rubber consumption for tire tubes during the year ending June 30, 1950, bears to the total new rubber consumption of the industry for tire tubes during that period as determined by the NPA.

(c) *Butyl for other uses.* Subject to the provisions of paragraphs (d) and (e) of this section, each consumer of butyl for purposes other than the manufacture of tire tubes will be allocated for each calendar quarter, his average quarterly consumption of butyl for such other purposes during the year ending June 30, 1950, as determined by the NPA.

(d) *Imports to be considered.* In making allocations described in paragraphs (a), (b), and (c) of this section, the NPA will ascertain the quantities of imported GR–S and butyl acquired by each consumer, and will reduce by the amounts of such imported rubber the allocations which would otherwise be made.

(e) *Inventories to be considered.* In making the allocations described in paragraphs (a), (b), and (c) of this section, the NPA will ascertain and take into account each consumer's inventory of GR–S and butyl, and will adjust the allocations insofar as practicable so that inventories (including rubber in warehouse and in transit) will not be increased beyond a 26-working-day supply.

(f) *GR–S plant clean-up and dried latex drainings, coagulum, and preflox materials.* Only 50 percent of the quantity of GR–S plant clean-up material purchased from the Office of Rubber Reserve, and only 25 percent of the GR–S dried latex drainings, coagulum, and preflox purchased from the Office of Rubber Reserve, need be considered in computing and reporting the total quantity of synthetic rubber acquired or consumed.

RUBBER PRODUCT REQUIREMENTS AND LIMITATIONS

SEC. 12. *Camelback production required.* Every person who produced camelback during the year ending June 30, 1950, shall produce in each month of 1951, an amount of camelback which by RHC weight is at least one and a half times as great in proportion to his total new rubber consumption in the manufacture of transportation products during such months, respectively, as the proportion which his production of camelback during the year ending June 30, 1950, bore by weight on RHC basis to his total new rubber consumption in transportation products during that year. For example, if a person's production of camelback on RHC basis accounted for 5 percent of his new rubber RHC consumption in transportation products during the year specified, his production of camelback in each month must account for at least 7.5 percent of his new rubber RHC consumption in transportation products during each month of 1951. This means that consumers who produce transportation products other than camelback must sacrifice sufficient RHC from other transportation products to achieve the above result, since no extra allocation of RHC will be made to compensate for increased camelback production. Those who produce camelback and no other transportation items, must increase their production only to the extent that they have received a special adjustment from NPA for camelback production.

SEC. 13. *Tires or tubes for new passenger automobiles.* No person shall deliver any tires or tubes to any manufacturer of new passenger automobiles unless such manufacturer furnishes to him a signed certificate reading substantially as follows:

I hereby certify, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, that, except in fulfillment of DO-rated orders, after April 1, 1951, I will not install on or use for any new passenger automobile more than four tires or tubes and that no more than four tires and tubes will be delivered by me with any new passenger automobile.

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(Date) (Signed)

SEC. 14. *Required production of certain tires or tubes.* (a) No person, who, during the first calendar quarter of 1951, manufactured any tires or tubes for use on trucks, buses, and truck trailers, in sizes 8.25 and up, or on tractors or farm equipment, shall, during any month, devote less than the same proportion of his total new rubber consumption as limited by section 3 of this order to the manufacture of each of these items than he did in the first calendar quarter of 1951.

(b) In addition, the saving in new RHC resulting from the reduction in original passenger car tire and tube deliveries due to the elimination of the fifth tire and tube, shall be used by each tire manufacturer in the production of truck and bus tires and tubes, in sizes 8.25 and up, and for farm tires and tubes. Insofar as natural rubber may be used in producing such tires and tubes in accordance with the specifications in appendix A, such use in lieu of synthetic rubber is permitted, subject to the limitation on total new rubber consumption in section 3 of this order.

SEC. 15. *Rubber product simplification and manufacturing specifications.*—(a) *Manufacture except in accordance with appendix A prohibited.* No person shall manufacture any rubber product except in accordance with the specifications and other terms and conditions prescribed in the attached appendix A. More specifically, (1) no person shall consume any natural rubber (dry or latex) in the manufacture of any product not listed in column II of appendix A; (2) no person shall consume more natural rubber (dry or latex) in the manufacture of any listed product than prescribed in column III (as qualified by column IV)

of appendix A; and (3) no person shall consume any new RHC (natural or synthetic) in the manufacture of any listed product in more or different lines, types, qualities, styles, or colors than those prescribed in column IV of appendix A: *Provided, however*, That any person who has received an allocation of synthetic rubber, for a given period, which is of a lesser proportion of his total new rubber consumption, as limited by section 3 of this order, than he is required by the specifications contained in appendix A to use in the manufacture of his usual line of products, may (within the limits of section 3) use such additional natural rubber as is necessary to make up the difference: *And provided further*, That any person who so uses additional natural rubber shall prepare a statement setting forth all of the facts and statistics upon which such additional use was based. This statement, signed by an officer of the company, shall be retained in the files of the company and made available to the NPA upon request.

(b) *Exceptions to limitations of appendix A*—(1) *Defense orders.* Notwithstanding the provisions of appendix A, any product manufactured to fill a DO rated order may be manufactured to the specifications of the order if and to the extent that such specifications are required by the Government. Efforts will be made, however, to obtain maximum standardization of rubber products for Government defense requirements as well as between defense and nondefense requirements.

(2) *Tire experimentation.* Notwithstanding the provisions of appendix A, any person may use up to a total of 2,000 pounds of dry natural rubber during any calendar quarter for experimentation in the manufacture of those sizes and types of tires for which specifications are provided in appendix A.

GENERAL PROVISIONS

SEC. 16. *Monthly reports of rubber consumption and stocks.* Every person who consumes or owns, at any time during any month, any type of rubber listed below shall file a monthly report on Form NPAF–3 with the NPA in accordance with the instructions accompanying the form. This report form covers consumption, stocks, receipts, production, and shipments.

Types to be reported

Dry natural rubber.
Natural rubber latex.
Reclaimed rubber.
GR–S types, excluding latex.[1]
GR–S type latex.[1]
Butyl types.[1]
Neoprene, excluding latex.
Neoprene, latex.
Butadiene-Acrylonitrile types (N-type) excluding latex.
Butadiene-Acrylonitrile types (N-type), latex.
Scrap rubber, uncured.

SEC. 17. *Reports by tire, tube, and camelback manufacturers*—(a) *Monthly reports.* Each manufacturer of tires, tubes, and camelback shall file a report of his production, shipments, and inventory for each calendar month on Form NPAF–5 with the NPA in accordance with the instructions accompanying the form. Such report shall be filed by the 10th of the month following the month to which it relates.

(b) *Weekly reports of cured tires.* Each manufacturer of tires shall file a report of his production of cured tires for each week on Form NPAF–6 with the NPA in accordance with the instructions accompanying the form.

SEC. 18. *Reports by latex importer.* Every importer of natural rubber latex shall report by letter to the NPA by the 15th of each month in long tons of dry latex solids (a) his imports for the current month (actual receipts plus material due to arrive), (b) his scheduled imports for the next succeeding month, and (c) his estimate of his imports for the second and third succeeding months.

SEC. 19. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit an audit that determines that the provisions of this order have been met. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who have or who may maintain such microfilm or other photographic records in the regular and usual course of business. All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority. All persons subject to this order shall keep such records and file such other reports as may be required subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

(b) Each consumer of rubber shall complete and return to NPA Forms NPAF–56, NPAF–57, NAPF–58, and NPAF–59. These forms will be mailed to each consumer of rubber and shall be filed in accordance with the instructions accompanying them.

SEC. 20. *Inventory limitations.* (a) No person who uses tires or tubes in the course of trade or business shall receive delivery of new tires or tubes of any given size if his inventory of tires or tubes of such size exceeds, or by such receipt would be made to exceed, the minimum requirements for the operation of his business during the succeeding 30 days.

(b) No person who distributes or sells tires or tubes within the continental limits of the United States shall receive the delivery of new tires or tubes of any given size if his inventory of tires or tubes of such size exceeds, or by such receipt will be made to exceed, his minimum requirements for the operation of his business during the succeeding 30 days (or in the case of passenger car manufacturers 15 days). Each place of business engaged in the distribution of tires or tubes shall be deemed a separate person for the purpose of this section regardless of its ownership or control, and delivery to it shall be subject to this section regardless of whether such delivery is made on consignment, as an intracompany delivery, or otherwise.

(c) No person shall deliver tires and tubes (1) if he has reason to believe that his customer is not permitted to receive delivery under this section, nor (2) unless his customer furnishes to him a signed certificate reading substantially as follows:

I hereby certify, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, that after receipt of the tires or tubes covered by this order my inventory will not exceed the quantity permitted by NPA Order M–2.

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(Date) (Signature)

SEC. 21. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, in duplicate, and shall set forth all pertinent facts, the nature of relief sought, and the justification therefor.

SEC. 22. *Communications.* All applications, reports, and other communications relating to this order should be addressed to the National Production Authority, Washington 25, D. C., Ref: Order M–2.

SEC. 23. *Violations.* Any person who wilfully violates any provision of this order, or furnishes false information or conceals any material fact in the course of operation under it, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to compel necessary adjustment of his inventories or consumption or to suspend his privilege of making or receiving further deliveries of, or from processing or using, materials subject to this order.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on May 21, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[1] Includes all types whether obtained from Government or other sources, including imports.

APPENDIX A—RUBBER PRODUCTS SUBJECT TO SIMPLIFICATION AND MANUFACTURING SPECIFICATIONS AS PROVIDED IN SECTION 15 OF NPA ORDER M–2

EXPLANATION OF COLUMNS AND SYMBOLS

Column 1: The code number indicated in Column 1 is the numerical identification of a similar class of products.

Column 2: The product or product class to which the restrictions apply is described in Column 2.

Column 3: The figures and symbols in Column 3 specify the amount of natural rubber, if any, that may be used in the listed products.

For product codes 1 through 8 and 14, 15, 16, 17, 23, and 24, the figures in Column 3 represent maximum percent of dry natural rubber and/or natural rubber latex to the total weight of new RHC. For product codes 9 through 13 and 18 through 22, such figures represent maximum percent of dry natural rubber and/or natural rubber latex to the total volume of the compound *except* where provided in Column 4 that the percent is expressed in terms of total weight of new RHC.

The figure "0" in Column 3 means that the use of dry natural rubber or natural rubber latex is prohibited except as may be provided in Column 4.

The symbol "X" in Column 3 means that dry natural rubber or natural rubber latex may be used in the minimum amount required except as may be provided in Column 4.

Column 4: The provisions in Column 4 are in some instances qualifications on the use of dry natural rubber or natural rubber latex as otherwise permitted by Column 3. These qualifications take precedence over Column 3 where there is any apparent inconsistency. Column 4 also contains the simplification and standardization provisions governing the manufacture of the product or product class. These latter provisions do not relate merely to the use of natural rubber but limit the lines, types, qualities, styles, and colors in which the listed products may be manufactured with the use of any kind of rubber. There are no such limitations on the manufacture of listed products except as indicated in Column 4.

Code No. (1)	Product (2)	Percent natural rubber to total new RHC (3)	Special restrictions or provisions (4)
1	Pneumatic tires	(1)	The group average of any product in Code 1 may be exceeded, provided the aggregate natural rubber consumed in all products in this code does not exceed the total amount of natural rubber which would have been consumed if calculated on the maximum group averages for Code 1.
	Airplane tires	100	Max. individual tire—100%.
	Bicycle tires	13	Black side-wall construction only. Maximum individual tire—60%.
	Motorcycle tires	15	Black side-wall construction only. Maximum individual tire—98%.
	Passenger: Highway mud-snow, taxi		Passenger car tire production is restricted as follows: All types—black side-walls only. Standard tread depth highway tires—one line and one quality only. Extra tread depth highway tires—one line only; and no greater quantity may be produced by any manufacturer in any calendar quarter, in proportion to his total production of passenger car tires in that quarter, than the proportion of his extra depth highway passenger car tire production to his total passenger car tire production in the last 6 months of 1950. Special purpose tires—no more or different lines may be produced by any manufacturer than he was producing on Feb. 19, 1951.
	Thru 7.10 and 6.50	15	Max. individual tire—55%.
	Over 7.10 and 6.50	22	Max. individual tire—55%.
	Industrial pneumatic	13	Max. individual tire—60%.
	Tractor implement	13	Max. individual tire—95%. Restricted to one line of tires.
	Truck: Highway, heavy highway, traction, off-the-road trailer, flotation type, trailer type.		Truck tire production is restricted as follows: Standard tread depth highway tires—one line only. Extra tread depth highway tires—one line only. Special purpose tires—no more or different lines may be produced by any manufacturer than he was producing on Feb. 19, 1951.
	7.50 and under	98	Max. individual tire—98%.
	8.25 thru 9.00	75	Max. individual tire—98%.
	10.00 thru 12.00	90	Max. individual tire—98%.
	Over 12.00	92	Max. indiv dual tire—98%.
2	Solid tires	X	
	Airplane tires	X	
	Bicycle, roller, and support rollers	X	
	Pressed on	50	
	Cured on, 4 x 1½ and up	50	
3	Tire tubes:		
	Airplane	100	
	Bicycle	5	Any color, but one color only, except that every tube containing butyl must be marked with one or more circumferential light blue stripes, applied on the base section of the tubes, any one of which stripes must be 3/16" minimum width. No other tube shall be so marked.
	Industrial pneumatic	50	Including valves.
	Passenger	0	
	Puncture seal	X	
	Safety tubes	X	
	Tractor implement	0	
	Truck, 8.25 cross-section and under	0	
	Above 8.25 and up to 14.00	5	
	14.00 cross-section and over	80	
4	Tire tube valves and curing bags:		
	Tire tube valves (including repair valves)	X	
	Tire tube valve inside washers	X	
	Curing bags	50	May be averaged with groups in Code 1.
5	Tire flaps		May be averaged with groups in Code 1.
	10.00 and up	100	
	All others	50	
6	Tire retreading materials:		
	Air bags, full circle for retreading	X	
	Camelback for airplane tires	100	
	Camelback for 9.00 cross-sections and larger, in die sizes 6½" crown width and 15/32" ga. and up	X	
	Camelback, die sizes under 6½" crown width and under 15/32" ga	0	
	Camelback cushion gum	100	3/32" ga. max. for synthetic camelback.
	Padding stock	X	
	Stripping stock	X	
	Filler stock	X	
	Cushion repair gum	100	
	Tread repair gum	X	
	Tire vulcanizing cement	X	
7	Tire and tube repair materials:		
	Air bags, sectional	X	
	Bulk tire repair materials	X	
	Tire patches	X	
	Tube patches	X	
	Patching cement	X	
8	Tank blocks, treads, and band tracks	X	

[1] Maximum group average.

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
9	Belting: Belting must be manufactured in accordance with the following regulations: Rubber belting utilizing a solid woven carcass is permitted, provided such construction uses no more natural rubber than is permitted in laminated belting of equivalent size and thickness. Constructions using combinations of fabric and other reinforcing materials such as cord or wire are permitted provided total natural rubber does not exceed that which is used in an equivalent grade, cotton fabric ply construction belt.		Color black throughout, except where otherwise specified. No manufacturer shall produce by any single manufacturing process more than one line, type, quality or style for any one purpose. For interpretation of purpose in this Order the commonly accepted service classifications used by industry shall apply.
9-A	Conveyor and elevator belting:		
	For severe service only	25	
	For moderate service	15	
	For hot material	X	Operating temp. 200° F. and over.
	For conveying unpackaged food materials and materials that would be discolored with black belts.	25	Black friction, amber or tan cover.
9-B	Misc. belt and related products:		
	Hay baler	X	
	Other agricultural implement	X	
	Belt splicing and repair material		
	Chute lining	25	
	Conveyor skirting or skirt board	25	
	Cigar machine aprons		Same restrictions as first grade flat transmission belt (Code 9-C).
	Concentrator belts	25	
	Escalator hand rails	30	
	Feed belts for paper box machinery	X	
	Hatter belts	X	
	Hog heater belts	40	
	Last puller	X	Color optional.
	Package	25	
	Paper machine aprons	25	
	Paper making screen diaphragms	15	
	Postal meter and letter opening feed belts	X	
	Powder explosives	15	
	Pulley lagging	25	
	Rubber scrapers for conveyor belts	25	
	Safety belts, linemen's	0	Color optional.
	Sling or lifting	25	
	Special molded conveyor belts	X	
	Street sweeper belts	20	Tan or amber.
	Tube winding	X	Natural rubber color permitted.
	Tobacco stemmer belts	X	
	Molded discs for conveyor belt idlers	25	Color optional.
	Ozalid seals	X	Natural rubber lb. maximum per 1,200 sq. in. per ply. Color of sealing strip optional.
9-C	Flat transmission belting		0.65 lbs.
	For severe service, or high speed or to operate over small pulleys		0.30 lbs.
	For moderate service		0.65 lbs.
	Hammermill belt		0.65 lbs.
	Axle-generator belt	10	
	Rubber covers for above, maximum thickness 3/64"		Color optional, one color only.
	Sheeting type, slab belting		0.65 lbs.
	Using fabric weighing between 10 and 16.50 oz. per sq. yd		0.30 lbs.
	Using fabric weighing less than 10 oz. per sq. yd		Percent based on total volume of belt. In determining belt volume, the published nominal cross-sectional dimensions shall be used where belts exist and molds cross-sectional dimensions shall be used in all other cases.
9-D	"V" Belts		All belts black, except as otherwise specified. Buff color permitted for non-marking and food handling.
	Fractional H. P.	20	
	Household equipment	20	
	Automotive:		
	Passenger cars for pulley groove top width more than .500"	20	
	Trucks under 1½ ton for pulley groove top width more than .500"	20	
	Passenger and truck for pulley groove top width .500" or less	25	
	Trucks 1½ tons and over	25	
	Busses	25	
	Police cars and taxis	25	
	Airplane	25	
	Stationary gas and diesel engines	25	
	Industrial, including agricultural:		
	Heavy duty	30	
	Standard	50	
	Steel changers	25	
	Double "V"	25	
	Open end	20	
	Round belts	25	
	Railroad axle-drive	50	
10	Hose		All hose to be black throughout, except where specified. Color permitted in frictions, liners and cements to identify and differentiate between resisting and non-oil resisting rubbers. No manufacturer shall produce by any single manufacturing process more than one line, type, quality or style for any one purpose. For interpretation of purpose the commonly accepted service classifications used by industry shall apply.
10-A	Aircraft hose:		
	Crash truck AAF 26611 (−65° F.)	XXX	Govt. or commercial plane use only.
	Duets	XXX	Govt. or commercial plane use only.
	Oxygen hose	5	Govt. or commercial plane use only.
	Airbrake (20-147) (a)	20	
	(b)	0	
	Aircraft hose not elsewhere listed		
10-B	Automotive hose:		
	Air brake	5	
	Air cleaner	5	
	Hydraulic actuating boot	X	
	Car heater	0	
	Coolant (radiator):		
	Curved	15	
	All other radiator	5	
	Defroster	15	
	Hydraulic brake, S. A. E. R-41	0	
	Windshield wiper	5	
	Vacuum brake	5	
	Automotive hose not elsewhere listed	0	
10-C	General industrial hose	X	All hose to be black throughout, except where specified.
	Acid	80	
	Air and air tool: Air drill for mining and quarrying and heavy duty industrial	40	
	Gas mask air hose	5	Red and green cover permitted on ¾" and under for identification purposes.
	All other air hose not elsewhere listed	40	Buff colored tube and cover permitted.
	Alcohol, beverage, brewers, wine, vinegar, food and milk conveying	20	
	Ammonia		

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
10-C	General industrial hose—Continued		
	Arbor pipe forming	25	
	Booster and chemical engine	10	
	Braided cover tubing	0	
	Cable covering, electric	50	
	Cloth inserted tubing	5	
	Coupling, flexible	5	
	Creamery	20	Buff color cover permitted.
	Divers':		
	Floating	X	Natural rubber color permitted.
	Sinking	5	
	Dredging sleeves	40	
	Expansion joints	40	
	Fire:		
	Cotton rubber lined and R. C	25	
	Wrapped duck	25	
	Fire engine suction:		
	Hard	10	
	Soft	25	
	Fire extinguisher tubing	5	
	Flanged flexible pipe	40	
	Garden and lawn	0	Red and green cover permitted.
	Jetting	10	
	Marine exhaust	0	
	Material handling—including grain	40	
	Cement and concrete	40	
	Phosphate flexibles	40	
	Rock dusting	40	
	Insulation blowing	5	
	Paint spray, fluid line	0	5% natural rubber by volume permitted when Thiokol is used.
	Paper mill hose	10	
	Petroleum products:		
	Gasoline service station	0	
	Oil suction and discharge	15	Both rough and smooth bore permitted.
	Butane and propane	5	
	Tank wagon	0	
	All other not elsewhere listed	0	
	Pinch valve	X	
	Rotary drilling:		
	Vibrator	15	Color stripe or band permitted.
	Mud suction	15	
	Sand blast	X	
	Sand blasting and sand suction	40	20" and over I. D. X. natural rubber permitted.
	Shaft covering, flexible	5	
	Spray, horticultural and car washing		For car washing service where pressure exceeds 250 P. S. I.
	Over 400 lbs. working pressure	5	
	Under 400 lbs. working pressure	5	
	Steam:		
	Over 50 lbs. working pressure	X	
	50 lbs. and under working pressure	X	
	Steam ironing	20	
	Suction, water:		
	Hard rubber and rough bore	5	
	Smooth bore up to 6"	10	
	Smooth bore 6" and over	20	
	Vacuum:		
	Household, including hotels, office buildings, etc	25	
	Industrial dust collector and blower exhaust	X	
	Washing machine	0	
	Water:		
	Radiator filling	0	
	Industrial:		
	Severe service	10	
	Moderate service	5	
	Welding	5	Hose may be black, red, and/or green as required for safety identification.
	Hose not elsewhere listed	0	
10-D	Railroad hose:		
	Air brake and signal, M-601	20	
	Air pneumatic tool, M-608	5	
	Paint spray, M-610	5	
	Pantograph	10	
	Sand, M-612 and M-616	XXX	
	Sand pipe nozzles	XXX	
	Steam, hot water and car heat, M-605	XXX	
	Tender tank, M-609	10	
	Water, cold, M-604	5	
	Welding, M-603	5	Hose cover may be black, red, and/or green as required for safety identification.
	Railroad hose not elsewhere listed	0	
11	Packing and gaskets not elsewhere listed		Color optional. Restriction on one line, type, quality, and style do not apply.
11-A	Packings without fabric or high percent of fiber, including sheet and cloth strip, discs, gaskets, rings, cups, U packings, V rings, O rings, nonfabric diaphragms, etc., made by extruding, cutting, or molding:		
	Below 45 durometer	0	
	45 durometer and above	0	
	Pipe coupling collets	0	
	Molded and extruded gaskets as fired endless after initial vulcanization.	0	
	Electrical transformer sheet rubber for packing seals	40	
	O rings for sliding contact against steam and chemicals	XXX	
	Air brake gaskets	XXX	
	Vulcanizer door gaskets	XXX	
	All others not elsewhere listed	0	
11-B	Packings with high fiber content sheet (generally known as "compressed gasket sheet") and gaskets cut from same.	5	By weight.
	Molded gaskets, discs, rings, etc	5	By weight.
	Rod packing coil, spiral ring form (generally known as "rubber-impregnated plastic packing")	5	By weight.
11-C	Packing with fabric or wire insertion sheet gasketing (generally known as "C. I. or B. W. I. Sheet") and gaskets cut from same:		
	Cotton insert	5	
	Wire insert	10	
	Asbestos insert	25	
	Rolled or molded gaskets:		
	Cotton insert	25	
	Asbestos insert	25	
	Diaphragm sheet including diaphragms cut from same or molded:		
	Supersensitive gas regulation	X	
	Medium better than above	25	
	Cut other than above	15	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
11-C	Rectangular piston packing	50	
	Rod packing including molded cups, U packings, and V rings:		
	Cotton insert	25	
	Asbestos insert	25	
11-D	Valve and valve parts:		
	Valve and valve discs—45 durometer and under	X	
	Loaded ball valves	X	
	All other valves and valve parts	0	
11-E	Sealing compounds for food containers:	0	
	Beverage container gaskets (molded, extruded or lathe-cut)		15% natural rubber by weight of compound permitted.
	Food container gaskets (extruded and lathe-cut)		5% natural rubber by weight of compound permitted.
	Gasket-lined home canning lids	25	
	Jar rings, cut rings	0	
	Molded stoppers for food and beverage containers		30% natural rubber by weight of compound permitted for food contacts formed and vulcanized in the closure.
	Food closure gasket		Natural rubber latex permitted.
	Sealing compounds, food closures and can ends ("flowed-in" type for glass and metal containers).	X	
12	Other mechanicals		All products in Code 12, color optional, unless otherwise specified. Restrictions on line, type, quality, and style do not apply.
12-A	Aircraft equipment:		
	Boots, de-icer and integral parts including hose	X	
	Bumpers	0	
	Cords, alighting gear	X	
	Conductive rubber parts	X	
	Flexible couplings, functional	X	
	Engine instrument mountings and vibration insulators	X	
	Oxygen mask, pilot	X	
	All parts 45 durometer or less	0	
	All other parts not elsewhere listed	0	
12-B	Automotive equipment:		
	Windshield wiper blade	X	
	Bumper—retaining and check (molded)	25	
	Bumpers—functional:		
	Suspension	25	
	Crash	10	
	Bushing:		
	Suspension	X	
	Torque rod	X	
	Coupling—flexible	X	
	Weatherstrips and body seals, extruded, under 50 durometer	0	
	Weatherstrip, injection compound for splicing and forming	X	
	Molded ventilator strips	25	
	Glass run	10	
	Crankshaft torsion dampers	X	
	Transmission and engine mountings:		
	50 durometer and over	40	
	Under 50 durometer	X	
	Body and chassis mountings:		
	50 durometer and over	0	
	Under 50 durometer	0	
	Tail pipe insulator—under 50 durometer	X	
	Torsion springs	X	
	Grommet, core-molded-retaining, for dashboard insulation	25	
	Fuel tank—filler neck seal	25	
	Mats		A color spray containing no natural rubber may be applied to one side. New rubber other than natural may be used in the spray.
	Contour, front compartment only	10	
	Sill with retaining buttons	15	
	All other automotive mats	0	
	Cowl and dash liners	0	A color spray containing no natural rubber may be applied to one side. New rubber other than natural may be used in the spray.
	Seal beam headlights	X	
	Pads—N. I. with retaining buttons	15	
	Fender flaps or splash guards	0	
	Silencers—coil spring	0	
	Rear spring seat insulator	X	
	Tubing:		
	Drain	0	
	Windshield wiper, non-reinforced	0	
	Spring tying suspension seat cord	X	
	Molded diaphragms	25	
	Hydraulic, air brake, and vacuum brake cups, diaphragms, valves and seals.	X	
	Seals:		
	Valve stem—tire	25	
	Valve stem—motor	0	
	All other parts not elsewhere listed		
12-C	Railroad and streetcar equipment:		Same as automotive.
	Car spring snubbers	X	
	Refrigerator friction drive wheel	0	
	Refrigerator car door seal	0	
	Molded seal for double-glazed windows	X	
	Bumpers		
	Streetcar wheels	X	
	Windshield wiper blades	X	
	Door shoes	5	
	Draft gears	X	
	Vibrational insulators—functional	X	
	All other parts not elsewhere listed	0	
12-D	Farm equipment:		
	Flax roll (50 durometer or under)	X	For adhesion.
	Corn husking roll	5	For adhesion.
	Feed conveyor	5	For adhesion.
	Corn snapper roll	5	For adhesion.
	Draper apron roll	5	For adhesion.
	Cotton rubber roll	5	For adhesion.
	Hay baler roll	5	For adhesion.
	Rubber covered canvas	0	
	Cotton picker doffer	0	
	Press wheel tires	X	
	Gauge wheel tires	X	
	Shoe pitman arm torque bushing and torsion bushings	X	
	Bearing cushion cups, non-oil-resisting	X	
	Cotton drier flaps	0	
	Pneumatic seats	0	
	Steering wheels	0	
	Rubber covered beater bars	10	
	All other parts not elsewhere listed	X	
		0	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
12-E	Electrical products and industrial equipment:		
	Telephone and telegraph insulators	0	
	Lineman protective devices	X	
	Friction tape		5 lbs. of natural rubber for 100 sq. yds.
	Splicing compound	35	
	Underground cable connectors	X	
	Flexible connections for vacuum and exhaust equipment	X	
	Mandrels for surgical tubing	X	
	Molds	X	
	Sand and shot blast equipment	X	
	Dress-die pads, draw sheets and embossing beds	X	
	Bulging rubbers	X	
12-F	Household and appliance products:		
	Refrigerator and freezer parts:		
	Gasket, door	X	
	Gasket, liner opening	X	
	Collars, throat	40	
	Glass and panel seals	40	
	Tubing, beverage dispensing	40	
	Tubing, drain—molded	25	
	Terminal seal bushings for compressors	X	
	Rollers, tray	0	
	Freezer lid assembly	0	
	All other parts not elsewhere listed	0	
	Vacuum cleaner and sweeper parts:		
	Extensible drive belt	X	
	Bag seal	0	
	Flexing bellows and diaphragms	40	
	Brush guards, collars, and holders	40	
	Sweeper tires and wheels	0	
	Electrical conducting parts	X	
	Grips	0	
	Functional bumper guards with undercuts and retaining buttons	25	
	All other parts not elsewhere listed	0	
	Clothes-washing, dish-washing, drying, and ironing machine parts:		
	Wringer rolls	0	
	Agitators	25	
	Tub and lid gaskets	25	
	Extensible belts—drive	X	
	Drive pulley	X	
	Collapsible tubs	X	
	Flexing boots and diaphragms	X	
	Extruded drain hose or tubing	0	
	Formed pressure tubing	50	
	Couplings and nozzles	15	
	Unconfined lip door gasket	X	
	Water seals	0	
	Flexible pump rotors	40	
	Pump valves—flexing	X	
	All other parts not elsewhere listed	0	
	Miscellaneous housewares accessories:		
	Strain relief grommets—electric irons, etc	40	
	Light colored molded parts	0	
	Chair tips	0	
	Strainers, sink and drain	0	
	Pans, dust	0	
	Water aerator	0	
	Sewing machine drive pulleys and belts	X	
	All other parts not elsewhere listed	0	
	Plumbing specialties:		
	Ball cock washers	10	
	Force cups	0	
	Gaskets and valves designed for back flow preventors	X	
	Tank balls designed for flush valves core molded:		
	With base opening ¾" and less	45	
	With base opening over ¾"	25	
	Floor flange gaskets	0	
	All other plumbing specialties	0	
12-G	Milk and food handling equipment:		
	Milk and milking equipment:		
	Bottle filler rubbers	0	
	Bowl rings	25	
	Parlor milking gasket	X	
	Gaskets, washers, and couplings:		
	45 durometer or under	35	
	Over 45 durometer	0	
	Milking inflations and cup caps	X	
	Teats for calf feeder pails	X	
	Tubing including duplex, milk, vacuum, air, and stanchion:		
	45 durometer or under	X	
	Over 45 durometer	0	
	Straps, surcingle	0	
	Milk—pasteurizer plate gaskets	X	
	Food and beverage processing and dispensing equipment:		
	Chicken pickers	50	
	Cherry pitters	X	
	Corn husking roll—(canning) under 45 durometer	X	
	Can testers	X	
	Molded fittings for beverage handling	X	
	Stop for ice cream cone dispenser	X	
	Rice polishing blocks	X	
	All other parts not elsewhere listed	0	
12-H	Mining equipment:		
	Air chambers for conset jigs	X	
	Flotation parts, including liners for cells, impellers, and shafts	X	
	Stator & rotor tubes	X	
	Ore car liners	25	
	All other parts not elsewhere listed	0	
12-I	Oil field specialties:		
	Drill pipe protectors	45	
	Packers—production and test without fabric	35	
	With fabric	20	
	Packers, open hole	X	
	Packers, cement retaining	X	
	Packers, casing	35	
	Blowout preventers	X	
	Gland packings	X	
	Sludge pump, pistons and liners for fluid packed pumps	X	
	Stabilizers and wire line guides	0	
	Stuffing box rings—polished rod	X	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
12-I	Oil field specialties—Continued		
	Slip pads	25	
	Strippers (pressure pack off)	X	
	Pipe and wire line wipers	X	
	Swab rubbers and lining bumpers	10	
	Testing and cementing equipment	25	
	Valves, cups and discs	X	
	Valve inserts	0	
	All other parts not elsewhere listed	0	
12-J	Miscellaneous mechanical goods and textile industry equipment:		
	Parts for manufacture of rayon:		
	Parts that come in contact with rayon filament	X	
	All other parts	0	
	Parts for Cellophane	0	
	Textile equipment:		
	Pickers, all types	X	
	Line straps	45	
	T-strap	0	
	Card clothing	X	
	Draw rolls—90 durometer	X	
	Bolsters, fabric shrinking	X	
	Take-up roll covering	X	
	Pot-lugs, and sweep sticks	12	
	All other parts not elsewhere listed	0	
	Miscellaneous mechanical goods:		
	Laboratory supplies:		
	Tubing:		
	45 durometer and under	X	
	Over 45 durometer	0	
	All other parts not elsewhere listed	0	
	Industrial tubing:		
	45 durometer and under	X	
	Over 45 durometer	X	0
	Traffic counter tubing	X	
	Soft rubber alkaline storage batteries and parts	X	0
	Billiard and pool table cushions	X	
	Brake and hydrant expander tubing	X	
	Brush setting compounds	X	
	Budding strips	X	
	Cast rubber products	50	Natural rubber latex only permitted.
	Casters and molded wheels:		
	Under 4 inches diameter	0	
	4 inches and over	5	By weight.
	Conductive caster wheels	X	
	Core molded parts not elsewhere listed	25	
	Cutting rubbers not elsewhere listed	0	
	Dam and lock-gate seals	0	
	Fish net floats or bladders	X	
	Flexible bags and parts for forming operations in manufacturing plants	X	
	Flexible couplings—torque	X	
	Flexible sanding and buffing pads	0	
	Gas main bags	X	
	Gaskets and parts	25	
	Goggles and parts		
	Industrial balls:		
	45 durometer and under	X	For vibration screens and ball mills.
	Over 45 durometer	X	For use in manufacturing operations only.
	Industrial vacuum or suction cups		Cork or fiber loaded.
	Insulation tubing	25	
	Labels	X	
	Mine safety lamp parts	X	
	Molded annular tires		Black only.
	Light and medium duty	0	
	Heavy duty	40	
	Molded boots and dust seals	0	
	Rebound discs for well drilling	X	
	Molded parts attached to adjacent parts by integral undercut buttons, and grommets. Not elsewhere listed.	25	
	Mountings, shock absorbers, dampers and vibration insulators:		
	Under 50 durometer	X	
	50 durometer and over	40	
	Pressure sensitive signal controls	10	
	Sandblast stencil sheet for monument work	25	
	Seals for electrolytic condensers	X	
	Tubular grips, including cork or fiber loaded	0	
	Windshield wiper blades, squeegee rubber and wiper dies	X	
	X-ray sheets	X	
	Belt idler channel	0	
	Parts for ladders	0	
	Mallets	0	
	Traffic cones and markers	0	
	All other parts not elsewhere listed	0	
	Tires, parts for bicycles, toy vehicles, and lawn mowers		Black only.
	Handle grips	0	
	Fender flaps or splash guards		Same as automotive, Code 12-B.
	Pedal pads	0	
	Dodgem bumpers	25	
	All other parts not elsewhere listed	0	
12-K	Printing rubber products:		
	Printing rollers:		
	Newspaper rollers:		
	Form	X	
	Ductor	X	
	Letter press rollers	X	
	Gravure & impression	X	
	Printing rolls to be coated with composition having durometer less than 20	20	
	All other printing rollers not elsewhere listed	0	
	Printing rubbers:		
	Cutting rubbers	X	
	Battery dies	X	
	Engraving rubbers	15	
	Plate backing friction and filler	15	
	Stiff plate backing	X	
	Etching plates	X	
	Molded stencil sheet for sand or grit blasting	X	
	Adhesive fabric, including brass adhesive	X	
	Band later fabric	X	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
12-K	Printing rubber products—Continued		
	Printing rubbers—Continued		
	Printing blankets for offset, newspaper and lithograph	X	
	Rubber solution for wet plate negative	X	
	Paper pick-up suction cups	X	For printing press only.
	All other printing rubbers not elsewhere listed	0	
12-L	Rolls and roll coverings:		
	Suction press roll covering	X	
	Paper mill roll covering	X	
	Natural crepe rubber shoe cleaning rolls	X	For use only in cleaning soil and cement from shoes.
	Textile	X	
	Other industrial roll covering		25% of the total new rubber used in any month may be natural rubber.
	All other roll coverings not elsewhere listed	0	
12-M	Rubber protected or lined equipment:		
	Tank cars, barges and trucks	X	
	All other	X	
12-N	Mats and matting:		
	Switchboard—not less than ¾" thick for 3,000 volts and over	30	Black only
	Roll matting and stair treads	0	
	Perforated mats	0	
	Link and molded door mats	0	
	Path mats	0	
	All other mats not elsewhere listed	0	
12-O	Safety respiratory equipment: Breathing apparatus, safety masks and respirators, including parts	X	
12-P	Hard rubber products		Restrictions on line, type, quality or style do not apply.
	Ball tampers and molded tie rods	5	
	Baskets (etching), beakers, buckets, dippers, frames, funnels, measures, pails, packs, and trays	15	
	Bleaching rods	X	
	Blown work	X	
	Combs	50	
	Component hard rubber parts for the manufacture and handling of rayon, explosives, and corrosive chemicals	5	
	Fork handles	0	
	Dye sticks	X	
	Bowling balls	50	
	Industrial flashlight parts	65	
	Insulated tools	50	
	Jack strips	50	
	Microporous battery separators	X	
	Mouth pieces for musical instruments	X	
	Parts not elsewhere listed for storing, conveying, and processing corrosive chemicals	50	
	Pipe and fittings	10	
	Pipe bits	15	
	Plating barrels and parts	50	
	Potentiometer cards	X	
	Refrigerator parts	X	
	Rod and tubing for fountain pen parts	X	
	Rods up to .040" diam	X	
	Rods .040" to 1/8" diam. incl	25	
	Rods over 1/8" diam	20	
	Sheets 1/16" thick or less	X	
	Sheets over 1/16" to 1/4" thick incl	50	
	Sheets over 1/4" thick	30	
	Tubing up to and incl. 1/32" wall	X	
	Tubing over 1/32" to 1/8" wall incl	50	
	Tubing over 1/8" wall	30	
	Cafeteria trays	50	
	Steering wheels	10	
	Hard rubber parts for alkaline storage batteries	50	
	Heavy duty battery cases over 15#	50	
	Hand wrapped battery cases	30	
	Submarine battery jars	50	
	Storage battery cases where product of tensile and elongation is 10,000 or more	50	
	Ventilating parts for submarines—hand wrapped	X	
	Ventilating parts for submarines—molded	50	
	Parts for submarines not elsewhere listed	50	
	Telephone commutator inserts	50	
	Tubular retainers	60	
	Parts for water meters	X	
	X-ray and photo tanks	35	
	Forming tanks	40	
	Connector stocks	50	
	Parts not elsewhere listed	0	
12-Q	Industrial equipment: Industrial abrasive implements		The over-all monthly consumption of natural rubber shall not exceed 60% of the total new RHC consumed. Restrictions on line, type, quality, style, and color do not apply.
12-R	Brake linings, brake blocks and clutch facings		The over-all monthly consumption of natural rubber shall not exceed 40% of the total new RHC consumed. Restrictions on line, type, quality, style, or color do not apply.
13	Wire and cable		Except where required for circuit identification, rubber compounds used in the manufacture of wire and cable shall be furnished as: Insulation compounds in natural or black color only; jacket compounds black color only. Restrictions on line, type, quality and style do not apply.
13-A	Insulation compounds:		
	Insulation for power and control cable or for building wire rated at 2000 V (phase to phase) or less and which has insulation wall thickness of more than 25 mils	0	
	Insulation compounds having thickness of 25 mils or less	X	
	For all types of insulated wire and cable in excess of 2000 V (phase to phase)	70	
13-B	Sheaths and jackets:		
	Sheaths and jackets for operation at temperature of −40° C or higher	0	
	Sheaths and jackets for operation at temperatures lower than −40° C	X	
13-C	Cements and nonreinforced tapes incidental to manufacture, repair, or installation of cables	70	

Code No (1)	Product (2)	Percent natural rubber to total new RHC (3)	Special restrictions or provisions (4)
14	Rubber footwear	70	Group average percent. No type rubber footwear shall contain more than 98% natural rubber. Line, type, quality, style, or color optional.
15	Shoe products:		
15-A	Heels and soles:		
	Heels, soles and other specialized materials, manufactured by rubber heel and sole manufacturers used in the manufacture and repair of shoes, and excluding those items covered by other subsections of this code.	b	
	Soles	X	DO orders for black, full length, cleated soles for "Tropical Army Combat Boots" and "Ski-Mountain Army Boots."
	Heels	60	DO orders for tan, neutral, white, and nonmarking black heels, except whole heels. For the Armed Forces, Fed. Spec. ZZ-H-11A.
	Soling	85	DO orders for Arctic boot soling for the Armed Forces (U. S. Army Spec. Mil-B-2280)
	Heels	65	DO orders for Arctic Boot Toplifts for the Armed Forces (U. S. Army Spec. Mil-B 2280).
	Crepe soles, heels, welting and wrappers	0	The consumption, production or sale (other than to G. S. A., unless specifically authorized by G. S. A.) of natural RHC, for crepe soles, heels, welting and wrappers is prohibited. Only exception: Existing inventories as of March 15, 1951, in the actual possession of shoe manufacturers and shoe repairmen may be consumed.
15-B	Inner shoe cushions and pads:		
	Rubber, unfoled or sheet		Natural rubber content to be no greater than that in a comparable product produced during the base period.
	Sponge rubber, nitrogen blown, molded or sheet		60% natural rubber to total RHC permitted. Maximum monthly average.
	Sponge rubber, chemically blown, molded or sheet		G is chamber method only.
	Latex Foam, uncored slab sheets		40% natural rubber to total RHC permitted. Maximum monthly average.
	Latex Foam, molded	0	60% natural rubber to total RHC permitted.
	Sponge rubber-cork granule sheets	X	75% natural rubber to total RHC permitted.
15-C	Orthopedic appliances		For corrective devices required for deformed, injured, and crippled feet only.
15-D	Impregnated non-woven fiberous shoe components:		
	Insole materials		Natural rubber latex only may be used.
	Welting and stripping	0	
	Midsole materials		Natural rubber latex only may be used.
	Sockliners, heel pad, plumper and backing materials	0	
	High strength stay and reinforcing materials	X	Natural rubber content to be no greater than that in a comparable product produced during the base period.
	Hair and fulled felts		Natural rubber latex only may be used.
	Box toes	X	Natural rubber content to be no greater than that in a comparable product produced during the base period.
15-E	Combining cements and rubberized woven fabrics for shoes		The over-all monthly consumption of natural rubber shall not exceed 5% of the total new RHC consumed in all Code 15E products.
	Cements for custom combining piece goods		
	Cements and compounds for coating, finishing, laminating, impregnating and proofing fabrics used as uppers, linings, sock linings, heel pads, reenforcements and backers in shoes.		
15-F	Shoe tapes:		
	Bindings, including French cord	X	
	Reenforcing and stay tapes	X	
	Tapes for applied sewing rubs and economy lips	X	
	Pressure sensitive tapes, cloth backed		20% of natural rubber by volume permitted.
	Pressure sensitive tapes, paper backed		50% of natural rubber by volume permitted.
15-G	Cements for manufacture and repair of shoes and component parts:		
	Shoe factory cements	X	
	Shoe repair cements	X	
	Cements for manufacture of shoe components	X	Except custom combining cements, Code 15E; and cement for welting, Code 15H.
	Cements and adhesives for anchoring flock	X	Natural rubber content to be no greater than that in a comparable product produced during the base year.
15-H	Cements for manufacturing welting for shoes		Natural rubber latex only may be used.
15-I	Protective coatings for shoes during manufacture	0	Production, consumption and sale of protective coatings to keep shoes clean during manufacture containing natural rubber is prohibited. Only exception: Existing inventories as of the date of this order, in actual possession of shoe manufacturers may be consumed.
15-J	Bonded cork granular material for shoes:		
	Composition cork sheets, not sponge rubber bonded	0	
15-K	Elastic Fabric and tape for shoes:		
	Elasticized fabrics for uppers and linings	X	
	Goring and elastic shoe tapes	X	
15-L	Bottom filler for shoes:		
	Hot type thermoplastic fillers	0	
	Cold type fillers		Natural rubber content to be no greater than that in a comparable product produced during the base period.
16	Cements		Color optional.
16-A	Cements for all purposes		The over-all monthly consumption of natural rubber shall not exceed 5% of the total new RHC
16-B	Miscellaneous uses: For manufacture of products covered by all code numbers in this Appendix A.	X	
17	Proofing, combining or coating of fabric		In products where natural rubber is permitted, no product shall contain a higher percent of natural rubber than a comparable product produced during the base period. Color optional. Restrictions on one line, type, quality and style do not apply.
	Covering material for transportation equipment	0	
	Film and coated materials for medical, health, and safety products	40	
	Airbag cords; spread, frictioned, or impregnated directly on fabric, or other material to be later calendered or spread.	100	
	Seaming tapes and strapping	100	
	Cements used in assembly of other products here listed	100	
	Diving and life-saving equipment	40	
	Industrial and protective apparel	50	
	Industrial specialty products	100	
	Except low temperature diaphragm material	0	
	Flocked and imitation suede materials	100	
	Except adhesive coating for anchoring the flock	40	
	Aprons or liners for handling in-process stock	0	
	Civilian utility products		

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
18	Drug sundries, medical, surgical, dental, veterinary and mortuary		Line, type, quality, style, or color optional.
18-A	Adhesive products:		
	Bunion pads and plasters	50	
	Corn plasters	50	
	Medicated foot pads and plasters	50	
	Surgical adhesive tape	70	
	Self-adhering tape and gauze bandage	X	
18-B	Bulbs—Including parts	60	
	Medicine dropper bulbs	65	
	Household bulbs	47	
18-C	Dental products:		
	Dental dam	X	
	Dental polishing tips	X	
	Denture rubber	65	
	Orthodontic bands	X	
	Denture suction and model formers	60	
18-D	Flat goods:		
	Fountain syringe bags, molded, and tubing	45	Average.
	Fountain syringe bags, hand-made, and tubing	75	
	Ice bags—molded	45	
	Ice bags—hand-made	60	
	Invalid cushions—molded	45	
	Invalid cushions—hand-made	60	
18-D	Flat goods—Continued		
	Operating cushions	60	
	Water bottles and combinations, molded and tubing	45	
	Water bottles—hand-made	60	
	Latex fountain syringe bags and tubing, ice bags and bulbs	0	Natural rubber latex permitted.
18-E	Gloves and cots:		
	Finger cots—including industrial and agricultural	X	
	Surgeons gloves	X	
	Net-lined hand-made gloves	75	
	Electricians' gloves, sleeves and climber guards	X	
	Industrial and general purpose gloves	X	
18-F	Infant goods:		
	Infant feeding nipples	X	
	Nurser bottle caps	X	
	Pacifiers	X	
	Breast shields	X	
	Teethers and teething rings	35	
	Baby pants	X	
	Parts for baby bath seats	X	
	Unsupported rubber sheeting	45	By weight of compound.
18-G	Miscellaneous sundries:		
	Bath caps	60	40% of base period, monthly average of natural rubber (dry or latex) consumed in bath caps permitted monthly.
	Blood pressure bags	X	
	Catheters, glass molded	60	
	Catheters, latex	X	
	Castrator rings	45	
	Garter buttons		60% natural rubber of the total RHC permitted.
	Hard rubber pipes, connections and accessories	30	
	Penrose tubing	X	
	Colostomy outfits	X	
	Crutch pads	X	
	Crutch pads, sponge	60	
	Crutch tips (reinforced with metal or cloth)	35	For crutches only.
	Dilators	X	
	Inhalation bags and face pieces	X	
	Miscellaneous medical instrument parts	X	
	Prostatic bags	X	
	Prosthetic devices	X	
	Orthopedic parts, sponge	60	
	Respirator seal for iron lungs, sponge	X	
	Rubber bands and cushions for artificial limbs	X	
	Medical nipples	X	
	Tourniquets	X	
	Truss pads	X	
	Urinals	X	
	Vaccine caps	X	
	Veterinary sleeves	X	
	Bath sprays and parts	18	Average.
	Toilet and bath sponges	25	
	Bath socks	X	
	Tension tape	75	
	Rubber sheets for mortuary garments	X	
18-H	Pessaries and prophylactics	X	
18-I	Sheet goods:		
	Bandage gum	X	
	Oxygen tent canopies	X	
18-J	Tubing: Surgical tubes and tubing	X	
18-K	Ladies personal sanitary items:		
	Dress shields	X	
	Bloomer protective plates	X	
	Sanitary belts	X	
	Sanitary aprons	X	
	Unsupported girdles	X	
	Supported girdles	X	
	All items not elsewhere listed	0	
19	Flotation equipment: Pontoons, rafts, boats, buoys, etc		Government orders only. Natural rubber permitted as required.
20	Life-saving equipment: Suits, jackets, vests, belts, etc		Government orders only. Natural rubber permitted as required.
21	Bullet sealing fuel cells	X	
22	Miscellaneous:		
22-A	Athletic goods		Line, type, quality, style or color optional.
	Golf balls	85	
	Golf club grips	25	
	Tennis balls	81	
	Inflatable athletic balls	53	
	Inflatable playground balls	53	Maximum diameter 10 inches.
	Squash balls	60	
	Hand balls	60	
	Lacrosse balls	60	
	Rubber-covered baseballs	60	
	Baseball centers	10	
	Rubber-covered softballs	60	
	Ear and nose protective plugs	X	
	Cement for repair kits	X	
	Boxers' teeth protectors	80	

Code No. (1)	Product (2)	Percent natural rubber by volume (3)	Special restrictions or provisions (4)
22-A	Athletic goods—Continued		
	Athletic bladders	10	Maximum monthly average.
	Athletic bladder valves	85	
	Gun pads	10	
	Lead tennis racquet weights	40	
	Swim fins	35	
	Nose clips		Natural rubber latex permitted.
	All items not elsewhere listed	0	
22-B	Balloons		Line, type, quality, style, or color optional. Natural rubber latex only permitted.
22-C	Sponge rubber		Line, type, quality, style, or color optional.
	Nitrogen blown		60% natural rubber to total RHC permitted. Maximum monthly average. Gas chamber method only.
	Chemically blown		47% natural rubber to total RHC permitted. Maximum monthly average.
	Kneeling pads	0	
	Church kneeler	0	
	Wallpaper cleaners	0	
	Floor mops	0	
	Seat cushions	0	
	Firemen's landing pads	0	
	Typewriter pads	0	
	Breast pads	0	
	Sponge balls	0	
	Sponge toys	0	
	Sponge novelties	0	
22-E	Miscellaneous products:		
	Radio, radar and fire control instruments	X	
	Parachute bands and ventilating rings	X	
	Chlorinated and cyclized rubber	X	
	Flavored masticating gum	X	
22-F	Pressure-sensitive tape		Line, type, quality, style, or color optional.
	Color decorative tapes	0	For household use sold in lengths less than 1,292 inches.
	General purpose cloth-backed tapes	20	
	Double-faced cloth-backed tapes	20	Adhesive only
	Nonfibrous film-backed tapes	30	Adhesive only.
	Sand blast stencil tapes	40	Adhesive plus backing.
	Cloth-backed photographic tapes	36	Combined adhesive and impregnating composition.
	Paper-backed tapes, as follows	50	Combined adhesive and impregnating compositions.
	General purpose masking tapes Frozen food packaging tapes Photographic tapes Double-faced tapes Drafting tapes Shoe tapes Extra-strength tapes Super-strength tapes Printed utility tapes and sheets		
	Tapes with backings of nonfibrous film laminated to paper	50	Combined adhesive laminating and impregnating compositions.
	Electrical tapes	X	Not elsewhere listed.
	High-temperature tapes	X	
	Non staining tapes	X	
	High-strength tapes	X	Tensile strength more than 100 lbs. per inch width.
	Protective paper tapes	X	
	Other tapes	X	Purchased by Government to Federal specifications.
22-G	Stationer's supplies:		
	Erasers	10	Line, type, quality, style, or color optional. Percent of natural rubber to total new rubber hydro-carbon.
	Pen sacs	X	Natural rubber latex only permitted.
	Rubber bands	75	
	Finger tips	55	
	Mucilage spreaders	35	
22-H	Thread and related products:		
	Rubber thread	X	Natural rubber latex permitted. 6 colors and 11 sizes permitted.
	Garment tape	X	Color optional.
22-K	Toys		Line, type, quality, style, or color optional.
	Latex toys		Natural rubber latex only permitted.
	Doll skins	X	
	Dipped beach balls	70	
	Slush-molded toys	70	
	Crib toys	X	
	Molded (dry rubber) toys		40% base period monthly average of rubber consumed in molded (dry rubber) toys permitted monthly.
	Core-molded dolls and parts	45	
	Inflated dolls	45	
	Inflated balls	45	
	Hand made water toys	45	
	All items not elsewhere listed	0	
22-L	Rubber flooring, floor covering, wall covering		Line, type, quality, style, or color optional.
	Rubber tile flooring	0	
	Coating for fiber floor covering	0	Natural rubber latex permitted.
	Wall covering	0	
22-M	Rubberized fiber and hair cushioning	0	Color optional. Natural rubber latex only permitted.

Code No. (1)	Product (2)	Percent natural rubber to total RHC (3)	Special restrictions or provisions (4)
23	Latex foam products		Line, type, quality, style or color optional.
	Bedding:		
	Mattresses	X	
	Mattress toppers	X	
	Pillows	X	
	Automotive toppers	55	
	Furniture—transportation seating	75	
	Uncored slab	(1)	
	Miscellaneous molded parts	75	
24	Any product other than products listed in codes 1 to 23 inclusive	0	

APPENDIX B

The following is the list of products referred to in section 3:

Appendix A

Code No.	*Product*
1	Replacement tires, passenger, highway, mud-snow, taxi.
1	Replacement bicycle tires.
1	Replacement motorcycle tires.
3	Replacement tubes, passenger (including puncture-seal and safety tubes).
3	Replacement tubes, bicycle and motorcycle.
10–C	Garden and lawn hose.
12–B	Replacement automotive equipment (including all items listed thereunder in appendix A).
12–F	Household and appliance products (including all items listed thereunder in appendix A).
12–J	Billiard and pool-table cushions.
12–N	Mats and matting (including all items listed thereunder in appendix A except switchboard matting).
12–P	Bowling balls, knife handles, cafeteria trays, pipe bits, mouth pieces for musical instruments, rods and tubing for fountain pen parts, and steering wheels.
18–G	Bath caps.
18–K	Ladies personal sanitary items (including all items listed thereunder in appendix A).
22–A	Athletic goods (including all items listed thereunder in appendix A).
22–B	Balloons.
22–C	Sponge rubber products (including all items listed thereunder in appendix A, except firemen's landing pads).
22–E	Flavored masticating gum.
22–G	Stationers' supplies (including all items listed thereunder in appendix A).
22–K	Toys (including all items listed thereunder in appendix A).
22–L	Rubber flooring, floor covering, wall covering (including all items listed thereunder in appendix A, except coating for fiber floor covering).
22–M	Rubberized fiber and hair cushioning.

[F. R. Doc. 51-5973; Filed, May 21, 1951; 2:32 p. m.]

[NPA Reg. 4, as Amended May 22, 1951]

REG. 4—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

This regulation as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of the regulation, before amendment, there was consultation with a number of industry representatives, including trade association representatives, but it was found impracticable to consult with all affected industries because the regulation applies to all trades and industries. In the formulation of this regulation, as amended, however, such consultation has been rendered impracticable because of the need for immediate action.

This regulation amends NPA Reg. 4, as last amended April 16, 1951, in its entirety to read as follows:

Sec.
1. What this regulation does.
2. Definitions.
3. DO rating assigned.
4. Quarterly MRO quotas.
5. Charges against quota.
6. Materials obtained for another's benefit.
7. Use of materials.
8. Inventory limitations.
9. Relation to other regulations.
10. Supplier receiving improperly rated orders.
11. Records and reports.
12. Applications for adjustment or exception.
13. Communications.
14. Violations.

AUTHORITY: Sections 1 to 14 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this regulation does.* This regulation provides a uniform procedure by which any business enterprise, Government agency, or public or private institution may use a DO-rating (identified by the symbol "DO–97") to obtain limited quantities of materials for maintenance, repair, and operating supplies (hereinafter collectively referred to as "MRO") as well as minor capital additions. It provides for the establishment of quarterly quotas for MRO. The regulation does not limit the quantity of materials which may be obtained in any quarter by a person who makes no use of the DO–97 rating to obtain materials in such quarter. A person may not exceed his quarterly quota except in a quarter in which (1) the total charges against his quota on account of rated-orders do not exceed 20 percent of such quota, or (2) his total charges against his quota do not exceed $1,000. The rating may not be used to obtain materials for personal or household use.

SEC. 2. *Definitions.* For purposes of this regulation:

(a) "Person" means any individual, partnership, corporation, association, or other organized group, and includes any business enterprise, Government agency or institution. If in 1950, or in his last fiscal year ending prior to March 1, 1951, a person operated more than one plant, division, department, branch, or other unit, and maintained for any such unit separate records showing expenditures therefor for MRO, he may elect to treat any one or more of such units as a separate person for the purposes of determining the MRO quota and charges against such quota, or to treat his entire operation within the United States, its territories, and possessions as a person. In the absence of a contrary election, each such unit shall be treated for such purposes as if it were a separate person. An election so made may not be changed without prior written approval of the NPA.

(b) "Business enterprise" means a lawful activity conducted for profit in the United States, its territories or possessions.

(c) "Government agency" means the United States, its territories and possessions, any of the 48 States or the District of Columbia, any political subdivision of any of the foregoing, and any agency of any of the foregoing which is not a business enterprise.

(d) "Institution" means any lawful organization, public or private, within the United States, its territories and possessions, which is neither a business enterprise nor a Government agency. It includes, but is not limited to schools, libraries, hospitals, churches, clubs, and welfare establishments.

(e) "Maintenance" means the continuation of any plant, facility, or equipment in sound working condition, and "repair" means the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. Neither "maintenance" nor "repair" includes replacement of any plant, facility, or equipment.

(f) "Operating supplies" means, in the case of a business enterprise, any kind of material carried by such business enterprise as operating supplies according to its established accounting practice. Materials incorporated in a product are operating supplies of a business enterprise, if, but only if, they were carried as operating supplies according to the established accounting practice of the business enterprise. "Operating supplies" means, in the case of a Government agency or an institution, any kind of material used by the agency or institution in conducting any activity or rendering any service, provided such material is consumed in the course of operation and was not carried as capital equipment by the agency or institution according to its established accounting practice.

(g) "Minor capital addition" means any improvement or addition of a kind carried by the person as capital according to his established accounting practice, the total cost of the materials for which, acquired by such person, does not exceed $750 for any one complete capital addition. No capital addition may be subdivided for the purpose of bringing it or any part of it within the foregoing definition. In computing the cost of such improvement or addition, for the purposes of this regulation, the cost of all materials obtained by the person pursuant to the same project or plan (regardless of whether they are acquired with the use of the rating) shall be included even though the respective materials are ordered or delivered at different times and are obtained from different suppliers

(h) "MRO" means materials for maintenance, repair, and operating supplies. It does not include capital additions. The term "minor capital addition" is specifically used whenever it is intended to be included within the provisions of this regulation. Materials produced or obtained for sale to other persons or for installation upon or attachment to the property of other persons are not "MRO" of the producer or supplier.

(i) "Material" means any raw, in-process, or manufactured commodity, equipment, component, accessory, part, or product of any kind.

(j) "Established accounting practice" means, in the case of a person in operation on or before December 31, 1950, the accounting practice in use by such person on that date or on the last day of his operation prior thereto. In the case of a person whose operation begins after

December 31, 1950, the term means the accounting practice established by him in such operation.

SEC. 3. *DO rating assigned.* (a) The NPA hereby assigns to every business enterprise, Government agency, and institution, the right to apply a DO–97 rating to obtain MRO and minor capital additions subject to the restrictions specified in paragraph (e) of this section and in section 5 (c). The DO–97 rating may not be applied or extended to obtain any materials listed in either table I or in table II appearing at the end of this regulation, and may not be applied to obtain any equipment pursuant to any lease.

(b) The DO–97 rating shall be applied by placing on the purchase order, or on a separate piece of paper attached to the order or clearly identifying it, the symbol "DO–97" together with the words "Certified under NPA Reg. 4." When such rating is extended it shall be likewise certified. Such certification shall be signed as prescribed in section 8 of NPA Reg. 2. The certification shall constitute a representation to the supplier and to NPA that the person making it is authorized under the provisions of this regulation to use the rating to obtain the materials covered by the order.

(c) The DO–97 rating shall not be applied or extended by any person pursuant to this regulation, in order to obtain any item of MRO or any minor capital addition, or material therefor, at a time when such person is entitled, pursuant to any other regulation, order, directive, or other action of NPA, to obtain such item, minor capital addition, or material by the use of the DO–97 rating or any other DO rating symbol or any other form of priorities assistance.

(d) The DO–97 rating which, prior to April 16, 1951, was applied or extended to any contract or purchase order for any material listed in table I is cancelled, and such rating shall no longer have any effect whatever. This paragraph shall not be construed to mean that any such contract or purchase order itself is cancelled or otherwise affected by this regulation.

(e) The DO–97 rating may not be applied to obtain in any quarter (calendar or fiscal) materials for minor capital additions exceeding in the aggregate 10 percent of the person's MRO quota for such quarter, or $750, whichever is greater.

SEC. 4. *Quarterly MRO quotas*—(a) *Computing the quota base.* A person who applies the DO–97 rating must establish his quarterly MRO quota. In calculating the MRO quota base a person may include all expenditures by him in the base period for MRO (except materials listed in table II) even though such MRO consists of materials listed in table I. Expenditures for capital additions may not be included in the computation of the quota base.

(b) *Standard base period.* The standard base period is the calendar year 1950.

(c) *Fiscal year base period.* If a person operated on a fiscal year basis prior to March 1, 1951, he may elect to take as his base period his last fiscal year ending prior to that date. In such event he shall establish his MRO quotas for his fiscal quarters. After such election has been made, it may not thereafter be changed without the prior written approval of NPA.

(d) *Standard quota.* The standard quarterly quota is one-fourth of 120 percent of the quota base.

(e) *Seasonal quotas.* A person may elect to establish seasonal quarterly quotas. An election so made may not be changed thereafter without the prior written approval of NPA. Such seasonable quota for any quarter shall be 120 percent of the expenditures by the person for MRO (except materials listed in table II) in the corresponding quarter of his base period.

(f) *Persons not in operation throughout the base period.* A person not in operation throughout his entire base period shall establish and report his quarterly MRO quotas as follows:

(1) *Persons operating during part of the base period.* A person who was in operation during a part but not all of the year 1950 (or a part but not all of his last fiscal year ending prior to March 1, 1951) shall determine his quota base by computing the amount he would have spent for MRO (except materials listed in table II) in his base period had he continued to spend therefor throughout the year at the same rate as during the part of the year in which he was in operation, making necessary corrections to compensate for seasonal or other exceptional characteristics of the period in which he was in operation. Such person's standard quarterly MRO quota is one-fourth of 120 percent of his quota base. If such person elects to establish seasonal quarterly quotas, as above provided, he may divide 120 percent of his quota base into four quarterly MRO quotas in accordance with the seasonal demands of the activity in which he is engaged.

(2) *Persons not in operation during any part of the base period.* If a person was not in operation in any part of 1950 (or of his last fiscal year ending prior to March 1, 1951), his quarterly MRO quota (standard or seasonal) shall be the amount he determines to be necessary for his operation. However, the quota of such person may not exceed $5,000 for any quarter without prior written approval of NPA.

(3) *Quarterly quotas in excess of $1,000.* A person who establishes a quarterly MRO quota in excess of $1,000 pursuant to subparagraphs (1) and (2) of this paragraph (f) must, within 30 days after he first applies a DO–97 rating, notify NPA in writing of the quota he has established, the base period he used, the method he used in computing his quota, and the corrections he made for seasonal or other factors.

(g) *Future use of increase quotas.* If a person's quarterly MRO quota is increased by specific authorization of NPA pursuant to section 12 of this regulation, the increased quota becomes his standard quota unless the increase is granted on a temporary or seasonal basis or is otherwise restricted by the terms of the authorization. An increased quarterly MRO quota granted as a seasonal quota may be used only in the corresponding quarter of subsequent years.

(h) *Increase not retroactive.* An increase in quota granted pursuant to section 12 of this regulation is not retroactive.

SEC. 5. *Charges against quota*—(a) *Operation on delivery basis.* A person operating on the delivery basis shall charge expenditures against his MRO quota for the quarter (calendar or fiscal) in which his purchase order specifies that delivery is to be made. When such person applies the DO–97 rating in any quarter (calendar or fiscal) he shall charge against his MRO quota for such quarter:

(1) All expenditures for MRO (except materials listed in table II) ordered for delivery during the quarter whether or not obtained by the use of the DO–97 rating, and

(2) All expenditures for minor capital additions ordered for delivery during the quarter if (but only if) obtained by applying the DO–97 rating.

(b) *Operation on receipts basis.* A person who prefers to do so may charge expenditures against his MRO quota for the quarter (calendar or fiscal) in which the materials were actually received. He may not use one method for part of his MRO and the other method for the remainder in any quarter. Having elected to use one method he may not thereafter change to the other without the prior written approval of NPA. A person so electing to charge the quota for the quarter of actual receipt shall charge against such quota:

(1) All expenditures for MRO (except materials listed in table II) received during the quarter whether or not obtained by the use of the DO–97 rating, and

(2) All expenditures for minor capital additions received during the quarter if (but only if) obtained by applying the DO–97 rating.

(c) *Exceeding the quota.* (1) A person, whose MRO quota, computed in accordance with section 4, is less than $1,000 in any quarter, may order or receive MRO and minor capital additions to the same extent as if his quota for such quarter were $1,000.

(2) If a person operating on the delivery basis applies the DO–97 rating to purchase orders for delivery in any quarter, which orders aggregate not more than 20 percent of his MRO quota for such quarter, he may, in addition, place unrated orders for delivery of MRO and minor capital additions in such quarter without regard to his quota.

(3) If a person operating on the receipts basis receives in any quarter, pursuant to purchase orders to which he applied the DO–97 rating, materials aggregating not more than 20 percent of his MRO quota for such quarter, he may, in addition, receive in such quarter, pursuant to unrated orders, MRO and minor capital additions without regard to his quota.

(4) If a person operating on the delivery basis applies the DO–97 rating to purchase orders for delivery in any quarter, which orders aggregate more than 20 percent of his MRO quota for such quarter, his total orders chargeable against his MRO quota for such quarter may not exceed such quota, and his orders for delivery during the first month of such quarter shall not exceed 40 percent of such quarterly quota.

(5) If a person operating on the receipts basis receives in any quarter, pursuant to purchase orders to which he applied the DO–97 rating, materials aggregating more than 20 percent of his MRO quota for such quarter, his total receipts chargeable against his MRO quota for such quarter may not exceed such quota, and his receipts during the first month of such quarter may not exceed 40 percent of such quarterly quota.

SEC. 6. *Materials obtained for another's benefit*—(a) *Materials supplied by service trades.* Any business enterprise (such as a service repair shop) engaged in doing maintenance or repair work or installing minor capital additions for any other person may apply the DO–97 rating to obtain materials therefor, but only to the extent that such other person would be entitled to do so if he were doing the work himself. The cost of materials so obtained (but not the cost of the labor or services of the person doing such work or making such installation) shall be charged to the MRO quota of the person for whom the work is done.

(b) *Obligation to supply MRO under lease or other agreement.* A person who is obligated to maintain, repair, or operate any plant, facilities, or equipment, under the terms of any lease or other agreement for the use of such property by another person, may apply the DO–97 rating to obtain materials needed for such purposes. Expenditures for such materials shall be charged to the MRO quota of the person thus applying the DO rating except that if his purchase is made on a reimbursable basis for the account of the person using the property, the latter's MRO quota shall be charged.

SEC. 7. *Use of materials.* If a person has obtained materials for MRO or minor capital additions by applying the DO–97 rating, he may use them for a different purpose if he could have applied any other DO rating to acquire them for such purpose. However, if he does use them for such different purpose, he may not use the DO–97 rating to replace them in inventory. To replace such materials in inventory he may use only the DO rating which he might have applied to obtain them for the purpose for which he used them. If he uses such materials obtained by applying the DO–97 rating for such different purpose, his records must be adequate to show that his purchases of material are substantially proportionate to his authorized rated uses.

SEC. 8. *Inventory limitations.* (a) Nothing in this regulation shall be deemed to authorize any person to order or receive any material if acceptance thereof would increase his inventory above a "practicable minimum working inventory" as defined in NPA Reg. 1, or the limit fixed in any other applicable regulation or order of NPA.

(b) No person shall apply the DO–97 rating to a purchase order for operating supplies if delivery of such material will increase his inventory thereof above the amount which he normally uses for operating supplies in a period of 60 days, or such other period which may be specified in the applicable orders or regulations of NPA, whichever is less.

(c) No person shall accept delivery of any operating supplies pursuant to a purchase order to which he has applied a DO–97 rating if his inventory of such material will thereby become greater than his normal use thereof for operating supplies in a period of 60 days, or such other period which may be specified in the applicable orders or regulations of NPA, whichever is less.

(d) A person who has placed an order for operating supplies before the effective date of this regulation, as amended, which order is outstanding and for delivery of a greater quantity of material than he is permitted by this section to rate or receive, must promptly cancel, reduce, or defer the delivery of such operating supplies to the extent necessary to comply with the limitations of this section.

(e) Nothing in this section shall prohibit the acceptance of delivery of operating supplies pursuant to a purchase order to which the DO–97 rating has been or shall be applied if the person is entitled to accept delivery of any part of such operating supplies, and the total quantity thereof ordered does not exceed the minimum quantity which is commercially procurable.

SEC. 9. *Relation to other regulations*—(a) *Rules governing use of rating.* This regulation supplements NPA Reg. 2, which sets forth the basic rules of the priorities system, and the provisions of that regulation govern the use of the DO–97 rating herein assigned.

(b) *Delegations to Government agencies.* This regulation does not revoke or prevent the use of any authority delegated by NPA to any other Government agency whereby such agency may use ratings other than DO–97 for direct procurement of its own requirements of MRO or minor capital additions.

(c) *Other regulations and orders.* Nothing in the regulation shall be construed to relieve any person from the obligation of complying with such limitations on acquisition or use of materials or such other provisions as may be contained in any applicable regulation or order of NPA or with any order of any other competent authority.

SEC. 10. *Supplier receiving improperly rated orders.* When a supplier has received a purchase order bearing the rating DO–97, which rating he knows, or has reason to believe, has been applied or extended in violation of any regulation or order of NPA, the supplier shall refuse to accept it as a rated order. In such event, the supplier shall promptly advise the buyer of his reason for such refusal.

SEC. 11. *Records and reports*—(a) *Records to be kept.* Each person who makes any use of the rating assigned by this regulation shall make and preserve, for so long as this or any successor regulation remains in effect and for 2 years thereafter, accurate and complete records showing what his quarterly MRO quotas are, how he computed them, the factual justification for them and for corrections or revisions thereof, any elections made as to the use of seasonal quotas, methods of figuring quotas and charges against them, or other options exercised, all materials ordered or received for use as MRO or minor capital additions whether rated or not, and all other relevant data, in sufficient detail to permit an audit that determines for each transaction that the provisions of this regulation have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records disclose the above data and supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) *Inspection and audit.* All records required by this regulation shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) *Other records and reports.* Persons subject to this regulation shall make such further records and submit such further reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 12. *Applications for adjustment or exception.* Any person affected by any provision of this regulation may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be submitted in writing, in triplicate, on Form NPAF–78. The request shall state the nature of the relief sought and the justification therefor, together with all pertinent facts.

SEC. 13. *Communications.* All communications concerning this regulation, including applications for exceptions or quota adjustments, shall be addressed to National Production Authority, Washington 25, D. C., Ref: NPA Reg. 4.

SEC. 14. *Violations.* Any person who wilfully violates any provision of this regulation or who wilfully conceals a material fact or furnishes false information in the course of operation under this regulation is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities

under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation as amended shall take effect on May 22, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

TABLE I

Materials to obtain which a DO-97 rating may not be applied or extended under NPA Reg. 4:

1. All basic, organic or inorganic chemicals, their intermediates and derivatives other than compounded end-products not customarily sold as chemicals.
2. Items appearing in list A of NPA Order M-47, as the same may be amended from time to time.
3. Nylon fibers and yarns.
4. Packaging materials and containers.
5. Paint, lacquer, and varnish.
6. Paper and paper products.
7. Paperboard and paperboard products.
8. Photographic film.
9. Rails, tie plates, track spikes, splice bars, rail joints, frogs, and switches.
10. Rubber tires and tubes.

TABLE II

Materials, the allocation and distribution of which are subject to regulation by other Government agencies and therefore are not subject to any DO rating issued by or under the authority of NPA:

Farm equipment as defined in NPA Order M-55A, as the same may be amended or supplemented from time to time.[1]
Fertilizer, commercial.[1]
Food.[1]
Fuels, solid.[2]
Gas.[2]
Ores, concentrates, residues, certain metals and other products listed in NPA Del. 5 (Dec. 18, 1950), 15 F. R. 9195.[2]
Petroleum.[2]
The following products which are used in the petroleum industry:[2]
Tetraethyl lead fluid.
Petroleum cracking catalysts.
Special inhibitors used in gasoline.
Lubricating oil additives.
Fluids and additives made especially for oil and gas drilling demulsifiers.
Radioisotopes, stable isotopes, and source and fissionable materials.[3]

[F. R. Doc. 51-6027; Filed, Mar 22, 1951; 12:02 p. m.]

Chapter XVII—Housing and Home Finance Agency

[CR 3, Appendix 1]

CR 3—RELAXATION OF RESIDENTIAL CREDIT CONTROLS; REGULATION GOVERNING PROCESSING AND APPROVAL OF EXCEPTIONS AND TERMS FOR CRITICAL DEFENSE HOUSING AREAS

APP. 1—CRITICAL DEFENSE HOUSING AREAS

Appendix 1 to CR 3, Relaxation of Residential Credit Controls; Regulation Governing Processing and Approval of Exceptions and Terms for Critical Defense Housing areas, originally issued at 16 F. R. 3838 (May 2, 1951) and amended at 16 F. R. 4199 (May 8, 1951) is hereby amended to read as follows:

APPENDIX 1—CRITICAL DEFENSE HOUSING AREAS[1]

Critical defense housing area and State	*Date designated*
1. San Diego, Calif.	May 2, 1951
2. Corona, Calif.	May 8, 1951
3. Colorado Springs, Colo.	May 8, 1951
4. Star Lake, N. Y.	May 23, 1951
5. Fort Leonard Wood Area, Mo.	May 23, 1951

B. T. FITZPATRICK,
Acting Housing and Home Finance Administrator.

[F. R. Doc. 51-5953; Filed, May 22, 1951; 8:52 a. m.]

[1] Under jurisdiction of the Department of Agriculture.
[2] Under jurisdiction of the Department of the Interior.
[3] Under jurisdiction of the Atomic Energy Commission.

[1] These areas are in addition to three areas of Atomic Energy Commission installations in which exceptions from residential credit restrictions are issued pursuant to CR 2 of the Housing and Home Finance Agency.

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS

U. S. STANDARDS FOR GRADES OF SULFURED CHERRIES; REVISION

Correction

In Federal Register Document 51-5510, appearing at page 4423 of the issue for Saturday, May 12, 1951, the following changes should be made in § 52.240:

1. In the fifth line of paragraph (g) (2), the words ", and cherries" should be inserted following the words "misshapen cherries."

2. In the table in paragraph (i), score points "28–35" should read "28–33."

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9873]

PART 1—PRACTICE AND PROCEDURE

PART 3—RADIO BROADCAST SERVICES

PART 4—EXPERIMENTAL AND AUXILIARY BROADCAST SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of §§ 1.320 (a), 3.220 (a), 3.620 (a) of the Commission's rules relating to the time of filing of applications for renewal of broadcast station licenses and §§ 3.34 (a), 3.218 (a) and 3.618 of the Commission's rules relating to the license periods of Standard Broadcast, FM Broadcast and Television Broadcast Stations, Docket No. 9873.

1. The Commission has before it a proposal to make certain changes in its rules and regulations relating to the time of filing of applications for renewal of broadcast station licenses and the license periods of such stations.

2. Notice of Proposed Rule Making in this matter was released December 21, 1950, and in accordance with the requirements of the Administrative Procedure Act was published in the FEDERAL REGISTER on January 16, 1951 (16 F. R. 194).

3. The notice provided that comments relating to the proposed rule making may be filed on or before February 15, 1951 and that comments in reply to the original comments may be filed on or before March 1, 1951.

4. The proposal to amend the rules relating to the filing of renewal applications (§§ 1.320 (a), 3.220 (a) and 3.620 (a)), consists of a revision of the present requirement (that applications for renewal of licenses be filed 60 days prior to the expiration of the license sought to be renewed) to require the filing of renewal applications 90 days prior to the expiration of the license sought to be renewed. The proposal to amend the rules relating to the license periods of such stations consists of a revision of the present basis for determining the expiration dates of the normal station license period on a frequency basis, to provide for the determination of the expiration dates of the normal station license periods on a geographical basis.

5. Comments in support of the notice of proposed rule making were filed on behalf of Voice of Galveston (KLUF), Galveston, Texas. The Voice of Galveston stated that:

> We have read with a great deal of interest the proposed new ruling regarding the filing of renewal licenses . . . We thoroughly approve of these.
>
> To be able to file renewal applications for licenses for both AM and FM stations at the same time, makes it possible to have equipment tests for both stations at one time, which would save considerable money let alone the saving of time, etc., for the required reports.
>
> We earnestly trust these proposed new rulings will pass with flying colors.

6. Comments in opposition to the Notice of Proposed Rule Making were filed on behalf of South Jersey Broadcasting Company (WKDN), Camden, New Jersey, opposing the adoption of the rules for the reasons that "Staggering renewal periods by states will not accomplish the Commission's prime purpose." In support of this conclusion it was asserted that the announced purpose of the Commission was to have the licenses of stations located in contiguous areas expire at the same time; that the proposal would not achieve that end for the reason that wherever a line is drawn on a geographical basis areas which fall on the other side of the line would be considered at a different time. Therefore, it is argued that stations located in contiguous areas would not be considered at the same time. We find no merit in this objection. We are aware that the result of drawing a line between any two points is to divide into separate groups the areas falling on either side of the line. We are also aware, however, that in this instance the result of drawing the lines proposed in the Commission's Notice of Rule Making is to separate large contiguous areas so that the applications for renewal of licenses of stations in such areas will be considered at the same time. It is also urged by South Jersey Broadcasting Company that "AM and FM licenses can be grouped without upsetting AM schedule." In brief it is urged that the Commission's purpose can be achieved by providing that where AM and FM stations are operated in the same city, by a common license the expiration date for FM stations could be the same as the AM stations. This counter proposal is not completely unreasonable; however, it would not achieve purposes designed to be served by the proposed amendments of the Commission's rules. This counter proposal does not include TV stations. The omission of TV constitutes a serious objection to the counter proposal in view of the increasing importance of that service. Equally important is the fact that transfers of station licenses would change the license period for AM and FM stations which would necessitate a difficult and burdensome system for maintaining Commission records.

7. Comments were also filed by American Broadcasting Company which objected to the proposal to determine the expiration dates of Class I stations on a geographical basis. In support of this objection it is urged that Class I stations present problems that are common to this class and for that reason should be considered at the same time rather than at different times in connection with other classes of stations. It is apparent that the objections raised by American Broadcasting Company to the proposal is an attempt to introduce in this proceeding substantative questions relating to the allocation of clear channel stations and other subsidiary matters presently being considered in the Clear Channel hearing, Docket No. 6741. Such matters are not appropriate for consideration in this proceeding.

8. For these reasons we consider the objections raised to the Commission's notice of proposed rule making without merit. However, the following additional amendments, editorial and clarifying in nature, are necessary to effectuate the purposes set forth in the notice of proposed rule making:

(1) Section 3.34 (b) should be deleted.
(2) Section 3.34 (c) should be redesignated as § 3.34 (b).
(3) Section 3.218 (b) should be deleted.
(4) Section 4.20 should be amended as set forth below.

9. As indicated above the proposed rules require the filing of applications for renewal of certain broadcast station licenses ninety (90) days prior to the expiration of the licenses sought to be renewed, in lieu of the sixty (60) day period presently required. Applications for renewal of station licenses which are scheduled to expire on November 1, 1951, are presently required to be filed on September 1, 1951. The amendment of §§ 1.320 (a), 3.220 (a), 3.620 (a) and 4.20 will be made effective commencing August 1, 1951, so that applications for renewal of licenses of stations scheduled to expire on November 1, 1951 will be required to be filed on August 1, 1951, ninety (90) days prior to the expiration date of such licenses. Accordingly, station licenses which are scheduled to expire on June 1, 1951, August 1, 1951, and September 1, 1951 (for which applications are presently due to be filed on April 1, 1951, June 1, 1951, and July 1, 1951, respectively) will not be affected by the said amendment.

10. The proposed rules relating to the determination of license periods on a geographical basis do not affect the period of existing licenses. Accordingly, the expiration date of all licenses now outstanding will be determined in accordance with the terms of the station license. The amendment of §§ 3.34 (a) (b) (c), 3.218 (a) (b), and 3.618 will be made effective August 1, 1951, so that the licenses which are due to expire on and after August 1, 1951 will be granted renewals in accordance with the rules as amended. New licenses issued to cover construction permits will, on and after August 1, 1951, be issued in accordance with the license terms provided for in the said rules.

11. Accordingly, it is ordered this 16th day of May 1951 that effective August 1, 1951, Parts 1, 3 and 4 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interpret or apply secs. 303, 308, 48 Stat. 1082, as amended, 1064, as amended; 47 U. S. C. 303, 308)

Released: May 17, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Amend § 1.320 as follows: Delete paragraph (a) and substitute the following:

(a) Unless otherwise directed by the Commission each application for renewal of license of a Standard Broadcast, FM Broadcast and Television Broadcast Station and an Auxiliary Broadcast Station (Remote Pickup Broadcast, Broadcast STL, Television Pickup, Television STL and Television Inter-city Relay) shall be filed at least 90 days prior to the expiration date of the license sought to be renewed; and each application for renewal of license of a non-broadcast station shall be filed at least 60[4] days prior to the expiration date of the license sought to be renewed. No application for renewal of license of a broadcast station will be considered unless there is on file with the Commission the information currently required by §§ 1.341 to 1.344, reference to which by date and file number shall be included in the application.

[4] The 60-day requirement does not apply to amateurs.

2. Amend § 3.220 as follows: Delete paragraph (a) and substitute the following:

(a) Unless otherwise directed by the Commission, each application for renewal of an FM broadcast station license shall be filed at least 90 days prior to the expiration date of the license sought to be renewed (Form FCC No. 303). No application for renewal of license of an FM broadcast station will be considered unless there is on file with the Commission, the information currently required by §§ 1.341–1.344, reference to which by date and file number shall be included in the application.

3. Amend § 3.620 as follows: Delete paragraph (a) and substitute the following:

(a) Unless otherwise directed by the Commission, each application for renewal of a television station license shall be filed at least 90 days prior to the expiration date of the license sought to be renewed (Form FCC No. 303). No application for renewal of a television broadcast station will be considered unless there is on file with the Commission the information currently required by §§ 1.341–1.344, reference to which by date and file number shall be included in the application.

4. Amend § 4.20 as follows: Delete § 4.20 and substitute the following:

§ 4.20 *Renewal of license.* (a) Unless otherwise directed by the Commission each application for renewal of license of an Auxiliary Broadcast Station shall be filed at least 90 days prior to the expiration date of the license sought to be renewed; and each application for renewal of license of an Experimental and Developmental Broadcast Station shall be filed at least 60 days prior to the expiration date of the license sought to be renewed.

(b) Whenever the Commission regards an application for renewal of a station license for any class of broadcast station listed in § 4.1 as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a certain date, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

(c) A supplemental report shall be submitted with each application for renewal of license of a station licensed experimentally[1] in accordance with the regulations governing each class of station.

[1] The phrases "station licensed experimentally" and "experimental station" are used interchangeably.

5. Amend § 3.34 as follows:

a. Delete paragraph (a) and substitute the following:

(a) All standard broadcast station licenses will be issued for a normal license period of three years. Licenses will be issued to expire at the hour of 3:00 a. m., e. s. t., in accordance with the following schedule and at three-year intervals thereafter.[1]

(1) For stations located in Delaware and Pennsylvania, August 1, 1951.

(2) For stations located in Maryland, District of Columbia, Virginia, West Virginia, October 1, 1951.

(3) For stations located in North Carolina, South Carolina, December 1, 1951.

(4) For stations located in Florida, Puerto Rico and Virgin Islands, February 1, 1952.

(5) For stations located in Alabama and Georgia, April 1, 1952.

(6) For stations located in Arkansas, Louisiana and Mississippi, June 1, 1952.

(7) For stations located in Tennessee, Kentucky and Indiana, August 1, 1952.

(8) For stations located in Ohio and Michigan, October 1, 1952.

(9) For stations located in Illinois and Wisconsin, December 1, 1952.

(10) For stations located in Iowa and Missouri, February 1, 1953.

(11) For stations located in Minnesota, North Dakota, South Dakota, Montana and Colorado, April 1, 1953.

(12) For stations located in Kansas, Oklahoma, Nebraska, June 1, 1953.

(13) For stations located in Texas, August 1, 1953.

(14) For stations located in Wyoming, Nevada, Arizona, Utah, New Mexico and Idaho, October 1, 1953.

(15) For stations located in California, December 1, 1953.

(16) For stations located in Washington, Oregon, Alaska and Hawaii, February 1, 1954.

(17) For stations located in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, April 1, 1954.

(18) For stations located in New Jersey and New York, June 1, 1954.

[1] Renewals of licenses will be granted for the period specified in the rule: *Provided, however*, That if as a result of the transition from the present schedule to the proposed schedule the period for which a license is renewed is 6 months or less the licensee may within 30 days of the expiration date of such renewed license file, in lieu of renewal application (FCC Form 303), a written application under oath for the next renewal of license which shall consist of (1) a request that its license be renewed and (2) a statement that no substantial changes have been made in its operations or in its plans for future operations since its last renewal application; or if changes have been made or proposed a statement specifying such changes. Upon review of such statement the Commission may grant a renewal of license for the full period provided for in the rule; or if the Commission requires additional information it may require the filing of renewal application (FCC Form 303).

b. Delete paragraph (b).

c. Redesignate paragraph (c) as paragraph (b).

6. Amend § 3.218 as follows:

a. Delete paragraph (a) and substitute the following:

(a) All FM broadcast station licenses will be issued for a normal license period of three years. Licenses will be issued to expire at the hours of 3:00 a. m., e. s. t. in accordance with the following schedule and at three-year intervals thereafter.[2]

(1) For stations located in Delaware and Pennsylvania, August 1, 1951.

(2) For stations located in Maryland, District of Columbia, Virginia, West Virginia, October 1, 1951.

(3) For stations located in North Carolina, South Carolina, December 1, 1951.

(4) For stations located in Florida, Puerto Rico and Virgin Islands, February 1, 1952.

(5) For stations located in Alabama and Georgia, April 1, 1952.

(6) For stations located in Arkansas, Louisiana and Mississippi, June 1, 1952.

(7) For stations located in Tennessee, Kentucky and Indiana, August 1, 1952.

(8) For stations located in Ohio and Michigan, October 1, 1952.

(9) For stations located in Illinois and Wisconsin, December 1, 1952.

(10) For stations located in Iowa and Missouri, February 1, 1953.

(11) For stations located in Minnesota, North Dakota, South Dakota, Montana and Colorado, April 1, 1953.

(12) For stations located in Kansas, Oklahoma, Nebraska, June 1, 1953.

(13) For stations located in Texas, August 1, 1953.

(14) For stations located in Wyoming, Nevada, Arizona, Utah, New Mexico and Idaho, October 1, 1953.

(15) For stations located in California, December 1, 1953.

(16) For stations located in Washington, Oregon, Alaska and Hawaii, February 1, 1954.

(17) For stations located in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, April 1, 1954.

(18) For stations located in New Jersey and New York, June 1, 1954.

[2] Renewals of licenses will be granted for the period specified in the rule: *Provided, however*, That if as a result of the transition from the present schedule to the proposed schedule the period for which a license is renewed is 6 months or less the licensee may within 30 days of the expiration date of such renewed license file, in lieu of renewal application (FCC Form 303), a written application under oath for the next renewal of license which shall consist of (1) a request that its license be renewed and (2) a statement that no substantial changes have been made in its operations or in its plans for future operations since its last renewal application; or if changes have been made or proposed a statement specifying such changes. Upon review of such statement the Commission may grant a renewal of license for the full period provided for in the rule; or if the Commission requires additional information it may require the filing of renewal application (FCC Form 303).

b. Delete paragraph (b).

7. Amend § 3.618 as follows: Delete § 3.618 and substitute the following:

§ 3.618 *Normal license period.* All television broadcast station licenses will be issued for a normal license period of one year. Licenses will be issued to expire at the hour of 3:00 a. m., e. s. t., in accordance with the following schedule and at one year intervals thereafter.[3]

(1) For stations located in Delaware, Pennsylvania, Tennessee, Kentucky, Indiana and Texas, August, 1951.

(2) For stations located in Maryland, District of Columbia, Virginia, West Virginia, Ohio, Michigan, Wyoming, Nevada, Arizona, Utah, New Mexico and Idaho, October, 1951.

(3) For stations located in North Carolina, South Carolina, Illinois, Wisconsin and California, December, 1951.

(4) For stations located in Florida, Puerto Rico, Virgin Islands, Iowa, Missouri, Washington, Oregon, Alaska and Hawaii, February, 1952.

(5) For stations located in Alabama, Georgia, Minnesota, North Dakota, South Dakota, Montana, Colorado, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, April, 1952.

(6) For stations located in Arkansas, Louisiana, Mississippi, Kansas, Oklahoma, Nebraska, New Jersey and New York, June, 1952.

[3] Renewals of licenses will be granted for the period specified in the rule: *Provided, however*, That if as a result of the transition from the present schedule to the proposed schedule the period for which a license is renewed is 4 months or less the licensee may within 30 days of the expiration date of such renewed license file, in lieu of renewal application (FCC Form 303), a written application under oath for the next renewal of license which shall consist of (1) a request that its license be renewed and (2) a statement that no substantial changes have been made in its operations or in its plans for future operations since its last renewal application; or if changes have been made or proposed a statement specifying such changes. Upon review of such statement the Commission may grant a renewal of license for the full period provided for in the rule; or if the Commission requires additional information it may require the filing of renewal application (FCC Form 303).

[F. R. Doc. 51-5928; Filed, May 22, 1951; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC-43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

LEASE AND INTERCHANGE OF VEHICLES

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 8th day of May A. D. 1951.

It appearing, that subsequent to an investigation into the lawfulness of the practices of motor common and contract carriers of property, the Commission, Division 5, by order dated June 26, 1950, prescribed rules and regulations governing the practices of such carriers in the performance of transportation with motor vehicles owned by others, the interchange of vehicles between such common carriers, and the lease of vehicles by any such carriers to private motor carriers and shippers (15 F. R. 4339, July 8, 1950);

It further appearing, that by order entered September 5, 1950 (15 F. R. 6125, Sept. 12, 1950), the effectiveness of said regulations was postponed indefinitely;

And it further appearing, that pursuant to order dated September 22, 1950, reopening the proceeding and setting it down for oral argument, such oral argument has been held, and, that after reconsideration by the entire Commission, the Commission, on the date hereof, has made and filed a report on oral argument containing its findings of fact and conclusions thereon, which report is hereby made a part hereof [1];

It is ordered, That the following rules and regulations are hereby prescribed to become effective on August 1, 1951;

Sec.
207.1 Applicability.
207.2 Definitions.
207.3 Exemptions.
207.4 Augmenting equipment.
207.5 Interchange of equipment.
207.6 Rental of equipment to private carriers and shippers.

AUTHORITY: §§ 207.1 to 207.6 issued under 49 Stat. 546; as amended; 49 U. S. C. 304.

§ 207.1 *Applicability.* The rules and regulations in this part apply to the augmenting of equipment by common and contract carriers of property by motor vehicle in interstate or foreign commerce subject to Part II of the Interstate Commerce Act, 49 U. S. C. 301 et. seq.; to the interchange of equipment between such common carriers of property by motor vehicle, and to the lease of equipment by common and contract carriers of property by motor vehicle, with or without drivers, to private motor carriers and shippers.

[1] Filed as a part of the original document.

§ 207.2 *Definitions*—(a) *Authorized carrier.* A person or persons authorized to engage in the transportation of property as a common or contract carrier under the provisions of sections 206, 207, or 209 of the Interstate Commerce Act, 49 U. S. C. 306, 307, or 309.

(b) *Equipment.* A motor vehicle, straight truck, tractor, semi-trailer, full trailer, combination tractor-and-semi-trailer, combination straight truck and full trailer, and any other type of equipment used by authorized carriers in the transportation of property for hire.

(c) *Interchange of equipment.* The physical exchange of equipment between motor common carriers or the receipt by one such carrier of equipment from another such carrier, in furtherance of a through movement of traffic, at a point or points which such carriers are authorized to serve.

(d) *Regular employee.* A person not merely an agent but regularly in exclusive full-time employment.

(e) *Agent.* A person duly authorized to act for and on behalf of an authorized carrier.

(f) *Non-carrier.* A person other than an authorized carrier.

(g) *Owner.* A person to whom title to equipment has been issued, or who has lawful possession of equipment, and has the same registered and licensed in any State or States or the District of Columbia in his or its name.

§ 207.3 *Exemptions.* Other than § 207.4 (c) and (d), relative to inspection and identification of equipment the rules in this part shall not apply:

(a) To equipment leased by one authorized carrier operating over regular routes to another authorized carrier operating over regular routes and operated between points and over routes which both lessor and lessee are authorized to serve, and to equipment leased by one authorized carrier operating over irregular routes to another such carrier and operated between points and within territory which both the lessor and lessee are authorized to serve;

(b) To equipment utilized wholly or in part in the transportation of railway express traffic, or in substituted motor-for-rail transportation of railroad freight moving between points that are railroad stations on railroad billing;

(c) To equipment utilized in transportation performed solely and exclusively within any municipality, contiguous municipalities, or commercial zone, as defined by the Commission;

(d) To equipment utilized by an authorized carrier in transportation performed pursuant to any plan of operation approved by the Commission in a proceeding arising under section 5 of the Interstate Commerce Act, or

(e) To equipment without drivers leased by an authorized carrier from an individual, copartnership or corporation, whose principal business is the leasing of equipment without drivers for compensation.

§ 207.4 *Augmenting equipment.* Other than equipment exchanged between motor common carriers in interchange service as defined in § 207.5, authorized carriers may perform authorized transportation in or with equipment which they do not own only under the following conditions:

(a) The contract, lease, or other arrangement for the use of such equipment:

(1) Shall be made between the authorized carrier and the owner of the equipment.

(2) Shall be in writing and signed by the parties thereto, or their regular employees or agents duly authorized to act for them in the execution of contracts, leases, or other arrangements;

(3) Shall specify the period for which it applies, which shall be not less than 30 days when the equipment is to be operated for the authorized carrier by the owner or employees of the owner: *Provided*, That for six months from the date the rules in this part become effective, equipment specified in section 203 (b) (6) of the act 49 U. S. C. 303 (b) (6) may be utilized by authorized carriers under contracts, leases or other arrangements applying for less than 30 days, only under the following condition:

(i) The equipment is being returned over reasonably direct routes from the destinations of shipments of the commodities specified in section 203 (b) (6) of the act 49 U. S. C. 303 (b) (6) or points intermediate thereto, or the commercial zones of such destinations and intermediate points, as defined by the Commission, to the origins of such shipments, or points intermediate thereto, or the commercial zones of such origins and intermediate points, as defined by the Commission;

(4) Shall provide for the exclusive possession, control and use of the equipment, and for the complete assumption of responsibility in respect thereto, by the authorized carrier, as follows:

(i) When entered into by parties other than authorized carriers of household goods, as defined by the Commission, for the duration of the said contract, lease or other arrangement, and the equipment shall not be further leased or sublet to any other authorized carrier or non-carrier for such duration;

(ii) When entered into by authorized carriers of household goods, as defined by the Commission, during the period the equipment is operated by or for the authorized carrier, lessee;

(5) Shall specify the compensation to be paid by the lessee for the rental of the leased equipment: *Provided, however*, That such compensation shall not be computed on the basis of any division or percentage of any applicable rate or rates on any commodity or commodities transported in said vehicle or on a division or percentage of any revenue earned by said vehicle during the period for which the lease is effective;

(6) Shall specify the time and date or the circumstance on which the contract, lease, or other arrangement begins, and the time or the circumstance on which it ends. The duration of the contract, lease or other arrangement shall coincide with the time for the giving of receipts for the equipment, as required by paragraph (b) of this section; and

(7) Shall be executed in triplicate; the original shall be retained by the authorized carrier in whose service the equipment is to be operated, one copy shall be retained by the owner of the equipment, one copy shall be carried on the equipment specified therein during the entire period of the contract, lease, or other arrangement, unless a certificate as provided in paragraph (d) (2) of this section is carried in lieu thereof.

(b) *Receipts.* When possession of the equipment is taken by the authorized carrier or its regular employee or agent duly authorized to act for it, said carrier, employee, or agent shall give to the owner of the equipment, or the owner's employee or agent a receipt specifically identifying the equipment and stating the date and the time of day possession thereof is taken; and when the possession by the authorized carrier ends, it or its employee or agent shall obtain from the owner of the equipment, or its regular employee or agent duly authorized to act for it, a receipt specifically identifying the equipment and stating therein the date and the time of day possession thereof is taken.

(c) *Inspection of equipment.* It shall be the duty of the authorized carrier, before taking possession of equipment, to inspect the same or to have the same inspected by a person who is competent and qualified to make such inspection and has been duly authorized by such carrier to make such inspection as a representative of the carrier, in order to insure that the said equipment complies with Parts 193 and 196 of the Motor Carrier Safety Regulations (Rev.), pertaining to "Parts and Accessories Necessary for Safe Operation", and "Inspection and Maintenance", and if explosives or other dangerous articles are to be transported thereon, further to inspect and check such vehicles or equipment to insure that they or it complies with Part 197 of the said safety regulations pertaining to "Safe Transportation of Explosives". The person making the inspection shall certify the results thereof on a report in the form hereinafter set forth, which report shall be retained and preserved by the authorized carrier, and if his inspection discloses that the equipment does not comply with the requirements of the said safety regulations, possession thereof shall not be taken. In all instances in which the inspection required by this section is made, the authorized carrier, if an individual, or a member of the copartnership if the authorized carrier is a copartnership, or one of the officials thereof if the authorized carrier is a corporation, shall certify on the inspection report that the person who made the inspection, whether an employee or person other than an employee, is competent and qualified to make such inspection and has been duly authorized by such carrier to make such inspection as a

representative of such authorized carrier:

REPORT OF VEHICLE INSPECTION

Description of vehicle:
Make ..... Year ..... Model .....
Serial No. .....
Type: Tractor ..... Trailer ..... Semitrailer .....
License plate: No. ..... State .....
Owner's name .....
Name of authorized carrier .....

[Indicate in the proper column the result of the inspection of each item listed]

Item	Not defective	Defective	Description of defect
Body brakes			
Cooling system			
Drive line			
Emergency equipment			
Engine			
Exhaust			
Fuel system			
Glass			
Horn			
Leaks			
Lights (state which)			
Reflectors			
Speedometer			
Springs			
Steering			
Tires			
Wheels			
Windshield wiper			
Any other items requiring attention			

I hereby certify that on the .. day of ..... I carefully inspected the equipment described above and that this is a true and correct report of the result of such inspection.

.....
(Signature of person making inspection.)

I hereby certify that on the date stated above the person who made the inspection covered by this report was competent and qualified to make such inspection and was duly authorized to make such inspection as a representative of

.....
(Name of authorized carrier)

Date .....

.....
(Signature of authorized carrier or copartner or officer of authorized carrier.)

(d) *Identification of equipment.* The authorized carrier acquiring the use of equipment under this section shall properly and correctly identify such equipment as operated by it when such equipment is operated by or for such carrier, during the period of the lease, contract, or other arrangement, in accordance with the Commission's requirements in Ex Parte No. MC-41; Part 166, Identification of Motor-Carrier Vehicles. If a removable device is used to identify the authorized carrier as the operating carrier, such device shall be on durable material such as wood, plastic, or metal, and bear a serial number in the authorized carrier's own series so as to keep proper record of each of the identification devices in use.

(1) The authorized carrier operating equipment under the rules in this part shall remove any legend, showing it as the operating carrier, displayed on such equipment, and shall remove any removable device showing it as the operating carrier, before relinquishing possession of the equipment.

(2) Unless a copy of the lease, contract, or other arrangement is carried on the equipment, as provided in paragraph (a) (7) of this section, the authorized carrier or its regular employee or agent shall prepare a statement certifying that the equipment is being operated by it, which shall specify the name of the owner, the date of the lease, contract or other arrangement, the period thereof, any restrictions therein relative to the commodities to be transported, and the location of the premises where the original of the lease, contract or other arrangement is kept by the authorized carrier, which certificate shall be carried with the equipment at all times during the entire period of the lease, contract or other arrangement.

(e) *Driver of equipment.* Before any person other than a regular employee of the authorized carrier is assigned to drive equipment operated under the rules in this part, it shall be the duty of the authorized carrier to make certain that such driver is familiar with, and that his employment as a driver will not result in, violation of any provision of Parts 192, 193, 195, and 196 of the Motor Carrier Safety Regulations (Rev.) pertaining to "Driving of Motor Vehicles", "Parts and Accessories Necessary for Safe Operation", "Hours of Service of Drivers", and "Inspection and Maintenance", and to require such driver to furnish a certificate of physical examination in accordance with Part 191 of the Motor Carrier Safety Regulations (Rev.) pertaining to "Qualifications of Drivers", or, in lieu thereof, a photostatic copy of the original certificate of physical examination, which shall be retained in the authorized carrier's file.

(f) *Record of use of equipment.* The authorized carrier utilizing equipment operated under the rules in this part shall prepare and keep a manifest covering each trip for which the equipment is used in its service, containing the name and address of the owner of such equipment, the make, model, year, serial number, and the State registration number of the equipment, and the name and address of the driver operating the equipment, point of origin, the time and date of departure, the point of final destination, and the authorized carrier's serial number of any identification device affixed to the equipment. During the time that equipment subject to the regulations in this part is operated there shall be carried with the equipment, bills of lading, waybills, freight bills, manifests, or other papers identifying the lading, which shall clearly indicate that the transportation of the property carried is under the responsibility of the authorized carrier, which papers, together with the truck manifest, shall be preserved by the authorized carrier.

§ 207.5 *Interchange of equipment.* Authorized common carriers may by contract, lease, or other arrangement, interchange any equipment defined in § 207.2 with one or more other such common carriers, or one of such carriers may receive from another such carrier, any of such equipment, in connection with any through movement of traffic, under the following conditions:

(a) *Agreement providing for interchange.* The contract, lease, or other arrangement providing for interchange shall specifically describe the equipment to be interchanged; the specific points of interchange; the use to be made of the equipment and the consideration for such use; and shall be signed by the parties to the contract, lease or other arrangement, or their regular employees or agents duly authorized to act for them, in the execution of such contracts, leases, or other arrangements;

(b) *Authority of carriers participating in interchange.* The certificates of public convenience and necessity held by the carriers participating in the interchange arrangement must authorize the transportation of the commodities proposed to be transported in the through movement, and service from and to the point where the physical interchange occurs.

(c) *Driver of interchanged equipment.* Each carrier must assign its own driver to operate the equipment that is proposed to be operated from and to the point or points of interchange and over the route or routes or within the territory authorized in the participating carriers' respective certificates of public convenience and necessity.

(d) *Through bills of lading.* The traffic transported in interchange service must move on through bills of lading issued by the originating carrier, and the rates charged and revenues collected must be accounted for in the same manner as if there had been no interchange of equipment. Charges for the use of the equipment shall be kept separate and distinct from divisions of the joint rates or the proportions thereof accruing to the carriers by the application of local or proportional rates.

(e) *Inspection of equipment.* It shall be the duty of the carrier acquiring the use of equipment in interchange to inspect such equipment, or to have it inspected in the manner provided in § 207.4 (c), and equipment which does not meet the requirements of the safety regulations shall not be operated in the respective services of the interchange carriers until the defects have been corrected.

(f) *Identification of equipment.* The authorized carriers operating equipment in interchange service under this section shall carry with each vehicle so operated a copy of the contract, lease, or other arrangement while the equipment is being operated in the interchange service.

§ 207.6 *Rental of equipment to private carriers and shippers*—(a) *Renting equipment with drivers.* Unless such service is specified in their operating authorities, authorized carriers shall not rent equipment with drivers to non-carriers.

(b) *Rental of equipment without drivers.* Authorized common carriers shall not rent equipment without drivers to non-carriers.

Notice of this order shall be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-5923; Filed, May 22, 1951; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 929]

[Docket No. AO-228]

HANDLING OF MILK IN MUSKOGEE, OKLA., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Muskogee, Oklahoma, on November 6 through 10, 1950, pursuant to notice thereof which was issued on October 19, 1950 (15 F. R. 7050; Doc. 50-9354), upon a proposed order regulating the handling of milk in the Muskogee, Oklahoma, marketing area. Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on March 27, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on March 30, 1951 (16 F. R. 2800; Doc. 51-2885).

The material issues and the findings and conclusions of the recommended decision (16 F. R. 2800; Doc. 51-3885) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein, subject to the following revisions:

1. Delete the last paragraph beginning in column 1, 16 F. R. 2804 (Doc. 51-3885) and substitute therefor the following: "The recommended decision provided for an administrative determination of each producer's deliveries to handlers during the months of October, November, December 1950 and January 1951 in order to compute the pool during the base paying period of April-June 1951. Since the effective date of any order would necessarily be subsequent to the base paying period for 1951, this provision would serve no useful purpose."

Rulings on exceptions. In arriving at the findings and conclusions, included in this decision each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of March 1951 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order to regulate the handling of milk in the Muskogee, Oklahoma, marketing area in the manner set forth in the attached order is approved or favored by producers, who during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Muskogee, Oklahoma, Marketing Area," and "Order Regulating the Handling of Milk in the Muskogee, Oklahoma, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 18th day of May 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Regulating the Handling of Milk in the Muskogee, Oklahoma, Marketing Area

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AUTHORITY: §§ 929.0 to 929.111 inclusive, issued under sec. 5.49 stat. 753, as amended; 7 U. S. C. and Sup. 608c.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

§ 929.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Muskogee, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (i) other source milk which is classified as Class I milk, and (ii) milk from producers including such handler's own production.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Muskogee, Oklahoma, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 929.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 929.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 929.3 *Department.* "Department" means the United States Department of Agriculture or other Federal agency authorized to perform the price reporting functions specified in this part.

§ 929.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 929.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines (a) to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," (b) to have full authority in the sale of milk of its members, and (c) to be engaged in making collective sales or marketing milk or its products for its members.

§ 929.6 *Muskogee, Oklahoma, marketing area.* "Muskogee, Oklahoma, marketing area," hereinafter called the marketing area, means all the territory lying within the boundaries of the cities of Muskogee, McAlester, and Tahlequah, Oklahoma.

§ 929.7 *Approved plant.* "Approved plant" means (a) any milk plant approved by any health authority having jurisdiction in the marketing area from which milk, skim milk, buttermilk, flavored milk, flavored milk drinks, or cream are disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores), or (b) any milk plant approved by any health authority having jurisdiction in the marketing area which serves as a receiving station by receiving, weighing, and commingling producer milk and from which such milk is normally transferred to a plant specified in paragraph (a) of this section.

§ 929.8 *Unapproved plant.* "Unapproved plant" means any milk manufacturing, processing, bottling, or distributing plant other than an approved plant.

§ 929.9 *Handler.* "Handler" means (a) any person in his capacity as the operator of an approved plant; or (b) any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 929.10 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk which is received at an approved plant: *Provided*, That such milk is produced under a dairy farm inspection permit or inspection rating issued by any health authority having jurisdiction in the marketing area for the production of milk to be disposed of for consumption as Grade A milk. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. This definition shall not include a person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this part pursuant to § 929.61.

§ 929.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer which is received by a handler either directly from producers or from other handlers.

§ 929.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 929.13 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

§ 929.14 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of April through June which is not in excess of each producer's daily average base computed pursuant to § 929.90 multiplied by the number of days in such month for which the handler received milk from the producer.

§ 929.15 *Excess milk.* "Excess milk" means producer milk received by a handler during any of the months of April through June which is in excess of base milk received from each producer during such month, and shall include all milk received from producers for whom no daily average base can be computed pursuant to § 929.90.

MARKET ADMINISTRATOR

§ 929.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 929.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 929.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 929.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 929.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 929.30 through 929.32;

(2) Maintained adequate records and facilities pursuant to § 929.33; or

(3) Made payments pursuant to §§ 929.80 through 929.88;

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk received shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum prices for Class I milk pursuant to § 929.51 (a) and the Class I butterfat differential pursuant to § 929.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 929.51 (b) and the Class II butterfat differential pursuant to § 929.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform price(s) computed pursuant to § 929.71 or § 929.72, as applicable, and the butterfat differential computed pursuant to § 929.82, both applicable to milk delivered during the preceding month; and

(k) Prepare and disseminate to the public such statistics and other information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 929.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and, for the months of April through June, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on route(s) wholly outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 929.31 *Reports of payments to producers.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producers, including for the months of April through June such producer's deliveries of base and excess milk;

(b) The amount of payment to each producer or cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 929.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, of his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 929.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 929.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 929.40 *Basis of classification.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 929.30 shall be classified by the market administrator pursuant to the provisions of §§ 929.41 through 929.46.

§ 929.41 *Classes of utilization.* Subject to the conditions set forth in §§ 929.43 and 929.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream, and any other product required by the appropriate health authority of the City of Muskogee, Oklahoma, to be made from Grade A milk, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section; (2) disposed of for livestock feed; (3) in shrinkage allocated to receipts of milk from producers, but not in excess of 2 percent of such receipts of skim milk and butterfat, (4) in shrinkage allocated to receipts of other source milk; and (5) in inventory variations of milk, skim milk, cream, or any Class I product.

§ 929.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk.

§ 929.43 *Responsibility of handlers.* All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can

prove to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 929.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream, to the approved plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 929.46 and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk or skim milk to an unapproved plant located more than 185 miles from the approved plant by the shortest highway distance as determined by the market administrator.

(d) As Class I milk if transferred in the form of cream under Grade A certification to an unapproved plant located more than 185 miles from an approved plant by the shortest highway distance as determined by the market administrator, and as Class II milk if so transferred without Grade A certification.

(e) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 185 miles from the approved plant by the shortest highway distance as determined by the market administrator from which transferred or diverted, unless the market administrator is permitted to audit the records of receipts and utilization at such unapproved plant, in which case the classification of all skim milk and butterfat received at such unapproved plant shall be determined and the skim milk and butterfat transferred or diverted from the approved plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk, receipts of skim milk and butterfat at such unapproved plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such unapproved plant in markets supplied by such plant.

§ 929.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 929.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 929.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 929.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers according to its classification as determined pursuant to § 929.44 (a);

(4) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 929.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 929.51 (b) for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

§ 929.51 *Class prices.* Subject to the provisions of §§ 929.52 and 929.53, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The price for Class I shall be the basic formula price plus $1.45 for the months of April, May, and June, and plus $1.85 for all other months: *Provided*, That for each of the months of September, October, November, and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May, and June, such price shall not be more than that for the preceding month.

(b) *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Department:

Present Operator and Location

American Foods Co., Miami, Okla.
Hawk Dairies, Tulsa, Okla.
Muskogee Dairy Products Co., Muskogee Okla.
Pet Milk Co., Siloam Springs, Ark.

§ 929.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 929.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 929.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month specified below by the applicable factor listed and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25;

(b) *Class II milk.* Multiply such price for the current month by 1.15.

§ 929.53 *Location adjustment credit to handlers.* For that portion of milk which (a) is received directly from producers at an approved plant described in § 929.7 (b) which is located at Poteau, or Miami, Oklahoma; and (b) is moved to an approved plant in the marketing area in the form of milk, skim milk, or cream, the prices specified in § 929.51 shall be subject to a location adjustment credit to the handler, computed as follows:

Location of plant:	*Cents per hundredweight*
Poteau, Okla.	21
Miami, Okla.	23

APPLICATION OF PROVISIONS

§ 929.60 *Producer-handlers.* Sections 929.40 through 929.46, 929.50 through 929.53, 929.70 through 929.72, 929.80 through 929.88, 929.90 and 929.91, shall not apply to a producer-handler.

§ 929.61 *Milk priced under other Federal orders.* In case skim milk or butterfat which is priced under another Federal milk marketing agreement or order issued pursuant to the act is disposed of as Class I milk in the marketing area on a route operated by or for a person subject to regulation as a handler as defined in such other agreement or order, the provisions of this part shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject for skim milk and butterfat which would be classified as Class I milk under this part is less than the price provided by this part, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this part and its value as determined pursuant to the other order to which he is subject.

DETERMINATION OF UNIFORM PRICE

§ 929.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices, adding together the resulting amounts and deducting therefrom the values of all location adjustments computed at the applicable rates set forth in § 929.53: *Provided*, That if the handler had overage of either skim milk or butterfat, there shall be added to the above values an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 929.46 by the applicable class prices.

§ 929.71 *Computation of uniform prices.* For each of the months of July through March the market administrator shall compute the uniform prices per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 929.70 for all handlers who made the reports prescribed in § 929.30 and who made the payments pursuant to §§ 929.80 and 929.84 for the preceding month;

(b) Add the aggregate of the values of all allowable location adjustments to producers pursuant to § 929.81;

(c) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 929.85;

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 929.82 and multiplying the resulting figure by the total hundredweight of such milk;

(e) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for milk of 4.0 percent butterfat content received from producers.

§ 929.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through June the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 929.70 for all handlers who made the reports prescribed in § 929.30 and who made the payments pursuant to §§ 929.80 and 929.84 for the preceding month;

(b) Add the aggregate of the values of all allowable location adjustments to producers pursuant to § 929.81;

(c) Add not less than one-half of the cash balance in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 929.85;

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 929.82 and multiplying the resulting figure by the total hundredweight of such milk;

(e) Compute the total value on a 4.0 percent butterfat basis of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(f) Divide the total value of excess milk obtained in paragraph (e) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers.

(g) Subtract the value of excess milk obtained in paragraph (e) of this section from the value of all milk obtained in paragraph (d) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(h) Divide the amount obtained in paragraph (g) of this section by the total hundredweight of base milk included in these computations; and

(i) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (h) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

PAYMENTS

§ 929.80 *Time and method of payment.* Each handler shall make payment to producers as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer (1) at not less than the uniform price computed pursuant to § 929.71 for all milk received from such producer if such preceding month was any of the months of July through March, or (2) at not less than the uniform price for base milk computed pursuant to § 929.72, with respect to base milk received from such producer, and at not less than the uniform price for excess milk computed pursuant to § 929.72 with respect to excess milk received from such producer, if such preceding month was any of the months of April through June, in each case adjusted by the butterfat differential computed pursuant to § 929.82, subject to location adjustments to producers pursuant to § 929.81, less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association, on or before the 13th day after the end of the month, an amount equal to the sum of the individual payments payable to such producers in accordance with this paragraph: *And provided fur-*

ther. That if such handler has not received full payment for such month pursuant to § 929.85, he may reduce his total payments to all producers uniformly by not more than the amount of the reduction in payments from the market administrator; and the handler shall after receipt of such payment from the market administrator complete the payments to those producers not later than the date for making payments pursuant to this paragraph next following after receipt of the balance from the market administrator.

(b) On or before the last day of each month, each handler shall make payment for milk received from producers during the first 15 days of the month to each producer at not less than the Class II price for the preceding month: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association, which is authorized to collect payments for such milk, if the cooperative association so requests, the handler shall pay such cooperative association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

§ 929.81 *Location adjustments to producers.* In making payments to producers pursuant to § 929.80, a handler may deduct per hundredweight of milk received from producers at an approved plant described in § 929.7 (b) which is located at Poteau, or Miami, Oklahoma, the applicable amounts set forth below:

Location of plant:	*Cents per hundredweight*
Poteau, Okla.	21
Miami, Okla.	23

§ 929.82 *Producer-butterfat differential.* In making payments pursuant to § 929.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average as computed by the market administrator of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 929.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 929.61 (b), 929.84 and 929.86, and out of which he shall make all payments to handlers pursuant to §§ 929.85 and 929.86.

§ 929.84 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 929.70 is greater than the amount required to be paid producers by such handler pursuant to § 929.80, or any amount required pursuant to § 929.61 (b).

§ 929.85 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 929.70 is less than the amount required to be paid producers by such handler pursuant to § 929.80: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 929.86 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler; (b) such handler from the market administrator; or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which error occurred.

§ 929.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 929.80, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month pay such deduction to the cooperative association of which such producers are members accompanied by a statement showing the amount of any such deductions, and the amount and average butterfat test of milk for which such deduction was computed for each producer. In lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to § 929.31.

§ 929.88 *Expenses of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) milk from producers including such handler's own production.

§ 929.89 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and,

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler falls or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records, pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 929.90 *Computation of daily average base for each producer.* For the months of April through June of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 929.91:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of October through January immediately preceding by the number of days not to be less than ninety, of such producer's delivery in such period.

§ 929.91 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred by notifying the market administrator in writing on or before the last day of any applicable base paying month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy herd operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days shall forfeit his base.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 929.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 929.101.

§ 929.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 929.102 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 929.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 929.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 929.111 *Separability of provisions.* If any provision of this part or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this part, to other persons or circumstances, shall not be affected thereby.

Order of Secretary Directing That Referendum be Conducted Among Producers Supplying Milk in the Muskogee, Okla., Marketing Area, and Designation of an Agent to Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order regulating the handling of milk in the Muskogee, Oklahoma, marketing area) who, during the month of March 1951 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

H. Alan Luke is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

Done at Washington, D. C., this 18th day of May 1951.

[F. R. Doc. 51-5952; Filed, May 22, 1951; 8:52 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 693]

CIGAR AND CIGARETTE INDUSTRY IN PUERTO RICO

NOTICE OF PROPOSED DECISION WITH RESPECT TO MINIMUM WAGE RATES

On October 19, 1950, pursuant to section 5 (a) of the Fair Labor Standards Act of 1938, as amended, hereinafter called the act, the Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 403, appointed Special Industry Committee No. 9 for Puerto Rico, hereinafter called the Committee, and directed the Committee to investigate conditions in a number of industries in Puerto Rico specified and defined in the order, including the cigar and cigarette industry, and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wage rates for the cigar and cigarette industry in Puerto Rico, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the cigar and cigarette industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico.

After investigating economic and competitive conditions in the cigar and cigarette industry in Puerto Rico, the Committee filed with the Administrator a report containing its recommendation for a minimum wage rate of 36 cents an hour to be paid to employees in the cigar and cigarette industry who are engaged in commerce or in the production of goods for commerce.

Pursuant to notice published in the FEDERAL REGISTER on February 13, 1951, and circulated to all interested persons, a public hearing upon the Committee's recommendations was held before Hearing Examiner Clifford P. Grant, as presiding officer, in Washington, D. C., on March 20, 1951, at which all interested persons were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to the Administrator by the presiding officer.

Upon reviewing all the evidence adduced in this proceeding and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I, as Acting Administrator, have concluded that the recommendation of the Committee for a minimum wage rate in the cigar and cigarette industry in Puerto Rico, as defined, was made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Special Industry

Committee No. 9 for Puerto Rico of a Minimum Wage Rate in the Cigar and Cigarette Industry in Puerto Rico," a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding (16 F. R. 1478), that I, as Acting Administrator, propose to approve the recommendation of the Committee for the cigar and cigarette industry and to issue a wage order to read as set forth below to carry such recommendation into effect.

Within 15 days from publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the proposed action above described. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should include supporting reasons for any exceptions.

Sec.
693.1 Approval of recomendation of industry committee.
693.2 Wage rate.
693.3 Notices of order.
693.4 Definition of the cigar and cigarette industry in Puerto Rico.

AUTHORITY: §§ 693.1 to 693.4 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 693.1 *Approval of recommendation of industry committee.* The Committee's recommendation is hereby approved.

§ 693.2 *Wage rate.* Wages at a rate of not less than 36 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the cigar and cigarette industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 693.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the cigar and cigarette industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employes are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 693.4 *Definition of the cigar and cigarette industry in Puerto Rico.* The manufacture of cigarettes, cigars, cheroots and little cigars, including the stemming of cigar wrappers or binders by a cigar manufacturer.

Signed at Washington, D. C., this 15th day of May 1951.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 51-5908; Filed, May 22, 1951; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 980614, 1772380]

CALIFORNIA

RESTORATION TO HOMESTEAD ENTRY OF LANDS WITHIN TAHOE NATIONAL FOREST RELEASED FROM FEDERAL POWER PROJECT

MAY 17, 1951.

Pursuant to the authority contained in Departmental Order No. 2583, sec. 2.22 (a) of August 16, 1950 (15 F. R. 5643), it is ordered as follows:

The order of the Federal Power Commission dated June 6, 1950 (DA-739, California), having vacated the withdrawal for Federal Power Project No. 187 of April 17, 1924, so far as it affected the following-described public land within the Tahoe National Forest; and the Department of Agriculture having requested the restoration of such land to homestead settlement and entry, the said land is hereby opened to homestead settlement and entry in accordance with the provisions of the act of June 11, 1906 (34 Stat. 233; 16 U. S. C. 506-509), as amended, and the regulations thereunder in 43 CFR, Part 170, in the manner hereinafter described:

Land	Preferred applicant	List number
Mount Diablo Meridian, T. 20 N., R. 12 E., sec. 30, NE¼NW¼SW¼ SE¼.	Amy Westall	5-3006 amended.

The area described contains 2.5 acres.

1. Beginning at 10:00 a. m. on the 63d day after the date of this order, the person named as the preferred applicant, on whose application the land was listed, will be accorded a preference right for 60 days within which to make entry of such tract under the said act of June 11, 1906.

2. For a period of 90 days beginning at 10:00 a. m. on the 124th day after the date of this order, the tract, if remaining unentered, will be subject to entry by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

3. The tract, if remaining unentered at the expiration of the 90-day preference right period set out in paragraph 2, will, on the following business day, become subject to homestead settlement and entry under the provisions of the act of June 11, 1906, by any qualified person.

WILLIAM ZIMMERMAN, Jr.,
Associate Director.

[F. R. Doc. 51-5900; Filed, May 22, 1951; 8:45 a. m.]

[Misc. 1406726]

SHINGTON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS RESTORED FROM KITTITAS PROJECT

MAY 17, 1951.

An order of the Bureau of Reclamation dated October 24, 1950, concurred in by the Director, Bureau of Land Management ,November 20, 1950 revoked the Departmental Order of May 1, 1905, so far as it withdrew in the first form prescribed by Section 3 of the Reclamation Act of June 17, 1902, (32 Stat. 388), the following-described lands in connection with the Kittitas Project, Washington, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

WILLAMETTE MERIDIAN

T. 18 N., R. 18 E.,
Sec. 2, SW¼NE¼, N½SW¼, NW¼SE¼.

The lands are dry grazing lands, too steep and rocky to be suitable for agricultural development.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

At 10:00 a. m. on the 35th day after the date of this order the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Spokane, Washington, shall be acted upon in accordance with the regulations contained in § 295.8 of title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Spokane, Washington.

WILLIAM ZIMMERMAN, Jr.,
Associate Director.

[F. R. Doc. 51-5901; Filed, May 22, 1951; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign and Domestic Commerce

OFFICE OF FIELD SERVICE

LOCATION OF FIELD OFFICES

Field offices are located in the following cities. National Production Authority information can also be obtained at these offices. (This listing supersedes the one appearing in 14 F. R. 1067):

Aiken, S. C., 1833 Curve Street.
Albany, N. Y., 61 Columbia Street.
Albuquerque, N. Mex., Hanosh Building, 203 West Gold Avenue.
Appleton, Wis., 214 North Superior Street.
Atlanta 3, Ga., 418 Atlanta National Building, 50 Whitehall Street SW.
Augusta, Ga., 210 Maxwell House, 1092 Greene Street.
Baltimore 2, Md., 312 Court Square Building, 200 East Lexington Street.
Barnwell, S. C., County Office Building.
Birmingham, Ala., 731 Frank Nelson Building, Second Avenue and Twentieth Street.
Boise, Idaho, 251 Sonna Building, Ninth and Main Street.
Boston 9, Mass., 40 Broad Street.
Bridgeport, Conn., Barnam Thompson Building, 177 State Street.
Buffalo 3, N. Y., 504 Federal Building, 117 Ellicott Street.
Butte, Mont., 306 Federal Building.
Charleston 3, S. C., 310 Peoples Building, 18 Broad Street.
Charleston, W. Va., 612 Virginia Street.
Charlotte, N. C., 401 Chatham Building, 302 South College Street.
Chattanooga, Tenn., 723 James Building, Eighth and Broad Streets.
Cheyenne, Wyo., 410 Federal Office Building, Twenty-first Street and Carey Avenue.
Chicago 1, Ill., 1763 LaSalle-Wacker Building, 221 North LaSalle Street.
Cincinnati 2, Ohio, 1404 Federal Reserve Bank Building, 105 West Fourth Street.
Cleveland 14, Ohio, 410 Union Commerce Building, 925 Euclid Avenue.
Columbia, S. C., Area 2-H Cornell Arms Building, Sumter and Pendleton Streets.
Columbus, Ohio, 312 Trautman Building, 209 South High Street.
Dallas 2, Tex., Room 1114, 1114 Commerce Street.
Davenport, Iowa, 310 Kahl Building, Third at Ripley Street.
Dayton, Ohio, 1205 U. B. Building, Fourth and Main Streets.
Decatur, Ill., 102 Decatur Club Building.
Denver 2, Colo., 142 New Custom House, Nineteenth and Stout Streets.
Des Moines 9, Iowa, 601 Securities Building, 418 Seventh Street.
Detroit 26, Mich., 1038 Federal Building, 230 West Fort Street.
Duluth 2, Minn., 204 U. S. Post Office.
Eau Claire, Wis., 401 South Barstow Street.
El Paso, Tex., Chamber of Commerce Building, 310 San Francisco Street.
Erie, Pa., Erie Commerce Building, Twelfth and State Streets.
Evansville Ind., Claremont Building, 127 Locust Street.
Fargo, N. Dak., 207 Walker Building, 621 First Avenue North.
Fort Wayne 2, Ind., 507 Strauss Building, 809 South Calhoun Street.
Grand Rapids, Mich., Davenport Institute, 4 Fulton Street East.
Harrisburg, Pa., Columbus Hotel Building, 229 Walnut Street.
Hartford 1, Conn., 224 Post Office Building, 135 High Street.
Honolulu, T. H., Dillingham Building.
Houston 14, Tex., 602 Federal Office Building.
Indianapolis 4, Ind., Suite 410, 224 North Meridian Street.
Jackson, Miss., Room 203, 426 Yazoo Street.
Jacksonville 1, Fla., 425 Federal Building, 311 West Monroe Street.
Kansas City 6, Mo., 2400 Fidelity Building, 911 Walnut Street.
Knoxville, Tenn., 501 Union Avenue.
Little Rock, Ark., 202 Guardian Life Building, 309 Center Street.
Los Angeles 12, Calif., 1546 U. S. Post Office and Courthouse, 312 North Spring Street.
Louisville 2, Ky., 631 Federal Building.
Manchester, N. H., 315 Beacon Building, 814 Elm Street.
Memphis 3, Tenn., 229 Federal Building.
Miami 32, Fla., 947 Seybold Building, 36 Northeast First Street.
Milwaukee 2, Wis., 700 Federal Building, 517 East Wisconsin Avenue.
Minneapolis 2, Minn., 207 Minnesota Federal Building, 607 Marquette Avenue.
Mobile 10, Ala., 308 Federal Building, 109-13 St. Joseph Street.
Montpelier, Vt., Willard Block Building, 79 Main Street.
Nashville 3, Tenn., 410 Nashville Trust Building, 315 Union Street.
Newark, N. J., 325 Industrial Building, 1060 Broad Street.
New Haven, Conn., Temple Building, 125 Temple Street.
New Orleans 12, La., 1508 Masonic Temple Bldg., 333 St. Charles Avenue.
New York 4, N. Y., 42 Broadway.
Norfolk, Va., 301 Duke York Building, 610 Duke Street.
Oklahoma City 2, Okla., 311 Council Building, 102 Northwest Third.
Omaha 2, Nebr., W. O. W. Building, Room 502, 1319 Farnum Street.
Paducah, Ky., 713 Kentucky Avenue.
Peoria, Ill., 404 LaFayette Building, 410 Fayette Street.
Philadelphia 6, Pa., Jefferson Building, 1015 Chestnut Street.
Phoenix, Ariz., 808 North First Street.
Pittsburgh 22, Pa., Room 1021 Clark Building, 717 Liberty Avenue.
Portland, Maine, 222 Chapman Building, 477 Congress Street.
Portland 4, Oreg., 217 Old U. S. Courthouse, 520 Southwest Morrison Street.
Providence 3, R. I., 327 Post Office Annex.
Raleigh, N. C., 3-F State Capitol Life Insurance Building, 2620 Hillsboro Street.
Reno, Nev., 1479 Wells Avenue.
Richmond 19, Va., Room 2, Mezzanine, 801 East Broad Street.
Roanoke, Va., 311 Liberty Trust Building, 101 Jefferson Street.
Rochester, N. Y., 819 Commerce Building, 119 East Main Street.
Rockford, Ill., 502 Cutler Building, 201 South Main Street.
St. Louis 1, Mo., 910 New Federal Building, 1114 Market Street.
Salt Lake City 1, Utah, 528 Dooly Building, 109 West Second South.
San Antonio, Tex., 518 Bedell Building, 118 Broadway.
San Diego, Calif., Second Floor, Chamber of Commerce Building, 435 West Broadway.
San Francisco 2, Calif., 315 Flood Building, 870 Market Street.
San Juan, P. R., 2 Puerto Rican Reconstruction Administration Ground, Building N.
Savannah, Ga., 218 U. S. Courthouse and Post Office Building, 125-29 Bull Street.
Scranton, Pa., 116 North Washington Street, Fourth Floor, Select Building.
Seattle 4, Wash., 809 Federal Office Building, 909 First Avenue.
Shreveport, La., Belmont Building, 404½ Marshall Street.
Sioux Falls, S. Dak., 226 Gas Company Building, 114 South Main Avenue.
Spokane, Wash., 401 Columbia Building, 107 Howard Street.
Springfield, Mass., 216 Hampden Building, 1634 Main Street.
Syracuse, N. Y., 918 Chimes Building, West Onondaga and South Salina Streets.
Tampa, Fla., 308 Wallace S Building Annex, 608 Tampa Street.
Toledo, Ohio, Chamber of Commerce Building, 218 Huron Street.
Trenton, N. J., 306 Old Post Office Building, East State and Montgomery Streets.
Tulsa 3, Okla., 304 Wright Building, 115 West Third Street.
Utica, N. Y., 115 South Genesee.
Wichita 2, Kans., 212 East Waterman Street.

Wilkes-Barre, Pa., Pool Building, 303 Market Street, Kingston.
Wilmington, Del., 411 Pennsylvania Building, Front and French Streets.
Worcester, Mass., 201 Dean Building, 107 Front Street.

(5 U. S. C. 22; R. S. 161; Reorg. Plan No. 5 of 1950)

[SEAL] CARLTON HAYWARD,
Director, Office of Field Service.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 51-5918; Filed, May 22, 1951; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 412), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Armored Garments, Inc., Spruce Pine, N. C., effective 5-11-51 to 11-3-51; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's and boys' denim dungarees).

Cowden Manufacturing Co., 800 West Main Street, Morehead, Ky., effective 5-10-51 to 11-9-51; 20 learners for expansion purposes (cotton work pants and shirts).

Fredericksburg Shirt Co., 404 Willis Street, Fredericksburg, Va., effective 5-16-51 to 5-15-52; 10 percent for normal labor turnover (work shirts).

Kaylon Inc., 5 North Haven Street, Baltimore, Md., effective 5-15-51 to 5-14-52; 10 percent for normal labor turnover (sleepwear).

Legion Dress Co., Main and Paxton Streets, Centralia, Pa., effective 5-15-51 to 5-14-52; 10 percent for normal labor turnover (ladies' cheap dresses).

Lemont Pants Co., Inc., 310 Illinois Street, Lemont, Ill., effective 5-16-51 to 5-15-52; 4 learners for normal labor turnover (boys' longies and boxers; men's pants, ladies' slacks).

Mode O'Day Corp., 146 Southwest Temple, Salt Lake City, Utah, effective 5-14-51 to 11-13-51; 10 learners for expansion purposes only (women's house dresses) (supplemental certificate).

Oberman & Co., Jefferson City, Mo., effective 5-15-51 to 5-14-52; 10 percent for normal labor turnover (men's and boys' single pants).

Par-Mat Undergarment Co., Inc., 122 East High Street, Manheim, Pa., effective 5-16-51 to 5-15-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (ladies' woven rayon and nylon slips and nightgowns).

Renovo Shirt Co., Inc., Renovo, Pa., effective 5-11-51 to 11-10-51; 59 learners for expansion purposes only (sport and dress shirts).

Sacony of Manning, Manning, S. C., effective 5-11-51 to 5-10-52; 10 learners for normal labor turnover. This certificate does not authorize the employment of learners engaged in the production of children's skirts (children's blouses and skirts).

Shirtman, Inc., Elloree, S. C., effective 5-9-51 to 5-8-52; 10 learners for normal labor turnover (men's sport shirts).

Universal Coat Co., 377 Main Street, Gloucester, Mass., effective 5-11-51 to 5-10-52; for normal labor turnover, 10 percent or 6 learners, whichever is greater (leather, wool, cotton and rayon fabric coats).

Wee Tog Manufacturing Co., 427 Arch Street, Philadelphia, Pa., effective 5-11-51 to 5-10-52; for normal labor turnover, 10 percent or five learners, whichever is greater (children's dresses).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Bear Brand Hosiery Co., Henderson, Ky. effective 5-11-51 to 5-10-52; 5 percent for normal labor turnover.

Select Hosiery Mills, Inc., Hatfield, Pa., effective 5-24-51 to 5-23-52; 5 percent for normal labor turnover.

Standard Hosiery Mills, Inc., Pittsboro Division, Pittsboro, N. C., effective 5-11-51 to 5-10-52; five learners for normal labor turnover.

Wilmington Hosiery Mills, Inc., Fifth and Monroe Streets, Wilmington, Del., effective 5-16-51 to 1-15-52; 20 additional learners for expansion purposes. Learners may be employed as slipper socks sewers for a 480-hour learning period at an hourly wage rate of 59 cents (supplemental certificate).

Wilmington Hosiery Mills, Inc., Fifth and Monroe Streets, Wilmington, Del., effective 5-16-51 to 5-15-52; for normal labor turnover, 5 percent of productive factory workers. Learners may be employed as slipper socks sewers for a 480-hour learning period at an hourly wage rate of 59 cents.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6988).

Churchill-Swanson Manufacturing Co., Centralia, Wash., effective 5-10-51 to 11-9-51; 10 learners for expansion purposes.

The Glove Corp., Alexandria, Ind., effective 5-15-51 to 8-13-51; five learners for normal labor turnover.

The Glove Corp., Elwood, Ind., effective 5-9-51 to 11-10-51; 10 learners for expansion purposes.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Iowa-Illinois Telephone Co., Donnellson, Iowa, effective 5-11-51 to 5-10-52.

Iowa-Illinois Telephone Co., Columbus Junction, Iowa, effective 5-11-51 to 5-10-52.

Mondovi Telephone Co., 205 South Eau Claire Street, Mondovi, Wis., effective 5-10-52 to 5-9-52.

Union Grove Telephone Co., Union Grove, Wis., effective 5-14-51 to 5-13-52.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Altamont Knitting Mills, Inc., Wilkes-Barre, Pa., effective 5-11-51 to 5-10-52; five learners for normal labor turnover.

The Walter A. Goldsmith Co., Conneaut, Ohio, effective 5-16-51 to 5-15-52; five learners for normal labor turnover.

Kingston Knitting Mills, Inc., Cornell and Ten Brock Avenue, Kingston, N. Y., effective 5-16-51 to 5-15-52; 5 percent for normal labor turnover.

Puerto Rico: The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiring dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Handwork Textiles, Inc., Albonito, P. R., effective 5-1-51 to 7-31-51; 25 learners in occupation of machine stitching; 240 hours at 25 cents per hour and 240 hours at 29 cents per hour (machine sewn fabric gloves).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260; 15 F. R. 6546).

Diane Footwear, Inc., 92 South Empire Street, Wilkes-Barre, Pa., effective 5-14-51 to 12-31-51; 10 learners for normal labor turnover.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Amundson Boat Works, White Bear Lake, Minn., effective 5-9-51 to 9-6-51; one learner for normal labor turnover; boat builder, 480 hours; 60 cents per hour for first 320 hours and not less than 65 cents per hour for remaining 160 hours (pleasure-boat builders).

Kingston Clothing Co., 383 Albany Street, Boston, Mass., effective 5-9-51 to 11-8-51; 4 percent for normal labor turnover; machine operators (except cutting) 480 hours; 60 cents per hour for first 240 hours and 65 cents per hour for remaining 240 hours (men's clothing).

National Light Weight Frame, Inc., 93 East Park Place, Fair Haven, Vt., effective 5-9-51 to 11-8-51; 10 learners for normal labor turnover; moulding machine operators, embossing machine operators, punch press operators, assemblers and miter cutters, each 320 hours; 60 cents per hour for first 160 hours and 65 cents per hour for remaining 160 hours (fiber advertising frames).

Royersford Needle Works, Inc., Washington Street, Royersford Pa., effective 5-13-51 to 11-12-51; 10 percent for normal labor turnover. Occupations requiring 480 hours learning period: Needle department—flattening, cranking, sorting and hanging eye, inspection, filling bars on non-run points; sinker department—drilling cleats, laying together, needles picking out, and needles. Occupations requiring 960 hours learning period: Needles—eye punching, laying on, cutting, swaging, bending; tinning, clamping and tempering department-cleaning carrier tubes, splitting sinkers, gauging sinkers, annealing ends, needles, 68½ cents per hour for first 240 hours, 71½ cents per hour for next 240 hours, and 74½ cents per hour for remainder of learning period (replacement parts for knitting machines).

Woodcroftery Shops, Inc., 303 Second Avenue, Wayland, N. Y., effective 5-10-51 to 11-9-51; two learners for normal labor turnover; hand decorators, 320 hours; 60 cents per hour for first 160 hours and 65 cents per hour for remaining 160 hours (wooden kitchenware, trays, etc.).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 15th day of May 1951.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 51-5907; Filed, May 22, 1951; 8:45 a. m.]

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (secs. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended, 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR, Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Institute for the Crippled and Disabled, 400 First Avenue, New York, N. Y.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 10 cents per hour, whichever is higher; certificate is effective April 11, 1951, and expires March 31, 1952.

Institute for the Crippled and Disabled, Therapy Division, 400 First Avenue, New York 10, N. Y.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 5 cents per hour, whichever is higher; certificate is effective April 11, 1951, and expires March 31, 1952.

The Brooklyn Association for Improving the Condition of the Poor, 401 State Street, Brooklyn 17, N. Y.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 60 cents per hour, whichever is higher, and a rate of not less than 40 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective April 16, 1951, and expires March 31, 1952.

Social Service Workroom, The Mount Sinai Hospital, 11 East 100th Street, New York 29, N. Y.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 35 cents per hour, whichever is higher, and a rate of not less than 30 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective May 1, 1951, and expires April 30, 1952.

Goodwill Industries of Brooklyn, Inc., 369 DeKalb Avenue, Brooklyn 5, N. Y., at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher, and a rate of not less than 40 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective May 4, 1951, and expires April 30, 1952.

Pennsylvania Working Home for Blind Men, 36th and Lancaster Avenue, Philadelphia, Pa.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher, and a rate of not less than 15 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective April 1, 1951 and expires March 31, 1952.

Washington Society for the Blind, 2324 F Street NW., Washington, D. C.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 55 cents per hour, whichever is higher; certificate is effective May 1, 1951 and expires April 30, 1952.

Chattanooga Goodwill Industries, Inc., 307 East Main Street, Chattanooga, Tenn.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher; certificate is effective April 5, 1951, and expires March 31, 1952.

Springfield Goodwill Industries, 812-814 East Washington Street, Springfield, Ill.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher; certificate is effective April 1, 1951, and expires March 31, 1952.

Evansville Association for the Blind, 500 Second Avenue, Evansville 10, Ind.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher, and a rate of not less than 40 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective May 1, 1951, and expires April 30, 1952.

Duluth Lighthouse for the blind, 312 West Superior Street, Duluth 2, Minn.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 38 cents per hour, whichever is higher, and a rate of not less than 30 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective May 7, 1951, and expires April 30, 1952.

The Minneapolis Society for the Blind, Inc., 1936 Lyndale Avenue South, Minneapolis 5, Minn.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher, and a rate of not less than 35 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective May 1, 1951, and expires April 30, 1952.

Jewish Vocational Service, 407 East Michigan Street, Milwaukee 2, Wis.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 15 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective May 1, 1951, and expires April 30, 1952.

Goodwill Industries of Dallas, 2511 Elm Street, Dallas, Tex.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 60 cents per hour, whichever is higher, and a rate of not less than 55 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective May 1, 1951, and expires April 30, 1952.

Fort Worth—Tarrant County Association for the Blind, 428 South Lake, Fort Worth, Tex.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher, and a rate of not less than 35 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective May 1, 1951, and expires April 30, 1952.

Volunteers of America, 2323 Kern Street, Fresno, Calif.; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 65 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective April 2, 1951, and expires October 1, 1951.

Goodwill Industries of Long Beach and the Harbor Area, 457 Golden Avenue, Long Beach, Calif.; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 65 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective May 1, 1951, and expires April 30, 1952.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 15th day of May 1951.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 51-5906; Filed, May 22, 1951; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9939]

CLASS B FM BROADCAST STATIONS

ORDER AMENDING REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 16th day of May 1951;

The Commission having under consideration a proposal to amend its Revised Tentative Allocation Plan for Class B FM Broadcast Stations; and

It appearing, that notice of proposed rule making (FCC 51-336) setting forth the above amendment was issued by the Commission on April 4, 1951, and was duly published in the FEDERAL REGISTER (16 F. R. 3263), which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before May 7, 1951; and

It further appearing, that no comments were received either favoring or opposing the adoption of the proposed reallocation;

It further appearing, that the immediate adoption of the proposed reallocations would facilitate consideration of two pending applications for FM stations;

It is ordered, That, effective June 25, 1951, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows:

General area	Channels	
	Delete	Add
1. Rexburg, Idaho		229
Idaho Falls, Idaho	229	
2. Dillon, S. C.		235
Jacksonville, N. C.	235	

Released: May 17, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5909; Filed, May 22, 1951; 8:46 a. m.]

[Docket Nos. 8736, 8975, 9175, 8976]

TELEVISION BROADCAST SERVICE

ORDER CONTINUING HEARING

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and Engineering Standards concerning the Television Broadcast Service, Docket No. 9175; utilization of frequencies in the Band 470 to 890 Mcs. for Television Broadcasting, Docket No. 8976.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of May 1951;

The Commission having under consideration a joint petition filed on May 14, 1951, by the Federal Communications Bar Association (FCBA) the Association of Federal Communications Consulting Engineers (AFCCE) and the National Association of Radio and Television Broadcasters (NARTB) requesting "that the date upon which oppositions to the comments or counterproposals filed in these proceedings may be submitted be extended from May 22, 1951, to June 11, 1951, and that the date for commencement of the hearing now scheduled for June 11, 1951, be extended for an appropriate period at the Commission's convenience"; and

It appearing that as alleged in said petition, the last day to file comments herein pursuant to the third notice of further proposed rule making (FCC 51-244) was May 7, 1951, and the last day to file oppositions to such comments is May 22, 1951; that the hearing thereon is scheduled to commence on June 11, 1951; that comments filed pursuant to said Third Notice number approximately six hundred (the actual figure being nearer seven hundred); that members of the FCBA and the AFCCE have been engaged since May 8, 1951, in reviewing and analyzing the effects upon their clients of the comments filed in these proceedings; that "the magnitude of the task of reviewing and analyzing each comment and of preparing and filing engineering statements and legal oppositions is so great as to preclude the possibility of completion on or before the present deadline date of May 22, 1951"; that a substantial number of the comments heretofore filed propose modifications to the Commission's assignment plan which affect several parties and, as a consequence in many instances multiple oppositions must be filed in answer to one initial comment; that a number of members of the FCBA and the AFCCE will be unable to complete the task of reviewing and analyzing each comment and to prepare and file oppositions thereto prior to June 11, 1951; and that in view of the importance of this matter and the obligation of the lawyers and engineers to their clients and the Commission, and in view of the necessity of giving this matter the serious and conscientious attention it deserves, it is urged that the requested extensions be granted; and

It further appearing that, in the light of the allegations set forth in the instant petition, good and sufficient cause has been shown for the extensions requested herein;

It is ordered, That the joint petition herein is granted; that the date for the filing of oppositions herein as provided for in paragraph "12 (b)" of the Commission's third notice of further proposed rule making is extended to June 11, 1951; and that the date of the hearing provided for in paragraph "13 (a)" of said third notice is extended to July 9, 1951, commencing at 10:00 a. m. in the U. S. Department of Commerce Auditorium, 14th Street between Constitution Avenue and E Street, NW., Washington, D. C.

Released: May 15, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5929; Filed, May 22, 1951; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1570; G-1578, G-1657, G-1672, G-1681]

TEXAS GAS TRANSMISSION CORP. ET AL.

ORDER CONSOLIDATING PROCEEDINGS, POSTPONING DATE OF HEARING AND DESIGNATING NEW DATE OF HEARING

In the matters of Texas Gas Transmission Corporation, Docket Nos. G-1570, G-1578 and G-1657; Louisville Gas and Electric Company, Docket No. G-1672; United Gas Pipe Line Company, Docket No. G-1681.

On May 7, 1951, United Gas Pipe Line Company (United), a Delaware corporation with its principal place of business at Shreveport, Louisiana, filed in Docket No. G-1681 an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the transportation and sale of natural gas, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection. Due notice of the filing of such application has been given, including publication in the FEDERAL REGISTER on May 17, 1951 (16 F. R. 4632).

On May 1, 1951, the Commission issued an order consolidating the applications for certificates of public convenience and necessity filed by Texas Gas Transmission Corporation in Docket Nos. G-1570, G-1578, and G-1657, and Louisville Gas and Electric Company in Docket No. G-1672 for purposes of hearing, and such hearing was set to commence on May 21, 1951.

United by its application in Docket No. G-1681 proposes to supply a substantial portion of the natural gas required by Texas Gas to provide the service the latter proposes in Docket No. G-1578.

The Commission finds:

(1) The application in Docket No. G-1681 should be consolidated for hearing with the applications now set for hearing in Docket Nos. G-1570, G-1578, G-1657, and G-1672.

(2) A good cause exists and it would be in the public interest to postpone the hearing heretofore set to commence on May 21, 1951, in Docket Nos. G-1570, G-1578, G-1657, and G-1672.

(3) Good cause exists for setting the hearing on the application in Docket No. G-1681 without 15 days notice being given as provided by § 1.19 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) The proceedings in Docket No. G-1681 and Docket Nos. G-1570, G-1578, G-1657, and G-1672 be and the same hereby are consolidated for purposes of hearing.

(B) The hearing heretofore designated to commence on May 21, 1951, in Docket Nos. G-1570, G-1578, G-1657, and G-1672 be and the same is hereby postponed.

(C) A public hearing be held in all of the herein consolidated proceedings beginning on May 28, 1951, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington 25, D. C., concerning the matters involved and the issues presented by said applications.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) [18 CFR 1.8 and 1.37 (f)] of the Commission's rules of practice and procedure.

Date of issuance: May 17, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5914; Filed, May 22, 1951; 8:46 a. m.]

[Docket No. G-1661]

TENNESSEE GAS TRANSMISSION CO.

ORDER FIXING DATE OF HEARING

MAY 16, 1951.

On April 10, 1951, Tennessee Gas Transmission Company (Applicant), a Delaware corporation having its principal office in the Commerce Building, Houston, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing additional natural gas service under certain contracts as fully described in the application which is on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on April 25, 1951 (16 F. R. 3543).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on June 14, 1951 at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules and practice and procedure.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: May 17, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5915; Filed, May 22, 1951; 8:46 a. m.]

[Docket No. G-1685]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION

MAY 16, 1951.

Take notice that Transcontinental Gas Pipe Line Corporation, a Delaware corporation, with its principal office at Houston, Texas, filed on May 9, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of an auxiliary pipline crossing the Delaware River at a point adjacent to Applicant's existing crossing in the Delaware River near Marcus Hook, Pennsylvania, together with appurtenant facilities, all as more fully described in the application which is on file with the Commission and open to public inspection.

Protests or petitions to intervene should be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 6th day of June 1951.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5910; Filed, May 22, 1951; 8:46 a. m.]

[Project Nos. 620, 1645, 2040]

ALASKA PACKERS ASSN. ET AL.

NOTICE OF ORDERS AUTHORIZING ISSUANCE OF MINOR LICENSES

MAY 18, 1951.

In the matters of Alaska Packers Association, Project No. 620; Bill Jamis, Project No. 1645; Ralph E. McClanahan, Project No. 2040.

Notice is hereby given that, on May 16, 1951, the Federal Power Commission issued its order entered May 15, 1951, in Project No. 620; and on May 17, 1951, its order entered May 15, 1951, Projects Nos. 1645 and 2040 authorizing issuance of Minor Licenses in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-5924; Filed, May 22, 1951; 8:47 a. m.]

[Project No. 1862]

CITY OF TACOMA, WASH.

NOTICE OF ORDER DETERMINING ORIGINAL COST AND PRESCRIBING ACCOUNTING

MAY 17, 1951.

Notice is hereby given that, on May 17, 1951, the Federal Power Commission issued its order entered May 15, 1951, determining actual legitimate original cost and prescribing accounting in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-5913; Filed, May 22, 1951; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26101]

FURNITURE IN WESTERN TRUNK LINE TERRITORY

APPLICATION FOR RELIEF

MAY 18, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariffs I. C. C. Nos. A-3600 and A-3748.

Commodities involved: Furniture and parts, carloads.

From: Points in Illinois, Iowa, Kansas, Minnesota, Michigan, Nebraska, and Wisconsin.

To: Denver, Colorado Springs, Pueblo, and Trinidad, Colo., and points taking same rates.

Grounds for relief: Competition with rail carriers, market competition and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3600, Supp. 117. L. E. Kipp's tariff I. C. C. No. A-3748, Supp. 46.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5919; Filed, May 22, 1951; 8:46 a. m.]

[4th Sec. Application 26102]

VARIOUS COMMODITIES FROM EASTHAMPTON, MASS., AND HARTFORD, CONN., TO KANSAS CITY, MO.-KANS.

APPLICATION FOR RELIEF

MAY 18, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: I. N. Doe and C. W. Boin, Agents, for carriers parties to Agent Doe's tariff I. C. C. No. 604.

Commodities involved: Advertising matter, paper bags, office supplies and equipment, rubber goods, and various other commodities, carloads.

From: Easthampton, Mass., and Hartford, Conn.

To: Kansas City, Mo.-Kans.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: I. N. Doe's tariff I. C. C. No. 604, Supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5920; Filed, May 22, 1951; 8:47 a. m.]

[4th Sec. Application 26103]

PETROLEUM PRODUCTS FROM MOBILE TO OPELIKA, ALA.

APPLICATION FOR RELIEF

MAY 18, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Louisville and Nashville Railroad Company and other carriers named in the application.

Commodities involved: Gasoline and other petroleum products, in tank-car loads.

From: Mobile, Ala.

To: Opelika, Ala.

Grounds for relief: Competition with rail carriers and to meet intrastate rates.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1065, Supp. 223.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5921; Filed, May 22, 1951; 8:47 a. m.]

[4th Sec. Application 26104]

CAUSTIC SODA FROM BALDWIN, ARK., TO DALLAS, TEX.

APPLICATION FOR RELIEF

MAY 18, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for Missouri Pacific Railroad Company and other carriers named in the application.

Commodities involved: Caustic soda, in tankcar loads.

From: Baldwin, Ark.

To: Dallas, Tex.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3912, Supp. 51.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-5922; Filed, May 22, 1951; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2614]

ALLENTOWN-BETHLEHEM GAS CO.

ORDER GRANTING EXCEPTION FROM COMPETITIVE BIDDING REQUIREMENTS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of May A. D. 1951.

Allentown-Bethlehem Gas Company ("Allentown"), a gas utility subsidiary company of The United Gas Improvement Company, a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated under the act regarding the following transactions:

Allentown proposes to issue and sell for $1,500,000 in cash, $1,500,000 principal amount of its First Mortgage Bonds, -- percent series due 1976. Such bonds are to be issued under and secured by the First Mortgage dated April 1, 1924, of Allentown to Fidelity Trust Company, Trustee under which Fidelity-Philadelphia Trust Company is successor trustee) and the various indentures supplemental thereto, including specifically a supplemental indenture to be dated as of June 1, 1951, to be entered into between Allentown and said trustee. The application states that the proceeds from the sale of such bonds will be used by Allentown to repay short term bank loans, presently totalling $470,000; to repay the balance of certain advances made by The United Gas Improvement Company, presently totalling $595,000; and to apply toward Allentown's 1951 construction program estimated to cost in the aggregate $1,238,770.

In connection with Allentown's application, the company has requested that the Commission except the proposed sale from the competitive bidding requirements of Rule U-50. If such exception is granted, Allentown proposes to negotiate terms with institutional or other purchasers at private sale. Applicant states that the interest rate, price, and other definitive terms of the bonds will be filed with the Commission by amendment.

After appropriate notice, a public hearing was held. The Commission having considered the record and deeming it appropriate to grant the exception from competitive bidding but to reserve jurisdiction with respect to the terms of the proposed bonds and all other aspects of the proposed transactions:

It is ordered, That the application of Allentown-Bethlehem Gas Company requesting exception from the competitive bidding requirements of Rule U-50 with respect to the proposed issue and sale of $1,500,000 of First Mortgage Bonds be, and the same hereby is, granted.

It is further ordered, That jurisdiction be and is hereby reserved to pass upon all other phases of the application with respect to said bond issue pursuant to section 6 (b) of the act, including the interest rate, price to be paid, and terms of the supplemental indenture, and other terms and conditions with respect to the proposed bonds.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5911; Filed, May 22, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17792]

DR. CARL GOEBEL

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Dr Carl Goebel, deceased. F-28-31435.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Dr. Carl Goebel, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred forty (140) shares of $50 par value capital stock of Anaconda Copper Mining Company, 25 Broadway, New York 4, New York, a corporation organized under the laws of the State of Montana, evidenced by certificates numbered 609511 for one hundred (100) shares, 984205 for twenty (20) shares, 984208 for five (5) shares and 88412 for fifteen (15) shares, registered in the name of Egger & Co., presently in the custody of the Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, in a deposit account for "Union Bank of Switzerland" (Schweizerische Bankgesellschaft), Zurich, Switzerland, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation of the Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, arising out of the receipt on and after June 14, 1941 of cash dividends derived from the shares of stock described in subparagraph 2-a hereof, constituting a portion of the sum of money on deposit with the Chase National Bank of the City of New York, for account of "Union Bank of Switzerland" (Schweizerische Bankgesellschaft), Zurich, Switzerland, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Dr. Carl Goebel, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Dr. Carl Goebel, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-5930; Filed, May 23, 1951; 8:49 a. m.]

[Vesting Order 17794]

KATHERINE KINCER

In re: Stock owned by Katherine Kincer. F-28-31436.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katherine Kincer, whose last known address is Frankenthal, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of $25.00 par value stock of Canadian Pacific Railway Company, evidenced by certificate numbered X588931, registered in the name of Katherine Kincer and presently in the custody of Cameron & Perkins, 324 Elm Avenue, Long Beach 12, California, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5931; Filed, May 22, 1951; 8:49 a. m.]

[Vesting Order 17811]

AKTIEBOLAGET OSCAR AHREN

In re: Accounts maintained in the name of Aktiebolaget Oscar Ahren, Stockholm, Sweden, and owned by persons whose names are unknown. F-62-506.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Aktiebolaget Oscar Ahren, Stockholm, Sweden]

Column I	Column II
Name and address of institution which maintains account	Designation of Account
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	"Aktiebolaget Oscar Ahren" (a/c #Fs-5002), consisting of a cash balance and a miscellaneous portfolio of bonds, as described by the Chase National Bank of the City of New York, in its report on Form OAP-700, bearing its Serial No. 10.

[F. R. Doc. 51-5932; Filed, May 22, 1951; 8:49 a. m.]

[Vesting Order 17812]

N. V. EFFECTEN EN BANKIERSKANTOOR LEO FRENKEL

Re: Accounts maintained in the name of N. V. Effecten En Bankierskantoor Leo Frenkel, Rotterdam, Holland, and owned by persons whose names are unknown. F-49-1347.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of N. V. Effecten En Bankierskantoor Leo Frenkel, Rotterdam, Holland]

Column I	Column II
Name and address of institution which maintains account	Designation of account
H. Hentz & Co., 60 Beaver St., New York 4, N. Y.	(a) Credit balance, and (b) miscellaneous portfolio of stocks; as described by H. Hentz & Co., in its report on Form OAP-700, bearing its Serial No. 5.

[F. R. Doc. 51-5933; Filed, May 22, 1951; 8:50 a. m.]

[Vesting Order 17822]

AKIO KITANI

In re: Cash owned by personal representatives, heirs, next of kin, legatees and distributees, of Akio Kitani, deceased. F-39-6706-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees, of Akio Kitani, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows: Cash, in the amount of $332.45, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158881, "Unclaimed Monies of Individuals Whose Whereabouts are Unknown", in the name of Akio Kitani, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owning to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees, of Akio Kitani, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees, of Akio Kitani, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5934; Filed, May 22, 1951; 8:50 a. m.]

[Return Order No. 967]

HEDVIG E. S. MADDAUS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Hedvig E. S. Maddaus, Valatia, New York, Claim No. 31416, April 3, 1951 (16 F. R. 2904), $137.17 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5935; Filed, May 22, 1951; 8:50 a. m.]

PETER S. CERRUTI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., Property, and Location

Peter S. Cerruti, Chiavari, Italy, Claim No. 35577; Adelaide Cerruti Panizza, Milano, Italy, Claim No. 41986; Leonida Cerruti, Chiavari, Italy, Claim No. 41987; Michelina Bianchini Cerruti, Genova, Italy, Claim No. 41988; $18,371.84 in the Treasury of the United States, to Peter S. Cerruti. All right, title and interest in and to that certain trust estate being administered by the Title Insurance and Guaranty Company, a California corporation, and August Cerruti of San Francisco, California, as Co-Trustees, pursuant to a trust agreement dated October 16, 1940, between Peter S. Cerruti and Michelina Cerruti, husband and wife and the Title Insurance and Guaranty Company, together with all rights, powers and authority of revocation or of modification of said agreement reserved by the said Peter S. Cerruti and Michelina Cerruti, to the extent such rights and interests were owned by the claimants immediately prior to vesting by Vesting Order No. 2243 (8 F. R. 16222, December 1, 1943).

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5936; Filed, May 22, 1951; 8:50 a. m.]

VITALIANO PASSARDI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Vitaliano Passardi, Marta, Italy, Claim No. 31011, an undivided one-half interest in the property described in Vesting Order No. 2246 (8 F. R. 14020, October 14, 1943), relating to United States Letters Patent No. 2,255,819.

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5937; Filed, May 22, 1951; 8:50 a. m.]

SOCIETE DE LA VISCOSE FRANCAISE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos. and Property

Societe de la Viscose Francaise, Paris, France, Claims Nos. 40439 & 40440, Property described in Vesting Order No. 720 (8 F. R. 2163) relating to United States Patent Application Serial Nos. 290,310 (now Patent No. 2,318,796); 290,309 (now Patent No. 2,320,381); 311,909 (now Patent No. 2,332,955) and 311,910 (now Patent No. 2,346,201).

Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to

United States Letters Patent Nos. 2,116,611 and 2,107,637.

All interests and rights created in the Attorney General by virtue of a license agreement (License No. 2366–F), dated December 2, 1947, by and between the Attorney General of the United States, as licensor, and E. I. duPont de Nemours & Co., as licensee, relating to United States Letters Patent No. 2,116,611, including royalties in the amount of $4,266.69.

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5940; Filed, May 22, 1951; 8:51 a. m.]

KATHLEEN KERSTING

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Kathleen Kersting, Milan, Italy, Claim No. 5520, $2,199.42 in the Treasury of the United States.

Real property located at 1851 South Broadway (Lawrence) Avenue, Wichita, Kansas, more particularly described as lots 140 and 142 on South Lawrence Avenue in English's Seventh Addition, according to the recorded plat thereof, City of Wichita, County of Sedgwick, State of Kansas.

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5938; Filed, May 22, 1951; 8:51 a. m.]

SOCIETE DE CONSTRUCTION D'APPAREILS MECANIQUES ET ELECTRIQUES POUR AUTOMOBILES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe de Construction d'Appareils Mecaniques et Electriques pour Automobiles, S. C. A. M. E. A., Neuilly-sur-Seine, France, Claim No. 36869, Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,254,082.

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5939; Filed, May 22, 1951; 8:51 a. m.]

ANTONIO MAZZUCA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Antonio Mazzuca, Chicago, Illinois, Claim No. 41225, $1,098.20 in the Treasury of the United States.

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5941; Filed, May 22, 1951; 8:51 a. m.]

SOCIETE DE CONSTRUCTIONS MECANIQUES DE STAINS, S. A.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Societe de Constructions Mecaniques de Stains, S. A., Paris, France, Claim No. 40451, property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,255,205.

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5945; Filed, May 22, 1951; 8:52 a. m.]

ANTOINETTA LO RE AND MARIA BONASERA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Antoinetta Lo Re, Villalba (Caltanissetta), Sicily, Italy, Claim No. 39441; Maria Bonasera, Vallelunga (Caltanissetta), Sicily, Italy, Claim No. 39442; $2,605.61 in the Treasury of the United States, one-half to each claimant.

All right, title, interest and claim of any kind or character whatsoever of Antoinetta Lo Re and Maria Bonasera in and to the Estate of Joseph Trifiro, deceased; estate probated in Surrogate's Court of Erie County, New York, Anthony Trifiro, Administrator.

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5942; Filed, May 22, 1951; 8:51 a. m.]

DR. RICHARD JENNY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dr. Richard Jenny, Vorarlberg, Austria, Claim No. 39947, $350.41 in the Treasury of the United States.

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property

[F. R. Doc. 51-5949; Filed, May 22, 1951; 8:52 a. m.]

MARIANNINA MAZZEI VITALE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mariannina Mazzei Vitale, Pasquale Vitale, Nicolino Vitale and Margherita Vitale, all of Montella, Avellino, Italy, Claim No. 38022, $618.79 in the Treasury of the United States in equal shares to Pasquale Vitale, Nicolino Vitale and Margherita Vitale; $309.39 in the Treasury of the United States to Mariannina Mazzei Vitale, Pasquale Vitale, Nicolino Vitale and Margherita Vitale with Mariannina having a life interest therein and Pasquale, Nicolino and Margherita being entitled in equal shares to the remainder.

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5943; Filed, May 22, 1951; 8:51 a. m.]

ELSIE J. HECK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to Section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Elsie J. Heck, Brooklyn, New York, Claim No. 10602, $901.39 in the Treasury of the United States.

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5944; Filed, May 22, 1951; 8:51 a. m.]

COMPTOIR DES TEXTILES ARTIFICIELS, S. A. R. L.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Comptoir des Textiles Artificiels, S. a. r. l., Paris, France, Claim No. 40450, property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,043,564.

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5946; Filed, May 22, 1951; 8:52 a. m.]

SOCIETE POUR L'UNION DES TRANSPORTS FERROVIARIES ET ROUTIERS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Pour L'Union Des Transports Ferroviaries Et Routiers, Paris, France, Claim No. 33765, property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 2,085,329 and 2,144,081.

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5947; Filed, May 22, 1951; 8:52 a. m.]

ETTORE SALANI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Ettore Salani, Rome, Italy, Claim No. 31014, an undivided one-half interest in the property described in Vesting Order No. 2246 (8 F. R. 14020, October 14, 1943), relating to United States Letters Patent No. 2,255,819.

Property described in Vesting Order No. 94 (7 F. R. 6693, August 25, 1942), relating to United States Patent Application Serial No. 433,386 (now United States Letters Patent No. 2,341,658).

Executed at Washington, D. C., on May 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5948; Filed, May 22, 1951; 8:52 a. m.]

MAY 28 '51

FEDERAL REGISTER

VOLUME 16 NUMBER 101

Washington, Thursday, May 24, 1951

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter F—Banks for Cooperatives

[FCA Order 522]

PART 70—LOAN INTEREST RATES AND SECURITY

INTEREST RATE ON COMMODITY LOANS

1. The rate of interest which may be charged by the Columbia Bank for Cooperatives as specified in §§ 70.5 and 70.6 of Chapter I, Title 6, of the Code of Federal Regulations is hereby changed to 2½ per centum per annum effective on and after June 1, 1951.

2. Section 70.9 of Chapter I, Title 6, of the Code of Federal Regulations is hereby amended to read as follows:

§ 70.9 *Interest rates on loans made by the Central Bank for Cooperatives.* The rate of interest for a continental loan or a loan made in Puerto Rico by the Central Bank for Cooperatives shall be the same as the prevailing rate charged for a similar type loan by each district bank for cooperatives of the farm credit district in which the cooperative borrowing from the Central Bank for Cooperatives has its principal place of business, except that the rate of interest on all loans upon the security of commodities or Commodity Credit Corporation loan documents made by the Central Bank for Cooperatives in the Third Farm Credit District shall be 2¼ per centum per annum.

(Sec. 8, 46 Stat. 14, as amended; 12 U. S. C. 1141f)

Dated: May 18, 1951.

[SEAL] I. W. DUGGAN, *Governor.*

[F. R. Doc. 51-6005: Filed, May 23, 1951; 8:53 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 222—DEFINITION AND CREDITABILITY OF COMPENSATION

MISCELLANEOUS AMENDMENTS

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (sec. 10, 50 Stat. 314; 45 U. S. C. 228j), §§ 222.2 (a) and 222.3 (i) of the regulations of the Railroad Retirement Board under such act (12 F. R. 466; 13 F. R. 264) are amended by Board Order 51-130, dated May 2, 1951, to read as follows:

§ 222.2 *Definition of compensation*—(a) *Compensation paid for services performed.* Compensation shall mean the amount an individual is paid for service performed as an employee and shall include amounts paid in the form of a commodity, services, or privilege, only if the employer and employee, before the performance of the service for which it is payment have agreed (1) upon the value of such commodity, service, or privilege, and (2) that such part of the amount agreed upon to be paid may be paid in the form of such commodity, service, or privilege. Compensation shall also include allowances in lieu of vacation.

§ 222.3 *Creditability of compensation.*

* * *

(i) *Allowances in lieu of vacation.* Compensation shall include allowances in lieu of vacation. If an employee dies, or ceases service for the purpose of receiving an annuity, and a vacation allowance is thereafter paid, the Board may, in the interest of the employee, credit the allowance to the last day of service or allocate the compensation to a period during his life following the last day of

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FEDERAL REGISTER

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1949 Edition

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(For use during 1951)

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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service equivalent to the entire vacation period.

(Sec. 10, 50 Stat. 314; 45 U. S. C. 228j)

Dated: May 18, 1951.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 51-5965; Filed, May 23, 1951; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

The following riders for the 1951 and succeeding crop years are hereby published pursuant to § 420.24 of the above-identified regulations (14 F. R. 5303, 6787; 15 F. R. 2485, 4161, 9033). The provisions of these riders supersede conflicting provisions of and add to riders published for 1950 and succeeding crop years (14 F. R. 7827; 15 F. R. 2622, 3077) and are in addition to the riders previously published for 1951 and succeeding crop years (15 F. R. 9271).

A Rider No. 1 to the Multiple Crop Insurance Policy for each of the following counties:

Alabama—§ 420.51. Butler—§ 420.51–1.
Alabama—§ 420.51. Henry—§ 420.51–2.
Arkansas—§ 420.53. Arkansas—§ 420.53–1.
Arkansas—§ 420.53. White—§ 420.53–2.
Florida—§ 420.58. Jefferson—§ 420.58–1.
Georgia—§ 420.59. Colquitt—§ 420.59–1.
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Georgia—§ 420.59. Emanuel—§ 420.59–3.
Georgia—§ 420.59. Jefferson—§ 420.59–4.
Georgia—§ 420.59. Mitchell—§ 420.59–5.
Georgia—§ 420.59. Sumter—§ 420.59–6.
Illinois—§ 420.61. Johnson—§ 420.61–3.
Iowa—§ 420.63. Emmet—§ 420.63–1.
Iowa—§ 420.63. Humboldt—§ 420.63–2.
Iowa—§ 420.63. Delaware—§ 420.63–3.
Iowa—§ 420.63. Howard—§ 420.63–4.
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Iowa—§ 420.63. Winnebago—§ 420.63–10.
Louisiana—§ 420.66. Lafayette—§ 420.66–1.
Louisiana—§ 420.66. St. Landry—§ 420.66–2.
Louisiana—§ 420.66. Acadia—§ 420.66–3.
Minnesota—§ 420.71. Dakota—§ 420.71–1.
Minnesota—§ 420.71. Dodge—§ 420.71–2.
Minnesota—§ 420.71. Goodhue—§ 420.71–3.
Minnesota—§ 420.71. Kandiyohi—§ 420.71–4.
Minnesota—§ 420.71. McLeod—§ 420.71–5.
Minnesota—§ 420.71. Stearns—§ 420.71–6.
Minnesota—§ 420.71. Stevens—§ 420.71–7.
Minnesota—§ 420.71. Swift—§ 420.71–8.
Minnesota—§ 420.71. Nicollet—§ 420.71–10.
Mississippi—§ 420.72. Panola—§ 420.72–1.
Mississippi—§ 420.72. Alcorn—§ 420.72–2.
Missouri—§ 420.73. Audrian—§ 420.73–1.
North Carolina—§ 420.81. Perquimans—§ 420.81–1.
North Dakota—§ 420.82. Barnes—§ 420.82–1.
North Dakota—§ 420.82. Ransom—§ 420.82–2.
North Dakota—§ 420.82. Sargent—§ 420.82–3.
North Dakota—§ 420.82. Dickey—§ 420.82–4.
North Dakota—§ 420.82. Pierce—§ 420.82–5.
South Carolina—§ 420.88. Aiken—§ 420.88–1.
South Dakota—§ 420.89. Bon Homme—§ 420.89–1.
South Dakota—§ 420.89. Hutchinson—§ 420.89–2.
South Dakota—§ 420.89. Lake—§ 420.89–3.
South Dakota—§ 420.89. Deuel—§ 420.89–4.
South Dakota—§ 420.89. Hamlin—§ 420.89–5.
South Dakota—§ 420.89. Miner—§ 420.89–6.
Tennessee—§ 420.90. Henry—§ 420.90–1.
Tennessee—§ 420.90. Lincoln—§ 420.90–2.
Wisconsin—§ 420.97. Fond du Lac—§ 420.97–1.

[SEAL] F. B. NORTHRUP,
Acting Manager,
Federal Crop Insurance Corporation.

§ 420.51 *Alabama.*

§ 420.51—1 *Butler County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Butler County, Ala., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom cron, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Peanuts planted for harvest as nuts.

(d) Strawberries (excluding acreages of less than two-tenths acre on an insurance unit).

(e) Sweetpotatoes (excluding acreage of less than one acre on an insurance unit).

(f) Tobacco, type 14.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton which is not harvested shall be reduced as follows: (1) 60 percent for any acreage released by the Corporation and planted to a substitute crop, and (2) 25 percent for any unharvested acreage released by the Corporation and not planted to a substitute crop.

3. *Insured acreage.* In addition to the acreage specified in section 4 of the policy

with respect to which no insurance will attach, insurance will also not attach with respect to any acreage planted to cotton or tobacco in excess of the allotment or permitted acreage established under any program administered by the Secretary of Agriculture but destroyed by natural causes or by the insured and not considered as cotton or tobacco under the provisions of such program.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop except that in the case of strawberries insurance shall attach on March 15 of each year provided the strawberries were planted by June 1 of the prior year and there is a sufficient stand of plants on March 15 to expect a normal crop to be produced. However, in no event shall insurance attach to any acreage of strawberries which has been or could normally have been harvested three times. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), or weighing of the tobacco for casing, and (b) any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodde or ensilage), the peanut crop upon threshing, the cotton and strawberry crops upon picking, the sweet potato crop upon digging, or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to tobacco later than October 31, unless such time is extended in writing by the Corporation, (b) with respect to any other crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Corn: $1.45 per bushel.
Cotton: $0.27 per pound.
Peanuts: $168 per ton.
Strawberries: $4.75 per crate (24-quart crate)
Sweetpotatoes: $1.25 per bushel.
Tobacco: Fair market value as determined by the Corporation.

However, any production of corn or peanuts which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. For any subsequent crop year, notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the insured interest, and the result by the applicable coverage per acre, and (2) subtracting from the total (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss, and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop). However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels, crates, or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
4. Cotton	Acreage released by the Corporation which is not harvested and not planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, crate, or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, crates, or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, crate, or pound equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels, crates, or pounds harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, crates, or pounds by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for corn and sweetpotatoes, pounds for cotton, peanuts, and tobacco, and crates (24 quarts) for strawberries.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 15.

9. *Definitions.* (a) Notwithstanding the provisions of section 24 (d) of the policy, "crop year" with respect to strawberries means the period beginning March 15 and ending upon completion of harvest and shall be designated by reference to the calendar year in which the strawberries are normally harvested.

(b) For all purposes under the contract strawberries for harvest within the crop year shall be considered to have been planted as of March 15 of that crop year.

10. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.51–2 *Henry County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Henry County, Ala., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Peanuts planted for harvest as nuts, excluding acreage of less than one acre on an insurance unit.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton which is not harvested shall be reduced as follows: (1) 60 percent for any acreage released by the Corporation and planted to a substitute crop, and (2) 25 percent for any unharvested acreage released by the Corporation and not planted to a substitute crop.

3. *Insured acreage.* In addition to the acreage specified in section 4 of the policy with respect to which no insurance will attach, insurance will also not attach with respect to any acreage planted to cotton in excess of the allotment or permitted acreage established under any program administered by the Secretary of Agriculture but destroyed by natural causes or by the insured and not considered as cotton under the provisions of such program.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, the peanut crop upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop, or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Corn: $1.20 per bushel.
Cotton: $0.27 per pound.
Peanuts: $168 per ton.

However, any production of corn or peanuts which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels, or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested, and (2) dividing the result thus obtained by the predetermined price.
4. Cotton	Acreage released by the Corporation which is not harvested and not planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested, and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or pound equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels or pounds harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for corn, and pounds for cotton and peanuts.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) in-

volved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an acumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.53 *Arkansas.*

§ 420.53–1 *Arkansas County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Arkansas County, Ark., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Lespedeza (annual only) for hay or seed, including volunteer lespedeza.

(d) Oats (fall seeded only) planted for harvest as grain. (Insurance to attach the first crop year of the contract only if the application is filed on or before November 30 preceding the calendar year in which the crop is normally harvested.)

(e) Rice planted for harvest.

(f) Soybeans planted for harvest as beans, excluding soybeans interplanted in the same row with corn.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton which is not harvested shall be reduced as follows: (1) 60 percent for any acreage released by the Corporation and planted to a substitute crop and (2) 25 percent for any unharvested acreage releaser by the Corporation and not planted to a substitute crop.

3. *Insured acreage.* In addition to the acreage specified in section 4 of the policy with respect to which no insurance will attach, insurance will also not attach with respect to any acreage planted to cotton or rice in excess of the allotment or permitted acreage established under any program administered by the Secretary of Agriculture but destroyed by natural causes or by the insured and not considered as cotton or rice under the provisions of such program.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop, except volunteer lespedeza in which case insurance shall attach on April 1 provided there is a stand at that time sufficient that farmers in the area generally would leave it for harvest the following harvest season. Insurance shall cease with respect to any portion of the hay crop upon baling or stacking, the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) the end of the normal harvest period for such crop or (ii) December 10 unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Corn: $1.40 per bushel.
Cotton: $0.26 per pound.
Hay: $15.00 per ton.
Lespedeza seed:
Kobe: $0.12 per pound.
All other: $0.07 per pound.
Oats: $0.65 per bushel.
Rice: $4.25 per hundredweight.
Soybeans: $1.90 per bushel.

However, any production of oats, corn, rice, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. For any subsequent crop year, notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the insured interest, and the result by the applicable coverage per acre, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation for insurance shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. Where vetch is grown with an insured small grain crop all production of vetch shall be counted as production of such grain crop on a weight-equivalent basis.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production (on the basis of hay for lespedeza) for such acreage which is in excess of the number of bushels, tons, or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except lespedeza and cotton.	Acreage not planted to a substitute crop.	The appraised production of the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Lespedeza	Acreage not planted to a substitute crop.	The actual production of hay and seed for acreage harvested (except that the Corporation may count the appraised production for seed in place of the hay production for any cutting) and the appraised production (the appraisal for hay or the appraisal for seed, or both, whichever the Corporation elects) for (1) acreage pastured or (2) production not harvested.
4. Cotton	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage released by the Corporation which is not harvested and not planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.

[1] Production and allowances shall be in bushels for corn, oats, and soybeans; pounds for cotton, lespedeza seed and rice; and tons (rounded to tenths) for hay.

PRODUCTION SCHEDULE—Continued

Crop	Acreage classification	Total production [1]
6. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
7. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, ton, or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop.
8. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, tons, or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, ton, or pound equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels, tons, or pounds harvested.
9. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, tons, or pounds by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for corn, oats, and soybeans; pounds for cotton, lespedeza seed, and rice; and tons (rounded to tenths) for hay.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: October 31.

9. *Definitions.* For all purposes under the contract volunteer lespedeza for harvest within the crop year shall be considered to have been planted as of April 1.

In addition to the provisions of section 13 of the policy, any share of an insured crop paid or to be paid for irrigation water shall be considered for the purpose of determining insurance units only, as a part of the share of the insured.

10. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.53–2 *White County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in White County, Ark., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Lespedeza (annual only) for hay, including volunteer lespedeza.

(d) Oats (fall seeded only) planted for harvest as grain.

(e) Potatoes commonly known as Irish potatoes, excluding (1) acreages planted after April 30 and (2) acreages of less than one acre on an insurance unit.

(f) Soybeans planted for harvest as beans, excluding soybeans interplanted in the same row with corn.

(g) Strawberries, excluding acreages of less than two-tenths acres on an insurance unit. (Insurance to attach the first year of the contract only if the application is submitted to the county office on or before January 31, 1951.)

(h) Sweetpotatoes, excluding acreages of less than one acre on an insurance unit.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton which is not harvested shall be reduced as follows: (1) 60 percent for any acreage released by the Corporation and planted to a substitute crop and (2) 25 percent for any unharvested acreage released by the Corporation and not planted to a substitute crop.

3. *Insured acreage.* In addition to the acreage specified in section 4 of the policy with respect to which no insurance will attach, insurance will also not attach with respect to any acreage planted to cotton in excess of the allotment or permitted acreage established under any program administered by the Secretary of Agriculture but destroyed by natural causes or by the insured and not considered as cotton under the provisions of such program.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop, except (a) volunteer lespedeza on which insurance shall attach on May 1 provided there is a stand at that time sufficient that farmers in the area generally would leave it for harvest the following harvest season, and (b) strawberries on which insurance shall attach (1) in the first year of the contract on February 1 and (2) in each succeeding year of the contract on September 1, provided in either case the strawberries were planted by the preceding May 1 and there is a sufficient stand for the applicable date for insurance to attach) to expect a normal crop to be produced. However, in no event shall insurance attach to any acreage of strawberries which has been or under normal conditions could have been harvested three years. Insurance shall cease with respect to any portion of the hay crop upon baling or stacking, the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton and strawberry crops upon picking, the potato crops upon digging, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) the end of the normal harvest period for such crop or (ii) December 10 unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Corn: $1.35 per bushel.
Cotton: $0.26 per pound.
Hay, $15 per ton.
Oats: $0.65 per bushel.
Potatoes (Irish): $1.10 per hundredweight.
Soybeans: $1.90 per bushel.
Strawberries: $3 per crate (24-quart crate).
Sweetpotatoes: $1.25 per bushel.

However, any production of corn, oats, Irish potatoes, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirments if properly handled, shall be evaluated at a value per unit determined by the Corporation. For any subsequent crop year, notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

6. *Released crop.* Notwithstanding any other provisions of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the

total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation for insurance shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. Where vetch is grown with an insured small grain crop all production of vetch shall be counted as production of such grain crop on a weight-equivalent basis. Any production of soybeans interplanted in the same row with corn shall not be counted as production.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels, crates, pounds, or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton	Acreage not planted to a substitute crop.	The appraised production, or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
4. Cotton	Acreage released by the Corporation which is not harvested and not planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, crate, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, crates, pounds or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, crate, pound or ton equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels, crates, pounds or tons harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, crates, pounds or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for corn, oats, soybeans, and sweet potatoes; in crates (24-quart) for strawberries; in pounds for cotton and potatoes (Irish); and in tons (rounded to tenths) for hay.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: August 31.

9. *Definitions.* (a) For all purposes under the contract volunteer lespedeza and strawberries for harvest within the crop year shall be considered to have been planted as of the beginning of the insurance period for that crop year.

(b) Notwithstanding the provisions of section 24 (d) of the policy, "crop year" with respect to strawberries means the period beginning the first day of the insurance period and ending upon completion of harvest and shall be designated by reference to the calendar year in which the strawberries are normally harvested.

10. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.58 *Florida.*

§ 420.58–1 *Jefferson County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Jefferson County, Fla., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans or velvetbeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Oats planted for harvest as grain.

(d) Peanuts (Spanish and runner) planted for harvest as nuts (excluding acreages of less than one acre on an insurance unit).

(e) Sweetpotatoes (excluding acreage of less than one acre on an insurance unit).

(f) Tobacco, type 14.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton which is not harvested shall be reduced as follows: (1) 60 percent for any acreage released by the Corporation and planted to a substitute crop and (2) 25 percent for any unharvested acreage released by the Corporation and not planted to a substitute crop.

3. *Insured acreage.* In addition to the acreage specified in Section 4 of the policy with respect to which no insurance will attach, insurance will also not attach with respect to any acreage planted to cotton or tobacco in excess of the allotment or permitted acreage established under any program administered by the Secretary of Agriculture but destroyed by natural causes or by the insured and not considered as cotton or tobacco under the provisions of such program.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), or weighing of the tobacco for casing, (b) any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, the oat and peanut crops upon threshing, the sweet potato crop upon digging or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to tobacco later than October 31 following harvest, unless such time is extended in writing by the Corporation, (b) with respect to any other crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:
Corn: $1.20 per bushel.
Cotton: $0.27 per pound.
Oats: $0.70 per bushel.
Sweetpotatoes: $1.25 per bushel.
Peanuts: $188 per ton (Spanish), $168 per ton (Runner).
Tobacco: Fair market value as determined by the Corporation.

However, any production of corn, oats or peanuts which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the insured interest, and the result by the applicable coverage per acre, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation for insurance shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop). However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production, or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
4. Cotton	Acreage released by the Corporation which is not harvested and not planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the applied bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applied bushel or pound equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels or pounds harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for corn, oats and sweetpotatoes, and in pounds for cotton, peanuts and tobacco.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 15.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.59 *Georgia.*

§ 420.59–1 *Colquit County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Colquitt County Ga., Beginning With the 1951 Crop Year)

(1) *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Peanuts, Spanish and runner planted for harvest as nuts (excluding acreages of less than one acre on an insurance unit).

(d) Tobacco, type 14.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton which is not harvested shall be reduced as follows: (1) 60 percent for any acreage released by the Corporation and planted to a substitute crop and (2) 25 percent for any unharvested acreage released by the Corporation and not planted to a substitute crop.

3. *Insured acreage.* In addition to the acreage specified in section 4 of the policy with respect to which no insurance will attach, insurance will also not attach with respect to any acreage planted to cotton or tobacco in excess of the allotment or permitted acreage established under any program administered by the Secretary of Agriculture but destroyed by natural causes or by the insured and not considered as cotton or tobacco under the provisions of such program.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), or weighing of the tobacco for easing, (b) any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, the peanut crop upon threshing, or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to tobacco later than October 31 unless such time is extended in writing by the Corporation, (b) with respect to any other crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Corn: $1.45 per bushel.

Cotton: $0.27 per pound.

Peanuts: $188 per ton (Spanish), $168 per ton (Runner).

Tobacco: Fair market value as determined by the Corporation.

However, any production of corn or peanuts which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the insured interest, and the result by the applicable coverage per acre, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss, and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
4. Cotton	Acreage released by the Corporation which is not harvested and not planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or pound equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels or pounds harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for corn and pounds for cotton, peanuts, and tobacco.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Date table.*

Discount date: June 30.

Maturity date: July 31.

Interest date: October 31.

Cancellation date: February 15.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.59–2 *Jenkins County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Jenkins County, Ga., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Peanuts, Spanish and Runner, planted for harvest as nuts (excluding acreages of less than one acre of an insurance unit).

(d) Tobacco, type 14.

2. *Coverage per acre.* (a) The coverage per acre for each insured corp, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton which is not harvested shall be reduced as follows: (1) 60 percent for any acreage released by the Corporation and planted to a substitute crop and (2) 25 percent for any unharvested acreage released by the Corporation and not planted to a substitute crop.

3. *Insured acreage.* In addition to the acreage specified in section 4 of the policy with respect to which no insurance will attach, insurance will also not attach with respect to any acreage planted to cotton or tobacco in excess of the allotment or permitted acreage established under any program administered by the Secretary of Agriculture but destroyed by natural causes or by the insured and not considered as cotton or tobacco under the provisions of such program.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), or weighing of the tobacco for easing, (b) any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, the peanut crop upon threshing, or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to tobacco later than October 31 unless such time is extended in writing by the Corporation, (b) with respect to any other crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Corn: $1 per bushel.

Cotton: $0.27 per pound.

Peanuts: $188 per ton (Spanish), $168 per ton (Runner).

Tobacco: Fair market value as determined by the Corporation.

However, any production of corn or peanuts which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the insured interest, and the result by the applicable coverage per acre, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss, and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
4. Cotton	Acreage released by the Corporation which is not harvested and not planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or pound equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels or pounds harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for corn and pounds for cotton, peanuts, and tobacco.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton, shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the-

insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.59–3 *Emanuel County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Emanuel County, Ga., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Peanuts, Spanish and Runner planted for harvest as nuts (excluding acreages of less than one acre on an insurance unit).

(d) Tobacco, type 14.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton which is not harvested shall be reduced as follows: (1) 60 percent for any acreage released by the Corporation and planted to a substitute crop and (2) 26 percent for any unharvested acreage released by the Corporation and not planted to a substitute crop.

3. *Insured acreage.* In addition to the acreage specified in Section 4 of the policy with respect to which no insurance will attach, insurance will also not attach with respect to any acreage planted to cotton or tobacco in excess of the allotment or permitted acreage established under any program administered by the Secretary of Agriculture but destroyed by natural causes or by the insured and not considered as cotton or tobacco under the provisions of such program.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, removal of the tobacco from the insurance unit (except for curing, packing, or immediate delivery to the tobacco warehouse), or weighing of the tobacco for casing, (b) any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, the peanut crop upon threshing, or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to tobacco later than October 31 unless such time is extended in writing by the Corporation, (b) with respect to any other crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Corn: $1 per bushel.
Cotton: $0.27 per pound.
Peanuts: $188 per ton (Spanish), $168 per ton (Runner).
Tobacco: Fair market value as determined by the Corporation.

However, any production of corn or peanuts which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the insured interest, and the result by the applicable coverage per acre, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss, and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop). However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
4. Cotton	Acreage released by the Corporation which is not harvested and not planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or pound equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels or pounds harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for corn and pounds for cotton, peanuts, and tobacco.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.59–4 *Jefferson County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Jefferson County, Ga., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans or velvetbeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Oats (fall seeded only) planted for harvest as grain. (Insurance to attach the first crop year of the contract only if the application is filed on or before November 30 preceding the calendar year in which the crop is normally harvested.)

(d) Peanuts, Spanish and Runner planted for harvest as nuts (excluding acreages of less than one acre on an insurance unit).

(e) Winter wheat seeded for harvest as grain. (Insurance to attach the first crop year of the contract only if the application is filed on or before November 30 preceding the calendar year in which the crop is normally harvested.)

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton which is not harvested shall be reduced as follows: (1) 60 percent for any acreage released by the Corporation and planted to a substitute crop and (2) 25 percent for any unharvested acreage released by the Corporation and not planted to a substitute crop.

3. *Insured acreage.* In addition to the acreage specified in section 4 of the policy with respect to which no insurance will attach, insurance will also not attach with respect to any acreage planted to cotton in excess of the allotment or permitted acreage established under any program administered by the Secretary of Agriculture but destroyed by natural causes or by the insured and not considered as cotton under the provisions of such program.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10 unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Corn: $1.20 per bushel.
Cotton: $0.27 per pound.
Oats: $.070 per bushel.
Peanuts:
Spanish: $188 per ton.
Runner: $168 per ton.
Wheat: $1.95 per bushel.

However, any production of corn, oats, peanuts or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. For any subsequent crop year, notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the insured interest, and the result by the applicable coverage per acre, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation for insurance shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop). However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. Where vetch is grown with an insured small grain crop all production of vetch shall be counted as production of such grain crop on a weight-equivalent basis.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production, for such acreage, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.

[1] Production and allowances shall be in bushels for corn, oats and wheat, and pounds for cotton and peanuts.

PRODUCTION SCHEDULE—Continued

Crop	Acreage classification	Total production [1]
4. Cotton	Acreage released by the Corporation which is not harvested and not planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or pound equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels or pounds harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for corn, oats and wheat; and pounds for cotton and peanuts.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) of such unit(s) forfeited by the insured.

8. *Date table.*

Discount dates: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: October 31.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.59–5 *Mitchell County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Mitchell County, Ga., Beginning With the 1951 Crop Year)

Insurable crops. For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Peanuts, Spanish and runner planted for harvest as nuts (excluding acreages of less than one acre on an insurance unit)

(d) Tobacco, type 14.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton which is not harvested shall be reduced as follows: (1) 60 percent for any acreage released by the Corporation and planted to a substitute crop and (2) 25 percent for any unharvested acreage released by the Corporation and not planted to a substitute crop.

3. *Insured acreage.* In addition to the acreage specified in section 4 of the policy with respect to which no insurance will attach, insurance will also not attach with respect to any acreage planted to cotton or tobacco in excess of the allotment or permitted acreage established under any program administered by the Secretary of Agriculture but destroyed by natural causes or by the insured and not considered as cotton or tobacco under the provisions of such program.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), (b) any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine, or cutting the corn for fodder or ensilage), the cotton crop upon picking, the peanut crop upon threshing, or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to tobacco later than October 31 unless such time is extended in writing by the Corporation, (b) with respect to any other crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Corn: $1.20 per bushel.
Cotton: $0.27 per pound.
Peanuts: $188 per ton (Spanish), $168 per ton (Runner).
Tobacco: Fair market value as determined by the Corporation.

However, any production of corn or peanuts which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss, and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
4. Cotton	Acreage released by the Corporation which is not harvested and not planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or pound equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels or pounds harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for corn and pounds for cotton, peanuts, and tobacco.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 15.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contracting. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.59–6 *Sumter County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Sumter County, Ga., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Oats (fall seeded only) planted for harvest as grain (insurance to attach beginning with oats planted for harvest in 1952).

(d) Peanuts (Spanish and Runner) planted for harvest as nuts (excluding acreages of less than one acre on an insurance unit).

(e) Soybeans planted for harvest as beans excluding soybeans interplanted in the same row with corn.

(f) Winter wheat seeded for harvest as grain (insurance to attach beginning with wheat seeded for harvest in 1952).

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton which is not harvested shall be reduced as follows: (1) 60 percent for any acreage released by the Corporation and planted to a substitute crop and (2) 25 percent for any unharvested acreage released by the Corporation and not planted to a substitute crop.

3. *Insured acreage.* In addition to the acreage specified in section 4 of the policy with respect to which no insurance will attach, insurance also will not attach with respect to any acreage planted to cotton in excess of the allotment or permitted acreage established under any program administered by the Secretary of Agriculture but destroyed by natural causes or by the insured and not considered as cotton under the provisions of such program.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Corn: $1.20 per bushel.
Cotton: $0.27 per pound.
Oats (not insured in 1951): $0.70 per bushel.
Peanuts: $188 per ton (Spanish), $168 per ton (Runner).
Soybeans: $1.90 per bushel.
Wheat (not insured in 1951): $1.95 per bushel.

However, any production of corn, oats, peanuts, soybeans or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. For any subsequent crop year, notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured in-

terest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation for insurance shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. Any production of soybeans interplanted in the same row with corn shall not be counted as production.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production for such acreage, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
4. Cotton	Acreage released by the Corporation which is not harvested and not planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels or pounds harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for corn, oats, soybeans, and wheat, and in pounds for cotton and peanuts.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: October 31.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION,

§ 420.61 *Illinois.*

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§ 420.61–3 *Johnson County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Johnson County, Ill., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

(d) Winter wheat seeded for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Corn: $1.30 per bushel.
Oats: $0.60 per bushel.
Soybeans: $1.90 per bushel.
Wheat: $1.85 per bushel.

However, any production of corn, oats, soybeans, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. For any subsequent crop year, notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the insured interest, and the result by the applicable coverage per acre, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION,

§ 420.63 *Iowa.*

§ 420.63–1 *Emmet County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Emmet County, Iowa, Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Flax planted for harvest as seed.

(c) Oats planted for harvest as grain.

(d) Soybeans planted for harvest as beans.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Corn: $1.20 per bushel.
Flax: $2.65 per bushel.
Oats: $0.55 per bushel.
Soybeans: $1.90 per bushel.

However, any production of corn, flax, oats or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the insured interest, and the result by the applicable coverage per acre, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop

on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.63-2 *Humboldt County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Humboldt County, Iowa, Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Corn: $1.20 per bushel.
Oats: $0.55 per bushel.
Soybeans: $1.90 per bushel.

However, any production of corn, oats, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the insured interest, and the result by the applicable coverage per acre, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop). However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

PRODUCTION SCHEDULE—Continued

Crop	Acreage classification	Total production [1]
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.63-3 *Delaware County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Delaware County, Iowa, Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Corn: $1.20 per bushel.
Oats: $0.60 per bushel.
Soybeans: $1.90 per bushel.

However, any production of corn, oats, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) substracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the in-

surance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.63–4 *Howard County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Howard County, Iowa, Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance progam the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:
Corn: $1.20 per bushel.
Oats: $0.60 per bushel.
Soybeans: $1.90 per bushel.

However, any production of corn, oats, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.63–5 *Ida County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Ida County, Iowa, Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:
Corn: $1.20 per bushel.
Oats: $0.55 per bushel.
Soybeans: $1.30 per bushel.

However, any production of corn, oats, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.63–6 *Kossuth County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Kossuth County, Iowa, Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

(2) *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:
Corn: $1.20 per bushel.

Oats: $0.55 per bushel.
Soybeans: $1.90 per bushel.

However, any production of corn, oats, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.63–7 *Tama County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Tama County, Iowa, Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:
Corn: $1.20 per bushel.
Oats: $0.60 per bushel.
Soybeans: $1.90 per bushel.

However, any production of corn, oats, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.63–8 *Union County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Union County, Iowa, Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:
Corn: $1.20 per bushel.
Oats: $0.55 per bushel.
Soybeans: $1.90 per bushel.

However, any production of corn, oats, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

crop or (ii) December 10, unless such time is extended in writing by the Corporation and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Corn: $1.20 per bushel.
Oats: $0.55 per bushel.
Soybeans: $1.90 per bushel.

However, any production of corn, oats, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
2. Each insured crop	Acreage not planted to a substitute crop.	
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.63–9 *Warren County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Warren County, Iowa, Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.63–10 *Winnebago County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Winnebago County, Iowa, Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Corn: $1.20 per bushel.
Oats: $0.55 per bushel.
Soybeans: $1.90 per bushel.

However, any production of corn, oats, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
2. Each insured crop	Acreage not planted to a substitute crop.	
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract.

Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.66 *Louisiana.*

§ 420.66–1 *Lafayette Parish.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Lafayette Parish, La., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Rice planted for harvest.

(d) Sugarcane, including acreage harvested for seed, and excluding (i) acreage of less than one acre on an insurance unit and (ii) acreage on which three successive crops have been harvested from one planting. (Insurance to attach the first crop year of the contract only if the application is field on or before November 30 preceding the calendar year in which the crop is normally harvested.)

(e) Sweetpotatoes (excluding acreages of less than one acre on an insurance unit).

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton which is not harvested shall be reduced as follows: (1) 60 percent for any acreage released by the Corporation and planted to a substitute crop and (2) 75 percent for any unharvested acreage released by the Corporation and not planted to a substitute crop.

3. *Insured acreage.* In addition to the acreage specified in section 4 of the policy with respect to which no insurance will attach, insurance will also not attach with respect to any acreage planted to cotton or rice in excess of the allotment or permitted acreage established under any program administered by the Secretary of Agriculture but destroyed by natural causes or by the insured and not considered as cotton or rice under the provisions of such program.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, the rice crop upon threshing, the sugarcane crop upon cutting, the sweetpotato crop upon digging, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10 (January 31 following the normal time of harvest for sugarcane) unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Corn: $1.40 per bushel.
Cotton: $0.26 per pound.
Rice: $4.35 per hundredweight.
Sugarcane: $7.25 per ton.
Sweetpotatoes $0.80 per bushel.

However, any production of corn or rice which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. For any subsequent crop year, notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the insured interest, and the result by the applicable coverage per acre, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss, and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels, tons, or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn and sweetpotatoes left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
4. Cotton	Acreage released by the Corporation which is not harvested and not planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, ton, or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, tons, or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, ton, or pound equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels, tons, or pounds harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, tons, or pounds by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for corn and sweetpotatoes, pounds for cotton and rice, and tons (rounded to tenths), for sugarcane. Production of sugarcane for sugar shall be standard sugarcane as determined in accordance with regulations (applicable to the crop year involved) issued by the U. S. Department of Agriculture.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: October 31.

9. *Definitions.* (a) "County" means parish in Louisiana.

(b) For all purposes under the contract sugarcane for harvest within the crop year shall be considered to have been planted as follows: (1) the first crop from seed, on the date the planting operation is actually accomplished, and (2) second and third year crops on November 1 preceding the calendar year in which the crop is normally harvested.

10. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.66–2 *St. Landry Parish.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in St. Landry Parish, La., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Lespedeza (annual only) for hay (including volunteer lespedeza).

(d) Sweetpotatoes (excluding acreages of less than one acre on an insurance unit).

(e) Sugarcane, including acreage harvested for seed, and excluding (i) acreages of less than one acre on an insurance unit and (ii) acreage on which three successive crops have been harvested from one planting.

(f) Rice planted for harvest.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton which is not harvested shall be reduced as follows: (1) 60 percent for any acreage released by the Corporation and planted to a substitute crop, and (2) 25 percent for any unharvested acreage released by the Corporation and not planted to a substitute crop.

3. *Insured acreage.* In addition to the acreage specified in section 4 of the policy with respect to which no insurance will attach, insurance will also not attach with respect to any acreage planted to cotton in excess of the allotment or permitted acreage established under any program administered by the Secretary of Agriculture but destroyed by natural causes or by the insured and not considered as cotton under the provisions of such program.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop, except volunteer lespedeza, in which case insurance shall attach on April 1 provided there is a stand at that time sufficient that farmers in the area generally would leave it for harvest the following harvest season, and except for the second or third year crop of sugarcane in which case insurance shall attach on November 1 provided there is a stand at that time sufficient that farmers in the area generally would leave it for harvest the following harvest season. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the rice crop upon threshing, the cotton crop upon picking, the hay crop upon baling or stacking, the sugarcane crop upon cutting, the sweetpotato crop upon digging, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10 (January 31 following the normal time of harvest for sugarcane) unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Corn: $1.40 per bushel.
Cotton: $0.26 per pound.
Lespedeza hay: $20 per ton.
Rice: $4.35 per hundredweight.
Sugarcane: $7.25 per ton.
Sweetpotatoes: $0.80 per bushel.

However, any production of corn or rice which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the insured interest, and the result by the applicable coverage per acre, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss, and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels, pounds, or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn and sweetpotatoes left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.

[1] Production shall be in bushels for corn and sweetpotatoes; pounds for cotton and rice; and tons (rounded to tenths) for hay and sugarcane. Production of sugarcane for sugar shall be standard sugarcane as determined in accordance with regulations (applicable to the crop year involved) issued by the U. S. Department of Agriculture.

PRODUCTION SCHEDULE—Continued

Crop	Acreage classification	Total production [1]
4. Cottou	Acreage released by the Corporation which is not harvested and not planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, pounds or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound, or ton equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels, pounds or tons harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, pounds or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for corn and sweetpotatoes; pounds for cotton and rice; and tons (rounded to tenths) for hay and sugarcane. Production of sugarcane for sugar shall be standard sugarcane as determined in accordance with regulations (applicable to the crop year involved) issued by the U. S. Department of Agriculture.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

9. *Definitions.* (a) "County" means Parish in Louisiana.

(b) "Flood" as a cause of loss insured against shall not include damage caused by the use or overflow of the Atchafalaya River Spillway.

(c) For all purposes under the contract sugarcane for harvest within the crop year shall be considered to have been planted as follows: (1) the first crop from seed, on the date the planting operation is actually accomplished, and (2) second and third year crops on November 1 preceding the calendar year in which the crop is normally harvested.

(d) For all purposes under the contract volunteer lespedeza for hay for harvest within the crop year shall be considered to have been planted as of April 1.

(e) In addition to the causes of loss not insured against as stated in section 8 of the policy, the contract also will not cover loss of the rice crop due to a shortage of irrigation water where the acreage planted to rice is in excess of the acreage which could be irrigated properly with the irrigation facilities available and with a supply of irrigation water which reasonably could be expected.

(f) In addition to the provisions of section 13 of the policy, any share of an insured crop paid or to be paid for irrigation water shall be considered for the purpose of determining insurance units only as a part of the share of the insured.

10. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.66–3 *Acadia Parish.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Acadia Parish, La., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Rice planted for harvest.

(d) Sweetpotatoes (excluding acreages of less than one acre on an insurance unit).

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton which is not harvested shall be reduced as follows: (1) 60 percent for any acreage released by the Corporation and planted to a substitute crop and (2) 25 percent for any unharvested acreage released by the Corporation and not planted to a substitute crop.

3. *Insured acreage.* In addition to the acreage specified in Section 4 of the policy with respect to which no insurance will attach, insurance will also not attach with respect to any acreage planted to cotton in excess of the allotment or permitted acreage established under any program administered by the Secretary of Agriculture but destroyed by natural causes or by the insured and not considered as cotton under the provisions of such program.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, the rice crop upon threshing, the sweetpotato crop upon digging, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10 unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Corn: $1.15 per bushel.
Cotton: $0.26 per pound.
Rice: $4.35 per hundredweight.
Sweetpotatoes: $0.80 per bushel.

However, any production of corn or rice which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. For any subsequent crop year, notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the insured interest, and the result by the applicable coverage per acre, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage

crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss, and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn and sweetpotatoes left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
4. Cotton	Acreage released by the Corporation which is not harvested and not planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or pound equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels or pounds harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for corn and sweetpotatoes, and pounds for cotton and rice.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

(c) In addition to the provisions of section 13 of the policy, any share of an insured crop paid or to be paid for irrigation water shall be considered for the purpose of determining insurance units only as a part of the share of the insured.

10. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.71 *Minnesota.*

§ 420.71–1 *Dakota County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Dakota County, Minn., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed.

(d) Oats planted for harvest as grain.

(e) Soybeans planted for harvest as beans.

(f) Spring wheat seeded for harvest as grain.

(g) Mixtures of flax and spring wheat.

(h) Mixtures of spring wheat and oats.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Determining coverage(s) and premium rate(s) for mixtures.* (a) If a mixture of flax and spring wheat is seeded the flax coverage shall apply. If a mixture of spring wheat and oats is seeded, the oats coverage shall apply.

(b) For the purpose of determining the amount of premium a mixture of flax and spring wheat shall be considered as flax and a mixture of spring wheat and oats shall be considered as oats.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Barley: $1.00 per bushel.
Corn: $1.20 per bushel.
Flax: $2.65 per bushel.
Oats: $0.55 per bushel.
Soybeans: $1.90 per bushel.
Wheat: $1.85 per bushel.

However, any production of barley, corn, flax, oats, soybeans or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at the value per bushel determined by the Corporation. For any subsequent crop year

notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.)

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production[1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.71–2 *Dodge County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Dodge County, Minn., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.
(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.
(c) Flax planted for harvest as seed.
(d) Oats planted for harvest as grain.
(e) Soybeans planted for harvest as beans.
(f) Spring wheat seeded for harvest as grain.
(g) Mixtures of flax and spring wheat.
(h) Mixtures of spring wheat and oats.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Determining coverage(s) and premium rate(s) for mixtures.* (a) If a mixture of flax and spring wheat is seeded the flax coverage shall apply. If a mixture of spring wheat and oats is seeded, the oats coverage shall apply.

(b) For the purpose of determining the amount of premium a mixture of flax and spring wheat shall be considered as flax and a mixture of spring wheat and oats shall be considered as oats.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Barley: $0.95 per bushel.
Corn: $1.20 per bushel.
Flax: $2.65 per bushel.
Oats: $0.55 per bushel.
Soybeans: $1.90 per bushel.
Wheat: $1.85 per bushel.

However, any production of barley, corn, flax, oats, soybeans, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. In determining production on acreage where a mixture of flax and spring wheat is insured, the production of each commodity shall be determined and handled separately. In determining production on acreage where a mixture of spring wheat and oats is insured, all production shall be counted as oats on a weight-equivalent basis. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production[1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.71–3 *Goodhue County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Goodhue County, Minn., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.
(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.
(c) Flax planted for harvest as seed.
(d) Oats planted for harvest as grain.
(e) Soybeans planted for harvest as beans.
(f) Spring wheat seeded for harvest as grain.
(g) Mixtures of flax and spring wheat.
(h) Mixtures of spring wheat and oats.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Determining coverage(s) and premium rate(s) for mixtures.* (a) If a mixture of flax and spring wheat is seeded the flax coverage shall apply. If a mixture of spring wheat and oats is seeded, the oats coverage shall apply.

(b) For the purpose of determining the amount of premium a mixture of flax and spring wheat shall be considered as flax and a mixture of spring wheat and oats shall be considered as oats.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of aclaim for indemnity.

5. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Barley: $1 per bushel.
Corn: $1.20 per bushel.
Flax: $2.65 per bushel.
Oats: $0.55 per bushel.
Soybeans: $1.90 per bushel.
Wheat: $1.85 per bushel.

However, any production of barley, corn, flax, oats, soybeans, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at the value per bushel determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total

thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.71–4 *Kandiyohi County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Kandiyohi County, Minn., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.
(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.
(c) Flax planted for harvest as seed.
(d) Oats planted for harvest as grain.
(e) Soybeans planted for harvest as beans.
(f) Spring wheat seeded for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Barley: $0.95 per bushel.
Corn: $1.20 per bushel.
Flax: $2.65 per bushel.
Oats: $0.55 per bushel.
Soybeans: $1.90 per bushel.
Wheat: $1.85 per bushel.

However, any production of barley, corn, flax, oats, soybeans, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year, notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premiums(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.71–5 *McLeod County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in McLeod County, Minn., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.
(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, popcorn, broom corn or corn planted for the development of hybrid seed corn.
(c) Flax planted for harvest as seed.
(d) Oats planted for harvest as grain.
(e) Soybeans planted for harvest as beans.
(f) Spring wheat seeded for harvest as grain.
(g) Sweet corn planted for commercial processing.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the field corn or sweet corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Barley: $1.00 per bushel.
Field corn: $1.20 per bushel.
Flax: $2.65 per bushel.
Oats: $0.55 per bushel.
Soybeans: $1.90 per bushel.
Sweet corn: $16.50 per ton.
Wheat: $1.85 per bushel.

However, any production of barley, field corn, flax, oats, soybeans, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year, notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels or tons harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for all crops except sweet corn which shall be in tons (rounded to tenths).

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.71–6 *Stearns County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Stearns County, Minn., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.
(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.
(c) Flax planted for harvest as seed.
(d) Oats planted for harvest as grain.
(e) Spring wheat seeded for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Barley: $0.95 per bushel.
Corn: $1.20 per bushel.
Flax: $2.65 per bushel.
Oats: $0.55 per bushel.
Wheat: $1.85 per bushel.

However, any production of barley, corn, flax, oats, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year, notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop or any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.

[1] Production shall be in bushels for all crops.

PRODUCTION SCHEDULE—Continued

Crop	Acreage classification	Total production [1]
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.71–7 *Stevens County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Stevens County, Minn., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.
(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.
(c) Flax planted for harvest as seed.
(d) Oats planted for harvest as grain.
(e) Soybeans planted for harvest as beans.
(f) Spring wheat seeded for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Barley: $0.95 per bushel.
Corn: $1.20 per bushel.
Flax: $2.65 per bushel.
Oats: $0.55 per bushel.
Soybeans: $1.90 per bushel.
Wheat: $1.85 per bushel.

However, any production of barley, corn, flax, oats, soybeans, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at the value per bushel determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.)

However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.71–8 *Swift County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Swift County, Minn., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed.

(d) Oats planted for harvest as grain.

(e) Soybeans planted for harvest as beans.

(f) Spring wheat seeded for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Barley: $0.95 per bushel.
Corn: $1.20 per bushel.
Flax: $2.65 per bushel.
Oats: $0.55 per bushel.
Soybeans: $1.90 per bushel.
Wheat: $1.85 per bushel.

However, any production of barley, corn, flax, oats, soybeans or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year, notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provisions of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if

the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.71–10 *Nicollet County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Nicollet County, Minn., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed.

(d) Oats planted for harvest as grain.

(e) Soybeans planted for harvest as beans.

(f) Spring wheat seeded for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Barley: $1.00 per bushel.
Corn: $1.20 per bushel.
Flax: $2.65 per bushel.
Oats: $0.55 per bushel.
Soybeans: $1.90 per bushel.
Wheat: $1.85 per bushel.

However, any production of barley, corn, flax, oats, soybeans, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year, notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.72 *Mississippi.*

§ 420.72–1 *Panola County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Panola County, Miss., beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Oats (fall seeded only) planted for harvest as grain.

(d) Soybeans planted for harvest as beans, excluding soybeans interplanted in the same row with corn.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton which is not harvested shall be reduced as follows: (1) 60 percent for any acreage released by the Corporation and planted to a substitute crop and (2) 25 percent for any unharvested acreage released by the Corporation and not planted to a substitute crop.

3. *Insured acreage.* In addition to the acreage specified in Section 4 of the policy with respect to which no insurance will attach, insurance will also not attach with respect to any acreage (a) planted to cotton in excess of the allotment or permitted acreage established under any program administered by the Secretary of Agriculture but destroyed by natural causes or by the insured and not considered as cotton under the provisions of such program, or (b) planted to soybeans following in the same crop year a small grain crop which reaches the heading stage.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10 unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Corn: $1.45 per bushel.
Cotton: $0.26 per pound.
Oats: $0.70 per bushel.
Soybeans: $1.90 per bushel.

However, any production of corn, oats, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. For any subsequent crop year, notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the insured interest, and the result by the applicable coverage per acre, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss, and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. Any production of soybeans interplanted in the same row with corn shall not be counted as production.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
4. Cotton	Acreage released by the Corporation which is not harvested and not planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or pound equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels or pounds harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for corn, oats, and soybeans, and pounds for cotton.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.72–2 *Alcorn County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Alcorn County, Miss., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Lespedeza (annual only) for hay, including volunteer lespedeza.

(d) Soybeans planted for harvest as beans, excluding soybeans interplanted in the same row with corn.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton which is not harvested shall be reduced as follows: (1) 60 percent for any acreage released by the Corporation and planted to a substitute crop and (2) 25 percent for any unharvested acreage released by the Corporation and not planted to a substitute crop.

3. *Insured acreage.* In addition to the acreage specified in Section 4 of the policy with respect to which no insurance will attach, insurance will also not attach with respect to any acreage planted to cotton in excess of the allotment or permitted acreage established under any program administered by the Secretary of Agriculture but destroyed by natural causes or by the insured and not considered as cotton under the provisions of such program.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop, except volunteer lespedeza in which case insurance shall attach on April 15 provided there is a stand at that time sufficient that farmers in the area generally would leave it for harvest the following harvest season. Insurance shall cease with respect to any portion of the hay crop upon baling or stacking, the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, the soybean crop upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10 unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Corn: $1.20 per bushel.
Cotton: $0.26 per pound.
Hay: $15 per ton.
Soybeans: $1.90 per bushel.

However, any production of corn or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. For any subsequent crop year, notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation for insurance shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Any production of soybeans interplanted in the same row with corn shall not be counted as production.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
4. Cotton	Acreage released by the Corporation which is not harvested and not planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound, or ton equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels, pounds, or tons harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for corn and soybeans; pounds for cotton, and tons (rounded to tenths) for hay.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records

satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

9. *Definitions.* For all purposes under the contract volunteer lespedeza for harvest within the crop year shall be considered to have been planted as of April 15.

10. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.73 *Missouri.*

§ 420.73–1 *Audrain County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Audrain County, Mo., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweetcorn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

(d) Winter wheat seeded for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Corn: $1.25 per bushel.
Oats: $0.60 per bushel.
Soybeans: $1.90 per bushel.
Wheat: $1.85 per bushel.

However, any production of corn, oats, soybeans, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. For any subsequent crop year, notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the insured interest, and the result by the applicable coverage per acre, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.81 *North Carolina.*

§ 420.81–1 *Perquimans County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Perquimans County, N. C., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Peanuts planted for harvest as nuts (excluding acreages of less than one acre on an insurance unit).

(d) Soybeans planted for harvest as beans, excluding soybeans interplanted in the same row with corn.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton which is not harvested shall be reduced as follows: (1) 60 percent for any acreage released by the Corporation and planted to a substitute crop, and (2) 25 percent for any unharvested acreage released by the Corporation and not planted to a substitute crop.

3. *Insured acreage.* In addition to the acreage specified in section 4 of the policy with respect to which no insurance will attach, insurance will also not attach with respect to any acreage planted to cotton in excess of the allotment or permitted acreage established under any program administered by the Secretary of Agriculture but destroyed by natural causes or by the insured and not considered as cotton under the provisions of such program.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop, or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Corn: $1.40 per bushel.
Cotton: $0.27 per pound.
Peanuts: $0.09 per pound.
Soybeans: $1.90 per bushel.

However, any production of corn, peanuts or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (excusive of any acreage to which insurance did not attach) planted to each insured crop by the insured interest, and the result by the applicable coverage per acre, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss, and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop). However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Any production of soybeans interplanted in the same row with corn shall not be counted as production.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested, and (2) dividing the result thus obtained by the predetermined price.
4. Cotton	Acreage released by the Corporation which is not harvested and not planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels or pounds harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for corn and soybeans, and pounds for cotton and peanuts.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.82 *North Dakota.*

§ 420.82–1 *Barnes County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Barnes County, N. Dak., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed.

(d) Oats planted for harvest as grain.

(e) Rye planted for harvest as grain.

(f) Spring wheat seeded for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Barley: $0.90 per bushel.
Corn: $1.20 per bushel.
Flax: $2.60 per bushel.
Oats: $0.55 per bushel.
Rye: $1.05 per bushel.
Wheat: $1.80 per bushel.

However, any production of barley, corn, flax, oats, rye, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corportation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the field.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. However, if the appraised or actual production of corn which was used or could have been used for pasture, fodder or ensilage is one ton or more to the acre (on the basis of ensilage), the value of the production to be counted for such acreage shall be not less than $3.00 per acre. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for pasture, fodder, or ensilage.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insured's share or declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

FEDERAL CROP INSURANCE CORPORATION.

§ 420.82–2 *Ransom County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Ransom County, N. Dak., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed.

(d) Oats planted for harvest as grain.

(e) Rye planted for harvest as grain.

(f) Spring wheat seeded for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Barley: $0.95 per bushel.
Corn: $1.20 per bushel.
Flax: $2.60 per bushel.
Oats: $0.55 per bushel.
Rye: $1.05 per bushel.
Wheat: $1.80 per bushel.

However, any production of barley, corn, flax, oats, rye, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. However, if the appraised or actual production of corn which was used or could have been used for pasture, fodder or ensilage is one ton or more to the acre (on the basis of ensilage), the value of the production to be counted for such acreage shall be not less than $3.00 per acre. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for pasture, fodder, or ensilage.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.82–3 *Sargent County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Sargent County, N. Dak., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed.

(d) Oats planted for harvest as grain.

(e) Rye planted for harvest as grain.

(f) Spring wheat seeded for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn

crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Barley: $0.95 per bushel.
Corn: $1.20 per bushel.
Flax: $4.00 per bushel.
Oats: $ .55 per bushel.
Rye: $1.05 per bushel.
Wheat: $1.80 per bushel.

However, any production of barley, corn, flax, oats, rye, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. However, if the appraised or actual production of corn which was used or could have been used for pasture, fodder or ensilage is one ton or more to the acre (on the basis of ensilage), the value of the production to be counted for such acreage shall be not less than $3.00 per acre. Where any small grains are seeded with an insured small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for pasture, fodder, or ensilage.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.82–4 *Dickey County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Dickey County, N. Dak., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.
(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.
(c) Flax planted for harvest as seed.
(d) Oats planted for harvest as grain.
(e) Rye planted for harvest as grain.
(f) Spring wheat seeded for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Barley: $0.90 per bushel.
Corn: $1.20 per bushel.
Flax: $2.60 per bushel.
Oats: $0.55 per bushel.
Rye: $1.05 per bushel.
Wheat: $1.80 per bushel.

However, any production of barley, corn, flax, oats, rye, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. However, if the appraised or actual production of corn which was used or could have been used for pasture, fodder or ensilage is one ton or more to the acre (on the basis of ensilage), the value of the production to be counted for such acreage shall be not less than $3.00 per acre. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for pasture, fodder or ensilage.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.82–5 *Pierce County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Pierce County, N. Dak., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.
(b) Flax planted for harvest as seed.
(c) Oats planted for harvest as grain.
(d) Rye planted for harvest as grain.
(e) Spring wheat seeded for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of all insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Barley: $0.90 per bushel.
Flax: $2.55 per bushel.
Oats: $0.55 per bushel.
Rye: $1.00 per bushel.
Wheat: $1.75 per bushel.

However, any production of barley, flax, oats, rye, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by

the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.88 *South Carolina.*

§ 420.88–1 *Aiken County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Aiken County, S. C., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Peanuts, Spanish and Virginia, planted for harvest as nuts (excluding acreages of less than one acre on an insurance unit).

(d) Soybeans planted for harvest as beans, excluding soybeans interplanted in the same row with corn.

(e) Sweetpotatoes (excluding acreages of less than one acre on an insurance unit).

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton which is not harvested shall be reduced as follows: (1) 60 percent for any acreage released by the Corporation and planted to a substitute crop and (2) 25 percent for any acreage released by the Corporation and not planted to a substitute crop.

3. *Insured acreage.* In addition to the acreage specified in Section 4 of the policy with respect to which no insurance will attach insurance will also not attach with respect to any acreage planted to cotton in excess of the allotment or permitted acreage established under any program administered by the Secretary of Agriculture but destroyed by natural causes or by the insured and not considered as cotton under the provisions of such program.

4. Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, the sweetpotato crop upon digging, all other crops upon threshing, or with respect to any portion of any insured crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Corn: $1.10 per bushel.
Cotton: $0.27 per pound.
Peanuts: $188 per ton (Spanish), $179 per ton (Virginia).
Soybeans: $1.90 per bushel.
Sweetpotatoes: $1.25 per bushel.

However, any production of corn, peanuts, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the insured interest, and the result by the applicable coverage per acre, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss, and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop). However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Any production of soybeans interplanted in the same row with the corn shall not be counted.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
4. Cotton	Acreage released by the Corporation which is not harvested and not planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or pound equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels, or pounds harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for corn, soybeans, and sweetpotatoes, and pounds for cotton and peanuts.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such units forfeited by the insured.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: October 31.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.89 *South Dakota.*

§ 420.89–1 *Bon Homme County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Bon Homme County, S. Dak., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Oats planted for harvest as grain.

(d) Rye planted for harvest as grain.

(e) Wheat seeded for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier or (1) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Barley: $0.95 per bushel.
Corn: $1.15 per bushel.
Oats: $0.55 per bushel.
Rye: $1.05 per bushel.
Wheat: $1.80 per bushel.

However, any production of barley, corn, oats, rye, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the insured interest, and the result by the applicable coverage per acre, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss, and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium com-

puted for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.89–2 *Hutchinson County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Hutchinson County, S. Dak., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Oats planted for harvest as grain.

(d) Rye planted for harvest as grain.

(e) Spring wheat seeded for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Barley: $0.95 per bushel.
Corn: $1.15 per bushel.
Oats: $0.55 per bushel.
Rye: $1.05 per bushel.
Wheat: $1.80 per bushel.

However, any production of barley, corn, oats, rye, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the insured interest, and the result by the applicable coverage per acre, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss, and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop). However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.89–3 *Lake County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Lake County, S. Dak., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed.

(d) Oats planted for harvest as grain.

(e) Soybeans planted for harvest as beans.

(f) Spring wheat seeded for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the

corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Barley: $0.95 per bushel.
Corn: $1.15 per bushel.
Flax: $2.60 per bushel.
Oats: $0.55 per bushel.
Soybeans: $1.90 per bushel.
Wheat: $1.80 per bushel.

However, any production of barley, corn, flax, oats, soybeans or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the insured interest, and the result by the applicable coverage per acre, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss, and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop). However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.

[1] Production shall be in bushels for all crops.

Corn: $1.20 per bushel.
Flax: $2.60 per bushel.
Oats: $0.55 per bushel.
Rye: $1.05 per bushel.
Wheat: $1.80 per bushel.

However, any production of barley, corn, flax, oats, rye or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support, because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for all crops.

PRODUCTION SCHEDULE—Continued

Crop	Acreage classification	Total production [1]
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.89–4 *Deuel County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Deuel County, S. Dak., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:
(a) Barley planted for harvest as grain.
(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.
(c) Flax planted for harvest as seed.
(d) Oats planted for harvest as grain.
(e) Rye planted for harvest as grain.
(f) Spring wheat seeded for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:
Barley: $0.95 per bushel.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.89–5 *Hamlin County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Hamlin County, S. Dak., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:
(a) Barley planted for harvest as grain.
(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.
(c) Flax planted for harvest as seed.
(d) Oats planted for harvest as grain.
(e) Rye planted for harvest as grain.
(f) Spring wheat seeded for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:
Barley: $0.95 per bushel.
Corn: $1.20 per bushel.
Flax: $2.60 per bushel.
Oats: $0.55 per bushel.
Rye: $1.05 per bushel.
Wheat: $1.80 per bushel.

However, any production of barley, corn, flax, oats, rye or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract

will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.89–6 *Miner County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Miner County, S. Dak., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed.

(d) Oats planted for harvest as grain.

(e) Rye planted for harvest as grain.

(f) Spring wheat seeded for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Barley: $0.95 per bushel.
Corn: $1.15 per bushel.
Flax: $2.60 per bushel.
Oats: $0.55 per bushel.
Rye: $1.05 per bushel.
Wheat: $1.80 per bushel.

However, any production of barley, corn, flax, oats, rye, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.90 *Tennessee.*

§ 420.90–1 *Henry County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Henry County, Tenn., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Sweetpotatoes (including acreages of less than one acre on an insurance unit).

(d) Tobacco, types 23 and 35.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton which is not harvested shall be reduced as follows: (1) 60 percent for any acreage released by the Corporation and planted to a substitute crop, and (2) 25 percent for any unharvested acreage released by the Corporation and not planted to a substitute crop.

3. *Insured acreage.* In addition to the acreage specified in Section 4 of the policy with respect to which no insurance will attach, insurance will also not attach with respect to any acreage planted to cotton or tobacco in excess of the allotment or permitted acreage established under any program administered by the Secretary of Agriculture but destroyed by natural causes or by the insured and not considered as cotton or tobacco under the provisions of such program.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), or weighing of the tobacco for easing, (b) any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, the sweetpotato crop upon digging, or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to tobacco later than March 31 following harvest, unless such time is extended in writing by the Corporation, (b) with respect to any other crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 31, unless such time is extended in writing by the Corporation, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Corn: $1.35 per bushel.
Cotton: $0.26 per pound.
Sweetpotatoes: $1.25 per bushel.
Tobacco: Fair market value as determined by the Corporation.

However, any production of corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the insured interest, and the result by the applicable coverage per acre, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop). However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
4. Cotton	Acreage released by the Corporation which is not harvested and not planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or pound equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels or pounds harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for corn and sweetpotatoes, and pounds for cotton and tobacco.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing

in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.90–2 *Lincoln County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Lincoln County, Tenn., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Alfalfa hay.

(b) Lespedeza (annual only) for hay, including volunteer lespedeza.

(c) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn or any type of corn other than that normally regarded as field corn.

(d) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(e) Tobacco, type 31.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton which is not harvested shall be reduced as follows: (1) 60 percent for any acreage released by the Corporation and planted to a substitute crop and (2) 25 percent for any unharvested acreage released by the Corporation and not planted to a substitute crop.

3. *Insured acreage.* In addition to the acreage specified in Section 4 of the policy with respect to which no insurance will attach, insurance will also not attach with respect to any acreage planted to cotton or tobacco in excess of the allotment or permitted acreage established under any program administered by the Secretary of Agriculture but destroyed by natural causes or by the insured and not considered as cotton or tobacco under the provisions of such program.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop except alfalfa in which case insurance shall attach on November 1 (preceding harvest), and volunteer lespedeza in which case insurance shall attach on May 1 (preceding harvest), provided in either case there is a stand on the applicable date sufficient that farmers in the area generally would leave the crop for harvest the following harvest season. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), or weighing of the tobacco for casing, (b) any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, the hay crop upon baling or stacking, or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to tobacco later than February 28 following harvest unless such time is extended in writing by the Corporation, (b) with respect to any other crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Alfalfa: $25 per ton.
Corn: $1.15 per bushel.
Cotton: $0.26 per pound.
Lespedeza: $18 per ton.
Tobacco: Fair Market value as determined by the Corporation.

However any production of corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels, pounds, or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
4. Cotton	Acreage released by the Corporation which is not harvested and not planted to a substitute crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound, or ton equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels, pounds, or tons harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for corn, pounds for cotton and tobacco, and in tons (rounded to tenths) for [illegible]

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

9. *Definitions.* (a) Notwithstanding the provisions of Section 24 (d) of the policy, "crop year" with respect to alfalfa hay means the 12-month period beginning each year with the first day of the insurance period and shall be designated by reference to the calendar year in which the crop is normally harvested.

(b) For all purposes under the contract alfalfa and volunteer lespedeza hay for harvest within the crop year shall be considered to have been planted as of the beginning of the insurance period for that crop year.

10. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.97 *Wisconsin.*

§ 420.97–1 *Fond du Lac County.*

RIDER NO 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Fond du Lac County, Wis., Beginning With the 1951 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Canning peas planted for commercial processing.

(c) Corn planted for grain, silage or fodder but not including sweet corn, popcorn, broom corn, or corn planted for the development of hybrid seed corn.

(d) Flax planted for harvest as seed.

(e) Oats planted for harvest as grain.

(f) Winter wheat seeded for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the canning pea crop upon harvesting, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* Production of each insurable crop shall be evaluated at the following predetermined prices for the 1951 crop year:

Barley: $1 per bushel.
Corn grain: $1.25 per bushel.
Corn silage: $5.10 per ton.
Flax: $2.65 per bushel.
Oats: $0.60 per bushel.
Wheat: $1.85 per bushel.
Canning peas: Fair market value (based on prices contained in the insured's contract(s) with the canning company(ies)) as determined by the Corporation. However, in any case there shall be added to the value of the production (see sec. 6) (a) an amount equal to 30 percent of the value of production from seed peas for which the insured is not required to pay under the terms of his contract(s) with the canning company(ies) and (b) the amount of any bonus(es) paid or owing to the insured under a contract(s) with a canning company(ies). If the insured does not have a contract with a canning company or the insured's contract with a canning company does not include a price for dry peas the Corporation may determine the fair market value on the basis of prices contained in the contract of any canning company operating in the county.

However, any production of barley, corn (as set forth below), flax, oats, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. In order for corn to be so evaluated for poor quality it must be a variety of corn adapted to the production of corn for grain and must be harvested as grain or fodder. For any subsequent crop year notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured at least 15 days before the cancellation date shown herein.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. (In any case where the Corporation exercises its right to limit the insured acreage of any crop to the allotment or permitted acreage established for such crop, the acreage of that crop approved by the Corporation on the acreage report shall be considered as the planted acreage in computing the amount of loss and the production for such acreage shall be its proportionate part of the total production from all the acreage of that crop.) However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Production of corn shall be counted as corn grain, except that any production for any corn harvested for silage and the appraised production for any true type silage corn and corn planted thick for silage but not harvested as silage shall be counted as corn silage. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight-equivalent basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels or tons harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for barley, flax, oats, and wheat, in tons (rounded to tenths) for canning peas, and in bushels for corn grain or in tons (rounded to tenths) for corn silage, whichever is applicable.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on th insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1951 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

[F. R. Doc. 51-5507; Filed, May 23, 1951; 8:46 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.396 *Plum Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 25, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until May 15, 1951, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on May 15, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about May 25, 1951, this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., May 25, 1951, and ending at 12:01 a. m., P. s. t., August 1, 1951, no shipper shall ship any package or container of Beauty plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) Such plums are of a size not smaller than a size that will pack a 5 x 5 standard pack in a standard basket. The aforesaid 5 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^9/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^7/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^5/_{16}$ inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 21st day of May 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-6004; Filed, May 23, 1951; 8:53 a. m.]

[Plum Order 2]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.397 *Plum Order 2*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 1, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until May 15, 1951, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on May 15, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 1, 1951, this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 1, 1951, and ending at 12:01 a. m., P. s. t., October 16, 1951, no shipper shall ship any package or container of Santa Rosa plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack in a standard basket if said quantity does not exceed twenty (20) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid. The aforesaid 4 x 5 standard pack and 5 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^9/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^7/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^9/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^7/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^5/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 21st day of May, 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-6003; Filed, May 23, 1951; 8:52 a. m.]

[Plum Order 3]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.398 *Plum Order 3*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 1, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until May 15, 1951, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on May 15, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to

begin on or about June 1, 1951, this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. S. t., June 1, 1951, and ending at 12:01 a. m., P. S. t., September 1, 1951, no shipper shall ship any package or container of Formosa plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1\frac{11}{16}$ inches in diameter (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1\frac{9}{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1\frac{7}{16}$ inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m., of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 21st day of May, 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-6002; Filed, May 23, 1951; 8:52 a. m.]

[Plum Order 4]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.399 *Plum Order 4*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 1, 1951. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until May 15, 1951, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on May 15, 1951, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 1, 1951, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 1, 1951, and ending at 12:01 a. m., P. s. t., October 1, 1951, no shipper shall ship from any shipping point during any day any package or container of Climax plums unless:

(i) Such plums grade at least U. S No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1\frac{11}{16}$ inches in diameter (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1\frac{9}{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1\frac{7}{16}$ inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m., of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) the Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 21st day of May 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-6001; Filed, May 23, 1951; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 53]

PART 601 — DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

MISCELLANEOUS AMENDMENTS

The control area and control zone alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 601 is amended as follows:

1. Section 601.15 *Green civil airway No. 5 control areas (Los Angeles, Calif., to Boston, Mass.)* is amended by adding the following portion to present control areas: "From the Memphis, Tenn., omnirange station to the Jackson, Tenn., omnirange station via the direct en route and 15° southeast altitude change radials; from the Jackson, Tenn., omnirange station to the Graham, Tenn., omnirange station via the direct en route and 15° southeast altitude change radials; from the Graham, Tenn., omnirange station to the Nashville, Tenn., omnirange station via the direct en route radials; from the Nashville, Tenn., omnirange station to the Pikeville, Tenn., omnirange station via the direct en route and 15° north altitude change radials including all that area bounded on the north by Green civil airway No. 5 and on the south by the Pikeville-Nashville direct en route radials; from the Pikeville, Tenn., omnirange station to the Knoxville, Tenn., omnirange station via the direct en route and 15° south altitude change radials."

2. Section 601.104 *Amber civil airway No. 4 control areas (Brownsville, Tex., to Minot, N. Dak.)* is amended by adding the following portion to present control areas: "from the Aberdeen, S. Dak., omnirange station to the Bismarck, N. Dak., omnirange station via the direct en route and 15° southwest altitude change radials; from the Bismarck, N. Dak., omnirange station to the Minot, N. Dak., omnirange station via the direct en route radials."

3. Section 601.106 is amended to read:

§ 601.106 *Amber civil airway No. 6 control areas (Jacksonville, Fla., to United States-Canadian Border).* All of Amber civil airway No. 6 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Jacksonville, Fla., omnirange station to the Alma, Ga., omnirange station via the direct en route and 15° southwest altitude change radials; from the Alma, Ga., omnirange station to the Macon, Ga., omnirange station via the direct en route and 15° northeast altitude change radials. From the Chattanooga, Tenn., omnirange station to the Nashville, Tenn., omnirange station via the direct en route and 15° southwest altitude radials excluding that portion which overlaps the Camp Forrest danger area; from the Nashville, Tenn., omnirange station to the Bowling Green, Ky., omnirange station via the direct en route and 15° east altitude change radials, including all that area bounded on the southwest by Blue civil airway No. 3, on the northwest by Amber civil airway No. 6 and on the east by the Nashville-Bowling Green omnirange direct en route radials.

4. Section 601.107 is amended to read:

§ 601.107 *Amber civil airway No. 7 control areas (Key West, Fla., to U. S.-Canadian Border).* All of Amber civil airway No. 7 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the West Palm Beach, Fla., omnirange station to the Vero Beach, Fla., omnirange station via the direct en route and 15° east altitude change radials; from the Vero Beach, Fla., omnirange station to the Daytona Beach, Fla., omnirange station via the direct en route and 15° west altitude change radials; from the Daytona Beach, Fla., omnirange station to the Jacksonville, Fla., omnirange station via the direct en route and 15° east altitude change radials; from the Jacksonville, Fla., omnirange station to the Brunswick, Ga., omnirange station via the direct en route radials; from the Brunswick, Ga., omnirange station to the Savannah, Ga., omnirange station via the direct en route and 15° east altitude change radials; from the Savannah, Ga., omnirange station to the Charleston, S. C., omnirange station via the direct en route and 15° northwest altitude change radials; from the Charleston, S. C., omnirange station to the Florence, S. C., omnirange station via the direct en route and 15° east altitude change radials; from the Florence, S. C., omnirange station to the Lumberton, N. C., omnirange station via the direct en route radials; from the Lumberton, N. C., omnirange station to the Raleigh, N. C., omnirange station via the direct en route and 15° east altitude change radials.

5. Section 601.210 is amended to read:

§ 601.210 *Red civil airway No. 10 control areas (Pueblo, Colo., to Charleston, S. C.).* All of Red civil airway No. 10 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Monroe, La., omnirange station to the Jackson, Miss., omnirange station via the direct en route and 15° south altitude change radials; from the Jackson, Miss., omnirange station to the Meridian, Miss., omnirange station via the direct en route and 15° south altitude change radials; from the Meridian, Miss., omnirange station to the Tuscaloosa, Ala., omnirange station via the direct en route and 15° northwest altitude change radials. From the Augusta, Ga., omnirange station to the Charleston, S. C., omnirange station via the direct en route and 15° south altitude change radials.

6. Section 601.216 is amended to read:

§ 601.216 *Red civil airway No. 16 control areas (Tallahassee, Fla., to Florence, S. C.).* All of Red civil airway No. 16 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Tallahassee, Fla., omnirange station to the Albany, Ga., omnirange station via the direct en route and 15° west altitude change radials; from the Albany, Ga., omnirange station to the Macon, Ga., omnirange station via the direct en route and 15° west altitude change radials. From the Augusta, Ga., omnirange station to the Columbia, S. C., omnirange station via the direct en route radials; from the Columbia, S. C., omnirange station to the Florence, S. C., omnirange station via the intersection of the Columbia, S. C., omnirange 92° True and the Florence, S. C., omnirange 226° True en route radials.

7. Section 601.225 is amended to read:

§ 601.225 *Red civil airway No. 25 control areas (Tallahassee, Fla., to Miami, Fla.).* All of Red civil airway No. 25 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Tallahassee, Fla., omnirange station to the Cross City, Fla., omnirange station via the direct en route and 15° southwest altitude change radials; Cross City, Fla., omnirange station to the Tampa, Fla., omnirange station via the intersection of the Cross City, Fla., omnirange 154° True and the Tampa, Fla., omnirange 13° True en route radials including all that area bounded on the east and northeast by Red civil airway No. 25 and on the southwest by the Cross City 154° True en route radial and including all that area bounded on the east by Red civil airway No. 25 and on the northwest by the Tampa 13° True en route radial and on the southwest by the Tampa-Fort Myers direct enroute radial; from the Tampa, Fla., omnirange station to the Fort Myers, Fla., omnirange station via the direct en route and 15° west altitude change radials; from the Fort Myers, Fla., omnirange station to the Miami, Fla., omnirange station via the direct en route and 15° southwest altitude change radials.

8. Section 601.230 is amended to read:

§ 601.230 *Red civil airway No. 30 control areas (Shreveport, La., to Jacksonville, Fla.).* All of Red civil airway No. 30 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Mobile, Ala., omnirange station to the Crestview, Fla., omnirange station via the intersection of the Mobile omnirange 70° True and the Crestview omnirange 274° True en route radials; from the Crestview, Fla., omnirange station to the Marianna, Fla., omnirange station via the direct en route and 15° north altitude change radials; from the Marianna, Fla., omnirange station to the Tallahassee, Fla., omnirange station via the direct en route radials.

9. Section 601.231 *Red civil airway No. 31 control areas (Denver, Colo., to Minneapolis, Minn.)* is amended by adding the following portion before "Rapid City, S. Dak., omnirange station" to read: "from the Cheyenne, Wyo., omnirange station to the Chadron, Nebr., omnirange station via the direct en route and 15° southeast altitude change radials including all that area bounded on the east by Red civil airway No. 31, on the south by Green civil airway No. 3 and on the northwest by the Cheyenne-Chadron direct en route radials and all that area bounded on the east and southeast by Red civil airway No. 31 and on the northwest by the Cheyenne-Chadron direct en route radials; from the Chadron, Nebr., omnirange station to the Rapid City, S. Dak., omnirange station via the direct en route and 15° west altitude change radials:"

10. Section 601.246 is amended to read:

§ 601.246 *Red civil airway No. 46 control areas (Jamestown, N. Dak., to Rochester, Minn.).* All of Red civil airway No. 46 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Jamestown, N. Dak., omnirange station to the Aberdeen, S. Dak., omnirange station via the direct en route radials; from the Aberdeen, S. Dak., omnirange station to the Watertown, S. Dak., omnirange station via the direct en route and 15° north altitude change radials.

11. Section 601.603 is amended to read:

§ 601.603 *Blue civil airway No. 3 control areas (Tallahassee, Fla., to Sault Ste. Marie, Mich.).* All of Blue civil airway No. 3 from the Tallahassee, Fla., radio range station to a point 25 miles north of the Pellston, Mich., non-directional radio beacon, including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Muscle Shoals, Ala., omnirange station to the Graham, Tenn., omnirange station via the direct en route and 15° west altitude change radials, including all that area bounded on the north by Green civil airway No. 5, on the east by Blue civil airway No. 3 and on the west by the Muscle Shoals-Graham direct en route radials.

12. Section 601.605 is amended to read:

§ 601.605 *Blue civil airway No. 5 control areas (Galveston, Tex., to Salina, Kans.).* All of Blue civil airway No. 5 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Bryan, Tex., omnirange station to the Waco, Tex., omnirange station via the direct en route and 15° east altitude change radials; from the Waco, Tex., omnirange station to the Dallas, Tex., omnirange station via the direct en route and 15° east altitude change radials; from the Dallas, Tex., omnirange station to the Ardmore, Okla., omnirange station via the direct en route radials. From the Oklahoma City, Okla., omnirange station to the Ponca City, Okla., omnirange station via the direct en route radials; from the Ponca City, Okla., omnirange station to the Wichita, Kans., omnirange station via the direct en route radials.

13. Section 601.613 *Blue civil airway No. 13 control areas (Houston, Tex., to Minneapolis, Minn.)* is amended by changing last sentence to read: "from the Kansas City, Mo., omnirange station to the Lamoni, Iowa, omnirange station via the direct en route and 15° east altitude change radials; from the Lamoni, Iowa, omnirange station to the Des Moines, Iowa, omnirange station via the direct en route and 15° east and west altitude change radials."

14. Section 601.628 is amended to read:

§ 601.628 *Blue civil airway No. 28 control areas (Charleston, S. C., to Spartanburg, S. C.).* All of Blue civil airway No. 28 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Charleston, S. C., omnirange station to the Columbia, S. C., omnirange station via the direct en route and 15° northeast altitude change radials; from the Columbia, S. C., omnirange station to the Spartanburg, S. C., omnirange station via the direct en route and 15° northeast altitude change radials.

15. Section 601.661 *Blue civil airway No. 61 control areas (Springfield, Mo., to Kansas City, Mo.)* is amended by adding the following portion to the present control areas: "including all that area bounded on the east by Blue civil airway No. 61, on the west by Blue civil airway No. 13 and on the south by the Springfield-Butler direct en route radials."

16. Section 601.1245 is added to read:

§ 601.1245 *Control area extension (Port Allen, Kauai, T. H.).* All that area within a radius of 25 miles from the Port Allen radio range station extending clockwise from the north course of the Port Allen radio range to Red civil airway No. 87.

17. Section 601.1983, 3-mile control zones, is amended by adding the following airport:

Gooding, Idaho: Gooding Municipal Airport

18. Section 601.2168 is amended to read:

§ 601.2168 *Tampa, Fla., control zone.* Within a 5-mile radius of Tampa International Airport extending 2 miles either side of a line from that airport to the Tampa radio range station and extending 2 miles either side of the southeast course of the Tampa radio range to a point 10 miles southeast of the radio range station, and within a 5-mile radius of the Pinellas County Airport extending 2 miles either side of a line from that airport to the Tampa radio range station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. May 29, 1951.

[SEAL] ORA W. YOUNG,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-5957; Filed, May 23, 1951; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 58[1]]

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 374—PROJECT LICENSES

PART 384—GENERAL ORDERS

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE ASSIGNED BY OIT

MISCELLANEOUS AMENDMENTS

1. Section 371.8 *General license GRO* is amended in the following particulars:

a. Paragraph (a) *Scope of license* is amended to read as follows:

(a) *Scope of license.* (1) A general license designated GRO is hereby established authorizing the exportation to all destinations of all commodities not included on the Positive List of Commodities (§ 399.1), subject to the limitations set forth in this section.

(2) No exportations may be made under this general license to Subgroup A countries. In addition, no such exportations ultimately destined to Hong Kong or Macao may be made except fresh fruits (Schedule B Nos. 130100 through 131990), fresh vegetables (Schedule B Nos. 120710 through 122490), and cut flowers (Schedule B No. 259998). In every such case, the exporter shall at the time of clearing the shipment, present to the collector of customs an extra (fourth) copy of the shipper's export declaration for authentication, and, immediately after its authentication, the exporter shall send the authenticated (fourth) copy of the declaration to the Office of International Trade, Department of Commerce, Washington 25, D. C., Attention: Agricultural Products Division.

[1] This amendment was published in Current Export Bulletin No. 620, dated May 17, 1951.

b. The note following paragraph (a) is not affected by this part of the amendment.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

This part of the amendment shall become effective as of June 1, 1951.

2. Section 373.51 *Supplement No. 1* is amended to read as follows:

§ 373.51 *Supplement No. 1.*

TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES—THIRD AND FOURTH QUARTERS, 1951

Dept. of Commerce Schedule B No.	Commodity	Submission dates	
		Third quarter	Fourth quarter
	HIDES AND SKINS, RAW, EXCEPT FURS		
020104	Cattle hides, wet	The first month of the current calendar quarter.	The first month of the current calendar quarter.
020502	Calf skins, dry[1]		
020501	Calf skins, wet (include slunk skins)		
020702	Kip skins, dry[1]		
020701	Kip skins, wet		
020908	Buffalo hides		
	STEEL MILL PRODUCTS		
606700-610800	Steel mill products, except carbon steel	May 7-June 1, 1951[2]	June 1-June 15, 1951[2]
	Carbon steel products	do[2]	July 2-July 16, 1951[2]
	ALUMINUM AND MANUFACTURES		
629000-630998	Aluminum and manufactures with processing code NONF.	do[2]	Do[2]
	COPPER AND MANUFACTURES		
640100	Copper ore, concentrates, matte, unrefined copper as blister, converter copper, or anodes (copper content).	do[2]	Sept. 1-Sept. 15, 1951.[2]
641300	Copper scrap		
642000-642300	Other copper and manufactures	do[2]	July 2-July 16, 1951.[2]
	BRASS AND BRONZE MANUFACTURERES		
644000	Brass and bronze, scrap and old	do[2]	Sept. 1-Sept. 15, 1951.[2]
641000-647998	Other brass and bronze manufactures with processing code NONF.	do[2]	July 2-July 16, 1951.
	ELECTRICAL MACHINERY AND APPARATUS		
708810	Building wire and cable	do[2]	Do[2]
708850	Weatherproof and slow-burning wire		
708870	Insulated copper wire, n. e. s.		

[1] Applications covering calf and kip skins, dry, imported, filed in accordance with § 373.6 (a), may be submitted at any time.

[2] These submission dates for these commodities are applicable to project license applications (see §§ 374.2 (f) and 374.3 (d)).

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023, E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR 1945 Supp; E O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR 1948 Supp.)

This part of the amendment shall become effective as of May 17, 1951.

3. Section 374.2 *Dollar limits (DL) licenses* is amended in the following particulars: Paragraph (f) *Submission of Form IT-375*, is amended to read as follows:

(f) *Submission of Form IT-375*—(1) *Manner of submission.* Where required in accordance with paragraph (e) of this section Form IT-375 must be submitted, in duplicate, for each restricted commodity, except that related commodities having the same processing code symbol and number may be included on one set of Form IT-375. Commodities which do not have the same processing code symbol and number must be submitted on separate IT-375 forms.

In addition to furnishing all the other information requested, Form IT-375 must include a statement of firm requirements for the calendar quarter, stated in terms of the Schedule B number, commodity description, and quantity in the unit of quantity shown for that commodity entry on the Positive List, as well as in terms of total dollar value.

NOTE: A statement of the essentiality of the particular commodity in relation to the project will be helpful in expediting action on the application.

(2) *Time of submission.* When specific time schedules are established for submission of applications covering particular commodities, such schedules must be observed in the submission of Form IT-375 when so provided in the announcement. In all other cases Form IT-375 must be submitted not later than 30 days prior to the calendar quarter in which the commodity will be exported, except that where a commodity is placed under restricted commodity control invalidating the license with respect to that commodity less than 30 days prior to a calendar quarter, Form IT-375 may be submitted immediately.

NOTE: The commodities for which Form IT-375 must be submitted during particular periods are identified by a footnote reference in Supplement 1 to Part 373, Time schedules for submission of applications for licenses to export certain Positive List commodities.

4. Section 374.3 *SP (Special) project licenses* is amended in the following particulars: Paragraph (d) *Form IT-375* is amended to read as follows:

(d) *Form IT-375*—(1) *Estimate of total or yearly requirements.* A copy of Form IT-375, SP (Special) License Application Material Requirements List, in duplicate, must accompany each copy of application Form IT-419 and should be attached thereto. In addition to furnishing all the other information requested, Form IT-375 must include an estimate of the quantity of each commodity required. Such estimates must cover:

(i) In the case of projects, the total requirements thereof set forth by calendar quarter;

(ii) In the case of programs, the requirements for a full 12-month period set forth by calendar quarter.

(2) *Firm requirements by calendar quarters.* For the beginning and each succesive calendar quarter, a separate Form IT-375, in duplicate, must be submitted for each commodity for which validated license is required, except that related commodities on the Positive List having the same processing code symbol and number may be included on one set of Form IT-375. Commodities which do not have the same processing code symbol and number must be submitted on separate IT-375 forms.

In addition to furnishing all the other information requested, Form IT-375 must include the following:

(i) A statement of firm requirements for the calendar quarter, stated in terms of the Schedule B number, commodity description, and quantity in the unit of quantity shown for that commodity on the Positive List, as well as in terms of total dollar value;

(ii) The estimated date on which the commodities listed on each Form IT-375 will become available to the applicant.

NOTE: Commodities which do not require a validated license to export to the country of destination should not be listed on Form IT-375.

(3) *Time of submission of firm requirements.* When specific time schedules are established for submission of applications covering particular commodities, such schedules must be observed in the submission of Form IT-375 covering quarterly firm requirements when so provided in the announcement. In all other cases Form IT-375 must be submitted not later than 30 days prior to the calendar quarter in which the commodity will be exported.

NOTE: The commodities for which Form IT-375 must be submitted during particular periods are identified by a footnote reference in Supplement 1 to Part 373, Time schedules for submission of applications for licenses to export certain Positive List commodities.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

This part of the amendment shall become effective as of May 17, 1951.

5. Section 384.5 *Order revoking certain general licenses to mainland of China (including Manchuria), Hong Kong, and Macao* is amended in the following particulars:

The last unnumbered paragraph is amended to read as follows:

However, exportations of fresh fruits, fresh vegetables, and cut flowers ultimately destined to Hong Kong and Macao may be made under General License GRO in accordance with § 371.8 of this chapter.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

This part of the amendment shall become effective as of June 1, 1951.

Section 398.2 *Serial numbers for mines, smelters and mineral processing plants abroad* is amended in the following particulars:

The first unnumbered subparagraph of paragraph (c) *Submission of requests, content* is amended to read as follows:

Prior to July 1, 1951, or as soon thereafter as possible, producers operating mines, smelters, and mineral processing plants located in foreign countries, except Canada and countries for which the Economic Cooperation Administration is claimant agency (listed in § 398.1 (c)), shall file directly, or through an exporter or other person in the United States, a request for serialization. The request for serialization need be submitted only once. The request shall consist of the following:

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

This part of the amendment shall become effective as of May 17, 1951.

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-5972; Filed, May 23, 1951; 8:48 a. m.]

[5th Gen. Rev. of Export Regs. Amdt. P. L 49 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

1. Section 399.1 *Appendix A: Positive List of Commodities*, is amended in the following particulars:

a. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Hides and skins, raw, n. e. s. (include whole skins and parts thereof):				
025098	Cattle hide parts (including, but not limited to, bellies, croupons, shoulders, butts, and splits).	Piece.....	LEAT	100	RO
	Aluminum and aluminum-base alloys.				
630998	Aluminum and aluminum-base alloy manufactures, n. e. s.	.....	NONF	100	RO
708800	Magnetic sound recorders, audio-amplifying, all types, and component parts thereof (report recorders for office use in 777905 and recorders, general purpose, in 709998).	.....	ELME 1	None	R
708800	Cartridges, reels, rolls of wire or tape, or recording discs suitable for magnetic sound recorders, audio-amplifying (report cartridges, reels, rolls of wire or tape, or recording discs intended for use on recorders, general purpose, in 709998, or in 708800 if intended for use on recorders as office appliances).	.....	ELME 1	None	R

[1] This amendment was published in Current Export Bulletin No. 620, dated May 17, 1951.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
709998	Electrical apparatus and parts, n. e. s.: Magnetic sound recorders, general purpose, all types and component parts thereof (report recorders, audio-amplifying, in 708800, and recorders for use as office appliances in 777905).[1]	.....	ELME 1	None	R

[1] The effect of this amendment is to extend the coverage to include tape recorders, disc recorders, and all other magnetic sound recorders, general purpose; to add to the Positive List as ineligible component parts for all magnetic sound recorders, including wire recorders general purpose; and to reduce the GLV dollar-value limit for the commodities in the present entry from $100 to "None."

This part of the amendment shall become effective as of 12:01 a. m., May 22, 1951.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
709998	Electrical apparatus and parts, n. e. s.: Magnetic sound recorders, general purpose, all types and component parts thereof (report recorders, audio-amplifying, in 708800, and recorders for use as office appliances in 777905).	.....	ELME 1	None	R
777905	Magnetic sound recorders for use as office appliances, all types, and component parts thereof (report recorders, audio-amplifying in 708800, and recorders, general purpose, in 709998).	.....	ELME 1	None	R
	Druggists' nonproprietary preparations:				
812400	Elixirs, tinctures, fluid extracts, and similar liquid solutions (also includes liquid solution dosage forms of bulk medicinals reported in 813520, 813580, 813581, 813583, 813587, 813588, 813593, 813595) (specify by name): Compounds or mixtures containing antibiotic and/or sulfonamide drugs.	.....	DRUG	100	RO
812790	Tablets, pills, capsules, powders, ointments, extracts and similar manufactures, in dosage form n. e. s. (also includes solid dosage forms of bulk medicinals reported in 813520, 813580, 813581, 813583, 813587, 813588, 813593, 813595) (specify by name): Compounds or mixtures containing antibiotic and/or sulfonamide drugs.	.....	DRUG 3	100	RO
	Medicinal chemicals (bulk), including U. S. P. and N. F.:				
813591	Parenteral solutions, inclusive of ampoules (exclusive of biologics, glandular products, antibiotics and narcotics): Compounds or mixtures containing antibiotic and/or sulfonamide drugs.	.....	DRUG 3	100	RO
	Veterinary medicinals and preparations, except biologics:				
814390	Compounds or mixtures containing antibiotic and/or sulfonamide drugs.	.....	DRUG 3	100	RO
939600	Cartridges, reels, rolls of wire or tape, or recording discs suitable for magnetic sound recorders used as office appliances (report cartridges, reels, rolls of wire or tape, or recording discs intended for use on recorders, audio-amplifying, in 708800, or in 709998 if intended for use on recorders, general purpose).	.....	ELME 1	None	R
982501	Paint brushes, all types, using hog bristles in lengths longer than 2⅜ inches.	Doz.....	CDGS	10	RO

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2. Section 399.3 *Appendix C; Commodity Processing Codes* is amended in the following particulars:

a. The processing codes for certain commodities are amended to read as set forth below. By this part of the amendment changes are also made in processing codes for Positive List entries (§ 399.1, Appendix A) as indicated in the footnotes below.

Dept. of Commerce Schedule B No.	Commodity	Processing code
430900-490000	.....	CORK
504800	Petroleum coke, including petroleum coke flour [1]	MINL
520000-536012	Fire clay; kaolin (China clay); and other clays	MINL
536020-536040	Emery, powder, grains and grits; and corundum [2]	MINL
540000-541140	Natural abrasives, n. e. s.: fused aluminum oxide, crude and in grains; fused silicon carbide, crude and in grains; unfused aluminous abrasive; and manufactured abrasives, n. e. s.[3]	MINL
545110-545150	Asbestos unmanufactured; crude asbestos and spinning fibers; non-spinning fibers; and waste and refuse.[4]	MINL
547000	Asphalt and bitumen, natural	MINL
547210-547300	Graphite, natural amorphous; crystalline flake, lump, or chip, other natural graphite, and carbon or artificial graphite electrodes for furnace or electrolytic work.[5]	MINL
548050-548350	Carbon or graphite crucibles, retorts and stoppers; carbon or graphite products, n. e. s. except graphite greases and lubricants; and gypsum, crude, crushed, or calcined.[6]	MINL
551000-551300	Mica: unmanufactured, manufactured, and manufactures, ground, pulverized, and other.[7]	MINL
572250	Magnesite and magnesia, and manufactures	MINL
573000-573700	Talc, steatite, soapstone, and pyrophyllite, crude and ground, and manufactures, n. e. s.[8]	MINL
574012-574020	Cryolite, natural and artificial; and fluorspar, all grades [9]	MINL
596055-596058	Kyanite and allied minerals, crude, ground, and calcined, and other nonmetallic minerals, products, except precious.[10]	MINL
	Aluminum and aluminum base alloys:	
630998	Other aluminum and aluminum base alloy manufactures, n. e. s.[11]	NONF
648698	Copper manufactures, n. e. s.[12]	NONF
647098	All other brass and bronze manufactures [11]	NONF
	Lead manufactures:	
651898	Other lead manufactures, n. e. s.[10]	NONF
	Other zinc manufactures, containing 20% or more zinc:	
658898	Zinc manufactures, n. e. s.[13]	NONF
708800	Cartridges, reels, rolls of wire or tape, or recording discs suitable for magnetic sound recorders used as office appliances.[14]	ELME

[1] This changes the processing code for the Positive List entry under Schedule B No. 504800.
[2] This changes the processing code for the Positive List entry under Schedule B No. 536040.
[3] This changes the processing codes for the Positive List entries under Schedule B Nos. 541110, 541120, and 541140.
[4] This changes the processing codes for the Positive List entries under Schedule B Nos. 545110 and 545150.
[5] This changes the processing codes for the Positive List entries under Schedule B Nos. 547210, 547220, and 547300.
[6] This changes the processing codes for the Positive List entries under Schedule B No. 548050, and all listings under Schedule B No. 548098 (except graphite greases and lubricants, including, but not limited to alemite, aquadag, gredag, and oildag) are also changed from NONF to MINL. The processing code PETR for the graphite greases and lubricants referred to remains unchanged.
[7] This changes the processing codes for the Positive List entries under Schedule B Nos. 551000 and 551300.
[8] This changes the processing codes for the Positive List entries under Schedule B Nos. 573000 and 573700.
[9] This changes the processing code for the Positive List entries under Schedule B No. 574012.
[10] This changes the processing codes for the Positive List entries under Schedule B Nos. 596055 and 596098.
[11] By this amendment all commodities on the Positive List and the Commodity Processing Code list under 630998 are now coded NONF.
[12] This changes the processing code for the Positive List entry under Schedule B No. 648698.
[13] By this amendment all commodities on the Positive List and the Commodity Processing Code list under Schedule B No. 612998 are now coded NONF.
[14] By this amendment all commodities on the Positive List and the Commodity Processing Code list under Schedule B No. 651598 are now coded NONF.
[15] This changes the processing code for the Positive List entry under Schedule B No. 658998.
[16] The miscellaneous office supplies classified under Schedule B Nos. 708400-709000 and 709900 except those specifically listed above retain the processing code of CDGS. (See Part A above, additions to Positive List.)

b. The Schedule B number for bottle and container closures (including secondary closures), accessories and parts is changed from 968000 to 968010 to conform with the Bureau of the Census Bulletin P. B. No. 143–I and II.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, or whose GLV dollar-value limits were reduced, as a result of changes set forth in Part 1 of this amendment which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., May 22, 1951, may be exported under the previous general license provisions up to and including June 16, 1951. Any such shipment not laden aboard the exporting carrier on or before June 16, 1951, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-6000; Filed, May 23, 1951; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter A—Aid of Civil Authorities and Public Relations

PART 513—ASSISTANCE OF CREDITOR BY DEPARTMENT OF THE ARMY

INDEBTEDNESS OF MILITARY PERSONNEL

Section 513.1 is amended by changing the last sentence thereof to read as follows:

§ 513.1 *Indebtedness of military personnel.* * * * However, when it appears that an officer or enlisted person by his or her conduct or attitude with regard to personal indebtedness reflects discredit upon the service, the commanding officer concerned will take appropriate action in accordance with paragraph 213b, Manual for Courts-Martial, 1951 (E. O. 10214, Feb. 8, 1951, 16 F. R. 1303).

[C 1, AR 600–10, May 8, 1951] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 51-5955; Filed, May 23, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 20, Amendment 1]

CPR 20—FUTURES TRADING ON WOOL EXCHANGE

REVISED CEILING PRICES

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 20 is hereby issued.

STATEMENT OF CONSIDERATIONS

On April 6, 1951, Ceiling Price Regulation 20 was issued, establishing ceiling prices at which contracts might be traded, and deliveries made, on the Wool Associates of the New York Cotton Exchange. The ceiling prices for wool and wool top fixed at that time were based on the highest price at which contracts for May delivery traded on the Exchange during the period December 19, 1950, to January 26, 1951.

Since the effective date of Ceiling Price Regulation 20 the price of wool on world markets has declined over 20 percent. This decline has been reflected in the prices at which contracts are currently being traded on the Exchange. Furthermore, Ceiling Price Regulation 35, issued on May 9, 1951, establishes ceiling prices for commercial sales of wool and wool top which reflect the current world price for wool and wool top. They are, consequently, well below the ceiling prices fixed in Ceiling Price Regulation 20 for trading on the Exchange.

This Amendment 1 to Ceiling Price Regulation 20 reduces the ceiling prices originally established for Exchange trading to bring them into line with the ceiling prices for commercial sales of wool and wool tops. The downward revision of prices accomplished by this amendment is necessary to prevent the possibility of undue speculation on the Exchange. In a period of short supply, significant quantities of wool and top might enter into purely speculative trading on an Exchange whose ceiling prices were higher than those fixed for sales of commercial wool and top.

The new ceilings of $3.895 for exchange standard top and $3.220 for exchange standard wool are lower than the prices fixed in Ceiling Price Regulation 35 for commercial sales of the same quality wool and top. This is due to the fact that a seller of a futures contract on the Exchange may deliver certain grades other than the exchange standard grade at a fixed premium above, or discount on, the contract price. The consequent inability of the purchaser to ascertain in advance the exact grade or staple which he has purchased, results in a lower price for exchange standard wool when sold on the exchange than

for the same wool when sold commercially. This differential between the exchange price and the commercial price has fluctuated widely over the past years. The ceiling prices established in this amendment reflect a discount of 4 percent below the price of 64s average wool, and 6 percent below the price of the same grade of top, fixed in Ceiling Price Regulation 35. These differentials have been proposed by representatives of the trade, and correspond closely to the relationship which, in the months prior to the issuance of the General Ceiling Price Regulation, existed between prices on the exchange and prices for commercial sales of wool and top.

In the judgment of the Director of Price Stabilization the provisions of this amendment, and the ceiling prices established, are generally fair and equitable and will effectuate the purposes of Title IV of the Defense Production Act of 1950.

AMENDATORY PROVISIONS

Ceiling Price Regulation 20 is amended as follows:

In sections 2 and 3 wherever the price $3.535 appears, it is amended to read $3.220, and wherever the price $4.265 appears, it is amended to read $3.895.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

This Amendment 1 shall become effective on May 28, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 22, 1951.

[F. R. Doc. 51-6094; Filed, May 22, 1951; 4:00 p. m.]

[Ceiling Price Regulation 30, Amendment 1]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

AIRCRAFT AND AIRCRAFT PARTS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment places all aircraft and aircraft parts under the coverage of Ceiling Price Regulation 30. The regulation as originally issued covers the greater portion of aircraft parts. Originally it was intended to place all aircraft and aircraft parts under the regulation because of the similarity of the problems of these industries to those of the industries already covered by the regulation. However, due to an indavertence these commodities were not listed in Appendix A to the regulation which sets forth the commodities covered by the regulation.

This amendment does not recontrol military aircraft and aircraft parts which are exempted from price control by Amendment 1 to General Overriding Regulation 9 (Exemptions of Certain Industrial Materials and Manufactured Goods.

AMENDATORY PROVISIONS

Ceiling Price Regulation 30 is amended by inserting the following items in Appendix A after "air-conditioning equipment, condensing units of 25 tons capacity and over":

Aircraft.
Aircraft parts (all parts, subassemblies and unfinished parts and components of aircraft which are in such form as to permit their use only as aircraft parts).

This amendment will become effective May 28, 1951.

(Sec. 704, Pub. Law 774, 81st Cong.).

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 23, 1951.

[F. R. Doc. 51-6061; Filed, May 23, 1951; 10:34 a. m.]

[Ceiling Price Regulation 30, Amendment 2]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

SMALL BUSINESS EXEMPTION

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment provides that any manufacturer whose gross sales during his last annual accounting period were less than $250,000 may elect to continue to price his commodities under the provisions of the General Ceiling Price Regulation rather than under those of this regulation. A similar provision is incorporated in Ceiling Price Regulation 22 (Manufacturers' General Ceiling Price Regulation). Originally, it was felt that it was not necessary to have this provision in this regulation because of the nature of the industries covered by this regulation. However, it has been shown that the calculations required by this regulation may be exceedingly burdensome for many small manufacturers. Therefore, it was deemed advisable to permit this election.

AMENDATORY PROVISIONS

Ceiling Price Regulation 30 is amended by adding the following sentence to the end of section 1 (a): "If, however, your gross sales of all commodities which you manufacture (regardless of the ceiling price regulation to which those commodities are subject) for your last complete fiscal year were less than $250,000, you may elect not to use this regulation, but if you so elect, you may not use this regulation for any of your commodities."

This amendment will become effective May 28, 1951.

(Sec. 704, Pub. Law 774, 81st Cong.)

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 23, 1951.

[F. R. Doc. 51-6062; Filed, May 23, 1951, 10:34 a. m.]

[General Overriding Regulation 9, Amendment 1]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

SALES OF CERTAIN MILITARY ITEMS, SECRET AND DEVELOPMENTAL CONTRACTS, AND EMERGENCY PURCHASES

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to General Overriding Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment frees from price control restrictions imposed by the Office of Price Stabilization, certain purchases and sales of military commodities which fall within the broad category of industrial manufactured goods. These sales and purchases have previously been exempted from the General Ceiling Price Regulation by Supplementary Regulation 1 to that regulation. Accordingly, the statement of considerations involved in the issuance of Supplementary Regulation 1 to the General Ceiling Price Regulation, is equally applicable to the issuance of this amendment.

Within the category of industrial manufactured goods, the exemptions of this regulation are more narrow than those of Supplementary Regulation 1 to the General Ceiling Price Regulation. Only those commodities which are strictly of a military nature and cannot be priced with facility under Ceiling Price Regulation 30 (Machinery and Related Manufactured Goods) have been exempted from price control. All other commodities of a military nature which are included in this broad category are subject to price control.

Some purchases by the United States have been suspended from price control restrictions because of the nature of the purchases. These are emergency purchases and purchases under secret and developmental contracts. This continues the exemptions for such purchases and contracts, previously made by Supplementary Regulation 1 to the General Ceiling Price Regulation.

Any of the commodities or transactions exempted or suspended by this amendment may be recontrolled at any time that the Director of Price Stabilization deems it necessary or advisable.

AMENDATORY PROVISIONS

General Overriding Regulation 9 is amended in the following respects:

1. Section 2 (a) (5) is added to read as follows:

(5) *Certain sales of military items.* Sales of the commodities listed in subdivisions (i), (ii), and (iii) of this subparagraph, if the commodity is sold to a Defense Agency or to any person for use in connection with a defense contract or subcontract and if the commodity so sold is designed to meet military needs exclusively. The term "Defense Agency" means the Department of Defense (including the Department of the Army, the Department of the Navy, and the Department of the Air Force), the Maritime Administration of the Department of Commerce, the United States Coast Guard, the Office of Rubber Reserve, and the Atomic Energy Commission. The term "defense contract" means any purchase order, or agreement with a Defense Agency. The term "subcontract" means any purchase order, or agreement to perform all or any part of the work required in the performance of a defense contract.

(i) Aircraft, armored trains, electronic and communication devices, ground handling equipment for aircraft, instruments, radar, range finders and sonar.

(ii) Parts and subassemblies of any commodity listed in subdivision (i), including all metallic and non-metallic component parts, adjuncts and accessories which have been machined or fabricated, if the part or subassembly is in such form as to permit its use only in the manufacture of a commodity listed in subdivision (i) and if the part or subassembly is designed to meet military needs exclusively.

(iii) Parts and subassemblies of any commodity listed in this subdivision, including all metallic and non-metallic component parts, adjuncts and accessories which have been machined or fabricated, if the part or subassembly is in such form as to permit its use only in the manufacture of a commodity listed in this subdivision and if the part or subassembly is designed to meet military needs exclusively: Ammunition, amphibians, artillery, balloon barrage equipment, beach markers, boats, bombs, bomb directors, bomb sights, caissons, degaussing equipment, depth charges, diving lungs (self-contained), drop tanks (fuel), field ranges, fire control equipment, grenades, guided missiles, gun mounts, gun sights, harbor and yard craft, machine guns, military bridges, mines, minesweeping equipment, missile and rocket launchers, mortars, projectiles, pyrotechnics, range finders, rockets, ships, small arms, torpedoes, and torpedo tubes.

2. Section 2 (b) is amended to read as follows:

(b) *Suspensions.* No ceiling price regulation heretofore issued or which may hereafter be issued by the Office of Price Stabilization shall apply to the following transactions or commodities in the manner or for the period specified for each such transaction or commodity:

(1) *Secret contracts.* Sales or deliveries of any commodity listed in Appendix A of Ceiling Price Regulation 30 (Machinery and Related Manufactured Goods) under a contract or subcontract that is officially classified as "secret" and certified, in writing, as such to the Office of Price Stabilization by the United States or any agency thereof. Such certification shall state the date of the secret contract or subcontract and its number or other designation. The certifying government agency shall notify the seller and the Office of Price Stabilization whenever such contract or subcontract ceases to be secret. This suspension shall not apply after the seller is notified by the certifying government agency or the Office of Price Stabilization that the contract or subcontract is no longer deemed to be secret.

(2) *Developmental contracts.* Sales or deliveries of any commodity listed in Appendix A of Ceiling Price Regulation 30 (Machinery and Related Manufactured Goods) which is manufactured under a contract or subcontract that is certified in writing to the Office of Price Stabilization as being "developmental" by the United States or by any agency thereof. A contract is deemed to be "developmental" during the period (not in excess of six months) required for the selection of a commodity by the purchaser or for the accumulation of sufficient experience by the manufacturer to permit a fair estimate of the manufacturing costs, or both. Within ten days after entering into any "developmental" contract or subcontract the seller shall file a report with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C. This report shall set forth a description of the commodities that are the subject of the contract; a summary of the terms of the contract; and an estimate of the expected duration of the developmental work. This report need not be filed if the "developmental" contract or subcontract is also certified as "confidential", "restricted" or "secret" by the certifying government agency.

(3) *Emergency purchases.* Sales or deliveries of any commodity listed in Appendix A of Ceiling Price Regulation 30 (Machinery and Related Manufactured Goods) where such a commodity is purchased for immediate delivery by the United States or any agency thereof under such circumstances as to make delivery imperative and as to render it impossible to secure immediate delivery at the ceiling price which would otherwise be applicable. Within ten days after any such emergency purchase in the amount of $500 or more is made the person making such purchase on behalf of the purchasing agency must file a report with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C. This report shall contain a certification that an emergency existed; the name and address of the seller; the date of the purchase; the date of delivery; the description of the commodity purchased; the quantity purchased; the price at which purchased; and a brief statement of the facts giving rise to the emergency situation which necessitated the purchase at a price higher than the applicable ceiling price.

This amendment shall become effective May 28, 1951.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 704, Pub. Law 774, 81st Cong.)

May 23, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

[F. R. Doc. 51-6063; Filed, May 23, 1951; 10:34 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 3—NATIONAL CAPITAL PARKS REGULATIONS

PART 13—ADMISSION, GUIDE, ELEVATOR, AND AUTOMOBILE FEES

ADMISSION FEES

1. Section 3.44 entitled *Fees; admission, service,* is amended to read as follows:

§ 3.44 *Fees; admission, elevator service*—(a) *Admission fees.* An admission fee shall be charged each person entering the following places, except children 18 years of age or under:

Lee Mansion in Arlington National Cemetery	$0.08
Lincoln Museum	.08
House Where Lincoln Died	.08

(b) *Elevator service fee.* A fee of 10 cents shall be charged each person using the elevator in the Washington Monument, except children 18 years of age or under.

2. Paragraph (b), § 13.13, entitled *Admission fees; miscellaneous,* is amended by deleting therefrom the following:

Lincoln Museum	$0.08
House Where Lincoln Died	.08
Lee Mansion in Arlington National Cemetery	.08

(39 Stat. 535; 16 U. S. C. 3)

Issued this 15th day of May 1951.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-5959; Filed, May 23, 1951; 8:46 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

AUSTRIA; OBSERVATIONS

In § 127.210 *Austria* amend paragraph (b) (4) by striking out subdivi-

sions (iv), (v), and (vi) and inserting in lieu thereof new subdivisions (iv), (v), and (vi) to read as follows:

(b) *Observations.* • • •

(iv) The addressee of each gift parcel exceeding 500 schillings in value must present either an import license or the written approval of the Austrian National Bank. No special clearance is needed for the delivery of gift parcels not exceeding 500 schillings in value. Import licenses are required for all commercial parcels.

(v) Tobacco products in gift parcels are admitted at reduced rates of customs duty, provided that no person receives more than 200 cigarettes, 50 cigars, or 150 grams (5¼ ounces) of tobacco per month. Tobacco products exceeding 1,000 schillings in value require a special license.

(vi) Shipments of postage stamps which exceed 100 schillings in value will be delivered only if the addressee presents an import permit issued by the Austrian Ministry of Finance.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-5964; Filed May 23, 1951; 8:47 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

PERU

a. In § 127.328 *Peru* subparagraph (10) (ii) of paragraph (a) is amended to read as follows:

(ii) The articles prohibited or restricted as parcel post are also prohibited in the regular mails.

b. In § 127.328 *Peru* subparagraph (7) of paragraph (b) is amended to read as follows:

(7) *Prohibitions* — (i) *For sanitary reasons.* (*a*) Food products which are adulterated or sent under false declarations.

(*b*) Glass nursing bottles with rubber or glass tubes.

(*c*) Certain products, such as flour and milk for children and invalids, must be registered with the Director of Public Health, or be specially authorized by him for importation.

(ii) *For the protection of plants.* Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iii) *Arms, etc.* Nonexplosive components of artillery fuses; and in general, all articles comprising war material, including parts and accessories therefor. Firearms and accessories may be imported on condition that the addressee obtains a permit from the Peruvian authorities.

(iv) *State monopolies, etc.* Cooking salt. Playing cards. Tobacco, cigars or cigarettes, unless addressed to the Estanco del Tobaco (Tobacco Monopoly). Cigarettes for medical use only may be imported after a license has been secured from the Direccion General de Hacienda (Treasury Department of Peru).

(v) *For other reasons.* (*a*) Saccharine and similar products, and substances containing them, may be imported solely for medical use, upon special authorization from the Director of Public Health.

(*b*) Pharmaceutical specialties and cosmetics, such as powders, dentifrices, rouge, hair dyes, depilatories, etc., must be registered with the Director of Public Health or be specially authorized by him for importation.

(*c*) Maps and all geographic material showing the boundaries of Peru will be examined and checked by the Peruvian Geographic Society, and returned to origin in case of discrepancy in the boundary lines.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-5963; Filed, May 23, 1951; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR, Part 130]

ORDER FIXING OPERATION AND MAINTENANCE CHARGES ON CROW INDIAN IRRIGATION PROJECT, MONTANA

NOTICE OF PROPOSED RULE MAKING

MAY 16, 1951.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Public Law 404, 79th Cong., 60 Stat. 238), and authority contained in the acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 39 Stat. 142; and 45 Stat. 210, 25 U. S. C. 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs August 28, 1946, and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Regional Director September 14, 1946, which title was changed to Area Director September 13, 1949, by Order No. 2535, notice is hereby given of intent to modify §§ 130.13a, 130.13b and 130.13c of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Crow Indian Irrigation Project, Montana, that are subject to the jurisdiction of the several irrigation districts.

Charges applicable to all irrigable lands of the Crow Indian Irrigation Project that are included in the irrigation district organizations and are subject to the jurisdiction of the three irrigation districts.

§ 130.13a *Big Horn Irrigation District, Crow Indian Reservation, Montana; charges.* Pursuant to a contract executed by the Big Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given of the intention to fix an assessment of $16,900 for the season of 1952 for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Big Horn Irrigation District. This assessment involves an area of approximately 7,500 acres; does not include any land held in trust for Indians, and covers all proper general charges and project overhead.

§ 130.13b *Lower Little Horn and Lodge Grass Irrigation District, Crow Indian Reservation, Montana; charges.* Pursuant to a contract executed by the Lower Little Horn and Lodge Grass Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given of an intention to fix an assessment of $5,500 for the season of 1952 for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation District. This assessment involves an area of approximately 2,430 acres; does not include any land held in trust for Indians, and covers all proper general charges and project overhead.

§ 130.13c *Upper Little Horn Irrigation District, Crow Indian Reservation, Montana; charges.* Pursuant to a contract executed by the Upper Little Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given of the intention to fix an assessment of $3,300 for the season of 1952 for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District. This assessment involves an area of approximately 1,460 acres; does not include any land held in trust for Indians, and covers all proper general charges and project overhead.

The foregoing proposed amendments are to become effective for the irrigation season of 1952 and continue in effect thereafter until further notice.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views, data or arguments in writing to Paul L. Fickinger, Area Director, Bureau of Indian Affairs, 804 North Twenty-ninth Street, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

PAUL L. FICKINGER,
Area Director.

[F. R. Doc. 51-5926; Filed May 23, 1951; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Chapter V]

SPECIAL INDUSTRY COMMITTEE NO. 10 FOR PUERTO RICO

NOTICE OF PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE TO BE CONSIDERED IN RECOMMENDING MINIMUM WAGE RATES FOR EMPLOYEES IN VARIOUS INDUSTRIES

In conformity with sections 5 and 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060 as amended; 29 U. S. C., and Sup., 201 et seq.), and in accordance with § 511.11 of the regulations issued pursuant thereto (Title 29, Chapter V, Code of Federal Regulations, Part 511), notice is hereby given to all interested persons that a public hearing will be held beginning on June 12, 1951 at 10:00 a. m., in Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, Puerto Rico, for the purpose of receiving evidence to be considered by Special Industry Committee No. 10 for Puerto Rico in recommending minimum wage rates for employees in the industries in Puerto Rico hereinafter enumerated.

Special Industry Committee No. 10 for Puerto Rico was created by Administrative Order No. 411, published in the FEDERAL REGISTER on May 16, 1951 (16 F. R. 4591). It is charged, in accordance with the provisions of the Fair Labor Standards Act of 1938, as amended, and regulations promulgated thereunder, with the duty of investigating conditions in the following industries of Puerto Rico, as defined in said Administrative Order: Foods, Beverages, and Related Products Industries; Paper, Paper Products, Printing, Publishing, and Related Industries; Jewel Cutting and Polishing Industry; Communications, Utilities, and Miscellaneous Transportation Industries; Shoe Manufacturing and Allied Industries; and the General Division of the Textile and Textile Products Industry. The Foods, Beverages, and Related Products Industries will be the first industries considered by the Committee.

The Committee is further charged with the duty of recommending to the Administrator the highest minimum wage rates (not in excess of 75 cents per hour) for all employees in Puerto Rico in the industries cited above who within the meaning of said act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by the provisions of section 13 (a) and employees coming under the provisions of section 14, which, having due regard to economic and competitive conditions, will not substantially curtail employment in such industries and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico. Before any minimum wage rates recommended by the Committee are made effective, a public hearing will be held pursuant to section 8 of the act, at a time and place to be announced by the Administrator and at which all interested persons will have an opportunity to be heard.

Any person who, in the opinion of the Committee or its duly authorized subcommittee, has a substantial interest in the proceeding and is prepared to present material pertinent to the question under consideration, may appear on his own behalf or on behalf of any other person. Persons wishing to appear are requested to file with Russell Sturgis, Territorial Director of the Wage and Hour Division, Post Office Box 3906, Santurce 29, Puerto Rico, not later than June 5, 1951, a notice of intention to appear. A copy of such notice must also be filed by such persons with the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., on or before the same date. The notice of intention to appear should contain the following information:

1. The name and address of the person appearing.

2. If he is appearing in a representative capacity, the name and address of the person or persons whom, or the organization which, he is representing.

3. The approximate length of time which his presentation will consume.

All testimony will be taken under oath and subject to reasonable cross-examination by any interested person present. Testimony so received will be offered as evidence at the public hearing to be held on such minimum wage recommendations as Special Industry Committee No. 10 for Puerto Rico may make.

Written statements of persons who cannot appear personally will be considered by the Committee: *Provided*, That such statements are sworn and that at least 12 copies thereof are received not later than June 12, 1951 at the Wage and Hour Division of the United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce 29, Puerto Rico. Any person appearing at the hearing who offers written material must submit at least 12 copies thereof.

Signed at San Juan, Puerto Rico, this 14th day of May 1951.

A. CECIL SNYDER,
Chairman, Special Industry Committee No. 10 for Puerto Rico.

[F. R. Doc. 51-5960; Filed, May 23, 1951; 8:46 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

OFFICE OF THE CHIEF OF TRANSPORTATION

STATEMENT OF ORGANIZATION AND FUNCTIONS OF AGENCIES DEALING WITH THE PUBLIC

The statement of organization and functions published in 15 F. R. 555, February 1, 1950, is amended by changing paragraph (l) of section 2 to read as follows:

SEC. 2. *Organization and functions of agencies dealing with the public.* • • •

(l) *Office of the Chief of Transportation*—(1) *Mission.* Under the direction and control of the Assistant Chief of Staff, G-4, to move persons and things and provide transportation services for the Army and as assigned for the Navy, Air Force, and other agencies.

(2) *Origin and history.* (i) Prior to the reorganization of the Army in March 1942, responsibility for transportation was assigned to the Office of The Quartermaster General, except for the operation of the Military Railway Service, a function of the Chief of Engineers at that time. Staff supervision over transportation activities was exercised by the Transportation Service, Services of Supply.

(ii) Knowledge gained in the early months of World War II paralleled the experiences of World War I and the necessity for an integrated surface transportation system operating under one coordinating agency became obvious.

(iii) In order to create one office that could facilitate rapid coordination and sound control of all surface transportation, the Transportation Corps was activated July 31, 1942, pursuant to Executive Order 9082 (February 28, 1942, issued under the authority of Title I, of the First War Powers Act (55 Stat. 838)). On November 5, 1942, the Military Railway Service was transferred from the Corps of Engineers and on July 24, 1946, highway transport responsibilities were transferred from the Quartermaster Corps to the Transportation Corps, thus placing responsibility for all surface transportation activities under this office.

(iv) A directive of the Secretary of Defense dated August 2, 1949, prescribed the organization of the Military Sea Transportation Service under the direction and control of the Department of the Navy and for the assumption by that organization of responsibility for sea transport operations.

(v) Under Public Law 581, Eighty-first Congress, the Transportation Corps was made a basic branch of the Army.

(3) *Dual role of the Chief of Transportation*—(i) *Staff advice.* The Chief of Transportation is the designated traffic manager and the senior transportation staff officer of the Department of the Army, responsible for furnishing technical advice and recommendations to the Secretary of the Army, Under Secretary of the Army, the Chief of Staff, and all elements of the Army on matters pertaining to transportation.

(ii) *Command.* For the execution of the transportation mission, the Chief of Transportation commands all troops, activities and installations assigned to his control.

(4) *Legal basis.* The authority for the assignment of general powers and duties to the Chief of Transportation by these regulations rests in sections 206 and 405, Public Law 581, Eighty-first Congress (Army Organization Act of 1950).

(5) *Major functions*—(i) *Planning.* Prepares operational, mobilization, and industrial mobilization plans for the transportation requirements of the Army.

(ii) *Movements control.* Plans, programs, and coordinates all aspects of the movement of Army controlled personnel and freight by all forms of transportation from source to destination.

(iii) *Traffic management.* (*a*) Provides the Army with traffic management and control and with transportation engineering services, including the determination of transportation capabilities, and the adequacy and availability of transportation facilities and equipment of both domestic and foreign transportation systems.

(*b*) Routes and regulates, and issues releases for, the movement of Army-controlled traffic to continental United States ports for export.

(*c*) Routes and regulates continental United States freight and passenger movements of a specific size and larger, generally one carload or more (or equivalent via other means) of freight and fifteen (15) or more passengers.

(iv) *Ports and terminals.* Directs and supervises the operation of continental United States Army ports of embarkation and activities at terminals other than Army ports pertaining to the in-transit storage, loading, stowing, unloading, and documentation of cargo for which the Army has responsibility.

(v) *Air transport.* Plans for the administrative air movement of Army cargo and personnel; recommends Army requirements for administrative air transportation; within assigned responsibilities provides troop units for the Army aerial ports of embarkation and for the operations of assigned organic Army aviation when employed in the administrative movement of cargo and personnel.

(vi) *Rail transport.* (*a*) Exercises technical and staff supervision over the operation of railroads and the assignment, maintenance, repair, and economical use of railroad equipment, over which the Army has responsibility.

(*b*) Based on railway operating capabilities, makes determinations of requirements for, and military characteristics of, rail equipment for the Department of Defense, except where otherwise specifically assigned.

(*c*) Designs, procures, and inspects rail equipment for the Army, except where otherwise specifically assigned.

(vii) *Highway transport.* (*a*) Exercises staff and technical supervision over all matters pertaining to highway transportation, including related overland equipment such as sleds and tracked or amphibious vehicles, except where otherwise specifically assigned.

(*b*) Makes basic determinations of essential characteristics, and of types and numbers required for administrative, line-of-communications, cargo and personnel vehicles, Transportation Corps truck units, and related equipment.

(*c*) Coordinates Department of Defense highway requirements in the continental United States, and integrates such requirements through the Bureau of Public Roads and the American Association of State Highway Officials into the over-all civil highway program.

(viii) *Harbor craft.* (*a*) Exercises staff and technical supervision over the procurement, assignment, inspection, operation, maintenance, and repair of Army harbor craft, except where otherwise specifically assigned.

(*b*) Administers and supervises marine personnel affairs of the Army, except where otherwise specifically assigned.

(ix) *Supply and procurement.* Determines requirements for, and directs the procurement, packing and packaging, inspection, maintenance, storage, issue, cataloging, and standardization of Transportation Corps equipment and supplies.

(x) *Research and development.* (*a*) Conducts a research and development program for the Transportation Corps and liaison activities pertaining to research and development with other agencies of the Department of Defense, other government departments, and commercial and foreign agencies.

(*b*) Plans and directs the investigation, research, design, development, and determination of military characteristics of Transportation Corps items, supplies and equipment in coordination with the using service. Determines military characteristics of equipment for Transportation Corps use to be developed by other services.

(xi) *Intelligence.* In accordance with Department of the Army policies, produces and maintains intelligence concerning foreign research and development, organizations, matériel, and operations in the field of ground transportation; prepares and maintains transportation sections of the Strategic Vulnerability Surveys; exercises technical supervision over the collection and exploitation of transportation intelligence information in theaters of operations.

(xii) *Training.* Formulates plans, policies, and technical methods governing the training of personnel engaged in transportation activities, except those assigned by the Department of the Army to other commands for supervision.

(xiii) *Field activities.* Commands the Army ports of embarkation, Transportation School and training installations, Marietta TC Depot, and such other field activities as assigned by the Department of the Army.

(6) *Organization*—(i) *Assistant Chief of Transportation (Administration).* Assists the Chief of Transportation in preparing plans and policies for over-all administration of all elements of the Transportation Corps, and in directing the execution of such plans and policies; exercises general supervision in this field, with particular attention to the activities of the Legal, Personnel, Military Planning and Intelligence, Training and Organization, and Supply Divisions.

(ii) *Assistant Chief of Transportation (Operations).* Assists the Chief of Transportation in preparing plans and policies for the operational activities of all elements of the Transportation Corps, and in directing the execution of such plans and policies; exercises direct supervision over Movements Control Division activities, and general supervision over activities of the Terminal Operations and Installations, Commercial Traffic Service, Railway Transport Service, and Highway Transport Service Divisions.

(iii) *Comptroller of the Transportation Corps.* Assists the Chief of Transportation in obtaining economy and efficiency in the development and execution of Transportation Corps plans and programs; exercises general supervision in this field, with particular attention to the activities of the Fiscal, Managerial, and Program Review and Analysis Divisions.

(iv) *Administrative Office.* (*a*) Provides administrative services such as publications reference unit, office supplies, reproduction service, files (to include maintenance, disposal, preservation, and retirement), space allocation, the office of correspondence record and message center for the Office, Chief of Transportation.

(*b*) Reviews and processes all proposed Department of the Army and transportation Corps publications originating within the Office, Chief of Transportation, to insure compliance with established procedures governing format, reproduction, distribution, etc., of publications.

(*c*) Administers Army policies governing printing and binding, reproduction, blank forms, publications, and contract field printing throughout the Transportation Corps.

(v) *Managerial Division.* (*a*) Exercises staff action for the Chief of Transportation on matters of management policy and practices within the Office, Chief of Transportation, and Transportation Corps installations, with major emphasis on the improvement of organizations, methods, and procedures.

(*b*) Plans and develops management improvement practices for application throughout the Transportation Corps.

(*c*) Conducts, or supervises the conducting of, management audits as required.

(*d*) Assures that personnel suballotments are in consonance with workload requirements and personal services funding limitations.

(vi) *Fiscal Division.* (*a*) Prepares, submits, and justifies the budget for Transportation Service, Army, and coordinates the preparation and submission of the Transportation Corps fund requirements to be included in other Department of the Army appropriations.

(*b*) Makes fiscal analysis of activities financed by funds of Transportation Service, Army.

(*c*) Makes analysis of costs of installations under the direct control of the Chief of Transportation.

(*d*) Controls funds, maintains accounts, prepares current financial reports and funds analyses required for management purposes.

(*e*) Exercises staff supervision over property accounting matters, including procedures, practices, and standards within the jurisdiction of the Chief of Transportation.

(*f*) Conducts examinations of the activities of field installations of the Transportation Corps so far as fiscal operations may be affected.

(*g*) Acts as the staff agency for the Chief of Transportation for the clearance of all actions, or communications affecting or pertaining to Department of the Army or Transportation Corps fiscal policies and/or procedures.

(vii) *Program Review and Analysis Division.* (*a*) Integrates the review and analysis of the development of long-range and fiscal year Transportation Corps programs within the Department of the Army Program Structure.

(*b*) Assists in the over-all review and analysis of progress under such programs, by highlighting status, trends, difficulties, and needs for reprogramming.

(*c*) Operates a system of program performance reports designed to furnish data required by the Office, Chief of Transportation, and other Department of the Army Staff agencies.

(*d*) Develops and maintains the general statistics program of the Transportation Corps.

(viii) *Legal Division.* (*a*) Advises and serves the elements of Office of the Chief of Transportation as to contract, labor, maritime, and other legal matters.

(*b*) Performs legal and legislative liaison with Department of the Army agencies, and, in coordination with Office, Chief Legislative Liaison, with outside agencies.

(*c*) Formulates and supervises compliance with Transportation Corps contracting procedures.

(*d*) Exercises staff supervision over legal activities in Transportation Corps field installations.

(ix) *Personnel Division.* (*a*) Exercises staff supervision over and directs the administration of Transportation Corps military personnel.

(*b*) Directs, administers, and supervises the civilian personnel and labor relations program of the Transportation Corps.

(*c*) Formulates, develops, and recommends labor relations policies for application in dealing between labor and management in the transportation field as such affects the responsibility of the Chief of Transportation. Promotes stable relations for the Army in the transportation labor relations field.

(*d*) Formulates, develops, and administers for the Chief of Transportation his responsibility under the "Policy of the Secretary of the Army for Civilian Personnel" (November 6, 1947). Exercises staff supervision over the development of procedures for the administration of civilian personnel in the Transportation Corps, and exercises responsibility for the programming and implementation thereof.

(x) *Military Planning and Intelligence Division.* (*a*) Initiates, coordinates, and prepares strategic, logistical, and emergency transportation plans.

(*b*) Reviews plans, studies, and analyses prepared by other agencies of the Department of Defense for transportation implications and makes proper recommendations thereon.

(*c*) Prepares plans for the operation of staging areas as class II activities under mobilization.

(*d*) Prepares estimates and forecasts of transportation resources as required.

(*e*) Under the direction and supervision of the Assistant Chief of Staff, G–2, procures and disseminates transportation intelligence information, and prepares and/or monitors transportation studies pertaining thereto.

(*f*) Provides representation for the Chief of Transportation and coordinates the work of other groups of the Office, Chief of Transportation on committees and subcommittees of agencies of the Combined and Joint Chiefs of Staff, and other agencies of the Department of Defense.

(*g*) Maintains liaison with transportation planners, such as Munitions Board, National Security Resources Board, Maritime Commission, and Association of American Railroads.

(*h*) Supervises Transportation Corps direct exchange of technical information with foreign nationals and arranges for clearance for foreign nationals to visit Transportation Corps installations and private plants.

(xi) *Training and Organization Division.* (*a*) Exercises staff supervision over:

(*1*) All matters pertaining to military training and doctrine for units and personnel under the command of the Chief of Transportation.

(*2*) Transportation Corps Army Extension Courses, training with civilian educational institutions, training with industry, and career guidance programs.

(*3*) Activities of the Transportation School.

(*4*) Technical training of transportation units of the civilian components.

(*b*) Coordinates the program for the affiliation of Transportation Corps Organized Reserve units.

(*c*) Recommends location of Transportation Corps units.

(*d*) Coordinates selection of civilian educational institutions for establishment of Transportation Corps—Reserve Officers' Training Corps units.

(*e*) Conducts inspections of Transportation Corps training in the field.

(*f*) Prepares, in coordination with the General Staff, movement directives for units assigned to the Chief of Transportation.

(*g*) Makes recommendations for new and revisions to organizational and equipment tables for all Transportation Corps type units, and submits to Assistant Chief of Staff, G–4, for approval.

(*h*) Prepares Transportation Corps portion of the Army troop basis for all components; reviews Transportation Corps portion of the Army troop basis for theaters of operation.

(*i*) Exercises staff responsibility for preparation, coordination, and processing of all publications and training aids pertaining to Transportation Corps military training; reviews for the Chief of Transportation publications and training aids pertaining to Transportation Corps military training prepared by other agencies.

(*j*) Exercises staff supervision over the procurement, development, and preparation of films, film strips, and other training aids regarding Transportation Corps activities.

(xii) *Supply Division.* Exercises staff and technical supervision over all supply activities of the Transportation Corps, including, but not limited to, supply control, supply fund management, procurement and production, requirements, distribution, stock control, packing and packaging, inspection, storage, maintenance, reclamation, disposition, standardization, industrial mobilization planning, cataloging, contract termination, and settlement of Transportation Corps supplies and equipment used by the Department of Defense; receipt and storage of strategic materials, and mobilization reserve; development and follow-up of plans for an efficient and effective Transportation Corps supply system.

(xiii) *Terminal Operations and Installations Division.* (*a*) Exercises staff supervision over:

(*b*) Terminal operations activities at Army ports of embarkation, to include piers, transit sheds, and open storage areas adjacent to piers, and such services, facilities, and equipment as are required in connection therewith.

(*2*) Arrangements with Military Sea Transport Service for cargo bookings, and assignments of cargo to space allocated by Military Sea Transport Service.

(*3*) Technical review, investigation, and processing of marine casualties, and cargo loss, damage, and general average claims.

(*4*) Cargo documentation and documentation procedures for the loading and unloading of cargo of Army responsibility.

(*5*) Acquisition, construction, utilization, maintenance and disposition of facilities and installations of the Transportation Corps.

(*6*) Internal physical operations of holding and reconsignment points.

(*b*) Responsible for adequacy, supervision, and direction of safety measures in technical operations of particular concern to the Transportation Corps at class II installations and activities under the direct command of Chief of Transportation. Prescribes basic safe practice and safe physical standards for

those operations at all Army installations and provides technical advice on such matters when requested.

(c) Develops, prepares, and evaluates terminal operations portions of studies required by the Joint Chiefs of Staff, the General Staff, and other Department of the Army agencies.

(d) Exercises staff and technical supervision over the assignment, operation, maintenance, repair, and disposition of Army harbor craft and floating equipment, except that assigned to the Chief of Engineers for river, harbor, and flood control work.

(e) Makes recommendations for new and revision to existing tables of organization and equipment for Transportation Corps units pertaining to terminal operations type units.

(f) Furnishes technical advice in connection with fundamental training doctrine as expressed in manuals, school courses, and other publications.

(g) Initiates, develops, implements, and follows up plans for effective and efficient terminal and related operations.

(h) As directed by the Military Planning and Intelligence Division, prepares plans for the operation of staging areas under mobilization.

(xiv) *Highway Transport Service Division.* (a) Develops, prepares, and evaluates highway transport plans for the Army.

(b) Provides the Army with highway transportation engineering services, including logistical studies concerning highway transportation and determinations of foreign and domestic highway capabilities, capacity, and requirements for truck units and related equipment.

(c) Acts for the Chief of Transportation as the official representative of the Department of Defense in liaison with the Commissioner of Public Roads and the American Association of State Highway Officials in matters pertaining to highways for national defense, and coordinates the Department of Defense requirements in carrying out this liaison.

(d) Acts for the Chief of Transportation in exercising staff supervision for the Department of the Army through appropriate commanders over the allocation, administration, operation, and utilization of administrative vehicles.

(e) Reviews requirements for administrative vehicles and recommends revision of allowances and allocations commensurate with sound, economical, operational practices.

(f) Authorizes and supervises the supply of bus transportation service used pursuant to Public Law 560, Eightieth Congress, and maintains records of the location and cost thereof.

(g) Determines the essential characteristics required in personnel and cargo type vehicles and recommends Army action to assure proper vehicle design to meet the needs of the Transportation Corps; recommends research projects on related subject.

(h) Develops requirements for, analyzes, interprets, and makes the technical evaluation of military intelligence as it pertains to highways and highway transport.

(i) Prepares the highway transportation portions of studies required by the Joint Chiefs of Staff and the General Staff.

(j) Makes recommendations for new or revised tables of organization and equipment.

(k) Renders technical advice in connection with fundamental training doctrine as expressed in manuals, extension or other school courses, and other publications pertaining to highway transportation and prepares certain specialized material when directed.

(l) Assists in negotiating affiliation agreements with commercial associations and concerns for the sponsorship of highway transport ORC units.

(m) Determines practicability of, and develops through appropriate commanders, plans for the final implementation of recommendations for joint utilization of motor vehicle equipment, facilities, and services.

(xv) *Movements Control Division.* (a) Plans, programs, and coordinates all aspects of the movement of Army-controlled personnel and freight by all forms of transportation from source to destination.

(b) Collects, develops and assembles all transportation requirements for which the Army is responsible. Presents and justifies such requirements with appropriate Department of Defense agency.

(c) Advises the General Staff, oversea commands, and other interested agencies concerning over-all transportation requirements and capabilities.

(d) Formulates and reviews policies applicable to the movement of Army units and Army-sponsored individuals together with their equipment and personal property.

(e) Formulates and reviews policies for the movement of cargo for which the Army is responsible to include such matters as the division of cargo between ports of embarkation, the use of outports, the use of freight forwarders, and the assignment or delegation of movement control functions to field agencies.

(f) Arranges for bulk allocations of space for personnel and cargo aboard vessels operated by Military Sea Transport Service and Military Air Transport Service operated aircraft.

(xvi) *Railway Transport Service Division.* (a) Exercises staff and technical supervision for the Chief of Transportation over all matters pertaining to railway transportation, not otherwise specifically assigned.

(b) Analyzes, evaluates, and interprets railway transportation intelligence.

(c) Prepares the railway portion of studies required by the Joint Chief of Staff, the General Staff, and other Department of the Army agencies.

(d) Establishes equipment characteristics and requirements for railway projects in all oversea commands.

(e) Reviews tables of organization for the Military Railway Service units; renders technical advice in connection with fundamental training doctrine as expressed in manuals, extension or school courses, or other publications, and visual training aids so far as they pertain to railway transportation and prepares certain specialized material when directed.

(f) Exercises technical staff supervision over the operation and maintenance-of-way and equipment of military railroads.

(g) Exercises direct supervision over the operation of Continental United States Transportation Corps railroad repair shops.

(h) Assists in negotiating affiliation agreements with commercial railroads for the sponsorship of railway ORC units.

(xvii) *Commercial Traffic Service Division.* (a) Exercises staff and technical supervision for the Chief Transportation on all matters pertaining to management and regulation of freight and passenger traffic via land, air, and inland and coastal waterways.

(b) Correlates short-range forecasts of military traffic requirements with commercial transportation capabilities.

(c) Develops and recommends policies and procedures designed to provide the Department of the Army with efficient and economical traffic management and prepares and disseminates pertinent procedures, instructions, regulations, and information through proper media.

(d) Maintains files of tariff and schedules of rail, highway, air, inland waterways, inter-coastal and coast-wise commercial carriers, and such other traffic publications as are required. Quotes freight and passenger rates and provides other traffic information upon request.

(e) Routes, releases, and or otherwise regulates Army-controlled traffic; effects equitable distribution thereof.

(f) Traces, reconsigns, diverts, embargoes, holds, and or expedites Army-controlled traffic and arranges for special transportation services as required.

(g) Prescribes the loading, routing and or movement of matériel and equipment of excessive length, width, height, and or weight, presenting physical clearance problems or transportation hazards. Studies carriers' capabilities and physical barriers in movement areas within the continental United States, and in connection therewith advises appropriate agencies on movement difficulties concerning equipment of excessive dimensions or weight during the period of planning and developing such equipment.

(h) Makes studies and prepares information relative to and conducts negotiations for the Army with commercial carriers, their agents, or associations involving transportation rates, fares, changes, classifications, rules, regulations, agreements, and services. Prepares data and exhibits for use by The Judge Advocate General in formal and informal complaints, petitions and protests before transportation regulatory bodies, and furnishes technically qualified witnesses in connection with such litigation.

(i) Controls and directs the operation and distribution of the Army-owned and leased tank car fleet, and other Army-owned or leased freight and passenger rolling stock used in interchange service. Develops and maintains data on land transportation workloads and capabilities to insure proper utilization of carriers' equipment and facilities, and Army equipment used in interchange service.

(j) Implements policies for, and exercises staff supervision over, side-track agreements. Participates in negotiations involving switching services, locomotive power, lead in tracks, and transportation services in the leasing of stand-by installations.

(k) Conducts negotiations for and exercises staff supervision over weight agreements, demurrage agreements, and loading rules and the application of such agreements and rules.

(l) Investigates causes of, and recommends preventive action to minimize loss and damage to commercial shipments in the continental United States.

(m) Furnishes technical advice on the transportation aspects of the establishment or inactivation of military installations.

(n) Develops and supports policies and procedures necessary to assist the Department of Defense to place into effect and vigorously pursue a policy that will assure the proper consideration of transportation charges and services by all personnel engaged in procurement, storage, and distribution.

(o) Maintains and provides Department of the Army traffic statistics.

(p) Prepares and issues freight classification guides translating supply catalog nomenclature into commercial freight classification descriptions.

(q) Coordinates all customs matters pertaining to Army-controlled traffic with the Office, Commissioner of Customs.

(r) Arranges with Military Sea Transport Service for booking of coast-wise and intercoastal shipments. Also arranges through appropriate agencies for the booking of space for specific cargo movements to oversea destinations.

(s) Acts as the central Army agency for the administration and assignment of priorities charged to the oversea military air capabilities reserved for use by the Army.

[SEAL] WM. E. BERGIN,
Major General U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 51-5956; Filed, May 23, 1951; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52730]

CONVICT-MADE GOODS

COTTON WORK GLOVES FROM NAGOYA, JAPAN

Under date of February 3, 1941, the Department issued a finding, T. D. 50323 (6 F. R. 808), based upon the information then before it, that convict labor was used in the manufacture of cotton work gloves in the locality of Nagoya, Japan.

In view of changed conditions, the above-mentioned matter has been reexamined, and as a result thereof the Department is now in receipt of official information that cotton work gloves manufactured in the locality of Nagoya, Japan, are not made with the use of convict labor. Accordingly, T. D. 50323 is hereby terminated.

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: May 18, 1951.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51-5983; Filed, May 23, 1951; 8:50 a. m.]

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1951, 54th Supp.]

AMERICAN CREDIT INDEMNITY CO. OF NEW YORK

SURETY COMPANY ACCEPTABLE ON FEDERAL BONDS

MAY 18, 1951.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the act of Congress approved July 30, 1947 (6 U. S. C. secs. 6–13), as an acceptable surety on Federal bonds. An underwriting limitation of $957,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-5985; Filed May 23, 1951; 8:50 a. m.]

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1951, 63d Supp.]

HANOVER FIRE INSURANCE CO.

SURETY COMPANY ACCEPTABLE ON FEDERAL BONDS

MAY 18, 1951.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the act of Congress approved July 30, 1947, (6 U. S. C. secs. 6–13), as an acceptable surety on Federal bonds. An underwriting limitation of $1,249,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-5984; Filed, May 23, 1951; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

CLASSIFICATION ORDER

MAY 16, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427, dated August 16, 1950, 15 F. R. 5639, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following-described land in the Colorado land district, embracing approximately 40 acres,

COLORADO SMALL TRACT CLASSIFICATION NO. 11

For lease and sale for homesite purposes only:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 3 N., R. 76 W.,
Sec. 27, NE¼SE¼ (Lots 1 to 29, inclusive).

This area is indicated on legal plat of survey by the Bureau of Land Management, approved March 15, 1951, copies of which are on file and may be viewed at the office of the Manager, Land and Survey Office, Denver, Colorado.

2. The land slopes gently to the east overlooking the Granby Reservoir. The highwater shore line will be from 300 to 500 feet east of the east boundary line of the tract. Schools, stores, and other facilities are available in the village of Granby, about 10 miles to the south, or the village of Grand Lake, about 4 miles to the north via highway U. S. 34, which is adjacent to the tract. Public utilities are available from lines that pass within a mile of the area.

3. As to applications regularly filed prior to 9:30 a. m., February 4, 1949, and for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

4. As to the land not covered by the applications referred to in paragraph 3, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., June 26, 1951. At that time, such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., June 26, 1951, to the close of business on September 24, 1951.

(b) Advance period for veterans' simultaneous filings from 9:30 a. m., February 4, 1949, to the close of business on September 24, 1951.

5. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., September 25, 1951.

(a) Advance period for simultaneous nonpreference filings from 9:30 a. m., February 4, 1949, to the close of business on September 24, 1951.

6. Applications filed within the periods mentioned in paragraphs 4 (b) and 5 (a) will be treated as simultaneously filed.

7. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate

of honorable discharge, or of an official document of his branch of the service, which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service as veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

8. All of the land will be leased in tracts as specified on the approved plat of survey dated March 15, 1951, covering the area. Lots 1 to 19, inclusive, and lots 21 to 29, inclusive, contain approximately one and one-quarter acres, each. Lot 20 contains approximately five acres. Preference right leases referred to in paragraph 3 will be issued for the land described in the application provided the tract conforms to or is made to conform to the area and dimensions specified herein as shown on the approved plat of survey.

9. Leases for the lots numbered consecutively from 1 to 29 will be for a period of three years at an annual rental of $10 payable for the entire lease period in advance of the issuance of the lease.

10. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial, and appropriate for the use for which the lease is issued. Leases will contain an option to purchase, provided the terms and conditions of the lease have been met.

Applications for purchase (Form 4–775a) may be filed during the term of the lease, but not more than 30 days prior to the expiration of one year from the date of lease issuance: *Provided*, That improvements appropriate to the purpose for which the lease is issued, and which meet with the approval of the Regional Administrator, shall have been constructed upon the lands prior to the filing of the application for purchase.

The net price at which the land may be purchased will consist of the appraised value plus the cost of survey, if any, and minus an amount equal to the advance rental for each full lease year, if any, subsequent to the filing of the application to purchase. All of the lots from 1 to 29, inclusive, are appraised at $100 each.

11. Lessees and/or their successors in interest shall comply with all Federal, State, and County laws and ordinances, especially those governing health and sanitation, and failure or refusal to do so may be cause for cancellation of the lease in the discretion of the authorized officer of the Bureau of Land Management.

12. Leases and patents will be subject to easements and rights-of-way for roads and public utilities along lot boundaries as follows:

T. 3 N., R. 76 W., 6th P. M.,
Sec. 27: NE¼SE¼:
Lot 1: 66 feet on the east boundary, 33 feet on the north boundary, and 33 feet on the west boundary;
Lot 2: 33 feet on the east, north, and west boundaries;
Lot 3: 33 feet on the east, north, and west boundaries;
Lot 4: 33 feet on the east boundary;
Lot 5: 33 feet on the east boundary;
Lot 6: 33 feet on the east and west boundaries;
Lot 7: 33 feet on the east and west boundaries;
Lot 8: 66 feet on the east boundary and 33 feet on the west boundary;
Lot 9: 66 feet on the east boundary and 33 feet on the west boundary;
Lot 10: 33 feet on the east and west boundaries;
Lot 11: 33 feet on the east and west boundaries;
Lot 12: 33 feet on the east boundary;
Lot 13: 33 feet on the east boundary;
Lot 14: 33 feet on the east, west, and south boundaries;
Lot 15: 33 feet on the east, west, and south boundaries;
Lot 16: 66 feet on the east boundary and 33 feet on the south and west boundaries;
Lot 17: 66 feet on the east boundary and 33 feet on the north and west boundaries;
Lot 18: 33 feet on the east, north, and west boundaries;
Lot 19: 33 feet on the east, north, and west boundaries;
Lot 20: 33 feet on the east boundary;
Lot 21: 33 feet on the east and west boundaries;
Lot 22: 33 feet on the east and west boundaries;
Lot 23: 66 feet on the east boundary and 33 feet on the west boundary;
Lot 24: 66 feet on the east boundary and 33 feet on the west boundary;
Lot 25: 33 feet on the east and west boundaries;
Lot 26: 33 feet on the east and west boundaries;
Lot 27: 33 feet on the east, west, and south boundaries;
Lot 28: 33 feet on the east, west, and south boundaries;
Lot 29: 66 feet on the east boundary, and 33 feet on the south and west boundaries

Such rights-of-way may be utilized by the Federal Government, or the State, county, or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued. Leases and patents issued in accordance with this order will also be subject to all existing rights-of-way.

13. All inquiries relating to this land should be addressed to the Manager, Land and Survey Office, Bureau of Land Management, 341 New Customhouse, Denver, Colorado.

H. Byron Mock,
Regional Administrator.

[F. R. Doc. 51–5958; Filed, May 23, 1951; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–1615]

Brooklyn Union Gas Co.

ORDER DENYING REQUEST THAT APPLICATION BE HEARD UNDER SHORTENED PROCEDURE; FIXING DATE OF HEARING

May 17, 1951.

On February 19, 1951, The Brooklyn Union Gas Company (Applicant), a New York corporation with its principal place of business in Brooklyn, New York, filed an application and supplement thereto on April 16, 1951, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas pipeline facilities, should it ultimately be determined that such facilities are subject to the jurisdiction of the Commission under the act, all as more fully described in such application on file with the Commission and open to public inspection. Due notice was given of the filing of the application, including publication in the Federal Register on March 6, 1951 (16 F. R. 2108–2109).

Applicant has requested that this application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for non-contested proceedings.

The Commission finds: Good cause has not been shown for granting The Brooklyn Union Gas Company's request that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure and said request should be denied as hereinafter ordered.

The Commission orders:

(A) The Brooklyn Union Gas Company's request that its application in the above-entitled matter be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) be and the same is hereby denied.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on June 7, 1951, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: May 18, 1951.

By the Commission.

[SEAL] Leon M. Fuquay,
Secretary.

[F. R. Doc. 51–5962; Filed, May 23, 1951; 8:46 a. m.]

[Docket No. G–1693]

Kansas-Nebraska Natural Gas Co., Inc.

NOTICE OF APPLICATION

May 18, 1951.

Take notice that Kansas-Nebraska Natural Gas Company, Inc. (Applicant), a Kansas corporation, of Phillipsburg, Kansas, filed on May 8, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain natural gas facilities described as follows:

(1) Approximately 15 miles of 6⅝-inch and 11 miles of 8⅝-inch natural-gas transmission pipe line extending from the Big Springs Field, Deuel County, Nebraska, to a connection with Applicant's existing pipeline at Ogallala, Nebraska.

(2) Approximately 2 miles of 2⅜-inch lateral pipe line extending from the proposed line described in paragraph (1) above and two town border stations to serve the towns of Big Springs and Brule, Nebraska.

(3) Approximately 8 miles of 8⅝-inch and 5 miles of 4½-inch natural-gas pipe line extending from the Big Springs Field, Nebraska, to Ovid, Colorado.

(4) Approximately 10.5 miles of 3½-inch and 13.5 miles of 2⅜-inch lateral pipe line and four town border stations to serve the towns of Chappell and Lodge Pole, Nebraska, and Ovid and Julesburg, Colorado.

(5) Approximately 52 miles of 8⅝-inch of pipe line to replace 4½-inch pipe in Applicant's Ogallala to North Platte, Nebraska, line.

(6) Necessary lateral pipe lines and measuring and regulating facilities to enable Applicant to serve industrial customers in Brule and Chappell, Nebraska, and in Ovid and Julesburg, Colorado.

The application states that the primary purposes of the proposed new construction are, (1) to utilize the new gas supply contracted for by Applicant from the Big Springs Field in Deuel County, Nebraska, thereby better assuring continuity of supply to Applicant's existing markets; (2) to provide additional gas for the increased demands of its existing markets and for the additional markets it proposes to serve in the states of Nebraska and Colorado; (3) to assure sufficient production history from the new gas field to enable Applicant to better evaluate the reserves; and (4) to furnish sufficient market for this new gas field to encourage additional development in the area, thereby enabling Applicant to better meet its market requirements and to obtain additional data with which to evaluate the field for possible future use as a gas storage reservoir.

The estimated total over-all capital cost of the proposed construction is $976,330, which Applicant proposes to obtain from working capital and the proceeds from the sale of first mortgage 20-year sinking fund bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of June 1951. The application is on file with the Commission for public inspection.

[SEAL] Leon M. Fuquay,
Secretary.

[F. R. Doc. 51–5961; Filed, May 23, 1951; 8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 22]

Stardust, Inc.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Stardust, Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of brassieres, panties, slips, and ladies' blouses manufactured by Stardust, Inc., 350 Fifth Avenue, New York 1, New York, having the brand name "Stardust" and described in the manufacturer's application dated March 6, 1951. The manufacturer's prices listed below are subject to terms of 8/10, MON.

Manufacturer's selling price (per dozen)	*Ceiling price at retail (per unit)*
Brassieres	
$8.00	$1.00
11.50	1.50
12.00	1.69
15.00	1.98
Panties	
$5.15	$0.79
6.25	.59
16.50	1.98
Slips	
$16.50	$1.98
18.75	2.39
19.50	2.59
24.00	2.98
Ladies' Blouses	
$13.50	$1.69
15.75	1.98

2. Panties having the style number 503 in the manufacturer's application dated March 6, 1951, so long as they have a manufacturer's selling price of $4.50 per dozen, shall have a ceiling price at retail of $0.79 per unit.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after June 23, 1951, Stardust, Inc., must mark each article listed in paragraphs 1 and 2 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $------

On and after July 23, 1951, no retailer may offer to sell the article unless it is marked or tagged in the form stated above. Prior to July 23, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulations which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1 and 2 of this special order or changes the retail ceiling price of a listed article, Stardust, Inc. must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manu-

facturer had delivered any article covered in paragraphs 1 and 2 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 24, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 23, 1951.

[F. R. Doc. 51-6058; Filed, May 23, 1951; 9:03 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 23]

SAPPHIRE HOSIERY CORP.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Sapphire Hosiery Corporation has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of women's hosiery manufactured by Sapphire Hosiery Corporation, 358 Fifth Avenue, New York 1, New York, having the brand name "Sapphire" and described in the manufacturer's application dated April 9, 1951. The manufacturer's prices listed below are subject to terms of Net 10, EOM.

WOMEN'S HOSIERY

Manufacturer's selling price (per dozen pairs)	*Ceiling price at retail (per pair)*
$10.00	$1.35
10.75	1.50
12.00	1.65
13.25	1.85
14.00	1.95
17.50	2.50

2. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 23, 1951, Sapphire Hosiery Corporation must mark each article listed in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after July 23, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 23, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraph 1 of this special order or changes the retail ceiling price of a listed article, Sapphire Hosiery Corporation must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 24, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 23, 1951.

[F. R. Doc. 51-6059; Filed, May 23, 1951; 9:03 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 24]

MCKAY PRODUCTS CORP.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, The McKay Products Corp., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of women's underwear manufactured by the McKay Products Corp., 350 Fifth Avenue, New York, N. Y., having the brand names "Blue Swan Suspants" and "Blue Swan Minikins" and described in the manufacturer's application dated March 14, 1951 and supplemented and amended in the manufacturer's application dated March 22, 1951. The manufacturer's prices listed below carry a discount of 2/10, EOM.

WOMEN'S UNDERWEAR

Manufacturer's selling price (per dozen)	*Ceiling price at retail (per unit)*
$5.50	$0.89
7.25	.98
10.50	1.50
12.00	1.75
22.50	2.95

2. (a) Women's underwear having the style number 8054 in the manufacturer's application dated March 14, 1951, so long as it has a manufacturer's selling price of $7.25 per dozen, shall have a ceiling price at retail of $1.00 per unit.

(b) Women's underwear having the style number 8936 in the manufacturer's application dated March 14, 1951, so long as it has a manufacturer's selling price of $22.50 per dozen, shall have a ceiling price at retail of $2.98 per unit.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after June 23, 1951, The McKay Products Corp., must mark each article listed in paragraphs 1, 2 (a) and 2 (b) of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec 43—CPR 7
Price $------

On and after July 23, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 23, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1, 2 (a) and 2 (b) of this special order or changes the retail ceiling price of a listed article, The McKay Products Corp., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraphs 1, 2 (a) and 2 (b) of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 24, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 23, 1951.

[F. R. Doc. 51-6060; Filed, May 23, 1951; 9:03 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7955, 8045]

PALO ALTO RADIO STATION, INC. (KYA) AND SAN MATEO COUNTY BROADCASTERS (KVSM)

ORDER DELETING ISSUES

In re applications of Palo Alto Radio Station, Inc. (KYA), San Francisco, California, Docket No. 7955, File No. BP-4452; Edmund Scott, Gordon D. France, Hugh H. Smith and Merwyn F. Planting d/b as the San Mateo County Broadcasters (KVSM), San Mateo, California, Docket No. 8045, File No. BP-5536; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of May 1951;

The Commission having under consideration the above-entitled applications of Palo Alto Radio Station, Inc., to change facilities of Station KYA, San Francisco, California from 1260 kc, 1 kw, 5 kw-LS, unlimited time to 1060 kc, 50 kw power, unlimited time utilizing a directional antenna; and of the San Mateo County Broadcasters to change facilities of Station KVSM from 1050 kc, 250 watts power, daytime only to 1260 kc, 1 kw, 5 kw-LS, unlimited time;

It appearing, that the said mutually contingent applications were originally designated for hearing and heard in 1947 in a consolidated proceeding with other applications which have been subsequently severed from the proceeding or dismissed by the Commission; and

It further appearing, that at the original hearing evidence was adduced on the technical, financial and other qualifications of the corporate licensee of Station

KYA, then controlled by one Dorothy Schiff, and the partnership licensee of Station KVSM, as well as evidence with regard to the proposed programming of both applicants; and

It further appearing, that on December 14, 1949 the Commission granted an application (BAL-944) for assignment of license of Station KVSM from Edmund Scott, Gordon D. France, Hugh H. Smith and Merwyn F. Planting, a partnership doing business as the San Mateo County Broadcasters, to Hugh H. Smith, as an individual, and on April 12, 1950, the Commission granted an application (File No. BTC-908) for the voluntary transfer of control of Palo Alto Radio Station, Inc., licensee of Station KYA from Dorothy Schiff to J. Elroy McCaw and John Keating; and

It further appearing, that by reason of above-mentioned assignment of license of Station KVSM and transfer of control of Station KYA, the evidence adduced on the technical, financial and other qualification of the then licensees of the applicants herein is unnecessary to a decision in this case, and that by reason of the fact that the hearing is no longer a comparative one, the evidence with regard to the programming of each applicant is likewise unnecessary to a decision; and

It further appearing, that the elimination of such issues from the orders of designation would facilitate and expedite an initial decision in the case; and

It further appearing, that each applicant in this proceeding is legally, technically, financially and otherwise qualified to construct and operate its station, as proposed;

It is ordered, That the Commission's order of November 14, 1946, designating the above-entitled application of Palo Alto Radio Station, Inc. (KYA), for hearing, and the Commission's order of January 9, 1947, designating the above-entitled application of the San Mateo County Broadcasters (KVSM) for hearing are amended to show the deletion therefrom of Issue Number 1, pertaining to the technical, financial and other qualifications of the applicants, and Issue Number 3, pertaining to the programming proposals of the applicants.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5978; Filed, May 23, 1951; 8:49 a. m.]

[Docket Nos. 7955, 8045]

PALO ALTO RADIO STATION, INC. (KYA), AND SAN MATEO COUNTY BROADCASTERS (KVSM)

ORDER CONTINUING HEARING

In the matter of Palo Alto Radio Station, Inc. (KYA), San Francisco, California, Docket No. 7955, File No. BP-4452; Edmond Scott, Gordon D. France, Hugh Smith and Merwyn F. Planting, a partnership, d b as San Mateo County Broadcasters (KVSM), San Mateo, California, Docket No. 8045, File No. BP-5536; for construction permits.

The Commission having under consideration the petition of Palo Alto Radio Station, Inc. (KYA); filed May 11, 1951, that the further hearing in the above-entitled matter, which is presently scheduled for May 16, 1951, be continued for a period of sixty days;

It appearing, that the requested continuance herein is necessary because of the illness of petitioner's counsel and the fact that certain engineering studies essential to its case have not been completed;

It appearing further, that all other parties to the proceeding have consented to the granting of the instant petition and to a waiver of § 1.745 of the Commission's rules and regulations to permit immediate consideration thereof;

It is ordered, This 14th day of May 1951, that the petition of Palo Alto Radio Station, Inc. (KYA), be, and it is hereby, granted; and the hearing in the above-entitled matter is continued to July 17, 1951, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5980; Filed, May 23, 1951; 8:49 a. m.]

[Docket No. 9626]

COMMUNITY BROADCASTING CO. (KUNO)

ORDER CONTINUING HEARING

In re application of Leslie C. Smith, B. G. Moffett and J. H. Mayberry, d/b as Community Broadcasting Company (KUNO), Corpus Christi, Texas, for modification of construction permit; Docket No. 9626, File No. BMP-5034.

The Commission having under consideration a petition filed May 8, 1951, by Leslie C. Smith, B. G. Moffett and J. H. Mayberry, doing business as Community Broadcasting Company (KUNO), Corpus Christi, Texas, requesting that the hearing on its above-entitled application be continued for a period of ninety days in order to permit Commission action upon a pending petition for reconsideration and grant without hearing, filed by petitioner on April 13, 1951; and

It appearing, that the hearing in this proceeding is now scheduled to commence on May 17, 1951, at Washington, D. C., and that no action has as yet been taken by the Commission on the said petition for reconsideration and grant of its application without hearing; and

It further appearing, that the disposition of the pending petition for reconsideration and grant by the Commission may obviate the necessity for a hearing or alter the proceeding upon this application, and that the orderly dispach of business and the ends of justice will be served by postponing the hearing until after the Commission has considered the petition filed April 13, 1951; and

It further appearing, that the time within which opposition to this petition for continuance might be filed has expired and no such opposition has been filed;

It is, therefore, ordered, This 15th day of May 1951, That the petition for a ninety day continuance from May 17, 1951, is granted; and the hearing on the above-entitled application, now scheduled for May 17, 1951, at Washington, D. C., is continued to August 15, 1951, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5981; Filed, May 23, 1951; 8:49 a. m.]

[Docket No. 9795]

MAGIC CITY BROADCASTING CO., INC. (WEDR)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Magic City Broadcasting Co., Inc. (WEDR), Fairfield, Alabama, for construction permit; Docket No. 9795, File No. BP-7778.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of May 1951;

The Commission having under consideration the above-entitled application requesting a construction permit to change the facilities of Station WEDR, Birmingham, Alabama, from frequency 1220 kilocycles, 1 kilowatt power, daytime only to frequency 1330 kilocycles, 500 watts 1 kilowatt-LS power, unlimited time, to change studio and transmitter locations from Birmingham to Fairfield, Alabama, and install directional antenna for night use only;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station WEDR as proposed, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice particularly with reference to nighttime service to the Birmingham Metropolitan District and to population residing between the nighttime normally protected and interference free contours;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at 10:00 a. m., on July 26, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WEDR as proposed, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of Station WEDR as proposed would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of Station WEDR as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to nighttime service to the Birmingham Metropolitan District and to the assignment of stations where objectionable interference would be received to a field intensity contour greater than that specified for a station of its class.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5975; Filed, May 23, 1951; 8:49 a. m.]

[Docket No. 9820]

EARL M. KEY (WKEY)

ORDER SCHEDULING HEARING

In re application of Earl M. Key (WKEY), Covington, Virginia, for construction permit; Docket No. 9820, File No. BP-7828.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of May 1951;

The Commission having under consideration a petition filed November 29, 1950 by Earl M. Key, requesting reconsideration and grant without hearing of his above-entitled application to change transmitter location and to make changes in antenna and ground system of Station WKEY, Covington, Virginia; an opposition to said petition filed December 12, 1950 by Rollins Broadcasting, Inc., licensee of Radio Station WRAD, Radford, Virginia; and a reply to said opposition filed on January 9, 1951, by Earl M. Key; and

It appearing, that on October 23, 1950, the above-entitled application was designated for hearing to determine among other things whether the operation of Station WKEY as proposed would increase the existing objectionable interference to Station WRAD, Radford, Virginia; that said hearing was originally scheduled to commence January 5, 1951; and that said hearing has been continued indefinitely pending action on the above-mentioned petition; and

It further appearing, that petitioner alleges that based upon the value of ground conductivity between WKEY and WRAD as determined by field intensity measurements, the operation of Station WKEY, as proposed, would not result in objectionable interference to Station WRAD; but that the measurements submitted by petitioner are considered unsatisfactory for the determination of the soil conductivity between WKEY and WRAD for the reason that a substantial percentage of the measurements were taken at points at excessive distances from the line between the two transmitter sites;

It is ordered, That the aforesaid petition of Earl M. Key, requesting reconsideration and grant without hearing of the above-entitled application, is denied;

It is further ordered, That the hearing in this proceeding is scheduled to commence at 10 a. m., on the 6th day of July 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5979; Filed, May 23, 1951; 8:49 a. m.]

[Docket No. 9884]

CIRCLE BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Circle Broadcasting Corporation, Hollywood, Florida, for construction permit; Docket No. 9884, File No. BP-7750.

The Commission having under consideration a petition, filed by the applicant herein on May 16, 1951, requesting a postponement of the hearing now scheduled for May 23 for a period of sixty days from that date; and

It appearing, that the applicant's plans to seek amendment and removal from hearing of its application have been complicated by the recall to active duty in the military services of two of its stockholders, and that a further period of time is required to effect stockholder substitutions and to petition for appropriate amendment thereafter; and

It further appearing, that there are no other parties to this proceeding and that counsel for the Commission has informally consented to a postponement of the hearing as herein ordered, and that a grant of the instant petition will conduce to the orderly dispatch of the Commission's business and serve the ends of justice; now therefore,

It is ordered, This 18th day of May 1951, that the petition for postponement of the hearing is granted, and the hearing now scheduled for May 23, 1951, is continued to 10:00 a. m., on Wednesday, July 25, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5982; Filed, May 23, 1951; 8:49 a. m.]

[Docket No. 9907]

S. H. PATTERSON (KJAY)

ORDER AMENDING ISSUES

In re application of S. H. Patterson (KJAY), Topeka, Kansas, for construction permit; Docket No. 9907, File No. BP-7770.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 16th day of May 1951;

The Commission having under consideration a petition filed on April 26, 1951, by S. H. Patterson requesting enlargement of issues in the hearing on the above-entitled application for construction permit to increase nighttime power of Station KJAY, Topeka, Kansas, from 1 kilowatt to 5 kilowatts and to make changes in the maximum expected operating values of the directional antenna pattern;

It appearing, That the said application was designated for hearing by Commission order of February 14, 1951, on engineering issues only and the licensees of Stations KEIO, Pocatello, Idaho, and KPRO, Riverside, California, made parties to the proceeding; and

It further appearing, that petitioner alleges that the present and proposed program service of Station KJAY is of particular interest to the proposed service area and on the basis of this allegation requests that the issues be enlarged to permit the introduction of evidence of the present and proposed program service of Station KJAY and the other program services available within the proposed service area; and

It further appearing, that the proposed operation of Station KJAY may involve interference with Stations KEIO, Pocatello, Idaho, and KPRO, Riverside, California, and accordingly evidence of the proposed program service of Station KJAY would be of little, if any, assistance in resolving the matters in issue in the absence of evidence of the program services rendered by Stations KEIO and KPRO to the areas of possible interference involved; and

It further appearing, that no opposition to the said petition has been filed by the parties respondent;

It is ordered, That the said petition is granted and the order of February 14, 1951, designating the above-entitled application for hearing is amended to include as Issue 5 therein the following issue:

5. To determine the type and character of program service proposed to be rendered, whether it would meet the requirements of the populations and areas proposed to be served and to determine the program service presently available to those areas and populations.

It is further ordered, That, on the Commission's own motion, the order of February 14, 1951, designating the above-entitled application for hearing is further amended to include as Issue 6 therein the following issue:

6. To determine the type and character of program service rendered by stations KEIO, Pocatello, Idaho, and KPRO, Riverside, California.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5976; Filed, May 23, 1951; 8:49 a. m.]

[Docket No. 9916]

CENTERVILLE BROADCASTING CO. (KCOG)

ORDER AMENDING ISSUES

In re application of Centerville Broadcasting Company (KCOG), Centerville, Iowa, for modification of license; Docket No. 9916, File No. BML-1439.

At a session of the Federal Communications Commission, held at its offices in

Washington, D. C., on the 16th day of May 1951;

The Commission having under consideration a petition filed on April 9, 1951, by Galesburg Broadcasting Company, licensee of Station WGIL, Galesburg, Illinois, and party respondent to the hearing on the above-entitled application for modification of license of Station KCOG, Centerville, Iowa, from 100 watts to 250 watts, requesting enlargement of issues in the said hearing to permit petitioner to show the type and character of program service presently rendered by Station WGIL;

It appearing, that the said application was designated for hearing by Commission order of March 14, 1951, on engineering issues only and the licensees of Stations WGIL, Galesburg, Illinois; KVFD, Fort Dodge, Iowa; and KFRU, Columbia, Missouri, made parties to the proceeding; and

It further appearing, that petitioner alleges Station WGIL maintains auxiliary studios in Monmouth, Illinois and broadcasts programs of particular interest to the population residing within the possible area of interference to Station WGIL from the operation of Station KCOG as proposed and that no other local broadcast service is available to the possible area of interference and on the basis of these allegations requests that the issues in the said hearing be enlarged to permit the introduction of evidence of the program service rendered by Station WGIL; and

It further appearing, that the proposed operation of Station KCOG may involve interference with Stations WGIL, KVFD and KFRU and accordingly evidence of the program service of Station WGIL would be of little if any assistance in resolving the matters in issue in the absence of evidence of the program service proposed to be rendered by Station KCOG and the program services rendered by Stations KVFD and KFRU; and

It further appearing, that no opposition to the said petition has been filed;

It is ordered, That the said petition is granted and the order of March 14, 1951 designating the above-entitled application for hearing is amended to include therein the following issues:

4. To determine the type and character of program service proposed to be rendered, and whether it would meet the requirements of the populations and areas proposed to be served.

5. To determine the type and character of program service rendered by Stations WGIL, Galesburg, Illinois; KVFD, Fort Dodge, Iowa; and KFRU, Columbia, Missouri.

It is further ordered, That, on the Commission's own motion, Issue 3 in the order of March 14, 1951, designating the above-entitled application for hearing is amended to add thereto "with particular reference to population residing within the 250 mv/m and 500 mv/m blanket contours."

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-5977; Filed, May 23, 1951; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-12, 54-194]

ELECTRIC BOND AND SHARE CO. AND NATIONAL POWER & LIGHT CO.

NOTICE OF FILING OF PLAN AND APPLICATION FOR MODIFICATION OF DISSOLUTION ORDER, AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of May A. D. 1951.

In the matter of Electric Bond and Share Company and National Power & Light Company, File No. 54-194; Electric Bond and Share Company, National Power & Light Company, File No. 59-12.

On August 25, 1941, the Commission entered its order pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 requiring that the existence of National Power and Light Company ("National"), a registered holding company subsidiary of Electric Bond and Share Company ("Bond and Share"), also a registered holding company, be terminated and that National be dissolved, and further requiring that National and Bond and Share proceed with due diligence to submit to the Commission a plan or plans for its prompt dissolution pursuant to section 11 (b) (2) of the act.

At the time of the Commission's dissolution order, National had nine public utility subsidiaries and eighteen nonutility subsidiaries. Its consolidated assets were $549,926,751.74. Its outstanding securities consisted of long-term debt, preferred stock and common stock. The debt and preferred stock have since been retired and the only outstanding securities of National are 5,456,117 shares of common stock of which 2,540,450 (46.5 percent) are owned by Bond and Share. National's assets at the present time consist primarily of cash and cash items in the amount of $2,037,044.78 and its liabilities are stated at $41,586.26, showing a net asset value at the present time of 36.59 cents per share.

Notice is hereby given that Bond and Share and National have filed an application with the Commission pursuant to section 11 (e) of the act. All interested persons are referred to said document which is on file in the offices of the Commission for a statement of the transactions proposed which may be so summarized as follows:

Phoenix Industries Corporation ("Phoenix"), a closely held Delaware corporation, has entered into an agreement with Bond and Share whereby Bond and Share will sell and Phoenix will buy the 2,540,450 shares of National's common stock now owned by Bond and Share at a price of 45 cents per share, and Phoenix will offer or cause to be made an offer to all public holders of common stock of National to purchase all of such shares for the price of 45 cents per share, which offer, it is stated, will remain open for a period of 30 days or such other period as may be fixed or approved by the Commission.

The application states that Phoenix was formed to engage, or invest in other companies which engage, in commercial activities considered to have growth, development and expansion prospects. It is further stated that it is the intention of Phoenix to cause National to invest in companies of the same general character as those in which Phoenix intends to invest. It is further stated that Phoenix will not directly or indirectly invest in the utility field and does not intend to become or permit National to become an investment company within the meaning of the Investment Company Act of 1940. It is further stated that after consummation of the transactions herein proposed, National's name will be changed to a name dissimilar to its present one.

The application further states that a ruling has been obtained from the Commissioner of Internal Revenue holding that consummation of the transactions proposed herein will not change prior rulings of the Bureau of Internal Revenue made pursuant to Supplement R of the Internal Revenue Code, as amended. That ruling further indicates that Phoenix has agreed to waive any tax benefits which might otherwise result from the proposed acquisition of control of National, and that upon consummation of the transactions herein proposed, National will execute a closing agreement with the Bureau of Internal Revenue to that effect.

The reasons set forth for Phoenix's desire to acquire a controlling interest in National are (1) the large number of stockholders which National has, (2) the fact that National's stock is listed on the New York Stock Exchange and (3) the fact that National's assets consist entirely of cash available for investment.

Bond and Share and National request the issuance of an order modifying the provisions of the "Order requiring dissolution of subholding company" dated August 23, 1941 (File No. 59-12) so as to abrogate the requirement that National's existence be terminated and that National be dissolved and thus permit the continued corporate existence of National. In support of that application, it is alleged that by reason of the disposition of National's stock by Bond and Share, National will cease to be a part of the Bond and Share holding company system and hence that voting power will no longer be inequitably distributed among the security holders of that system by reason of the existence of National.

National further requests an order of the Commission permitting it to withdraw its notification of registration pursuant to section 5 of the act and requests that such order declare that upon the withdrawal of such notification, National will cease to be a registered holding company within the meaning of the act. In support of that request, National alleges that it has ceased to be a holding company within the meaning of the Act in that it presently has no subsidiaries which would cause it to be a holding company. National and Bond and Share further request an order of the Commission terminating all proceedings with respect to National, and in so far as Bond and Share is concerned with respect to all matters arising out of the existence of National.

Bond and Share requests that the Commission issue its order approving or permitting the sale by Bond and Share to Phoenix of the 2,540,450 shares of common stock of National owned by Bond and Share and that such order recite that such sale and the transactions related thereto are necessary or appropriate to the simplification of the holding company system of Bond and Share and necessary or appropriate to effectuate the provisions of section 11 (b) of the act within the meaning and requirements of the Internal Revenue Code as amended including section 1808 (f) and Supplement R thereof.

The Commission being required by the provisions of section 11 (e) of the act, before approving any plan thereunder to find after notice and opportunity for hearing that the plan, as submitted, or as modified, is necessary to effectuate the provisions of subsection (b) of section 11 of the act, and is fair and equitable to the persons affected thereby, and it appearing appropriate to the Commission that a hearing be held upon the said plan to afford all interested persons an opportunity to be heard with respect thereto;

It is ordered, That a hearing under the applicable provisions of the act and the rules thereunder be held on May 31, 1951, at 10:30 a. m. e. d. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 193 will advise as to the room in which such hearing will be held. All persons desiring to be heard or otherwise wishing to participate in the proceedings shall notify the Commission in the manner prescribed by Rule XVII of the rules of practice on or before May 29, 1951.

It is further ordered, That Harold B. Teegarden or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application, and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination;

(1) Whether the plan, as submitted or as hereafter modified, is necessary to effectuate the provisions of section 11 (b) (2) of the act, and constitutes an appropriate step in compliance with the order of this Commission dated August 23, 1941, thereunder.

(2) Whether the offer to the stockholders of National and the terms and conditions of such proposal are fair to such stockholders or whether any conditions should be imposed with respect to it.

(3) Whether it is appropriate and in the public interest to modify the order of dissolution directed to National and whether it is appropriate and in the public interest to issue an order permitting National to continue in existence for the purposes hereinbefore set forth.

(4) Whether, pursuant to section 5 of the act, the Commission should find that National shall have ceased to be a holding company, and, if so, whether any terms and conditions should be prescribed.

(5) Whether the plan as filed or as modified appropriately provides for the payment of expenses, fees and remuneration in connection with the proceedings and the appropriateness of any such expenses, fees and remuneration.

(6) Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and the rules thereunder and if not, what modification should be required to be made therein and what terms and conditions should be imposed to satisfy the applicable statutory standards.

It is further ordered, That at said hearing, evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That notice of this hearing be given to Bond and Share, National, and Phoenix by registered mail, and to all other persons by publication of this notice and order in the FEDERAL REGISTER and by a general release of the Commission distributed to the Press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

It is further ordered, That jurisdiction be and the same hereby is reserved to require the issuance of such further notice as the Commission shall determine to be appropriate in the course of these proceedings.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-5970; Filed, May 23, 1951; 8:48 a. m.]

[File No. 7-1295]

BALDWIN SECURITIES CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of May A. D. 1951.

The San Francisco Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, 75 cents Par Value, of Baldwin Securities Corporation, a security listed and registered on the New York Curb Exchange and on the Philadelphia-Baltimore Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to June 14, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-5966; Filed, May 23, 1951; 8:47 a. m.]

[File No. 70-2610]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

ORDER AUTHORIZING PRINCIPAL AMOUNT OF PROMISSORY NOTES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 17th day of May A. D. 1951.

In the matter of New England Electric System, Beverly Gas and Electric Company, Gloucester Electric Company, Haverhill Electric Company, Malden Electric Company, Northern Berkshire Gas Company, Quincy Electric Light and Power Company, Southern Berkshire Power & Electric Company, Suburban Gas and Electric Company, Weymouth Light and Power Company, File No. 70-2610.

New England Electric System ("NEES"), a registered holding company, and its above named subsidiary companies, hereinafter individually referred to as "Beverly", "Gloucester", "Haverhill", "Malden", "Northern Berkshire", "Quincy", "Southern Berkshire", "Suburban Gas" and "Weymouth" and collectively referred to as "the borrowing companies", having filed applications-declarations, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 7, 9 (a), 10 and 12 (f) of the act and Rules U-42 (b), U-43 (a), and U-45 (b) (3) promulgated thereunder with respect to the following proposed transactions:

The borrowing companies propose to issue to NEES, from time to time but not later than June 30, 1951, promissory notes in an aggregate principal amount up to but not exceeding $4,700,000. Said notes will mature April 1, 1952, and bear interest at the prime interest rate charged by banks for such notes at the time said notes are issued. It is stated in the applications-declarations that if

the prime interest rate for any of such notes is in excess of 2¾ percent at the time any of such notes is proposed to be issued, NEES and the particular borrowing company or companies will file an amendment setting forth therein the amount involved and the proposed rate of interest at least five days prior to the proposed issue date of any such note. It is further requested that unless the Commission notifies NEES or the particular company or companies to the contrary within said five-day period, such amendment be considered effective, without further order, at the end of such period.

The following tabulation shows the aggregate face amount of promissory notes proposed to be issued by each of the borrowing companies and the application by such companies of the proceeds therefrom during the period April 1, 1951, to June 30, 1951:

Company	Aggregate amount of notes proposed to be issued to NEES	Application of proceeds		
		Notes payable to banks	Notes and advances payable to NEES	For construction
Beverly	$1,270,000	$550,000	$575,000	$145,000
Gloucester	455,000	380,000		75,000
Haverhill	200,000	200,000		
Malden	600,000	450,000		150,000
Northern Berkshire	310,000	200,000		110,000
Quincy	280,000	195,000	35,000	50,000
Southern Berkshire	755,000	495,000	355,000	
Suburban Gas	540,000	320,000		260,000
Weymouth	150,000	150,000		
Total	4,700,000	2,945,000	965,000	790,000

Malden's and Quincy's presently outstanding notes payable to banks were due on or before May 1, 1951. The applications-declarations indicate that NEES, on or prior to said maturity date, made non-interest bearing advances to said companies, which will be repaid from the proceeds of the notes Malden and Quincy propose to issue.

The applications-declarations state that incidental services in connection with the proposed transactions will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $100 for NEES and each of the borrowing companies, or the aggregate sum of $1,000.

The applications-declarations further state that no state commission has jurisdiction over the proposed transactions.

NEES and the borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

Said applications-declarations having been filed on April 10, 1951, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for a hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions comply with the applicable sections and rules, and observing no basis for adverse findings, and having determined that it is not necessary to impose any terms or conditions other than those prescribed by Rule U-24; and the Commission deeming it appropriate in the public interest and for the protection of investors and consumers to grant the request of the applicants-declarants that the Commission's order authorizing the proposed transactions become effective upon issuance:

It is ordered, Pursuant to Rule U-23 and the applicable sections of the act, and subject to the terms and conditions contained in Rule U-24 that the said applications-declarations be, and the the same hereby are, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5969; Filed, May 23, 1951; 8:47 a. m.]

[File No. 70-2630]

NEW ENGLAND GAS AND ELECTRIC ASSN.

NOTICE OF PROPOSED ISSUANCE AND SALE OF ADDITIONAL COMMON SHARES PURSUANT TO SUBSCRIPTION OFFERING TO COMMON SHAREHOLDERS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of May A. D. 1951.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "act") by New England Gas and Electric Association ("Negea"), a registered holding company. Declarant has designated sections 6 (a) and 7 of the act and Rule U-50 (a) (1) promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested persons may, not later than May 29, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter, said declaration as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transaction therein proposed, which are summarized as follows:

Negea proposes to offer to the holders of its outstanding common shares of record on May 31, 1951, the right to subscribe for additional common shares on the basis of one such additional common share for each eight common shares owned, at a price to be determined by the company. On the basis of the number of common shares outstanding on March 31, 1951, 197,243 additional common shares would be offered. The holders of common shares on the record date will also be given the privilege of subscribing, at the subscription price, subject to allotment on a pro rata basis, for any of such additional shares not subscribed for through the exercise of rights, on the basis of one additional share for each share owned. Both the right to subscribe and the additional subscription privilege will be evidenced by transferable warrants in registered form.

While the offering of common shares will not be underwritten, Negea, to facilitate the offering, proposes to procure the services of security dealers to solicit subscriptions to purchase the additional common shares being offered. In this connection, Negea has invited twelve security dealers to submit proposals as to the basis, including compensation, on which each, alone or in combination with other firms, would form and manage a group of security dealers who are members of the National Association of Securities Dealers, Inc.

The filing states that a portion of the proceeds of the proposed sale of common shares will be used to retire $1,000,000 of short-term bank indebtedness which was incurred to enable Negea to acquire common stock of certain of its subsidiaries, and that any excess over the amount required for such purpose will be set aside for the purpose of acquiring additional common stocks of subsidiaries.

Declarant requests that the order of the Commission herein become effective forthwith upon the issuance thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5968; Filed, May 23, 1951; 8:47 a. m.]

[File No. 70-2634]

GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING FOR AUTHORITY TO ISSUE AND SELL ADDITIONAL SHARES OF COMMON STOCK BY ISSUANCE OF SUBSCRIPTION WARRANTS TO COMMON STOCKHOLDERS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of May A. D. 1951.

Notice is hereby given that an application-declaration has been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by General Public Utilities Corporation ("GPU"), a registered holding company. GPU designates sections 6 (a), 7 and 12 (c) of the act and Rules U-42 and U-50 thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 31, 1951, at 5:30 p. m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 31, 1951, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

GPU proposes to issue 504,657 additional shares of its authorized and unissued common stock, par value $5 per share. It proposes to issue to the holders of its outstanding common stock transferable subscription warrants carrying the right to subscribe for shares of such additional common stock on the basis of one share for each fifteen shares of common stock held of record. The duration of the offer, which will be from 15 to 20 days, the record date, and the subscription price are to be supplied by GPU by later amendment.

No fractional shares of GPU's common stock will be issued but the initial stockholders of record will be given the right to purchase, in lieu of any fractional shares, a full share of the additional common stock.

Up to a specified date to be set by amendment, the initial stockholders of record may sell their rights to GPU and GPU will pay to such initial record holders for such rights the higher of (a) a fixed price to be set by GPU by subsequent amendment, or (b) a price reflecting the excess, if any, of the market price of GPU common stock on the New York Stock Exchange over the subscription price.

The offering will not be underwritten nor will GPU enter into any-dealer-manager arrangement. GPU does propose, however, to utilize the services of security dealers in soliciting the exercise of the warrants and GPU will pay such dealers for such services a fee, the amount of which is to be supplied by amendment.

GPU further proposes to dispose of the additional common stock covered by rights purchased by GPU or by rights not exercised by the holders thereof by selling such stock either through the participating security dealers or through others. The price at which such additional common stock is to be acquired and sold by the participating security dealers or others will be determined by GPU on the day of such acquisition. Such price will not be in excess of the sum of the closing quoted asked price of the stock on the preceding business day and an amount to be specified by GPU by amendment, and such price will not be less than the subscription price or the closing quoted bid price for the stock on such preceding business day. The participating security dealers or others who acquire such additional common stock will be paid a fee by GPU, the amount of which will be supplied by amendment.

GPU requests an exemption from the competitive bidding requirements of Rule U-50 under the act to the extent that such rule may be applicable to the sale of additional common stock to participating security dealers or others. GPU also requests permission to acquire, during the subscription period, GPU common stock and rights for the purpose of stabilizing their market prices. In connection with such stabilization program, GPU will not acquire a net long position in excess of 50,466 shares of common stock including for this purpose the equivalent shares represented by rights so acquired.

The net proceeds of the issuance will be used by GPU to repay bank notes in the principal amount of $3,500,000, to make additional investments in the common stock of GPU's domestic subsidiaries, and for other general corporate purposes.

GPU requests that the Commission's order herein be issued by June 4, 1951, and that it be effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-5967; Filed, May 23, 1951; 8:47 a. m.]

NATIONAL PRODUCTION AUTHORITY

[NPA Delegation 1, Supp. 1 as Amended May 23, 1951] *

SECRETARY OF DEFENSE

DELEGATION OF FURTHER AUTHORITY AS TO CERTAIN PROGRAMS

NPA Supp. 1 to Del. 1 is amended by adding a new item (3) to the table in list A. As so amended Supp. 1 to Del. 1 reads as follows:

This amended supplement to NPA Del. 1 is issued pursuant to the Defense Production Act of 1950. The Secretary of Defense has been delegated certain authority to apply and assign ratings by NPA Del. 1. In addition to such authority, there is hereby delegated to the Secretary of Defense the following authority:

1. To reschedule deliveries of the materials specified in column I of attached list A which are required in support of the authorized programs appearing in the corresponding section of column II of the list; *Provided, however,* That such authority (a) shall be applicable only to deliveries to fill orders rated by or under the authority of the Secretary of Defense; and (b) shall be applicable only to the extent that such rescheduling of deliveries requires no change in production schedules.

2. To redelegate the authority hereby delegated to appropriate agencies of the Department of Defense or its authorized agents.

The exercise of this authority shall conform to the terms of the regulations and orders of the National Production Authority and also to priorities and allocations policy directives issued by the Munitions Board and subject to approval by the National Production Authority.

This supplement as amended shall take effect on May 23, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

LIST A

The authority hereby delegated shall be exercised only with respect to the following materials to be used in connection with the authorized programs of the Department of Defense specified below:

Column I	*Column II*
(1) Aluminum forms and products listed in section 2 of NPA Order M-5.	(1) DO-01 Aircraft, DO-02 Guided missiles.
(2) Magnesium bar, sheet strip, tubing, extrusions, forgings, and castings.	(2) DO-01 Aircraft.
(3) Instrument bearings	(3) DO-01 Aircraft.

[F. R. Doc. 51-6073; Filed May 23, 1951; 11:11 a. m.]

[NPA Delegation 5 as Amended May 22, 1951]

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN METALS AND MINERALS

Pursuant to Executive Orders 10161 and 10200 (15 F. R. 6105; 16 F. R. 61), Defense Production Administration Delegation No. 1 as amended (16 F. R. 738; 16 F. R. 4594) and Department of Commerce Order 123 as amended (15 F. R. 6726; 16 F. R. 1129), issued under the Defense Production Act of 1950, there are hereby delegated to the Secretary of the Interior all functions conferred upon the Secretary of Commerce by Defense Production Administration Delegation No. 1 as amended with re-

Column I	Column II
Titaniferous ores, titanium metal sponge, chips, powder.	Titaniferous ore mines, reduction plants, melting plants, smelters.
Zirconium-bearing ores, zirconium metal sponge.	Zirconium ore mines, reduction plants, melting plants, smelters.
Antimony ores, concentrates, residues	Mines, mills, smelters, refineries.
Arsenic concentrates, flue dusts, residues	Mills, primary smelters, refineries.
Bismuth concentrates, base bullion, residues.	Mills, smelters, refineries.
Cadmium concentrates, flue dusts, residues	Smelters, refineries.
Copper ores, concentrates, matte, blister, anodes.	Mines, mills, leaching plants, primary and secondary smelters, refineries, ingot makers, remelters, chemical plants.
Lead ores, concentrates, base bullion, matte, speiss residues.	Mines, mills, primary and secondary smelters, refineries, pigment manufacturers, chemical plants.
Mercury ores, concentrates	Mines, mills, furnaces, retorts.
Tin ores, concentrates	Mines, mills, primary and secondary smelters, refineries.
Zinc ores, concentrates, fume, residues	Mines, mills, primary and secondary smelters, refineries, ingot makers, pigment manufacturers, chemical plants.
Diatomite, crude	Mines, mills.
Corundum ores, concentrates, crystals	Mines, crushing and grading plants.
Emery ores	Mines, crushing and grading plants.
Garnet ores, concentrates	Mines, mills, crushing and grading plants.
Pumice, crude	Mines, crushing and grading plants.
Tripoli, amorphous silica, rottenstone (crude).	Mines, crushing and grading plants.
Grinding and sharpening stones (crude)	Quarries, stone-cutting mills.
Grinding pebbles, mill liners (crude)	Quarries, concentrating and cutting mills.
Asbestos, unmilled	Mines, mills.
Calcium chloride (natural)	Brine processing plants.
Barite, witherite (crude)	Barium mineral mines, beneficiating, grinding and grading plants.
Borates ores, brines (crude)	Boron mineral mines, concentrating and refining plants, brine processing plants.
Bromine	Recovery plants.
Limestone, marl, clay, gypsum, slag	Mines, quarries, lime plants.
Kaolin, crude	Mines, mills.
Ball clay, crude	Mines, mills.
Bentonite, crude	Mines, mills.
Fuller's earth, crude	Mines, mills.
Fire clay, crude	Mines.
Common clay and shale, crude	Clay pits.
Feldspar, crude	Mines, flotation, grinding and grading mills.
Cryolite ores	Mines, concentrating, grinding and grading mills.
Gem stones, uncut	Mines.
Gypsum, crude	Mines, mills.
Graphite, crude	Mines, mills.
Greensand	Mines, mills.
Magnesite	Mines, magnesium compound recovery plants.
Quartz, raw	Mines, grading and cutting plants, synthesis plants.
Sodium minerals, brines (natural)	Brine wells, mines, refineries.
Sand, gravel	Sand and gravel pits and plants.
Slate, crude	Mills.
Stone, block, crushed	Quarries, mills, crushing and grading plants.
Strontium ores	Mines, mills.
Sulphur, pyrites	Native sulphur mines, mills, refineries.
Talc, pyrophyllite, crude	Mines, mills, block talc processing plants.
Topaz, crude	Mills, grinding plants.
Vermiculite concentrates	Mines, mills exfoliating plants.
Wollastonite	Mills.

The authority herein delegated shall be exercised in conformity with such production policies and programs as may be established by the National Production Authority.

The functions herein delegated may be redelegated within the Department of the Interior in the discretion of the Secretary of the Interior.

This amended delegation shall take effect on May 22, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

APPENDIX A

Column I	Column II
Iron ores, concentrates, sinter, pyrites cinder.	Mines, mills, sintering plants.
Manganese ores, concentrates	Mines, mills.
Chromium ores, concentrates	Mines, mills.
Silica, crude	Mines, quarries, crushing and grading plants.
Cobalt ores, concentrates	Mines, mills.
Nickel ores, concentrates	Mines, mills.
Tungsten ores, concentrates	Mines, mills, tungsten powder plants.
Molybdenum ores, concentrates	Mines, mills.
Vanadium ores, concentrates, flue dust	Mines, mills.
Fluorspar ores	Mines, mills.
Miscellaneous ferro-alloy ores, concentrates (including boron, columbium, ferro-titanium, ferro-zirconium, ferro-tantalum, etc.).	
Beryllium ores	Mines, mills, plants[1] producing beryllium, chemicals, metals or alloys.
Cerium and other rare-earth metal ores	Mines, dredges, mills, plants producing cerium and other rare-earth chemicals or metals.
Columbium ores	Mines, plants producing columbium compounds.
Germanium concentrates, residues	Refineries producing germanium compounds, or metals.
Lithium ores	Mines, mills, plants producing lithium compounds or metal.
Platinum-group unrefined materials, including grain, nuggets, ores, concentrates.	Mines, dredges, smelters, refineries.
Selenium anode slimes	Refineries producing selenium compounds and the element.
Tantalum ores	Mines, plants producing tantalum compounds or metal, consumers of ore for direct production of alloys.
Tellurium-bearing anode slimes and lead residues.	Plants producing tellurium compounds and the element.
Thallium: cottrell dusts, residues from zinc, cadmium and lithopone works. Ores (Mercur, Utah).	Mills, plants producing compounds or metal.
Aluminum (crude), dried and calcined bauxite, alumina, aluminum pig.	Bauxite mines, drying and calcining plants, alumina plants, reduction plants, secondary smelters.
Magnesium: dolomite, magnesium chloride, magnesium pig, crystals.	Dolomite mines, electrolytic reduction plants, ferrosilicon reduction plants, melting and refining plants, secondary smelters.

[1] "Mills" as used in this appendix, means concentrating mills or concentration plants.
[2] Where plants or refineries producing chemicals, pigments, compounds, metal, etc., are mentioned, mills are not included. If the reference is to plants producing such commodities from the materials specified in the opposite entry in column I.

Column I	Column II
Kyanite and other mullite-forming minerals, synthetic mullite.	Mines, mullite synthesis plants.
Mineral pigments (iron ores, etc., pyrite cinder).	Mines, pigment plants.
Mica, crude, trimmed, scrap	Mines, mica synthesis units, splitting or processing plants.
Monazite, bastnasite	Mines, processing plants.
Nitrogen compounds (natural)	Mines, refineries.
Olivine, crushed	Mines.
Perlite, crude	Mines, mills, expanding plants.
Roofing granules (stone, clay)	Granule plants.
Salt, crude	Mines, mills, evaporated salt plants.
Salt brines	Brine wells.
Phosphate rock, crude	Mines, mills.
Potash, crude	Mines, mills, brine processing plants.

[F. R. Doc. 51-6031; Filed, May 23, 1951; 11:11 a. m.]

[NPA Delegation 12]

OFFICE OF INTERNATIONAL TRADE

DELEGATION OF AUTHORITY TO ASSIGN TO EXPORTERS THE RIGHT TO APPLY RATINGS FOR PROCUREMENT OF MATERIALS WHICH THEY ARE LICENSED TO EXPORT

1. Pursuant to the authority of the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Orders 10161 (15 F. R. 6105) and 10200 (16 F. R. 61), and Defense Production Administration Delegation 1 (16 F. R. 738), there is hereby delegated to the Director of the Office of International Trade the authority to assign to exporters the right to apply ratings for procurement of materials which they are licensed to export.

2. The authority herein delegated shall be exercised within the limits of such export program determinations or other quantitative restrictions as may be established and in accordance with such instructions, record-keeping and reporting requirements, and policy directives as may be issued from time to time by the National Production Authority. Such delegated authority shall also be exercised in conformity with the regulations and orders of the National Production Authority and in conformity with operating procedures set forth in current export bulletins and export regulations issued by the Office of International Trade with the approval of the National Production Authority.

3. The right to apply the rating herein authorized shall be assigned to exporters by the Office of International Trade by endorsement of the following certification (completed by insertion of the applicable DO number) on the export license or other appropriate document issued to them:

By authority of the NPA, the exporter herein named is assigned the right to apply the rating DO- to procure the above-described material.

This certification shall be duly authenticated by the Office of International Trade.

4. The application and extension of the rating so assigned shall be subject to the terms of NPA Reg. 2, as amended, which sets forth the basic rules of the priorities system, and also to all other applicable regulations and orders of the National Production Authority.

5. The Director of the Office of International Trade may redelegate the authority herein delegated, and may authorize its successive redelegation, to any other officials of the Office of International Trade.

This delegation shall take effect on May 23, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-6075; Filed, May 23, 1951; 11:12 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17781]

ALICE DOMBOIS ET AL.

In re: Stock owned by Alice Dombois and others, interests in an agreement owned by Dr. Rolf Prym and others and debt owing to William Prym K. G.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Prym K. G., the last known address of which is Stolberg, Germany, is a limited partnership organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the following persons, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany):

Alice Dombois, Wanda Gerdes, Irma Hasenclever, Irma Prym, Else Gutschow, Dr. Rolf Prym, Hans Prym, Mrs. Hans Prym, Josef Abs, Roland Prym, Axel Prym, Dieter Prym, Gert Prym.

3. That the property described as follows:

Five hundred fifty-eight (558) shares of $100 par value capital stock of William Prym Inc., Dayville, Connecticut, a corporation organized under the laws of the State of New York, being a part of the seven hundred twenty (720) shares of said capital stock evidenced by certificate number N-2, registered in the name of Walter von Conta, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Alice Dombois, Wanda Gerdes, Irma Hasenclever, Irma Prym and Else Gutschow, the aforesaid nationals of a designated enemy country (Germany);

4. That the property described as follows: All rights and interests with respect to William Prym Inc., Dayville, Connecticut (formerly known as William Prym of America Inc.), a corporation organized under the laws of the State of New York, created in Dr. Rolf Prym, Hans Prym, Mrs. Hans Prym, Josef Abs, Roland Prym, Axel Prym, Dieter Prym and Gert Prym, under and by virtue of that certain agreement entered into on November 17, 1937, at Stolberg, Germany, by said persons and Hans August Prym, which agreement relates among other things to the rights and interests of Hans August Prym in said William Prym, Inc. (formerly known as William Prym of America, Inc.),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Dr. Rolf Prym, Hans Prym, Mrs. Hans Prym, Josef Abs, Roland Prym, Axel Prym, Dieter Prym and Gert Prym, the aforesaid nationals of a designated enemy country (Germany);

5. That the property described as follows: That certain debt or other obligation owing to William Prym K. G. by William Prym Inc., Dayville, Connecticut, in the amount of $5,551.89 as of June 30, 1950, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by William Prym K. G., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5986; Filed, May 23, 1951; 8:50 a. m.]

[Vesting Order 17796]

ROBERT POPPENHUSEN ET AL.

In re: Stock owned by Robert Poppenhusen and others. F-28-5145.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are listed below:

Robert Poppenhusen, Bonn a Ph., Husenkampstrasse 3, Germany.

Alfred Poppenhusen, Gut Gelsberg, Post Gelnhausen Hessen, Germany.

Friedrich Conrad Garlieb Poppenhusen, Hamburg 39, Blumenstrasse 13, Germany.

Werner Poppenhusen, Hamburg 36, Fontenay, Allee 7, Germany.

Conrad Arnold Poppenhusen, Hamburg Wandsbeck, 187-6 Walddorferstrasse, Germany.

Erica Fahrenholtz, also known as Erica Poppenhusen Fahrenholtz, Hamburg 39, Leimpfad 71, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Twenty-seven (27) shares of 100 par value 7 percent Cum. Pfd. stock of American Hard Rubber Company, 11 Mercer Street, New York, New York, evidenced by a certificate numbered PA-25, registered in the name of L. D. Pickering & Company, and presently in the custody of the Bank of the Manhattan Company, 46 Wall Street, New York, New York, in the Blocked Account of the Nederlandsche Bank voor Zuid-Afrika, N. V., Depot "B", Amsterdam, Holland, together with all declared and unpaid dividends thereon, and

b. Twenty-seven (27) shares of common stock of American Hard Rubber Company, 11 Mercer Street, New York, New York, evidenced by a certificate numbered CA-43 registered in the name of L. D. Pickering & Company, and presently in the custody of the Bank of the Manhattan Company, 46 Wall Street, New York, New York, in the Blocked Account of the Nederlandsche Bank voor Zuid-Afrika, N. V., Depot "B", Amsterdam, Holland, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Robert Poppenhusen and Alfred Poppenhusen, the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows: Ninety-eight (98) shares of $100 par value common stock of Vulcanized Rubber and Plastics Company, 261 Fifth Avenue, New York City, evidenced by a certificate numbered C-54, registered in the name of L. D. Pickering & Co., and presently in the custody of the Bank of the Manhattan Company, 46 Wall Street, New York, New York, in the Blocked Account of the Nederlandsche Bank voor Zuid-Afrika, N. V., Depot "B", Amsterdam, Holland, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Fredrich Conrad Garlieb Poppenhusen, Werner Poppenhusen, Conrad Arnold Poppenhusen and Erica Fahrenholtz, also known as Erica Poppenhusen Fahrenholtz, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5987; Filed, May 23, 1951; 8:50 a. m.]

[Vesting Order 17802]

DEN NORSKE CREDITBANK

In re: Accounts maintained in the name of Den Norske Creditbank, Oslo, Norway, and owned by persons whose names are unknown. F-51-285.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Den Norske Creditbank, Oslo, Norway]

Column I Name and address of institution which maintains account	Column II Designation of account
Bank of the Manhattan Co., 40 Wall St., New York, N. Y.	Bank deposit, as described by the Bank of the Manhattan Co., in its report on Form OAP-700, bearing its serial No. 012.

[F. R. Doc. 51-5988; Filed, May 23, 1951; 8:50 a. m.]

[Vesting Order 17805]

CREDIT SUISSE

In re: Accounts maintained in the name of Credit Suisse, Berne, Switzerland, and owned by persons whose names are unknown. F-63-60 (Berne).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights, and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Credit Suisse, Berne, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
Brown Bros., Harriman & Co., 59 Wall St., New York, N. Y.	Credit Suisse, Berne, blocked account, as described by Brown Bros., Harriman & Co., in its report on Form OAP-700, bearing its serial No. 30.

[F. R. Doc. 51-5989; Filed, May 23, 1951; 8:50 a. m.]

[Vesting Order 17820]

HANS BROCHHAUS

In re: Stock and cash owned by Hans Brochhaus. D-28-12455.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Brochhaus, whose last known address is Luerstrasse 32, Hanover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Six (6) shares of common stock of United States Steel Corporation, 71 Broadway, New York, New York, evidenced by certificate number P 531377 for two (2) shares and certificate number X 145557 for four (4) shares registered in the name of J. C. Orr & Company, presently in the custody of the New York Trust Company, 100 Broadway, New York, New York, in a blocked account in the name of Continentale Handelsbank N. V., Amsterdam, Holland, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation of the New York Trust Company, 100 Broadway, New York, New York, arising out of the receipt by said New York Trust Company of dividends paid with respect to the shares of stock described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hans Brochhaus, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5993; Filed, May 23, 1951; 8:51 a. m.]

[Vesting Order 17821]

GEORGE HOFFMAN ET AL.

In re: Funds owned by George Hoffman and others. D-28-4185; F-39-2798; F-39-2025.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Hoffman whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That K. Wada, also known as Koichiro Wada, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

3. That Maruzen Company, Limited, the last known address of which is Post Office Box 605, Tokyo Central, 6 Tori-Nichome, Nihonboshi, Tokyo, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, which has or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

4. That the property described as follows: All funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", and representing the proceeds of withheld checks drawn at the direction of the Department of Agriculture for George Hoffman in the amount of $34.58 as of January 1, 1947, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by George Hoffman, the aforesaid national of a designated enemy country (Germany);

5. That the property described as follows: All funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", and representing the proceeds of withheld checks drawn at the direction of the Department of Agriculture for K. Wada, also known as Koichiro Wada, in the amount of $25.13 as of January 1, 1947, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by K. Wada, also known as Koichiro Wada, the aforesaid national of a designated enemy country (Japan);

6. That the property described as follows: All funds presently on deposit with the Bureau of Accounts, Treasury Department, Washington, D. C., maintained in a special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks" and representing the proceeds of withheld checks drawn at the direction of the Department of Agriculture in the amount of $16.00 as of January 1, 1947, for the Maruzen Company, Limited, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Maruzen Company, Limited, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

7. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

8. That to the extent that the persons named in subparagraphs 2 and 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5994; Filed, May 23, 1951; 8:51 a. m.]

[Vesting Order 17808]

AKTIEBOLAGET SVENSKA HANDELSBANKEN

In re: Accounts maintained in the name of Aktiebolaget Svenska Handelsbanken, Malmo, Sweden, and owned by persons whose names are unknown. F-62-501 (Malmo).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Aktiebolaget Svenska Handelsbanken, Malmo, Sweden]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Smith, Barney & Co., 14 Wall St., New York 5, N. Y.	"Custody Account", as described by Smith, Barney & Co., in its report on Form OAP-700, dated Nov. 14, 1950.

[F. R. Doc. 51-5992; Filed, May 23, 1951; 8:51 a. m.]

FELIX JEAN LOUIS ALEXANDRE AMIOT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Felix Jean Louis Alexandre Amiot, Cherbourg, France, Claim No. 26148; Property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to Patent Application Serial Nos. 288,683; 288,679 (now United States Letters Patent No. 2,319,285) and 272,281 (now United States Letters Patent No. 2,369,515). Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 2,292,731; 2,266,682; 2,246,494; 2,246,493; 2,234,394 and 2,234,393.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5995; Filed, May 23, 1951; 8:51 a. m.]

ADOLF AND FELIX MUNDHEIM

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Adolf Mundheim, Belfast, Ireland, Claim No. 37085; Felix Mundheim, Plombiere-les-Dijon, France, Claim No. 42481; $253.14 in the Treasury of the United States in equal shares to the claimants.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5999; Filed, May 23, 1951; 8:52 a. m.]

BANCO DI SICILIA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Banco di Sicilia, Palermo, Italy, Claim No. 5388; 100 shares of common capital stock of Orma Realty Corporation, a New York corporation, registered in the name of the Alien Property Custodian, Account No. 38-52, evidenced by Certificate No. 11, dated August 14, 1942, presently in the custody of the Federal Reserve Bank of New York. A promissory note in the amount of $314,455, dated May 5, 1938, executed by Orma Realty Corporation, payable on demand to the claimant, and bearing interest at the rate of 3½, presently in the custody of the Office of Alien Property, New York, New York.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5996; Filed, May 23, 1951; 8:52 a. m.]

MARCEL PAUL DURAND

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Marcel Paul Durand, St. Germain en Laye, France, Claim No. 5099; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to Patent Application Serial No. 431,207 (now United States Letters Patent No. 2,342,795).

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5997; Filed, May 23, 1951; 8:52 a. m.]

MARGUERITE LORRY ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provisions for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Marguerite Lorry, $89.29 in the Treasury of the United States; Marie Gemminger, $267.88 in the Treasury of the United States; Andree Maillet, $89.29 in the Treasury of the United States; Madeleine Klein, $267.88 in the Treasury of the United States; Saint Thibault-des-Vignes, France, Claim No. 36631.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-5998; Filed, May 23, 1951; 8:52 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[Administration Order 1]

DESIGNATION OF CLAIMANT AGENCIES

1. Pursuant to the authority contained in section 2 (c) (2) of Executive Order 10200 of January 3, 1951 (16 F. R. 61), the following officers and agencies of the Government are hereby designated as claimants to present requirements to the Defense Production Administration for the programs and areas specified:

(1) The Secretary of Defense with respect to (a) the programs of the Department of Defense, including military equipment and supplies under the Mutual Defense Aid Program; (b) military construction and all housing on military bases and reservations; (c) stockpile; (d) the military and civilian requirements of foreign areas under military administration; (e) the program requirements of the National Advisory Committee for Aeronautics, the Coast Guard, and the Central Intelligence Agency; and (f) Munitions List items, as defined in Presidential Proclamation 2776, purchased by foreign governments through domestic commercial channels, excepting commercial transport aircraft for civil air carriers, and components, parts, and accessories therefor;

(2) The Secretary of the Army with respect to (a) civil construction projects under the jurisdiction of the Department of the Army, except projects having electric power generating capacity or facilities not specifically exempted by the Administrator of Defense Electric Power Administration; (b) the Panama Canal; and (c) the Panama Railroad;

(3) The Atomic Energy Commission with respect to the programs of that agency, including programs for the account of or sponsored by that agency;

(4) The Administrator of the Federal Civil Defense Administration for Federal, State, and local programs of that agency;

(5) The Administrator of the Federal Security Agency with respect to (a) all school and library construction; (b) all hospital and health facility construction

other than Veterans' Administration and military hospitals; and (c) the domestic distribution of all supplies and equipment needed in the fields of health (including sanitation), education, welfare, recreation, and related activities;

(6) The administrator of the General Services Administration with respect to (a) requirements for the needs of all Federal Government agencies not covered otherwise for common-use items listed in the GSA Stores Stock Catalog, or procured under Federal Supply Schedule contracts, or otherwise designated as common-use items by the Administrator of General Services, except for such items specifically designated for the Secretary of Defense by agreement between the Secretary of Defense and the Administrator, and (b) requirements for Federal Buildings not elsewhere designated;

(7) The Administrator of Veterans' Affairs with respect to the hospital program of the Veterans' Administration;

(8) The Administrator of the Housing and Home Finance Agency with respect to housing construction, alteration, and repair, except housing and community facilities on federally owned property under the control of the Atomic Energy Commission, and housing on military reservations;

(9) The Secretary of Agriculture with respect to (a) farm production, (b) farm construction, and (c) food processing and distribution within the limits of the memorandum of agreement between the Administrator of the Production and Marketing Administration and the Administrator of the National Production Authority (NPA) (16 F. R. 3410) as from time to time amended or supplemented;

(10) The Secretary of the Interior, or his designees, with respect to (a) departmental programs; (b) the production, preparation, and processing of solid fuels; (c) the generation, transmission, and distribution of electric power; (d) the production and processing of the minerals and metals listed in column I of appendix A of NPA Delegation No. 5, by or in the respective facilities listed in column II of that appendix; and (e) the production and processing of fishery products as set forth in the Secretary of Agriculture's delegation dated October 13, 1950;

(11) The Petroleum Administrator for Defense with respect to (a) production, (b) processing and refining and (c) distribution of petroleum and gas;

(12) The Administrator of the Defense Transport Administration with respect to (a) domestic transportation, except programs designated for the Secretary of Commerce; (b) storage; and (c) port facilities;

(13) The Secretary of Commerce with respect to (a) Maritime Administration programs for coastwise, intercoastal, and overseas shipping, and merchant ship construction and repair; (b) Bureau of Public Roads programs for highway construction and maintenance, including urban streets, regardless of financing; (c) civil aviation programs for which the Civil Aeronautics Administration and the Civil Aeronautics Board are responsible including air navigation facilities, civil airports, new civil aircraft and concurrent spares, for air carrier and non-air carrier aircraft, and maintenance, repair, and operation of equipment and facilities; and (d) other Departmental programs, except Office of International Trade and National Production Authority programs as specified below;

(14) The Administrator of the National Production Authority (NPA) with respect to (a) production of materials and products not elsewhere assigned herein, (b) related production equipment, (c) related industrial facility construction (through the Facilities Bureau or other appropriate organizational unit of NPA), (d) civilian communications, (e) water and sewage facilities, and (f) other NPA programs as specified in (15), (16), and (17) below;

(15) The Office of Civilian Requirements or other appropriate organizational unit (NPA) with respect to programs (except construction) for (a) State and local governments not elsewhere specifically designated; (b) consumer goods including items in common-use not elsewhere specifically designated; (c) wholesale, retail, and service trades; and (d) religious institutions;

(16) The Facilities Bureau or other other appropriate organizational unit (NPA) with respect to construction programs for (a) State and local community facilities not elsewhere specifically designated such as fire and police, penal and administration; (b) wholesale, retail, and service trades; (c) religious institutions; (d) private industrial facilities not elsewhere designated; and (e) private social and recreational activities;

(17) The Canadian Division or other appropriate organizational unit (NPA) with respect to Canadian programs;

(18) The Director of the Office of International Trade (Department of Commerce) with respect to all exports not elsewhere designated;

(19) The Administrator of the Economic Cooperation Administration with respect to requirements for (a) all nonmilitary exports to ECA countries; (b) exports for additional military production under the Mutual Defense Aid Program and common-use items under other approved military programs.

2. As used in this order, unless the context forbids, the terms "materials", "petroleum", "gas", "solid fuels", "electric power", "metals and minerals", "food", "farm equipment", "fertilizer", and "domestic transportation, storage, and port facilities", have the same meaning as in Executive Order 10161 of September 9, 1950 (15 F. R. 6105).

3. Upon approval of the Defense Production Administration, a claimant officer or agency may authorize the presentation of requirements for any program or area within his jurisdiction by another officer or agency.

4. This order shall take effect immediately, May 24, 1951.

EDWIN T. GIBSON,
Acting Defense Production Administrator.

[F. R. Doc. 51-6084; Filed, May 23, 1951; 3:23 p. m.]

FEDERAL REGISTER
VOLUME 16 NUMBER 102
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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Rye]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1951—CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The 1951 C. C. C. Grain Price Support Bulletin 1 (16 F. R. 1987), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1951 was supplemented by 1951 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Rye (16 F. R. 3427), containing the specific requirements applicable to price support operations on rye of the 1951 crop. These regulations are further supplemented as follows:

§ 601.1261 *Support rates.* Basic support rates for rye placed under loan and for rye delivered under purchase agreement are as set forth in this section.

(a) *Basic support rates at designated terminal markets.* Basic support rates are established for rye grading No. 2 or better, or No. 3 or better on the factor of test weight only, but otherwise grading No. 2 or better, stored in approved warehouses at designated terminal markets as follows:

Terminal market:	Rate per bushel
Omaha, Nebr.	$1.48
Sioux City, Iowa	1.48
Kansas City, Mo.	1.50
St. Joseph, Mo.	1.50
Minneapolis, Minn.	1.51
Duluth, Minn.	1.51
Superior, Wis.	1.51
Galveston, Tex.	1.55
Houston, Tex.	1.55
New Orleans, La.	1.55
Chicago, Ill.	1.55
St. Louis, Mo.	1.55
Memphis, Tenn.	1.55
Milwaukee, Wis.	1.55
Portland, Oreg.	1.58
Seattle, Wash.	$1.58
San Francisco, Calif.	1.58
Los Angeles, Calif.	1.58
Astoria, Oreg.	1.58
Longview, Wash.	1.58
Tacoma, Wash.	1.58
Vancouver, Wash.	1.58
Albany, N. Y.	1.66
Philadelphia, Pa.	1.66
Baltimore, Md.	1.66
Norfolk, Va.	1.66

(b) *Basic county support rates.* The following basic county support rates are established for rye grading No. 2 or better, or No. 3 or better on the factor of test weight only, but otherwise grading No. 2 or better. Both farm-storage and country warehouse-storage loans will be made at the support rate established for the county in which the rye is stored.

	Rate per bushel for No. 2 or better
ALABAMA	
All counties	$1.39
ARIZONA	
All counties	$1.33
ARKANSAS	
All counties	$1.28
CALIFORNIA	
Contra Costa	$1.46
Lassen	1.28
Los Angeles	1.45
Madera	1.41
Merced	1.43
Modoc	1.26
Plumas	$1.30
Sacramento	1.43
Shasta	1.33
Sierra	1.29
Siskiyou	1.29
Stanislaus	1.44
COLORADO	
Adams	$1.20
Archuleta	1.06
Baca	1.21
Boulder	1.20
Cheyenne	1.21
Denver	1.20
Dolores	1.00
Douglas	1.20
Elbert	1.20
El Paso	1.20
Kiowa	1.21
Kit Carson	1.21
Larimer	1.20
Las Animas	$1.20
Lincoln	1.20
Logan	1.20
Moffat	1.06
Montrose	1.06
Morgan	1.20
Phillips	1.22
Pueblo	1.20
Sedgwick	1.22
Washington	1.20
Weld	1.20
Yuma	1.21
DELAWARE	
All counties	$1.42
FLORIDA	
All counties	$1.47

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FEDERAL REGISTER

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CODIFICATION GUIDE—Con.

Rates per bushel for No. 2 or better

GEORGIA

County	Rate
All counties	$1.47

IDAHO

County	Rate	County	Rate
Bingham	$1.12	Oneida	$1.13
Cassia	1.15	Power	1.15
Kootenai	1.29	Shoshone	1.27
Lincoln	1.16	Washington	1.24

ILLINOIS

County	Rate	County	Rate
Adams	$1.35	De Kalb	$1.39
Alexander	1.37	De Witt	1.37
Bond	1.38	Douglas	1.37
Boone	1.38	Du Page	1.40
Brown	1.35	Edgar	1.37
Bureau	1.37	Edwards	1.37
Calhoun	1.39	Effingham	1.37
Carroll	1.38	Fayette	1.37
Cass	1.37	Ford	1.37
Champaign	1.37	Franklin	1.37
Christian	1.37	Fulton	1.37
Clark	1.37	Gallatin	1.33
Clay	1.37	Greene	1.38
Clinton	1.39	Grundy	1.39
Coles	1.37	Hamilton	1.35
Cook	1.40	Hancock	1.34
Crawford	1.36	Hardin	1.33
Cumberland	1.37	Henderson	1.35

ILLINOIS—Continued

County	Rate	County	Rate
Henry	$1.36	Moultrie	$1.37
Iroquois	1.38	Ogle	1.38
Jackson	1.37	Peoria	1.37
Jasper	1.37	Perry	1.37
Jefferson	1.37	Piatt	1.37
Jersey	1.39	Pike	1.36
Jo Daviess	1.33	Pope	1.35
Johnson	1.34	Pulaski	1.37
Kane	1.40	Putnam	1.37
Kankakee	1.40	Randolph	1.37
Kendall	1.39	Richland	1.33
Knox	1.36	Rock Island	1.35
Lake	1.40	Saint Clair	1.39
La Salle	1.38	Saline	1.35
Lawrence	1.36	Sangamon	1.37
Lee	1.37	Schuyler	1.35
Livingston	1.37	Scott	1.37
Logan	1.37	Shelby	1.37
McDonough	1.35	Stark	1.37
McHenry	1.39	Stephenson	1.36
McLean	1.37	Tazewell	1.37
Macon	1.37	Union	1.37
Macoupin	1.39	Vermilion	1.33
Madison	1.39	Wabash	1.36
Marion	1.37	Warren	1.35
Marshall	1.37	Washington	1.37
Mason	1.37	Wayne	1.35
Massac	1.36	White	1.34
Menard	1.37	Whiteside	1.36
Mercer	1.35	Will	1.40
Monroe	1.39	Williamson	1.37
Montgomery	1.38	Winnebago	1.37
Morgan	1.37	Woodford	1.37

INDIANA

County	Rate	County	Rate
Adams	$1.32	Madison	$1.33
Allen	1.32	Marion	1.33
Bartholomew	1.32	Marshall	1.35
Blackford	1.34	Martin	1.31
Boone	1.33	Miami	1.34
Brown	1.33	Monroe	1.34
Carroll	1.37	Montgomery	1.36
Cass	1.35	Morgan	1.36
Clark	1.34	Newton	1.39
Clay	1.35	Noble	1.33
Clinton	1.35	Ohio	1.31
Crawford	1.28	Orange	1.35
Daviess	1.32	Owen	1.36
Dearborn	1.32	Parke	1.33
Decatur	1.31	Perry	1.27
De Kalb	1.33	Pike	1.30
Delaware	1.32	Porter	1.39
Dubois	1.29	Posey	1.27
Elkhart	1.34	Pulaski	1.38
Fayette	1.32	Putnam	1.36
Floyd	1.32	Randolph	1.33
Fountain	1.33	Ripley	1.31
Franklin	1.33	Rush	1.32
Fulton	1.36	Saint Joseph	1.36
Gibson	1.35	Scott	1.32
Grant	1.33	Shelby	1.32
Greene	1.36	Spencer	1.27
Hamilton	1.34	Starke	1.38
Hancock	1.32	Steuben	1.32
Harrison	1.30	Sullivan	1.37
Hendricks	1.33	Switzerland	1.27
Henry	1.33	Tippecanoe	1.37
Howard	1.34	Tipton	1.33
Huntington	1.33	Union	1.33
Jackson	1.32	Vanderburgh	1.35
Jasper	1.39	Vermillion	1.38
Jay	1.33	Vigo	1.37
Jefferson	1.34	Wabash	1.34
Jennings	1.31	Warren	1.37
Johnson	1.36	Warrick	1.28
Knox	1.35	Washington	1.35
Kosciusko	1.34	Wayne	1.32
Lagrange	1.33	Wells	1.32
Lake	1.39	White	1.33
La Porte	1.38	Whitley	1.34
Lawrence	1.34		

IOWA

County	Rate	County	Rate
Adair	$1.30	Appanoose	$1.32
Adams	1.30	Audubon	1.31
Allamakee	1.31	Benton	1.32

IOWA—Continued

County	Rate per bushel for No. 2 or better
Black Hawk	$1.31
Boone	1.29
Bremer	1.30
Buchanan	1.32
Buena Vista	1.29
Butler	1.30
Calhoun	1.29
Carroll	1.31
Cass	1.31
Cedar	1.34
Cerro Gordo	1.31
Cherokee	1.29
Chickasaw	1.30
Clarke	1.30
Clay	1.30
Clayton	1.32
Clinton	1.35
Crawford	1.32
Dallas	1.29
Davis	1.33
Decatur	1.30
Delaware	1.32
Des Moines	1.34
Dickinson	1.30
Dubuque	1.33
Emmet	1.31
Fayette	1.32
Floyd	1.31
Franklin	1.30
Fremont	1.33
Greene	1.29
Grundy	1.30
Guthrie	1.30
Hamilton	1.29
Hancock	1.31
Hardin	1.30
Harrison	1.33
Henry	1.33
Howard	1.31
Humboldt	1.30
Ida	1.30
Iowa	1.32
Jackson	1.34
Jasper	1.30
Jefferson	1.32
Johnson	1.33
Jones	1.34
Keokuk	$1.31
Kossuth	1.30
Lee	1.33
Linn	1.33
Louisa	1.33
Lucas	1.30
Lyon	1.28
Madison	1.29
Mahaska	1.31
Marion	1.30
Marshall	1.30
Mills	1.34
Mitchell	1.31
Monona	1.32
Monroe	1.31
Montgomery	1.33
Muscatine	1.34
O'Brien	1.29
Osceola	1.30
Page	1.32
Palo Alto	1.30
Plymouth	1.30
Pocahontas	1.29
Polk	1.30
Pottawattamie	1.33
Poweshiek	1.31
Ringgold	1.29
Sac	1.29
Scott	1.35
Shelby	1.32
Sioux	1.29
Story	1.30
Tama	1.31
Taylor	1.31
Union	1.30
Van Buren	1.33
Wapello	1.31
Warren	1.30
Washington	1.32
Wayne	1.31
Webster	1.29
Winnebago	1.31
Winneshiek	1.31
Woodbury	1.30
Worth	1.31
Wright	1.30

KANSAS

County	Rate per bushel for No. 2 or better
Anderson	$1.33
Cherokee	1.31
Cheyenne	1.22
Clay	1.30
Cloud	1.29
Comanche	1.25
Cowley	1.28
Crawford	1.32
Decatur	1.25
Dickinson	1.28
Douglas	1.34
Edwards	1.27
Ellsworth	1.28
Finney	1.24
Ford	1.25
Franklin	1.34
Graham	1.26
Grant	1.23
Gray	1.25
Greenwood	1.31
Harvey	1.28
Jefferson	1.34
Johnson	1.35
Kiowa	1.27
Labette	1.31
Leavenworth	1.36
Lincoln	1.28
Lyon	$1.31
Marion	1.28
Meade	1.29
Morris	1.29
Osage	1.32
Osborne	1.23
Ottawa	1.28
Pawnee	1.27
Pottawatomie	1.32
Pratt	1.27
Rawlins	1.24
Reno	1.28
Riley	1.31
Rocks	1.27
Rush	1.27
Russell	1.27
Saline	1.28
Sedgwick	1.28
Seward	1.23
Shawnee	1.32
Sheridan	1.25
Stafford	1.27
Stevens	1.23
Trego	1.26
Wabaunsee	1.31
Wallace	1.23

KENTUCKY

All counties $1.38

LOUISIANA

All counties $1.28

MARYLAND

All counties $1.42

MICHIGAN

County	Rate per bushel for No. 2 or better
Alcona	$1.25
Alger	1.25
Allegan	1.32
Alpena	1.25
Antrim	1.24
Arenac	1.25
Baraga	1.27
Barry	1.31
Bay	1.30
Benzie	1.25
Berrien	1.34
Branch	1.32
Calhoun	1.33
Cass	1.34
Charlevoix	1.23
Cheboygan	1.23
Chippewa	1.22
Clare	1.28
Clinton	1.31
Crawford	1.24
Delta	1.27
Eaton	1.31
Emmet	1.23
Genesee	1.32
Gladwin	1.28
Grand Traverse	1.25
Gratiot	1.31
Hillsdale	1.32
Huron	1.30
Ingham	1.31
Ionia	1.31
Iosco	1.25
Isabella	1.29
Jackson	1.32
Kalamazoo	1.34
Kalkaska	1.25
Kent	1.31
Lake	1.27
Lapeer	1.32
Leelanau	$1.24
Lenawee	1.34
Livingston	1.31
Luce	1.22
Mackinac	1.22
Macomb	1.34
Manistee	1.26
Marquette	1.26
Mason	1.28
Mecosta	1.28
Menominee	1.29
Midland	1.30
Missaukee	1.26
Monroe	1.35
Montcalm	1.30
Montmorency	1.23
Muskegon	1.30
Newaygo	1.29
Oakland	1.33
Oceana	1.28
Ogemaw	1.28
Osceola	1.26
Oscoda	1.25
Otsego	1.24
Ottawa	1.31
Presque Isle	1.23
Roscommon	1.25
Saginaw	1.31
Saint Clair	1.34
Saint Joseph	1.33
Sanilac	1.31
Schoolcraft	1.23
Shiawassee	1.31
Tuscola	1.31
Van Buren	1.33
Washtenaw	1.34
Wayne	1.35
Wexford	1.25

MINNESOTA

County	Rate per bushel for No. 2 or better
Aitkin	$1.35
Anoka	1.37
Becker	1.30
Beltrami	1.30
Benton	1.34
Big Stone	1.31
Blue Earth	1.34
Brown	1.33
Carlton	1.36
Carver	1.37
Cass	1.33
Chippewa	1.32
Chisago	1.36
Clay	1.30
Clearwater	1.30
Cottonwood	1.32
Crow Wing	1.33
Dakota	1.37
Dodge	1.34
Douglas	1.32
Faribault	1.32
Fillmore	1.31
Freeborn	1.33
Goodhue	1.35
Grant	1.32
Hennepin	1.38
Houston	1.31
Hubbard	1.31
Isanti	1.35
Itasca	1.32
Jackson	1.31
Kanabec	1.35
Kandiyohi	1.34
Kittson	1.26
Koochiching	1.28
Lac qui Parle	1.31
Lake	1.36
Lake of the Woods	1.28
Le Sueur	1.35
Lincoln	1.31
Lyon	1.32
McLeod	1.35
Mahnomen	1.29
Marshall	$1.28
Martin	1.32
Meeker	1.35
Mille Lacs	1.34
Morrison	1.33
Mower	1.33
Murray	1.31
Nicollet	1.35
Nobles	1.30
Norman	1.29
Olmsted	1.33
Otter Tail	1.31
Pennington	1.29
Pine	1.34
Pipestone	1.31
Polk	1.29
Pope	1.33
Red Lake	1.29
Redwood	1.33
Renville	1.34
Rice	1.35
Rock	1.30
Roseau	1.27
Saint Louis	1.34
Scott	1.37
Sherburne	1.36
Sibley	1.35
Stearns	1.34
Steele	1.34
Stevens	1.32
Swift	1.33
Todd	1.33
Traverse	1.31
Wabasha	1.34
Wadena	1.32
Waseca	1.34
Washington	1.37
Watonwan	1.33
Wilkin	1.30
Winona	1.33
Wright	1.36
Yellow Medicine	1.32

MISSISSIPPI

All counties $1.39

MISSOURI

County	Rate per bushel for No. 2 or better
Adair	$1.34
Cass	1.35
Cedar	1.31
Clark	1.34
Cole	1.35
Cooper	1.34
Dunklin	1.32
Grundy	1.32
Knox	1.34
Linn	1.33
Macon	1.34
Marles	1.36
Moniteau	$1.34
Morgan	1.33
Nodaway	1.32
Pettis	1.33
Pike	1.36
Putnam	1.30
Saint Francois	1.37
Saline	1.33
Schuyler	1.33
Scott	1.34
Worth	1.31

MONTANA

County	Rate per bushel for No. 2 or better
Beaverhead	$1.09
Big Horn	1.07
Blaine	1.12
Broadwater	1.16
Carbon	1.14
Carter	1.16
Cascade	1.16
Chouteau	1.16
Custer	1.14
Daniels	1.12
Dawson	1.15
Deer Lodge	1.16
Fallon	1.16
Fergus	1.16
Flathead	1.20
Gallatin	1.16
Garfield	1.11
Glacier	1.17
Golden Valley	1.16
Granite	1.17
Hill	1.16
Jefferson	1.16
Judith Basin	1.16
Lake	1.20
Lewis and Clark	1.16
Liberty	1.16
Lincoln	1.22
McCone	1.15
Madison	$1.16
Meagher	1.16
Mineral	1.20
Missoula	1.19
Musselshell	1.14
Park	1.16
Petroleum	1.16
Phillips	1.11
Pondera	1.16
Powder River	1.15
Powell	1.17
Prairie	1.15
Ravalli	1.07
Richland	1.16
Roosevelt	1.16
Rosebud	1.12
Sanders	1.22
Sheridan	1.15
Silver Bow	1.16
Stillwater	1.16
Sweet Grass	1.16
Teton	1.16
Toole	1.16
Treasure	1.11
Valley	1.12
Wheatland	1.16
Wibaux	1.17
Yellowstone	1.14

NEBRASKA

County	Rate per bushel for No. 2 or better
Adams	$1.28
Antelope	1.28
Arthur	1.22
Banner	1.18
Blaine	1.25
Boone	1.30
Box Butte	1.21
Boyd	1.26
Brown	1.24
Buffalo	1.28
Burt	1.32
Butler	1.32
Cass	1.33
Cedar	1.28
Chase	1.22
Cherry	1.23
Cheyenne	1.20
Clay	1.28
Colfax	1.32
Cuming	1.32
Custer	1.26
Dakota	1.30
Dawes	1.19
Dawson	1.26
Deuel	1.21
Dixon	1.29
Dodge	1.33
Douglas	1.34
Dundy	1.21
Fillmore	1.30
Franklin	1.27
Frontier	1.25
Furnas	1.26
Gage	$1.31
Garden	1.21
Garfield	1.27
Gosper	1.23
Grant	1.23
Greeley	1.29
Hall	1.29
Hamilton	1.29
Harlan	1.23
Hayes	1.23
Hitchcock	1.23
Holt	1.27
Hooker	1.23
Howard	1.28
Jefferson	1.31
Johnson	1.31
Kearney	1.27
Keith	1.21
Keya Paha	1.25
Kimball	1.20
Knox	1.27
Lancaster	1.33
Lincoln	1.24
Logan	1.25
Loup	1.27
McPherson	1.24
Madison	1.30
Merrick	1.30
Morrill	1.19
Nance	1.30
Nemaha	1.31
Nuckolls	1.28
Otoe	1.32

NEBRASKA—Continued

County	Rate per bushel for No. 2 or better
Pawnee	$1.31
Perkins	1.22
Phelps	1.27
Pierce	1.29
Platte	1.31
Polk	1.30
Red Willow	1.25
Richardson	1.32
Rock	1.25
Saline	1.31
Sarpy	1.34
Saunders	1.33
Scotts Bluff	1.18
Seward	1.32
Sheridan	$1.21
Sherman	1.28
Sioux	1.18
Stanton	1.31
Thayer	1.29
Thomas	1.24
Thurston	1.32
Valley	1.27
Washington	1.33
Wayne	1.29
Webster	1.27
Wheeler	1.29
York	1.30

NEVADA

County	Rate per bushel for No. 2 or better
Elko	$1.14
Eureka	1.14
Humboldt	1.21
Lander	$1.14
Washoe	1.28

NEW JERSEY

All counties $1.42

NEW MEXICO

County	Rate per bushel for No. 2 or better
Bernalillo	$1.14
Catron	1.01
Chaves	1.16
Colfax	1.13
Curry	1.19
De Baca	1.17
Eddy	1.15
Grant	.97
Guadalupe	1.10
Harding	1.09
Hidalgo	1.03
Lea	1.19
Luna	.97
McKinley	$0.97
Mora	1.08
Quay	1.19
Roosevelt	1.19
Sandoval	1.08
San Juan	1.00
San Miguel	1.09
Santa Fe	1.07
Sierra	1.05
Socorro	1.11
Torrance	1.13
Union	1.13
Valencia	1.05

NEW YORK

All counties $1.48

NORTH CAROLINA

All counties $1.47

NORTH DAKOTA

County	Rate per bushel for No. 2 or better
Adams	$1.20
Barnes	1.28
Benson	1.25
Billings	1.20
Bottineau	1.21
Bowman	1.19
Burke	1.21
Burleigh	1.24
Cass	1.20
Cavalier	1.24
Dickey	1.27
Divide	1.19
Dunn	1.20
Eddy	1.26
Emmons	1.24
Foster	1.26
Golden Valley	1.18
Grand Forks	1.27
Grant	1.21
Griggs	1.27
Hettinger	1.21
Kidder	1.25
La Moure	1.26
Logan	1.25
McHenry	1.23
McIntosh	1.24
McKenzie	1.18
McLean	$1.23
Mercer	1.21
Morton	1.22
Mountrail	1.21
Nelson	1.26
Oliver	1.22
Pembina	1.25
Pierce	1.23
Ramsey	1.25
Ransom	1.28
Renville	1.21
Richland	1.30
Rolette	1.23
Sargent	1.29
Sheridan	1.24
Sioux	1.22
Slope	1.20
Stark	1.21
Steele	1.28
Stutsman	1.27
Towner	1.24
Traill	1.28
Walsh	1.26
Ward	1.21
Wells	1.25
Williams	1.20

OHIO

County	Rate per bushel for No. 2 or better
Ashtabula	$1.39
Butler	1.34
Clark	1.34
Clermont	1.34
Clinton	1.34
Crawford	$1.36
Fayette	1.34
Hancock	1.36
Huron	1.36
Licking	1.36
Lorain	$1.37
Lucas	1.36
Mahoning	1.38
Miami	1.34
Montgomery	1.34
Pickaway	1.35
Pike	1.34
Portage	$1.37
Putnam	1.34
Richland	1.37
Sandusky	1.36
Seneca	1.36
Stark	1.37

OKLAHOMA

County	Rate per bushel for No. 2 or better
Adair	$1.26
Alfalfa	1.25
Atoka	1.20
Beaver	1.19
Beckham	1.18
Blaine	1.20
Bryan	1.17
Caddo	1.19
Canadian	1.20
Carter	1.17
Cherokee	1.26
Choctaw	1.17
Cimarron	1.17
Cleveland	1.20
Coal	1.20
Comanche	1.18
Cotton	1.17
Craig	1.30
Creek	1.25
Custer	1.19
Delaware	1.27
Dewey	1.19
Ellis	1.19
Garfield	1.25
Garvin	1.18
Grady	1.19
Grant	1.25
Greer	1.17
Harmon	1.17
Harper	1.21
Haskell	1.24
Hughes	1.22
Jackson	1.17
Jefferson	1.17
Johnston	1.19
Kay	1.26
Kingfisher	1.22
Kiowa	1.18
Latimer	1.22
LeFlore	$1.22
Lincoln	1.22
Logan	1.23
Love	1.17
McClain	1.20
McCurtain	1.17
McIntosh	1.25
Major	1.22
Marshall	1.18
Mayes	1.28
Murray	1.18
Muskogee	1.25
Noble	1.25
Nowata	1.30
Okfuskee	1.23
Oklahoma	1.21
Okmulgee	1.25
Osage	1.27
Ottawa	1.29
Pawnee	1.25
Payne	1.23
Pittsburg	1.22
Pontotoc	1.20
Pottawatomie	1.20
Pushmataha	1.19
Roger Mills	1.18
Rogers	1.28
Seminole	1.22
Sequoyah	1.25
Stephens	1.18
Texas	1.19
Tillman	1.17
Tulsa	1.28
Wagoner	1.27
Washington	1.29
Washita	1.19
Woods	1.25
Woodward	1.21

OREGON

County	Rate per bushel for No. 2 or better
Baker	$1.28
Benton	1.41
Clackamas	1.44
Clatsop	1.41
Columbia	1.43
Crook	1.36
Deschutes	1.36
Douglas	1.35
Gilliam	1.41
Grant	1.40
Harney	1.19
Hood River	1.43
Jackson	1.30
Jefferson	1.38
Josephine	1.31
Klamath	1.30
Lake	$1.22
Lane	1.40
Linn	1.41
Malheur	1.23
Marion	1.43
Morrow	1.40
Multnomah	1.45
Polk	1.42
Sherman	1.42
Umatilla	1.35
Union	1.29
Wallowa	1.28
Wasco	1.42
Washington	1.44
Yamhill	1.43

PENNSYLVANIA

All counties $1.42

SOUTH CAROLINA

All counties $1.47

SOUTH DAKOTA

County	Rate per bushel for No. 2 or better
Aurora	$1.25
Beadle	1.28
Bennett	1.22
Bon Homme	1.27
Brookings	1.30
Brown	1.28
Brule	1.25
Buffalo	1.26
Butte	1.16
Campbell	$1.25
Charles Mix	1.26
Clark	1.29
Clay	1.30
Codington	1.30
Corson	1.22
Custer	1.17
Davison	1.27
Day	1.29
Deuel	$1.30
Dewey	1.22
Douglas	1.26
Edmunds	1.27
Fall River	1.18
Faulk	1.27
Grant	1.30
Gregory	1.26
Haakon	1.21
Hamlin	1.30
Hand	1.27
Hanson	1.23
Harding	1.20
Hughes	1.25
Hutchinson	1.27
Hyde	1.26
Jackson	1.20
Jerauld	1.27
Jones	1.21
Kingsbury	1.29
Lake	1.29
Lawrence	1.16
Lincoln	1.29
Lyman	1.22
McCook	1.28
McPherson	$1.26
Marshall	1.28
Meade	1.18
Mellette	1.21
Miner	1.29
Minnehaha	1.29
Moody	1.30
Pennington	1.18
Perkins	1.20
Potter	1.25
Roberts	1.29
Sanborn	1.28
Shannon	1.21
Spink	1.28
Stanley	1.23
Sully	1.25
Todd	1.24
Tripp	1.25
Turner	1.28
Union	1.30
Walworth	1.25
Washabaugh	1.20
Yankton	1.29
Ziebach	1.20

TENNESSEE

All counties $1.40

TEXAS

County	Rate per bushel for No. 2 or better
Armstrong	$1.20
Bailey	1.20
Bastrop	1.36
Borden	1.20
Bosque	1.27
Brown	1.25
Callahan	1.22
Childress	1.20
Coleman	1.24
Collingsworth	1.20
Concho	1.22
Coryell	1.29
Cottle	1.20
Dallam	1.17
Dawson	1.20
Dickens	1.20
Eastland	1.24
Erath	1.26
Fisher	1.20
Floyd	1.20
Foard	1.20
Gaines	1.20
Glasscock	1.20
Grayson	1.25
Hall	1.20
Hamilton	1.27
Hansford	1.18
Hardeman	1.20
Haskell	1.20
Hockley	1.20
Hood	1.26
Howard	1.20
Hutchinson	1.18
Jack	$1.23
Jones	1.20
Kent	1.20
Kimble	1.24
King	1.20
Lubbock	1.20
McCulloch	1.25
Mason	1.25
Maverick	1.17
Mills	1.26
Mitchell	1.20
Navarro	1.30
Nolan	1.20
Parmer	1.20
Pecos	1.16
Potter	1.20
Randall	1.20
Real	1.22
San Saba	1.27
Scurry	1.20
Stephens	1.22
Stonewall	1.20
Swisher	1.20
Taylor	1.20
Terry	1.20
Tom Green	1.20
Ward	1.17
Wheeler	1.20
Wichita	1.20
Wilbarger	1.20
Yoakum	1.20
Young	1.20

UTAH

County	Rate per bushel for No. 2 or better
Box Elder	$1.11
Duchesne	1.11
Juab	1.11
Millard	1.14
Sampete	$1.10
Tooele	1.11
Uintah	1.11

VIRGINIA

All Counties $1.42

WASHINGTON

County	Rate per bushel for No. 2 or better
Adams	$1.32
Asotin	1.31
Benton	1.36
Chelan	1.34
Clark	$1.46
Cowlitz	1.43
Douglas	1.30
Ferry	1.26

WASHINGTON—Continued

County	Rate per bushel for No. 2 or better	County	Rate per bushel for No. 2 or better
Franklin	$1.33	Okanogan	$1.30
Garfield	1.34	Pierce	1.43
Grant	1.31	Spokane	1.30
King	1.44	Stevens	1.29
Kittitas	1.37	Walla Walla	1.35
Klickitat	1.42	Whitman	1.30
Lincoln	1.31		

WEST VIRGINIA

All counties	$1.42

WISCONSIN

County	Rate per bushel for No. 2 or better	County	Rate per bushel for No. 2 or better
Adams	$1.33	Marathon	$1.32
Ashland	1.32	Marinette	1.31
Barron	1.33	Marquette	1.34
Bayfield	1.33	Milwaukee	1.39
Brown	1.34	Monroe	1.33
Buffalo	1.33	Oconto	1.32
Burnett	1.34	Oneida	1.30
Calumet	1.35	Outagamie	1.34
Chippewa	1.32	Ozaukee	1.36
Clark	1.31	Pepin	1.33
Columbia	1.34	Pierce	1.35
Crawford	1.32	Polk	1.35
Dane	1.36	Portage	1.33
Dodge	1.36	Price	1.31
Door	1.31	Racine	1.41
Douglas	1.36	Richland	1.33
Dunn	1.34	Rock	1.37
Eau Claire	1.33	Rusk	1.32
Florence	1.30	Saint Croix	1.36
Fond du Lac	1.36	Sauk	1.34
Forest	1.30	Sawyer	1.33
Grant	1.33	Shawano	1.33
Green	1.36	Sheboygan	1.36
Green Lake	1.35	Taylor	1.31
Iowa	1.34	Trempealeau	1.32
Iron	1.30	Vernon	1.32
Jackson	1.32	Vilas	1.28
Jefferson	1.36	Walworth	1.37
Juneau	1.34	Washburn	1.34
Kenosha	1.40	Washington	1.36
Kewaunee	1.32	Waukesha	1.37
La Crosse	1.32	Waupaca	1.33
Lafayette	1.35	Waushara	1.34
Langlade	1.31	Winnebago	1.34
Lincoln	1.30	Wood	1.33
Manitowoc	1.35		

WYOMING

Albany	$1.06	Natrona	$1.08
Big Horn	1.01	Niobrara	1.14
Campbell	1.12	Park	1.01
Carbon	1.04	Platte	1.15
Converse	1.11	Sheridan	1.09
Crook	1.14	Sublette	1.06
Fremont	1.02	Sweetwater	1.06
Goshen	1.18	Teton	1.01
Hot Springs	1.01	Uinta	1.06
Johnson	1.10	Washakie	1.01
Laramie	1.18	Weston	1.14
Lincoln	1.05		

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1447, 1421)

Issued this 22d day of May 1951

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-6054; Filed, May 24, 1951; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1061 (Alaska 51)-1, Supp. 1]

PART 704—SPECIAL AGRICULTURAL CONSERVATION PROGRAM; ALASKA

SUBPART—1951

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1951 Special Agricultural Conservation Program; Alaska, issued November 1, 1950 (15 F. R. 7430), is amended as follows:

Section 704.21 is amended by revising the second sentence to read as follows:

§ 704.21 *Practice 11: Clearing woodland for tillage.* * * * Payment will not be approved for clearing more than five acres on any farm during the 1951 program year, and approval will not be given for clearing in excess of 30 acres on any farm under all programs. * * *

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7-17, 49 Stat. 1148, as amended; 16 U. S. C. 590q-590c)

Done at Washington, D. C., this 22d day of May 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-6052; Filed, May 24, 1951; 8:51 a. m.]

[1026 (Burley and Flue-51)-1]

PART 725—BURLEY AND FLUE-CURED TOBACCO

MARKETING QUOTA REGULATIONS; 1951-52 MARKETING YEAR

GENERAL

Sec.
725.230 Basis and purpose.
725.231 Definitions.
725.232 Instructions and forms.
725.233 Extent of calculations and rule of fractions.

FARM MARKETING QUOTAS AND MARKETING CARDS

725.234 Amount of farm marketing quota.
725.235 No transfers.
725.236 Issuance of marketing cards.
725.237 Person authorized to issue cards.
725.238 Rights of producers in marketing cards.
725.239 Successors in interest.
725.240 Invalid cards.
725.241 Report of misuse of marketing cards.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

725.242 Extent to which marketings from a farm are subject to penalty.
725.243 Disposition of excess tobacco.
725.244 Identification of marketings.
725.245 Rate of penalty.
725.246 Persons to pay penalty.
725.247 Marketings deemed to be excess tobacco.
725.248 Payment of penalty.
725.249 Request for return of penalty.

RECORDS AND REPORTS

Sec.
725.250 Producer's records and reports.
725.251 Warehouseman's records and reports.
725.252 Dealer's records and reports.
725.253 Dealers exempt from regular records and reports.
725.254 Records and reports of truckers and persons redrying, prizing or stemming tobacco.
725.255 Separate records and reports from persons engaged in more than one business.
725.256 Failure to keep records or make reports.
725.257 Examination of records and reports.
725.258 Length of time records and reports to be kept.
725.259 Information confidential.
725.260 Redelegation of authority.

AUTHORITY: §§ 725.230 to 725.260 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply 52 Stat. 38, 47, 48, 65, 66, as amended; 7 U. S. C. 1301, 1313, 1314, 1372, 1373, 1374, 1375.

GENERAL

§ 725.230 *Basis and purpose.* Sections 725.230 to 725.260 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the issuance of marketing cards, the identification of tobacco, the collection and refund of penalties, and the records and reports incident thereto on the marketing of Burley and flue-cured tobacco during the 1951-52 marketing year. Prior to preparing §§ 725.230 to 725.260, public notice (16 F. R. 3588) of their formulation was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views and recommendations pertaining to §§ 725.230 to 725.260, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 725.231 *Definitions.* As used in §§ 725.230 to 725.260, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Carry-over" tobacco means, with respect to a farm, tobacco produced prior to the beginning of the calendar year 1951, which has not been marketed or which has not been disposed of under § 725.243.

(c) Committees: (1) "Community committee" means the group of persons elected within a community as the community committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the community.

(2) "County committee" means the group of persons elected within a county as the county committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the county.

(3) "State committee" means the group of persons designated as the State committee of the Production and Marketing Administration, charged with the responsibility of administering Production and Marketing Administration programs within the State.

(d) "Dealer" or "buyer" means a person who engages to any extent in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue.

(e) "Director" means Director or Acting Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture.

(f) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(g) "Field assistant" means any duly authorized employee of the United States Department of Agriculture, and any duly authorized employee of a county committee whose duties involve the preparation and handling of records and reports pertaining to tobacco marketing quotas.

(h) "Floor sweepings" means scraps, leaves, or bundles of tobacco, generally of inferior quality, which accumulate on the warehouse floor and which not being subject to identification with any particular lot of tobacco are gathered up by the warehouseman for sale. Floor sweepings shall not include tobacco defined as "pick-ups".

(i) "Leaf account tobacco" means all tobacco purchased by or for a warehouseman and "leaf account" shall include the records required to be kept and copies of the reports required to be made under §§ 725.230 to 725.260 relating to tobacco purchased by or for a warehouseman and resales of such tobacco.

(j) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market".

(k) "Nonwarehouse sale" means any first marketing of farm tobacco other than by sale at public auction through a warehouse in the regular course of business.

(l) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(m) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(n) "Pick-ups" means (1) any tobacco sorted and reclaimed from leaves or bundles which have fallen to the warehouse floor in the usual course of business, or (2) any tobacco previously purchased at auction but not delivered to the buyer because of rejection by the buyer, lost ticket, or any other reason, and which is not turned back to a dealer other than the warehouseman and shall include tobacco delivered to the buyer but returned by the buyer to the warehouseman, and which is not turned back to a dealer other than the warehouseman.

(o) "Producer" means a person who, as owner, landlord, tenant, sharecropper, or laborer is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(p) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight.

(q) "Resale" means the disposition by sale, barter, exchange, or gift inter vivos, of tobacco which has been marketed previously.

(r) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(s) "Scrap tobacco" means the residue which accumulates in the course of preparing flue-cured tobacco for market, consisting chiefly of portions of tobacco leaves and leaves of poor quality.

(t) "Secretary" means the Secretary or Acting Secretary of Agriculture of the United States.

(u) "Suspended sale" means any first marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the sale day on which such marketing occurred.

(v) "Tobacco" means Burley tobacco, type 31, or flue-cured tobacco types 11, 12, 13 and 14, as classified in Service and Regulatory Announcement No. 118 (7 CFR Part 30) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or both, as indicated by the context.

Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths as either Burley or flue-cured tobacco shall be considered respectively either Burley or flue-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(w) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1951 plus any carry-over tobacco, less any tobacco disposed of in accordance with § 725.243.

(x) "Tobacco subject to marketing quotas" means:

(1) Any Burley tobacco marketed during the period October 1, 1951, to September 30, 1952, inclusive, and any Burley tobacco produced in the calendar year 1951 and marketed prior to October 1, 1951.

(2) Any flue-cured tobacco marketed during the period July 1, 1951, to June 30, 1952, inclusive, and any flue-cured tobacco produced in the calendar year 1951 and marketed prior to July 1, 1951.

(y) "Trucker" means a person who engages to any extent in the business of trucking tobacco to market and selling it for producers regardless of whether the tobacco is acquired from producers by the trucker.

(z) "Warehouseman" means a person who engages to any extent in the business of holding sales of tobacco at public auction at a warehouse.

(aa) "Warehouse sale" means a marketing of tobacco by a sale at public auction through a warehouse in the regular course of business, and shall include all lots or baskets of tobacco marketed in sequence at a given time.

§ 725.232 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary, for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator for Production, Production and Marketing Administration.

§ 725.233 *Extent of calculations and rules of fractions.* (a) The acreage of tobacco harvested on a farm in 1951 shall be expressed in tenths and fractions of less than one-tenth acre shall be dropped. For example, 4.56 acres would be 4.5 acres.

(b) The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess," shall be expressed in tenths and fractions of less than one-tenth shall be dropped. For example, 12.59 percent would be 12.5 percent.

(c) The amount of penalty per pound upon marketings of tobacco subject to penalty hereinafter referred to as the "converted rate of penalty," shall be expressed in tenths of a cent and fractions of less than a tenth shall be dropped, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths and fractions of less than a hundredth shall be dropped. For example, 3.68 cents per pound would be 3.6 cents and 0.068 cents per pound would be 0.06 cents.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 725.234 *Amount of farm marketing quota.* (a) The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with §§ 725.211 to 725.228, 1023 (Burley and flue-51)-3, Burley and Flue-cured Tobacco Marketing Quota Regulations, 1951-52, as amended (15 F. R. 5871, 16 F. R. 1932). The actual production of

the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1951 times the farm acreage allotment.

(b) The excess tobacco on any farm shall be (1) that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1951 times the number of acres harvested in excess of the farm acreage allotment plus (2) any excess carry-over tobacco. The acreage of tobacco determined for a farm for the purpose of issuing the correct marketing card for the farm, as provided in § 725.236, shall be considered the harvested acreage for the farm unless the farm operator furnishes proof satisfactory to the county committee that a portion of the acreage planted will not be harvested or that a representative portion of the production of the acreage harvested will be disposed of other than by marketing.

§ 725.235 *No transfers.* There shall be no transfer of farm marketing quotas.

§ 725.236 *Issuance of marketing cards.* A marketing card shall be issued for each farm having tobacco available for marketing. Subject to the approval of the county committee, two or more marketing cards may be issued for any farm. All entries on each marketing card shall be made in accordance with the instructions for issuing marketing cards. Upon the return to the office of the county committee of the marketing card after all of the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the county committee to have been lost, destroyed or stolen.

(a) *Within Quota Marketing Card (MQ–76—Tobacco).* A Within Quota Marketing Card authorizing the marketing without penalty of the tobacco available for marketing shall be issued for a farm under the following conditions:

(1) If the harvested acreage of tobacco in 1951 is not in excess of the farm acreage allotment and any excess carry-over tobacco from any prior marketing year can be marketed without penalty under the provisions of § 725.242 (b).

(2) If all excess tobacco produced on the farm is disposed of in accordance with § 725.243 (b), or

(3) If the tobacco was grown for experimental purposes on land owned or leased by a publicly owned agricultural experiment station and is produced at public expense by employees of the experiment station, or if the tobacco was produced by farmers pursuant to an agreement with a publicly owned experiment station whereby the experiment station bears the costs and risks incident to the production of the tobacco and the proceeds from the crop inure to the benefit of the experiment station: *Provided,* That such agreement is approved by the State committee prior to the issuance of a marketing card for the farm.

(b) *Excess Marketing Card (MQ–77—Tobacco).* An Excess Marketing Card showing the extent to which marketings of tobacco from a farm are subject to penalty shall be issued unless a within quota card is required to be issued for the farm under paragraph (a) of this section, except that if the farm operator fails to disclose, or otherwise furnish, or prevents the county committee from obtaining, any information necessary to the issuance of the correct marketing card, an excess marketing card shall be issued showing that all tobacco from the farm is subject to the rate of penalty set forth in § 725.245.

§ 725.237 *Person authorized to issue cards.* The county committee shall designate one person to sign marketing cards for farms in the county as issuing officer. The issuing officer may, subject to the approval of the county committee, designate not more than three persons to sign his name in issuing marketing cards: *Provided,* That each such person shall place his initials immediately beneath the name of the issuing officer as written by him on the card.

§ 725.238 *Rights of producers in marketing cards.* Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card issued for the farm for marketing his proportionate share.

§ 725.239 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 725.240 *Invalid cards.* A marketing card shall be invalid if:

(a) It is not issued or delivered in the form and manner prescribed;

(b) Entries are omitted or incorrect;

(c) It is lost, destroyed, stolen, or becomes illegible; or

(d) Any erasure or alteration has been made, and not properly initialed.

In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration or incorrect entry which cannot be corrected by a field assistant), the farm operator, or the person having the card in his possession, shall return it to the office of the county committee at which it was issued.

If any entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by a field assistant, then such card shall become valid.

§ 725.241 *Report of misuse of marketing card.* Any information which causes a field assistant, a member of a State, county, or community committee, or an employee of a State or county committee, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the county or State committee.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 725.242 *Extent to which marketings from a farm are subject to penalty.* (a) Marketings of tobacco from a farm having no carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows: Divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 725.243 by the total acreage of tobacco harvested from the farm.

(b) Marketings of tobacco from a farm having carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows:

(1) Determine the number of "carry-over" acres by dividing the number of pounds of carry-over tobacco from the prior years by the normal yield for the farm for that year.

(2) Determine the number of "within quota carry-over acres" by multiplying the "carry-over acres" (subparagraph (1) of this paragraph) by the "percent within quota" (i. e. 100 percent minus the percent excess) for the year in which the carry-over tobacco was produced, except that if the excess portion of the carry-over tobacco is disposed of under § 725.243, the "percent within quota" shall be 100.

(3) Determine the "total acres" of tobacco by adding the "carry-over acres" (subparagraph (1) of this paragraph) and the acreage of tobacco harvested in the current year.

(4) Determine the "excess acres" by subtracting from the "total acres" (subparagraph (3) of this paragraph) the sum of the 1951 allotment and the "with in quota carry-over acres" (subparagraph (2) of this paragraph).

(5) Determine the percent excess by dividing the "total acres" into the "excess acres" (subparagraph (4) of this paragraph).

(6) Those persons having an interest in the carry-over tobacco for a farm shall be liable for the payment of any penalty due thereon.

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the applicable rate of penalty by the percent excess obtained under paragraph (a) or (b) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 725.243 *Disposition of excess tobacco.* The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by either of the following methods:

(a) By storage of the excess tobacco, the tobacco so stored to be representative of the entire 1951 crop produced on the farm, and posting of a bond approved by the county committee and the State committee in the penal sum of twice the rate of penalty per pound set forth in § 725.245, times the quantity of excess tobacco stored. Penalty at the applicable full rate per pound on marketings of excess tobacco shall become due upon the removal from storage of the excess tobacco, except that an amount of such tobacco in storage equal to the normal production of the acreage by which the 1952 harvested acreage plus any acreage added with respect to any excess carry-over tobacco for the farm pursuant to § 725.242 (b) is less than the 1952 allotment may be removed from storage and marketed penalty free.

If the 1951 harvested acreage is less than the 1951 allotment an amount of any tobacco from the farm which was placed under storage for a prior marketing year equal to the normal production of the acreage by which the 1951 harvested acreage plus any acreage added with respect to any excess carry-over tobacco for the farm pursuant to § 725.242 (b) is less than the 1951 allotment may be marketed penalty free.

(b) By furnishing to the county committee satisfactory proof that excess tobacco representative of the entire crop will not be marketed.

§ 725.244 *Identification of marketings.* Each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1951 marketing card (MQ–76—Tobacco or MQ–77—Tobacco) issued for the farm on which the tobacco was produced. In addition, in the case of nonwarehouse sales each marketing shall also be identified by an executed bill of nonwarehouse sale (reverse side of memorandum of sale).

(a) *Memorandum of sale.* If a memorandum of sale is not executed to identify a warehouse sale of producer's tobacco by the end of the sale day on which the tobacco was marketed, the marketing shall be a suspended sale, and, unless a memorandum identifying the tobacco so marketed is executed on or before the last warehouse sale day of the marketing season, or within four weeks after the date of marketing, whichever comes first, the marketing shall be identified by MQ–82—Tobacco, Sale Without Marketing Card, as a marketing of excess tobacco. The memorandum of sale or MQ–82—Tobacco shall be executed only by a field assistant or other representative of the State committee with the following exceptions:

(1) A warehouseman, or his representative, who has been authorized on MQ–78—Tobacco, may issue a memorandum of sale to identify a warehouse sale if a field assistant is not available at the warehouse when the marketing card is presented. Each memorandum of sale issued by a warehouseman to cover a warehouse sale shall be presented promptly by him to the field assistant for verification with the warehouse records.

(2) In the case of flue-cured tobacco only, a dealer, or his authorized representative, operating a receiving point for scrap tobacco at a redrying plant (and other regular receiving points operated by such dealer or his agent or employees) or at an auction warehouse, who keeps records showing the information specified in § 725.252, and who has been authorized on MQ–78—Tobacco, may issue a memorandum of sale covering a purchase of scrap tobacco only if the bill of nonwarehouse sale has been executed.

The authorization on MQ–78—Tobacco to issue memoranda of sale may be withdrawn by the State committee from any warehouseman or dealer if such action is determined to be necessary in order to properly enforce the provisions of §§ 725.230 to 725.260. The authorization shall terminate upon receipt of written notice setting forth the State committee's reason therefor.

Each excess memorandum of sale issued by a field assistant shall be verified by the warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed and such warehouseman or dealer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in executing the memorandum of sale.

(b) *Bill of nonwarehouse sale.* Each nonwarehouse sale shall be identified by a bill of nonwarehouse sale completely executed by the buyer and the farm operator.

The word "scrap" shall be plainly written on any bill of nonwarehouse sale or memorandum of sale executed to cover scrap tobacco, and all such bills of nonwarehouse sale shall be delivered to a person at a scrap receiving point who is authorized to issue memoranda of sale.

Each bill of nonwarehouse sale covering any marketing except scrap tobacco shall be presented to a field assistant for the issuance of a memorandum of sale and for recording in MQ–79—Tobacco.

§ 725.245 *Rate of penalty.* (a) The penalty per pound upon marketings of excess tobacco subject to marketing quotas shall be twenty (20) cents per pound in the case of Burley tobacco and twenty-two (22) cents per pound in the case of flue-cured tobacco.

(b) With respect to tobacco marketed from farms having excess tobacco available for marketing the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm quota is of the total amount of tobacco available for marketing from the farm.

§ 725.246 *Persons to pay penalty.* The person to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Warehouse sale.* The penalty due on marketings by a producer through a warehouse shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Nonwarehouse sale.* The penalty due on tobacco purchased directly from a producer other than at public auction through a warehouse shall be paid by the purchaser of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings through an agent.* The penalty due on marketings by a producer through an agent who is not a warehouseman shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(d) *Marketings outside the United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 725.247 *Marketings deemed to be excess tobacco.* Any marketing of tobacco under any one of the following conditions shall be deemed to be a marketing of excess tobacco.

(a) *Warehouse sale.* Any warehouse sale of tobacco by a producer which is not identified by a valid memorandum of sale on or before the last warehouse sale day of the marketing season or within four weeks following the date of marketing, whichever comes first, shall be identified by a MQ–82—Tobacco, and shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(b) *Nonwarehouse sale.* Any nonwarehouse sale which (1) is not identified by a valid bill of nonwarehouse sale (reverse side of memorandum of sale) and (2) is not also identified by a valid memorandum of sale and recorded in MQ–79—Tobacco within one week following the date of purchase, or if purchased prior to the opening of the local auction markets, is not identified by a valid memorandum of sale and recorded in MQ–79—Tobacco within one week following the first sale day of the local auction markets, shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the purchaser of such tobacco.

(c) *Leaf account tobacco.* The part or all of any marketing by a warehouseman which such warehouseman represents to be a leaf account resale but which when added to prior leaf account resales, as reported under §§ 725.230 to 725.260, is in excess of prior leaf account purchases shall be deemed to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the Director or State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(d) *Dealer's tobacco.* The part or all of any marketing of tobacco by a dealer which such dealer represents to be a resale but which when added to prior resales by such dealer is in excess of the total of his prior purchases as reported on MQ–79—Tobacco, shall be deemed to be a marketing of excess tobacco unless and until such dealer furnishes proof acceptable to the Director or State committee, showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the dealer.

(e) *Marketings not reported.* Any resale of tobacco which under §§ 725.230 to 725.260, is required to be reported by a warehouseman or dealer but which is not so reported within the time and in the manner required by §§ 725.230 to 725.260 shall be deemed to be a marketing of excess tobacco unless and until such warehouseman or dealer furnishes

a report of such resale which is acceptable to the Director or State committee. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(f) *Producer marketings.* If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1951 in excess of the farm acreage allotment shall be deemed to have been a marketing of excess tobacco from such farm. The penalty thereon shall be paid by the producer.

§ 725.248 *Payment of penalty.* (a) Penalties shall become due at the time the tobacco is marketed, except in the case of tobacco removed from storage as provided in § 725.243 (a), and shall be paid by remitting the amount thereof to the State committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) If the penalty due on any warehouse sale of tobacco by a producer as determined under §§ 725.230 to 725.260 is in excess of the net proceeds of such sale (gross amount for all lots included in the sale less usual warehouse charges), the amount of the net proceeds accompanied by a copy of the warehouse bill covering such sale may be remitted as the full penalty due. Usual warehouse charges shall not include (1) advances to producers, (2) charges for hauling, or (3) any other charges not usually incurred by producers in marketing tobacco through an auction warehouse.

(c) Nonwarehouse sales, including sales of scrap tobacco, shall be subject to the converted rate of penalty for the farm on which the tobacco was produced without regard to the net proceeds of the sale.

§ 725.249 *Request for return of penalty.* Any producer of tobacco after the marketing of all tobacco available for marketing from the farm, and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 725.230 to 725.260, to be paid. Such request shall be filed with the county committee within two (2) years after the payment of the penalty.

RECORDS AND REPORTS

§ 725.250 *Producer's records and reports*—(a) *Report on marketing card.* The operator of each farm on which tobacco is produced in 1951 shall return to the office of the county committee each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than thirty days after the close of the tobacco auction markets for the locality in which the farm is located. Failure to return the marketing card within the time specified (after formal notification) shall constitute failure to account for disposition of tobacco marketed from the farm and in the event that a satisfactory account of such disposition is not furnished otherwise the allotment next established for such farm shall be reduced as provided in Burley and flue-cured tobacco marketing quota regulations for determining acreage allotments and normal yields, 1952–53 marketing year.

(b) *Additional reports by producers.* In addition to any other reports which may be required under §§ 725.230 to 725.260, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall upon written request by registered mail from the State committee and within 15 days after the deposit of such request in the United States mails, addressed to such person at his last known address, furnish the Secretary a written report of the disposition made of all tobacco produced on the farm by sending the same to the State committee showing, as to the farm at the time of filing said report, (1) the number of acres of tobacco harvested, (2) the total production of tobacco, (3) the amount of tobacco on hand and its location, and (4) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of the marketing. Failure to file the report as requested or the filing of a report which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm shall be reduced as provided in the Burley and flue-cured tobacco marketing quota regulations for determining acreage allotments and normal yields, 1952–53 marketing year.

§ 725.251 *Warehouseman's records and reports*—(a) *Record of marketing.* Each warehouseman shall keep such records as will enable him to furnish the Director or the State committee with respect to each warehouse sale of tobacco made at his warehouse the following information:

(1) The name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a sale by a producer, and in the case of a resale the name of the seller.
(2) Date of sale.
(3) Number of pounds sold.
(4) Gross sale price.
(5) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and in addition with respect to each individual basket or lot of tobacco constituting the warehouse sale the following information.
(6) Name of purchaser.
(7) Number of pounds sold.
(8) Gross sale price.
(9) Records of all purchases and resales of tobacco by the warehouseman shall be maintained to show a separate account for:
(i) Nonwarehouse sales by farmers of tobacco purchased by or on behalf of the warehouseman.
(ii) Purchases and resales for the warehouse leaf account.
(iii) Resales of floor sweepings.
(iv) Resales of pick-ups, with respect to both subparagraphs (1) and (2) as defined in § 725.231 (n).

Any warehouseman or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the State committee the name of the farm operator and the approximate amount of scrap tobacco obtained from the grading of tobacco from each farm.

In the case of resales for dealers the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of sale on check register.* The serial number of the memorandum of sale issued to identify each warehouse sale by a producer or the number of warehouse bill(s) covering each such sale shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco.

(c) *Memorandum of sale and bill of nonwarehouse sale.* A record in the form of a valid memorandum of sale or a sale without marketing card shall be obtained by a warehouseman to cover each marketing of tobacco from a farm through the warehouse and each nonwarehouse sale of tobacco purchased by or for the warehouseman. For a nonwarehouse sale of tobacco purchased by or for a warehouseman, no memorandum of sale shall be issued unless the bill of nonwarehouse sale on the reverse side of the memorandum is executed. Any warehouseman who obtains possession of any scrap tobacco in the course of grading tobacco from any farm shall obtain a memorandum of sale to cover the amount of such scrap.

(d) *Suspended sale record.* Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "Suspended," write thereon the serial number of the suspended sale, and record the bills on MQ–83—Tobacco, Field Assistant's Report: *Provided*, That if a field assistant is not available, the warehouseman may stamp such bills "Suspended" and deliver them to a field assistant when one is available.

(e) *Warehouse entries on dealer's record.* Each warehouseman shall record on MQ–79—Tobacco the total purchases and resales made by each dealer or other warehouseman during each sale day at the warehouse and enter his initials in the space provided. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1951 the entry on MQ–79—Tobacco shall clearly show such fact.

(f) *Record and report of purchases and resales.* Each warehouseman shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing:

(1) All purchases of tobacco directly from producers other than at public auction through a warehouse (nonwarehouse sales).

(2) All purchases and resales of tobacco at public auction through warehouses other than his own.

(3) All purchases of tobacco from dealers other than warehousemen and resales of tobacco to dealers other than warehousemen.

(g) *Season report of warehouse business.* Each warehouseman shall furnish the State committee not later than thirty (30) days following the last sale day of the marketing season a report on MQ–80—Tobacco, Auction Warehouse Report, showing (1) for each dealer or buyer, as originally billed, the total pounds and gross amount of tobacco purchased and resold on the warehouse floor; (2) the total pounds and gross amount of "loan tobacco" billed to any association; (3) the total pounds and gross amount of all leaf account tobacco purchased and resold and of all pick-ups (§ 725.231 (n) (1) or (2)) or floor sweepings sold by the warehouseman at public auction over his own warehouse floor; (4) the pounds and estimated value of all tobacco on hand at the time of filing the report and whether such tobacco represents leaf account tobacco, pick-ups (§ 725.231 (n) (1) or (2)), or floor sweepings; (5) the total pounds and gross amount of all tobacco purchased directly from farmers other than at public auction through a warehouse; and (6) the total pounds and gross amount of all purchases over other warehouse floors or from dealers other than warehousemen and all resales over other warehouse floors or to dealers other than warehousemen.

(h) *Report of penalties.* Each warehouseman shall make reports on MQ–81—Tobacco, Report of Penalties, showing for each sale of tobacco subject to penalty (1) the name of the farm operator; (2) the memorandum number; (3) the name of the county in which the farm is located; (4) the farm serial number; (5) the number of pounds sold; (6) the applicable converted rate of penalty; and (7) the amount of penalty due on each such sale. MQ–81—Tobacco shall be prepared for each week and forwarded together with remittance of the penalty due as shown thereon to the State committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty.

(i) *Report of resales.* Each warehouseman shall make reports on MQ–86—Tobacco, Report of Resales, showing for each resale of tobacco at auction on the warehouse floor (1) the warehouse bill number; (2) the name on the warehouse bill; (3) the name of the seller, or in the case of a resale for the warehouse, whether such resale represents leaf account tobacco, pick-ups, or floor sweepings; (4) the registration number and State of the person making the resale; (5) the number of pounds sold; and (6) the gross amount for the sale. MQ–86–Tobacco shall be prepared for each sale day and forwarded to the State committee not later than the end of the calendar week following the week in which the tobacco was resold.

(j) *Additional records and reports by warehousemen.* Each warehouseman shall keep such records and furnish such reports to the State committee, in addition to the foregoing, as the Director may find necessary to insure the proper identification of the marketings of tobacco and the collection of penalties due thereon as provided in §§ 725.230 to 725.260.

§ 725.252 *Dealer's records and reports.* Each dealer, except as provided in § 725.253, shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address and registration number.* Each dealer shall properly execute and the field assistant shall detach and forward to the State committee "Receipt for Dealer's Record" contained in MQ–79—Tobacco which is issued to the dealer.

(b) *Record and report of purchases and resales.* Each dealer shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing all purchases and resales of tobacco made by or for the dealer and, in the event of resale of tobacco bought from a crop produced prior to 1951, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1951.

(c) *Report of penalties.* Each dealer shall make a report on MQ–81—Tobacco, Report of Penalties, showing for each purchase of tobacco subject to penalty (1) the name of the farm operator; (2) the memorandum number; (3) the name of the county in which the farm is located; (4) the farm serial number; (5) the number of pounds purchased; (6) the applicable converted rate of penalty; and (7) the amount of penalty due on each such purchase. MQ–81—Tobacco shall be prepared for each week and forwarded together with remittance of the penalty due as shown thereon to the State committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty.

(d) *Memorandum of sale and bill of nonwarehouse sale.* A bill of nonwarehouse sale and a memorandum of sale from the 1951 marketing card issued for the farm on which the tobacco was produced shall be obtained by a dealer to cover each purchase of tobacco directly from a producer other than at auction through a warehouse. No memorandum of sale shall be issued identifying such purchase unless the bill of nonwarehouse sale on the reverse side of the memorandum of sale has been executed.

(e) *Record and report of scrap tobacco.* Each dealer operating a receiving point for scrap tobacco who has been authorized on MQ–78—Tobacco to issue memoranda of sale, shall keep a record and make reports on MQ–79—Tobacco showing all tobacco received. Such reports shall be accompanied by memoranda of sale and bills of nonwarehouse sale with respect to all tobacco covered by the reports.

(f) *Additional records.* Each dealer shall keep such records in addition to the foregoing, as will enable him to furnish the Director or the State committee with respect to each lot of tobacco purchased by him, the following information:

(1) The name of the warehouse through which the tobacco was purchased in the case of a warehouse sale; the name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a nonwarehouse sale; and the name of the seller in the case of purchases directly from warehousemen or other dealers.
(2) Date of purchase.
(3) Number of pounds purchased.
(4) Gross purchase price.
(5) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and with respect to each lot of tobacco sold by him the following information.
(6) Name of the warehouse through which the tobacco was sold in the case of a warehouse sale, and the name of the purchaser if other than a warehouse sale.
(7) Date of sale.
(8) Number of pounds sold.
(9) Gross sale price.
(10) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to 1951 the fact that such tobacco was so bought and carried over.

All reports shall be forwarded to the State committee not later than the end of the week following the calendar week covered by the reports.

§ 725.253 *Dealers exempt from regular records and reports.* Any dealer or buyer who does not purchase or otherwise acquire tobacco except (a) at warehouse sales, or (b) directly from dealers other than warehousemen, and who does not resell in the form in which tobacco ordinarily is sold by farmers more than 10 percent of such tobacco so purchased by him shall not be subject to the provisions of § 725.252: *Provided, however*, That any such dealer or buyer who purchases tobacco (a) at nonwarehouse sale, or (b) from a warehouseman other than at warehouse sale shall be subject to the provisions of § 725.252 with respect to such purchases. Each such dealer or buyer shall make such reports to the Director, in addition to the foregoing, as he may find necessary to enforce §§ 725.230 to 725.260, and each dealer or buyer who is not subject to the provisions of § 725.252 shall make such reports to the Director as he may find necessary to enforce §§ 725.230 to 725.260.

§ 725.254 *Records and reports of truckers and persons redrying, prizing or stemming tobacco.* (a) Every person engaged to any extent in the business of trucking tobacco for producers shall keep such records as will enable him to furnish the Director or State committee a report with respect to each lot of tobacco received by him showing (1) the name and address of the farm operator, (2) the date of receipt of the tobacco, (3) the number of pounds received, and (4) the place to which it was delivered.

(b) Every person engaged to any extent in the business of redrying, prizing or stemming tobacco for producers shall keep such records as will enable him to

furnish the Director a report showing (1) the information required above for truckers, and in addition, (2) the purpose for which the tobacco was received, (3) the amount of advance made by him on the tobacco, and (4) the disposition of the tobacco.

Each such person shall make such reports to the Director as he may find necessary to enforce §§ 725.230 to 725.260.

§ 725.255 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a warehouseman, dealer, trucker, or as a person engaged in the business of redrying, prizing or stemming tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 725.256 *Failure to keep records or make reports.* Any warehouseman, dealer, trucker, or person engaged in the business of redrying, prizing, or stemming tobacco for producers, who fails to make any report or keep any record as required under §§ 725.230 to 725.260, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under these regulations within fifteen days after notice to him of such violation shall be subject to an additional fine of $100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided*, That such fine shall not exceed $5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a tobacco warehouseman or dealer shall be given by the Director.

§ 725.257 *Examination of records and reports.* For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report but not so furnished, any warehouseman, dealer, trucker, or person engaged in the business of redrying, prizing or stemming tobacco for producers shall make available for examination upon written request by the State committee or Director, such books, papers, records, accounts, cancelled checks, correspondence, contracts, documents, and memoranda as the State committee or Director has reason to believe are relevant and are within the control of such person.

§ 725.258 *Length of time records and reports are to be kept.* Records required to be kept and copies of the reports required to be made by any person under §§ 725.230 to 725.260 for the 1951–52 marketing year shall be kept by him until June 30, 1954, in the case of flue-cured tobacco, and September 30, 1954, in the case of Burley tobacco. Records shall be kept for such longer period of time as may be requested in writing by the Director or State committee.

§ 725.259 *Information confidential.* All data reported to or acquired by the Secretary pursuant to the provisions of §§ 725.230 to 725.260 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members of community committees and all members and employees of county committees, and only such data so reported or acquired as the Assistant Administrator for Production, Production and Marketing Administration, deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the Act.

§ 725.260 *Redelegation of authority.* Any authority delegated to the State committee by §§ 725.230 to 725.260 may be redelegated by the State committee.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 22d day of May 1951. Witness my hand and seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-6053; Filed, May 24, 1951; 8:51 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.5, Amdt. 1]

PART 814—ALLOTMENT OF SUGAR QUOTAS

PUERTO RICO, 1951

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948 (hereinafter called the "act") for the purpose of revising § 814.5 (16 F. R. 1668) which allots the 1951 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of such quota) and the 1951 sugar quota for local consumption in Puerto Rico among persons (1) whose Puerto Rican raw sugar is brought into the continental United States or who transfer such sugar for further processing and shipment to the continental United States as direct-consumption sugar, and (2) who market sugar for local consumption in Puerto Rico.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments." The sugar quota for consumption in Puerto Rico and allotments thereof are referred to respectively as "local quota" and "local allotments."

The allotments established by the initial order were based upon estimates of production of sugar from the 1950–51 crop by each allottee and in order to safeguard against the possibility of a processor exceeding its final allotment, the amount of each such initial allotment which could be marketed prior to June 1, 1951, was limited to 75 percent of such allotment.

Representatives of all allottees stipulated for the record of the hearing on these allotments or subsequently agreed in writing that when so-called "Easter estimates" of production from the 1950–51 sugarcane crop became available, the initial allotment order for 1951 should be revised on the basis of such data without change in the initial formula and without further hearing. These "Easter estimates" are as follows:

Processor	Proportionate shares[1] (short tons, raw value)
Antonio Roig, Sucesores, S. en C.	52,850
Arturo Lluberas (estate of) y Sobrinos (San Francisco)	7,000
Asociacion Azucarera Cooperative (Lafayette)	38,182
Central Aguirre Sugar Co., a trust	135,000
Central Coloso, Inc.	65,500
Central Eureka, Inc.	42,415
Central Guamani, Inc.	11,559
Central Igualdad, Inc.	51,600
Central Juanita, Inc.	32,657
Central Mercedita, Inc.	88,750
Central Monserrate, Inc.	26,220
Central San Jose, Inc.	21,830
Central San Vicente, Inc.	57,500
Central Victoria, Inc.	21,510
Compania Azucarera del Camuy, Inc. (Rio Llano)	18,000
Compania Azucarera del Toa	24,700
Cooperativa Azucarera Los Canos	35,200
Corporacion Azucarera Sauri and Subira (Constancia Ponce)	15,006
Eastern Sugar Associates, a trust	143,510
Fajardo Sugar Co.	100,000
Land Authority of Puerto Rico	78,037
Mario Mercado e Hijos (Rufina)	32,312
Mayaguez Sugar Co., Inc. (Rochelaise)	12,650
Plata Sugar Co.	50,400
Soller Sugar Co.	16,000
South Porto Rico Sugar Co. of Puerto Rico	106,821
Total	1,290,200

[1] Estimated 1950–51 crop production.

The greater accuracy of these new estimates and continued orderly marketing make desirable easing the limitation on marketings so that 85 percent, instead of 75 percent, of each allotment may be marketed and to extend the terminal date of the limitation from June 1, 1951, to September 1, 1951. Each allottee under this order has agreed to this change.

A number of allottees have marketed nearly 75 percent of their allotments, hence they are precluded from orderly marketing of additional quantities of sugar until this amendment becomes effective. Moreover, a number of allottees could exceed their allotments under this amendment if they continue to market pursuant to the allotments and limitations established by the initial allotment order. It is imperative, therefore, that this amendment become effective at the earliest possible date in order to permit continued orderly marketing of sugar and to assure that allottees will not exceed their final allotments of the mainland and local quotas. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, this amendment shall be effective when published in the FEDERAL REGISTER.

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, paragraphs (a) and (c) (1) of § 814.5 are hereby amended in the following manner:

1. Paragraph (a) of § 814.5 is hereby revised to read as follows:

§ 814.5 *Allotments of 1951 sugar quotas for Puerto Rico*—(a) *Allotments.* The 1951 sugar quota for Puerto Rico for consumption in the continental United States, including raw sugar to be further processed and shipped within the direct-consumption portion of such quota, amounting to 910,000 short tons of sugar, raw value, and the 1951 sugar quota for local consumption in Puerto Rico, amounting to 110,000 short tons of sugar, raw value, are hereby allotted to the following processors in amounts which appear in columns (1) and (3) opposite their respective names:

Processor	Mainland allotment		Local allotment	
	Total (1)	85 percent (2)	Total (3)	85 percent (4)
Antonio Roig, Sucesores, S. en C.	19,968	16,973	22,829	19,405
Arturo Lluberas (estate of) y Sobrinos (San Francisco)	3,059	2,600	1,623	1,380
Asociacion Azucarera Cooperative (Lafayette)	29,465	25,045	833	708
Central Aguirre Sugar Co., a trust	102,428	87,064	1,999	1,699
Central Coloso, Inc.	47,982	40,785	849	722
Central Eureka, Inc.	50,885	43,252	1,479	1,257
Central Guamani, Inc.	7,843	6,667	1,117	949
Central Igualdad, Inc.	21,140	17,969	18,137	15,416
Central Juanita, Inc.	24,836	21,111	2,377	2,020
Central Mercedita, Inc.	48,187	41,003	18,671	15,870
Central Monserrate, Inc.	19,676	16,725	1,261	1,072
Central San Jose, Inc.	17,274	14,683	21	18
Central San Vicente, Inc.	42,971	36,525	1,870	1,589
Central Victoria, Inc.	17,709	15,053	222	189
Compania Azucarera del Camuy, Inc. (Rio Llano)	13,861	11,782	124	105
Compania Azucarera del Toa	24,019	20,471		
Cooperativa Azucarera Los Canos	26,437	22,471	138	100
Corporacion Azucarera Sauri and Subira (Constancia Ponce)	9,637	8,191	1,556	1,323
Eastern Sugar Associates, a trust	68,670	58,377	16,060	13,651
Fajardo Sugar Co.	83,001	71,443	2	1
Land Authority of Puerto Rico	64,000	54,405	17	13
Mario Mercado e Hijos (Rufina)	24,076	20,465	1,367	1,162
Mayaguez Sugar Co., Inc. (Rochelaise)	9,263	7,873	165	143
Plata Sugar Co.	38,092	32,321	503	428
Soller Sugar Co.	12,158	10,330	16	14
South Porto Rico Sugar Co. of Puerto Rico	76,329	64,880	16,857	14,328
Total	910,000	773,500	110,000	93,500

2. Paragraph (c) (1) of § 814.5 is hereby amended to read as follows:

(c) *Restrictions on marketing.* (1) Prior to September 1, 1951, each processor named in paragraph (a) of this section, together with the producers with whom it shares its allotments under paragraph (b) of this section, is hereby prohibited from bringing into or marketing for entry into the continental United States for consumption therein, or from marketing for local consumption in Puerto Rico, any sugar in excess of 85 percent of the allotments established in paragraph (a) of this section, such quantities being shown in columns 2 and 4 of the table in paragraph (a) of this section.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. Sup., 1115)

Done at Washington, D. C., this 22d day of May, 1951. Witness my hand and seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary.

[F. R. Doc. 51-6057; Filed, May 24, 1951; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5776]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AUTOMATIC VOTING MACHINE CORP. ET AL.

Subpart—*Cutting off competitors' or other's access to customers or market:* § 3.558 *Instigating vexatious and groundless taxpayers' suits.* Subpart—*Disparaging competitors and their products—Competitors:* § 3.917 *Facilities;* § 3.950 *Reliability, history and financial condition—Competitors' products:* § 3.985 *Manufacture or preparation;* § 3.1000 *Performance;* § 3.1010 *Qualities or properties;* § 3.1015 *Quality.* Subpart—*Interfering with competitors or their goods—Competitors:* § 3.1087 *Instigating vexatious and groundless suits.* In connection with the offering for sale, sale and distribution of voting machines in commerce, (1) representing in any manner or by any means, directly or by implication, (a) that the financial condition of the competitor of respondent corporation is unstable; (b) that the voting machines of said competitor or the counting mechanism of said machines can be improperly manipulated without detection; (c) that the use of said competitor's voting machines is conducive to, or encourages, fraud in elections; (d) that said competitor lacks adequate experience in, or facilities for, servicing its voting machines; (e) that the life expectancy of said competitor's voting machines is shorter than is the fact; (f) that the electric motor in said competitor's voting machine serves no purpose other than to close and open the curtains which enclose the voter; (g) that it is necessary for voters to assume ungainly positions when voting by means of said competitor's vertical column voting machine; (h) that the punching machine equipment in conjunction with said competitor's vertical type voting machines is unusually expensive; (i) that where said competitor's voting machine is used the cost for printing is greater than is such cost where the voting machine of respondent corporation is used; (j) that with said competitor's electrically or manually operated voting machines, voting is slower than with the respondent corporation's electrically or manually operated voting machines, respectively; (k) that secrecy in voting for write-in candidates is destroyed or rendered impossible when said competitor's voting machine is used; or, (l) that said competitor's voting machines do not fully, properly or secretly record or tabulate a voter's choice; or (2) instigating or financing, directly or indirectly, lawsuits by others against purchasers or prospective purchasers of the voting machines of the competitor of respondent corporation with the purpose, intent or effect of hindering or obstructing the business or sales of said competitor, or of impounding, or having impounded, moneys payable to or due said competitor, or of injuring the credit or reputation of said competitor; prohibited, subject to the provision, however, that such prohibition shall not impair any rights accorded respondents by state law openly and publicly to cooperate in, support, finance or otherwise encourage or promote litigation affecting contracts or awards for said competitor's voting machines where the respondent corporation is the lower bidder for electrically operated voting machines as against the electrically operated voting machines of its competitor, or for manually operated voting machines as against manually operated voting machines of its competitor, and where such litigation is brought in good faith; (a) to test and determine judicially the validity of any such contracts awarded to said competitor in any jurisdiction where the law now requires, or where in the future it may require, that the contract-awarding authority or governmental purchasing agency, without the right to exercise discretion, shall make its award only to the lowest bidder; or (b) to test and determine judicially questions of fraud, deceit or trickery; or (c) to question judicially the discretionary action of public officials in

awarding a contract for voting machines to a higher bidder where it is apparent or in good conscience believed that such public officials acted arbitrarily or capriciously, and where, upon request by the losing bidder or by any within the jurisdiction affected, such public officials fail or refuse to furnish a valid reason for making such award to the higher bidder.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 45. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Automatic Voting Machine Corporation et al., Docket 5776, March 19, 1951]

In the Matter of Automatic Voting Machine Corporation et al.

This proceeding was heard by William L. Pack, trial examiner, upon the complaint of the Commission, respondents' substitute answers (in which, with certain exceptions as to certain directors of the respondent corporation in their individual capacities and as to one deceased respondent) all of the material allegations of fact in the complaint were admitted, certain affidavits executed by said directors, a stipulation as to certain matters involved in the proceeding but not specifically set forth in the complaint, and a proposed order which was agreed upon by counsel submitting the complaint and counsel for respondents.

Thereafter the proceeding regularly came on for final consideration by said trial examiner, theretofore duly designated by the Commission, upon the complaint, substitute answers, affidavits, stipulation, and proposed order (the filing of proposed findings and conclusions having been waived by counsel and oral argument not having been requested); and said trial examiner, having duly considered the record and found that the instant proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts, conclusion drawn therefrom, and order, including order to cease and desist, and order dismissing the complaint as to certain respondents as therein set forth.

Thereafter, the matter was disposed of as follows by the Commission's "Order denying respondents' appeal from initial decision of the trial examiner and decision of the Commission and order to file report of compliance," Docket 5776, March 21, 1951.

This matter coming on to be heard by the Commission upon the respondents' appeal from the trial examiner's initial decision in this proceeding, and the brief in opposition thereto filed by counsel in support of the complaint; and

It appearing to the Commission that the grounds relied upon in support of said appeal are (1) that the alleged unfair methods of competition and unfair or deceptive acts and practices making up the alleged violation of law constitute a private controversy between the respondents and their competitor, redressable in the courts, and do not involve or affect the public interest; and (2) that certain of the trial examiner's findings of fact and conclusions are improper in that they are not supported by the record; and

It further appearing that the question of the public interest in this proceeding was specifically adjudicated by the Commission in its order of March 19, 1951, denying the respondents' motion to stay further proceedings and to stay the issuance of an order to cease and desist herein; and

It further appearing also that the trial examiner's findings of fact and conclusions are all full supported by the record wherein the respondents against whom the order to cease and desist was directed admitted all of the material allegations of fact set forth in the complaint, waived all hearings and further procedure as to said facts, including their right to submit to the trial examiner proposed findings as to the facts, and agreed that the Commission might make any findings as to the facts and conclusion it deemed advisable and proper regarding the acts and practices admitted to have been engaged in and might issue any order it deemed appropriate to prevent the respondents from thereafter engaging in such acts and practices; and

The Commission being of the opinion that the respondents' appeal is without merit and that the trial examiner's initial decision is appropriate in all respects to dispose of this proceeding:

It is ordered, That the respondents' appeal from the initial decision of the trial examiner and their request for oral argument in support of said appeal be, and they hereby are, denied.

It is further ordered, That the attached initial decision of the trial examiner shall on the 19th day of March 1951, become the decision of the Commission.

It is further ordered, That the respondents (except Burton G. Tremaine III, George S. Stevenson, Burton G. Tremaine, Jr., and W. G. McKetterick, in their individual capacities, and respondent William H. Staring, now deceased) shall, within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

The said order to cease and desist, in said initial decision, is as follows:

It is ordered, That respondent Automatic Voting Machine Corporation, a corporation, its officers and directors, and respondent Alaric R. Bailey, individually and as an officer and director of said corporation, and respondent Paul A. Ahlstrom, individually and as an officer of said corporation, and respondents Frank P. Stone, Raymond C. Anderson, Alvin N. Gustavson, and Oscar F. Swanson, individually and as employees of said corporation, and respondent Burton G. Tremaine III, as an officer and director of said corporation, and respondents George S. Stevenson, Burton G. Tremaine, Jr., and W. G. McKetterick, as directors of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of voting machines in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing in any manner or by any means, directly or by implication:

(a) That the financial condition of the competitor of respondent corporation is unstable.

(b) That the voting machines of said competitor or the counting mechanism of said machines can be improperly manipulated without detection.

(c) That the use of said competitor's voting machines is conducive to, or encourages, fraud in elections.

(d) That said competitor lacks adequate experience in, or facilities for, servicing its voting machines.

(e) That the life expectancy of said competitor's voting machines is shorter than is the fact.

(f) That the electric motor in said competitor's voting machine serves no purpose other than to close and open the curtains which enclose the voter.

(g) That it is necessary for voters to assume ungainly positions when voting by means of said competitor's vertical column voting machine.

(h) That the punching machine equipment used in conjunction with said competitor's vertical type voting machines is unusually expensive.

(i) That where said competitor's voting machine is used the cost for printing is greater than is such cost where the voting machine of respondent corporation is used.

(j) That with said competitor's electrically or manually operated voting machines, voting is slower than with the respondent corporation's electrically or manually operated voting machines, respectively.

(k) That secrecy in voting for write-in candidates is destroyed or rendered impossible when said competitor's voting machine is used.

(l) That said competitor's voting machines do not fully, properly or secretly record or tabulate a voter's choice.

2. Instigating or financing, directly or indirectly, lawsuits by others against purchasers or prospective purchasers of the voting machines of the competitor of respondent corporation with the purpose, intent or effect of hindering or obstructing the business or sales of said competitor, or of impounding, or having impounded, moneys payable to or due said competitor, or of injuring the credit or reputation of said competitor: provided that nothing contained herein shall impair any rights accorded respondents by state law openly and publicly to cooperate in, support, finance or otherwise encourage or promote litigation affecting contracts or awards for said competitor's voting machines where the respondent corporation is the lower bidder for electrically operated voting machines as against the electrically operated voting machines of its competitor, or for manually operated voting machines as against manually operated voting machines of its competitor, and where such litigation is brought in good faith;

(a) To test and determine judicially the validity of any such contracts awarded to said competitor in any jurisdiction where the law now requires, or where in the future it may require, that the contract-awarding authority or governmental purchasing agency, without the right to exercise discretion, shall make its award only to the lowest bidder; or

(b) To test and determine judicially questions of fraud, deceit or trickery; or

(c) To question judicially the discretionary action of public officials in awarding a contract for voting machines to a higher bidder where it is apparent or in good conscience believed that such public officials acted arbitrarily or capriciously, and where, upon request by the losing bidder or by any taxpayer within the jurisdiction affected, such public officials fail or refuse to furnish a valid reason for making such award to the highest bidder.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to respondents Burton G. Tremaine III, George S. Stevenson, Burton G. Tremaine, Jr., and W. G. McKetterick in their individual capacities but not in their respective capacities as officers or directors of respondent corporation, and that the complaint be, and it hereby is, dismissed as to respondent William H. Staring, deceased since the institution of this proceeding.

Issued: March 21, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-6032; Filed, May 24, 1951; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

IMPORTS AND EXPORTS

Pursuant to the authority vested in the Federal Security Administrator and the Secretary of the Treasury by the provisions of sections 701 (b) and 801 (c) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 63 Stat. 882; 21 U. S. C. 371 (b), 381 (c)), the regulations for the enforcement of section 801 (21 CFR 1.302–1.313, inclusive; 15 F. R. 584, 2756) are rescinded and the following regulations are issued in lieu thereof:

Sec.
1.315 Definitions.
1.316 Notice of sampling.
1.317 Payment for samples.
1.318 Hearing.
1.319 Application for authorization.
1.320 Granting of authorization.
1.321 Bonds.
1.322 Costs chargeable in connection with relabeling and reconditioning inadmissible imports.

AUTHORITY: §§ 1.315 to 1.322 issued under sec. 371, 381, 52 Stat. 1040, 1055, as amended; 21 U. S. C. 371, 381.

IMPORTS AND EXPORTS

§ 1.315 *Definitions.* For the purposes of the regulations prescribed under section 801 (a), (b), and (c) of the Federal Food, Drug, and Cosmetic Act:

(a) The term "owner" or "consignee" means the person who has the rights of a consignee under the provisions of sections 483, 484, and 485 of the Tariff Act of 1930, as amended (19 U. S. C. 1483, 1484, 1485).

(b) The term "chief of district" means the chief of the district of the Food and Drug Administration having jurisdiction over the port of entry through which an article is imported or offered for import, or such officer of the district as he may designate to act in his behalf in administering and enforcing the provisions of section 801 (a), (b), and (c).[1]

§ 1.316 *Notice of sampling.* When a sample of an article offered for import has been requested by the chief of district, the collector of customs having jurisdiction over the article shall give to the owner or consignee prompt notice of delivery of, or intention to deliver, such sample. Upon receipt of the notice, the owner or consignee shall hold such article and not distribute it until further notice from the chief of district or the collector of customs of the results of examination of the sample.

§ 1.317 *Payment for samples.* The Food and Drug Administration will pay for all import samples which are found to be in compliance with the requirements of the Federal Food, Drug, and Cosmetic Act. Billing for reimbursement should be made by the owner or consignee to the Food and Drug Administration district headquarters in whose territory the shipment was offered for import. Payment for samples will not be made if the article is found to be in violation of the act, even though subsequently brought into compliance under the terms of an authorization to bring the article into compliance or rendered not a food, drug, device, or cosmetic as set forth in § 1.319.

§ 1.318 *Hearing.* (a) If it appears that the article may be subject to refusal of admission, the chief of district shall give the owner or consignee a written notice to that effect, stating the reasons therefor. The notice shall specify a place and a period of time during which the owner or consignee shall have an opportunity to introduce testimony. Upon timely request, giving reasonable grounds therefor, such time and place may be changed. Such testimony shall be confined to matters relevant to the admissibility of the article, and may be introduced orally or in writing.

(b) If such owner or consignee submits or indicates his intention to submit an application for authorization to relabel or perform other action to bring the article into compliance with the act or to render it other than a food, drug, device, or cosmetic, such testimony shall include evidence in support of such application. If such application is not submitted at or prior to the hearing, the chief of district shall specify a time limit, reasonable in the light of the circumstances, for filing such application.

§ 1.319 *Application for authorization.* Application for authorization to relabel or perform other action to bring the article into compliance with the act or to render it other than a food, drug, device, or cosmetic may be filed only by the owner or consignee, and shall:

(a) Contain detailed proposals for bringing the article into compliance with the act or rendering it other than a food, drug, device, or cosmetic.

(b) Specify the time and place where such operations will be carried out and the approximate time for their completion.

§ 1.320 *Granting of authorization.* (a) When authorization contemplated by § 1.319 is granted, the chief of district shall notify the applicant in writing, specifying:

(1) The procedure to be followed;

(2) The disposition of the rejected articles or portions thereof;

(3) That the operations are to be carried out under the supervision of an officer of the Food and Drug Administration or the Bureau of Customs, as the case may be;

(4) A time limit, reasonable in the light of the circumstances, for completion of the operations; and

(5) Such other conditions as are necessary to maintain adequate supervision and control over the article.

(b) Upon receipt of a written request for extension of time to complete such operations, containing reasonable grounds therefor, the chief of district may grant such additional time as he deems necessary.

(c) An authorization may be amended upon a showing of reasonable grounds therefor and the filing of an amended application for authorization with the chief of district.

(d) If ownership of an article covered by an authorization changes before the operations specified in the authorization have been completed, the original owner will be held responsible, unless the new owner has executed a bond and obtained a new authorization. Any authorization granted under this section shall supersede and nullify any previously granted authorization with respect to the article.

§ 1.321 *Bonds.* The bonds required under section 801 (b) of the act may be executed by the owner or consignee on the appropriate form of a customs single-entry or term bond, containing a condition for the redelivery of the merchandise or any part thereof upon demand of the collector of customs and containing a provision for the performance of conditions as may legally be imposed for the relabeling or other action necessary to bring the article into compliance with the act or rendering it other than a food, drug, device, or cosmetic, in such manner as is prescribed for such bond in the customs regulations in force on the date of request for authorization. The bond shall be filed with the collector of customs.

§ 1.322 *Costs chargeable in connection with relabeling and reconditioning inadmissible imports.* The cost of supervising the relabeling or other action in connection with an import of food, drugs, devices, or cosmetics which fails to comply with the Federal Food, Drug, and Cosmetic Act shall be paid by the owner or consignee who files an application requesting such action and executes a

[1] For a list of districts of the Food and Drug Administration, see the FEDERAL REGISTER of November 27, 1948 (13 F. R. 6983).

bond, pursuant to section 801 (b) of the act, as amended. The cost of such supervision shall include, but not be restricted to, the following:

(a) Travel expenses of the supervising officer.

(b) Per diem in lieu of subsistence of the supervising officer when away from his home station, as provided by law.

(c) Services of the supervising officer, to be calculated at a flat rate of $3.00 per hour (which shall include administrative expense), except that such services performed by a customs officer and subject to the provisions of section 5 of the act of February 13, 1911, as amended (19 U. S. C. 267), shall be calculated as provided in that act.

(d) Services of analyst, to be calculated at a flat rate of $3.50 per hour (which shall include the use of the chemical laboratories and equipment of the Food and Drug Administration).

(e) The minimum charge for services of supervising officers and of analysts shall be not less than the charge for 1 hour, and time after the first hour shall be computed in multiples of 1 hour, disregarding fractional parts less than ½ hour.

Effective date. This order shall become effective on the date of publication in the FEDERAL REGISTER.

Notice and public proceedings are not necessary prerequisites to the promulgation of this order for the reason that they establish rules of agency procedure and practice.

Dated: April 25, 1951.

OSCAR R. EWING,
Federal Security Administrator.

[SEAL] JOHN S. GRAHAM,
Acting Secretary of Treasury.

[F. R. Doc. 51-6009; Filed May 24, 1951; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter C—Federal Savings and Loan System

[No. 4280]

PART 145—OPERATIONS

UNSECURED LOANS, PERMITTING LARGER LOANS GUARANTEED OR INSURED BY FEDERAL HOUSING ADMINISTRATION OR VETERANS' ADMINISTRATION

MAY 21, 1951.

Resolved that, pursuant to Part 108 of the General Regulations of the Home Loan Bank Board (24 CFR Part 108) and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1) notice and public procedure having been duly afforded (16 F. R. 3195), paragraph (b) of § 145.8 of the rules and regulations for the Federal Savings and Loan System (24 CFR 145.8 (b)) is hereby amended, effective May 25, 1951, to read as follows:

(b) Simple-interest, discount, or gross-charge loans for property alteration, repair, or improvement (except business loans provided by section 503 of the Servicemen's Readjustment Act of 1944, as now or hereafter amended, and not secured by lien on real estate) without the security of a lien upon such property: *Provided*, That:

(1) The net proceeds of any such loan do not exceed $1,500;

(2) The property is located in such association's regular lending area as defined in § 145.6-6;

(3) Each such loan is evidenced by one or more negotiable notes, bonds, or other written evidences of debt;

(4) The resulting aggregate amount of all such loans does not exceed an amount equal to 15 percent of such association's assets;

(5) Each such loan is repayable in regular monthly installments within a period of 5 years;

And provided further, That any such loan for property alteration, repair, or improvement that is accepted for insurance under the provisions of the National Housing Act, as now or hereafter amended, or for insurance or guarantee under the provisions of the Servicemen's Readjustment Act of 1944, as now or hereafter amended, may be made for such amount and repayable upon such terms and within such period as are acceptable to the insuring or guaranteeing agency: *Provided*, That no Federal association may make any unsecured loan to a director, officer, or employee of the association, or to any person or firm regularly serving the association in the capacity of attorney-at-law, except for the alteration, repair, or improvement of the home or combination of home and business property owned and occupied by such borrowing director, officer, employee, attorney, or firm.

Resolved that, the effect of this amendment being to relieve a restriction upon the lending powers of Federal savings and loan associations, deferment of the effective date of such amendment is not required, and it shall become effective upon the date of publication thereof in the FEDERAL REGISTER.

(Secs. 4, 5, 48 Stat. 129, 132, as amended. Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp., 61 Stat. 954; 12 U. S. C. and Sup., 1463, 1464; 5 U. S. C. Sup., 133y-16 note)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 51-6030; Filed, May 24, 1951; 8:47 a. m.]

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 377]

[Controlled Rooms in Rooming Houses and Other Establishments, Rent. Reg., Amdt. 372]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CALIFORNIA, ILLINOIS, AND MICHIGAN

Amendment 377 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 372 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 38, is amended to describe the counties in the Defense-Rental Area as follows:

San Francisco County; San Mateo County, except the Cities of Belmont, Burlingame, Daly, Menlo Park, Millbrae, Redwood City, San Carlos, South San Francisco, San Mateo, San Bruno, the Community known as Lomita Park which is adjacent to said City of San Bruno, and the Town of Atherton; and Sonoma County, except (i) the Cities of Healdsburg, Santa Rosa and Sebastopol, (ii) the Judicial Townships of Redwood and Sonoma (including the City of Sonoma) and (iii) that portion of Analy Judicial Township lying west of the Monte Rio-Valley Ford Highway and lying between Redwood Judicial Township on the north and the northern line of Marin County on the South.

This decontrols the City of Daly in San Mateo County, California, a portion of the San Francisco Bay, California, Defense-Rental Area.

2. Schedule A, Item 83, is amended to describe the counties in the Defense-Rental Area as follows:

Cook County, except the Cities of Blue Island, Des Plaines and Park Ridge, and the Villages of Lansing, Mt. Prospect, Palatine, Riverdale, Westchester and Winnetka; DuPage County; Kane County; and Lake County, except the City of Lake Forest.

This decontrols (1) the City of Lake Forest in Lake County, Illinois, and (2) the City of Park Ridge and the Villages of Lansing, Palatine and Riverdale in Cook County, Illinois, portions of the Chicago, Illinois, Defense-Rental Area.

(3) Schedule A, Item 149, is amended to describe the counties in the Defense-Rental Area as follows:

Oakland County, except (i) the Townships of Addison, Avon, Bloomfield, Brandon, Commerce, Groveland, Highland, Holly, Independence, Milford, Oakland, Orion, Oxford, Rose, Springfield, Waterford and West Bloomfield, (ii) the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford, Rochester and that portion of Northville located in Oakland County, and (iii) the Cities of Birmingham, Bloomfield Hills, Farmington, Ferndale, Hazel Park, Pontiac, Royal Oak, South Lyon and Sylvan Lake; Wayne County, except (i) the Cities of Grosse Pointe, Grosse Pointe Farms and Plymouth, (ii) the Villages of Grosse Pointe Shores, Trenton and Wayne, and (iii) that portion of the Village of Northville located in Wayne County; and Macomb County, except the City of Mount Clemens, and the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

In Washtenaw County, the Township of Ann Arbor and the City of Ann Arbor.

This decontrols the Townships of Avon, Commerce and Waterford in Oakland County, Michigan, portions of the Detroit, Michigan, Defense-Rental Area.

4. Schedule A, Item 156, is amended to describe the counties in the Defense-Rental Area as follows:

In St. Clair County, the Townships of Clay, Cottrellville and Ira, the Village of Algonac, and that portion of the City of New Baltimore which lies within St. Clair County.

This decontrols the City of Marine City in St. Clair County, Michigan, a portion of the Port Huron, Michigan, Defense-Rental Area.

All decontrols effected by this amendment are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective as of May 25, 1951.

Issued this 22d day of May 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-6033; Filed, May 24, 1951; 8:47 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5841]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

INVOLUNTARY LIQUIDATION AND REPLACEMENT OF INVENTORIES ACCOUNTED FOR ON LAST-IN FIRST-OUT BASIS

On October 13, 1950, notice of proposed rule making regarding the amendment of Regulations 103 (Part 19) and 111 (Part 29) to conform to Public Law 756, 81st Congress, approved September 5, 1950, was published in the FEDERAL REGISTER (15 F. R. 6891). After consideration of all relevant matter presented by interested persons regarding the proposed amendments, the following amendments are hereby adopted:

PARAGRAPH 1. There is inserted immediately preceding § 19.22 (d)-1, as last amended by Treasury Decision 5750, approved November 2, 1949 (26 CFR 19.22 (d)-1), the following:

PUBLIC LAW 756, 81ST CONGRESS, APPROVED SEPTEMBER 5, 1950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 22 (d) (6) (A) (relating to the involuntary liquidation and replacement of elective inventories) is hereby amended as follows:

(1) By amending that portion thereof preceding clause (i) to read as follows:

(A) *Adjustment of net income and resulting tax.* If, for any taxable year beginning after December 31, 1940, and prior to January 1, 1948, the closing inventory of a taxpayer inventorying goods under the method provided in this subsection reflects a decrease from the opening inventory of such goods for such year, and if the taxpayer elects, at such time and in such manner and subject to such regulations as the Commissioner with the approval of the Secretary may prescribe, to have the provisions of this paragraph apply, and if it [is] established to the satisfaction of the Commissioner, in accordance with such regulations, that such decrease is attributable to the involuntary liquidation of such inventory as defined in subparagraph (B), and if the closing inventory of a subsequent taxable year, ending prior to January 1, 1951, reflects a replacement, in whole or in part, of the goods so previously liquidated, the net income of the taxpayer otherwise determined for the year of such involuntary liquidation shall be adjusted as follows:

(B) By striking from the second sentence of the first paragraph the following words: "at the time of filing his income tax return for the year of the liquidation (or, with respect to liquidations occuring in a taxable year beginning in 1941, at any time prior to August 26, 1944)", and by inserting in lieu thereof the following: "at any time not later than six months after the time of filing his income tax return for the year of the liquidation (or, with respect to liquidations occurring in a taxable year beginning in 1941, at any time prior to August 26, 1944)".

(C) By striking from the first sentence of the fourth paragraph the following words: "at the time of filing his income tax return for the year reflecting the decrease, or, with respect to a taxable year beginning in 1941, prior to August 26, 1944", and by inserting in lieu thereof the following: "not later than six months after the time of filing his income tax return for the year reflecting the decrease, or, with respect to a taxable year beginning in 1941, prior to August 26, 1944."

(D) By inserting in the second sentence of the fourth paragraph, immediately after the words "the taxpayer shall attach to his return and make a part thereof", the following: ", or he shall furnish separately to the Commissioner,".

(E) By striking from the second sentence of the fourth paragraph, immediately preceding "(5)", the word "and"; by substituting a semicolon for the period at the end of such paragraph; and by adding to such paragraph the following: "and (6) in the case of an election made pursuant to an extension of time sought under Subpart H more than six months after the filing of the return for the year of liquidation, the circumstances relied upon as justifying the election at such time, together with a disclosure of the extent, if any, to which replacements have already been made."

(F) By striking from the first sentence of the fifth paragraph the following word: "prospective".

(G) By striking the first sentence of the eighth paragraph, and inserting in lieu thereof the following: "In some cases it may appear that, at the time of the filing of the income tax return for the year of replacement, or within three years thereafter, an adjustment with respect to the income or excess profits taxes for the year of the involuntary liquidation, or for some prior, intervening, or subsequent taxable year, is prevented by the running of the statute of limitations, by the execution of a closing agreement, by virtue of a court decision which has become final, or by reason of some other provision or rule of law other than section 3761 relating to compromises and other than the inventory replacement provisions."

PAR. 3. There is inserted immediately preceding § 29.22 (d)-1, as last amended by Treasury Decision 5756 (26 CFR 29.22 (d)-1), the following:

PUBLIC LAW 756, 81ST CONGRESS, APPROVED SEPTEMBER 5, 1950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 22 (d) (6) (A) (relating to the involuntary liquidation and replacement of elective inventories) is hereby amended as follows:

(1) By amending that portion thereof preceding clause (i) to read as follows:

(A) *Adjustment of net income and resulting tax.* If, for any taxable year beginning after December 31, 1940, and prior to January 1, 1948, the closing inventory of a taxpayer inventorying goods under the method provided in this subsection reflects a decrease from the opening inventory of such goods for such year, and if the taxpayer elects, at such time and in such manner and subject to such regulations as the Commissioner with the approval of the Secretary may prescribe, to have the provisions of this paragraph apply, and if it [is] established to the satisfaction of the Commissioner, in accordance with such regulations, that such decrease is attributable to the involuntary liquidation of such inventory as defined in subparagraph (B), and if the closing inventory of a subsequent taxable year, ending prior to January 1, 1951, reflects a replacement, in whole or in part, of the goods so previously liquidated, the net income of the taxpayer otherwise determined for the year of such involuntary liquidation shall be adjusted as follows:

(B) The amendments made by this section shall be applicable with respect to taxable years beginning after December 31, 1940.

PAR. 4. Section 29.22 (d)-7, as last amended by Treasury Decision 5645 (26 CFR 29.22 (d)-7), is further amended as follows:

(A) By inserting in the second sentence of the first paragraph, immediately after the words, "If the taxpayer notifies the Commissioner at", the following: "any time not later than six months after".

(B) By inserting immediately after the second sentence of the first paragraph the following: "(For extensions of time, see Subpart H, as added by Treasury Decision 5391, approved July 14, 1944, and amended by Treasury Decision 5400, approved August 22, 1944.)".

(C) By striking from the first sentence of the fourth paragraph the following words: "at the time of filing his income tax return", and by inserting in lieu thereof the following: "not later than six months after the time of filing his income tax return".

(D) By inserting in the second sentence of the fourth paragraph, immedi-

ately after the words "the taxpayer shall attach to his return and make a part thereof", the following: ", or he shall furnish separately to the Commissioner,".

(E) By striking from the second sentence of the fourth paragraph, immediately preceding "(5)", the word "and"; by substituting a semicolon for the period at the end of such paragraph; and by adding to such paragraph the following: "and (6) in the case of an election made pursuant to an extension of time sought under Subpart H more than six months after the filing of the return for the year of liquidation, the circumstances relied upon as justifying the election at such time, together with a disclosure of the extent, if any, to which replacements have already been made."

(F) By striking from the first sentence of the fifth paragraph the following word: "prospective".

(G) By striking the first sentence of the eighth paragraph and inserting in lieu thereof the following: "In some cases it may appear that, at the time of the filing of the income tax return for the year of replacement, or within three years thereafter, an adjustment with respect to the income or excess profits taxes for the year of the involuntary liquidation, or for some prior, intervening, or subsequent taxable year, is prevented by the running of the statute of limitations, by the execution of a closing agreement, by virtue of a court decision which has become final, or by reason of some other provision or rule of law other than section 3761 relating to compromises and other than the inventory replacement provisions."

(53 Stat. 32, 467; 26 U. S. C. 62, 3791. Interprets or applies 53 Stat. 9; 26 U. S. C. 22)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: May 22, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51-6050; Filed, May 24, 1951; 8:51 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 516—RECORDS TO BE KEPT BY EMPLOYERS

INDUSTRIAL HOMEWORKERS

EDITORIAL NOTE: In Federal Register Document 51-5115, appearing at page 3888 of the issue for Thursday, May 3, 1951, the following correction has been made in the original document:

In § 516.21 (a) (3), the words "meaning of the" were inserted immediately preceding the word "terms", so that subparagraph (3) reads as follows:

(3) The meaning of the terms "person," "employ," "employer," "employee," "goods," and "production" as used in this section is the same as in the act.

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 562—RESERVE OFFICERS' TRAINING CORPS

TRAINING CAMPS

Part 562 is amended by rescinding §§ 562.58 through 562.69 and substituting the following §§ 562.58 through 562.67 in lieu thereof:

Sec.
562.58 Establishment, supervision, and command.
562.59 Number, type, and location of camps.
562.60 Designation.
562.61 Time and duration.
562.62 Attendance.
562.63 Deferred attendance.
562.64 Absence from camp.
562.65 Pay and allowances.
562.66 Transportation.
562.67 Dismissal and withdrawal from camp.

AUTHORITY: §§ 562.58 to 562.67 issued under sec. 34, 41 Stat. 778; 10 U. S. C. 441.

SOURCE: §§ 562.58 to 562.64 contained in AR 145-30, Apr. 13, 1951 and §§ 562.65 to 562.67 contained in SR 145-30-1, Apr. 13, 1951.

TRAINING CAMPS

§ 562.58 *Establishment, supervision, and command.* Continental army commanders and appropriate oversea commanders will establish and conduct ROTC training camps within their areas as directed by higher authority (§ 562.59). These commanders are responsible for the operation, training, supply, and administration of all such camps within the geographical boundaries of their respective areas. When any of the administrative or technical service ROTC training camps are located on class II installations, continental army commanders will be assisted by the heads of the corresponding services; and when service-type ROTC training camps are conducted at the sites of the service schools, continental army commanders will coordinate all matters pertaining thereto with the heads of the services concerned.

§ 562.59 *Number, type, and location of camps.* (a) The number, type, and location of camps will be determined by the Chief, Army Field Forces, and the appropriate oversea commanders concerned, with the approval of the Department of the Army, at least 6 months prior to the opening date of such camps.

(b) The only camps provided for by §§ 562.58 to 562.67 are advanced course camps. The Department of the Army does not maintain camps for the instruction of students in the junior division or for students at class MI institutions, as such. Nevertheless, where such camps are maintained by institutions, the personnel and equipment allotted to such institutions may be used for this purpose, provided such use does not obligate the Government financially beyond the normal cost of maintenance of this personnel and equipment at the institution.

§ 562.60 *Designation.* Camps will be designated: "The Fort ---------- ROTC Camp," "The Camp ---------- ROTC Camp," etc.

§ 562.61 *Time and duration.* Ordinarily, camps will open in June of each year (as soon as practicable after the closing date of educational institutions concerned) and will continue for a period of 6 weeks.

§ 562.62 *Attendance.* (a) The Department of the Army will prescribe the number of students in each continental army area and oversea command to attend camps annually.

(b) Students in scientific and technical courses, whose services will be needed in, and who wish to be commissioned in branches not represented by units on their campuses, may be authorized by continental army commanders to attend ROTC camps of the appropriate branches; provided such students are enrolled in academic courses prerequisite to enrollment in advanced ROTC as prescribed by Department of the Army publications.

(c) Camp attendance is required of, and open to, students as indicated in this paragraph:

(1) Attendance at one camp is required of students enrolled in the advanced course, normally upon completion of their first year of the advanced course unless camp deferment was granted to a subsequent year under one of the provisions of § 562.63.

(2) Students who are required or who elect to pursue technical training or engage in employment in furtherance of such training during the summer following their junior academic year, under the general supervision of the authorities of the institution, may be authorized by appropriate commanders to attend camp upon completion of the advanced course. Such commanders are authorized to forward to the Department of the Army, for consideration, cases of exceptional merit not specifically covered by this subparagraph and subparagraph (3) of this paragraph.

(3) Students, who, after completion of the basic course, have but one more year before graduation from collegiate institutions, and for whom curtailment of the advanced course under § 562.29 is authorized, may be permitted by the continental army or oversea commander to attend camp upon completion of the advanced course.

(4) Students who have completed the freshmen academic year without participation in the ROTC program during that academic year, but who have received credit for the basic course under section 47c, National Defense Act, as amended, and the joint resolution of September 8, 1916 (39 Stat. 853; 10 U. S. C. 386), may become enrolled in the advanced course upon signing advanced course contracts, and, upon their agreeing in writing to attend ROTC camp.

(5) Students pursuing the ROTC course under § 562.27, may be authorized by continental army or oversea commanders to attend an ROTC camp without expense to the Government other than payment for attendance as authorized by section 47c, National Defense Act. The conditions of attendance

will be explained to each student and he will be required to sign a waiver of claim against the United States for any allowance whatsoever based on such attendance, except for payment under section 47c, National Defense Act, as amended.

(6) Institutions desiring to send non-veteran students of senior division ROTC units to training camp after completion of the basic course will be required to secure approval to do so from the continental army commander concerned, prior to the close of the school year.

(d) When the number of students that can be trained is such that all cannot be accommodated, selection for camp training will be made by the continental army commander with priority in the following order:

(1) Advanced course students to whom deferred camp attendance was granted the previous year.

(2) Students compelled to withdraw from a previous camp under the conditions cited in subparagraph (3) of this paragraph.

(3) Advanced course students attending at the normal time, i. e., after satisfactory completion of the first year of the advanced course.

(4) Students pursuing the ROTC course under § 562.27 authorized to attend.

(e) Students will not be authorized to attend more than one camp, except in the following cases:

(1) When the student was compelled to withdraw from a camp previously attended and was unable to complete the camp course of instruction because of sickness or cause other than misconduct, fault, or neglect on his part.

(2) When the student, after attending camp, has transferred to a unit of a branch of service other than that of the camp previously attended.

(3) When authorized by the Secretary of the Army, in exceptional cases. In these cases the student, if eligible, will be required to attend the next camp of his unit in accordance with the provisions of his advanced course contract.

(f) Exemption of members of the advanced course from the required camp attendance or the extension of credit toward such attendance for previous military training is not authorized.

(g) The attendance under contract at ROTC training camp of ROTC students who have not completed the 2 years' basic course or received credit therefor is not legally authorized.

§ 562.63 *Deferred attendance.* (a) Continental army and oversea commanders are authorized to grant deferments from camp attendance when it is not practicable for an advanced course student to attend camp until after the normal period, subject to the following procedure:

(1) Written application, setting forth reasons for deferment will be prepared by the student and forwarded to the professor of military science and tactics.

(2) The professor of military science and tactics either will approve or disapprove the request, with reasons therefor, and forward application, by indorsement, to the appropriate commander.

(b) Deferment from advanced camp attendance from a normal period to a period subsequent to graduation will not be authorized unless the reasons given are considered substantial.

(c) A student will not be permitted to defer his attendance at a training camp beyond that immediately following his graduation unless he is physically unable to attend that camp. Evidence of disability, in the form of a certificate by a reputable physician, will accompany application for deferment.

(d) Requests for deferment from attendance at the camp which immediately follows graduation, for reasons other than indicated in paragraph (c) of this section, will be forwarded to the Department of the Army, Washington 25, D. C., Attention: AGAO-R, for final approval.

§ 562.64 *Absence from camp.* (a) A student who fails to receive at least 85 percent of the total scheduled instruction will not be credited with camp attendance nor will he be considered as fulfilling that part of his advanced course contract which requires camp attendance (see paragraph (b) (3) of this section).

(b) Authority to be absent from camp may be granted under the following circumstances by commanders indicated:

(1) For cogent reasons continental army and oversea commanders may, in each particular case, authorize a short delay in arrival, which in no event will extend beyond the fifth day of training.

(2) In exceptional cases when hardship would otherwise ensue, ROTC camp commanders, in each particular case, may authorize students to be absent from camp for short periods not exceeding 15 percent of total scheduled camp instruction.

(3) Waivers to the provisions of paragraph (a) of this section may be granted in exceptional cases by the Chief, Army Field Forces, and appropriate oversea commanders.

§ 562.65 *Pay and allowances.* (a) Members of the ROTC or other persons authorized by the Secretary of the Army to attend advanced camps shall be paid for attendance at such camps at the rate prescribed for enlisted men of the first grade (E-1) with less than 4 months' service of the Regular Army.

(b) The veteran trainee may be authorized subsistence allowance in the amounts to which he is ordinarily entitled and subject to the $210-$270-$280 limiting proviso of the act of May 4, 1948 (Pub. Law 512, 80th Cong.) while in approved leave status from his place of training. Such leave may be used to attend ROTC camp or for any purpose. It is considered that a trainee does not pursue his regular course of education or training for the period of summer Reserve officer training and, therefore, he will not be paid subsistence for this period, unless he has sufficient accrued leave for which he has applied to cover this period of training.

§ 562.66 *Transportation*—(a) *Transportation authority.* (1) Students normally will be authorized to proceed to designated camps from their institutions, or from their legal residences where the distances from such residences to the camps do not exceed the distances from their institutions to the camps, and to return thereto, by the shortest usually traveled route.

(2) In exceptional circumstances, continental army and oversea commanders may:

(i) Authorize a student to proceed to the camp designated for his unit from his legal residence when the distance from such residence to the camp is greater than from the institution to the camp. This authorization will be given only to students whose institutions close so early in the year as to make it impracticable for them to proceed direct from the institution to the camp. If orders are issued to a student while he is at home authorizing him to proceed to ROTC training camp, he shall be returned to his home at the completion of training. If orders are issued while he is at the institution, he shall be returned to his institution.

(ii) In the interest of economy, authorize a student to attend a camp of a branch of service other than the camp prescribed for his unit. If the camp to be attended is beyond the territorial limits of the army area in which the institution of the student is located, the camp attendance will be arranged by the continental army or oversea commanders concerned, by direct correspondence.

(b) *Travel allowances.* (1) Members of the ROTC will be paid travel allowances at the rate of 5 cents a mile from the place which the students are authorized to proceed to camp and for the return travel thereto. Payment of the travel allowance for the return journey may be made in advance of the actual performance thereof. DD Form 5 (Voucher for Reimbursement of Travel Allowances and Payroll for Reserve Officers' Training Corps) will be used as a voucher for payment of travel allowances, and copies of orders will be filed therewith.

(2) Return travel allowance is not due to a student until the close of camp. The commanding officer will pay travel allowances to a student upon dismissal or withdrawal if determined by him that such advanced payment is proper and desirable for the good of the service. However, the commanding officer is authorized to withhold travel allowance until the termination of the camp, if he determines such course advisable. Students who are returned to their homes from summer camps because of being physically disqualified will be paid travel allowances for the return trip prior to departure from camp.

(3) The shortest, usually traveled route will be the basis of calculation for travel allowances. Travel allowances for members of the ROTC will be paid from the appropriation for ROTC.

(c) Order for travel to camp and return therefrom will be issued by continental army or oversea commanders, or such subordinate authority as they may designate.

(d) In the case of a student authorized to attend a camp in an army area

other than that wherein the place from which he is directed to proceed is located, the travel order will be issued by the continental army commander of the area from which the student is directed to travel, and three copies of the order will be sent at once to the continental army commander of the appropriate area in which the camp to be attended is located for each student so ordered.

(c) *Students without funds.* Students unable to pay their own railroad fare may be authorized transportation in kind by continental army and overseas commanders; in which case orders issued will specifically state that transportation requests and meal tickets will be furnished. Transportation request and meal tickets will be forwarded to the student, with orders directing him to proceed to camp. Cost of this transportation and subsistence will be borne by ROTC funds allocated to continental army and oversea commanders.

§ 242.67 *Dismissal and withdrawal from camp*—(a) *Students who are discharged from camp.* (1) Any student who, because of demonstrated inaptitude, inattendance to training, or who is guilty of misconduct, or whose habits or traits of character indicate that upon completion of the course of instruction prescribed for ROTC units he would not be qualified for a commission in the Officers' Reserve Corps will be dismissed from camp by the camp commander. Such action by the camp commander will be based upon a thorough and impartial investigation by a board of officers. A full report concerning the dismissal of the student, setting forth the reasons therefor, will be prepared in duplicate. The original will be forwarded to the continental army or oversea commander of the area in which the student's unit is located. The first copy will be forwarded to the authorities of the institution in which the student is enrolled.

(2) While dismissal from camp ordinarily will result in discharge from the ROTC, such discharge is not included in the dismissal. The professor of military science and tactics at the institution, after thorough investigation and examination of the report of dismissal, will recommend to the continental army or oversea commander, through the head of the institution, either that the student be discharged from the ROTC or that he, in an exceptional case, be retained therein. Upon action by the higher authority designated above, the professor of military science and tactics will take steps accordingly.

(b) *Students who withdraw from camp for their own convenience.* Any student who desires to withdraw from the camp for his own convenience will be interviewed by the camp commander, who will endeavor to persuade the student that it is to his advantage to complete the camp training. If the student persists in his desire, he will be permitted to withdraw. The notation, "permitted to withdraw from ---------- advanced ROTC camp on ----------
(Date)
for his own convenience," will be placed on the records of students who are permitted to withdraw for their own convenience. Students who withdraw for their own convenience will be advised that they will be required to refund all commutation of subsistence, so far received as a condition precedent to release from contract, and that in the discretion of the institutional authorities they may be required to refund to the institution the unearned portion of advanced course commutation of uniform allowance expended in their behalf.

(c) *Students who are compelled by necessity, not involving fault or misconduct, to withdraw from camp.* Any student who is compelled by necessity to leave camp through no fault or misconduct of this own may be permitted to withdraw by the commanding officer. Students who are permitted to withdraw from camp are entitled to transportation and subsistence as provided hereinafter.

(d) *Students who are discharged from camp for convenience of Government for failure to demonstrate qualities and attributes essential in commissioned officer.* If the student, having faithfully fulfilled the provisions of his contract, is discharged for the convenience of the Government because of failure to demonstrate the qualities and attributes essential in a commissioned officer he will not be required to refund to the Government allowances made to him for pay, subsistence, or travel, etc.

[SEAL] WM. E. BERGIN,
Major General, U. S. Army.
Acting Adjutant General.

[F. R. Doc. 51 6028; Filed, May 24 1951; 8:47 a. m.]

Chapter XVII—Federal Civil Defense Administration

CIVIL DEFENSE REGULATIONS

The following regulations, which consist of Part 1700, Definitions, Part 1701, Contributions for Organizational Equipment, and Part 1703, Procedure for Stopping or Withholding Payments under section 201 (i) of the Federal Civil Defense Act of 1950, are hereby issued.

PART 1700—DEFINITIONS

Sec.
1700.1 Meaning of terms.
1700.2 Act.
1700.3 Administration.
1700.4 Administrator.
1700.5 Administrative expenses.
1700.6 Civil defense.
1700.7 Facilities.
1700.8 FCDA.
1700.9 Materials.
1700.10 RFC.
1700.11 State.
1700.12 Critical target area.

AUTHORITY: §§ 1700.1 to 1700.12 issued under sec. 401, Pub. Law 920, 81st Cong.

§ 1700.1 *Meaning of terms.* Except as otherwise stated, the terms and abbreviations in §§ 1700.2 through 1700.12 shall have the meanings as defined therein when used in the regulations in this chapter.

§ 1700.2 *Act.* The Federal Civil Defense Act of 1950.

§ 1700.3 *Administration.* The Federal Civil Defense Administration.

§ 1700.4 *Administrator.* The Federal Civil Defense Administrator.

§ 1700.5 *Administrative expenses.* Expenses of a State and its political subdivisions incurred in the administration of State and local laws, ordinances, regulations and codes, including, but not limited to, salaries of officials and employees, traveling expenses, office rent and office supplies.

§ 1700.6 *Civil defense.* The term "civil defense" means all those activities and measures designed or undertaken (a) to minimize the effects upon the civilian population caused or which would be caused by an attack upon the United States, (b) to deal with the immediate emergency conditions which would be created by any such attack, and (c) to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by any such attack. Such term shall include, but shall not be limited to, (1) measures to be taken in preparation for anticipated attack (including the establishment of appropriate organization, operational plans, and supporting agreement; the recruitment and training of personnel; the conduct of research; the procurement and stockpiling of necessary materials and supplies; the provisions of suitable warning systems; and, when appropriate, the non-military evacuation of civil population; (2) measures to be taken during attack (including the enforcement of passive defense regulations prescribed by duly established military or civil authorities; the evacuation of personnel to shelter areas; the control of traffic and panic; and the control and use of lighting and civil communications); and (3) measures to be taken following attack (including activities for fire fighting; rescue, emergency medical, health and sanitation services; monitoring for specific hazards of special weapons; unexplored bomb reconnaissance; essential debris clearance; emergency welfare measures; and immediately essential emergency repair or restoration of damaged vital facilities).

§ 1700.7 *Facilities.* Buildings, shelters, utilities and land.

§ 1700.8 *FCDA.* Federal Civil Defense Administration.

§ 1700.9 *Materials.* Raw materials, supplies, medicines, equipment, component parts, technical information and processes necessary for civil defense.

§ 1700.10 *RFC.* Reconstruction Finance Corporation.

§ 1700.11 *State.* Any of the several States, the District of Columbia, the territories, and possessions of the United States.

§ 1700.12 *Critical target area.* Any area (including the central municipality and the surrounding metropolitan area) determined by the Administrator after consultation with the Secretary of Defense to be a critical target for an attack.

PART 1701—CONTRIBUTIONS FOR ORGANIZATIONAL EQUIPMENT

Sec.
1701.1 Purpose.
1701.2 Definitions.
1701.3 Conditions of contributions.
1701.4 Estimate of needs for organizational equipment.
1701.5 Requests for contributions; signature; forms.
1701.6 Procurement of equipment involving Federal funds.
1701.7 Approval of requests.
1701.8 Billing and payment.

AUTHORITY: §§ 1701.1 to 1701.8 issued under sec. 401, Pub. Law 920, 81st Cong. Interpret or apply sec. 201, Pub. Law 920, 81st Cong.

§ 1701.1 *Purpose.* The purpose of the regulations in this part is to prescribe the procedures to be followed in applying for and making Federal contributions for the purchase of organizational equipment, and the conditions under which such contributions will be made.

§ 1701.2 *Definitions.* (a) Except as otherwise stated the following terms shall have the following meanings when used in the regulations in this part:

(1) *Organizational equipment.* Equipment (other than personal equipment) which the Administrator determines is necessary to a civil defense organization for civil defense purposes and which is of such a nature as to require the contribution of Federal funds, but not including items of equipment which the local community normally utilizes in combating local disasters except when required in unusual quantities dictated by the requirements of civil defense plans.

(2) *Standard items.* Items of equipment or materials for which specifications have been issued by the Administrator.

§ 1701.3 *Conditions of contributions.* (a) The Administrator will make contributions to States for organizational equipment subject to the following conditions:

(1) *Administrative expenses and personal equipment.* No contributions shall be made for State or local personnel or administrative expenses or for items of personal equipment for State or local workers.

(2) *Matching State funds.* The amounts authorized to be contributed to each State for organizational equipment shall be matched by such State from any source it determines is consistent with its laws. The making of an application for a contribution shall constitute an assurance by the State that funds to match the proposed Federal contribution are available.

(3) *Specifications.* Specifications for organizational equipment shall be approved by the Administrator.

(4) *Allocation of organizational equipment purchases.* The Administrator will allocate organizational equipment contributions, purchases and deliveries with respect to item, program, and area priorities as determined from time to time by him.

(5) *Distribution, use, maintenance, and disposal of organizational equipment.* Organizational equipment, when procured, will be distributed, used and maintained in accordance with such standards as the Administrator may prescribe. Such organizational equipment shall not be disposed of without the prior approval of the Administrator.

(6) *Inspection.* The Administrator or his representatives shall have access to organizational equipment at all times for the purpose of inspection.

(7) *Sale of organizational equipment.* In the event organizational equipment is sold or traded in on new equipment, the State will remit to FCDA, or credit FCDA with, a percentage of the selling price or trade-in allowance equal to the percentage of Federal contribution toward the original purchase price thereof.

(8) *Loyalty oath.* No request for organizational equipment shall be approved by the Administrator unless (i) the State law requires that each person, other than a Federal employee, who is appointed to serve in a State or local organization for civil defense shall, before entering upon his duties, take an oath in writing before a person authorized to administer oaths, which oath shall be substantially as follows:

I ----------, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegience to the same; that I take this obligation freely without any mental reservation or purpose of evasion and that I will well and faithfully discharge the duties upon which I am about to enter.

And I do further swear (or affirm) that I do not advocate, nor am I a member or an affiliate of any organization, group, or combination of persons that advocates the overthrow of the Government of the United States by force or violence; and that during such time as I am a member of the (name of civil defense organization), I will not advocate nor become a member of an affiliate of any organization, group or combination of persons that advocates the overthrow of the Government of the United States by force or violence.

or (ii) the State certifies that it has directed the State civil defense agency to require that each person, other than a Federal employee, who is appointed to serve in a State or local organization for civil defense, shall, before entering upon his duties, take such an oath in writing before a person authorized to administer oaths.

(9) *Failure to expend funds.* Where a State is to act as its own purchasing agent, the making of an application for a contribution shall constitute an assurance that, whenever the Administrator, after reasonable notice and opportunity for hearing, finds that the State has failed or is failing to expend funds in accordance with the terms and conditions of the Act or the Administrator's rules and requirements thereunder, all such findings shall be final, and the State shall have no claim or right of action against the Federal Government, the Administration, or any other agency of or individual employed by the Federal Government by reason of any action taken by the Administrator based on one or more of such findings.

§ 1701.4 *Estimate of needs for organizational equipment.* Each State desiring contributions for organizational equipment shall file with the Administrator an estimate of the needs of each of its municipalities or other political subdivisions for such equipment. Each such estimate shall be filed in duplicate on FCDA Form No. 102.[1] This estimate will not be considered as a commitment by the State, nor will final allocations be made by the Administrator on the basis thereof.

§ 1701.5 *Requests for contributions; signature; forms.* A request for a contribution for organizational equipment shall be signed by the Governor or by such other State officer as shall be duly authorized, in which latter case such officer's authority shall be on file with FCDA.

§ 1701.6 *Procurement of equipment involving Federal funds.* (a) No equipment for which a Federal contribution has been or is to be made shall be purchased without the approval of the Administrator. The Administrator ordinarily will arrange for the procurement of standard items of organizational equipment. The State will ordinarily procure non-standard items. The State may also, but only upon the prior approval of the Administrator, procure standard items. In determining whether a State may procure standard items, the Administrator shall consider the availability of defense production priorities, and evidence that applicable specifications are equal or superior to the specifications established by him.

(b) When a State procures organizational equipment, the amount of the Federal contribution shall not exceed the sum of 50 percent of what the Administrator would have paid had he purchased the equipment, plus 50 percent of the transportation.

§ 1701.7 *Approval of requests.* (a) Upon approval by the Administrator of a request for organizational equipment which he is to procure, an acknowledgment will be returned to the State, and the State may anticipate delivery, transportation prepaid to the nearest freight station, to the consignee specified in the request.

(b) Upon approval by the Administrator of a request for organizational equipment which the State is to procure, an acknowledgment will be returned to the State and the State may then undertake procurement.

(c) In the event the Administrator disapproves a request, he shall notify the State thereof in writing, giving a brief statement of his reasons for such disapproval.

§ 1701.8 *Billing and payment.* (a) When organizational equipment procured by the Administrator has been de-

[1] FCDA Form No. 102 calls for an estimate, by municipalities, of the needs for organizational equipment. The estimate is to be broken down by items. Information called for includes the name of each item, the item number, the quantity desired and the unit price. Copies of this form may be obtained from the Federal Civil Defense Administrator, Washington, D. C., from the several Regional Offices of the Federal Civil Defense Administration, and from the civil defense directors of each state.

livered to the State, the Administrator will invoice the State for the State's share, and the State shall make prompt payment, through the Administrator, to the Treasurer of the United States. The invoice shall also include one-half the cost of any procurement services billed to FCDA by other Federal agencies, but not including any FCDA administrative costs.

(b) When organizational equipment has been procured by a State, the State will submit an invoice to the Administrator. The invoice shall be in an amount not to exceed 50 percent of the sum of the cost of the equipment and the transportation charges.

PART 1703—PROCEDURE FOR STOPPING OR WITHHOLDING PAYMENTS UNDER SECTION 201 (i) OF THE FEDERAL CIVIL DEFENSE ACT OF 1950

Sec.
1703.1 Purpose
1703.2 Notice of intention to withhold payments.
1703.3 Notice of hearing.
1703.4 Hearings
1703.5 Withholding of payments.

AUTHORITY: §§ 1703.1 to 1703.5 issued under sec. 401, Pub Law 920, 81st Cong. Interpret or apply sec. 201, Pub Law 920, 81st Cong.

§ 1703.1 *Purpose.* The purpose of the regulations in this part is to establish, pursuant to section 201 (i) of the act, a procedure for withholding contributions for civil defense purposes.

§ 1703.2 *Notice of intention to withhold payments.* Whenever the Administrator has reason to believe that there has been a failure to expend funds in accordance with the terms and conditions governing a Federal contribution, he shall notify the State of such fact and of his intention to stop or withhold further contributions or payments unless the alleged failure is satisfactorily explained.

§ 1703.3 *Notice of hearing.* If within 5 days after the State receives the notice described in § 1703.2 the State requests the Administrator to hold a hearing, the Administrator will set the matter for hearing. The Administrator will give the State reasonable notice of the time and place of the hearing; of the terms and conditions which he has reason to believe have not been complied with in the expenditure of funds; and of the contributions and payments which he proposes to stop or withhold.

§ 1703.4 *Hearings.* Any hearing under this part shall be held before the Administrator or an officer designated therefor. The Administrator or such officer shall determine all matters with respect to the conduct of the hearing, but the State shall be given full opportunity to present its position.

§ 1703.5 *Withholding of payments.* (a) If after such hearing, or after opportunity therefor, the Administrator finds that there has been a failure to expend funds in accordance with the terms and conditions governing the Federal contribution, the Administrator will stop and withhold such contributions and payments as he may consider advisable until the failure to expend funds in accordance with said terms and conditions has been corrected or he is satisfied that there will no longer be any such failure.

(b) If within the 5-day period stated in § 1703.3 the State does not request a hearing, the Administrator may stop or withhold contributions and payments until he is satisfied that there will no longer be any failure to expend funds in accordance with terms and conditions governing a Federal contribution for an approved program or project.

NOTE: All record-keeping and reporting requirements of these regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

These regulations shall be effective on May 25, 1951.

MILLARD CALDWELL,
Administrator,
Federal Civil Defense Administration.

[F. R. Doc. 51-6029; Filed, May 24, 1951; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 29, Correction]

CPR 29—PURE NICKEL SCRAP, MONEL METAL SCRAP, STAINLESS STEEL SCRAP, AND OTHER SCRAP MATERIALS CONTAINING NICKEL

CORRECTION

In F. R. Doc. 51-5283 (16 F. R. 3945) the second sentence of section 3 (b) (3) (i) reading: "This percentage shall not be applied to any brokerage commission" is corrected to read as follows: "This percentage shall not be applied to any preparation premium."

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.)

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 24, 1951.

[F. R. Doc. 51-6124; Filed, May 24, 1951; 10:24 a. m.]

[Ceiling Price Regulation 31, Amdt. 2]

CPR 31—IMPORTS

BURLAP 1008

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Ceiling Price Regulation 31 is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation 31 is made necessary by the issuance of Ceiling Price Regulation 40[1] which establishes ceiling prices on purchases and sales of burlap of certain specified constructions. Ceiling price Regulation 31 excepts from its coverage certain commodities including burlap as described in paragraph 1008 of the current U. S. Tariff Schedule as published by the U. S. Tariff Commission.

The effect of this amendment is that burlap of constructions other than those specified in Ceiling Price Regulation 40 will be covered by Ceiling Price Regulation 31.

AMENDATORY PROVISIONS

Ceiling Price Regulation 31 is amended in the following respect: Delete from Appendix A thereof "Burlap 1008"

(Sec. 704 Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950; 15 F. R. 6105, 3 CFR, 1950 Supp.)

Effective date. This amendment shall become effective May 24, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 24, 1951.

[F. R. Doc. 51-6122; Filed, May 24, 1951; 10:24 a. m.]

[Ceiling Price Regulation 40]

CPR 40—BURLAP

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 40 is hereby issued.

STATEMENT OF CONSIDERATIONS

Burlap, a wholly imported commodity, is a coarse woven cloth produced from jute fiber and is widely used in the United States for packaging feed, fertilizer, and agricultural and industrial products, and in the manufacture of automobiles, furniture, floor covering and other goods. In recent years this country's annual consumption of burlap has averaged about 800,000,000 yards. Most of the world's supply of jute fiber is grown in Pakistan and made into burlap in mills located in and around Calcutta, India. These Indian mills produced 95.5 percent of the burlap imported into the United States in 1949 and 86.6 percent of it in 1950.

During World War II the price of burlap was controlled by OPA Revised Price Schedule 18, which was issued August 15, 1941. Ceiling prices for the fabric were continued in effect both here and in India until October 1946. For a portion of this time the United States Government, under a government purchase and allocation program, was the sole importer of burlap.

In September 1949 Great Britain devalued the pound and India, in an accompanying action, devalued its rupee. Pakistan, however, did not devalue its currency. Since India refused to recognize the par value of the Pakistan rupee, trade between the two countries came to a virtual standstill. Among other things, this caused a substantial curtailment of the amount of raw jute

[1] See F. R. Doc 51-6123, *infra.*

available to the Indian mills, which were thus made almost wholly independent on India's own insufficient jute crop.

In an effort to forestall the inflationary effects of this situation, India in October 1949 again established ceiling prices for jute and jute products. From that time until the middle of 1950, resale prices of burlap in this country, while necessarily above the cost predicated on Indian ceilings, were relatively stable. In the second half of 1950 increased demands for burlap and the continuing shortage of jute in India combined to raise the resale prices of burlap in this country and elsewhere to unprecedented levels. India thereupon sought ways to close the gap between such prices and its ceiling and thus relieve the heavy pressure on its controls. In furtherance of this objective, India doubled the export duty on burlap in October 1950 and again in November 1950.

On February 25, 1951, India and Pakistan settled their 17-month trade impasse by an agreement in which India recognized the Pakistan rupee at par and Pakistan agreed to sell India a quantity of jute at Pakistan's going market prices. This meant that the mills would have to pay more for jute and that India would have to raise its ceiling prices or abandon its controls. On March 9, 1951, India decontrolled jute and jute goods and the prices of both immediately shot upward. In fact, burlap's landed (ex-dock) cost in the United States rose above the resale ceilings established for most of its importers by the General Ceiling Price Regulation. At the time India decontrolled, the landed cost of 40-inch, 10-ounce burlap (one of the most popular constructions used in this country) was about 23 cents per yard. Thereafter, it went as high as approximately 38 cents per yard. While the landed cost of this construction has since experienced some decline and has tended to stabilize in a range between 32 cents and 33 cents per yard, it remains above the GCPR ceiling of most importers. The same is true as to landed costs of other burlap constructions.

These conditions have made it impossible for most importers to resell burlap, and for many importing manufacturers to supply burlap bags and related items, without incurring loss. They have greatly reduced the trading in burlap and have limited new sales of burlap products to negligible quantities. A primary purpose of this regulation is to alleviate this situation.

The ceiling prices hereby fixed are generally in line with the present level of prices for burlap landed in the United States. In determining such ceilings the following factors, among others, were taken into consideration: (1) India's ceiling prices up to March 9, 1951, the date it abandoned controls; (2) increases since then in the cost of raw jute to the Indian mills; (3) market prices of burlap prevailing in India and elsewhere since March 9, 1951; (4) the prevailing demand for burlap in this country to supply agricultural, industrial, and other needs; (5) the current Indian export duty and the current costs of importation into the United States; and (6) the dollars-and-cents markup customarily received by importers in the pre-Korean period on sales of more than 25 bales and of less than that amount. For most burlap constructions 25 bales constitute, roughly, a carload shipment.

This regulation establishes dollars-and-cents ceiling import purchase prices for burlap of specified constructions, and a method for computing ceiling prices for sales of burlap after importation. The ceilings for sales after importation of 25 bales or more are computed under the regulation by adding to the ceiling import purchase prices an amount equal to 3 percent of such prices. With respect to sales of less than 25 bales, a 6 percent factor is used to determine the ceiling price for lots of 1 bale, and customary differentials are applied thereto to determine ceiling prices for other small quantities up to 25 bales. These factors represent a translation into percentages of the customary dollars-and-cents markups received by importers. They accomplish uniformity and provide an easy method of computing the applicable ceiling prices for post-import sales and purchases. The regulation also provides that, under certain conditions, it shall not operate to prevent the performance of written contracts for the sale of burlap which comply with the General Ceiling Price Regulation. Constructions not covered by this regulation constitute a relatively small proportion of the total quantity of burlap imported into the United States and are not comparable to the listed constructions. Ceiling prices for these are to be determined under CPR 31, Imports.

In formulating this regulation the Director, to the extent practicable under the circumstances, has consulted with representative members of the industry. It was their opinion that the level of ceiling prices hereby established would have a stabilizing effect and would be instrumental in renewing the flow of burlap into this country. The Director has given consideration to this opinion and to the recommendations of said industry members.

In the judgment of the Director, based upon an analysis of the presently available data, the provisions of this regulation and the ceiling prices established are generally fair and equitable and will effectuate the purposes of Title IV of the Defense Production Act of 1950. A more comprehensive analysis may indicate that lower prices also are generally fair and equitable and would more effectively accomplish the purposes of Title IV of the act. If this proves to be the case, the Director stands ready to make such revisions as may appear to be warranted.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Applicability.
3. Ceiling import purchase prices.
4. Ceiling prices for sales after importation of listed constructions.
5. Ceiling prices for sales of constructions not listed.
6. [Reserved.]
7. Prohibitions.
8. Exemption of certain contracts.
9. Evasion.
10. Penalties.
11. Records.
12. Petitions for amendment.
13. Definitions.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation fixes dollars-and-cents ceiling prices for purchases of burlap by buyers who import it into the United States, and establishes a method for determining ceiling prices for sales of burlap after its importation. These ceiling prices supersede those established for purchases and sales of burlap under the General Ceiling Price Regulation.

SEC. 2. *Applicability.* This regulation is applicable in the 48 states of the United States and the District of Columbia.

SEC. 3. *Ceiling import purchase prices.* You may not pay for burlap of the constructions listed in Appendix A, which you import into and receive in the United States, a price in excess of the ceiling prices specified in said appendix. Such prices are in cents per yard, landed U. S. A., ex dock port of discharge, duty paid.

SEC. 4. *Ceiling prices for sales after importation of listed constructions.*—(a) *Sales of 25 bales or more.* You may not, after importation, sell burlap of the constructions specified in Appendix A in quantities of 25 bales or more at a price in excess of the ceiling import purchase price for the particular construction, as set forth in said appendix, plus three percent (3%) of the ceiling import purchase price. The ceiling prices so established are in cents per yard, ex dock or ex warehouse port of discharge, duty paid. The ceiling prices for sales of burlap other than ex dock or ex warehouse port of discharge shall not exceed the ceiling prices above established plus actual transportation costs.

(b) *Sales of less than 25 bales.* You may not, after importation, sell burlap of the constructions specified in Appendix A in quantities of less than 25 bales at a price in excess of the ceiling import purchase price for the particular construction, as set forth in said appendix, plus the following markup: (1) For lots of one (1) bale, six percent (6%) of the applicable ceiling import purchase price; (2) for quantities larger than one bale but less than 25 bales, determine your one bale ceiling price in accordance with subparagraph (1) of this paragraph and then reduce that price by applying the dollars-and-cents differentials for quantity which you had in effect during the period January 1, 1950, to June 24, 1950; (3) for quantities smaller than one (1) bale, use your one bale ceiling price determined in accordance with subparagraph (1) of this paragraph, to which you may add the dollars-and-cents differential for quantity which you had in effect during the period January 1, 1950, to June 24, 1950. The ceiling prices established under subparagraphs (1), (2) and (3) of this paragraph are in cents per yard, ex dock or ex warehouse port of dis-

charge, duty paid. For sales of burlap ex warehouse other than port of discharge, you may add your dollars-and-cents differentials for location which you had in effect during the period January 1, 1950, to June 24, 1950. To the above ceiling prices you must apply your customary differentials including the discounts for class of purchaser which you had in effect during the period January 1, 1950, to June 24, 1950.

SEC. 5. *Ceiling prices for sales of constructions not listed.* Ceiling prices for sales of burlap constructions other than those listed in Appendix A to this regulation must be determined under Ceiling Price Regulation 31, Imports.

SEC. 6. [Reserved.]

SEC. 7. *Prohibitions.* On and after the effective date of this regulation, regardless of any contract or other obligation except as set forth in section 8 of this regulation: (a) You may not sell or deliver any burlap covered by this regulation at a price higher than the ceiling price, (b) no person in the course of trade or business may buy or receive any burlap covered by this regulation at a price higher than the ceiling price; and (c) you shall not agree, offer, solicit, or attempt to do anything prohibited in this regulation.

Prices lower than the ceiling prices established by this regulation may, of course, be charged, demanded, paid or offered.

SEC. 8. *Exemption of certain contracts.* Nothing in this regulation shall operate to prevent the performance of a written contract for the sale of burlap entered into prior to the effective date of this regulation and executed in strict compliance with the provisions of the General Ceiling Price Regulation, provided (a) that such contract covers burlap which the seller, as of the date of the contract, had in inventory or under purchase commitment, and (b) that such contract covers a specified quantity of a particular construction or constructions at a fixed price per unit.

SEC. 9. *Evasion.* You shall not evade or circumvent the provisions of this regulation by direct or indirect methods in connection with the purchase, sale, delivery, or transfer of burlap or by way of any commission, service, transportation, or other charge, or discount, premium or other privilege, or by tie-in agreement or other trade understanding or otherwise.

SEC. 10. *Penalties.* If you violate any provision of this regulation you are subject to the criminal penalties, civil enforcement actions, and suits for damages provided for by the Defense Production Act of 1950.

SEC. 11. *Records.* If you purchase or sell burlap for which ceiling prices are established by this regulation you must preserve and keep available for inspection by the Director of Price Stabilization for a period of two years, complete and accurate records for each purchase and sale. These records must include: (a) The date of the sale or purchase; (b) the name and address of the seller or purchaser; (c) the price paid or received; (d) a description of the burlap sold or purchased including quality, width and weight per yard of 40-inch width; and (e) the quantity sold or purchased.

SEC. 12. *Petitions for amendment.* If you wish to have this regulation amended you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, 15 F. R. 9055.

SEC. 13. *Definitions.* (a) "Burlap" means jute burlap of the constructions listed in Appendix A.

(b) "Ceiling import purchase price" means the maximum price under this regulation at which you may import burlap of the constructions listed in Appendix A.

(c) "Class of purchaser" means the practice adopted by a seller in setting different prices for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, shopper, retailer, Government agency, public institutions or individual consumer) or for purchasers located in different areas or for purchasers of different quantities or grades or under different terms or conditions of sale or delivery.

(d) "Import" means to transport from a place outside the continental limits of the United States to a place inside the continental limits of the United States.

(e) Trade terms used in this regulation have the meanings generally accepted in the trade.

(f) All other terms used in this regulation shall, unless the context requires a different meaning, have the same meaning as when used in the General Ceiling Price Regulation.

Effective date. This regulation shall become effective on May 24, 1951.

NOTE: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 24, 1951.

APPENDIX A TO CEILING PRICE REGULATION NO. 40

[This appendix sets forth, with respect to the listed constructions, the ceiling prices for import purchases of burlap f.o.b. United U. S. A., ex dock port of discharge, duty paid.]

Quality	Width (inches)	Weight (ounces per yard 40" width)	Cents per yard
Common burlap	72	15	15.05
	72	17	23.50
	72	20	24.05
	60	15	25.10
	60	17	25.80
	60	20	18.70
	45	15	20.40
	45	17	22.35
	45	20	27.70
	40	15	17.15
	40	17	18.85
	40	20	19.95
	36	15	22.20
	36	17	24.45
	36	20	27.50
	45	15	29.35
	45	17	30.60
	45	20	32.80
	72	15	34.05
	72	17	36.30
	72	20	38.50
	60	15	39.75
	60	17	41.95
	60	20	44.10
	45	15	46.35
	45	17	48.55
	45	20	50.80
	40	15	53.00
	40	17	55.25
	40	20	57.45
	36	15	59.70
	36	17	61.90
	36	20	64.15
	72	15	66.35
	72	17	68.60
	72	20	70.80
	60	15	73.05
	60	17	75.30
	60	20	77.50
	45	15	79.75
	45	17	81.95
	45	20	84.20
	40	15	86.40
	40	17	88.65
	40	20	90.85
	36	15	93.10
	36	17	95.30
	36	20	97.55
Special Finishes: Double calendered	72	10	19.80
	60	10	19.80
	45	10	19.80
	40	10	19.80
	36	10	19.80
High count (12 x 14)	72	10	19.80
	60	10	19.80
Cropped and hemmed	72	10	19.80
	60	10	19.80
	45	10	19.80
	40	10	19.80
	36	10	19.80
Extra quality	72	12	23.75
	60	11	23.75
	45	7	23.75
	40	8	23.75
	36	8	23.75

[F. R. Doc. 51-6123; Filed, May 24, 1951, 10:24 a. m.]

Chapter IV—Wage Stabilization Board, Economic Stabilization Agency

[General Wage Regulation 11]

GWR 11—AGRICULTURAL LABOR

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3733), and General Order No. 3, Economic Stabilization Administrator (16 F. R. 7537), this General Wage Regulation 11 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation adapts the existing wage stabilization program to agricultural labor. The regulation defines the method for computing in agriculture the 10 percent permissible increase provided in General Regulation No. 6. It also establishes levels to which wage rates may be brought without Board approval.

Recognizing that the general wage stabilization policy might require some adaptation in its application to agriculture, the Wage Stabilization Board on February 6, 1951, authorized the establishment of a panel of three experts to study the problem of agricultural wage stabilization and to report back to the Board the issues involved and alternative methods for handling these issues.

The panel report analyzed the unique features of the agricultural labor market, and concluded that a special regulation dealing with agricultural wages should be issued, if effective wage stabilization was to be achieved in agriculture. The Board is persuaded that the conclusion is valid, and this regulation is in general accord with the panel analysis.

As an example of unique features, the base date of January 1950, used for other employment is totally impractical in the case of agricultural employment. Such a base date reflects the approximate seasonal minimum of employment and activity in agriculture. Therefore, the Board has established a flexible basis for determining the applicable 1950 base date, which is in accord with the actual operating conditions of agriculture.

The panel concluded, on the basis of its investigations, that a specific limitation on permissible increases should be applicable only where proposed increases will result in wage rates exceeding 95 cents per hour, together with the appropriate equivalent monthly and piece rates. The Wage Stabilization Board, taking into consideration the evidence assembled by the panel, has accepted this general conclusion, and this regulation is designed to implement this analysis. This regulation sets forth certain wage levels which serve as a dividing line between two different types of stabilization policy. Below the levels specified in the regulation, it is the Board's intention to permit market forces to determine wages in agricultural employment. It is the Board's conclusion that detailed administrative control of these wage rates is not currently required to effectuate the purposes of the Defense Production Act of 1950. In those areas where wage rates are close to or above these levels, wages will continue to be subject to the general 10 per cent permissive increase which currently applies to other employees.

The regulation also contains a definition of "agricultural labor," which is that contained in the Fair Labor Standards Act, special provisions for piece rates, and provisions for the determination of rates by employers who lack a base rate.

Due consideration has been given to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act of 1950. The regulation is based upon the report of an expert panel which consulted representatives of the farm organizations and other agricultural experts and duly considered their views. It was found impracticable during the period of its deliberations to consult with representatives of agricultural labor organizations. The tripartite Board as discussed the panel report and recommendations and has voted to issue this regulation. The Board was of the opinion that it is impracticable and unnecessary to consult further with the representatives of agriculture, labor and industry, including trade association representatives. It is the judgment of the Wage Stabilization Board that this regulation is generally fair and equitable and will effectuate the purposes of Title IV of the Defense Production Act of 1950.

REGULATORY PROVISIONS

Sec.
1. Definitions.
2. Permissible increases.
3. Determination of new rates.
4. Petitions for increases in wages.
5. Other wage regulations.

AUTHORITY: Sections 1 to 5 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; E. O. 10233, Apr. 21, 1951, 16 F. R. 3503.

SECTION 1. *Definitions.* As used in this regulation, the term

(a) "Agricultural labor" means labor employed in farming in all its branches, and among other things, in the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15 (g) of the Agricultural Marketing Act, as amended), in the raising of livestock, bees, fur-bearing animals, or poultry, and in any practices (including any forestry or lumbering operations) performed for a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market.

(b) "Board" means the Wage Stabilization Board, a Regional Wage Stabilization Board or any of their agents.

(c) "Base rate" means, for each type of work to be performed, the amount of wages, salaries and other compensation paid per hour, month, piece or other unit, by an employer to agricultural labor for the same work (or if the same work was not performed, the most nearly comparable work), in the corresponding season or other time period in 1950.

SEC. 2. *Permissible increases.* A base rate may be increased without Board approval up to and including one of the following:

(a) The base rate plus 10 percent;

(b) 95 cents per hour;

(c) The piece rate customarily considered as corresponding to 95 cents per hour for the particular work, stage of crop season and weather conditions;

(d) $225 per month without room and board;

(e) $195 per month, plus the use of a year-round house and the usual perquisites of a full-time agricultural employee;

(f) $175 per month, with room and board.

Increases in piece rates may be rounded off in conformity with usual practice.

SEC. 3. *Determination of new rates.* An employer of agricultural labor who has no base rate for a particular type of work shall not pay wages, salaries and other compensation in excess of the current permissible rate for the same or comparable work in the area.

SEC. 4. *Petitions for increases in wages.* An employer may petition the Board for approval of increases in wages, salaries and other compensation paid to agricultural labor, in excess of those permitted by section 2 or section 3 of this regulation. Such petitions shall be filed in accordance with the requirements of the procedural regulations of the Board.

SEC. 5. *Other wage regulations.* Other general wage regulations are hereby superseded, to the extent that their provisions as applied to agricultural labor would be inconsistent with this regulation.

Adopted by unanimous vote of the Board on May 17, 1951.

GEORGE W. TAYLOR,
Chairman.

[F. R. Doc. 51-6108; Filed, May 24, 1951; 9:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9920]

PART 12—AMATEUR RADIO SERVICE

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of May 1951;

The Commission having under consideration the notice of proposed rule making in the above-entitled matter, which contemplates deletion of § 12.24 and amendment of §§ 12.27, 12.47, 12.62, 12.63 (b) and 12.65 of Part 12, "Amateur Radio Service", to bring these sections into conformity with modern practices and to clarify provisions which appear not to be generally understood;

It appearing, that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, general notice of proposed rule making in the above-entitled matter, which made provision for the submission of written comments of interested parties and the filing of comments or briefs in reply to original comments or briefs, was duly published in the FEDERAL REGISTER (16 F. R. 2686) and that the period for filing comments has expired;

It further appearing, That no comment with respect to the proposed amendments was received by the Commission;

It is ordered, Under the authority of sections 4 (i), 301, and 303 (l) and (r) of the Communications Act of 1934, as amended, that, effective June 30, 1951, Part 12, "Amateur Radio Service", be and it hereby is amended in exact accordance with the amendments set forth in the notice of proposed rule making published in the FEDERAL REGISTER on

March 27, 1951, and incorporated as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Released: May 17, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Part 12 is amended in the following particulars:

1. Section 12.24 is deleted.

2. Section 12.27 is amended by transferring the reference to footnote 6 from paragraph (a) to the last word of the title sentence of the section, and amending paragraph (a) to read as follows:

(a) An amateur operator license, except the Novice Class, may be renewed upon proper application in which it is stated that the applicant has lawfully accumulated, at an amateur station licensed by the Commission, a minimum total of either 2 hours operating time during the last three months or 5 hours operating time during the last 12 months of the license term. Such operating time, for the purpose of renewal, shall be counted as the total of all that time between the entries in the station log showing the beginning and end of transmissions as required in § 12.136 (a), both during single transmissions and during a sequence of transmissions. The application shall, in addition to the foregoing, include a statement that the applicant can send by hand key, i. e., straight key or any other type of hand operated key such as a semi-automatic or electronic key, and receive by ear, in plain language, messages in the International Morse Code at a speed of not less than that which is required in qualifying for an original license of the class being renewed.

3. Section 12.47 is amended to read as follows:

§ 12.47 *Examination procedure.* All written portions of the examinations for amateur operator privileges shall be completed by the applicant in legible handwriting or hand printing, and diagrams shall be drawn by hand, by means of either pen and ink or pencil. Whenever the applicant's signature is required, his normal signature shall be used. Applicants unable to comply with these requirements, because of physical disability, may dictate their answers to the examination questions and the receiving code test and if unable to draw required diagrams, may dictate a detailed description essentially equivalent. If the examination or any part thereof is dictated, the examiner shall certify the nature of the applicant's disability and the name and address of the person(s) taking and transcribing the applicant's dictation.

4. Section 12.62 is amended to read as follows:

§ 12.62 *Eligibility of corporations or organizations to hold license.* An amateur station license will not be issued to a school, company, corporation, association, or other organization, nor for its use, except that in the case of a bona fide amateur radio organization or society, a station license may be issued to a licensed amateur operator, other than the holder of a Novice Class license, as trustee for such society.

5. Section 12.63 (b) is amended to read as follows:

(b) One application and all papers incorporated therein and made a part thereof shall be submitted for each amateur station license. If the application is for station license only, it shall be filed directly with the Commission at its Washington 25, D. C. office. If the application also contains application for any class of amateur operator license, it shall be filed in accordance with the provisions of § 12.22.

6. Section 12.65 is amended to read as follows:

§ 12.65 *License period.* The license for an amateur station is normally valid for a period of 5 years from the date of issuance of a new or renewed license, except that an amateur station license issued to the holder of a Novice Class amateur operator license is normally valid for a period of 1 year from the date of issuance. Any modified or duplicate license shall bear the same expiration date as the license for which it is a modification or duplicate.

[F. R. Doc. 51-6035; Filed, May 24, 1951; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 877]

PART 97—ROUTING

REROUTING OF TRAFFIC

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of May A. D. 1951.

It appearing, that during recent high water, approach spans on the Minnesota side of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's pontoon bridge over the Mississippi River between Wabasha, Minnesota and Trevino, Wisconsin, were severely damaged; that the embankment approach to the bridge on the Wisconsin side was similarly damaged; that there is now under consideration reconstruction and repair of the damaged bridge or in lieu thereof, the filing of an application with this Commission for the permanent use of the Chicago, Burlington & Quincy Railroad Company's tracks between Winona, Minnesota and Trevino, Wisconsin; the Commission is of the opinion that the Chicago, Milwaukee, St. Paul and Pacific Railroad Company is unable to transport the traffic offered it, routed over its line between Wabasha, Minnesota and Trevino, Wisconsin, so as to properly serve the public and that the handling, routing and movement of this carrier's traffic (including trains) over the Chicago, Burlington & Quincy Railroad Company's line between Winona, Minnesota and Trevino, Wisconsin, will best promote the service in the interest of the public and the commerce of the people. It is ordered, That:

§ 97.877 *Rerouting of traffic*— (a) *Rerouting.* The Chicago, Milwaukee, St. Paul and Pacific Railroad Company shall handle, route and move its traffic (including trains) originating or terminating at or between Trevino, Menomonie and Chippewa Falls, Wisconsin, over the Chicago, Burlington & Quincy Railroad Company's tracks between Winona, Minnesota and Trevino, Wisconsin.

(b) *Compensation.* The handling, routing and movement of traffic ordered and described in paragraph (a) of this section shall be upon such terms as between the carriers as they may agree upon or in the event of their disagreement as the Commission may, after subsequent hearing find to be just and reasonable.

(c) *Application.* The provisions of this section shall apply to intrastate and foreign traffic as well as interstate traffic.

(d) *Rates to be applied.* Inasmuch as such disregard of routing is deemed to be due to carrier's disability, the rates applicable to traffic so forwarded by routes other than those designated by shippers, or by carriers shall be the rates which were applicable at date of shipment over the routes so designated.

(e) *Division of rates.* In executing the orders and directions of the Commission provided for in this section, common carriers affected shall proceed, even though no division agreements are in effect, over the routes authorized; divisions shall be, during the time this section remains in force, voluntarily agreed upon by and between said carriers; and upon failure of said carriers to so agree, the divisions shall be hereinafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act. If division agreements now exist on the traffic affected, over the routes herein authorized they shall not be changed or affected by this section.

(f) *Effective date.* This section shall become effective at 11:00 a. m., May 21, 1951.

(g) *Expiration date.* The provisions of this section shall expire at 11:59 p. m., August 31, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That copies of this order and direction shall be served upon the Minnesota and Wisconsin State railroad regulatory bodies, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-6022; Filed, May 24, 1951; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter D—Federal Aid to States in Wildlife Restoration

PART 41—RESTORATION OF GAME BIRDS AND MAMMALS

Basis and purposes. The Federal Aid to Fish Restoration and Management Act of August 9, 1950 (64 Stat. 430, 16 U. S. C. 777;) has as its objective the performance of activities beneficial to sport fish which parallel activities beneficial to wildlife conducted under the Federal Aid to Wildlife Restoration Act of September 2, 1937 (50 Stat. 917, 16 U. S. C. 669;) as amended August 18, 1941 (55 Stat. 632; 16 U. S. C. 669g–1;) July 24, 1946 (60 Stat. 656; 16 U. S. C. 669e, 669g;) and August 3, 1950 (64 Stat. 399; 16 U. S. C. 669g–1).

At various conferences held with representatives of the fish and game departments of the States it was recommended that the regulations for each of these acts be consolidated and issued as single regulations. On the basis of such recommendations, in order to avoid duplication and repetition, to simplify administration of the program, and to promote efficiency I have determined that the following amendments to the existing regulations will effectuate this purpose and the purposes of the said acts:

1. The heading for Subchapter D is amended to read as set forth above.

2. Part 41 is completely revised and amended to read as follows:

DEFINITIONS

Sec.
41.1 Meaning of terms.
41.2 Act(s).
41.3 Authorized representatives of the Secretary.
41.4 State fish and game department.
41.5 Restoration project, hereinafter referred to as "project."
41.6 Combination project.
41.7 Ten-percent fund.

INFORMATION REQUIRED

41.11 General information for the Secretary.
41.12 Hunting and fishing license information.
41.13 Notice of desire to participate.
41.14 Information from State fish and game departments.

PROJECT INITIATION DOCUMENTS

41.21 Project statement.
41.22 Surveys, plans, specifications, and estimates; form and arrangement.
41.23 Project agreements.

PARTICIPATION BY OTHER STATE AGENCIES

41.31 Participation by State subdivisions.

REQUIREMENTS FOR PAYMENTS

41.36 Secretary's approval.
41.37 Economy and efficiency.
41.38 Lowest responsible bids.
41.39 Contracts; competitive bids.
41.40 Copy of contract; alteration or modification.
41.41 Form of vouchers.

STATES' RESPONSIBILITIES

41.46 Prosecution; promptness.
41.47 Inspection.
41.48 Progress reports.
41.49 Samples of materials to be submitted.
41.50 Records and cost accounting.
41.51 Inspection of accounts and records.
41.52 Submission.
41.53 Personnel; maintenance.
41.54 Personnel selection.

PROJECT STANDARDS

41.70 Project standards.

AUTHORITY: §§ 41.1 to 41.70 issued under sec. 10, 50 Stat. 919, sec. 10, 64 Stat. 434; 16 U. S. C. 669; 777f.

DEFINITIONS

§ 41.1 *Meaning of terms.* For the purposes of the regulations in this part, the following terms shall be construed, respectively, to have the meanings specified in § 41.2 to § 41.7 inclusive.

§ 41.2 *Act(s).* (a) The act of Congress approved September 2, 1937, entitled, "An act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes," (50 Stat. 917; 16 U. S. C. 669–669i) commonly referred to as the Pittman-Robertson Act, and

(b) The act of Congress approved August 9, 1950, entitled, "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes" (64 Stat. 430; 16 U. S. C. 777–777k) commonly referred to as the Dingell-Johnson Act.

§ 41.3 *Authorized representatives of the Secretary.* The Director of the Fish and Wildlife Service of the Department of the Interior, or such other officials and employees of said Service as may be designated by the Director from time to time.

§ 41.4 *State fish and game department.* Any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department, and the Alaska Game Commission, the Division of Game and Fish of the Board of Commissioners of Agriculture and Forestry of Hawaii, the Commissioner of Agriculture and Commerce of Puerto Rico, and the Governor of the Virgin Islands.

§ 41.5 *Restoration project, hereinafter referred to as "project."* Acquisition of areas of land or water or estates or interest therein, for feeding, resting, or breeding places for fish or wildlife; restoration, rehabilitation, and improvement by construction of necessary works or otherwise of land and water areas for the benefit of fish or wildlife; maintenance of completed projects, conduct of research into problems of fish or wildlife management, and the coordination of projects necessary to efficient administration affecting fish and wildlife resources.

§ 41.6 *Combination project.* A project designed to result in benefits to both fish and wildlife resources in which federal costs are jointly borne by Pittman-Robertson and Dingel-Johnson apportionments in proportion to the estimated benefits to be derived by wildlife and fish respectively.

§ 41.7 *Ten-percent fund.* Items for engineering, inspection, and unforeseen contingencies not exceeding 10 percent of the total cost of any works to be constructed under these acts.

INFORMATION REQUIRED

§ 41.11 *General information for the Secretary.* Before any agreement is made covering any project to be undertaken in a State, there shall be furnished to the Secretary upon his request, by or on behalf of the State, information regarding the laws affecting fish or wildlife conservation and the authority of the State and of local officials in reference to the establishment and maintenance of fish or wildlife projects; the existing provisions of the State constitution or laws relative to revenues for the protection, restoration and management of fish or wildlife; the funds that will be available to meet the State's share of the cost of work to be performed and the general source of such funds; and provisions made or to be made for maintaining fish or wildlife projects upon which Federal Aid funds will be expended.

§ 41.12 *Hunting and fishing license information.* Certified information as to the number of paid hunting license holders and paid fishing license holders of the State in the preceding fiscal year shall be furnished the Secretary or his authorized representatives by the fish and game department of each State on or before December 31 of each year.

§ 41.13 *Notice of desire to participate.* Any State fish and game department desiring to avail itself of the benefits of the Acts shall notify the Secretary to this effect within sixty days after it has received from the Secretary a certificate of apportionment of funds available under the acts to the States.

§ 41.14 *Information from State fish and game departments.* The Secretary or his authorized representatives may from time to time request and the State fish and game department shall furnish information relative to the administration and maintenance of the fish and wildlife projects established under the acts.

NOTE: All record keeping and reporting requirements of these regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

PROJECT INITIATION DOCUMENTS

§ 41.21 *Project statement.* A project statement shall be submitted for each project to be undertaken, which shall contain such fundamental information as the Secretary may require and which will be specified in form furnished by him, in order that he may determine project suitability for fish or wildlife restoration purposes.

§ 41.22 *Surveys, plans, specifications, and estimates; form and arrangement.* The surveys, plans, specifications, and estimates shall show in convenient form and detail the work to be performed and its probable cost, in conformity with the standards governing form and arrangement prescribed by the Secretary and furnished to the States.

§ 41.23 *Project agreements.* A project agreement between the State fish and game department and the Secretary shall be executed for each project approved by the Secretary.

PARTICIPATION BY OTHER STATE AGENCIES

§ 41.31 *Participation by State subdivisions.* When any part of the cost of a project is to be furnished by a county or any other subdivision of a State, the surveys, plans, specifications, and estimates shall be accompanied by a certified copy of each resolution or order, if any, of the appropriate local officials, or by such other showing as the Secretary may require respecting the funds that are made available, indicating the control of the money provided for paying such costs, and clearly defining whether the State, county, or other local subdivision will own the lands and or improvements; and stating which agency will be responsible for administration and maintenance after completion of the project.

REQUIREMENTS FOR PAYMENTS

§ 41.36 *Secretary's approval.* No payment of any money apportioned under the acts, including such preliminary or incidental costs and expenses as may be incurred in and about such projects, shall be made on any project unless it meets the standards which the Secretary may from time to time establish; and unless the project statements, plans, specifications, estimates, project agreements, and all other documents that may be necessary or required in the administration of the regulations in this part, have been submitted to and approved by the Secretary or his authorized representatives.

§ 41.37 *Economy and efficiency.* No part of the Federal funds set aside on account of any project shall be paid until it has been shown to the satisfaction of the Secretary or his authorized representatives that appropriate and adequate means, either by advertisement or otherwise, were employed to insure economy and efficiency in the expenditure of such money.

§ 41.38 *Lowest responsible bids.* If a contract be awarded to any other than the lowest responsible bidder, the Federal Government shall not pay more than its pro rata share of the lowest responsible bid, unless it is satisfactorily shown that it was advantageous to the work to accept the higher bid.

§ 41.39 *Contracts: competitive bids.* All contracts, except for the purchase and leasing of lands, shall be based upon free and open competitive bids.

§ 41.40 *Copy of contract; alteration or modification.* Upon request, a copy of each contract as executed shall be promptly certified by the State fish and game department and furnished to the Secretary, and no alteration or modification that changes the character or extent of the work from that indicated in the plans, specifications, and estimates as approved by the Secretary, or that increases the amounts to be paid from the lowest competitive bid, shall be subsequently made without the approval of the Secretary or his authorized representatives.

§ 41.41 *Form of vouchers.* Vouchers in the form provided by the Secretary and certified as therein prescribed, showing amounts expended on any project and the amount claimed to be due from the Federal Government on account thereof, shall be submitted by the State fish and game department to the Fish and Wildlife Service, either after completion of the project, or, if the Secretary has determined to make payments as the work progresses, at intervals of not less than one month.

STATES' RESPONSIBILITIES

§ 41.46 *Prosecution; promptness.* The State fish and game department shall carry all approved projects through to satisfactory completion with reasonable promptness.

§ 41.47 *Inspection.* The supervision of each project by the State fish and game department shall include adequate and continuous inspection throughout.

§ 41.48 *Progress reports.* Progress reports, showing force employed and work done, shall be furnished as requested by the Secretary or his authorized representatives.

§ 41.49 *Samples of materials to be submitted.* Suitable samples of materials to be used in construction work shall be submitted by or on behalf of the State fish and game department to the Fish and Wildlife Service whenever requested, to be tested for suitability and conformity with standard specifications.

§ 41.50 *Records and cost accounting.* Such records of the cost of lands acquired, improvements made thereon, construction work, overhead costs, and of maintenance done by or on behalf of the State shall be kept separately for each project by or under the direction of the State fish and game department, which shall report the amount and nature of the expenditure for these purposes, upon the request of the Secretary or his authorized representatives.

§ 41.51 *Inspection of accounts and records.* The accounts and records, together with all supporting documents, shall be open at all times to the inspection of the Secretary or his authorized representatives, and copies thereof shall be furnished when requested.

§ 41.52 *Submission.* Papers and documents required by the acts or by the regulations in this part to be submitted to the Secretary may be delivered to the Director of the Fish and Wildlife Service or his authorized representatives, and from the date of such delivery shall be deemed submitted.

§ 41.53 *Personnel; maintenance.* The State fish and game department shall maintain an adequate and competent force of employees to initiate and carry projects through to satisfactory completion.

§ 41.54 *Personnel selection.* Personnel employed by the States to carry out project work under the acts shall be selected on the basis of competency for services to be performed and shall conduct their duties in a manner acceptable to the Secretary.

PROJECT STANDARDS

§ 41.70 *Project standards.* Standards for Federal Aid in Fish and Wildlife projects are established as follows:

(a) Sufficient funds to originally finance the costs of the projects must be available for expenditure by the States.

(b) Projects must be substantial in character and design.

(c) The acquisition of lands under a project plan must be at prices which previously have been determined by the Fish and Wildlife Service to be fair and reasonable.

(d) Development projects shall have as their objectives the improvement of conditions suitable for fish and wildlife.

(e) Projects dealing with fish or wildlife surveys and investigations shall be limited to problems having direct management application.

(f) Maintenance projects may include the upkeep and repair of structures that have been acquired or constructed through either Federal Aid program. Likewise upkeep and repair of restoration developments of a non-structural nature that have been completed under these programs are also approvable. Management measures concerned with the harvesting of fish and wildlife and law enforcement activities do not qualify for inclusion in maintenance projects.

(g) In projects which are designed to include uses other than for fish or wildlife, Federal Aid funds shall be used only to the extent that fish or wildlife will benefit thereby.

(h) Personnel employed by the States to carry out project work must be selected on the basis of competency for services to be performed and shall conduct their duties in a manner acceptable to the Fish and Wildlife Service.

These amendments shall become effective on July 1, 1951.

OSCAR L. CHAPMAN,
Secretary of the Interior.

MAY 21, 1951.

[F. R. Doc. 51-6006; Filed, May 24, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 729]

PEANUTS

NOTICE OF INTENTION TO FORMULATE AND ISSUE REGULATIONS GOVERNING MARKETINGS, COLLECTION OF MARKETING PENALTIES, AND RECORDS AND REPORTS FOR 1951–52 MARKETING YEAR

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. and Sup. 1301, 1358–1359, 1372–1375; Pub. Law 471, 81st Cong., approved March 31, 1950; Pub. Law 17, 82d Cong., approved April 12, 1951), the Secretary of Agriculture is preparing to formulate marketing quota regulations governing the issuance of marketing cards, the identification of peanuts, the collection and refund of penalties, and the records and reports incident thereto on the marketing of peanuts for the 1951–1952 marketing year. It is proposed that the regulations will be substantially the same as the 1950-crop regulations (15 F. R. 4739) except as provided below:

1. It is proposed that three different types of marketing cards will be available for issuance to farm operators under the 1951 peanut marketing quota program, as follows:

(a) A within-quota marketing card authorizing the marketing of peanuts without penalty will be issued to the operator of each farm on which the harvested acreage of peanuts does not exceed the allotment for the farm.

(b) An excess all marketing card will be issued to the operator of each farm on which the harvested acreage of peanuts is in excess of the farm allotment but is not in excess of the peanut acreage picked and threshed on the farm in 1947, or in 1948 if no peanuts were harvested on the farm in 1947. This card will give the grower an option with respect to the excess peanuts contained in each lot available for marketing, of paying the penalty on the excess peanuts contained in each lot at the time of marketing or of delivering such peanuts to agencies designated by the Secretary of Agriculture and receiving a price therefor based on the current value of such peanuts for crushing for oil, less certain handling costs.

(c) An excess penalty marketing card, requiring payment of the penalty on the excess peanuts in each lot of peanuts marketed, will be issued to the operator of each farm on which the harvested acreage of peanuts exceeds the allotment for the farm and the acreage picked and threshed on the farm in 1947, or in 1948 if no peanuts were harvested on the farm in 1947.

2. The marketing cards for the 1951 program will not contain memoranda of sale. Buyers under contract with Commodity Credit Corporation will report purchases of within quota or excess oil peanuts from growers by executing as a memorandum of sale a portion of the inspection certificate form. These forms will be furnished to growers by a Federal or Federal-State inspector, who will be stationed in the office of each buyer who has signed a contract with the Commodity Credit Corporation. Buyers will be furnished other memoranda of sale forms for use in connection with marketings of peanuts which are not inspected and marketings which are subject to penalty.

3. The regulations will provide that if peanuts produced on a farm are improperly marketed in such a manner that payment of the penalty is avoided, the penalty will be due, in case the production and marketings for the farm are subsequently determined, on the quantity of peanuts marketed in excess of the farm marketing quota, and the penalty due for the farm shall be paid by the operator.

4. The regulations will provide that no refund of any penalty will be made because of peanuts kept on the farm for seed or for home consumption. This provision will give effect to the new language added to section 359 (a) of the act by Public Law 17, 82d Congress, approved April 12, 1951.

Prior to issuance of such regulations, consideration will be given to any data, views, and recommendations relating thereto which are submitted in writing to the Director, Fats and Oils Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 22d day of May 1951.

[SEAL] HAROLD K. HILL,
Acting Administrator.

[F. R. Doc. 51-6051; Filed, May 24, 1951; 8:51 a. m.]

[7 CFR, Part 936]

FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO EXPENSES AND FIXING OF RATES OF ASSESSMENT FOR 1951–52 SEASON

Consideration is being given to the following proposals submitted by the Control Committee, established under the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, as the agency to administer the provisions thereof:

(a) That the Secretary of Agriculture find, with respect to Bartlett pears, early varieties of plums, late varieties of plums, and Elberta peaches, that expenses not to exceed the following amounts are likely to be incurred, during the season ending February 29, 1952, inclusive, by the Control Committee for the maintenance and functioning of such committee and the respective commodity committees established under the aforesaid amended marketing agreement and order:

(1) Bartlett pears, $19,927.19;

(2) Early varieties of plums, $15,891.83;

(3) Late varieties of plums, $17,717.40; and

(4) Elberta peaches, $11,296.08.

(b) That the Secretary of Agriculture fix, as each handler's pro rata share of such expenses, the following rates of assessment which each handler shall pay in accordance with the provisions of said amended marketing agreement and order:

(1) 15 mills ($0.015) per hundred pounds of Bartlett pears;

(2) 25 mills ($0.025) per hundred pounds of early varieties of plums;

(3) 25 mills ($0.025) per hundred pounds of late varieties of plums; and

(4) 15 mills ($0.015) per hundred pounds of Elberta peaches.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposals may do so by submitting the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than the 10th day following publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR Part 936)

Issued this 22d day of May 1951.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 51-6056; Filed, May 24, 1951; 8:52 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR, Part 201]

CONTRACTS FOR CERTAIN CANNED FRUITS AND VEGETABLES

EXEMPTION FROM PROVISIONS OF WALSH-HEALEY PUBLIC CONTRACTS ACT

In accordance with § 201.601 of the Walsh-Healey Public Contracts Act regulations (41 CFR 201.601), the Secretary of the Army has made written findings that the conduct of Government business will be seriously impaired by the inclusion of the representations and stipula-

tions of section 1 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. 35) in contracts awarded on or before December 31, 1951, for canned fruits and vegetables of the following varieties:

Apples, canned.
Applesauce, canned.
Apricots, canned.
Asparagus, canned.
Beans, lima, canned.
Beans, string, canned.
Berries, canned.
Carrots, canned.
Catsup, tomato.
Cherries, sour, canned.
Cherries, sweet, canned.
Corn, cream style, canned.
Corn, whole grain, canned.
Figs, canned.
Fruit cocktail, canned
Grapefruit, canned.
Juice, citrus.
Juice, grape.
Juice, pineapple.
Peas, green, canned.
Peaches, canned.
Pears, canned.
Pineapple, canned.
Plums (prunes), canned.
Potatoes, sweet, canned.
Pumpkin, canned.
Puree, tomato.
Sauce, cranberry.
Spinach, canned.
Tomatoes, canned.
Tomato Juice, canned.
Tomato Paste, canned.

Pursuant to section 6 of the Walsh-Healey Public Contracts Act, and, upon the basis of this finding, the Secretary of Labor has been requested by the Secretary of the Army to grant an exemption from the provisions of section 1 of the act permitting the award of contracts for the above varieties of canned fruits and vegetables for the balance of the calendar year 1951 without inclusion of the representations and stipulations of that section.

Notice is hereby given of a public hearing on this matter before the Acting Administrator of the Public Contracts Division or his authorized representative at 10:00 a. m. on Monday June 11, 1951, in Room 5406, Department of Labor Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., at which interested persons may appear and submit data, views and arguments either in support of or in opposition to this proposal. Written statements in lieu of personal appearance may be filed by mail at any time prior to the date of the hearing, or may be filed with the presiding officer at the hearing. Persons appearing at the hearing will be afforded an opportunity to file, within 7 days from the close of the hearing, briefs relating to the issues raised at the hearing.

Signed at Washington, D. C., this 22d day of May 1951.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 51-6024; Filed, May 24, 1951; 8:46 a. m.]

Wage and Hour Division

[29 CFR, Part 681]

HAND-BRAIDING OF LEATHER BUTTONS BY HOMEWORKERS IN PUERTO RICO

PROPOSED MINIMUM PIECE RATE

Notice is hereby given pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) that the Administrator of the Wage and Hour Division, United States Department of Labor, proposes to establish a minimum piece rate of 32 cents per gross for the hand-braiding of leather buttons, 24 to 30 ligne, by homeworkers in Puerto Rico by the following method: Tying a braided knot around the tip of a finger, bringing the knot into a rounded button shape by pulling at the ends of the strip, cutting a shank at one end of the strip with a hand-cutting machine, trimming both ends by cutting the excess leather off and inserting the ends into the knot. (It is not intended by this action to revoke or change in any way the minimum piece rate of 53⅓ cents per gross established by an order dated August 8, 1950 (15 F. R. 5155) for the hand-braiding of leather buttons, 24 to 30 ligne by another method specified in such order).

Prior to the final adoption of such minimum piece rate, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., within 15 days from publication of this notice in the FEDERAL REGISTER.

The proposed rate is to be issued under authority contained in section 6 (a) (2) of the Fair Labor Standards Act of 1938, as amended (sec. 6, 63 Stat. 912; 29 U. S. C. 206).

Signed at Washington, D. C., this 21st day of May 1951.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator,
Wage and Hour Division.

[F. R. Doc. 51-6026; Filed, May 24, 1951; 8:47 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 2849 et al.; Docket No. 3663]

AMERICAN AIRLINES, INC., ET AL.; BIG FOUR MAIL RATE PROCEEDING AND EFFICIENCY INVESTIGATION

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of America Airlines, Inc., Eastern Air Lines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., over their routes within the continental United States insofar as authorized under certificates for interstate air transportation and over their routes between the United States and terminal points in Canada. Docket No. 2849 et al.

In the matter of the investigation of the finances, routes, and operations of American Airlines, Inc., Eastern Air Lines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc. Docket No. 3663.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406, 205, 415, and 1001 thereof, that the above-entitled proceedings are hereby assigned for hearing on June 18, 1951, at 10:00 a. m., e. d. t., in the Adams and Hamilton Room, Wardman Park Hotel, 2660 Woodley Road NW., Washington, D. C., before Examiner Edward T. Stodola.

Without limiting the scope of the issues raised by the pleadings in these proceedings, particular attention will be directed to the following matters:

I. What is the fair and reasonable rate of compensation for the transportation of mail for each of the Big Four carriers under the standards set forth in section 406 of the Civil Aeronautics Act of 1938, as amended?

A. Is it reasonable to establish such rates on a uniform class basis?

B. For what periods and at what level should such rates be fixed?

II. What is the fair and reasonable rate of compensation for the transportation of mail for the Big Four, without reference to the "need" of each carrier?

A. Is it reasonable to establish such rates on a uniform class basis?

B. For what periods and at what levels should such rates be fixed?

III. Did each of the carriers have a reasonable and comparable opportunity under the statutory standards of honest, economical and efficient management, to earn a reasonable return on required investment without "need" mail compensation at the volume of operations required by the commerce, the Postal Service, and the national defense?

A. When the major factors which affect a carrier's opportunity to attain self-sufficiency, as defined above, are considered, did each of the carriers have a comparable opportunity to attain such a status?

B. When the major factors which affect a carrier's opportunity to attain self-sufficiency are considered, did each of the carriers have a reasonable opportunity to attain such a status?

C. What major factors which have contributed to any carrier's failure to realize the opportunity to attain self-sufficiency may be adjudged the responsibility of management under the statutory standards of honest, economical and efficient management and hence not subject to underwriting by "need" mail pay?

IV. To what extent, if any, should any of the four carriers be paid "need" mail payments in addition to the amount provided by a service mail rate as placed in issue in No. II above and for what periods, after the institution of the rate proceeding, should such payments be made?

V. What factors account for the differences, if there be differences, in the mail pay requirements among the Big Four carriers, and what remedial actions, if any, should be taken by the Board or any of these carriers to eliminate or to decrease, as the case may be and the facts may warrant and permit, dependence upon the Government for "need" mail payments, if there be such dependence?

For further details with respect to the issues involved in these proceedings, all interested persons are referred to the various orders entered under Dockets Nos. 2849 et al., and Docket No. 3663 and to the Examiner's Report of Prehearing Conference, served April 25, 1950, and his Supplemental Report of Prehearing Conference, served May 23, 1950. The foregoing documents are on file with the Docket Section of the Civil Aeronautics Board.

Notice is hereby further given to the effect that any person other than parties already of record desiring to be heard in these proceedings shall file with the Board on or before June 8, 1951, a statement setting forth the issues of fact or law raised by these proceedings which he desires to controvert.

Dated at Washington, D. C., May 21, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-6037; Filed, May 24, 1951; 8:48 a. m.]

DEPARTMENT OF DEFENSE

Secretary of Defense

DESIGNATION OF MILITARY COMMANDERS TO ISSUE SECURITY ORDERS FOR PROTECTION OF PROPERTY OR PLACES UNDER THEIR COMMAND

I hereby designate the following military commanders pursuant to the provisions of section 21 of the Internal Security Act of 1950 (Pub. Law 831, 81st Cong.) to promulgate regulations for the protection or security of military property or places subject to their jurisdiction, administration, or in their custody as contemplated by the mentioned section 21:

Commanding Officers of all military reservations, posts, camps, stations, or installations subject to the jurisdiction, administration, or in the custody of the Department of the Army;

Commanding Officers of all Naval ships, stations, activities and installations; and Commanding Officers of all Marine Corps Posts, stations, and supply activities, subject to the jurisdiction, administration, or in the custody of the Department of the Navy; and

Commanding Generals and Commanding Officers, Major Air Commands, Numbered Air Forces, Air Divisions, Wings, Groups and Air Force installations, subject to the jurisdiction, administration, or in the custody of the Department of the Air Force.

Regulations promulgated by military commanders designated hereby shall be in accordance with policies and procedures relative thereto established by the Secretary of the military department concerned.

Regulations issued pursuant hereto shall be posted in a conspicuous and appropriate place, and shall make appropriate citation of this designation and the Public Law under which the designation is made.

Effective this 11th day of May 1951.

G. C. MARSHALL,
Secretary of Defense.

[F. R. Doc. 51-6010; Filed, May 24, 1951; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 412]

SPECIAL INDUSTRY COMMITTEE NO. 10 FOR PUERTO RICO

ACCEPTANCE OF RESIGNATIONS AND APPOINTMENT OF NEW MEMBERS

Pursuant to authority vested in me under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), I, F. Granville Grimes, Jr., Acting Administrator of the Wage and Hour Division, United States Department of Labor, hereby accept the resignations of Jaime Vick, as an employer member and Emil Rieve, as an employee member of Special Industry Committee No. 10 for Puerto Rico, and appoint to serve on said Committee in their stead as employer and employee members respectively, Guillermo E. Gonzalez of San Juan, Puerto Rico, and Edward F. Doolan of Fall River, Massachusetts.

Edward F. Doolan shall serve on the Committee for such period as the Administrator shall direct, but he shall not serve concurrently with Walter J. Mason, who was appointed by Administrative Order No. 411 (16 F. R. 4591).

Signed at Washington, D. C., this 21st day of May 1951.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator,
Wage and Hour Division.

[F. R. Doc. 51-6025; Filed, May 24, 1951; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

CHAIRMAN OF PMA COUNTY COMMITTEE

DELEGATION OF AUTHORITY WITH RESPECT TO EXECUTING LEASES FOR STORAGE STRUCTURES

Pursuant to the authority conferred upon me, by the bylaws of Commodity Credit Corporation published in 14 F. R. 7689, I hereby appoint the Chairman of every Production and Marketing Administration county committee a contracting officer, within the county of his jurisdiction, for the purpose of executing, in accordance with instructions, leases of Commodity Credit Corporation-owned storage structures, not needed for storage of Commodity Credit Corporation-owned grain. The aforementioned instructions shall be available for inspection in the PMA County offices. In leasing such structures, such contracting officers have been instructed to give preference first to farmers or groups of farmers for the storage of their own grain; then to cooperative associations for the storage of grain; and then to commercial warehousemen for the storage of grain. Thereafter, such structures may be leased for the storage of any commodity or product which will not be injurious or hazardous to the structure itself, or to grain stored in other structures at the site. The termination date of any such lease shall be not later than April 30, following the date of the lease, except when the structures are used for the storage of corn or soybeans under loan which will mature at a date after April 30, 1952, in which case structures may be leased for a period ending on or prior to the maturity date of such loans. The delegation of authority contained in paragraph (7) of Federal Register document 50-6630, published 15 F. R. 4874 issued July 28, 1950, is hereby revoked.

Issued this 22d day of May 1951.

[SEAL] HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

Attested:

LIONEL C. HOLM,
Secretary,
Commodity Credit Corporation.

[F. R. Doc. 51-6055; Filed, May 24, 1951; 8:51 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 25]

FARRINGTON MANUFACTURING CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Farrington Manufacturing Company has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level

of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of matching jewel and gift cases manufactured by Farrington Manufacturing Company, 76 Atherton Street, Boston 30, Massachusetts, having the brand name "Farrington" and described in the manufacturer's application dated April 5, 1951. The manufacturer's prices listed below are subject to a discount of 2/10, EOM.

MATCHING JEWEL AND GIFT CASES

Manufacturer's selling price (per dozen)	*Ceiling price at retail (per unit)*
$10.50	$1.50
13.50	1.95
16.50	2.50
19.50	2.95
22.50	3.50
28.50	4.50
46.20	6.95
67.80	10.00
81.00	12.50

2. The matching jewel and gift case having the style number 6B in the manufacturer's application dated April 5, 1951, so long as it has a manufacturer's selling price of $66.00 per dozen, shall have a ceiling price at retail of $10.00 per unit, and the manufacturer's price shall be subject to a discount of 2/10, EOM.

3. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

4. On and after June 23, 1951, Farrington Manufacturing Company must mark each article listed in paragraphs 1 and 2 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after July 23, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 23, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provision of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraphs 1 and 2 of this special order or changes the retail ceiling price of a listed article, Farrington Manufacturing Company must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

5. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraphs 1 and 2 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

6. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

7. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

8. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

9. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 24, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

MAY 24, 1951.

[F. R. Doc. 51-6107; Filed, May 24, 1951; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9974—9977]

RADIO BROADCASTING INC. (KTHS) ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Radio Broadcasting, Inc. (KTHS), Hot Springs, Arkansas, Docket No. 9975, File No. BP-7787; James A. Noe (WNOE), New Orleans, Louisiana, Docket No. 9976, File No. BP-7822; Fayetteville Broadcasting Co., Inc. (KGRH), Fayetteville, Arkansas, Docket No. 9977, File No. BP-8037; for construction permits; and Radio Broadcasting, Inc. (KTHS), Hot Springs, Arkansas, for renewal of license; Docket No. 9974, File No. BR-426.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of May 1951;

The Commission having under consideration (1) the above-entitled applications of Radio Broadcasting, Inc., requesting a construction permit to change facilities of KTHS, Hot Springs, Arkansas, from 1090 kilocycles with power of 10 kilowatts day and 1 kilowatt night, unlimited time, to 1090 kilocycles with power of 50 kilowatts, unlimited time using a directional antenna at night and to move the station to Little Rock, Arkansas; James A. Noe for a construction permit to change facilities of Station WNOE, New Orleans, Louisiana, from 1060 kilocycles with power of 50 kilowatts day and 5 kilowatts night, unlimited time using different directional antennas for day and night operation to 1090 kilocycles with power of 50 kilowatts day and 25 kilowatts night, unlimited time using different directional antenna for day and night operation; Fayetteville Broadcasting Co., Inc., for a construction permit to change facilities of Station KGRH, Fayetteville, Arkansas, from 1450 kilocycles with power of 250 watts, unlimited time to 1090 kilocycles with power of 50 kilowatts, unlimited time using a directional antenna at night; and Radio Broadcasting, Inc. for renewal of license of Station KTHS, Hot Springs, Arkansas; (2) a petition filed March 6, 1951, by Radio Broadcasting, Inc., requesting immediate action on its above-mentioned application to change facilities of Station KTHS; and (3) a petition filed September 1, 1950, by James A. Noe, requesting "Revocation, Deletion, or Modification of License of Radio Station KTHS";

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing

in a consolidated proceeding commencing at 10:00 a. m., on June 25, 1951, at Washington, D. C., upon the following issues:

1. To determine the technical, financial, and other qualifications of the individual applicant, and of the corporate applicants, their officers, directors, and stockholders to construct and operate respectively Stations WNOE, KTHS, and KGRH and with respect with Radio Broadcasting, Inc. to continue the existing operation of Station KTHS.

2. To determine the areas and populations which may be expected to gain or lose primary or secondary service from the operation of Stations WNOE, KTHS, and KGRH, as proposed, and the character of other service available to such areas and populations.

3. To determine the areas and populations which receive primary service from the present operation of Station KTHS and the character of other broadcast service available to such areas and populations.

4. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

5. To determine whether the operation of Stations WNOE, KTHS, and KGRH, as proposed, and the continuance of the existing operation of KTHS would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the operation of Stations WNOE, KTHS, and KGRH, as proposed, and the continuance of the existing operation of KTHS would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine the overlap, if any, that will exist between the service areas of Station KTHS, as proposed, and Station KWKH, Shreveport, Louisiana, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine whether the operation of Stations WNOE, KTHS, and KGRH, as proposed would be in conflict with any international agreement to which the United States is a party.

9. To determine whether the construction of Stations WNOE, KTHS, and KGRH, as proposed, would constitute a hazard to air navigation.

10. To determine whether the installation and operation of Stations WNOE, KTHS, and KGRH, as proposed, and the continuance of the existing operation of Station KTHS would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

11. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-6036; Filed, May 24, 1951; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1650]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION

MAY 21, 1951.

Take notice that on May 7, 1951, Transcontinental Gas Pipe Line Corporation (Applicant), a Delaware corporation with its principal place of business in Houston, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to deliver to and or receive from the Manufacturers Light & Heat Company, and the Atlantic Seaboard Corporation, quantities of natural gas in accordance with service agreements entered into as of May 5, 1951, relating to arrangements made for the exchange of gas under Applicant's Rate Schedule EX-1.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 8th day of June 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-6007; Filed, May 24, 1951; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26105]

LUMBER FROM THE SOUTH TO ILLINOIS

APPLICATION FOR RELIEF

MAY 22, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to tariffs listed below.

Commodities involved: Lumber and other forest products, carloads.

From: Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee.

To: Destinations in Illinois Freight Association Territory.

Grounds for relief: Circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC 696, supp. 186; C. A. Spaninger, Agent, ICC 708, supp. 164; C. A. Spaninger, Agent, ICC 714, supp. 149.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-6018; Filed, May 24, 1951; 8:46 a. m.]

IRON AND STEEL FROM THE SOUTH TO OHIO RIVER CROSSINGS AND ST. LOUIS, MO.

APPLICATION FOR RELIEF

MAY 22, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to C. A. Spaninger's tariff ICC 920, pursuant to fourth section order No. 16101.

Commodities involved: Iron and steel articles, carloads.

From: Points in southern territory.

To: St. Louis, Mo., group and Ohio River Crossings.

Grounds for relief: Circuitous routes, Operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-6019; Filed, May 24, 1951; 8:46 a. m.]

[4th Sec. Application 26107]

GUMS AND RESINS FROM WEST VIRGINIA TO JERSEY CITY, N. J., AND VICINITY

APPLICATION FOR RELIEF

MAY 22, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff ICC No. 3758, pursuant to fourth section order No. 9600.

Commodities involved: Gums and resins, synthetic, carloads.

From: Charleston, W. Va., and other points in West Virginia.

To: Bayway, Elizabeth, Caramic, Jersey City, Newark, Perth Amboy and Warners, N. J.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6020; Filed, May 24, 1951; 8:46 a. m.]

[4th Sec. Application 26108]

PRINTING PAPER FROM VIRGINIA, PENNSYLVANIA, AND MARYLAND TO MINDEN, NEBR.

APPLICATION FOR RELIEF

MAY 22, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff ICC No. A-850 and L. C. Schuldt's tariff ICC No. 4238.

Commodities involved: Paper, printing, other than newsprint.

From: Covington, Va., Erie, Johnsonburg, Philadelphia, Roaring Spring, Spring Grove, Tyrone, and Williamsburg, Pa., and Luke, Md.

To: Minden, Nebr.

Grounds for relief: Circuitous routes. To apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin ICC No. A-850, supp. 89; L. C. Schuldt ICC No. 4238, supp. 31.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6021; Filed, May 24, 1951; 8:46 a. m.]

[Rev. S. O. 876, General Permit 5-L]

RED CEDAR SHINGLES, SHAKES, AND/OR RED CEDAR LUMBER

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) (2) of Revised Service Order No. 876 (16 F. R. 3620), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act, to disregard the provisions of Revised Service Order No. 876 insofar as they apply to red cedar shingles, shakes, and or red cedar lumber, provided the shipment of such red cedar shingles, shakes, and or red cedar lumber is loaded to at least 10,000 pounds at point of origin billed stop-off to complete loading; provided the car is loaded in accordance with the provisions of the order when leaving the point at which the car is stopped to complete loading.

The waybills shall show reference to this general permit and all consignors shipping cars under this permit shall furnish the Permit Agent the car numbers, initials, and destinations of the cars shipped under this permit.

This general permit shall become effective at 12:01 a. m., May 21, 1951, and shall expire at 11:59 p. m., September 30, 1951, unless otherwise modified, changed, suspended, or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of May 1951.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 51-6023; Filed, May 24, 1951; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2613]

OHIO POWER CO. AND CENTRAL OHIO COAL CO.

ORDER AUTHORIZING ISSUANCE AND SALE BY SUBSIDIARY OF 15,000 SHARES OF COMMON STOCK, ACQUISITION BY PARENT COMPANY, AND $4,000,000 ADVANCE TO SUBSIDIARY BY PARENT COMPANY.

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of May A. D. 1951.

The Ohio Power Company ("Ohio Power"), an electric utility subsidiary company of American Gas and Electric Company, a registered holding company, and Central Ohio Coal Company ("Coal Company"), a non-utility subsidiary company of Ohio Power, having filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 10, and 12 (b) of the act, and Rule U-45 with respect to the following transactions:

Coal Company proposes to issue and sell and Ohio Power proposes to acquire not to exceed 15,000 shares of Coal Company's capital stock from time to time prior to December 31, 1954, for a cash consideration of $100 per share, being the par value of such shares, or a total of $1,500,000.

Ohio Power proposes to advance to Coal Company not to exceed $4,000,000 on open account from time to time prior to December 31, 1954, such advances to bear interest at the initial rate of 3 percent per annum. Ohio Power expects that as a part of a financing program to be consummated within the next 12 months, it will issue some long-term unsecured indebtedness. In the event that such unsecured indebtedness bears an annual average interest rate other than 3 percent, the annual interest on the proposed advances to Coal Company will be adjusted to equal such rate. The joint application-declaration states that the proceeds to be derived by Coal Company from the proposed transactions will be used to pay the cost of construction of additional coal production facilities during the years 1951 to 1954.

The joint application-declaration having been filed on April 13, 1951, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the joint application-declaration that the proposed transactions comply with the applicable standards of the act, and the Commission observing no basis for adverse findings, and deeming it appropriate that said joint application-declaration be granted and permitted to become effective, and also deeming it appropriate to grant the request of the joint applicants-declarants that the order become effective at the earliest date possible:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed by Rule U-24, that said joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6012; Filed, May 24, 1951; 8:46 a. m.]

[File No. 70-2615]

OHIO POWER CO. ET AL.

ORDER AUTHORIZING PROPOSED $2,500,000 ADVANCES TO SUBSIDIARY

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of May A. D. 1951.

In the matter of the Ohio Power Company, Appalachian Electric Power Company, Central Coal Company; File No. 70-2615.

The Ohio Power Company ("Ohio Power"), Appalachian Electric Power Company ("Appalachian"), both electric utility subsidiary companies of American Gas and Electric Company, a registered holding company, and Central Coal Company ("Coal Company"), a non-utility subsidiary company of both Ohio Power and Appalachian, having filed a joint declaration and an amendment thereto pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935, with respect to the transactions summarized as follows:

Ohio Power and Appalachian propose to advance not to exceed in the aggregate $2,500,000 to Coal Company on open account from time to time prior to December 31, 1954. Such advances are to be made in equal amounts by Ohio Power and Appalachian and will bear an initial interest rate of 3 percent per annum. Ohio Power and Appalachian expect that as part of a financing program to be consummated within the next 12 months, they will issue some long-term unsecured indebtedness. In the event that such unsecured indebtedness bears an annual average interest rate other than 3 percent the annual interest rate on the proposed advances to the Coal Company will be adjusted to equal such rate. The joint declaration states that the proceeds from the proposed transaction will be used by the Coal Company to pay for the costs of construction of additional coal production facilities during the years 1951 to 1954.

Said joint declaration having been filed on April 16, 1951, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated under said act, and the Commission not having received a request for hearing with respect to said joint declaration within the period specified, or otherwise, and not having ordered a hearing thereon; and

The State Corporation Commission of Virginia and the Public Service Commission of West Virginia having approved the proposed transactions; and

The Commission finding with respect to said joint declaration, as amended, that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint declaration, as amended, be permitted to become effective, and also deeming it appropriate to grant a request of the declarants that the Commission's order become effective at the earliest date possible:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the provisions prescribed in Rule U-24, that the joint declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6013; Filed, May 24, 1951; 8:46 a. m.]

FIRST GUARDIAN SECURITIES CORP. ET AL.

MEMORANDUM OPINION AND ORDER REVOKING BROKER-DEALER REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of May A. D. 1951.

In the matter of the First Guardian Securities Corporation, 20 Pine Street, New York 20, New York and Arthur H. Baum, and Leonard Baum.

This is a proceeding pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("Exchange Act") to determine whether the First Guardian Securities Corporation ("registrant"), which is registered as a broker and dealer, and Arthur H. Baum and Leonard Baum, officers, directors and controlling persons of registrant, willfully violated sections 5 (a) (1) and (2) and 17 (a) of the Securities Act of 1933 ("Securities Act") and sections 9 (a) (2) and 10 (b) of the Exchange Act and Rule X-10B-5 thereunder, and, if so, whether it is in the public interest to revoke registrant's registration.[1]

On October 2, 1950, registrant filed a written notice requesting withdrawal from registration. On October 30, 1950, we instituted this proceeding thereby staying the effectiveness of the notice of withdrawal pursuant to Rule X-15B-6 under the Exchange Act. On November 21, 1950, registrant, Arthur H. Baum and Leonard Baum filed an "answer and consent to revocation" in which they acknowledged service of adequate notice, waived their opportunity for hearing, admitted the facts alleged in the order for proceedings for the purpose of this and any other proceeding pursuant to sections 15 (b) and 15A of the Exchange Act, and consented to a finding that they committed the violations of law set forth in that order and to the entry of an order revoking registrant's registration as a broker and dealer.

The order for proceedings alleges, and we find, that registrant, Arthur H. Baum and Leonard Baum willfully violated sections 5 (a) (1) and (2) and 17 (a) of the Securities Act and sections 9 (a) (2) and 10 (b) of the Exchange Act and Rule X-10B-5 thereunder in that (1) from June 1, 1950, to July 21, 1950, they sold and delivered to various persons shares of the common stock, no par value, of Standard Brewing Company of Scranton, when no registration statement was in effect as to such securities as required by the Securities Act; (2) for the purpose of inducing the purchase of such securities by others, they effected, alone and with other persons, during the period from May 29, 1950, to June 9, 1950, a series of transactions in such securities on a national securities exchange, which created actual and apparent active trading in such securities and raised the price thereof, and thereafter induced various persons to purchase such securities at prices to which the market had thus been artificially raised; and (3) the instrumentalities of interstate commerce, the mails, and the facilities of a national securities exchange were used in effecting certain of those transactions and in the purchases, sales and delivery of such securities.[2]

We conclude that revocation of registrant's registration as a broker and dealer is in the public interest.

Accordingly, it is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of the First Guardian Securities Corporation as a broker and dealer be, and it hereby is, revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6011; Filed, May 24, 1951; 8:45 a. m.]

[1] Section 15 (b) of the Exchange Act provides in pertinent part: "The Commission shall, after appropriate notice and opportunity for hearing, by order * * * revoke the registration of any broker or dealer if it finds that such * * * revocation is in the public interest and that (1) such broker or dealer * * * or (2) any * * * officer, director, or branch manager of such broker or dealer * * * or any person directly or indirectly controlling or controlled by such broker or dealer * * * (D) has willfully violated any provision of the Securities Act of 1933, as amended, or of this title, or of any rule or regulation thereunder."

[2] The Board of Governors of the National Association of Securities Dealers, Inc., at its meeting on September 25-26, 1950, affirmed the decision of the District Business Conduct Committee of District No. 13, expelling the First Guardian Securities Corporation from membership in the Association, and revoking the registration of Arthur H. Baum and Leonard Baum with the Association as registered representatives, for violation of its Rules of Fair Practice. The period for appeal to this Commission pursuant to section 15A of the Exchange Act has expired.

MIDWEST STOCK EXCHANGE

NOTICE OF PROPOSAL TO DECLARE EFFECTIVE A PLAN FILED FOR DISPOSAL OF CERTAIN DOCUMENTS

Notice is hereby given that the Securities and Exchange Commission has under consideration a plan filed by the Midwest Stock Exchange pursuant to § 240.17a–6 (Rule X-17A–6) under the Securities Exchange Act of 1934 for the disposal of all applications, reports, and documents filed with that Exchange prior to January 1, 1946, pursuant to sections 12, 13, 14 and 16 of the Securities Exchange Act of 1934, or any rule or regulation promulgated by the Commission pursuant to any of such sections. The Exchange proposes to commence disposing of the specified material as soon as practicable after the Commission has declared its plan effective. The plan also contemplates that thereafter, as soon as practicable after January 1st of each year, regular disposition will be made of similar material which has been on file more than five years.

Information contained in the material proposed to be disposed of pursuant to the plan of the Midwest Stock Exchange is on file with the Commission where it will continue to be available.

The Securities and Exchange Commission proposes to declare the plan of the Midwest Stock Exchange effective on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of said plan by sending at least ten days' written notice to the Exchange.

These proposals are made pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 17 (a), 23 (a) and 24 (b) thereof and Rule X-17A–6 thereunder. All interested persons are invited to submit their views and comments in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before June 11, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MAY 17, 1951.

[F. R. Doc. 51-6014; Filed, May 24, 1951; 8:46 a. m.]

PHILADELPHIA-BALTIMORE STOCK EXCHANGE

NOTICE OF PROPOSAL TO DECLARE EFFECTIVE A PLAN FILED FOR DISPOSAL OF CERTAIN DOCUMENTS

Notice is hereby given that the Securities and Exchange Commission has under consideration a plan filed by the Philadelphia-Baltimore Stock Exchange pursuant to § 240.17a–6 (Rule X-17A–6) under the Securities Exchange Act of 1934 for the disposal of all applications, reports, and documents filed with that Exchange prior to January 1, 1946, pursuant to sections 12, 13 and 16 of the Securities Exchange Act of 1934, or any rule or regulation promulgated by the Commission pursuant to any of such sections. While Rule X-17A–6 also makes provision for the disposal of all documents which have been on file with an exchange for more than five years pursuant to section 14 of the Securities Exchange Act of 1934, or the rules adopted thereunder, the plan of the Philadelphia-Baltimore Stock Exchange does not contemplate the disposal of such material. The Exchange proposes to commence disposing of the specified material as soon as practicable after the Commission has declared its plan effective. The plan also contemplates that thereafter, as soon as practicable after January 1st of each year, regular disposition will be made of similar material which has been on file more than five years.

Information contained in the material proposed to be disposed of pursuant to the plan of the Philadelphia-Baltimore Stock Exchange is on file with the Commission where it will continue to be available.

The Securities and Exchange Commission proposes to declare the plan of the Philadelphia-Baltimore Stock Exchange effective on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of said plan by sending at least ten days' written notice to the Exchange.

These proposals are made pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 17 (a), 23 (a), and 24 (b) thereof and Rule X-17A–6 thereunder. All interested persons are invited to submit their views and comments in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before June 11, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MAY 17, 1951.

[F. R. Doc. 51-6015; Filed, May 24, 1951; 8:46 a. m.]

SAN FRANCISCO STOCK EXCHANGE

NOTICE OF PROPOSAL TO DECLARE EFFECTIVE A PLAN FILED FOR DISPOSAL OF CERTAIN DOCUMENTS

Notice is hereby given that the Securities and Exchange Commission has under consideration a plan filed by the San Francisco Stock Exchange pursuant to § 240.17a–6 (Rule X-17A–6) under the Securities Exchange Act of 1934 for the disposal of the following applications, reports, and documents filed with that Exchange prior to January 1, 1946, pursuant to sections 12, 13 and 16 of the Securities Exchange Act of 1934, or any rule or regulation promulgated by the Commission pursuant to any of such sections:

(1) Forms 1–J, 2–J, 15–AN, and AN–4 pursuant to section 12;

(2) All reports filed pursuant to section 13;

(3) All reports filed pursuant to section 16;

While § 240.17a–6 also makes provision for the disposal of all documents which have been on file with an exchange for more than five years pursuant to section 14 of the Securities Exchange Act of 1934, or the rules adopted thereunder, the plan of the San Francisco Stock Exchange does not contemplate the disposal of any of such material. It should also be noted that with respect to filings under section 12 and the rules thereunder this plan contemplates the disposal of only the material mentioned in (1) above.

The Exchange proposes to commence disposing of the specified material as soon as practicable after the Commission has declared its plan effective. The plan also contemplates that thereafter, as soon as practicable after January 1st of each year, regular disposition will be made of similar material which has been on file more than five years.

Information contained in the material proposed to be disposed of pursuant to the plan of the San Francisco Stock Exchange is on file with the Commission where it will continue to be available.

The Securities and Exchange Commission proposes to declare the plan of the San Francisco Stock Exchange effective on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of said plan by sending at least ten days' written notice to the Exchange.

These proposals are made pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 17 (a), 23 (a), and 24 (b) thereof and § 240.17a–6 thereunder. All interested persons are invited to submit their views and comments in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before June 11, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MAY 17, 1951.

[F. R. Doc. 51-6016; Filed, May 24, 1951; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. 22 (E)]

HARLEY-DAVIDSON MOTOR CO.

APPLICATION FOR INVESTIGATION

MAY 21, 1951.

Application has been filed with the United States Tariff Commission for investigation, under the escape clause procedure, to determine whether as a result of unforeseen developments and of the concession granted in a trade agreement the articles listed below are being imported in such relatively increased quantities and under such conditions as to cause or threaten serious injury to the domestic industry producing like or directly competitive articles. The application was filed under the provisions of Part III of Executive Order 10082 of October 5, 1949.

Name of article	Purpose of request	Date received	Name and address of applicants
Motorcycles (item 369 (b), subclause XX (amended) of the general agreement on tariffs and trade).	Withdrawal of finding of duty.	May 21, 1951	Harley-Davidson Motor Co., Milwaukee, Wis.

The application listed above is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D. C., and in the New York Office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

DONN N. BENT, *Secretary.*

[F. R. Doc. 51-6017; Filed, May 24, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13141, Amdt.]

CHRISTIAN WILKNS

In re: Real property, property insurance policies and a claim owned by William Wilkens and another. F-28-7954-B-1.

Vesting Order 13141, dated April 13, 1949, as amended, is hereby further amended as follows and not otherwise:

By deleting Exhibit A, of said Vesting Order 13141 and by reference made a part thereof, and substituting therefor Exhibit A, set forth below and by reference made a part hereof.

All other provisions of said Vesting Order 13141, as amended, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 22, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

All those certain lots and parcels of real estate situate, lying and being in the city of Baltimore, State of Maryland and particularly described as follows:

Parcel No. 1: 217 South Bentalou Street.

Beginning for the same on the east side of Bentalou Street, at the distance of 12 feet, more or less, northerly from the northeast corner of Bentalou and McHenry Streets, said beginning being at the center of the partition wall between the house standing on the lot now being described and the house adjoining to the southward; and running thence northerly, binding on the east side of Bentalou Street, 12 feet to the center of the partition wall between the house standing on the lot now being described and the house adjoining to the northward; thence easterly, along the center of the last mentioned partition wall, and parallel to McHenry Street, 49 feet 1 inch to an alley 4 feet wide; thence southerly, binding on said alley, with the use thereof in common with the other lots binding thereon, 12 feet; and thence westerly, parallel to McHenry Street, and along the center of the first mentioned partition wall, 49 feet ½ an inch to the place of beginning. The improvements thereon being known as No. 217 S. Bentalou Street.

Being Lot No. 256, which was allotted to Christian Wilkens in the partition of the lands of William Wilkens, Sr. See Circuit Court for Baltimore County in Equity, Docket No. 10, folio 31, in the case of Wilkens, et al, vs. Wilkens, et al.

The said Christian Wilkens departed this life on February 18, 1949, thereby vesting the title to said property in Leontine Wilkens, his widow, and William Wilkens, his son.

Parcels No. 2 and No. 3: 310–312 Furrow Street.

Beginning for the same on the west side of Furrow (formerly Forest) Street, at the center of the partition wall between the northernmost house standing on the lot now being described and the house adjoining to the northward, said beginning being distant 136 feet 2 inches southerly from the southwest corner of Furrow and McHenry Streets; and running thence southerly, binding on the west side of Furrow Street, 25 feet 11 inches to the center of the partition wall between the southernmost house standing on the lot now being described and the house adjoining to the southward; thence westerly, along the center of the last mentioned partition wall, and parallel to McHenry Street, 52 feet to an alley 10 feet wide; thence northerly, binding on the east side of said alley, with the use and privilege of the same in common with other lots binding thereon, and parallel to Furrow Street, 25 feet 11 inches; and thence easterly, parallel to McHenry Street, and along the center of the first mentioned partition wall, 52 feet to the place of beginning. The improvements thereon being known as Nos. 310 and 312 Furrow Street.

Being Lot No. 89 which was allotted to Christian Wilkens in the partition of the lands of William Wilkens, Sr. See Circuit Court for Baltimore County in Equity, Docket No. 10, folio 31, in the case of Wilkens, et al, vs. Wilkens, et al.

The said Christian Wilkens departed this life on February 18, 1949, thereby vesting the title to said property in Leontine Wilkens, his widow, and William Wilkens, his son.

Parcel No. 4: 8 Willard Street.

Beginning for the same on the west side of Willard (formerly Wilkens) Street, at the center of the partition wall between the house standing on the lot now being described and the house adjoining to the southward, being 243 feet 4 inches northerly from the northwest corner of Willard and Lombard Streets; and running thence northerly, binding on the west side of Willard Street, 12 feet to the center of the partition wall between the house standing on the lot now being described and the house adjoining thereto to the northward; thence westerly, along the center of said last mentioned partition wall, and at right angles to Willard Street, 88¾ feet, more or less, to a 3-foot alley there situate, and laid out along the western outline of the property here belonging to William Wilkens Estate; thence southerly, on the east side of said alley, with the use and privilege of the same in common with other lots binding thereupon, 13 feet 6 inches to meet a line drawn from the beginning westerly, at right angles to Willard Street; and thence, reversing said line so drawn and binding thereon, and through the center of the first mentioned partition wall, easterly, 95 feet, more or less, to the beginning. Known as 8 Willard Street.

Being Lot No. 221 which was allotted to Christian Wilkens in the partition of the land of William Wilkens, Sr. See Circuit Court of Baltimore County in Equity, Docket 10, folio 31, in the case of Wilkens, et al, vs. Wilkens, et al.

The said Christian Wilkens departed this life on February 18, 1949, thereby vesting the title to said property in Leontine Wilkens, his widow, and William Wilkens, his son.

Parcels Nos. 5 and 6: 1913 and 1915 Wilhelm Street.

Beginning for the same at the southeast corner of Wilhelm Street and Goldsmith Alley; and running thence easterly, binding on the south side of Wilhelm Street, 34 feet 11 inches to the center of the partition wall between the easternmost house standing on the lot now being described and the house adjoining to the eastward, thence southerly, along the center of said partition wall, and parallel to Goldsmith Alley, 59 feet 2¼ inches to an alley 10 feet wide; thence westerly, binding on the north side of said alley, with the use and privilege of the same in common with the other lots binding thereon, and parallel to Wilhelm Street, 34 feet 11 inches to Goldsmith Alley; and thence northerly, binding on the east side of Goldsmith Alley, 59 feet 2¼ inches to the beginning. The improvements thereon being known as Nos. 1913 and 1915 Wilhelm Street.

Being Lot 30, Division A, which was allotted to William Wilkens, Jr., in the partition of the estate of William Wilkens, Sr. See Circuit Court for Baltimore County in Equity, Docket 10, folio 31, in the case of Wilkens, et al, against Wilkens, et al. See also Circuit Court No. 2 of Baltimore City, Docket 12–A, folio 112, wherein the property of William Wilkens, Jr., was divided and the above property allotted to Christian Wilkens.

The said Christian Wilkens departed this life on February 18, 1949, thereby vesting the title to said property in Leontine Wilkens, his widow, and William Wilkens, his son.

Parcel No. 7: SE side of Ramsay Street now called Ashton Street 130' x 165' City Reg Ward 20 Sec 8 Block 2110 Folio 314 Line 3.

Parcel No. 8: East side of Willard Street (formerly Wilkens Street) 124 feet North of Frederick Avenue 42' x 170' City Reg Ward 20 Sect 7 Block 2173 Folio 251 Line 12

Parcels Nos. 9, 10, 11, 12 and 13: 1924–1926–1932 Wilkens Avenue and 328 and 330 South Monroe Street.

Beginning for the first thereof on the northwest side of Wilkens Avenue, at the distance of 88 feet 7 inches northeasterly from the northeast corner of Payson Street and Wilkens Avenue, said place of beginning being at the center of the partition wall between the brick house standing on the lot now being described and the brick house adjoining to the southwestward; and running thence northeasterly, binding on the northwest side of Wilkens Avenue, 17 feet 11 inches to the center of the partition wall between the brick house standing on the lot now being described and the brick house adjoining to the northeastward; thence northwesterly, along the center of said last mentioned partition wall, and parallel to Payson Street, 100 feet to an alley 10 feet wide; thence southwesterly, binding on the southeast side of said alley, with the use and

privilege of the same in common with the other lots binding thereon, and parallel to Wilkens Avenue, 17 feet 11 inches; and thence southeasterly, parallel to Payson Street, and along the center of said first mentioned partition wall, 100 feet to the place of beginning. The improvements thereon being known as No. 1924 Wilkens Avenue.

Beginning for the second thereof on the northwest side of Wilkens Avenue, at the distance of 70 feet 10 inches northeasterly from the northeast corner of Payson Street and Wilkens Avenue, said place of beginning being at the center of the partition wall between the brick house standing on the lot now being described and the brick house adjoining on the southwestward; and running thence northeasterly, binding on the northwest side of Wilkens Avenue, 17 feet 9 inches to the center of the partition wall between the brick house standing on the lot now being described and the brick house adjoining to the northeastward; thence northwesterly, along the center of said last mentioned partition wall, and parallel to Payson Street, 100 feet to an alley 10 feet wide; thence southwesterly, binding on the southeast side of said alley, with the use and privilege of the same in common with the other lots binding thereon, and parallel to Wilkens Avenue, 17 feet 9 inches; and thence southeasterly, parallel to Payson Street, and along the center of said first mentioned partition wall, 100 feet to the place of beginning. The improvements thereon being known as No. 1926 Wilkens Avenue.

Beginning for the third thereof on the northwest side of Wilkens Avenue, at the distance of 17 feet 7½ inches northeasterly from the northeast corner of Payson Street and Wilkens Avenue, said place of beginning being at the center of the partition wall between the brick house standing on the lot now being described and the brick house adjoining to the southwestward; and running thence northeasterly, binding on the northwest side of Wilkens Avenue, 17 feet 7 inches to the center of the partition wall between the brick house standing on the lot now being described and the brick house adjoining to the northeastward; thence northwesterly, along the center of said last mentioned partition wall, and parallel to Payson Street, 100 feet to an alley 10 feet wide; thence southwesterly, binding on the southeast side of said alley, with the use and privilege of the same in common with the other lots binding thereon, and parallel to Wilkens Avenue, 17 feet 7 inches; and thence southeasterly, parallel to Payson Street, and along the center of said first mentioned partition wall, 100 feet to the place of beginning. The improvements thereon being known as No. 1932 Wilkens Avenue.

Beginning for the fourth thereof on the west side of Monroe Street, at the distance of 75 feet ¾ inch northerly from the northwest corner of Monroe and Ramsay Streets, said place of beginning being at the center of the partition wall between the house standing on the lot now being described and the house adjoining to the southward; and running thence northerly, binding on the west side of Monroe Street, 14 feet 9 inches to the center of the partition wall between the house standing on the lot now being described and the house adjoining to the northward; thence westerly, along the center of said last mentioned partition wall, and parallel to Ramsay Street, 100 feet to an alley 10 feet wide; thence southerly, on said alley, with the use thereof in common, and parallel to Monroe Street, 14 feet 9 inches; and thence easterly, parallel to Ramsey Street, and along the center of the first mentioned partition wall, 100 feet to the place of beginning. The improvements thereon being known as No. 328 S. Monroe Street.

Beginning for the fifth thereof on the west side of Monroe Street, at the distance of 60 feet 3¾ inches northerly from the northwest corner of Monroe and Ramsay Streets, said place of beginning being at the center of the partition wall between the house standing on the lot now being described and the house adjoining to the southwest; and running thence northerly, binding on the west side of Monroe Street, 14 feet 9 inches to the center of the partition wall between the house standing on the lot now being described and the house adjoining to the northwestward; thence westerly, along the center of said last mentioned partition wall, and parallel to Ramsay Street, 100 feet to an alley 10 feet wide; thence southerly, on said alley, with the use thereof in common, and parallel to Monroe Street, 14 feet 9 inches; and thence easterly, parallel to Ramsay Street, and along the center of the first mentioned partition wall, 100 feet to the place of beginning. The improvements thereon being known as No. 330 S. Monroe Street.

Being the same five lots of ground which, by assignment dated January 12, 1938, and recorded among the Land Records of Baltimore City in Liber S. C. L. No. 5793, folio 364, were granted and assigned by Clayton W. Bordley to Christian Wilkens, subject to the annual rents of sixty dollars ($60.00) each on the first, second and third lots above described, and at and under the rents of $42.60 each on the fourthly and fifthly above described lots, payable in equal half-yearly instalments on the twelfth days of January and July in each and every year.

The said Christian Wilkens departed this life on February 18, 1949, thereby vesting the title to said properties in Leontine Wilkens, his widow, and William Wilkens, his son.

[F. R. Doc. 51-6043; Filed, May 24, 1951; 8:49 a. m.]

[Vesting Order 16280, Amdt.]

SHOZO TOMOEDA

In re: Rights of Sumo Tomoeda and of the domiciliary personal representatives, et al., of Shozo Tomoeda, deceased, under contract of insurance. File No. F-39-4525-H-1. Vesting Order No. 16280 dated December 7, 1950, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sumo Tomoeda, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Shozo Tomoeda, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 596,444, issued by the General American Life Insurance Company, Saint Louis, Missouri, to Shozo Tomoeda, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Sumo Tomoeda or the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Shozo Tomoeda, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Shozo Tomoeda, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6045; Filed, May 24, 1951; 8:49 a. m.]

[Vesting Order 17799]

UNIVERSUM-FILM A. G. ET AL.

In re: Rights in motion pictures owned and/or distributed by Universum-Film A. G. and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Universum-Film A. G., also known as Ufa (the producer and/or distributor of the motion pictures listed in Exhibits A and B set forth below and made a part hereof), the last known address of which is Berlin, Germany, is a corporation organized under the laws of Germany and which has or on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the persons (including individuals, partnerships, associations, corporations or other business organizations) whose names and last known addresses are set forth in Column 2 of Exhibits C and D set forth below and made a part hereof, are residents of, or are organized under the laws of, or have or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in, Germany and are nationals of a designated enemy country (Germany);

3. That Wien-Film G. m. b. H. (the producer of the motion pictures listed in Exhibit E set forth below and made a part hereof), the last known address of which is Vienna, Austria, and which there is reasonable cause to believe is a corporation organized under the laws of Austria, is or, on or since the effective date of Executive Order 8389, as amended, has been owned or controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid Universum-Film A. G., and is a national of a designated enemy country (Germany);

4. That the producers and or distributors of the motion pictures listed in Exhibits F and G set forth below and made a part hereof, who, if individuals, there is reasonable cause to believe are residents of Germany and who, if partnerships, associations, corporations or other business organizations, there is reasonable cause to believe are organized under the laws of, or have or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, are nationals of a designated enemy country (Germany);

5. That the property described as follows:

(a) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, in, to and under the following:

(1) The motion pictures listed in Exhibits A, B, C, D, E, F and G set forth below and made a part hereof, including, but not limited to, the exclusive right to exhibit same in whole or in part by any means within the United States, all rights to arrange, adapt, revise, translate, and duplicate said motion pictures in whole or in part, and every copyright, right to copyright, and right to renew the copyright or copyrights in said motion pictures.

(2) The screen plays, scenarios, and shooting scripts upon which said motion pictures are based, including, but not limited to, all motion picture and television rights therein, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said screen plays, scenarios, and shooting scripts.

(3) The rights to dramatize, perform, represent, and reproduce on motion picture film those portions of the published and unpublished works subject to copyright, other than the above mentioned screen plays, scenarios, and shooting scripts, which underlie or are embodied in said motion pictures and to exhibit such film by any means in the United States

(b) All right, title, interest, and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of Universum-Film A. G., also known as Ufa, Wien-Film G. m. b. H. and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations) whether or not named elsewhere in this order, including said Exhibits A, B, C, D, E, F and G, who are citizens and residents of, or which are organized under the laws of or have their principal places of business in, Germany and are nationals of such designated enemy country, in, to and under the following:

(1) All prints in the United States of the motion pictures listed in said Exhibits A, B, C, D, E, F and G.

(2) All arrangements, adaptations, revisions, dramatizations, translations, and versions of the motion pictures listed in said Exhibits A, B, C, D, E, F and G.

(3) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the property described in subparagraphs 5 (a), 5 (b) (1) and 5 (b) (2) of this Vesting Order.

(c) All monies and amounts, and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 5 (a) and 5 (b) of this Vesting Order, and

(d) All causes of action accrued or to accrue at law or in equity with respect to the property described in subparagraphs 5 (a), 5 (b), and 5 (c) hereof, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraphs 1, 2, 3, 4 and 5 (b) hereof, the aforesaid nationals of a designated enemy country (Germany) and is property of, or is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interest therein held by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That Wien-Film G. m. b. H. is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany) and

7. That to the extent that the persons referred to in subparagraphs 1, 2, 3 and 4 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 5 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Titles of motion picture features produced and or distributed by Universum-Film A. G.

Anna Boleyn.
Die Bergkatze.
Der blonde Traum.
Blutsbruderschaft (1926 production).
Die Brüder Karamasoff.
Dr. Mabuse, der Spieler (1922 production).
Faust.
Fiesko.
Flaschenteufelchen.
Die freudlose Gasse.
Die Frau im Mond.
Genuine.
Der Golem.
Ich bei Tag, Du bei Nacht.
Das Kabinett des Dr. Calgari.
Katzensteg (1927 production).
Kriemhilds Rache.
Die letzte Kompagnie.
Die Liebe der Jeanne Ney.
Liebeswalzer.
Die Lüge der Nina Petrowna.
Luise Millerin (Kabale und Liebe).
Melodie des Herzens.
Mensch ohne Namen.
Metropolis.
Michael.
Der müde Tod.
Die Nacht gehört uns.
Die Nibelungen (1924 production).
Die Nibelungen (1926 production).
Nosferatu.
Die Pest von Florenz.
Phantom.
Silvester.
Tartuffe.
Die ungarische Rhapsodie.
Der unsterbliche Lump.
Uriel Acosta.
Verkannt.
Das Wachsfigurenkabinett.
Der weisse Teufel.
Yorck
Zwei Menschen (1924 production).

EXHIBIT B

Titles of motion picture short subjects produced and or distributed by Universum-Film A. G.

Annchen von Tharau.
Die Alpen.
Am Rande der Sahara.

Auf blinkenden Pfaden.
Auf den Halligen.
Auf den Spuren der Hanse.
Auf Tiergang in Abessinien.
Bei den deutschen Kolonisten in Südwestafrika.
Der Berg blüht.
Besuch beim Wettermacher.
Chinesische Städte.
Das deutsche Warmblut.
Deutschlands Luftwaffe.
Ebbe und Flut.
Emma III.
Erfinderin Natur.
Fauna und Flora am Neusiedler See.
Fledermäuse.
Die Fledermaus.
Der fliegende Briefträger.
Die Fuchsjagd im Engadin.
Geheimnisse einer Seele.
Das Geschenk.
Geschichte einer kleinen Welt.
Gestachelte Plagegeister (Stechmücke und Malaria).
Der grosse Preis von Europa.
Der Hamster.
Harrar, ein Kulturzentrum der Somalis.
Der heilige Berg.
Der Hirschkäfer.
Hochgebirgsschule.
Hochspannung.
Die Hohe Tatra.
Im Kampf mit dem Berg.
Insekten, die ins Wasser gingen.
Insektenfressende Pflanzen.
Der interessante Fall.
Kampf um die Scholle.
Klein-Polen an den Ufern der Warthe.
Ein kleiner Lebenslauf.
Komik in Hundeleben.
Kriechtiere und Otterngezücht.
Kunstfertige Handwerker und Baumeister im Tierreich.
Liebesleben der Pflanzen.
Das lustige Büro.
Des Menschen Freund.
Mlak, der Grönlandjäger.
Mit dem Auto durch das Morgenland.
Natur und Liebe (Vom Urtier zum Menschen).
Pimpfe lernen fliegen.
Raritätenladen.
Reinlichkeit über alles.
Der Rhein Film.
Ritter Stachelrock (Der Igel).
Rund um das kaiserliche Schloss in Addis Abeba.
Salon der Meeresungeheuer.
Die Schrift der Pflanzen.
Die Seele der Pflanzen.
Stachlige Freunde.
Tierkünste unter der Zeitlupe.
Tierwelt der Nordsee.
T N greift ein.
Unendliches Weltall.
Unsere Reichsmarine.
Unsichtbare Wolken.
Unter vier Augen.
Verwandlungskünstler in der Natur.
Vogelparadies in der Ostmark.
Vom Auerhahn und anderem Edelwild.
Vom Waldkönig und seiner Krone.
Von Blumen, Früchten und Insekten.
Von Kunstschützen und Fallenstellern.
Waldmannsheil.
Wege zu Kraft und Schönheit.
Wein, Weib, Gesang.
Wenn Mutter schafft.
Wilna und die Wölfe.
Das Wort aus Stein.
Wunder der Schöpfung.
Wunder des Schneeschuhs.
Die Wunderwelt des blauen Golfes.
Wunderwelt Kehlkopf.
Zeitlupenrevue aus der gefiederten Welt.
Zimmer zu vermieten.
Zum Schneegipfel Afrikas.
Zwerge aus dem Ozean.

EXHIBIT C

Column 1 *Titles of motion picture features*	Column 2 *Producers and/or distributors*
Abenteuer einer Nacht	Cine-Allianz Tonfilm G. m. b. H., Berlin, Germany.
Abenteuer im Engadin	AAFA Film Produktion G. m. b. H., Berlin, Germany.
Abenteurer von heute	Deutsches Lichtspiel Syndikat A. G., Berlin, Germany.
Anna und Don Juan	Terra-Filmkunst G. m. b. H., Berlin, Germany.
Anschluss verpasst	Cine-Allianz Tonfilm G. m. b. H., Berlin, Germany.
Arbeit macht glücklich	Terra-Film A. G., Berlin, Germany.
Aufforderung zum Tanz (Der Weg Carl Maria von Weber's).	Cicero-Film G. m. b. H., Berlin, Germany.
Aurora von Königsmark	Universum-Film A. G. "Ufa", Berlin, Germany.
Bayer 205 (Kampf um Germanin)	Universum-Film A. G. "Ufa", Berlin, Germany.
Berlin, wie es weint und lacht	Ondra-Lamac Film G. m. b. H., Berlin, Germany.
Bosambo	Bavaria-Film A. G., Munich, Germany.
Brennende Grenze	Euphono-Film G. m. b. H., Berlin, Germany.
Condottieri (German version only)	Tobis-Cinema Film A. G., Berlin, Germany.
Drei Lilien	Aco-Film G. m. b. H., Berlin, Germany.
Du meine Seele, Du mein Herz	Universum Film A. G. "Ufa", Berlin, Germany.
Du sollst meine Königin sein	Universum-Film A. G. "Ufa", Berlin, Germany.
Eine Minute vor Zwölf	Tobis-Rota A. G., Berlin, Germany.
Einmal Napoleon	Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Einquartierung	ABC-Film G. m. b. H., Berlin, Germany.
Es begann im gelben Drachen	Euphono-Film G. m. b. H., Berlin, Germany.
Es geschah in einer Nacht	Markische-Film G. m. b. H., Panorama-Film G. m. b. H., and Wilhelm Schneider Filmvertrieb G. m. b. H., all of Berlin, Germany.
Feind ohne Gnade	F. D. F., Fabrikation deutscher Filme G. m. b. H., Berlin, Germany.
Figaro's Hochzeit (1936 production)	Universum-Film A. G. "Ufa", Berlin, Germany.
Flachsmann als Erzieher	Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Der fliegende Tod	Klawi Filmverleih, Berlin, Germany.
Flitterwochen (1939 Tobis production)	Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Flitterwochen ohne Mann	Algefa-Film G. m. b. H., Berlin, Germany.
Fraulein Josette—meine Frau	Vitagraph-Tonfilm G. m. b. H., Berlin, Germany.
Frechheit siegt	F. D. F., Fabrikation deutscher Filme G. m. b. H., Berlin, Germany.
Der Galeerensträfling	Euphono-Film G. m. b. H., Berlin, Germany.
Gang in die Nacht	Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Gehetzte Menschen	Syndikat-Film G. m. b. H., Berlin, Germany.
Das Gespenst auf Reisen	Tobis-Europa A. G., Berlin, Germany.
Gestern Nacht um Zwei	Universum-Film A. G. "Ufa", Berlin, Germany.
Der goldene Gletscher	Bavaria-Film A. G., Munich, Germany.
Die grosse Entscheidung	Terra-Filmkunst G. m. b. H., Berlin, Germany.
Das grosse Lustspiel	Minerva-Tonfilm G. m. b. H., Berlin, Germany.
Heimliche Liebe (Rosmarin)	Universum-Film A. G. "Ufa", Berlin, Germany.
Im Rebeloch rumort's	Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Die Insel der verlorenen Schiffe	Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Ist Luzia ein Mädel?	Vitagraph-Tonfilm G. m. b. H., Berlin, Germany.
Jugendtraum	F. D. F., Fabrikation deutscher Filme G. m. b. H., Berlin, Germany.
Kaiserwalzer	AAFA Film Produktion G. m. b. H., Berlin Germany.
Kameliendame	Forum-Film G. m. b. H., Berlin, Germany.
Kammerkätzchen	Tobis-Rota A. G., Berlin, Germany.
Kapitän Boykott	Terra-Filmkunst G. m. b. H., Berlin, Germany.
Der kleine König	Tobis-Rota A. G., Berlin, Germany.
Der Kommandant	Terra-Filmkunst G. m. b. H., Berlin, Germany.
Lache Bajazzo (German version only)	Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Des Lebens Ueberfluss	Cine-Allianz Tonfilm G. m. b. H., Berlin, Germany.
Leise kommt das Glück zu Dir	N. A. G. Filmverleih G. m. b. H., Berlin, Germany.
Der letzte Appell	Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Das leuchtende Ziel	Metropol-Film-Verleih, Berlin, Germany.
Liebe	Universum-Film A. G. "Ufa", Berlin, Germany.
Liebe, Freiheit und Verrat	Cando-Film G. m. b. H., Berlin, Germany.
Lord Burnleys Affäre	Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Maddalena	Tobis-Rota A. G., Berlin, Germany.
Ein Mädchen von heute	Terra-Filmkunst G. m. b. H., Berlin, Germany.
Männer ohne Gewissen	Ariel-Film G. m. b. H., Berlin, Germany.
Die Männer von Aren	Universum-Film A. G. "Ufa", Berlin, Germany.
Der Mann ohne Furcht	Tobis-Rota A. G., Berlin, Germany.
Mein Freund, der König	Tobis-Rota A. G., Berlin, Germany.
Mein Herz der Königin	Tobis-Europa A. G., Berlin, Germany.
Der Millionär	Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Mimi	Cando-Film G. m. b. H., Berlin, Germany.
Morgen ist alles besser	Herzog-Film G. m. b. H., Berlin, Germany.
Muss man sich gleich scheiden lassen	Panorama-Film G. m. b. H., Berlin, Germany.
Mutterhände	Cando-Film G. m. b. H., Berlin, Germany.
Die Nacht ohne Abschied (1939 Tobis production).	Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Nagana	Tobis-Rota A. G., Berlin, Germany.
Narren im Schnee	Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Natasha	Cando-Film G. m. b. H., Berlin, Germany.
Palos Brautfahrt	Universum-Film A. G. "Ufa", Berlin, Germany.
Percy auf Abwegen	Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Column 1 *Titles of motion picture features*	Column 2 *Producers and/or distributors*
Peter spielt mit dem Feuer	Aco-Film G. m. b. H., Berlin, Germany.
Das Privatleben des Don Juan	Bavaria-Film A. G., Munich, Germany.
Die Radio Polizeipatrouille	Tobis-Rota A. G., Berlin, Germany.
Die Schlacht am blauen Berge	Markische-Film G. m. b. H., Panorama-Film G. m. b. H. and Wilhelm Schneider Filmvertrieb G. m. b. H., all of Berlin, Germany.
Die Schlossherrin von Lebanon	Universum-Film A. G. "Ufa", Berlin, Germany.
Schwarze Augen	H. T.-Film, Berlin, Germany.
Der Schwur des Armas Beckius	N. A. G. Filmverleih G. m. b. H., Berlin, Germany.
Das Seeamt entscheidet	Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Sein letztes Modell (German version only).	Bavaria-Film A. G., Munich, Germany.
Sie sind Viotta	Cine-Allianz-Tonfilm G. m. b. H., Berlin, Germany.
Die siebente Grossmacht	Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Skandal in Paris	Deka-Film G. m. b. H., Berlin, Germany.
Sogar in diesen Zeiten	Ondra-Lamac Film G. m. b. H., Berlin, Germany.
Der Staatsanwalt klagt an	F. D. F., Fabrikation deutscher Filme G. m. b. H., Berlin, Germany.
Die Stimme ohne Gesicht	Henry Müller Monopolfilm, Berlin, Germany.
Tanzt Westbahnhof	Terra-Filmkunst G. m. b. H., Berlin, Germany.
Der Teufelsgeiger, Paganini	Terra-Filmkunst G. m. b. H., Berlin, Germany.
Die Tochter des Samurai (German version only).	Terra-Film A. G., Berlin, Germany.
Tod über Shanghai	Siegel-Monopolfilm, Dresden and Berlin, Germany.
Tundra	Universum-Film A. G. "Ufa", Berlin, Germany.
Ungelübde	H. T.-Film, Berlin, Germany.
Um eine Fürstenkrone	Hammer-Tonfilm, Berlin, Germany.
Und wer war es wirklich?	Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Der ungetreue Eckehard	Lothar Stark-Film G. m. b. H., Berlin, Germany.
Unmögliche Liebe	Markische-Film G. m. b. H., Panorama-Film G. m. b. H., and Wilhelm Schneider Filmvertrieb G. m. b. H., all of Berlin, Germany.
Die Unsichtbaren	Bavaria-Filmkunst G. m. b. H., Berlin, Germany.
Unsterbliche Antlitz	Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Unter falschem Verdacht	Forum-Film G. m. b. H., Berlin, Germany.
Veilchen der Kaiserin	Terra-Film A. G., Berlin, Germany.
Verwandelte Ehemann	Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Die vertauschte Grossmutter (Schuld allein ist der Wein).	Pontus-Film, Hamburg, Germany.
Wenn, wenn sie erben	Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Wetttraumschiff Nr. 18	Universum-Film A. G. "Ufa", Berlin, Germany.
Zimmer der Nacht	Bavaria-Film A. G., Munich, Germany.
Zirkus Horvath brennt	Aco-Film G. m. b. H., Berlin, Germany.
Zu Zwei im Südexpress	Bavaria-Film A. G., Munich, Germany.
Zwei Welten (1930 production)	Greenbaum-Film G. m. b. H., Berlin, Germany.
Zwischen Abend und Morgen	Universum-Film A. G. "Ufa", Berlin, Germany.

EXHIBIT D

Alpenföhn	Lackebusch & Co., Berlin, Germany.
Aus Stifters Böhmerwald-Heimat	Universum-Film A. G. "Ufa", Berlin, Germany.
Der Barbier von Sevilla	F. D. F., Fabrikation deutscher Filme G. m. b. H., Berlin, Germany.
Burgenland	Universum-Film A. G. "Ufa", Berlin, Germany.
Der deutsche Schäferhund	Korosi & Bothke, Berlin, Germany.
Dalmatische Steilküsten	Lex-Film G. m. b. H., Berlin, Germany.
Der erste Jagdschein	Naturfilm H. Schonger, Berlin, Germany.
Feuer im Schiff	Lex-Film G. m. b. H., Berlin, Germany.
Forschungsstation Jungfraujoch	Herbert Dreyer G. m. b. H., Berlin, Germany.
Grosser Tag in Ruhleben	Universum-Film A. G. "Ufa", Berlin, Germany.
Inspektor Warren wird bemüht	K. V. Filmproduktions- und Vertriebs G. m. b. H., Berlin, Germany.
Insel Rügen	Universum-Film A. G. "Ufa", Berlin, Germany.
Jahrmarkt	Paul Lieberenz G. m. b. H., Berlin, Germany.
Kapitulation der Landstrasse	Kulturfilm Institut G. m. b. H., Berlin, Germany.
Kennt ihr das Land in deutschen Gauen?	Klimg-Film G. m. b. H., Berlin, Germany.
Liebe auf den ersten Blick	F. D. F., Fabrikation deutscher Filme G. m. b. H., Berlin, Germany.
Lustig sein—fröhlich sein	Universum-Film A. G. "Ufa", Berlin, Germany.
Das Mädchen von Saint Coeur	Universum-Film A. G. "Ufa", Berlin, Germany.
Mann im Schrank	K. V. Filmproduktions- und Vertriebs G. m. b. H., Berlin, Germany.
Ein Meer versinkt	Bavaria-Film A. G., Munich, Germany.
Notgemeinschaft Hinterhaus	Universum Film A. G. "Ufa", Berlin, Germany.
Onkel Fridolin	F. D. F., Fabrikation deutscher Filme G. m. b. H., Berlin, Germany.
Prunkvolle Königsstadt	Universum-Film A. G. "Ufa", Berlin, Germany.
Schneewittchen und die 7 Swerge	Naturfilm H. Schonger, Berlin, Germany.
Silvesternacht am Alexanderplatz	Majestic-Film G. m. b. H., Berlin, Germany.
Tonis Sidonies Erbe	Doring Film Werke G. m. b. H., Berlin, Germany.
Wasserburgen in Westfalen	Universum Film A. G. "Ufa", Berlin, Germany.
Der Weg über den Ozean	Naturfilm H. Schonger, Berlin, Germany.
Wenn ein kleines Mädel spielt	Eros-Film G. m. b. H., Berlin, Germany.
Eine wunderbare Welt	Luce-Film G. m. b. H., Berlin, Germany.
Wurf im Sport	Olympia-Film G. m. b. H., Berlin, Germany.

EXHIBIT E

Titles of motion picture short subjects

Blonde Frau übern kurzen Weg.
Kinderhände-Kunstlerhände.
Schwarz gegen blond.
Ein Tag in Schonbrunn.

EXHIBIT F

Titles of motion picture short subjects

Beim Nervenarzt.
Changing Times: A Study in Contrast.
Die karierte Weste.
Trier, Germany's Oldest City.
The Zeppelins.

EXHIBIT G

Titles of motion picture features

Abenteuer auf dem Meeresgrund.
Du bist fur mich die schonste Frau.
Flucht nach Nizza.
Karneval des Lebens.
Liebe auf den ersten Ton.
Menschen im Sturm (1935 or 1936 production).
Musik der Herzen.
Spatzenschreck.
Symphonie der Liebe.

[F. R. Doc. 51-6038; Filed, May 24, 1951; 8:48 a. m.]

[Vesting Order 17806]

CREDIT SUISSE

In re: Accounts maintained in the name of Credit Suisse, Berne, Switzerland, and owned by persons whose names are unknown. F-63-60 (Berne).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as block or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock, in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in the attached Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause

to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Credit Suisse, Berne, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights and interests in the account as of Oct. 2, 1950, excluded from this vesting order[1]
1. The National City Bank of New York, 55 Wall St., New York 5, N. Y.	Current account, as described by The National City Bank of New York in its report on Form OAP-700, bearing its serial No. 6084.	The sum of $16,405.70, which, according to license application No. NY 86469, dated May 4 1950, filed by Brown Bros., Harriman & Co., on behalf of Mrs. Ingeburg Passalia-Barth, is claimed by Union Investment Corp., Inc., a Panamanian corporation.
2. Brown Bros., Harriman & Co., 59 Wall St., New York 5, N. Y.	Credit Suisse, Berne, general ruling No. 6 account, as described by Brown Bros., Harriman & Co., in its report on Form OAP-700, bearing its serial No. 29.	The sum of $14,172.50, which, according to license application No. NY 86469, dated May 4, 1950, filed by Brown Bros., Harriman & Co., on behalf of Mrs. Ingeburg Passalia-Barth, is claimed by Union Investment Corp., Inc., a Panamanian corporation.

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since Oct. 2, 1950, and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in Column III or excluded under (a) of this f[illegible]te.

[F. R. Doc. 51-5990; Filed, May 23, 1951; 8:51 a. m.]

[Vesting Order 17803]

SWISS BANK CORP.

In re: Accounts maintained in the name of Swiss Bank Corporation, or Societe de Banque Suisse, Lausanne, Switzerland, and owned by persons whose names are unknown. F-63-2748 (Lausanne).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Swiss Bank Corporation, or Societe de Banque Suisse, Lausanne, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
Brown Bros., Harriman & Co., 59 Wall St., New York 5, N. Y.	(a) Societe de Banque Suisse, Lausanne, ordinary coupon, blocked account, and (b) Societe de Banque Suisse, Lausanne, general ruling No. 6 account, as described by Brown Bros., Harriman & Co., in its report on Form OAP-700, bearing its Serial No. 70; (c) Societe de Banque Suisse, Lausanne, blocked account, as described by Brown Bros., Harriman & Co., in its report on Form OAP-700, bearing its serial No. 75.

[F. R. Doc. 51-6039; Filed, May 24, 1951; 8:48 a. m.]

[Vesting Order 17807]

CREDIT COMMERCIAL DE FRANCE, S. A.

In re: Accounts maintained in the name of Credit Commercial de France, S. A., Paris, France, and owned by persons whose names are unknown. F-27-3781.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Credit Commercial de France, S. A., Paris, France]

Column I Name and address of institution which maintains account	Column II Designation of account
1. The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	(a) Old Items, Credit Commercial de France, S. A., Paris, France, and (b) Unclaimed Deposit, Credit Commercial de France, S. A., Paris, France; as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its serial No. 61.
2. Dominick & Dominick, 11 Wall St., New York 5, N. Y.	(a) Credit Commercial de France, Paris, as described by Dominick & Dominick in its report on Form OAP-700, bearing its serial No. 13, (b) Credit Commercial de France, Paris, and (c) Frs. 5,150 Algoma Central & Hudson Bay Ry. trust certificate; as described by Dominick & Dominick in its report on Form OAP-700, bearing its serial No. 14.

[F. R. Doc. 51-5991; Filed, May 23, 1951; 8:51 a. m.]

[Return Order 960]

BERTHOLD WEISBECKER ET AL.

Having considered the claims set forth below and having issued a Determination allowing the claims, which is incorporated by reference herein and filed herewith.

It is ordered, That the claimed property, described below and in the Determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Berthold Weisbecker, New York, N. Y., Claim No. 42212; Mrs. Rose Stern, Brooklyn, N. Y., Claim No. 42213; Bernard Kahn, New York, N. Y., Claim No. 42330; Sydney Kahn, Queens, N. Y., Claim No. 42331; Lena Klebe, Strasbourg, France, Claim No. 41442; Hedwig Gottlieb, Brooklyn, N. Y., Claim No. 42204; Mrs. Toni Sauerbach, New York, N. Y., Claim No. 42206; Ernest Nussbaum, New York, N. Y., Claims Nos. 11338 and 42205; Max Nussbaum, Rio de Janeiro, Brazil, Claim No. 11340; Martin W. Miller, New York, N. Y., Claim No. 42560; Ida Jacob, Brooklyn, N. Y., Claim No. 42207; Mrs. Julia N. Schiff, Los Angeles, Calif., Claim No. 41441; Bruno Nussbaum, Brooklyn, N. Y., Claims Nos. 42210 and 11339; Clara Hecht, Brooklyn, N. Y., Claim No. 42208; Berthold Gottlieb, Brooklyn, N. Y., Claim No. 42209; Ella Strauss, New York, N. Y., Claim No. 42211; Mrs. Henny Laufer, Brooklyn, N. Y., Claim No. 42532.

A 1/28th share of the all right, title, interest; and claim of any kind or character whatsoever of Fanny Loewenstein in and to the estate of Ernest Spitz, deceased, to each of the following: Berthold Weisbecker, Toni Sauerbach, Ida Jacob, Clara Hecht, Ella Strauss, Rose Stern.

A 2/84th share of the all right, title, interest, and claim of any kind or character whatsoever of Fanny Loewenstein in and to the estate of Ernest Spitz, deceased, to Martin W. Miller.

A 1/21st share of the all right, title interest and claim of any kind or character whatsoever of Fanny Loewenstein in and to the Estate of Ernest Spitz, deceased, to each of the following: Hedwig Gottlieb, Ernest Nussbaum, Max Nussbaum, Bruno Nussbaum, Berthold Gottlieb, Henny Laufer.

A 1/7th share of the all right, title, interest and claim of any kind or character whatsoever of Fanny Loewenstein in and to the estate of Ernest Spitz, deceased, to each of the following: Lena Klebe, Julia N. Schiff.

A 1/14th share of the all right, title, interest and claim of any kind or character whatsoever of Fanny Loewenstein in and to the estate of Ernest Spitz, deceased, to each of the following: Bernard Kahn, Sydney Kahn.

A 1/4th share of the all right, title, interest and claim of any kind or character whatsoever of Emma Grunebaum in and to the estate of Ernest Spitz, deceased, to each of the following: Ella Strauss, Berthold Weisbecker.

A 2/12ths share of the all right, title, interest, and claim of any kind or character whatsoever of Emma Grunebaum in and to the estate of Ernest Spitz, deceased, to Martin W. Miller.

A 1/3d share of the all right, title, interest, and claim of any kind or character whatsoever of Fritz Nussbaum, Hugo Nussbaum, Ria Nussbaum, and Bela Nussbaum, and each of them, in and to the estate of Ernest Spitz, deceased, to each of the following: Ernest Nussbaum, Max Nussbaum, Bruno Nussbaum

$2,245.50 in the Treasury of the United States to each of the following: Lena Klebe, Julia N. Schiff.

$561.375 in the Treasury of the United States to each of the following: Berthold Weisbecker, Toni Sauerbach, Ida Jacob, Clara Hecht, Ella Strauss, Rose Stern.

$374.25 in the Treasury of the United States to Martin W. Miller.

$1,122.75 in the Treasury of the United States to each of the following: Bernard Kahn, Sydney Kahn.

$748.50 in the Treasury of the United States to each of the following: Hedwig Gottlieb, Ernest Nussbaum, Max Nussbaum, Bruno Nussbaum, Berthold Gottlieb, Henny Laufer.

$2,994.00 in the Treasury of the United States to each of the following: Ernest Nussbaum, Max Nussbaum, Bruno Nussbaum.

$785.925 in the Treasury of the United States to each of the following: Ella Strauss, Berthold Weisbecker.

$523.95 in the Treasury of the United States to Martin W. Miller.

Notice of intention to return published: April 4, 1951 (16 F. R. 2952).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6046; Filed, May 24, 1951; 8:49 a. m.]

[Vesting Order 17809]

A. B. SVENSKA HANDELSBANKEN

In re: Accounts maintained in the name of A. B. Svenska Handelsbanken, Stockholm, Sweden, and owned by persons whose names are unknown. F-62-501 (Stockholm).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights, and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and set-offs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of A. B. Svenska Handelsbanken, Stockholm, Sweden]

Column I	Column II
Name and address of institution which maintains account	Description of account
Bank of the Manhattan Co., 40 Wall St., New York, N. Y.	A. B. Svenska Handelsbanken special deposit "U" general ruling No. 11, as described by the Bank of the Manhattan Co. in its report on Form OAP-700, bearing its Serial No. 092.

[F. R. Doc. 51-6041; Filed, May 24, 1951; 8:48 a. m.]

[Return Order 965]

LOUIS MARIE ANTOINE GARCIN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Louis Marie Antoine Garcin, Paris, France; Claim No. 41908; February 17, 1951 (16 F. R. 1702); property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,244,615. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6048; Filed, May 24, 1951; 8:50 a. m.]

[Return Order 961]

SOCIETE AME. "L'ATOMIC"

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Societe Ame. "L'Atomic", Paris, France; Claim No. 26797; April 3, 1951 (16 F. R. 2903); property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to United States Patent Application Serial No. 147,610 (now United States Letters Patent No. 2,361,758). All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe Anonyme L'Atomic by vitue of an agreement dated April 23, 1941 (including all modifications thereof and amendments thereto, if any) by and between Societe Anonyme L'Atomic and Imperial Chemical Industries, Ltd., which relates, among other things, to patent number 2,276,761, issued March 17, 1942, inventor W. Carey, for Apparatus for the Classification of Material, to the extent owned by Societe Anonyme L'Atomic immediately prior to the vesting thereof by Vesting Order No. 1633 (8 F. R. 12361, September 7, 1943), as amended (9 F. R. 8269, July 21, 1944). This return shall not be deemed to include the rights of any licensees under the above patent application, patent or contract.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6047; Filed, May 24, 1951; 8:50 a. m.]

[Return Order 966]

PAUL ROSENBAUM

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith.

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Paul Rosenbaum, Vienna IV, Austria; Claim No. 39915; March 6, 1951 (16 F. R. 2117); $2,481.56 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Paul Rosenbaum in and to the trust estate created under Article 11 of the Last Will and Testament of Emil Fuchs, deceased; Guaranty Trust Company of New York, Trustee.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6049; Filed, May 24, 1951; 8:50 a. m.]

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FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES — 1934

VOLUME 16 NUMBER 103

Washington, Saturday, May 26, 1951

TITLE 7—AGRICULTURE

Chapter II—Production and Marketing Administration (School Lunch Program), Department of Agriculture

PART 210—REGULATIONS AND PROCEDURE

SECOND APPORTIONMENT OF FOOD ASSISTANCE FUNDS PURSUANT TO NATIONAL SCHOOL LUNCH ACT, FISCAL YEAR 1951

Under this amendment there will be made available to the State educational agency of Massachusetts the funds administratively allocated for non-profit private schools in Massachusetts for the months of May and June 1951, in order to implement the transfer of responsibility, as of May 1, 1951, for administration of the National School Lunch Program in non-profit private schools in Massachusetts from the United States Department of Agriculture to the State educational agency, in accordance with the decision of the Attorney General of Massachusetts dated March 26, 1951, that the State educational agency has legal authority to administer such program in the non-profit private schools.

Pursuant to sections 4 and 10 of the National School Lunch Act, the second apportionment of food assistance funds for the fiscal year 1951 (16 F. R. 3885), is hereby amended by changing the funds apportioned to the Commonwealth of Massachusetts as follows:

State	Total	State agency	Private schools
[illegible]	$1,219,807	$1,249,093	$220,714

[illegible] 4, 10, 60 Stat. 230; 42 U. S. C. 1753, 1[illegible]

Issued this 22d day of May 1951.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-6076; Filed, May 25, 1951; 8:48 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 384]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.491 *Lemon Regulation 384*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regula-

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CODE OF FEDERAL REGULATIONS
1949 Edition

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(For use during 1951)

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tion during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on May 23, 1951; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 27, 1951, and ending at 12:01 a. m., P. s. t., June 3, 1951, is hereby fixed as follows:

(i) District 1: unlimited movement;

(ii) District 2: 700 carloads;

(iii) District 3: unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 383 (16 F. R. 4677), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 24th day of May 1951.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-6161; Filed, May 25, 1951; 8:55 a. m.]

[Orange Reg. 373]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.519 *Orange Regulation 373*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on May 24, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) Subject to the size requirements in Orange Regulation 372 (7 CFR 966.518; 16 F. R. 4678), the quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., May 27, 1951, and ending at 12:01 a. m., P. s. t., June 3, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 1,100 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: Unlimited movement;

(*c*) Prorate District No. 3: No movement;

(*d*) Prorate District No. 4: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of May 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. d. s. t., May 27, 1951, to 12:01 a. m., P. d. s. t., June 3, 1951]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0883
A. F. G. Corona	.0549
A. F. G. Fullerton	.8429
A. F. G. Orange	.3648
A. F. G. Riverside	.1348
A. F. G. San Juan Capistrano	.5712
A. F. G. Santa Paula	.4648
Eadington Fruit Co., Inc.	5.4722
Hazeltine Packing Co.	.3847

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Krinard Packing Co	0.2085
Placentia Cooperative Orange Association	.4952
Placentia Pioneer Valencia Growers Association	.6337
Signal Fruit Association	.1061
Azusa Citrus Association	.5128
Covina Citrus Association	1.1708
Covina Orange Growers Association	.5875
Damerel-Allison Association	.7571
Glendora Citrus Association	.5152
Glendora Mutual Orange Association	.3214
Valencia Heights Orchard Association	.3949
Gold Buckle Association	.4764
La Verne Orange Association	.6550
Anaheim Valencia Orange Association	1.1541
Fullerton Mutual Orange Association	2.5433
La Habra Citrus Association	1.1123
Yorba Linda Citrus Association, The	.9850
Escondido Orange Association	2.3540
Alta Loma Heights Citrus Association	.0529
Citrus Fruit Growers	.1926
Etiwanda Citrus Fruit Association	.0268
Mountain View Fruit Association	.0487
Old Baldy Citrus Association	.1104
Rialto Heights Orange Growers	.0023
Upland Citrus Association	.3442
Upland Heights Orange Association	.1420
Consolidated Orange Growers	1.8656
Frances Citrus Association	1.1620
Garden Grove Citrus Association	1.7360
Goldenwest Citrus Association	1.7389
Irvine Valencia Growers	3.0876
Olive Heights Citrus Association	2.0447
Santa Ana-Tustin Mutual Citrus Association	.8861
Santiago Orange Growers Association	3.7418
Tustin Hill Citrus Association	1.8819
Villa Park Orchards Association, The	2.0689
Bradford Brothers, Inc	.8970
Placentia Mutual Orange Association	3.5465
Placentia Orange Growers Association	3.3009
Yorba Orange Growers Association	.8377
Call Ranch	.0741
Corona Citrus Association	.4808
Jameson Co	.1194
Orange Heights Orange Association	.6186
Crafton Orange Growers Association	.2615
East Highlands Citrus Association	.0650
Redlands Heights Groves	.1735
Redlands Orangedale Association	.1399
Rialto-Fontana Citrus Association	.0838
Break & Son, Allen	.0491
Bryn Mawr Fruit Growers Association	.0995
Mission Citrus Association	.1287
Redlands Cooperative Fruit Association	.2771
Redlands Orange Growers Association	.1530
Redlands Select Groves	.2598
Rialto Orange Co	.1838
Southern Citrus Association	.1460
United Citrus Growers	.2351
Zilen Citrus Co	.0463
Arlington Heights Citrus Co	.1485
Brown Estate, L. V. W	.1318
Gavilan Citrus Association	.1494
Highgrove Fruit Association	.0637
McDermont Fruit Co	.1274
Monte Vista Citrus Association	0.2375
National Orange Co	.0525
Riverside Heights Orange Growers Association, The	.0365
Sierra Vista Packing Association	.0453
Victoria Ave. Citrus Association	.2033
Claremont Citrus Association	.0943
College Heights Orange & Lemon Association	.3436
Indian Hill Citrus Association	.1969
Pomona Fruit Growers Exchange	.3125
Walnut Fruit Growers Association	.5432
West Ontario Citrus Association	.1782
El Cajon Valley Citrus Association	.2265
Escondido Cooperative Citrus Association	.3053
San Dimas Orange Growers Association	.3336
Canoga Citrus Association	.9092
North Whittier Heights Citrus Association	.9759
San Fernando Heights Orange Association	.7787
Sierra Madre-Lamanda Citrus Association	.3361
Camarillo Citrus Association	1.3614
Fillmore Citrus Association	3.1018
Mupu Citrus Association	2.0255
Ojai Orange Association	.6730
Piru Citrus Association	2.1473
Rancho Sespe	.7886
Santa Paula Orange Association	1.0653
Tapo Citrus Association	.9868
Ventura County Citrus Association	.3667
Limoneira Co	.4085
East Whittier Citrus Association	.3752
Murphy Ranch Co	.8163
Anaheim Cooperative Orange Association	1.7899
Bryn Mawr Mutual Orange Association	.1362
Chula Vista Mutual Lemon Association	.0888
Euclid Avenue Orange Association	.6633
Foothill Citrus Union, Inc	.1139
Fullerton Cooperative Orange Association	.3736
Garden Grove Orange Cooperative, Inc	1.0722
Golden Orange Groves, Inc	.2244
Highland Mutual Groves, Inc	.0092
Index Mutual Association	.4218
La Verne Cooperative Citrus Association	1.6855
Mentone Heights Association	.0406
Olive Hillside Groves, Inc	.5611
Orange Cooperative Citrus Association	1.4774
Redlands Foothill Groves	.4382
Redlands Mutual Orange Association	.1862
Ventura County Orange & Lemon Association	1.1836
Whittier Mutual Orange & Lemon Association	.1559
Babijuice Corp. of California	.9884
Banks, L. M	.7032
Becker, Samuel Eugene	.0111
Bennett Fruit Co	.1216
Borden Fruit Co	.5140
Cherokee Citrus Co., Inc	.1588
Chess Co., Meyer W	.4166
Dunning Ranch	.0497
Evans Bros. Packing Co	.9751
Gold Banner Association	.1900
Granada Hills Packing Co	.0274
Granada Packing House	1.2385
Hill Packing Co., Fred A	.0610
Johnson, Fred	.0058
Knapp Packing Co., John C	.6106
L Bar S Ranch	.1111
Lawson, William J	.0070
Lima & Sons, Joe	.1270
Orange Belt Fruit Distributors	1.3104
Orange Hill Groves	.0070
Otte, Arnold	.0656
Panno Fruit Co., Carlo	0.9909
Parmount Citrus Association	.8757
Patitucci, Frank L	.0093
Placentia Orchard Co	.5325
Prescott, John A	.0169
Riverside Citrus Association	.0360
Ronald, P. W	.0214
Ronneberg, Jerry L	.0046
San Antonio Orchard Co	.3549
Schwaer, Erwin & Arthur	.0143
Stephens, T. F	.2161
Summit Citrus Packers	.0166
Treesweet Products Co	.2673
Wall, E. T., Grower-Shipper	.1235
Western Fruit Growers, Inc	.6235

[F. R. Doc. 51-6186; Filed, May 25, 1951; 11:50 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter D—Nationality Regulations

PART 333—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: VETERANS OF THE UNITED STATES ARMED FORCES WHO SERVED DURING WORLD WAR I OR WORLD WAR II

ADDITIONAL CLASS OF PERSONS ELIGIBLE FOR NATURALIZATION

MAY 4, 1951.

The following amendments to Part 333, *Special classes of persons who may be naturalized: Veterans of the United States Armed Forces who served during World War I or World War II*, of Chapter I, Title 8 of the Code of Federal Regulations, are hereby prescribed:

1. Section 333.1, *Persons eligible*, is hereby amended by adding the following sentence at the end thereof: "Notwithstanding the periods set forth therein, the provisions of section 324A of the Nationality Act of 1940 shall be applicable to aliens enlisted or reenlisted pursuant to the provisions of the act of June 30, 1950, providing for the enlistment of aliens in the Regular Army (Pub. Law 597, 81st Cong.)."

2. Section 333.2, *Exemptions and fees*, is hereby amended to read as follows:

§ 333.2 *Exemptions and fees.* Any person eligible for naturalization under § 333.1 may file a petition for naturalization in any naturalization court, without regard to his place of residence, and no period of residence within the United States or any State shall be required. If the person shall have been in the United States, the Panama Canal Zone, or an outlying possession (excluding the Philippine Islands) at the time of his enlistment or induction, he shall not be required to prove lawful admission to the United States for permanent residence. If the person shall have been outside the United States, an outlying possession, or the Panama Canal Zone or shall have been in the Philippine Islands, at the time of his enlistment or induction, he shall not be eligible to

be naturalized under the provisions of § 333.1 unless he has been lawfully admitted to the United States for permanent residence subsequent to enlistment or induction. Any alien enlisted or reenlisted pursuant to the provisions of the act of June 30, 1950, providing for the enlistment of aliens in the Regular Army (Pub. Law 597, 81st Cong.), who subsequently enters the United States or an outlying possession thereof (including the Panama Canal Zone, but excluding the Philippine Islands) pursuant to military orders shall, if otherwise qualified for citizenship, and after completion of five or more years of military service, if honorably discharged therefrom, be deemed to have been lawfully admitted for permanent residence within the meaning of section 324A of the Nationality Act of 1940. No declaration of intention and no certificate of arrival shall be required to be filed with the petition. The provisions of sections 303 and 326 of the Nationality Act of 1940, relating respectively to racial restrictions upon naturalization and to the naturalization of alien enemies, shall not apply to petitions for naturalization filed under § 333.1. A petitioner for naturalization under § 333.1 shall pay such fees as are required by section 342 of the Nationality Act of 1940.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendatory regulations prescribed by the order are merely declaratory of certain provisions of the said act of June 30, 1950.

(Secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 408, 727)

ARGYLE R. MACKEY,
Commissioner of Immigration and Naturalization.

Approved: May 22, 1951.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 51-6074; Filed, May 25, 1951; 8:47 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. R]

PART 218—RELATIONS WITH DEALERS IN SECURITIES UNDER SECTION 32, BANKING ACT OF 1933

SERVICE OF OPEN-END INVESTMENT COMPANY

§ 218.101 *Service of open-end investment company.* An open-end investment company is defined in section 5 (a) (1) of the Investment Company Act of 1940 as a company "which is offering for sale or has outstanding any redeemable security of which it is the issuer." Section 2 (a) (31) of said act provides that a "redeemable security" means "any security, other than short-term paper, under the terms of which the holder, upon its presentation to the issuer or to a person designated by the issuer, is entitled (whether absolutely or only out of surplus) to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof."

It is customary for such companies to have but one class of securities, namely, capital stock, and it is apparent that the more or less continued process of redemption of the stock issued by such a company would restrict and contract its activities if it did not continue to issue its stock. Thus, the issuance and sale of its stock is essential to the maintenance of the company's size and the continuance of operations without substantial contraction, and therefore the issue and sale of its stock constitutes one of the primary activities of such a company.

Accordingly, it is the opinion of the Board that if such a company is issuing or offering its redeemable stock for sale, it is "primarily engaged in the issue * * * public sale, or distribution, * * * of securities" and that section 32 of the Banking Act of 1933, as amended, prohibits an officer, director or employee of any such company from serving at the same time as an officer, director or employee of any member bank. It is the Board's view that this is true even though the shares are sold to the public through independent organizations with the result that the investment company does not derive any direct profit from the sales.

If, however, the company has ceased to issue or offer any of its stock for sale, the company would not be engaged in the issue or distribution of its stock, and, therefore, the prohibition contained in section 32 would be inapplicable unless the company were primarily engaged in the underwriting, public sale or distribution of securities other than its own stock.

(Sec. 11, 38 Stat. 262, 12 U. S. C. 248. Interprets or applies sec. 32, 48 Stat. 194, as amended; 12 U. S. C. 78)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-6069; Filed, May 25, 1951; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 42-7]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

AIRCRAFT REQUIREMENTS FOR PASSENGER OPERATIONS OF IRREGULAR AIR CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 18th day of May 1951.

Currently effective Civil Air Regulations require that scheduled air carriers shall transport passengers in aircraft, which, with certain exceptions, are certificated in accordance with transport category requirements. Experience indicates that in the interest of greater safety irregular carriers should likewise conduct their passenger operations with transport category airplanes. Accordingly, this regulation prohibits the operation by an irregular carrier of any new large aircraft in passenger service unless such aircraft has been certificated in accordance with transport category requirements.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 42 (14 CFR, Part 42, as amended) effective July 1, 1951.

By adding a new § 42.15 (d) to read as follows:

§ 42.15 *Minimum performance requirements for large airplanes used in passenger operations.* * * *

(d) Airplanes certificated as a basic type after July 1, 1951, shall comply with all of the requirements of Part 4b of this chapter.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425 Interprets or applies secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-6077; Filed, May 25, 1951; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 371), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141.1 et seq., and 1949 Supp.; 15 F. R. 9446) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq., and 1949 Supp.; 15 F. R. 9464) are amended as indicated below:

1a. In § 141.401 *Bacitracin*, subparagraph (3) of paragraph (a) *Potency* is amended to read as follows:

(3) The potency of bacitracin is satisfactory when assayed by the methods described in this section if the immediate containers contain not less than 85 percent and, if it is intended for systemic medication, not more than 115 per-

cent of the number of units they are represented to contain.

b. In § 141.401, paragraph (d) *Toxicity* the last sentence is amended to read as follows: "The L. D.$_{50}$ per 20-gram mouse, shall be not less than 350 units, if the drug is intended for systemic medication, and not less than 200 units if it is intended for other use."

2. Part 141 is amended by adding the following new sections:

§ 141.42 *Crystalline penicillin and bacitracin* — (a) *Potency*—(1) *Content of penicillin.* Proceed as directed in § 141.1. Its content of penicillin is satisfactory if it contains not less than 90 percent of the number of units it is represented to contain.

(2) *Content of bacitracin.* Proceed as directed in § 141.401 (a), except that sufficient penicillinase is added to the sample under test to completely inactivate the penicillin present. Its content of bacitracin is satisfactory if it contains not less than 85 percent and not more than 115 percent of the number of units it is represented to contain.

(b) *Sterility.* Proceed as directed in § 141.2.

(c) *Toxicity.* Proceed as directed in § 141.4 except use physiological salt solution as the diluent.

(d) *Pyrogens.* Proceed as directed in § 141.3 using as a test dose 1.0 milliliter per kilogram of a solution containing 300 units of bacitracin per milliliter. Use physiological salt solution as the diluent.

(e) *Moisture.* Proceed as directed in § 141.5 (a).

(f) *pH.* Proceed as directed in § 141.5 (b), using a solution prepared as directed in the labeling for the drug.

§ 141.410 *Bacitracin-neomycin tablets* — (a) *Tablets* — (1) *Potency* — (i) *Bacitracin content.* Proceed as directed in § 141.403 (a). Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(ii) *Neomycin content.* Using an aliquot of the solution prepared under subdivision (i) of this subparagraph, proceed as directed in paragraph (b) (1) of this section. Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 141.5 (a).

(b) *Neomycin used in making the tablets*—(1) *Potency*—(i) *Cylinders (cups).* Use cylinders described under § 141.1 (a).

(ii) *Culture medium.* Use the medium described in § 141.1 (b) (1) for both the base and seed layers, except its pH after sterilization is 7.8 to 8.0.

(iii) *Working standard.* Dry the working standard (obtained from the Food and Drug Administration) for 3 hours at 60° C. and a pressure of 5 millimeters or less and weigh out a sufficient quantity to make a convenient stock solution by diluting with a 0.1M potassium phosphate buffer, pH 7.8 to 8.0 The stock solution, when stored at a temperature of approximately 15° C., or less, may be used for a period not exceeding 1 month.

(iv) *Standard curve.* Prepare daily from the stock solution a standard curve as directed in § 141.101 (d), using solutions of the neomycin working standard in 0.1M potassium phosphate buffer, pH 7.8 to 8.0 in concentrations of 4.0, 6.0, 8.0, 10.0, 12.0, 15.0, and 20.0 micrograms per milliliter. The 10.0 micrograms per milliliter concentration is used as the reference point.

(v) *Preparation of test organism.* The test organism is *M. aureus* (F. D. A. 209–P or American Type Culture Collection 9144) which is maintained on agar described in § 141.1 (b) (1). From a stock slant inoculate a Roux bottle containing this same agar and incubate for 24 hours at 32° C. to 35° C. Wash the resulting growth from the agar surface with about 100 milliliters of sterile distilled water. Standardize this suspension by determining the dilution which will permit 80 percent light transmission through a filter at 6500 Angstrom units in a photoelectric colorimeter. The suspension may be used for 2 weeks, if it is stored at a temperature of 15° C. or less.

(vi) *Preparation of plates.* Using the agar described in subdivision (ii) of this subparagraph and approximately a 0.5 percent inoculum of the suspension described in subdivision (v) of this subparagraph, prepare the plates as directed in § 141.1 (e).

(vii) *Assay.* Dissolve volumetrically in sterile distilled water the sample to be tested to make a convenient stock solution. Further dilute volumetrically this solution with 0.1M potassium phosphate buffer, pH 7.8 to 8.0, to a final concentration of 10.0 micrograms (estimated) per milliliter and proceed as directed in § 141.101 (h) and (i).

(2) *Toxicity.* Proceed as directed in § 141.4, using 0.5 milliliter of a solution prepared by diluting the sample to approximately 200 micrograms per milliliter with physiological salt solution.

(3) *Moisture.* Proceed as directed in § 141.5 (a).

(4) *pH.* Proceed as directed in § 141.5 (b), using a solution containing 33 milligrams per milliliter.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371)

3a. In § 146.401 *Bacitracin*, the first clause of the second sentence of paragraph (b) *Packaging* is amended to read: "In case it is packaged for dispensing".

b. Section 146.401 (c) (1) is amended by renumbering subdivisions (iii) and (iv) as (iv) and (v), respectively, and by inserting the following new subdivision (iii) between subdivision (ii) and renumbered subdivision (iv):

(iii) If it is intended for injection the statements "For intramuscular use only" and "For hospital use only";

c. In § 146.401, subparagraph (2) of paragraph (c) *Labeling* the second clause is amended by changing the words "if it is packaged for topical use" to read "if it is packaged for dispensing".

d. Section 146.401 (c) (2) (ii) is amended to read:

(ii) Dosage and administration, including method of preparation and strength of solutions for injection or local application;

e. Section 146.401 (d) (2) is amended by changing the words "If such batch is packaged for topical use" to read "If such batch is packaged for dispensing".

4. Part 146 is amended by adding the following new sections:

§ 146.63 *Crystalline penicillin and bacitracin*—(a) *Standards of identity, strength, quality, and purity.* Crystalline penicillin and bacitracin is composed of crystalline sodium penicillin or potassium penicillin and bacitracin with or without suitable and harmless buffer substances and dispersing agents It is so purified and dried that:

(1) It is sterile;

(2) It is nontoxic;

(3) It is nonpyrogenic;

(4) Its moisture content is not more than 5.0 percent;

(5) The pH of an aqueous solution prepared as directed in its labeling is not less than 5.0 and not more than 7.5.

The crystalline penicillin used conforms to the standards prescribed by § 146.24 (a). The bacitracin used conforms to the requirements prescribed by § 146.401 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practices shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness, each such container shall contain 1,500,000 units of crystalline penicillin and 60,000 units of bacitracin and each may be packaged in combination with a container of the solvent, water for injection U. S. P., physiological salt solution U. S. P., or with an aqueous solution of a suitable local anesthetic.

(c) *Labeling.* Each package shall bear on it label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units of crystalline penicillin in the immediate container;

(iii) The number of units of bacitracin in the immediate container;

(iv) The statement "For hospital use only";

(v) The statement "For intramuscular use only";

(vi) The statement "Expiration date ----------," the blank being filled in with the date which is 18 months after the month during which the batch was certified;

(vii) The statement "For manufacturing use," "For repacking," or "For manufacturing use or repacking," when packaged for repacking or for use as an ingredient in the manufacture of another drug, as the case may be.

(2) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions for use and warnings as required by section 502 (f) of the act, including:

(i) Clinical indications;

(ii) Dosage and administration, including method of preparation and strength of solutions for injection;

(iii) The conditions under which such solutions should be stored, including a reference to their instability when stored under other conditions and the statement "Sterile solution may be kept in refrigerator for 3 days without significant loss of potency";

(iv) Contraindications;

(v) Untoward effects that may accompany administration including sensitization.

If two or more immediate containers are in such package, the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of crystalline penicillin and bacitracin shall submit with his request a statement showing the batch mark, the number of packages in such batch, the number of units of penicillin and the number of units of bacitracin in each package, the batch marks, and (unless they were previously submitted) the dates on which the latest assays of the penicillin and bacitracin used in making such batch were completed, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each ingredient used in making the batch and a statement that each such ingredient conforms to the requirements prescribed therefor by this section. If such batch, or any part thereof, is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following made by him on an accurately representative sample of:

(i) The batch; potency, sterility, toxicity, pyrogens, moisture, pH.

(ii) The crystalline penicillin used in making the batch; potency, crystallinity, heat stability, penicillin K content (unless it is crystalline penicillin G), and the penicillin G content if it is crystalline penicillin G.

(iii) The bacitracin used in making the batch; potency and toxicity.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, if such batch is packaged for dispensing, such person shall submit in connection with his request in the quantities hereinafter indicated accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 immediate containers in such batch but in no case less than 10 or more than 17 immediate containers collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The crystalline penicillin used in making the batch; 3 packages, each containing approximately equal portions of not less than 250 milligrams, packaged in accordance with the requirements of § 146.24 (b).

(iii) The bacitracin used in making the batch; 3 packages, each containing approximately 0.5 gram packaged in accordance with the requirements of § 146.401 (b).

(iv) In case of an initial request for certification, each other ingredient used in making the batch; 1 package of each containing approximately 5 grams.

(4) If such batch is packaged for repacking, such person shall submit with his request a sample containing 10 approximately equal portions of at least 2 grams each taken from different parts of such batch; each such portion shall be packaged in a separate container and in accordance with the requirements of paragraph (b) of this section.

(5) No result referred to in subparagraph (2) (ii) and (iii) of this paragraph, and no sample referred to in subparagraph (3) (ii) and (iii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) and (4) of this section; and

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.410 *Bacitracin-neomycin tablets.* (a) Bacitracin-neomycin tablets conform to all requirements prescribed by § 146.403 for bacitracin tablets and are subject to all procedures prescribed by § 146.403 for bacitracin tablets, except that:

(1) Each tablet contains not less than 2,500 units of bacitracin.

(2) Each tablet contains not less than 25 milligrams of neomycin. The neomycin used is produced by the growth of Streptomyces fradiae, has a potency of not less than 330 micrograms (one Waksman unit is equivalent to 3.3 micrograms of the base) per milligram, is nontoxic, has a moisture content of not more than 5 percent, and its pH in an aqueous solution 33 milligrams per milliliter is not less than 5.0 and not more than 7.5.

(3) In lieu of the labeling prescribed for bacitracin tablets by § 146.403 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of bacitracin and the number of milligrams of neomycin in each tablet of the batch.

(4) In addition to complying with the requirements of § 146.403 (d), a person who requests certification of a batch shall submit with his request a statement showing the number of units of bacitracin and the number of milligrams of neomycin in each tablet of the batch, the batch mark, and (unless it was previously submitted) the results and the date of the latest tests and assays of the neomycin used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request a sample consisting of not less than 30 tablets and (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the neomycin used in making such batch.

(b) The fee for the services rendered with respect to each immediate container in the sample of neomycin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371)

This order, which provides for tests and methods of assay and certification of two new antibiotic preparations, crystalline penicillin and bacitracin, and bacitracin-neomycin tablets, and for certification of bacitracin intended for systemic medication if the drug is labeled "For hospital use only," shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay providing for certification of crystalline penicillin and bacitracin, bacitracin-neomycin tablets, and bacitracin intended for systemic medication if the drug is labeled "For hospital use only."

Dated: May 22, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51–6083; Filed, May 25, 1951; 8:48 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—Economic Cooperation Administration

[ECA Reg. 1, as Amended Nov. 15, 1949, Amdt. 6]

PART 201—PROCEDURES FOR FURNISHING ASSISTANCE TO PARTICIPATING COUNTRIES

MISCELLANEOUS AMENDMENTS

ECA Regulation 1 is amended in the following respects:

1. Section 201.1 (d) is amended to read as follows:

(d) "Participating country" shall have the meaning assigned to it in section 103 (a) of the act, and shall also include any country in which ECA has a program under the Far Eastern Economic Assistance Act of 1950, as amended, and the China Area Aid Act of 1950, as amended, as well as any authorized agent of a participating country.

2. The following sentence is added to § 201.10: "In the event that such determination is made prior to the issuance of a procurement authorization, ECA may issue a 'procurement Authorization and U. S. Government Agency Purchase Requisition (Form ECA 303G)'."

3. Paragraphs (a) and (d) of § 201.13 are amended to read as follows:

§ 201.13 *Marking requirements.* (a) Commodities furnished to participating countries will be stamped, tagged, stenciled, or labeled with the official ECA Emblem designed for the recipient country for which the commodities are intended. Samples of the Emblem and translations may be obtained from ECA, Office of Information, Washington, D. C.

* * * * *

(d) Any raw materials (including coal, grain and petroleum, oil and lubricants) not shipped in containers; fibers packaged in bales; and metal and lumber mill products of a semi-finished nature which are not packaged or crated are excepted from these marking requirements. If compliance with the provisions of this section is found to be impracticable with respect to other commodities, the participating country will promptly request ECA, Office of Information, Washington, D. C. for an exemption from the requirements of this section.

4. The second paragraph of § 201.19 (a) (2) is amended to read as follows:

In the case of financing by reimbursement directly to a participating country for payments made by it for procurement (this does not include financing by letters of commitment to banking institutions in the United States, letters of commitment to suppliers, or drafts drawn on a Federal Reserve Bank), the supplier may, if he desires, submit, and ECA will accept, in lieu of the above, a supplier's certificate in duplicate, with invoice-and-contract abstract completed in all applicable respects except as to class of supplier, information as to agents' commissions, domestic and foreign, and domestic unit price information, accompanied by a sealed envelope, addressed to the Controller, ECA, Washington, D. C., with the following statement upon its face, signed by the supplier:

The undersigned certifies that enclosed in this envelope is a copy of an executed Supplier's Certificate (Form ECA-280) covering the item invoiced, which has been filled in wherever applicable. This envelope contains a document intended only for ECA and is to be opened only by ECA.

5. The second paragraph of § 201.19 (b) (2) is amended to read as follows:

In the case of financing by reimbursement directly to a participating country for payments made by it for procurement (this does not include financing by letters of commitment to banking institutions in the United States, letters of commitment to suppliers, or drafts drawn on a Federal Reserve Bank), the supplier may, if he desires, submit, and ECA will accept, in lieu of either of the above, a supplier's certificate in duplicate, with invoice-and-contract abstract completed in all applicable respects except as to class of supplier, information as to agents' commissions, domestic and foreign, and domestic unit price information, accompanied by a sealed envelope, addressed to the Controller, ECA, Washington, D. C., with the following statement upon its face, signed by the supplier:

The undersigned certifies that enclosed in this envelope is a copy of an executed Supplier's Certificate (Form ECA-280) covering the item invoiced, which has been filled in wherever applicable. This envelope contains a document intended only for ECA and is to be opened only by ECA.

6. Section 201.19 (c) is amended to read as follows:

(c) For the cost of services (other than ocean transportation):

(1) Voucher SF-1034 (revised) or SF-1146, in original and three copies, to be prepared by the supplier or his assignee where letter of commitment is issued by ECA to the supplier; or, in other cases, by the participating country, by the approved applicant, or by the banking institution as assignee, or as agent for and in behalf of the approved applicant.

(2) Supplier's Certificate, in duplicate, with invoice-and-contract abstract on reverse side (Form ECA-280, set out in paragraph (d) of this section), covering the total amount for which reimbursement is requested, to be executed by the supplier.

In the case of financing by reimbursement directly to a participating country for payments made by it for procurement (this does not include financing by letters of commitment to banking institutions in the United States, letters of commitment to suppliers, or drafts drawn on a Federal Reserve Bank), the supplier may, if he desires, submit, and ECA will accept, in lieu of the above, a supplier's certificate in duplicate, with invoice-and-contract abstract completed in all applicable respects except as to class of supplier, information as to agents' commissions, domestic and foreign, and domestic unit price information, accompanied by a sealed envelope, addressed to the Controller, ECA, Washington, D. C., with the following statement upon its face, signed by the supplier:

The undersigned certifies that enclosed in this envelope is a copy of an executed Supplier's Certificate (Form ECA-280) covering the item invoiced, which has been filled in wherever applicable. This envelope contains a document intended only for ECA and is to be opened only by ECA.

If such alternative procedure is used, the signer of the supplier's certificate shall be deemed to have satisfied the requirement in paragraph (10) of the supplier's certificate that he has filled in the applicable portions of the invoice-and-contract abstract.

(3) One copy (or photostat) of supplier's detailed invoice, describing the services performed, itemizing in detail all reimbursable costs (showing separately dollar costs of travel, material and equipment, if any) and fees earned and payable, and either (i) marked "Paid" by the supplier, or (ii) endorsed by, or accompanied by a certificate of an officer of a banking institution indicating that payment has been made in the amount shown on the invoice.

The invoice shall also indicate: (a) The total estimated dollar cost of services and fees under the contract; (b) the total dollar amount previously received and or claimed as partial payments, detailed by amounts and dates; (c) the dollar amount invoiced; (d) total estimated dollar cost of services and fees not yet invoiced. In addition, attached to or endorsed on the invoice, shall be one copy of a Works Progress Certificate signed by the supplier in the following form:

The undersigned certifies that the cost of services reimbursable to the supplier and the amount of fee earned by the supplier up to the date of this certificate are not less than the total payments received or claimed by the supplier under the contract (including the payment claimed under the invoice), and that the supplier has fully complied with the terms and conditions of the contract.

(4) In the event that the dollar cost of services reimbursable to the supplier includes travel, or material or equipment costs:

(i) Receipted vendors' invoices, appropriately detailed as to quantity, description and price.

(ii) In the case of material or equipment costs only, one copy (or photostat) of the ocean bill of lading, airway bill, parcel post receipt, or a certificate by the supplier as follows:

It is impracticable to furnish to ECA an ocean bill of lading, airway bill or parcel post receipt as evidence of delivery of----------
(material or equipment)
----------, which has been delivered to the undersigned for use in performing services under the contract. Covering vouchers in the files of the undersigned are available for inspection.

(5) Certificate of the participating country (i) that the services for which reimbursement is requested have been satisfactorily rendered; (ii) that the costs thereof are properly reimbursable, and the fees earned, in accordance with the terms of the contract; and (iii) that any reports or recommendations required under the terms of the contract have been received.

(6) Such additional documentation as may be required for reimbursement by endorsement upon the Procurement Authorization.

(Sec. 104, 62 Stat. 138, as amended by Pub. Law 47, 81st Cong.; 22 U. S. C. Sup., 1503. Interpret or apply secs. 111, 403, 62 Stat. 143, 159; 22 U. S. C. Sup., 1509, 1542)

Effective date. This amendment will (1) be effective as to all procurement authorizations originally issued on and after May 15, 1951; and (2) take effect on July 1, 1951, as to all procurement authorizations originally issued prior to May 15, 1951, subject to the special provisions, if any, of the procurement authorizations and applicable letters of commitment, but will not be applicable to claims for reimbursement for payments made to a supplier under such procurement authorizations pursuant to letters of credit issued, confirmed or advised, or payment instructions received prior to July 1, 1951.

WILLIAM C. FOSTER,
Administrator for Economic Cooperation.

[F. R. Doc. 51-6095; Filed, May 25, 1951; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5842]

PART 185—WAREHOUSING OF DISTILLED SPIRITS

MISCELLANEOUS AMENDMENTS

1. Regulations 10, "Warehousing of Distilled Spirits" (26 CFR Part 185; 15 F. R. 5233), are hereby amended by striking out the date "June 30, 1951" from the first sentence of § 185.538 and from the second sentence of § 185.695, and by inserting, in lieu thereof, the date "December 31, 1951."

2. The purpose of the proposed amendment is to extend the use of the average tare method of gauging packages of distilled spirits for withdrawal until the close of business December 31, 1951.

3. It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1001 et seq.) is unnecessary in connection with the issuance of these regulations for the reason that the change made is of a liberalizing character.

4. Treasury decision 5822 (15 F. R. 9324) is hereby revoked.

5. This Treasury decision will be effective upon the date of publication in the FEDERAL REGISTER.

(53 Stat. 375; 26 U. S. C. 3176. Interpret or apply 53 Stat. 300, as amended, 332; 26 U. S. C. 2801, 2875)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: May 22, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51-6103; Filed, May 25, 1951; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amendment 4]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

METAL CONTAINERS AND METAL CLOSURES

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Congress) Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to Ceiling Price Regulation 22 (16 F. R. 3562) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to the Manufacturers' General Ceiling Price Regulation (CPR 22) adds metal containers used for packing food products and metal closures for all containers used for packing food products to the list of commodities for which changes in net costs may be calculated up to March 15, 1951. This is accomplished by adding these items to Appendix B of the Regulation.

The Manufacturers' Regulation as issued listed in Appendix A glass containers and glass closures and under the provisions of the regulation changes in the net costs for these containers and closures may be calculated up to March 15, 1951, whereas metal containers and metal closures were omitted from both Appendix A and Appendix B, thus requiring that changes in net costs be calculated as of December 31, 1950. Thus a canner who puts up pork and beans in glass containers may calculate increases in his containers up to March 15, 1951, whereas if he puts up the same product in cans he can recalculate his container costs only to December 31, 1950.

It has been customary practice over a period of years in the food processing industries using metal containers to purchase such containers and closures by contracts with the manufacturers of these items, providing for pricing as of January 1 of each year. In November and December of 1950 can manufacturing companies announced to their customers a price increase, averaging from 15 percent to 18 percent, to apply to all cans purchased on and after January 1, 1951. In most canned food products, can costs represent the largest single element of cost, except the cost of the raw agricultural commodity, and in some cases the can cost exceeds even that. Consequently, the limitation in CPR 22 cutting off materials cost increases at December 31, 1950, has reduced, or may be expected to reduce margins for food canners very seriously.

Many food processors of non-seasonal items are unable to absorb any increase in the cost increase of containers for those items. For example, it is customary in the canning industries to process such non-seasonal items as pork and beans as an "overhead reducer" with the finished product being sold with no commodity profit margin. To force absorption of the cost increases for metal containers would make such food products loss items, and might reduce the supply of them.

This amendment will also permit of a more equitable treatment as between different food processing industries which use metal containers, as some of the products of these industries remain under the General Ceiling Price Regulation, other products are covered by the Manufacturers' Regulation, while still other products are or will be covered in the near future by tailored price regulations for individual industries. Many of the products still being priced under the General Ceiling Price Regulation have the increase in metal containers reflected in their price. Increases in the cost of containers beyond December 31, 1950 are also being recognized as an allowable cost increase in the tailored regulations for many processed foods which are now being formulated by the Office of Price Stabilization.

It is contemplated that any benefits which may result from a possible reduction in the prices of metal containers which may occur while CPR 22 is in force can be passed on to the consumer through the recalculation provisions which are being considered for this regulation.

For these reasons, it is deemed advisable to extend in the case of cans and closures the adjustment for cost of materials increases provided by CPR 22, beyond the December 31, 1950 cut-off date.

In the judgment of the Director of Price Stabilization, this amendment of CPR 22 will effectuate the purpose of the Defense Production Act of 1950, and is generally fair and equitable.

AMENDATORY PROVISION

Appendix B to Ceiling Price Regulation 22 is amended by adding item 6 to read as follows:

6. Metal containers when used for processed foods, and metal closures for all containers when used for processed foods.

(Sec. 704, Pub. Law 774, 81st Cong).

This amendment shall become effective May 28, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 25, 1951.

[F. R. Doc. 51-6183; Filed, May 25, 1951; 10:14 a. m.]

[Ceiling Price Regulation 39]

CPR 39—CEILING PRICES ON CERTAIN MARINE FEED PRODUCTS SOLD BY PROCESSORS, IMPORTERS AND DISTRIBUTORS

Pursuant to the Defense Production Act of 1950 (Pub Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), the Ceiling Price Regulation 39 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices at the processor, importer, and distributor levels for fish scrap, fish

meal, fish solubles, and specialty fish feed products.

Fish scrap, fish meal, fish solubles and specialty fish feed products are important ingredients in many manufactured animal and poultry feeds. It is important, therefore, that pricing conditions obtain which contribute to the normal production and distribution of these products.

Such conditions do not presently exist. Under the General Ceiling Price Regulation, prices for these products were frozen during a period when there was a normal seasonal slack in industry activity and when there were wide and abnormal variations in prices within the industry. These variations in prices have resulted in inequities to processors and other sellers, and have tended to disrupt normal buyer-seller relationships.

This regulation attempts to correct presently existing price disparities in two ways. First, it establishes uniform dollars and cents ceiling prices at the processor and importer level on carload or tank car quantity sales. Second, it seeks to extend the stabilizing effect of these uniform ceilings by setting ceiling prices for distributors which can be no higher than processor-importer prices plus a dollars and cents markup.

The need for this regulation is urgent. It has, therefore, been decided to go ahead with its issuance even though the statistical data upon which it is based are limited and even though further data may cause a modification in price treatment of certain aspects of the industry. Should the effects of this regulation or the study of further data indicate that the prices set herein will engender inequities or dislocations in production or marketing, steps will be taken to amend this regulation.

In the interests of brevity and clarity, Pacific, and Atlantic and Gulf coast processors' ceiling prices for fish meal and fish scrap have been set forth in a single table which schedules various per ton, bulk, f. o. b. ceiling prices for corresponding percentages of protein content. Prices for both meal and scrap, in the table, are increased at the rate of $2.26 per ton, bulk for each unit percentage increase in protein content. This system of charting prices reflects the pricing methods which prevail on the Pacific Coast, where sales are priced on the basis of actual protein content, and without reference to a standard protein content base. Insofar as the chart sets an upper limit on Atlantic and Gulf Coast prices at a 60 percent content figure, and sets forth the resulting prices for various protein contents below sixty percent, it is consistent with the customary Atlantic and Gulf Coast practice of quoting and selling meal and scrap on a sixty percent protein content basis, with no price premiums allowed if the protein content is above sixty percent, and with price deductions granted to the extent that the protein content of the lot of meal or scrap is less than the sixty percent standard.

Fish meal and soybean meal are ingredients which are often combined in manufactured feeds. The quantities of each used for feed purposes depends, to a significant extent, upon the prevailing price relationships between them. In order to minimize the possibility of disturbing a normal fish meal-soybean meal ratio, the ceiling price for fish meal has been set with reference to average price differentials between these products during representative periods from 1947 to 1950. In computing representative ratios, the ratio between soybean meal and fish meal for the year 1949 was omitted because of abnormal price relationships existing in that period. The normal fish meal-soybean ratios were then applied to the ceiling price for soybean meal, bulk, f. o. b. Decatur, Illinois, and converted to a price per unit of protein for fish meal. This per unit price was then used in computing the prices for fish meal by percentage of protein content, as set forth in Table A of this regulation.

The same ceiling prices per unit of protein for fish meal containing up to sixty per cent protein have been established for Atlantic and Gulf Coast points as for Pacific Coast points even though Atlantic and Gulf Coast prices were higher than Pacific Coast prices during the base period of the General Ceiling Price Regulation. The same ceiling prices have been established for both major processing areas in the light of the unanimous opinion of the Fish Meal and Fish Solubles Manufacturers Industry Advisory Committee and opinions of a representative of the Fish and Wildlife Service of the United States Department of Interior and of a member of the National Fisheries Institute to the effect that, under normal conditions of supply, and over the long run post-war period, the prices for equivalent protein content in both major processing areas tend to be the same.

Fishmeal, which is customarily manufactured by processors of fish scrap, is produced by the grinding of scrap into meal. The price spread between the two products historically approximates the cost of grinding or converting the one product into the other. According to the limited information received from industry representatives, a ceiling price for fish scrap which assumes an average cost of $6.00 per ton for converting scrap to meal will be generally fair and equitable, and will not result in a disproportionate production for sale by processors of either product.

The ceiling price for fish solubles containing 50 percent solids by weight has been set at 5 cents per pound. This price constitutes the modal, or most frequently quoted price during the General Ceiling Price Regulation base period. While the data for this period may not be representative, it was the only available basis for fixing a price at this time.

Specialty fish feed products are either processed from different types of raw fish material, or are produced by means of different manufacturing methods than fish meal or fish solubles. These specialty products customarily sell at a premium above fish meal or fish solubles because of their higher nutritional value. In order to keep the price of specialty products in line with the ceiling prices for fish meal and fish solubles, ceiling prices for specialty products have been established which reflect the dollars and cents difference between prices of these products and the market prices for meal or a fixed price for solubles during a selected base period. A fixed price for solubles was decided upon as a method for calculating ceiling prices because there is little information on market prices for solubles during this base period. In addition, special reporting provisions for processors of specialty products have been included in order to aid in the establishment of in-line prices.

Imported fish scrap and fish meal are sold in competition with the same domestic products. In the long run, the price for imported fish scrap and fish meal, in any particular area, tends to equal the prevailing area market price for these products. The ceiling prices for fish scrap and fish meal, imported into the continental United States through a coastal port of entry have, therefore, been set at the ceiling prices for like grades and quantities of scrap or meal of processors in the area of the port of entry.

The upper limit on the market price for imported scrap and meal at an interior port of entry within the continental United States is ordinarily set by the prevailing market price for these products at the closest coastal area to that port of entry plus the lowest applicable transportation charge from the coastal area to that port of entry. The ceiling prices for scrap or meal at any interior port of entry have, therefore, been established by taking the ceiling price for like fish scrap or fish meal of the domestic processor nearest the port of entry and adding to that ceiling the lowest applicable railroad rate from that processor's plant to the particular interior port of entry, based upon the rates in effect prior to March 15, 1951.

The ceiling prices so established will have the effect of preserving normal competitive relationships between importers and domestic processors and normal trade flows.

A distributor's ceiling price for a particular product is determined by adding a fixed dollars and cents markup to the price which the distributor paid for his most recent customary purchase of that product.

Following the custom of the industry, provisions are made in this regulation for adjusting ceiling prices for sales in less than carload quantities, and for differentials covering transportation costs and the costs of furnishing sacks or other containers.

Sales of certain marine feed products have been exempted from this regulation because of the lack of accessible pricing data. Sales of shrimp meal and crab meal, and of dried fish solubles have, for instance, been exempted for this reason. Sales of homogenized condensed fish have been exempted because the ceiling prices for product, as established under the General Ceiling Price Regulation, are believed to be generally fair and equitable.

Sales of fish solubles processed and sold for use as fertilizers have been exempted because fish solubles so processed are subject to different manufacturing methods and different methods of distribution than feed fish solubles, and because the product is not used as a feed or feed ingredient.

In framing this regulation, the Fish Meal and Fish Solubles Industry Advisory Committee, other members of the marine fish feed industry and officials of the Fish and Wildlife Service of the United States Department of Interior were consulted. In the judgment of the Director of Price Stabilization, the prices established by this regulation are fair and equitable and necessary to effectuate the purposes of the Defense Production Act of 1950.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Applicability; exemptions.
3. F. o. b. ceiling prices for sales by processors.
4. F. o. b. ceiling prices for sales by importers.
5. F. o. b. loading point ceiling prices for sales by distributors.
6. F. o. b. ceiling prices for sales at retail.
7. F. o. b. ceiling prices for sales in less than carload or tank car quantities.
8. Ceiling prices for delivered sales.
9. Charges for sacks or other containers.
10. Sellers who cannot price under other sections.
11. Definitions.
12. Certificates and tags.
13. Records.
14. Prohibitions; penalties.
15. Petitions to amend this regulation.

AUTHORITY: Sections 1 to 15 issued under Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., and E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation establishes ceiling prices for fish scrap, fish meal, fish solubles and certain specialty fish feed products at the processor, importer and distributor levels. This regulation does not establish prices for crab meal, shrimp meal, dried fish solubles product, homogenized condensed fish, fish residue meal or fish solubles processed and sold for use as fertilizer. These new ceiling prices, after the effective date of this regulation, will supersede the ceiling prices established under any other price regulations or orders heretofore issued by the Office of Price Stabilization.

SEC. 2. *Applicability; exemptions*—(a) *Applicability.* The provisions of this regulation shall apply to the 48 States of the United States and the District of Columbia.

(b) *Exemptions*—(1) *Export sales.* This regulation shall not apply to export sales. The General Ceiling Price Regulation or other applicable regulations shall govern such sales.

(2) *Sales at retail by persons other than processors, importers or distributors.* This regulation shall not apply to sales at retail by persons other than processors, importers or distributors. The General Ceiling Price Regulation is applicable to such sales.

(3) *Manufactured feeds in which a marine feed product is an ingredient.* This regulation shall not apply to sales by manufacturers, wholesalers or retailers of manufactured feeds in which fish meal, fish solubles or a specialty fish feed product is an ingredient. Supplementary Regulation 7 to the General Ceiling Price Regulation or other applicable regulations shall govern such sales.

(4) *Sales and deliveries made pursuant to prior contracts.* This regulation shall not apply to sales and delieveries made pursuant to contracts entered into before the effective date of this regulation if such contracts complied with the ceiling price provisions of the then applicable regulations of the Office of Price Stabilization.

SEC. 3. *F. o. b. ceiling prices for sales by processors*—(a) *Ceiling prices for fish meal and fish scrap in carload quantities, per ton, bulk, f. o. b. processing plant or at the processor's customary loading point*—(1) *Schedule of ceiling prices.* If you are a processor, your ceiling prices for sales of fish meal and fish scrap in carload quantities, per ton, bulk, f. o. b. your processing plant or customary loading point are determined in accordance with the appropriate columns of the schedule set forth in Table A.

TABLE A

Percentage of protein per ton	Fish Meal		Fish Scrap	
	Atlantic and Gulf coast points	Pacific coast points	Atlantic and Gulf coast points	Pacific coast points
40	90.40	90.40	$84.40	$84.40
41	92.66	92.66	86.66	86.66
42	94.92	94.92	88.92	88.92
43	97.18	97.18	91.18	91.18
44	99.44	99.44	93.44	93.44
45	101.70	101.70	95.70	95.70
46	103.96	103.96	97.96	97.96
47	106.22	106.22	100.22	100.22
48	108.48	108.48	102.48	102.48
49	110.74	110.74	104.74	104.74
50	113.00	113.00	107.00	107.00
51	115.26	115.26	109.26	109.26
52	117.52	117.52	111.52	111.52
53	119.78	119.78	113.78	113.78
54	122.04	122.04	116.04	116.04
55	124.30	124.30	118.30	118.30
56	126.56	126.56	120.56	120.56
57	128.82	128.82	122.82	122.82
58	131.08	131.08	125.08	125.08
59	133.34	133.34	127.34	127.34
60	135.60	135.60	129.60	129.60
61	(1)	137.86	(1)	131.86
62		140.12		134.12
63		142.38		136.38
64		144.64		138.64
65		146.90		140.90
66		149.16		143.16
67		151.42		145.42
68		153.68		147.68
69		155.94		149.94
70		158.20		152.20
71		160.46		154.46
72		162.72		156.72
73		164.98		158.98
74		167.24		161.24
75		169.50		163.50
76		171.76		165.76
77		174.02		168.02
78		176.28		170.28
79		178.54		172.54
80		180.80		174.80

[1] No increase in ceiling price permitted for percentage of protein over 60.

(2) *Adjustment in ceiling price for fractions of a unit percentage of protein content.* If the protein content of your lot of fish meal or fish scrap contains a fraction of a unit percentage of protein, you shall round out such fraction to the nearest half unit percentage and determine and adjust your per ton, bulk, f. o. b. ceiling prices as follows:

(i) Determine your per ton ceiling price for the number of whole units percentage of protein of your meal or scrap in accordance with the appropriate column of Table A, above.

(ii) Make the following adjustments in your ceiling price for fractions in accordance with Table B:

TABLE B

Fraction of a unit percentage of protein (expressed in decimals)	*Adjustments in per ton Ceiling Price*
0.0–0.25	No adjustment in your ceiling price
0.26–0.75	Add $1.13 per ton to your ceiling price
0.76–0.99	Add $2.26 per ton to your ceiling price

(3) *Ceiling prices on failure to fulfill minimum protein guarantees.* If you fail to fulfill your minimum protein guarantee with respect to any lot of fish meal or fish scrap, your per ton, bulk, f. o. b. ceiling price is the ceiling price based upon the actual units percentage of protein or fraction thereof, as determined under subparagraphs (1) and (2) of this paragraph.

(b) *Ceiling prices for fish solubles in tank car quantities, f. o. b. the processor's plant or customary loading point.* If you are a processor, your ceiling prices for sales of fish solubles in tank car quantities, f. o. b. your processing plant or customary loading point are as follows:

(1) *Ceiling price for fish solubles containing 50 percent or more than 50 percent solids by weight.* Your ceiling price for fish solubles containing 50 percent or more than 50 percent solids by weight is 5¢ per pound.

(2) *Ceiling price for fish solubles containing less than 50 percent solids by weight.* If your fish solubles contain less than 50 percent solids by weight, your ceiling price is determined as follows:

(i) From the price of 5¢ per pound deduct 2 percent for each full unit percentage by which the solid content of your particular lot of fish solubles is below 50 percent.

(ii) The calculation established in subdivision (i) of this subparagraph, constitutes your ceiling price.

(3) *Adjustments in ceiling price, determined under subparagraph (2) for fractions of a unit percentage of solids by weight.* If the solids content of your lot of fish solubles contains a fraction of a unit percentage of solids by weight, you shall round out such fraction to the nearest half unit percentage and adjust your ceiling price in the following manner:

(i) Determine your per pound ceiling price for the number of whole units percentage of solids by weight, in accordance with subparagraph (2), of this paragraph.

(ii) Make the following adjustments in your ceiling price for fractions in accordance with Table C:

TABLE C

Fraction of a unit percentage of protein (expressed in decimals)	*Adjustments in per pound Ceiling Price*
0.0–0.25	No adjustment in your ceiling price.
0.26–0.75	Add 1/2 of a cent to your per pound ceiling price.
0.76–0.99	Add 1/10 of a cent to your per pound ceiling price.

(4) *Ceiling prices on failure to fulfill minimum solids by weight guarantees.* If you fail to fulfill your minimum solids by weight guarantee with respect to any lot of fish solubles, your per pound, f. o. b. ceiling price is the ceiling price based upon the actual unit percentage of solids by weight or fraction thereof, as determined under subparagraphs (2) and (3) of this paragraph.

(c) *Ceiling prices for specialty fish feed products, bulk, carload or tank car quantities, f. o. b. processing plant or customary loading point*—(1) *Per ton, bulk, f. o. b. ceiling prices for specialty products that are solid in form.* If your specialty product is solid in form, your per ton, bulk, f. o. b. ceiling price shall be determined as follows:

(i) Take the per ton, bulk f. o. b. ceiling price for fish meal of a particular percent protein content for the coastal area in which your plant is located or which is nearest to your plant. This ceiling price is to be selected from Table A of this section.

(ii) Determine the average dollars and cents difference between the per ton, bulk, f. o. b. prices you charged for your specialty product in any three consecutive months during the period July 1, 1949 to June 24, 1950, and the average per ton, bulk, market price during the same three months for fishmeal of the same protein content you selected in subdivision (i), of this subparagraph.

The market whose f. o. b. prices you use must be an Atlantic or Gulf Coast market, if you selected an Atlantic or Gulf Coast ceiling price in subdivision (i), of this subparagraph, or a Pacific Coast market, if you selected a Pacific Coast ceiling price. You are limited, in your calculations, to those markets whose prices or other quotations are listed in the following government or trade publications: The Feed Market Review (published by the U. S. Department of Agriculture); The Feed Situation (published by the U. S. Department of Agriculture); Fishery Products Report (published by the Fish and Wildlife Service, U. S. Department of Interior); Oil, Paint and Drug Reporter (published by the Schnell Publishing Co., Inc., New York City, New York).

In determining your average dollars and cents difference, market prices which are quoted on a per ton basis in sacks shall be converted to a per ton, bulk basis by deducting $5.50 per ton for sacks. If you charged prices for lots in sacks or other containers, you shall deduct your charge or cost for furnishing such sacks or other containers in order to determine your per ton, bulk, prices.

(iii) Add the dollars and cents difference determined in subdivision (ii), of this subparagraph, to the ceiling price which you selected in subdivision (i) of this subparagraph. The result is your ceiling price.

(2) *Per pound, f. o. b. ceiling prices in tank car quantities for speciality fish feed products that are liquid or semi-liquid in form.* If your speciality fish feed product is liquid or semi-liquid in form, your per pound, f. o. b. ceiling price in tank car quantities shall be determined as follows:

(i) Determine the average cents per pound difference between your cents per pound, f. o. b. prices in tank car quantities in any three consecutive months during the period July 1, 1949 to June 24, 1950, and the price of 5 cents per pound.

(ii) Add the cents per pound difference, determined in subdivision (i) of this subparagraph to the price of 5 cents per pound. The result is your ceiling price.

(3) *Filing of Reports.* If you determine your ceiling price for specialty fish feed products under subparagraphs (1) or (2) of this paragraph, you must file the following information with the Director of Price Stabilization, Washington 25, D. C., within 30 days of the effective date of this regulation:

(i) Your name and address;

(ii) The location of your plant or plants at which you process your specialty fish feed product;

(iii) The name of your product, including brand name, if any, and a description of the product, including a statement as to whether it is a solid, liquid or semi-liquid, and any characteristics pertaining to its feeding value.

(iv) A statement showing: The average dollars and cents difference, if your product is solid in form, or the average cents per pound difference, if your product is liquid or semi-liquid in form, which you used in arriving at your ceiling price, together with the list of the months for which such difference was calculated; price lists, invoices or other evidence indicating your f. o. b. prices during the period chosen; and, if your specialty product is solid in form, the market quotations (together with the location of the market, and the name of the publication in which such quotations were listed) which you used in determining the average difference between your prices and such market prices.

(v) Your ceiling price for your specialty fish feed product, as determined under this regulation.

(4) *When you may begin to sell your specialty fish feed product, disapproval of your ceiling price.* You may begin to sell your specialty fish feed product as soon as you have mailed your report pursuant to subparagraph (3) of this paragraph. Thereafter, you may sell your specialty product unless and until notified by the Director of Price Stabilization that your ceiling price has been disapproved or that more information is required. The Director of Price Stabilization may disapprove of your ceiling price if such price is not established in accordance with subparagraph (1) or (2) of this paragraph; or he may disapprove of your ceiling price if he decides, after taking into consideration the nutritional value of your specialty product, among other factors, that your ceiling price is not in line with the prices otherwise established by this regulation.

In the event that more information is required, you may not sell your specialty product until 15 days after mailing the additional information.

In case, however, you sold or offered your specialty product for sale prior to the effective date of this regulation upon the basis of a ceiling price determined under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price until July 1, 1951, even though your ceiling price determined under this regulation has been disapproved or more information is requested.

SEC. 4. *F. o. b. ceiling prices for sales by importers.* If you are an importer of fish scrap or fish meal your ceiling prices per ton, bulk, f. o. b. port-of-entry, for imported fish meal or fish scrap are as follows:

(a) *Per ton, bulk, f. o. b. ceiling prices for fish scrap or fish meal imported into Atlantic or Gulf Coast ports-of-entry.* If you import fish meal or fish scrap into the continental United States through an Atlantic or Gulf coast port-of-entry, your ceiling price per ton, bulk, f. o. b. port-of-entry, for each grade of fish meal or fish scrap is the same as the per ton, bulk, f. o. b. ceiling price of Atlantic or Gulf coast processors for fish meal or fish scrap of the same protein content, as determined pursuant to the applicable provisions of section 3 (a) of this regulation.

(b) *Per ton, bulk, f. o. b. ceiling prices for fish scrap or fish meal imported into Pacific coast ports-of-entry.* If you import fish meal or fish scrap into the continental United States through a Pacific coast port-of-entry, your ceiling price per ton, bulk, f. o. b. port-of-entry, for each grade of fish meal or fish scrap, is the same as the per ton, bulk, f. o. b. ceiling price of Pacific coast processors for fish meal or fish scrap of the same protein content, as determined pursuant to the applicable provisions of Section 3 (a) of this regulation.

(c) *Per ton, bulk, f. o. b. ceiling prices for fish scrap or fish meal imported into interior ports-of-entry.* If you import fish meal or fish scrap into the continental United States through an interior port-of-entry, your ceiling price per ton, bulk, f. o. b. port-of-entry shall be determined as follows:

(1) Determine the per ton, bulk, f. o. b. ceiling price for fish meal or fish scrap of the same protein content (under the applicable provisions of section 3 (a) of this regulation) at the Atlantic, Gulf or Pacific Coast processing plant nearest to the interior port-of-entry through which your shipment moves.

(2) Add to the price obtained in subparagraph (1) of this paragraph, the lowest applicable domestic carload freight rate, including tax, from that domestic processing plant to that interior port-of-entry, based on the rates in effect prior to March 15, 1951.

(3) The price computed in subparagraph (2) of this paragraph, constitutes your ceiling price.

SEC. 5. *F. o. b. loading point ceiling prices for sales by distributors*—(a) *F. o. b. loading point ceiling price.* If you are a distributor, you shall calculate your f. o. b. loading point ceiling price for each product after each customary purchase you make in the following manner:

(1) For each product, determine your average dollars and cents differential between your per ton, or per pound f. o. b. loading point prices (excluding your charges or costs for furnishing sacks or other containers in connection with the sale of any lot which you bought in bulk or in tank car quantities) and your suppliers' per ton or per pound prices to you (including transportation charges paid by you) during any three consecutive months of the period July 1, 1949 to June 24, 1950.

(2) Add this dollars and cents differential, as determined in subparagraph (1) of this paragraph, to the price, per ton or per pound, of your most recent customary purchase (including transportation charges paid by you).

(3) The price determined under subparagraph (2) of this paragraph, constitutes your per ton or per pound f. o. b. loading point ceiling price.

(b) *Ceiling prices for distributors who cannot determine ceiling prices under paragraph (a) of this section.* (1) If your are a distributor and you cannot determine your ceiling price for a product under paragraph (a) of this section, you shall determine your ceiling price, after each customary purchase you make, in the following manner:

(i) Determine the dollars and cents difference between the per ton or per pound f. o. b. ceiling price of your most closely competitive seller of the same class selling the same product to the same class of purchaser and the price per ton or per pound (including transportation charges paid or incurred by you) of that customary purchase which you made at or about the time your most closely competitive seller sold at his ceiling price.

(ii) Add the dollars and cents difference, determined in subdivision (i) of this subparagraph to the price, per ton or per pound of your most recent customary purchase (including transportation paid or incurred by you).

(iii) The price determined under subdivision (ii) of this subparagraph constitutes your ceiling price.

(2) When you may begin to sell; report: (i) You may sell your product at your ceiling price, as determined under this paragraph (b), as soon as you have mailed a report to the Director of Price Stabilization, Washington 25, D. C. You may continue to sell your product at your proposed ceiling price until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required.

(ii) In case, however, you sold or offered your product for sale prior to the effective date of this regulation upon the basis of a ceiling price determined under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price until July 1, 1951.

(iii) Your report should state the name and address of your company; the reasons why you cannot determine your price under paragraph (a) of this section; the name and address of your most closely competitive seller of the same class; a statement of his ceiling price which you selected together with the date or dates when he sold at that ceiling price, and his differentials to each of his classes of customers; the prices of the customary purchases which you used in determining your ceiling price in accordance with paragraph (b) (1) of this section, together with information concerning the dates thereof, the quantities bought and the names and addresses of your suppliers for such purchases. Your report should also include: A statement of your customary price differentials; your proposed ceiling price; the classes of customers to whom you sell or plan to sell; and a statement showing that your proposed ceiling price will not exceed the ceiling price your customers paid to their customary sources of supply.

(c) *Limitations on distributor markups.* No more than two distributor markups are permitted in connection with the sale of any product. Consequently, if you are a distributor and you buy a lot from your distributor, who, in turn, purchased that lot from his distributor, your ceiling price for that lot is your distributor's price, and you may not add your markup upon resale.

(d) *Ceiling prices for products processed by a distributor.* Even if you are customarily regarded as a distributor, you are deemed to be a processor, with respect to any lot or other quantity of fish meal, fish solubles or a specialty fish feed product which you process or manufacture, and your ceiling price for that lot or other quantity is a processor's ceiling price, as determined under the applicable provisions of this regulation.

SEC. 6. *F.o.b. ceiling prices for sales at retail.* If you are a processor, importer or distributor, and you make s sale at retail, your f.o.b. ceiling price for such sale is your f.o.b. ceiling price, as determined under the applicable provisions of this regulation.

SEC. 7. *F.o.b. ceiling prices for sales in less than carload or tank car quantities.* If, prior to the effective date of this regulation, you customarily sold at an increased price for sales in less than carload or tank car quantities, your f.o.b. ceiling prices for fish scrap, fish meal, fish solubles or specialty fish feed products, when sold in less than carload or tank car quantities, shall be determined as follows:

(a) Determine your f.o.b. ceiling price for the particular product in accordance with the applicable provisions of this regulation.

(b) Add to your f.o.b. ceiling price, the dollars and cents differential between your f.o.b. carload or tank car prices and the f.o.b. prices (excluding your charges or costs for furnishing sacks or other containers in connection with the sale of any lot which you bought in bulk or in tank car quantities) which you customarily charged for each particular quantity and class of buyer during the period July 1, 1949 to June 24, 1950.

(c) The f.o.b. prices, determined under paragraph (b) of this section constitute your f.o.b. ceiling prices for sales in less than carload quantities.

SEC. 8. *Ceiling prices for delivered sales.* Your ceiling price for the delivered sale of any lot is your f. o. b. ceiling price plus the transportation charges paid or incurred by you (excluding loading charges not customarily included in transportation charges) in shipping that lot from its original loading point to its point of final delivery.

SEC. 9. *Charges for sacks or other containers.* If you furnish sacks or other containers in connection with the sale of any lot which you process or buy in bulk or in tank car quantities, you may add to your ceiling price a charge consisting of the price, per sack, or per other container of your most recent customary purchase times the number of sacks or other containers which you furnish.

SEC. 10 *Sellers who cannot price under other sections.* If you are unable to determine your ceiling price for a product under any of the foregoing provisions of this regulation, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C., for the establishment of a ceiling price. This application shall contain an explanation of why you are unable to determine your ceiling price under the provisions of this regulation; all pertinent information describing your product; your proposed ceiling price and the method used by you to determine it; and the reason why you believe the proposed price is in line with the level of ceiling prices otherwise established by this regulation. You may not sell your product until the Director of Price Stabilization notifies you, in writing, of your ceiling price.

SEC. 11. *Definitions*—(a) *Transportation and shipping terms*—(1) *Carload quantity.* Carload quantity means any quantity which, if it were moved by rail, would take a carload rate under the applicable railroad tariff requirements.

(2) *Tank car quantity.* Tank car quantity means that quantity which, if it were moved by rail, would take a tank car rate under the applicable railroad tariff requirements.

(3) *Customary loading point.* A customary loading point is any point in the vicinity of a processor's plant where all or a part of his shipments are customarily loaded for delivery.

(4) *Coastal ports of entry.* A coastal port of entry is a port located on the Atlantic, Gulf of Mexico or Pacific Coast and through which products are imported into the continental United States by means of water transportation.

(5) *Interior port of entry.* An interior port of entry is a point located in the interior of the continental United States, through which the original entry of products into the continental United States is made by means of rail or inland waterway transportation.

(b) *Sellers*—(1) *Processors.* A processor, with respect to a particular lot, means a person who manufactures fish scrap, fish meal, fish solubles or specialty fish feed products either from whole fish, fish cuttings, fish scrap, press-water or fish solubles.

(2) *Distributor.* A distributor, with respect to a particular lot, means a jobber or a wholesaler.

(3) *Jobber.* A jobber, with respect to a particular lot, means a person who buys and takes title to a product covered by this regulation, and who resells the product without having previously unloaded it into a warehouse or store to a person other than a feeder.

(4) *Wholesaler.* A wholesaler, with respect to a particular lot, means a person who buys and takes title to a product covered by this regulation, stores it in a warehouse, and then resells the product

without substantially changing its form to a person other than a feeder.

(5) *Most closely competitive seller of the same class.* Your most closely competitive seller of the same class, with respect to any product covered by this regulation, is the seller with whom you are in most direct competition. You are in direct competition with another seller who sells the same type of product to the same classes of purchasers in similar quantities on similar terms and with approximately the same amount of service.

(c) *Marine feed products*—(1) *Fish scrap.* Fish scrap is the clean, dried, unground tissues of undecomposed whole fish or fish cuttings, either or both, with or without the extraction of part of the oil.

(2) *Fish meal.* Fish meal is the clean, dried, ground tissues of undecomposed whole fish or fish cuttings, either or both, with or without the extraction of part of the oil.

(3) *Fish solubles.* Fish solubles is the product obtained by condensing the press-water resulting from the extraction of oil from fish.

(4) *Specialty fish feed products.* Specialty fish feed products are those products processed entirely from whole fish, fish cuttings, press-water or fish solubles, either singly or in combination, which, because of the nature of the raw materials used or the processing method employed, have special feeding values.

(5) *Crabmeal.* Crabmeal is the undecomposed, ground dried waste of the crab and contains the shell, viscera and part or all of the flesh.

(6) *Shrimp meal.* Shrimp meal is the undecomposed, ground dried waste of shrimp and contains the head, hull or whole shrimp, either singly or in a mixture.

(7) *Dried fish solubles product.* Dried fish solubles product is the material obtained by drying and grinding the precipitate of fish press-water.

(8) *Homogenized condensed fish.* Homogenized condensed fish is a partially dehydrated, homogeneous product made from whole fish or fish cuttings, either or both, from which a part of the oil may have been removed.

(9) *Fish residue meal.* Fish residue meal is the clean, dried, undecomposed residue from the manufacture of glue from nonoily fish.

(d) *Miscellaneous*—(1) *Sale at retail.* A sale at retail means, with respect to any transaction, a sale to a feeder.

(2) *Feeder.* A feeder, with respect to a particular lot, means a person who uses any product covered by this regulation for feeding animals or poultry.

(3) *You.* The pronoun you, as used in this regulation, indicates the person subject to the regulation.

(4) *Person.* A person includes an individual, corporation, partnership, association, or other organized group of persons, legal successor or representative of any of the foregoing and includes the United States, any agent thereof, any other government, or any of its subdivisions, and any agency of any of the foregoing.

SEC. 12. *Certificates and tags.* Whenever you sell fish meal or fish solubles, a statement of analysis shall accompany your invoice of sale except when you sell in sacks or other containers to which are attached a label or tag showing the guaranteed minimum percentage of protein or solids therein, as the case may be.

SEC. 13. *Records.*—(a) *General provision.* If you make a purchase or sale of fish scrap, fish meal, fish solubles or specialty fish feed products in the course of your trade or business or otherwise deal therein, after the effective date of this regulation, you shall keep for inspection by the Office of Price Stabilization for a period of not less than two years, accurate records of each such purchase or sale, including the date thereof, the name of your purchaser or seller, the amount sold or purchased, the price paid or received, the grade of fish scrap, fish meal, fish solubles, and the brand and characteristics of the specialty fish feed products you sell or buy, and whether or not the lot sold moved in a carload or tank car quantity shipment. You shall, in the same manner and for the same period of time, keep accurate records of each purchase of sacks and other containers, including the date thereof, the price paid, the name of your supplier, the number, grade and type of such sacks or other containers, and all other records and information upon which you determined your charges for such sacks or other containers pursuant to section 9 of this regulation.

(b) *Wholesalers and jobbers.* If you are a wholesaler or jobber, you shall, in addition, keep for inspection by the Office of Price Stabilization for a period of not less than two years, all invoices, quotations, receipts, price lists, and other information upon which you determined your average dollars and cents differential for each product you sold, as described in section 5 (a) of this regulation.

(c) *Premiums for sales in less than carload or tank car quantities.* If you have established ceiling prices for sales in less than carload or tank car quantities pursuant to section 7 of this regulation, you shall, in addition, keep for inspection by the Office of Price Stabilization for a period of not less than two years, all invoices, quotations, receipts, price lists and other information upon which you determined your dollars and cents differentials for such sales.

SEC. 14. *Prohibitions; penalties*—(a) *Prohibitions.* On and after the effective date of this regulation you shall not, in the course of business or trade, sell or deliver, or purchase or receive fish scrap, fish meal, fish solubles, or specialty fish feed products at prices exceeding the ceiling prices established by this regulation.

(b) *Penalties.* If you violate any provision of this regulation, you are subject to the criminal penalties, civil enforcement actions and suits for damages provided for by the Defense Production Act of 1950.

SEC. 15. *Petitions to amend this regulation.* Any person may file a petition for an amendment of general applicability to any provision of this regulation in accordance with the provisions of Price Procedural Regulation No. 1.

Effective date. This regulation is effective May 29, 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 24, 1951.

[F. R. Doc. 51-6145; Filed, May 24, 1951, 4:00 p. m.]

[Distribution Regulation 1, Amendment 5]

DR 1—FAIR DISTRIBUTION OF LIVESTOCK AND MEAT

QUOTA PERIODS AND "CLUB" LIVESTOCK

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), this Amendment 5 to Distribution Regulation 1 (16 F. R. 1273) is hereby issued.

Preamble. At the time Amendment 4 to Distribution Regulation 1 was issued on April 30, 1951, it was expected that the multiplier system of determining quotas for Class 1 slaughterers could be put into effect during the week beginning May 27. Since that time additional conferences with members of the slaughtering industry have indicated that additional study should be given to the multiplier system before it is initiated. Furthermore, other slaughterers have brought to the attention of the Office of Price Stabilization that their regular accounting periods cover the calendar month of May or consist of five calendar weeks covering a period beginning April 29, 1951, and ending June 2, 1951. The principal reason for prescribing in Amendment 4 that the quota period for May would consist of four calendar weeks beginning April 29, 1951, was so that the multiplier system could be put into effect at the same time for all Class 1 slaughterers. Since it is not possible to institute the multiplier system on May 27, the regulation has been amended so that Class 1 slaughterers may use as their quota period their regular accounting period beginning on or after April 29, 1951. This means that a Class 1 slaughterer whose regular accounting period is one of five weeks beginning on April 29 will have a quota period of five weeks duration during which the quota percentages set forth in supplement one issued on April 30, 1951, will apply.

Some Class 1 slaughterers will have interim quota periods running from April 29 until the date of their first regular accounting period which begins after April 29. Typical of this type of slaughterer would be one who uses a monthly accounting period beginning on May 1 and ending on May 31. The interim quota period for that type of slaughterer will be the period April 29–30, 1951. Other slaughterers may have regular accounting periods which begin on May 6, 1951. In such cases the interim quota period for these slaughterers would be the period April 29 through May 5, 1951. The methods by which slaughterers determine their quotas for the interim quota period and the full quota period are set forth in the amendment.

The change brought about by this amendment will permit slaughterers to use the regular accounting periods instead of special ones prescribed for quota purposes. Furthermore, it will enable them to use corresponding accounting periods for determination of quotas and also for determining the periods for which they compute their compliance with the live cattle price regulation (CPR 23). This amendment also clarifies the regulation with respect to excess slaughter and adds provisions for additional penalties in the form of reduction of quota where the slaughterer exceeds his maximum permissible cost determined under CPR 23.

In order to provide a workable arrangement whereby persons not permitted to slaughter livestock or have it slaughtered for them under this regulation may acquire livestock from members of 4–H Clubs, Future Farmers of America or other recognized youth organizations and may have such livestock slaughtered, the regulation has been amended. According to the new provisions the OPS District offices will upon application approve sales conducted by these youth organizations and will authorize the manager of the fair, show, or exhibition to issue certificates permitting the purchasers to have the livestock they purchase at the fair, show, or exhibition conducted by the 4–H Club or similar organization, slaughtered for them. The amendment describes in detail the procedure by which such fairs, shows, or exhibitions may be approved by the OPS District offices and how the managers of the fairs or shows may issue certificates. The amendment also requires the certificates to be surrendered to Class 1 or Class 2 slaughterers before livestock is slaughtered for the purchasers.

Minor changes have also been made in the reporting requirements for Class 1 slaughterers.

Distribution Regulation 1 is amended in the following respects:

1. Section 3 (c) is amended to read as follows:

(c) *Quotas.* For each quota period (accounting period or calendar month or similar period of not less than four or more than five weeks used by you instead of calendar months in keeping your books and records) beginning on or after April 29, 1951, you must have a quota before you may slaughter any species of livestock. The number of pounds live weight of each species you slaughtered during the corresponding period of 1950 is your quota base. Supplement 1 to this regulation contains a list of percentages for use by you and other Class 1 slaughterers in determining your quotas. To determine your quota for each quota period, you apply the appropriate percentage in the Supplement to the quota base for each species. If you received an adjustment for your slaughter of any species of livestock for the corresponding period of 1950, you may use the adjusted amount as your quota base. If you received an adjustment on your slaughter of any species for the April–June 1950 calendar quarter, you may use as your quota base 31 percent of the adjusted amount if you operate on a 4-week accounting period; 38 percent of the adjusted amount if you operate on a 5-week accounting period; 24 percent of the adjusted amount for May 1951 and 33 percent of the adjusted amount for June 1951 if you operate on a calendar month accounting period. If you began slaughtering any species after April 30, 1950, and you have applied for an adjustment but have not received a denial of such application or have not received an adjustment, you may determine your quota base by dividing the total live weight of the particular species slaughtered between April 30, 1950, and February 9, 1951, by the number of days in that period and multiplying the result by the number of days in the quota period for which you are determining your quota. If your quota period does not begin on April 29, 1951, you will have an interim quota period from April 29, 1951, to the date that your quota period begins. The method for determining your quota for the interim quota period is set forth in section 4 (c) (1) (2) and (3) of this regulation. If your quota period did not begin on April 29, 1951, and you slaughtered in excess of your quota for the interim quota period but did not slaughter in excess of your quota for the interim quota period and the following quota period combined you shall not be deemed to have violated the provisions of this section.

The multiplier for May and June 1951 furnished to you by the OPS will not apply for the May and June quota periods.

You may not slaughter more than 60 percent of your quota for any species (including your carry-over from the previous quota period) during the first half of your quota period.

2. Section 3 (d) is amended to read as follows:

(d) *Carry-overs.* If you did not use your entire quota for any species during any quota period you may use the unused portion, not to exceed 5 percent of that quota, in the next quota period only. (See section 4 (d) of this regulation for examples of the operation of carry-overs.)

3. Section 3 (e) is amended to read as follows:

(e) *Overages.* If in any quota period you slaughter livestock of any species in excess of your quota for that species for that period (including any carry-over from the preceding quota period) your quota for the following quota period for that species shall be reduced by twice the amount by which you exceeded your quota. If twice the amount of the overage is greater than the quota for the ensuing quota period, you may not slaughter any of that species of livestock during that quota period or in any succeeding quota period until the total of the quotas for the quota periods in which you are prohibited from slaughtering livestock equals twice the amount of your overage. If your adjusted cost for cattle slaughtered in your establishment during any quota period beginning on or after May 20, 1951, exceeds your maximum permissible cost as determined under Ceiling Price Regulation 23 of the OPS, your quota for the following quota period for cattle shall be reduced by the amount determined under section 10 of CPR 23. If the amount determined is greater than the cattle quota for the ensuing period, you may not slaughter any cattle during that quota period or in any succeeding quota period until the total of the cattle quotas for the quota periods in which you are prohibited from slaughtering cattle equals the amount determined under section 10 of CPR 23. The quota limitations here imposed are in addition to any action, penalties or proceedings authorized by law for violation of this regulation.

4. Section 4 (c) is amended to read as follows:

(c) *Overages.* If in any quota period you slaughter livestock of any species in excess of your quota for that species for that period (including any carry-over from the preceding quota period) your quota for the following quota period for that species shall be reduced by twice the amount by which you exceeded your quota. If twice the amount of the overage is greater than the quota for the ensuing quota period, you may not slaughter any of that species of livestock during that quota period or in any succeeding quota period until the total of the quotas for the quota periods in which you are prohibited from slaughtering livestock equals twice the amount of your overage. If your adjusted cost for cattle slaughtered in your establishment during any quota period beginning on or after May 20, 1951, exceeds your maximum permissible cost as determined under Ceiling Price Regulation 23 of the OPS, your quota for the following quota period for cattle shall be reduced by the amount determined under section 10 of CPR 23. If the amount determined is greater than the cattle quota for the ensuing period, you may not slaughter any cattle during that quota period or in any succeeding quota period until the total of the cattle quotas for the quota periods in which you are prohibited from slaughtering cattle equals the amount determined under section 10 of CPR 23. The quota limitations here imposed are in addition to any action, penalties or proceedings authorized by law for violation of this regulation.

5. Section 7 is amended to read as follows:

SEC. 7. *Slaughter of "Club" livestock.* (a) If you are not permitted to slaughter livestock or have livestock slaughtered for you under this regulation and you acquire livestock from members of 4–H Clubs, Future Farmers of America, or other recognized youth organizations, at sales made at the place and time of a fair, show, or exhibition, you may, if such sales were previously approved by the OPS District Office for the area where the fair, show or exhibition is

held, have such livestock slaughtered for you by a registered Class 1 or Class 2 slaughterer.

(b) Prior to a fair, show or exhibition the manager must apply to the OPS District Office for the area where the fair, show, or exhibition is to be held, for permission to have livestock sold at the fair, show, or exhibition, slaughtered for the prospective purchasers. If the District Office finds that the fair, show, or exhibition is to be held under the auspices of the 4-H Clubs, Future Farmers of America, or other recognized youth organization, it will authorize the manager to issue certificates permitting non-slaughtering purchasers to have the livestock they purchase at the fair, show, or exhibition, slaughtered for them.

(c) At the time of the opening of the fair, show, or exhibition, the manager must announce that the fair, show, or exhibition has been approved by the OPS and that the manager is permitted to issue slaughter certificates. The manager shall then issue such slaughter certificates to the livestock purchasers who are not permitted to slaughter livestock or have livestock slaughtered for them under the regulations. The slaughter certificates issued in triplicate must contain the following:

1. The name of the organization conducting the fair, show, or exhibition, the place at which it was held, and the dates it was held.

2. The District Office of OPS which approved the fair, show, or exhibition and the date of such approval.

3. The name and address of the person purchasing the livestock.

4. The number of each species of livestock purchased and the live weight of each species of livestock.

5. A statement that the animal or animals listed on the certificate were bona fide project animals fed in an organized club (naming the club) under the direction of the United States Department of Agriculture, Extension Service or a recognized State agency.

6. The signature of the manager of the fair, show, or exhibition.

7. A signed statement by the purchaser that he is not permitted to slaughter livestock or have livestock slaughtered for him under Distribution Regulation 1.

(d) The original and one copy must be given to the purchaser of livestock. The third copy must be immediately forwarded by the manager to the District Office which approved the fair, show, or exhibition. The purchaser of livestock must give the original and duplicate to the Class 1 or Class 2 slaughterer who will slaughter the livestock.

(e) Any Class 1 or Class 2 slaughterer who receives a valid original and duplicate slaughter certificate may slaughter the livestock covered by such certificate without regard to his quota for the slaughter of such livestock under this regulation. The slaughterer must keep the duplicate certificate and attach the original to his report on Form LS-149 or OPS Form DO 1-6 for the period in which the slaughter took place. If a Class 2 slaughterer is not required to file a report on OPS Form DO 1-6, he must send the original certificate to the Regional office for the area where his establishment is located.

6. Section 8 (a) is amended by deleting the third sentence and substituting therefor the following sentence: "There will be a quota on the amount of livestock he may slaughter for you beginning April 29, 1951."

7. Section 12 (a) (1) is amended by deleting the fourth sentence and substituting therefor the following sentences: "For the quota period April 1, 1951, to April 28, 1951, inclusive, you must file the report for OPS on Form LS-149 on the basis of the four week operation. For all quota periods thereafter, you must file your reports on the basis of your usual accounting periods. If you have an interim quota period you must show separately on your report the amount of slaughter during the interim quota period."

(Sec. 704, Pub. Law 774, 81st Cong.)

NOTE: The record keeping and reporting requirements contained in this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This amendment is effective May 25, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

MAY 25, 1951.

[F. R. Doc. 51-6181; Filed, May 25, 1951; 10:13 a. m.]

[Distribution Regulation 1, Supplement 1, Amendment 1]

DR 1—FAIR DISTRIBUTION OF LIVESTOCK AND MEAT

SUPP. 1—QUOTA PERCENTAGES FOR LIVESTOCK

PERIODS ON AND AFTER MAY 27, 1951

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), this Amendment 1 to Supplement 1 to Distribution Regulation 1 (16 F. R. 1273) is hereby issued.

Preamble. Based on preliminary information as to indicated marketings of livestock during June, it appears that in order to obtain equitable distribution of livestock which is expected to come to market quotas for the several species must be established at the percentages of the comparable period of 1950 shown below:

	Percent
Cattle	80
Calves	80
Sheep and lambs	80
Swine	115

These percentages apply to slaughterers' accounting periods beginning on or after May 27, 1950.

Table I of Supplement 1 to Distribution Regulation 1 is amended by adding the following paragraph:

(b) For quota periods beginning on or after May 27, 1951:

	Percent
Cattle	80
Calves	80
Sheep and lambs	80
Swine	115

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment is effective May 25, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

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[Price Procedural Regulation 1, Revised]

PPR 1—GENERAL PRICE PROCEDURES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Orders No. 2 and No. 5 (16 F. R. 738, 1273), this revision of Price Procedural Regulation 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

Price Procedural Regulation 1, as published in the FEDERAL REGISTER dated December 19, 1950 (15 F. R. 9055), deals with the procedures followed in issuing price regulations and prescribes procedures governing applications for adjustment, petitions for amendment, protests, and interpretations. Since the issuance of the initial procedures, the Economic Stabilization Administrator has established the Office of Price Stabilization, and has delegated the Administrator's functions with respect to price stabilization and the allocation of meat to the Director of Price Stabilization.

This revision of the general price procedures is designed to reflect these basic organizational changes and related delegations of authority or assignments of functions within the Office of Price Stabilization.

The requirements contained in the revision are substantially the same as those provided by the original regulation.

In formulating these general price procedures the Director has found it impracticable to consult with industry representatives and trade associations.

Use of the revised procedures is mandatory on and after May 26, 1951.

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AUTHORITY: Sections 1 to 91 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

ARTICLE I—PURPOSE

SECTION 1. *Purpose.* It is the purpose of this regulation (Price Procedural Regulation 1) to prescribe and explain the procedure used by the Director of Price Stabilization in making various kinds of price determinations.

(a) Article II deals with the procedure of the Director of Price Stabilization in issuing ceiling price regulations.

(b) Article III deals with individual applications for adjustment of ceiling prices established by a ceiling price regulation. An adjustment ordinarily affects the prices of one particular seller or group of sellers who apply for a change in the prices established for them by the provisions of a ceiling price regulation. An adjustment can be granted only if the applicable ceiling price regulation contains specific provision for the granting of an adjustment, or where otherwise authorized by the Director.

(c) Article IV deals with petitions for amendment. A petition for amendment may be filed by any person who is affected by a ceiling price regulation and who desires a change of general applicability in the provisions of the regulation itself. It is the appropriate document to be filed when a person does not wish to file a formal statutory protest or is not entitled to do so because he is not subject to the regulation as defined in section 31.

(d) Article V deals with protests. The nature and function of protests are set forth in general in the introduction to Article V (section 30).

(e) Article VI explains the way in which interpretations are rendered by the Director of Price Stabilization.

(f) Article VII contains miscellaneous provisions and definitions.

(g) The term "Director" as hereinafter used shall refer to the Director of Price Stabilization.

ARTICLE II—ISSUANCE OF CEILING PRICE REGULATIONS

SEC. 2. *Investigation prior to issuance.* A ceiling price regulation may be issued by the Director after such studies and investigations as he deems necessary or proper. Before issuing a ceiling price regulation the Director shall, so far as is practicable, advise and consult with representatives of persons substantially affected by such regulation.

SEC. 3. *Price hearing prior to issuance.* Whenever the Director deems it necessary or proper that a price hearing be held prior to the issuance of a ceiling price regulation, he may provide for such hearing in accordance with Secs. 4 and 5.

SEC. 4. *Notice of pre-issuance hearing.* Notice of any price hearing ordered prior to the issuance of a ceiling price regulation shall be given by publication of such notice in the FEDERAL REGISTER, and may be supplemented by notice given in any other appropriate manner. The notice shall state the time and place of the price hearing and shall contain an appropriate indication of the purposes of such hearing.

SEC. 5. *Conduct of pre-issuance hearing.* A price hearing held prior to the issuance of a ceiling price regulation shall be conducted in such manner, consistent with the need for expeditious action, as will permit the fullest possible presentation of evidence by such persons as are, in the judgment of the Director, best qualified to provide information with respect to matters considered at the hearing or most likely to be seriously affected by action which may be taken as a result of the hearing.

SEC. 6. *Statement of considerations.* Every ceiling price regulation shall be accompanied by a statement of the considerations involved in its issuance. Such statement may include economic data and other facts of which the Director has taken official notice and facts found by the Director as a result of action taken under section 705 of the act.

SEC. 7. *Notice of provisions of a ceiling price regulation.* Notice of the provisions of a ceiling price regulation shall be given by filing such regulation with the Division of the FEDERAL REGISTER. As soon as possible after the filing of such regulation, the Assistant Director for Public Information shall make copies thereof available to the press.

SEC. 8. *Effective date.* The effective date of a ceiling price regulation shall be the date specified in such regulation.

ARTICLE III—APPLICATIONS FOR ADJUSTMENT

SEC. 11. *Right to apply for adjustment.* Unless otherwise provided, any person subject to a ceiling price regulation who seeks adjustment under an adjustment provision thereof, shall make application therefor pursuant to the provisions of this article.

SEC. 12. *Place of filing.* All applications shall be filed with the Director of Price Stabilization, Washington 25, D. C.

SEC. 13. *Form of application.* (a) Applications for adjustment shall be filed upon such forms as the Director shall from time to time prescribe. If no form has been designated for applications for the particular type of adjustment sought, the application shall set forth the following:

(1) Name and post office address of the applicant, the nature of his business, and the manner in which he is subject to the price regulation in question.

(2) A designation of the provision for adjustment pursuant to which the application is filed.

(3) The information, if any, required by the terms of the applicable adjustment provision.

(4) A clear and concise statement of the facts upon which applicant relies to qualify him for adjustment under the applicable adjustment provision, to the extent that such facts are not furnished under paragraph (a) (3) of this section.

(5) A statement of the specific adjustment or other relief sought.

(b) Applications for adjustment and all accompanying documents shall be filed in duplicate.

SEC. 14. *Applications must be signed.* Any application for adjustment filed pursuant to this article, inclusive, shall be signed either by the applicant personally, or if a partnership by a partner, or if a corporation or association by a duly authorized officer thereof.

SEC. 15. *Joint applications; consolidation.* (a) Two or more persons may file a joint application for adjustment where at least one ground is common to all persons joining therein. A joint application shall be signed by each applicant in accordance with section 14 and shall be filed and determined in accordance with the rules governing the filing and determination of applications filed by one person. Whenever the Director deems it necessary or appropriate for the disposition of joint applications, he may treat joint applications separately, and, in any event, may require the filing of relevant materials by each individual applicant.

(b) Whenever the Director deems it necessary or appropriate for the disposition of the applications filed by more than one person, he may consolidate the applications.

SEC. 16. *Investigation of application.* Upon receipt of an application for adjustment, the Director may make such investigation of the facts involved in the application, hold such conferences, and request the filing of such supplementary information as may be necessary to the proper disposition of the application.

SEC. 17. *Action by the Director on applications for adjustment.* Within a reasonable time after the filing of an application for adjustment, the Director may either

(a) Dismiss any application for adjustment which fails substantially to comply with this article; or

(b) Grant or deny, in whole or in part, any application for adjustment which is properly pending before him. The applicant shall be informed in writing of the action so taken.

SEC. 18. *Protest of denial of application.* Any applicant whose application for adjustment has been denied in whole or in part by the Director may file a protest against such order in accordance with the provisions of Article V. The effective date of such order for the purpose of such protest shall be the date on which it was mailed to the applicant. Such protest may be based only upon grounds raised in the application for adjustment.

ARTICLE IV—PETITION FOR AMENDMENT

SEC. 21. *Right to file a petition.* A petition for amendment may be filed at any time by any person subject to or affected by a provision of a ceiling price regulation. A petition for amendment shall propose an amendment of general applicability and shall be granted or denied solely on the merits of the amendment proposed. The denial of a petition for amendment is not subject to protest or judicial review under the act.

SEC. 22. *Time and place for filing petitions: form and contents.* A petition for amendment shall be filed with the Recording Secretary of the Office of Price Stabilization, Washington 25, D. C. Five copies of the petition and of all accompanying documents and briefs shall be filed. Each copy shall be printed, typewritten, mimeographed, or prepared by a similar process, and shall be plainly legible. Copies shall be double spaced, except that quotations shall be single spaced and indented. Every petition shall contain, upon the first page thereof, the number and the date of issuance of the ceiling price regulation to which the petition relates, and shall be designated "Petition for Amendment"; shall state the name and address of the petitioner, shall specify the manner in which the petitioner is subject to or affected by the provision of the ceiling price regulation involved, and shall include a specific statement of the particular amendment desired and the facts which make that amendment necessary or appropriate. The petition shall be accompanied by statements setting forth the evidence upon which the petitioner relies in his petition.

SEC. 23. *Joint petitions for amendment.* Two or more persons may file a joint petition for amendment. Joint petitions shall be filed and determined in accordance with the rules governing the filing and determination of petitions filed by one person. A joint petition may be filed only where at least one ground is common to all persons joining it. Whenever the Director deems it to be necessary or appropriate for the disposition of joint petitions, he may treat such joint petitions as several and, in any event, he may require the filing of relevant material by each individual petitioner.

SEC. 24. *Action by the Director on petition.* In the consideration of any petition for amendment the Director may afford to the petitioner and to other persons likely to have information bearing upon such proposed amendment, or likely to be affected thereby, an opportunity to present evidence or argument in support of, or in opposition to, such proposed amendment. Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more petitions for amendment, the Director may consolidate such petitions.

ARTICLE V—PROTESTS

SEC. 30. *Introductory Note.* Article V deals with protests. A protest is the means provided by section 407 (a) of the act for making formal objections to a regulation or order relating to price controls. Ordinarily, the filing of a protest is also a prerequisite to obtaining judicial review by the Emergency Court of Appeals of the validity of such regulations or orders. The only other method of obtaining judicial review is the filing of a complaint in the Emergency Court of Appeals after obtaining special leave to do so in an enforcement proceeding pursuant to section 408 (e) of the act.

Article V also contains provisions for consideration of protests by boards of review in accordance with section 407 (c) of the act. A protestant is entitled to consideration of his objections by a board of review if he files a protest in accordance with the provisions of this article making a specific request for consideration by a board of review in accordance with section 42 (b).

GENERAL PROVISIONS

SEC. 31. *Right to protest.* Any person subject to any provision of a regulation or order relating to price controls may file a protest against such provision in the manner set forth in this article. A person is, for the purposes of this article, subject to a provision of a regulation or order relating to price controls only if such provision prohibits or requires action by him: *Provided, however,* That a producer of an agricultural commodity shall be considered to be subject to a ceiling price regulation for the purpose of asserting any right created by section 402 (d) (3) of the act for the benefit of producers of such an agricultural commodity.

SEC. 32. *Improper protestant.* Any protest filed by a person not subject to the provision protested may be dismissed by the Director.

SEC. 33. *Time and place for filing protests.* (a) A protest against a provision of a regulation or order relating to price controls may be filed at any time within six (6) months after the effective date of such regulation or order, or, in the case of new grounds arising after the effective date of such regulation or order, within six (6) months after such new grounds arise. In the latter case, the protest shall state the new grounds which are the basis for the delayed protest, and shall make clear when such new grounds arose and in what respect they were not available upon the effective date of the regulation or order protested.

(b) Protests shall be filed with the Recording Secretary of the Office of Price Stabilization, Washington 25, D. C., and shall be deemed filed on the date received by the Recording Secretary.

SEC. 34. *Form of protest and number of copies.* Every protest shall contain upon the first page thereof a heading or title clearly designating it as a protest. The protest shall also contain on the first page thereof, the number of the ceiling price regulation, or appropriate identification of any other regulation or order, against which the protest is directed. Six copies of the protest and of all accompanying documents and briefs shall be filed.

SEC. 35. *Assignment of docket number.* Upon receipt of a protest it shall be assigned a docket number, of which the protestant shall be notified, and all further papers in the proceedings shall contain on the first page thereof the docket number so assigned and the number of the ceiling price regulation, or appropriate identification of any other regulation or order, being protested.

SEC. 36. *Protest and evidential material not conforming to the requirements of this Article.* In any case where a protest or accompanying evidential material does not conform, in a substantial respect, to the requirements of this Article, the Director may dismiss such protest, or, in his discretion, may strike such evidential material from the record of the proceedings in connection with the protest.

SEC. 37. *Joint protests.* Two or more persons may file a joint protest. Joint protests shall be filed and determined in accordance with the rules governing the filing and determination of protests filed by one person. A joint protest shall be verified in accordance with section 42 (a) (8) by each protestant. A joint protest may be filed only where at least one ground is common to all persons joining in it. Whenever the Director deems it to be necessary or appropriate for the disposition of joint protests, he may treat such joint protests as several, and, in any event, he may require the filing of relevant materials by each individual protestant.

SEC. 38. *Consolidation of protests.* Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more protests the director may consolidate such protests.

SEC. 39. *Amendment of protests and presentation of additional evidence.* In general, all of the objections upon which a protestant intends to rely in the protest proceedings must be clearly stated in the protest when it is filed and all of the evidence which the protestant wishes to offer in support of the protest must be filed at the same time. This rule does not apply to evidence not subject to protestant's control, dealt with in section 43 (b), and the submission of oral testimony, dealt with in section 44. A protestant may, however, be granted permission to amend his protest so as to state additional objections or to present further evidence in connection therewith upon a showing of reasonable excuse for failure to present such objections, or evidence, at the time the protest was first filed. The permission will be granted only if, in the judgment of the Director, it will not unduly delay the completion of the proceedings on the protest.

SEC. 40. *Action by the Director on protest.* (a) Within a reasonable time after the filing of any protest in accordance with this article, but in no event more than thirty (30) days after such filing, the Director shall:

(1) Grant or deny such protest in whole or in part;

(2) Notice such protest for hearing of oral testimony in accordance with section 44 or section 49;

(3) Notice such protest for hearing of oral argument by a board of review in accordance with section 53; or

(4) Provide an opportunity to present further evidence in connection with such protest. Within a reasonable time after the presentation of such further evidence, the Director may notice such protest for hearing of oral testimony in accordance with paragraph (a) (2) of this section, notice the protest for hearing of oral argument by a board of review in accordance with paragraph (a) (3) of this section, include additional material in the record of the proceedings on the protest in accordance with section 47, or take such other action as may be appropriate to the disposition of the protest.

(b) Notice of any such action taken by the Director shall promptly be served upon the protestant.

(c) Where the Director has ordered a hearing on a protest or has provided an opportunity for the presentation of further evidence in connection therewith, he shall, within a reasonable time after the completion of such hearing or the presentation of such evidence, grant or deny such protest in whole or in part.

SEC. 41. *Basis for determination of protest.*—(a) *Record of the proceedings.* The factual basis upon which a protest is determined is to be found in the record of the proceedings. This record consists of the following:

(1) The protest and supporting evidential material properly filed with the Director, in accordance with sections 42 and 43;

(2) Materials incorporated into the record of the proceedings by the Director under sections 47 and 48;

(3) Oral testimony taken in the course of the proceedings in accordance with sections 44 and 49;

(4) All orders and opinions issued in the course of the proceedings;

(5) The statement of considerations accompanying the regulation or order protested; and

(6) If the protest is to an order denying an application for adjustment under a provision of a ceiling price regulation, the application, materials filed in support thereof in accordance with the provisions of the ceiling price regulation, and the order and opinion denying the application.

(b) *Facts of which the Director has taken official notice.* The record of the proceedings may also include statements of economic data and other facts of which the Director has taken official notice under section 407 (b) of the act, including facts found by him as a result of reports filed and studies and investigations made pursuant to section 705 of the act.

(c) *Briefs and arguments.* Briefs and oral arguments submitted or presented in accordance with this article are, of course, considered in the determination of a protest. They are, however, not a part of the record of the proceedings and are not included in the transcript of protest proceedings which is filed, in case of appeal, with the Emergency Court of Appeals.

CONTENTS OF PROTESTS AND SUPPORTING MATERIALS

SEC. 42. *Contents of protests.*—(a) *What each protest must contain.* Every protest shall set forth the following:

(1) The name and the post office address of the protestant, the nature of his business, and the manner in which the protestant is subject to the provision of the regulation or order being protested;

(2) The name and post office address of any person filing the protest on behalf of the protestant and the name and post office address of the person to whom all communications from the Director relating to the protest shall be sent;

(3) A complete identification of the provision or provisions protested, citing the number of the ceiling price regulation or otherwise identifying any other regulation or order being protested, and further citing the date of issuance of such regulation or order and the section or sections thereof to which objection is made;

(4) Where the protest is filed more than six (6) months after the effective date of a regulation or order, based on new grounds arising after such effective date, the delayed protest shall be justified as provided in section 33 (a);

(5) A clear and concise statement of all objections raised by the protestant against the provision or provisions protested, each such objection to be separately stated and numbered;

(6) A clear and concise statement of all the facts alleged in support of each objection;

(7) A statement of the relief requested by the protestant, including, if the protestant requests modification of a provision of the regulation or order, the specific changes which he seeks to have made in the provision;

(8) A statement signed and sworn to (or affirmed) before an officer authorized to take oaths either by the protestant personally, or, if a partnership, by a partner, or, if a corporation or association, by a duly authorized officer, that the protest and the documents filed therewith are prepared in good faith and that the facts alleged are true to the best of his knowledge, information and belief. The protestant shall specify which of the facts alleged are known to be true and which are alleged on information and belief.

(b) *Request for consideration by a board of review.* A protestant who wishes his protest considered by a board of review must specifically so request, indicating, if he wishes to offer oral argument, the order of his preference as to (1) argument before a board of review in Washington, D. C.; (2) argument before a subcommittee consisting of one member of a board at a location named by him. Section 52 sets forth the considerations which will be determinative in the decision as to where oral argument may be heard. The request for consideration by a board of review must be made either in the protest or in an amendment thereto filed within fifteen

(15) days of the date the protest is filed. Such an amendment shall be deemed filed within the fifteen (15) day period if it is received by the Director of Price Stabilization, Washington 25, D. C., no later than the fifteenth day after the protest was filed. Further provisions with respect to proceedings before a board of review are to be found in sections 50 to 57, inclusive.

SEC. 43. *Affidavits or other written evidence in support of protest.* Every protestant shall file, together with his protest, the following:

(a) Affidavits and any other written evidence, setting forth in full all the evidence the presentation of which is subject to the control of the protestant upon which the protestant relies in support of the facts alleged in the protest. Each such affidavit shall state the name, post office address, and occupation of the affiant; his business connection, if any, with the protestant; and whether the facts set forth in the affidavit are stated from personal knowledge or on information and belief. In every instance the affiant shall state in detail the sources of his information.

(b) A statement by the protestant in affidavit form setting forth in detail the nature and sources of any further evidence, not subject to his control, upon which he believes he can rely in support of the facts alleged in his protest. Such statement shall be accompanied by an application for assistance, by way of subpena, interrogatories, or otherwise, in obtaining the documentary evidence, or the evidence of persons, not subject to protestant's control, showing, in any case, what material facts would be adduced thereby. Such application, if calling for the evidence of persons, shall specify the name and address of each person, and the facts to be proved by him, and where the oral testimony of such person is requested the application shall set forth the basis for such request as provided in section 44 (a). Where the application calls for the production of documents, it shall specify them with sufficient particularity to enable them to be identified for purposes of production.

SEC. 44. *Receipt of oral testimony.* (a) In most cases, evidence in protest proceedings will be received only in written form. However, the protestant may request the receipt of oral testimony. Such request shall be accompanied by a showing by the protestant as to why the filing of affidavits or other written evidence will not permit the fair and expeditious disposition of the protest.

(b) In the event that the Director orders the receipt of oral testimony, notice shall be served on the protestant not less than five (5) days prior to the receipt of such testimony. If a hearing is to be held to receive the testimony, the notice shall state the time and place of the hearing and the presiding officer designated by the Director.

(c) A stenographic report of any hearing of oral testimony shall be made, a copy of which shall be available during business hours in the office of the Recording Secretary of the Office of Price Stabilization, Washington 25, D. C. Protestants who wish a copy of the report may obtain it by requesting the reporter at the hearing to make a copy for them and paying the cost thereof.

SEC. 45. *Submission of brief by protestant.* The protestant may file with his protest and accompanying evidential material a brief in support of the objections set forth in the protest. Such brief shall be submitted as a separate document, distinct from the protest and evidential material.

MATERIAL IN SUPPORT OF THE REGULATION PROTESTED

SEC. 46. *Statements of considerations.* The statement of considerations accompanying a ceiling price regulation at the time of issuance contains economic and other material supporting the regulation. This statement, a copy of which can be obtained from the Recording Secretary is a document of public record, filed with the Division of the FEDERAL REGISTER. It is considered a part of the record of protest proceedings without formal incorporation therein.

SEC. 47. *Incorporation of material in the record by the Director.* In addition to the statement of considerations, the Director shall include in the record of the proceedings on the protest such evidence, in the form of affidavits or otherwise, as he deems appropriate in support of the provisions against which the protest is filed. When such evidence is incorporated into the record, and is not so incorporated at a hearing of oral testimony, copies thereof shall be served upon the protestant, and the protestant will be given a reasonable opportunity to present evidence in rebuttal thereof. Such evidence may be included either at an interim stage of the proceedings or in an opinion accompanying an order denying the protest as contemplated by section 59.

SEC. 48. *Other written evidence in support of the ceiling price regulation.* (a) Any person affected by the provisions of a ceiling price regulation may at any time after the issuance of such regulation submit to the Director a statement in support of any such provision or provisions. Such statement shall include the name and post office address of such person, the nature of his business, and the manner in which such person is affected by the ceiling price regulation in question, and may be accompanied by affidavits and other data in written form. Each such supporting statement shall conform to the requirements of section 34.

(b) In the event that a protest has been, or is subsequently, filed against a provision of a ceiling price regulation in support of which a statement has been submitted, the Director may include such statement in the record. If such supporting statement is incorporated into the record, and is not so incorporated at a hearing of oral testimony, copies of such supporting statement shall be served upon the protestant, and the protestant shall be given a reasonable opportunity to present evidence in rebuttal thereof.

SEC. 49. *Receipt of oral testimony in support of the regulation.* Ordinarily, material in support of the ceiling price regulation protested, like material in support of protests, will be received in the protest proceeding only in written form. Where, however, the Director is satisfied that the receipt of oral testimony is necessary to the fair and expeditious disposition of the protest, he may, on his own motion, direct such testimony to be received. In that event, the oral testimony will be taken in the manner provided in section 44.

BOARDS OF REVIEW

SEC. 50. *Right to consideration by a board of review.* Under section 407 (c) of the act, any properly filed protest must, upon the protestant's request, be considered by a board of review before it can be denied in whole or in part. Consideration of the record in a protest proceeding by a board of review is undertaken for the purpose of reconsidering the provision or provisions of the ceiling price regulation, or other regulation or order, protested and recommending action relative thereto to the Director. A board of review considers the protest upon the basis of the record which has been developed in the proceedings. Protestant is accorded an opportunity to present oral argument to a board, upon the basis of the objections raised in the protest and the evidence in the record, and guided by the explanatory statement of the issues in the notice of consideration by a board of review. Section 41 explains the nature of the record in the proceedings. Section 42 (b) explains the nature of such a request and states the time within which it must be filed.

SEC. 51. *Composition of boards of review.* A board of review is composed of one or more officers or employees of the Office of Price Stabilization designated by the Director to review the record of the proceedings on a particular protest and make recommendations to him as to its disposition. The number of members constituting a board will be determined in the light of the scope and complexity of the issues presented. When a board consists of more than one member, ordinarily one member shall be selected who is or has been directly engaged in the administration of the ceiling price regulation protested. The protestant will be advised of the membership of a board considering his protest, and, if the board consists of more than one member, of the member selected to preside, in the notice of consideration by a board provided for in section 53. When necessitated by incapacity of a member or other good cause, the Director may make substitutions in the membership of the board as originally constituted.

SEC. 52. *Where boards of review hear oral argument.* A board of review consisting of more than one member will ordinarily hear oral argument at the office of the Director of Price Stabilization, Washington, D. C., and only in exceptional cases and for good cause shown will the full board hold hearings elsewhere. A board consisting of only one member may hear argument at any designated place. Where the protestant has requested that oral argument be heard at some other place than Washington, D. C., and where the board consists of more than one member, a subcommittee thereof may be designated to hear argument at the place requested or at some other convenient place.

SEC. 53. *Notice of consideration by a board of review.* Before denial of any protest in whole or in part in which the protestant has requested consideration by a board of review in accordance with section 42 (b) which has not subsequently been waived by the protestant, notice of consideration by a board of review will be sent by registered mail to the protestant. Sending of notice marks a close of the record of the evidence in a protest proceeding. The notice will indicate the issues thought to be determinative of the case which may serve as a guide to the protestant in planning oral argument. The notice of consideration shall contain, or be accompanied by, the following items, as nearly as the circumstances permit:

(a) Information identifying the protest, including the ceiling price regulation or other regulation or order being protested and the docket number;

(b) A list of the documents comprising the completed record of the proceeding;

(c) A brief statement of the issues involved;

(d) A statement of the time (which shall not be less than seven (7) days from the date of the mailing of the notice) and place where a board of review or a subcommittee thereof will hear oral argument;

(e) A list of persons comprising the board of review which is thereby appointed to consider the protest, with their official titles and a designation of the presiding member if the board of review is composed of more than one person.

SEC. 54. *Waiver of right to consideration in whole or in part.* A protestant who has properly requested consideration by a board of review in accordance with section 42 (b) may, if he so desires, waive his right to consideration by a board. If he chooses, he may have his protest considered by a board, waiving his right to oral argument before a board. Such waiver shall be in writing and shall constitute a part of the record of proceedings on the protest. Failure of a protestant to appear at a hearing of oral argument, which he has not waived in accordance with the foregoing, at the time and place specified in the notice of consideration, shall, unless a reasonable excuse is shown, also constitute waiver of his right to consideration by a board. Unexcused failure to appear at a hearing of oral argument shall be noted on the record of proceedings. A waiver by less than all of a group of joint protestants shall not affect the rights of a protestant who has made no waiver.

SEC. 55. *Hearing of oral argument.* (a) Argument before a board of review by a protestant shall ordinarily be limited to one hour except for good cause shown. Where the magnitude of the issues involved warrants more extended discussion, or where the protestants are numerous, the board may extend or limit the time of each protestant in its discretion. Specific argument shall be confined to objections set forth in the protest or to other evidence in the record. Hearings of argument will be open to the public. Where argument is to be heard by a board of review consisting of more than one member, a majority of such board shall constitute a quorum for the purpose of hearing argument. Presentation of oral argument may be accompanied by submission of a brief (see section 41 (c)).

(b) A stenographic report of all hearings of oral argument by boards of review may be taken. The report will be transcribed at the direction of the board if a transcription is desired to facilitate consideration of the protest. The report shall be transcribed if the argument is heard by a subcommittee of a board. If the report is transcribed, a copy shall be available for inspection during business hours in the office of the Recording Secretary of the Office of Price Stabilization, Washington, D. C. Protestants who wish a copy of the report may obtain it by requesting the reporter at the hearing to make a copy for them and paying the cost thereof.

SEC. 56. *Action by boards of review at the conclusion of their consideration of a protest.* Within a reasonable time after the hearing of oral argument or after the closing of the record, if such argument has been waived, a board of review shall submit its recommendations in writing to the Director as to the disposition of the protest. The recommendations of a majority of the members of a board shall constitute the recommendations of the board but the disagreement of any member with the recommendations shall be expressly noted. A board of review shall recommend to the Director that the protest be granted or denied in whole or in part. If it is the opinion of the board that the record in the proceeding should be expanded, it may refer the record of the proceeding to the Director in order that the Director may consider permitting the amendment of the protest or the receipt of additional evidence. Records will, however, be reopened only in very exceptional circumstances and where the requirements of section 39 can be met.

SEC. 57. *Action by Director after receipt of board of review's recommendations.* After receipt of a board of review's recommendations as to the disposition of the protest, the Director shall, within a reasonable time, grant or deny the protest in whole or in part.

DETERMINATION OF PROTEST

SEC. 58. *Order granting protest in whole.* Where the Director grants a protest in whole, a copy of the order shall be sent to the protestant by registered mail. If the protest has been considered by a board of review, the protestant will be advised of the recommendations of the board in an appendix to the Director's order.

SEC. 59. *Order and opinion denying protests in whole or in part.* In the event that the Director denies any protest in whole or in part, a copy of the Director's order and opinion shall be sent to the protestant by registered mail. In such opinion the protestant shall be informed of any economic data or other facts of which the Director has taken official notice, the grounds upon which such decision is based, and (if the protest has been considered by a board of review) the recommendations of a board of review and, if any recommendation of such a board has been rejected, the reason for rejection.

SEC. 60. *Treatment of protest as petition for amendment or an application for adjustment.* Any protest filed against a provision of a ceiling price regulation, or other regulation or order, may, in the discretion of the Director, be treated not only as a protest but also as a petition for amendment of the regulation or order protested or as an application for adjustment pursuant thereto, when the facts produced in connection with the protest justify such treatment.

SEC. 61. *Petitions for reconsideration.* An order denying a protest may include leave to file a petition for reconsideration within a specified period. If the order of denial does include leave to file a petition for reconsideration, the filing of such a petition within the time provided shall automatically vacate the order of denial and reopen the protest proceeding.

ARTICLE VI—INTERPRETATIONS

SEC. 71. *Who may render official interpretations, and the effect thereof.* (a) Action taken in reliance upon and in conformity with an official interpretation of a provision of any regulation or order (prior to any revocation or modification of such interpretation or to any superseding thereof by regulation, order or amendment) shall constitute action in good faith pursuant to the provision of the regulation or order to which such official interpretation relates.

(b) Interpretations of regulations or orders will be regarded by the Office of Price Stabilization as official only where issued by the Chief Counsel of the Office of Price Stabilization or one of his delegatees, and shall be given only in writing. An official interpretation shall be applicable only with respect to the particular person to whom, and to the particular factual situation with respect to which, it is rendered, unless published in the FEDERAL REGISTER as an interpretation of general application.

SEC. 72. *Requests for interpretations: form and contents.* Any person desiring an official interpretation of a regulation or order shall request it in writing from the Chief Counsel of the Office of Price Stabilization. Such request shall set forth in full the factual situation out of which the interpretative question arises and shall, so far as is practicable, state the names and post-office addresses of the persons involved. If the interpretation will affect operations of establishments located in more than one state, the request shall name the states in which the establishments are located. No interpretation shall be requested or given with respect to any hypothetical situation or in response to any hypothetical question.

SEC. 73. *Revocation or modification of interpretation.* Any generally applicable official interpretation of a regulation or order may be revoked or modified by a statement or notice by the Chief Counsel of the Office of Price Stabilization or his delegatees published in the FEDERAL REGISTER. An official interpretation addressed to a particular person may be revoked or modified at any time by a statement in writing mailed to such person and signed by the Chief Counsel of the Office of Price Stabilization or one of his delegatees.

ARTICLE VII—MISCELLANEOUS PROVISIONS AND DEFINITIONS

SEC. 81. *Witness fees.* Witnesses summoned to give testimony shall be paid the fees and mileage specified by section 705 (c) of the act. Witness fees and mileage shall be paid by the person at whose instance the witness appears.

SEC. 82. *Improper conduct.* Improper conduct, obstructive to the course of any hearing, shall be sufficient cause for the adjournment of that hearing or for the exclusion of the offending party.

SEC. 83. *Continuance or adjournment of hearings.* Any hearing may be continued or adjourned to a later date or a different place by announcement at the hearing by the person who presides.

SEC. 84. *Subpenas.* Subpenas may require the production of documents or the attendance of witnesses at any designated place. Service of a subpena upon a person named therein shall be made by delivering a copy thereof to such person or leaving a copy at his regular place of business or abode and by tendering to him the fees and mileage specified in section 705 (c) of the act. When the subpena is issued at the instance of the Director, fees and mileage need not be tendered. Any person 18 years of age or over may serve a subpena. The person making the service shall make an affidavit thereof describing the manner in which service is made, and return such affidavit on or with the original subpena forthwith to the Recording Secretary. In case of failure to make service, the reasons for the failure should be stated on the original subpena.

SEC. 85. *Representation.* A party in interest to any proceeding governed by Article III, IV, V, or VI of this regulation may by written power of attorney authorize any person to represent him therein. In proceedings governed by Article III, IV, or V, such power of attorney, signed and sworn to by the party in interest, shall be submitted to the Recording Secretary of the Office of Price Stabilization and shall become part of the record in the proceeding.

SEC. 86. *Service of papers.* Notices, orders, and other process and papers may be served personally or by leaving a copy thereof at the principal office or place of business of the person to be served; or by registered mail, or by telegraph. When service is made personally or by leaving a copy at the principal office or place of business, the verified return of the person serving or leaving the copy shall be proof of service. When service is by registered mail or telegraph, the return post-office receipt or telegraph receipt shall be proof of service. Where the party in interest has filed a power of attorney authorizing another person to represent him as provided in section 85, service upon such representative shall be deemed service upon the party in interest.

SEC. 87. *Office hours.* The Washington Office of the Office of Price Stabilization, Washington, D. C., shall be open on week days from 8:30 a. m. until 5:00 p. m. Any person desiring to file papers with the Director of Price Stabilization or with the Recording Secretary of the Office of Price Stabilization or to inspect any documents filed with the Director or Recording Secretary at any time other than the regular office hours, may file a written application with the Recording Secretary of the Office of Price Stabilization requesting permission therefor.

SEC. 88. *Time of filing; effect of Sundays and holidays.* Where a regulation requires the filing of any records, reports, or information, they shall be filed with the appropriate office, and shall be deemed filed on the date received by said office: *Provided*, That where the day or the last day fixed by any regulation or order of the Office of Price Stabilization for taking any action, doing any act required or permitted to be done, or filing any records, reports, or information falls on a Sunday or on a holiday, the action may be taken, the act may be done, or the filing complied with on the next succeeding busines day.

SEC. 89. *Confidential information: inspection of documents filed with the Recording Secretary of the Office of Price Stabilization.* (a) Information obtained under section 705 of the act, which the Director deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, shall not be published or disclosed unless the Director determines that the withholding thereof is contrary to the interest of the national defense.

(b) All protests and orders and opinions in connection therewith are open to inspection in the office of the Recording Secretary of the Office of Price Stabilization, upon such reasonable conditions as he may prescribe. Information submitted in a protest proceeding with a request for confidential treatment, and confidential material incorporated by the Director into a protest proceeding, will be treated as confidential to the extent consistent with the proper conduct of the protest proceeding. In the event of a complaint being filed in the Emergency Court of Appeals, such information and such material will be included in the transcript of the protest proceeding to the extent that it is material under the complaint.

(c) All letters denying petitions for amendment and all orders and opinions granting or denying in whole or in part any application are open to inspection in the office of the Recording Secretary of the Office of Price Stabilization, upon such reasonable conditions as he may prescribe.

(d) To the extent that this section provides for the disclosure of confidential information, it shall be deemed a determination by the Director, pursuant to section 705 (e) of the Defense Production Act of 1950, that the withholding of such information is contrary to the interest of the national defense.

SEC. 90. *Definitions.* As used in this part, unless the context otherwise requires, the term:

(a) "Act" means the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.).

(b) "FEDERAL REGISTER" means the publication provided for by the Act of July 26, 1935 (49 Stat. 500), as amended.

(c) "Ceiling price regulation" means any regulation or order establishing a ceiling on prices.

(d) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions, or any agency of any of the foregoing.

(e) "Protestant" means a person subject to any provision of a regulation or order relating to price controls, who files a protest in accordance with section 407 (a) of the act.

(f) "Price hearing" means any formal or informal opportunity to present evidence which may be ordered by the Director in connection with any action or proceedings related to price control.

(g) "Holiday" includes New Year's Day, Washington's birthday, Memorial Day, Independence Day, Labor Day, Armistice Day, Christmas Day, and any day designated as a holiday (or as a day of public fasting or thanksgiving) by the President or the Congress of the United States.

SEC. 91. *Amendment of this regulation.* Any provision of this regulation may be amended or revoked by the Director at any time. Such amendment or revocation shall be published in the FEDERAL REGISTER and shall take effect upon the date of its publication, unless otherwise specified therein.

Effective date. This revision of Price Procedural Regulation 1 shall become effective on May 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 25, 1951.

[F. R. Doc. 51-6164; Filed, May 25, 1951; 10:14 a. m.]

Chapter XV—Federal Reserve System

[Regulation X, Interpretations 32 and 33]

REG. X—REAL ESTATE CREDIT

INT. 32—PUBLIC UTILITY

Privately owned public warehouse. A privately owned public warehouse used for the storage of grain and other foodstuffs is not a "public utility" within the meaning of section 2 (s) of Regulation X, and hence is not excluded from the definition of "nonresidential structure" by section 2 (r) (4) (i) of the Regulation, even though the operations of the warehouse are supervised by a Federal or State agency. It is the Board's opinion that a warehouse is not similar to a transportation company, electric light or power company, or other similar companies specifically mentioned in section 2 (s).

INT. 33—CHURCH CONSTRUCTION

Church unit engaged in extending credit. A church organized on a nationwide basis has a central organization which, in turn, has boards and agencies. The church also has regional organizations which, in turn, have a number of congregations and missions. Each such unit of the church is a corporate entity. Credit sometimes is extended by such units in connection with new construction being purchased or constructed by other units of the church. The question has been raised whether the credit is subject to the provisions of Regulation X.

The credit is not subject to the Regulation if the new construction is a church because section 2 (r) (3) of the Regulation excludes churches from the definition of "nonresidential structure". However, credit extended to finance the purchase or construction of new construction covered by the Regulation is subject to the Regulation when the unit of the church extending the credit is a Registrant, that is, if the unit has made sufficient extensions of credit to be deemed to be engaged in the business of extending real estate credit. So long as such units are corporate entities, the funds borrowed must be considered as funds of the units lending them rather than funds of the over-all church organization.

It may be noted, however, that the Regulation does not affect in any way the purchase or construction of new construction by a unit of the church in possession of the necessary funds, or its participation on an equity basis in the construction or purchase of new construction by another unit of the church.

(Sec. 704, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp. Interpret or apply sec. 602, Pub. Law 774, 81st Cong., E. O. 10161)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-6068; Filed, May 25, 1951; 8:46 a. m.]

Chapter XVI—Production and Marketing Administration, Department of Agriculture

[Defense Food Order 2, Amendment 1]

DFO 2—PROCESSED FRUITS AND VEGETABLES; SET ASIDE REQUIREMENTS

It is hereby found and determined that the provisions of this amendatory order are necessary and appropriate to promote the national defense; and it is, therefore, made effective pursuant to the Defense Production Act of 1950 (Pub. Law 744, 81st Cong., approved September 8, 1950), Executive Order No. 10161 (15 F. R. 6105), Executive Order No. 10200 (16 F. R. 61), Defense Production Administration Delegation No. 1 (16 F. R. 738), and Secretary's Memorandum No. 1270, as amended (15 F. R. 6424; 16 F. R. 2446). In the formulation of Defense Order 2 (16 F. R. 3345), there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. Since this amendment is merely a clarification of Defense Food Order 2, consultation with industry representatives concerning the proposed action is not deemed necessary.

The purpose of this amendment to Defense Food Order 2 is to make it clear that the persons subject to the provisions of the order and sub-orders thereunder are those who actually process the specified foods, whether for themselves or for others. The food so processed is to be included in computing, and complying with, requisite set-aside obligations.

Defense Food Order 2 (16 F. R. 3345) is amended as follows:

1. Delete the provisions of paragraph (c) of section 1, *Definitions*, and substitute, in lieu thereof, the following:

(c) "Processor" means any person engaged in commercial processing resulting in the production of processed food for his own account or for the account of others.

2. Add a new paragraph (g) at the end of section 1 as follows:

(g) "Produce" means to process for the processor's own account or for the account of others.

(Sec. 704, Pub. Law 774, 81st Cong.)

This order shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 23d day of May 1951.

[SEAL] G. F. GEISSLER,
Administrator, Production and Marketing Administration.

[F. R. Doc. 51-6105; Filed, May 24, 1951; 9:10 a. m.]

[Defense Food Order 2, Sub-Order 2]

DFO 2—PROCESSED FRUITS AND VEGETABLES; SET ASIDE REQUIREMENTS

SO 2—CANNED FRUITS—SET ASIDE REQUIREMENTS

It is hereby found and determined that the provisions of this order are necessary and appropriate to promote the national defense; and this order is, therefore, made effective pursuant to the authority vested in me by Defense Food Order 2 (16 F. R. 3345). In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This order names the canned fruits which are required to be set aside and reserved for procurement by Government agencies pursuant to Defense Food Order 2. In addition, it provides a formula for determining the specific quantity of each canned fruit to be set aside by each processor. This formula consists of the establishment for each processor of a "base pack," to which is applied a prescribed percentage stated in the order. The order prescribes a time schedule for processors to meet in accumulating the set-aside quantity as the packing season progresses. It also sets forth processors' reporting requirements. It designates the Quartermaster General, United States Department of the Army, and his designees as the authorized purchasers of the canned fruits so set aside and reserved.

The composition of the quantity of canned fruits set aside under this order is not prescribed, but the order does indicate the preferences of Government agencies with respect to type, style, grade, and container sizes and types for each canned fruit.

The order does not apply to any processor whose aggregate set-aside quotas for all canned fruits amount to less than 1,500 cases.

Sec.
1. Definitions.
2. Canned fruits to be set aside and reserved.
3. Stocks to be set aside.
4. Table I.
5. Exemptions.
6. Reports.
7. Designation of authorized purchasers.
8. Territorial scope.

AUTHORITY: Sections 1 to 8, issued under sec. 704, Pub. Law 774, 81st Cong.

SECTION 1. *Definitions.* (a) Except as otherwise provided in this order, terms used in this order shall have the same meaning as when used in Defense Food Order 2 (16 F. R. 3345).

(b) "Canned fruit" means each of the processed foods produced during the quota period therefor and listed in Column A of Table I.

(c) "Table I" means Table I set forth in section 4 of this order.

(d) "Quota period" means:

(1) With respect to canned apples, pineapple, and pineapple juice, the period beginning on June 1, 1951, and ending on May 31, 1952, both dates inclusive; and

(2) With respect to any other canned fruit, the period beginning on January 1, 1951, and ending on December 31, 1951, both dates inclusive.

(e) "Quota period pack" means, with respect to any canned fruit, the aggregate quantity thereof produced during the quota period therefor.

(f) "Base period" means:

(1) With respect to canned berries and plums the period beginning on January 1, 1949, and ending on December 31, 1949, both dates inclusive;

(2) With respect to canned apples, pineapple, and pineapple juice, the period beginning on June 1, 1950, and ending on May 31, 1951, both dates inclusive; and

(3) With respect to any other canned fruit, the period beginning on January 1, 1950, and ending on December 31, 1950, both dates inclusive.

(g) "Base pack" means:

(1) With respect to any canned fruit produced by any processor during the base period therefor, the aggregate quantity of the canned fruit so produced; and

(2) With respect to any canned fruit that was not produced by a processor during the base period therefor, the quota period pack of such canned fruit.

SEC. 2. *Canned fruits to be set aside and reserved.* (a) The aggregate quantity of a particular canned fruit that each processor is required, pursuant to Defense Food Order 2, to set aside and reserve for the requirements of Government agencies shall be the lesser of (1) the amount obtained by multiplying his base pack for such canned fruit by the percentage listed therefor in Column B of Table I, or (2) his quota period pack of such canned fruit. Such aggregate quantity shall be the quota for such processor for such canned fruit.

(b) The canned fruit quotas are not required to be of any special composition; however, Table I sets forth the preferences of Government agencies with respect to the types, styles, grades, and container sizes and types for each of the canned fruits.

SEC. 3. *Stocks to be set aside.* (a) Except as otherwise prescribed in paragraph (b) of this section, each processor shall set aside and reserve his quota of each canned fruit in accordance with the following schedule:

(1) At least 50 percent of his quota not later than the date on which such processor's aggregate production of his quota period pack of the canned fruit is in an amount equal to 40 percent of his base pack of such canned fruit; and

(2) The balance of his quota not later than the date on which such processor's aggregate production of his quota period pack of the canned fruit is in an amount equal to 80 percent of his base pack of such canned fruit.

(b) With respect to each processor whose base pack of a particular canned fruit is his quota period pack, in accordance with section 1 (g) (2), the foregoing percentages shall be applied to the respective processor's estimate of his base pack.

SEC. 4. TABLE I—*Canned fruits: Set aside percentages and preferences with respect to style of pack, grade, and container sizes and types.*

Canned fruits (A)	Percentage of base pack (B)	Type—Style: Sequence denotes preference unless otherwise specified (C)	Grade preference [1]: First (D)	Grade preference [1]: Second (E)	Preferred container sizes and types [2] (F)
Apples	24	Sliced, heavy pack	U. S. Standard	U. S. Fancy	10's-2's.
Apricots	26	Halves, unpeeled	U. S. Choice	U. S. Fancy	10's-2½'s-8 oz.
Blackberries	28		(3)		10's-2's.
Blueberries	10		(4)		10's-2's.
Cherries, RSP	25	Water pack	U. S. Standard		10's-2's.
Cherries, sweet	27	(1. Dark, unpitted 2. Light, unpitted	U. S. Choice	U. S. Fancy	10's-2½'s-8 oz.
Figs	41	Kadota	U. S. Choice	U. S. Fancy	10's-2½'s-2's.
Fruit cocktail	14		U. S. Choice	U. S. Fancy	10's-2½'s-8 oz.
Peaches	15	(1. Yellow clingstone 2. Yellow freestone	(1. Halves 2. Slices 3. Quarters.	U. S. Choice	U. S. Fancy	10's-2½'s-8 oz.
Pears	14	Bartlett	(1. Halves 2. Quarters	U. S. Choice	U. S. Fancy	10's-2½'s-8 oz.
Pineapple	13	(1. Sliced whole 2. Tidbits 3. Chunks 4. Crushed [5] (Sweetened or unsweetened)		U. S. Choice	U. S. Fancy	10's-2½'s.
Pineapple juice	12	Unsweetened	U. S. Fancy		3 cyl's-10's.
Purple plums	26	Whole, unpeeled, unpitted	U. S. Choice	U. S. Fancy [6]	10's-2½'s-8 oz.

[1] Grades are those defined in applicable U. S. Standards.
[2] 75 percent of requirements are preferred in container size listed first.
[3] Federal Specification Z-B-421, grade D, water pack or pie.
[4] Federal Specification Z-B-421 a, grade C, water pack.
[5] Not more than 30 percent of requirement is preferred of crushed style.

SEC. 5. *Exemptions.* The provisions of this order shall not apply to any processor whose aggregate set aside quotas for all canned fruits amount to less than 1,500 cases.

SEC. 6. *Reports*—(a) *Base period production.* Each processor shall file with the Director, within 30 days after the effective date of this order, an accurate report on DFO Form–4 showing the following information with respect to each canned fruit produced by such processor during the base period:

(1) Date; name and address of processor; and

(2) Total quantity, in terms of dozens of containers, by contalner types and sizes.

(b) *Quota period production.* Each processor who proposes to produce any canned fruit during the quota period which he did not produce during the base period shall file with the Director, (1) within 30 days after the effective date of this order, a report on DFO Form–4 showing his estimate of his proposed production of such canned fruit during the quota period, and (2) within 10 days after the completion of his quota period pack of such canned fruit, an additional report on DFO Form–4 showing his actual production thereof during the quota period. Estimated production and actual production shall be shown on DFO Form–4 in the column headed "Quantity of Pack" and shall indicate that the information thereunder relates to the quota period pack by marking such column "Estimated" or "Actual 1951 Production," as the case may be.

(c) *Time of filing.* Any report required to be filed pursuant to this order shall be deemed to be filed when it is post-marked, if mailed, or when it is received by the Director, if otherwise delivered.

SEC. 7. *Designation of authorized purchasers.* The Quartermaster General, United States Department of the Army, and each of his designees for such purpose are hereby designated as authorized purchasers of canned fruit set aside and reserved under this order, pursuant to Defense Food Order 2, for the requirements of Government agencies, in such amounts as are specifically approved by the Director.

SEC. 8. *Territorial scope.* Except as prescribed with respect to canned pineapple and canned pineapple juice, the provisions of this order shall be applicable within the 48 States of the United States, and the District of Columbia. With respect to canned pineapple and canned pineapple juice, the provisions of this order shall also be applicable within Puerto Rico and the Territory of Hawaii.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

NOTE: All reporting requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 21st day of May 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51–6104; Filed, May 24, 1951; 9:10 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 978]

[Docket No. AO 184–A7]

HANDLING OF MILK IN NASHVILLE, TENN., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Davidson County Courthouse, Nashville, Tennessee, beginning at 10:00 a. m., c. s. t., May 31, 1951, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Nashville, Tennessee, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order (No. 78) for the Nashville, Tennessee, marketing area have been proposed as follows:

By the Nashville Milk Producers, Inc.:

1. Amend § 978.4 so as to provide for two classes, namely combining the present Classes I and II to be known as Class I and renaming the present Class III Class II. Also, delete the present allowable shrinkage provision and provide that all shrinkage and unaccounted for milk be classified as Class I.

2. Amend § 978.5 (a) (1) to provide that the average price paid by the Midwestern condenseries for 3.5 percent milk will be adjusted to a 4.0 percent butterfat basis on a direct ratio (price ÷ 3.5 × 4).

3. Amend § 978.5 (a) (3) to provide for using the nonfat dry milk solids price spray process quoted at the Chicago, Illinois market, rather than the price quoted f. o. b. (spray and roller) Chicago area manufacturing plants. And change the present yield factor of $7\frac{1}{2}$ pounds to $8\frac{1}{2}$ pounds (no change on butter portion of present butterpowder formula).

4. Amend § 978.5 (b) (1) so as to establish floor prices for Class I milk (present I & II) of $6.10 per hundredweight of milk containing 4.0 percent butterfat, effective July, 1951, through March, 1952. *Provided*, That if during the 12 months prior to the month immediately preceding each delivery period from July, 1951, through March, 1952, the total volume of milk received from producers by all handlers and priced in Class II (present Class III) was more or less than 25 percent during such 12 months period, the Class I price shall be increased or decreased by 3 cents per hundredweight for each full percentage point that such Class II percentage is more or less than 25 percent. *Provided further*, That during the period July 1951–March 1952, the provision in § 978.4 (f) (ii) shall not be in effect. (Eliminates proration of other source skim milk to Class I).

5. Delete § 978.5 (b) (2). (Eliminates present Class II price.)

6. Renumber § 978.5 (b) (3) as (2) and delete the following named companies:

Swift & Co., Lawrenceburg, Tenn.
Giles County Dairy Products Co., Pulaski, Tenn.
Borden & Co., Lewisburg, Tenn.
Borden & Co., Fayetteville, Tenn.

and substitute therefor the following:

Wilson & Co., Franklin, Tenn.
Sumner County Cooperative Creamery, Gallatin, Tenn.
Pet Milk Co., Franklin, Ky.
Pet Milk Co., Bowling Green, Ky.

and provide for an increase in the Class II price (present Class III) by adding 15 cents per hundredweight for the months of August through March, inclusive.

7. Amend § 978.5 (c) (1) by substituting 1.3 for 1.4. (Reduces handlers Class I butterfat differential.)

8. Delete § 978.5 (c) (2). (Eliminates present Class II handler butterfat differential.)

9. Renumber § 978.5 (c) (3) as (2) and substitute 1.15 for 1.2. (Reduces handler butterfat differentials for manufacturing milk.)

10. Add to § 978.3 as paragraph (d) the following:

(d) Reports from the Market Administrator to Cooperative Associations. On or before the 15th day after the end of each delivery period, the Market Administrator shall report to each cooperative association as described in § 978.1 (f) the percentage of milk caused to be delivered by such association or by its members which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handlers were used in each class.

By Foremost Dairies, Inc.:

11. Amend the classification provisions to the effect that skim milk and butterfat transferred or diverted by handlers in the form of fluid cream to a non-fluid milk plant shall be classified as Class II, except that it shall be classified in another class, if (i) the handler reports its use in another class and the operator of the receiving plant certifies to the market administrator in writing not later than the last day of the month next following the month in which such cream was shipped that such cream was used in the class reported by the handler, (ii) the operator of the non-fluid milk plant maintains books and records showing utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, (iii) not less than an equivalent amount of skim milk and butterfat was actually utilized in such plant in the use indicated in such certification: *Provided*, That, if upon inspection of the records of such plant it is found that an equivalent amount of skim milk and butterfat was not actually used in such indicated use the remaining pounds shall be classified on the basis of the next highest-priced use in accordance with the classes set forth in paragraph (b) of § 978.4.

By all handlers under the regulation of order No. 78:

12. Amend the pricing provisions of the order, to the effect that the basic formula price used in determining the Class I and Class II prices for the current delivery period shall be based on the prices obtaining during the delivery period immediately preceding for the items represented by subparagraphs (a) (1), (a) (2), (a) (3) and (b) (3) of § 978.5.

By the Dairy Branch, Production and Marketing Administration:

13. Make such other changes as may be required to make the entire marketing agreement and the order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the tentative marketing agreement, and the order now in effect, may be procured from the market administrator, 309 Presbyterian Building, Nashville 3, Tennessee, or from the Hearing Clerk, United States Department of Agriculture, Room 1353 South Building, Washington 25, D. C., or may be there inspected.

Filed at Washington, D. C., this 23d day of May 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51–6106; Filed, May 25, 1951; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR, Part 6]

MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

OPEN SEASONS, SHOOTING HOURS AND BAG LIMITS

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237), and the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), as amended, notice is hereby given that the Secretary of the Interior proposes to take the following action:

To adopt amendments to the regulations relating to migratory birds and

certain game mammals which will specify open seasons, shooting hours, and bag limits for migratory game birds, and will define conditions under which depreciation permits will be issued.

The proposed amendments specifying open seasons, limits and shooting hours for migratory game birds except woodcock, coot and waterfowl, but including scoter, eider and old squaw ducks in open coastal waters beyond outer harbor limits in north Atlantic Coast States and waterfowl and coot in Alaska, and those relating to other matters will be adopted not later than August 1, 1951, and will become effective September 1, 1951. The proposed amendments specifying open seasons, limits and shooting hours for woodcock, other waterfowl and coot will be adopted not later than August 31, 1951 and will become effective October 1, 1951.

The public is hereby invited to participate in the preparation of the amended regulations to be adopted as set forth above, by submitting their views, data, or arguments in writing to Albert M. Day, Director, Fish and Wildlife Service, Washington 25, D. C. on or before July 9, 1951.

DALE E. DOTY,
Assistant Secretary of the Interior.

MAY 22, 1951.

[F. R. Doc. 51-6064; Filed, May 25, 1951 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM 08285]

OKLAHOMA

NOTICE OF FILING OF PLAT OF SURVEY

MAY 21, 1951.

Notice is given that the plat of original survey of the following described lands, accepted February 15, 1949, will be officially filed in this Bureau effective at 10:00 a. m. on the 35th day after the date of this notice:

INDIAN MERIDIAN, OKLAHOMA

T. 16 N., R. 14 W.,
Sec. 31, lot 8;
Sec. 32, lot 6.

The area described aggregates 49.00 acres.

Available data indicates that the land is level river bottom accretion land.

No applications for the land may be allowed under the homestead, desert-land, small tract, or any other non-mineral public land laws unless the land has already been classified as valuable or suitable for such application or shall be so classified upon consideration of an application.

At the hour and date specified above the said land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Director, Bureau of Land Management, Washington 25, D. C.

WILLIAM ZIMMERMAN, JR.,
Associate Director.

[F. R. Doc. 51-5974; Filed, May 25, 1951 8:45 a. m.]

Office of the Secretary

[Order No. 2627]

SUPERINTENDENT, NATIONAL CAPITAL PARKS, NATIONAL PARK SERVICE

DELEGATION OF AUTHORITY WITH RESPECT TO PERFORMANCE OF DUTIES BY U. S. PARK POLICE ON DAYS OFF

1. The Superintendent, National Capital Parks, is authorized to permit officers or members of the United States Park Police force voluntarily to perform duty as such officers or members on their days off, as provided in the act of March 27, 1951 (Pub. Law 13, 82d Cong.).

2. Actions heretofore taken by the Superintendent, National Capital Parks, with respect to permitting such officers or members voluntarily to perform duty on their days off as provided in the above-mentioned act, are hereby ratified.

(R. S. 161; 5 U. S. C. 22)

Issued this 21st day of May 1951.

[SEAL] OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-6065; Filed, May 25, 1951 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 26]

BULOVA WATCH CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Bulova Watch Company, 630 Fifth Avenue, New York 20, N. Y., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of Bulova Watches manufactured by Bulova Watch Company having the brand name(s) "Bulova" shall be the proposed retail ceiling prices listed by Bulova Watch Company in its application dated April 18, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 25, 1951, Bulova Watch Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after July 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 25, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Bulova Watch Company must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per _____	unit, dozen, etc.
Terms _____ (net or percent EOM, etc)	$_____

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 25, 1951.

[F. R. Doc. 51-6163; Filed, May 25, 1951; 8:46 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 27]

HONEYBUGS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Honeybugs, Inc., 47 West 34th Street, New York 1, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of Women's Footwear manufactured by Honeybugs, Inc. having the brand name(s) "Honeybugs" and "Honeydebs" shall be the proposed retail ceiling prices listed by Honeybugs, Inc. in its application dated May 9, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order

shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 25, 1951, Honeybugs, Inc. must mark each article for which a ceiling price hase been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $------

On and after July 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 25, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Honeybugs, Inc. must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1

$..... per ..... (unit, dozen, etc.)
Terms ..... (net or percent EOM, etc) $.....;

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 25, 1951.

[F. R. Doc. 51-6164; Filed, May 25, 1951; 8:46 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 28]

ARTISTIC FOUNDATIONS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Artistic Foundations, Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The following ceiling prices are established for sales after the effective date of this special order by any seller at retail of foundation garments manufactured by Artistic Foundations, Inc., 417 Fifth Avenue, New York 16, N. Y., having the brand names "Flexees," "Profile," "Corsees," "Panteez," "Avant Bra" and "Coolaire" and described in the manufacturer's printed Spring 1951 Price Chart enclosed with the manufacturer's application dated March 9, 1951. The manufacturer's prices listed below carry a discount of 8/10, EOM.

BRASSIERES

Manufacturer's selling price (per dozen)	*Ceiling price at retail (per unit)*
$15.00	$1.95
21.00	2.95
28.50	3.95
36.00	4.95
42.00	5.95
GIRDLES AND COMBINATIONS	
$22.50	$2.95
36.00	4.95
48.00	6.95
54.00	7.95
60.00	8.95
72.00	10.95
78.00	11.95
84.00	12.95
102.00	15.95
120.00	18.95

2. The retail ceiling price of an article stated in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 25, 1951, Artistic Foundations, Inc., must mark each article listed in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after July 25, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 25, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in paragraph 1 of this special order or changes the retail ceiling price of a listed article, Artistic Foundations, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 25, 1951.

[F. R. Doc. 51-6165; Filed, May 25, 1951; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9801]

CHARLES H. CHAMBERLAIN

ORDER CONTINUING HEARING

In re application of Charles H. Chamberlain, Bellefontaine, Ohio, Docket No. 9801, File No. BP-7675, for construction permit.

The Commission having under consideration a petition filed on May 16, 1951, by Charles H. Chamberlain, requesting that the hearing now scheduled to be held on the above-entitled application, on May 25, 1951, at Washington, D. C., be continued for a period of sixty days, or without date; and

It appearing, from the allegations in the said petition that the petitioner is now preparing and expects to file in the near future, a petition to reconsider and grant his application without a hearing which, if granted, may render unnecessary a formal hearing thereon; and

It further appearing, that all of the parties to the above-entitled proceeding have agreed to a grant of the petition under consideration and to a waiver of § 1.745 of the Commission's rules, relating to the timely filing of motions;

It is ordered, this 18th day of May 1951, That the above-entitled petition be, and it is hereby, granted, and that the hearing on the above-entitled application is hereby continued until further order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-6097; Filed, May 25, 1951; 8:50 a. m.]

[Docket No. 9911]

HARMCO, INC. (KROY)

ORDER CONTINUING HEARING

In re application of Harmco, Inc. (KROY), Sacramento, California, Docket No. 9911, File No. BP-7918, for construction permit.

The Commission having under consideration a petition filed May 10, 1951, by Harmco, Inc. (KROY), Sacramento, California, requesting a continuance of the hearing presently scheduled for June 7, 1951, at Washington, D. C., in the proceeding upon its above-entitled application for construction permit; and

It appearing, that no opposition to the granting of the instant petition has been filed with the Commission;

It is ordered, this 18th day of May 1951, That the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Friday, September 7, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-6096; Filed, May 25, 1951; 8:50 a. m.]

[Docket Nos. 9978, 9979]

SOUTHLAND BROADCASTING CO. AND FREQUENCY BROADCASTING SYSTEM, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Southland Broadcasting Company, New Orleans, Louisiana, File No. BL-4036, Docket No. 9978, for license to cover construction permit for Station KCIJ, Shreveport, Louisiana, and application of Southland Broadcasting Company and Frequency Broadcasting System, Inc., File No. BAP-149, Docket No. 9979, for assignment of construction permit of Station KCIJ, Shreveport, Louisiana.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of May 1951;

The Commission having under consideration the above applications for license to cover construction permit for Station KCIJ, Shreveport, Louisiana, and for consent to assignment of the aforesaid construction permit from Southland Broadcasting Company to Frequency Broadcasting System, Inc.; and

It appearing, on the basis of information contained in the above applications and information obtained by the Commission in the course of its independent investigation of the matter, that serious questions relating to a possible unauthorized construction of KCIJ and an unauthorized assignment of the construction permit for Station KCIJ are present and that, therefore, the Commission is unable, at this time, to conclude that grants of the above applications would be in the public interest, convenience and necessity;

It is ordered, that the applications of Southland Broadcasting Company for license to cover construction permit for Station KCIJ and for consent to assignment of that construction permit to Frequency Broadcasting System, Inc., be designated for hearing in a consolidated proceeding to be held in New Orleans, Louisiana on July 23, 1951, upon the following issues with respect to the aforesaid license application:

1. To obtain full information as to the method or methods of financing of Southland Broadcasting Company from July 17, 1947, the date of filing of applications for construction permits for new standard broadcast stations in New Orleans (BP-6212—WMRY) and Shreveport (BP-6211—KCIJ), Louisiana, to date and the sources of such financing and, more particularly, to determine whether the aforesaid method or methods so employed materially deviated from representations made with respect thereto in the aforesaid applications for construction permits.

2. To obtain full information as to all contracts, agreements or understandings, past or present, between Southland Broadcasting Company, its officers, directors, stockholders or agents, and Frequency Broadcasting System, Inc., its officers, directors, stockholders or agents, with respect to the construction and op-

eration of Station KCIJ, with particular reference to:

a. A certain contract of October 10, 1949, between Southland Broadcasting Company and Frequency Broadcasting System, Inc., for assignment of the construction permit for Station KCIJ to Frequency.

b. A certain contract dated February 8 1950, between Southland Broadcasting Company and Frequency Broadcasting System, Inc., for construction of Station KCIJ by Frequency.

c. The payment, loan, or advance of funds by Frequency Broadcasting System, Inc., its officers, directors, stockholders or agents, or other persons, to Southland Broadcasting Company, its officers, directors, stockholders or agents, pursuant to the agreements referred to in (a) and (b), above, or pursuant to any other agreements which the said parties may have concluded among themselves, and to determine the nature and purpose of such payments, loans, or advances.

3. To determine whether the execution of any of the contracts, agreements or understandings referred to in Issue No. 2, above, the terms thereof or any acts of commission or omission with respect thereto, were in violation of section 319 of the Communications Act of 1934, as amended, or in violation of the rules and regulations of the Commission, with particular reference to §§ 1.321, 1.342 and 1.343 of said rules and regulations.

4. To determine whether Southland Broadcasting Company, its officers, directors, stockholders or agents, have concealed information from the Commission regarding the ownership, operation, construction or control of Station KCIJ or the financial condition of Southland, Broadcasting Company, or have misrepresented facts concerning such ownership, operation, construction or control of Station KCIJ or the financial condition of Southland Broadcasting Company, in applications, reports or letters which they have filed with the Commission.

5. To determine the disposition, since the date of commencement of operation of Station KCIJ, of income received from such operation, and the manner of and authority for such disposition.

6 To determine whether the public interest, convenience and necessity would be served by grant of the above-entitled application.

And with respect to the aforesaid assignment application, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the proposed assignee, its officers, directors and stockholders, to operate and control Station KCIJ.

2. To obtain full information regarding all past and present contracts, agreements, understandings or arrangements entered into between the proposed assignor and the proposed assignee with respect to the assignment of construction permit of Station KCIJ, including the consideration to be paid and the properties to be received therefor, and more particularly to determine whether the terms of Section IV of the contract of sale (Exhibit 2, BAP–149) between Southland Broadcasting Company and Frequency Broadcasting System, Inc. conflicts with § 3.109 (a) of the Commission's rules and regulations.

3. To obtain full information as to the extent and method of participation, if any, by the proposed assignee in the construction and operation of Station KCIJ.

4. To determine the plans of the proposed assignee for the staffing and programming of Station KCIJ and all other plans for the operation of that station.

5. To determine whether the assignee, in violation of sections 301 and 319 of the Communications Act of 1934, as amended, has constructed and operated Station KCIJ without a construction permit or license being issued to the assignee therefor.

6. To determine whether the public interest, convenience and necessity would be served by grant of the above-entitled application.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–6098; Filed, May 25, 1951; 8:50 a. m.]

[Mexican Change List No. 127]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

APRIL 10, 1951.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214–6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

Call letters	Location	Power	Type designation	Class	Probable date of commencement of operation
XETO	Monterrey, Nuevo Leon	1150 kilocycles, 1 kw	D	III	Sept. 1, 1951
XEVR	do	1150 kilocycles (nighttime service assignment) 1 kw, LSS, 5 kw, 250 w.	U	IV	Nov. 25, 1951
XEDM	Monterrey, Nuevo Leon	1480 kilocycles, 250 w, N 1 kw, D	U	III–B	Sept. 1, 1951
XEOR	Torreon, Coahuila	1340 kilocycles, 250 w, (increase in power from 100 w to 250 w).	U	IV	

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–6099; Filed, May 25, 1951; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Section 5a Application No. 34]

MIDDLEWEST MOTOR FREIGHT BUREAU

APPLICATION FOR APPROVAL OF AGREEMENT

MAY 23, 1951.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed May 18, 1951: by: J. D Lawson, Attorney-in-Fact, P. O. Box 2298, Kansas City 13, Mo.

Agreement involved: An agreement between and among common carriers by motor vehicle relating to rates, charges, rules, regulations and practices for the transportation of property wholly or in part by motor vehicle, in interstate commerce (1) between points in Middlewest territory, with certain exceptions, and (2) between points in the territory described in (1), on the one hand, and on the other, points in Central States and Southwestern territories, and (3) between Central States territory and Southwestern territory, as such territories are defined in the by-laws of the Middlewest Motor Freight Bureau; and procedures for the joint initiation, considerations, and establishment thereof.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51–6100; Filed, May 25, 1951; 8:50 a. m.]

[Rev. S. O. 874, General Permit 18]

EVANS MILLING CO. ET AL.

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act serving Evans Milling Company, Indianapolis, Indiana, Decatur Milling Company, Decatur, Illinois, or Charles A. Krause Milling Co., Milwaukee, Wisconsin, to disregard the provisions of Revised Service Order No. 874 insofar as they apply to Corn Grits, Corn Meal, and or Hominy Feed in Bulk when Evans Milling Company, Decatur Milling Company or Charles A. Krause Milling Company advise that service would be denied because of their inability to meet the minimum requirements because of inability of loading device to load to within 24 inches of roof of cars, except at ends of car. However, the total weight of such shipments shall be or exceed 80,000 pounds.

The waybills shall show reference to this general permit, and Evans Milling Company, Decatur Milling Company, or Charles A. Krause Milling Company shall furnish the Permit Agent the car numbers, initials, weights, and destinations of the cars shipped under this Permit and also car numbers, initials, and weights of all cars loaded with Corn Grits, Corn Meal, and or Hominy Feed in Bulk shipped; such information to be furnished on the first of each month.

This general permit shall become effective at 12:01 a. m., May 23, 1951, and shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this Permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of May 1951.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 51–6101; Filed, May 25, 1951; 8:50 a. m.]

[Rev. S. O 876, General Permit 6-L]

WOOD FLOORING

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) (2) of Revised Service Order No. 876 (16 F. R. 3620, 4276), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act, to disregard the provisions of Revised Service Order No. 876 insofar as they apply to Wood Flooring provided the shipment of such Wood Flooring is loaded to within not less than 5 feet of the roof of the car.

The waybills shall show reference to this general permit, and all consignors shipping cars under this permit shall furnish the Permit Agent the car numbers, initials, weights, and destinations of the cars shipped under this permit.

This general permit shall become effective at 12:01 a. m., May 24th, 1951, and shall expire at 11:59 p. m., September 30, 1951, unless otherwise modified, changed, suspended, or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of May 1951.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 51–6102, Filed, May 25, 1951; 8:50 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 47-A]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of King's I. C. C. Order No. 47, and good cause appearing therefor:

It is ordered, That:

(a) King's I. C. C. Order No. 47 be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 11:00 a. m., May 21, 1951.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., May 21, 1951.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 51–6078; Filed, May 25, 1951; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6351]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY TO MEXICO

MAY 23, 1951.

Notice is hereby given that, on May 22, 1951, the Federal Power Commission issued its order entered May 22, 1951, in the above-designated matter, authorizing transmission of electric energy to Mexico, and superseding previous authorization by order of January 13, 1950, Docket No. E–6224, California Electric Power Company, published in the FEDERAL REGISTER January 24, 1950 (15 F. R. 385).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–6080; Filed, May 25, 1951; 8:48 a. m.]

[Docket No. E–6357]

PACIFIC POWER & LIGHT CO.

NOTICE OF APPLICATION

MAY 22, 1951.

Take notice that on May 21, 1951, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Pacific Power & Light Company (hereinafter called "Applicant"), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon and Washington, with its principal business office at Portland, Oregon, seeking an order authorizing the issuance of a total of $16,100,000 in Promissory Notes. Applicant proposes to borrow between the date of receiving all necessary authorizations for the proposed transaction and June 30, 1952, from the banks listed below in the amounts indicated, and will issue to said banks Unsecured Promissory Notes bearing interest at the rate of 3½ percent per annum and maturing as follows: $2,600,000 in aggregate principal amount to mature and be payable in amounts of $200,000 on each July 29 and January 29 beginning July 29, 1951, and ending July 29, 1957; and $13,500,000 in aggregate principal amount to mature and be payable in amounts of $900,000 on each May 15 and November 15 beginning May 15, 1954, and ending May 15, 1961:

Name of bank	*Amount of commitment*
Guaranty Trust Co. of New York	$7,084,000
The Chase National Bank of the City of New York	4,025,000
The National City Bank of New York	4,025,000
The American Express Co., Inc., New York Agency	966,000

all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 11th day of June 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–6079; Filed, May 25, 1951; 8:48 a. m.]

[Docket Nos. G-1619 and G-1636]

EL PASO NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MAY 23, 1951.

Notice is hereby given that, on May 22, 1951, the Federal Power Commission issued its findings and orders entered May 22, 1951, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-6031; Filed, May 25, 1951; 8:48 a. m.]

[Docket Nos. G-1442 and G-1511]

NORTHERN NATURAL GAS CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

MAY 22, 1951.

On July 17, 1950, Northern Natural Gas Company (Applicant), a Delaware corporation of Omaha, Nebraska, filed an application in Docket No. G-1442 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of approximately 13.9 miles of 8⅝-inch natural-gas branch transmission line extending from a point on Applicant's 24-inch loop line in Section 30, Township 90 North, Range 26 West, Wright County, Iowa, in a northwesterly direction to an electric generating plant of the Corn Belt Power Cooperative near Humboldt, Iowa, all as more fully described in the application on file with the Commission and open to public inspection.

On October 16, 1950, Applicant filed an application in Docket No. G-1511 for certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of approximately 1 5 miles of 2⅜-inch branch pipeline to serve the National By-Products, Inc., rendering plant near La Platte, Nebraska, and a measuring and regulating station near the rendering plant site, all as more fully described in the application on file with the Commission and open to public inspection.

Notice of the application in Docket No. G-1442 was published in the FEDERAL REGISTER on July 28, 1950 (15 F. R. 4875). Notice of the application in Docket No. G-1511 was published in the FEDERAL REGISTER on October 28, 1950 (15 F. R. 7283-84).

The Commission finds: Orderly procedure requires that the above-mentioned applications filed in Docket Nos. G-1442 and G-1511 be consolidated for purposes of hearing.

The Commission orders:

(A) The said applications at Docket Nos. G-1442 and G-1511 be and they are hereby consolidated for the purposes of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held commencing on June 13, 1951, at 10:00 a. m. e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the applications at Docket Nos. G-1442 and G-1511.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: May 22, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-6066; Filed, May 25, 1951; 8:45 a. m.]

[Project No. 1218]

GEORGIA POWER CO.

NOTICE OF ORDER DETERMINING NET CHANGES IN ORIGINAL COST OF PROJECT AND PRESCRIBING ACCOUNTING THEREFOR

MAY 23, 1951.

Notice is hereby given that, on May 22, 1951, the Federal Power Commission issued its order entered May 22, 1951, determining net changes in actual legitimate original cost of project and prescribing accounting therefor in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-6082; Filed, May 25, 1951; 8:48 a. m.]

[Docket No. G-1673]

REPUBLIC LIGHT, HEAT AND POWER CO., INC.

ORDER FIXING DATE OF HEARING

MAY 22, 1951.

On April 18, 1951, Republic Light, Heat and Power Company, Inc. (Applicant), a New York corporation with its principal place of business at Buffalo, New York, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a compressor station near Caledonia, New York, consisting of one 165-hp. gas engine driven compressor unit, and appurtenant facilities.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 8, 1951 (16 F. R. 4262).

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on June 6, 1951, at 9:30 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Date of issuance: May 22, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-6067; Filed, May 25, 1951; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2624]

NEW ENGLAND POWER CO. AND LOWELL ELECTRIC LIGHT CORP.

NOTICE OF PROPOSED ISSUANCE OF PRINCIPAL AMOUNT OF PROMISSORY NOTE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 22d day of May A. D. 1951.

Notice is hereby given, that New England Power Company ("NEPCO") and The Lowell Electric Light Corporation ("Lowell"), subsidiary public utility companies of New England Electric System, a registered holding company, have filed applications-declarations, pursuant to the Public Utility Holding Company Act of 1935. The filing designates sections 6 (a) and 7 of the act and Rule U-42 (b) (2) promulgated thereunder as being applicable to the transactions described therein.

Notice is further given that any interested person may, not later than May 31, 1951, at 12:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 12:30 p. m., e. d. s. t., on May 31, 1951, said applications-declarations, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said applications-declarations, which are on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

NEPCO proposes to issue under the terms and provisions of a bank loan agreement to five banks, namely, The First National Bank of Boston, The Chase National Bank of the City of New York, Central Hanover Bank and Trust Company, Irving Trust Company and The New York Trust Company, from time to time but not later than December 31, 1951, promissory notes in the aggregate principal amount up to but not exceeding $12,000,000. Said notes will mature April 1, 1952, and will bear interest at not less than 2½ percent per annum nor more than 2¾ percent per annum. The proceeds from said notes will be used by NEPCO to finance temporarily its construction program through 1951.

Lowell proposes to issue under the terms and provisions of a bank loan agreement to the above named banks, from time to time but not later than November 1, 1951, promissory notes in an aggregate amount up to but not exceeding $2,700,000. Lowell's new notes will mature April 1, 1952 and will bear interest at not less than 2½ percent nor more than 2¾ percent. Of the proceeds to be derived from said notes, $2,100,000 will be used to retire an equivalent principal amount of notes now outstanding, and the balance to finance temporarily its construction program through 1951.

NEPCO's bank agreement provides, among other things, for commitment commissions at the rate of ¼ of 1 percent per annum on the average daily difference between the amount of the banks' commitment and the amount borrowed thereunder while, in the case of Lowell, no commitment commission will be paid.

Each of the applicants-declarants states that if any permanent financing is done before the maturity date of the notes proposed to be issued, it will apply the proceeds from such financing in reduction of, or in total payment of, promissory notes authorized and then outstanding and the amount of notes, authorized but then unissued, if any, will be reduced by the amount, if any, by which such permanent financing exceeds the amount of promissory notes at the time outstanding.

The applications-declarations state that incidental services in connection with the proposed transactions will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $1,000 for each of the applicants-declarants, or the aggregate sum of $2,000. Other expenses, not including out-of-pocket expenses or counsel fees of The First National Bank of Boston, as agent for the five lending banks, but including the printing of the bank loan agreements, are estimated not to exceed $100 for each of the applicants-declarants or the aggregate sum of $200.

The applications-declarations further state that no state commission has jurisdiction over the proposed transactions.

Each of the applicants-declarants request that the Commission's order herein become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6071; Filed, May 25, 1951; 8:46 a. m.]

[File No. 70-2520]

AMERICAN GAS AND ELECTRIC CO.

ORDER RELEASING JURISDICTION OVER CERTAIN FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 22d day of May A. D. 1951.

The Commission having, by order dated December 19, 1950, granted and permitted to become effective an application-declaration, as amended, filed pursuant to the Public Utility Holding Company Act of 1935, by American Gas and Electric Company ("American"), a registered holding company, involving, among other things, the offering by American of 116,622 shares of its common stock in exchange for 162,030 shares of common stock of Central Ohio Light & Power Company ("Central Ohio"), an electric utility company; and

The Commission having by said order reserved jurisdiction over the fees and expenses of the various legal counsel and accountants to be paid by American in connection with the proposed transactions; and

Statements having been filed with respect to requested legal and accounting fees aggregating $46,300 and expenses in the aggregate amount of $3,116.15 which are itemized as follows:

	Requested fees	Expenses	Total
Counsel			
Simpson, Thacher & Bartlett, for American	$20,000	$1,370.00	$21,370.00
Miles, Walsh, O'Brien and Morris for Floyd W. Woodcock	15,000	1,025.77	16,025.77
Power and Griffith, for Central Ohio	7,500	353.39	7,853.39
	42,500	2,749.16	45,249.16
Accountants			
Niles and Niles, for American	2,000		2,000.00
La Frentz & Co., for Central Ohio	1,800	366.99	2,166.99
	3,800	366.99	4,166.99
Total	46,300	3,116.15	49,416.15

The Commission having considered said statements and finding that the requested fees and expenses are not unreasonable and deeming it appropriate that jurisdiction with respect thereto be released:

It is ordered, That the jurisdiction heretofore reserved over such fees and expenses be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6070; Filed, May 25, 1951; 8:46 a. m.]

[File No. 70-2625]

LAWRENCE GAS AND ELECTRIC CO.

NOTICE OF FILING FOR AUTHORITY TO ISSUE PRINCIPAL AMOUNT OF PROMISSORY NOTES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 22d day of May A. D. 1951.

Notice is hereby given that Lawrence Gas and Electric Company ("Lawrence") a public utility subsidiary company of New England Electric System, a registered holding company, has filed a declaration, pursuant to the Public Utility Holding Company Act of 1935. The filing has designated section 7 of the act and Rule U-42 (b) (2) promulgated thereunder as being applicable to the transactions described therein.

Notice is further given that any interested person may, not later than May 31, 1951, at 12:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 12:30 p. m., e. d. s. t., on May 31, 1951, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration, which is on file in the offices of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Lawrence proposes, under the terms and provisions of a bank loan agreement, to issue to five banks, namely, The First National Bank of Boston, The Chase National Bank of the City of New York, Central Hanover Bank and Trust Company, Irving Trust Company and The New York Trust Company, from time to time but not later than December 31, 1951, promissory notes in an aggregate principal amount up to but not exceeding $2,000,000. Said notes will mature April 1, 1952, and will bear interest at the rate of not less than 2½ percent per annum

nor more than 2¾ percent per annum. The proposed bank load agreement provides, among other things, for the payment of commitment commissions at the rate of ¼ of 1 percent per annum for the period from May 15, 1951, to December 31, 1951, on the average daily difference between the amount of the banks' commitments and the amount borrowed.

The proceeds to be derived from the proposed notes will be used by Lawrence for the payment of $100,000 face amount of presenty outstanding promissory notes and to finance temporarily its construction program through the year 1951 and to pay for the conversion costs in connection with the distribution of natural gas which the company expects will be available in the latter half of 1951.

Lawrence proposes that if any permanent financing is done, or if all or substantially all of its gas properties are sold, before the maturity of the notes proposed to be issued, it will apply the proceeds therefrom in reduction of, or in total payment of, notes then outstanding, and the balance of such amount of notes then authorized but unissued, if any, will be reduced by the amount, if any, by which such permanent financing, or the proceeds from the sale of gas properties, exceeds the notes at the time outstanding.

The declaration states that incidental services in connection with the proposed transactions will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $1,000. Other expenses, not including the out-of-pocket expenses or counsel fees of The First National Bank of Boston as agent for the lending banks but including the printing of the bank loan agreement, are estimated not to exceed $100.

The declaration further states that no state commission has jurisdiction over the proposed transactions.

Lawrence requests that the Commission's order herein become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6072; Filed, May 25, 1951; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17825]

AKIRA TAKAHASHI

In re: Cash owned by Akira Takahashi.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Akira Takahashi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Cash in the amount of $137.20, presently in the possession of the Treasuary Department of the United States in Trust Fund Account, Symbol 158881, "Unclaimed Monies of Individuals Whose Whereabouts are Unknown", in the name of Akira Takahashi, and any and all rights to demand, enforce and collect the same, and

b. Cash in the amount of $265.00, presently in the possession of Federal Reserve Bank of New York, New York, New York, in the name of Akira Takahashi, and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-6042; Filed, May 24, 1951; 8:49 a. m.]

[Vesting Order 13347, Amd:]

IKU TETSUI

In re: Rights of Ichiro Tetsui, also known as Takero Tetsui, et al. under insurance contract. File No. D-39-19070-H-3. Vesting Order No. 13347, dated June 1, 1949, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ichiro Tetsui, also known as Takero Tetsui, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Iku Tetsui, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,200,193, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Rinkichi Tasaka, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Iku Tetsui, deceased, are not within a designated country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-6044; Filed, May 24, 1951; 8:49 a. m.]

[Vesting Order 17789]

CARL CONRADI

In re: Bonds owned by Carl Conradi, also known as Karl Conradi and as Carlo Conradi. F-28-20012.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Conradi, also known as Karl Conradi and as Carlo Conradi, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by one (1) Chicago, Milwaukee, St. Paul and Pacific Railroad Company 5 Percent Convertible Adjustment Mortgage Gold Bond, Series A, of $1,000.00 face value, in bearer form bearing the number M18299, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said bond,

b. Those certain debts or other obligations, matured or unmatured, evidenced by one (1) The Central Pacific Railway Company First Refunding 4 Percent Mortgage Gold Bond, of $1,000.00 face value, in bearer form bearing the number 80487, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said bond, and

c. Those certain debts or other obligations, matured or unmatured, evidenced by one (1) The Atchison, Topeka and Santa Fe Railway Company 4 Percent General Mortgage Bond, of $1,000.00 face value, in bearer form bearing the number M24564, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said bond,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Carl Conradi, also known as Karl Conradi and as Carlo Conradi, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3 That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-6065; Filed, May 25, 1951; 8:49 a. m.]

[Vesting Order 17813]

BANQUE JORDAAN, S. A.

In re: Accounts maintained in the name of Banque Jordaan, S. A., Paris, France, and owned by persons whose names are unknown. F-27-6512.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

[Accounts maintained in the name of Banque Jordaan, S. A., Paris, France]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Central Hanover Bank & Trust Co., 70 Broadway, New York, N. Y.	(a) Deposit account Banque Jordaan and (b) drafts advised outstanding account of Banque Jordaan, as described by the Central Hanover Bank & Trust Co. in its report on Form O.A.P.-700, bearing its Serial No. 22.

[F. R. Doc. 51-6086; Filed, May 25, 1951; 8:49 a. m.]

[Vesting Order 17804]

SWISS BANK CORP.

In re: Accounts maintained in the name of Swiss Bank Corporation, or Societe de Banque Suisse, Lausanne, Switzerland, and owned by persons whose names are unknown. F-63-2748 (Lausanne).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States

with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Swiss Bank Corporation, or Societe de Banque Suisse, Lausanne, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights and interests in the account as of Oct. 2, 1950, excluded from this vesting order[1]
Swiss Bank Corp., New York Agency, 15 Nassau St., New York, N. Y.	(a) Ordinary a/c consisting of cash in the amount of $8,258.40, (b) Ordinary a/c consisting of cash in the amount of $280, securities payable in dollars of indeterminable value, and securities not payable in dollars of indeterminable value, (c) Ordinary a/c consisting of securities payable in dollars, valued at $15,470, (d) General ruling 6/17, (e) Special a/c B 41900, (f) Special a/c B 52195, (g) Special a/c B 52195 general ruling 6/17, (h) Special a/c 5756 general ruling 6/17, (i) Special a/c B 33681, (j) Special a/c 32581 general ruling 6/17, (k) Special a/c B 41900 general ruling 6/17 consisting of cash in the amount of $4,868 as described on page 1 of the rider to form OAP-700 filed by Swiss Bank Corp., New York Agency, bearing its serial No. 0085, (l) General ruling 6/a/c consisting of cash in the amount of $80, (m) General ruling 6/a/c consisting of securities payable in dollars, valued at $30, (n) Ordinary a/c Cert. 292, (o) Ordinary a/c Cert. 340, (p) Ordinary a/c Cert. 302, (q) Ordinary a/c Cert. 306, (r) Ordinary a/c Cert. 307, (s) Special a/c B 41900 general ruling 6/17 consisting of cash in the amount of $337 as described on Page 2 of the Rider to form OAP-700 filed by Swiss Bank Corp., New York Agency, bearing its Serial No. 0085, and (t) Special a/c 1960 general ruling 6/17; as described by the Swiss Bank, New York Agency, in its report on Form OAP-700, bearing its Serial No. 0085.	$7,209.15, from Ordinary a/c (a), which according to license application NY 8668[1] filed by Swiss Bank Corp., New York Agency, represents claims of persons domiciled Hungary and Roumania.

[1] Also excluded from this Vesting Order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since October 2, 1950, and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in Column III or excluded under (a) of this footnote.

[F. R. Doc. 51-6040; Filed, May 24, 1951; 8:48 a. m.]

[Vesting Order 17824]

WERNER VON SCHNITZLER

In re: Securities owned by and debt owing to Werner von Schnitzler. F-28-2586.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Werner von Schnitzler, whose last known address is Giersberg, Post Muenstereifel, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Carl M. Loeb, Rhoades & Co., 61 Broadway, New York 6, New York, arising out of a credit balance, in an account on the books of the aforesaid Carl M Loeb, Rhoades & Co., entitled Estate of Alfred C. P. Honigmann, and any and all rights to demand, enforce and collect the same, and

b. All those certain securities presently in the custody of Carl M. Loeb, Rhoades & Co., 61 Broadway, New York 6, New York, in an account entitled Estate of Alfred C. P. Honigmann, together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Werner von Schnitzler, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property

[F. R. Doc. 51-6090; Filed, May 25, 1951; 8:49 a. m.]

[Vesting Order 17814]

BANCO DI ROMA "FRANCE"

In re: Accounts maintained in the name of Banco Di Roma "France," Paris, France, and owned by persons whose names are unknown. F-27-2628.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Banco Di Roma "France", Paris, France]

Column I Name and address of institution which maintains account	Column II Designation of account
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	Banco Di Roma "France" old account, Paris, France, as described by the Chase National Bank of the City of New York in its report on Form O.A.P.-700, bearing its Serial No. 24.

[F. R. Doc. 51-6087; Filed, May 25, 1951; 8:49 a. m.]

[Vesting Order 17815]

SWISS BANK CORP.

In re: Accounts maintained in the name of Swiss Bank Corporation, Neuchatel, Switzerland, and owned by persons whose names are unknown. F-63-2748 (Neuchatel).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Swiss Bank Corp. Neuchatel, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
Swiss Bank Corp., New York Agency, 15 Nassau St., New York, N. Y.	(a) Ordinary a/c, (b) general ruling 6/17 a/c, and (c) ordinary a/c I. D. 300 as described by the Swiss Bank Corp., New York Agency, in its report on Form OAP-700, bearing its Serial No. 0075.

[F. R. Doc. 51-6088; Filed, May 25, 1951; 8:49 a. m.]

[Vesting Order 17843]

BLANCA BARONIN COTTA ET AL.

In re: Trust Agreement dated April 12, 1924, between Blanca Baronin Cotta, grantor and the National Savings and Trust Company, et al., trustees, and amendment thereto dated July 30, 1930. File Nos. F-28-844-G-1 and F-28-844.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Freifrau Blanca Cotta von Cottendorf, Baron Alfred von Palm, Blanca Freifrau von Eyb, nee von Palm, Verena von Palm, Josi von Palm, Silvia von Palm, Marina von Palm, Hubertus von Palm, Irene von St. Andre, Alexander Magnus von St. Andre, Roland von St. Andre, Bertold von St. Andre and Christa von St. Andre, whose last known

2. That the property described as follows:

a. That certain debt or other obligation of Carl M. Loeb, Rhoades & Co., 61 Broadway, New York 6, New York, arising out of a credit balance, in an account on the books of the aforesaid Carl M Loeb, Rhoades & Co., entitled Estate of Alfred C. P. Honigmann, and any and all rights to demand, enforce and collect the same, and

b. All those certain securities presently in the custody of Carl M. Loeb, Rhoades & Co., 61 Broadway, New York 6, New York, in an account entitled Estate of Alfred C. P. Honigmann, together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Werner von Schnitzler, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Swiss Bank Corporation, or Societe de Banque Suisse, Lausanne, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights and interests in the account as of Oct. 2, 1950, excluded from this vesting order[1]
Swiss Bank Corp., New York Agency, 15 Nassau St., New York, N. Y.	(a) Ordinary a/c consisting of cash in the amount of $8,258.40, (b) Ordinary a/c consisting of cash in the amount of $280, securities payable in dollars of indeterminable value, and securities not payable in dollars of indeterminable value, (c) Ordinary a/c consisting of securities payable in dollars, valued at $15,470, (d) General ruling 6/17, (e) Special a/c B 41900, (f) Special a/c B 52195, (g) Special a/c B 52195 general ruling 6/17, (h) Special a/c 5756 general ruling 6/17, (i) Special a/c B 33681, (j) Special a/c 32581 general ruling 6/17, (k) Special a/c B 41900 general ruling 6/17 consisting of cash in the amount of $4,868 as described on page 1 of the rider to form OAP-700 filed by Swiss Bank Corp., New York Agency, bearing its serial No. 0085, (l) General ruling 6/a/c consisting of cash in the amount of $80, (m) General ruling 6/a/c consisting of securities payable in dollars, valued at $30, (n) Ordinary a/c Cert. 292, (o) Ordinary a/c Cert. 340, (p) Ordinary a/c Cert. 302, (q) Ordinary a/c Cert. 306, (r) Ordinary a/c Cert. 307, (s) Special a/c B 41900 general ruling 6/17 consisting of cash in the amount of $337 as described on Page 2 of the Rider to form OAP-700 filed by Swiss Bank Corp., New York Agency, bearing its Serial No. 0085, and (t) Special a/c 1960 general ruling 6/17; as described by the Swiss Bank, New York Agency, in its report on Form OAP-700, bearing its Serial No. 0085.	$7,209.15, from Ordinary a/c (a), which according to license application NY 8668[1] filed by Swiss Bank Corp., New York Agency, represents claims of persons domiciled Hungary and Roumania.

[1] Also excluded from this Vesting Order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since October 2, 1950, and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in Column III or excluded under (a) of this footnote.

[F. R. Doc. 51-6040; Filed, May 24, 1951; 8:48 a. m.]

[Vesting Order 17824]

WERNER VON SCHNITZLER

In re: Securities owned by and debt owing to Werner von Schnitzler. F-28-2586.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Werner von Schnitzler, whose last known address is Giersberg, Post Muenstereifel, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Carl M. Loeb, Rhoades & Co., 61 Broadway, New York 6, New York, arising out of a credit balance, in an account on the books of the aforesaid Carl M Loeb, Rhoades & Co., entitled Estate of Alfred C. P. Honigmann, and any and all rights to demand, enforce and collect the same, and

b. All those certain securities presently in the custody of Carl M. Loeb, Rhoades & Co., 61 Broadway, New York 6, New York, in an account entitled Estate of Alfred C. P. Honigmann, together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Werner von Schnitzler, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property

[F. R. Doc. 51-6090; Filed, May 25, 1951; 8:49 a. m.]

[Vesting Order 17814]

BANCO DI ROMA "FRANCE"

In re: Accounts maintained in the name of Banco Di Roma "France," Paris, France, and owned by persons whose names are unknown. F-27-2628.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Banco Di Roma "France", Paris, France]

Column I Name and address of institution which maintains account	Column II Designation of account
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	Banco Di Roma "France" old account, Paris, France, as described by the Chase National Bank of the City of New York in its report on Form O.A.P.-700, bearing its Serial No. 24.

[F. R. Doc. 51-6087; Filed, May 25, 1951; 8:49 a. m.]

[Vesting Order 17815]

SWISS BANK CORP.

In re: Accounts maintained in the name of Swiss Bank Corporation, Neuchatel, Switzerland, and owned by persons whose names are unknown. F-63-2748 (Neuchatel).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Swiss Bank Corp. Neuchatel, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
Swiss Bank Corp., New York Agency, 15 Nassau St., New York, N. Y.	(a) Ordinary a/c, (b) general ruling 6/17 a/c, and (c) ordinary a/c I. D. 300 as described by the Swiss Bank Corp., New York Agency, in its report on Form OAP-700, bearing its Serial No. 0075.

[F. R. Doc. 51-6088; Filed, May 25, 1951; 8:49 a. m.]

[Vesting Order 17843]

BLANCA BARONIN COTTA ET AL.

In re: Trust Agreement dated April 12, 1924, between Blanca Baronin Cotta, grantor and the National Savings and Trust Company, et al., trustees, and amendment thereto dated July 30, 1930. File Nos. F-28-844-G-1 and F-28-844.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Freifrau Blanca Cotta von Cottendorf, Baron Alfred von Palm, Blanca Freifrau von Eyb, nee von Palm, Verena von Palm, Josi von Palm, Silvia von Palm, Marina von Palm, Hubertus von Palm, Irene von St. Andre, Alexander Magnus von St. Andre, Roland von St. Andre, Bertold von St. Andre and Christa von St. Andre, whose last known

address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Freifrau Blanca Cotta von Cottendorf, of Baron Alfred von Palm and of Irene von St. Andre and the spouse, name unknown, of Freifrau Blanca Cotta von Cottendorf, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. All right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, in and to and arising out of or under that certain trust agreement dated April 12, 1924, by and between Blanca Baronin Cotta, Grantor, and the National Savings and Trust Company, Charles T. Tittmann and Reeves T. Strickland, trustees, and amendment thereto dated July 30, 1930, including but not limited to the right of Blanca Baronin Cotta to terminate, revoke and alter the said trust agreement presently being administered by the National Savings and Trust Company, Washington, D. C., and by Charles T. Tittmann, 1718 Connecticut Avenue NW., Washington, D. C. as trustees, and

b. All property in the possession, custody or control of the said National Savings and Trust Company and of the said Charles T. Tittmann, trustees, under that certain trust agreement dated April 12, 1924, by and between Blanca Baronin Cotta, Grantor, and the National Savings and Trust Company, Charles T. Tittmann and Reeves T. Strickland, trustees, and amendment thereto dated July 30, 1930, including particularly but not limited to:

(1) Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, together with any and all rights thereunder and thereto.

(2) An undivided one-third (1/3) interest in those certain shares of stock described in Exhibit B, attached hereto and by reference made a part hereof, together with all declared and unpaid dividends thereon, and

(3) The sum of $5,658.42 as of February 13, 1951, together with any and all accruals thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Freifrau Blanca Cotta von Cottendorf, of Baron Alfred von Palm and of Irene von St. Andre and the spouse, name unknown, of Freifrau Blanca Cotta von Cottendorf, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-a hereof, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-b hereof, subject to all lawful fees and disbursements of the National Savings and Trust Company, and of Charles T. Tittmann, as trustees, under that certain trust agreement dated April 12, 1924, between Blanca Baronin Cotta, Grantor, and the National Savings and Trust Company, Charles T. Tittmann and Reeves T. Strickland, trustees, and amendment thereto dated July 30, 1930.

All such property so vested shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Description of issue	Face value	Certificate Nos.
United States Treasury, 2½ percent bonds due Mar. 15, 1968.	$1,000	426171H
	1,000	58301A
	1,000	58302B
	500	125961L
	500	10681A
	500	40511A
	500	37431A
	1,000	210435E
United States Treasury, 2½ percent bonds due Dec. 15, 1968-63.	500	73025E
United States Treasury, 2½ percent bonds due Dec. 15, 1969-64.	500	261876F
United States Treasury, 2½ percent bonds due Mar. 15, 1970-65.	1,000	176790L
United States Treasury, 2½ percent bonds due Mar. 15, 1971-66.	500	20686E
United States Treasury, 2½ percent bonds due Sept. 15, 1972.	500	18377H
	500	18378I
	500	18354D
United States Treasury, 2½ percent bonds due June 15, 1972-67.	1,000	329805E
	1,000	207828I
	1,000	170756F
United States Treasury, 2½ percent bonds due June 15, 1972-67.	$1,000	176777H
	1,000	[illegible]F
	1,000	387xx[illegible]
	1,000	306[illegible]L
	1,000	5[illegible]A
	10,000	124[illegible]B
	10,000	108[illegible]
	10,000	214777H
	10,000	214778I
	10,000	214779K
	5,000	10[illegible]L
	1,000	270[illegible]H
	1,000	270[illegible]I
United States Treasury, 2½ percent bonds due Dec. 15, 1972-67.	1,000	5[illegible]A
	1,000	5[illegible]A
	1,000	5[illegible]B
	1,000	57[illegible]C
	1,000	1[illegible]H
	1,000	77[illegible]H

EXHIBIT B

Name of issuer	Place of incorporation	Type of stock	Par value	Certificate Nos.	Number of shares
The Bancokentucky Co.	Delaware	Capital	$10	C 50	100
Do	do	do	10	C 60	100
Do	do	do	10	C 4042	80
Summit Branch R. R. Co.	Pennsylvania	do	50	3775	65

[F. R. Doc. 51-6091; Filed, May 25, 1951; 8:50 a. m.]

[Vesting Order 17851]

BARON ALFRED PALM ET AL.

In re: Trust Agreement dated April 12, 1924, between Baron Alfred Palm, grantor, and National Savings and Trust Company et al., trustees. File No. F-28-450-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Baron Alfred von Palm, Blanca Freifrau von Eyb, nee von Palm, Verena von Palm, Josi von Palm, Silvia von Palm, Marina von Palm, Hubertus von Palm, Verena von Palm, nee Hoffmann, Irene von St. Andre, Blanka (Blanca) Cotta von Cottendorf, Alexander-Magnus von St. Andre, Roland St. Andre, Bertold St. Andre and Christa St. Andre, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Baron Alfred von Palm, of Irene von St. Andre, and of Blanka (Blanca) Cotta von Cottendorf, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. All right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, in and to and arising out of or under that certain trust agreement dated April 12, 1924, by and between Baron Alfred Palm, Grantor, and the National Savings and Trust Company, Charles T. Tittmann and Reeves T. Strickland, trustees, including but not limited to the right of Baron Alfred von Palm to terminate, revoke and alter the said trust agreement presently being administered by the National Savings and Trust Company, Washington, D. C., and by Charles T. Tittmann, 1718 Connecticut Avenue, NW., Washington, D. C., as trustees, and

b. All property in the possession, custody or control of the said National Savings and Trust Company and of the said Charles T. Tittmann, trustees, under that certain trust agreement dated April 12, 1924, by and between Baron Alfred Palm, Grantor, and the National Savings and Trust Company, Charles T. Tittmann and Reeves T. Strickland, trustees, including particularly but not limited to:

(1) Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, together with any and all rights thereunder and thereto.

(2) An undivided one-third (1/3) interest in those certain shares of stock described in Exhibit B, attached hereto and by reference made a part hereof, together with all declared and unpaid dividends thereon, and

(3) The sum of $6,116.26 as of February 13, 1951, together with any and all accruals thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Baron Alfred von Palm, of Irene von St. Andre and of Blanka (Blanca) Cotta von Cottendorf, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-a hereof, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-b hereof, subject to all lawful fees and disbursements of the National Savings and Trust Company, and of Charles T. Tittmann, as trustees, under that certain trust agreement dated April 12, 1924, between Baron Alfred Palm, Grantor, and the National Savings and Trust Company, Charles T. Tittmann and Reeves T. Strickland, trustees.

All such property so vested shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Description of issue	Face value	Certificate nos.
United States Treasury, 2½ percent bonds due Sept. 15, 1972.	$1,000	81326E
	500	20840F
	500	28049K
United States Treasury, 2½ percent bonds due Mar. 15, 1968.	1,000	2980F
	1,000	40259F
	1,000	56182B
	500	10667H
	500	10680K
	500	40510L
United States Treasury, 2½ percent bonds due Dec. 15, 1968-63.	500	37033C
United States Treasury, 2½ percent bonds due Mar. 15, 1970-65.	500	7[illegible]81A
United States Treasury, 2½ percent bonds due Dec. 15, 1969-64.	500	26[illegible]77H
United States Treasury, 2½ percent bonds due Mar. 15, 1971-66.	1,000	210436F
United States Treasury, 2½ percent bonds due Mar. 15, 1971-66.	1,000	176791A
United States Treasury, 2½ percent bonds due Dec. 15, 1972-67.	10,000	124[illegible]C
	10,000	214[illegible]Q
	10,000	214[illegible]E
	10,000	214[illegible]F
United States Treasury, 2½ percent bonds due June 15, 1972-67.	$10,000	214767H
	5,000	134[illegible]I
	1,000	270[illegible]K
	1,000	270[illegible]L
	1,000	56[illegible]C
	1,000	67[illegible]C
	1,000	67[illegible]D
	1,000	67[illegible]I
	1,000	67[illegible]J
	1,000	67[illegible]K
	1,000	77[illegible]I
	1,000	77[illegible]K
	1,000	32[illegible]G
	1,000	20[illegible]D
	1,000	20[illegible]E
	1,000	20[illegible]F
	1,000	39[illegible]B
	1,000	39[illegible]C
	1,000	39[illegible]D

EXHIBIT B

Name of issuer	Place of incorporation	Type of stock	Par value	Certificate Nos.	Number of shares
The Bancokentucky Co.	Delaware	Capital	$10	C 50	100
Do	do	do	10	C 60	100
Do	do	do	10	C-042	80
Summit Branch R. R. Co.	Pennsylvania	do	50	3755	65

[F. R. Doc. 51-6092; Filed, May 25, 1951; 8:50 a. m.]

[Vesting Order 17816]

LOMBARD, ODIER & CIE

In re: Accounts maintained in the name of Lombard, Odier & Cie., Geneva, Switzerland, and owned by persons whose names are unknown. F-63-226.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Lombard, Odier & Cie., Geneva, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account
J. P. Morgan & Co., Inc., 23 Wall St., New York, N. Y.	(a) Lombard Odier & Cie., A account (S-2210), (b) Lombard Odier & Cie., A account, G R No. 6 account (S-2258), and (c) Lombard Odier & Cie., Geneva, A account (2210), as described by J. P. Morgan & Co., Inc., in its report on Form OAP-700, bearing its Serial No. 24; (d) Lombard Odier & Cie., B account A R No. 6 account (S-2259), and (e) Lombard Odier & Cie., Geneva, account B (2211), as described by J. P. Morgan & Co., Inc., in its report on Form OAP-700, bearing its Serial No. 25.
Dominick & Dominick, 14 Wall St., New York 5, N. Y.	(a) "Lombard Odier & Cie., Geneva, account "A", and (b) Lombard Odier & Cie., Geneva, account "A", general ruling No. 6 (U. S. dollar account), as described by Dominick & Dominick in its report on Form OAP-700, bearing its serial No. 21.

[F. R. Doc. 51-6089; Filed, May 25, 1951; 8:49 a. m.]

[Vesting Order 17853]

HERMAN WIECHMANN

In re: Mortgage participation certificate owned by Herman Wiechmann. File No. F-28-31422.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herman Wiechmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $1,250.08 representing the proceeds of Mortgage Participation Certificate No. 21 of Series No. A-689, issued to Herman Wiechmann by Clinton B. Snyder, substituted trustee appointed by order of the Court of Chancery of the State of New Jersey on November 6, 1935 in the matter of Seaboard Trust Company individually and as trustee vs. Josephine Shea, et als., defendant, and accruals thereto in the possession, custody or or control of the Clerk, Chancery Division, Supreme Court of New Jersey,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6093; Filed, May 25, 1951, 8:50 a. m.]

[Return Order 970]

MARTHA WESTFAL

Having considered the claim set forth, below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Martha Westfal, New York, N. Y.; Claim No. 5570; April 11, 1951 (16 F. R. 3206); $6,062.78 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 22, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6094; Filed, May 25, 1951, 8:50 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 104

Washington, Tuesday, May 29, 1951

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1951 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Soybeans]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1951-CROP SOYBEANS LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1951 crop of soybeans. The 1951 C. C. C. Grain Price Support Bulletin 1, (16 F. R. 1987) issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1951, is supplemented as follows:

Sec.
601.1151 Purpose.
601.1152 Availability of price support.
601.1153 Eligible soybeans.
601.1154 Warehouse receipts.
601.1155 Determination of quantity.
601.1156 Determination of quality.
601.1157 Maturity of loans.
601.1158 Determination of support rates.
601.1159 Warehouse charges.
601.1160 Settlement.

AUTHORITY: §§ 601.1151 to 601.1160 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053; 15 U. S. C. Sup., 714, 7 U. S. C. Sup., 1447, 1421.

§ 601.1151 *Purpose.* Sections 601.1151 to 601.1160 state additional specific requirements which, together with the general requirements contained in the 1951 C. C. C. Grain Price Support Bulletin 1 (16 F. R. 1987) apply to loans and purchase agreements under the 1951-Crop Soybean Price Support Program.

§ 601.1152 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever soybeans are grown in the continental United States, except that farm-storage loans will not be available in areas where the PMA State committee determines that soybeans cannot be safely stored on the farms.

(c) *Where to apply.* Application for price support should be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1952, and the applicable documents must be signed by the producer and delivered to the county committee not later than such final date.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing soybeans in 1951 as landowner, landlord, tenant or sharecropper.

§ 601.1153 *Eligible soybeans.* At the time the soybeans are placed under loan or delivered under a purchase agreement, they must meet the following requirements:

(a) The soybeans must have been produced in the continental United States in 1951 by an eligible producer.

(b) The beneficial interest in the soybeans must be in the producer tendering the soybeans for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the soybeans were harvested.

(c) The soybeans must be soybeans of any class, grading No. 4 or better and containing not in excess of 14 percent moisture.

(d) The soybeans must not grade "Garlicky" or "Weevily."

(e) If offered as security for a farm-storage loan, the soybeans must have been stored in the bin or granary at least 30 days prior to inspection for measurement, sampling, and sealing unless otherwise approved by the PMA State committee.

§ 601.1154 *Warehouse receipts.* Warehouse receipts must meet the following requirements in order to be pledged as security for a loan or delivered to CCC under a purchase agreement:

(a) Warehouse receipts must indicate that the soybeans are insured, must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be is-

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sued by a warehouse approved by CCC under the Uniform Grain Storage Agreement, or a warehouse operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (1) Gross weight or bushels, (2) class, (3) grade, (4) test weight, (5) moisture, and (6) any other grading factor(s) when such factor(s), and not test weight or moisture determine the grade. For soybeans grading No. 3 or 4, the percentage of splits, damage, and foreign material, if any, must also be shown. In the case of warehouse receipts issued for soybeans delivered by rail or barge, the grading factors on the warehouse receipt or the warehouseman's supplemental certificate must agree with the inbound inspection certificate for the car or barge, when such certificate is issued.

(c) A separate warehouse receipt must be submitted for each grade and class of soybeans.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.1159.

§ 601.1155 *Determination of quantity.* (a) The quantity of soybeans placed under farm-storage loan may be determined either by weight or by measurement. The quantity of soybeans placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 60 pounds of soybeans free of foreign material in excess of 3 percent. In determining the quantity of sack soybeans by weight, a deduction of $\frac{3}{4}$ of a pound for each sack shall be made.

(c) When the quantity of soybeans is determined by measurement, a bushel shall be 1.25 cubic feet of soybeans testing 60 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 60-pound soybeans.

For soybeans testing	*Percent*
60 pounds or over	100
59 pounds or over, but less than 60	98
58 pounds or over, but less than 59	97
57 pounds or over, but less than 58	95
56 pounds or over, but less than 57	93
55 pounds or over, but less than 56	92
54 pounds or over, but less than 55	90
53 pounds or over, but less than 54	88
52 pounds or over, but less than 53	87
51 pounds or over, but less than 52	85
50 pounds or over, but less than 51	83
49 pounds or over, but less than 50	82

§ 601.1156 *Determination of quality.* The class, grade, grading factors, percentage of foreign material, and all other

quality factors shall be determined in accordance with the method set forth in the Official Grain Standards of the United States for Soybeans, whether or not such determinations are made on the basis of an official inspection. Foreign material which totals 3 percent or less shall not be deducted from the gross weight of the soybeans. If the total weight of foreign material is in excess of 3 percent, the excess shall be deducted from the total weight of soybeans in the determination of the net number of bushels of soybeans. For purposes of this determination, foreign material shall be computed in tenths of one percent.

§ 601.1157 *Maturity of loans.* Loans mature on demand but not later than May 31, 1952.

§ 601.1158 *Determination of support rates.* Basic county support rates for soybeans will be set forth in 1951 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Soybeans. The support rate for the quality of soybeans placed under a loan or delivered under a purchase agreement shall be the applicable basic support rate adjusted in accordance with the provisions of this section.

(a) *County support rates for No. 2, or better, soybeans.* Both farm-storage and warehouse-storage loans will be made at the support rate established for the county in which the soybeans are stored. County support rates per bushel will be established for soybeans of the classes Green Soybeans and Yellow Soybeans meeting the minimum standards for grade No. 2, in accordance with the Official Grain Standards of the United States for Soybeans.

(b) *Variations for classes.* County support rates per bushel for soybeans of the classes Black Soybeans, Brown Soybeans, and Mixed Soybeans meeting the minimum standards for grade No. 2, in accordance with the Official Grain Standards of the United States for Soybeans, shall be 20 cents per bushel less than the support rates for the classes Green Soybeans and Yellow Soybeans.

Discounts and premiums for other eligible grades and qualities of all classes of soybeans shall be as set forth under paragraph (c) of this section.

(c) *Discounts and premiums.* The basic support rates specified for the classes of soybeans in paragraph (a) of this section shall be adjusted by the discounts and premiums listed below, to determine the support rate for soybeans of other eligible grades.

SCHEDULE OF PREMIUMS AND DISCOUNTS ON BASIC SUPPORT RATE FOR 1951-CROP SOYBEANS

Test weight per bushel		Moisture—premiums	
Pounds	Cents	Percent	Cents
53	1	Below 11.0	6
52	1	11.0–11.7, both inclusive	5
51	1	11.8–12.2, both inclusive	4
50	2	12.3–12.7, both inclusive	3
49	2½	12.8–13.2, both inclusive	2
		13.3–13.7, both inclusive	1
		13.8–14.0, both inclusive	0
Not eligible if below 49 pounds		Not eligible if above 14 percent	

[1] Increased or decreased 1 cent for each pound (drop fractions).

SCHEDULE OF PREMIUMS AND DISCOUNTS ON BASIC SUPPORT RATE FOR 1951 CROP SOYBEANS—Continued

Splits—discounts		Damage [1]—discounts	
Percent	Cents	Percent	Cents
20.1–25.0 both inclusive	1	40	1½
25.1–30.0 both inclusive	1	50	1½
30.1–35.0 both inclusive	1½	60	2
35.1–40.0 both inclusive	2	70	2½
		80	2½
Not eligible if above 40 percent		Not eligible if above 8.5 percent	

[1] Round to nearest whole percentage (drop fractions of 0.5).

§ 601.1159 *Warehouse charges.* (a) Warehouse receipts and the soybeans represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the soybeans are deposited in the warehouse for storage.

(b) Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing soybeans stored in warehouses operating under the Uniform Grain Storage Agreement is on or before May 31, 1952, the storage charges per bushel specified in the following table shall be deducted in computing the amount of the loan or the purchase price.

Date of deposit	Area I: Ariz., Calif., Idaho, Minn., Mont., Nev., N. Dak., Oreg., S. Dak., Wash., Utah	Area II: Colo., Ill., Iowa, Kans., Mo., S. Dak., Wyo., Wis.	Area III: Conn., Del., Ind., Ky., Maine, Md., Mass., Mich., N. H., N. J., N. Y., Ohio, Pa., R. I., Vt., W. Va.	Area IV: Ala., Ark., Fla., Ga., La., Miss., N. Mex., N. C., Okla., S. C., Tenn., Tex.
	Cents per bushel	Cents per bushel	Cents per bushel	Cents per bushel
Prior to Oct. 5, 1951	10	10	11	11
Oct. 5–Oct. 24, inclusive	10	10	11	11
Oct. 25–Nov. 13, inclusive	10	10	10	10
Nov. 14–Dec. 3, inclusive	9	9	9	9
Dec. 4–Dec. 23, inclusive	8	8	8	8
Dec. 24–Jan. 12, 1952, inclusive	7	7	7	7
Jan. 13–Feb. 1, inclusive	6	6	6	6
Feb. 2–Feb. 21, inclusive	5	5	5	5
Feb. 22–Mar. 12, inclusive	4	4	4	4
Mar. 13–Apr. 1, inclusive	3	3	3	3
Apr. 2–Apr. 21, inclusive	2	2	2	2
Apr. 22–May 11, inclusive	1	1	1	1
May 12–May 31, inclusive	0	0	0	0

(c) Warehouse receipts and the soybeans represented thereby stored in approved warehouses operated by eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission.

(d) For soybeans stored in approved warehouses operated by eastern common carriers, there shall be deducted in computing the loan or purchase price the amount of the approved tariff rates for storage (not including elevation), which will accumulate from the date of deposit to the program maturity date. The county committee shall request the PMA commodity office to determine the amount of such charges. Where the producer presents evidence showing that the elevation has been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charge prepaid by the producer.

§ 601.1160 *Settlement.*—(a) *Farm-storage loans.* (1) In the case of soybeans delivered to CCC from farm-storage under the loan program, settlement shall be made at the applicable support rate for the approved point of delivery. The support rate shall be applied to the grade and quality of the total quantity of soybeans delivered.

(2) If the soybeans under farm-storage loan are, upon delivery of a grade and or quality for which no support rate has been established, the settlement value shall be the support rate established for the grade and or quality of the soybeans placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and or quality placed under loan and the market price of the soybeans delivered, as determined by CCC.

(3) In no event shall the soybeans for which the grade and or quality is lower than the lowest grade and or quality for which settlement rates are established, have a settlement value in excess of the settlement value of the lowest grade and or quality of such soybeans for which settlement rates are established.

(4) If farm-stored soybeans are delivered to CCC prior to May 31, 1952, upon request of the producer and with the approval of CCC, the loan settlement shall be reduced by the applicable rate of storage charges per bushel, determined according to the date of such delivery to CCC as set forth in § 601.1159.

(b) *Purchase agreement.* Soybeans delivered to CCC under a purchase agreement must meet the requirements of soybeans eligible for loan. The purchase rate per bushel of eligible soybeans shall be the support rate established for the approved point of delivery, subject to deduction of warehouse charges in accordance with § 601.1159.

(c) *Track-loading.* A track-loading payment of 2 cents per bushel will be made to the producer on soybeans delivered to CCC on track at a country point.

Issued this 23d day of May 1951.

[SEAL] JOHN H. DEAN,
Acting Vice-President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-6125; Filed, May 28, 1951; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—PINK BOLLWORM

QUARANTINE IN LOUISIANA, OKLAHOMA AND TEXAS

On December 30, 1950, there was published in the FEDERAL REGISTER (15 F. R. 9522) a notice of public hearing and of proposed rule making concerning an amendment of the pink bollworm quarantine (7 CFR 301.52) to quarantine the State of Louisiana because of the pink bollworm and amendments of the regulations supplemental to said quarantine (7 CFR and Supp. 301.52–1 et seq., as amended, 15 F. R. 164) to designate as regulated areas certain specified parishes or counties in the States of Louisiana, Oklahoma, and Texas. After public hearing and due consideration of all relevant matters presented, and pursuant to section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), the Secretary of Agriculture hereby amends §§ 301.52, 301.52–2, and 301.52–3 (c) to read as follows:

§ 301.52 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), and having held the public hearings required thereunder, the Secretary of Agriculture quarantines the States of Arizona, Louisiana, New Mexico, Oklahoma, and Texas, to prevent the spread of the pink bollworm, and under authority contained in the Plant Quarantine Act and the Insect Pest Act of March 3, 1905 (7 U. S. C. 141 et seq.), the Secretary of Agriculture hereinafter prescribes regulations governing the movement of pink bollworms and carriers thereof. Hereafter (a) okra, including all parts of the plants; (b) cotton, wild cotton, including all parts of both cotton and wild cotton plants, seed cotton, cotton lint, linters, and all other forms of unmanufactured cotton fiber, gin waste, cottonseed, cottonseed hulls, cottonseed cake, and meal; (c) bagging and other containers and wrappers of cotton and cotton products; (d) railway cars, boats, and other means of transportation which have been used in conveying regulated cotton products or which are fouled with such products; and (e) when contaminated with regulated cotton products, any other commodities, including farm products, farm household goods, and farm equipment, shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the regulations hereinafter made and amendments thereto: *Provided,* That the requirements of this quarantine and of the rules and regulations supplemental to this subpart are hereby limited to the areas in a quarantined State now, or which may hereafter be designated by the Secretary of Agriculture as regulated areas, as long as, in the judgment of the Secretary of Agriculture, the enforcement of the said rules and regulations as to such regulated areas shall be adequate to prevent the spread of the pink bollworm, except that such limitation is further conditioned upon the affected State or States providing for and enforcing control of the intrastate movement of the regulated articles under the same conditions as those which apply to their interstate movement under the provisions of the currently existing Federal quarantine regulations, and upon their enforcing such control and sanitation measures with respect to such areas or portions thereof as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the intrastate spread therefrom of the said insect infestation: *Provided further,* That whenever the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the requirements contained in any such regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulations should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof or for such article or articles as shall be specified in said administrative instructions.

§ 301.52–2 *Regulated areas.* The following areas are hereby designated as regulated areas within the meaning of the regulations in this subpart and are further classed as heavily or lightly infested:

(a) *Heavily infested areas.*

Texas. Counties of Brewster, Cameron, Culberson, Jeff Davis, Hidalgo, Hudspeth, Presidio, Terrell, Willacy, and that part of El Paso County lying east of an imaginary line extending due north from the Texas-Mexico boundary to the point near U. S. Highway 80 where secs. 4, 5, 8, and 9, T. 29 S., R. 4 E. have a common corner, thence due north to the Texas-New Mexico boundary.

(b) *Lightly infested areas.*

Arizona. Counties of Cochise, Graham, Greenlee, and Santa Cruz, and all of Pima County[1] except that part lying west of the western boundary line of range 8 east.

Louisiana. Parishes of Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Iberia, Jefferson Davis, Lafayette, St. Landry, St. Martin and Vermilion.

New Mexico. Counties of Chaves, Catron, Curry, De Baca, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Quay, Roosevelt, Sierra, Socorro, and Valencia.

Oklahoma. Counties of Beckham, Caddo, Comanche, Cotton, Greer, Harmon, Jackson, Jefferson, Kiowa, Stephens, Tillman and Washita.

Texas. Counties of Andrews, Aransas, Archer, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Brazoria, Brooks, Brown, Burnet, Caldwell, Calhoun, Callahan, Chambers, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Colorado, Comanche, Comal, Concho, Coryell, Cottle, Crane, Crockett, Crosby, Dawson, De Witt, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Erath, Falls, Fayette, Fisher, Floyd, Foard, Fort Bend, Frio, Gaines, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Guadalupe, Hale, Hall, Hamilton, Hardeman, Haskell, Hays, Hill, Hockley, Hood, Howard, Irion, Jack, Jackson, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kendall, Kenedy, Kent, Kerr, Kimble, King, Kinney, Kleberg, Knox, Lamb, Lampasas, LaSalle, Lavaca, Lee, Liberty, Limestone, Live Oak, Llano, Loving, Lubbock, Lynn, Martin, Mason, Matagorda, Maverick, McCulloch, McLennan, McMullen, Medina, Menard, Midland, Milam, Mills, Mitchell, Motley, Nolan, Nueces, Orange, Palo Pinto, Parker, Pecos, Reagan, Real, Reeves, Refugio, Runnels, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Taylor, Terry, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Victoria, Ward, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willamson, Wilson, Winkler, Yoakum, Young, Zapata and Zavala; and that part of El Paso County lying west of an imaginary line extending due north from the Texas-Mexico boundary to the point near U. S. Highway 80 where secs. 4, 5, 8, and 9, T. 29 S., R. 4 E. have a common corner, thence due north to the Texas-New Mexico boundary.

§ 301.52–3 *Articles the movement of which is limited or prohibited.* • • •

(c) *Articles conditionally authorized movement.*—(1) *Articles requiring certification.* Cotton lint and linters, either baled or unbaled, cottonseed produced in lightly infested area, cottonseed hulls, meal, and cake, and okra may be moved (i) from regulated area to points outside thereof, or (ii) from regulated area to noncontiguous regulated area, or (iii) from heavily infested to contiguous lightly infested area, only when accompanied by a certificate or permit as hereinafter provided.

(2) *Articles not requiring certification.* No certificates or permits are required for the movement of (i) cotton lint and linters, either baled or unbaled, cottonseed produced in lightly infested area, cottonseed hulls, meal, and cake, and okra, from a lightly infested area to a contiguous, lightly or heavily infested area, or from a heavily infested

[1] Part of the lightly infested area in Arizona is regulated on account of the Thurberia weevil under Quarantine No. 61, and shipments therefrom must also comply with the requirements of that quarantine (7 CFR 301.61 et seq.)

area to a contiguous heavily infested area, or (ii) samples of cotton lint and linters, weighing approximately 1½ pounds, originating in a regulated area, provided that the bales of cotton lint or linters from which the samples have been taken have been produced in an approved gin or oil mill and subsequently protected from contamination.

The principal purposes of these amendments are to add the State of Louisiana to the pink bollworm quarantined area and to include 12 parishes of that State within the lightly infested area. The amendments also add one county in New Mexico, 4 counties in Oklahoma, and 44 counties in Texas to the area designated as lightly infested. All of these parishes and counties are newly infested or are affected by infestations in adjacent counties. Two of the counties, Catron in New Mexico and Parker in Texas, were not included in the notice of proposed rule making (15 F. R. 9522). Catron County is now included in the regulated area in order that cottonseed produced in small, isolated sections of adjacent regulated counties in New Mexico may be moved into that county for processing without the necessity for obtaining permits. Such action is being taken at the request of New Mexico quarantine officials made subsequent to the notice of proposed rule making. The pink bollworm infestation in Parker County was discovered some time after the notice of proposed rule making was issued. Prompt action on the foregoing amendments, except the one pertaining to Catron County, is necessary in order to control the movement from the added parishes and counties of articles that might spread the pink bollworm. Public interest requires prompt action on the amendment respecting Catron County in order to facilitate the movement of cottonseed from adjacent regulated areas to that county for processing.

The amendment pertaining to the movement of samples of cotton lint and linters from the regulated area, without certification, was also not referred to in the notice of proposed rule making. The effect of that amendment, however, is to relieve restrictions heretofore imposed. Such relief may be granted with safety and public interest requires that it be made available as soon as practicable.

Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that further notice and public procedure in connection with such amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the document effective less than 30 days after publication. Such notice and hearing are not required by any other statute.

(Sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

These amendments shall become effective May 29, 1951.

Done at Washington, D. C., this 24th day of May 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

APPENDIX—FIELD HEADQUARTERS AND STATIONS

Applications for certificates or permits may be made to the field project leader, addressing Pink Bollworm Control, Bureau of Entomology and Plant Quarantine, P. O. Box 2749, or Room 371 Federal Bldg. (Telephone F 7111), San Antonio 6, Tex., or the nearest inspector.

Inspectors may be reached by addressing Pink Bollworm Inspector, Bureau of Entomology and Plant Quarantine, at the following stations:

Address	Town	Telephone
ARIZONA		
P. O. Box 246, 309 Post Office Bldg.	Safford	
P. O. Box 924, 311 Federal Bldg.	Tucson	
LOUISIANA		
209 Lorraine	Abbeville	
P. O. Box 595, 22-24 Sonnier Bldg.	Lafayette	
P. O. Box 137	Jennings	
	Opelousas	
P. O. Box 194	Villa Platte	
NEW MEXICO		
P. O. Box 849, Stern Bldg.	Las Cruces	
P. O. Box 1222, 340 Post Office Bldg.	Roswell	
OKLAHOMA		
P. O. Box 823, 223 Hall-Briscoe Bldg.	Chickasha	
P. O. Box 653, Room 4, Baker Bldg.	Hobart	
TEXAS		
P. O. Box 2342, Room 22, Agriculture Bldg.	Abilene	
P. O. Box 482, Beilen and Charles Bldg.	Alice	
P. O. Box 840, 307 East Ave. D.	Alpine	
P. O. Box 108, 2212 Ave. G	Bay City	
P. O. Box 1188, Third Floor Bee County Courthouse	Beeville	
P. O. Box 269, Room 21, Post Office Bldg.	Big Spring	
P. O. Box 575, Room 6, Brownfield Office Bldg.	Brownfield	
P. O. Box 385, Bldg. 114, Fort Brown	Brownsville	
P. O. Box 85	Childress	
P. O. Box 74	Cleburne	
P. O. Box 374, 320 Agricultural Bldg.	Coleman	
P. O. Box 135	Colorado City	
	Columbus	
502 U. S. Courthouse	Corpus Christi	
P. O. Box 552, Room 18, Bichel Bldg.	Cuero	
P. O. Box 969, Room 203, Federal Bldg.	Eagle Pass	
P. O. Box 432, 210 West Harriman St.	Edinburg	
11 U. S. Courthouse	El Paso	
P. O. Box 631	Fabens	
P. O. Box 17, Room 8, Brown Bldg.	Gatesville	
P. O. Box 592, 107 McClendon Bldg.	Harlingen	
P. O. Box 462, Simmons-Read Bldg.	Hillsboro	
P. O. Box 116	Kenedy	
P. O. Box 67, Basement Post Office Bldg.	Lamesa	
P. O. Box 1393, 1210 Houston St.	Laredo	
P. O. Box 216	Levelland	
P. O. Box 372	Littlefield	
P. O. Box 1015, 209 Federal Bldg.	Lubbock	
	Luling	
P. O. Box 1094, 16 South 17 St.	McAllen	
P. O. Box 31, Post Office Bldg.	Mission	
Room 302, U. S. Post Office and Courthouse	Pecos	
	Plainview	
P. O. Box 264	Port Lavaca	
	Ralls	
P. O. Box 706, Room 8, Weeks Bldg.	Raymondville	
P. O. Box 141, Courthouse	Rio Grande City	
P. O. Box 1107, Room 16, Sneed County Bldg.	Robstown	
P. O. Box 650, 212 Post Office Bldg.	San Angelo	
P. O. Box 1963, Room 5, City Administration Bldg.	San Benito	
213 East College St.	Seguin	
	Seymour	
P. O. Box 144, Room 8, Arledge Bldg.	Shamrock	
P. O. Box 252, Room 2, Taft Bldg.	Stamford	
P. O. Box 237	Taft	
P. O. Box 876, Post Office Bldg.	Taloka	
419 Professional Bldg.	Taylor	
P. O. Box 1709, Kincheloe Bldg.	Temple	
P. O. Box 1576, 2300 Circle Dr.	Vernon	
P. O. Box 51, Rives Bldg.	Waco	
P. O. Box 430, Rureley Bldg.	Weslaco	
	Wharton	

[F. R. Doc. 51-6126; Filed, May 28, 1951; 8:47 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

PART 131—HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

DETERMINATION RELATIVE TO BUDGET OF EXPENSES AND FIXING RATES OF ASSESSMENT FOR 1951

On April 15, 1951, a notice of proposed rule making was published in the FEDERAL REGISTER (16 F. R. 3535) regarding the budget of expenses and the fixing of the rates of assessment for the calendar year 1951 under the marketing agreement and the marketing order (9 CFR 131.1 et seq.; 15 F. R. 8154), regulating the handling of anti-hog-cholera serum and high-cholera virus. This regulatory program is effective pursuant to Public Law No. 320, 74th Congress, approved August 24, 1935 (7 U. S. C. 851 et seq.).

The notice provided a period of 10 days for interested parties to file data, views or arguments with the Hearing Clerk. Only one objection in the form of a letter was received, which objection related to the proposed increase in the salary of the Executive Secretary. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, it is hereby found and determined that:

(1) The expenses which will necessarily be incurred by the Control Agency, established pursuant to the provisions of the marketing agreement and of the marketing order, for the maintenance and functioning of said Agency during the calendar year 1951, will amount to $38,540.00 under the recommendation of the Control Agency, from which shall be deducted the unexpended balance of $6,829.86 on hand with said Control Agency on January 1, 1951, from assessments collected during the calendar year 1950, leaving a balance of $31,710.14 to be collected during the calendar year 1951, and (2) of the amount of $31,710.14 to be collected during the calendar year 1951, the sum of $23,211.82 shall be assessed against handlers who are manufacturers, and $8,498.32 shall be assessed against handlers who, as distributors, market their products principally through veterinarians or other channels. The pro rata share of the expenses of the Control Agency to be paid for the calendar year 1951 by each handler who is a manufacturer shall be $11.34 per million cubic centimeters (determined by the nearest whole number) of hyperimmune blood collected by such handler during the calendar year 1950 and the pro rata share of such expenses to be paid for the calendar year 1951 by each handler who, as a distributor, markets his products principally through veterinarians or other channels shall be $25.00 for the first million cubic centimeters or fraction thereof and $5.80 for each additional million cubic centimeters or fraction thereof of serum sold by such handler. Such assesments shall be paid by each respective handler in accordance with the applicable provisions of the marketing agreement and order.

Terms: As used herein, the terms "handler", "manufacturer", "distributor", and "serum" shall have the same meaning as is given to each such term in said marketing agreement and marketing order.

Approval of this budget shall not constitute a determination that any recommended salary increase is in accordance with the regulations, orders or determinations of the Wage Stabilization Board and, further, shall not be deemed to authorize the payment of or constitute disapproval of, such recommended increases.

Findings relative to effective date. It is hereby further found that (1) the fiscal year of the Control Agency established pursuant to the provisions of the marketing agreement and the marketing order corresponds to the calendar year, and the current calendar year 1951 is already well advanced; (2) the expenses of operating this regulatory program since January 1, 1951, have been paid with funds representing assessments collected in excess of expenses incurred during the calendar year 1950; (3) all such funds have already been expended; (4) in order for the administrative assessments to be collected, it is essential that the specification of the assessment rates be effective immediately so as to enable the Control Agency to perform its respective duties and functions under the aforesaid marketing agreement and marketing order; and (5) no preparation with respect to this determination is required of persons regulated which cannot be completed prior to the effective date hereof. Wherefore, it is hereby determined that good cause exists for making this determination effective upon its publication in the FEDERAL REGISTER.

(Sec. 60, 49 Stat. 782; 7 U. S. C. 855)

Done at Washington, D. C., this 24th day of May, 1951, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-6127; Filed, May 28, 1951; 8:48 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter A—Office of Business Economics

PART 305—CENSUS OF AMERICAN DIRECT INVESTMENTS IN FOREIGN COUNTRIES

Introduction. The Census of American Direct Investments in Foreign Countries is being conducted by the Department of Commerce to provide a complete and accurate account of the amount of such investments at the end of 1950, the net change in direct investments during the year and the return on these investments.

The need for accurate information of this type has been recognized since the early 1920's when private investment funds from the United States began to flow to foreign countries in considerable volume. As a result of the demand for accurate statistics thus created, the Department of Commerce conducted the first census of foreign direct investments covering the year 1929. Subsequent censuses were taken by the Commerce Department for the years 1936 and 1940 and in 1943, the Treasury Department took a census of American-owned assets in foreign countries.

Since the conclusion of World War II, the volume of foreign investments has been at an unprecedentedly high level and the need for accurate statistics has been more widespread than ever. The time elapsed since the last complete census and the conclusion of the war and the subsequent economic and political disorders throughout the world have resulted in considerable change in the pattern and distribution of foreign investments. The economic and political significance of foreign investments has further enhanced the demand for these data, both from Federal executive agencies responsible for the administration of various phases of the Government's program for international technical assistance and economic development, and from industrial and business groups. In addition, since the end of hostilities in 1945, a number of international organizations have been established to provide a mechanism to handle more effectively international economic problems. Since foreign investments are a measure of progress of many of these programs, and at the same time a solution of many of the problems, the need of these groups for accurate foreign investment information is very great.

The data collected in this census, in addition to providing complete statistics of American direct foreign investments for 1950, will serve as a base from which current data collected in sample surveys can be expanded to reliable total estimates of capital and income movement. These current statistics constitute an important part of the total United States balance of payments.

The information requested in this census has been set up on questionnaire forms A, B, and C, described in detail in § 305.2. Forms A and B are directed toward the financial statistics required to provide current balance of payments information. Form C requests additional information not directly related to the balance of payments data, but nevertheless of importance in the direction of various phases of the Government's program of international technical assistance and economic development.

Pursuant to Executive Order 10033 of February 8, 1949 (14 F. R. 561) the National Advisory Council on International Monetary and Financial Problems has determined that the information specified on Forms A and B of this census is essential in order that the United States Government may compile current statistics on the balance of payments for the use of the United States Government and to be submitted to the International Monetary Fund in accordance with section 8 of the Bretton Woods Agreement Act (59 Stat. 515, 22 U. S. C. 286f).

In accordance with sections 2 (b) and 2 (c) of Executive Order 10033, the Director of the Bureau of the Budget has designated the Commerce Department as the Federal executive agency to collect balance of payments data and the Secretary of Commerce has assigned this responsibility to the Office of Business Economics, Department of Commerce.

Replies on forms A and B are therefore mandatory under section 8 (b) of the Bretton Woods Agreement Act cited above. Although replies to the questions listed on form C are not required under the Act, reporters are strongly urged to reply on this form insofar as the information is available to them.

This census has been approved by the Bureau of the Budget under the Federal Reports Act (Public Law No. 831, 77th Congress). All replies will be held in confidence by the Balance of Payments Division, Office of Business Economics, under the provisions of section 4 (b) of that Act and section 8 (c) of the Bretton Woods Agreement Act.

Insofar as the Administrative Procedure Act may apply to the taking of this census, I find that because of the nature of the census and the fact that these regulations are merely declaratory of the statute and executive order therein mentioned, notice and public procedure thereon are impracticable and unnecessary.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

Sec.

305.1 Who must report.
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AUTHORITY: §§ 305.1 to 305.10 issued under R. S. 161; 5 U. S. C. 22; E. O. 10033, Feb. 8, 1949, 14 F. R. 561; 3 CFR, 1949 Supp.

§ 305.1 *Who must report—(a) Basic requirement.* A report is required from every corporation, partnership, estate or trust, individual, or any other person, or closely related group of persons subject to the jurisdiction of the United States, and ordinarily residing within the United States, having at the close of business on December 31, 1950:

(1) Control of a foreign business organization owned directly or in conjunction with an affiliated person, foreign or domestic. (For complete description see § 305.5 (f) and (g).)

(2) Outright ownership of real property located outside the United States, exclusive of real property held for personal use and not productive of income.

(3) Ownership of a sole proprietorship type of business enterprise, located outside of the United States.

Reports are required covering the above types of property if ownership certificates were legally in existence and held by the reporter on December 31, 1950, even though the assets may have been destroyed or expropriated by Government action prior to that date. Such holdings are to be reported as of the last date that information relating to the foreign organization is available.

(b) *Estates and trusts.* Direct foreign investments held in a domestic estate or trust, i. e., an estate or trust created under the laws of the United States or any subdivision thereof, shall be reported by the fiduciary and not by a beneficiary. Such property must be reported whether or not any beneficiary is subject to the laws of the United States or any subdivision thereof. Any trust actually created in the United States even though the trust instrument provides that the trust shall be subject to the laws of a foreign country must report.

(c) *Persons beneficially interested in property.* If direct foreign investments beneficially owned by a person subject to the jurisdiction of the United States were held by or in the name of another, only the person having the beneficial interest shall report, except as specially provided above regarding domestic estates and trusts.

(d) *More than one person owning an interest in the same foreign organization or foreign property.* Each person is required to report if the aggregate ownership of the affiliated persons in the foreign organization totals 25 percent or more of the voting securities unless affiliated through an estate or trust as provided in paragraph (b) of this section.

(e) *United States branches and offices of foreign persons.* A branch or office in the United States of a person within a foreign country shall report with respect to property in foreign countries allocated to, held for the use of, or claimed by such branch or office, but shall not report other property of the foreign person.

§ 305.2 *Forms to be used.*[1] Each reporter is required under the law to submit reports on two types of forms. A third form has been included in the survey, replies to which, while of considerable importance, are voluntary. The three forms are:

(a) *Form A.* This form is to provide, in addition to certain information identifying the reporting organization, a complete list of all foreign organizations allied with the reporter.

(b) *Form B.* One Form B is required for each allied foreign organization listed by the reporter on Form A. In the case of affiliated persons allied with the same foreign organization, reports on Form B are required from each. However, only one of the affiliated persons is required to complete part B of Form B. Part B may be omitted only if the reporter has definite knowledge that one of the affiliates is completing that part of the form, and all reporters remain fully liable for the complete report. In the event that part B of Form B is omitted the reporter is required to indicate, in the space provided on the form, the name of the affiliate who is including part B with its report.

(c) *Form C.* One Form C is requested from each reporting organization. Although this form is not mandatory under the act, respondents are urged to report as fully as possible, in view of the urgent need for the information requested.

§ 305.3 *Property not to be reported; Basic requirement.* Properties not specifically included in § 305.1 (a) are to be excluded from the scope of this survey and are not to be reported. Properties excluded from this survey include:

(a) Foreign currency, foreign government bonds, or other foreign government securities, except as they are included among the assets of a foreign allied organization.

(b) Notes, bonds, or other documents of indebtedness issued by a foreign organization, not allied with the reporter nor with any affiliates of the reporter, except as they are included among the assets of an allied foreign organization.

(c) Real or personal property held for the reporter's personal use, e. g., hunting lodges, homes, automobiles, etc., retained for personal use and not productive of income.

§ 305.4 *Exemptions—(a) Exemption based on value of property.* An individual whose property in foreign countries otherwise subject to reporting, has an aggregate value of less than $25,000, is not required to report. Value to be determined by the cost, reporters estimated market value, or the book value as carried on the books of the foreign organization converted into United States dollars, whichever is the greatest. Corporations, partnerships, and all other persons except individuals are required to report irrespective of the value of their foreign investments.

(b) *Certain persons exempted regardless of the amount or kind of property.* Report need not be made by any person who is within any of the following categories on or after December 31, 1950, regardless of the amount or kind of property otherwise reportable by such persons; (1) Members of the armed forces of the United States serving outside continental United States; (2) citizens of the United States who permanently reside in a foreign country; (3) officers or employees of foreign governments and members of the immediate families of such persons, provided they are not citizens of the United States; (4) religious bodies, charitable organizations and other non-profit organizations, except for the interests of such groups in foreign organizations conducting business for profit.

§ 305.5 *Definitions.* For the purpose of this part and any instructions or rulings issued hereunder, the following definitions are prescribed:

(a) "Person" shall include an individual, partnership, association, corporation, estate or trust, or other organization.

(b) "Person subject to the jurisdiction of the United States" shall mean (1) any citizen of the United States (but only citizens ordinarily resident in the United States are required to report); (2) any corporation or other organization created or organized under the laws of the United States or any state, territory, district, or possession thereof; (3) any individual resident in the United States on December 31, 1950, except as specifically excluded in § 305.4 (b).

(c) "United States" shall mean the 48 States, the District of Columbia and any territory or possession of the United States.

(d) "Affiliates" shall mean:

(1) (i) Individuals married to each other, their direct forebears, and their children; (ii) brothers and sisters; (iii) estates of persons, or trusts for the benefit or created by persons, who are deemed to be affiliates of such persons and of each other.

(2) Any group of United States persons who ordinarily exercise their voting rights in a foreign organization as a unit.

(3) In relation to any corporation or other organization issuing stock or similar securities, any person who, directly or indirectly, owned, controlled, or held with power to vote, ten percent or more of the outstanding voting securities thereof.

(4) As to any other organization, any person who owned or controlled ten percent or more of the comparable ownership rights therein.

Any corporation or other United States organization of which a person was an affiliate also shall be deemed to have been an affiliate of such person, and all persons who were direct affiliates of the same United States person shall be deemed to have been affiliates of each other.

(e) "Controlled" organization: The ownership of 25 percent or more of the voting securities of a corporation, or of similar certificates of ownership in other types of organizations, shall constitute control of that organization for the purposes of this census. Note that reports are required for each "allied" foreign organization as defined in paragraph (f) of this section.

(f) "Primary allied foreign organization" shall include the following organizations located in or under the jurisdiction of a foreign country:

(1) *Foreign corporation.* A foreign corporation shall be said to be a "primary allied foreign organization" if any one of the following conditions is met:

(i) The reporting organization owns 25 percent or more of the voting securities of the foreign corporation.

(ii) The reporting organization owns less than 25 percent of the voting securities of the foreign corporation; however affiliates, either domestic or foreign, of the reporting organization own additional voting securities in the foreign corporation which when added to the amount owned by the reporter, total 25 percent or more.

(iii) The reporting organization owns none of the voting securities of a foreign corporation, but does own bonds, notes, or other certificates of indebtedness of the foreign corporation, or has direct dealings with the foreign corporation by exchange of merchandise or rendering services; and 25 percent or more of the voting securities of the foreign corporation are owned by affiliates (domestic or foreign) of the reporter.

Examples:

1st. A United States corporation (Company DX) owns 25 percent or more of the voting securities of a foreign corporation (Company FZ). Company FZ must be reported by Company DX as a "primary allied foreign organization."

2d. A United States corporation (Company DX) owns some, but less than 25 percent of the voting securities of a foreign corporation (Company FZ). A second corporation (Company DFY) either domestic or foreign, is affiliated with Company DX and owns voting securities of the foreign corporation (Company FZ) which when added to the voting securities owned by Company DX totals 25 percent or more of voting interests of Company FZ. Company FZ must be reported as a "primary allied foreign organization" by the United States Company DX. If the affiliated Company DFY is a United States corporation, the foreign Company FZ must be reported as a "primary allied foreign organization" by both companies DX and DFY. If the affiliated Company DFY is a foreign organization, Company FZ must be reported as a "secondary allied foreign organization" as well as a "primary allied foreign organization." (See paragraph (g).)

3d. A United States corporation (Company DX) owns none of the voting securities of a foreign corporation (Company FZ). Company DX owns bonds or notes of indebtedness issued by Company FZ, or sells merchandise to or buys merchandise from Company FZ, or renders services to Company FZ. An affiliate, or a group of affiliates (either domestic or foreign) of Company DX owns a total of 25 percent or more of the voting securities of the foreign corporation (Company FZ). Company FZ must be reported as a "primary allied foreign organization" by Company DX and by each of the United States affiliates who own certificates of indebtedness or have dealings with the foreign corporation. If any or all of the affiliates of Company DX are foreign organizations, Company FZ must also be reported as a "secondary allied foreign organization." (See paragraph (g) of this section.)

(2) Partnership: A partnership in which a person under the jurisdiction of the United States is one of the partners, whether general, special, limited, or otherwise.

(3) Branch: Unincorporated foreign business of a United States person through foreign branches, or operations of United States persons operating wholly or mainly abroad, are considered branch operations for the purpose of this report. Foreign operations conducted by United States corporations in their own names and not through foreign incorporated companies are to be reported as branch operations.

(4) A business enterprise or real property owned outright by a resident of the United States.

(g) "Secondary allied foreign organization" shall be defined as:

(1) An organization located in a foreign country 50 percent of whose voting securities are owned by a "primary allied foreign organization".

(2) If the foreign organization qualifies as a "primary allied foreign organization" under paragraph (f) (1) (i) or (iii) of this section, it must also be reported as a "secondary allied foreign organization" to each of the reporting organization's foreign affiliates owning any of the voting securities of that foreign organization. (See 2d and 3d examples under paragraph (f) (1) of this section.)

(h) Parent organization: For the purpose of this survey, the parent organization is defined as the organization which owns direct interest in the allied foreign organization. In the case of a "secondary allied foreign organization" the parent organization is the "primary allied foreign organization" which owns voting securities of the "secondary allied foreign organization".

§ 305.6 *Space on form insufficient.* When space does not permit a full answer to any question on the form, the information required should be submitted on supplementary sheets appropriately labeled and incorporated by reference under the question. To assist respondents in fulfilling this requirement, continuation sheets have been provided. All supplementary sheets, including continuation sheets, should be attached to the form to which they pertain.

§ 305.7 *Required information not available.* (a) All reasonable efforts should be made to obtain information required for reporting. When communication is impossible, the latest available information should be used. In case only partial information is available, it should be given with an appropriate indication. If any information not available at the time of reporting is obtained thereafter, a supplementary report must be filed promptly with a full explanation.

(b) Every question on each form which a person is required to use in rendering his report must be answered. However, in property summaries and schedules, space not needed for supplying required information should be left entirely blank. When there is nothing to report under any question or if information is entirely lacking, state "no", "none" or "unknown", as the case may be, with an explanation if requisite to a complete understanding of the circumstances.

(c) If disclosure of the information required on any form would violate the security regulations of the country in which the foreign allied organization is located, reporters are specifically exempted from the requirement to report that information.

§ 305.8 *Number of copies.* A single original copy shall be filed. In addition, each person reporting should retain a copy of his report.

§ 305.9 *Time and place of filing reports.* Reports shall be filed on or before July 1, 1951, with the Department of Commerce, Office of Business Economics, Balance of Payments Division, Washington 25, D. C.

§ 305.10 *Information regarding preparation of reports.* Anyone desiring information concerning this survey may apply directly to the United States Department of Commerce, Office of Business Economics, Balance of Payments Division, Washington 25, D. C., or to any field office of the United States Department of Commerce.

[F. R. Doc. 51-6143; Filed, May 28, 1951; 8:49 a. m.]

[1] Copies of all forms and instructions filed as part of the original document and may be obtained from either the United States Department of Commerce, Office of Business Economics, Balance of Payments Division, Washington 25, D. C., or from any field office of the United States Department of Commerce.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52732]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

SALABLE CUSTOMS FORMS

Elimination of the use of customs Form 5109 as a receipt for moneys received for sales of customs forms.

Section 24.14 (a) is hereby amended by deleting the last sentence and substituting therefor the following: "If a completely prepared bill or receipt is presented by the purchaser at the time of the purchase, the collector's paid stamp shall be impressed thereon; otherwise no receipt shall be given."

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66,1624)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: May 22, 1951.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51-6147; Filed, May 28, 1951; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 700—CLAY AND CLAY PRODUCTS INDUSTRY IN PUERTO RICO

MINIMUM WAGE ORDER

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C., Sup., 1001) notice was published in the FEDERAL REGISTER on May 5, 1951 (16 F. R. 4147), of my decision to approve the minimum wage recommendation of Special Industry Committee No. 9 for Puerto Rico for the semi-vitreous and vitreous-china food utensils division of the clay and clay products industry. The amendments to the wage order covering the clay and clay products industry in Puerto Rico which I proposed to issue to carry such recommendation into effect were published with said notice. Interested parties were given an opportunity to submit exceptions within 15 days of the date of publication of the notice.

No exceptions have been received. Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), said decision is hereby affirmed and made final, and said amendments to said wage order are hereby issued, to become effective June 25, 1951.

1. Change the heading of § 700.1 from "*Wage rate*" to "*Wage rates.*"

2. Add the following new paragraph to § 700.1 immediately after paragraph (a) thereof:

(b) Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the semi-vitreous and vitreous-china food utensils division of the clay and clay products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

3. Delete in its entirety the "Note" under § 700.3 (b) (1) thereof.

Signed at Washington, D. C., this 22d day of May 1951.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 51-6115; Filed, May 28, 1951; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 534—MILITARY COURT FEES

MISCELLANEOUS AMENDMENTS

Sections 534.2 (a), 534.3 (e) (1), 534.4, and 534.6 (c) are amended to read as follows:

§ 534.2 *Reporters*—(a) *General.* Reporters appointed under the Uniform Code of Military Justice, Article 28 Manual for Courts-Martial, 1951, (16 F. R. 1303), including reporters properly appointed for retiring boards, are entitled for their services in such capacity to payment at the rates specified in paragraphs (b) through (g) of this section, or at such lower rates as may be stated in the appointing instrument.

* * * * * * *

§ 534.3 *Witnesses.* * * *

(e) *Expert.* (1) An expert witness employed in strict accordance with paragraph 116, Manual for Courts-Martial 1951 (16 F. R. 1303), may be paid compensation at the rate prescribed in advance by the official empowered to authorize his employment. (See 11 Comp. Gen. 504.) In the absence of such authorization, no fees other than ordinary witness fees may be paid for the employment of an individual as an expert witness. See paragraph 116, Manual for Courts-Martial, 1951 (16 F. R. 1303).

* * * * * * *

§ 534.4 *Interpreters.* An Interpreter appointed under the Uniform Code of Military Justice, Article 28 Manual for Courts-Martial, 1951 (16 F. R. 1303), is entitled for his services as such to the allowances prescribed for witnesses.

§ 534.6 *Taking of depositions.* * * *

(c) *Oaths in matters of military administration.* Where the service of one of the officers designated in the Uniform Code of Military Justice, Article 136 Manual for Courts-Martial, 1951 (16 F. R. 1303), is not available, fees may be paid to civil officers for administering oaths in matters relating to military administration, subject to the conditions indicated in paragraph (a) of this section.

[C 1, AR 35-3920, May 1, 1951] (R. S. 161; 5 U. S. C. 22. Interpret or apply 41 Stat. 791, 62 Stat. 950, 10 U. S. C. 1494, 28 U. S. C. Sup. 1821)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army, Acting The Adjutant General.

[F. R. Doc. 51-6109; Filed, May 28, 1951; 8:45 a. m.]

Chapter XVI—Selective Service System

[Amdt. 21]

PART 1621—PREPARATION FOR CLASSIFICATION

SELECTIVE SERVICE NUMBERS

The Selective Service Regulations are hereby amended as follows:

Paragraph (b) of § 1621.2 is amended to read as follows:

§ 1621.2 *Selective service number.*

* * *

(b) The first element of the selective service number, reading from left to right, shall be the number representing the numerical position of the State in which the registrant is registered as shown on the following list of States, Territories, and possessions:

1. Alabama.	30. New York.
2. Arizona.	31. North Carolina.
3. Arkansas.	32. North Dakota.
4. California.	33. Ohio.
5. Colorado.	34. Oklahoma.
6. Connecticut.	35. Oregon.
7. Delaware.	36. Pennsylvania.
8. Florida.	37. Rhode Island.
9. Georgia.	38. South Carolina.
10. Idaho.	39. South Dakota.
11. Illinois.	40. Tennessee.
12. Indiana.	41. Texas.
13. Iowa.	42. Utah.
14. Kansas.	43. Vermont.
15. Kentucky.	44. Virginia.
16. Louisiana.	45. Washington.
17. Maine.	46. West Virginia.
18. Maryland.	47. Wisconsin.
19. Massachusetts.	48. Wyoming.
20. Michigan.	49. District of Columbia.
21. Minnesota.	50. New York City.
22. Mississippi.	51. Alaska.
23. Missouri.	52. Hawaii.
24. Montana.	53. Puerto Rico
25. Nebraska.	54. Virgin Islands.
26. Nevada.	55. Guam.
27. New Hampshire.	56. Canal Zone.
28. New Jersey.	
29. New Mexico.	

(Sec. 10, 62 Stat. 618; 50 U. S. C. App., Sup., 460. E. O. 9979, July 20, 1948, 13 F. R. 4177; 3 CFR, 1948 Supp.)

The foregoing amendment to the Selectice Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

MAY 23, 1951.

[F. R. Doc. 51-6142; Filed, May 28, 1951; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Amendment 5]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

ELECTION FOR SELLERS UNDER $100,000

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Amendment 5 to Ceiling Price Regulation 7 (16 F. R. 1872) is hereby issued.

STATEMENT OF CONSIDERATIONS

At the time Ceiling Price Regulation 7 was issued it was estimated that as many as 200,000 retailers would be required to price under its provisions. Careful consideration was given to the fact, when the regulation was being drawn up, that while many of these retailers were large firms, able to devote specialized personnel to the task of preparing pricing charts, others were small firms which would find the task of preparing pricing charts, with limited specialized personnel and facilities available to them, to be a burdensome and difficult undertaking. Accordingly, it was concluded that the objectives of price stabilization would be better effectuated by permitting retailers whose annual net dollar volume of total sales in categories covered by the original regulation was less than $20,000 to remain under the General Ceiling Price Regulation.

Amendment 2 to Ceiling Price Regulation 7, issued on April 5, 1951, brought additional thousands of items of merchandise and many additional kinds of retail businesses under the coverage of the regulation. Continued recognition of the fact that most retail firms are small and need a type of price control that is suited to the maximum possible extent to their particular ways of doing business requires a re-examination of the impact of Amendment 2 on small business. Recognition of the need for re-examination has been reinforced by strong representations that have been made to the Office of Price Stabilization concerning the difficulties faced by small retailers in certain lines of trade, in the preparation of pricing charts.

Many small retailers have found that Ceiling Price Regulation 7 is an effective and feasible method of pricing since it is well adapted to their lines of merchandise and their methods of record keeping. Generally, these are retailers who handle merchandise such as furniture, radios, television, certain types of apparel, etc. Even small-volume retailers handling this type of merchandise find Ceiling Price Regulation 7 to be a practical price-control method because they handle a relatively limited number of items in stock with a relatively high retail value per unit.

However, most of the merchandise added to the regulation by Amendment 2 consists of merchandise, such as housewares and notions, which include a relatively large variety and number of items with a relatively low retail value per unit. For this latter type of merchandise, it is burdensome and extremely difficult for small-volume retailers to prepare pricing charts as required under Ceiling Price Regulation 7.

Accordingly, the Office of Price Stabilization has extended the principle, first given recognition in the original Ceiling Price Regulation 7 (the election for retailers with under $20,000 volume), of permitting small-volume retailers handling certain categories of merchandise to remain under the General Ceiling Price Regulation until such time as a more suitable type of regulation adapted to their needs could be devised.

This amendment permits retailers handling housewares, notions, sporting goods, china and glassware and certain other categories with total annual sales volume under $100,000 or annual sales in the above categories under $60,000, the option of pricing pursuant to the General Ceiling Price Regulation instead of being required to prepare pricing charts for those categories pursuant to Ceiling Price Regulation 7.

It is difficult, of course, to draw the line on a volume basis between retailers with facilities adequate to operate under Ceiling Price Regulation 7 and those with inadequate facilities, particularly since the regulation applies in many cases only to part of the merchandise in particular stores. Reliance, therefore, has to be placed upon the opinions of representatives of the retail trades and experts in distribution problems. Upon an evaluation of such representations and opinions the Director has concluded that the objectives of the stabilization program would not be impeded if sellers having either an over-all sales volume of less than $100,000 or a sales volume in certain categories covered by Ceiling Price Regulation 7 of less than $60,000 were permitted to remain under the General Ceiling Price Regulation as to those categories until such time as a more suitable type of regulation adapted to their needs could be devised. Likewise, small volume retailers whose methods of operations are suited to Ceiling Price Regulation 7 are permitted to proceed under that regulation. Accordingly, Ceiling Price Regulation 7 is being amended. Retailers who are permitted to make the election provided by this amendment and who have already filed their charts are permitted to recall them before July 2, 1951.

The Director of Price Stabilization is giving serious and immediate consideration to alternative methods of price control for these small volume retail establishments, which would remove them from the coverage of the General Ceiling Price Regulation.

AMENDATORY PROVISION

Section 3 (a) of Ceiling Price Regulation 7 is amended to read as follows:

(a) This regulation applies to you if you are a seller whose sales to individual ultimate consumers of articles covered by this regulation constitute more than 10 percent of sales of the merchandise covered by this regulation which you buy and sell in substantially the same form. You may, however, elect to continue to fix your ceiling prices under the General Ceiling Price Regulation:

(1) For all articles covered by this regulation if all your sales to individual ultimate consumers are "accommodation sales" (see definition in section 59 of this regulation); or

(2) For articles in Categories 101 through 895; 920; and 1001 through 1030, if your annual net dollar volume of total sales of articles in those categories which you buy and sell in substantially the same form in all your departments taken together to individual ultimate consumers amounts to less than $20,000; or

(3) For articles in Categories 901 through 908; 915 through 919; 921 through 924; 940 through 951; 970 through 985,

(i) If your [18] annual net dollar volume of total sales of articles in those categories which you buy and sell in substantially the same form in all your departments taken together to individual ultimate consumers amounts to less than $60,000; or

(ii) If your [18] annual net dollar volume of total sales in all departments taken together of all merchandise which you buy and sell in substantially the same form amounts to less than $100,000.

An election in accordance with the provisions of this paragraph must, if made, apply without exception to all categories in the group as to which the particular election is permitted. You may not subsequently alter an election made under this paragraph, except that if you are a seller permitted to elect to price under the provisions of the General Ceiling Price Regulation pursuant to this paragraph, you may, if you have already filed your chart, exercise this election by requesting the return of your chart from your OPS office on or before July 2, 1951.

The election provided in this paragraph does not apply to new sellers. As used in this paragraph "annual" means your most recent calendar or fiscal year (or if you were in business less than one year the dollar volume for the period you were in business projected to cover a one year period.)

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective May 28, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 28, 1951.

[F. R. Doc. 51-6284; Filed, May 28, 1951; 9:45 a. m.]

[Ceiling Price Regulation 22, Amendment 5]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

WOODPULP

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 5 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATION

This amendment adds woodpulp to the list of commodities and transactions in Appendix A of Ceiling Price Regulation 22. Ceiling Price Regulation 22 does not apply to the commodities listed in this Appendix.

[18] For the purpose of exercising this election, insofar as chain food stores are concerned, each retail outlet (or each department in such outlet) of the chain may be considered a seller, even though the chain determines uniform prices centrally.

The Office of Price Stabilization is now completing a tailored dollars-and-cents regulation for domestic and imported woodpulp. This regulation will be part of a joint National Production Authority—Office of Price Stabilization program designed to stabilize the supply and price situation in this industry.

This specific regulation is expected to be issued before or promptly after the effective date of Ceiling Price Regulation 22. Therefore, the present amendment of Ceiling Price Regulation 22 is being issued to avoid having domestic woodpulp producers determine their individual ceilings under Ceiling Price Regulation 22, which they might use for a few days at the most. This action will enable manufacturers to proceed directly from their individual ceiling prices established under the General Ceiling Price Regulation to the uniform dollars-and-cents prices to be established by the tailored regulation and thus avoid unnecessary and temporary price upheavals in the industry. Woodpulp remains under the provisions of the General Ceiling Price Regulation until the specific dollars-and-cents prices of the forthcoming regulation become effective.

AMENDATORY PROVISIONS

Ceiling Price Regulation 22 is amended by adding the following to Appendix A:

(ff) Woodpulp.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective May 28, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 28, 1951.

[F. R. Doc. 51-6287; Filed, May 28, 1951; 9:46 a. m.]

[Ceiling Price Regulation 22, Amendment 6]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

EXTENSION OF EFFECTIVE DATE AND RELATED CHANGES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

The Director of Price Stabilization has determined that the effective date of CPR 22 should be extended from May 28, 1951, to July 2, 1951. At the same time any manufacturer who has completed his calculations under CPR 22 and who has complied with the reporting requirements will be permitted to commence using his new ceiling prices at any time between May 28, 1951, and July 2, 1951. Likewise, a manufacturer may continue to use his GCPR ceiling prices until July 2, 1951, even though he has already complied with the reporting requirements of CPR 22. On and after July 2, 1951, ceiling prices established under CPR 22 become mandatory, except, of course, that sales may always be made at less than ceiling prices.

Prior to issuance of CPR 22 the Director of Price Stabilization consulted with a group of representative cost accountants and controllers who generally were of the opinion that the calculations required under the regulation could readily be completed within the time allowed by the regulation. This was also the opinion of others with whom the matter was discussed. It has since developed that a number of manufacturers has advised that despite diligent efforts additional time is required. It appears that in many areas of industry, purchasers have either refused to accept deliveries or have insisted that refunds be made in the event of a price roll-back. Consequently in these cases as well as most others, it is important for manufacturers to establish their new ceiling prices as promptly as possible and there is no real inducement to delay completing the prescribed calculations.

On the basis of information available to the Director, an extension of the effective date to July 2, 1951 should provide ample time for putting the new ceilings into effect. One of the considerations in deciding upon this date was that no further extension should be granted.

The effective dates of the amendments and supplementary regulations to CPR 22 have not been formally amended. This was not considered necessary because the provisions contained therein tie directly into CPR 22 and its controlling regulatory provisions, such as section 46 (Records and reports) and section 48 (Prohibitions).

Appropriate amendments of dates mentioned in sections 30, 32 and 33 of the regulation are included. The instructions contained in Appendix D of the regulation relating to the time for filing OPS Public Form No. 8 are also amended, to conform with this extension of time.

Section 34 of the regulation which prescribes a method for determining ceiling prices by application to the Director of Price Stabilization, and which specifies that a manufacturer may not sell the commodity at the proposed ceiling price until notified by the Director of Price Stabilization is amended to permit a manufacturer to continue use of his GCPR prices pending notification of price approval by the Director of Price Stabilization.

AMENDATORY PROVISIONS

Ceiling Price Regulation 22, as amended, is further amended in the following respects:

1. The last paragraph of the regulation is amended to read:

Effective date. The effective date of this regulation is July 2, 1951, or such earlier date between May 28, 1951, and July 2, 1951, as you may select. If you select such an earlier date, the regulation becomes effective as to you upon that date for all of your commodities covered by the regulation.

2. The title and first sentence of paragraph (a) of section 30 are amended by deleting in each instance the words "May 27, 1951" and substituting therefor the words "the day prior to the effective date of this regulation".

3. The title and first sentence of paragraph (b) of section 30 are amended by deleting the words "subsequent to May 27, 1951" and substituting therefor the words "on or subsequent to the effective date of this regulation".

4. The third sentence of paragraph (c) of section 32 is amended by deleting the words "May 28, 1951" and substituting therefor the words "the effective date of this regulation".

5. The undesignated paragraph in section 32 (f) is amended by deleting the words "June 12, 1951" and substituting therefor the words "15 days after the effective date of this regulation".

6. Section 33 (a) (3) is amended by deleting the words "June 12, 1951" and substituting therefor the words "30 days from the date this regulation becomes effective for your most closely competitive seller of the same class selling the same commodity to the same class of purchaser or 30 days from the date this regulation becomes effective as to you, whichever is later."

7. The subparagraph following the words "Who Must File" in Appendix D is amended to read "Every manufacturer subject to CPR 22 must file this report by July 2, 1951, or such earlier effective date between May 28, 1951 and July 2, 1951 as he may select, as required by sections 46 and 48 of the regulation."

8. Section 34, as amended by Amendment 3 dated May 17, 1951, is further amended in the following respects:

a. The last sentence of paragraph (a) of section 34 is amended by substituting a comma for the period and adding the following words "except as permitted in paragraphs (b) or (d)".

b. A new paragraph (d), reading as follows, is added:

(d) If your ceiling price was determined under section 3 of the General Ceiling Price Regulation, you may, after making the application prescribed in paragraph (a) of this section, continue to use your ceiling price as so determined until notified by the Director of Price Stabilization of your ceiling price under this section.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective on May 28, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 28, 1951.

[F. R. Doc. 51-6285; Filed, May 28, 1951; 9:45 a. m.]

[Ceiling Price Regulation 30, Amendment 3]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

EXTENSION OF EFFECTIVE DATE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment extends the effective date of Ceiling Price Regulation 30 from May 28, 1951, to July 2, 1951. This amendment further provides that any manufacturer who has completed his calculations under Ceiling Price Regulation 30 and who has complied with its reporting requirements will be permitted to commence using his ceiling prices determined under Ceiling Price Regulation 30 at any time between May 28, 1951 and July 2, 1951, provided that he uses his ceiling prices determined under Ceiling Price Regulation 30 for all of his commodities and services which are covered by Ceiling Price Regulation 30. Likewise, a manufacturer may continue to use his General Ceiling Price Regulation ceiling prices until July 2, 1951, even though he has already complied with the reporting requirements of Ceiling Price Regulation 30. On and after July 2, 1951, the use of ceiling prices established by Ceiling Price Regulation 30 become mandatory for all persons covered by that regulation, except, of course, that sales may always be made at less than ceiling prices.

This amendment accomplishes the same objectives and is issued for the same reasons as that portion of Amendment 6 to Ceiling Price Regulation 22, which extends the effective date of that regulation. Accordingly, that portion of the statement of considerations for Amendment 6 to Ceiling Price Regulation 22, which relates to the extension of the effective date of that regulation, is equally applicable to this amendment.

AMENDATORY PROVISIONS

Ceiling Price Regulation 30 is amended by amending the last paragraph of the regulation to read as follows:

Effective date. The effective date of this regulation is July 2, 1951, or such earlier date between May 28, 1951, and July 2, 1951, as you may select. If you select such an earlier date, this regulation becomes effective as to you, upon that date, for all of your commodities and services covered by this regulation.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment will become effective May 28, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 28, 1951.

[F. R. Doc. 51-6286; Filed, May 28, 1951; 9:45 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 29]

GCPR, SR 29—CEILING PRICES FOR CERTAIN SALES AT RETAIL AND AT WHOLESALE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 29 to the General Ceiling Price Regulation is issued.

STATEMENT OF CONSIDERATIONS

This is an interim wholesale and retail regulation which accomplishes two principal urgent objectives: (1) provides for a follow-through on price decreases and increases by manufacturers pursuant to the general manufacturers' regulation (Ceiling Price Regulation 22) and companion regulations; (2) provides for alleviation of certain replacement squeezes imposed by the General Ceiling Price Regulation.

The Director of Price Stabilization plans to issue, as soon as possible, regulations improving price control at the wholesale level. For classes of commodities susceptible to frequent model changes, the freeze type of control embodied in the General Ceiling Price Regulation is effective for but a limited time. For other commodities, which were in scarce supply by December 1950 and January 1951, General Ceiling Price Regulation wholesale prices were speculative prices which need to be revised. It is contemplated that the new regulations will use an appropriate margin or markup method of establishing wholesale prices and, further, that the margins used will take account of the pre-Korean experience. These margin regulations will compel reductions in wholesale prices to reflect reductions in manufacturers' prices and will permit increases in wholesale prices to offset increases granted to manufacturers to the extent which the Director deems to be appropriate under the standards of the Office of Price Stabilization.

Pending the issuance of the new wholesale regulations, certain immediate problems require correction. In the first place, the General Ceiling Price Regulation was issued at a time when prices in most industries were rising rapidly and irregularly. A freeze regulation issued during a period when prices are changing rapidly inevitably freezes distributors' prices for many commodities at levels which do not reflect replacement costs. Thus, manufacturers have ceiling prices which are based on price increases made late in the base period and not reflected in resale prices of many of their distributors, some of whom may not have received deliveries at the increased prices during the base period. Correction of this situation at the present time, even in advance of the contemplated regulations, seems desirable.

Section 3 of this regulation relieves these squeezes by permitting wholesalers and retailers to use their base period markups over their suppliers' new higher selling prices. Base period markups are determined by a comparison of each wholesaler's or retailer's ceiling price with the supplier's invoice on which the price was based. Some products are treated as the "same commodity" under the General Ceiling Price Regulation, even though produced by two or more producers. With respect to these commodities, the base period selling price, which became the ceiling price for a wholesaler or retailer, will frequently have been based on an invoice from a supplier different from the one from whom the wholesaler or retailer is now buying. Therefore, section 3 of this regulation provides that the base period markup in the case of these commodities shall be determined by reference to the last invoice from *any* supplier received by the wholesaler or retailer before his frozen price was established. However, if he now has multiple suppliers, and they each have different prices, the application of the permitted base period markup to these varying costs will result in his having varying ceiling prices.

A more urgent and immediate reason for an interim wholesale and retail regulation is the issuance on April 25, 1951, of Ceiling Price Regulation 22, Manufacturers' General Ceiling Price Regulation, and the issuance and imminent issuance of other regulations for which Ceiling Price Regulation 22 is the prototype. Upward and downward adjustments of manufacturers' prices under these regulations necessitate an interim method for automatic adjustment of freeze prices at the wholesale and retail levels.

Accordingly, this Supplementary Regulation 29, in addition to relieving the replacement squeeze contains provisions which assure that any ceiling price changes occasioned by the operation of Ceiling Price Regulation 22 or other similar manufacturers' regulations will be reflected in wholesale and retail ceiling prices.

The distributor handles the new manufacturers' prices by applying to these new costs the percentage markup provided by frozen prices under the General Ceiling Price Regulation or those provided by the adjusted prices under section 3 of the present supplementary regulation. This appears to the Director to be the fairest practicable formula available, taking into account the generality of this regulation, the fact that both increases and decreases are provided by CPR 22 and companion regulations, and the fact that these regulations amount in effect to an overall readjustment and realignment of the freeze regulation in this field. We are not concerned with a regulation effecting, for example, general increases in a particular industry or class of commodities, where different considerations may be applicable, and where it may be practicable and generally fair and equitable to provide a dollars-and-cents pass-through, or to specify pre-Korea margins, or to utilize some other more tailored approach.

For the most part, the increases accorded manufacturers under the general manufacturers' regulations will be to those who had not, prior to the establishment of price control, increased their prices as much as other sellers had or as swiftly as the suppliers of their raw materials had. To require their customers to sell at reduced markups while customers of other manufacturers in the same industry are permitted more normal markups solely because the latter manufacturers had increased their prices more quickly would be highly inequitable.

The correction of these problems on an interim basis can best and most expedi-

tiously be accomplished by an adjustment of General Ceiling Price Regulation prices rather than by a substantial change in the method of price control used.

In addition, this Supplementary Regulation 29, includes a provision which permits a manufacturer who has customarily suggested uniform resale prices at wholesale for his branded commodities and which commodities have customarily been sold at wholesale at those prices to continue that type of operation. This supplementary regulation contains a provision (similar to section 43 of Ceiling Price Regulation 7) which permits a manufacturer to establish uniform prices for sales at wholesale of his branded articles where it is established that the articles customarily had been sold at wholesale at the prices suggested by the manufacturer. This type of provision has in the past accomplished effective price control at retail and its use for sales at wholesale is desirable. Since no administrative reason exists why this provision should await the promulgation of the new wholesale regulations, the Director deems it advisable to incorporate at once this provision permitting the use of manufacturers' suggested prices for certain sales at wholesale, particularly since the establishment of this type of control now will enable manufacturers adjusting their prices under Ceiling Price Regulation 22 and other similar manufacturers' regulations to eliminate confusion in establishing the resale prices of their commodities at wholesale.

This supplementary regulation does not apply to most food commodities. There are several reasons for that limitation. With respect to most food commodities, distributors are covered by Ceiling Price Regulations 14, 15, and 16. Since its issuance the General Ceiling Price Regulation has provided for a pass-through of parity increases on food commodities below parity. The relatively small inventory position of most food distributors tends to lessen the replacement squeeze for this group as compared with distributors of slower moving items. Finally, the Office of Price Stabilization is engaged in extending its specific regulations with respect to food distributors. For these reasons, it has been determined that the extension of this supplementary regulation to food commodities on an interim basis would lead to confusion rather than to the promotion of stability.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Sales at wholesale or at retail to which this regulation applies; exceptions.
3. Increases in wholesale and retail ceiling prices to eliminate the replacement squeeze.
4. Changes in wholesale and retail ceiling prices to reflect suppliers' price changes permitted by certain manufacturers' regulations.
5. Increases and decreases in retailers' ceiling prices to reflect wholesalers' ceiling price changes under this regulation.
6. Wholesalers' ceiling prices for certain branded commodities.
7. Records.
8. Applicability.

AUTHORITY: Sections 1 to 8 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation modifies General Ceiling Price Regulation wholesale and retail ceiling prices for sales of commodities other than those listed in section 2 of this regulation in order to eliminate the replacement squeeze and to reflect manufacturers' price changes under Ceiling Price Regulation 22 ("Manufacturers' General Ceiling Price Regulation") and the following similar manufacturers' regulations: Ceiling Price Regulation 30 ("Machinery and Related Manufactured Goods"); Ceiling Price Regulation 37 ("Primary Cotton Textile Manufacturers"); Ceiling Price Regulation 18 Revision 1 ("Manufacturers' Prices for Wool Yarns and Fabrics"); Ceiling Price Regulation 41 ("Shoe Manufacturers").

Additions to this list of regulations will be made from time to time as other manufacturers' regulations are issued.

SEC. 2. *Sales at wholesale or at retail to which this regulation applies; exceptions.* This regulation applies only to commodities for which ceiling prices for sales at wholesale or at retail are established by the General Ceiling Price Regulation. However, ceiling prices for sales at wholesale or at retail may not be established under this regulation for:

(a) Any agricultural commodities listed in section 11 (a) of the General Ceiling Price Regulation and any food products processed from one or more of them;

(b) Fresh meats, processed pork, and semi-sterile canned meats;

(c) Soft drinks;

(d) Malt beverages; wines; or distilled spirits;

(e) Cigars.

SEC. 3. *Increases in wholesalers' and retailers' ceiling prices to eliminate the replacement squeeze.* If you are a wholesaler or retailer whose ceiling prices are determined under the General Ceiling Price Regulation, you may increase your ceiling price so as to eliminate a "replacement squeeze" as here defined. The term "replacement squeeze" describes the situation in which your supplier's ceiling price, determined under section 3 of the General Ceiling Price Regulation for sale of a commodity to you, is a higher cost to you that your "base period cost." "Base period cost" is the net invoice cost shown on the last invoice which you received from that supplier prior to the time when you first put in effect as a selling price the price at which you yourself were frozen by section 3 of the General Ceiling Price Regulation as originally issued, or as amended by Amendments 2 and 5. If you purchase the same commodity from two or more suppliers of the same class, your "base period cost" shall be determined from the last invoice you received for that commodity before the price to which you were frozen was established, regardless of which of your suppliers sold that shipment to you.

(a) *How you recalculate your ceiling price.* To eliminate the replacement squeeze, you many recalculate your ceiling price by applying to your "present net invoice cost" of the commodity the percentage markup which your former ceiling price yielded over your "base period cost" (as defined above in this section). In determining "present net invoice cost" of the commodity to which you are permitted to apply the percentage markup, you must use the last invoice received from that supplier prior to May 28, 1951; if you have received no invoice since the one which shows your base period cost, then you must use the first invoice you received on or after May 28, 1951. The invoice used in determining present net invoice cost must represent a typical purchase with respect to terms and quantity.

(b) *Number of recalculations.* This section does not provide continuing relief but rather is intended to permit only one recalculation of your ceiling price to offset increases in your supplier's prices. If you purchase the same commodity from two or more suppliers of the same class after recalculating the ceiling price for the sale of this commodity under this section you will have a different ceiling price for the same commodity when purchased from different suppliers whenever their prices to you differ.

Example 1. A wholesaler purchased a bicycle on October 1, 1950 at $6.60 2/10 EOM (Net invoice cost $6.47); he established a selling price of $8.75. This became his ceiling price since he continued to sell at this price throughout the base period (December 19, 1950–January 26, 1951). On January 7, 1951, his supplier increased his selling price to $7.40 which became the supplier's ceiling price. The wholesaler received no shipment at the higher price until March 20, 1951. Under this section the wholesaler may recalculate his ceiling price to eliminate this replacement squeeze. He takes the net invoice cost from the last invoice he received before establishing the price which became his frozen price ($6.47) and finds the percentage markup as follows: subtract $6.47 from $8.75 and divide the result by $6.47 ($8.75−$6.47=$2.28÷$6.47=35.2%) and finds that his base period percentage markup on cost was 35.2%. He then applies that markup to the net invoice cost on the last invoice he received before May 28 ($7.40 2/10 EOM) $7.25 net and finds that his new ceiling price for the bicycle is $9.80 ($7.25×0.352=$2.55+$7.25=$9.80).

Example 2. A wholesaler customarily bought unbleached muslin from several mills. In November 1950, he purchased muslin from Mill A at 24⅛¢ net per yard, at which time his selling price was 29¢ net per yard. On December 13, 1950, he purchased a lot of unbleached muslin from Mill B at 24⅜¢ net per yard and established a selling price of 30¢ net per yard. On January 11, 1951, he purchased another lot of the muslin from Mill C at 24⅝¢ per yard, but did not change his ceiling price. The 30¢ price became the wholesaler's frozen ceiling price. On February 28, 1951, the wholesaler purchased a lot of muslin from Mill A at 25⅛¢ net per yard; and on April 13, 1951, purchased from Mill B at 25⅜¢ net per yard. The wholesaler recalculates his ceiling price under this section as follows: He finds the percentage markup by reference to the last invoice received from any supplier before establishing the price which became his "frozen" price (i. e. the invoice from Mill C for 24⅝¢ net per yard), and determines his

percentage markup with reference to his frozen price (30−24⅝=5⅜÷24⅝=21.8%) and applies the percentage markup on cost, 21.8%, to the net invoice cost on the last invoice received from each supplier prior to May 28, 1951. He finds that he has received invoices from Mill A on February 28, and from Mill B on April 13, and that as to these suppliers he will have two ceiling prices: for sales of muslin purchased from Mill A his ceiling price will be 30⅜¢ per yard (25⅛×.218=.05½+25⅛=30⅜¢); for sales of the muslin purchased from Mill B his ceiling price will be 31 ¼¢ per yard (25⅜×.218=.05⅝+25⅜=31¼¢).

(c) *Use of recalculated ceiling prices under other sections.* The markup you have used in recalculating a ceiling price under this section may be used in the following manner:

(1) The markup you have used in recalculating a ceiling price under this section may be used as the markup for a comparison commodity when applying section 5 of the General Ceiling Price Regulation, if the commodity repriced under this section is used as the "comparison commodity."

Example 3. Assume that the wholesaler in Example 1 is now using the bicycle for which he recalculated his ceiling price under this section as a comparison commodity for pricing a wagon under section 5 of the General Ceiling Price Regulation. He finds his selling price for the wagon by applying the percentage used in recalculating his price for the bicycle under this section to the net invoice cost of the wagon; i. e., by applying 35.2% to the net invoice cost of the wagon.

(2) The markup you have used in recalculating a ceiling price under this section may be used as your "permitted percentage markup" in applying the provisions of section 4 or 5 of this supplementary regulation.

SEC. 4. *Changes in wholesale and retail ceiling prices to reflect supplier's price changes permitted by certain manufacturers' regulations.* If you are a wholesaler or retailer buying from a manufacturer who has changed his price for a commodity pursuant to Ceiling Price Regulation 22 (Manufacturers' General Ceiling Price Regulation) or other similar manufacturers' regulations enumerated in section 1 of this regulation, you determine your ceiling price under this section.

(a) *Increases.* If your supplier has increased his price pursuant to such regulation, you may recalculate your ceiling price for sale of that commodity when purchased from that supplier after the increase is put into effect.

(b) *Decreases.* If your supplier has decreased his price for a commodity and all or any part of that decrease was made pursuant to one of the manufacturers' regulations listed in section 1 of this regulation, you must recalculate your ceiling price for sale of that commodity purchased from that supplier after the decrease is put into effect. Where the price to you is decreased, you must assume that the decrease was made pursuant to the manufacturers' regulation, unless you are informed in writing by your supplier that no part of the decrease is required by the manufacturers' regulations listed in section 1.

(c) *How to recalculate your ceiling price under this section.* You recalculate your ceiling price by applying to the new net invoice cost of the commodity your "permitted percentage markup." "Permitted percentage markup" means either the percentage markup your ceiling price yields over the most recent net invoice cost of the commodity or the percentage markup determined under section 3 of this supplementary regulation, if that section is applicable. (If you purchase the same commodity from two or more suppliers of the same class, your permitted percentage markup shall be determined from the last invoice you received for that commodity before the price to which you were frozen was established, regardless of which of your suppliers sold that shipment to you. But the permitted percentage markup must be applied, for each supplier, to your most recent net invoice cost of the commodity when purchased from him.)

Example 4. A wholesaler has been buying dominoes from a manufacturer at $7.00 per dozen 2 10 EOM and has been selling them at $8.25 per dozen which is his frozen ceiling price. On June 8, he received an invoice for dominoes from the manufacturer showing $6.50 per dozen 2 10 EOM. The wholesaler must assume that the decrease was made pursuant to a manufacturers' regulation listed in section 1, unless he is informed in writing that no part of the decrease is required by such a regulation. If the article is one which the wholesaler had repriced under section 3 of this regulation because of a replacement squeeze, he can find his new ceiling price by applying to the net invoice cost ($6.37) the percentage markup which he used in making that recalculation. If the article is one for which the wholesaler had no replacement squeeze, he finds the permitted percentage markup as follows: he subtracts the net invoice cost on his most recent invoice, $6.86, ($7.00 2 10 EOM) from his frozen ceiling price $8.25 and divides the result by the net invoice cost ($8.25−$6.86=$1.39 ÷ $6.86=20.3%) and finds that his percentage markup on cost is 20.3%. He then finds his new ceiling price for the dominoes by multiplying the new net invoice cost $6.37 by the permitted percentage markup and by adding the result to $6.37 ($6.37×.203=$1.29−$6.37=$7.66). The new ceiling price for the dominoes is $7.66.

(d) *Use of recalculated prices under other sections.* If a commodity priced under this section is used as a comparison commodity in pricing under section 5 of the General Ceiling Price Regulation, you must apply the markup used in redetermining the ceiling price under this section instead of determining a markup as described in section 5 of the General Ceiling Price Regulation.

SEC. 5. *Increases and decreases in retailers' ceiling prices to reflect wholesalers' ceiling price changes under this regulation.* If you are a retailer buying from a wholesaler and your supplier has changed his price pursuant to the provisions of this Supplementary Regulation 29, you recalculate your ceiling price under this section.

(a) *Increases.* If your supplier has increased his price, you may recalculate your ceiling price for sale of that commodity purchased from that supplier after the increase is put into effect.

(b) *Decreases.* If your supplier has decreased his price and all or any part of that decrease was made pursuant to this Supplementary Regulation 29, you must recalculate your ceiling price for sale of that commodity purchased from that supplier after the decrease is put into effect. Where the price to you is decreased, you must assume that the decrease was made pursuant to this regulation unless you are informed in writing by your supplier that no part of the decrease is required by this supplementary regulation.

(c) *How to recalculate your ceiling price under this section.* You recalculate your ceiling price by applying to the new net invoice cost of the commodity your "permitted percentage markup." "Permitted percentage markup" means either the percentage markup your ceiling price yields over the most recent net invoice cost of the commodity or the percentage markup determined under section 3 of this supplementary regulation, if that section is applicable. (If you purchase the same commodity from two or more suppliers of the same class, your permitted percentage markup shall be determined from the last invoice you received for that commodity before the price to which you were frozen was established, regardless of which of your suppliers sold that shipment to you. But the permitted percentage markup must be applied, for each supplier, to your most recent net invoice cost of the commodity when purchased from him.)

Example 5. A retailer who purchased a bicycle from a wholesaler at $8.75 2 10 EOM, net $8.57½, sold that bicycle at $12.98 during the base period which became his "frozen price." When the wholesaler recalculates his ceiling price under this supplementary regulation to $9.80 (see Example 1) the retailer then pays $9.80 2 10 EOM or $9.60 net for the bicycle. The retailer may then apply the "permitted markup" ($12.98−$8.57½=$4.40½ ÷ $8.57½=51.3%) 51.3% to the new cost of $9.60 ($9.60×.513=$4.92+$9.60=$14.52) and finds that $14.52 is his new ceiling price.

(d) *Use of recalculated prices under other sections.* If a commodity priced under this section is used as a comparison commodity in applying section 5 of the General Ceiling Price Regulation, the percentage markup used in determining a price under this section must be used instead of determining a percentage markup as described in section 5 of the General Ceiling Price Regulation.

SEC. 6. *Wholesalers' ceiling prices for certain branded commodities.* If you are a wholesaler of a commodity which is sold under a supplier's brand name, your ceiling price will be your supplier's suggested selling price for wholesalers if your supplier has obtained Office of Price Stabilization approval for those prices. Suppliers desiring to have uniform wholesale ceiling prices established for branded items which they sell may apply to the Office of Price Stabilization, Washington 25, D. C., for approval.

(a) *Contents of application.* The application must state the supplier's business name and address and must include:

(1) A showing that for a period prior to January 26, 1951, the branded commodities sold by him to wholesalers were customarily sold by the wholesalers at the prices suggested by him;

(2) The brand name and the requested wholesale ceiling price; each

price list which the supplier proposes to issue for wholesalers, identified by a separate numerical or alphabetical designation in addition to the company name;

(3) The ceiling price for sales to the wholesalers for each of the items and an indication of the section and regulation under which these prices were determined;

(4) A showing that the requested wholesale ceiling prices provide margins at wholesale which in general are no greater than the margins which the wholesalers received on the branded items prior to June 24, 1950. This showing must include the suggested wholesale prices for a period prior to June 24, 1950, together with the supplier's selling prices to wholesalers at that time and the wholesale margins thus provided.

(b) *Office of Price Stabilization approval.* The prices for sales at wholesale, proposed by the supplier will be approved or disapproved by Office of Price Stabilization but may be deemed to have been approved if the supplier has not been notified to the contrary by the Office of Price Stabilization within 15 days after the submission of the application or the filing of any additional information which may have been requested by the Office of Price Stabilization. The Office of Price Stabilization may by order revoke, modify, or alter, in whole or in part the ceiling prices established under this section, and may in such order make appropriate provisions for notification of customers.

(c) *Use by wholesalers of approved prices.* If you are a wholesaler you may take as your ceiling price the suggested wholesale prices in your supplier's price list as soon as you have received from him a statement in writing signed by an officer or owner of the company stating that the wholesale prices in that price list have been approved by the Office of Price Stabilization as ceiling prices for your sales at wholesale of the commodities in that price list. Such approval may be either by passage of time or by specific action of the Office of Price Stabilization.

SEC. 7. *Records.* The records required by this section must be retained for as long as the Defense Production Act of 1950 is in effect, and for two years thereafter. In addition to the records required by the General Ceiling Price Regulation, a wholesaler or retailer who prices under this Supplementary Regulation 29 must:

(a) Preserve and keep available for examination the invoice or other cost records used to determine percentage markups of each commodity under sections 3, 4, or 5 of this regulation;

(b) For each commodity for which a price is calculated under this Supplementary Regulation 29, list on his ceiling price list for the category, prepared under section 16 (a) (3) of the General Ceiling Price Regulation, the net invoice cost of the commodity from the invoice or other cost record upon which that selling price was based and the percentage markup;

(c) In the case of a seller at wholesale who prices pursuant to a price list sent to him by a manufacturer or wholesaler, who establishes ceiling prices for sales at wholesale pursuant to section 6 of this regulation, retain and keep available for examination by the Office of Price Stabilization the written statement by his supplier that such prices have been approved by Office of Price Stabilization and all such price lists;

(d) Preserve and keep available for examination the statements of his suppliers, if any, informing him that price decreases are not required by the manufacturers' regulations listed in section 1, nor by the provisions of this supplementary regulation, upon which he relies in determining his ceiling prices.

SEC. 8. *Applicability.* The provisions of this regulation shall apply in the forty-eight States of the United States and in the District of Columbia.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Effective date. This regulation shall become effective on the 28th day of May 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 28, 1951.

[F. R. Doc. 51-6288; Filed, May 28, 1951; 9:46 a. m.]

[Ceiling Price Regulation 37, Amendment 1]

CPR 37—PRIMARY COTTON TEXTILE MANUFACTURERS' REGULATION

EXTENSION OF TIME AND MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency Order No. 2 (16 F. R. 738) this Amendment 1 to Ceiling Price Regulation 37 (16 F. R. 4644) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 37 extends to July 2, 1951, the date on and after which primary cotton textile manufacturers must use their ceiling prices determined pursuant to the regulation. The amendment permits such manufacturers to sell between May 16, 1951, and July 2, 1951, at ceiling prices determined under either this regulation or the General Ceiling Price Regulation.

The Manufacturers' General Ceiling Price Regulation (Ceiling Price Regulation 22), which was issued on April 25, 1951, with an effective date of May 28, 1951, stated that it was then expected that a cotton textile regulation would be issued almost simultaneously therewith. Ceiling Price Regulation 37, however, with an effective date of May 28, 1951, was not issued until May 16, 1951. Representatives of the cotton textile industry have informed the Director that the period from May 16 to May 28 does not provide sufficient time for computing and reporting ceiling prices under Ceiling Price Regulation 37, and, after investigation, the Director has extended the time.

In addition, this amendment clarifies a seeming ambiguity in section 1 as to the types of fabrics which are covered by the regulation. The revision of this section makes it clear that the regulation applies to the sales of those fabrics, such as chambrays, denims, and flannels (except printed flannels), which historically have been sold at the mill level as finished fabrics, as well as to sales of unfinished fabrics in the greige.

The amendment also revises the definition of "cotton yarn or fabric" in section 17 (d) of the regulation so as to make it clear that a yarn or fabric is excluded from the regulation when it consists entirely of imported cotton or of domestic cotton of a staple longer than 1¼ inches.

AMENDATORY PROVISIONS

Ceiling Price Regulation 37 is hereby amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *What this regulation does.* This regulation fixes ceiling prices for sales of cotton yarn or fabric by manufacturers located in the United States, its territories and possessions. It applies to sales by the manufacturer of unfinished cotton yarns or fabrics, but including, however, such mill-finished fabrics as chambrays, denims, and flannels (except printed flannels) and such end-use products as blankets, diapers, pillow cases, sheets, towels and woven bedspreads. During the period between May 16, 1951, and July 2, 1951, you may use either this regulation or the General Ceiling Price Regulation. On and after July 2, 1951, you must use this regulation. This regulation shall not apply to deliveries under a military contract or subcontract for yarn or fabric exempted by Supplementary Regulation 1, as amended, or as may be amended to the General Ceiling Price Regulation. This regulation supersedes the Manufacturers' General Ceiling Price Regulation (Ceiling Price Regulation 22) for sales of yarns and fabrics covered by this regulation.

2. Section 12 (b) is amended by changing the date "May 28, 1951" to "July 2, 1951."

3. Section 14 is amended by changing the date "May 28, 1951" to "July 2, 1951."

4. Section 17 (d) is amended to read as follows:

(d) "Cotton yarn or fabric" means a yarn or fabric which consists, after production but before finishing, of 50 percent or more of domestic cotton by fiber weight and containing less than 25 percent by fiber weight of any one of either wool, rayon, nylon or other fibers. Any two or more of wool, rayon, nylon or other fibers may exceed 25 percent provided such combination does not exceed 50 percent. It does not include a yarn or fabric in which the cotton component consists entirely of imported cotton or of domestic cotton of a staple longer than 1¼ inches.

5. Section 17 (e) is amended to read as follows:

(e) "Manufacturer" of cotton yarn or fabric means a person who for his own account produces (or has produced for him) and sells (or has sold for him) a spun cotton yarn or a woven, nonwoven or knitted cotton fabric. It includes a manufacturer of such end-use products as blankets, diapers, pillow cases, sheets, towels and woven bedspreads. It does not include a converter or a finisher.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This Amendment to Ceiling Price Regulation 37 shall be effective May 28, 1951.

EDWARD F. PHELPS,
Acting Director of Price Stabilization.

MAY 28, 1951.

[F. R. Doc. 51-6316; Filed, May 28, 1951; 11:54 a. m.]

Chapter IV—Wage Stabilization Board, Economic Stabilization Agency

[General Wage Regulation 10, as Amended]

GWR 10—TANDEM WAGE INCREASES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), and General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), this General Wage Regulation No. 10, as amended, is hereby issued.

STATEMENT OF CONSIDERATIONS

The purpose of this general wage regulation is to permit the continuation of tandem wage relationships to the extent consistent with stabilization requirements. As defined in the regulation, "tandem relationships" refers to an historical practice whereby adjustments of wages, salaries and other compensation for one group of employees have been directly related to those of another group. The other group may be employees of the same employer, or of other employers. Many of these relationships were disrupted because of the issuance of General Wage Stabilization Regulation 1 on January 26, 1951.

General Wage Regulation 10, issued on March 8, 1951, by the Economic Stabilization Administrator, was designed to permit a limited continuation of these tandem relationships. Under that regulation, the "follow-the-leader" adjustment, to be covered, would have taken effect and been applicable to work performed on or before February 9, 1951. This limitation as to date is no longer necessary or desirable. The amended regulation deletes this limitation. Experience shows that other modifications of the definition of "tandem relationship" are desirable at this time.

In addition to the changes in the definition of "tandem relationships", the amended regulation alters the procedure whereby approval of tandem wage adjustments may be obtained. Hereafter, a petition for approval must be filed at the nearest appropriate Wage and Hour office for transmittal to the Wage Stabilization Board and must include certain data specified in the regulation.

In the formulation of this amended regulation, due consideration has been given to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act of 1950.

REGULATORY PROVISIONS

Sec.
1. Definitions.
2. Approval of adjustments to restore tandem relationships.

AUTHORITY: Sections 1 and 2 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp., E. O. 10233, Apr. 21, 1951, 16 F. R. 3503.

SECTION 1. *Definitions.* As used in this regulation, the term:

(a) "Appropriate unit" means a group comprised of all employees in a bargaining unit; or in a plant or other establishment or in a department thereof; or in a company; or in an industry; or in a similar appropriate group; as best adapted to preserve the contractual or historical relationship.

(b) "Tandem relationship" means a well established and maintained practice whereby the timing, amount and nature of general adjustments in the wages, salaries and other compensation of employees in a given appropriate unit have been directly related to those of another unit of employees of the same employer or of other employers.

SEC. 2. *Approval of adjustments to restore tandem relationships.* The Wage Stabilization Board will entertain petitions for approval of adjustments required to restore tandem relationships which have been disrupted. Petitions for approval of adjustments under this regulation shall be filed with the nearest appropriate office of the Wage and Hour Division of the United States Department of Labor. Such petitions shall contain (a) proof of a tandem relationship, including a statement of how adjustments in the appropriate unit involved have been related, in the past five years, to the adjustments in the unit with which the tandem relationship is claimed; (b) an explanation of the circumstances which have disrupted the tandem relationship; and (c) such other supporting data as the petitioner may deem pertinent. If the tandem relationship has existed for less than five years, a petition for approval may be filed, setting forth the circumstances in full.

Submissions of proof which have been filed under the original General Wage Regulation 10 shall be treated as petitions filed under this amended regulation, unless the petitioner notifies the Board otherwise.

NOTE: The record keeping and reporting requirement of this Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued: May 23, 1951.

GEORGE W. TAYLOR,
Chairman,
Wage Stabilization Board.

[F. R. Doc. 51-6193; Filed, May 25, 1951; 4:36 p. m.]

Chapter V—National Production Authority, Department of Commerce

[NPA Order M-9 as Amended May 28, 1951]

M-9—ZINC

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order as amended has been rendered impractical by the fact that the order affects a large number of different trades and industries.

This amendment redesignates §§ 23.1 to 23.6 as sections 1 to 6, respectively; it amends paragraph (b) of section 2 and adds a new paragraph (e) to section 2; it amends section 3 and paragraph (a) of section 6; §§ 28.7 and 28.8 are redesignated as sections 9 and 10; new sections 7 and 8 are inserted; § 28.9 is deleted; and §§ 28.10 to 28.13 are redesignated as sections 11 to 14. As so amended this order reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Zinc and zinc products to which this order applies.
4. Required shipment dates.
5. Rejection of rated orders.
6. Limitations for acceptance of rated orders.
7. Contingency reserve from production and imports.
8. Application for delivery from contingency reserve.
9. Dealers.
10. Scheduled programs.
11. Applications for adjustment or exception.
12. Communications.
13. Reports.
14. Violations.

AUTHORITY: Sections 1 to 14 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to producers and fabricators of zinc and dealers in zinc and zinc products and provides rules for placing, accepting, and scheduling rated orders for zinc. Its purpose is to make possible maximum production of zinc by reducing to a minimum disruption of normal distribution and by providing equitable distribution of rated orders, among all zinc producers and fabricators, and dealers in zinc and zinc products. It supplements NPA Reg. 2, but only those provisions of Reg. 2 which are contradictory to this order are superseded, and all other provisions of Reg. 2 continue to apply to the zinc industry.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons

and includes agencies of the United States or any other government.

(b) "Producer" means any person producing slab zinc, zinc dust, or zinc oxide, and any person having zinc produced for him under toll agreement.

(c) "Dealer" means any person who regularly receives physical delivery of zinc or zinc products and sells or holds same for resale without change in form.

(d) "Toll agreement" means any agreement by which title to the zinc or zinc products remains vested in a person other than the one processing such material.

(e) "Import" means to transport in any manner into the continental United States from areas outside the continental United States, including territories and possessions. It includes shipments into foreign-trade zones, customs bonded warehouses, and customs custody, except when such shipments are merely in transit through the continental United States, to destinations outside the continental United States, as shown by the bills of lading or other shipping documents. However, if any such material in transit is halted or diverted to a destination in the continental United States or subjected to processing or manufacture in the continental United States, it becomes an "import" for the purposes of this order.

SEC. 3. *Zinc and zinc products to which this order applies.* This order applies to the following forms and products of zinc:

Slab zinc.
Zinc dust.
Zinc oxide.
Zinc base alloys.
Sheet zinc.
Strip zinc (ribbon).
Zinc wire.
Zinc rod.
Zinc shapes—rolled, drawn, and extruded.
Zinc plate.

Certain of these items are defined as follows:

(a) "Slab zinc" means zinc metal which has been produced by electrolytic, electro-thermic, or fire refining process, including zinc metal produced from scrap, dross, or other secondary material.

(b) "Zinc dust" means all grades of zinc dust produced from ores, concentrates, metallic zinc, or other primary material, and from scrap, dross or other secondary material.

(c) "Zinc oxide" means all grades of zinc oxide produced from ores, concentrates, metallic zinc, or other primary material, and from scrap, dross, or other secondary material.

(d) "Zinc-base alloy" means any alloy containing 50 percent or more by weight of the element zinc.

SEC. 4. *Required shipment dates.* A rated order for zinc in the forms and products listed in section 3 of this order must specify shipment on a particular date or during a particular month, which in no case may be earlier than required by the person placing the order. The zinc producer or fabricator must schedule the order for shipment within the requested month as close to the requested shipment date as is practicable considering the need for maximum production.

SEC. 5. *Rejection of rated orders.* Zinc producers and fabricators of the forms and products listed in section 3 of this order need not accept a rated order which is received less than 30 days prior to the first day of the month in which shipment is requested, unless specifically directed to accept the order by the National Production Authority.

SEC. 6. *Limitations for acceptance of rated orders.* Unless specifically directed by the National Production Authority:

(a) No producer shall be required to accept rated orders for shipment in any one month of a total tonnage of special high grade slab zinc (slab zinc that is 99.99 percent pure or better) in excess of 20 percent, and of all other grades of slab zinc, zinc dust, and zinc oxide in excess of 10 percent of his anticipated production of such items in terms of total tonnage for that month;

(b) No fabricator shall be required to accept rated orders for the products listed below for shipment in any one month in excess of the following percentages of his average monthly shipments of such products during the first 8 months of 1950:

	Percent
Zinc-base alloys	20
Sheet zinc	15
Strip zinc (ribbon)	15
Zinc wire	15
Zinc rod	15
Zinc shapes—rolled, drawn, and extruded	15
Zinc plate	15

SEC. 7. *Contingency reserve from production and imports.* In addition to filling rated orders as required by NPA Reg. 2 (as modified by section 6 of this order), commencing on June 1, 1951:

(a) Each producer shall set aside a reserve of 5 percent of his anticipated monthly production of each grade of slab zinc (including slab zinc produced for him by others under toll agreements, but not slab zinc which he produces for others under toll agreements). This reserve may be delivered only upon the specific authorization of the National Production Authority in accordance with the procedure stated in section 8 of this order.

(b) Any person who imports slab zinc shall set aside in each month a reserve of 5 percent of his anticipated imports of each grade of slab zinc during each month. This reserve shall be delivered only upon specific authorization of the National Production Authority in accordance with the procedure stated in section 8 of this order.

(c) Producers and importers of slab zinc shall report by letter not later than May 30, 1951, with respect to June 1951, and not later than the 20th day of each month thereafter, the quantity of each grade of slab zinc which they expect to set aside during the succeeding month in accordance with paragraphs (a) and (b) of this section.

(d) If, at the end of the month for which the set-aside reserve is created, any surplus remains which is not covered by authorizations issued by the National Production Authority as provided in section 8 of this order, such surplus may be disposed of by the producer or importer without further authorization.

SEC. 8. *Application for delivery from contingency reserve.* Any person who, in the public interest and within the limitations on use in NPA Order M-15, requires more slab zinc than he can obtain from commercial sources, may apply to the National Production Authority for a delivery of slab zinc from the reserve. Such application shall be submitted by letter not later than the 25th day of the month preceding the month during which delivery is desired, and shall set forth: The quantity and grade of slab zinc desired, the public interest which will be served, the desired delivery date, the applicant's anticipated receipts from regular suppliers on rated and nonrated orders, the applicant's anticipated inventory of slab zinc at the beginning of the month during which the slab zinc from the reserve is desired, and such other facts as may be pertinent. If the request is approved, the applicant will be notified that a particular supplier has been directed to make delivery and the applicant is thereby authorized to accept delivery of a specified quantity of slab zinc for a specified use.

SEC. 9. *Dealers.* Unless specifically directed by the National Production Authority, no dealer shall be required to accept rated orders for shipment in any one month of a total tonnage of the forms and products of zinc listed in section 3 of this order in excess of 15 percent of the total quantity of such forms and products available to him during such month.

SEC. 10. *Scheduled programs.* The National Production Authority will from time to time approve scheduled programs calling for the production and delivery of zinc products for stated purposes, over specified periods of time. Upon approval of major programs of this type, supplements to this order will be issued describing such programs and specifying the manner in which they are to be carried out by the zinc industry. Thereafter, directives will be issued to individual concerns establishing schedules for their participation in such programs. Such directives shall be complied with by the recipients in accordance with the terms thereof, unless otherwise directed by the National Production Authority.

SEC. 11. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of the national defense or in the public interest. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 12. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M-9.

SEC. 13. *Reports.* Persons subject to this order shall make records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 14. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order as amended shall take effect on May 28, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-6301; Filed, May 28, 1951; 11:29 a. m.]

[NPA Order M-15, as Amended May 28, 1951]

M-15—USE OF ZINC

This amendment to NPA Order M-15 as amended January 15, 1951, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order, as amended, has been rendered impracticable by the fact that the order affects a large number of different trades and industries.

NPA Order M-15 is amended to read as follows:

Sec
1 What this order does.
2 Definitions.
3 Application of order.
4 Use of zinc.
5 Exemptions.
6 Inventories.
7 Applications for adjustment or exception.
8 Records and reports.
9 Communications.
10 Violations.

AUTHORITY: Sections 1 to 10 issued under sec. 704 Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 1, 1 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to describe how the zinc remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy. It is the policy of the National Production Authority that zinc not required to fill rated orders shall be distributed equitably through normal channels of distribution, and that due regard shall be given by suppliers to the needs of new and small business. It is the intent of this order that other materials which are not in short supply will be substituted for zinc whenever possible.

SEC. 2. *Definitions. As used in this order:*

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the 6-month period ending June 30, 1950.

(c) "Zinc" means slab zinc which has been produced by electrolytic, electrothermic, or fire refining process, including zinc produced from scrap, dross, or other secondary material, and any alloy in which the percentage of zinc by weight is more than 50 percent.

(d) "Manufacture" means to put into process, machine, incorporate into products, assemble, fabricate, or otherwise alter the forms and products of zinc defined in paragraph (c) of this section by physical or chemical means.

SEC. 3. *Application of order.* Subject to the exemptions stated in section 5 of this order, this order applies to all persons who use zinc in manufacture, processing, or construction, or for operating supplies.

SEC. 4. *Use of zinc.* Subject to the exemptions stated in section 5 of this order, or unless specifically directed by the National Production Authority, no person shall use in manufacture, processing, construction, or for operating supplies: (a) During the calendar quarters commencing on January 1, 1951, and April 1, 1951, a total quantity by weight of zinc in excess of 80 percent of his average quarterly use of zinc during the base period: *Provided, however,* That his use of zinc in any one month shall not exceed 40 percent of the permitted quarterly use.

(b) During the calendar quarter commencing on July 1, 1951, and each calendar quarter thereafter, a total quantity by weight of Special High Grade Zinc (zinc that is 99.99 percent pure or better) in excess of 70 percent of his average quarterly use of Special High Grade Zinc during the base period, and a total quantity by weight of all other zinc in excess of 80 percent of his average quarterly use of such other zinc during the base period: *Provided, however,* That his use of either type of zinc in any one month shall not exceed 40 percent of the permitted quarterly use.

SEC. 5. *Exemptions.* (a) The use of zinc to fill an order that is rated under the priority system established by NPA Reg. 2, or to meet any mandatory order of the National Production Authority, is permitted in addition to the use of zinc authorized by the provisions of section 4 of this order.

(b) Zinc acquired by a rated order or to meet a scheduled program of the National Production Authority may be used in addition to the quantity permitted by the provisions of section 4.

(c) The provisions of section 4 do not apply to persons who use less than 3,000 pounds of zinc during any calendar quarter.

(d) The provisions of section 4 do not apply to the use of zinc:

(1) To comply with safety regulations issued under governmental authority which require the use of zinc;

(2) In research laboratories where and to the extent that the physical or chemical material requirements make the use of any other material impracticable; or

(3) In electroplating where it replaces cadmium.

SEC. 6. *Inventories.* In addition to the provisions of NPA Reg. 1, relating to Inventory Control, it is considered that a more exact requirement applying to users of zinc is necessary. No person obtaining zinc for use in manufacture, processing, or construction, or for operating supplies, may receive or accept delivery of a quantity of zinc if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 30-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1) whichever is less. NPA Reg. 1 will apply to zinc except as modified by this section.

SEC. 7. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment, claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 8. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may

be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 9. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–15.

SEC. 10. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on May 28, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-6302; Filed, May 28, 1951; 11:29 a. m.]

[NPA Order M-20, as Amended May 28, 1951]

M–20—IRON AND STEEL SCRAP

This amendment to Order M–20 is found necessary and appropriate to promote the National Defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the issuance of this amendment consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

This amendment affects NPA Order M–20 as follows:

Sections 24.1 through 24.11 are redesignated to be sections 1 through 11 respectively; section 1 is amended by adding a sentence thereto; and the word "part" is changed to "order" wherever it appears throughout. As amended NPA Order M–20 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on shippers.
4. Restrictions on consumers.
5. Allocations and directives.
6. Applications for adjustment or exception.
7. Communications.
8. Records.
9. Audit and inspection.
10. Reports.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order establishes inventory limitations for iron and steel scrap and subjects such scrap to allocation to assure its distribution in the interest of national defense. (The delivery and acceptance of used rails and used axles is also subject to the provisions of NPA Order M–64.)

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Scrap" means all ferrous materials, either alloyed or unalloyed, of which iron or steel is the principal component, which are the waste of industrial fabrication or objects that have been discarded on account of obsolescence, failure, or other reasons, including therein iron and steel rail and axles for rerolling purposes.

(c) "Shipper" means any person engaged in the business of scrap dealer, scrap broker, or automobile wrecker, and any person (except a person engaged in demolition, shipbreaking, or other long-term projects) engaged in any business in the course of which scrap results, accumulates, or is generated or produced.

(d) "Consumer" means any person who melts scrap in the course of manufacture of iron, steel, or ferro-alloys, and includes persons engaged in the operating of blast furnaces or in the rerolling of iron or steel rails or axles. If the business of any consumer is carried on in or by more than one operating unit, each operating unit shall constitute a consumer within the meaning and intent of this order.

SEC. 3. *Restrictions on shippers.* (a) No shipper, in any 60-day period, may receive delivery of any scrap the total of which will have the effect of increasing his inventory working position beyond a practicable minimum working inventory or beyond the average of his inventory position during the last preceding 60-day period, whichever is the lesser: *Provided, however,* That the prohibition set forth in this section shall not extend to those engaged in normal seasonal accumulation of scrap for subsequent water shipments.

(b) No shipper shall accept an order for, sell, or deliver scrap which, or any part of which, he knows or has reason to believe will be accepted, received, held, or used in violation of any provision of this order.

SEC. 4. *Restrictions on consumers.* The National Production Authority from time to time may establish, with respect to the scrap inventory of consumers, limitations either greater or less than the limitations established by the provisions of NPA Reg. 1. The permissible scrap inventory of a consumer which is subject to a limitation established under this section and differing from the limitation established by the provisions of NPA Reg. 1 shall, for the purposes of this section, be known as an emergency inventory. No consumer may receive or accept delivery of scrap if his inventory thereof is, or by such receipt would become, more than a practicable minimum working inventory, or, if NPA shall have established with respect to such consumer an emergency inventory, more than such emergency inventory as of the date of the proposed receipt. In figuring his inventory a consumer must include all scrap in his possession or held for his account by others, but not that held by him for the account of others.

SEC. 5. *Allocations and directives.* The National Production Authority from time to time may allocate scrap and specifically direct the manner and quantities in which deliveries to particular persons or classes of persons or for particular uses or classes of uses shall be made or suspended; and from time to time may issue specific directives to any person as to the source, destination, consignee, or amount of scrap to be delivered or acquired by such person.

SEC. 6. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 7. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref. M–20.

SEC. 8. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 9. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

SEC. 10. *Reports.* Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (5 U. S. C. 139–139F).

SEC. 11. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order as amended shall take effect on May 28, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-6303; Filed, May 28, 1951; 11:30 a. m.]

[NPA Order M-38, as Amended May 28, 1951]

M–38—LEAD

This order as amended is found necessary and appropriate to promote the national defense, and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order as amended has been rendered impracticable due to the necessity for immediate action, and because the order affects a large number of users in different trades and industries.

Order M–38 is hereby amended to provide for the creation of a set-aside reserve of pig lead to take care of hardship cases where consumers of lead are unable to secure their full requirement for DO orders, to increase the required acceptance of rated orders by dealers, to include lead chemicals in the definition of lead products, and to exempt the printing and publishing industry from the toll provisions and from some of the inventory provisions of the order. As so amended, NPA Order M–38 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Lead forms and materials to which this order applies.
4. Limitations on acceptance of rated orders.
5. Set aside from production.
6. Limitations on use of lead.
7. Restrictions on toll agreements.
8. Assistance in placing rated orders.
9. Inventories.
10. Records and reports.
11. Applications for adjustments.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Public Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order sets forth certain limitations on the acceptance of rated orders so as to provide for the equitable distribution of such orders, provides for the creation of a set-aside reserve of pig lead to meet emergency situations, and establishes limitations on the use of lead and lead products. It places limitations on lead scrap toll agreements and on inventories of pig lead, lead alloys, and lead products. It explains the conditions under which reports are required in connection with production, receipt, shipment, use, and inventories of lead and materials containing lead.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government;

(b) "Primary refiner" means any person who produces lead in refinery shapes mainly from lead ores and concentrates, or who has such lead produced for him on toll agreement;

(c) "Secondary refiner" means any person who produces lead in refinery shapes mainly from lead scrap;

(d) "Dealer" means any person who receives physical deliveries of pig lead, lead-base alloy, lead scrap, or lead products, and sells or holds same for resale without change in form.

(e) "Import" means to transport in any manner into the continental United States from areas outside the continental United States, including territories and possessions. It includes shipments into foreign-trade zones, customs bonded warehouses, and customs custody, except when such shipments are merely in transit through the continental United States, to destinations outside the continental United States, as shown by the bills of lading or other shipping documents. However, if any such material in transit is halted or diverted to a destination in the continental United States or subjected to processing or manufacture in the continental United States, it becomes an "import" for the purposes of this order.

(f) "Base period" means the 6-month period ending June 30, 1950.

SEC. 3. *Lead forms and materials to which this order applies.* This order applies to the following lead forms and materials: Pig lead, lead-base alloys, lead scrap, and lead products. For the purpose of this order these items are defined as follows:

(a) "Pig lead" means and includes soft lead and antimonial lead in refinery shapes current in the trade.

(b) "Lead-base alloy" means any alloy containing 50 percent or more of lead metal by weight.

(c) "Lead scrap" means all materials or objects which are the waste or by-product of industrial fabrications or processes, or which have been discarded for obsolescence, failure, or other reason, and which contain lead commercially recoverable as pig lead or lead-base alloy.

(d) "Lead products" means lead chemicals containing 50 percent or more lead by weight, and semiprocessed materials, parts or subassemblies which have been produced from pig lead or lead-base alloy.

SEC. 4. *Limitations on acceptance of rated orders.* Unless specifically directed by the National Production Authority, commencing on May 1, 1951:

(a) No primary refiner or secondary refiner (as defined in section 2 of this order), and no producer of lead products (as defined in section 3 of this order) shall be required to accept rated orders for any of the lead forms and materials defined in section 3 for shipment in any one month in excess of 20 percent of his scheduled production of such materials during that month.

(b) No dealer (as defined in section 2) shall be required to accept rated orders for such lead forms and materials for shipment in any one month in excess of 25 percent of the quantity of such materials available to him during that month.

(c) No person shall be required to accept rated orders for such lead forms and materials which are not received at least 15 days prior to the first day of the month in which shipment is requested.

SEC. 5. *Set aside from production.* (a) In addition to filling rated orders as required by NPA Reg. 2 (as modified by section 4 of this order), commencing on July 1, 1951, each primary refiner (as defined in section 2 of this order) shall set aside a reserve of 5 percent of his anticipated monthly production of pig lead. This reserve may be delivered only upon specific authorization of the National Production Authority as provided in this section. Each primary refiner shall report by letter not later than June 20, 1951, with respect to July 1951, and not later than the 20th day of each month thereafter, the quantity of pig lead he expects to set aside during the succeeding month.

(b) The National Production Authority will issue directives to primary refiners from time to time setting forth the persons to whom delivery from the set-aside reserve established by paragraph (a) of this section shall be made, and the quantities such persons are authorized to receive from such reserve. If, at the end of the month for which the reserve is created, any surplus remains which is not covered by such directives, such surplus shall be released from the reserve and may be disposed of by the producer.

SEC. 6. *Limitations on use of lead.* (a) Commencing on May 1, 1951, or unless specifically authorized by the National Production Authority, no person, except in the production of pig lead, shall put into process or otherwise use in manufacturing, treating, installation, or construction, or for maintenance, repair, and operating supplies during any one month, a total quantity of pig lead, lead-base alloy, lead scrap, and lead products, measured by weight of lead content, in excess of 100 percent of his average monthly use of such forms of lead during the base period; and no person shall use any of such forms of lead for any purpose or purposes other than the purpose or purposes for which such forms of lead were used by him during the base period.

(b) Pig lead, lead-base alloy, or lead products acquired by a rated order or to meet a scheduled program of the National Production Authority, may be used in addition to the quantities permitted by the provisions of paragraph (a) of this section.

(c) The use of pig lead, lead-base alloy, or lead products to fill an order rated under the priorities system established by NPA Reg. 2, or to meet any mandatory order of the National Production Authority, is permitted in addition to the use of such materials authorized by the provisions of paragraph (a) of this section.

(d) The provisions of paragraph (a) of this section do not apply to any person who consumes less than 5 short tons of pig lead, lead-base alloy, lead scrap, and lead products in any month or to the use of such materials in research laboratories where and to the extent that physical or chemical material requirements make the use of any other material impracticable.

SEC. 7. *Restrictions on toll agreements* (a) Except with the written approval of the National Production Authority, no person shall deliver or accept delivery of lead scrap for converting, remelting, or other processing under any existing or future toll agreement or other arrangement by which title to the scrap remains vested in any person other than the processor, or pursuant to which any of the forms of lead defined in section 3 of this order in any quantities, equivalent or otherwise, is to be returned to the person delivering or owning the scrap. Application for such approval may be made by the person delivering or owning the lead scrap, or the person for whose benefit the conversion, remelting, or other processing will be effected. The provisions of this paragraph apply with equal effect to any agency or other relationship which results in a toll arrangement similar to that above-described.

(b) No person shall sell or deliver any lead forms or materials defined in section 3 to any person subject to either an express or implied condition of sale, that the lead scrap remaining after the use of the delivered material will be resold or returned to the person originally supplying such material.

(c) Persons requesting approval of toll agreements shall file with the National Production Authority a letter setting forth: the names and addresses of the parties to any existing or proposed toll or conversion agreement; the kind, grade, and form of the scrap involved; the tonnage of the scrap and the estimated tonnage of the lead forms and materials resulting; the estimated rate and the dates of delivery of such materials; the length of time such agreement or other similar agreement between the same parties has been in force; the duration of the agreement; the purpose for which such materials are to be used; and such other information as may seem pertinent and necessary.

(d) The provisions of paragraphs (a) and (b) of this section shall not apply to: (1) Any agreement covering lead scrap or other lead forms or materials delivered by the General Services Administration or the Armed Forces of the United States, including the United States Coast Guard, to any person for converting, remelting, or other processing; or (2) lead-base alloy used and owned by printers or publishers for printing plates of any kind (including type metal, electrotype metal, or stereotype metal) whether in the form of used plates, scrap, or dross.

SEC. 8. *Assistance in placing rated orders.* Any person who is unable to place a rated order for pig lead, lead-base alloy, or lead products due to the limitations imposed by section 4 of this order, should apply to the National Production Authority, Washington 25, D. C., Ref: M-38, specifying the persons who refuse to accept the order. The National Production Authority will arrange to assist him in locating sources of supply.

SEC. 9. *Inventories.* (a) No person shall receive or accept delivery of a quantity of pig lead, lead-base alloy, or lead products, if his inventory of all such material is, or by such receipt would become, more than the smallest quantity of such material which he reasonably requires to meet his deliveries or maintain his currently scheduled rate of operations during the next succeeding 30-day period, or in excess of a "practicable minimum working inventory" as defined in NPA Reg. 1., whichever is less.

(b) No dealer shall receive or accept delivery of any quantity of lead scrap, unless during the 60 days immediately preceding the date of such acceptance he shall have made delivery or otherwise disposed of such scrap to an amount at least equal in weight to his inventory of scrap on the date of such acceptance, exclusive of the delivery to be accepted.

(c) A person may import any materials to which paragraphs (a) and (b) of this section apply acquired prior to landing without regard to the inventory restrictions of this section. However, if his inventory of such material thereby becomes in excess of the amount permitted, he may not receive further deliveries of it from domestic sources until his inventory is reduced to permitted levels. The inventory restrictions of this section do apply to any deliveries of the imported materials he makes, and to the amount of it that any person accepting delivery from him is permitted to receive.

(d) Printers and publishers who use lead-base alloy (including type metal, electrotype metal or stereotype metal) may receive and accept delivery of a quantity by weight of pig lead, lead-base alloy or lead products in any month which does not exceed one-sixth of the total quantity by weight of printing plates used by them and lead scrap and dross generated in their own operations which has been delivered by them to a smelter to be refined in the preceding 6 months. However, printers and publishers may receive or accept delivery of lead, lead-base alloy, or lead products in excess of the amount permitted by the preceding sentence if their inventory of such materials is not, or by such receipt would not become, larger than permitted by paragraph (a) of this section.

SEC. 10. *Records and reports.* (a) Any primary refiner who produces or ships 10 short tons or more of pig lead during any month, or who has 10 short tons or more of pig lead in his possession or under his control on any day of any month, shall complete and file Bureau of Mines report form 6-1075-M, in duplicate, on or before the 25th day of February 1951 with respect to January 1951, and on or before the 20th day of each month thereafter with respect to such transaction or possession during the preceding month.

(b) Any secondary refiner who produces or ships 10 short tons or more of pig lead during any month, or who has 10 short tons or more of pig lead in his possession or under his control on any day of any month shall complete and file Bureau of Mines report form 6-1116-M, in duplicate, on or before the 25th day of February 1951 with respect to January 1951, and on or before the 20th day of each month thereafter with respect to such transaction or possession during the preceding month.

(c) Any dealer who receives or ships 5 short tons or more of pig lead during any month, or who has 10 short tons or more of pig lead in his possession or under his control on any day of any month shall complete and file Bureau of Mines report form 6-1078-M, in duplicate, on or before the 25th day of February 1951, and on or before the 20th day of each month thereafter with respect to such transactions or possession during the preceding month.

(d) Any person who puts into process 5 short tons or more of pig lead in any month, or who on any day of any month has in his possession or under his control 10 short tons or more of pig lead, shall complete and file Bureau of Mines report forms 6-1078-M, in duplicate, on or before the 25th day of February 1951 with respect to January 1951, and on or before the 20th day of each month thereafter with respect to such transactions or possession during the preceding month.

(e) All reports required by this order shall be addressed to the Bureau of Mines, Washington 25, D. C., ref: M-38, together with such number of copies as may be specified on the report form.

(f) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit an audit that determines for each transaction whether the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(g) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

SEC. 11. *Applications for adjustments.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 12. *Communications.* All communications concerning this order other than reports, shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-38.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

This order as amended shall take effect on May 28, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-6304; Filed, May 28, 1951; 11:30 a. m.]

[NPA Order M-64]

M-64—USED RAILS AND USED AXLES

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable by the fact that the order affects a large number of different trades and industries.

SEC.

1. What this order does.
2. Definitions.
3. Directives.
4. Written authorization required.
5. Exceptions to authorization requirement.
6. Applications for adjustment or exception.
7. Communications.
8. Records.
9. Audit and inspection.
10. Reports.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to conserve used rails and used axles and to provide for their distribution and use so as best to serve the interest of the national defense program and of defense-supporting activities by promoting the distribution of unserviceable axles to bar mills and forging plants and promoting the distribution of unserviceable rails to rerolling mills and to foundries. It prohibits, subject to certain exceptions, deliveries of used rails and used axles except by authorizations to be issued from time to time by the National Production Authority (hereinafter called "NPA").

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Rail" means the steel rolling mill shape known as "tee rail", and includes high tee or flange rail from streetcar tracks.

(c) "Used rail" means rail (weighing not less than 20 pounds or more than 160 pounds per yard in length, weight determination based on standard rail descriptions) which has been released from track by the laying of new replacement rail or used rail, or by withdrawal of the track as a transportation facility.

(d) "Axle" means the steel rolling mill shape or forging billet shape known as solid steel car or locomotive axle.

(e) "Used axle" means any axle which has been released from railroad passenger car, locomotive, or freight car equipment.

SEC. 3. *Directives.* NPA may, from time to time, issue directives as to deliveries or use of used rails and used axles and, unless otherwise provided therein, such directives will prevail over the provisions of this order.

SEC. 4. *Written authorization required.* (a) After May 31, 1951, no person shall deliver or accept delivery of used rails or used axles, including, but not limited to, any used rails or used axles generated as a result of an abandonment or dismantling, in any quantity exceeding 10 tons of each item in any one month, except in accordance with the terms of a written authorization issued by NPA.

(b) An application for a written authorization must be filed with the NPA by letter or telegram by the owner of the materials. The application should state the quantity of used rails or used axles involved, the grade, contemplated party or parties to the transaction or transactions, and the location of the material.

(c) NPA will, from time to time, allocate the supply of used rails and used axles and specifically authorize the quantities in which deliveries to particular persons or for particular uses may be made or withheld.

SEC. 5. *Exceptions to authorization requirement.* The provisions of section 4 of this order shall not apply to the delivery of:

(a) Used rails by a common carrier for use in industrial sidings or for use in its own tracks.

(b) Used axles by a common carrier for use in repairing its own rolling stock.

(c) Any grades of used rails or used axles to a person for use in his own tracks or in his own rolling stock.

(d) Used axles of serviceable grade, and used rails of relayer grade, for use in repairing or re-equipping rolling stock or for laying tracks.

In any case where a delivery of used rails or used axles (except delivery of used rails of relayer grade or used axles of serviceable grade by a parent to a subsidiary railroad corporation, or by a lessor railroad to a lessee railroad) is to be made under the provisions of this section, the person making such delivery shall first obtain from the person to whom delivery is to be made a certificate signed manually. This certificate shall be in substantially the following form and shall be filed with each purchase order placed with the person selling or delivering used rails or used axles.

To _____ supplier:

The undersigned certifies, subject to statutory penalties, that the (used rails) (used axles) classified in the accompanying order are for use by the undersigned, and that the use thereof by the undersigned will be in compliance with NPA Order M-64.

SEC. 6. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works on undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the

requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 7. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M-64.

SEC. 8. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 9. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the NPA.

SEC. 10. *Reports.* Persons subject to this order shall make such records and submit such reports to the NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C., 139-139F).

SEC. 11. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order shall take effect on May 28, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-6305; Filed, May 28, 1951; 11:30 a. m.]

Chapter X—Defense Solid Fuels Administration, Department of the Interior

[DSFA Order SFO-1, Amendment No. 1]

SFO-1—COAL MINES, COKE PLANTS, AND COAL AND COKE PREPARATION AND PROCESSING PLANTS

INFORMATION REQUIRED

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to Defense Production Act of 1950. In the formulation of this order, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

This amendment affects DSFA order SFO-1 as follows:

It amends section 3 of DSFA order SFO-1 to extend the final date for filing Form DSFA-1 with DSFA from May 15, 1951 to June 30, 1951.

Section 3 of DSFA order SFO-1 is hereby amended to read as follows:

SEC. 3. *Information required.* On or before June 30, 1951, each producer shall file with DSFA on Form DSFA-1 the information asked for thereon with respect to each coal mine, coke plant, and coal or coke processing plant operated by him. Four copies of Form DSFA-1 shall be completely filled out and filed for each mine or plant: *Provided, however,* That coke producers who file monthly reports with the Bureau of Mines, either on Bureau of Mines Form 6-1365 or on Bureau of Mines Form 6-1366, need not complete Form DSFA-1, but need only indicate thereon the type of operation conducted. Additional copies of Form DSFA-1 may be obtained by writing to DSFA. The individual company information submitted on Form DSFA-1 is for use in connection with the defense mobilization program. Persons who have access to such individual company information are subject to penalties for unauthorized disclosure.

(Sec. 704, Pub. Law 774, 81st Cong.)

This order shall take effect on May 29, 1951.

DEFENSE SOLID FUELS ADMINISTRATION,
CHAS. W. CONNOR,
Defense Solid Fuels Administrator.

[F. R. Doc. 51-6296; Filed, May 28, 1951; 11:19 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

FORWARDING OR RETURN OF AIR PARCEL POST

In § 34.88 *Postage rates for air parcel post* (39 CFR 34.88) amend paragraph (b) (8) to read as follows:

(8) *Forwarding or return.* Air parcel post undeliverable as addressed is subject to forwarding and return postage. Such articles shall be promptly forwarded by air if a new address is available, properly rated up at the applicable zone rate. If a new address is not available, air parcel post shall be returned to the sender, or other person the sender may designate, by surface means unless the piece bears specific instructions that it be returned by air. When air parcels are returned to sender by surface means the "Air Parcel Post" endorsements shall be crossed off and the piece rated for collection of the proper rate of postage according to the class of mail involved. Parcels returned by air at the sender's direction shall, of course, be rated for collection of postage at the air zone rate.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, 64 Stat. 210; 5 U. S. C. 22, 369, 39 U. S. C. 278a, 278b)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-6118; Filed, May 28, 1951; 8:46 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

REDESIGNATION OF CERTAIN CHAPTERS

NOTE: Parts 151 and 152 of Title 44, redesignated at 15 F. R. 1346, have been further designated Parts 701 and 702 of Chapter VII—Community Facilities Service, Office of the Administrator, Housing and Home Finance Agency, and Part 153 has been redesignated Chapter VIII—Office of Territories, Department of the Interior, Part 801—Virgin Islands Public Works Program.

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Federal Security Agency

PART 104—CONSTRUCTION OF SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

ORDER OF MAKING CERTIFICATIONS FROM AVAILABLE FUNDS

Section 104.4 (16 F. R. 769; 16 F. R. 2840) is further amended by striking the date, April 6, 1951, and substituting therefor the date, June 30, 1951; and by inserting before the said date the words "or before" so that all funds appropriated during the fiscal year will be distributed under and in accordance with the existing regulation which governs the order of making certifications. The first paragraph of the section as so amended reads as follows:

§ 104.4 *Order of making certifications from available funds.* Subject to the condition of readiness hereinafter stated, the order in which certifications required by subsections (a) and (b) of section 206, Public Law 815, 81st Congress, from funds appropriated and available therefor on or before June 30, 1951, will be made is as follows:

(Sec. 209, 64 Stat. 975; 20 U. S. C. 278. Interprets or applies sec. 206, 64 Stat. 973; 20 U. S. C. 276)

Dated: May 15, 1951.

[SEAL] RALL I. GRIGSBY,
Acting U. S. Commissioner of Education.

Approved: May 22, 1951.

JOHN L. THURSTON,
Acting Administrator,
Federal Security Agency.

[F. R. Doc. 51-6144; Filed, May 28, 1951; 8:50 a. m.]

PROPOSED RULE MAKING

FEDERAL TRADE COMMISSION

[16 CFR, Part 142]

RADIO RECEIVING SET MANUFACTURING INDUSTRY

CROSS REFERENCE: For notice of the holding of a trade practice conference for the radio and television industry, see F. R. Doc. 51-6146, in Notices section, *infra.*

NOTICES

DEPARTMENT OF STATE

[Public Notice 95]

DIRECTOR OF OFFICE OF BUDGET AND FINANCE

DELEGATION OF AUTHORITY NO. 38 WITH RESPECT TO SIGNING LETTERS

Pursuant to the provisions of section 4 of Public Law 73, 81st Congress and Public Law 584, 79th Congress, authority is hereby delegated to the Director of the Office of Budget and Finance to sign letters to the Bureau of the Budget requesting approval of Fulbright Educational Exchange Programs and "Certificates of Availability" for submission to the Treasury for the transfer of local currency obtained against surplus property credits.

Issued: May 14, 1951.

Effective: May 14, 1951.

CARLISLE H. HUMELSINE,
Deputy Under Secretary for Administration.

[F. R. Doc. 51-6141; Filed, May 28, 1951; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Hailey 011651, 026993; Blackfoot 037508]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MAY 23, 1951.

Pursuant to the provisions of the Carey Act of August 18, 1894 (28 Stat. 422; 43 U. S. C. 641), the State of Idaho found that the hereinafter-described lands are unsuitable for irrigation and reclamation, and accordingly reconveyed such lands to the United States;

BOISE MERIDIAN

T. 5 S., R. 11 E.,
Sec. 24, S½SW¼, NW¼SE¼;
Sec. 26, SE¼SE¼, NW¼NE¼.
T. 5 S., R. 12 E.,
Sec. 27, NW¼NW¼, W½SW¼;
Sec. 29, S½NW¼;
Sec. 30, S½NE¼, SE¼NW¼;
Sec. 34, NW¼SW¼, E½NW¼;
Sec. 35, NW¼SW¼, S½NE¼.

T. 6 S., R. 13 E.,
Sec. 10, S½NW¼;
Sec. 13, SW¼SE¼;
Sec. 14, NW¼NE¼, NW¼, NE¼SW¼;
Sec. 15, E½NE¼, NW¼NE¼, SE¼SE¼, SW¼SW¼;
Sec. 22, E½NE¼, W½SE¼;
Sec. 23, SW¼NE¼, W½SE¼, SW¼SW¼, SE¼NW¼;
Sec. 24, W½NE¼, E½NW¼;
Sec. 25, NE¼NE¼.
T. 6 S., R. 14 E.,
Sec. 29, SE¼NE¼, NW¼NE¼.

The lands are not susceptible to practical irrigation or the profitable growing of crops.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

At 10:00 a. m., on the 35th day after the date of this order the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Boise, Idaho.

WILLIAM ZIMMERMAN, JR.,
Associate Director.

[F. R. Doc. 51-6110; Filed, May 28, 1951; 8:45 a. m.]

[Misc. 1365224]

WYOMING

REVOCATION OF ORDERS OPENING LANDS TO ENTRY UNDER THE FOREST HOMESTEAD ACT

MAY 23, 1951.

Pursuant to requests of the Department of Agriculture and in accordance with Departmental Order No. 2583, sec. 2.22 (a) of August 16, 1950 (15 F. R. 5643), it is ordered as follows:

Subject to any valid intervening adverse claims, the orders listed below opening lands in the Shoshone National Forest, Wyoming, to entry under the act of June 11, 1906, as amended, 34 Stat. 233 (16 U. S. C. 506-509), are hereby revoked so far as they affect the following-described lands:

Date of order of opening	List No.	Land
Nov. 10, 1919	2-2441	T. 47 N., R. 102 W., 6th P. M., sec. 20, NE¼NE¼; sec. 21, SE¼NE¼, SW¼NW¼; containing 120 acres.
Sept. 10, 1930	2-2752	A tract described by metes and bounds in unsurveyed sec. 31, T. 56 N., R. 101 W., 6th P. M., containing 102.59 acres, as shown upon diagram accompanying List 2-2752.

WILLIAM ZIMMERMAN, JR.,
Associate Director.

[F. R. Doc. 51-6111; Filed, May 28, 1951; 8:45 a. m.]

[Misc. 53717]

COLORADO

PARTIALLY REVOKING ORDER OF SECRETARY OF THE INTERIOR OF SEPTEMBER 16, 1889, WITHDRAWING PUBLIC LANDS FOR EXAMINATION

MAY 23, 1951.

Upon the recommendation of the National Park Service, and in accordance with Departmental Order No. 2583, sec. 2.22 (a) of August 16, 1950 (15 F. R. 5643), it is ordered as follows:

The order of the Secretary of the Interior of September 16, 1889, withdrawing certain public lands in Colorado from disposal pending examination with a view of ascertaining their condition and historical value, is hereby revoked as to the following-described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 36 N., R. 17 W.,
Sec. 4, S½.

The area described contains 320 acres.

The above-described lands are primarily valuable for grazing. They will not be subject to occupancy or disposition until they have been classified. It is unlikely that they will be classified as suitable for homestead, desert-land, or small-tract use.

This order shall become effective at 10:00 a. m., on the 35th day after the date hereof. At that time the above-described lands shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Manager, Land and Survey Office, Denver, Colorado.

WILLIAM ZIMMERMAN, Jr.,
Associate Director.

[F. R. Doc. 51–6112; Filed, May 28, 1951; 8:45 a. m.]

Office of the Secretary

[Order 2605, Amdt. 3]

ADMINISTRATORS OF DEFENSE MINERALS, DEFENSE ELECTRIC POWER, DEFENSE SOLID FUELS AND DEFENSE FISHERIES ADMINISTRATIONS

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN POWERS AND FUNCTIONS

MAY 22, 1951.

Section 3 of Order 2605, as revised (16 F. R. 2231), is amended to read as follows:

SEC. 3. *Delegation of authority.* Except as provided in section 4 of this order, and except as the Secretary of the Interior may otherwise provide, all the functions and powers vested in the Secretary of the Interior by Executive Order 10161, as amended (15 F. R. 6105, 16 F. R. 61), and by redelegations made to him under that order by appropriate officers of the Government, and all the functions and powers vested in the Secretary of the Interior by delegations made by the Defense Production Administrator under Executive Order 10200 (16 F. R. 61) and by redelegations made by other officers of the Government under such delegations, may be performed and exercised by:

(a) The Administrator of the Defense Minerals Administration in so far as these functions and powers relate to metals and minerals,

(b) The Administrator of the Defense Electric Power Administration in so far as these functions and powers relate to electric power,

(c) The Administrator of the Defense Solid Fuels Administration in so far as these functions and powers relate to solid fuels, and

(d) The Administrator of the Defense Fisheries Administration in so far as these functions and powers relate to fishery commodities.

DALE E. DOTY,
Acting Secretary of the Interior.

[F. R. Doc. 51–6113; Filed, May 28, 1951; 8:45 a. m.]

[Order 2638]

DEFENSE MINERALS ADMINISTRATION

CONFIRMATION OF DEFENSE ACTIONS

MAY 22, 1951.

All orders issued by appropriate officials of the Defense Minerals Administration pursuant to Title I of the Defense Production Act of 1950 before the amendment on May 22, 1951, of NPA Delegation 5 shall be deemed to be in full force and effect.

DALE E. DOTY,
Acting Secretary of the Interior.

[F. R. Doc. 51–6114; Filed, May 28, 1951; 8:45 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

[NPA Delegation 13]

PETROLEUM ADMINISTRATION FOR DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO MATERIALS USED IN CERTAIN PETROLEUM OPERATIONS

The following delegation is issued in order to facilitate the exercise by the Administrator of the Petroleum Administration for Defense of the powers delegated to him by Executive Orders Nos. 10161, as amended, and 10200; Defense Production Administration Delegation No. 1, as amended; Department of the Interior Order No. 2591, as amended; and such other delegations or redelegations to him as may be issued from time to time under the Defense Production Act of 1950.

Pursuant to Executive Orders Nos. 10161 and 10200 as they may be amended and Defense Production Administration Delegation No. 1, as amended, issued under the Defense Production Act of 1950, and in order to effect prompt distribution of materials for the construction of required storage in the petroleum and gas industries, it is hereby ordered that the Administrator of the Petroleum Administration for Defense or any official of the Petroleum Administration for Defense, duly authorized by him, may take action to authorize through the use of the rating DO–48 the procurement of such quantities of steel as may have been made available to the Petroleum Administration for Defense through program determination of the Defense Production Administration, such steel to be authorized for use in the construction or erection of storage incident to the petroleum and gas industries and a part of the petroleum program.

Effective this 25th day of May 1951.

MANLY FLEISCHMANN,
National Production Authority.

[F. R. Doc. 51–6306; Filed, May 28, 1951; 11:38 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3589]

PAN AMERICAN WORLD AIRWAYS, INC.; REOPENED NORTH ATLANTIC ROUTE TRANSFER CASE

NOTICE OF HEARING FOR DETERMINATION OF CERTAIN EMPLOYEE SENIORITY PROBLEMS

In the matter of the reopened North Atlantic Route Transfer case for determination of certain employee seniority problems.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on June 5, 1951, at 10:00 a. m. e. d. s. t., in Conference Room A, Departmental Auditorium, on Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C., before Examiner Thomas L. Wrenn.

Without limiting the scope of the issues in the proceeding, particular attention will be directed to:

(a) Whether the Board should prescribe an integrated seniority list for each class or craft of employees of Pan American World Airways, Inc., for which such a list has not been established by agreement or arbitration or should prescribe a method of establishing such list or should prescribe some other method for establishing seniority, and

(b) If so, what the lists or the method of establishing them or the method of establishing seniority should be;

and to take such action as may be necessary or proper to make such determination effective.

For further details of the issues involved in the proceeding, interested persons are referred to the order reopening the proceeding, the prehearing conference report, and the orders entered in the proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in opposition to the proceeding must file with the Board on or before June 5, 1951, a written statement setting forth the issues of fact or law raised by the proceeding which he desires to controvert.

Dated at Washington, D. C., May 23, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51–6162; Filed, May 28, 1951; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–1639, G–1648, G–1660, G–1666]

OHIO FUEL GAS CO. ET AL.

NOTICE OF CONTINUANCE OF HEARING

MAY 23, 1951.

In the matters of the Ohio Fuel Gas Company, Docket No. G–1639; Central Kentucky Natural Gas Company, Docket No. G–1648; Atlantic Seaboard Corporation, Docket No. G–1660; Central Kentucky Natural Gas Company, Docket No. G–1666.

Upon consideration of the motion of counsel for Atlantic Seaboard Corporation, filed May 16, 1951, notice is hereby given that the hearing in the above-designated matters now scheduled for June 4, 1951, be and it is hereby continued to June 11, 1951, at 10:00 a. m., e. d. s. t., in the Commission's Hearing Room, at 1800 Pennsylvania Avenue NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–6116; Filed, May 28, 1951; 8:46 a. m.]

[Docket No. G–1662]

TENNESSEE GAS TRANSMISSION CO.

ORDER FIXING DATE OF HEARING

On April 10, 1951, Tennessee Gas Transmission Company (Applicant) a Delaware corporation having its principal office in the Commerce Building, Houston, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the construction and operation of a sales meter station and the sale of natural gas as fully described in the application which is on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on April 25, 1951 (16 F. R. 3543).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on June 14, 1951 at 9:45 a. m. e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application, *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: May 23, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–6117; Filed, May 28, 1951; 8:46 a. m.]

[Docket No. E–6349]

FLORIDA POWER CORP.

NOTICE OF AMENDMENT TO APPLICATION

MAY 24, 1951.

Take notice that on May 21, 1951, Florida Power Corporation filed an amendment to its application in this docket (notice of the original application was published on April 18, 1951, 16 F. R. 3390), pursuant to section 204 of the Federal Power Act, seeking an order authorizing it to issue up to but not in excess of 100,000 shares of its Common Stock to Florida Power & Light Company as consideration for the electric facilities proposed to be acquired from the latter company, as set forth in the notice of the original application. The amendment to the application also requests that the proposed issuance of securities be exempted from the competitive bidding requirements of the Commission's General Rules and Regulations; all as more fully appears in the application as amended on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said amendment to the application should, on or before the 7th day of June 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application and amendment thereto are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–6129; Filed, May 28, 1951; 8:48 a. m.]

[Project No. 2030]

NORTHWEST POWER SUPPLY CO.

ORDER POSTPONING DATE OF HEARING

MAY 17, 1951.

On May 1, 1951, the Commission issued an order fixing a hearing in this matter for June 4, 1951.

The Commission finds: Good cause exists for postponing the date of hearing as hereinafter provided.

The Commission orders: The hearing in the above-entitled matter now set to commence on June 4, 1951, at 10 a. m. P. s. t., in Room 506, U. S. Postoffice, Broadway and Glisan Streets, Portland, Oregon, is hereby postponed to commence on June 11, 1951, at 10 a. m. P. d. s. t., at the same place.

Date of issuance: May 24, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–6128; Filed, May 28, 1951; 8:48 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21–431]

RADIO AND TELEVISION INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference, under the auspices of the Federal Trade Commission, will be held for the Radio and Television Industry in the Auditorium National Archives Building, Pennsylvania Avenue at Eighth Street NW., Washington, D. C., on June 21, 1951, commencing at 9 a. m., e. s. t., 10 a. m., d. s. t.

All persons, firms, corporations, and organizations engaged in the manufacture, sale or distribution in commerce of radio or television receiving sets, radio-television combination sets, or parts or accessories therefor, are cordially invited to attend or to be represented at the conference and to take part in the proceedings.

The conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules for the industry under which unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, may be eliminated and prevented. Such rules as may be established and promulgated as a result of the conference and subsequent proceedings will supplant the trade practice rules promulgated by the Commission on July 22, 1939, for the Radio Receiving Set Manufacturing Industry.

Issued: May 24, 1951.

By direction of the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51–6146; Filed, May 28, 1951; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26109]

PEANUTS FROM TEXAS TO CERTAIN POINTS

APPLICATION FOR RELIEF

MAY 24, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3835.

Commodities involved: Peanuts, raw or shelled, carloads.

From: Points in Texas.

To: St. Louis and Kansas City, Mo., and points beyond in western trunk-line and official territories, and Kentucky.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3835, Supp. 27.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6130; Filed, May 28, 1951; 8:48 a. m.]

[4th Sec. Application 26110]

GRAIN FROM ST. JOSEPH, MO., TO POINTS IN OKLAHOMA

APPLICATION FOR RELIEF

MAY 24, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for Chicago, Burlington & Quincy Railroad Company, Chicago Great Western Railway Company, and Chicago, Rock Island and Pacific Railroad Company.

Commodities involved: Grain, grain products, and seeds, carloads.

From: St. Joseph, Mo.

To: Points in Oklahoma.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3942, Supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6131; Filed, May 28, 1951; 8:48 a. m.]

[4th Sec. Application 26111]

LUMBER BETWEEN POINTS IN THE SOUTHWEST

APPLICATION FOR RELIEF

MAY 24, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3850 and other tariffs.

Commodities involved: Lumber and related articles, carloads.

Between: Points in the Southwest.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6132; Filed, May 28, 1951; 8:48 a. m.]

[4th Sec. Application 26112]

SAND FROM RIVERTON, IND., TO PESOTUM, ILL.

APPLICATION FOR RELIEF

MAY 24, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Illinois Freight Association for the Illinois Central Railroad Company.

Commodities involved: Sand, in carloads.

From: Riverton, Ind.

To: Pesotum, Ill.

Grounds for relief: Market competition and wayside pit competition.

Schedules filed containing proposed rates: I. C. R. R. tariff I. C. C. No. A-11296, Supp. 156.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6133; Filed, May 28, 1951; 8:48 a. m.]

[4th Sec. Application 26113]

COOKED MEATS FROM GULF AND SOUTH ATLANTIC PORTS TO ATLANTA, GA.

APPLICATION FOR RELIEF

MAY 24, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1166.

Commodities involved: Meats, cooked, cured or preserved, canned, carloads.

From: Gulf and south Atlantic ports.

To: Atlanta, Ga., and points grouped therewith.

Grounds for relief: Circuitous routes and port competition.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1166, Supp. 44.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6125; Filed, May 28, 1951; 8:48 a. m.]

[4th Sec. Application 26115]

COMMODITY RATES BETWEEN LONE STAR, VA., AND POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MAY 24, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Norfolk and Western Railway Company and other carriers parties to Agent W. L. Taylor's tariff I. C. C. No. 107.

Commodities involved: Commodity rates.

Between: Lone Star, Va., and points in southern territory.

Grounds for relief: Circuity, grouping, rail competition, and opening of new station.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6136; Filed, May 28, 1951; 8:48 a. m.]

[4th Sec. Application 26116]

MACHINERY FROM RICHMOND, IND., TO GLENCLIFF, TENN.

APPLICATION FOR RELIEF

MAY 24, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4300, pursuant to fourth-section order No. 9800.

Commodities involved: Machinery and machines, carloads.

From: Richmond, Ind.

To: Glencliff, Tenn.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6137; Filed, May 28, 1951; 8:49 a. m.]

[4th Sec. Application 26117]

TRACTOR WHEEL BANDS FROM OHIO AND MICHIGAN TO CHICAGO, ILL., AND LOUISVILLE, KY.

APPLICATION FOR RELIEF

MAY 24, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to tariffs listed in exhibit "A" of application, pursuant to fourth-section order No. 9800.

Commodities involved: Tractor wheel bands and rims, iron and steel, carloads.

From: Akron, East Akron and Cleveland, Ohio, and Wyandotte, Mich.

To: Louisville, Ky., and Chicago, Ill.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6138; Filed, May 28, 1951; 8:49 a. m.]

[4th Sec. Application 26118]

CRUDE SULPHUR FROM POINTS IN TEXAS AND PORT SULPHUR, LA., TO CINCINNATI, OHIO

APPLICATION FOR RELIEF

MAY 24, 1951.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3862.

Commodities involved: Crude sulphur, carloads.

From: Producing points in Texas and Port Sulphur, La.

To: Cincinnati, Ohio.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3862, Supp. 91.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6139; Filed, May 28, 1951; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2597]

DUQUESNE LIGHT CO. AND PHILADELPHIA CO.

ORDER AUTHORIZING INCREASE OF STATED VALUE OF COMMON STOCK, RECLASSIFICATION OF SUCH STOCK, AND EXCHANGE OF PORTION OF RECLASSIFIED STOCK FOR OUTSTANDING COMMON STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 22d day of May 1951.

Duquesne Light Company ("Duquesne"), a public utility company, and its parent, Philadelphia Company ("Philadelphia"), a registered holding company, having filed a joint application-declaration and amendments thereto, pursuant to sections 6 (a), 7, 9 (a), 10, 12 (c), 12 (d), 12 (f) and 12 (g) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42, U-43, and U-44 promulgated thereunder, with respect to the following transactions:

Duquesne has outstanding 2,152,828 shares of common stock, without par value, stated at $56,813,120. Its authorized common stock aggregates 4,500,000 shares stated at $112,500,000. All of the outstanding shares are owned by Philadelphia. Duquesne proposes (a) to increase on its books the stated value of its outstanding common stock to $57,500,000 by the transfer of $686,880 from earned surplus; (b) to increase the stated capital of such shares, as stated in returns filed with the Commonwealth of Pennsylvania, from $53,820,700 to $57,500,000; and (c) to reclassify the 4,500,000 shares of authorized common stock (whether issued or unissued) to 7,000,000 authorized shares, par value $10 per share, as follows: The 2,152,828 outstanding shares will be changed and converted into 5,750,000 shares and the 2,347,172 unissued shares into 1,250,000 shares.

Philadelphia proposes to exchange its holdings of 2,152,828 shares of Duquesne common stock, without par value, for 5,750,000 shares of common stock, par value $10 per share.

Applicants-declarants state that the transactions are proposed in conjunction with Step 1 of the plan, dated February 8, 1951, for compliance by Philadelphia and its parent, Standard Gas and Electric Company, also a registered holding company, with the provisions of section 11 of the act, filed with this Commission at File No. 54-191. (See Holding Company Act Release No. 10413.)

Said application-declaration having been filed on March 26, 1951, and the last amendment thereto having been filed on May 2, 1951, and notice of said filing having been given in the form and manner prescribed in Rule U-23 promulgated under the act, and the Commission not having received a request for a hearing on said amended application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing with respect thereto; and

The Commission finding with respect to the proposed transactions that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied and that no adverse findings are necessary, and further finding that the estimated fees and expenses in connection with the proposed transactions are not unreasonable, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6120; Filed, May 28, 1951; 8:46 a. m.]

[File No. 70-2622]

NATIONAL FUEL GAS CO.

NOTICE OF PROPOSED PURCHASE OF COMMON STOCK OF PENNSYLVANIA GAS COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of May A. D. 1951.

Notice is hereby given that National Fuel Gas Company ("National"), a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 and has designated sections 9 (a) and 10 of the act as being applicable to the proposed transactions.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

National proposes to purchase from Theresa H. Marso, 7,000 shares of the common stock of Pennsylvania Gas Company ("Pennsylvania") at a price of $16.50 per share, pursuant to a purchase agreement. National states that it presently owns 58.30 percent of the outstanding shares of common stock of Pennsylvania and that the 7,000 shares proposed to be purchased represent an additional 1.21 percent.

National further proposes to purchase from other stockholders of Pennsylvania, not to exceed 20,000 shares of the latter company's stock, pursuant to an offer to such stockholders at a price of $16.50 per share. Said offer to purchase, on the part of National, would be limited, however, to a period of 20 days following the date of mailing a notice of such offer to all stockholders of Pennsylvania, which notice National proposes to mail on a date as early as practicable after approval of the application by the Commission.

National represents that no brokerage fees or commissions will be paid in connection with the proposed purchase of Pennsylvania's stock and that no approval of any other governmental body (Federal or State) is required in order for National to acquire said stock.

Notice is further given that any interested person may, not later than June 5, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application, as filed or as subsequently amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 5, 1951, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6121; Filed, May 28, 1951; 8:47 a. m.]

[File No. 70-2631]

GAS SERVICE CO.

NOTICE OF PROPOSED SALE OF $5,400,000 PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 22d day of May A. D. 1951.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by the Gas Service Company ("Gas Company"), a subsidiary of Cities Service Company, a registered holding company. Declarant has designated sections 6 (a) and 7 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than June 5, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 5, 1951, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Gas Company, a gas utility company incorporated in Delaware and doing business in the States of Missouri, Kansas, Oklahoma and Nebraska, proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $5,400,000 principal amount of First Mortgage Bonds due 1971, to be issued under and secured by an Indenture of Mortgage and Deed of Trust, dated as of September 1, 1949, and a Supplemental Indenture to be dated as of June 1, 1951. The net proceeds from the sale of the bonds will be applied, in part, to the prepayment of the outstanding 2¼ percent promissory note issued by Gas Company on December 4, 1950 in the principal amount of $1,300,000 and which matures on September 4, 1951. The remaining proceeds will be used to provide for the construction of additional improvements to Gas Company's properties, and to reimburse its treasury in part for construction work heretofore completed.

The declaration states that the proposed transaction is subject to the jurisdiction of the Public Service Commission of Missouri, the State Corporation Commission of Kansas, and the Nebraska State Railway Commission, and that the orders of those Commissions will be filed by amendment to the instant declaration.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6119; Filed, May 28, 1951; 8:46 a. m.]

VETERANS' ADMINISTRATION

STATEMENT OF ORGANIZATION

The Veterans' Administration statement of organization (15 F. R. 7851, 16 F. R. 2450) is further amended as follows:

1. In section 2, paragraphs (f) and (m) are amended to read as follows:

SEC. 2. *Central Office.* • • •

(f) *Office of the assistant administrator for contact and administrative services*—(1) *Mission.* Formulates policies, plans, and procedures for the contact and administrative services of the Veterans' Administration; exercises direct supervision over activities under the immediate jurisdiction of the central office; and maintains staff supervision over these activities located in all Veterans' Administration installations.

(2) *Major functions.* The office of the assistant administrator for contact and administrative services performs the following major functions:

(i) Develops policies and procedures concerning the installation and use of tabulating machine equipment throughout the Veterans' Administration.

(ii) Plans and formulates policies and procedures concerning requirements for the use of electrical communicating equipment throughout the Veterans' Administration.

(iii) Prepares budget estimates and authorizations obligating funds for objects of expenditure pertaining to the office and reviews estimates for such objects of expenditure submitted by the field stations.

(iv) Administers a program concerned with the furnishing of advice and assistance to veterans, their beneficiaries, and dependents, in the central office, and formulates policies and procedures for the field stations.

(v) Recommends policies and procedures for the maintenance, preservation, retirement, and disposal of all Veterans' Administration records.

(vi) Produces or procures stocks, and distributes all printed material emanating from the central office, and develops policies relating to publications functions in the field stations.

(vii) Operates the centralized records of the central office, secures service records from the service departments, and retires or disposes of all inactive Veterans' Administration records.

(viii) Administers matters concerned with mail, index, tabulating machine, electrical communication, and beneficiary and employee travel service operations in central office and develops policies and procedures for mail, index, and beneficiary and employee travel service operations in the field stations.

(3) *Organization.* The office of the assistant administrator for contact and administrative services consists of the executive assistant, planning and supervision service, contact service, records management service, publications service, records service, and the administrative service.

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(m) *Office of the assistant administrator for special services*—(1) *Mission.* The primary mission of the office of the assistant administrator for special services is to help the hospitalized veteran-patient to get well. In the performance of this mission, special services programs are planned in coordination with the department of medicine and surgery and conducted by special services personnel for patients whose participation in the special services program has been cleared or specified by appropriate medical authorities. The office of the assistant administrator for special services formulates policies, plans, and procedures for the special services program of the Veterans' Administration; exercises direct supervision over activities under immediate jurisdiction of the central office; and maintains staff supervision over activities located in field stations.

(2) *Major functions.* The office of the assistant administrator for special services performs the following major functions:

(i) Develops and recommends for publication directives to effectuate policies, plans, and procedures covering all special services activities. Within general policies and decisions of the Administrator, formulates and issues, either orally or by letter, such instructions as may be necessary to carry into effect those policies and decisions within the functional field of special services.

(ii) Develops and recommends policies and procedures relative to the voluntary service program in Veterans' Administration. Coordinates and integrates the use of volunteer assistance in the Veterans' Administration with concerned Veterans' Administration services and with the participating voluntary service organizations.

(iii) Develops and conducts programs for the orientation and training of special services personnel in collaboration with the office of the assistant administrator for personnel.

(iv) Develops and recommends policy relative to the acceptance of gifts and donations offered to the Veterans' Administration.

(v) Allocates from that part of the general post fund balance which is controlled exclusively by central office on the basis of developed needs at hospitals and domiciliaries.

(vi) Formulates policies, plans, procedures, techniques, and standards of performance relative to guest quarters of the Veterans' Administration and exercises staff supervision over guest quarters at field stations.

(3) *Organization.* The office of the assistant administrator for special services consists of the executive assistant, management and planning staff, veterans canteen service, recreation service, fiscal and administrative service, chaplaincy service, library service, and the voluntary service.

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2. In section 4, paragraph (a) is amended as follows:

a. Delete the following VA offices:

California: Vallejo.
Colorado: Fort Collins.
Connecticut: Middletown, Norwich.
Florida: Panama City.
Hawaii: Wailuku, Maui.
Idaho: Lewiston.
Illinois, Cairo, Decatur, Galesburg, Olney, Quincy.
Iowa: Council Bluffs.
Kansas: Hays.
Kentucky: Jackson, Madisonville, Maysville, Somerset.
Louisiana: Natchitoches, Ruston.
Maine: Sanford.
Maryland: Frederick.
Massachusetts: Haverhill.
Michigan: Battle Creek, Marquette, Muskegon Heights, St. Joseph, Traverse City.
Minnesota: Duluth.
Mississippi: Greenville, Grenada, Kosciusko, Natchez, Vicksburg.
Missouri: Chillocothe, Cape Girardeau, Moberly, Rolla.
Montana: Miles City.
New Mexico. Roswell.
New York: Hornell, Jamestown, Olean, Bay Shore, Long Island, Peekskill, Auburn, Elmira, Ogdensburg, Oswego.
North Carolina: Elizabeth City, Fayetteville, Greensboro.
Ohio: Lancaster, Lima, Ashtabula.
Oklahoma: Woodward.
Oregon: Klamath Falls, Pendleton.
Pennsylvania: Pottstown, Upper Darby, Bradford, Du Bois, Washington
Puerto Rico: Guayama, St. Thomas (V. I.).
Rhode Island: Woonsocket.
South Dakota: Aberdeen.
Tennessee: Oak Ridge.
Texas: Cleburne, Mineral Wells, Mount Pleasant.
Vermont: Montpelier, Rutland.
Virginia: Charlottesville, Harrisonburg.
Wisconsin: Beloit, Oshkosh.

b. Change address of the following VA offices:

	New address
Florida: Lakeland	Marble Arcade Bldg.
Louisiana: Baton Rouge	Triad Bldg., 3d and Florida Sts.
Massachusetts: Chelsea	City Hall.
Missouri: St. Joseph	Bartlett Bldg., 9th and Felix.
Montana: Billings	2722 3d Ave., North.
South Carolina:	
Florence	157 North Colt St.
Orangeburg	370 St. Paul St., NE.
Rock Hill	101½ East Main St.
Texas:	
Brenham	County Courthouse, 105 East Main St.
Huntsville	1117 Ave. K, P. O. Box 912.
Lufkin	Perry Bldg., 107 West Lufkin Ave.
Wyoming: Casper	140–150 East Midwest Ave.

3. In F. R. Document 51–3337, appearing in the issue of Thursday, March 15, 1951, make the following corrections:

a. On page 2451, under Georgia, VA Office, Savannah, the word "Blum" should read "Blun".

b. On page 2454 add "Nevada" at the top of left hand column.

c. On page 2455, under Puerto Rico, Center (Regional Office and Hospital), San Juan, in the last line of the address, delete "(all VA)".

d. On page 2456, under Tennessee, VA Office, Jackson, the number "618" should read "408".

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51–6140; Filed, May 28, 1951; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17826]

JUHEI TAKIMOTO

In re: Cash owned by Juhei Takimoto. D–39–11130–E–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Juhei Takimoto, whose last address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the amount of $260.00 presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158881, "Unclaimed Monies of Individuals Whose Whereabouts are Unknown", in the name of Juhei Takimoto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–6149; Filed, May 28, 1951; 8:51 a. m.]

[Vesting Order 17860]

ISABELLA GIRZ

In re: Rights of Isabella Girz under insurance contract. File No. D–28–11594–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Isabella Girz, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Isabella Girz under a contract of insurance evidenced by policy No. 10 886 978, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Isabella Girz, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Rudolph Girz, a resident of the United States, and those of the aforesaid The Prudential Insurance Company of America, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Isabella Girz be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–6151; Filed, May 28, 1951; 8:51 a. m.]

[Vesting Order 17817]

CREDIT SUISSE

In re: Accounts maintained in the name of Credit Suisse, Lugano, Switzerland, and owned by persons whose names are unknown. F63–60 (Lugano).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock, in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have reference to Germany or Japan.

Executed at Washington, D. C., on May 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Credit Suisse, Lugano, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights and interests in the account as of Oct. 2, 1950, excluded from this vesting order [1]
1. Brown Bros. Harriman & Co., 59 Wall St., New York 5, N. Y.	(a) Credit Suisse, Lugano, ordinary account blocked account, as described by Brown Bros. Harriman & Co. in its report on Form OAP–700, bearing its Serial No. 32; (b) Credit Suisse, Lugano, General ruling No. 6 account, as described by Brown Bros. Harriman & Co., in its report on Form OAP–700, bearing its Serial No. 31.	5 shares of General Motors Corp. stock and 7 shares of General Electric Co. stock which, according to the report on Form OAP–700 filed by Brown Bros., Harriman & Co., bearing its Serial No. 32, are claimed by a national of Roumania; $162.59, which, according to the report on Form OAP–700 filed by Brown Bros. Harriman & Co., bearing its serial No. 31, is claimed by a national of Roumania.
2. Credit Suisse, New York Agency, 30 Pine Street, New York 5, N. Y.	(a) Current account, (b) general ruling No. 6 account, (c) miscellaneous portfolio of bonds, and, (d) miscellaneous portfolio of stocks in general ruling No. 6 account; as described by Credit Suisse, New York Agency in its report on Form OAP–700, bearing its Serial No. 24.	From the current account the sum of $1,311.00 which, according to license application No. NY 886776 filed by Credit Suisse, New York Agency, represents claims of persons domiciled in Bulgaria and Roumania.

[1] Also excluded from this Vesting Order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since October 2, 1950 and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in Column III or excluded under (a) of this footnote.

[F. R. Doc. 51–6148; Filed, May 28, 1951; 8:50 a. m.]

[Vesting Order 17858]

MAX ENGEL ET AL.

In re: Rights of Max Engel, also known as Dr. Max Engel et al. under annuity contract. File No. F–28–29524.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max Engel, also known as Dr. Max Engel, Frau Wilma Teichmann, Frau Hedwig Engel and Fraulein Minna Lemke, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under an annuity contract evidenced by Certificate No. QD–69771 under Group Contract 103 issued by the Metropolitan Life Insurance Company, New York, New York, to Max Engel, also known as Dr. Max Engel, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said annuity contract except those of the aforesaid Metropolitan Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Max Engel, also known as Dr. Max Engel, or Frau Wilma Teichmann, Frau Hedwig Engel and Fraulein Minna Lemke, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–6150; Filed, May 28, 1951; 8:51 a. m.]

[Vesting Order 17863]

PAUL B. O. LEONHARDT ET AL.

In re: Rights of Paul B. O. Leonhardt, et al., under contract of insurance. File F 28-4993 H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul B. O. Leonhardt and Kaethe C. Leonhardt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1056771 issued by The Travelers Insurance Company, Hartford, Connecticut, to Paul B. O. Leonhardt, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Travelers Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Paul B. O. Leonhardt or Kaethe C. Leonhardt, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6152; Filed, May 28, 1951; 8:51 a. m.]

[Vesting Order 17866]

YASUMASA YOSHIZUMI ET AL.

In re: Rights of Yasumasa Yoshizumi et al. under insurance contract. File No. D-39-12816-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yasumasa Yoshizumi and Shun Yoshizumi, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. CWS-341692, issued by the California-Western States Life Insurance Company, Sacramento, California, to Yasumasa Yoshizumi, and and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid California-Western States Life Insurance Company together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Yasumasa Yoshizumi or Shun Yoshizumi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6153; Filed, May 28, 1951; 8:51 a. m.]

COMPAGNIE INTERNATIONALE DES PIEUX ARMES FRANKIGNOUL, SOCIETE ANONYME

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Compagnie Internationale des Pieux Armes Frankignoul, Societe Anonyme, Liege, Belgium; Claim No. 37319; property described in Vesting Order No. 675 (8 F. R. 5029, April 17, 1943) relating to United States Letters Patent Nos. 1,764,948; 1,830,651; 1,858,204; 1,887,630; 1,872,635; 2,048,252 and 2,169,789.

Executed at Washington, D. C., on May 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6154; Filed, May 28, 1951; 8:51 a. m.]

ELIZABETH HENLEY EPPENAUER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., Property, and Location

Elizabeth Henley Eppenauer, Essex Falls, N. J.; Claims Nos. 7168 and 7803; $112,391.40 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Elizabeth Stuart Henley-Witthoeft-Emden, also known as Elizabeth Henley Witthoeft-Emden in and to the Trust under the Will of Warren F. Henley, deceased.

Executed at Washington, D. C., on May 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6155; Filed, May 28, 1951; 8:51 a. m.]

AUGUSTE HUBERT LIESKEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Auguste Hubert Liesken, Embourg, Belgium; Claim No. 38020; property described in Vesting Order No. 292 (7 F. R. 9836, November 26, 1942) relating to United States Patent Application Serial No. 399,921 (now United States Letters Patent No. 2,388,922). Property described in Vesting Order No. 675 (8 F. R. 5029, April 17, 1943) relating to United States Letters Patent No. 2,213,106.

Executed at Washington, D. C., on May 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6157; Filed, May 28, 1951; 8:52 a. m.]

SOCIETE AUXILIAIRE D'INDUSTRIE SADI-S. P. R. L.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Auxiliaire d'Industrie, SADI-S. P. R. L., Forest, Belgium; Claim No. 37316; Property described in Vesting Order No. 292 (7 F. R. 9836, November 26, 1942) relating to United States Patent Application Serial No. 382,419 (now United States Letters Patent No. 2,325,502).

Executed at Washington, D. C., on May 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6158; Filed, May 28, 1951; 8:52 a. m.]

GIUSEPPE MENOZZI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Giuseppe Menozzi, Messina, Italy; Claim No. 36941; property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent Nos. 2,178,486 and 2,178,487.

Executed at Washington, D. C., on May 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6156; Filed, May 28, 1951; 8:51 a. m.]

SOCIETE NOUVELLE DU COMPTOIR LYON ALEMAND

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Nouvelle du Comptoir Lyon Alemand, Paris, France; Claim No. 36862; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,110,930.

Executed at Washington, D. C., on May 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6159; Filed, May 28, 1951; 8:52 a. m.]

ALBERT FRANCOIS THIEUZARD

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Albert Francois Thieuzard, Paris, France; Claim No. 31759; Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,008,458.

Executed at Washington, D. C., on May 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6160; Filed, May 28, 1951; 8:52 a. m.]

MAY 31

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

VOLUME 16 NUMBER 105

Washington, Wednesday, May 30, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10247

SUSPENDING THE LIMITATIONS UPON PUNISHMENTS FOR VIOLATIONS OF ARTICLES 82, 85, 86 (3), 87, 90, 91 (1) AND (2), 113, AND 115 OF THE UNIFORM CODE OF MILITARY JUSTICE

By virtue of the authority vested in me by Article 56 of the Uniform Code of Military Justice (established by the act of May 5, 1950, 64 Stat. 107), and as President of the United States, I hereby suspend, until further order, as to offenses committed on and after May 31, 1951, by persons under the command of, or within any area controlled by, the Commander in Chief, Far East, or any of his successors in command, the limitations prescribed by the Table of Maximum Punishments, paragraph 127c of the Manual for Courts-Martial, United States, 1951 (prescribed by Executive Order No. 10214 of February 8, 1951), upon punishments for violations of Articles 82, 85, 86 (3), 87, 90, 91 (1) and (2), 113, and 115 of the Uniform Code of Military Justice.

HARRY S. TRUMAN

THE WHITE HOUSE,
May 29, 1951.

[F. R. Doc. 51-6376; Filed, May 29, 1951; 11:09 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

[Amdt. 2]

PART 517—FRUITS AND BERRIES, FRESH

SUBPART—FRESH APPLE EXPORT PROGRAM (FISCAL YEAR 1951)

ELIGIBILITY FOR PAYMENT; FINAL DATES

Section 517.204 *Eligibility for payment*, is hereby amended by deleting paragraph (h) and inserting in lieu thereof the following:

(h) *Final dates.* The final date for mailing or delivering Form FV-427 (8/30/50), "Declaration of Sale and Intent to Export Fresh Apples Under Program PMX 9(a)," shall be 12:00 o'clock midnight June 30, 1951. The final date of export shall be 12:00 o'clock midnight June 30, 1951. The final date for filing claims for payment (§ 517.205) shall be 12:00 o'clock midnight July 31, 1951.

Effective date. This amendment shall become effective at 12:01 a. m., e. d. t., May 31, 1951.

(Sec. 32, 49 Stat. 774, as amended, sec. 112, 62 Stat. 146; 7 U. S. C. 612c, 22 U. S. C. Supp. 1510)

Dated this 24th day of May 1951.

[SEAL] C. F. KUNKEL,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 51-6374; Filed, May 29, 1951; 8:51 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 378]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 373]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CALIFORNIA AND MINNESOTA

Amendment 378 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 373 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 26a, is amended to describe the counties in the Defense-Rental Area as follows:

Alameda County, except the Cities of Hayward, Livermore and San Leandro, and the Town of Pleasanton.

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FEDERAL REGISTER

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1949 Edition

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This decontrols the City of San Leandro in Alameda County, California, a portion of the Alameda County, California, Defense-Rental Area.

2. Schedule A, Item 38, is amended to describe the counties in the Defense-Rental Area as follows:

San Francisco County; San Mateo County, except the Cities of Belmont, Burlingame, Daly City, Menlo Park, Millbrae, Redwood City, San Carlos, South San Francisco, San Mateo, San Bruno, the Community known as Lomita Park which is adjacent to said City of San Bruno, and the Town of Atherton; and Sonoma County, except (i) the Cities of Healdsburg, Petaluma, Santa Rosa and Sebastopol, (ii) the Judicial Townships of Redwood and Sonoma (including the City of Sonoma) and (iii) that portion of Analy Judicial Township lying west of the Monte Rio-Valley Ford Highway and lying between Redwood Judicial Township on the north and the northern line of Marin County on the south.

This decontrols the City of Petaluma in Sonoma County, California, a portion of the San Francisco Bay, California, Defense-Rental Area.

3. Schedule A, Item 160, is amended to describe the counties in the Defense-Rental Area as follows:

Anoka, Dakota, Hennepin and Ramsey Counties; and Washington County, except the City of Stillwater.

This decontrols the City of Stillwater in Washington County, Minnesota, a portion of the Minneapolis-St. Paul, Minnesota, Defense-Rental Area.

All decontrols effected by this amendment are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894.)

This amendment shall be effective as of May 30, 1951.

Issued this 25th day of May 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-6185; Filed, May 29, 1951; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1026 (Burley and Flue-51)-1]

PART 725—BURLEY AND FLUE-CURED TOBACCO

MARKETING QUOTA REGULATIONS; 1951–52 MARKETING YEAR

Correction

In Federal Register Document 51-6053, appearing at page 4920 of the issue for Friday, May 25, 1951, the following change should be made in § 725.251 (a):

In the next to last line of the second column of page 4924, delete "(9)" preceding the word "Records."

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 929—MILK IN MUSKOGEE, OKLA., MARKETING AREA

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AUTHORITY: §§ 929.0 to 929.111 inclusive, issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 929.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Muskogee, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (i) other source milk which is classified as Class I milk, and (ii) milk from producers including such handler's own production.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order which is marketed within the Muskogee, Oklahoma, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who, during the determined representative period (March 1951), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Muskogee, Oklahoma, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 929.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 929.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 929.3 *Department.* "Department" means the United States Department of Agriculture or other Federal agency authorized to perform the price reporting functions specified in this part.

§ 929.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 929.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines (a) to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," (b) to have full authority in the sale of milk of its members, and (c) to be engaged in making collective sales or marketing milk or its products for its members.

§ 929.6 *Muskogee, Oklahoma, marketing area.* "Muskogee, Oklahoma, marketing area," hereinafter called the marketing area, means all the territory lying within the boundaries of the cities of Muskogee, McAlester, and Tahlequah, Oklahoma.

§ 929.7 *Approved plant.* "Approved plant" means (a) any milk plant approved by any health authority having jurisdiction in the marketing area from which milk, skim milk, buttermilk, flavored milk, flavored milk drinks, or cream are disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores), or (b) any milk plant approved by any health authority having jurisdiction in the marketing area which serves as a receiving station by receiving, weighing, and commingling producer milk and from which such milk is normally transferred to a plant specified in paragraph (a) of this section.

§ 929.8 *Unapproved plant.* "Unapproved plant" means any milk manufacturing, processing, bottling, or distributing plant other than an approved plant.

§ 929.9 *Handler.* "Handler" means (a) any person in his capacity as the operator of an approved plant; or (b) any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 929.10 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk which is received at an approved plant: *Provided*, That such milk is produced under a dairy farm inspection permit or inspection rating issued by any health authority having jurisdiction in the marketing area for the production of milk to be disposed of for consumption as Grade A milk. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. This definition shall not include a person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this part pursuant to § 929.61.

§ 929.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer which is received by a handler either directly from producers or from other handlers.

§ 929.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 929.13 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

§ 929.14 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of April through June which is not in excess of each producer's daily average base computed pursuant to § 929.90 multiplied by the number of days in such month for which the handler received milk from the producer.

§ 929.15 *Excess milk.* "Excess milk" means producer milk received by a handler during any of the months of April through June which is in excess of base milk received from each producer during such month, and shall include all milk received from producers for whom no daily average base can be computed pursuant to § 929.90.

MARKET ADMINISTRATOR

§ 929.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 929.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 929.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 929.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 929.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 929.30 through 929.32;

(2) Maintained adequate records and facilities pursuant to § 929.33; or

(3) Made payments pursuant to §§ 929.80 through 929.88;

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk received shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum prices for Class I milk pursuant to § 929.51 (a) and the Class I butterfat differential pursuant to § 929.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 929.51 (b) and the Class II butterfat differential pursuant to § 929.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform price(s) computed pursuant to § 929.71 or § 929.72, as applicable, and the butterfat differential computed pursuant to § 929.82, both applicable to milk delivered during the preceding month; and

(k) Prepare and disseminate to the public such statistics and other information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 929.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and, for the months of April through June, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on route(s) wholly outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 929.31 *Reports of payments to producers.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producers, including for the months of April through June such producer's deliveries of base and excess milk;

(b) The amount of payment to each producer or cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 929.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, of his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 929.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 929.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 929.40 *Basis of classification.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 929.30 shall be classified by the market administrator pursuant to the provisions of §§ 929.41 through 929.46.

§ 929.41 *Classes of utilization.* Subject to the conditions set forth in §§ 929.43 and 929.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream, and any other product required by the appropriate health authority of the City of Muskogee, Oklahoma, to be made from Grade A milk, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section; (2) disposed of for livestock feed; (3) in shrinkage allocated to receipts of milk from producers, but not in excess of 2 percent of such receipts of skim milk and butterfat, (4) in shrinkage allocated to receipts of other source milk; and (5) in inventory variations of milk, skim milk, cream, or any Class I product.

§ 929.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk.

§ 929.43 *Responsibility of handlers.* All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 929.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream, to the approved plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 929.46 and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk or skim milk to an unapproved plant located more than 185 miles from the approved plant by the shortest highway distance as determined by the market administrator.

(d) As Class I milk if transferred in the form of cream under Grade A certification to an unapproved plant located more than 185 miles from an approved plant by the shortest highway distance as determined by the market administrator, and as Class II milk if so transferred without Grade A certification.

(e) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 185 miles from the approved plant by the shortest highway distance as determined by the market administrator from which transferred or diverted, unless the market administrator is permitted to audit the records of receipts and utilization at such unapproved plant, in which case the classification of all skim milk and butterfat received at such unapproved plant shall be determined and the skim milk and butterfat transferred or diverted from the approved plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk, receipts of skim milk and butterfat at such unapproved plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such unapproved plant in markets supplied by such plant.

§ 929.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 929.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 929.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 929.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers according to its classification as determined pursuant to § 929.44 (a);

(4) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 929.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 929.51 (b) for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which

prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

§ 929.51 *Class prices.* Subject to the provisions of §§ 929.52 and 929.53, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus $1.45 for the months of April, May, and June, and plus $1.85 for all other months: *Provided*, That for each of the months of September, October, November, and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May, and June, such price shall not be more than that for the preceding month.

(b) *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

American Foods Co., Miami, Okla.
Beatrice Dairies, Tulsa, Okla.
Muskogee Dairy Products Co., Muskogee, Okla.
Pet Milk Co., Siloam Springs, Ark.

§ 929.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 929.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 929.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month specified below by the applicable factor listed and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25;

(b) *Class II milk.* Multiply such price for the current month by 1.15.

§ 929.53 *Location adjustment credit to handlers.* For that portion of milk which (a) is received directly from producers at an approved plant described in § 929.7 (b) which is located at Poteau, or Miami, Oklahoma; and (b) is moved to an approved plant in the marketing area in the form of milk, skim milk, or cream, the prices specified in § 929.51 shall be subject to a location adjustment credit to the handler, computed as follows:

Location of plant:	*Cents per hundredweight*
Poteau, Okla.	21
Miami, Okla.	23

APPLICATION OF PROVISIONS

§ 929.60 *Producer-handlers.* Sections 929.40 through 929.46, 929.50 through 929.53, 929.70 through 929.72, 929.80 through 929.88, 929.90 and 929.91, shall not apply to a producer-handler.

§ 929.61 *Milk priced under other Federal orders.* In case skim milk or butterfat which is priced under another Federal milk marketing agreement or order issued pursuant to the act is disposed of as Class I milk in the marketing area on a route operated by or for a person subject to regulations as a handler as defined in such other agreement or order, the provisions of this part shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject for skim milk and butterfat which would be classified as Class I milk under this part is less than the price provided by this part, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this part and its value as determined pursuant to the other order to which he is subject.

DETERMINATION OF UNIFORM PRICE

§ 929.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices, adding together the resulting amounts and deducting therefrom the values of all location adjustments computed at the applicable rates set forth in § 929.53: *Provided*, That if the handler had overage of either skim milk or butterfat, there shall be added to the above values an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 929.46 by the applicable class prices.

§ 929.71 *Computation of uniform prices.* For each of the months of July through March the market administrator shall compute the uniform prices per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 929.70 for all handlers who made the reports prescribed in § 929.30 and who made the payments pursuant to §§ 929.80 and 929.84 for the preceding month;

(b) Add the aggregate of the values of all allowable location adjustments to producers pursuant to § 929.81;

(c) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 929.85;

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 929.82 and multiplying the resulting figure by the total hundredweight of such milk;

(e) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for milk of 4.0 percent butterfat content received from producers.

§ 929.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through June the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 929.70 for all handlers who made the reports prescribed in § 929.30 and who made the payments pursuant to §§ 929.80 and 929.84 for the preceding month;

(b) Add the aggregate of the values of all allowable location adjustments to producers pursuant to § 929.81;

(e) Add not less than one-half of the cash balance in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 929.85;

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 929.32 and multiplying the resulting figure by the total hundredweight of such milk;

(e) Compute the total value on a 4.0 percent butterfat basis of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(f) Divide the total value of excess milk obtained in paragraph (e) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers.

(g) Subtract the value of excess milk obtained in paragraph (e) of this section from the value of all milk obtained in paragraph (d) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(h) Divide the amount obtained in paragraph (g) of this section by the total hundredweight of base milk included in these computations; and

(i) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (h) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

PAYMENTS

§ 929.80 *Time and method of payment.* Each handler shall make payment to producers as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer (1) at not less than the uniform price computed pursuant to § 929.71 for all milk received from such producer if such preceding month was any of the months of July through March, or (2) at not less than the uniform price for base milk computed pursuant to § 929.72, with respect to base milk received from such producer, and at not less than the uniform price for excess milk computed pursuant to § 929.72 with respect to excess milk received from such producer, if such preceding month was any of the months of April through June, in each case adjusted by the butterfat differential computed pursuant to § 929.62, subject to location adjustments to producers pursuant to § 929.81, less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association, on or before the 13th day after the end of the month, an amount equal to the sum of the individual payments payable to such producers in accordance with this paragraph: *And provided further*, That if such handler has not received full payment for such month pursuant to § 929.85, he may reduce his total payments to all producers uniformly by not more than the amount of the reduction in payments from the market administrator; and the handler shall after receipt of such payment from the market administrator complete the payments to those producers not later than the date for making payments pursuant to this paragraph next following after receipt of the balance from the market administrator.

(b) On or before the last day of each month, each handler shall make payment for milk received from producers during the first 15 days of the month to each producer at not less than the Class II price for the preceding month: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association, which is authorized to collect payments for such milk, if the cooperative association so requests, the handler shall pay such cooperative association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

§ 929.81 *Location adjustments to producers.* In making payments to producers pursuant to § 929.80, a handler may deduct per hundredweight of milk received from producers at an approved plant described in § 929.7 (b) which is located at Poteau, or Miami, Oklahoma, the applicable amounts set forth below:

Location of plant:	*Cents per hundredweight*
Poteau, Okla.	21
Miami, Okla.	23

§ 929.82 *Producer-butterfat differential.* In making payments pursuant to § 929.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average as computed by the market administrator of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 929.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 929.61 (b), 929.84 and 929.86, and out of which he shall make all payments to handlers pursuant to §§ 929.85 and 929.86.

§ 929.84 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 929.70 is greater than the amount required to be paid producers by such handler pursuant to § 929.80, or any amount required pursuant to § 929.61 (b).

§ 929.85 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 929.70 is less than the amount required to be paid producers by such handler pursuant to § 929.80: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 929.86 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler; (b) such handler from the market administrator; or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which error occurred.

§ 929.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 929.80, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month pay such deduction to the cooperative association of which such producers are members accompanied by a statement showing the amount of any such deductions, and the amount and average butterfat test of milk for which such deduction was computed for each producer. In lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to § 929.31.

§ 929.88 *Expenses of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) milk from producers including such handler's own production.

§ 929.89 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and,

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records, pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 929.90 *Computation of daily average base for each producer.* For the months of April through June of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 929.91:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of October through January immediately preceding by the number of days not to be less than ninety, of such producer's delivery in such period.

§ 929.91 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred by notifying the market administrator in writing on or before the last day of any applicable base paying month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy herd operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days shall forfeit his base.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 929.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 929.101.

§ 929.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 929.102 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 929.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 929.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 929.111 *Separability of provisions.* If any provision of this part or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this part, to other persons or circumstances, shall not be affected thereby.

Issued at Washington, D. C., this 29th day of May 1951, to be effective on and after the 1st day of July 1951.

[SEAL] CHARLES F. BRANNON,
Secretary of Agriculture.

[F. R. Doc. 51-6388; Filed, May 29, 1951, 12:26 p. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. P. L. 50 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A, Positive List of Commodities* is amended in the following particulars:

[1] This amendment was published in Current Export Bulletin No. 621, dated May 24, 1951.

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Electric therapeutic apparatus, and parts, n.e.s., except X-ray (specify type):				
7072500	Short wave diathermy units, 500 megacycles and over		SATE	None	RO
7072600	Short wave diathermy units, under 500 megacycles		SATE	None	R
	Construction equipment, and parts, n.e.s.:				
7291000	Concrete block machines, high speed		CONS	100	R
	Organic chemicals not of coal-tar origin, n.e.s.:				
8329500	Cadmium acetate	Lb.	SALT	25	RO
8410000	Cadmium iodide and iodate	Lb.	SALT	25	RO
	Other industrial chemicals:				
8396000	Cadmium salts and compounds, except cadmium oxide [1]		SALT	25	RO
	Chemical pigments, n.e.s.:				
8425000	Cadmium pigments	Lb.	SALT	25	RO

[1] Cadmium oxide, Schedule B No. 839600, is already on the Positive List as an RO commodity.

This part of the amendment shall become effective as of 12:01 a. m., May 29, 1951.

2. The following commodities are changed from R to RO commodities. These were formerly included in the entry on the Positive List for bromine, bromides, and bromates, Schedule B No. 834400, validated license required R.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
834400	Cadmium bromide and bromate [1]	Lb.	SALT	25	RO

[1] By this amendment the GLV dollar-value limit for those commodities is reduced from $100 to $25 and the commodity description for the R commodities is revised to read as follows: "834400, Other bromine, bromides, and bromates, GLV value 100, validated license required, R."

This part of the amendment shall become effective as of 12:01 a. m., May 29, 1951.

3. The following revisions are made in commodity descriptions. The revisions include changes in validated license control.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
3605[illegible]	Hair, Angora goat (mohair); and alpaca [1]	Lb.	TEXT	250	RO
3629[illegible]	Wool noils and waste, mill waste (garnetted, picked, and carded included) except noils of cashmere goat (mohair), camel, and vicuna [2]	Lb.	TEXT	250	RO

[1] The effect of this amendment is to delete from the Positive List, cashmere goat hair (including wool), camel's hair, and vicuna wool and other like hair except those types included in the above revised entry.
[2] The effect of this amendment is to delete from the Positive List noils of cashmere goat (mohair), camel, and vicuna.

This part of the amendment shall become effective as of May 24, 1951.

4. The dollar value limits in the column headed "GLV dollar-value limits" set forth opposite the commodities listed below are amended to read as follows:

Dept. of Comm. Sched. B No.	Commodity	GLV dollar-value limits
[illegible]	Tungsten carbide tool blanks, tips, and [illegible] cement (sintered carbide tool blanks, tips, and [illegible] cement) for machine operation in 7[illegible]	25
[illegible]	Metal and chemical composition manufactures	25
[illegible]	Automotive manufactures	25
[illegible]	Automotive manufactures	25
[illegible]	Rubber tread manufactures	25
[illegible]	Brake linings, bituminite	25
[illegible]	Clutch facings, laminated	25
[illegible]	Friction material, bituminite	25
[illegible]	Gaskets	None
[illegible]	Jewel bearings	25
[illegible]	Metal special articles (fully machined)	25
[illegible]	Watch [illegible], metal metal	25
[illegible]	Tool [illegible], molybdenum	25

This part of the amendment shall become effective as of 12:01 a. m., May 29, 1951.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, or whose GLV dollar-value limits were reduced, as a result of changes set forth in Parts 1, 2 and 4 of this amendment which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., May 29, 1951, may be exported under the previous general license provisions up to and including June 23, 1951. Any such shipment not laden aboard the exporting carrier on or before June 23, 1951, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023, E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948; 13 F. R. 59; 3 CFR, 1948 Supp.)

LORING K. MACY,
Acting Director,
Office of International Trade.

[F. R. Doc. 51-6188; Filed, May 29, 1951; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

PART 702—TABULATION OF EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS APPLICABLE TO THE NAVY

NEW MEXICO

CROSS REFERENCE: For order reserving public lands for use of the Department of the Navy in connection with experimental work, thereby affecting the tabulation in § 702.4, see Public Land Order 722, in the Appendix to Title 43, Chapter I, *infra*.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 41]

CPR 41—SHOE MANUFACTURERS' REGULATION

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 41 is hereby issued.

STATEMENT OF CONSIDERATIONS

The need for this regulation. This regulation establishes ceiling prices for sales of shoes by shoe manufacturers.

The general objectives of this regulation are essentially the same as those underlying the recently-issued Manufacturers' General Ceiling Price Regulation (Ceiling Price Regulation 22): To roll back margins widened after the Korean outbreak; to restore more normal cost-price relationships by ironing out distortions created by the General Ceiling Price Regulation; and to grant needed relief to manufacturers from the general freeze order. The Statement of Considerations contained in Ceiling Price Regulation 22 is generally applicable to this regulation.

This regulation is designed to establish a pricing formula more closely related to the customary practices in the industry than is possible under a regulation applicable to manufacturers generally. The need for a special regulation of this type was announced at the time Ceiling Price Regulation 22 was issued.

GENERAL NATURE OF THE REGULATION

In many aspects, this regulation parallels Ceiling Price Regulation 22 in the determination of ceiling prices because of similarities existing in all manufacturing industries. There is a requirement for a return of prices to pre-Korean levels, with adjustments to reflect increases in material and labor costs from a selected base period to a comparatively current date. Provision is made for the selection of a base period, consisting of a calendar quarter, from the period between July 1, 1949 to June 24, 1950. A manufacturer may select a different base period for each different category of production.

The allowable cost increases in material and labor are limited to advances in costs affecting the labor and materials actually required for the production of the shoes. The items of material and labor to be considered in these increases are specifically defined.

Provision is made for adjustment of ceiling prices where over-all loss in operations results.

This regulation recognizes the need for a computation method in conformity with the accounting methods prevailing in the industry. The shoe manufacturers are permitted to utilize cost sheets reflecting a breakdown of labor and material costs allocable to each unit shoe, which is the method of allocation generally prevalent in the industry. An alternative method is provided for those manufacturers who do not use cost sheets.

The material and labor cost increases are calculated by a simple arithmetical process. The price line method of merchandising is preserved and cost increases are computed on an average basis. The importance of styles in the merchandising practices of the shoe manufacturing industry is recognized by identifying present price lines and shoes with those dealt in during the base period by substantial similarity in general make-up in type, quantity and quality of material and by similarity in pattern. The shoes, of course, must be in the same category.

Where shoes or groups of shoes sold by the price line method are not the same as those dealt in during the base period, detailed methods for computing the pass-through of cost increases based on comparable shoes is specified in the regulation.

Manufacturer-retailers, that is, those who both produce shoes and sell to the ultimate consumer through their own retail outlets, determine their increase in manufacturing cost in the same manner as do other manufacturers. A "transfer price" technique permits the addition of the base period margin, to fix a ceiling price to the ultimate consumer.

Provision is made, also, for establishing ceiling prices for new sellers, for new categories, and for sellers who cannot price their shoes under other provisions of the regulation.

Further, the regulation permits a limited "rounding" of prices to conform to the merchandising method prevailing in the shoe industry.

Provision is made for application by shoe manufacturers for adjustment, under certain conditions, of ceiling prices established by this regulation as to bona fide contracts validly entered into under pre-existing ceiling price regulations.

FOOTWEAR EXEMPTED FROM THE REGULATION

This regulation does not apply to shoes made of felted, knitted and/or woven fabrics, which normally are not produced by a shoe manufacturer, nor to rubber footwear vulcanized as a single unit and which is normally produced by rubber manufacturers.

FINDINGS OF THE DIRECTOR

The provisions of this regulation and their effect upon business practices, cost practices, or methods, or means or aids to distribution in the industry have been carefully considered. Generally only such changes in normal practices have been effected as are necessary to prevent circumvention or evasion of the regulation and to effectuate the policies of the Defense Production Act of 1950.

In formulating this regulation the Director has consulted with representatives of the industry to the extent practicable under the circumstances and has given consideration to their recommendations.

He has also given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability.

In the judgment of the Director, based upon an analysis of the presently available data, the provisions of this regulation and the ceiling prices established are generally fair and equitable and will effectuate the purposes of Title IV of the Defense Production Act of 1950.

REGULATORY PROVISIONS

Sec.

1. What this regulation does.

CEILING PRICES OF SHOES WITHIN PRICE LINES DEALT IN BETWEEN JULY 1, 1949 AND JUNE 24, 1950

2. Category and price lines.
3. General description of pricing method for shoes within base period price lines.
4. How to obtain your base period price.
5. How to compute your material cost increase.
6. How to compute your labor cost increase.
7. Net ceiling price.

CEILING PRICES OF SHOES OUTSIDE PRICE LINES BUT THE SAME AS UNIT SHOES DEALT IN BETWEEN JULY 1, 1949 AND JUNE 24, 1950

8. Same shoe and general description of pricing method.
9. Base period price.
10. How to compute your material and labor cost increases.
11. Net ceiling price.

CEILING PRICES FOR NEW PRICE LINES AND SHOES

12. General description of method.
13. Ceiling prices for new price lines.
14. Ceiling prices for new unit shoes outside a price line.

NEW SELLERS; NEW CATEGORIES; SELLERS WHO CANNOT PRICE UNDER OTHER SECTIONS

15. Ceiling prices for new sellers; for new categories; and for other sellers who cannot price under other sections.

SHOES SOLD TO ULTIMATE CONSUMERS BY MANUFACTURER-RETAILERS

16. Ceiling prices for shoes sold to ultimate consumers by manufacturer-retailers.

GENERAL PROVISIONS

17. Rounding ceiling prices.
18. Conditions of sale and classes of purchasers.
19. Excise, sales and other similar taxes.
20. Export sales.
21. Adjustment of ceiling prices where over-all loss in operation results.
22. Redetermination of ceiling prices.
23. Adjustable pricing.
24. Modification of ceiling prices by the Director of Price Stabilization.
25. Temporary adjustments to carry out existing contracts.
26. Records.
27. Reserved.
28. What acts are prohibited by this regulation.
29. Penalties.
30. Petitions to amend this regulation.
31. Definitions.

AUTHORITY: Sections 1 to 31 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* (a) This regulation fixes ceiling prices for the sales of shoes by manufacturers (including manufacturer-retailers) located in the United States, its territories and possessions. This regulation does not apply to shoes made of felted, knitted and/or woven fabrics, and which normally are not produced by a shoe manufacturer, nor to rubber footwear vulcanized as a single unit and which is normally produced by rubber manufacturers. Moreover, this regulation does not apply to deliveries of shoes under a military contract or subcontract covered by Supplementary Regulation 1, as amended, and as it may be amended, to the General Ceiling Price Regulation.

(b) Manufacturer-retailers who sell to other than the ultimate consumer are considered manufacturers for the purposes of those sales only and determine their ceiling prices for those sales under sections 2 through 14, or 15 of this regulation. Manufacturer-retailers who sell to the ultimate consumer determine their ceiling prices for such sales under sections 16 or 15 of this regulation.

(c) Between the effective date of this regulation and July 2, 1951, you may use either this regulation or the General Ceiling Price Regulation. On and after July 2, 1951, you must use this regulation.

CEILING PRICES OF SHOES WITHIN PRICE LINES DEALT IN BETWEEN JULY 1, 1949, AND JUNE 24, 1950

SEC. 2 *Category and price lines.* The terms "category" and "price line" are used in the following sections. "Category" refers to the classification of shoes according to the following groupings: men's dress shoes; men's work shoes; boys' and youths' shoes; women's and growing girls' shoes; misses' and children's shoes; infants' shoes; house slippers; athletic shoes; and safety shoes. "Price line" refers to a merchandising method whereby shoes in the same category are grouped together to sell at one price although the cost of the shoes may vary from each other. A group of shoes is within a price line only when the entire group is sold or offered for sale at the price line price without restricting the purchaser's option to choose any reasonable quantity of any style or styles from the group.

SEC. 3. *General description of pricing method for shoes within base period price lines.* One price line is the same as another price line when the shoes included

therein are in the same category and are of substantially the same general make-up in type, quantity and quality of material and when it includes shoes of the same or similar pattern or style. Your ceiling price for a shoe within a price line which is the same as a price line in which you dealt at any time between July 1, 1949, and June 24, 1950, is your base period selling price for the shoe with certain adjustments for increases in cost of material and labor. Section 4 of this regulation tells you how to obtain your base period price. If you add to, withdraw from, or make substitutions within the group of unit shoes comprising a price line for which a ceiling price has been established under this regulation, the price line then becomes a new price line, and you must determine your ceiling price for this new price line under sections 13 or 15, of this regulation, whichever is applicable. Section 5 of this regulation tells you how to compute your material cost increases; section 6 of this regulation tells you how to compute your labor cost increase.

SEC. 4. *How to obtain your base period price*—(a) *Base period.* You may select either April 1, 1950 through June 24, 1950, or any previous calendar quarter which ended not earlier than September 30, 1949. The quarter you select is your base period for all shoes within the same category. You may select a different base period for each category.

(b) *Base period price.* (1) Find the class of purchaser which, during the base period for the price line which is the same as the price line you are now pricing, bought the largest dollar volume of shoes in that line. In finding this largest class of purchaser, exclude the United States or any agency thereof or any person for whom your base period price is established by a written contract of at least six months' duration entered into prior to the base period, unless the United States or such other contract purchaser was your only class of purchaser.

(2) Your base period price for shoes in your base period price line is obtained as follows:

(i) If, during your base period, you delivered the shoes or contracted in writing to sell the shoes at a firm price, you find the highest price to your largest class of purchaser at which such a delivery or such a contract of sale was made.

(ii) If you did not make such a delivery or contract, you find the highest price at which you made a written offer for base period delivery to your largest class of purchaser.

(iii) Instead of the price under subdivision (i) or (ii) of this subparagraph you may use the price, to your largest class of purchaser, which you announced in writing in a price list, catalogue, or similar statement showing your prices for one or more shoes. To use this paragraph you must either have announced the prices during your base period, or have announced them previously and had them in effect during your base period; you must have communicated the prices to the trade or a substantial number of customers in your usual way; and you must have made substantial deliveries at these prices after your written announcement of the prices. If you use this paragraph for any shoes you must also use it for all other shoes in the same category which are covered by the same announcement.

(3) If your base period price is expressed as a list price less discounts, you should apply the discount to your largest class of purchaser to obtain the net base period selling price for that price line to that class of purchaser.

SEC. 5. *How to compute your material cost increase*—(a) *Material costs and method of computation.* Material cost means the cost of all materials entering directly into the completed shoe or used directly in the manufacturing processes from which the shoe results. In addition, it includes the costs of packaging material, machinery royalties and rentals, machine replacement parts, lasts, dies, and patterns allocable to the unit shoe you desire to price. It includes also the total cost of manufacturing material which you produced in one unit of your business and transferred to another unit of your business and which you used in producing the shoes you desire to price. It does not include the cost of materials used in replacing, maintaining or expanding your plant. If you customarily use cost sheets, you must use the cost sheet effective on the last day of your selected base period and on March 15, 1951. If you do not customarily use cost sheets, your material cost is your replacement cost on those days. In allocating the unit cost of material used in producing a shoe under this regulation you must allocate the permitted material cost according to your customary accounting method. The same accounting method for allocation and determination of costs must be used in all calculations of unit costs of materials.

(b) *Average material cost increase.* Determine the material cost of each "unit shoe" included in the price line during the base period. "Unit shoe" means a pair of shoes which is identifiable by a stock number or other definite designation. Add the material costs of, and divide by the number of, all unit shoes in the price line to obtain the average material cost for the shoes in such price line in the base period. Then, using the same method, compute your average material cost as of March 15, 1951, for the shoes in the price line you are now pricing. Subtract the former from the latter to determine your average material cost increase since the base period for the shoes in the price line you are now pricing.

SEC. 6. *How to compute your labor cost increase*—(a) *Labor costs and method of computation.* Labor cost means the cost of labor that enters directly into the fabrication of the shoe and is paid for at hourly or piece rates. In addition, it includes the cost of labor for factory supervision, materials control, ordinary maintenance, warehouse help and inspection allocable to the unit shoe you desire to price. It may include the allocable equivalent on an hourly or piece rate basis of so-called "fringe benefits" (for example, pension plans, paid vacation, make-up pay and insurance). It does not include the cost of labor for general administration, sales, advertising, research, major repairs or replacement and expansion of plant and equipment. If you customarily use cost sheets, you must use the cost sheet effective on the last day of your selected base period and on March 15, 1951. If you do not customarily use cost sheets, your labor cost is your labor cost on those days. In allocating the cost of labor for a shoe under this regulation, you must allocate the permitted labor costs according to your customary accounting method. The same accounting method for allocation and determination of costs must be used in all calculations of unit costs of labor.

(b) *Average labor cost increase.* Determine the labor cost of each unit shoe included in the price line during the base period. Add the labor costs of, and divide by the number of, all such unit shoes to obtain the average labor cost for the shoes in such price line in the base period. Then, using the same method, compute your average labor cost as of March 15, 1951, for the shoes in the price line you are now pricing. Subtract the former from the latter to determine your average labor cost increase since the base period for the price line you are now pricing.

SEC. 7. *Net ceiling price.* Add the sum of the amounts obtained in sections 5 (b) and 6 (b) of this regulation to your net base period selling price obtained in section 4 of this regulation. This will give you your net ceiling price to your largest class of purchaser. If, however, your base period price is expressed as a list price less discounts, you must add to your net base period selling price the necessary amount which, when the discount to your largest class of purchaser is applied, will equal the net ceiling price to that class of purchaser for your price line. This is your list ceiling price, to which you must apply your customary price differentials as provided in section 18 of this regulation.

Example: Your base period "list" price of a price line of shoes is $10.00 less 5 percent to your largest class of purchaser. Your net base period selling price for that price line to that class of customer is $9.50. Your total increase of labor and material cost is determined to be $1.00. Your net ceiling price of the price line to that class of purchaser is $10.50. You can find your list ceiling price by dividing your net ceiling price by 95 percent (100 percent less your discount of 5 percent), giving $11.05.

CEILING PRICES OF SHOES OUTSIDE PRICE LINES BUT THE SAME AS UNIT SHOES DEALT IN BETWEEN JULY 1, 1949 AND JUNE 24, 1950

SEC. 8. *Same shoe and general description of pricing method.* A shoe is the "same" as another shoe when it is in the same category, is of substantially the same make-up in type, quantity and quality of material, and is of the same or similar style or pattern. Your ceiling price for a shoe not within a price line which is the same as a unit shoe outside a price line dealt in at any time between July 1, 1949 and June 24, 1950 is your base period price for the same shoe with adjustments for certain increases in costs of materials and labor.

SEC. 9. *Base period price.* (a) Find the class of purchaser which, during the base period for the same shoe as the one you are now pricing, bought the largest dollar volume of that shoe. In finding this largest class of purchaser, exclude the United States or any agency thereof or any person in respect to whom your base period price is established under a written contract of at least six months' duration entered into prior to the base period, unless the United States or such other contract purchaser was your only class of purchaser.

(b) Your net base period selling price for that shoe is obtained as follows:

(1) If, during your base period, you delivered the shoe or contracted in writing to sell the shoe at a firm price, you find the highest price to your largest class of purchaser at which such a delivery or such a contract of sale was made.

(2) If you did not make such a delivery or contract, you find the highest price at which you made a written offer for base period delivery to your largest class of purchaser.

(3) Instead of the price under subparagraph (1) or (2) of this paragraph you may use the price, to your largest class of purchaser, which you announced in writing in a price list, catalogue, or similar statement showing your prices for one or more shoes. To use this subparagraph you must either have announced the prices during your base period, or have announced them previously and had them in effect during your base period; you must have communicated the prices to the trade or a substantial number of customers in your usual way; and, you must have made substantial deliveries at these prices after your written announcement of the prices. If you use this subparagraph for any shoes you must also use it for all other shoes in the same category and which are covered by the same announcement.

(c) If your base period price is expressed as a list price less discounts, you should apply the discount to your largest class of purchaser to obtain the net base period selling price for that price line to that class of purchaser.

SEC. 10. *How to compute your material and labor cost increases.* Compute base period and your March 15, 1951 cost of material and labor for that shoe by the methods prescribed in sections 5 (a) and 6 (a) of this regulation. Subtract the March 15, 1951 total material and labor cost from the base period total material and labor cost to determine your total cost increase for that shoe.

SEC. 11. *Net ceiling price.* Add your total cost increase to your net base period selling price for the same shoe to determine your ceiling price for that shoe. This will give you your net ceiling price to your largest class of purchaser. If, however, your base period price is expressed as a list price less discounts, you must add to your net base period selling price the necessary amount which, when the discount to your largest class of purchaser is applied, will equal the net ceiling price to that class of purchaser for that shoe. This is your list ceiling price to which you must apply the customary price differentials as provided in section 18 of this regulation.

CEILING PRICES FOR NEW PRICE LINES AND NEW SHOES

SEC. 12. *General description of method.* If you wish to sell a price line which you did not sell in the base period you selected for the category, or if you wish to sell a shoe which is not within a price line and which you did not sell in the base period selected for the category, you determine your ceiling price by taking a comparison price line or a comparison shoe, as the case may be, and adjust, in accordance with the provisions of sections 13 and 14 of this regulation, for differences in material replacement costs and labor costs.

SEC. 13. *Ceiling prices for new price lines.* (a) Find a comparison price line. To be a comparison price line, the price line must be comprised of shoes in the same category as those included in the price line you are now pricing; must include shoes of substantially the same make-up in type, quantity and quality of material as the price line you are now pricing; and must have a ceiling price established under section 7 of this regulation.

(b) Your ceiling price for new price lines is determined in accordance with the first of the following which is applicable:

(1) Select a comparison price line which has the same average replacement material cost as that of the price line you are now pricing. The ceiling price determined in section 7 of this regulation for the comparison price line is your ceiling price for the price line you are now pricing.

(2) If you have no comparison price line with the same average replacement material cost as that of the price line you are now pricing, select the comparison price line with the next lower average replacement material cost. Add to the ceiling price as determined in section 7 of this regulation for the comparison price line the difference between the average replacement material costs of the comparison price line and the price line you are now pricing. You cannot adjust for differences in labor cost.

(3) If you have no comparison price line with the same or lower average replacement material cost than that of the price line you are pricing, select the comparison price line with the next higher average material replacement cost. Subtract from the ceiling price of the comparison price line the difference between the average material replacement costs of that price line and the price line you are now pricing. You must make a similar adjustment for differences in labor cost if the labor costs for your comparison price line are higher than the labor costs of your new price line.

(c) Your ceiling price for your new price line determined in accordance with the instructions in paragraph (b) of this section is your ceiling price to the same class of purchaser as the one you used to establish your base period price for the comparison price line. To this ceiling price apply the provisions of section 18 of this regulation.

SEC. 14. *Ceiling prices for new unit shoes outside a price line.* (a) Find a comparison shoe in the same category as the shoe you are pricing. To be a comparison shoe, that shoe must be most nearly like the new shoe in make-up and style or pattern and must have a ceiling price established under section 11 of this regulation.

(b) Your ceiling price for a new shoe not within a price line is determined in accordance with the first of the following which is applicable:

(1) Select a comparison shoe which has the same replacement material cost as that of your new shoe. Your ceiling price for the new shoe is the same as the ceiling price established under section 11 of this regulation for the comparison shoe.

(2) If you have no comparison shoe with the same replacement material cost as that of your new shoe, select the comparison shoe with the next lower replacement material cost. Add to the ceiling price of the comparison shoe determined under section 11 the difference between the replacement material costs of your comparison and the new shoe. You cannot adjust for differences in labor cost.

(3) If you have no comparison shoe with the same or lower replacement material cost than that of your new shoe, select the comparison shoe with the next higher material replacement cost. Subtract from the ceiling price for that comparison shoe the difference between its material replacement cost and the material replacement cost of the new shoe you are now pricing. You must make a similar adjustment for differences in labor cost if the labor costs for your comparison shoe are higher than the labor costs of your new shoe.

(c) Your ceiling price for your new shoe determined in accordance with the instructions in paragraph (b) of this section is your ceiling price to the same class of purchaser as the one you used to establish your base period price for the comparison shoe. To this ceiling price apply the provisions of section 18 of this regulation.

NEW SELLERS; NEW CATEGORIES; SELLERS WHO CANNOT PRICE UNDER OTHER SECTIONS

SEC. 15. *Ceiling prices for new sellers; for new categories and for other sellers who cannot price under other sections.* If you are unable to determine your ceiling price for a shoe or price line under any of the other sections of this regulation, you may apply in writing to the Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., for the establishment of a ceiling price. This application shall contain an explanation of why you are unable to determine your ceiling price under any other provision of this regulation. In addition, your application must contain the following information: The name and address of your company; a description of each shoe, and if you price a price line, for each shoe in the price line, including the category into which it falls,

the make-up, style or pattern, and the quantity and type of material entering into the shoe; your replacement costs of the material entering into the shoe; a breakdown of your labor costs allocable to the shoe; the classes of purchasers with whom you will be dealing; a statement of your customary price differentials; and, if you are starting a new business, a statement as to whether you or the principal owner of your business are now or during the past twelve months have been engaged in any capacity in the same or a similar business at any other establishment, and if so, the trade name and address of each such establishment. You must also submit the ceiling price established under this regulation for a comparable shoe or price line by your most closely competitive seller to the same class of purchaser, the customary price differentials of your most closely competitive seller and your reasons for selecting him as your most closely competitive seller. You cannot use a ceiling price determined under this section until you have been notified by the Office of Price Stabilization of the prices you are authorized to use.

SHOES SOLD TO ULTIMATE CONSUMERS BY MANUFACTURER-RETAILERS

SEC. 16. *Ceiling prices for shoes sold to ultimate consumers by manufacturer-retailers.* (a) If you are a manufacturer-retailer, that is, if you customarily maintain retail outlets within the same legal entity and sell to the ultimate consumer shoes which you manufacture, you must determine your ceiling prices for sales to ultimate consumers as follows:

(1) Find the price at which during your base period you transferred your shoe or group of shoes comprising a price line (or if you did not have that shoe or price line in the base period, the comparison shoe or price line), from your manufacturing unit to the unit which sells to the ultimate consumer. This transfer price is the price which was recorded on invoices or other documents at the time of transfer of the shoe or group of shoes comprising a price line.

(2) Subtract your transfer price in the base period from your selling price to the ultimate consumer in the base period to obtain your dollars-and-cents markup. Then, divide this markup by your base period transfer price to determine your percentage markup for that shoe or price line in the base period.

(3) Compute, in the manner prescribed in this regulation for determining ceiling prices for manufacturers, your ceiling transfer price for the shoe or price line which you wish to price.

(4) Multiply the ceiling transfer price of that shoe or price line by the percentage markup found in subparagraph (2) of this paragraph. Add the result to your ceiling transfer price to obtain your ceiling price for the sale of the shoe or price line to the ultimate consumer.

(b) If a ceiling price for sale to the ultimate consumer of a brand shoe or price line of shoes has been established by an order issued under section 43 of Ceiling Price Regulation 7, the price so established for that brand shoe or price line of shoes may be used as your ceiling price under this regulation. If, however, you determine your ceiling price for sales of a brand name shoe or price line of shoes to the ultimate consumer by the method stated in paragraph (a) of this section, you must continue to use this method for all subsequent sales of that brand name shoe or price line of shoes to ultimate consumers.

GENERAL PROVISIONS

SEC. 17. *Rounding ceiling prices.* If you normally round your prices to the nearest cent or multiple of five cents, you may round your ceiling prices determined under any of the preceding sections of this regulation so that they will be expressed in the nearest cent or multiple of five cents. If you elect to do so, you must similarly round the ceiling prices for all of your shoes and price lines customarily priced by you upon the same basis to reflect decreases, as well as increases. If you normally rounded your prices to the nearest cent, you may round your ceiling price to the next highest cent only if your ceiling price is expressed in a fraction higher than one-half. If you normally rounded your prices to the nearest multiple of five cents, you may round your ceiling price to the next higher multiple of five cents only if your ceiling price is more than $2\frac{1}{2}$ cents above the next lower multiple of five cents. In no event, however, can you increase your ceiling price by more than 1 percent of your ceiling price as determined before rounding.

SEC. 18. *Conditions of sale and classes of purchasers.* Your ceiling price must carry the same terms, discounts, and other conditions of sale as your base period price for the same unit, shoe, or price line, or comparison shoe or price line. If you have classes of purchasers other than the class of purchaser you used in determining your base period price your ceiling price for sales to such other classes of purchasers are fixed by applying your customary price differentials in effect during the base period. In the event you made no base period sales to a particular class of purchaser, you apply your customary differentials last in effect prior to the base period, or, if none, then those first in effect after the base period but prior to the issuance date of this regulation.

SEC. 19. *Excise, sales and other similar taxes*—(a) *Where the tax is included in the base period price.* If the base period price of a shoe or price line you are using to determine your ceiling price for that shoe or price line, includes any excise, sales or other similar tax which is not separately stated, you must first ascertain the amount of any such tax and exclude it from the base period price. The base period price, with any such tax so excluded, may then be used in making any appropriate computations for determining your ceiling price. After completing the computations, you may then add on the appropriate amount of any such tax for inclusion as part of your ceiling price.

(b) *Where the tax is separately stated and collected.* In addition to your price determined under this regulation, you may collect the amount of any excise, sales or other similar taxes paid by you as such only if it has been your practice to state and collect such taxes separately from your selling price for the same or similar shoes. In the case of such a tax imposed by law which is not effective until after the effective date of this regulation, you may collect the amount of the tax actually paid as such by you, if not prohibited by the tax law. You must in all such cases state separately the amount of the tax.

SEC. 20. *Export sales.* Your sales for export are subject to the provisions of this regulation. If you have determined your ceiling price for sale of a shoe or price line to a domestic purchaser, you may adjust it to take account of your customary differentials for export sales.

SEC. 21. *Adjustment of ceiling prices where over-all loss in operations results.* (a) This section permits you to apply for an upward adjustment of your ceiling prices established by this regulation, if as a result of these ceiling prices, you would operate at a loss.

(b) You may apply under this section if:

(1) Your total manufacturing operations have been conducted at a net loss for a period of operation under this regulation of at least one month, or would have been conducted at a loss if you had manufactured the shoes covered by this regulation in your customary quantities and proportions;

(2) The loss was attributable to the level of prices established by this regulation, and not to any of the following:

(i) Seasonal, non-recurring or temporary factors affecting your operations; or

(ii) A reduction in volume of production below the normal economical capacity of your plant; or

(iii) The payment of unlawful wages or excessive salaries or of unlawful or excessive prices for materials; or

(iv) The incurring of factory overhead costs or of selling, administrative and general costs which are abnormally high relative to sales or other costs unless such excess is demonstrated by clear and convincing evidence to have been unavoidable in the exercise of sound business judgment and management; or

(v) Any transactions with affiliated corporations or businesses which either are of a kind which would not result from arm's-length bargaining or differ from the transactions which you have customarily had with such affiliated corporations or businesses; or

(vi) Reserves for contingencies.

(3) The adjusted prices for which you apply will not be substantially out of line with the ceiling prices for similar shoes established for other sellers under this regulation.

(c) If you make application under this section, you must supply:

(1) Your name, address, a description of your manufacturing facilities and of the shoes you manufacture, a statement of the principal types of customers to whom you sell;

(2) A detailed annual profit and loss statement for your firm for the years 1946 through 1949, and both an annual profit and loss statement, and if you regularly prepare them, quarterly profit and loss statements covering the year 1950 and each quarter since then;

(3) A detailed profit and loss statement covering a period of operations of one month or more under this regulation, together with a careful explanation of how it was prepared, including particularly a justification of any estimating procedures used in its preparation.

(4) For shoes covered by this regulation, either (i) a statement of your base period and ceiling prices to your largest class of purchaser (including delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale) and a schedule of your price differentials to your other classes of purchasers; or (ii) a copy of the report required and submitted to the Office of Price Stabilization; together with (iii) a statement of the section or sections under which you established your ceiling prices.

(5) A showing that the loss in your current operations was not due to any of the six factors in paragraph (b) (2) of this section.

(6) A list of your principal competitors, and a statement of their ceiling prices under this regulation for shoes similar to yours, together with data showing the past relationship of your prices to those they have charged for the same or similar shoes.

(7) A proposed schedule of adjusted ceiling prices for shoes covered by this regulation, and a demonstration that, if these prices were charged, your operations would be a break-even position.

(8) The application must refer specifically to this section of the regulation, must be signed by a responsible officer of your company, and should be sent to the Office of Price Stabilization, Washington 25, D. C.

(d) Within thirty days of the receipt of your application, the Director will grant or deny your application in full or in part, or request further information. The Director may, as a condition of granting your application in full or in part, require you to submit reports of subsequent operations and may revoke or modify the adjustment at any time. If, thirty days after the acknowledgement of receipt of your application, none of the actions listed above has been taken, you may sell at your proposed ceiling prices until such time as the Director shall notify you that these prices have been disapproved.

SEC. 22. *Redetermination of ceiling prices.* Your ceiling price for a shoe or price line of shoes as determined under this regulation cannot thereafter be redetermined except for the purpose of correcting a purely arithmetical error. Any such correction must be promptly reported to the Consumer Soft Goods Division of the Office of Price Stabilization, Washington 25, D. C. The Director of Price Stabilization expects in due course to issue an amendment to this regulation providing for a redetermination of your ceiling prices hereunder. The primary purpose of this redetermination would be to reflect more accurately your materials prices established by other ceiling price regulations.

SEC. 23. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit your making a contract or offer to sell a shoe or price line at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver a shoe or price line at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 24. *Modification of ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or revise ceiling prices proposed to be used or being used under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 25. *Temporary adjustments to carry out existing contracts*—(a) *Who may apply for adjustment.* If at any time prior to the issuance date of this regulation, you entered into a bona fide contract for delivery of shoes at a firm price subsequent to the effective date of this regulation, and if your ceiling price as determined under this regulation is lower than the contract price, you may apply to the Director of Price Stabilization for an adjustment of your ceiling price; *Provided:*

(1) The contract for future delivery was required by seasonal demands or normal business practices.

(2) The contract, if entered into subsequent to January 26, 1951, called for deliveries at a price which was lawful under ceiling price regulations in effect at that time.

(3) You acquired needed materials after the date of the contract at lawful prices in reliance upon and in order to fulfill the terms of the contract.

(b) *Calculation of the amount of the adjustment.* The adjusted ceiling price will be fixed in the following way:

(1) Compute, in accordance with section 5 of this regulation, the total cost of all materials entering directly into the completed shoe acquired in reliance upon, and necessary in order to fulfill, the contract.

(2) Compute, in accordance with section 5 of this regulation, what the total cost of these same materials would be as of March 15, 1951.

(3) Subtract the figure arrived at in subparagraph (2) of this paragraph from that arrived at in subparagraph (1) of this paragraph. The result is the total amount of the adjustment. If the figure arrived at in subparagraph (1) is no higher than that arrived at in subparagraph (2), you cannot apply for adjustment under this section.

(4) Divide the total amount of the adjustment by the number of units of the shoes called for by the contract. This gives you the adjustment per unit of the shoes.

(5) Add the adjustment per unit of the shoes under subparagraph (4) of this paragraph to your ceiling price for those shoes. The result is your adjusted ceiling price. In no event, however, may you obtain an adjusted ceiling price higher than the contract price.

(c) *What your application must contain.* Applications for adjustment under this section must be filed on or before August 15, 1951, with the Director of Price Stabilization, Washington 25, D. C. Attached to the application should be the following:

(1) A copy of the contract.

(2) Copies of invoices covering the materials acquired in reliance upon and in order to fulfill the contract.

(3) Copies of invoices or other supporting data which indicate your material cost as of March 15, 1951.

(4) A copy of the work sheets used in the calculation of your ceiling price.

(5) A report of your adjusted ceiling price and a detailed calculation showing how this price was arrived at.

(d) *Action on your application.* You may not receive payment of any amount in excess of your ceiling price until 30 days after receipt by the Director of Price Stabilization of any application filed under this section. If the Director of Price Stabilization does not revise or modify the adjusted ceiling price reported by you or notify you that further information is required, you may after these 30 days have elapsed receive payment at the adjusted ceiling prices for all deliveries made since the date of filing. The Director may, however, at any time revise or modify the adjusted ceiling price, but such revision or modification will not apply to deliveries already made.

SEC. 26. *Records.* You must keep and make available for examination by the Office of Price Stabilization the following records:

(a) All invoices, contracts, memoranda of sales, inventory records and other documents evidencing the costs of materials (see explanation of material costs, section 5 (a) of this regulation) during the base period and for the date of determination of your ceiling prices under this regulation.

(b) Payroll records and other records from which you derived your labor cost data (see explanation of labor costs, section 6 (a) of this regulation) during the base period and on the date of your determination of ceiling prices under this regulation.

(c) Work sheets by which you calculated your labor and material cost increases and your comparisons under sections 5, 6, 13 and 14 of this regulation for each shoe or price line for which you have determined a ceiling price under this regulation. See Appendix A to this regulation for examples of charts which will reflect the final determination of your ceiling prices. You must, in addition to your work sheets, keep your charts as part of your records. You must keep such records available for inspection.

(d) Your ceiling prices for shoes or price lines determined under this regulation and your selling price for the same shoe or price line during your base period.

(e) A list of your base periods for each category of shoes.

SEC. 27. *Reserved.*

SEC. 28. *What acts are prohibited by this regulation.* On and after July 2, 1951, regardless of any contract or other obligation, the following practices are forbidden:

(a) *Charging more than ceiling prices.* You are prohibited from selling or delivering shoes at a price higher than that permitted by this regulation. A lower price may, of course, be charged.

(b) *Buying for more than ceiling prices.* All persons are prohibited from buying or receiving, in the course of trade or business, any shoes sold or delivered in violation of this regulation.

(c) *Evasion.* No person shall evade or circumvent this regulation by any direct or indirect methods in connection with the sale, purchase, delivery or transfer of shoes alone or in conjunction with any other commodity or material, or by way of commission, transportation charge, or other charge, or discount, premium, or other privilege, or by upgrading, tying-in agreement, trade understanding, or otherwise.

(d) *Attempts to violate.* All persons are prohibited from agreeing, offering, soliciting, or attempting to do any of the acts prohibited by this regulation.

SEC. 29. *Penalties.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950.

SEC. 30. *Petitions to amend this regulation.* Any person seeking an amendment of this regulation may file a petition for amendment in accordance with Price Procedural Regulation 1, Revised.

SEC. 31. *Definitions.* (a) "Category" is explained in section 2 of this regulation.

(b) "Class of purchaser" refers to the practice adopted by a seller in setting different prices for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution or individual consumer), or to purchasers located in different areas.

(c) "Delivered". A shoe or price line of shoes shall be deemed to have been delivered if they were received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

(d) "Manufacturer" means a person who for his own account sells shoes he fabricates. It does not include a person who sells to ultimate consumers from his own regular establishment shoes he has fabricated to the individual specifications and at the special order of the consumers.

(e) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representatives of any of the foregoing, and includes the United States or any other government and their political subdivisions or agencies.

(f) "Price line" is explained in section 2 of this regulation.

(g) "Sale to the ultimate consumer" means any sale to a user other than a commercial, industrial, governmental or institutional user.

(h) "Sell" includes sell, supply, dispose, barter, exchange, transfer, and contracts and offers to do any of the foregoing. The terms "sell," "selling," "seller," "buy," "purchase," and "purchaser" shall be construed accordingly. An offer to sell means an offer in writing and includes a written list the contents of which are communicated to a substantial number of your customers in your ordinary manner.

(i) "Shoe" means a pair of shoes when used in this regulation and includes all classes of footwear covered by this regulation.

(j) "Substantially the same" as used in this regulation refers to a standard of comparison whereby shoes are determined to be the same when they meet the same standards of quality and quantity in four major constituents, namely: upper stock, lining stock, insole stock, sole stock, and in construction methods. The differences may be only in minor variations in trimmings, e. g., eyelets, type of toe, counter, shank, edge trim, welting, ornament pattern, etc.

(k) "Written offer" refers to an offer for sale made by means of the seller's price list or, if he had no price list, a written offer otherwise made in the seller's customary manner. This term does not include an offer at a price intended to withhold the shoe or price line of shoes from the market or used as a bargaining price by a seller who usually sells at a price lower than his asking price.

(l) "Unit shoe" means a pair of shoes which is identifiable by a stock number or other definite designation.

(m) The pronoun "you" as used in this regulation indicates the person subject to the regulation.

(n) All other trade terms used in this regulation have the meanings generally accepted in the trade.

Effective date. This regulation shall become effective on June 4, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE
Director of Price Stabilization.

MAY 29, 1951.

APPENDIX A

CHART NO. 1—EXAMPLE OF A CHART FOR RECORDING PRICE LINE COMPUTATIONS

[Base period selected from January 1 to April 1—Category, men's dress shoes—Class of customer, retail outlets]

Stock No.	Base period price line			Stock No.	Terminal period price line		
	A	B	C		D	E	F
	Unit labor cost	Unit material cost	Total unit cost (A+B)		Unit labor cost	Unit material cost	Total unit cost (D+E)
501	$1.45	$2.90	$4.35	520	$1.60	$3.20	$4.80
502	1.55	2.85	4.40	521	1.70	3.15	4.85
503	1.50	2.70	4.20	522	1.70	3.10	4.80
504	1.40	2.85	4.25	523	1.60	3.10	4.70
505	1.45	2.85	4.30	524	1.55	3.00	4.55
506	1.45	2.80	4.25				

(G)	Total base period cost (all units under column C)	$25.85	(N) Average base period unit cost	$4.31
(H)	Total number units in base period line	6	(O) Average terminal unit cost	4.79
(I)	Average base period unit cost (G divided by H)	$4.31	(P) Total cost increase (unit) (O minus N)	.48
(K)	Total terminal cost (all units)	23.80	(Q) Base period list price	6.99
(L)	Total number units in terminal line	5	(R) Base period net price (list price less 5 percent)	6.64
(M)	Average terminal unit cost (K divided by L)	$4.76	(S) Cost increase (P)	.48
			(T) New net ceiling price (R plus S)	6.17
			(U) New list ceiling price (6.15 divided by .95)	6.47

CHART NO. 2—SUGGESTED CHART FOR RECORDING UNIT SHOE PRICE COMPUTATIONS

Base period selected from ..... to .....

Category ..... Class of customer .....

Base period computation				Terminal computation							
Stock No.	A	B	C	Stock No.	D	E	F	G	H	J	K
	Labor cost	Material cost	Total cost (A+B)		Labor cost	Material cost	Total cost	Base period net price	Total increase (F−C)	New net ceiling price	New list ceiling price

[F. R. Doc. 51-6373; Filed, May 29, 1951; 10:15 a. m.]

[General Ceiling Price Regulation, Amendment 13]

GENERAL CEILING PRICE REGULATION

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 13 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment No. 13 to the General Ceiling Price Regulation is issued primarily to revise and to collate the provisions of section 11 of that regulation. Some of the changes involve mere clarification in the language, whereas others were found to be necessary to correct inequities and to conform section 11 to the provisions of the Manufacturers' General Ceiling Price Regulation (CPR 22). This amendment also alters two paragraphs of section 14 of the General Ceiling Price Regulation and, finally, revises section 1 to conform to the sections amended herein.

All of what was section 11 (a), exclusive of the list of agricultural commodities to which the provisions of section 11 are applicable, is now embodied in a new section 11 (h). The language of section 11 (h) which relates to the effect of the removal of any commodity from the section 11 (a) list, has been simplified and made consistent with the other subsections as now amended.

Finally, section 11 (h), along with section 1, has been altered to clarify the method by which manufacturers and distributors are to calculate their ceiling prices for products processed from listed agricultural commodities after the prices of these commodities have reached the legal minimum as defined in section 402 (d) (3) of the Defense Production Act of 1950. It is provided, as before, that those sellers, who determine their ceilings under section 3, are to apply that section in figuring these ceilings. However, they are to use as a "base period" under that section the most recent five-week period ending no later than the date on which the Director of Price Stabilization deletes the agricultural commodity from the section 11 (a) list. The ceiling price so calculated is to become effective on the date prescribed by the Director of Price Stabilization. It has been found to be unnecessary to provide for automatic deletion of a commodity from the section 11 (a) list upon publication in "Agricultural Prices" of a price for it which satisfies the legal minimum. When such a price is attained the Director is able to promptly take any action he finds to be desirable by amendment of the list. Such an amendment has the advantage of avoiding confusion by serving clear notice as to the state of each individual commodity. Even more important, the Director now has the control necessary to maintain a balanced price structure; whereas the former clause, which permitted unconsidered automatic deletion, might have resulted in distorted relationships between the prices of individual commodities.

The list of agricultural commodities in section 11 (a) has also been altered to include those commodities which were reported, in the publication "Agricultural Prices," to be selling at below parity prices as of April 15, 1951. The list is also revised to delete those commodities which, subsequent to the issuance of the General Ceiling Price Regulation, as previously amended, attained prices equaling or exceeding the minimum requirements of the Defense Production Act of 1950.

Section 11 (b) has been amended by the addition of a paragraph which prevents manufacturers and processors from increasing their ceiling prices to reflect increases in the cost of below-parity commodities (or products processed therefrom) until such time as they have sold an amount of their product equal to the amount of finished product on hand at the date they would otherwise be entitled to raise their price. This provision prevents inventory windfalls which, previous to this, have resulted from applying the "pass-through" price increase to those units of product processed from supplies of the listed commodities (or their products) previously purchased at the lower price, as well as to units of product processed from supplies currently purchased at the increased price. A similar provision is contained in the Manufacturers' General Ceiling Price Regulation. Thus, equality of treatment is assured all manufacturers, and in respect to all products processed from the listed commodities (or their products).

Next, the language of section 11 (c) has been changed to allow distributors of products processed from listed agricultural commodities to pass through increases in the price to them of such products, even though that price increase was not effected by the manufacturer pursuant to section 11 (b). This change was necessary in order to include within the scope of the permitted "pass-through" to distributors, increases in the cost of processed commodities taken by manufacturers under the parity adjustment provisions of CPR 22.

As originally issued, section 14 (s) (1) of the General Ceiling Price Regulation exempted from control all sales of raw and unprocessed agricultural commodities by the producers of those commodities. By a subsequent amendment this exemption was limited to sales by producers only of those commodities on the section 11 (a) list, and was to be effective only so long as those commodities were on that list. It was further provided that sales by any seller of a listed raw and unprocessed agricultural commodity were to be exempt.

The present amendment reverts to the technique of section 14 (s) (1) as first written. Sales by producers of all raw and unprocessed agricultural commodities are thus excluded from control by the General Ceiling Price Regulation. Sales by subsequent distributors, however, are controlled by the General Ceiling Price Regulation except to the extent that other provisions of that regulation may exempt them. The Director has found this to be the best method of control of such commodities. Any attempt to apply the freeze technique to sales by individual farmers is administratively impracticable but, by regulating the prices of subsequent sellers (as is done here) a generally effective method of ultimate control is provided. Such subsequent sellers are, of course, still entitled to their historical margins under the provisions of section 11.

Since all sellers, subsequent to the producer, of unprocessed agricultural commodities are now controlled it is no longer necessary to make special provision for eggs, dry edible beans and peas, and popcorn. It was formerly specifically provided that sales of such products were uncontrolled only when sold by producers. This was done because it was customary for first handlers to perform processing operations on them which took them out of the class of unprocessed commodities to which the exemption of sales by subsequent sellers applied. However, as said above, the present amendment clearly extends control to such sales by subsequent sellers and thereby eliminates the need for special language with respect to those commodities.

Finally, the language of the exemption of fresh fruits and vegetables from control has been slightly changed and mohair, when sold by the producer, has been exempted by amendments to section 14 (s) (7) and (3), respectively. Section 14 (s) (3) previously contained an exemption only for the producer of raw wool. The Director of Price Stabilization has, however, been advised that similar treatment should be afforded mohair producers, whose problems are substantially similar to those of producers of raw wool.

In the judgment of the Director of Price Stabilization this amendment is generally fair and equitable and is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

AMENDATORY PROVISIONS

The General Ceiling Price Regulation is amended in the following respects:

1. The last sentence of section 1 is changed, after the word "date", to read: "the Director of Price Stabilization deletes the commodity from the list of agricultural commodities in section 11 (a)."

2. Section 11 is amended to read as follows:

SEC. 11. *"Parity" adjustments in ceiling prices.*—(a) *Commodities covered by this section.* This section applies to the following listed agricultural commodities and to products processed from any one or more of them.

LISTED AGRICULTURAL COMMODITIES

Field crops:
- Barley.
- Beans, dry edible.
- Buckwheat.
- Corn.
- Flaxseed.
- Hay.
- Oats.
- Peanuts.
- Peas, dry field.
- Rye.
- Sorghums for grain.
- Wheat.

Livestock and Livestock products:
- Butterfat.
- Chickens.
- Eggs.
- Milk, wholesale
- Turkeys.
- Beeswax.

Sugar crops:
- Maple sirup.
- Maple sugar.

Sugar crops—Con.
Sorghum sirup.
Sugar beets.
Sugarcane sirup.
Fruits:
Apples:
For fresh consumption.
For canning.
For drying.
Apricots:
For fresh consumption.
For canning.
Dried.
Avocados.
Blackberries.
Boysenberries.
Cherries:
Sweet.
Sour.
Cranberries.
Dates.
Figs:
For fresh consumption.
For canning.
Grapefruit.
Grapes, excluding raisins, dried.
Lemons.
Limes.
Loganberries.
Olives:
For canning
Crushed for oil.
Oranges and tangerines.
Peaches:
For fresh consumption.
For canning.
Clingstone.
Freestone.
Dried.
Pears:
For fresh consumption.
For canning.
Dried.
Pineapples, Florida.
Plums:
For fresh consumption.
For canning
Raspberries, black.
Raspberries, red.
Strawberries for fresh consumption.
Youngsberries.
Tree-nuts:
Almonds.
Filberts.
Pecans.
Walnuts.
Tobacco:
Flue-cured; types 11, 14.
Burley-type 31.
Cigar filler and binder types 42-44, 46, 51-55.
Cigar wrapper, type 61.
Cigar wrapper, type 62.
Dark air-cured, types 35-36.
Fire cured, types 21-24.
Maryland type, 32.
Pa. seedleaf type 41.
Sun cured, type 37.
Vegetables:
Artichokes.
Asparagus for fresh consumption.
Beans, Lima.
Beans, Snap.
Beets.
Cabbage.
Cantaloupe.
Carrots.
Cauliflower.
Celery.
Corn, sweet.
Cucumbers for fresh consumption.
Eggplant.
Garlic.
Kale.
Lettuce.
Onions.
Peas, green.
Peppers, green.
Pimientos.
Shallots.
Spinach.
Tomatoes.
Watermelon.
Potatoes.
Sweet Potatoes.
Miscellaneous:
Popcorn.
Honey.
Hops.
Peppermint oil.
Spearmint oil.
Tung nuts.

(b) *Processors and manufacturers.* This section applies to you only if:

(1) You sell a product which you process from one or more of the listed agricultural commodities (or from a product processed from them), the prices of which are below the legal minimum, and you are not, as to that processing operation, a manufacturer covered by the Manufacturers' General Ceiling Price Regulation (CPR 22), and

(2) The cost to you of a current customary purchase of the listed agricultural commodity (or the product processed therefrom) exceeds the highest price you incurred or paid during the base period. In such case you may increase the ceiling price (as otherwise determined in this regulation) for your product by the dollar-and-cent difference per unit between the highest price incurred or paid by you for a customary purchase during the base period and the cost to you of the most recent customary purchase.

If you have previously increased the ceiling price for your product, you may increase your present ceiling price for the product by the dollar-and-cent difference per unit between the price upon which your last previous increase was based and the cost to you of the most recent customary purchase.

You may not, however, after May 30, 1951, put the ceiling price increase into effect unless and until you have first sold an amount of your product at least equal to the quantity of finished product owned by you at the close of business on the day you otherwise would have been entitled to put that ceiling price increase into effect under this section.

Example: You are a processor of evaporated milk, a product processed from a listed agricultural commodity.

The highest price paid by you for a customary purchase of manufacturing milk in the base period was $3.80 per cwt. The cost to you of the most recent purchase is $4.00 per cwt.—a difference of 20 cents or 2 10 cent per lb. At the time you made the $4.00 purchase you have an inventory of 100 cases of evaporated milk.

If you use 94 lbs. of milk to produce a case of evaporated milk, you are entitled to increase your maximum price per case by 18.8 cents per case (94 × 2 10 cent). But you may not put that increase into effect until after you have first sold 100 cases.

If, subsequent to this adjustment, the price you pay for a customary purchase of manufacturing milk should increase to $4.10—a further increase of $0.10 per cwt. or 1 10 cent per lb.—you may, after first selling the number of cases equal to your inventory on the date you made the $4.10 purchase, add an additional 94¢ to your maximum price per case (94 × 1 10 cent).

(3) (i) If (*a*) you are a producer-processor, and (*b*) you cannot otherwise determine your ceiling price under subparagraph (2) of this paragraph because you do not customarily purchase any amount of a listed agricultural commodity from independent producers wholly unaffiliated with you, you may, for purposes of subparagraph (2) of this paragraph, use as your costs the prices (with adjustment for difference in delivery costs) paid for a customary purchase by your nearest competitor. Such competitor must be one who receives delivery of the same quality of the commodity as you do, in the same quantities (baskets, tons, carloads, etc.), at firm prices for processing.

(ii) If (*a*) you are a processor who purchases the listed agricultural commodity under "open" price or deferred payment contracts, which relate the price you pay the producer to facts unknown both at the time the raw agricultural commodity is delivered to you, and at the time of sale of the processed product, and (*b*) you cannot otherwise determine your ceiling price under subparagraph (2) of this paragraph because you do not customarily purchase any amount of a listed agricultural commodity at prices finally determined at the time of sale, you may, for purposes of subparagraph (2) of this paragraph, use as your costs the prices (with adjustment for differences in delivery costs) paid for a customary purchase by your nearest competitor. Such competitor must be one who receives delivery of the same quality of the commodity as you do, in the same quantities (bushels, tons, carloads, etc.), at firm prices for processing.

(iii) If (*a*) you are a producer-owned cooperative processor, and (*b*) you cannot otherwise determine your ceiling price under subparagraph (2) of this paragraph because you do not customarily purchase any amount of a listed agricultural commodity from independent producers wholly unaffiliated with you, you may increase your ceiling price (as determined under the other sections of this regulation) for products processed from such commodities if the entire dollar-and-cent increase in total gross sales revenue derived from that increase in your ceiling price is passed back to producers within 30 days after the end of each normal accounting period. The amount so passed back must be in addition to the full amount you would normally have passed back to producers had you sold the processed product at the ceiling price determined under the other sections of this regulation.

(c) *Distributors.* This section applies to you only if:

(1) You buy and resell in substantially the same form one or more of the listed agricultural commodities or a product processed from them and

(2) The cost to you of a current customary purchase of that commodity or product exceeds the highest price you incurred or paid for it during the base period.

In such case you may increase your ceiling price (as otherwise determined in this regulation) for the commodity or product by the dollar-and-cent difference per unit between the highest price incurred or paid by you for a customary purchase during the base period and the cost to you of the most recent customary purchase.

If you have previously increased your ceiling price for the commodity or product, you may increase your present ceiling price for that commodity or product by the dollar-and-cent difference per unit between the price upon which your last previous increase was based and the cost to you of the most recent customary purchase.

(d) *Method for computing "parity" adjustments where no customary purchase was made during the base period.* If you cannot figure your increase under paragraphs (b) and (c) of this section because you made no customary purchase during the base period, then the highest price you paid during the most recent five-week period prior to the base period in which you made a customary purchase shall be your highest price within the meaning of paragraphs (b) (2) and (c) (2) of this section.

(e) *Method for computing "parity" adjustments where prices have been based customarily on commodity exchange quotations.* In case any of the above listed commodities or products processed from them are traded regularly upon a recognized commodity exchange that maintains daily records of transactions or quotations, and if it has been both your own practice and the general practice of your industry to figure selling prices on the basis of commodity exchange quotations, the increase per unit you are entitled to add under paragraphs (b) and (c) of this section shall be the difference in dollars and cents between (1) the quotation upon which your ceiling price under this regulation was based, and (2) the comparable current quotation.

(f) *Notice of "parity" adjustment increases.* (1) If you are a processor or a manufacturer to whom the provisions of paragraph (b) (2) of this section are applicable, you may not increase your ceiling price for such commodity until you first notify the Director of Price Stabilization, Washington 25, D. C., by registered mail giving the following information:

(i) Your existing ceiling price and the description of the commodity;

(ii) The highest price you paid for a customary purchase (or, if applicable, the commodity exchange quotation) of the commodity during the base period, or, if you have previously increased your price, then the price upon which you based your existing ceiling price;

(iii) The new cost or new commodity exchange quotation, whichever is applicable;

(iv) The increased ceiling price.

In the case of increased cost of ingredients, furnish the figures substantiating the conversion of your increase in cost to the increase in the ceiling price of the commodity.

(2) If you are either a producer-processor pricing under paragraph (b) (3) (i) of this section, or a processor operating under "open" price or deferred payment contracts and pricing under paragraph (b) (3) (ii) of this section, you may not increase your ceiling price for such commodity until you first notify the Director of Price Stabilization, Washington 25, D. C., by registered mail giving the following information:

(i) The name and address of your nearest competitor selected pursuant to paragraph (b) (3) (i) or (ii) of this section;

(ii) The highest price paid for the listed agricultural commodity in the base period by your nearest competitor, or his ceiling price (determined before application of this section), or your dollar-and-cent per unit margin in the base period (determined by taking your ceiling price, as determined under this regulation before application of this section, and subtracting from it the highest per unit price paid by your nearest competitor for a customary purchase in the base period).

(iii) The current price paid for a customary purchase of the listed agricultural commodity by your nearest competitor.

(iv) Your ceiling price, as determined under this regulation, before application of this section.

(v) The increased ceiling price.

In the case of increased cost of ingredients, furnish the figures substantiating the conversion of your increase in cost to the increase in the ceiling price.

(3) If you are a cooperative-processor pricing under paragraph (b) (3) (iii) of this section, you may increase your ceiling price without first giving any notice, but must, within 30 days after the end of each normal accounting period during which you increased your ceiling price, notify the Director of Price Stabilization, Washington 25, D. C., by registered mail giving the following information:

(i) The amount retained by you per unit of the processed commodity sold in the last normal accounting period before February 1, 1951.

(ii) The amount passed back to producers per unit of the processed commodity sold in the last normal accounting period before February 1, 1951.

(iii) The amount retained by you per unit of the processed commodity sold in the most recent normal accounting period.

(iv) The amount passed back to producers per unit of the processed commodity sold in the most recent normal accounting period.

(g) *Effect of notification of "parity" adjustment.* Upon mailing the notification required in paragraph (f) of this section, you may charge the new ceiling price. If, in the judgment of the Director of Price Stabilization, the increase is deemed unreasonable, excessive or otherwise improper, he may disapprove the price and restore the old ceiling price or establish a new ceiling price and may apply it retroactively.

(h) *Effect of removal from list of agricultural commodities.* This section shall cease to apply to a commodity if, after consultation with the Secretary of Agriculture, the Director of Price Stabilization determines that the requirements of the Defense Production Act of 1950 are satisfied as to such commodity. The ceiling price for the seller of any product processed from any such commodity shall thereafter be determined under the provisions of this regulation, except that, if such ceiling price is determined under section 3, the "base period" shall be the most recent five-week period preceding the date the Director of Price Stabilization deletes the commodity from the list. Such ceiling prices shall become effective on the date determined by the Director.

Notwithstanding anything contained in this paragraph (h) of this section to the contrary, the ceiling price for fluid milk, which is sold and bought pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended, or any marketing agreement, license or order, or provision thereof or amendment thereto, shall be no less than the price determined pursuant to that act, and, for purposes of such sales and purchases only, fluid milk shall be deemed to remain on the list of agricultural commodities.

3. Section 14 (s) (1) is amended to read as follows:

(1) Sales by producers of any agricultural commodity in its raw or natural state, or if the commodity is not customarily sold by producers generally in its raw or natural state, in the first form or state in which it is customarily sold by producers generally.

4. Subparagraphs (3) and (7) of section 14 (s) are amended to read as follows:

(3) Raw wool when sold by the producer and mohair when sold by the producer.

* * * * *

(7) All fresh fruits, including berries and tree nuts, and all fresh vegetables.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective May 28, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

MAY 28, 1951.

[F. R. Doc. 51-6318; Filed, May 28, 1951; 2:44 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 3, Amendment 2]

GCPR, SR 3—FOOD, AGRICULTURAL AND RELATED COMMODITIES

CORRECTION

Due to an error the words "Office of Price Stabilization," instead of the words "Office of Price Administration," appear in the last two sentences of the fourth paragraph of the statement of considerations for Amendment 2. Accordingly, the last two sentences of the fourth paragraph are corrected to read as follows: While the lack has not been completely satisfied, and the ceilings set by this amendment may require revision, consultation with industry representatives indicates that there probably have been no substantial changes requiring departure from the rates fixed by the Office of Price Administration. This amendment, therefore, fixes ceiling prices for trucker-merchants at the Office of Price Administration levels.

(Sec. 704, Pub. Law 774, 81st Cong.)

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 29, 1951.

[F. R. Doc. 51-6374; Filed, May 29, 1951; 10:15 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 30]

GCPR, SR 30—WHISKEY IN BULK, WINES, ALCOHOLIC BEVERAGES AND MALT BEVERAGE BOTTLE DEPOSIT CHARGES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency Order No. 2 (16 F. R. 738), this Supplementary Regulation to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation prescribes a new basis for computation of "parity" adjustments for increases in costs of grain used in distilling whiskey for bulk sale. This is provided as an alternative to the basis now established under section 11 (b) of the General Ceiling Price Regulation. In addition, adjustments in ceiling prices are permitted for increases in costs of cooperage.

This regulation also permits certain adjustments to be made in the ceiling prices established under the General Ceiling Price Regulation for manufacturers, bottlers, and blenders of wine and fruit distillates. These adjustments are intended to take care of increases in costs of fruits as between 1949 and 1950 vintages.

The regulation also makes provision for alleviating inequities arising from the combined impact of the General Ceiling Price Regulation and State and local laws which (1) require some form of advance notice to be given when price increases in alcoholic beverages are contemplated, or (2), in the case of sales of alcoholic beverages by State owned or operated distributors, provide for price changes to be posted at specified times.

Finally, in the interest of conservation of glass which is now in short supply, the regulation authorizes bottlers of malt beverages to increase their customary deposit charges for glass containers, the increased charge not to exceed replacement costs. The resulting increases are permitted to be carried through at other levels of distribution.

The provisions of this supplementary regulation are only temporary and will be replaced by specific regulations tailored to the special character of the industries involved as soon as more complete data are available.

WHISKEY DISTILLING

The objective of the provision of a new alternative method for making the "parity" adjustment for increases in the cost of grain is to more closely conform the General Ceiling Price Regulation to the practice of the industry. It is customary for most whiskey distillers who distill for current bulk sale to recompute their sale prices each month. A basic factor in the recomputation is the average cost of grain in a selected prior period such as the preceding calendar month or the last month of the preceding calendar quarter. By reason of this pricing practice, January 1951 prices were generally established on the basis of December 1950 costs and the freezing of the January prices has made it impossible to deal with the cost-price lag in the normal manner. The regulation, therefore, provides that distillers will be able to take into account increased grain costs in a manner which will mesh with the practice of the industry.

Since whiskey is not ordinarily offered for sale to the ultimate consumer until several years after its production, this new method of computation will not cause any increases in consumer prices in the near future. Available data indicate that, in any event, such increases would be very small.

Increased cooperage costs are not now permitted to be added to ceiling prices established under the General Ceiling Price Regulation. These costs are a substantial factor in the cost of production of whiskey in bulk. Prices of current whiskey during the period December 19, 1950, to January 26, 1951, were generally between $1.50 and $1.60 per gallon. These prices were in line with a cooperage cost of $18.00 per barrel or 36 cents per gallon. Cooperage prices rose rapidly during late 1950 and January 1951. The cost to distillers was stabilized at approximately $28.00 per barrel. This increase of 20 cents per gallon represents approximately 13 percent of the prevailing General Ceiling Price Regulation ceilings on current whiskey.

It is clear that the purposes of the stabilization program cannot be accomplished if each seller is permitted to increase his price whenever material costs increase. In this particular case, however, the amount of the increase in cooperage costs is so great and this element represents such a large percentage of the selling price that it is obvious that absorption of the increase would force sellers of current whiskey to sell at a loss. Therefore, the Director has concluded that the general objective of reasonable absorption should not be made applicable in this particular case.

MANUFACTURE, BLENDING AND BOTTLING OF WINE AND FRUIT DISTILLATES

In the manufacture of wine and fruit distillates, the cost of raw material has been calculated historically in terms of the average cost of the previous season's vintage. Moreover, in regard to bulk goods, the sale price pattern for the ensuing year ordinarily takes form around the first of March. This is due to the fact that the major wine producing areas are subject to State marketing orders which, for all practical purposes, prohibit the sale of wine produced from the vintage of one year before March 1 of the following year. As to case goods, the annual price pattern is ordinarily established three months later, that is, around the first of June.

Bulk and bottled goods delivered during the base period fixed by the General Ceiling Price Regulation were generally those produced from the 1949 vintage. Pursuant to the custom of the trade, sale prices for the bulk goods were for the most part established around March 1, 1950, and for bottled goods around June 1, 1950. The bulk product now offered for sale was largely produced from the 1950 vintage, and here the price pattern would normally have been determined around March 1, 1951. The bottled product price pattern would be established around June 1, 1951. The General Ceiling Price Regulation froze prices before the normal patterns could take shape.

Since fruit prices for the 1950 vintage were substantially higher than those for the 1949 vintage, it is necessary, as a matter of equity, to permit the ceiling prices involved to be recalculated substantially in accord with customary practice. Accordingly, this regulation allows wine and fruit distillate ceiling prices to be revised to reflect increases in the average inventory cost of the fruit used in their preparation. More specifically, the regulation permits to be added to the highest bulk goods selling price for the period February 24, 1950, to March 24, 1950, the difference between the average inventory cost per wine gallon for fruit from the 1949 vintage and that for fruit from the 1950 vintage. The regulation permits a similar revision of ceiling prices for case goods, using the highest selling prices during the period May 24, 1950 through June 24, 1950, as the prices to which increased costs may be added. Where bottlers do not produce their own bulk wine but purchase it from vintners, the regulation permits them to add to their highest selling price during May 24, 1950 through June 24, 1950, the increase in cost over the weighted average cost of bulk wine in the period February 24, 1950 through March 24, 1950. This calculation is consistent with the normal price-cost relationship for these bottlers because June prices for case goods ordinarily reflect March bulk wine costs. These provisions are permissive and those to whom they apply may elect to continue to be governed by the General Ceiling Price Regulation.

INCREASES UNDER PRICE POSTING AND SIMILAR LAWS

Under a number of State and local laws increases in the sale prices of alcoholic beverages must be posted or designated authorities must be notified in advance of the effective date of such increases. In many cases price increases which had been posted or for which notice had been given were rendered ineffective by the issuance of the General Ceiling Price Regulation. Moreover, in a number of States owning or operating alcoholic beverage distribution facilities price changes are regularly posted at specified times. These changes normally reflect increases in suppliers' prices up to the time of posting. In many instances suppliers increased their prices after the last posting date preceding the General Ceiling Price Regulation and before the next regular posting date. As a consequence, it was not possible in both the situations described to raise selling prices to reflect increased costs. The regulation, therefore, permits ceiling prices in such cases to be increased so as to reflect the increased costs.

BOTTLE DEPOSIT CHARGES; MALT BEVERAGES

As a result of orders of the National Production Authority, the use of cans by manufacturers of malt beverages has been curtailed. The effect of this curtailment has been an increased demand for glass containers. That demand has now become so great that glass manufacturers have established a system of allocations for their customers, including the brewers.

Conservation of glass has become an obvious necessity in forwarding the defense effort. A considerable amount of glass is constantly wasted because purchasers of malt beverages fail to return empty bottles despite deposit charges. Increased deposit charges, within the limits of replacement costs, will encourage the return of empty bottles and thereby make them available for reuse. This regulation permits such increased deposit charges, but not beyond replacement costs, which are, of course, fixed as a result of the General Ceiling Price Regulation.

FINDINGS OF THE DIRECTOR

In the judgment of the Director of Price Stabilization the ceiling prices established by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in the furtherance of the objectives of the Defense Production Act of 1950; to parity prices and the other minimum requirements of the law including prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability.

To the extent practicable, persons representing substantial segments of the industries concerned have been consulted in regard to the provisions of this supplementary regulation.

REGULATORY PROVISIONS

Sec
1. What this regulation does.
2. Applicability.
3. Distillers of whiskey for bulk sale: increased costs of grain and cooperage.
4. Compliance with General Ceiling Price Regulation, Section 11.
5. Makers of wine for bulk sale: increased cost of fruit.
6. Makers of wine for bottled sale: increased cost of fruit.
7. Bottlers, blenders and other users of wine and fruit distillates.
8. Notice of ceiling price increases.
9. Sellers of alcoholic beverages covered by price posting and similar laws.
10. Bottle deposit charges for malt beverages.

AUTHORITY: Sections 1 to 10 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* The purposes of this regulation are (a) to permit whiskey distillers to use in connection with bulk sales a method alternative to the one prescribed in section 11 (b) of the General Ceiling Price Regulation for computing the "parity" adjustment for grain and to revise their ceiling prices to take account of certain increases in cooperage costs; (b) to permit makers, bottlers, blenders, and other similar users of wine and fruit distillates to revise their ceiling prices to take account of certain increases in costs of fruit and bulk wine and fruit distillates; (c) to permit all sellers of alcoholic beverages subject to State or local price posting laws to increase their ceiling prices to the extent that they would have been able normally to do so under such laws, and State sellers to add higher costs to their ceiling prices; and (d) to permit makers of malt beverages to increase their customary bottle deposit charges within the limits of replacement costs, and subsequent sellers of such beverages to pass through such increases to their purchasers.

SEC. 2. *Applicability.* The provisions of this regulation are applicable to the United States, its Territories and possessions, and the District of Columbia.

SEC. 3. *Distillers of whiskey for bulk sale; increased cost of grain and cooperage.* (a) If you are a distiller of whiskey or neutral spirits, or both, for bulk sale, you may increase your ceiling price as otherwise established under sections 3, 4, 6 or 7 of the General Ceiling Price Regulation, as amended, by the dollars and cents increase per gallon of (1) the average cost per gallon of grain used in the month preceding the current month over (2) the average cost per gallon of grain used in December 1950.

(b) You may also increase your ceiling price otherwise established under the General Ceiling Price Regulation by the dollars and cents increase per gallon of (1) the average cost per gallon of cooperage used in any month subsequent to December 1950 but not later than March 1951 over (2) the average cost per gallon of cooperage used in December 1950.

SEC. 4. *Compliance with General Ceiling Price Regulation, section 11.* Irrespective of whether you use the alternative method authorized under section 3 (a) of this regulation or the method now provided in section 11 (b) of the General Ceiling Price Regulation, your increases in ceiling prices will not be effective unless you comply with all other applicable provisions of section 11 of the General Ceiling Price Regulations, as amended.

SEC. 5. *Makers of wine for bulk sale; increased cost of fruit.* If you make wine or fruit distillates for bulk sale, you may establish your ceiling prices for such commodities in the following manner:

(a) Determine the highest unit price at which you delivered the commodity, or offered it for delivery, during the period from February 24, 1950 to March 24, 1950, inclusive;

(b) Add to the price so determined the dollars and cents increase per unit of wine or fruit distillate of (1) the weighted average cost of the fruit you used in making the class of commodity involved during the calendar year 1950 over (2) the weighted average cost of the fruit you used for that purpose during the calendar year 1949.

Example: You are making dessert and table wines and your highest prices between February 24, 1950 and March 24, 1950 were $.55 a gallon for a given dessert wine and $.38 a gallon for a given table wine.

The weighted average cost of the grapes you used in 1949 for making wine was $30.00 a ton. The weighted average cost of the grapes you used in 1950 for making wine was $60.00 a ton, an increase of $30.00 a ton over the 1949 cost.

If one ton of grapes yields 80 gallons of dessert wine, it now costs you $.375 a gallon more ($30 ÷ 80 gallons = $.375) to make dessert wine. Your ceiling price for the particular dessert wine referred to is, therefore, $.925 ($.55 plus $.375) a gallon. Similarly, if one ton of grapes produces 150 gallons of table wine, it now costs you $.20 a gallon more ($30 ÷ 150 gallons = $.20) to make table wine. Your ceiling price for the particular table wine referred to is, therefore, $.58 ($.38 plus $.20) a gallon.

(c) If in each of the two calendar years involved you purchased at least ten percent by weight of the fruit you used, treat the weighted average cost of the fruit you so purchased as the weighted average cost of the total amount of fruit you used for the class of commodity. On the other hand, if you purchased less than ten percent by weight of the fruit you used in either calendar year, you may not establish a ceiling price under paragraphs (a) and (b) of this section. You may instead establish a ceiling price in the following manner:

(1) Determine your most closely competitive seller's ceiling price established under this section for his commodity most similar to the one you are pricing, and his ceiling price for that commodity prior to the effective date of this regulation.

(2) Calculate for your commodity a price which will bear to your competitive seller's new price the same ratio as your former price and his former price bore to each other.

Thus for example:

$$\frac{X \text{ (your new price)}}{1.50 \text{ (his new price)}} = \frac{1.00 \text{ (your old price)}}{1.25 \text{ (his old price)}}$$

$X = 1.20$

(d) To determine the "weighted average cost" per ton (or other unit) of fruit used or purchased, as the case may be, in either year, compute the total dollar cost of the fruit used in the year and divide it by the number of tons (or other unit) used, or purchased, in that year.

SEC. 6. *Makers of wine for bottled sale; increased cost of fruit.* If you make wine or fruit distillates for bottled sale, you may establish your ceiling prices for the bottled commodities in the following manner:

(a) Determine the highest unit price at which you delivered the commodity, or offered it for delivery, during the period from May 24, 1950 to June 24, 1950, inclusive;

(b) Add to the price so determined the dollars and cents increase per unit of wine or fruit distillate of (1) the weighted average cost of the fruit you used in making the class of commodity involved during the calendar year 1950 over (2) the weighted average cost of the fruit you used for that purpose during the calendar year 1949.

(c) If in each of the calendar years involved you purchased at least ten per cent by weight of the fruit you used, treat the weighted average cost of the fruit you so purchased as the weighted average cost of the total amount of fruit you used for the class of commodity. On the other hand, if you purchased less than ten percent by weight of the fruit you used in either calendar year, you may not establish a ceiling price under paragraphs (a) and (b) of this section. You may instead establish a ceiling price in the following manner:

(1) Determine your most closely competitive seller's ceiling price established under this section for his commodity most similar to the one you are pricing, and his ceiling price for that commodity prior to the effective date of this regulation.

(2) Calculate for your commodity a price which will bear to your competitive seller's new price the same ratio as your former price and his former price bore to each other.

Thus:

$$\frac{X \text{ (your new price)}}{1.50 \text{ (his new price)}} = \frac{1.00 \text{ (your old price)}}{1.25 \text{ (his old price)}}$$

$X = 1.20$

(d) To determine the "weighted average cost" per ton (or other unit) of fruit used or purchased, as the case may be, in either year, compute the total dollar cost of the fruit used in the year and divide it by the number of tons (or other unit) used, or purchased, in that year.

SEC. 7. *Bottlers and blenders of wine and fruit distillates.* If you obtain wine or a fruit distillate in bulk and bottle it directly or after blending or other processing, you may establish your ceiling price for the bottled commodity in the following manner:

(a) Determine the highest unit price at which you delivered the commodity, or offered it for delivery, during the period from May 24, 1950 to June 24, 1950, inclusive;

(b) Add to the price so determined the dollars and cents increase per unit of the bottled commodity of (1) the weighted average cost of the bulk goods you used in making that class of commodity during the period February 24, 1951 to March 24, 1951, inclusive, over (2) the weighted average cost of the bulk goods you used for that purpose during the period February 24, 1950 to March 24, 1950, inclusive.

(c) To determine the "weighted average cost" per barrel (or other unit) of the bulk goods you used in either year, compute the total dollar cost of the bulk goods used in the year and divide it by the number of barrels (or other unit) used in that year.

SEC. 8. *Notice of ceiling price increases.* Any ceiling price you establish under section 5, 6, or 7 of this regulation will not become effective until after you have sent a notice to the Director of Price Stabilization, Washington 25, D. C., by registered mail, setting forth the proposed ceiling price and data showing that that price conforms to all applicable requirements of this regulation.

SEC. 9. *Sellers of alcoholic beverages covered by price posting and similar laws.* (a) If you are a seller of alcoholic beverages and before or during the base period you gave notice pursuant to State or local law of your intention to increase your selling prices after the base period, you may establish as your ceiling prices the prices of which you gave notice. This provision applies irrespective of whether you gave notice by posting or by some other method established by applicable State or local law.

(b) If you are a State owned or operated distributor selling alcoholic beverages and if any customary supplier announced in writing a price increase, applicable to you, after your list price posting and prior to January 26, 1951, you may increase your ceiling price for the commodity involved by the dollars and cents difference between the highest price you paid prior to your last posting and the announced price of your supplier.

SEC. 10. *Bottle deposit charges for malt beverages.* (a) If you are a bottler of malt beverages and have customarily charged a deposit for bottles, you may increase that deposit charge to an amount equal to, but not more than, your average current replacement cost for the type of bottle involved. You may, however, round off to the nearest cent a fraction of one half cent or more in any deposit charge increased under this section.

(b) If you are a seller of malt beverages in bottles and your supplier has, pursuant to paragraph (a) of this section, increased his bottle deposit charge to you, you may increase your deposit charge for such bottles in the same dollars and cents amount as your supplier has increased his charge to you.

Effective date. This regulation shall become effective June 1, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 29, 1951.

[F. R. Doc. 51-6375; Filed, May 29, 1951; 10:15 a. m.]

[General Overriding Regulation 3, Amendment 1]

GOR 3—EXEMPTION OF CERTAIN RUBBER, CHEMICAL AND DRUG COMMODITY TRANSACTIONS

ADDITIONAL EXEMPTIONS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Congress), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to General Overriding Regulation 3 (16 F. R. 3216) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 3 extends the coverage of that exempting regulation. Experimental rubber products are exempted for limited sales just as experimental chemicals have been. An experimental rubber product is defined as one made in an experimental mold, in a research or testing laboratory, by hand process, or with temporary equipment. As in the case of experimental chemicals, the exemption of such rubber products would have slight, if any, effect on the cost of living and inflation, while relieving this office of much administrative burden.

This amendment also adds a clause enabling the revocation of an exemption of an experimental rubber or chemical product. Such revocation is automatic when the commercial stage of production as specified by the reporting manufacturer is attained. But, in addition, revocation may be found advisable in some instances after an earlier exemption has been allowed even before the specified commercial production is reached, due to changes in circumstances or subsequent reappraisal of the report filed. The accompanying amendment provides the basis for such revocation action.

AMENDATORY PROVISIONS

General Overriding Regulation 3 is hereby amended in the following respects:

1. The last sentence of section 2 (b) is hereby amended by deleting the period at the end thereof and substituting ", or until the Office of Price Stabilization notifies the manufacturer that his report has been disapproved."

2. A new section designated section 4 is added to read as follows:

SEC. 4. *Exemption of certain rubber commodity transactions.* No price regulation issued by the Office of Price Stabilization shall apply to the following:

(a) *Experimental rubber products.* (1) Sales by a manufacturer of an experimental rubber product, on condition, however, that before making any sale of any such rubber product which would bring the total sales thereof to a sum in excess of $1,000, the manufacturer must file with the Office of Price Stabilization, Washington, D. C., a report setting forth his name and address and a description of the experimental rubber product, the reasons for believing such rubber product to be experimental the prices he proposes to charge for that product while it is experimental, and the monthly volume which he believes would represent commercial production as opposed to experimental production. Unless the Office of Price Stabilization by letter disapproves this report or requests further information within 20 days sales of the rubber product shall continue to be exempted from price control until the volume of production specified in the report as commercial production is reached, or until the Office of Price Stabilization notifies the manufacturer that his report has been disapproved.

(2) An experimental rubber product is a product made substantially or in whole of natural, synthetic, substitute, reclaimed, or any other kind of rubber, in a temporary mold, or in a research or testing laboratory, or by hand process, or with temporary equipment.

Effective date. This Amendment 1 shall become effective June 2, 1951.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 704, Pub. Law 774, 81st Cong.)

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 28, 1951.

[F. R. Doc. 51-6346; Filed, May 29, 1951; 4:00 p. m.]

Chapter XI—Defense Electric Power Administration, Department of the Interior

[DEPA Order EO-2, as amended]

EO-2—MATERIALS AND EQUIPMENT REQUESTS FOR PROCUREMENT ASSISTANCE

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects DEPA Order EO-2 as follows: It amends section 3; it deletes section 4 and redesignates sections 5 and 6 as sections 4 and 5, respectively. As amended, DEPA Order EO-2 reads as follows:

Sec.
1. Qualifications for obtaining procurement assistance.
2. Information required—general.
3. Information required—special assistance.
4. Cross-reference to other applications.
5. Communications.

AUTHORITY: Sections 1 to 5 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; DPA Delegation 1, 16 F. R. 738.

SECTION 1. *Qualifications for obtaining procurement assistance.* Requests for assistance in connection with the construction of electric utility power facilities should be filed only after the applicant has exhausted every reasonable effort to obtain the equipment or material required and has completely investigated all possibilities of substituting non-critical material for critical material. It is imperative that orders for materials be placed sufficiently in advance to allow manufacturers reasonable time in which to make required deliveries. Moreover, delivery dates specified should not be earlier than actually required to meet fabrication, construction or installation schedules. The design of power plant facilities should be restricted to the use of standard sizes and shapes of steel whenever possible.

SEC. 2. *Information required; general.* The following information should be supplied in requesting assistance in procuring equipment or materials for each project.

(a) Project information should be submitted as specified in sections 1 and 2 of Form DPA-2, "Electric Utility Statement of a Current or Proposed Construction Project." If Form DPA-2 has already been submitted for the project, supply cross-reference information as specified in section 4 of this order.

(b) It should be noted that a current progressive construction schedule must under order EO-1 be filed with Form DPA-2 and revised schedules must be used to keep changes in the construction schedule on a current basis. If this has not been filed, it must be furnished at the time the request for priorities assistance for a major plant addition is made.

SEC. 3. *Information required; special cases.* The following additional information should be supplied in duplicate when an order has been placed and the promised delivery date is inadequate to meet the construction schedule or when a priority is requested by the supplier prior to accepting an order:

(a) Description as shown on applicant's purchase order, including dollar value, quantity, and (where applicable) weights.

(b) Number and date of applicant's purchase order. (A purchase order number should be provided even though an order has not been accepted.)

(c) Current promised delivery date.

(d) Latest delivery date required to meet fabrication, construction, or other needs of applicant.

(e) Name and address of supplier or manufacturer with whom order has been placed, the manufacturer's shop order number, and name of supplier or manufacturer who will accept order with priority assistance.

(f) Justification for requested items.

SEC. 4. *Cross-reference to other applications.* If any of the information specified in this order has been previously submitted to any Government agency in connection with another application, it will not be necessary to resubmit such information. However, the applicant should furnish, with respect to such previous application, the name of the Government agency to which it was submitted, the form number, date of application, serial number, if known, affixed to the application by the Government agency, action taken by the Government agency and date of such action.

SEC. 5. *Communications.* All communications concerning this order and requests for Forms DPA-2 shall be addressed to the Defense Electric Power Administration, Department of the Interior, Washington 25, D. C.

This order shall take effect immediately.

CLIFFORD B. MCMANUS,
Administrator,
Defense Electric Power Administration.

[F. R. Doc. 51-6378; Filed, May 29, 1951; 11:26 a. m.]

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 6 (INS-1)]

INS-1—MARINE PROTECTION AND INDEMNITY INSURANCE INSTRUCTIONS UNDER GENERAL AGENCY AND BERTH AGENCY AGREEMENTS

Sec.
1. What this order does.
2. Insurers.
3. Assured.
4. Vessels insured and terms of insurance.
5. Assumption of risks by owner and attachment date of commercial insurance.
6. Issuance of policies or certificates by underwriters.
7. Insurance premiums.
8. Reports of accidents and occurrences.
9. Settlement of claims.
10. Litigation and employment of counsel.
11. Cargo risks.
12. Claims reports.
13. Application and interpretation of instructions.
14. Previous insurance instructions.

AUTHORITY: Sections 1 to 14 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* Effective as of March 23, 1951, this order prescribes instructions required to be observed by the Agents with respect to the placing of Protection and Indemnity insurance and the handling of claims of a protection and indemnity insurance nature under General Agency and Berth Agency Agreements entered into with the National Shipping Authority referred to in this order as "Owner".

SEC. 2. *Insurers.* An insuring agreement was entered into between the Owner and the following named protection and indemnity underwriters, effective as of March 23, 1951: American Steamship Owners Mutual Protection and Indemnity Association, Inc., Marine Office of America, Fireman's Fund Insurance Company and Fulton P. & I. Underwriting Agency, Inc.

SEC. 3. *Assured.* The assured shall be the United States of America, acting by and through the Director, National Shipping Authority, Maritime Administration, Department of Commerce, Washington 25, D. C., but only in so far as its interest in the insured vessel is concerned, and its General Agents, and Berth Agents and Sub-Agents acting on their behalf.

SEC. 4. *Vessels insured and terms of insurance.* The underwriters have agreed to and will provide protection and indemnity insurance with respect to Liberty type and Victory type cargo vessels owned by the United States of America at an annual rate of $1.90 per gross registered ton, attaching as provided for in section 5 (a) and (b), on a prorata daily basis, and terminating December 31, 1951, with adjustments if vessels are withdrawn prior to the aforesaid termination date, at a valuation of $1,250,000 per vessel with deductible averages of $500 on personal injury, illness or death claims for each accident or occurrence; $5,000 on cargo claims on each outward or homeward voyage including baggage and personal effects; and $250 on claims of other types for each accident or occurrence.

SEC. 5. *Assumption of risk by owner and attachment date of commercial insurance*—(a) *Vessels allocated under General Agency Agreement 4-4-42.* On vessels allocated and delivered to General Agents for husbanding services and repairing under General Agency Agreement 4-4-42, the Maritime Administration will assume all risks of a protection and indemnity insurance nature. As of the date of delivery to the General Agent under General Agency Agreement 3-19-51, the protection and indemnity risks will be insured with underwriters as outlined in section 2 and the General Agents will make application either direct or through brokers to these underwriters for insurance to attach as of the date of delivery of the vessel under General Agency Agreement 3-19-51.

(b) *Vessels allocated under General Agency Agreement 3-19-51.* On vessels allocated and delivered to General Agents at fleet sites directly under General Agency Agreement 3-19-51, the Maritime Administration will also assume all risks of a protection and indemnity insurance nature until departure from repair yard. Marine protection and indemnity risks will be

insured as of that time on full commercial basis with underwriters as outlined in section 2, and the General Agents will make application either directly or through brokers to these underwriters for insurance to attach as of the date and hour of departure from repair yard as per log book entry.

SEC. 6. *Issuance of policies or certificates by underwriters.* Each underwriter providing insurance under the Agreement will, upon receipt of application from General Agents, execute and deliver to them policies and or certificates with respect to each vessel named in such application. The underwriter will furnish as many copies of policies and or certificates as may be needed by the National Shipping Authority and by the General Agents. The original and one copy of all certificates and or policies are to be forwarded by the General Agent to the Office of Comptroller, Division of Insurance, Maritime Administration, Department of Commerce, Washington 25, D. C. Upon withdrawal from or redelivery by a General Agent of a vessel, endorsements with respect to each vessel will be issued by the underwriters showing cancellation date and amount of return premium.

SEC. 7. *Insurance premiums*—(a) *Payment of premiums.* Premiums for protection and indemnity insurance provided under policies are to be paid by the agents in advance as to all vessels covered from the time of attachment of the risks to December 31, 1951, midnight, e. s. t. The underwriters have limited the discount to brokers to 5 percent instead of the usual 10 percent.

(b) *Return premiums.* General Agents shall be responsible for collecting or obtaining credit for return premiums for all vessels insured under the Agreement. Statements or credit memoranda are to be obtained in duplicate from the insuring underwriter and the original filed in the General Agent's office subject to inspection by the Administration's auditors and the duplicate copy forwarded to the Office of Comptroller, Division of Insurance, Maritime Administration, Washington 25, D. C.

SEC. 8. *Reports of accidents and occurrences*—(a) *Reports to underwriters.* All occurrences of a protection and indemnity nature arising subsequent to the attachment of commercial protection and indemnity insurance, as outlined in section 5, which may result in claims against the vessels, are to be reported promptly to the underwriters by the General Agents together with all available information. The General Agents will obtain from their underwriters the names of their outport representatives. This information should be supplied to the master of each vessel so that he may in an emergency obtain the assistance of a representative of the underwriter.

(b) *Reports to owner.* Occurrences of a protection and indemnity nature arising prior to attachment of the commercial protection and indemnity insurance should be reported to the Office of Comptroller, Division of Insurance, Maritime Administration, Washington 25, D. C.

SEC. 9. *Settlement of claims*—(a) *Commercial protection and indemnity policies.* General Agents of vessels specified above are hereby authorized to settle claims for amounts that do not exceed the deductible averages provided for in the commercial protection and indemnity insurance polices. Claims in excess of those amounts must be approved by the underwriters before payment by the General Agents who will claim reimbursement from the underwriters. The deductible average is a vessel operating expense, and will be accounted for in accordance with accounting and auditing instructions. When making settlement of claims, the claimant is to be advised that such settlement is not to be construed as an admission of liability by or on behalf of the Owner, but that the settlement agreed upon is a compromise of a disputed liability. The General Agents will be expected to apply sound judgment and follow standard practices of steamship operators in settling or disposing of claims of this nature and shall make use of the advice and assistance of the underwriters, as well as the General Agent's own counsel, and may consult, when necessary or desired, any District Counsel of the Maritime Administration. Berth Agents shall furnish reports and render all assistance necessary to the General Agents in disposing of marine protection and indemnity insurance claims. Claims shall be settled only when liability is clear and the amount of the claim is reasonable and adequately supported and when the settlement is to the best interests of the United States. All claims which General Agents are authorized to settle by these instructions shall be approved by an officer of such General Agent designated for that purpose. The Office of Comptroller, Division of Insurance, Maritime Administration, Washington 25, D. C., is to be advised promptly after receipt of these instructions, as of the name of the officer so designated.

(b) *Assumed risk.* General Agents are hereby authorized to settle on their own authority claims of a protection and indemnity nature assumed by the owner as outlined in section 5 (a) and (b), provided such claims do not exceed $1,000. Claims in excess of this amount must be approved by the Office of Comptroller, Division of Insurance, Maritime Administration, Washington 25, D. C., before payment by the General Agents. Such claims are to be treated as vessel operating expence. When settling a claim hereunder, General Agents shall be governed by the procedure and instructions set forth in paragraph (a) of this section insofar as applicable.

SEC. 10. *Litigation and employment of counsel.* General Agents shall not incur any legal expense in connection with any claim covered by commercial protection and indemnity insurance, to which these instructions apply, unless approved in advance by the underwriters. As to any suit based upon an occurrence arising during the period of assumption of risk by the owner, as outlined in section 5 (a) and (b), General Agents must forward copy of the pleadings and any other legal documents to the General Counsel, Maritime Administration, Washington 25, D. C., sending copy of letter of transmittal to the Office of Comptroller, Division of Insurance, Maritime Administration, Washington 25, D. C., and no special counsel shall be employed for the account of the Maritime Administration without the prior approval of the General Counsel, Maritime Administration, Washington 25, D. C. In connection with attachment or seizure of a vessel, General Agents will notify the General Counsel, Maritime Administration, Washington 25, D. C., by telephone, telegraph, radio, or cable immediately.

SEC. 11. *Cargo risks*—(a) *Ad valorem cargo.* With respect to the carriage of cargo having a declared value in excess of $500 per package or in case of goods not shipped in packages per customary freight unit, the General Agents are instructed not to arrange any additional insurance as the Maritime Administration assumes all protection and indemnity risks in excess of those covered by the policy. The Agent will forward a written notice or memorandum of the excess amounts declared to the Office of Comptroller, Division of Insurance, Maritime Administration, Washington 25, D. C.

(b) *Special cargo.* With respect to special cargo which is not covered by the terms of customary protection and indemnity insurance, it is the policy of the Maritime Administration to assume, rather than insure, such risk or liability.

SEC. 12. *Claims reports.* All General Agents shall submit to the Office of Comptroller, Division of Insurance, Maritime Administration, Washington 25, D. C., semiannual reports of claims, the first report to be submitted as of September 30, 1951, for all claims settled and pending as of that date. These reports are to be prepared as follows: Claims closed and paid in excess of the deductible average and claims within the deductible averages, giving in each case the name of the vessel, date and nature of accident, name of claimant, total amount paid in settlement, and amount collected from the underwriter; pending claims, giving the same information as to vessel, accident, claimant, etc., amount paid to date, if any, or amount of loss or damage estimated as probable future cost and current status.

SEC. 13. *Application and interpretation of instructions.* General Agents shall communicate directly with the Office of Comptroller, Division of Insurance, Maritime Administration, Washington 25, D. C., regarding all questions of application, interpretation, meaning or intent of these instructions.

SEC. 14. *Previous insurance instructions.* These instructions apply only to Marine Protection and Indemnity insurance on vessels allocated to General Agents under General Agency Agreement 4-4-42 and under General Agency Agreement 3-10-51, and all Marine Protection and Indemnity insurance instructions previously issued are hereby cancelled.

[SEAL] C. H. MCGUIRE,
Director, National Shipping Authority.

[F. R. Doc. 51-6212; Filed, May 29, 1951; 8:52 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

PROCEDURES FOR EFFECTING GENERAL WAIVERS

CROSS REFERENCE: For waivers of navigation and vessel inspection laws and regulations, such orders to be codified as §§ 19.08, 19.09, 19.10, and 19.11, see Title 46, Chapter I, Part 154, *infra.*

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 721]

WASHINGTON

EXCLUSION OF CERTAIN LANDS FROM THE OLYMPIC NATIONAL FOREST

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (16 U. S. C. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

The following-described public lands in the State of Washington are hereby excluded from the Olympic National Forest:

WILLAMETTE MERIDIAN

T. 30 N., R. 5 W.,
Sec. 7, NE¼ and E½SE¼;
Sec. 17, E½NE¼.
T. 27 N., R. 10 W.,
H. E. S. Nos. 119, 120, 121, 122, and 274;
Sec. 30, lots 6, 12, and 13.
T. 28 N., R. 11 W.,
H. E. S. No. 117;
Sec. 19, SE¼NE¼NE¼, S½SW¼NE¼NE¼, NE¼SW¼NE¼, E½NW¼SW¼NE¼, and NW¼SE¼NE¼;
Sec. 20, NE¼NW¼ and S½NW¼NW¼.
T. 28 N., R. 11 W.,
Secs. 25 and 26;
Sec. 27, lot 2, N½, N½SE¼ and SE¼SE¼;
Sec. 28, lots 1, 4, 7, 9, 10, 11, N½N½, and NE¼;
Sec. 29, lots 2, 3, 4, 5, 6, 7, 8, N½NE¼, SW¼NE¼ and NW¼;
Sec. 30, 31, 32, and 33;
Sec. 34, lots 1, 2, 4, 5, 6, 7, NE¼NE¼, NW¼NW¼, S½NW¼, SW¼, and S½SE¼;
Sec. 35 and 36.
T. 27 N., R. 12 W.,
Sec. 14, NW¼ and S½;
Sec. 15, SE¼;
Sec. 23, NW¼, N½SW¼, SE¼SW¼, and S½SE¼.

The areas described aggregate 8786.98 acres.

All of the lands described are patented, with the exception of lots 6, 12, and 13, sec. 30, T. 27 N., R. 10 W., and lot 2, sec. 26, T. 27 N., R. 11 W. Lot 6, sec. 30 is within Power Site Classification No. 159 established December 10, 1926. The unreserved, unpatented lots which are subject to aplication aggregate 2.30 acres.

Effective upon the signing of this order, the jurisdiction over and administration of such unreserved, unpatented lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to—their respective interests then of record.

No application for these lands may be allowed under the homestead, small-tract, desert-land laws, or any other non-mineral public-land laws unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Spokane, Washington, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Land Office, Spokane, Washington.

DALE E. DOTY,
Acting Secretary of the Interior.

MAY 23, 1951.

[F. R. Doc. 51-6167; Filed, May 29, 1951; 8:45 a. m.]

[Public Land Order 722]

NEW MEXICO

RESERVATION OF PUBLIC LANDS FOR USE OF DEPARTMENT OF THE NAVY IN CONNECTION WITH EXPERIMENTAL WORK

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in New Mexico are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Navy in connection with experimental work:

NEW MEXICO PRINCIPAL MERIDIAN

T. 2 S., R. 1 W.,
Sec. 33
T. 3 S., R. 1 W.,
Secs. 4, 5, 8, 9, and 17.

The areas described aggregate 3,894.95 acres.

This order shall take precedence over but not otherwise affect the order of March 27, 1936 of the Secretary of the Interior establishing New Mexico Graz-

ing District No. 2, so far as such order affects any of the above-described lands.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

DALE E. DOTY,
Acting Secretary of the Interior.

MAY 23, 1951

[F. R. Doc. 51-6166; Filed, May 29, 1951; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter O—Regulations Applicable to Certain Vessels During Emergency

[CGFR 51-27]

PART 154—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

PROCEDURES FOR EFFECTING GENERAL WAIVERS

The purpose of the following waiver orders is to modify certain statutory requirements relating to manning to such extent and in such manner and upon such terms as are set forth below. These waiver orders are published in both 33 CFR Part 19 and 46 CFR Part 154. Because of the urgency of providing general waiver authority in the interest of national defense, it is found that compliance with the notice of proposed rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by an order of the Acting Secretary of the Treasury, dated January 23, 1951, and identified as CGFR 51-1 and published in the FEDERAL REGISTER dated January 26, 1951 (16 F. R. 731), these waiver orders are hereby promulgated and shall become effective on and after June 1, 1951.

§ 154.08 *Able seamen employed on Great Lakes merchant cargo and tank vessels*—(a) *Waiver.* I hereby waive compliance with the provisions of section 13 of the act of March 4, 1915, as amended (38 Stat. 1169, sec. 1, 50 Stat. 199; 46 U. S. C. 672 (a)), to the extent that when properly qualified able seamen are not available to man merchant cargo and tank vessels of the United States navigating the Great Lakes, to allow certificated ordinary seamen who have served a minimum of 8 months on deck at sea or on the Great Lakes, to compose not more than one-half the number of able seamen required by such section to be shipped or employed on any Great Lakes merchant cargo and tank vessel.

(b) *Terms and conditions.* The employment of certificated ordinary seamen who have served at least 8 months on deck at sea or on the Great Lakes, as herein authorized, shall be permitted only to the extent of the nonavailability of properly qualified able seamen, as determined after reasonable efforts made by the master, owner and others concerned to secure the employment of properly qualified seamen, and in no event to exceed one-half the number of able seamen required by law to be employed on any merchant cargo and tank vessels of the United States navigating the Great Lakes; to allow seamen certificated for other engine room ratings who have served a minimum of 3 months in the fireroom of coal burning Great Lakes vessels to serve as qualified members of the engine department in the rating of fireman on such vessels.

(b) *Terms and conditions.* The employment of certificated seamen who have served at least 3 months in the fireroom on coal burning Great Lakes vessels, as herein authorized, shall be permitted only to the extent of the nonavailability of qualified members of the engine department in the rating of fireman, as determined after reasonable efforts made by the master, owner, or others concerned to secure the employment of properly qualified seamen. Any seaman employed under this waiver shall present to the master of the vessel at the time of being employed authentic evidence of at least 3 months' service in the fireroom of coal burning Great Lakes vessels. This evidence shall consist of one or more certificates of discharge or other properly authenticated record of service showing the name of the vessel or vessels and the dates employed thereon.

(c) *Penalties.* The failure of the master of any Great Lakes merchant cargo or tank vessel sailing with a deficiency in the required complement of qualified members of the engine department to comply with the conditions required by this waiver shall be considered misconduct within the meaning of R. S. 4450, as amended, 46 U. S. C. 239, and shall constitute grounds for suspension or revocation of the license of such master and shall subject him and the owners to all other penalties provided by law. No penalty shall be imposed as a consequence of any waiver made effective pursuant hereto.

(d) *Effective date.* This order shall be in effect on and after June 1, 1951.

§ 154.09 *Qualified members of engine department on Great Lakes merchant cargo and tank vessels*—(a) *Waiver.* I hereby waive compliance with the provisions of section 13 of the act of March 4, 1915, as amended (46 U. S. C. 672 (e)), to the extent that when qualified members of the engine department in the rating of fireman are not available for employment on coal burning merchant cargo and tank vessels of the United States navigating the Great Lakes; to allow seamen certificated for other engine room ratings who have served a minimum of 3 months in the fireroom of coal burning Great Lakes vessels to serve as qualified members of the engine department in the rating of fireman on such vessels.

(c) *Penalties.* The failure of the master of any vessel sailing with a deficiency in the required complement of able seamen to comply with the conditions required by this waiver shall be considered misconduct within the meaning of R. S. 4450, as amended, 46 U. S. C. 239, and shall constitute grounds for suspension or revocation of the license of such master; and shall subject him and the owners to all other penalties provided by law. No penalty shall be imposed as a consequence of any waiver made effective pursuant hereto.

(d) *Effective date.* This order shall be in effect on and after June 1, 1951.

§ 154.10 *Able seamen employed on merchant cargo and tank vessels other than Great Lakes vessels*—(a) *Waiver.* I hereby waive compliance with the provisions of section 13 of the act of March 4, 1915, as amended (38 Stat. 1169, sec. 1, 50 Stat. 199; 46 U. S. C. 672 (a)), to the extent that when properly qualified able seamen are not available to man merchant cargo and tank vessels of the United States other than those navigating the Great Lakes, to allow seamen examined and rated able seamen under said section after having served on deck 12 months at sea or on the Great Lakes, to compose not more than one-half of the number of able seamen required by such section to be shipped or employed on merchant cargo and tank vessels other than those navigating the Great Lakes.

(b) *Terms and conditions.* The employment of seamen examined and rated able seamen after having served on deck 12 months at sea or on the Great Lakes, as herein authorized, shall be permitted only to the extent of the nonavailability of properly qualified able seamen, as determined after reasonable efforts made by the master, owner and others concerned to secure the employment of properly qualified able seamen, and in no event to exceed one-half the number of able seamen required by law to be employed on any merchant cargo and tank vessel other than those navigating the Great Lakes, and as specified in the vessel's certificate of inspection.

(c) *Penalties.* The failure of the master of any vessel sailing with a deficiency in the required complement of able seamen to comply with the conditions required by this waiver shall be considered misconduct within the meaning of R. S. 4450, as amended, 46 U. S. C. 239, and shall constitute grounds for suspension or revocation of the license of such master; and shall subject him and the owners to all other penalties provided by law. No penalty shall be imposed as a consequence of any waiver made effective pursuant hereto.

(d) *Effective date.* This order shall be in effect on and after June 1, 1951.

§ 154.11 *Crew of non-subsidized merchant vessels*—(a) *Waiver.* I hereby waive compliance with the provisions of 46 U. S. C. 672a to the extent that the percentage of citizens required in the crew of non-subsidized merchant vessels is reduced in the amount necessary to permit one-half the number of able seamen required on such vessels to be alien seamen who hold currently valid United States certification as able seamen.

(b) *Terms and conditions.* The number of properly certificated able seamen who are aliens and who are employed under this waiver shall not exceed one-half the total number of able seamen required on a non-subsidized vessel; and, the employment of properly certificated able seamen shall be permitted only to the extent of the nonavailability of properly qualified able seamen who are citizens of the United States as determined after reasonable efforts made by the master, owner, and others concerned to obtain properly qualified able seamen, and further provided the alien able seamen can speak and understand the English language to the extent required by their shipboard duties including emergency duties.

(c) *Penalties.* The failure of the master of any vessel sailing with a deficiency in the required complement of able seamen to comply with the conditions required by this waiver shall be considered misconduct within the meaning of R. S. 4450, as amended, 46 U. S. C. 239, and shall constitute grounds for suspension or revocation of the license of such master; and shall subject him and the owners to all other penalties provided by law. No penalty shall be imposed as a consequence of any waiver made effective pursuant hereto.

(d) *Effective date.* This order shall be in effect on and after June 1, 1951.

(e) *Termination date.* The terms of this waiver shall cease to be in effect after September 1, 1951, *Provided*, That any vessels the crew of which was engaged on or before September 1, 1951 under the terms of this waiver may continue with such deficiencies in its crew for the remainder of the period for which the entire crew is signed on, and no penalty of law shall be imposed because of failure to comply with the provisions of 46 U. S. C. 672a which are relaxed by this waiver.

(Pub. Law 891, 81st Cong.)

Dated: May 28, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 51-6345; Filed, May 29, 1951; 8:53 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 11—INDUSTRIAL RADIO SERVICES

FREQUENCIES AVAILABLE FOR BASE AND MOBILE STATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of May 1951;

The Commission having under consideration the desirability of providing a replacement frequency for 1602 kc. as proposed in the Commission's public notice dated September 21, 1949, in Docket No. 9461 (Mimeo 40450) with attachment of public notice Mimeo No. 40209, "United States of America ITU Region 2 Frequency List 1605–2000 kc.", in which all interested parties were requested to submit their comments; and

It appearing, that all comments received were favorable to the listing on 1614 kc. of the stations now assigned 1602 kc.; and

It further appearing, that it would be in the public interest, convenience, or necessity to shift assignments from 1602 kc. to 1614 kc. in order to facilitate the bringing into force of the new international table of frequency allocations by amendment of Part 11 of the Commission's rules to include the frequency of 1614 kc. and that authority therefore is contained in sections 4 (i), 303 (c), and (r) of the Communications Act of 1934, as amended; and

It further appearing, That since the amendment codifies a change in frequency availability which has been the subject of public proceedings as indicated above, notice of proposed rule making under section 4 (a) of the Administrative Procedure Act is not required:

It is ordered, That effective July 2, 1951, § 11.302 (b) of Part 11 of the Commission's rules is amended by deleting the frequency of 1602 kc. and substituting therefor the frequency of 1614 kc.

It is further ordered, That stations now authorized to operate on the frequency 1602 kc. in the Petroleum Radio Service or in the former Geological Radio Service shall discontinue use of this frequency no later than one year from the effective date of this order or on the date the current station license expires, whichever is later.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, 47 U. S. C. 303)

Released: May 23, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-6192; Filed, May 29, 1951; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

EDITORIAL NOTE: Federal Register Document 51-6187 (Part 179 of this chapter), *infra*, revises Form BMC 76 (§ 7.76). Text of § 7.76 is as follows:

§ 7.76 *B. M. C. 76.* Applications in motor carrier proceedings under section 212 (b); (1) For substitution of prospective purchasers in lieu of applicants; or (2) to transfer certificates of public convenience and necessity, or permits; or (3) to lease operating rights, certificates of public convenience and necessity, or permits.

[Corr. S. O. 851, Amdt. 6]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of May A. D. 1951.

Upon further consideration of Service Order No. 851 (15 F. R. 3486, 4825, 7138; 16 F. R. 989, 4550), and good cause appearing therefor: *It is ordered*, that:

Section 95.851 *Substitution of refrigerator cars for box cars*, of Service Order No. 851 be, and it is hereby further amended by substituting the following paragraph (a) (1) for paragraph (a) (1) thereof:

(a) (1) Except as provided in paragraph (a) (2), common carriers by railroad subject to the Interstate Commerce Act transporting carload freight from origins in the States of Oregon, California, Arizona or Nevada, and destined to points in the States of Oregon, California, Arizona or Nevada, may, at their option, furnish and transport not more than three (3) refrigerator cars of SFRD, FFE or WP ownership, not suitable for transporting commodities requiring protective service, in lieu of each box car ordered, subject to the carload minimum weight which would have applied if shipment had been loaded in a box car.

Effective date. This amendment shall become effective at 11:59 p. m., May 25, 1951.

It is further ordered, that a copy of this amendment and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-6213, Filed, May 29, 1951; 8:52 a. m.]

Subchapter B—Carriers by Motor Vehicle

PART 179—TRANSFER OF OPERATING RIGHTS

APPLICATIONS FOR SUBSTITUTION OF PARTIES

Applications in motor carrier proceedings under section 212 (b): (1) For substitution of prospective purchasers in lieu of applicants; or (2) to transfer certificates of public convenience and necessity, or permits; or (3) to lease operating rights, certificates of public convenience and necessity, or permits.

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 5th day of January A. D. 1951.

1. The matter of applications under the above title being under consideration: It is ordered that,

§ 179.6 *Applications for substitution of parties.* (a) Applications under section 212 (b) of the Interstate Commerce Act, for substitution of prospective purchasers in lieu of applicants under section 206 or 209 of the said act; or to transfer certificates of public convenience and necessity, or permits; or to lease operating rights, certificates of public convenience and necessity, or permits, shall be in the form of and contain the information called for in the form of application designated Form BMC 76 (Revised), § 7.76 of this chapter.

(b) The verified original and four copies of each such application shall be filed with the Interstate Commerce Commission, Washington, D. C., and one true copy thereof shall be furnished, in person or by registered mail, to the Director or Directors of the District or Districts of the Bureau of Motor Carriers in which headquarters of each of the applicants is located, and to the Board, Commission, or official (or Governor if there is no Board, Commission, or official) having authority to regulate the business of transportation by motor vehicles, of each State in or through which applicants operate or propose to operate.

2. It is further ordered, that the order of August 7, 1943, relating to Form BMC 76 (§ 7.76) be, and it is hereby, vacated.

3. And it is further ordered, that this order shall become effective on the 19th day of June A. D. 1951.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 551, as amended, 552, as amended, 555, as amended; 49 U. S. C. 306, 309, 312)

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-6187; Filed, May 29, 1951, 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 953]

[Docket No. AO-144-A3]

HANDLING OF LEMONS GROWN IN CALIFORNIA AND ARIZONA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing proceeding to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Los Angeles, California, on May 15, 1951, pursuant to notice thereof published in the FEDERAL REGISTER (16 F. R. 4354), upon proposed amendments to Marketing Agreement No. 94, as amended, hereinafter referred to as the "marketing agreement," and Order No. 53, as amended (7 CFR Part 953), hereinafter referred to as the "order," regulating the handling of lemons grown in the States of California and Arizona.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) Whether the marketing agreement and order should be amended to provide that credit be given to each handler on the prorate base for lemons exported to foreign markets other than Canada during the estimated storage life of such fruit.

(2) Whether the facts presented on the record warrant the omission of a recommended decision and an opportunity to file exceptions thereto.

(3) Recodification of the marketing agreement and order in accordance with Federal Register rules and regulations.

Findings and conclusions. The findings and conclusions on the aforementioned material issues are based upon the evidence introduced at the hearing and the record thereof:

(a) The marketing agreement and order should be amended to provide that credit be given to each handler on the prorate base for lemons exported to countries other than Canada during the estimated storage life of such fruit.

Allotment issued to each handler under the marketing agreement and order is based (i) on the lemons such handler has picked and assembled, (ii) in the event he does not have facilities available, on the lemons which he could have picked and assembled if facilities were available, and (iii) on the lemons such handler has marketed in other than fresh fruit channels which could have been held in storage during the period for which the prorate base is fixed. The portion of a handler's prorate base calculated pursuant to (iii) is usually referred to as "advanced count."

Credit for "advance count" is given handlers marketing lemons for by-product purposes under the present provisions of the marketing agreement and order. Provisions are not made, however, for such "advance count" and credit on the prorate base for lemons exported to other than Canada. Provisions of the marketing agreement and order regulating the handling of lemons exported to Canadian markets are the same as those regulating the handling of lemons marketed in the United States. Such provisions should not be changed inasmuch as Canadian and United States markets have substantially the same characteristics.

Lemon production in the States of California and Arizona is in excess of that which can be marketed in fresh fruit channels at fair prices to growers. Production of lemons in these States during the 1950-51 season is estimated at 13 million boxes and it is anticipated that only about 8 million boxes of this supply can be marketed in fresh fruit channels in the United States and Canada at reasonable prices to growers. The remaining 5 million boxes must be sold in by-product channels or in export markets other than the Canadian market. The fresh lemon market in the United States and Canada is the premium market and returns to growers for lemons sold in the by-product market are much less than returns for lemons sold in the fresh fruit market. Some lemons which must be sold for by-product purposes under the surplus condition existing in the California-Arizona lemon industry do not even return the cost of handling and harvesting. Under such conditions, these lemons would be held in storage to the end of their storage life if provisions were not made for "advance count" credit.

The marketing agreement and order became effective April 10, 1941. Since that time exports to foreign markets other than Canada have been negligible. Conditions in Italy and Spain this season have not been favorable for the development of the lemon crops in those countries. As a result, the demand for lemons in Europe is good and opportunities exist for the exportation of a substantial quantity of United States lemons. However, costs involved in exporting United States lemons to European markets are substantial and net returns to growers from lemons sold in those countries would be only slightly above the low return to growers from lemons marketed in by-product channels. In view of this situation and because "advance count" credit is not given on lemons exported to Europe, handlers are now refusing to sell lemons to these markets.

Provisions for crediting handlers on the prorate base for the estimated storage life of lemons exported other than to Canada will provide an incentive for such export sales. This incentive will encourage the exportation of fruit which will aid in reducing the surplus supply of lemons which now exists in the United States, create new markets, enhance the returns to producers, foster orderly marketing and will tend to effectuate the declared policy of the act.

Very little difficulty should be experienced in administering the provisions for "advance count" credit on the prorate base for handlers who export lemons to other than Canadian markets. Such provisions are identical to those which have been in effect with respect to lemons marketed in by-product channels since the inception of the marketing agreement and order.

(b) The due and timely execution of the functions of the Secretary of Agriculture under the act imperatively and unavoidably requires the omission in this instance of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and exceptions thereto.

The hearing record establishes that the opportunity for marketing lemons in export markets, other than Canadian markets, will occur in the next 60 to 90 days, or during the summer months. Some handlers have already turned down orders for lemons to be exported to Europe due to the unfavorable position which would result to such handlers prorate base in the event of shipment. Testimony showing the need for these amendments was adduced at the hearing by marketing organizations which market practically the entire tonnage of lemons grown in the States of California and Arizona. Those organizations stressed the need of prompt and timely action in making the proposed amendments effective.

The condition of the lemon crops in Italy and Spain did not become known to the California-Arizona lemon industry until April 1951. There has been, therefore, no undue delay on the part of the industry in instituting proceedings on the proposed amendment to the marketing agreement and order.

In view of the imminence of the export marketing season and the short period available for marketing, it is imperative that the amendment to be made effective at the earliest date possible in order to accomplish the purposes of the amendment to alleviate the existing surplus, create new markets and enhance the returns to producers. The time which would necessarily be consumed in preparing and issuing a recommended decision, allowance of a reasonable period for the filing of exceptions thereto, and the consideration of any such exceptions preliminary to the issuance of a decision would unduly delay the effective date of the amendment and thereby defeat the purposes of such amendment.

(c) The format of the order should be revised by renumbering the sections, paragraphs, subparagraphs, and subdivisions thereof in accordance with the revised Federal Register regulations; and similar changes should be made in the marketing agreement in order to facilitate cross reference between the order and the marketing agreement. The recasting of the format is not intended, nor shall it be deemed to make any substantive change in the order other than the changes effectuated by the following amendments.

Rulings on proposed findings and conclusions. The period ending May 16, 1951, was set by the presiding officer at the hearing as the date by which briefs should be filed by interested parties with respect to facts presented in evidence at the hearing and the findings and conclusions which should be deduced therefrom. No brief or proposed finding or conclusion was submitted within the prescribed time.

General findings. (1) The marketing agreement as hereby proposed to be amended, and the order as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The marketing agreement as hereby proposed to be amended and the order as hereby proposed to be amended regulate the handling of lemons grown in the States of California and Arizona in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The marketing agreement as hereby proposed to be amended and the order as hereby proposed to be amended are limited in their application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such regional production area would not effectively carry out the declared policy of the act; and

(4) The marketing agreement as hereby proposed to be amended and the order as hereby proposed to be amended prescribe such different terms, applicable to different marketing areas, as are necessary to give due recognition to differences in the marketing of such lemons.

Effective January 1, 1950, the parity price for lemons grown in the production area is to be computed in accordance with the provisions of the Agricultural Act of 1948 and the Agricultural Act of 1949. On the basis of information now available, the seasonal average farm price for the 1950-51 crop of lemons grown in the production area is not expected to exceed the aforesaid effective parity price level.

Amendments to the marketing agreement and order. The following amendments to the marketing agreement and order have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions:

1. Delete paragraph (4) of section 4 (d) of the marketing agreement and subparagraph (4) of § 953.4 (d) of the order, and substitute therefor the following:

(4) In the event any handler has lemons which he desires to market in channels other than fresh-fruit channels in the United States and Canada, he may request the committee to compute the number of weeks that such lemons could be held in storage, under commercial storage conditions, and, at the expiration of such period, would meet the requirements for marketing under applicable laws. Any such lemons shall be in containers and shall be assembled at one or more of the central points which may be approved by the committee. If the said handler is satisfied with the committee's computation, he shall give the committee written notification thereof and shall dispose of such lemons in channels other than fresh-fruit channels in the United States and Canada. The committee shall include such lemons as a part of the available lemons of such handler for the number of weeks computed, and such lemons shall not be included thereafter in any computation made pursuant to subparagraph (3) of this paragraph.

Annexed hereto and made a part hereof are two documents entitled, respectively, "Agreement Amending the Marketing Agreement, as amended, Regulating the Handling of Lemons Grown in the States of California and Arizona,"[1] and "Order Amending the Order, as Amended, Regulating the Handling of Lemons Grown in the States of California and Arizona" which include the aforesaid amendments. The aforesaid amendments shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Determination of representative period. The period beginning November 1, 1949, and ending October 31, 1950, is hereby determined to be a representative period for ascertaining whether the issuance of the order amending the order, as amended, regulating the handling of lemons grown in the States of California and Arizona, is approved or favored by producers who, during such period, have been engaged in the production of lemons within such area.

It is hereby ordered, That all of this decision, except the attached agreement amending the marketing agreement as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the attached order which will be published with this decision.

Done at Washington, D. C., this 25th day of May 1951.

[SEAL] C. J. MCCORMICK, *Acting Secretary of Agriculture.*

Order[2] Amending the Order, as Amended, Regulating the Handling of Lemons Grown in California and Arizona

953.0 Findings and determinations.

DEFINITIONS

953.1 Secretary.
953.2 Act.
953.3 Person.
953.4 Lemons.
953.5 Grower and producer.
953.6 Handler.
953.7 Handle.
953.8 Carload.
953.9 Box.
953.10 Season and fiscal year.
953.11 Committee.
953.12 Available lemons.
953.13 Central marketing organization.

ADMINISTRATIVE BODY

953.20 Establishment and membership.
953.21 Term of office.
953.22 Nominations.

[1] Filed as part of the original document.

[2] This order shall not become effective unless and until the requirement of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Sec.
953.23 Selection.
953.24 Failure to nominate.
953.25 Acceptance.
953.26 Vacancies.
953.27 Alternate members.
953.28 Procedure.
953.29 Expenses and compensation.
953.30 Powers.
953.31 Duties.
953.32 Obligation.

EXPENSES AND ASSESSMENTS

953.40 Expenses.
953.41 Assessments.
953.42 Accounting.
953.43 Funds.

REGULATION

953.50 Marketing policy.
953.51 Recommendations for regulation.
953.52 Issuance of regulations.
953.53 Prorate bases.
953.56 Allotments.
953.57 Overshipments.
953.58 Undershipments.
953.59 Allotment loans.
953.60 Transfer of allotments.
953.61 Priority of allotments.
953.62 Information to central marketing organizations.
953.63 Assignment of allotments.
953.64 Districts.

REPORTS

953.70 Weekly report.
953.71 Other reports.

MISCELLANEOUS PROVISIONS

953.80 Lemons not subject to regulation.
953.81 Compliance.
953.82 Right of the Secretary.
953.83 Effective time.
953.84 Termination.
953.85 Proceedings after termination.
953.86 Effect of termination or amendment.
953.87 Duration of immunities.
953.88 Agents.
953.89 Derogation.
953.90 Personal liability.
953.91 Separability.
953.92 Amendments.

AUTHORITY: §§ 953.0 to 953.92 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c.

§ 953.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and the findings and determinations made in connection with the issuance of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Los Angeles, California, on May 15, 1951, upon proposed amendments to the marketing agreement, as amended, and to Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the States of California and Arizona. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of lemons grown in the States of California and Arizona in the same manner as, is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, prescribes so far as practicable, such different terms, applicable to different production areas, as are necessary to give due recognition to the differences in production and marketing of lemons grown in the States of California and Arizona; and

(4) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of such regional production area would not effectively carry out the declared policy of the act.

It is therefore ordered, That, on and after the effective date hereof, the handling of lemons grown in the States of California and Arizona shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid amended order as hereby amended as follows:

DEFINITIONS

§ 953.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States of America.

§ 953.2 *Act.* "Act" means Public Act No. 10, 73d Congress (48 Stat. 31), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), as amended.

§ 953.3 *Person.* "Person" means an individual, partnership, corporation, association, legal representative, or any organized group of individuals.

§ 953.4 *Lemons.* "Lemons" means all varieties of lemons grown in the State of California or in the State of Arizona.

§ 953.5 *Grower and producer.* "Grower" and "producer" are synonymous and mean any person who produces lemons for market.

§ 953.6 *Handler.* "Handler" means any person (except a common carrier of lemons owned by another person), who handles lemons in fresh form.

§ 953.7 *Handle.* "Handle" means to transport, ship, sell, or in any other way to place lemons in the current of interstate commerce or commerce with Canada, or so as directly to burden, obstruct, or affect such interstate commerce or such commerce with Canada.

§ 953.8 *Carload.* "Carload" means a quantity of lemons equivalent to 406 packed boxes of lemons.

§ 953.9 *Box.* "Box" means a standard lemon box which has inside dimensions of 10 inches in depth, 13 inches in width, and 23⅝ inches in length.

§ 953.10 *Season and fiscal year.* "Season" and "fiscal year" are synonymous and mean the twelve-month period beginning on November 1 of each year and ending October 31 of the following year.

§ 953.11 *Committee.* "Committee" means the Lemon Administrative Committee established pursuant to § 953.20.

§ 953.12 *Available lemons.* "Available lemons" means all lemons available for current shipment, as determined pursuant to § 953.53.

§ 953.13 *Central marketing organization.* "Central marketing organization" means any organization which markets the lemons for more than one handler pursuant to a written contract between such organization and each such handler.

ADMINISTRATIVE BODY

§ 953.20 *Establishment and membership.* A Lemon Administrative Committee, consisting of six members, is hereby established. For each member of the committee there shall be an alternate member who shall have the same qualifications as the member.

§ 953.21 *Term of office.* The initial members and alternate members shall hold office for a term beginning on the date designated by the Secretary and ending October 31, 1942, or until their successors are selected and have qualified. Thereafter, the term of office of members and alternate members shall begin on the first day of November and continue for two years or until their successors are selected and have qualified. The Secretary may, by order issued not later than September 1 of any year, direct that the term of office of the members and alternate members then serving shall expire on October 31 following the date of such order, or as soon thereafter as their respective successors are selected and have qualified.

§ 953.22 *Nominations.* (a) Any cooperative marketing organization, or the growers affiliated therewith, as may be provided pursuant to paragraph (c) of this section, which marketed more than sixty percent of the total volume of lemons marketed in fresh form during the fiscal year which ends on the date nearest to the date on which nominations for members and alternate members of the committee are to be submitted, shall nominate not less than six growers for three members and six growers for three alternate members of the committee.

(b) All cooperative marketing organizations which are not qualified under paragraph (a) of this section, or the growers affiliated therewith, as may be provided pursuant to paragraph (c) of this section, shall nominate not less than two growers for a member and two growers for an alternate member of the committee.

(c) All lemon growers who are not included under paragraph (a) or (b) of this section shall nominate not less than two growers for a member and two growers for an alternate member of the committee.

(d) When voting for nominees, each grower shall be entitled to cast one vote, which vote shall be cast on behalf of himself, his agents, subsidiaries, affiliates, and representatives.

(e) The time, method, and manner of nominating members and alternate members of the committee shall be prescribed by the Secretary.

(f) Nominations for the initial members and alternate members of the committee may be made prior to, and, in any event, shall be submitted to the Secretary not later than fifteen days after the effective date of this subpart. Nominations for successors to the initial members and alternate members of the committee shall be submitted to the Secretary not later than fifteen days preceding the date of expiration of the terms of the members and alternate members.

(g) The five members of the committee selected by the Secretary pursuant to paragraph (a) of § 953.23, shall meet upon a date designated by the Secretary and, by a concurring vote of at least four members, shall nominate two persons for a member and two persons for an alternate member of the committee, which persons shall not be growers or handlers, or employees or agents of a grower or a handler, or in any other way associated directly with the lemon industry.

§ 953.23 *Selection.* (a) From the nominations submitted pursuant to paragraph (a) of § 953.22, the Secretary shall select three members and three alternate members of the committee. From the nominations submitted pursuant to paragraphs (b) and (c) of § 953.22, the Secretary shall select one member and one alternate member of the committee from each of the groups of nominations.

(b) From the nominations made pursuant to paragraph (g) of § 953.22, the Secretary shall select one member and one alternate member of the committee.

§ 953.24 *Failure to nominate.* In the event nominations are not made pursuant to, and within the time specified in, § 953.22, the Secretary may select the members and alternate members of the committee, without regard to nominations, which selection shall be made on the basis of the representation provided for in § 953.23.

§ 953.25 *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 953.26 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate member, a successor for his unexpired term shall be selected by the Secretary from nominations made in the manner specified in § 953.22. If the names of nominees to fill any such vacancy are not made available to the Secretary within fifteen days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in § 953.23.

§ 953.27 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member from whom he is an alternate, during such member's absence, unless such member has designated another alternate member, who has been nominated by the same group which nominated the member; in which event, the alternate member so designated shall serve in the absence of the member who designated him. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 953.28 *Procedure.* (a) A majority of the committee shall constitute a quorum, and any action of the committee shall require four concurring votes.

(b) The committee may provide for voting by telegraph, telephone, or other means of communication; and any such vote so cast shall be confirmed promptly in writing.

§ 953.29 *Expenses and compensation.* The members of the committee, and their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under § 953.30, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $5.00 for each day, or portion thereof, spent in attending meetings of the committee.

§ 953.30 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 953.31 *Duties.* It shall be the duty of the committee:

(a) To act as intermediary between the Secretary and any grower or handler;

(b) To keep minutes, books, and records which will clearly reflect all of the acts and transactions of the committee, including all transactions and operations pursuant to §§ 953.50 through 953.62. Such minutes, books, and records shall be subject to examination at any time by the Secretary;

(c) To investigate the growing, shipping, and marketing conditions with respect to lemons, and to assemble data in connection therewith;

(d) To furnish to the Secretary such available information as he may request;

(e) To select a chairman and such other officers as may be necessary, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(f) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(g) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other times as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this subpart, and a copy of each such report shall be furnished to the Secretary;

(h) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the salaries and define the duties of such persons;

(i) Subject to the continuing right of the Secretary to take such other action as may be necessary, to appear in and defend any legal proceeding against the committee, its members, or alternate members (whether any such proceeding is against them as individuals or as members or alternate members of the committee), or any officers or employees of such committee, arising out of the exercise of their powers or the performance of their duties pursuant to the provisions of this subpart; and the action of the committee in connection with any such defense shall be binding upon all the members and alternate members of the committee; and

(j) To perform such duties as may be assigned to it by the Secretary in connection with the administration of section 32 of the act to amend the Agricultural Adjustment Act, and for other purposes, Public Act No. 320, 74th Congress (approved August 24, 1935 (49 Stat. 774), as amended.

§ 953.32 *Obligation.* Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records, in his possession, to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant to this subpart.

EXPENSES AND ASSESSMENTS

§ 953.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out the functions of the committee pursuant to the provisions of this subpart during each fiscal year. The funds to cover such expenses shall be acquired by levying assessments as provided in § 953.41.

§ 953.41 *Assessments.* (a) Each handler who first handles lemons shall, with respect to the lemons so handled by him,

pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be necessarily incurred by the committee for its maintenance and functioning during each fiscal year. Such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of lemons handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of lemons handled by all handlers as the first handlers thereof, during the same fiscal year. The Secretary shall fix the rate of assessment to be paid by such handlers.

(b) At any time during or after a fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Such increase shall be applicable to all lemons handled during the given fiscal year. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

§ 953.42 *Accounting.* (a) If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year. If any handler ceases to handle lemons he may demand payment of such refund, in which case such sum shall be paid to him.

(b) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

§ 953.43 *Funds.* All funds received by the committee pursuant to any provisions of this subpart shall be used solely for the purposes specified in this subpart and shall be accounted for in the manner provided in this subpart. The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

REGULATION

§ 953.50 *Marketing policy.* At the beginning of each fiscal year, the committee shall prepare and submit to the Secretary a report setting forth its proposed policy for the marketing of lemons during such fiscal year. In the event it becomes advisable to deviate from such marketing policy, because of changed demand and supply conditions, the committee shall formulate a new marketing policy and shall submit a report thereon to the Secretary. The committee shall notify handlers of the contents of such reports.

§ 953.51 *Recommendations for regulation.* (a) It shall be the duty of the committee to investigate the supply and demand conditions for lemons. Whenever the committee finds that such conditions make it advisable to regulate, pursuant to § 953.52, the handling of lemons during any week of the fiscal year, it shall recommend to the Secretary the quantity of lemons which it deems advisable to be handled during such week in each district defined in § 953.64. Thereafter, the committee shall promptly report such findings and recommendations, together with supporting information, to the Secretary.

(b) In making such recommendations, the committee shall give due consideration to the following factors: (1) Quantity of lemons in storage; (2) lemons on hand in, and en route to, the principal markets; (3) trend in consumer income; (4) present and predicted weather conditions; (5) present and prospective prices of lemons; and (6) other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to § 953.52, has fixed the quantity of lemons which may be handled during such week, the committee may, if it deems such action advisable because of unusual or unforeseen changes in the demand for lemons, recommended to the Secretary that such quantity be increased for such week. Any such recommendation, together with supporting information, shall be submitted promptly to the Secretary.

§ 953.52 *Issuance of regulations.* Whenever the Secretary shall find, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of lemons which may be handled during a specified week in each district, as aforesaid, will tend to effectuate the declared policy of the act, he shall fix such a quantity of lemons which may be handled during such week in each such district, which quantity may, at any time during such week, be increased by the Secretary. The committee shall be informed immediately of any such regulation issued by the Secretary and shall promptly give adequate notice thereof to handlers.

§ 953.53 *Prorate bases.* (a) As used in this section, "handler" means the person who is, or proposes to be, the person who handles lemons as the first handler thereof; and each such handler shall submit to the committee, at such time as may be designated by it, a written application for a prorate base and for allotments, as provided in this subpart.

(b) Whenever the committee proposes to make recommendations for regulation, pursuant to § 953.51, it shall, with respect to each handler who has filed an application for a prorate base, compute the quantity of available lemons which, as of 12.01 a. m., on the Sunday nearest the date on which such computation is made, meets the requirements of marketing under applicable laws. Such computation shall be made every two weeks, beginning with a date in each fiscal year to be fixed by the committee, and continuing so long as such recommendations are proposed. In computing each handler's available lemons, the committee shall consider only such lemons as the handler owns or has contracted to buy, or has authority to market under a written contract.

(c) In computing the quantity of lemons which, for the applicable two-week period, each handler has available for current shipment, the committee shall compute the quantity of lemons which each handler has picked from the trees and has assembled at an established shipping point within the area of production.

(d) In the event any handler has lemons which he desires to market in channels other than fresh-fruit channels in the United States and Canada, he may request the committee to compute the number of weeks that such lemons could be held in storage, under commercial storage conditions, and, at the expiration of such period, would meet the requirements for marketing under applicable laws. Any such lemons shall be in containers and shall be assembled at one or more of the central points which may be approved by the committee. If the said handler is satisfied with the committee's computation, he shall give the committee written notification thereof and shall dispose of such lemons in channels other than fresh-fruit channels in the United States and Canada. The committee shall include such lemons as a part of the available lemons of such handler for the number of weeks computed, and such lemons shall not be included thereafter in any computation made pursuant to paragraph (c) of this section.

(e) Any handler who submits evidence satisfactory to the committee that such handler has lemons available for current shipment during the applicable two-week period, but, because of unavailable facilities, the quantity of such lemons cannot be computed satisfactorily, pursuant to paragraph (c) of this section, the committee shall compute, pursuant to uniform rules adopted by the committee and approved by the Secretary, the quantity of lemons which each such handler has available for current shipment during such period.

(f) The quantity of each handler's available lemons, as computed pursuant to this section, shall be reported by the committee to the Secretary and shall constitute the recommendation of the committee as the quantity of lemons to be used by the Secretary in determining the prorate base for each such handler: *Provided*, That such quantity may be adjusted by (1) the deduction of any undershipments, as provided for in § 953.58, or (2) the addition of any overshipments, as provided for in § 953.57, in the event any such handler makes an undershipment or an overshipment during the week preceding that in which such quantity was computed. Such report shall be made on the basis of the total quantity of each handler's available lemons in each of the aforesaid districts.

(g) Upon the basis of the recommendations and reports submitted by the committee, or other available information, the Secretary shall fix a prorate base for each handler who has made application therefor to the committee. Such prorate base shall represent the ratio between the quantity of each such handler's available lemons in a district, as aforesaid, and the quantity of all such handlers' available lemons in the same district, and shall be applicable for the two-weeks period immediately following the week in which it is fixed by the Secretary.

(h) During any two-week period in which a prorate base is effective for a handler, the committee may recommend to the Secretary that the prorate base of such handler be modified. In any such case, the committee shall submit a report to the Secretary showing the reasons therefor. Upon the basis of such recommendation and report, or other available information, the Secretary may modify the prorate base of any handler.

(i) The Secretary shall notify the committee of the prorate base fixed for each handler, and of any modifications thereof, and the committee shall give adequate notice to each handler of the prorate base fixed for him, or of any modification thereof.

(j) Any handler who has reason to believe that the computation made by the committee with respect to the quantity of such handler's available lemons is not accurate, may appeal to the Secretary for a recomputation thereof. Any such appeal shall be supported by evidence which shall show the inaccuracy of the committee's computation. Whenever a handler takes such an appeal to the Secretary, the handler shall, at the same time, notify the committee of such appeal and submit to the committee a copy of the evidence in support thereof. Upon receipt thereof, the committee shall immediately submit a report to the Secretary, setting forth the manner in which the quantity of the handler's available lemons was computed, and other data pertinent to a determination on the appeal.

§ 953.56 *Allotments.* Whenever the Secretary has fixed the quantity of lemons which may be handled during any week in a district, as aforesaid, and has fixed the handlers' prorate bases, the committee shall calculate the quantity of lemons which may be handled by each such handler during such week. The said quantity shall be the allotment of each such handler and shall be in an amount equal to the product of the handler's prorate base and the quantity of lemons fixed by the Secretary as the quantity which may be handled during such week in such district. The committee shall give adequate notice to each handler of the allotment computed for him pursuant to this section.

§ 953.57 *Overshipments.* During any week for which the Secretary has fixed the quantity of lemons which may be handled, any handler (when not required to reduce the quantity of lemons which he may handle, as provided in this section) may handle, in addition to his allotment, an amount of lemons equivalent to ten percent of said allotment, or one carload, whichever is greater. The quantity of lemons handled in excess of a handler's allotment (but not exceeding the quantity permitted to be handled, as provided in this section) shall be deducted from his allotment for the next week in which the handling of lemons is regulated under this subpart. If such allotment is in an amount less than such excess quantity of lemons permitted to be handled by a handler, such quantity handled in excess of his allotment shall be deducted from succeeding weekly allotments until such excess has been entirely offset.

§ 953.58 *Undershipments.* If a handler during any week handles a quantity of lemons less than his allotment for that week, such handler may, in addition to his allotment for the next succeeding week, handle only during such next succeeding week, a quantity of lemons equivalent to such undershipment.

§ 953.59 *Allotment loans.* (a) A handler for whom a prorate base has been established may lend allotments to other handlers: *Provided*, That such loans are confined to the same district, as defined in § 953.64, and evidenced by a bona fide written agreement, filed with the committee within 48 hours after the agreement has been entered into, under the terms of which such allotments are to be repaid during the current season.

(b) Allotments shall be loaned only during the week in which such allotments are issued and can be used by the borrower only during the week in which the loan is secured. Handlers securing repayment of allotment loans shall use such allotments only during the week in which the repayment is made.

(c) The committee may act as agent for handlers in arranging loans of allotments. In each such case, the committee shall confirm all such transactions by memoranda, addressed to the parties thereto, immediately after the completion thereof; and the signing and return of such memoranda by each such handler shall satisfy the requirements of paragraph (a) of this section with respect to bona fide agreements evidencing such loans.

(d) No allotment which has been loaned may again be loaned by the borrower, or by the lender after repayment thereof.

§ 953.60 *Transfer of allotments.* Allotments shall not be transferred except upon the transfer of a quantity of lemons equal to the allotment which has been transferred.

§ 953.61 *Priority of allotments.* During any week in which a handler receives an allotment, and has the right to handle a quantity of lemons in addition to the quantity represented by his allotment, by reason of (a) an undershipment of lemons pursuant to § 953.58; or (b) a transferred allotment, pursuant to § 953.60; or (c) the repayment of a loaned allotment, pursuant to § 953.59; or (d) an assignment of an allotment, pursuant to § 953.63; or (e) a borrowed allotment, pursuant to § 953.59, and such handler handles a quantity of lemons which is less than the total quantity of lemons which such handler may handle during such week, the amount of lemons handled shall first apply to such handler's current weekly allotment (or to that portion thereof which is not used pursuant to §§ 953.57, 953.59, 953.60, or 953.63), and the remainder, if any, shall be applied in the following order: first, to any undershipment of lemons, pursuant to § 953.58; second, to any allotment repaid to him, pursuant to § 953.59; third, to any allotment transferred to him, pursuant to § 953.60; fourth, to any allotment assigned to him, pursuant to § 953.63; and fifth, to any allotment borrowed, pursuant to § 953.59.

§ 953.62 *Information to central marketing organizations.* (a) In order further to facilitate arranging allotment transactions pursuant to this subpart, the committee shall give any central marketing organization upon its request, the same notice with respect to prorate bases and allotments, applicable to each handler for whom it markets lemons, as is given to such handlers.

(b) Any central marketing organization which, pursuant to paragraph (a) of this section, receives information from the committee regarding prorate bases and allotments, applicable to handlers for whom it markets lemons, and which arranges allotment transactions for or on behalf of any of such handlers, shall keep records which will accurately reflect all such allotment transactions and such records shall be subject to examination by the committee and the Secretary. Any such central marketing organization shall make such reports and furnish such other information with respect thereto as may be required by the committee. If the Secretary finds that any such central marketing organization has failed to keep such records, or has assisted in effecting allotment transactions contrary to the provisions of this subpart, the provisions of paragraph (a) of this section shall not be applicable to such central marketing organization during such period as may be determined by the Secretary.

§ 953.63 *Assignment of allotments.* Any person who acquires lemons to be handled by him, and who does not have a prorate base on such lemons, may handle such lemons pursuant to an assignment of an allotment from the handler from whom such lemons were acquired and to whom the allotment had been issued, which assigned allotment shall be equal to the quantity of lemons acquired by such person.

Any such assignment shall be evidenced by a certificate which shall be in such form, and issued in such manner, as shall be prescribed by the committee.

§ 953.64 *Districts.* (a) "District 1" shall include that part of the State of California which is north of a line drawn due east and west through the Tehachapi mountains.

(b) "District 2" shall include that part of the State of California which is south of a line drawn due east and west through the Tehachapi mountains, but shall exclude Imperial County, California, and that part of Riverside County, California, situated south and east of the San Gorgonio Pass.

(c) "District 3" shall include the State of Arizona and that part of the State of California not included in District 1 and District 2.

REPORTS

§ 953.70 *Weekly report.* On or before such day of each week as may be designated by the committee, each handler shall report to the committee, on forms prepared by it, the following information

with respect to lemons marketed by such handler during the immediately preceding week: (a) Quantity handled; (b) quantity shipped for distribution to persons on relief, including quantity donated for charitable purposes; (c) quantity sold or transported for consumption in fresh form in California or Arizona; (d) quantity sold or otherwise disposed of for canning or for manufacture into by-products; and (e) quantity disposed of otherwise.

§ 953.71 *Other reports.* Upon request of the committee made with the approval of the Secretary every handler shall furnish to the committee, in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for in paragraph (a) of this section), such other information as will enable the committee to perform its duties and to exercise its powers under this subpart.

MISCELLANEOUS PROVISIONS

§ 953.80 *Lemons not subject to regulation.* Nothing contained in this subpart shall be construed to authorize any limitation of the right of any person to handle lemons (a) for consumption by charitable institutions or distribution by relief agencies; (b) for conversion into by-products; or (c) for export to foreign countries other than Canada; nor shall any assessment be levied on lemons so handled. The committee may prescribe adequate safeguards to prevent lemons handled for the purposes designated under paragraphs (a) and (b) of this section from entering commercial fresh fruit channels of trade contrary to the provisions of this subpart. The term "by-product" as used in this section includes all processed and manufactured products of lemons, including canned or bottled lemon juice.

§ 953.81 *Compliance.* Except as provided in this subpart, no handler shall handle lemons, during any week in which a regulation issued by the Secretary, pursuant to § 953.52, is in effect, unless such handler has an allotment, or an assignment of an allotment, covering such lemons, issued pursuant to this subpart, or unless such handler is otherwise permitted to handle such lemons, under the provisions of this subpart; and no handler shall handle lemons except in conformity to the provisions of this subpart.

§ 953.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary. In the event the committee, for any reason, fails to perform its duties or exercise its powers under this subpart, the Secretary may designate another agency to perform such duties and to exercise such powers.

§ 953.83 *Effective time.* The provisions of this subpart shall become effective April 10, 1941, and shall continue in force until terminated in one of the ways specified in § 953.84.

§ 953.84 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of lemons: *Provided*, That such majority has, during such year, produced for market more than fifty percent of the volume of such lemons produced for market; but such termination shall be effected only if announced on or before October 31 of the then current fiscal year.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 953.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds property and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 953.86 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 953.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 953.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 953.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 953.90 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 953.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 953.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

[F. R. Doc. 51-6297; Filed, May 29, 1951, 8:57 a. m.]

[7 CFR, Part 967]

HANDLING OF MILK IN SOUTH BEND-LA PORTE, INDIANA, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, 900.1 et seq.),

notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 5th day after its publication in the FEDERAL REGISTER.

A public hearing was called by the Production and Marketing Administration, United States Department of Agriculture, following a request of the Pure Milk Association, and was held February 15–16, 1951. Proposed amendments to the order were submitted by the Pure Milk Association, the La Porte County Milk Producers Association, Inc., the Reliable Dairy Company, Inc., et al., and the Dairy Branch, Production and Marketing Administration.

The major issues presented on the record of the hearing and covered by this decision were whether the order should be amended to provide for:

(1) Revision of the levels of price differentials for skim milk and butterfat in Class I milk and Class II milk and of the method of computing the separate prices of skim milk and butterfat in each class;

(2) Revision of the Class II milk definition to include butter cream, filled cream, yogurt, cottage cheese and shrinkage of butterfat in producer milk over 2 percent, and redesignation of classes;

(3) Modification of the provisions relating to exempt milk;

(4) Semi-monthly payments to producers;

(5) Expansion of the marketing area;

(6) Certain changes of an administrative character.

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

(1) The class price differentials should be revised to the extent necessary to maintain alignment between the prices under the South Bend-La Porte order for milk utilized as fluid milk and fluid cream and the prices of milk for such uses under the order regulating the handling of milk in the Chicago, Illinois, marketing area.

A producers' association proposed that the Class I price differential be increased as follows: For September, October, November and December, $0.40 and for January, February, March, July and August, $0.20. The Class II price differential would be increased in the September-December period by $0.20 and by $0.10 in the other specified months. The differentials effective for the remainder of the year would be left unchanged. The Class I price differential would be made to apply only to skim milk used in such class whereas the Class II price differential would be made to apply only to butterfat in Class II milk. In support of their proposal for increased prices producers pointed to the relatively short milk supply, the low level of milk prices in relation to prices of other agricultural commodities, such as beef animals and hogs, increasing costs of feeds and farm machinery, the tighter labor market resulting from high industrial activity, high wage rates for urban labor, and the need for manpower by the armed services. It was contended that such increases are necessary to keep present producers on the market, to attract new producers, to encourage greater fall milk production as compared with other seasons and to insure an adequate total milk supply.

The relationship between prices for milk as compared with other agricultural commodities, the current prices of commodities farmers buy, and the short supply of farm labor are not problems confined to this market or to any other fluid milk market alone, but rather are problems confronting the dairy industry as a whole. They indicate the propriety of a readjustment in the general level of dairy prices. In the past few months such a readjustment has been taking place. Official notice is taken of the recently announced increases in support prices for dairy products designed to encourage additional milk production nationally. Official notice is taken also of recent advances in the prices of manufacturing milk and milk product prices which determine the level of Class I and Class II prices under the order. These price changes had been experienced only in part at the time of the hearing.

The record indicates close similarity of production conditions between the South Bend-La Porte milkshed and the inner zone of the Chicago supply area. Farms of producers supplying milk to the Chicago and South Bend-La Porte marketing areas are intermingled in the area between the two markets. At least one handler under the Chicago order operates distribution routes in the South Bend-La Porte marketing area in competition with South Bend-La Porte handlers. A South Bend handler currently receives his total supply of milk in bottled form from a plant regulated by the Suburban Chicago order. It was testified that as much as 15–20 percent of the bottled milk distributed in the marketing area originates at plants under the Chicago or Suburban Chicago orders. It appears that Grade A milk priced under the latter orders is readily available to the South Bend-La Porte marketing area. In recognition of the exceedingly close competitive relationship among the three market areas as to both the purchase of milk from producers and the distribution of milk by handlers, it was concluded in March 1950 that the basic price formula under the South Bend-La Porte order should be revised to correspond with a change made about that time in the basic formula price provisions of the other two orders. The result has been to maintain a close relationship of prices for milk disposed of in fluid form as milk and cream in the three markets. Over the past three-year period, for which the record contains data, the annual average Class I prices under the South Bend-La Porte order on a 3.5 percent butterfat basis have varied only slightly from the Chicago Class I prices for the 70-mile zone. In 1950, such annual averages for the two markets were the same; in 1949 they varied by 1.5 cents per hundredweight; and in 1948 they were about 4 cents per hundredweight apart.

It is concluded in view of these circumstances that the Class I price differential should be set so as to keep the Class I prices (for Class I milk as revised) in close relationship with the prices of milk disposed of for fluid milk consumption under the Chicago order. It has been recommended that a "supply-demand" adjustment provision be included in the Chicago order to vary the Class I price differential automatically as changes occur in the relationship between producer receipts and Class I and Class II sales. In view of the showing of a high degree of similarity in conditions affecting the production of milk for fluid use in the two market areas, any adjustment in the Class I price differential under such provision of the Chicago order would be equally appropriate at this time in connection with the Class I price differential under the South Bend-La Porte order and should be made.

As further means to maintain a proper price relationship between the markets the fall price differential should be made to apply under the South Bend-La Porte order from July through November rather than to the September-December period and the Class I price differential should be increased 10 cents per hundredweight. Although there is a slight variation between the two markets in the seasonal patterns of production in relation to the need for milk supplies, it is deemed more important in light of the small differences in seasonal production patterns, to bring about a close alignment of price levels than to vary the seasonal price periods.

Producers proposed further that an additional 4 cents per hundredweight be paid on all producer milk received at plants serving the South Bend-La Porte marketing area. It was stated that such added rate of payment over and above the present class prices would be equivalent to a payment proposed for plants located in the Chicago marketing area and regulated by the Chicago order and is necessary "in order that the market still remain in a competitive situation price-wise." In connection with the decision issued April 27 on amendments to the Chicago order such a payment above the class prices for the 55–70 mile zone is adopted for plants within the revised Chicago marketing area. Official notice is taken of such decision. In consideration of such payment at plants within the Chicago marketing area which increases class prices at such plants above the 55–70 mile zone (under the proposed revision of the Chicago order this would be

comparable with prices at the perimeter of the 70-mile zone under the present Chicago order) level and of the fact that the method of determining the amount of milk in each class used in the South Bend-La Porte order results in a return for milk somewhat less than the method employed in the Chicago order at the same class price levels, it is concluded that a 10 cent per hundredweight increase in the Class I price differential is warranted to provide a reasonable return to South Bend-La Porte producers in relation to returns received by Chicago producers.

A revision of the method of computing the prices of skim milk and butterfat in the various classes was proposed also by producers. Under the amendment offered the total amount of the Class I price differential (over the basic formula price) would be made applicable to skim milk in Class I while the Class II price differential would be made applicable to the butterfat in Class II. The Class I price of butterfat would be equal to the Class IV butterfat price and the Class II price of skim milk would be equal to the price of skim milk in Class IV. The contention was that skim milk in Class I milk (as now defined) is more important from a volume standpoint than butterfat and therefore should carry the full weight of the amount by which the Class I price exceeds the manufacturing price level. In the case of Class II milk, it was stated that the opposite situation occurs, i. e., butterfat is the more important from a volume standpoint, and should provide the full return to producers for Class II milk utilization (as now defined) above a manufacturing price. It was stated further that the 30–70 percentage relationship of skim milk and butterfat prices to the price of milk (3.5 percent butterfat content basis) in the various classes, respectively, does not provide realistic prices for skim milk and butterfat in such classes under current conditions.

Review of the mechanics of computing the class prices of skim milk and butterfat indicates that revision of the method of deriving such separate prices for skim milk and butterfat from the hundredweight price of 3.5 percent milk would be appropriate at this time. In this connection it is concluded that the Class I price differential per hundredweight of 3.5 percent milk should be reflected partly in the price for skim milk in Class I and partly in the price for Class I butterfat. It appears appropriate to align closely the level of the price for butterfat under the revised definition of Class I milk with the price of Class II milk under the Chicago order since cream from plants under the latter order is readily available for use in fluid form in the South Bend-La Porte marketing area. This relationship has been taken into account in connection with the method adopted for computing the prices for butterfat in Class I milk. In view of the necessity for inspected milk supplies to meet all Class I milk needs, it is concluded that butterfat in milk disposed of as fluid milk and other Class I milk products should not be priced at a lower level than butterfat in fluid cream. Thus, the price of butterfat computed in the above manner will be applicable to butterfat in all Class I milk uses.

The prior method of computing the Class II prices of skim milk and butterfat is replaced by one which will base the Class II butterfat price directly on the producer butterfat differential and will derive the Class II skim milk price by subtracting such price for Class II butterfat from the prevailing average price to dairy farmers at specified manufacturing plants in the milkshed. Thus, the Class II price per hundredweight of milk will be in line with local prices for manufacturing milk. A "floor" is provided also in order to prevent the new Class II price from decreasing below what was formerly the Class IV price. In the present order such a floor is provided under the Class IV price.

A revision of the basic price formula which employs the market prices of butter and nonfat dry milk solids has been made to provide for the use of the prices of spray process nonfat dry milk solids in lieu of the average of prices of nonfat dry milk solids by both spray process and roller process. This change is made to keep the formula in line with the butter-nonfat dry milk solids formula in the Chicago order as revised in the decision of April 27 referred to above. The level of the price to result from such formula will not be affected appreciably by this change under present conditions.

(2) Butter cream, filled cream, yogurt, cottage cheese and shrinkage of butterfat in producer milk over 2 percent should not be reclassified as proposed by producers; however, a redesignation of classes should be made.

It was proposed by producers that the Class II milk definition (as currently in effect) should be expanded to include butter cream, filled cream, eggnog, cottage cheese, yogurt, shrinkage of butterfat in producer milk in excess of 2 percent. Proponents advocated this revision partly in view of their proposed revision of the method for computing skim milk and butterfat prices as described above and in part because inspected milk is utilized generally in the production of such products by handlers.

Under another proposal submitted for hearing Class I and Class II milk as now defined would be combined into a single class.

It is concluded that Class I milk and Class II milk as defined in the present order should be combined into one class, to be called Class I milk. Milk and milk products included in both such classes are required under inspection requirements in the marketing area to be made from approved milk. The prices of such classes have been identical for a considerable period of time and it appears that the order may be simplified by such action. On the other hand, the products named above proposed for inclusion in the present definition of Class II milk are not required to be made of inspected milk. When such products are made from inspected milk they must meet competition within the marketing area from similar products derived from manufacturing milk. For this reason they should not be grouped with the products now covered by Class II milk.

The record discloses also that handlers regulated by the order do not produce in substantial amounts any of the products, such as butter, cheddar cheese, nonfat dry milk solids, etc., covered by the present Class IV milk definition. When handlers have surpluses of milk to dispose of such surpluses are transferred or diverted to nearby manufacturing plants engaged primarily in the processing of evaporated milk or other products covered by the present definition of Class III milk. It is concluded therefore that Classes III and IV should be combined and that the resulting class of milk (to be termed Class II milk) should be priced in line with prices for manufacturing milk prices locally, as previously indicated.

The allocation provisions should be revised to permit the deduction of milk and milk products covered by the Class I milk definition from total Class I milk utilization when received by a handler in consumer packages from a plant where milk is priced under the class price provisions of another Federal marketing agreement or order and then disposed of without repackaging. This will remove the necessity of allocating such type of other source milk in series beginning with Class II milk and will enable handlers to distribute such products on a price basis equivalent to handlers under the Chicago order who distribute in the South Bend-La Porte marketing area.

(3) The provisions relating to exempt milk should not be revised.

Certain modifications of the provisions relating to exempt milk were proposed. The problems raised in this connection appeared to be concerned, however, with the allocation provisions rather than with the provisions for exempt milk. In view of the revision made in the allocation provisions it is concluded that the exempt milk provisions should not be changed.

(4) Producers should receive a partial payment on or before the 4th day of each month with respect to milk delivered during the preceding month.

It was proposed by a producers' association that producers should receive payment on or before the 4th day of each month for 50 percent of the value of milk delivered during the preceding month, based on the most recent announced uniform price. The balance owing producers for the preceding month would be paid in full on the 18th day of the current month.

In support of the proposal it was testified at the hearing that of the twenty-one handlers in the market approximately fifteen have adopted the practice of making partial payments to all of their producers in advance of the final date for payment as a routine procedure, while three handlers are making such partial payments to some producers. It was contended that since the majority of producers in the market are receiving partial payments, dissatisfaction is present among producers who are not so paid; also that many milk manufacturing plants in the milkshed pay their producers either twice monthly or on a cash delivery basis. It was stated that in order to meet out-of-pocket expenses (in the case of farm labor the custom in the area is to pay wages on a weekly basis) producers necessarily must limit the length of time they deliver milk without reimbursement.

Handlers in opposition to the proposed semi-monthly payments to producers contended that it would increase costs and interfere with their schedule for compiling milk utilization reports which are due on the 9th day of each month. They testified also that it would be difficult to pay producers more promptly than the order currently requires since much of their business is conducted on a credit basis.

In view of the testimony presented it is concluded that provisions requiring semi-monthly payments by all handlers should be incorporated in the order. Since the partial payments would be based on the last announced uniform price, handlers could compute the amount of such payments based on deliveries of producers during the first half of the month at any time after the 16th day of each month. The fact that handlers may extend credit to their customers does not provide an adequate basis for withholding moneys due producers for more than a 15-day period.

(5) The marketing area should not be enlarged.

It was proposed by several South Bend handlers prior to the hearing that the marketing area be expanded to cover, in addition to the municipalities now under regulation, most of St. Joseph County, Indiana, and certain townships in Berrien and Cass counties, Michigan. During the hearing this proposal was revised to limit the suggested expansion to those townships within St. Joseph County other than Olive, Liberty and Lincoln. Under the proposal only milk qualified for labeling as "Grade A milk" and milk of the quality equivalent of Grade A milk would be subject to pricing and payment as required by the order.

Proponents alleged that they cannot compete on an equal basis for the wholesale and retail trade in suburban areas adjoining the city of South Bend with milk distributors entering St. Joseph County from other Indiana and Michigan communities, particularly from Niles, Michigan. It was testified also that, in the belief of the proponent handlers, the order does not cover necessarily all milk which might be disposed of within the four municipalities now included in the marketing area since the order provides that only milk "approved" by an applicable health authority is priced.

In respect of the latter contention reference was made to the fact that as much as 15–20 percent of the bottled milk distributed within the city of South Bend is priced under another Federal order. The allegation was made that the pricing and pooling of such milk under another order rather than the South Bend-La Porte order results in an inequitable situation for South Bend handlers. It may be noted that the order prices producer milk at all plants "approved by the appropriate health authorities * * * for the processing and distribution of fluid milk and from which a route is operated wholly or partially within the marketing area" unless such milk is exempt from the order because it is subject to pricing under another marketing agreement or order issued pursuant to the act. There is no basis in the record for concluding that milk has been, or may be, distributed in fluid form within the city of South Bend in competition with South Bend handlers or in other parts of the marketing area by persons not under this or another order. The prices paid for milk and cream distributed in fluid form within the city of South Bend by persons regulated by the Chicago and Suburban Chicago orders have been at levels comparable with the Class I and Class II prices under the South Bend-La Porte order. It may not be concluded from the record that handlers under the South Bend-La Porte order are at a disadvantage with other persons in disposing of fluid milk within the city of South Bend or within any other municipality in the marketing area.

Concerning the contention that South Bend handlers cannot compete on an equal basis with unregulated milk distributors from Niles, Michigan, and other communities outside the marketing area, as to distribution in the suburban area adjoining the city of South Bend, it is noted that producer prices reported in the record by distributors from Niles have not been sufficiently out of line with the prices handlers have been required to pay under the order for Class I milk to warrant the coverage of all milk which might be sold in such adjacent communities for the purpose of eliminating price disadvantage. Under present circumstances it does not appear from the evidence presented that enlargement of the area as proposed would assist materially in improving marketing conditions for the producers whose milk is covered by the order at present or is necessary to remove hardship in the case of South Bend handlers in their competition. The dairy farmers whose milk would be likely to come under the regulation through expansion of the marketing area have not requested the assistance afforded by the terms of the Agricultural Marketing Agreement Act of 1937, as amended.

A producers' organization supported the handlers' proposal for marketing area expansion on the grounds that the competition offered by unregulated distributors in the suburban communities of South Bend may result in a loss of Class I milk sales from regulated milk and consequently a decrease in the producers' price. This was presented as a potential rather than a current problem. It was proposed in this connection that either separate pools for "Grade A milk" and "Grade B milk" should be established or, in the alternative, that "compensatory payment" provisions should be provided. For the purposes of pooling and pricing milk under inspection by the health authorities of certain outside communities, namely Elkhart, Nappanee, Goshen, and Niles, would be considered as Grade A milk along with milk under regulation at present, and milk under the inspection of other outside communities together with milk not under any formal inspection would be considered as Grade B milk. Such association, however, opposes expansion of the marketing area unless one of the above pooling procedures is employed.

The record does not disclose a current problem which necessitates the pricing of so-called Grade B milk sold in the suburban area close to South Bend. Although milk not produced under the formal health standards of any municipality may be, and is, disposed of within St. Joseph County, South Bend handlers do not complain of loss of business to such ungraded milk. It would be difficult to conclude from the present record that such milk is resulting in disorderly marketing conditions for South Bend producers. Also, if only the milk of certain outside communities were allowed to be priced on a comparable basis with milk approved by marketing area health authorities while other milk meeting in full the requirements of the marketing area health authorities would be pooled and priced on a different basis serious price inequity would be possible.

From the above it is concluded that the marketing area should not be expanded at this time.

7. Certain changes of an administrative character should be made.

The amendments adopted require revision of certain other provisions of the order in order to provide consistency of language and effect. It is concluded that these and other minor revisions made for the purpose of clarification should be adopted.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on briefs. A brief was filed on behalf of the Reliable Dairy Company, Inc., et al. The brief contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point covered in the brief was carefully considered along with the evidence in the

record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the brief are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and order. The following proposed amendments to the order are recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed amendments to the marketing agreement are not included because the regulatory provisions thereof would be the same as those contained in the proposed amendments to the order:

1. Delete §§ 967.8 and 967.9 and substitute therefor the following:

§ 967.8 *Approved plant.* "Approved plant" means a milk plant which is approved by the health authorities of any of the following municipalities: South Bend, Kishawaka, La Porte, or Michigan City, Indiana, for the processing and distribution of milk for consumption in fluid form and from which a route is operated wholly or partially within the marketing area.

§ 967.9 *Producer.* "Producer" means any person except a producer-handler, who produces milk (other than milk exempt pursuant to § 967.60) which is received at an approved plant, provided such milk is eligible for consumption as milk in fluid form within the marketing area under the approval or certification of one or more of the health authorities referred to in § 967.8. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be temporarily diverted by a handler from an approved plant to a plant not an approved plant.

2. Delete § 967.12 and substitute therefor the following:

§ 967.12 *Route.* "Route" means a delivery (including a sale at a plant store) of any item named in § 967.41 (a) (1) to a wholesale or retail stop other than a milk processing or distributing plant.

3. Delete in § 967.22 (i) (1) the cross-reference "§ 967.5" and substitute therefor the cross-reference "§ 967.51."

4 Delete §§ 967.40 through 967.46, inclusive, and substitute therefor the following:

§ 967.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat, in any form, received within the delivery period by a handler, in producer milk, in other source milk and from another handler shall be classified by the market administrator pursuant to the provisions of §§ 967.41 to 967.46, inclusive.

§ 967.41 *Classes of utilization.* Subject to the conditions set forth in §§ 967.43 and 967.44, the skim milk and butterfat described in § 967.40 shall be classified by the market administrator on the basis of the following classes:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of (except as provided in paragraph (b) (1) of this section) in the form of milk, skim milk, flavored milk, flavored milk drink, buttermilk; (2) disposed of as cream (sweet or sour) and as any fluid mixture of cream and milk (or skim milk) containing not less than 6 percent butterfat (but not including ice cream or other frozen dessert mixes disposed of to a commercial processor, or any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product); (3) disposed of as concentrated (including frozen) milk, flavored milk, and flavored milk drink not sterilized and not otherwise specified under paragraph (b) of this section, and as eggnog; (4) in shrinkage of receipts of producer milk computed pursuant to § 967.42 which is in excess of 2 percent of such receipts; and (5) not specifically accounted for as any item named in this paragraph or as Class II milk.

(b) Class II milk shall be all skim milk and butterfat (1) disposed of in bulk in the form of milk, skim milk, buttermilk, and cream to any manufacturer of candy, soup or bakery products and used in such products; (2) in condensed milk or skim milk (sweetened or unsweetened) disposed of to commercial food processors; (3) disposed of (or used to produce, in the case of ice cream and frozen desserts and mixes (liquid or powdered) for such products, and aerated cream products) as sweetened condensed milk in hermetically sealed cans, evaporated milk, cottage cheese, ice cream, ice cream mix, other frozen deserts and mixes, storage cream, butter, cheese and nonfat dry milk solids; (4) dumped or disposed of for livestock feed as skim milk (including that in whole milk dumped), flavored milk, flavored milk drinks and buttermilk; (5) disposed of as a milk product other than any of those specified in paragraph (a) (1) and subparagraphs (1), (2), (3) and (4) of this paragraph; (6) contained in monthly inventory variations; (7) in actual shrinkage of receipts of producer milk computed pursuant to § 967.42 but not in excess of 2 percent of such receipts; and (8) in actual shrinkage of other source milk computed pursuant to § 967.42.

§ 967.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section between that in producer milk and in other source milk.

§ 967.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 967.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted to another handler (except a producer-handler) in the form of any item named in § 967.41 (a) (1), (2), or (3) unless utilization as Class II milk is mutually indicated in writing to the market administrator by both handlers on or before the 9th day after the end of the delivery period within which such transaction occurred: *Provided*, That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class in the plant of the transferee handler after the subtraction of other source milk pursuant to § 967.46, and any excess of such skim milk or butterfat, respectively, shall be assigned to the other class;

(b) As Class I milk if transferred or diverted to a producer-handler in the form of any item named in § 967.41 (a) (1), (2), or (3);

(c) As Class I milk if transferred or diverted to a plant not an approved plant in the form of any item named in § 967.41 (a) (1), (2), or (3), unless (1) the transferor handler claims Class II milk on the basis of utilization mutually indicated in writing to the market administrator by both the receiver and transferor handler on or before the 8th day after the end of the delivery period within which such transaction occurred, (2) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification, and (3) in such receiver's plant there actually had been used during such delivery period in the use indicated in such statement, not less than an equivalent amount of skim milk and butterfat derived by him from milk or cream: *Provided*, That if upon inspection of such receiver's records of such plant, there had not been used in such indicated use an equivalent amount of skim milk and butterfat so derived, the remaining pounds shall be classified as Class I milk.

§ 967.45 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 967.46 *Allocation of skim milk and butterfat classified.* The pounds of skim milk and butterfat, respectively, remaining in each class after the following computations shall be the pounds in each class allocated to producer milk;

(a) Subtract, respectively, from the pounds of skim milk and butterfat in Class I milk the pounds of skim milk and butterfat in other source milk which is disposed of as Class I milk in bottles on a route outside the marketing area; *Provided*, That the health authority having jurisdiction over the plant from which such distribution is made has granted approval for receiving and processing for fluid distribution both approved milk and other source milk in such plant, the handler maintains adequate accounts and records of, and practices complete segregation of, producer milk and other source milk used in his Class I milk operations, and that such other source milk is disposed of on a route on which no producer milk is disposed of as Class I milk;

(b) Subtract, respectively, from the pounds of skim milk and butterfat in Class I milk the pounds of skim milk and butterfat in other source milk which is (1) received in consumer packages as any item specified in § 967.41 (a) (1), (2) or (3) from a plant where milk is subject to the class price provisions of a Federal marketing agreement or order issued pursuant to the act for another fluid milk marketing area, and (2) disposed of without repackaging;

(c) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class (other than the pounds in inventory variations and plant shrinkage of skim milk and butterfat pursuant to § 967.41 (b) (7)), in series beginning with Class II milk, the pounds of skim milk and butterfat in other source milk excluding that subtracted pursuant to paragraphs (a) and (b) of this section;

(d) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat received from other handlers and assigned to such class pursuant to § 967.44; and

(e) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class in series beginning with Class II milk, the pounds by which such pounds of skim milk and butterfat in all classes exceed, respectively, the total pounds of skim milk and butterfat received in milk from producers.

5. Delete §§ 967.50 through 967.53, inclusive, and substitute therefor the following:

§ 967.50 *Basic formula price.* The basic formula price to be used in computing the price of Class I milk for the delivery period shall be the highest of the prices computed by the market administrator for the delivery period immediately preceding pursuant to paragraphs (a), (b) and (c) of this section:

(a) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices are reported to the market administrator or to the Department by the companies listed below:

Present Operator and Location
Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) Compute a price per hundredweight as follows:

(1) Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period, by 6;

(2) Add 2.4 times the simple average, as published by the Department, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(3) Divide by seven, add 30 percent thereof, and multiply by 3.5;

(c) Compute a price per hundredweight by adding together the amounts resulting pursuant to subparagraph (1) and (2) of this paragraph:

(1) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published by the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the Department, and from the result thus obtained deduct 64.2 cents;

(2) Multiply by 4.24 the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the Grade A (92-score) butter prices for that day shall be used in lieu of the price for Grade AA (93-score) butter, and from the result thus obtained deduct 11 cents;

§ 967.51 *Class I milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class I milk for each delivery period shall be computed by the market administrator as follows:

(a) Add to the basic formula price (3.5 percent milk) the following amount for the delivery period indicated: May and June, $0.60; July through November, inclusive, $1.00; and all others, $0.80: *Provided*, That for each percent that the most recent "current supply-demand ratio" computed pursuant to paragraph (d) of this section is greater or less than the applicable percentage contained in the schedule set forth in paragraph (d) (4) of this section, the Class I price computed prior to this proviso shall be increased or decreased, respectively, by the following amount for the delivery period indicated: May and June, $0.02; July, August, September, October, and November, $0.04; all others, $0.03: *And provided further*, That any adjustment made pursuant to the above proviso of this paragraph shall be limited to 18 cents in May and June; 30 cents in the July–November period; and 24 cents in all other delivery periods; but in no event shall the Class I price differential computed pursuant to this paragraph be less than 50 cents.

(b) Divide by 0.035 the amount computed pursuant to § 967.50 (c) (2) for the next preceding delivery period and add the following amount for the delivery period indicated: May and June, $8.25; July through November, inclusive, $13.75; and all others, $11.00: *Provided*, That such amount for the delivery period indicated shall be increased or decreased as the case may be, by the amount per hundredweight resulting from the provisos of paragraph (a) of this section divided by 0.035. The resulting amount shall be the price of butterfat in Class I milk.

(c) Subtract from the price computed pursuant to paragraph (a) of this section the amount computed in paragraph (b) of this section times 0.035, and divide the remainder by 0.965. The resulting amount shall be the price of skim milk in Class I milk.

(d) On or before the last day of each delivery period the market administrator shall make the following computations based upon the reported receipts and utilization of handlers as defined in the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, as computed by the market administrator under the latter order:

(1) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 6-month period and divide the result by 6;

(2) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 6-month period and subtract therefrom (i) the amount of Class I and Class II milk disposed of in bulk outside the surplus milk manufacturing area, and (ii) the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 6-month period, and divide the result by 6;

(3) Divide the amount obtained in subparagraph (2) of this paragraph by the amount obtained in subparagraph (1) of this paragraph and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio";

(4) Determine the number of percentage points that the current supply-demand ratio is above or below the percentage for the corresponding 6-months'

period appearing in the following schedule:

6-months included in supply-demand ratio computation	Percent	Delivery period subject to adjustment
January through June	62	August.
February through July	62	September.
March through August	64	October.
April through September	67	November.
May through October	71	December.
June through November	76	January.
July through December	81	February.
August through January	79	March.
September through February	76	April.
October through March	72	May.
November through April	68	June.
December through May	61	July.

(5) In making the computations specified in subparagraphs (1) and (2) of this paragraph, the market administrator shall use the reported receipts and utilization of handlers of Grade A milk under both Orders 41 and 69 when it is necessary to use data for delivery periods prior to the effective date of this section.

§ 967.52 *Class II milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class II milk for each delivery period shall be computed by the market administrator as follows:

(a) The price of butterfat in Class II milk shall be the producer butterfat differential computed for such delivery period pursuant to § 967.81 times 1000.

(b) The price of skim milk in Class II milk shall be computed by subtracting the hundredweight price of butterfat computed pursuant to paragraph (a) of this section times 0.035, from the price determined pursuant to paragraph (c) of this section, and divide the remainder by 0.965.

(c) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or the Department by the companies listed below:

Present Operator and Location

Goshen Milk Condensing Co., Goshen, Ind.
Litchfield Creamery Co., Warsaw, Ind.
New Paris Creamery Co., New Paris, Ind.

Provided, That the price so determined shall not be less than the per hundredweight price of milk determined pursuant to § 967.50 (c) for such delivery period.

6. Delete from § 967.60 the words "and Class II."

7. Delete from § 967.70 the phrase "from the various classes"; delete also from such section the cross-reference "§ 967.46 (d)" and substitute therefor "§ 967.46 (c)."

8. Delete § 967.80 and substitute therefor the following:

§ 967.80 *Time and method of payment.* Each handler shall make payments as follows:

(a) On or before the 18th day after the end of each delivery period, to each producer, except producers for whom payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price for such delivery period pursuant to § 967.71 adjusted by the producer butterfat differential pursuant to § 967.81, for all milk received from such producer during such delivery period and less payment to such producer made pursuant to paragraph (c) of this section: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 967.84, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *And provided further*, That such handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 15th day after the end of each delivery period, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association for its account during such delivery period, not less than the value of skim milk and butterfat in such milk computed at the minimum class prices, less payments to such association made pursuant to paragraph (c) of this section. For the purpose of determining the classification of skim milk and butterfat in such milk, such skim milk and butterfat shall be ratably apportioned among the quantities of skim milk and butterfat in such handler's Class I milk and Class II milk allocated to producer milk pursuant to § 967.46.

(c) Partial payments: On or before the 4th day of each delivery period, each handler shall pay to each producer, or to a cooperative association authorized to collect payment, not less than the uniform price for 3.5 percent milk last announced by the market administrator, for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of the preceding delivery period: *Provided*, That in the event any producer or cooperative association discontinues shipping to such handler during any delivery period, such partial payments shall not be made and full payment for all milk received from such producer or cooperative association during such delivery period shall be made on the 18th day after the end of such delivery period pursuant to paragraphs (a) and (b) of this section.

Filed at Washington, D. C., this 24th day of May 1951.

Dated: May 24, 1951, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51-6215; Filed, May 29, 1951; 8:52 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR, Part 202]

PREVAILING MINIMUM WAGE FOR BATTERY INDUSTRY

NOTICE OF HEARING

Pursuant to the provisions of the Walsh-Healey Public Contracts Act (act of June 30, 1936, 49 Stat. 2036, 41 U. S. C. secs. 35–45) it is proposed to hold a hearing for the purpose of determining the prevailing minimum wage in the Battery Industry.

The Battery Industry, for the purpose of this hearing, is defined as that Industry which manufactures or furnishes any of the following products:

Primary batteries (dry); primary batteries (wet); lead acid storage batteries; and storage batteries; other than lead acid.

Now, therefore, notice is hereby given that a public hearing will be held on June 26, 1951 at 10:00 a. m. in Room 5406, Department of Labor Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., before the Administrator of the Wage and Hour and Public Contracts Divisions, or a representative designated to preside in his place, at which hearing all interested persons may appear and submit data, views and argument: (1) As to what are the prevailing minimum wages in the Battery Industry; (2) as to whether there should be included in any determination for this Industry provision for employment of learners and/or apprentices at subminimum rates, and if so, in what occupations, at what subminimum rates, and with what limitations, if any, as to length of period and number or proportion of such subminimum rate employees; and (3) as to the adequacy of the proposed definition.

Persons intending to appear are requested to notify the Administrator of their intention in advance of the hearing. Written statements in lieu of personal appearance may be filed by mail at any time prior to the date of the hearing, or may be filed with the presiding officer at the hearing. An original and four copies of any such statement should be filed.

Copies of the results of a wage survey made by the Bureau of Labor Statistics, based on a payroll period in August 1950, will be made available to interested persons upon request to the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D. C. Interested persons are invited to submit wage data, including data as to changes which may have taken place in the wage structure of the industry since the time of the survey.

In the discretion of the presiding officer, a period not to exceed 30 days may be allowed for the filing of comment on the evidence and statements introduced into the record of the hearing. If such supplemental statements are received,

an original and four copies of each should be filed.

Signed at Washington, D. C., this 25th day of May 1951.

F. GRANVILLE GRIMES, JR.,
Acting Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 51-6139; Filed, May 29, 1951; 8:48 a. m.]

FEDERAL POWER COMMISSION

[18 CFR, Part 141]

[Docket No. R-121]

FORM OF THE ANNUAL REPORT, FPC FORM NO. 1, REQUIRED OF ELECTRIC UTILITIES AND LICENSEES (CLASSES A AND B)

NOTICE OF PROPOSED RULE MAKING

MAY 22, 1951.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Effective for the filing of annual reports for 1951, the Commission proposes to amend § 141.1 of Part 141 of the general rules and regulations (18 CFR, Part 141) by revising five schedules of the general information section of the Annual Report, FPC Form No. 1, required of Class A and B electric utilities and licensees.

3. The proposed revisions are set forth in the attachment hereto[1] and may be identified as follows:

(a) Schedule entitled, "General Information"—Instruction No. 5 has been added.

(b) Schedule entitled, "Officers"—Instruction No. 1 is retained without change; Instructions Nos. 2, 3, 4 and 5 have been added; and previously existing Instruction No. 2 has been renumbered as No. 6.

(c) Schedule entitled, "Directors"—Instruction No. 1 is retained without change; Instruction No. 2 is new; and Instruction No. 3 is the previously existing No. 2 without change.

(d) Schedule entitled, "Security Holders and Voting Powers"—Instruction No. 4 is new and the previously existing Instructions Nos. 4, 5 and 6 have been renumbered as Nos. 5, 6 and 7.

(e) Schedule entitled, "Important Changes During The Year"—Instructions Nos. 10 and 11 have been added and previous Instruction No. 10 has been renumbered as No. 12.

The new instructions are designed to secure information as to the amounts and classes of the reporting company's securities registered on exchanges and the names of such exchanges; information as to the amounts of options, warrants or rights to purchase securities of the reporting company, including prices, expiration dates, and other material information relating to the exercise of such options, warrants, or rights; information as to the financial interests and benefits of officers and directors derived from the reporting company; information as to materially important legal proceedings and transactions to which the corporation was a party or to which an officer, director, security holder, voting trustee or associated company was a party.

4. The proposed amendments are believed to be necessary or appropriate to carry out the provisions of the Federal Power Act and, in addition, are expected to enable electric utilities under obligation to file SEC Form 10–K with the Securities and Exchange Commission to comply fully with that requirement by filing with that Commission FPC Form No. 1. This should result in substantial savings in report preparation where electric utilities are under obligation to this Commission and the Securities and Exchange Commission to file SEC Form 10–K and Form FPC No. 1.

5. In the formulation of the proposed amendments consideration has been given to suggestions of the Advisory Council on Federal Reports, which had suggested amendments to FPC Form No. 1 so as to meet the reporting requirements of this Commission and the SEC, and to the suggestions of the Bureau of the Budget. The proposed amendments were also the subject of the conferences between the staffs of both commissions and have been concurred in by them. The proposed amendments were submitted to the Committee on Statistics and Accounts of the National Association of Railroad and Utilities Commissioners with the understanding that it would be assumed that the proposals have the Committee's approval if no expression to the contrary were received by May 1, 1951. No objections have been received from the Committee.

6. The amendments to FPC Form No. 1 herein referred to and set forth in the attachment hereto are proposed to be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly sections 3 (13), 4 (a) through (c), 301 (a), 304 (a), 309 and 311 thereof (49 Stat. 838, 839, 854, 855, 858, 859; 16 U. S. C. 796 (13), 797 (a) through (c), 825 (a), 825c (a), 825h and 825j).

7. Any interested person may submit to the Federal Power Commission, Washington 25, D. C., not later than June 29, 1951, data, views and comments in writing concerning the proposed amendments. An original and two copies should be filed of any such submittals. The Commission will consider these written submittals before acting upon the proposed amendments.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-6191; Filed, May 29, 1951; 8:48 a. m.]

[1] Filed as part of the original document.

[18 CFR, Part 260]

[Docket No. R-122]

FORM OF THE ANNUAL REPORT, FPC FORM NO. 2, REQUIRED OF CLASS A AND B NATURAL GAS COMPANIES

NOTICE OF PROPOSED RULE MAKING

MAY 22, 1951.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Effective for the filing of annual reports for 1951, the Commission proposes to amend § 260.1 of Part 260 of the general rules and regulations (18 CFR, Part 260) by revising five schedules of the general information section of the Annual Report form, FPC Form No. 2, required of Class A and B natural gas companies subject to the provisions of the Natural Gas Act, and operating, statistical, balance sheet and income schedules thereof, all as set forth with particularity and in detail in the attachment hereto, and all of which proposed amendments are readily identifiable in the attachment.

3. The proposed amendments to the five schedules of the general information section are designed to secure information as to the amount and nature of the reporting company's securities registered on exchanges and the names of such exchanges; information as to the amounts of options, warrants or rights to purchase securities of the reporting company, including prices, expiration dates, and other material information relating to the exercise of such options, warrants, or rights; information as to the financial interests and benefits of officers and directors derived from the reporting company; information as to materially important legal proceedings and transactions to which the corporation was a party or to which an officer, director, security holder, voting trustee or associated company was a party.

4. The proposed amendments to the five schedules of the general information section are believed to be necessary or appropriate to carry out the provisions of the Natural Gas Act and, in addition, are expected to enable natural gas companies under obligation to file SEC Form 10–K with the Securities and Exchange Commission to comply fully with that requirement by filing with that Commission FPC Form No. 2. This should result in substantial savings in report preparation where natural gas companies are under obligation to this Commission and the Securities and Exchange Commission to file both forms.

5. In the formulation of the proposed amendments to the five schedules of the general information section, consideration has been given to suggestions of the Advisory Council on Federal Reports, which had suggested amendments to FPC Form No. 2 so as to meet the reporting requirements of this Commission and the SEC, and to the suggestions of the Bureau of the Budget. The proposed amendments were also the subject of conferences between the staffs of both commissions and have been concurred in by them. The proposed amendments were submitted to the Committee on Statistics and Accounts of the National Association of Railroad and Utilities Commissioners with the understanding that it would be assumed that the proposals have the Committee's approval if no expression to the contrary was received by May 1, 1951. No objections have been received from the Committee.

6. The proposed amendments to the operating, statistical, balance sheet and income schedules of FPC Form No. 2 are believed to be necessary or appropriate to carry out the provisions of the Natural Gas Act and are designed to

harmonize the accounting classifications of FPC Form No. 2 with the revisions of the Uniform System of Accounts prescribed for natural gas companies made effective January 1, 1951, by the Commission's order issued September 6, 1950, in Docket No. R–118. The proposed amendments to the operating and statistical section of FPC Form No. 2 also reflect the Commission's experience as to the need for additional information in the administration of the provisions of the Natural Gas Act. Generally, the proposed additions to FPC Form No. 2 are designed to secure more useful information as to inventories of gas stored underground, storage plant and expenses, products extraction operations, contracted gas supply, gas reserves and system peaks. In addition, minor editorial changes are necessary in the balance sheet, statement of income, materials and supplies and distribution of salaries and wages schedules because of the changes in account classification made effective January 1, 1951, by the Commission's order issued September 6, 1950.

7. The proposed amendments referred to in paragraph 6 hereof were developed in collaboration with the Committee on Statistics and Accounts of the National Association of Railroad and Utilities Commissioners and reflect the views of that Committee.

8. The amendments of FPC Form No. 2 referred to in this notice and set forth in the attachment hereto[1] are proposed to be issued under the authority granted the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 8, 10 and 16 thereof (52 Stat. 821, 825, 826 and 830; 15 U. S. C. 717g, 717i and 717o).

9. Any interested person may submit to the Federal Power Commission, Washington 25, D. C., not later than June 29, 1951, data, views and comments in writing concerning the proposed amendments. An original and two copies should be filed of any such submittals. The Commission will consider these written submittals before acting upon the proposed amendments.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-6108; Filed, May 29, 1951; 8:45 a. m.]

NOTICES

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2611]

GEORGIA POWER CO.

ORDER PERMITTING SALE OF PRINCIPAL AMOUNT OF BONDS AT COMPETITIVE BIDDING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of May 1951.

Georgia Power Company ("Georgia Power"), a public utility subsidiary of The Southern Company, a registered holding company, having filed an application and an amendment thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 (the "act") and Rule U-50 promulgated thereunder with respect to the following transactions:

Georgia Power proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50 under the act, $20,000,000 principal amount of its First Mortgage Bonds, -- percent series, due 1981, to be issued under and secured by Georgia Power's present indenture dated as of March 1, 1941, as heretofore supplemented, and to be supplemented by an indenture to be dated as of June 1, 1951. The interest rate (to be a multiple of 1/8 of 1 percent) and the price, exclusive of accrued interest, to the company for the bonds will be determined by competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than 100 percent nor more than 102.75 percent of the principal amount. The proceeds of the sale of the bonds will be utilized in connection with Georgia Power's construction program which the company estimates will require expenditures aggregating $99,220,000 during the three-year period 1951 through 1953. The company also estimates that in order to finance its construction program it will be necessary to raise from the sale of additional securities the sum of $24,000,000 in 1952 and $15,000,000 in 1953.

The proposed issuance and sale of bonds have been approved by the Georgia Public Service Commission.

Notice of the filing of the application having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act and the Commission not having received a request for hearing and not having ordered a hearing thereon; and

The Commission finding with respect to the application, as amended, that all of the applicable statutory standards are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted effective forthwith:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, that said application, as amended, be, and the same hereby is, granted effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the following additional terms and conditions:

(1) That the proposed issuance and sale by Georgia Power of $20,000,000 principal amount of First Mortgage Bonds, -- percent Series, due 1981, shall not be consummated until the results of competitive bidding, held with respect thereto, shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate, for which purposes jurisdiction be, and the same hereby is, reserved; and

(2) That jurisdiction be reserved with respect to any and all fees and expenses incurred or to be incurred in connection with the consummation of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6178; Filed, May 29, 1951; 8:47 a. m.]

[1] Filed as part of the original document.

[File No. 70-2616]

APPALACHIAN ELECTRIC POWER CO. AND CENTRAL APPALACHIAN COAL CO.

ORDER AUTHORIZING PROPOSED ADVANCE TO SUBSIDIARY

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of May A. D. 1951.

Appalachian Electric Power Company ("Appalachian"), an electric utility subsidiary company of American Gas & Electric Company, a registered holding company, and Central Appalachian Coal Company ("Coal Company"), a non-utility subsidiary company of Appalachian, having filed a joint declaration pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder with respect to the following transactions:

Appalachian proposes to advance not to exceed $3,400,000 to Coal Company on open account from time to time prior to December 31, 1954, at an initial interest rate of 3 percent per annum. Appalachian expects that as part of a financing program to be consummated within the next 12 months, it will issue some long-term unsecured indebtedness. In the event that such unsecured indebtedness of Appalachian bears an annual interest rate other than 3 percent, the annual interest rate on the proposed advances to Coal Company will be adjusted to equal such rate. The joint declaration states that the proceeds from the proposed transaction will be used by Coal Company to pay the costs of construction of additional coal production facilities during the years 1951 to 1954.

The joint declaration having been filed on April 16, 1951, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint declaration within the period specified, or otherwise, and not having ordered a hearing thereon; and

The State Corporation Commission of Virginia and the Public Service Commission of West Virginia having duly entered their respective orders approving the proposed transactions; and

The Commission finding with respect to the said joint declaration that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and the interest of investors and consumers that said joint declaration be permitted to become effective, and also deeming it appropriate to grant the request of the joint declarants that the Commission's order become effective at the earliest date possible:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed by Rule U-24, that said joint declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6177; Filed, May 29, 1951; 8:47 a. m.]

[File No. 70-2621]

NORTH PENN GAS CO.

NOTICE OF FILING FOR AUTHORITY TO AMEND CORPORATE CHARTER AND TO ISSUE AND SELL PRINCIPAL AMOUNT OF DEBENTURES AT COMPETITIVE BIDDING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of May 1951.

Notice is hereby given that an application-declaration, and an amendment thereto, have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "act") by North Penn Gas Company ("North Penn"), a registered holding company and a gas utility company which is a subsidiary of Pennsylvania Gas & Electric Corporation, also a registered holding company. North Penn has designated sections 6 and 7 of the act, and Rule U-50 thereunder, as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 6, 1951, at 5:30 p. m., request the Commission, in writing, that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said amended application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 5:30 p. m., on June 6, 1951, said application-declaration, as filed or as further amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt the proposed transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said amended application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

North Penn proposes to amend its Charter to provide for an authorized maximum indebtedness of the company of $8,100,000. Thereafter North Penn proposes to issue $2,700,000 principal amount of -- Percent Sinking Fund Debentures, due June 1, 1971, and to sell such Debentures at competitive bidding in accordance with the provisions of Rule U-50 under the act.

The invitations for bids will provide that each bid shall specify the coupon rate for the Debentures, which shall be a multiple of 1/8 percent and the price to be paid the company, exclusive of accrued interest, which price shall be not less than 100 percent nor more than 102.75 percent of the principal amount of said Debentures, plus accrued interest from June 1, 1951.

The proceeds from the proposed sale are to be used to retire all of the $2,700,000 principal amount of presently outstanding notes of North Penn which are payable to banks and mature October 22, 1951. Such notes were issued during 1950 for the purpose of refinancing previously outstanding First Mortgage and Lien Bonds, 5 1/2 percent Series, due 1957, of North Penn.

The provisions of the proposed new Debentures, which will be authorized in the principal amount of $2,700,000, are set forth in an Agreement, to be dated June 1, 1951, between North Penn and the Chase National Bank of the City of New York, the proposed trustee. Such provisions will include, among others, a provision for annual sinking fund payments in the amount of 3 percent of the principal amount of Debentures initially issued.

The amended application-declaration indicates that the proposed issuance of Debentures has been authorized by the Pennsylvania Public Utility Commission, the State Commission of the State in which North Penn is organized and conducts its operations.

North Penn requests that the Commission's order herein become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6180; Filed, May 29, 1951; 8:47 a. m.]

[File No. 70-2635]

MISSOURI POWER & LIGHT CO.

NOTICE OF PROPOSED SALE OF PRINCIPAL AMOUNT FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of May 1951.

Notice is hereby given that an application has been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), and the General Rules and Regulations promulgated thereunder, by Missouri Power & Light Company ("Missouri Power"), a public utility subsidiary of Union Electric Company of Missouri and The North American Company, both registered holding companies, in which section 6 (b) of the act and Rules U-20, U-23, U-24, and U-50 promulgated thereunder are designated as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 6, 1951, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, N. W., Washington 25, D. C. At any time thereafter such application as filed, or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized below:

Missouri Power proposes to issue and sell, at competitive bidding pursuant to the provisions of Rule U–50, $4,000,000 principal amount of First Mortgage Bonds, -- percent series due 1981 ("new bonds").

The invitations for bids will provide that each bid shall specify the coupon rate for the new bonds, which shall be a multiple of 1/8 percent and the price to be paid the company, exclusive of accrued interest, which price shall be not less than 100 percent nor more than 102.75 percent of the principal amount of said bonds, plus accrued interest from June 1, 1951.

The new bonds will be issued under and secured by a Mortgage and Deed of Trust between the applicant and Harris Trust and Savings Bank and Clark Cox, as Trustees, dated July 1, 1946, as last supplemented on November 1, 1949, and to be further supplemented by a third Supplemental Indenture, to be dated June 1, 1951.

Applicant proposes to apply the net proceeds received from the sale of the new bonds in part to the pyament of its unsecured promissory notes aggregat-

ing $2,400,000. to reimburse its treasury for capital expenditures previously made and, in part, to the payment of the cost of property additions during 1951, estimated in the amount of $3,610,000.

Applicant has filed an application with the Public Service Commission of Missouri regarding the proposed transactions.

The applicant has requested that the Commission's order herein issue on or before June 7, 1951, and be effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-6179; Filed, May 29, 1951; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. ID-117, ID-1148]

ELMER H. LOTHER AND HAROLD L. DALBECK

NOTICE OF ORDER AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

MAY 24, 1951.

In the matters of Elmer H. Lother, Docket No. ID-117; Harold L. Dalbeck, Docket No. ID-1148.

Notice is hereby given that, on May 23, 1951, the Federal Power Commission issued its orders entered May 22, 1951, in the above-designated matters, authorizing applicants to hold certain positions pursuant to section 305 (a) of the Federal Power Act.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-6173; Filed, May 29, 1951; 8:46 a. m.]

[Docket Nos. G-1349, G-1351, G-1449]

SOUTH GEORGIA NATURAL GAS CO. ET AL.

NOTICE OF ORDER DISMISSING APPLICATIONS

MAY 24, 1951.

In the matters of South Georgia Natural Gas Company, Docket No. G-1349; South Central Alabama Natural Gas Company, Inc., Docket No. G-1351; Georgia Natural Gas Company, Docket No. G-1449.

Notice is hereby given that, on May 23, 1951, the Federal Power Commission issued its orders entered May 22, 1951, dismissing applications in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-6174; Filed, May 29, 1951; 8:46 a. m.]

[Docket Nos. G-1610, 1611]

MONTANA-DAKOTA UTILITIES CO. AND BILLINGS GAS CO.

NOTICE OF FINDINGS AND ORDER

MAY 24, 1951.

In the matters of Montana-Dakota Utilities Co., Docket No. G-1610, Billings Gas Company, Docket No. G-1611.

Notice is hereby given that, on May 23, 1951, the Federal Power Commission issued its findings and order entered May 22, 1951, in the above-designated matters, issuing certificate of public convenience and necessity authorizing acquisition, construction and operation of natural gas facilities, to Montana-Dakota Utilities Co., in Docket No. G-1610; and permitting and approving abandonment by sale of natural gas facilities, to Montana-Dakota Utilities Co., by Billings Gas Company, in Docket No. G-1611.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-6175; Filed, May 29, 1951; 8:46 a. m.]

[Docket No. G-1646]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

NOTICE OF FINDINGS AND ORDER

MAY 24, 1951.

In the matter of Texas Eastern Transmission Corporation, The East Ohio Gas Company, New York State Natural Gas Corporation, Docket No. G-1646.

Notice is hereby given that, on May 23, 1951, the Federal Power Commission issued its findings and order entered May 22, 1951, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-6176; Filed, May 29, 1951; 8:46 a. m.]

[Docket No. G-1686]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

MAY 24, 1951.

Take notice that New York State Natural Gas Corporation (Applicant), a New York corporation having its principal office at 30 Rockefeller Plaza, New York, New York, filed on May 10, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sale and delivery of natural gas, and the construction and operation of facilities needed for the delivery of said natural gas, as hereinafter described.

Applicant proposes to sell and deliver natural gas to New York State Electric and Gas Corporation for distribution to domestic consumers in the Hamlet of Big Flats, Town of Big Flats, Chemung County, New York, under the terms of an agreement entered into between Applicant and New York State Electric and Gas Corporation on December 13, 1950. The agreement provides for a daily maximum delivery of 150 Mcf and an annual maximum delivery of 15,000 Mcf.

The estimated cost of the facilities required to be installed in order to sell and deliver gas in accordance with the agreement is $5,636, which will be paid from general funds of Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 13th day of June 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-6169; Filed, May 29, 1951; 8:46 a. m.]

[Docket No. IT 5762]

EL PASO ELECTRIC CO.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY TO MEXICO AND SUPERSEDING PREVIOUS AUTHORIZATION

MAY 24, 1951.

Notice is hereby given that, on May 23, 1951, the Federal Power Commission issued its order entered May 22, 1951, in the above-entitled matter, modifying its order issued August 31, 1949, published in the FEDERAL REGISTER September 8, 1949 (14 F. R. 5528), authorizing transmission of electric energy to Mexico.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-6172; Filed, May 29, 1951; 8:46 a. m.]

[Project No. 1869]

THE MONTANA POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF LICENSE (MAJOR)

MAY 24, 1951.

Notice is hereby given that, on May 24, 1951, the Federal Power Commission issued its order entered May 22, 1951, further modifying its order, issued March 16, 1951, published in the FEDERAL REGISTER March 23, 1949 (14 F. R. 1309), authorizing issuance of License (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-6170; Filed, May 29, 1951; 8:46 a. m.]

[Project No. 815]

SIERRA PACIFIC POWER CO.

NOTICE OF ORDER ACCEPTING SURRENDER OF LICENSE

MAY 24, 1951.

Notice is hereby given, that on May 24, 1951, the Federal Power Commission issued its order entered May 22, 1951, accepting surrender of license (transmission line), in the above-entitled matter, effective as of December 21, 1950.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-6171; Filed, May 29, 1951; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order T-35]

MINNESOTA

LOAN ANNOUNCEMENT

APRIL 19, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Carlos Telephone Co.; Minnesota 528-A	$36,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6216; Filed, May 29, 1951; 8:52 a. m.]

[Administrative Order T-36]

MISSISSIPPI

LOAN ANNOUNCEMENT

APRIL 23, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Calhoun City Telephone Co., Inc.; Mississippi 504-A	$246,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6217; Filed, May 29, 1951; 8:52 a. m.]

[Administrative Order T-37]

MINNESOTA

LOAN ANNOUNCEMENT

APRIL 24, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Park Region Mutual Telephone Co., Minnesota 508-A	$159,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6218; Filed, May 29, 1951; 8:52 a. m.]

[Administrative Order T-38]

WISCONSIN

LOAN ANNOUNCEMENT

APRIL 30, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Badger Telephone Co.; Wisconsin 503-A	$151,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6219; Filed, May 29, 1951; 8:52 a. m.]

[Administrative Order T-39]

OREGON

LOAN ANNOUNCEMENT

APRIL 30, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Pioneer Telephone Cooperative; Oregon 506-A	$1,306,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6220; Filed, May 29, 1951; 8:52 a. m.]

[Administrative Order T-40]

MINNESOTA

LOAN ANNOUNCEMENT

MAY 4, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Garden Valley Telephone Co.; Minnesota 505-A	$2,065,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6221; Filed, May 29, 1951; 8:53 a. m.]

[Administrative Order T-41]

MISSOURI

LOAN ANNOUNCEMENT

MAY 4, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
North Side Telephone Co.; Missouri 509-A	$303,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6222; Filed, May 29, 1951; 8:53 a. m.]

[Administrative Order T-42]

ILLINOIS

LOAN ANNOUNCEMENT

MAY 7, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Woodlawn Telephone Co.; Illinois 509-A	$46,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6223; Filed, May 29, 1951; 8:53 a. m.]

[Administrative order T-43]

WISCONSIN

LOAN ANNOUNCEMENT

MAY 14, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Belmont Telephone Co.; Wisconsin 510-A	$133,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51-6224; Filed, May 29, 1951; 8:53 a. m.]

[Administrative Order T-44]

UTAH

LOAN ANNOUNCEMENT

MAY 18, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Bear River Telephone Co.; Utah 502-A	$451,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51-6225; Filed, May 29, 1951; 8:53 a. m.]

[Administrative Order 3221]

IDAHO

LOAN ANNOUNCEMENT

APRIL 19, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Idaho 19M Butte	$720,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6226; Filed, May 29, 1951; 8:53 a. m.]

[Administrative Order 3222]

MAINE

LOAN ANNOUNCEMENT

APRIL 19, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Maine 8G Aroostock	$125,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6227; Filed, May 29, 1951; 8:53 a. m.]

[Administrative Order 3223]

NEW MEXICO

LOAN ANNOUNCEMENT

APRIL 20, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Mexico 21D Lincoln	$1,074,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6228; Filed, May 29, 1951; 8:53 a. m.]

[Administrative Order 3224]

NEBRASKA

LOAN ANNOUNCEMENT

APRIL 20, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Nebraska 83H Custer	$1,505,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6229; Filed, May 29, 1951; 8:53 a. m.]

[Administrative Order 3225]

IDAHO

LOAN ANNOUNCEMENT

APRIL 20, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Idaho 21G Camas	$62,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6230; Filed, May 29, 1951; 8:54 a. m.]

[Administrative Order 3226]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

APRIL 20, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Dakota 40D Perkins	$632,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6231; Filed, May 29, 1951; 8:54 a. m.]

[Administrative Order 3227]

TEXAS

LOAN ANNOUNCEMENT

APRIL 20, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 71H Clay	$83,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6232; Filed, May 29, 1951; 8:54 a. m.]

[Administrative Order 3228]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

APRIL 20, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Dakota 27D Bon Homme	$387,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6233; Filed, May 29, 1951; 8:54 a. m.]

[Administrative Order 3229]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

APRIL 23, 1951

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Dakota 41B Todd	$719,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6234; Filed, May 29, 1951; 8:54 a. m.]

[Administrative Order 3230]

MINNESOTA

LOAN ANNOUNCEMENT

APRIL 23, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 37T Jackson	$230,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6235; Filed, May 29, 1951; 8:54 a. m.]

[Administrative Order 3231]

MISSOURI

LOAN ANNOUNCEMENT

APRIL 23, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 43W Laclede	$885,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6236; Filed, May 29, 1951; 8:54 a. m.]

[Administrative Order 3232]

MINNESOTA

LOAN ANNOUNCEMENT

APRIL 23, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 96M Beltrami	$73,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6237; Filed, May 29, 1951; 8:54 a. m.]

[Administrative Order 3233]

KANSAS

LOAN ANNOUNCEMENT

APRIL 23, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kansas 36E Linn	$160,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6238; Filed, May 29, 1951; 8:54 a. m.]

[Administrative Order 3234]

ALABAMA

LOAN ANNOUNCEMENT

APRIL 23, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Alabama 18T Cullman	$345,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6239; Filed, May 29, 1951; 8:55 a. m.]

[Administrative Order 3235]

ILLINOIS

LOAN ANNOUNCEMENT

APRIL 23, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Illinois 41N Jefferson	$191,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6240; Filed, May 29, 1951; 8:55 a. m.]

[Administrative Order 3236]

FLORIDA

LOAN ANNOUNCEMENT

APRIL 23, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Florida 15T Lafayette	$100,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6241; Filed, May 29, 1951; 8:55 a. m.]

[Administrative Order 3237]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

APRIL 24, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Dakota 1H Custer	$420,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6242; Filed, May 29, 1951; 8:55 a. m.]

[Administrative Order 3238]

MICHIGAN

LOAN ANNOUNCEMENT

APRIL 24, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Michigan 20L Delta	$100,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6243; Filed, May 29, 1951; 8:55 a. m.]

[Administrative Order 3239]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

APRIL 27, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Carolina 34H Newberry	$215,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6244; Filed, May 29, 1951; 8:55 a. m.]

[Administrative Order 3240]

TEXAS

LOAN ANNOUNCEMENT

APRIL 27, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 44G Hunt	$162,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6245; Filed, May 29, 1951; 8:55 a. m.]

[Administrative Order 3241]

MINNESOTA

LOAN ANNOUNCEMENT

MAY 2, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 39V Chippewa	$94,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6246; Filed, May 29, 1951; 8:55 a. m.]

[Administrative Order 3242]

TEXAS

LOAN ANNOUNCEMENT

MAY 2, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 58R Grayson	$55,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6247; Filed, May 29, 1951; 8:55 a. m.]

[Administrative Order 3243]

GEORGIA

LOAN ANNOUNCEMENT

MAY 2, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Georgia 73H Dodge	$90,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6248; Filed, May 29, 1951; 8:55 a. m.]

[Administrative Order 3244]

TENNESSEE

LOAN ANNOUNCEMENT

MAY 2, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Tennessee 58C Polk	$180,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6249; Filed, May 29, 1951; 8:55 a. m.]

[Administrative Order 3245]

TEXAS

LOAN ANNOUNCEMENT

MAY 2, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 93S DeWitt	$305,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6250; Filed, May 29, 1951; 8:55 a. m.]

[Administrative Order 3246]

LOUISIANA

LOAN ANNOUNCEMENT

MAY 10, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Louisiana 10U Washington	$215,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6251; Filed, May 29, 1951; 8:55 a. m.]

[Administrative Order 3247]

COLORADO

LOAN ANNOUNCEMENT

MAY 10, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Colorado 14N Alamosa	$1,110,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6252; Filed, May 29, 1951; 8:55 a. m.]

[Administrative Order 3248]

TENNESSEE

LOAN ANNOUNCEMENT

MAY 10, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Tennessee 23G Dickson Public	$175,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6253; Filed, May 29, 1951; 8:55 a. m.]

[Administrative Order 3249]

LOUISIANA

LOAN ANNOUNCEMENT

MAY 10, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Louisiana 7S Grant	$273,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6254; Filed, May 29, 1951; 8:55 a. m.]

[Administrative Order 3250]

ARKANSAS

LOAN ANNOUNCEMENT

MAY 10, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Arkansas 13U Johnson	$1,040,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6255; Filed, May 29, 1951; 8:56 a. m.]

[Administrative Order 3251]

TEXAS

LOAN ANNOUNCEMENT

MAY 10, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 96V Victoria	$[illegible]

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6256; Filed, May 29, 1951; 8:56 a. m.]

[Administrative Order 3252]

TEXAS

LOAN ANNOUNCEMENT

MAY 10, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 115M Grimes	$155,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6257; Filed, May 29, 1951; 8:56 a. m.]

[Administrative Order 3253]

MISSISSIPPI

LOAN ANNOUNCEMENT

MAY 10, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Mississippi 24L Lafayette	$185,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6258; Filed, May 29, 1951; 8:56 a. m.]

[Administrative Order 3254]

KANSAS

LOAN ANNOUNCEMENT

MAY 10, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kansas 34V Barton	$200,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-6259; Filed, May 29, 1951; 8:56 a. m.]

[Administrative Order 3255]

WYOMING

LOAN ANNOUNCEMENT

MAY 14, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Wyoming 14P Laramie	$520,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51-6260; Filed, May 29, 1951; 8:56 a. m.]

[Administrative Order 3256]

FLORIDA

LOAN ANNOUNCEMENT

MAY 15, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Florida 15S Lafayette	$190,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51-6261; Filed, May 29, 1951; 8:56 a. m.]

[Administrative Order 3257]

INDIANA

LOAN ANNOUNCEMENT

MAY 15, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Indiana 1P Greene	$405,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51-6262; Filed, May 29, 1951; 8:56 a. m.]

[Administrative Order 3258]

INDIANA

LOAN ANNOUNCEMENT

MAY 15, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Indiana 15M Fayette	$85,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51-6263; Filed, May 29, 1951; 8:56 a. m.]

[Administrative Order 3259]

MICHIGAN

LOAN ANNOUNCEMENT

MAY 15, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Michigan 28AA Presque Isle	$710,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51-6264; Filed, May 29, 1951; 8:56 a. m.]

[Administrative Order 3260]

MINNESOTA

LOAN ANNOUNCEMENT

MAY 15, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 32U Fillmore	$777,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51-6265; Filed, May 29, 1951; 8:57 a. m.]

[Administrative Order 3261]

KANSAS

LOAN ANNOUNCEMENT

MAY 15, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration.

Loan designation:	Amount
Kansas 33N Pratt	$96,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51-6266; Filed, May 29, 1951; 8:57 a. m.]

[Administrative Order 3262]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

MAY 15, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Carolina 41K York	$210,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51-6267; Filed, May 29, 1951; 8:57 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3844]

MIAMI AIRLINES, INC.; EXEMPTION APPLICATION

NOTICE OF ORAL ARGUMENT

In the matter of the application of Miami Airlines, Inc., for exemption from the provisions of section 401 (a) of the Civil Aeronautics Act of 1938, as amended, and the issuance of a Letter of Registration as a large irregular carrier, in accordance with the provisions of Part 291 of the Economic Regulations of the Civil Aeronautics Board.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on June 7, 1951, at 10:00 a. m., e. d. t., in Room 5042 Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., May 24, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-6211; Filed, May 29, 1951; 8:51 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 29]

JANTZEN KNITTING MILLS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Jantzen Knitting Mills, Inc., Jantzen Center, Portland 14, Oregon, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of men's, women's and children's swimming wear, sun clothes, sandals, tee shirts and sweaters manufactured by Jantzen Knitting Mills, Inc., having the brand name(s) "Jantzen" shall be the proposed retail ceiling prices listed by Jantzen Knitting Mills, Inc., in its application dated March 28, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 28, 1951, Jantzen Knitting Mills, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after July 28, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 28, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Jantzen Knitting Mills, Inc. must comply, as to each such article, with the pricketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per _____	{unit, dozen, etc.} $_____
Terms _____ (net or percent EOM, etc.)	

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 28, 1951.

[F. R. Doc. 51-6268; Filed, May 28, 1951; 9:23 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 30]

WEMBLEY, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Wembley, Inc., New Orleans 5, Louisiana, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of neckwear manufactured by Wembley, Inc., having the brand name(s) "Wembley" and "Wembley Nor-East" shall be the proposed retail ceiling prices listed by Wembley, Inc., in its application dated March 19, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 28, 1951, Wembley, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after July 28, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 28, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Wembley, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per _____	{unit, dozen, etc.} $_____
Terms _____ (net or percent EOM, etc.)	

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 28, 1951.

[F. R. Doc. 51-6269; Filed, May 28, 1951; 9:23 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 31]

ELIAS SAYOUR & CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Elias Sayour & Co., 31 East 31st St., New York 16, N. Y., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of feminine lounging apparel manufactured by Elias Sayour & Co., having the brand name(s) "Saybury" shall be the proposed retail ceiling prices listed by Elias Sayour & Co., in its application dated March 9,

1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 28, 1951, Elias Sayour & Co., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $------

On and after July 28, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 28, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Elias Sayour & Co., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per	(unit, dozen, etc.
Terms ..... (net or percent EOM, etc.) $.....	

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 28, 1951.

[F. R. Doc. 51-6270; Filed, May 28, 1951; 9:23 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 32]

ECUADORIAN PANAMA HAT CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Ecuadorian Panama Hat Co., Inc., 297-303 Mercer Street, New York 3, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of Ladies' and Men's Panama Hats manufactured by Ecuadorian Panama Hat Co., Inc. having the brand name(s) "Supernatural" shall be the proposed retail ceiling prices listed by Ecuadorian Panama Hat Co., Inc., in its application dated April 5, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 28, 1951, Ecuadorian Panama Hat Co., Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after July 28, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 28, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Ecuadorian Panama Hat Co., Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless

the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per	(unit, dozen, etc.
Terms ..... (net or percent EOM, etc.) $.....	

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 28, 1951.

[F. R. Doc. 51-6271; Filed, May 28, 1951; 9:23 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 33]

HICKOK MANUFACTURING CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Hickok Manufacturing Co., Rochester 1, New York, has applied to the Office of Price Stabliization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of men's and boys' belts and buckles, suspenders, wallets and jewelry; men's garters, traveling kits and brief cases, manufactured by Hickok Manufacturing Co. having the brand name(s) "Hickok" shall be the proposed retail ceiling prices listed in its application dated March 7, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. (and supplemented and amended in the manufacturers applications dated March 21, 1951 and April 5, 1951).

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 28, 1951, Hickok Manufacturing Co., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $------

On and after July 28, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 28, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Hickok Manufacturing Co., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per	(unit, dozen, etc.
Terms ..... (net or percent EOM, etc.) $.....	

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 28, 1951.

[F. R. Doc. 51-6272; Filed, May 28, 1951; 9:24 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 34]

FIGURE BUILDING FOUNDATIONS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Figure Builders Foundations, Inc., 20 East 35th Street, New York 16, N. Y., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of foundation garments manufactured by Figure Builder Foundations, Inc., having the brand name(s) "Figure Builder" shall be the proposed retail ceiling prices listed by Figure Builder Foundations, Inc., in its application dated March 9, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 28, 1951, Figure Builder Foundations, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after July 28, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 28, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Figure Builder Foundations, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$------- per -------	{unit, dozen, etc.
Terms ------- (net or percent EOM, etc.)	$-------

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 28, 1951.

[F. R. Doc. 51-6273; Filed, May 28, 1951; 9:24 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 35]

RAINFAIR, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Rainfair, Inc., Racine, Wisconsin, has applied to

the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of rainwear manufactured by Rainfair, Inc., having the brand name(s) "Rainfair" shall be the proposed retail ceiling prices listed by Rainfair, Inc. in its application dated April 2, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 28, 1951, Rainfair, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after July 28, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 28, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Rainfair, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$------- per -------	{unit, dozen, etc.
Terms ------- (net or percent EOM, etc.)	$-------

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6-months period following the effective date of this special order and within 45 days of the expiration of each successive 6-months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 28, 1951.

[F. R. Doc. 51-6274; Filed, May 28, 1951; 9:24 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 36]

DUTCHESS UNDERWEAR CORP.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Dutchess Underwear Corporation, 350 Fifth Avenue, New York, N. Y., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of under garments manufactured by Dutchess Underwear Corporation, having the brand name(s) "Dutchess Individually Yours" shall be the proposed retail ceiling prices listed by Dutchess Underwear Corporation in

its application dated March 24, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 28, 1951, Dutchess Underwear Corporation must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after July 28, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 28, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Dutchess Underwear Corporation, must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$------- per -------{unit, dozen, etc.}	
Terms ------- (net or percent EOM, etc.) $-------|	

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 28, 1951.

[F. R. Doc. 51-6275; Filed, May 28, 1951; 9:24 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 37]

SIMMONS CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Simmons Company, 230 Park Avenue, New York 17, N. Y., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of springs, mattresses, sofa-beds, living room furniture, studio couches, and studio divans, manufactured by Simmons Company having the brand name(s) "Simmons" shall be the proposed retail ceiling prices listed by Simmons Company in its application dated March 15, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. (and supplemented and amended in the manufacturer's application dated March 22, 1951).

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 28, 1951, Simmons Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after July 28, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 28, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Simmons Company must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the

amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$------- per -------{unit, dozen, etc.}	
Terms ------- (net or percent EOM, etc.) $-------|	

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is effected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months' period following the effective date of this special order and within 45 days of the expiration of each successive 6 months' period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months' period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 28, 1951.

[F. R. Doc. 51-6276; Filed, May 28, 1951; 9:24 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 38]

PHILLIPS-JONES CORP.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Phillips-Jones Corporation, 1225 Broadway, New York 1, N. Y., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of shirts, neckwear, pajamas, and handkerchiefs manufactured by Phillips-Jones Corp. having the brand name(s) "Van Heusen" shall be the proposed retail ceiling prices listed by Phillips-Jones Corp. in its application dated March 14, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 28, 1951, Phillips-Jones Corporation must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after July 28, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 28, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Phillipps-Jones Corporation, must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$------- per -------{unit, dozen, etc.}	
Terms ------- (net or percent EOM, etc.) $-------|	

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer

shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25 D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 28, 1951.

[F. R. Doc. 51-6277; Filed, May 28, 1951; 9:24 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 39]

HER MAJESTY UNDERWEAR CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Her Majesty Underwear Company, Inc., 350 5th Ave., New York 1, N. Y., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

This special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of underwear manufactured by Her Majesty Underwear Company, Inc., having the brand name(s) "Her Majesty" shall be the proposed retail ceiling prices listed by Her Majesty Underwear Company, Inc., in its application dated April 23, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. (and supplemented and amended in the manufacturer's application dated May 9, 1951).

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 28, 1951, Her Majesty Underwear Company, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after July 28, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 28, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Her Majesty Underwear Company, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per _____	unit, dozen, etc.
Terms _____ (net or percent EOM, etc.)	$_____

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affectd in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 29, 1951.

MICHAEL V. DISALLE.
Director of Price Stabilization.

MAY 28, 1951.

[F. R. Doc. 51-6278; Filed, May 28, 1951; 9:25 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 40]

PIONEER SUSPENDER CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Pioneer Suspender Company, P. O. Box 7619, Philadelphia 1, Pa., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of braces, garters, belts, wallets and jewelry, manufactured by Pioneer Suspender Company, having the brand name(s) "Pioneer" shall be the proposed retail ceiling prices listed by Pioneer Suspender Company in its application dated April 12, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 28, 1951, Pioneer Suspender Company, must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after July 28, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 28, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Pioneer Suspender Company must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per _____	unit, dozen, etc.
Terms _____ (net or percent EOM, etc.)	$_____

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months' period following the effective date of this special order and within 45 days of the expiration of each successive 6 months' period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months' period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 28, 1951.

[F. R. Doc. 51-6279, Filed May 28, 1951; 9:25 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 41]

PHOENIX HOSIERY CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Phoenix Hosiery Co., Milwaukee 1, Wisconsin, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of men's and women's hosiery and men's ties manufactured by Phoenix Hosiery Co., having the brand name(s) "Phoenix" shall be the proposed retail ceiling prices listed by Phoenix Hosiery Co., in its application dated March 8, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. (and supplemented and amended in the manufacturers application dated May 7, 1951).

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 28, 1951, Phoenix Hosiery Co., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $------

On and after July 28, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 28, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Phoenix Hosiery Co. must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per _____ {unit, dozen, etc.}
Terms _____ (net or percent EOM, etc.) $_____

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 28, 1951.

[F. R. Doc. 51-6280; Filed, May 28, 1951; 9:25 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 42]

THE DAYTON RUBBER CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, The Dayton Rubber Company, 2342 Riverview Ave., Dayton 1, Ohio, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of pillows manufactured by The Dayton Rubber Company having the brand name(s) "Koolfoam", shall be the proposed retail ceiling prices listed by The Dayton Rubber Company in its application dated April 17, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 28, 1951, The Dayton Rubber Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $------

On and after July 28, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 28, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, The Dayton Rubber Company, must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per _____ {unit, dozen, etc.}
Terms _____ (net or percent EOM, etc.) $_____

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 28, 1951.

[F. R. Doc. 51-6281; Filed, May 28, 1951; 9:25 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 43]

BATES FABRICS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Bates Fabrics, Inc., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of bedspreads manufactured by Bates Fabrics, Inc., having the brand name(s) "George Washington's Choice" shall be the proposed retail ceiling prices listed by Bates Fabrics, Inc., in its application dated April 6, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C. (and supplemented and amended in the manufacturers application dated April 27, 1951).

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 28, 1951, Bates Fabrics, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $------

On and after July 28, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 28, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Bates Fabrics, Inc., must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per _____ {unit, dozen, lot.}
Terms _____ (net or percent EOM, etc.) $_____

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order,

and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 28, 1951.

[F. R. Doc. 51-6282; Filed, May 28, 1951; 9:25 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 44]

BATES FABRICS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Bates Fabrics, Inc., 80 Worth Street, New York 13, N. Y., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales after the effective date of this special order by any seller at retail of bedspreads manufactured by Bates Fabrics, Inc., having the brand name(s) "Bates", shall be the proposed retail ceiling prices listed by Bates Fabrics, Inc., in its application dated April 30, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

2. The retail ceiling price of an article fixed in paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after June 28, 1951, Bates Fabrics, Inc. must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after July 28, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to July 28, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, Bates Fabrics, Inc. must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. The manufacturer shall annex to that order a notice, listing the cost and discount terms to retailers for each article covered by this order and the corresponding retail ceiling price fixed by this order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Our price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$------- per -------	(unit, dozen, etc.
Terms ------- (net or percent E.O.M., etc.)	$-------

Copies shall be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of the special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. Within 15 days after the effective date of any subsequent amendment to the special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the seller is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective May 29, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 28, 1951.

[F. R. Doc. 51-6283; Filed, May 28, 1951; 9:25 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 412), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Blue Bell-Mid South Division, Inc., Tishomingo County, Belmont, Miss., effective 5-16-51 to 11-15-51; 55 learners for expansion purposes only (work pants).

David Manufacturing Co., Beaver Meadows, Pa., effective 5-21-51 to 11-20-51; 11 learners for expansion purposes only (children's bathrobes).

Day's Tailored Clothing, Inc., 2902 A Street, Tacoma, Wash., effective 5-18-51 to 11-17-51; 43 learners for expansion purposes only (men's trousers and jackets).

DeCarlo Fashions, 87 Court Street, New Haven, Conn., effective 5-18-51 to 5-17-52; 3 learners for normal labor turnover (dresses).

Fit-Well Underwear Manufacturing Co., 613-615 Prairie Avenue, Houston, Tex., effective 5-23-51 to 5-22-52; 10 learners for normal labor turnover (rayon, silk and cotton underwear).

G & G Manufacturing Co., 120 Harrison Avenue, Boston, Mass., effective 5-22-51 to 5-21-52; three learners for normal labor turnover (children's sportswear).

Industrial Garment Manufacturing Co., Caroline Street, Erwin, Tenn., effective 5-29-51 to 11-28-51; 18 learners for expansion purposes only (men's cotton wash clothing).

Jinright Manufacturing Co., Coleman, Tex., effective 5-16-51 to 11-15-51; 50 learners for expansion purposes only (cotton sportswear and work clothing).

The Newton Co., Newton, Miss., effective 5-18-51 to 11-17-51; 25 learners for expansion purposes only (ladies slacks; men's slacks and work pants). (Supplemental certificate.)

Prairie Manufacturing Co., 106 Washington Avenue, East Prairie, Mo., effective 5-23-51 to 5-22-52; 10 percent for normal labor turnover (pants, overalls, coveralls, etc.).

Princess Ann Sportswear of Florida, Fern Park, Fla., effective 5-15-51 to 5-14-52; three learners for normal labor turnover (blouses).

Rayed Co., 629 Livingston Street, Elizabeth, N. J., effective 5-16-51 to 5-15-52; 10 percent for normal labor turnover (men's sport shirts).

S & R Manufacturing Co., Codorus, Pa., effective 5-21-51 to 5-20-52; 10 percent for normal labor turnover (men's trousers).

Seamprufe, Inc., 314 Depot Street, Scranton, Pa., effective 5-22-51 to 5-21-52; 10 percent for normal labor turnover (ladies' rayon underwear).

Seamprufe, Inc., 32 River Street, Carbondale, Pa., effective 5-22-51 to 5-21-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (slips and lingerie).

Seamprufe, Inc., 659 North Thirteenth Street, Easton, Pa., effective 5-22-51 to 5-21-52; 10 percent for normal labor turnover (slips and lingerie).

Texas Infants Dress Co., 516 North Camp, Seguin, Tex., effective 5-22-51 to 11-21-51; 30 learners for expansion purposes only (children's dresses).

Trimble Manufacturing Corp., Trimble, Tenn., effective 5-18-51 to 11-17-51; 25 learners for expansion purposes only (boys' and men's zipper jackets).

Trio Manufacturing Co., 541 West Mason Avenue, York, Pa., effective 5-22-51 to 5-21-52; four learners for normal labor turnover (children's jackets, snow suits and ski pants).

Troutman Shirt Co., Inc., Mooresville, N. C., effective 5-18-51 to 5-17-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (work shirts).

Victory Dress Co., 520 North George Street, York, Pa., effective 5-21-51 to 5-20-52; for normal labor turnover, 10 percent or five learners, whichever is greater (children's dresses).

Edward J. Walsh, Field Street, Belfast, Maine, effective 5-18-51 to 5-17-52; five learners for normal labor turnover (infants' wear).

J. M. Wood Manufacturing Co., Inc., 224-26 South Sixth Street, Waco, Tex., effective 5-18-51 to 8-17-51; 60 learners for expansion purposes only (Government fatigue clothes; commercial blue jeans and khaki pants).

Yunker Manufacturing Co., Inc., Third and Ann Streets, Parkersburg, W. Va., effective 5-21-51 to 11-20-51; 30 learners for expansion purposes only (infants' cotton wear).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950, 15 F. R. 6888),

Aris Fabric Corp., Fonda, N. Y., effective 5-16-51 to 11-15-51; 10 percent for normal labor turnover.

Belle Glove Co., Inc., Malone, N. Y., effective 5-16-51 to 11-15-51; 10 learners for expansion purposes.

Brookville Glove Co., Brookville, Pa., effective 5-17-51 to 11-16-51; 25 learners for expansion purposes.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Berkshire Knitting Mills, Andrews, N. C., effective 5-15-51 to 1-14-52; 50 additional learners for expansion purposes (supplemental certificate).

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Rohrer Knitting Mills, Inc., South Wayne Street, Orwigsburg, Pa., effective 5-21-51 to 5-20-52; 5 percent for normal labor turnover.

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260; 15 F. R. 6546).

The P. Hagerty Shoe Co., 301 Van Deman Ave., Washington C. H., Ohio, effective 5-21-51 to 12-31-51; 10 learners for normal labor turnover.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Advertisers Manufacturing Co., 121-131 East Jackson Street, Ripon, Wis., effective 5-21-51 to 11-20-51; 10 percent for normal labor turnover; sewing machine operators, 240 hours; 65 cents per hour (advertising caps, aprons, danger flags, laundry bags, etc.).

American Tackle Co., 925 South Sixth Avenue, Tucson, Ariz., effective 5-17-51 to 11-16-51; 10 learners for expansion purposes; fly tying, 480 hours; 60 cents per hour for first 320 hours and 65 cents per hour for remaining 160 hours (fishing tackle).

The Elvair Corp., Plant No. 2, 111 South Broadway Street, Natchez, Miss., effective 5-17-51 to 11-16-51; 50 learners for normal labor turnover; sewing machine operators only, 240 hours; 60 cents per hour (tow targets, seat backs, etc.).

Nicholas D'Alonzo, Broad and Carpenter Streets, Philadelphia, Pa., effective 5-16-51 to 5-15-52; for normal labor turnover, 7 percent of total number of productive factory workers in the manufacture of men's clothing only; machine operators (except cutting), pressers, and hand sewers, each 480 hours; 60 cents per hour for first 240 hours and 65 cents per hour for remaining 240 hours (men's and ladies' suits).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at Washington, D. C., this 23d day of May 1951.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 51-6190; Filed, May 29, 1951; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17828]

CREDIT SUISSE

In re: Stock registered in the name of Credit Suisse, Zurich, Switzerland, and owned by persons whose names are unkown. F-63-60 (Zurich).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below

and by reference made a part hereof, registered in the name of Credit Suisse, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

I. The Pennsylvania Railroad Company capital stock evidenced by certificate numbers N 592068, N 716355, N 719543, N 719544, N 815599, N 884873, and N 915067 for 10 shares each and certificate numbers N 467810, N 467811, N 467812, N 467813, N 470389, N 470390, N 470391, N 470392, N 470393, N 470394, N 809216, N 848767, N 850911, N 884894, N 407957, N 407958 and N 797672 for 5 shares each.

II. Kennecott Copper Corporation capital stock evidenced by certificate number K 35889 for 10 shares.

III. Southern California Edison Company $25.00 par value common capital stock evidenced by certificate numbers NDO 27573, NDO 27574, NDO 27575, NDO 27576, NDO 27577 and NDO 27578 for 10 shares each.

IV. Standard Oil Company (New Jersey) $25.00 par value capital stock evidenced by certificate numbers C 787126, C 791365, C 791306, C 791367, C 793140, C 793141, C 884737 and CC 68975 for 10 shares each and certificate numbers C 785374, C 785380, C 785463, C 785464, C 791358, C 793029 and CC 60264 for 5 shares each.

V. General Electric Company common capital stock evidenced by certificate numbers NYD 820209 for 30 shares, NYD 537497 for 20 shares, NYE 177376 for 10 shares, NYE 159746, NYE 176156, NYE 179442 and NYE 211012 for 5 shares each.

[F. R. Doc. 51–6195; Filed, May 29, 1951; 8:49 a. m.]

[Vesting Order 17829]

CREDIT SUISSE

In re: Stock registered in the name of Credit Suisse, Zurich, Switzerland, and owned by persons whose names are unknown. F–63–60 (Zurich).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Credit Suisse, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

The Baltimore and Ohio Railroad Company $100.00 par value common capital stock, evidenced by those certificates whose numbers are set forth below, for the number of shares indicated:

1 share certificates: A 250014, A 250015, A 250016, A 250047, A 313438, A 313439, A 313446, A 313476, A 313505, A 313506, A 369432, A 373160, A 373161, A 373162

5 share certificates: A 428966, A 178373, A 318416, A 368666, A 374922, A 375424, A 386503, A 387011, A 387012, A 391684, A 396344, A 401360, A 403660, A 403661, A 407763, A 409508, A 409601, A 409602, A 409603, A 409684, A 409685, A 411273, A 411274, A 411787, A 411796, A 411805, A 412825, A 413728, A 428414, A 428415, A 428416, A 429108, A 430334, A 431104, A 432144, A 433322, A 433323, A 433498, A 433707, A 433907, A 434458, A 436050, A 438051, A 438052, A 438053, A 438054, A 436056, A 438159, A 438184, A 438185, A 439322, A 439462, A 440838, 441360, A 441631, A 442310, A 444592, A 445319, A 449559, A 450868, A 450901, A 450902, A 451252, A 451253, A 451451, A 451554, A 452345, A 453776, A 468209, A 468534, A 469049, A 469165, A 470332, A 471089, A 471298, A 472661, A 472662, A 478011, A 480149, A 482071, A 483912, A 484165, A 484166, A 491713, A 493014, A 493082, A 493083, A 493486, A 494565, A 494893, A 494921, A 496268, A 497517, A 497518, A 497526, A 497698, A 497744, A 498442, A 498631, A 498661, A 499003, A 499007, A 499008, A 501331, A 501404, A 502006, A 502007, A 502105, A 504415, A 508735, A 511290, A 513450, A 514112, A 516124, A 518360, A 522785, A 522786, A 522787, A 523446, A 523447, A 523448, A 524212, A 524213, A 524567, A 524589, A 525200, A 527557, A 529048, A 529057, A 529199, A 529584, A 529585, A 533569, A 534078, A 534538, A 534539, A 535101, A 535102, A 538103, A 538518, A 538788, A 539015, A 540281, A 541755, A 541784, A 541787, A 542031, A 528792.

10 share certificates: D 211675, D 213152, D 215456, D 215510, D 230787, D 231568, D 234543, D 236415, D 236461, D 241087, D 242919, D 244662, D 244713, D 245115, D 245168, D 245425, D 245494, D 245707, D 245725, D 245739, D 248417, D 248663, D 249014, D 249561, D 255462, D 269939, D 277297, D 277344, D 277345, D 277359, D 278060, D 278794, D 284964, D 285131, D 285562, D 288391, D 288951, D 288952, D 288968, D 288954, D 289307, D 291536, D 291564, D 291954, D 296518, D 298322, D 299709, D 299710, D 301105, D 301146, D 301561, D 302314, D 302315, D 302316, D 302317, D 302318, D 303246, D 306153, D 306200, D 306251, D 306384, D 306976, D 309907, D 310787, D 312449, D 312630, D 312635, D 312803, D 313176, D 314032, D 314641, D 315075, D 315079, D 315325, D 315418, D 315419, D 315499, D 316876, D 317854, D 318339, D 318340, D 318774, D 318777, D 319012, D 319013, D 319014, D 319601, D 319662, D 321357, D 321358, D 321359, D 321360, D 321361, D 321587, D 321588, D 321589, D 321590, D 321591, D 321592, D 321593, D 321594, D 321595, D 321596, D 321966, D 322100, D 322121, D 322122.

[F. R. Doc. 51–6196; Filed, May 29, 1951; 8:49 a. m.]

[Vesting Order 17827]

CREDIT SUISSE

In re: Accounts maintained in the name of Credit Suisse, Zurich, Switzerland, and owned by persons whose names are unknown. F–63–60 (Zurich).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock, in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

A 523447, A 523448, A 524212, A 524213, A 524567, A 524589, A 525200, A 527557, A 529048, A 529057, A 529199, A 529584, A 529585, A 533569, A 534078, A 534538, A 534539, A 535101, A 535102, A 538103, A 538518, A 538788, A 539015, A 540281, A 541755, A 541784, A 541787, A 542031, A 528792.

10 share certificates: D 211675, D 213152, D 215456, D 215510, D 230787, D 231568, D 234543, D 236415, D 236461, D 241087, D 242919, D 244662, D 244713, D 245115, D 245168, D 245425, D 245494, D 245707, D 245725, D 245739, D 248417, D 248663, D 249014, D 249561, D 255462, D 269939, D 277297, D 277344, D 277345, D 277359, D 278060, D 278794, D 284964, D 285131, D 285562, D 288391, D 288951, D 288952, D 288968, D 288954, D 289307, D 291536, D 291564, D 291954, D 296518, D 298322, D 299709, D 299710, D 301105, D 301146, D 301561, D 302314, D 302315, D 302316, D 302317, D 302318, D 303246, D 306153, D 306200, D 306251, D 306384, D 306976, D 309907, D 310787, D 312449, D 312630, D 312635, D 312803, D 313176, D 314032, D 314641, D 315075, D 315079, D 315325, D 315418, D 315419, D 315499, D 316876, D 317854, D 318339, D 318340, D 318774, D 318777, D 319012, D 319013, D 319014, D 319601, D 319662, D 321357, D 321358, D 321359, D 321360, D 321361, D 321587, D 321588, D 321589, D 321590, D 321591, D 321592, D 321593, D 321594, D 321595, D 321596, D 321966, D 322100, D 322121, D 322122.

[F. R. Doc. 51–6196; Filed, May 29, 1951; 8:49 a. m.]

[Vesting Order 17827]

CREDIT SUISSE

In re: Accounts maintained in the name of Credit Suisse, Zurich, Switzerland, and owned by persons whose names are unknown. F–63–60 (Zurich).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A set forth below and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock, in any of said accounts,

excepting from the foregoing, however, all property, rights and interests which are expressly excluded in Exhibit A, and all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Credit Suisse, Zurich, Switzerland]

Column I Name and address of institution which maintains account	Column II Designation of account	Column III Property, rights and interests in the account as of Oct. 2, 1950, excluded from this vesting order [1]
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	(a) Old account blocked Switzerland, (b) general ruling No. 6 a/c blocked Switzerland, (c) Rubric 25504 blocked Switzerland, and (d) Rubric 25504 general ruling No. 6 a/c blocked Switzerland, as described by The Chase National Bank of the City of New York in its report on Form DAP–700, bearing its Serial No. 358; (e) Credit Suisse, Zurich, Switzerland Clients a/c (FS–80007) containing securities payable in dollars and in foreign currencies; (f) Credit Suisse, Zurich, Switzerland Clients a/c (FS–80010); (g) Credit Suisse, Zurich, Switzerland—Rubric 64332 (FS–80009), containing securities of determinable and indeterminable value, and (h) Credit Suisse, Zurich, Switzerland—Rubric 25504 (FS–80008), containing securities of determinable and indeterminable value, as described by The Chase National Bank of the City of New York in its report on Form OAP–700 bearing its Serial No. 357.	$31,812.80 of the old account blocked Switzerland and $1,841.70 of the general ruling No. 6 a/c blocked Switzerland, which is claimed to be property of Reinhold Bartenstein; $771.80 of the old account blocked Switzerland and $771.40 of the general ruling No. 6 a/c blocked Switzerland, which is claimed to be property of Mrs. Luise Krauss; 100 shares Anaconda Copper Mining Co. and 133 shares common A General Aniline & Film Corp. stock, which is claimed to be property of Reinhold Bartenstein; $1,000, Baltimore & Ohio RR Co. 4½ percent due 2010, $1,000, Missouri Pacific RR Co. Series A 5½ percent due 1949, $500, St. Louis-San Francisco Ry. Co. "A" 4 percent due 1997, $500 St. Louis-San Francisco Ry. Co. "A" 4½ percent due 2022, 20 shs Missouri Pacific RR Co. 5 percent cum. pref., 8 shs. St. Louis-San Francisco Ry. Co. 5 percent cum. pref., and 16 shs. St. Louis-San Francisco Ry. Co. common, which is claimed to be property of Mrs. Luise Krauss.

[1] Also excluded from this vesting order are (a) any accumulations or accruals to, changes in form of, or substitutions for, any such property, rights and interests, since Oct. 2, 1950, and (b) any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants), and any and all declared and unpaid dividends on any shares of stock, listed in Column III or excluded under (a) of this footnote.

[F. R. Doc. 51–6194; Filed, May 29, 1951; 8:49 a. m.]

[Vesting Order 17830]

SOCIETE DE CREDIT SUISSE

In re: Stock registered in the name of Societe de Credit Suisse, Zurich, Switzerland, and owned by persons whose names are unknown. F–63–60 (Zurich).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of Societe de Credit Suisse, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on May 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

The Baltimore & Ohio Railroad Company $100.00 par value common capital stock evidenced by certificate numbers D 94948, D 95724, D 95837, D 104223 and D 105166 for 10 shares each.

[F. R. Doc. 51-6197; Filed, May 29, 1951; 8:49 a. m.]

[Vesting Order 17855]

C. L. TIMM

In re: Bonds owned by C. L. Timm. F-28-4270-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That C. L. Timm, whose last known address is Heder Str. 5, Dusseldorf, Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain bearer bonds described in Exhibit A, set forth below and by reference made a part hereof, presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, N. Y., in a custodial account entitled "Mr. C. L. Timm", together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, C. L. Timm, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property

EXHIBIT A

[Bearer bonds in the custody of The National City Bank of New York]

Description of issue	Face value	Bond No.
German Central Bank for Agriculture S/F First Lien Gold Farm 7 percent, due Sept. 15, 1950.	2 at $1,000.00	
Ilseder Steel Corp. Series of 1928, due Aug. 1, 1948	1 at $1,000.00	
Saxon Public Works, Inc. Gen. & Ref. Mtg. Gtd. Gold 6½ percent, due May 1, 1951.	1 at $1,000.00	
Konversionskasse fur Deutsche Auslandschulden 3 percent, due Jan. 1, 1946.	6 at $100.00	
Konversionskasse fur Deutsche Auslandschulden 3 percent, due Jan. 1, 1946, Ser. B Fractional Ctfs.	2 at $10.00	
	2 at $20.00	
	1 at $2.50	

[F. R. Doc. 51-6199; Filed, May 29, 1951; 8:50 a. m.]

[Vesting Order 17854]

SIEMENS & HALSKE, A. G.

In re: Stock owned by and debt owing to Siemens & Halske, A. G. F-28-1851.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Siemens & Halske, A. G., the last known address of which is 21-22 Behrenstrasse, Berlin-Siemenstatd, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Five Thousand Two Hundred One (5,201) shares of $6.00 Cumulative Preferred stock of Associated Telephone and Telegraph Company, a corporation organized under the laws of Delaware, evidenced by certificates numbered C1367/1418 for 100 shares each and certificate number C09238 for one share, said certificates registered in the name of Egner & Co., and presently in the custody of The Chase National Bank of the City of New York, Trust Department, New York, 15, New York, in an account of the Westminster Bank Ltd., Foreign Branch Office, London, England, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation of The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, representing dividends on the stock described in subparagraph 2 (a) hereof and presently held in a blocked cash account, for the Westminster Bank Ltd., Foreign Branch Office, London, England, maintained by The Chase National Bank of the City of New York, Trust Department, New York 15, New York, and any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Siemens & Halske, A. G., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6198; Filed, May 29, 1951; 8:50 a. m.]

[Vesting Order 17859]

JOHANNA GELIEN AND AMERICAN NATIONAL BANK OF DENVER

In re: Trust under agreement dated June 17, 1941, between Johanna Gelien, settlor, and the American National Bank of Denver, trustee. File No. D-28-12982-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsa Leist, also known as Elizabeth Leist, and as Mrs. Otto Leist, nee Brickenstein, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $500 distributable to Elsa Leist (Mrs. Otto Leist), nee Brickenstein, under subparagraph (d) of paragraph (9) of a trust agreement dated June 17, 1941, by and between Johanna Gelien, settlor, and the American National Bank of Denver, trustee, now in the possession, custody or control of the American National Bank of Denver, Denver, Colo., as trustee under the aforesaid trust agreement, together with any accruals thereto, subject, however, to any lawful fees and disbursements chargeable thereto by the American National Bank of Denver, as trustee, under the aforesaid trust agreement,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6200; Filed, May 29, 1951; 8:50 a. m.]

[Vesting Order 17858]

FRAU PROF. DR. MAX GROSS

In re: Funds held for Frau Prof. Dr. Max Gross. D-28-2326.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frau Prof. Dr. Max Gross, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain sum of money held by the Alameda County Treasurer, Alameda County Courthouse, Oakland, Calif., in the amount of $86.31 arising from the distribution of the estate of Fanny Muller, deceased, probate No. 79656, Alameda County, Calif., represented on the books of account of the aforesaid county treasurer by a blocked account entitled "Frau Prof. Dr. Max Gross," and any and all rights to demand, claim and receive the aforesaid sum of money,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Frau Prof. Dr. Max Gross, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C. on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6201; Filed, May 29, 1951; 8:50 a. m.]

[Vesting Order 17859]

MRS. ELEANORE HAGEMANN

In re: Debt owing to Mrs. Eleanore Hagemann. F-28-31458.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Eleanore Hagemann, whose last known address is Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the National City Bank of New York, 55 Wall Street, New York 5, N. Y., in the amount of $897.79, as of December 14, 1950, held in an account entitled "Lloyds Bank Ltd.—Colonial and Foreign Department G. R. No. 6 A C", maintained with the aforesaid the National City Bank of New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by, Mrs. Eleanore Hagemann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the prop-

erty described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6202; Filed, May 29, 1951; 8:50 a. m.]

[Vesting Order 17871]

AMANDA JESSEN ET AL.

In re: Funds held for Amanda Jessen, and others. F-28-31455.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Amanda Jessen, Emmy Peters and Theo Peters, also known as Thiele Peters, each of whose address is Norddorf, Amrum, Schleswig, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain sums of money held by the Alameda County Treasurer, Alameda County Courthouse, Oakland, California, arising from the distribution of the estate of John Carl Simon, deceased, Probate Number 77425, Alameda County, California, represented on the books of account of the aforesaid County Treasurer by blocked accounts in the names of the persons listed below and in the amounts appearing opposite each name,

Name of national:	*Amount*
Amanda Jessen	$99.90
Emmy Peters	50.00
Theo (Thiele) Peters	50.00

and any and all rights to demand, claim and receive the aforesaid sums of money,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Amanda Jessen, Emmy Peters and Theo Peters, also known as Thiele Peters, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6203; Filed, May 29, 1951; 8:50 a. m.]

[Vesting Order 17872]

HELMUTH AND MAX JOHANNSEN

In re: Funds held for Helmuth Johannsen and Max Johannsen. F-28-31453.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helmuth Johannsen and Max Johannsen, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain sums of money held by the Alameda County Treasurer, Alameda County Court House, Oakland, Calif., arising from the distribution of the estate of Elise Carstensen, deceased, probate No. 80086, Alameda County, Calif., represented on the books of account of the aforesaid county treasurer by blocked accounts in the names of the persons listed below and in the amounts appearing opposite each name,

Name of National:	*Amount*
Helmuth Johannsen	$992.02
Max Johannsen	1,984.07

and any and all rights to demand, claim and receive the aforesaid sums of money,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Helmuth Johannsen and Max Johannsen, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6204; Filed, May 29, 1951; 8:50 a. m.]

[Vesting Order 17874]

FRITZ LEOPOLD JOACHIM JUNG

In re: Funds held for Fritz Leopold Joachim Jung also known as Fritz Leopold Josechin Jung. F-28-31454.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Leopold Joachim Jung also known as Fritz Leopold Josechin Jung, whose last known address is St. Georgestrasse III, Rostock i/Mecklenburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain sum of money held by the Alameda County Treasurer, Alameda County Courthouse, Oakland, Calif., in the amount of $642.22, arising from the distribution of the estate of Matilda Strauch, deceased, probate No. 51234, Alameda County, Calif., represented on the books of account of the aforesaid county treasurer by a blocked account in the name of "Fritz Leopold Josechin Jung," and any and all rights to demand, claim and receive the aforesaid sum of money,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Fritz Leopold Joachim Jung, also known as Fritz Leopold Josechin Jung, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6205; Filed, May 29, 1951; 8:51 a. m.]

[Vesting Order 17877]

ANNA WERLE

In re: Funds held for Anna Werle. F-28-12707; D-28-4050.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Werle, whose last known address is Baaborn, Reinpfalz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain sum of money held by the Alameda County Treasurer, Alameda County Courthouse, Oakland, Calif., in the amount of $67.88, arising from the distribution of the estate of Barbara Metz, deceased, probate No. 69782, Alameda County, Calif., represented on the books of account of the aforesaid county treasurer by a blocked account entitled "Anna Werle", and any and all rights to demand, claim and receive the aforesaid sum of money,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anna Werle, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 18, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6206; Filed, May 29, 1951; 8:51 a. m.]

JOSEPH A. AND ALMA B. LEMBOECK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Joseph A. Lemboeck and Alma B. Lemboeck, Pasadena 2, Calif., Claim No. 46155; $310.74 in the Treasury of the United States.

Executed at Washington, D. C., on May 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6210; Filed, May 29, 1951; 8:51 a. m.]

[Return Order 964]

JOSEPH MAXIMUS PESTARINI

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Joseph Maximus Pestarini a/k a Joseph Maxime and Giuseppe Massimo Pestarini, Staten Island, New York; Claim No. 45396; April 7, 1951 (16 F. R. 3099); property described in the following Vesting Orders: No. 201 (8 F. R. 625, January 16, 1943); No. 666 (8 F. R. 5047, April 17, 1943); No. 2315 (8 F. R. 14632, October 28, 1943); relating to United States Letters Patents and contract interests identified in Schedule A attached hereto and made a part hereof. This return shall not be deemed to include the rights of any licensees under the patents and contract identified in Schedule A.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

SCHEDULE A—PROPERTY VESTED FROM JOSEPH MAXIMUS PESTARINI (A/K/A GIUSEPPE MASSIMO AND JOSEPH MAXIME)

VESTED BY VESTING ORDER NO. 201

Patent No.	Date Issued	Title
2,138,666	11-29-38	Direct Current Dynamo Electric Machine.
2,138,667	11-29-38	Direct Current Commutating Type Dynamo Electric Machine.

VESTED BY VESTING ORDER NO. 666

1,945,447	1-30-34	Control of Electric Motors.
1,967,159	7-17-34	Rotary Apparatus for Converting Alternating Electric Currents to Direct Electric Currents and Vice Versa.

VESTED BY VESTING ORDER NO. 2315

1,962,030	6- 5-34	Rotary Transformer for Direct Electric Currents.
1,969,699	8- 7-34	Control of Direct Current for Motors.
1,987,117	1- 8-35	Direct Current Electric Motor Equipment Operated in Connection with Rotary Direct Current Transformers.
2,030,652	2-11-36	Direct Electric Current Transformer Device.
2,038,580	4-21-36	Dynamo-Electric Direct Current Generator.
2,038,584	4-21-36	Diesel Electric Power System.
2,049,388	7-28-36	Electromechanical Power Plant for Locomotive Vehicles.
2,049,389	7-28-36	Diesel Electric Power System.
2,049,390	7-28-36	Electrical Power System.
2,055,240	9-22-36	Rotary Transformer for Direct Electric Current.
2,055,304	9-22-36	Control of Direct Current Electric Motors.
2,059,024	10-27-36	Rotary Transformer.
2,070,450	2- 9-37	Direct Electric Generator and Transformer and Circuit Arrangement Therefor.
2,072,768	3- 2-37	Electrical Generator Supplying Two Loads One at Variable Voltage and Another at Constant Voltage.
2,073,625	3- 9-37	Means for Controlling the Electrical Characteristics of Direct Current Generators and Transformers.
2,073,726	3- 9-37	Dynamo Electric Machine.
2,079,465	5- 4-37	Power System.
2,094,492	9-28-37	Control of the Excitation of Electrical Machines.
2,125,895	8- 2-38	Electrical Equipment.
2,203,541	6- 4-40	Power System.
2,282,822	5-12-42	Power System Including Rotary Transformer.

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Giuseppe Massimo Pestarini, also known as Joseph Maxime Pestarini and Joseph Maximus Pestarini, by virtue of an agreement dated Sept. 28, 1934 (including all modifications thereof and supplements thereto, if any) by and between Joseph M. Pestarini and General Electric Company, relating among other things to certain United States Letters Patent, including Patent No. 2,282,822, to the extent owned by Joseph M. Pestarini immediately prior to the vesting thereof by Vesting Order No. 2315.

[F. R. Doc. 51-6207; Filed, May 29, 1951; 8:51 a. m.]

MARTIN LINDSAY AND HEDWIG BARTH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., Property, and Location

Martin Lindsay, Trustee u/w of Hedwig Barth, Chicago, Ill.; Claims Nos. 5578 and 5579; $46,187.81 in the Treasury of the United States.

Any return to be made in these cases will be made for the sole purpose of enabling Martin Lindsay, Trustee, to reconstitute the above-described property as part of the corpus of the trust presently being administered by him under the will of Redwig Barth, deceased, and under the judicial supervision of the County Court of Milwaukee County, Wisconsin. Reserved from any return and retained expressly in the Attorney General will be all the rights and interests in and to the property which were formerly owned by Helene von Bredow, Margrit Taege and Dorathea Schieckel and the issue, names unknown, of these persons.

Executed at Washington, D. C., on May 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6209; Filed, May 29, 1951; 8:51 a. m.]

[Return Order 968]

SOCIETE ANONYME POUR LES APPLICATIONS DE L'ELECTRICITE ET DES GAZ RARES ETABLISSEMENTS CLAUDE PAZ ET SILVA

Having considered the claims set forth below and having issued a determination allowing the claims which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published, and Property

Societe Anonyme pour les Applications de l'Electricite et des Gaz Rares Etablissements Claude Paz et Silva, Paris, France; Claims Nos. 5084, 5085 and 5086; March 2, 1951 (16 F. R. 2018); $13,750.00 in the Treasury of the United States; property described in Vesting Order No. 2651 (9 F. R. 354; January 8, 1944), relating to United States Letters Patent Nos. Re. 20,909; 1,972,183; 1,987,845; 1,998,371; 2,029,986; 2,030,957; 2,041,595; 2,091,953; 2,149,414; 2,173,208; 2,177,684; 2,178,326; 2,179,134; 2,182,609; 2,210,780; 2,221,862; 2,223,399; 2,235,802; and 2,272,513; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 2,049,099; 2,115,480; 2,177,858; 2,177,895; 2,188,945; 2,226,154; 2,226,171; 2,228,342; and 2,272,080; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942), relating to Patent Applications Serial Nos. 338,767 (now United States Patent No. 2,297,940); 285,111 (now United States Patent No. 2,301,891); 326,801 (now United States Patent No. 2,344,081) and 285,112 (now United States Patent No. 2,373,402);

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreements hereinafter described, together with the right to sue therefor) created in the claimant by virtue of two agreements dated December 30, 1937 (including all modifications thereof and supplements thereto, if any) by and between claimant and General Electric Company, and by and between claimant and Claude Neon Lights, Inc., which agreements relate, among other things, to Patent No. 2,030,957, to the extent that said interests and rights were owned by claimant immediately prior to vesting by Vesting Order No. 2651.

This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-6208; Filed, May 29, 1951; 8:51 a. m.]